



STAFF REPORT

DATE: 12/11/23

REGULAR

ITEM# 4A: – PUBLIC HEARING

MOTION

TO: Planning Commission
ITEM: **Discalced Nuns of St Paul - Conditional Use Permit**
FROM: Sophia Jensen, City Planner

BACKGROUND

The Discalced Carmelite Nuns of St. Paul (Applicant) have applied for a Conditional Use Permit (CUP) for the property located at PID # 09.029.21.12.0002 for a 1,532 square foot expansion to their existing monastery originally built in 1955. The intent of the expansion is to increase privacy, function, and better accommodate their day-to-day life. The addition will include an ADA accessible entrance hall, ADA accessible bathroom, speak rooms, and a parlor. The Nun's monastery is currently a legal nonconforming use since their religious institution predates the CUP requirement of the public facilities zoning district. The proposed expansion of the building triggers the site to be brought into conformance with the conditional use permit requirement.

PROPOSAL DETAILS/ANALYSIS

Applicant: Discalced Carmelite Nuns of St. Paul
Property Owners: Discalced Carmelite Nuns of St. Paul
Location: 8251 Mount Carmel Road (8251 Demontreville Trl)
Request: Application for a Conditional Use Permit (CUP) to allow for expansion of legal nonconforming site.
Site Area: 89.6 acres
Existing Land Use: Religious Institution
Existing Zoning: Public Facilities (PF) and Shoreland Overlay District
Surrounding: North – single-family homes zoned RR and A
West – Lake Demontreville
South – single-family homes zoned RS
East – single-family homes zoned RR
Comprehensive Plan: Institutional
History: The property has been owned by the Discalced Carmelite Nuns of St. Paul since 1954. The current monastery was built in 1955. Since it was originally built, the monastery has not been subject to any expansions or modifications. The site is currently a legal nonconformity since the use requires a Conditional Use Permit in the PF zoning district. The property is shared with the Carmelite Hermitage who have an independent CUP.
Deadline for Action: Application Complete – 11/7/2023
60 Day Deadline - 1/6/2023
120 Day Deadline – 3/6/2024
Regulations: Article XVI – Public and Semi-Public Districts
Article XIX – Shoreland Overlay District
105.12.290 – Conditional Use Permits

PROJECT ANALYSIS

Because the property does not have a conditional use permit as is required by the Zoning Code, the existing use is considered legal non-conforming. The City's ordinance states that the lawful use of a building or structure may continue, but that the continuation of the non-conforming use does not include expansion. Since the applicant is requesting expansion of the non-conforming use, by adding the monastery addition, the City must approve a conditional use permit in order for the applicant to add the addition and to bring the property in to compliance.

The proposed addition will not increase the required capacity of the current well or septic system. According to the ST Testing report dated October 26th 2023 the current wastewater system is adequate for the existing building and expansion.

In their narrative, they state that their way of life is relatively secluded; they do not generate a significant amount of vehicle traffic. The proposed addition would not affect current traffic flows. They have one employee and his family that reside on the site, periodically assisted by volunteers, to help maintain the grounds and buildings. The monastery is open to the public from 7:00AM to 4:30PM, which is the same hours as the Carmelite Hermitage with whom they share the gated entrance off Demontreville Trail. According to the narrative, they expect a maximum of five trips periodically through the day due to deliveries or visitors. The nuns never leave the monastery. The off street-parking ordinance exempts existing religious institutions from meeting the parking stall standards although they must develop a parking management plan. As part of the monastery's management plan, they are proposing seven parking stalls for their monastery. This should be sufficient for their anticipated five trips.

The proposed 1,532 square foot addition would be to the north and west of the existing buildings and south of the existing driveway into the site. The following table outlines how the proposed use adheres to the setback and impervious surface requirements of the Public and Quasi-Public Open Space District and Shoreland Overlay District.

PF and Shoreland Overlay Zoning Standards		
Standard	Required	Proposed
Maximum Parcel Area	20 acres	90 acres
Maximum Height (Addition)	50 feet	25 feet
Maximum Impervious Coverage	15%	4,098 SF or 0.1%
Front Yard Setback – Building	100 feet	118.2 feet
Interior Side Yard Setback – Building	100 feet	1,450.1 feet
Rear Yard Setback - Building	100 feet	1,830.1 feet
Parking Lot Setback	100 foot	100 feet
Setback from a Public Street	20 feet	1,800 feet
Structure Setbacks From OHWL	200 feet	316 feet
Septic Setback From OHWL	150 feet	253 feet
Setback from Top of Bluff	50 feet	N/A

Standards for Places of Worship within the Public and Quasi-Public Zoning District. The following outlines standards for places of worship as outlined in the Public and Quasi-Public zoning district.

- a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;
 - *Staff Comment.* The City has classified Demontreville Trail as a major collector street. The City Council approved a variance in 2021 for a direct access road to the Carmelites from Demontreville Trail (Resolution 2021-092) which applies to any buildings or structures on the property.
- b. No use may exceed 235 gallons wastewater generation per day per net acre of land;
 - *Staff Comment.* It is unknown how much wastewater is generated, but it is assumed there is no more than 235 gallons being generated per net acre on a 90 acre site.
- c. No on-site sewer system shall be designed to handle more than 5,000 gallons per day;
 - *Staff Comment.* According to the ST Testing report dated October 26th 2023 the current wastewater system is adequate for the existing building and expansion.
- d. Exterior athletic fields shall not include spectator seating, public address facilities or lighting;
 - *Staff Comment.* There are no exterior athletic fields.
- e. No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than 6 feet above or beyond the principal structure.
 - *Staff Comment.* No broadcast or telecast antennas, existing or proposed.

REVIEW COMMENTS

The CUP application was sent out for agency review on October 27th 2023. The following responses were received:

Fire Department Review Memo 11/7/2023. Provided comments regarding drive lanes and parking areas, fire suppression and fire alarm system installation requirements, building addressing, and access/gate requirements A condition of approval that the items in the memo must addressed prior to construction has been added.

Landscape Architect Review Memo 11/8/2023. Provided comments that since this is a small expansion of an existing site, minimum site disturbance is proposed, and the parcel is extremely large and heavily vegetated the tree preservation and landscape plan requirements may be waived. The review memo indicates that additional landscaping is still being proposed around the new addition.

VBWD. Provided a comment that no watershed permit was required based on this proposal.

MN DNR. No comment.

City Engineer. No comment.

RECOMMENDED FINDINGS

Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions be met. Staff recommends the following findings:

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 proposed use should not be detrimental or in any way endanger the public health, safety, comfort.***

2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The proposed use conforms to the Comprehensive Plan.***
3. The use or development is compatible with the existing neighborhood. ***The proposed use is permitted in Public Facilities zoning district subject to a CUP.***
4. The proposed use meets all specific development standards for such use listed in the Zoning Code. ***The proposed use must meet the provisions of Article XVI – Public and Semi-Public Districts.***
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 Article XIX (Shoreland Management) and Title 100 (Flood Plain Management). ***The proposed use meets the Shoreland Regulations.***
6. The proposed use will be designed, constructed, operated and maintained 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. ***The proposed use will be compatible in appearance with the existing character of the general vicinity and will not change the essential character of the area.***
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The proposed monastery addition is to be set back far from the public right of way and from adjacent land owners and so should not create a nuisance to existing or future neighboring structures.***
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 proposed monastery addition will be adequately served by public services or facilities.***
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 proposed use will not create excessive additional requirements at public cost.***
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. ***The proposed use should not be detrimental to persons, property, or the general public welfare.***
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***With the new direct access (Res. 2021-092), the proposed use should not create traffic congestion.***
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. ***The proposed use should not affect natural or scenic features.***

FISCAL IMPACT

None.

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The applicant must obtain all other necessary City, State, and other governing body permits and approvals before the commencement of any construction activity on the site.
- 2) All recommendations and requirements in the Fire Department memo dated November 7th 2023 must be met prior to the issuance of a Certificate of Occupancy for the addition.

- 3) If the applicant has not taken action toward starting the addition, or if substantial construction of the addition has not taken place within 12 months of the City's approval of conditional use permit, the CUP approval shall become void. The applicant may request City Council approval of a time extension to start or implement the conditional use permit.

OPTIONS:

The Planning Commission may:

- Recommend approval of the Conditional Use Permit with recommended findings and conditions of approval.
- Recommend approval of the Conditional Use Permit with amended findings and conditions of approval.
- Recommend denial of the Conditional Use Permit, citing findings for denial.

RECOMMENDATION:

Staff recommends the Planning Commission recommend approval of the CUP with the listed conditions. Suggested motion:

“Move to recommend approval of a Conditional Use Permit for the Discalced Nuns of St Paul Monastery Addition with the listed conditions based on the findings listed in the staff report.”

ATTACHMENTS:

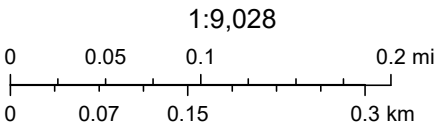
1. Location Map
2. Land Use Application
3. Narrative and Plans
4. Fire Department Memo 11/7/2023
5. Landscape Architect Memo 11/8/2023



11/7/2023, 9:56:57 AM

-  Parcels
-  Municipals

DNR Protected Waters ID



Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3880 Laverne Avenue North
Lake Elmo, MN 55042

CONDITIONAL USE PERMIT APPLICATION

Property Owner: Discalced Carmelite Nuns of St. Paul
Address: 8251 Mount Carmel Road
Phone #: 651-777-3882
Email Address: _____

Fee Owner: Discalced Carmelite Nuns of St. Paul
Address: 8251 Mount Carmel Road
Phone #: 651-777-3882
Email Address: _____

Property Address: 8251 Mount Carmel Road
PID#: 0902921120002

Engineer Name and Email: None yet hired. We are unsure if needed.

Detailed Reason for Request: See attached paper.

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: Angela M. Barnett, Date: 26 July 2023

Signature of property owner: Angela M. Barnett Date: 26 July 2023

Land Use Application – Conditional Use Permit

Property Location

All of Government Lot 4 in Section 9, Township 29 north, Range 21 west, City of Lake Elmo, Washington County, Minnesota, according to government survey containing 59.4 acres of land. Also the south 30.6 acres of Government Lot 4 in Section 4, and of the southwest quarter of the southeast quarter of said Section 4, all in Township 29 north, Range 21 west, according to government survey, being the south 688 feet thereof.

