

3800 Laverne Avenue North
Lake Elmo, MN 55042

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NOTICE OF MEETING

The City of Lake Elmo

Planning Commission will conduct a meeting on

Monday September 11, 2017 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. August 28, 2017
4. Public Hearings
 - a. ZONING TEXT AMENDMENT, ZONING MAP AMENDMENT AND CONDITIONAL USE PERMIT. A request by the Mare Affair, LLC, 10880 Stillwater Blvd N, for a Zoning Text Amendment to add Commercial Boarding Facility as a conditional accessory use to the Agricultural Zoning District, a Zoning Map Amendment request to rezone the property located at 10880 Stillwater Blvd N (PID # 14.029.21.11.0001) from Rural Development Transitional to Agricultural, a request for Conditional Use Permits to allow a Commercial Boarding Facility as an accessory use and for expansion to an existing feedlot within a Shoreland district for the property located at 10880 Stillwater Blvd N (PID # 14.029.21.11.0001).
5. Business Items
 - a.
6. Updates
 - a. City Council Updates – 9/5/17 Meeting
 - i. Royal Golf PUD Final Plat – passed.
 - ii. Village Park Preserve Final Plat – passed.
 - iii. Hidden Meadows Final Plat Extension – failed.
 - Staff Updates
 - iv. Upcoming Meetings:
 - September 25, 2017
 - October 11, 2017
 - v. MAC CEP Report-none
 - vi. Comprehensive Plan Update
 - b. Commission Concerns
7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Meeting
Minutes of August 28, 2017**

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

COMMISSIONERS PRESENT: Kreimer, Dorschner, Johnson Emerson, Williams, & Larson

COMMISSIONERS ABSENT: Lundquist, Dodson, & Hartley

STAFF PRESENT: City Planner Becker, Planning Consultant Gozola & City Administrator Handt

Approve Agenda:

Agenda was accepted as presented

Approve Minutes: August 14, 2017

M/S/P: Williams/Dorschner, move to approve the August 14, 2017 minutes as amended,
Vote: 5-0, motion carried unanimously.

Public Hearing Item – Final Plat and Planned Unit Development (PUD) Plans Royal Golf

Consulting Planner Gozola started his presentation regarding the Royal Golf Club at Lake Elmo Final Plat, Final PUD plans, and associated developer's agreement. The Final Plat for Phase I includes 73 residential lots, including 28 traditional single family detached lots and 45 villa lots for detached single family townhomes as well as the existing and newly renovated clubhouse and meeting facility, parking areas and support facilities.

There is ongoing work on this plat which includes refining a developers agreement, the Emerson easement, Engineering plans are undergoing a complete review, Landscape plans are being updated and information from Washington County regarding 10th street ROW. Gozola went through the list of conditions that have been confirmed as met and the things that will be handled as conditions of approval. Gozola feels that they are on a good path for this project to be approved with conditional approval. There are a few things that the applicant is interested in changing at this time. They were not part of the preliminary approval, so both sides would need to agree for them to move forward with the changes. The applicant would like to use the suffix "Drive" for certain roads. The City's street naming policy does not currently call out "Drive" as an approved

suffix. They are requesting amendments to allowed hardcover on residential lots from 30% (SF) & 40% (villas) to 40% and 50%.

Jim Johnston, representing Royal Golf, the preliminary plat went through with the lower impervious surface amounts. That was an error on their part. Once the builders started to look at the lots and the type of houses, they discovered that it just didn't work. They feel that leaving 187 acres as open space and the infiltration basins that they are building will offset the increase.

Clark Schroeder, representing Royal Golf, talked about the street naming. The Washington County naming convention is from the 1960's. The streets are named as a theme and Drive seems like an appropriate name for a golf course.

Emerson is wondering what the square feet of the Villas are. Johnston stated that they are 2000-3000 square feet in size. They are good size one level homes.

Williams asked if the Fire Chief was consulted regarding the use of "Drive" for the street names. Becker stated that the Fire Chief was consulted and he is unsupportive of the names as they do not adhere to the street naming policy.

There is a total of 45 villa homes in phase I and 29 of the homes proposed will not work.

Schroeder stated that as far as the sign issue, they are going to go with what was approved with preliminary plat. If they find down the road that it doesn't work, they will come back to the City to see if they can make changes through a variance process.

There was discussion about the infiltration basins and if they will be able to accommodate the additional impervious. According to the developers engineers there is, but that would need to be verified by the City Engineer and soil borings would need to be done. This would likely need to go back through VBWD as changes are being made.

Handt stated that with a PUD, there is typically a give and take. If they are asking for something above what is part of the ordinance, typically the City receives something in return. Schroeder stated that they would be working with staff on negotiating something in return.

Kreimer asked if outlot H was a flexible field/open play area in the preliminary plat. Schroeder stated that it is a stormwater basin. It could end up being dry, but that will need to be determined. Kreimer also asked about trails in this phase. Is it just the one East/West Trail? Johnston stated there is approximately 1600 feet of trail with this first phase.

Public Hearing opened at 7:40 pm

Pam & Tom Barnes, 1734 Manning Trail N, they have lived there over 22 years, they have issues with how close a property line comes to them and a septic drainfield that is over the property line. This has been a disappointing process for them. As the buffer for Lake Elmo residents grew, the houses moved closer and closer to them. They were told that the outlot with their drainfield would be deeded to them and they would be provided money to increase the screening on their side. Since February, none of this has been provided. They would like to get additional funds to add to the screening because trees that were existing were removed.

Jim Voeller, 11314 12th Street, his concern is similar to the Barnes with condition 31 regarding an agreement in place for screening. He has heard nothing and there is nothing in place.

There was no written correspondence

Public Hearing closed at 7:50 pm

Williams asked to hear a response from the applicant in regards to the comments at the public hearing. Schroeder stated that he had been working with Stephen Wensman to produce a landscape plan on the Homestead area. Their former Planner told them that there were no issues as far as screening on the Tartan Meadows side. If that is not the case, he apologized for that. The Landscape Plan will be submitted and signed off by the City. As far as the Barnes go, they have promised to give them Outlot K free and clear and \$15,000 for screening. They wanted to try to save as many trees as possible, by due to grading, that was not possible. Williams asked where the retaining wall is relative to outlot K. Schroeder stated that it is not on outlot K. Johnston stated that in the exhibits, outlot K is shown as the Barnes owning it.

Williams is wondering if the response to condition #31 is a written agreement or just verbal. Becker stated that they would want a written agreement. Johnston stated that the property adjacent to Tartan Meadows is actually in phase II. He is wondering if the screening for that could be decided at that phase.

Williams feels that it would be appropriate to recommend granting the change to the impervious as these percentages are consistent with LDR and MDR. He does think that they should get something in return though. Kreimer agrees and Emerson feels that as long as they are meeting the requirements for the holding ponds it should be fine. Dorschner agrees, however with this being a sensitive area, he would like to make sure that the City Engineer and VBWD signs off that the holding ponds are adequate before they sign off on it.

M/S/P: Williams/Dorschner, move to add a condition of approval #34 that the City Engineer and VBWD approve the applicants engineering analysis showing that there is

sufficient infiltration capacity to support the requested higher impervious surface coverage, **Vote: 6-0, motion carried unanimously.**

Larson feels that this is such a unique neighborhood that they need to allow some uniqueness to it. He feels using "Drive" is appropriate in this neighborhood. Dorschner stated that since we already approved the street names, adding Drive is not that big a deal.

Handt stated that maybe the street naming policy should be updated to include allowing Drive everywhere.

M/S/P: Williams/Kreimer, move to add another condition that all comments and requests expressed by the City Engineer in his memo dated August 24, 2017 shall be addressed prior to final plat approval, **Vote: 6-0, motion carried unanimously.**

Williams agrees that the landscaping of each phase should be considered separately. He is comfortable with considering the Tartan Meadows issue with a later phase. He is concerned with the Barnes situation, but doesn't feel that they should dictate a set amount that the developer has to pay them for landscaping. The Commission is not comfortable with having a condition that an agreement be reached as that could hold up the development.

M/S/W: Williams/Dorschner, move to add a condition #35 that screening in outlot K be provided consistent with the standards for screening as commercial in the existing code to the extent possible, **Withdrawn because the drainfield is on this property.**

M/S/P: Kreimer/Johnson, move to add a finding that "Drive" be allowed as part of the street name, **Vote: 5-1, motion carried unanimously.**

M/S/F: Williams/Dorschner, move to add amendment "subject to the Fire Chief approval", **Vote: 3-3, motion fails.**

M/S/P: Williams/Larson, move to add a finding that for a development of this size, additional signs should be allowed, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move to recommend approval of the Final Plat and PUD for phase I of the Royal Golf Development with the amended findings and conditions, **Vote: 6-0, motion carried unanimously.**

Public Hearing Item – Zoning Map Amendment

Becker started her presentation regarding the zoning map amendment of public parks. This is a house keeping issue to clean up the zoning map. It is consistent with the Comprehensive Plan.

Dorschner asked what the benefit to the City is of doing this. Becker stated that on the zoning map it would show these areas as parks vs. residential and it is easier to identify them.

Public Hearing opened at 8:27 pm

Austin Anderson, 11666 56th Street, wondering if the maintenance of these lots changes with the zoning map amendment. Becker stated that there would be no change as they are still City owned parks.

Public Hearing closed at 8:33 pm

M/S/P: Dorschner/Johnson, move to recommend adoption of Ord. 08- approving a Zoning Map Amendment that rezones PID #'s 13.029.21.23.0029, 12.029.21.33.0052, 12.029.21.34.0053, 34.029.21.31.0085, 34.029.21.42.0096, 01.029.21.13.004, 13.029.21.41.0055, 33.029.21.11.0005 to PF – Public and Quasi-Public Open Space, ***Vote: 6-0, motion carried unanimously.***

City Council Updates – August 15, 2017 Meeting

- i) None

Staff Updates

1. Upcoming Meetings
 - a. September 11, 2017
 - b. September 25, 2017
2. MAC CEP Report

Commission Concerns

Meeting adjourned at 8:33 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



STAFF REPORT

DATE: 9/11/2017

PUBLIC HEARING

ITEM#: 4A

TO: Planning Commission

FROM: Emily Becker, Planning Director

AGENDA ITEM: Zoning Text Amendment to allow Commercial Boarding Facilities as a Conditional Accessory Use in the Agricultural Zoning District; Zoning Map Amendment to rezone a property to Agricultural; Conditional Use Permit request to allow a Commercial Boarding Facility as an accessory Use in the Agricultural Zoning District; and a Conditional Use Permit to Allow Expansion of an Existing Feedlot within the Shoreland District

REVIEWED BY: Joan Ziertman, Planning Program Assistant

BACKGROUND:

The Planning Commission is being asked to consider a request by Mare Affair Farm, LLC (Peter Schiltgen and Molly Schiltgen) for the following:

- A Zoning Text Amendment to allow Commercial Boarding Facility as a conditional accessory use within the Agricultural Zoning District.
 - A Zoning Map Amendment to rezone 10880 Stillwater Blvd N (PID# 14.02.292.21.11.0001) from Rural Development Transitional to Agricultural.
 - A Conditional Use Permit to allow a Commercial Boarding Facility as an accessory use at the property located at 10880 Stillwater Blvd N (PID# 14.02.292.21.11.0001).
 - A Conditional Use Permit for expansion to an existing feedlot within a shoreland area.
-

GENERAL INFORMATION:

Applicant: Mare Affair Farm, LLC

Property Owners: Schiltgen Farms Inc.

