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NOTICE OF MEETING

City Council Meeting

Tuesday, February 21, 2017 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

Agenda

A. Call to Order/Pledge of Allegiance

B. Approval of Agenda

C. Approval of Minutes

1. January 31, 2017; February 7, 2017

D. Public Comments/Inquiries

E. Presentations

F. Consent Agenda

2. Approve Payment of Disbursements
3. Accept January 2017 Assessor's Report
4. Accept January 2017 Building Department Report
5. Accept January 2017 Fire Department Report
6. Accept January 2017 Public Works Department Report
7. Approve Inwood Water Tower (No. 4) – Pay Request No. 8
8. Approve Security Reductions: Boulder Ponds 5th Street; Village Preserve 2nd Addition
9. Approve OP-ALT Zoning District Repeal
10. Approve Appointments to Maintenance Advisory Committee
11. Approve Appointments to Public Safety Committee
12. Approve Appointments to Human Resources Committee

G. Regular Agenda

13. Shoreland Management Overlay District Ordinance Amendment – *Ordinance 08-166; Resolution 2017-012*
14. Zoning Map Amendment and CUP for 3549 Lake Elmo Avenue N

H. Council Reports

I. Staff Reports and Announcements

J. Adjourn

**CITY OF LAKE ELMO
CITY COUNCIL SPECIAL MEETING MINUTES
JANUARY 31, 2017**

CALL TO ORDER

Mayor Pearson called the meeting to order at 2:05 p.m.

PRESENT: Mayor Mike Pearson and Councilmembers Justin Bloyer, Julie Fliflet, Jill Lundgren and Christine Nelson.

Staff present: Administrator Handt, Finance Director Bendel, City Attorney Mary Teigen, and City Clerk Johnson.

City Attorney Teigen reviewed the proposed agreement negotiated with Finance Director Bendel for termination of her employment contract with the City.

Mary Brown, 7990 50th Street North, asked the Council to think about what is best for the residents.

*Mayor Pearson, seconded by Councilmember Nelson, moved **TO ADOPT RESOLUTION 2017-010 WITH THE SUBSTITUTE SEVERANCE AGREEMENT PRESENTED AT THE MEETING.** Motion passed 3 – 2. (Fliflet, Lundgren – nay)*

Meeting was adjourned at 2:37 p.m.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
FEBRUARY 7, 2017**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Pearson called the meeting to order at 7:00 pm.

PRESENT: Mayor Mike Pearson and Councilmembers Justin Bloyer, Julie Fliflet, Jill Lundgren and Christine Nelson

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Fire Chief Malmquist, Planning Director Wensman, and City Clerk Johnson.

APPROVAL OF AGENDA

Item 4, "Approve Purchase of Replacement Tahoe" was moved to the Regular Agenda. Item 12, "Shoreland Management Overlay District Ordinance Amendment" was postponed to the next meeting. Item 8, "Accept Accountant Resignation and Authorize Posting of Accountant Position" was moved to the Regular Agenda.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED 5 – 0.

ACCEPT MINUTES

Minutes of the December 6, 2016 Special Meeting, and December 6, 2016 and January 17, 2017 Regular Meeting were accepted as presented. Minutes of the January 3, 2017 Regular Meeting were accepted as amended with corrections to the votes in items 6 and 17.

PUBLIC COMMENTS/INQUIRIES

Virginia Pleban, 8245 59th Street N., spoke about an idea to encourage visitors to downtown Lake Elmo during the summer months.

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Authorize Issuance of Request for Proposals for a Municipal Space Needs Assessment
5. Eagle Point Boulevard Street Improvements – Compensating Change Order No. 4
6. Eagle Point Boulevard Street Improvements – Pay Request No. 7 (Final)
7. Inwood Booster Station – Pay Request No. 8
9. Approve Cooperative Maintenance Agreement No. 10721 with Washington County for Downtown Phase 1 and Phase 2 Improvements

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 5-0.

ITEM 4: Approve Purchase of a Replacement Tahoe

Discussion held concerning the color of the vehicle and the lack of review of this purchase by the Maintenance Advisory Committee.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE PURCHASE OF THE REPLACEMENT VEHICLE AND ASSOCIATED COSTS NOT TO EXCEED \$22,500. Motion passed 3 – 2. (Fiflet, Lundgren – nay)

ITEM 10: Ziguero Minor Subdivision and Zoning Map Amendment

Planning Director Wensman presented the request to rezone and subdivide property located at 3880 Laverne Avenue North into three parcels. Wensman reviewed the analysis and recommendations from staff and the Planning Commission. Tim Freeman of Folz, Freeman and Erickson spoke on behalf of the applicant, discussing setbacks and access from 39th Street.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO APPROVE ORDINANCE 08-165 APPROVING A ZONING MAP AMENDMENT TO REZONE THE PROPERTY LOCATED AT 3880 LAVERNE AVENUE NORTH FROM GB – GENERAL BUSINESS TO VMX – VILLAGE MIXED USE. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO APPROVE RESOLUTION 2017-013 APPROVING A MINOR SUBDIVISION REQUEST FOR THE PROPERTY LOCATED AT 3880 LAVERNE AVENUE NORTH, THEREBY CREATING TWO NEW LOTS OF 0.58 ACRES EACH, SUBJECT TO THE 11 OUTLINED CONDITIONS OF APPROVAL. Motion passed 5 – 0.

ITEM 11: Golf Course Community Zoning District

Planning Director Wensman presented details of a proposed golf course community zoning district. Setbacks, development standards and other requirements were reviewed. Wensman noted that the zoning district would be needed in order to process a plat application that will be received by the City soon.

Councilmember Fiflet, seconded by Councilmember Lundgren, moved TO AMEND SECTION P, PAGE 15 OF THE DRAFT ORDINANCE TO REMOVE ITEMS 1, 2, 3 AND 4. Motion passed 3 – 2. (Pearson, Nelson – nay)

Councilmember Bloyer, seconded by Mayor Pearson, moved TO AMEND ITEM O, PAGES 14 AND 15, TO INCREASE OPEN SPACE FROM 50% TO 65% IN PARAGRAPHS 1 AND 2.

Mayor Pearson, seconded by Councilmember Fliflet, moved TO TABLE THE MOTION. Motion passed 4 – 0. (Councilmember Lundgren was absent)

Rick Packer, Royal Golf Course, addressed buffers and provided additional information on the current version of the proposed development.

Councilmember Fliflet, seconded by Mayor Pearson, moved TO BRING THE MOTION BACK FOR CONSIDERATION. Motion passed 5 – 0.

Primary motion passed 3 – 2. (Fliflet, Lundgren – nay)

Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO AMEND SECTION 154.454 C.1.A REGARDING SECONDARY UNITS TO BE CONSISTENT WITH THE LDR DISTRICTS. Motion failed 3 – 1 – 1. (Fliflet - nay; Lundgren – abstain) Councilmember Fliflet stated she was opposed to the motion as it would not apply to smaller lots and suggested the Council revisit the issue to address other areas in the City.

Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO ADOPT ORDINANCE 08-167 APPROVING THE ADDITION OF THE PROPOSED GOLF COURSE COMMUNITY ZONING DISTRICT TO THE ZONING CODE OF THE CITY OF LAKE ELMO CODE OF ORDINANCES AS AMENDED. Motion passed 5 – 0.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2017-016 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-167. Motion passed 5 – 0.

ITEM 13: Inwood 4th Addition Developers Agreement

Planning Director Wensman reported that this proposed Developers Agreement was modified to from the standard template in order to be consistent with previous Developers Agreements for Inwood.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2017-014 APPROVE THE DEVELOPERS AGREEMENT FOR INWOOD 4TH ADDITION PLANNED UNIT DEVELOPMENT. Motion passed 4 – 1. (Lundgren – nay)

ITEM 14: Hammes Estates 2nd Addition Developers Agreement

Planning Director Wensman reviewed key aspects of the proposed agreement.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2017-014 APPROVING THE DEVELOPERS AGREEMENT FOR HAMMES ESTATES 2ND ADDITION. Motion passed 5 – 0.

ITEM 8: Accept Accountant Resignation and Authorize Posting of Accountant Position

Discussion held concerning the job duties and wording in the proposed job posting.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO ACCEPT PATTY BAKER'S RESIGNATION, APPROVE NEW ACCOUNTANT JOB DESCRIPTION AND AUTHORIZE POSTING OF THE FULL TIME POSITION WITH THE ADMINISTRATOR ADJUSTING AS NEEDED. Motion passed 3 – 2. (Fiflet, Lundgren – nay)

ITEM 15: Financial Management Services Agreement

City Administrator Handt reported on meetings with AEM at the recommendation of the City Attorney and other cities for financial services management. Jean McGann, AEM Financial Solutions, provided clarification on specific duties proposed for financial management and the interim services in the accountant position.

