



## STAFF REPORT

DATE: 12/04/2018

REGULAR

AGENDA ITEM: 26

**TO:** Mayor and City Council

**FROM:** Jennifer Haskamp, Consulting City Planner

**ITEM:** Wyndham Village Final Plat

**REVIEWED BY:** Ken Roberts, Planning Director  
Jack Griffin, P.E., City Engineer

### **BACKGROUND**

The Applicant, JP Bush Homes, is requesting Final Plat approval of the major subdivision called Wyndham Village. The Wyndham Village Preliminary Plat was approved on July 3, 2018 with conditions. The proposed subdivision creates 10 single-family residential lots that will be accessed from a single cul-de-sac. There is an existing home on the subject site that will be moved and relocated onto Lot 7 as described and approved during the Preliminary Plat process. Per section 153.10 Subd. B of the Subdivision Ordinance, the City Council is directed to review the Final Plat for consistency with the Preliminary Plat.

### **PROPOSAL DETAILS/ANALYSIS:**

#### **General Information.**

*Applicant:* JP Bush Homes, 1980 Quasar Ave S, Lakeland, MN 55043

*Property Owners:* James McLeod, 11580 30<sup>th</sup> St N, Lake Elmo, MN 55042

*Location:* Part of the southwest quarter of the southeast quarter of Section 13, Township 29 North, Range 21 West

*PID:* 13-029-21-43-0001

*Request:* Application for Final Plat approval of a 10-unit single-family residential subdivision to be named Wyndham Village.

*Surrounding:* North – Northport (Urban Low Density Residential); East – Northport (Urban Low Density Residential); West – Rural Single Family Residential; South – the Homestead (Open Space Preservation Development)



*Comprehensive Plan:* Village Urban Low Density Residential (1.5-2.49 units per acre)

*Zoning:* V-LDR – Village Urban Low Density Residential (1.5 – 2.49 units per acre)

*History:* The subject property is used, and has historically been used, as a single-family detached dwelling unit with accessory uses. A Comprehensive Plan Amendment to re-guide the property from Rural Single Family to Village Low Density Residential was approved by the City Council on February 7, 2018 and by Metropolitan Council on March 14, 2018. The Preliminary Plat was approved July 3, 2018 (Resolution No. 2018-066), and an application to rezone the property from Rural Single Family to Village Low Density Residential was approved July 17, 2018 (Ordinance No. 08-212).

*Action Deadline:* Application Complete – October 15, 2018 (confirm)  
60 Day Deadline – December 11, 2018  
Extension Letter Mailed – N/A  
120 Day Deadline – N/A

*Regulations:* Chapter 153 – Subdivision Regulations  
(Ordinance 08-175) Article XIII: Village District (V-LDR)  
§150.270 Storm Water, Erosion, and Sediment Control

## **ISSUE BEFORE CITY COUNCIL:**

To determine whether the proposed Wyndham Village Final Plat is substantially compliant with the approved Preliminary Plat, and that the conditions of Preliminary Plat have been satisfied.

## **Planning Commission Review and Comments**

The Planning Commission reviewed the subject application at their regular meeting held on November 26, 2018. Staff presented this Staff Report, generally as prepared herein, and requested that the Planning Commission provide a recommendation regarding the requested Final Plat. After a brief discussion, the Planning Commission unanimously recommended Approval of the Final Plat for Wyndham Village to the City Council.

## **Consistency with Preliminary Plat.**

The City's Subdivision Ordinance requires that a Final Plat be substantially compliant with the approved Preliminary Plat. If it is determined that the Final Plat is inconsistent or a substantial departure from the approved Preliminary Plat then additional review and approval may be required. If it is determined that the Final Plat is consistent with the Preliminary Plat, and the conditions as noted within the Preliminary Plat have been completed, then the Final Plat should be granted after Planning Commission review and City Council approval.

Staff reviewed the Wyndham Village Final Plat application and has made the following conclusions:

- The lot and block configuration of the Final Plat is consistent with the Preliminary Plat; and



- The density of the subdivision is consistent with the City's Comprehensive Plan and guided land use of Village Low Density Residential; and
- The Final Plat and supplemental materials comply with the V-LDR zoning district approved on July 17, 2018; and
- The Final Plat lot configuration including dedicated easements is consistent with the City's Subdivision ordinance, except as conditioned and noted within the City Engineer's Engineering Review Memo and Construction Plan Review memos which are attached.

## **PRELIMINARY PLAT CONDITIONS FOR FINAL PLAT APPROVAL.**

Approval of the Preliminary Plat included conditions required to be addressed by the Applicant prior to approval of the Final Plat. These include the following:

- 1) Homes within lots in which the Northern Natural Gas Company Easement (Document 384029) ("Northern Easement") is located shall maintain a 20-foot principal building rear yard setback from the Northern Easement.

*The Final Plat identifies the required Northern Easement area along the rear (west) yards of Lots 6, 8, 9 and 10 and along the front (east) yard of Lot 7. Building setback dimensions are not shown on a Final Plat. Staff would recommend carrying the principal building setback requirement forward to the Development Agreement to ensure the appropriate setbacks from the easement area are applied at time of building permit review.*

- 2) All required modifications to the plans as requested by the City Engineer in a review letter dated May 30, 2018 shall be incorporated into the plans, and plans shall be approved prior to consideration of a Final Plat.

*The City Engineer reviewed and accepted an updated set of preliminary plans in response to the Engineer's memo dated May 30, 2018. Though preliminary plans have been accepted, there remain several outstanding issues with the Construction Plans as noted in the City Engineer's memo. At the Planning Commission meeting the Applicant testified that supplemental materials and information has been submitted to the City Engineer for additional review and consideration. At the time of this memo, no additional formal review has been completed regarding the updated information. As such, Staff recommends that the City Engineer's Construction Plans memo be included as a condition of Final Plat approval.*

- 3) Preliminary plat and plans should be revised to dedicate additional right-of-way along 30<sup>th</sup> Street and/or to expand the storm water to the 100-year High Water Level (HWL) flood area.

*Right-of-way along 30<sup>th</sup> Street maintains a consistent distance of 16 feet between the paved roadway and right-of-way line, which is consistent with changes required by the City Engineer during Preliminary Plat approval. Outlot A contains storm water storage and infiltration basins and have been designed to a HWL of 917, which also meets requirements.*



- 4) Written easement owner permission must be obtained, and copies provided to the City, for work to be completed within the Northern [Natural Gas] Easement. The City must receive copies of the written permission prior to approval of the Final Plat.

*No written documentation or information was submitted for review during this Final Plat process regarding the Northern Easement. This should be restated as a condition of Final Plat approval and no site work, or any other construction activity shall be permitted until this condition has been met.*

- 5) Written landowner permission must be submitted as part of the Final Plat development applications for any off-site grading work and storm water discharges to adjacent properties.

*Off-site grading work is not anticipated with the development of this project. The City Engineer has addressed this condition in their review memo attached. If this changes then the appropriate permissions must be acquired and furnished to the City prior to completing any associated work.*

- 6) The developer shall pay a cash contribution in lieu of land for park dedication equal to 10% of the fair market value of the entire parcel.

*As a condition of Final Plat approval, the developer will appraise the land value and pay a cash contribution to the City in lieu of park dedication prior to any building permits issued. As stated in the Preliminary Plat process and per the City's ordinance, the Applicant shall furnish an appraisal from a licensed real estate appraiser indicating the fair market value from which the final Park Dedication fee can be calculated. The determined fee shall be included within the Development Agreement as well as a schedule for payment.*

- 7) The developer shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site.

*As stated in condition #2, the Applicant shall obtain approval from Northern Natural Gas to perform any work within, or over, the gas line easement. Any required permits shall be obtained, and copies furnished to the City prior to the start of any site work.*

- 8) The preliminary landscape plan shall be approved by the City prior to recording of the Final Plat.

*The City's Landscape Architect has reviewed the submitted plans and determined that they have not been updated for consistency with the Final Plat. His review and recommended conditions are included in his staff report dated November 27, 2018. Staff recommends that this condition be carried forward and that the landscape plan must be updated to the satisfaction of the City's Landscape Architect prior to recording the Final Plat.*

- 9) The lot width of Lot 1 shall be increased to 70 feet, and all other lot dimension and bulk requirements of the Village Urban Low Density zoning district must be met.

*Lot 1 has been revised to include 70.49 feet lot width. As depicted on the Final Plat, the remaining lots comply with all other lot dimension standards. Since the Final Plat does not*



*include building footprints, setback or other bulk standards, staff would recommend that this portion of the condition be incorporated into the Development Agreement to ensure all future development complies with the V-LDR bulk standards.*

- 10) The applicant shall provide a disclosure statement to all first homeowners in the development advising of the airport and associated over-flights as well as its proximity to the railroad and associated noise and vibration.

*This condition will be incorporated into the Development Agreement.*

- 11) All builders shall be encouraged to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.

*This condition will be incorporated into the Development Agreement.*

- 12) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.

*The City Engineer has reviewed the Final Plat and provided his comments in the attached memo. While most easement areas comply with the City Engineering Design Standards Manual there are a few outstanding issues as noted. The Applicant should note that any changes to the site plan or plat as a result of the VBWD, State and City process may be subject to additional City review if alterations to the Final Plat are needed. The City Engineer also identifies that additional easements are required to match the drainage swales identified on Lots 8,9,10 and 15 as noted in the staff memo. As stated previously, staff recommends that both of the City Engineer's memos be incorporated as a condition of Final Plat approval.*

- 13) Prior to recording the Final Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.

*Staff is preparing a draft Development Agreement that will incorporate the conditions as noted within this staff report. The Development Agreement will be presented to the City Council for their review and consideration concurrent to the Final Plat review process.*

- 14) The Applicant shall provide a detailed site plan for Lot 7 showing the proposed house location and screening/buffering to be approved by Council and protected by a landscape easement.

*The City received a detailed site plan of Lot 7 on Oct 7, 2018 that is consistent with the Preliminary Plat with the exception of the attached garage (accessory building) to the principal structure. The condition also states that Lot 7 must include a dedicated landscape easement to buffer adjacent property. The Final Plat does not indicate a landscape easement on Lot 7. The Lot 7 Detail-Preliminary Plat illustrates the location of buildings that meet required setbacks and drive access, but it is not consistent with the Tree Preservation Plan (Landscape Plan) also submitted.*



*Additional review and comments from the City's Landscape Architect are provided within the attached memo dated November 27, 2018. Staff recommends that the Landscape Architect's memo and drafted conditions be incorporated as a condition of Final Plat approval.*

## **ENGINEER'S COMMENTS.**

The Applicant's preliminary plans were required to be updated to reflect the comments made in the City Engineer's memo dated May 20, 2018. All required modifications to the preliminary plans as requested by the City Engineer were incorporated into the plans. Since the preliminary plan set was reviewed, the Applicant has prepared the Final Plat, Construction Plans, Geotechnical Report and Stormwater Management Plan that were the subject of this review by the City's Engineer. The attached memos from the City Engineer are provided for your review and consideration. Staff recommends that the Final Plat Engineering Review Comments and the Construction Plan Review memos be incorporated herein, and that their contents be included as conditions of Final Plat approval.

## **RECOMMENDED FINDINGS.**

Staff recommends the following draft findings regarding the proposed Final Plat:

- 1) That the Wyndham Village Final Plat is consistent with the approved Preliminary Plat; the Lake Elmo Comprehensive Plan and its Future Land Use Map; and the amended zoning for this property.
- 2) That the Wyndham Village Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, and is consistent with the City's engineering design standards with the corrections as noted by the City Engineering Review Comments and Construction Plan Review Memos dated November 5, 2018.
- 3) That the Wyndham Village Final Plat complies with the City's subdivision ordinance.

## **RECOMMENDED CONDITIONS OF APPROVAL.**

Staff recommends the following conditions of approval:

1. All required modifications to the construction plans as requested by the City Engineer in a review letter dated November 5, 2018 shall be incorporated into the plans, and the plans shall be approved prior to recording the Final Plat.
2. Written easement owner permission must be obtained, and copies provided to the City, for work to be completed within the Northern Natural Gas Easement. The City must receive copies of the written permission prior to any site work or construction activity commencing on site.
3. If applicable, written landowner permission must be submitted for any off-site grading work and storm water discharges to adjacent properties.



4. The developer shall have the full property appraised and pay a cash contribution in lieu of land for park dedication equal to 10% of the fair market value of the entire parcel prior to recording of the Final Plat.
5. The developer shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site prior to any site work or construction activity commencing on site.
6. The landscape plan shall be amended to include landscape easement on Lot 7 and shall be approved by the City prior to recording of the Final Plat.
7. The Development Agreement shall include language regarding a required principal structure setback of 20-feet from the Northern Easement area on Lots 8, 9, and 10 denoted on the Final Plat.
8. The Development Agreement shall include language that requires the Applicant to provide a disclosure statement to all first homeowners in the development advising of the airport and associated over-flights as well as its proximity to the railroad and associated noise and vibration.
9. The Development Agreement shall include language that encourages all builders to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.
10. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the Final Plat by City Officials.
11. Prior to recording the Final Plat, the Developer shall enter into a Development Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
12. The Applicant shall amend the Lot 7 Detail to show screening/buffering consistent with the City's ordinances, which shall be reviewed approved by the City's Landscape Architect prior to any site work being completed.

#### **FISCAL IMPACT:**

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the increase in REC units. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and any other fees as required per the City's ordinances.

#### **RECOMMENDATION:**

Staff recommends that the City Council approve the Wyndham Village Final Plat with the findings and conditions as noted herein.

#### **ATTACHMENTS:**

1. Application and Narrative
2. Final Plat
3. Lot 7 Detail – Preliminary Plat, Wyndham Village
4. Tree Preservation Plan (Landscape) dated 8-30-2018
5. City Engineering Review Memo dated November 5, 2018
6. City Construction Plan Review Memo dated November 5, 2018
7. City Landscape Architect Review Memo dated November 27, 2018





*J.P. Bush*  
H O M E S

October 12<sup>th</sup>, 2018

**City of Lake Elmo Final Plat Narrative.**

**Property:** 11580 30<sup>th</sup> Street North Lake Elmo MN 55043  
James McLeod Revocable Trust (5.9 Acres)

**Usage:** Currently a single family ZONED: RURAL RESIDENTIAL

**Proposer:** Mr. and Mrs. James McLeod Revocable Trust, Land Owner.  
JP Bush Homes, Developer.

The proposed subdivision is called "Wyndham Village". James McLeod and the Developer, JP Bush Homes desires to keep this proposed Development in harmony with the Comprehensive Plan.

Below are answers to the required written statement for the Final Plat Application.

- a. Owner James McLeod. 11580 30<sup>th</sup> St. N. Lake Elmo MN. Cell 651-442-8741. Developer, JP Bush Homes. 1820 Quinlan Ave Lakeland MN 55043. Cell 651-775-4222, email [joe@joebushmn.com](mailto:joe@joebushmn.com). Surveyor, Milo Horak, Landmark Scandia MN. Office, 651-433-3421. Engineer, Chuck Plowe 6776 Lake Drive Suite 110 Lino Lakes MN, Main, 651-361-8210
- b. 11580 30<sup>th</sup> Street North Lake Elmo MN 55043, current zoned RR, 5.9 Acres, PID 13.029.21.43.0001. Legal, part of the southwest quarter of the southeast quarter of section 13, township 29 north, range 21 west,
- c. Wyndham Village,
- d. We have provided an extensive buffer zone Tree Preservation plan that screens the site from 30<sup>th</sup>. We have inventoried the existing noninvasive trees and repurposing 53 of the feature trees for the Buffer area. In addition, there are nearly 50 more existing trees not being relocated but used in their natural setting. With the repurposing we only require 9 new trees to make the subdivision coincide with the neighboring subdivision and its plan. Please note that Mr. McLeod was very proud of his tree plantings throughout the years. 85% of trees inventoried and used were planted by Mr. McLeod. The remaining 15% of the trees are to be sold and repurposed by local landscapers. We also have submitted and received reply from the City Engineer that all conditions that were listed in the preliminary plat have been satisfied.
- e. The current development plan has base approval for Comprehensive plan amendment from Met Council and we believe will be an asset to the community. The density is 3 per acre per the preliminary plat approval.



- f. It is the intention of the developer and the owner to move the existing home onto lot 7 this year and if weather allows transplant trees and initiate grading with all phases of construction complete in the spring of 2019.
- g. The relocation of the existing home onto lot 7 presents a need for landscape screening on the West boundary. We can accomplish this with proper vegetation and have offered to place trees on the neighbor the Wests property to help in screening.
- h. Our development was primarily designed around the approved North port development.
- i. It was approved by the Metropolitan council that our development was constant with the comprehensive plan for Lake Elmo.
- j. NA
- k. There is no land offer, so a Park dedication fee will be the source of satisfying the requirements.

The above description along with all the required documents and planning that have been performed allow the Planning Commission and City Council proper information to make decisions on the Final Plat approval. Please accept our plan and submissions to the City of lake Elmo Planning Commission and City Council.

Joseph P Bush  
J.P. Bush Homes



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## FINAL PLAT APPLICATION

Applicant: JOE BUSH  
Address: 1820 QUINLAN AVE LAKE ELMO MN 55043  
Phone #: 651-755-4222  
Email Address: JOE@JOEBUSHMN.COM

Fee Owner: JAMES M. LEON  
Address: 11580 30TH ST. N. LAKE ELMO MN 55042  
Phone #: 651-442-8741  
Email Address: \_\_\_\_\_

Property Location (Address): 11580 30TH ST. N. LAKE ELMO MN  
Complete (long) Legal Description: PART OF THE SOUTHWEST QUARTER OF THE  
SOUTH EAST QUARTER OF SECTION 13, TOWNSHIP 29 N, RANGE 21 W.  
PID#: 13.029.21.43.0001

General information of proposed subdivision: DEVELOPMENT OF 5.974  
ACRES INTO 10 HOME SITES 1-10. LOT WILL  
BE THE LOCATION OF NEW HOME THAT WAS  
THE PROPERTY'S ORIGINAL HOMESTEAD.  
THE PROPOSED DEVELOPMENT IS A CUL-DE-SAC  
THAT CONNECTS NORTH INTO NORTH PORT  
SUBDIVISION, OVER 70% OF THE EXISTING  
USABLE TREES WILL BE REUSED IN THE  
DEVELOPMENT LANDSCAPING.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning Ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 10/12/18

Fee Owner Signature: James M. Leon Date: 10/13/2018





**FINAL PLAT APPLICATION REQUIREMENTS<sup>1</sup>**  
**All Subdivisions of Land creating four (4) or more lots**

This handout is intended to provide guidance on putting together and submitting a Final Plat application for the subdivision of property in Lake Elmo. The purpose of the Final Plat is to incorporate all conditions placed on the Preliminary Plat application into the final plans, and to finalize all documentation for legal recording at the County. This steps completes the subdivision process.

In order to have your Final Plat application be complete and reviewed in a timely fashion, there are a number of steps that must be followed:

1. **Pre-submittal Meeting:** Contact City Staff to discuss the status of any outstanding Preliminary Plat conditions, to discuss the requirements for Final Plat application submittal and obtain another land use application.
2. **Final Plat Submittal:** Prepare an informational packet (described herein) that fulfills the Final Plat submittal requirements. Providing a detailed and thorough application packet will greatly reduce the overall review time. Submit your completed packet to Staff to initiate review.
3. **Completeness Review:** Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so Staff can assist you in meeting all requirements. Applications found to be incomplete will be returned to the applicant.<sup>2</sup>
4. **Final Plat Review/Processing:** Staff will process completed applications. This process typically requires at least one applicant revision and resubmittal of plans to work through review comments. The process may also include additional applicant meetings, requesting review comments from partnering agencies, and writing reports.
5. **Planning Commission Meeting:** Once the plans are revised to fully meet the Zoning and Subdivision Ordinance and Engineering Design Standards as outlined by Staff, planning and engineering reports are prepared and the item is scheduled for the next available Planning Commission meeting (2<sup>nd</sup> or 4<sup>th</sup> Monday of the month<sup>3</sup>).

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<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

<sup>2</sup> Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

<sup>3</sup> Staff will determine when applications are reviewed based on the time needed to review the application and the number of items already scheduled on future agendas. Please note that meeting dates are ange due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.



6. **Revisions:** If needed, the Final Plat is revised to address the Planning Commission's recommendation(s) and any outstanding review comments prior to City Council consideration.
7. **City Council Meeting:** Once the plans are finalized and ready for the City Council's consideration, staff reports are prepared and the Final Plat is placed on the next available City Council meeting agenda (1<sup>st</sup> or 3<sup>rd</sup> Tuesday of the month<sup>3</sup>). Applicants are advised to attend both the Planning Commission and City Council meetings and be open to questions regarding the request.
8. **Decision:** The City Council will review the request and either grant or deny the Final Plat.
9. **Title Work:** If the Final Plat application is approved by the City Council, all title work must be reviewed and approved by the City Attorney before the plat is recorded by the County. The applicant shall provide evidence in a form satisfactory to the City Attorney that he/she has fee interest in the subject property.

Above all else, it is imperative that an applicant begin preparations as early as possible and to ensure that a complete application is submitted. Review by the Planning Commission will not occur until at least three weeks have passed from when the City has deemed the application complete.

**Final Plat Fees:** The City Council has established a **non-refundable fee<sup>4</sup>** for processing Final Plat applications. Please see the current fee schedule on our website. In addition, the City requires that the applicant enter into an Escrow Agreement with the City and post an **\$8,000** escrow to reimburse the City for all technical planning, engineering, public works and legal review.

You will find that a great deal of the information requested for a Final Plat application matches the requirements for Preliminary Plat application submittal. While we have your original applications, the City does require that all applicants submit a new and complete application at every stage of the development process (updating information as needed). This allows us to track changes as the application progresses through the various levels of review. With this in mind, the following materials must be submitted prior to deeming an application complete:

**Sub:   Req:   Item:**

- |                                                   |                                                                                                                                                         |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> <input type="checkbox"/> | <b>1. A completed land use application form</b> signed by all property owners along with payment of the proper filing fee, escrow and escrow agreement. |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|

<sup>4</sup> Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).



- ☐ ☐ 2. **Written statements** providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below (answers must be submitted in both hard copy and electronic form-- MS Word format or PDF):

- a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.
- b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s).
- c. Final Subdivision and Lot Information:
  - i. The name of the Final Plat.
  - ii. A table listing the lot and block number, size of lot, width of lot, and depth of lot.
  - iii. Final exact area calculations of parks, trails, and any other dedicated public open space; and estimated values of all dedicated land and improvements (trails, park equipment, sports fields, etc.).
  - iv. Final exact area calculations of wetlands and buffers.
  - v. Final proposed area calculations for all dedicated right-of-ways.
  - vi. Proposed legal descriptions for: all lots, easements to be created (if not being dedicated on the plat), and easements to be vacated (if any).
- d. An explanation of how issues have been addressed since the Preliminary Plat phase of the development.
- e. A statement showing the final density of the project with the method of calculating said density shown.
- f. Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc) necessary to serve the subdivision.
- g. If applicable, a narrative addressing how concerns/issues raised by neighboring properties have been addressed (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed).
- h. If applicable, a description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated.
- i. Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area.



**Written statements continued:**

- j. If applicable, provide a description of proposed lakeshore access (i.e. shared dock with multiple slips, individual docks for each lot, etc.).
- k. A description of proposed parks and/or open space, including a brief statement of the overall land dedication of fees to be paid in lieu of land dedication that meets the public land dedication requirements of the Subdivision Ordinance.
- l. A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

- ☐ ☐ 3. **Plat & Associated Plans:** Ten (10) packets of reduced size (11x17) and five (5) packets of full plan size (24x36) containing each of the following required pieces of information depicting the proposed subdivision. Each document shall be at a consistent, readable, and measurable engineering scale, include a title and a page number (Sheet 1 of 5+, Sheet 2 of 5+, et cetera). Staff will assist you in determining what is required. The plan sets will not be considered complete unless all required elements are included. Additionally, each of the packet items must be submitted in an electronic format (.jpg, .pdf, etc.) for use in presentations.

The following pages outline the information that is required to deem your application complete.



☐ **Final Plat:****Sub:    Required:    Item:**☐    ☐ 1. **Administrative Information:**

- *Appropriate identification of the drawing (i.e. final plat, grading plan, etc).*
- *Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivision in Washington County. Proposed names must be verified by the Washington County Recorder.*
- *Signature of surveyor, engineer, landscape architect, and all other professionals certifying the documents.*
- *Date of plan preparation with revision date(s) (if any).*
- *Graphic scale and true north arrow(engineering scale only, not less than one (1) inch equals one hundred (100) feet.*
- *A complete Legend depicting all line types and symbols used within the plans.*

**Final Plat continued:**☐    ☐ 2. **General Property Information:**

- *Address(es) and PID(s) for the subject property.*
- *Existing legal description(s) for the subject property.*
- *Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be platted.*
- *Date of survey.*
- *Name, address, and phone number of landowner (and subdivider if not the same)*
- *Name, address, and phone number of engineer, surveyor, landscape architect, or land planner preparing the plat (include registration #'s)*

- ☐    ☐ 3. Indication of the gross area being subdivided and the proposed number of lots shown in square feet and acres.
- ☐    ☐ 4. Existing site improvements within the parcel of land to be platted and for a distance of 150 feet outside of the parcel boundaries.
- ☐    ☐ 5. Zoning district(s) of the land being subdivided (if more than one zoning district, zoning boundary lines must be shown) and proposed future zoning for the subdivided land.



- ☐ ☐ 6. Layout of proposed lots with future lot and block numbers. The boundary lines of the subdivision should be clearly distinguishable from other property lines. Denote outlots planned for public dedication and/or open space (schools, parks, trails, stormwater ponds, etc.).
- ☐ ☐ 7. Layout of existing property lines if (different from proposed lot lines). Existing lot lines should be easily distinguishable from the proposed lot lines and not be a prominent feature on the plat.
- ☐ ☐ 8. Denote the area within each of the proposed parcels (in the appropriate units of acres and/or square feet)
- ☐ ☐ 9. Existing contours at intervals of two feet. Contours must extend a minimum of 150 feet beyond the boundary of the parcel(s) in question.
- ☐ ☐ 10. Delineation of wetlands and/or watercourses on the plat and within 150 feet of the perimeter of the subdivision parcel. The ordinary high water elevation and the 100 year flood elevation shall be shown for all existing water bodies.
- ☐ ☐ 11. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel, showing pavement type and width.

***Final Plat continued:***

- ☐ ☐ 12. All easements of record within or adjacent to the plat.
- ☐ ☐ 13. Lines establishing the buildable area on each lot (setbacks)
- ☐ ☐ 14. Boundary lines of adjoining parcels within three hundred fifty (350) feet beyond the plat. Individual parcels shall be identified by name and ownership including all contiguous land owned or controlled by the subdivider.
- ☐ ☐ 15. Location and dimensions of existing buildings or significant above ground structures on or within one hundred and fifty (150) feet of the outer plat boundary.
- ☐ ☐ 16. Location of any unique natural and/or historic features (if any)

☐ ***Final Grading, Drainage & Erosion Control Plan:***

**Sub:   Required:   Item:**

- ☐ ☐ 1. Appropriate identification of the drawing as a "final grading, drainage and erosion control plan."
- ☐ ☐ 2. Administrative information as required for the Final Plat



- |                          |                          |                                                                                                                                                                                                                                                                                           |
|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Grading Plan: The developer shall submit a final grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following information: |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. North arrow and date of preparation.                                                                                                                                                                                                                                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Graphic Scale (engineering scale only, not less than one (1) inch equals fifth (50) feet).                                                                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. For each lot, provide lot and block numbers, building pad location, building type and proposed building first floor elevation, low floor elevation and elevation at garage slab.                                                                                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Stormwater Management Plan, with a narrative, including the configuration of drainage areas and calculations that meet the requirements of the City Code and/or applicable Watershed Standards.                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Location of all natural features on the tract. Natural features are considered to include, but are not limited to the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.                                                            |

***Final Grading, Drainage and Erosion Control Plan continued:***

- |                          |                          |                                                                                                                                                                                                                                                                                                   |
|--------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 9. All delineated Wetlands and watercourse buffers per the City and Watershed standards; and wetland replacement plan, if needed.                                                                                                                                                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within one hundred fifty (150) feet of the tract. Existing pipe type, grades, rim and invert elevations and normal and high water elevations must be included. |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Normal water level (NWL) and 100-year high water level (100-year HWL) for all water bodies, existing and proposed.                                                                                                                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Spot elevations at drainage break points and emergency overflows (in BOLD) with directional arrows indicating site, swale and lot drainage.                                                                                                                                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Retaining Walls (wall heights and elevations).                                                                                                                                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds and BMP's proposed to serve the tract.                                                                                                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Locations and elevations of all street high and low points.                                                                                                                                                                                                                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Street grades shown.                                                                                                                                                                                                                                                                          |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Provide phasing plan for site grading.                                                                                                                                                                                                                                                        |



- |                          |                          |                                                                                                                                                                                                                                                                                                                            |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 18. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan using Lake Elmo city standard details. Plan must meet the requirements of MPCA General Permit Construction Activity. |
| <input type="checkbox"/> | <input type="checkbox"/> | 19. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan.                                                                                                                                                                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. Existing contours at two (2) foot intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty (150) feet outside of the tract.                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 21. Proposed grade elevations at two (2) foot intervals shown as solid lines.                                                                                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. Other information as required and outlined in the City Plan Sheet Format Requirements.                                                                                                                                                                                                                                 |

☐ ***Final Utility Plan:***

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**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a "final utility plan."                                                                                                                                                                                                                                                                                                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat                                                                                                                                                                                                                                                                                                                                                          |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Utility Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:                                                                                                                                                                                                                                                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Easements: Location, dimension and purpose of all utility easements.                                                                                                                                                                                                                                                                                                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Underground and Overhead Facilities: Location and size of existing utilities including sewers, water mains, culverts, gas, electric, phone, cable, fiberoptic, utility poles or other underground facilities within the tract and to a distance of one hundred fifty (150) feet beyond the tract. Such data as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown. |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Proposed utility plans including sanitary sewer, watermain, and storm sewer, all in accordance with the City engineering design standards manual.                                                                                                                                                                                                                                                                  |



- |                          |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Water Supply, Public: Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed to the property line. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the engineering design standards as approved by the City Engineer and in accordance with the City's Comprehensive Water Plan. The Final Utility Plan shall indicate the location of all hydrants and valves. |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Water Supply, Private: In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities. Well plans must comply with the State Well Code, as may be amended, and be submitted for the approval of the City Engineer.                                                                                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Sewage Disposal, Public: Sanitary sewer laterals and service connections shall be installed in accordance with the design standards of the City as approved by the City Engineer. The Final Utility Plan shall provide the locations, grades, rim and invert elevations, and sizes of all proposed sanitary sewer facilities to serve the tract.                                                                                                                                                                                     |

***Final Utility Plan continued:***

- |                          |                          |                                                                                                                                                                  |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Sewage Disposal, Private: All individual sewage treatment systems shall be installed in accordance with all applicable State, County, and City requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Other information as required and outlined in the City Plan Sheet Format Requirements.                                                                       |

☐ ***Final Street & Storm Sewer Plan:***

**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                              |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a "final street & storm sewer plan."                                                                                                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the preliminary plat                                                                                                                           |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Street and Storm Sewer Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Layout of proposed streets showing the proposed lot lines, right-of-way widths, and proposed names of streets in conformance with the County Uniform Street Naming and Addressing System. |



- |                          |                          |                                                                                                                                                                                                                  |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Locations and widths of proposed streets, alleys and pedestrian-ways.                                                                                                                                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Location, dimensions and purpose of all easements.                                                                                                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Annotation of street geometrics for all horizontal curves, tangent lengths and corner radii.                                                                                                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Centerline profile and gradients for all streets, with vertical geometrics annotated on the plan profiles.                                                                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Typical cross section of proposed street improvements.                                                                                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Minimum front and side street building setback lines.                                                                                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. When lots are located on a curve, the width of the lot at the building setback line.                                                                                                                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Location and number of off-street parking spaces (guest, handicapped, bicycle, motorcycle, etc.) including typical dimensions of each. <i>Note: not required for single family residential developments.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Other information as required and outlined in the City Plan Sheet Format Requirements.                                                                                                                       |

☐ ***Final Tree Preservation Plan<sup>5</sup>:***

**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing(s) as the "final tree preservation plan."                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.                                                                                                                                                                                                                                                                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Tree Preservation Plan, prepared and signed by a Minnesota licensed forester or landscape architect, depicting the following information:                                                                                                                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Tree inventory and survey, including a total listing of all healthy significant trees, all healthy significant trees to be removed and all healthy significant trees to remain. Information should be presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form (charts listing significant trees by field tag number). |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. General description of the trees on the site not meeting the significant size threshold.                                                                                                                                                                                                                                                                                       |

<sup>5</sup> All tree preservation plans shall be certified by a forester or landscape architect.



- |                          |                          |                                                                                                                                                                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Locations of proposed buildings, structure, or impervious surfaces.                                                                                                                                                                                                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Delineation of all areas to be graded and limits of land disturbance.                                                                                                                                                                                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Identification of all significant trees to be removed in the construction area, presented in both graphic and tabular form.                                                                                                                                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Measures to protect the significant trees that are to remain.                                                                                                                                                                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary, presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form. |

☐ ***Final Landscaping Plan<sup>6</sup>:***

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**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                  |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing(s) as the "final landscaping plan."                                                                                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.                                                                                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. The proposed location, size, quantity, and species of all existing and proposed plant materials as required in §154.258. Information should also be provided in tabular form. |

***Final Landscaping Plan continued:***

- |                          |                          |                                                                                                  |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Methods for protecting existing trees and other landscape material, consistent with §154.257. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Proposed structural and ground cover materials.                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Proposed provisions for irrigation and other water supplies.                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. If required, proposed screening showing details and typical cross-sections.                   |

☐ ***Ghost Plat (Note: Ghost Plat may be required dependent on potential future land uses of adjacent property as guided by the City's Comprehensive Plan):***

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**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                                                                           |
|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a "ghost plat."                                                                                                                                                                           |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.                                                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Show potential future subdivision possibilities for the land if your proposal was approved (i.e. if you are not subdividing to the maximum density, how might the land be further divided in the future to reach the maximum density). |

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<sup>6</sup> All landscape plans shall be certified by a landscape architect.



- ☐ ☐ 4. Indicate how the proposed subdivision will relate to potential future subdivisions of adjacent properties (you may need to ghost plat development on adjacent properties to establish this relation).

☐ **Electronic files**

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**Sub:   Required:   Item:**

- ☐ ☐ 1. A cd or flashdrive must be submitted which includes electronic files for the written statements regarding the proposal, the plat and all associated plans. Staff can generally work with most file formats (.jpg or .pdf files are preferred).

**Sub:   Req:   Item:**

- ☐ ☐ 4. **Supplemental Information.** Depending upon the submittal, the following items may also be required:
- ☐ ☐ Feasibility report(s) for proposed individual on-site sewer and water systems. Such reports will be required with any future plat;

***Supplemental Information continued:***

- ☐ ☐ Proposed protective covenants;
- ☐ ☐ Ten (10) copies of a context diagram that graphically depicts how the development plan relates to its surrounding neighborhood or community context including the pedestrian, bike, and street (vehicular access) network (existing and potential);
- ☐ ☐ A Traffic Impact Study (TIS) (6 copies) prepared in accordance with State, County and/or City Engineering guidelines;
- ☐ ☐ A soil survey and report;
- ☐ ☐ Signed letters of intent indicating that all required off-site easements and off-site rights-of-way necessary for the project could be negotiated and obtained;
- ☐ ☐ A hydrological/groundwater report;
- ☐ ☐ Any other special natural area or environmental study or report pursuant to Lake Elmo Code as requested by the City, if such exists or is deemed necessary;



- ☐ ☐ Any **other information** required by Staff, Commissioners, or Council Members necessary to provide a complete review of the preliminary plat and associated plans<sup>7</sup>. Additional items include:
- \_\_\_\_\_

**Sub:   Req:   Item:**

- ☐ ☐ 5. **Variances:** If you are requesting variances in any portion of the submitted Final Plat, the City asks that you list each of the requested variances and provide an explanation as to why each is necessary and cannot be avoided. Additionally, you must provide written answers to the following questions:
- (1) Identify the unusual hardship on the land that necessitates the variance request; and
  - (2) Explain the nature of the proposed use of land and the existing use of land in the vicinity of the property; and
  - (3) Estimate the number of persons to reside or work in the proposed subdivision; and
  - (4) Indicate the anticipated effect of the proposed subdivision upon traffic conditions in the vicinity.

**Sub:   Req:   Item:**

- ☐ ☐ 6. **Additional Applications:** If your request involves a rezoning request, additional applications will be required.
- ☐ ☐ Zoning Map Amendment Application

Upon City Council approval of Final Plat, and prior to any construction commencing, a pre-construction meeting must occur for both grading and street utility construction. These meetings may be combined into one meeting provided all items on both check lists are completed. Pre-construction meetings may not occur before the City Council approves the Final Plat and Development Agreement.

**Checklist for Pre-Construction Conference for Grading**

- 1. ☐ Payment of Development Fees
- 2. ☐ Issuance of securities on City of Lake Elmo approved form

<sup>7</sup> Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



3. ☐ Copy of Certificate of Insurance for both Developer and General Contractor identifying City of Lake Elmo as additional insured on City of Lake Elmo approved form
4. ☐ Copy of NPDES card
5. ☐ Grading specifications
6. ☐ Proposed construction schedule
7. ☐ List of subcontractors and contacts
8. ☐ List of materials and suppliers

Prior to grading operations commencing, contractor shall install all perimeter erosion control and other required erosion control best management practices and have the site inspected and approved by the City of Lake Elmo's Water Resource Manager.

#### **Checklist for Pre-Construction Conference for Streets and Utilities**

1. ☐ Payment of Development Fees
2. ☐ Issuance of securities on City of Lake Elmo approved form

#### ***Street and Utility Pre-Con Checklist continued:***

3. ☐ Copy of Certificate of Insurance for both Developer and General Contractor identifying City of Lake Elmo as additional insured on City of Lake Elmo approved form
4. ☐ Approved construction plans and specifications. (Note: these may not be the same as the approved Final Plat Street and Utility Plans. Questions about construction plans and specifications should be directed to the City Engineer)
5. ☐ Minnesota Department of Health Watermain Permit
6. ☐ Minnesota Pollution Control Agency Sanitary Sewer Extension Permit
7. ☐ Proposed construction schedule
8. ☐ List of subcontractors and contacts
9. ☐ List of materials and suppliers



State Statutes provide City staff with fifteen (15) business days to review an application to determine if it is complete. Applications found to be incomplete will be returned to the applicant. Please contact staff at (651) 747-3900 if you have any questions.

Thank you!

*This handout last updated on 6/9/2016*





**City of Lake Elmo**  
**Escrow Agreement for Municipal Review Services**  
**Deposit Agreement**

**THIS AGREEMENT** is made this 17 day of OCT 2018, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

J.P. BUSH HOMES 1820 QUINLAN  
AVE LAKE LAND MN.  
651-775-4222

B. "Owner" whose name and address is:

JIM { JAMES McLEOD  
11530 20TH ST. N.  
LAKE ELMO MN. 55042

**RECITALS**

**WHEREAS**, the Applicant has applied to the City for approval for one or more of the following:  
(Circle One)

- ☐ 1. Concept / Sketch Plan
- ☒ 2. Preliminary Plat
- ☒ 3. Final Plat
- ☐ 4. Planned Unit Development
- ☐ 5. Open Space Development
- ☐ 6. Conditional Use Permit
- ☐ 7. Commercial Zoning / Use
- ☐ 8. EAW Review

**WHEREAS**, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

**WHEREAS**, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.



**NOW THEREFORE**, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
  - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
  - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
  - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
  - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant



agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Applicant; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[ Signature Page Follows ]



Notary Public



CITY OF LAKE ELMO

\_\_\_\_\_  
By: Kristina Handt  
Its: City Administrator

\_\_\_\_\_  
Attest: Julie Johnson, City Clerk

STATE OF MINNESOTA       )  
                                          ) ss.  
COUNTY OF WASHINGTON    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 201 , before me a Notary Public within and for said  
County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me  
personally known, to be the person described in and who executed the foregoing instrument and  
acknowledged that he / she/ they executed that same as his / her / their free act and deed.

\_\_\_\_\_  
Notary Public





Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant

A handwritten signature in blue ink, appearing to read "J. Bassett Jones".

Date

10/12/18

Name of applicant

J Bassett Jones

Phone

651-775-4222

(Please Print)

Name and address of Contact (if other than applicant)





Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

J.M. → Name of applicant James R McLeod  
(Please Print)

Street address/legal description of subject property 11580 30TH ST. N. LAKE ELMO  
PART OF THE SOUTHWEST QUARTER OF THE  
SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 29  
NORTH, RANGE 21 WEST  
PID# 1302921430001

J.M. → James R McLeod 10/13/2018  
Signature Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

ISSUED BY  
**Chicago Title Insurance Company**

**Transaction Identification Data for reference only:**

Issuing Agent: TitleSmart, Inc.  
Issuing Office: 4810 White Bear Parkway #100, White Bear Lake, MN 55110  
Issuing Office's ALTA® Registry ID:  
Loan ID Number:  
Commitment Number: 69765  
Issuing Office File Number: 69765  
Property Address: 11580 30th St. N, Lake Elmo, MN 55042  
Revision Number:

**1. Commitment Date:** at 8:00 A.M.

**2. Policy to be issued:**

**Proposed Policy Amount**

(a) 2006 ALTA Owner's Policy    Standard

\$0.00

Proposed Insured:

(b) 2006 ALTA Loan Policy        Standard

Proposed Insured:

**3. The estate or interest in the Land described or referred to in this Commitment is:**

Fee Simple

**4. The Title is, at the Commitment Date, vested in:**

James R. McLeod Revocable Trust

**5. The Land is described as follows:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**Chicago Title Insurance Company**

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.*

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File No. 69765

ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

Page 1 of 2





**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

ISSUED BY  
**Chicago Title Insurance Company**

**EXHIBIT "A"  
LEGAL DESCRIPTION**

The east 460.50 feet of the west 1273.00 feet of the south 498.60 feet, and also the east 139.50 feet of the west 812.50 feet of the south 219.30 feet of the SW 1/4 of SE 1/4 of Section 13, Township 29, Range 21, Washington County, Minnesota.

Abstract land.

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File No. 69765

ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

Page 2 of 2





**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B PART I**

ISSUED BY  
**Chicago Title Insurance Company**

**Requirements**

File No.: 69765

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. This commitment is for plat approval purposes only. The land described on Schedule A - 5 herein will be platted into lots in Wyndham Village, Washington County, Minnesota.
6. Notwithstanding anything to the contrary herein, TitleSmart does not hereby offer to insure the subject land nor will any policy be issued hereunder.
7. Note: Public records indicate no open mortgages. Please verify no liens or mortgages are to be paid at closing.
8. Abstract land.
9. If there are any questions about this commitment, contact Tom Church, email [tom@title-smart.com](mailto:tom@title-smart.com)

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File No. 69765

ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

Page 1 of 1





**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B PART II**

ISSUED BY  
**Chicago Title Insurance Company**

**Exceptions**

File No.: 69765

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Liens or deferred charges for sewer, water mains and service pipes, not shown on the tax roll.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
4. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public record.
5. Rights or claims of parties other than Insured in actual possession or any or all of the property, which are not shown by the public record.
6. Easements, or claims of easements, which are not shown by the public record.
7. Taxes or special assessments, if any, payable with the taxes levied or to be levied for the current year and subsequent years, which are not shown by the public record.
8. General taxes for the current year and subsequent years, which are not shown by the public record.
9. Any claims of adverse possession or prescriptive easement, which are not shown by the public record.
10. Taxes due and payable in the year 2018 in the amount of \$7,420.00 are paid in full. The base tax amount is \$7,417.00. Note: Real Estate Taxes for 2017 and prior years are paid. Taxes due and payable in the year 2018 are not yet available.

The real estate tax property I.D. or Plat and Parcel Number is PIN: 13.029.21.43.0001.

The 2018 taxes are non-homestead. No representation is made regarding subsequent years' homestead tax status.

11. Rights of tenants as tenants only.
12. Levied and/or pending special assessments of record, if any, which may be a lien against the land.

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File No. 69765

ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

Page 1 of 2





**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B PART II**

ISSUED BY  
**Chicago Title Insurance Company**

**Exceptions**

13. Sixty-six-foot wide easement for gas pipeline purposes the centerline of which is described as commencing at a point in the North line of the South 498.60 feet of the SW 1/4 of SE 1/4 of Section 13, Township 29, Range 21, Washington County, Minnesota distant 307.61 feet East of the East line of the West 538.0 feet of said the SW 1/4 of SE 1/4; thence Southerly to the South line of said Section 13 to point therein distant 849.62 feet East of the Southwest corner of said Section 13, and there terminating, as shown by Document No. 384029.
14. Easement for road purposes over that part of the subject property described as the Southerly 33 feet, as shown by maps or plats of record.
15. Easement for road purposes over the Southerly part of the subject property as shown by the Preliminary Plat of Wyndham Village.
16. Easements for drainage and utility purposes as shown by the Preliminary Plat of Wyndham Village.

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File No. 69765

ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18)

Page 2 of 2





## FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Fidelity National Financial, Inc. and its majority-owned subsidiary companies that provide title insurance, technology, and transaction services to the real estate and mortgage industries (collectively, "FNF", "our" or "we") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by FNF. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by FNF, including collection through any FNF website and any online features, services and/or programs offered by FNF (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than FNF.

### **Collection and Use of Information:**

The types of personal information FNF collects may include, among other things (collectively, "Personal Information"): (1) contact information (e.g., name, address, phone number, email address); (2) demographic information (e.g., date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Information collected by FNF is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about FNF's, FNF's affiliates and third parties' products and services.

### **Additional Ways that Information is Collected Through the Website**

**Browser Log Files.** Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history

(including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

**Cookies.** From time to time, FNF or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the [Third Party Opt Out](#) section below.

**Web Beacons.** Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the [Third Party Opt Out](#) section below.

**Unique Identifier.** We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

**Third Party Opt Out.** Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (e.g., click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at <http://www.networkadvertising.org/>.
- You can opt-out via the Consumer Choice Page at [www.aboutads.info](http://www.aboutads.info).



- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at [www.youronlinechoices.com](http://www.youronlinechoices.com).
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies. More information can be found in the Help system of your browser.

Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

### **When Information Is Disclosed By FNF**

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of FNF, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of FNF, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition

of all or part of the FNF business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

### **Information from Children**

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.**

Parents should be aware that FNF's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. FNF encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

### **Privacy Outside the Website**

The Website may contain various links to other websites, including links to various third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

### **European Union Users**

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

### **Choices with Your Personal Information**

Whether you submit Personal Information to FNF is entirely up to you. You may decide not to submit Personal Information, in which case FNF may not be able to provide certain services or products to you.

You may choose to prevent FNF from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed



and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of FNF. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by FNF to the extent that provision of your Personal Information is required to apply for an open position.

If FNF collects Personal Information from you, such information will not be disclosed or used by FNF for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

#### **Access and Correction**

To access your Personal Information in the possession of FNF and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

#### **Your California Privacy Rights**

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g., requests made in 2013 will receive information regarding 2012 sharing activities).

To obtain this information on behalf of FNF, please send an email message to [privacy@fnf.com](mailto:privacy@fnf.com) with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

#### **Your Consent to This Privacy Notice**

By submitting Personal Information to FNF, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer  
(888) 934-3354  
[privacy@fnf.com](mailto:privacy@fnf.com)

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EFFECTIVE AS OF: JANUARY 24, 2014

LAST UPDATED: JANUARY 24, 2014



**VICINITY MAP**  
NOT TO SCALE

Section 13, T29N, R21W  
City of Lake Elmo, Washington County,  
Minnesota

**BLOCK 6**

**OUTLOT A**

**30TH STREET**

**NORTH**

**HERITAGE FARMS**

**Legend**

- O Denotes set 1/2 inch iron pipe, 18 inches long, with a plastic cap inscribed HORAK L.S. 52577.
- Denotes found 1/2 inch iron pipe monument, with a plastic cap, License Number 40344, unless otherwise noted.
- L= Denotes length of curve.
- R= Denotes radius of curve.
- Δ= Denotes delta angle of curve.
- CB= Denotes chord bearing.

Distances are in feet and decimals of a foot, unless otherwise noted.  
Distances shown to the nearest foot, 10, 33, 60, etc., are exact extrinsic values.  
The orientation of the bearings are based on the south line of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, which is assumed to bear North 89 degrees 34 minutes 25 seconds East.

**Landmark Surveying, Inc.**  
P.O. Box 65  
Office number: 651-433-3421

By \_\_\_\_\_  
Washington County Recorder

By \_\_\_\_\_  
Deputy

Distances are in feet and decimals of a foot, unless otherwise noted.

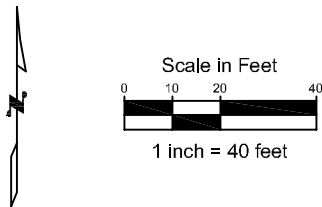
Distances shown to the nearest foot, 10,33, 60, etc., are exact extrinsic values.

