



## City of Lake Elmo

3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042

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[www.lakeelmo.org](http://www.lakeelmo.org)

### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, January 8, 2007, at 7:00 p.m.**

### AGENDA

1. Pledge of Allegiance
2. Election of Officers
3. Approve Agenda
4. PUBLIC HEARING: Open Space Preservation Concept Plan ~ WHISTLING VALLEY THIRD ADDITION
5. Rezoning Discussion
  - a. Report on Metropolitan Council request for an extension to submitting a revised zoning code
  - b. Village Residential Rezoning
  - c. Scheduling Joint Council/Planning Commission Workshop
6. City Council Updates
  - a. Dec. 19<sup>th</sup> – Oakdale Gun Club CUP Amendment was approved
  - b. Jan 2<sup>nd</sup> - Hidden Meadows 2<sup>nd</sup> Addition Final Plat was granted a one-year extension
7. Adjourn

## PLANNING COMMISSION

Agenda item:

Meeting date: January 8, 2007

Submitted by: Susan Hoyt, Project Director

Subject: Update on planning staffing, the request to extend the zoning code deadline to the Metropolitan Council and related items

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Planning staff. The city council authorized hiring a consulting senior planner to be available both in the office and by phone to assist Kelly Matzek, the assistant planner, and to provide experienced planning services for property owners, planning applicants, and support to the planning commission and city council on planning related issues. The addition of a consulting senior planner on an as-needed basis will add both depth to our in-house planning staff as well as help move along a busy workload with the re-zoning and other topics. Staff anticipates a 5 to 25 hour a week commitment of time. And, as always with a consultant, if services are not needed, the consultant is not used. The former city planner, Chuck Dillerud, is also providing consulting services. He has been a resource on prior planning requests and inquiries for the city attorney as well as for the assistant planner. (See attachment for information on senior planner Ben Gozola as well as Schoell Madson).

### Re-zoning

The zoning code is the city's legal mechanism for implementing the city's comprehensive plan. The zoning ordinances define what property owners can legally do on their property. It, therefore, impacts how they use their property on a daily basis and their property value.

The Metropolitan Council requires a city to revise their zoning codes to conform to the adopted comprehensive plans within nine months after the plan's adoption by the city. In anticipation of meeting the mid January 2007 Metropolitan Council deadline adopting zoning code revisions that were consistent with the city's comprehensive plan, the planning commission spent the past several months working on proposed changes to 11 zoning districts in the city. Essentially, all property within the city with the exception of Cimarron would be included in one of these districts being revised.

As the mid-January deadline for the zoning code revisions neared, it became apparent that the planning commission and city council would be unable to complete this task by the deadline.

The re-zoning project for the 11 districts required not only preparing proposed revisions to the zoning code districts that potentially affected over 3,000 parcels of property, but also individually notifying the estimated 2,400 property owners, who might be impacted by the proposed changes. (State law requires notifying property owners of less than 5 acres in area as well as those property owners within 350 feet of these properties. It is prudent to notify all property owners in an impacted area so that information is available to everyone potentially interested or affected). These property owners would be invited to attend a planning commission meeting to learn about the proposed zoning code revisions in their specific district and to comment on them at a public hearing. Following this, the planning commission would recommend to the city council zoning code revisions for each district. Providing the proper notice and educational information on proposed revisions, even if minor, to the property owners is a major logistical and communication undertaking.

The planning commission held a public hearing on one district, the proposed Village Residential (VR) zoning district at its December meeting, and tabled the continuation of the hearing to a

future date. The proposed VR zone covers the proposed development in the Village area. The city is in the process of finalizing the Village Master Plan that will provide the policy direction and principles for this zoning district.

#### Request for an extension to the Metropolitan Council

The city council adopted the attached resolution requesting the Metropolitan Council to give the city a seven month extension for submitting the zoning code revisions that were necessary to reflect changes in the city's most recently adopted comprehensive plan. The Metropolitan Council will act on this request at its January 24, 2007 meeting. A bridge extension will likely be granted at the Metropolitan Council's January 10, 2007 meeting.

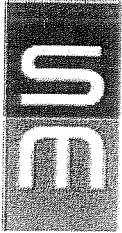
#### Next steps

Although an extension of the deadline for revising the zoning code is likely, its duration is unknown and setting priorities for which districts should be addressed first is important for both the planning commission and the city council.

Prior to setting these priorities, the city council is interested in meeting jointly with the planning commission over the coming weeks.

- Education workshop. The first planned workshop is for a joint education session for planning commissioners, councilmembers and appropriate staff on the background and statutes related to land use. This will be an opportunity to get training from an expert on the authority and rules related to local land use law. It will be repetitive for some commissioners and councilmembers, but it will bring everyone up to date and everyone will get the same information at the same time and be able to ask questions.
- Information sharing workshop. The city council would also like the opportunity to hear first hand from planning commissioners about the re-zoning process that the commission has undertaken and the commission's rezoning district priorities that the commission finds critical to implement the comprehensive plan and satisfy the Metropolitan Council's requirements. This workshop will also give the city council the opportunity to discuss policy direction that it may be interested in having the planning commission explore.
- Village Master Plan and beyond. The process for implementing the Master Plan includes some planning related activities as well as moving ahead with planning for the construction and financing of infrastructure (be it publicly or privately financed). The planning commission will review the final Master Plan at a future meeting prior to its adoption by the city council sometime in March. The planning commission will also be kept informed and provide input into the Alternative Urban Area Review (AUAR) environmental process. These elements will be the foundation for the development of the zoning code regulations governing the entire Village Area.

*Attachment 2*



**Schoell Madson**  
Planning Engineering Surveying

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December 15, 2006

City of Lake Elmo  
Susan Hoyt  
3800 Laverne Avenue  
Lake Elmo, MN 55042-9629

Dear Susan,

Thank you for granting us the opportunity to introduce the City of Lake Elmo to Schoell Madson's planning services. Attached you will find a full breakdown of the staff and services available through our firm, plus document examples to illustrate the quality work we will bring to Lake Elmo. For over 50 years, we have provided communities just like yours with the experience and technical support needed to meet local demands. We are excited to have this opportunity to begin a working partnership with the City of Lake Elmo.

Our planning staff is rich with experience in both the public and private sector which will serve you well if we are selected to provide you planning services. Unlike planners that have worked solely as a consultant, our staff has over 20 years of combined experience working directly for Cities like yours giving us first hand knowledge of how government offices operate, the timeframes available for reviews under state statute, and the need to provide a detailed analysis when reviewing applications. Our staff also has extensive experience dealing with the Metropolitan Council (on both sides of the table) which would likely prove invaluable in addressing your current issues with the regional planning agency. Furthermore, our in-house GIS technicians can serve to enhance your City's analysis and mapping capabilities. Please know that we are also currently seeking to expand our staff to include additional planning and water resource personnel to ensure we provide superior service to all of our municipal clients. We will seek to match our expertise and personalities with the needs and desires of your City.

It is our pleasure to present all of this information for your review, and we look forward to discussing our services in the future if you have any questions.

Sincerely,

SCHOELL & MADSON, INC.

Ben Gozola, Senior Planner  
Phone 763-746-1650  
Fax: 763-746-1699  
Email: [beng@schoellmadson.com](mailto:beng@schoellmadson.com)



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## Professional Services Qualifications and Experience

### Planning

Tom Goodrum, Planning Team Leader, specific experience includes being a city planner for the Cities of Minnetonka, Shakopee and St. Bonifacius. As a staff planner for these communities, he was responsible for upholding the cities zoning and planning regulations and policies. These positions required both a sound understanding of city codes, and the experience to communicate such policies to residents and developers/applicants

Ben Gozola, Senior Planner, has gained his city planning experience with the City of Minnetrista, and has a transportation planning background from his work with the Metropolitan Interstate Committee in Duluth. He currently provides his planning consulting skills to all of our municipal clients including Minnetrista, Independence, Maple Plain, and Tonka Bay. His experience with analyzing problems and providing solutions proves invaluable to the communities in which he works.

Schoell & Madson Inc. understands our role as a consultant to the city and has the experience to provide the required services. As noted in our individual profiles and resumes, our team experiences stretches across a wide spectrum of planning applications. More importantly our team possesses more than just technical skills but skills that ensure projects are done on time and to expected standards. We are a recognized leader who thinks strategically and applies sound judgment. The skills that we provide to a city include:

- The ability to create harmonious projects that meet the objectives of the city, landowner, regulatory requirements and surrounding property owners.
- Establishing and maintaining effective working relationships with all parties involved on a project.
- Successful negotiation skills in finding solutions to potential conflicts.
- Proficiency at interpreting site plans and data for project presentation.
- Experience in public speaking and facilitation.
- A thorough knowledge of land use laws including those relating to environmental sensitivity issues.
- Knowledge of growth strategies and policies for the metropolitan region and individual communities.



## **Planning Team**

Schoell Madson will always seek to find the right team and personalities to assist our individual municipal clients. We can offer the following team members to assist Lake Elmo in their needs:

### **Principal Planner – Tom Goodrum**

Tom is responsible for the management and administration of our planning services. His extensive experience in re-development projects and comprehensive planning will benefit the City during your future comprehensive plan update process.

### **Senior Planner – Ben Gozola, AICP**

Ben is the primary planner involved with the day to day services provided to our municipal clients. Having spent the last five years as a City Planner for the City of Minnetrista, he is well versed in issues facing developing communities like Lake Elmo, and will be a valuable resource when dealing with the Metropolitan Council on comprehensive planning and development disputes.

### **Senior Design Leader – Paul Schroeder, ASLA, CLARB**

Paul is a licensed Landscape Architect in the State of Minnesota with over 10 years of experience on a variety of projects in the region. Paul has already assisted numerous metropolitan communities in creating park and trail plans, and is available as such needs arise in your community.

### **Environmental Specialist – Todd Udvig**

Mr. Udvig has over 22 years of experience in wetland and natural resource project management serving as LGU administrator for Albertville, Hamburg, and White Bear Township. His areas of expertise include wetland permitting, regulation, and design; tree identification and preservation; threatened and endangered species surveys; and environmental and specialized soils studies.

### **Project Support staff and General Technicians**

The Planning Team will be assisted by Schoell Madson support staff and technicians. They will provide professional services in preparing reports and research (when appropriate) at a rate that minimizes the City's costs.

**Resumes of the Planning Team can be found at the end of this .pdf, or by clicking on the individual names above.**



## Basis for Compensation

Schoell Madson would suggest a retainer-type agreement to provide planning services for the City of Lake Elmo. This agreement would establish an hourly rate for general city business or land use application reviews that could be charged directly back to applicants. It would also leave the door open for further use of our planning services strictly at the request of the City Council.

For our municipal clients, we have found that dividing charges into three different types is generally acceptable.

1. **Routine Work** – Routine work will consist of land use application reviews and other general planning tasks requested by the City. Time spent on such activities will be billed on an hourly basis per the attached rate sheet. It is expected that the Senior Planner would provide a majority of our services at a rate of \$90 per hour. Separate invoices can be created for your individual applicants to simplify your re-billing process to your residents.
2. **Non-routine Work** – In our experiences as planning consultants, there are many services that may be considered routine or are expected by residents such as:
  - Visiting sites and/or reviewing violations to city ordinances.
  - Initial meeting(s) and/or discussion(s) of planning procedures with potential applicants.
  - Meeting/Discussing with city residents any questions or comments they have regarding planning issues.
  - Meeting/Discussing with outside agencies and other entities to gather information that benefits the city.
  - Assisting city staff on current projects and questions.
  - Other services requested by city staff or general public.

Per our proposal, these services will only be completed upon written request of the City, and will also be charged based on the rate schedule of the appropriate team member who is assigned the requested task.

3. **Reimbursable Expenses** – Reimbursable expenses include mileage for travel and any items (i.e. copies, postage for mailings, messenger service, etc) requested by the City. Such expenses will be billed to the City "at cost" plus 10 percent to cover administration costs.





**Thomas J. Goodrum**  
Senior Planner/Principal



## GENERAL BACKGROUND

Mr. Goodrum is the Senior Planner of Schoell & Madson, Inc. His experience covers Commercial Development, Residential Development, Urban Planning, and Re-development, Conservation Development, Rural Planning, Parks and Recreation Planning and Design, Regional Policies, Streetscapes and many other specialties. Duties performed within these projects include Project and Construction Management, Site Design, Government Liaison, Code and Regulation Interpretation, Coordination with special interest groups and municipalities, Public Presentation, Report and Summary Writing.

## Education

Bachelor of Elective Studies (BES),  
1876, St. Cloud State University,  
St. Cloud, Minnesota

Planning Internship,  
City of Shakopee

## EXPERIENCE

His experiences have provided comprehensive knowledge in planning and development implementation in the following areas:

## Professional Affiliations

American Planning Association

Sensible Land Use Coalition

Metropolitan Council Natural  
Resource Task force

Local Government Unit (LGU)  
Representative for Carver County  
and Minnetonka

Metropolitan Council Representative  
to the Lake Minnetonka Area  
Cooperating Cities (LMACC)

## Professional Experience

2 Years with Schoell Madson (2005)

15 Years of City, County and  
Regional Planning:

- Metropolitan Council
- City of Minnetonka
- Carver County
- St. Bonifacius
- Northwest Consultants

- A planner for the full-spectrum of residential and commercial development with previous employment in rural, urban and regional units of government, including consulting services.
- Preparing comprehensive reports with a detailed analysis of the proposed project and providing recommendations to assure a quality project.
- Drafting and administering environmental sensitive ordinances (wetland, shoreland, floodplain and erosion control) within land use plans as they relate to specific projects.
- Guiding cities through conservation developments that used alternative planning practices to create harmonious developments within environmentally sensitive sites.
- Thorough knowledge in developing a comprehensive plan that best suites the goals of the community and the strategies of the regional plans.
- Liaison between the Metropolitan Council and the communities within the seven-county Metropolitan Area, with specific responsibility for the City of Independence and 36 other cities within Hennepin County, sharing regional policies pertaining to the communities' initiatives and goals.
- Focal person in gathering information from communities, outside government agencies, consultants, affected parties, neighborhood meetings and other resources to effectively explain the facts of a project and to provide appropriate measures in resolving issues.
- Lead in overseeing projects, from initial contact through final approval, providing guidance throughout the planning process to create a favorable project.

## **Thomas J. Goodrum, cont.**

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### **1999 To 2002: City of St. Bonifacius, Minnesota City Planner (Contracted)**

- Guided the city through their first and second mixed-use residential developments. The projects were approved using alternative planning practices to create harmonious developments within two environmentally sensitive sites.
- Review development proposals to ensure compliance to the city's regulations.
- Prepare and present staff reports and recommendations to the city's governing boards.
- Administrate the City's zoning ordinances and land use plan.

### **1992 To 1995: Carver County, Chaska, Minnesota Planner/Zoning Administrator for the County Planning Office.**

- Reviewed development proposals to present before governing boards.
- Responsible for the enforcement of the zoning and subdivision ordinances.
- Prepared Environmental Assessment Worksheets (EAW's) for a mining operation and golf course.

### **Zoning Officer**

- Responsible for overseeing permit compliance.
- Provided enforcement of the zoning and subdivision ordinances.
- Handled complaints and other associated duties.

### **1987 To 1988: Northwest Associated Consultants, St. Louis Park, Minnesota. Planner Consultant, for a Planning Consulting Firm.**

- Reviewed development proposals and prepared staff reports for client cities, including the Cities of Wayzata, Buffalo, Little Canada, Lakeville and Delano.
- Conducted land use studies for cities and drafted recommendations regarding zoning modifications.
- Assisted in the drafting of comprehensive plans for client communities.



**Schoell Madson**  
Planning Engineering Surveying

## **Ben Gozola** Senior Planner



### Education

- Bachelor of Arts in Geography  
University of Minnesota,  
Duluth, MN (1998)

### Professional Associations

- The American Institute of  
Certified Planners (AICP)
- American Planning Association  
(APA)

### Professional Experience

- 8 years of Municipal and  
Regional Planning
- new addition to Schoell Madson
- 4 years as City Planner with the  
City of Minnetrista; 1 year as  
Zoning Administrator
- 3 years as a transportation  
planner with the Metropolitan  
Interstate Committee (MIC),  
Duluth, MN.

### **GENERAL BACKGROUND**

Mr. Gozola is a Senior Planner with Schoell Madson. His experience as a Municipal and Transportation planner has prepared him for a broad range of tasks with our company. He is a primary contact for our municipal clients and is highly skilled in analyzing local ordinances, writing detailed reports, and presenting difficult information to elected bodies and members of the public. His understanding of statutory requirements coupled with his experience in tracking and administering application reviews will ensure your City complies with all regulations while providing exemplary service to your citizens.

### **EXPERIENCE AND SKILLS**

Mr. Gozola brings to the table a comprehensive knowledge in the planning and development field. The following is a brief overview of what he will bring to your City:

- Extensive experience reviewing and presenting land use applications to city councils and boards;
- Exceptional in writing and interpreting city codes;
- Personable and well suited for interacting with residents as a "face" for the community;
- Thorough knowledge of comprehensive planning and the relation to city code requirements;
- Excellent communication skills and an understanding of how to involve the public from the beginning of a project;
- Detail oriented organizational skills to ensure all applications and/or tasks are reviewed and completed by the anticipated deadline;
- An understanding of Metropolitan Council regional plans and their potential impact on local development projects;
- Dependable.

## Paul D. Schroeder, cont.

### **Landscape and Irrigation Planning and Design**

- Wells Fargo Home Mortgage, Minneapolis, MN: Central Control irrigation system with over 130 zones, a weather station and a variety of other components.
- Ramsey Town Center, Ramsey, MN: Streetscape Irrigation design for master planned community.
- Timber Creek, Plymouth, MN: Multi phase townhome development integrating buffers, rain gardens, foundation and site plantings.

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**Wetland Mitigation and Creation**

- Home Depot - Eagan, Minnesota
- City of Andover – Round Lake Park
- Pond’s Edge – Eden Prairie
- TH 100 – Wetland Mitigation Design
- City of Maplewood – Wetland Creation
- McLeod County – Wetland Restoration and Creation
- Legacy Village - Wetland Creation and Restoration

City of Minnetrista Planning Department  
Variance Report

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*To:* City Council  
*From:* Ben Gozola, City Planner  
*Meeting Date:* 8-1-05  
*Applicant:* Steven & Susan Nelson  
*Owner:* Same  
*Location:* 3615 Farmhill Dr  
*Zoning:* A  
*File #:* 2005-23

***Introductory Information***

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<b><i>Proposed Project:</i></b>	The applicants are seeking permission to remove an existing non-conforming structure, and replace such with a larger structure in a nearby location.
<b><i>Variance Request:</i></b>	Specifically, the applicants are requesting a <b>5-foot variance</b> from the required one hundred foot front yard setback, a <b>24-foot variance</b> from the required thirty-foot side yard setback, and a <b>2-foot variance</b> from the required thirty-five foot wetland setback.
<b><i>Applicable Codes:</i></b>	CHAPTER 23, ARTICLE III. DIVISION 2. RESIDENCE DISTRICTS <b>Section 23-99. Lot Area, depth, width, coverage, setbacks, and heights.</b> Requires that all detached accessory structures exceeding 1000 sq ft in the 'A' zoning district be at least 100 feet from the front lot line and 30 feet from the side lot lines.  CHAPTER 23, ARTICLE VII. WETLAND BUFFERING AND SETBACK <b>Section 23-311. Setbacks Required.</b> Requires that all structures in the 'A' zoning district be at least 35 feet from all wetlands.

***Findings***

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<b><i>Site Data:</i></b>	Owners – Steven & Susan Nelson Main Contact – Steven & Susan Nelson Lot Size – 3.404 acres (148,306 square feet) Existing Use – Residential Existing Zoning – A (Agricultural) Property Identification Number: 28-117-24-41-0002
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**Applicant's  
Proposal  
Statement:**

*Applicant's statements:* We wish to replace an existing approximately 26 X 46 foot accessory building with a new 36 X 48 building. (30 X 48 enclosed) This new building is to be located approximately upon the previous location. The previous building is 81.7 feet off the right of way, and 24.5 feet from the adjoining property line. The new building would be positioned about 95.8 feet from the right of way, with the back corner about 7.25 feet from the adjoining property line. The new location was chosen with consultation with the adjoining property owner, and their desire to retain their view of our pond from their deck. (See topographic map, they are high above the roof line of the new building. Moving closer to their line provides a better view.) Wetland setbacks and particularly soil conditions are also a major factor. Current code for an accessory building greater than 1000 square feet is 100 feet from the right of way, and 35 feet from side boundary. [sic].

**Staff Comments:** According to statute, the applicants may replace the existing structure in the same location and configuration without a variance; their request to enlarge and move the structure creates the need for this request. Also note that the existing structure is currently non-conforming to the front and side yard setbacks, but does not encroach into the wetland setback.

**Applicant's  
Initial  
Discussions  
with Staff:**

*Applicant's statements:* In May 2003, we began discussing building projects with Nate Sparks, Assistant City Planner and Ben Gozzola, City Planner. The first set of discussions concerned a wetland delineation report, as a pre-condition for a building permit. We eventually acquired the wetland delineation report in September 2003.

In 2004, Susan discussed right-of-way, property line and wetland setbacks, mostly with Mr. Sparks. At this time we did not have a certified building survey or any specific plans for the desired building project(s).

By April 2005, we had a certified building survey and a plan for an accessory shed. Susan showed the survey to Mr. Sparks sometime in April 2005. He noted that to replace the existing accessory shed on the same "footprint" would not comply with the right-of-way setback or the property line setback. As we studied the survey, Mr. Sparks told Susan that he now understood the problems we had been previously discussing, in the abstract (without the survey). He suggested that we may have a case for a variance, in light of the conditions the property has.

In May 2005, Susan met with Mr. Gozzola to discover whether Minnetrista had changed its right-of-way setback regulations and finding they had not changed, discussed with him the alternatives to applying to applying for a variance. We couldn't find any alternative location to the "legal location" Mr. Gozzola had pointed out, that would meet our needs. Even though he informed Susan that he would recommend denial of the variance, he said we could apply for it nonetheless. [sic]

**Staff comments:** none

(cont.)

approved location would almost certainly preclude our other plans.

The following supporting information was provided by our surveyer:

- We own 3.404 acres to start with.
- Subtract the front 100 foot setback and 1.96 acres remain
- Subtract the 35 foot side setbacks, not including the previously excluded area, and only 1.31 acres remain.
- Subtract the setback areas for the wetland and pond, not including the areas previously excluded, and we are left with only .45 acres. Some of this area is already occupied with house and driveways, etc. We believe that being reduced to a partially filled 13% of our 3.4 acres justifies a variance. Even the area of wetland setback that we are requesting variance leeway on is nearly all existing paved area already. [sic]

Applicant's statement on criteria #2: The current minimum lot size is 10 acres. Most properties are rectangular in shape, so they have more space to maneuver. Our house was built only 22.5 feet from the rear lot line, which means that virtually the entire property is front yard. If the total amount of buildable property is compared to the total amount of non-buildable property, we have a very low percentage of buildable area. [sic]

**Staff Comments:** As noted by the applicants, staff does not believe there is a hardship as the proposed structure can be built in conforming locations elsewhere on the property. Many property owners within the city find themselves in the same circumstance when looking to add or replace a structure, so this is not unique. **Staff therefore finds the applicants do not meet these criteria.**

3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of a parcel of land;

Applicant's Comments: It would be much more intelligent financially to proceed with the garage addition. I cannot afford to do both, indeed the new shed will push back the garage addition by several years. I could probably increase the value of the property substantially just by tearing down the old shed and not replacing it. The fact is that I need a building outside the house area. I moved out here from a 42 foot city lot so I could have more space. I could save a lot of money by renovating the old shed, but there are two very good reasons why I want to replace it instead. The first is obvious by looking at it. The second is the people I live around. I promised many of them at the neighborhood Christmas party that it would be gone this year if it was at all possible to do so. [sic]

**Staff Comments:** The planned addition is intended to address storage needs of the family and neighbor's concerns on aesthetics. **Staff finds this criteria is satisfied.**



(cont.)

**Staff Comments:** The construction of a pole barn in and of itself will not create any adverse impacts as such structures are allowed in the A zoning district. As such, **staff finds this criteria is satisfied.**

7. The proposed variance is in keeping with the spirit and intent of this chapter;

**Staff Comments:** The applicants may construct the desired pole barn in conforming locations elsewhere on the lot. Therefore, considering the applicants are not being denied a reasonable use of the land, **staff finds the applicants do not meet this criteria.**

**Resident Concerns:**

Staff received a letter from Linda Cazier (7505 Halsted Drive—directly to the west of the subject property) regarding this request. Mrs. Cazier welcomes the removal of the existing structure as she finds it to be an “eye sore.” However, she does request that if the city grants variances for a replacement structure, that such a building be required to be “less visible” or “only as visible” as the current structure. The full letter can be found following this report.

**Staff comments:** If Council elects to grant approval of this variance, restrictions on the visibility can be required if deemed necessary.

**Additional Information:**

None

**Conclusion:**

The applicants are seeking approval of a **5-foot variance** from the required one hundred foot front yard setback, a **24-foot variance** from the required thirty-foot side yard setback, and a **2-foot variance** from the required thirty-five foot wetland setback. The City Council must review the applicant’s submittals and decide whether the variance criteria established by City Code was successfully addressed.

**Council Options:**

The City Council has the following options:

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING the request for a **5-foot variance** from the required one hundred foot front yard setback, a **24-foot variance** from the required thirty-foot side yard setback, and a **2-foot variance** from the required thirty-five foot wetland setback (based on the applicant’s submittals and findings of fact).
- B) DIRECT STAFF TO PREPARE A RESOLUTION DENYING the request for a **5-foot variance** from the required one hundred foot front yard setback, a **24-foot variance** from the required thirty-foot side yard setback, and a **2-foot variance** from the required thirty-five foot wetland setback (based on the applicant’s submittals and findings of fact).
- C) TABLE THE ITEM and request additional information

# The City of Minnetrista's Comments in Support of the Requested Comprehensive Plan Amendment

2-21-06

The comprehensive plan amendment currently under review by the Metropolitan Council is a middle ground solution designed to address the concerns of decision makers from both agencies. From the beginning of this process (starting in late 2002 with the review of the Thorson/Smith amendment), the stated goal of the Metropolitan Council was to have the Comprehensive Plan amended to incorporate **regional housing and growth goals**, as well as **ensuring a minimum density of 2.2 units per acre was achieved** in Minnetrista. Our city has worked hard with your staff to explore various alternative methods to address this issue, and movement towards higher density development is evident in both the City's actions and development applications currently under consideration. We fully understand that your staff believes there is one and only one methodology to address this problem. We respectfully disagree with that assessment and provide this written narrative to summarize our efforts to date, explain why the City of Minnetrista is reticent to reguide land for higher density uses at this time, and why the proposed solution fully achieves the desired goals.

## Background on Minnetrista

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Every City within the metropolitan area likely claims that it is unique and should therefore be granted special consideration in terms of how it is expected to develop within the regional framework. Unlike other communities, however, the Metropolitan Council *did* recognize in 1999 that factors *are* different for Minnetrista by stating<sup>1</sup>:

- “[Minnetrista] is one of the few cities in the Metropolitan Area that includes four distinct city-designated policy areas – urban, urban reserve, rural and permanent agriculture.”
- “Minnetrista is a newly developing community, just beginning its transition from a mostly agriculture, rural to an urbanizing area.” [sic]
- “The city is served by only one metro highway, TH 7. Highway 12 is about 2 miles north of the city's northern border, so transportation access to Minnetrista is very limited.”
- “The city's plan calls for development at a density of approximately 2.0 units per acre. The Policy Plan states “...timing and density of development which is inconsistent with the Blueprint and which would affect the cost of providing sewer service will be viewed as a departure from, or having a substantial impact on the metropolitan wastewater system”. Since the city proposes to develop the land at a density of approximately 2.0 units per acre, the plan represents a departure, but not substantial departure, from the regional wastewater policy plan.”

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<sup>1</sup> Metropolitan Council's Review Record of the Minnetrista Comprehensive Plan, Attachment A (3/19/99). Referral File No. 16035-7

- (pg 7) “Based on the addition of 1,484 households, a residential density of approximately 2.0 units per acre for all new, sewer development would be achieved.”
  - (pg 7) “Council staff recognizes the general character of the city as more rural in nature, and therefore, the city’s single-family residential density of 2.2 units per acre may be acceptable if areas are identified where higher densities are allowed<sup>3</sup>. Also, the city is just beginning its evolutionary process of urbanization, and initially lower densities are to be expected.”
  - (pg 10) “The plan is not in conformity with the Water Resources Management Policy Plan because the city proposes to develop at a density of less than 3.0 units per acre within the MUSA. **The city’s plan calls for development at a density of approximately 2.0 units per acre.** The Policy Plan states “...timing and density of development which is inconsistent with the Blueprint and which would affect the cost of providing sewer service will be viewed as a departure from, or having a substantial impact on the metropolitan wastewater system”. **Since the city proposes to develop the land at a density of approximately 2.0 units per acre, the plan represents a departure, but not substantial departure, from the regional wastewater policy plan.**”
  - (pg 12) “Based on the addition of 1,484 households, a residential density of approximately 2.0 units per acre for all new, sewer development would be achieved.”
- The 1999 Metropolitan Council Review Record of the Minnetrista Comprehensive Plan, Attachment A (Referral File No. 16035-7), plainly states that the plan did not represent a substantial departure from the Regional Growth Strategy (RGS).
    - (pg 5) “The revised plan was found to depart from Regional Growth Strategy (RGS) policy area designations and associated densities; the Water Resources Management Policy Plan; and the requirements of the Minnesota Land Planning Act (LPA) for a housing element. **Staff review did not find these to be substantial departures.**”
    - (pg 7) “Although the city’s plan departs from the RGS assumptions for this area, **Council staff does not recommend a finding of substantial departure.**”
    - (pg 7) “While the proposed density is a departure from Council policy, **staff does not recommend a finding of substantial departure** based on the information provided above and other factors that are identified in the sub-regional analysis.”

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<sup>3</sup> The city followed through by incorporating agreed upon language to allow development around St. Bonifacius to come in at up to 3.0 units per acre.

*(This condition acknowledged that both parties found the plan was a compromise solution to the differing goals of each agency. Furthermore, this condition indicates that neither party had identified any of the discrepancies listed above.)*

2. The City of Minnetrista is encouraged to revise it's ISTS management program to utilize the authority it has created under its current code to perform needed system maintenance (and as required by state statutes) on on-site systems. Failure to carry out routine maintenance can lead to the need to prematurely extend water and sewer service to areas to resolve ground and surface water pollution problems.

*(This condition was addressed shortly after the adoption of the comprehensive plan as the City turned over all jurisdiction of septic site review to Hennepin County.)*

3. The City of Minnetrista is encouraged to include at least its negotiated LCA affordable and life-cycle housing goals, and to specifically incorporate the LMACC plan or its applicable goals, policies and implementation strategies as a part of its comprehensive plan.

*(The LMACC plan and goals were incorporated into the plan as Appendix A.)*

Following adoption of the Comprehensive Plan by both agencies, six amendment requests<sup>4</sup> were approved from 1999 to 2001. Each of these amendments was passed without any issues being raised. In December of 2001, the requested Thorson/Smith amendment<sup>5</sup> marked the advent of today's discussion. The review record shows that the Met Council found the amendment did not represent a departure from the regional system plans, but went farther to find:

*The amendment will not help Minnetrista advance affordable or life-cycle housing, create diversification of housing choices, or create greater residential land use efficiency in a manner consistent with its presently negotiated Livable Communities Act (LCA) goals or the goals the Metropolitan Council requested the city to include in its comprehensive plan. Recent trends in the city suggest that it is not living up to its commitment to the Council regarding urban residential density, negotiated as part of the comprehensive plan review.*

The two main conditions adopted by the Met Council when approving the amendment were:

1. The City amend its comprehensive plan to include regional housing and growth goals as negotiated as part of the comprehensive plan update review process in 1999 and to identify a sufficient amount of land appropriately guided to accommodate these goals through 2010.