Detailed Reason for the Request

Our monastery was built in 1955 and has been our home since then. We are currently sixteen Nuns, including a few who are elderly and require first floor living space. Daily experience has manifestly shown that the current arrangement of the first floor living space does not afford adequate privacy and functionality. The goal is to renovate this living space and adjacent area to increase privacy, functionality, restroom accommodation and storage areas for the better flow of day-to-day life. Additionally, a wellness/ day room will enhance our ability to meet the daily needs of our Nuns. Because the renovation and expansion of this first floor living space will claim adjacent space currently used for welcoming visitors to the monastery, it is necessary to build an addition to the monastery that will provide for the small volume of visitors. This addition will include an entrance hall, parlor, and ADA restroom. More over, it is our intention to upgrade the entrance of the monastery to make it fully handicap accessible. This moves us to request from the City of Lake Elmo the Conditional Use Permit to provide for the basic needs of our community and of our visitors.

Variance Requests

No variances requested.

2a. Contact Information

Owner of Record

Discalced Carmelite Nuns of Saint Paul
8251 Mount Carmel Road
Lake Elmo, MN 55042
651-777-3882

Authorized Agents

Reverend John Burns
Carmelite Hermitage of the Blessed Virgin Mary
8249 Mount Carmel Road
Lake Elmo, MN 55042
651-779-7351
carmelbvm@gmail.com

Paul Tragiai
McGough Construction Company
2737 Fairview Avenue North
Saint Paul, MN 55113
651-248-2510
PTragiai@mcgough.com

Architect

Dana Kelly

5515 Lake Avenue
Shoreview, MN 55126
651-271-6900

danajkelly@icloud.com

Civil Engineer

We are unsure whether a civil engineer needs to be engaged for this project.

Surveyor

Milo Horak
Landmark Surveying, Inc.
21070 Olinda Trail North
Box 65
Scandia, MN 55073
651-433-3421
inthefield@frontiernet.net

Septic System

Steve Schirmers
Schirmers Wastewater Treatment Systems, INC.
951 Katydid Lane NE
St. Michael, MN 55376
763-497-3566
schirmerswastewater.com

2b. Property Information**Address**

Discalced Carmelite Nuns of St. Paul
8251 Mount Carmel Road
Lake Elmo, MN 55042

Current Zoning

Public Facility (PF)

Parcel Size

90.109 acres
3,924,760 square feet

PID

0902921120002

Current Legal Description

All of Government Lot 4 in Section 9, Township 29 north, Range 21 west, City of Lake Elmo, Washington County, Minnesota, according to government survey containing 59.4 acres of land. Also the

south 30.6 acres of Government Lot 4 in Section 4, and of the southwest quarter of the southeast quarter of said section 4, all in Township 29 north, Range 21 west, according to government survey, being the south 688 feet thereof.

2c. History of the Property

The property under consideration was homesteaded in the 1800s and remained farm land until 1954. At one time William Jennings was owner of all of Lot 4, Section 9, Township 29, Range 21, and all of Lots 3 and 4 and the West one-half of the Southeast Quarter of Section 4, Township 29, Range 21, West in Washington County, Minnesota.

On 25 August 1904, William Jennings and his wife conveyed to Christian Figge by warranty deed dated that day, Government Lot 4, Section 9, Township 29, Range 21, and also the South 30.6 acres of Lot 4 in Section 4 and of the Southwest Quarter of the Southeast Quarter of Section 4, Township 29, Range 21, along with an easement to said property. This property passed through the hands of several landowners in the following half century and was inherited by Phillip C. Mackey from his father in 1948. Mr. Mackey put the property up for sale in 1949.

In 1954, the Discalced Carmelite Nuns of Saint Paul were looking for property upon which to build a permanent monastery. They were advised of the property owned by Mr. Mackey, and they entered into negotiations for its purchase.

On 2 February 1954, Phillip C. Mackey and his wife Bernadine R. Mackey conveyed the property, along with its easement, to the Discalced Carmelite Nuns of Saint Paul by warranty deed, dated that day, and filed for record in Washington County, Minnesota, on 4 February 1954. The Carmelite Nuns built their monastery upon their newly acquired property in 1954/55. They moved into the new monastery in 1955 and have resided there since that time.

In 1983, Rev. John Burns, a Carmelite priest, became chaplain for the Carmelite Nuns in Lake Elmo. After several years, the Carmelite Nuns and Fr. Burns mutually agreed that it would be beneficial to the Carmelite nuns if the Carmelite Fathers and Brothers established their own monastery on the property. This would assure the nuns of future chaplains and allowed the Carmelite Fathers to have a presence in the Twin Cities. In 1987 Carmel of the Blessed Virgin Mary (aka Carmelite Hermitage, Carmelite Hermitage of the Blessed Virgin Mary) was incorporated in the State of Minnesota. Other priests and brothers joined the community over the years.

The Order of Carmelites was founded on Mount Carmel (present State of Israel) sometime before 1200 AD. From there it has spread to six continents. Currently there are about 900 monasteries of nuns with a total membership of 10,000, and 1,000 houses of Carmelite priests and brothers with about a total membership of 6,000. We are part of the Roman Catholic Church.

Our way of life consists of prayer, study, and labor to support ourselves. Our day is punctuated by liturgical services and times of personal prayer. We live a simple way of life and support ourselves through arts and crafts, organic gardening, and self maintenance of our property and buildings.

2d, i.

The 90 acre tract upon which our monastery is built is approximately 60% woodland and 40% meadow and is situated on the east bank of Lake Demontreville. Wildlife is abundant in all areas of the property. We have a personal commitment to live in harmony with our natural surroundings and to employ horticultural practices which do not pollute but rather benefit the environment. We have spent many hours removing buckthorn and diseased trees from our property and planting species of trees and shrubs which are beneficial to wildlife.

The proposed addition to our monastery will be added on to the north west corner of the existing building, and will consist of a new parlor for greeting guests who come to visit. The addition will make our current entrance handicap accessible and ADA compliant.

The addition will not require any significant changes to the topography. The area in the immediate vicinity of the monastery is planted with lawn, trees, shrubs, and flower beds. Access to the monastery is now provided by a new private road from Demontreville Trail. This new road, called Mount Carmel Road, was approved by the City of Lake Elmo in 2021. The distance between the Monastery and Demontreville Trail is approximately 1 mile.

Since we live at the Monastery, and since our way of life is relatively secluded, we leave the monastery very infrequently, and therefore we do not generate a significant amount of traffic. Visitors to our Monastery now average 5 per day. Additionally, we have regular mail delivery and occasional deliveries by UPS or FedEx. Because of the remoteness of our property, we do not anticipate any increase of visitors beyond the current average.

We do not anticipate any adverse effects upon the natural areas of our property during or after the construction of the addition.

2d, ii.

We have one employee and his wife and son who live in a small house at the entrance to our property. He maintains our grounds and buildings, and is occasionally assisted by volunteers. The Monastery is open to the public from 7:00 AM to 4:30 PM. We have a gate on our new roadway which prevents access to the Monastery after-hours.

Our monastery building provides living and work spaces for the members of the community. Additionally, some rooms are dedicated to hospitality, and include our foyer, parlor, and chapel.

2e, i.

Since the parcel of land upon which our monastery is built is very large and since the new addition will be very modest, we do not foresee any inconvenience or disturbance to the neighborhood or to the City. Our community greatly values silence as an appropriate atmosphere for prayer and personal reflection. None of the activities carried out in the new addition will create noise. The addition will be built of durable materials. The safety of our grounds and buildings is important to us. No toxins or harmful waste products are produced as a result of activities at our monastery; we are committed to recycling and energy conservation.

2e, ii.

Our parcel of land has always been and continues to be zoned as Public Facility. No change in land use is envisioned in our plans. Since our parcel of land is heavily wooded and borders Lake Demontreville on its west side, we in no way interfere with the development plans of the City of Lake Elmo. The comprehensive plan is for public/park. The rural character of the area will not be changed by the new addition.

2e, iii.

Our property is bordered on the south and east by low density private housing, on the north by the Jesuit Retreat House, and on the west by Lake Demontreville. Woodland separates our buildings from the single-family neighborhoods which border our property to the east and to the south. Woodlands also separate us from the Jesuit Retreat House. With exception of our bell tower, there is no direct view of our buildings from any neighboring property. There is no incompatibility between our monastery and the

existing neighborhood. The addition to our monastery will be isolated from neighbors and will not create a hazard or nuisance to existing or future neighboring structures.

We have excellent relations with our neighbors. Many have told us that they are very grateful to live next to our Monastery both because of the prayerful and religious nature of our life and also because of our extensive woodlands.

The new addition will be constructed of the same materials as the existing Monastery building (brick and stone). The monastery of the Carmelite Hermits is also a brick structure. The main building complex of the Jesuit Retreat House is a limestone structure. No change in the character of the area will result from the construction of our addition.

The nearest land uses are also religious. The Jesuit Retreat House shares the same prayerful and religious activities as we do. Our institutions belong to the same church and share a common purpose.

The addition will be served adequately by existing public services and will not create any additional demand for public services. The site utilizes an onsite well and onsite septic system. The project will not create a need for additional public services or facilities. No detriment to the economic welfare of the community will result from the construction of our chapel.

Survey information

The project is not in a flood plain. The project is in a shoreland district. The project meets the setback and lot area requirements of the ordinance. Demontreville Lake is a recreational development lake. The project is a permitted use in the shoreland district

	Ordinance	Proposed
Setback County Road	50	3,800± FT.
Setback Public Street	20	1,800± FT.
Setback OHW	200	316± FT
Setback top of bluff	30	53± FT
Setback OHW- Septic TANK	75	253± FT
Maximum impervious coverage	15%	LESS THAN 10%



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

ACKNOWLEDGEMENT OF RESPONSIBILITY

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

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

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

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

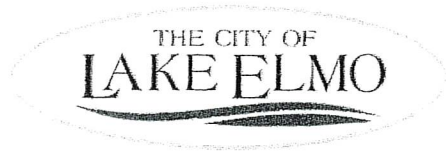
Signature of applicant Angela M. Barrett Date 26 July 2023

Name of applicant Carmelite Monastery Phone 651-777-3882
(Please Print)

Name and address of Contact (if other than applicant) Sr. Angela M. Barrett

8251 Mount Carmel Road

Lake Elmo, MN 55042



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

AFFIRMATION OF SUFFICIENT INTEREST

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

Name of applicant Disclalced Carmelite Nuns of St. Paul (aka Carmelite Monaster
(Please Print)

Street address/legal description of subject property 8251 Mount Carmel Road

All of Government Lot 4 in Section 9, Township 29 north, Range 21 west, City of
Lake Elmo, Washington County, Minnesota, according to government survey con-
taining 59.4 Acres of land. Also the south 30.6 acres of Government Lot 4 in
Section 4, and of the southwest quarter of the southeast quarter of said sec-
tion 4, all in Township 29 north. Range 21 west, according to government sur-
vey, being the south 688 feet thereof.