The orientation of the bearings are based on the south line of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, which is assumed to bear North 89 degrees 34 minutes 25 seconds East.

P.O. Box 65  
Scandia, Minnesota 55073



# LOT 7 DETAIL - PRELIMINARY PLAT, WYNDHAM VILLAGE



**PROPOSED LOT 7 COVERAGE:**

HOUSE	4,690 SQ. FT.
DRIVEWAY	6,550 SQ. FT.
DECKS & WALKS	1,000 SQ. FT.
(NOT SHOWN)	

TOTAL 12,240 SQ. FT.

28.0% OF LOT IS COVERED

**BUILDING SETBACKS:**

FRONT YARD - 25 FEET  
SIDE YARD - 10 FEET (PRINCIPAL STRUCTURE)  
SIDE YARD - 5 FEET (GARAGE)  
REAR YARD - 20 FEET

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 Land Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.

DRAFT COPY

Milo B. Horak, License No. 52577

Date: *August 27, 2018*

REVISED: 9/25/2018 per City review comments

REVISED: 9/27/2018 per developer comments

REVISED: 11/26/2018 per developer comments

Landmark Surveying, Inc.

21070 Olinda Trail North

P.O. Box 65

Scandia, Minnesota 55073

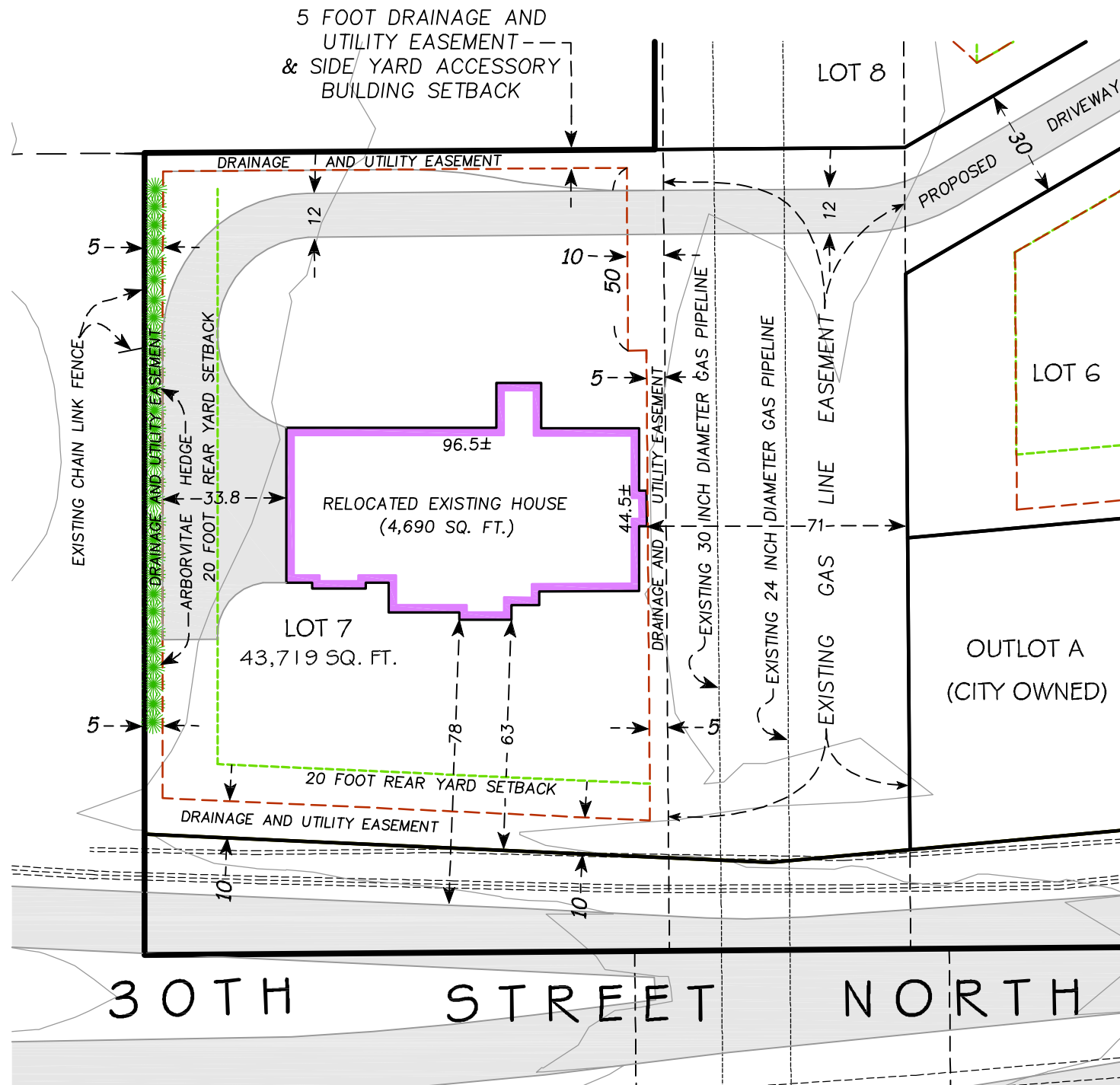
Office number: 651-433-3421

Cell number: 651-755-5760

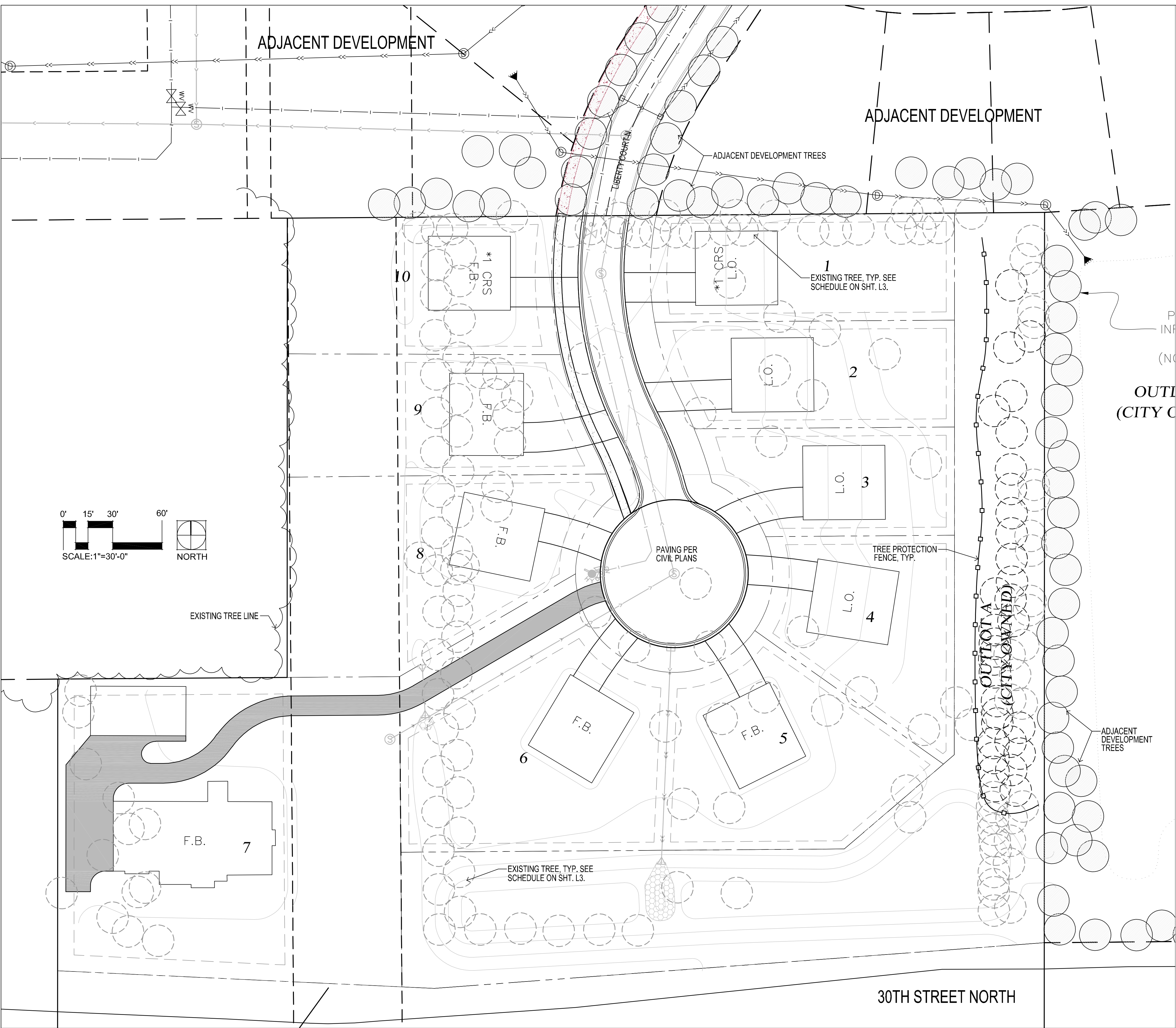
E-mail: [inthefield@frontiernet.net](mailto:inthefield@frontiernet.net)

*SHEET 3 OF 3*

JOB NO. 2016-70







Landscape Symbols Legend:

- Existing Tree to be Removed or Re-Located
- Existing Tree in New Location (Spaded)
- Proposed New 2.5" Cal. Tree
- Existing Tree to Remain

General Notes:

1. All disturbed areas to be sodded by developer.
2. See Civil Engineer's plans for site plan layout and dimensions.
3. Contractor to coordinate all work in the city right-of-way with City of Lake Elmo Public Works Department.
4. See adjacent developer's landscape plan for specific plant materials proposed along common property lines.
5. Landscape contractor is responsible for watering all trees, shrubs, & turf grass outside the irrigation limits for 30 days after installation or until plant establishment.
6. Trees to be relocated shall be moved with a mechanical tree spade by a qualified contractor. Fence-off any spade holes until an earth plug is in place.
7. During tree spading, flag the north side of trees before relocation and re-install tree in same direction. Install a 6' diameter tree ring around newly spaded trees.
8. Refer to Sheet L3 for Field Tree Inventory Log.

TREE PRESERVATION PLAN:

DRAWN BY:  
M.F

CHKD BY:  
B.H

ORIGINAL DATE:  
AUGUST 3, 2018

DESIGN BY:  
B.H.

PROJ. NO.  
18-143

DATE	REVISION DESCRIPTION	
	PERMIT SET	
8-30-18		

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of MINNESOTA.

BENJAMIN D. HARTBERG, PLA  
DATE: 8-30-2018

LIC. NO. 48084

WYNDHAM VILLAGE  
LAKE ELMO, MN  
TREE PRESERVATION PLAN

PREPARED FOR:  
J.P. BUSH HOMES

SITE PLANNING  
& ENGINEERING  
**PLOWE**  
ENGINEERING, INC.  
6778 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210  
FAX: (651) 361-8701

**CALYX DESIGN GROUP**  
Landscape Architecture  
Sustainable Design  
Planning  
370 Selby Avenue  
Dorset Building, Suite 301  
Saint Paul, MN 55102  
telephone: 651.788.9018  
internet: www.calyxdesigngroup.com







FIELD TREE INVENTORY LOG

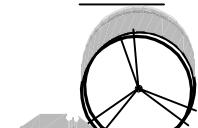


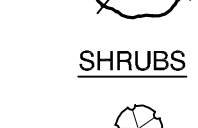

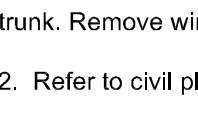
PROJECT NAME:	Tree Survey at 11590 30th Street North, Lake Elmo, MN								
DATE:	5/3/2018	Lot Condition:	Developed						
TIME:	11:15 AM	Sunny	70 Degrees F						
TAG NO.	TREE DIA. (IN)	SPECIES	CONDITION	NOTES	OWNER PLANTED?	TRANSPLANT?	TREE TO REMAIN?	SIGNIFICANT?	SIGNIFICANT TREE INCHES
469	10	Autumn Blaze Maple	Good		Y	Y	Y	Y	10
470	10	Autumn Blaze Maple	Good		Y	Y	Y	Y	10
471	11	Autumn Blaze Maple	Good		Y	Y	Y	Y	11
472	11	Autumn Blaze Maple	Good		Y	Y	Y	Y	11
473	10	Autumn Blaze Maple	Good		Y	N	N	Y	10
474	10	Autumn Blaze Maple	Good		Y	N	N	Y	10
475	10	Autumn Blaze Maple	Good		Y	N	N	Y	10
476	10	Autumn Blaze Maple	Good		Y	N	N	Y	10
477	10	Autumn Blaze Maple	Good		Y	N	N	Y	10
478	12	Autumn Blaze Maple	Good		Y	N	N	Y	12
479	12	Autumn Blaze Maple	Good		Y	N	N	Y	12
480	12	Autumn Blaze Maple	Good		Y	N	N	Y	12
481	12	Autumn Blaze Maple	Good		Y	N	N	Y	12
482	10	Autumn Blaze Maple	Good		Y	N	N	Y	10
483	10	Autumn Blaze Maple	Good		Y	N	N	Y	10
484	9	River Birch	Good		Y	N	N	Y	9
485	11	Autumn Blaze Maple	Good		Y	N	N	Y	11
486	14	Autumn Blaze Maple	Good		Y	N	N	Y	14
487	11	Autumn Blaze Maple	Good		Y	N	N	Y	11
488	6	Bur Oak	Good		Y	N	N	Y	6
489	7	Silver Maple	Good	Volunteer Tree	N	N	N	Y	7
490	6	Silver Maple	Good	Volunteer Tree	N	N	N	Y	6
491	8	Silver Maple	Good	Volunteer Tree	N	N	N	Y	8
492	6	Ash	Good	Volunteer Tree	N	N	N	Y	6
493	8	Silver Maple	Good	Volunteer Tree	N	N	N	Y	8
494	6	Spruce	Good		Y	Y	Y	Y	6
495	6	Spruce	Good		Y	Y	Y	Y	6
496	6	Spruce	Good		Y	Y	Y	Y	6
497	6	Spruce	Good		Y	Y	Y	Y	6
498	6	Spruce	Good		Y	Y	Y	Y	6
499	6	Spruce	Fair		Y	Y	Y	Y	6
500	6	Spruce	Good		Y	Y	Y	Y	6
501	6	Spruce	Good		Y	Y	Y	Y	6
502	6	Spruce	Good		Y	N	N	Y	6
503	6	Spruce	Good		Y	N	N	Y	6
504	6	Spruce	Good		Y	N	N	Y	6
505	6	Spruce	Good		Y	N	N	Y	6
506	6	Spruce	Good		Y	N	Y	Y	6
507	6	Spruce	Good		Y	N	Y	Y	6
508	6	Spruce	Good		Y	N	Y	Y	6
509	8	Cottonwood	Fair	Volunteer Tree	N	N	N	Y	8
510	8	Spruce	Good		Y	N	Y	Y	8
511	6	Spruce	Good		Y	N	Y	Y	6
512	6	Spruce	Good		Y	N	Y	Y	6
513	8	Spruce	Good	Multi-Leader	Y	N	Y	Y	8
514	8	Boxelder	Good	Volunteer Tree	N	N	N	Y	8
515	6	Spruce	Good		Y	N	Y	Y	6
516	8	Spruce	Good		Y	N	Y	Y	8
517	6	Spruce	Good		Y	N	Y	Y	6
518	8	Silver Maple	Good	Volunteer Tree	N	N	N	Y	8
519	6	Spruce	Good		Y	N	Y	Y	6
520	9	Spruce	Good		Y	N	Y	Y	9
521	6	Spruce	Good		Y	N	Y	Y	6
522	6	Boxelder	Fair	Volunteer Tree	N	N	N	Y	6
523	6	Spruce	Good		Y	N	Y	Y	6
524	8	Spruce	Good		Y	N	Y	Y	8
525	6	Spruce	Good		Y	N	Y	Y	6
526	6	Spruce	Good		Y	N	Y	Y	6
527	6	Spruce	Good		Y	N	Y	Y	6
528	8	Boxelder	Poor	Volunteer Tree	N	N	Y	Y	8
529	6	Spruce	Good		Y	N	Y	Y	6
530	6	Spruce	Good		Y	N	Y	Y	6
531	6	Spruce	Good		Y	N	Y	Y	6
532	6	Spruce	Good		Y	N	Y	Y	6
533	5	Spruce	Good		Y	N	Y	N	
534	6	Spruce	Good		Y	N	Y	Y	6
535	8	Boxelder	Good	Volunteer Tree	N	N	N	Y	8
536	8	Boxelder	Fair	Volunteer Tree	N	N	N	Y	8
537	5	Spruce	Good		Y	N	Y	N	
538	6	Spruce	Good		Y	N	Y	Y	6
539	9	Boxelder	Fair	Volunteer Tree	N	N	N	Y	9
540	8	Boxelder	Good	Volunteer Tree	N	N	N	Y	8
541	6	Spruce	Good		Y	N	Y	Y	6
542	5	Spruce	Good		Y	N	Y	N	
543	6	Boxelder	Poor	Volunteer Tree	N	N	N	Y	6
544	6	Boxelder	Poor	Volunteer Tree	N	N	N	Y	6
545	6	Spruce	Good		Y	N	Y	Y	6
546	5	Spruce	Good		Y	N	Y	N	
547	5	Spruce	Good		Y	N	Y	N	
548	5	Spruce	Good		Y	N	Y	N	
549	8	Spruce	Good		Y	N	Y	Y	8
550	6	Boxelder	Good	Volunteer Tree	N	N	N	Y	6
551	6	Boxelder	Good	Volunteer Tree	N	N	N	Y	6
552	6	Boxelder	Fair	Volunteer Tree	N	N	N	Y	6
553	5	Spruce	Good		Y	N	N	N	
554	12	Boxelder	Poor	Volunteer Tree	N	N	N	Y	12
555	6	Boxelder	Fair	Volunteer Tree	N	N	N	Y	6
556	6	Boxelder	Poor	Volunteer Tree	N	N	N	Y	6
557	6	Spruce	Good		Y	Y	Y	Y	6
558	6	Spruce	Good		Y	Y	Y	Y	6
559	6	Spruce	Good		Y	Y	Y	Y	6
560	6	Spruce	Good		Y	Y	Y	Y	6

FIELD TREE INVENTORY LOG

PROJECT NAME:	Tree Survey at 11590 30th Street North, Lake Elmo, MN								
DATE:	5/3/2018	Lot Condition:	Developed						
TIME:	11:15 AM	Sunny	70 Degrees F						
TAG NO.	TREE DIA. (IN)	SPECIES	CONDITION	NOTES	OWNER PLANTED?	TRANSPLANT?	TREE TO REMAIN?	SIGNIFICANT?	SIGNIFICANT TREE INCHES
561	6	Spruce	Good		Y	Y	Y	Y	6
562	6	Spruce	Good		Y	Y	Y	Y	6
563	6	Spruce	Good		Y	Y	Y	Y	6
564	6	Spruce	Good		Y	Y	Y	Y	6
565	6	Spruce	Good		Y	Y	Y	Y	6
566	6	Spruce	Good	Located in Back Yard With Orange Tape	Y	Y	Y	Y	6
567	6	Spruce	Good	Located in Back Yard With Orange Tape	Y	Y	Y	Y	6
568	6	Spruce	Good	Located in Back Yard With Orange Tape	Y	Y	Y	Y	6
569	6	Spruce	Good		Y	Y	Y	Y	6
570	6	Spruce	Good		Y	Y	Y	Y	6
571	6	Spruce	Good	Has Orange Tape	Y	Y	Y	Y	6
572	6	Spruce	Good		Y	Y	Y	Y	6
573	6	Spruce	Good	Has Orange Tape	Y	Y	Y	Y	6
574	6	Spruce	Good		Y	N	N	Y	6
575	6	Spruce	Good		Y	N	N	Y	6
576	6	Spruce	Good		Y	N	N	Y	6
577	6	Spruce	Good		Y	N	N	Y	6
578	6	Spruce	Good		Y	N	N	Y	6
579	6	Spruce	Good		Y	N	N	Y	6
580	6	Spruce	Good	Has Orange Tape	Y	N	N	Y	6
581	6	Spruce	Good	Has Orange Tape	Y	N	N	Y	6
582	6	Spruce	Good		Y	N	N	Y	6
583	6	Spruce	Good		Y	N	N	Y	6
584	6	Spruce	Good		Y	N	N	Y	6
585	6	Spruce	Good		Y	N	N	Y	6
586	6	Spruce	Good		Y	N	N	Y	6
587	6	Spruce	Good	Has Orange Tape	Y	N	N	Y	6
588	6	Spruce	Good		Y	N	N	Y	6
589	6	Spruce	Good	Has Orange Tape	Y	N	N	Y	6
590	6	Spruce	Good		Y	N	N	Y	6
591	6	Spruce	Good		Y	N	N	Y	6
592	6	Spruce	Good		Y	N	N	Y	6
593	6	Spruce	Good		Y	N	N	Y	6
594	6	Spruce	Good		Y	N	N	Y	6
595	6	Spruce	Good		Y	N	N	Y	6
596	6	Spruce	Good		Y	N	N	Y	6
597	6	Spruce	Good		Y	N	N	Y	6
598	6	Spruce	Good		Y	N	N	Y	6
599	6	Spruce	Good		Y	N	N	Y	6
600	6	Spruce	Good		Y	N	N	Y	6
601	6	Spruce	Good	Has Orange Tape	Y	N	N	Y	6
602	6	Spruce	Good		Y	N	N	Y	6
603	6	Spruce	Good		Y	N	N	Y	6
604	6	Spruce	Good		Y	N	N	Y	6
605	6	Spruce	Good		Y	N	N	Y	6
606	6	Spruce	Good		Y	N	N	Y	6
607	6	Spruce	Good		Y	N	N	Y	6
608	6	Spruce	Good		Y	N	N	Y	6
609	6	Spruce	Fair		Y	N	N	Y	6
610	6	Spruce	Good		Y	N	N	Y	6
611	6	Spruce	Good		Y	N	N	Y	6
612	6	Spruce	Good		Y	N	N	Y	6
613	6	Spruce	Good		Y	N	N	Y	6
614	7	Cottonwood	Good	Volunteer Tree	N	N	N	Y	7
615	6	Cottonwood	Fair	Volunteer Tree	N	N	N	Y	6
616	9	Cottonwood	Good	Volunteer Tree	N	N	N	Y	9
617	6	Spruce	Good		Y	Y	Y	Y	6
618	6	Spruce	Good		Y	Y	Y	Y	6
619	6	Spruce	Good		Y	Y	Y	Y	6
620	6	Spruce	Good		Y	Y	Y	Y	6
621	6	Spruce	Good		Y	Y	Y	Y	6
622	6	Spruce	Good		Y	Y	Y	Y	6
623	6	Spruce	Good		Y	Y	Y	Y	6
624	6	Spruce	Good		Y	Y	Y	Y	6
625	6	Spruce	Good		Y	Y	Y	Y	6
626	6	Spruce	Good		Y	Y	Y	Y	6
627	6	Spruce	Good		Y	Y	Y	Y	6
628	6	Spruce	Good		Y	Y	Y	Y	6
629	6	Spruce	Good		Y	Y	Y	Y	6
630	5	Spruce	Good		Y	Y	Y	N	
631	6	Spruce	Good		Y	Y	Y	Y	6
632	6	Spruce	Good		Y	Y	Y	Y	6
633	6	Spruce	Good		Y	Y	Y	Y	6
634	6	Spruce	Good		Y	Y	Y	Y	6
635	6	Spruce	Good		Y	Y	Y	Y	6
636	6	Spruce	Good		Y	Y	Y	Y	6
637	6	Spruce	Good		Y	Y	Y	Y	6
638	6	Spruce	Good		Y	Y	Y	Y	6
639	6	Spruce	Good		Y	Y	Y	Y	6
640	6	Spruce	Good		Y	Y	Y	Y	6
641	8	Ash	Good	Volunteer Tree	N	N	N	Y	8
642	6	Boxelder	Poor	Volunteer Tree	N	N	N	Y	6
643	12	Silver Maple	Good	Volunteer Tree	N	N	N	Y	12
644	10	Boxelder	Fair	Volunteer Tree	N	N	N	Y	10
645	6	Silver Maple	Good	Volunteer Tree	N	N	N	Y	6
646	12	Boxelder	Poor	Volunteer Tree	N	N	N	Y	12
647	6	Boxelder	Poor	Volunteer Tree	N	N	N	Y	6
648	6	Silver Maple	Good	Volunteer Tree	N	N	N	Y	6
649	6	Silver Maple	Fair	Volunteer Tree	N	N	N	Y	6
650	11	Ash	Poor	Volunteer Tree	N	N	N	Y	11
651	6	Boxelder	Fair	Volunteer Tree	N	N	N	Y	6
652	6	Boxelder	Fair	Volunteer Tree	N	N	N	Y	6
653	6	Silver Maple	Good	Volunteer Tree	N	N	N	Y	6



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	AS	Acer x freemanii `Sienna`	Sienna Glen Maple	2.5" Cal.	B&B	2
	BR	Betula nigra	River Birch	2.5" Cal.	B&B	2
	MS	Malus x `Spring Snow`	Spring Snow Crab Apple	2" Cal.	B&B	3
	OV	Ostrya virginiana	American Hophornbeam	2.5" Cal.	B&B	6
	OR	Quercus rubra	Northern Red Oak	2.5" Cal.	B&B	2
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	CI	Cornus sericea `Isanti`	Isanti Redosier Dogwood	10 gal.	Pot	15

Landscape Notes & Requirements:

1. Tree saucer for individual trees outside of a plant bed to be four inches (4") depth natural single-shred hardwood mulch for trees outside of a plant bed. Install per tree planting detail. Do not place mulch against tree trunk. Remove wire and burtap from top third of root ball before final soil back-fill and mulch.

2. Refer to civil plan sheets for grading, drainage, site dimensions, survey, tree removal, proposed utilities & erosion control.

3. All plant material shall comply with the latest edition of the American Standard for Nursery Stock, American Association of Nurserymen. Unless noted otherwise, deciduous shrubs shall have at least 5 canes at the specified shrub height. Plant material shall be delivered as specified.

4. Plan takes precedence over plant schedule if discrepancies in quantities exist.

5. All proposed plants shall be located and staked as shown.

6. Adjustment in location of proposed plant material may be needed in field. Should an adjustment be required, the client will provide field approval. Significant changes may require city review and approval.

7. The project landscape contractor shall be held responsible for watering and properly handling all plant materials brought on the site both before and after installation. Schedule plant deliveries to coincide with expected installation time within 36 hours.

8. All plant materials shall be fertilized upon installation as specified.

9. The landscape contractor shall provide the owner with a watering schedule appropriate to the project site conditions and to plant material growth requirements.

10. If the landscape contractor is concerned or perceives any deficiencies in the plant selections, soil conditions, drainage or any other site condition that might negatively affect plant establishment, survival or guarantee, they must bring these deficiencies to the attention of the landscape architect & client prior to bid submission. Plant bed drainage concerns during plant installation shall be brought to the attention of the Owner and General Contractor immediately.

11. Contractor shall establish to his/ her satisfaction that soil and compaction conditions are adequate to allow for proper drainage at and around the building site.

12. Contractor is responsible for ongoing maintenance of all newly installed material until time of owner acceptance. Any acts of vandalism or damage which may occur prior to owner acceptance shall be the responsibility of the contractor. Contractor shall provide the owner with a maintenance program including, but not limited to, pruning, fertilization and disease/pest control.

13. The contractor shall guarantee newly planted material through one calendar year from the date of written owner acceptance. Plants that exhibit more than 10% die-back damage shall be replaced at no additional cost to the owner. The contractor shall also provide adequate tree wrap and deer/rodent protection measures for the plantings during the warranty period.

14. This layout plan constitutes our understanding of the landscape requirements listed in the ordinance. Changes and modifications may be requested by the city based on applicant information, public input, council decisions, etc.

15. The landscape contractor shall be responsible for obtaining any permits and coordinating inspections as required throughout the work process.

16. Plant size & species substitutions must be approved in writing prior to acceptance in the field.

17. The landscape contractor shall furnish an Irrigation Layout Plan for head-to-head coverage of all tree, turf and shrub planting areas. Use commercial-grade irrigation equipment and provide product cut-sheets and (4) copies of the proposed layout plan to the landscape architect for review and approval prior to installation. Coordinate irrigation connection point, controller, back-flow and valving locations with the mechanical engineer, architect, & general contractor. Include 1 fall shut-down and spring start-up in irrigation bid. Sch 80 PVC sleeves necessary under paved areas to be coordinated between the landscape contractor, irrigation contractor, excavator, paving contractor, and General Contractor.

18. Landscape Contractor is responsible for coordination with the General Contractor, to protect the new improvements on and off-site during landscape work activities. Report any damage to the General Contractor immediately.

19. All planting, seeding, and sodded areas shall be prepared prior to installation activities with a harley power box rake or equal to provide a firm planting bed free of stones, sticks, construction debris, etc.

20. Turf Sodding and Seeding activity shall conform to all rules and regulations as established in the MnDOT Seeding Manual, 2014 edition, for turf bed preparation, installation, maintenance, acceptability, and warranty. Turf Seed installation to include TWO years of maintenance in the bid price. This includes mowing, weeding, & spot-spraying invasive weeds no less than 3 times per year. Maintenance also includes re-seeding bare patches larger than 6" in any direction, and fertilization no less than twice per calendar year. An acceptable stand of seeded turf is lush, full, and weed-free.

21. The Landscape Contractor shall furnish samples of all landscape materials for approval prior to installation.

22. The Landscape Contractor shall clear and grub the underbrush from within the work limits to remove dead branches, leaves, trash, weeds and foreign materials.

23. The landscape contractor shall contact Gopher State One Call no less than 48 hours before digging for field utility locations.

24. The landscape contractor shall be responsible for the removal of erosion control measures once vegetation has been established to the satisfaction of the municipal staff. This includes silt curtain fencing and sediment logs placed in the landscape.

25. The landscape contractor shall be responsible for visiting the site to become familiar with the conditions prior to bidding and installation. Coordinate with the general contractors on matters such as fine grading, landscaped area conditions, staging areas, irrigation connection to building, etc.

26. See Site and Civil plans for additional information regarding the project, including infiltration area soils and sub-surface drainage requirements and performance.

27. Topsoil Requirements: All graded areas of the site that are designated on the plan set for turf sod shall have no less than 6" of imported top soil, areas designated for shrubs, trees, and perennials shall have no less than 12" of imported top soil, meeting MnDOT classifications for planting soil for trees, shrubs, and turf. Slope away from building.

28. Landscape contractor must prove the open sub-grade of all planting areas after their excavation is capable of infiltrating a minimum requirement of 1/4-inch of water per hour prior to installation of plant materials, topsoil, irrigation, weed mat, and mulch. Planting areas not capable of meeting this requirement shall have 4" diameter X 48" depth holes augured every 36" on-center and filled with MnDOT Free-Draining Coarse Filter Aggregate. Re-test sub-grade percolation for compliance to infiltration minimum requirement.

29. Landscape contractor to provide nursery pull list (bill of lading) including plant species and sizes shipped to the site. Additionally, the landscape contractor shall provide nursery stock traceability, proving none of the materials provided contain or are genetic strains of the neonicotinoid family including acetamiprid, clothianidin, imidacloprid, nitenpyram, nithiazine, thiacloprid and thiamethoxam.

THE CITY OF  
LAKE ELMO

CITY OF LAKE ELMO

STANDARD DRAWING NO.  
LP1.0  
LAKE ELMO

Notes:  
1- All Tree Protection measures to be field staked prior to installation. Contractor to coordinate field review of proposed Tree Protection locations with the City and project Landscape Architect prior to any Tree Protection installation.  
2- See specifications for additional tree protection requirements.  
3- If there is no existing irrigation, see specifications for watering requirements.  
  
Sign: 8.5" x 11" laminated in plastic, spaced every 50' along the Fence  
2" x 6" steel Posts or approved equal  
Tree Protection Fence: High density polyethylene fencing with 3.5" x 1.5" openings; Color-orange; steel Posts installed at 8' o.c.  
  
Crown Drip-line or other limit of Tree Protection Area; See Tree Preservation Plan for Fence alignment  
  
Notes (cont.):  
4- No pruning shall be performed except by approved certified arborist.  
5- No equipment shall operate inside the protective fencing including during Fence installation and removal.  
6- See Site Preparation Plan for any modifications with the Tree Protection Area.  
7- No Wood Chips supplied from diseased trees (elm, ash etc.) or Invasive species such as buckthorn.  
  
Access Road  
Wood Chips: 12" depth on Access Road; 5" depth inside Tree Protection Area  
Maintain existing grade with the Tree Protection Fence unless otherwise indicated on the plans  
Contractor can excavate open trench outside of the Crown Drip-line  
  
KEEP OUT TREE PROTECTION AREA  
  
SECTION VIEW  
Contractor to bore under the Crown Drip-line of the tree  
  
LP1.0 TREE PROTECTION

STANDARD PLAN NOTES  
LANDSCAPE PLANS

1. Contractor must contact Gopher State One Call 811 ([www.gopherstateonecall.org](http://www.gopherstateonecall.org)) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.

2. Plant materials shall meet American Standard for Nursery Stock: ANSI Z60.1, latest edition.

3. No plant substitutions shall be made without the prior written authorization from the City.

4. All tree locations to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the City and Project Landscape Architect prior to any tree installation.

5. All plants shall be planted immediately upon arrival to project site. No plant material is to be left overnight on the project site without being installed unless written approval by City.

6. All trees, shrubs, perennials, turf lawn and native seeding to have a two-year warranty beginning upon written acceptance by the City. Defective plants as determined by the City shall be replaced within 30 days of notice during the growing season, and replacement materials shall receive the same two year warranty until plants are successfully established.

7. Contractor to protect and maintain all plantings and plant beds, including protection from wildlife, weeding, re-mulching, fertilization, irrigation and all other typical forms of horticultural care until the end of the warranty period as determined and approved by City.

8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.

9. An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017

THE CITY OF  
LAKE ELMO

CITY OF LAKE ELMO

STANDARD DRAWING NO.  
LP2.0  
LAKE ELMO

General Notes:

1. All disturbed areas to be sodded by developer.

2. See Civil Engineer's plans for site plan layout and dimensions.

3. Contractor to coordinate all work in the city right-of-way with City of Lake Elmo Public Works Department.

4. See adjacent developer's landscape plan for specific plant materials proposed along common property lines.

5. Landscape contractor is responsible for watering all trees, shrubs, & turf grass outside the irrigation limits for 30 days after installation or until plant establishment.

6. Trees to be relocated shall be moved with a mechanical tree spade by a qualified contractor. Fence-off any spade holes until an earth plug is in place.

7. During tree spading, flag the north side of trees before relocation and re-install tree in same direction. Install a 6' diameter tree ring around newly spaded trees.

8. Refer to Sheet L3 for Field Tree Inventory Log.

9. Refer to Sheet L2 for Landscape Plan.

10. Refer to Sheet L5 for City of Lake Elmo Tree Planting Details.

WYNDHAM VILLAGE

LAKE ELMO, MN

LANDSCAPE DETAILS

PREPARED FOR:  
J.P. BUSH HOMES

SITE PLANNING  
& ENGINEERING

PLOWE

ENGINEERING, INC.

6778 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210  
FAX: (651) 361-8701

cdg

CALYX DESIGN GROUP

Landscape Architecture  
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Planning

370 Selby Avenue  
Dacotah Building, Suite 301  
Saint Paul, MN 55102  
Telephone: 651.788.9018  
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L4



**DECIDUOUS TREE**

**SECTION VIEW**

Trunk caliber shall meet ANSI Z60.1 latest edition for root ball size

Round-topped soil berm 4" high x 6" wide above root ball surface shall be constructed around the root ball. Berm shall begin at root ball periphery

Bottom of root ball rests on existing or re-compacted soil

3x widest dimension of root ball

Central leader

Position tree so root flare is at or slightly above finished grade

Prior to mulching, lightly tamp soil around the root ball in 6" lifts to brace tree. Do not over compact. When the planting hole has been backfilled, pour water around the root ball to settle the soil.

Create a smooth transition from the top of the raised root ball to the finished grade at a 15% max. slope.

Mulch: 4" depth; No more than 1" of Mulch on top of root ball; See specifications for Mulch

Finished grade

Planting Soil: MnDOT 3877 F Boulevard Topsoil Borrow; Planting Soils that are compacted after placement due to other construction activities need to be tilled prior to planting operations.

Existing soil

THE CITY OF LAKE ELMO

CITY OF LAKE ELMO

STANDARD DRAWING NO. IR1.1 LAKE ELMO

APRIL 2017

PEDESTAL IRRIGATION CONTROLLER

SLOPE TO DRAIN

FINISHED GRADE

FOUR-INCH POURED-IN-PLACE CONCRETE BASE

CONDUIT FOR ELECTRICAL POWER CONDUCTORS PER LOCAL CODE

CONDUIT FOR REMOTE CONTROL VALVES AND SENSOR WIRES

STAINLESS STEEL ANCHOR BOLT WITH NON-CORROSIVE RE-USABLE ANCHOR BOLT RECEPTACLE

CONDUIT FOR GROUND WIRE TO ROD OR PLATE LOCATION

GENTLE SWEET ELLS ONLY ALL SLEEVES


FRONT SECTION ELEVATION

RIGHT-SIDE SECTION ELEVATION

NOTE:

1. REFER TO SPECIFICATION 328400 FOR ADDITIONAL REQUIREMENTS.
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS, BEST PRACTICES AND LOCAL CODES.
3. HIGH AND LOW VOLTAGE ELECTRICAL WORK IS TO BE PERFORMED BY A LICENSED ELECTRICIAN.
4. GROUND CONTROLLER IN ACCORDANCE WITH MANUFACTURER RECOMMENDATION.

IR1.1 2-WIRE PEDESTAL IRRIGATION CONTROLLER



CITY OF LAKE ELMO

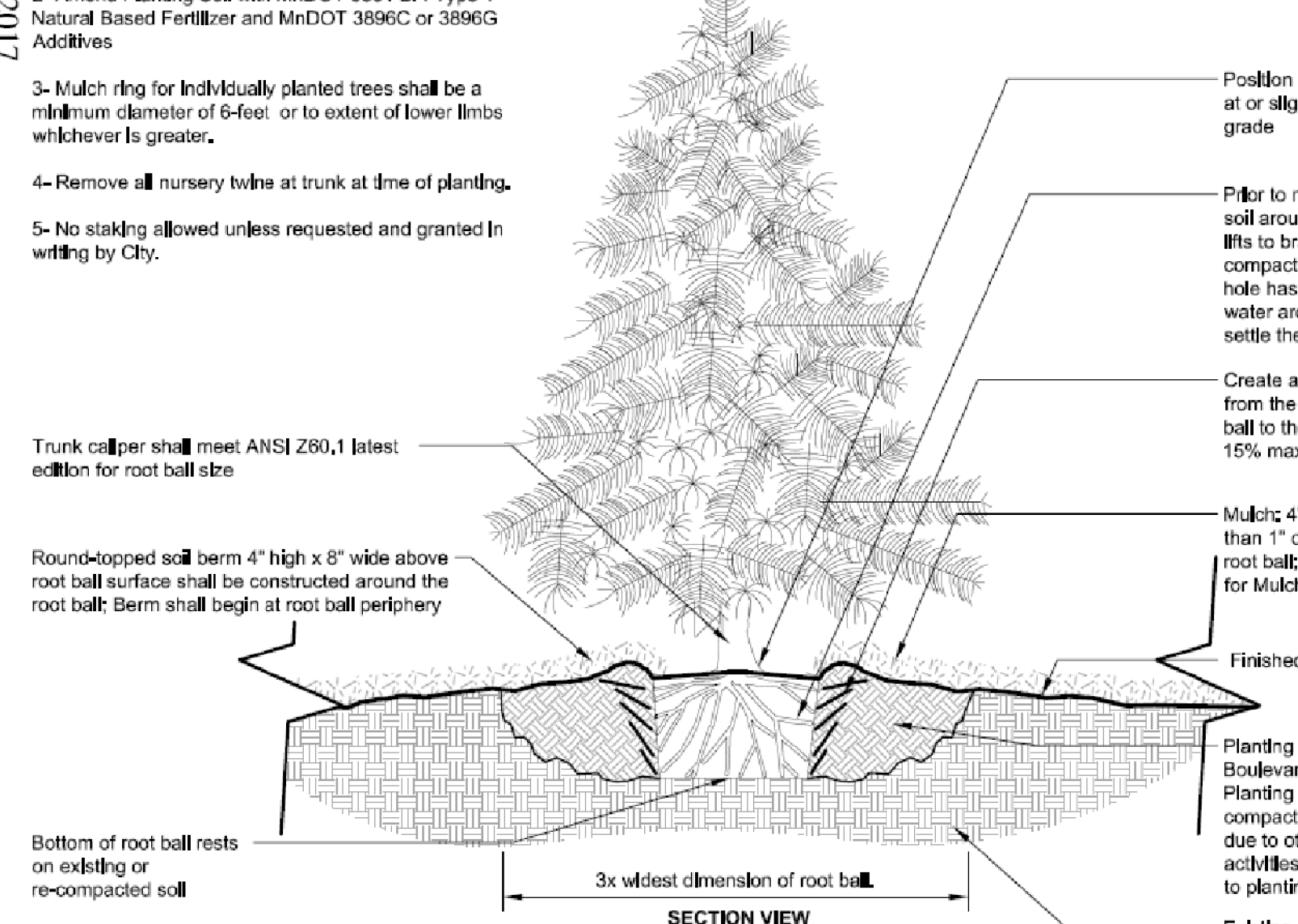
STANDARD DRAWING NO.

LP2.3

LAKE ELMO

**Notes:**

- 1- Refer to specification 329000 for additional requirements.
- 2- Amend Planting Soil with MnDOT 3881 B.4 Type 4 Natural Based Fertilizer and MnDOT 3896C or 3896G Additives
- 3- Mulch ring for individually planted trees shall be a minimum diameter of 6-feet, or to extent of lower limbs whichever is greater.
- 4- Remove all nursery twine at trunk at time of planting.
- 5- No staking allowed unless requested and granted in writing by City.



APRIL 2017

CONIFEROUS TREE

LP2.3

- General Notes:

1. All disturbed areas to be sodded by developer.
2. See Civil Engineer's plans for site plan layout and dimensions.
3. Contractor to coordinate all work in the city right-of-way with City of Lake Elmo Public Works Department.
4. See adjacent developer's landscape plan for specific plant materials proposed along common property lines.
5. Landscape contractor is responsible for watering all trees, shrubs, & turf grass outside the irrigation limits for 30 days after installation or until plant establishment.
6. Trees to be relocated shall be moved with a mechanical tree spade by a qualified contractor. Fence-off any spade holes until an earth plug is in place.
7. During tree spading, flag the north side of trees before relocation and re-install tree in same direction. Install a 6' diameter tree ring around newly spaded trees.
8. Refer to Sheet L3 for Field Tree Inventory Log.
9. Refer to Sheet L4 for Planting Legend and Notes.
10. Refer to Sheet L2 for Landscape Plan.

DRAWN BY: M.F.	DESIGN BY: B.H.
CHCKD BY: B.H.	PROJ. NO. 18-143

ORIGINAL DATE:  
AUGUST 3, 2018

DATE	REVISION DESCRIPTION
8-30-18	PERMIT SET

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of MINNESOTA.

*B.D.B.*  
BENJAMIN D. HARTBERG, PLA  
DATE: 8-30-2018 LIC. NO. 48084

## WYNDHAM VILLAGE

**LAKE ELMO, MN**

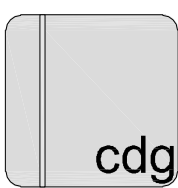
LANDSCAPE DETAILS

PREPARED FOR:  
J.P. BUSH HOMES

SITE PLANNING  
& ENGINEERING

**PLOWE**  
**ENGINEERING, INC.**

6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210  
FAX: (651) 361-8701



**CALYX DESIGN  
GROUP**  
Landscape Architecture  
Sustainable Design  
Planning

370 Selby Avenue  
Dacotah Building, Suite 301  
Saint Paul, MN 55102

telephone: 651.788.9018  
Internet: [www.callyxdesigngroup.com](http://www.callyxdesigngroup.com)

# L5



# MEMORANDUM

## FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

Date: November 5, 2018

To: Ben Prchal, City Planner  
Cc: Chad Isakson, Assistant City Engineer  
From: Jack Griffin, P.E., City Engineer

Re: Wyndham Village Final Plat  
Engineering Review Comments

An engineering review has been completed for Wyndham Village. Final Plat/Construction Plans were received on October 31, 2018. The submittal consisted of the following documentation:

- Wyndham Village Final , undated, prepared by Landmark Surveying, Inc.
- Wyndham Village Construction Plans, dated October 12, 2018, prepared by Plowe Engineering.
- Geotechnical Report, dated October 17, 2018, prepared by ITCO Allied Engineering Company.
- Wyndham Village Landscape Plans, dated August 30, 2018, prepared by Calyx Design Group.
- Stormwater Management Plan, dated September 26, prepared by Plowe Engineering.

**STATUS/FINDINGS:** Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

### FINAL PLAT: WYNDHAM VILLAGE

- The Final Plat dedicates additional right-of-way along 30th Street North as required by the conditions for preliminary plat approval and to ensure a minimum 30th Street boulevard of 16 feet along the Plat length.
- Outlot A is shown on the plans to be dedicated to the City for storm water maintenance. Outlot A includes a storm water infiltration basin and storm water pond, including the 100-year HWL and maintenance access road(s), as required as condition of Preliminary Plat approval.
- Outlot A includes preservation of a 10-foot small utility corridor adjacent to the 30th Street right-of-way. An easement is not needed per se since the Outlot is City owned, however the corridor grades and limitation of tree plantings is needed to preserve the corridor for the location of the small utility joint trench.
- The site plan is subject to a storm water management plan meeting State, VBWD and City rules. Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual. Any Plat/Plan changes necessary to meet State and VBWD storm water requirements are subject to additional City review.
- The Stormwater Management Plan indicates an increase in the 100-year HWL to Northport Pond 4SE. As a condition of Final Plat, the applicant must work with the Northport Developer/Engineer to update the approved Northport Plans showing this increased HWL for City files/records prior to Construction Plan approval for the Wyndham Subdivision.
- Drainage and utility easements have been provided over all storm sewer, sanitary sewer and watermain not located within City right-of-way or Outlots, minimum 30-feet in width centered on the pipe/structure. Easements have been shown on the Final Plat and Construction Plans as required.



- Additional easements are required along the rear lot lines for Lots 8, 9, and 10, Block 1 to cover the proposed drainage swales per the grading plan. Lots 8 & 9 must be 15 feet and Lot 10 must be 10 feet.
- All emergency overflow elevations must be fully protected by drainage easement.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- Written easement owner permission must be obtained, and copies provided to the City, for work to be completed within the gas main easement. The City must receive copies of the written permission prior to the Construction Plan approval.
- Written landowner permission must be submitted for any off-site grading work and storm water discharges to adjacent properties prior to final plan approval.
- No trunk watermain or sanitary sewer oversizing is anticipated for this development. All watermains and sanitary sewer shall be 8-inch diameter pipe.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual dated March 2017, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated November 5, 2018.
- No construction for Wyndham Village may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.



# MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

Date: November 5, 2018

To: Ben Prchal, City Planner  
Cc: Joe Bush, J.P. Bush Homes  
Chuck Plowe, Plowe Engineering, Inc.  
Chad Isakson, Assistant City Engineer  
From: Jack Griffin, P.E., City Engineer  
Re: Wyndham Village  
Construction Plan Review

An engineering review has been completed for Wyndham Village. Final Plat/Construction Plans were received on October 31, 2018. The submittal consisted of the following documentation:

- Wyndham Village Final , undated, prepared by Landmark Surveying, Inc.
- Wyndham Village Construction Plans, dated October 12, 2018, prepared by Plowe Engineering.
- Geotechnical Report, dated October 17, 2018, prepared by ITCO Allied Engineering Company.
- Wyndham Village Landscape Plans, dated August 30, 2018, prepared by Calyx Design Group.
- Stormwater Management Plan, dated September 26, prepared by Plowe Engineering.

**STATUS/FINDINGS:** Engineering review comments have been provided to assist with the completion of the Final Construction Plans. When submitting revised plans and specifications, please provide a point by point response letter that details all changes made to the plans.

## FINAL CONSTRUCTION PLANS

- The Construction Plans are incomplete. The following additional information must be submitted to facilitate additional staff review.
  - Plan sheets C4.1, C4.2, C4.3, C4.4, C5.1 and C5.2 were not included in the plans submitted for review.
  - Add existing conditions plan to the construction plan set, showing the existing topography and identifying all physical features on the site and adjacent properties for a distance of 150-feet. Identify all physical features to be removed, salvaged and replaced, or protected.
- C1.1. and C2.1. The random survey shots must be removed from the plans to facilitate a complete review. If specific shots are intended to inform the design, the text size and placement must be legible.
- C1.1 and C2.1. Correct all overlapping text so that the plans are legible.
- C2.1. All low floor elevations must be a minimum of 2-feet above the pond HWL to meet VBWD rules. All low openings must be a minimum of 1-foot above the adjacent emergency overflow elevations. The low floor for Lot 1 may need to be revised.
- C2.1. Revise the grading for the Stormwater Pond to comply with the Minnesota Stormwater Manual configuration recommendations. At the current size/configuration the pond is not likely to perform well and could be a nuisance to adjacent properties.
- C2.1. Additional grading details/revisions are required along the east property line at the Pond EOF. Spot elevations are needed to demonstrate ponding is contained and directed to the 918.0 EOF.



