



STAFF REPORT

DATE: 2/7/18

REGULAR

AGENDA ITEM: #13

TO: City Council

FROM: Emily Becker, Planning Director

ITEM: Wyndham Village Subdivision Sketch Plan Review and Comprehensive Plan Amendment

REVIEWED BY: Ben Gozola, Consultant City Planner
Jack Griffin, City Engineer

BACKGROUND:

The Council considered a proposed Subdivision Sketch Plan Review and Comprehensive Plan Amendment to re-guide the development area from Rural Single Family to Village Low Density Residential for the proposed development Wyndham Village at its November 21, 2017 meeting and tabled the item at its January 16, 2018 meeting for lack of a full Council out of respect for the applicant due to the need for a 4/5 vote to pass a Comprehensive Plan Amendment. The Council did not feel comfortable with allowing the proposed density increase because it was felt that the sketch plan did not propose sufficient backyards.

REVIEW/ANALYSIS:

Usable Backyard Issue. The developer has revised the proposed sketch plan that was previously submitted to the Council for review. The previous sketch plan did not provide backyards that the City had felt were usable, as a 66 foot wide Northern Natural Gas Easement ran along the majority of the backyards of the lots to the west of Liberty Court North. The revised plan reduces the number of proposed lots from 13 to 10, reducing the proposed density from 2.17 units per acre to 1.67 units per acre. Additionally, the developer has provided an exhibit which shows proposed building pad locations that show a 20 foot rear yard principal building setback from the Northern Natural Gas Easement. This exhibit shows that a pool and play set could reasonably fit within these backyards. The standard setback for properties located within the Village Low Density Residential Zoning District is 20 feet, and so Staff believes that so long as the lots in which the Northern Natural Gas Easement is located maintain a 20 foot principal building rear yard setback from the easement that these proposed lots will provide a sufficient rear yard.

Increased Density Issue. As mentioned above, the revised sketch plan reduces the proposed density from 2.17 units per acre to 1.67 units per acre. The allowed density within the Village Urban Low Density Residential land use is 1.5-2.49 units per acre, and the allowed density within the Rural Single Family Sewered land use category is 0.66-2 units per acre.

Greenbelt Buffer. The updated sketch plan increases the greenbelt buffer to the south of the development. The previously-provided buffer was only approximately 40 feet in width, and the applicant has increased the buffer to approximately 80 feet.

MUSA and Rural Single Family Sewered Land Use Option. The proposed development is within the Metropolitan Urban Service Area (MUSA), and sewer will be made available through Northport, the development to the north and east of the proposed development. Areas within the City that are included in the MUSA must be developed at an average of three units per acre. In 2016, the City created a new land use that is called Rural Single Family – Sewered. This land use is intended for properties that were platted for conventional subdivision prior to 2005 that have been (and will continue to be) serviced by private on-site well and septic systems, unless within the MUSA area. If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. While the property does have the option of being re-guided to this land use category, this option is not recommended by Staff for the following reasons:

- *Lot Size Variances Needed.* The smallest the lot sizes allowed would be 24,000 square feet, and the smallest lot size proposed in the revised plan is 11,184 square feet, with only one lot meeting the required minimum lot size. Therefore, variances would be required for most of the lots within the proposed subdivision.
- *Spot Zoning.* Additionally, Northport (the development to the north and east of the proposed development) is guided for Village Urban Low Density. This proposal would essentially be an extension of the Village Urban Low Density land use that currently exists. There are no properties adjacent to the proposed development that are guided for Rural Single Family Sewered, and therefore re-guiding the proposed development to Rural Single Family Sewered could be considered spot zoning.

If the Council does feel that the development should instead be re-guided to Rural Single Family Sewered, the requested Comprehensive Plan Amendment should be denied, as the public hearing advertised was specifically to re-guide the proposed development to Village Urban Low Density Residential. A new public hearing notice would need to be advertised. Staff has prepared a Resolution denying the proposed Comprehensive Plan Amendment that the Council may adopt if it so chooses.

Deadline for Action. The City has already sent the applicant an extension letter, using its 120 days to take action on this land use application. The deadline for action is February 17, 2018. Therefore, because the next Council meeting is February 20, 2018, the Council must take action on this application or deny the request.

Recommended Findings. Staff recommends the following findings in regards to the proposed Comprehensive Plan Amendment:

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:

- a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Village Urban Low Density Residential and decreased acreage of Rural Single Family.
 - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan in that the Property is within the Metropolitan Urban Service Area.

Recommended Conditions of Approval. Staff recommends the following conditions in regards to the proposed Comprehensive Plan Amendment:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.
2. That the Applicant obtain Preliminary Plat approval from the City that meets the following:
 - a. Required densities of the Village Urban Low Density land use category.
 - b. Provides a sufficient Greenbelt Corridor as indicated in the Comprehensive Plan and approved by the City.
 - c. Provides usable rear yards for lots in which the Northern Natural Gas Company Easement (Document 384029) (“Northern Easement”) is located, as determined by the City by maintaining a 20 foot principal building rear yard setback from the Northern Natural Gas Company Easement.
 - d. All other applicable standards including but not limited to City Engineer Design Standards, Valley Branch Watershed District requirements, and zoning standards.

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. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

OPTIONS:

- Approve the proposed Comprehensive Plan Amendment re-guiding the proposed development to Village Urban Low Density Residential with Staff-recommended findings and conditions of approval.
- Amend Staff-recommended findings and conditions of approval for the proposed Comprehensive Plan Amendment re-guiding the proposed development to Village Urban Low Density Residential and approve with amended findings and conditions.
- Deny the proposed Comprehensive Plan Amendment with Staff-recommended findings.
- Amend Staff-recommended findings and conditions for denial of the proposed Comprehensive Plan Amendment re-guiding the proposed development to Village Urban Low Density Residential and deny with amended findings.

RECOMMENDATION:

Staff and Planning Commission are recommending approval of the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval.

“Move to adopt Resolution 2018-006 approving the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval.”

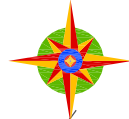
Alternatively, if the Council feels that the Comprehensive Plan Amendment should be denied, Staff has prepared a Resolution for denial with recommended findings.

“Move to adopt Resolution 2018-006 denying the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings.”

Staff is recommending that the Council accept the revised Sketch Plan provided by JP Bush Homes for a 10 unit single family detached residential development of PID#13.029.21.43.0001.

ATTACHMENTS:

1. Revised Subdivision Sketch Plan
2. Building Pad Location Exhibit
3. Previous Council Packet Item from 11/21/2017
4. Resolution 2018-006 approving the proposed Comprehensive Plan Amendment
5. Resolution 2018-006 denying the proposed Comprehensive Plan Amendment



Landmark Surveying, Inc.

21090 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

LOW DENSITY RESIDENTIAL - CONCEPT SUBDIVISION

Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West,
City of Lake Elmo, Washington County, Minnesota

Developer:



J.P. Bush
HOMES
1980 Quasar The South
Lakeland, Minnesota 55043

Property Owner:

James R. McLeod Revocable Trust
11580 30th Street North
Lake Elmo, Minnesota 55042

PID:13.029.21.43.0001

TOTAL PARCEL AREA = 5.9 acres ±

Proposed Lots = 10

Existing Zoning = RS - RURAL SINGLE FAMILY

Proposed Zoning - LDR - URBAN LOW DENSITY RESIDENTIAL

Property Description:

Quit Claim Deed, Document No. 3102032

Sec 13 Twp 029 Range 021

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

Concept Notes:

Building locations were traced from aerial photography.

Contours are at 2 foot intervals and derived from data provided by the Minnesota
Department of Natural Resources and data per the preliminary plat of Northport.

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

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.

Milo B. Horak

Milo B. Horak, Minnesota License No. 52577

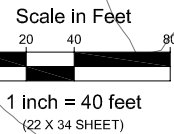
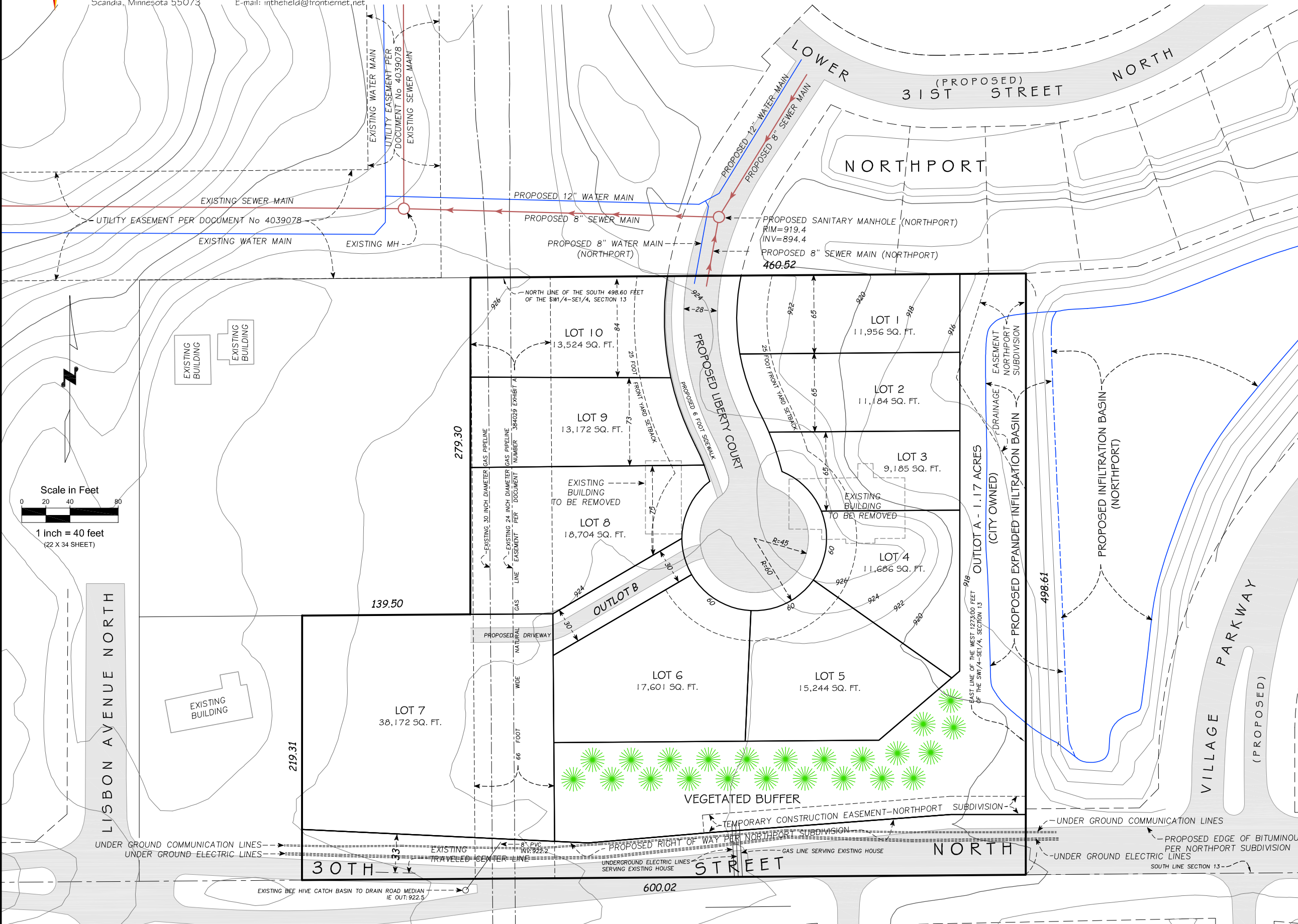
REVISOR: OCTOBER 11, 2017

REVISOR: NOVEMBER 20, 2017

June 01, 2017

Date

Job No. 2016-70



LOW DENSITY RESIDENTIAL - CONCEPT SUBDIVISION PROPOSED LOT DETAIL - EXHIBIT A

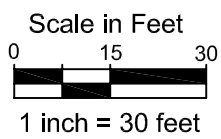
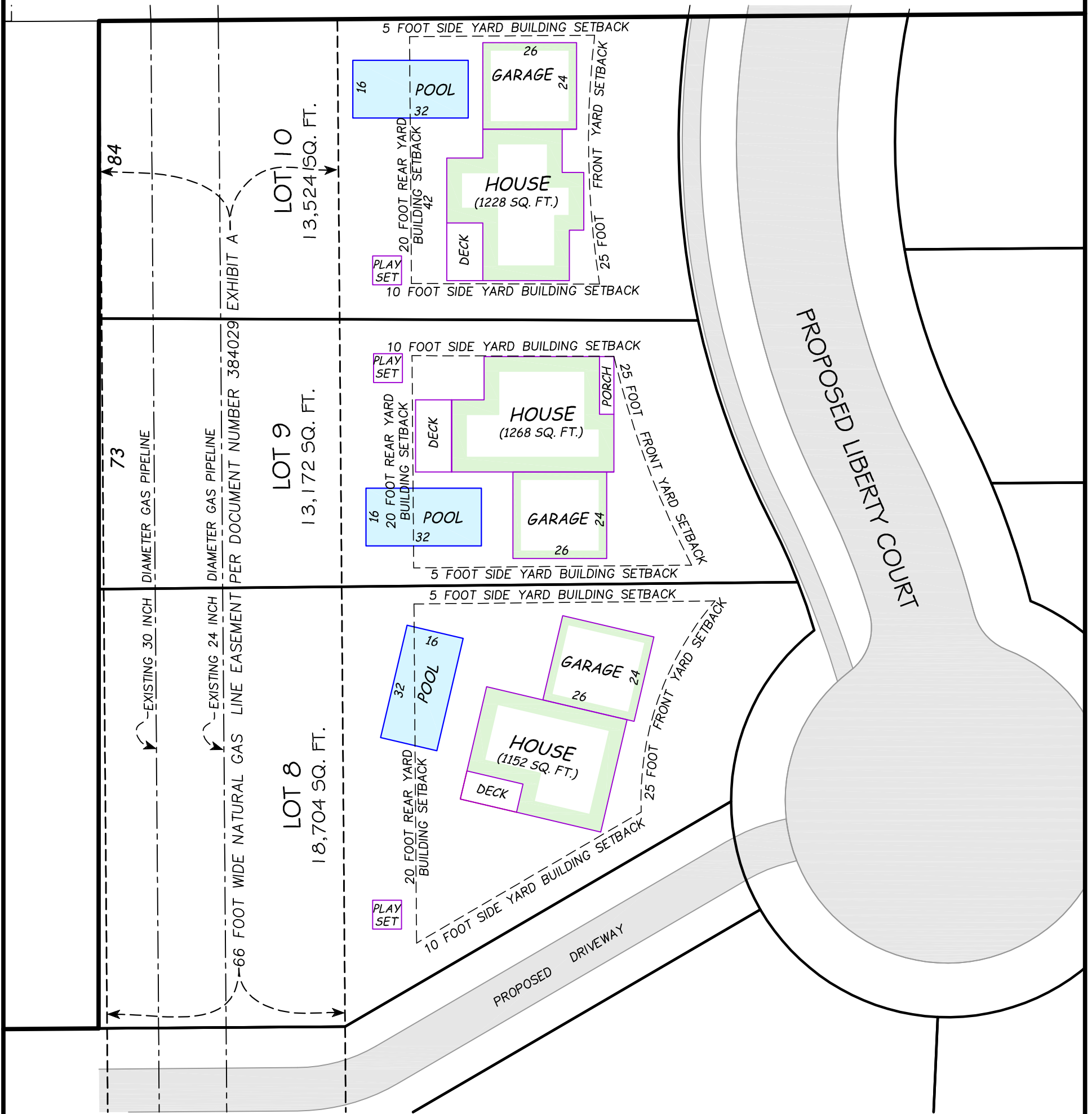
Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West,
City of Lake Elmo, Washington County, Minnesota

PLAN NOTES:

This Exhibit A is a detail of proposed Lot 8, proposed Lot 9 and proposed Lot 10 per Low Density Residential Concept Subdivision by Landmark Surveying, Inc. dated June 01, 2017, REVISED October 11, 2017, REVISED November 20, 2017 and REVISED January 03, 2018.

-- PROPOSED LOT AREAS --
EXCLUDING GAS LINE EASEMENT

LOT 8 = 10,430 SQUARE FEET
LOT 9 = 8,170 SQUARE FEET
LOT 10 = 8020 SQUARE FEET



OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

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.

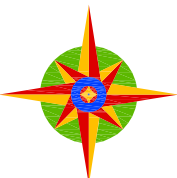
Landmark Surveying, Inc.

Milo B. Horak

Milo B. Horak, Minnesota License No. 52577

January 03, 2018

Date
Job No. 2016-70
SHEET 2 OF 2



Landmark Surveying, Inc.

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STAFF REPORT

DATE: 11/21/17

REGULAR

AGENDA ITEM: 15

TO: City Council

FROM: Emily Becker, Planning Director

ITEM: Wyndham Village Subdivision Sketch Plan Review and Comprehensive Plan Amendment

REVIEWED BY: Ben Gozola, Consultant City Planner
Jack Griffin, City Engineer

BACKGROUND:

The Council is being asked to review a Sketch Plan for a proposed residential subdivision to the southwest of Northport (formerly known as Village Park Preserve) and immediately north of the Heritage Farm. The sketch plan includes 13 single-family residential detached homes on a total site area of 5.97 acres. A Sketch Plan review requires no formal action by the Planning Commission. The applicant is also requesting a Comprehensive Plan Amendment to re-guide the proposed development area from Rural Single Family to Urban Low Density. The aforementioned request requires review, a public hearing and recommendation to the Council.

General Information

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

Property Owners: James McLeod, 11580 30th 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: Sketch Plan Review

Existing Land Use: Vacant

Existing Zoning: RS – Rural Single Family

Surrounding Area: 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: Rural Single Family Density Residential (0.66-2 units per acre)

Proposed Zoning: LDR – Urban Low Density Residential (2.5 - 4 units per acre)

History: The property has long been used as a single family detached dwelling unit

Deadline for Action: Application Complete – 10/20/2017
60 Day Timeline – 12/19/2017
Extension Sent – N/A

Applicable Regulations: Article XII – Urban Residential Districts (LDR)
Chapter 153: Subdivision Regulations

REVIEW/ANALYSIS:

SUBDIVISION SKETCH PLAN REVIEW

Sketch Plan Review Process. The Lake Elmo Subdivision Ordinance specifies that as part of the pre-application process for a new subdivision, the applicant must first submit a Sketch Plan for review by the City. The Ordinance notes that the purpose of the Sketch Plan review is as follows:

Sketch plan. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission and prepare a sketch plan which explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.

Based on this wording, the Council is not being asked to take any formal action as part of the Sketch Plan Review other than to accept the information received. Staff has completed an internal review of the Sketch Plan, and general comments from Staff are included in this memorandum and applicable attachment.

Sketch Plan Review. The Staff review comments that follow are all based on conducting a very high level review of the Sketch Plan since there is not a lot of detailed information that is required at this stage in the subdivision process. Staff has instead focused on the bigger picture items and those things that would otherwise not allow the development to move forward if they contrasted with elements from the Comprehensive Plan or the City Code.

Comprehensive Plan Amendment Required. The Property is currently guided for the Rural Single Family land use, which allows a density of 0.66-2 units per acre. Because the Applicant is proposing a density of 2.17 units per acre, a Comprehensive Plan Amendment would be required in order to allow for a higher density. The Applicant has submitted a formal application, and this request is discussed later in this report.

Zoning Map Amendment. If the proposed Comprehensive Plan Amendment is approved, the property will need to be rezoned during Preliminary Plat approval. The properties to the north and east of the subject parcel are guided for Village Urban Low Density (V-LDR) and have been rezoned to Urban Low Density Residential. This was because when these properties received Preliminary Plat approval, there did not exist a Village Urban Low Density zoning district. The V-LDR ordinance was created on 5/26/17, and so while this property could be rezoned to V-LDR, Staff would recommend that the property be re-zoned similarly to those of adjacent properties in order to avoid spot zoning. The Zoning Code states that densities within the Urban Low Density Zoning District shall range from two 2 to 4 units per acre; however, the overall density for a specific development area must be consistent with the net densities specified in the Comprehensive Plan.

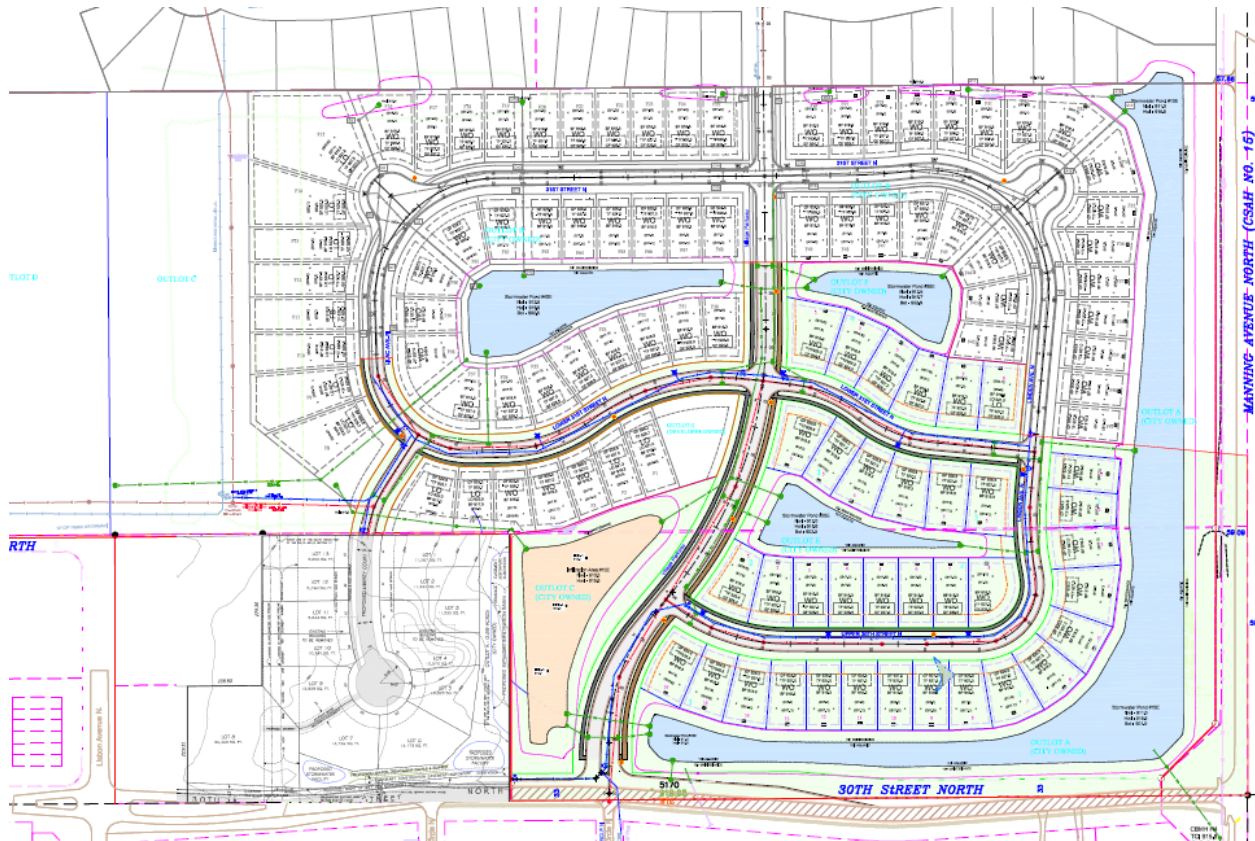
Because the proposed density of the development is consistent with both the Comprehensive Plan and is within 2 to 4 units per acre, it would be appropriate to rezone the development area to Urban Low Density Residential.

Land Use. The proposed land use within the development are single family detached homes, which are a permitted use within the Urban Low Density Residential zoning district.

Greenbelt Corridor. As previously mentioned, the Comprehensive Plan indicates that a greenbelt corridor should be established on the southern border of the proposed development. The greenbelt corridor is meant to serve as a transitional area between future sewered growth within the Village and existing rural development. The Comprehensive Plan states the following in regards to the greenbelt corridor.

“Greenbelt Corridors. Greenbelt Corridors run along the perimeter of proposed development and serve as transitional areas between future sewered growth within the Village and existing rural development. The corridor may be reduced if the design of the development includes the following: (1) a design that is mindful of the landscape features of the site, providing enhanced environmental benefit, (2) a design that is consistent with overall goals for the Village Land Use Plan, and (3) a design that meets the requirements of the underlying land use category of the parcel. At a minimum, the corridor shall be established and provided for by performance standards within the Zoning Code based upon the locations of the existing Village Boundary and area guided for commercial use in the northeastern portion of the Village. Not only will this provide a significant physical and visual amenity, but it will also encourage more residential development closer to the Village Center. Uses within the Greenbelt Corridor may include trails, passive recreation, public gathering spaces, natural areas, storm water management systems, natural water courses, small-scale or community oriented agricultural activities and other amenities intended for aesthetic enjoyment.”

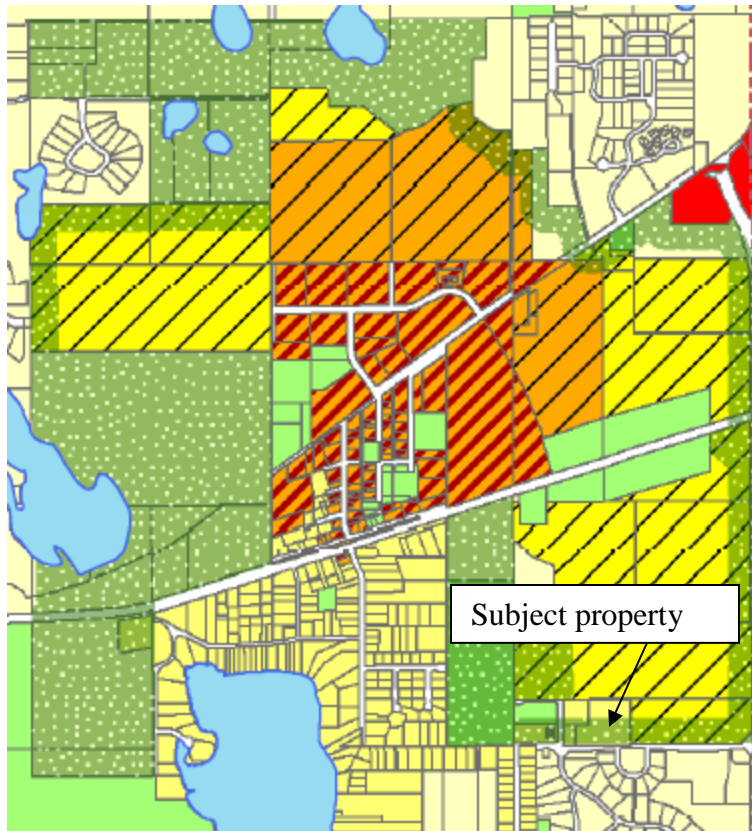
The above language does not indicate an exact width requirement for the corridor, though it appears through using a scale on the land use map that the width of the corridor is 200 feet. The proposed width of the buffer at its narrowest for this development is 40 feet. The proposed buffer's proposed use consists of a water treatment swale, which is an approved use as outlined above. Northport, to the east of the proposed development, had a buffer width of approximately 125 feet from the southern edge of the plat. The exhibit below shows how the lots within the proposed development extend further south than the Northport development.



It should be noted, however, that the Urban Residential Districts Article of the Zoning Code indicates the following in regards to required setbacks for lots within this area:

“C. Lots Adjacent to Public Greenway Corridors. On any lot that abuts a public greenway as depicted in the Comprehensive Plan the minimum setback for all structures, including accessory buildings, shall be the required rear yard setback for the district in which said structure is located.”

Additional Buffer/Screening Recommended. Because the buffer appears to encroach half way up the development as shown below, this requirement would not be able to be met with the proposed design. The southern boundary of the subdivision is along the north boulevard of 30th Street North and proposes two storm water ponds connected by a drainage swale. It is recommended that additional space be allocated at elevations higher than 30th Street to create a vegetative buffer between the lots and this collector street.

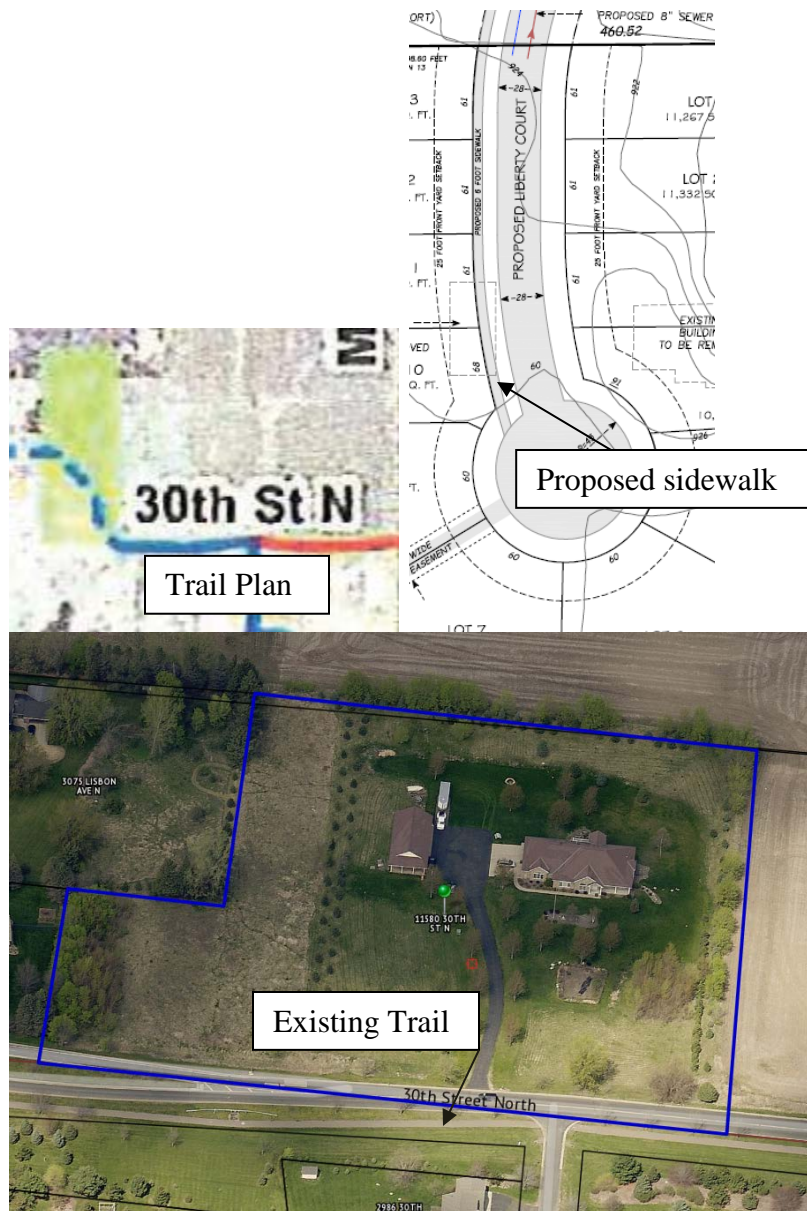


Lake Elmo Theming Study. The proposed development is within the Old Village Area. As the applicant prepares Preliminary Plans for the proposed subdivision, staff would recommend that various elements from the Lake Elmo Theming Study be included in the proposed plans.

Park Dedication. The proposed development is to the east of Reid Park. With recording of the Northport plat, the City received approximately an additional 12.5 acres of parkland for an extension of Reid Park. The Neighborhood Park Search Area map of the Comprehensive Plan's Parks and Recreation Plan does not identify this area for a neighborhood park. Therefore, Staff would not recommend that parkland be dedicated within this development and that the City accept fees in lieu of parkland dedication. Per the City's Subdivision Ordinance, 10% of the fair market value of the land will need to be paid as the parkland dedication fee. The fair market value of the land is determined by current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser, and the subdivider is required to pay for the appraisal. In this case, if the owner of the property will be selling the land to the Applicant to be developed, there will be current market data available. If the owner is not selling the land, an appraisal to determine the fair market value will likely be required in order to determine the amount of parkland dedication the City will receive. The Parks Commission will review the proposed sketch plan on November 20, 2017.

Trails. No trails are being proposed within the development, only a sidewalk on the west side of Liberty Court North. There is already a trail along the south of 30th Street, and the developers of Northport will be constructing a segment of a trail from the southern edge of that development off Liberty Court North. This trail segment will not connect to the existing trails in Reid Park, however, as approved by Council. The City may extend this trail through to the existing trails in Reid Park in

the future. The City's trail plan indicates a trail along 30th Street North, which already exists on the south side of the street.



Access. Access to the proposed lots will be provided from Lower 31st Street North to the north of the subject property (part of the Northport development). Access to this parcel was pre-planned with the adjacent subdivision in order to preserve the proper access management along 30th Street North. The existing driveway will be eliminated as suggested by Staff. Access to the new Lot 8 is proposed to be provided via a 20 foot wide driveway easement off the cul-de-sac of Liberty Court North. The City Engineer is recommending this be changed to a 30 foot wide Outlot to be owned by Lot 8. This change will impact the configuration of Lots 7 and 9.

Streets. The proposed streets appear to be meeting the City's minimum standards:

- Liberty Court is proposed to be 28-feet wide within a 60-foot right-of-way;

- A 60 foot cul-de-sac right-of-way width is provided with a 45 foot pavement radius;
- The cul-de-sac length is proposed to be 510 feet long;
- There is a proposed sidewalk to the west of this street. The residential maximum longitudinal grade is 6% with a sidewalk which appears to be feasible. Potential connections to this sidewalk should be considered moving forward.
- Surmountable concrete curb and gutter needs to be installed in single family areas with future driveways.

The biggest issue of concern regarding streets is the fact that additional right-of-way must be dedicated along 30th Street North to ensure a minimum boulevard width of 16 feet is provided along the entire length of the plat. In addition to the right-of-way, a 10 foot utility corridor must also be reserved for small utilities. The proposed stormwater facilities cannot encroach into this utility corridor.

Utilities – Municipal Water Supply and Municipal Sanitary Sewer. Public water and sanitary sewer service will be extended to the site with the development of Northport. The preliminary plans will need to include detailed utility construction plans that meet City engineering standards.

Environmental Review. The proposed development is within the Village Alternative Urban Area Wide Review (AUAR), which was completed in order to address the expected cumulative environmental impacts associated with the anticipated growth and development within the Village.

Storm Water Management. The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive stormwater drainage across the development. The proposed development area resides within the Valley Branch Watershed District (VBWD). City staff recommends early planning/coordination meetings with VBWD. The design of the storm water management systems must be compliant with the requirements of the State, VBWD, the City of Lake Elmo Storm Water Management Ordinance, and the City of Lake Elmo design standards manual. The applicant is advised to fully read and comprehend the City's storm water and erosion control ordinance since these standards are different, and in some cases more stringent, than the watershed district.

The storm water facilities must be platted as Outlots and deeded to the City for maintenance purposes and must fully incorporate the 100-year High Water Level, 10 foot maintenance bench and all maintenance access roads. The storm water ponds will not be allowed to encroach on to adjacent private lots. The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3.0 feet, and drain tile is required as part of the City standard street section at all localized low points in the street. All storm sewer pipe easements must be a minimum of 30 feet in width. No drainage and utility easement is shown for the storm sewer pipe along the Lot 5 and Lot 6 property line. It is likely that more land will need to be allocated for stormwater management. The preliminary grading plan shows pond encroachment on Lots 6 and 7, and additional pond depth will be required to meet City standards.

Grading restrictions along the Northern Natural Gas easement must be adhered to, and it is unclear how drainage within the Northern Natural Gas easement will be captured and conveyed to stormwater facilities. Additionally, Liberty Court drainage must be captured and treated on-site. Currently, a significant portion of the drainage is shown to be draining to the Northport subdivision,

and the stormwater management plan of this subdivision does not account for this additional impervious surface.

The ultimate discharge rate and location will be an important consideration. The stormwater management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. Written permission from properties that are impacted and submitted will be required as part of the development application.

City Engineer Review. The City Engineer’s review comments are found as part of the attachments to this report and are incorporated throughout the report.

Airport. The proposed development is not within the Lake Elmo Airport Existing Runway Protection Zones; however, the Metropolitan Airports Commission will be given the opportunity to review the proposed development with the Preliminary Plat application. Staff has distributed adjacent review to the Metropolitan Airports Commission (MAC) as part of the Comprehensive Plan Amendment request, but has not yet heard back from the MAC.

Lot Dimensions and Bulk Requirements. The proposed sketch plan appears to meet the lot dimensions and bulk requirements for the Urban Low Density Residential zoning district, as shown below:

Standard	Required	Proposed
Minimum Lot Area	8,000 square feet	9,600 square feet – 36,460 square feet (average of 13,225 square feet)
Minimum Lot Width	60 feet	60-205.5 feet*, ** *See the Access portion of this report – lot widths of Lots 7 and 9 may need to be reduced, possibly not meeting the 60 foot minimum standard. ** Lot 8 will have a lot width of approximately 205.5 feet of street frontage as the lot abuts 30 th Street North, even though access will be provided through the cul-de-sac of Liberty Court North.
Maximum Impervious Surface	40%	Unknown
Minimum Front Yard Setback	25 feet	Appears to be 25 feet (grading plan scale not provided)

Minimum Interior Sideyard Setback (principal buildings)	10 feet	Appears to be 8 feet on both sides in northerly lots (grading plan scale not provided); sideyard setback averaging has been allowed in the past
Minimum Interior Sideyard Setback (accessory structures)	5 feet	N/A
Minimum Corner Sideyard Setback	15 feet	N/A
Minimum Rear Yard Setback	20 feet	All required rear yard setbacks appear to be met (grading plan scale not provided)

Lot Easements. Lot easements (front, rear and side yard) need to be shown on the plan meeting City requirements.

Northern Natural Gas Easement. A Northern Natural Gas easement runs along the western side of lots 9 through 13, and bisects lot 8 before getting to 30th Street North. As two large diameter gas mains are located in the easement, there are heavy restrictions on what can be done in this area (i.e. no building, creating, constructing, or allowing to be built any hard surface road, building, or other structure; and no grading or other work without the written consent of Northern). The City has no ordinance that requires a buildable or even usable backyard, but it is a fact that should be disclosed to future buyers should this development move forward. Owners of these lots will likely not be able to have decks, pools, accessory structures, or even landscaping without prior written consent of Northern. The Applicant should consider the value of these lots and how they will communicate these restrictions, and will need to demonstrate how the easement will be delineated within the yards to prevent homeowners from encroaching into the easement.

Landscaping. The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of Preliminary Plat submission and will need to adhere to the City's Landscape Requirements. There are a number of existing trees on the property, and the project will be subject to the City's tree protection and replacement ordinance. Additionally, it is recommended that the Applicant provide sufficient landscaping along 30th Street North to provide a sufficient buffer

COMPREHENSIVE PLAN AMENDMENT

Current Land Use. The property is currently used as a single family detached dwelling and is currently guided for Rural Single Family Zoning with a Village Open Space Overlay greenbelt corridor on the southern border of the parcel. This land use has a guided density of 0.66-2 units

per acre. The Applicant and owner of the property would like to move the existing house to a lot to the west of the proposed development, and subdivide the remaining portion of the parcel in to 12 additional parcels.