Angela M. Banett
Signature

26 July 2023
Date

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

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

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

Discalced Carmelite Nuns of Saint Paul
8251 Mount Carmel Road
Lake Elmo, MN 55042
651-777-3882

**CORPORATE RESOLUTION AND MINUTES OF ACTION TAKEN
BY THE DIRECTORS OF THE DISCALCED CARMELITE NUNS OF ST. PAUL**

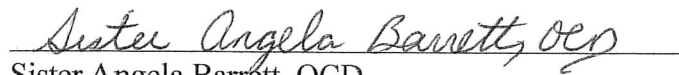
The undersigned, being directors of the Discalced Carmelite Nuns of St. Paul, a Minnesota non-profit corporation, do hereby adopt the resolutions set forth below, by this action in writing duly signed by them on 4 August 2023, such action being taken by such persons in their respective capacities as members of the Board of Directors of the said corporation.

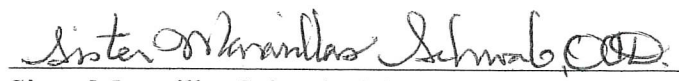
RESOLVED, that the Board of Directors of said corporation has approved the construction of an addition to its building located at 8251 Mount Carmel Road.

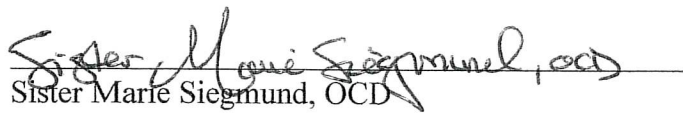
RESOLVED, that Sr. Angela M. Barrett, President of the said Corporation, is hereby authorized to transact all legal and financial business on behalf of the said corporation in the matter of applying for and obtaining a conditional use permit from the City of Lake Elmo for the construction of the addition.

RESOLVED, that Paul Tragiai and Rev. John Burns are hereby authorized to act as agents of the said corporation in the matter of applying for and obtaining a conditional use permit from the City of Lake Elmo for the construction of the addition.

RESOLVED, that this authorization shall commence immediately and shall remain in force until revoked by the directors of the said corporation.


Sister Angela Barrett, OCD
President


Sister Maravillas Schwab, OCD
Vice-President


Sister Marie Siegmund, OCD
Secretary

Parcel Search: August 21, 2023 at 9:03 a.m. by SURVPUB
350 feet surrounding 0902921120002. 30 parcels, 23 labels.

0402921340004
0402921420001
0402921430001
0402921440001
0402921440011
0402921440012
0402921440013
0402921440014
0402921440015
0402921440016
0902921110001
0902921110002
0902921110005
0902921110006
0902921110014
0902921110020
0902921110023
0902921120002
0902921130001
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0902921130024
0902921240001

City of Lake Elmo

Escrow Agreement for Municipal Review Services

Deposit Agreement

THIS AGREEMENT is made this 8 day of August 2023, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

8251 Discalced Carmelite Nuns of St. Paul
9251 Mount Carmel Road
Lake Elmo, MN 55042

B. "Owner" whose name and address is:

Discalced Carmelite Nuns of St. Paul
8251 Mount Carmel Road
Lake Elmo, MN 55042

RECITALS

WHEREAS, the Applicant has applied to the City for approval for one or more of the following: (Select All That Apply)

- | | |
|--|--|
| <input type="checkbox"/> Plat (Sketch, Preliminary, Final) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> PUD/OP-PUD (Pre-Applicaion, Preliminary, Final) | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Vacation | <input type="checkbox"/> EAW Review |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Zoning Text or Map Amendment |
| <input type="checkbox"/> Interim Use Permit | <input type="checkbox"/> Wind Generator |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Wireless Communication Permit (co-location) |

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

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

NOW THEREFORE, the City and Applicant agree as follows:

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

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

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

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

[Signature Page Follows]

CERTIFICATE OF SURVEY

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER
AND PART OF GOVERNMENT LOT 4, SECTION 4,
AND GOVERNMENT LOT 4, SECTION 9,
ALL IN TOWNSHIP 29 NORTH, RANGE 21 WEST,
CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA.

SURVEY PREPARED FOR:
CARMELITE HERMITAGE OF
THE BLESSED VIRGIN MARY
8249 Demontreville Trail North
Lake Elmo, MN 55042

DETAIL A
Not to scale

$589^{\circ}47'08''W$
 0.02
 $589^{\circ}29'21''W$
 $N00^{\circ}43'24''W$

Washington County cast iron---
monument at the
N1/4 corner of Section 4, T29N, R21W.

SEE
DETAIL
S89°47'08"W 46.

- SEE SHEET 2

PARCEL AREA
(ABOVE OHWL)
89.723 ACRES±

RECORD PARCEL DESCRIPTIONS

Book 187 of Deeds, pages 491-492

All of Government Lot Four (4), in Section Nine (9), Township twenty-nine (29) north of Range Twenty-one (21) west, according to the government survey thereof, containing fifty-nine and four tenths (59.4) acres of land.

Also the south thirty and six-tenths (30.6) acres of Lot four (4) in Section Four (4), and of the southwest quarter of the southeast quarter of said Section Four (4), all in Township Twenty-nine (29) north of Range Twenty-one (21) west, according to the government survey thereof, being the south six hundred and eighty-eight (688) feet, more or less, thereof.

Book 301 of Deeds, page 716

The East Two Hundred Ten (210) feet of the West Three Hundred Fifty (350) feet of the North Two Hundred Ten (210) feet of the South Eight Hundred Ninety-eight (898) feet of the S.E. 1/4 of Section Four (4), Township Twenty-nine (29), Range Twenty-one (21).

Book 72 of Deeds, page 80

All of Government Lot Four (4), in Section Nine (9), Township Twenty-nine (29) north of Range Twenty one (21) west, according to the government survey thereof, containing fifty-nine and four tenths (59.4) acres of land.

Also the south thirty and six-tenths (30.6) acres of Lot Four (4) in Section Four (4) and of the southwest quarter of the southeast quarter of said Section Four (4), all in Township Twenty-nine (29) north of Range twenty-one (21) west, according to the government survey thereof, being the south six hundred and eighty-eight (688) feet, more or less, thereof.

LAKE DEMONTREVILLE NOTES:

MN DNR DIVISION OF WATERS ID 82010100
OHW ELEVATION = 929.3 FEET (N.G.V.D. 29)

PER MN DOT GEODETIC CONTROL:

GSID STATION #33731 - SCHAEFER MNDT (6,000 FEET± NORTHEAST OF PROJECT)
(N.G.V.D. 29 VALUE) + 0.17 FEET = (N.A.V.D. 88 VALUE)

GSID STATION #33801 - WELLING MN163 (8,000 FEET± SOUTHERLY OF PROJECT)
(N.G.V.D. 29 VALUE) + 0.49 FEET = (N.A.V.D. 88 VALUE)

FOR THE PURPOSES OF THIS SURVEY, I BELIEVE THE 930 FOOT (N.A.V.D. 88) CONTOUR PER MNDNR LIDAR DATA IS A CONSERVATIVE ESTIMATE FOR THE ORDINARY HIGH WATER LINE (OHWL) OF LAKE DEMONTREVILLE.

Scale in Feet

0 75 150 300

1 inch = 150 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.

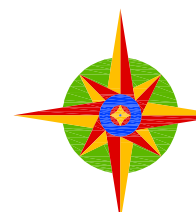
Landmark Surveying, Inc.

mil Hook

June 26, 2023

Milo B. Horak Minnesota License No. 52577 Date
Revised August 21, 2023: Added Lake Demontreville notes & parcel area.
Revised August 32, 2023: Proposed configuration.
Revised November 06, 2023: Setback dimensions.

Job No. 2023-19



Landmark Surveying, Inc.

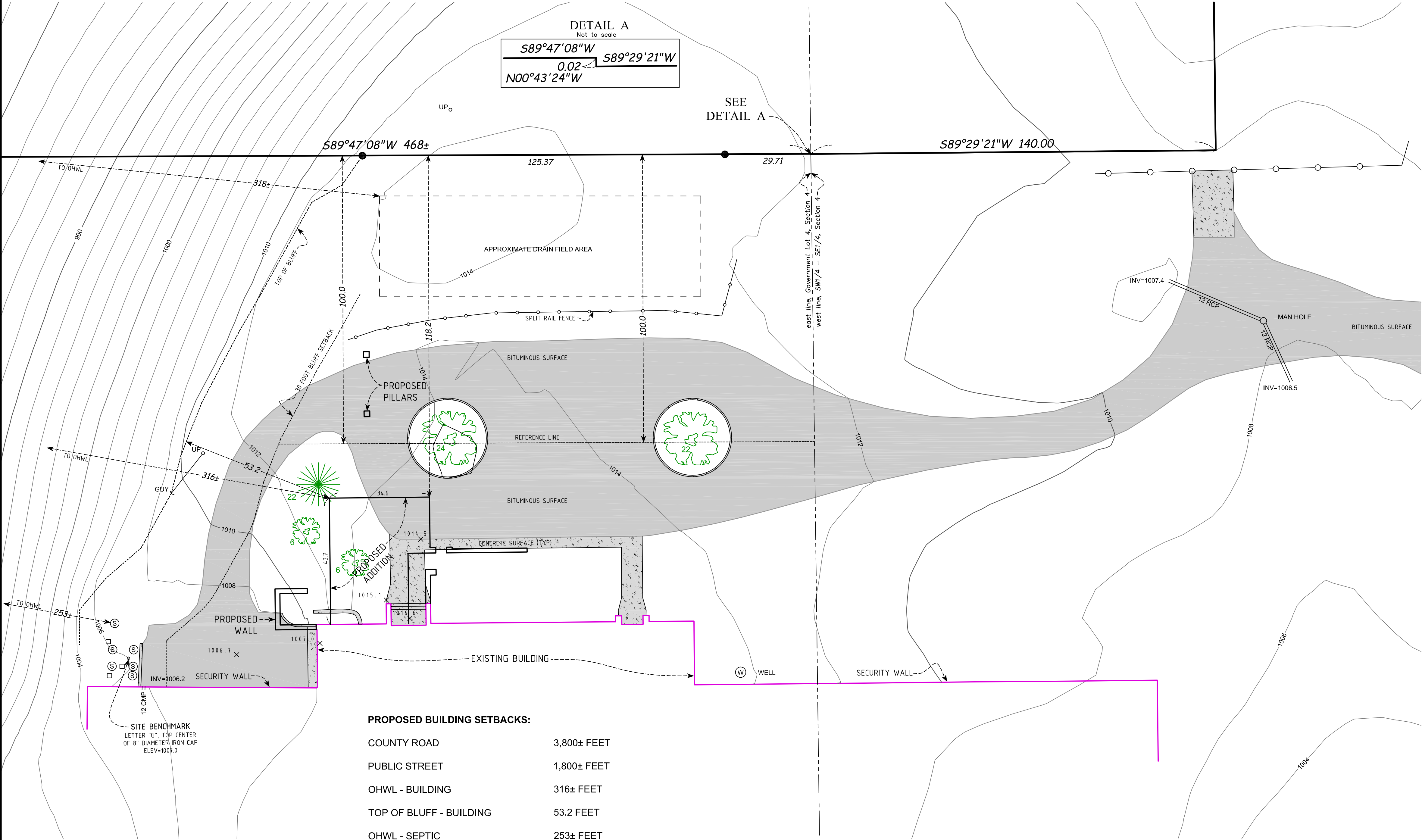
21070 Olinda Trail North
P.O. Box 65
Scandia, Minnesota 55073

Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: info@landmarksurveying.us

CERTIFICATE OF SURVEY

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER
AND PART OF GOVERNMENT LOT 4, SECTION 4,
TOWNSHIP 29 NORTH, RANGE 21 WEST,
CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA.