Councilmember Fiflet, seconded by Councilmember Lundgren, moved TO LOOK AT OTHER OPTIONS FROM OTHER ACCOUNTING TEMPORARY SERVICES AGENCIES. Motion failed 1 – 4. (Pearson, Bloyer, Lundgren, Nelson – nay)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO APPROVE THE PROPOSAL FOR INTERIM SERVICES AS PRESENTED. Motion passed 3 – 2. (Fiflet, Lundgren – nay) Councilmember Fiflet stated she would not support the motion out of frustration that other firms were not considered.

Mayor Pearson, seconded by Councilmember Nelson, moved TO APPROVE THE AGREEMENT FOR FINANCIAL SERVICES WITH AEM FINANCIAL SOLUTIONS. Motion passed 3 – 2. (Fiflet, Lundgren – nay) Councilmember Fiflet stated she could not support the motion due to many factors including the length of the agreement and lack of staff input.

ITEM 16: Planning Commission Appointment

City Administrator Handt presented recommendations for filling the vacancy on the Planning Commission created by the resignation of Wendy Griffin.

Councilmember Lundgren moved TO HOLD OFF UNTIL THE COUNCIL HAS ALL THE DATA. Motion died – no second.

Councilmember Fiflet, seconded by Councilmember Lundgren, moved TO APPOINT TERRY EMERSON TO THE PLANNING COMMISSION AS A SECOND ALTERNATE. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)

Mayor Pearson, seconded by Councilmember Nelson, moved TO APPOINT JESS HARTLEY TO THE PLANNING COMMISSION AS A SECOND ALTERNATE. Motion passed 3 – 2. (Fliflet, Lundgren – nay)

ITEM 17: Maintenance Advisory Committee Operating Policies and Procedures

City Administrator Handt presented proposed operating policies and procedures for the Maintenance Advisory Committee.

Mayor Pearson, seconded by Councilmember Fliflet, moved TO ADOPT THE MAINTENANCE ADVISORY COMMITTEE OPERATION POLICIES AND PROCEDURES. Motion passed 4 – 1. (Bloyer – nay)

ITEM 18: Environmental Committee Operating Policies and Procedures

City Administrator Handt presented a proposal for narrowing the scope of the committee as a result of City Council input and proposed that the committee be comprised of five members with staggered 3 year terms.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO ADOPT THE ENVIRONMENTAL COMMITTEE OPERATING POLICIES AND PROCEDURES WITH SOLID WASTE STRIKEN.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO INCREASE THE LIMIT ON MEMBERSHIP TO 9. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)

Primary motion passed 3 – 2. (Fliflet, Lundgren – nay)

ITEM 19: Planning Department 2017 Work Plan

Mayor Pearson, seconded by Councilmember Lundgren, moved TO ACCEPT THE PLANNING DEPARTMENT WORK PLAN. Motion passed 5 – 0.

ITEM 20: Parks Commission 2017 Work Plan

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO ACCEPT THE PARKS COMMISSION WORK PLAN. Motion passed 5 – 0.

COUNCIL REPORTS

Mayor Pearson: Hosting “Meet the Mayor” Friday, February 10th, 4:30 at City Hall. Visited a staff meeting, attended goal setting workshop with city staff, working on an agreement with the owner of Tartan Park regarding the ball fields.

Councilmember Nelson: Attended the League of Minnesota Cities newly elected officials conference and the City Council goal setting workshop.

Councilmember Lundgren: Attended the goal setting workshop and noted that the facilitator was excellent; requested monthly police reports.

Councilmember Bloyer: Congratulated former City Clerk Bell for being chosen for the City Administrator position in Bayport.

Councilmember Flittet: Commented on staff turnover in the finance department and committee changes.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Attended monthly meeting at Washington County and announced vacancy on the South Washington County Watershed District Board.

City Clerk Johnson: No report

City Attorney Somsalla: Attended a city attorney conference.

Planning Director Wensman: meeting with Metro Mobility; working on code updates and development review.

City Engineer Griffin: No report.

Meeting adjourned at 11:05 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: February 21, 2017
CONSENT
ITEM #2
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$639,243.36

SUBMITTED BY: Kristina Handt, City Administrator

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Kristina Handt, City Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$639,243.36

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$639,243.36. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

claims to be disbursed and paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 15,597.64	Payroll Taxes to IRS & MN Dept of Revenue 2/16/17
ACH	\$ 8,026.79	Payroll Retirement to PERA 2/16/17
ACH	\$ 1,000.00	Payroll Retirement to MDCP 2/16/17
DD 7782-DD7829	\$ 41,609.37	Payroll (Direct Deposits) 2/16/17
45591-45671	\$ 572,949.56	Accounts Payable 2/21/17
2786	\$ 60.00	Library Card Reimbursement 2/21/17
TOTAL	\$ 639,243.36	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$639,243.36.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 02/15/2017 - 2:32 PM