- C2.1. The grading plan is incomplete around Lot 7, Block 1. Existing conditions (trees and other physical features) and existing contours are required to the north and west of Lot 7. The grading plan must be detailed for Lot 7 to demonstrate matching into existing conditions and directing drainage away from adjacent properties.
- C2.1. The rear lot drainage and utility easements must be increased for Lots 8, 9, and 10, Block 1 to cover the proposed drainage swales per the grading plan. Lots 8 & 9 must be 15 feet and Lot 10 must be 10 feet.
- C2.1. Increase the grade (and spot elevation) for the Lot 7 driveway to maintain 2-ft cover over the culvert pipe and to ensure the top of pipe is below the driveway base.
- C2.1. Correct grading at FES-8 (invert 921.0) by extending the 922.0 contour to the north of the invert. Extend the 920.0 contour to maintain a minimum ditch slope of 2%.
- C2.1. Add plan notes to provide storm water pond liner construction requirements consistent with the VBWD pond lining material and testing requirements.
- C2.1. Add plan notes for infiltration basin construction requirements including basin protection and testing.
- C2.2. Label both FES for the equalizer pipe.
- C2.2. Update storm water structure table to include STMH-2, FES-4, and the two FES for the equalizer pipe.
- C2.2 Add storm sewer profiles for the equalizer pipe and for the storm run from FES-4 to FES-6.
- C2.2. Add draintile out of CB1 for a minimum distance of 100-feet each way. Add drain tile connection inverts in profile to CB1.
- C3.1 and 3.2. "Proposed MH-1" should be shown as an "Existing MH-1" in both plan and profile views and on both plan sheets. As-built invert elevations must be shown. Remove all references to "Proposed by Others".
- C3.1 and C3.2. Existing MH-1 is shown as a drop manhole but was not installed as a drop manhole. MH-1 has a 30-foot stub installed with an approximate stub elevation of 894.55 with 8" SDR 26 @ 0.51%.
- C3.2. Revise plan for all water services to be upstream of the sanitary sewer service.
- C3.2. Move view port to show the service ends for Lot 7.
- C3.2. Water service to Lot 7 is greater than 100 feet (the limited length for a roll of copper). Revise service to install curb box at the R/W with HDPE service pipe extended to the west of the gas easement with a second curb stop.
- C3.2. Add wye stationing, sanitary service invert elevation and curb stop elevation for Lot 7.
- C3.2. Provide call outs indicating size and type of all watermain bends.

#### STORMWATER MANAGEMENT

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules. Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual. Any Plat/Plan changes necessary to meet State and VBWD storm water requirements are subject to additional City review and approval.
- The Stormwater Management Plan indicates an increase in the 100-year HWL to Northport Pond 4SE. The applicant must work with the Northport Engineer to update the approved Northport Plans showing this increased HWL for City files/records prior to Construction Plan approval.

#### SPECIFICATIONS

- Specifications must be submitted for review and include the City Standard Specifications dated March 2017.
- If supplementary specifications are also submitted, the following statement must be placed as the first clause of the supplementary provisions, *"The City Standard Specifications for Public Infrastructure, dated March 2017, shall apply to the work performed under this contract. Any supplemental specifications are intended to supplement the City Standard Specifications, however they do NOT supersede the City Standard Specifications, Details, Design Standards, or ordinances unless specific written approval has been provided by the City."*

#### LANDSCAPE PLANS

- The landscape plans are not updated to be consistent with the proposed Final Plat, lot lines, easements, storm water systems, maintenance access roads and utility plans. Revised plans must be submitted for staff review.
- The landscape plans must be revised to show all underground utilities including water/sewer lot services and revised to ensure trees maintain 10-foot minimum offset from all utilities.



- Revise boulevard trees per the City standard boulevard layout, City detail 805. Boulevard trees are currently shown within the small utility corridor.
- Revise trees along 30<sup>th</sup> Street right-of-way to be a minimum of 10 feet north of the 30<sup>th</sup> Street right-of-way to maintain 10-ft. small utility corridor.
- The Landscape Plans must be revised to accommodate maintenance access to all storm water BMPs. Grades along pond access cannot exceed 10% and must be a minimum of 20 feet in width. Maintenance access from public right-of-ways must be shown on the Landscape Plans. No trees can impede maintenance access from 30th Street North.
- Revise the landscape plans to show all trees to be removed due to construction and grading activities. Current plans show existing trees remaining within areas to be graded (storm water pond).





To: Ben Prchal, City of Lake Elmo Planner

From: Lucius Jonett, Wenck Landscape Architect

Date: November 27, 2018

Subject: City of Lake Elmo Landscape Plan Review  
Wyndham Village Preliminary Plan, Review #3

#### Submittals

- Wyndham Village Final Plat, not signed, dated 10-15-2018, received 10-31-2018.
- Tree Preservation and Landscape Plan set, dated 8-30-2018, received 10-31-2018.
- Wyndham Village construction plans, dated 10-12-2018, received 10-31-2018.

Location: North of 30<sup>th</sup> Street North in the southwest corner of the Northport development.

Land Use Category: Village Urban Low Density

Surrounding Land Use Concerns: The Wyndham Village development is sharing an infiltration area with the Northport development to the North. Northport did not have landscaping within the outlot that abuts the eastern property line of the Wyndham Village development to accommodate this.

Special landscape provisions in addition to the zoning code: There is a required greenbelt buffer on the southern portion of the development, additional screening is required in this area.



Findings:

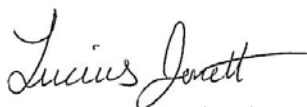
1. The previously submitted Tree Preservation and Landscape Plan set, dated 8-30-2018 was approved on 9-5-2018 and matched the proposed site and grading plans at that time. The site and grading plans were not approved and went through revisions after City comments.
2. The recent Construction plans dated 10-12-2018, have revised stormwater management features, maintenance access, and grading that conflict with the previously approved tree preservation and landscape plans. These changes will impact the tree preservation plan and calculations, and the final landscape requirements and plan layout.
3. Updated tree preservation and landscape plans will be required to ensure ordinance compliance and minimize construction conflicts and confusion.
4. The proposed driveway on Lot 7 of the development is up to the edge of the drainage and utility easements, within 5 feet of the west and north property lines. This will not leave enough room for planting vegetation that will provide screening on the west property boundary. And the proposed plantings of crab apple trees and dogwoods will not provide the required screening of at least six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis.

Recommendation:

It is recommended that the previously approved Wyndham Village landscape plans are no longer applicable. It is recommended that conditions of new approval include:

1. Submit revised tree preservation plans showing the updated site plans and which trees are to be saved, relocated, and removed. Tree replacement calculations will need to be updated to match the new plans.
2. Submit revised landscape plans showing the updated site, grading, and utility plans including current stormwater management features and maintenance access. Trees **should be placed 10' away** from utilities.
3. Submit revised landscape plans that provide sufficient screening on the west property line of Lot 7 and provide enough space for full growth (mature diameter) of the proposed species.

Sincerely,



Lucius Jonett, PLA (MN)  
Wenck Associates, Inc.  
City of Lake Elmo Municipal Landscape Architect





## **STAFF REPORT**

DATE: 11/28/2018

**REGULAR**

ITEM #: 27

**MOTION**

**TO:** Mayor and City Council Members

**FROM:** Jennifer Haskamp, Consulting Planner

**AGENDA ITEM:** Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and Planned Unit Development (PUD) Plans and Easement Vacation

**REVIEWED BY:** Ken Roberts, Planning Director  
Jack Griffin, City Engineer

### **BACKGROUND:**

The City Council is being asked to consider a request by H.C. Golf Land, LLC for approval of the Final Plat and final PUD plans for the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition. The Final Plat for the 3<sup>rd</sup> Addition includes 67 residential lots for development of 33 single-family villa style townhomes and 34 traditional single-family detached homes.

### **REVIEW/ANALYSIS:**

*Applicant and Owner:* H.C. Golf Land, LLC

*Location:* Outlot T, Royal Golf Club at Lake Elmo, PID# 25.029.21.22.0001, and Outlot J, Royal Golf Club at Lake Elmo, PID #25.029.21.31.0041.

*Request:* Application for Final Plat and PUD Plans to approve 67 residential lots and easement vacation

*Existing Land Use:* Vacant Outlot; Current Zoning: GCC – Golf Course Community

*Surrounding Land Use:* North – Rural Single Family (RS) and Rural Residential (RR), South – The Homestead (OP – Open Space), East – Golf Course (GCC – Golf Course Community),

*Comprehensive Plan:* GCC – Golf Course Community

*History:* Preliminary Plat and PUD Plans approval was granted on June 6, 2017 by Resolution 2017-047. Final Plat and PUD Plans for 1<sup>st</sup> Addition was granted on September 5, 2017 by



Resolution 2017-093. Final Plat and PUD Plans for 2<sup>nd</sup> Addition was granted on July 3, 2018 by Resolution 2018-070.

*Deadline for Action:* Application Complete – 10/16/18  
60 Day Deadline – 12/14/18  
Extension Letter Mailed – No  
120 Day Deadline – NA

*Applicable Regulations:* Chapter 153 – Subdivision Regulations  
Article 10 – Urban Residential Districts (GCC)  
§150.270 Storm Water, Erosion, and Sediment Control

### **ISSUE BEFORE CITY COUNCIL:**

To determine if the proposed Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition is consistent with the approved Preliminary Plat and that the relevant conditions to the 3<sup>rd</sup> Addition have been completed.

### **Public Hearing and Planning Commission Recommendation**

The Planning Commission held a duly noticed public hearing at their regular November 26, 2018 meeting to consider the subject application. No public testimony was given or submitted regarding the proposed Final Plat. After closing the public hearing, the Planning Commission discussed the proposed Final Plat, the following summary of their discussion is provided:

- Planning Commissioners discussed the changed configuration of the road network serving the Villa Lots in the Final Plat, and ultimately determined that the change from a loop road to two cul-de-sacs did not constitute a significant change.
- Discussion regarding the reduction in total number of lots in the 3<sup>rd</sup> Addition from that which was reflected in the Preliminary Plat was determined to be consistent with preliminary plans when considering all three platted additions collectively (1<sup>st</sup> Addition, 2<sup>nd</sup> Addition, and the 3<sup>rd</sup> Addition if granted.) Planning Commissioners noted the importance of ensuring that future phases, whether one or multiple, be consistent with the total number of lots approved as part of the Preliminary Plat.

After discussion, the Planning Commission recommended unanimous approval to the City Council of the Final Plat, Final PUD plans and Easement Vacation with the conditions as drafted and contained herein.

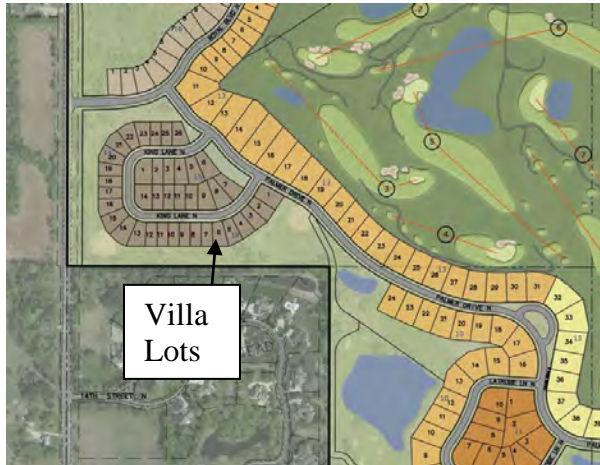
The following staff report is generally as presented to the Planning Commission and is provided for your review and consideration.



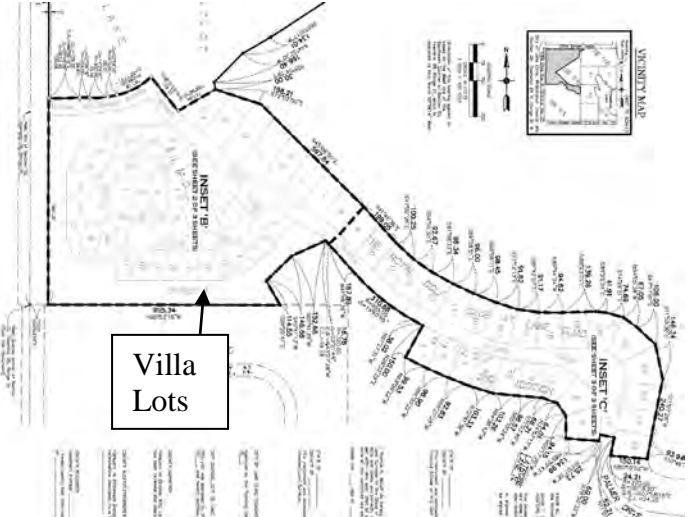
## **FINAL PLAT AND PUD PLANS**

**Consistency with Preliminary Plat.** The proposed lot sizes, widths, and proposed impervious surface are generally consistent with that of preliminary plat. The only change is the modification of Kings Lane which was shown as a loop road in the Preliminary Plat, and is now proposed as two cul-de-sacs in the Final Plat. As a result of the conversion to two cul-de-sacs, forty original villa lots fronting Kings Lane have been reduced to 33 villa lots. General circulation is maintained in the broader development with through-traffic along Palmer Drive.

### **Previous Preliminary Plat**



### **Updated Final Plat**



**PUD Flexibility.** The development was afforded the following flexibility through preliminary approval:

a. Setbacks:

#### **Royal Golf Club at Lake Elmo Setbacks**

	100 Ft. Wide Lots	80-90 Ft. Wide Lots	55-65 Ft. Wide Lots
Front	30 ft.	30 ft.	20 ft. for side loaded garages, or 25'
Side	10 ft.	10 ft.	10ft. house/5ft. garage or 7.5 ft./7.5 ft.
Corner Side	15 ft.	15 ft.	15 ft.
Rear	30 ft.	30 ft.	20 ft.

b. Maximum Impervious Coverage: The maximum impervious coverage for 55-65' wide lots shall be 50%. All other lots shall have a maximum impervious coverage of 40%.



- c. Lot Sizes: The minimum lot size for Villa lots (55-65' wide) in the development shall be 6,600 sq. ft.
- d. Attached Garages: That attached garages shall not exceed 1,300 sq. ft. in area at the ground floor level except by conditional use permit. The width of the visible garage door area when closed shall not exceed 60% of the principal building façade (including garage) fronting on the primary street.
- e. Subdivision Identification Signs: the Royal Golf Club at Lake Elmo residential subdivision shall be allowed up to a maximum of 4 subdivision identification signs, including the identification sign for the golf course entrance, not to exceed 24 sq. feet in sign area each, located no closer than 10 feet to any public right-of-way. In addition, neighborhood identification markers (pillars) shall be permitted to be no larger than 2 ft. x 2 ft. to identify the development logo and the name of the neighborhood. Additional subdivision signs should be considered for a subdivision of this size.
- f. All other requirements for the City's GCC – Golf Course Community zoning district will apply, including the allowed uses and other site and development standards.
- g. That the proposed street names within the development are generally consistent with the City's Street Naming Policy except for Annika Drive.

**Lot Sizes and Widths.** The smallest lot size of this addition is 7,621 square feet, with the largest lot size at 25,251 square feet. The smallest lot width is 57.1 feet and the largest lot width is 131.1 feet.

**Density.** The total area of the 3<sup>rd</sup> Addition is 103.70 acres. This total includes 20.56 acres of single-family residential lots, 6.62 acres of residential right-of-way, 4.75 acres of wetland, and 76.53 acres of outlots. Residential Density is therefore calculated as  $103.70 - 4.75 \text{ Wetland} = 98.95 / 67 \text{ units} = 1.48 \text{ units per acre}$  for the 3<sup>rd</sup> Addition.

**Outlots.** An explanation of ownership and purpose of the outlots is below.

- Outlot A will be owned by the HOA to be used for drainage and utility easement, landscaping, and open space purposes, and future residential development.
- Outlot B will be owned by the HOA. A drainage and utility easement will be over all of Outlot B.
- Outlot C will be owned by the HOA to be used for drainage and utility easement, landscaping, and open space purposes.

**Parkland Dedication.** As approved with the Preliminary Plat, the developer is required to dedicate 8.8 acres of land or pay a cash contribution of \$611,457.00 for the entire preliminary plat area (291 lots) and dedicate a total of 8,085 lineal feet of trails with a 30-foot wide corridor, less a 5,010 foot buffer encroachment. For this phase, the developer will be required to pay a cash contribution of \$140,834.00, calculated as follows: 67 lots at \$2,101.00 per lot.



A 30-foot-wide trail corridor was required to be dedicated to the City centered on public trails in the development and the value of the dedicated land was to be credited toward any fees in lieu of parkland dedication. The 3<sup>rd</sup> Addition does not include the trail corridor location, and therefore no reduction or credit is provided within this phase.

Construction of a play structure near the HOA fitness center was a condition of the 2<sup>nd</sup> Addition Final Plat, which was originally required to be completed prior to the 3<sup>rd</sup> Addition Final Plat. The developer asked the City in July 2018 to change this condition of approval to delay the installation of the required play structure until the construction of the 3<sup>rd</sup> Addition as it was not practical and potentially unsafe to install it during the construction of the 2<sup>nd</sup> Addition. The city approved a revised condition that the developer install the play structure in Outlot D of the 2<sup>nd</sup> Addition before the city releases building permits for the 3<sup>rd</sup> Addition.

**Landscaping.** The developer has provided landscaping plans for the 3<sup>rd</sup> Addition, which are attached hereto. The City's Landscape Architect has reviewed the landscape plans and has recommended approval with the condition of adjusting the location of trees noted on sheet L4 that will overlap proposed buildings and drive locations when mature.

It should be noted that the City approved an amendment to the Royal Golf Development Agreement which allowed the total number of trees in the development to be reduced from 3,800 warrantied trees to 2,912 warrantied trees, provided that the developer plant a minimum of two trees per villa lot and four trees per single-family traditional home lots. Further, the developer would reduce the number of trees required to be planted within the entire subdivision from 2,912 to 1,943 provided that the developer pay a park dedication fee of \$500.00 per 2.5-caliper-inch tree in lieu of planting the difference of 969 trees. With this provision, the developer will be required to pay the City a cash contribution of \$111,552 which is that proportion of trees associated within the 3<sup>rd</sup> Addition Final Plat. The calculation to determine the associated 3<sup>rd</sup> Addition Final Plat fee is as follows:  
[(\$500 X 969 2.5-caliper inch trees reduced within the entire preliminary plat area) / 291 Single Family Lots within all phases of the Subdivision X 67 Lots within the 3<sup>rd</sup> Addition]

**Street Design.** As shown on the 3<sup>rd</sup> Addition Final Plat the Applicant has proposed to reconfigure the 'loop' road and instead develop two cul-de-sacs to serve the lots within the 3<sup>rd</sup> Addition. Both cul-de-sacs as shown meet the City's ordinance requirements for cul-de-sac length, required right-of-way and cul-de-sac terminus. This change is generally consistent with the lot types shown on the Preliminary Plat and the cul-de-sacs do not change the character of the Plat.

**Street Naming.** The City amended its Street Naming Policy at the April 17, 2018, removing the provision that if appropriate, names with the same theme (i.e. flowers, nature) are permitted for naming streets in an entire subdivision. While the proposed street names of Royal Golf Club at Lake Elmo do not fit the City's now amended street naming policy, they are consistent with 1<sup>st</sup> Addition in that they are "golf-themed." While the names have already been approved through the Preliminary Plat process, it was a condition of approval that the Final Plat include street names as approved by Council.

**Engineering Comments.** The City Engineer review memo dated November 19, 2018 is attached to this report for your review and consideration.



**Fire Chief and Building Official Comments.** The application has been reviewed by the Fire Chief and Building Official, and they have provided no additional comments.

**Preliminary Plat Conditions.** The following explains how Preliminary Plat conditions have been met (Staff comments italicized and bold).

1. That cross-access easements be recorded between the owner of the golf course/golf club and the HOA to permit HOA and resident access to the future fitness center, clubhouse and other amenities by the HOA residents over the clubhouse entrance drive and parking lot and trails. ***Comment: This easement has been granted.***
2. Any expansion to the Royal Golf Club clubhouse or intensification of its use shall require a conditional use permit. ***Comment: The lot on which the clubhouse is situated was platted with 1<sup>st</sup> Addition, and this condition does not apply to 3<sup>rd</sup> Addition.***
3. That there shall be no encroachments to drainage and utility easements on residential lots other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement. ***Comment: No encroachments are proposed or shown on the Final Plat. Staff has included this as a recommended condition of approval.***
4. That the developer prepares an exhibit that clearly identifies the proposed setbacks for specific lots within the development. ***Comment: The developer has provided an exhibit which outlines setbacks within the development. The developer has been granted PUD flexibility which allows a 30 ft. setback on the 100 and 80-90 ft. lots and a 20 ft. setback on the 55-65 ft. lots; 10 ft. side yard setback on the 100 and 80-90 ft. lots and a 7.5 ft./7.5 ft. setback on the 55-65 ft. lots; a corner yard setback of 15 ft. on all lots; and a 30 ft. setback on the 100 and 80-90 ft. lots and a 20 ft. setback on the 55-65 ft. lots. This condition has been met.***
5. Prior to the execution of a Final Plat for any phase of the development by City officials, the Developer shall enter into a Developer's Agreement for that phase acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore. ***A development agreement will be prepared by Staff and approved by both the developer and City Council.***
6. Each phase of the Royal Golf Club at Lake Elmo shall be incorporated into the Common Interest Agreement concerning management of the common areas and establish a homeowner's association which shall be submitted in final form to the Planning Director before any building permit may be issued for any structure in any phase of the development. Said agreement shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. The HOA documents shall include required maintenance of wetland buffers. ***The Common Interest Agreement will need to be updated to include Royal Golf Club at Lake Elmo***



***3<sup>rd</sup> Addition and approved by the City Attorney prior to recording of the Final Plat.***

7. That the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features. ***Consistent with the 1<sup>st</sup> Addition and 2<sup>nd</sup> Addition, the 3<sup>rd</sup> Addition of Royal Golf Club at Lake Elmo shall be added into the HOA documents that establish the architectural standards consistent with this condition. The Applicant shall furnish this language to the City Staff for review prior to any building permit being issued for the 3<sup>rd</sup> Addition.***
8. The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space for each platted phase of the development. ***This has been added as a recommended condition of approval of the 3<sup>rd</sup> Addition Final Plat.***
9. That the HOA be responsible for the maintenance of all landscape walls that cross residential property lines or publicly owned Outlots or rights-of-way and that the walls be contained within a landscape easement. ***As shown on the Landscape Plans, there are no retaining walls proposed as part of the 3<sup>rd</sup> Addition.***
10. The developer shall provide for an HOA owned and maintained children's play structure or other similar improvement near the HOA fitness center as discussed by the developer during the PUD concept review. ***The 2<sup>nd</sup> Addition Final Plat required that the play structure near the HOA fitness center be installed prior to the application for the 3<sup>rd</sup> Addition Final Plat. As noted above, the developer as not yet installed the required play structure and so staff is recommending the City require the developer install the play structure in Outlot D of the 2<sup>nd</sup> Addition before the release of building permits in the 3<sup>rd</sup> Addition. This is consistent with the revised condition of approval approved by the city earlier this year.***
11. That a fee in lieu of park land dedication be paid to the City based upon an appraisal by an appraiser to be chosen by the City and paid for by the developer. Also, that a 30 ft. wide trail corridor be dedicated to the City centered on public trails in the development and that the value of the dedicated land be credited toward any fees in lieu of parkland dedication. The park land dedication shall not include wetlands, wetland buffer area, and no credit will be given for land beyond the 30 ft. centered on public trails. And lastly, that the cost of constructing any public trails within the dedicated park land be credited towards any fees in lieu of park dedication. ***The portion of park land dedication fee due for the 3<sup>rd</sup> Additional Final Plat has been calculated and added as a proposed condition of approval. As stated in previous sections of this report, there is no portion of the 30-foot wide trail corridor in this phase and therefore no credit to the fee is due.***



12. That a trail phasing plan be submitted by the developer to be approved by City Staff and that the public trails be constructed within each phase prior to building permits being issued for that phase of development. ***This condition has not yet been met as the developer has not paved the required trail. City staff agreed to allow the developer to pave the trail in spring to help ensure a better finish rather than having the developer install the trail this fall as it was cold and wet – making a proper installation of the pavement difficult.***
13. That a 10' wide trail segment be provided from Palmer Drive (on preliminary plans) to the east edge of the plat within the County Right-of-Way. ***This condition has been met.***
14. That the Tree Preservation Plans and Preliminary Landscape Plans be updated to comply with the City's tree preservation requirements and the City's landscape requirements for review and approval by the City prior to recording the Final Plat. ***The developer has submitted updated Tree Preservation and Preliminary Landscape Plans approved by the City. Additional comments from the City's Landscape Architect specific to the 3<sup>rd</sup> Addition are attached to this report.***
15. The developer consider woodland management and pollinator friendly native seeding in lieu of some required tree preservation replacement tree requirements as recommended by the City's Landscape Architect. ***The developer requested and the City approved a Development Agreement amendment which no longer requires that trees planted within single family lots be warrantied. This reduced the number of trees required within the development from 3,800 to 2,900. The developer also submitted, and the City approved a preliminary landscape plan which further reduces the number of trees within the development from 2,900 to 1,943. The developer will be required to pay a park land dedication fee of \$500 per 2.5 caliper inch tree not planted within each addition, totaling \$478,500 for the entire development. The portion of park land dedication fee associated with the 3<sup>rd</sup> Addition is calculated and included as a condition of the 3<sup>rd</sup> Addition Final Plat.***
16. All changes and modifications to the plans requested by the City Engineer in the Engineer's report dated, March 8, 2017 and June 1, 2017 shall be incorporated into the preliminary plat and PUD plans. ***The developer has submitted updated preliminary plat and PUD plans that have been approved by the City.***
17. The Preliminary Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in this resolution. ***It is a recommended condition of Final Plat approval that the developer meet all City standards and design requirements.***
18. The developer shall comply with all comments identified within the Washington County letter dated March 6, 2017, including providing an additional 17 feet of right-of-way along 10th Street N. and constructing turn lane improvements meeting Washington County standards at the developer's sole expense. ***It is a recommended condition of Final Plat approval that the developer comply with these comments. This condition does not apply to the 3<sup>rd</sup> Addition.***



19. That the preliminary PUD Plans be approved by Valley Branch Watershed District and that evidence be provided that all conditions attached to a Valley Branch Watershed District permit be provided prior to the commencement of any grading activity on the site. ***The preliminary PUD Plans were approved by the Valley Branch Watershed District, and grading activity on the site has already commenced.***
20. That open space within the shorelands of the residential development be protected with a conservation easement and that conservation easements be provided for review by the City Attorney and to be executed prior to Final Plat approval. ***It is a recommended condition of Final Plat approval that the developer provide these easements on Outlots H, F, E, B, D, C, A, L are all within the shoreland. None of the identified outlots from the Preliminary Plat are located within the 3<sup>rd</sup> Addition Final Plat; therefore this condition does not apply to the 3<sup>rd</sup> Addition Final Plat approval.***
21. That golf carts shall be prohibited on city streets and city trails unless specifically allowed by City Ordinance. ***The City approved an ordinance which allows golf carts on local streets through the adoption of Ordinance 08-209 on May 15, 2018.***
22. Prior to the issuance of building permits all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City. ***This is a recommended condition of Final Plat approval.***
23. The applicant must provide the city a letter of approval to perform the proposed work in the gas pipeline easement within the development area as a condition of preliminary plat approval. ***This condition is not applicable to 3<sup>rd</sup> Addition.***
24. Prior to the construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans for review and obtain a sign permit from the Planning Department. ***This is a recommended condition of Final Plat approval.***
25. That the preliminary plat be updated to include street names that are consistent with the City's street naming ordinance and approved by the City Council. ***This condition is met; see approved street naming conventions above.***
26. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act and shall acquire the needed permits from the appropriate watershed districts prior to the commencement of any grading or development activity on the site. ***This is a recommended condition of Final Plat approval.***
27. The developer shall enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of Final Plat and PUD plan approval. The City Engineer shall review any grading plan that is submitted in advance of a Final Plat and said plan shall document extent of any proposed grading on the site. ***This condition has been met.***



28. The developer shall submit a revised preliminary plat and plans meeting all conditions of approval. All of the above conditions shall be met prior to the City accepting an application for Final Plat. ***This condition has been met.***
29. That approval of the preliminary plat be contingent on Street D access to 10<sup>th</sup> Street. ***This condition has been met and does not apply to the 3<sup>rd</sup> Addition.***
30. That the Royal Golf Club development will not have street lights except at street intersections and cul-de-sacs. ***This is a recommended condition of Final Plat approval.***
31. That the developer work with the adjacent property owners to get an agreement in place for screening and that it be incorporated into the final landscape plans. ***The developer has had landscape plans approved by the Homestead neighborhood, and the submitted landscape plans for Final Plat are consistent with this approved landscape plan.***
32. That the developer address the Public Works Director's concerns as they pertain to the lift station designs as identified in a Public Works memorandum dated 5/19/2017. ***This condition has been met.***
33. That a \$1,000,000 donation to the Parks fund will be made with the phase of development when the former Tartan Park ballfields are no longer able to be used by the City. ***Development of the 3<sup>rd</sup> Addition affects the ballfields at former Tartan Park, therefore this requirement is added as a condition of Final Plat approval for the 3<sup>rd</sup> Addition. The developer will be required to make this donation to the City at the time the ballfields become unusable by the City (this includes storage of construction material, etc.) and before the City releases the final plat for recording.***

**Recommended Findings.** Staff recommends the following findings:

1. That all the requirements of City Code Sections 153.07 and 154.759 related to Final Plat and Final PUD Plans have been met by the Applicant.
2. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans are generally consistent with Preliminary Plat and PUD Plans approved by the City of Lake Elmo on June 6, 2017.
3. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
4. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans generally comply with the City's GCC - Golf Course Community zoning districts as modified by the PUD regulations.
5. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat PUD Plans comply with the City's subdivision ordinance.



6. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans comply with the City's Planned Unit Development Regulations.
7. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans comply with the City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated November 19, 2018 and modified by PUD regulations.
8. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans generally comply with other City zoning ordinances, shoreland, and erosion and sediment control, except as noted in this staff report and review memorandum from the City Engineer dated November 19, 2018.
9. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans generally comply with the City's landscaping and tree preservation ordinances, providing some flexibility to the Applicant to allow for woodland management and pollinator friendly native seeding in lieu of some required tree replacement in order to avoid possible detriment caused by over planting.
10. That the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans achieve multiple identified objectives for planned developments within Lake Elmo.
11. That the proposed Final Plat and PUD Plans are for the 3<sup>rd</sup> Addition of 67 single family residential units of a 291-unit total residential golf course community Planned Unit Development on 103.7 acres of land (of 231 acres total) located on the former 3M Tartan Park properties.
12. That the Final Plat and PUD Plans will be located on property legally described on the attached Exhibit "A".
13. That there has been significant public testimony that 20th Street is already dangerous without the additional traffic and that the City and developer need to explore ways to make the road safer.
14. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

a. Setbacks:

**i. Royal Golf Club at Lake Elmo Setbacks**

15.	16. 100 Ft. Wide Lots	17. 80-90 Ft. Wide Lots	18. 55-65 Ft. Wide Lots
19. Front	20. 30 ft.	21. 30 ft.	22. 20 ft. for side loaded garages, or 25'
23. Side	24. 10 ft.	25. 10 ft.	26. 10ft. house/5ft.



			garage or 7.5 ft./7.5 ft.
27. Corner Side	28. 15 ft.	29. 15 ft.	30. 15 ft.
31. Rear	32. 30 ft.	33. 30 ft.	34. 20 ft.

- a. Maximum Impervious Coverage: The maximum impervious coverage for 55-65' wide lots shall be 50%. All other lots shall have a maximum impervious coverage of 40%.
- b. Lot Sizes: The minimum lot size for Villa lots (55-65' wide) in the development shall be 6,600 sq. ft.
- c. Attached Garages: That attached garages shall not exceed 1,300 sq. ft. in area at the ground floor level except by conditional use permit. The width of the visible garage door area when closed shall not exceed 60% of the principal building façade (including garage) fronting on the primary street.
- d. Subdivision Identification Signs: The Royal Golf Club at Lake Elmo residential subdivision shall be allowed up to a maximum of 4 subdivision identification signs, including the identification sign for the golf course entrance, not to exceed 24 sq. feet in sign area each, located no closer than 10 feet to any public right-of-way. In addition, neighborhood identification markers (pillars) shall be permitted to be no larger than 2 ft. x 2 ft. to identify the development logo and the name of the neighborhood. Additional subdivision signs should be considered for a subdivision of this size.
  - i. *Staff Note:* If the developer requests a change to this, a variance should be requested.
- e. All other requirements for the City's GCC – Golf Course Community zoning district will apply, including the allowed uses and other site and development standards.
- f. That the proposed street names within the development are generally consistent with the City's Street Naming Policy as amended April 17, 2018.
- g. The developer has not yet constructed an HOA-owned and maintained play structure as required by the original condition of approval of the 2<sup>nd</sup> Addition Final Plat.

**Recommended Conditions of Approval.** Staff recommends the following conditions of approval:

1. That there shall be no encroachments to drainage and utility easements on residential lots other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement.
2. Prior to the execution of Final Plat, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that



delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.

3. The Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition shall be incorporated into the Common Interest Agreement concerning management of the common areas and establish a homeowner's association (HOA) which shall be submitted in final form to the Planning Director before any building permit may be issued for any structure in any phase of the development. Said agreement shall comply with Minnesota Statutes 515B-103 and specifically the provisions concerning the transfer of control to the future property owners. The HOA documents shall include required maintenance of wetland buffers.
4. That the HOA documents include architectural requirements that require four-sided architecture and garages facing the public rights-of-way to have windows and/or other architectural features.
5. The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for landscaping.
6. The developer shall provide evidence of an HOA owned and maintained children's play structure or other similar improvement has been constructed within Outlot D of the 2<sup>nd</sup> Addition before the release of building permits for the 3<sup>rd</sup> Addition.
7. That a fee in lieu of park land dedication be paid to the City based upon an appraisal by an appraiser to be chosen by the City and paid for by the developer.
8. That the developer pay a parkland dedication fee equal to \$500 per 2.5 caliper inch required in lieu of some required tree preservation replacement tree requirements, totaling **\$111,552.00** in lieu of planting the required number of trees required. This fee was calculated as follows: \$500.00 multiplied by 969 2.5-caliper inch tree not planted within the entire subdivision, divided by 291 single family lots within the entire subdivision, multiplied by 67 single family lots within the 3<sup>rd</sup> Addition.
9. All changes and modifications to the plans requested by the City Engineer in the Engineer's review memo dated November 19, 2018 shall be incorporated into the Final Plat and PUD Plans. The Applicant should note the requirements for VBWD permits for temporary storm water management.
10. The Final Plat and PUD Plans approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in this resolution.
11. Prior to the City issuing building permits, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City.
12. Prior to the construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans for review and obtain a sign permit from the Planning Department. Any amendments to the finding regarding signs indicated in this Resolution shall be subject to a PUD amendment or variance.
13. That the Final Plat include street names as approved by Council.
14. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act and shall acquire the needed permits from the appropriate



watershed districts prior to the commencement of any grading or development activity on the site.

15. That the Royal Golf Club development will not have street lights except at street intersections and cul-de-sacs.
16. That the developer make a \$1,000,000 donation to the City Parks fund when construction of the 3<sup>rd</sup> Addition prohibits use of the former Tartan Park ballfields, including construction materials storage and before the city releases the 3<sup>rd</sup> Addition final plat for recording.
17. The location and spacing of the trees that overlap the buildings and on edge of driveway when shown at mature diameter is adjusted and resubmitted on a revised landscape plan, per the Landscape Review memo, dated November 8, 2018.
18. The developer shall pave the unfinished trail in the 2<sup>nd</sup> Addition as soon as favorable conditions are available in the spring of 2019. The City may choose to not release building permits for the 3<sup>rd</sup> Addition in the spring of 2019 if the developer has not completed the required trail paving in a timely manner.

#### **EASEMENT VACATION**

**Reason.** The Applicant is requesting an easement vacation over Outlot T of Royal Golf Club at Lake Elmo. These drainage and utility easements were dedicated to the City with the Final Plat. This outlot will be re-platted with the 3<sup>rd</sup> Addition. In order to avoid “stacking easements” and to keep the title clean for future owners/users of the parcels, the Applicant is requesting that the easements be vacated with dedication of new easements. Outlot T will be dedicated right-of-way, residential lots, and become Outlot C for wetland and future development of the 4<sup>th</sup> Addition.

**Recommended Condition of Approval.** Staff is recommending approval, subject to the following condition of approval:

1. New easements on Outlot T as requested by the City Engineer and Public Works Director shall be recorded with the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat.

#### **RECOMMENDATION:**

Staff recommends that the City Council approve the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans, as well as the easement vacation request, based on the findings of fact and conditions outlined in the Staff Report.

***“Move to approve the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans based on the findings of fact and conditions outlined in the Staff Report.”***

***“Move to approve the easement vacation request to vacate existing drainage and utility easements over Outlot T, subject to conditions of approval.”***



**ATTACHMENTS:**

1. Final Plat Application and Narrative – October 15, 2018
2. 3<sup>rd</sup> Addition Final Plat
3. City Engineer's Review Memo – November 19, 2018
4. 3<sup>rd</sup> Addition Landscaping Plans
5. Landscape Architect's Review – November 8, 2018
6. Easement Vacation Application – October 16, 2018



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## ***FINAL PLAT APPLICATION***

Applicant: Royal Development, Inc.  
Address: 941 Hillwind Rd NE STE 301 Fridley, MN 55432  
Phone #: 651-505-9079  
Email Address: afurlong@royalclubmn.com

Fee Owner: H.C. Golf Land, LLC.  
Address: 941 Hillwind Rd NE STE 301 Fridley, MN 55432  
Phone #: 651-505-9079  
Email Address: afurlong@royalclubmn.com

Property Location (Address): 11455 20th Street N Lake Elmo, MN 55042  
Complete (long) Legal Description: See Attached

PID#: See Attached

General information of proposed subdivision: Residential development of a golf course community with  
291 homes. See narrative for further details

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning Ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 10-16-18

Fee Owner Signature: [Signature] Date: 10-16-18



**FINAL PLAT APPLICATION REQUIREMENTS<sup>1</sup>**  
**All Subdivisions of Land creating four (4) or more lots**

This handout is intended to provide guidance on putting together and submitting a Final Plat application for the subdivision of property in Lake Elmo. The purpose of the Final Plat is to incorporate all conditions placed on the Preliminary Plat application into the final plans, and to finalize all documentation for legal recording at the County. This steps completes the subdivision process.

In order to have your Final Plat application be complete and reviewed in a timely fashion, there are a number of steps that must be followed:

1. **Pre-submittal Meeting:** Contact City Staff to discuss the status of any outstanding Preliminary Plat conditions, to discuss the requirements for Final Plat application submittal and obtain another land use application.
2. **Final Plat Submittal:** Prepare an informational packet (described herein) that fulfills the Final Plat submittal requirements. Providing a detailed and thorough application packet will greatly reduce the overall review time. Submit your completed packet to Staff to initiate review.
3. **Completeness Review:** Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so Staff can assist you in meeting all requirements. Applications found to be incomplete will be returned to the applicant.<sup>2</sup>
4. **Final Plat Review/Processing:** Staff will process completed applications. This process typically requires at least one applicant revision and resubmittal of plans to work through review comments. The process may also include additional applicant meetings, requesting review comments from partnering agencies, and writing reports.
5. **Planning Commission Meeting:** Once the plans are revised to fully meet the Zoning and Subdivision Ordinance and Engineering Design Standards as outlined by Staff, planning and engineering reports are prepared and the item is scheduled for the next available Planning Commission meeting (2<sup>nd</sup> or 4<sup>th</sup> Monday of the month<sup>3</sup>).

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<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

<sup>2</sup> Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

<sup>3</sup> Staff will determine when applications are reviewed based on the time needed to review the application and the number of items already scheduled on future agendas. Please note that meeting dates are ange due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.



6. **Revisions:** If needed, the Final Plat is revised to address the Planning Commission's recommendation(s) and any outstanding review comments prior to City Council consideration.
7. **City Council Meeting:** Once the plans are finalized and ready for the City Council's consideration, staff reports are prepared and the Final Plat is placed on the next available City Council meeting agenda (1<sup>st</sup> or 3<sup>rd</sup> Tuesday of the month<sup>3</sup>). Applicants are advised to attend both the Planning Commission and City Council meetings and be open to questions regarding the request.
8. **Decision:** The City Council will review the request and either grant or deny the Final Plat.
9. **Title Work:** If the Final Plat application is approved by the City Council, all title work must be reviewed and approved by the City Attorney before the plat is recorded by the County. The applicant shall provide evidence in a form satisfactory to the City Attorney that he/she has fee interest in the subject property.

Above all else, it is imperative that an applicant begin preparations as early as possible and to ensure that a complete application is submitted. Review by the Planning Commission will not occur until at least three weeks have passed from when the City has deemed the application complete.

**Final Plat Fees:** The City Council has established a **non-refundable fee**<sup>4</sup> for processing Final Plat applications. Please see the current fee schedule on our website. In addition, the City requires that the applicant enter into an Escrow Agreement with the City and post an \$8,000 escrow to reimburse the City for all technical planning, engineering, public works and legal review.

You will find that a great deal of the information requested for a Final Plat application matches the requirements for Preliminary Plat application submittal. While we have your original applications, the City does require that all applicants submit a new and complete application at every stage of the development process (updating information as needed). This allows us to track changes as the application progresses through the various levels of review. With this in mind, the following materials must be submitted prior to deeming an application complete:

**Sub:   Req:   Item:**

- |                          |                          |                                                                                                                                                                |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. <b>A completed land use application form</b> signed by <b>all</b> property owners along with payment of the proper filing fee, escrow and escrow agreement. |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|

<sup>4</sup> Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).



- ☐ ☐ 2. **Written statements** providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below (answers must be submitted in both hard copy and electronic form-- MS Word format or PDF):
- a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.
  - b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s).
  - c. Final Subdivision and Lot Information:
    - i. The name of the Final Plat.
    - ii. A table listing the lot and block number, size of lot, width of lot, and depth of lot.
    - iii. Final exact area calculations of parks, trails, and any other dedicated public open space; and estimated values of all dedicated land and improvements (trails, park equipment, sports fields, etc.).
    - iv. Final exact area calculations of wetlands and buffers.
    - v. Final proposed area calculations for all dedicated right-of-ways.
    - vi. Proposed legal descriptions for: all lots, easements to be created (if not being dedicated on the plat), and easements to be vacated (if any).
  - d. An explanation of how issues have been addressed since the Preliminary Plat phase of the development.
  - e. A statement showing the final density of the project with the method of calculating said density shown.
  - f. Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc) necessary to serve the subdivision.
  - g. If applicable, a narrative addressing how concerns/issues raised by neighboring properties have been addressed (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed).
  - h. If applicable, a description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated.
  - i. Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area.



**Written statements continued:**

- j. If applicable, provide a description of proposed lakeshore access (i.e. shared dock with multiple slips, individual docks for each lot, etc.).
- k. A description of proposed parks and/or open space, including a brief statement of the overall land dedication of fees to be paid in lieu of land dedication that meets the public land dedication requirements of the Subdivision Ordinance.
- l. A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

- ☐ ☐ 3. **Plat & Associated Plans:** Ten (10) packets of reduced size (11x17) and five (5) packets of full plan size (24x36) containing each of the following required pieces of information depicting the proposed subdivision. Each document shall be at a consistent, readable, and measurable engineering scale, include a title and a page number (Sheet 1 of 5±, Sheet 2 of 5±, et cetera). Staff will assist you in determining what is required. The plan sets will not be considered complete unless all required elements are included. Additionally, each of the packet items must be submitted in an electronic format (.jpg, .pdf, etc.) for use in presentations.

The following pages outline the information that is required to deem your application complete.



☐ **Final Plat:****Sub:    Required:    Item:**☐☐**1. Administrative Information:**

- *Appropriate identification of the drawing (i.e. final plat, grading plan, etc).*
- *Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivision in Washington County. Proposed names must be verified by the Washington County Recorder.*
- *Signature of surveyor, engineer, landscape architect, and all other professionals certifying the documents.*
- *Date of plan preparation with revision date(s) (if any).*
- *Graphic scale and true north arrow(engineering scale only, not less than one (1) inch equals one hundred (100) feet.*
- *A complete Legend depicting all line types and symbols used within the plans.*

**Final Plat continued:**☐☐**2. General Property Information:**

- *Address(es) and PID(s) for the subject property.*
- *Existing legal description(s) for the subject property.*
- *Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be platted.*
- *Date of survey.*
- *Name, address, and phone number of landowner (and subdivider if not the same)*
- *Name, address, and phone number of engineer, surveyor, landscape architect, or land planner preparing the plat (include registration #'s)*

☐☐**3. Indication of the gross area being subdivided and the proposed number of lots shown in square feet and acres.**☐☐**4. Existing site improvements within the parcel of land to be platted and for a distance of 150 feet outside of the parcel boundaries.**☐☐**5. Zoning district(s) of the land being subdivided (if more than one zoning district, zoning boundary lines must be shown) and proposed future zoning for the subdivided land.**



- ☐ ☐ 6. Layout of proposed lots with future lot and block numbers. The boundary lines of the subdivision should be clearly distinguishable from other property lines. Denote outlots planned for public dedication and/or open space (schools, parks, trails, stormwater ponds, etc.).
- ☐ ☐ 7. Layout of existing property lines if (different from proposed lot lines). Existing lot lines should be easily distinguishable from the proposed lot lines and not be a prominent feature on the plat.
- ☐ ☐ 8. Denote the area within each of the proposed parcels (in the appropriate units of acres and/or square feet)
- ☐ ☐ 9. Existing contours at intervals of two feet. Contours must extend a minimum of 150 feet beyond the boundary of the parcel(s) in question.
- ☐ ☐ 10. Delineation of wetlands and/or watercourses on the plat and within 150 feet of the perimeter of the subdivision parcel. The ordinary high water elevation and the 100 year flood elevation shall be shown for all existing water bodies.
- ☐ ☐ 11. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel, showing pavement type and width.