Proposed Land Use and Density. The Comprehensive Plan Amendment proposes to re-guide the property to Village Urban Low Density, which will allow a density of 1.5-2-49 units per acre. The development site is 5.97 acres, and a total of 13 residential lots are being proposed, totaling a gross density of 2.17 units per acre. There are no wetlands, wetland buffers, public waters, or other areas that are protected from development by local ordinance on the property, and because there is no public parkland or protected open space proposed nor arterial road right-of-way, the net density of the development is expected to also be 2.17 units per acre.

MUSA and Rural Single Family Sewered Land Use Option. The proposed development is within the Metropolitan Urban Service Area (MUSA), and sewer will be made available through Northport, the development to the north and east of the proposed development. Areas within the City that are included in the MUSA must be developed at an average of three units per acre. In 2016, the City created a new land use that is called Rural Single Family – Sewered. This land use is intended for properties that were platted for conventional subdivision prior to 2005 that have been (and will continue to be) serviced by private on-site well and septic systems, unless within the MUSA area. If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. While the property does have the option of being re-guided to this land use category, the density of the proposed development is higher than the allowed density within the Rural Single Family land use category (0.66-2 units per acre), and so this land use would be inappropriate for this proposed development. If the property were to re-guide to Rural Single Family Sewered, the smallest the lot sizes allowed would be 24,000 square feet, which equates to a density of 1.8 units per acre.

Adjacent Land Use. Northport (the development to the north and east of the proposed development) is guided for Village Urban Low Density. This proposal would essentially be an extension of the Village Urban Low Density land use that currently exists. Properties to the west of the proposed development would remain guided for Rural Single Family and are also within the greenbelt buffer.

Recommended Findings. Staff recommends the following findings in regards to the proposed Comprehensive Plan Amendment:

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
 - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Village Urban Low Density Residential and decreased acreage of Rural Single Family.
 - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan in that the Property is within the Metropolitan Urban Service Area.

Recommended Conditions of Approval. Staff recommends the following conditions in regards to the proposed Comprehensive Plan Amendment:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.
2. That the Applicant obtain Preliminary Plat approval from the City that meets the following:
 - a. Required densities of the Village Urban Low Density land use category.
 - b. Provides a sufficient Greenbelt Corridor as indicated in the Comprehensive Plan and approved by the City.
 - c. Provides a usable rear yard for lots in which the Northern Natural Gas Company Easement (Document 384029) (“Northern Easement”) is located, as determined by the City; or receives approval from the City for required rear yards for lots in which the Northern Easement is located, in which building, creating, constructing, or allowing to be built any hard surface road, building, or other structure as well as altering the grade or permitting such alteration upon which Northern Natural Gas Company has reserved its Easement rights without the written consent of Northern.
 - d. All other applicable standards including but not limited to City Engineer Design Standards, Valley Branch Watershed District requirements, and zoning standards.

Planning Commission Review. The Planning Commission reviewed the proposed Subdivision Sketch Plan and Comprehensive Plan Amendment at its meeting on November 13, 2017 and had the following comments in regards to the proposed subdivision sketch plan:

- They saw issues with the proposed greenbelt corridor and felt that additional width or extensive landscaping was needed for the proposed subdivision.
- They saw definite issues with proposed location of the lots on the west of Liberty Court that are in conflict with the Northern Natural Gas Easement. They wished to see these lots have a usable backyard.
- The Comprehensive Plan Amendment made sense in that the subject property is adjacent to the V-LDR district and in the MUSA.

The Planning Commission recommended approval of the proposed Comprehensive Plan Amendment with a vote of 7-0.

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. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

RECOMMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval.

“Move to recommend approval of the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval.”

Staff is recommending that the Planning Commission accept the Sketch Plan provided by JP Bush Homes for a 13 unit single family detached residential development of PID#13.029.21.43.0001.

ATTACHMENTS:

1. Application Forms
2. Narrative
3. Preliminary Grading and Drainage Plan
4. Subdivision Sketch Plan
5. City Engineer Review Memorandum 10/20/2017
6. Resolution 2017- Approving the Proposed Comprehensive Plan Amendment

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

Applicant: J.P. BUSH HOMES.
Address: 1980 QUASAR AVE S. LAKE LAND MN. 55043
Phone #: 651-775-4222
Email Address: JOE@JOEBUSHMN.COM

Fee Owner: JAMES MCLEOD
Address: 11580 30TH ST. N. LAKE ELMO MN. 55042
Phone #: 651-770-6884
Email Address: _____

Property Location (Address): 11580 30TH ST. N. LAKE ELMO MN 55042
(Complete (long) Legal Description: PID # 13.029.21.43.0001
PART OF THE SOUTHWEST QUARTER OF THE SOUTH EAST QUARTER OF
PID#: SECTION 13, TOWNSHIP 29 NORTH, RANGE 21 WEST, CITY OF
LAKE ELMO, WASHINGTON COUNTY, MINNESOTA

Detailed Reason for Request: ATTACH EXISTING OWNERS (MCLEOD) PROPERTY
TO PUTE SUBDIVISION AND CHANGE DENSITY TO
LOW DENSITY RESIDENTIAL. CREATE 18 NEW HOMESITES
OF LOW DENSITY RES AND ONE SLIGHTLY LARGER LOT(8)
FOR THE USE OF THE MCLEOD'S NEW HOME SITE.

*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: 9/19/17

Signature of fee owner: James R McLeod Trustee Date: Sept 20 2017



J.P. Bush H O M E S

September 15-2017

City of Lake Elmo Comprehensive Plan Review Narrative.

Property: 11580 30th Street North Lake Elmo MN 55043
James McLeod Revocable Trust (5.9 Acres)

Usage: Currently a single family ZONED: RURAL RESIDENTIAL
Request to Change from: RURAL RESIDENTIAL to URBAN LOW DENSITY RESIDENTIAL

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

The proposed subdivision is called "Wyndham Village". Lake Elmo Minnesota and its residence have a unique old village City that continues to explore a wide range of opportunities for family living. James McLeod and the Developer, JP Bush Homes desires to keep this proposed Development in harmony with the Comprehensive Plan that Lake Elmo has adopted. Wyndham Village is simply an extension of an approved subdivision called "VILLAGE PARK PRESERVE". Gonyea Homes and The Pulte Group have developed a wonderful series of Village Home sites directly connected to The McLeods Property. VILLAGE PARK PRESERVE borders the Mcleods property directly to the North and East. Gonyea and Pulte have worked closely with City of Lake Elmo to allow home sites within the development to a standard of URBAN LOW DENSITY RESIDENTIAL. During the recent Final Plat Approval for VILLAGE PARK PRESERVE Gonyea and Pulte invited the Mcleods and JP. Bush Homes to directly connect "Wyndham Village". Zoning our subdivision to URBAN LOW DESITY RESIDENTIAL is a nature transition to an approved plan. The McLeods and JP. Bush would like the City of Lake Elmo to consider approving the request to The Comprehensive Plan and allow "Wyndham Village" to be amended per the attached documents. The developer has followed, organized and done the items listed here within to create a reasonable request for the change of Zoning.

1. Attended meetings and informal work sessions with the City of Lake Elmo Building and Zoning Gonyea and Bush to design a smooth, consistent connection between the subject Properties.
2. Scheduled additional onsite walks to discuss screening vegetation, road locations, Safety line of site for road access and appropriate storm water management.
3. Developer designed multiple modifications to the Sketch Plan of the development in accordance With recommendations noted from all meetings formal and informal. The sketch plan Is a comprehensive document performed by a local licensed Surveyor.

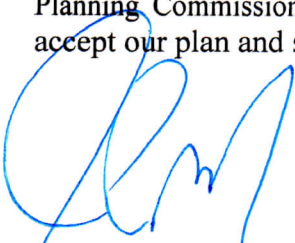
The attached documents are a complete set of the documents required for a Comprehensive plan change with in the Land Use Code. They are listed.

1. full size color copies and 11x17 copies of the Sketch plan from Landmark Surveyor.
2. Copies of the VILLAGE PARK PRESERVE planned development.
3. Copies of detailed road designs allowing the connection and use of common streets.
4. Copies of the agreements between Gonyea, Pulte, McLeods allowing easements for VILLAGE PARK PRESERVE to install their proposed road designs and storm water ponding.
5. Mailing labels from Washington County of all Neighbors within 350 feet.
6. A completed application along with required fees for sketch plan and Comprehensive plan change review.

Brief property description and planned home applications

The Project is a 13 lot single-family development on 5.9 acres. Each lot has the proper requirements for buildable area. The development sketch plan shows all the requirements of City Code for a Comprehensive plan review. Important to note that the Proposed Lot #8 is larger and is intended to be used for the McLeods Minnesota Residence. Lot #8 is a wonderful compliment to the neighborhood and is a much more desirable fit to single family homes directly to the West and North of Lot #8. The Proposed Homes within "Wyndham Village" are going to be similar in price, size and overall design the homes in VILLAGE PARK PRESERVE".

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 a Comprehensive Plan Change. Please accept our plan and submissions to the City of lake Elmo Planning Commission and City Council.



Joseph P Bush
J.P. Bush Homes

DRAWN BY: C.M. DESIGN BY: C.W.P.
 CHCKD BY: C.W.P. PROJ. NO. 17-1724
 ORIGINAL DATE: OCTOBER 13, 2017

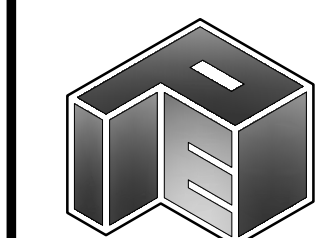
DATE REVISION DESCRIPTION

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

Charles W. Plowe
 CHARLES W. PLOWE LIC. NO. 16227
 DATE: 10.13.2017

LAKE ELMO RESIDENTIAL
LAKE ELMO, MINNESOTA
 PRELIMINARY GRADING & DRAINAGE PLAN

PREPARED FOR:
 J.P. BUSH HOMES

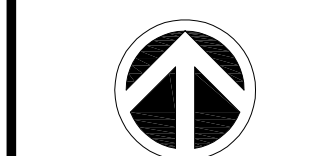


SITE PLANNING & ENGINEERING

PLOWE ENGINEERING, INC.

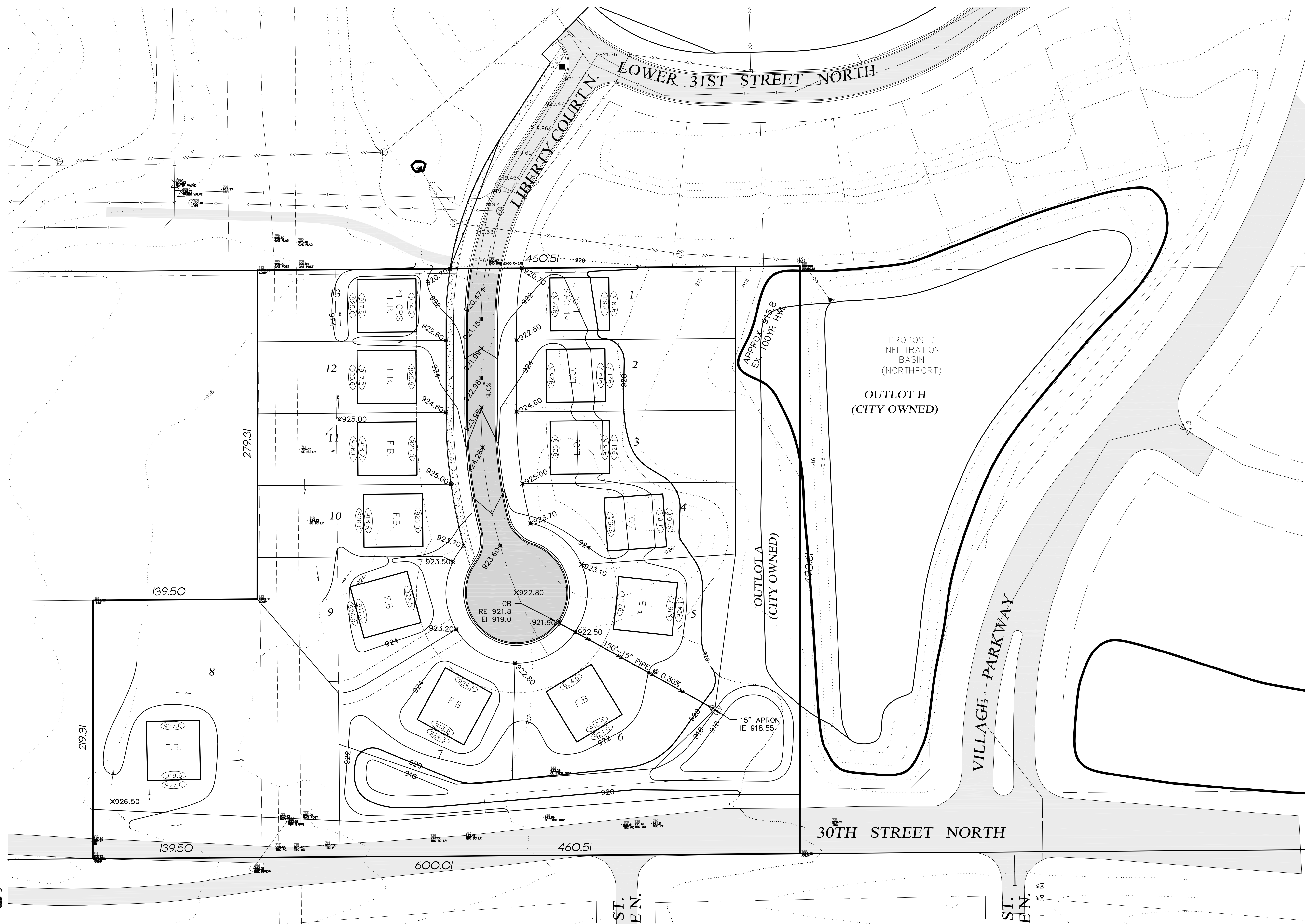
6776 LAKE DRIVE
 SUITE 110
 LINO LAKES, MN 55014
 PHONE: (651) 361-8210
 FAX: (651) 361-8701

NORTH



0 20 40
 1 INCH = 40 FEET

C2

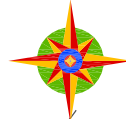


10/12/2017 10:12:2017



Know what's below.
 Call before you dig.

**PRELIMINARY GRADING & DRAINAGE PLAN
 LAKE ELMO RESIDENTIAL**



Landmark Surveying, Inc.

21090 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

LOW DENSITY RESIDENTIAL - CONCEPT SUBDIVISION

Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West,
City of Lake Elmo, Washington County, Minnesota

Developer:



J.P. Bush
HOMES
1980 Quicker Than The South
Lakeland, Minnesota 55043

Property Owner:

James R. McLeod Revocable Trust
11580 30th Street North
Lake Elmo, Minnesota 55042

PID:13.029.21.43.0001

TOTAL PARCEL AREA = 5.9 acres ±

Proposed Lots = 13

Existing Zoning = RS - RURAL SINGLE FAMILY

Proposed Zoning - LDR - URBAN LOW DENSITY RESIDENTIAL

Property Description:

Quit Claim Deed, Document No. 3102032

Sec 13 Twp 029 Range 021

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

Concept Notes:

Building locations were traced from aerial photography.

Contours are at 2 foot intervals and derived from data provided by the Minnesota
Department of Natural Resources and data per the preliminary plat of Northport.

REVISED: OCTOBER 11, 2017

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

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.

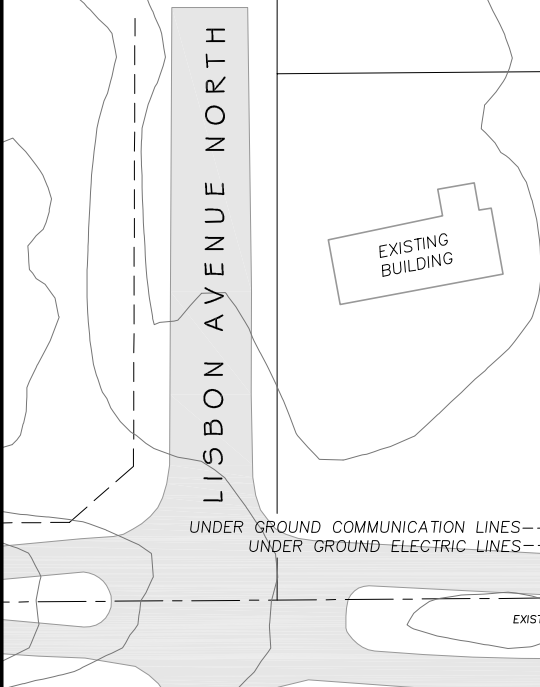
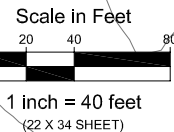
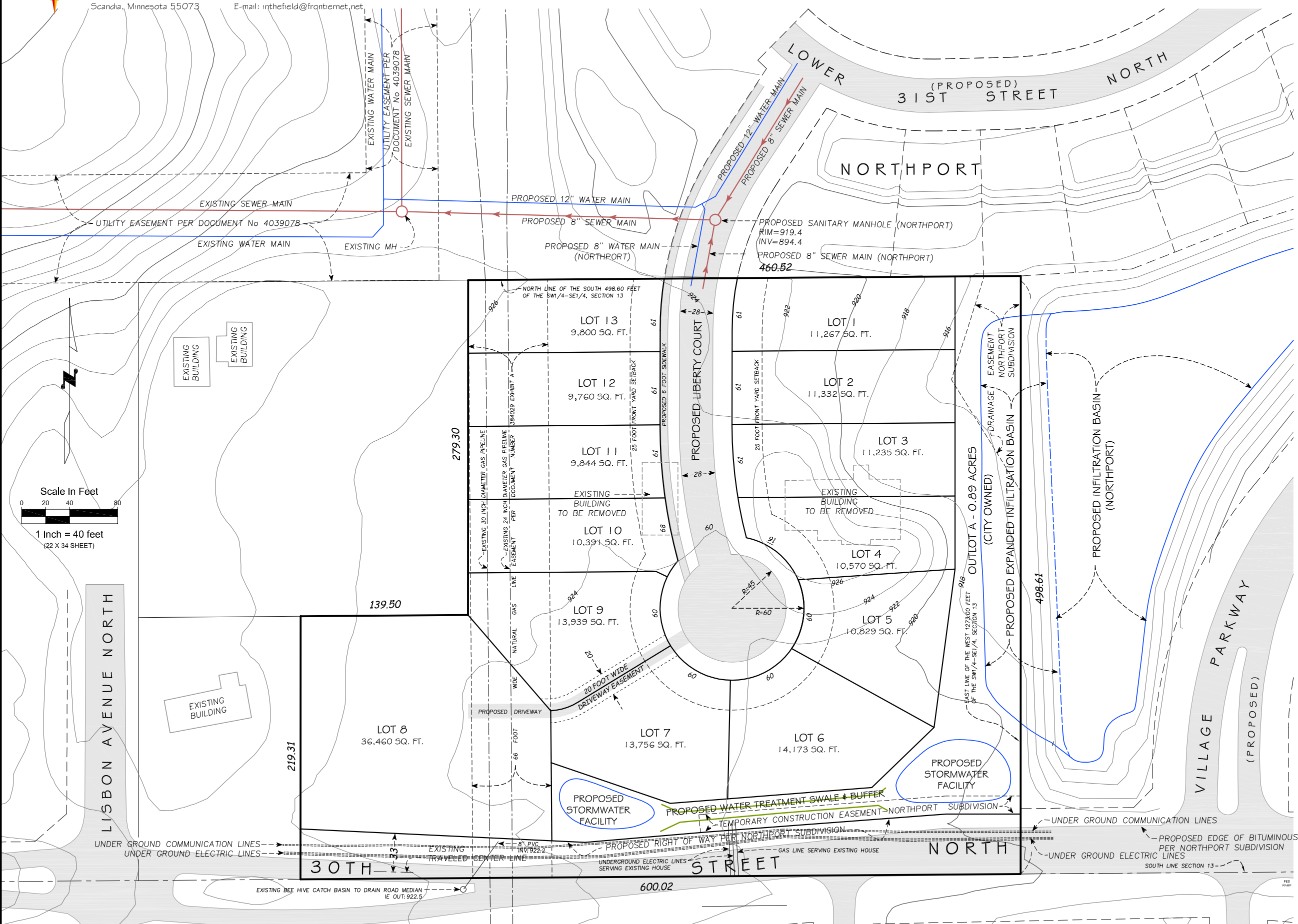
Milo B. Horak

Milo B. Horak, Minnesota License No. 52577

June 01, 2017

Date

Job No. 2016-70



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: October 20, 2017

To: Emily Becker, Planning Director
Cc: Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: McLeod Residential Subdivision
Concept Plan Review

An engineering review has been completed for the McLeod Residential Subdivision Concept Plan. The submittal consisted of the following documentation received on October 13, 2017.

- Residential Concept Subdivision dated October 11, 2017 and prepared by Landmark Surveying, Inc.
 - Preliminary Grading and Drainage Plan dated October 13, 2017 and prepared by PLOWE Engineering.
 - Comprehensive Plan Amendment Narrative dated September 15, 2017.
-

We have the following review comments:

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website dated March, 2017.

SITE PLAN AND TRANSPORTATION

- Access Management. The Concept plan shows access to the plat from the Northport subdivision along Liberty Court. This access was pre-planned with the adjacent subdivision and preserves the proper access management along 30th Street North.
- Right-of-way dedication. The Plat must dedicate additional right-of-way along 30th Street North to ensure a minimum 30th Street boulevard of 16 ft. along the entire length of the plat. In addition a 10 ft. utility corridor must be reserved (at boulevard grades) for small utilities. The proposed Stormwater facilities (including the 100-year HWL) cannot encroach the 10 ft. utility corridor.
- Screening along 30th Street is recommended. The south boundary of the subdivision is along the north boulevard of 30th Street North and proposes two storm water ponds connected by a drainage swale. It is recommended that additional space be allocated at elevations higher than 30th Street to create a vegetative buffer between the lots and this collector street.
- More land area is likely needed to be allocated for storm water management. The preliminary grading plan already shows pond encroachment onto Lots 6 and 7. Also, additional pond depth must be provided to meet City pond construction requirements.
- Lots 9-13 include large areas of gas main easement with 2 large diameter gas mains. There is no useable rear yard along these lots.
- Lot Easements (front, rear and side yard) should be shown on the plans meeting City requirements.

RESIDENTIAL STREETS

- Lot 8 is proposed to access Liberty Court with a 20 ft. driveway easement on Lots 7 and 9. It is recommended that this easement be revised as a 30 ft. minimum width Outlot to be owned by Lot 8.

- Public street standards. Liberty Court must be designed to meet the City's Engineering Design Standards. A 60 ft. right-of-way width with 28 ft. wide street has been shown as required; and a 60 ft. cul-de-sac R/W radius with 45 ft. cul-de-sac pavement radius has been shown as required.
- Liberty Court will result in a 510 ft. long cul-de-sac, meeting City standards.
- The residential maximum longitudinal grade is 6% with a sidewalk.
- Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways.
- Pedestrian facilities: A 6 ft. wide sidewalk has been shown along Liberty Court as required. The City should review any potential connections to this sidewalk.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

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.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.
- Overland emergency overflows or outlets will be required as part of the site plan.
- Grading restrictions along the Northern Natural Gas easement must be adhered to as part of the development plans. It is unclear how drainage within the NNG easement will be captured and conveyed to the storm water facilities.
- Liberty Court drainage must be captured and treated on-site. A significant portion of the street is shown draining to the Northport subdivision. The Northport storm water management plan does not account for this additional impervious areas.
- The ultimate discharge rate and location will be an important consideration. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- It appears that all storm water facilities (ponds and infiltration basins) have been placed in Outlots. These Outlots will be deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads.
- Maintenance access roads meeting City standards must be provided for all storm water facilities and must be within Outlots dedicated to the City.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3.0 feet. Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width. No drainage and utility easement is shown for the storm sewer pipe along the Lot 5 and Lot 6 property line.

MUNICIPAL WATER SUPPLY

- Municipal water supply is available immediately adjacent to the proposed development along Liberty Court. The applicant is responsible to extend the municipal water into the development site at developer's cost.
- No trunk watermain oversizing is anticipated for this development.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is available immediately adjacent to the proposed development along Liberty Court. The applicant is responsible to extend sanitary sewer into the development site at developer's cost.
- No trunk sewer oversizing is anticipated.

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

RESOLUTION NO. 2018-006

A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF PID# 13.029.21.43.0001 FROM RURAL SINGLE FAMILY TO VILLAGE URBAN LOW DENSITY RESIDENTIAL AND TO AUTHORIZE STAFF TO SUBMIT A COMPREHENSIVE PLAN AMENDMENT FOR SAME TO THE METROPOLITAN COUNCIL

WHEREAS, the City of Lake Elmo (the “City”) has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

WHEREAS, JP Bush Homes, 1980 Quasar Avenue South, Lakeland, MN 55043 (the “Applicant”) has submitted an application to the City to amend the Comprehensive Plan, a copy of which is on file in the City Planning Department; and

WHEREAS, the request to amend the Comprehensive Plan was submitted by the Applicant along with a Subdivision Sketch Plan Review which includes 10 single-family residential detached homes on 5.97 acres, and

WHEREAS, the Planning Commission held a public hearing on November 13, 2017 to consider the Applicant’s requests; and

WHEREAS, the Planning Commission adopted a motion to recommend approval to the City Council on the Applicant’s requests; and

WHEREAS, the City Council reviewed the Planning Commission and public comments regarding the Applicant’s requests at its meetings on November 21, 2017, January 16, 2018, and February 7, 2018; and

WHEREAS, the City Council has reviewed the Comprehensive Plan amendment and believes that it is consistent with the spirit and intent of the Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED based upon the testimony elicited and information received, the City Council makes the following findings of fact:

FINDINGS

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
 - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Village Urban Low Density Residential and decreased acreage of Rural Single Family.
 - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan in that the Property is within the Metropolitan Urban Service Area.

NOW, THEREFORE, BE IT RESOLVED, that based on the above findings of fact, the Lake Elmo City Council hereby approves the Applicant's request to amend the Comprehensive Plan as follows:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.
2. That the Applicant obtain Preliminary Plat approval from the City that meets the following:
 - a. Required densities of the Village Urban Low Density land use category.
 - b. Provides a sufficient Greenbelt Corridor as indicated in the Comprehensive Plan and approved by the City.
 - c. Provides usable rear yards for lots in which the Northern Natural Gas Company Easement (Document 384029) ("Northern Easement") is located, as determined by the City by maintaining a 20 foot principal building rear yard setback from the Northern Natural Gas Company Easement.
 - d. All other applicable standards including but not limited to City Engineer Design Standards, Valley Branch Watershed District requirements, and zoning standards.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby authorizes and directs staff to submit a Comprehensive Plan amendment and MUSA expansion request consistent herewith to the Metropolitan Council for review and approval, contingent upon the City's preliminary approval of the plat based on the Subdivision Sketch Plan as proposed by the Applicant with Revision Date November 20, 2017.

Passed and duly adopted this 7th day of February 2018, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2018-006

*A RESOLUTION DENYING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE
LAND USE DESIGNATION OF PID# 13.029.21.43.0001 FROM RURAL SINGLE FAMILY TO
VILLAGE URBAN LOW DENSITY RESIDENTIAL*

WHEREAS, the City of Lake Elmo (the “City”) has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

WHEREAS, JP Bush Homes, 1980 Quasar Avenue South, Lakeland, MN 55043 (the “Applicant”) has submitted an application to the City to amend the Comprehensive Plan, a copy of which is on file in the City Planning Department; and

WHEREAS, the request to amend the Comprehensive Plan was submitted by the Applicant along with a Subdivision Sketch Plan Review which includes 10 single-family residential detached homes on 5.97 acres with a proposed density of 1.67 units per acre, and

WHEREAS, the Planning Commission held a public hearing on November 13, 2017 to consider the Applicant’s requests; and

WHEREAS, the Planning Commission adopted a motion to recommend approval to the City Council on the Applicant’s requests; and

WHEREAS, the City Council reviewed the Planning Commission and public comments regarding the Applicant’s requests at its meetings on November 21, 2017, January 16, 2018, and February 7, 2018; and

WHEREAS, the City Council has reviewed the Comprehensive Plan amendment and believes that it would not be in the best interest of the City to allow a Comprehensive Plan Amendment to Village Urban Low Density Residential, as the proposed development should not exceed a density of 1.67 units per acre.

NOW THEREFORE BE IT RESOLVED based upon the testimony elicited and information received, the City Council makes the following findings of fact:

FINDINGS

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
 - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Village Urban Low Density Residential and decreased acreage of Rural Single Family.
 - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendment would allow a density of 1.5-2.49 units per acre.
4. That the Applicant has also submitted a Subdivision Sketch Plan Review.
5. That the proposed Subdivision Sketch Plan should not exceed a density of 1.67 units per acre, and the proposed Comprehensive Plan Amendment would allow this density to be exceeded.

NOW, THEREFORE, BE IT RESOLVED, that based on the above findings of fact, the Lake Elmo City Council hereby denies the Applicant's request to amend the Comprehensive Plan by re-guiding PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density.

Passed and duly adopted this 7th day of February 2018, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

STAFF REPORT



CITY COUNCIL
DATE: 2/7/18
REGULAR
ITEM #: 14

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: The Legacy at North Star Preliminary Plat and Planned Unit Development Plans
REVIEWED BY: Ben Prchal, City Planner
Jack Griffin, City Engineer
Ann Pung-Terwedo, Senior Planner, Washington County

BACKGROUND:

GWSA Land Development is requesting Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans for a 276 single family residential development on +/- 98.93 acres. A portion of the development in the southwest corner of the site is within the Shoreland of Sunfish Lake which triggers the need for a Planned Unit Development because the proposed lots do not meet the lot width and impervious requirements for Natural Environment lakes; because the density exceeds the allowable density with the Village Urban Low Density Residential land use category, and because the Applicant is proposing various other deviations from some zoning standards.

The Council reviewed the proposed Preliminary Plat and PUD Plans at its January 16, 2018 meeting and directed Staff to prepare a Resolution of approval with amended conditions of approval.

ISSUE BEFORE THE COUNCIL:

The Council is respectfully being requested to review the Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans to be called Legacy at North Star.

GENERAL INFORMATION:

Applicant: GWSA Land Development, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441

Property Owner: Schiltgen Farms Inc. 10880 Stillwater Boulevard

Location: 10880 Stillwater Blvd, Lake Elmo/ Parcel 1 – The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and Parcel 2- The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and a portion of Parcel 3- The Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

PID#s: 1402921110001, 1102921430001, and 1102921440001

Request: Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans

Site Area: 192.44 acres (all PIDs)

Res. Dev. Area: 98.93 acres (Parcel 1, Parcel 2, and a portion of Parcel 3)

Land Use: Village Urban Low Density

Current Zoning: RT – Rural Development Transitional District

Proposed Zoning: V-LDR/PUD

Surrounding: RR(north)/ LDR and VMX (east)/Agriculture (south)/ OP and RR (west).

History: The parcels are part of the Schiltgen Farm property and are currently zoned RT. The City approved the PUD Concept Plan on June 6, 2017.

Deadline: Application Complete – 11/21/17
60 Day Deadline – 1/20/18
Extension Letter Mailed – Yes
120 Day Deadline – 3/21/18

Applicable Code: Article 12 – Urban Residential Districts
Article 18 – Planned Unit Development Regulations
Article 19 – Shoreland Management Overlay District
Chapter 153 – Subdivision Regulations
§150.270 Storm Water, Erosion, and Sediment Control

PROPOSAL DETAILS/ANALYSIS:

The previous Staff report presented to Council at its January 16, 2018 meeting highlighted a number of points concerning the proposed development. The following highlights issues that were of special concern to Council expressed at the aforementioned meeting.

Buffer/Village Open Space Overlay.

The City's Comprehensive Plan shows the Village Open Space Overlay over the outer edges of the development area. The Comprehensive Plan provides the following suggestion as to how the overlay is intended to be implemented:

For all parcels that are designated with urban land use categories (V-LDR, V-MDR, VMX and C), the open space overlay shall act as a zoning or subdivision restriction. Through restrictions via zoning or the subdivision process, the City will have multiple tools to provide for the open space areas in the urban districts in the Village. For example, the City can utilize zoning to enforce various setbacks from the existing Village Boundary. Another option would be to dedicate outlots in the open space areas through the subdivision process. As long as the end result is achieved, the City would like to take a flexible approach so that the private market can select the best solution for achieving the intent of the Village Open Space Plan.

After the open space areas have been established, it is important to pursue strategies that will provide for the long-term preservation of these areas. To accomplish preservation, the City will either pursue conservation easements with the MN Land Trust or other partners, or investigate the acquisition of land that is determined to be a significant natural asset to the community. Through a combination of both strategies, the Village Open Space Plan is more likely to succeed.

- *Zoning Code Provides Some Flexibility with Buffer.* The recently approved V-LDR Zoning Ordinance restricts residential lots from encroaching on the Village Open Space Overlay unless berming or screening protected by a landscape easement is provided as an alternative approved by the Council.
- *Comprehensive Plan Does Not Designate Set Buffer Width.* Although the overlay in the Comprehensive Plan is not dimensioned, it appears as though the width of the overlay is around 200 feet if scaled. A portion of the northern edge of the development provides a 15 foot buffer in the proposed Preliminary Plat and PUD Plans, and there are six lots on the west side of the development that do not provide a buffer. There is open space provided on the northwest and southwest portion of the proposed development.
- *Feedback on Buffer from Concept PUD Plan.* The Concept PUD Plan did provide a 20 foot buffer on the north edge of the development and 10 foot buffer on the west edge of the development. It was Staff's recommendation for the PUD Concept Plan that the buffer areas be enlarged such that they are more easily maintained and do not become a dumping area for leaf litter, sticks, or other debris, or are incorporated into the surrounding lot area with significant berming, landscaping and a landscape easement as required by the V-LDR Zoning Code and protected by an easement such that individual homeowners cannot remove the required landscaping. This has been an issue in other developments where required landscaping is later removed by homeowners to make room for private amenities or simply because they do not like the landscaping.

Planning Commission Amendment to Condition of Approval. The Planning Commission had the follow amendment to the condition of approval regarding the required Village Open Space Overlay District/Greenbelt Buffer:

11. That the Applicant provide ~~adequate~~ a minimum 100 foot buffer from property lines of adjacent parcels to structures within the proposed development through outlots protected by an open space easement or other instrument as approved by the City or sufficient landscaping and/or berming within residential lots protected by a landscape easement and approved by the City to adequately buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan.

Council Amendment to Condition of Approval. The Council had the following amendment to the condition of approval regarding the required Village Open Space Overlay District/Greenbelt Buffer:

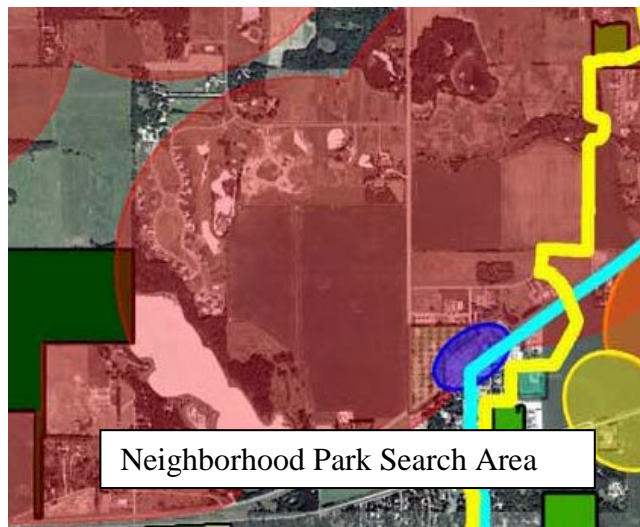
11. That the Applicant provide a buffer as deemed ~~adequate~~ ~~outlots protected by an open space easement or other instrument as approved~~ by the City ~~or~~ which includes sufficient landscaping and/or berming within residential lots protected by a landscape easement ~~and approved by the City to adequately~~ buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan. An adequate buffer will likely be 50 feet in portions of the development.

Staff-Recommended Amendment to Council Amendment. Staff feels that the condition should be a bit clearer in providing direction as to where the 50 foot buffer should be. Most of the lots on the western portion of the development are approximately 150 feet deep. Therefore, if the development had a required 50 foot landscaped area with a landscape easement within the rear yard of these lots, 100 of those feet would still be usable area for a house and the required setbacks. The least deep lot on the north edge of the development is 130 feet deep, but there is already a 15 foot buffer created by the outlot on the north edge of the development, and so approximately 95 feet would still be usable within lots. With the required front yard setback of 25 feet and a rear yard setback of 20 feet, an up to 55 foot deep house could still be built within these yards. Therefore, Staff would recommend that the language of the condition read as follows:

11. That the Applicant provide a 50 foot buffer from the northern and western edges of the plat ~~adequate~~ ~~outlots protected by an open space easement or other instrument as approved by the City or~~ which includes sufficient landscaping and/or berming, as deemed adequate by the City, within residential lots protected by a landscape easement ~~and approved by the City to adequately~~ buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan.

- **Parkland.** The park dedication requirements for a 98.93 acre development is 9.893 acres of parkland, or a combination of parkland or fees in lieu of parkland.
 - *Park Dedication Partially Satisfied.* With the recording of the Northport plat, the developer will deed over Outlot D of that plat. The City entered in to a Memorandum of Understanding that allowed the developer to receive park dedication in the amount of 6.51 acres (the net acreage of Outlot D) for the subject development. Therefore, the developer is still responsible for 3.383 acres of park dedication.

- *Neighborhood Park Search Area.* The Comprehensive Park Plan identifies a neighborhood park search area over the proposed development area.



- *Proposed Public Park.* The developer is also proposing a 4.24 acre park/open space area on the southwest portion of the site. This land includes stormwater ponding for the development. The stormwater pond shown in the park will need to be contained in a separate outlot and dedicated to the City, and the developer will not receive credit for the area of this outlot. Additionally, this park is located in the shoreland district and would need to adhere to the open space maintenance and administration requirements as outlined in the section of this report that addresses Open Space Maintenance and Administration requirements. City's shoreland ordinance does indicate that open space may include outdoor recreational facilities for use by owners of lots in the subdivision and general public, but it may not include road rights-of-way, or land covered by roads, structures, or parking surfaces. Overall, Staff feels that the park proposed in the Concept Plan was much more desirable for the development because of its central location. If the City wishes to accept this park as parkland, Staff recommends that the developer still not receive credit for parkland dedication and provide the parkland as an amenity in exchange for PUD flexibility. Additionally, the stormwater pond should be fenced for safety.
- *Public Park Density Increase.* If the park on the southwest corner of the development is a public park, the developer will be seeking a density of 2.95 du/acre ($2.95 - 2.49 = 0.46$, $0.55 / 2.49 = 18.47\%$). Therefore, the developer would need to obtain additional density points. If the park were dedicated as public and the City was made to maintain it, Staff would recommend that the developer be required to dedicate the park without receiving park dedication credit order to achieve these required additional amenity points.