Batch: 008-02-2017

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMAZONIN Amazon Inc										
206-450-5300-42500	01/10/2017	874.66	0.00	02/21/2017	Adult, teen and kids books & DVD		-			No 0000
Library Collection Maintenance										
206-450-5300-42000	01/10/2017	367.31	0.00	02/21/2017	Supplies		-			No 0000
Office Supplies										
206-450-5300-42500	01/10/2017	394.48	0.00	02/21/2017	Program supplies		-			No 0000
Library Collection Maintenance										
Total:		1,636.45								
AMAZONIN Total:		1,636.45								
AMERICAN American Eng and Testing, Inc.										
95337	01/31/2017	5,522.38	0.00	02/21/2017	I-94 Lift Station		-			No 0000
Engineering Services										
95337 Total:		5,522.38								
AMERICAN Total:		5,522.38								
ANCOM ANCOM Communications, Inc.										
65835B	01/12/2017	782.83	0.00	02/21/2017	E2 radio repair		-			No 0000
101-420-2220-43230 Radio										
65835B Total:		782.83								
ANCOM Total:		782.83								
APOLLO Apollo Heating & Air										
Permit 2017-40	02/03/2017	60.00	0.00	02/21/2017	Refund HVAC - 8891 9th Place		-			No 0000
101-000-0000-32220 Heating Permits										
Permit 2017-40 Total:		60.00								
Surcharge	02/03/2017	1.00	0.00	02/21/2017	Refund HVAC surcharge		-			No 0000
101-000-0000-20801 Building Permit Surcharge										
Surcharge Total:		1.00								
APOLLO Total:		61.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
BAKERTAY Baker & Taylor											
2032239076	08/22/2016	44.25	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032239076 Total:	44.25							No		0000
2032587399	01/16/2017	7.20	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032587399 Total:	7.20							No		0000
2032587400	01/16/2017	14.96	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032587400 Total:	14.96							No		0000
2032587401	01/16/2017	39.78	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032587401 Total:	39.78							No		0000
2032589020	01/17/2017	9.41	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032589020 Total:	9.41							No		0000
2032589021	01/17/2017	407.95	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032589021 Total:	407.95							No		0000
2032606783	01/24/2017	8.44	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032606783 Total:	8.44							No		0000
2032606784	01/24/2017	90.78	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032606784 Total:	90.78							No		0000
2032606785	01/24/2017	190.85	0.00	02/21/2017	Books		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	2032606785 Total:	190.85							No		0000
	BAKERTAY Total:	813.62									
BGAUTO BG Automotive, Inc											
P110303	02/09/2017	32.60	0.00	02/21/2017	Parts		-		No		0000
101-430-3100-42210	Equipment Parts										
	P110303 Total:	32.60							No		0000
	BGAUTO Total:	32.60									
BIFFS Bif's Inc.											
W625990-625991	02/01/2017	142.00	0.00	02/21/2017	Portable Restrooms - parks		-		No		0000
101-450-5200-44120	Rentals - Buildings										
	W625990-625991 Total:	142.00							No		0000
	BIFFS Total:	142.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BJHAINES BJ Haines 7/27/16 07/27/2016 602-495-9450-43150 Contract Services 7/27/16 Total: BJHAINES Total:		5,800.00 5,800.00 5,800.00	0.00	02/21/2017	Tree removal		-	No		0000
CAPSTONE Capstone Homes 11725 32nd St 02/15/2017 101-000-0000-32210 Building Permits 11725 32nd St 02/15/2017 101-000-0000-34104 Plan Check Fees 11725 32nd St 02/15/2017 101-000-0000-20801 Building Permit Surcharge 11725 32nd St 02/15/2017 603-000-0000-37140 SW Review Fee Revenue Escrow 11725 32nd St Total: 803-000-0000-22900 Deposits Payable Escrow Total: CAPSTONE Total:		-256.50 -166.73 -19.00 -100.00 -542.23 3,000.00 3,000.00 2,457.77	0.00 0.00 0.00 0.00 0.00 0.00	02/21/2017 02/21/2017 02/21/2017 02/21/2017 02/21/2017 02/21/2017	Additional Plan Review Additional Plan Review - Bldg Additional State Surcharge Additional Construction Admin fee Refund Escrow overpayment		- - - - - -	No No No No No No		0000 0000 0000 0000 0000 0000
CARQUEST Car Quest Auto Parts 2055-400680 01/31/2017 101-430-3100-42210 Equipment Parts 2055-400680 Total: 2055-400884 02/02/2017 101-430-3100-42210 Equipment Parts 2055-400884 Total: 2055-401167 02/07/2017 101-430-3100-44040 Repairs/Maint Eqpt 2055-401167 Total: CARQUEST Total:		199.50 199.50 63.32 63.32 72.66 72.66 335.48	0.00 0.00 0.00 0.00	02/21/2017 02/21/2017 02/21/2017 02/21/2017	Parts Parts Repairs/maintenance		- - - -	No No No No		0000 0000 0000 0000
CB & I CB & I Constructors, Inc. Pay Request 8 02/01/0207 601-494-9400-43030 Engineering Services Pay Request 8 Total: CB & I Total:		354,458.30 354,458.30 354,458.30	0.00	02/21/2017	Inwood Water Tower		-	No		0000
CINTAS Cintas Corporation #754 754689351 02/01/2017 101-430-3100-44170 Uniforms		144.14	0.00	02/21/2017	Uniforms		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
754689351	02/01/2017	9.34	0.00	02/21/2017	Uniforms		-		No		0000
101-450-5200-44170	Uniforms										
754689351 Total:		153.48							No		0000
754691998	02/08/2017	134.34	0.00	02/21/2017	Uniforms		-		No		0000
101-430-3100-44170	Uniforms								No		0000
754691998	02/08/2017	9.34	0.00	02/21/2017	Uniforms		-		No		0000
101-450-5200-44170	Uniforms								No		0000
754691998 Total:		143.68							No		0000
754694203	02/14/0207	103.90	0.00	02/21/2017	Cleaning and maintenance		-		No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
754694203 Total:		103.90									
CINTAS Total:		401.06									
COMCAST Comcast	01/27/2017	7.93	0.00	02/21/2017	monthly service		-		No		0000
101-420-2220-44300	Miscellaneous										
Total:		7.93									
COMCAST Total:		7.93									
COMPASS Compass Minerals	01/30/2017	3,190.84	0.00	02/21/2017	Road Salt		-		No		0000
71600517	Sand/Salt										
101-430-3125-42290	Sand/Salt								No		0000
71601365	01/31/2017	3,190.84	0.00	02/21/2017	Road Salt		-		No		0000
101-430-3125-42290	Sand/Salt										
71601365 Total:		7,980.49									
COMPASS Total:		11,171.33									
COORDIN Coordinated Business Systems	01/27/2017	576.79	0.00	02/21/2017	Monthly IT Support		-		No		0000
CNIN233357	Information Technology										
206-450-5300-43180	Information Technology										
CNIN233357 Total:		576.79									
COORDIN Total:		576.79									
CTYBLOOM City of Bloomington	02/01/2017	42.00	0.00	02/21/2017	Lab testing		-		No		0000
Jan 17	Utility System Maintenance										
601-494-9400-42270	Jan 17 Total:	42.00									
CTYBLOOM Total:		42.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYOAKDA City of Oakdale										
10000460-01	01/31/2017	7,325.05	0.00	02/21/2017	Water meter - South Pit	1/01-1/31/17	-	No		0000
601-494-9400-43820	Water Utility									
	10000460-01 Total:	7,325.05								
	CTYOAKDA Total:	7,325.05								
DDASSOC David Drown Associates, Inc.										
3677	12/20/2016	5,625.00	0.00	02/21/2017	Consulting Services		-	No		0000
101-410-1320-43150	Contract Services									
	3677 Total:	5,625.00								
	DDASSOC Total:	5,625.00								
DPCINDUS DPC Industries, Inc.										
DE82000003-17	01/31/2017	20.00	0.00	02/21/2017	Chlorine		-	No		0000
601-494-9400-42160	Chemicals									
	DE82000003-17 Total:	20.00								
	DPCINDUS Total:	20.00								
E.G.RUD E.G. Rud & Sons, Inc.										
34272	02/02/2017	115.00	0.00	02/21/2017	Survey - 45th Principle Meridian		-	No		0000
404-480-8000-43050	Other Park Ded Prof Services									
	34272 Total:	115.00								
	E.G.RUD Total:	115.00								
EARLANDE Earl F. Andersen, Inc.										
113527-IN	02/08/2017	901.00	0.00	02/21/2017	Sign materials		-	No		0000
101-430-3120-42260	Sign Repair Materials									
	113527-IN Total:	901.00								
	EARLANDE Total:	901.00								
ELAMMERS Eckberg Lammers, P.C.										
01 2017	01/31/2017	3,609.16	0.00	02/21/2017	Prosecution		-	No		0000
101-420-2150-43045	Attorney Criminal									
	01 2017 Total:	3,609.16								
	ELAMMERS Total:	3,609.16								
EMERGAPP Emergency Apparatus Maint. Inc										
91029	01/11/2017	333.75	0.00	02/21/2017	T1 safety inspections		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	91029 Total:	333.75								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
91177	01/04/2017	693.09	0.00	02/21/2017	T2 repairs		-		No		0000
101-420-2220-4404	Repairs/Maint Egt	693.09									
	91177 Total:	693.09									
	EMERGAPP Total:	1,026.84									
FASTENAL Fastenal Company											
MNOAK17137	01/26/2017	10.96	0.00	02/21/2017	Supplies		-		No		0000
101-430-3100-42150	Shop Materials	10.96									
	MNOAK17137 Total:	10.96									
MNOAK17140	01/26/2017	4.31	0.00	02/21/2017	Supplies		-		No		0000
101-430-3100-42150	Shop Materials	4.31									
	MNOAK17140 Total:	4.31									
MNOAK17206	01/31/2017	77.79	0.00	02/21/2017	Supplies		-		No		0000
101-430-3100-42150	Shop Materials	77.79									
	MNOAK17206 Total:	77.79									
	FASTENAL Total:	93.06									