***Final Plat continued:***

- ☐ ☐ 12. All easements of record within or adjacent to the plat.
- ☐ ☐ 13. Lines establishing the buildable area on each lot (setbacks)
- ☐ ☐ 14. Boundary lines of adjoining parcels within three hundred fifty (350) feet beyond the plat. Individual parcels shall be identified by name and ownership including all contiguous land owned or controlled by the subdivider.
- ☐ ☐ 15. Location and dimensions of existing buildings or significant above ground structures on or within one hundred and fifty (150) feet of the outer plat boundary.
- ☐ ☐ 16. Location of any unique natural and/or historic features (if any)

☐ ***Final Grading, Drainage & Erosion Control Plan:*****Sub:   Required:   Item:**

- ☐ ☐ 1. Appropriate identification of the drawing as a "final grading, drainage and erosion control plan."
- ☐ ☐ 2. Administrative information as required for the Final Plat



- |                          |                          |                                                                                                                                                                                                                                                                                           |
|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Grading Plan: The developer shall submit a final grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following information: |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. North arrow and date of preparation.                                                                                                                                                                                                                                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Graphic Scale (engineering scale only, not less than one (1) inch equals fifth (50) feet).                                                                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. For each lot, provide lot and block numbers, building pad location, building type and proposed building first floor elevation, low floor elevation and elevation at garage slab.                                                                                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Stormwater Management Plan, with a narrative, including the configuration of drainage areas and calculations that meet the requirements of the City Code and/or applicable Watershed Standards.                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Location of all natural features on the tract. Natural features are considered to include, but are not limited to the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.                                                            |

***Final Grading, Drainage and Erosion Control Plan continued:***

- |                          |                          |                                                                                                                                                                                                                                                                                                   |
|--------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 9. All delineated Wetlands and watercourse buffers per the City and Watershed standards; and wetland replacement plan, if needed.                                                                                                                                                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within one hundred fifty (150) feet of the tract. Existing pipe type, grades, rim and invert elevations and normal and high water elevations must be included. |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Normal water level (NWL) and 100-year high water level (100-year HWL) for all water bodies, existing and proposed.                                                                                                                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Spot elevations at drainage break points and emergency overflows (in BOLD) with directional arrows indicating site, swale and lot drainage.                                                                                                                                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Retaining Walls (wall heights and elevations).                                                                                                                                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds and BMP's proposed to serve the tract.                                                                                                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Locations and elevations of all street high and low points.                                                                                                                                                                                                                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Street grades shown.                                                                                                                                                                                                                                                                          |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Provide phasing plan for site grading.                                                                                                                                                                                                                                                        |



- |                          |                          |                                                                                                                                                                                                                                                                                                                            |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 18. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan using Lake Elmo city standard details. Plan must meet the requirements of MPCA General Permit Construction Activity. |
| <input type="checkbox"/> | <input type="checkbox"/> | 19. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan.                                                                                                                                                                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. Existing contours at two (2) foot intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty (150) feet outside of the tract.                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 21. Proposed grade elevations at two (2) foot intervals shown as solid lines.                                                                                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. Other information as required and outlined in the City Plan Sheet Format Requirements.                                                                                                                                                                                                                                 |

☐ ***Final Utility Plan:***

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**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a "final utility plan."                                                                                                                                                                                                                                                                                                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat                                                                                                                                                                                                                                                                                                                                                          |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Utility Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:                                                                                                                                                                                                                                                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Easements: Location, dimension and purpose of all utility easements.                                                                                                                                                                                                                                                                                                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Underground and Overhead Facilities: Location and size of existing utilities including sewers, water mains, culverts, gas, electric, phone, cable, fiberoptic, utility poles or other underground facilities within the tract and to a distance of one hundred fifty (150) feet beyond the tract. Such data as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown. |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Proposed utility plans including sanitary sewer, watermain, and storm sewer, all in accordance with the City engineering design standards manual.                                                                                                                                                                                                                                                                  |



- |                          |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Water Supply, Public: Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed to the property line. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the engineering design standards as approved by the City Engineer and in accordance with the City's Comprehensive Water Plan. The Final Utility Plan shall indicate the location of all hydrants and valves. |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Water Supply, Private: In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities. Well plans must comply with the State Well Code, as may be amended, and be submitted for the approval of the City Engineer.                                                                                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Sewage Disposal, Public: Sanitary sewer laterals and service connections shall be installed in accordance with the design standards of the City as approved by the City Engineer. The Final Utility Plan shall provide the locations, grades, rim and invert elevations, and sizes of all proposed sanitary sewer facilities to serve the tract.                                                                                                                                                                                     |

***Final Utility Plan continued:***

- |                          |                          |                                                                                                                                                                  |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Sewage Disposal, Private: All individual sewage treatment systems shall be installed in accordance with all applicable State, County, and City requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Other information as required and outlined in the City Plan Sheet Format Requirements.                                                                       |

☐ ***Final Street & Storm Sewer Plan:*****Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                              |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a "final street & storm sewer plan."                                                                                                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the preliminary plat                                                                                                                           |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Street and Storm Sewer Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Layout of proposed streets showing the proposed lot lines, right-of-way widths, and proposed names of streets in conformance with the County Uniform Street Naming and Addressing System. |



- |                          |                          |                                                                                                                                                                                                                  |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Locations and widths of proposed streets, alleys and pedestrian-ways.                                                                                                                                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Location, dimensions and purpose of all easements.                                                                                                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Annotation of street geometrics for all horizontal curves, tangent lengths and corner radii.                                                                                                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Centerline profile and gradients for all streets, with vertical geometrics annotated on the plan profiles.                                                                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Typical cross section of proposed street improvements.                                                                                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Minimum front and side street building setback lines.                                                                                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. When lots are located on a curve, the width of the lot at the building setback line.                                                                                                                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Location and number of off-street parking spaces (guest, handicapped, bicycle, motorcycle, etc.) including typical dimensions of each. <i>Note: not required for single family residential developments.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Other information as required and outlined in the City Plan Sheet Format Requirements.                                                                                                                       |

☐ ***Final Tree Preservation Plan<sup>5</sup>:***

**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing(s) as the "final tree preservation plan."                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.                                                                                                                                                                                                                                                                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Tree Preservation Plan, prepared and signed by a Minnesota licensed forrestor or landscape architect, depicting the following information:                                                                                                                                                                                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Tree inventory and survey, including a total listing of all healthy significant trees, all healthy significant trees to be removed and all healthy significant trees to remain. Information should be presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form (charts listing significant trees by field tag number). |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. General description of the trees on the site not meeting the significant size threshold.                                                                                                                                                                                                                                                                                       |

<sup>5</sup> All tree preservation plans shall be certified by a forester or landscape architect.



- |                          |                          |                                                                                                                                                                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Locations of proposed buildings, structure, or impervious surfaces.                                                                                                                                                                                                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Delineation of all areas to be graded and limits of land disturbance.                                                                                                                                                                                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Identification of all significant trees to be removed in the construction area, presented in both graphic and tabular form.                                                                                                                                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Measures to protect the significant trees that are to remain.                                                                                                                                                                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary, presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form. |

☐ ***Final Landscaping Plan<sup>6</sup>:***

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**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                  |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing(s) as the "final landscaping plan."                                                                                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.                                                                                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. The proposed location, size, quantity, and species of all existing and proposed plant materials as required in §154.258. Information should also be provided in tabular form. |

***Final Landscaping Plan continued:***

- |                          |                          |                                                                                                  |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Methods for protecting existing trees and other landscape material, consistent with §154.257. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Proposed structural and ground cover materials.                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Proposed provisions for irrigation and other water supplies.                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. If required, proposed screening showing details and typical cross-sections.                   |

☐ ***Ghost Plat (Note: Ghost Plat may be required dependent on potential future land uses of adjacent property as guided by the City's Comprehensive Plan):***

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**Sub:   Required:   Item:**

- |                          |                          |                                                                                                                                                                                                                                           |
|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a "ghost plat."                                                                                                                                                                           |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.                                                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Show potential future subdivision possibilities for the land if your proposal was approved (i.e. if you are not subdividing to the maximum density, how might the land be further divided in the future to reach the maximum density). |

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<sup>6</sup> All landscape plans shall be certified by a landscape architect.



- ☐ ☐ 4. Indicate how the proposed subdivision will relate to potential future subdivisions of adjacent properties (you may need to ghost plat development on adjacent properties to establish this relation).

☐ **Electronic files**

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**Sub: Required: Item:**

- ☐ ☐ 1. A cd or flashdrive must be submitted which includes electronic files for the written statements regarding the proposal, the plat and all associated plans. Staff can generally work with most file formats (.jpg or .pdf files are preferred).

**Sub: Req: Item:**

- ☐ ☐ 4. **Supplemental Information.** Depending upon the submittal, the following items may also be required:

- ☐ ☐ Feasibility report(s) for proposed individual on-site sewer and water systems. Such reports will be required with any future plat;

***Supplemental Information continued:***

- ☐ ☐ Proposed protective covenants;
- ☐ ☐ Ten (10) copies of a context diagram that graphically depicts how the development plan relates to its surrounding neighborhood or community context including the pedestrian, bike, and street (vehicular access) network (existing and potential);
- ☐ ☐ A Traffic Impact Study (TIS) (6 copies) prepared in accordance with State, County and/or City Engineering guidelines;
- ☐ ☐ A soil survey and report;
- ☐ ☐ Signed letters of intent indicating that all required off-site easements and off-site rights-of-way necessary for the project could be negotiated and obtained;
- ☐ ☐ A hydrological/groundwater report;
- ☐ ☐ Any other special natural area or environmental study or report pursuant to Lake Elmo Code as requested by the City, if such exists or is deemed necessary;



- ☐ ☐ Any **other information** required by Staff, Commissioners, or Council Members necessary to provide a complete review of the preliminary plat and associated plans<sup>7</sup>. Additional items include:
- \_\_\_\_\_

**Sub:   Req:   Item:**

- ☐ ☐ 5. **Variances:** If you are requesting variances in any portion of the submitted Final Plat, the City asks that you list each of the requested variances and provide an explanation as to why each is necessary and cannot be avoided. Additionally, you must provide written answers to the following questions:
- (1) Identify the unusual hardship on the land that necessitates the variance request; and
  - (2) Explain the nature of the proposed use of land and the existing use of land in the vicinity of the property; and
  - (3) Estimate the number of persons to reside or work in the proposed subdivision; and
  - (4) Indicate the anticipated effect of the proposed subdivision upon traffic conditions in the vicinity.

**Sub:   Req:   Item:**

- ☐ ☐ 6. **Additional Applications:** If your request involves a rezoning request, additional applications will be required.
- ☐ ☐ Zoning Map Amendment Application

Upon City Council approval of Final Plat, and prior to any construction commencing, a pre-construction meeting must occur for both grading and street utility construction. These meetings may be combined into one meeting provided all items on both check lists are completed. Pre-construction meetings may not occur before the City Council approves the Final Plat and Development Agreement.

**Checklist for Pre-Construction Conference for Grading**

- 1. ☐ Payment of Development Fees
- 2. ☐ Issuance of securities on City of Lake Elmo approved form

<sup>7</sup> Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



3. ☐ Copy of Certificate of Insurance for both Developer and General Contractor identifying City of Lake Elmo as additional insured on City of Lake Elmo approved form
4. ☐ Copy of NPDES card
5. ☐ Grading specifications
6. ☐ Proposed construction schedule
7. ☐ List of subcontractors and contacts
8. ☐ List of materials and suppliers

Prior to grading operations commencing, contractor shall install all perimeter erosion control and other required erosion control best management practices and have the site inspected and approved by the City of Lake Elmo's Water Resource Manager.

#### **Checklist for Pre-Construction Conference for Streets and Utilities**

1. ☐ Payment of Development Fees
2. ☐ Issuance of securities on City of Lake Elmo approved form

#### ***Street and Utility Pre-Con Checklist continued:***

3. ☐ Copy of Certificate of Insurance for both Developer and General Contractor identifying City of Lake Elmo as additional insured on City of Lake Elmo approved form
4. ☐ Approved construction plans and specifications. (Note: these may not be the same as the approved Final Plat Street and Utility Plans. Questions about construction plans and specifications should be directed to the City Engineer)
5. ☐ Minnesota Department of Health Watermain Permit
6. ☐ Minnesota Pollution Control Agency Sanitary Sewer Extension Permit
7. ☐ Proposed construction schedule
8. ☐ List of subcontractors and contacts
9. ☐ List of materials and suppliers



State Statutes provide City staff with fifteen (15) business days to review an application to determine if it is complete. Applications found to be incomplete will be returned to the applicant. Please contact staff at (651) 747-3900 if you have any questions.

Thank you!

*This handout last updated on 6/9/2016*





**PARCEL SEARCH APPLICATION**  
**PUBLIC WORKS DEPARTMENT**  
**SURVEY DIVISION**  
11660 Myeron Road North Stillwater, Minnesota 55082  
PHONE (651) 430-4300 EMAIL Publicworks@co.washington.mn.us

Payment Date:

Parcel Search File No:

Checks payable to **WASHINGTON COUNTY**

Payment Type:

**REQUEST FOR SURROUNDING PROPERTY OWNERS AND ADDRESSES**

List of owner names and addresses for parcels located within 350 feet

of: Parcel Identification Number(s): City of Lake Elmo will mail out

Property Owner

Property Address – City, State and Zip

Royal Development Inc.

11455 20th Street N, Lake Elmo, MN 55042

Email

Phone

afurlong@royalclubmn.com

651-505-9079

Applicant (if different than owner)

Mailing Address – City, State and Zip

Business (if applicable)

Phone

Mailing labels

Date needed: \_\_\_\_\_

Yes ☒

No

Mail report

Pick up report

# of sets of labels: \_\_\_\_\_

**Parcel Search Fees**

1st 25 parcels, including subject parcel (\$50.00)

\$ \_\_\_\_\_

# of additional parcels \_\_\_\_\_ x .50

\_\_\_\_\_

1 sheet of 30 labels (\$1.00/set)

\_\_\_\_\_

# of additional sheets of labels \_\_\_\_\_ x 1.00

\_\_\_\_\_

Postage, if parcel search is mailed (\$2.00)

\_\_\_\_\_

Fee, if parcel search is faxed (\$2.00)

\_\_\_\_\_

Amount due:

\$ \_\_\_\_\_

Total # of parcels \_\_\_\_\_

Total # of labels \_\_\_\_\_

Completion date \_\_\_\_\_

Service Rep \_\_\_\_\_

THIS INFORMATION WAS COMPILED FROM WASHINGTON COUNTY SURVEYOR MAPS AND COUNTY ASSESSOR DATA FILES.  
THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY INACCURACIES IN THE INFORMATION RELIED UPON IN THIS PARCEL SEARCH.

An Equal Employment Opportunity/Affirmative Action Employer





**City of Lake Elmo**  
**Escrow Agreement for Municipal Review Services**  
**Deposit Agreement**

THIS AGREEMENT is made this 16 day of October 2018, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

Royal Development Inc.  
11455 20th Street N,  
Lake Elmo, MN 55042

B. "Owner" whose name and address is:

H.C. Golf Land, LLC.  
941 Hillwind Rd NE STE 301  
Fridley, MN 55432

**RECITALS**

**WHEREAS**, the Applicant has applied to the City for approval for one or more of the following:  
(Circle One)

- |                                     |    |                          |
|-------------------------------------|----|--------------------------|
| <input type="checkbox"/>            | 1. | Concept / Sketch Plan    |
| <input type="checkbox"/>            | 2. | Preliminary Plat         |
| <input checked="" type="checkbox"/> | 3. | Final Plat               |
| <input type="checkbox"/>            | 4. | Planned Unit Development |
| <input type="checkbox"/>            | 5. | Open Space Development   |
| <input type="checkbox"/>            | 6. | Conditional Use Permit   |
| <input type="checkbox"/>            | 7. | Commercial Zoning / Use  |
| <input type="checkbox"/>            | 8. | EAW Review               |

**WHEREAS**, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

**WHEREAS**, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.



**NOW THEREFORE**, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
  - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
  - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
  - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
  - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant



agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Applicant; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[ Signature Page Follows ]



IN WITNESS WHEREOF, we have hereunto set our hands and seals.

APPLICANT

OWNER:

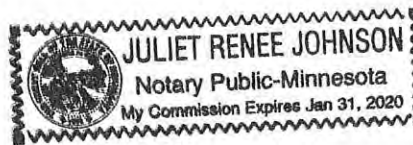
By: [Signature]  
Its: James F Felten  
President

By: [Signature]  
Its: James F Felten  
President

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

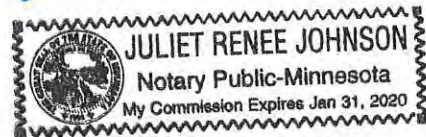
STATE OF MINNESOTA     )  
                                          ) ss.  
COUNTY OF WASHINGTON    )



On this 16th day of October, 2018, before me a Notary Public within and for said County, personally appeared James Felten and James Felten to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

[Signature]  
Notary Public

STATE OF MINNESOTA     )  
                                          ) ss.  
COUNTY OF WASHINGTON    )



On this 16th day of October, 2018, before me a Notary Public within and for said County, personally appeared James Felten and James Felten to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

[Signature]  
Notary Public



CITY OF LAKE ELMO

\_\_\_\_\_  
By: Kristina Handt  
Its: City Administrator

\_\_\_\_\_  
Attest: Julie Johnson, City Clerk

STATE OF MINNESOTA       )  
                                          ) ss.  
COUNTY OF WASHINGTON    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 201 , before me a Notary Public within and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

\_\_\_\_\_  
Notary Public





Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## **ACKNOWLEDGEMENT OF RESPONSIBILITY**

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant  Date 10-16-18

Name of applicant Royal Development, Inc. Phone 651-505-9079  
(Please Print)

Name and address of Contact (if other than applicant) James Felten

11455 20th Street N, Lake Elmo, MN 55042





Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

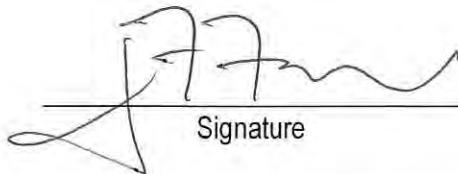
## ***AFFIRMATION OF SUFFICIENT INTEREST***

I hereby affirm that I **am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant **Royal Development Inc.**  
(Please Print)

Street address/legal description of subject property **11455 20th Street N Lake Elmo, MN 55042**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Signature

10-16-18  
\_\_\_\_\_  
Date

**If you are not the fee owner**, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

**If a corporation is fee title holder**, attach a copy of the resolution of the Board of Directors authorizing this action.

**If a joint venture or partnership is the fee owner**, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



Exhibit A

Outlot T, The Royal Golf Club at Lake Elmo, PID: 25.029.21.22.0001

Outlot J, The Royal Golf Club at Lake Elmo 2<sup>nd</sup> Addition, PID: 25.029.21.31.0041



**The Royal Golf Club at Lake Elmo 3rd Addition**

<b>Lot</b>	<b>Block</b>	<b>Area (sq. ft.)</b>	<b>Lot Width</b>	<b>Lot Depth</b>
1	1	13,665	110.6	139.5
2	1	8,788	64.0	135.1
3	1	8,719	63.7	134.7
4	1	10,218	63.9	134.5
5	1	10,733	60.4	134.5
6	1	10,369	59.5	134.5
7	1	13,995	130.3	129.3
8	1	13,587	73.2	143.3
9	1	10,239	78.3	137.2
10	1	10,149	50.7	154.3
1	2	11,958	69.7	134.5
2	2	8,608	64.0	134.5
3	2	8,866	64.4	134.5
4	2	10,579	62.0	137.1
5	2	11,014	62.0	143.8
6	2	12,349	57.1	147.5
7	2	10,481	62.5	132.1
8	2	10,618	98.7	151.4
9	2	9,278	62.9	154.2
10	2	8,151	63.6	130.6
11	2	7,929	63.4	126.9
12	2	9,698	108.1	123.7
1	3	12,399	55.0	131.5
2	3	8,055	61.3	137
3	3	7,621	62.8	126.4
4	3	7,757	64.2	127
5	3	9,203	58.5	133.9
6	3	10,266	61.6	125
7	3	9,577	64.2	126.6
8	3	8,023	64.2	128.1
9	3	8,095	64.2	129.1
10	3	7,988	68.0	125.8
11	3	8,784	62.3	143.1
1	4	18,893	126.4	185.9
2	4	21,360	100.5	211.1
3	4	25,251	100.0	255.1
4	4	25,018	100.0	250.8
5	4	22,769	100.0	228.9
6	4	20,016	100.0	200.5
7	4	17,272	100.0	172.8
8	4	16,225	102.1	152.2
9	4	15,128	101.4	151.7
10	4	15,191	100.0	152.1
11	4	15,158	100.0	152.8



12	4	15,507	108.4	151.5
13	4	15,240	104.3	150.5
14	4	15,277	104.7	150.9
15	4	15,110	101.8	150.3
16	4	15,578	109.7	152
17	4	15,626	110.4	152
18	4	15,396	106.3	151.6
19	4	15,000	100.0	150
20	4	18,007	100.0	150
21	4	19,108	100.0	150
22	4	19,228	100.0	150
23	4	15,726	100.0	150
24	4	15,000	100.0	150
25	4	15,359	107.1	150.3
1	5	14,216	92.4	149.3
2	5	13,842	90.1	149.3
3	5	13,651	90.0	149.9
4	5	14,158	90.1	148.6
5	5	13,643	90.1	143
6	5	13,232	94.1	138.8
7	5	14,933	124.7	145.2
8	5	15,393	131.1	145
9	5	17,035	104.5	144.5
<b>Total Lot</b>		895,305		
Outlot A		234,579		
Outlot B		17,672		
Outlot C		3,081,280		
<b>Total Outlot</b>		3,333,531		
Right of Way		288,324		
<b>TOTAL</b>		4,517,160		
Measured		4,517,160		
Difference		0		
<b>Wetland Area</b>		207,059		





October 15, 2018

Mr. Ben Prchal

Director of Planning City of Lake Elmo

3800 Laverne Ave. N. Lake Elmo, MN 55042

Re: Final Plat/P.U.D. Narrative -The Royal Golf Club at Lake Elmo

Dear Mr. Prchal,

H.C. Golf Land, LLC and Royal Development, Inc. is pleased to submit herewith our application for final plat and planned unit development approval for Phase III at The Royal Club at Lake Elmo. H.C. Golf Land and Royal Development would like to extend their sincere thanks to the City of Lake Elmo, its City Council, its Advisory Committees and its staff and consultants for their direction, cooperation and assistance in moving the RGC to this juncture. The following narrative will set out the basic elements of the plat, address those information items requested in the application forms and those items which will need collaboration between us as we move this plat to final acceptance.

**Owner**

H.C. Golf Land, LLC is the current fee owner of the underlying property (Outlot T of The Royal Golf Club at Lake Elmo and Outlot J, The Royal Golf Club at Lake Elmo 2<sup>nd</sup> Addition). As soon as the final plat is recorded H.C. Golf Land, LLC will retain ownership of Outlot C of the 3<sup>rd</sup> Addition and transfer fee ownership of the lots/blocks to Royal Development, Inc., with Outlots A and B being transferred to the homeowner's association or the City, as the City directs. Based on this current ownership and intended immediate transfer, the "Applicant" under the application is Royal Development, Inc. and the "Owner" is H.C. Golf Land, LLC. All additional documents should be prepared under the Royal Development, Inc. name as it is the developer and will be fulfilling the obligations as set forth in those agreements.





### **Existing Zoning**

The property has been zoned GCC (Golf Course Community) by the City of Lake Elmo.

### **Plat Area/Ownership/Description**

The property is owned by H.C. Golf Land, LLC and is comprised of two parcels whose current P.I.D. 's and legal descriptions are attached hereto as Exhibit "A". The property has been divided into lots, blocks and outlots for the development of our Phase III, with additional outlots reserved for future phases of development.

**Residential** -Contained in Blocks 1, 2, 3, 4, and 5 are 67 residential home site lots consisting of 34 traditional single family detached lots and 33 -"Villa" lots for detached single-family townhomes which will have Villa Association -maintained lawns and exteriors as further noted below.

**Outlets** -The final plat contains three outlots designated as Outlets A, B and C.

### **Residential Setbacks**

The setbacks for the residential lots are consistent with the approved preliminary plat.

### **Dedicated Rights of Way**

Within the plat, RGC is dedicating rights of way to the public in the amount of 288,324 SF for our new residential streets.

### **Density**

Consistent with the approved preliminary plat, the net residential density of all phases of The Royal Club is calculated as 291 approved units and 187 net residential acres yielding a density of 1.56 units/net acre.

### **Development Phasing**

We are proposing to develop RGC in four phases with the current 67 lots denoted as Phase III.





### **Development Schedule**

Site grading for Phase III will commence Fall of 2018 or Spring of 2019. As to the golf facilities, we have finished the reconstruction of the 18-hole championship golf course, the practice range, short course, and renovations of the old 3M clubhouse. The clubhouse has been fully renovated for both golf and as an event venue.

### **Trail Phasing**

Consistent with preliminary plat, RGC will be constructing and dedicating well over 10,000 lineal feet of paved trail throughout the entire development.

### **Community Impacts**

Because of the size, complexity and scope of The Royal Club at Lake Elmo, the project triggered the need to complete an Environmental Assessment Worksheet (EAW) to review the impacts to traffic, public facilities, public safety and environmental issues. The EAW was completed in October of 2016 for public review. At its January 17, 2017 meeting, the City Council adopted Resolution 2017-007 issuing a negative declaration on any further environmental study and accepting the findings of fact on the EAW. We believe community impacts have been fully reviewed. Additionally, all wetlands on the property have been dealt with pursuant to Wetland Conservation Act and VBWD rules and regulations and all activities thereon have received appropriate permits.

### **Phase III Streets and Utilities**

Phase III street and utility construction will service the Phase III residential lots.

### **Home Styles**

The Royal Golf Club community will feature a wide variety of high quality, custom-built homes in a variety of complimentary styles.

### **Declarations of Protective Covenants**

Because of the variety of home styles and privately held common areas at RGC, we have created a Master Homeowners Association ("MHOA") whose membership includes all





residential lots in Phases I and II and will include all residential Phase III lots and all future phase residential lots. Its responsibilities will include such things as maintenance of private trails/ common area landscaping, open space and entry signage in addition to the maintenance of the future fitness/recreation center and the maintenance of property line-crossing retaining walls. The MHOA declaration will also contain the architectural standards consistent with preliminary plat conditions. Sub associations for the Villa Home (Villa HOA'S) neighborhoods have been or will be formed depending on the villa builder's practices. These Villa HOA's will have responsibility for lawn/driveway and open space maintenance and the maintenance of the Villa home exteriors to assure a consistency in neighborhood appearance.

Lastly, the MHOA will assume all architectural review responsibilities upon turnover of the MHOA from developer control to resident control consistent with the terms of Minnesota statutes.

### **Landscape**

As a part of the Phase III development agreement, RGC and the City will enter into an agreement wherein RGC assumes planting responsibilities for trees required by the City as proposed in the landscape plan.

### **Park Fees**

The development portion of RGC is 231.25 acres with a net buildable are of 186.92 acres. The appraised value of this property, as determined by an appraisal commissioned by the city, is \$8,000,000. Per City of Lake Elmo policy, a park dedication of 10.0% or fee in lieu of land dedication of 10% of the value is required with development. RGC and the city jointly have decided to not have city-owned parks within the development, thus obligating RGC for cash payments totaling \$800,000.00 over the span of the development phases. RGC will receive credit against each phase's park fee for constructing trails and appurtenant items such as turf establishment, retaining walls and ADA pedestrian ramps along with the dedication of the land for a 30- foot wide trail corridor. The RGC will provide the city with support calculations to determine the actual cash fee in Phase III to be paid with this application and in future phases as those phases are platted.





### **Conservation/Ponding Maintenance Agreement**

RGC and the City have determined that there will be no storm water ponding facilities constructed in Phase III. In future phases should City outlots lie within shoreland districts, conservation easements will be entered into.

### **Easement Vacation**

We are proposing to vacate the existing drainage and utility easements, as created and dedicated on the original Royal Golf Club at Lake Elmo plat (1<sup>st</sup> Addition), lying over Outlot T (see attached for details).

With our 3<sup>rd</sup> Addition submittal, we will be re-platting this Outlot, and, in doing so, will be recreating new drainage and utility easements over the new parcels. The easement vacation is needed to avoid creating and 'stacking' easements on top of easements. The new easements will be the same size (or larger in some cases) as the vacated easements. Thus, the City does not lose any drainage and utility easement areas. We also need to do this to keep the title clean for future owners/users of the parcels.





Our pledge to the City is to create a premium golf community with a national reputation of which all of Lake Elmo will be proud. We stand prepared to provide you with any further items you deem necessary as the development agreement and PUD take form and as we move forward with development activity.

Sincerely,

The Royal Golf Club at Lake Elmo

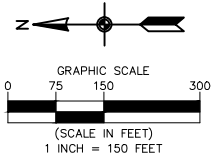
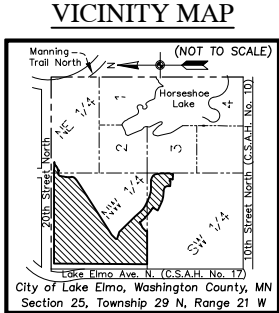
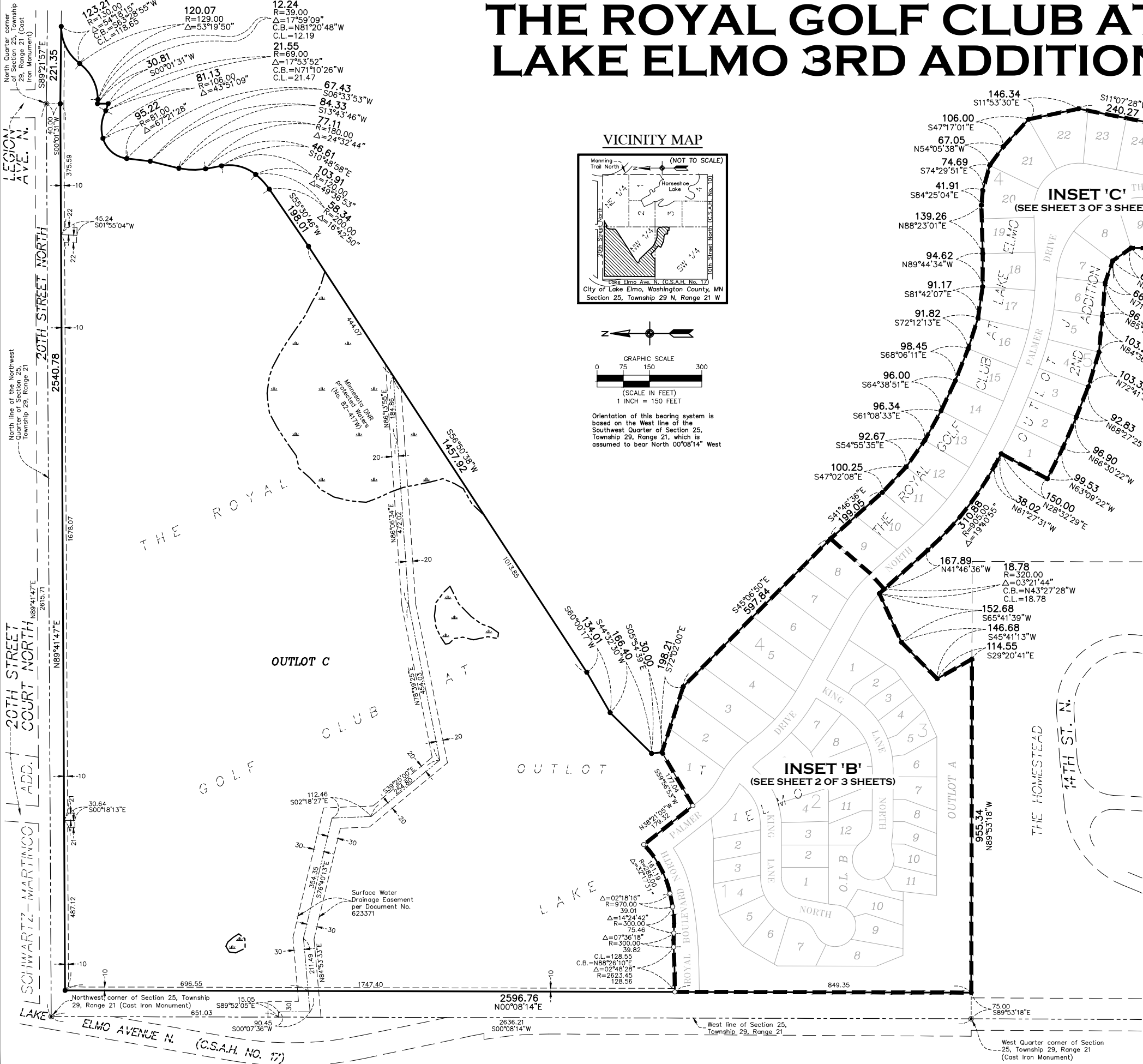
By: H.C. Golf Land, LLC

By:

Its:



THE ROYAL GOLF CLUB AT LAKE ELMO 3RD ADDITION



- Denotes found Washington County Section Corner Monument, as noted
- Denotes found 5/8 inch by 14 inch Rebar marked with license number 40361
- Denotes 5/8 inch by 14 inch Rebar, set or to be set within one year of recording of this plat and marked with license number 40361
- ▬ Denotes existing wetland, delineated by Kjalhaug Environmental Services Company in 2016

KNOW ALL BY THESE PRESENTS: That H.C. Golf Land, LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Washington, State of Minnesota, to wit:

Outlot T, THE ROYAL GOLF CLUB AT LAKE ELMO, and Outlot J, THE ROYAL GOLF CLUB AT LAKE ELMO 2ND ADDITION, according to the recorded plats thereof, Washington County, Minnesota

Has caused the same to be surveyed and platted as THE ROYAL GOLF CLUB AT LAKE ELMO 3RD ADDITION and does hereby dedicate to the public for public use forever the public ways, as shown on this plat and also dedicate the easements created by this plat for drainage and utility purposes only.

In witness whereof said H.C. Golf Land, LLC, a Minnesota limited liability company, has caused these presents to be signed by Joel T. LeVahn, Chief Financial Officer, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

H.C. GOLF LAND, LLC

By: \_\_\_\_\_  
Joel T. LeVahn, Chief Financial Officer

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Joel T. LeVahn, Chief Financial Officer of H.C. Golf Land, LLC, a Minnesota limited liability company, on behalf of the company.

\_\_\_\_\_  
(Signed)  
\_\_\_\_\_  
(Printed)  
Notary Public, \_\_\_\_\_  
My commission expires \_\_\_\_\_

I, Thomas R. Balluff do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been set, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Thomas R. Balluff, Licensed Land Surveyor  
Minnesota License No. 40361

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Thomas R. Balluff, Licensed Land Surveyor.

\_\_\_\_\_  
(Signed)  
\_\_\_\_\_  
(Printed)  
Notary Public, \_\_\_\_\_  
My commission expires \_\_\_\_\_

CITY OF LAKE ELMO, PLANNING COMMISSION  
Approved by the Planning Commission of the City of Lake Elmo, Minnesota, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: \_\_\_\_\_, Chair  
Signed: \_\_\_\_\_, Secretary

CITY COUNCIL, CITY OF LAKE ELMO, MINNESOTA  
This plat was approved by the City Council of the City of Lake Elmo, Minnesota, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed: \_\_\_\_\_, Mayor  
Signed: \_\_\_\_\_, Clerk

COUNTY SURVEYOR  
Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Washington County Surveyor

COUNTY AUDITOR/TREASURER  
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9 and Section 272.12, taxes payable in the year 20\_\_\_\_ on the real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Washington County Auditor/Treasurer

COUNTY RECORDER  
Document Number \_\_\_\_\_  
I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M., and was duly recorded in Washington County Records.

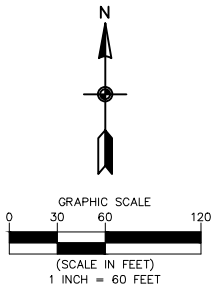
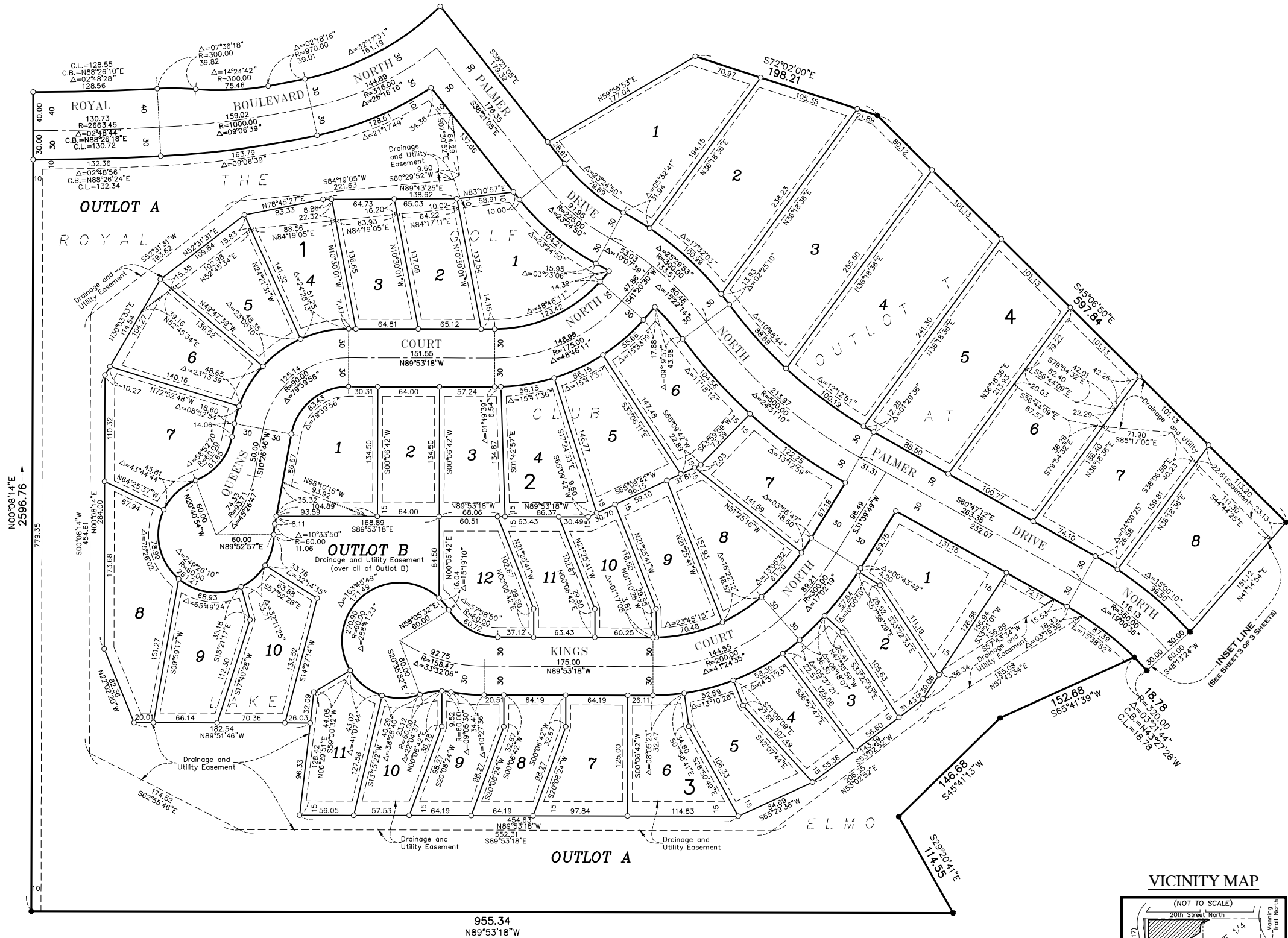
By: \_\_\_\_\_  
Washington County Recorder





# THE ROYAL GOLF CLUB AT LAKE ELMO 3RD ADDITION

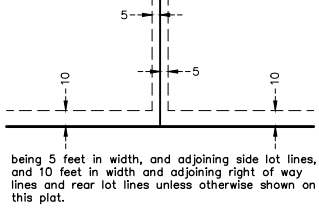
INSET 'B'



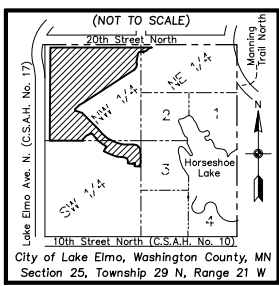
Orientation of this bearing system is based on the West line of the Southwest Quarter of Section 25, Township 29, Range 21, which is assumed to bear North 00°08'14" West

- Denotes found 5/8 inch by 14 inch Rebar, marked with license number 40361
- Denotes 5/8 inch by 14 inch Rebar, set or to be set within one year of recording of this plat and marked with license number 40361

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



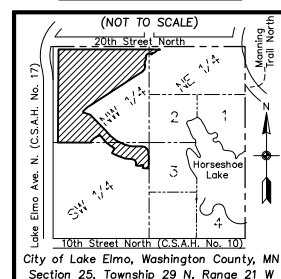
## VICINITY MAP



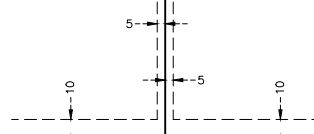
**Carlson McCain**  
ENVIRONMENTAL · ENGINEERING · SURVEYING



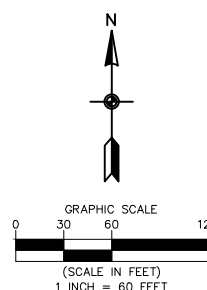
### INSET 'C'



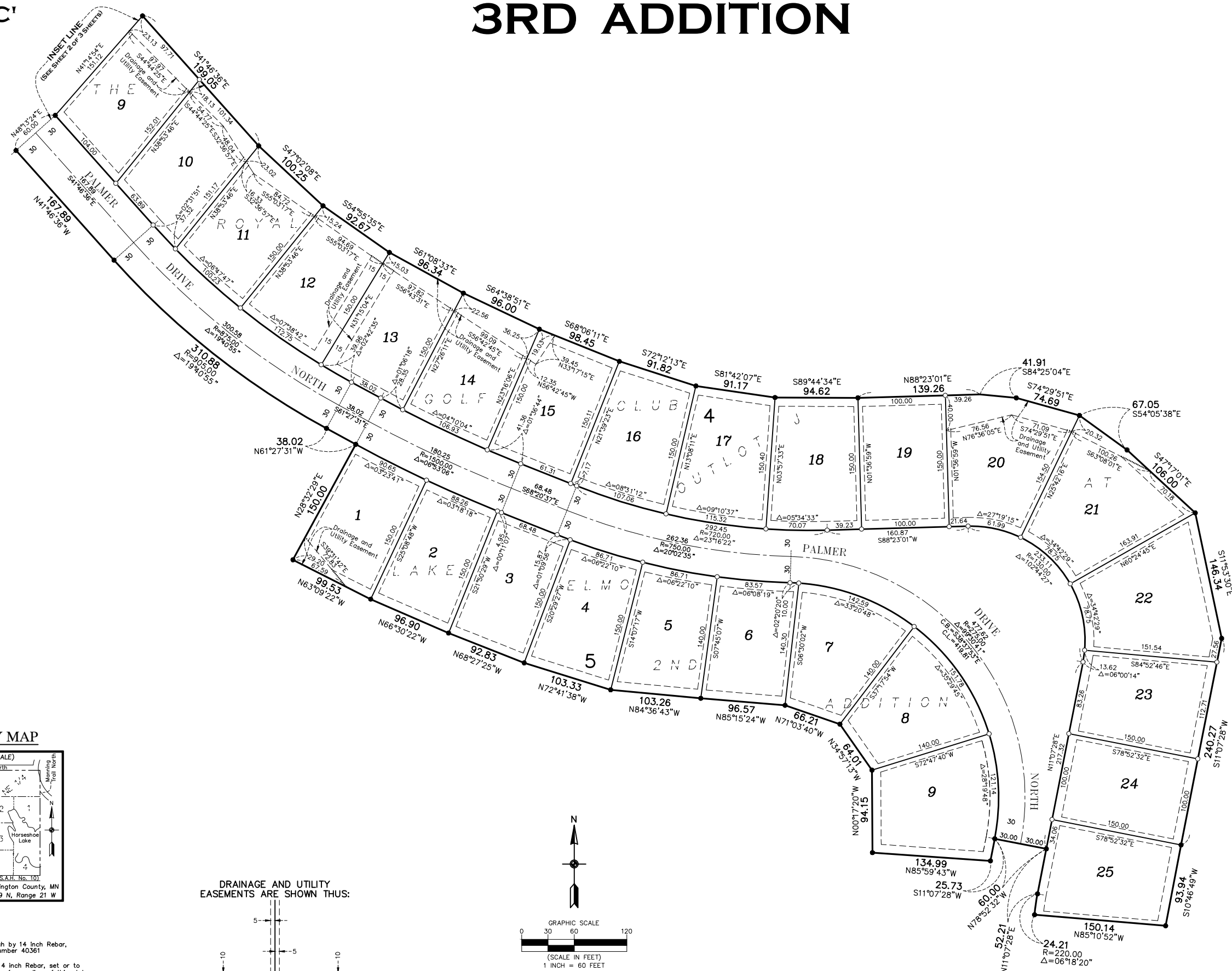
- DRAINAGE AND UTILITY  
EASEMENTS ARE SHOWN THUS:



being 5 feet in width, and adjoining side lot lines, and 10 feet in width and adjoining right of way lines and rear lot lines unless otherwise shown on this plat.



Orientation of this bearing system is based on the West line of the Southwest Quarter of Section 25, Township 29, Range 21, which is assumed to bear North 00°08'14" West



**Carlson  
McCain**  
ENVIRONMENTAL • ENGINEERING • SURVEYING



# MEMORANDUM

## FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4283

Date: November 19, 2018

To: Ben Prchal, City Planner  
Ken Roberts, Planning Director  
Cc: Chad Isakson, P.E., Assistant City Engineer  
From: Jack Griffin, P.E., City Engineer

Re: Royal Golf Club 3rd Addition – Final Plat  
Engineering Review Comments

An engineering review has been completed for the Royal Golf Club 3rd Addition. Final Plat/Final Construction Plans were received on October 31, 2018. The submittal consisted of the following documentation:

- Royal Golf Club 3rd Addition Final Plat, Sheets 1-3, not dated, prepared by Carlson McCain.
- Royal Golf Club 3rd Addition Narrative, dated October 15, 2018.
- Royal Golf Club 3rd Addition Construction Plans, Sheets 1-24, dated October 5, 2018.
- Royal Golf Club 3rd Addition Grading Plans, Sheets 1-21, dated October 3, 2018.
- Royal Golf Club 3rd Addition Landscape Plans, L1-L7, dated October 9, 2018, by Pioneer Engineering.
- Royal Golf Club 3rd Addition Specifications, dated October 5, 2018.

**STATUS/FINDINGS:** Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

### FINAL PLAT: ROYAL GOLF CLUB 3RD ADDITION

- Outlots A, B and C ownership have been shown on the final grading and construction plans as developer or HOA owned as applicable. There are no Outlots to be dedicated to the City as part of this Phase.
- Drainage and utility easements have been provided on the Final Plat and grading plans over all, or a portion, of Outlots A and B as required. Drainage and utility easements for Outlot A has been shown on the street and utility plans as required. The drainage and utility easement for Outlot B must be added to the street and utility plans.
- The Plat must be revised to include a 10-foot drainage and utility easement over Outlot C, adjacent to the north right-of-way line for Royal Boulevard and adjacent to the east right-of-way line for Palmer Drive.
- All off-site easements as required by the City Engineer and Public Works Director to complete any off-site improvements or to provide drainage and utility maintenance access must be provided in the City standard form of easement agreement and signed by all parties prior to the release of the Final Plat for recording. The following off-site easements (golf course property) must be verified as existing or provided to the City.
  - Drainage and utility easements over the Golf Course adjacent to the rear yards of Lots 7-14, Block 4.
  - Drainage and utility easements over the Golf Course adjacent to the rear yards of Lots 22-25, Block 4.
- The applicant has proposed temporary stormwater management provisions for the Royal Golf Club 3rd Addition which will be removed and replaced with future development phases that will meet the storm water management provisions approved with the Preliminary Plat.



- The Final Plat application narrative is silent regarding the plan to use a temporary storm water management system. The narrative should be revised to fully address the temporary storm water management phasing, maintenance, and replacement. As proposed, it is unknown how the next development phase will be constructed without interruption of the temporary system.
- The temporary storm sewer and sediment basin must be relocated in a manner that allows the temporary storm water management to remain operational until the permanent storm water management system is operational.
- Final Plat approval must be contingent upon the applicant obtaining a VBWD permit for the temporary storm water management provisions. Any plan changes made to obtain the VBWD permit must be resubmitted for City review and approval.
- A City variance may be required to approve the Final Plat as the temporary storm water management system does not meet all provisions of the City storm water ordinances (e.g. volume control).
- Additional drainage and utility easements must be provided over the temporary storm sewer system and temporary sediment basins located on Outlot C.
- Additional development security provisions should be considered to address the temporary storm water management system and phasing.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual dated March 2017, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated November 19, 2018.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Royal Golf Club 3rd Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.



# MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4283

Date: November 19, 2018

---

To:	Brian Brian Krystofiak, P.E., Carlson McCain, Inc. Jim Felton, Royal Development LLC.	Re:	Royal Golf Club 3rd Addition Construction Plan Review
Cc:	Ben Prchal, City Planner Ken Roberts, Planning Director Rob Weldon, Public Works Director Chad Isakson, P.E., Assistant City Engineer		
From:	Jack Griffin, P.E., City Engineer		

---

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  - Royal Golf Club 3rd Addition Landscape Plans, L1-L7, dated October 9, 2018, by Pioneer Engineering.
  - Royal Golf Club 3rd Addition Specifications, dated October 5, 2018.
- 

**STATUS/FINDINGS:** Engineering review comments have been provided to assist with the completion of the Construction Plans. When submitting revised plans and specifications, please provide a point by point response letter that details all changes made to the plans.

---

## ROYAL GOLF CLUB 3RD ADDITION FINAL CONSTRUCTION PLANS

- The drainage and utility easement for Outlot B must be added to the street and utility plans.
- Revise the street and utility plans to show the required 10-foot drainage and utility easement over Outlot C, adjacent to the north right-of-way line for Royal Boulevard and adjacent to the east right-of-way line for Palmer Drive.
- Relocate the temporary storm sewer and sediment basin to allow the temporary storm water management system to remain operational until the permanent storm water management system is operational.

## SANITARY SEWER AND WATERMAIN PLANS

- Sheet 5. Revise sewer grade to 0.5% between MH-11 and MH-13.
- Sheet 6. Revise Palmer Drive eye brow watermain to be 8-inch diameter. Eliminate dead end main by connecting to Palmer Drive watermain at each intersection. This is consistent with the City practice.
- Sheet 6. Revise watermain along Kings Court to be on north side of the street per City standards.
- Additional plan revisions may be required regarding hydrant and system valve placement, pending review by the Public Works Director.



