

3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday October 23, 2017 at 7:00 p.m.
AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. October 11, 2017
4. Public Hearings
 - a. COMPREHENSIVE PLAN AMENDMENT AND ZONING TEXT AMENDMENT. A request from Landucci Homes, Inc., 13230 20th St. Ct. N, Stillwater, MN 55082, to amend language regarding allowable density for Open Space Preservation developments within the Comprehensive Plan and Zoning Code.
 - b. COMPREHENSIVE PLAN AMENDMENTS, ZONING TEXT AMENDMENT, AND ZONING MAP AMENDMENT. Requests by the City of Lake Elmo to amend the City's Comprehensive Plan Land Use Plan, creating a new Closed Landfill Restricted Land Use Category and re-guiding portions of PID #'s 10.029.21.33.0001, 10.029.21.34.0001, 15.292.12.10.003, 15.292.12.20.0001, from Public/Semi Public to Closed Landfill Restricted Land Use; to amend the City's Zoning Code, creating a new zoning district corresponding to the new Closed Landfill Restricted Land Use Category; and to re-zone portions of PID #'s 10.029.21.33.0001, 10.029.21.34.0001, 15.292.12.10.0003, 15.292.12.20.0001 from Public Facilities to Closed Landfill Restricted Land Use or similar zoning district title.
5. Business Items
 - a.
6. Updates
 - a. City Council Updates – 10/17/17 Meeting
 - a. CUP for Increased Accessory Structures 11459 60th St - passed
 - b. ZTA, ZMA and CUP to allow Commercial Boarding Facility - failed
 - c. CPA and Concept Plan Continental Properties – sent back to PC
 - d. Variance for 8130 Hill Trail - passed
 - Staff Updates
 - e. Upcoming Meetings:
 - November 13, 2017
 - December 11, 2017
 - f. MAC CEP Report-none

g. 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 October 11, 2017**

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

COMMISSIONERS PRESENT: Williams, Lundquist, Dodson, Emerson, Johnson, Dorschner & Hartley (joined at 7:06)

COMMISSIONERS ABSENT: Kreimer & Larson

STAFF PRESENT: Planning Director Becker and City Planner Prchal

Approve Agenda:

M/S/P: Dorschner/Dodson, move to accept the agenda as presented, ***Vote: 5-0, motion carried unanimously.***

Approve Minutes: September 25, 2017

M/S/P: Dorschner/Lundquist, move to approve the September 25, 2017 minutes as amended, ***Vote: 5-0, motion carried unanimously.***

Public Hearing Item – Conditional Use Permit 11459 60th Street

Becker started her presentation regarding the Conditional Use Permit application from Chad and Eileen Bergmann to allow an additional accessory structure to the maximum number and size permitted in the Rural Residential zoning district for the property located at 11459 60th Street. This parcel is located just south of Hwy 36.

The applicant has applied for a lot line adjustment to change the existing lot from 4.58 acres to 6.86 acres, making it more conforming. It will include the barn with the existing homestead which has the same well and electricity source.

There currently are 4 structures on the existing parcel including small sheds that are under 160 square feet. Those are not included in the amount of accessory structures allowed, but it all totals 3640 square feet which is already non-conforming. The number of structures that would exist on the resultant parcel after the lot line adjustment would be 8 totaling 6392 square feet. The zoning code states that additional accessory structures are allowed in AG & RR by Conditional Use Permit. Becker went through the

findings that must be met in order to approve the Conditional Use Permit and how the application met the findings.

Staff is recommending one condition of approval that the lot line adjustment be approved by staff and recorded with the County, with proof of recording submitted to the City within 60 days of approval.

Eileen Bergmann, 5500 Lake Elmo Ave, the barn and house at one time was together. At some point in the '60's, the barn was separated from the home. They would like to put it back with the house as the water, electricity, etc. comes from the home.

Public Hearing opened at 7:17 pm

There was one inquiry asking if any new structures were being proposed, which there is not.

Public Hearing closed at 7:17 pm

LUNDQUIST is familiar with the property and feels this makes perfect sense.

M/S/P: Hartley/Lundquist, move to recommend approval of the request from Richard, Eileen and Chad Bergmann for a conditional use permit to allow an excess of the permitted two accessory structures and accessory structure size requirements in the Rural Residential zoning district for the property located at 11459 60th Street North subject to recommended condition of approval and findings in the staff report, **Vote: 6-0, motion carried unanimously.**

Business Item – Wind Power Ordinance Discussion

Prchal started his presentation regarding the Wind Power Ordinance. Currently the Wind Generator Ordinance is not clearly referenced. It is in Chapter 150 and is an ordinance and is allowed in AG & RR.

Currently there is an application process. The application needs to be filled out and engineer plans need to be submitted with the application. A site plan also needs to be provided of the applicant's property showing where the wind generator will be located and identifying all existing structures. They also need to include a statement of compliance with all applicable regulations of the Federal Aviation Agency.

The application is reviewed by the Building Official and there is a public hearing conducted by the City Council. There are 2 conditions of approval 1) Expires upon sale or subdivision of the land and are reviewed annually 2) May be revoked if not compliant with conditions of permit.

There are a number of other conditions that must be met. These include 1) minimum lot size of 40 acres 2) cannot exceed 125 feet in height 3) minimum setback for wind generator and guy wires from property line is 150 feet 4) fencing may be required 5) no lighting 6) not allowed in Lake Emo Airport Safety Zones 7) 1000 feet between wind generators 8) if property subdivided to less than 40 acres, the wind generator will be removed 9) permit is not transferable.

Dodson is wondering about Commercial Wind Generators and how would those be restricted. How does that City restrict them from going in places we do not want them. Becker stated that currently it is not in the zoning code. Staff wants feedback from the Planning Commission to see if it should be moved to zoning code. There is currently nothing that prohibits them from going in the AG & RR zones. It doesn't require a CUP so if they meet the conditions, they would be allowed.

Hartley would argue that because the excess energy produced is sold back, that any of these could be considered commercial to some aspect. Hartley feels these should be regulated through size and height. Dodson thinks that they could possibly be regulated based on blade length. Hartley researched the size of the wind generator in North St. Paul for reference and found that it is 115 feet from the base to the tip of the rotor. The shaft is 80 feet to the hub.

Dodson has 2 concerns with the larger ones 1) the aesthetics 2) they take a toll on birds. He feels that solar is a lot less impactful on the City. Dodson feels that this should be located in the code where the solar ordinance is and perhaps there are some common elements. Dodson felt most of the safety standards seemed pertinent.

Dodson asked what the difference is of having the Wind Generator ordinance in the municipal code vs. in the Zoning code. Becker stated that ordinances outside of the zoning code does not require a public hearing. Also, from a customer service standpoint, it is easier to look in the zoning code to figure out what is allowed in each zone. Becker feels that it might make sense to put all of the alternative energy options together with standards.

Dodson feels that there should be a wind generator section, but the technical aspects could be dealt with administratively through the application process.

Hartley asked if there should be a setback from a waterbody or park.

Williams asked what topics should be discussed. The Commission felt that there should be a safety section. Hartley stated that there should be a requirement that there be instructions on how to shut down the wind generator in case of emergency.

Dodson wants something included about abandonment that it needs to be torn down at their expense.

Hartley stated that “horizontal shaft” needs to be deleted from the definition as not all wind generators have a horizontal shaft.

Dodson asked if the City would allow attached antenna on the wind generator. The Commission seemed in favor of allowing this. Hartley thinks there should be no advertising.

Becker asked if the Planning Commission wanted to leave the allowed zones to only AG & RR and if they wanted to limit it to lots of 40 acres or more. Becker also wanted to know if the Commission wanted leave the existing text that limits the location to no closer than 1000 feet apart.

Williams thinks that the minimum lot size should be lowered and the space between should also be lowered. Emerson feels that if you have 10 acres, you should be able to put one up and they should also be allowed in commercial areas. Emerson stated that there are also wind generators that can be mounted on the top of a building. Dorschner is wondering if there could be a standard for roof mounted in residential. Becker stated the North St. Paul had standards for roof mounted wind generators. Williams is thinking they might want to allow in all districts, but would need different standards for each zone. Williams is wondering if they would want all of them subject to Conditional Use Permits, or would some of the small roof mount ones just be allowed.

Dodson thinks if it is roof mounted, it should have the same height restriction as the home. If it is free standing it should have a different height restriction. Emerson thinks in a residential district, the free standing should still have a 35 foot restriction, which might preclude them from even being there.

Williams asked if City Staff could provide some language to provide for wind generators in all districts with the start of the proper size limits in the different zoning districts.

Dorschner is wondering if it could be structure mounted instead of roof mount as that limits where the wind generator can go. Hartley would like the height restrictions to somehow be related to the property size.

Williams thinks that the setback should relate to the size of the structure. Williams is wondering if these should be CUP's in all districts or should they be allowed uses in some zoning districts. Becker is wondering if they should all be accessory uses or would it be allowed as a primary use.

City Council Updates – October 3, 2017 Meeting

- i) Lakewood Crossing 2nd Addition Developer Agreement – passed
- ii) ZTA, ZMA and CUP for a Commercial Boarding Facility – tabled
- iii) Variance 8323 Deer Pond Trail - passed

Staff Updates

1. Upcoming Meetings
 - a. October 23, 2017
 - b. November 13, 2017
2. MAC CEP Report

Commission Concerns

Meeting adjourned at 8:22 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT



STAFF REPORT

DATE: 10/23/2017

REGULAR

ITEM #:4a

TO: Planning Commission
FROM: Emily Becker, Planning Director
AGENDA ITEM: Comprehensive Plan Amendment and Zoning Text Amendment
Amending Open Space Preservation Language Regarding Density
REVIEWED BY: Joan Ziertman, Planning Program Assistant
Ben Prchal, City Planner

BACKGROUND:

The City has received an application from Landucci Homes, Inc. (Nathan Landucci) for a Comprehensive Plan and Zoning Text Amendment amending language regarding allowable density within Open Space Preservation Planned Unit Developments. The current language in both the Comprehensive Plan and City's Zoning Code indicates that densities in such developments are allowed up to 0.45 dwelling units per buildable acre or 18 units per 40 buildable acres. The Applicant is requesting that density be based on gross acreage.

ISSUE BEFORE COUNCIL:

The Planning Commission is being asked to hold a public hearing and make recommendation on the request to amend language regarding allowable density within Open Space Preservation developments within the City.

PROPOSAL DETAILS/ANALYSIS:

COMPREHENSIVE PLAN AMENDMENT

Reason for Request. The Applicant has indicated on the application that if Legends of Lake Elmo, which received Concept Plan approval by the City on March 2, 2016, was developed under the current Open Space Preservation Planned Unit Development ordinance and Comprehensive Plan language, it would be underutilized, underdeveloped and have a disproportionate amount of road, as the site has 17 acres out of 110 acres of land. The Applicant has also stated that wetlands are sought after for buffers, land preservation, privacy, animal and plant habitat and an overall attractive and diversified environment. The Applicant feels that the request "levels the playing field" between land that has no wetlands and land that have some or no wetlands. The Applicant also demonstrates in the application that Legends of Lake Elmo, had it had no wetlands, would be able to develop 50 homes as opposed to 40 homes with no wetlands.

- *Example 1:* Land with no wetlands
 - Gross acreage: 110 acres
 - Buildable acreage: 110 acres
 - Wetland acreage: 0 acres
 - Number of units allowed: 50 homes

- Open space breakdown: 55 acre fields
- *Example 2: Legends of Lake Elmo*
 - Gross acreage: 110 acres
 - Buildable acreage: 93 acres
 - Wetland acreage: 17 acres
 - Number of units allowed: 41 homes
 - Open space breakdown: 38 acre fields, 17 acres of wetlands

History. The City's Open Space Preservation Ordinance was adopted in 2001 and has undergone a number of amendments, the most recent set of amendments adopted on October 4, 2016 after a number of both Planning Commission and City Council meetings. No amendment to the allowable density was proposed or made during this amendment, however, due to Comprehensive Plan language indicating that the allowable density in an Open Space Preservation development is 0.45 dwelling units per acre. One of the amendments that was adopted was that open space calculations were changed from 50% buildable area to 50% gross area.