FOCUS Focus Engineering, Inc.											
3374-3378	01/28/2017	343.50	0.00	02/21/2017	PW - general		-		No		0000
101-430-3100-43030	Engineering Services										
3374-3378	01/28/2017	1,622.00	0.00	02/21/2017	General		-		No		0000
101-410-1930-43030	Engineering Services										
3374-3378	01/28/2017	846.25	0.00	02/21/2017	Planning		-		No		0000
101-410-1910-43030	Engineering Services										
3374-3378	01/28/2017	36.00	0.00	02/21/2017	ROW		-		No		0000
101-430-3100-43030	Engineering Services										
	3374-3378 Total:	2,847.75									
3379	01/28/2017	972.75	0.00	02/21/2017	Water		-		No		0000
601-494-9400-43030	Engineering Services										
3379	01/28/2017	211.00	0.00	02/21/2017	Sewer		-		No		0000
602-495-9450-43030	Engineering Services										
3379	01/28/2017	270.00	0.00	02/21/2017	Surface water		-		No		0000
603-496-9500-43030	Engineering Services										
	3379 Total:	1,453.75									
3380	01/28/2017	600.00	0.00	02/21/2017	Transportation & Traffic		-		No		0000
409-480-8000-43030	Engineering Services										
3380	01/28/2017	60.00	0.00	02/21/2017	Muni aid		-		No		0000
409-480-8000-43030	Engineering Services										
	3380 Total:	660.00									
3381	01/28/2017	300.00	0.00	02/21/2017	CSAH 15		-		No		0000
602-495-9450-43030	Engineering Services										
	3381 Total:	300.00									
3382	01/28/2017	874.75	0.00	02/21/2017	LE Avenue Corridor		-		No		0000
409-480-8000-43030	Engineering Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
3383	01/28/2017	874.75								
601-494-9400-43030	Engineering Services	2,488.75	0.00	02/21/2017	Inwood Booster Station		-	No		0000
3384	01/28/2017	2,488.75								
601-494-9400-43030	Engineering Services	976.50	0.00	02/21/2017	Inwood Trunk Watermain		-	No		0000
3385	01/28/2017	976.50								
409-480-8000-43030	Engineering Services	687.00	0.00	02/21/2017	Eagle Point Blvd		-	No		0000
3386	01/28/2017	687.00								
409-480-8000-43030	Engineering Services	685.00	0.00	02/21/2017	CSAH 13		-	No		0000
3387	01/28/2017	685.00								
409-480-8000-43030	Engineering Services	1,855.45	0.00	02/21/2017	2016 Street Improvements		-	No		0000
3388	01/28/2017	1,855.45								
601-494-9400-43030	Engineering Services	539.50	0.00	02/21/2017	Inwood water tower		-	No		0000
3389	01/28/2017	539.50								
409-480-8000-43030	Engineering Services	2,557.75	0.00	02/21/2017	Old Village Phase III		-	No		0000
3390	01/28/2017	2,557.75								
602-495-9450-43030	Engineering Services	1,843.50	0.00	02/21/2017	I-94 lift station		-	No		0000
3391	01/28/2017	1,843.50								
409-480-8000-43030	Engineering Services	3,838.25	0.00	02/21/2017	2017 Street Improvements		-	No		0000
3392	01/28/2017	3,838.25								
803-000-0000-22910	Developer Payments	120.00	0.00	02/21/2017	Savona		-	No		0000
3393	01/28/2017	120.00								
803-000-0000-22910	Developer Payments	436.75	0.00	02/21/2017	Easton Village		-	No		0000
3394	01/28/2017	436.75								
803-000-0000-22910	Developer Payments	90.00	0.00	02/21/2017	Village Park Preserve		-	No		0000
3395	01/28/2017	90.00								
803-000-0000-22910	Developer Payments	108.00	0.00	02/21/2017	Eagle Point Medical		-	No		0000
3396	01/28/2017	108.00								
803-000-0000-22910	Developer Payments	210.00	0.00	02/21/2017	Savona II		-	No		0000
3397	01/28/2017	210.00								
803-000-0000-22910	Developer Payments	144.00	0.00	02/21/2017	Hunter Crossing II		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
3398	01/28/2017	3397 Total: 144.00	0.00	02/21/2017	Savona III		-		No		0000
803-000-0000-22910	Developer Payments	747.00									
3399	01/28/2017	3398 Total: 747.00	0.00	02/21/2017	Auto owners		-		No		0000
803-000-0000-22910	Developer Payments	126.00									
3400	01/28/2017	3399 Total: 126.00	0.00	02/21/2017	Savona IV		-		No		0000
803-000-0000-22910	Developer Payments	819.00									
3401	01/28/2017	3400 Total: 819.00	0.00	02/21/2017	Easton Village II		-		No		0000
803-000-0000-22910	Developer Payments	498.00									
3402	01/28/2017	3401 Total: 498.00	0.00	02/21/2017	Boulder Ponds II		-		No		0000
803-000-0000-22910	Developer Payments	615.00									
3403	01/28/2017	3402 Total: 615.00	0.00	02/21/2017	Village Preserver II		-		No		0000
803-000-0000-22910	Developer Payments	533.75									
3404	01/28/2017	3403 Total: 533.75	0.00	02/21/2017	Royal Golf		-		No		0000
803-000-0000-22910	Developer Payments	690.00									
3405	01/28/2017	3404 Total: 690.00	0.00	02/21/2017	Hidden Meadows		-		No		0000
803-000-0000-22910	Developer Payments	1,710.00									
3406	01/28/2017	3405 Total: 1,710.00	0.00	02/21/2017	Inwood IV		-		No		0000
803-000-0000-22910	Developer Payments	60.00									
3407	01/28/2017	3406 Total: 60.00	0.00	02/21/2017	Wildflower II		-		No		0000
803-000-0000-22910	Developer Payments	258.00									
3408	01/28/2017	3407 Total: 258.00	0.00	02/21/2017	Hammes II		-		No		0000
803-000-0000-22910	Developer Payments	474.00									
3409	01/28/2017	3408 Total: 474.00	0.00	02/21/2017	Inwood V		-		No		0000
803-000-0000-22910	Developer Payments	2,658.50									
3410	01/28/2017	3409 Total: 2,658.50	0.00	02/21/2017	9242 Hudson Blvd Site		-		No		0000
409-480-8000-43030	Engineering Services	150.00									
3411	01/28/2017	3410 Total: 150.00	0.00	02/21/2017	Easton Village III		-		No		0000
803-000-0000-22910	Developer Payments	330.00									
3412	01/28/2017	3411 Total: 330.00	0.00	02/21/2017	Verizon/Ideal Water tower improvements		-		No		0000
803-000-0000-22910	Developer Payments	120.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
3413	01/28/2017	120.00								
803-000-0000-22910	Developer Payments	120.00	0.00	02/21/2017	Verizon Cell Tower Improvement		-	No		0000
	3413 Total:	120.00								
	FOCUS Total:	32,625.95								
GOODTECH Goodpoint Technology, Inc										
3699	01/27/2017	4,620.00								
101-430-3120-43150	Contract Services	4,620.00	0.00	02/21/2017	Citywide Pavement Assessment		-	No		0000
	3699 Total:	4,620.00								
	GOODTECH Total:	4,620.00								
HDSUPPLY HD Supply Waterworks, Ltd.										
G746579	02/06/2017	1,662.50								
601-494-9400-42300	Water Meters & Supplies	1,662.50	0.00	02/21/2017	Water meters		-	No		0000
	G746579 Total:	1,662.50								
	HDSUPPLY Total:	1,662.50								
IAFCREG IAFC										
	02/09/2017	259.00								
101-420-2220-44330	Dues & Subscriptions	259.00	0.00	02/21/2017	Annual membership		-	No		0000
	Total:	259.00								
	IAFCREG Total:	259.00								
INNOVAT Innovative Office Solutions										
1490812	02/02/2017	40.00								
101-410-1320-42000	Office Supplies	40.00	0.00	02/21/2017	Supplies		-	No		0000
	1490812 Total:	40.00								
1496332	02/07/2017	8.00								
101-430-3100-42000	Office Supplies	8.00	0.00	02/21/2017	Supplies		-	No		0000
	1496332 Total:	8.00								
	INNOVAT Total:	48.00								
JANIKING Jani-King of Minnesota, Inc										
MIN02170352	02/01/2017	329.26								
101-410-1940-44010	Repairs/Maint Contractual Bldg	329.26	0.00	02/21/2017	Cleaning Services - City hall		-	No		0000
	MIN02170352 Total:	329.26								
	JANIKING Total:	329.26								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
kathfuel Kath Fuel Oil Service Co 581558	02/03/2017	114.50	0.00	02/21/2017	Fuel		-	No		0000
101-430-3100-42120 Fuel, Oil and Fluids		114.50								
581558 Total:		114.50								
kathfuel Total:		114.50								
KLMENG KLM Engineering, Inc. 6306	02/09/2017	1,500.00	0.00	02/21/2017	Plan Review of ATT Mobility		-	No		0000
101-410-1930-43030 Engineering Services		1,500.00								
6306 Total:		1,500.00								
KLMENG Total:		1,500.00								
Kwik Kwik Trip Inc	02/02/2017	79.03	0.00	02/21/2017	Fuel		-	No		0000
101-420-2220-42120 Fuel, Oil and Fluids		79.03								
Total:		79.03								
Kwik Total:		79.03								
LARSON Larson Diesel Service, Corp	01/09/2017	1,100.00	0.00	02/21/2017	Repairs		-	No		0000
170109006										
101-430-3100-44040 Repairs/Maint Eqpt		453.02	0.00	02/21/2017	Parts		-	No		0000
170109006	01/09/2017									
101-430-3100-42210 Equipment Parts		1,553.02	0.00	02/21/2017	Repairs		-	No		0000
170120017	01/20/2017	110.00								
101-430-3100-44040 Repairs/Maint Eqpt		8.60	0.00	02/21/2017	Parts		-	No		0000
170120017	01/20/2017									
101-430-3100-42210 Equipment Parts		118.60	0.00	02/21/2017	Equipment repairs		-	No		0000
170123001	01/23/0207	110.00								
101-430-3100-44040 Repairs/Maint Eqpt		155.72	0.00	02/21/2017	parts		-	No		0000
170123001	01/23/0207									
101-430-3100-42210 Equipment Parts		265.72								
170123001 Total:		1,937.34								
LARSON Total:		1,937.34								
LEOIL Lake Elmo Oil, Inc.	01/31/0207	300.69	0.00	02/21/2017	Fuel		-	No		0000
101-420-2220-42120 Fuel, Oil and Fluids		124.81	0.00	02/21/2017	Fuel		-	No		0000
01/31/2017										
101-430-3100-42120 Fuel, Oil and Fluids		425.50								
Total:		425.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LEOIL Total:		425.50								
Lillie Newspapers Inc. Lillie Suburban										
Acct 007148	01/31/2027	81.00	0.00	02/21/2017	Notices		-		No	0000
101-410-1320-43510 Legal Publishing										
Acct 007148	Total:	81.00								
Lillie Total:		81.00								
LOFF Loffler Companies, Inc.										
2437510	02/01/2017	326.96	0.00	02/21/2017	Copy machine base & overages		-		No	0000
101-410-1940-44040 Repairs/Maint Contractual Eqpt										
2437510	Total:	326.96								
LOFF Total:		326.96								
MALMQNOA Malmquist Noah										
101-420-2220-44370	02/09/2017	219.27	0.00	02/21/2017	Officer Fire School Reimbursement		-		No	0000
Conferences & Training										
Total:		219.27								
MALMQNOA Total:		219.27								
MARONEYS Maroney's Sanitation, Inc										
665101	02/08/2017	115.22	0.00	02/21/2017	City Hall		-		No	0000
101-410-1940-43840 Refuse										
665101	02/08/2017	50.77	0.00	02/21/2017	Fire		-		No	0000
101-420-2220-43840 Refuse										
665101	02/08/2017	221.17	0.00	02/21/2017	PW		-		No	0000
101-430-3100-43840 Refuse										
665101	02/08/2017	231.04	0.00	02/21/2017	Fire		-		No	0000
101-420-2220-43840 Refuse										
665101	02/08/2017	50.88	0.00	02/21/2017	Library		-		No	0000
206-450-5300-43840 Refuse										
665101	Total:	669.08								
MARONEYS Total:		669.08								
MARYSVIL Marysville, LLC										
Escrow	02/10/2017	1,030.00	0.00	02/21/2017	Refund 8004 50th Street		-		No	0000
803-000-0000-22900 Deposits Payable										
Escrow	Total:	1,030.00								
MARYSVIL Total:		1,030.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
MENARDSO Menards - Oakdale											
22477	01/30/2017	13.66	0.00	02/21/2017	City hall restroom		-	No		0000	
101-410-1940-42230	Building Repair Supplies										
22995	02/06/2017	13.66	0.00	02/21/2017	Supplies		-	No		0000	
101-430-3100-42150	Shop Materials	20.94	0.00	02/21/2017							
23089	02/07/2017	20.94	0.00	02/21/2017	Ice melt		-	No		0000	
101-410-1940-42230	Building Repair Supplies	29.94	0.00	02/21/2017							
23148	02/06/2017	298.69	0.00	02/21/2017	Tools		-	No		0000	
601-494-9400-42400	Small Tools & Minor Equipment	298.69									
23148	02/06/2017	298.69	0.00	02/21/2017							
MENARDSO Total:		363.23									
METCOU Metropolitan Council											
1063797	02/02/2017	3,724.99	0.00	02/21/2017	Waste water services		-	No		0000	
602-495-9450-43820	Sewer Utility - Met Council	3,724.99									
1063797	02/02/2017	3,724.99	0.00	02/21/2017							
METCOU Total:		3,724.99									
MIDAMBCK MidAmerica Backflow Co											
17011	01/06/2017	121.42	0.00	02/21/2017	Chemicals		-	No		0000	
601-494-9400-42160	Chemicals	121.42									
17011	01/06/2017	121.42	0.00	02/21/2017							
MIDAMBCK Total:		121.42									
MINDSPAC Mindspace, Inc.											
S20160697	02/09/2017	324.00	0.00	02/21/2017	Replacement traffic cones		-	No		0000	
101-420-2220-44040	Repairs/Maint Egt	324.00									
S20160697	02/09/2017	324.00	0.00	02/21/2017							
MINDSPAC Total:		324.00									
MPCA MN Pollution Control Agency											
Colemer	02/15/2017	400.00	0.00	02/21/2017	Wastewater Conference		-	No		0000	
602-495-9450-44370	Conferences & Training	400.00									
Colemer	02/15/2017	400.00	0.00	02/21/2017							
602-495-9450-44370	Conferences & Training	400.00	0.00	02/21/2017	Wastewater Conference		-	No		0000	
Cornell	02/15/2017	400.00	0.00	02/21/2017							
602-495-9450-44370	Conferences & Training	400.00	0.00	02/21/2017	Wastewater Conference		-	No		0000	
Effinger	02/15/2017	400.00	0.00	02/21/2017							
602-495-9450-44370	Conferences & Training	400.00	0.00	02/21/2017	Wastewater Conference		-	No		0000	