#### STROM SEWER PLANS

- Sheet 10. Revise storm sewer pipe size to meet City minimum 15-inch pipe from CBMH-274 to CBMH-273.
- Sheet 10. Revise storm sewer pipe size to meet City minimum 15-inch pipe from CBMH-271A to CBMH-271.
- Sheet 11. Revise storm sewer pipe size to meet City minimum 15-inch pipe from CBMH-281 to CBMH-280.
- Sheet 13. Revise storm sewer pipe size to meet City minimum 15-inch pipe from CBMH-240 to CBMH-239.

#### STREET PLANS

- Sheets 14-17. Add K-value for all vertical curves. Revise curves as necessary to meet minimum City standards.
- Sheet 15. Revise street grades along Palmer Drive. The City minimum 0.5% grade is used for back to back grade runs with no vertical curve at the break. Increase each grade and add vertical curve.

#### SIGN / PAVEMENT MARKING / LIGHTING PLAN

- Sheet 18. Remove one light pole from the Palmer Drive eyebrow and relocate the second light pole to the middle of the two eyebrow intersections.
- Sheet 18. Add no parking signs to the interior of the Palmer Drive eye brow (3-signs).
- Sheet 18. Add no parking signs to the sign schedule.
- Sheet 19. Add no parking signs to the Kings Court and Queens Court cul-de-sacs (3-signs each).
- Sheet 19. Add a stop bar at the intersection of Lake Elmo Avenue and Royal Boulevard.

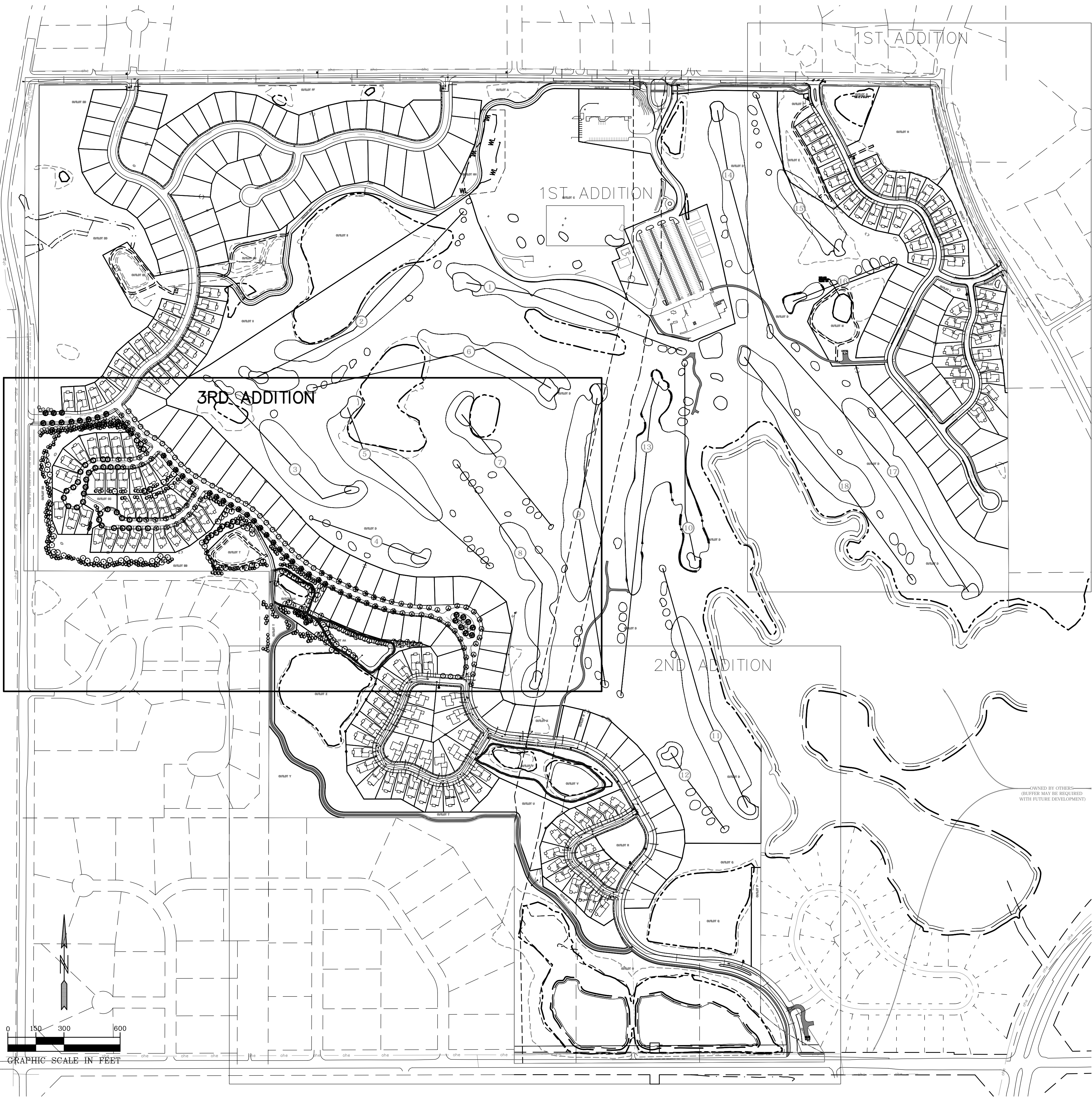
#### DETAILS/TYPICAL SECTIONS

- Sheet 24. Typical Street Sections. Remove references to "saw and seal". Revise bituminous mix to Type C. The City practice has changed to require Type C bituminous wear course and eliminate saw & seal.
- Sheet 24. Typical Street Section: Royal Boulevard entrance. Add "RTL" to designate the right turn lane.
- Sheet 24. Bituminous Access Road. Revise minimum grades to 4% on each side of access road.

#### LANDSCAPE PLAN:

- Remove all trees from the interior of all pond maintenance benches. The Landscape Plans must be revised to accommodate maintenance access to all storm water and to avoid placement of trees within the BMP.
- The landscape plans must be revised to show all underground utilities including water/sewer lot services and revised to ensure trees maintain 10-foot minimum offset from all utilities.





LANDSCAPE DATA:

SEE PRELIMINARY PLAT FOR LANDSCAPE AND MITIGATION REQUIREMENTS.

TREES APPROVED ON PRELIMINARY PLAT TO BE PLANTED BY DEVELOPER: 1,943  
TREES APPROVED ON PRELIMINARY PLAT TO BE PLANTED BY BUILDER/HOMEOWNER: 888  
TOTAL TREES REQUIRED ON PRELIMINARY PLAT: 2,831

TREES PROPOSED IN 1ST ADDITION TO BE PLANTED BY DEVELOPER: 419  
TREES PROPOSED IN 1ST ADDITION TO BE PLANTED BY BUILDER/HOMEOWNER: 202  
TOTAL TREES TO BE PLANTED IN 1ST ADDITION: 621

TREES PROPOSED IN 2ND ADDITION TO BE PLANTED BY DEVELOPER: 632  
TREES PROPOSED IN 2ND ADDITION TO BE PLANTED BY BUILDER/HOMEOWNER: 158  
TOTAL TREES TO BE PLANTED IN 2ND ADDITION: 790

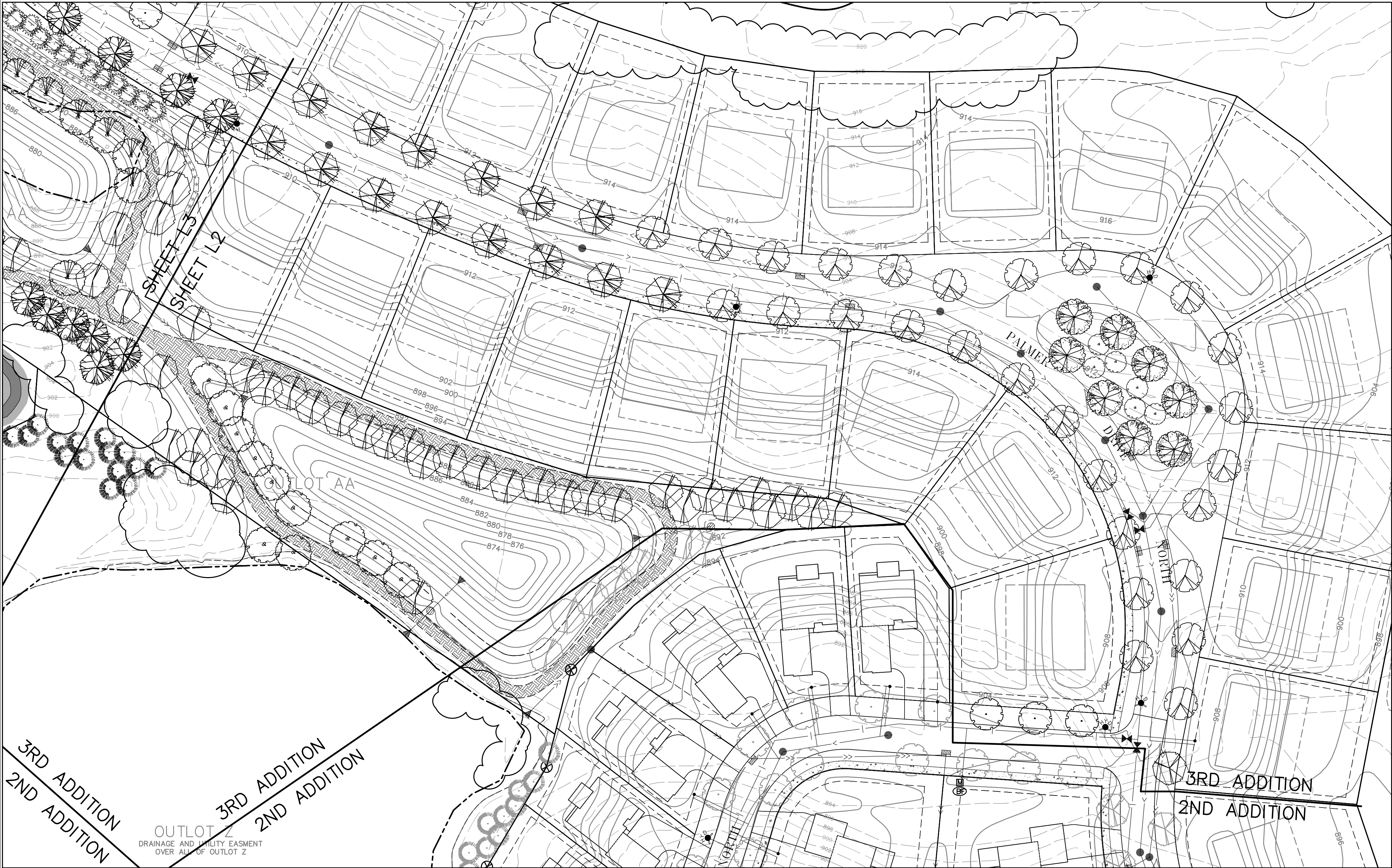
TREES PROPOSED IN 3RD ADDITION TO BE PLANTED BY DEVELOPER: 658  
TREES PROPOSED IN 3RD ADDITION TO BE PLANTED BY BUILDER/HOMEOWNER: 206  
TOTAL TREES TO BE PLANTED IN 3RD ADDITION: 864

TREES BY BUILDER TO BE CHOSEN FROM PLANT SCHEDULE BELOW. BUILDER–SUPPLIED TREES MUST BE A MINIMUM OF TWO DIFFERENT SPECIES PER LOT.

LANDSCAPE ORDINANCE REQUIREMENTS FOR 3RD ADDITION:  
1 TREE/50' FRONTAGE. 8,360/50=168 TREES  
5 TREES PER DEVELOPED/DISTURBED ACRE. 37 DISTURBED ACRES X 5 = 185 TREES  
3RD ADDITION TREES REQUIRED FOR LANDSCAPE REQUIREMENT: 353

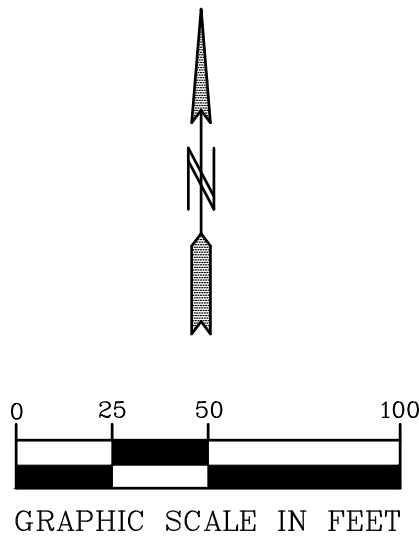
TREE TOTALS FOR 3RD ADDITION PLANT SCHEDULE				
KEY	COMMON NAME/Scientific name	ROOT	QUANTITY	
OVERSTORY TREES				
	NORTHWOODS RED MAPLE/Acer rubrum 'Northwoods'	2.5" B&B	36	
	AUTUMN BLAZE MAPLE/Acer x freemanii 'Jeffersred'	2.5" B&B	12	
	SIENNA GLEN MAPLE/Acer x freemanii 'Sienna'	2.5" B&B	--	
	SUGAR MAPLE/Acer Saccarum 'Green Mountain'	2.5" B&B	19	
	HERITAGE RIVER BIRCH/Betula nigra 'Cully'	12' B&B	52	
	WHITESPIRE BIRCH/Betula populifolia 'Whitespire'	12' B&B	21	
	COMMON HACKBERRY/Celtis occidentalis	2.5" B&B	30	
	KENTUCKY COFFEE TREE/Gymnocladus dioicus	2.5" B&B	28	Use male/seedless var. True North, Espresso
	RED OAK/Quercus rubra	2.5" B&B	44	
	NORTHERN PIN OAK/Quercus ellipsoidalis	2.5" B&B	16	
	SWAMP WHITE OAK/Quercus bicolor	2.5" B&B	54	
	PRINCETON ELM/Ulmus americana 'Princeton'	2.5" B&B	28	
	GINGKO/Ginko biloba (male only)	2.5" B&B	--	
	CATALPA/Catalpa speciosa	2.5" B&B	--	
	QUAKING ASPEN/Populus tremuloides	2.5" B&B	--	
	SPADED MAPLE AND OAK TRANSPLANTS	6" MM	--	ONLY 1ST ADDITION
EVERGREEN TREES				
	BLACK HILLS SPRUCE/Picea glauca densata	6' B&B	177	
	WHITE PINE/Pinus strobus	6' B&B	131	
	RED PINE/Pinus resinosa	6' B&B	10	
ORNAMENTAL TREES*				
	PRAIRIFIRE CRAB/Malus 'Prairifire'	2" B&B	--	
	JAPANESE TREE LILAC/Syringa reticulata	8" B&B	12	
	SPRING SNOW CRAB/Malux 'Spring Snow'	2" B&B	14	





- LANDSCAPE NOTES:
1. LOTS WILL BE SODDED AFTER CONSTRUCTION.
  2. SEE SHEET L1 FOR LANDSCAPE REQUIREMENT DATA
  3. TREES WITHIN BOULEVARDS WITH SIDEWALKS WILL BE PLANTED 5' FROM CURB
  4. TREES WITHIN BOULEVARDS WITHOUT SIDEWALKS WILL BE PLANTED 8' FROM CURB
  5. SEE CITY DOCUMENTS 32 90 00 "PLANTING SPECIFICATION" AND 3292 "TURF ESTABLISHMENT" FOR MORE REQUIREMENTS. THESE DOCUMENTS CAN BE OBTAINED FROM THE CITY OR THE PROJECT LANDSCAPE ARCHITECT.
  6. SEE SHEET L8 FOR CITY PLANTING DETAIL PLATES.

**\*\*MEDIAN NOTES:**  
MEDIAN TO HAVE BUFF LIMESTONE RIP RAP IN VARYING SIZES FROM 4–12" LAID OVER FIBER MAT WEED BARRIER. ROCK TO BE 2" BELOW EDGE OF CURB.



STANDARD PLAN NOTES  
LANDSCAPE PLANS

1. Contractor must contact Gopher State One Call 811 ([www.gopherstateonecall.org](http://www.gopherstateonecall.org)) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.
2. Plant materials shall meet American Standard for Nursery Stock: ANSI Z60.1, latest edition.
3. No plant substitutions shall be made without the prior written authorization from the City.
4. All tree locations to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the City and Project Landscape Architect prior to any tree installation.
5. All plants shall be planted immediately upon arrival to project site. No plant material is to be left overnight on the project site without being installed unless written approval by City.
6. All trees, shrubs, perennials, turf lawn and native seeding to have a two-year warranty beginning upon written acceptance by the City. Defective plants as determined by the City shall be replaced within 30 days of notice during the growing season, and replacement materials shall receive the same two year warranty until plants are successfully established.
7. Contractor to protect and maintain all plantings and plant beds, including protection from wildlife, weeding, re-mulching, fertilization, irrigation and all other typical forms of horticultural care until the end of the warranty period as determined and approved by City.
8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.
9. An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017



CITY OF LAKE ELMO

STANDARD DRAWING NO.  
LP2.0  
LAKE ELMO

TREE TOTALS FOR 3RD ADDITION

PLANT SCHEDULE

KEY	COMMON NAME/Scientific name	ROOT	QUANTITY	
OVERSTORY TREES				
	NORTHWOODS RED MAPLE/Acer rubrum 'Northwoods'	2.5" B&B	36	
	AUTUMN BLAZE MAPLE/Acer x freemanii 'Jeffersred'	2.5" B&B	12	
	SIENNA GLEN MAPLE/Acer x freemanii 'Sienna'	2.5" B&B	--	
	SUGAR MAPLE/Acer Saccarum 'Green Mountain'	2.5" B&B	19	
	HERITAGE RIVER BIRCH/Betula nigra 'Cully'	12' B&B	52	
	WHITESPIRE BIRCH/Betula populifolia 'Whitespire'	12' B&B	21	
	COMMON HACKBERRY/Celtis occidentalis	2.5" B&B	30	
	KENTUCKY COFFEE TREE/Gymnocladus dioicus	2.5" B&B	28	Use male/seedless var. True North, Espresso
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	PRINCETON ELM/Ulmus americana 'Princeton'	2.5" B&B	28	
	GINGKO/Ginko biloba (male only)	2.5" B&B	--	
	CATALPA/Catalpa speciosa	2.5" B&B	--	
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**PIONEER**engineering  
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

2422 Enterprise Drive  
Mendota Heights, MN 55120

(651) 681-1914  
Fax: 681-9488  
[www.pioneereng.com](http://www.pioneereng.com)

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota

Name  
Amber L. Thompson

Reg. No.

44763

Date  
10-9-18

Revisions

Date  
10-9-18  
Designed  
JLT  
Drawn  
JLT

GROUNDCOVER PLAN

HC GOLF COURSE DEVELOPMENT, LLC  
11074 RADISSON ROAD NE  
BLAINE, MINNESOTA 55449

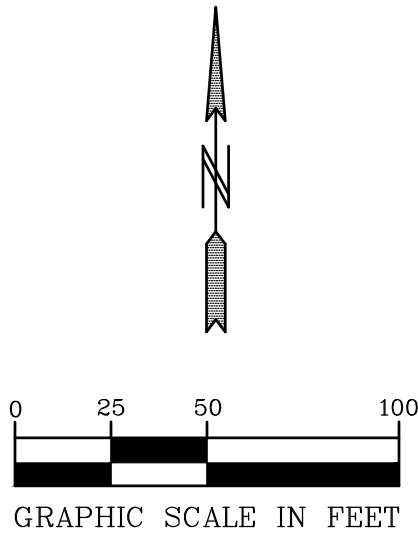
THE ROYAL GOLF CLUB AT LAKE ELMO 3RD ADD  
LAKE ELMO, MINNESOTA

L2 OF 7





TREE TOTALS FOR 3RD ADDITION				
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- LANDSCAPE NOTES:
1. LOTS WILL BE SODDED AFTER CONSTRUCTION.
  2. SEE SHEET L1 FOR LANDSCAPE REQUIREMENT DATA
  3. TREES WITHIN BOULEVARDS WITH SIDEWALKS WILL BE PLANTED 5' FROM CURB
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STANDARD PLAN NOTES

LANDSCAPE PLANS

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8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.

9. An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017

CITY OF LAKE ELMO

STANDARD DRAWING NO.  
LP2.0  
LAKE ELMO



DETAIL B



- LANDSCAPE NOTES:
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	GINGKO/Ginko biloba (male only)	2.5" B&B	--	
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	QUAKING ASPEN/Populus tremuloides	2.5" B&B	--	
	SPADED MAPLE AND OAK TRANSPLANTS	6" MM	--	ONLY 1ST ADDITION
EVERGREEN TREES				
	BLACK HILLS SPRUCE/Picea glauca densata	6" B&B	177	
	WHITE PINE/Pinus strobus	6" B&B	131	
	RED PINE/Pinus resinosa	6" B&B	10	
ORNAMENTAL TREES*				
	PRAIRIFIRE CRAB/Malus 'Prairifire'	2" B&B	--	
	JAPANESE TREE LILAC/Syringa reticulata	8" B&B	12	
	SPRING SNOW CRAB/Malux 'Spring Snow'	2" B&B	14	

STANDARD PLAN NOTES  
LANDSCAPE PLANS

1. Contractor must contact Gopher State One Call 811 ([www.gopherstateonecall.org](http://www.gopherstateonecall.org)) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.
2. Plant materials shall meet American Standard for Nursery Stock: ANSI Z60.1, latest edition.
3. No plant substitutions shall be made without the prior written authorization from the City.
4. All tree locations to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the City and Project Landscape Architect prior to any tree installation.
5. All plants shall be planted immediately upon arrival to project site. No plant material is to be left overnight on the project site without being installed unless written approval by City.
6. All trees, shrubs, perennials, turf lawn and native seeding to have a two-year warranty beginning upon written acceptance by the City. Defective plants as determined by the City shall be replaced within 30 days of notice during the growing season, and replacement materials shall receive the same two year warranty until plants are successfully established.
7. Contractor to protect and maintain all plantings and plant beds, including protection from wildlife, weeding, re-mulching, fertilization, irrigation and all other typical forms of horticultural care until the end of the warranty period as determined and approved by City.
8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.
9. An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017



CITY OF LAKE ELMO

STANDARD DRAWING NO.

LP2.0

LAKE ELMO

**PIONEER**engineering  
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

2422 Enterprise Drive  
Mendota Heights, MN 55120

(651) 681-1914  
Fax: 681-9488  
[www.pioneereng.com](http://www.pioneereng.com)

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota

Name

*Amber L. Thompson*

Reg. No.

44763

Date

10-9-18

Revisions

Date

10-9-18

Designed

JLT

Drawn

JLT

GROUNDCOVER PLAN

HC GOLF COURSE DEVELOPMENT, LLC

11074 RADISSON ROAD NE  
BLAINE, MINNESOTA 55449

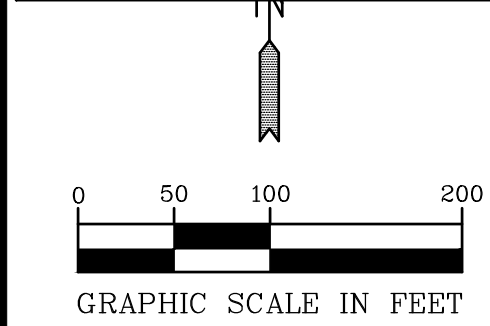
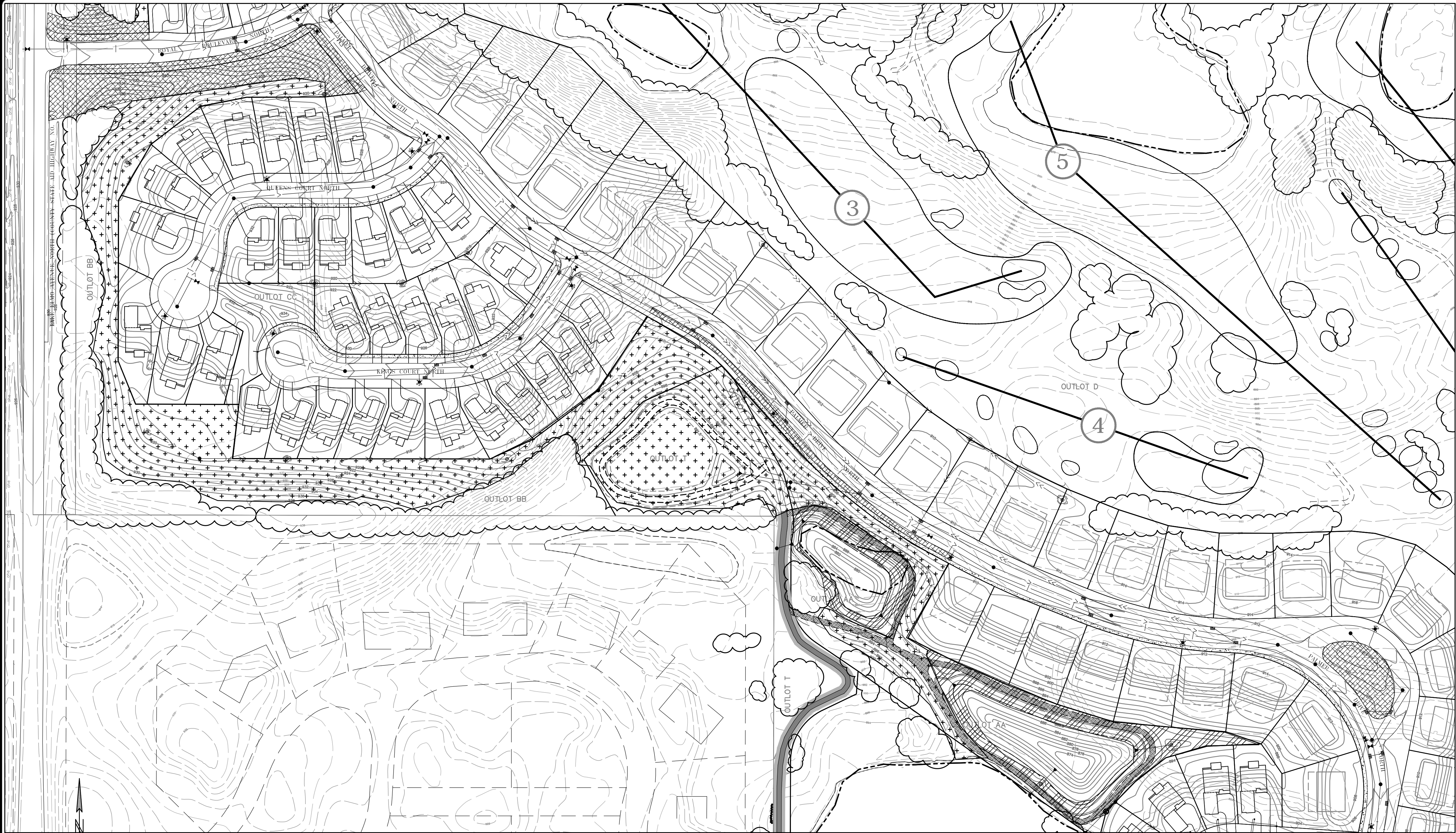
THE ROYAL GOLF CLUB AT LAKE ELMO 3RD ADD

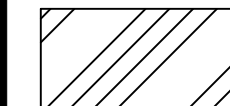

LAKE ELMO, MINNESOTA

L4 OF

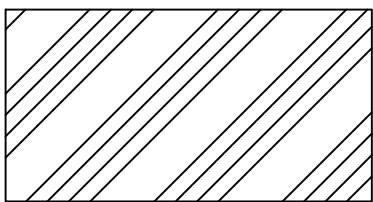
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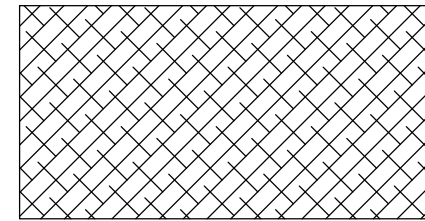
- SEEDING NOTES:**
- MULCH: MNDOT TYPE 2 @ 2 TONS PER ACRE AND DISK ANCHORED IN PLACE OR APPROVED EQUAL, INSTALLED TO MINIMUM 90% COVERAGE OF THE SURFACE AREA DISTURBED. MULCH AT 90 % COVERAGE WITH DISC ANCHOR OR HYDROSEED.
-  POND BENCH AND UP TO HWL AND AREA DISTURBED AROUND WETLAND TO BE SEEDDED WITH MN STATE SEED MIX 33-262 OR EQUIVALENT. SEE GRADING DETAIL NOTES FOR MORE STORMWATER MANAGEMENT DETAILS
-  DISTURBED UPLAND AREA INCLUDING ABOVE HWL ON STORM WATER TREATMENT AREAS AND ANY DISTURBED UPLAND TO BE SEEDDED WITH MN STATE SEED MIX 35-621 OR EQUIVALENT.

- 3-YEAR MAINTENANCE PLAN FOR TRANSITION AREA (BETWEEN NWL AND HWL AND AROUND WETLANDS) AND UPLAND SEEDING:
- YEAR 1
- TYPE 3 BLANKET SHOULD BE USED ON SLOPES UNLESS THE AREAS ARE HYDRO SEEDDED WITH A HEAVY TACKIFIER IN WHICH CASE NO BLANKET OR MULCH WILL BE NECESSARY.
- YEAR 1-3
- MOWING SHOULD OCCUR AS NECESSARY THROUGHOUT THE GROWING SEASON FOR THE FIRST 3 SEASONS TO PREVENT NOXIOUS WEEDS FROM TAKING HOLD
  - WEEDS SHOULD BE HAND PULLED OR SPOT SPRAYED AS NECESSARY.
  - IF THE POND AND WETLAND SEEDING AREAS BECOMES SATURATED WITH ANY FREQUENCY, REED CANARY GRASS OR OTHER NOXIOUS WEEDS CAN BECOME A PROBLEM. SETHOXYDIM (OR EQUIVALENT) OR OTHER HERBICIDES WILL BE EFFECTIVE IN CONTROLLING REED CANARY GRASS AND OTHER NOXIOUS WEEDS WITHOUT HARMING SEDGES, RUSHES, AND FORBS.
  - TREES AND SHRUBS SHOULD ONLY BE PRUNED IN THE EVENT OF DAMAGED OR BROKEN BRANCHES.
  - INLETS MUST BE KEPT CLEAR OF DEBRIS.
  - ANY DEBRIS OBSERVED IN INFILTRATION BASIN OR POND SHALL BE REMOVED.



DRY SWALE/POND  
(STATE SEED MIX 33-262 FORMERLY W4)

33-262		Dry Swale / Pond				
Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/ac)	% of Mix (% by wt)	Seeds/ sq ft	
big bluestem	<i>Andropogon gerardii</i>	1.88	1.50	3.40%	5.50	
American slough grass	<i>Beckmannia syzigachne</i>	1.68	1.50	3.42%	27.80	
fringed brome	<i>Bromus ciliatus</i>	1.68	1.50	3.40%	6.05	
nodding wild rye	<i>Elymus canadensis</i>	4.48	4.00	9.06%	7.64	
slender wheatgrass	<i>Elymus trachycaulus</i>	4.48	4.00	9.10%	10.15	
Virginia wild rye	<i>Elymus virginicus</i>	2.80	2.50	5.67%	3.85	
switchgrass	<i>Panicum virgatum</i>	0.45	0.40	0.91%	2.05	
fowl bluegrass	<i>Poa palustris</i>	1.79	1.60	3.64%	7.50	
Indian grass	<i>Sorghastrum nutans</i>	1.68	1.50	3.40%	6.60	
Total Grasses		20.74	18.50	42.03%	145.94	
marsh milkweed	<i>Asclepias incarnata</i>	0.07	0.06	0.13%	0.10	
purple prairie clover	<i>Dalea purpurea</i>	0.10	0.09	0.21%	0.50	
Canada tick trefoil	<i>Desmodium canadense</i>	0.10	0.09	0.21%	0.19	
ox-eye	<i>Helopsis helianthoides</i>	0.10	0.09	0.20%	0.20	
black-eyed susan	<i>Rudbeckia hirta</i>	0.08	0.07	0.17%	2.49	
blue vervain	<i>Verbena hastata</i>	0.11	0.10	0.23%	3.50	
Total Forbs		0.56	0.50	1.15%	6.98	
Oats or winter wheat (see note at beginning of list for recommended dates)		28.02	25.00	56.82%	11.14	
Total Cover Crop		28.02	25.00	56.82%	11.14	
Totals		49.32	44.00	100.00%	164.06	
Purpose:		Temporarily flooded swales in agricultural settings.				
Planting Area:		Tallgrass Aspen Parklands, Prairie Parkland, and Eastern Broadleaf Forest Provinces. Mn/DOT Districts 2(west), 3B, 4, Metro, 6, 7 & 8.				



SOD (TYPICAL)

SODDED OUTLOT AREAS TO BE IRRIGATED IRRIGATION DESIGNED BY OTHERS

ALL BOULEVARDS TO BE SODDED.

LOTS WILL BE SODDED TO ADJACENT CURB LINES UNLESS OTHERWISE NOTED

- RESTORE ALL DISTURBED AREAS WITH 6 INCHES OF TOPSOIL CONFORMING TO MNDOT 3877.
- PROTECT ALL STORM SEWER INLETS AS SPECIFIED HEREIN AND MAINTAIN UNTIL STREET CONSTRUCTION IS COMPLETED.
- MAINTAIN ALL SILT FENCE AND REPAIR OR REPLACE AS NEEDED OR REQUIRED UNTIL TURF HAS BEEN ESTABLISHED.
- RESTORATION WORK SHALL BEGIN WITHIN 7 DAYS OF FINAL GRADING.
- BOULEVARD AND DITCH RESTORATION INCLUDES FINE GRADING, WHICH INCLUDES THE REMOVAL OF ROCKS, DEBRIS AND SOIL CHUNKS, WHILE MAINTAINING POSITIVE DRAINAGE.

STANDARD PLAN NOTES  
SITE RESTORATION PLANS

MARCH 2017



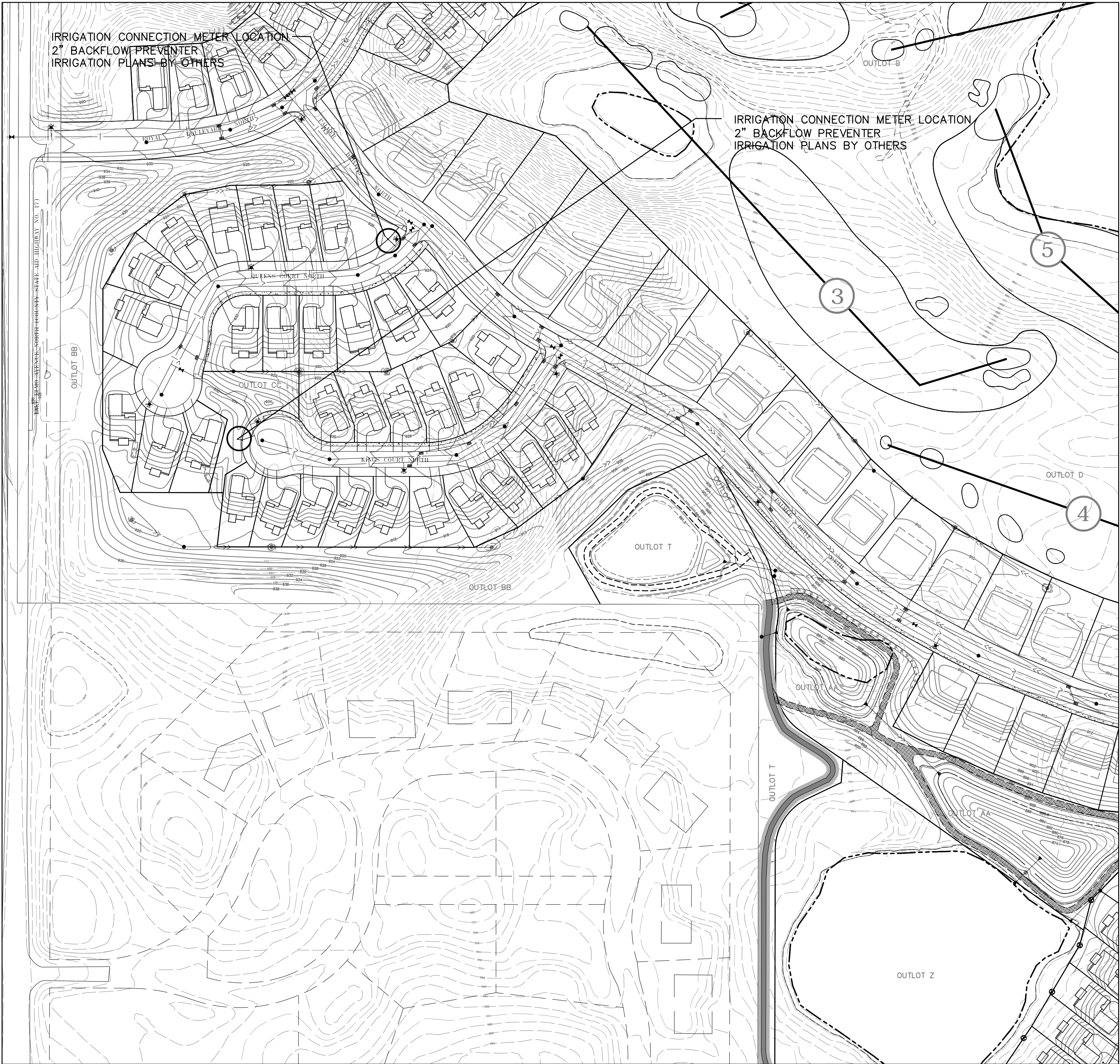
CITY OF LAKE ELMO

STANDARD DRAWING NO.  
600D  
LAKE ELMO

NATIVE DRY PRAIRIE SOUTHEAST  
(STATE SEED MIX 35-621 FORMERLY U6)

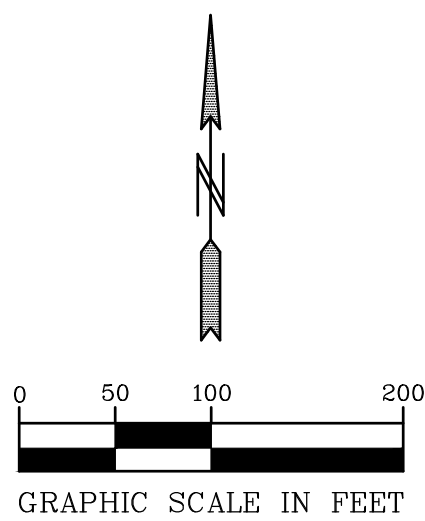
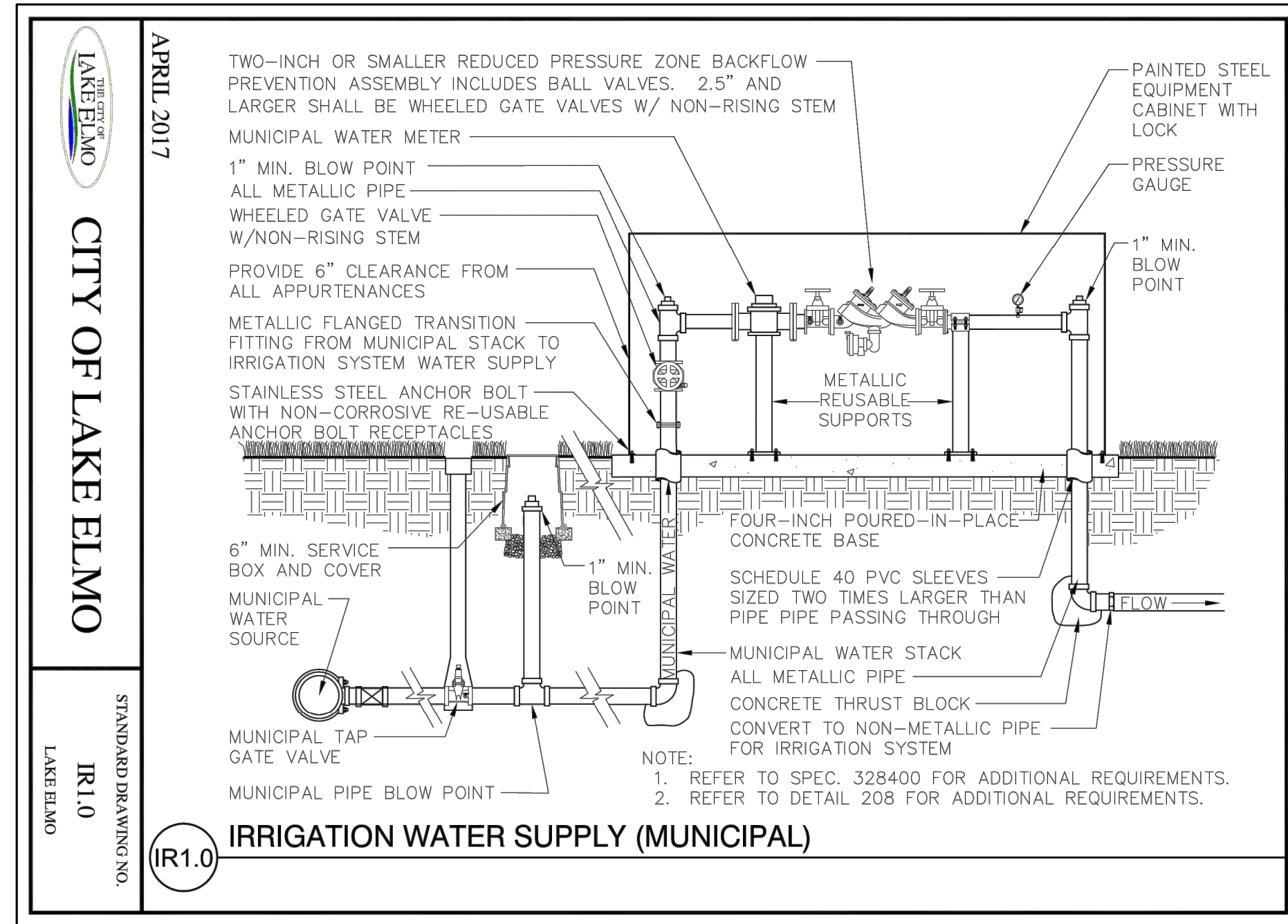
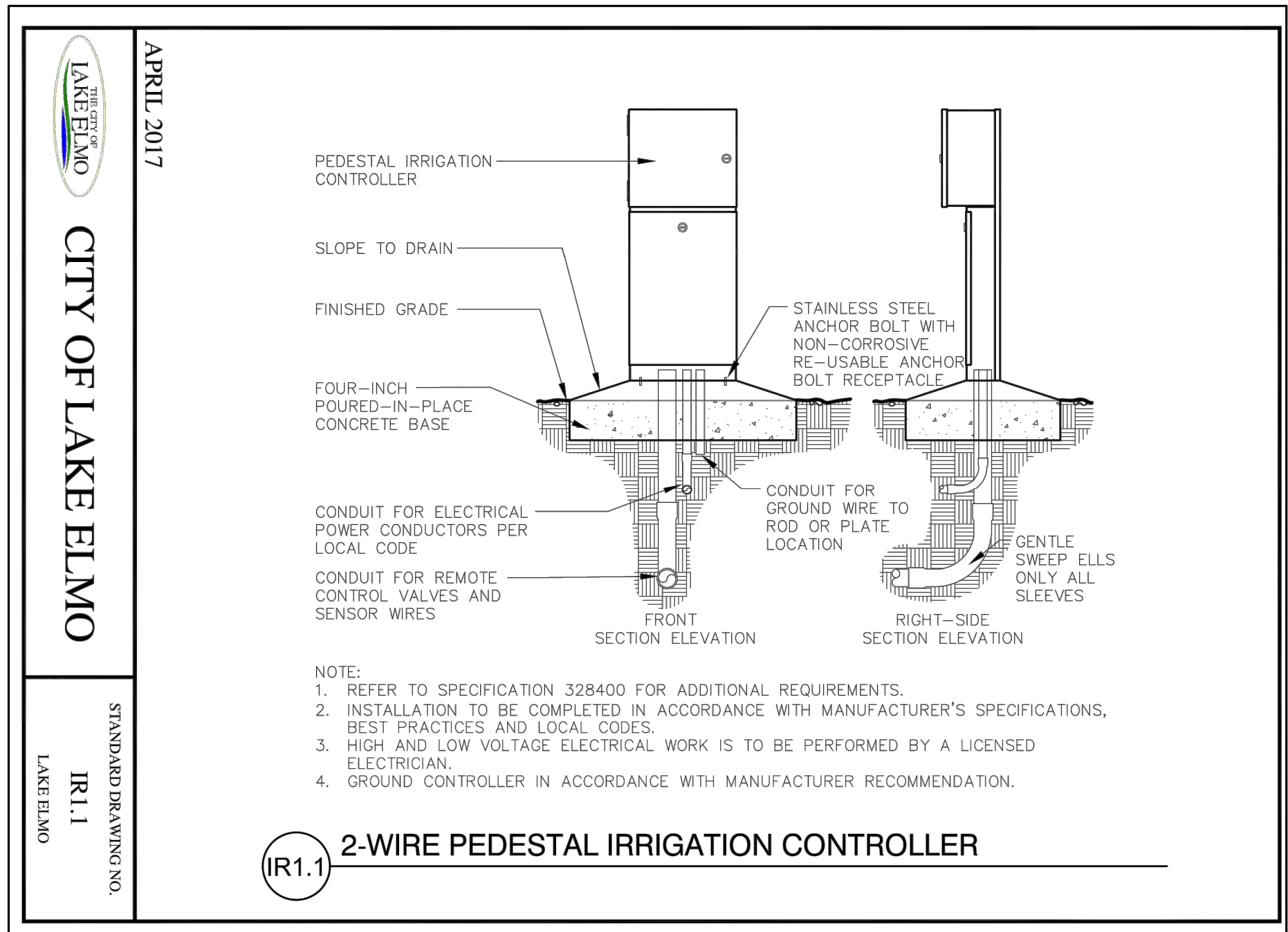
35-621		Dry Prairie Southeast			
Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/ac)	% of Mix (% by wt)	Seeds/ sq ft
side-oats grama	<i>Bouteloua curtipendula</i>	1.27	1.13	10.23%	2.48
blue grama	<i>Bouteloua gracilis</i>	0.78	0.68	6.19%	10.00
kalm's brome	<i>Bromus kalmii</i>	0.35	0.31	2.78%	0.90
nodding wild rye	<i>Elymus canadensis</i>	1.68	1.50	13.61%	2.86
slender wheatgrass	<i>Elymus trachycaulus</i>	1.32	1.18	10.76%	3.00
junegrass	<i>Koeleria macrantha</i>	0.46	0.41	3.71%	30.00
little bluestem	<i>Schizachyrium scoparium</i>	1.69	1.51	13.70%	8.30
sand dropseed	<i>Sporobolus cryptandrus</i>	0.25	0.22	1.98%	16.00
prairie dropseed	<i>Sporobolus heterolepis</i>	0.29	0.26	2.32%	1.50
Total Grasses		8.07	7.20	65.28%	75.04
butterfly milkweed	<i>Asclepias tuberosa</i>	0.07	0.06	0.52%	0.09
whorled milkweed	<i>Asclepias verticillata</i>	0.01	0.01	0.11%	0.05
bird's foot coreopsis	<i>Coreopsis palmata</i>	0.08	0.05	0.50%	0.20
white prairie clover	<i>Dalea candida</i>	0.10	0.09	0.78%	0.60
purple prairie clover	<i>Dalea purpurea</i>	0.17	0.15	1.32%	0.80
ox-eye	<i>Helopsis helianthoides</i>	0.07	0.06	0.51%	0.13
round-headed bush clover	<i>Lespedeza capitata</i>	0.03	0.03	0.31%	0.10
rough blazing star	<i>Liatris aspera</i>	0.02	0.02	0.17%	0.11
dotted blazing star	<i>Liatris punctata</i>	0.02	0.02	0.23%	0.06
wild bergamot	<i>Monarda fistulosa</i>	0.03	0.03	0.30%	0.85
horsemint	<i>Monarda punctata</i>	0.02	0.02	0.22%	0.80
stiff goldenrod	<i>Oligoneuron rigidum</i>	0.07	0.06	0.59%	0.98
large-flowered beard tongue	<i>Penstemon grandiflorus</i>	0.04	0.04	0.35%	0.20
black-eyed susan	<i>Rudbeckia hirta</i>	0.10	0.09	0.88%	3.20
gray goldenrod	<i>Solidago nemoralis</i>	0.01	0.01	0.14%	1.65
skyblue aster	<i>Symphoricaricium coelestinum</i>	0.01	0.01	0.06%	0.20
silly aster	<i>Symphoricaricium sericeum</i>	0.02	0.02	0.19%	0.20
bracted spiderwort	<i>Tradescantia bracteata</i>	0.01	0.01	0.12%	0.05
heart-leaved alexanders	<i>Zizia aurea</i>	0.02	0.02	0.21%	0.10
Total Forbs		0.90	0.80	7.49%	10.37
Oats or winter wheat (see note at beginning of list for recommended dates)		3.36	3.00	27.23%	1.33
Total Cover Crop		3.36	3.00	27.23%	1.33
Totals:		12.33	11.00	100.00%	86.75
Purpose:	Regional dry prairie reconstruction for wetland mitigation, ecological restoration, or conservation program plantings.				
Planting Area:	Eastern Broadleaf Forest Province excluding Hardwood Hills subsection. Mn/DOT Districts Metro & 6.				