Location: 10880 Stillwater Blvd N

Existing Land Use: Single Family Residential and Agricultural

Surrounding Land Use: Vacant land zoned Rural Development Transitional to the North; Open Space Development and Sunfish Lake to West; Vacant land zoned Rural Development Transitional to the South; and school and daycare zoned Public Facilities and Village Mixed Use, respectively, to the East.

Existing Zoning: Rural Development Transitional

Comprehensive Plan: Rural Area Development

History: Property is 137.18 acres of a historic Dairy farm that has been such since area was settled. Property is currently used as a horse farm with animals housed in non-utilized dairy barn.

Deadline for Action: Application Complete -- 8/18/2017
60 Day Deadline – 10/17/2017
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article III – Administration and Enforcement
Article XII – Specific Development Standards
Article V – General Regulations
Article VI – Environmental Performance Standards
Article XI – Rural Districts

ISSUE BEFORE THE COMMISSION:

The Commission is being asked to hold a public hearing, review and make recommendation on the following requests:

- A Zoning Text Amendment to allow Commercial Boarding Facility as a conditional accessory use within the Agricultural Zoning District.
- A Zoning Map Amendment to rezone 10880 Stillwater Blvd N (PID# 14.02.292.21.11.0001) from Rural Development Transitional to Agricultural.
- A Conditional Use Permit to allow a Commercial Boarding Facility as an accessory use at the property located at 10880 Stillwater Blvd N (PID# 14.02.292.21.11.0001).
- A Conditional Use Permit to allow expansion of an existing feedlot within the shoreland.

PROPOSAL DETAILS/ANALYSIS:

ZONING TEXT AMENDMENT

History-Removal of Commercial Stables from Zoning Code. On June 14, 2016, the Council voted to remove cemeteries, commercial kennels, commercial stables, and golf courses from the Zoning Code as allowed uses. Prior to this, commercial stables were allowed as a principal conditional use in the Agricultural Zoning District. This Zoning Text Amendment was originally initiated by a request by the City to remove cemeteries as an allowed use within the Rural zoning districts, which lead to a larger look at the uses within the Rural zoning districts. During consideration of the aforementioned request, the City also removed previously mentioned uses within the rural districts.

Justification by the Comprehensive Plan. The Comprehensive Plan specifically states that existing agricultural uses and qualifying alternative uses that preserve the open space within the community shall be support, and that these uses shall be encouraged to continue operations and to retain large land holdings that contribute to operating efficiency. Commercial stables as accessory conditional uses would allow properties zoned Agricultural to do just this.

Use of the term Commercial Boarding Facility Instead of Commercial Stable. In order to be considered an agricultural property by State Statute definition, the property is limited to uses as outlined in 273.13: Subd. 23.Class 2, which allows commercial boarding of horses, which may include related horse training and riding instruction, if the boarding is done on the property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products

as defined in clause (1). As such, the Applicant wishes to use the term Commercial Boarding Facility rather than Commercial Stable, as was previously used within the Zoning Code.

Proposed Definition. The definition of Commercial Stable that previously existing within the Zoning Code is as follows: the boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies. The proposed definition of Commercial Boarding Facility amends the previous definition as follows:

“The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property, ~~or in addition to horses owned by the owner or occupant, which may include related horse training and riding instruction of horses by for those~~ other than the owner or occupant of the property and their non-paying guests. ~~Included in this definition are riding academies.~~” *Note: Riding academies was eliminated from this definition, as the code does not provide a definition of riding academies, and the thought is to provide riding instruction exclusively for horses that are boarded on site, in order to prevent constant transportation of new horses in to the site.*

Standards. While the definitions and allowed use categories of commercial stables were removed from the Zoning Code in 2016, the standards for commercial stables still remain. The following are the standards for commercial stables:

Commercial Kennel, Commercial Stable, or Accessory Kennel or Stable, RT, A, RR Districts. The facility shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required.

Because of State Statute definitions, Staff also recommends that a standard be included:

Boarding must be done on property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products.

Zoning Text Amendment Proposed Language. Please see attached draft proposed Ord. 08-___ for specific proposed language.

Properties to Which This Text Amendment Would Apply. If commercial boarding facilities were to be allowed as a conditional accessory use within the Agricultural zoning district for properties over ten acres, the attached map shows properties this zoning text amendment would affect.

ZONING MAP AMENDMENT

Rezoning. The property is currently zoned Rural Development Transitional, and the Applicant is proposing to rezone the property to Agricultural.

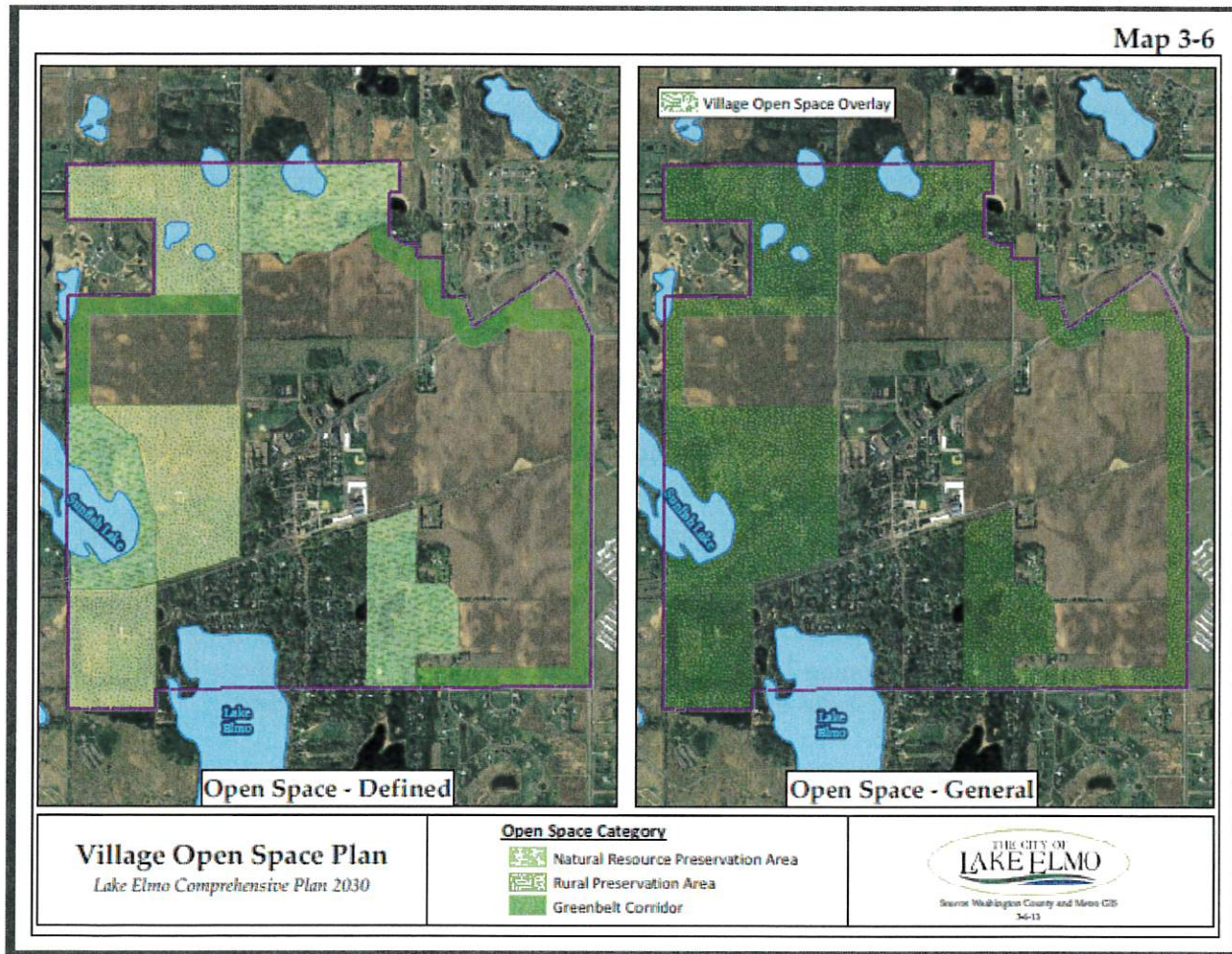
Allowed uses include (P=Permitted, C=Conditional, and I=Interim):

	RT	A
Residential Uses		
Household Living		
Single-Family Detached Dwelling	P	P
Secondary Dwelling	-	P
Services		
Self Service Storage Facility	I ^a	I ^a
Outdoor Recreation		
Outdoor Recreation Facility	-	C
Parks and Open Areas	P	P
Restricted Recreation	-	C
Agricultural and Related Uses		
Agricultural Entertainment Business	I	I
Agricultural Production	P	P
Agricultural Sales Business	I	I
Agricultural Services	C	C
Forestry Operations	-	P
Greenhouses, Non Retail	C	C
Wayside Stand	P	P
Industrial and Extractive Uses		
Motor Freight and Warehousing	I ^a	-
Accessory Uses		
Bed and Breakfast	C	C
Domestic Pets	P	P
Family Day Care	P	P
Home Occupation	P	P
Kennel, Private	C	C
Solar Equipment	P	P
Stable, Private	C	C
Swimming Pools, Hot Tubs, Etc.	P	P
Temporary Sales	P	P

Consistency with the Comprehensive Plan. The Comprehensive Plan guides this parcel as Rural Area Development. This category represents the large areas of rural residential development and agricultural uses within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Preserved Open Space regulations. Corresponding zoning districts include Agricultural and Rural Residential.

Additionally, the property is within the Village Open Space Overlay District. Specifically, the area surrounding Sunfish Lake is designated as a Natural Resource Preservation Area, which is an area considered to be of high environmental and aesthetic value, which allows uses such as passive recreation, trails, natural areas, and other activities or uses that are consistent with passive recreation. The remaining area of the property is designated as a Rural Preservation Area, which is an area within the Village historically utilized for agricultural purposes, and allows uses including active farming, passive recreation, trails, public gathering spaces, natural areas, natural water courses and other amenities that are consistent with agricultural use or character.

The Comprehensive Plan specifically states that “For all parcels that are designated with rural land use categories (RAD and RS), the open space overlay does not impact the use of the property. In other words, lands that are guided and zoned for rural use may function normally under the same rural zoning districts as before the inclusion of the open space overlay. For example, parcels that are within Rural Preservation or Natural Preservation Areas will maintain their Agricultural, Rural Residential or Rural Single Family zoning designation. The regulations of these zoning districts will remain the same regardless of the Village Open Space Overlay.”