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Effinger Total:										
Gustafson	02/15/2017	400.00								
602-495-9450-44370	Conferences & Training	400.00	0.00	02/21/2017	Wastewater Conference		-		No	0000
Gustafson Total:										
Nicklay	02/15/2017	400.00								
602-495-9450-44370	Conferences & Training	400.00	0.00	02/21/2017	Wastewater Conference		-		No	0000
Nicklay Total:										
MPCA Total:										
MSAPROF MSA Professional Services, Inc										
13	02/07/2017	2,501.00								
601-494-9400-43030	Engineering Services	2,501.00	0.00	02/21/2017	Inwood Trunk Watermain		-		No	0000
13 Total:										
MSAPROF Total:										
NATFC National Fire Codes										
6907202X	02/06/2027	1,495.00								
101-420-2220-44330	Dues & Subscriptions	1,495.00	0.00	02/21/2017	Annual subscription		-		No	0000
6907202X Total:										
NATFC Total:										
NORTHTOO Blue Tarp Financial										
4042069155	02/07/2017	82.50								
101-430-3100-42120	Fuel, Oil and Fluids	82.50	0.00	02/21/2017	Fuel		-		No	0000
4042069155	02/07/2017	43.99								
101-430-3100-42400	Small Tools & Minor Equipment	43.99	0.00	02/21/2017	tools		-		No	0000
4042069155 Total:										
NORTHTOO Total:										
PERMITWO PermitWorks LLC										
2017-0063	02/01/2017	255.00								
101-420-2400-43180	Information Technology/Web	255.00	0.00	02/21/2017	Remote inspector monthly access		-		No	0000
2017-0063 Total:										
PERMITWO Total:										
PINKY Pinky's Sewer Service, Inc.										
80025	02/02/2017	100.00								
206-450-5300-44010	Repairs/Maint Bldg	100.00	0.00	02/21/2017	Pumped tanks - Library		-		No	0000
80025 Total:										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
	PINKY Total:	100.00									
RANGER Ranger Chevrolet Buick GMC	02/10/2017	35,300.23	0.00	02/21/2017	Tahoe for Fire Department		-	No		0000	
410-480-8000-45500 Vehicles	Total:	35,300.23									
RANGER Total:		35,300.23									
RCMEQUIP RCM Equipment Company, LLC	10/26/2016	1,466.70	0.00	02/21/2017	Rock feeder hose		-	No		0000	
3510 Repairs/Maint Bldg	3510 Total:	1,466.70									
101-430-3100-44010 Repairs/Maint Bldg	RCMEQUIP Total:	1,466.70									
SEH Short Elliott Hendrickson, Inc	02/02/2017	20,992.91	0.00	02/21/2017	Old Village Phase III		-	No		0000	
327671 Engineering Services	327671 Total:	20,992.91									
409-480-8000-43030 Engineering Services	SEH Total:	20,992.91									
STILLTOW Stillwater Towing Inc	02/01/2017	250.00	0.00	02/21/2017	Tow truck		-	No		0000	
159727 Repairs/Maint Bldg	159727 Total:	250.00									
101-430-3100-44010 Repairs/Maint Bldg	STILLTOW Total:	250.00									
STLIBRAR Stillwater Public Library	02/01/2017	1,560.00	0.00	02/21/2017	Library Card Reimbursement		-	No		0000	
206-450-5300-44300 Miscellaneous	Total:	1,560.00									
STLIBRAR Total:		1,560.00									
SURPLUS Surplus Services	02/02/2017	560.00	0.00	02/21/2017	Various tools		-	No		0000	
11740 Small Tools & Minor Equipment	11740 Total:	560.00									
101-430-3100-42400 Small Tools & Minor Equipment	02/06/2017	330.00	0.00	02/21/2017	Tools		-	No		0000	
11742 Small Tools & Minor Equipment	02/06/2017	330.00	0.00	02/21/2017	Tools		-	No		0000	
101-450-5200-42400 Small Tools & Minor Equipment											