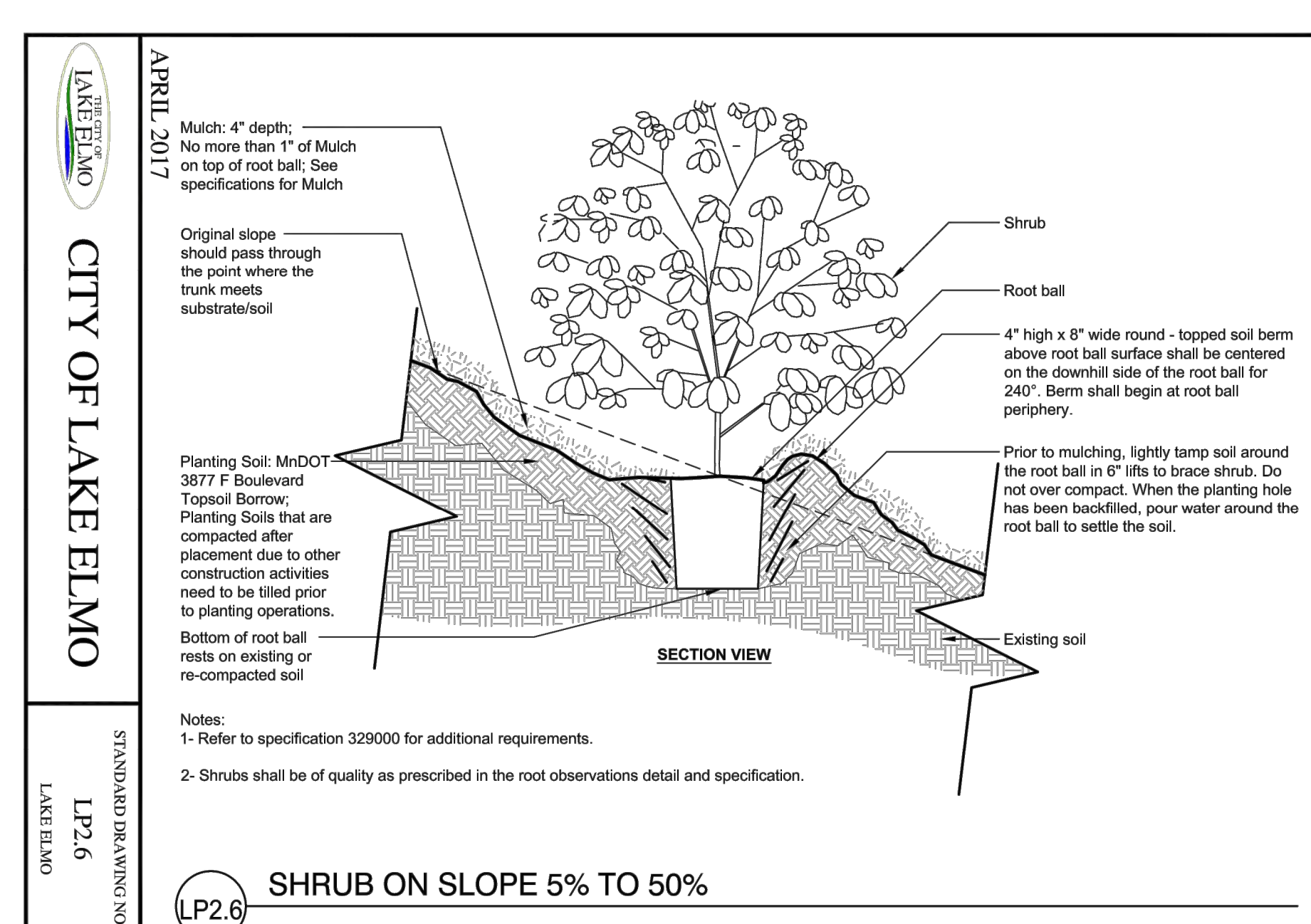
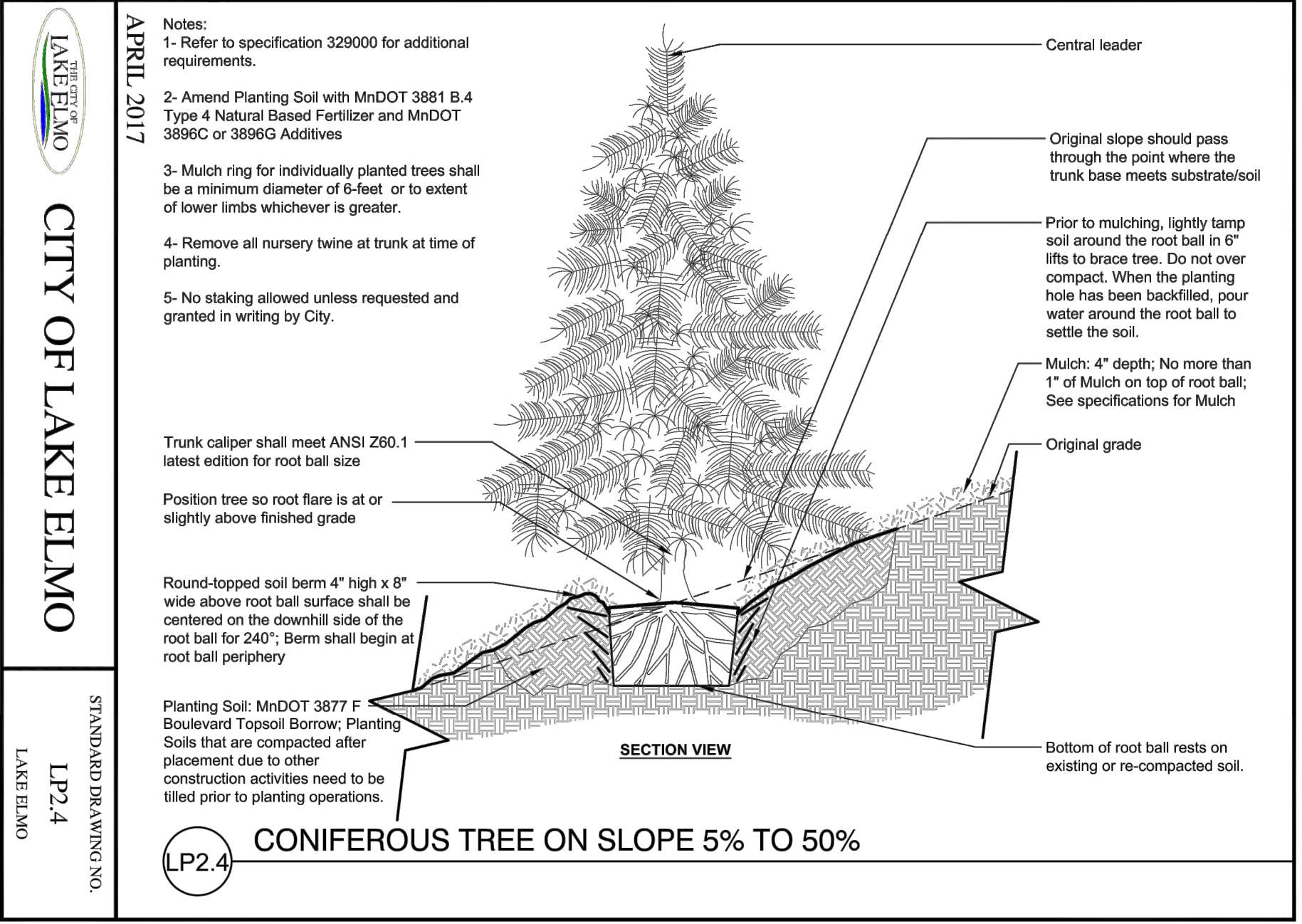
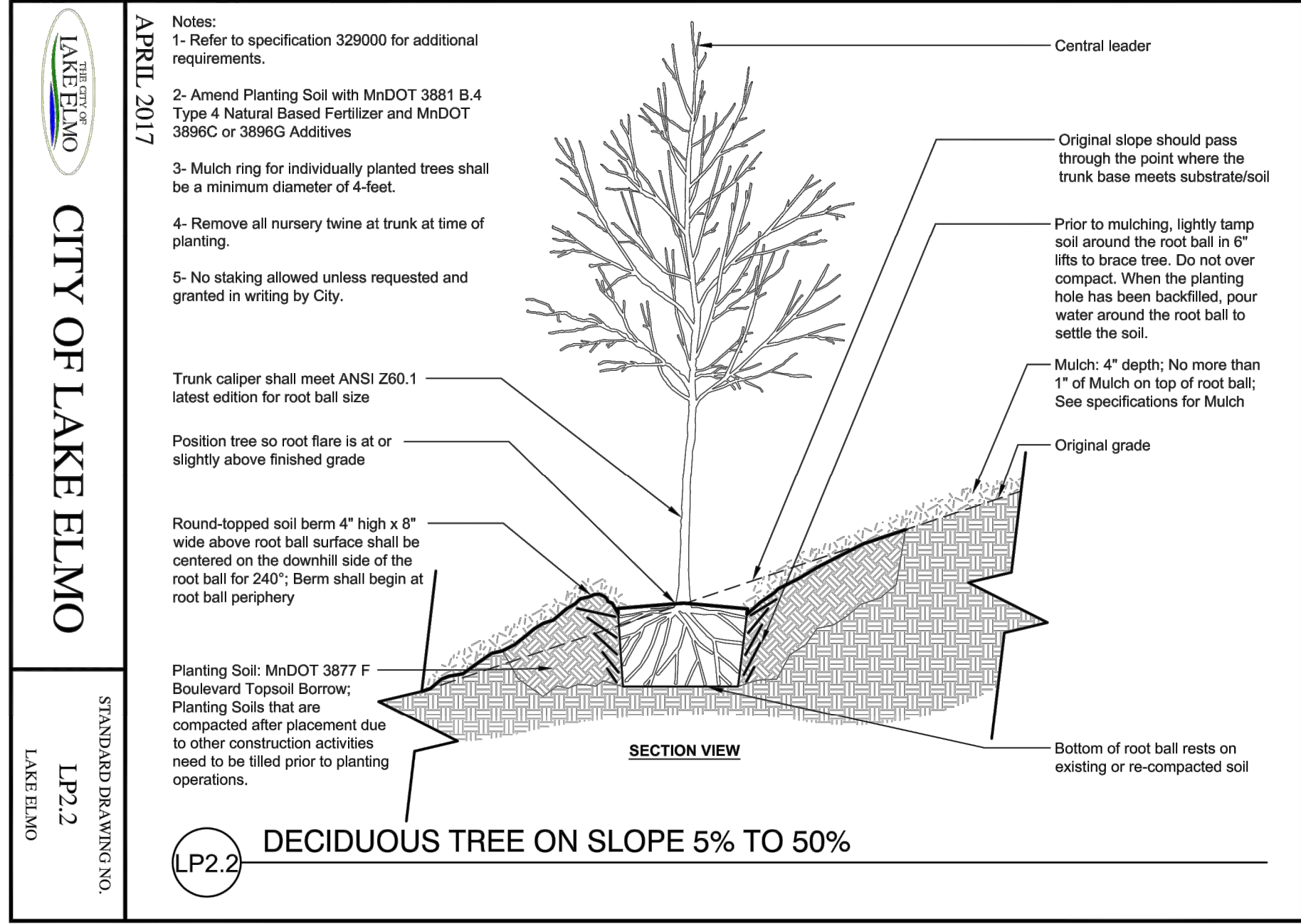
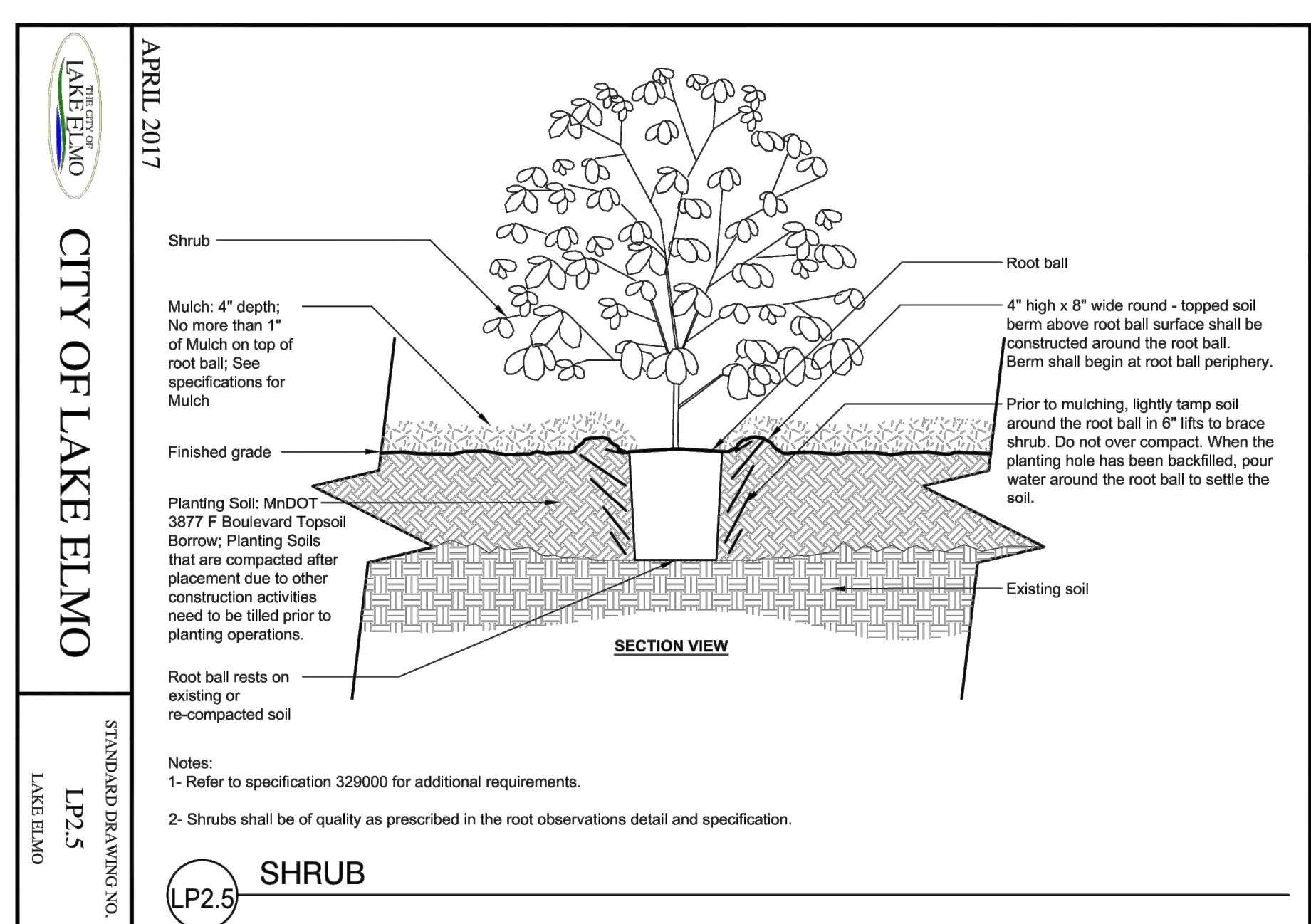
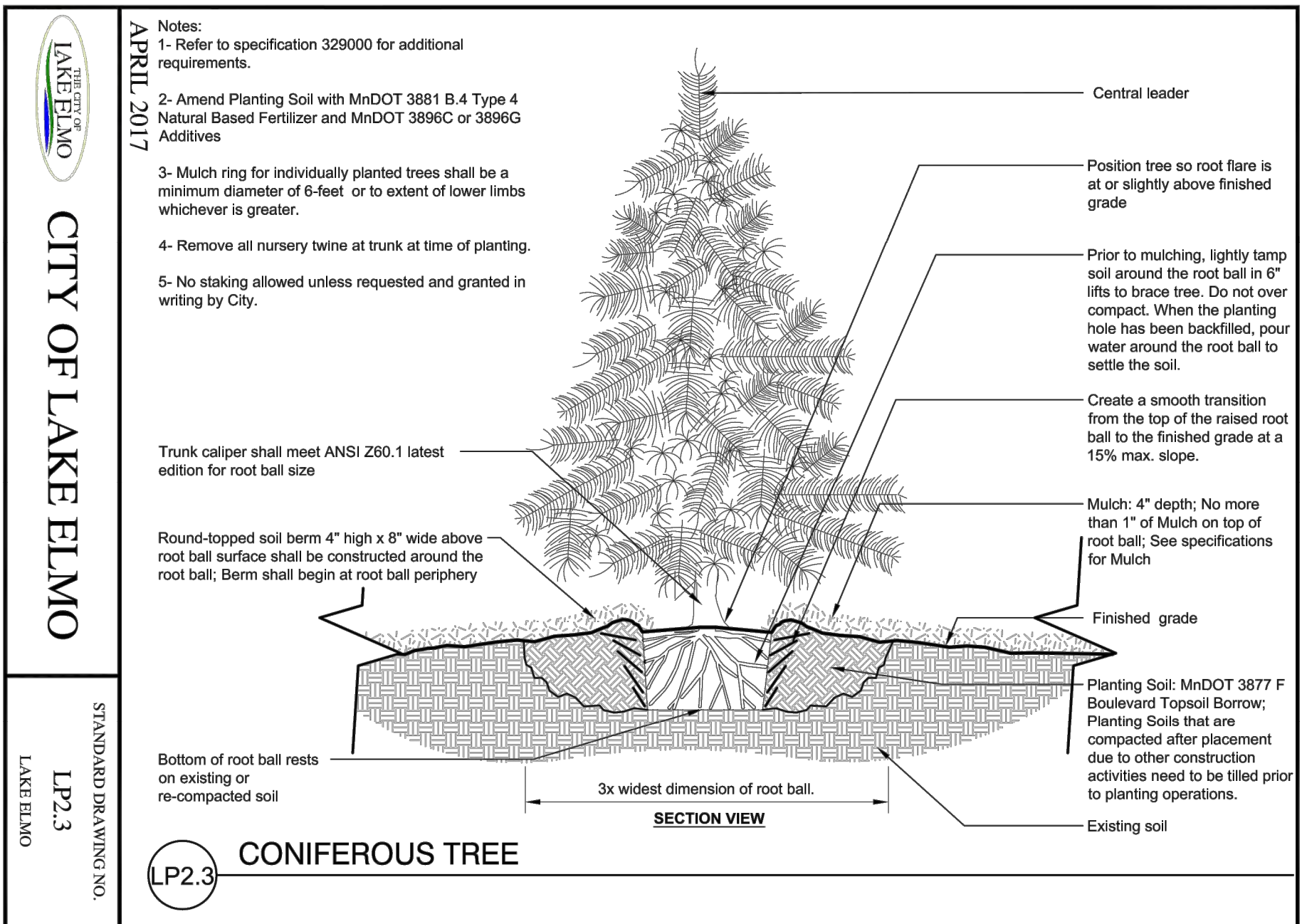
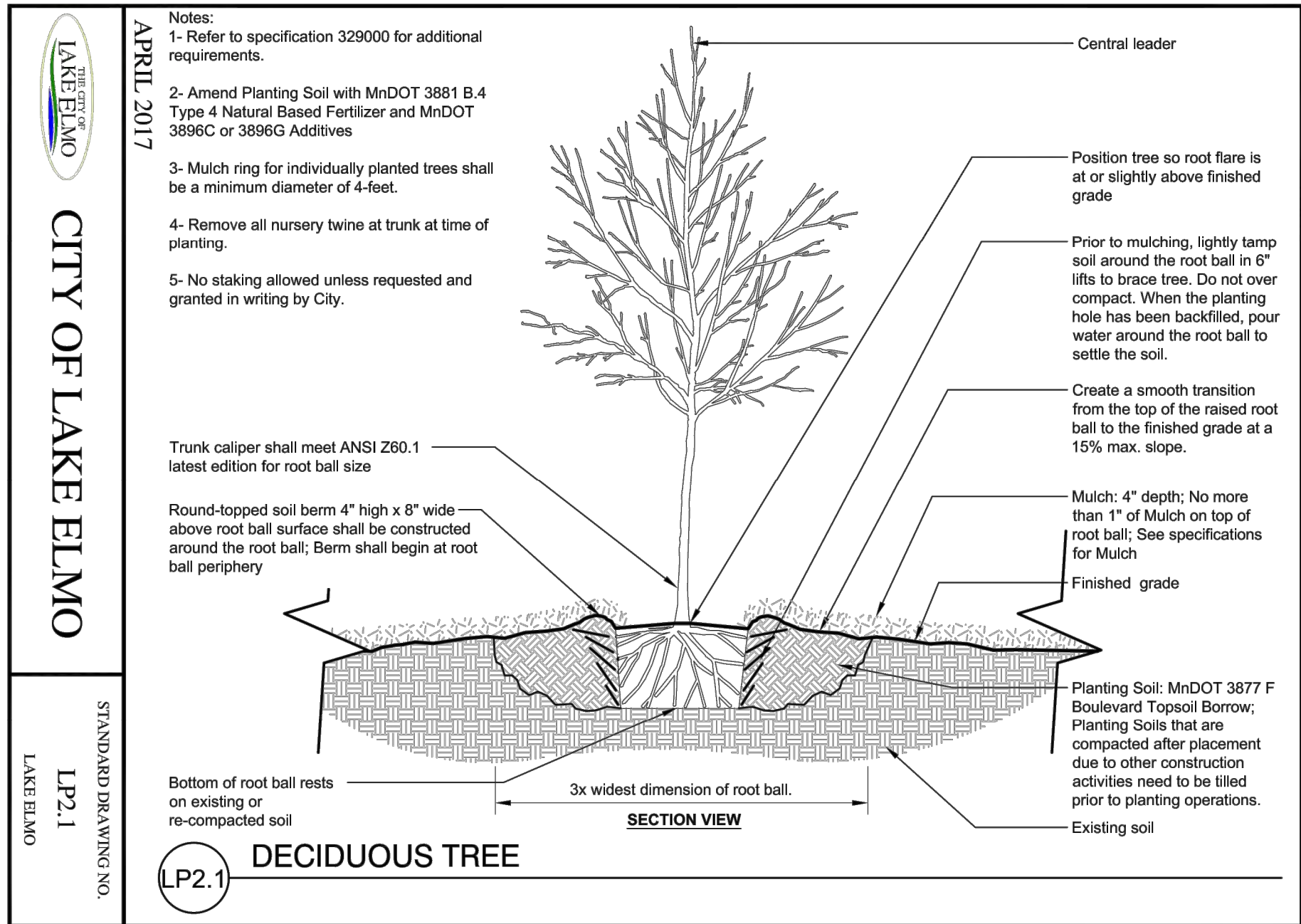


M  
BF

IRRIGATION DETAILS—IRRIGATION DESIGN BY OTHERS











To: Ben Prchal, City of Lake Elmo Planner

From: Lucius Jonett, Wenck Landscape Architect

Date: November 8, 2018

Subject: City of Lake Elmo Landscape Plan Review  
Royal Golf Club – 3<sup>rd</sup> Addition, Review #1

#### Submittals

- Royal Golf Club 3<sup>rd</sup> Addition Final Plat, draft not signed
- Royal Golf Club 3<sup>rd</sup> Addition Civil Site Plans, dated 10/05/2018, received 10/31/2018.
- Royal Golf Club 3<sup>rd</sup> Addition Landscape Plans, dated 10/09/2018, received 10/31/2018.

Location: Area between 10th Street and 20<sup>th</sup> Streets, east of Lake Elmo Avenue and west of Manning Trail on the former 3M Tartan Park properties.

Land Use Category: Residential golf course community Planned Unit Development on 428.06 acres and will include 291 single-family residential lots, a lot for the clubhouse and facilities, and golf course.

Surrounding Land Use Concerns: As required in the resolution of approval, there is a requirement that the developer work with the adjacent property owners (Homestead Development) to get an agreement in place for screening and that it be incorporated into the final landscape plans.

Special Landscape Provisions in addition to Zoning Code: The Royal Golf Club Development and the City agreed that the number of trees required to be planted within the development for tree replacement and requirements per city ordinance was to be 2900 – as per the amendment to the development agreement attached. The development agreement also states that the number of trees can be reduced by woodland management or pollinator friendly techniques or the payment of \$500 for parkland dedication requirements per 2.5-inch caliper inch tree not planted.



### Tree Preservation:

A tree survey/preservation plan has been previously submitted and approved with preliminary plat that does meet all requirements, including a tree inventory showing individual trees that are exempt, removed and saved.

	Entire Site	Tree Preservation Phase 1	
<u>Total Caliper Inches On-Site:</u>	138991.36	138991.36	Cal Inches
Significant Inches Removed On-Site	58883.2	17034.3	Cal Inches
Common Trees	19824.7	5347.2	
Conifer/Evergreen Trees	15646.9	2775.9	
Hardwood Trees	23411.6	8911.2	
Tree Removal Limits (30% Significant Inches Removed On-Site)	41697.41	41697.41	Cal Inches
Subtract Common Tree Removals	19821.7	5347.2	
Subtract Conifer/Evergreen Tree Removals	15646.9	2775.9	
Subtract Hardwood Tree Removals	23411.6	8911.2	
Removals in excess of 30% allowance	-17182.79	24663.11	Cal Inches
Removals in Excess of Allowance	17182.7	0	Cal Inches
Hardwood Tree Replacement (1/2 the dia inches removed)	8591.35	0.00	Cal Inches
Tree replacement needed	8591.35	0.00	Cal Inches
Tree Replacement Required @ 2.5" per Tree	3437	0	# of Trees

Tree replacement is required because more than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.



### Landscape Requirements:

The 3<sup>rd</sup> addition landscape plans do meet the code required number of trees.

	Master Plan Required	Master Plan Approved	1st Addition Required	2nd Addition Required	3rd Addition Required	
Street frontage	35,961		7,942	10,163	8,360	Lineal Feet
Lake Shore	0					Lineal Feet
Stream Frontage	0					Lineal Feet
Total Linear Feet	35,961		7,942	10,163	8,360	Lineal Feet
/50 Feet = Required Frontage Trees	720		159	204	168	Trees
Development or Disturbed Area	-					SF
Development or Disturbed Area	146		37	38	37	Acres
/5 = Required Development Trees	730		185	190	185	Trees
Code Required Number of Trees	1,450		344	394	353	
Required Mitigation Trees	3,437					
PUD Agreement Required # of Trees	2,900					
Qualified* Trees Proposed to Date		1,943	419	632	658	

*\*Ornamental and builder trees not included in tree count to satisfy 2,900 tree requirement per the PUD agreement.*

1. A minimum one (1) tree is proposed for every fifty (50) feet of street frontage.
2. A minimum of five (5) trees are proposed to be planted for every one (1) acre of land that is developed or disturbed by development activity.

The master landscape plans meet the minimum of twenty-five percent (25%) of the required number of trees shall be deciduous shade trees and a minimum of twenty-five percent (25%) of the required number of trees be coniferous trees.

Master Plan	Qty	% Composition
Deciduous Shade Tree	1190	61%
Coniferous Tree	753	39%
Ornamental Trees*	42	
Builder Trees*	888	
Tree Count	2831	

Phase 1	Qty	% Composition
Deciduous Shade Tree	239	57%
Coniferous Tree	180	43%
Ornamental Trees*	0	
Builder Trees*	202	
Tree Count	621	



Phase 2	Qty	% Composition
Deciduous Shade Tree	425	67%
Coniferous Tree	207	33%
Ornamental Trees*	24	
Builder Trees*	158	
Tree Count	790	

Phase 3	Qty	% Composition
Deciduous Shade Tree	340	52%
Coniferous Tree	318	48%
Ornamental Trees*	26	
Builder Trees*	206	
Tree Count	864	

*\*Ornamental and builder trees not included in tree count to satisfy 2,900 tree requirement per the PUD agreement.*

Total Composition	Qty	% Composition
Deciduous Shade Tree	1004	59%
Coniferous Tree	705	41%
Ornamental Trees*	50	
Builder Trees*	566	
Tree Count	5106	

A. A landscape plan has been submitted that meets all requirements.

#### Findings:

1. Submitted landscape plans are consistent with the approved preliminary plat, and plan and agreement approved and executed between the Homestead HOA and Royal Golf club regarding screening.
2. Black hills spruce and white pine trees have mature diameters of approximately 20'-30' and 30'-40' respectively. When the tree symbols are show to scale, there are several locations on sheet L4 where the trees at full diameter will overlap the buildings. See attached figure.
3. There is on tree on L4 that is located on the edge of driveway pavement that will need to be relocated. See attached figure.
4. Future irrigation plans will need to meet City requirements.



Ben Prchal  
Planner  
City of Lake Elmo  
November 8, 2018



Recommendation:

It is recommended that a condition of approval for the Royal Golf Club – 3<sup>rd</sup> Addition landscape plans include:

1. Adjust the location and spacing of the trees that overlap the buildings when shown at mature diameter and resubmit a revised landscape plan.
2. Adjust the location of the tree that is on the edge of the driveway and resubmit a revised landscape plan.

Sincerely,

A handwritten signature in black ink that reads 'Lucius Jonett'. The signature is fluid and cursive, with the first name 'Lucius' being more prominent than the last name 'Jonett'.

Lucius Jonett, PLA (MN)  
Wenck Associates, Inc.  
City of Lake Elmo Municipal Landscape Architect



DETAIL B



- LANDSCAPE NOTES:
1. LOTS WILL BE SODDED AFTER CONSTRUCTION.
  2. SEE SHEET L1 FOR LANDSCAPE REQUIREMENT DATA
  3. TREES WITHIN BOULEVARDS WITH SIDEWALKS WILL BE PLANTED 5' FROM CURB
  4. TREES WITHIN BOULEVARDS WITHOUT SIDEWALKS WILL BE PLANTED 8' FROM CURB
  5. SEE CITY DOCUMENTS 32 90 00 "PLANTING SPECIFICATION" AND 3292 "TURF ESTABLISHMENT" FOR MORE REQUIREMENTS. THESE DOCUMENTS CAN BE OBTAINED FROM THE CITY OR THE PROJECT LANDSCAPE ARCHITECT.
  6. SEE SHEET L8 FOR CITY PLANTING DETAIL PLATES.

TREE TOTALS FOR 3RD ADDITION

PLANT SCHEDULE

KEY	COMMON NAME/Scientific name	ROOT	QUANTITY	
OVERSTORY TREES				
	NORTHWOODS RED MAPLE/Acer rubrum 'Northwoods'	2.5" B&B	36	
	AUTUMN BLAZE MAPLE/Acer x freemanii 'Jeffersred'	2.5" B&B	12	
	SIENNA GLEN MAPLE/Acer x freemanii 'Sienna'	2.5" B&B	--	
	SUGAR MAPLE/Acer Saccarum 'Green Mountain'	2.5" B&B	19	
	HERITAGE RIVER BIRCH/Betula nigra 'Cully'	12" B&B	52	
	WHITESPIRE BIRCH/Betula populifolia 'Whitespire'	12" B&B	21	
	COMMON HACKBERRY/Celtis occidentalis	2.5" B&B	30	
	KENTUCKY COFFEE TREE/Gymnocladus dioicus	2.5" B&B	28	Use male/seedless var. True North, Espresso
	RED OAK/Quercus rubra	2.5" B&B	44	
	NORTHERN PIN OAK/Quercus ellipsoidalis	2.5" B&B	16	
	SWAMP WHITE OAK/Quercus bicolor	2.5" B&B	54	
	PRINCETON ELM/Ulmus americana 'Princeton'	2.5" B&B	28	
	GINGKO/Ginko biloba (male only)	2.5" B&B	--	
	CATALPA/Catalpa speciosa	2.5" B&B	--	
	QUAKING ASPEN/Populus tremuloides	2.5" B&B	--	
	SPADED MAPLE AND OAK TRANSPLANTS	6" MM	--	ONLY 1ST ADDITION
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	WHITE PINE/Pinus strobus	6" B&B	131	
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	JAPANESE TREE LILAC/Syringa reticulata	8" B&B	12	
	SPRING SNOW CRAB/Malux 'Spring Snow'	2" B&B	14	

STANDARD PLAN NOTES  
LANDSCAPE PLANS

1. Contractor must contact Gopher State One Call 811 ([www.gopherstateonecall.org](http://www.gopherstateonecall.org)) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.
2. Plant materials shall meet American Standard for Nursery Stock: ANSI Z60.1, latest edition.
3. No plant substitutions shall be made without the prior written authorization from the City.
4. All tree locations to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the City and Project Landscape Architect prior to any tree installation.
5. All plants shall be planted immediately upon arrival to project site. No plant material is to be left overnight on the project site without being installed unless written approval by City.
6. All trees, shrubs, perennials, turf lawn and native seeding to have a two-year warranty beginning upon written acceptance by the City. Defective plants as determined by the City shall be replaced within 30 days of notice during the growing season, and replacement materials shall receive the same two year warranty until plants are successfully established.
7. Contractor to protect and maintain all plantings and plant beds, including protection from wildlife, weeding, re-mulching, fertilization, irrigation and all other typical forms of horticultural care until the end of the warranty period as determined and approved by City.
8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.
9. An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017



CITY OF LAKE ELMO

STANDARD DRAWING NO.

LP2.0

LAKE ELMO

**PIONEER**engineering  
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

2422 Enterprise Drive  
Mendota Heights, MN 55120

(651) 681-1914  
Fax: 681-9488  
[www.pioneereng.com](http://www.pioneereng.com)

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota

Name  
Jennifer L. Thompson

Reg. No.

44763

Date  
10-9-18

Revisions

Date  
10-9-18

Designed  
JLT

Drawn  
JLT

GROUNDCOVER PLAN

HC GOLF COURSE DEVELOPMENT, LLC

11074 RADISSON ROAD NE  
BLAINE, MINNESOTA 55449

THE ROYAL GOLF CLUB AT LAKE ELMO 3RD ADD

LAKE ELMO, MINNESOTA

L4 OF 7



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## LAND USE APPLICATION

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance\*(see below) ☐ Zoning Appeal
- ☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications ☒ Easement Vacation

Applicant: Royal Development Inc.  
Address: 941 Hillwind Rd NW, STE 301 Fridley MN 55432  
Phone # 651-505-9079  
Email Address: afurlong@royalclubmn.com

Fee Owner: H.C. Golf Land, LLC.  
Address: 11074 Radisson Rd Blaine MN 55449  
Phone # 651-505-9079  
Email Address: afurlong@royalclubmn.com

Property Location (Address): 11455 20th Street N Lake Elmo MN 55042  
(Complete (long) Legal Description: See Attached

PID#: See Attached

Detailed Reason for Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 10-16-18  
Signature of fee owner: [Signature] Date: 10-16-18





Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## ***EASEMENT VACATION SUBMISSION REQUIREMENTS***

In accordance with the provisions of Minnesota State Statute 412.851, the City may vacate any street, alley public grounds, public way, or any part thereof, on its own motion or petition of a majority of the owners of land abutting the aforementioned.

The application for an easement vacation shall include:

- a. Completed application form.
- b. Narrative explaining why the easement vacation is being requested.
- c. Name, address, telephone number, and, if available, fax and email address of the applicant as well as of the person, firm, corporation, or association.
- d. Parcel ID # and Legal description.
- e. Survey showing existing easement(s) to be vacated and all other easements, if any, over the property.
- f. General location of all buildings and their approximated dimensions and square footage.
- g. Approximate location of all curb cuts, driveways, access roads, parking areas, off-street loading areas, and sidewalks.
- h. Document illustrating proposed replacement easement(s) and new legal description of replacement easement(s), if applicable.
- i. Mailing labels with names and addresses of property owners within 350 feet. The city requires that this list be from a certified abstractor or from Washington County.
- j. Applicable fee listed on the Cities current fee schedule.
- k. Such other information as the City may require to ensure compliance with other applicable ordinances.





**PUBLIC WORKS DEPARTMENT  
SURVEY & LAND MANAGEMENT  
DIVISION**

Donald J. Theisen, P.E.  
Director

Michael J. Welling, P.L.S.  
County Surveyor/Division Manager

Washington County Government Center • 14949 62nd Street North • P.O. Box 6 • Stillwater, MN 55082  
Phone 651-430-6875 • Fax 651-430-6888 • TTY 651-430-6246

Date of request \_\_\_\_\_

Parcel Search File No. \_\_\_\_\_

**REQUEST FOR SURROUNDING PROPERTY OWNERS AND ADDRESSES**

Requested by: Name Royal Development, Inc.  
Business Royal Golf Club  
Street address 11455 20th Street North  
City/State/Zip code Lake Elmo MN 55042

Daytime Phone ( ) 651-505-9079

List of owner names and addresses for parcels located within 350 feet of:

Parcel ID (if known) \_\_\_\_\_  
Owner's Name \_\_\_\_\_  
Street address of subject parcel \_\_\_\_\_  
City or Township \_\_\_\_\_

Date needed: 5/11/17

Mail report \_\_\_\_\_ Pick up report ☒

Mailing labels: Yes ☒ No \_\_\_\_\_

# of sets of labels: \_\_\_\_\_

**PARCEL SEARCH FEES**

1st 25 parcels, including subject parcel (\$50.00) \$ \_\_\_\_\_

1 sheet of 30 labels (\$1.00/set) \_\_\_\_\_

Postage, if parcel search is mailed (\$2.00) \_\_\_\_\_

Fee, if parcel search is faxed (\$2.00) \_\_\_\_\_

Completion date \_\_\_\_\_

Service Rep \_\_\_\_\_

Total # of parcels \_\_\_\_\_

Total # of labels \_\_\_\_\_

# of additional parcels \_\_\_\_\_ x .50 = \$ \_\_\_\_\_

# of add'l sheets of labels \_\_\_\_\_ x 1.00 = \_\_\_\_\_

Amount due: \$ \_\_\_\_\_

Visa/MC \_\_\_\_\_ Check/Cash \_\_\_\_\_ Invoice \_\_\_\_\_

Payment date \_\_\_\_\_ Payment received by \_\_\_\_\_

THIS INFORMATION WAS COMPILED FROM WASHINGTON COUNTY SURVEYOR MAPS AND COUNTY ASSESSOR DATA FILES. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY INACCURACIES IN THE INFORMATION RELIED UPON IN THIS PARCEL SEARCH.





**City of Lake Elmo**  
**Escrow Agreement for Municipal Review Services**  
**Deposit Agreement**

**THIS AGREEMENT** is made this 16 day of October 2018 by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

Applicant: Royal Development Inc.  
Address: 941 Hillwind Rd NW, STE 301 Fridley MN 55432  
Phone # 651-505-9079  
Email Address: afurlong@royalclubmn.com

B. "Owner" whose name and address is:

H.C. Golf Land, LLC.  
11074 Radisson Rd Blaine MN 55449

**RECITALS**

**WHEREAS**, the Applicant has applied to the City for approval for one or more of the following:  
(Circle One)

- |                                     |    |                          |
|-------------------------------------|----|--------------------------|
| <input type="checkbox"/>            | 1. | Concept / Sketch Plan    |
| <input type="checkbox"/>            | 2. | Preliminary Plat         |
| <input checked="" type="checkbox"/> | 3. | Final Plat               |
| <input type="checkbox"/>            | 4. | Planned Unit Development |
| <input type="checkbox"/>            | 5. | Open Space Development   |
| <input type="checkbox"/>            | 6. | Conditional Use Permit   |
| <input type="checkbox"/>            | 7. | Commercial Zoning / Use  |
| <input type="checkbox"/>            | 8. | EAW Review               |

**WHEREAS**, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

**WHEREAS**, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.



**NOW THEREFORE**, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
  - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
  - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
  - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
  - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant



agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit within (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Applicant; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[ Signature Page Follows ]



IN WITNESS WHEREOF, we have hereunto set our hands and seals.

APPLICANT

Royal Development Inc.  
By: James F Felten  
Its: President

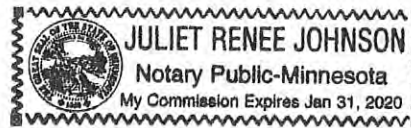
By: \_\_\_\_\_  
Its: \_\_\_\_\_

OWNER:

H.C. Golf Land, LLC  
By: James F Felten  
Its: President

By: \_\_\_\_\_  
Its: \_\_\_\_\_

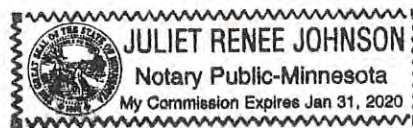
STATE OF MINNESOTA     )  
                                          ) ss.  
COUNTY OF WASHINGTON    )



On this 16th day of October, 2018 before me a Notary Public within and for said County, personally appeared James Felten and                      to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their free act and deed.

[Signature]  
Notary Public

STATE OF MINNESOTA     )  
                                          ) ss.  
COUNTY OF WASHINGTON    )



On this 16th day of October, 2018 before me a Notary Public within and for said County, personally appeared James Felten and                      to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their free act and deed.

[Signature]  
Notary Public



**CITY OF LAKE ELMO**

\_\_\_\_\_  
By: Kristina Handt  
Its: City Administrator

\_\_\_\_\_  
Attest: Julie Johnson, City Clerk

STATE OF MINNESOTA        )  
                                          ) ss.  
COUNTY OF WASHINGTON    )

On this \_\_\_\_ day of \_\_\_\_\_, 201 , before me a Notary Public within and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

\_\_\_\_\_  
Notary Public





Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042


## **ACKNOWLEDGEMENT OF RESPONSIBILITY**

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant  Date 10-16-18

Name of applicant Royal Development, Inc. Phone 651-505-9079  
(Please Print)

Name and address of Contact (if other than applicant) Jim Felten (651) 505-9079  
11455 20th Street N, Lake Elmo, MN 55042





Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

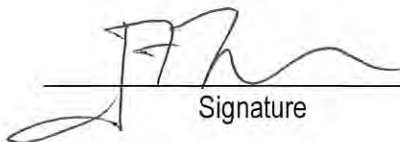
## ***AFFIRMATION OF SUFFICIENT INTEREST***

I hereby affirm that **I am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Royal Development, Inc.  
(Please Print)

Street address/legal description of subject property \_\_\_\_\_

11455 20th Street N Lake Elmo MN 55042

\_\_\_\_\_  
Signature

10-16-18  
Date

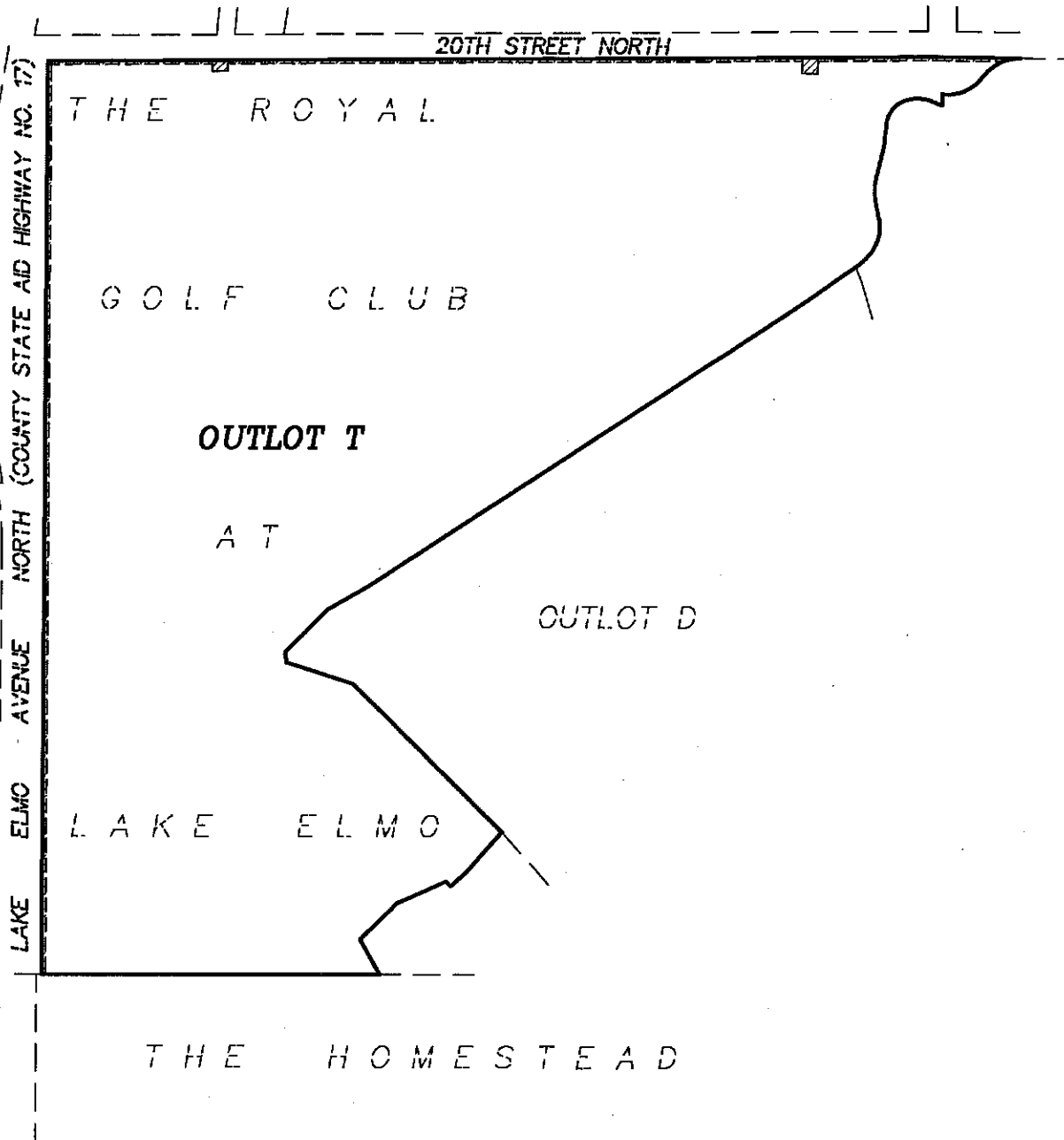
**If you are not the fee owner**, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

**If a corporation is fee title holder**, attach a copy of the resolution of the Board of Directors authorizing this action.

**If a joint venture or partnership is the fee owner**, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



## Drainage and Utility Easement Vacation Sketch



**DRAINAGE AND UTILITY EASEMENT VACATION DESCRIPTION:**

All of the drainage and utility easements, as created and dedicated over, under, and across Outlot T, THE ROYAL GOLF AT LAKE ELMO, according to the recorded plat thereof, Washington County, Minnesota.

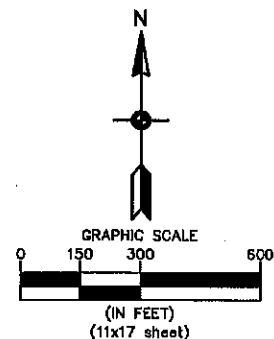
Sold vacation area contains  $\pm 55,570$  sq. ft.



**ENVIRONMENTAL • ENGINEERING • SURVEYING**  
3890 Pheasant Ridge Drive NE,  
Suite 100, Blaine, MN 55449  
Phone: 763-489-7900 Fax: 763-489-7959



**Drainage and Utility Easement Vacation Area**





## **The Royal Club**

### **Owner:**

H.C. Golf Land, LLC  
11074 Radisson Rd N.E.  
Blaine, MN 55449  
Attn: Hollis Cavern and Joel LeVahn

### **Development:**

James Felten  
President  
The Royal Club  
651-414-1948  
[jfelten@royalclubmn.com](mailto:jfelten@royalclubmn.com)

### **Contact Representative:** Amanda Furlong

Ph: 651-505-9079

Email: [afurlong@royalclubmn.com](mailto:afurlong@royalclubmn.com)

### **Civil Engineer:**

Brian Krystofiak P.E.  
Carlson McCain Engineers and Surveyors  
3890 Pheasant Ridge Dr., #100  
Blaine, MN 55449  
763-489-7905  
[bkrystofiak@carlsonmccain.com](mailto:bkrystofiak@carlsonmccain.com)

### **Surveyor:**

Thomas Balluff, R.L.S.  
Carlson McCain Engineers and Surveyors  
3890 Pheasant Ridge Dr., #100  
Blaine, MN 55449  
763-489-7916  
[tballuff@carlsonmccain.com](mailto:tballuff@carlsonmccain.com)





## STAFF REPORT

DATE: December 4<sup>th</sup>, 2018

**REGULAR**

ITEM #: 28

**MOTION**

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Revision of Planning Commission Ordinance. Chapter 32  
**REVIEWED BY:** Ken Roberts – Planning Director

---

### **BACKGROUND:**

Staff recently had a discussion with a Parks Commission member regarding procedures and Chapter 32 as it pertains to the Parks Commission. After reviewing the ordinance with the commission in July, staff understood the same review should be conducted of the Planning Commission Ordinance. The Planning Commission reviewed their section of the City code on November 27<sup>th</sup>, 2018. The suggested code changes by staff as well as the Planning Commission comments are outlined below.

