



3800 Laverne Avenue North  
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## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, January 27, 2014 at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. January 13, 2014
4. Public Hearings
  - a. ZONING TEXT AMENDMENT – LIVESTOCK ORDINANCE. The Planning Commission is asked to hold a public hearing on a proposed amendment to the Zoning Code to move the Livestock Ordinance to a comprehensive animal chapter in the City Code. In addition, the Planning Commission will review proposed updates to the City's animal ordinances.
  - b. ZONING TEXT AMENDMENT – ZONING DISTRICT CLEANUP. The Planning Commission is asked to hold a public hearing to review proposed amendments to the City's Zoning Code intended to remove outdated zoning districts that are no longer utilized under the City's Comprehensive Plan and official Zoning Map.
5. Business Items
  - a. SKETCH PLAN REVIEW – EASTON VILLAGE. The Planning Commission is asked to review a proposed Sketch Plan that includes 224 single family homes and is located in the southeastern portion of the Village. The PIDs for the subject parcels are the following: 13.029.21.41.0001, 13.029.21.42.0001, 13.029.21.14.0002 and 13.029.21.13.0001.
6. Updates
  - a. City Council Updates – January 21, 2014 meeting:
    - i. 9434 Stillwater Blvd. N. Comp Plan
  - b. Staff Updates
    - i. Carol Palmquist (12202 55th Street North) request to address the Planning Commission at a future meeting to discuss an outdoor social event ordinance
    - ii. Upcoming Meetings:

- February 10, 2014
- February 24, 2014

c. Commission Concerns

7. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of January 13, 2014**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Lundgren, Dodson, Haggard, Dorschner, Kreimer and Larson;

**COMMISSIONERS ABSENT:** Yocum and Morreale; and

**STAFF PRESENT:** Community Development Director Klatt and City Planner Johnson.

**Elections:**

M/S/P: Dodson/Lundgren, move to nominate Todd Williams as Chairperson, **Vote 7:0, motion carried unanimously.**

M/S/P: Dorschner/Haggard, move to nominate Dean Dodson as Vice Chairperson, **Vote 7:0, motion carried unanimously.**

M/S/P: Haggard/Dodson, move to nominate Dale Dorschner as Secretary, **Vote 7:0, motion carried unanimously.**

**Approve Agenda:**

Agenda accepted as published.

**Approve Minutes:** December 9, 2013

M/S/P: Dodson/Kreimer, move to accept the minutes as presented, **Vote: 5-0, with Haggard and Dorschner not voting.**

**Public Hearing:** *Comprehensive Plan Amendment – 9434 Stillwater Blvd.*

Klatt began his presentation by explaining important terminology in the Comprehensive Plan related to rural areas. More specifically, he explained the significance of Rural Area Development (RAD), Rural Area Development – Alternate Density (RAD-Alt), Open Space Preservation District (OP) and Open Space Preservation Overlay District (OP-2). RAD-Alt allows for open space project with an increased density than what is allowed in the rural areas under the standard OP Ordinance.

Providing purpose of tonight's hearing, Klatt noted that the City Council has directed the Planning Commission to hold a public hearing to reconsider the appropriate future land use designation for the property at 9434 Stillwater Blvd. (TH-5). He noted that the City Council asked the Planning Commission to consider the specific property at 9434 Stillwater Blvd. because the subject property was not included in the City's original comprehensive planning process in 2005. While other properties were designated with the RAD-Alt classification to meet the City's required growth forecasts, the subject property was changed from RAD to RAD-Alt through a separate comprehensive plan amendment related to a senior living/farm school development.

To put it simply, the Planning Commission is asked to make a recommendation to the City Council on what is the best future land use category for the subject property.

Klatt moved on to explain further history about the site, including the various iterations of proposed development on the site. Currently, there is no active development application that is valid for the site.

Klatt also provided a description of general site characteristics. The site is immediately north of TH-5. The site is bounded by active farms to the north, with Sunfish Lake Park to the northeast. To the west, the site is adjacent to multiple single family lots that are guided rural single family. In addition to showing an aerial map, Klatt presented the future land use map of the Comprehensive Plan, specifically zooming in on the area surrounding 9434 Stillwater Blvd. N.

To aid the discussion, Klatt added that the Planning Commission has reviewed the rural development areas of the City at previous meetings. More specifically, the Planning Commission has discussed 1) a desire to look at development options for smaller rural parcels; 2) that the growth forecast will likely be lowered and less growth is anticipated in these rural development areas; 3) that the RAD alt category could potentially be eliminated in the future as it was initially created to accommodate the Cities 2030 forecast numbers; and 4) that part of the Planning Commission 2014 work plan is to look at rural development areas on a City wide basis.

Klatt retraced the history of the original comprehensive plan amendment action. The staff recommended denial of the comp plan amendment and provided findings related to denial. The Planning Commission unanimously recommended the comp plan amendment for approval. The City Council affirmed the Planning Commission's recommendation with a 4-1 vote.

Klatt highlighted the role of the planning commission in holding public hearing on land use items. In addition, Klatt provided a list of what are appropriate discussion items for the public hearing before the Planning Commission. For example, the action before the

Planning Commission is focused on the appropriate land use category (RAD or RAD-Alt) for the subject property, and not focused on specific development proposals.

Finally, Klatt presented two sets of draft findings for consideration by the Planning Commission. Klatt presented the draft findings from the original staff report that recommended denial. He also presented the draft findings that the City Council made when approving the comp plan amendment in 2010. He noted that staff is not making a specific recommendation at this time. He presented the Planning Commission with two options. 1) Amend the Comprehensive plan to change the subject property from RAD-Alt to RAD 2) Make no change to the Comprehensive Plan and leave the subject property as RAD-Alt.

Dorschner asked if the site is planned for future sewer service. Klatt noted that the site is not currently guided for sewer per the Comprehensive Plan, but City water service is available.

Haggard asked about the land uses that are allowed in RAD under the OP Ordinance. Klatt noted that it is primarily single family homes, with a small allowance for townhomes.

Williams invited the landowner to speak.

Janice Green provided background regarding the history of the site. She noted that the original landowner was presented with the idea of making the original farm into a farm school. The idea of a farm was strongly supported by the land owners and their father. She wanted it on the record that the landowners are requesting the land use guidance for the property to remain RAD-Alt.

Public Hearing opened at 7:47pm.

Larry Weiss, 9302 Stillwater Blvd. N., stated that he moved to Lake Elmo to enjoy open space and rural lifestyle. He noted that he originally supported the farm school, but soon changed his mind when the density of the senior living component increased. He also noted that the original development proposal has fallen through. Due to this status, the land use guidance should be changed back to RAD. He stated that he is willing to work with the property owner on other development projects, but not higher density. He also highlighted some polls or surveys that indicated that the surrounding neighbors were strongly opposed to RAD-Alt and the senior living component.

Ed Nielson, 9498 Stillwater Blvd. N., stated that he moved to a property adjacent to the Friedrich farm in 1997. Nielson provided background information of how the farm school and senior living proposal developed. He also presented a comparison chart of some analysis he completed of surrounding senior living developments. He commented that 98% of the surrounding neighbors are against the previous development proposal.

Stewart Helgeson, 11150 12<sup>th</sup> Street N., stated he has lived in Lake Elmo for 15 years. He stated that it makes no sense to change the land use guidance back to RAD until a project is on the table. If a development proposal comes forward, then the Comp Plan would have to be amended once again. Procedurally, this does not make a lot of sense. If the City does not support a specific project that comes forward, it can address the specific project at that time.

Public hearing closed at 7:56pm.

Haggard stated that it was previously explained that the RAD-Alt designation was necessary on this site to meet the required growth forecasts for the Met Council. She stated that the projections are likely to decrease, so there is no need for the RAD-Alt designation on this property. Haggard made a motion to recommend that the land use guidance for 9434 Stillwater Blvd. N. is changed back to RAD.

Williams stated he supports the motion, but would like to add the following findings of fact. 1) the 2010 Comp Plan amendment was in part based on a specific development that no longer exists; 2) the action in 2010 is very similar to a spot zoning; 3) the RAD-Alt designation is no longer needed to meet the Met Council projections; 4) the neighbors supported the change at the time based on a misunderstanding of the information and their support no longer exists; and 5) higher density development should be provided with public utilities.

Larson asked if farm school can be an allowed use in RAD. Klatt stated that there would have to be an amendment to the zoning code to specifically make it an allowed use.

Haggard asked if the farm school could be done by CUP. Klatt stated that it would need to be specified as a conditionally allowed use in the Zoning Code.

Lundgren asked if there was currently a farm school in Lake Elmo. Klatt stated that there is one in West Lakeland.

Kreimer noted that he supports both motions, but wanted to add that the City still has to meet certain amount of development as guided by the MOU.

Dorschner stated that without changing the land use category back to RAD, the City is stating that higher density is appropriate in this location.

M/S/P: Williams/Dorschner, move to amend the original motion to include 5 additional findings of fact as provided by Chairman Williams to staff, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Haggard/Dorschner, move to recommend an amendment to the Comprehensive Plan to change the land use designation from RAD-Alt to RAD at 9434 Stillwater Blvd. N. based on the findings in the Staff Report, **Vote: 7-0, motion carried unanimously.**

**Business Item:** *2014 Planning Commission Work Plan*

Klatt presented the 2014 Work Plan and stated that there a number of large scale items on the plan this year. The items include general Comprehensive Plan initiatives, reducing or eliminating the MOU, updating the Village AUAR, adopting an airport zoning ordinance in the Village Area, becoming more active with the Parks Commission, and working on platting and development reviews.

Haggard asked if the Planning Commission could be provided with the City Council Work Plan to better understand the big picture. Johnson stated that he will be sure to distribute the Council Work Plan.

Larson noted that he is the liaison with the Parks Commission. He is available as a resource, and is willing to help with communication between the Commissions.

The Planning commission reviewed the Work Plan.

Williams asked if specific development standards and general performance standards should be a higher priority.

Dorschner noted that outdoor wood burning furnaces can present a real problem if unaddressed by the City's ordinances. He suggested raising the priority.

Dodson asked about the permit works planning software. He asked if there is a public component. Klatt noted that the City at this time is only using the Building Permit Module. However, there may be opportunities in the future to allow for more external user interaction with the website and software.

Dodson asked what kind of impact the volume of development applications that are on the horizon can have on the staff. Klatt stated that it is hard to prioritize because there are time constraints on applications. The staff has put policies in place so the applications are processed more timely.

Dodson asked about a market study for downtown. Klatt explained that the market study will be used to determine what types of uses and businesses we want to see in downtown. Dodson would like to see this sooner rather than later and would like the priority to be a 2.

Williams asked about the Lake Elmo Ave Village surface water study with Washington County. Johnson stated that this has project has already started and should be listed as

in-progress (IP). The crux of this project is a drainage study for the Village Area, as well as a plan for the reconstruction of Lake Elmo Ave. from 30<sup>th</sup> to TH-5, including streetscape improvements based on the Theming Study.

Dodson asked about the newspaper article indicating that there is a measurable trend showing more growth in the core cities of Minneapolis and St. Paul. Dodson asked if this trend could impact the status of the MOU. Klatt stated that it could and that is probably why the forecast numbers went down. Johnson noted that there is still high demand for single family lots in the metro area based upon feedback from the building community.

Williams wants to see the Village Parkway of the railroad crossing solved. Klatt has been working with the Engineers on this issue. The next step will be submitting the application to create a new crossing and have public meetings. The railroad has indicated that they expect two crossing to be closed to open on new crossing.

Dodson would like to see the review of public community septic systems policy be a higher priority. He would suggest a 2 or 3. Klatt stated that this refers to the 201 community systems, which the city does not have a robust monitoring procedure in place. Dodson would like to add an item for private community septic systems to the list. Klatt stated that part of the oversight of these systems falls under the jurisdiction of Washington County and the Minnesota Pollution Control Agency (MPCA).

Dodson asked about the disaster plan. Johnson stated that it is something the Planning Staff is working on in conjunction with the Building Official.

#### **Business Item: *Zoning District Cleanup Amendment***

Johnson talked about the cleanup to remove all outdated and unnecessary zoning districts. This cleanup will improve the organization of the document. The cleanup will remove 26 zoning districts, 19 of which are holding districts. Johnson went through which ones are being removed and which ones are being kept and why. Staff has scheduled a public hearing for the next Planning Commission meeting for this agenda item.

#### **Updates and Concerns**

##### *Council Updates*

1. The City Council confirmed the findings for the District 916 CUP at the December 17, 2013 meeting.
2. The City Council formally adopted the Village Land Use Plan at the December 17, 2013 meeting.



3. The City Council approved the Boulder Ponds PUD Concept Plan at the December 17, 2013 meeting.

*Staff Updates*

1. Planning Commissioner Terms
2. Planning Commissioner Journal Articles
3. Upcoming Meetings
  - a. January 27, 2014 – 2 public hearings and one sketch plan
  - b. February 10, 2014
  - c. February 24, 2014

*Commission Concerns - None*

Meeting adjourned at 9:40 pm

Respectfully submitted,

Nick Johnson  
City Planner



PLANNING COMMISSION  
DATE: 1/27/14  
AGENDA ITEM: 4A – PUBLIC HEARING  
CASE # 2014 - 05

ITEM: Zoning Text Amendment – Animal Ordinance Update

SUBMITTED BY: Adam Bell, City Clerk/Asst. City Administrator

REVIEWED BY: Nick Johnson, City Planner  
Beckie Gumatz, Deputy City Clerk

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider a Zoning Text Amendment as part of the comprehensive update of the City's Animal Code. Staff amended the Animals Chapter of the City Code regarding cats, dogs, horses, and dangerous animals in the fall of 2013. We are now looking at moving the Livestock section from the Zoning Code to the Animals Chapter, amending the definition of a Kennel, as well as adding sections on the keeping of Chickens and Bees. Staff is respectfully requesting action from the Planning Commission in two regards.