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
20037258	11742 Total:	660.00								
101-430-3100-42400	02/03/2017 Small Tools & Minor Equipment	20.00	0.00	02/21/2017	Various tools		-	No		0000
20037258	20037258 Total:	20.00								
20037261	02/06/2017	72.00	0.00	02/21/2017	Supplies		-	No		0000
101-430-3100-42000	Office Supplies	72.00	0.00	02/21/2017	Supplies		-	No		0000
20037261	02/06/2017									
601-494-9400-42000	Office Supplies	144.00								
20037261	20037261 Total:	1,384.00								
20037261	SURPLUS Total:									
TDS TDS Metrocom - LLC										
651-779-8882	02/13/2017	91.95	0.00	02/21/2017	Analog lines - Fire		-	No		0000
101-420-2220-43210	Telephone	221.05	0.00	02/21/2017	Analog lines - PW		-	No		0000
651-779-8882	02/13/2017	85.00	0.00	02/21/2017	Analog lines - Lift station alarms		-	No		0000
101-430-3100-43210	Telephone	44.50	0.00	02/21/2017	Alarm Well house 2		-	No		0000
651-779-8882	02/13/2017									
601-494-9400-43210	Telephone	442.50								
651-779-8882	651-779-8882 Total:	442.50								
20037261	TDS Total:	442.50								
TEILANDM TEI Landmark Audio										
11849382	01/13/2017	2,000.00	0.00	02/21/2017	Audio advanced purchase plan		-	No		0000
206-450-5300-42500	Library Collection Maintenance	2,000.00								
11849382	11849382 Total:	2,000.00								
TEILANDM	TEILANDM Total:	2,000.00								
TELEMETR Telemetry & Process Controls										
105151	01/31/2017	279.00	0.00	02/21/2017	Monthly services		-	No		0000
601-494-9400-43150	Contract Services	279.00	0.00	02/21/2017	Monthly services		-	No		0000
105151	01/31/2017									
602-495-9450-43150	Contract Services	558.00								
105151	105151 Total:	558.00								
TELEMETR	TELEMETR Total:	558.00								
TKDA TKDA, Inc.										
2017000265	02/09/2017	7,101.83	0.00	02/21/2017	2017 Street Improvement		-	No		0000
409-480-8000-43030	Engineering Services	7,101.83								
2017000265	2017000265 Total:	7,101.83								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
TKDA Total:		7,101.83									
TOOLGUY The Tool Guy, LLC											
26466	02/07/2017	27.83	0.00	02/21/2017	Tools		-		No		0000
101-430-3100-42400	Small Tools & Minor Equipment	27.83									
26469	02/07/2017	8.24	0.00	02/21/2017	Tools		-		No		0000
101-430-3100-42400	Small Tools & Minor Equipment	8.24									
TOOLGUY Total:		36.07									
TOWNCTRY Town & County Cleaning Co											
217553	02/01/2017	370.00	0.00	02/21/2017	Cleaning - Library		-		No		0000
206-450-5300-44010	Repairs/Maint Bldg	370.00									
TOWNCTRY Total:		370.00									
TRKUTI Truck Utilities Inc.											
308118	02/13/2017	21.40	0.00	02/21/2017	parts		-		No		0000
101-430-3120-42210	Equipment Parts	21.40									
TRKUTI Total:		21.40									
TWINGAR Twin City Garage Door Corp.											
477272	02/08/2017	255.00	0.00	02/21/2017	Bay door		-		No		0000
101-430-3100-44010	Repairs/Maint Bldg	255.00									
TWINGAR Total:		255.00									
WASH-REC Washington County											
101-410-1320-43150	Contract Services	230.00	0.00	02/21/2017	Recordings		-		No		0000
WASH-REC Total:		230.00									
WASHLIB Washington County Library											
206-450-5300-44300	Miscellaneous	5,181.00	0.00	02/21/2017	Library Card Reimbursement		-		No		0000
Total:		5,181.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
WASHLIB Total:		5,181.00								
WEEKSEND Weeks-End Signs & Graphics										
2282	02/02/2017	345.00	0.00	02/21/2017	City Hall Sign		-		No	0000
101-410-1940-44300 Miscellaneous										
2282 Total:		345.00								
WEEKSEND Total:		345.00								
Whiteani White Anita										
Bonus	02/07/2017	25.00	0.00	02/21/2017	CC 2.7.17 - Bonus		-		No	0000
101-410-1450-43620 Cable Operations										
Bonus Total:		25.00								
Cable	02/07/2017	55.00	0.00	02/21/2017	CC 2.7.17		-		No	0000
101-410-1450-43620 Cable Operations										
Cable Total:		55.00								
Whiteani Total:		80.00								
WITTER Witter Nicholas										
	02/09/2017	233.18	0.00	02/21/2017	Officer Fire School Reimbursement		-		No	0000
101-420-2220-44370 Conferences & Training										
Total:		233.18								
WITTER Total:		233.18								
XCEL Xcel Energy										
	01/30/2017	127.27	0.00	02/21/2017	Utility expense		-		No	0000
101-450-5200-43810 Electric Utility										
01/30/2017		235.89	0.00	02/21/2017	Utility expense		-		No	0000
602-495-9450-43810 Electric Utility										
01/30/2017		35.87	0.00	02/21/2017	Utility expense		-		No	0000
101-430-3160-43810 Street Lighting										
01/30/2017		458.81	0.00	02/21/2017	Utility expense		-		No	0000
101-410-1940-43810 Electric Utility										
01/30/2017		34.06	0.00	02/21/2017	Utility expense		-		No	0000
101-430-3160-43810 Street Lighting										
01/30/2017		1,254.15	0.00	02/21/2017	Utility expense		-		No	0000
601-494-9400-43810 Electric Utility										
01/30/2017		2,132.37	0.00	02/21/2017	Utility expense		-		No	0000
101-430-3160-43810 Street Lighting										
01/30/2017		701.47	0.00	02/21/2017	Utility expense		-		No	0000
601-494-9400-43810 Electric Utility										
Total:		4,979.89								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
XCEL Total:		4,979.89								
YALEMECH Yale Mechanical										
173963	01/31/2017	384.64	0.00	02/21/2017	Maintenance		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
173963	Total:	384.64								
175046	01/31/2017	1,245.94	0.00	02/21/2017	Maintenance		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									
175046	Total:	1,245.94								
175048	01/31/2017	902.10	0.00	02/21/2017	Maintenance		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
175048	Total:	902.10								
YALEMECH	Total:	2,532.68								
Report Total:		545,215.56								

Accounts Payable To Be Paid Proof List

User: PattyB
 Printed: 02/15/2017 - 2:08 PM
 Batch: 009-02-2017

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SW/WC SW/WC Service Cooperatives										
170202317835	02/02/2017	27,737.00	0.00	02/21/2017	March 2017 premium		-			
101-000-0000-21706	Medical Insurance									
	170202317835 Total:	27,737.00								No 0000
	SW/WC Total:	27,737.00								
Report Total:		27,737.00								

STAFF REPORT

DATE: February 21, 2017
CONSENT
ITEM #3

TO: Lake Elmo City Council
FROM: Dan Raboin, City Assessor
AGENDA ITEM: Monthly Assessor Report
REVIEWED BY: Kristina Handt, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept the monthly assessor report for through December 2016 outlining work performed on behalf of the City of Lake Elmo. No specific motion is needed as this is recommended as part of the *Consent Agenda*.

MONTHLY ACTIVITY:

Property splits/plats – 0
Sales collected and viewed – 7
Taxpayer inquiries – 2
Miscellaneous inquiries - 5
Inspections – Residential new construction – 112; Commercial new construction– 1
Building permit reviews – 33
Pictures taken – 116

Other work performed included:

- Completion of 2017 Assessment. Working on sales analytics, land values, neighborhood values, and miscellaneous edit lists
- Monthly meeting with County residential and commercial supervisors
- Computer work including but not limited to: data entry for all properties inspected; permit information; sales verification using MLS and other resources; and telephone inquiries.

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council accept the January 2017 monthly assessor report.



STAFF REPORT

DATE: 2/21/17

CONSENT

ITEM #: 4

TO: Lake Elmo City Council

FROM: Mike Bent, Building Official

AGENDA ITEM: Monthly Building Department Report – January 2017

REVIEWED BY:

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept the monthly building department report. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

MONTHLY REPORT: Below is a snapshot of the monthly statistics for January 2017. Comparison data is also include from prior years for new home single family construction and total permitting activity for the month. Attached are the system summary reports breaking out this information further, including the statistics related to the inspection activity.

	<u>2017</u>	<u>2016</u>	<u>2015</u>
New homes	21	8	5
Total valuation	\$8,028,310	\$2,511,681	\$2,306,668
Average home value	\$382,300	\$313,960	\$461,333
Total Permit Valuation YTD	\$8,253,924	\$9,115,875	\$3,946,191

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council accept the January 2017 monthly building permit report.

ATTACHMENTS:

1. Valuation Report
2. Permits Issued & Fees Report
3. Inspection statistic report for January 2017



STAFF REPORT

DATE: February 7, 2017

CONSENT

ITEM #: 5

TO: City Council

FROM: Greg Malmquist, Fire Chief

AGENDA ITEM: Month End Fire Department Update for January 2017

REVIEWED BY: Kristina Handt, City Administrator

BACKGROUND:

ISSUE BEFORE COUNCIL: Review month end activity update from fire department. Advise on any additional information requested.

PROPOSAL DETAILS/ANALYSIS:

We had a total of 37 calls for January.

6	Fire alarms with no fire – unintentional
1	Structure Fire
5	Dispatched and cancelled en route
17	Medicals
1	Gas Leak
6	Car accident with injuries
1	Steam mistaken for smoke

37 Total

3178 is temporarily being used to replace CV2. That said, a command vehicle did not respond on 1 call for a response rate of 97%. Average response time was 6 minutes. 8 of our calls had 3 or less responders minus CV/3178.

Department drills for the month were:

#1 – CEU Hostile Environment

#2 – Emergency Response

#3 – Right to Know make-up

Points of interest:

- One of our CVs was totaled in a car crash as personnel responded to an emergency call.
- One Fire Fighter that previously indicated intent to resign did in fact formally resign from the department.
- 2 potential recruits submitted applications and have begun the process to become probationary Fire Fighters. One of the applicants is a former member of the department and is currently full time fire for Saint Paul.
- One of our personnel attended a special training related to fire fighter suicide and psychological trauma.

- Two personnel completed training and are now instructors for CIRAS (Collaborative Incident Response Active Shooter)

FISCAL IMPACT: N/A

OPTIONS:

RECOMMENDATION:

ATTACHMENTS:



MAYOR AND COUNCIL COMMUNICATION

DATE: 2/21/2017

CONSENT

ITEM #: 6

AGENDA ITEM: Public Works Director Report

SUBMITTED BY: Rob Weldon, Public Works Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Kristina Handt, City Administrator

ISSUE BEFORE COUNCIL:

City Council is asked to review and accept, as part of consent Agenda, a brief description of activities that have taken place in the Public Works Department in the month of January 2017.