### **ISSUE BEFORE THE COMMISSION:**

Would the City Council like to adopt the recommended changes to Chapter 32 of the City Code as they pertain to the Planning Commission?

### **PROPOSAL:**

To review Lake Elmo's Planning Commission Ordinance, staff gathered examples from other Washington County communities and did some comparisons and analysis. Staff has proposed amendments to the ordinance in order to shorten and further clarify the objectives of the chapter. There are many corrections to the chapter but staff has chosen to specifically highlight some of the amendments below. In addition to the amendments, staff would propose creating a set of bylaws for the planning commission to follow. If the commission and City Council supportive of having bylaws, a draft set of by-laws would be brought to future meeting for their review.

### **32.082 Composition**

Comparable communities have 5 - 7 voting members.

<b>Jurisdiction</b>	<b>Commission Members</b>	<b>Quorum</b>	<b>Consecutive Terms</b>
Hugo	7 Voting Members	4	None Stated
Oak Park Heights	5 Voting Members	Not Stated	No more than consecutive 2 terms
Mahtomedi	7 Voting Members	Majority of all members	None Stated
Oakdale	7 Voting Members	Simple Majority of serving members	3 consecutive terms
Cottage grove	9 Voting Members	Majority of appointed members	No more than consecutive 2 terms
Lake Elmo	7 Voting 2 Alternates	4 Members	No more than 2 consecutive terms

Staff does not believe there should be a limit on consecutive terms. Instead, at the end of term they may be reappointed by the City Council if they wish to continue serving on the Planning Commission. If there is another interested party, council must decide on who shall receive the appointment. State statue has not established a number of members, length of terms, or consecutive term limits for the Planning Commission.



**32.030 Officers**

There is no longer a need to elect a secretary as the duties which have been assigned to them by the ordinance now have staff members who have been or can perform the assigned duties.

**32.031 Annual Meetings, 32.033 regular Meetings, and 32.04 Special Meetings**

Currently there are 3 sections that discuss meetings. There is no need to have 3 separate sections to outline meetings. Instead the language in them has been reduced and consolidated into “32.031 Meetings”

**32.036 VOTING**

The adjustments to this section are for consistency and to remove other rules that are not practical to follow.

**32.040 Records**

Adjustments are for consistency.

**32.042 Duties and Powers Of The Commission**

The title has been amended as well as the content. At first glance the current language is a lot to take in. Staff has done their best to consolidate and clean up the separate bullets.

**FISCAL IMPACT:**

Staff does not foresee a fiscal impact with the proposed changes.

**RECOMMENDATION AND STAFF COMMENTS:**

**Planner Comments:**

Though there are a lot of changes throughout the ordinance, much of the language has been reduced for simplification and consolidated. Staff believes the language proposed for removal is no longer practical to follow, has not been followed in the past, or can be incorporated into bylaws.

**Planning Commission Recommendation:**

The Planning commission suggested amendments to the Ordinance, which the Planning Staff is in support of. The conversation regarding the suggested edits circled around two main points. The reduction in commission members as well as consecutive term limits. There was a concern by the Planning Commission that fewer members would make it more difficult to meet a quorum. There are also several other communities that have 7 members, if the lower number was indeed an issue staff believes it would not be as common. The second concern was the elimination of consecutive term limits. The term limit was removed because it is not always followed and if there are not enough applicants to fill positions it would be a shame not to allow a member a 3<sup>rd</sup> or 4<sup>th</sup> term because of a 2 term limit. The discussion here was in regard to fresh thoughts/ideas coming forward to the Planning Commission. By removing the term limit it would perceivably allow a member to sit on the commission for several years. However, if there was a full commission and a new resident became interested in serving on the Planning Commission the City Council would have the option to appoint the new member to the Planning Commission thus removing the long standing member. There was a motion to keep the language for 2 term limits but it was denied 5-2.

Overall the Commission voted to approve the changes with amendments, 7-0.

***“Recommend approval of the amended language to Chapter 32 as it pertains to the Planning Commission”***  
**ATTACHMENTS:**

- Proposed Ordinance.
- LMNC write up, Hugo, Mahtomedi, Oak Park Heights, and Oakdale Code sections.



CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-XX

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING CHAPTER 32 TO REDUCE THE NUMBER OF COMMISSIONERS AND SIMPLIFY  
THE CHAPTER.**

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title III, Chapter 32, City Organizations, Sections 32.025-32.042, Planning Commission by amending the following language:

**§ 32.025 ESTABLISHMENT.**

A Planning Commission is continued in the city.  
(1997 Code, § 210.01)

**§ 32.026 PURPOSE.**

The Planning Commission is established to meet the requirements of state statute; to develop and enforce the Comprehensive Plan and amendments to the plan, subject to City Council approval and the requirements of the State Municipal Planning Act; and to review and make recommendations on subdivisions, zoning applications, planned unit developments, and site and building plans as provided by ordinance. No expenditures by the Commission shall be made unless and until authorized for the purpose by the City Council.

(1997 Code, § 210.02)

**~~§ 32.027—COMPOSITION~~ COMPOSITION.**

(A) *Generally.* The Planning Commission shall consist of 7 voting members. ~~members and 2 non-voting alternate members.~~ The voting Mmembers shall be appointed for a 3-year terms so that only 1/3 of the appointments will expire on December 31 of each year. ~~Voting members may not serve more than 2 consecutive terms.~~ Appointments to an additional term(s) will be considered with the available applicant pool. ~~Alternate members shall be appointed to serve until there is a vacancy on the Planning Commission. The City Council shall appoint a first alternate and a second alternate who shall become voting members in the order of their appointment upon a vacancy on the Commission.~~

(1997 Code, § 210.03) (Am. Ord. 97-96, passed 1-15-2002; Am. Ord. 97-147, passed 2-15-2005; Am. Ord. 97-200, passed 11-5-2007; Am. Ord. 08-046, passed 6-21-2011)

~~—(B) Special appointments.~~

~~—(1) At the discretion of the City Council, up to 5 additional appointments can be made to the Planning Commission, for each special project, including but not limited to Environmental Management, Maintenance Advisory, and the Old Village, to assist with special projects currently in process, or directed by the City Council to be studied, drafted, and completed.~~

~~—(2) The term of the special appointments shall expire 2 years from the date of appointment, or upon completion of the special project, whichever is first. Any special appointee may request reappointment if the specific project is not completed in that time.~~

~~—(3) (a) Special project appointees shall have full voting privileges only on issues specifically related to the special project.~~

~~—(b) Full voting privileges for the regular Planning Commission shall remain consistent with this section.~~

~~(Ord. 97-67, passed 1-2-2001; Am. Ord. 97-70, passed 1-16-2001)~~

**§ 32.028 QUALIFICATIONS.**

Each member ~~and alternate member~~ shall be a resident of the city. Wherever possible, Commission



members should represent all geographical areas of the city and a cross-section of the population of the city at the time of appointment.

(1997 Code, § 210.04)

### **§ 32.029 REMOVAL.**

(A) The Council may consider exceptional circumstances when considering the removal of a planning commission member. Nonetheless, Any member or alternate member may be removed by a majority vote of the City Council, for any of cause the following reasons: Cause shall include but not be limited to having

1. Having more than 3 consecutive unexcused absences from Planning Commission meetings.

2. ~~or b~~Being absent from more than 1/3 of the Planning Commission meetings in any 1 calendar year.

3. Changing their primary place of residence to a location outside of the City of Lake Elmo.

4. Exhibiting behavior disruptive to the good order and efficiency of the Planning Commission.

The Council may consider exceptional circumstances when applying this rule planning.

(1997 Code, § 210.05) (Am. Ord. 08-172, passed 4-18-2017)

### **§ 32.030 OFFICERS.**

The Commission shall elect a Chairperson, and a Vice Chairperson, and a Secretary from among its appointed members at the annual meeting each year, first available date of the each year, for a term of 1 year. The Chairperson shall preside at all meetings of the Commission, if present, and shall perform all other duties and functions required by state statute or assigned by the Commission or the Council. The Vice Chairperson shall perform these duties in the absence of the Chairperson. If a vacancy occurs in the Chairperson's office, the Vice Chairperson shall assume the Chairperson's duties for the remainder of the year, and a new Vice Chairperson shall be elected by the Commission at a special election to be held at the next regularly scheduled Commission meeting; after at least 2 days written notice to each Commission member. The Secretary shall perform those duties assigned by state statute only. A recording Secretary shall be appointed by the Council to take and keep the minutes and records of the Commission.

(1997 Code, § 210.06)

### **~~§ 32.031 ANNUAL MEETINGS.~~**

~~—(A) The Commission shall hold an annual meeting the second Monday in the month of January in each year.~~

~~—(B) The meeting shall be devoted to the election of officers and other business as shall be scheduled.~~

~~(1997 Code, § 210.07)~~

### **~~§ 32.032 ANNUAL WORK PLAN.~~**

~~—The Planning Commission shall develop an annual work plan, including a list of projects, points of interaction on projects, programs, and goals for the following year.~~

~~(1997 Code, § 210.08) (Am. Ord. 08-172, passed 4-18-2017)~~

### **§ 32.033 REGULAR MEETINGS.**

A) The first available meeting of the New Year with a quorum shall be dedicated to the election of officers and other business as scheduled.

B) Regular meetings shall be held in the City Hall at 7:00 p.m. on the second and fourth Mondays of each month. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. A regular meeting may be canceled or rescheduled by the Commission Chair at a prior meeting or if there are no scheduled agenda items on the Thursday prior to the meeting. All action taken by the Commission shall be by the affirmative vote of a majority of the members present.

C) Special meetings for the Commission may be called by the Chair following three (4) days posted notice at City Hall.

(1997 Code, § 210.09)



#### **~~§ 32.034 SPECIAL MEETINGS.~~**

~~—Special meetings of the Commission shall be held in the City Hall at a time and place designated or at a public place at a time designated and shall be called by the Chairperson. Upon the written request of at least 4 members, the Chairperson shall be required to call a special meeting to be held within 7 days of the request. Written notice of the meeting shall be given to all members not less than 3 working days in advance of the meeting.~~

~~(1997 Code, § 210.10)~~

#### **§ 32.035 QUORUM.**

A quorum shall consist of 4 members.

(1997 Code, § 210.11) (Am. Ord. 97-14, passed 9-2-1997; Am. Ord. 08-046, passed 6-21-2011)

#### **§ 32.036 VOTING.**

Each member attending any meeting shall be entitled to cast 1 vote. Voting shall be by voice vote or by raise of hand. If any member has a personal interest of any kind in the matter before the Commission, the member shall disclose the interest and be disqualified shall remove themselves from voting upon the matter. It shall then be recorded in the minutes that there was a no vote cast by that member. ~~The Secretary shall record in the minutes that no vote was cast by that member. Alternate members shall be entitled to cast 1 vote in the absence of any member. The second alternate shall be entitled to cast 1 vote in the absence of any 2 members.~~

(1997 Code, § 210.12)

#### **~~§ 32.037 PROCEEDINGS.~~**

~~—At any regular meeting of the Commission, the following shall be the regular order of business:~~

- ~~—(A) Roll call;~~
- ~~—(B) Approval of agenda;~~
- ~~—(C) Minutes of the preceding meeting;~~
- ~~—(D) Public hearings as scheduled on the agenda;~~
- ~~—(E) Old and new business as scheduled on the agenda;~~
- ~~—(F) Communications;~~
- ~~—(G) Other; and~~
- ~~—(H) Adjournment.~~

~~(1997 Code, § 210.13)~~

#### **§ 32.038 RULES OF PROCEDURE.**

All meetings of the Commission shall be conducted in accordance with the Revised Robert's Rules of Order.

(1997 Code, § 210.14)

#### **§ 32.039 AGENDA.**

~~The Chairperson shall cause all items to be considered at any meeting to be placed on a written agenda by the City Administrator or an appointed designee.~~ The City Administrator, or appointed designee, shall advise the Chairperson of any matters the Commission must consider by Council directive, ordinance, or statute and shall have prepared and supply a written agenda of all meetings to all Commission members, the Council, and the public no less than 4 days before each meeting.

(1997 Code, § 210.15)

#### **§ 32.040 RECORDS.**

Each formal action of the Commission shall be embodied in full upon the minute book as formal motion or resolution. The minutes of each meeting shall be approved at a future meeting. provided to each member, the Council, and the public no more than 7 days after the date of each meeting. The recommendations and findings of the Commission shall be presented to the Council at the next regularly scheduled Council meeting. The records of meetings and actions and recommendations shall be transmitted to the City ~~Administrator~~Clerk, or appointed designee, for keeping and distribution.



### § 32.041 TRAINING.

Commission members shall be encouraged to ~~avail themselves of~~attend training courses offered by the city, the state, and other government and public training agencies and the Council shall budget for the reimbursement of expenses incurred in training each year.

(1997 Code, § 210.17)

### § 32.042 DUTIES AND POWERS OF THE COMMISSION; ~~COMPREHENSIVE PLAN.~~

~~(A)~~ ~~(A)~~ *Plan.* The Planning Commission shall have the powers and duties given city planning agencies generally by law. The Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a Comprehensive Plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan, and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to the Comprehensive Plan program. After the Commission has prepared and adopted the Comprehensive Plan, it shall periodically, but at least every 5 years the Commission shall, as necessary, review the Comprehensive Plan and any ordinances or program implementing the plan.

~~(B)~~ ~~(B)~~ *Means of executing plan.* Upon the adoption of a Comprehensive Plan or any section, it shall be the concern of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect the plan or section in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the Council.

(C) The Planning Commission shall also perform reviews and provide recommendations to the City Council the following items:

1. Zoning Ordinance or text amendments
2. Conditional Use Permits
3. Subdivisions Major and Minor
4. Planned Unit Development Requests (PUD)
5. Variance Requests
6. Five (5) Year Capital Improvement Program (for consistency with the Comprehensive Plan)
7. Annual Work Plan
8. All necessary reviews pertaining to the Comprehensive plan, amendments, or otherwise

~~(C) Zoning ordinance.~~ The Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the Council as may be prescribed by the zoning ordinance.

~~(D) Conditional use permits.~~

~~(1) The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance.~~

~~(2) The Commission shall report its recommendations to the Council for action.~~

~~(E) Subdivisions.~~ The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance; the Commission shall report its recommendations to the Council for action.

~~(F) Variances.~~ The Planning Commission shall hear all variance requests from the literal provisions of this code, and shall follow the guidelines set forth in the zoning code.

~~(G) Capital Improvement Program.~~

~~(1) (a) The Planning Commission shall endeavor to obtain from city officers a descriptive list of~~



~~proposed improvements for the ensuing 5-year period.~~

~~(b) The Planning Commission shall also request from the local school district a similar list of its proposed public works.~~

~~—(2) (a) The Planning Commission shall list and classify all the proposed public works and shall prepare a coordinated program of proposed public works for the ensuing year and for a projected 5-year period.~~

~~—(b) The program shall be recommended by the Planning Commission to the Council and to the other officers, departments, boards, or public bodies as have jurisdiction over the recommended planning or construction of the public works.~~

~~(1997 Code, § 210.18)~~

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-XXX was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2018, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-\_\_\_\_\_ was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.





## INFORMATION MEMO

# Planning Commission Guide

*Learn ways the city may create, change, or discontinue a city planning commission. Get information on appointment of members, commission powers and duties, and meeting rules. Understand council and planning commission roles in creating a comprehensive plan for growth and development, and how to implement it. Learn about ways to participate in joint or multijurisdictional planning.*

### RELEVANT LINKS:

[Minn. Stat. § 462.355.](#)  
[Minn. Stat. § 473.175.](#)

[Minn. Stat. § 462.352, subd 3.](#)  
[Minn. Stat. § 462.354, subd 1.](#)

[Minn. Stat. § 462.354.](#)

[Minn. Stat. § 410.12.](#)  
See Handbook, *The Home Rule Charter City*.

## I. Creation of a city planning commission

State law encourages all cities to prepare and implement a comprehensive municipal plan. In addition, cities within the seven-county metro area are required to adopt comprehensive plans. Under state law, the city planning commission or planning department is delegated the authority to create the city's comprehensive plan.

A comprehensive plan is an expression of the community's vision for future growth and development. It is also a strategic map to reach that vision. Comprehensive planning is an important tool for cities to guide future development of land to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public activities.

The first step in creating a comprehensive plan is the creation of a city planning agency. A planning agency can be either a planning commission or a planning department with an advisory planning commission. Planning commissions are by and large the most prevalent form of planning agencies in Minnesota. This memorandum discusses the commission form of a planning agency in depth. In most instances, the laws related to planning commissions will apply to planning departments as well. However, cities interested in forming a planning department as their main planning agency, or who currently operate a planning department, should consult their city attorney for guidance.

The planning commission must be created by city ordinance or charter provision. When a planning commission is created by ordinance, a simple majority of councilmembers present is needed to adopt the ordinance. When a planning commission is created by charter, the statutory provisions for amending a charter must be followed. In drafting a planning commission ordinance or charter provision, a city will need to include provisions related to:

- Size or number of planning commission members.
- Terms of members.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.



## RELEVANT LINKS:

[Establishing a Planning Commission](#), LMC Model Ordinance.

- Organization and structure.
- Powers and duties.

### A. Size or number of members

State statute does not specify how many commissioners a planning commission should have. As a result, the city ordinance should establish a reasonable number that reflects the needs of the city. An odd number is preferred to avoid tie-vote situations. Generally, cities appoint between five and nine individuals to serve as commission members.

Some considerations in choosing the number of commissioners include:

- Costs to the city in terms of salary (if a salary is paid).
- Availability of community members to serve or potential difficulty in recruiting members to serve full terms.

### B. Terms of members

State statute does not set the length of terms for commission members, or impose limits on the number of successive terms that commission members may serve. As a result, city ordinance should establish the length of terms for commission members.

Some considerations in choosing the length of commission terms include:

- The substantial length of time necessary to conduct studies, draft, and adopt a comprehensive plan.
- The extensive body of knowledge that commission members must master to be effective planning commissioners.

These two considerations generally favor a longer, four-year term (rather than a two-year term), since rapid turnover of planning commissioners may hinder the city's efficiency in adopting, implementing, and enforcing its comprehensive plan.

Cities establishing a new planning commission for the first time, may wish to provide staggered terms initially. For example, one term may be for one year, another for two years, and another for three years, etc., with successors serving full four-year terms. Staggering terms in this manner will help ensure long-range continuity for the planning commission, and prevent a situation where all commission seats are vacant at once. This ensures that the planning commission is not without veteran members every four years.

Cities may establish consecutive term limits in their ordinance for commission members if desired. In addition, the city may wish to establish ordinance provisions for the removal of commission members, should it become necessary, in consultation with the city attorney.



## RELEVANT LINKS:

See Section IV- *Planning Agency Meetings*.

See *Planning Commission Structure and Procedure*, LMC Model Policy.

[Minn. Stat. § 462.354](#).  
See Section III – *Powers and Duties of the Planning Commission*.

[Minn. Stat. § 462.354](#).

### C. Organization and structure

The planning commission ordinance may establish an organizational form for the planning commission. For example, the ordinance may require a chairperson, acting chair, and secretary. In the alternative, the ordinance may enable the planning commission to suggest a policy (commonly known as bylaws), subject to council approval, that establishes a form of organization for its meetings. Placing organizational requirements in a policy adopted by council resolution, rather than in ordinance form, is generally preferred, because it provides a more flexible means to develop and amend policies.

### D. Powers and duties

If the city creates a planning commission, state statutes prescribe several mandatory duties for the commission. The city ordinance should be drafted to include these duties. In addition, state statute permits some optional duties to be assigned to the planning commission in the council's discretion. City ordinance should make it clear which of these optional duties are assigned to the planning commission. Since state statute contains optional duties, general ordinance language stating that commission duties "shall be as established by state statute" may cause confusion over duties and should be avoided. The powers and duties of the planning commission are discussed more extensively below.

## II. Appointment of city planning commission members

### A. Council as a whole may serve as the planning commission

The city council may choose to designate itself as the city's planning commission by ordinance. However, most cities choose to establish a planning commission as a separate advisory body. This approach reduces the overall workload of the council, promotes citizen involvement, and allows commissioners to specialize in developing their body of knowledge concerning municipal planning.

### B. Authority to appoint commissioners

State statute does not establish a process for the appointment of planning commissioners. As a result, the city ordinance or charter provisions should specify who has the authority to appoint commission members. Generally, appointing authority is vested in the city council as a whole.



## RELEVANT LINKS:

In the alternative, cities may vest appointment power in the mayor exclusively, or may vest in the mayor the power to appoint commissioners, subject to council approval.

Some city charters may already contain provisions related to general appointments to city boards and commissions. In these cities, the charter provisions preempt local ordinance.

Cities also should consider adopting a policy for the recruitment and retention of commission members. The policy may be adopted as a resolution and need not be in ordinance form. Adopting the policy via resolution will allow more flexibility in developing and amending the ordinance. Although state law does not require the following, the policy may wish to include information regarding:

- The advertisement period for open positions.
- The submission of letters of interest and a statement of qualifications for board positions, or a city application form.
- An interview process prior to appointment.

## C. Residency requirements

State statute does not require that planning commissioners reside within city limits. As a result, city ordinance should specify any residency requirements for serving on the planning commission. Frequently, cities limit eligibility for planning commission membership to city residents. Often, these cities feel that planning commissioners should live in the communities they plan for and create. Conversely, some cities may wish to allow non-residents to serve on planning commissions to increase the pool of eligible citizens. In addition, these cities may feel that property owners or business owners who do not reside within the city may still bring a valuable perspective to the planning commission.

## D. Councilmembers and city staff serving on the planning commission

In cities where the council as a whole has decided not to serve as the planning commission, it may still be desirable for some councilmembers to sit on the planning commission or attend commission meetings. Cities may establish in their ordinance or planning commission policy various ways for councilmembers to serve on the planning commission.

### 1. Full voting members

Local ordinance or commission policy may provide that one or two city councilmembers will participate as full voting members of the planning commission on all decisions, and for discussion and quorum purposes.

See Section II-A, *Council as a Whole May Serve as the Planning Commission*.



## RELEVANT LINKS:

See LMC information memo, [Official Conflict of Interest](#). Part IV *Conflict of Interest in Non-Contractual Situations*. 56 Am. Jur. 2d Municipal Corporations § 142.

[Lenz v. Coon Creek Watershed, Dist.](#), 278 Minn. 1, 153 NW 2d 209 (1967). [ETO, Inc. v. Town of Marion](#), 375 NW 2d 815 (Minn. 1985).

## 2. Non-voting members

Local ordinance or commission policy may provide that one or two city councilmembers will sit on the planning commission as non-voting members. Sometimes these members are called “council liaisons.” When city ordinance creates non-voting members, to avoid confusion, city ordinance or the commission policy should specify:

- Whether the councilmembers will count for quorum purposes.
- Whether the councilmembers may participate in discussion on matters before the commission.
- Whether the councilmembers may hold an office on the commission, such as chairperson, secretary, etc.

## 3. City staff on planning commission

City ordinance or commission policy may require that the city attorney, city engineer or city administrator/clerk serve as an ex-officio, voting member or non-voting of the planning commission. This, however, does not appear to be a common practice. More commonly, city staff may attend planning commission meetings as needed to provide the planning commission with necessary advice and information.

## E. Compensation

City ordinance or commission policy may authorize compensation to planning commission members for their service, or, in the alternative, specify that commission members serve on a strictly non-compensated volunteer basis. Generally, when compensation is provided, it is for a nominal amount on an annual or per meeting basis.

## F. Conflicts of interest

When appointing planning commissioners, cities should be aware that appointed officials are subject to the same concerns related to conflict of interest as city councilmembers. In the appointment process, the city council should attempt to discern if potential conflicts of interest exist.

Particularly, conflicts where it is obvious that the potential appointee’s own personal interest is so distinct from the public interest that the member cannot be expected to represent the public interest fairly in deciding the matter.

## G. Removal of planning commission members

State statute does not dictate a process for removal of planning commission members before the expiration of their term.



## RELEVANT LINKS:

[Minn. Stat. § 462.351.](#)  
[Minn. Stat. § 462.352, subd 5.](#)  
[Sample: Bethel Comprehensive Plan](#), City Population 502.  
[Sample: La Crescent Comprehensive Plan](#), Population 5,174.  
[Sample: Minnetonka Comprehensive Plan](#), City Population 51,519.

Local ordinance or commission policy may outline such a process. The city should consult the city attorney before establishing criteria and a process for removal.

### III. Powers and duties of the planning commission

State statutes vest the planning commission with certain mandatory duties. In addition, state statute allows the city council to prescribe additional duties in local ordinance. In most instances, unless noted in statute or ordinance, the planning commission serves in an advisory capacity.

#### A. Preparing and recommending a comprehensive plan

The primary duty of a newly created planning agency is advising the city council on the preparation and adoption of a comprehensive plan for the city.

##### 1. Purpose of comprehensive planning

A comprehensive plan is an expression of the community's vision for the future and a strategic map to reach that vision. Comprehensive planning is not mandatory in cities outside the seven- county metropolitan area. However, comprehensive planning is an important tool for cities to guide future development of land to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public activities. In addition, planning can help:

- Preserve important natural resources, agricultural, and other open lands.
- Create the opportunity for residents to participate in guiding a community's future.
- Identify issues, stay ahead of trends, and accommodate change.
- Ensure that growth makes the community better, not just bigger.
- Foster sustainable economic development.
- Provide an opportunity to consider future implications of today's decisions.
- Protect property rights and values.
- Enable other public and private agencies to plan their activities in harmony with the municipality's plans.

For many cities creating a comprehensive plan is the first step in adopting zoning and subdivision regulations for the city.



## RELEVANT LINKS:

Minn. Stat. § 462.352, subd.  
8.  
Minn. Stat. § 462.352, subd.  
7.  
Minn. Stat. § 462.352, subd.  
8.  
Minn. Stat. § 462.352, subd.  
9.

Minn. Stat. § 462.357, subd  
2.  
Minn. Stat. § 462.352, subd.  
6.  
Minn. Stat. § 462.357, subd.  
2 (c).

Minn. Stat. § 462.355, subd.  
1.  
Minn. Stat. § 462.355, subd.  
2.

Minn. Stat. § 462.353, subd  
2.

As a result, the comprehensive plan normally lays out a vision for the city's future land development and land use, dictating where growth should occur, the type of growth that is allowed in various areas of the city, and the density of such growth. However, a comprehensive plan also may include a:

- Public or community facilities plan.
- Thoroughfare or transportation plan.
- Parks and open space plan.
- Capital improvement program.

While not all cities are required to adopt a comprehensive plan, a plan is still a good practice for a couple of reasons. First, once a plan is adopted, it guides local officials in making their day-to-day decisions and becomes a factor in their decision-making process.

Second, preparing a comprehensive plan prior to the adoption of a zoning ordinance also affords the city additional legal protections if a particular ordinance provision is challenged in court. Zoning ordinances must be reasonable and have a rational basis. Comprehensive plans assist a city in articulating the basis for its zoning decisions. Usually the courts will not question the policies and programs contained in a comprehensive plan adopted by a local community, or question the ordinances based upon the plan, unless the particular zoning provision appears to be without any rational basis, or clearly exceeds the city's regulatory authority.

If a city is not able to develop a comprehensive plan prior to adopting a zoning ordinance, the zoning ordinance should be adopted in conjunction with extensive, written finding of facts, stating the policy reasons that necessitate the ordinance's adoption.

## 2. Preparing the comprehensive plan

State statute vests authority for preparing the comprehensive plan in the planning commission. However, the city council also may propose the comprehensive municipal plan and amendments to the plan by a resolution submitted to the planning commission. When this occurs, the council may not adopt the recommended language until it has received a report from the planning commission or 60 days have elapsed.

The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan, or to a major geographical section of the municipality.

Cities are authorized to collect and analyze data; prepare maps, charts, tables, and other illustrations and displays; and conduct necessary studies when developing a comprehensive plan. Cities also may hire planning consultants and other experts to assist in drafting their plan.



## RELEVANT LINKS:

Minn. Stat. § 462.353, subd. 3.

See LMC information memo, *Competitive Bidding Requirements in Cities*, American Institute of Certified Planners.

Minn. Stat. § 462.355, subd 1.

Minn. Stat. § 462.355, subd 1.

Minn. Stat. § 462.353, subd 2.

Minn. Stat. § 462.355, subd 2.

Minn. Stat. § 462.357, subd. 1h. Minn. Stat. § 462.355, subd. 1.

### a. Consultants and public input

#### (1) Professional planners

Cities may hire planning consultants and other experts to assist in drafting their plan. Preparing a comprehensive plan is a large undertaking. While a planning commission can and should do most of the job, many communities have found they also need professional assistance from a professional planning consultant or a competent person on the staff of the city, county, regional development commission, or neighboring city.

Cities may solicit a planner through a request for proposal. While state law does not require planners to be licensed or certified, many cities prefer to hire planners with professional certification from the American Institute of Certified Planners (AICP). To be certified by the AICP, planners need to pass an exam and meet continuing education requirements.

#### (2) Other consultants

In drafting the plan, the planning commission must consult with other city departments and agencies (for example, the city's economic development authority).

In drafting a comprehensive plan, the planning commission must consider the planning activities of adjacent units of government and other affected public agencies.

The commissioner of natural resources must provide natural heritage data from the county biological survey, if available, to each city for use in the comprehensive plan.

### b. Public input

Cities are required to hold at least one public hearing prior to adopting a comprehensive plan. However, most cities find it helpful to hold a series of public meetings to educate residents about the comprehensive plan, and to solicit citizen input. Some cities even develop extensive public relations campaigns to create excitement about and compliance with the city's comprehensive planning activities.

### c. President Theodore Roosevelt Memorial Bill to Preserve Agricultural, Forest, Wildlife, and Open Space Land

Non-metropolitan cities located in certain specified counties are subject to the President Theodore Roosevelt Memorial Act to Preserve Agricultural, Forest, Wildlife, and Open Space Land



## RELEVANT LINKS:

[Minn. Stat. § 103G.005, subd. 10b.](#)

[Minn. Stat. § 103G.005 subd. 10b.](#)

[Minn. Stat. § 462.355.](#)

[Minn. Stat. § 462.357.](#)

(hereinafter the “T. Roosevelt Memorial Preservation Act”) and should consult this law if they adopt or amend a comprehensive plan.

### **(1) Cities not subject to the T. Roosevelt Memorial Preservation Act**

Cities in Aitkin, Beltrami, Carlton, Cass, Clearwater, Cook, Crow Wing, Hubbard, Isanti, Itasca, Kanabec, Koochiching, Lake, Lake of the Woods, Milles Lacs, Pine, St Louis and Wadena counties are not subject to the T. Roosevelt Memorial Preservation Act, because they are currently classified as “greater than 80 percent area” counties. A “greater than 80 percent area” means a county or watershed or, for purposes of wetland replacement, bank service area where 80 percent or more of the presettlement wetland acreage is intact and one of the following is true:

- Ten percent or more of the current total land area is wetland.
- Fifty percent or more of the current total land area is state or federal land.

In sum, these “80 percent area” counties still contain a significant portion of their presettlement wetland acreage. “Presettlement wetland” means a wetland or public waters wetland that existed in this state at the time of statehood in 1858.

### **(2) Cities subject to the T. Roosevelt Memorial Preservation Act**

Cities outside the metro area, and not located in the counties listed above, must comply with the act. Even though these cities are not required to engage in comprehensive planning, if the city decides to do so, they must likely adopt certain findings of fact under the T. Roosevelt Memorial Preservation Act.

Specifically, when preparing or recommending amendments to the comprehensive plan, the planning commission in these cities must consider adopting goals and objectives that will protect open space and the environment again, probably as findings of fact.

In addition, within three years of adopting a comprehensive plan, the city must consider adopting ordinances as part of the city’s official controls that encourage the implementation of the goals and objectives of the T. Roosevelt Memorial Preservation Act. However, the city is not required to adopt any ordinances. Consideration of ordinance adoption could potentially be documented in findings of fact.



## RELEVANT LINKS:

[Minn. Stat. § 462.355, subd. 2.](#)

[Minn. Stat. § 462.354.](#)

[Minn. Stat. § 473.858, subd. 2.](#)

[Minn. Stat. § 473.175.](#)

[Metropolitan Council.](#)

[City of Lake Elmo v. Metropolitan Council](#), 685 N.W.2d 1 (Minn. 2004).

[Minn. Stat. § 462.355, subd. 2.](#)  
[See LMC information memo Newspaper Publication.](#)

[Minn. Stat. § 462.355, subd. 3.](#)

### 3. Recommending the comprehensive plan to council

Once a comprehensive plan is drafted, the planning commission may submit the plan (or a portion of the plan) with its recommendation for adoption to the city council. Upon receipt of the recommended plan, the council may accept the plan, reject the plan, or recommend revisions to the planning commission. In submitting the comprehensive plan to council, the planning commission serves in a strictly advisory role. The city council ultimately decides on the acceptance, rejection, or revision of the plan, and is not bound by planning commission's recommendations.

### 4. Adopting the comprehensive plan

#### a. Seven-county metro area plan review: adjacent units of government

Prior to plan adoption, cities within the seven-county metro area must submit their proposed comprehensive plans to adjacent governmental units and affected school districts for review and comment.

#### b. Seven-county metro area plan review: Metropolitan Council

Cities in the seven-county metropolitan area must submit their comprehensive plan to the Metropolitan Council for review of its compatibility and conformity with the Council's regional system plans. When the Metropolitan Council determines that a city's comprehensive land use plan may have a substantial impact on or contain a substantial departure from the Metropolitan Council's regional system plans, the Council has the statutory authority to require the city to conform to the Council's system plans.

#### c. Public hearing requirements

Prior to adoption of a comprehensive plan, the planning commission must hold at least one public hearing. A notice of the time, place, and purpose of the hearing must be published once in the official newspaper of the municipality at least ten days before the day of the hearing.

#### d. Vote requirements

Unless otherwise provided in a city charter, the city council may, by resolution by a two-thirds vote of all its members, adopt and amend the comprehensive plan or a portion of the plan. This means that on a five-member council, the comprehensive plan must receive at least four affirmative votes.



## RELEVANT LINKS:

See Section V: *Changing the Structure or Abolishing the Planning Commission*.

[Minn. Stat. § 462.356, subd 1.](#)

[Minn. Stat. § 462.356, subd 1.](#)

See LMC information memo, *Zoning Guide for Cities*.

LMC information memo *Zoning Decisions*.  
See Handbook, *Comprehensive Planning, Land Use, and City-Owned Land*.

LMC information memo, *Subdivision Guide for Cities*.  
See Handbook, *Comprehensive Planning, Land Use, and City-Owned Land*.

[Minn. Stat. § 462.355, subd 1.](#)

[Minn. Stat. § 462.355, subd. 1a.](#)

[Minn. Stat. § 473.864, subd. 2.](#)

[Minn. Stat. 473.121, subd. 2.](#)

## B. Implementing the plan

Once a comprehensive plan is adopted, the planning commission continues to exist (unless dissolved using statutory procedures). Once a plan is adopted, the main task of the planning commission is to study and propose to the city council a reasonable and practicable means for putting the plan or section of the plan into effect.

Reasonable and practicable means for putting the plan into action may include:

- Zoning regulations.
- Regulations for the subdivision of land.
- An official map.
- A program for coordination of the normal public improvements and services of the municipality.
- A program for urban renewal, and
- A capital improvement program.

In submitting recommendations for effectuation of the comprehensive plan to council, the planning commission serves in a strictly advisory role. The city council ultimately decides on the adoption of any land use ordinances or city programs.

## C. Role in periodic review of the comprehensive plan

After a city has adopted a comprehensive plan, the planning commission is responsible for periodically reviewing the plan and recommending amendments whenever necessary.

Cities within the seven-county metropolitan area must review and update their plan, fiscal devices, and official controls at least every 10 years, and submit their revised plans to the Metropolitan Council for review. “Fiscal devices” means the valuation of property, the designation of urban and rural service districts, and the establishment of development districts and any other statutes authorizing the creation of districts in which the use of tax increment bonding is authorized. “Metropolitan area” or “area” means the area over which the Metropolitan Council has jurisdiction, including the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, but excluding the cities of Northfield, Cannon Falls, Hanover, Rockford, and New Prague.



## RELEVANT LINKS:

[Minn. Stat. § 462.355, subd. 3.](#)

See Section III-A-4 *Adopting the Comprehensive Plan*.  
[Minn. Stat. § 462.355, subd. 3.](#)

[Minn. Stat. § 473.175. Metropolitan Council.](#)

[Minn. Stat. § 462.355, subd. 3.](#)

[Minn. Stat. § 462.356, subd. 2.](#)

[Lerner v. City of Minneapolis](#), 284 Minn. 46, 169 N.W.2d 380 (Minn. 1969). A.G. Op. 63-b-24 (Dec. 9, 1971). A.G. Op. 161-b, (Aug. 8, 1966).  
See LMC information memo *Purchase and Sale of Real Property*.

## D. Role in amending the comprehensive plan

After a city has adopted a comprehensive plan, all future amendments to the plan must be referred to the planning commission for review and comment. No plan amendment may be acted upon by the city council until it has received the recommendation of the planning commission, or until 60 days have elapsed from the date an amendment proposed by the city council has been submitted to the planning commission for its recommendation.

In submitting review and comment to council, the planning commission serves in a strictly advisory role. The city council ultimately decides on the acceptance, rejection or the revision of the plan, and is not bound by planning commission recommendations.

### 1. Procedure for amending a comprehensive plan

In amending a comprehensive plan, cities must follow the same procedure for adoption of a new plan. The planning commission must hold at least one public hearing on the amendment preceded by published notice.

Cities in the seven-county metro area must submit all amendments to their comprehensive plans to the Metropolitan Council for review.

Unless otherwise provided by charter, all amendments to the comprehensive plan must be approved by a two-thirds vote of all its members.

## E. Role in purchase and sale of real property

After a comprehensive municipal plan or section of a plan has been recommended by the planning commission and a copy filed with the city council, the planning commission must be given a chance to review and comment on all proposed public acquisitions or disposal of real property within the city. This includes acquisitions or disposal by the city, but also:

- Any special district or agency in the city.
- Any other political subdivision (public schools or the county for example) having jurisdiction within the city.

This provision would appear to apply even when the comprehensive plan has not yet been adopted by council, so long as the planning commission has filed its recommended plan with the city.

After review, the planning commission must report in writing its findings to compliance of the proposed acquisition or to disposal of real estate with the comprehensive municipal plan.



## RELEVANT LINKS:

*Lerner v. City of Minneapolis*, 284 Minn. 46, 169 N.W.2d 380 (Minn. 1969). A.G. Op. 161-b (Aug. 8, 1966).

Minn. Stat. § 462.356, subd. 2.

Minn. Stat. § 475.521, subd. 1 (b).

Minn. Stat. § 373.40, subd. 1(b).

The purpose of this requirement is to allow review of overall municipal development by the city planning commission, the authority charged with developing and reviewing the comprehensive land use plan for the municipality.

The planning commission has 45 days to report on the proposal, unless the city council designates a shorter or longer period for review. If the planning commission does not report within the required timeline, this statutory provision is considered waived by the commission.

In addition, a city council may by resolution adopted by two-thirds vote dispense with this requirement when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

In submitting comments and review, the planning commission serves in a strictly advisory role. The city council ultimately decides on the purchase or disposal of real estate and is not bound by planning commission recommendations.

## F. Role in capital improvements program

After a comprehensive municipal plan or section of a plan has been recommended by the planning commission and a copy filed with the city council, the planning commission must be given a chance to review and comment on all proposed public capital improvements within the city. This includes not only capital improvements built by the city, but also by:

- Any special district or agency in the city.
- Any other political subdivision having jurisdiction within the city.

The planning commission must report in writing to the city council, other special district or agency, or political subdivision concerned, its findings to compliance of the proposed capital improvement with the comprehensive municipal plan.

The term capital improvement is not defined within the comprehensive planning statute. Other laws governing issuing municipal bonds define “capital improvement” in part as acquisition or betterment of public lands, buildings or other improvements for a city hall, town hall, library, public safety facility, and public works facility. An improvement must have an expected useful life of five years or more to qualify. Capital improvement does not include light rail transit or any activity related to it, or a park, road, bridge, administrative building other than a city or town hall, or land for any of those facilities. For purposes of this section, “capital improvement” may include expenditures involving those for which bonds were or are issued.



## RELEVANT LINKS:

*Lerner v. City of Minneapolis*, 284 Minn. 46, 169 N.W.2d 380 (Minn. 1969). A.G. Op. 161-b (Aug. 8, 1966).

Minn. Stat. § 462.357, subd 2.  
Minn. Stat. § 462.352, subd 6.

Minn. Stat. § 462.357, subd 2 (c).  
For more information see LMC information memo, *Zoning Decisions*.

Minn. Stat. § 462.357, subds. 1a, 1b.  
Minn. Stat. § 462.357, subd. 1.  
Minn. Stat. § 462.357, subd. 1e.  
Minn. Stat. § 462.357, subd. 1g.  
Minn. Stat. § 462.357, subd. 1.  
Minn. Stat. § 462.357, subd. 1.  
Minn. Stat. § 462.357, subd. 7.

Minn. Stat. § 462.357, subd. 7.

Minn. Stat. § 462.357, subd. 7.  
Minn. R. 9502.0315 to 9502.0445.  
Minn. Stat. § 462.357, subd. 8.

The planning commission has 45 days to report on the proposal, unless the city council designates a shorter or longer period for review. If the planning commission does not report within the required timeline, this statutory provision is considered waived by the commission.

A city council may by resolution adopted by two-thirds vote dispense with this requirement when in its judgment it finds that the proposed capital improvement has no relationship to the comprehensive municipal plan.

In submitting comments and review, the planning commission serves in a strictly advisory role. The city council ultimately decides on capital improvements for the city and is not bound by planning commission recommendations.

## G. Role in zoning ordinance adoption and amendment

### 1. Zoning ordinance adoption

The planning commission may, after adopting a comprehensive plan or a portion of a land use plan, prepare a proposed zoning ordinance (including a zoning map) and submit it to the city council with its recommendations for adoption. If a city adopts only a land use plan, the plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan.

Note: The Municipal Planning Act has specific provisions related to local zoning of the following uses, which impact zoning ordinances:

- Manufactured home parks.
- Manufactured homes.
- Existing legal nonconformities at the time of zoning ordinance adoption.
- Feedlots.
- Earth sheltered construction, as defined by Minn. Stat. 216C.06.
- Relocated residential buildings.
- State licensed residential facilities or housing services registered under Minn. Stat. 144D and serving six or fewer persons in single family residential districts.
- Licensed day care facilities serving 12 or fewer persons in single family residential districts.
- Group family day care facilities licensed under Minnesota Rules to serve 14 or fewer children in single family residential districts.
- State licensed residential facilities serving 7-16 persons in multifamily residential districts.



## RELEVANT LINKS:

[Minn. Stat. § 462.357, subd. 7.](#)

[Minn. Stat. § 462.3593.](#)  
[Minn. Stat. § 462.357, subd. 6.](#)

[Northshor Experience, Inc. v. City of Duluth, MN, 442F.Supp.2d 713 \(D. Minn. 2006\). Costley v. Caromin House, Inc., 313 N.W.2d 21 \(Minn. 1981\). A.G. Op. 59-A-32 \(Jan. 25, 2002\).](#)

[Minn. Stat. § 462.357, subd. 2.](#)

[A.G. Op. 59-A-32 \(Jan. 25, 2002\).](#)

[Minn. Stat. § 462.357, subd 3.](#)

[LMC information memo, Newspaper Publication.](#)

[See LMC information memo, Zoning Guide for Cities.](#)

[Minn. Stat. § 462.357, subd 4.](#)

[For more information see LMC information memo Zoning Decisions.](#)

[See Section IV- B on the 60-Day Rule.](#)

- Licensed day care facilities serving 13-16 persons in multifamily residential districts.
- Temporary family health care dwellings.
- Solar energy systems.

Cities cannot adopt local ordinances that contradict the explicit provisions of state law as set out in the Municipal Planning Act on the uses listed above.

The city council may adopt a zoning ordinance by a majority vote of all its members.

In adopting an ordinance, one Minnesota attorney general opinion has found that charter cities may not provide for different voting requirements in their city charter, because the Municipal Planning Act supersedes inconsistent charter provisions.

Prior to the adoption of a zoning ordinance, the city council or planning commission must hold a public hearing. Notice of the time, place, and purpose of the hearing must be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice must be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates.

The drafting and adoption of a city zoning ordinance is covered in detail in the LMC Information Memo, Zoning Guide for Cities.

## 2. Zoning ordinance amendment

An amendment to a zoning ordinance, including a rezoning, may be initiated by the governing body, the planning commission, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning commission must be referred to the planning commission for study and report. The city council may not act on the proposed amendment (either by adopting or denying the amendment) until the planning commission has made its recommendations or 60 days have elapsed from the date of reference of the amendment without a report by the planning commission.

It is important to note that while state statute provides the planning commission 60 days to respond to proposals, the 60-Day Rule (an entirely different rule with 60 days in the title) still applies to ordinance amendments brought by application or petition of property owners.



## RELEVANT LINKS:

[Minn. Stat. § 462.357, subd. 3.](#)

[Minn. Stat. § 462.357, subd. 2.](#)

[Minn. Stat. § 462.357, subd. 5.](#)

[Minn. Stat. § 462.3595.](#)

See LMC information memo, [Zoning Guide for Cities](#).

As a result, internal procedures should be developed to coordinate planning commission review that does not violate the 60-Day Rule automatic approval statute.

In generating a report on a proposed zoning amendment, the planning commission serves in a strictly advisory role. The city council ultimately decides on the amendment for the city and is not bound by planning commission recommendations.

Prior to the adoption of a zoning ordinance amendment, a public hearing must be held. Under state statute, the city council or the planning commission may conduct the hearing.

Cities may adopt an ordinance or policy directing the planning commission to conduct these hearings when necessary.

The city council may adopt and amend a zoning ordinance by a majority vote of all its members. However, the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body.

### **3. Cities of the first class, additional duties for planning commissions**

First class cities must follow very detailed procedures in state statute for zoning amendments that change residential zoning classifications to new commercial or industrial classifications. Planning commissions in cities of the first class must assist the city in these circumstances by conducting studies and developing reports. The adoption or amendment of any portion of a zoning ordinance that changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body. Charter cities of the first class may opt to follow a different procedure via a city charter provision.

## **H. Conditional use permits**

Some city zoning ordinances provide that some uses within a zoning district will only be allowed upon the granting of a conditional use permit.

Conditional use permits are discussed in detail in the LMC Information Memo Zoning Guide for Cities. State statute allows city councils to delegate via ordinance their authority to review and approve conditional use permits to a planning commission or other designated authority.

Planning commissions charged with reviewing applications for conditional use permits must follow fairly strict legal standards for their review.



## RELEVANT LINKS:

See LMC information memos  
[Zoning Guide for Cities;](#)  
[Land Use Conditional Use](#)  
[Permits.](#)

Minn. Stat. § 462.359, subd.  
2.  
See Handbook, [City](#)  
[Licensing.](#)  
Minn. Stat. § 462.352, subd.  
7, 8.

See LMC information memo,  
[Purchase and Sale of Real](#)  
[Property.](#)

Specifically, the city must follow the requirements of the zoning ordinance it has adopted.

If a conditional use permit application meets the requirements of the ordinance, generally it must be granted. If an application is denied, the stated reasons for the denial should all relate to the applicant's failure to meet standards established in the ordinance. The standard of review for conditional use permits is discussed in depth in the LMC Information Memo *Zoning Guide for Cities*.

## **I. Role in adoption of an official map for a major thoroughfare plan and a community facilities plan**

After the planning commission has adopted a comprehensive plan containing a major thoroughfare plan and a community facilities plan or simply these portions of their comprehensive plan, it may adopt an official map. The official map is not the zoning map required for adoption of a zoning ordinance.

In addition, it is not the map adopted as part of the comprehensive planning process. Instead, the official map is a unique map designed to help carry out the policies of the major thoroughfare plan and community facilities plan. The official map can cover the entire city or any portion of the city.

The purpose of an official map is to identify land needed for future public uses, such as streets, aviation purposes or other necessary public facilities, such as libraries, city halls, parks, etc. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made that will make adjustments difficult to accomplish.

Official maps do not give a city any right to acquire the areas reserved on the map without just compensation by the city. When the city is ready to proceed with the opening of a mapped street, the widening and extension of existing mapped streets, or the use of lands for aviation purposes, it still must acquire the property by gift, purchase, or condemnation. It need not, however, pay for any building or other improvement erected on the land without a permit or in violation of the conditions of the permit.

Following the adoption and filing of an official map, building permits issued under the Minnesota State Building Code are subject to the provisions set forth in the city's official map. This puts landowners on notice of possible future uses and allows construction to occur within the constraints of the planning.