SURVEY PREPARED FOR:
CARMELO HERMITAGE OF
THE BLESSED VIRGIN MARY
8249 Demontreville Trail North
Lake Elmo, MN 55042



LEGEND

- Denotes found iron spike.
- 1010.2 x Denotes existing spot elevation.
- Ⓢ Denotes septic tank lid.
- Denotes septic system power box.
- 🌳 Denotes deciduous tree and trunk diameter in inches.
- 🌲 Denotes coniferous tree and trunk diameter in inches.
- 12 RCP Denotes reinforced concrete pipe and diameter in inches.
- 12 CMP Denotes corrugated metal pipe and diameter in inches.
- UP ○ Denotes utility pole.
- GUY ✓ Denotes guy wire.

Distances are in feet and decimals of a foot.
Bearings are based on the Washington County Coordinate System, NAD 83, 1986 adjustment.
Contours are at 2 foot intervals and were derived from field measurements and data published by the Minnesota Department of Natural Resources.
Elevations are based on the North American Vertical Datum of 1988, unless otherwise noted..

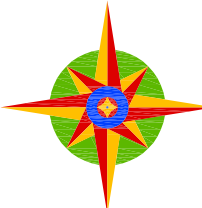
PROPOSED BUILDING SETBACKS:	
COUNTY ROAD	3,800± FEET
PUBLIC STREET	1,800± FEET
OHWL - BUILDING	316± FEET
TOP OF BLUFF - BUILDING	53.2 FEET
OHWL - SEPTIC	253± FEET
FRONT	118.2 FEET
SIDE	1,450.1 FEET
REAR	1,830.1 FEET
PROPOSED PARCEL COVERAGE: (TRACED FROM AERIAL IMAGERY)	LESS THAN 10%

Scale in Feet
0 10 20 40
1 inch = 20 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 Date June 26, 2023
Revised 08/02/2023: Graphic scale bar.
Revised 08/21/2023: Added proposed improvements & setbacks.
Revised 08/22/2023: Added dimension.
Revised 11/06/2023: Setback dimensions.

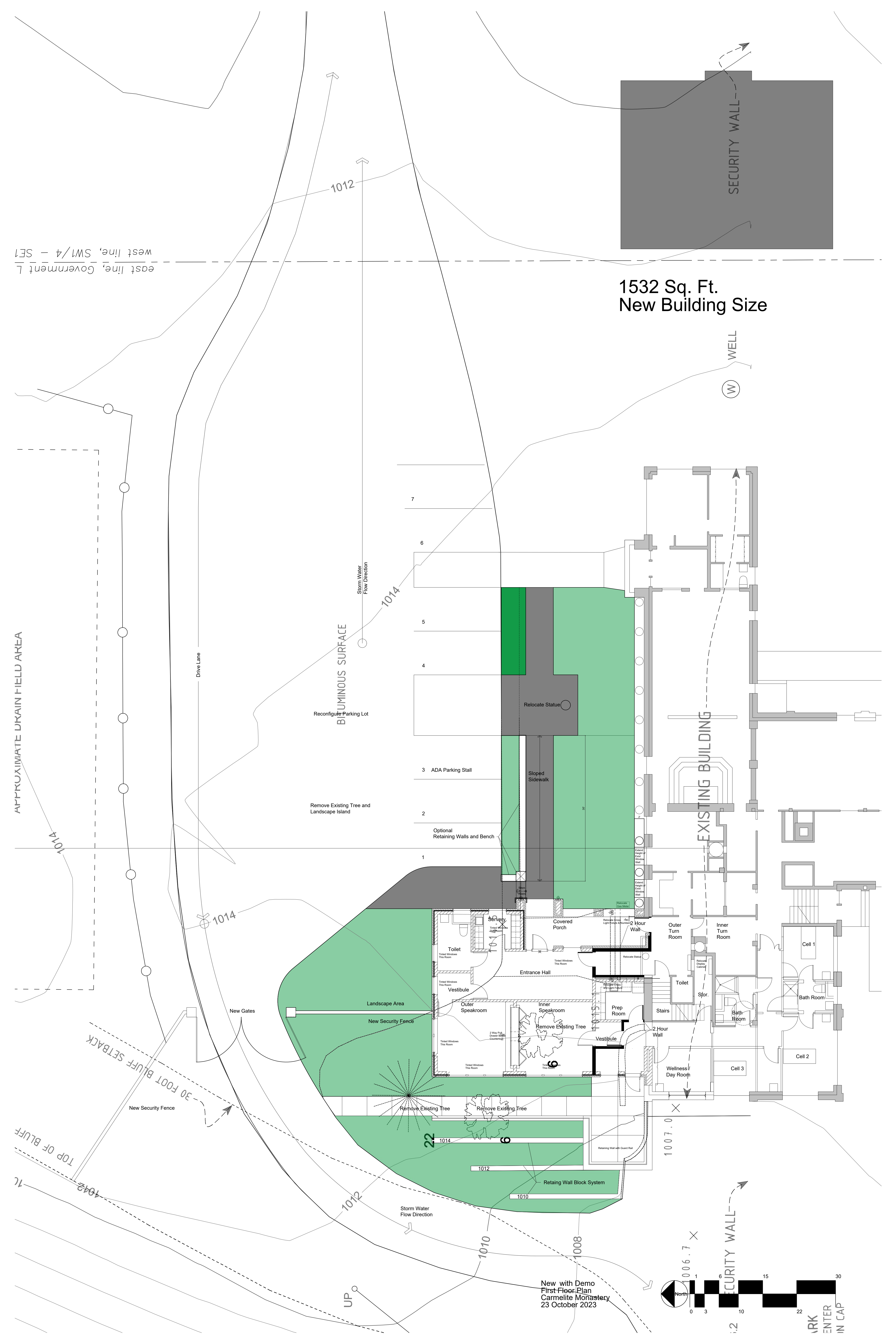


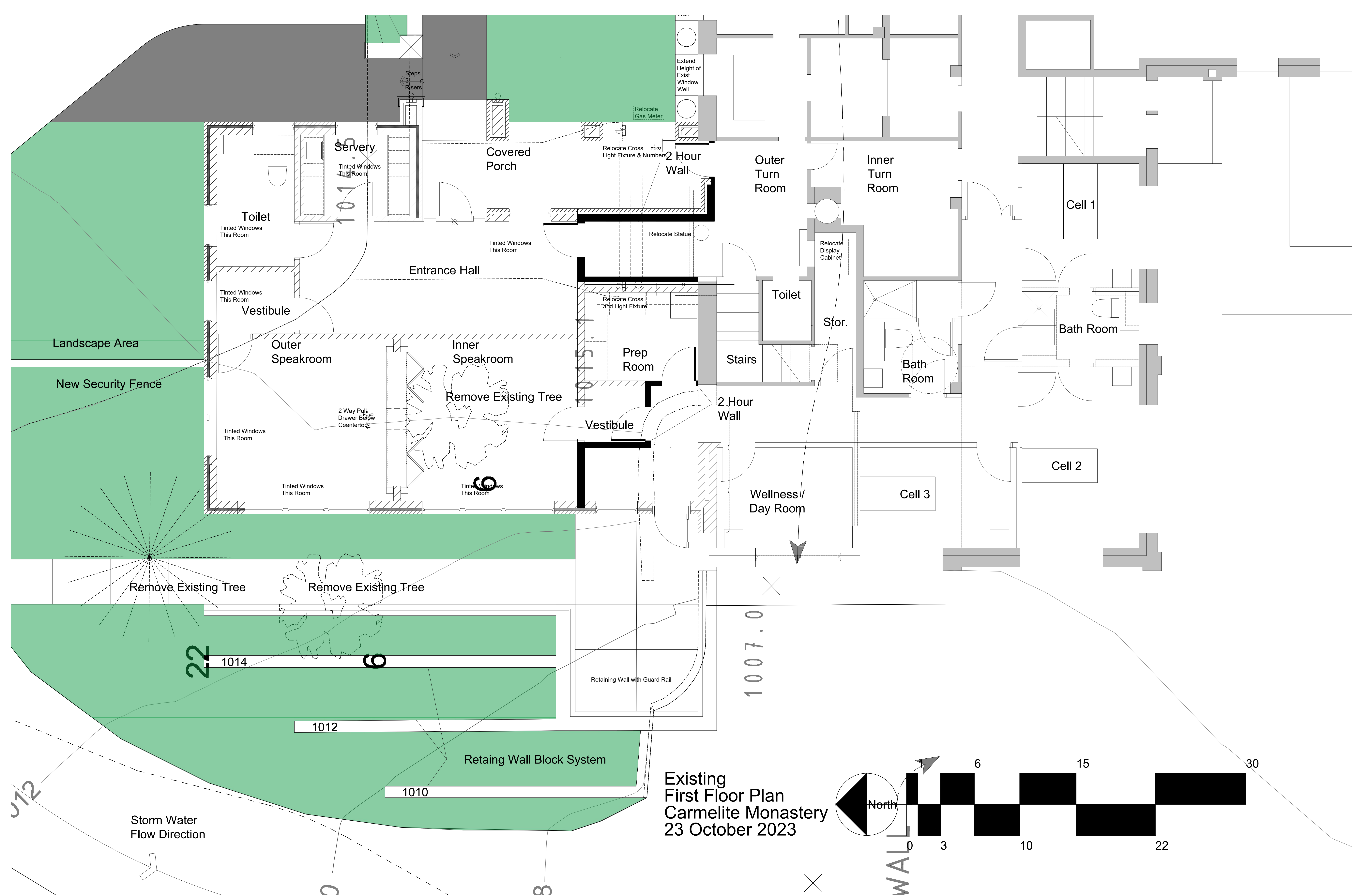
Landmark Surveying, Inc.