Metropolitan Urban Service Area (MUSA). This parcel is within the City’s MUSA. It does not make good sense for properties within the MUSA to be guided as Rural Area Development, as properties within the MUSA need to be developed at a minimum density of three units per acre. This is something that has come up in discussions regarding the City’s 2040 Comprehensive Plan update. If the property were to develop, it would require connecting to sewer, and a Comprehensive Plan Amendment to re-guide the parcel in the Land Use Plan to a higher density use classification and then be rezoned to a higher density to accommodate the city’s overall average units per acres within the MUSA.

Stormwater Ponds. The property owner has previously been approached about stormwater ponding to serve the Village Area in the past. A previously proposed stormwater pond on the southeast portion of the site was quite large and almost approached the existing home. The applicant was recently re-approached about this ponding and communicated that it may be amenable to work with

the City on providing area for a stormwater pond, provided the design works for both the City and property owner.

Trail. The County's trail plan indicates a trail along Lake Elmo Avenue (CSAH 17). The Applicant has indicated that providing a trail would not be in the property's best interest, as the increase in foot traffic could negatively affect the horses.

CONDITIONAL USE PERMIT – COMMERCIAL BOARDING FACILITY

Definition Comparison Private vs. Commercial.

- *Stable, Private.* The keeping, breeding, or raising of horse or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.
- *Commercial Boarding Facility.* The Zoning Code used to define a commercial stable as the boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.

Because the applicant has specifically requested that there be horses on the property other than the owner's horses, including the trainer's horses, farm hands' horses or boarders to offset the operating costs, the proposed use is a commercial boarding facility, which, if the previously discussed Zoning Text Amendment and Zoning Map Amendment are approved, would be allowed as a conditional use within the Agricultural Zoning District.

Property Size. The property consists of 158.18 acres. The City has received a Concept Planned Unit Development Plan for the properties to the north, which will include a subdivision of the subject property, decreasing the total number of acres of the subject property. The Comprehensive Plan Land Use Map, below, shows generally how the parcel will be split, though the exact remaining number of acres is unknown. The recommended Zoning Text Amendment creates a standard that a property housing a commercial stable be at least ten acres in size, and this parcel would meet that standard.



Proposed Buildings. The applicant is proposing to remove two existing sheds and construct 72' x 200' indoor riding arena with an attached 72' x 96' horse barn, a 3000 square foot commodities storage building and a 3000 square foot equipment storage building. The barn would have 12 box stalls, wash stalls, groom stalls, tack room, rest rooms, office/lounge and short term feed and hay storage, and would primarily house owner's horses. There may be some non-owner's horses housed i.e.: trainer's horses, farm hands horses or boarders to offset operating costs.

Setbacks. The Applicant has indicated that the proposed setbacks of the agricultural buildings are at least 200 feet as required by the Zoning Code. Outdoor exercise areas are shown to located at least 100 feet from adjacent properties as required.

Septic Permit. Because the applicant is proposing bathrooms in the barn area, a septic permit will likely be required by the county. As such, it is a recommended condition of approval that the applicant obtain all applicable, required permits from Washington County.

Number of Accessory Structures. The size and number of accessory structures on rural properties of over 40 acres is generally unregulated. To be allowed additional accessory buildings beyond two total buildings, the buildings must be agricultural buildings as long as the buildings meet the

definition of agricultural buildings, which are defined as accessory buildings or clearly serve an agricultural purpose by the judgement of the city. The Building Official comments below outline that the proposed indoor riding arena, horse barn, commodities storage building and equipment storage building would be considered agricultural buildings, provided they include no living space or have spectators.

Impervious Surface. 8,541 square feet of current impervious surface will be removed through the removal of two sheds from the site. The proposed riding arena, attached barn, and two storage buildings will total 29,379 square feet, resulting in a 20,835 square feet net increase of impervious surface. Addition of impervious surface of over 6,000 square feet requires a Valley Branch Watershed District permit.

Parking Requirements. 1 space per employee on the largest shift plus 1 space per 6 animals. The site currently has sufficient parking spaces for a residential use, as two spaces are required for residential uses, and there exists a driveway and garage on the property. There will be one trainer and 15 horses, so four additional parking spaces are needed. The Applicant has indicated there will be ten parking spaces in front of the barn, and so this standard has been met.

Animal Ordinance. Section 95.060 of Chapter 95: Animals of the City Code prohibits horses from traveling on any hard-surfaced street or public road or within any public right-of-way and running at large. The number of horses one property may have is limited to one horse per two grazable acres. It is a recommended condition of approval that the applicant provide the number of grazable acres, verified by a reliable source, and that the number of horses allowed be based on this number.

Manure Management. Manure will have substantial amounts of absorptive bedding materials mixed in with manure. Manure will be stored/composted in a concrete bunker until conditions are favorable for manure to be spread for fertilizer on adjacent fields. The University of Minnesota Extension Services recommends this methodology, provided proper composting practice is followed. The applicant has not provided the location of where manure will be stockpiled and composted. It is a recommended condition of approval that the applicant provide clarification regarding the composting activities and locations on the site so that the conditional use permit accurately reflects activities occurring on the site.

Landscaping. The narrative indicates that none of the current landscaping items will be removed, there will be no additional landscape items added. It is a standard that landscaping may be required to screen outdoor riding areas, and so the Planning Commission should evaluate if this should be a requirement.

Caretakers. The narrative indicates that caretakers will live on the site. There will be no additional human living space in the new building. Caretakers will either live in one of the two Applicant's existing homes (one on the north side of Stillwater Blvd and one on the south side of Stillwater Blvd (on a different parcel)), or they will live offsite.

Shoreland District – Minnesota Department of Natural Resources (MNDNR) Review. The application was sent the MNDNR, as the proposed commercial boarding facility is within the Sunfish Lake shoreland district. The MNDNR replied that they had no comment regarding the application. The proposed buildings setbacks are well over the required 100 feet from the Ordinary High Water Level of Sunfish Lake (924).

Minnesota Pollution Control Agency (MPCA) Review. The MPCA reviewed the application and confirmed that feedlot permit is not required under Minnesota Rules Chapter 7020 (feedlot rules) of a feedlot unless there will be 300 or more horses on the site. The MPCA did, comment, however that the rules prohibit a feedlot, including a stable or paddock, within a shoreland or floodplain. The Chapter 7020 definition is below. The City's Zoning Code's Shoreland Overlay Management District does allow

expansion of an existing feedlot, however. This is explained further in the next section entitled Conditional Use Permit – Expansion of an Existing Feedlot within a Shoreland.

Subp. 3. Animal feedlot.

"Animal feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

Traffic - Washington County Review. The application was sent to Washington County for review. The narrative indicates that the existing driveway will be utilized without the need for any modifications. Additional truck traffic loads will be limited to horse transport vehicles and purchased feed/ bedding delivery trucks. Additional truck traffic will be less than 2 per week. Care takers will live on the property, so passenger vehicle traffic will be no more than a typical residential driveway. The farm is dissected by Stillwater Blvd. Currently equipment and commodities are located on both sides of Stillwater Blvd. which requires movement of farm equipment across Stillwater. Proposed plan would locate commodities and equipment on north side of Stillwater Blvd. to reduce the need for farm equipment to cross Stillwater Blvd. Washington County was sent the application but at the time of writing this memo, Staff has not received review comments but had received clarifying questions, which were answered immediately. It is a recommended condition of approval that conditions outlined in a Washington County Review Memo be adhered to.

Building Official Review. The Building Official reviewed the initial application, which showed that there would be a break room with a kitchen, which could be interpreted to be a living space, which would not allow the building to be considered an agricultural building by state statute. It was also unclear at the time if there would be spectators in the arena. Connection to water and sufficient sanitary sewer, as well as proper fire protection requirements per the use and occupancy per the Minnesota State Building Code (including fire sprinkler and fire hydrants) and apparatus access to and around the site would be required. The plans have since been updated, and the area has been converted to a meeting room as shown on the plans being reviewed tonight. Additionally, the applicant has indicated that there will be no spectators or public events in the arena. The Building Official has indicated that the updated plans and clarification about spectators and stated that the building may be considered an agricultural building according to the definition below from state statute. A recommended condition of approval is that there be no spectators or public events in the arena.

Engineering Comments. The City Engineer has reviewed the proposed conditional use permit and summarily has the following comments. Comments can be viewed on the attached 10880 Stillwater Blvd – Mare Affair Farm Site Improvements Plan Review memorandum dated August 18, 2017.

- *Engineering Review.* Will be required for engineering site improvements.
- *Stormwater Management.*
 - The applicant must submit a copy of the Valley Branch Watershed District (VBWD) permit application, hydroCAD model and permit approval to the City.
 - A stormwater management plan (SWMP) is not required by the City, as the new impervious surface is less than one acre.
 - Site improvements will require a grading plan and erosion control plan meeting all City and VBWD requirements.
- *Water Supply.* Any site plan must include the location of all wells on the site.

- *Wastewater Management.* Any site plan must include the location of capacity of any on-site septic systems.
- *Streets and Transportation.* The application should be provided to Washington County Public Works for review and comment.

Recommended Findings. In order to approve a conditional use permit, the city is required to find the proposal compliant with the following (staff comments in bold):

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **The proposed use will not increase truck traffic my more than two trucks per week. There currently exist horses on the property, and the building will house them indoors, decreasing the likelihood that horses will escape.**
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. **The proposal is consistent with the Comprehensive Plan in that the property is guided for Rural Area Development and is within the a Rural Preservation Area, which allow for uses such as passive recreation, alternative agricultural uses, public gathering spaces and other amenities that are consistent with agricultural use or character.**
3. The use or development is compatible with the existing neighborhood. **The use is compatible with the existing neighborhood, as the property is currently used as a farm and houses horses. The proposed use will be an expansion of the existing use.**
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. **The proposed use meets specific development standards currently set forth within the Zoning Code for a commercial stable in that it is at least ten acres in size. The standards also indicate that landscaping or screening may be required for outdoor exercise areas.**
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 154.800 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). **The proposed use is within the City's shoreland, which prohibits new feedlots. Expansions to an existing feedlot are allowed by conditional use permit.**
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. **The proposed project will be similar in character and design to the existing home and barn on the property**
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. **The proposed use will not be hazardous or create a nuisance on the property provided all the rules and regulations set forth by the City and other applicable agencies are met and all applicable permits are obtained.**
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. **The applicant has not provided a hydroCAD model; information on potable water supply to the facilities; information on wastewater management for the facilities; and slightly increases driveway use to an existing private driveway. It is a recommended condition of approval that the applicant include this information on updated plans to be reviewed and approved by the City Engineer so that this may be determined. Provided**

this information is supplied, reviewed and approved by the City Engineer and other applicable agencies, the use will be adequately served by the aforementioned.