Parks Commission Review. The Parks Commission reviewed the proposed subdivision at its meeting on November 20, 2017. They had recommended that the public park be dedicated to the city for free and that the developer still be required to pay the remaining parkland dedication requirements not satisfied through the dedication of the land dedicated to Reid Park.

12. That the Applicant dedicate the park to the City without receiving parkland dedication credit and that the Applicant pay parkland dedication fees as required by 153.14 with future final plat.

Council Amendments to Condition. Council felt that the City was not in need of more parkland and that it would be more appropriate that this park be kept private and struck this condition.

- ~~12. That the Applicant dedicate the park to the City without receiving parkland dedication credit and that the Applicant pay parkland dedication fees as required by 153.14 with future final plat.~~

Trail Connecting to Hamlet on Sunfish Lake Trails

The Comprehensive Trails Plan identifies a needed trail along the north edge of the development to connect to the private Sunfish Ponds HOA trail and an east-west trail connecting Lake Elmo Avenue near 39th Street east to the private Hamlet on Sunfish Lake HOA trails on the north side of Sunfish Lake.

Note: According to City records, the Hamlet HOA trails were paid for by the City and were supposed to have been dedicated to the City when the plat was recorded. The Hamlet HOA currently maintains the trails.



- *Trail to Hamlet on Sunfish Lake.* The developer has proposed a trail that will connect to the Hamlet on Sunfish Lake Development trail, however, approval has not been obtained from the Homeowners' Association as of yet. Only 50% of this development has expressed desire to make their trails public due to concern about liability if the public uses Hamlet HOA's dock or small shelter that are connected to the trails. If this trail is still desired and if the City does not wish to accept the southwest corner park as park land dedication and still desires the trail connection to Hamlet, park dedication credit would be given for the value of the land under which the trail is located (30-foot wide corridor) and the construction of the trail, unless the developer is willing to provide this as an amenity.

Parks Commission Review. They did not feel that the proposed trail connecting to the Hamlet on Sunfish Lake development should be constructed by the development, as there has not yet been determination that the trails within Hamlet on Sunfish Lake will be dedicated to the City or remain private. If they are to remain private, it would not make sense to have such a connection.

7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake only if the trails in Hamlet on Sunfish Lake are made public, or, as an alternative, provide a 30-foot wide trail corridor easement or outlot for future connection if Hamlet on Sunfish Lake trails are made public. The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.

Council Amendment. Council felt that the trail connecting the trails within the proposed development should be constructed and that the developer should not receive parkland dedication for the land underneath or construction of the trail in exchange for additional density.

7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake ~~only if the trails in Hamlet on Sunfish Lake are made public, or, as an alternative, provide a 30-foot wide trail corridor easement or outlot for future connection if Hamlet on Sunfish Lake trails are made public.~~ The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.

Fencing Surrounding Stormwater Ponds

The proposed parks within the development both have stormwater ponds within them. Staff had recommended that the developer be required to construct fencing around these stormwater ponds in order to help protect park goers from potential safety hazards posed by these ponds.

Amendment. The HOA park proposes a totlot approximately 50 feet from the stormwater pond, so Staff would still recommend that the developer be required to install fencing around this stormwater pond. However, because Council has expressed desire for the park on the southwest corner of the development (within the shoreland district) to be private and not public and because no play structures are proposed near that stormwater pond, Staff would no longer recommend that fencing be installed around that stormwater pond.

20. That the Applicant provide fencing around the stormwater ponds adjacent to the parks on the southeastern ~~and southwestern~~ portions of the site for the protection of park goers.

Council Input. A motion had been made to strike this condition but failed.

Trail along CSAH 17

Staff had recommended a need for a trail along CSAH 17 to provide safe pedestrian connectivity from this development to developments the Village area to the southeast and to the school. The Washington County Comprehensive Plan 2030, Planned Trail System, does not identify a trail along this section of CSAH 17; however, future plans and county road projects may incorporate trails. Staff had worked with Washington County to identify future crossing locations from the west to east side of Lake Elmo Avenue, but no definite crossing location was determined. Staff would recommended that the applicant be required to construct the trail to the southerly edge of the plat and only prepare the area of future right-of-way along Lake Elmo Avenue along the parcel to the south (the length of the stormsewer outfall pipe) to be trail-grade ready. This recommendation is due to a lack of a trail to the east of Lake Elmo Avenue to connect to the school; because the City, County, and school have not yet come to a definite agreement on where the crossing from west to east of Lake Elmo Avenue should be; and because the City would be required to provide parkland dedication credit for the cost of construction of the trail.

Planning Commission Amendment to Condition of Approval. The Planning Commission had recommended that the applicant be made to construct a trail both to the southerly edge of the plat and along where future Lake Elmo Avenue right-of-way along the parcel to the south of the proposed development along the storm sewer outfall pipe.

25. That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and a bitimunious trail shall be constructed within the future County right-of-way of the parcel to the south of the plat along the storm sewer outfall pipe location.

Council Amendment to Condition of Approval. Council agreed that the applicant should not be made to construct the trail within the future Lake Elmo Avenue right-of-way within the parcel to the south of the proposed plat.

25. That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and a bitimunious trail shall be constructed within the future County right-of-way of the parcel to the south of the plat the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat along the storm sewer outfall pipe location should be graded for a future bituminous trail extension (grade ready trail).

Note: It should be noted that the length of the outfall pipe to the south of the plat along the future right-of-way along Lake Elmo Avenue of the parcel to the south of the proposed development is

approximately 600 feet, and the distance from 30th Way to the southern edge of the plat is approximately 275 feet.

Parkland Dedication Fees

To make it clear that the developer is not to receive parkland dedication fees for the land underneath trails; construction of trails; or parkland, a condition has been added that the developer is to pay parkland dedication fees for the value of 3.383 acres of land.

26. That the Applicant pay a cash contribution in an amount equal to the fair market value of 3.383 acres of land to satisfy the development's park land dedication requirement pursuant to Section 154.14 of the City Code.

Right-of-Way along Lake Elmo Avenue

Because the larger Schiltgen parcel (PID# 1402921110001) will need to be subdivided (which is a condition of approval) in order to plat the Legacy at North Star development, the City may require right-of-way dedication for Lake Elmo Avenue and installation of a trail within this future right-of-way area. However, because this trail is not within the City's trail plan, the City would be required to provide parkland dedication credit for the cost of construction of the trail. Alternatively, the City could require the applicant to construct the trail without receiving parkland dedication in exchange for amenity points. Because of this, Staff has added the following condition:

9. Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at Northstar Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elm Avenue N (CSAH-17) has been provided must be received by the City.

Density

The calculation of net density is as follows. The Metropolitan Council determines net density through netting out wetlands and water bodies, wetland buffers, public parks and preserved open space (must be preserved through an open space easement).

Development Area	98.93 acres
Wetlands	0.90 acres
Wetland Buffers	0.26 acres
Open Space within Southwest Portion of the Site	4.24 acres
Net Residential Area (if park area on the southwest portion of the site is not designated as public parkland or preserved through an open space easement)	97.77 acres
Net Residential Area (if park area on the southwest portion of the site is not designated	93.53 acres

as public parkland or preserved through an open space easement)	
Total Number of Lots	276 units
Gross Density	2.78 du/acre
Net Density (if park area on the southwest portion of the site is not designated as public parkland or preserved through an open space easement)	2.82 du/acre
Net Density (if park area on the southwest portion of the site is not designated as public parkland or preserved through an open space easement)	2.95 du/acre

The developer is seeking 2.82 du/acre, 13.25% over the allowed base density with PUD amenity points ($2.82 - 2.49 = 0.33$, $0.33 / 2.49 = 13.25\%$). If the park on the southwest corner of the development is a public park, the developer will be seeking 2.95 du/acre ($2.95 - 2.49 = 0.46$, $0.55 / 2.49 = 18.47\%$). With the allowed density (without PUD bonus density), the developer would be allowed 243 units with no public parkland dedicated and 232 units if public parkland were dedicated.

PUD Amenity Points

Council should determine what the development should receive amenity points for so that these amenities can be memorialized within the findings of the Resolution.

Staff-Recommended Amenity Points

- *Providing additional open space.* The Applicant proposes 17.87 acres of open space, which equals 22% of the proposed development area, less areas within the rights-of-way. The narrative indicates that that parkland dedicated as an extension of Reid Park is included in the Open Space calculations. This, should not be included, however, as the PUD ordinance indicates that open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods. The land dedicated for Reid Park does not meet the needs of the proposed development. A significant amount of this open space contains stormwater ponding, which is allowed per the PUD ordinance.
 - *Staff-recommended amenity points: 2*
- *Providing pedestrian improvements.* The applicant proposes that an additional 5 points = 5% increase in density is justified because of the pedestrian improvements on site. Trails are proposed that run from the east side of the development at Lake Elmo Avenue to the far west side of the development in an effort to connect existing trail networks in the City. Additional walking paths and trails are shown within the development. Staff does not recommend, however, that warrant all five additional amenity points, as required trails are shown on the Comprehensive Plan on the northern and southern portion of the development, and the developer only proposes one trail going east west to connect to Hamlet on

Sunfish Lake, which, as mentioned previously in this report, still has private trails. It should be awarded some amenity points, however, as the development does provide good interconnectivity and a combination of trails, landscaping, decorative materials, access control and lighting to create a safe, clear, and aesthetically pleasing pedestrian facility through and around the site are provided, as indicated in the PUD ordinance.

- *Staff-recommended amenity points: 2*
- *Providing theming.* 1-3 points = 1-3% increase in density is being requested for theming within the development. It is a recommended condition of approval that the applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study.
 - Staff recommended amenity points: 3
- *Plaza.* The applicant states in the narrative that density bonus should be provided for the pool, clubhouse, and tot lot in the neighborhood park. The neighborhood park provides a plaza, as the PUD ordinance indicates that plazas are landscaped or paved open areas of a minimum of 1,000 square feet or less and wholly or partially enclosed by a building or buildings. While the neighborhood park is an amenity for the neighborhood, not for the public, the PUD ordinance only requires that plazas within commercial or mixed-use development shall be open to the public during daylight hours. It does not require that plazas within residential PUDs be open to the public. It should also be noted that the proposed development is providing two parks, which Staff believes in and of itself warrants amenity points
 - *Staff recommended amenity points: 5*
- *Enhanced Stormwater Management.* The Applicant indicates that the development will utilize stormwater reuse. The stormwater captured in ponds will be recycled for irrigation throughout part of the development. This practice will reduce demand on higher quality water sources while allowing stormwater runoff a second chance to infiltrate into the ground to be treated by landscape vegetation and soils. The PUD ordinance articulates that PUD amenity points shall be rewarded specifically for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. The Planning Commission may wish, however, to grant additional amenity points for the uniqueness of the proposed stormwater reuse.
 - *Staff recommended amenity points: 3*
- *Additional/Alternative Amenities?*
 - *Extending sewer to Sunfish Lake?* Consideration of amenity points could also be given for the extension of sewer to the Hamlet on Sunfish Lake development by a specific time period.
 - *Staff recommended amenity points: 5*
- *Possible Points - Public Right-of-Way Dedication.* The Planning Commission may not agree with some or quantity of the proposed amenity points listed above. The PUD Ordinance indicates that ten amenity points may be granted for dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan but outside the scope of the immediate project

area. Right-of-way improvements should be designed per the specification of the City Engineer. The report, in the last bullet point under “Washington County” comments, explains the need for connectivity of the development to schools, which may include the need for construction of a trail off-site on the Schiltgen property. The Planning Commission may wish to recommend that ten amenity points be granted for construction of this trail along with a pedestrian crossing if it finds other proposed amenities do not warrant the requested increase in density.

- *Possible Alternative Amenity Points = 10*
- *Public Park for free?* If the City wishes to accept the park in the southwest corner of the development as public park land and if the developer is willing to donate the land without receiving parkland dedication, the development could be awarded an additional 5 amenity points. It should be reiterated, however, that the dedication of this park as public park will increase the density of the development.
 - *Possible Alternative Amenity Points = 5*

Total potential amenity points = 20

Planning Commission Amendments to Amenity Points. The Planning Commission determined that the following amenity points should be granted for the proposed development:

- *Public Right-of-Way Dedication.* If the Applicant constructs a trail along the Schiltgen Property at the location that the County and City deem appropriate, the Planning Commission stated that ten (10) amenity points should be granted for the proposed development. Staff has discussed this with the applicant, who has expressed concern in receiving permission from the property owner of the Schiltgen parcel to be able to do this. Staff has also added the construction of the trail connecting trails within the proposed development along with the land underneath to these amenity points.
 - *Amenity Points = 10*
- *Stormwater Re-Use.* While the Planning Commission, as mentioned above, expressed concern in the lack of standards for and detail on the proposed stormwater reuse, they did state that if the City Engineer approves the proposed stormwater reuse plan, that three (3) amenity points should be awarded for stormwater reuse.
 - *Amenity Points = 3*
- *Theming.* The Planning Commission believed that only one (1) amenity point should be awarded for theming, as they really only saw fencing as a proposed theming element and so believed that not all three amenity points as Staff proposed should be granted.
 - *Amenity Points = 1*

Total Amenity Points = 14

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL:

The recommended findings and condition of approval may be reviewed in the attached Resolution 2018- .

OPTIONS:

The Council may:

- Adopt Resolution 2018- approving the Legacy at North Star Preliminary Plat and PUD Plans with recommended findings and conditions of approval as amended at the January 16, 2018 Council meeting.
- Amend recommended findings and conditions of approval as amended at the January 16, 2018 Council meeting and adopt Resolution 2018- as amended.
- Direct Staff to prepare a Resolution denying the proposed Preliminary Plat and PUD Plans.

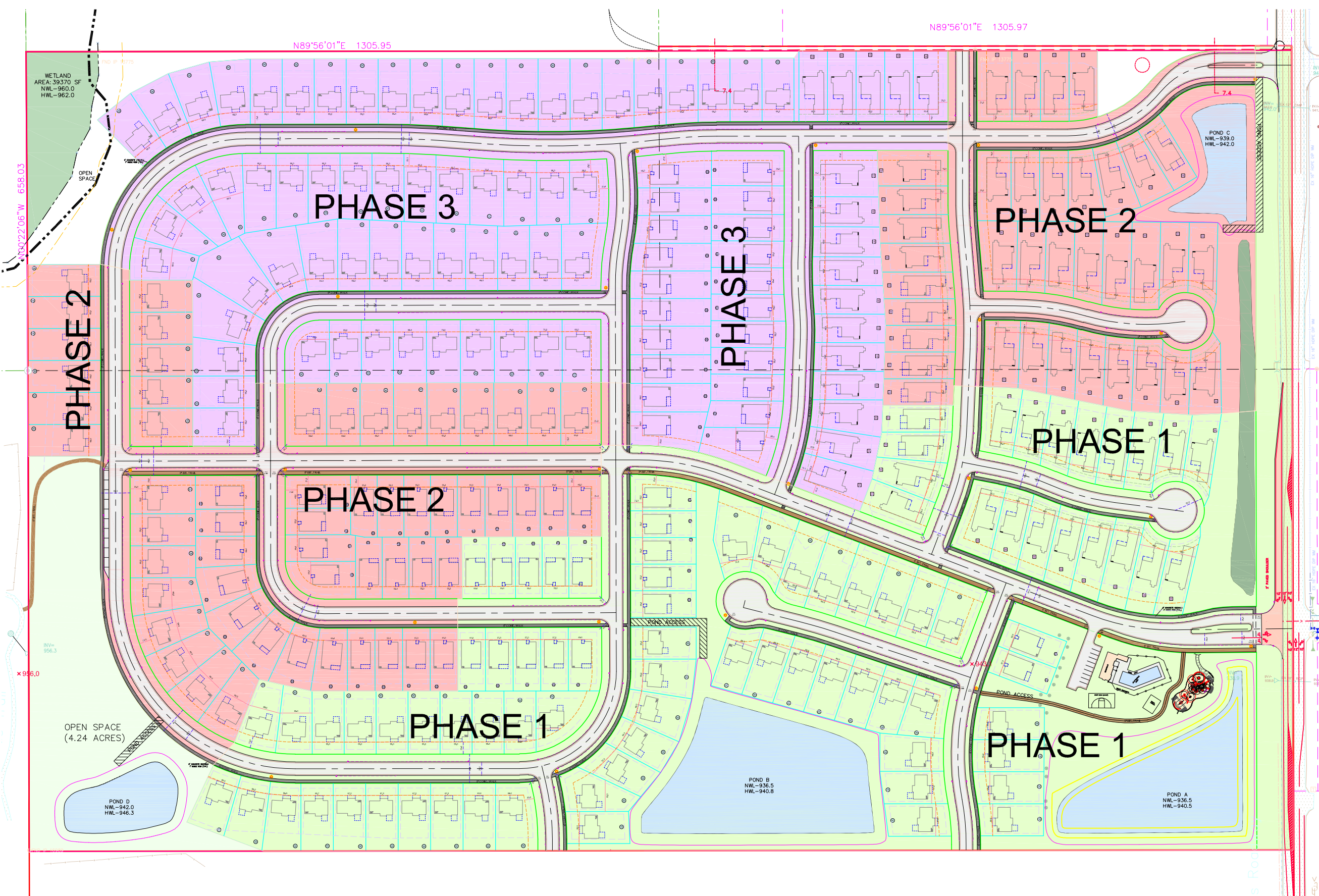
RECOMMENDATION:

The recommended motion is as follows:

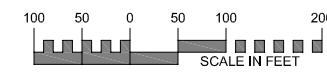
“Move to adopt Resolution 2018- approving the Legacy at North Star Preliminary Plat and PUD Plans with recommended conditions of approval.”

ATTACHMENTS:

1. Preliminary Plat and PUD Plan
2. Landscape Plans
3. Sewer Phasing Plan
4. Resolution 2018- approving Legacy at North Star Preliminary Plat and PUD Plans



PUD CONCEPT PLAN	
55' VILLA UNITS - 72 (55' X +/- 140')	
55' SINGLE FAMILY UNITS - 67 (55' X +/- 120')	
66' SINGLE FAMILY UNITS - 137 (66' X +/- 130')	
TOTAL UNITS - 276	
PHASE 1 PLAN	
55' VILLA UNITS - 20 (55' X +/- 140')	
55' SINGLE FAMILY UNITS - 17 (55' X +/- 120')	
66' SINGLE FAMILY UNITS - 49 (66' X +/- 130')	
TOTAL UNITS - 86	
PHASE 2 PLAN	
55' VILLA UNITS - 36 (55' X +/- 140')	
55' SINGLE FAMILY UNITS - 29 (55' X +/- 120')	
66' SINGLE FAMILY UNITS - 28 (66' X +/- 130')	
TOTAL UNITS - 93	
PHASE 3 PLAN	
55' VILLA UNITS - 16 (55' X +/- 140')	
55' SINGLE FAMILY UNITS - 21 (55' X +/- 120')	
66' SINGLE FAMILY UNITS - 60 (66' X +/- 130')	
TOTAL UNITS - 97	

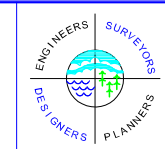


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TCW				
CHECKED BY				
RSM				
DATE				
10/05/17				

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Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 10/05/17 Lic. No. 26728

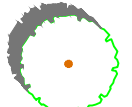

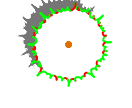





SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
 LAKE ELMO,
 MINNESOTA

PHASING PLAN
 THE LEGACY AT NORTH STAR
 GWSA LAND DEVELOPMENT, LLC.

FILE NO.
 3120-047
 PH
 EX

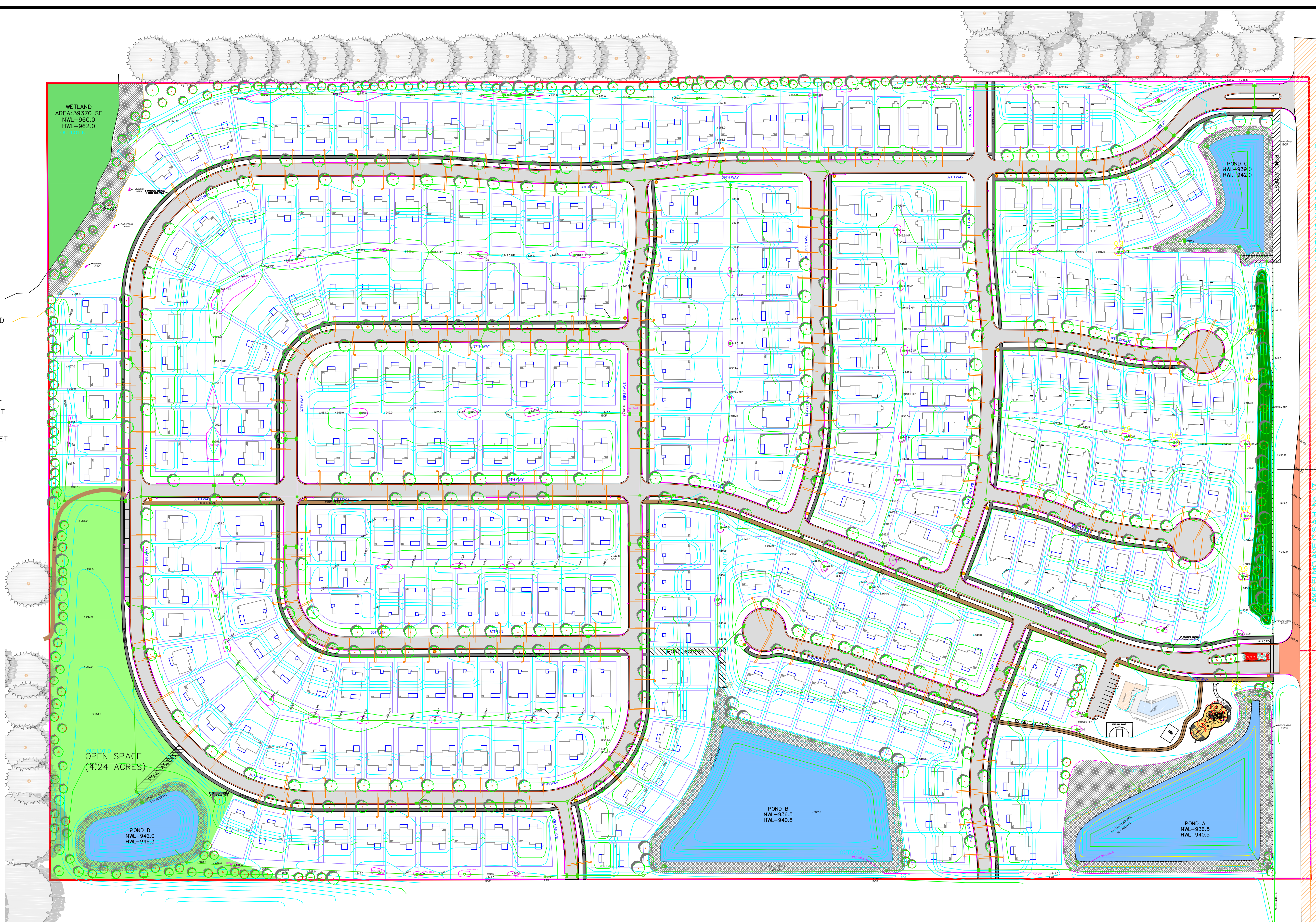
PLANT SCHEDULE			
BUFFER TREES			
	Deciduous Screen Tree	2.5" BB	42
	Ornamental Screen Tree	2.5" BB	39
	Coniferous Screen Tree	6" BB	143
STREET TREES			
	Deciduous Street Tree	2.5" BB	284
GROUND COVERS			
	Prairie Upland Dry Mix		73,688 sf
	Prairie Wet Mesic Mix		59,690 sf

TREE PLANTING REQUIREMENTS = 5 TREES / ACRE DISTURBED
 100 ACRES DISTURBED = 500 TREES (MINIMUM) or 1,250 CALIPER INCHES.

TREE PLANTING REQUIREMENTS = 1 TREE / 50 LINEAR FT OF STREET FRONTAGE
 14,159 LINEAR FT. = 284 TREES (MINIMUM) or 710 CALIPER INCHES

DEVELOPER TO PLANT 224 BUFFER TREES, 224 OF 500 DISTURBED AREA REQUIREMENT AND 8 STREET TREES, 8 OF THE 284 STREET TREE REQUIREMENT. (DEVELOPER TO PLANT 2.5" BB OR LARGER)

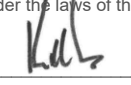
BUILDERS TO PLANT ONE LOT TREE AS WELL AS ONE STREET TREE, EQUATING TO 276 OF THE 500 DISTURBED AREA REQUIREMENT AND 276 OF THE 284 STREET TREE REQUIREMENT. (BUILDERS TO PLANT 2.5" BB OR LARGER)



DRAWING NAME	NO.	BY	DATE	REVISIONS
Landscape Plan				
DRAWN BY				
CHECKED BY				
DATE				
11/20/17				

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

Signed: 
 Date: 11-20-17 Registration #: 20144



Norby & Associates
 Landscape Architects, Inc.
 100 East Second St. Suite 200 Chaska, MN 55318
 (952) 361-0644 / www.norbylandscape.com

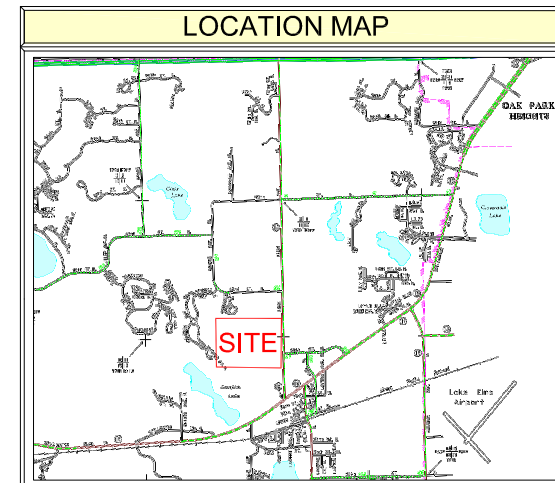
CITY PROJECT NO.

LAKE ELMO,
MINNESOTA

PRELIMINARY LANDSCAPE PLAN
THE LEGACY AT NORTH STAR

FILE NO.
 LP2
 LP2

PROJECT NAME AND NUMBER



SHEET INDEX TABLE	
SHEET	Description
SP	Site Plan
ALTA	ALTA
PP	Preliminary Plat
ST1-ST16	Preliminary Street Plan
UP1-UP13	Preliminary Utility Plan
GP1-GP6	Preliminary Grading Plan
EC1-EC6	Preliminary Erosion Control Plan

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER GWSA LAND DEVELOPMENT 10850 OLD COUNTY RD 15 SUITE 200 PLYMOUTH, MN 55441 CONTACT: CRAIG ALLEN PHONE: (952) 270-4473 EMAIL: CRAIG@GONYEACOMPANY.COM

PUD CONCEPT PLAN
 Zoning - PUD
 Fysb - 25 ft
 Fysb (sideload) - 15 ft
 Sysb - 15 ft (Total)
 Rysb - 20 ft
 Corner Lot - 20 ft
 60' Row - 28' B-B Streets
 55' VILLA - 72
 (55' x +/- 140')

 55' SINGLE FAMILY - 76
 (55' x +/- 120')

 66' (SINGLE FAMILY) - 128
 (66' x +/- 130')

 TOTAL UNITS - 276

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISIONS
3120-047 A	01	TCW	11/17/17	LAYOUT REVISIONS
DRAWN BY				
TCW				
CHECKED BY				
RSM				
DATE				
10/05/17				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 10/05/17 Lic. No. 26728

ENGINEERS SURVEYORS DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

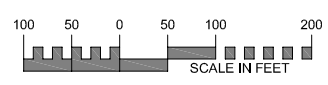
CITY PROJECT NO. ---

LAKE ELMO, MINNESOTA

SITE PLAN

THE LEGACY AT NORTH STAR

GWSA LAND DEVELOPMENT



FILE NO. 3120-047

SP

SP

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

RESOLUTION NO. 2018-013

*RESOLUTION APPROVING THE LEGACY AT NORTH STAR PRELIMINARY PLAT AND
DEVELOPMENT STAGE PLANNED UNIT DEVELOPMENT (PUD) PLANS*

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

WHEREAS, GWSA Land Development, 10850 Old County Road 15, Suite 200 Plymouth, MN 55441 submitted an application to the City of Lake Elmo (City) for a Preliminary Plat and Development Stage Planned Unit Development Plan for a 276 detached single family residential planned unit development on 98.93 acres, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

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

WHEREAS, the Lake Elmo Planning Commission held public hearing on December 11, 2017 to consider the Preliminary Plat and Development Stage PUD Plan; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat and Development Stage PUD Plan subject to conditions of approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat and Development Stage PUD Plan as part of a memorandum to the City Council from the Planning Director for the February 7, 2018 Council Meeting; and

WHEREAS, the City Council reviewed the application at its meeting held on February 6, 2018 and made the following findings:

1. That the Preliminary Plat and PUD Plans are consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with the exception of the Village Open Space Overlay District Greenbelt Corridor.
2. That the Preliminary Plat and PUD Plans comply with the general intent of the Village-Urban Low Density Residential zoning districts with PUD modifications.
3. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
4. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated December 5, 2017.

5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: 1) more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques. 2) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities, and 3) Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved.
7. The PUD Concept Plan meets the allowed density requirements allowed with PUD flexibility.
8. That the Applicant is providing the following amenities, for which the City shall award amenity points (one point equal to one percent allowed increase in density):
 - a. Construction of a trail along the County right-of-way from 30th Way to the southerly plat limits; grading along the storm sewer outfall pipe location within the future right-of-way area along Lake Elmo Avenue of the property to the south of the proposed development along with dedication of County right-of-way to facilitate a future trail; and dedication of a 30-foot wide trail corridor along with construction of a trail connecting the trail within the development to the trail within the Hamlet on Sunfish Lake development (10 points).
 - b. Stormwater reuse if approved by the City Engineer (3 points).
 - c. Theming elements from the Lake Elmo Theming Study (1 point).
9. 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. Lot Dimensions and Bulk Building Requirements

	Villa Lots	Interior Single Family	Exterior Single Family
Minimum Lot Width	55 ft.	55 ft.	66 ft.
Minimum Lot Area	7,900 sq. ft.	6,900 sq. ft.	8,500 sq. ft.
Minimum Front Yard Setback	15 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	7 ft./8 ft.	7 ft./8 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.
Maximum Impervious Surface	50%	40%	45%

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Concept PUD Plans for Parcel A – Schiltgen prepared by GWSA Land Development subject to the following conditions:

1. That PID# 1102921440001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Village Urban Low Density Residential.
2. That the future preliminary plat and preliminary PUD Plans includes parcels with the PID#s 1402921110001, 1102921430001, and a portion of 1102921440001.
3. That the future Final Plat and PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.
4. That all comments of the City Engineer's Memorandum dated December 5, 2017 be addressed.
5. That the Applicant submit additional details on the propose stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.
6. That the Applicant provide a detailed phasing plan with the Final Plat 1st Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.
7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake trails along with a trail corridor of at least 30 feet in width. The developer shall not receive parkland dedication credit for the trail corridor nor cost of construction of the trail.
8. That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017.
9. Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at Northstar Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) has been provided must be received by the City.
10. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.
11. That the Applicant provide a 50 foot buffer from the northern and western edges of the plat which includes sufficient landscaping and/or berming, as deemed adequate by the City, within residential lots protected by a landscape easement to buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan.
12. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.
13. That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.
14. That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the

wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.

15. That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards.
16. That the proposed 15 foot front yard setback for Villa Lots be approved provided 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. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.
17. That the developer comply with any comments provided by the MnDNR.
18. That the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space.
19. That the Applicant provide fencing around the stormwater ponds adjacent to the park on the southeastern portion of the site for the protection of park goers.
20. That all Fire Chief and Building Official comments be addressed.
21. That street names comply with City's Street Naming Policy.
22. That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal.
23. That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans.
24. The proposed 7'/8' sideyard setbacks shall be approved by the City Engineer.
25. That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat should be graded for a future bituminous trail extension (grade ready trail) future County right-of-way of the parcel to the south of the plat along the storm sewer outfall pipe location.
26. That the Applicant pay a cash contribution in an amount equal to the fair market value of 3.383 acres of land to satisfy the development's park land dedication requirement pursuant to Section 154.14 of the City Code.

Passed and duly adopted this 7th day of February, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



STAFF REPORT

DATE: February 7, 2018

REGULAR

ITEM #: 15

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Bed and Breakfast (Short Term Rentals)
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The subject of allowing short term rentals (AirBNBs, VRBO, HomeAway, etc.) within the RS zoning district was discussed at the July 11th, 2017 workshop, and as a result Staff was asked to explore the option. The Zoning Code defines a bed and breakfast as a private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation. Therefore, short term rentals would be categorized as Bed and Breakfasts.

At its August 14, 2017 meeting, the Planning Commission considered where AirBNBs and other types of bed and breakfasts should be allowed within different zoning districts than they are currently and if the standards for such uses should be amended. A public hearing was held on January 22, 2018.

ISSUE BEFORE COUNCIL:

Council is being asked to consider whether bed and breakfasts (including short term rentals) should be allowed within different zoning districts than they are currently and if the standards for such uses should be amended.

REVIEW/ANALYSIS:

Definition. Staff recommends amending this definition to define owner-occupied by adding the following to the current definition:

Bed and Breakfast. A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation. For purposes of this definition, “owner-occupied residence” shall mean a residence within which a person lives for six months plus a day during a calendar year.

Zoning. Bed and breakfasts are currently a conditional accessory use in the Rural Development Transitional (RT), Agricultural (A), Rural Residential (RR), Medium Density Residential (MDR), High Density Residential (HDR), Village Mixed Use (VMX), and General Business (GB) zoning

districts. They are *not* allowed in the Rural Single Family (RS), Residential Estates (RE), Low Density Residential (LDR), Village Low Density Residential (V-LDR), Limited Commercial (LC), Convenience Commercial (CC), Commercial (C), or Business Park (BP) zoning districts.

Allowing such a use within the RT, A, and RR zoning districts makes sense from a planning perspective, as properties within these zoning districts are typically larger (10 acres or more), and therefore such a use is less likely to create a nuisance to neighboring properties. Properties within the other rural districts are much smaller, and constant revolving guests could create a nuisance to an otherwise typically quiet, rural area with smaller lots. However, allowing such a use for these properties would promote visitors to Lake Elmo and allow residents to receive income from their properties by allowing guests to stay in areas that could be more attractive (i.e. proximity to the lake (many of the lakes within the city are surrounded by RS and RE-zoned properties)) than other larger properties. However, short-term rentals also have the possibility to contribute to noise, litter, congestion, and the use of on-street parking, increasing likelihood of nuisance complaints. Properties within the Urban Residential districts are even smaller and therefore the potential to create nuisances such as creation of loss of parking for surrounding homes and noise is much higher. Of the commercial districts, single-family and multifamily dwellings are only allowed in the Commercial zoning district as a conditional use, so of all the commercial districts, it would only make sense to allow bed and breakfasts only within the Commercial zoning district. The size of these properties, their location, and chance of creation of a nuisance would vary.

Standards. The Zoning Code sets forth the following standards for bed and breakfasts:

Bed and Breakfast. The facility shall be located in a single-family detached dwelling.

1. The number of lodging rooms in any building shall not exceed five (5) unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms.
2. The facility shall maintain a guest register open to inspection by the City.
3. Guest stay shall be limited to seven (7) days.
4. The applicant shall meet all applicable government regulations.
5. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.

Additionally, parking requirements require 1 space per guest room in addition to dwelling unit requirements.

Planning Commission Review. When the Planning Commission considered where bed and breakfasts should be allowed and if they should be considered conditional or permitted uses at its August 14, 2017 meeting, the Planning Commission generally felt that the City shouldn't get involved in the issue as there currently does not seem to be a problem. The Planning Commission felt that bed and breakfasts should be permitted, rather than conditional, accessory uses in zoning districts in which they are currently allowed and conditional uses in zoning districts in which they are not currently allowed.

When the Planning Commission held a public hearing and considered the ordinance amendment at its January 22, 2018 meeting, it amended its recommendations, outlined as follows:

- *Required Permit.* They recommended that bed and breakfasts require a separate permit (different than a conditional use permit) that costs \$100 (as opposed to a conditional use permit, which costs \$1050.00 plus a \$500 escrow) in order to track bed and breakfasts (specifically short term rentals) within the City without the high cost and long application process that a conditional use permit requires.
- *Zoning Districts in Which Bed and Breakfasts are Allowed.* The Planning Commission recommended that bed and breakfasts be allowed as follows, with the understanding that there are separate permit requirements for bed and breakfasts outside of a conditional use permit (proposed changes are indicated with strikethroughs and underlines). Summarily, the Planning Commission recommended that bed and breakfasts be allowed as permitted uses within the RT, A, RR, MDR, HDR, and V-LDR zoning districts (amended from conditional uses) and the GCC, LDR, and VMX zoning districts (amended from a non-permitted use). The Planning Commission recommended that bed and breakfasts not be an allowed use within the RS and RE zoning district because of the small lots within these zoning districts, which increase concerns about parking and the potential creation of nuisances.

	RT	A	RR	RS	RE
Bed and Breakfast	CP	CP	CP	-	-
	GCC	LDR	MDR	HDR	
	-P	-P	CP	CP	
	V-LDR	VMX			
	- P	CP			
	C				
	- P				

- *Amended Standards.* In regards to standards for bed and breakfasts, the Planning Commission recommended adding the requirement that bed and breakfasts have a minimum of one stall per unit. *Staff note:* This is already a requirement as per Table 5-2 Specific Minimum Off-Street Parking Requirements of the Zoning Code.

FISCAL IMPACT:

If the City chooses to allow bed and breakfasts as a permitted, rather than conditional, use in certain zoning districts, there will be a loss in conditional use permit fees for each potential bed and breakfast. However, waiving of the requirement for a conditional use permit will also decrease the amount of Staff time required to process the conditional use permit. Additionally, if a \$100 permit is required, the likelihood that residents

will register their bed and breakfast will increase and the City will generate some sort of revenue from bed and breakfasts/short term rentals.

OPTIONS:

The Council may:

- Adopt Ord. 08-197 and Ord. 08-200 as recommended by Staff and the Planning Commission.
- Make amendments to Ord. 08-197 and/or Ord. 08-200 and Council adopt as amended.
- Do not adopt Ord. 08-197 nor Ord. 08-200.

RECOMMENDATION:

Staff and the Planning Commission recommend that Council make the following motion:

“Move to adopt Ord. 08-197 amending the allowed use of bed and breakfasts within the City.”