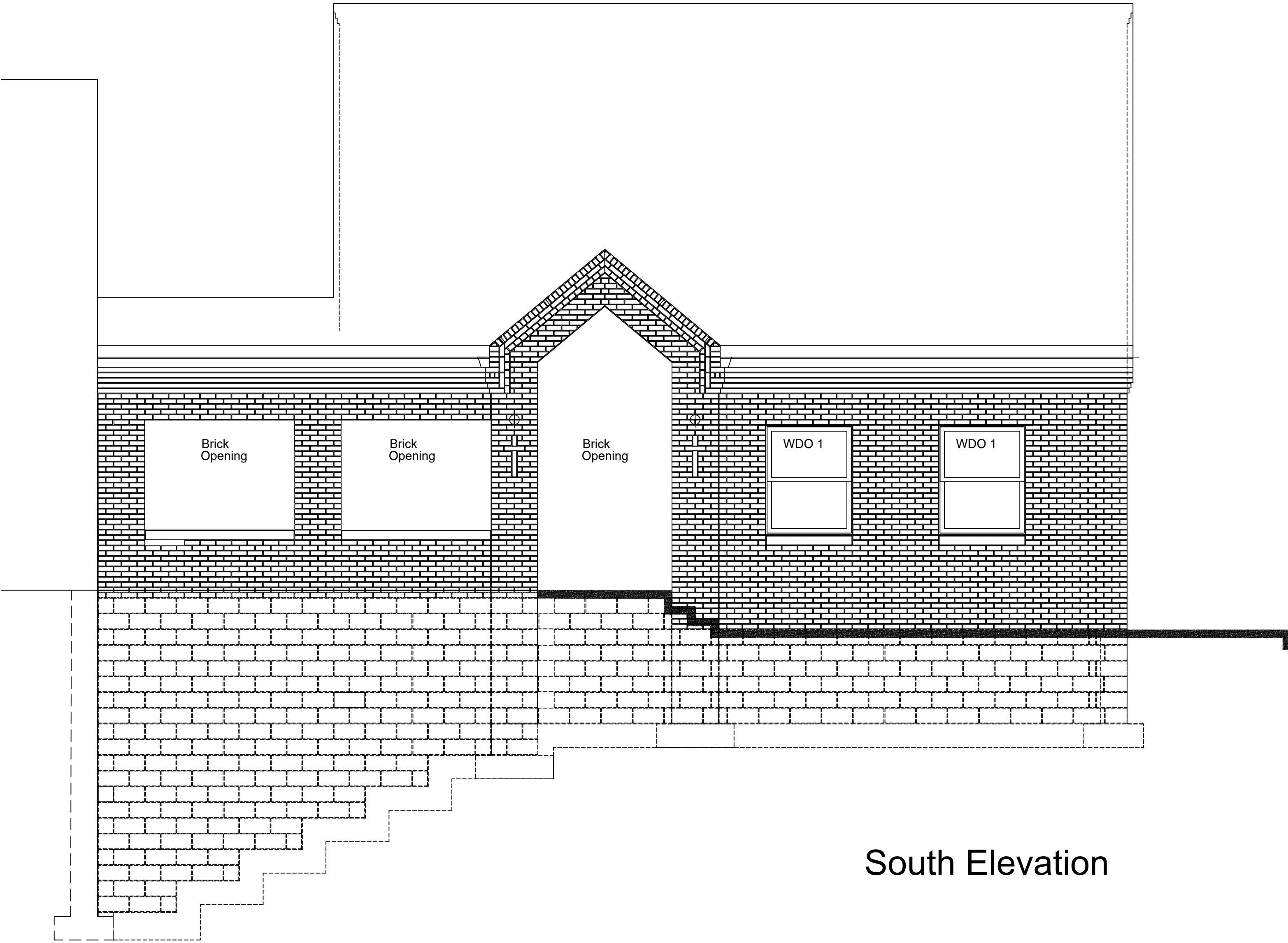
21070 Olinda Trail North
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: info@landmarksurveying.us

2023 Carmelite Monastery Addition
Impervious Surface Take-Off
23-Oct-23

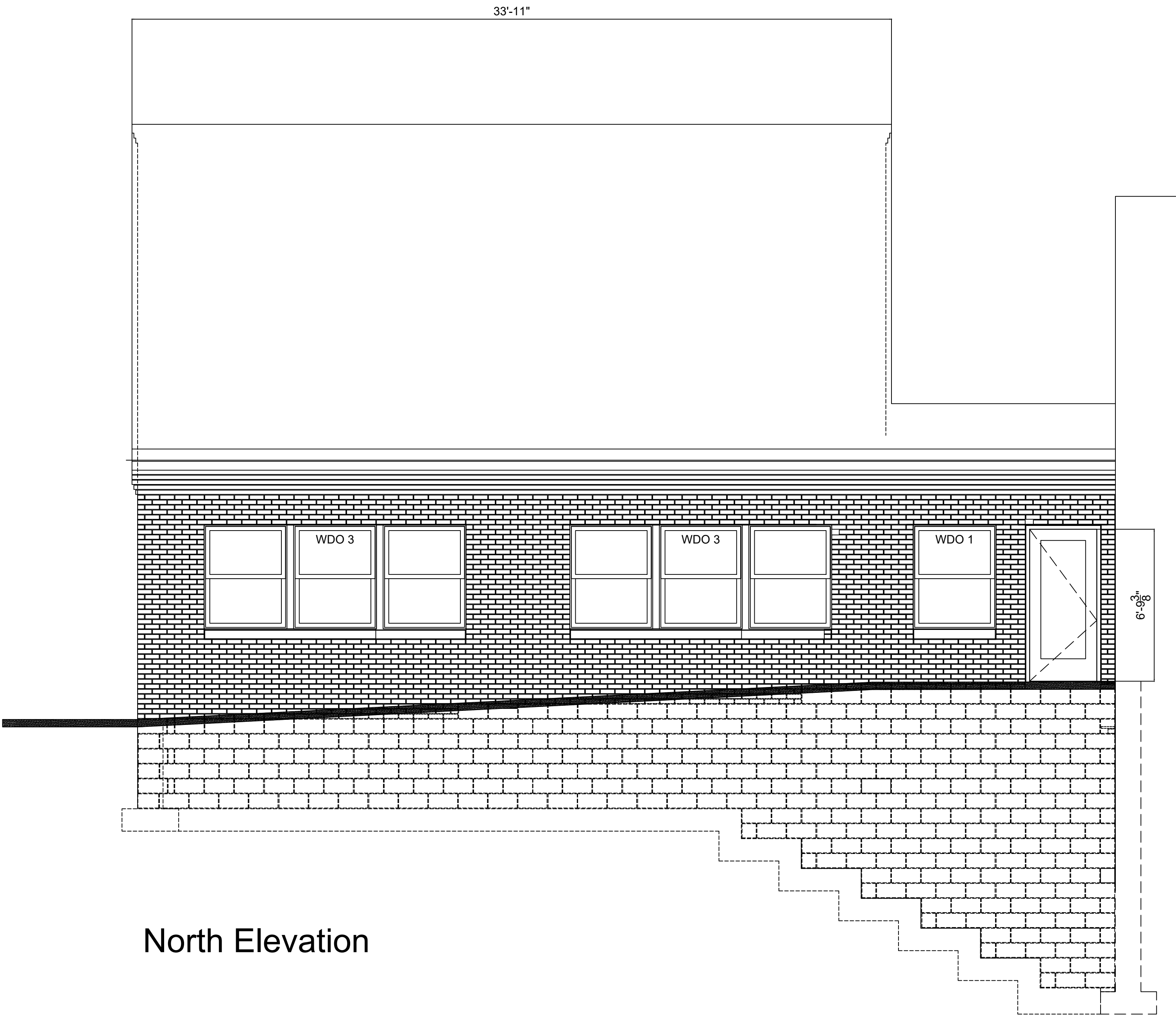
579	New Paving at Existing Tree Removal	
606	New Paving at Existing Tree Removal	
45	New Retaining Wall	
60	New Fence	
693	New Sidewalk	
583	New Sidewalk and Retaining Wall	
2566	Total New Paving and Sidewalk	2566
1532	Total New Building	1532
	Total New Impervious Surface after Construuction	4098





