

**MEETING NOTICE**

The Lake Elmo Planning Commission will meet

**Monday, March 31, 2003, at 7:00 p.m.**

In Council Chambers, City Hall

3800 Laverne Avenue N.

Lake Elmo, MN 55042.

**AGENDA**

- 1) Pledge of Allegiance
- 2) Agenda
- 3) Minutes
- 4) Review *2030 Regional Blueprint*
- 5) Old Business
- 6) Adjourn

The public is invited to attend.

**City of Lake Elmo  
Planning Commission Meeting Minutes  
March 31, 2003**

Chairman **Helwig** called to order the meeting of the Planning Commission at 7:00 p.m.  
COMMISSIONERS PRESENT: Meldahl, Sedro, Bunn, Berg, Pelletier, Van Pelt, Johnson, Ptacek.  
STAFF PRESENT: Chuck Dillerud, City Planner and Kimberly Schaffel, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

**AGENDA**

The Agenda was amended to add:

- ★ City Council Update ~ Special City Council Meeting
- ★ Old Business-Old Village Housing Study
- ★ Survey about the Conservation Easements

Commissioner Bunn asked how much money is in tax abatement. The City Planner said the audit came but nothing was there regarding tax abatement.

**M/S, Berg/Sedro**, To accept the Agenda as amended. **VOTE: 9:0 PASSED.**

**MINUTES OF MARCH 10, 2003**

**M/S, Ptacek/Johnson**, To accept the Minutes as presented. **VOTE: 9:0 PASSED.**

**REGIONAL BLUEPRINT 2030**

**Staff Report, Chuck Dillerud**

The City Council asked that the Planning Commission be provided a copy of the *2030 Regional Blueprint* to read and comment on. The new Metropolitan Council has asked for comment from communities on the new *Blueprint* as it was approved by the past Met Council. Governor Pawlenty asked the new Met Council to revisit it. Comments from local communities will be included. The Planner would like to hear thoughts or specific modification suggestions from the Planning Commission, and suggested they offer them as motions.

State Statute requires the Met Council to have local plans submitted every 10 years and revisit the Metropolitan Guide at the same time. Communities get a System Statement showing how our Comp Plan should appear. This is preparatory to the next round of Comp Plans in 2008 reviews.

The *Regional Blueprint* is intended to be the cornerstone for all regional planning in the seven county regional area. The Met Council also addresses collar counties, just outside the seven county metro area. This should become the centerpiece for the rest of their system plans. One of the major changes in philosophy that is substantially different from the *Blueprint* of ten years ago is how the future growth in the seven county area is geographically distributed.

Concentric Rings out from two major cities has been the prevailing notion for years. The *2030 Blueprint* adopted an entirely different philosophy in terms of regional growth. Smart Growth means grow in the most efficient fashion. The Hub and Spokes Concept assumes concentric rings are already there but growth takes place in spoke fashion along major thoroughfares. If you place new growth as close as possible to those corridors, you facilitate transit. Rural centers remain reasonably independent outside the spokes, and become hubs themselves as freestanding growth centers. The area between would remain relatively undeveloped.

3-31

**Commissioner Deziel**

How does the Metropolitan Council look upon Stillwater, as a growth center? Are they looking at attaching it?

**City Planner**

Grant is their buffer so they do plan to keep it isolated. Stillwater has its own wastewater treatment plant.

**Commissioner Van Pelt**

He commended the Planner on his summary. Clearly we are in a transition zone based upon the map. Where do we draw that line? He would like to see something constructive toward moving that line westward. Maybe they could get those 17,000 people between Lake Elmo's Plan and the Blueprint forecast accommodated elsewhere.

**Commissioner Van Pelt**

How would you characterize the five communities designated Rural Residential compared to Lake Elmo?

**City Planner**

Inver Grove Heights is a good part urbanized. Ramsey is too, with a lot of problems. He is not sure about townships on the north end. The south Dakota County Rural Residential Area does not have a town center like we do. Ramsey really doesn't either. We probably fit the description better than they do.

**Commissioner Sedro**

On page 74, the Met Council says they have authority to review and comment.

**City Planner**

It does go beyond review and comment. If a local community's Comp Plan substantially departs from the regional system, they may order them to change it. They have never used this power before. They are afraid we may start a rebellion. Do we have to show we are unique? There are very few in the same set of circumstances that we are. Compared to the Anoka area, we are much closer to the cities than they are. We made that point many times. We are the first community to have an Open Space Preservation Ordinance, Wetland Treatment Systems, and we have the toughest ISTS rules. Wednesday we will be addressing the new Met Council Board. He will discuss it with the City Council tomorrow.