PROPOSAL DETAILS/ANALYSIS:

- Meeting with City of Oakdale to discuss termination of water supply
- Meeting with Metro Transit to discuss proposed I-94 Park and Ride
- Inwood Ave Booster Station start-up
- City Hall Restroom painting
- Staff Parking Ordinance Discussion
- Safety Training
- Tree removal on Hill Trail 201 Drain field
- Meeting with TPC to discuss future SCADA computer options
- 12 winter weather events requiring plowing or salting
- Misc. vehicle repairs related to winter weather events

RECOMMENDATION:

Base on the activities listed above, City Council is respectfully asked to accept the January 2017 Public Works Report.



STAFF REPORT

DATE: February 21, 2017

CONSENT

ITEM #: 7

AGENDA ITEM: Inwood Water Tower (No. 4) – Pay Request No. 8

SUBMITTED BY: Chad Isakson, Project Engineer

REVIEWED BY: Krintina Handt, City Administrator
Jack Griffin, City Engineer

BACKGROUND: CB&I, Inc. was awarded a construction contract on March 15, 2016 to complete the Inwood Water Tower (No. 4) project. The contractor has submitted Partial Pay Request No. 8.

ISSUE BEFORE COUNCIL: Should the City Council approve Pay Request No. 8?

PROPOSAL DETAILS/ANALYSIS: CB&I, Inc., has submitted Partial Pay Request No. 8 in the amount of \$354,458.30. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$89,669.38.

FISCAL IMPACT: None. Partial payment is proposed in accordance with the Contract for the project. Payment remains within the authorized scope and budget.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the Consent Agenda*, Pay Request No. 8 for the Inwood Water Tower (No. 4) project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 8 to CB&I, Inc. in the amount of \$354,458.30 for the Inwood Water Tower (No. 4)”.

ATTACHMENTS:

1. Partial Pay Estimate No. 8

PROJECT PAY FORM

FOCUS ENGINEERING, inc.		PARTIAL PAY ESTIMATE NO. 8																										
PERIOD OF ESTIMATE FROM <u>12/1/2016</u> TO <u>1/14/2017</u>		INWOOD WATER TOWER NO. 4 PROJECT NO. 2015.130																										
CONTRACTOR: CB&I Inc. 14109 S. ROUTE 59 PLAINFIELD, IL 60544 ATTN: MICHAEL ALLISON		PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, CITY ENGINEER																										
CONTRACT CHANGE ORDER SUMMARY																												
PAY ESTIMATE SUMMARY		CONTRACT TIME																										
1. Original Contract Amount \$2,395,000.00 2. Net Change Order Sum \$8,744.00 3. Revised Contract (1+2) \$2,403,744.00 4. *Work Completed \$1,793,387.50 5. *Stored Materials \$0.00 6. Subtotal (4+5) \$1,793,387.50 7. Retainage* 5.0% \$89,669.38 8. Previous Payments \$1,349,259.83 9. Amount Due (6-7-8) \$354,458.30 *Detailed Breakdown Attached		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>Date</th> <th>Approval</th> <th>Amount</th> <th>Net Change</th> </tr> <tr> <td>1</td> <td>5/3/2016</td> <td></td> <td>\$0.00</td> <td>\$8,744.00</td> </tr> <tr> <td>2</td> <td>9/20/2016</td> <td></td> <td>\$0.00</td> <td>\$8,744.00</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> <td>TOTALS</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> <td>\$8,744.00</td> </tr> </table>		No.	Date	Approval	Amount	Net Change	1	5/3/2016		\$0.00	\$8,744.00	2	9/20/2016		\$0.00	\$8,744.00					TOTALS					\$8,744.00
No.	Date	Approval	Amount	Net Change																								
1	5/3/2016		\$0.00	\$8,744.00																								
2	9/20/2016		\$0.00	\$8,744.00																								
				TOTALS																								
				\$8,744.00																								
START DATE: 4/7/2016		ORIGINAL DAYS 574																										
REVISSED DAYS 0		REMAINING 292																										
ON SCHEDULE YES ☒ NO ☐																												
ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents. _____ DATE 2/1/2017 ENGINEER																												
CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due. _____ DATE BY 2/1/17 CONTRACTOR <i>Billy Boyd</i>																												
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA																												
BY _____ DATE _____		BY _____ DATE _____																										

PARTIAL PAY ESTIMATE NO. 8

INWOOD WATER TOWER NO. 4
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2015.130**FOCUS** ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 1 - SITE & UTILITY WORK									
1	MOBILIZATION	LS	1	\$16,000.00	\$16,000.00		\$0.00	1.00	\$16,000.00
2	ROCK CONSTRUCTION ENTRANCE	EA	1	\$3,822.00	\$3,822.00		\$0.00	1.00	\$3,822.00
3	TRAFFIC CONTROL	LS	1	\$2,068.00	\$2,068.00		\$0.00	0.50	\$1,034.00
4	SUBGRADE EXCAVATION	CY	120	\$10.00	\$1,200.00		\$0.00	60.00	\$600.00
5	GEOTEXTILE FABRIC TYPE V	SY	200	\$6.00	\$1,200.00		\$0.00	0.00	\$0.00
6	ORGANIC TOPSOIL BORROW	CY	100	\$30.00	\$3,000.00		\$0.00	0.00	\$0.00
7	SELECT GRANULAR BORROW	CY	150	\$16.00	\$2,400.00		\$0.00	0.00	\$0.00
8	AGGREGATE BASE, CLASS 6	TON	1,250	\$22.00	\$27,500.00		\$0.00	0.00	\$0.00
9	BIT WEARING COURSE MIX (WEA240B)	TON	65	\$99.00	\$6,435.00		\$0.00	0.00	\$0.00
10	BIT NON-WEARING COURSE MIX (WEB240B)	TON	65	\$99.00	\$6,435.00		\$0.00	0.00	\$0.00
11	TACK COAT	GAL	35	\$10.00	\$350.00		\$0.00	0.00	\$0.00
12	8" CONCRETE APRON	SF	350	\$25.00	\$8,750.00		\$0.00	0.00	\$0.00
13	4" CONCRETE WALK	SF	100	\$20.00	\$2,000.00		\$0.00	0.00	\$0.00
14	CONNECT TO EXISTING WATERMAIN	EA	1	\$2,300.00	\$2,300.00		\$0.00	0.00	\$0.00
15	6" DIP WATER MAIN PIPE, CL. 52	LF	10	\$110.00	\$1,100.00		\$0.00	0.00	\$0.00
16	16" DIP WATER MAIN PIPE, CL. 52	LF	120	\$140.00	\$16,800.00		\$0.00	0.00	\$0.00
17	6" GATE VALVE & BOX	EA	1	\$1,980.00	\$1,980.00		\$0.00	0.00	\$0.00
18	HYDRANT	EA	1	\$4,864.00	\$4,864.00		\$0.00	0.00	\$0.00
19	DIP FITTINGS	LB	700	\$2.50	\$1,750.00		\$0.00	0.00	\$0.00
20	POLYETHYLENE ENCASEMENT	LF	140	\$2.00	\$280.00		\$0.00	0.00	\$0.00
21	4' X 4' CATCH BASIN WITH GRATING	EA	1	\$2,618.00	\$2,618.00		\$0.00	0.00	\$0.00
22	1.5" CLEAR TOCK	CY	16	\$76.00	\$1,216.00		\$0.00	0.00	\$0.00
23	GEOTEXTILE FABRIC TYPE I	SY	30	\$6.00	\$180.00		\$0.00	0.00	\$0.00
24	18" RCP STORM SEWER PIPE, CL. V	LF	90	\$68.00	\$6,120.00		\$0.00	0.00	\$0.00
25	18" APRON W/TRASH GUARD	EA	1	\$1,700.00	\$1,700.00		\$0.00	0.00	\$0.00
26	HAND PLACED RIP RAP, CL. III	CY	10	\$92.00	\$920.00		\$0.00	0.00	\$0.00
27	GEOTEXTILE FABRIC TYPE IV	SY	37	\$3.00	\$111.00		\$0.00	0.00	\$0.00
28	PREASSEMBLED SILT FENCE	LF	500	\$2.25	\$1,125.00		\$0.00	250.00	\$562.50
29	STRAW BIOROLL	LF	1,000	\$2.00	\$2,000.00		\$0.00	0.00	\$0.00
30	TEMPORARY SEEDING (MIX 22-111 WITH TYPE I MULCH)	AC	1.5	\$4,000.00	\$6,000.00		\$0.00	0.00	\$0.00
31	SEEDING (MIX 25-131 WITH FERTILIZER & HYDROMULCH)	AC	1.5	\$3,500.00	\$5,250.00		\$0.00	0.00	\$0.00
SUBTOTAL - DIVISION 1			\$137,474.00			\$0.00		\$22,018.50	
DIVISION 2 - ELEVATED STORAGE TANK									
1	INSURANCE AND BONDS	LS	1	\$47,900.00	\$47,900.00		\$0.00	1.00	\$47,900.00
2	ENGINEERING & APPROVAL	LS	1	\$239,500.00	\$239,500.00		\$0.00	0.98	\$234,710.00
3	TANK MATERIALS	LS	1	\$316,100.00	\$316,100.00		\$0.00	1.00	\$316,100.00
4	TANK FABRICATION & SHIP	LS	1	\$287,700.00	\$287,700.00	0.72	\$207,144.00	0.97	\$279,069.00
5	FOUNDATION CONSTRUCTION	LS	1	\$413,400.00	\$413,400.00		\$0.00	0.95	\$392,730.00
6	CONCRETE SHAFT CONSTRUCTION	LS	1	\$372,100.00	\$372,100.00	0.10	\$37,210.00	1.00	\$372,100.00
7	TANK ERECTION (ON GROUND)	LS	1	\$214,600.00	\$214,600.00	0.60	\$128,760.00	0.60	\$128,760.00
8	TANK PAINT (ON GROUND)	LS	1	\$142,300.00	\$142,300.00		\$0.00	0.00	\$0.00
9	HOIST TANK	LS	1	\$43,450.00	\$43,450.00		\$0.00	0.00	\$0.00
10	TANK PAINT (IN AIR)	LS	1	\$74,200.00	\$74,200.00		\$0.00	0.00	\$0.00
11	STERILIZE AND TEST	LS	1	\$976.00	\$976.00		\$0.00	0.00	\$0.00
12	ELECTRICAL	LS	1	\$89,800.00	\$89,800.00		\$0.00	0.00	\$0.00
13	WATER TOWER CONTROL PANEL AND RTU	LS	1	\$15,500.00	\$15,500.00		\$0.00	0.00	\$0.00
SUBTOTAL - DIVISION 2			\$2,257,526.00			\$373,114.00		\$1,771,369.00	
TOTALS - BASE CONTRACT			\$2,395,000.00			\$373,114.00		\$1,793,387.50	
TOTAL CHANGE ORDER NO.1		0	1	\$0.00	\$0.00	\$0.00		0.00	\$0.00
TOTAL CHANGE ORDER NO.2		0	1	\$8,744.00	\$8,744.00	\$0.00		0.00	\$0.00
TOTALS - REVISED CONTRACT			\$2,403,744.00			\$373,114.00		\$1,793,387.50	



