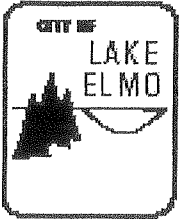


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City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, May 14, 2007, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. March 26, 2007
4. PUBLIC HEARING: Development Preliminary Plan (also known as OP Development Stage Plan), Preliminary Plat, and Conditional Use Permit: An application to allow an Open Space Preservation development called Whistling Valley III (West) located north of 10th Street and west of the existing Whistling Valley I development. ~ Ben Gozola
5. Draft Interim Zoning Ordinances Open Houses (Village Area, South of 10th Street) – verbal update ~ Ben Gozola
6. Rock Point Church – Hard Hat Tour – verbal update
7. City Council Updates
 - a. May 1 – Discover Crossing CUP Amendment denial
 - b. May 15 – Consider authorization for plans and specs for Lake Elmo Avenue Infrastructure Project I-94 to 30th Street (trunk sanitary sewer, water main extension, street reconstruction, trail, and storm sewer improvements)
8. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of March 26, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Ptacek, Lyzenga, Pelletier, Deziel, Schneider, Fliflet, Roth, Armstrong, Helwig, Van Zandt, and McGinnis (7:05). STAFF PRESENT: Senior Planner Gozola and Planner Matzek.

Agenda

M/S/P, Helwig/Armstrong to approve the agenda as presented. Vote: 9:0.

Minutes

M/S/P, Helwig/Van Zandt to approve the minutes of February 26, 2007 as presented. Vote: 8:0:1, Helwig abstained due to absence.

Public Hearing: Variance; XXXX Klondike Avenue

Senior Planner Gozola introduced the application for two variances to allow for the construction of an off-site septic facility for a proposed new home on Lot 11, Block 1, Ruth's 1st Addition to Lake Elmo. Mr. Bush is requesting a variance from the one acre minimum septic system requirement and to allow the septic system off-site. The watershed district suggested conditions for the application and the DNR commented that other parcels nearby may want to share a septic system. The parcel on the east side of Klondike Avenue is not included in the area identified in the Comprehensive Plan for sewer, whereas the parcel across the street upon which the septic system will be located is within the area designated for future sewer. Mr. Gozola stated that any and all requirements of the Engineer should be a part of an approval for this application. Staff is recommending approval.

Commissioner Deziel asked if the combination of lot A and the proposed easement on lot B greater than 1.5 acres.

Senior Planner Gozola stated that as a whole it is greater than 1.5 acres, but much of the lakeshore lot is actually underwater.

Commissioner Deziel stated that a one acre lot is allowed to be built on as outlined in code.

Senior Planner Gozola identified a regulation in code that established a 60 percent rule. However, there is a section of code identifying a one acre site for septic as well.

Commissioner Roth identified that this lot may realistically be eligible for sewer in the future.

Joe Bush, applicant

The previous city planner knew it the site had difficulties. They had discussed waiting

for holding tanks as waiting for city sewer was not preferable. He had the property percolated and had a septic system designed for that location. This allowed for two locations (primary and secondary) for septic in the easement. He brought this back to the Planner at that time. He went and had a document recorded at the County. He thought the previous Planner was on board with this. He talked to a City Council member and kind of indicated they were surprised this lot wasn't included in the future sewer area.

Chairman Ptacek said he had read the previous planner's letter to the applicant and it states that he did not have any diagrams in front of him at that time. The Planning Commission is not able to redraw the Comprehensive Plan sewer line at this time.

Joe Bush stated that if he redrew the easement to make it one acre on Lot B and put both septic systems for the two lots in that easement, it would meet the requirements for both Lot A and Lot B.

Senior Planner Gozola identified this as a grey area. There are shared septic areas elsewhere in the City, but he would like to talk to other staff before he makes a comment.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:30 P.M.
No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:31 P.M.
M/S Roth/Armstrong to table the application.

Joe Bush asked if the intent to table was because the commission did not want to vote on the less than one acre septic requirement. If that is the case, please disregard that variance and he would like to continue forward.

Commissioner Roth withdrew his motion.

M/S/P Deziel/Van Zandt to approve the variance application for the off-site septic system and denial of the variance from the one acre septic size requirement. Vote: 9:0.

Public Hearing: Repeal of Commercial Social Outdoor Events

Planner Matzek stated that this has been a much discussed item both before the Planning Commission and City Council at a number of meetings in 2006. The City Council has received a number of calls with concerns about this ordinance and has asked that this ordinance be revisited. The Council would like to see the ordinance repealed. The city does not currently have an active application pertaining to this ordinance.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:39 P.M.

Kathleen Haggard, 12154 Marquess Ln

She was trying to keep her comments broad and look at the ordinance as a whole. She understands this ordinance could be for quaint weddings, but she has concern with what could happen. The original intent might be good, but the next person might not be. She

asked if this could include camping, cage fighting or other large scale events. The ordinance is too vague. The event could be held on a small area of the property next to residential properties as there is no distance requirement. Events could be held two or three nights a week, every weekend, when she would like to be out enjoying her yard. Neighbors told her they could hear music in their house with the windows and doors shut with a neighbor's gathering last summer. The ordinance does not mention security and the Washington County sheriff may be called and taxpayers would have to pay for it. The noise ordinance may be difficult to enforce. There is a safety concern with high volumes of traffic. There is no mention of alcohol and how much is appropriate. There is no requirement for the property owner to be on site at the time of an event.

Scott Johnson, 12211 Marquess Ln

He has concerns about safety as there is the potential for alcohol to be present at the events. The number of people allowed could mean a lot of trips adjacent to residential neighborhoods. Mr. Johnson asked who is going to be enforcing those permits regarding alcohol. A neighbor could be 50 feet away from a social event of 250 people - this could take away the rural character of Lake Elmo.

Carol Palmquist, 12202 55th Street, Stillwater

Ms. Palmquist said she is the only vineyard in Lake Elmo. A year ago a winery approached her and asked her if she would consider holding weddings in her vineyard. She checked with the previous planner. She submitted an application for a CUP with a non-refundable check, which she later withdrew. The check was returned. This was not ever intended to be something that goes late into the night. She had two events at her vineyard last summer as favors. One wedding had a cello and a violin. A neighbor said she could hear it the music and that her children play on a trail in the area. The neighbor said she was afraid her children would be hit by a car. Ms. Palmquist said she spent hours on the CUP application. She does not feel like she was treated respectfully. Many of the issues brought up by the previous residents were previously covered by the Planning Commission and City Council. She was not informed of it being brought to the Council and does not like how it was handled.

Ben reads the letter handed out by Kathleen Haggard from neighbor Donna Sloan into the record.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:59 P.M.

Commissioner Schneider asked how alcohol was addressed.

Planner Matzek said that an alcohol license would need to be applied for.

Commissioner Fliflet said she understands the possibilities of what could happen with events, but would like to know what the other two events were that were brought up.

Kathleen Haggard, 12154 Marquess Ln

Her neighbor, Donna Sloan who wrote the letter said she was not aware an event was going on. Ms. Palmquist had a man directing traffic and that she could hear the music.

Chairman Ptacek stated this was hear-say. The commission should address the ordinance and not the instances of what happened.

Commissioner Armstrong said the ordinance applies to the whole city. The city should consider when a property owner has an idea to utilize large acreage that would help them keep the acreage and preserve the rural character. Though it is not a perfect ordinance, a lot of time was spent on the standards. All the issues brought up were previously addressed at the Planning Commission meeting. He would suggest tabling the item and adding it into their work plan.

Commissioner Fliflet said specific issues could be addressed at the time the CUP applications are submitted.