*(Current staff was not present at this time, so we can only provide you with an analysis of the City's perspective based on our discussions with former staff and council members from this time. Affordable and life-cycle housing are clearly*

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<sup>4</sup> Met Council referral #'s: 18101-1, 18101-2, 18101-3, 18457-1, 18101-4, 18457-2, and 18101-5.

<sup>5</sup> Met Council referral #: 18457-3

year). When agreement could not be reached on this option, the City shifted gears and adopted new planned unit development regulations that allowed for increased densities and smaller lot sizes. These new codes are fully conforming to the existing comprehensive plan<sup>8</sup> and further the City's ability to achieve the goals outlined by the Met Council. Greater densities and smaller lot sizes are now allowed which in turn provide opportunities for the creation of life-cycle housing and affordable units. It is now hoped that the comprehensive plan amendment currently before the Metropolitan Council will be approved as it would address the calls for change by establishing the City's intent for development between now and the adoption of the 2008 Comprehensive Plan.

### *A Brief Explanation of the Amendment and Why it Works*

The first and most important of the changes are the corrections to the text throughout the plan that currently conflict with the minimum density of 2.2 units per acre called for by the Metropolitan Council and the sewer component of the plan. As already documented, it was these discrepancies that ultimately resulted in the current dispute. Second, a map and spreadsheet would be created that both the City of Minnetrista and the Metropolitan Council could use to track overall development density within the City to ensure 2.2 units per acre was ultimately achieved within the MUSA (at least until the new comprehensive plan is adopted in 2008). Met Council staff has determined that remaining MUSA land in Minnetrista would need to develop at a minimum of 2.55 units per acre in order to average out the overall MUSA density to the 2.2 unit per acre goal. Approval of this amendment would open the door for the City to deny projects whose density would raise the 2.55 unit per acre minimum in a manner that would be counterproductive to achieving the goal of 2.2 units per acre. Finally, the new language would provide extensive guidance to landowners and developers as to what would be expected if the land is developed as a Planned Unit Development (PUD).

This approach is a wonderful solution as it achieves the goals of both parties. From the City's perspective, a standard comprehensive plan amendment to regulate specific properties for higher density development (as called for by Met Council staff) is a major decision that should only be made with considerable public input. In recognition that such efforts have high costs in both funds and staff time, the City Council believes the most appropriate setting for these major planning discussions is in the context of the 2008 Comprehensive Plan update meetings (set to begin late this year or early next year). Further complicating the City's ability to comply with a standard comprehensive plan amendment is the fact that Minnetrista's multi-family development codes are in dire need of updating to ensure that such development occurs appropriately (the existing multi-family codes were last updated in 1972). Again this represents a seemingly needless current expenditure of time and resources given the comprehensive plan and code will be updated in the near future.

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<sup>8</sup> Nothing in the revised code decreases the number of units currently expected by the comprehensive plan on any given parcel. The expected and maximum number of units is still based on net developable acres which is independent of open space requirements established by the new code. By Met Council directive, the standard number of allowable lots is calculated off the net developable acreage on the parcel (gross acres - wetlands - wetland buffers - bluffs - bluff impact zones - Arterial ROW = net developable acreage).

work under the existing comprehensive plan language, but are restricted from being fully utilized due to the existing language which the City hopes to correct via the requested comp plan amendment. For this reason, the already adopted PUD codes are not in violation of the Metropolitan Land Planning Act and are being implemented accordingly.

Met Council staff continues their analysis by questioning how the amendment is being presented. Minnetrista's staff is confused by this assessment as the proposed amendment is clearly in resolution form, and is recognized as text that can only be implemented upon approval of the Metropolitan Council. The associated Ordinance 275 is a proposed code text change that would be adopted in conjunction with the comprehensive plan amendment. The code change would acknowledge the goals established by the comprehensive plan, and provide the city with a tool to deny applications that would prevent achieving the overall density goal. For our part, the City is more than willing to work with your staff on providing the amendment in any format that will please the Met Council.

On the positive side, the format in which the amendment *was* submitted should have provided a *very* easy-to-understand guide on all of the changes being proposed by the City. Clearly the proposed comprehensive plan amendment is 100% consistent with our shared goal of increasing densities within Minnetrista to ultimately ensure that an average of 2.2 units per acre are realized in the City's MUSA land. The proposed map would be used to track development to ensure all parties understood the expectation of future development densities, and the proposed code change would give the Council authority to deny any application prohibitive to achieving the average density goal. If further guarantees are needed, the City has been willing in the past to enter into a Memo of Understanding to ensure both parties are on the same page and intend to work together towards the shared goal. Other options, such as the Met Council plat review program, could also be utilized if deemed necessary or appropriate by the Met Council. Because this methodology would ensure the density goal is achieved, we again disagree with the assessment that the comprehensive plan amendment is in conflict with the Metropolitan Land Planning Act.

- **Met Council staff does not concur that the amendment will allow the City to achieve an overall density of at least 2.2 units per acre.**

The proposed amendment will allow for more multi-family units within PUDs (than would otherwise be allowed under the current comprehensive plan language), and sets up a mechanism to track all MUSA development to ensure the overall density will be at least 2.2 units per acre. An associated proposed code change would grant the city the authority to deny applications found to be prohibitive in achieving the overall density goal. As the City is committed to this goal, and as the Met Council reviews all MUSA developments as they are proposed, both agencies can work together to form a consensus on proposed developments and their conformance to the comprehensive plan. It is completely misleading to imply that the proposed amendment *will not* allow the density goal to be met. On the contrary, it is the City's belief that the proposed amendment will achieve the desired outcome.

- **Met Council staff does not believe the amendment will allow the City to achieve its sewerage growth forecasts.**

We disagree with the position that utilizing a PUD will keep development from realizing the expected densities. When analyzing a development, both parties agree that net developable acres is based on the gross acreage minus wetlands, surface water, arterial road ROW, and other resources protected by ordinance (i.e. bluffs, bluff impact zones, and wetland buffers). Examining a parcel strictly from this standpoint changes none of the assumptions made in 1999 when examining the developable land's ability to accommodate the forecasted growth. Additionally, as both parties agree that this methodology will be used to calculate net acreage, it is easy to determine the minimum expected number of units on any property under the current zoning classification and comprehensive plan. As the new PUD code allows for a 25% density increase, the maximum number of units can also be easily calculated. The city will not argue that required PUD open space (20%) should be taken out of the up front unit calculation. Furthermore, the city will agree that only those portions of the open space dedicated to the public or protected by a City controlled conservation easement will be taken out of the density calculation. With such understandings in place, we see no way that "City ordinances could restrict development on over half of the 621 acres identified in the CPA..."

The noted concerns on this matter conclude by stating that municipalities must submit changes to their official controls within 30 days of adoption. The new PUD codes were adopted on 5-2-05, and copies were sent to Mark Vander Schaaf and Robin Cauffman on 5-19-05 and 5-24-05 respectively.

- **Met Council staff believes the amendment presents a substantial departure from the regional wastewater system plan.**

In their analysis, Met Council staff finds "the amendment effectively will preclude future higher density development and limit the City's ability to accommodate its reasonable share of the regional growth." **The City cannot disagree with this contention strongly enough** for the following reasons:

- a) It completely disregards the history that led to the adoption of the comprehensive plan (see pages one through five of this narrative). On five separate occasions when reviewing the 1999 plan, the Met Council found that a density around 2.2 units per acre was **not a substantial departure** from the RGS.
- b) The proposed amendment establishes a mechanism to track overall development that both parties may use to deny an application (the City via its platting review authority and code requirements; the Met Council by means of controlling sewer permits via the PCA);

We would also point out, again, that the City adopted its tier I sewer plan as its tier II plan, thereby acknowledging it intends to reach a minimum standard of 2.2 units per acre. Clearly the City has not kept this issue a secret as is evident by the multiple high-density development applications currently before the City Council.

Furthermore, such an action would unnecessarily complicate the ability of both agencies to work together in forming the 2008 comprehensive plan.

- **Met Council staff does not believe the amendment meets the housing requirements of the Metropolitan Land Planning Act.**

The Metropolitan Land Planning Act calls for cities to provide adequate housing opportunities to meet projected needs, and calls for the promotion of land for the development of low and moderate-income housing. The proposed comprehensive plan amendment addresses both requirements as it creates a mechanism for the City to address density concerns, while amending the text of the comprehensive plan to stress the need for life-cycle housing within PUDs. As stated earlier, affordable and life-cycle housing are clearly difficult issues for Minnetrista to deal with due to limited access to services (no CBD), no access to transit, and few places of employment. Further complicating this matter is the cost of land coupled with the market desires expressed by developers. For example, the Turtle Creek and Hunters Crest development (both on the periphery of St. Bonifacius) could have developed up to a density of 3.0 units per acre and incorporated up to 10% multi family units according to the current comprehensive plan; neither developer choose to go that route. The City acknowledges its difficulty in tackling these issues, but believes the amendment request currently before you plainly moves in the right direction.

In looking forward to the 2008 comprehensive planning process, the City will be in a much better position to take public input and examine what factors have changed over the past 10-years that may influence where the community would like to incorporate more affordable and life-cycle units. The build-out of the new downtown Mound and changes to the St. Bonifacius area may have opened up new opportunities that did not exist in the late 1990's. Areas currently guided for development "beyond 2020" may now make sense for more immediate development for life-cycle and affordable opportunities based on their proximity to new services and transit routes. These discussions will be very important, and the City fully realizes more needs to be done towards this end. The City Council believes the most appropriate setting for these major planning discussions is in the context of the 2008 Comprehensive Plan update meetings (set to begin late this year or early next year).

### *Conclusion*

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We thank you for your open-minded consideration of this comprehensive plan amendment, and stress the fact that the City is willing to examine modifications to the amendment if needed. No such changes have been sought by Met Council staff to-date.



## *Review*

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### *CUP Review Criteria*

Section 520.11 of the City Code requires that the City consider the effect of the proposed use by reviewing a series of criteria. The following is staff's analysis of the proposal and its relation to the CUP criteria:

- (a) *The conditional use will not adversely affect the health, safety, morals, and general welfare of occupants of surrounding lands.*

The embroidery business will be far less intensive than the welding business being replaced. **Staff finds this criteria is met.**

- (b) *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*

Staff does not foresee any ways in which the proposed embroidery business will impact adjacent properties. **Staff finds this criteria is met.**

- (c) *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*

Staff does not foresee any ways in which the proposed embroidery business will impact adjacent properties. **Staff finds this criteria is met.**

- (d) *Sufficient off-street parking and loading space will be provided to serve the proposed use.*

The proposed business will not generate significant traffic and/or deliveries not normally associated with a residential lot. **Staff finds this criteria is met.**

- (e) *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and a sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.*

Again, the intensity of the use is lessened in the proposed shift from welding to embroidery. Two employees will not overwhelm the existing mound system serving the site. **Staff finds this criteria is met.**

**Commission Rec:** The planning commission reviewed this request at their August 14<sup>th</sup> meeting and agreed with staff's assessment that the proposed use is less intensive than the already permitted welding operation. They therefore unanimously recommended that Council approve the request with the conditions listed in this report.

- Council Options:**
1. **Approve** the amendment to the conditional use permit (with findings of fact and conditions) to allow operation of an embroidery business at 2695 Nelson Road;
  2. **Deny** (with findings of fact) the amendment to the conditional use permit to allow operation of an embroidery business at 2695 Nelson Road;
  3. **Table** the issue for further study. If this option were selected, staff would extend the City's review period an additional 60-days to remain compliant with the 15.99 deadline.

**Staff Rec:** Staff would recommend **option 1: Approval** of the amendment to the conditional use permit to allow operation of an embroidery business at 2695 Nelson Road with the following conditions:

1. All approvals for the welding operation shall be eliminated in favor of the proposed embroidery operation;
2. All embroidery operations shall take place in the existing accessory building;
3. Outside storage of materials is prohibited;
4. Hours of operation shall be limited from 7:00 a.m. to 6 p.m., Monday through Friday;
5. The business shall have a maximum of two employees;
6. Traffic flow shall be limited to normal deliveries and the occasional customer;
7. All customer parking shall be off-street;
8. Noise level shall be kept to a minimum;
9. Continued compliance with the Criteria for Granting a Conditional Use Permit stated in 520.11 of the city code.

cc: Denise Kukovec, Applicant

City of Lake Elmo  
3800 LaVerne Avenue North  
Lake Elmo, Minnesota 55042

DATE: January 8, 2007  
TO: Planning Commissioners  
FROM: Susan Hoyt, Project Director  
RE: Revised Metropolitan Systems statement received on January 5, 2007

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Please find the recent revisions to the attached systems statement that the city received on Friday from the Metropolitan Council. This revision follows a discussion with the Metropolitan Council about the future possible (not mandatory) use of 1,725 REC (residential equivalency units) that came in an earlier letter.

This is not the entire system statement. The staff has not had time to review this recent communication on the systems statement, which is designed to reflect the city's recent comprehensive plan. The staff will bring the systems statement to the city council and to the planning commission. The staff is currently confirming the timeline for comments with the Metropolitan Council staff.

*Distributed at  
P2 Meeting on  
1-8-7.  
KAA*

January 3, 2007

RECEIVED  
JAN 5 2007

Tom Bouthilet  
Acting Community Development Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RE: City of Lake Elmo Metropolitan Systems Statement

Dear Mr. Bouthilet:

Based on recent discussions with Metropolitan Council staff, the City's system statement appeal, and the Council's April 12, 2006 review of the City's comprehensive plan, The Metropolitan Council agrees to revise the City of Lake Elmo's December 12, 2005 metropolitan system statement as follows:

Page 2—The paragraphs describing the City's Geographic Planning Area have been amended to reflect designation of Lake Elmo's rural area as Rural Residential in the Council's *2030 Development Framework*.

Page W-2—Table 1 shows expected splits in flow between the two regional wastewater treatment plants serving the City. Total flows still reflect amounts agreed upon in the January 27, 2005 Memorandum of Understanding and Lake Elmo's recently reviewed comprehensive plan revision. Flow calculations assume the minimum residential density standard of three units per acre allowed by Council policy.

Page W-3—A paragraph has been added reiterating the Council expectation that Lake Elmo's 2008 comprehensive plan update will allow utilization of remaining residential equivalent units (RECs) available to the City.

Page W-7—This is an amended *2030 Development Framework* map showing Lake Elmo's Rural Residential and Developing Areas as approved in the City's comprehensive plan reviewed by the Council on April 12, 2006.

Enclosed are revised Cover and Wastewater sections for the City of Lake Elmo's system statement. The remainder of the original system statement, those sections entitled "Regional Parks System Statement" and "Transportation System Statement" will remain unchanged.

## Revised System Statement

City of Lake Elmo

Following the January 2004 adoption of the 2030 *Regional Development Framework*, and the more recent adoptions of the *Transportation Policy Plan*, the *Water Resources Management Policy Plan*, and the *Regional Parks Policy Plan*, the Metropolitan Council is issuing system statements pursuant to state statute.

Receipt of this system statement and the metropolitan system plans triggers communities' obligations to review and, as necessary, amend their comprehensive plans within the next three years. The complete text of the 2030 *Regional Development Framework* as well as complete copies of the recently adopted metropolitan system plans are available for viewing and downloading at <http://www.metrocouncil.org/planning/framework/timeline.htm>. Paper copies are available by calling the Council's Data Center at 651-602-1140.

Metropolitan system plans are long-range comprehensive plans for the regional systems-- transportation and airports, wastewater services, and parks and open space, along with the capital budgets for metropolitan wastewater service, transportation and regional recreation open space. System statements explain the implications of metropolitan system plans for each individual community in the metropolitan area. They are intended to help communities prepare or update their comprehensive plan, as required by the Metropolitan Land Planning Act:

*Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 and the applicable planning statute and shall have submitted the plan to the Metropolitan Council for review pursuant to section 473.175.*

Local comprehensive plans will be reviewed by the Council for conformance with metropolitan system plans, consistency with Council policies and compatibility with adjacent and affected governmental units.

The system statement includes forecasts at densities that assure regional growth is achieved consistent with adopted policies. These forecasted densities help ensure regional services and costly regional infrastructure can be provided as efficiently as possible, and that development and growth within the metropolitan area occur in a coordinated manner. The system statement also contains an overview of the transportation and aviation, transit, wastewater, and regional parks system plan updates, and system changes affecting each community.

### Forecasts:

The following forecasts are part of the 2030 *Regional Development Framework* (adopted January 14, 2004 and updated on August 24, 2005). They are used by the Council to plan for its regional systems. Communities should base their planning work on these forecasts.

Forecast of population, households and employment:

	1990	2000	Revised Development Framework		
			2010	2020	2030
Population	5,903	6,863	9,952	18,403	24,000
Households	1,973	2,347	3,619	6,324	8,727
Employment	1,011	1,682	2,250	7,200	14,000

The Council forecasts growth at appropriate densities for communities in order to protect the efficiency of wastewater, transportation and other regional system investments and to help ensure the metropolitan area can accommodate its projected growth by the year 2030.

**Growth management:**

The Regional Development Framework sets an overall minimum residential density standard of 3 to 5 units per acre in developed and developing areas where urban service is located or planned. The average minimum standard of 3 units per acre is important to the efficient use of regional systems, including wastewater system investments. Communities that significantly over-utilize or under-utilize regional systems can cause inefficiencies in the use of regional resources. Additionally, achieving housing at these density levels may help communities meet their obligations under the Metropolitan Land Planning Act to plan for and address their housing needs.

**Geographic planning area:**

The City of Lake Elmo will be designated partially as a “developing community” and partially as a “rural residential” geographic planning area in the *2030 Regional Development Framework*. Geographic planning areas are shown on the 2030 Planning Area map (see page W-7). The planning area sets overall densities that the planned development patterns in your community can be expected to achieve.

Rural residential areas are immediately adjacent to developing areas and have large numbers of individual sewage treatment systems typically at densities of one dwelling unit per 2.5 acres or less. Rural residential areas face challenges in making the transition from rural unsewered development to sewer development. Urban reserve strategies are particularly important in these areas.

As Lake Elmo plans for current and future residents, it should focus on protecting natural resources, ensuring sufficient public infrastructure, and developing transition strategies to increase density and encourage infill development. Developing communities are also encouraged to preserve areas for post-2030 growth, where appropriate (see the Wastewater section that follows for specific requirements).

The *2030 Regional Development Framework* contains specific strategies for the developing planning area on page 26 and for the rural residential planning area on page 29.

**System statement review process:**

If your community disagrees with elements of this system statement, or has any questions about this system statement, we urge you to contact your sector representative, Bob Mazanec, 651 602-1330, to review and discuss potential issues or concerns.

The Council and local units and districts have historically resolved questions about forecasts and other components of the system statement through discussions.

**Request for hearing:**

If a local governmental unit or school district and the Council are unable to resolve disagreements over the content of a system statement, the unit or district may by resolution request that a hearing be conducted by the Council's Land Use Advisory Committee or by the state Office of Administrative Hearings for the purpose of considering amendments to the system statement. According to Minnesota Statutes section 473.857, the request shall be made by the local unit or district within 60 days after receipt of the system statement. If no request for a hearing is received by the Council within 60 days, the statement becomes final.

**System statement issue date:**

The official date of the issuance of this system statement is September 12, 2005, except where revised January 3, 2007.

# Revised Wastewater System Statement -- *Lake Elmo*

## Key Changes in the Plan

The revised *Water Resources Management Policy Plan*, adopted by the Metropolitan Council in March 2005, is the metropolitan system plan for metropolitan wastewater services with which local comprehensive plans must conform. This system statement summarizes significant elements of the metropolitan system plan and highlights those elements that apply specifically to your community. In addition to reviewing this system statement, your community should consult the entire *Water Resources Management Policy Plan*, the *2030 Regional Development Framework* and other pertinent regional planning and policy documents to ensure your community's local comprehensive plan and plan amendments conform to the metropolitan system plans. A PDF file of the entire *Water Resources Management Policy Plan*, the *2030 Regional Development Framework*, the *Local Planning Handbook* and other regional planning and policy documents of the Metropolitan Council are available online at the Metropolitan Council's Web site: <http://www.metrocouncil.org/planning/framework/overview.htm>.

The revised *Water Resources Management Policy Plan* incorporates the following changes:

- A coordinated approach to water supply planning in the metropolitan area with the goal of providing for a sustainable, reliable and secure supply of high quality water to support orderly economic growth and maintain the region's high quality of life.
- An approach to surface water management that ties together the control of pollution from point and nonpoint sources. Local surface water management plans will be reviewed for impacts on the regional wastewater system.
- A policy under which the Council will consider acquiring and operating local wastewater treatment plants in rural growth centers upon request where enough growth is projected to make it economically feasible for the Council to become involved.
- A plan that provides for cities to reduce excessive inflow and infiltration (I/I) of clear water into the metropolitan sewer system. A financial assistance/surcharge program is included that will provide a funding mechanism to help solve the I/I problem.
- A policy that continues to require inspections of individual sewage treatment systems (ISTS) at least once every three years by trained individuals. In addition, the Council has added further clarification on what is needed in a community's local ISTS management program.



## System Plan Considerations Affecting Your Community

### 1. Metropolitan Sewer Service

As shown on the *2030 Regional Development Framework* Planning Areas Map, portions of Lake Elmo are to be guided for either diversified rural or as a developing community. The diversified rural area needs to accommodate growth to not exceed the Council's forecasts for unsewered development and cluster development not to exceed one unit per ten acres.

#### Forecasts:

The forecasts of population, households, employment, and wastewater flows for Lake Elmo as contained in the adopted *Water Resources Management Policy Plan* are listed below. These forecasts are for sewer development. The sewer housing forecasts were estimated based on SAC data, annual city reports, current trends and other information relating to your community. The wastewater flows are based on historical wastewater flow data and the projected sewer housing and employment data.

Table 1

Year	2010	2020	2030
Sewered Population			
Eagles Point WWTP	1,416	6,330	11,756
Metropolitan WWTP	0	2,400	2,544
Sewered Households			
Eagles Point WWTP	515	2,175	4,275
Metropolitan WWTP	0	825	925
Sewered Employment			
Eagles Point WWTP	0	4,950	9,620
Metropolitan WWTP	1,000	2,000	4,380
Average Annual Wastewater Flow (MGD)			
Eagles Point WWTP	0.11	0.6	1.12
Metropolitan WWTP	0.03	0.2	0.3
Allowable Peak Hourly Flow (MGD)			
Eagles Point WWTP	0.44	2.04	3.47
Metropolitan WWTP	0.12	0.87	1.08

The flow projections represent the Council's commitment to a level of service, assuming that the Council's underlying demographic forecasts are maintained. Adjustments may be required based on verified growth or lack of growth. The city should contact Council staff to discuss any proposed adjustments. Flow projections do not represent an allocation of interceptor capacity except in the event a temporary system constraint occurs. The

community must strive to keep its wet weather flows within the allowable peak hourly rate.

In the comprehensive plan revision accepted by the Metropolitan Council on April 12, 2006, the City utilized 6,600 RECs of the 8,325 REC design capacity for the City, leaving a balance of 1,725 unutilized RECs for long-term, post 2030 sewer service. As a condition of changing Lake Elmo's land use designations from "diversified rural" to "rural residential", Lake Elmo's 2008 comprehensive plan update shall be flexible enough to allow for possible limited post 2030 development, redevelopment, or environmental mitigation utilizing any Regional Sewer capacity that may remain post 2030.

At a minimum the Council will reevaluate flow projections every five years. Moreover, the Council will also continue to monitor each city's flow on a continuous basis and note any significant changes. The Council will use these growth and wastewater flow forecasts to plan all future interceptors and treatment work needed to serve your community. The Council will not design future interceptor improvements or treatment facilities to handle peak hourly flows in excess of the allowable rate for your city. Lake Elmo, through its comprehensive planning process, must decide the location and staging of development, and then plan and design its local wastewater collection system to serve this development. If you plan a total wastewater flow from your community in excess of the Council's forecasts, your assumptions will be analyzed by the Council for their potential adverse effects on the capacity or operation of the metropolitan system.

You should also note that urban development at overall densities that are substantially lower than identified for your community in the Council's Growth Management Strategy Section of the Systems Information Statement will also be analyzed by the Council for their potential adverse effects on the cost of providing metropolitan sewer service.

#### **Description of Metropolitan Disposal System Serving your Community:**

The attached map shows the location of the Metropolitan Disposal System (MDS) serving your community. The following paragraphs contain information on the existing and planned metropolitan facilities serving your community.

The wastewater flow from the City of Lake Elmo is treated at both the Metropolitan and Eagles Point WWTP's located within the City of St. Paul and the City of Cottage Grove respectively. There are many projects scheduled for both plants through 2030. These projects will provide additional capacity at the plants as well as improve their ability to meet required permit standards.

As can be seen on the attached map, the City of Lake Elmo will be served by two interceptors. Interceptor 1-WO-500 will provide wastewater service to the western portion of the city and will be designed for an average design capacity of 0.5 mgd. The

interceptor to the Eagles Point WWTP will provide service to the city for an average design capacity of 1.78 mgd. The city needs to verify its long-term needs as part of its comprehensive plan update. If necessary, detailed information regarding metropolitan facilities is available from the Council's Municipal Services Section by calling the staff at (651) 602-1005.

### **Inflow/Infiltration Reduction Goal**

The Council's *Water Resources Management Policy Plan* states that the Council will establish I/I goals for all communities discharging wastewater to the MDS. Communities that have excessive I/I in their sanitary sewer systems will be required to eliminate the excessive I/I by 2012. The Council will begin the implementation of an I/I assistance/surcharge program in 2007. The money collected from the communities with excessive I/I may be used by those communities to remove I/I from their systems. The Council will limit increases in service within those communities that have not met their I/I goal(s) starting in 2013. The Council will meet with the community and discuss this alternative before it is implemented. This time period may be shorter if excessive I/I jeopardizes the Council's ability to convey wastewater without an overflow occurring. In this case the Council may limit increases in service within those communities that have excessive I/I immediately upon notification to the community. The Council plans to implement a wastewater rate demand charge program, starting in 2013, for those communities that have not met their I/I goals. These revenues will be used to help defray the cost of providing attenuation within the MDS to recover the capacity lost to excessive I/I.

The I/I goal established for the City of Lake Elmo is the allowable peak hourly flow rate as shown in Table 1 and varies based on annual average flow.

### **Specific Requirements for the Sewer Element of the City's Comprehensive Plan**

The Council has completed a review of the current information in the city's existing comprehensive plan and has determined that the current plan satisfies the wastewater requirements for the sewer element of the city's comprehensive plan/local sewer policy plan update.

## **2. Management of Individual Sewage Treatment Systems**

The Metropolitan Land Planning Act requires the sewer element (local sewer policy plan) of the local comprehensive plan to describe the standards and conditions under which the installation of individual sewage treatment systems will be permitted and to the extent practicable, the areas not suitable for public or private systems.

The new *Water Resources Management Policy Plan* states that the appropriate density for development with individual sewage treatment systems depends on the suitability of the soils to treat wastewater and whether space is available for a primary and back up drainfield. It is the Council's position that all municipalities and counties allowing individual sewage treatment systems should incorporate current MPCA regulations (Minn. Rules Chapter 7080) as part of a program for managing individual sewage treatment systems in the sewer element of their local comprehensive plan and implement the standards in issuing permits. Lake Elmo should adopt a management program consistent with state rules. An overview of Lake Elmo's management program must be included in the community's local comprehensive plan update. If adequate information on the management program is not included; the comprehensive plan will be found incomplete for review until the required information is provided to the Council.

## **3. Management of Private Wastewater Treatment Plants (Cluster Systems)**

Small private treatment plants are located throughout the metropolitan area serving such developments as individual industries, mobile home parks, and other urban type uses. The Council will not provide financial support to assist communities if these systems fail.

Lake Elmo should include in the sewer element (local sewer policy plan) of its local comprehensive plan the conditions under which private treatment plants would be allowed. The use of private wastewater treatment plants must be consistent and compatible with the long-term regional wastewater system plan.

## **4. Surface Water Management**

In 1995, Minnesota Statutes section 473.859, subd. 2, was amended to make the local surface water management plan required by Minnesota Statutes section 103B.235 a part of the land use plan of the local comprehensive plan. Section 103B.235 provides that a local surface water management plan should be prepared once a watershed plan for the area has been approved. Section 103B.235 also generally identifies the content requirements for the plan. The local surface water management plan must be submitted to both the watershed management organization(s) within whose watershed the community is located and to the Metropolitan Council for its review. For guidelines on the contents of local surface water management plans, please refer to Appendix B2-b of the Council's *Water Resources Management Policy Plan*.

Council records indicate that Lake Elmo is in the Browns Creek, South Washington and Valley Branch Watershed Districts (see attached map). The Browns Creek and South Washington watershed plans were approved by BWSR in 2001 and 1997 respectively. The Valley Branch watershed plan is currently out for review and anticipated to be approved by BWSR in 2005 or 2006. Therefore, Lake Elmo will be required to update its local surface water management plan by the end of 2007 or 2008. The plan should be submitted to the Council for its review concurrent with the review by the watershed districts. Failure to have an updated local surface water management plan consistent with the local surface water management plan content requirements found in Appendix B2-b of the *Water Resources Management Policy Plan* will result in a metropolitan system impact.

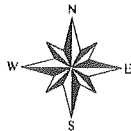
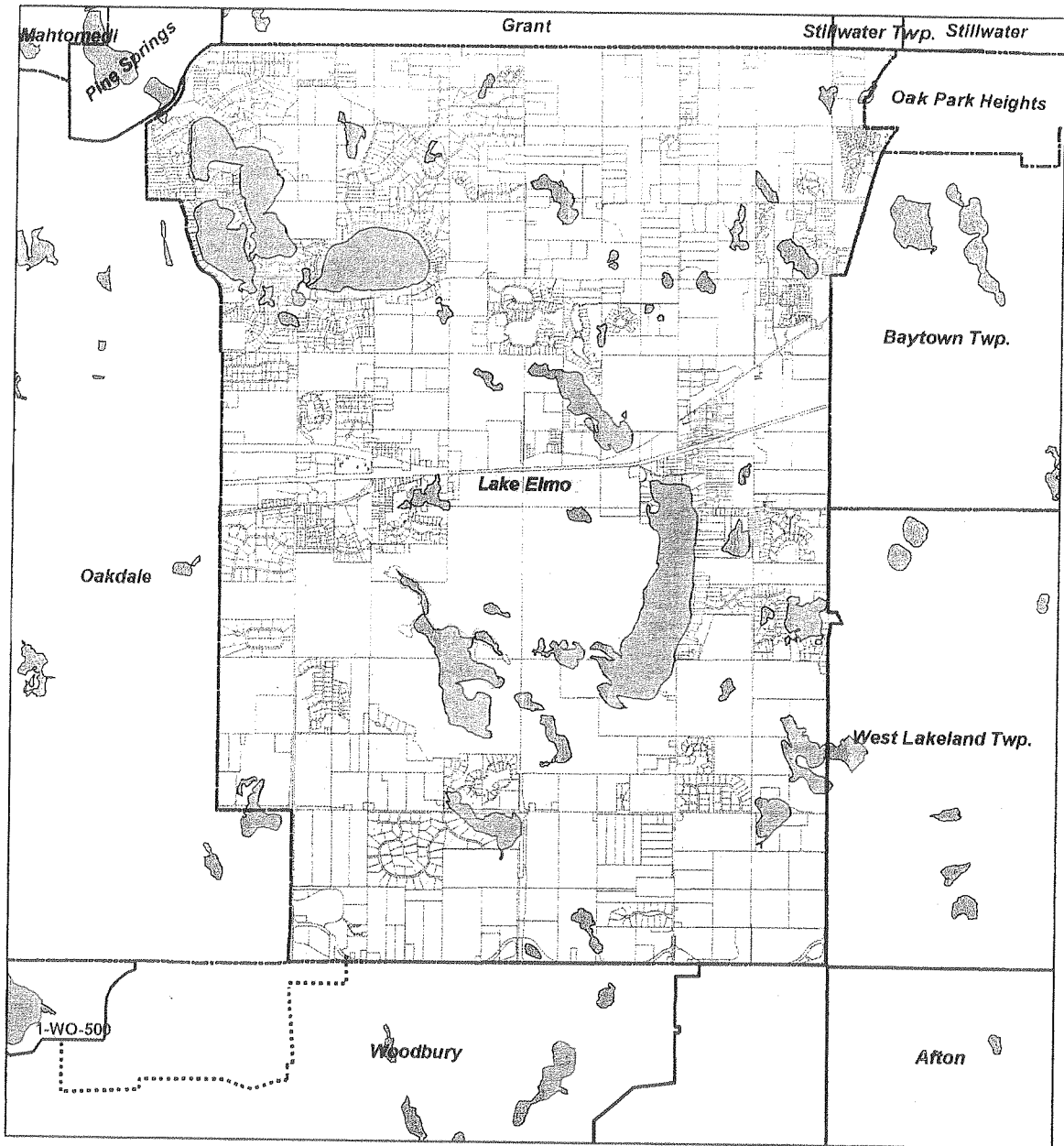
The Council also updated its priority lake list that was first developed in the 1980s as part of the *Water Resources Management Policy Plan* update. There are four priority lakes, DeMontreville, Olson, Jane, and Lake Elmo, in Lake Elmo. The Council uses the priority lake list to focus its limited resources. The list is also used in the environmental review process. Where a proposed development may impact a priority lake, the project proposer must complete a nutrient budget analysis for the lake as part of the environmental review process.

## **Advisories**

### **1. Water Supply Planning**

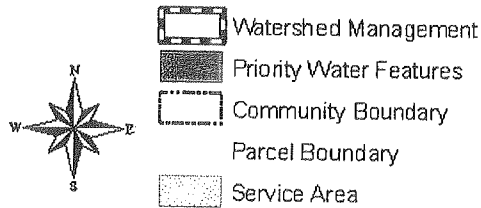
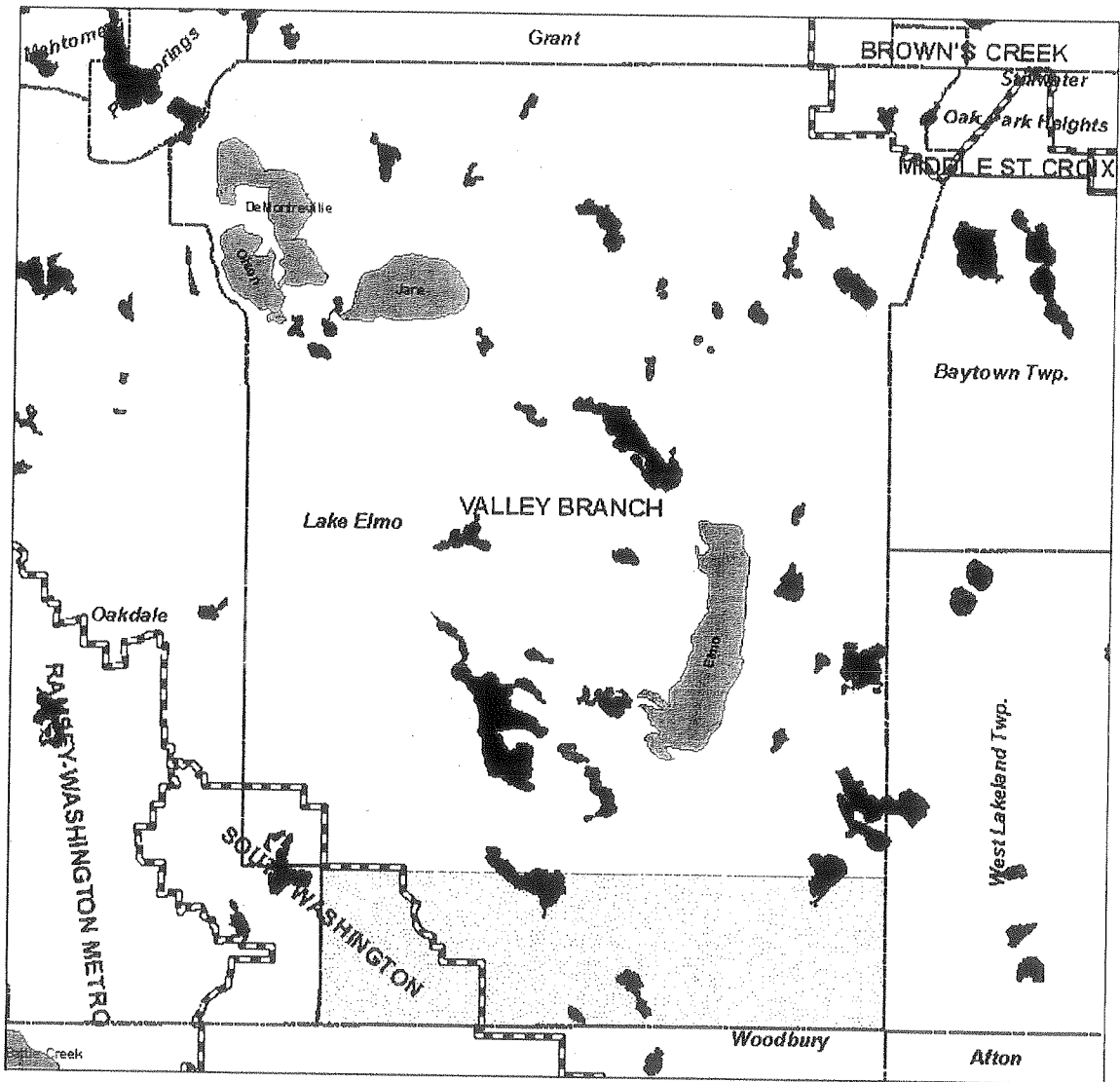
Minnesota Statutes section 473.859, subd.3 requires cities with a municipal water supply system to develop a water supply and conservation plan and submit it to the Council for its review. Communities serving more than 1,000 people are required by Minnesota Statutes section 103G.291 to submit the emergency and conservation plan to the Department of Natural Resources. The guidelines for water supply plan updates were released in 2005. Lake Elmo needs to update its local water supply plan consistent with the new guidelines and submit the water supply plan to the Council for its review. For contents of local water supply plans, please refer to Appendix B2-c of the Council's *Water Resources Management Policy Plan*.

# Lake Elmo



- |       |                    |                       |
|-------|--------------------|-----------------------|
| —     | MCES Interceptor   | <b>Framework 2030</b> |
| ..... | Proposed Forcemain | Developing Area       |
| —     | Proposed Gravity   | Rural Residential     |

# Lake Elmo



**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** January 3, 2007 for the Meeting of January 8, 2007

**Applicant:** David Sorenson/Robert Forsythe

**Location:** West of 10<sup>th</sup> Street Lane off the West Stub End of Whistling Valley Lane

**Requested Action:** OP Concept Plan

**Land Use Plan Guiding:** RAD

**Existing Zoning:** RR (Rural Residential)

**Request:**

The planning commission is being asked to recommend approval of a concept plan for the Whistling Valley Third Addition which will permit the applicant to add an additional 8 units in Whistling Valley on an additional 14.45 acres of gross buildable land. Single family building lots would range in area from a minimum of .84 acres to a maximum of 1.16 acres. The applicant states that this meets the intent of the OP ordinance.

- The applicant has 14.45 buildable acres, not the required 40 acres, for developing Whistling Valley III under the OP ordinance..
- The applicant is asking the city to recommend approval of the concept plan because the applicant states that it is consistent with the intent of the current OP ordinance of 18 buildable lots per 40 acres.

- The applicant's explanation is as follows:

- Average all of the acreages for existing W. V. I and II along with the proposed W. V. III to permit the applicant to plat the 8 buildable lots on the 14.45 acres of land proposed in the concept plan.

Existing W. V. I + W. V. II	=	91.94 gross buildable acres
<u>Proposed W. V. III</u>	=	<u>14.45 gross buildable acres</u>
Total gross buildable acres	=	106.36 gross buildable acres

- $106.36 / 40 \text{ acres} \times 18 \text{ buildable lots} = 48 \text{ buildable lots}$
- The existing W. V. I and II on the 92 acres = 37 buildable lots
- 48 total buildable lots on W. V. I, II, III  
    - 37 buildable lots in W. V. I, II = 11 remaining buildable lots
- The applicant is requesting an additional 8 buildable lots (not 11 buildable lots ) in his application for approval of the concept plan for W. V. III..



(\* If the OP ordinance was at 16 units per 40 acres as it was at the time of W. V. I and II approval, the total buildable lots permitted with the addition of W. V. III would be 43 buildable lots.)

### **Site History and Existing Conditions:**

The 15 acre site lies west of the existing Whistling Valley OP neighborhood and is vacant and undeveloped except for an existing single family home that is accessed by a driveway to 10<sup>th</sup> Street. The house and driveway would be removed by the proposed plan for the site. The rectangular site is significantly forested and features greater topographical variation in the southern and northwestern area of the property.

Even though the site has been discussed as a potential for development since the earliest work on Whistling (2000 and before). No prior City records regarding the site appear except those related to the construction and updates to the existing house.

This application is referred to as Whistling Valley Third Addition, and Concept Plan graphics and lot count calculations both refer to this Concept as an expansion to the Whistling Valley (2003) and Whistling Valley Second Addition (2004) projects. Those two neighborhoods (19 and 18 single family development lots respectively) are fully developed as to public & private infrastructure with homes either completed or under construction on 11 of the lots.

### **Discussion and Analysis:**

The neighborhood would be served by the common constructed wetland wastewater treatment system that currently serves Whistling Valley (First Addition). The original design of that system may have anticipated the possibility of later including these 15 acres, and minimal modifications will be required to handle the additional volume.

While the previous Whistling Valley lots have (at least, to date) been served by individual water wells, the applicant proposes that the lots of the Third Addition be served by a single common water well for all eight lots. A water main would be constructed in the street in the same manner as with City water services. This water infrastructure strategy results from concerns with potential Lake Jane Landfill contaminants in the shallower aquifers that would normally be accessed for individual water supplies in this area of the City. In an effort to overcome any possibility of future water supply contamination the developer will work with the MPCA and is proposing to construct a very deep well - perhaps to the Franconia aquifer where the City's Well #1 - Old Village - sources water. Also, this developer strategy parallels strategy by the City in recent years to limit the number of surface penetrations to the aquifers to minimize the potentials for surface-introduced aquifer contamination. Finally, should City water some day reach this area, connection of Whistling Valley Third Addition will be simplified with water mains/service connections already in place. This is a good strategy from both the perspective of the developer and the City.

The Concept proposes boulevard and private lot tree counts that appear to be responsive to OP standards, with boulevard trees grouped and substantial existing tree cover retention as the Code permits. Specific tree counts are not normally undertaken by staff at the Concept Plan stage.

The City has provided plans to and invited the comments of the City Attorney, City Engineer, DNR, Washington County, and Valley Branch Watershed. Comments received to date are

attached. So far, the issue of water supply is the only issue of significance that has been raised by outside agencies or the City's contract professional advisors.

**Open Space Development Regulations:**

An Open Space Preservation development has a number of requirements outlined within the City Code. The following chart outlines the requirements that would be met and unmet depending upon if W.V. I, II, and III were allowed to be averaged.

	The following OP requirements would <u>not</u> be met:	The following OP requirements <u>would be</u> met:	Requirements met by application independent of averaging
If W.V. I, II, and III were averaged	<ul style="list-style-type: none"> <li>• Size of Preserved Open Space parcel</li> <li>• Buffer Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum Land Area</li> <li>• Density</li> <li>• # of Dwelling Units</li> <li>• Amt. of Preserved Open Space</li> <li>• Pathways</li> </ul>	<ul style="list-style-type: none"> <li>• Open Space contiguous with adjacent open space</li> <li>• Lot Design</li> <li>• Landscaping</li> <li>• Minimum District Requirements</li> <li>• Utilities</li> <li>• Streets</li> </ul>
If W.V. I, II, and III were not averaged	<ul style="list-style-type: none"> <li>• Minimum Land Area</li> <li>• Density</li> <li>• # of Dwelling Units</li> <li>• Amt. of Preserved Open Space</li> <li>• Pathways</li> <li>• Size of Preserved Open Space Parcel</li> <li>• Buffer Zone</li> </ul>	<ul style="list-style-type: none"> <li>• See right column</li> </ul>	

The OP Development regulations are written with the ability to allow a deviation from the restrictions if the deviations are approved by an affirmative 4 votes of the Council. If the application is allowed to be averaged, the following are items not meeting the requirements of the OP development.

- *Size of Preserved Open Space parcel.* The OP regulations identify that not less than 60% of the Preserved Open Space shall be in contiguous parcels of not less than ten (10) acres. The three proposed outlots are 2.99 acres, 0.69 acres, and 1.4 acres in size.
- *Buffer Zone.* A two-hundred foot setback is required for structures or driving surfaces from the property line of an abutting parcel that is not 40 acres in size. This setback would apply to the entire west and south property line. This setback is met from the western boundary as the structure placement according to the proposal places the structures 200 feet from the property line. The setback is not met along the southern property line for lot 5 – the southern most parcel.

The property to the north of the parcel is eligible for an OP development (40+ acres in size) and therefore a 100 foot setback may be applied. A 100 foot setback is met from the northern property line.

Notification was sent to the local newspaper in a timely fashion. Due to an error on the part of the paper, the notification for this application was not printed to meet the time requirement. The City Attorney has been notified.

**Options for Motions**

The following are options available to the Planning Commission.

Options	Decision by Planning Commission	Motion
Option 1	The Planning Commission finds that the concept application meets the intent of an Open Space Preservation Development.	Motion to recommend approval of the OP Concept Plan of Whistling Valley Phase III per plans staff dated December 18, 2006, based on Findings A, and subject to the conditions specified by the Planning Staff Report of January 3, 2006.
Option 2	The Planning Commission finds that the applicant must have 40 acres to proceed with an Open Space Preservation Development application.	Motion to recommend denial of the OP Concept Plan of Whistling Valley III per plans staff dated December 18, 2006, based on Findings B.

**Findings and Recommendations:**

A. The following Findings are recommended for Option 1:

1. The Concept Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
2. The Concept Plan is consistent with the purpose of the Open Space Preservation ordinance.
3. The Concept Plan, except as noted by the January 3, 2006, Planning Staff Report, complies with the development standards of the Open Space Ordinance.

Staff recommends approval of the Concept Plan, subject to the following conditions:

1. Compliance with the recommendations of the City Engineer, City Attorney and those of the Valley Branch Watershed District and Washington County found by the City to be reasonable and proper.

B. The following Findings are recommended for Option 2:

1. The Concept Plan is not consistent with the purpose of the Open Space Preservation ordinance.

**Planning Commission Actions Requested:**

Staff would recommend Option 1 as outlined above.

---

Kelli Matzek, Assistant Planner

Attachments:

1. Location Map
2. City Attorney Review Letter
3. City Engineer Review Letter
4. Washington County Review Letter
5. Valley Branch Review
6. Applicant's Documentation

Warren E. Peterson  
Jerome P. Filla  
Daniel Witt Fram  
Glenn A. Bergman  
John Michael Miller  
Michael T. Oberle  
Steven H. Bruns\*  
Paul W. Fahning\*  
Amy K. L. Schmidt  
Ben J. Rust  
Jared M. Goerlitz



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(651) 291-8955  
(651) 228-1753 facsimile  
www.pfb-pa.com

Direct Dial #(651) 290-6907

January 3, 2007

Ms. Kelli Matzek  
Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042

RE: Whistling Valley West  
Our File No.: 11150.06-18

Dear Kelly:

I have reviewed the materials submitted by correspondence dated December 22, 2006 for the proposed open space preservation development concept plan of the Whistling Valley West addition. The concept review allows the City Staff, Planning Commission and Council to determine if the proposal satisfies the minimum development standards contained in Lake Elmo Code Section 301.06. It also allows the developer to receive some input from the City before incurring additional expense.

Any deviation from the minimum development standards must be approved by four (4) affirmative votes of the City Council. Therefore, as the City Staff and Planning Commission conduct the concept review process, the areas in which deviations are required should be clearly identified. The staff should make recommendations to the Planning Commission regarding the approval or denial of the deviations and, in turn, the City Planning Commission should make similar recommendations to the City Council. This particular application will require approval of deviations.

If you have any questions, please contact me.

Very truly yours,

  
Jerome P. Filla

JPF:jtc

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## MEMORANDUM

<b>To:</b>	<u>Kelli Matzek</u>	<b>Reference:</b>	<u>Whistling Valley 3rd Addition</u>
<b>Copies To:</b>	<u></u>		<u>Concept Plan Review</u>
	<u></u>		<u>City of Lake Elmo, Minnesota</u>
<b>From:</b>	<u>Thomas Prew, P. E.</u>	<b>Proj. No.:</b>	<u>13819.000</u>
<b>Date:</b>	<u>January 3, 2007</u>	<b>Routing:</b>	<u></u>
			<u></u>

I have reviewed the Concept Plan December 15, 2006, and have the following comments:

### Grading

The existing house will need to be removed in accordance with Department of Health regulations. A copy of the well sealing report shall be sent to the City.

### Septic System

The Developer intends to expand the wetland treatment system constructed in Phase I to accommodate this plat. A letter from the Minnesota Pollution Control signifying that this is allowable is required prior to Preliminary Plat approval.

### Drinking Water

This area is within the Well Advisory Area established by the Minnesota Department of Health in response to PFOA contamination. Residential wells in the other Whistling Valley subdivisions have these chemicals present in their wells.

Our City policy requires that new subdivisions shall either be connected to the City water system or have a single shared well. Unfortunately, there are no City watermains nears this subdivision. The Developer should let us know how they will provide drinking water for this subdivision.

### Streets

The street design appears to meet the intent of the Open Space zone. Street width will match those in the phases.

The "Future Street" should be completed to the west plat boundary. The City has experienced problems trying to extend streets that are not completed with the initial development of the subdivision. This street is an important connection for future neighboring developments.

The design of the "Future Street" needs to be closely looked at so it can be extended to the west in the future.

### Surface Water

There are ponding areas shown. A VBWD permit is required for this project. The plat should conform to the proposed rules which include infiltration requirements.

The area detailed as a "Private Ditch" needs explanation. It should be covered by a drainage easement. The ditch should be inspected to see if any stabilization will be required.



January 2, 2007

Department of Transportation  
and Physical Development

Donald J. Theisen, P.E.  
Director/County Engineer

Wayne H. Sandberg, P.E.  
Deputy Director/Ass't. County Engineer

RECEIVED  
Jan 2 2007

Kim Anez  
Senior Program Support Assistant  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

### OPEN SPACE DEVELOPMENT CONCEPT PLAN FOR WHISTLING VALLEY WEST

Dear Ms. Anez:

We have reviewed the concept plan for Whistling Valley West. This development does not directly affect any County roads and the indirect impact of the development of adding a relatively small amount of traffic (approximately 90 vehicles per day) to 10<sup>th</sup> Street North (Washington County State Aid Highway [CSAH] 10) is not a concern.

The concept shows a future road connection to the west. We support this, as it helps create a cohesive network of City streets. If this street is built, it could eventually connect to 10<sup>th</sup> Street opposite Jasmine Avenue North.

Please contact me at 651-430-4312, or by e-mail at [joe.lux@co.washington.mn.us](mailto:joe.lux@co.washington.mn.us) if you have questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Joe Lux".

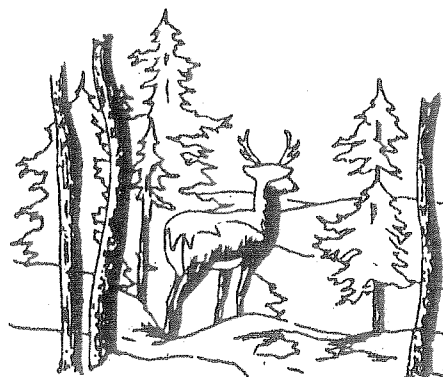
Joseph Lux  
Senior Transportation Planner

C: Tom Prew, TKDA, Lake Elmo City Engineer

N:\WORD\Plat Review- Lake Elmo\Whistling Valley West Concept, 1-2-07.doc



RECEIVED  
DEC 29 2006



December 29, 2006

Ms. Kimberly Anez  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

**Re: Whistling Valley Phase II**

Dear Ms. Anez:

Thank you for submitting the concept plan for the Whistling Valley Third Addition. On behalf of the Valley Branch Watershed District (VBWD), I have reviewed the information and this letter provides my preliminary comments. Because the project will require a VBWD permit, I will review the project more thoroughly once a VBWD permit application is submitted.

**Background**

The project site lies northwest of the north lobe of Goose Lake (the basin north of 10<sup>th</sup> Street North) and is within the Goose Lake watershed.

**Water Quality**

Goose Lake has no public access, the lake is shallow (about 7.2 feet deep at the south lobe and 5.9 feet at the north lobe), and the lake's water chemistry data does not meet the VBWD guidelines to support fishing. VBWD water quality sampling of the north lobe of Goose Lake in 2003 indicates an average summer Secchi disc transparency depth (the depth seen into the water) was only one foot. Total phosphorus and chlorophyll a concentrations of the water samples collected from the north lobe of Goose Lake were also higher than the VBWD guidelines for fishable water bodies.

**Water Quantity**

Goose Lake overflows to the north, through the Whistling Valley First Addition. The proposed development appears to be above the 100-year flood level of Goose Lake.

**Groundwater**

The development is likely within the area where concentrations of perfluorochemicals have been detected. I assume that the City will be working with the developer to provide safe drinking water to the proposed subdivision.

**Concept Plan**

The proposed concept plan appears to include some low-impact development techniques, e.g. 24-foot wide streets, open space, etc. Reducing impervious surfaces and encouraging infiltration practices will protect Goose Lake and all water bodies from negative water quality impacts and "flashy"



LINCOLN FETCHER    DAVID BUCHECK    DONALD SCHEEL    DALE BORASH    DUANE JOHNSON  
VALLEY BRANCH WATERSHED DISTRICT  
P.O. BOX 838  
LAKE ELMO, MINNESOTA 55042-0538

inflows. Infiltration will also recharge groundwater, which is needed to sustain a drinking water supply and support groundwater-dependent natural resources.

The following techniques could be used to further reduce impervious surfaces on the site:

- Reducing the width and/or changing the trail materials. The site's developer, Glenn Rehbein Companies, has quite a bit of experience with porous pavement. An example of a nearby parking lot with porous pavement is the Ramsey-Washington Metro Watershed District's office parking lot, in Little Canada.
- Requiring narrow driveways and/or porous pavement driveways.

Practices that would encourage more infiltration on this site include:

- Constructing the site so that compaction in pervious areas is prevented.
- Constructing rainwater gardens on each lot and/or within the proposed road's right-of-way.
- Requiring loosening of soils to a depth of 24 inches to a maximum compaction of 85% standard proctor density and tilling the upper 10 inches of soils prior to planting.
- Directing roof drains to pervious areas.
- Using pervious areas for snow storage.
- Planting trees that at maturity will canopy over at least 50% of the impervious surfaces.
- Planting deep-rooted trees, shrubs, wildflowers, and grasses in at least 25% of the project's green space.

The VBWD's rules and regulations will be changing in early 2007. Once the rules are adopted, all permitted projects will be required to control stormwater runoff volumes.

#### **Wetland Issues**

The VBWD is the Local Government Unit responsible for administering the Wetland Conservation Act (WCA). The developer will need to follow all of the rules and regulations spelled in the WCA, and submit all of the necessary documentation. The VBWD will then review the information, forward the information to the appropriate agencies for comments, and ensure the proposal conforms to the WCA and other VBWD wetland rules and regulations. The intent of the WCA is to avoid wetland impacts.

No wetland delineation report has been submitted to the VBWD for the project. The topography does not suggest there are any wetlands within the proposed site, except possibly along the ditch at the south end and near the location of the proposed northern stormwater management pond. Even if there are not wetlands on the site, documentation needs to be submitted indicating that the site has been reviewed for wetlands and none has been found.

Any projects with wetland impacts take a minimum of five weeks from the time a complete permit application is submitted until a permit can be obtained. All developers proposing wetland impacts are strongly encouraged to meet with a Barr Engineering Company wetland scientist and me before a VBWD permit is submitted.

#### **Miscellaneous Comments**

- A swale runs through the proposed Lots 6 and 7. Homes will need to be properly placed within the lots or runoff will need to be re-directed to protect these homes.
- The minimum floor elevations of Lots 5 and 6 could be limited by the 100-year flood levels of the proposed stormwater management ponds.

- Because of the long conveyance (more than 400 feet) of stormwater runoff in the proposed road, catch basins and a storm sewer system or some other type of conveyance system might be needed to prevent the road from flooding.
- The conveyance of stormwater from the road into the proposed stormwater management ponds will need to be done in a manner that prevents erosion. Sometimes the transition from a road with a curb to non-curb areas causes erosion.

#### **Permit Requirements**

The proposed project will require a permit from the VBWD, and a complete permit application packet should be submitted to me. Permit application material can be obtained from the District's website, [www.vbwd.org](http://www.vbwd.org), or from me. Once a complete VBWD permit application is submitted, I will review the project for conformance to the District's rules and regulations, including:

- Stormwater rates and volumes
- Water quality treatment
- Flood levels and minimum floor elevations
- Wetland delineations and protection
- Erosion controls
- Potential downstream impacts

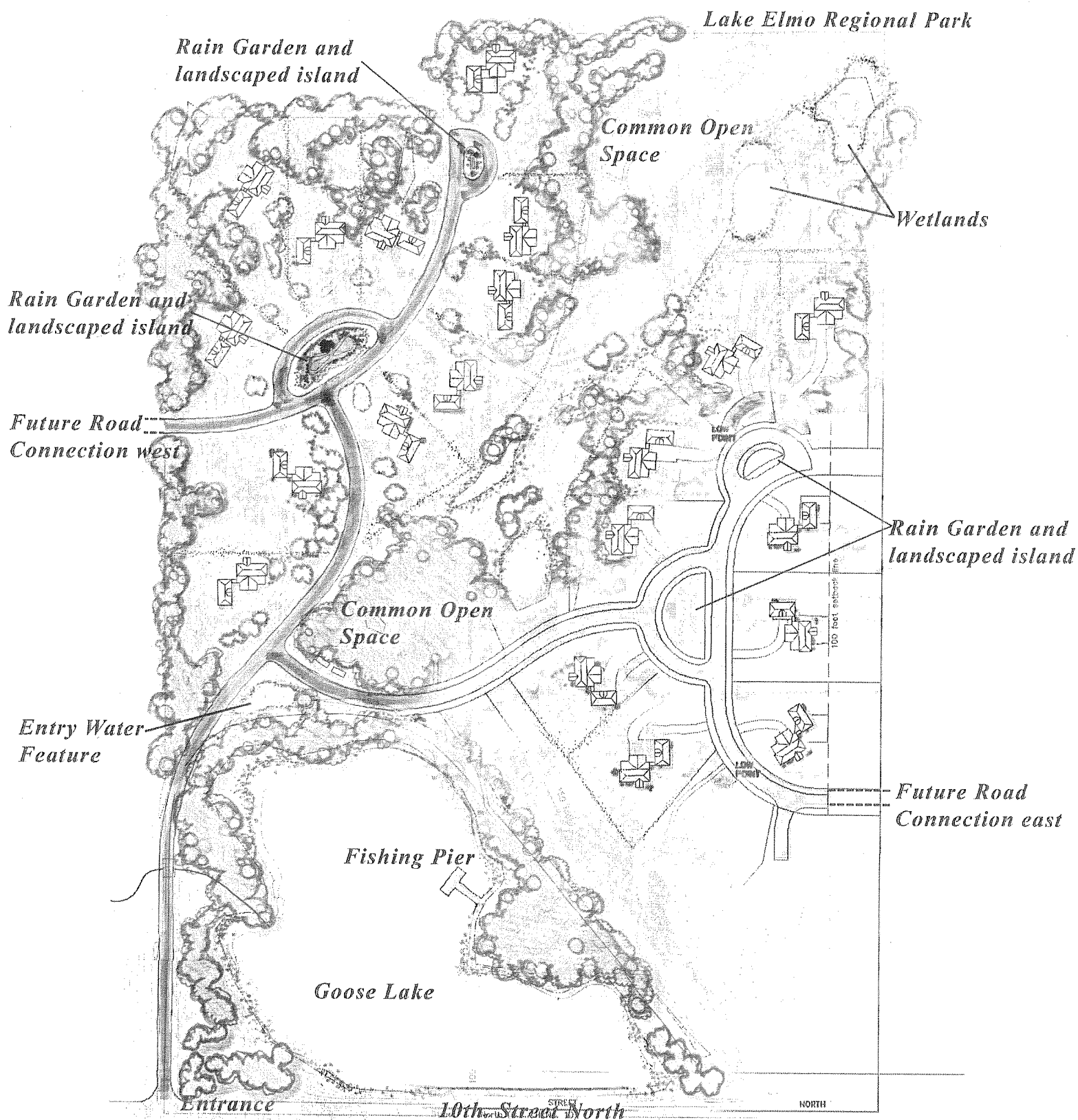
If you have any questions, please contact me at 952-832-2622.

Sincerely,



John P. Hanson, P.E.  
BARR ENGINEERING COMPANY  
Engineers for the District

c: VBWD Managers (via e-mail)  
Derek Lash, Glenn Rehbein Companies (via e-mail)



**Whistling Valley**  
 Lake Elmo, Minnesota



RECEIVED  
 DEC 2 1981

## Whistling Valley – Third Addition Statement of Vegetative Cover and Landscape Design

The third addition of Whistling Valley is designed to integrate seamlessly with the first two phases. The road layout, scale of lots, and landscape design are very similar in character to the earlier phases.

The third addition currently has a mix of deciduous trees and understory plants in the rolling, northern two thirds of the property. The south portion contains a large, open meadow surrounded by evergreen trees, which drops to a creek bed along the southern boundary of the property. These two distinctly different areas are separated by a mature conifer plantation that runs east-west from the western property line, an attractive and unique feature of the property. Like the first two phases, the cues for landscape design will be taken from the existing qualities of the landscape, with native plants dominating the species selection.

In the northern portion, houses will be sited to retain existing significant deciduous trees, including primarily red oaks, white oaks and ash. New deciduous trees, including oaks and hackberries, will be interplanted to augment the existing trees. In the south, the open meadow will be retained and native grasses will become a feature of the landscape. The evergreen stands will also be preserved to the extent possible, with young evergreens added to retain the integrity of the groves.

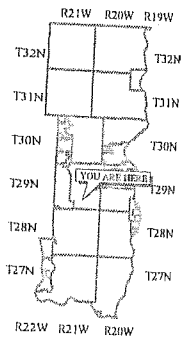
Between lots and along segments of the road, a mix of grasses, native successional trees (such as aspen and serviceberry) and evergreens (such as red pine and black hills spruce) will define lot corners and provide some screening between houses and between houses and the road. This is consistent with the design approach used in the earlier phases.

Stormwater ponds, located in the southeastern corner of the property where the entry road to the new addition intersects with 10<sup>th</sup> St. Lane No., become features in the landscape. Like the pond at the north end of Goose Lake, these ponds will be planted with native wetland species, further unifying the new addition with the first two phases.

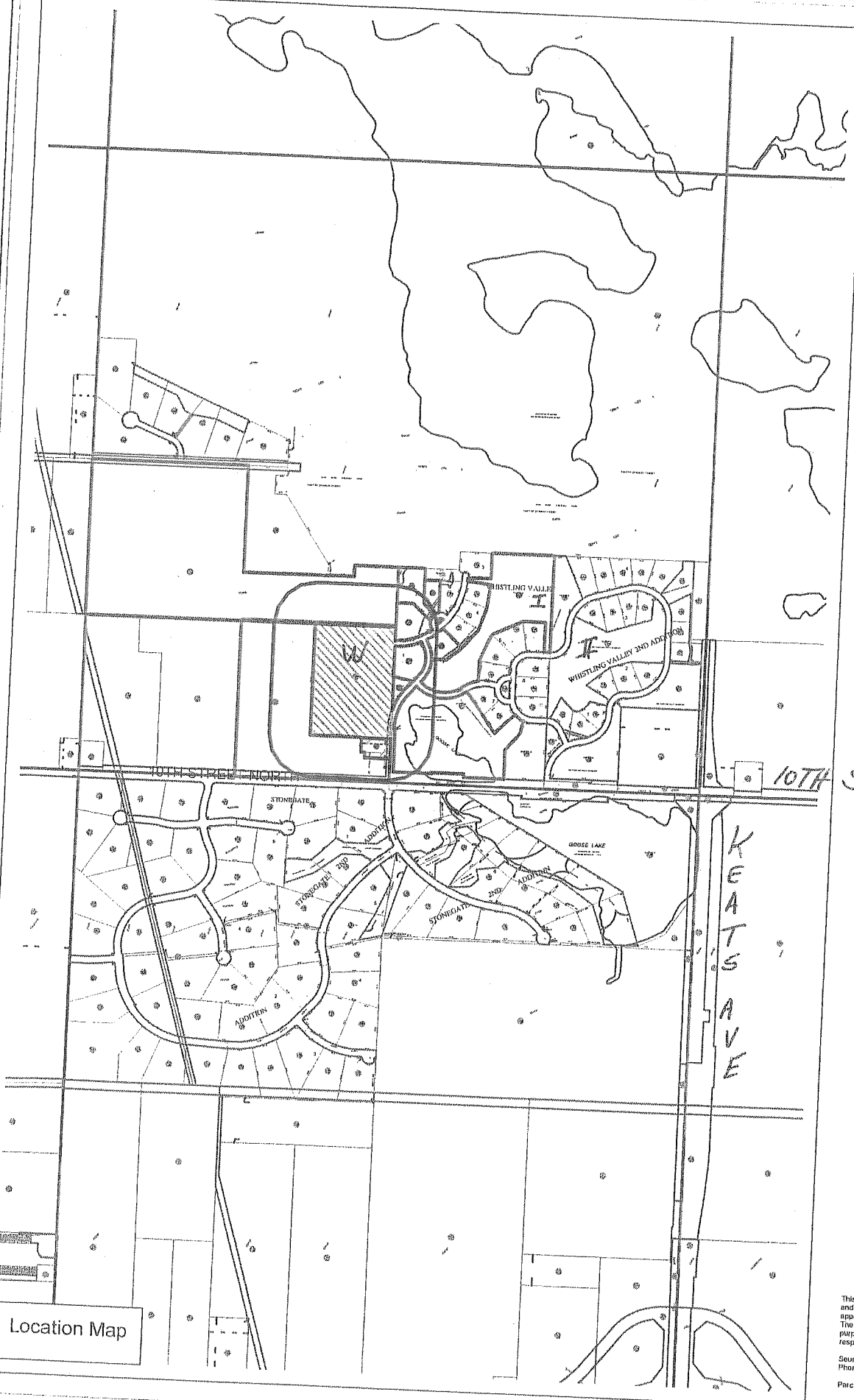
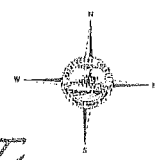
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DEC 2 1992

*File Copy KAA*



Vicinity Map



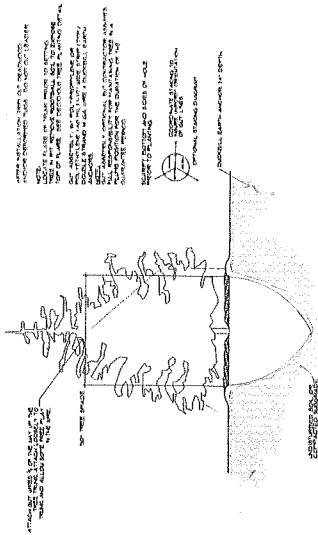
Location Map

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

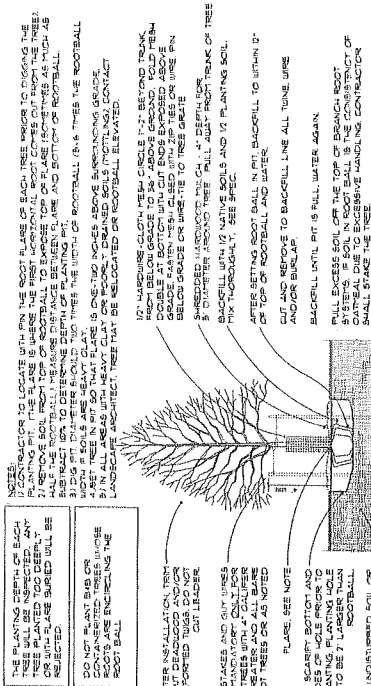
Source: Washington County Surveyor's Office, Phone (851) 436-6876

Parcel data based on AS400 information

# WHISTLING VALLEY THIRD ADDITION



CONTAINER TREE PLANTING DETAIL  
1/4" = 1'-0"



**CONTAINER TREE PLANTING DETAIL**  
1/4" = 1'-0"

THE PLANTING DETAIL OF EACH TREE SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN.

DO NOT PLANT BUD OR CONCENTRATED TREES UNLESS THE LANDSCAPE ARCHITECT HAS SPECIFICALLY NOTED OTHERWISE.

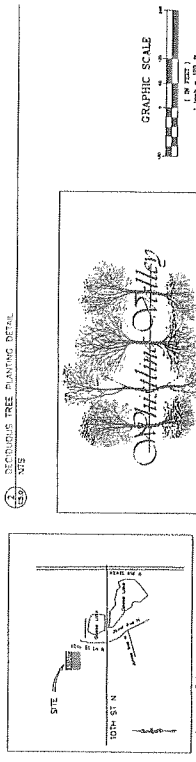
AFTER INSTALLATION, TRIM OUT DEADWOOD AND/OR DEFORMED OR DAMAGED BRANCHES.

STAKES AND GUY WIRES SHALL BE INSTALLED AS SHOWN ON THIS PLAN. ALL BURS AND ROOTS SHALL BE REMOVED.

PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN.

PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN.

PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN.

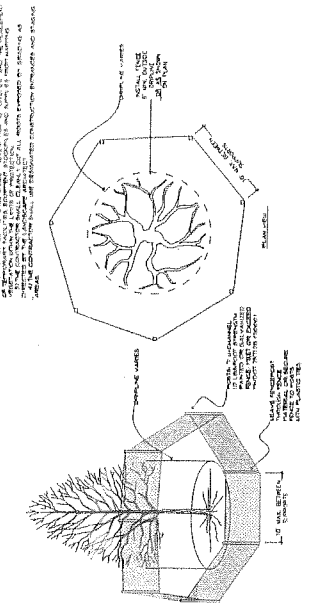


**REHBEIN & COMPANY**  
LANDSCAPE ARCHITECTS

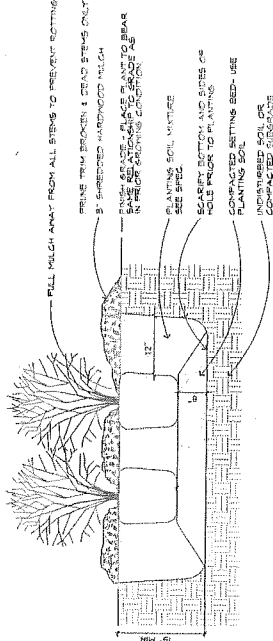
500 W. WISCONSIN ST., SUITE 100  
LUND LAKES, MN 55349  
TEL: (763) 734-1000  
WWW.REHBEIN.COM

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

REVISIONS:



TREE PROTECTION DETAIL  
1/4" = 1'-0"



SHRUB PLANTING DETAIL  
1/4" = 1'-0"

**PLANTING NOTES**

1. ALL PLANTING SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN.

2. ALL PLANTING SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN.

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9. ALL PLANTING SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN.

10. ALL PLANTING SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN. THE PLANTING DETAIL SHALL BE AS SHOWN ON THIS PLAN.

PLANTING NOTES

**SOMEGATE DEVELOPMENT CONNECTION PLAN**  
**WHISTLING VALLEY THIRD ADDITION**  
ANDERSON SORRESEN HANCOCK, INC.  
LUND LAKES, MINNESOTA

**close**  
landscape architecture

500 W. WISCONSIN ST., SUITE 100  
LUND LAKES, MN 55349  
TEL: (763) 734-1000  
WWW.CLOSEARCH.COM

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landscape architecture

500 W. WISCONSIN ST., SUITE 100  
LUND LAKES, MN 55349  
TEL: (763) 734-1000  
WWW.CLOSEARCH.COM

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

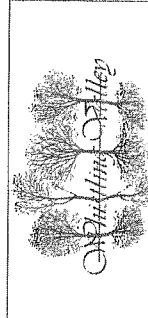
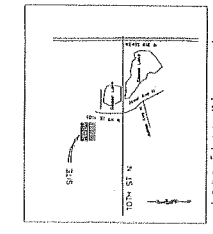
REVISIONS:

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Illustration by:  
**close**  
landscape architecture

# WHISTLING VALLEY THIRD ADDITION

Plant Name	Quantity	Notes
Red Oak	10	...
White Oak	10	...
Black Oak	10	...
...	...	...



DATE	REVISIONS	BY

**REHBEIN R**  
**REHBEIN COMPANIES**  
300 MARKS DR. BLDG. #6  
WINNAGOI, IL 60090  
PH: 815/398-4000  
WWW.REHBEIN.COM

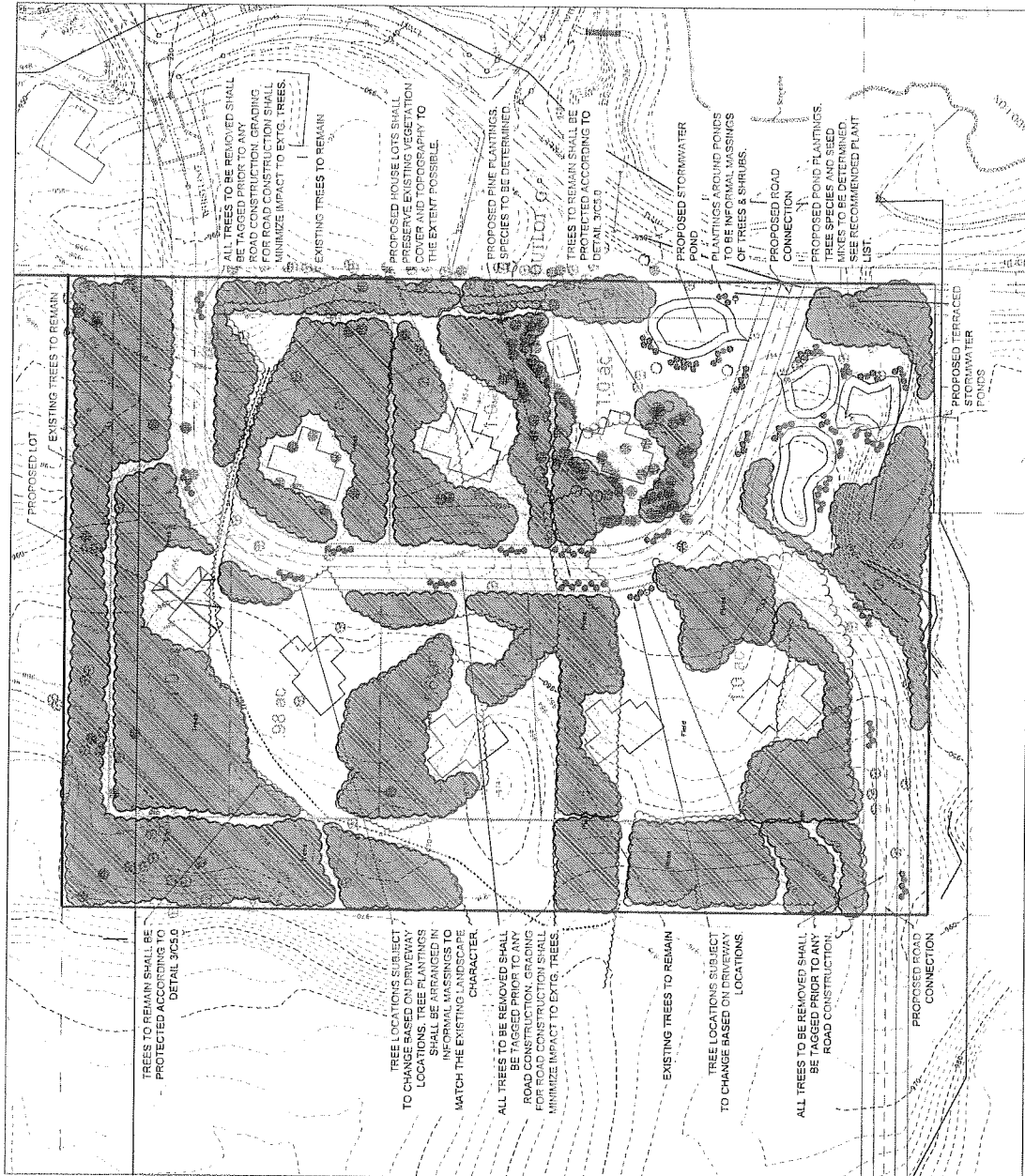


Illustration by:  
**close**  
landscape architecture

PROJECT NO. 1405  
DATE: 11-29-05  
SCALE: 1"=50'-0"

**close**  
landscape architecture  
500 MARKS DRIVE, SUITE 600  
WINNAGOI, ILLINOIS 60090  
TEL: 815-398-4000  
FAX: 815-398-4001  
WWW.REHBEIN.COM

**close**  
landscape architecture  
500 MARKS DRIVE, SUITE 600  
WINNAGOI, ILLINOIS 60090  
TEL: 815-398-4000  
FAX: 815-398-4001  
WWW.REHBEIN.COM

**close**  
landscape architecture  
500 MARKS DRIVE, SUITE 600  
WINNAGOI, ILLINOIS 60090  
TEL: 815-398-4000  
FAX: 815-398-4001  
WWW.REHBEIN.COM

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landscape architecture  
500 MARKS DRIVE, SUITE 600  
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WWW.REHBEIN.COM

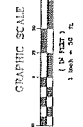
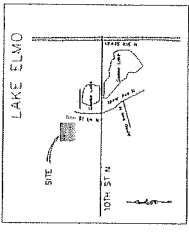
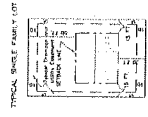
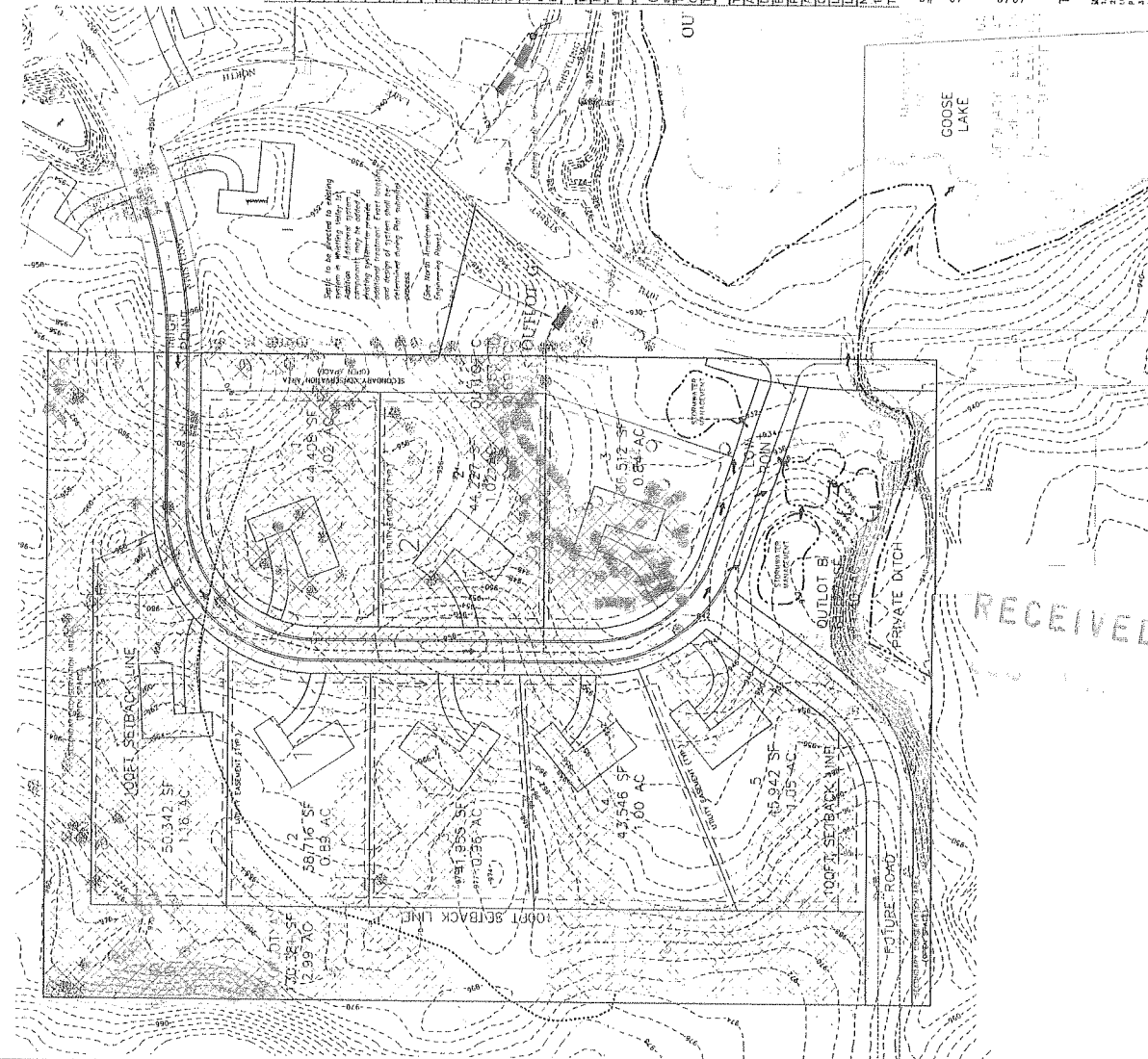
**close**  
landscape architecture  
500 MARKS DRIVE, SUITE 600  
WINNAGOI, ILLINOIS 60090  
TEL: 815-398-4000  
FAX: 815-398-4001  
WWW.REHBEIN.COM

DATE: 11-29-05  
RE: 1405-05-01  
**STONICARE DEVELOPMENT CONNECTION PLAN  
WHISTLING VALLEY THIRD ADDITION  
ANDERSON SOBENSON HOMES, INC.  
LOND LAKES, MINNESOTA**

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# WHISTLING VALLEY THIRD ADDITION



## Whistling Valley Development Total Site Data (Current Zoning Ordinance - 18 Lots/40 Ac)

Environmental Resources (Existing Site)	1st Addition	2nd Addition	3rd Addition
Total Gross Area:	58.10	48.03	11.68
Total Impervious Area:	8.92 (Grass Lake)	0.00	0.00
Functional Wetlands:	7.67	0.67	N/A
Wetland Buffer:	9.45	1.24	0.00
25% + Sloped Area:	15.23	0.00	3.87
25% + Sloped Area:	4.04	0.23	0.84
ROW:	8.48	3.36	8.72
ROW:	2.22	0.00	0.00
Proposed Public Improvements	1st Addition	2nd Addition	3rd Addition
Public Road ROW:	3.01	2.91	1.96
L.F. of Public ROW:	3,752	3,817	4,286
L.F. of Public ROW:	5,659	4,282	0.00
Paving Areas:	1.00	1.17	0.36
Utility Easements:	NA	NA	4.73
Public Park:	None	None	None
Lake Shore Regional Park	None	None	None
Public Park (adjacent to the site)	None	None	None
Proposed Development	1st Addition	2nd Addition	3rd Addition
Buildable Area:	44.00	14.00	3.68
Total Residential Area:	22.00	11.51	3.68
Total Commercial Area:	0.00	0.00	0.00
Total Preserved Open Space (incl. Ponds, Wetlands, Woodlands and Shrub):	26.54	33.39	8.08
Total Required Preserved Open Space (50% of Buildable):	22.00	22.40	7.23
Total Lots (Buildable - 18 Lots/40 Ac):	21 (21.21)	20 (20.16)	7 (6.30)
Total Site Development Data	1st Addition	2nd Addition	3rd Addition
Asphalt:	58.10	NA	NA
Grass:	10.99	0.33	1.59
Buildable:	47.14	14.48	10.73
Possible Lots:	21.21	20.16	8.99
Actual Lots:	19	18	25
Green Space:	26.54	33.39	8.08
L.F. of Public ROW:	3,752	3,817	4,286
L.F. of Trails:	15855	14882	10
Calculations	1st Addition	2nd Addition	3rd Addition
Total:	181.72	NA	NA
181.72	NA	NA	
100.73	NA	NA	
47.68	NA	NA	
25	NA	NA	
54.91	NA	NA	
15886	NA	NA	
18914	NA	NA	

NOTE: Based on inclusion of Whistling Valley First Addition and Second Addition under current zoning of 18 Lots per 40 Ac, there could be a total of 48 lots for all three additions. This would allow for 11 lots in the Third Addition. However, the concept plan has been designed to include only 8.

SHEET INDEX	SHEET NAME
SHEET C1.0	CONCEPT PLAN & ENVIRONMENTAL RESOURCES PLAN
SHEET C2.0	OPEN SPACE PLAN
SHEET C3.0	STONEGATE DEVELOPMENT STREET CONNECTION PLAN

THIS PLAN SET CONTAINS THREE SHEETS

- House w/Driveway
- Existing Trails
- Woodlands
- Stormwater Management Area
- >25% Slopes

DATE	REVISIONS	BY

**REHBEIN & COMPANY**  
 880 WINDY ST. W. BLAKE, MN 55404-5724  
 TEL: (763) 784-0527  
 FAX: (763) 784-6500  
 WWW.REHBEIN.COM

CONCEPT PLAN & ENVIRONMENTAL RESOURCES PLAN  
 WHISTLING VALLEY THIRD ADDITION  
 ADOLFSON SOROKON ROWES, INC.  
 LAKE ELMO, MINNESOTA

CONCEPT PLAN & ENVIRONMENTAL RESOURCES PLAN  
 WHISTLING VALLEY THIRD ADDITION  
 ADOLFSON SOROKON ROWES, INC.  
 LAKE ELMO, MINNESOTA

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 landscape architecture

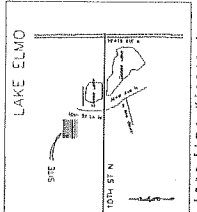
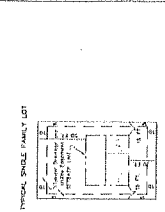
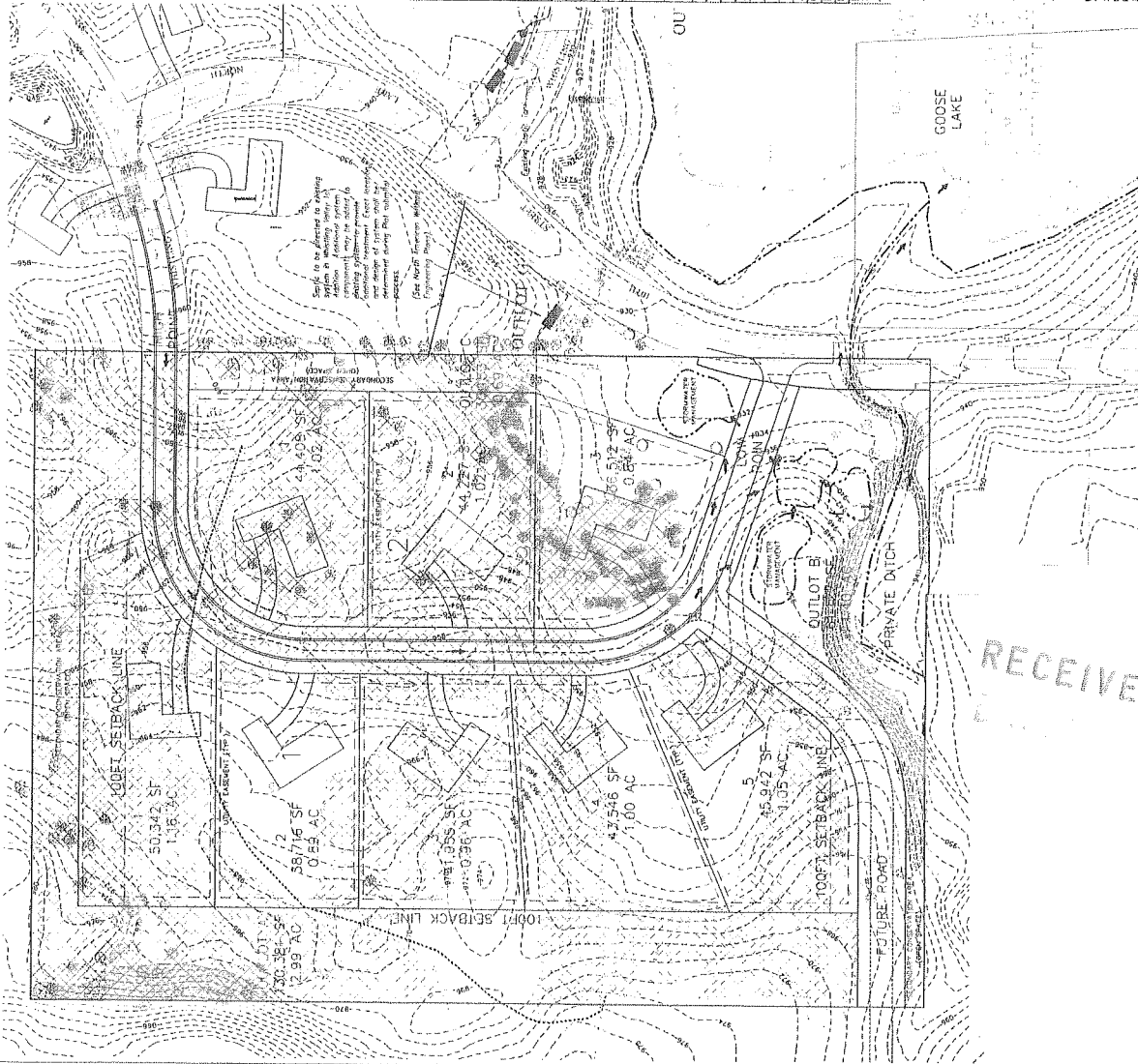
ADOLFSON SOROKON ROWES, INC.  
 10000 W. LAKESIDE BLVD. SUITE 100  
 LAKESIDE, MN 55450  
 TEL: (763) 439-2244  
 FAX: (763) 439-2244

ADOLFSON SOROKON ROWES, INC.  
 10000 W. LAKESIDE BLVD. SUITE 100  
 LAKESIDE, MN 55450  
 TEL: (763) 439-2244  
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 10000 W. LAKESIDE BLVD. SUITE 100  
 LAKESIDE, MN 55450  
 TEL: (763) 439-2244  
 FAX: (763) 439-2244

# WHISTLING VALLEY THIRD ADDITION



### Whistling Valley Development Total Site Data (Current Zoning Ordinance - 18 Lots 40 Ac)

Environment Resources (Existing Site)	1st Addition	2nd Addition	3rd Addition
Total Gross Area	48.40	14.05	0.00
Practical Wetlands	6.97 (Genesee L.P.A.)	0.00	0.00
Functional Wetlands	7.67	0.00	0.00
Wetland Buffer	9.45	1.22	0.00
25% to 25% Sloped Area	15.23	0.00	0.00
25% + Sloped Area	4.34	0.23	0.00
Woodlands	6.46	0.36	0.00
ROW	2.22	0.00	0.00

Proposed Public Improvements	1st Addition	2nd Addition	3rd Addition
Stormwater Management	2.91	3.97	4.96
Public ROW	2.91	3.97	4.96
L.F. of Public ROW	1.56	1.56	1.56
L.F. of Public ROW	6.66	6.66	6.66
Pending Areas	1.00	1.17	0.00
Utility Enclosures	NA	NA	NA
Public Park	NA	None	None
(Lake Elmo Regional Park is adjacent to this site)			

Proposed Development	1st Addition	2nd Addition	3rd Addition
Total Building Area	37.17	14.80	14.45
Total Building Area	37.17	14.80	14.45
Total Commercial Area	2.00	17.51	7.85
Total Residential Area	35.17	0.00	6.60
Total Preserved Open Space (incl. Ponds, Wetlands, Woodlands and Saps)	35.54	23.39	5.08
Total Required Preserved Open Space (65% of Buildable)	23.57	22.40	7.23
Open Space (65% of Buildable)	21 (21.21)	20 (20.16)	7 (6.85)
Total Lot (Buildable - 18 Lots (40 Ac))			

Total Site Development Data	1st Addition	2nd Addition	3rd Addition	Calculations
Average	58.10	145.03	118.12	NA
Buildings	10.95	0.230	11.73	NA
Buildings	17.14	44.80	14.45	105.39
Actual Lots	18	16	0	34
Open Space	35.54	23.39	5.08	64.01
L.F. of Public ROW	3.752	3.617	3.617	10.986
L.F. of Trails	5.659	4.282	0	9.941

NOTE: Based on inclusion of Whistling Valley First Addition and Second Addition under current zoning of 18 Lots per 40 Ac, there could be a total of 48 lots for all three additions. This would allow for 11 lots in the Third Addition. However, the concept plan has been designed to include only 8.

**SHEET INDEX**

SHEET NAME	Legend
SHEET C1.0	House w/ Driveway
SHEET C2.0	Woodlands
SHEET C3.0	Stormwater Management Area

THIS PLAN SET CONTAINS THREE SHEETS

UNDESIGNED AREAS TO BE APPROVED UNDER A PERMITTING PROCESS  
 1. SITE TREATMENT TO CONNECT TO WHISTLING VALLEY LOT ADDITION, EXISTING PROCESS.  
 2. STORMWATER MANAGEMENT SYSTEM TO BE DESIGNED UNDER PERMITTING PROCESS.

DATE: 08/11/2011  
 BY: [Signature]  
 TITLE: [Title]

**REHBEIN & COMPANY ARCHITECTS**  
 1001 W. WISCONSIN ST., SUITE 200  
 MILWAUKEE, WI 53233  
 TEL: (414) 774-4800  
 FAX: (414) 774-8000  
 WWW.REHBEIN.COM

**CONCEPT PLAN & ENVIRONMENTAL RESOURCES PLAN  
 WHISTLING VALLEY THIRD ADDITION**  
 ANDERSON SORRESON HOVES, INC.  
 LAKE ELMO, MINNESOTA

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**REHBEIN & COMPANY ARCHITECTS**  
 1001 W. WISCONSIN ST., SUITE 200  
 MILWAUKEE, WI 53233  
 TEL: (414) 774-4800  
 FAX: (414) 774-8000  
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 WHISTLING VALLEY THIRD ADDITION**  
 ANDERSON SORRESON HOVES, INC.  
 LAKE ELMO, MINNESOTA

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**REVISIONS**

DATE	BY	REVISIONS

**DATE:** 08/11/2011  
**BY:** [Signature]  
**TITLE:** [Title]

**PROJECT:** WHISTLING VALLEY THIRD ADDITION  
**CLIENT:** ANDERSON SORRESON HOVES, INC.  
**ADDRESS:** LAKE ELMO, MN 55049  
**PHONE:** 612-221-2888  
**FAX:** 612-221-2889  
**EMAIL:** info@andersonsorresonhoves.com  
**WWW:** www.andersonsorresonhoves.com

**PROJECT NO.:** 11-001  
**DATE:** 08/11/2011  
**BY:** [Signature]  
**TITLE:** [Title]

**Kimberly Anez**

---

**From:** Greg Malmquist  
**Sent:** Thursday, January 04, 2007 9:56 AM  
**To:** Kelli Matzek; Kimberly Anez  
**Subject:** WHISTLING VALLEY

Sorry I missed yesterdays deadline. Only comments I have regarding the third addition are as follows:

I am assuming roads will be as in 1 & 2?

Without having seen the "lay of the land", I noticed on the print that they designate pine trees. I have the same concern here that I do in other developments, and I have spoken to Kelli previously about this. If it is existing trees we need to require a firebreak around the houses, no shake shingles, follow the guidelines of the DNR "Firewise" program. If they are planting the trees, we need to do so with the guidelines in mind.