9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. **The proposed use will not create additional requirements for public facilities and services, provided the use does not include spectators.**
10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **Traffic to the site is expected to be minimal, and visits are expected to be short. Minimal noise is expected to come from the site, short of the sounds of unloading and loading items. Hazardous materials are prohibited from being stored on site, and lighting has been evaluated and determined to not cause a nuisance as proposed.**
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **The Applicant has indicated that additional truck traffic will increase by only two trips per week.**
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **The proposed use will be a modernization and expansion of an existing scenic feature within Lake Elmo.**

Recommended Conditions. Based on the aforementioned, Staff recommends that the Planning Commission recommend approval of the requested Conditional Use Permit for a Commercial Boarding Facility for the property located at 10880 Stillwater Blvd, subject to the following conditions of approval:

- 1) The City shall approve the Zoning Text Amendment to allow commercial boarding facilities as conditional accessory uses within the Agricultural zoning district; the Zoning Map Amendment to rezone the property from Rural Development Transitional to Agricultural; and a Conditional Use Permit to allow for an expansion to an existing feedlot within the shoreland district.
- 2) Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), MPCA approvals and/or permits, NPDES/SWPPP permits, Valley Branch Watershed District (VBWD) approval.
- 3) Applicant must address all engineering review comments outlined in the Engineering Memo dated August 18, 2017.
- 4) Applicant shall update the plans to address potable water supply to the facilities, indicating the location of all wells on site; include the location and capacity of any on-site septic systems; and include grading and erosion control plan meeting all City and VBWD requirements. All plans must be approved by the City.
- 5) The Applicant shall provide written confirmation from the Minnesota Pollution Control Agency (MPCA) that no MPCA permits are required for the proposed use. The Applicant shall obtain all applicable, required MPCA permits and/or approvals and submit a copy to the City.
- 6) The Applicant shall obtain a septic permit from Washington County if necessary or provide verification from Washington County that a septic permit is not required.
- 7) The Applicant shall provide the number of grazable acres, verified by a reliable source, and the number of horses allowed shall be based on this information, as allowed by the City's Animal Ordinance. Any expansion to the feedlot will require an amendment to this Conditional Use Permit.

- 8) The Applicant shall adhere to requirements outlined in the Washington County Review memo dated _____, 2017.
- 9) Any significant change to the site plan dated September 6, 2017 shall require an amendment to this conditional use permit.
- 10) A manure management plan clarifying composting activities and locations on the site shall be provided to the city, and such activities on the site shall be carried out according to this plan.
- 11) The outdoor exercise area must be screened from adjacent properties and the street through landscaping or other means as approved by Council. *Note: It is only a standard that this may be required. The Planning Commission may wish to recommend removal of this condition.*
- 12) The arena must not be available to spectators and must not include bleachers or seating of any kind. Public events or shows will require an amendment to this Conditional Use Permit.

CONDITIONAL USE PERMIT – EXPANSION OF AN EXISTING FEEDLOT WITHIN A SHORELAND

Reason for Request. As previously mentioned, expansion of an existing feedlot within a shoreland requires a conditional use permit per Section 154.800: Shoreland Management Overlay District of the Zoning Code. The specific language regarding expansion of existing feedlots is as follows:

c. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards. *Responses to these standards in regards to the proposed application are italicized below:*

- i. Feedlots must be designed consistent with Minnesota Rules Chapter 7020;

Staff Comment: It is a recommended condition of approval that the applicant submit and have reviewed by the MPCA to determine there are no conflicts with their regulations a Notice of Construction or Expansion of an Animal Feedlot with less than 300 Animal Units. The applicant has provided the MPCA such notice, but at the time of writing this memo, the notice was incomplete, as the MPCA required more information.

- ii. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,

Staff Comment: The proposed expansion to a feedlot does not further encroach into the existing ordinary high water level setback or bluff impact zone and is not expanding to a capacity of 1,000 animal units.

- iii. Old feedlots not currently in operation may resume operation consistent with Minnesota Statute Section 116.0711.”

Staff Comment: The feedlot is currently in operation, so this standard does not apply.

Recommended Findings. In order to approve a conditional use permit, the city is required to find the proposal compliant with the following (staff comments in bold):

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **Provided the MPCA sees no issues with the proposed expansion, the proposed expansion of an existing feedlot will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.**
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. **The proposal is consistent with the Comprehensive Plan in that the property is guided for Rural Area Development and is within the a Rural Preservation Area, which allow for uses such as passive recreation, alternative agricultural uses, public**

- gathering spaces and other amenities that are consistent with agricultural use or character. Provided the MPCA sees no issues and a Valley Branch Watershed District permit is obtained, it will not negatively impact natural resources.**
3. The use or development is compatible with the existing neighborhood. **The use is compatible with the existing neighborhood, as the property is currently used as a farm and houses horses. The proposed use will be an expansion of the existing use.**
 4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. **The proposed expansion meets standards set forth for expansions to existing feedlots as set forth in Section 154.800 (C) (6) (c) of the Zoning Code.**
 5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 154.800 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). **The property is located within the City's Shoreland District but meets standards required for an expansion to an existing feedlot within the City's shoreland district.**
 6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. **The proposed project will be similar in character and design to the existing home and barn on the property**
 7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. **The proposed use will not be hazardous or create a nuisance on the property provided all the rules and regulations set forth by the City and other applicable agencies are met and all applicable permits are obtained.**
 8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. **The applicant has not provided a hydroCAD model; information on potable water supply to the facilities; information on wastewater management for the facilities; and slightly increases driveway use to an existing private driveway. It is a recommended condition of approval that the applicant include this information on updated plans to be reviewed and approved by the City Engineer so that this may be determined. Provided this information is supplied, reviewed and approved by the City Engineer and other applicable agencies, the use will be adequately served by the aforementioned.**
 9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. **The proposed use will not create additional requirements for public facilities and services, provided the use does not include spectators.**
 10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **Traffic to the site is expected to be minimal, and visits are expected to be short. Minimal noise is expected to come from the site, short of the sounds of unloading and loading items. Hazardous materials are prohibited from being stored on site, and lighting has been evaluated and determined to not cause a nuisance as proposed.**

11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **The Applicant has indicated that additional truck traffic will increase by only two trips per week.**
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **The proposed use will be a modernization and expansion of an existing scenic feature within Lake Elmo.**

Recommended Conditions. Based on the aforementioned, Staff recommends that the Planning Commission recommend approval of the requested Conditional Use Permit for expansion to an existing feedlot for the property located at 10880 Boulevard North, subject to the following conditions:

1. The Applicant shall provide the Minnesota Pollution Control (MPCA) a complete Notice of Construction or Expansion of an Animal Feedlot with less than 300 Animal Units and provide the City proof from the MPCA that there are no issues with this expansion.
2. Applicant must address all engineering review comments outlined in the Engineering Memo dated August 18, 2017.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the requested Zoning Text Amendment, Zoning Map Amendment, and Conditional Use Permits, subject to applicable recommended conditions of approval as recommended by Staff. The Staff-recommended recommendation may be made through the following motions:

“Move to recommend approval of a Zoning Text Amendment to allow Commercial Boarding Facility as a conditional accessory use within the Agricultural Zoning District.”

“Move to recommend approval of a Zoning Map Amendment to rezone 10880 Stillwater Blvd N (PID# 14.02.292.21.11.0001) from Rural Development Transitional to Agricultural.”

“Move to recommend approval of a Conditional Use Permit to allow a Commercial Boarding Facility as an accessory use for the property located at 10880 Stillwater Blvd N (PID# 14.02.292.21.11.0001), subject to the recommended conditions of approval.”

“Move to recommend approval of a Conditional Use Permit to allow expansion of an existing feedlot within the shoreland for the property located at 10880 Stillwater Blvd N (PID# 14.02.292.21.11.0001), subject to the recommended conditions of approval.”

ATTACHMENTS:

- CUP Application and Materials
- Engineering Comments dated 8/18/17
- Ord. 08-___ Adding Commercial Boarding Facility as Conditional Accessory Use
- Map Showing Agricultural Properties Over Ten Acres in Size

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

9/20/17

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan Wireless Communications

Applicant: MARE AFFAIR FARM, LLC. PETER SCHILTGEN AND MOLLY SCHILTGEN
Address: 10880 STILLWATER BLVD N., LAKE ELMO, MN 55042
Phone # 651-303-8188, 651-271-3908
Email Address: schilm2@comcast.net

Fee Owner: SAME AS ABOVE
Address: _____
Phone # _____
Email Address: _____

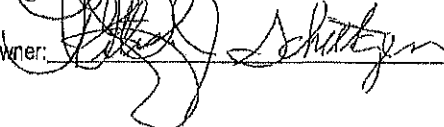
Property Location (Address): 10880 STILLWATER BLVD N., LAKE ELMO, MN 55042
(Complete (long) Legal Description: REFER TO SURVEY AND PROPERTY TITLE
PID#: _____

Detailed Reason for Request: To add commercial stable as an allowed use within the agricultural zoning district and to apply for a conditional use permit for our commercial stable.
We also would like to zone this property agricultural.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant:  Date: 10 August 2017

Signature of fee owner:  Date: 10 August 2017

*note separate submittal requirements for ZTA & CUP
CUP Fee: \$1050.00
Esrow: \$2500.00
Zoning text Amendment: \$1245.00

1650
2500
1245

4795

Mare Affair Farm LLC.
Pete Schiltgen
Molly Schiltgen
10880 Stillwater Blvd. N.
Lake Elmo, MN. 55042

Project description:

Project involves construction of a 72' x 200' Indoor riding arena with an attached 72' x 96' horse barn, a 3000-sq. ft. commodities storage building and a 3000-sq. ft. equipment storage building.

Barn would have 12 box stalls, wash stalls, groom stalls, tack room, rest rooms, office/lounge and short term feed and hay storage.

Building would primarily house owner's horses. There may be some non-owner's horses housed i.e.: trainer's horses, farm hands horses or boarders to offset operating costs.

Water Management:

8541 sq. ft. of current sheds and exterior concrete to be removed, New impermeable area is 29,379 sq. ft. for an increase impermeable area of 20,835, total property owned is 137.18 acres.

Property in area of proposed buildings has a consistent gradual slope from Northwest to Southeast. No alteration of current drainage will occur. Any additional runoff from impermeable surface will migrate into field and pasture green space areas for absorption.

Shore land District:

The proposed building is within the Sunfish lake shore land district.

The bluff elevation of sunfish lake is 942'. The elevation of proposed buildings is 939'. The current and proposed natural drainage of site is away from Sunfish lake.