If the Council approves Ord. 08- as presented (allowing bed and breakfasts as a permitted accessory use through a bed and breakfast permit, rather than a conditional use permit), the Council should also adopt Ord. 08- amending the City’s fee schedule to include a Bed and Breakfast Permit Fee.

“Move to adopt Ord. 08-200 amending the City’s fee schedule to include a bed and breakfast permit fee.”

Additionally, if the Council adopts the above-mentioned ordinances, the Council should also adopt Resolution 2018-014 permitting summary publication of Ord. 08-197 and Ord. 08-200.

“Move to adopt Resolution 2018-014 authorizing summary publication of Ord. 08-197 and Ord. 08-200.”

ATTACHMENTS:

- Ord. 08-197 amending the City Code as it pertains to bed and breakfasts
- Ord. 08-200 amending the City’s Fee Schedule
- Resolution 2018-014 authorizing summary publication of Ord. 08-197 and Ord. 08-200

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

ORDINANCE NO. 08-197

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES AS IT PERTAINS TO ACCESSORY USE OF BED AND BREAKFAST

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XI: Rural Districts; Section 154.401: Permitted, Conditional, and Interim Uses, by amending the following:

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Accessory Uses						
Bed and Breakfast	<u>EP*</u>	<u>EP*</u>	<u>EP*</u>	-	-	<u>*154.310 (A)</u>
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.012 (B) (12)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Equipment	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
Open Space Preservation Development						
OP Development	-	C	C	-	-	Article 16

SECTION 2. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XII: Urban Residential Districts; Section 154.451: Permitted, Conditional, and Interim Uses:

	<i>GCC</i>	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>	<i>Standard</i>
Residential Uses					
Household Living					
Single-family detached dwelling	P*	P	P	P	154.174 (B), (E), *(O)
Two-family dwelling	-	-	P	P	154.174 (F)
Single-family attached dwelling	-	-	P*	P**	154.154 *(G),**(J)
	GCC	LDR	MDR	HDR	Standards
Multifamily dwelling (rental or condominium)	-	-	C*	P**	154.454 *(H),**(K)
Secondary dwelling	C	C	C	C	154.454 (C)
Live-work unit	-	-	-	C	154.454 (L)
Manufactured home park	-	-	C	-	151.035-151.150
Group Living					
Group Home	-	P	P	P	154.301 (C)
Group residential facility	-	-	C	C	154.301 (B)
Halfway House	-	-	-	C	154.301 (B)
Congregate Housing	-	-	C	C	154.301 (C)
Semi-transient accommodations	-	-	C	C	154.301 (D)
Public and Civic Uses					
Community services	-	-	-	C	

Day care center	-	-	C	C	154.012 (2) (d)
Schools, public and private	-	C	C	C	154.303 (A)
Services					
Offices		-	-	C	154.454 (M)
Funeral home		-	-	C	154.454 (I)
Personal services		-	-	C	154.454 (I)
Nursing and personal care		-	-	C	154.303 (C)
Sales of Merchandise					
Neighborhood convenience store		-	-	C	154.454 (N)
Wayside stand		P	P	P	154.454 (D)
Outdoor Recreation					
Golf course	P	C	-	-	154.306 (A)
Outdoor recreation facility	C	-	-	-	154.306 (C)
Indoor recreation facility	C	-	-	-	154.307, 154.454 (Q)
Parks and open areas	P	P	P	P	
	GCC	LDR	MDR	HDR	Standards
Transportation and Communications					
Broadcasting or communication facility	-	C	C	C	
Accessory Uses					
Home occupation	P	P	P	P	154.012 (12) (e)
Bed and breakfast	- P*	- P*	C P*	C P*	*154.310 (A)
Domestic pets	P	P	P	P	
Family day care	P	P	P	P	154.012 (12) (b)
Group family day care	-	C	C	C	154.012 (12) (b)
Temporary sales	P	P	P	P	154.456 (I)
Parking facility	-	-	-	C	
Solar equipment	P	P	P	P	154.456 (I)
Swimming pools, hot tubs, and the like	P	P	P	P	154.310 (C)
Water-oriented accessory structures	P	P	P	P	154.800

Restaurant	C	-	-	-	154.454 (P)
Drinking and Entertaining	C	-	-	-	154.454 (P)
Semi-transient accommodations	C	-	-	-	154.454 (R)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	

SECTION 4. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XIII: Village Mixed Use District; Section 154.401: Permitted, Conditional, and Interim Uses by amending the following:

	V-LDR	VMX	Standard
Residential Uses			
Household Living			
Single-family detached dwelling	P	C*	154.505 (A) (1), (2), *(4)
Two-family dwelling	-	C*	154.505 (A) (1), *(4)
Single-family attached dwelling	-	C	154.505 (A) (1), (5)
Multifamily dwelling	-	C	154.505 (A) (1), (6)
Secondary dwelling	C	C	154.454 (C) & 154.505 (A) (1), (3)
Live-work unit	-	C	154.505 (B) (6)
Group Living			
Group Home	P	P	154.301 (A)
Group Residential Facility	-	C	154.301 (B)
Congregate Housing	-	C	154.301 (C)
Semi-Transient Accommodations	-	C	154.301 (C)
Public and Civic Uses			
Community Services	-	P	154.012 (B)
Day Care Center	-	P	154.012 (B)
Public Assembly	-	C	154.012 (B)
Religious Institutions	-	C	154.303 (N)
Schools, Public and Private	-	C	154.303 (A)
Services			
Business Services	-	P	154.012 (B)
Business Center	-	P	154.012 (B)
Offices	-	P	154.012 (B)
Communications Services	-	P	154.012 (B)
Education Services	-	P	154.303 (A) 154.012 (B)
Financial Institution	-	P	154.012 (B)
Funeral Home	-	C	154.012 (B)
Lodging	-	C	154.302 (D)
Medical Facility	-	C	154.303 (B)
Membership Organization	-	C	
Nursing and Personal Care	-	C	154.303 (C)
Personal Services	-	P	

Repair and Maintenance Shop	-	C	154.505 (B) (1)
Trade Shop	-	C	154.505 (B) (2)
Veterinary Services	-	C	154.505 (B) (3)
Food Services			
Standard Restaurant	-	P	
Restaurant with Drive-through	-	C	154.304 (A)
Drinking and Entertainment	-	P	154.304 (B)
Sales of Merchandise			
Retail Trade ¹	-	P	
Farmer's Market	-	C	
Garden Center	-	C	154.554 (G)
Neighborhood Convenience Store	-	P	
Shopping Center	-	C	
Wayside Stand	P	P	154.454 (D)
Automotive/Vehicular Uses			
Automobile Maintenance Service	-	C	154.505 (B) (5)
Automobile Parts/Supply	-	C	154.505 (B) (5)
Gasoline Station	-	C	154.305 (B)
Parking Facility	-	C	154.505 (B) (7)
Sales and Storage Lots	-	C	154.305 (C)
Outdoor Recreation			
Outdoor Recreation Facility	-	C	154.306 (C)
Parks and Open Areas	P	P	
Indoor Recreation/Entertainment			
Indoor Athletic Facility	-	C	154.307
Indoor Recreation	-	C	154.307
Transportation and Communications			
Broadcasting or Communications Facility	-	C	
Mixed Uses			
Combination of Principal Uses on a single parcel	-	C/P	154.501 (B)
Combination of Principal and Accessory Uses on a single parcel	P	P	154.501 (A)
Accessory Uses			
Home Occupation	P	P	154.012 (12) (e)
Bed and Breakfast	-	P* C P*	*154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	-	C	
Temporary Sales	P	P	154.509 (G)
Parking Facility	-	P	154.505 (H) (7)
Solar Equipment	P	P	154.310 (C)
Swimming Pools, Hot Tubs, Etc.	P	P	

Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	
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SECTION 6. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XVI: Commercial Districts; Section 154.551: Permitted, Conditional, and Interim Uses, by amending the following:

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Residential Uses</i>					
Household Living					
Single-family attached dwelling	-	-	C	-	154.554 (A)
Multifamily dwelling	-	-	C	-	154.554 (B)
Live-work unit	C	C	C	-	154.012 (B) (1)
Group Living					
Semi-transient accommodations	-	-	C	-	154.301 (D)
Congregate housing	-	-	C	-	154.301 (C)
<i>Public and Civic Uses</i>					
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)
Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
	LC	CC	C	BP	Standard
Public assembly	-	-	C	C	154.012 (B) (2)
Religious institutions	-	-	C	-	154.012 (B) (2), 154.303 (N)
<i>Services</i>					
Business services	P	P	P	P	154.012 (B) (3)
Business center	P	P	P	P	154.012 (B) (3)
Offices	P	P	P	P	154.012 (B) (3)
Commercial kennel	-	-	C	-	
Communication services	C	C	P	P	154.012 (B) (3)
Educational services	P	P	P	P	154.012 (B) (3), 154.303 (A)
Financial institution	P	P	P	P	154.012 (B) (3)

Funeral home	-	C	P	-	154.012 (B) (3)
Lodging	-	-	P	C*	154.012 (B) (3), 154.302 (D), *154.554 (C)
Medical facility	-	-	C	C	154.012 (B) (3), 154.303 (B)
Membership organization	P	P	P	-	154.012 (B) (3)
Nursing and personal care	C	C	C	-	154.012 (B) (3), 154.303 (C)
Personal services	P	P	P	-	154.012 (B) (3)
Services					
Repair and maintenance shop	-	-	P	-	154.554 (D)
Self-service storage	-	-	C	C	154.303 (D)
Trade shop	-	-	P	-	154.554 (E)
Transportation services	-	-	-	C	154.012 (B) (3)
Veterinary services	P	P	P	C	154.554 (F)
Food Services					
Standard restaurant	-	P	P	C*	154.012 (B) (4), 154.554 (L)
Drive-in restaurant	-	C	C	-	154.304 (A)
Drinking & entertainment	-	C	P	-	154.304 (B)
Fast food restaurant	-	P	P	C*	*154.554 (M)
Sales of Merchandise					
General retail sales ¹	C	P	P	C*	154.554 (N)
Building supplies sales	-	-	C	-	
Warehouse club sales	-	-	C	-	
Furniture and appliance sales	-	-	P	-	
	LC	CC	C	BP	Standard
Grocery, supermarket	-	-	P	-	
Liquor store	-	P	P	-	
Garden center	-	-	P	-	154.554 (G)
Neighborhood convenience store	-	P	P	-	
Shopping center	-	P	P	-	
Sales of Merchandise					
Wholesaling	-	-	P	-	
Automotive/Vehicular Uses					

Automobile maintenance service	-	-	C	-	154.554 (H)
Automobile parts/supply	-	-	P	-	154.554 (H)
Car wash	-	-	C	-	154.012 (B) (6)
Commercial vehicle repair	-	-	-	-	154.554 (H)
Gasoline station	-	C	C	-	154.305 (B)
Parking facility	-	-	C*	C	*154.554 (I)
Sales and storage lots	-	-	C	-	154.305 (C)
<i>Outdoor Recreation</i>					
Campgrounds and trailering	-	-	-	-	
Golf course	-	-	-	-	
Marina	-	-	-	-	
Outdoor entertainment	-	-	-	-	
Outdoor recreation facility	-	-	C	-	154.306 (C)
Parks and open areas	P	P	P	P	154.012 (B) (7)
Restricted recreation	-	-	-	-	
<i>Indoor Recreation/Entertainment</i>					
Adult establishment	-	-	-	C	Chapter 113
Indoor athletic facility	-	C	P	C	154.307 (A)
<i>Indoor Recreation/Entertainment</i>					
Indoor recreation	-	-	C	-	154.307 (A)
<i>Agricultural and Related Uses</i>					
Agricultural sales business	-	I	P	-	154.012 (B) (9)
Agricultural services	-	-	C	-	154.012 (B) (9)
	LC	CC	C	BP	Standard
Agricultural support	-	-	C	-	154.012 (B) (9)
Greenhouses - non retail	-	-	-	-	154.012 (B) (9)
Wayside stand	P	P	P	P	154.012 (B) (9)
<i>Industrial and Extractive Uses</i>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	154.012 (B) (10)
Non-production industrial	-	-	-	C	154.554 (J)
Motor freight and warehousing	-	-	-	C	154.012 (B) (10)
Research and testing	-	-	-	C	154.012 (B) (10)
Resource extraction	-	-	-	-	154.012 (B) (10)

Salvage/recyclable center	-	-	-	-	154.012 (B) (10)
Transportation and Communications					
Broadcasting and communications	C	C	C	C	154.012 (B) (11), 154.083
Accessory Uses					
Bed and breakfast	-	-	P *	-	*154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)
Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article IX: Specific Development Standards; Section 154.310: Standards for Accessory Uses, by amending the following:

A. *Bed and Breakfast.*

1. The use of a bed and breakfast is not permitted unless the city issues a permit for that specific property. The permit will be valid for two years. A permit for a bed and breakfast will only be issued if :
 - a. The facility ~~shall be~~ is located in a single-family detached dwelling.
 - b. The number of lodging rooms in any building ~~shall~~ does not exceed five (5) ~~unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms. If the proposed number of lodging rooms in any building exceeds five (5), a conditional use permit shall be required.~~
 - c. The facility meets parking requirements as set forth by Table 5-2 of Section 154.210.
 - d. Notices have been mailed to all homes within 150 feet of the applicant’s property lines.
 - i. If there are objections received within 10 days of mailing the notices, then the permit application must be considered by the City Council.
 - ii. If there are no objections received within 10 days of mailing the notices, then the permit application will be processed by city staff. It will not be referred to the City Council for consideration.
2. The facility shall maintain a guest register open to inspection by the City upon request.
3. Guest stays s shall be limited to seven (7) days.
4. The applicant shall meet all applicable government regulations.

5. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.
6. Permits are non-transferable and do not run with the land.
7. A permit constitutes a limited license granted to the property owner by the city and in no way creates a vested zoning right.
8. By signing the permit, the applicant of the bed and breakfast permit acknowledges that he or she shall defend and indemnify the city against any and all claims arising out of operating a bed and breakfast.
9. Bed and breakfast permit fees shall be as established by the city council.

SECTION 7. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article IX: Specific Development Standards; Section 154.012: Zoning Types and Classifications; Subd. 12, by amending the following:

Bed and Breakfast. A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation. For purposes of this definition, "owner-occupied residence" shall mean a residence within which a person lives for six months plus a day during a calendar year.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 9. Adoption Date. This Ordinance 08-197 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 08-197 was published on the _____ day of _____, 2018.

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

ORDINANCE NO. 08-200

**AN ORDINANCE ADOPTING A 2018 FEE SCHEDULE FOR THE CITY OF LAKE
ELMO**

The City Council of the City of Lake Elmo ordains:

SECTION I. Schedule Adopted. The attached fee schedule is hereby adopted.

SECTION II. Not Codified. This ordinance is transitory in nature and shall not be codified in the City Code. This ordinance and the fee schedule established hereby shall be placed on file and available for public inspection at City Hall.

SECTION III. Effect. The fees set out in the attached fee schedule apply notwithstanding any other fees the City has established which may be inconsistent. Any other fees imposed by the City which do not appear on the attached fee schedule remain in full force and effect.

SECTION IV. Effective Date. This ordinance shall become effective for all billings rendered after adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION V. Adoption Date. This Ordinance No. 08-200 was adopted on this 7th day of February, 2018, by a vote of ___Ayes and ___Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2018.



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Amateur Radio Antenna	\$875.00		Planning
Appeal (to Board of Adjustment and Appeals)	\$250.00		Administration
<u>Bed and Breakfast Permit Fee</u>	<u>\$100.00</u>		<u>Planning</u>
Bee Keeping Permit	\$25.00	Valid for 2 years from issuance	Administration
Building Regulations		* State Sur Charge Collected per MN Statute 326B.148 on all permits	Building
Building Permit Fee Schedule			
Total Valuation			
\$1.00 to \$500.00	\$29.50		Building
\$501.00 to \$2,000.00	\$28.00 for the first \$500.00 plus \$3.70 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.		Building
\$2,001.00 to \$25,000.00	\$83.50 for the first \$2,000.00 + \$16.55 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.		Building
\$25,001.00 to \$50,000.00	\$464.15 for the first \$25,000.00 + \$12.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.		Building
\$50,001.00 to \$100,000.00	\$764.15 for the first \$50,000.00 + \$8.45 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.		Building
\$100,001.00 to \$500,000.00	\$1,186.65 for the first \$100,000.00 + \$6.75 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.		Building
\$500,001.00 to \$1,000,000.00	\$3,886.65 for the first \$500,000.00 + \$5.50 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.		Building
\$1,000,001.00 and up	\$6,636.65 for the first \$1,000,000.00 + \$4.50 for each additional \$1,000.00, or fraction thereof.		Building
Planning and Zoning Compliance Review and Verification	\$100.00		Building
Plan Review Fee	65% of building permit fee		Building
Plan review for similar plans	25% of normal building permit fee (MN Rules 1300.0160 subp. 5)		Building
Single Family Decks	Fee based on Valuation		Building
Single Family Residential Basement Finish	Fee Based on Valuation		Building
Swimming Pool In-Ground	\$150.00		Building
Swimming Pool Above-Ground	\$75.00		Building
Reinspection Fee	\$75.00		Building
Inspection outside normal business hours	\$120.00 per hour - 2 hour minimum		Building
Investigation fee - work started without required permit	Equal to permit fee amount		Building
Replace Inspection Record Card	\$25.00		Building
Additional Plan Review required by changes, addendum or revisions to plans	\$75.00 per hour, one hour minimum		Building



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Building Demolition - Residential	\$200.00		Building
Building Demolition - Commercial	\$300.00		Building
Fuel Tank Removal (Underground)	\$250.00		Building
Fuel Tank Installation	2% Value of the work		Building
Roofing - Residential	Fee Based on Valuation		Building
Roofing - Commercial	Fee Based on Valuation		Building
Siding - Residential	Fee Based on Valuation		Building
Siding - Commercial	Fee Based on Valuation		Building
Retaining Walls over 4'	Fee Based on Valuation		Building
Commercial Plumbing	\$60.00 per unit, Up to 3 Units or 1.5% Value of work, whichever is greater		Building
Residential Plumbing	\$60.00 per Unit, max fee \$180.00		Building
Sewer Service Installation Inspection	\$60.00		Building
Water Service Installation Inspection	\$60.00		Building
Sewer & Water Service Installation Inspection when completed together	\$60.00		Building
Investigation fee - Plumbing work started without required permit	Equal to permit fee amount		Building
Commercial HVAC	\$60.00 per unit, Up to 3 Units or 1.5% Value of work, whichever is greater		Building
Residential HVAC	\$60.00 per Unit, max fee \$180.00		Building
Fireplace Installation	\$60 per unit		Building
Investigation fee - HVAC work started without required permit	Equal to permit fee amount		Building
Manufactured Home Move In	\$200.00		Building
Manufactured Home Move Out	\$200.00		Building
Moving House or Primary Structure into the City	2% Value of the Work plus security amount determined by the Building Official		Building
Moving Accessory Structure into the City	2% Value of the Work plus security amount determined by the Building Official		Building
Automatic Fire Extinguishing Systems	2% Value, \$100.00 minimum		Building
Investigation fee - Fire Suppression work started without required permit	Equal to permit fee amount		Building
Fire Alarm Systems	2% Value, \$100.00 minimum		Building
Investigation fee - Fire Alarm work started without required permit	Equal to permit fee amount		Building
Annual Retail Consumer Fireworks (retailers only selling fireworks)	\$350.00		Building
Annual Retail Consumer Fireworks (all other retailers)	\$100.00		Building
Outdoor Public Fireworks Display	\$150.00		Building



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Residential Day Care Inspections	\$50.00		Building
Residential Adult Care/Foster Care/Adoption Inspections	\$50.00		Building
Escrow Administration Fee	\$100.00		Building
New Single Family Dwelling Construction Escrow	\$2,000.00		Building
Two or more dwelling units per building Construction Escrow	\$1,000.00 per unit		Building
Commercial/Industrial and Other structures	\$5,000.00 or amount determined by the Building Official		Building
Burning Permit			Fire
Residential	\$45.00		Fire
Commercial	\$80.00		Fire
Illegal Burn	see notes →	Additional fees may be incurred based on Wash. Cty. Chief's fee schedule and # of responding units	Fire
Chicken Keeping Permit	\$25.00	Initial permit expires on 12/31 of 2nd year.	Administration
Comprehensive Plan Amendment	\$1,300.00	Land Use Escrow \$2500	Planning
Conditional Use Permit (CUP)			Planning
New	\$1,050.00	Wireless Communication Facilities Fee Escrow \$6,000.00. Flood Plain Ordinance Fee Escrow \$500.00 Land Use Escrow \$2500	Planning
Amended	\$500.00		Planning
Contractor License Fees			Licensing
Driveway	\$50.00		Licensing
Solid Waste Hauler	\$120.00		Licensing
Copy Services (Paper/Electronic)			Administration
Copies (B&W)	\$0.25 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color)	\$0.50 per page	100 pages or more are charged at actual cost of production	Administration
Copies (B&W) 11x17	\$1.00 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color) 11x17	\$2.00 per page	100 pages or more are charged at actual cost of production	Administration
Data DVD Fee	\$15.00		Administration
GIS Scaled Aerial	\$25.00		Administration
Existing Maps	\$5.00		Administration
Custom (Per Hour Rate)	\$70.00		Administration
Plan Size Maps (Larger than 11x17)	\$15.00		Administration
Development Standards Specs/Details	\$55.00		Administration
Video reproduction	\$10.00		Administration
Culverts in Developments with Rural Section	\$160.00		Administration
Dog License- altered	\$20.00		Licensing
Dog License- unaltered	\$25.00		Licensing
Dog License- late fee	\$2.50 per month	Maximum \$10	Licensing



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Service Dog License	No Charge		Licensing
Dog - duplicate license or tag	\$1.00		Licensing
Dog and Cat Impound fees			
First Impound- Unlicensed Dog	\$60.00	All Impound Fees plus \$20/day Boarding Fee	Licensing
First Impound- Licensed Dog	\$42.00		Licensing
First Impound- Cat	\$42.00		Licensing
Subsequent dog/ cat impound	\$85.00		Licensing
Driveway			
Residential	\$70.00		Planning
Commercial	\$160.00		Planning
Easement Encroachment	\$100.00	Staff & Recording Fee	Planning
Electronic Fund Withdrawal/Bill Payment	Fee + Trans. Charge		Administration
Environmental Review (EAW/EIS)	\$1,500.00	\$2,500 Land Use escrow	
Village Area AUAR Fee	\$230.00	Per REC Unit. To be charged to development applications that increase the number of REC units above existing conditions within the Village AUAR Area. The fee will be based on the difference between the proposed and existing REC units. Fee to be paid as part of a developer's agreement for larger projects or at the time a building permit is issued for smaller projects. Once paid, the same land will not be charged again.	Planning
Erosion Control			
Re-inspection Fee (portal to portal from City Hall: 1 Hr. min)	\$50.00 per hour	\$5,000.00 Security	Building
Excavating & Grading ≥ 50 cubic yards, up to 400 cubic yds	\$125.00	Security \$500.00	Building
Excavating & Grading ≥ 400 cubic yards/acre of site area	\$500.00	\$500.00 fee escrow. Plus Security as Determined by the Planning Department	Engineering
False Alarms (12 Month Period)* (*1-3 no charge)			
Residential			
4-6 False Alarms	\$110.00		Fire
In Excess of 6 False Alarms	\$185.00		Fire
Commercial			
4-6 False Alarms	\$315.00		Fire
In Excess of 6 False Alarms	\$520.00		Fire
Flood Plain District Delineation	\$500.00		Planning
Interim Use Permit (IUP)			
Fee	\$1,050.00	\$2,500.00 Escrow	Planning
Renewal	\$300.00		Planning



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Liquor License			Licensing
Club On-Sale Intoxicating	\$100.00		Licensing
On-Sale Intoxicating	\$1,500.00		Licensing
Off-Sale Intoxicating	\$200.00		Licensing
Off-Sale Non-Intoxicating	\$150.00		Licensing
On-Sale Intoxicating- 2nd Building	\$750.00		Licensing
On-Sale Non-Intoxicating	\$100.00		Licensing
Investigation	\$350.00		Licensing
On-Sale Sunday Intoxicating	\$200.00		Licensing
Temporary Intoxicating	\$25.00		Licensing
Wine	\$300.00		Licensing
Lot Line Adjustment	\$325.00	None	Planning
Massage Therapy Premises License			Licensing
Application Fee	\$100.00	Fee includes one Therapist	Licensing
Investigation Fee	\$100.00		Licensing
Massage Therapy Practitioner License			Licensing
Application Fee	\$50.00		Licensing
Investigation Fee	\$25.00		Licensing
Massage Therapy Premises License Renewal	\$50.00	Fee includes one Therapist	Licensing
Massage Therapy Practitioner License Renewal	\$25.00		Licensing
Massage Therapy License Amendment	\$25.00		Licensing
Minor Subdivision	\$525.00	\$1,000.00 escrow	Planning
Park Dedication			Planning
Residential - Up to three lots	\$3,600.00 per lot	Four or more lots per §153.14	Planning
Commercial	\$4,500.00 per acre		Planning
Parking Lots			Planning
Commercial	\$200.00	\$500 Fee Escrow. Plus Security as Determined by the Planning Department	Planning
Platting			
Sketch Plan Review (Subdivision)	\$500.00	\$3,500 Fee Escrow	Planning
Preliminary Plat (Subdivision)	\$1,850.00	\$10,000 Fee Escrow	Planning
Final Plat (Subdivision)	\$1,250.00	\$8,000 Fee Escrow	Planning
Planned Unit Development			Planning
General Concept Plan	\$1,250.00	\$7,500 Fee Escrow (Waive Subdivision Escrow)	Planning
Development Stage Plan	\$1,850.00	\$10,000 Fee Escrow (Waive Subdivision Escrow)	Planning



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Final Plat	\$1,250.00	\$8,000 Fee Escrow (Waive Subdivision Escrow) and (City will retain escrows to reimburse review costs for each stage of Development)	Planning
Private Roads (Permitted only in AG zone)	\$150.00		Planning
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00		Planning
Returned Check (NSF)	\$25.00		Administration
Right-of-Way Permit			
Annual Registration	\$200.00	\$5,000 Security	Engineering
Excavation Permit	\$275.00 + \$.60/foot		Engineering
Joint Trench Permit (per lot per utility)	\$275.00 + \$.60/foot		Engineering
Obstruction Permit	\$275.00		Engineering
Small Wireless Permit Fee	\$275.00		Engineering
Permit Extension	\$100.00		Engineering
Delay Penalty (per calendar day)	\$25.00		Engineering
SAC Charge (City) (Sewer Availability Charge)	\$3,000.00	Per REC Unit: collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
SAC Charge (Met Council) (Sewer Availability Charge)	\$2,485.00	Per REC Unit: \$2,485 to Met Council at time of connection.	Engineering
Sewer Connection Charge	\$1,000.00	Per REC Unit collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Sewer Lateral Benefit Charge	\$11,300.00	Per REC Unit connecting to a Trunk Sewer Main and that has never been assessed	Engineering
Sewer Base Charge - Residential - Non 201 Off Site	\$53.03 per quarter	Allowance of 10,000 gallons (10 Units) per quarter	Administration
Sewer Rate	\$4.55/1,000 Gal		Administration
201 Off-Site Maintenance Fee	\$75.75/unit/quarter		Administration
Real Estate Searches	\$15.00/Search	For special assessment or utility search	Administration
Signs - Permanent	\$180.00		Planning
Signs - Temporary	\$75.00		Planning
Temporary Renewal	\$25.00		Planning
Re-inspection Fee	\$25.00		Planning
Special Event Permit	\$75.00	City must be listed as additional insured	Planning
Surface Water			Administration
Residential	\$55.00		Administration
Non-Residential (Commercial etc.)	\$55.00	Utility rate factor per code	Administration
Review Fee	\$137.50	\$82.50 Review/\$55 Storm Water Fund	Administration



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Vacations (Streets or Easements)			Planning
Easements	\$515.00	\$500 Fee Escrow	Planning
Streets	\$515.00	\$500 Fee Escrow	Planning
Variance	\$750.00	\$500 Fee Escrow	Planning
Shoreland Variance	\$1,500.00	\$500 Fee Escrow	Planning
Water Availability Charge (WAC)	\$3,000.00	Per REC Unit; collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Water Connection Charge	\$1,000.00	Per REC Unit, collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Administration
Water Equipment/Set up			Administration
Meter (3/4" or less)	\$360.50	Additional fees apply to larger sized meters	Administration
Driveway Curb Stop Lid	\$103.00		Administration
Disconnect Service	\$82.40		Administration
Reconnect Service	\$82.40		Administration
Water Lateral Benefit Charge	\$5,800.00		Per REC Unit connecting to a Trunk Water Main and that has never been assessed
Water Usage			Administration
Residential - Quarterly Base Rate	\$20.60 Base		Administration
Residential - Plus Rate per 1,000 Gallons			Administration
Plus Rate for 0-15,000 Gallons	\$2.06		Administration
Plus Rate for 15,001-30,000 Gallons	\$2.47		Administration
Plus Rate for 30,001-50,000 Gallons	\$2.97		Administration
Plus Rate for 50,001-80,000 Gallons	\$3.56		Administration
Plus Rate for 80,001 + Gallons	\$4.27		Administration
Water Usage			Administration
Commercial - Quarterly Rate	\$25.75 Base		Administration
Commercial - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 - 15,000 Gallons	\$3.20		Administration
Plus Rate for 15,001 - 30,000 Gallons	\$3.36		Administration
Plus Rate for 30,001 - 50,000 Gallon	\$3.88		Administration
Plus Rate for 50,001 - 80,000 Gallons	\$5.15		Administration
Plus Rate for 80,001 + Gallons	\$6.83		Administration
Water Usage			Administration
Hotel / Motel - Quarterly Rate	\$25.75 Base	For metered non-irrigation (domestic) consumption	Administration
Hotel / Motel - Plus Rate Per 1,000 Gallons			Administration



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Plus Rate for 0 -30,000 Gallons	\$3.20		Administration
Plus Rate for 30,001 - 50,000 Gallons	\$3.36		Administration
Plus Rate for 50,001 + Gallons	\$4.12		Administration
Water Usage Delinquent Accounts			Administration
Regular	6% per quarter	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Storm Water	10% per year	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Bulk Water Purchase			Administration
Water from Hydrant	\$103.00 minimum	Plus \$3.36/additional 1,000 gallons	Administration
Wind Generator	\$850.00	\$2,000 Fee Escrow	Planning
Wireless Communication Permit	\$500.00	\$6,000 Fee Escrow	Planning
Zoning Amendment (Text or Map)	\$1,245.00	\$2,500 Escrow	Planning
Zoning Certification Letter	\$25.00		Planning
Zoning Permit - Certificate of Zoning Compliance			Planning
Accessory Structures < 200 SF	\$75.00		Planning
Fence (less than 6')	\$75.00		Planning
Other	\$75.00		
Definition of Terms			
<i>* Fee Escrow: City will maintain a fee escrow to cover all City review costs. Application fees include all professional fees and expenses incurred by the City.</i>			
<i>** Security: City will retain a security escrow to ensure completion of work as directed by the approved permit/application and compliance with the State Building Code and the City of Lake Elmo Municipal Code.</i>			
Adopted by City Council - 12-5-17			

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

RESOLUTION NO. 2018-014

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08- AND
ORDINANCE 08- BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-197, an ordinance amending the City Code of Ordinances and Ordinance 08-200, an ordinance amending the City's Fee Schedule; and

WHEREAS, the Ordinances are lengthy; and

WHEREAS, Minnesota Statutes Section 412.191, subdivision 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the Ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08- to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-197 and Ordinance No. 08-200, which amend the Lake Elmo City Code of Ordinances by:

- Amending Sections 154.401; 154.451; 154.401; and 154.551 of the Chapter 154: Zoning Code by allowing bed and breakfasts as a permitted accessory use within the RT – Rural Development Transitional; A – Agricultural; RR – Rural Residential; GCC – Golf Course Community; LDR – Low Density Urban Residential; MDR – Medium Density Urban Residential; HDR – High Density Urban Residential; V-LDR – Village Low Density Urban Residential; VMX – Village Mixed Use; and C – Commercial zoning districts.
- Amending Section 154.310 of Chapter 154: Zoning Code, by requiring a bed and breakfast permit with certain requirements.
- Amending Section 154.012, Subd. 12 of Chapter 154: Zoning Code by defining owner-occupied residence.
- Amending the City's 2018 Fee Schedule by adding a Bed and Breakfast Permit fee of \$100.

The full text of Ordinance No. 08-197 and Ordinance No. 08-200 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: February 7, 2018.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: February 7, 2018

REGULAR

ITEM #: 16

MOTION

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Fairfield Inn Final Planned Unit Development (PUD) Plans, and Conditional Use Permit
REVIEWED BY: Emily Becker, Planning Director

BACKGROUND:

Central Design Group LLC has submitted applications to the City for both Final Planned Unit Development (PUD), and a Conditional Use Permit (CUP) application on December 20, 2017 for the construction and operation of a Fairfield Inn (Hotel). The location of the proposed project would be located on Lot 1, Block 1, HOA 2nd Addition of the Eagle Point Business Park.

Applicant and Property Owner: Central Design Group, LLC. 200 Old 63 South Suite 305, Columbia MO 65201
Eagle Point Group, LLC. 205 6th Avenue SE, Suite 300. Aberdeen, SD 57401

Location: North of Rasmussen College, (8585 Eagle Point Circle), PID# 33.029.21.43.0007

Existing Land Use and Zoning: Vacant land, Business Park – BP-PUD

Comprehensive Plan: Business Park

History: The preliminary development plans for the Eagle Point Business Park was approved in 1999 by the City of Lake Elmo. The HOA 2nd Addition was platted in June, 2006 which allowed for the development of two lots on Eagle Point Circle, near Hudson Boulevard and a larger outlot which was recently platted as HOA 3rd Addition for the Auto Owners office building. The subject parcel is one of two buildable lots platted as part of the 2nd Addition. Homes 2 Suite had submitted a similar proposal but had rescinded their application.

Deadline for Action: Application Complete: 12/20/2017
60 Day Deadline: 2/16/2018
Extension Letter Mailed: N/A
120 Day Deadline: N/A

Applicable Regulations: 154.051 – BP Business Park Zoning District
154.800 – Planned Unit Development (PUD) Regulations
Eagle Point Business Park PUD Agreement

PROPOSAL DETAILS/ANALYSIS:

The City of Lake Elmo has received a request from Central Design Group, LLC for approval of final Planned Unit Development plans and a Conditional Use Permit associated with a 90 unit hotel to be located on 2.496 acres on Lot 1, Block 1, HOA 2nd Addition, which is part of the Eagle Point Business Park. When this lot was platted, United Properties did not provide any specific building plans for Lot 1.

Eagle Point Business Park was approved as a Planned Unit Development (PUD) in the early 2000's, with a concept plan and preliminary development plan for the entire site. The City also approved PUD development standards and regulations for the entire park. For each new development within the business park, updated final plans are required for approval. In addition, hotels are a conditional use in the Eagle Point Business Park. Because the site under consideration has previously been platted as a buildable lot, Staff is recommending that the City process its review of the final development plans simultaneously with the conditional use permit.

The attached plans provided by the applicant include an architectural site plan, floor plans, site details, survey, demolition plan, paving & dimension plan, grading and erosion control plan, utility plan, landscape plan, and photometric (lighting) plan in addition to architectural drawings. Because the public and private infrastructure necessary to serve the proposed building is already in place, the project will not include the construction of any new public utilities on or off of the site. All required utilities are already stubbed to the site, and all utilities shown on the plan, including the proposed storm water management facilities, which will be privately owned.

PLANNING AND ZONING ISSUES

Although the lots within the HOA 2nd Addition were platted in conformance with existing regulations, the City has since adopted updated ordinances or other requirements under which the proposed project will need to demonstrate compliance. These updated requirements include the following:

- ***Eagle Point Business Park Development Standards.*** The standards were negotiated with the approval of the Planned Unit Development for the Eagle Park Business Park.
- ***BP – Business Park Zoning District.*** The City revised the BP zoning district in conjunction with other zoning updates related to the planned sewered service areas. The updated ordinance does not include any substantial revisions to the previous standards.
- ***Design Guidelines and Standards Manual.*** This document was approved by the City Council in late 2013 and applies to all new commercial, Business Park, and multi-family residential construction in the City. Many of the provisions in the manual are guidelines (non-mandatory), but are never-the-less applicable to the hotel building.
- ***Storm Water and Erosion and Sediment Control Ordinance.*** Section 150.270 to 150.257 will apply to new development sites, even those that were planned as part of a larger development like the Eagle Point Business Park.

City Staff has reviewed the proposed PUD development plans, and has forwarded the plans to appropriate reviewing agencies in advance of the Planning Commission meeting (1/22/18), such as the Department of Natural Resources. In general, the plans will meet all applicable City requirements for approval, and any deficiencies or additional work that is needed is noted as part of the review record. The City has received a comment letter from the City Engineer the Fire Chief and Building Official with their concerns which are incorporated into the comments listed below.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the City Council to consider the issues and comments related to the following discussion areas as well:

Setbacks. Per plan updates 12/21/2017 the building has been situated in a manner that complies with the minimum setbacks required by the Eagle Point Business Park and Lake Elmo Zoning Ordinance. Sheet A12.1 must be updated to show that no encroachment of the building footing and sidewalk goes into the southern utility easement and that the retaining wall does not encroach into the Hudson Blvd and Eagle Point Circle right of way. This plan sheet must be consistent with the Civil Site plans, sheet C2 as revised 12/21/2017.

- **Building Height.** The proposed building is 4 stories and 56' height. The parapet wall fluctuates in height, but no section is over 3'8". No portion of the building is higher than 60' above the ground which is the maximum height allowed per the Eagle Point Development standards.
- **Other Dimensional Standards.** The proposed building and site will conform to the minimum lot area, frontage, building size and impervious requirements for the business park. The approved development standards for the Eagle Point Business Park are included as an attachment to this report.
- **Easement Encroachment.** The building, building footing and sidewalk must not encroach the southern utility easement. The full width of the easement is necessary to operate and maintain the existing 36-inch storm sewer pipe. The retaining wall must not encroach the utility easements along Hudson Boulevard and Eagle Point Circle right-of-way. Plan Sheet A12.1 must be updated to show no encroachment consistent with the Civil Site plans, sheet C2 as revised 12/21/2017. For the stormwater pond the applicant must enter into the City's standard Storm Water Easement and Maintenance agreement. This allows the City to perform maintenance at the owner's cost should it be required.
- **Storm Water and Erosion Control.** The stormwater for the site flows to a large privately owned and maintained storm pond located on the rear of the lot. These grading, drainage, and erosion control plans will need to conform to City of Lake Elmo and South Washington Watershed District (SWWD) requirements. A SWWD district permit has been obtained. They must also apply for and receive a Storm water Construction Permit from the MPCA once a contractor has been obtained for the project, as noted in the engineering report.
- **Utilities.** The site and utility plans must be revised and submitted for City review, showing the proposed hydrants and connection to watermain. Utility easements must be dedicated to the City, minimum width of 30-feet centered over the pipe and hydrants, and all easements must be shown on the site Plan, Utility and Grading Plan. The Fire Chief and Building Official both agree that the existing hydrants as shown will not be adequate coverage for the site.
- **Sidewalks.** There are no sidewalks/paths existing or proposed along the right-of-ways and no walk connecting the building to the cul-de-sac. The City's Design Guidelines and Standards Manual recommends sidewalks along public rights-of-way. Eagle Point Circle has a slope of around 10%, and there are no existing sidewalks on Hudson Boulevard. Since there is no sidewalks along Hudson or Eagle Point Circle staff does not feel they would need to install a sidewalk.
 - The Fire Chief also feels the assemble area in the rear of the building will need a wider walk way to accommodate deployable ladders for emergency situations.
- **Access.** The proposed access driveway to the site will connect to the existing Eagle Park Circle cul-de-sac.