Senior Planner Gozola clarified that the City Council is looking for a recommendation. Staff also has been proactive in trying to contact Carol Palmquist. The city has the ability to deny any requests that do not meet all the requirements of a CUP.

Armstrong – in definitions could identify what is included as a Commercial Social Outdoor Event; there was talk about it, but might not have gotten to that part

Pelletier – we need to protect our new neighborhoods; if they were to tweak the wording it might address a lot of the concerns; there is a fine line between protecting rural

M/S/P Helwig/Pelletier recommend approval of a nine month moratorium on Commercial Social Outdoor Events to do further study. Vote: 6:3.

City Council Updates

Planner Matzek stated that there was discussion at a council workshop about temporary signs for home sales and it was thought to be appropriate for the commission to address this topic under signs in the work plan. At the March 30th council meeting, the minor subdivision and variance application for 3200 Lake Elmo Avenue was tabled. A village area master plan open house was held at Oakland Junior High School on March 21st.

Informational Item

The Park Commission comments on the Village Area Master Plan were included in the packet as an informational item.

Adjourned at 8:29 p.m.

Respectfully submitted,

Kelli Matzek
Planner

ITEM: Development Preliminary Plan (also known as OP Development Stage Plan), Preliminary Plat, and Conditional Use Permit: An application to allow an Open Space Preservation development called Whistling Valley III (West) located north of 10th Street and west of the existing Whistling Valley I development.

REQUESTED BY: Dave Sorensen and Bob Close

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Susan Hoyt, City Administrator
Kelli Matzek, Assistant City Planner
Jack Griffin, City Engineer
Ryan Stempski, Assistant City Engineer
Jerry Filla, City Attorney
Greg Malmquist, Fire Chief
Jim McNamara, Building Official
Mike Bouthilet, Public Works Superintendent

PURPOSE:

- The planning commission is asked to review a preliminary plan for an OP development being referred to as Whistling Valley 3rd Addition. This type of application technically includes a preliminary plan, a preliminary plat, and a CUP to allow an OP development.

ADDITIONAL INFORMATION:

- Staff is recommending conditional approval of the preliminary plan, preliminary plat, and CUP.
- During concept plan review, the City Council directed staff to view this request as a stand alone OP development with consideration being given to the past development characteristics. As such, any deviations from OP standards would ultimately require approval by 4/5 of the City Council. A summary of all deviations can be found on page 9 of the comprehensive staff report.
- The MN Land Trust is amenable to the proposal and the additional open space it would create within their easement.
- The proposed lots do conform to all lot requirements for OP development and for shoreland district lots. With regards to Shoreland district codes, staff followed past interpretation of the requirements used in Additions I & II.
- At concept plan, the City Council recommended use of a hammerhead dead end road as shown. Staff is still recommending the City obtain the additional ROW necessary to extend this road to the west if ever desired by the City.
- Engineering concerns regarding stormwater and sewer are outlined in the comprehensive report. Engineering will be present at the 5-14-078 meeting to answer any questions on these topics.

OPTIONS:

- A) Recommend APPROVAL of the requested preliminary plan, preliminary plat, CUP, and deviations from OP development standards based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.
- B) Recommend DENIAL of the requested preliminary plan, preliminary plat, CUP, and deviations from OP development standards based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Commission.
- C) TABLE the request for further study.

RECOMMENDATION:

Staff recommends option A: Approval of the requested preliminary plan, preliminary plat, and CUP with the conditions listed in the comprehensive staff report.

Suggested motion for consideration:

I move that we recommend approval of the requested preliminary plan, preliminary plat, and CUP based on the findings listed in the staff report and as articulated tonight, subject to the conditions recommended by staff.

SUGGESTED ORDER OF BUSINESS:

- Introduction Planning Commission Chair
- Staff report Ben Gozola, Planner
- Questions from commission to staff Chair facilitates
- Questions/comments from the applicant Chair facilitates
- Open/Close Public Hearing Chair facilitates
- Entertainment of Motion Chair facilitates
- Discussion Chair facilitates
- Vote on motion..... Commission

ATTACHMENTS:

- Site map
- Comprehensive Staff report
- Preliminary Plan Sets for Whistling Valley 3rd Addition
- Department of Natural Resources (DNR) correspondence
- Valley Branch Watershed District (VBWD) general comments
- Valley Branch Watershed District (VBWD) comments on OHW and floodplain
- Whistling Valley 3rd Addition FIRMette (FEMA Floodplain map)
- Landscape Plan Review

City of Lake Elmo Planning Department
Preliminary Plan, Preliminary Plat, & CUP Review

To: City Council

From: Ben Gozola, City Planner

Meeting Date: 5-14-07

Applicants: David Sorenson & Robert Forsythe

Location: West of 10th Street Lane off the West Stub End of Whistling Valley Lane

Introductory Information

Request: The applicants are seeking approval of a preliminary plat for Whistling Valley Third Addition to create an additional six (6) units in Whistling Valley on an additional 14.45 acres of gross buildable land.

Site Data: Existing Zoning – RR (Rural Residential)
Land Use Guidance – RAD (Rural Agricultural District)
Parcel size – 14.45 acres
Property Identification Number (PID): 27-029-21-34-0005

Review

IN GENERAL:

Concept Plan Guidance: During the concept plan review for this subdivision, the City Council decided that Whistling Valley III would be viewed as a stand alone Open Space application with consideration being given to the previous additions already approved for the same developer. Any proposed deviations from standard open space requirements would need a 4/5 vote of the City Council to be approved.

Site Character: *Applicant Comments: The third addition [parcel] 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 cures for landscape design will be taken from the existing qualities of the landscape, with native plants dominating the species selection.*

Staff Comments: None.

“OP” STANDARDS REVIEW:

Land Area:

According to code, applications for a residential OP development shall meet the following criteria unless modified by a 4/5 vote of the City Council:

A. The minimum land area for the proposed OP development shall be 40 acres;

Staff comment: The development is proposed on a 14.45 acre parcel. The applicants are requesting that council authorize this as a modification from OP standard provisions.

B. Total preserved open space within the proposed development shall be at least 50% of the total Buildable Land Area as defined by Chapter 150 of the City Code;

Staff comment: The proposal is currently setting aside 7.29 acres of the gross land area, and therefore this standard provision is met.

C. Dwelling units are to be grouped so that at least 50% of the Buildable Land Area of the proposed development remains in preserved open space.

Staff comment: The grouping of home sites in the central portion of the parcel does allow for the preservation of 7.29 acres of open space which is coordinated with the open space in Additions I & II. Staff finds this standard provision is met.

Open Space:

By code, open space created as part of an OP development must meet the following criteria unless modified by a 4/5 vote of the City Council:

A. Open space created as part of an OP development must be protected by a conservation easement;

Staff comment: The applicants have contacted the Minnesota Land Trust who is interested in the proposed open space being created by this development. While staff has not received any new correspondence from the Land Trust, we have been told verbally that the conservation committee has voted in favor of accepting the additional conservation area, and the matter will be voted on by the full MN Land Trust Commission on Thursday, May 17th. Their staff had no reason to believe it would not be approved, but they will provide the City with an official position following the meeting on the 17th.

B. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than ten (10) acres;

Staff comment: Because the proposed development is on less than the standard forty (40) acres, none of the preserved open space will meet this

(cont.)

requirement. The applicants are requesting that council authorize this as a modification from OP standard provisions.