Staff is first recommending that the Planning Commission recommend approval of the proposed removal of the Livestock section from the Zoning Code to allow it to be placed in the Animals Chapter of the City Code, along with the perfecting amendments to the various sections related to Kennels and stables. In order to remove the Livestock section from the Zoning Code, a public hearing is required. Secondly, as the proposed ordinance involving the keeping of chickens and bees does have limited land use implications, staff is also respectfully requesting input and feedback from the Planning Commission, along with a recommendation for approval of the entire proposed Animals Chapter Ordinance amendment.

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### **REQUEST DETAILS**

City Staff is updating the current Animals Chapter of the City Code. As part of this update, city staff is looking to move the Livestock section from the Zoning Code into the Animals Chapter. Staff also is proposing changes to the definition of a private kennel. Staff would also like to add language to specifically allow chickens and bees on certain parcels in the City. There have been many requests and inquiries from the public on whether or not the city allows these animals. There is also a growing trend of people wanting to produce their own food. There are many communities around the metro area that are starting to allow chickens and bees for this very reason.

Staff previously introduced this topic as a business item at the 10/28/2013 Planning Commission meeting. Some highlighted concerns included the number of chickens being perhaps too high and confusion in determining the allowed number of animals. The input gained from that discussion has been incorporated in the new draft language. The number of allowed chickens has been substantially reduced. Staff has retained the use of the Animal Unit calculations as this is the standard practice for livestock in most municipalities; however, staff has produced an Animal Unit

Equivalency Worksheet to aid in the calculation of allowed animals on parcels five acres or larger. This worksheet is attached.

The proposed ordinance for these updates will have eight sections and they are as follows:

- Removing Livestock section from the Zoning Code. Staff feels this would be prudent because with the addition of Chickens and Bees as allowable animals on smaller lots in the City of Lake Elmo, it will facilitate easier compliance by the public and administration and enforcement by the City.
- Place and amend Livestock section in the Animals Chapter of the Code. Staff has proposed changes to some of the animal units, as well as changing the amount of acreage allowed to have livestock in the City of Lake Elmo. The main change that has been made to the Livestock chapter is allowing domestic farm animals and livestock on parcels of five acres or more. Previously, ten acres were required in order to have domestic farm animals or livestock, with the exception of horses. In accordance with this lowering of the amount of required parcel size, staff has also made changes to the animal unit equivalents. They are detailed in a table in the draft ordinance which is attached to this document. Language was also added to clarify that animal units are cumulative. This means that no one is allowed to have more than a density of one animal unit per two grazable acres.
  - Example 1: Under current code, owner has 8 acres with the presumption that 7.5 are grazable acres. He has a total AU of 3.8. He is allowed to have 3 horses, but not a single chicken, sheep/goat, turkey, duck, all of which arguably require less care and create more impact on land.
  - Example 2: Under proposed amendment, owner has 5 acres with the presumption that 4.5 are grazable acres. He has a total AU of 2.3. He can have 2 horses. Horses are 1 Animal Units.
  - Example 3: Under proposed amendment, owner has 8 acres with the presumption that 7.5 are grazable acres. He has a total AU of 3.8. He can have 2 cows. Cows are 1.4 Animal Units.
  - Example 4: Under proposed amendment, owner has 8 acres with the presumption that 7.5 are grazable acres. He has a total AU of 3.8. He can have 2 horses, 1 cow, and either 3 turkey or 5 fowl or 1 goat or 4 chickens total.
- Amend the Kennel definitions section in the Zoning Code. Most of this language was changed to establish consistency between the updates and existing city code. Currently, the zoning definitions of commercial and private kennels conflicted with the general definition of a kennel. The commercial kennel definition was amended to require four or more dogs, cats or other domestic pets, rather than two. This is to make it consistent with the animal ordinance that was adopted by council on October 1. The private kennel definition was amended to apply to dogs, cats, and other domestic pets rather than just applying to dogs. Language was also added to this definition that states that it applies to parcels of land five acres or greater and that the maximum number of animals allowed is six.
- Amending 'General Businesses – Conditional Use' Table in Section 154.051(A). Language is added to clarify that only commercial kennels require a CUP.

- Amending Table 9.1: Permitted and Conditional Uses, Rural Districts, and corresponding Development Standards section. These sections were amended to allow private kennels and stables to be permitted uses in RT, A, and RR districts. Language was also added to clarify that commercial kennels may not be located on parcels less than 10 acres while accessory kennels and stables only require parcels of 5 acres. This change is needed to comply with preexisting horse regulations.
- Add clean up language to ‘Prohibition of Kennels’ and ‘Number of Dogs and Cats Limited’ sections of Animal Code. This is merely clean up language. Based on the changes made in section 3 regarding Kennels, updates were needed to the Animal Code to maintain consistency. The language referencing kennel licenses was removed, as the City will not be issuing kennel licenses.
- Add a section to the Animal Code regarding Keeping of Chickens. As stated previously, the city has received quite a few inquiries about the rules regulating the keeping of chickens in the city. After extensive research by staff of surrounding and similar communities, staff is proposing adding a section the Animal Code that would allow chickens in the City of Lake Elmo on parcels less than ten acres. Roosters and crowing hens are strictly prohibited on parcels less than five acres. Staff broke down the number of chickens allowed into two different sections. First, a minimum of a half-acre is required for any property to have any chickens. If you live on one half-acre to an acre of land you are allowed two chickens. If you live on one acre to one and one-half acres you are allowed four chickens. The number goes up by two chickens per half acre until you get to five acres. Chickens on parcels of five or more acres are restricted to 0.02 animal units per acre. The City also would require a permit for the keeping of chickens on parcels of less than five acres. The first permit will be valid for up to two years, with subsequent permits being valid from Jan 1 to Dec 1 of the same year. The requirements for application and the permit conditions are detailed in the proposed ordinance. Of note, Stillwater just recently passed an ordinance allowing the keeping of chickens, which staff used as part of its research.
- Add a section to the Animal Code regarding Keeping of Bees. Staff also received requests to allow bees to be kept in the city. Staff also researched similar and surrounding communities when drafting the section of the ordinance that deals with bees. Bees are not allowed on properties of less than one-half acre. The ordinance also lays out how many colonies are allowed to be kept on parcel sizes. Lots equal to or larger than one-half acre but less than one acre are allowed two colonies. Lots one acre or larger but smaller than two and one-half acres are allowed four colonies, while lots two and one-half acres to five acres are allowed six colonies. There are no restrictions on lots which are five or more acres in size. Permits are also required for the keeping of bees in the city. The permits are valid for two years. The ordinance also states that beekeeping training from a credible course is required before any beekeeping permits will be issued. More information on the bee section of the animal ordinance can be found in the attached ordinance. Of note, Stillwater just recently passed an ordinance allowing the keeping of bees, which staff used as part of its research.

**RECCOMENDATION**

*Staff is recommending that the Planning Commission recommend approval of the proposed removal of the Livestock section from the Zoning Code to allow it to be placed in the Animals Chapter of the City Code, along with the perfecting amendments to the various sections related to kennels and stables, as well as provide input and recommend approval of the proposed ordinance related to the keeping of chickens and bees to the City Council through the following motion:*

***“Move to recommend approval of the adoption of Animal Ordinance, amending the Zoning Code concerning Livestock and Kennels and amending the Animals Chapter of the General Regulations of the City of Lake Elmo.”***

**ATTACHMENTS:**

1. Ordinance 08-0XX
2. Current Livestock Ordinance
3. Lot Size Analysis Map
4. Animal Unit Worksheet
5. Excerpt of 10/28/2013 Planning Commission Minutes related to topic
6. List of area municipalities that allow backyard chickens

**ORDER OF BUSINESS:**

- Introduction .....Planning Staff
- Report by Staff .....Planning Staff
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

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

**ORDINANCE NO. 08-0XX**

**AN ORDINANCE AMENDING THE ZONING CODE CONCERNING LIVESTOCK  
AND KENNELS AND ALSO AMENDING THE ANIMALS CHAPTER OF THE  
GENERAL REGULATIONS OF THE CITY OF LAKE ELMO**

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Section 154.914 in its entirety.

**SECTION 2.** The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by adding the following language:

**ARTICLE IV. LIVESTOCK**

**§ 95.50        LIVESTOCK.**

(A) Purpose. The purpose of the following sections are to promote and preserve the natural resources within the City of Lake Elmo by regulating the keeping of livestock. Erosion as a result of overgrazing and leeching of manure into groundwater have adverse and potentially irreversible impacts on water quality and environmentally sensitive lands.

~~(B) (A) Prohibition of manure deposition without safeguards.~~ No manure or livestock waste shall be deposited, stored, kept, or allowed to remain upon any site without reasonable safeguards adequate to prevent the escape or movement of the manure or wastes or a solution of the manure or wastes from the site which may result in pollution of any public waters or any health hazard.

~~(C) (B) Pollution Control Agency standard minimum requirement.~~ All regulations imposed by the Minnesota Pollution Control Agency relating to keeping of livestock shall be adhered to and the regulations shall be considered the minimum safeguard necessary to prevent pollution of public water or creation of a health hazard.

~~(D) (C) Inadequate safeguards.~~ In case the Zoning Administrator shall find that any manure is stored or kept on any lot or storage site without a safeguard, or that any existing safeguard is inadequate, the Zoning Administrator may order the owner or other responsible person to immediately remove the manure from the storage site and refrain from further storage or keeping of any manure at the site unless and until an adequate safeguard is provided.

~~(E) (D) Hazards and nuisances.~~ On parcels of less than 40 acres which are not part of a larger crop-producing commercial agricultural farm, the keeping of horses, cattle, or other grazing animals on a site with less than 2 acres of existing grazable land per animal is, by this section, declared to be a nuisance. ~~Horses may be kept on any parcel larger than 5 acres.~~ No domestic farm animals, or livestock, other than chickens or bees, or commercial kennels shall be placed allowed on any site parcel of less than 10 5 acres. No commercial kennels shall be placed on any site of less than 10 acres.

(F) ~~(E)~~ *Grazable acres.* Grazable acreage shall be defined as open, non-treed acreage exclusive of the homesite and yard that is currently providing enough pasture or other agricultural crops capable of supporting summer grazing at a density of 1 ~~cow, or its equivalent,~~ animal unit per 2 acres. Grazable acreage shall not include non-jurisdictional wetlands or slopes over 12%. There is a presumption that 0.5 acres of site are dedicated to the homesite and yard, or considered ungrazable. This presumption is subject to rebuttal if a different calculation can be established by owner and city.

(G) ~~(1)~~ For purposes of these regulations, the following animal equivalents apply: one slaughter steer, heifer or horse — 1.0; one mature dairy cow — 1.4; one swine over 55 pounds — .4; one sheep — .1; one turkey — .01; one chicken — .01; one duck — .02. The number of permitted animals shall be determined by the following table:

TYPE OF ANIMAL	ANIMAL UNITS
<b>One slaughter steer, heifer, or mature dairy cow</b>	<b>1.4</b>
<b>One horse, mule, donkey, llama, or alpaca</b>	<b>1.0</b>
<b>One hog/swine</b>	<b>0.5</b>
<b>One sheep or goat</b>	<b>0.2</b>
<b>One turkey or goose</b>	<b>0.1</b>
<b>One duck or other fowl</b>	<b>0.04</b>
<b>One chicken, 5 acres or more</b>	<b>0.02</b>

(1) ~~(2)~~ For all other animals, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

(2) The number of animal units allowed per parcel is cumulative. The animal density per parcel shall not exceed 1 animal unit equivalency per 2 grazable acres.

**SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended in the following manner:**

§154.012(B)(3)(c) *Commercial Kennel.* The boarding, breeding, raising, grooming or training of ~~two~~four or more dogs, cats, or other domestic pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

§154.012(B)(12)(f) *Kennel, Private.* The keeping, breeding, raising, showing or training of 4 or more dogs, cats, or other domestic pets over ~~six~~four months of age for personal enjoyment of the owner or occupants of the property on parcels 5 acres or greater, and for which commercial gain is not the primary objective. The maximum number of animals allowed is 6.

**SECTION 4. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended in the following manner:**

§ 154.051 GB – GENERAL BUSINESS.

(A) *Permitted uses and structures.*

(5) *Uses permitted by conditional use permit.:*

<u>Commercial</u> Kennels	-
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**SECTION 5. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended in the following manner:**

Table 9-1 is amended to read as follows:

§ 154.401 PERMITTED AND CONDITIONAL USES.

**Table 9.1: Permitted and Conditional Uses, Rural Districts**

Accessory Uses						
Kennel, Private	<u>CP</u>	<u>CP</u>	<u>CP</u>	-	-	154.404.I
Stable, Private	<u>CP</u>	<u>CP</u>	<u>CP</u>	-	-	154.404.I

§ 154.404 SITE DESIGN AND DEVELOPMENT STANDARDS.

- I. *Commercial Kennel, Commercial Stable, or Accessory Kennel or Stable, RT, A, RR Districts.* The commercial facility facilities shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required. Private kennels or stables shall be allowed on sites at least five (5) acres in size.

**SECTION 6. The City Council of the City of Lake Elmo hereby ordains that Title IX: General Regulations; Chapter 95: Animals, is hereby amended in the following manner:**

**§ 95.05 Number of Dogs and Cats Limited**

- A. The keeping of a large number of dogs or cats poses health, safety and public welfare risks and is deemed a public nuisance.
- B. *Cats.* Unless the property owner ~~holds a valid kennel license~~ has an authorized kennel, no individual or family unit living together, firm, or corporation shall keep more than three (3) cats over the age of four (4) months on any parcel not zoned RT, A, or RR.
- C. *Dogs.* Unless the property owner ~~holds a valid kennel license~~ has an authorized kennel, no individual or family unit living together, firm, or corporation shall keep more than three (3) dogs over the age of four (4) months on any parcel not zoned RT, A, or RR.
- D. *Cats and Dogs.* Unless the property owner ~~holds a valid kennel license~~ has an authorized kennel, no individual or family unit living together, firm, or corporation shall keep more than a combination of three (3) cats and dogs over the age of four



(4) months on any parcel not zoned RT, A, or RR.

**§ 95.10 Prohibition of Kennels; Private Kennels**

- A. No commercial kennels may be established in the city unless a special use permit has been issued for the kennel as provided by the city ordinances regulating land use.
- B. An individual or family unit living together, firm, or corporation may keep a private kennel consisting of a combination of no more than six (6) domestic pets over the age of four (4) months on any parcel 5 acres or greater in size and located in zoning districts RT, A, or RR.

**Cross Reference: § 11.01 Definitions; §154.012 et seq. Zoning Use Types and Classifications.**

**SECTION 7. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by adding the following language:**

**ARTICLE V. KEEPING OF CHICKENS**

- Sec. 95.60. Definitions
- Sec. 95.61. Purpose
- Sec. 95.62. Investigation and Enforcement
- Sec. 95.63. Keeping of Chickens
- Sec. 95.64. Permit Required; Term, Consent, Fee
- Sec. 95.65. Application
- Sec. 95.66. Permit Conditions
- Sec. 95.67. Violations
- Sec. 95.68. Issuance, Revocation

**§ 95.60. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Brooding* means the period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.

*Chicken* means a domesticated bird that serves as a source of eggs or meat.

*Coop* means the structure for the keeping or housing of chickens permitted by the article.

*Exercise yard* means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

*Hen* means a female chicken.

*Officer* means any person designated by the city as an enforcement officer.

*Rooster* means a male chicken.

*Run* means a fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.

**§ 95.61. Purpose.**

It is recognized that the ability to cultivate one’s own food is a sustainable activity that can also be a rewarding pastime. Therefore, it is the purpose and intent of this article to permit the keeping and maintenance of hens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

**§ 95.62. Investigation and Enforcement.**

Officers designated by the city shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The city shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

**§ 95.63. Keeping of Chickens.**

A. Chickens on less than 5 acres.

Lot Size (acres)	Chickens Allowed
0.00 – 0.49	0
0.50 – 0.99	2
1.00 – 1.49	4
1.50 – 1.99	6
2.00 – 2.49	8
2.50 – 2.99	10
3.00 – 3.49	12
3.50 – 3.99	14
4.00 – 4.99	16
4.50 – 4.99	20

B. Chickens on more than 5 acres.

Chickens maintained on parcels more than 5 acres are restricted to 0.02 animal units per acre. A permit is not required for keeping chickens on a parcel size of more than 5 acres. *For reference, see “Animal Unit Equivalency” chart in Section 95.50*

**§ 95.64. Permit Required; Term, Consent, Fee.**

A. No person shall (without first obtaining a permit in writing from the City Clerk) own, keep, harbor, or have custody of any live chicken on a lot less than five (5) acres.

- B. The first permit is valid for up to two (2) years beginning on the date of issuance and ending on December 31 of the following year. Subsequent permits are valid from January 1 to December 31.
- C. Prior to issuance of a permit, notices must be mailed to all homes within 150 feet of the applicant's property lines.
  - 1. If there are objections received within ten days of mailing the notices, then the permit application must be considered by the city council.
  - 2. If there are no objections received within ten 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.
- D. The fee for a permit may be imposed, set, established and fixed by the city council, by ordinance, from time to time.

**§ 95.65. Application.**

Any person desiring a permit required under the provisions of this article shall make written application to the city clerk upon a form prescribed by and containing such information as required by the city. Among other things, the application shall contain the following information:

- 1. A description of the real property upon which it is desired to keep the chickens.
- 2. The breed and number of chickens to be maintained on the premises.
- 3. A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, type, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.
- 4. Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.
- 5. Such other and further information as may be required by the officer.

**§ 95.66. Permit Conditions.**

Each person keeping chickens within the City of Lake Elmo shall comply with the following:

- 1. No person may keep a rooster or crowing hen.
- 2. No person may allow chickens to range freely without fencing or without a mobile pen.
- 3. No person may keep chickens inside the house or attached garage.
- 4. Chickens must be provided a secure and well ventilated roofed structure ("chicken coop")
- 5. The roofed structure and required fencing for the chickens may only be located in

a rear yard and must meet setback and building separations as established in city zoning and building codes, except that the roofed structure and fencing must maintain a 100 foot separation from dwellings on adjacent properties.

6. The roofed structure shall be fully enclosed, wind proof, and have sufficient windows for natural light.
7. Chickens, coops, and/or runs shall not be kept in such a manner as to constitute a nuisance.
8. The chicken coop and run shall be kept in good repair as to be in compliance with the property maintenance regulations elsewhere in the Code.
9. All chicken coops must have a minimum size of four (4) square feet per bird and must be at least six (6) feet in height to allow access for cleaning and maintenance.
10. Fenced in chicken runs must have a minimum of ten (10) square feet per bird and must be at least six (6) feet in height to allow access for cleaning and maintenance.
11. No chicken shall be allowed to roam freely without being within a completely enclosed pen.
12. Butchering a chicken must not be in public view.
13. All butchering waste shall be disposed of in a sanitary manner.
14. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include burial, off-site incineration or rendering, or composting.

#### **§ 95.67. Violations.**

1. Any person violating any of the sections of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be penalized in accordance with Section 10.99.
2. If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of one year.
3. Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including, but not limited to, the pickup and impounding of chickens.

#### **§ 95.68. Issuance, Revocation.**

A. If granted, the permit shall be issued by the city clerk and officer and shall state the conditions, if any, imposed upon the permitted for the keeping of chickens under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the officer for failure to conform to such restrictions, limitations, or prohibitions. Such modification or revocation shall be effective after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such chickens.

B. The city may revoke any permit issued under this article if the person holding the permit refuses or fails to comply with this article, with any regulations promulgated by the

city council pursuant to this article, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

**SECTION 8. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by adding the following language:**

**ARTICLE VI. KEEPING OF BEES**

Sec. 95.50	Definitions
Sec. 95.51	Purpose of Ordinance
Sec. 95.52	Standards of Practice
Sec. 95.53	Colony Density
Sec. 95.54	Permit Required
Sec. 95.55	Penalty for Violation of Section

**§ 95.70 Definitions**

The following words and terms shall have meanings ascribed in this section unless the context of their used indicates another usage:

*Apiary* means the assembly of one or more colonies of bees at a single location.

*Beekeeper* means a person who owns or has charge of one or more colonies of bees.

*Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

*Colony* means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

*Hive* means the receptacle inhabited by a colony that is manufactured for that purpose.

*Honey bee* means all life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).

*Lot* means a contiguous parcel of land under common ownership.

**§ 95.71 Purpose of Ordinance**

The purpose of this section is to establish certain requirements for beekeeping within the city, to avoid issues that might otherwise be associated with beekeeping in populated areas.

1. Compliance with this section shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper's efforts to abate any previous nuisance.

2. Compliance with this section shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper's compliance with acceptable

standards of practice among hobby beekeepers in the State of Minnesota.

### **§ 95.72 Standards of Practice**

These standards of practice apply only to lots smaller than five (5) acres.

1. Honey bee colonies shall be kept in hives with removable frames, which must be kept in sound and usable conditions.
2. Each beekeeper must ensure that a convenient source of water is available within ten feet of each colony at all times that the colonies remain active outside the hive.
3. Each beekeeper must ensure that no wax comb or other material that might encourage robbing by other bees that are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other vermin-proof container.
4. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hived painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms.
5. Honey bee colonies may only be kept on lots one-half acre lots or larger.
6. Each beekeeper is allowed to make in person sales of honey from the beekeeper's residence as long as the following standards are met:
  - i. The beekeeper must live on the apiary lot;
  - ii. All honey sold in person on the residential premise must be produced by the beekeeper's hives that are located on the subject residential premise;
  - iii. No products may be sold in person at the residence except honey and honey related products produced from hives on the premise;
  - iv. No outside storage or display of products or merchandise;
  - v. No traffic that is greater than the residential level of the neighborhood;
  - vi. No separate business entrance;
  - vii. All signage must comply with city sign regulations;
  - viii. Not more than 15 percent of the total gross floor area of the residence or 200 square feet, whichever is less is devoted to making, storing, and selling honey;
  - ix. No activity or equipment may be used that creates noise, vibration, glare, fumes, odor, or electric or television interference is permitted if it is detectable by adjacent neighbors; and
  - x. No nonresident employees are permitted.

### **§ 95.73 Colony Density**

1. No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size of the apiary lot:
  - i. Lot equal to or larger than half acre but smaller than one acre: two colonies;

- ii. Lot one acre or larger but smaller than two and one-half acres: four colonies;
  - iii. Two and one-half acre lot or larger but smaller than five acres: six colonies;
  - iv. Five acres or larger: no restriction.
2. In each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, the beekeeper shall establish and maintain a flyway barrier at least six feet in height.

#### **§ 95.74 Permit Required**

1. No beekeeping may occur on any property unless the city issues a permit to the beekeeper on that specific property. The permit will be valid for two growing seasons.
2. A beekeeping permit will only be issued if:
  - a. The permit application documents the satisfaction of all applicable items found in Sections 95.70-95.75 of the City Code, and
  - b. Notices have been mailed to all homes within 150 feet of the applicant's property lines.
    - i. If there are objections received within ten days of mailing the notices, then the permit application must be considered by the city council.
    - ii. If there are no objections received within ten 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.
3. Permits are non-transferable and do not run with the land.
4. A permit constitutes a limited license granted to the beekeeper by the city and in no way creates a vested zoning right.
5. By signing the permit, the beekeeper acknowledges that he or she shall defend and indemnify the city against any and all claims arising out of keeping the bees on the premises.
6. Beekeeping permit fees shall be as established by the city council.
7. All standards of practice and colony density standards must be met in order to issue a permit.
8. If the standards of practice are not maintained subsequent to issuance of a beekeeping permit, the permit may be revoked by the city.
9. Beekeeping training is required for the beekeeper prior to issuance of an initial beekeeping permit by the city.
  - i. Either provide a certificate of completion from a honeybee keeping course from the University of Minnesota or from Century College;
  - ii. Request consideration for having completed a comparable course from another institution or instructor;

- iii. Request consideration for substituting equivalent experience for the honeybee keeping course; or
  - iv. Provide a letter from a current beekeeping instructor at the University of Minnesota, Century College, or other educational institution offering similar beekeeping courses that states that the permit applicant has gained through other means a substantially similar knowledge base to one that could be gained through appropriate beekeeping courses at the University of Minnesota or Century College.
10. Any beekeeper wishing to make in person sales of honey from their home according to the standards of practice section must so indicate on the annual permit.

**§ 95.75 Penalty for Violation of Section**

Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction, shall be penalized in accordance with Section 10.99.

**SECTION 9. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 10. Adoption Date.** This Ordinance 08-0XX was adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2014, by a vote of \_\_\_\_\_ Ayes and \_\_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson  
Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk

This Ordinance 08-0XX was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.



## Lake Elmo, MN Code of Ordinances

**§ 154.104 LIVESTOCK.**

(A) *Prohibition of manure deposition without safeguards.* No manure or livestock waste shall be deposited, stored, kept, or allowed to remain upon any site without reasonable safeguards adequate to prevent the escape or movement of the manure or wastes or a solution of the manure or wastes from the site which may result in pollution of any public waters or any health hazard.

(B) *Pollution Control Agency standard minimum requirement.* All regulations imposed by the Minnesota Pollution Control Agency relating to keeping of livestock shall be adhered to and the regulations shall be considered the minimum safeguard necessary to prevent pollution of public water or creation of a health hazard.

(C) *Inadequate safeguards.* In case the Zoning Administrator shall find that any manure is stored or kept on any lot or storage site without a safeguard, or that any existing safeguard is inadequate, the Zoning Administrator may order the owner or other responsible person to immediately remove the manure from the storage site and refrain from further storage or keeping of any manure at the site unless and until an adequate safeguard is provided.

(D) *Hazards and nuisances.* On parcels of less than 40 acres which are not part of a larger crop-producing commercial agricultural farm, the keeping of horses, cattle, or other grazing animals on a site with less than 2 acres of existing grazable land per animal is, by this section, declared to be a nuisance. Horses may be kept on any parcel larger than 5 acres. No other domestic farm animals, livestock or commercial kennels shall be placed on any site of less than 10 acres.

(E) *Grazable acres.* Grazable acreage shall be defined as open, non-treed acreage exclusive of the homesite and yard that is currently providing enough pasture or other agricultural crops capable of supporting summer grazing at a density of 1 cow, or its equivalent, per 2 acres. Grazable acreage shall not include non-jurisdictional wetlands or slopes over 12%.

(1) For purposes of these regulations, the following animal equivalents apply: one slaughter steer, heifer or horse - 1.0; one mature dairy cow - 1.4; one swine over 55 pounds - .4; one sheep - .1; one turkey - .01; one chicken - .01; one duck - .02.

(2) For all other animals, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

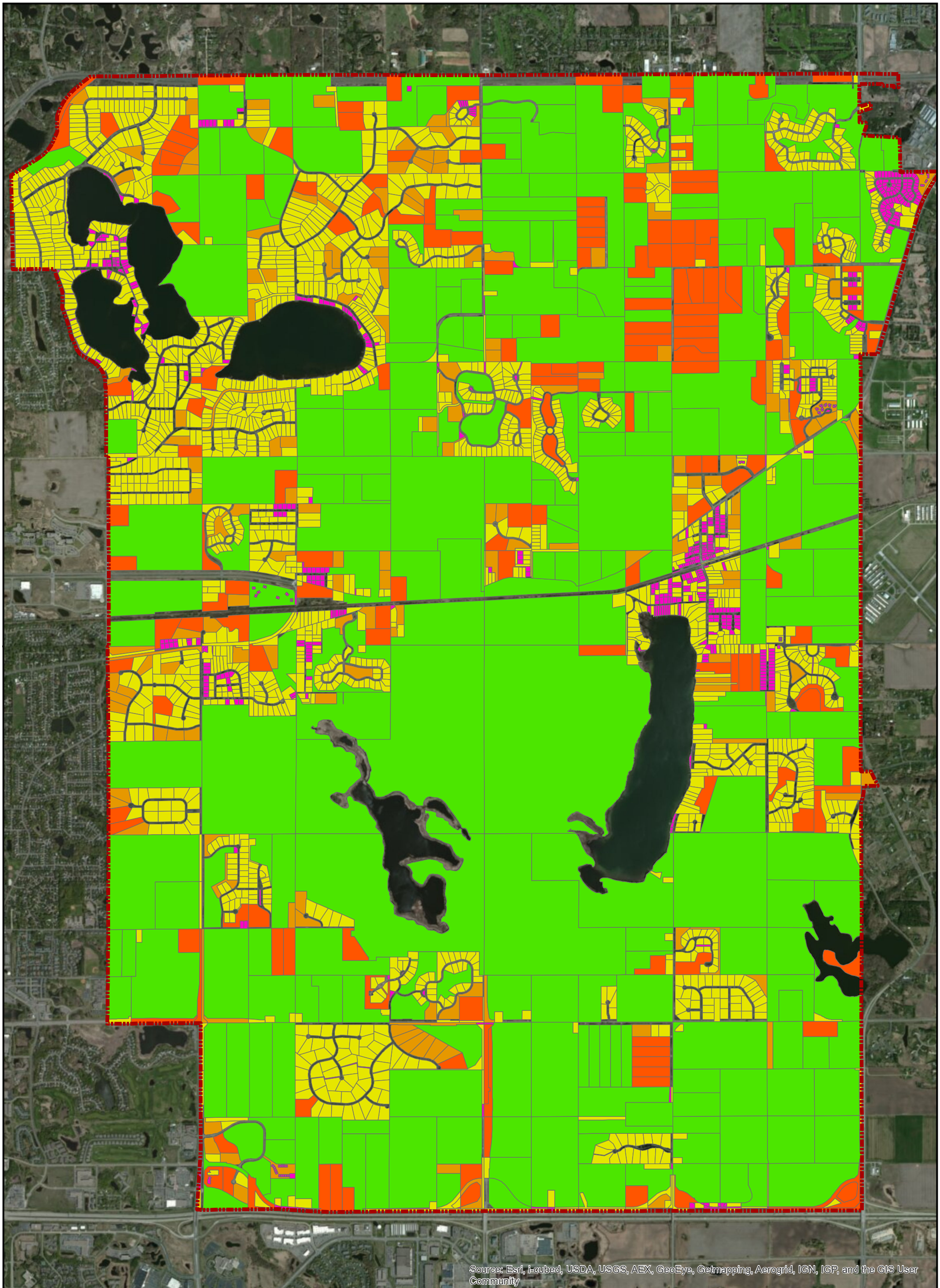
(1997 Code, § 300.13 Subd. 15) (Am. Ord. 9763, passed 9-19-2000) Penalty, see § 154.999

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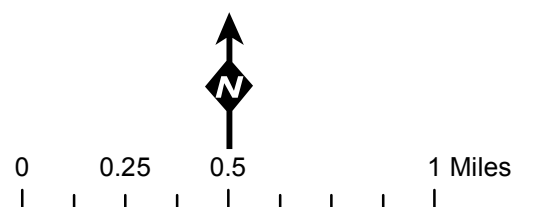
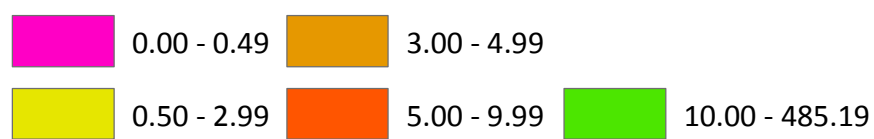
Source: Esri, Facebook, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

## Animal Ordinance Research Map



Data Source: Washington County, MN  
9-6-2013

### Parcel Size (Acres)



## Current Livestock Animal Unit Equivalents

Gross Acres	Grazable Acres	Total AU	Horse	Slaughter steer or heifer	Mature dairy cow	Swine over 55 lbs	Sheep	Turkey	Duck	Chicken
0.5	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
1.0	0.5	0.3	0.3	0.3	0.2	0.6	3	25	13	25
1.5	1.0	0.5	0.5	0.5	0.4	1.3	5	50	25	50
2.0	1.5	0.8	0.8	0.8	0.5	1.9	8	75	38	75
2.5	2.0	1.0	1.0	1.0	0.7	2.5	10	100	50	100
3.0	2.5	1.3	1.3	1.3	0.9	3.1	13	125	63	125
3.5	3.0	1.5	1.5	1.5	1.1	3.8	15	150	75	150
4.0	3.5	1.8	1.8	1.8	1.3	4.4	18	175	88	175
4.5	4.0	2.0	2.0	2.0	1.4	5.0	20	200	100	200
5.0	4.5	2.3	2.3	2.3	1.6	5.6	23	225	113	225
5.5	5.0	2.5	2.5	2.5	1.8	6.3	25	250	125	250
6.0	5.5	2.8	2.8	2.8	2.0	6.9	28	275	138	275
6.5	6.0	3.0	3.0	3.0	2.1	7.5	30	300	150	300
7.0	6.5	3.3	3.3	3.3	2.3	8.1	33	325	163	325
7.5	7.0	3.5	3.5	3.5	2.5	8.8	35	350	175	350
8.0	7.5	3.8	3.8	3.8	2.7	9.4	38	375	188	375
8.5	8.0	4.0	4.0	4.0	2.9	10.0	40	400	200	400
9.0	8.5	4.3	4.3	4.3	3.0	10.6	43	425	213	425
9.5	9.0	4.5	4.5	4.5	3.2	11.3	45	450	225	450
10.0	9.5	4.8	4.8	4.8	3.4	11.9	48	475	238	475
10.5	10.0	5.0	5.0	5.0	3.6	12.5	50	500	250	500
11.0	10.5	5.3	5.3	5.3	3.8	13.1	53	525	263	525
11.5	11.0	5.5	5.5	5.5	3.9	13.8	55	550	275	550
12.0	11.5	5.8	5.8	5.8	4.1	14.4	58	575	288	575
12.5	12.0	6.0	6.0	6.0	4.3	15.0	60	600	300	600
13.0	12.5	6.3	6.3	6.3	4.5	15.6	63	625	313	625
13.5	13.0	6.5	6.5	6.5	4.6	16.3	65	650	325	650
14.0	13.5	6.8	6.8	6.8	4.8	16.9	68	675	338	675
14.5	14.0	7.0	7.0	7.0	5.0	17.5	70	700	350	700
15.0	14.5	7.3	7.3	7.3	5.2	18.1	73	725	363	725

Required Grazable Acres Per Animal Unit	2
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Animal Unit Equivalents	
Horse or similar	1.00
Slaughter steer or heifer	1.00
Mature dairy cow	1.40
Swine over 55 lbs	0.40
Sheep	0.10
Turkey	0.01
Duck	0.02
Chicken	0.01

Ownership is prohibited	
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## Proposed Livestock Animal Unit Equivalents

Gross Acres	Grazable Acres	Total AU	Horse or similar	Cows	Hog/ Swine	Sheep/ Goat	Turkey/ Goose	Other Fowl	Chickens
0.5	0.0	0.0	0.0	0.0	0.0	0	0	0	2
1.0	0.5	0.3	0.3	0.2	0.5	1	3	5	4
1.5	1.0	0.5	0.5	0.4	1.0	3	5	10	6
2.0	1.5	0.8	0.8	0.5	1.5	4	8	15	8
2.5	2.0	1.0	1.0	0.7	2.0	5	10	20	10
3.0	2.5	1.3	1.3	0.9	2.5	6	13	25	12
3.5	3.0	1.5	1.5	1.1	3.0	8	15	30	14
4.0	3.5	1.8	1.8	1.3	3.5	9	18	35	16
4.5	4.0	2.0	2.0	1.4	4.0	10	20	40	18
5.0	4.5	2.3	2.3	1.6	4.5	11	23	45	20
5.5	5.0	2.5	2.5	1.8	5.0	13	25	50	125
6.0	5.5	2.8	2.8	2.0	5.5	14	28	55	138
6.5	6.0	3.0	3.0	2.1	6.0	15	30	60	150
7.0	6.5	3.3	3.3	2.3	6.5	16	33	65	163
7.5	7.0	3.5	3.5	2.5	7.0	18	35	70	175
8.0	7.5	3.8	3.8	2.7	7.5	19	38	75	188
8.5	8.0	4.0	4.0	2.9	8.0	20	40	80	200
9.0	8.5	4.3	4.3	3.0	8.5	21	43	85	213
9.5	9.0	4.5	4.5	3.2	9.0	23	45	90	225
10.0	9.5	4.8	4.8	3.4	9.5	24	48	95	238
10.5	10.0	5.0	5.0	3.6	10.0	25	50	100	250
11.0	10.5	5.3	5.3	3.8	10.5	26	53	105	263
11.5	11.0	5.5	5.5	3.9	11.0	28	55	110	275
12.0	11.5	5.8	5.8	4.1	11.5	29	58	115	288
12.5	12.0	6.0	6.0	4.3	12.0	30	60	120	300
13.0	12.5	6.3	6.3	4.5	12.5	31	63	125	313
13.5	13.0	6.5	6.5	4.6	13.0	33	65	130	325
14.0	13.5	6.8	6.8	4.8	13.5	34	68	135	338
14.5	14.0	7.0	7.0	5.0	14.0	35	70	140	350
15.0	14.5	7.3	7.3	5.2	14.5	36	73	145	363

Required Grazable Acres Per Animal Unit	2
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Animal Unit Equivalents	
Horse	1.00
Cows	1.40
Hog/Swine	0.50
Sheep/Goat	0.20
Turkey	0.10
Other Fowl	0.05
Chicken	0.02

Ownership is prohibited	
Ownership is new	

**Notes:**  
 No grazable animals may be kept on parcels less than 5 acres.  
 Parcels larger than 40 acres are not subject to grazable acreage requirement.  
 Total Animal Units are Cumulative.  
 Grazable Acres calculation includes presumption of 0.5 acres of gross acreage being ungrazable. This presumption is subject to rebuttal if different calculation can be established by owner and city.

Haggard stated that if people wanted to use their land differently and we want to consider that, we need to notify people.

Public comments were accepted by the Planning Commission:

Larry Weiss, 9302 Stillwater Blvd, would like to see the Friedrich property go back to RAD.

Ed Nielson, 9498 Stillwater Blvd, feels that RAD-2 is not an appropriate zone and does not fit the surrounding area.

Susan Dunn, 11018 Upper 33<sup>rd</sup> St, stated that she felt that RAD-2 should go away. She noted she supports the OP Ordinance, RS and RE developments.

Steve Delapp, 8468 Lake Jane Trail, corrected the legislative history of the RAD-2 land use category and stated that nothing north or 10<sup>th</sup> street other than the Old Village should have this type of density.

Klatt asked the Planning Commission how they wanted to address the questions related to the rural planning area. The Planning Commission would like to just continue to discuss the rural areas as a whole rather than to discuss individual properties. The Commission wanted this to come back to their next meeting.

Haggard and Kreimer both feel that there is more to discuss than just RAD and RAD-2. They would like to see RE & RS discussed as well as other things.

**Business Item:** Animal Ordinance Update

Bell presented the updates to the animal ordinance. The cats and dogs section was recently updated. Bell stated that there have been a lot of inquiries in regards to livestock, especially chickens and bees. The trend in the metro is that people are interested in making their own food. Currently the livestock section is in the zoning code, but staff would like to see that moved to the animal section. Currently the code limits the keeping of livestock to 10 acres. That is one of the questions that should be addressed. Staff is proposing that chicken and bees would be allowed on ½ acre with a permitting process. This seems consistent with the metro trend.

Johnson stated that a lot of communities are going the direction of allowing bees and chickens on smaller acreage, but the staff has also gotten a lot of inquiries about the keeping of chickens on smaller acreage.

Morreale would like to see a scale for chickens that is more in line for personal consumption. It seems that if you can have 32 chickens on 2.5 acres that is more commercial in nature and would create problems with waste, etc. He feels that the

scale is too high. Bell stated that homeowners associations might also limit some of these things. Bell said that these were preliminary numbers and they are looking for input.

Haggard stated that there are a lot of properties that do not have HOA's and it could be a problem. She also asked that with the 2 year licensing, will the staff be sending a notice out when that license is to expire. Bell confirmed that the permitting period is correct.

Johnson stated that this activity is already taking place and if we put in good regulations that are followed respectfully, there should be less problems.

Lundgren stated that she likes that the education component is required for the beekeeping.

Dodson feels that the chart is confusing and should be cleaned up. The animal units are confusing. Bell stated that it has to do with grazeable acreage. You need a minimum of 5 acres for any livestock other than bees or chickens. Staff will work to clean up the table. Dodson was wondering why there was a distinction between chickens and other fowl. Bell stated that it is how other Cities have their code. The requests have been for chickens. Also the different birds have different needs with chickens being the easiest to care for.

Dodson asked who was able to have roosters. Bell stated that anyone over 5 acres would be allowed to have roosters.

## **Updates and Concerns**

### *Council Updates*

1. Variance – 09.029.21.22.0025 (Hill Trail North) was approved at the October 15, 2013 meeting with the 2 conditions discussed at the Planning Commission meeting.
2. Met Council 2040 Growth Forecast Discussion.

### *Staff Updates*

1. Planning Commission has meetings upcoming on November 13<sup>th</sup> and 25<sup>th</sup>. The meeting on 11/13/13 is on a Wednesday due to the Veterans Day holiday.
2. Discussed having finding of facts worksheets that sets out what the criteria is and helps to formulate how to come up with your decision. Worksheets were handed out by Planner Johnson.

**Cities Allowing Chickens (Partial List)**

<b>City</b>	<b>County</b>	<b>Population</b>
Afton	Washington	2916
Andover	Anoka	30598
Anoka	Anoka	17243
Bayport	Washington	3605
Burnsville	Dakota	61130
Cottage Grove	Washington	35181
Dayton	Anoka	4833
Eagan	Dakota	64854
Falcon Heights	Ramsey	5443
Farmington	Dakota	21926
Fridley	Anoka	21639
Ham Lake	Anoka	15552
Hastings	Dakota	22321
Inver Grove Heights	Dakota	34198
Maplewood	Ramsey	39337
Minneapolis	Hennepin	392880
Mnetonka	Hennepin	51123
Montrose	Wright	2968
Newport	Washington	3453
Oakdale	Washington	27726
Otsego	wright	14138
Ramsey	Anoka	24071
Richfield	Hennepin	36087
Robbinsdale	Hennepin	14263
Rosemount	Dakota	22420
Roseville	Ramsey	34666
Shoreview	Ramsey	25628
St Paul Park	Washington	5324
St. Paul	Ramsey	290770
Stillwater	Washington	18542
Vadnais Heights	Ramsey	12764
West St Paul	Dakota	19708



1/23/2014

To: Lake Elmo Planning Commission

From: Bob Engstrom

I understand that Lake Elmo is considering an ordinance to allow bee keeping. This is consistent with actions of other Metro cities. Permitting bee keeping should be especially appropriate for Lake Elmo where there are still lots of natural areas.

As you may be aware, there is a catastrophic crisis in the decline of bees and other pollinators. Honeybees contribute to over one-third of the world's food supply. Three-quarters of all plant life is dependent on bees and other pollinators.

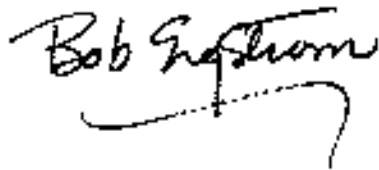
I am especially interested in this subject because we are trying to establish natural habitat on our proposed development west of The Fields of St. Croix.

And, of course, the possibility of a "sting" sometimes arises when bee keeping is discussed. Most people who know more about that subject than I, say that honeybees and bumblebees rarely bother anybody if you don't bother them.

**Plant lots of flowers!**

Native plants and flowers are 3-4 times as effective as hybrid flowers for bees and other pollinators.

Kind regards,

A handwritten signature in black ink that reads "Bob Engstrom". The signature is written in a cursive style with a long, sweeping underline that extends to the right.



PLANNING COMMISSION  
DATE: 1/27/14  
AGENDA ITEM: 4B – PUBLIC HEARING  
CASE # 2014 - 03

ITEM: Zoning Text Amendment – Zoning District Cleanup

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to hold a Public Hearing on a proposed amendment to the Zoning Code to eliminate multiple zoning districts that are no longer utilized under the City's Comprehensive Plan and official Zoning Map. This action is a part of the ongoing effort to update the City's Zoning Code. The Planning Commission reviewed the proposed amendment at a meeting on 1/13/14. Staff is recommending that the Planning Commission recommend to eliminate 26 zoning districts that are no longer utilized to implement the City's Comprehensive Plan or apply to any existing property in Lake Elmo.

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### **REQUEST DETAILS**

The Zoning Code Update Project began in 2012. Since then, staff has been systematically updating the Zoning Code in preparation of future growth and development. As part of the update, staff is recommending that multiple outdated zoning districts be removed from the Zoning Code to reduce overall confusion and improve the organization of the document.

The majority of the zoning districts that are no longer applicable or utilized are the former holding districts that were assigned to parcels that were guided for future sewered development. These holding districts were assigned to properties in the I-94 Corridor and Village Area. With the adoption of the updated rural zoning districts in March of 2013, the new Rural Development Transitional District (RT) replaced all of these holding districts. Therefore, these 19 holding districts are now unnecessary with the adoption and implementation of the RT zoning district. The holding districts to be eliminated are redlined in Attachment #1.

In addition to the no longer valid holding districts, the Zoning Code also contains multiple residential and commercial districts that are no longer necessary, do not apply to any property, or have already been reorganized into the new zoning district articles in the new structure of the zoning code. These districts include the following:

- R-1 One-Family Residential (§154.041): The R-1 district has been moved and reorganized under the Rural Single Family (RS) district in Article IX – Rural Districts.
- R-3 Manufactured Home Park (§154.045): The R-3 district no longer applies to any property in Lake Elmo. The Cimarron Manufactured Home Park now is zoned MDR – Urban Medium Residential, which allows manufactured homes as a conditional use.

- R-4 Multi-Family Residential (§154.047): This district is not assigned to any property in Lake Elmo. The R-4 zoning district has been replaced with the City’s HDR – Urban High Density Residential district.
- HB – Highway Business (§154.055): This district does not apply to any property in Lake Elmo. There are no plans to utilize this zoning district in the future.
- CB – Convenience Business (§154.056): This district does not apply to any property in Lake Elmo. The CB zoning district has been replaced by the new CC – Convenience Commercial district in Article XII – Commercial Districts of the Zoning Code.
- LB – Limited Business (§154.057): The LB zoning district has been moved and reorganized into Article XII – Commercial Districts of the Zoning Code.
- BP – Business Park (§154.058): The BP zoning district has been moved and reorganized into Article XII – Commercial Districts of the Zoning Code.

After these districts are removed, there remains six zoning districts in this section of the Zoning Code: R-2 One- and Two-Family Residential, GB – General Business, PF – Public and Quasi-Public Open Space, OP - Open Space Preservation District, OZD – Overlay Zoning Use District, OP-2 - Open Space Preservation Overlay District. At the meeting on 1/13/14, staff described each zoning district and the reasoning behind why they must remain in place at this time. However, staff has proposed to renumber two of the zoning districts in order to be more consistent with the proposed organizational structure of the new Zoning Code. The districts to be renumbered are the PF – Public and Quasi-Public Open Space district and OP-2 – Open Space Preservation Overlay District. They will be renumbered in a manner consistent with the proposed organizational structure of the Zoning Code (Attachment #2).

As the Zoning Code Update Project moves forward, it is likely that there will need to be additional cleanup amendments in the future. Updating the Zoning Code on a larger scale typically results in remaining areas of outdated or disorganized ordinances. As the City moves forward on updating the Zoning Code, staff will continue to bring forward cleanup amendments when appropriate.

#### **RECCOMENDATION:**

*Staff is recommending that the Planning Commission recommend approval of the zoning text amendment through the following motion:*

***“Move to recommend approval of the Zoning District Cleanup amendment, removing zoning districts that are no longer necessary to implement the City’s Comprehensive Plan and no longer apply to existing property in Lake Elmo.”***

#### **ATTACHMENTS:**

1. Draft Ordinance Cleanup
2. Updated Zoning Code Structure

**ORDER OF BUSINESS:**

- Introduction .....Planning Staff
- Report by Staff .....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members



**Draft Zoning District Cleanup  
Planning Commission, 1-27-2014**

***Zoning Districts***

154.030 Classifications

154.031 Boundaries

154.032 Zoning district map

~~154.034 HD A BP Agricultural Business Park Holding District~~

~~154.035 HD A SRD Agricultural Sewered Residential Holding District~~

~~154.037 HD RR BP Rural Residential Business Park Holding District~~

~~154.038 HD RR LB Rural Residential Limited Business Holding District~~

~~154.039 HD RR RAD Rural Residential Ag Density Holding District~~

~~154.040 HD RR SRD Rural Residential Sewered Residential Holding District~~

~~154.041 R-1 One-Family Residential~~

~~154.042 HD R1 RAD One-Family Ag Density Holding District~~

~~154.043 HD R1 SRD One-Family Sewered Residential Holding District~~

154.044 R-2 One- and Two-Family Residential

~~154.045 R-3 Manufactured Home Park~~

~~154.046 HD R3 URD Manufactured Home Park Urban Residential Holding District~~

~~154.047 R-4 Multi-Family Residential~~

~~154.049 HD RE LB Residential Estates Limited Business Holding District~~

~~154.050 HD RE SRD Residential Estates Sewered Residential Holding District~~

154.051 GB – General Business

~~154.052 HD GB BP General Business Park Holding District~~

~~154.053 HD GB C General Business Commercial Holding District~~

~~154.054 HD GB SRD General Business Sewered Residential Holding District~~

~~154.055 HB Highway Business~~

~~154.056 CB Convenience Business~~

~~154.057 LB Limited Business~~

~~154.058 BP Business Park~~

~~154.059 VR-A Village Residential Agriculture Holding District~~

~~154.060 VR-GB Village Residential General Business Holding District~~

~~154.061 VR-R1 Village Residential One Family Holding District~~

~~154.062 VR-RR Village Rural Residential Holding District~~

154.~~600063~~ PF – Public and Quasi-Public Open Space

154.064 OP - Open Space Preservation District

154.065 OZD – Overlay Zoning Use District

~~154.066 HD-LB-SRD Limited Business Sewered Residential Holding District~~

154.~~700067~~ OP-2 - Open Space Preservation Overlay District

## ZONING DISTRICTS

### § 154.030 CLASSIFICATIONS.

For the purpose of this chapter, all land in the city is divided into zoning districts. The zoning districts shall be identified by the following classifications, including those districts identified in § 154.350:

- |     |                      |   |
|-----|----------------------|---|
| (A) | <del>AG or A</del>   | <del>Agriculture</del>  |
| (B) | <del>HD-A-BP</del>   | <del>Agricultural Business Park Holding District</del>            |
| (C) | <del>HD-A-SRD</del>  | <del>Agricultural Sewered Residential Holding District</del>      |
| (D) | <del>R-R</del>       | <del>Rural Residential</del>                                      |
| (E) | <del>HD-RR-BP</del>  | <del>Rural Residential Business Park Holding District</del>       |
| (F) | <del>HD-RR-LB</del>  | <del>Rural Residential Limited Business Holding District</del>    |
| (G) | <del>HD-RR-RAD</del> | <del>Rural Residential Ag Density Holding District</del>          |
| (H) | <del>HD-RR-SRD</del> | <del>Rural Residential Sewered Residential Holding District</del> |
| (I) | <del>R-1</del>       | <del>One Family Residential</del>                                 |

(J)	<del>HD-R1-RAD</del>	<del>One-Family Ag-Density Holding District</del>
(K)	<del>HD-R1-SRD</del>	<del>One-Family Sewered Residential Holding District</del>
(L)	R-2	One- and Two-Family Residential
<del>(M)</del>	<del>R-3</del>	<del>Manufactured Home Park</del>
<del>(N)</del>	<del>HD-R3-URD</del>	<del>Manufactured Home Park Urban Residential Holding District</del>
<del>(O)</del>	<del>R-4</del>	<del>Multi-Family Residential</del>
<del>(P)</del>	<del>RE</del>	<del>Residential Estates</del>
<del>(Q)</del>	<del>HD-RE-LB</del>	<del>Residential Estates Limited Business Holding District</del>
<del>(R)</del>	<del>HD-RE-SRD</del>	<del>Residential Estates Sewered Residential Holding District</del>
(S)	GB	General Business
<del>(T)</del>	<del>HD-GB-BP</del>	<del>General Business Park Holding District</del>
<del>(U)</del>	<del>HD-GB-C</del>	<del>General Business Commercial Holding District</del>
<del>(V)</del>	<del>HD-GB-SRD</del>	<del>General Business Sewered Residential Holding District</del>
<del>(W)</del>	<del>HB</del>	<del>Highway Business</del>
<del>(X)</del>	<del>CB</del>	<del>Convenience Business</del>
<del>(Y)</del>	<del>LB</del>	<del>Limited Business</del>
<del>(Z)</del>	<del>HD-LB-SRD</del>	<del>Limited Business Sewered Residential Holding District</del>
<del>(AA)</del>	<del>BP</del>	<del>Business Park</del>
<del>(BB)</del>	<del>VR-A</del>	<del>Village Residential Agriculture Holding District</del>
<del>(CC)</del>	<del>VR-GB</del>	<del>Village Residential General Business Holding District</del>
<del>(DD)</del>	<del>VR-R1</del>	<del>Village Residential One-Family Holding District</del>
<del>(EE)</del>	<del>VR-RR</del>	<del>Village Rural Residential Holding District</del>
<del>(FF)</del>	<del>PF</del>	<del>Public and Quasi-Public Open Space</del>

(GG) OP Open Space Preservation District

(HH) OZD Overlay Zoning Use District

(1997 Code, § 300.07 Subd. 1) (Am. Ord. 97-192, passed 6-19-2007; Am. Ord. 97-195, passed 7-17-2005; Am. Ord. 2012-062, passed 9-18-2012)

***Cross-reference:***

*Open Space Preservation District, see Ch. 150*

**§ 154.031 BOUNDARIES.**

Please see § 154.351.

(Ord. 2012-062, passed 9-18-2012)

**§ 154.032 ZONING DISTRICT MAP.**

Please see § 154.351.

(Ord. 2012-062, passed 9-18-2012)



**Zoning Ordinance Update - January 2014  
Organizational Structure**

<b>Section Range</b>		<b>Article</b>	<b>Title</b>
Start	End		
154.001	154.008	1	Introductory Provisions
154.009	154.012	2	Definitions
154.100	154.149	3	Administration and Enforcement
154.150	154.199	4	Non-Conforming Uses and Structures
154.200	154.249	5	General Regulations
154.250	154.299	6	Environmental Performance Standards
154.300	154.349	7	Specific Development Standards
154.350	154.399	8	Zoning Districts, Zoning Map, and Uses
154.400	154.449	9	Rural Districts
154.450	154.499	10	Residential Districts
154.500	154.549	11	Village Center District
154.550	154.599	12	Commercial Districts
154.600	154.649	13	Public and Semi-Public Districts
154.650	154.699	14	OP District
154.700	154.749	15	OP-Alt District
154.750	154.799	16	Planned Unit Development



PLANNING COMMISSION  
DATE: 1/27/14  
AGENDA ITEM: 5A – PUBLIC HEARING  
CASE # 2014-02

ITEM: Easton Village Sketch Plan Review  
SUBMITTED BY: Kyle Klatt, Community Development Director  
REVIEWED BY: Nick Johnson, City Planner  
Jack Griffin, City Engineer  
Greg Malmquist, Fire Chief

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to review a sketch plan related to a proposed residential subdivision within the Village Planning Area. The proposed subdivision would be located on that portion of the Village located south of the railroad tracks immediately to the west of Manning Avenue and approximately ¼ mile north of 30<sup>th</sup> Street. The sketch plan includes 224 single-family residential homes on a total site area of close to 100 acres. Because this is a sketch plan review, there is no formal action required by the Commission

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### **GENERAL INFORMATION**

*Applicant:* Easton Village, LLC (Tom Wolter); 2140 West County Road 42, Burnsville, MN  
*Property Owners:* Same as Applicant  
*Location:* Part of Sections 12 and 13, Township 29 North, Range 21 West in Lake Elmo, north of 30<sup>th</sup> Street, west of Manning Avenue, and south of the Union Pacific railroad right-of-way. PID Numbers 13.029.21.14.0002, 13.029.21.41.0001, and 13.029.21.42.0001.  
*Request:* Sketch Plan Review  
*Existing Land Use:* Agriculture, Woods/Natural Vegetation  
*Existing Zoning:* RT – Rural Transitional Zoning  
*Surrounding Land Use:* North – vacant/agricultural land; west – single family home, City park, natural vegetation; south – vacant/agricultural land; east – Lake Elmo Airport (Baytown Township)  
*Surrounding Zoning:* RT – Rural Transitional; PF – Public and Quasi-Public Open Space  
*Comprehensive Plan:* Village Urban Low Density Residential (1.5 - 2.5 units per acre)  
*Proposed Zoning:* LDR – Urban Low Density Residential  
*History:* Property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. Site has historically been used for farming activities, including the growing of agricultural crops.

*Deadline for Action:* N/A – No action required by City

*Applicable Regulations:* Article 10 – Urban Residential Districts (LDR)

## REQUEST DETAILS

The City of Lake Elmo is in receipt of a sketch plan from Easton Village, LLC related to a proposed residential subdivision that would be located within the southern portion of the Village Planning Area as defined in the Comprehensive Plan. This subdivision represents the first sewered project within the Village area, and the first that would be authorized to proceed under the general direction and mitigation requirements of the Village AUAR (environmental review). The applicant is proposing to construct 224 single family homes as part of the project, all of which would be located south of the railroad tracks that cut through the middle of the Village area. The applicant also owns land north of the railroad tracks, but is not proposing any development in this area as part of the current request.

In addition to the residential homes, the proposed project will include the construction of the initial leg of the Village Parkway minor collector road segment, which will eventually provide a connection between Highway 5 and 30<sup>th</sup> Street in the eastern side of the Village area. Because the applicant's property does not directly connect to 30<sup>th</sup> Street, they are proposing to construct an access to Manning Avenue as part of the project. The other significant elements of the plan include dedicated parkland in the northwestern portion of the site, a smaller area of open space that would connect to Reid Park in the southwest part of the subdivision, and a larger area of green space along Manning Avenue that would be used for storm water infiltration.

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 Planning Commission. 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 Planning Commission is not being asked to take any formal action as part of its 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.

## BACKGROUND

The proposed sketch plan is located within the Village Planning Area and is therefore located within the one of the City's sewer service areas. The Comprehensive Plan guides this area as urban low density residential at a density of 1.5 to 2.5 units per acre, which is consistent with the residential land use classification used for areas further away from the core of the Village. The applicant is proposing to build 224 homes over a land area of 98 acres, which results in a gross project density of approximately 2.29 units per acre, which falls within the guidance range of the City's plan. Given its

location within the Village Planning Area, there are several issues and details that will need to be resolved for the proposed project to move forward. Most critically, the project falls under the scope of the AUAR Mitigation Plan, and the components of this plan that may be relevant to the applicant's project must be addressed at the preliminary platting stage. Staff has provided comments where appropriate in following section to identify elements of the plan that will need to be further addressed before a submission of a preliminary plat.

The applicant's submission to the City includes the following components:

- *Concept Plan Narrative.* The attached narrative includes a general overview of the project with additional details concerning the proposed density, open space, phasing, streets and trails, and utilities associated with the project.
- *Concept Plan.* The sketch plan includes a proposed configuration of roads, lots, and other public spaces on the applicant's site. While the plan provides no specific dimensions for the various lots and streets, all parcels and roads have been designed to confirm to the City's standards and ordinances. The general lot sizes of 9,000 square feet meets the City's requirements for the LDR – Low Density Residential zoning district.
- *Existing Conditions.* The applicant has provided an aerial image with a topographic overlay depicting the existing conditions of the site. Other than the wooded areas on the eastern most portion of the site, the site is relatively flat and open. There is one existing home located off of the eastern project boundary which presently is accessed via a private driveway that crosses the railroad tracks and connects to Upper 33<sup>rd</sup> Street in the Village.

The Staff review comments that follow are all based on conducting a very high level review of the concept plan since there is not a lot of detailed information that is required at this stage in the development 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, Village AUAR Mitigation Plan, or the City Code.

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#### **STAFF REVIEW COMMENTS:**

Members of the Community Development, Public Works, Engineering, and Fire Departments have reviewed the proposed sketch plan and provided comments in the following areas:

- *Land Use:* The proposed sketch plan appears to generally conform to the City's future land use plan for this portion of the Village Planning Area in terms of the proposed single family development and related densities at around 2 units per acre. There are some aspects of the plan as presented that do not address certain elements from the land use plan that are specific to the Village area. Staff would like to see the future plan submissions for this site address three important components from the Comprehensive Plan:
  - Planning for development at a "village" scale rather than a "suburban" scale, recognizing the existing character of the Old Village. Although the layout of the proposed subdivision will be be constricted by the location of the railroad right-of-way, Manning Avenue, and Village Parkway, the design, which makes heavy use of cul-de-sacs, could be revised to provide more internal connections between streets

and to promote a more distinct feel for the neighborhood that sets it apart from a typical suburban development.

- Connectivity - fostering connections between residential areas and maintaining continuity between residential areas as opposed to planning for distinct and separate residential neighborhoods. The sketch plan includes a trail connection along the Village Parkway, but does not depict any other internal trails or sidewalks that will help connect this area to other portions of the City. Again, Staff recognizes the limitations that the railroad poses, but would like to see these features included in future plan submissions. For instance, there should be direct connections from internal sidewalks back to the Village Parkway trail system.
- Planning for trail connections into Reid Park. Reid Park has been identified as a significant amenity for this area, and the proposed development should provide for pedestrian and bicycle access to the park.
- ***Village Guiding Principles.*** The Village Land Use Plan incorporated the 13 guiding principles from the Village Master Plan. Of these principles, Staff has found that at least four will apply to the proposed Easton Village, including:
  - Principle 1 - Evoke a sense of place: Build on existing assets to preserve the small town, rural character of Lake Elmo, maintaining the Old Village as the heart of the city.
  - Principle 2 - Balance natural and built systems: Integrate development within a green framework of parks, trails and the open space greenbelt.
  - Principle 7 - Improve connectivity: Provide a balanced network for movement that links local neighborhoods and Village Area attractions with city-wide and regional systems, paying equal attention to cars, bicycles, pedestrians and transit.
  - Principle 11 - Become a great model: Encourage other communities to ‘raise the bar’ by demonstrating low impact development, best practices and sustainability.
- ***Lake Elmo Theming Study.*** As Easton Village, LLC moves forward with the preparation of a preliminary plat, Staff is strongly encouraging the applicant to incorporate elements from the Lake Elmo Theming Study into the design of the project. The inclusion of various theming elements would help address some of the concerns noted above, especially, those that relate to creating a sense of place.
- ***Density:*** The proposed sketch plan includes calculations for the gross density numbers, and these numbers appear to fall within the allowed range as specified in the Comprehensive Plan. The applicant should provide a net density calculation in order to verify compliance with the Comprehensive Plan.
- ***Zoning.*** The City recently adopted new urban development districts, including urban low density, medium density, and high density residential zoning districts. In general, the sketch plan has been designed to comply with the low density district standards in regards to lot

area, setbacks, and other dimensional standards. The overall lot average of around 9,000 square feet is consistent with the LDR district requirements. The City has not adopted any special zoning for the Village Residential areas, and Staff is recommending that the City rezone applicant's site to LDR at the time of preliminary plat review.

***Existing Residential Parcel.*** There is an existing 5.15 acre parcel owned by Elizabeth Miner and Scott Lampert that abuts the western edge of the proposed subdivision. This parcel is occupied by an existing residential structure that is accessed via a private driveway that crosses the land owned by Easton Village, LLC and continues north across the railroad tracks. Because the City will need to close this private crossing in order to build a new public crossing at the Village Parkway, the proposed subdivision must provide access to the home from one of the proposed public streets. Given the location of the existing driveway and easement, the developer will need to work with this property owner to determine the best location for future access.

The proposed sketch plan also shows that lots will be platted up against the Miner and Lampert property. Staff is recommending that a suitable buffer be established between the Easton Village lots and this parcel since this property is not guided for additional development. The comments concerning natural resource areas apply to this portion of the site as well.

***Natural Resource Areas.*** The Village AUAR included an analysis of ecologically sensitive areas within the planning area, and a portion of the primary ecological areas are found along the western boundary of the applicant's property. The proposed subdivision should take these areas into consideration, and Staff is recommending that the subdivision plans document minimal impact to these areas. In particular, Staff is recommending that no grading or other land disturbance take place on areas that have been identified as steep slopes.

***Wetlands.*** The National Wetland Inventory and Valley Branch Watershed District wetland maps show a "Management Class 2" wetland in the middle of an area that is proposed for residential lots. The applicant will need to demonstrate compliance with federal and watershed district requirements related to wetlands as part of any future platting submissions.

- ***Parks and Open Space.*** The Village Land Use plan identifies an area in the extreme southwest portion of the proposed subdivision that is guided as a natural resource preservation area. Staff is recommending that the City accept this area, which is shown as open space on the sketch plan, as part of the required park land dedication for the subdivision. As noted above, this open space area may need to increase slightly in order to protect this ecologically sensitive area. The Land Use Plan also calls for a larger community park that would be located both to the north and south of the railroad right-of-way. It does not appear that the sketch plan provides enough dedicated land to achieve the community's goal for a community park complex. Please note that the Park Commission will be reviewing the sketch plan at its upcoming meeting and will be providing more specific direction to the applicant concerning park land dedication at this time.
- ***Sidewalks and Trails.*** The sketch plan does not provide a lot of detail concerning sidewalks, and shows only general locations for the proposed trails within the development. Staff is

recommending, as a general rule, that the City require the provision of sidewalks on at least one side of the street in all single family areas, and sidewalks on both sides of the street in multi-family areas. Staff is also recommending that the plans be updated to incorporate a trail connection to Reid Park, either directly from the applicant's land or through a connection to the future subdivision to the south. In addition, Staff is recommending that a trail connection be provided to a planned County trail on Manning Avenue. As the City and Village land owners continue to pursue options for extending sewer to the northern portions of the Village, there also may be some opportunities to build trails along a future sewer alignment.

Staff is further recommending that an 8-foot multi-use trail be provided on the west side of the Village Parkway minor collector road in addition to a sidewalk on the east side of this road.

- **Buffer Areas/Green Belt.** The Village Land Use plan includes a green belt corridor along the periphery of the planning area in addition to the natural resource preservation area mentioned above. The sketch plan provides a buffer along Manning Avenue that varies from 70 feet to 240 feet in width where residential homes are present. The Village plan did not include a specific dimension for the buffer, and instead noted that any such open space would be determined as specific development projects came forward. The extreme northeastern portion of the site is located within an airport safety zone and the proposed green belt/open space plan incorporates this area as part of the open space.
- **Subdivision Review Process.** In order to proceed with the subdivision of the land included in the sketch plan area the applicant will need to next prepare a preliminary plat application. At this stage there is much more information required as part of the submission process, which also requires a public hearing. Easton Village, LLC has indicated that they would like to proceed with this review in early 2014 with the objective of building homes later this year.
- **Public Utilities.** The applicant will need to prepare a plan for extending sewer and water services to the site as part of a preliminary plat submission for the subdivision.
- **Landscaping.** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of preliminary plat submission. The applicant will also need to submit a tree preservation and protection plan as part of this application. Staff is encouraging retention of the trees located along the southerly property line as part of the landscape plan.

**Streets/Manning Avenue Access.** The County has reviewed the sketch plan and noted that the proposed access to Manning Avenue would be acceptable. The developer should be aware that the County will require improvements to Manning Avenue in order for this connection to be made. The County has also requested that the developer plat a portion of the required right-of-way for Manning Avenue as part of the Easton Village subdivision, and that restricted access be provided along Manning Avenue as well. Staff has noted that some of the cul-de-sacs exceed the City's maximum length for such streets.

**Village Parkway.** The City is working to develop a standard cross section for this road using an 80-foot right-of-way for the design. The developer will be provided with this information

when it is available. Staff is also working to prepare a formal request to the Union Pacific Railroad to create the new Village crossing as depicted in the City's land use plan. Because this process could take some time, the applicant will be encouraged to develop a plan that could address the potential loss of this proposed crossing.

- ***Environmental Review.*** The proposed Easton Subdivision is located within the area covered by the Village AUAR. As such, the City and the developer will need to comply with the AUAR Mitigation plan that was adopted with the Final AUAR. The most critical elements of the Mitigation Plan that must be addressed include the following:
  - *Airport Zoning.* The City is working to develop an airport zoning ordinance that will address concerns regarding airport safety zones, noise, and other matters addressed in the AUAR. Because the proposed subdivision is located outside of any regulatory safety zones (where no building is allowed), Staff is comfortable with this particular subdivision moving on through the platting process. Comments from the Metropolitan Airports Commission area included as part of the Planning Commission packet.
  - *Railroad Noise.* The AUAR specifies that that adequate separation and buffering will be required between the railroad line and any new houses. The proposed subdivision will need to address these concerns.
  - *Storm Water Management.* The storm water management plan for Easton Village will need to meet the AUAR requirements in addition to City ordinances and Valley Branch Watershed District standards.
  - *Natural Resource Areas.* Preservation of the primary ecological areas is encouraged as noted above.
  - *Transportation.* The developer is not proposing any streets or connections that are inconsistent with the AUAR. As the Village continues to develop, the City will need to consider the broader transportation network to ensure that needed improvements are being made.
  - *Potential Environmental Hazard Sites.* There is one identified potential hazard site on or near the applicant's property. This may need to be investigated further by the applicant prior to development of the subdivision.
- ***Northern Natural Gas Line/Distribution Facility.*** The Easton Village site is bisected by a natural gas transmission line and a larger distribution facility. The City will be seeking comments from Northern Natural Gas concerning the proposed subdivision. Access will need to be provided to the distribution site.
- ***City Engineer Review.*** The City Engineer's comments have generally been included with the other Staff comments above. The Engineer did note that he would need to see additional details before commenting on any proposed storm water management plan, and in particular, questioned how storm water runoff would be directed by applicant.



- **Fire Chief Review.** The Fire Chief has asked that the roads within the development be designed in accordance with Minnesota Fire Code standards.

**RECCOMENDATION:**

Staff is recommending that the Planning Commission accept the sketch plan provided by Easton Village, LLC for a 224 unit housing development that would be located within the Village Planning area.

**ATTACHMENTS:**

1. Application Form
2. Concept Plan Narrative
3. Easton Village Sketch Plan
4. Existing Conditions Map
5. Topographic Survey – Easton Village, LLC Parcels
6. Future Village Land Use Map (Map 3-3 from Comprehensive Plan)
7. Letter from Metropolitan Airports Commission
8. Letter from Washington County

**ORDER OF BUSINESS:**

- Introduction .....Community Development Director
- Report by Staff .....Community Development Director
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission ..... Chair & Commission Members

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

Applicant: Easton Village LLC  
Address: 2140 W County Road 42 Burnsville MN 55337  
Phone #: 952-292-0046  
Email Address: Tom @ Walter-mn.com

Fee Owner: Same as above  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address and Complete (long) Legal Description): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Detailed Reason for Request: \_\_\_\_\_  
Residential Sketch Plan Review  
\_\_\_\_\_  
\_\_\_\_\_

\*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: Tom Walter Date: Dec 31, 2013

### City Use Only

Planning: Zoning District: \_\_\_\_\_  
Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Subject to the following conditions: \_\_\_\_\_

Engineering: Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Subject to the following conditions: \_\_\_\_\_

# Easton Village

Lake Elmo, Minnesota

12-31-2013

## Concept Plan

### CONCEPT PLAN NARRATIVE

December 31, 2013

The project property consists of 98 acres located along the west side of Manning Avenue North about a quarter mile south of Highway 5 and bordered on the north by railroad tracks. The property is owned by Easton Village, LLC. The property is currently used for farming practices. The property is currently identified as Low Density Residential in the Comprehensive Plan, Planned Land Use section. No change is required or requested of the Comprehensive Plan designation.

#### DENSITY/LOTS

The density of the project is 2.29 units per acre of gross area, below the maximum allowed by the Comprehensive Plan of 2.5 units per acre. The typical lot size as shown is 65 feet wide and 140 feet in length, providing a typical lot area of 9,100 square feet. Minimum Lot area allowed is 8,000 square feet. All of the lots will meet or exceed the minimum standards. No variances or exceptions are anticipated. Two park areas are identified as part of this concept. One park will be provided as part of the first phase of the project.

#### OPEN SPACE

The concept plan includes a large amount of open space and park area. Approximately 24.7% of the project is either defined as park or open space. The area along Manning Avenue North will provide for buffering of 100 feet or more, with ponds, berms and landscaping of this area.

#### PHASING

The phasing of the project is anticipated to begin with approximately one fifth of the lots on the south eastern portion, and move to the north and west with each additional phase. The entire site is planned to be mass graded to allow for proper drainage for all phases of the project.

#### STREETS/TRAILS

The street design will meet the City Standard width and section. This will feature concrete curb and gutter with bituminous surfacing. The trails shown on the plan are proposed to be

**EASTON VILLAGE  
CONCEPT NARRATIVE  
Page 2 of 2**

bituminous surface 8 feet wide and provide a regional link through the site. Sidewalks will be provided on one side of the streets as required by City Standards.

**UTILITIES**

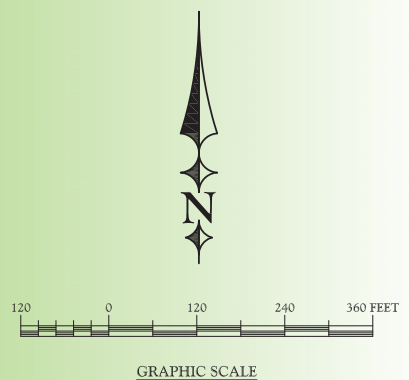
The home sites will be served with City Sewer and City Water from the new lift station and existing water main systems that will be extended to the property limits of this site as discussed with City Staff. The storm water facilities will be designed in accordance with the requirements of the Watershed District.

# Easton Village



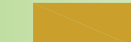






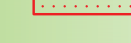


Lake Elmo, Minnesota

12-31-2013

## Concept Plan



### Legend

-  PROPOSED BOUNDARY LIMITS
-  PROPOSED SINGLE FAMILY RESIDENTIAL (65-FT WIDE LOTS MIN.)
-  FUTURE MULT-FAMILY
-  FUTURE SINGLE FAMILY RESIDENTIAL (70-FT WIDE LOTS MIN.)
-  PROPOSED OPEN SPACE
-  PROPOSED PONDING AREA
-  PROPOSED ROADWAY (28-FT B-B, 60-FT ROW) (32-FT B-B, 80-FT ROW COLLECTOR)
-  PROPOSED PARK AREA
-  EXISTING WETLAND (APPROX.)
-  AIRPORT SAFETY ZONES
-  PROPOSED 8-FT BIT. TRAIL
-  PROPOSED PARCEL LINE

### Development Data

Total Site Area	+/- 98.0 Acres
Park & Open Space	+/- 24.2 Acres
Single Family Homes	224
Proposed Gross Density	2.29 Units Per Acre

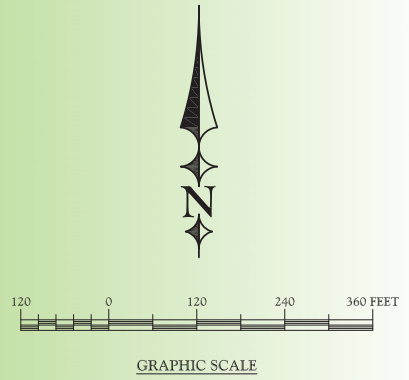
**ERICKSON CIVIL**  
 303 North Main Street, Suite 202, Stillwater, Mn 55082  
 Phone 612.309.3804 www.tericksonllc.com

# Easton Village

Lake Elmo, Minnesota

12-31-2013

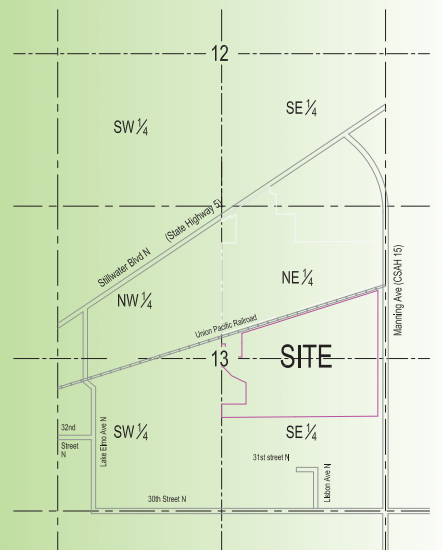
## Existing Conditions



- Legend**
- EXISTING PARCEL BOUNDARY
  - EXISTING WETLAND (APPROX.)
  - AIRPORT SAFETY ZONES
  - EXISTING 2-FT CONTOUR

### Site Location Map

Section 12 & 13, T29N - R21W  
Washington County, Minnesota



**ERICKSON CIVIL**  
303 North Main Street, Suite 202, Stillwater, Mn 55082  
Phone 612.309.3804 www.tericksonllc.com

# TOPOGRAPHIC SURVEY

## HUTCHINSON PARCEL

### LAKE ELMO, MN

Folz, Freeman, Erickson, Inc.  
 LAND PLANNING • SURVEYING • ENGINEERING  
 12445 55th STREET NORTH  
 LAKE ELMO, MINNESOTA 55042  
 Phone (651) 438-8833 Fax (651) 438-9331

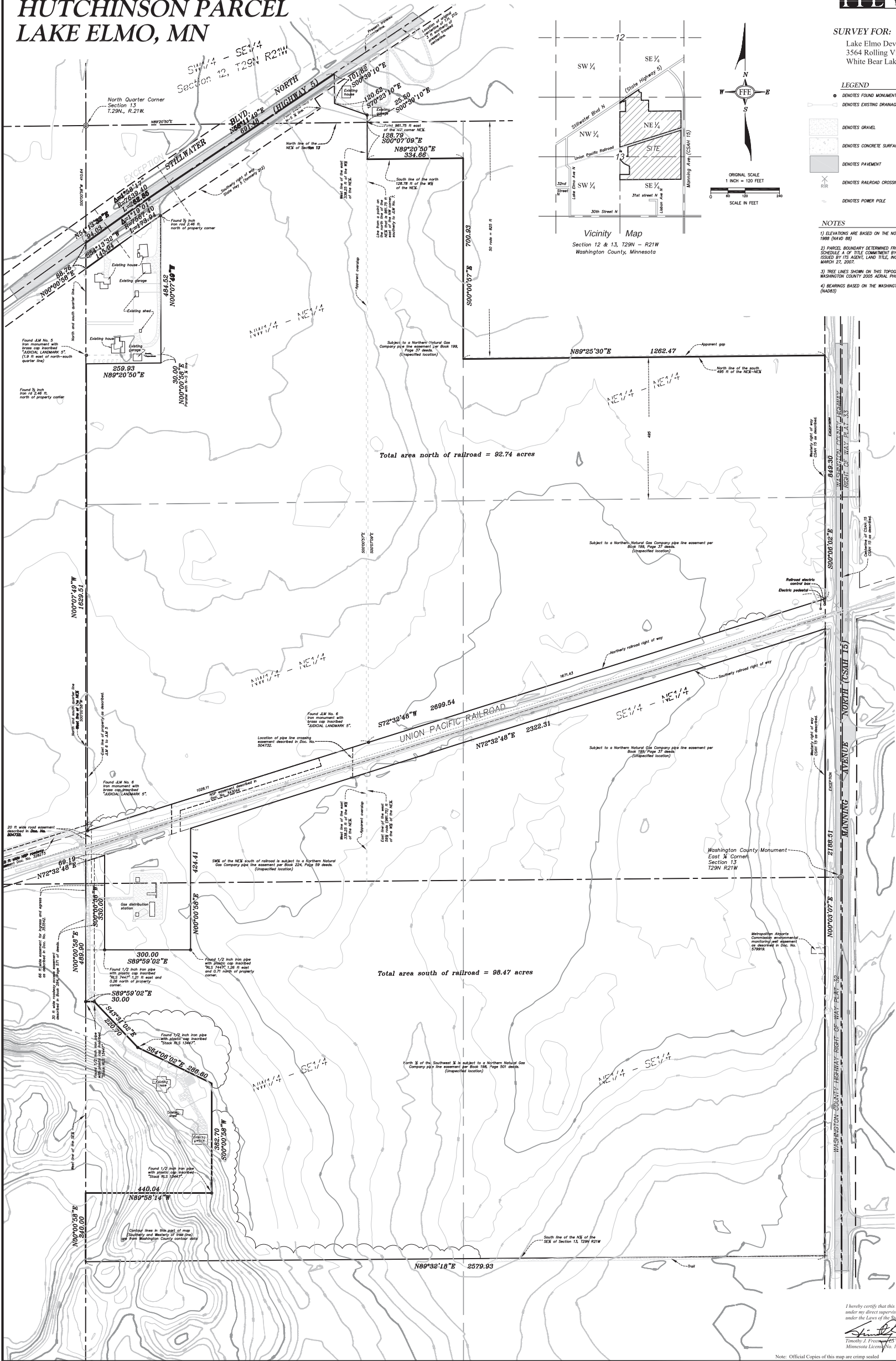
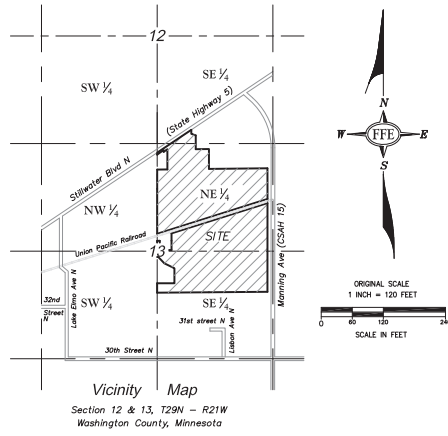
SURVEY FOR:  
 Lake Elmo Development Group, LLC  
 3564 Rolling View Drive  
 White Bear Lake, MN 55110

**LEGEND**

- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED
- DENOTES EXISTING GRASSLINE
- ▨ DENOTES GRAVEL
- ▩ DENOTES CONCRETE SURFACE
- ▧ DENOTES PAVEMENT
- ✕ DENOTES RAILROAD CROSSING SIGN
- DENOTES POWER POLE

**NOTES**

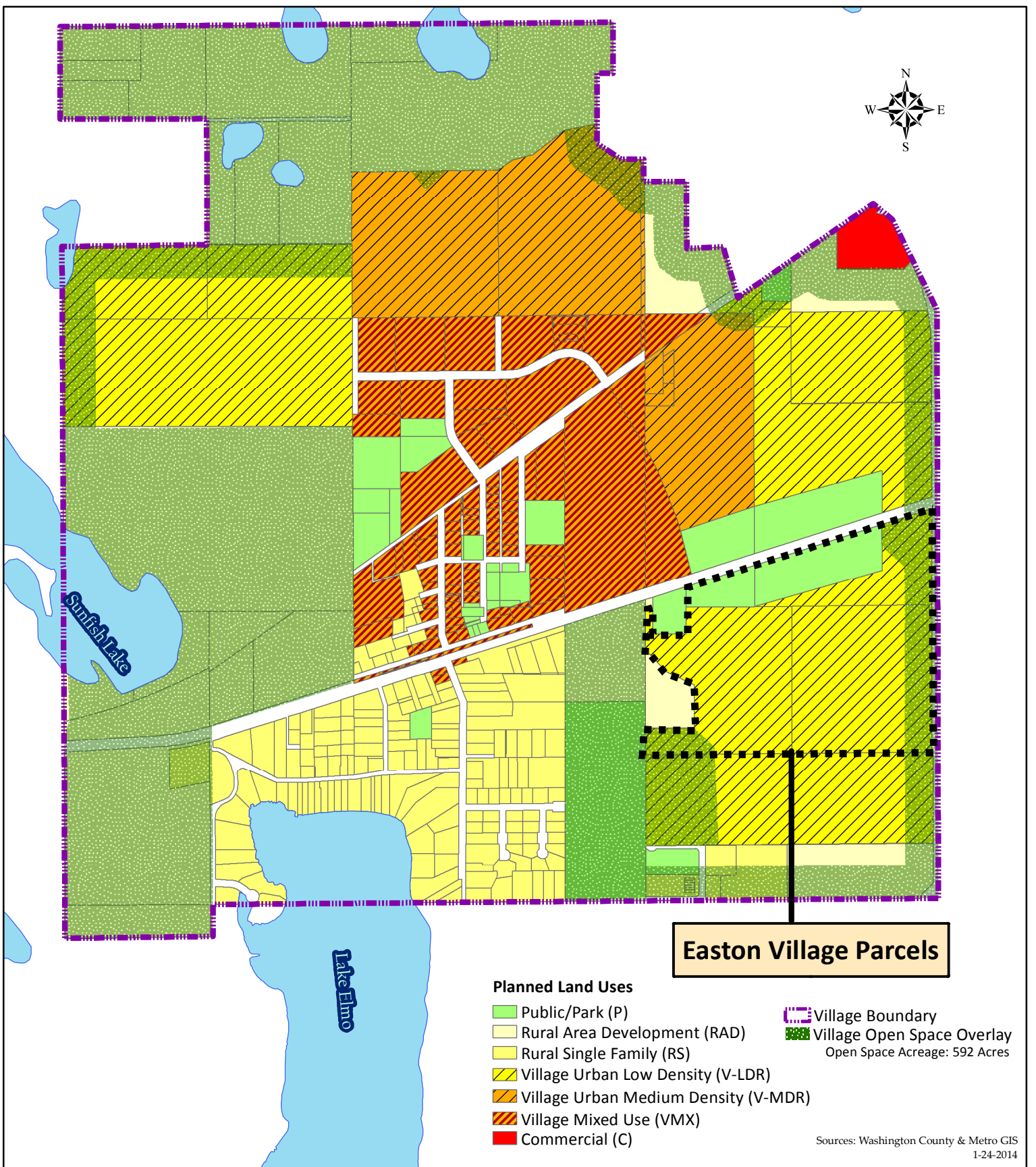
- 1) ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
- 2) PARCEL BOUNDARY DETERMINED FROM DESCRIPTION CONTAINED IN SCHEDULE 1 OF TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, ISSUED BY THE AGENT, LAND TITLE, INC. CASE NO. 267508, EFFECTIVE DATE MARCH 27, 2007.
- 3) TREE LINES SHOWN ON THIS TOPOGRAPHIC SURVEY ARE FROM WASHINGTON COUNTY 2005 AERIAL PHOTOGRAPHY.
- 4) BEARINGS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM (NAD83)



Total area north of railroad = 92.74 acres

Total area south of railroad = 98.47 acres

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.  
 Timothy J. Freeman  
 Minnesota License No. 16999  
 July 13, 2007  
 Date



**Planned Land Uses**

- Public/Park (P)
- Rural Area Development (RAD)
- Rural Single Family (RS)
- Village Urban Low Density (V-LDR)
- Village Urban Medium Density (V-MDR)
- Village Mixed Use (VMX)
- Commercial (C)

- Village Boundary
- Village Open Space Overlay  
Open Space Acreage: 592 Acres

Sources: Washington County & Metro GIS  
1-24-2014

**Village Planned Land Use**

*Lake Elmo Comprehensive Plan 2030*





# METROPOLITAN AIRPORTS COMMISSION

Minneapolis-Saint Paul International Airport

6040 - 28th Avenue South • Minneapolis, MN 55450-2799

Phone (612) 726-8100



January 23, 2014

Mr. Kyle Klatt  
Planning Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042-9629

Re: Easton Village Concept Plan  
Lake Elmo Airport

Dear Mr. Klatt:

The Metropolitan Airports Commission (MAC) has reviewed the Easton Village concept plan document slated for the City of Lake Elmo Planning Commission on January 27, 2014. We appreciate the opportunity to review the document, and offer the following comments.

## Airport Over Flights and Noise

The proposed Easton Village development is located adjacent to the Lake Elmo Airport in an area that receives aircraft over flights. Although the 2005 and Forecast 2025 65 DNL Noise Contours do not appear to encompass any of the proposed residential parcels, several parcels in the northeast corner of the proposed development are located in close proximity to the Forecast 65 DNL Noise Contour line. (Residential development should not occur within the 65 DNL Noise Contour.) Moreover, it appears that eight (8) parcels will be located within, or touched by, the 2005 60 DNL Noise Contour and 37 will be located within, or touched by, the Forecast 2025 60 DNL Noise Contour. It is the MAC's experience that placing residential areas in such locations around airports can result in noise complaints and resident concerns about aircraft noise. The MAC requests that prospective Easton Village property buyers be provided information on the properties' locations relative to the airport and the related existence of aircraft operations over this area.

As is detailed in the Village Area AUAR record, the agreed upon maintenance of open space in the Runway 14 Runway Protection Zone (RPZ) is critical to the Lake Elmo Airport. The MAC appreciates and acknowledges that the proposed development is consistent with this requirement and will provide for the continuation of a clear area within the Runway 14 RPZ.

The Metropolitan Airports Commission is an affirmative action employer.

[www.mspairport.com](http://www.mspairport.com)

Reliever Airports: AIRLAKE • ANOKA COUNTY/BLAINE • CRYSTAL • FLYING CLOUD • LAKE ELMO • SAINT PAUL DOWNTOWN

Mr. Kyle Klatt  
January 23, 2014  
Page 2

Water Quality – Surface Water Runoff


The concept plan narrative includes no information about the proposed ponding area shown in the Development Data map. Open water ponds, especially those with mowed grass nearby, have been shown to be hazardous to the flight of aircraft due to the use of the ponds by Canada geese and other waterfowl. The FAA's Advisory Circular 150/5200-33B can be found on their web page, at [www.faa.gov](http://www.faa.gov). It outlines the restrictions and prohibitions surrounding drainage areas within the vicinity of airports as well as guidelines for not only ponds, but other potential wildlife attracting sources. According to the circular, the entire development area lies within the separation distance recommended by the FAA (5,000 feet for airports serving piston-powered aircraft).

MAC fully supports the use of infiltration basins in the vicinity of the airport, and encourages all ponding areas to be designed as dry ponds that are non-attractive to waterfowl. If this is not possible, we offer the following suggestions to reduce the attraction to wildlife: design ponds with no slope benches; maintain a water depth of less than two feet so that water-emergent growth can occur; plant tall grasses around ponds; install riprap around ponds; and/or cover ponds with a grid of kevlar wire to keep birds out.

Lastly, please identify who will be the responsible party for long term maintenance of this pond.

Thank you for the opportunity to comment on this concept plan. The Lake Elmo Airport is an important recreational and transportation asset to the City and the region. If you have any questions, please contact me at 612-725-8371 or via e-mail at [bridget.rief@mspmacc.org](mailto:bridget.rief@mspmacc.org).

Sincerely,

  
Bridget Rief, P.E.  
Director – Airport Development

cc: Chad Leque, MAC  
Pat Mosites, MAC



**Public Works Department**

Donald J. Theisen, P.E.  
Director

Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

January 22, 2014

Kyle Klatt  
Community Development Director  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: Washington County comments on the concept plan Easton Village Residential Development in the City of Lake Elmo**

Dear Mr. Klatt:

Thank you for providing the county with the concept plan of the Easton Village Residential subdivision in Section 13, Township 29, Range 21, City of Lake Elmo. The project will consist of 224 single family residential lots. Based on review of the plans, we offer the following comments and recommendations to consider as you process this subdivision application through the City of Lake Elmo:

- The proposed access point on CSAH 15/Manning Avenue is acceptable to the County. The City should consider whether this access should be temporary or permanent. A collector roadway is identified in the center of the subdivision that will connect 30<sup>th</sup> Street to Trunk Highway (TH) 5 which will then provide a sub-regional connection to the County Highway system. Providing a direct link to CSAH 15/Manning Avenue at this location may influence the future function of the local street to a collector roadway.
- The Functional Classification of CSAH 15/ Manning Avenue is "A" Minor Arterial Roadway, expander category. The future right-of-way requirement within this section of roadway is 184 feet. As part of the subdivision plat, there should be an additional 32 feet of right-of way dedicated to Washington County.
- Since the proposed project will generate additional traffic on CSAH 15/Manning Avenue, functionally classified as an "A" Minor Arterial Roadway, improvements to CSAH 15 will need to be provided for access to the roadway. These improvements may include a left and right turn lanes on the southbound lane and a left turn lane on the northbound lane on CSAH 15. The county, city and the developer will continue to define the specific scope of improvements as it relates to the current Manning Avenue study and future county roadway projects.
- A right-of way permit will be required for any work in the CSAH 15 right-of way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.
- The proposed project will generate pedestrian/bicycle traffic on CSAH 15/ Manning Avenue. Pedestrians from the future development will need to access any proposed off road trail on CSAH 15.
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the

Easton Village  
January 22, 2014

drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

As the developer plans the stormwater facilities on this property, there should be consideration for setbacks from county right-of-way and perimeter landscape elements and berming.

- Access control must be dedicated to Washington County along the CSAH 15/Manning Avenue, except for the opening corresponding to the City's right of way for the local street.

Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

If you have any questions or comments to the responses on the Easton Village concept plan, please contact me at [Ann.pung-terwedo@co.washington.mn.us](mailto:Ann.pung-terwedo@co.washington.mn.us).

Sincerely,

  
Ann Pung-Terwedo  
Senior Planner

C: Joe Gustafson, Washington County Transportation Engineer