Exact Language of the Comprehensive Plan. The exact language and proposed change to the Comprehensive Plan is below:

RURAL AREA DEVELOPMENT – This category represents the large areas of rural residential development 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 Open Space Preservation regulations. Densities are allowed up to 0.45 dwelling units per buildable acre, based on gross acreage, when planned as part of an Open Space Preservation development. No new areas of rural area development are being established by the official land use plan. [Corresponding Zoning District(s): A, RR, OP]

Preserved Open Space. The Minnesota Land Trust holds conservation easements to protect a variety of lands and focuses its efforts on relatively undisturbed natural habitat, the shoreline of lakes, rivers and streams, and scenic landscapes, particularly those with local significance. The Applicant has submitted a Concept Plan for an Open Space Development within the City with open space which the Minnesota Land Trust has communicated would not be interested in holding. This is not necessarily directly related to the requested Comprehensive Plan and Zoning Text Amendments, however, it may be important to note that the Comprehensive Plan Advisory Panel has previously discussed that if the City holds a conservation easement (which it is allowed to do under the OP ordinance), that due to the City's conservative amount of Staff, that Homeowners' Associations could possibly aid in enforcement of the conservation easement. An increase in the number of homes allowed within an OP development may increase the chances for violations of the conservation easement, but it may also increase the Homeowners' Association's ability to enforce with added funds and resources.

Net Density. Density is usually calculated as net density. The Metropolitan Council calculates density using net density when calculating density required for sewered areas. By their standards, the following can be netted out from gross acres when calculating density: wetlands and water bodies, public parks and open space, arterial road rights-of-way, and other areas protected from development by local ordinance. While open space preservation developments are not sewered and are not subject to these stipulations, the City should consistently calculate density, and calculating wetlands in the allowed density would create possible inconsistency.

Comprehensive Plan Update. It should be considered that the City is undergoing a required Comprehensive Plan update. A number of changes may be made to the overall vision of the City. One of these changes that has been mentioned a number of times in the past is allowing 2.5 acre parcels in Rural

Residential and Agricultural zoning districts, which at this time require a maximum density of one unit per 10 acres and one unit per 40 acres, respectively. Additionally, this change would affect a number of properties, as shown in the attached map that outlines properties that are over 20 acres in size and are zoned Agricultural, Rural Residential, or Residential Estates and are therefore eligible to develop through the Open Space Preservation Planned Unit Development Ordinance. The ordinance would affect up to 58 parcels and approximately 6,062 acres of property within the City. Assuming 15% of this acreage were wetlands, assuming an allowed density of 0.45 units per acre, the amount of units that could increase based on gross vs. buildable would be as follows:

Gross Acreage	6,062 acres
Wetland Acreage	909 acres
Buildable Acreage	5,153 acres
Number of Units Based on Buildable Acreage	2,318 units
Number of Units Based on Gross Acreage	2,723 units

Therefore, the number of units that could potentially increase with this change (assuming 15% unbuildable land; this has not been verified) would be 405 units, totalling 2,273 units that could be added through Open Space Preservation developments throughout the City. As per the City's 2015 systems statement, the City is only projected to increase its number of unsewered households by 3,379 by the year 2040.

Forecast Year	Forecast Component	Population	Households	Employment
2010	MCES Sewered	0	0	623
2010	Unsewered	8,061	2,776	1,318
2020	MCES Sewered	3,712	1,359	2,338
2020	Unsewered	6,788	2,441	562
2030	MCES Sewered	6,960	2,540	2,788
2030	Unsewered	7,140	2,760	562
2040	MCES Sewered	10,208	3,721	3,238
2040	Unsewered	7,992	3,379	562

Increased Traffic and Other Standards of the OP Ordinance. The potential increase in homes could lead to a significant increase in traffic counts. Currently, the City is undergoing a study for potential options for Highway 36, and this increase has not been factored in. Additionally, with all of the other standards of the OP Ordinance including but not limited to: minimum lot size requirement (one acre lots for those being served by individual septic systems and half acre lots for those being served by community septic systems); required buffers from adjacent lands; required setbacks from waterbodies and non-buildable land; setbacks; placement of streets; open space requirements; etc. will still need to be met unless approved by a 4/5 (super-majority) vote.

Comprehensive Plan Advisory Panel. The Comprehensive Plan Advisory Panel held a meeting in July of 2017 discussing Rural Residential trends. During this meeting, a brief discussion was held regarding density in open space developments. During this discussion, there was no substantial conclusion to this, but there was desire by the group to allow this. As such, the Applicant is requesting the amendment now in order to bring focus to the issue and not have to wait until the Comprehensive Plan is officially adopted and approved by the Metropolitan Council. Because of the potentially significant impact on the City's population and the substantial number of parcels and acreage within the City that the proposed amendments would affect, Staff would recommend that the Planning Commission table the request and request direct input from the Comprehensive Plan Advisory Panel on this proposed change. Ultimately, the Planning

Commission may wish to recommend denial provided the issue may be best considered within the context of all land use changes currently under consideration. The next Comprehensive Plan Advisory Panel meets on October 25, 2017, and this item can be discussed briefly at this meeting.

ZONING TEXT AMENDMENT

Consistency with the Comprehensive Plan. If the Planning Commission wishes to recommend denial of the proposed Comprehensive Plan Amendment, the Planning Commission should also recommend denial of the Zoning Text Amendment. If they wish to recommend approval or table the discussion, the proposed Zoning Text Amendment should be reviewed for consistency with the Comprehensive Plan and current Open Space Preservation Planned Unit Development Ordinance.

Consistency with the Comprehensive Plan. If the Comprehensive Plan Amendment is approved, the proposed Zoning Text Amendment to Section 154.657: Open Space PUD Design, Section (A) would be as follows:

A. Density

The maximum dwelling unit density within an open space planned unit development shall be 18 units per 40 gross acres of buildable land on the undeveloped parcel; however, the total number of dwelling units shall not exceed the density limitations contained in the Comprehensive Plan for Open Space Preservation Development.

Provided the Comprehensive Plan Amendment is approved, this would be consistent with the density of 0.45 units per acreage based on gross acreage.

Intent of the Open Space Planned Unit Development Ordinance. The intent of the Open Space Planned Unit Developments is as follows. The Planning Commission should specifically consider whether increasing the allowable density to 0.45 units per acre of the developments gross acreage as opposed to buildable acreage would alter the intent of this ordinance or of the Comprehensive Plan. Also included below are responses to how the proposed change would affect the intent of the ordinance:

- A. A variety of lot configurations and housing styles that may or may not otherwise exist within the City's rural areas;
 - *Staff Comment:* An increased number of units would likely have no effect on this intent.
- B. An avenue to provide a development density equal to or greater than what could be achieved via underlying zoning;
 - *Staff Comment:* The allowed density (provided the area had wetlands) would be increased by the proposed amendment. The proposed amendment would make no difference to properties that have acreage that is not buildable.
- C. A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
 - *Staff Comment:* Allowing density to be based on gross acreage would increase the number of homes allowed within a development that had unbuildable acreage and therefore would reduce costs for a developer.
- D. Protected open space to enhance and preserve the natural character of the community;
 - *Staff Comment:* The applicant is not proposing to change the amount of preservation of the open space within a development.
- E. The creation of distinct neighborhoods that are interconnected within rural areas

- *Staff Comment:* Allowing additional housing on properties with a certain amount of unbuildable acreage would allow the development to have more homes, potentially increasing interconnectivity through design.
- F. To preserve large continuous open spaces.
- *Staff Comment:* The applicant is not proposing to reduce the amount of open space. The amendment to the Open Space Planned Unit Development ordinance back in 2016 amended the required amount of open space, allowing the open space to be calculated by gross acreage rather than buildable acreage.

FISCAL IMPACT:

An increased number of lots may be created with the proposed amendments to the language within the Comprehensive Plan and Zoning Code, which could increase tax revenue but also increase need for essential services.

RECOMMENDATION:

Staff recommends that the Planning Commission send this request to the Comprehensive Plan Advisory Panel meeting for further review and discussion and bring back to the next Planning Commission meeting.

“Move to table the discussion to regarding the proposed Comprehensive Plan and Zoning Text Amendment to allow for further review by the Comprehensive Plan Advisory Panel.”

If the Planning Commission recommends approval of the proposed Comprehensive Plan Amendment, Staff recommends that the Planning Commission recommend approval of the proposed Zoning Text Amendment:

“Move to recommend approval of the proposed Zoning Text Amendment to change the allowed density within an Open Space Preservation Planned Unit Development to 18 units per 40 gross acres.”

ATTACHMENTS:

- Comprehensive Plan and Zoning Text Amendment application and Narrative
- Map showing properties that are of 20 acres or more and zoned Rural Residential, Residential Estates and Agricultural (properties eligible to be developed as and Open Space Preservation Planned Unit Development)

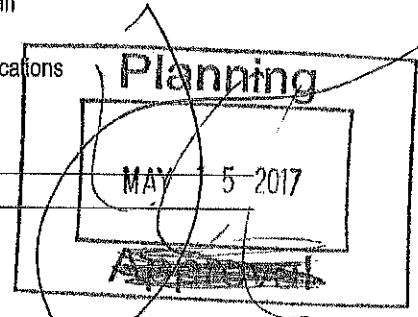
Date Received: 9/21/17
Received By: SJN
Permit #: _____



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

LAND USE APPLICATION

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



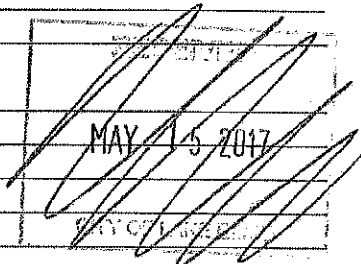
Applicant: Landucci Homes, Inc. (Nathan Landucci)
Address: 13230 20th St. Ct. N., Stillwater, MN 55082
Phone #: 651-894-2582
Email Address: LANDUCCIL@hotmail.com

Fee Owner: Same as above
Address: " "
Phone #: " "
Email Address: " "

Property Location (Address): XXX 50th St. N, Lake Elmo, MN 55042
(Complete (long) Legal Description: See attached)

PID#: See attached

Detailed Reason for Request: See attached



*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:

See attached

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: [Signature] Date: 5/10/17 9/21/17

Signature of fee owner: [Signature] Date: 5/10/17 9/21/17

Land Use Application: Comprehensive Plan/ Zoning Text Amendment

PID#: 01.029.21.42.0003

Acreage: 50.03 acres

Legal Description: THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 29, RANGE 21, WASHINGTON COUNTY, MINNESOTA, EXCEPT THE SOUTH 1725.00 FEET OF THE EAST 505.00 FEET OF SAID WEST HALF OF THE SOUTHEAST QUARTER AND ALSO EXCEPT THAT PART OF SAID WEST HALF OF THE SOUTHEAST QUARTER, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTH 1725.00 FEET OF THE EAST 505.00 FEET; THENCE NORTH 0 DEGREES 21 MINUTES 51 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTH 1725.00 FEET OF THE EAST 505.00 FEET, A DISTANCE OF 1040.00 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 09 SECONDS WEST, A DISTANCE OF 588.00 FEET; THENCE SOUTH 0 DEGREES 21 MINUTES 51 SECONDS EAST, A DISTANCE OF 213.00 FEET; THENCE SOUTH 34 DEGREES 10 MINUTES 25 SECONDS EAST A DISTANCE OF 517.61 FEET; THENCE SOUTH 0 DEGREES 21 MINUTES 51 SECONDS EAST A DISTANCE 400.00 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 02 MINUTES 53 SECONDS EAST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO NORTHERN NATURAL GASS COMPANY PIPELINE EASEMENT PER DOCUMENT NO. 3797430 AND DOCUMENT NO. 3797431 AND SUBJECT TO 50TH STREET NORTH. SECTION 01 TOWNSHIP 029 RANGE 021

PID#: 01.029.21.41.0001

Acreage: 40 acres

Legal Description: NE1/4-SE1/4 SECTION 01 TOWNSHIP 029 RANGE 021

PID#: 01.029.21.43.0001

Acreage: 20 acres

Legal Description: PART W1/2-SE1/4 BEING S 1725.06FT OF E 505FT SUBJ TO EASE FOR RDWY SECTION 01 TOWNSHIP 029 RANGE 021

Detailed Reason for Request: Property is negatively impacted by wetlands though current OP ordinance which states density is based on "buildable" land area vs. "gross" land area. Many cities base density on "gross" acreage not "buildable" acreage, especially when provisions for 50% open space and park dedication instruments are in place.

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: If the proposed land was to be developed under the current OP ordinance, it would be underutilized, underdeveloped and have a disproportionate amount of road. This would occur due to the wetlands under the OP ordinance do not count toward open space, making them useless to any OP development. Since the Legends site is comprised of 110 acres but has 17 acres of wetland, it essentially becomes a 93 acre project, yet roads, grading, utilities, etc extend though the full 110 acres, making developing any land with wetlands an unreasonable venture vs. building on land without any wetlands. When in fact wetlands are very sought after for buffers, land preservation, privacy, animal and plant habitat and an overall attractive and diversified environment that interest homeowners in neighborhoods like the Proposed Legends of Lake Elmo. This

MAY 15 2017

application is seeking to level the playing field between land that has no wetlands and land that has some wetlands, examples below to illustrate this point:

Example 1: Land with no wetlands

Gross acres: 110 acres

Buildable acres: 110 acres

Wetland acres: 0 acres

Number of homesites allowed: **50 homes**

Open space breakdown: 55 acres fields

Example 2: Legends of Lake Elmo

Gross acres: 110 acres

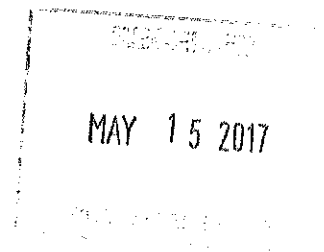
Buildable acres: 93 acres

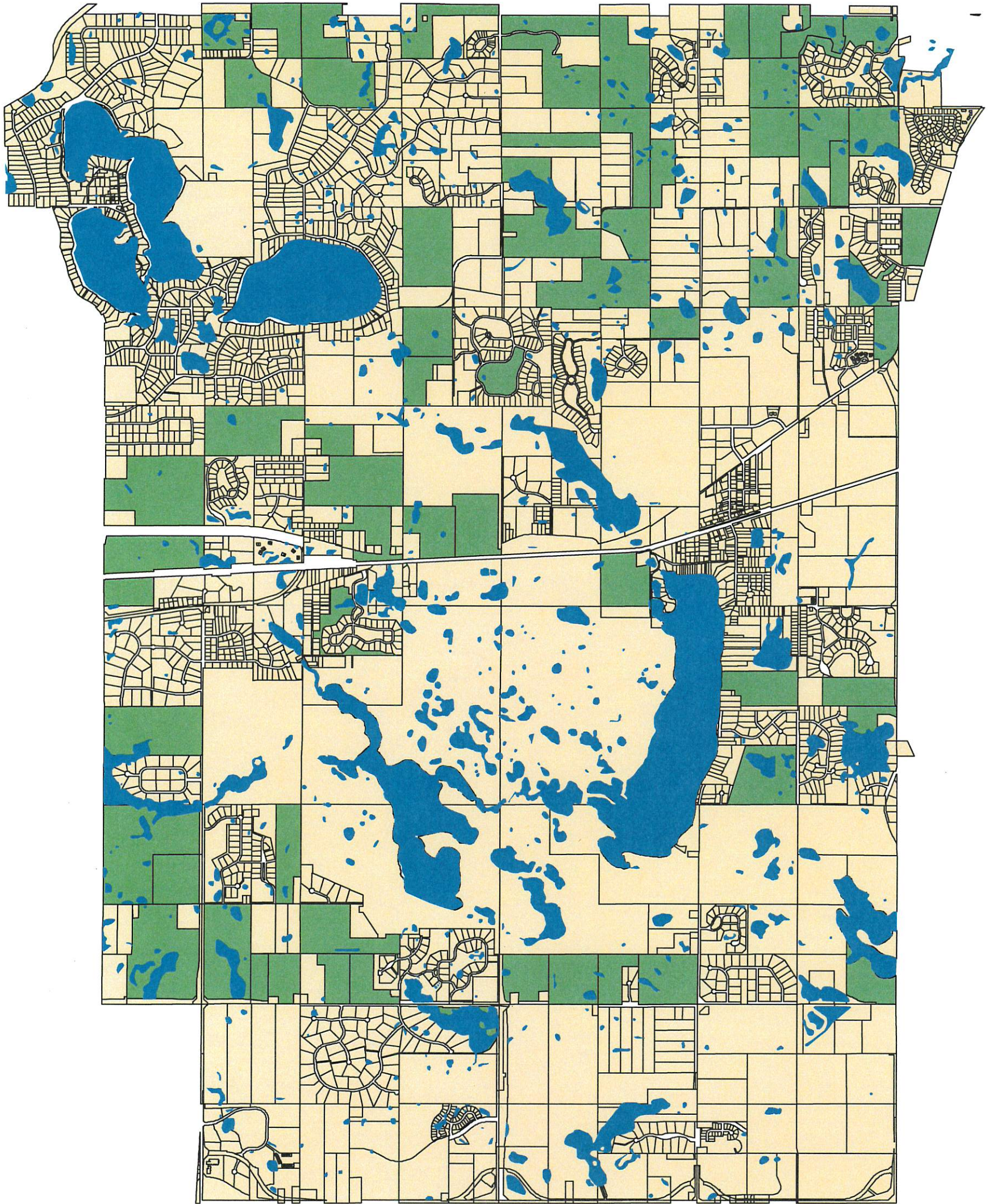
Wetland acres: 17 acres

Number of homesites allowed: **40 homes**

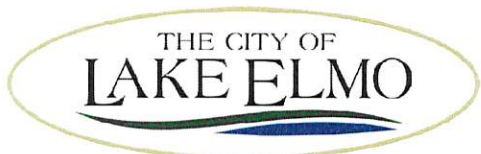
Open space breakdown: 38 acres fields; 17 acres wetland

Homeowners would prefer open space comprised of a combination of fields and wetlands as opposed to just fields. Current ordinance never factored for land that has +/- 15% of wetlands because ultimately it is making the most desirable developable land unattractive/unbuildable to a developer.







Properties Zoned A, RR or RE & 20+ Acres



Data Source: Washington County, MN
10.11.17

-  Zoned A, RR, and RE 20+ acres
-  Water Bodies/Wetlands





STAFF REPORT
DATE: 10/23/2017
PUBLIC HEARING
AGENDA ITEM: 4B

TO: Planning Commission

FROM: Emily Becker, Planning Director

ITEM: Creation of new Landfill Land Use Category within the Comprehensive Plan Re-guiding Land Management Area of Washington County Landfill to Landfill Land Use Category

REVIEWED BY: Ben Prchal, City Planner

SUMMARY AND ACTION REQUESTED:

The Minnesota Legislature, in 1994, adopted a Landfill Cleanup Act (LCA) (M.S. 115B.39-115B.45) which created the Closed Landfill Program (CLP), designating the Minnesota Pollution Control Agency (MPCA) responsible for clean and long term care of 112 closed, municipal, solid waste landfills throughout the state, making it responsible for managing risk to public health and environment associated with landfills. M.S. 115B.412, Subd. 9 requires the MPCA to develop a Land Use Plan for each landfill and that local government units (LGUs) make their land use plans consistent with the MPCA's plan for the site.

The Washington County Landfill within the City of Lake Elmo is subject to the statute that requires the MPCA develop a land use plan with which the governing body's land use plan must be consistent.

There are four actions being requested. The Planning Commission is being asked to review, hold a public hearing, and make recommendation on:

- 1) Comprehensive Plan Amendment creating a new Closed Landfill Restricted Land Use Category.
- 2) Comprehensive Plan Amendment re-guiding the property designated by the MPCA as the Closed Landfill Restricted area.
- 3) Zoning Text Amendment creating a new zoning district corresponding to the new Closed Landfill Restricted Land Use Category of the Comprehensive Plan.
- 4) Zoning Map Amendment rezoning the area designated by the MPCA as the Closed Landfill Restricted area.

GENERAL INFORMATION

Property: PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003, 15-292-12-20-0001

Property Owners: 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003: City of Lake Elmo
15-292-12-10-20-001: State of Minnesota – Pollution Control Agency

Location: Washington County Landfill Park

- Request:*
- 1) Comprehensive Plan Amendment creating a new Closed Landfill Management Land Use Category.
 - 2) Comprehensive Plan Amendment re-guiding the property designated by the MPCA as the Closed Landfill Management area.
 - 3) Zoning Text Amendment creating a new zoning district corresponding to the new Closed Landfill Management Land Use Category of the Comprehensive Plan.
 - 4) Zoning Map Amendment rezoning the area designated by the MPCA as the Closed Landfill Management area.

Existing Land Use and Zoning 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003: Public and Quasi Public Open Space (PF).
15-292-12-10-20-001: Agricultural (A).

Comprehensive Plan: Public/Park

History: See attached timeline.

Applicable Regulations: M.S. 115B.39-115B.45

DNR Conversions of Use – Guidelines and Requirements

REQUEST DETAILS:

Background. In 1994, the Minnesota Legislature adopted a Landfill Cleanup Act (LCA) (M.S. 115B.39-115B.45) which created the Closed Landfill Program (CLP), designating the Minnesota Pollution Control Agency (MPCA) responsible for clean and long term care of 112 closed, municipal, solid waste landfills throughout the state. In 2013, Minnesota Pollution Control Agency (MPCA) drafted a Closed Landfill Use Plan that identified future land uses that are acceptable to the MPCA for the site. This Closed Landfill Use Plan is attached for review and summarized below.

- *Areas of Concern.* There are the following areas of concern on the subject parcels:
 - *Groundwater Areas of Concern.* The presence of activities that require use of groundwater may be impacted or precluded by contamination from the landfill or may cause groundwater flow direction to change thereby impacting the user or others nearby.
 - *Methane Gas Areas of Concern.* Methane gas is an odorless gas produced when municipal solid waste decomposes, and can be explosive in confined spaces such as basements when mixed with air. Presence of certain activities, such as construction of enclosed structures, may be impacted or precluded by subsurface migration of methane gas.
- *Current Restrictions to Subject Parcels.* The MPCA used proceeds from the sale of State general obligation bonds for capital costs of environmental response actions that MPCA undertook at the Landfill, and as a result the property became “State Bond Financed Property,” as that term is defined by Minn. Stat. § 16A.695. In order to assure that the requirements of Minn. Stat. § 16A.695 and the Order are carried out with respect to all State Bond Financed Property, the

MMB Commissioner requires that a Declaration be recorded on the property records indicating that any sale of the property may be subject to the MMB Commissioner's approval. Such Declaration, pertaining to LCA parcel B, was signed by the Minnesota Pollution Control Agency (MPCA) and filed with the Office of the County Recorder, Washington County, on February 8, 2011 as document no. 3830248. These documents were recorded in April of 2015 on parcels A, C, and D (as shown as Appendix E in the attached Closed Landfill Use Plan (CLUP) Report). Declarations of Restrictions and Covenants already restrict the following:

Parcel	Constructing, excavating, placing any structure, material, personal property, equipment <i>without prior written approval from MPCA Commissioner</i>	Installing drinking water wells on parcel <i>without prior written approval of MPCA and MDH Commissioners</i>
A	X – entire parcel	X – entire parcel
B	X – entire parcel	X – entire parcel
C	X – area 125 feet S of N prop. line	X – entire parcel
D	X – west 200 ft	X – entire parcel

- *MPCA's Land Use Plan for the Landfill.* The MPCA has found the following uses acceptable on the entire landfill management area or portions thereof are as follows:
 - Closed Landfill Management
 - Civic
 - Parks and Open Space
 - Solar Energy Farm

Appendices H through J of the CLUP Report show where these uses would be allowed.

Reason for Comprehensive Plan and Zoning Map Amendment. While the restrictive covenants restrict the property in regards to well installation and the construction of buildings, the MPCA also requires a Land Use Plan to be developed that identifies uses that commensurate with the MPCA's obligations to take care of the landfill and manage risks the landfill poses to the public, as well as to protect the remedial infrastructure the state has invested, including equipment, landfill cover, etc. Public access or recreation is not allowed on its landfills. Designating the entire Land Management Area as Parks and Open Space would give the impression that all of the site was accessible to the public as park, which is exactly what cannot be allowed.

Further, Minn. Stat. § 115B.412, Subd. 9 requires all local land-use plans be consistent with the MPCA's land-use plan for the landfill management area. The MPCA's future obligations for the landfill management area conflict with the current local land-use plan; specifically the City's Public and Quasi-Public Open Space and Agriculture zoning ordinances for this property. The MPCA believes that most of the uses within the current zoning for the landfill management area are not compatible with the MPCA's future responsibilities for the site as well as the risks associated with the Landfill.

COMPREHENSIVE PLAN AMENDMENT – CREATING CLOSED LANDFILL MANAGEMENT AREA LAND USE CATEGORY

Need for Comprehensive Plan Amendment. Because the Comprehensive Plan does not currently have a Closed Landfill Restricted Land Use Category, an amendment to include such a land use category will be required in order to re-guide the area.

Proposed Amendment. Staff proposes that the Closed Landfill Restricted Land Use Category be added to Chapter III – Land Use Plan. The proposed amendment is attached for reference and would include the following amendments:

- The addition of a Closed Landfill Restricted category to Existing Land Use Definitions.
- Amendment of the Existing and Planned Land Use Table, adding acreage to the Closed Landfill Restricted category and removing the same amount of acreage from the Public/Park land use category.
- Updating the Planned Land Use Map to re-guide landfill management area to Closed Landfill Restricted (see attached updated Planned Land Use).

COMPREHENSIVE PLAN AMENDMENT – REGUIDING CLOSED LANDFILL MANAGEMENT AREA

Lot Line Adjustment. In order to re-guide only portions that are restricted due to the above-mentioned areas of concern, the City has had a survey done which will adjust the lot lines of three city-owned parcels. This survey is attached. The City will only be re-guiding Parcel A as shown in this attached survey and PID# 15.029.21.22.0001 (3855 Jamaca Ave, owned by the State of MN – Pollution Control Agency) to Closed Landfill Restricted.

ZONING TEXT AMENDMENT – CREATING CLOSED LANDFILL MANAGEMENT ZONING DISTRICT

Creation of Zoning District. Because there is not a zoning district to reflect the Closed Landfill Restricted Land Use category, a separate zoning district will need to be created. Attached is a draft ordinance which creates this zoning district.

Allowed Uses. Allowed uses within the proposed zoning district correspond to those as outlined in the CLUP report and include:

- Closed Landfill Management
- Solar Energy Farms (conditional use)

Definition of Closed Landfill Management. The definition of Closed Landfill Management (a proposed permitted use in the CLR district) is proposed to be added to Article II: Definitions.

Standards for Solar Energy Farms. The standard for a Solar Energy Farm is that location and plans be approved by the MPCA and City. The City is currently in the process of amending its solar energy systems standards but is waiting on input from the Building Official and Fire Chief. Because the standards for these systems are currently undergoing amendments, Staff recommends that the Planning Commission focus solely on the use and setbacks required for solar energy systems. The Commission may wish to recommend that the proposed amendments to the Comprehensive Plan and Zoning Ordinance not be adopted until the City has updated its solar energy systems standards. The draft ordinance and current standards for solar energy systems require that solar energy systems adhere to the setback standards for the zoning district in which they are located. Additionally, a Conditional Use Permit would allow further regulations of screening, etc.

Proposed Setback Requirements. The proposed setback requirements for solar farms within this zoning district are consistent with those of the required setbacks of the previous zoning district in which the Closed Landfill Restricted area were located. A required buffer of 150 feet from residential zones was added in order to protect adjacent residential areas from any glare or potential nuisance caused.

Screening Requirements? The Commission may wish to add screening requirements to proposed solar farms. Alternatively, this may be done with any conditional use permit application so that screening is required where appropriate.

ZONING MAP AMENDMENT – REZONING CLOSED LANDFILL MANAGEMENT AREA

Consistency with the Comprehensive Plan. If the Commission wishes to recommend updating the Comprehensive Plan, re-guiding Parcel A as shown in this attached survey and PID# 15.029.21.22.0001, the proposed Zoning Map Amendment would be consistent with the Comprehensive Plan.

NEXT STEPS

Parkland Conversion. There are four parcels that make up the Washington County Landfill site located in the City of Lake Elmo. In 1978, these properties received a Land and Water Conversion Fund (LAWCON) grant, which is a federal grant used for the development of outdoor recreation facilities. The Department of Natural Resources (DNR) is responsible for tracking compliance of the conditions to which this grant was given. In 1990, the DNR determined the Landfill Park was unavailable for public outdoor recreation use because of landfill remediation systems, specifically spray irrigation system. The City then began with the required conversion process to convert the land to non-recreational uses to find other land to replace it, but the City has yet to complete this process. The City will need to complete this conversion process, and this may be done with future parkland dedicated with development or through a different process (purchasing parkland, designating donated parkland, etc.). The dedicated land must be equal in value to the land that is no longer usable for recreation purposes.

The next step in this conversion process will be to have a federal appraisal completed for Parcel A which will no longer be available for public recreation use. If the expected value is under \$25,000, a waiver valuation can be submitted, but the appraiser preparing the waiver must have sufficient understanding of the local real estate market to be qualified. Staff has received a quote of \$3,000 to perform the appraisal provided the expected value is under \$25,000.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed Comprehensive Plan Amendment, adding a Closed Landfill Restricted Land Use Category and re-guiding portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 from Public/Park to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Agricultural to Closed Landfill Restricted.

“Move to recommend approval of an amendment to the City’s Comprehensive Plan’s Land Use Plan, adding a Closed Landfill Restricted Land Use Category as proposed by Staff and re-guiding portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 from Public/Park to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Agricultural to Closed Landfill Restricted..”

Staff also recommends that the Planning Commission recommend approval of the proposed Zoning Text Amendment, adding a Closed Landfill Restricted zoning district to the City’s Zoning Code, as proposed by Staff.

“Move to recommend approval of a Zoning Text Amendment to the City’s Code, adding a definition to Section 154.012 of Closed Landfill Management and adding Article XIX: Closed Landfill Restricted as proposed by Staff.”

Finally, Staff recommends that the Planning Commission recommend approval of the proposed Zoning Map Amendment rezoning portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 from Public and Quasi Public Open Spaces to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Agricultural to Closed Landfill Restricted.

“Move to recommend approval of the proposed Zoning Map Amendment rezoning PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 from Public/Park to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Agricultural to Closed Landfill Restricted..”

ATTACHMENTS:

- Timeline
- CLUP Report
- Survey showing lot line adjustments of the parcels
- Proposed Comprehensive Plan Amendment
- Proposed Ord. 08- Creation of the Closed Landfill Restricted Zoning District

ORDER OF BUSINESS:

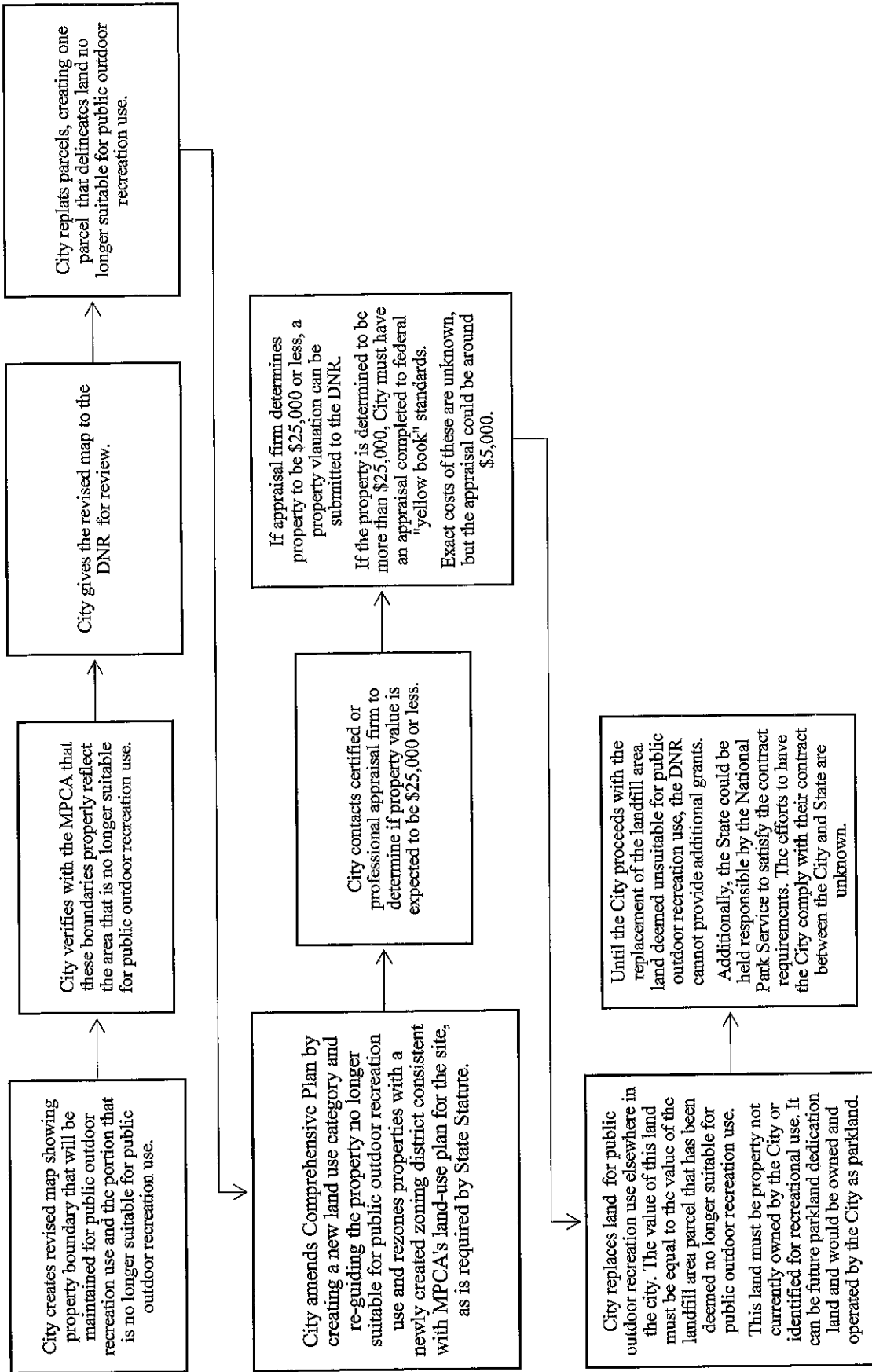
- Introduction Planning Staff
- Report by Staff Planning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public Hearing Chair
- Close the Public Hearing Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Washington County Landfill Timeline

Year	Event	Details
1969	Landfill permitted.	
1975	Landfill closed.	
1978 & 1979	Land and Water Conversion Fund (LAWCON) grant agreements signed by City and State.	LAWCON is a federal grant that is used for the development of outdoor recreation facilities. The Department of Natural Resources (DNR) is responsible for tracking compliance.
1990	DNR determines Landfill Park unavailable for public outdoor recreation use because of landfill remediation systems, specifically spray irrigation system.	DNR informs City of this determination and recommends the City begin with the required conversion process to convert the land to non-recreational uses and to find other land to replace it.
1993	City Council accepts this determination.	City informs DNR the City will begin appraising new land to replace the Landfill Park.
1994	MN Legislature adopts the Landfill Cleanup Act (LCA) (M.S. 115B.39-115B.45) which created the Closed Landfill Program (CLP), designating the Minnesota Pollution Control Agency (MPCA) responsible for clean and long term care of 112 closed, municipal, solid waste landfills throughout the state.	<ul style="list-style-type: none"> • <i>Mission:</i> Manage risk to public health and environment associated with landfills. • <i>Strategy:</i> M.S. 115B.412, Subd. 9 requires the MPCA to develop a Land Use Plan for each landfill and that local government units (LGUs) make their land use plans consistent with the MPCA's plan for the site. • <i>Issue:</i> Current City of Lake Elmo local land use plan conflicts with MPCA's land use plan.
1995	MPCA takes over responsibility of the Landfill.	An agreement is made with MPCA, Washington County, Ramsey County, and the City entered in to a Landfill Cleanup Agreement (LCA).
1995	DNR informs City the required conversion process is not complete.	Informs the City no further funds will be received until the process is completed.
2010	DNR again requests the City to complete the conversion process.	
2011	City informs the MPCA of the issue for the first time and meeting is held between City Administrator, Engineer, Attorney, Special Projects Assistant and a Parks Board Member, representative from DNR and representative from MPCA.	<ul style="list-style-type: none"> • City claimed the property would remain designated public outdoor recreation use except for the fact that the MPCA has determined a portion of it to be unsuitable for public recreation/use. • MPCA argues that the DNR's determination that the land was unsuitable for public outdoor recreation, as well as City's acceptance of this and its early willingness to begin the conversion, had nothing to do with MPCA's determination and that this determination was made before the Landfill Cleanup Act was enacted.
2013	MPCA drafts a Closed Landfill Use Plan that identifies future land uses that are acceptable to MPCA for the site, or parts of the site.	In addition to closed landfill management, certain areas may be suitable for certain civic uses related to city maintenance, parks or open space, or use as a solar energy farm.
Today	The City has yet to adopt the MPCA land use plan nor has it had the land recently appraised or replaced with other suitable public outdoor recreation use to meet DNR requirements.	

Next Action Steps for City of Lake Elmo: Washington County Landfill

PID#s: 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003, 15-292-12-20-0001



City creates revised map showing property boundary that will be maintained for public outdoor recreation use and the portion that is no longer suitable for public outdoor recreation use.

City verifies with the MPCA that these boundaries properly reflect the area that is no longer suitable for public outdoor recreation use.

City gives the revised map to the DNR for review.

City replays parcels, creating one parcel that delineates land no longer suitable for public outdoor recreation use.

City amends Comprehensive Plan by creating a new land use category and re-guiding the property no longer suitable for public outdoor recreation use and rezones properties with a newly created zoning district consistent with MPCA's land-use plan for the site, as is required by State Statute.

City contacts certified or professional appraisal firm to determine if property value is expected to be \$25,000 or less.

If appraisal firm determines property to be \$25,000 or less, a property valuation can be submitted to the DNR. If the property is determined to be more than \$25,000, City must have an appraisal completed to federal "yellow book" standards. Exact costs of these are unknown, but the appraisal could be around \$5,000.

City replaces land for public outdoor recreation use elsewhere in the city. The value of this land must be equal to the value of the landfill area parcel that has been deemed no longer suitable for public outdoor recreation use. This land must be property not currently owned by the City or identified for recreational use. It can be future parkland dedication land and would be owned and operated by the City as parkland.

Until the City proceeds with the replacement of the landfill area land deemed unsuitable for public outdoor recreation use, the DNR cannot provide additional grants. Additionally, the State could be held responsible by the National Park Service to satisfy the contract requirements. The efforts to have the City comply with their contract between the City and State are unknown.

CLOSED LANDFILL USE PLAN

WASHINGTON COUNTY LANDFILL

SEPTEMBER 17, 2013

**Minnesota Pollution
Control Agency**



TABLE OF CONTENTS

	PAGE NO.
INTRODUCTION.....	1
SITE LOCATION AND DESCRIPTION.....	2
GROUNDWATER AND METHANE GAS AREAS OF CONCERN.....	2
CURRENT ZONING/LAND USE PLAN FOR THE LMA.....	4
DECLARATIONS OF RESTRICTIONS AND COVENANTS.....	4
STATE BOND FINANCED PROPERTY.....	5
MPCA'S LAND USE PLAN FOR THE LMA.....	6
DISCUSSION / CONCLUSIONS.....	6
DISCLAIMER.....	7

APPENDICES

APPENDIX A: MINN. STAT. §§ 115B.412, SUBD. 4 AND 9	
APPENDIX B: SITE LOCATION MAP – WASHINGTON COUNTY LANDFILL	
APPENDIX C: LAND MANAGEMENT AREA – WASHINGTON COUNTY LANDFILL	
APPENDIX D: LEGAL DESCRIPTION OF WASHINGTON COUNTY LANDFILL LAND MANAGEMENT AREA (LCA PARCELS)	
APPENDIX E: LCA PARCELS – WASHINGTON COUNTY LANDFILL	
APPENDIX F: GWAOC – WASHINGTON COUNTY LANDFILL	
APPENDIX G: MGAOC – WASHINGTON COUNTY LANDFILL	
APPENDIX H: CLOSED LANDFILL MANAGEMENT USE – WASHINGTON COUNTY LANDFILL	
APPENDIX I: CIVIC AND PARKS & OPEN SPACE USE – WASHINGTON COUNTY LANDFILL	
APPENDIX J: SOLAR ENERGY FARM USE – WASHINGTON COUNTY LANDFILL	
APPENDIX K: CLOSED LANDFILL RESTRICTED ZONING ORDINANCE TEMPLATE	

**CLOSED LANDFILL USE PLAN
WASHINGTON COUNTY LANDFILL**

INTRODUCTION

In 1994, the Minnesota Legislature adopted the Landfill Cleanup Act (LCA) (Minn. Stat. 115B.39 - 115B.45) which created the Closed Landfill Program (CLP). Under the CLP, the Minnesota Pollution Control Agency (MPCA) is responsible for the cleanup and long term care of 112 closed, municipal, solid waste landfills throughout the State.

The mission of the CLP is to manage the risk to public health and the environment that is associated with these landfills. Landfill gas migration and groundwater contamination can be serious issues at some landfills. These problems can pose a threat to the health and safety of those living or occupying land nearby. In addition, chemicals leaching from landfills can degrade groundwater and surface water resources surrounding them. The MPCA addresses the risk to public health and the environment at the closed landfills by undertaking cleanup actions, operating and maintaining remediation systems (engineered covers, gas-collection and groundwater-treatment systems) and by monitoring groundwater, surface water, and landfill gas.

The risk to public health and safety is also mitigated by implementing land-use controls that minimize public exposure to landfill hazards and protect the state's response action equipment. In other words, future use of land at and around closed landfills needs to be planned carefully and responsibly. Minnesota Statutes 115B.412, Subd. 9 of the LCA requires the MPCA to develop a Land Use Plan for each of these landfills and for local government units (LGUs) to make their local land use plans consistent with the MPCA's plan for the site. Minnesota Statutes 115B.412, Subd. 4 requires the MPCA to provide LGUs certain information about the landfill and to incorporate this information in to their local land use planning. These statutes are provided in Appendix A.

The MPCA considers these statutory requirements, when put together, as a Closed Landfill Use Plan (CLUP). The purpose, then, for preparing a CLUP for each landfill is to:

- protect the integrity of the landfill's remediation and monitoring systems;
- protect human health and public safety at each landfill; and
- accommodate local government needs and desires for land use at the qualified facility with consideration for health and safety requirements.

To meet the requirements of subdivision 9 of the statute, LGUs that have land-use authority must make their land-use plans for the landfill consistent with the MPCA's plan for future use of, and obligations for, the facility. One way to accomplish this is for LGUs to make certain that their land-use designations and/or zoning ordinances are compatible with the MPCA's future responsibilities and uses for the Land Management Area. To meet the requirements of subdivision 4 of the statute, LGUs must consider the information about the landfill's contamination and methane gas migration in its land-use planning and also make this information available to those that want to develop the affected property. Also, LGUs may wish to adopt certain land-use controls in order to better protect public health and safety.

SITE LOCATION AND DESCRIPTION

The Washington County Landfill (Landfill) is located in the city limits of Lake Elmo (City), Washington County, Minnesota (Appendix B). A landfill's Land Management Area (LMA) includes the property described in the Landfill Cleanup Agreement between the MPCA and the landfill owner/operator, and may include adjacent property that contains waste, adjacent buffer property (land acquired for the purpose of restricting use by the public due to landfill gas or groundwater concerns), and adjacent property where response action equipment is located. At a minimum, the LMA will be comprised of the property in the Landfill Cleanup Agreement. In addition, the LMA is the property that is subject to Minnesota Statutes 115B.412, Subd. 9 of the LCA that requires the MPCA to develop a Land Use Plan for the landfill and with which the LGU's land use plan must be consistent. The LMA for the Landfill consists of approximately 129 acres as shown in Appendix C and legally described in Appendix D. The waste footprint is about 24 acres.

The Landfill was permitted in 1969 and closed in 1975. The MPCA took over responsibility of the Landfill in 1995 when the MPCA, Washington County, Ramsey County, and the City entered into a Landfill Cleanup Agreement (LCA) and the MPCA issued the Notice of Compliance. The LMA is divided into four parcels (A, B, C, and D) in the LCA for purposes of describing certain and required remedial response actions (Appendix E shows the location of the LCA parcels). These parcels, in terms of their shape and legal description, are not necessarily the same as the parcels identified by Washington County's property records (i.e. tax parcels). Currently, LCA parcels A, C, and D are owned by the City and parcel B is owned by the State of Minnesota, MPCA.

GROUNDWATER AND METHANE GAS AREAS OF CONCERN

Groundwater Area of Concern

The Groundwater Area of Concern (GWAOC) is defined as the area of land surrounding a landfill where the presence of activities that require the use of groundwater may be impacted or precluded by contamination from the landfill, or may cause the groundwater flow direction to change thereby impacting the user or others nearby. The GWAOC is used to inform the public about the current and potential risks to users of groundwater contaminated by the landfill. In most circumstances this area is not equidistant around the site. The GWAOC is shown in Appendix F.

The surficial aquifer beneath the Landfill consists of glacial sand and gravel. Depth to the water table at the site is approximately 50 feet below the ground surface. The surficial aquifer is contaminated with perfluorochemicals (PFCs) and volatile organic compounds (VOCs) including tetrachloroethene, trichloroethene, and vinyl chloride. The plume of VOCs extends south to the railroad track that is north of Highway 5.

The groundwater area of concern around the Landfill is the Special Well Construction Area (SWCA) established by the Minnesota Department of Health (MDH). The area is defined by the environmental monitoring system that includes 40 monitoring wells and 253 residential wells. This area was expanded by MDH on March 8, 2007 in response to PFC contamination and is approximately 5.3 million square meters. The SWCA includes the plume of mounded groundwater from the Landfill that travels to the

south and southeast and the co-mingled plume to the southwest that includes a plume from the Oakdale Disposal Site through Raleigh Creek and a former plume from the Landfill that discharged to Raleigh Creek from a Tri-Lakes outlet in the early 1990s. The contaminant plume from the Oakdale Disposal Site is identified by PFOS (a type of PFC) that has impacted areas south and west of Raleigh Creek, Eagle Point Lake, the area between Eagle Point Lake and Lake Elmo that is in the Lake Elmo Park Reserve and residential developments that are south of this area to I-94. The bedrock aquifer of the Prairie du Chien and St. Peter Formation are impacted with PFCs to a depth of 200 feet below the ground surface.

Methane Gas Area of Concern

The Methane Gas Area of Concern (MGAOC) is defined as the area of land surrounding a landfill waste footprint where the presence of certain activities, such as construction of enclosed structures, may be impacted or precluded by subsurface migration of methane gas. Methane gas is an odorless gas produced when municipal solid waste decomposes, and can be explosive in confined spaces such as basements when mixed in air. The MGAOC is used to inform the public about the risks to current and future land owners regarding certain uses they may want to consider. The MGAOC is shown in Appendix G.

Soils in the vicinity of the Landfill are generally very well drained sands and gravel with some silty sand. The Landfill waste footprint is about 24 acres and contains approximately 2,000,000 cubic yards of waste. The closest enclosed structure off the LMA is approximately 350 feet west of the waste footprint.

The Landfill has been reconstructed by building a triple lined system to segregate contaminants present in the waste from direct contact with the environment. A geosynthetic cover has been installed and welded to the top of the liner to seal landfill gas and leachate in the waste mass. An active gas extraction system and a leachate collection system have been installed to manage gas and leachate.

The active gas extraction system has 20 vertical gas extraction wells connected to an enclosed blower/flare unit. There are two gas monitoring probe nests currently located on the west side of Jamaica Avenue west of the Landfill. Monitoring of these gas probes has shown non-detectable concentrations of methane before and during the Landfill reconstruction. Additional gas probes are anticipated to be installed during the latter half of 2013 to gather additional methane data.

Based on the waste being sealed within the liner/cover system, but also recognizing the permeable soils in the area, the large mass of waste present in the Landfill, and the potential for gas to migrate under seasonal low permeable (frozen) conditions, the MGAOC extends 200 feet beyond the waste footprint. The MGAOC is within the LMA property boundary except for a small area on adjacent property southeast of the Landfill.

It is important to note that these Areas of Concern can change over time. Therefore, updated information will be provided to the County when the existing information becomes obsolete or misleading.

CURRENT ZONING/LAND USE PLAN FOR THE LMA

LCA parcels A, C, and D are zoned Public and Quasi-Public Open Space (PF) while LCA parcel B is zoned Agricultural (A).

Permitted uses in the Public and Quasi-Public Open Space (PF) district include uses allowed in the zoning code that are in existence within the City at the effective date of the zoning code. Conditional uses in the PF district include: cemeteries, places of worship, government facilities, libraries and museums, public and private schools, and historic sites and interpretative centers. Interim uses in the PF district include: keeping of horses in conjunction with churches.

