

## LAKE ELMO PLANNING COMMISSION MINUTES

OCTOBER 28, 1991

Chairman John called the joint meeting to order at 7:10 p.m. in the city council chambers. Present: John, Conlin, Stevens, Thomas, Delapp, Schubert, Weeks (arrived 7:15), McLeod (arrived 7:25, departed 9:20), Johnston (arrived 7:35), Enes (arrived 7:45), Councilmen Dick Johnson, Hunt and Williams, City Administrator Kueffner. Absent: Bucheck.

The Council members and Commission members went through the PZ workplan. Councilman Williams stated he encourages the Planning Commission to make requests through the City Administrator to the council to direct the City Engineer or Attorney to assist the commission when they feel the need for expert advise when making recommendations on standards or ordinances.

Councilman Johnson suggested the PZ minutes and agenda contain a section that was devoted every meeting to communication with the council on whatever questions or recommendations came up and request they be put on the council's agenda and the response returned to the PZ in the council's minutes.

The Planning Commission requested staff to give them a yellow sheet each month with the Work Plan with the relative priorities and what progress has been made.

Chairman John called the regular Planning Commission meeting to order at 8:00 p.m.

### 1. AGENDA

Move item 3. after item 5., Add item 9. Other - request to City Engineer.  
M/S/P Conlin/DeLapp - to approve the agenda as amended. (Motion carried 9-0).

### 2. MINUTES: September 23, 1991

M/S/P Conlin/Enes - to approve the September 23, 1991 minutes as presented. (Motion carried 9-0).

### 3. REVIEW OF PRELIMINARY PLANS FOR CSAH 10.

At its October 15th meeting the city council voted to refer the county's preliminary plan for CSAH 10 to the planning commission for their review.

Administrator Kueffner presented the county's map and the proposal, and asked the commission to gather their thoughts and questions for Dick Herold. One question the commission asked was is this a benefit for West Lakeland, Woodbury and Oakdale only - what benefit is it to Lake Elmo? Another question asked was what about wetland replacement - is Lake Elmo going to have to take all that responsibility? One suggestion was a divided highway from I-694 only to the edge of the water then narrowed to two lane to Co. Rd. 13. Another recommendation or comment is to just create a better two lane road with wide shoulders, rather than a divided highway, and asked Mr. Herold to address reasons against this.

The consensus of the Planning Commission did not endorse the county proposal as presented and request more evidence, facts and figures of traffic counts and also traffic counts of two lane highways with higher traffic counts than existing divided highways (such as Highway 5).

**4. REVIEW OF "NEW LIFE HOMES": A REQUEST FOR A  
CONDITIONAL USE PERMIT IN THE RR ZONING DISTRICT FOR A  
PRIVATE NURSING HOME.**

New Life Homes has requested a concept review for a CUP that would allow them to "provide non-institutional long-term care (2-9 years) for older adults in the early to middle stages of Alzheimer's and dementia related issues and disorders by adapting and structuring the care delivery, staffing arrangements and physical environment to fit and support the unique need of individual residents." The parcel of land that New Life Homes is looking at is located at DeMontreville Trail and Highway 36. The residence would accommodate 18 to 24 (maximum) residents on a 22 acre parcel.

The commission discussed allowed uses for the RR zoning district. The commission was concerned about having to allow this use in any of the other Rural Residential zoned lands within the City. Some suggestions were to rezone the property, give this further study especially the traffic concern, or do an overlay of Hwy 36 area. The consensus of the Planning Commission was in favor of this use for this piece of land, however it is not an allowed use in the RR zone.

**5. DISCUSSION ON AMENDMENT TO THE CITY CODE THAT WOULD  
ALLOW FOR "LOT LINE ADJUSTMENTS".**

**M/S/P Enes/DeLapp** - to recommend adding to our code: Exceptions to Platting:

The City may allow a transfer of property by resolution of the City Council provided that:

1. Property owner provide survey of the property to be conveyed.
2. Transfer of property will not result in either piece of property becoming non- conforming
3. Property conveyed must be combined with the parcel to which it is to be attached with the result being one legal description for entire parcel.

**(Motion carried 9-0).**

**6. DRIVEWAY ORDINANCE (REPORT FROM SUBCOMMITTEE).**

The subcommittee is to report back to the PZ with a definite written proposal and a sketch of their definition.

**7. MUSA/BUSINESS PARK/OFFICE PARK ORDINANCE.**

The commission discussed and voted on Conditional Uses. There will **not** be a workshop meeting on November 4th. There will not be a **regular** PZ meeting, but **there will be a workshop meeting on Monday, November 11th.**

The Planning Commission requested the City Administrator show the City Attorney what has been drafted so far on the MUSA business park ordinance, and give the commission a legal opinion or advise as to how they're doing.

**8. OTHER**

The Planning Commission requested the City Administrator to ask the City Council to authorize the City Engineer to draft a "Fill Ordinance" and "Holding Pond Standards".

The meeting was adjourned at 10:30 p.m.

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

#### AGENDA

#### LAKE ELMO PLANNING COMMISSION

OCTOBER 28, 1991

- 7:00 P.M. 1. JOINT MEETING WITH CITY COUNCIL CONVENES  
2. JOINT MEETING WITH CITY COUNCIL ADJOURNS
- 7:30 P.M. 1. REGULAR PLANNING COMMISSION MEETING CONVENES  
2. AGENDA  
3. MINUTES: September 23, 1991  
4. REVIEW OF PRELIMINARY PLANS FOR CSAH 10  
5. REVIEW OF "NEW LIFE HOMES" A REQUEST FOR A CONDITIONAL USE PERMIT IN THE RR ZONING DISTRICT FOR A PRIVATE NURSING HOME  
6. DISCUSSION ON AMENDMENT TO THE CITY CODE THAT WOULD ALLOW FOR "LOT LINE ADJUSTMENTS"  
7. DRIVEWAY ORDINANCE (REPORT FROM SUBCOMMITTEE)  
8. MUSA/BUSINESS PARK/OFFICE PARK ORDINANCE  
9. OTHER  
10. ADJOURN

## LAKE ELMO PLANNING COMMISSION MINUTES

SEPTEMBER 23, 1991

Chairman John called the Planning Commission meeting to order at 7:35 p.m. in the city council chambers. Present: John, Johnston, McLeod, Stevens, Bucheck, Thomas, Delapp, Enes(arrived 7:40), Schubert (arrived 7:50) Conlin(arrived 8:00), City Planner Black. Absent: Weeks.

### 1. AGENDA

Add - 7. Other - Gjerstad Large Lot Subdivision, discussion of Woodbury & Oakdale letters to the City regarding MUSA, Floodplain update, Lighting Standards, Councilman Dick Johnson. M/S/P DeLapp/Johnston - to approve the agenda as amended. (Motion carried 7-0).

### 2. MINUTES: August 26, & September 9, 1991

M/S/P McLeod/Bucheck - to approve the August 26, 1991 minutes as amended. (Motion carried 8-0).

M/S/P Enes/DeLapp - to approve the September 9, 1991 minutes as amended. (Motion carried 6-0-2, abstain: Thomas, John).

### 3. PUBLIC HEARING: EVERETT BEAUBIEN

This is a public hearing to consider the application of Everett Beaubien, 3681 Kelvin Ave., for a large lot subdivision, and variance to the required 300 foot frontage on a public road and the 4:1 lot ratio required in the RR zoning district. Notice of the public hearing was published in our legal newspaper on September 11, 1991, and residents within 350 feet were notified. City Planner Mike Black has submitted a report with his recommendations.

Chairman John opened the public hearing at 7:50 p.m.

Mr. Beaubien presented his proposal and requested approval from the planning commission.

Patrick Curran, 3607 Kelvin Ave., stated he is opposed to this large lot subdivision. Mr. Curran stated he doesn't understand what the demonstrated hardship is for this variance, that it appears it must be an economic hardship which cannot be used as a hardship. Mr. Curran also stated that the bulk of this subdivided land will be under water, and because of public use of the lake since the park, we've gone past the statute of limitation where it's now a public lake regulated by the DNR and Mr. Beaubien cannot own that land under the lake. Therefore, Mr. Curran feels that Mr. Beaubien cannot use that land for his 10 acres, and feels he is doing this strictly for tax purposes. Mr. Curran asked that the hand-out given by him to the Planning Commission be made part of the public record.

Theodore Buchholtz, 3597 Kelvin Ave., stated he would have no objections if Mr. Beaubien would use the 40 acres to complete the 10 acres, but he does object to using the lake for this proposal, and believes there is an established level for the lake.

Mr. Beaubien stated the lake level will never go any higher than what is established as a high water mark, but there is no guarantee the lake level won't continue to go down. Mr. Beaubien stated he pays taxes on the property at the bottom of the lake.

Chairman John closed the public hearing at 8:20 p.m.

When the Commission asked Mr. Beaubien what the tract of land (100') surrounding the proposed 8.77 acres of the lake was for, he replied he wanted to divide it so that a portion will be his new property line and a portion will go to the Harstead's property. The Commission consensus to this response was that this proposal is not the one before them for recommendation tonight.

M/S/P Thomas/Enes - to deny this request for large lot subdivision based on the eight reasons stated City Planner Mike Blacks report dated 9/17/91 (pages 3-4). (**Motion carried** 8-1, against: Johnston - should table the request in order to give Mr. Beaubien a chance address the concerns raised and to review the information presented.)

#### 4a. COUNCILMAN JOHNSON

Councilman Dick Johnson wished to address the commission because he feels there is a misunderstanding regarding the Planning Commission subcommittee for Economic Development. Councilman Johnson stated the comment that the vote taken by the Council to direct the Planning Commission to form a subcommittee that would act as a liaison to the Mayor's Economic Development Advisory Committee that somehow made the Mayor's committee an official committee. Councilman Johnson would like to point out that the Mayor brought this matter before the council with the recommendation that he appoint the committee, the council pointed out to the Mayor that the members must be appointed by the whole council for it to be an official committee of the city. The Mayor elected not to have the council appoint this committee and appointed the committee members himself and announced this at a council meeting. Councilman Johnson stated there is nothing wrong with this, the League of Minnesota Cities handbook, Chapter 6, under Advisory Boards and Commissions, states, "An advisory commission may be an ad hoc body which the council creates for a special purpose," the next sentence states, "some Mayors appoint these bodies informally to act as advisory groups without official powers." and that is exactly what has been done. There is no official recognition to this committee it is an informal committee, and **it is not inappropriate** for the PZ commission to hear this committee's recommendations anymore than it would be to hear recommendations from the Chamber of Commerce or the Tri-Lakes Association. There are lots of groups within the city that are not officially appointed by the council to study matters before the city. It is Councilman Johnson's opinion that it remains an unofficial and informal committee of the Mayor to study on a matter he feels needs some study, and as far as Councilman Johnson is concerned the Planning Commission can set up whatever subcommittee it pleases, and establish what membership it wants on that committee, whether it wants to seek outside help or whatever. Commissioner McLeod stated he wanted to clarify that at the last pz meeting the statement was made that this committee wasn't acknowledged by anyone but the Mayor, and Commissioner McLeod stated that it was acknowledged by the city council by that vote, but he did not say that the Mayor's Economic Advisory Committee was an official committee of the city - only that it was acknowledged by the vote, and he still stands by that. Commissioner Enes asked Councilman Johnson if this is an at large committee, and not official, how does the open meeting law affect it? Councilman Johnson stated "I don't think it does, not in my opinion, its a private committee."

**4b. PLANNING COMMISSION WORKPLAN**

The Planning Commission went over their workplan and added a few more items and revisions, then discussed the date for a meeting with the council.

**4c.** The Planning Commission **cancelled** their next regularly scheduled meeting, **October 14, 1991**, due to it being a legal holiday. The next scheduled meeting will be Monday, October 28, 1991.

**5. JOINT MEETING WITH THE CITY COUNCIL: SET DATE & TIME:**

The Planning Commission set the date and time for their joint meeting with the City Council to discuss their 1991 workplan as: **Monday, October 28, 1991, at 7:00 p.m.**

**6. RECOMMENDATION FROM SUBCOMMITTEE ON DRIVEWAYS**

**M/S/P Thomas/Enes** - to table discussion for two weeks for consideration of the handout from the subcommittee. (**Motion carried** 8-1, against: Bucheck).

**7a. ROLLING HILLS:**

**M/S/F Conlin/Johnston** - to recommend approval of the preliminary plat of Rolling Hills contingent on: 1) the applicant receiving the Valley Branch Watershed permit, 2) Core of Engineer permit, 3) DNR permit, if required, 4) the City Engineer's approval of the final design, 5) the applicant pay a park dedication fee in lieu of land of 7% of the fair market value; based on the finding that the preliminary plat complies with the RE zoning standards. (**Motion failed** 4-5, against: Thomas, Stevens, Bucheck, DeLapp, John - reason: Lot 3 Block 1 doesn't meet the lot ratio, Block 2 Lot 2 is peculiar in shape-1400 ft street frontage, concerned about giving approval before VBWD issues permits, and disagree with the suggested street light).

**M/S/P Thomas/Enes** - to recommend approval of the preliminary plat of Rolling Hills contingent on : 1)the applicant receiving the Valley Branch Watershed permit, 2) Core of Engineer permit, 3) DNR permit, if required, 4) the City Engineer's approval of the final design, 5) the applicant pay a park dedication fee in lieu of land of 7% of the fair market value; based on the finding that the preliminary plat complies with the RE zoning standards, 6) also with the recommendation that the bottom strip of land (that follows the southside of 53rd street which is the west portion of Lot 2, Block 2) with the potential requirement for a variance be satisfied as part of final plat approval. (**Motion carried** 7-2, against: Bucheck, Stevens - for the same reasons as the previous motion).

**7b. RON GJERSTAD LARGE LOT SUBDIVISION**

**M/S/P DeLapp/Enes** - to recommend approval of the proposed large lot subdivision for Ron Gjerstad, 11311 50th Street, as presented by revised survey dated 9-23-91, subject to: 1) dedication of all drainage easements shown, 2) recognize variance to lot ratio and lot width to depth easements with the hardship of existing topography, trees and wetlands, 3) the new driveway cannot be in or through drainage easements, 4) payment of \$700.00 for park dedication. (**Motion carried** 6-1-1, against: Bucheck - the 4:1 lot ratio variance needs to be explained that the demonstrated hardship is the existing buildings; abstain: Thomas - was not present for the public hearing).

**7c. DISCUSSION OF WOODBURY & OAKDALE LETTERS RE: MUSA**

The Commission discussed the letters, received on September 3rd, from the City's of Oakdale and Woodbury regarding the City of Lake Elmo Comprehensive Guide Plan Amendment.

**7d. LIGHTING STANDARDS**

Commissioner DeLapp suggested adding lighting standards to the pz workplan.

**M/S/P Johnston/Thomas** - to adjourn the meeting at 10:10 p.m. (**Motion carried** 9-0).



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date. October 28, 1991

AGENDA SECTION REVIEW OF PRELIMINARY PLANS FOR CSAH 10	NO: 4.	ORIGINATING DEPARTMENT:  BY:
ITEM:		APPROVED FOR AGENDA BY:

We were provided with one large map from the County which will be available at the meeting. We have also attached a draft excerpt from the meeting where Dick Herold, Washington County Engineer, presented this plan to the Council, along with Mr. Herold's memo.

OCT 9 1991



# WASHINGTON COUNTY

## PUBLIC WORKS DEPARTMENT

11660 MYERON ROAD NORTH • STILLWATER, MINNESOTA 55082-9573  
612-439-6058 Facsimile Machine 612-430-0472

Donald C. Wisniewski, P.E.  
Director Public Works/County Engineer

Mark L. Mattson,  
Assistant Director Public Works

Richard D. Herold,  
Design/Construction Engineer

John P. Perkovich,  
Parks Director

Lawrence W. Bousquet,  
Traffic and Maintenance Engineer

Lyle C. Doerr  
Facility Manager

October 7, 1991

Ms. Mary Kueffner  
Lake Elmo City Hall  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

RE: CSAH 10, 10th St. N. (CP 1003)

Dear Ms. Kueffner:

Enclosed for your review are preliminary plan sheets and an aerial layout for CSAH 10. Specifically, the following items should be reviewed.

1. Streets and Entrances

The proposed streets and median crossovers are in the locations that were agreed upon by Oakdale and Lake Elmo. The entrances shown on the plans will be built, and if not shown will be eliminated.

2. Utilities

If you would like any city utility work, such as sewer or watermain, done concurrently with this project, please submit the plans to this office for inclusion in the project. Geotextile fabric will be used in all muck areas, so this will limit the areas in which the city can excavate once construction is completed. Please review your future plans, and if possible, at least include centerline crossings of utilities to avoid problems in the future.

3. Bikeway/Pedestrian Path or Special Items

If you would like a bikeway/pedestrian path, or any other special items, included in the project, please submit design information to this office. As discussed at a previous meeting, the County could construct the 12 foot berm needed for a bikeway, and pay for the necessary earthwork, but the city would be required to pay for the bituminous surfacing.

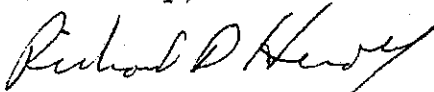


Letter to Mary Kueffner  
October 7, 1991

Current plans are to purchase 60 feet of right of way north of the westbound centerline, and generally 60 feet of right of way south of the eastbound centerline, with some exceptions. The north side would be a better location than the south side because of right of way limitations, and also because there is less encroachment into the wetlands. Additional easements will be needed if a bikeway is constructed. Since a right of way plan will be submitted to State Aid in December, we will need this information soon. It will be the city's responsibility to pay for any additional right of way or easements required.

Please review the preliminary information and let me know if you are in agreement with the street and entrance locations. If you would like a bikeway/pedestrian path or any utilities included in our plans, please let me know. Any city participation will need an agreement showing costs and responsibility.

Sincerely,



Richard D. Herold, P.E.  
Design/Construction Engineer

Metrolink bikeway  
comp plan  
1/2 mile north route  
reputation  
Keats Ave bikeway

Steve DeLapp  
Submitted 10-15-91

is an express commuter route, connecting Stillwater and downtown St. Paul. This route travels Lake Elmo Avenue to County Road 70, stopping in the Old Village area and at Cimarron Mobile Home Park. Four buses leave for St. Paul during morning rush hours, and three return through Lake Elmo during evening rush hours.

## e. Pedestrian/Bicycle Facilities

Sidewalks are located within the Old Village and the Cimarron Mobile Home Park.

Several hiking trails exist or are proposed for both the regional and local parks. These trails provide a variety of recreational hiking activities.

## 2. Analysis

### a. Highways and Roads

#### \* Travelled surfaces

Many of the roadways have had a change in classification, or in the future anticipated use, since the 1979 Comprehensive Plan. Of significance to the City is the I-94 Freeway along the southern border. As a result of the establishment of the new Limited Business District, it is anticipated that traffic will increase on the I-94 frontage road.

The upgrading of County Road 15 (Manning Avenue), by moving its location, increasing the permitted speed, and providing direct access to I-94 has reduced the amount of traffic on County Road 17 (Lake Elmo Avenue). County 17, the main street of Lake Elmo, runs by the Lake itself and through the center of the Old Village. The decrease in major north-south traffic has enhanced the viability of the residential area of the Old Village.

County Road 70 (Minnehaha Avenue) has the potential of becoming a route between West Lakeland, Woodbury and Oakdale, paralleling the Freeway. The City would oppose any proposal by the County to make this another major east west thoroughfare like TH 5, which has proven to be damaging to the cohesiveness of the City and the safety of the residents.

The proposed County road construction plan for 1990-2000 is shown on Map 14.

Major land use planning considerations for TH 36 involve maintaining residential and agricultural land use and preventing commercial "strip-development" adjacent to the highway rights of way. In addition, the intersections at Hilltop Trail, DeMontreville Trail, Keats Avenue (C.R. 19), Lake Elmo Avenue (CSAH 17), and Manning Avenue (CSAH 15), are controlled by stop signs on the north-south roads. Traffic is already more than half that on I-94 and can be expected to increase significantly with completion of a major interstate bridge to Wisconsin now in final planning stages.

DRAFT

5. Dick Herold: Washington County Highway Dept.  
Discussion on 10th Street Improvements

Dick Herold, Washington County Engineer, provided preliminary plans for upgrading County Road 10. The road would be improved from two lanes to a four-lane thoroughfare with turn lanes and 8' bituminous shoulders. Herold indicated improvements are necessary because of deterioration of the present roadway and increased traffic counts. At the intersection of Inwood Avenue and County Road 10, the County estimates use at 6,500 to 7,000 vehicles per day and to promote safe travel through the area the road should be four lanes from the freeway to east of Inwood Avenue. Vehicle counts at the eastern edge of the proposed road improvement is significantly lower.

Councilman Mottaz voiced his desire in saving the trees along this road. He asked if the County had a policy for replacing any trees they remove.

Councilman Hunt stated the city wants a road that meets our needs, that does not restrict us, and is built for the future, but the scope of the project may be too large. Especially considering that Lake Elmo does not foresee any large development at the eastern edge of the proposed road improvement. He failed to see, at this point, the need to upgrade the road to this level.

Councilman Williams felt it was a tremendous overkill and was not a wise conservation of the land to put a 4-lane divided highway through a wetland and a lake.

Dick Herold responded he was willing to consider modifying the plan. They would look into grading the entire section and staging the additional 2-lanes somewhere down the road. They will also get a better handle on traffic projections.

Steve DeLapp pointed out it is stated in the Comp Plan that County Road 70 has the potential of becoming a route between West Lakeland, Woodbury and Oakdale, paralleling the Freeway. The City would oppose any proposal by the County to make this another major east west thoroughfare like TH 5, which has proven to be damaging to the cohesiveness of the city and the safety of the residents. DeLapp encouraged the City Council to refer this plan to the PZ to study the past history of the Wash. Cty Highway Dept. Our County is the only one in the entire Metro area, if not the state, that has never applied for a variance from state rules to save trees such as in Wayzata and Minnetonka.

No formal action was requested, they wanted to get the Council's reaction. They will be going to the City of Oakdale now and then back to the drawing board. This plan will come before the Council again.

M/S/P Mottaz/Williams - to refer the preliminary plan and aerial layout for CSAH 10 to the Planning Commission for their review.  
(Motion carried 5-0).

## REQUEST FOR PLANNING COMMISSION REVIEW

MEETING DATE: October 28, 1991

<b>AGENDA TOPIC:</b> JOINT MEETING WITH CITY COUNCIL Planning Commission Work Plan	<b>ITEM NO.</b>
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Attached is a copy of the Planning Commission's current work plan.

The purpose of this meeting is to go over the plan with the city council and to discuss any other items from which you may wish to seek direction from the council.

## REQUEST FOR PLANNING COMMISSION REVIEW

MEETING DATE: October 28, 1991

<b>AGENDA TOPIC:</b> Review of "New Life Homes" A request for a CUP in the RR Zoning District for a private nursing home.	<b>ITEM NO.</b> 5.
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New Life Homes has requested a concept review for a CUP that would allow them to "provide non-institutional long-term care (2-9 years) for older adults in the early to middle stages of Alzheimer's and dementia related issues and disorders by adapting and structuring the care delivery, staffing arrangements and physical environment to fit and support the unique need of individual residents.

The parcel of land that New Life Home is looking at is located at DeMontreville Trail and Highway 36 (the site at one time considered for the River Valley Christian Church-but denied).

New Life Homes has provided quite a bit of background information relating to its proposed project.

Although our code specifies certain uses to be allowed in the RR zoning district, I interpret the code (See Section 301.060C.4.D) to allow CUP's in any district, if the project meets the criteria set forth in our code.

Mr Bristol of New Life Homes will be at the meeting to discuss this proposal with you.

If the Commission feels this would be an appropriate use for this parcel of land, it should proceed with calling a public hearing.

One large map showing the structure will be available at the meeting.

d. The Board of Adjustment and Appeals shall decide any appeal or any application for a variance and issue its order with respect thereto within thirty (30) days from the date of the hearing thereon.

5. Record of Findings.

a. The Board of Adjustment and Appeals shall make written findings in any case of an appeal or application for a variance and shall state therein the reasons for its decision; the order issued by the Board of Adjustment and Appeals shall include the legal description of the land involved. Any such order shall be filed with the Zoning Administrator who shall immediately mail a copy thereof, bearing the notation of the filing date, to the appellant or applicant.

b. A certified copy of any order issued by the Board of Adjustment and Appeals acting upon any appeal from an order, requirement, decision, or determination of an administrative officer, or upon any application for a variance, may be filed with the County Recorder or Registrar of Titles for record. Said filing may be made by the Zoning Administrator as soon as is reasonably possible after the filing of the order with the Zoning Administrator.

6. Decision, Appeals. All decisions of the Board of Adjustment and Appeals acting upon an appeal from an order, requirement, decision, or determination by an administrative officer or upon an application for a variance shall be final except that any aggrieved person may have any decision or order of said Board reviewed for an appropriate remedy in District Court as provided by law.

D. Conditional Use Permits (Special Use Permits, SUP).

1. Conditional use permits may be granted or denied in any district by action of the governing body. In granting a conditional use permit the governing body shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, convenience, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect on utility and school capacities, the effect on property values of property in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. If it shall determine that the proposed use will not be detrimental to the health, safety, convenience, morals, or general welfare of the community nor will cause serious traffic congestion nor hazards, nor will seriously depreciate surrounding property values, and that said use is in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan, the council may grant such permits.

2. The Zoning Administrator shall maintain a record of all applications and all conditional use permits issued including information on the use, location, conditions imposed by the community, time limits, review dates, and such other information as may be appropriate.

3. Application for a conditional use permit shall be filed with the Zoning Administrator. The application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the Administrator, including but not limited to those things listed below. Such plans shall contain sufficient information for the community to determine whether the proposed development will meet all applicable development standards.



## REQUEST FOR PLANNING COMMISSION REVIEW

MEETING DATE: October 28, 1991

AGENDA TOPIC: Discussion on Amendment to the City Code that would allow for "Lot Line Adjustments"	ITEM NO. 6
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The City has had several requests for lot line adjustments or a form of subdivision that does not create a new lot nor does it make any lot non-conforming. These requests have been where there are variances in surveys, and in one case in particular, where a property owner (who owns approximately 100 acres) would like to sell an abutting property owner 5 acres. If the City has a provision to do this without platting (which we don't), we would allow for an existing legal non-conforming lot to conform to today's standards and the remaining parcel from which it was taken would still conform to our standards.

As noted above, the property owner that has prompted this review of our ordinance had two large lot subdivisions and as the result of this, there was a five acre parcel abutting an existing parcel (see map). What Mr. Zierrman would like to do is convey this land to Mr. Hermanson without going through the platting process. I think it would be reasonable if we had an ordinance such as this in our code, but I would suggest that this would still require city approval by resolution.

It may be as simple as adding to our code something like:

### Exceptions to Platting:

The City may allow a transfer of property by resolution of the City Council provided that:

1. Property owner provide survey of the property to be conveyed.
2. Transfer of property will not result in either piece of property becoming non-conforming.
3. Property conveyed must be combined with the parcel to which it is to be attached with the result being one legal description for entire parcel.

If the commission concurs with the intent of this ordinance, please take action to pass this on to the city council.

NW COR.  
SEC. 2

Hwy. Parcel B

STATE

HWY

N

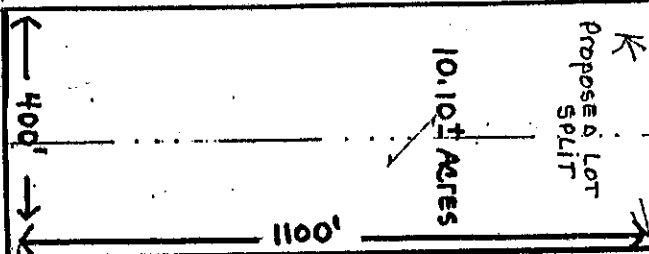
10193 60th St

NORTHERN

Robert Zierman and Dorothy

37002-2750

AVE



Proposed Lot Split

10.10± Acres

1100'

400'

LOT SPLIT APPROVED  
FEBRUARY 7, 1989

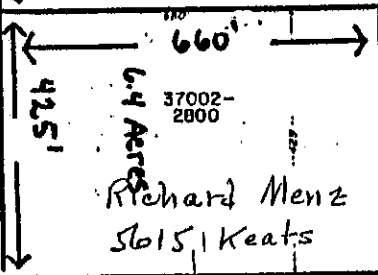
11.5 Acres ±

37002-2750

725'

SECTION

KEATS

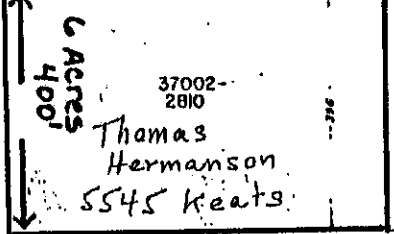


37002-2800

Richard Menz  
5615 Keats

425'

660'



37002-2810

6 Acres  
400'

Thomas Hermanson  
5545 Keats

440'

11.5  
1/4  
1/5.6

W 1/4 COR.  
SEC. 2

THIS DRAWING IS A COMPILATION OF RECORDS AS THEY APPEAR IN THE WASHINGTON COUNTY OFFICES AFFECTING THE AREA SHOWN AND IS TO BE USED ONLY FOR REFERENCE PURPOSES. THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

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## REQUEST FOR PLANNING COMMISSION REVIEW

MEETING DATE: October 28, 1991

AGENDA TOPIC: Driveway Ordinance (Report from Sub-Committee)	ITEM 7. NO.
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There is a subcommittee of the commission that is working, at the direction of the council, to evaluate the current driveway standards. Since the council's direction was to deal with this issue post-haste, the subcommittee may have an update at the meeting.

## REQUEST FOR PLANNING COMMISSION REVIEW

MEETING DATE: October 28, 1991

<b>AGENDA TOPIC:</b> MUSA Business District	<b>ITEM NO.</b> 8.
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Attached is your most current MUSA Business District draft with your changes indicated as underlines for additions and lines through what you deleted. The "opinions" represent what was submitted as drafts by Wyn John, Rita Conlin, Steve DeLapp and Mike Black's & Mary Kueffner. These drafts were combined into one draft for your convenience.

kw