Manure management:

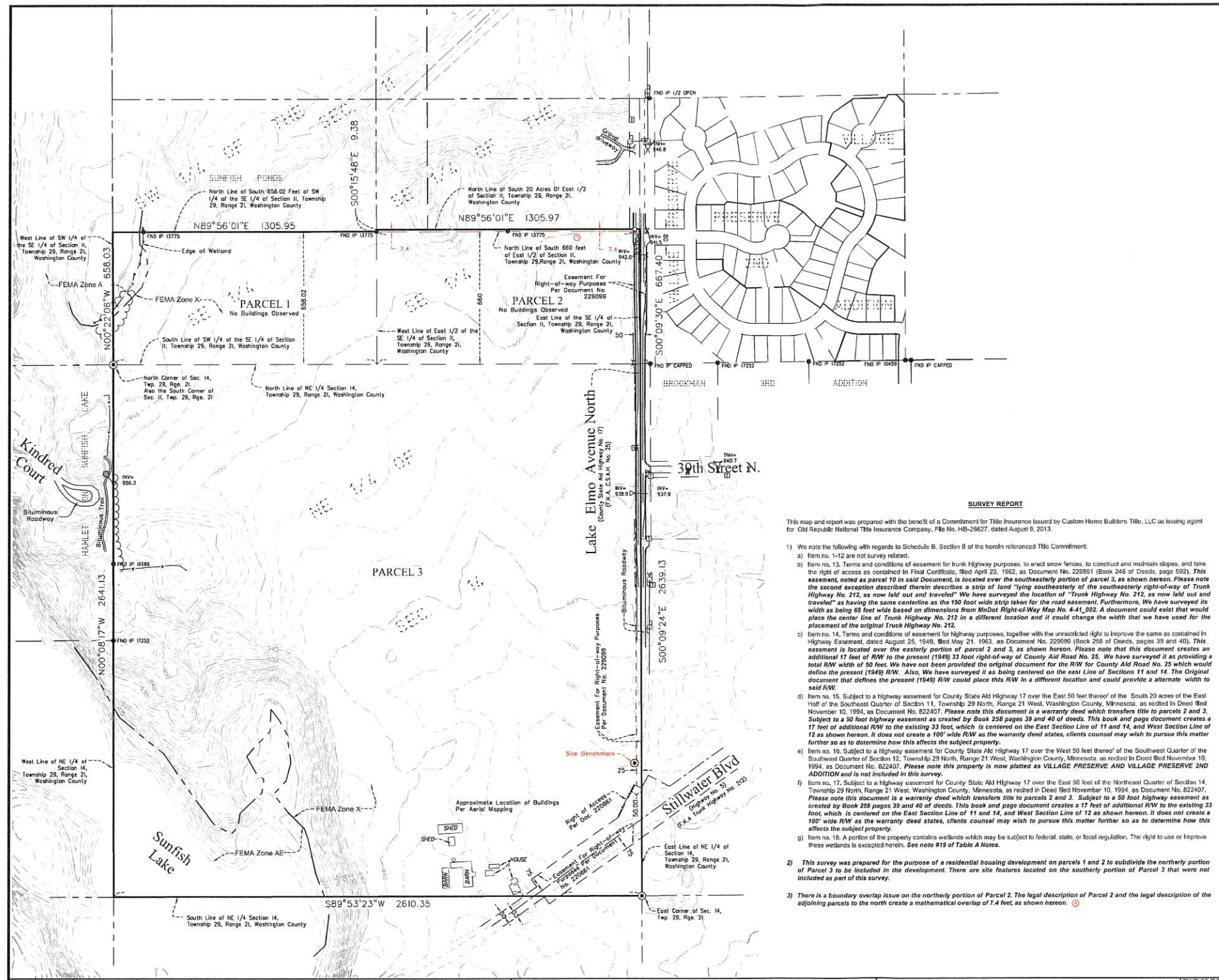
Manure will have substantial amounts of absorptive bedding materials mixed in with manure. Manure will be Stored/Composted in a concrete bunker until conditions are favorable for manure to be spread for fertilizer on adjacent fields.

Traffic:

Existing drive way will be utilized without the need for any modifications. Additional truck traffic loads will be limited to horse transport vehicles and purchased feed/ bedding delivery trucks. Additional truck traffic will be less than 2 per week.

Care takers will live on property; passenger vehicle traffic will be no more than a typical residential driveway.

The farm is dissected by Stillwater Blvd. Currently equipment and commodities are located on both sides of Stillwater Blvd. which requires movement of farm equipment across Stillwater Blvd. Proposed plan would locate commodities and equipment on north side of Stillwater Blvd. to reduce the need for farm equipment to cross Stillwater Blvd.



DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

Parcel 1:
The South 656.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel 2:
The South 20 acres of the East Half of the Southwest Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel 3:
The Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

ALTA/ACSM OPTIONAL TABLE A NOTES
(The following items reference Table A optional survey responsibilities and specifications)

2) Address: Parcel 1 - Unassigned
Parcel 2 - Unassigned
Parcel 3 - 10890 Stillwater Blvd N., Lake Elmo, MN 55042

3) Flood Zone Information: Parcel 1 is contained in Zone X (area of minimal flooding) and Zone A (Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Parcel 2 is contained in Zone X (area of minimal flooding) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Parcel 3 is contained in Zone X (area of minimal flooding) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Please note that we have shown the division line between these zones hereon by digitizing said Flood Insurance Rate Maps.

4) Parcel Area Information:
Parcel 1: Net- 858.947 Sq. Ft. - 19.72 Acres
Parcel 2: Gross- 871,200 Sq. Ft. - 20.09 Acres
RW- 33,370 Sq. Ft. - 0.77 Acres
Net- 837,830 Sq. Ft. - 19.23 Acres
Parcel 3: Gross- 6,890,526 Sq. Ft. - 158.18 Acres
RW- 204,699 Sq. Ft. - 4.70 Acres
Net- 6,685,827 Sq. Ft. - 153.48 Acres
Total Net: Net- 8,382,604 Sq. Ft. - 192.436 Acres

5) Elevations are based on MNDOT Geodetic Database Station Name: 6214K which has an elevation of: 935.539 feet (NAVD83). Contours shown hereon are per field observations along with LIDAR data obtained from the Minnesota Department of Natural Resources on January 11, 2013.

6) The current Zoning for the subject property is RT (Rural Transitional) per the City of Lake Elmo's zoning map dated May 21, 2013. The planning department informed us per a phone call that the property is in the process of changing to Village Low Density. Per this phone call, the setback, height, and density restrictions for this zoning designation are going to be as follows: SETBACKS - Front 25 feet, Side 10 feet (40 feet on 5 feet garage), Rear 20 feet; HEIGHT - 35 feet; DENSITY - 1.5 - 2 units per acre.

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

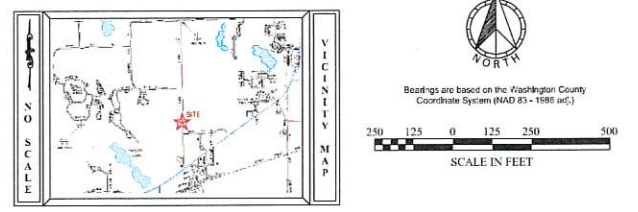
11(a) We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities subsurface of the subject property of which we are unaware.

19) The Wetland delineation was performed on Parcels 1, 2, 3, and the North 500 feet of Parcel 4 by Rijnhout Environmental Services and the delineation flags were located on January 15, 2014. The remaining South portion of Parcel 4 may contain wetlands per FEMA mapping, that were not delineated as part of this survey.

SURVEY REPORT

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by Custom Home Builders Title, LLC as issuing agent for Old Republic National Title Insurance Company, File No. HB-28627, dated August 9, 2013.

- We note the following with regards to Schedule B, Section II of the herein referenced Title Commitment:
 - Item no. 1-12 are not survey related.
 - Item no. 13. Terms and conditions of easement for trunk highway purposes, to erect snow fences, to construct and maintain slopes, and take the right of access as contained in Final Certificate, filed April 23, 1962, as Document No. 229095 (Book 246 of Deeds, page 592). This easement, noted as parcel 10 in said Document, is located over the southeastern portion of parcel 3, as shown hereon. Please note the second exception described therein describes a strip of land "lying southeasterly of the southeasterly right-of-way of Trunk Highway No. 212, as now laid out and traveled" as having the same centerline as the 150 foot wide strip taken for the road easement. Furthermore, we have surveyed its width as being 65 feet wide based on dimensions from Mndot Right-of-Way Map No. 4-41, 002. A document could exist that would place the center line of Trunk Highway No. 212 in a different location and it could change the width that we have used for the placement of the original Trunk Highway No. 212.
 - Item no. 14. Terms and conditions of easement for highway purposes, together with the unrestricted right to improve the same as contained in Highway Easement, dated August 25, 1949, filed May 21, 1963, as Document No. 229096 (Book 258 of Deeds, pages 39 and 40). This easement is located over the easterly portion of parcel 2 and 3, as shown hereon. Please note that this document creates an additional 17 feet of RW to the present (1949) 33 foot right-of-way of County Aid Road No. 25. We have surveyed it as providing a total RW width of 50 feet. We have not been provided the original document for the RW for County Aid Road No. 25 which would define the present (1949) RW. Also, we have surveyed it as being centered on the east line of Sections 11 and 14. The original document that defines the present (1949) RW could place this RW in a different location and could provide a alternate width to said RW.
 - Item no. 15. Subject to a highway easement for County State Aid Highway 17 over the East 50 feet thereof of the South 20 acres of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota, as recited in Deed filed November 10, 1994, as Document No. 822407. Please note this document is a warranty deed which transfers title to parcels 2 and 3. Subject to a 50 foot highway easement as created by Book 258 pages 39 and 40 of deeds. This book and page document creates a 17 feet of additional RW to the existing 33 foot, which is centered on the East Section Line of 11 and 14, and West Section Line of 12 as shown hereon. It does not create a 100' wide RW as the warranty deed states, clients counsel may wish to pursue this matter further so as to determine how this affects the subject property.
 - Item no. 16. Subject to a highway easement for County State Aid Highway 17 over the West 50 feet thereof of the Southwest Quarter of the Southwest Quarter of Section 12, Township 29 North, Range 21 West, Washington County, Minnesota, as recited in Deed filed November 10, 1994, as Document No. 822407. Please note this property is now platted as VILLAGE PRESERVE AND VILLAGE PRESERVE 2ND ADDITION and is not included in this survey.
 - Item no. 17. Subject to a highway easement for County State Aid Highway 17 over the East 50 feet of the Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota, as recited in Deed filed November 10, 1994, as Document No. 822407. Please note this document is a warranty deed which transfers title to parcels 2 and 3. Subject to a 50 foot highway easement as created by Book 258 pages 39 and 40 of deeds. This book and page document creates a 17 feet of additional RW to the existing 33 foot, which is centered on the East Section Line of 11 and 14, and West Section Line of 12 as shown hereon. It does not create a 100' wide RW as the warranty deed states, clients counsel may wish to pursue this matter further so as to determine how this affects the subject property.
 - Item no. 18. A portion of the property contains wetlands which may be subject to federal, state, or local regulation. The right to use or improve these wetlands is excepted hereon. See note #19 of Table A Notes.
- This survey was prepared for the purpose of a residential housing development on parcels 1 and 2 to subdivide the northerly portion of Parcel 3 to be included in the development. There are site features located on the southerly portion of Parcel 3 that were not included as part of this survey.
- There is a boundary overlap issue on the northerly portion of Parcel 2. The legal description of Parcel 2 and the legal description of the adjoining parcels to the north create a mathematical overlap of 7.4 feet, as shown hereon.