STAFF REPORT

DATE: February 21, 2017

CONSENT

ITEM #: 8

AGENDA ITEM: Private Development Projects – Approve Security Reductions for the Boulder Ponds 5th Street North Improvements and Village Preserve 2nd Addition

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Stephen Wensman, Planning Director
Chad Isakson, Assistance City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve the security reductions for the Boulder Ponds 5th Street North Improvements and Village Preserve 2nd Addition?

PROPOSAL DETAILS/ANALYSIS: Staff has received and processed a request to reduce the development security for the Boulder Ponds 5th Street N. Improvements and Village Preserve 2nd Addition. These requests have been reviewed and the following reductions are being recommended as follows:

	<u>Current Security Amount</u>	<u>Proposed Security Amount</u>
1. Boulder Ponds 5th Street Imp.:	\$ 848,691	\$ 745,004
2. Village Preserve 2nd Addition:	\$ 894,649	\$ 431,488

Each development is at a various stage of completion and each reduction amount has been reviewed according to the extent of completion for each infrastructure component as detailed in the attached Security Reduction Worksheet.

FISCAL IMPACT: It is the City's goal to retain at all times during the subdivision improvements a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default. With these reductions, the remaining security amounts held by the City remains sufficient to complete the remaining improvements.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the Consent Agenda*, the security reductions for the Boulder Ponds 5th Street North Improvements and Village Preserve 2nd Addition as detailed in this report and supporting documentation. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve security reductions for the Boulder Ponds 5th Street N. Improvements and Village Preserve 2nd Addition as detailed in their respective Security Reduction Worksheet.”

ATTACHMENTS:

1. Security Reduction Worksheet – Boulder Ponds 5th Street North.
2. Security Reduction Worksheet – Village Preserve 2nd Addition.

BOULDER PONDS 5TH STREET NORTH

Time of Performance: October 31, 2017

DEVELOPMENT AGREEMENT AMOUNTS CATEGORY	CONSTRUCTION	125% REMARKS	REDUCTIONS					
			#1	#2	#3	#4	#5	#6
Grading	NA	NA Included in Boulder Ponds 1st Addition						
Sanitary Sewer	\$46,600	\$58,250	\$43,688					
Watermain	\$64,000	\$80,000	\$60,000					
Storm Sewer (w/pond structures)	\$97,300	\$121,625						
Streets	\$287,700	\$359,625						
Sidewalks/Trails	\$71,000	\$88,750						
Surface Water Facilities	NA	NA						
Street Lighting	NA	NA						
Street Signs and Traffic Control Signs	\$11,600	\$14,500						
Private Utilities (electricity, natural gas, telephone, and cable)	NA	NA						
Landscaping	\$100,753	\$125,941						
Tree Preservation and Restoration	NA	NA						
Wetland Mitigation and Buffers	NA	NA						
Monuments	NA	NA						
Erosion Control	NA	NA						
Miscellaneous Facilities	NA	NA						
Record Drawings	NA	NA						
TOTALS	\$678,953	\$848,691						

RELEASED AMOUNTS:

\$103,688

\$0

\$0

\$0

\$0

\$0

CUMULATIVE AMOUNTS:

\$103,688

SECURITY AMOUNT REMAINING: \$745,004

DATE: 2/21/2017

VILLAGE PRESERVE 2ND ADDITION

Time of Performance: October 31, 2016

DEVELOPMENT AGREEMENT AMOUNTS

CATEGORY	CONSTRUCTION	125% REMARKS	REDUCTIONS					
			#1	#2	#3	#4	#5	#6
Grading	\$60,786	\$75,983	\$56,938					
Sanitary Sewer	\$60,734	\$75,918	\$112,567					
Watermain	\$120,071	\$150,089	\$26,044					
Storm Sewer (w/pond structures)	\$41,671	\$52,089	\$137,483					
Streets	\$219,972	\$274,965						
Sidewalks/Trails	\$58,525	\$73,156						
Surface Water Facilities	NA	NA						
Street Lighting	\$36,000	\$45,000						
Street Signs and Traffic Control Signs	\$2,540	\$3,175						
Private Utilities (electricity, natural gas, telephone, and cable)								
Landscaping	\$26,745	\$33,431						
Tree Preservation and Restoration	NA	NA						
Wetland Mitigation and Buffers	NA	NA						
Monuments	\$4,500	\$5,625						
Erosion Control	\$18,525	\$23,156						
Miscellaneous Facilities	NA	NA						
Record Drawings	\$2,500	\$3,125						
TOTALS	\$652,569	\$815,712	\$333,032	\$0	\$0	\$0	\$0	\$0

RELEASED AMOUNTS: \$333,032

CUMMULATIVE AMOUNTS: \$333,032

SECURITY AMOUNT REMAINING: \$482,681

DATE: 2/21/2017



STAFF REPORT

DATE: FEBRUARY 21, 2017

CONSENT

ITEM #: 9

TO: City Council
FROM: Emily Becker, Planner
AGENDA ITEM: OP-ALT Zoning District Repeal
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City repealed the RAD-ALT Land Use Category in 2014, but the corresponding zoning district, OP-2 Open Space District, was not repealed and therefore still exists within the Zoning Code.

ISSUE BEFORE THE COUNCIL:

The Council is being asked to adopt an ordinance repealing OP-ALT District from the Zoning Code.

ANALYSIS:

The OP-ALT District is no longer required, as there currently are no properties zoned or guided for this land use.

Planning Commission and Public Hearing

A public hearing was held at the Planning Commission meeting on February 13, 2017. No one from the public hearing spoke during this meeting, and no comments were received prior to the meeting. The Planning Commission recommended approval of repealing this Section of the Zoning Code with an affirmative vote of 6-0.

RECOMMENDATION:

Staff and the Planning Commission recommend the Council, as part of tonight's consent agenda, adopt Ord. 08-169 repealing Section 154.700 – OP-ALT District from the Zoning Code. If removed from the consent agenda, the ordinance may be adopted with the following motion:

“Move to adopt Ord. 08-169, approving the repeal of Section 154.700 – OP-ALT District from the Zoning Code.”

ATTACHMENTS:

1. Draft Ordinance 08-169
2. Section 154.700
3. Planning Commission Report 2-13-2017

§ 154.700 OP-2 - OPEN SPACE PRESERVATION OVERLAY DISTRICT.

ARTICLE XV - OP-ALT DISTRICT

- A. *Purpose.* The purpose of the Open Space Preservation Overlay District (OP-2) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. The OP-2 Overlay District allows for higher density development than is permitted under the OP-2 District regulations at a density of up to 2 units per acre. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district.
- B. *General Regulation.* All regulations governing the OP Open Space Preservation District, §§ 150.175 through 150.189, shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.
- C. *Permitted Uses.* