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## City of Lake Elmo

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### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, November 7, 2011, at 7:00 p.m.**

#### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. September 12, 2011
  - b. September 26, 2011
  - c. October 12, 2011
  - d. October 24, 2011
4. Public Hearing
  - a. LAKE ELMO SOD FARM INTERIM USE PERMIT – CHRISTMAS TREE SALES LOT: The Lake Elmo Sod Farm, 456 Manning Avenue North, has submitted an application to continue operating its Christmas Tree sales lot at its present location, and to specifically allow the sales of agricultural produce grown off-site to be sold on a seasonable basis.
  - b. KRUEGER TREE FARM INTERIM USE PERMIT – AGRICULTURAL SALES: Krueger Tree Farm, 4452 Lake Elmo Avenue North, has submitted an application to allow the sale of trees grown off-site to supplement the sale of trees that are grown on their farm.
5. Updates
  - a. City Council Updates
  - b. Staff Updates
  - c. Commission Concerns
6. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of September 12, 2011**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 6:38 p.m. COMMISSIONERS PRESENT: Bidon, Fliflet, Hall, Haggard, Obermueller, Van Zandt and Ziertman. Absent: Pelletier and Williams. STAFF PRESENT: Planning Director Klatt and Planner Matzek.

**Business Item - Discussion of Accessory Building and Exterior Storage Ordinance with Exterior Storage Work Group.**

Planning Director Klatt stated that this workshop requires no formal action by the group, but offers a chance for the commission and staff to dialogue regarding potential changes to the applicable ordinances. He said the members of the commission's subcommittee are Chairman Van Zandt and Commissioners Hall, Fliflet and Ziertman. He said it is difficult to enforce the exterior storage ordinance as the rule is consistently broken throughout the City and in some cases does not make sense. For example a small camper or ATV technically needs to be against the rear property line where nothing is allowed to be built. Instead, people typically keep those items next to the garage or in the front yard. Planning Director Klatt suggested having a public hearing or town hall meeting as this ordinance impacts many residents.

Chairman Van Zandt said lakeshore lots have their own storage challenges like having odd configurations, being heavily wooded or having steep slopes.

Commissioner Haggard asked if new buildings in the Village Area or the future sewered areas along I-94 would have more restrictive covenants.

Planning Director Klatt said our current regulations do not decipher between lot sizes, so the exterior storage location is the same for a ten acre lot as it is for a 1/5 acre lot.

Commissioner Ziertman suggested having seasonal allowances as snowmobile trailers are not typically able to be stored along rear property lines because of large snow volumes. She agreed there should be different requirements based on zoning districts.

Chairman Van Zandt suggested that screening be a consideration in storage location.

Commissioner Fliflet suggested looking at existing neighborhood association language as an example.

Planner Matzek pointed out that there is a variety of lot sizes within a zoning district.

Commissioner Obermueller suggested that some people avoid associations when buying a home as they do not want the additional restrictions.



Planning Director Klatt asked the group what is it the code should accomplish – is it to protect views, combat health and safety hazards or to protect neighboring property values.

Commissioner Fliflet said the City should adopt a strict code and hold itself to a higher standard. She said she doesn't believe anyone has a right to do something that adversely affects their neighbor. She suggested the City allow a resident to drop something off for free instead of charging them.

Chairman Van Zandt thought the side yard might be okay for storage.

Commissioner Hall said he is in favor of allowing exceptions by permit in unique situations.

Commissioner Ziertman said lakeshore lots should be separated as they are often small, but have boats.

Commissioner Haggard suggested limiting the number of trailers and boats allowed.

Planning Director Klatt said Section 154.001 lists what items do not need to be screened. He asked the commission if that list was still okay in all districts.

Commissioner Ziertman pointed out that it says "prohibited without screening" but should say "allowed without screening."

Commissioner Fliflet said she thinks people could park items if they were covered, but feels differently about larger items like RVs and large boats. She thinks the number of items stored outside should be regulated and should vary depending on lot size.

Commissioner Ziertman suggested putting the 25 foot limit back into the code and thinks there should be a limited number of items stored outside.

Planning Director Klatt asked where in the yard the items should be allowed to be stored.

Commissioners Hall and Haggard stated they were in favor of allowing storage in the side yard.

Commissioner Ziertman said she would like to see the setback to be 10 feet, from the 5 suggested.

Commissioner Ziertman said for larger lots, the side yard may not be the best location. She suggested that if an item is being stored 300 feet from a property line, it should not have to also be screened.

Commissioner Fliflet said if the item is being stored near an accessory building or home that would be okay. She suggested "recreational vehicles defined" should read



“recreational vehicles and accessory equipment defined.” She suggested changing “storage location surfaces” to “storage and accessory equipment location surfaces.”

Commissioners Fliflet and Ziertman thought it was too restrictive to say an item must be on a surface free from weeds or other vegetative growth.

Planning Director Klatt said if something is stored in one place it will kill the grass underneath and may increase runoff.

Commissioner Ziertman suggested adding “free from weeds” and eliminate “vegetative growth.” She suggested identifying the area must be “free from tall grass and weeds.”

Commissioner Haggard asked if at the bottom of page four, the 20 foot reference should be changed to 25 to be consistent.

Commissioner Fliflet suggested on page five, that residents should have 48 hours instead of 24 hours for the storage of a recreational vehicle for loading and unloading purposes.

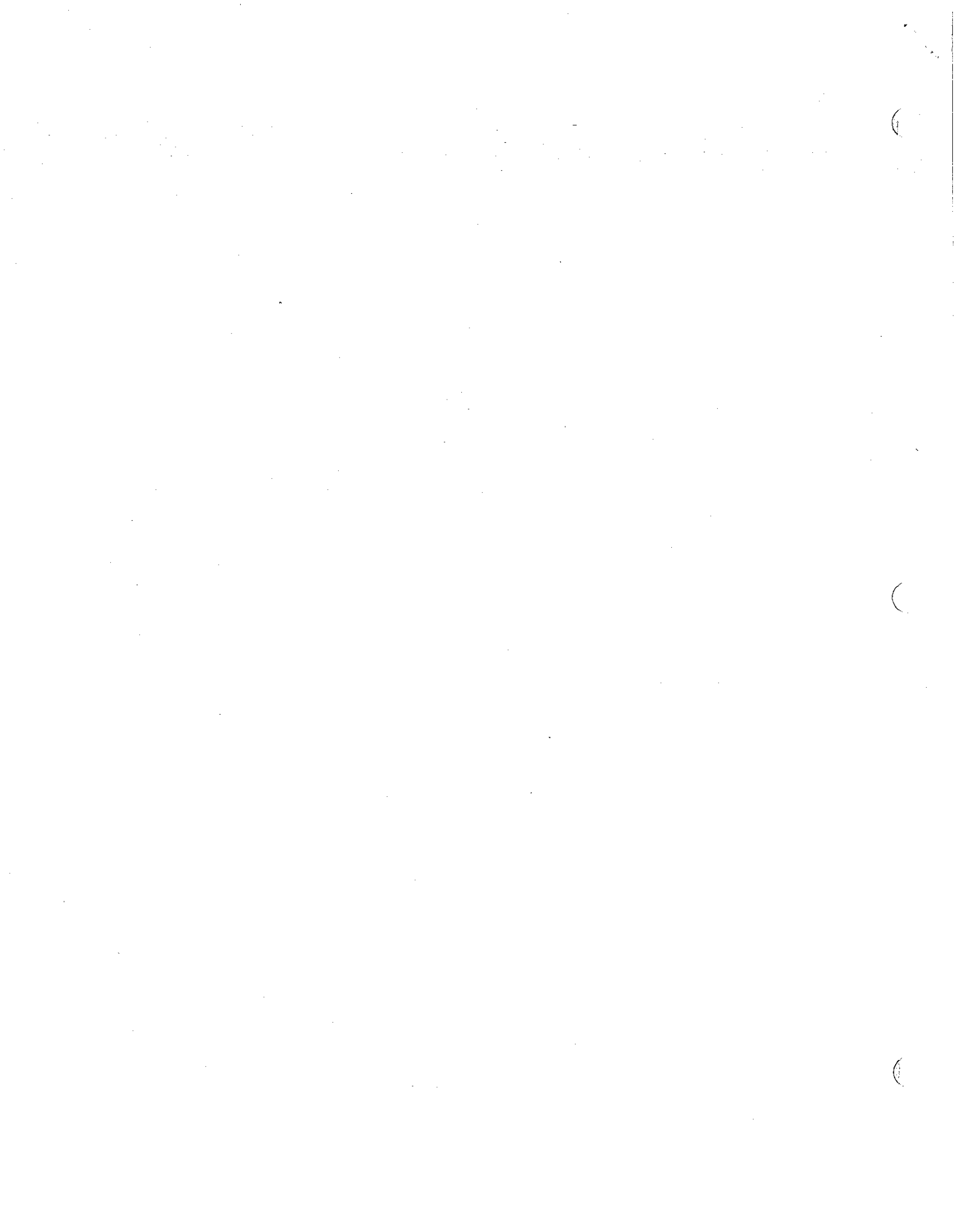
Planning Director Klatt said he would like to bring this back to the work group again and not the entire commission just yet.

**Adjournment**

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Kelli Matzek  
Planner





**City of Lake Elmo  
Planning Commission Meeting  
Minutes of September 26, 2011**

The Planning Commission watched a recording of Randall Arendt's presentation "Land Matters – Rethinking Main Street" at 6:00 p.m.

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Fliflet, Hall, Haggard, Obermueller, Van Zandt and Williams. Absent: Pelletier and Ziertman. STAFF PRESENT: Planning Director Klatt and Planner Matzek.

**Minutes – July 11, 2011**

M/S/P, Williams/Bidon, move to approve as presented. Vote: 5:0. Abstained: Fliflet and Van Zandt.

*August 8, 2011*

Commissioner Fliflet said she was present at that meeting.

M/S/P, Williams/Fliflet, move to approve as amended. Vote: 6:0. Abstained: Haggard.

**Business Items – Comprehensive Plan Staff Updates**

Planner Matzek stated that the South of 10<sup>th</sup> Street area work group has met five times and there have been three stakeholder meetings since May of 2011. She said staff is planning an open house for the stakeholder group as well as other existing neighborhoods in October. She said the groups have formed a Vision Statement and set of Goals which has been in front of the Planning Commission and Council and will be working on revising the Future Land Use map.

Chairman Van Zandt asked if the work group has discussed encouraging additional landscaping or how to get businesses to build right up to Hudson Boulevard like what was discussed in the video shown earlier.

Planner Matzek said there has not been that level of detail discussed.

Commissioner Hall suggested two story buildings for that area.

Commissioner Williams said that one of the work group members is a developer who has indicated that some of the items that Arendt has identified as far as pitched roofs and landscaping is not out of the question as long as the developer knows what he must do right from the beginning.

Commissioner Fliflet asked that a topic of discussion be added to address how the retail would be oriented – toward the freeway and only accessed from the frontage road or pockets of smaller development with a different orientation.

*Village Area*

Planning Director Klatt said the Village Group is taking a little different approach partially because there is already a pretty good framework with some solid City Council decisions. He showed a map of the village area with concentric circles (1/4 and 1/2 mile) to show a potential walkable community.

Commissioner Fliflet said the video they watched earlier in the night had two good takeaway points. The first is that communities are not paying attention to the gateway into their community and getting to the destination is awful. The second is that Parker Square, Dallas may have good visuals for future use.

Commissioner Bidon asked if the Village Area was ready to offer incentives for developers to come to the downtown.

Planning Director Klatt said the city needs to establish a system to identify what the preferred development type is, to have minimum requirements established and to have a carrot of some kind to lead developers down a preferred process.

Commissioner Fliflet said the work group had talked about establishing a group of people who would work with developers prior to a Planning Commission or City Council meeting so all the details are not hashed out at meetings, but ahead of time.

*State Highway 36*

Planning Director Klatt said the City Council received a presentation from MnDOT about planning along the State Highway 36 corridor. This came up, in part, because of an interchange project at Hilton Trail and 36 which although outside the City limits, had included the concept of making changes to another interchange in Lake Elmo. This item does not call for a motion from the commission, but is an informational item.

**Business Item - Result of Visual Preference Survey**

Planning Director Klatt said the Planning Department held a Visual Preference Survey to gather input from the community. Planning Director Klatt and Planner Matzek showed images resulting from the survey. Planning Director Klatt said the plan is to post the resulting powerpoint on the City's website.

**City Council Updates**

Planning Director Klatt said the Interim Use Permit for Country Sun Farm & Greenhouse was approved with additional conditions. He said the septic variance for Mr. Durand was tabled as the Council asked him to come back with different options. He said that the CUP Amendment for Rockpoint Church was approved.

**Staff Update**

Planning Director Klatt said he and Planner Matzek would be at a State Planning Conference and will report back at a future meeting.

Planner Matzek said that the City is moving forward in starting its own library. She said there is a Friends of the Lake Elmo Library group who has been accepting donations.

Commissioner Williams asked about the City Administrator.

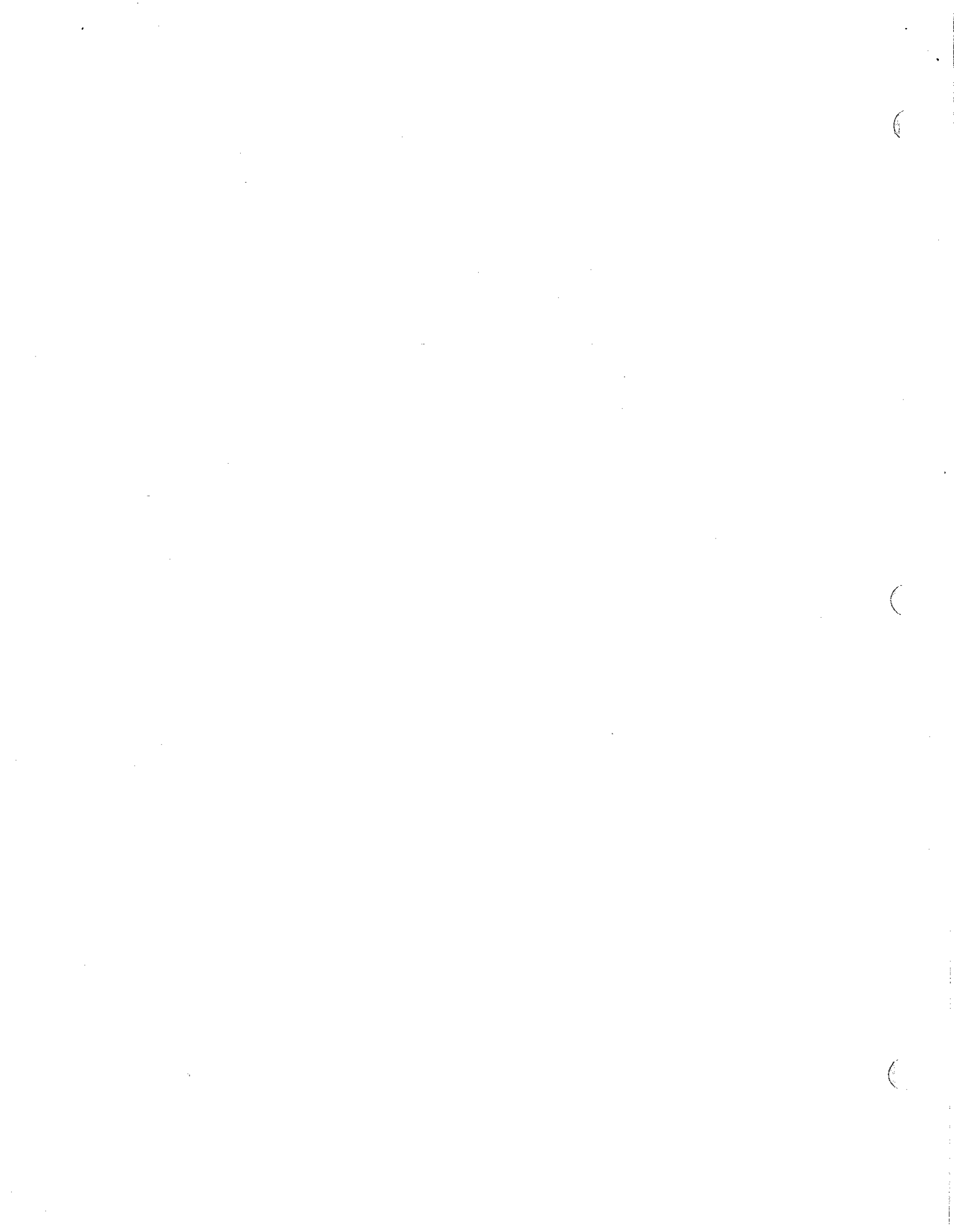
Planning Director Klatt said he will be starting at his new position on November 1<sup>st</sup>.

**Adjournment**

The meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Kelli Matzek  
Planner



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of October 12, 2011**

Vice Chairperson Fliflet called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Fliflet, Hall, Obermueller, Pelletier (7:05) and Ziertman. Absent: Haggard, Van Zandt and Williams. STAFF PRESENT: Planner Matzek.

**Agenda**

M/S/P, Ziertman/Bidon, move to approve as presented. Vote: 5:0.

**Minutes – June 13, 2011**

M/S/P, Hall/Ziertman, move to approve as presented. Vote: 3:0. Abstained: Bidon and Obermueller.

*June 27, 2011*

M/S/P, Ziertman/Bidon, move to approve as presented. Vote: 4:0. Abstained: Bidon.

**Public Hearing – Capital Improvement Plan**

Planner Matzek stated that the item was published for a public hearing, but is not yet ready for review.

THE VICE CHAIRPERSON OPENED THE PUBLIC HEARING AT 7:

M/S/P, Hall/Bidon, move to table the public hearing to November 14<sup>th</sup>. Vote: 6:0.

**Business Item – Review of MnAPA Conference**

Planner Matzek reported back that her and Planning Director Klatt had attended the State Planning Conference. She reported back on a number of conference topics they had learned about.

**City Council Updates**

Planner Matzek stated that the City Council denied a street vacation request off of Legion Avenue and tabled the Special Event Permit Ordinance discussion to October 11<sup>th</sup> and a couple changes were made.

**Staff Updates**

Planner Matzek said that City Administrator Messelt and Finance Director Bouthilet's last day will be that Friday. She said the City Clerk has also indicated she will be retiring at the end of the year.

**Commissioner Concerns**

None.

**Adjournment**

Adjourned at 7:15 P.M.

Respectfully submitted,

Kelli Matzek  
Planner

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of October 24, 2011**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Fliflet, Hall, Van Zandt, Williams and Ziertman. Absent: Bidon, Haggard, Obermueller and Pelletier. STAFF PRESENT: Planning Director Klatt and Planner Matzek.

**Agenda**

**Minutes** – *None.*

**Public Hearing** – *Kupferschmidt Variance*

Planner Matzek stated that the applicants at 2769 Legion Avenue North are requesting a 10 foot variance to allow a larger screen porch to be built on the site up to 15 feet from the southern property line where a 25 foot setback is required. The southern property line is adjacent to a dedicated road-right-of-way, although City Staff confirms that a road is unlikely to be built in that location. Because of the two publicly dedicated right-of-ways, the property is considered a corner lot and is therefore subject to a side (corner) setback of 25 feet. The applicant's home is conforming to the south property line, but the screen porch is not, making it non-conforming. The applicants are interested in rebuilding a screen porch 3 feet longer than what previously existed. This would be an expansion of a non-conforming structure, which therefore needs a variance.

Commissioner Williams asked what the distance is to the nearest neighbor to the south.

Planner Matzek replied that there is at least 50 feet between the edge of the plat and the southerly neighbor's house.

Commissioner Fliflet questioned whether or not a variance would be needed if it was not considered a corner lot.

Planner Matzek said that it would only be a 10 foot setback and a variance would not be needed.

*Alan Kupferschmidt, applicant*

Mr. Kupferschmidt said there is a secondary access that the city uses as the primary entrance to the drainfield. The right-of-way was only used to install the system.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:14 P.M.

No one spoke.

Planner Matzek summarized a letter from Mark Deziel in support of the variance.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:15 P.M.

M/S/P, Williams/ Ziertman, move to recommend approval of the variance based on the staff report. Vote: 5:0.

**City Council Updates**

Planning Director Klatt said the City Council discussed the Special Event Ordinance and suggested two changes. The first is that all permits go to the City Council for approval instead of an administrative approval. The second is that a Special Event be defined as having over 100 people at an event. He said the City Council discussed the No Wake ordinance at the October 18<sup>th</sup> meeting.

**Staff Updates**

Planning Director Klatt said this is Kelli Matzek's last meeting as she will be starting a job with Washington County.

**Commissioner Concerns**

Chairman Van Zandt said he is concerned that with the absence of a City Administrator and as Planner Matzek is leaving, Planning Director Klatt will be very busy and the commission must be thoughtful in using his time.

Planning Director Klatt said a special meeting for November 7<sup>th</sup> is set to allow the commission the ability to review applications for Interim Use Permits for businesses who want to sell Christmas trees.

**Adjournment**

Adjourned at 7:26 P.M.

Respectfully submitted,

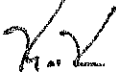
Kelli Matzek  
Planner



ITEM: Hold a public hearing to consider an Interim Use Permit (IUP) application from Lake Elmo Sod Farm for a Christmas Tree Sales Lot

REQUESTED BY: Anthony Myhra on behalf of Lake Elmo Sod Farm

SUBMITTED BY: Kyle Klatt, Planning Director



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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is asked to hold a public hearing to consider a request from the Lake Elmo Sod Farm, 456 Manning Avenue North, to continue the operation of a seasonal sales lot from which to sell Christmas Trees that are grown off-site. Staff is recommending that the Interim Use Permit (IUP) have an ending date of 5 years from the date of adoption or upon sale of the property to an outside party.

**ADDITIONAL INFORMATION:**

- Photos of the site will be shown as part of the Staff presentation during the meeting.

**OPTIONS:**

1. Recommend the City Council approve the requested IUP with Findings and Conditions outlined in the full staff report.
2. Recommend denial of the requested IUP request based on findings of fact (please cite).

**STAFF RECOMMENDATION:**

Recommend that the City Council approve the requested IUP for an Agricultural Sales Business with conditions outlined in the staff report.

**ORDER OF BUSINESS:**

- Introduction.....Planning Director
- Report by staff.....Planning Director
- Questions from the Commission ..... Chair & Commission Members
- Applicant Comments .....Chair facilitates
- Questions of the Applicant ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Call for a motion ..... Chair Facilitates
- Discussion of Commission on the motion ..... Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (3):

1. Detailed staff report on the request.
2. Site Plan
3. Aerial Photograph

City of Lake Elmo Planning Department  
**Interim Use Permit Request**

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*To:* Lake Elmo Planning Commission

*From:* Kyle Klatt, Planning Director

*Meeting Date:* 11/7/11

*Applicant:* Lake Elmo Sod Farm

*Representatives:* Anthony and John Myhra

*Location:* 456 Manning Avenue

*Zoning:* Agricultural (A)

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***Introductory Information***

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***Application  
Summary:***

The applicant is seeking an interim use permit (IUP) to establish a seasonal lot from which to sell Christmas Trees that are produced off site. The proposed sales lot is part of a larger sod farm that has been in operation for many years, and that has historically also sold Christmas Trees for approximately one month during the holiday season. None of the trees sold on this site are grown on their Lake Elmo property; therefore an Interim Use Permit is needed to establish an Agricultural Sales Operation (which allows for sales of produce grown off-site) on the premises.

Staff is recommending that the term of the interim use be established at 5 years given the relatively minor impacts that are expected from the Christmas Tree Sales Lot.

***Applicable  
Codes:***

**Section 11.01 Definitions**

**AGRICULTURAL SALES BUSINESS.** The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products, produced on the premises. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities include pick-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the AGRICULTURAL SALES BUSINESS.



**Section 154.019 Interim Use Permits**

Outlines the general requirements for all interim permitted uses in Lake Elmo.

**Section 154.033 Agricultural Zoning District**

(C) 1. Uses permitted by Interim Use Permit. Agricultural Sales Businesses subject to performance standards outlined in Section 154.110.

**Section 154.110 Agricultural Sales Businesses**

Lists the standards that must be observed in order to operate an agricultural sales business.

***Findings & General Site Overview***

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**Site Data:** Lot Size: 39.4 Acres  
Existing Use: Lake Elmo Sod Farm (Agriculture)  
Existing Zoning: Agricultural (A)  
Property Identification Number (PID): 36.029.21.41.0001

***Application Review:***

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**History:** Other than a few miscellaneous permits for accessory buildings and a farm dwelling structure, there is not a lot of information in the City's files concerning the applicant's property. The sod farm has been in operation for over 20 years, and Staff is not aware of any significant issues of problems that have arisen regarding this operation.

The Sod Farm has sold Christmas trees for the past several years during the holiday season as a way to supplement its income during the winter months. No improvements are proposed or needed to support the sale of Christmas trees on the applicant's site, and all sales are conducted from the same office that is used to manage the sod farm's business activities. The display area for Christmas Trees and the customer parking area is located in the middle of a cluster of buildings, which is approximately 13,000 square feet in area. This area is not paved, but is made up of a crushed rock/milled surface that has in previous years proved adequate to accommodate the parking needed for the sales lot.

Based on discussions with the applicant, the anticipated traffic to the site will be approximately 10 vehicles per day on a typical weekday, with 100 vehicle trips the absolute maximum for the busiest weekends (with the peak typically on one of the Saturdays before Christmas). Given the size of the proposed parking area and distance between the parking/sales lot area and Manning Avenue, the anticipated traffic impacts should be fairly minor.

All sales will be conducted from the existing office used by the sod farm, and no



bathrooms are available for customer use.

Prior to 2008, Lake Elmo regulations allowed agricultural uses such as greenhouses and the sale of produce grown on site. In 2008, the City added Agricultural Sales Business (ASB) and Agricultural Entertainment Business (AEB) as conditional uses in certain zoning districts. The definitions for ASB and AEB stated the use was restricted to allow the sale of produce produced on the premises. When the City was first setting the performance standards in 2008 when those categories of conditional uses were created, such language served to limit the scale of commercial activity.

In 2010, the City then amended codes to allow the sale of produce grown off site in Agricultural, Rural Residential and OP Zoning Districts. In addition, changes were made to require an interim use permit subject to performance standards instead of allowing the use outright. Because all of the Christmas Trees sold by the sod farm are brought in from off-site, the applicant must now secure an interim use permit in order to continue selling trees that are not grown on the premises. The City Council created a special fee for existing agricultural operations that were impacted by the ordinance amendments, and the sod farm is one of the businesses that has been impacted by this change.

***IUP Review  
Criteria:***

Interim uses must be reviewed under both the general criteria for such as well as the specific criteria outlined for the requested use. Keep in mind that for these types of applications, the burden is on the City to show why the use should or should not be permitted. For the sale of produce grown off site, the following performance standards apply:

***1. Activities shall be limited to those listed within the definition for Agricultural Sales Business.***

- Staff finds that this criteria is met.

***2. The agricultural sales business shall be located on land owned or leased by the producer or the operator of the business and not within or on any public right-of-way or easements.***

- Staff finds that this criteria is met.

***3. The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.***

- Added as a condition of approval.

***4. All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.***

- Added as a condition of approval.

(cont.)

**5. All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.**

- Added as a condition of approval.

**6. The maximum gross floor area that can be devoted to sales activities is limited to 20,000 square feet.**

- The Christmas Tree sales office is located within an existing building approximately 3,200 square feet in size. Since all sales are conducted in an outside lot, the applicant will fall well below the maximum allowed building size for the sales activity.

**7. Parking shall be provided in accordance with the parking requirements for other commercial uses, as per City Code 154.051 (C). All parking must occur on-site, be on a primary surface such as class five gravel or pavement; and must be set back at least 30 feet from all property lines.**

- Staff finds this criteria is met. Although parking stalls are not delimited on the site plan or marked on the property, there is room for a least 20 cars in front of the office, and room for many more on the driveway and around other outbuildings surrounding the lot.

**8. The minimum lot size shall be 40 acres for any agricultural sales business.**

- Because minimum lot size requirements in Agricultural zones can include right-of-way areas, this standard is met by the applicant.

**9. On-site wastewater handling system shall be planned and designed by a licensed professional and approved by the City or its designated responsible authority. Usable primary and alternate well and septic sites sized for the maximum anticipated usage of the property shall be identified on the property. Alternate site shall be protected in the site plan design, and will only need to be used upon failure of a primary site.**

- The proposed Christmas Tree sales lot will not impact the existing well or septic systems on the site since no bathrooms are available for public use.

**10. Any structures constructed for the agricultural sales business shall be consistent on design and appearance with other agricultural buildings in the area.**

- The applicant is not proposing any additional buildings at this time. Staff finds this criteria is met.

**11. Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.**

- The Christmas Tree sales lot will fall well under the maximum trip generation required under the code.

**12. The maximum impervious coverage for the buildings, parking areas and**



***other uses devoted to the agricultural sales business shall not exceed 40,000 square feet and the remainder shall be suitably landscaped.***

- The maximum area devoted to Christmas Tree sales is under 20,000 square feet, and will therefore comply with this provision.

***13. Any activities that are defined as an Agricultural Entertainment Business shall require a separate Interim Use Permit.***

- This criteria does not apply to the applicant.

***14. Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.***

(cont.)

- Added as a condition of approval.

***15. There shall be a minimum buffer of 100 feet between any sales areas or sales buildings and any adjacent residential property lines.***

- There are no residential properties within 100 feet of the applicant's sales lot.

***16. Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).***

- Added as a condition of approval.

***17. Trash containers must be located inside or screened in an acceptable manner.***

- Added as a condition of approval.

***18. The operator shall adhere to the general review criteria applicable to all Interim Use Permit applications.***

- This is identified in the review criteria below.

***19. No activities or structures beyond those specified in the Interim Use Permit shall be added before review by the city to determine compliance with this ordinance.***

- The applicant is not requesting any additional structures at this time.

As mentioned, there are additional general review criteria required for all interim use permits.

***1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.***

- The Agricultural zoning district was amended in 2010 to include Agricultural Sales Business as an Interim Use.

***2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the***

**health, safety, and welfare of the community.**

- The sale of Christmas Trees will be conducted on property that is otherwise used a sod farm during the growing season. The sales lot is located in the midst of several agricultural buildings, and is set back a considerable distance from Manning Avenue. All of the surrounding uses are agricultural in nature, and the proposed traffic levels will not be significant enough to negatively impact any adjacent properties.

**3. Use will not adversely impact implementation of the comprehensive plan.**

(cont.)

- The applicants are asking to sell agricultural product from their site. As identified in the Findings of Ordinance 08-031A, the Comprehensive Plan expresses a desire to preserve the rural character of Lake Elmo and open space and green corridors while regulating commercial uses of an agricultural nature. The Findings provided in Ordinance 08-031A identified that an Agricultural Sales Business would not adversely impact implementation of the Comprehensive Plan when regulated through an Interim Use Permit.

**4. The date or event that will terminate the use is identified with certainty.**

- Staff is suggesting that the Interim Use Permit terminate 5 years from the date on which the permit is granted or if the property is sold to an outside party, whichever is greater.

**5. The user agrees to all conditions that the City Council deems appropriate for permission of the use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.**

- Because the applicant is not requesting to add any additional structures at this time, staff is not recommending any financial surety be requested.

**6. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.**

- City staff is not aware of any fees due.

**Resident Concerns:** Staff is not aware of any resident concerns surrounding the requested interim use permit.

**Other Agency Reviews:** The VBWD and the DNR did not have any comment for or against the application.

**Conclusion:**

The applicant is seeking approval of an IUP for an Agricultural Sales Business to continuing operating a Christmas Tree sales lot at 456 Manning Avenue.

**Commission Options:**

The Planning Commission has the following options:

- A) Recommend approval of the Interim Use Permit request;
- B) Recommend denial of the Interim Use Permit request;

The 60-day review period for this application expires on December 17, 2011, but can be extended an additional 60 days if more time is needed.

**Staff Rec:**

Staff is recommending approval of an Interim Use Permit to allow an Agricultural Sales Business to allow the continued operation of a Christmas Tree sales lot at 456 Manning Avenue for a period of 5 years that will involve the sale of Christmas Trees grown off of the premises. This approval is recommended based on the findings as documented by Staff in the preceding paragraphs with the following conditions:

- The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
- All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.
- Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.
- Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.
- Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- Trash containers must be located inside or screened in an acceptable manner.

- The Interim Use Permit is to allow the sale of agricultural products that are grown off site, and specifically Christmas trees. Any other items wishing to be sold that are not otherwise grown on site or considered an ancillary item shall require an amendment to the Interim Use Permit.
- The Interim Use Permit shall expire on January 1, 2017 or at such time as the property on which this Interim Use Permit applies is sold to an outside party or at such time as the total property utilized for the Lake Elmo Sod Farm is less than 40 acres. At such time as this IUP expires, an applicant may request an extension.

**Approval Motion Template:** To recommend approval of the request, you may use the following motion as a guide:

**I move to recommend approval of the requested IUP based on the findings cited by staff in the report with conditions (and others as you deem appropriate).**

**Denial Motion Template:** To recommend denial of the request, you may use the following motion as a guide:

**Move to recommend denial of the requested IUP based on the findings of fact...(please site reasons for the recommendation)**

cc: Anthony Myhra, Lake Elmo Sod Farm

RECEIVED

OCT 17 2011

Fee \$ 250.00

City of Lake Elmo  
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional-Use Permit (C.U.P.) *Interim*
- Variance \* (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
  - 01 - 10 Lots
  - 11 - 20 Lots
  - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: Lake Elmo Sed Farm P.O. Box 216 Lake Elmo MN  
(Name) (Mailing Address) (Zip) *55042*

TELEPHONES: 651-436-3760 651-337-2038  
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Yik Chi Lo 6422 Crockbury Tr Woodbury MN  
(Name) (Mailing Address) (Zip) *55129*

TELEPHONES: \_\_\_\_\_  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):  
456 Manning Ave N Lake Elmo

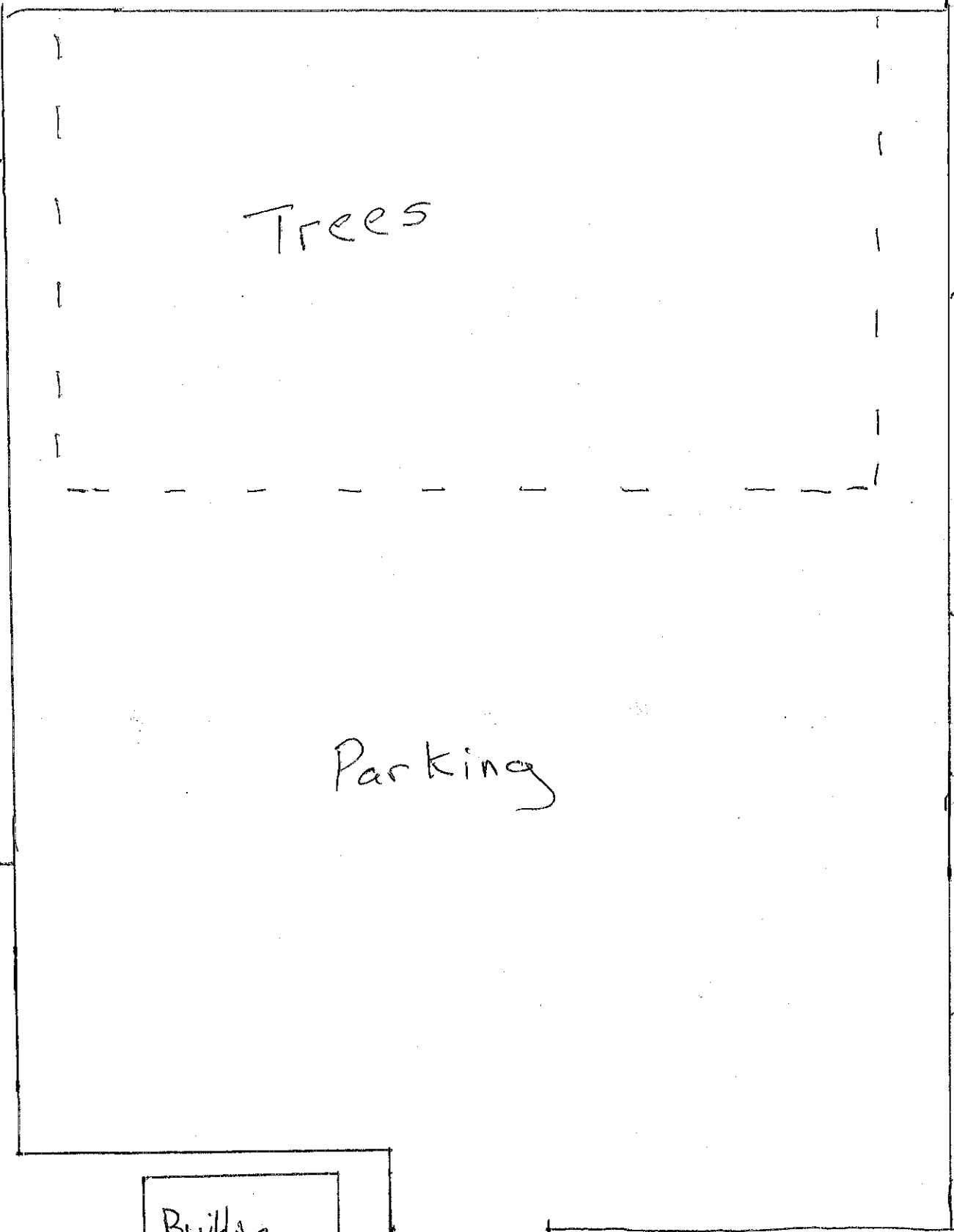
DETAILED REASON FOR REQUEST: Christmas Tree Sales  
From the week of Thanksgiving thru January 1

\*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances 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.

Anthony Zyhus 10-17-11 John Myhra 10-17-11  
Signature of Applicant Date Signature of Applicant Date

Building



Buildings

Trees

Buildings

Parking

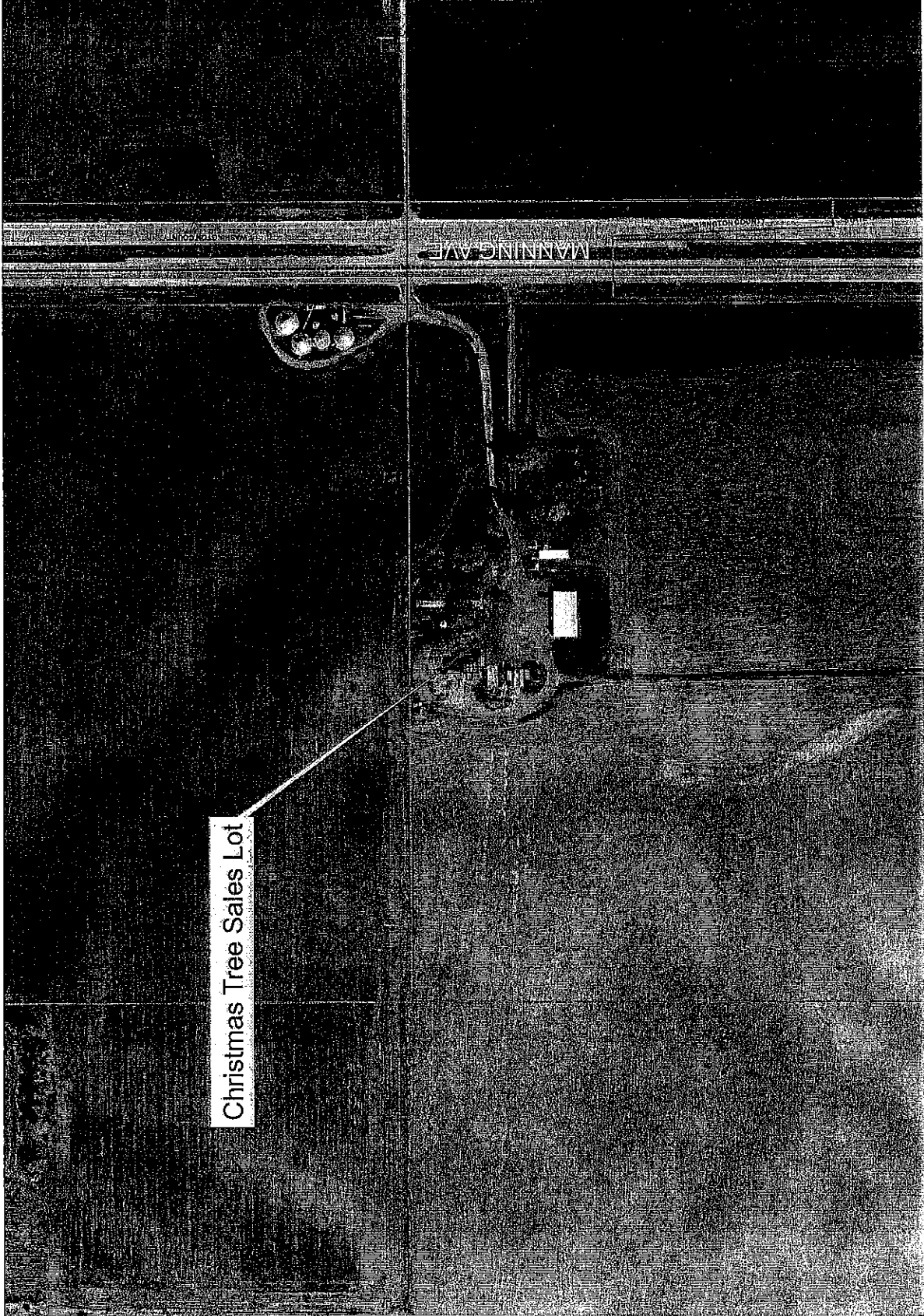
Building

Drive way

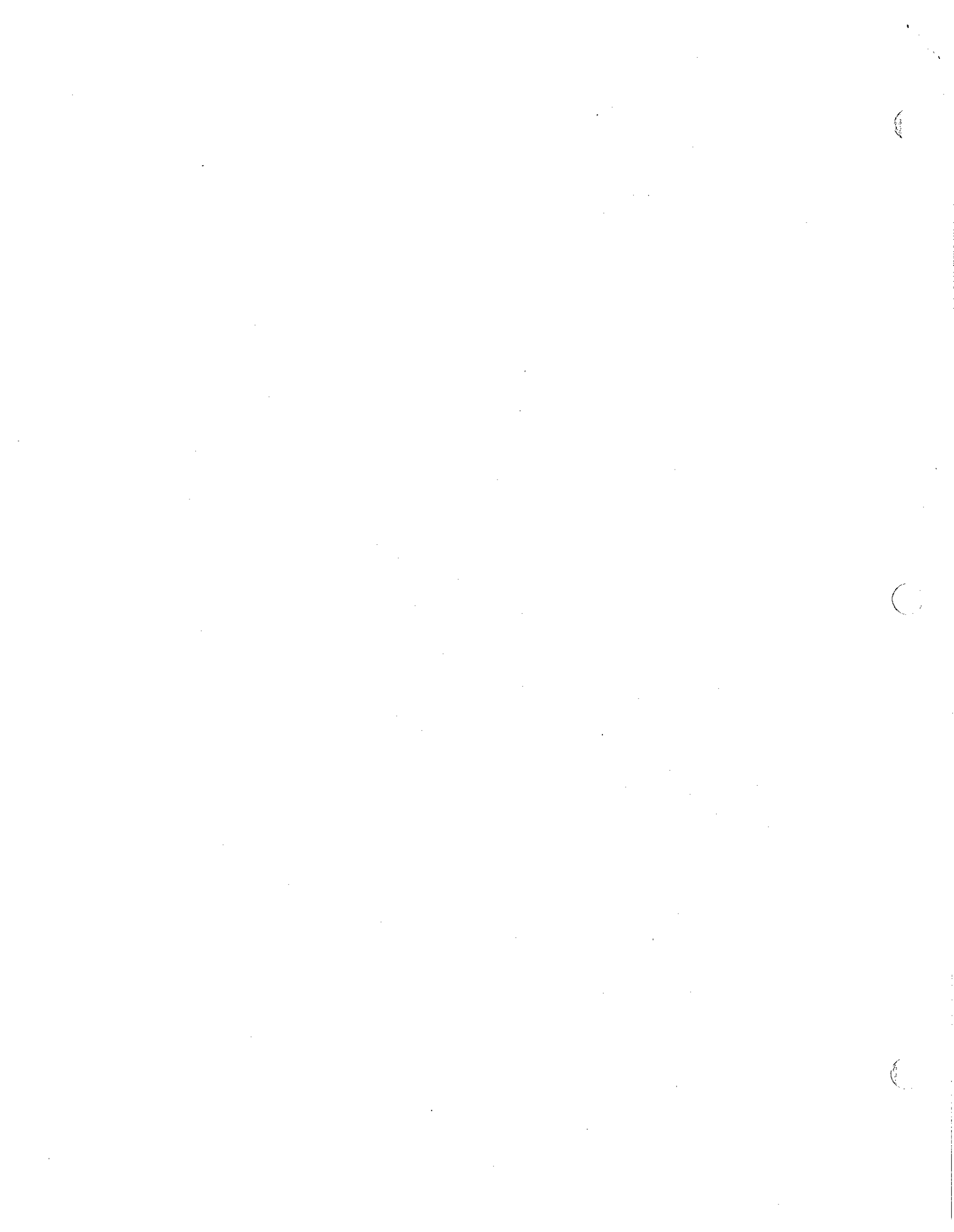
Lake Elmo  
Sod Farm

DAVID N. SCREATOR #

LAKELAND SOI FIELDS LLC



Christmas Tree Sales Lot





Planning Commission  
Date: 11/7/11  
**Public Hearing**  
Item: 4b

ITEM: Hold a public hearing to consider an Interim Use Permit (IUP) application from Krueger's Christmas Tree Farm

REQUESTED BY: Neil and Deb Krueger, Krueger's Christmas Tree Farm

SUBMITTED BY: Kyle Klatt, Planning Director *K.K.*

**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is asked to hold a public hearing to consider a request from Krueger's Christmas Tree Farm, 4452 Lake Elmo Avenue North, to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm. Staff is recommending that the Interim Use Permit (IUP) have an ending date of 10 years from the date of adoption or upon sale of the property to an outside party.

**ADDITIONAL INFORMATION:**

- Photos of the site will be shown as part of the Staff presentation during the meeting.

**OPTIONS:**

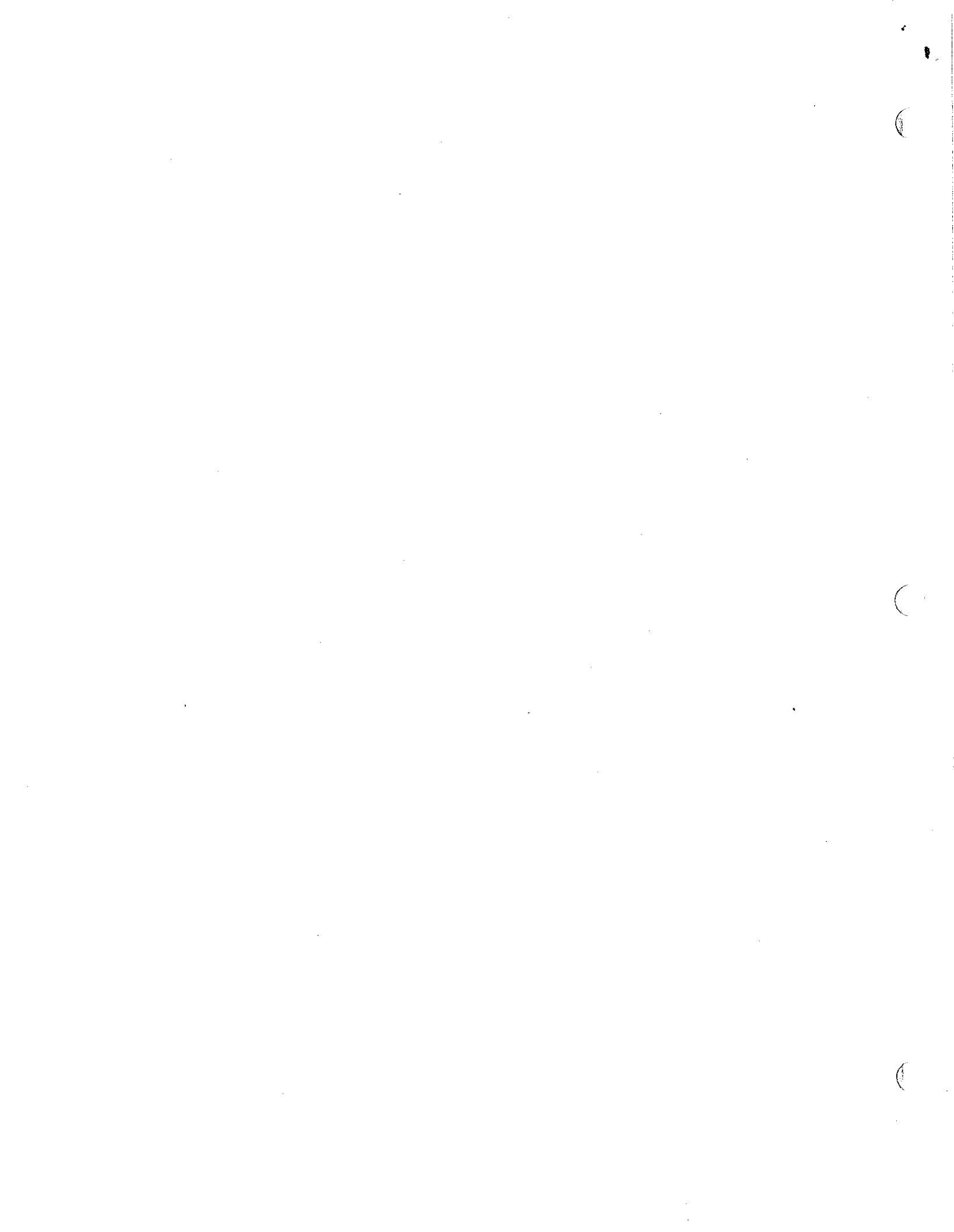
1. Recommend the City Council approve the requested IUP with Findings and Conditions outlined in the full staff report.
2. Recommend denial of the requested IUP request based on findings of fact (please cite).

**STAFF RECOMMENDATION:**

Recommend that the City Council approve the requested IUP for an Agricultural Sales Business with conditions outlined in the staff report.

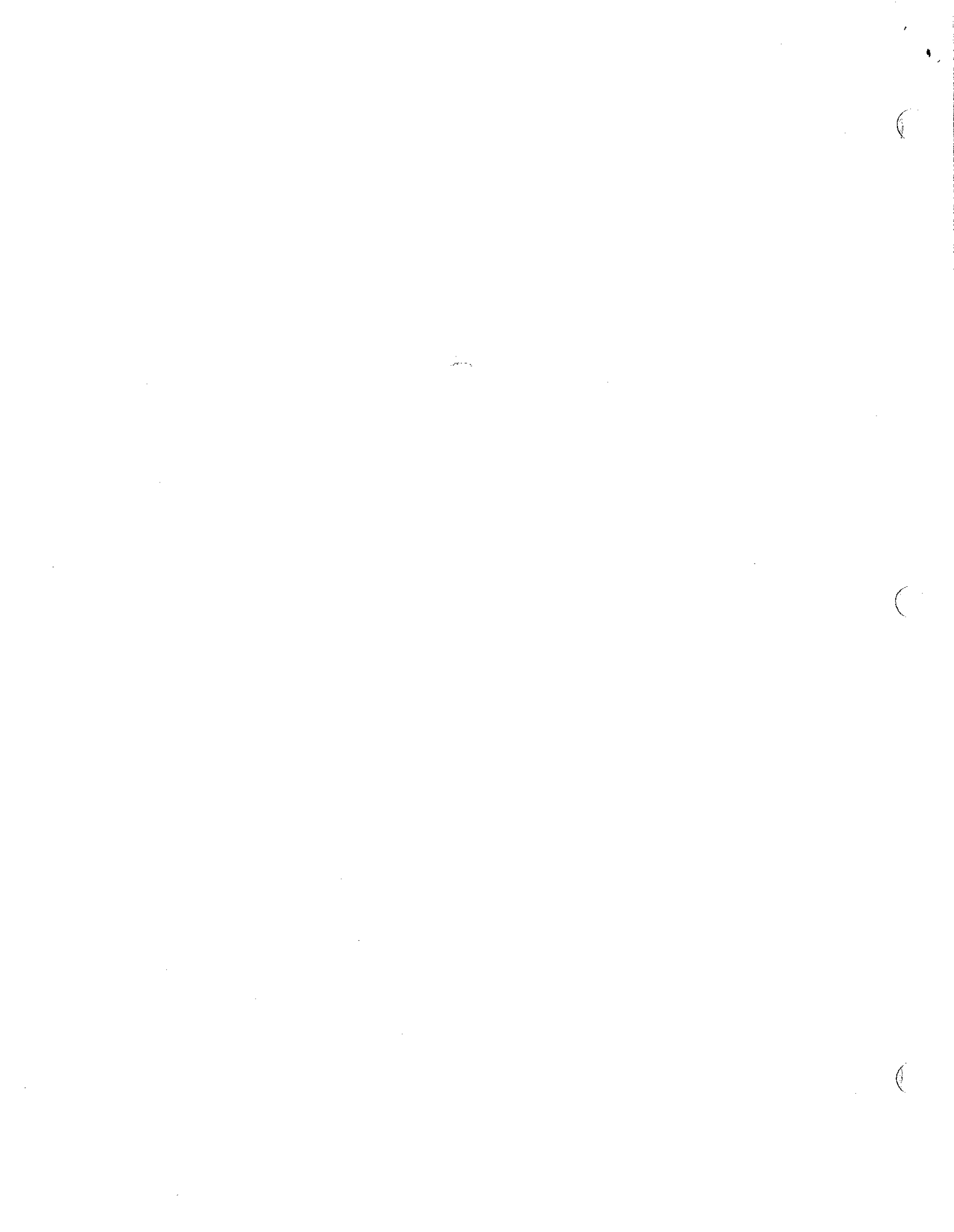
**ORDER OF BUSINESS:**

- Introduction .....Planning Director
- Report by staff .....Planning Director
- Questions from the Commission ..... Chair & Commission Members
- Applicant Comments .....Chair facilitates
- Questions of the Applicant ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing .....Chair
- Call for a motion ..... Chair Facilitates
- Discussion of Commission on the motion ..... Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members



ATTACHMENTS (3):

1. Detailed staff report on the request.
2. Application Letter from Neil and Deb Krueger
3. Site Plan/Aerial Photograph of Site
4. Tree Farm Informational Materials (separate envelope)



City of Lake Elmo Planning Department  
**Interim Use Permit Request**

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*To:* Lake Elmo Planning Commission

*From:* Kyle Klatt, Planning Director

*Meeting Date:* 11/7/11

*Applicant:* Krueger's Christmas Tree Farm

*Representatives:* Neil and Deb Krueger

*Location:* 4452 Lake Elmo Avenue North

*Zoning:* Rural Residential/Agricultural (A)

***Introductory Information***

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***Application  
Summary:***

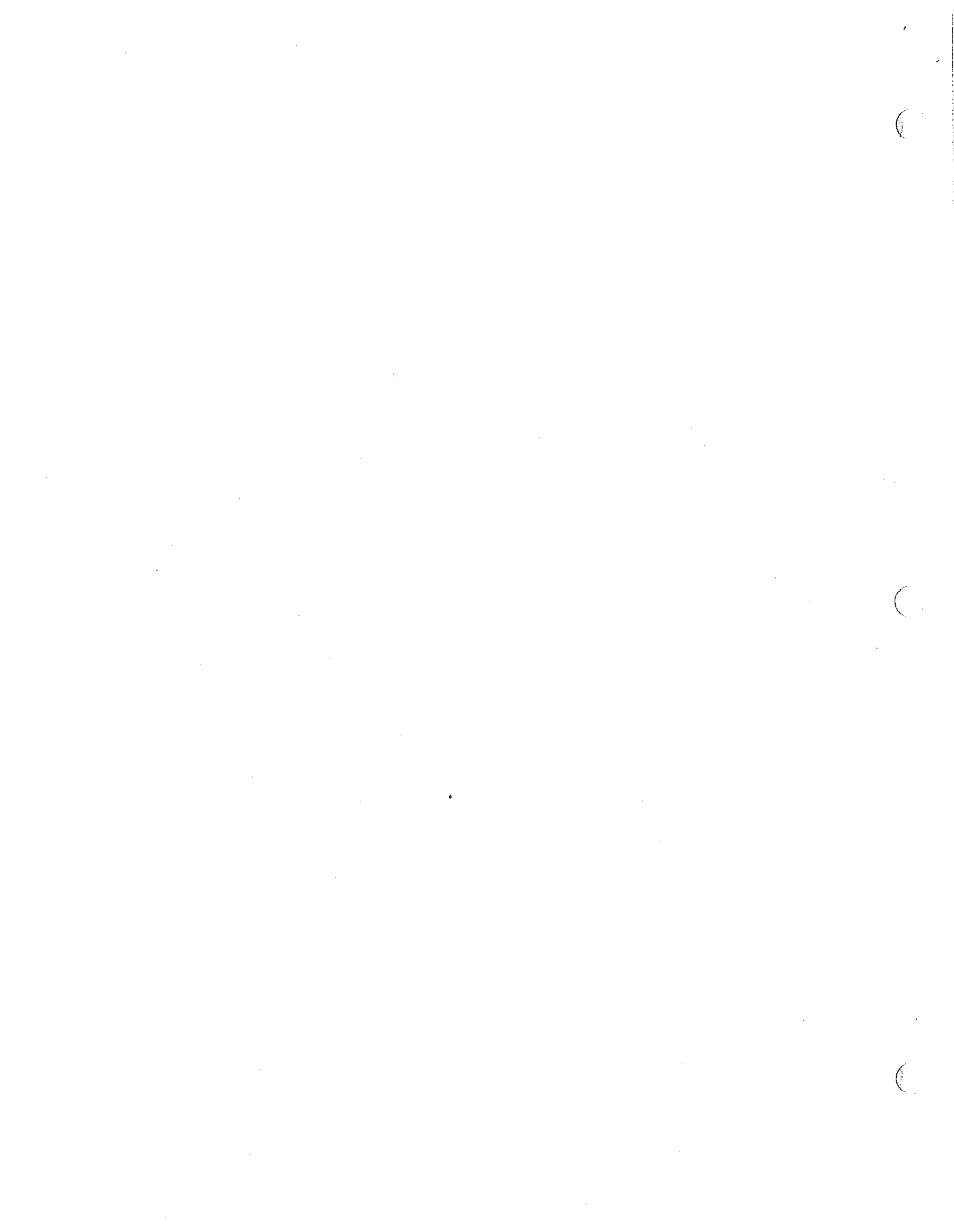
The Krueger Christmas Tree Farm has requested an interim use permit (IUP) to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm. Depending on the circumstances in any given year, the applicant supplements a portion of their sales activity with trees that are not grown on the farm; however, because the need (or opportunities) to do such supplementing will vary considerably from year to year, there is not a specific level or amount of supplemental materials that will accompany this request. Since this particular application will not alter any of the current farm or sales operation, Staff is recommending that the permit be approved on a general basis to sell some Christmas Trees that are grown off-site.

The applicant has requested an extended interim use period, citing their continued operation as a working Christmas Tree Farm. Staff is suggesting that the initial review period be established at 10 years.

***Applicable  
Codes:***

**Section 11.01 Definitions**

**AGRICULTURAL SALES BUSINESS.** The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products, produced on the premises. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities include pick-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall



be allowed as part of the AGRICULTURAL SALES BUSINESS.

**Section 154.019 Interim Use Permits**

Outlines the general requirements for all interim permitted uses in Lake Elmo.

**Section 154.033 Agricultural Zoning District**

(C) 1. Uses permitted by Interim Use Permit. *Agricultural Sales Businesses subject to performance standards outlined in Section 154.110.*

**Section 154.110 Agricultural Sales Businesses**

Lists the standards that must be observed in order to operate an agricultural sales business.

***Findings & General Site Overview***

<b>Site Data:</b>	<i>Lot Size:</i> 46 Acres (Farm Site and Adjacent Woods) <i>Existing Use:</i> Krueger Christmas Tree Farm (Agriculture) <i>Existing Zoning:</i> Agricultural (A) and Rural Residential (RR) <i>Property Identification Numbers (PID):</i> 11.029.21.41.0002; 11.029.21.42.0004; 11.029.21.14.0003
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***Application Review:***

<b>History:</b>	<p>The Krueger's initial purchase of their farm and first Christmas Tree crop dates back to the mid 1980's, and the farm has continually been used to grow and sell Christmas Trees since this time. There is no record of other uses on the property in the City's file, and it has always been used for some form of agricultural use, including the family homestead. Over time, the Krueger's have acquired property adjacent to the initial farm, and currently own slightly less than 50 acres of land, including an adjacent wooded area.</p> <p>Unlike the other agricultural Interim Use Permits that have recently been considered by the City, the Krueger's grow the products that they sell on the site, and intent to only use the supplemental sales on as-needed basis or to help support their operation of a working farm. The proposed interim use would not alter any portion of the site, nor would generate any additional customer traffic beyond what is already accommodated within the existing sales building and parking area. Since there is nothing specific in the application that would cause the site to function any differently than it has in the past, Staff has found that the applicant will be able to meet the required standards for an Agricultural Sales business as defined in the Zoning Ordinance.</p> <p>Prior to 2008, Lake Elmo regulations allowed agricultural uses such as</p>
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greenhouses and the sale of produce grown on site. In 2008, the City added Agricultural Sales Business (ASB) and Agricultural Entertainment Business (AEB) as conditional uses in certain zoning districts. The definitions for ASB and AEB stated the use was restricted to allow the sale of produce produced on the premises. When the City was first setting the performance standards in 2008 when those categories of conditional uses were created, such language served to limit the scale of commercial activity.

In 2010, the City then amended codes to allow the sale of produce grown off site in Agricultural, Rural Residential and OP Zoning Districts. In addition, changes were made to require an interim use permit subject to performance standards instead of allowing the use outright. Because the City Code does not specify a minimum amount of off-site sales that would generate the need for a permit, the applicant will need to secure an Interim Use Permit in order to do any supplementing of the trees that are grown on-site. The City Council created a special fee for existing agricultural operations that were impacted by the ordinance amendments, and the applicant's farm is one of the operations that have been impacted by this change.

***IUP Review  
Criteria:***

Interim uses must be reviewed under both the general criteria for such as well as the specific criteria outlined for the requested use. Keep in mind that for these types of applications, the burden is on the City to show why the use should or should not be permitted. For the sale of produce grown off site, the following performance standards apply:

***1. Activities shall be limited to those listed within the definition for Agricultural Sales Business.***

- Staff finds that this criteria is met.

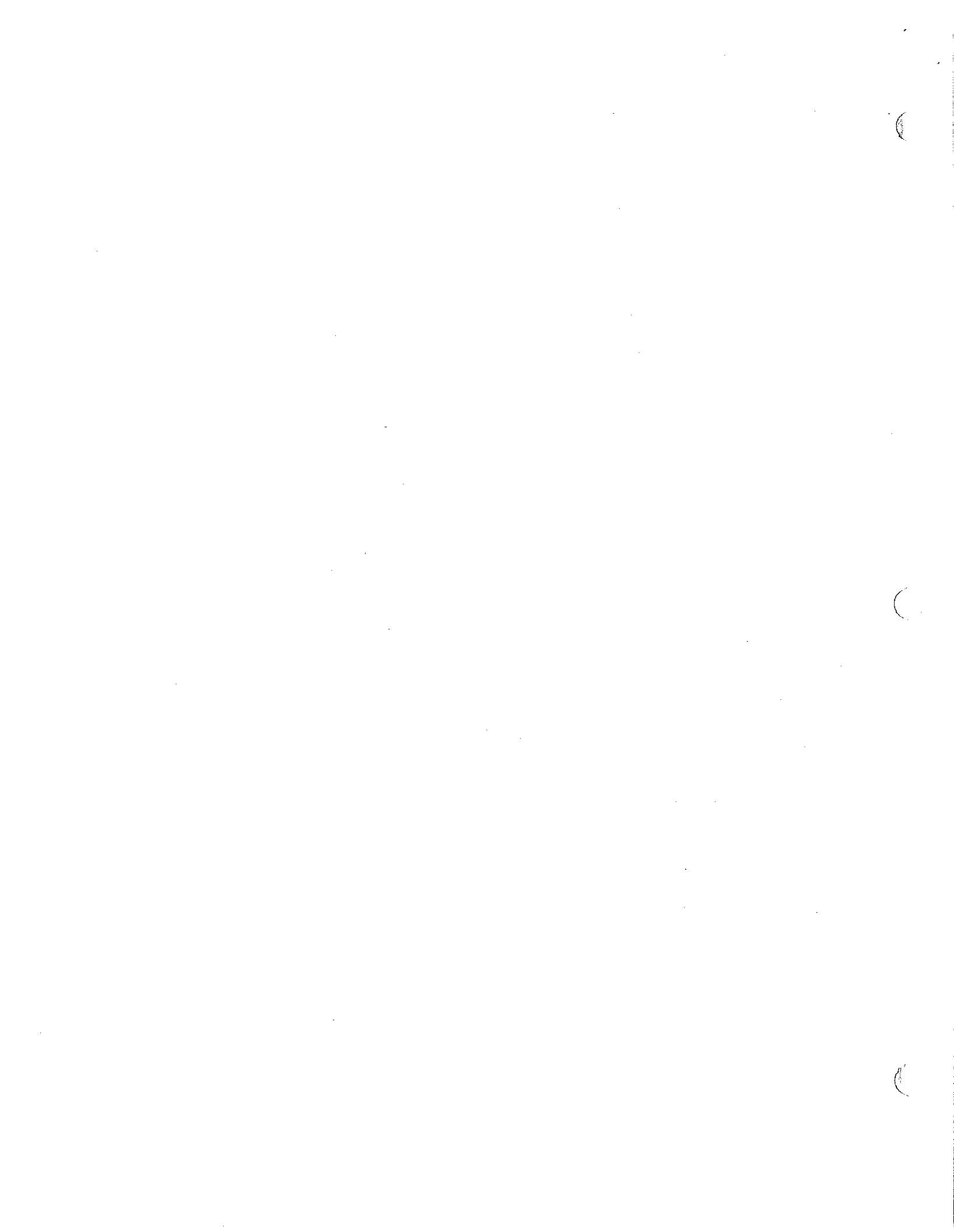
***2. The agricultural sales business shall be located on land owned or leased by the producer or the operator of the business and not within or on any public right-of-way or easements.***

- Staff finds that this criteria is met.

***3. The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.***

- Added as a condition of approval. The existing parking lot is adequate to accommodate the existing sales building, and the space available for sales would not be impacted by the proposed supplemental sales.

***4. All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.***



(cont.)

- Added as a condition of approval.
- 5. All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.**
- Added as a condition of approval.
- 6. The maximum gross floor area that can be devoted to sales activities is limited to 20,000 square feet.**
- The Christmas Tree sales activity is located within an existing building and warming house that together are approximately 1,200 square feet combined. The applicant will fall well below the maximum allowed building size for the sales activity.
- 7. Parking shall be provided in accordance with the parking requirements for other commercial uses, as per City Code 154.051 (C). All parking must occur on-site, be on a primary surface such as class five gravel or pavement; and must be set back at least 30 feet from all property lines.**
- Staff finds this criteria is met. The existing parking lot has been sized to accommodate the needs of the existing sales business; the proposed interim use permit will not significantly alter the need for parking that already exists on the site.
- 8. The minimum lot size shall be 40 acres for any agricultural sales business.**
- This standard is met by the applicant.
- 9. On-site wastewater handling system shall be planned and designed by a licensed professional and approved by the City or its designated responsible authority. Usable primary and alternate well and septic sites sized for the maximum anticipated usage of the property shall be identified on the property. Alternate site shall be protected in the site plan design, and will only need to be used upon failure of a primary site.**
- The Christmas Tree sales business will use the water and septic system for the farmstead. The interim use will not require the expansion of the septic system on the property.
- 10. Any structures constructed for the agricultural sales business shall be consistent on design and appearance with other agricultural buildings in the area.**
- The applicant is not proposing any additional buildings at this time. Staff finds this criteria is met.
- 11. Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.**
- The tree farm will fall well under the maximum trip generation required under



the code.

**12. The maximum impervious coverage for the buildings, parking areas and other uses devoted to the agricultural sales business shall not exceed 40,000 square feet and the remainder shall be suitably landscaped.**

- The maximum area devoted to Christmas Tree sales is under 20,000 square feet, and will therefore comply with this provision.

**13. Any activities that are defined as an Agricultural Entertainment Business shall require a separate Interim Use Permit.**

(cont.) - This criteria does not apply to the applicant.

**14. Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.**

- Added as a condition of approval.

**15. There shall be a minimum buffer of 100 feet between any sales areas or sales buildings and any adjacent residential property lines.**

- The sales buildings are located at least 250 feet from the nearest residential property line.

**16. Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).**

- Added as a condition of approval.

**17. Trash containers must be located inside or screened in an acceptable manner.**

- Added as a condition of approval.

**18. The operator shall adhere to the general review criteria applicable to all Interim Use Permit applications.**

- This is identified in the review criteria below.

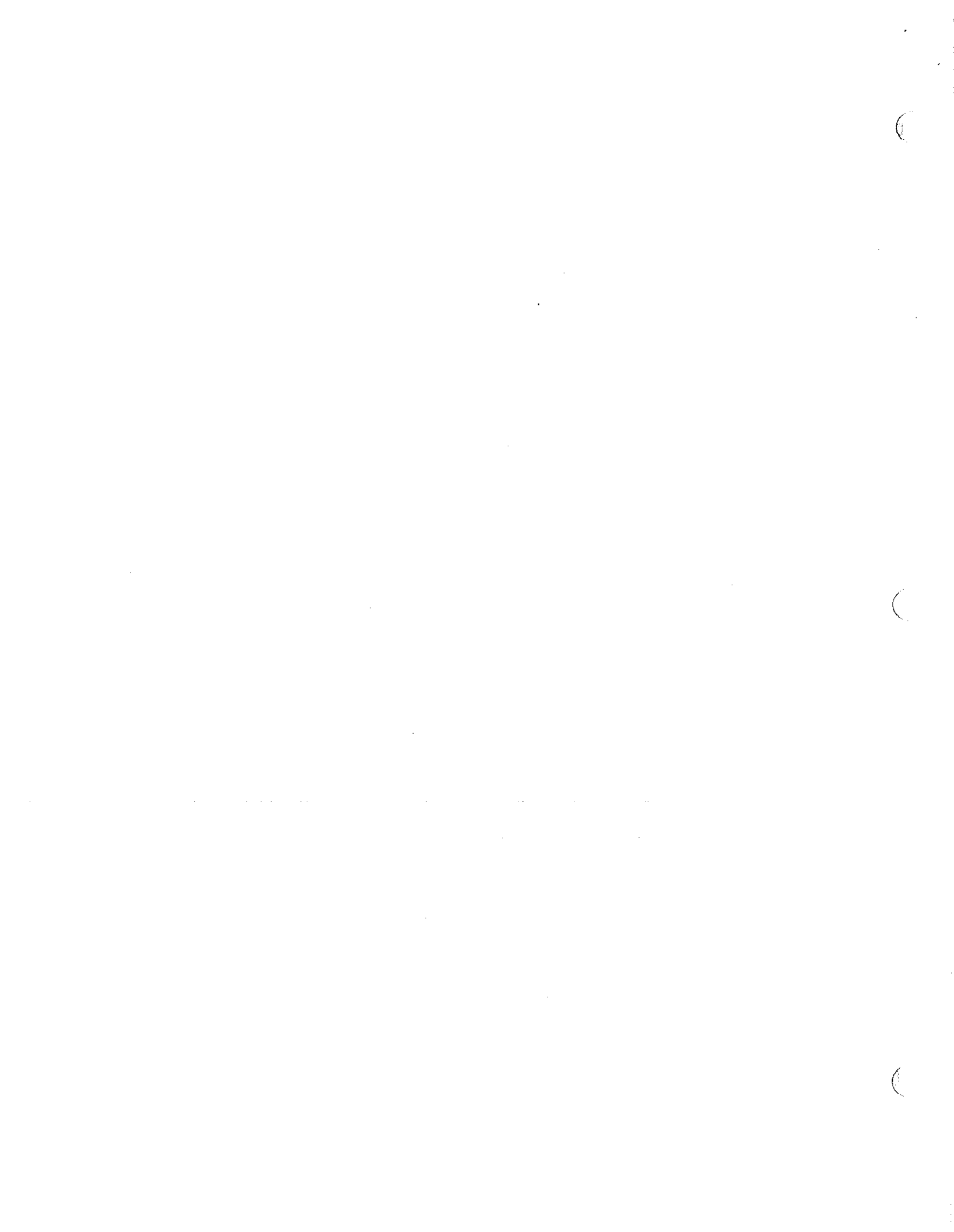
**19. No activities or structures beyond those specified in the Interim Use Permit shall be added before review by the city to determine compliance with this ordinance.**

- The applicant is not requesting any additional structures at this time.

As mentioned, there are additional general review criteria required for all interim use permits.

**1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.**

- The Agricultural zoning district was amended in 2010 to include Agricultural



Sales Business as an Interim Use.

**2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.**

- The Krueger's Christmas Tree Farm has been in operation for approximately 30 years. Staff is not aware of any issues or nuisance conditions that have been identified in this period of time, and the proposed Interim Use Permit will not alter the current operations in any significant manner.

(cont.) **3. Use will not adversely impact implementation of the comprehensive plan.**

- The applicants are asking to sell agricultural product from their site. As identified in the Findings of Ordinance 08-031A, the Comprehensive Plan expresses a desire to preserve the rural character of Lake Elmo and open space and green corridors while regulating commercial uses of an agricultural nature. The Findings provided in Ordinance 08-031A identified that an Agricultural Sales Business would not adversely impact implementation of the Comprehensive Plan when regulated through an Interim Use Permit.

**4. The date or event that will terminate the use is identified with certainty.**

- Staff is suggesting that the Interim Use Permit terminate 10 years from the date on which the permit is granted or if the property is sold to an outside party, whichever is greater.

**5. The user agrees to all conditions that the City Council deems appropriate for permission of the use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.**

- Because the applicant is not requesting to add any additional structures at this time, staff is not recommending any financial surety be requested.

**6. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.**

- City staff is not aware of any fees due.

**Resident Concerns:** Staff is not aware of any resident concerns surrounding the requested interim use permit.

**Other Agency Reviews:** The VBWD and the DNR did not have any comment for or against the application.





**Conclusion:**

The applicant is seeking approval of an IUP for an Agricultural Sales Business to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm.

**Commission Options:**

The Planning Commission has the following options:

- A) Recommend approval of the Interim Use Permit request;
- B) Recommend denial of the Interim Use Permit request;

The 60-day review period for this application expires on December 20, 2011, but can be extended an additional 60 days if more time is needed.

**Staff Rec:**

Staff is recommending approval of an Interim Use Permit for an Agricultural Sales Business at 4452 Lake Elmo Avenue to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on on-site for a period of 10 years. This approval is recommended based on the findings as documented by Staff in the preceding paragraphs with the following conditions:

- The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
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- Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- Trash containers must be located inside or screened in an acceptable



manner.

- The Interim Use Permit is to allow the sale of agricultural products that are grown off site, and specifically Christmas trees. Any other items wishing to be sold that are not otherwise grown on site or considered an ancillary item shall require an amendment to the Interim Use Permit.
- The Interim Use Permit shall expire on January 1, 2022 or at such time as the property on which this Interim Use Permit applies is sold to an outside party or at such time as the total property utilized for the Lake Elmo Sod Farm is less than 40 acres. At such time as this IUP expires, an applicant may request an extension.

**Approval Motion  
Template:**

To recommend approval of the request, you may use the following motion as a guide:

**I move to recommend approval of the requested IUP based on the findings cited by staff in the report with conditions (and others as you deem appropriate).**

**Denial Motion  
Template:**

To recommend denial of the request, you may use the following motion as a guide:

**Move to recommend denial of the requested IUP based on the findings of fact...(please site reasons for the recommendation)**

cc: Neil and Deb Krueger, Krueger's Christmas Tree Farm



RECEIVED

OCT 20 2011

Fee \$250

City of Lake Elmo  
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.)
- Variance \* (See below)
- Minor Subdivision
- Lot Line Adjustment
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- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
  - 01 - 10 Lots
  - 11 - 20 Lots
  - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: NEIL & DEB KRUEGER 4452 L.E. AVEN. L.E. 55042

(Name) (Mailing Address) (Zip)

TELEPHONES: 651-439-9186 651-331-8563

(Home) (Work) (Mobile) (Fax)

FEE OWNER: \_\_\_\_\_

(Name) (Mailing Address) (Zip)

TELEPHONES: \_\_\_\_\_

(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):  
PT E 1/2 - SE 1/4 LYING NLY OF C/L OF CURRENT EXIST E-W R/W  
KNOWN AS 43RD ST NO SECTION 11 TOWNSHIP 029 RANGE 021

DETAILED REASON FOR REQUEST:  
WE PURCHASED CHRISTMAS TREES TO SUPPLEMENT TREES GROWN ON OUR FARM.  
WE ALSO SELL TREE STANDS, WREATHS AND OTHER TREE RELATED PRODUCTS.

\*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

INTERUM USE

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances 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.

Neil A. Krueger 10/20/11  
Signature of Applicant Date

Debbie Krueger 10-20-11  
Signature of Applicant Date



Our family has been growing Christmas trees in Lake Elmo for 30 years on our family farm on Lake Elmo Ave. N. We offer a cut-your-own experience for those who want to walk our fields and select a tree. We also supplement our growing trees with pre-cut trees we purchase from other growers around the state.

The purchase of trees from other growers has always been a part of our operation. As farmers we are at the mercy of the weather, insects and diseases that can affect the number of trees we can provide from our own farm. We are a sustainable farm that limits the number of trees we harvest from our own fields each year. We then contact our fellow growers and purchase the types and sizes of trees we can't supply from our own fields.

A Christmas tree takes 10-15 years to grow to an average 8' height. During those growing years we plant, water, mow and shape the trees for our customers. This requires long hours and physical labor. We could not accomplish this without the help of our family, friends and neighbors.

We are applying for a permit to continue doing what we have done for the past 30 years. We understand that the ordinances have changed and we must do this. We want to caution the governing groups in Lake Elmo that responsible farming provides for the long term use of open space. We must be careful that we don't force farms out of our town with over regulation, but rather encourage farms and sustainable farming practices.

We welcome you to visit our farm anytime of the year.

Neil and Deb Krueger and family

A handwritten signature in cursive script, appearing to read "Neil Krueger". The signature is written in dark ink and is positioned below the typed name.

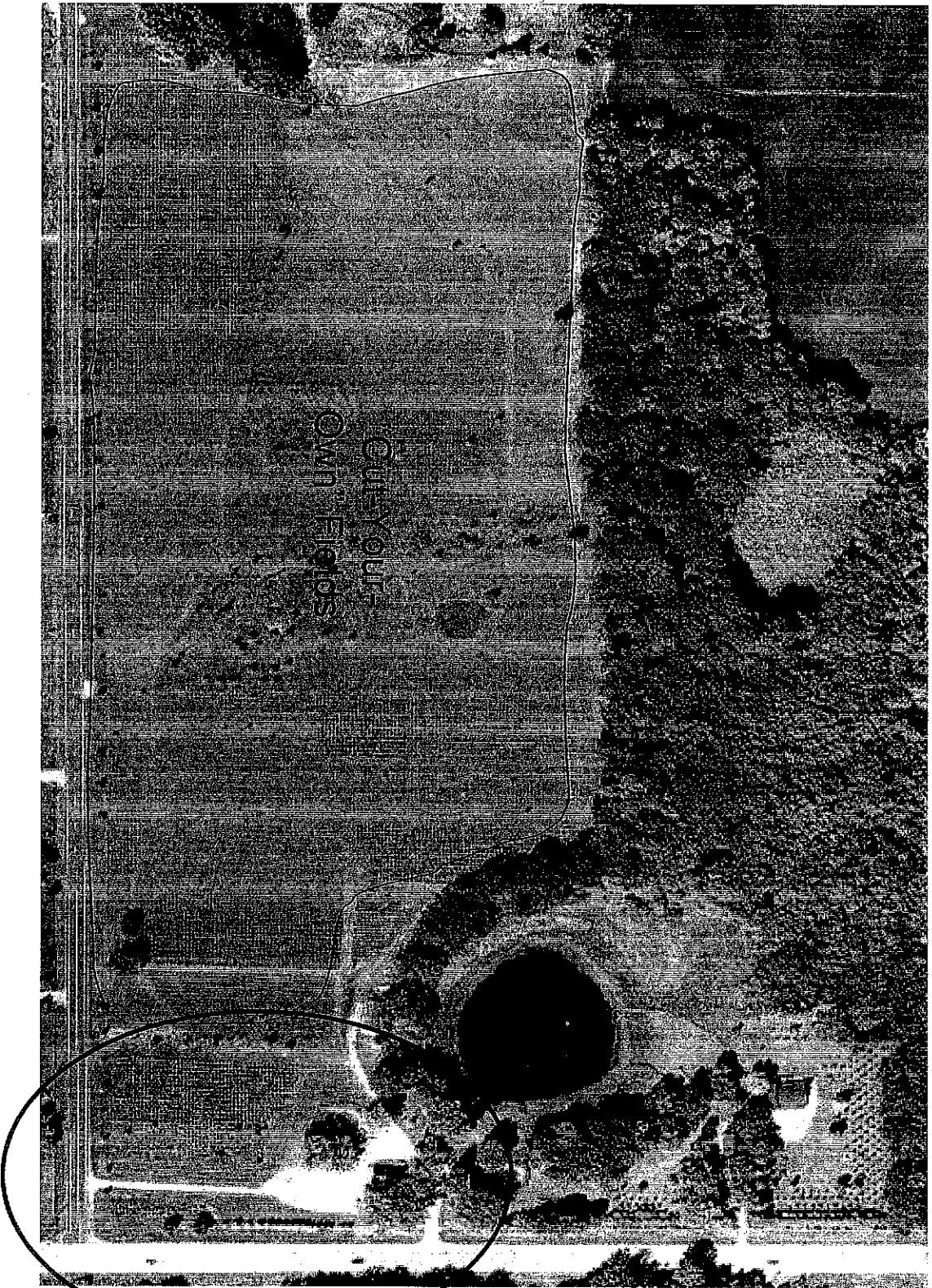




NORTH



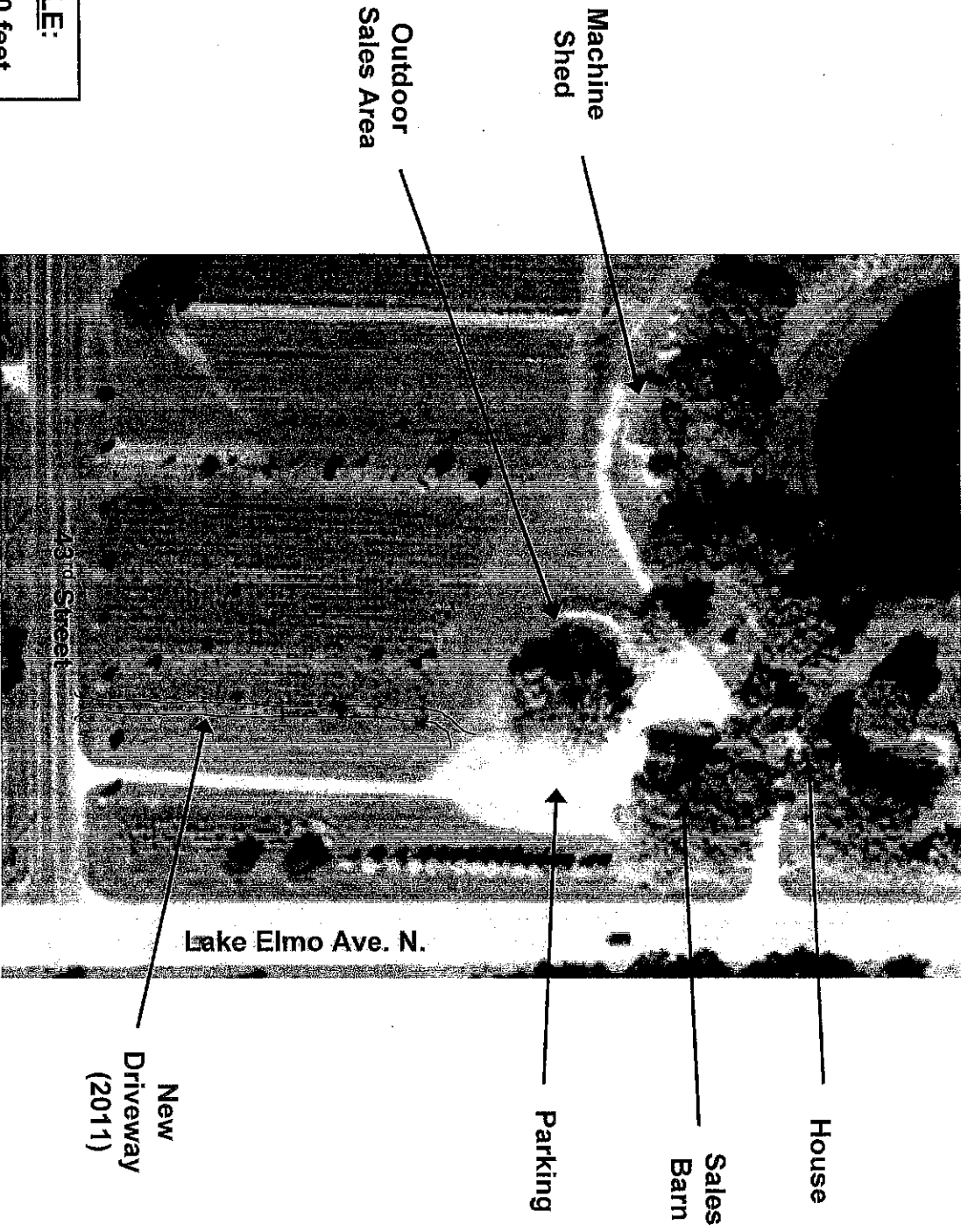
KRUEGER'S CHRISTMAS TREE FARM  
4452 Lake Elmo Avenue North





NORTH  
↑

**KRUEGER'S CHRISTMAS TREE FARM**  
4452 Lake Elmo Avenue North



**SCALE:**  
1" = 100 feet



The Krueger family has been growing Christmas trees in the St. Croix Valley since the early 1950's. This year, 2005, marks the 50<sup>th</sup> year of selling Christmas trees as the second generation of Krueger's, Neil and Deb carry on the tradition started by Al and Elaine Krueger so many years ago. It was 1950 that Al and Elaine Krueger planted their first trees. They were planted on marginal farm land to help with erosion and for reforestation. As the trees began to mature they needed to be thinned so in 1955 Al and Elaine sold their first trees to some of the neighbors.

From those early beginnings thousands on seedlings were planted each spring. As the business grew, the 50 plus acres of crop land were planted in trees for Christmas. For the next 40 years Al, Elaine, their 5 children, friends, and other relatives, all worked together to build the family tree business. The Krueger Tree Farm flourished on highway 36 in Stillwater until it was sold in 1994. Many memories and traditions were made in those first 40 years.

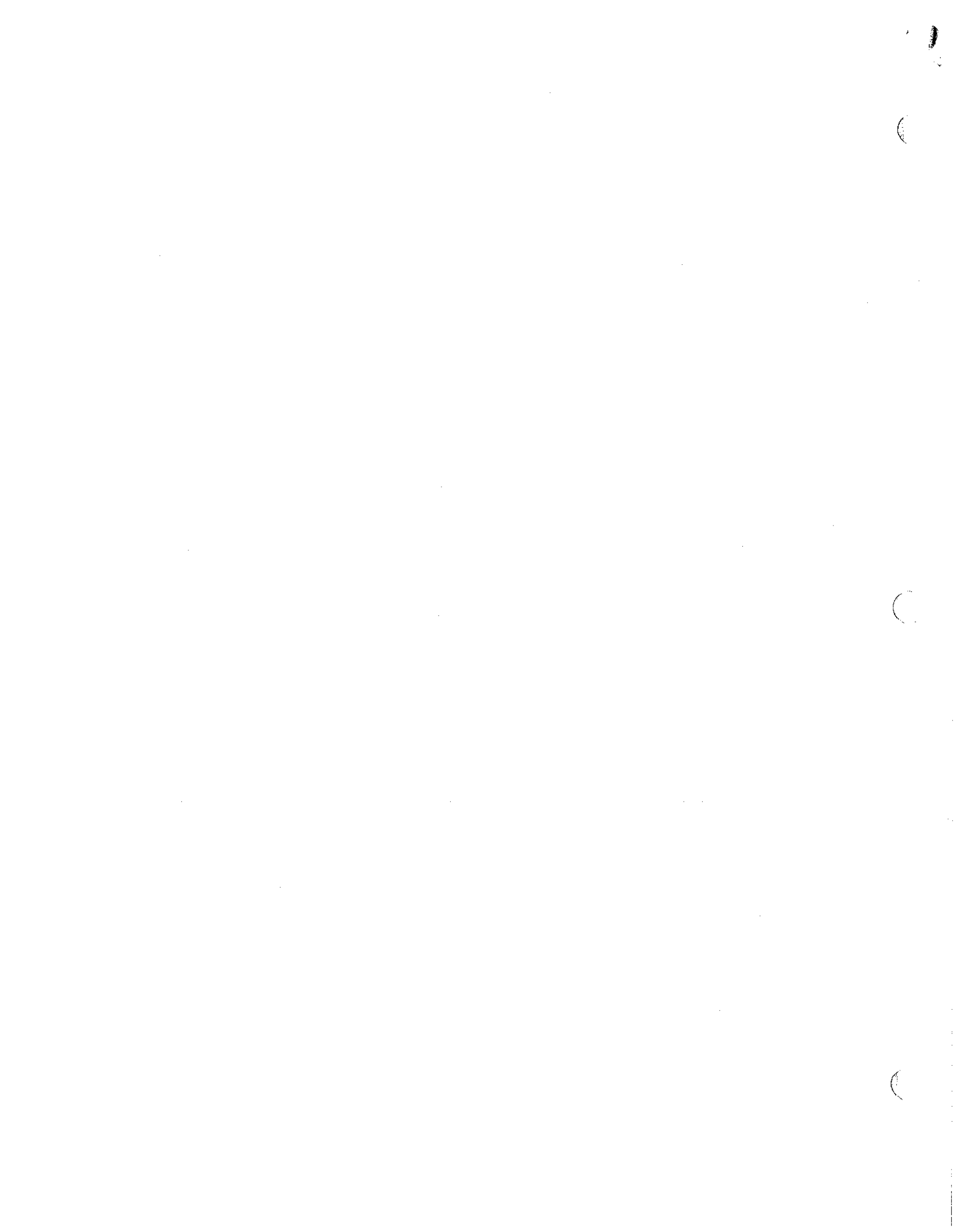
Then in 1995 Deb and Neil Krueger carried on the tradition on Krueger trees in the valley when they started selling Christmas trees on their farm in Lake Elmo. After working with Neil's parents for 40 years they were ready to continue the family tradition of raising trees along with most of the same friends and family that had been so important to the success of first farm.

In addition to precut trees Neil and Deb added cut your own trees to accommodate the many families that wanted the old fashioned experience of cutting your own tree. Our customers can select a tree from our fields in October when the weather is warm and then come back to cut it at Christmas. They can also choose a tree during the Christmas season to cut down for their home.

Krueger's Sprucegate Farm was formed in 1983 when Neil and Deb bought Neil's Grandparents farm in Lake Elmo. This land was farmed by Fredrick Krueger with horses into the mid 1950's. We have been members of the National and Minnesota Christmas Tree Associations.

Our farm in Lake Elmo carries on the same traditions that keep our customers coming back each year. We pride ourselves in the service we provide. All our trees are shaken to remove the old needles. We wrap the trees for easier handling and better protection of the tree. Then we'll load and tie the tree on your car. After Christmas we will take the trees back and recycle them by chipping them for mulch. Then during Earth Week in April we give out seedlings to complete the cycle of growing trees.

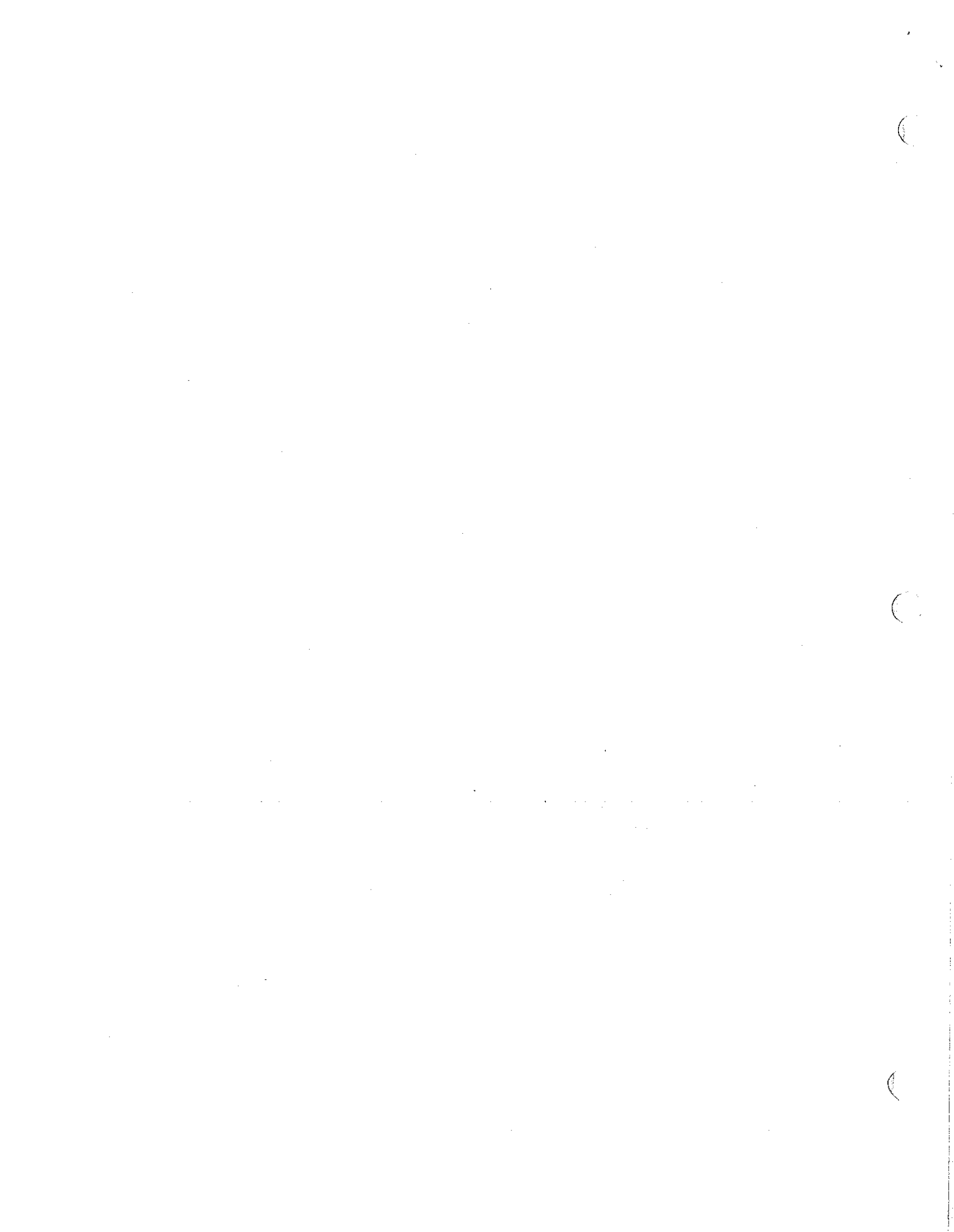
Neil and Deb Krueger  
Christmas 2005  
Krueger's Sprucegate Farm of Lake Elmo  
651-439-9186



KRUEGERS CHRISTMAS TREE FARM  
4452 LAKE ELMO AVE N

N ↑









## REAL CHRISTMAS TREE FACTS

It is important for the Earth and all living things, to grow trees. Trees are the largest and oldest plant on Earth. Christmas trees are a very special part of the Cycle of Life, and are important to our environment for many reasons!

*Real trees are renewable, recyclable, and bio-degradable*

*Real trees cleanse the air of noxious toxins and poisons. They take in carbon dioxide and give off clean, fresh oxygen*

*One acre (1000) trees produce enough oxygen for 16 people to breathe!*

*Growing trees promotes more rainfall*

*Real trees provide habitat for birds and animals*

*Real trees prevent soil erosion and hold the ground in place*

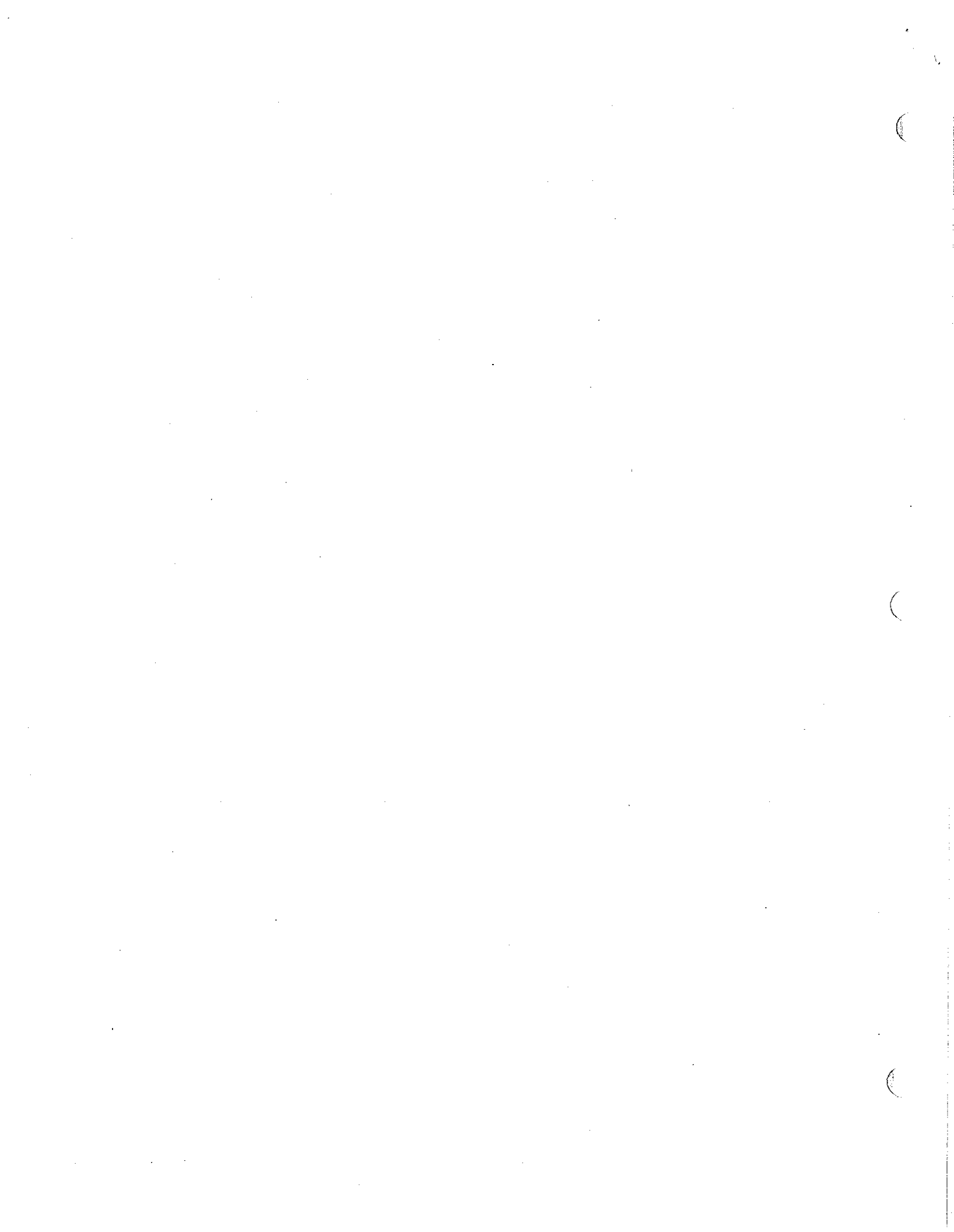
*Real trees absorb noises and cool our cities*

*Recycled trees can be used as protection for fish in ponds and streams and provide mulch for gardens, playgrounds and walkways*

*Artificial trees contain non-biodegradable, or bio-degradable plastics, metals, and lead. They are not renewable, recyclable, or bio-degradable and can take up to 100 years to decompose in a landfill*

*Real trees are All-American! They're grown in every state, including Alaska and Hawaii*

We must take care of the Earth and everything in it.  
It is a part of the air we breathe, the water we drink, and the food we eat.  
We are all a part of the *Cycle of Life!*



# GROWING EXOTICS...

In September 2005 the University of Minnesota and the Minnesota Christmas Tree Association hosted the 7<sup>th</sup> Biannual Exotic Conifer Conference and Field Day in Grand Rapids, Minnesota. The goal of this conference is to share the most current information on growing and marketing exotic conifers. Exotic conifers are new varieties of evergreen trees that are being grown in the Midwest for the first time. I attended to find out which one of these new varieties would be good for Christmas Trees.

The 3 day conference drew in tree growers from across the U.S. and from Canada and Europe. The Minnesota Christmas Tree Association and the University of Minnesota in 2001, planted four experimental plots of exotic conifers in different parts of Minnesota. The purpose was to see which of the 20 different varieties do well in Minnesota. The six varieties showing promise for Minnesota are: Siberian Fir, Canaan Fir, Korean Fir, Bracted Fir, Meyer Spruce, and Swift Silver/ Concolor.

Several years ago we began experimenting with some of these exotic varieties on our farm in Lake Elmo. Canaan Fir is doing the best on our soils. We have been selling a limited amount of them for Christmas trees with good results. They are a cross between the Balsam and Fraser Fir with good needle holding characteristics, rich green color and a healthy look.

Meyer Spruce were planted four years ago and are looking good with upright branching and stiff branches for holding heavy ornaments. This variety seems extremely hardy because every seedling we planted has grown.

Our Korean Fir were planted four years ago but have a hard time growing tall. They seem to grow more horizontal than vertical. The color of these trees is unique because the under side of the branches are a showy white color that flashes in the wind. Once these trees get taller they will be a popular Christmas tree.

We have a small amount of Siberian Fir that we planted this year. Although to early to predict how they will do they have an unusual citrus smell to the needles.

Our involvement with the Minnesota Christmas Tree Association and the University of Minnesota has been extremely important for us to be on the leading edge of providing the finest and most unique Christmas Trees for our customers.

Neil and Deb Krueger  
Christmas 2005  
Krueger's Sprucegate Farm of Lake Elmo  
651-439-9186



# IDEAS FOR 2011

① Add warming house history to website

② Put up sign in warming house describing its history

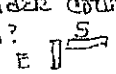
- put up pic of visiting Norwegians

③ Put up sign in warming house describing farm history / timeline on website

④ Create sign for south end of barn.

"More trees displayed inside" ENTRANCE SIGNS  
"Please pay inside"

- Add more "string bulbs" lights over large tree area and east side of barn and shop to NW corner of barn
- Add a new line on south side of house for reserved trees.
  - Maple to light pole to NW corner of warming house?


• Move counters to SE corner of barn put counters on wheels to push along east wall when season over. Consider counters at right angles east + south? 

make new, smaller counters on wheels!  
• Need to rewire phone/power lines

• Add a switch to red shaker.

• Add more string buckets in parking lot (put on posts?)

• Update the cut-your-own kiosk (more formal) move so both sides can be read, maybe in middle of driveway?

• Create new way to display garland!!  - also for different sizes of plain wreaths  
Put up GARLAND ON TREE ~~area~~

• Rearrange layout new parking area

• Extend baking wagon?

• Add new line for tall trees that parallels east side of garage (along entry way)

• Add sign to temporary fence at entrance - An ENTR on 43<sup>RD</sup>

"Enter here. Please exit through South entrance"

⑤ Buy cider in concentrate?

⑥ Buy a commercial-type cider machine?

• Create new wreath display racks ~~boxes~~

- I would like to create separate areas for each type, size, & kind of WREATH: crosses, candy cones, lg. wreaths, swags, etc.

• Use posts instead of A-frames on lines (total?)

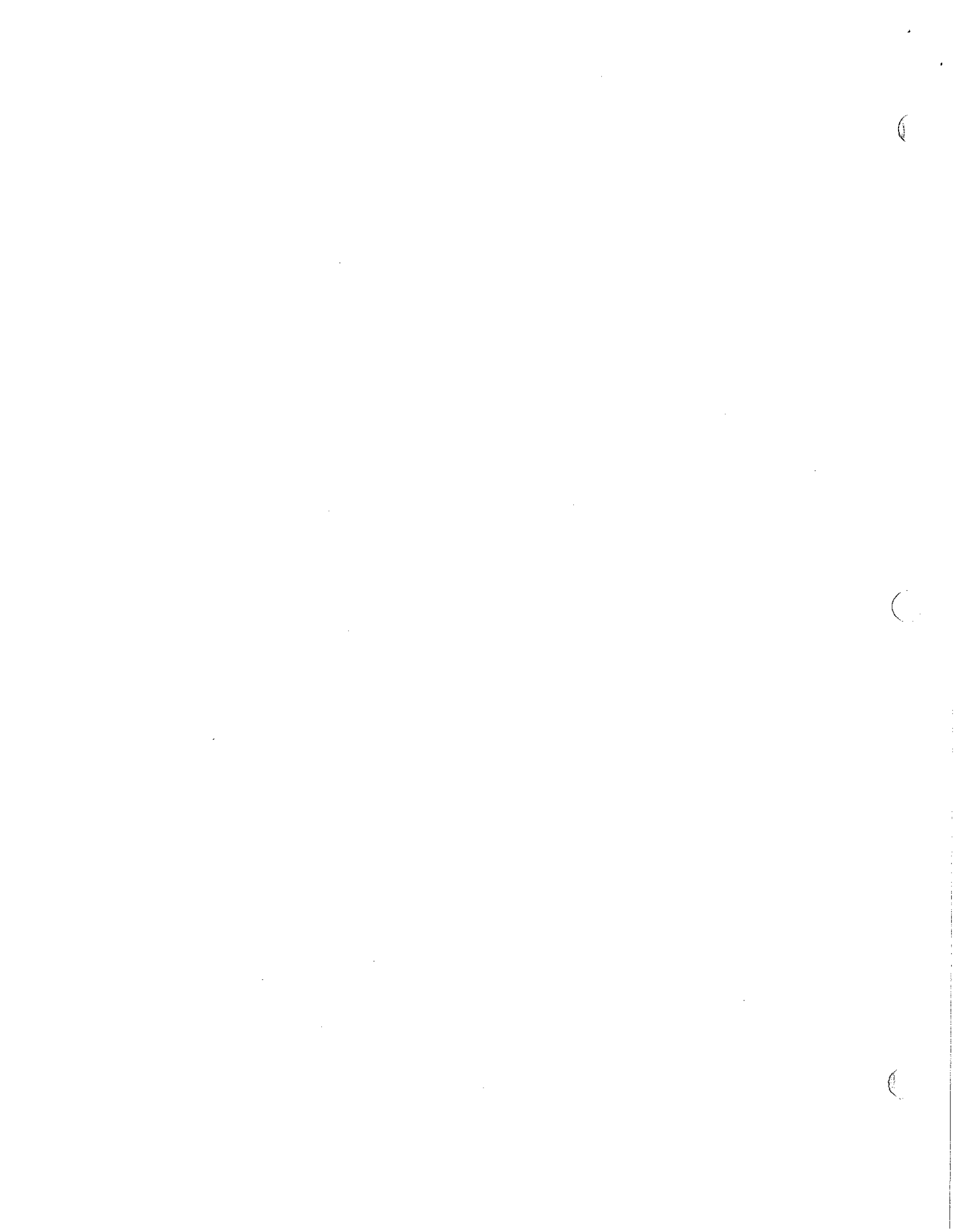
• Further refine tie-on designated area. ~~boxes~~ Put in posts?

• Improve tree stand displays  $\approx$   $\approx$   $\approx$  TAG: PLEASER DESCRIBING EXACT STAND

• Re-do east side of tree barn to utilize wreath accessibilities + SNOW REMOVAL  
consider a ROOF?

- smoke detector in left / fire extinguisher, too





11-1-11

\* Buy new flashlights & charge flashlight batteries

✓ WARMING HOUSE ROOF LIGHTS

- STORAGE PILE BRACES

- SWITCH FOR SHAKER

- SIGNS - ENTER EXIT NEW SIGNS ; PLACEMENT

-- BRACES ; CABLES TREE LOT

- LIGHTS TREE LOT ; NEW AREAS

- CABLES FOR RESORUS ; E. SIDE GARAGE ; COME ALONGS

- DRILL MACH. NEW SPOT

- BAILING WAGON NEW SPOT

- CHECK ELECTRIC POWER NEEDS

- RACK FOR BAILOO ; DRILLED TREES

- DISPLAY FOR DOGWOOD - SPRUCE TOPS - GARLAND - WIRGATHS

- PICTURE AREA ; CAT OUTS

-- TAKE WOOD OUT OF BOUGH HOUSE

- Put UP ADDITIONAL FIELD SIGNS

✓ TAG CANAAN FIR IN FRASER FIELD

✓ MOVE ; REWIRE COUNTERS

✓ ACTIVATE PHONE LINE - 439-1758 ACTIVATE BY 11-2-11

- ALARM FOR 43RD ST. DRIVEWAYS (NORTHERN HYDRAULICS) (NEED 2)

- PARKING LOT DIVIDERS

- END BRACETS FOR FIAT BED WAGON

- NEW BUNGALOW CORPS PEOPLE WAGON

- CUT DOGWOOD

- CUT CEDAR

- CALL HORTLAND

- GROW LIST

- REPAIR JACKETS

\* Mitchell stands & tips

\* LIDER

- MAPPING DAY TREES

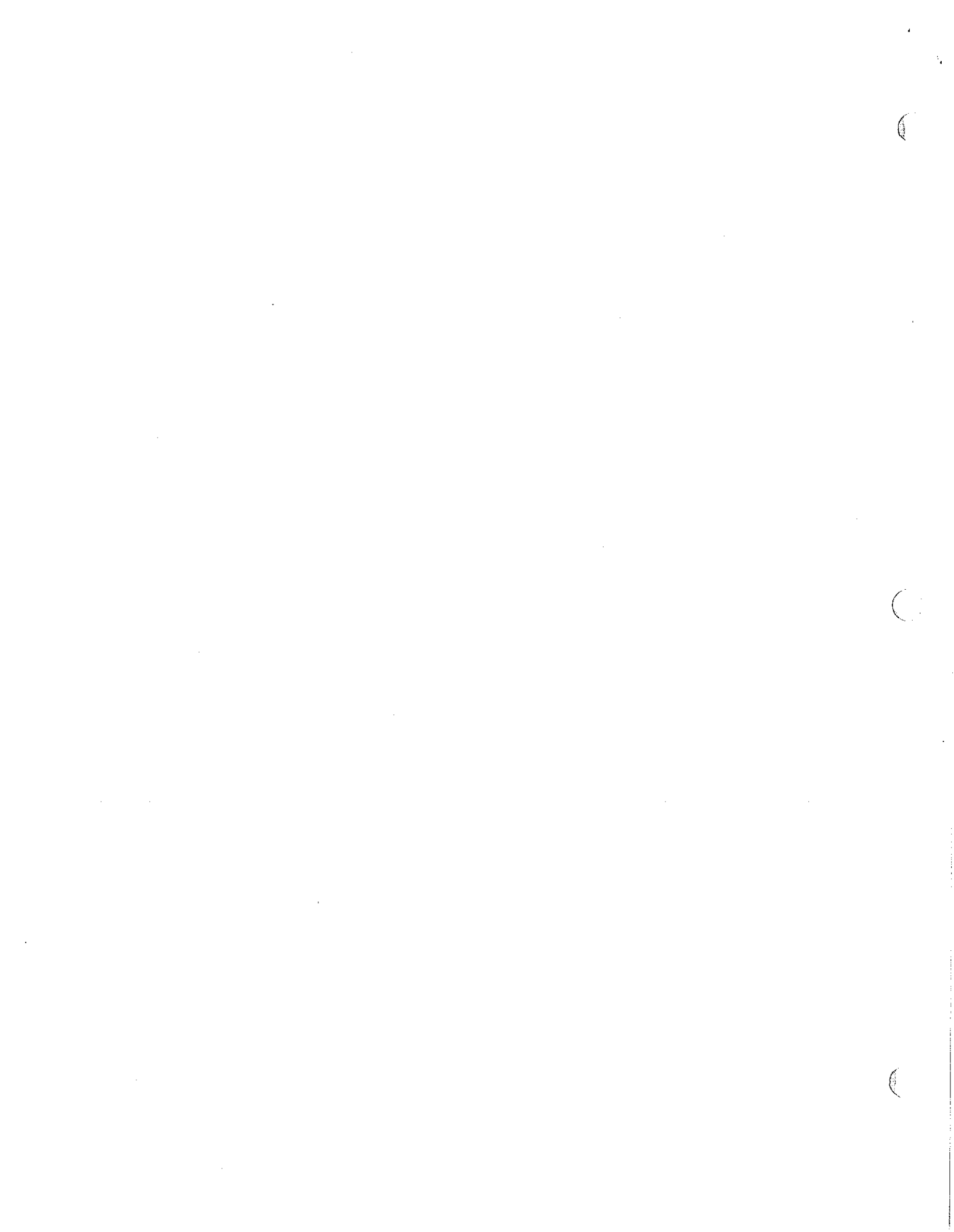
- BRACETS FOR WEATH STAN

- DRIVEWAY TREES + LIGHTS

- DRIVEWAY SIGN LIGHTS

- STAMP FOR TREE TAGS  
- TEST Saws (TAY INCREASE)

\* Call Jane Sogstad to repair jacket





# The gift of a tree

Debbie Krueger  
Krueger Tree Farm

I have been given the gift of growing trees. Christmas trees. And what a wonderful gift it is to be able to see the past, present and future all at the same time.

The Krueger family has been growing Christmas trees in the St. Croix Valley for over 50 years. We have had our farm in Lake Elmo for 20 years.

The cycle of seasons has given us another opportunity to plant our seedlings. Baby evergreens begin as seeds collected from cones. They can take a year to germinate. Then they sit in a transplant bed for another two to three years. It takes six to 10 years to grow an average size Christmas tree, and fir trees can take twice that long.

For every tree harvested at Christmas, two to three seedlings are planted in its place. There are about one million acres of Christmas trees growing in the U.S. Did you know that a field of growing trees is like a "fresh-air factory?" When they blow in the wind, they cleanse the air of gases, toxins, ash and pollutants. They also remove carbon dioxide from the air and give us oxygen to

breathe. Each acre of 1,000 trees gives off enough oxygen for 18 people.

Through the years, I have made the acquaintance of many trees. It is a wise person who seeks the counsel of a tree. An oak can teach us about strength and timelessness. A cottonwood can teach endurance; a willow, grace.

Fruit trees teach us abundance. An elm tree will teach us all we need to know about patience. They show us how to be strong, even in the weakest of times.

“...What a gift it is, to be given the gift of growing the Earth.”

—Thoreau

Something in each of them touches my heart and links me to the ancient rhythms and source of peace. Some say it is the closest we can get to God.

Trees provide habitat for many birds and animals, as well as food for the hungry and rest for the weary. They provide lumber for our homes, and improve the rainfall. Their roots hold the soil in place and prevent erosion. Recycled chips are used in parks and woods for walkways and paths. They shade us and keep us cool in summer, and give us their wood in winter for warmth. They are renewable and recyclable.

Our understanding of their place in this world is very clear. Trees are so much like us. They have their feet on the ground, their heads in the sky. They respond to the changing seasons, to drought and plenty. They know peace, and I believe they also know sadness. Their lives are understood in years. We can watch them grow, we touch them and know their wildness. We can sit beneath them and know peace.

As Kent Nerburn says in his book "Emeralds" "graces"

We are all connected to trees, as we are the Earth. We live not only in nature, but it lives in us. It is the air we breathe, the water we drink, the food we eat. If there were no rocks, our bodies would have no minerals. If there was no water, our cells would dry up and we would die. The sun makes the earth grow and flourish. The moon turns the season. We are all a part of the cycle of life. Everything lives. Everything dies. If only I can remember this, it is enough.

Each of us has a renewable contract with the Earth. As long as we inhabit it, our seeds of thought and action will matter. Is it any wonder that the Buddha became enlightened under the Bodhi tree, or that Jesus taught us "a good tree bears good fruit?" The Iroquois called their wise people "tall pines." Consider the future. Our children's children will be left with whatever legacy we leave behind. Surely, they will challenge us if we don't make an effort to protect this planet. The things we have created and planted are our touch upon the Earth: a seedling encouraged, a tree planted, a garden well-tended.

We are all equal here, born out of the same Earth. When I am out in our fields, I envision the different cultures and generations that have reached across our farm. We are stewards of this land now, and we are blessed.

So let us speak out for the Earth and for all of us who live here. Plant a tree. Look for peace. Sometimes I feel very humble to be a small part of such a plan. . . . very proud to be included in such a grand design. Let us, then, walking gently upon this Earth leave behind a simple legacy: that we loved the Earth, and we tried to love each other.





Responsibility  
 Visiting Santa  
 Warning Hours  
 For Cider  
 Nature Walk  
 Tree and Biting  
 Boughs Branch  
 Ice Cream  
 Tree Trunk  
 Uschalt's Site

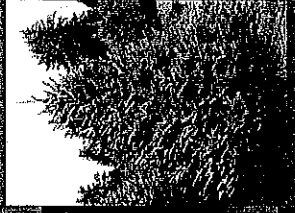


Visit our website at [www.kruegerschristmastrees.com](http://www.kruegerschristmastrees.com)



thousand trees

also with the other...  
 beach...  
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 we provide...  
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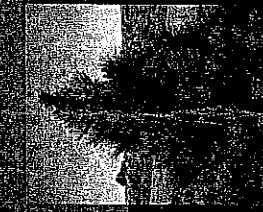
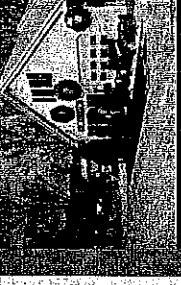


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thousand trees

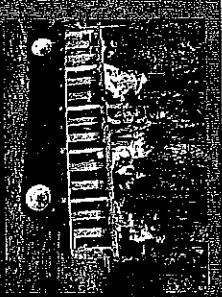
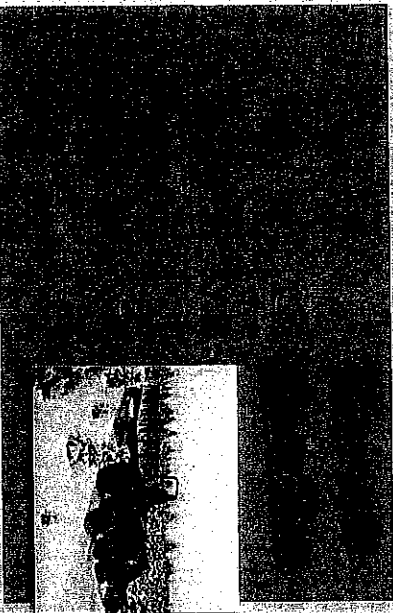
also with the other...  
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Visit our website at [www.kruegerschristmastrees.com](http://www.kruegerschristmastrees.com)

# Krueger's Christmas Tree Farm

WE BELIEVE IN THE TRADITION OF GROWING YOUR OWN CHRISTMAS TREE. WE'VE BEEN GROWING TREES SINCE 1955. WE'VE BEEN SUPPLYING QUALITY TREES & GREAT CUSTOMER SERVICE TO TWIN CITIES AREA FAMILIES SINCE 1955. WE ARE PROUD TO HAVE SUCH A LONG HISTORY AND TO CONTINUE TO GROW AND SERVE YOU. WE'VE DEVELOPED A DEEP CONNECTION AND RESPECT FOR THE LAND, ENVIRONMENT, & COMMUNITY.



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Visit our website at [www.kruegerschristmastrees.com](http://www.kruegerschristmastrees.com)

**Krueger's**  
Christmas Tree Farm  
"GROWING SINCE 1955"  
LAKE ELMO, MN



Please contact us if you have any questions, suggestions, or comments about the farm. Visit our website for up-to-date news & info, farm history, photos, and contact information.

**Krueger's Christmas Tree Farm**  
4452 Lake Elmo Avenue North  
Lake Elmo, MN 55042

651-439-9186

[info@kruegerschristmastrees.com](mailto:info@kruegerschristmastrees.com)



Visit our website at [www.kruegerschristmastrees.com](http://www.kruegerschristmastrees.com)

**Krueger's**  
Christmas Tree Farm  
"GROWING SINCE 1955"  
LAKE ELMO, MN

Our farm is a 4<sup>th</sup> generation Christmas tree farm. In 2013 we will become a Century Farm. We have been supplying quality trees & great customer service to Twin Cities area families since 1955. We are proud to have such a long history and future with this land. We have developed a deep connection and respect for the land, environment, & community.

Located in Lake Elmo between the cities of Woodbury & Stillwater, we are within 30 minutes of the Twin Cities metro area & western Wisconsin. We sell numerous species and sizes of trees, along with wreaths, garland, tree tops, stands, and other items. You may choose from our large selection of fresh, pre-cut trees or cut your own from our fields.

We invite you to start or continue your Christmas tree buying tradition with us!

**The Krueger's**



**Renewable - Sustainable - Recyclable**

**Krueger's Christmas Tree Farm**  
4452 Lake Elmo Avenue North  
Lake Elmo, MN 55042

651-439-9186

[info@kruegerschristmastrees.com](mailto:info@kruegerschristmastrees.com)

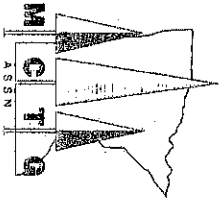


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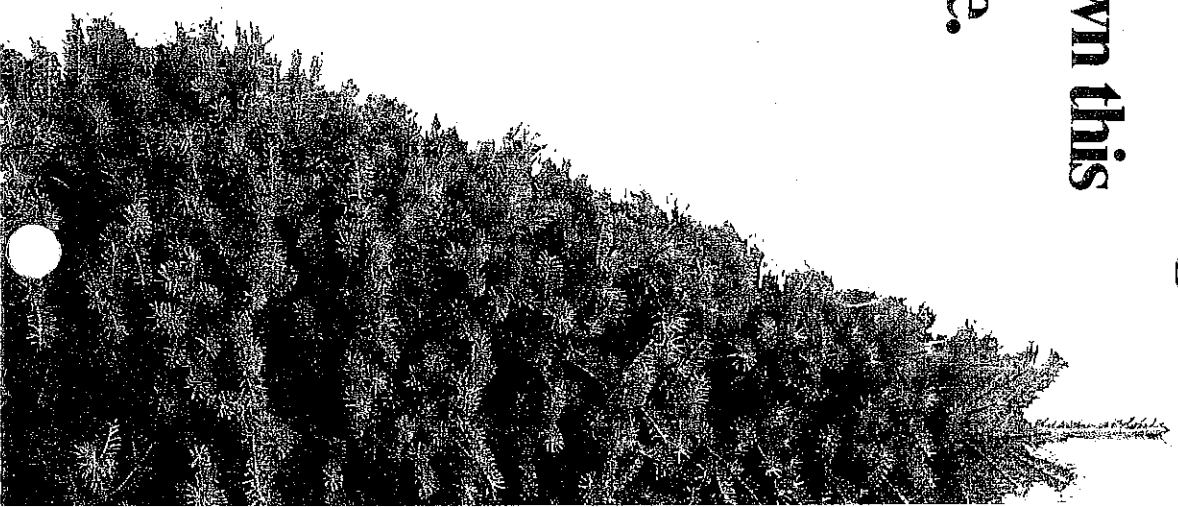
**Choose a  
RealTree  
this Christmas,  
and contribute  
to a healthy  
environment.**

*This brochure was  
produced by the  
Minnesota  
Christmas Tree  
Growers'  
Association.*



*Printed on recycled paper.*

**To preserve our  
environment,  
we're cutting  
down this  
tree.**



For almost eight years, this Christmas tree has been helping to clean our environment. It has removed carbon dioxide from the air. It has reduced pollution by absorbing noxious gases and converting them to clean, breathable oxygen. It has increased soil stability. It has filtered particles of sand,

dust, ash, pollen and smoke. And it has provided a natural habitat to a wide variety of wildlife.

Now we're cutting it down.

Unlike a typical farm crop, Christmas trees are a renewable, recyclable product that continually benefit our environment.

Each spring, Christmas tree growers plant an average of three trees for every tree that was harvested during the Christmas season.

These trees

...a recycled RealTree will benefit our environment, unlike a discarded artificial tree that will take hundreds of years to decompose in an area landfill."

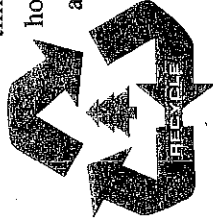
Each spring, Christmas tree growers plant an average of three trees for every tree that was harvested during the Christmas season."

are then nurtured and shaped for five to fifteen years to enhance the natural growing process. Some varieties of Christmas trees are also tinted to preserve their natural evergreen color during the dormant winter season. Finally, your RealTree is cut down so that it may become a part of your family's Christmas tradition.

Once Christmas is over, your RealTree can be converted to mulch in a seasonal recycling program. This mulch is then used in a variety of ways—to cover hiking trails in area parks, to serve as a protective covering in your garden, or to help retain moisture around a newly planted tree. Most importantly, a recycled RealTree will benefit our environment, unlike a discarded artificial tree that will take hundreds of years to decompose in an area landfill.

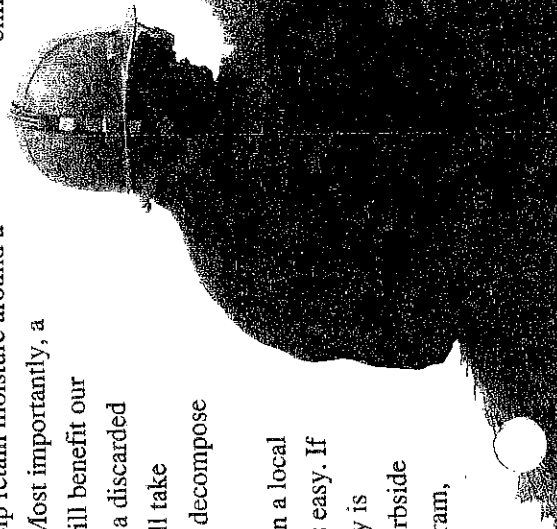
Participating in a local recycling program is easy. If your community is sponsoring a curbside collection program, simply remove

all the decorations from your tree (including the tree bag) and leave it by your curb for pick-up. Or, if your community is sponsoring a drop-off recycling program, bring your tree to the closest drop-off site during the specified time. Your tree will be converted to mulch using a tree chipper, and often times you're invited to take the wood chips home for use in your yard or garden. For added convenience or fundraising opportunities, community service groups may provide curbside collection services for a small fee.

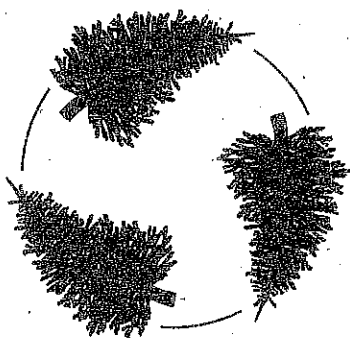


Once you've discovered all the advantages of a RealTree, you'll realize its continued importance to the preservation of our environment. And you'll come to realize that by choosing a RealTree, you're promoting environmental awareness for the next generation. Our children.

Your tree will be converted to mulch using a tree chipper, and often times you're invited to take the wood chips home for use in your yard or garden."



# YOUR RealTree



## The Environmental Choice

*Congratulations on making the best environmental choice for this holiday season.*

Real Christmas trees are an all-American, **recyclable** and **renewable** resource that can be converted into a useful mulch after the holidays. This is unlike a discarded artificial tree that may not decompose for hundreds of years. Tree farms stabilize soil, protect water supplies and provide **refuge for wildlife**. Many communities now offer Christmas tree recycling programs but you can also recycle your tree at home. You can use the tree branches for mulch in gardens or as a bird feeder, adding color and excitement to the winter garden.

**Breathe easy** with a real Christmas tree. Real Christmas trees absorb carbon dioxide and other gases to create fresh oxygen. One acre of Christmas trees produces the daily oxygen requirements for 18 people. The 1 million acres of Christmas trees in the United States translate into oxygen for 18 million people every day. For every real Christmas tree harvested, an average of three seedlings are planted in its place.

**Tradition** - Each year 35 million American families bring real Christmas trees into their homes, creating a warm and glowing part of their holiday **celebration**.

In 1842, Charles Minnegrode introduced the custom in Williamsburg, Virginia. His tree was described as "splendidly decorated" with strings of popcorn, gilded nuts and lighted candles. The 14th president of the United States, Franklin Pierce, was the first president to set up a Christmas tree in the White House.

**Real Christmas Tree Care - Caring** for your real Christmas tree is easy...the most important thing to remember is that real trees need water - just like a fresh bouquet of flowers. When you bring the tree home, cut one-quarter inch or more off the base of the trunk. If you are not ready to decorate it, keep the tree outdoors, protected from the wind and sun until you are ready to bring the tree into your home.

Before bringing the tree into your home and placing it in a stand, make another fresh cut, a minimum of one-quarter inch or more off the base of the trunk. This opens the tree stem so it can take up water. Immediately place your tree in the stand and fill it with fresh water. Keep in mind, if you allow the water level to drop below the fresh cut, a new seal will form over the stem.

**Trees are very thirsty.** They will drink between two pints and a gallon of water a day. Use a water-bearing stand with a water capacity of at least one gallon or more. Check the stand daily and supply fresh water as needed.

**Holiday Safety** - Check all electric lights and connections before decorating your tree and home. Do not use lights with worn or frayed cords and NEVER use lighted candles on your tree. Do not overload electrical circuits. Place your tree away from fireplaces and other heat sources. These elements can prematurely dry your tree. And, be sure to turn off all decorations before retiring at night and at any time you leave home.

*All the Best this Holiday Season  
from Your RealTree Retailer,  
Grower & the National  
Christmas Tree  
Association.*