- **Parking.** The Eagle Point Development standards do not have established parking requirements for Hotel facilities. The Lake Elmo Zoning Ordinance require one parking space per guest unit. There are 90 units proposed and 95 parking stalls proposed of which 4 are handicap accessible. The development meets the parking requirements.
- **Off-Street Loading.** Off street loading is required for any nonresidential use which will involve the receipt or distribution of materials or merchandise by truck or similar vehicles and has a gross floor area of 5,000' or more, in accordance with the following standards.
The plans do not specify an off street loading zone. It is probable that they will receive deliveries by truck but staff does not feel that they will need to provide a loading zone since they are not selling or distributing merchandise and are not a retail type facility.
- **Lighting.** A photometric plan is required to demonstrate compliance the City's requirements for on and off-site lighting intensity as well as compliance with the maximum fixture height. The Eagle Point development standards allows a 30ft maximum height, they are proposing a 27.5ft lighting structure. Lighting cast light on a public street, shall not exceed 1 foot-candle, and cannot cast light on residential property, exceed 4/10 foot-candles – their plans comply with the code.
- **Landscape wall.** Zoning code requires that the perimeter of parking lots be screened with masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of 3.5 ft. and a maximum of 4 ft. in height...
A block retaining wall is proposed to the north which runs along Hudson Boulevard, it is constructed of stone with a 42" railing atop of it, and this will meet the screening requirements. The parking lot which abuts Eagle Point Circle will be screened with vegetative hedging, which will also meet the screening requirements.
- **Signs.** The applicant has not yet submitted any formal sign dimensions or illumination figures for the site.
- **Landscaping.** The attached landscape plan plant materials needed to comply with the City's landscaping requirements. There are 3 Spruce (6") and 2 (3-6") Cottonwood trees on the site which will be removed for construction, none of them meet the requirements to be considered significant. Because of this no tree preservation plan is needed. The tree landscape requirements are consistent with what is required by City code.

Site Calculations	Standards	Needed Amount	Proposed
515 lineal ft. of frontage (Along Hudson)	1 tree/50'	10	11 trees proposed
1.75 acres of land disturbed	5 trees/acre	9	14 trees proposed
95 parking stalls	1 tree per ten stalls 10	10	6 interior parking trees

The code would require 29 trees, they are proposing to plant 25 trees. They meet the minimum required tree count because our code reads as follows – a minimum of 5 trees shall be planted for every 1 acre of land that is developed or disturbed by development activity. Such trees may be used for parking lot landscaping or screening as specified in subsections D and E below.

- **Design Review.** The proposed plans are subject to the City's adopted Design Guidelines and Standards Manual in addition to the architectural design guidelines for the Eagle Point Business Park. Staff believes the project is in conformance with the manual for nearly all business park items.
 - This is done by minimizing the amount of blank façade space. They also use materials which are mentioned in the business park development standards such as stone and Exterior Insulation Finish Systems (EFIS).

- **Shoreland District.** Part of the development area is within the Shoreland district. The Minnesota Department of Natural Resources (MNDNR) recommends that impervious surface not exceed 25% for commercial PUDS. This, however, is a recommendation and not a requirement per ordinance. The Eagle point PUD was established without MNDNR review. The MNDNR recommends modifying construction to remove impervious surface from the area within the shoreland, use permeable pavement systems, or direct rain gutter discharges into infiltration basins. Staff believes that proper stormwater management is being accomplished, as the stormwater collection pond connected to the parcel is intended to act as a holding pond for the surrounding lots. The shoreland district requires that sewered properties be held to 30% impervious surface. The proposed development is requesting 49.6% impervious surface, exceeding the impervious amount by 19.6%.
- **PUD Objectives.** PUD development regulations require that developments meet at least one objective which has been outlined in section 154.751. Staff has identified that they meet objectives A and G.
 - **A.** Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
 - The parcel is located within the Business Park and is in close proximity to I-94. Given the current and projected zoning this use will serve as a good buffer.
 - **G.** Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
 - The building design is compatible to those in the area. It also offers many layers both physically and visually.

This development is not seeking a density increase but the building still offers architectural interest. Additionally, the PUD was established before the City's adoption of the current shoreland standards, which was also before the establishment of impervious surface coverage for sewered lots. Because of this flexibility for impervious surface coverage with the preliminary PUD was never asked for. The property's stormwater pond is suitable and can appropriately manage the site. The design of the hotel and site still allow the development to exceed 20% open space.

Section 154.752 Allowed Development. The applicant for PUD developments must provide a response for the items listed below. The Fairfield Inn development is unique in that they must submit a PUD application but they are not requesting to establish a new PUD.

- A. **Permitted Uses.** The PUD application shall identify all proposed land uses and those uses shall become permitted uses upon the approval of the planned unit development.
 - *The allowable uses have been previously established when the Eagle Point Business Park PUD was reviewed in 1999. Hotel operations were selected as a conditional use for the PUD.*
- B. **Placement of Structures.** More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
 - *There is only one building proposed to be built on the lot.*
- C. **Development Intensity.** The PUD may provide for an increase in the maximum gross floor area or floor area ratio by up to 20% of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities.

- *They have not proposed an increase in the maximum gross floor area.*
- D. *Density.* The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in § 154.209. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city’s Land Use Element of the Comprehensive Plan.
- *They are not asking for an increase in density, the property is not intended for residential use.*
- E. *Building Setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- *The development is allowed to comply with what has been previously established by the Eagle Point Business Park PUD.*
- F. *Lot Requirements.* The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- *They do not wish to have a reduction in area and width of their lot.*
- G. *Other Exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.801.
- *The development does not meet all of what is required by our current code. However, it is not necessarily required to because the PUD and standards which the proposed hotel will be constructed in was established before the current code requirements*

Planning Commission Review. The Planning Commission held a public hearing and considered the request for Final Planned Unit Development Plans and Conditional Use Permit at its January 22, 2018 meeting. No one from the public spoke during the public hearing and no comments were received by Staff prior to the meeting. The Commission recommended approval, recommending that conditions of approval explicitly outline the Fire Chief and Building Officials comments, as they felt these comments were pertinent to the layout of the site and public safety. There was concern that their comments (specifically the need for a wider access/walkway) would increase the impervious surface of the site, which already exceeds the maximum requirements within a shoreland district.

RECOMMENDATION:

Recommended Findings for Final PUD Plans. Based on the above staff report and background information, Staff is recommending that the City Council recommend approval of the request for approval

of final Planned Unit Development plans associated with a 90 unit hotel to be located at Lot 1, Block 1, HOA 2nd Addition based on positive findings that the project:

- 1) That the Applicant has submitted all application requirements outlined in Sections 154.759 for Final PUD Plans.
- 2) That the Final PUD Plans for Lot 1, Block 1, HOA 2nd Addition is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the proposed Final PUD Plans generally comply with the Lake Elmo Zoning District regulations for the BP – Business Park Zoning District.
- 4) That the proposed Final Plat for Lot 1, Block 1, HOA 2nd Addition meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, and other ordinances, except as noted below. Requested PUD flexibility is being requested for:
 - a) Off-Street Loading: Allowing development with no off-street loading area as required by the Off-Street Loading Area Code 154.211.
 - b) Impervious Surface: Allowing 49.6% impervious surface when 30% is required by the Shoreland Ordinance 154.800.
- 5) That the Fairfield Inn Final Plat and PUD Plans will not conflict with nearby land uses.
- 6) The proposed Final PUD Plans generally adhere to the City's engineering standards provided all the comments outlined in the City engineers report dated 1/2/2018 are addressed.
- 7) Complies with the development and design standards for the Eagle Point Business Park.
- 8) Is consistent with the Lake Elmo Design Guidelines and Standards Manual, and specifically, the guidelines for business park development.
- 9) Meets the identified objectives associated with a Planned Unit Development project as listed in Section 154.751 of the Lake Elmo Zoning Ordinance.
- 10) The development meets at least one of the identified objectives outlined in section 154.751 of the PUD development regulations Chapter.

Recommended Findings for Conditional Use Permit. Based on the above staff report and background information, Staff is recommending that the City Council approve the request for approval of a conditional use permit associated with a 90 unit hotel to be located at Lot 1, Block 1, HOA 2nd Addition based on positive findings that the project:

- 1) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.**
 - The development of the hotel will not be detrimental to the surrounding businesses/residents.
- 2) The use or development conforms to the City of Lake Elmo Comprehensive Plan.**
 - The site is guided as a Business Park, hotels are an allowed use within business parks.
- 3) The use or development is compatible with the existing neighborhood.**

- The use is not unique to the area and will not be detrimental to the items listed above.
- 4) The proposed use meets all specific development standards for such use listed in Article 9 of this Chapter. (Ord. 08-152)**
- There are not specific standards for hotels in article 9. However, they must adhere to the design standards which have been established by the City.
- 5) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §154.800 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).**
- Part of the development area is within the Shoreland district. The DNR recommends that impervious surface not exceed 25% for commercial PUDS. However, this is a recommendation and not a requirement. However, it exceeds the 30% impervious surface allowance for sewer areas in the shoreland district within our code.
 - The Eagle point approved standards from 1999 states the tributary setback will be 25' from the OHM, the building 30' from the tributary setback, and parking shall be 10' from the tributary setback. The development meets this requirement.
- 6) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.**
- There are other hotels in the area as well as professional services.
- 7) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.**
- The structure is designed in a way that adheres to city code as not to cause a nuisance, specifically the design standards guidelines.
- 8) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.**
- The site has access to public utilities and will be connecting to them. See item number 9 for more comment on fire protection.
- 9) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.**
- The site/use is not expected incur costs beyond what is expected for the development of property. However, in the event of an emergency costs may be increased as the Fire and Building Official feel the fire hydrants are not placed appropriately. Also the rear assembly area may need to be wider to deploy hand ladders.
- 10) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.**
- It is not expected that a hotel will generate or produce any of the items/activates listed above.

11) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

- The City engineer has reviewed all roadways and entrances, and has determined that they meet what is required.

12) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

- The site has not been identified as sensitive or scenic. The property is not within a portion of the City that needs a park or within the Greenway project area.

Recommended Conditions of Approval for the Final Planned Unit Development Plans. Staff and the Planning Commission recommend that Council approve the final Planned Unit Development plans associated with a 90 unit hotel to be located on Lot 1, Block 1 the HOA 2nd Addition with the following conditions of approval:

1. That the parking lot screening and landscaping shall be established and maintained per the landscape screening requirements in 154.258, be free of refuse, and be guaranteed for two years and the planting shall be replaced if the material dies before the second year.
2. All required conditions and modifications to the plans as requested by the City Engineer in a review letter dated 1/2/2018 shall be incorporated into the plans prior to approval of a building permit. Including the dedication of easements
3. That the Fire Chief's and Building Official's comments outlined below from their letter dated 12/21/17 be incorporated into the plans prior to final approval:
 1. The existing fire hydrants as shown will not be adequate for coverage on the site. The proposed location for the Fire Department Connection will ultimately dictate a final location for one of the needed hydrants and there will need to be a hydrant located on the north end of the site for sure. There will also need to be a hydrant located on the property side of the round-a-bout, the hydrant currently located across the drive lane does not provide a viable use as hose laid from this hydrant will then block the drive lane entry from further emergency vehicle access.
 2. The rear of the site has very limited access, there is an assemble area proposed on the back with a fire pit and access is very limited. With a 4 story residential building like this, there is a need for wider access/walkway. There is a proposed hard surface around the back of the building but the hard surface will need to be wider, without emergency vehicle access ability, the hard surface will need to be wide enough to accommodate the ability for emergency personnel to deploy hand ladders for emergency rescue operations.
 3. The ability for apparatus to access and maneuver in and around the site is another issue that needs review, typically the engineering review will verify adequate access including turn radius for emergency vehicle access.
 4. There are other architectural/code review items that will arise once the project reaches the plan review stage.
4. The applicant comply with all conditions of the South Washington Watershed District permit 17-003 issued on December 12, 2017.
5. The applicant shall enter into a maintenance agreement with the City concerning the storm water infiltration areas prior to the issuance of a building permit.

6. The applicant shall secure a sign permit for all signage associated with the medical building. Staff shall review all such signs for conformance with the Eagle Point Business Park Design and Development Standards and the City sign code.
7. That the Applicant enter in to a site work agreement with the City for all work within the public right-of-way.
8. That a permit be secured for demolition of the existing Eagle Park Business Park development sign if it is lit or electrified.
9. That the exterior materials and colors are consistent with what is outlined in the Business Park Design Standards

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

Staff and the Planning Commission recommend that the City council approve the request for a Conditional Use Permit for a 90 unit hotel to be located on Lot 1, Block 1 the HOA 2nd Addition with the following conditions of approval:

1. That the City approve the Final Planned Unit Development Plans submitted by the Applicant, subject to required conditions of approval.

Suggested motion for Final PUD:

“Move to adopt Resolution 2018-008 approving the request by Central Design Group, LLC for approval of Final Planned Unit Development plans associated with a 90 unit hotel to be located on Lot 1, Block 1, HOA 2nd Addition, subject to the conditions of approval as recommended by Staff”

Suggested motion for Conditional Use Permit:

“Move to adopt Resolution 2018-009 approving the request by Central Design Group, LLC for approval of Conditional Use Permit associated with a 90 unit hotel to be located on Lot 1, Block 1, HOA 2nd Addition, subject to the approval of Final Planned Unit Development Plans”

ATTACHMENTS:

1. Project Narrative Letter
2. Review Comments
 - a. City Engineer memo
 - b. Fire Chief/Building Official
3. South Washington Watershed District Permit
4. Project Architectural Plans, dated 11/29/17
5. Project Landscape Plans, dated 12/8/17
6. Resolution 2018-008 approving Final Planned Unit Development Plans
7. Resolution 2018-009 approving a Conditional Use Permit

6. Storm sewer calculations to verify pipe sizing for minimum 10-year storm event under gravity/manning's flow capacity must be submitted prior to the start of construction.

Site Plan:

1. The parking lot is designed to access Eagle Point Circle using a single concrete commercial driveway approximately 26-29 feet in width. The access location appears adequate.
2. The building, building footing and sidewalk must not encroach the southern utility easement. The full width of the easement is necessary to operate and maintain the existing 36-inch storm sewer pipe. Plan Sheet A12.1 must be updated to show no encroachment consistent with the Civil Site plans, sheet C2 as revised 12/21/2017.
3. The retaining wall must not encroach the utility easements along the Hudson Boulevard and Eagle Point Circle right-of-way. Plan Sheet A12.1 must be updated to show no encroachment consistent with the Civil Site plans, sheet C2 as revised 12/21/2017.

Grading and Erosion Control Plan:

1. The plan shows extensive retaining wall use along the length of the north property line. The retaining wall along the Hudson Boulevard right-of-way varies from 8-feet in height at Eagle Point Circle to 16-feet in height at the northeast corner of the site.
2. Retaining walls, or staged retaining walls, 4-feet in height or greater, as measured at the bottom of the footing, must be designed by a Professional Registered Engineer licensed in Minnesota. Engineering plans must be submitted to the City for review and approval prior to construction. The design engineer of record will be required to certify that the walls were constructed in the field in strict accordance with the approved plans and specifications. A plan note should be placed on the grading plan to communicate this procedure.
3. Add plan note to have retaining wall locations field staked to ensure no easement encroachments.
4. The City standard erosion control notes, drawings 600A, 600B, 600C and 600D must be moved from the details sheet and placed on the grading and erosion control plan sheet.

Utilities Plan:

1. Connection to existing sanitary sewer stub. The project proposes to connect to the existing 6-inch sanitary sewer stub located along the south side of the Hudson Boulevard right-of-way as required.
2. Connection to existing watermain stub. The project proposes to connect to an existing 8-inch watermain located along the south side of the Hudson Boulevard right-of-way as required. A 6-inch fire suppression and 3-inch water service line are proposed.
3. Two water meter vaults are proposed. The meter vaults must be located outside of the City right-of-way and utility easement areas.
4. Fire Hydrant locations. No new fire hydrants have been proposed. There are two existing fire hydrants located along Eagle Point Circle; one located approximately 190 feet from the proposed building and one located approximately 185 feet from the proposed building. Engineering understands that additional fire hydrants will be required interior to the Site per Building Official and Fire Chief review comments. All hydrants and connection watermain will be City owned and maintained.
 - o The site and utility plans must be revised and submitted for City review, showing the proposed hydrants and connection watermain. Utility easements must be dedicated to the City, minimum width of 30-feet centered over the pipe and hydrants, and all easements must be shown on the Site Plan, Utility Plan and Grading Plan.
5. All water lines must be installed to a minimum of 7.5 feet of ground cover. Any locations not meeting this requirement must be specifically identified on the plans and approved by the City prior to installation. Revise plan notes 8 and 9 accordingly.
6. A storm sewer sump manhole is proposed for storm water treatment prior to discharging the parking lot runoff to the regional drainage basin. The plans must add the City standard sump manhole Detail 405 to the plans.

From: [Michael Bent](#)
To: [Ben Prchal](#)
Subject: Fairfield Inn Preliminary Site Review Comments
Date: Thursday, December 21, 2017 8:35:06 AM
Attachments: [image001.jpg](#)

Chief Malmquist and I had an opportunity earlier this morning to lay out the plans and take a more thorough look at the Fairfield Inn plans. Several items of concern came up as follows:

1. The existing fire hydrants as shown will not be adequate for coverage on the site. The proposed location for the Fire Department Connection will ultimately dictate a final location for one of the needed hydrants and there will need to be a hydrant located on the north end of the site for sure. There will also need to be a hydrant located on the property side of the round-a-bout, the hydrant currently located across the drive lane does not provide a viable use as hose laid from this hydrant will then block the drive lane entry from further emergency vehicle access.
2. The rear of the site has very limited access, there is an assemble area proposed on the back with a fire pit and access is very limited. With a 4 story residential building like this, there is a need for wider access/walkway. There is a proposed hard surface around the back of the building but the hard surface will need to be wider, without emergency vehicle access ability, the hard surface will need to be wide enough to accommodate the ability for emergency personnel to deploy hand ladders for emergency rescue operations.
3. The ability for apparatus to access and maneuver in and around the site is another issue that needs review, typically the engineering review will verify adequate access including turn radius for emergency vehicle access.
4. There are other architectural/code review items that will arise once the project reaches the plan review stage.

Michael Bent
Building Official
City of Lake Elmo
651-747-3910
mbent@lakeelmo.org



South Washington Watershed District

2302 Tower Dr
Woodbury, MN 55125
651-714-3714
www.swwdmn.org

Permit #17-003

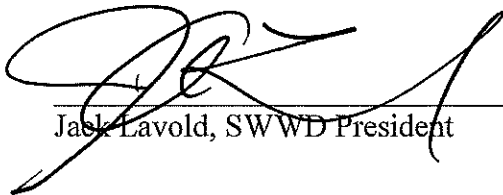
Expires on 12/12/2020

Pursuant to the Rules of the South Washington Watershed District and the District's standards and policies, and based upon statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made a part hereof by reference, permission is hereby granted to the permittee named below to conduct the activity described below. If an extension to the permit is needed, the permittee should submit a written request to the District at least 2 weeks prior to the expiration date.

<i>Name of Project</i> Fairfield Inn & Suites		
<i>Project Description</i> Commercial, 1.6 acres disturbance		
<i>Project Location</i> Eagle Point Circle & Hudson Blvd		<i>Municipality</i> Lake Elmo
<i>Permittee Name</i> Jerry Campbell	<i>Permittee Company</i> Central Design Group	
<i>Permittee Address</i> 200 Old 63 South, Suite 305, Columbia, MO 65201		
<i>Permittee Phone #s</i> 573-441-9391	<i>Permittee Fax</i>	<i>Permittee Email</i> jcampbell@centraldesigngroup.com , cc: mwoodruff@larsonengr.com
<i>In accordance with the plan received at the District on (date received):</i> November 21, 2017		

Authorized Signature:

Date of Issuance:



Jask Lavold, SWWD President

December 12, 2017

Special Stipulations

1. An as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) is to be submitted to the District for verification of compliance with the approved plans.

Erosion and Sediment Control Stipulations

1. Permittee must provide documentation that an NPDES permit has been approved by the Minnesota Pollution Control Agency.
2. Erosion control measures shall be in place prior to grading activities and maintained through project completion.
3. All exposed soils shall be stabilized within 14 days if not being actively worked and after the completion of grading. Slopes steeper than 3:1 shall be stabilized within 7 days.
4. The District Inspector may require additional erosion control features, dependent upon site condition.
5. Refer to the MPCA "Protecting Water Quality in Urban Areas" manual at <http://www.pca.state.mn.us/water/pubs/sw-bmpmanual.html> for BMPs.
6. Contact the District Inspector at 651/714-3714 if you have any questions or to discuss site stabilization practices.

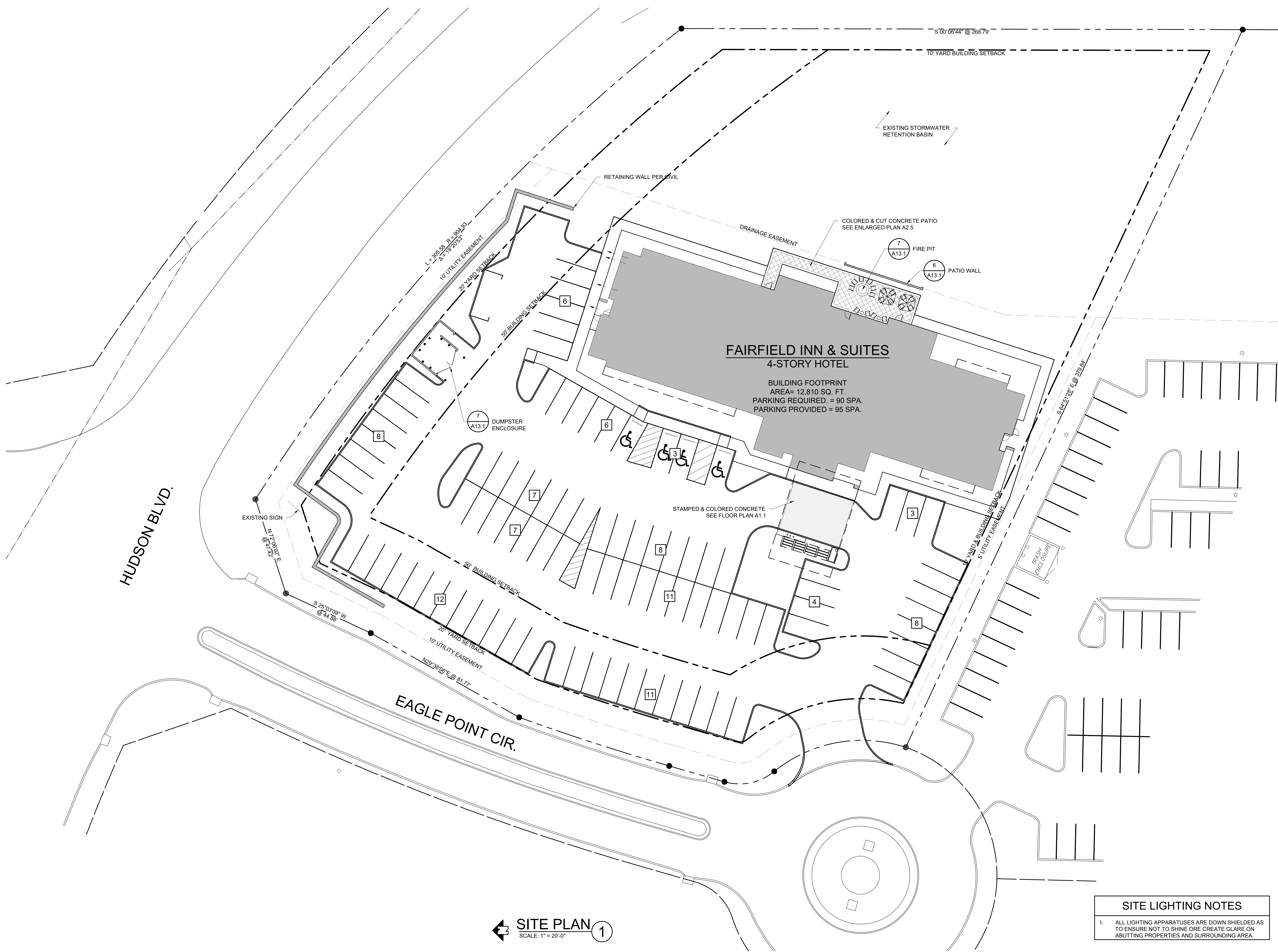
General Provisions

1. This permit expires when:
 - a. Work is not initiated within one year of issuance,
 - b. Work is idle for 12 consecutive months,
 - c. Work is not completed within 3 years of issue date.
2. The project shall be in accordance with the plans most recently submitted and approved by the District as part of the record of this project.
3. This permit is not assignable by the Permittee, except with the written consent of the SWWD.
4. The Permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the SWWD for inspection of the work authorized hereunder.
5. In all cases where the Permittee, by performing the work authorized by this permit, shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the Permittee, before proceeding shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights and interests needed for the work.
6. This permit is permissive only. No liability shall be imposed on the SWWD or any of its officers, agents, or employees officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the Permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person against the Permittee, its agents, employees or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the SWWD against the Permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable provisions of law. If during the work conditions are encountered indicating that soil or groundwater contaminants may be present, work must cease until the SWWD has been informed. The SWWD may require additional information and may require that stormwater management plan be amended in order to properly manage site stormwater in the presence of contaminants.
7. Any stormwater management facilities approved as part of this permit shall be properly maintained in perpetuity to assure that they continue to function as originally designed.
8. Failure to comply with the provisions of this permit is a violation of the law and may result in issuance of a stop work order by the District.

JOB NUMBER
17005
ISSUE DATE
09-29-17
REVISIONS

CDG II, L.L.C. © 2017

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 Architect under the laws or the state of Minnesota.
Signature: *Christopher Howard Bennett*
Typed or Printer Name: CHRISTOPHER HOWARD BENNETT
Date: 09/29/17
License Number: 54831



SITE PLAN 1
SCALE: 1" = 20'-0"

SITE LIGHTING NOTES

1. ALL LIGHTING APPARATUS ARE DOWN SHIELDED AS TO ENSURE NOT TO SHINE OR CREATE GLARE ON ABUTTING PROPERTIES AND SURROUNDING AREA.

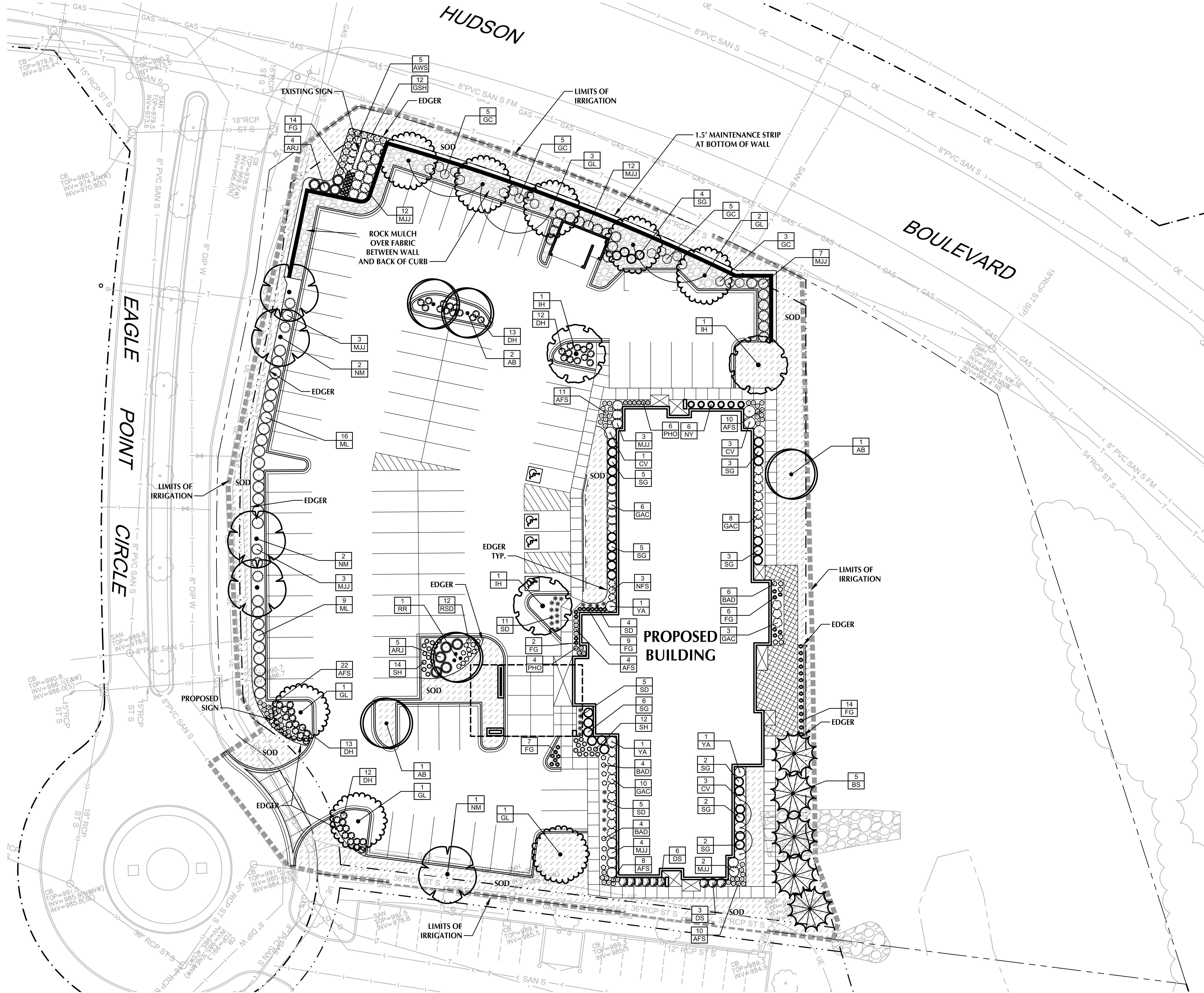
FAIRFIELD INN & SUITES
LAKE ELMO, MN

ARCHITECTURE | PLANNING | INTERIOR DESIGN | PROCUREMENT
CENTRAL DESIGN GROUP II • 200 OLD 63 SOUTH, SUITE 305 • COLUMBIA, MISSOURI, 65201 • TEL: 573.441.9391



SITE PLAN

A12.1



FAIRFIELD INN
LAKE ELMO, MN

CENTRAL DESIGN GROUP

LOUCKS
PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

LANDSCAPE REQUIREMENTS

(1) TREE EVERY 50' OF STREET FRONTAGE
-APPROX. 515' ALONG HUDSON AND EAGLE POINT.
-515/50 = 10 TREES REQUIRED
11 TREES PROPOSED

(5) TREE EVERY 1 ACRE OF DEVELOPED LAND
-APPROX. 1.75 ACRES BEING DEVELOPED
- 9 TREES REQUIRED
14 TREES PROPOSED

CADD QUALIFICATION

CADD files prepared by the Consultant for this project are instruments of the Consultant's professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

SUBMITTAL/REVISIONS

GENERAL NOTES

CONTRACTOR SHALL VISIT SITE PRIOR TO SUBMITTING BID. HE SHALL INSPECT SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS RELATING TO THE NATURE AND SCOPE OF WORK.

VERIFY LAYOUT AND ANY DIMENSIONS SHOWN AND BRING TO THE ATTENTION OF THE LANDSCAPE ARCHITECT ANY DISCREPANCIES WHICH MAY COMPROMISE THE DESIGN AND/OR INTENT OF THE PROJECT'S LAYOUT.

ASSURE COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK OR MATERIALS SUPPLIED.

CONTRACTOR SHALL PROTECT ALL EXISTING ROADS, CURBS/GUTTERS, TRAILS, TREES, LAWNS AND SITE ELEMENTS DURING PLANTING OPERATIONS. ANY DAMAGE TO SAME SHALL BE REPAIRED AT NO COST TO THE OWNER.

CONTRACTOR SHALL VERIFY ALIGNMENT AND LOCATION OF ALL UNDERGROUND AND ABOVE GRADE UTILITIES AND PROVIDE THE NECESSARY PROTECTION FOR SAME BEFORE CONSTRUCTION / MATERIAL INSTALLATION BEGINS (MINIMUM 10' - 0" CLEARANCE).

ALL UNDERGROUND UTILITIES SHALL BE LAID SO THAT TRENCHES DO NOT CUT THROUGH ROOT SYSTEMS OF ANY EXISTING TREES TO REMAIN.

EXISTING CONTOURS, TRAILS, VEGETATION, CURB/GUTTER AND OTHER EXISTING ELEMENTS BASED UPON INFORMATION SUPPLIED TO LANDSCAPE ARCHITECT BY OTHERS. CONTRACTOR SHALL VERIFY ANY AND ALL DISCREPANCIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.

THE ALIGNMENT AND GRADES OF THE PROPOSED WALKS, TRAILS AND/OR ROADWAYS ARE SUBJECT TO FIELD ADJUSTMENT REQUIRED TO CONFORM TO LOCALIZED TOPOGRAPHIC CONDITIONS AND TO MINIMIZE TREE REMOVAL AND GRADING. ANY CHANGE IN ALIGNMENT MUST BE APPROVED BY LANDSCAPE ARCHITECT.

PROFESSIONAL SIGNATURE

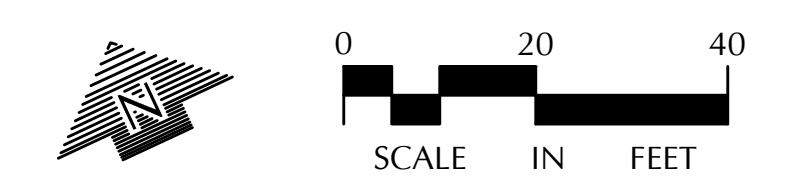
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.

Larry L. Wacker - LA
License No. 20383
Date

QUALITY CONTROL

Loucks Project No. 15439.0A
Project Lead LW
Drawn By DDL
Checked By LW
Review Date 12/07/17

SHEET INDEX



LANDSCAPE PLAN
L1-1

Plotted: 12/07/2017 10:59 AM W:\2015\15439\ACADD DATA\LANDSCAPE\Draw Sheet Files\L1-1 Landscape Plan

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

RESOLUTION NO. 2018-008

*A RESOLUTION APPROVING FAIRFIELD INN FINAL PLANNED UNIT DEVELOPMENT
PLANS*

WHEREAS, Central Design Group LLC, 200 Old 63 South Suite 305, Columbia, MO 65201 (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) for approval of Final Planned Unit Development (PUD) Plans for a Fairfield Inn; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on January 22, 2018 to consider the Final PUD Plans for the Fairfield Inn Hotel; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed Fairfield Inn Final PUD Plans at a meeting on February 7, 2018; and

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

FINDINGS

- 1) That the Applicant has submitted all application requirements outlined in Sections 154.759 for Final PUD Plans.
- 2) That the Final PUD Plans for Lot 1, Block 1, HOA 2nd Addition is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the proposed Final PUD Plans generally comply with the Lake Elmo Zoning District regulations for the BP – Business Park Zoning District.
- 4) That the proposed Final Plat for Lot 1, Block 1, HOA 2nd Addition meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, and other ordinances, except as noted below. Requested PUD flexibility is being requested for:
 - a) Off-Street Loading: Allowing development with no off-street loading area as required by the Off-Street Loading Area Code 154.211.
 - b) Impervious Surface: Allowing 49.6% impervious surface when 30% is required by the Shoreland Ordinance 154.800.
- 5) That the Fairfield Inn Final Plat and PUD Plans will not conflict with nearby land uses.

- 6) The proposed Final PUD Plans generally adhere to the City's engineering standards provided all the comments outlined in the City engineers report dated 1/2/2018 are addressed.
- 7) Complies with the development and design standards for the Eagle Point Business Park.
- 8) Is consistent with the Lake Elmo Design Guidelines and Standards Manual, and specifically, the guidelines for business park development.
- 9) Meets the identified objectives associated with a Planned Unit Development project as listed in Section 154.751 of the Lake Elmo Zoning Ordinance.
- 10) The development meets at least one of the identified objectives outlined in section 154.751 of the PUD development regulations Chapter.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for Final and PUD Plans, subject to the following conditions of approval:

- 1) That the parking lot screening and landscaping shall be established and maintained per the landscape screening requirements in 154.258, be free of refuse, and be guaranteed for two years and the planting shall be replaced if the material dies before the second year.
- 2) All required conditions and modifications to the plans as requested by the City Engineer in a review letter dated 1/2/2018 shall be incorporated into the plans prior to approval of a building permit. Including the dedication of easements
- 3) That the Fire Chief's and Building Official's comments outlined below from their letter dated 12/21/17 be incorporated into the plans prior to final approval:
 - a. The existing fire hydrants as shown will not be adequate for coverage on the site. The proposed location for the Fire Department Connection will ultimately dictate a final location for one of the needed hydrants and there will need to be a hydrant located on the north end of the site for sure. There will also need to be a hydrant located on the property side of the round-a-bout, the hydrant currently located across the drive lane does not provide a viable use as hose laid from this hydrant will then block the drive lane entry from further emergency vehicle access.
 - b. The rear of the site has very limited access, there is an assemble area proposed on the back with a fire pit and access is very limited. With a 4 story residential building like this, there is a need for wider access/walkway. There is a proposed hard surface around the back of the building but the hard surface will need to be wider, without emergency vehicle access ability, the hard surface will need to be wide enough to accommodate the ability for emergency personnel to deploy hand ladders for emergency rescue operations.

- c. The ability for apparatus to access and maneuver in and around the site is another issue that needs review, typically the engineering review will verify adequate access including turn radius for emergency vehicle access.
 - d. There are other architectural/code review items that will arise once the project reaches the plan review stage.
- 4) The applicant comply with all conditions of the South Washington Watershed District permit 17-003 issued on December 12, 2017.
 - 5) The applicant shall enter into a maintenance agreement with the City concerning the storm water infiltration areas prior to the issuance of a building permit.
 - 6) The applicant shall secure a sign permit for all signage associated with the medical building. Staff shall review all such signs for conformance with the Eagle Point Business Park Design and Development Standards and the City sign code.
 - 7) That the Applicant enter in to a site work agreement with the City for all work within the public right-of-way.
 - 8) That a permit be secured for demolition of the existing Eagle Park Business Park development sign if it is lit or electrified.
 - 9) That the exterior materials and colors are consistent with what is outlined in the Business Park Design Standards

Passed and duly adopted this 7th day of February, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION 2018-009

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR FARIFIELD INN A
HOTEL FOR THE PROPERTY LOCATED AT 8585 EAGLE POINTE CIRCLE*

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

WHEREAS, Central Design Group LLC, 200 Old 63 South Suite 305, Columbia, MO 65201 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for a Hotel for the property located at 8585 Eagle Pointe Circle (the “Property”); and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on January 22, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 7, 2018; and

WHEREAS, the City Council considered said matter at its February 7, 2018 meeting.

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

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:

- a. A Conditional Use Permit for the operation of a hotel located at 8585 Eagle Pointe Circle.
- 4) That the Conditional Use Permit for a hotel which will be for the Property legally described as follows: SUBJ TO EASE SUBDIVISIONNAME HOA 2ND ADD LOT 1 BLOCK 1 SUBDIVISIONCD 02141 PID# 33.029.21.43.0007.
- 5) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
 - **The development of the hotel will not be detrimental to the surrounding businesses/residents.**
- 6) The use or development conforms to the City of Lake Elmo Comprehensive Plan.
 - **The site is guided as a Business Park, hotels are an allowed use within business parks.**
- 7) The use or development is compatible with the existing neighborhood.
 - **The use is not unique to the area and will not be detrimental to the items listed above.**
- 8) The proposed use meets all specific development standards for such use listed in Article 9 of this Chapter. (Ord. 08-152)
 - **There are not specific standards for hotels in article 9. However, they must adhere to the design standards which have been established by the City.**
- 9) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §154.800 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).
 - **Part of the development area is within the Shoreland district. The DNR recommends that impervious surface not exceed 25% for commercial PUDS. However, this is a recommendation and not a requirement. However, it exceeds the 30% impervious surface allowance for sewerred areas in the shoreland district within our code.**
 - **The Eagle point approved standards from 1999 states the tributary setback will be 25' from the OHM, the building 30' from the tributary setback, and parking shall be 10' from the tributary setback. The development meets this requirement.**
- 10) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
 - **There are other hotels in the area as well as professional services.**
- 11) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.

- **The structure is designed in a way that adheres to city code as not to cause a nuisance, specifically the design standards guidelines.**
- 12) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- **The site has access to public utilities and will be connecting to them. See item number 9 for more comment on fire protection.**
- 13) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- **The site/use is not expected incur costs beyond what is expected for the development of property. However, in the event of an emergency costs may be increased as the Fire and Building Official feel the fire hydrants are not placed appropriately. Also the rear assembly area may need to be wider to deploy hand ladders.**
- 14) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- **It is not expected that a hotel will generate or produce any of the items/activities listed above.**
- 15) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- **The City engineer has reviewed all roadways and entrances, and has determined that they meet what is required.**
- 16) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.
- **The site has not been identified as sensitive or scenic. The property is not within a portion of the City that needs a park or within the Greenway project area.**

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Conditional Use Permit for a Hotel, subject to the following conditions:

- 1) That the City approve the Conditional Use Permit submitted by the Applicant, subject to the approval of the Planned Unit Development Plans and conditions associated with the project.

Passed and duly adopted this 7th day of February, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



STAFF REPORT

DATE: 2/6/2018

REGULAR

ITEM #: 17

MOTION

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Solar Energy Ordinance
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The creation of a solar garden/solar power ordinance was an item on the 2017 Planning Commission Work Plan. The Planning Commission reviewed drafts of the ordinance at its February 27, 2017, March 27, 2017, April 10, 2017, and April 24, 2017 meetings. A public hearing was held on December 11, 2017.

ISSUE BEFORE COUNCIL:

The Council is being asked to review the proposed draft ordinance and adopt Ord. 08- approving amendments to the Solar Ordinance and Resolution 2018- approving Summary Publication of the same.

PROPOSAL DETAILS/ANALYSIS:

The following amendments have been made to City's Zoning Code in regards to Solar Energy Systems and Solar Farms:

- **Definitions for Solar Farm and Solar Energy System.** A definition for solar farm was added, and the definition for solar energy system was amended to match a model ordinance on solar energy systems.
- **Standards for Solar Energy Systems.** Certain standards were added including:
 - *Signage.* Signage is required for properties with solar energy systems that provides information regarding voltage, manufacturer's name, emergency telephone number, and emergency shutdown procedures.
 - *Commercial Rooftop or Building Integrated Solar Energy Systems.* Must be screened from public right-of-way.
 - *Accessory Setback, Height, and Lot Coverage.* Solar Energy Systems must comply with standards of the zoning code for accessory structures.
 - *Exemption.* Solar energy systems six square feet in size or less are exempt from this requirement.
 - *Interconnection Agreement.* Is required if connected to the electric distribution or transmission system through the existing service of the primary use on the site.

- *Glare.* The proposed amendment includes a provision that any solar energy system employing a reflector shall minimize glare and outlines ways in which this can be achieved. Additionally, the amendment proposes that any mirror-reflecting designed solar energy systems be located on properties five acres or larger and obtain a conditional use permit.
- *Safety.* The proposed amendment indicates that solar systems meet applicable code requirements.
- *Decommissioning.* The proposed ordinance amendment requires a decommissioning plan to ensure that facilities are removed after their useful life. Decommissioning shall occur when facilities are not in use for 12 consecutive months. This will help ensure that solar energy systems do not become a nuisance after they've been abandoned or are no longer working for a period of time.
- *Easements.* Language is proposed that allows property owners to be granted or buy easements to prevent certain restrictions that would diminish solar access.
- *Restrictions from Homeowner's Association.* The Commission had requested that the solar energy systems ordinance place restrictions on homeowner's associations being able to forbid the installation of solar energy systems or create design standards that effectively preclude solar energy installations. This language has been added to the proposed ordinance.
- **Solar Farms.** The draft ordinance allows solar farms as a conditional principal use in the Agricultural and Rural Residential zoning districts as well as an interim use in the Rural Development Transitional zoning district. Additionally, the following standards were added:
 - *Minimum Lot Size, Setback Standards, and Screening Requirements.* Solar farms are limited to properties at least ten acres in size, must maintain a minimum setback of fifty feet from the property line, and must be screened and fenced.
 - *Stormwater and NPDES.* Solar farms are subject to the City's and watershed district's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
 - *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions.
- **Solar Farms within Closed Landfill Restricted Zoning District.** On December 19, 2017, Council approved a Closed Landfill Restricted Zoning District. As per State Statute requirements, local governing units are to adopt a land use plan consistent with that of the Minnesota Pollution Control Agency (MPCA). The MPCA had created a Closed Landfill Use Plan back in 2013 which allowed solar farms as a conditional use, but Council had wished not to allow them as a conditional use until additional standards for solar farms were adopted for the City. Staff has added back solar farms as a conditional use within the Closed Landfill Restricted zoning district and set forth setback standards and the standard that proposed locations and plans for solar farms be approved by both the City and MPCA.

FISCAL IMPACT:

None.

OPTIONS:

The Council may:

- Recommend amendments to Ord. 08-198 and adopt Ord. 08-198 and adopt an amended Resolution 2018-010 authorizing Summary Publication of Ord. 08-198.
- Adopt Ord. 08- and Resolution 2018-010 authorizing Summary Publication of Ord. 08-198.
- Do not adopt Ord. 08- or Resolution 2018-010 authorizing Summary Publication of Ord. 08-198.
- Table the item for a future meeting.

RECOMMENDATION:

“Move to adopt Ord. 08-198 approving amendments to the Solar Ordinance.”

“Move to adopt Resolution 2018-010 approving Summary Publication of Ord. 08-198“

ATTACHMENTS:

- Ord. 08-198
- Resolution 2018-010

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-198

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADDING ADDITIONAL STANDARDS FOR SOLAR ENERGY SYSTEMS AND SOLAR
FARMS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (12) by removing the current definition of Solar Equipment and adding the following to a new Subd. (B) (10): Alternative Energy:

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of sales of generated electricity to off-site customers.

Solar-Equipment Energy System. ~~Any solar collector, skylight, or other solar energy device whose~~ A device or structural design feature, a primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.310 (B) (12) by moving the current standards of Solary Energy Systems to a new Section entitled Alternative Energy and to read as follows.

Solar Energy Systems. ~~Solar energy systems and solar structures~~ are permitted accessory uses in all districts, provided the system or equipment is in compliance with ~~minimum lot requirements and setback~~ standards set forth below.

1. Permits. A building permit shall be obtained before the installation of solar arrays or panels on any property. All solar energy systems shall be installed and components labeled in accordance with the Minnesota State Electric Code Section 690.
2. Signage. Properties with solar energy systems shall have at least one (1) sign posted at the entrance of the property or structure on which the solar energy system is mounted, containing the following information: voltage information, manufacturer's name, emergency telephone number, and emergency shutdown procedures.
3. Rooftop or Building Integrated Solar Energy Systems.
 - a. These systems are permitted accessory uses in all districts in which buildings are permitted.
 - b. Visibility, Commercial Installations. Commercial rooftop systems shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
4. Ground-Mount Solar Energy Systems.
 - a. Ground-mount energy systems are permitted accessory uses in all districts where buildings are permitted.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; by adding the following Section 154.915:

§ 154.915 SOLAR FARMS

1. Conditional or Interim Use Permit. A conditional or interim use permit subject to the zoning district in which the proposed solar farm is to be located.
2. Minimum Lot Size, Setbacks, and Screening Requirements. Solar farms are limited to properties at least ten acres in size. Solar farms must maintain a setback of at least 50 feet from adjacent properties and be screened and fenced as determined by the City from adjacent residential properties.
3. Stormwater and NPDES. Solar farms are subject to the City’s and watershed district’s stormwater management and erosion and sediment control provisions and NPDES permit requirements.
4. Foundations. A qualified engineer shall certify that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XI: Rural Districts; Section 154.401: Permitted, Conditional, and Interim Uses to read as follows.

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
<u>Solar Farm</u>	<u>I</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>154.915</u>
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Accessory Uses						
Bed and Breakfast	C	C	C	-	-	154.012 (B) (12)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)

	RT	A	RR	RS	RE	Standard
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.012 (B) (12)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Equipment energy Systems	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)

Notes to Rural Districts Table 9-2

- a. 1 dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (1 per 40 acres), each farm is allowed one farm dwelling per farm.
- b. Nominal 40 acres: a 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations.
- c. Nominal 10 acres: a 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road rights-of-way and survey variations.
- d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
- e. A minimum of 1.25 acres of land above the flood plain or free of any drainage easements is required.
- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 – Flag lots are prohibited.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Setback standards do not apply to solar farms. 154.915 should be referenced for these specific standards.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 154.802 by amending the following:

§ 154.802 PERMITTED, CONDITIONAL, AND INTERIM USES.

Table 18-1 lists all permitted, conditional, and interim uses allowed in the Closed Landfill Restricted zoning district. “P” indicates a permitted use, “C” a conditional use, and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

	CLR	Standard
Closed Landfill Management	P	154.012 (B) (10)
<u>Solar Farms</u>	<u>C</u>	<u>154.802, 154.803 (A), 154.915</u>

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 154.802 by adding the following:

§ 154.803 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

	CLR
Structure setback requirements (feet)	
Front yard	50
Side yard	50
Rear yard	25

§ 154.804 SITE DESIGN AND DEVELOPMENT STANDARDS.

- A. *Solar Farms.* Proposed locations and plans for Solar Farms must be approved by both the City and Minnesota Pollution Control Agency (MPCA). Required buffer width may be waived through conditional use permit approval

SECTION 6. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 7. Adoption Date. This Ordinance 08-198 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 08-198 was published on the ____ day of _____, 2018.

CITY OF LAKE ELMO

RESOLUTION NO. 2018-010

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-198 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the city of Lake Elmo has adopted Ordinance No. 08-198, an ordinance amending the Lake Elmo City Code of Ordinances by adding additional standards for solar energy systems and solar farms; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-198 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted the following changes to Chapter 154: Zoning Code, of the City Code of the City of Lake Elmo:

- Removed the current definition of Solar Equipment from Accessory Uses Use Types and Classifications; added a new category to Use Types and Classifications entitled Alternative Energy; and added a definition of Solar Energy System and Solar Farm.
- Added standards for solar energy systems including:
 - The requirement for signage requiring information regarding voltage, manufacturer's name, emergency telephone number, and emergency shutdown procedures.

- Accessory setback, height, and lot coverage requirements are subject to those of the zoning district in which the solar energy system is located, with the exception of solar energy systems that are under six square feet in size.
- An interconnection agreement is required if connected to the electric distribution or transmission system through the existing service of the primary use on the site.
- Glare is to be minimized. The ordinance outlines ways in which this can be done.
- Solar energy systems must be applicable code requirements.
- A decommissioning plan is required, and decommissioning shall occur when facilities are not in use for 12 consecutive months.
- Property owners may be granted or buy easements to prevent certain restrictions that would diminish solar access.
- Homeowners' Associations may not place restrictions that would forbid installation of solar energy systems or create design standards that effectively preclude solar energy installations.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: February 7, 2018.

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: February 7, 2018

REGULAR

ITEM #: 18

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Wind Generator – Ordinance Creation
REVIEWED BY: Emily Becker, Planning Director

BACKGROUND:

Updating the Wind Generator ordinance was on the Planning Commission work plan for 2017. The Planning Commission has discussed and held a public hearing regarding the creation of new language for the Wind Generator Ordinance. The proposed amendment repeals current standards for wind generators located outside of the Zoning Code and includes updated standards within the Zoning Code.

The proposed ordinance addresses several areas that were not previously addressed. In summary the proposed ordinance includes: An updated definition, new standards for a wind generator Conditional Use Permit application, maximum height/size requirements for ground and roof mounted systems, setbacks, design, safety, certifications, and other standards relating to maintenance and aesthetics.

The Planning Commission held a public hearing at their December 11, 2017 meeting and continued the public hearing to their January 22, 2018 meeting.

The commission discussed the ordinance and approved the language subject to changes and clarification on what the most effective way would be to secure money for removal and site restoration. They would like a clarification on letter of credit vs. bond. The changes are outlined below in “review/analysis”, the adjustments made by the commission are colored blue.

ISSUE BEFORE THE COUNCIL:

The Council is being asked to review proposed ordinance amendments and adopt Ord. 08-199 approving amendments as well as Resolution 2018-011 authorizing summary publication of Ord. 08-199.

REVIEW/ANALYSIS:

Due to the size and number of changes from the original ordinance I have included the changes from the planning commission meeting below in blue and a summary of other items. The full

ordinance has been attachment. The proposed ordinance amendment includes the following changes:

The proposed ordinance includes the following updates:

Definition

- The definition of a wind generator has been adjusted to hopefully capture all design styles of wind generators. It reads as follows: A machine which generates energy/power from the wind.

Location

- Wind generators are allowed as a conditional principal or accessory use in **all** commercial and rural districts. The current ordinance only allows them to be installed in Rural Residential (RR) and Agricultural (AG) districts. Ground mounted systems are not allowed within the shoreland overlay district but roof/structure mounted systems are. The systems were previously limited to lots of 40 acres or larger and must have 1,000 ft. between generators. There is no minimum lot size as long as the system meets the setback requirements for the lot. Also lots are allowed to have more than one system if there is 5 acres per generator. Rural districts are limited to one roof/structure mounted system per building. Commercial districts are limited to the buildings ability to support the systems and manufacturer setbacks. They are also not permitted to be built in the airport safety zone.

Setbacks

- The setback requirements are limited to the systems height. The system must be setback 1.25 times its height from lot lines, shoreland overlay district, utility lines, and private roads. Roof mounted systems are limited to the structure of the building and manufacturers recommendations. The previous setback was 150 feet from any property line. Ground systems must also be setback 200 ft. from any principal structures on adjacent properties within the Rural Districts.

Rotor/Blade Length

- There was no regulation on blade length, only the height was regulated. The height restriction has remained (125 feet) the same. However, rotor length is limited to a diameter of 52 feet or blade length of 26 feet.

Clearance

- No moving part associated with the ground mounted system may be lower than 30' from the ground or obstruction equal to its height from the base. No moving part may be lower than the roof line for roof/structure mounted systems.

Height

- The maximum height of the system as a whole is 125 feet. Roof/Structure mounted systems are limited to the max height within that zoning district. The height has not been adjusted but the previous code did not mention roof/structure mounted systems.

Maintenance

- The previous code did not mention maintenance or upkeep of the system. The new code lays out what is expected for permit holders. In summary the wind generator must be maintained throughout its life time and painted with non-obtrusive color(s). The building official has the power to decommission a system if its integrity is compromised.

Screening

- Systems are exempt from screening. This is due to their size.

Vibrations

- No perceivable vibrations shall be felt from the property line.

Noise

- Noise is regulated by section 130.45 of the current City code.

Lighting

- Lighting was addressed in the previous code but after reviewing other city ordinances and tool-kit examples an addition was added. The addition of lighting is at the discretion of the FAA.

Signage

- Systems are not to be used for the display of messages, flags, or antennas. Signs shall be allowed only to indicate warning/high voltage, manufacturer's name, emergency telephone, and shutdown procedures.

Electrical Certification

- Batteries and storage devices are needed to comply with the Minnesota electrical and fire code. And meet the International Electrotechnical commission standards. This was not addressed in the previous code.

Decommissioning

- Decommission is required and happens when the use of the wind generator stops or the building official decommissions it for safety purposes. Complete removal of the structure as well as components associated with the system are required if the system is decommissioned. This is not something that was mentioned in the previous ordinance. It is recommended that a clear decommissioning plan be incorporated into the code.

Restoration

- Complete site restoration is required. The site must be returned to the condition which it was in prior to its installation.

Intent to Install

- If the applicant would like to connect to the grid they must provide proof that the local utility has granted permission. If the system is not connected to the grid no proof is needed.

Public Hearing. No public comments were received during or prior to the public hearing on December 11, 2017 and January 22, 2018.

FISCAL IMPACT:

The City is not expected to be impacted financially.

OPTIONS:

The Council may:

- Adopt Ord. 08-199 as recommended by staff and the Planning Commission and Summary Publication Resolution 2018-011
- Make amendments to Ord. 08-199 and adopt Ord. 08-199 as amended as well as Summary Publication Resolution 2018-011.
- Do not adopt Ord. 08-199 or Summary Publication Resolution 2018-011.
- Table the item for a future meeting.

RECOMMENDATION:

Staff and the Planning Commission recommend that Council adopt Ord. 08-199 approving proposed amendments to the City Sign Regulations.

“Move to adopt Ord. 08-199 as amended approving proposed amendments to the City’s Wind Generator regulations.”

Additionally, Staff also recommends that Council adopt Resolution 2018-011 authorizing Summary Publication of Ord. 08-199.

“Move to adopt Resolution 2018-011 authorizing summary publication of Ord. 08-199.”

ATTACHMENTS:

- Ord. 08-199 (Proposed Wind Generator Ord)
- Resolution 2018-011 Authorizing Summary Publication of Ord. 08-199

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-199

AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF
ORDINANCES BY ADDING ADDITIONAL STANDARDS AND LANGUAGE FOR
WIND GENERATOR SYSTEMS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: Definitions 11.01 by amending the definition of Wind Generator:

Wind Generator. A machine which generates energy/power from the wind. ~~and is extend from a horizontal shaft.~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Use; Chapter 150: Wind Generators, by repealing Sections 150.090 – 150.094 of the Wind Generator code:

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (12) by adding the language as follows:

Wind Generator. A machine which generates energy/power from the wind.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article IX; to create Section 154.308 Standards for Alternative Energy and include the language as follows:

- A. *Wind Generator Systems.* Wind generator systems are allowed as an accessory or principal use with a conditional use permit in the rural and commercial districts. The system must comply with all standards described herein. Applicants should check for compliance with local utility, State, and Federal laws before construction.
1. *Application.* An application for a wind generator shall follow the application and review procedures for a conditional use permit as specified in Section 154.106. In addition to the submission requirements of Section 154.106, an application for a wind generator shall include the following:
- a) A report from a professional engineer describing the proposed wind generator and certifying the safety of the device
 - b) Appropriate certifications as required by a nationally Recognized Testing Laboratory. Self-certification is not allowed.
 - c) A statement indicating that the proposed wind generator is in compliance with all applicable regulations of the Federal Aviation Administration where appropriate.
 - d) All necessary information relating to site (site plan) and system design.

2. Specific Standards for Ground Mounted Systems.
 - a) Maximum Height. 125 feet, including the system as a whole, from the base to the highest point.
 - b) Setbacks. At least 1.25 times the height of the wind generator from any lot line, shoreland overlay district boundary, and any utility lines and public or private road way. A setback of at least 200 feet is required from any principal structure on adjacent properties within the Rural Districts.
 - c) Rotors. Rotors or moving parts are required to be at least 30 feet above the ground and 30 feet above any obstruction equal to its height from the base. Rotor diameter shall not exceed 52 feet or a blade length of 26 feet.
 - d) Minimum Lot Size. There is no minimum lot size on which a wind generator may be constructed unless there is more than one wind generator per parcel, provided required setbacks are met.
 - e) Number. For parcels on which there are more than one wind generator, the number of wind generators allowed is limited to one system per 5 acres, and all systems must meet minimum setback requirements.
3. Specific Standards for Roof/Structure Mounted Systems.
 - a) Height. Subject to the maximum building height specified for the district in which it is constructed.
 - b) Setbacks. Must be set back a distance equal to its height away from utility lines, and the location must support the structure.
 - c) Rotors. Moving parts may not be located below the roof line on which the system is mounted.
 - d) Number. The number of roof/structure mounted systems allowed is limited to one system per building within rural districts and is limited to the manufacturer's setback recommendations within commercial districts.
4. General Standards.
 - a) Design. All turbines shall be commercially available and not prototype turbines. Each wind generator shall be equipped with both a manual and automatic braking device capable of stopping the operation in high winds. No components unnecessary to the operation of the wind generator shall be allowed.
 - b) Maintenance. Wind generators shall be inspected and maintained under agreement or contract by the manufacturer or other qualified entity. The owner of the wind generator must have the tower inspected by a licensed qualified professional and submit to the City a report on the status and condition of the wind generator. The times of inspection shall be specified by the manufacture or at a minimum of every two (2) years. Routine maintenance, including but not limited to, painting, part replacement, etc. shall be done as necessary but does not require a report to be submitted. Penalty, see § 10.99

- c) Climbing. To prevent unauthorized climbing, such apparatus shall not be located within 12 feet of the ground, and a locked anti-climb device shall be installed on the tower.
- d) Signage. Wind Generators shall have one (1) sign not to exceed two (2) square feet, posted at the base of the tower, containing the following information: Warning/High Voltage, manufacturer's name, emergency telephone number, emergency shutdown procedures, and identification number. There shall also be signs located on transformers and substations which are directly connected to the system. Systems shall not be used for displaying any advertising, nor for other uses including but not limited to cell phone antennas, flags, ham radio antennas, etc.
- e) Lightning. All wind generators shall be protected against lightning strikes.
- f) Aviation. No Wind Generator shall be located in a way that will create an obstruction to navigable airspace of public and private airports in Minnesota. Wind Generators are prohibited in the Lake Elmo Airport Safety Zone.
- g) Feeder lines. The electrical collection system (Wind Generator) shall be placed underground within the interior of each parcel. They may run through Public water ways subject to DNR, FWS, and or USACOE permits.
- h) For all guyed towers. Visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground.
- i) Screening. Wind Generator are exempt from the screening requirements.
- j) Aesthetics. The appearance of the Wind Generator, tower and any other related components shall be maintained throughout the life of the wind generator per the manufactures/industry standards. Ground mounted wind generators shall be installed on tubular and monopole design towers.
- k) Color. Wind Generators shall be uniform in color, white or off white, grey, or another non-obtrusive color. Finishes shall be matt or non-reflective.
- l) Vibration. No wind generator shall produce vibrations through the ground that are perceptible beyond the property on which it is located.
- m) Noise. Wind Generator shall comply with language outlined in Chapter 130: General Offences; Noise Control Section 130.45.
- n) Lighting. Systems shall not be illuminated unless required by the Federal Aviation Administration (FAA), state, or federal regulations.
- o) Electrical Certification. Batteries or other energy storage device shall be designed consistent with the Minnesota Electrical code and Minnesota Fire Code. Wind Generators must also meet the standards established by the International Electrotechnical Commission (IEC)

p) Intent to install. Prior to installation of a wind generator the applicant must show proof that the utility provider has given consent to connect to the grid. Off-grid systems are exempt from this requirement.

5. Decommissioning

- a) Decommissioning. A wind energy systems shall be maintained at all times according to the manufacture's specifications. If a wind generator has become unstable, leans significantly out-of-plumb, or poses a danger of collapse, it shall be removed or brought into repair within 60 days following notice by the Building Official to the owner of the lot upon which the system is located. The Building Official may order immediate repairs if, in the opinion of the Building Official, the generator will imminently collapse or if a safety risk is being posed. If the owner of a wind generator plans to abandon or discontinue, or is required to discontinue, the operation of the system, the owner shall notify the Building Official by certified U. S. mail of the proposed date of abandonment or discontinuation. Such notice shall be given no less than 30 days prior to abandonment or discontinuation. In the event that an owner fails to give such notice, the wind energy system shall be considered abandoned if the wind energy system is not operated for a continuous period of twelve (12) months. At such point the owner has the option to either fully abandon and remove the system or submit a new application for operation of the system.
- b) Removal. Upon abandonment or discontinuation of use, the property owner shall physically remove the wind energy system as soon as practical, considering the weather conditions within six (6) months from the date of abandonment or discontinuation of use. "Physically remove" includes, without limitation, the actual, complete removal of the tower, turbine, and all other components of the wind energy system from the site of the original installation.
- c) Site Restoration. The owner shall, upon "decommissioning/abandonment," as soon as practical, considering the weather, restore the area affected by any wind generator to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than six (6) months after decommissioning of the turbine, unless otherwise negotiated with the Building Official. Restoration shall be compatible with the safe operation, maintenance, and inspection of the City. All costs associated with the restoration of the site will be the responsibility of the property owner.
- d) Transfer of ownership. Permits are not transferrable. If the portion of property containing the wind generator is sold, the new owner must apply for a new wind generator permit or remove the system per the decommissioning plan.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.400; Zoning Code: Article XI: Rural Districts; 154.401 Permitted, Conditional, and Interim Uses; Subd. (a) table 9-1 of the accessory use table in this chapter to include Wind Generators as a Conditional use in each district.

Table 9-1 Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Environmental Uses						
Wind Generator – Ground Mounted	C	C	C	C	C	154.308
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308
Accessory Uses						
	RT	A	RR	RS	RE	Standard
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308
Wind Generator – Roof/Structure	C	C	C	C	C	154.308
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.400; Zoning Code: Article XI: Rural Districts; 154.402 Lot Dimensions and Building Bulk Requirements; Notes to Rural Districts Table 9-2 to read as follows.

Notes to Rural Districts Table 9-2

- a. 1 dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (1 per 40 acres), each farm is allowed one farm dwelling per farm.

- b. Nominal 40 acres: a 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations.
- c. Nominal 10 acres: a 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road rights-of-way and survey variations.
- d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
- e. A minimum of 1.25 acres of land above the flood plain or free of any drainage easements is required.
- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 – Flag lots are prohibited.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Ground-mounted wind generators may exceed the allowable height restriction designated in all rural districts and are subject to different setback requirements as identified in section 154.308.

SECTION 9. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.550; Zoning Code: Article XVI; Commercial Districts: 154.550 Permitted, Conditional, and Interim Uses, Commercial Districts; Subd (a) table 12-1 of the accessory use table in this chapter to include Wind Generators as a Conditional use in each district.

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Industrial and Extractive Uses</i>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	154.012 (B) (10)
Non-production industrial	-	-	-	C	154.554 (J)
Motor freight and warehousing	-	-	-	C	154.012 (B) (10)
Research and testing	-	-	-	C	154.012 (B) (10)
Resource extraction	-	-	-	-	154.012 (B) (10)
Salvage/recyclable center	-	-	-	-	154.012 (B) (10)
<i>Transportation and Communications</i>					
Broadcasting and communications	C	C	C	C	154.012 (B) (11), 154.083
<i>Environmental Uses</i>					
Wind Generator – Ground Mounted	C	C	C	C	154.308
Wind Generator – Roof/Structure Mounted	C	C	C	C	154.308
<i>Accessory Uses</i>					

Bed and breakfast	-	-	-	-	154.012 (B) (12), 154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)
Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
Wind Generator – Ground Mounted	C	C	C	C	154.308
Wind Generator – Roof/Structure Mounted	C	C	C	C	154.308
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

SECTION 10. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.550; Zoning Code: Article XVI; Commercial Districts: 154.552 Lot Dimensions and Building Bulk Requirements; Notes to table 12-2 to read as follows.

Notes to Table 12-2

- a. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- d. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308.

SECTION 11. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 12. Adoption Date. This Ordinance 08-___ 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.

CITY OF LAKE ELMO

RESOLUTION NO. 2018-011

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-199 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the city of Lake Elmo has adopted Ordinance No. 08-199, an ordinance amending the Lake Elmo City Code of Ordinances by amending the City's Wind Generator Regulations; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-199 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted the following changes to Section 154: Zoning Code by amending Chapter 11: Definitions 11.01:

AND

The City Council of the City of Lake Elmo has adopted the following changes to Section 154: Zoning Code of the City of Lake Elmo by creating section 154.308 Alternative Energy:

- A new definition defining a wind generator, it reads as follows: A machine which generates energy/power from the wind.

- Wind generators are allowed as a conditional principal or accessory use in all commercial and rural districts. Ground mounted systems are not allowed within the shoreland overlay district but roof/structure mounted systems are.
- The setback requirements are limited to the systems height or district height for roof/structure mounted systems. It must be setback 1.25 times its height from lot lines, shoreland overlay district, utility lines, and private roads.
- Rotor length is limited to a diameter of 52 feet or blade length of 26 feet.
- The color of the systems shall be uniform in color, white or off white, grey, or another non-obtrusive color.
- Generators may be placed on a lot of any size and must meet the setbacks. However, more wind generators may be added but additions are limited to 1 system per 5 acres of land.
- No moving part associated with the ground mounted system may be lower than 30' from the ground or obstruction equal to its height from the base. No moving part may be lower than the roof line for roof/structure mounted systems.
- The maximum height of the system as a whole is 125 feet. Roof/Structure mounted systems are limited to the max height within that zoning district.
- Roof/Structure mounted systems are allowed in commercial and rural districts as well as the shoreland overlay district. Rural districts are allowed one system per building and commercial districts are limited to the structure and manufacturers recommendations.
- Wind Generators are allowed as either a conditional principal or accessory use in both commercial and rural districts.
- The wind generator must be maintained throughout its life time and painted with non-obtrusive color(s). The building official has the power to decommission a system if its integrity is compromised.
- Systems are exempt from screening. This is due to their size.
- No perceivable vibrations shall be felt from the property line.
- Noise is regulated by section 130.45 of the current City code.
- Lighting is at the discretion of the FAA.
- Batteries and storage devices are needed to comply with the Minnesota electrical and fire code. And meet the International Electrotechnical commission standards.

- Decommission is required and happens when the use of the wind generator stops or the building official decommissions it for safety purposes. Complete removal of the structure as well as components associated with the system are required if the system is decommissioned.
- Complete site restoration is required. The site must be returned to the condition which it was in prior to its installation.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: February 7, 2018.

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: February 6, 2018

REGULAR

ITEM #: 19

AGENDA ITEM: CSAH15 (Manning Avenue) and CSAH 14 (Stillwater Blvd) Realignment – Resolution Approving Cooperative Agreements

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Rob Weldon, Public Works Director

ISSUE BEFORE COUNCIL: Should the City Council approve the Cost Share, Jurisdictional Transfer and Maintenance Cooperative Agreements with Washington County for the CSAH15 (Manning Avenue) and CSAH14 (Stillwater Blvd) Realignment Improvements?

BACKGROUND, PROPOSAL DETAILS/ANALYSIS: As part of Washington County's Capital Improvement Program, the County intends to reconstruct and realign County State Aid Highway 15 (Manning Avenue) and County State Aid Highway 14 (Stillwater Boulevard) located in the City of Lake Elmo, with the construction to be initiated in 2018. The improvements represent Phase 2 of a multi-phased project for the County State Aid Highway 15 (Manning Avenue) Corridor Management and Safety Improvement Project. The project seeks to improve operations and safety along the corridor by completing intersection improvements and realignments; improving access to several neighborhoods, schools, businesses, the Lake Elmo airport and the County Fairgrounds; improving mobility and direct access between Trunk Highway 36 (an Interregional Corridor route) and I-94; and increasing capacity with a 4-lane expansion to accommodate current and future traffic levels. Traffic and transportation studies have found that the current volume of traffic on County Highway 15 is nearing a point at which a two-lane roadway can no longer operate efficiently and safely. The Phase 1 improvements were constructed in 2016 consisting of intersection improvements at CSAH 15 and CSAH 10 and at the Oakland Junior High School.

The purpose for the Cooperative Agreements are to outline the cost participation requirements by the City, to address the turnback of the portion of Old Highway 5 serving the Fields of St. Croix neighborhood and to address the respective ownership and maintenance responsibilities for the new improvements. Key elements of the agreements are as follows:

- The estimated cost share participation by Lake Elmo is \$455,875. The City's costs are capped at \$500,000. The City's payment have been deferred until January 31, 2019.
- Stillwater Way will become a City road once the project is complete, including the trail along the north side of Stillwater Way (see Exhibit B from the Jurisdictional Transfer Agreement).
- The City will have no cost participation share for the future traffic signal at CSAH 14 (Stillwater Way North) and CSAH 15 (Manning Avenue) when a signal is installed at this intersection.
- The City will be responsible for the ongoing maintenance costs for Stillwater Way and adjacent trail, and for the sanitary sewer improvements extended to serve the Holiday Station.

The traffic signal maintenance Cooperative Agreement to address the traffic signal system at the new CSAH15/CSAH14 intersection has already been approved.

FISCAL IMPACT: The estimated cost share participation by Lake Elmo is \$455,875. The actual cost share will be determined once the project is complete and the final costs are known, however, the agreement caps the City share of the costs at \$500,000. In addition, the City will be responsible for the ongoing maintenance costs for the Jurisdictional Transfer improvements along Stillwater Way (Old Highway 5) and for the sanitary sewer improvements extended to serve the Holiday Station.

The City applied for Local Road Improvement Program (LRIP) grant funding through MnDOT in the amount of \$500,000 to be used to pay the City's local share of the project. The grant award determination has not yet been announced.

RECOMMENDATION: Staff is recommending that the City Council approve the Cost Share, Jurisdictional Transfer and Maintenance Cooperative Agreements with Washington County for the CSAH15 (Manning Avenue) and CSAH14 (Stillwater Blvd) Realignment Improvements. The recommended motion for the action is as follows:

“Move to approve Resolution No. 2018-012 approving Cooperative Agreement 11400 (Cost Sharing), Cooperative Agreement 11522 (Jurisdictional Transfer), and Cooperative Maintenance Agreement 11523 for the CSAH15 (Manning Avenue) and CSAH14 (Stillwater Blvd) Realignment Improvements.”

ATTACHMENTS:

1. Resolution Approving Cooperative Agreements for County State Aid Highway 14 & 15.
2. Cooperative Agreement 11400 for Cost Sharing.
3. Cooperative Agreement 11522 for the Jurisdictional Transfer.
4. Cooperative Maintenance Agreement 11523.

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

RESOLUTION NO. 2018-012

**A RESOLUTION APPROVING COOPERATIVE AGREEMENTS WITH
WASHINGTON COUNTY FOR COUNTY STATE AID HIGHWAY 15 & 14**

WHEREAS, the County intends to reconstruct and realign County State Aid Highway 15 (Manning Avenue) and County State Aid Highway 14 (Stillwater Boulevard) located in the City of Lake Elmo; and

WHEREAS, items included in the project require City cost participation in general accordance with “Washington County Cost Participation Policy #8001 for Cooperative Highway Improvement Projects”; and

WHEREAS, the County wishes to transfer and the City wishes to accept jurisdictional control of a segment of Old CSAH 14 to be known as Stillwater Way under the terms and conditions of the Jurisdictional Transfer Agreement; and

WHEREAS, a cooperative effort between the City and County is the appropriate method to facilitate the project cost sharing, jurisdictional transfer, and facilitate the maintenance of the items constructed by the Project; and

WHEREAS, this Agreement is made pursuant to statutory authority contained in Minnesota Statute 162.17 sub.1 and Minnesota Statute 471.59.

NOW, THEREFORE, BE IT RESOLVED,

1. That Cooperative Agreement 11400 for the construction costs of County State Aid Highway 15 and 14, between the City of Lake Elmo and Washington County, is hereby approved and the Mayor and City Administrator are hereby authorized to execute the agreement on behalf of the City of Lake Elmo.
2. That Cooperative Agreement 11522 for the Jurisdictional Transfer of a segment of Old CSAH 14, between the City of Lake Elmo and Washington County, is hereby approved and the Mayor and City Administrator are hereby authorized to execute the agreement on behalf of the City of Lake Elmo.
3. That Cooperative Maintenance Agreement 11523 between the City of Lake Elmo and Washington County is hereby approved and the Mayor and City Administrator are hereby authorized execute the agreement on behalf of the City of Lake Elmo.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SIXTH DAY OF FEBRUARY 2018.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Julie Johnson
City Clerk

**COOPERATIVE AGREEMENT BETWEEN THE CITY OF
LAKE ELMO AND WASHINGTON COUNTY FOR
CONSTRUCTION COST OF COUNTY STATE AID HIGHWAY
(CSAH) 14 AND 15**

WASHINGTON COUNTY	
CONTRACT NO.	11400
DEPT.	PUBLIC WORKS
DIVISION	TRANSPORTATION
TERM	SIGNATURE - END OF PROJECT

THIS AGREEMENT, by and between the City of Lake Elmo, a municipal corporation, herein after referred to as the "City", and Washington County, a political subdivision of the State of Minnesota, hereinafter referred to as the "County."

