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## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, March 23, 2015 at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. March 9, 2015
4. Public Hearing
  - a. ZONING MAP AMENDMENT – GENERAL AMENDMENTS. The Planning Commission will consider general updates to the City’s official Zoning Map to bring the map into conformance with the Comprehensive Plan and to revise the map to include recently approved subdivisions.
5. Business Items
  - a. RURAL AREA DEVELOPMENT UPDATE. The Planning Commission is being asked to discuss issues concerning rural development within the framework of other potential Comprehensive Plan Amendments in 2015. Materials from previous meetings will be provided for further review.
  - b. GATEWAY CORRIDOR TRANSIT PLANNING UPDATE. Staff will provide an update on the ongoing planning effort of the Gateway Corridor Bus Rapid Transit facility.
  - c. OPEN MEETING LAW DISCUSSION. The Planning Commission Chairman requested a discussion on Open Meeting Law.
6. Updates
  - a. City Council Updates – March 17, 2015 Meeting
    - i. Accessory building variance – 3033 Inwood Ave. N. approved
  - b. Staff Updates
    - i. Upcoming Meetings:
      - April 13, 2015
      - April 27, 2015
  - c. Commission Concerns
7. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of March 9, 2015**

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

**COMMISSIONERS PRESENT:** Williams, Dodson, Kreimer, Griffin, Larson and Dorschner

**COMMISSIONERS ABSENT:** Haggard

**STAFF PRESENT:** Community Development Director Klatt, City Planner Johnson and City Engineer Griffin

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes: February 23, 2015**

M/S/P: Williams/Dorschner, move to approve minutes as amended, ***Vote: 5-0, motion carried, with Griffin not voting.***

**Business Item: Wildflower at Lake Elmo cont.**

Klatt noted that the application before the Planning Commission is a Preliminary Plat and Preliminary PUD Plan for the Wildflower at Lake Elmo. The Planning Commission held a public hearing on February 23, 2015. The Planning Commission postponed consideration of the application to collect additional information on the following: 1) Raingardens and specifically how many 2) Could the road widths be expanded in place of Raingardens 3) Narrow streets and what are specific problems associated with them 4) Fields of St. Croix drainfield and if there are problems with directing water across it 5) drainage issue near the Krueger property and if there are any issues with the culvert and flooding in this area.

Regarding the culvert on Lake Elmo Ave., the Valley Branch Watershed District engineer, John Hanson, noted that the flooding condition related to the Krueger property is more related to an existing condition. He was confident that the condition would not be made worse by the Wildflower development. Williams asked if staff had contacted Washington County regarding the culvert. Klatt noted that he did not contact Washington County Public Works.

Regarding the Fields of St. Croix drainfield, Klatt noted that the 100-year flood elevation of Goetschel Pond is 908. The drainfield is located at a significantly higher elevation than the 100-year flood elevation. Klatt noted that there does not appear to be any threat of inundation of the drainfield based upon these elevations. Mr. Pace of Fields of St. Croix spoke that staff is correct on the elevations, and there does not appear to be a threat. Williams asked about some properties that previously shared the need to pump water out of their basements, at times utilizing a sump pump. Klatt noted that the area of note with regards to pumping is further to the south.

In discussing the setback from the Eischen well to the stormwater facility, Klatt noted that the MN Dept. of Health has clear setbacks for wells from wet basins. The Eischen well is located outside of the required setback. Klatt also noted that the low floor elevation of the Eischen home meets the required 2 foot separation from the storm water facility.

With regards to the number of rain gardens within the development, the applicant has agreed to remove the rain gardens from the right of way. The condition of approval would still allow the applicant to investigate specific locations for rain gardens with the approval of the City Engineer. Dodson asked the City Engineer about the maintenance costs associated with rain gardens. Jack Griffin noted that exact costs are not available, as the City only maintains 3 gardens at this time. The larger problem relates to garden failure, where the garden may not be designed correctly for a specific soil.

Street widths were discussed, noting that public works and emergency services do not support narrow streets for access and maneuverability concerns. Klatt recommended that the condition remain in place and the applicant meet with the appropriate staff for final design.

Additional neighbor concerns - Mary Jean Dupuis requested that the nearby grass trail be eliminated from the plan. Staff has included an alternate condition should the Planning Commission support the request of the Dupuis family. Staff does not have a strong preference about this request. Klatt noted that the HOA will own the property, and the City has limited ability to not allow a mowed trail. Williams asked about screening and plantings. Klatt noted that plantings have been installed and are shown on plans. Richard Smith noted two major concerns: 1) timing and location of sewer connection and 2) access road to the property. Staff is recommending that the utility plans be updated to show stub to smith property, and that a condition be added regarding the driveway. Smith also did express concern about future subdivision of the outlot near his property. Klatt noted that staff would contact City Attorney to discuss the addition of a covenant or condition. The Planning Commission asked if all outlots would be a concern for future subdivision. Klatt noted that there are conservation easements that would need to be vacated, and many of the outlots include stormwater facilities, which is integral infrastructure.

Regarding the flood zones, the VBWD noted that they may take the lead in updating the FEMA maps for this area. Staff will draft a letter of support for VBWD to take the lead. Dodson asked how much time it would take to complete the update. Klatt noted not weeks, much longer, but before the 3<sup>rd</sup> phase of the development comes forward.

MnDOT sent comments that are pretty boiler plate review language of when MnDOT permits would be required.

Klatt presented the proposed findings and conditions of approval. Two findings were added by the Planning Commission,

Williams asked if the MN Land Trust was party to the conservation easements on Outlots O and P of Fields of St. Croix. Klatt confirmed that they were not party to those easements.

Klatt noted that staff is recommending approval of the Wildflower Preliminary Plat and Preliminary PUD Plan with the recommended 20 conditions. Staff recommends deleting condition #2 and add Condition #20 as it relates to the smith driveway. The Commission needs to decide if condition #21, relating to the removal of the grass trail in Outlot H, should be added.

Dodson asked about conservation easements and the resulting tax situation if only the City is party to the easement as opposed to MN Land Trust. Engstrom stated that the Minnesota Land trust only applies to Phase I of the development.

Engstrom discussed the proposed mowed path through Outlot H. Larson noted that the City has successful trails that are mowed paths in Sunfish Lake Park.

Williams asked if there were additional locations in HOA owned outlots that could have rain gardens. Williams felt that these could be a benefit to the pollinators as well. Engstrom noted that if they find the correct locations in other places, they are not opposed to adding some rain gardens.

Dodson began the discussion by talking about condition #20, the restriction on Outlot G. The Commission would like stronger language to protect it like the other outlots to prohibit any future splitting of the outlot. Williams wanted a separate condition.

M/S/P: Williams/Dodson, move to require the developer and the City to establish a legally binding agreement to prevent further residential or commercial development of all outlots, **Vote: 6-0, motion carried unanimously.**

The Planning Commission discussed the trail near the Dupuis property.

M/S/P: Williams/Larson, move to strike condition #21 related to the removal of the trail near the Dupuis property, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move to strike condition #2, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move to amend condition #3 to require the developer to submit temporary easements to the City prior to grading activity, **Vote: 6-0, motion carried unanimously.**

Condition #3 will now read: Prior to any grading activity, the developer shall submit to the City temporary grading easements from the owner of the lots adjacent to Layton Avenue within the Brookman Addition in order to construct the improvements within this right-of-way as documented in the preliminary construction plans.

There was a discussion about rain gardens.

M/S/P: Dorschner/Kreimer, move to recommend approval of the Wildflower Preliminary Plat and Preliminary PUD Plan with the 21 conditions of approval and the findings of fact as drafted by staff and amended by the Planning Commission, **Vote: 6-0, motion carried unanimously.**

Williams suggested a minor amendment to condition #8 and finding #7 that were grammatical. Dorschner and Kreimer accepted as friendly amendment.

#### **Public Hearing: Boulder Ponds – Zoning Map Amendment, Final Plat and Final PUD Plan.**

Planner Johnson presented an overview of a proposed Final Plat, Final PUD Plan, and Zoning Map Amendment associated with a proposed mixed use development to be called Boulder Ponds. He noted that the final plat includes 47 single-family residential lots and represents a portion of the overall area included as part of the development project.

Critical issues are 1) additional easements are required along public ROW and outlots 2) Outlots D,E,G, and L must be dedicated to the City for stormwater facilities 3) written approval from SWWD for modifications to Surface Water Management Plan 4) all grading, drainage, erosion control, surface water management and utility and street plans approved by City Engineer prior to release of final plat for recording.

Johnson stated that Staff is recommending approval of the Final Plat and Final PUD Plans with 11 conditions, in addition to recommending approval of the zoning map amendments.

Williams questioned preliminary plat condition number 9 concerning the width of the trail. He stated that the developer has indicated that the plans have been updated to reflect the City's request. Johnson noted that the City has been working to establish standards for trail widths, and that the review indicated that the trail width has not yet been reduced.

Williams asked that the completion of 5<sup>th</sup> Street be tied to the Inwood Development or the platting of Boulder Ponds. Johnson stated that Staff has insisted that the timing of major infrastructure improvements be tied to the amount of development as it occur. Under State Statute, there must be some proportionality between the amount of infrastructure that the City is requiring and the amount of traffic/development. In this case, Staff is agreeing with the developer that the phasing as proposed by the developer is reasonable given amount of work included with the first phase.

Kreimer questioned whether or not the small triangle related to the 5<sup>th</sup> Street right-of-way on the eastern edge of the plat had been transferred to Boulder Ponds. Johnson confirmed that this lot line adjustment and subsequent transfer of property has occurred.

Kriemer asked about the required driveway setback from street intersections where there is a minor collector road. Engineer Griffin stated that on residential streets, no standard has been established. Engineer Griffin also stated that it is a common occurrence to have driveways near the entrance of a development, but he would not dispute that it can create traffic issues.

Dorschner questions about how to access lots adjacent to the center median neighborhood. Staff response was that they would make a U-turn around the median. Engineer Griffin stated that it is a residential road where those turns would be common.

Kreimer asked about the visibility of intersection adjacent to the medians. Johnson noted that this was a concern noted by Staff in the preliminary plat review, and that this could be further reviewed as part of the City's final construction plan review.

Williams asked why a condition was not included specific to the City's theming study. Johnson stated there was no reason it isn't a specific condition.

Williams asked about the purpose of the "lot book" and whether or not this would be used as a basis for building approvals. Johnson indicated that the book would be used by Staff to review the location of homes associates with individual building permits.

Steve Slettner, Consulting Engineer with SEH, discussed the lot book. He noted that this would be the first City that this has been a requirement. He further stated that the book is a tool for helping ensure that the grading, housing type, and setbacks are addressed

properly for each lot. This will help ensure that the realtors, builders, and City all are aware of the lot requirements in advance of any construction.

Deb Ridgeway, OP4 Boulder Ponds, spoke regarding the theming and amenities. Williams feels that all developments in the City should be following the Lake Elmo theming to bring continuity and commonality to the City. Klatt stated that since the theming was not a condition of approval at preliminary plat, at this point, the most they could do would be to suggest or encourage it, but not mandate it.

Ridgeway stated that they hope to be back for phase II in a year, but of course that is dependent on sales. Creative Homes will be the builder for phase I and have first right of purchase for phase II.

Kreimer suggested a condition that the developer is strongly encouraged to use high quality materials and use four-sided architecture throughout the project area. He noted that this means that the developer would need to add windows and trim to the sides and rear of homes. The Commission generally noted that the submitted home drawings did not meet this objective.

Dodson felt there was some degree of disconnect with the PUD when there is no solidified architecture. His concern comes from the fact that the developer is not the builder. Ridgeway stated that this builder has 2 homes in the parade of homes and she would encourage them to tour those. She also stated that they have a good working relationship with builder and can strongly encourage the 4 sided architecture. They will also set up the HOA and covenants and can regulate the architectural standards.

Public Hearing opened at 8:33 pm

No one spoke and no written comment was received.

Public Hearing closed at 8:33 pm

Slettner indicated that the proposed development will allow more options for creativity along the side and rear of homes because of the coving. He noted that other developments do not necessitate this level of design because they are all on rectangular lots.

Williams suggested a condition of approval: Applicant is encouraged to incorporate multi-sided architecture and view sheds consistent with design concepts and examples shown during the preliminary plat presentation by Rick Harrison. Slettner stated that this would be acceptable to them.

M/S/P: Williams/Dodson move to include a condition that the applicant is encouraged to incorporate multi-sided architecture and view sheds consistent with design concepts

and examples shown during the Preliminary Plat presented by Rick Harrison. **Vote 5-0, Motion carried with Griffin abstaining.**

Commission discussed Lake Elmo theming elements.

M/S/P: Williams/Dorschner move to encourage the applicant to incorporate elements of the Lake Elmo theming study into the open space and public areas within the subdivision. **Vote 6-0, motion carried unanimously.**

Williams suggested changes to draft findings and that these be restricted to phase one. Johnson did not think this change would be necessary since future phases would also be bound by the preliminary plat requirements. Johnson requested that Staff be allowed to further review the vision triangle to ensure that plantings within medians do not create a problem for visibility. He suggested amending condition 7 in order to accomplish this.

M/S/P: Williams/Dorschner move to remove the second sentence in condition 7. **Vote 6-0, motion carried unanimously.**

Condition 7 would now read: The Final Landscape Plan shall be revised per the requested modifications of the City Landscape Consultant, documented in a memo dated 3/3/15. The Final Landscape Plans shall be approved prior to the release of Final Plat for recording.

M/S/P: Kreimer/Dodson move to add a condition to state that the final landscape plan shall be reviewed by the City to ensure that road safety issues are properly address by the development, and specifically the site triangle requirements. **Vote 6-0, motion carried unanimously.**

M/S/P: Williams/Kreimer move to recommend approval of the requested Zoning Map Amendment for the Boulder Ponds planned development based on the finding of facts listed in the staff report. **Vote 6-0, motion carried unanimously.**

M/S/P: Dorschner/ Williams move to recommend approval of the Boulder Ponds Final Plat and Final PUD Plans with the conditions as revised by the Planning Commission and based on the findings included in the staff report. **Vote 6-0, motion carried unanimously.**

## Updates and Concerns

Council Updates – February 24, 2015 Meeting

1. Wendy Griffin was appointed 1<sup>st</sup> Alternate to Planning Commission.
2. Hammes Estates 1<sup>st</sup> Addition Development Agreement Amendment - Approved.
3. Savona Preliminary Plat Resolution Amendment - Approved.



Council Updates – March 3, 2015 Meeting

1. Zoning Text Amendment – adding Liquor Stores to CC Zoning – Approved.
2. Easton Village Final Plat – Approved.
3. Easton Village Developer Agreement – Approved.
4. Lennar Sketch Plan – Reviewed.

Staff Updates

1. Upcoming Meetings
  - a. March 23, 2015
  - b. April 13, 2015
  - c. Future Joint Meeting with EDA

*Commission Concerns*

Dorschner indicated that he had watched the last meeting, and expressed concern over the Council's statements concerning preferences for development. He stated that the Planning Commission spend a great deal of time reviewing these applications for consistency with the Comp Plan and Zoning Code.

Meeting adjourned at 10:30 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant



PLANNING COMMISSION  
DATE: 3/23/15  
AGENDA ITEM: 4A – PUBLIC HEARING  
CASE # 2015-15

ITEM: Zoning Map Amendments – General Amendments

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner

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### SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to adopt an updated Zoning Map that addresses several land use and development projects that have recently been approved by the City. Staff is also recommending amendments that will address previous map issues in order to improve the overall consistency of the map.

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### GENERAL INFORMATION

*Applicant:* City-initiated action for discussion

*Request:* Adopt an updated Zoning Map for the City.

*History:* The City completed a major map revision in 2013 to incorporate the RT – Rural Transitional Zoning classification as part of the map. Other recent amendments have been made in conjunction with specific development proposals. The City has also recently adopted perfecting amendments to bring the zoning map into conformance with the Comprehensive Plan.

*Deadline for Action:* None

*Applicable Regulations:* Comprehensive Plan – Chapter III: Land Use Plan  
Zoning Ordinance – Article 8: Zoning Districts and Zoning Map

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### REVIEW DETAILS

All of the requested changes to the Zoning Map are based on approvals given or actions already taken by the City, or are intended to bring the Map into conformance with the Comprehensive Plan. The proposed changes include the following:

Parcel/Description	Existing Zoning	Proposed Zoning
Langley Court Water Tower	RS	PF - Public Facilities
Village Preserve	RT	LDR – Low Density Residential
Village Park Preserve	RT	LDR – Low Density Residential

Easton Village	RT	LDR – Low Density Residential
8282 Stillwater Boulevard North (Rear Lot)	RE	RS – Rural Single Family Residential
8308 Stillwater Boulevard North (Rear Lot)	RE	RS – Rural Single Family Residential
Parcel ID 16.029.21.34.0008 (Rear Lot)	RE	RS – Rural Single Family Residential
8364 Stillwater Boulevard North (Rear Lot)	RE	RS – Rural Single Family Residential
8428 Stillwater Boulevard North (Rear Lot)	RE	RS – Rural Single Family Residential
8488 Stillwater Boulevard North (Rear Lot)	RE	RS – Rural Single Family Residential

Because the proposed map amendments are intended to address developments or projects that have already been approved by the City, Staff is recommending approval of all changes as presented.

**RECCOMENDATION:**

Staff is recommending that the Planning Commission adopt an updated Zoning Map that incorporates the revisions noted above.

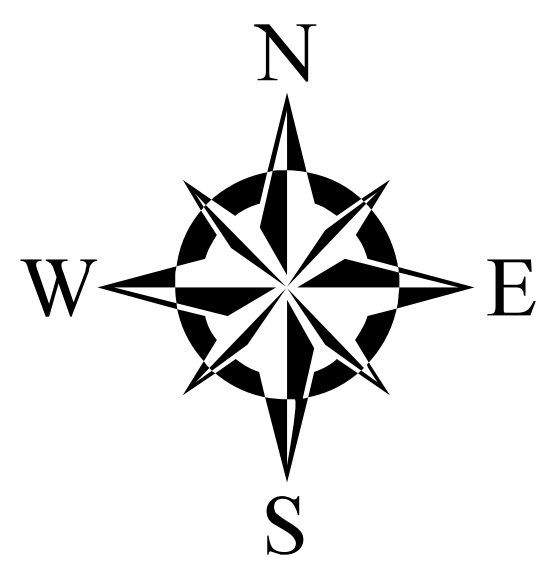
**ATTACHMENTS:**

1. Proposed Zoning Map
2. Existing Zoning Map











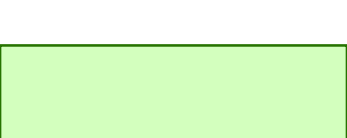


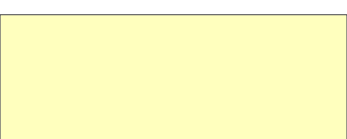

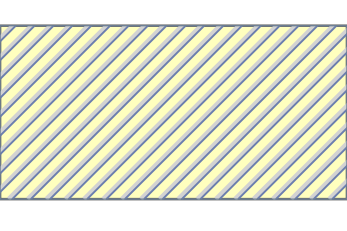

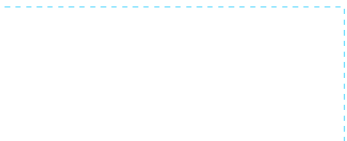

**ORDER OF BUSINESS:**

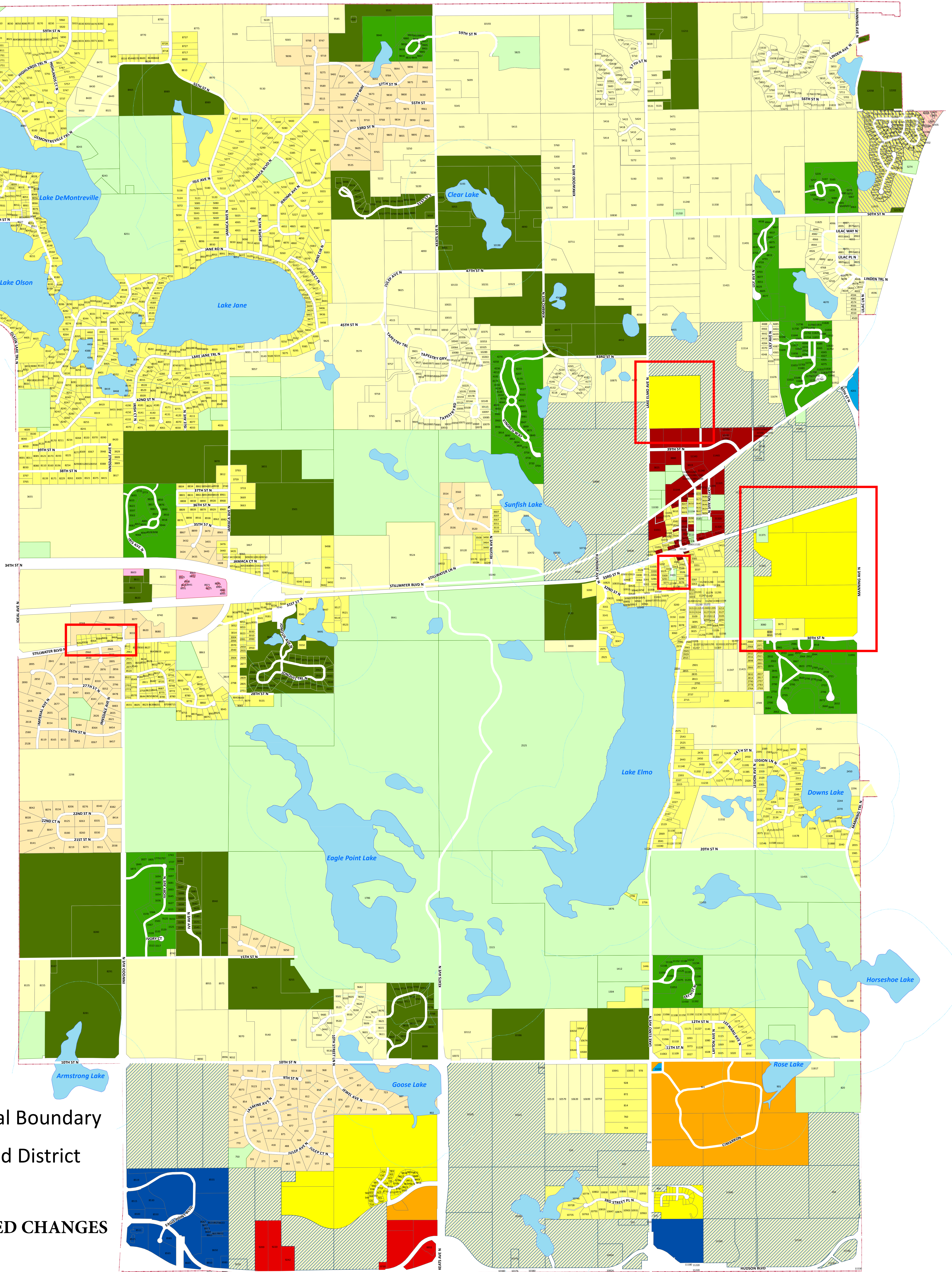
- Introduction .....Community Development Director
- Report by Staff .....Community Development Director
- Questions from the Commission ..... Chair & Commission Members
- Public Comments .....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission ..... Chair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





### ZONING DISTRICTS

-  A
-  BP
-  C
-  CC
-  GB
-  LC
-  LC-PUD
-  LDR
-  MDR
-  OP
-  PF
-  R2-PUD
-  RE
-  RR
-  RS
-  RT
  
-  Municipal Boundary
-  Shoreland District
  
-  PROPOSED CHANGES



Sources: Washington County & Metro GIS  
3-17-2015

# Official Zoning Map

*Proposed*





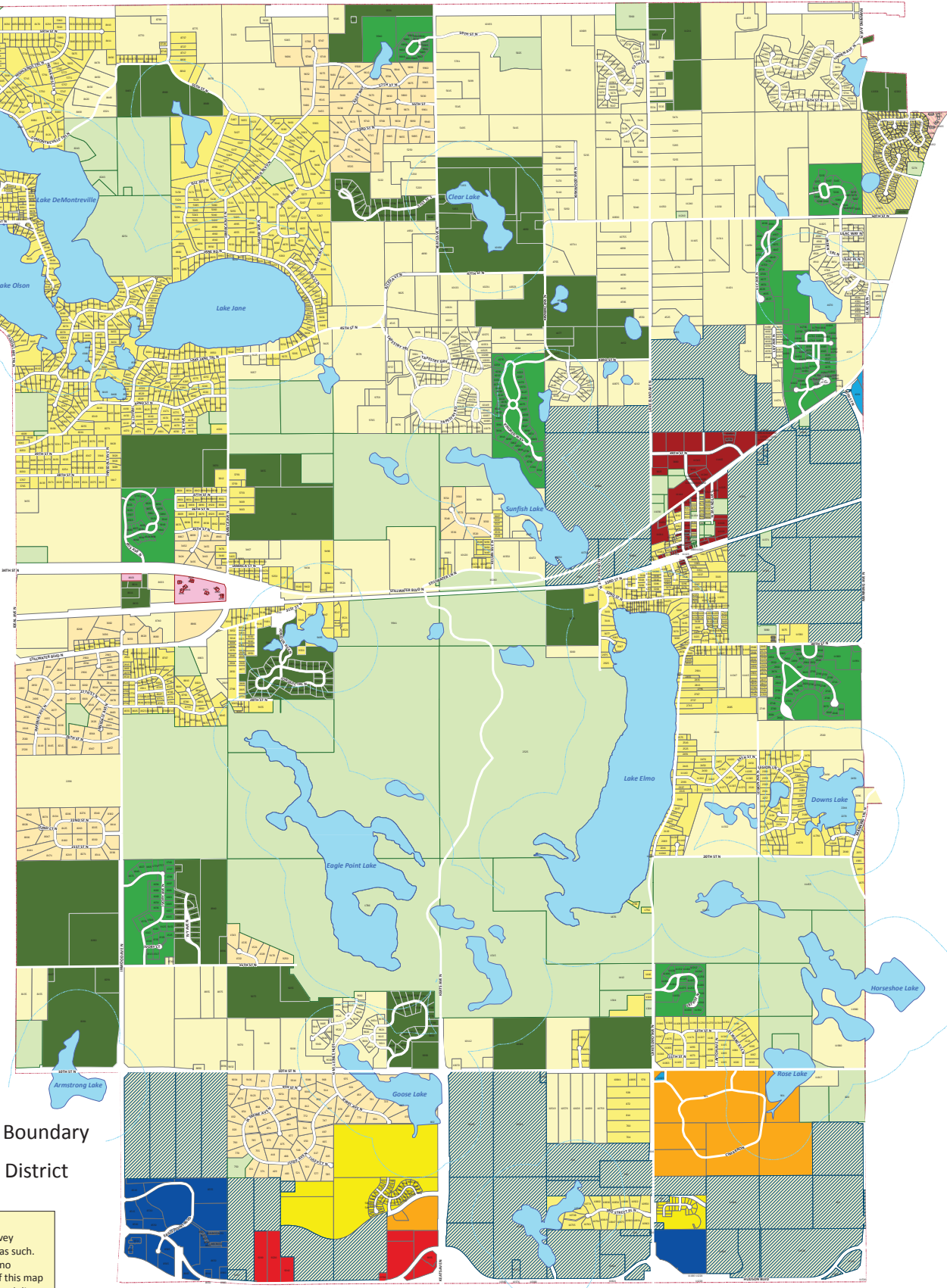


**ZONING DISTRICTS**

- A
- BP
- C
- CC
- GB
- LC
- LC-PUD
- LDR
- MDR
- OP
- PF
- R2-PUD
- RE
- RR
- RS
- RT

- Municipal Boundary
- Shoreland District

**Data Disclaimer:**  
 This map is not a boundary survey and is not intended to be used as such. The City of Lake Elmo assumes no liability for the completeness of this map or responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse.



Sources: Washington County & Metro GIS  
 1-9-2015

# Official Zoning Map





PLANNING COMMISSION  
DATE: 3/23/15  
AGENDA ITEM: 5A – BUSINESS ITEM  
CASE # 2013-036

ITEM: Rural Area Development and Comprehensive Plan Update

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner

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**SUMMARY AND ACTION REQUESTED:**

Staff is requesting that the Planning Commission spend some time at its next meeting discussing the City rural development areas and Gateway Transit Corridor within the context of broader amendments to the Comprehensive Plan that may be considered in 2015. The first part of this discussion will focus on the City's rural development areas, while a latter agenda item will include an update from Staff on the Gateway Corridor planning process.

Because it has been a little while since the Planning Commission last discussed rural development areas, Staff is attaching the last report submitted to the Commission for discussion purposes back in September of 2014. Also attached are some updated materials from the Met Council concerning the City's 2040 forecasts and residential densities, along with a handout from the Met Council that describes the process for submitting Comprehensive Plan amendments prior to adoption of the final 2015 systems statement for Lake Elmo.

Staff would like to focus discussion on the following points at the meeting:

- 1) Whether or not the Commission is interested in obtaining more up-to-date cost of service information for rural developments, or conducting additional research that is specific to Lake Elmo.
- 2) How the revised 2040 forecast numbers could be integrated into the City's planning efforts in advance of the decennial 2018 Comprehensive Plan amendment, and specifically, if the City should try to accommodate more or fewer residential housing units in rural areas in response to the revised forecasts.
- 3) Staff's recommendations for moving forward with amendments that could address the City's rural development areas while also taking into account the need to plan for the proposed Bus Rapid Transit line and infrastructure associated with the Gateway Corridor.

As this is a discussion item, Staff will be presenting additional information at the meeting for further consideration.

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**RECOMMENDATION:**

Staff recommends that the Commission consider the above discussion points at the meeting and provide any direction to Staff at that time.

**ATTACHMENTS:**

1. Met Council Letter to Staff – December 23, 2014
2. Met Council Interim Review Handout
3. Staff Report – October 27, 2014

**ORDER OF BUSINESS:**

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

# PLAN AHEAD

## COMPREHENSIVE PLAN AMENDMENT REVIEW THROUGH 2018

### *Now that Thrive MSP 2040 is adopted, what does that mean for your comprehensive plan?*

As directed by state law, the Council adopted a new comprehensive development guide, *Thrive MSP 2040*, in May 2014. We are updating our regional plans for transportation (including aviation), regional parks and open space, and water resources. In addition, we are also drafting a new housing policy plan. These system and policy plans are scheduled for adoption later in 2014 and in early 2015.

We will issue System Statements in the fall of 2015; and your community will have until the end of 2018 to update your comprehensive plan. We recognize that communities may need to amend their 2030 comprehensive plans prior to completing their update. This is how we will consider and review amendments to your current comprehensive plans:

1. From now until early 2015 when all of our system and policy plans are adopted, comprehensive plan amendments will be reviewed under the *2030 Regional Development Framework* and 2030 system plans.
2. From early 2015 (after the adoption of all of the system and policy plans) until January 1, 2016, you may **choose** to have your comprehensive plan amendment reviewed under either:
  - a. The *2030 Regional Development Framework* and 2030 system plans  
– OR –
  - b. *Thrive MSP 2040* and its 2040 system plans  
*Please note that amendments under either scenario must not create conformance issues with 2040 metropolitan system plans.*
3. From January 1, 2016 to June 30, 2018, all comprehensive plan amendments and updates will be reviewed under *Thrive MSP 2040* and its system and policy plans.
4. Beginning July 1, 2018, we will no longer accept amendments to 2030 comprehensive plans. To be reviewed, an amendment must be found complete before July 1, 2018.
5. Your 2040 comprehensive plan updates are due to the Council by December 31, 2018.

### *What about changes to our forecasts?*

When we adopted *Thrive*, we also adopted 2040 local forecasts of population, households, and employment. We are using these adopted forecasts for developing the systems and policy plans and forecasting future demand for transportation, transit, and sewer service. Later in 2014, we will issue and adopt forecasts for 2020 and 2030 consistent with the adopted 2040 forecasts. In 2015, we will update regional and local forecasts to reflect current national data and the policies adopted in the Council's systems and policy plans. The System Statements issued in the fall of 2015 will include these updated forecasts.

Consistent with the timelines above, you may continue to implement and amend your 2030 comprehensive plans, which use Framework forecasts. Some proposed amendments might include requests to change your local forecasts. In the time period before System Statements are issued in 2015, we will consider revisions to the *Thrive* forecasted 2040 community totals as part of our review of those amendments. Examples of plan changes that could result in a revision to *Thrive* forecasts include:

- Substantial changes in land supply, planned land uses, and/or allowable density ranges
- Substantial changes in the extent of staging of MUSA (or comparable municipal service area)

As addressed in *Thrive MSP 2040*, where 2040 sewer-serviced households or sewer-serviced employment are lower than the Framework 2030 forecasts, you may continue to plan for urban services in those areas that are authorized in your local 2030 comprehensive plan.

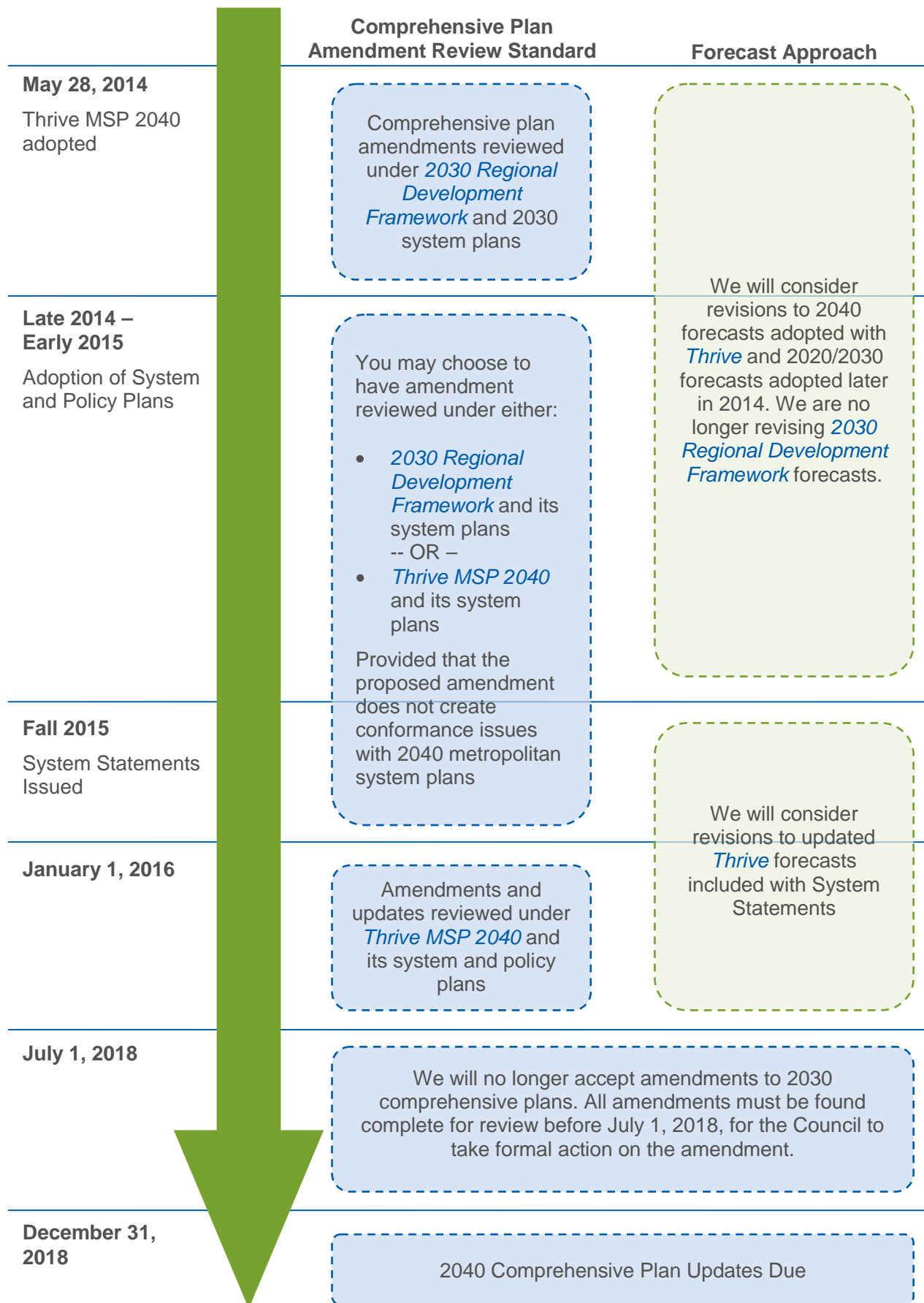
Council staff will assist you in incorporating any approved forecast changes into your 2030 plan.

### *Questions?*

If you have questions, please contact your Sector Representative, or Lisa Barajas, Local Planning Assistance Manager, at 651-602-1895. We are happy to explain requirements and answer any questions.







**DATE:** December 23, 2014

**TO:** Kyle Klatt, Lake Elmo Community Development Director  
Dean Zuleger, Lake Elmo City Administrator

**FROM:** LisaBeth Barajas, Local Planning Assistance Manager, Metropolitan Council

**SUBJECT:** Planning Clarifications

As a follow up to our meeting between Metropolitan Council (Council) staff and City staff on December 5, 2014, I am providing some clarification on a few planning issues that we had discussed, for your information. Based on our conversation, this memorandum outlines the Council's approach to the following:

- Forecasts
- Planned residential densities
- Gateway Corridor planning

## Forecasts

Now that the City and the Council no longer have the Memorandum of Understanding and other legal agreements that addressed sewered growth targets for the City, the Council's approach to development forecasts applies. As in all other communities in the region, the Council's forecasts reflect the level of population, household, and employment that is likely to occur through 2040. Communities are expected to plan for that level of growth by guiding appropriate land uses in their local comprehensive plans and by planning for appropriate infrastructure to support that growth and to coordinate with regional infrastructure and adjacent communities.

It is our understanding that there has been some misunderstanding about how those forecasts are applied in a day-to-day situation as communities are reviewing development proposals and new building is occurring. To be clear, the Council's forecasts do **not** represent a cap or limit on growth. Rather, this is our most reasonable expectation for what is likely to occur in your community so that you can appropriately plan for that. If a community finds that their pace of development is exceeding our projections, we are happy to work with communities in updating our projections and in ensuring appropriate levels of infrastructure investment are made in a timely manner.

Because this planning cycle will be different from previous cycles in Lake Elmo, I want to provide additional detail about how we work with forecasts. While the Council has adopted 2040 forecasts, we do not consider that "the end" of our forecasting process. Rather, we will be updating forecasts with newest available information as part of issuing System Statements in the fall of 2015, and then continuing to refine forecasts as communities engage in their local comprehensive planning processes. I have included a graphic that explains how we forecast and the general timelines associated with forecasting.

One other item that came up during our conversation was the persons per household number that we used in Lake Elmo's forecasts. You had given me a short memo that assessed the City's likelihood of meeting the population growth projects using two different persons per households figures (2.5 pp/hh and 2.75

pp/hh). I have included your memo in our forecasting records so that we can use your assessment as part of forthcoming refinement for System Statements. We also will be happy to work with you this spring in figuring out the most appropriate persons per household figure for the City and how that might change from now through 2040.

### **Planned residential densities**

In our meeting, you had inquired regarding the density ranges associated with planned land uses, what the reasoning for ranges is (versus a single density), and whether this was a common practice across communities in the region. To confirm, in areas that are served by wastewater services, it is common practice for communities to define minimum and maximum densities for each of their planned land use categories.

The use of density ranges gives communities flexibility to apply multiple zoning districts for a planned land use category. For example, a community may have a medium density residential planned land use, but have a certain zoning district that allows that density range for their downtown and another zoning district for their historic neighborhood. The density ranges are the same in both, but there may be other standards (design, setbacks, parking requirements) that they may want to apply differently in the different areas.

Density ranges also gives communities flexibility as they consider development applications in concert with other identified community objectives. It may be that a certain site has a particular development constraint (like a very steep bluff) that the community has identified for protection that is not prevalent across the district. The community may decide to limit the total number of units on that site in order to provide that natural resource protection, but could do so without having to amend their comprehensive plan's land use guiding.

On the flip side, a community may put performance standards in to place whereby a development project may receive increased densities by meeting certain metrics that are above and beyond the code. With density ranges called out in the comprehensive plan, the community's land use guiding would not need to be amended to support developments of this type.

### **Gateway Corridor land use planning**

As you are aware, now that the locally preferred alternative for the Gateway Corridor has been locally adopted and included in our regional transportation planning documents, Washington County will be leading a land use and station area planning effort beginning in 2015. As I had noted in our meeting, we are committed to working with the County and you in the City in developing your local land use plans around station areas.

As we had discussed, the Council's draft Transportation Policy Plan (scheduled for adoption in early 2015) sets standards for minimum average residential densities for new development in station areas. These density standards are higher than the 3 units/acre that is applicable across the remainder of the City. Planning for higher densities in station areas, however, does provide opportunities for the City to consider lower densities in other portions in their community that are planned for wastewater service, provided that the City's overall planned average density is at least 3 units/acre and that the City is providing for sufficient land capacity to support their forecasted household and employment growth.

We are looking forward to working with you as you consider refinements to your comprehensive plan to support a successful transitway corridor.



PLANNING COMMISSION  
DATE: 10/27/14  
AGENDA ITEM: 5A – BUSINESS ITEM  
CASE # 2013-036

ITEM: Rural Area Development Analysis and Discussion – Presentation of “Rural Area Inventory and Analysis” Report

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Casey Riley, Planning Intern

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**SUMMARY AND ACTION REQUESTED:**

At its September 22, 2014 meeting, the Planning Commission reviewed a draft report prepared by Staff that inventoried lots in the City’s rural development areas, including a quantitative analysis of the various residential developments within these areas. This information was prepared to assist the Planning Commission with its ongoing discussion concerning growth and development issues with the City’s rural (unsewered) areas. Staff has since completed additional work on this report, and would like to present and review the latest version of the document with the Planning Commission.

At earlier meetings this year, the Commission received a broader overview of rural development issues from Staff, which included discussions concerning the status of the RAD-ALT land use category and the potential expansion of residential estates zoning in the community. More recently, the City Council, based on a recommendation from the Planning Commission, voted to remove the RAD-ALT land use category from the Comprehensive Plan. At this time, Staff would like to seek further direction from the Commission on the latter issue of the residential estates land use category, and superficially, whether or not the Commission would like to reconsider certain elements from the land use plan as follows:

- The minimum lot areas within the rural area development land use category. At present, no rural development is allowed on parcels less than 40 acres in size without Council approval of a special exception for a development.
- The usage of a residential estates zoning district (i.e. 2.5 acre lots) as a future land use. The “Residential Estates” land use category has not been applied to any future development in the community since the open space preservation ordinance was adopted in the 1990’s.

The attached report is intended to help the Planning Commission weigh all of the issues associated with making any changes to the rural development areas, and to be used as a starting point for future discussions on this matter.

## GENERAL INFORMATION

<i>Applicant:</i>	City-initiated action for discussion
<i>Request:</i>	Continue previous review and discussion of land use plans and policies concerning Rural Development Areas
<i>History:</i>	The City revised its Comprehensive Plan for rural areas in the early-mid 1990's to allow for open space developments. The amendments from this time period limited the use of the Residential Estates as a future land use and instead encouraged any future development of land to be consistent with the City's open space regulations. The RAD-2 category was added to the Plan in 2005 in response to Met Council growth directives.
<i>Deadline for Action:</i>	None
<i>Applicable Regulations:</i>	Comprehensive Plan – Chapter III: Land Use Plan Zoning Ordinance – Article 9: Rural District Standards

## REVIEW AND ANALYSIS

The below analysis is repeated from a report submitted to the Planning Commission earlier this year. Included in this report is a list of potential actions that should be considered by the Commission should there be a desire to make any changes to the City's polices concerning development in rural areas.

## GENERAL RURAL DEVELOPMENT REGULATIONS

One of the Commission's discussion items from earlier in the year included the City's rural development areas in general, and in particular, how to best plan for the future use of parcels that are under 40 acres in size. The City's current open space ordinance allows for OP developments on parcels that are 40 acres or more in size, but would only allow such development on smaller parcels through an exception process. In practice there have only been a few OP developments that have been created on properties with less than 40 acres. Under current zoning regulations, parcels that are less than 40 acres and zoned RR – Rural Residential could be split into lots no smaller than 10 acres, while parcels zoned A – Agriculture could not be further subdivided.

The Commission may also want to further discuss the RED (Residential Estates) land use category to assess whether or not this land use could be expanded into new areas in order to provide alternative development options on smaller parcels. At present, the City's Comprehensive Plan does not identify any new areas for RED development outside of existing developments or areas that were planned for such land use prior to the 2005 land use plan. The Staff comments below concerning residential development on smaller rural parcels take into account an expansion of the RED classification.

Some facts that should be considered by the Commission as it discusses this item include the following:

- There have been around 20 OP developments approved and constructed over the past 20 years in Lake Elmo. Some of these developments have been recognized nationally for best practices in conservation-based subdivisions.
- There have been no new OP developments approved by the City within since 2007. This is due partly to the downturn in the economy.
- At present, there are roughly 30-40 vacant lots available within OP developments. This number continues to drop by each year, meaning the current supply of OP lots will last no more than 2 years without additional subdivisions coming forward.
- The City has seen several large lot subdivision created in the last several years (10 acre lots) that have removed land from potential development under OP regulations.
- Staff has observed a fairly healthy market for lots within RS – Rural Single Family areas, and periodically older, existing homes are razed to make way for new, larger structures within these areas. The significant number of lake-frontage lots in the Tri-Lakes area will continue to be a factor in the demand for redevelopment of existing lots.
- The City has made recent agreements to extend public sewer service into a small rural single family area on the west side of Lake Olson and has agreed to extend sewer into at least one open space development outside of the Village. Staff expects pressure to provide sewer service to the Tri-Lakes area and to open space developments that are located close to the urban service areas will be one of the more important land use decisions that should be addressed in the next major Comprehensive Plan update.
- The City has rejected proposals in the past to split land in RAD areas into parcels less than 10 acres. Staff has found that it is very difficult for potential applicants to meet all of the City's variance criterion for these types of and use applications.

Should the Planning Commission and City Council decide to pursue changes to the minimum lot sizes allowed in rural development areas or to expand the use of the Residential Estates land use to new developments, Staff would like to offer the following as general comments:

- Maintaining an adequate amount of road frontage for every platted lot will be very problematic for most parcels that are less than 40 acres in size. The City does allow one parcel to be split without road frontage in rural development areas, but this often leads to situations in which a driveway is either shared by two parties or a driveway easement crosses someone else's land. This type of situation may be acceptable when there are over 20 acres to work with, but could become problematic on smaller lots.
- The cost of servicing developments with lots that are larger than ¼ to ½ of an acre in size is much higher than in developments with smaller and/or clustered lots. Even in situations in which sewer and water are installed on an each individual lot, the City must still provide roads, storm water improvements, fire protection, and other services that are now spread across a greater area.
- As lots become smaller, it is more difficult to find suitable area for adequate on-site septic systems. Smaller lots also provide less land that could be used to address failing systems.

- The platting of lots less than 10 acres in size would eliminate large areas of open space that are protected by the current minimum lot area requirements. One of the foremost goals in the City Comprehensive Plan is the preservation and open space and rural character. The platting of lots of less than ten acres in size may not help the City achieve these objectives.
- Further subdivision of lots in rural areas into parcels of 2 to 5 acres in size would create an environment in these areas that is much more suburban than rural in character. With additional homes the City can expect to see additional traffic, more buildings, fewer agricultural parcels, and less vegetation than presently exists in these areas.

Because the Planning Commission has only recently completed its work on major Comprehensive Plan amendments for the City's future sewer service areas, the Commission may want to consider looking at options for updating the Comprehensive Plan and ordinances concerning rural development areas. Staff would recommend that any such work, if the Planning Commission finds that the City should study this issue further, be considered as part of the work plan for 2015.

To help the Planning Commission with its discussion on this topic, Staff has developed the following options that could be considered for further study:

- 1) Revise the Zoning Ordinance to allow OP developments on parcels of less than 40 acres in size. At one time the minimum lot size for an OP project was 20 acres; however, this provision was changed in order to encourage the preservation of larger open space areas throughout the City. The previous Staff analysis that was shared with the Planning Commission noted that this course of action would be needed in order to meet the City's 2030 growth forecasts. The revised 2040 forecast reduces the pressure to accommodate additional housing within rural development areas.
- 2) Change the minimum lot areas requirements in the City's A and RR zoning districts to allow smaller parcels to be created in these areas. For example, the City could reduce the minimum lot area in RR zones to 5 acres and A zones to 20 acres. A change in the minimum lot area may require the City to reconsider how it manages road frontage and lot ratio requirements in these zoning districts.
- 3) Expand the use of the Residential Estates classification to areas that are not currently guided for this type of density. Consistent with the Staff comments above, the City's RED developments have a much different look and feel than the City's OP developments, even though the OP developments allow for more homes. The Planning Commission should take this into consideration if it would like to pursue this type of land use change.
- 4) Create a new land use category that would allow for limited development of parcels less than 40 acres in size while still adhering to the basic principles for an open space development. A new land use category could potentially allow for clustering of development on smaller lots provided the undeveloped portions of a site are either protected or retained under common ownership. Staff suggests that a new category should only be created if it can meet certain expectations, for instance, allowing for efficient delivery of public services, preserving open spaces, maintaining the City's rural character, providing environmental protection, reducing storm water impacts, etc. Staff is planning on doing some additional research into how a new land use category could be created prior to the Planning Commission meeting and will share some additional information with the Commission on this concept at the meeting.

- 5) Other options or alternatives as recommended by the Planning Commission.

Because any of the options noted above will require a fair amount of time and effort to implement, Staff is recommending that the Commission conduct a general review of these options at the meeting and give Staff some general direction as to one or more specific options that are chosen for further study and analysis. At this time, Staff does not have a specific recommendation for action on any of these alternatives.

**RECCOMENDATION:**

Staff further recommends that the Commission provide Staff with direction on which, if any, of the general rural development options should be pursued in the future.

**ATTACHMENTS:**

- 1. Rural Area Inventory and Analysis

**ORDER OF BUSINESS:**

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