Permitted uses in the Agricultural (A) district include: agriculture, farm, poultry facilities, farm buildings, farm drainage and irrigation systems, forestry, one farm dwelling per 40 acres not already containing a farm or non-farm dwelling, wayside stands, and joint ownership of property or by association or rental for the purpose of providing private gardens and forest plots. Conditional uses in the A district include: greenhouses, kennels, stables, commercial recreation, agricultural service establishments, open space development projects, and non-agricultural low-impact uses. Interim uses in the A district include: agricultural sales businesses, and agricultural entertainment businesses.

DECLARATIONS OF RESTRICTIONS AND COVENANTS

Three Declarations of Restrictions and Covenants were signed by the City and one by both Washington and Ramsey Counties that restrict certain uses on the four LCA parcels. Each Declaration was recorded with the Office of the County Recorder, Washington County, on December 14, 1995. The Declarations run with the land and are described below.

Document No. 866616; prohibits the City from the following on LCA Parcel A:

- constructing, excavating, or placing any structure, material, personal property, equipment, or any other items on the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH.

Document No. 866617; prohibits Washington and Ramsey Counties from the following on LCA Parcel B:

- constructing, excavating, or placing any structure, material, personal property, or equipment on the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH.

Document No. 866618; prohibits the City from the following on LCA Parcel C:

- constructing or placing any structure on the portion of the parcel that lies south of a line that is 125 feet south of the north boundary of the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH (any approved well installation must follow Minn. Rules 4725.4450).

Document No. 866619; prohibits the City from the following on LCA Parcel D:

- constructing or placing any structure on the portion of the parcel that lies approximately within the west 200 feet of the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH (any approved well installation must follow Minn. Rules 4725.4450).

STATE BOND FINANCED PROPERTY

The MPCA used proceeds from the sale of State general obligation bonds for capital costs of environmental response actions that MPCA undertook at the Landfill. As a result of this expenditure of State bond proceeds, the publicly owned property where the environmental response actions were taken became "State Bond Financed Property" as that term is defined by Minn. Stat. § 16A.695. As the owner this State Bond Financed Property, the City and the MPCA are subject to the requirements of Minn. Stat. § 16A.695 and any orders or rules adopted by the Commissioner of Minnesota Management and Budget (MMB) under that statute.

Minn. Stat. § 16A.695 and the MMB Commissioner's Fourth Amended Order Relating to the Use and Sale of State Bond Financed Property (the Order) impose certain requirements on any sale, mortgage, or other disposition of State Bond Financed Property, or any lease or contract for the use or management of the property entered into by the City or the MPCA Commissioner. The statutory requirements include, but are not limited to, obtaining the approval of the Commissioner of MMB before the City or the MPCA Commissioner enters into any such transaction (sale, lease, etc.) with respect to the property.

In order to assure that the requirements of Minn. Stat. § 16A.695 and the Order are carried out with respect to all State Bond Financed Property, the MMB Commissioner requires that a Declaration be recorded on the property records indicating that any sale of the property may be subject to the MMB Commissioner's approval. Such Declaration, pertaining to LCA parcel B, was signed by the MPCA and filed with the Office of the County Recorder, Washington County, on February 8, 2011 as document no. 3830248. However, two other Declarations, pertaining to LCA parcels A, C, and D, were sent to the City for signature but have not yet been signed or recorded against the corresponding property.

MPCA'S LAND USE PLAN FOR THE LMA

The MPCA's first and foremost responsibility regarding the Landfill is to manage the risk to public health and safety. It does this by taking response actions, maintaining the Landfill, and working with local governments to assure land use is commensurate with landfill conditions and MPCA's obligations on the LMA, as well as the conditions on the affected land off the LMA. Therefore, land uses associated with the MPCA's obligation to protect public health and safety take precedence over other possible land uses.

The MPCA has identified land uses for the LMA. It has done so by considering the methane gas and groundwater areas of concern, the types and locations of response actions and associated equipment, the amount of the LMA occupied by landfill waste, and local land-use desires. The land uses on either the entire LMA or portions thereof that are acceptable to the MPCA are:

- Closed Landfill Management;
- Civic;
- Parks and Open Space; and
- Solar Energy Farm.

Appendices H through J show where these uses would be allowed within the LMA.

Closed Landfill Management is the use associated with the MPCA's responsibility and obligation to take necessary response actions on the property as provided in Minn. Stat. §§ 115B.39-43. Civic is the use associated with the City's need for building infrastructure related to city maintenance, fire service, public safety, etc.

DISCUSSION / CONCLUSIONS

Land Uses on the LMA

Minn. Stat. § 115B.412, Subd. 9 requires all local land-use plans be consistent with the MPCA's land-use plan for the LMA. The MPCA's future obligations for the LMA conflict with the current local land-use plan; specifically the City's Public and Quasi-Public Open Space and Agriculture zoning ordinances for this property. The MPCA believes that most of the uses within the current zoning for the LMA are not compatible with the MPCA's future responsibilities for the site as well as the risks associated with the Landfill. As a result, the MPCA recommends that the City adopt a new zoning district and ordinance for the LMA. The MPCA recommends the City adopt a zoning district called Closed Landfill Restricted (CLR) with an ordinance similar in form to the one included in Appendix K.

The new zoning, however, should reflect the land uses identified above – Closed Landfill Management, Civic, Parks and Open Space, Solar Energy Farm – and as shown in Appendices H through J. The City may want to consider Closed Landfill Management, Civic, and Parks and Open Space uses as permitted uses

for portions of the LMA while Solar Energy Farm be considered a conditional use (conditioned upon location and plans approved by the MPCA and the City).

Regardless of future land use on the LMA, provisions within the Declarations of Restrictions and Covenants prohibit the construction and placement of structures and other materials as well as the installation of drinking water wells on certain portions of the LMA without prior written approval of the MPCA and/or MDH.

Affected Property off the LMA

Minn. Stat. § 115B.412, Subd. 4(b) requires local units of government to incorporate information about the landfill and associated groundwater contamination and landfill gas migration into any land-use plans and to notify persons applying for a permit to develop affected property of the existence of this information and, on request, to provide them with the information.

Certain land-use controls pertinent to groundwater use and well construction within the GWAOC currently exist to protect public health and safety. First, Minn. Rules Chapter 4725.4450 requires that a water supply well cannot be constructed within 600 feet of the Landfill. Second, MDH has established a Special Well Construction Area south and east of the Landfill that prohibits the installation of wells in this area unless approved by MDH to be constructed in certain aquifers and following certain construction methods.

A majority of the MGAOC is contained within the LMA except for a small portion that is on adjacent property southeast of the Landfill. However, the City's existing zoning ordinance for the adjacent property, upon which the off-LMA MGAOC is present, prohibits structures from being built within 200 feet of the property line. Therefore, based on the monitoring data collected by the MPCA, no specific land-use controls are being recommended for properties outside the LMA.

DISCLAIMER

The MPCA makes no representations or warranties to the user of the accuracy, currency, suitability, or reliability of the data presented in this report. Any recommendations made by the MPCA in this report are based solely on the data it has, or its contractors have, collected, and only from data collected at specific locations and times. Other sources of contamination or methane, unknown to the MPCA, could exist off the Landfill property. The MPCA recommends that any person interested in developing property near the Landfill first consult with an environmental consulting or engineering firm, and/or an environmental attorney, regarding the possible risks associated with the Landfill.

APPENDIX A

Minnesota Statutes 115B.412

Subd. 4. Affected real property; notice.

(a) The commissioner shall provide to affected local government units, to be available as public information, and shall make available to others, on request, a description of the real property described in the original and any revised permits for a qualified facility, along with a description of activities that will be or have been taken on the property under sections 115B.39 to 115B.43 and a reasonably accurate description of the types, locations, and potential movement of hazardous substances, pollutants and contaminants, or decomposition gases related to the facility. The commissioner shall provide and make this information available at the time the facility is placed on the priority list under section 115B.40, subdivision 2; shall revise, provide, and make the information available when response actions, other than long-term maintenance actions, have been completed; and shall revise the information over time if significant changes occur that make the information obsolete or misleading.

(b) A local government unit that receives information from the commissioner under paragraph (a) shall incorporate that information in any land use plan that includes the affected property and shall notify any person who applies for a permit related to development of the affected property of the existence of the information and, on request, provide a copy of the information.

Subd. 9. Land management plans.

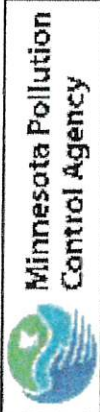
The commissioner shall develop a land use plan for each qualified facility. All local land use plans must be consistent with a land use plan developed under this subdivision. Plans developed under this subdivision must include provisions to prevent any use that disturbs the integrity of the final cover, liners, any other components of any containment system, or the function of any monitoring systems unless the commissioner finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

Before completing any plan under this subdivision, the commissioner shall consult with the commissioner of management and budget regarding any restrictions that the commissioner of management and budget deems necessary on the disposition of property resulting from the use of bond proceeds to pay for response actions on the property, and shall incorporate the restrictions in the plan.

Appendix B: Site Location Map WASHINGTON COUNTY LANDELL

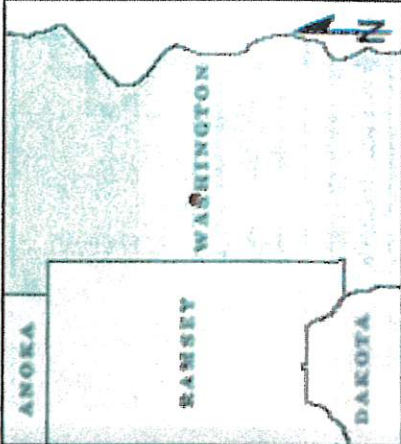


Site Contacts
 Land Manager: Shawn Ruotsinoja
 Engineer: Peter Tiffany
 Hydrogeologist: Joe Julik

Site Features

Legend

- Land Management Area
- Waste Footprint



Created: June 14, 2013
 DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose.

Appendix C: Land Management Area WASHINGTON COUNTY LANDFILL



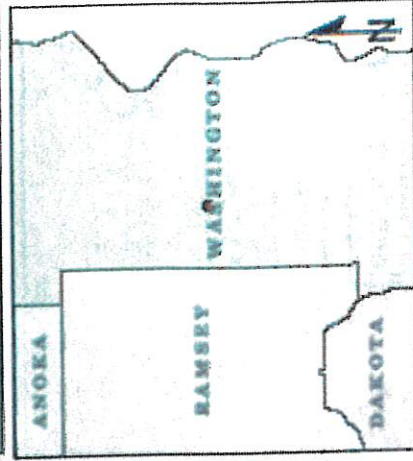
Minnesota Pollution Control Agency

Site Contacts
 Land Manager: Shawn Ruotsinoja
 Engineer: Peter Tiffany
 Hydrogeologist: Joe Julik

Site Features

Legend

- Land Management Area (dashed white line)
- Waste Footprint (orange line)



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Created June 14, 2013
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APPENDIX D

Legal Description of the Washington County Landfill Land Management Area (LCA Parcels)

Parcel A:

All that part of the South 40 acres of Government Lot 5, Section 10, and the Southeast Quarter of the Southwest Quarter of Section 10, and the North 30 acres of the North One-Half of the Northwest Quarter of Section 15, all in Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Beginning at the northwest corner of said Section 15, thence South 00 degrees, 18 minutes, 30 seconds West, bearings are based on the Washington County Coordinate System NAD83, along the west line of said Section 15, a distance of 501.27 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence North 89 degrees, 51 minutes, 00 seconds East, along said south line, a distance of 1808.59 feet, thence North 00 degrees, 02 minutes, 32 seconds West and parallel with the east line of said Northwest Quarter of Section 15, a distance of 501.26 feet to the north line of said Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said north line a distance of 105.52 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 650.00 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the south line of said Section 10, a distance of 200.00 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 656.24 feet, to a point on the north line of said Southeast Quarter of the Southwest Quarter of Section 10, thence South 89 degrees, 45 minutes, 24 seconds West, along said north line, a distance of 193.17 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter, thence North 00 degrees, 42 minutes, 39 seconds West, along the east line of said Government Lot 5, a distance of 29.52 feet to the northeast corner of said South 40 acres of Government Lot 5, thence South 89 degrees, 51 minutes, 00 seconds West, along the north line of said South 40 of Government Lot 5, a distance of 706.92 feet, thence South 00 degrees, 53 minutes, 21 seconds East and parallel with the west line of said Section 10, a distance of 200.00 feet, thence South 50 degrees, 54 minutes, 08 seconds West, a distance of 127.25 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the north line of said South 40 acres of Government Lot 5, a distance of 500.00 feet to the west line of said Section 10, thence South 00 degrees, 53 minutes, 21 seconds East along the west line of said Section 10, a distance of 1055.45 feet to the point of beginning, containing 65.9 acres, more or less.

Parcel B:

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 15, Township 29, Range 21, except the following described parcels: EXCEPTION 1: The North 501.5 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 29 North, Range 21 West, being the northerly 15 acres thereof. EXCEPTION 2: The North 220.0 feet of the South 396.00 feet of the West 330.00 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 29 North, Range 21 West, containing 1.33 acres, more or less. All subject to a road easement for Jamaca Avenue over the West 33.00 feet thereof. EXCEPTION 3: The South 176.00 feet of the west 330.00 feet of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 15 (15), Township Twenty-nine (29) North, Range Twenty-one (21) West, containing 1.33 acres, more or less.

Parcel C:

All that part of the South 40 acres of Government Lot 5, Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 10, thence North 00 degrees, 53 minutes, 21 seconds West along the west line of said Section 10, a distance of 1055.45 feet to the point of beginning, thence continuing North 00 degrees, 53 minutes, 21 seconds West along the west line of said Section 10, a distance of 280.00 feet to the northwest corner of said South 40 acres of Government Lot 5, thence North 89 degrees, 51 minutes, 00 seconds East along the north line of said South 40 acres of Government Lot 5, a distance of 600.00 feet, thence South 00 degrees, 53 minutes, 21 seconds East and parallel with the west line of said Section 10, a distance of 200.00 feet, thence South 50 degrees, 54 minutes, 08 seconds West, a distance of 127.25 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the north line of said South 40 acres of Government Lot 5, a distance of 500.00 feet to the point of beginning, containing 3.8 acres, more or less.

Parcel D:

All that part of the Southeast Quarter of the Southwest Quarter of Section 10, and the North 30 acres of the North One-Half of the Northwest Quarter of Section 15, all in Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the northwest corner of said Section 15, thence South 00 degrees, 18 minutes, 30 seconds West, bearings are based on the Washington County Coordinate System NAD83, along the west line of said Section 15, a distance of 501.27 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence North 89 degrees, 51 minutes, 00 seconds East, along said south line, a distance of 1808.59 feet to the point of beginning, thence North 00 degrees, 02 minutes, 32 seconds West and parallel with the east line of said Northwest Quarter of Section 15, a distance of 501.26 feet to the north line of said Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said north line a distance of 105.52 feet, thence North 00 degrees, 53 minutes 21 seconds West and parallel with the west line of said Section 10, a distance of 650.00 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the south line of said Section 10, a distance of 200.00 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 656.24 feet, to a point on the north line of said Southeast Quarter of the Southwest Quarter of Section 10, thence North 89 degrees, 45 minutes, 24 seconds East along said north line, a distance of 1113.64 feet to the northeast corner of said Southeast Quarter of the Southwest Quarter, thence South 00 degrees, 31 minutes, 57 seconds East, along the east line of said Southeast Quarter of the Southwest Quarter a distance of 1307.98 feet to the southeast corner of said Southeast Quarter of the Southwest Quarter, thence South 00 degrees, 02 minutes, 32 seconds East, along the east line of said Northwest Quarter of Section 15 a distance of 501.26 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said south line, a distance of 800.00 feet to the point of beginning, containing 39.5 acres, more or less.

Appendix E: LCA Parcels WASHINGTON COUNTY LANDFILL



Minnesota Pollution Control Agency

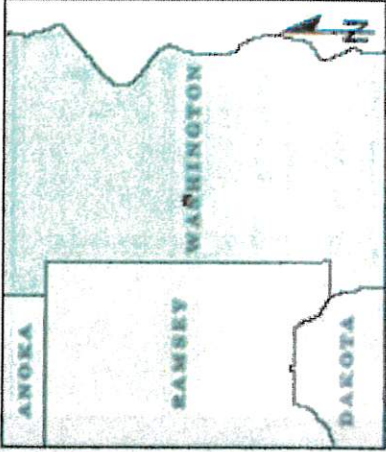
Site Contacts

Land Manager: Shawn Krottsinoja
Engineer: Peter Tiffany
Hydrogeologist: Joe Jullik

Site Features

Legend

- Land Management Area



Source: Aerial Imagery from Google Earth, U.S. Dept. of Agriculture, National Resources Inventory, 2001-2004. Digitized by Minnesota Pollution Control Agency.



Created: June 19, 2013
DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose.



Minnesota Pollution Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features



Waste Footprint



Land Management Area
Designates the property that is under the responsibility and control of the MPCA.



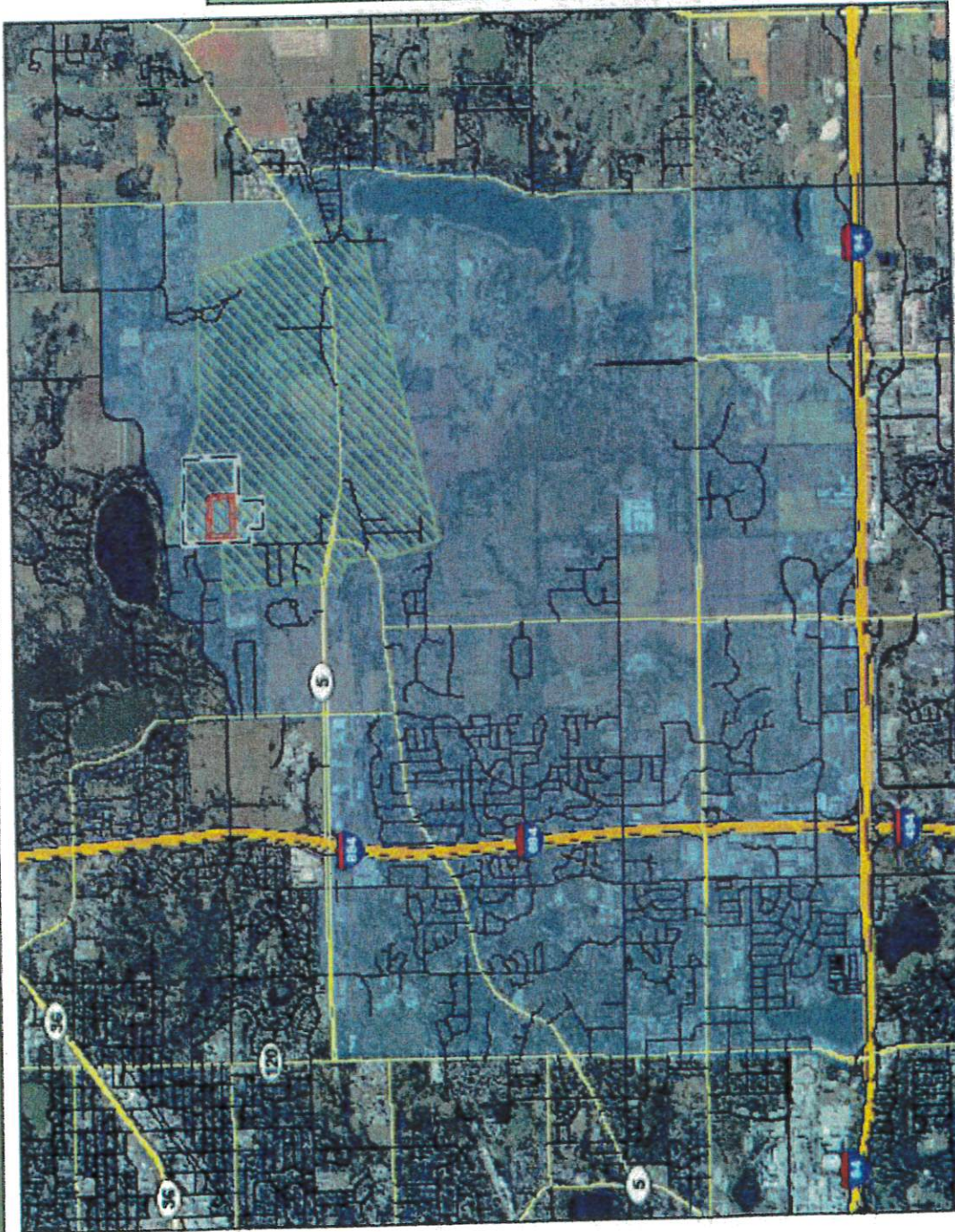
Groundwater Plume

Approximate area of the subterranean contaminated groundwater plume.



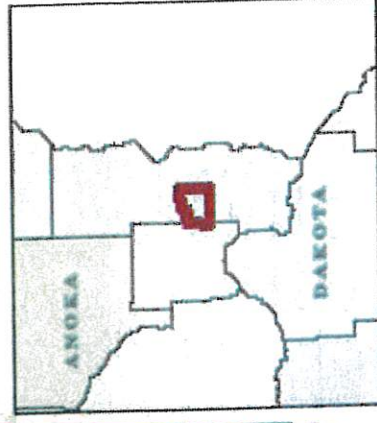
Groundwater Area of Concern

An area where the groundwater may be affected by landfill contamination.



Created 07/19/2013 by CLP Hydrogeologist Ingrid Verhagen
 Meters 0 700 1,400 2,800
 Feet 0 1,000 3,000 6,000

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.





DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/19/2013 by CEP Engineer Peter Tiffany
 Meters 0 90 180 270 360 450
 Feet 0 280 560 840
 1:6,180



Minnesota Pollution Control Agency

Site Contacts

Land Manager: Shawn Ruosimaja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features



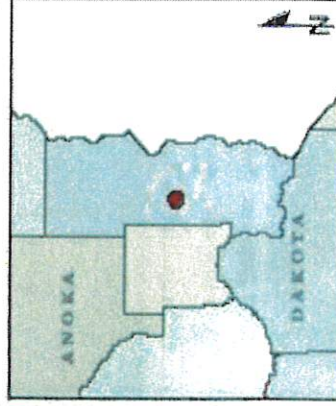
Waste Footprint



Land Management Area
 Designates the property that is under the responsibility and control of the MPCA.



Methane Area of Concern
 Area surrounding the landfill that may be impacted by subsurface migration of methane gas.



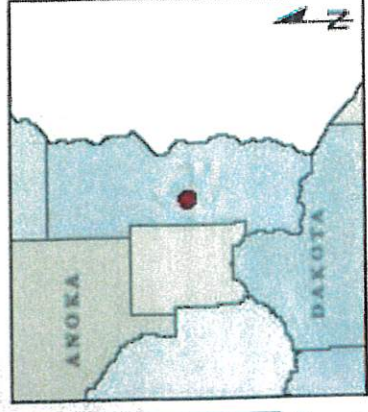
Appendix H: Closed landfill Management Use WASHINGTON CO. LANDFILL



Site Contacts
 Land Manager: Shawn Kuotisoja
 Engineer: Peter Tiffany
 Hydrogeologist: Joe Julik

Site Features

- Landfill Management Use
- Waste Footprint
- Land Management Area
Designates the property that is under the responsibility and control of the MPCA.



Created 6/20/2013 by CLP Engineer Peter Tiffany
 Scale: 1:6,170
 Meters 0 85 170 340
 Feet 0 275 550 1100
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Appendix I: Civic and Park & Open Space Use WASHINGTON CO. LANDEILL



Minnesota Pollution Control Agency





Site Contacts

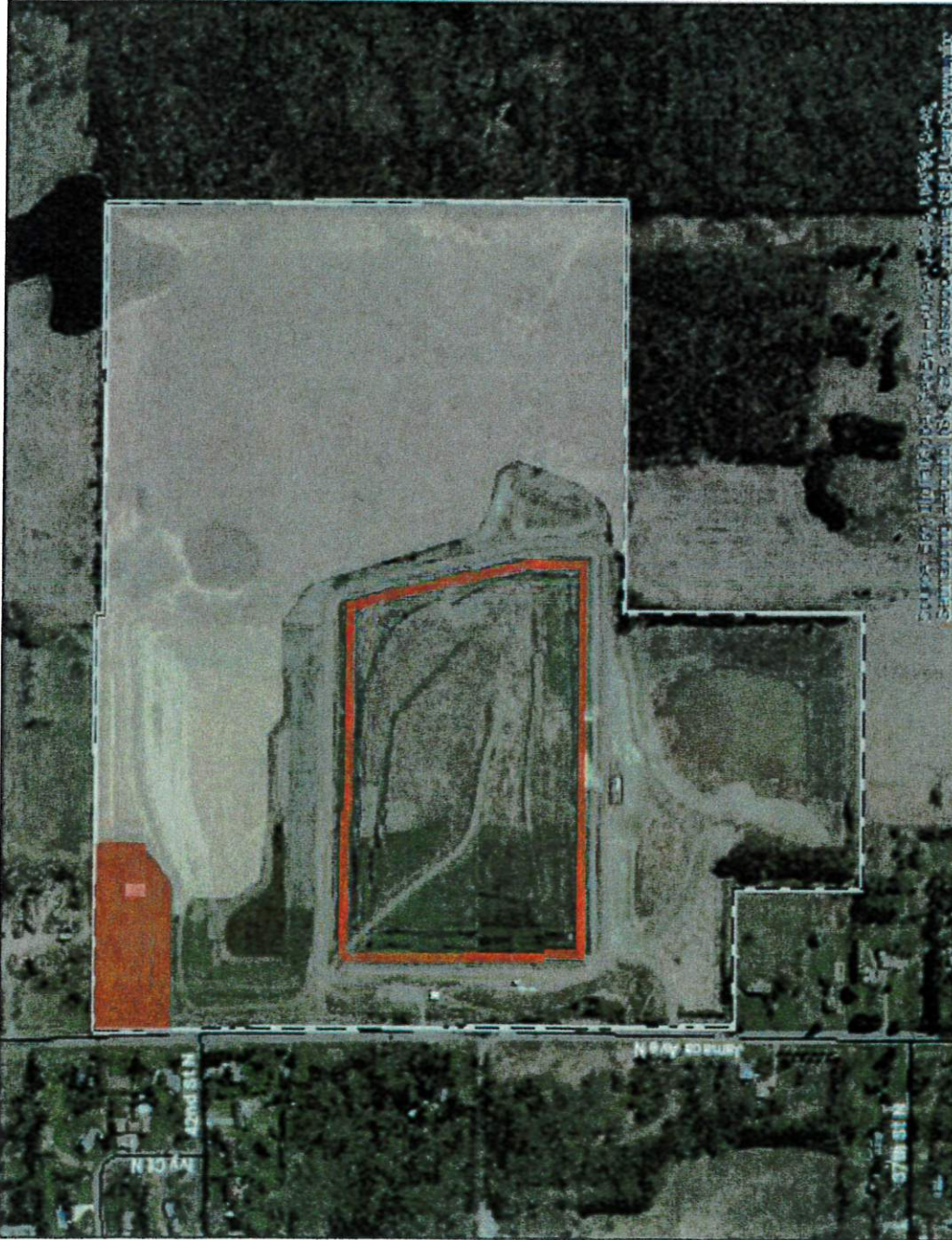
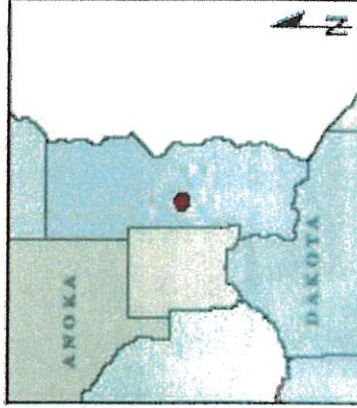
Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features

-  Parks and Open Space
-  Civic Use
-  Waste Footprint
-  Land Management Area
Designates the property that is under the responsibility and control of the MPCA.






Created 6/20/2013 by CLP Engineer Peter Tiffany
 Meters 0 80 160 240
 Feet 0 260 520 840

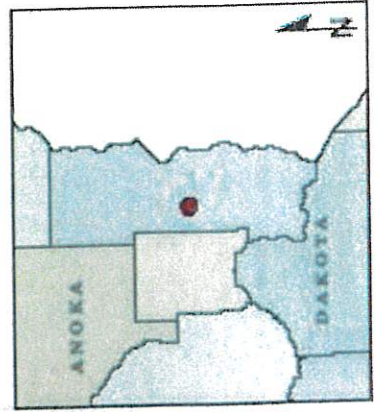
DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Appendix J: Solar Energy Farm Use WASHINGTON CO. LANDFILL


Minnesota Pollution Control Agency
Site Contacts
 Land Manager: Shawn Ruotsinoja
 Engineer: Peter Tiffany
 Hydrogeologist: Joe Julik

Site Features

-  Solar Energy Farm
-  Waste Footprint
-  Land Management Area
Designates the property that is under the responsibility and control of the MPCA.



Created 6/20/2013 by CLP Engineer Peter Tiffany
 Scale: 1:6,180
 Meters: 0 80 160 240
 Feet: 0 260 520 780

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

APPENDIX K

District CLR – Closed Landfill Restricted

A. Purpose

The Closed Landfill Restricted (CLR) District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA. This district shall apply whether the landfill is in public (MPCA, County, City, Township), Indian tribal, or private ownership.

For purposes of this ordinance, the Land Management Area for the _____ Landfill, a qualified facility under the MPCA's Closed Landfill Program, is described as:

B. Permitted Uses

The following uses are permitted within the CLR District: _____.

C. Accessory Uses

Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates shall apply under these provisions.

D. Conditional Uses

Conditional uses shall be limited to uses that do not damage the integrity of the Land Management Area and that continue to protect any person from hazards associated with the landfill.

Any application for a conditional use must be approved by the Commissioner of the MPCA and the _____ (LGU). Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions.

The following conditional uses are permitted within the CLR District:

E. Prohibited Uses and Structures

All other uses and structures not specifically allowed as conditional uses, or that cannot be considered as accessory uses, shall be prohibited in the CLR District.

F. General Regulations

Requirements for (parking, signs, area, height) and other regulations are set forth in _____.

G. Any amendment to this ordinance must be approved by the Commissioner of the MPCA and the (LGU).

PUBLIC/PARK – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on public/park lands are controlled by the city’s conditional use permit process. No new areas of public/park space are currently designated by the new land use plan, but it is recognized that such areas will be created during the development process, and the land use map will need to be updated accordingly. [Corresponding Zoning District(s): P, OSP]

CLOSED LANDFILL RESTRICTED – This category is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of this category is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. [Corresponding Zoning District: CLR]

ROAD R.O.W.s – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing/planned land use table. New development will be required to dedicate right-of-way to accommodate the proposed road network.

OPEN WATER – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory. No new areas of open water are by the official land use plan.

The distribution of planned land uses on the official Future Land Use Map is shown on [Map 3-3](#) and is summarized in [Table 3-B](#):

Mixed Uses

Within the Old Village and in areas south of 10th Street, specific areas are targeted for potential mixed-use development; however, this designation means different things in both districts.

Mixed Uses within the Old Village

The mixed use designation on property within the Old Village indicates development must adhere to the specific zoning requirements established for mixed use development within the City Code. This type of development will typically see residential, commercial, office, and/or similar uses combined in complimentary ways within the same building.

Mixed Uses south of 10th Street

The mixed use designation on property south of 10th Street is intended to spur development by providing maximum flexibility on future land uses, thereby allowing a development proposal to cater to existing market conditions. In the areas designated as possible mixed-use on the Future Land Use Map ([Map 3-3](#)), the City’s planning process has identified that either the base land use or the adjacent land use designation would be appropriate for the site. These mixed-use areas may be zoned in accordance with the base land use category, or the adjacent land use category provided that:

- Any such zoning will only be allowed if it is contiguous to property in an adjacent land use category; and
- The Urban Low Density Residential land use category will not allowed as an alternative land use within mixed-use areas.

Alternatively, a combination of the uses allowed within the base land use category and future land uses adjacent to a mixed use area may be allowed through a planned unit development process.

Table 3-B Existing and Planned Land Use Table									
Land Use	Residential Density (units/acre)		Existing Land Use	Planned Land Use (acres)	Planned Land Use Changes (anticipated acreages in 5 year increments) ³				Change (acres)
	Min	Max			City wide (Village) ¹	2012 to 2015	2015 to 2020	2020 to 2025	
RESIDENTIAL									
Rural Area Development	n/a	0.1	7094.24	5249.9	6640.66	6157.0	5703.5	5249.9	-1844.32
Residential Estates	0.1	0.4	771.26	793.71	776.87	782.49	788.10	793.71	22.45
Rural Single Family	0.66	2.0	1665.92	1666.41	1666.04	1666.16	1666.28	1666.41	0.49
Urban Low Density	2.5	4	0.00	496.39	124.10	248.20	372.29	496.39	496.39
Urban Medium Density	4.5	7	176.08	390.49	229.68	283.29	336.89	390.49	214.41
Urban High Density	7.5	15	0.00	157.67	39.42	78.84	118.25	157.67	157.67
Village Urban Low Density	1.5	2.49	0.00	244.11	61.03	122.06	183.09	244.11	244.11
Village Urban Medium Density	2.5	4.99	0.00	119.11	29.78	59.56	89.33	119.11	119.11
Golf Course Community	1.5	2.49	0.00	424.39	0	424.39	424.39	424.39	424.39
COMMERCIAL²									
Business Park	7.5	15	120.65	329.69	172.91	225.17	277.43	329.69	209.04
Commercial	4.5	7	99.86	208.33	126.98	154.10	181.22	208.33	108.47
Limited Business	-	-	111.41	66.16	100.09	88.78	77.47	66.16	-45.25
Village Mixed Use	5.0	10.0	0.00	164.40	41.10	82.20	123.30	164.40	164.40
PUBLIC/SEMI PUBLIC/OPEN SPACE³									
Public/Park	-	-	3298.94	2877.4	3309.04	2857.19	2867.25	2877.4	-421.54
Closed Landfill Restricted	-	-	67.53	67.53		67.53	67.53	67.53	67.53
Greenbelt Corridor ⁴	-	-	0.00	82.67	20.66	41.34	62.01	82.67	82.67
Road ROWs	-	-	890.93	890.93	890.93	890.93	890.93	890.93	0.0
UNDEVELOPED									
Open Water	-	-	1355.29	1355.29	1355.29	1355.29	1355.29	1355.29	0.0
TOTALS:	-	-	15,584.58	15,584.58	15,584.5	15,584.5	15,584.5	15,584.5	0.0

Because we are adding a Land Use Category, the Existing and Planned Land Use Table must be updated accordingly.

¹ Residential uses within the "Business Park" and "Commercial" land use designations can only occur in areas specifically designated for mixed use on the planned land use map

² It is recognized that both park and road ROW areas will expand as new development occurs, but such acreage is accounted for in the respective development land use types as such land areas must contribute towards required development densities.

³ The staging plan for future development is fluid and will allow development to occur as market conditions dictate. Because of this, specific timing for development of any specific land use category is not possible. For the purposes of this table, the anticipated acreage changes are incrementally broken down into four periods of time showing a consistent rate of change between now and 2030.

⁴ The acreage of the greenbelt corridor areas, which are portions of the Village Open Space Overlay, that are adjacent to urban zoning districts were calculated to account for the remaining acreage in the Village. The other portions of the Village Open Space Overlay are accounted for through the base land use guidance (i.e. Rural Area Development or Rural Single Family).

**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 ADDING A CLOSED LANDFILL RESTRICTED 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: Definitions, Section 154.012 (B) (10) by adding the following:

Closed Landfill Management. The use associated with the responsibility and obligation of the Minnesota Pollution Control Agency (MPCA) to take necessary response actions on the property as provided in Minnesota Statutes § 115B.412, Subd. 115B.39-43.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; by adding the following:

ARTICLE XIX: CLOSED LANDFILL RESTRICTED

§ 154.801 CLOSED LANDFILL RESTRICTED

A. Purpose. The ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes § 115B.412, Subd. 9. The purpose of the CLR zoning district is to protect the integrity of the landfill's remediation and monitoring systems; protect human healthy and public safety at each landfill; and accommodate local government needs and desires for land use at the qualified facility with consideration for health and safety requirements.

§ 154.802 PERMITTED, CONDITIONAL, AND INTERIM USES.

Table 18-1 lists all permitted, conditional, and interim uses allowed in the Closed Landfill Restricted zoning district. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

	CLR	Standard
Closed Landfill Management	P	154.012 (B) (10)
Solar Farms	C	154.310 (C), 154.802, 154.803 (A)

§ 154.802 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

	CLR
Structure setback requirements (feet)	
Front yard	50
Side yard	50
Rear yard	25
Residential zones	150

§ 154.803 SITE DESIGN AND DEVELOPMENT STANDARDS.

A. Solar Farms. Proposed locations and plans for Solar Farms must be approved by both the City and Minnesota Pollution Control Agency (MPCA). Required buffer width may be waived through conditional use permit approval

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. 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.