WITNESSETH:

WHEREAS, the County intends to construct County State Aid Highway (CSAH) 14 from 70' West of 39th Street North to CSAH 15 in the City of Lake Elmo; and

WHEREAS, the County intends to construct County State Aid Highway (CSAH) 15 from 60' North of Union Pacific Railroad to 950' South of Linden Trail in the City of Lake Elmo; and

WHEREAS, items included in the project require City cost participation in general accordance with "Washington County Cost Participation Policy #8001 for Cooperative Highway Improvement Projects"; and

WHEREAS, the City desires to use local funds and may use State Aid for these improvements; and

WHEREAS, the County desires to use local funds and State Aid for these improvements; and

WHEREAS, a cooperative effort between the City and County is the appropriate method to facilitate the construction of these transportation improvements; and

WHEREAS, this Agreement is made pursuant to statutory authority contained in Minnesota Statute 162.17 sub.1 and Minnesota Statute 471.59.

NOW THEREFORE, IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

A. PURPOSE

The purpose of this agreement is set forth in the above whereas clauses which are all incorporated by reference as if fully set forth herein and shall consist of this agreement, Exhibit A (Location Map), Exhibit B (Estimated Construction Cost and Cost Splits) and Exhibit C (Trail Easement).

B. PLANS AND SPECIFICATION PREPARATION

1. The County shall be responsible for the preparation of all the plans and specifications for the project, including but not limited to, compliance with all applicable standards and policies and obtaining all approvals required in formulating the bid specifications for all County and City components of this Project.
2. The following County project numbers have been assigned to the project: SAP 082-614-014 (CSAH 14) and SAP 082-615-027 (CSAH 15).
3. The following City project number have been assigned to the project: SAP 206-020-004.

C. RIGHT OF WAY AND EASEMENTS

1. The County shall acquire all permanent rights-of-way, permanent easements, and temporary slope easements, which will be acquired in the name of the County.

2. Any rights-of-way, permanent easements, and temporary slope easements that cannot be obtained through negotiation will be acquired by the County through eminent domain proceedings.
3. The County will attempt to acquire, on behalf of the City, the trail easement set forth in Exhibit C. If the County is unable to obtain the easement at no cost, the County shall revise the plans to relocate the trail within existing County right of way with City approval.

D. ADVERTISEMENT AND AWARD OF CONTRACT

After plans and specifications have been approved by the County, all permits and approvals obtained, and acquisition of necessary rights-of-way and easements, the County shall advertise for construction bids and at the sole discretion of the County award the contract to the lowest responsible bidder.

E. CONSTRUCTION ADMINISTRATION, OBSERVATION, AND TESTING

The County shall be responsible for the construction administration, inspection, and for the observation and testing for all construction items.

F. COST PARTICIPATION ITEMS AND ESTIMATED COSTS

The cost participation provisions contained in the "Washington County Cost Participation Policy #8001 for Cooperative Highway Improvement Projects", are incorporated into this agreement by reference. The City's cost participation is set forth in Table 1 and is broken down into five categories which are: 1.) Construction; 2) Design Engineering; 3) Construction Engineering/Contract Administration; 4) Right of Way; 5) County-Furnished Material.

1. Construction

Construction costs shall be the cost to construct the project. The County has prepared a statement of estimated quantities and cost splits hereto attached as Exhibit B. The City shall pay to the County its share of the total cost as shown in Exhibit B and set forth in Table 1. After the County has awarded the construction contract, Exhibit B will be updated to reflect the actual contractor's unit prices.

2. Design Engineering

Design engineering costs shall be professional design engineering services, project coordination, preparation of plans and specification, stakeholder engagement, geotechnical studies, and other administrative functions necessary for the project. Based on the City's share of the construction cost, the City shall pay the prorated cost of design engineering for the entire project as set forth in Table 1.

3. Construction Engineering/Contract Administration

Construction engineering/contract administration costs shall be construction observation, construction testing, construction administration, staking, conducting and recording the pre-bid, pre-construction and weekly construction meetings, reviewing monthly pay estimates, labor compliance, and other administrative functions necessary for the project. Construction engineering/contract administration is 8% of the construction cost. Based on the City's share of the construction cost, the City shall pay the prorated cost of construction engineering/contract administration as set forth in Table 1.

4. Right of Way

Right of Way costs shall be permanent right-of-way, permanent utility and/or drainage easements, temporary easements, title work costs, appraisal costs, relocation specialist costs, relocation costs, and condemnation commissioner costs. If applicable, the City shall pay their share of the final right of way cost. The estimated amount is set forth in Table 1.

5. County-Furnished Material

County-furnished material costs shall be items such as light poles, traffic signal control equipment, and street name signs which are separately procured outside of the construction contract and installed within the project limits. The City shall pay their share of the final County-furnished material cost. The estimated amount is set forth in Table 1.

TABLE 1 – ESTIMATED COSTS City of Lake Elmo Cost Summary					
ITEM	TOTAL COST	FLEX FUNDS REVENUE APPLIED	COST ESTIMATE WITH FLEX FUNDS REDUCING COSTS	CITY SHARE	CITY COST ESTIMATE
Construction	\$11,891,866.80	\$800,000.00	\$11,091,521.80	2.18%	\$241,795.18
Design Engineering	\$663,512.00		\$663,512.00	2.18%	\$14,464.56
Construction Engineering/Contract Administration	\$951,321.74		\$951,321.74	2.18%	\$20,738.81
Right of Way Subtotal	\$1,774,742.55	\$1,400,000.00	\$374,742.55		
• Right of Way outside Lake Elmo	\$234,500.00	\$184,984.58	\$49,515.42		
• Right of Way within Lake Elmo	\$1,540,242.55	\$1,215,015.42	\$325,227.13	55%	\$178,874.92
County-Furnished Material	\$0	\$0	\$0	0%	\$0
TOTAL ESTIMATED COST	\$15,281,098.09	\$2,200,000.00	\$13,081,098.09		\$455,873.47*

*See 6.f.

6. The costs and shares attributable to the City and payable to the County as shown in Table 1 are merely estimated and a final reconciliation of costs as set forth in Section G. below shall be done at the end of the project. Actual City costs and shares are based on the following:
- a. Construction shall be based on the contractor's unit prices and final quantities at project completion including all contract changes.
 - b. Design engineering shall be based on the contractor's unit prices at the time of contract award.
 - c. Construction engineering/contract administration shall be based on the contractor's unit prices at the time of contract award.
 - d. Right of way shall be based on the final costs to acquire right of way.
 - e. County-furnished material shall be based on the final costs to acquire County-furnished material.
 - f. The total amount that the City will pay to Washington County is NOT TO EXCEED \$500,000 after Table 1 has been updated to reflect actual costs.
 - g. The City cost participation over \$500,000 will be covered by adjusting the application of Flex Funds identified for turn back projects.
 - h. The City will have no cost participation share for the City's leg of CSAH 14 (Stillwater Way North) and CSAH 15 (Manning Avenue) if/when at the County's sole discretion the intersection is converted into a signalized intersection.
 - i. The City will have no cost participation share for the sanitary sewer improvements to the Holiday Station, except for the service stubs and future main line stubs as requested by

the City.

- j. The City will have no cost participation share for the improvements that are part of the Jurisdictional Transfer to the City.

G. PAYMENT

1. After the County has awarded the construction contract, the County shall update Exhibit B to conform the Exhibit to the amounts in the awarded bid and a copy of the updated Exhibit B shall be provided to the City.
2. Prior to December 15th, 2018, the County shall submit to the City an invoice for the City's estimated final cost based on an updated Table 1 and Exhibit B, to be payable on January 31st, 2019.
3. Upon final completion of the work, the County shall submit to the City a final invoice reflecting final reconciliation of costs if not previously completed. The reconciliation will add or subtract contract amendments to the City's project components, adjust for liquidated damages pursuant to Section I., and previous project cost payments made by the City to the County. The City shall be responsible to pay the County the final reconciliation of costs 30 days after receipt, but no sooner than January 31st, 2019.

H. CONTRACT CHANGES

Any modifications or additions to the final approved plans and/or specifications of the City's portion of the Project shall be made part of the construction contract through a written amendment to the construction contract, but only after concurrence by the City Engineer, and the cost for such changes shall be appropriated as set forth in Section F. of this Agreement until the cost meets the NOT TO EXCEED limit set in Section 6.f., then the County shall have full contract change authority. City concurrence shall be received upon request and may not be unreasonably conditioned, withheld, or delayed.

I. LIQUIDATED DAMAGES

Any liquidated damage assessed the contractor in connection with the work performed on the project shall be shared by the City and the County in the following proportion: The respective total share of construction work to the total construction cost without any deduction for liquidated damages.

J. CONDITIONS

The City shall not assess or otherwise recover any portion of its cost for this project through levy on County-owned property.

K. CIVIL RIGHTS AND NON-DISCRIMINATION

The provisions of Minn. Stat. 181.59 and of any applicable ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set further herein, and shall be part of any Agreement entered into by the parties with any contractor subcontractor, or material suppliers.

L. WORKERS COMPENSATION

It is hereby understood and agreed that any and all employees of the City and all other persons employed by the City in the performance of construction and/or construction engineering work or services required or provided for under this agreement shall not be considered employees of the County and that any and all claims that may or might arise under the Worker's Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said City employees while so engaged on any of the construction and/or construction engineering work or services to be rendered herein shall in no way be the obligation or responsibility of the County.

M. INDEMNIFICATION

1. The City agrees that it will defend, indemnify and hold harmless the County against any and all liability, loss, damages, costs and expenses which the County may hereafter sustain, incur or be required to pay by reason of any negligent act by the City, its agents, officers or employees during the performance of this agreement.
2. The County agrees that it will defend, indemnify and hold harmless the City against any and all liability, loss, damages, costs and expenses which the City may hereafter sustain, incur or be required to pay by reason of any negligent act by the County, its agents, officers or employees during the performance of this agreement.
3. To the fullest extent permitted by law, actions by the parties to this Agreement are intended to be and shall be construed as a “cooperative activity” and it is the intent of the parties that they shall be deemed a “single governmental unit” for the purposes of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a.(b). The parties to this Agreement are not liable for the acts or omissions of another party to this Agreement except to the extent they have agreed in writing to be responsible for the acts or omissions of the other parties as provided for in Section 471.59, subd. 1a.
4. Each party’s liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 and other applicable law. The parties agree that liability under this Agreement is controlled by Minnesota Statute 471.59, subdivision 1a. and that the total liability for the parties shall not exceed the limits on governmental liability for a single unit of government as specified in 466.04, subdivision 1(a).

N. DATA PRACTICES

All data collected, created, received, maintained, disseminated, or used for any purposes in the course of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Statutes 1984, Section 13.01, et seq. or any other applicable state statutes and state rules adopted to implement the Act, as well as state statutes and federal regulations on data privacy.

IN TESTIMONY WHEREOF the parties have duly executed this agreement by their duly authorized officers.

WASHINGTON COUNTY

Chair Date
Board of Commissioners

Molly O'Rourke Date
County Administrator

Approved as to form:

Assistant County Attorney Date

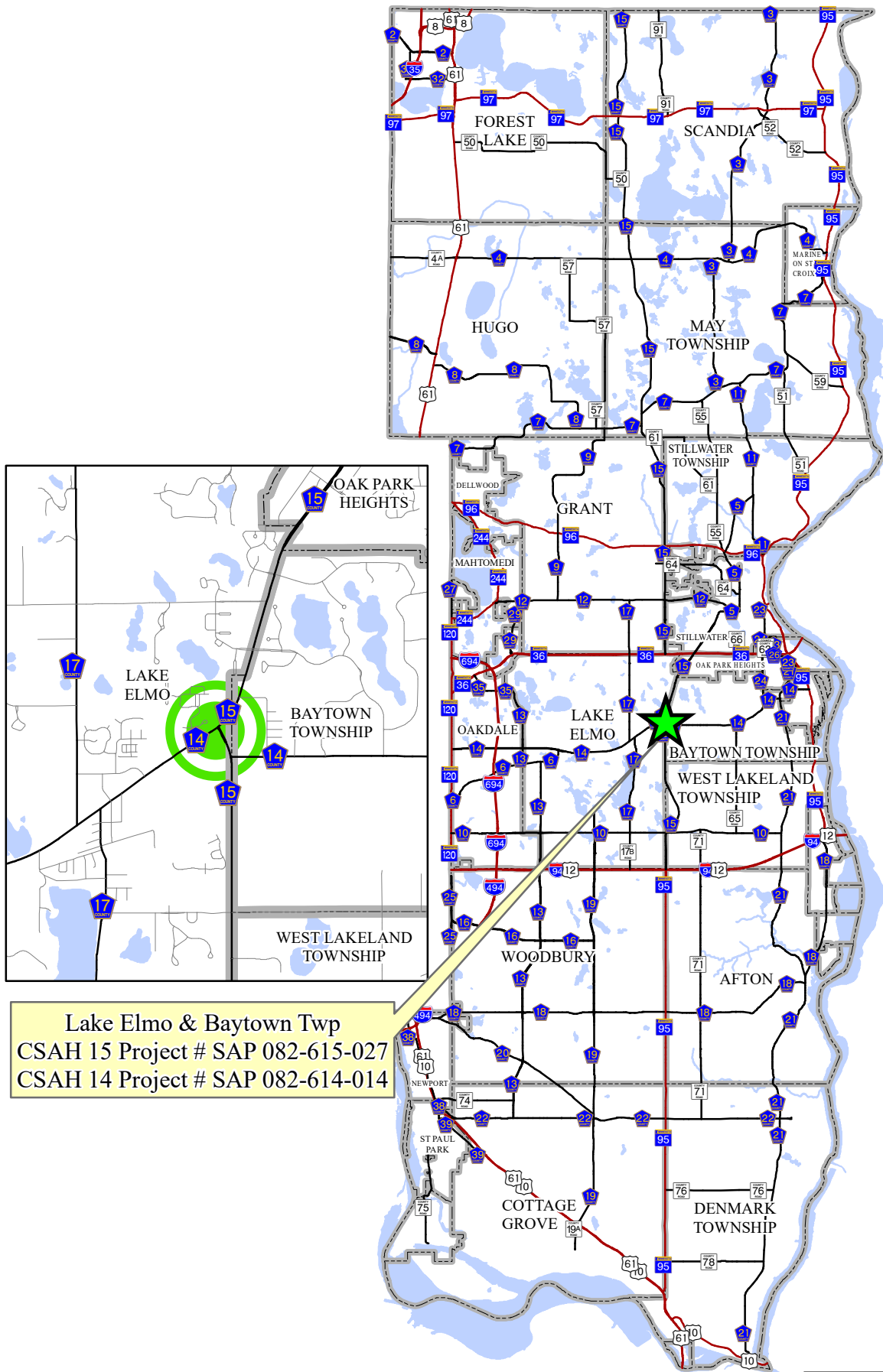
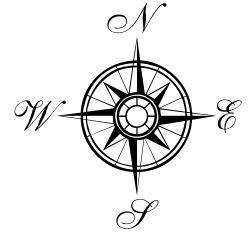
CITY OF LAKE ELMO

Mike Pearson Date
Mayor

Kristina Handt Date
City Administrator

Approved as to form:

City Attorney Date

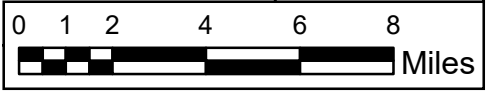


Lake Elmo & Baytown Twp
CSAH 15 Project # SAP 082-615-027
CSAH 14 Project # SAP 082-614-014

Road Classification

INTERSTATE HIGHWAY	
U.S. TRUNK HIGHWAY	
STATE TRUNK HIGHWAY	
COUNTY STATE AID HIGHWAY	
COUNTY ROAD	

Scale 1:260,000



This map is the result of a compilation and reproduction of land records as they appear in various Washington County offices. This map should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

95% ENGINEER'S ESTIMATE
CSAH 15 / CSAH 14 Realignment

Exhibit B

ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	TOTAL PROJECT QUANTITIES	WASHINGTON COUNTY								CITY OF LAKE ELMO					
					S.A.P. 082-615-027				S.A.P. 082-614-014				NON-PARTICIPATING CSAH 15		NON-PARTICIPATING CSAH 14			
					ESTIMATED	ROADWAY	STORM	NON-PART	SHARE	ROADWAY	STORM	NON-PART	SHARE	ROADWAY	SHARE	ROADWAY	SHARE	
2011.601	AS BUILT	LUMP SUM	\$2,000.00	1	0.5				\$1,000.00	0.5				\$1,000.00				
2021.501	MOBILIZATION	LUMP SUM	\$400,000.00	1	0.53				\$212,000.00	0.45				\$180,000.00	0.01	\$4,000.00	0.01	\$4,000.00
2031.501	FIELD OFFICE TYPE D	EACH	\$15,000.00	1	0.5				\$7,500.00	0.5				\$7,500.00				
2051.501	MAINT & RESTORATION OF HAUL ROADS	LUMP SUM	\$1,000.00	1	0.5				\$500.00	0.5				\$500.00				
2101.501	CLEARING	ACRE	\$4,000.00	6.3	2.6				\$10,400.00	3.7				\$14,800.00				
2101.506	GRUBBING	ACRE	\$4,000.00	6.3	2.6				\$10,400.00	3.7				\$14,800.00				
2102.501	PAVEMENT MARKING REMOVAL	SQ FT	\$2.50	800	640				\$1,600.00	160				\$400.00				
2102.502	PAVEMENT MARKING REMOVAL	LIN FT	\$1.00	32080	23030				\$23,030.00	9050				\$9,050.00				
2104.501	REMOVE PIPE CULVERTS	LIN FT	\$10.00	1207	668				\$6,680.00	539				\$5,390.00				
2104.501	REMOVE SEWER PIPE (STORM)	LIN FT	\$10.00	674	206				\$2,060.00	468				\$4,680.00				
2104.501	REMOVE CURB & GUTTER	LIN FT	\$8.00	2220	1740				\$13,920.00	480				\$3,840.00				
2104.501	REMOVE RETAINING WALL	LIN FT	\$20.00	90	90				\$1,800.00									
2104.501	REMOVE FENCE	LIN FT	\$10.00	50	50				\$500.00									
2104.501	REMOVE CHAIN LINK FENCE	LIN FT	\$6.00	1300	810				\$4,860.00	490				\$2,940.00				
2104.501	REMOVE MASONRY WALL	LIN FT	\$30.00	60	60				\$1,800.00									
2104.501	REMOVE DIRECT BURIED LIGHTING CABLE	LIN FT	\$3.00	482	300				\$900.00	182				\$546.00				
2104.503	REMOVE CONCRETE WALK	SQ FT	\$5.00	690						690				\$3,450.00				
2104.505	REMOVE CONCRETE MEDIAN	SQ YD	\$10.00	400	350				\$3,500.00	50				\$500.00				
2104.505	REMOVE PAVEMENT	SQ YD	\$10.00	20470	7730				\$77,300.00	12740				\$127,400.00				
2104.505	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SQ YD	\$6.00	2620	1420				\$8,520.00	1200				\$7,200.00				
2104.505	REMOVE BITUMINOUS PAVEMENT	SQ YD	\$3.00	29630	18540				\$55,620.00	11090				\$33,270.00				
2104.507	REMOVE RIPRAP	CU YD	\$50.00	3						3				\$150.00				
2104.509	REMOVE SEPTIC TANK	EACH	\$3,000.00	1	1				\$3,000.00									
2104.509	REMOVE PERMANENT BARRICADE	EACH	\$100.00	2	2				\$200.00									
2104.509	REMOVE LIGHTING UNIT	EACH	\$300.00	4	3				\$900.00	1				\$300.00				
2104.509	REMOVE SANITARY CLEANOUT	EACH	\$100.00	13	13				\$1,300.00									
2104.509	REMOVE DRAINAGE STRUCTURE	EACH	\$500.00	9	3				\$1,500.00	6				\$3,000.00				
2104.509	REMOVE MARKER	EACH	\$25.00	17	15				\$375.00	2				\$50.00				
2104.509	REMOVE SIGN TYPE C	EACH	\$25.00	81	61				\$1,525.00	20				\$500.00				
2104.509	REMOVE SIGN TYPE D	EACH	\$70.00	3	2				\$140.00	1				\$70.00				
2104.509	REMOVE SIGN TYPE SPECIAL	EACH	\$35.00	3	2				\$70.00	1				\$35.00				
2104.509	REMOVE SIGNAL SYSTEM	EACH	\$12,000.00	1						1				\$12,000.00				
2104.509	REMOVE LIGHT FOUNDATION	EACH	\$500.00	4	3				\$1,500.00	1				\$500.00				
2104.509	REMOVE MAIL BOX SUPPORT	EACH	\$40.00	10	2				\$80.00	8				\$320.00				
2104.511	SAWING CONCRETE PAVEMENT (FULL DEPTH)	LIN FT	\$5.00	920	50				\$250.00	870				\$4,350.00				
2104.513	SAWING BIT PAVEMENT (FULL DEPTH)	LIN FT	\$3.00	2390	1170				\$3,510.00	1220				\$3,660.00				
2104.523	SALVAGE SIGN	EACH	\$200.00	1	1				\$200.00									
2104.523	SALVAGE SIGN TYPE C	EACH	\$40.00	8	5				\$200.00	3				\$120.00				
2104.523	SALVAGE SIGN TYPE D	EACH	\$60.00	8	5				\$300.00	3				\$180.00				
2104.523	SALVAGE SIGN TYPE SPECIAL	EACH	\$40.00	1						1				\$40.00				
2104.602	REMOVE MISCELLANEOUS STRUCTURES	EACH	\$5,000.00	1	1				\$5,000.00									
2105.607	COMMON BORROW SPECIAL (CV)	CU YD	\$30.00	548		548			\$16,440.00									
2106.501	EXCAVATION - COMMON	CU YD	\$10.00	139663	81729				\$817,290.00	57934				\$579,340.00				
2106.507	EXCAVATION - SUBGRADE	CU YD	\$12.00	26361	16976				\$203,712.00	9385				\$112,620.00				
2106.521	GRANULAR EMBANKMENT (CV)	CU YD	\$15.00	2692						2692				\$40,380.00				
2106.522	SELECT GRANULAR EMBANKMENT (CV)	CU YD	\$16.00	52338	30321				\$485,136.00	22017				\$352,272.00				
2106.523	COMMON EMBANKMENT (CV)	CU YD	\$6.00	143559	53842				\$323,052.00	89717				\$538,302.00				
2118.607	AGGREGATE SURFACING (CV) CLASS 2	CU YD	\$30.00	170	100				\$3,000.00	70				\$2,100.00				
2123.610	STREET SWEEPER (WITH PICKUP BROOM)	hour	\$150.00	200	100				\$15,000.00	100				\$15,000.00				
2130.501	WATER	M GALLON	\$40.00	20	10				\$400.00	10				\$400.00				
2211.503	AGGREGATE BASE (CV) CLASS 5	CU YD	\$22.00	31180	16075				\$353,650.00	14215				\$312,730.00	195	\$4,290.00	695	\$15,290.00
2232.501	MILL BITUMINOUS SURFACE (2.0")	SQ YD	\$1.50	880	880				\$1,320.00									
2232.501	MILL BITUMINOUS SURFACE (8.0")	SQ YD	\$3.00	9630						9630				\$28,890.00				
2301.602	DRILL & GROUT REINF BAR (EPOXY COATED)	EACH	\$15.00	376	151				\$2,265.00	85				\$1,275.00	55	\$825.00	85	\$1,275.00
2360.501	TYPE SP 12.5 WEARING COURSE MIX (2,B)	TON	\$55.00	4640	1700				\$93,500.00	2940				\$161,700.00				
2360.501	TYPE SP 12.5 WEARING COURSE MIX (3,B)	TON	\$80.00	2120	1400				\$112,000.00	720				\$57,600.00				
2360.501	TYPE SP 12.5 WEARING COURSE MIX (3,C)	TON	\$60.00	16550	9130				\$547,800.00	7420				\$445,200.00				
2360.502	TYPE SP 12.5 NON WEAR COURSE MIX (3,B)	TON	\$55.00	11950	6600				\$363,000.00	5350				\$294,250.00				
2451.507	GRANULAR BEDDING (CV)	CU YD	\$25.00	867.7			230		\$5,750.00	44.6	11.1	582		\$15,942.50				
2451.607	MEDIUM FILTER AGGREGATE (CV)	CU YD	\$70.00	53				53	\$3,710.00									
2501.515	12" GS PIPE APRON	EACH	\$300.00	6							6			\$1,800.00				
2501.515	15" GS PIPE APRON	EACH	\$350.00	9				5	\$1,750.00					\$1,400.00				

95% ENGINEER'S ESTIMATE

CSAH 15 / CSAH 14 Realignment

ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	TOTAL PROJECT QUANTITIES	WASHINGTON COUNTY								CITY OF LAKE ELMO					
					S.A.P. 082-615-027				S.A.P. 082-614-014				NON-PARTICIPATING CSAH 15		NON-PARTICIPATING CSAH 14			
					ESTIMATED	ROADWAY	STORM	NON-PART	SHARE	ROADWAY	STORM	NON-PART	SHARE	ROADWAY	SHARE	ROADWAY	SHARE	
2501.515	18" GS PIPE APRON	EACH	\$400.00	6	2				\$800.00	3	1			\$1,600.00				
2501.515	24" GS PIPE APRON	EACH	\$550.00	3	3				\$1,650.00									
2501.515	30" GS PIPE APRON	EACH	\$650.00	2	2				\$1,300.00									
2501.515	12" RC PIPE APRON	EACH	\$500.00	1		1			\$500.00									
2501.515	15" RC PIPE APRON	EACH	\$550.00	15		1			\$550.00		14			\$7,700.00				
2501.515	18" RC PIPE APRON	EACH	\$600.00	8		3			\$1,800.00		5			\$3,000.00				
2501.515	24" RC PIPE APRON	EACH	\$700.00	10	4	4			\$5,600.00		2			\$1,400.00				
2501.515	30" RC PIPE APRON	EACH	\$900.00	2		1			\$900.00		1			\$900.00				
2501.515	36" RC PIPE APRON	EACH	\$1,100.00	7		7			\$7,700.00									
2501.525	36" SPAN RC PIPE-ARCH APRON	EACH	\$1,000.00	4						4				\$4,000.00				
2501.525	44" SPAN RC PIPE-ARCH APRON	EACH	\$1,200.00	6						4	2			\$7,200.00				
2501.567	18" CS SAFETY APR & GRATE DES 3128	EACH	\$875.00	2						2				\$1,750.00				
2501.567	24" CS SAFETY APR & GRATE DES 3128	EACH	\$600.00	3	1				\$600.00	2				\$1,200.00				
2501.569	15" RC SAFETY APRON	EACH	\$650.00	2							2			\$1,300.00				
2501.569	24" RC SAFETY APRON	EACH	\$750.00	1		1			\$750.00									
2501.602	TRASH GUARD FOR 15" PIPE APRON	EACH	\$250.00	5		1			\$250.00		4			\$1,000.00				
2501.602	TRASH GUARD FOR 18" PIPE APRON	EACH	\$300.00	2							2			\$600.00				
2501.602	TRASH GUARD FOR 24" PIPE APRON	EACH	\$500.00	3		3			\$1,500.00									
2501.602	TRASH GUARD FOR 30" PIPE APRON	EACH	\$800.00	1		1			\$800.00									
2501.602	TRASH GUARD FOR 36" PIPE APRON	EACH	\$1,000.00	2		2			\$2,000.00									
2501.602	TRASH GUARD FOR 44" SPAN PIPE APRON	EACH	\$1,200.00	1							1			\$1,200.00				
2502.541	4" PERF TP PIPE DRAIN	LIN FT	\$12.00	4352	1985				\$23,820.00	2367				\$28,404.00				
2502.541	6" PERF TP PIPE DRAIN	LIN FT	\$14.00	1220		1220			\$17,080.00									
2503.511	15" CS PIPE SEWER	LIN FT	\$36.00	227		114			\$4,104.00		113			\$4,068.00				
2503.511	18" CS PIPE SEWER	LIN FT	\$40.00	452	40				\$1,600.00	136	276			\$16,480.00				
2503.511	24" CS PIPE SEWER	LIN FT	\$48.00	264	167				\$8,016.00	97				\$4,656.00				
2503.511	30" CS PIPE SEWER	LIN FT	\$56.00	58	58				\$3,248.00									
2503.511	4" PVC PIPE SEWER	LIN FT	\$40.00	14			14		\$560.00									
2503.511	6" PVC PIPE SEWER	LIN FT	\$50.00	83		83			\$4,150.00									
2503.511	8" PVC PIPE SEWER	LIN FT	\$50.00	3981			1036		\$51,800.00			2945		\$147,250.00				
2503.521	36" SPAN RC PIPE-ARCH SEWER CL IIA	LIN FT	\$80.00	322						322				\$25,760.00				
2503.521	44" SPAN RC PIPE-ARCH SEWER CL IIA	LIN FT	\$110.00	409						272	137			\$44,990.00				
2503.541	12" RC PIPE SEWER DES 3006 CL V	LIN FT	\$40.00	28		28			\$1,120.00									
2503.541	15" RC PIPE SEWER DES 3006 CL V	LIN FT	\$42.00	6251		2407			\$101,094.00		3844			\$161,448.00				
2503.541	18" RC PIPE SEWER DES 3006	LIN FT	\$36.00	849		431			\$15,516.00		418			\$15,048.00				
2503.541	24" RC PIPE SEWER DES 3006	LIN FT	\$45.00	1002	287	633			\$41,400.00		82			\$3,690.00				
2503.541	30" RC PIPE SEWER DES 3006	LIN FT	\$55.00	1534		1534			\$84,370.00									
2503.541	30" RC PIPE SEWER DES 3006 CL III	LIN FT	\$60.00	901		503			\$30,180.00		398			\$23,880.00				
2503.541	36" RC PIPE SEWER DES 3006	LIN FT	\$70.00	251		251			\$17,570.00									
2503.541	36" RCP SEWER DES 3006 CL V-JACKED	LIN FT	\$900.00	113		113			\$101,700.00									
2503.601	PUMPING DESIGN & CONSTRUCTION	LUMP SUM	\$50,000.00	1			0.5		\$25,000.00			0.5		\$25,000.00				
2503.602	CONNECT TO EXISTING MANHOLES (SAN)	EACH	\$3,000.00	1								1		\$3,000.00				
2503.602	CONNECT TO EXISTING STORM SEWER	EACH	\$700.00	1		1			\$700.00									
2503.602	CONNECT INTO EXISTING DRAINAGE STRUCTURE	EACH	\$800.00	3		1			\$800.00		2			\$1,600.00				
2503.602	8"X4" PVC WYE	EACH	\$350.00	1			1		\$350.00									
2503.603	PLUG FILL & ABANDON PIPE SEWER	LIN FT	\$20.00	268	268				\$5,360.00									
2503.603	12" HDPE PIPE SEWER	LIN FT	\$40.00	160							160			\$6,400.00				
2504.602	ADJUST GATE VALVE & BOX	EACH	\$500.00	3						3				\$1,500.00				
2506.501	CONST DRAINAGE STRUCTURE DESIGN H	LIN FT	\$250.00	1.5		1.5			\$375.00									
2506.501	CONST DRAINAGE STRUCTURE DESIGN N	LIN FT	\$300.00	130.9		43			\$12,900.00		87.9			\$26,370.00				
2506.501	CONST DRAINAGE STRUCTURE DESIGN SD-48	LIN FT	\$400.00	101		39.5			\$15,800.00		61.5			\$24,600.00				
2506.501	CONST DRAINAGE STRUCTURE DESIGN SD-60	LIN FT	\$500.00	5.6							5.6			\$2,800.00				
2506.501	CONST DRAINAGE STRUCTURE DESIGN SD-72	LIN FT	\$650.00	9.5		5.5			\$3,575.00		4			\$2,600.00				
2506.501	CONST DRAINAGE STRUCTURE DESIGN SPECIAL	LIN FT	\$300.00	242			49.1		\$14,730.00			192.9		\$57,870.00				
2506.501	CONST DRAINAGE STRUCTURE DESIGN SPEC 2	LIN FT	\$230.00	37.6							37.6			\$8,648.00				
2506.501	CONST DRAINAGE STRUCTURE DES 48-4020	LIN FT	\$300.00	463.4		257.9			\$77,370.00		205.5			\$61,650.00				
2506.501	CONST DRAINAGE STRUCTURE DES 60-4020	LIN FT	\$425.00	119.4		114.5			\$48,662.50		4.9			\$2,082.50				
2506.501	CONST DRAINAGE STRUCTURE DES 72-4020	LIN FT	\$600.00	24.4		9.7			\$5,820.00		14.7			\$8,820.00				
2506.502	CONST DRAINAGE STRUCTURE DESIGN SPEC 1	EACH	\$5,000.00	6		3			\$15,000.00		3			\$15,000.00				
2506.502	CONST DRAINAGE STRUCTURE DESIGN SPEC 2	EACH	\$1,600.00	6							6			\$9,600.00				
2506.502	CONST DRAINAGE STRUCTURE DESIGN SPEC 3	EACH	\$9,000.00	1		1			\$9,000.00									
2506.516	CASTING ASSEMBLY	EACH	\$700.00	206		93	4		\$67,900.00		99	10		\$76,300.00				
2511.501	RANDOM RIPRAP CLASS II	CU YD	\$70.00	496	40.4	275.2			\$22,092.00	53.7	126.7			\$12,628.00				

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					S.A.P. 082-615-027				S.A.P. 082-614-014				NON-PARTICIPATING CSAH 15		NON-PARTICIPATING CSAH 14		
					ESTIMATED	ROADWAY	STORM	NON-PART	SHARE	ROADWAY	STORM	NON-PART	SHARE	ROADWAY	SHARE	ROADWAY	SHARE
2511.501	RANDOM RIPRAP CLASS III	CU YD	\$70.00	34.8			34.8		\$2,436.00								
2511.515	GEOTEXTILE FILTER TYPE IV	SQ YD	\$3.00	2008.1	178.6		1010.2		\$3,566.40	240.9	578.4		\$2,457.90				
2521.501	4" CONCRETE WALK	SQ FT	\$5.00	86260	54570				\$272,850.00	31690			\$158,450.00				
2521.501	6" CONCRETE WALK	SQ FT	\$8.00	14580	7830				\$62,640.00	2855			\$22,840.00	1220	\$9,760.00	2675	\$21,400.00
2521.511	3" BITUMINOUS WALK	SQ FT	\$2.00	89140	28550				\$57,100.00	26585			\$53,170.00	7420	\$14,840.00	26585	\$53,170.00
2531.501	CONCRETE CURB & GUTTER DESIGN B424	LIN FT	\$15.00	25980	12205				\$183,075.00	8755			\$131,325.00	1325	\$19,875.00	3695	\$55,425.00
2531.501	CONCRETE CURB & GUTTER DESIGN B612	LIN FT	\$25.00	270	50				\$1,250.00	85			\$2,125.00	50	\$1,250.00	85	\$2,125.00
2531.501	CONCRETE CURB & GUTTER DESIGN B618	LIN FT	\$12.00	4250						2125			\$25,500.00			2125	\$25,500.00
2531.507	8" CONCRETE DRIVEWAY PAVEMENT	SQ YD	\$60.00	190						190			\$11,400.00				
2531.618	TRUNCATED DOMES	SQ FT	\$40.00	704	292				\$11,680.00	160			\$6,400.00	92	\$3,680.00	160	\$6,400.00
2533.507	PORTABLE PRECAST CONC BARRIER DES 8337	LIN FT	\$16.00	4770	3175.2				\$50,803.20	1499.4			\$23,990.40	64.8	\$1,036.80	30.6	\$489.60
2533.508	RELOCATE PORT PRECAST CONC BAR DES 8337	LIN FT	\$5.00	3670	2459.8				\$12,299.00	1136.8			\$5,684.00	50.2	\$251.00	23.2	\$116.00
2540.602	MAIL BOX SUPPORT	EACH	\$150.00	9	2				\$300.00	7			\$1,050.00				
2554.505	PERMANENT BARRICADES	LIN FT	\$40.00	45						44.1			\$1,764.00			0.9	\$36.00
2554.509	GUIDE POST TYPE B	EACH	\$55.00	82	12	23			\$1,925.00	14	33		\$2,585.00				
2554.615	IMPACT ATTENUATOR	ASSEMBLY	\$3,000.00	9	5.88				\$17,640.00	2.94			\$8,820.00	0.12	\$360.00	0.06	\$180.00
2554.615	RELOCATE IMPACT ATTENUATOR	ASSEMBLY	\$750.00	10	7.84				\$5,880.00	1.96			\$1,470.00	0.16	\$120.00	0.04	\$30.00
2557.501	WIRE FENCE DESIGN 60-9322	LIN FT	\$20.00	1390	330				\$6,600.00	1060			\$21,200.00				
2563.601	TRAFFIC CONTROL SUPERVISOR	LUMP SUM	\$25,000.00	1	0.53				\$13,250.00	0.45			\$11,250.00	0.01	\$250.00	0.01	\$250.00
2563.601	TRAFFIC CONTROL	LUMP SUM	\$100,000.00	1	0.53				\$53,000.00	0.45			\$45,000.00	0.01	\$1,000.00	0.01	\$1,000.00
2563.613	PORTABLE CHANGEABLE MESSAGE SIGN	UNIT DAY	\$50.00	60	30				\$1,500.00	30			\$1,500.00				
2564.531	SIGN PANELS TYPE SPECIAL	SQ FT	\$50.00	33	23.6				\$1,180.00	9.4			\$470.00				
2564.531	SIGN PANELS TYPE C	SQ FT	\$35.00	847.8	452.7				\$15,844.50	395.1			\$13,828.50				
2564.531	SIGN PANELS TYPE D	SQ FT	\$40.00	165	88				\$3,520.00	77			\$3,080.00				
2564.537	INSTALL SIGN TYPE C	EACH	\$100.00	8	5				\$500.00	3			\$300.00				
2564.537	INSTALL SIGN TYPE D	EACH	\$200.00	8	5				\$1,000.00	3			\$600.00				
2564.537	INSTALL SIGN TYPE SPECIAL	EACH	\$150.00	1						1			\$150.00				
2564.552	OBJECT MARKER TYPE X4-2	EACH	\$75.00	14	8				\$600.00	6			\$450.00				
2564.552	OBJECT MARKER TYPE X4-4	EACH	\$100.00	1						1			\$100.00				
2564.552	OBJECT MARKER TYPE X4-5	EACH	\$75.00	7	3				\$225.00	4			\$300.00				
2564.602	INSTALL SIGN	EACH	\$200.00	1	1				\$200.00								
2564.602	INFILTRATION AREA MARKER X3-6A	EACH	\$80.00	15		10			\$800.00		5		\$400.00				
2564.618	CONSTRUCTION SIGNS-SPECIAL	SQ FT	\$20.00	100	50				\$1,000.00	50			\$1,000.00				
2565.511	TRAFFIC CONTROL SIGNAL SYSTEM	SIG SYS	\$269,000.00	1	0.5				\$134,500.00	0.5			\$134,500.00				
2565.513	EMERGENCY VEHICLE PREEMPTION SYSTEM	LUMP SUM	\$10,000.00	1	0.5				\$5,000.00	0.5			\$5,000.00				
2573.502	SILT FENCE, TYPE MS	LIN FT	\$2.00	18010	7673.4				\$15,346.80	9976.4			\$19,952.80	156.6	\$313.20	203.6	\$407.20
2573.530	STORM DRAIN INLET PROTECTION	EACH	\$100.00	179	83.3				\$8,330.00	92.12			\$9,212.00	1.7	\$170.00	1.88	\$188.00
2573.533	SEDIMENT CONTROL LOG TYPE STRAW	LIN FT	\$3.00	3840	2028.6				\$6,085.80	1738.6			\$5,215.80	41.4	\$124.20	31.4	\$94.20
2573.535	STABILIZED CONSTRUCTION EXIT	LUMP SUM	\$3,000.00	1	0.53				\$1,590.00	0.45			\$1,350.00	0.01	\$30.00	0.01	\$30.00
2573.560	CULVERT END CONTROLS	EACH	\$200.00	38	16.66				\$3,332.00	20.58			\$4,116.00	0.34	\$68.00	0.42	\$84.00
2574.508	FERTILIZER TYPE 3	POUND	\$1.00	6595	3131.1				\$3,131.10	3332			\$3,332.00	63.9	\$63.90	68	\$68.00
2574.508	FERTILIZER TYPE 4	POUND	\$1.50	840	352.8				\$529.20	470.4			\$705.60	7.2	\$10.80	9.6	\$14.40
2574.525	FILTER TOPSOIL BORROW	CU YD	\$40.00	9218		7693			\$307,720.00		1525		\$61,000.00				
2574.550	COMPOST GRADE 2	CU YD	\$80.00	554		188			\$15,040.00		366		\$29,280.00				
2574.575	SUBSOILING	ACRE	\$450.00	3.3		2.2			\$990.00		1.1		\$495.00				
2574.578	SOIL BED PREPARATION	ACRE	\$500.00	36.9	17.3				\$8,650.00	18.8			\$9,400.00	0.4	\$200.00	0.4	\$200.00
2575.501	SEEDING	ACRE	\$400.00	33.5	15.7				\$6,280.00	17.1			\$6,840.00	0.3	\$120.00	0.4	\$160.00
2575.502	SEED MIXTURE 25-141	POUND	\$3.50	140	71.8				\$251.30	65.6			\$229.60	1.2	\$4.20	1.4	\$4.90
2575.502	SEED MIXTURE 33-261	POUND	\$30.00	190	83.3				\$2,499.00	102.9			\$3,087.00	1.7	\$51.00	2.1	\$63.00
2575.502	SEED MIXTURE 35-221	POUND	\$50.00	10						9.8			\$490.00			0.2	\$10.00
2575.502	SEED MIXTURE 35-241	POUND	\$20.00	955	450.8				\$9,016.00	485.1			\$9,702.00	9.2	\$184.00	9.9	\$198.00
2575.505	SODDING TYPE LAWN	SQ YD	\$6.00	384	68	119			\$1,122.00	129	68		\$1,182.00				
2575.505	SODDING TYPE SALT TOLERANT	SQ YD	\$5.00	16450	7330.4				\$36,652.00	8790.6			\$43,953.00	149.6	\$748.00	179.4	\$897.00
2575.511	MULCH MATERIAL TYPE 3	TON	\$500.00	20.8	9.4				\$4,700.00	10.9			\$5,450.00	0.2	\$100.00	0.3	\$150.00
2575.513	MULCH MATERIAL TYPE 9	CU YD	\$75.00	15						15			\$1,125.00				
2575.519	DISK ANCHORING	ACRE	\$100.00	10.4	4.7				\$470.00	5.5			\$550.00	0.1	\$10.00	0.1	\$10.00
2575.523	EROSION CONTROL BLANKETS CATEGORY 3N	SQ YD	\$1.50	112900	53517.8				\$80,276.70	57124.2			\$85,686.30	1092.2	\$1,638.30	1165.8	\$1,748.70
2575.571	RAPID STABILIZATION METHOD 3	M GALLON	\$200.00	236.5	120.9				\$24,180.00	110.8			\$22,160.00	2.5	\$500.00	2.3	\$460.00
2582.501	PAVT MSSG PAINT	SQ FT	\$30.00	200	196				\$5,880.00					4	\$120.00		
2582.501	PAVT MSSG PREF TAPE GR IN	SQ FT	\$50.00	1450	690				\$34,500.00	760			\$38,000.00				
2582.502	4" SOLID LINE PAINT	LIN FT	\$0.40	93400	46844				\$18,737.60	44688			\$17,875.20	956	\$382.40	912	\$364.80
2582.502	12" SOLID LINE PAINT	LIN FT	\$3.00	110	78.4				\$235.20	29.4			\$88.20	1.6	\$4.80	0.6	\$1.80