SURVEY LEGEND

● CAST IRON MONUMENT	□ CABLE TV PEDESTAL	▬ BITUMINOUS
□ CATCH BASIN	□ ELECTRIC TRANSFORMER	▬ CONCRETE CURB
◁ FLARED END SECTION	○ ELECTRIC MANHOLE	▬ CONTOUR EXISTING
M GATE VALVE	○ ELECTRIC METER	▬ ELEC. UNDERGROUND
< GUY WIRE	○ GAS METER	▬ FENCE
⊥ HYDRANT	○ GAS VALVE	▬ GAS UNDERGROUND
○ IRON PIPE SET	○ HAND HOLE	▬ OVER-HEAD UTILITY
● IRON PIPE FOUND	○ BENCHMARK	▬ SANITARY SEWER
○ LIGHT POLE	○ TELEPHONE MANHOLE	▬ STORM SEWER
○ POWER POLE	○ TELEPHONE PEDESTAL	▬ TELEPHONE UNDERGROUND
○ SANITARY MANHOLE	○ UTILITY MANHOLE	▬ UTILITY PEDESTAL
⊕ GROUND ELEVATION		

FIELD CREW	NO.	BY	DATE	REVISION
CL, JA, SK, CT				
DRAWN				
CHK. JAC				
CHECKED				
DIST.				
DATE				
12-29-2016				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION OF THIS PRODUCT) IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

To GW Land Development and Custom Home Builders Title, LLC as issuing agent for Old Republic National Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1-5, 8, 11 and 18 of Table A thereof. The field work was completed on December 2, 2016.

Date of Plat or Map: December 12, 2016

David B. Pemberton, PLS
Minnesota License No. 40344

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000
WWW.SATHRE.COM

LAKE ELMO, MINNESOTA

TWP:29-RGE:21-SEC:11,14
Washington County

ALTA/NSPS LAND TITLE SURVEY

PREPARED FOR:
GW LAND DEVELOPMENT

FILE NO.
3120-047-002

1
1

CERTIFICATE OF SURVEY

Part of the Northeast Quarter of Section 14
Township 29 North, Range 21 West
City of Lake Elmo, Washington Co., MN

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
12445 55TH STREET NORTH
LEVUEVILLE, MINNESOTA 55042
Phone: 651-498-8833 Fax: 651-498-9311



SURVEY NOTES:

Peter Schilling
Schilling Farms, Inc.
14689 Stillwater Blvd N
Lake Elmo, MN 55042

LEGAL DESCRIPTION:

That part of the Northeast Quarter of Section 14, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying southerly of a line drawn from a point on the east line of said Northeast Quarter, distant 994.66 feet southerly, from the northeast corner thereof, to a point on the west line of said Northeast Quarter, distant 990.78 feet southerly, from the northwest corner thereof.

Also:

That part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota lying northerly of the northerly right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha railroad.

Subject to a highway easement of 70 feet wide, as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 132-132, as recorded in the office of the County Recorder, Washington County, Minnesota.

Subject to a road easement for existing Skundike Avenue along that part of the west line thereof, which lies south of Tank Highway 5.

Subject to Lake Elmo Avenue North, County State Aid Highway 17.

SURVEYORS REPORT:

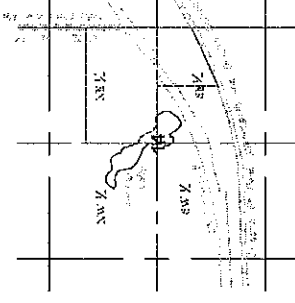
RAILROAD RIGHT OF WAY:

The right-of-way of the Chicago, St. Paul, Minneapolis and Omaha Railroad is at least to determine. The description line of the railroad is the "main rail" (northerly rail line of two lines) which is no longer in place. There was shown another rail line southerly of the "main rail" on the original right-of-way plans. The other rail line does not have a dimension to show the original described "main rail". The existing in-place rail line tracks, not be in the same location as the southerly rail line shown on the original right-of-way plans. In some areas of the county, the existing in-place rail line has been used as the best evidence of the location of the original "main rail". There are also remnants of right-of-way fences in some areas through the downtown Lake Elmo area of the railroad, the plat of County Auditor Plat No. 8 was surveyed and monumented. This plat was prepared by Lewis W. Clarke, County Surveyor in February of 1928. Some monuments were placed as part of the platting process. It is believed by this surveyor that the original "main rail" of the railroad was in place at the time of the platting of these some monuments. Lewis W. Clarke has an excellent reputation as a surveyor and regarding his survey work has produced excellent results in the St. Cloud Valley area. These some monuments are still in-place today and have been used to retrace property lines within the County Auditor's Plat No. 8 with good results. The railroad right-of-way was established by showing points on the centerline of the existing in-place rail line to determine the alignment of the railroad. This alignment was then located and monumented to match the some monuments found on the centerline of the existing in-place rail line to the northeast corner of the Southeast Quarter of Section 14 at the south right-of-way of the railroad. This some monument is believed to have been set in the same general line zone as the other some monuments. A survey by T. Milton (work dated April 25, 1921) shows a some monument at the north west corner of said Northeast Quarter, the Southeast Quarter as well as iron pipe monuments along the west line thereof. These monuments are shown on this survey and they all the section subdivision thirty well. Another some monument along this westerly line at the north right-of-way of the old St. Paul and Northern Road was not found. This had been realigned several times over the years. The location survey also shows a some monument along the north line of said Northeast Quarter of the Southeast Quarter of the northerly line of said road that was recovered during this survey and this some monument is the section subdivision thirty well.

HIGHWAY RIGHT OF WAY:

The Minnesota Department of Transportation, Survey Division, assisted in the survey of the highway right-of-way for this project. They decided to file a right-of-way plat as a result of the survey work performed for this project. The new plat is MINNESOTA DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT OF WAY PLAT NO. 132-132, recorded in the office of the County Recorder, Washington County, Minnesota. The monuments found along the right-of-way of the highway were set by MN DOT during this survey. The Parcel 210 created on this plat is intended to be the prescriptive right-of-way that they cannot find documentation for. This surveyor's understanding of the agreement with MN DOT was that they intend, Mr. Peter Schilling or Schilling Farms, Inc. (owner) was to secure a deed prepared by MN DOT for this Parcel 210 to clear up the issue since and in all.

Vicinity Map
Section 14 - T29N - R21W
City of Lake Elmo,
Washington County, Minnesota



LEGEND:

- BROTHERS SET 3/4 INCH DIA. BY 18 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREMAY L5 1889", UNLESS SHOWN OTHERWISE
- BROTHERS FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED
- BROTHERS FOUND MONUMENT 3/4" DIA. IRON PIPE

NOTES:

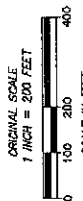
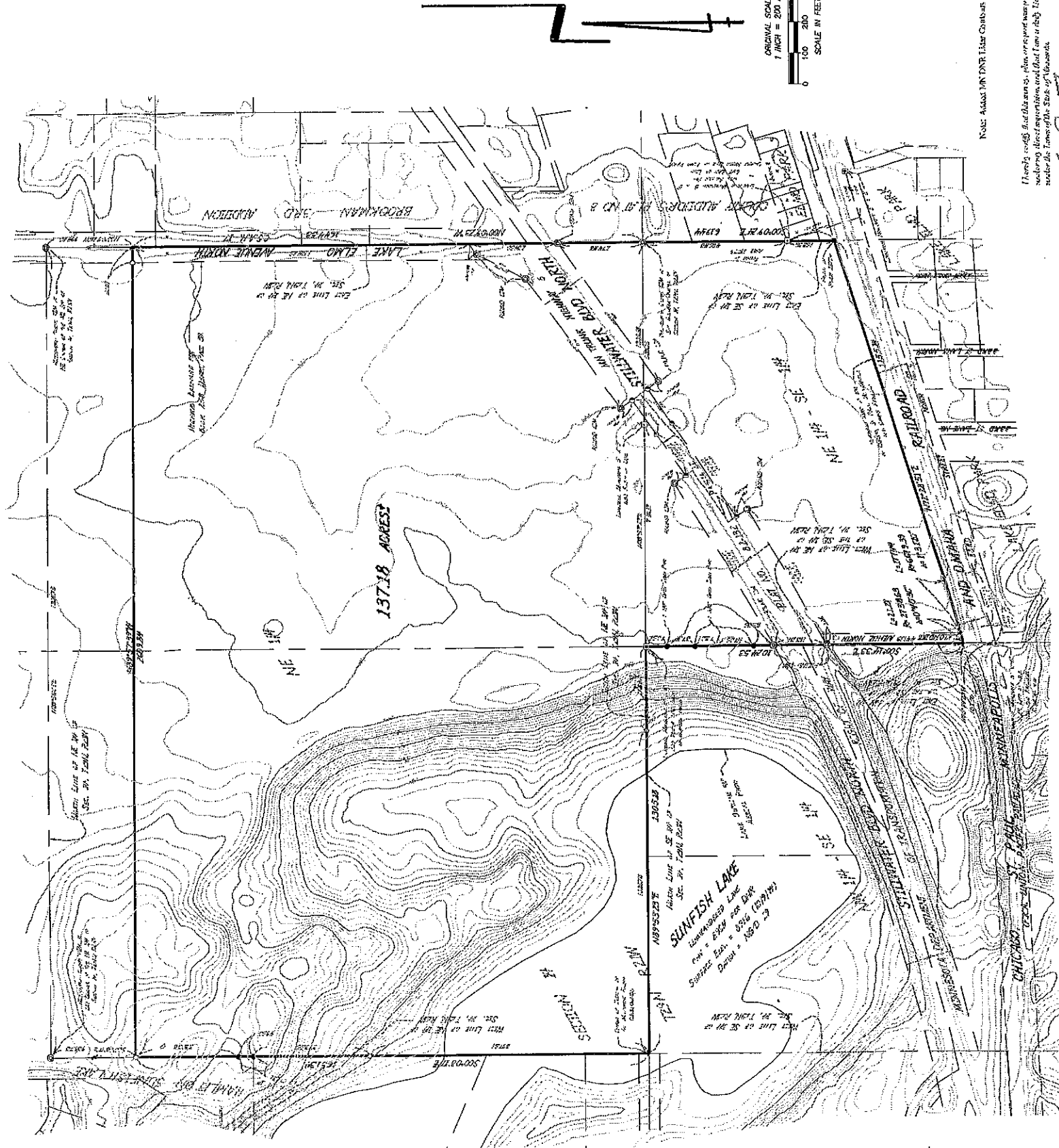
BEARING ORIENTATION IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1988 ADJUSTMENT.

UDAR CONTOUR ELEVATIONS ARE MEAN SEA LEVEL, WABER DATUM.

Note: Survey prepared without the benefit of current title work. There may be encumbrances or interests that affect this property.

Right-of-Way of Lake Elmo Avenue North is shown at 50' ±. Note: the Section Line for this surveyor's local knowledge of the road. Documentation of the Right-of-Way was not provided.

100% TO ALL
10/9 10/20/2017



NOTE: ADAMS MN DNR EASE CONTRACT - Aug 4, 2017

This survey was prepared by me or under direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Thomas J. Folz, L.S.
Minnesota License No. 10089
Date: 10/30/17

NOTE: Official Copies of this map are being sold.