- C. Preserved open space is to be maintained for the purposes for which it was set aside;

Staff comment: In this case, the developers are proposing the new open space be treated as a component of the 1st & 2nd Addition open space. As such, all restrictions and provisions placed on the existing open space would also govern the new addition. Given that such restrictions have been approved for the past two additions, staff finds this to be acceptable provided the open space is accepted by the MN Land Trust.

- D. Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities;

Staff comment: The same home owners association (HOA) documents governing the lots in phases I & II would be used in phase III. The primary function of the HOA is lawn maintenance, septic site maintenance, and trail maintenance. Staff find the proposal to be acceptable.

- E. Preserved open space shall be contiguous with preserved open space or public parks on adjacent parcels.

Staff comment: The proposed open space will form a ring around the proposed home sites and will connect with the open space dedicated in additions I & II. The MN Land Trust finds that the proposed open space configuration complements the already dedicated areas and they appear willing to accept this additional open space under their conservation easement.

Lot Design: According to code, lots are to be designed to achieve the following objectives:

- A. On the most suitable soils for sub-surface septic disposal.
- B. On the least fertile soils for agricultural uses and in a manner which maximizes the usable area remaining for such agricultural use.
- C. Within any woodland contained in the parcel or along the far edges of open fields adjacent to any woodland.
- D. In locations least likely to block scenic vistas as viewed from Hwy 36.
- E. Away from woodlands in open fields.

Staff comment: Staff finds the proposed lot configuration meets all of these lot design criteria. First of all, the proposed six lots are to be served by the community septic site constructed for the 1st & 2nd Additions. Second, a majority of the parcel is wooded so open fields and agricultural areas are not present to protect. And finally, this development clearly will not impact views from Hwy 36.

Structures: The applicant is proposing to construct homes similar in size and style to that which was previously approved for Whistling Valley I & II. Staff finds this to be acceptable.

Buffer Zones:

- The required buffer zones from the properties to the north, south, and west are all met as shown on the preliminary development plan.
- By code, a 100 foot setback at a minimum is also required from adjacent OP developments. Because this proposal is being viewed as a stand alone development, a 100 foot setback would also be required from the eastern property line. The applicants are requesting that council recognize the 3rd addition as a complement to the previous additions, and to authorize a reduced buffer as a modification from OP standard provisions. Staff does believe that a buffer of less than 100 feet from the eastern property line is reasonable given the vegetative cover that would exist between the proposed home sites and the existing Whistling Valley development.

Boulevard Landscaping:

- A complete review of the proposed landscaping plan was conducted by Katharine D. Widin, Ph.D., who is the City's acting Forestry Consultant. Her analysis is as follows:

As requested, I have reviewed the plans for the proposed development, Whistling Valley III off Cty. Rd. 10 and 10th St. La. N. in Lake Elmo. The plan sets which I reviewed were received by the City 3/14/07 and 4/3/07. I also looked at an aerial photo of the site and drove to the site to confirm tree species and distribution. I have the following observations and recommendations regarding this project:

Trees On Site

The development is proposed for a property which has areas of native oak woodland and planted pine. These areas contain most of the significant trees (diam. > 8 in.) on the site. The property also has open field areas, woodland openings and areas of smaller trees and shrubs.

Project Design

The project appears to have been designed in keeping with the topography and significant treed areas as much as possible. Outlots and buffer areas have been set aside to provide vistas and screening for the project. There are 7.53 A of preserved open space (> 50% of total site area) which includes areas with trees in different portions of the site. Six homes are planned for the site and the project design is attractive and should complement the natural setting. House sites, infrastructure and the trail appear to have been sited in consideration of the natural amenities. A recreational trail is planned around the perimeter of the site on the south, west and north sides and will go through or near wooded areas for much of its length.

(cont.)

Tree Removal Plan

A tree removal plan has been submitted as part of the development plans. A list of significant trees to be removed in outlots as well as building lots is included and corresponds well to the tree species distribution on the site. Using the listed diameters of trees over 8 inches which are slated for removal, the project estimates removal of 48 significant trees totalling 598 diameter inches. Representative species of significant trees being removed are red pine, jack pine, red oak, white oak, hackberry, ash, elm and cottonwood. Except for 1 cottonwood, most significant trees being removed are under 20 in. in diameter (ave. diameter = 12.5 in.). The "tree removal notes" on this plan indicate that the trees in the development area plus trees and vegetation along the trail corridor will be preserved to the maximum extent possible.

Tree Protection

Trees which are to be preserved will be protected by fencing according to detail 3/L2.0. If the fencing is installed per the detail, prior to any soil disturbance, this should provide adequate protection for most trees in or near the construction area. I did notice that the T-F line detail, which indicates where the tree protection fencing is to be installed, was not present on sheet C2.1 in all areas where grading will be near trees to be preserved. In order to preserve the maximum number of significant trees, tree protection fencing should be installed in all areas where grading, other soil disturbance or vehicle traffic will be near trees which are to be saved. Installing tree protection fencing along all grading limits next to existing significant trees is one way to be sure trees will be protected during construction activities. If erosion control (silt S-F) fencing is to be installed in some areas of the grading limits, this will be adequate to protect trees if construction equipment stays on the construction side of the erosion control fence. Using orange erosion control fencing in areas where it is to be used also as tree protection fencing can help draw workers' attention to the barrier. Vehicle traffic or parking, piling/storage of building materials, and clean-out of construction equipment should definitely not be allowed within the dripline of any trees to be preserved in order to protect the root systems from damage.

Oak Wilt – Because of the oaks which are present on this property, the site should be inspected for oak wilt before, during and after construction of the development. If any oaks are pruned or wounded between 4/1 and 10/15, the wounds should be covered with paint immediately to prevent insect transmission of the oak wilt fungus to fresh wounds and development of oak wilt disease.

Landscape Plan

The proposed Landscape Plan takes into account the natural resources on the property. Boulevard trees have not been included as part of the landscaping due to the wooded nature of the site and this is appropriate. Tree and shrub plantings, as well as perennials are shown for the entrance area, rain gardens, stormwater pond

(cont.)

and drainage swale. The designs are attractive and will fulfill their landscape functions. There is an emphasis in these designs on the use of native plants (species or cultivated varieties) which is appropriate and will decrease long-term maintenance needs. The species represented are attractive, hardy and have few serious insect, disease or cultural problems which would limit their usefulness or longevity or require excessive landscape maintenance. There are 6 building sites in this development, so, according to the city's OSP code, 60 trees would be required to be planted (10 per building site). There are 146 trees indicated in the plan to be planted on site and the trees specified in the Plant Schedule are larger than the minimum size required. Gray dogwood were listed in the Plant Schedule (sheet L1.1) as a deciduous tree, but it is a shrub. In all, an estimated 352 diameter inches of trees are planned for the landscaping in this development.

The "Planting Detail" (1/L2/0, 2/L2.0, 4/L2.0) which has been submitted as part of the landscape plan, is good and should be part of the specifications given to landscape contractors who will be bidding on installation of landscape plants. The planting detail should be adhered to and, if planting is not done according to the approved plan and detail, it will need to be re-done.

- The developer shall be required to provide an escrow for site inspections by the City Forester for the following:
 - Periodic inspections to ensure the tree protection fencing stays up throughout the construction period; and
 - Inspection of the plant material at time of delivery/planting; and
 - Periodic inspections to ensure adherence to the planting methodology included in the Planting Detail.

Pathways: The proposed 3rd addition does propose a trail system around its periphery that would connect to the trails previously constructed for Additions 1 & 2. Staff finds this OP criteria is met.

Lot Configuration: The proposed lot configurations do conforming with lot requirements for OP development. The following table summarizes the minimum lot requirements and how the proposed subdivision compares:

	<u>SIZE</u>	<u>FRONTAGE/DEPTH RATIO</u>
REQUIRED:	0.75 acres	1:3
Lot 1, Blk 1:	0.98 acres	1 : 1.4
Lot 2, Blk 1:	1.19 acres	1 : 1.6

(cont.)

	<u>SIZE</u>	<u>FRONTAGE/DEPTH RATIO</u>
REQUIRED:	0.75 acres	1:3
Lot 1, Blk 2:	0.76 acres	1 : 1.5
Lot 1, Blk 3:	0.98 acres	1 : 1.7
Lot 2, Blk 3:	0.83 acres	1 : 2.5
Lot 3, Blk 3:	1.27 acres	1 : 2.9

Staff Comments: All of the proposed lots meet the basic requirements for lot dimensions as spelled out in code.

Proposed Density:

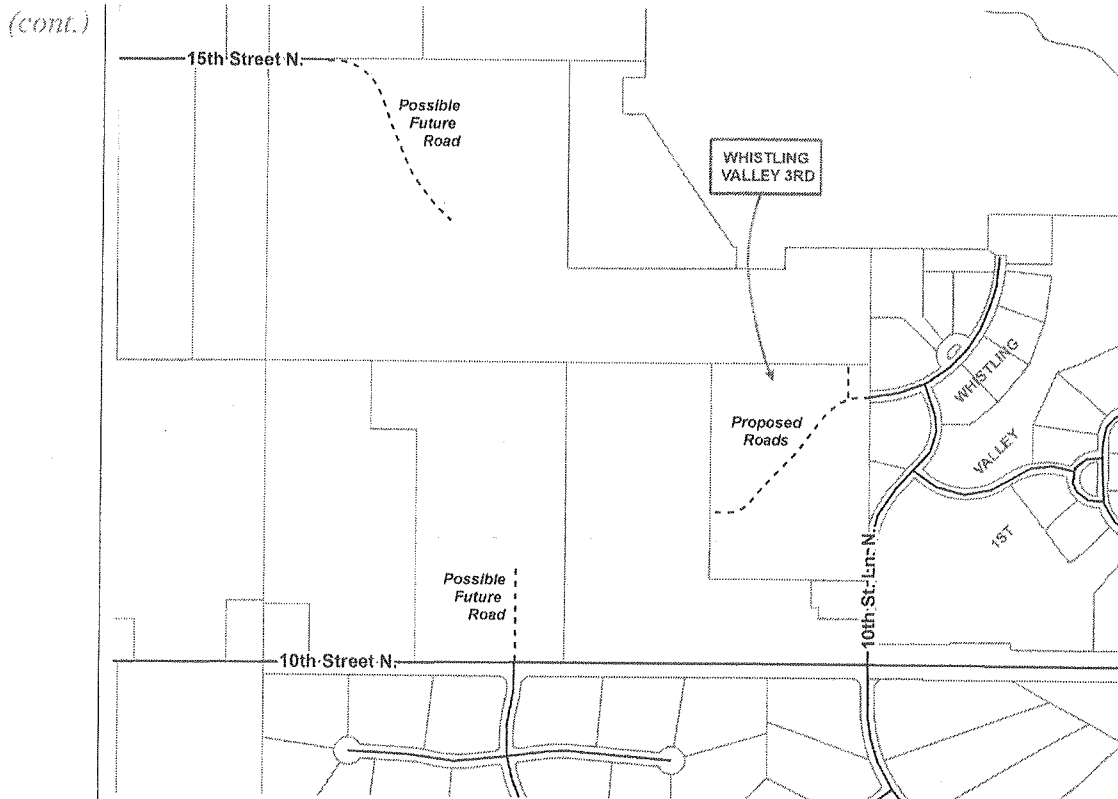
Staff Comments: The proposed density as calculated solely on the subject parcel is 0.41 units per acre (6 units ÷ 14.45 acres). Such a density less than the 0.45 unit per acre maximum density called for on a conforming 40 acre parcel (18 units ÷ 40 acres). As such, staff finds the proposed density to be conforming to open space requirements.

IN GENERAL

Adjacent parcel dev.:

- The surrounding parcels to the north and west can develop at some point in the future, so it is important to consider how the current proposal will integrate with those future developments.
- As you can see in the graphic on the next page, the parcels to the north and west are large and potentially developable at some point in the future. The two logical extensions for future roads in this area would be off of 10th Street N. across from the Stonegate development and up to the existing dead end 15th Street North.
- During concept plan review, the City Council directed the applicant to create a hammerhead on the main road within the 3rd Addition, and to only stub right of way to the north for a future road connection.
- Staff is not against the placement of a hammerhead on the proposed road, but we would suggest that at the very least right-of-way be platted to the western property line of Whistling Valley 3rd Addition to allow a possible future connection to the likely road north of 10th Street.

(continued with graphic on the next page)



- Staff is comfortable with the location of the proposed right-of-way to the northern property line.

Lot Access:

- All lots have direct access to a public road.
- Driveways should be located so as to preserve existing trees in as much as possible.
- Addresses for the individual homes should be posted at each driveway entrance.

Future parcel development:

- The proposed subdivision would fully divide the property under proposed zoning and current comprehensive plan designations.

Easements:

- All standard drainage and utility easements are currently being shown.
- All easements intended for utilities shall be a minimum of 10 feet on each side of the utility and shall be shown on the plans. The proposed easement between Lot 1, Block 2 and Lot 1, Block 3 meets this requirement.
- The current plans indicate utilities will cross Outlot G in Whistling Valley 1st Addition. Dedication of a 20' wide drainage and utility easement on this Outlot would need to be a condition of any approval.

- OP Deviation Summary:** Whistling Valley 3rd Addition is proposed to vary from the standard OP development requirements in the following manner:
- The development is proposed on a 14.45 acre parcel rather than a 40+ acre parcel;
 - All three of the proposed open space parcels will be less than 10 acres in size;
 - A one hundred (100) foot structural setback from Whistling Valley 1st Addition is not being maintained;
 - Required boulevard plantings are proposed to be located near the entrance monument and along the utility easements.

Again, a 4/5 vote of Council is required to approve each of these deviations.

Resident Concerns: Applicant Comments: no comments were provided

Staff Comments: Staff has not received any feedback for or against this proposal.

INFRASTRUCTURE:

- Road System:**
- Future west road connection should be graded and platted to property line. Construction of the road to the hammerhead location would be all that is required at this time.
 - All Public Right-of-Way shall be linear.
 - The applicants shall provide a street plan with dimensions.
 - The street plan shall include typical sections for each varied street section.
 - The minimum one-way street width around the rain garden area appears to be sixteen (16) feet in width from flow line to flow line. This shall be confirmed via additional street section drawings.
 - Two-way street width must be 22 feet from flow line to flow line. This shall be confirmed via additional street section drawings.
 - The hammerhead turn-around dimensions shall be approved by Public Works.
 - The applicants shall provide an Auto-Turn exhibit to demonstrate turning movements at curves around rain garden for Public Works maintenance.

- Water System(s):**
- Individual wells will serve each lot (wells are administered by the State Department of Health Well Unit). The applicant shall provide the City with a copy of a MN Department of Health permit in accordance with the Well Advisory Area.
 - Future plan sets shall show the watermain profile, size, and type. Watermain shall be designed to City Standards in preparation for a possible future City connection.

**Sanitary
System(s):**

- The proposed sanitary sewer pipe shall be Re-routed to avoid wetlands and the proposed storm water pond. Staff would suggest re-routing it along street right-of-way to the extent possible.
- The applicant plans to use the existing wetland treatment system constructed in Whistling Valley for these new lots. The existing treatment system is covered by a MPCA permit. This permit needs to be modified and approved before the preliminary plat can be approved. Please submit documentation to support this plan.
- The current plans indicate utilities will cross Outlot G in Whistling Valley 1st Addition. Dedication of a drainage and utility easement (10' on each side of the proposed utilities) on this Outlot would need to be a condition of any approval.

**Storm water
/Grading:**

Engineering Comments:

- Storm sewer must be constructed using Reinforced Concrete Pipe (RCP).
- The applicant's have been asked to revise and resubmit their drainage calculations and stormwater plan to address all comments below:
- **Existing Conditions Model:**
 1. Compute times of concentration for subcatchments with direct entry.
- **Proposed Conditions Model:**
 1. Outlet to Natural Depression Pond (1P): Using a 48" diameter horizontal orifice to represent a stool grate catch basin inlet will overestimate the capacity of the structure. Update the model using the grate inlet capacity.
 2. The compound outlet routing for Island Depression Pond (2P) is incorrect. Device #3 (stool grate inlet BH2) should be routed into device #1 (24" pipe leaving the structure). Using a 48" diameter horizontal orifice to represent a stool grate catch basin inlet will overestimate the capacity of the structure. Update the model using the grate inlet capacity. What is Device #2? Provide more detail on the Island Depression design and "Epic Storm Water Storage Device."
 3. Provide a geotechnical report verifying the soil infiltration characteristics and water table at the Island Depression location.
 4. The Central Drainage Area (3S) is not routed into the proposed pond system, although it appears to drain overland into Cell 1 (3P) on the grading plan. Update the model and grading plans as necessary and resubmit.
 5. The South Area (4S) drainage area boundary goes right through Cell 2 (4P). Update the drainage area.

(cont.)

6. The East Area (5S) goes through the middle of the surface swale draining into Cell 1 (3P). Update the drainage area.
7. Provide details for the compound pond outlets for Cell 1 (3P) and Cell 2 (4P) showing orifices, weirs, and pipe sizes and inverts.
8. Design Cell 2 to handle up to the 100-year event, maintaining freeboard and without flow over the emergency overflow.
9. Add notes to the grading plan indicating the location and elevation of the emergency pond overflows.

▪ **Additional Items:**

1. Provide a maintenance plan and agreement for Island Depression and both cells of the storm water pond system.
2. Pond 1P (Natural Depression) pools up and flows over the roadway and into Pond 2P (Island Depression) on 10- and 100-year events. Flow over the roadway is not allowed.
3. Pond 2P (Island Depression) pools up and outlets over the roadway and into the surface drainage swale on 10- and 100-year events. Flow over the roadway is not allowed.
4. Verify the volume control. The site drains to landlocked Goose Lake. The watershed district is likely to comment on the volume control.

Utilities:

- All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain district shall be flood-proofed in accordance with the building code or elevated to above the regulatory flood protection elevation.
- Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances.

Parking Facilities:

- There are no parking issues for the proposed project.

Required Signage:

- A new street sign will be required at the intersection of 10th Street Lane North and the proposed Whistling Valley Trail.

Fire Hydrants:

- One hydrant will be located at the end of the proposed hammerhead strictly for public works maintenance purposes at this time. The hydrant must be posted as being "out of service."

Streetlights:

- No streetlights are required as part of this development.

- Monuments:** ■ In accordance with Section 400.14 Subd. 6; reference monuments shall be placed in the subdivision as required by state law.

ENVIRONMENTAL & OTHER NEIGHBORHOOD IMPACTS:

- Environmental Impacts:** ■ Staff does not foresee the need for an in-depth environmental analysis based on the current proposal (i.e. EAW, EIS, AUAR, etc.)

- Wetlands:** ■ The Valley Branch Watershed District (VBWD) is the Local Government Unit (LGU) responsible for administering the Wetland Conservation Act (WCA). The developer will need to follow all of the rules and regulations spelled out in the WCA, and acquire the needed permit from the VBWD.
- The Valley Branch Watershed District (VBWD) has conducted a general review of the site although no official wetland delineation has been submitted to date. They have indicated that the lots topography suggests the only wetland locations are likely near the ditch on the southern portion of the property, and near the location of the proposed stormwater management pond.
- Staff would recommend the applicant begin working with the VBWD as soon as possible to get necessary permits and approvals.

- Shoreland District:** ■ A portion of the proposed site is within 1000 feet of Goose Lake, and therefore is within the shoreland district.
- By code, the minimum lot size for OP zoned properties is 0.5 acres. In accordance with past practice for additions I & II, staff is considering the intent of code to be that the minimum lot size for open space development lots is 0.5 and that rezoning to OP is no longer necessary.
- Likewise, because the development utilizes a centralized sewer system for the entire development rather than having individual septic sites for each lot, staff will again defer to past practice and consider the area as sewered; thereby removing the requirement for a 200' lot width. While staff would argue that code language should be changed to clarify the regulations in light of City practice, we do find this interpretation to be reasonable as minimum lot sizes and widths are tools to ensure the intensity of development is consistent with environmentally sensitive areas. In the case of open space developments, half the property must be protected by conservation easements, and all storm water/erosion concerns must be successfully addressed by the City Engineer. The alternative tools being used by the City arguably perform much better to address environmental concerns than do the basic tools of lot size and width.

- Erosion Control:** ■ Silt fencing should be shown at the construction limits for the proposed houses or driveways with the future building permit application.

Traffic: ■ The proposed project will not significantly increase traffic volumes in the area.

Flood Plain & Steep Slopes: ■ According to the July 2, 1979 FEMA Flood Insurance Rate Map, the floodplain around Goose Lake is undetermined (Zone A).
■ According to the DNR and VBWD, the northern lobe of Goose Lake has been determined to have an ordinary high water mark (OHW) of 924.4, and a regulatory flood protection elevation (RFPE) of 932.0. As such, all new structures in Whistling Valley 3rd Addition would need to have low floor elevations above 934.0 (two feet above the RFPE).

Docks: ■ The project does not include any lakeshore or deeded access to lakes.

Other Permits: ■ All necessary permits must be provided to the City. (VBWD, MPCA, NPDES, MDH)

CHARGES, FEES, & RESPONSIBILITIES:

In General: ■ As always, the applicant is responsible for all fees related to the review of this application (including but not limited to planning, legal, engineering, wetland, environmental consultants, or other such experts as required by this application).

Park Dedication: ■ Section 400.15 of City Code requires all subdivisions of land to dedicate a reasonable portion of land to the City for public use as parks, trails, or open space. The percentage for an OP development on RR zoned property is 7%.
14.45 acres * 7% required dedication = 1.012 acres of land (or 44,083 square feet)
■ The comprehensive plan does not indicate the need for any additional park land in this area, and no such need was identified at the time of concept plan review. Staff therefore would recommend the City accept cash-in-lieu of land to satisfy the park dedication requirements.
■ Prior to final plat approval and at the developer's expense, the City shall determine the fair market value of the land by hiring a licensed appraiser. The required cash-in-lieu of land payment shall be the fair market value of the 1.012 acres of land required for dedication.

Sewer Area Charge: ■ As this subdivision will not access municipal sewer services, there will not be a sewer area charge assessed.

- Building Permit Fees:** ■ As this subdivision will not access municipal services, hook up fees will not be applicable.

Conclusion

The Planning Commission must examine the proposed preliminary plan, preliminary plat, and CUP to determine whether they meet all conditions of approval outlined by city code. Keep in mind that an approval at this point provides the applicant the ability to finalize the subdivision through the final plat process—all desired/required changes must be addressed at this time.

Commission Options:

The Planning Commission has the following options:

- A) Recommend APPROVAL of the requested preliminary plan, preliminary plat, CUP, and deviations from OP development standards based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.
- B) Recommend DENIAL of the requested preliminary plan, preliminary plat, CUP, and deviations from OP development standards based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Commission.
- C) TABLE the request for further study.

The deadline for a Council decision on this item is August 7, 2007.

Recommended Action:

Staff recommends option A: Approval of the requested preliminary plan, preliminary plat, and CUP with the following conditions:

1. Within six (6) months of preliminary plan approval, the applicant shall complete the following:
 - a. The applicant shall provide adequate title evidence satisfactory to the City Attorney;
 - b. The applicant shall pay all fees associated with the preliminary plat;
 - c. The applicant shall submit a complete application for final plat meeting all conditions of preliminary approval;

All of the above conditions shall be met prior to the City accepting an application for final plat.

(cont.)

2. The final plat application shall incorporate the following specific components in addition to the requirements spelled out in City Code:
 - a. Final Plat (signature page and final plat per statutory requirements);
 - b. Final Development Plan (a final and updated version of the preliminary site plan sets incorporating all conditions of preliminary plat approval);
3. The final plat application shall continue to incorporate all information shown in the preliminary plat unless required to be updated by the City;
4. Fencing shall be installed per the proposed plan sets prior to any soil disturbance on the site;
5. Sheet C2.1 of the plan sets shall be updated to include tree protection fencing in all areas where grading will be near trees intended for preservation;
6. The site shall be inspected by the City Forester at the developers expense for the existence of Oak wilt before, during, and after construction of the development;
7. If any Oaks are pruned or wounded during development of the site, the wounds should be covered with paint immediately to prevent insect transmission of the Oak wilt fungus to fresh wounds and development of Oak wilt disease.
8. The "Planting Detail" (1/L2/0, 2/L2.0, 4/L2.0) shall be provided to all landscape contractors seeking to complete this work. All plans shall be adhered to and, if planting is not done according to the approved plan and detail, it shall be re-done;
9. The developer shall be required to provide an escrow for site inspections by the City Forester for the following:
 - a. Periodic inspections to ensure the tree protection fencing stays up throughout the construction period; and
 - b. Inspection of the plant material at time of delivery/planting; and
 - c. Periodic inspections to ensure adherence to the planting methodology included in the Planting Detail.
10. Right-of-way shall be platted to the western property line of Whistling Valley 3rd Addition per the guidance of City staff;
11. The developer shall be responsible for the reconstruction of any roadway impacted by the extension of utilities to service the proposed lots;
12. Driveways should be located so as to preserve existing trees in as much as possible;

(cont.)

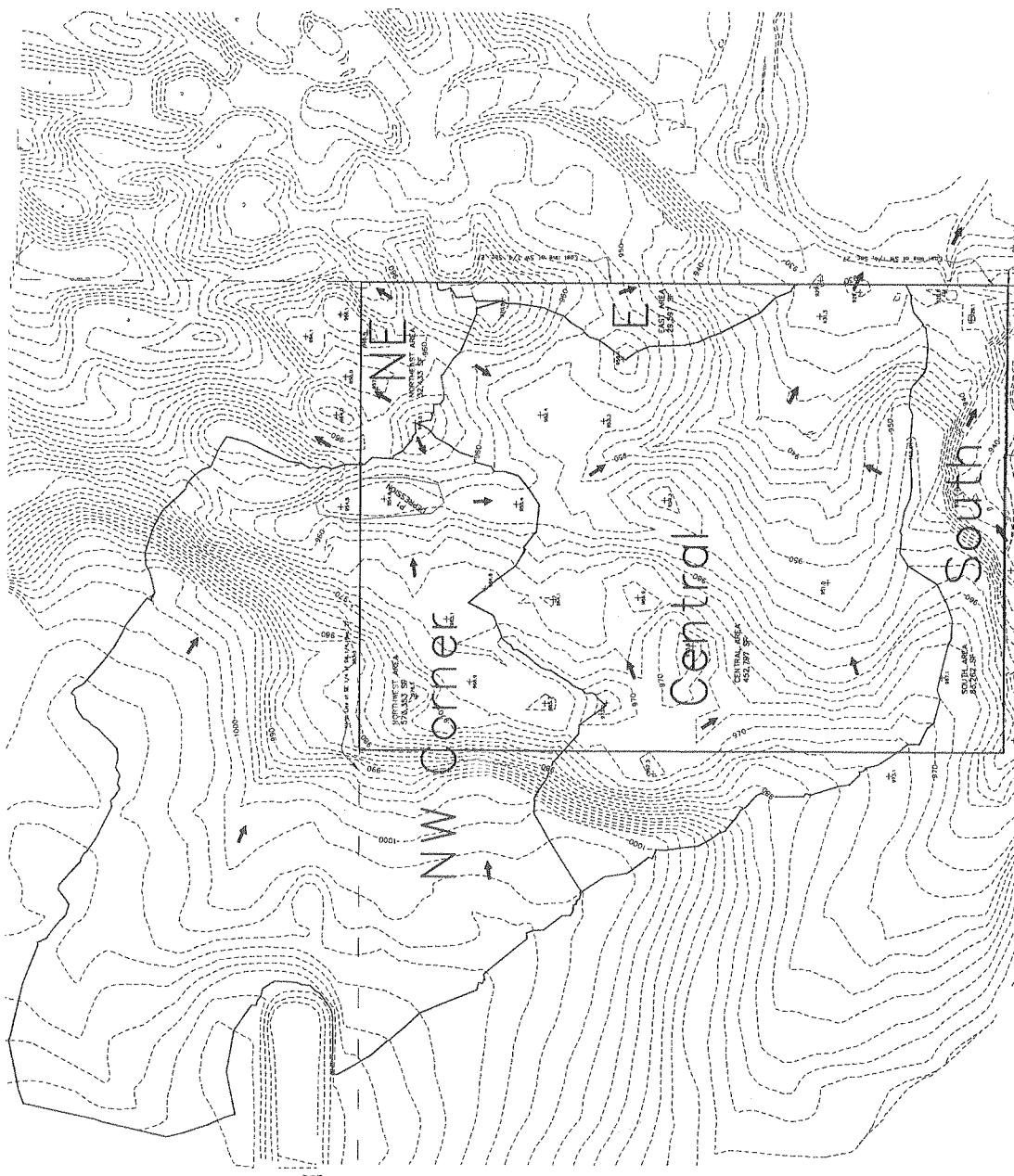
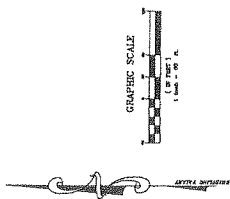
13. Addresses for the individual homes should be posted at each driveway entrance;
14. The developer shall dedicate a minimum twenty (20) foot wide drainage and utility easement for any utilities proposed to cross Outlot G. The easement shall encompass at least ten (10) feet on each side of the proposed utilities;
15. The applicant shall provide the City with a copy of a MN Department of Health permit in accordance with the Well Advisory Area;
16. Watermain shall be designed and installed to City Standards in preparation for a possible future City connection;
17. The proposed sanitary sewer pipe shall be re-routed to avoid wetlands and the proposed storm water pond;
18. The MPCA permit for the shared septic facility shall be modified and approved prior to the City accepting an application for Final Plat;
19. Storm sewer shall be constructed using Reinforced Concrete Pipe (RCP);
20. All drainage calculations and stormwater management plans shall be updated to address all engineering comments;
21. The City of Lake Elmo may require specific BMP's on individual lots as a condition of future building permits based on the most effective way to manage water quality, quantity and rate control.
22. Silt fencing shall be shown at the construction limits for the proposed houses and driveways with the future building permit application.
23. All public utilities and facilities shall be flood-proofed in accordance with the building code or elevated to above the regulatory flood protection elevation.
24. Telephone, electric, and/or gas service lines shall be placed underground in accordance with the provisions of all applicable City ordinances;
25. The applicant shall install a new street sign at the proposed intersection;
26. The hydrant near the proposed hammerhead shall be labeled as being "out of service;"
27. In accordance with Section 400.14 Subd. 6; reference monuments shall be placed in the subdivision as required by state law.
28. The developer shall follow all of the rules and regulations spelled out in the WCA, and acquire the needed permit from the VBWD.

(cont.)

29. All new structures in Whistling Valley 3rd Addition shall have low floor elevations above 934.0 (two feet above the RFPE of 932.0).
30. All necessary permits shall be provided to the City. (VBWD, MPCA, NPDES, MDH)
31. At the developer's expense, the City shall hire a licensed appraiser to determine the fair market value of the land for the purposes of determining the cash-in-lieu value for park dedication.
32. The developer shall comply with any additional requirements established by the City Engineer and City Attorney.

cc: Dave Sorensen, Developer
Bob Close, Developer
Derek Lash, Engineer

WHISTLING VALLEY THIRD ADDITION



DATE	REVISIONS	BY

REHBEIN R
 ENGINEERS & ARCHITECTS
 400 W. WISCONSIN ST. SUITE 400
 TEL: (952) 794-8827
 FAX: (952) 794-8828
 WWW.REHBEINR.COM

WHERE SHOWN ON THIS MAP, ALL RIGHTS ARE RESERVED BY THE ENGINEER/ARCHITECT. THIS MAP IS THE PROPERTY OF THE STATE OF MINNESOTA.
 ERIC K. LARSEN
 DATE: 05-14-2008

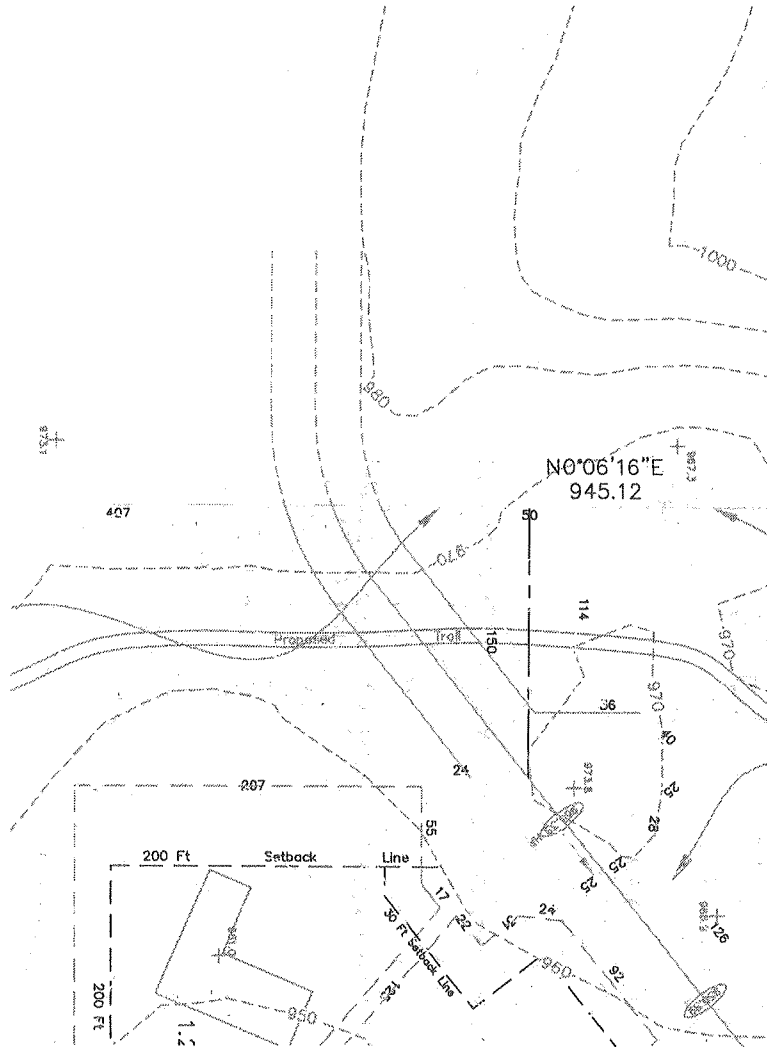
EXISTING DRAINAGE MAP
WHISTLING VALLEY THIRD ADDITION
ANDERSON SWANSON HOMES, INC.
 LAKE ELMO, MINNESOTA

close
 ARCHITECTS

ANDERSON SWANSON HOMES, INC.
 10000 W. WISCONSIN ST. SUITE 100
 LAKE ELMO, MN 55049
 P: 952-241-8827
 F: 952-241-8828
 WWW.ASHHOMES.COM

ANDERSON SWANSON HOMES, INC.
 10000 W. WISCONSIN ST. SUITE 100
 LAKE ELMO, MN 55049
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 WWW.ASHHOMES.COM



Ben Gozola

From: Kelli Matzek [Kelli.Matzek@lakeelmo.org]
Sent: Friday, April 13, 2007 8:18 AM
To: Ben Gozola
Subject: FW: application review

-----Original Message-----

From: Travis Germundson [mailto:Travis.Germundson@dnr.state.mn.us]
Sent: Friday, April 13, 2007 7:56 AM
To: Kelli Matzek
Subject: Re: application review

No I do not,

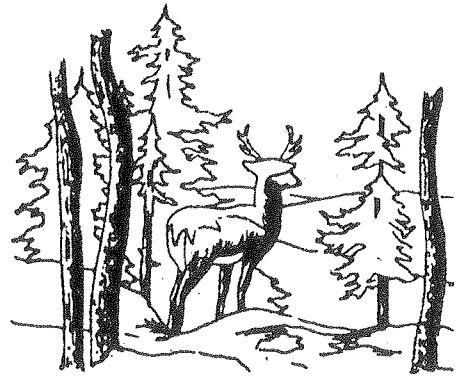
Thanks

>>> "Kelli Matzek" <Kelli.Matzek@lakeelmo.org> 4/12/2007 3:34 PM >>>
Travis,

Did you have any comments on the Discover Crossing CUP Amendment application or the Whistling Valley III Preliminary Plat and CUP application?

~Kelli
Planner
City of Lake Elmo

April 11, 2007



Ms. Kelli Matzek
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Whistling Valley Phase III

Dear Ms. Matzek:

Thank you for submitting the latest 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.

Concept Plan

The proposed concept plan appears to include some low-impact development techniques, e.g. a road hammerhead turnaround, a rainwater garden, open space, etc. Reducing impervious surfaces and encouraging infiltration practices will protect downstream Goose Lake and all water bodies from negative water quality impacts and "flashy" inflows. Infiltration will also recharge groundwater, which is needed to sustain a drinking water supply and support groundwater-dependent natural resources.

The VBWD recently adopted new rules and regulations, which include a stormwater volume control rule. The rules are posted to the VBWD's website: www.vbwd.org/permitting.htm. For the one-inch 24-hour design storm event, the stormwater runoff volume from the developed site cannot exceed the existing runoff volume at all points where discharges leave the site. Runoff equal to one half inch from the new impervious surfaces created from the project must be infiltrated.

The concept plan shows a rainwater garden within the road right-of-way, a small basin at the north end of the project, and two stormwater ponds (which appear to be wet ponds) at the southeast corner of the site. These runoff management facilities might be adequate, but the applicant will need to submit calculations and design details proving they will control the stormwater runoff to the VBWD standards.

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



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

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 southern stormwater management pond. Even if there are no 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

- The VBWD is pleased to see that a road hammerhead turnaround appears on the plans. Hammerheads require less impervious surfaces than cul-de-sacs.
- There are several existing and proposed steep slopes on the site. Controls will be critical to prevent erosion.
- The VBWD will be investigating the stability of the ditch that is partially on the south end of the property. The VBWD might wish to work with the developer to stabilize the ravine.

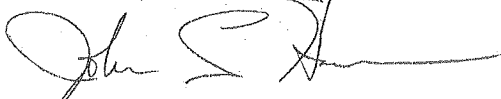
Permit Requirements

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/permitting.htm. 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, volumes, and 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)

Ben Gozola

From: John Hanson [jhanson@barr.com]
Sent: Monday, May 07, 2007 11:36 AM
To: Ben Gozola
Subject: Goose Lake

Ben-
I'll call you, too, but here's the Goose Lake information:

DNR's Ordinary High Water level (OHW): 924.4
VBWD's 100-year flood level: 932.0

The DNR has established minimum statewide standards for shoreland development of lakes, and standards vary with differing use classifications. Goose Lake is classified by the DNR as a natural environment lake. Development requirements associated with a natural environment classification include:

- setbacks from the OHW of 150 feet for sewerred and 200 feet for unsewerred lots
- minimum lot sizes of 40,000 square feet for sewerred and 80,000 square feet for unsewerred development.

More information regarding Goose Lake is in the VBWD's 2005-2015 Watershed Management Plan. See Section 5.29 at <http://www.vbwd.org/WMP/Index.html>.

John

John P. Hanson, P.E.
Barr Engineering Company
4700 West 77th Street
Minneapolis, MN 55435-4803

952.832.2622 phone
952.832.2601 fax
651.748.4230 VBWD project office

www.barr.com
www.vbwd.org



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
LAKE ELMO,
MINNESOTA
WASHINGTON COUNTY

PANEL 10 OF 10
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
270505 0010 B

EFFECTIVE DATE:
JULY 2, 1979



U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

NORTH

NORTH

ZONE C

AVENUE

KEATS

STREET

70

ZONE A

5000

Whistling Valley III – Forestry and Landscaping Report

to: Kelli Matzek, Asst. Planner, City of Lake Elmo

from: Katharine D. Widin, Ph.D.
Forestry Consultant
Plant Health Associates, Inc.
651-436-8811
kdwidin@comcast.net

4/11/07

As requested, I have reviewed the plans for the proposed development, Whistling Valley III off Cty. Rd. 10 and 10th St. La. N. in Lake Elmo. The plan sets which I reviewed were received by the City 3/14/07 and 4/3/07. I also looked at an aerial photo of the site and drove to the site to confirm tree species and distribution. I have the following observations and recommendations regarding this project:

Trees On Site

The development is proposed for a property which has areas of native oak woodland and planted pine. These areas contain most of the significant trees (diam. > 8 in.) on the site. The property also has open field areas, woodland openings and areas of smaller trees and shrubs.

Project Design

The project appears to have been designed in keeping with the topography and significant treed areas as much as possible. Outlots and buffer areas have been set aside to provide vistas and screening for the project. There are 7.53 A of preserved open space (> 50% of total site area) which includes areas with trees in different portions of the site. Six homes are planned for the site and the project design is attractive and should complement the natural setting. House sites, infrastructure and the trail appear to have been sited in consideration of the natural amenities. A recreational trail is planned around the perimeter of the site on the south, west and north sides and will go through or near wooded areas for much of its length.

Tree Removal Plan

A tree removal plan has been submitted as part of the development plans. A list of significant trees to be removed in outlots as well as building lots is included and corresponds well to the tree species distribution on the site. Using the listed diameters of trees over 8 inches which are slated for removal, the project estimates removal of 48 significant trees totalling 598 diameter inches. Representative species of significant trees being removed are red pine, jack pine, red oak, white oak, hackberry, ash, elm and cottonwood. Except for 1 cottonwood, most significant trees being removed are under 20 in. in diameter (ave. diameter = 12.5 in.). The "tree removal notes" on this plan indicate that the trees in the development area plus trees and vegetation along the trail corridor

will be preserved to the maximum extent possible.

Tree Protection

Trees which are to be preserved will be protected by fencing according to detail 3/L2.0. If the fencing is installed per the detail, prior to any soil disturbance, this should provide adequate protection for most trees in or near the construction area. I did notice that the T-F line detail, which indicates where the tree protection fencing is to be installed, was not present on sheet C2.1 in all areas where grading will be near trees to be preserved. In order to preserve the maximum number of significant trees, tree protection fencing should be installed in all areas where grading, other soil disturbance or vehicle traffic will be near trees which are to be saved. Installing tree protection fencing along all grading limits next to existing significant trees is one way to be sure trees will be protected during construction activities. If erosion control (silt S-F) fencing is to be installed in some areas of the grading limits, this will be adequate to protect trees if construction equipment stays on the construction side of the erosion control fence. Using orange erosion control fencing in areas where it is to be used also as tree protection fencing can help draw workers' attention to the barrier. Vehicle traffic or parking, piling/storage of building materials, and clean-out of construction equipment should definitely not be allowed within the dripline of any trees to be preserved in order to protect the root systems from damage.

Question: Who will be inspecting the site to ensure that the tree protection fencing stays up throughout the construction period?

Oak Wilt – Because of the oaks which are present on this property, the site should be inspected for oak wilt before, during and after construction of the development. If any oaks are pruned or wounded between 4/1 and 10/15, the wounds should be covered with paint immediately to prevent insect transmission of the oak wilt fungus to fresh wounds and development of oak wilt disease.

Landscape Plan

The proposed Landscape Plan takes into account the natural resources on the property. Boulevard trees have not been included as part of the landscaping due to the wooded nature of the site and this is appropriate. Tree and shrub plantings, as well as perennials are shown for the entrance area, rain gardens, stormwater pond and drainage swale. The designs are attractive and will fulfill their landscape functions. There is an emphasis in these designs on the use of native plants (species or cultivated varieties) which is appropriate and will decrease long-term maintenance needs. The species represented are attractive, hardy and have few serious insect, disease or cultural problems which would limit their usefulness or longevity or require excessive landscape maintenance. There are 6 building sites in this development, so, according to the city's OSP code, 60 trees would be required to be planted (10 per building site). There are 146

trees indicated in the plan to be planted on site and the trees specified in the Plant Schedule are larger than the minimum size required. Gray dogwood were listed in the Plant Schedule (sheet L1.1) as a deciduous tree, but it is a shrub. In all, an estimated 352 diameter inches of trees are planned for the landscaping in this development.

The "Planting Detail" (1/L2/0, 2/L2.0, 4/L2.0) which has been submitted as part of the landscape plan, is good and should be part of the specifications given to landscape contractors who will be bidding on installation of landscape plants. The planting detail should be adhered to and, if planting is not done according to the approved plan and detail, it will need to be re-done.

Question: Who will be inspecting the plant material at time of delivery/planting and accepting or rejecting plants? Who will be checking to make sure that the planting methodology included in the Planting Detail is adhered to?

If you have any questions regarding this plan review and report, please contact me.

Kathy Widin
Forestry Consultant
City of Lake Elmo
651-436-8811