**Commissioner Bunn**

The problem with both those designations – urban reserve and permanent rural - is that neither is reality. Mostly it is new stuff in there. Already we have much of the development. If they force sewer, the current way roads are established, we are potentially developing or diversified rural. It does not address what we are, which is somewhere in the middle. Rural residential looks at what we already have, laying out the number. West Lakeland is being counted as 1 dwelling unit per 10 acres or less. They are characterizing areas by something that no longer exists. They are beginning with an incorrect portrayal of what is there. We are already so far along on the path we had chosen. If we are forced to increase the density to a little city, we will have a problem. The corridors along 36 or 94 may handle some more density. We would have to find a way to do it without creating the dual city problem. We cannot be operating on false assumptions about where we are now.

**City Planner**

The Metropolitan Council is wonderful with concepts but has difficulty with the factual portions of what exists under the maps.

**Commissioner Ptacek**

2030 needs to be brought into the discussion Wednesday. The population issue with Lake Elmo is but 15,000 out of 1.8 million people. I'm sure we could get some of the Met Council to listen. We are close in terms of numbers for 2020 - if it is strictly numbers. Well managed communal and individual septic

systems are what we showed them when they came here for the visit. Many other Comp Plans coming in exceed the numbers they want, and the growth they are looking for.

**City Planner**

Most of the other communities did follow their system statements. If Lake Elmo doesn't have to do it, they may wish to have a chance to do over as well. The process we are in relates to an earlier *Blueprint*. Lawyers control it on both ends now. He is concerned about going outside of context by going outside our current argument over 2020 by talking about 2030. He will suggest to our attorneys to bring it up to the new Met Council Board. We are not in the courtroom anymore.

**Commissioner Van Pelt**

A Rural Residential panacea gets it off our plate and it is good for the Met Council to show they can work through these problems.

**City Planner**

We have to recognize that Rural Residential has been used in other communities in concert with some urbanization. There are some not opposed to some urbanization along I-94 but not housing because of the split community worry.

**Commissioner Deziel**

Who really wants to live along the freeway anyway? That is peculiar.

**City Planner**

On I-494, look at Minnetonka on both sides.

**Commissioner Helwig**

Oakdale has it too.

**City Planner**

It is not ideal in either case. The original question had to do with potential alternatives. Mixed use could be accommodated and still be true to our words and not split the city.

**Commissioner Ptacek**

Services and projections about staff, police, and fire were adopted by the Planning Commission. What will it do to those documents?

**Commissioner Sedro**

Is it Met Council's plan that this density goes into undeveloped areas?

Reinvestment strategy at 30% of 2030 anticipated growth is already in developed areas. If 30% goes to infill and reinvestment, that is a wise policy.

**Commissioner Bunn**

There is major infill development in St. Paul; high rises and 700 unit developments.

**Commissioner Deziel**

They are critiquing that not enough was being done to help rebuild the populations of the inner cities to at least where they were in 1960's. Put growth where infrastructure already exists. Do we have copies of that critique?

**Chairman Helwig**

He asked for a motion.

M/S, **Berg/ Bunn**, to direct city staff to respond to Page 59, Table 5 of the *2030 Regional Blueprint*, to provide feedback bullet point by bullet point, explaining how Lake Elmo already meets that designation.

**VOTE 9:0 PASSED.**

**Commissioner Van Pelt**

It is more than a generic motion. There should be a Rural Residential designation for Lake Elmo; there are similar communities that already have those designations.

**Commissioner Bunn**

We have underscored our willingness to develop more of the Old Village area. If we needed further negotiation points, we plan further expansion of the Old Village and tri-lake types of density, placed consistently with those areas where it already exists. Shoppers are more likely to use the downtown business area because it will be along the Highway 5 corridor.

**CITY COUNCIL UPDATE – LAND USE AND PLANNING ISSUES**

One application the City Council will deal with tomorrow is the Kostelnik variance from Ordinary High Water. The applicant had requested it be postponed. A Resolution for Approval has been drafted.

**Commissioner Sedro**

What about the re-write of the zoning code?

**City Planner**

That is scheduled for tomorrow night as well. He gave the City Council several options for that. He suggested the options that they either select one; reject both and go national; or select one with whom we would negotiate a contract, and get some assistance. One firm indicated interest in that last option.

**Commissioner Helwig**

Would the City Council want a recommendation or a straw vote?

**Commissioner Bunn**

She thinks we should just give individual responses.

**City Planner**

RECO asked for an extension. Three months was granted.

Conditions are changing rapidly with the Met Council. They gave us their timeframe for making a confirming or reversing decision on our Comp Plan. They have thirty days. The decision will be made on April 9. We submitted suggestions to their attorneys, that we waive the thirty day timeframe to give us a chance to talk about it. The Regional Administrator and Chair would prefer to do that. In-house Council there is worried about third parties like property owners who would not be bound by that agreement. They have April 2 on the agenda for one hour to put our pitch forward to the new board. At the same time, the lawyers will be doing something with the administrative law judge again.

**Commissioner Berg**

House File 30, does it fit into this?

**City Planner**

The original Bill has been gutted, only two words were changed. It will affect somebody in the future but he doesn't think it will be us.

**Commissioner Deziel**

*Blueprint 2030* uses arbitrary numbers like 1:10 acres. He would like to make sense out of something brought to us. There is an arrogant posture behind the *Blueprint*. We make similar mistakes in arrogance ourselves. He would like to see more uniform application of our ideas.

**OLD BUSINESS**

**City Planner**

He wants to have a combined Old Village Planning Meeting for the neighborhood study. It will probably be at the second meeting in April. He is concerned with time. There are new maps from Thorbeck. He would like the Old Village to meet first.

The study about Conservation Easements by an intern at the Minnesota Land Trust is an interesting document. Perhaps there can be a requirement in these developments that purchasers be given something at time of purchase. The likelihood of the intern's suggestions becoming reality is probably low; maybe under our ordinances or voluntarily, we could develop a requirement describing the easement or something that said they read it before purchase. It would be easy to develop. He would like a motion that this ordinance be developed as part of our code; that purchasers receive information about their rights and responsibilities.

**Commissioner Pelletier**

She said her Homeowners Association Treasurer didn't even know it.

**M/S, Bunn/Pelletier**, to recommend to the City Council that individuals who buy property in Open Space Preservation or other developments with conservation easements be required to sign a document prior to purchase identifying the type of easement and the homeowner's rights and responsibilities.

**Commissioner Deziel**

Not by the HOA; we would have to put it into an approval resolution to require a developer to reveal it.

**Commissioner Bunn**

It should be the burden of the developer.

**VOTE: 8:1 PASSED.** VanPelt – It is a good idea, but he is unclear on enforcement, a mechanism for the realtors, etc. There is a level of uncertainty.

**Adjourned at 8:45 p.m.**

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

Variance – Gustafson 2003

### City of Lake Elmo Washington County, Minnesota

### NOTICE OF PUBLIC HEARING

The Lake Elmo Planning Commission will hold a Public Hearing on Monday, March 31, 2003, at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota, to consider a request by Bradley and Amy Gustafson for a Variance to Section 325.06 Shoreland Standards, Subd. 4. A Setback from Ordinary High Water Level of Lake Demontreville to construct an addition to a residential dwelling 90 feet from the Ordinary High Water Level where 100 feet is required. The property is known as:

Property I. D. No. 09.029.21.22.0009, and generally described as 8120 Hill Trail North.

All persons who wish to be heard regarding this Variance request will be given an opportunity at the Public Hearing. Written comments will be accepted up until the time of the Public Hearing.

  
Charles E. Dillerud  
City Planner

Published in the Thursday, March 20, 2003, Stillwater *Gazette*.

# AFFIDAVIT OF PUBLICATION

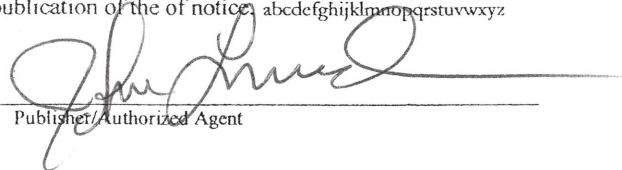
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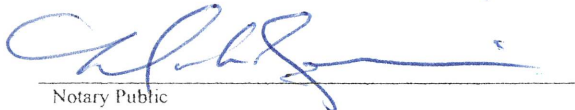
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on this 18<sup>th</sup> day of March, 2003.

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

 **MARK BERRIMAN**  
 NOTARY PUBLIC - MINNESOTA  
 My Commission Expires 1-31-2005

**City of Lake Elmo**  
 3800 Laverne Ave. N.  
 Lake Elmo, MN 55042

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**CITY OF**  
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**STILLWATER GAZETTE,**  
**MARCH 17, 2003**  
 City of Lake Elmo  
 3800 Laverne Avenue North  
 Lake Elmo, MN 55042

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**NOTICE OF CANCELLATION.**

The Planning Commission Meeting originally scheduled for **Monday, March 24, 2003** has been **CANCELLED** and **rescheduled for Monday, March 31, 2003 at 7:00 p.m.** in

Council Chambers  
 Lake Elmo City Hall  
 3800 Laverne Avenue North  
 Lake Elmo, Minnesota

Please, adjust your calendar accordingly.

3/17

Inches	Description	Price	Total
3	Lake Elmo Lake Elmo Notice of Cancellation for the Planning Commission Meeting - March 31, Published 3/17	\$4.20	\$12.60
		Sub Total	\$12.60
		Payment	\$0.00
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