## RELEVANT LINKS:

[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.357, subd. 6 \(1\).](#)

[Minn. Stat. § 462.357, subd. 6 \(2\).](#)  
[Minn. Stat. § 462.359, subd. 4.](#)

[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.354, subd. 2.](#)

This way landowners can avoid costly expenditures on developments, for example, that sit in a location planned for future public uses. As a result, any building built without obtaining a building permit or in violation of permit conditions, loses the statutory protection for just compensation, and a municipality need not pay a landowner for a building that needs to be destroyed if a street is widened. In other words, while the official map does not give the city a fee interest in land initially, it does authorize the municipality to acquire such interests in the future without having to pay compensation for buildings that are erected in violation of the official map.

## J. Board of zoning adjustment and appeals

A city that has adopted a zoning ordinance or official map should provide for a Board of Zoning Adjustment and Appeals (BZA). By ordinance, a city may delegate the role of a BZA to the city planning commission or a committee of the planning commission. The duties of a BZA include:

- To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of the zoning ordinance.
- To hear requests for variances from a city zoning ordinance.
- To hear and decide appeals when a land use, zoning permit or approval for a building is denied based upon the city's official map.
- Such other duties as the city council may direct.

In any city where the council does not serve as the BZA, the city council may, except as otherwise provided by charter, provide by ordinance that the decisions of the BZA on matters within its jurisdiction are:

- Final, subject only to judicial review; or
- Final, subject to appeal to the council and the right of later judicial review; or
- Advisory to the council.

The ordinance creating the BZA should specify at minimum:

- The time and manner by which hearings by the BZA shall be held, including provisions related to notice to interested parties.
- Rules for the conduct of proceedings before the BZA, including provisions for the giving of oaths to witnesses and the filing of written briefs by the parties.

In cities where the planning commission does not act as the BZA, the BZA may not make a decision on an appeal or petition until the planning commission, or a representative authorized by it, has had reasonable opportunity, not to exceed 60 days, to review and report to the BZA about the appeal or petition.



## RELEVANT LINKS:

See information memos, [Zoning Guide for Cities](#) and [Land Use Variances](#).

[Minn. Stat. § 462.358, subd. 3\(b\)](#).

See Handbook, [City Licensing](#). See also LMC information memo, [Subdivision Guide for Cities](#).

See LMC information memo [Subdivision Guide for Cities](#).

See the LMC information memo, [Meetings of City Councils](#).

See LMC information memo, [Meetings of City Councils](#). [Minn. Stat. § 13D.01](#).

It is important to note that while state statute provides the planning commission 60 days to respond to appeals or petitions, the 60-Day Rule (an entirely different rule with 60 days in the title) may still apply to some matters brought before the BZA (for example, requests for variances) by application or petition of property owners. As a result, internal procedures should be developed to coordinate planning commission review that does not violate the 60-Day Rule automatic approval statute.

Planning commissions charged with reviewing applications for variances must follow fairly strict legal standards for their review. Specifically, the city must follow the requirements of the state statute related to whether enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner “practical difficulties.” The standards for review in granting variances are discussed in depth in the LMC Information Memo [Zoning Guide for Cities](#).

## K. Role in review of subdivision applications

Absent a charter provision to the contrary, in cities that have adopted a subdivision ordinance, the city council may by ordinance delegate the authority to review subdivision proposals to the planning commission. However, final approval or disapproval of a subdivision application must be the decision of the city council.

Planning commissions charged with reviewing subdivision applications must follow fairly strict legal standards for their review. Specifically, the city must follow the requirements of the subdivision ordinance it has adopted. If a subdivision application meets the requirements of the ordinance, generally it must be granted. If an application is denied, the stated reasons for the denial must all relate to the applicant’s failure to meet standards established in the ordinance. The standard of review for subdivision applications is discussed in depth in an LMC information memo on subdivisions, plats and development agreements.

## IV. Planning commission meetings

Planning commission meetings are governed by the same statutes as regular city council meetings. For example, planning commission meetings are subject to the Open Meeting Law and subject to the records retention laws.

### A. Open Meeting Law

The Minnesota Open Meeting Law generally requires that all meetings of public bodies be open to the public. This presumption of openness serves three basic purposes:



## RELEVANT LINKS:

[Rupp v. Mayasich](#), 533 N.W.2d 893 (Minn. Ct. App. 1995).

[Minn. Stat. § 13D.01, subd. 1.](#)

[Minn. Stat. § 13D.01, subd. 6.](#)

LMC information memo  
[Meetings of City Councils.](#)

For more information on the 60-Day Rule see the LMC information memo, [Zoning Guide](#) Section V-A, The 60-Day Rule.

[Minn. Stat. § 15.99.](#)  
[Manco of Fairmont v. Town Bd. of Rock Dell Township](#), 583 N.W.2d 293 (Minn. Ct. App. 1998) cf. [American Tower, L.P. v. City of Grant](#), 636 N.W.2d 309 (Minn. 2001). [Hans Hagen Homes, Inc. v. City of Minnetrista](#), 728 N.W.2d 536 (Minn. 2007) distinguished by [Johnson v. Cook Cty.](#), 786 N.W.2d 291 (Minn. 2010).

See LMC information memo, [Zoning Guide for Cities](#), Section V-A, The 60-Day Rule.

- To prohibit actions from being taken at a secret meeting where it is impossible for the interested public to become fully informed concerning decisions of public bodies or to detect improper influences.
- To ensure the public's right to be informed.
- To afford the public an opportunity to present its views to the public body.

The Open Meeting Law applies to all governing bodies of any school district, unorganized territory, county, city, town or other public body, and to any committee, sub-committee, board, department or commission of a public body. Thus, the law applies to meetings of all city planning commissions and any city or commission advisory boards or committees.

At least one copy of the materials made available to the planning commission at or before the meeting must also be made available for inspection by the public. However, this does not apply to not-public data or materials relating to the agenda items of a closed meeting.

The Open Meeting Law also contains some specific notice and record-keeping requirements which are discussed in detail in the LMC Information Memo Meetings of City Councils.

## B. The 60-Day Rule

Cities generally have only 60 days to approve or deny a written request relating to zoning, including rezoning requests, conditional use permits and variances. This requirement is known as the "60-Day Rule."

The 60-Day Rule is a state law that requires cities to approve or deny a written request relating to zoning within 60 days or it is deemed approved. The underlying purpose of the rule is to keep governmental agencies from taking too long in deciding land use issues. Minnesota courts have generally demanded strict compliance with the rule.

All planning commission review of zoning related applications must be completed in a manner that allows the city to complete its entire approval process within the timeframe dictated by the 60-Day Rule. Local ordinance should not establish timeframes for planning commission review of applications or appeal of commission decisions that do not allow the city to comply with the 60-Day Rule.



## RELEVANT LINKS:

See [Planning Commission Structure and Procedure](#), LMC Model Policy.

See LMC information memo, [Meetings of City Councils](#).

See LMC information memo, [Zoning Guide for Cities](#), Section V-C-2-b on conducting a public hearing

See Handbook, [Records Management](#).  
[Minn. Stat. § 15.17, subds. 1, 2.](#)  
See LMC information memo, [Meetings of City Councils](#) for more information on minutes.

See LMC information memo, [Zoning Guide](#), Section V-C-2 on making a record of the basis for zoning decisions.

## C. Commission policies on order and meeting structure

City ordinance may provide for the adoption, subject to the city council's approval, of planning commission policies related to meeting rules of order and procedure (sometimes referred to as bylaws). Such policies should be adopted by resolution, not ordinance. A policy setting forth rules of procedure can help the planning commission run its meetings, prepare agendas, call special meetings and handle public comment appropriately. Because planning commissions often conduct public hearings, the policy should prescribe a procedure for conducting orderly public hearings.

The policy should establish procedures related to:

- Meeting time and place, including provisions for calling special meetings.
- Quorum requirements.
- Voting and making official recommendations.
- Order of proceedings for both regular meetings and public hearings.
- Creating, ordering and submitting items to an official agenda.
- Minute taking and record keeping requirements.
- Appointment and duties of officers, such as chairperson.
- Filling vacancies.
- Creation of management of subcommittees.

## D. Minutes and official records

Cities, including city planning commissions, are required by law to create an accurate record of their activities. In addition, cities, including city planning commissions, must retain government records in accordance with the records retention laws.

### 1. Minutes and records

State law requires all officers and agencies of the state, including planning commissions in statutory and home-rule charter cities, to make and preserve all records necessary for a full and accurate knowledge of their official activities. These records include books, papers, letters, contracts, documents, maps, plans and other items. State statutes do not explicitly require planning commissions to take minutes of their meetings, but such minutes may be necessary to make a full and accurate record of the commission's proceedings.

Minutes are further recommended because the actions of planning commissions and land use decisions, in general, are frequently subject to court review.



## RELEVANT LINKS:

LMC information memo  
*Taking the Mystery out of  
Findings of Fact.*

LMC information memos:  
*Taking the Mystery out of  
Findings of Fact; Zoning  
Decisions.*

Minn. Stat. § 15.17.  
Minn. Stat. § 138.225.  
Minn. Stat. §§ 138.161-.21.

When a city land use decision is reviewed by a court of law, the court requires cities to document the basis for their land use decisions in written, contemporaneous findings of fact.

Planning commission bylaws or city policy should set the requirements for meeting minute approval and content. For example, a policy may require the minutes to reflect all motions and resolutions and votes taken by the commission. Planning commission policy also may assign responsibility for minute taking to the commission secretary or to a city staff member.

## 2. Findings of fact

In addition to minutes, whenever the planning commission makes an official recommendation related to a matter referred to it by council or on a land use application submitted to the city (for example, a conditional use permit, zoning amendment, variance or subdivision application), it should create written findings of fact supporting the recommendation. Findings of fact from the planning commission serve three important roles:

- They articulate to the city council the planning commission's recommendations on issues before the commission, including its basis for making its recommendations.
- They communicate to a land use applicant the commission's approval of a project or identify for the applicant disapproval and the reasons for such disapproval.
- They support the city's ultimate decision on the issue should the city's decision be challenged in court.

In land use cases, Minnesota courts are looking for a sufficient statement of the reasons given by the city to grant or deny an application request. The role of the court is to examine the city's reasons and ascertain whether the record before the city council supports them. The reasons given by the city must be legally sufficient and have a factual basis.

Minnesota case law and statutory law demand that the reasons for a city's decision on a land use case be articulated in the official record. Written findings of fact, or "reasons," and conclusions of law are required whenever an application is denied. In addition, written findings of fact and conclusions of law are strongly recommended whenever a decision or recommendation related to a land use decision is made. Findings of fact and creating accurate records are discussed at length in the LMC Information Memo "Zoning Guide for Cities."

## 3. Records retention requirements

State law limits the ability of cities, including city planning commissions, to dispose of or destroy city records.



## RELEVANT LINKS:

A.G. Op. 851F (Feb. 5, 1973). See Handbook, *Records Management*.

See LMC information memos, *Taking the Mystery out of Findings of Fact*; Land Use Findings of Fact: Elected Officials as Policy makers and *Zoning Decisions*.

Minn. Stat. § 462.354, subd. 1.

Minn. Stat. § 410.12.  
See Handbook, *The Home Rule Charter City*.

Minn. Stat. § 462.355, subd. 3.

Minn. Stat. § 462.356, subd. 2.

Minn. Stat. § 462.357, subd. 4.

“Counting the Votes on Council Actions, [Part 1](#) and [Part 2](#),” Minnesota Cities (May and June-July 2006, p. 19).  
Minn. Stat. § 410.12.

Cities must retain records that they receive or create according to a records retention schedule. It is a crime to destroy such records without statutory authority.

Maintaining adequate records is also vital for defending the city’s land use decisions in a court of law.

## V. Changing the structure or abolishing the planning commission

### A. Abolishing the planning commission

State statute provides that planning commissions created by city ordinance may be abolished by two-thirds vote of all the members of the governing body. Planning commissions created by city charter can be abolished by following the statutory provisions for amending a city charter.

Cities considering abolishing their planning commission should seek the advice of their city attorney. While state statute allows cities to abolish their planning commission, state statute also vests planning commissions with mandatory duties related to:

- Reviewing amendments to the comprehensive plan.
- Reviewing purchase and sale of public property and capital improvement projects.
- Reviewing zoning ordinance amendments.

Because state statute vests planning commissions with these mandatory duties, it is unclear how a city that has abolished its planning commission would proceed under state statute with necessary amendments to official controls, purchase and sale of property and capital improvements.

### B. Modifying the planning agency

Planning commissions created by city ordinance may be modified by an ordinance amendment (for example, to change from a five- to seven-member commission). The ordinance must be approved by a simple majority of city councilmembers present at the meeting. Consult the city charter to modify planning commissions created by city charter.

## VI. Joint or multijurisdictional planning

State statutes create multiple means for cities to collaborate with other



## RELEVANT LINKS:

[Minn. Stat. § 462.3535, subd. 1, 2.](#)

[Minn. Stat. § 462.3535, subd. 4.](#)

[Minn. Stat. § 462.358, subd. 1a.](#)

[Minn. Stat. § 462.3585.](#)

governmental bodies, including other cities, counties and towns, on comprehensive land use planning.

### **A. Community-Based planning**

Cities are encouraged, but not required, to prepare and implement a community-based comprehensive municipal plan. This language is very similar to comprehensive planning as discussed above, but is not the same. Community-based comprehensive municipal plans contain an element of orderly annexation and/or boundary adjustment planning along with traditional land use and community planning.

In cities that opt for community-based comprehensive municipal plans, the city must coordinate its plan with the plans, if any, of the county and the city's neighbors. Cooperation is designed to:

- Prevent the plan from having an adverse impact on other jurisdictions.
- Complement the plans of other jurisdictions.

In cities that opt for community-based comprehensive municipal plans, the city must prepare its plan to be incorporated into the county's community-based comprehensive plan, if the county is preparing or has prepared one, and must otherwise assist and cooperate with the county in its community-based planning.

Community-based comprehensive municipal plans do not appear to be common. Cities interested in this option should consult their city attorney or a planning consultant.

### **B. Joint planning boards for unincorporated territory within two miles of the city limits**

If a city has already opted to extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits before the creation of a joint board, those subdivision regulations will apply until the joint board adopts subdivision regulations.

If a city has unincorporated area within two miles of the corporate limits of a city, a joint planning board may be formed. A city council or a county board or a town board may require the establishment of a joint planning board on their own initiative by passing a resolution requiring a board to be established. The resolution, once passed, must be filed with the county auditor.

The city, county and town must agree on the number of board members for the joint board. However, each participating governmental unit must have an equal number of members. The members must be appointed from the governing bodies of the city, county and town.



## RELEVANT LINKS:

[Minn. Stat. § 462.3585.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.354, subd. 1.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.355.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.355, subd. 4.](#)  
[LMC information memo](#)  
[Zoning Guide.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.357.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.358.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.359.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.3595.](#)

[Minn. Stat. § 462.3585.](#)  
[Minn. Stat. § 462.362.](#)

[Minn. Stat. § 462.3585.](#)

[Minn. Stat. § 462.371.](#)  
[See Handbook,](#)  
[Intergovernmental](#)  
[Cooperation.](#)  
[See LMC information memo](#)  
[LMCIT Liability Coverage](#)  
[Guide.](#)

[Minn. Stat. § 462.372.](#)

Once established, the board is authorized to:

- Serve as the governing body and board of appeals and adjustments within the two-mile area.
- Create a planning agency.
- Create a BZA.
- Adopt a comprehensive plan.
- Adopt interim ordinances. Note that the law on interim ordinances for certain uses is specific and varied. Best practice suggests consultation with the city attorney before adopting interim ordinances.
- Adopt zoning ordinances.
- Adopt subdivision regulations.
- Adopt an official map.
- Provide for and issue conditional use permits.
- Enforce official controls and prescribe penalties for violations.
- Adopt and enforce the State Fire Code.

The city must provide staff for the preparation and administration of land use controls unless otherwise agreed by the governmental units composing the board.

## C. Regional planning boards

Any two or more counties, cities or towns may enter into a joint powers agreement to conduct regional planning activities. The participating entities do not need to be contiguous.

The joint powers agreement creating a regional planning agency should:

- Establish a board composed of members selected from the governing bodies of the participating governmental units.
- Set the number of board members.
- Establish terms of office for board members.
- Establish a method for member appointment and removal.



## RELEVANT LINKS:

[Minn. Stat. § 462.373, subd. 1.](#)

[Minn. Stat. § 462.373, subd. 2.](#)

[Minn. Stat. § 462.374.](#)

[Minn. Stat. § 462.375.](#)

[Minn. Stat. § 462.383.](#)

[Minn. Stat. § 462.385.](#)

[Northwest Development Commission.](#)

[Headwaters Regional Development Commission.](#)

[Arrowhead Regional Development Commission.](#)

[West Central Initiative.](#)

[Region Five Development Commission.](#)

[Mid-Minnesota Development Commission.](#)

- Create a framework for adoption of a regional plan, and provide timelines for review and comment on the plan by participating governmental units.
- Create a framework for review of participating governmental unit comprehensive plans and a timeline for comment on such plans by the regional board.

The regional planning board may hire a planning director and staff, including consultants, and appoint an advisory planning commission.

The regional planning board may prepare a plan for the development of the region. However, the plan may not be adopted by the regional planning board until it has been referred to the governing bodies of all participating units for their review and their recommendation.

Once the plan has been prepared, participating governmental units within the region may adopt all or any portion of the regional development plan.

When a regional plan is adopted, the regional planning agency must send a copy of the plan and any future revisions to the commissioner of employment and economic development, to the governing bodies of cooperating governmental units, and to the planning agencies in contiguous areas.

## D. Regional development commissions and comprehensive planning activities

Regional development commissions are separate entities from regional development boards discussed above. Regional development commissions are created by state statute to provide a means of pooling the resources of local governments to approach common problems related to urban and rural growth and development.

Development regions are set by state statute and are numbered as follows:

Region 1: Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, and Norman.

Region 2: Lake of the Woods, Beltrami, Mahnommen, Clearwater, and Hubbard.

Region 3: Koochiching, Itasca, St. Louis, Lake, Cook, Aitkin, and Carlton.

Region 4: Clay, Becker, Wilkin, Otter Tail, Grant, Douglas, Traverse, Stevens, and Pope.

Region 5: Cass, Wadena, Crow Wing, Todd, and Morrison.

Region 6E: Kandiyohi, Meeker, Renville, and McLeod.



## RELEVANT LINKS:

[Upper Minnesota Valley Regional Development Commission.](#)

[East Central Regional Development Commission.](#)

[Southwest Regional Development Commission.](#)

[Region Nine Development Commission.](#)

[Metropolitan Council.](#)

[Minn. Stat. § 462.39, subds. 4, 5.](#)

[Minn. Stat. § 462.391, subd. 1a.](#)

[LMCIT Land Use Resources.](#)

[Government Training Services. American Planning Association.](#)

Region 6W: Big Stone, Swift, Chippewa, Lac qui Parle, and Yellow Medicine.

Region 7E: Mille Lacs, Kanabec, Pine, Isanti, and Chisago.

Region 8: Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, and Jackson.

Region 9: Sibley, Nicollet, LeSueur, Brown, Blue Earth, Waseca, Watonwan, Martin, and Faribault.

Region 10: Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted, Winona, Freeborn, Mower, Fillmore, and Houston.

Region 11: Anoka, Hennepin, Ramsey, Washington, Carver, Scott, and Dakota.

The creation of a regional development commission does not affect the rights of counties or cities to conduct their own planning activities. Instead, regional development commissions are designed to support planning for cities. Cities may request that a regional commission review, comment, and provide advisory recommendations on local plans or development proposals.

## VII. Training and resources for planning commission members

Planning commission members perform a vital role for their community. Training materials and seminars can increase the effectiveness of city planning commissioners and are essential for protecting the city's legal interests.

The League of Minnesota Cities Insurance Trust has a Land Use Loss Control Program to assist members through phone consultations and online training. In addition, the Land Use Loss Control Program has extensive written materials available at no cost to members.

Additional training and materials may also be obtained from private vendors such as:

- Government Training Services (GTS).
- The American Planning Association.



# Chapter 1

## GENERAL PROVISIONS

### 2-1-1: ESTABLISHMENT OF BOARDS AND COMMISSIONS:

Pursuant to state law, the following boards and commissions are hereby established:

- A. Parks, recreation and natural resources commission, as authorized by Minnesota statutes section 412.501;
- B. Planning commission, as authorized by Minnesota statutes section 462.354.

By resolution, the council may establish or dissolve any boards, commissions or committees as it deems appropriate. Each board, commission or committee created by the council shall follow the rules and procedures set forth in this chapter. (Ord. 955, 2-17-2016)

### 2-1-2: COMPOSITION; APPOINTMENTS; TERMS OF OFFICE; VACANCIES:

- A. Composition; Appointments; Terms: Unless otherwise stated herein or by separate resolution, each commission shall consist of seven (7) members, each appointed by the council for terms of two (2) years, except the planning commission. The planning commission shall consist of nine (9) members, each appointed for terms of three (3) years. Term years shall begin on March 1.

No commission member may serve more than three (3) consecutive two (2) year terms on any one commission, with the exception of the planning commission, in which no member may serve more than two (2) consecutive three (3) year terms. The council may, by special application, appoint a commissioner for one term in excess of the limit provided in this subsection where it is determined that such would serve the best interests of the city.



- B. Vacancies: Appointments to fill a vacancy shall be only for the unexpired portion of such vacancy. Filling an unexpired term of one year or less shall not be counted against the term limit. (Ord. 955, 2-17-2016)

### **2-1-3: EX OFFICIO MEMBERS:**

Ex officio members of the commission, who shall be nonvoting members, shall be the mayor and members of the city council. The council or commission chairperson may appoint ex officio, nonvoting members to the commission when such appointment, in the sole discretion of the appointing authority, is deemed beneficial to aiding the commission to fulfill its assigned duties, such ex officio member to serve for a term designated by the appointing authority. The council may appoint up to two (2) youths (ages 18 or under) to serve as ex officio members on any commission, who are residents of the community. The term of office for youth seats shall be one year from the date of appointment, renewable for a second one year term by action of the council. (Ord. 955, 2-17-2016)

### **2-1-4: QUALIFICATIONS OF MEMBERS:**

Each commission member shall be a resident of the city. It shall be the goal of the city to have one senior citizen (65 or older) on the parks, recreation and natural resources commission. (Ord. 955, 2-17-2016)

### **2-1-5: ABSENCES AND REMOVALS:**

- A. Absence From Meetings: Unexcused absence from three (3) consecutive regular meetings of the commission or four (4) meetings in any one year period (beginning March 1) shall be deemed to constitute a resignation of a member, and the vacancy thus created shall be filled thereafter. To be excused, an absence must be requested in writing by the affected member, granted by the commission chairperson (or the vice chair if the chairperson makes the request) and the council liaison and filed with the city clerk. Absences may be excused for extenuating circumstances that prevent the member's attendance, such as business demands, state of health, or personal emergencies. (Ord. 694, 5-2-2001; amd. Ord. 955, 2-17-2016)



- B. Removal Of Members: The council shall, by majority vote, have the authority to remove any member of the commission from office whenever in its discretion the best interest of the city shall be served thereby. A member removed from office shall, upon request, have a right of appeal before the council. (1971 Code § 2-46; amd. Ord. 955, 2-17-2016)

## **2-1-6: ORGANIZATION:**

### **A. Officers; Appointment, Election And Duties:**

1. Chair: The commission chair shall be appointed by the city council. It shall be the duty of the chair to preside at all meetings of the commission, to represent the commission before the council, other organizations and to the public, subject to the direction and review of the council.
2. Vice Chair:
  - a. A vice chair shall be elected by the members of the commission at the annual meeting. (Ord. 598, 4-20-1994; amd. Ord. 955, 2-17-2016)
  - b. It shall be the duty of the vice chair to carry out the duties of the chair in his/her absence. (1971 Code § 2-51; amd. Ord. 955, 2-17-2016)

- B. Staff Liaison: The city administrator shall designate a member of the city staff to serve as liaison and administrative support to each commission. It shall be the duty of the staff liaison to keep minutes and records of all proceedings of the commission; to render notice of all meetings of the commission; to communicate all recommendations to the council; to receive, record, report and transmit all correspondence of the commission; to maintain permanent files and resource materials for the commission; to issue, quarterly, a list of current members, which list shall include appointment dates and dates of expiration of office; and to prepare proposed agendas for the annual, regular and special meetings. (1971 Code § 2-51.1; amd. Ord. 955, 2-17-2016)

## **2-1-7: RULES OF PROCEDURE:**

Each commission shall adopt a set of rules to govern its meetings and procedures. The rules may be amended from time to time, but: a) only at a regular meeting of the commission, b) only with the affirmative vote of at least five (5) members, and c) only after the proposed



amendment has received consideration for at least two (2) consecutive regular meetings. Proxy voting shall be prohibited. (1971 Code § 2-52; amd. Ord. 955, 2-17-2016)

## **2-1-8: MEETINGS:**

- A. Annual Meeting: Each commission shall have an annual meeting at the first regular meeting in March of each year, at which time appointments shall be received, officers elected, committees appointed and such other business transacted as the commission may decide.
- B. Regular Meetings: Each commission shall establish a day and week of the month as its regular meeting day, and shall hold its regular meeting on the same day and week of each month thereafter, at a time to be set by the commission, in the city hall or at such other place as may be designated in advance by the commission, until the next annual meeting ; provided, that the chair may designate a different time and place upon at least ten (10) days' notice to each member.
- C. Special Meetings: Each commission may hold special meetings at any time outside of the regular meetings upon: 1) the call of the chair, 2) the call of the chair when directed by petition of at least four (4) commission members, or 3) the call of the council. Special meetings shall require notice to all commission members, in writing, mailed at least five (5) days prior to such meeting or personal notice at least twenty four (24) hours prior to such meeting.
- D. Open Meetings: All commission meetings shall be open to the public. (1971 Code § 2-53; amd. 2000 Code; Ord. 955, 2-17-2016)
- E. Quorum: A quorum shall consist of a majority of the appointed membership at the time of the meeting. (Ord. 622, 12-20-1995; amd. Ord. 955, 2-17-2016)

## **2-1-9: POWERS AND DUTIES; ADVISORY CAPACITY:**



Except as may otherwise be provided by this code, other ordinances or state statute, the powers and duties of the commissions are of advisory nature only, and the commissions shall not have any powers or duties which conflict with or supersede the powers and duties of other city commissions. (1971 Code § 2-48; amd. Ord. 955, 2-17-2016)

## **2-1-10: COOPERATION OF CITY OFFICIALS AND EMPLOYEES:**

All city officials, department heads, employees and appointees shall cooperate with each commission and render all reasonable assistance. (1971 Code § 2-54; amd. Ord. 955, 2-17-2016)

## **2-1-11: COMPENSATION:**

All commission members shall serve without compensation but may be reimbursed for expenses incurred on behalf of the commission. (1971 Code § 2-43; amd. Ord. 955, 2-17-2016)

# **Chapter 4 PLANNING COMMISSION**

## **2-4-1: PURPOSE AND DUTIES:**

The purpose and duties of the planning commission shall be those vested in it by the statutes of the state and other ordinances of the city. The commission shall also have responsibility for study and recommendation to the city council concerning sign variance applications submitted pursuant to section [9-8-10](#) of this code. (Ord. 598, 4-20-1994)



Sec. 90-31. - Planning commission.

The planning commission shall serve as advisors to the city council by preparing and making recommendations regarding the appropriateness of the city's comprehensive plan, zoning ordinance, subdivision regulations, and such other matters that impact the orderly and efficient development of the community. The planning commission shall act only as a body sitting in open session duly noticed, as required by law. The planning commission may appoint subcommittees or individuals to prepare policies, findings, and reports for consideration by the entire commission at a regular meeting thereof.

- (1) **The planning commission shall consist of seven persons,** all residents of the city and eligible voters, appointed by the city council for staggered four-year terms. The city attorney, city engineer, and city health officer, or their representatives, may serve as nonvoting, ex officio members upon request of the commission. Terms of office shall be staggered such that no more than two voting members' terms shall expire in any one year.
- (2) **A quorum of the planning commission shall consist of four voting members,** and it shall require the affirmative vote of a majority of the planning commissioners present (so long as there is a quorum) to approve any motion, resolution, or other official action.
- (3) Commission officers shall include a chairperson, a vice-chairperson, and a secretary, all appointed annually by the city council. The secretary need not be a member of the planning commission. The chairperson and vice-chairperson have full voting rights and need not limit their votes to cases of a tie.
- (4) **Planning commissioners may be removed from office by the city council for:**
  - a. Changing their place of residence to a location outside the corporate boundaries of the city or otherwise not meeting the requirements for office.
  - b. Failure to perform their official duties, including not attending called and noticed meetings.
  - c. Behavior disruptive to the good order and efficiency of the commission.
  - d. Moral turpitude.
- (5) Vacancies on the planning commission shall be filled by the city council as soon as practical after the vacancy occurs, and such appointments shall be made for the unexpired portion of the vacated term.
- (6) The planning commission may adopt such other rules of order as it deems necessary for the efficient conduct of its responsibilities.
- (7) **Planning commission responsibilities:**
  - a. To study, report, and make recommendations on amendments to the city's comprehensive plan and land use regulations.
  - b. To conduct hearings and make recommendations regarding the issuance of conditional use permits.
  - c. To conduct hearings and make recommendations regarding requests for rezoning.
  - d. To conduct hearings and make recommendations regarding the subdivision and platting of property.
  - e. To review and make recommendations on commercial and industrial site plans.
  - f. To review and make recommendations on variances associated with site plans, preliminary plats, and conditional use permits.
  - g. Perform such other duties as the city council may, from time to time, prescribe.

(Prior Code, § 1015-030.1)



## **2.11 PLANNING COMMISSION.**

1. Purpose. The City Council finds it necessary to guide the future development of land within the City through comprehensive planning for the purposes of (1) ensuring a safer, more pleasant, and more economical environment for residential, commercial, industrial, and public activities; (2) promoting the public health, safety, and general welfare; (3) preparing for anticipated changes in land use, thereby causing significant savings in both private and public expenditures; and (4) providing for necessary public services on the lowest possible cost basis and achieving the maximum secured tax base for the community.
2. Definitions. The following words and phrases when used in this Section shall have the following meanings:
  - A. “Commission” means the Planning Commission.
  - B. “Land Use Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire City, as well as a specialized plan showing specific areas or specific types of land uses such as residential, commercial, industrial, public, or semi-public uses or any combination thereof.
  - C. “Transportation Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of the various modes of transportation in the City such as streets and highways, mass transit, railroads, trucking, and includes a major thoroughfare plan.
  - D. “Community Facilities Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of the public or semi-public facilities of the City such as recreational, educational, and cultural facilities.
  - E. “Capital Improvements Program” means an itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the City, and such other information as the Commission deems relevant.
  - F. “Official Map” means a map adopted in accordance with Minnesota Statutes Section 462.359, showing existing streets, proposed future streets, and the area needed for widening existing streets of the City. The map may also show the location of existing and future public land and facilities within the City.



3. Planning Commission Established.

- A. Creation. There is hereby created a Planning Commission for the City of Mahtomedi to be comprised of seven (7) members appointed by the City Council.
- B. Term. The term of each member shall be for three (3) years. Members may be removed at the discretion of the City Council.
- C. Vacancies. If a Commission member is absent from three (3) meetings during a one (1) year period, unless excused in advance by the Chairperson, that commission member will be considered to have abandoned their position, creating a vacancy. In the event of a vacancy, the City Council shall appoint a successor to fill the vacant position for the remainder of the unexpired term.
- D. Qualifications. Each member shall be a resident of the City of Mahtomedi. All members shall serve without compensation.
- E. Chairperson. At its first meeting every April, the members of the Planning Commission shall appoint from among their membership a chairperson to serve for a term of one (1) year. The chairperson shall preside at all meetings of the Commission if present and shall perform all other duties and functions assigned by the Commission or by the City Council. The members of the Commission may appoint from among the membership a vice-chairperson to act for the chairperson during his or her absence.

4. Meetings. The Commission shall meet on the second Wednesday of every month. A majority of all members of the Commission shall constitute a quorum. A quorum is required for any action to be taken by the Commission.. Unless otherwise provided, any action taken by the Commission shall be by the affirmative vote of a majority of the members present. The Commission may adopt such rules and regulations governing its proceedings as it deems necessary for the proper conduct of its business. The Commission shall keep a public record of its meetings, resolutions, findings, and reports.

5. General Powers and Duties. The Commission shall have the powers and duties given to city planning agencies generally by law. The Planning Commission shall also exercise the duties conferred upon it by this Code and the Zoning Ordinance, including those related to Zoning Ordinance Amendments, Conditional Use Permits, Variances, and Site Plan Review.

6. Comprehensive Plan. The Commission shall prepare and recommend to the City Council a comprehensive municipal plan for the City of Mahtomedi. Such plan shall include a compilation of policy statements, goals, standards, and maps for



guiding the physical, social and economic development, both private and public, of the City and shall include a statement of policies, goals, and standards for (a) a land use plan; (b) a community facilities plan; (c) a transportation plan; (d) a capital improvements program; and (e) an official map. The comprehensive plan may be prepared in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the City.

- A. Plan Adoption and Amendment. The Commission may adopt and amend a comprehensive municipal plan as its recommendation to the City Council. The plan may be adopted in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the City. Before adopting the comprehensive plan or any section or amendment thereto, the Commission shall hold at least one (1) public hearing thereon. A notice of the time, place, and purpose of the hearing shall be published once in the official newspaper of the City at least ten (10) days before the day of the hearing. Adoption and amendment of the comprehensive plan or of any section thereof shall be by resolution adopted by a majority of all the members of the Commission. When adopted, a copy of the plan or of any section or amendment thereof shall be certified to the City Council.
- B. Adoption of Plan by City Council. Upon receiving a certified copy of the plan or of any section or amendment thereof from the Commission, the City Council may, by resolution of the majority of its members, adopt or amend the comprehensive plan or portion thereof so recommended as the official comprehensive plan of the City. After a public hearing upon such recommendation, notice of the time and place of which shall be given by publication once in the official newspaper of the City at least ten (10) days before the day of the hearing, until so adopted by the City Council, the plan or any section, or amendment thereof shall constitute only the recommendation of the Commission.
- C. Recommendations for Plan Execution. Upon recommendation by the Commission, the comprehensive plan or any section or amendment thereof, may be studied and the Commission may propose to the City Council reasonable and practicable means for putting the plan, section or amendment into effect. Such means may include zoning regulations, regulations for the subdivision of land, official map, a program for coordination of normal public improvements and services, and a capital improvement program.
- D. Plan Compliance. After a comprehensive plan, section, or amendment thereof has been certified to the City Council, no publicly owned interest in real property within the City shall be acquired or disposed of or any capital improvement authorized by the City, or any other agency or political subdivision having jurisdiction within the City, until after the



Commission has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the City Council its findings as to compliance with the comprehensive plan. If the Commission fails to report on the proposal within forty-five (45) days after such reference, such failure to report shall be deemed to have satisfied the requirements of this section. If the City Council determines that the proposed acquisition or disposal of real property or capital improvement bears no relationship to the comprehensive plan, it may dispense with the requirements of this section by resolution adopted by two-thirds vote.

- E. Studies. In exercising the powers granted under this Section, the Commission, with prior approval of the City Council, may collect and analyze data, maps, charts, tables, and other illustrations and displays and conduct necessary studies. The City Council may publicize findings and suggestions on planning matters within the scope and objectives of this Section.
- F. Appropriation. The City Council may appropriate moneys from any fund not dedicated to other purposes in order to finance planning activities authorized by this Section. The City Council may receive and expend grants and gifts for such planning purposes and may enter into contracts with other governmental units or private agencies in furtherance of the planning activities authorized herein.
- G. Plan Effectuation. Upon prior approval of the City Council and its finding that such action will promote the public health, safety, and general welfare, the Commission may prepare additional procedures for plan effectuation, including (a) zoning ordinances, (b) subdivision regulations, (c) official maps, and (d) such other means of plan execution as will accomplish the purposes of this Section. Such procedures shall be prepared in accordance with the provisions of Minnesota Statutes Chapter 462 and shall be certified to the City Council for its review and consideration.

## **2.12 PUBLIC ACCOUNTANT.**

The City Council shall appoint a Public Accountant for the purpose of auditing, examining, and reporting upon the books and records of accounts of the City each year in accordance with the minimum auditing procedures prescribed by the Public Examiner pursuant to Minnesota Statutes Section 412.222. The Public Accountant shall serve as an independent contractor and shall be compensated for his or her services as the City Council may from time to time prescribe.



# CHAPTER 16

## PLANNING AND DEVELOPMENT

**Article I Planning Commission**

**Article II Reimbursement of Consultant Development Fees**

**Article III Environmental Review Program**

### ARTICLE I. PLANNING COMMISSION

**Sec. 16-01. Commission Established.** A Planning Commission for the city is hereby established. The Commission serves as an advisory board for the City Council and City Administrator. All conclusions reached by the commission shall serve as recommendations and powers of execution shall be vested in the City Council.

**Sec. 16-02. Functions and Duties of Commission.** The Planning Commission shall act in an advisory capacity to the City Council and City Administrator in all matters pertaining to planning, development, and redevelopment. Specific responsibilities of the commission shall be:

- (1) To establish plans, policies, and procedures in matters relating to planning, development, and redevelopment.
- (2) To assist the City Council in developing, reviewing, and analyzing planning programs, development proposals, and redevelopment programs.
- (3) To educate the City Council on planning, development, and redevelopment issues.
- (4) To interview and review work of the planning consultant.
- (5) To assist in the collection of background data to assist the City Council to determine goals, policies, and programs for future development of the community.
- (6) To assist with the preparation and updating of the comprehensive plan.
- (7) To assist in the preparation of development controls.
- (8) To review development proposals and proposed changes to city ordinance.
- (9) To assist in preparation of a Capital Improvements Program.
- (10). To make recommendations on proposed boundary changes.

**Sec. 16-03. Composition of Commission; Appointment to Commission.** The Planning Commission shall consist of seven (7) regular members, appointed by the City Council. A simple majority of the serving members shall constitute a quorum. Vacancies shall be filled by City Council appointment for the remainder of the unexpired term. Resignation of Planning Commission members shall be submitted in writing to the City Council. At their discretion, the City Council may appoint up to two (2) student representatives to serve on the commission; such individuals shall serve in an advisory role without voting privileges and do not need to meet the age or residency requirements for a commissioner.

**Sec. 16-04. Terms of Members.** Members of the Planning Commission shall be appointed by the City Council for three (3) year terms. Terms, in general, begin July 1 of each year. Members that have served on one commission for three consecutive terms shall be given the option of submitting an application to be considered for appointment to another advisory commission or to submit an application to be considered for appointment to the same commission the following June. *Exception:* at the sole discretion of the City Council, seated commissioners that have served on one commission



for three or more consecutive terms may be reappointed to the same commission when the continuation of their service on said commission is deemed vital to projects and/or programs under the purview of the commission. The initial term for appointments to the commission shall be staggered so that only three (3) new appointment or reappointments need to be made in any one year. (Ord. 833, 10/10/17)

**Sec. 16-05. Organization of Commission.** The Planning Commission shall elect from its membership, a Chairperson and Vice-Chairperson annually at its first meeting of each year. The election of Chairperson is subject to veto by the Mayor. The Planning Commission shall adopt its own Rules of Order and Bylaws for the purpose of governmental procedure.

**Sec. 16-06. Commission Meetings and Records.** The Planning Commission shall hold regular meetings as established in the bylaws. These meetings shall be open to the public. The Planning Commission shall submit copies of its meeting minutes to the City Council following each scheduled meeting and shall submit periodic reports when requested by the City Council.

**Sec. 16-07. Removal of Commission Members.** Commission members may be removed, at will, by action supported by a majority of the City Council. Also, given that the City Council expects diligence in attendance by the members of the Planning Commission at commission meetings, excessive absences will be considered as grounds for removal from the commission.

**Sec. 16-08. Residency Requirement.** No person appointed to represent the residents shall continue to serve on the commission once that member has taken residence outside of the corporate limits of Oakdale. A written resignation shall be submitted to the City Council in this instance.

## **ARTICLE II. REIMBURSEMENT OF CONSULTANT DEVELOPMENT FEES**

**Sec. 16-09. Definitions.** As used in this article:

- **Costs** means any time or expense incurred by the city for services performed by the Community Development Director, Public Works Director/City Engineer and City Attorney or any other regular staff consultants.
- **Development** means any subdivision, planned unit development, rezoning special use permit, variance, vacation, building addition, or site plan; or proposed rezoning, special use permit, variance, building addition, or change in site plan; or any amendment to a previously approved subdivision, planned unit development, rezoning, special use permit, variance, vacation, building addition, or site plan.
- **Owner** means any property owner, applicant, or duly authorized representative of a development.

**Sec. 16-10. Reimbursement Required.** Any owner that causes the city to incur costs on behalf of, or on account of, that owner, associated with a proposed development, shall reimburse the city for the actual costs expended by the city on behalf of, or on account of, said owner. Any development which involves only one platted residential lot, for a non-commercial purpose, located in a residential zoning district shall not be responsible for costs incurred by the city beyond the initial application fee.

**Sec. 16-11. Deposit Required.** The owner shall deposit with the city in escrow an amount, as determined by the City Administrator, necessary to cover the total costs associated with the proposed



development prior to the performance of any such services by the city's regular staff or consultants. However, if a proposed development and the related consultant review is anticipated to span a period of time in excess of ninety (90) days, the owner will only be expected to deposit a sum, as determined by the City Administrator, necessary for the city to pay all costs for said ninety (90) days. The owner will then be expected to maintain the escrow fund at a balance equal to the original amount deposited. Any escrow shall be held in a special escrow account and shall be credited to the said subdivider, owner, or developer. Staff time and legal expenses incurred by the city in plat approval, office and field checking, setting grade and drainage requirements, general supervision, staking, inspection, installation and cost of traffic control and street signs, drafting as-built drawings and all other city staff and consultant services performed in the processing of said improvements and developments, administrative and legal expenses in examining title to the property being developed shall be charged to the aforementioned account and shall be credited to the city.

**Sec. 16-12. Monthly statements of Expenditures Required.** The city will provide itemized statements to the owner by the tenth day of each month showing the city's expenditures for staff and consultant services for the prior month associated with a development together with the current balance in the developer's escrow fund, and a statement, if additional funds are requested, to maintain the fund at the level established. No statement will be sent if there are no transactions during the preceding month in the escrow fund.

The city shall itemize all time, services, and materials billed to any developer's escrow account and said time, services, and materials shall be in accordance with the rules, regulations, and fees as promulgated and adopted by the City Council. The subdivider, owner, or developer making the deposit(s) in the escrow account shall, upon request, be furnished a copy of said itemized charges. Any balance remaining in the account upon completion of all platting conditions shall be returned to the depositor by the Finance Department after all claims and charges thereto have been paid.

**Sec. 16-13. Reimbursement of Escrow Fund.** The owner shall reimburse the escrow fund for any deficits caused if the amount actually expended by, or billed to, the city exceeds the escrow fund balance.

**Sec. 16-14. Refund of Unexpended Balance.** The city shall refund any monies deposited in the escrow fund not expended for consultant fees within thirty (30) days after completion of any city consultant services associated with the development.

**Sec. 16-15. Escrow Fund not to Draw Interest.** The city shall not pay interest on the monies deposited in the escrow fund.

**Sec. 16-16. Rates Established.** The City Administrator shall establish the rates charged for the services performed by city staff or consultants.

### **ARTICLE III. ENVIRONMENTAL REVIEW PROGRAM**

**Sec. 16-17. Generally.** The provisions of the rules of the Environmental Review Program, 6MCAR 3.021 to 3.048, one copy of which is on file in the office of the City Clerk, are hereby adopted, together with the other provisions of this article, as the environmental review operating procedures this city will follow in implementing the provisions of Minnesota Statutes Chapter 116D relating to the



Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board. All terms used in this article shall have the same meaning as the terms used in Chapter 116D and the rules adopted thereunder.

#### **Sec. 16-18. Cost of Preparation and Review.**

- (a) **Information to be Provided.** The applicant for a permit for any action for which environmental documents are required either by State law or by the City Council shall supply in the manner prescribed by the City Administrator, or representative, all unprivileged data or information reasonably requested by the city that the applicant has in their possession or to which the applicant has reasonable access.
- (b) **Environmental Assessment Worksheets.** The applicant for a permit for any action for which an Environmental Assessment Worksheet (EAW) is required either by State law or rules or by the City Council, shall pay all costs of preparation and review of the EAW, and, upon the request of and in the manner prescribed by the City Administrator, or representative, shall prepare a draft EAW and supply all information necessary to adequately complete that document.
- (c) **Environmental Impact Statement.** The city and the applicant for a permit for any action for which an Environmental Impact Statement (EIS) is required shall comply with the provisions of the "Rules Governing Assessment Costs for Environmental Impact Statements", one copy of which is on file in the office of the City Clerk, unless the applicant and the City Council provide otherwise by a written agreement.
- (d) **Payment of costs.** No permit for an action for which an EAW or an EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, and all information required is supplied in adequate detail and until the environmental review process has been completed as provided in this article, and pursuant to any written agreements entered into by the applicant for the permit or permits and the City Council under Section 16-21(e).
- (e) **Agreements concerning cost of preparation and review.** The applicant for a permit for any action for which an EAW or EIS is required and the City Council may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in 6MCAR 3.042.

#### **Sec. 16-19. Administration.**

- (a) The City Administrator, or representative, shall be the person responsible for the administration of the environmental review program, this article, and the rules adopted by reference by this article.
- (b) The Community Development Director shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under 6MCAR 3.024. The Community Development Director shall also determine those proposed actions for which an optional EAW may be required under the provisions of the article and shall notify the Planning Commission and the City Council of these proposed actions.
- (c) All EAWs and EISs shall be prepared under the direction of the Community Development Director, reviewed by the Planning Commission and reviewed and approved by the City Council.



- (d) When reviewing an EAW or EIS, the Community Development Director and the Planning Commission may suggest design alterations that would lessen the environmental impact of the action. The City Council may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact on the action.
- (e) After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the City Council whether or not it should require the preparation of an EIS. The City Council shall require an EIS when it finds under 6MCAR 3.025, "that an action is major and has potential for significant environmental effects", and whether the action "is of more than local significance".

**Sec. 16-20. Enforcement and Penalty.**

- (a) No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this article have been completed.
- (b) Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for ninety (90) days or both. Each day that the violation is permitted to exist constitutes a separate offense.
- (c) No work shall commence, and any work in progress on any project for which environmental documents are required shall cease, until the environmental review procedures established by this article are fully complied with.



AN ORDINANCE ESTABLISHING A PLANNING COMMISSION PURSUANT TO MINN. STAT. §462.354.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

210.010 Establishment.

There is hereby established pursuant to Minn. Stat. §462.354 a Planning Commission for the City of Oak Park Heights.

210.020 Composition.

Such Planning Commission shall consist of five (5) members providing as follows:

- (a) There shall be a Councilperson designated by the Mayor with the consent of the City Council to be a liaison to the Planning Commission. Such Councilperson shall serve without voting power and in a capacity as *ex officio* to the Planning Commission. Additionally, the Council may designate an alternate from the Council to serve in such capacity should the primary Council appointee be unable to attend.
- (b) The five members of the Planning Commission shall be appointed by the City Council. All such appointments shall initiate and be established by resolution of the City Council. The term of each member shall be for three (3) years with the initial terms being staggered by the City Council resolution of appointment. Unless extended by special order of the City Council for a period of one (1) year, no member shall serve more than two (2) consecutive terms on the Planning Commission. Any member of the Planning Commission may be removed at any time by a 4/5 vote of the City Council, with or without cause. Should any Planning Commission member fail to attend three (3) consecutive regular meetings of the Planning Commission or fail to attend four (4) meetings within a twelve (12) month period, that position shall be determined to be vacant and the Council shall reappoint a person to fill the balance of the term remaining in that member's position.
- (c) The City Council may from time to time, by resolution, appoint other persons to the Planning Commission to serve in a non-voting/liason capacity, for limited periods of time and for specified issues on topics for which they have a



special interest or expertise determined by the Council to be of benefit to the Planning Commission.

210.030 Meetings.

The Planning Commission may hold at least one regular meeting each month. The regular meeting date of the Planning Commission shall be established by Resolution of the City Council from time to time. The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its Resolutions, transactions, minutes and findings which records shall be public.

210.040 Organization and Chairperson.

The Planning Commission shall elect a chairperson from among its appointed members for the term of two years. No member shall serve as chairperson for more than two consecutive terms. Vacancies occurring within the Planning Commission shall be filled for the balance of the term by appointment from the City Council. The Commission shall also keep a record of the minutes of each of its meetings.

210.050 Powers and Duties of the Planning Commission.

The Planning Commission shall consider and make recommendations on all matters affecting zoning, subdivision and building regulations and land use development, comprehensive plans and other matters referred to it by the City Council from time to time. All recommendations made by the Planning Commission shall take into consideration the established policies of the City Council on such matters. The Planning Commission shall also carry on City planning activities and recommend such plans for the regulation of future physical development of the City including land use and building construction.

210.060 Compensation.

Compensation of Planning Commission Members as selected by the City Council shall serve without compensation except as otherwise established by Resolution of the City Council.

Amended: Section 210.02. Passed and adopted May 28, 1999.  
Section 210.020 Passed and adopted September 25, 2001