95% ENGINEER'S ESTIMATE

CSAH 15 / CSAH 14 Realignment

ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	TOTAL PROJECT QUANTITIES	WASHINGTON COUNTY								CITY OF LAKE ELMO								
					S.A.P. 082-615-027				S.A.P. 082-614-014				NON-PARTICIPATING CSAH 15		NON-PARTICIPATING CSAH 14						
					ESTIMATED	ROADWAY	STORM	NON-PART	SHARE	ROADWAY	STORM	NON-PART	SHARE	ROADWAY	SHARE	ROADWAY	SHARE				
2582.502	24" SOLID LINE PAINT	LIN FT	\$5.00	1340	705.6				\$3,528.00	607.6			\$3,038.00	14.4	\$72.00	12.4	\$62.00				
2582.502	4" BROKEN LINE PAINT	LIN FT	\$0.50	2840	2293.2				\$1,146.60	490			\$245.00	46.8	\$23.40	10	\$5.00				
2582.502	4" DOTTED LINE PAINT	LIN FT	\$5.00	30						29.4			\$147.00			0.6	\$3.00				
2582.502	4" DBLE SOLID LINE PAINT	LIN FT	\$0.80	31520	18384.8				\$14,707.84	12504.8			\$10,003.84	375.2	\$300.16	255.2	\$204.16				
2582.502	4" SOLID LINE EPOXY GR IN (WR)	LIN FT	\$0.60	51260	22460				\$13,476.00	28800			\$17,280.00								
2582.502	24" SOLID LINE EPOXY GR IN (WR)	LIN FT	\$12.00	590	230				\$2,760.00	360			\$4,320.00								
2582.502	4" BROKEN LINE EPOXY GR IN (WR)	LIN FT	\$0.80	1620	1130				\$904.00	490			\$392.00								
2582.502	4" DOTTED LINE EPOXY GR IN (WR)	LIN FT	\$2.00	350	100				\$200.00	250			\$500.00								
2582.502	4" DBLE SOLID LINE EPOXY GR IN (WR)	LIN FT	\$1.20	9270	3390				\$4,068.00	5880			\$7,056.00								
2582.502	24" SOLID LINE PREF THERMO GR IN	LIN FT	\$25.00	120	90				\$2,250.00	30			\$750.00								
2582.503	CROSSWALK PREF TAPE GR IN	SQ FT	\$15.00	1240	1240				\$18,600.00												
				SUBTOTAL	\$6,251,526.74				\$5,381,104.14				\$66,776.16		\$192,114.76						
					TOTAL COST				FLEX FUNDS				COST ESTIMATE WITH FLEX FUNDS		CITY SHARE		CITY COST ESTIMATE				
				ESTIMATED CONSTRUCTION TOTAL COST				\$11,891,521.80				\$800,000.00				\$11,091,521.80		2.18%		\$241,795.18	
				DESIGN ENGINEERING				\$663,512.00								\$663,512.00		2.18%		\$14,464.56	
				CONSTRUCTION ENGINEERING/CONSTRUCTION ADMINISTRATION				\$951,321.74								\$951,321.74		2.18%		\$20,738.81	
				RIGHT OF WAY TOTAL				\$1,774,742.55				\$1,400,000.00									
				RIGHT OF WAY OUTSIDE LAKE ELMO				\$234,500.00				\$184,984.58									
				RIGHT OF WAY WITHIN LAKE ELMO				\$1,540,242.55				\$1,215,015.42				55%				\$178,874.92	
				TOTAL ESTIMATED COST				\$15,281,098.09								\$13,081,098.09				\$455,873.47	

BLUESTEM AT THE FIELDS OF ST CROIX

THE FIELDS OF ST CROIX 2ND ADDITION

OUTLOT C

OUTLOT A

OUTLOT F

LITTLE BLUESTEM TR.

CITY TRAIL EASEMENT

30-FOOT WIDE TRAIL EASEMENT

STILLWATER WAY N.

MANNING AVENUE N

Existing R/W Line

Existing R/W Line

Existing R/W Line

Existing R/W Line

**AGREEMENT FOR THE TRANSFER OF
COUNTY STATE AID HIGHWAY (CSAH) 14
TO THE CITY OF LAKE ELMO**

WASHINGTON COUNTY	
CONTRACT NO.	11522
DEPT.	PUBLIC WORKS
DIVISION	TRANSPORTATION
TERM	SIGNATURE-TRANSFER COMPLETION

THIS AGREEMENT is hereby made between the City of Lake Elmo ("City"), and the County of Washington ("County") and shall consist of this agreement and Exhibits A and B and shall be for the purpose of defining the rights and responsibilities concerning the jurisdictional transfer of County State Aid Highway (CSAH) 14 in the City of Lake Elmo.

WHEREAS, the County and the City have entered in to a separate Cooperative Agreement for the construction of the CSAH 14 & CSAH 15 Realignment Project ("Project"); and

WHEREAS, pursuant to MINN. STAT. § 162.02, et. seg. CSAH 14 is a County State Aid Highway under the jurisdiction of the County; and

WHEREAS, the County wishes to transfer and the City wishes to accept jurisdictional control of CSAH 14, but only under certain terms and conditions; and

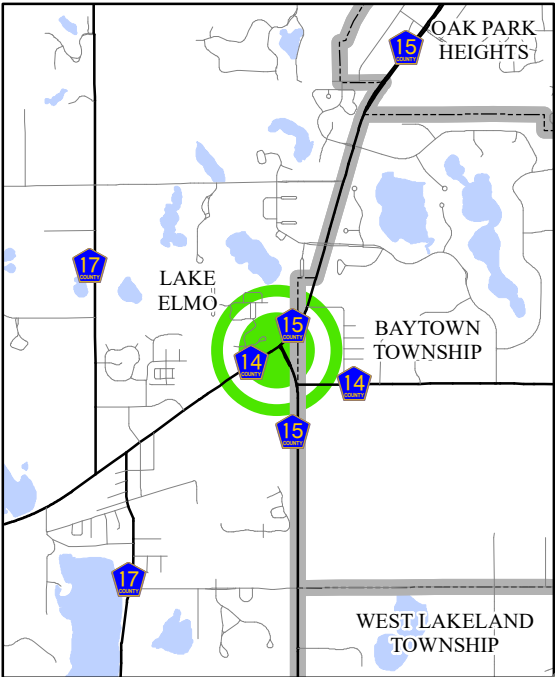
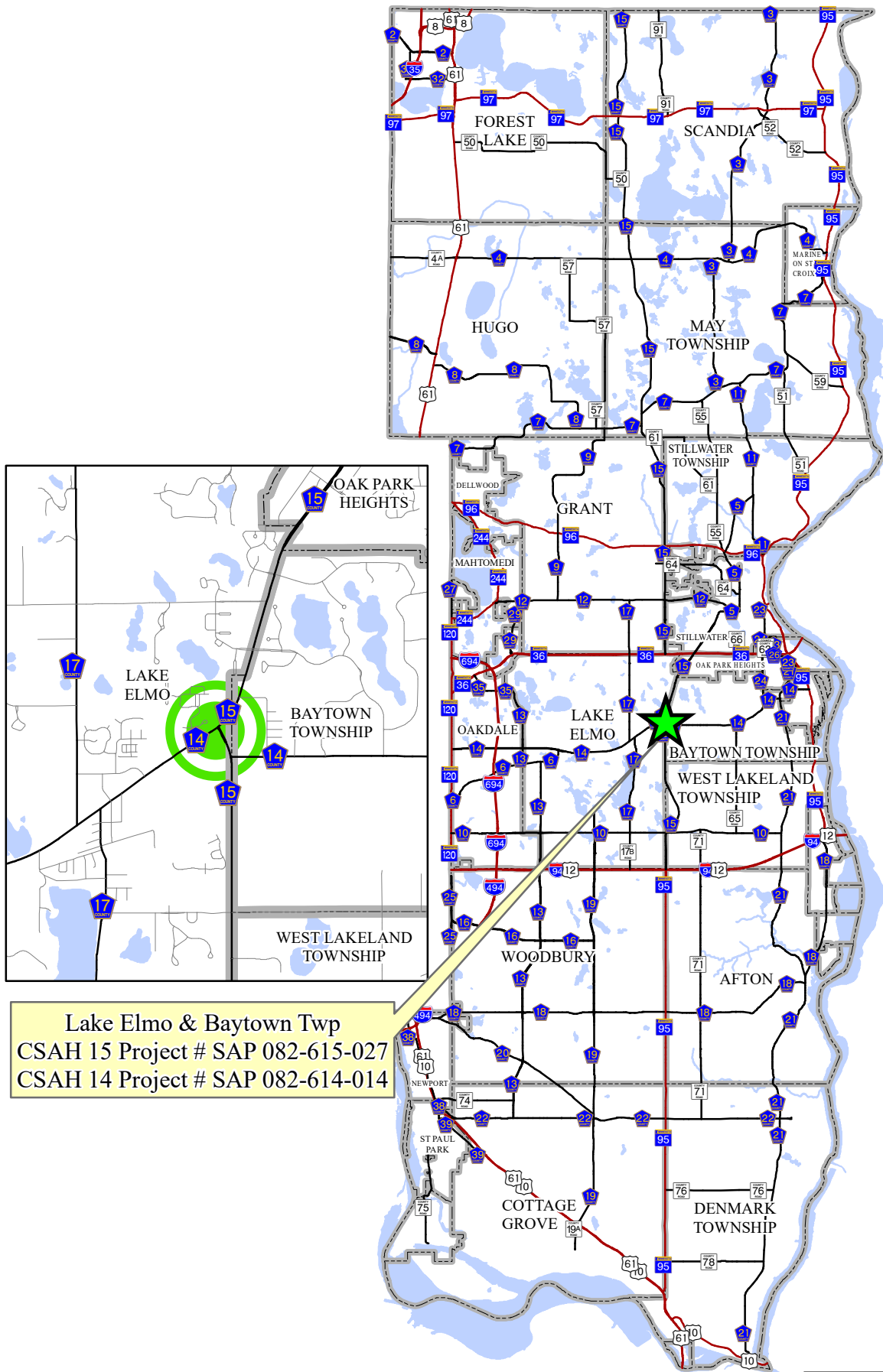
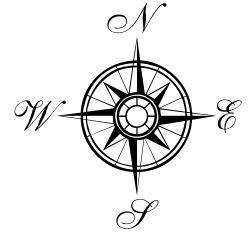
WHEREAS, the segment of CSAH 14 that the County wishes to transfer to the City's control is illustrated in Exhibit B; and

WHEREAS, the City and County wish to take the necessary statutory and regulatory steps in order to accomplish these jurisdictional transfers.

NOW, THEREFORE, the parties agree to the following conditions regarding the transfer of jurisdiction of the road(s):

CSAH 14 (Stillwater Way North)

1. Both parties agree that the description of the portion of CSAH 14 roadway subject to jurisdictional transfer shall be:
 - a. All that part of County State Aid Highway No. 14 (aka Stillwater Boulevard, aka Old Trunk Highway 5, aka Stillwater Way North), as illustrated in Exhibit B.
2. The County shall proceed pursuant to MINN. STAT. § 162.02 subd. 10 to change the designation of the roadway from County State Aid Highway to County Highway over the portions of CSAH 14 as described in Section 1.a of this agreement.
3. The County shall proceed pursuant to MINN. STAT. § 163.11 subd. 5. to revoke jurisdiction and the City agrees to accept said jurisdiction over the portions of County Highway 14 as described in Section 1.a of this agreement.
4. As consideration for this agreement, the County shall upon completion of the Project, transfer to the City the permanent right of way and adjacent city street connection as shown on the map attached as Exhibit B. The County will transfer whatever interests it has at that time.
5. Upon completion of the Project, the County shall transfer to the City all construction and maintenance records of the transferred portions of CSAH 14.

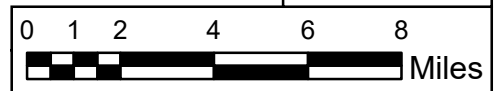


Lake Elmo & Baytown Twp
 CSAH 15 Project # SAP 082-615-027
 CSAH 14 Project # SAP 082-614-014

Road Classification

- INTERSTATE HIGHWAY
- U.S. TRUNK HIGHWAY
- STATE TRUNK HIGHWAY
- COUNTY STATE AID HIGHWAY
- COUNTY ROAD

Scale 1:260,000



This map is the result of a compilation and reproduction of land records as they appear in various Washington County offices. This map should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

STILLWATER WAY N.

MANNING AVENUE N

40TH ST N.

WASHINGTON COUNTY RIGHT-OF-WAY AREA
TRANSFER TO THE CITY OF LAKE ELMO

Existing R/W Line

Existing R/W Line

Existing R/W Line

Existing R/W Line

New R/W Line

New R/W Line

New R/W Line



**COOPERATIVE AGREEMENT BETWEEN THE CITY OF LAKE
ELMO AND WASHINGTON COUNTY FOR
THE MAINTENANCE OF COUNTY STATE AID HIGHWAYS
(CSAH) 14 & 15**

WASHINGTON COUNTY	
CONTRACT NO.	11523
DEPT.	PUBLIC WORKS
DIVISION	TRANSPORTATION
TERM	SIGNATURE-PERPETUAL

THIS AGREEMENT, by and between the City of Lake Elmo, a municipal corporation, herein after referred to as the "City", and Washington County, a political subdivision of the State of Minnesota, hereinafter referred to as the "County".

WHEREAS, the County intends to construct CSAH 14 from 70' West of 39th Street North to 890' East of McFair Avenue North, CSAH 15 from 60' North of the Union Pacific Railroad to 950' South of McDonald Drive North, and associated roadway improvements, herein referred to as the "Project"; and

WHEREAS, the County and the City have entered into a separate agreement for the Jurisdictional Transfer of a portion of the Project improvements, with the transfer to become effective upon final completion of the Project, as defined in said agreement; and

WHEREAS, the County and the City have entered into a separate agreement for the construction cost sharing of the Project; and

WHEREAS, a cooperative effort between the City and County is the appropriate method to facilitate the maintenance of items constructed as part of the Project; and

WHEREAS, this Agreement is made pursuant to statutory authority contained in Minnesota Statute 162.17 sub.1 and Minnesota Statute 471.59.

NOW THEREFORE, IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

A. PURPOSE

The purpose of this agreement is set forth in the above whereas clauses which are all incorporated by reference as if fully set forth herein and shall consist of this agreement and Exhibit A (Location Map).

B. MAINTENANCE/OWNERSHIP

1. Upon completion of the Project, the City shall own and maintain, without any cost or expense to the County, the following:
 - a. Municipal sanitary sewer and watermain, not including sewer and water stubs located beyond the public right-of-way or easements.
 - b. Signing. All permanent roadway signing on City roads.
 - c. Pedestrian Ramps. All pedestrian ramps on its City right-of-way existing, constructed or re-constructed.
 - d. Pavement: Pavement on its City right-of-way; existing, constructed or re-constructed.
 - e. Curb and Gutter. All curb and gutter on its City right-of-way existing, constructed or re-constructed.
 - f. Crosswalk and Pavement Markings. All crosswalk and pavement markings applied on city streets and intersection approaches, except the signalized intersection of CSAH 14/CSAH 15.
 - g. Storm Sewer. All storm sewer trunk line, lateral lines, catch basins and leads on its City right-of-way; existing, constructed or re-constructed.

2. Upon completion of the Project, the following applies to the City, without any cost or expense to the County:
 - a. Corridor Boulevards. The City, at their expense, may, but are not required to, perform corridor boulevard mowing.
 - b. Trails. Minor maintenance of trail on both sides of CSAH 14 from 39th Street to Stillwater Way North, on the South side of CSAH 14 from Stillwater Way North to CSAH 15, on the west side of CSAH 15 from 500-feet south of CSAH 14 to Stillwater Way North, and on the northwesterly side of Stillwater Way North from CSAH 14 to CSAH 15. Minor maintenance includes, but is not limited to, patching and crack repair.
 - c. Pedestrian Ramps. Minor maintenance of pedestrian ramps connected to trails listed in B.2.b. Minor maintenance includes, but is not limited to, patching and crack repair.
 - d. Signal. The County and City have entered into a separate agreement to address traffic signal maintenance responsibility.

3. Upon completion of this project the County shall own and maintain, without any expense to the City, the following under this project:
 - a. Storm sewer. All storm sewer trunk lines, lateral lines, catch basins and leads on its County right-of-way; existing, constructed or re-constructed under this project.
 - b. Centerline Culverts. All centerline culverts on its county owned right-of-way existing, constructed or re-constructed under this project.
 - c. Signing. All permanent roadway signing on County roads will be controlled by the County.
 - d. Crosswalk and Pavement Markings. All markings on County roads.
 - e. With respect to the construed corridor boulevard, the County may mow the corridor boulevards a maximum of twice per year. Additional mowing may be performed by the County if needed to provide safety sight distance.
 - f. Curb and gutter. All curb and gutter on its County right-of-way existing, constructed or re-constructed under this project.
 - g. Pavement. All pavement systems existing, constructed or re-constructed under this project within existing county right-of-way.
 - h. Trails. Major maintenance of trail on both sides of CSAH 14 from 39th Street to Stillwater Way North, on the South side of CSAH 14 from Stillwater Way North to CSAH 15, on the west side of CSAH 15 from 500-ft south of CSAH 14 to Stillwater Way North. The County shall not perform minor maintenance, including, but not limited to snow removal.
 - i. Pedestrian Ramps. Major maintenance of pedestrian ramps connected to trails listed in B.3.h. Major maintenance shall include repair and/or replacement of sidewalk panels and pedestrian ramps as deemed necessary by the County Engineer. The County shall not perform minor maintenance, including, but not limited to snow removal.
 - j. Concrete Medians. All concrete medians existing, constructed or re-constructed under this project.
 - k. Storm water ponds, wet ponds, dry basins, and infiltration basins and swales constructed under this Project. Maintenance shall include applicable tasks, as required by the County Engineer.

4. All maintenance required to be performed by this agreement by the Parties shall be performed in a manner which shall be at the sole discretion of the party so obligated.
5. The City and County will follow work zone traffic control procedures required in the Minnesota Manual of Uniform Traffic Control Devices for all maintenance activities.
6. The County and City will notify each other at least 24 hours in advance of any maintenance activities requiring a lane closure for work within the other party's right-of-way.
7. The County will control all parking and other regulations on County roads, subject to any previous Agreements between the City and the County.

C. CIVIL RIGHTS AND NON-DISCRIMINATION

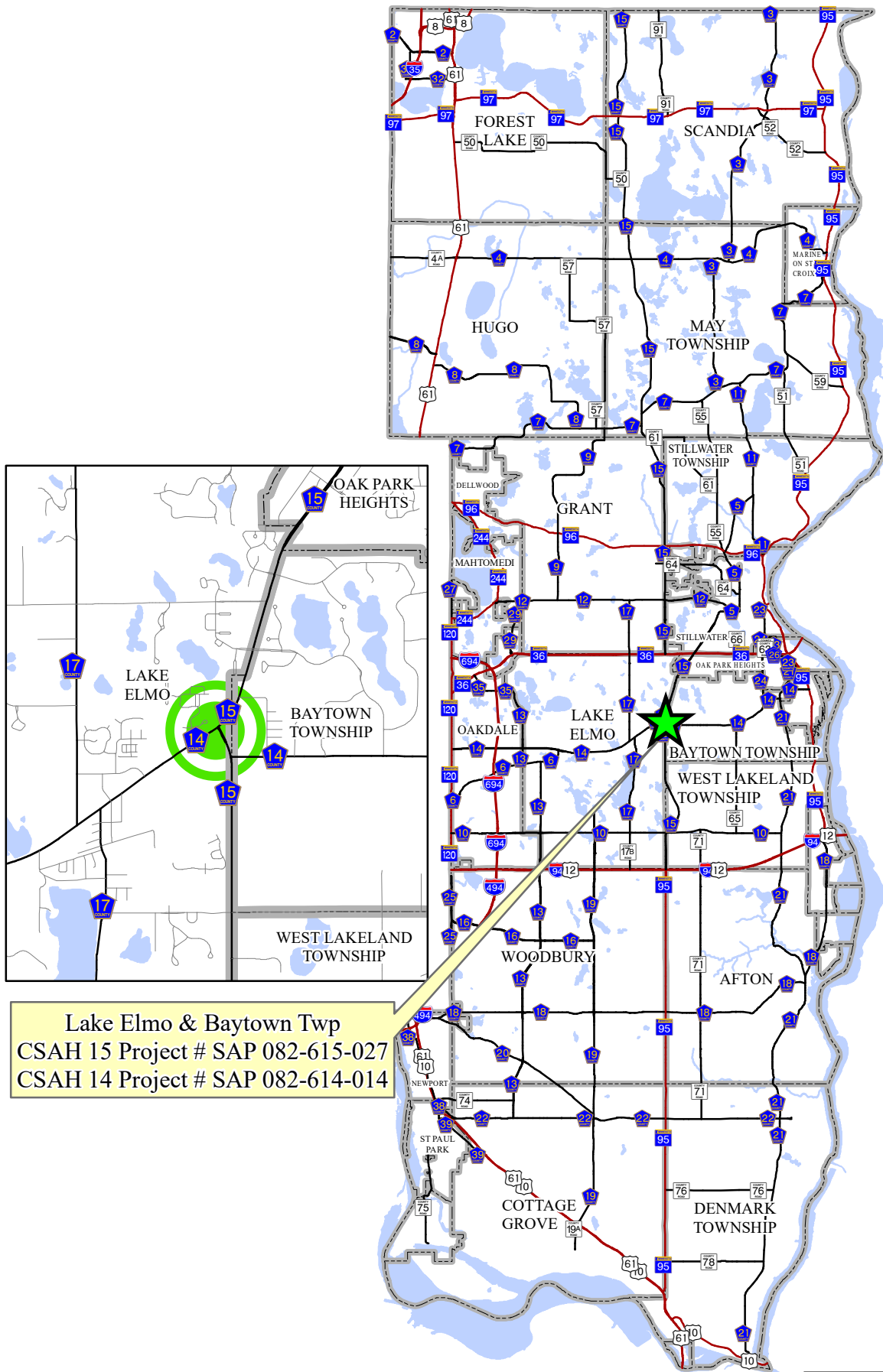
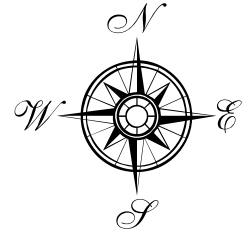
The provisions of Minn. Stat. 181.59 and of any applicable ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set further herein, and shall be part of any Agreement entered into by the parties with any contractor subcontractor, or material suppliers.

D. WORKERS COMPENSATION

It is hereby understood and agreed that any and all employees of the County and all other persons employed by the County in the performance of construction and/or construction engineering work or services required or provided for under this agreement shall not be considered employees of the City and that any and all claims that may or might arise under the Worker's Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said County employees while so engaged on any of the construction and/or construction engineering work or services to be rendered herein shall in no way be the obligation or responsibility of the City.

E. INDEMNIFICATION

1. The City agrees that it will defend, indemnify, and hold harmless the County against any and all liability, loss, damages, costs and expenses which the County may hereafter sustain, incur or be required to pay by reason of any negligent act by the City, its agents, officers or employees during the performance of this agreement.
2. The County agrees that it will defend, indemnify, and hold harmless the City against any and all liability, loss, damages, costs and expenses which the City may hereafter sustain, incur or be required to pay by reason of any negligent act by the County, its agents, officers or employees during the performance of this agreement.
3. To the fullest extent permitted by law, actions by the parties to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the parties that they shall be deemed a "single governmental unit" for the purposes of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a(b). The parties to this Agreement are not liable for the acts or omissions of another party to this Agreement except to the extent they have agreed in writing to be responsible for the acts or omissions of the other parties as provided for in Section 471.59, subd. 1a.
4. Each party's liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 and other applicable law. The parties agree that liability under this Agreement is controlled by Minnesota Statute 471.59, subdivision 1a and that the total liability for the parties shall not exceed the limits on governmental liability for a single unit of government as specified in 466.04, subdivision 1(a).

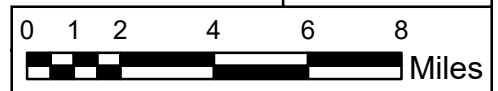


Lake Elmo & Baytown Twp
 CSAH 15 Project # SAP 082-615-027
 CSAH 14 Project # SAP 082-614-014

Road Classification

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- COUNTY ROAD

Scale 1:260,000



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STAFF REPORT

DATE: February 7, 2018
REGULAR
ITEM #: 20

TO: Mayor and City Council

AGENDA ITEM: Approve Job Description and Authorize Advertising for Finance Director

SUBMITTED BY: Jake Foster, Assistant City Administrator

BACKGROUND:

At the September work session Council reviewed existing contracted services, including those for Finance Director. Staff mentioned that some other cities were having success recruiting qualified candidates and expressed an interest in seeing what the market produced for Lake Elmo. Council agreed to have staff work on a posting.

The proposal was brought to Council in November for consideration. With one member absent, the vote was 2-2. The absent member has requested this item come back for consideration.

ISSUE BEFORE COUNCIL:

Should the Council approve the job description and authorizing advertising for a full-time finance director?

PROPOSAL:

Included in the packet is the proposed job description that was created by David Drown and Associates (DDA) during the recent job classification and compensation study. Based on the City's recently adopted compensation policy, the salary range for a Finance Director would be between \$77,815 and \$101,175 annually. Given how competitive the market is for this position, staff plans to advertise at the full range.

FISCAL IMPACT:

The estimated annual fiscal impact is \$105,000-\$131,500 including salary, taxes, and benefits. The cost would be split 80% general fund, 10% water, 5% sewer, and 5% storm water.

If a Finance Director is hired, staff anticipates scaling back the work of our contracted services with Clifton Larson Allen to limited special projects such as the financial software conversion and the general fund long range plan. The 2018 budgets included approximately \$135,000 for contracted financial services.

RECOMMENDATION:

“Move to approve the job description and authorize advertising for finance director.”

ATTACHMENTS:

- Job description

City of Lake Elmo

Job Title: Finance Director

Department: Finance

Status: Full-time regular position

Benefits: Qualifies for full-time benefits

Reporting Relationship: Reports to City Administrator

Supervisory Duties: This position is responsible for supervising Accountant and Finance Intern

Position Details: This position is responsible to plan, develop, and oversee the City financial functions to provide efficient, effective, and accurate reporting. This includes the oversight and coordination in the preparation of the Comprehensive Annual Financial Report and the annual audit. This position is responsible for the investment and reconciliation of all the City funds and making required bond payments and the bond funding recommendations as needed. This position is also responsible for the coordination of the annual budget and CIP reports. This position provides clear communication and technical support to the City Council, Finance Committee, and City Administrator through reports and presentations.

Accounting/Budgeting:

- Supervises all accounting functions, including cash records, control, receivables, payables, subsidiary reports and invoices
- Performs cash flow analysis and supervises bank transactions
- Prepares and distributes monthly financial statements
- Reviews purchase orders and disbursement requests for compliance with City budget
- Maintains financial ledgers, journals, and subsidiary reports
- Conducts analysis of project financing and refinances, and is responsible for preparation and implementation of financing and refinancing
- Supervises the operations and maintenance of computerized accounting system
- Prepares and manages Finance Department budget
- Responsible for financial projections and budget estimates as required
- Maintains the safety of invested funds while maximizing returns on investment in compliance with investment policies and guidelines
- Ensure proper preparation of all withholding reports and deposits, and all monthly and quarterly reports required by law
- Anticipates City cash and liquidity needs and invests funds to provide necessary cash flow

Utility Billing:

- Ensures the proper preparation for utility billing and maintenance of computerized utility billing systems
- Prepares assessments for the County

Employee Relations:

- Responsible for performance of risk management
- Ensures proper preparation of payroll disbursements for all City employees and maintenance of employee records
- Oversees maintenance of computerized payroll system

Supervisory Responsibilities:

- Establishes and maintains policies and procedures for the Department
- Carries out supervisory duties in accordance with the City's policies and applicable laws
- Responsible for training, planning, assigning and directing work
- Responsible for evaluating performance, rewarding employees, disciplining employees
- Responsible for responding to grievances, addressing complaints and addressing problems of employees

While these are the primary focus of the position, we believe strongly in teamwork and employees will be called upon to perform a variety of duties as part of their role with the City.

Position Requirements

Knowledge, Skills and Abilities:

- Demonstrates ability to prioritize tasks, solve problems and meet deadlines
- Works well with internal staff and provides them with accurate and timely financial reports and problem resolution when appropriate
- Makes minimal errors completing recurring entries, bank reconciliations, monthly billings, calculations, subsidiary spreadsheets, accounts payable and payroll processing
- Ability to perform with minimal supervision
- Contributes to the team effort and positive image of the Department by consistently providing a high level of support to internal and external customers
- Promptly resolves accounting problems in a constructive and well-documented manner
- Maintain internal and external relationships via in-person, phone, or e-mail with residents, vendors, auditors, staff, realty agents and bank professionals

Education: four-year degree in Accounting, Finance, Business Administration or related field

Requirements: Minimum of five years' experience related field and experience in municipal finance management and municipal accounting

Process basic computers skills, including a good knowledge of and experience using:

- E-mail and Microsoft Outlook
- Web Browsing
- Basic Computer Mapping (Google Maps, Bing)
- Adobe PDF Viewer
- Microsoft Office Products

Desired Qualifications:

- CPA
- Supervisory experience

Physical and Mental Requirements: Positions in this job typically require: sitting, feeling, manual dexterity, grasping, talking, hearing, typing, and seeing. This position encounters unexpected and prolonged workdays and stress and pressure from dealing with emotional issues and conflicts. There is also sustained exposure to computer keyboards and video screens. This position is generally light-duty and may require the exertion up to 20 pounds of force on occasion and the ability to lift, carry, push, pull and move objects. The individual may encounter unexpected and prolonged workdays and stress and pressure from dealing with emotional issues and conflicts.

*** The physical demands described here are representative to those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations can be made to enable individuals with disabilities to perform the essential functions.*

Working Conditions: Most work is performed in an office setting

Competencies Common to All City Positions:

- Develop, maintain a thorough working knowledge of, and comply with all departmental and applicable City policies and procedures
- Demonstration by personal example the spirit of service, excellence, and integrity expected from all staff
- Develop respectful and cooperative working relationships with co-workers, including willing assistance to newer staff so job responsibilities can be performed with confidence as quickly as possible
- Confer regularly with and keep immediate supervisor informed of all important matters which pertain to the applicable job functions and responsibilities
- Represent the City of Lake Elmo in a professional manner to the public, outside contacts and constituencies

*** The work environment characteristics described here are representative to those an employee encounters while performing essential functions of this job. Reasonable accommodations can be made to enable individuals with disabilities to perform the essential functions.*



STAFF REPORT

DATE: February 7, 2018

REGULAR

ITEM: 21

TO: Mayor and City Council

FROM: Jake Foster, Assistant City Administrator/Fire Chief Greg Malmquist

AGENDA ITEM: Approve the Creation of New Employment Category – Substitute Firefighter

BACKGROUND:

Since the start of the fire department's shift coverage by part-time personnel, the most consistent hurdle has been scheduling to fill all shifts. Initially they struggled with properly pairing staff to allow for our new hires to get trained to our operations and become familiar with equipment, while maintain a balance between staffs availability and the required 18 – 24 hours of work per week. From nearly the beginning of the transition they experienced "availability" issues, primarily due to conflicts with their other jobs. Moving forward as the new employees met minimum competency levels, they had more options for scheduling.

One of our newly hired part-time employees from our paid on call ranks experienced a significant job change, between the interview/hiring process and beginning of shifts. He began working out of state, thus preventing us from consistently scheduling him. He is now back and being scheduled.

Contributing factors to scheduling difficulties, varying work schedules with additional jobs, vacations, sick leave, appointments, etc. Attached are the schedules to date for your review to help illustrate the struggles of availability.

The proposal before was developed and discussed at great length by the Officers of the dept. The Officers support this plan and believe that in addition to providing shift, back up coverage, it will also help with retention of current paid on call firefighters by allowing them alternative ways to "earn" Relief Credit and schedule their time to meet the requirements of the dept.

The Council discussed these issue at their work session on January 12 and directed staff to continue working on a way to utilize POCs for shift work while not triggering PERA , holiday or PTO beenefits since they would be working limited hours. Staff worked with our employment attorney to come up with the specific changes recommended to the personnel policy as outlined below.

At their January 22 meeting, the Human Resources Committee recommended to Council that the City's recently adopted personnel policy be updated to create a new employment category of "substitute firefighter."

ISSUE BEFORE COUNCIL:

Should the Council approve the HR Committee's recommendation to create a new employment category of "substitute firefighter" to allow paid on call firefighters to cover part-time shifts while still being allowed to earn relief credit and the part-time wage of \$17/hour?

PROPOSAL DETAILS/ANALYSIS:

The proposal for discussion is to allow our current paid on call personnel to be allowed to work shifts on an occasional, as needed basis. This would only be available for the paid on call personnel that currently

are not hired as part-time employees working shifts. Paid on call firefighters working these shifts will be considered “substitute firefighters,” earn a wage of \$17.00/hour, and earn fire relief credit.

To avoid confusion, provide clear separation and avoid “double dipping,” the following guidelines would pertain to these paid on call employees. They would not be allowed to exceed the minimum requirement of 18 hours of shift work per week on a regularly scheduled basis, (this may occur occasionally). By staying under the 18 hour required minimum, on a regular basis, they would not be entitled to the benefits received by the part-time employees such as holidays, PTO or PERA.

We believe this will help with the retention of our current paid on call employees. We are also hopeful that this will allow us to fill all shifts and prevent us from having to go outside to hire again.

The definition section of the Personnel Policy should be amended to include:

Substitute Firefighter: Any paid on-call firefighter for the City who, on an occasional and sporadic basis, voluntarily agrees to work an available part-time firefighter shift. Substitute firefighter are not eligible for benefits or seniority. A substitute firefighter shall not exceed 18 hours of shift work per week.

FISCAL IMPACT:

This approach will have no additional financial impact. It was already budgeted for the shift coverage. They are already trained and have all necessary equipment and gear. In fact, by guaranteeing 100% shift coverage, we will be able to reduce the need for ALL CALL paging and potentially reduce staff costs.

RECOMMENDATION:

“Motion to amend the Personnel Policy to create the substitute firefighter employment category under the definitions section as described above”

ATTACHMENTS:

None