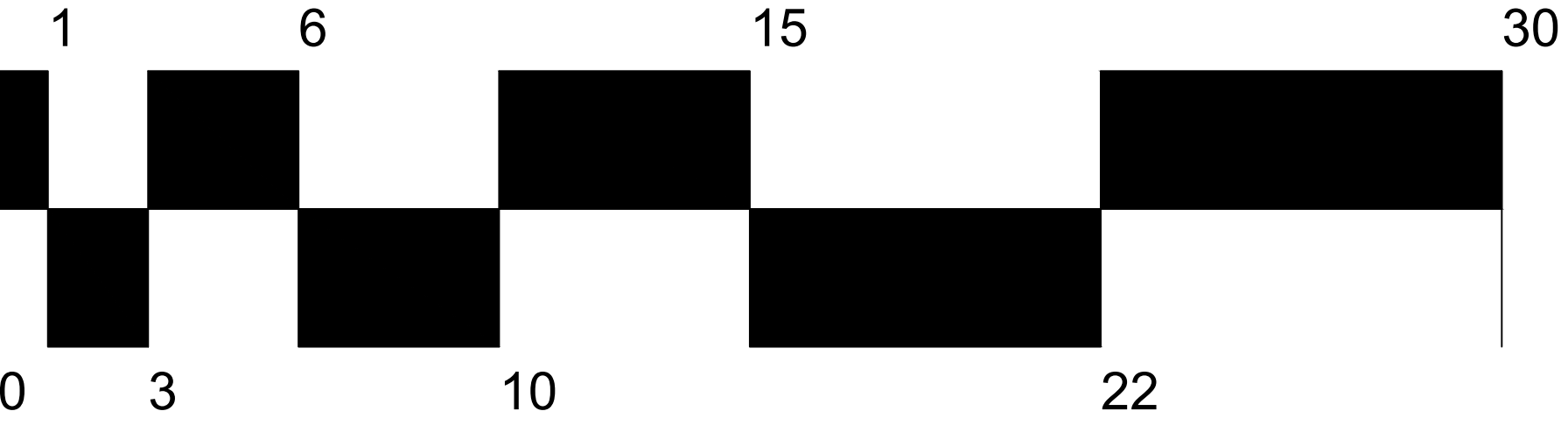


South Elevation



North Elevation

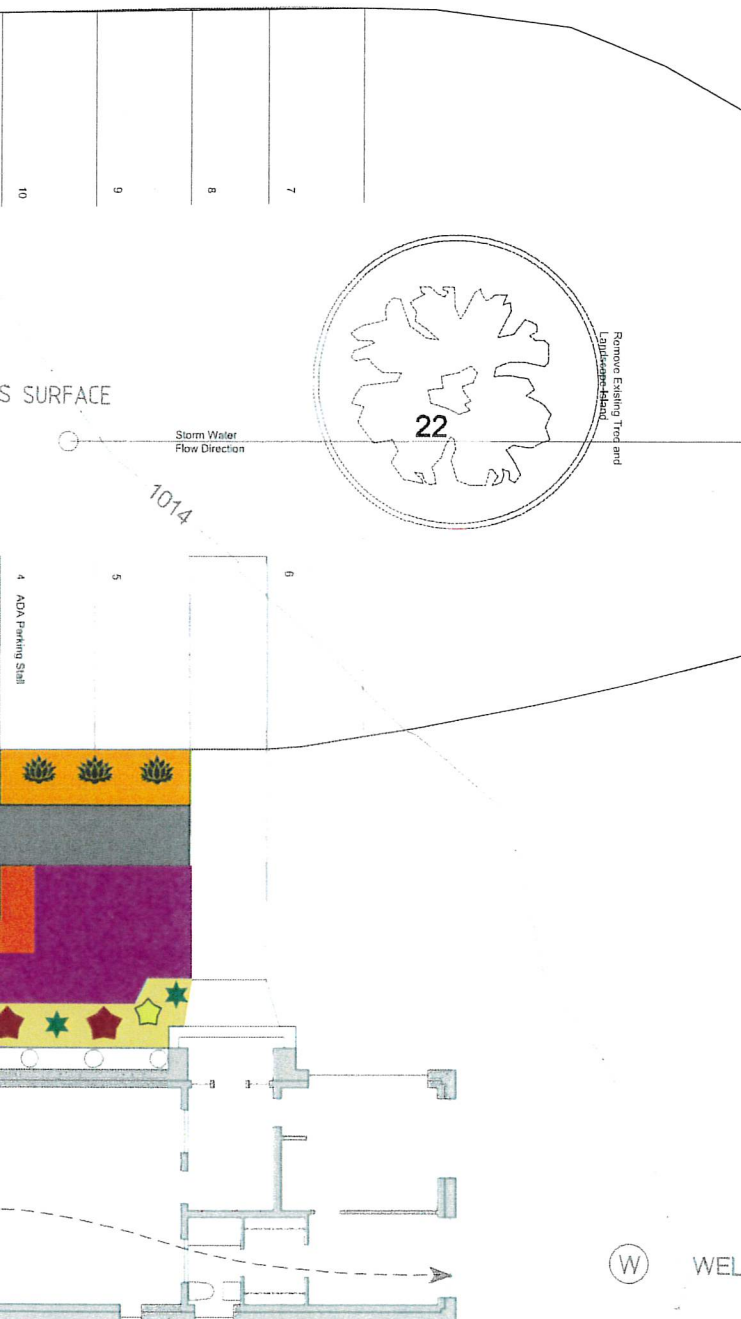
New
Elevations
Carmelite Monastery
5 October 2023







LD AREA PE PLAN r Monastery Carmel Road



Legend

-  Existing Shrub Bed (landscape fabric and rock, with interlocking solid brick edging)
-  New Shrub Bed
-  Existing Grass Lawn
-  New Grass Lawn (seed—a mix of four fescue varieties)
-  Existing Grass Lawn that will be replaced with a Flowering Ground Cover
-  Optional Shrub or Flower Bed
-  Existing Japanese Barberry - Roseglow
-  Existing Japanese Barberry - Sunjoy Gold Pillar
-  Existing Juniper -Taylor Red cedar
-  New Ornamental Shrub
-  New Evergreen Shrub

Five existing trees will be removed: one old blue spruce, two small hawthorns, and two linden trees.

All the new landscaping will be harmonized and in the same style as what already exists.

The new plants will be selected with attention to several important qualities: hardiness, compatibility with the existing shrubs, neatness of habit, and elegance of form.

Care will be taken to preserve the peace and beauty of the natural setting.

SP TESTING INC.

Steven B. Schirmers – 951 Katydid Lane NE – St. Michael, MN 55376
Cert. No 627 – State License #394 – Phone 763-497-3566 – Fax 763-497-5011
www.sptestesting.wastewater@comcast.net – schirmerswastewater.com

October 26, 2023

**Carmelite Monestary
8251 Carmel Rd.
Lake Elmo, Washington Co., MN**

A Compliance inspection was completed for the existing on-site sewage treatment system located on this property for a building permit. The system consists of 1-1500 gallon trash trap dose tank (1000 gal/trash trap - pump tank #1) with a timer pumping (average flow 840gpd) 17.5 gal/ever 30 minutes to a 1500 gallon Multi-Flo aerobic wastewater treatment system, then flows gravity to a 1500 gallon pump tank (pump #2 with duplex pumps) pumping to a 1908sq.ft. trench system with 6 trenches 106' long each, 3' wide = 636 lin.ft., 1908 sq.ft. The design is for 1200 gallons a day.

The existing system was sized for level C Treatment for a loam soil, .6gal/sq.ft. (1.67sq.ft/gal). The existing system is for 1908 sq.ft. for 1200 gal/day = 75 gal/day/person for 16 people. Using level B treatment (pre-treatment) at .78gal/sq.ft. so the existing trench system is adequate for 2446 gal/day would allow for 32 people. The Monestary will only have 20 people maximum.

In summary and clarification:

The existing system is adequate for the new addition & remodel.

The Sisters are planning to use the existing 4 bedrooms on the 3rd floor for storage areas. Each room is approximately 7' x 10'.

Soil boring #1 found no mottled soil (redox features) 6.5', elev. 99.9 & the bottom of the lowest trench at, elev. 103.6 leaving a 3.7' separation. Soil boring #2 found no mottled soil to 6.5', elev. 98.9 & the bottom of the lowest trench at elev. 103.3 leaving a 4.4' separation. This system meets the required 3' separation & is classified as in compliance with Minnesota Chapter 7080 rules & local ordinances.

The tanks were pumped by Meyer Septic Service & S-P Testing, Inc. The tanks were found to be compliant. In the trash trap tank, the concrete is starting to flake but is still sound & still meets compliance at this time. The existing trash tank is a split tank. It was found that the outlet to the old septic system had not been capped when the new system was installed originally. Smilie's Sewer Service capped the outlet & made the repairs. (see attached invoice with explanation of work completed).

The Multi-Flo has been serviced 2 times a year since the system was installed by Schirmers Wastewater Treatment Systems, Inc.

Nothing other than gray water (laundry, showers etc.) human waste & toilet tissue should be disposed of into the septic tanks. Garbage disposals are not recommended due to adding more solids & fine solids passing through into the system. Iron filters are also not recommended & should be diverted out of the system. Excessive amounts of soaps, antibacterial soaps, cleaning agents, shower cleaners used every shower & chlorine agents may kill the bacteria you need living in the system. Additives are not recommended. Recommend to pump & clean you tanks through the manhole by a certified pumper every 3 years. Check with your pumper to set up a schedule. This certificate of compliance is no guarantee that this system will continue to function indefinitely.

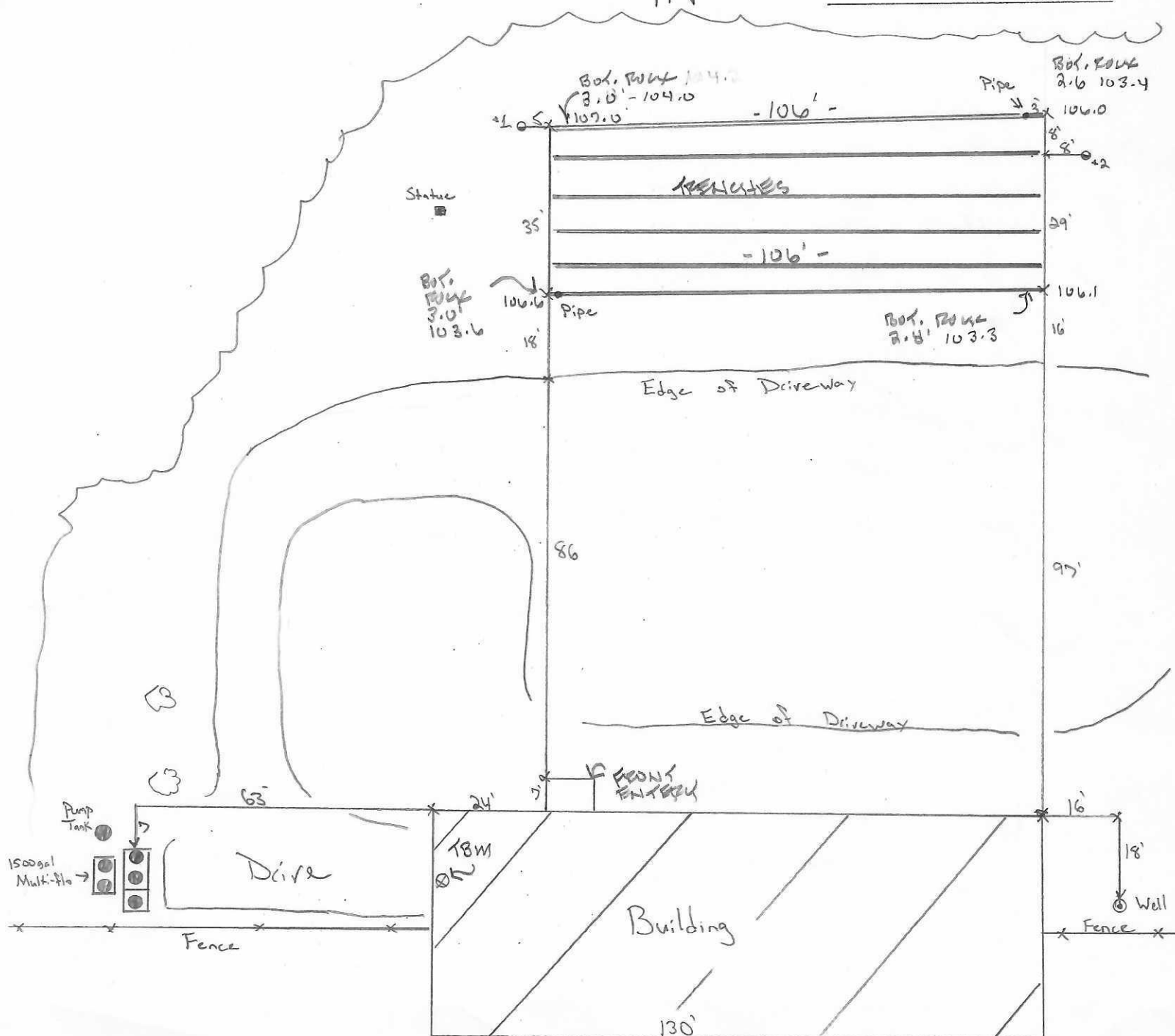
Steven B. Schirmers

This Design requires a signature from an Advanced Designer

Bernie Miller

8251 mount Carmel Rd.

date



Compliance inspection report form

Existing Subsurface Sewage Treatment System (SSTS)

Doc Type: Compliance and Enforcement

Instructions: Inspector must submit completed form to Local Governmental Unit (LGU) and system owner within 15 days of final determination of compliance or noncompliance. Instructions for filling out this form are located on the Minnesota Pollution Control Agency (MPCA) website at <https://www.pca.state.mn.us/sites/default/files/wq-wwists4-31a.pdf>.