CERTIFICATE OF SURVEY

Part of the Northeast Quarter of Section 14

Township 29 North, Range 21 West

City of Lake Elmo, Washington Co., MN

SURVEY FOR:

Peter Schillgen
Schillgen Farms, Inc.
10880 Stillwater Blvd N
Lake Elmo, MN 55042

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 499-8833 Fax (651) 490-9931



SEP 6 2017

LEGEND

- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 18689". UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED

LEGAL DESCRIPTION:

That part of the Northeast Quarter of Section 14, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying southerly of a line drawn from a point on the east line of said Northeast Quarter, distant 994.60 feet southerly from the northeast corner thereof to a point on the west line of said Northeast Quarter, distant 989.78 feet southerly from the northwest corner thereof.

Also,

That part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota lying northerly of the northerly right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha railroad.

Also subject to a highway easement for Trunk Highway 5 as described in MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-132, as recorded in said office of the County Recorder.

Also, subject to a road easement for existing Klondike Avenue along that part of the west line thereof which lies south of Trunk Highway 5.

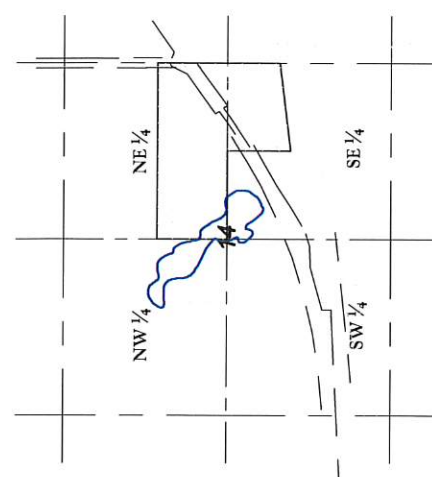
Note: Survey prepared without the benefit of current title work. There may be documents of record that affect this property.

Right-of-Way of Lake Elmo Avenue North is shown at 50 ft. from the Section Line per this surveyor's local knowledge of the road. Documentation of the Right-of-Way was not provided.

SITE PLAN UPDATE

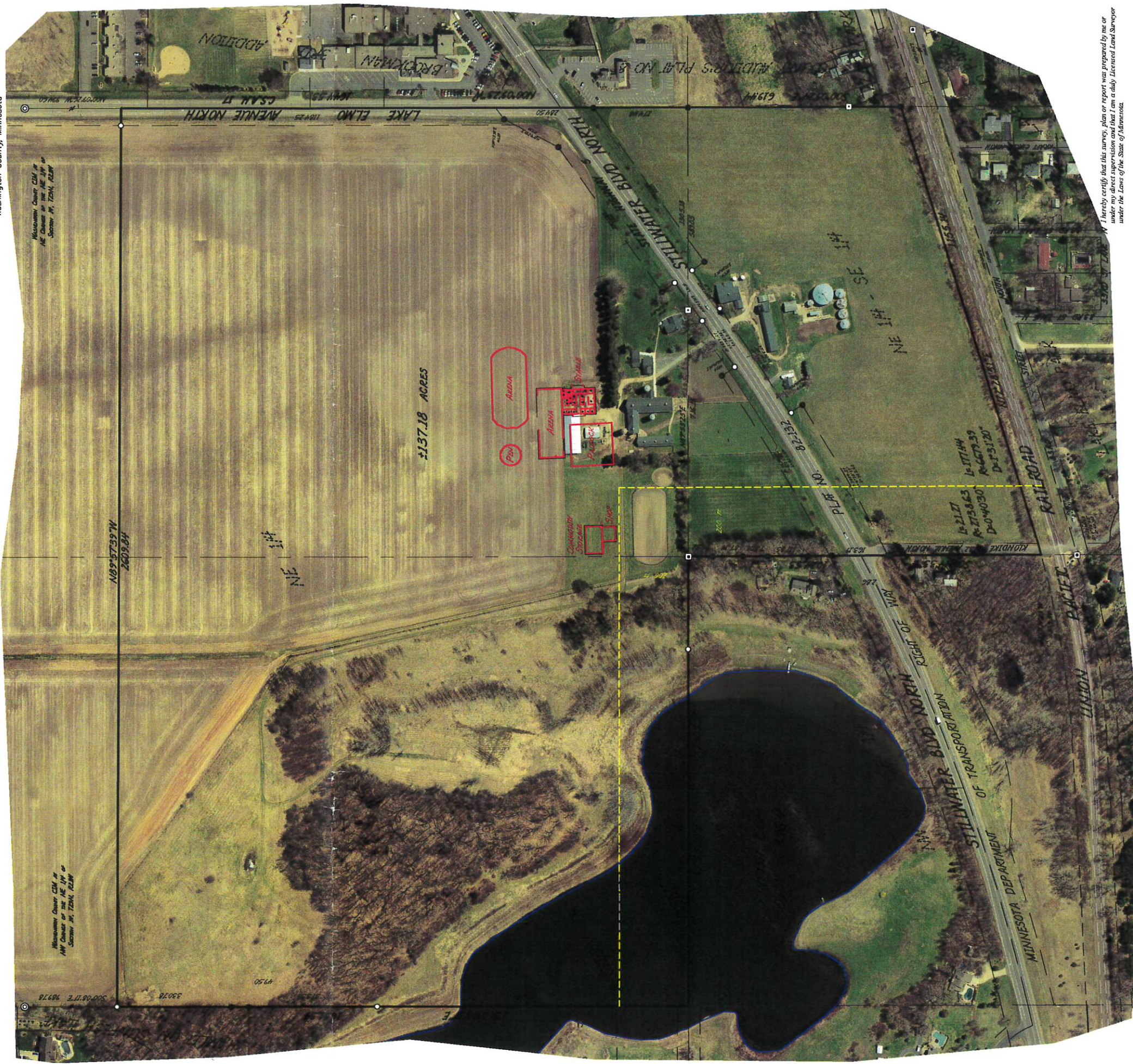
**Mare Affair Farm LLC
Proposed Ag Use
Buildings and Features
Added to Survey**

September 6, 2017



Vicinity Map

Section 14 - T29N - R21W
City of Lake Elmo,
Washington County, Minnesota

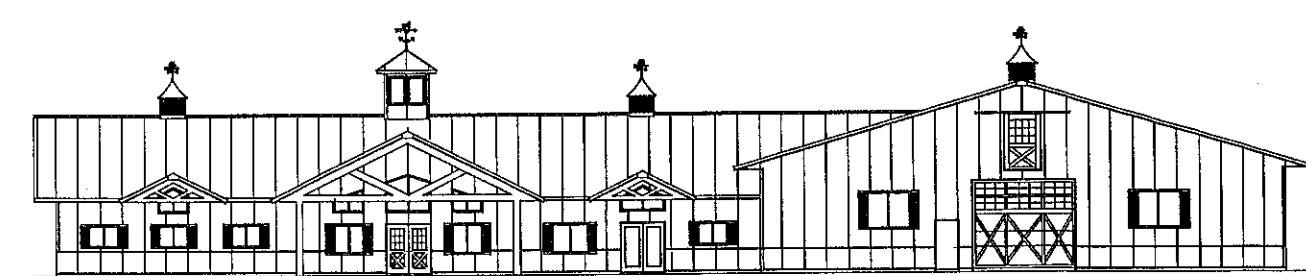
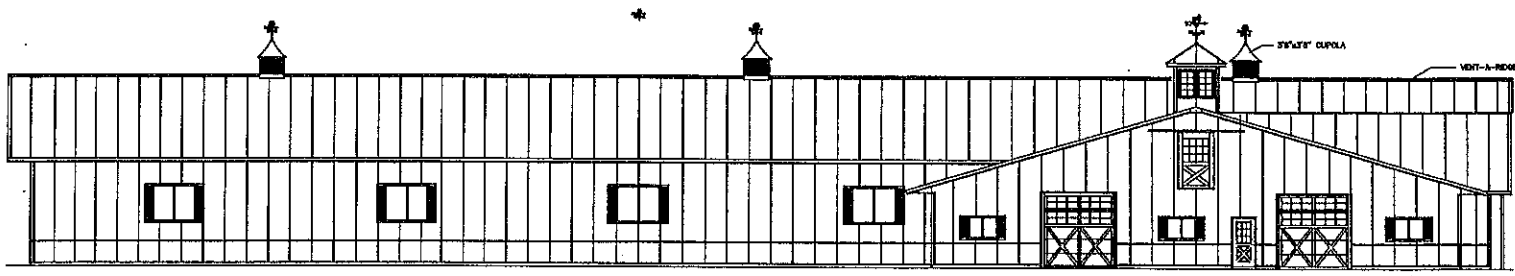
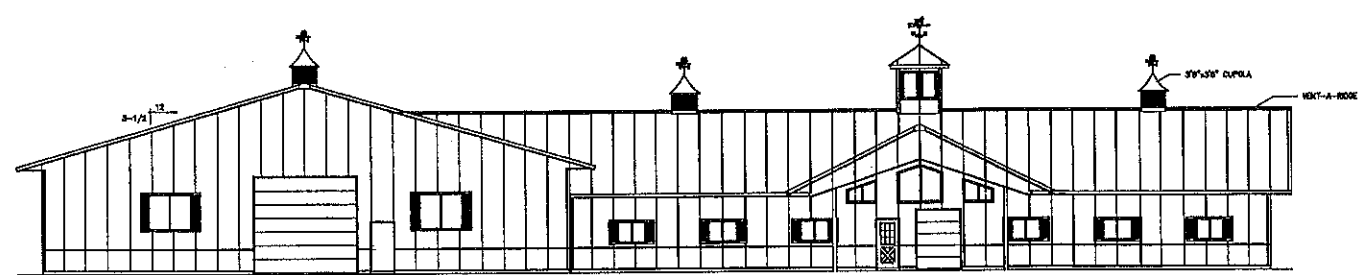
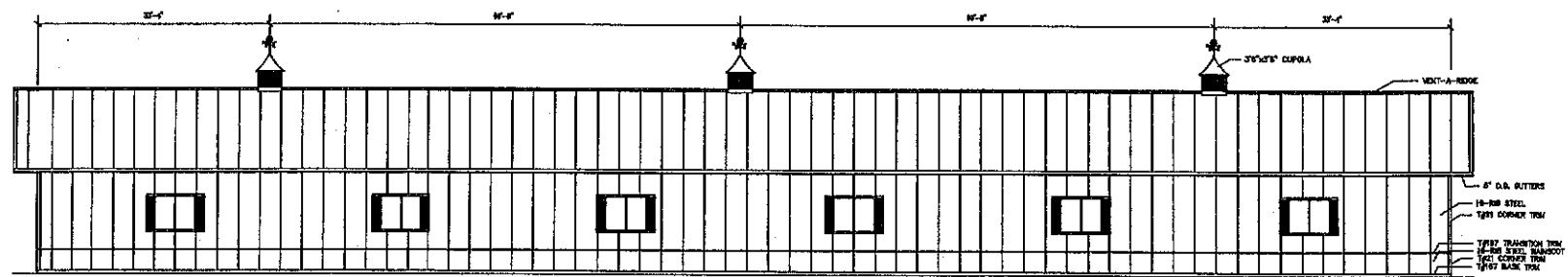


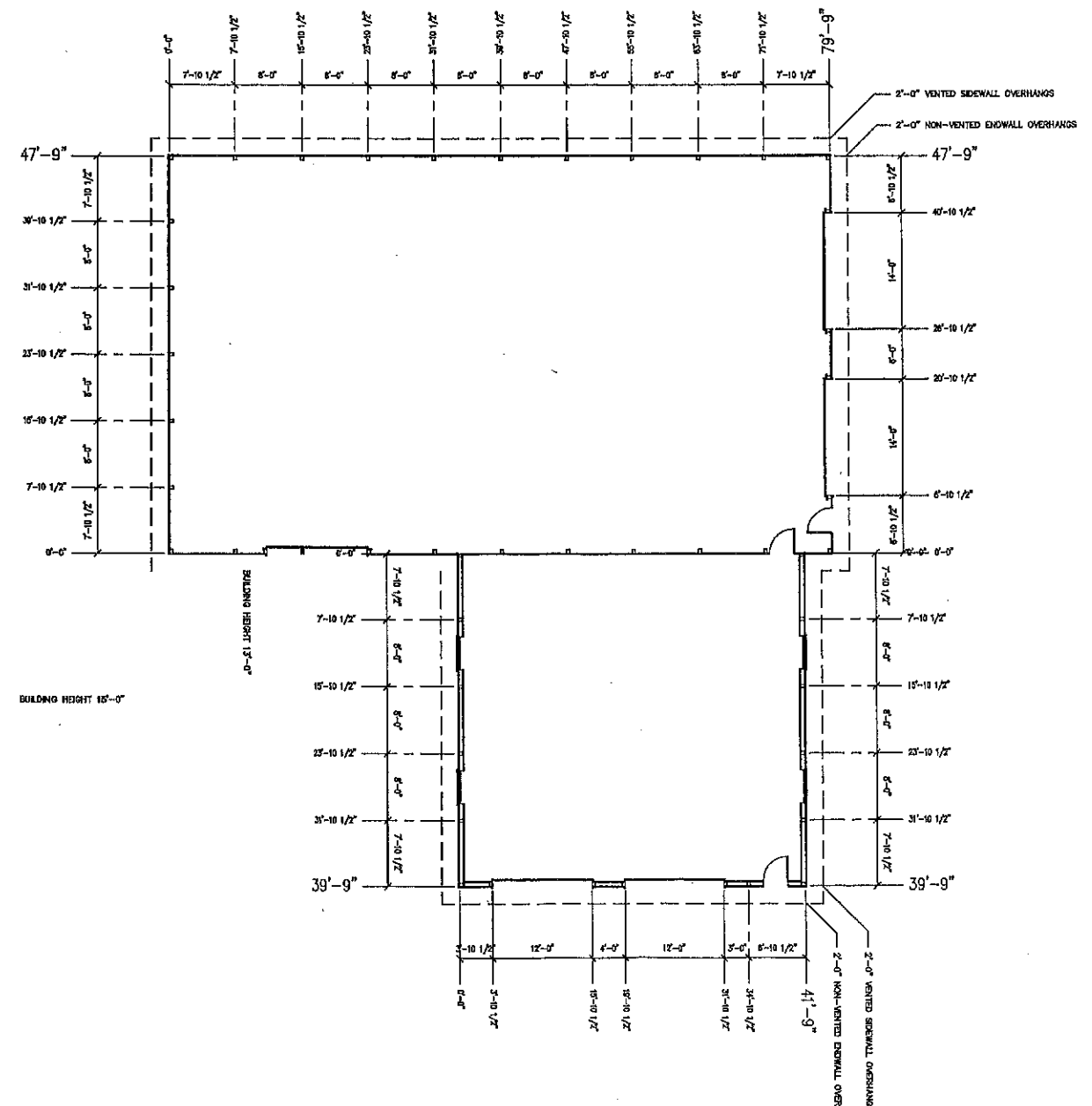
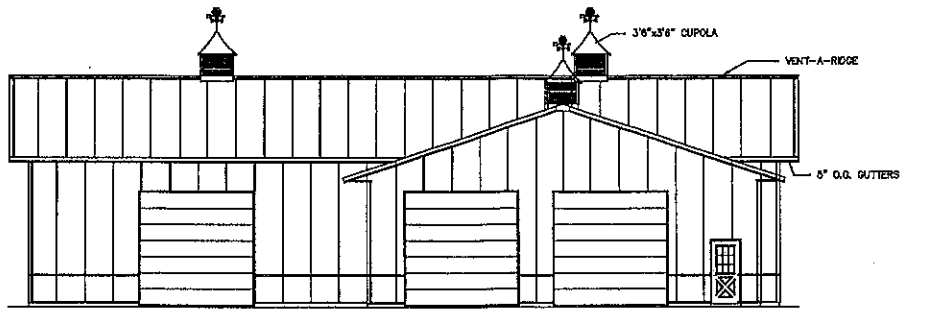
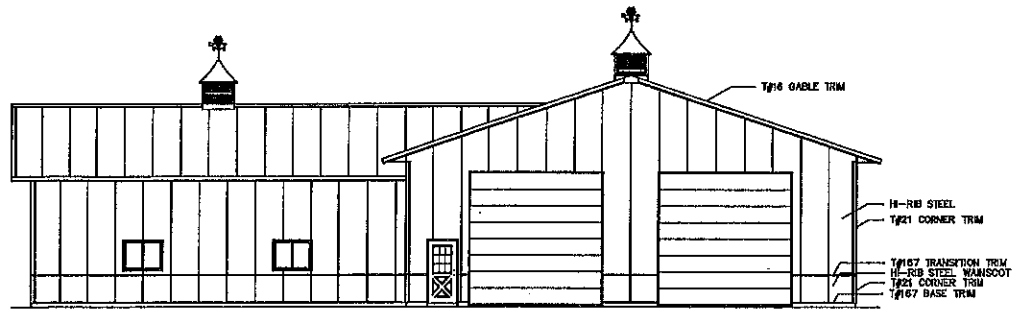
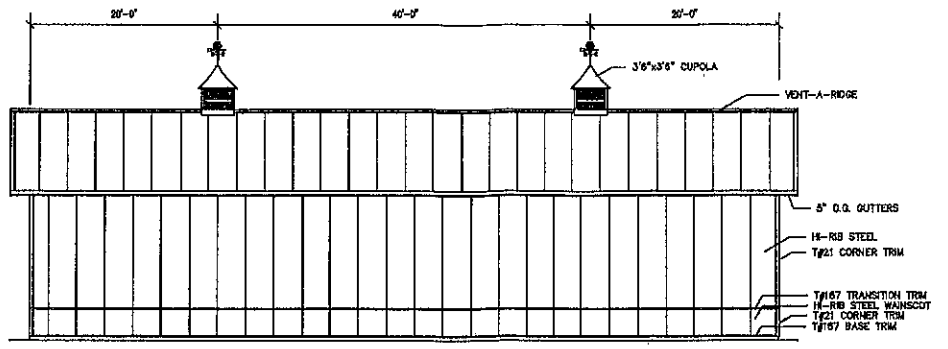
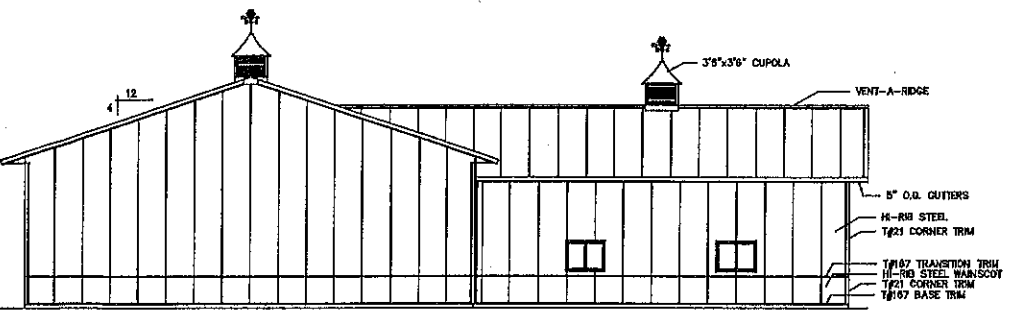
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

Timothy J. Freeman, LS
Minnesota License No. 16099

Note: Official Copies of this map are crimp sealed







MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempki, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4285

Date: August 18, 2017

To: Emily Becker, Planning Director
Cc:
From: Jack Griffin, P.E., City Engineer

Re: 10880 Stillwater Blvd –Mare Affair Farm
Site Improvements Plan Review

The following plans for 10880 Stillwater Boulevard were received on August 18, 2017 consisting of the following documentation:

- Narrative for Site upgrades, not dated.
- Site Plan; not dated, no identification of site improvements, or preparer.
- Certificate of Survey dated December 12, 2014 prepared by Folz, Freeman and Erickson, Inc.

Engineering has reviewed the information submitted have the following review comments:

1. The application does not include engineering documents for review. As the application moves forward and engineering site improvements are submitted additional engineering reviews will be required.
2. Stormwater Management. The proposed improvements will create 29,379 sq. ft. of new impervious surface, eliminate 8,541 sq. ft. of impervious surface for a net increase of 20,835 sq. ft or 0.63 acres.
 - A VBWD permit will be required for the proposed improvements. A copy of the VBWD permit application, hydroCAD model and permit approvals, once received, must be submitted to the City.
 - A storm water management plan (SWMP) is not required by Lake Elmo ordinance since the new impervious surface is less than 1 acre.
 - The site improvements will require a grading plan and erosion control plan meeting all City and VBWD requirements.
3. Water supply. The application does not address potable water supply to the facilities, whether public or private. Any site plan must include the location of all wells on the site.
4. Wastewater management. The application does not address sanitary sewer and on-site wastewater septic systems for the facilities. Any site plan must include the location of capacity of any on-site septic systems.
5. Streets and Transportation. The application does not include public streets or access changes to public streets. The application does increase driveway use to an existing private driveway to CSAH 14 (Lake Elmo Avenue). The application should be provided to Washington County Public Works for review and comment.

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

ORDINANCE NO. 08-___

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING COMMERCIAL BOARDING FACILITY AS A CONDITIONAL ACCESSORY USE WITHIN THE AGRICULTURAL ZONING DISTRICT.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (12) by adding definition of Commercial Boarding Facility:

The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property in addition to horses owned by the owner or occupant, which may include related horse training and riding instruction for those other than the owner or occupant of the property and their non-paying guests.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XI: Rural Districts; Section 154.401: Permitted, Conditional, and Interim Uses; Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts to read as follows.

Accessory Uses	RT	A	RR	RS	RE	
Bed and Breakfast	C	C	C	-	-	154.012 (B) (12)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.012 (B) (12)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Equipment	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
<u>Commercial Boarding Facility</u>	<u>-</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>154.404 (I)</u>
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XI: Rural Districts; Section 154.404: Site Design and Development Standards, to read as follows.

I. *Commercial Kennel, Commercial Stable-Boarding Facility, or Accessory Kennel or Stable, RT, A, RR Districts.* The facility shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required. Boarding within commercial boarding facilities must be done on property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance 08-____ was adopted on this _____ day of ____ 2017, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2017.

Agricultural Properties Over Ten Acres in Size