Property information

Local tracking number: _____
Parcel ID# or Sec/Twp/Range: _____ Reason for Inspection: BUILDING PERMIT
Local regulatory authority info: WASHINGTON CO.
Property address: 8251 MOUNT CARMEL RD, LAKE ELMO
Owner/representative: LAFFAYE - ANDREW Owner's phone: 651-336-5778
Brief system description: 1500gal TRASH TRAP + DOSE TANK, 1500gal MULTI-FLOW UNIT, 1500gal DUPLEX PUMP TANK AND BYPASSES 106' LONG 636 LIN. FT, 1908 SQFT

System status

System status on date (mm/dd/yyyy): 10-25-23

☒ Compliant – Certificate of compliance*

(Valid for 3 years from report date unless evidence of an imminent threat to public health or safety requiring removal and abatement under section 145A.04, subdivision 8 is discovered or a shorter time frame exists in Local Ordinance.)

*Note: Compliance indicates conformance with Minn. R. 7080.1500 as of system status date above and does not guarantee future performance.

☐ Noncompliant – Notice of noncompliance

Systems failing to protect ground water must be upgraded, replaced, or use discontinued within the time required by local ordinance.

An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance or under section 145A.04 subdivision 8.

Reason(s) for noncompliance (check all applicable)

- ☐ Impact on public health (Compliance component #1) – Imminent threat to public health and safety
- ☐ Tank integrity (Compliance component #2) – Failing to protect groundwater
- ☐ Other Compliance Conditions (Compliance component #3) – Imminent threat to public health and safety
- ☐ Other Compliance Conditions (Compliance component #3) – Failing to protect groundwater
- ☐ System not abandoned according to Minn. R. 7080.2500 (Compliance component #3) – Failing to protect groundwater
- ☐ Soil separation (Compliance component #5) – Failing to protect groundwater
- ☐ Operating permit/monitoring plan requirements (Compliance component #4) – Noncompliant - local ordinance applies

Comments or recommendations

Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

By typing my name below, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing this form.

Business name: S-P TESTING INC.

Inspector signature: [Signature]

(This document has been electronically signed)

Certification number: 627

License number: 394

Phone: 763-497-3566

Necessary or locally required supporting documentation (must be attached)

- ☒ Soil observation logs
- ☒ System/As-Built
- ☐ Locally required forms
- ☒ Tank Integrity Assessment
- ☐ Operating Permit
- ☒ Other information (list): SITE PLAN & COVER LETTER

Property Address: 8251 MOUNT CARMEL RD.
Business Name: S-P TESTING INC.

Date: 10-25-23

1. Impact on public health – Compliance component #1 of 5

Compliance criteria:

System discharges sewage to the ground surface ☐ Yes* ☒ No

System discharges sewage to drain tile or surface waters. ☐ Yes* ☒ No

System causes sewage backup into dwelling or establishment. ☐ Yes* ☒ No

Any "yes" answer above indicates the system is an imminent threat to public health and safety.

Describe verification methods and results:

Attached supporting documentation:

☐ Other: _____

☐ Not applicable

SEE ATTACHED TANK
INTEGRITY REPORT BY:

2. Tank integrity – Compliance component #2 of 5

Compliance criteria:

System consists of a seepage pit, cesspool, drywell, leaching pit, or other pit? ☐ Yes* ☒ No

Sewage tank(s) leak below their designed operating depth? ☐ Yes* ☒ No

If yes, which sewage tank(s) leaks:

Any "yes" answer above indicates the system is failing to protect groundwater.

Describe verification methods and results: PUMPER MEYER SEPTIC SERVICE.

PUMP AND EXAMINED TANKS

THE 1ST TANK WAS ENTERED BY SMILE'S SEPTIC SERVICE AND
SEWER OUTLET TO THE SYSTEM (NOT SEWER) DURING THE ORIGINAL
INSTALL

Attached supporting documentation:

☒ Empty tank(s) viewed by inspector
STEVEN B. SCHIRMERS

Name of maintenance business: S-P TESTING INC.

License number of maintenance business: 394

Date of maintenance: 10-12-23

☐ Existing tank integrity assessment (Attach)

Date of maintenance (mm/dd/yyyy): _____
(must be within three years)

(See form instructions to ensure assessment complies with Minn. R. 7082.0700 subp. 4 B (1))

☐ Tank is Noncompliant (pumping not necessary – explain below)

☐ Other: _____

Property Address: 8251 MOUNT CARMEL RD
Business Name: S-P TESTING INC

Date: _____

3. Other compliance conditions – Compliance component #3 of 5

3a. Maintenance hole covers appear to be structurally unsound (damaged, cracked, etc.), or unsecured?

☐ Yes* ☒ No ☐ Unknown

3b. Other issues (electrical hazards, etc.) to immediately and adversely impact public health or safety? ☐ Yes* ☒ No ☐ Unknown

**Yes to 3a or 3b - System is an imminent threat to public health and safety.*

3c. System is non-protective of ground water for other conditions as determined by inspector?

☐ Yes* ☒ No

3d. System not abandoned in accordance with Minn. R. 7080.2500?

☒ Yes* ☒ No *N/A*

**Yes to 3c or 3d - System is failing to protect groundwater.*

Describe verification methods and results:

Attached supporting documentation: ☐ Not applicable ☐ _____

4. Operating permit and nitrogen BMP* – Compliance component #4 of 5 ☐ Not applicable

Is the system operated under an Operating Permit?

☒ Yes ☐ No If "yes", A below is required

Is the system required to employ a Nitrogen BMP specified in the system design? ☐ Yes ☒ No If "yes", B below is required

BMP = Best Management Practice(s) specified in the system design

If the answer to both questions is "no", this section does not need to be completed.

Compliance criteria:

a. Have the operating permit requirements been met?

☒ Yes ☐ No

b. Is the required nitrogen BMP in place and properly functioning?

☐ Yes ☐ No

Any "no" answer indicates noncompliance.

Describe verification methods and results:

Attached supporting documentation: ☐ Operating permit (Attach) ☐ _____

Property Address: 8251 MOUNT CARMEL RD
Business Name: S-P TESTING INC.

Date: 10-25-23

5. Soil separation – Compliance component #5 of 5

Date of installation 1998 ☐ Unknown
(mm/dd/yyyy)

Shoreland/Wellhead protection/Food beverage lodging? ☒ Yes ☐ No

Compliance criteria (select one):

5a. For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment: ☐ Yes ☐ No*

Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.

5b. Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment: ☒ Yes ☐ No*

Drainfield has a three-foot vertical separation distance from periodically saturated soil or bedrock.*

5c. "Experimental", "Other", or "Performance" systems built under pre-2008 Rules; Type IV or V systems built under 2008 Rules 7080. 2350 or 7080.2400 (Intermediate Inspector License required ≤ 2,500 gallons per day; Advanced Inspector License required > 2,500 gallons per day) ☐ Yes ☐ No*

Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.

*Any "no" answer above indicates the system is failing to protect groundwater.

Describe verification methods and results:

Attached supporting documentation:

- ☒ Soil observation logs completed for the report
- ☐ Two previous verifications of required vertical separation
- ☐ Not applicable (No soil treatment area)
- ☐ _____

Indicate depths or elevations

A. Bottom of distribution media	58'1 103.6 58'2 103.3
B. Periodically saturated soil/bedrock	58'6 799.9 58'6 799.9
C. System separation	58'4 3.7' + 58'2 4.4' +
D. Required compliance separation*	3.0'

*May be reduced up to 15 percent if allowed by Local Ordinance.

Upgrade requirements: (Minn. Stat. § 115.55) An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.



Soil Observation Log

Project ID: v 03.15.2023

Client: Carmelite Monestary				Location / Address: 8251 Mount Carmel Rd., Lake Elmo			
Soil parent material(s): (Check all that apply) <input type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Loess <input checked="" type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter <input type="checkbox"/> Disturbed/Fill							
Landscape Position: Summit		Slope %:		Slope shape: Linear, Linear		Flooding/Run-On potential: No	
Vegetation: Lawn		Soil survey map units: 49B		Surface Elevation-Relative to benchmark: 106.4		Limiting Layer Elevation:	
Date/Time of Day/Weather Conditions: 10-12-23 10:00am		Observation #/Location: 1		Observation Type: Auger			
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	I----- Structure-----I
							Shape
							Grade
							Consistence
0 - 10	Medium Sandy Loam		10YR 4/2				Granular
10 - 16	sandy loam		10YR 5/3				Granular
16 - 30	Clay Loam		10YR 5/6				Prismatic
30 - 36	Fine Sandy Loam		10YR 6/4				Granular
36 - 62	Medium Sand	15	10YR 6/4				Single grain
62 - 66	Loamy Fine Sand	15	10YR 6/4				Single grain
66 - 78	Medium Sand	15	10YR 6/4				Single grain

Comments:

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Steve Schirners
(Designer/Inspector)

St. B. Schirners
(Signature)

394
(License #)

10-26-23
(Date)

Optional Verification: I hereby certify that this soil observation was verified according to Minn. R. 7082.0500 subp. 3 A. The signature below represents an infield verification of the periodically saturated soil or bedrock at the proposed soil treatment and dispersal site.

(LGU/Designer/Inspector)

(Signature)

(Cert #)

(Date)



Project ID: v 03.15.2023

Client:	Carmelite Monastery
Location / Address:	

8251 Carmel Rd., Lake Elmo

Soil parent material(s): (Check all that apply)

<input type="checkbox"/> Outwash	<input type="checkbox"/> Lacustrine	<input type="checkbox"/> Loess	<input checked="" type="checkbox"/> Till	<input type="checkbox"/> Alluvium	<input type="checkbox"/> Bedrock	<input type="checkbox"/> Organic Matter	<input type="checkbox"/> Disturbed/Fill
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Landscape Position:	Slope %:	Slope shape:	Flooding/Run-On potential
Summit	1.0	Linear, Linear	Flooding/Run-On potential

Vegetation:	Lawn	Soil survey map units:	49B	Surface Elevation-Relative to benchmark:
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Date/Time of Day/Weather Conditions:	10-12-23 10:00am	Limiting Layer Elevation:
--------------------------------------	------------------	---------------------------

Observation #/Location:	Observation Type:	Auger
2		

Depth (in)	Texture	Rock Frag. %	Matrix Color(s)		Mottle Color(s)		Redox Kind(s)	Indicator(s)	----- Structure-----		
									Shape	Grade	Consistence
0 - 12	Medium Sandy Loam		10YR 4/2						Granular	Weak	Friable
12 - 18	Medium Sandy Loam		10YR 5/3						Granular	Weak	Friable
18 - 32	Clay Loam		10YR 5/6						Prismatic	Moderate	Firm
32 - 42	Loam		10YR 6/4						Prismatic	Weak	Friable
42 - 54	loamy medium sand	15	10YR 6/4						Single grain		Loose
54 - 78	medium to fine sand	15	10YR 6/3						Single grain		Loose

Comments:

hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Steven Schirmer
(Designer/Inspector)

(Signature)

(License #)

(Date)

Optional Verification: I hereby certify that this soil observation was verified according to Minn. R. 7082.0500 subp. 3 A. The signature below represents an infield verification of the periodically saturated soil or bedrock at the proposed soil treatment and dispersal site.

(LGU/Designer/Inspector)

(Signature)

(Cert #)

(Date)

SCHIRMERS WASTEWATER TREATMENT SYSTEMS, INC

Steven B Schirmers ~ 951 Katydid Lane NE ~ St. Michael, MN 55376

schirmerswastewater.com

sptesting.wastewater@comcast.net

Cert.NO.627 ~ (763) 497-3566 ~ FAX (763) 497-5011

State License #395

General Information

OWNER: Carmelite Monestary PROPERTY LOCATION: Andrew 651-336-5778
ADDRESS: 8251 MOUNT CARMEL RD. Lake Elmo COUNTY: Wash
PHONE: 651-777-3842 EMAIL: _____

Unit Information

Last pumped _____

TANK NO. _____ TYPE OF TANK 500 NO. OF MOTORS 2 SERIAL NO. U.441.15 UV REQUIRED _____

Check List

Date of Inspection: 6-27-23 Date of Inspection: 10-12-23

Item	Done	Per. Specs	Needs Attention	Item	Done	Per. Specs	Needs Attention
Take Mixed Liquor Sample	X	X Brown	Gray Black	Take Mixed Liquor Sample	✓	✓ Brown	Gray Black
Check Alarm System	X			Check Alarm System	✓		
Turn Off Power	X			Turn Off Power	✓		
Surge Bowl	X			Rinse Surge Bowl	✓		
Inspect Effluent Quality	X	X Clear	Gray	Inspect Effluent Quality	✓	✓ Clear	Gray
Vacuum Weir And Filters	X			Vacuum Weir And Filters	✓		
Wash Filters	X	Spray off	Flushed off	Wash Filters	✓	✓ Spray off	Flushed off
Inspect/Replace Top Gasket	X			Inspect/Replace Top Gasket	✓		
Inspect/Replace Bottom	X			Inspect/Replace Bottom	✓		
Inspect Alarm Sensors	X			Inspect Alarm Sensors	✓		
Inspect Aerator	X			Inspect Aerator	✓		
Turn On Power	X			Turn On Power	✓		

CORRECTION RECOMMENDED

LIFE BUYING ON SOUTH SIDE
NEED NEW ALARM

CORRECTION RECOMMENDED

PUMPED ALL TANKS
FOR PERMIT

SETTABLE SOLIDS 25% UV _____

LAB TEST

FECAL COLIFORMS _____

SETTABLE SOLIDS _____ % UV _____

LAB TEST

FECAL COLIFORMS _____

MONITORED DRAINFIELD

Dry _____ Ponding _____ Depth H2O _____

Ste B. Schirmers

SIGNATURE OF SERVICE OR REPAIR MAN

MONITORED DRAINFIELD

Dry _____ Ponding _____ Depth H2O _____

Ste B. Schirmers

SIGNATURE OF SERVICE OR REPAIR MAN

AUTHORIZED DISTRIBUTOR FOR MULTI-FLO AERATION EQUIPMENT SALES AND SERVICE



Smilie's Sewer Service
P.O. Box 100
Scandia, MN 55073
+1 6514333005
info@smiliessewer.com
www.smiliessewer.com

BILL TO

Carmelite Monastery
8251 Mount Carmel Road
Lake Elmo, MN 55042
United States

INVOICE # 23968

DATE 10/25/2023

DUE DATE 11/15/2023

ACTIVITY	QTY	RATE	AMOUNT
Services We pumped out the effluent, entered the septic tank and permanently capped off the 6" clay line leaving the tank from the inside of the tank.	1	800.00	800.00

Thank you, we appreciate your business!

BALANCE DUE

\$800.00

LAKE ELMO FIRE DEPARTMENT – OFFICE OF THE FIRE MARSHAL

Fire Prevention, Code Enforcement, and Public Education



November 7, 2023

Sophia Jensen, Planner
City of Lake Elmo

Re: Conditional Use Permit, Carmelite Nuns, 8251 Mount Carmel Trail

Prepared by: Anthony Svoboda, Fire Marshal

Approved by: Dustin Kalis, Fire Chief

Applicable Codes:

- 2020 Minnesota State Fire Code
- 2020 Minnesota State Building Code
- Lake Elmo Fire Department Fire Code Policies
- NFPA 13, 2016 edition
- NFPA 13D, 2016 edition

Fire Department Comments:

Roads, Drive Lanes, and Parking Areas

- 1) All roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses.
- 2) Approved fire apparatus roads shall be provided and maintained throughout all development phases in coordination with engineering, public works, planning, and fire departments.
- 3) An approved signage and marking plan shall be determined for all No Parking and Fire Lane access roads. On-street parking shall be provided in approved locations following review by Engineering and Public Works. Parking shall be prohibited on both sides of private drive lanes.
- 4) All parking areas shall be capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.

Fire Detection and Suppression

- 1) Track A – New Residential Units are added to 1st floor. A fire sprinkler system shall be installed in commercial buildings in accordance with the Minnesota State Fire Code. A permit is required prior to work.
 - a. *Fire Department sprinkler connection locations shall be approved prior to installation.*
- 2) Track B – No New Residential Units are added to 1st floor. A fire sprinkler system is not required.
- 3) A fire alarm system shall be installed as required in Chapter 11 of the Minnesota State Fire Code concerning existing buildings. A plan review and permit are required prior to installation.

LAKE ELMO FIRE DEPARTMENT – OFFICE OF THE FIRE MARSHAL

Fire Prevention, Code Enforcement, and Public Education



Address and Street Naming Systems

- 1) Building address numbers shall be plainly visible from the street fronting the property and shall be contrasting color from the background.
- 2) Size and placement of address numbers shall be approved by the fire and planning departments.

Gates, Locks, and Access

- 1) Project construction phasing shall accommodate emergency access to the entire construction zone at all times, generally meaning two separate means of entrance/exit as defined in the code. Phasing plan to be approved by the fire department prior to construction.
- 2) A KNOX rapid access lockbox shall be installed *in an approved location*, on all commercial buildings.
 - a. Multiple KNOX rapid access lockboxes may be required as determined by the fire department.
- 3) KNOX locking Fire Department Connection Caps shall be installed on all fire department sprinkler connections.
- 4) All gates, whether manual or electric, shall be accompanied by either a KNOX lock or KNOX gate control switch for rapid access.

Questions, clarifications, or the request to provide code documents can be made using the contact information listed below.

Respectfully,

Anthony Svoboda



Anthony Svoboda | Assistant Chief

Lake Elmo Fire Department
Fire Station #1 - 3510 Laverne Ave N. | Lake Elmo, MN | 55042
651-747-3907 office | www.lakeelmo.org

Memorandum

November 8, 2023

TO: SOPHIA JENSEN
FROM: SARAH EVENSON, PLA
RE: CITY OF LAKE ELMO LANDSCAPE AND TREE PRESERVATION CUP REVIEW:
CARMELITE NUNS

SUBMITTALS

1. Carmelite Nuns of St. Paul CUP Application, dated 07/26/2023, received 10/27/2023

REVIEW HISTORY

1. CUP Landscape Review Memo: 11/08/23

LOCATION: 8251 Mount Carmel Road

CURRENT ZONING: Public Facility (PF)

ADJACENT AND SURROUNDING LAND USE: Lake DeMontreville is west of the site, adjacent parcels to the north are also zoned Public Facility, and are occupied by the Jesuit Retreat House. Parcels to the east and south are Rural Single Family (RS).

SPECIAL LANDSCAPE PROVISIONS: Shoreland District, Bluff Impact Zone

TREE PRESERVATION PLAN: [105.12.470](#)

- » A tree preservation plan was not included in the CUP application, as tree removals are far below the 30% allowable removal threshold it was not deemed applicable.

LANDSCAPE PLAN: [105.12.480](#)

- » The proposed project expands on an existing structure. As it is not new development, a landscape plan is not required. However, a landscape plan was submitted with the CUP application, and demonstrates an effort to revegetate disturbed areas.

RECOMMENDATION:

- » Given the small size of the building expansion, minimal site disturbance, and well-buffered nature of the work area, the project meets the intent of the landscaping and tree preservation code. The applicant has provided sufficient information to demonstrate adequate landscaping will be established to revegetate disturbed areas, and it is recommended that the CUP application be approved.



November 8, 2023
Carmelite Nuns CUP

HOISINGTON KOEGLER GROUP, INC.

A handwritten signature in black ink that reads 'Sarah Evenson'.

Sarah Evenson, PLA (MN)

City of Lake Elmo Municipal Landscape Architect

P: (262) 391-7653

E: Sarah@hkgi.com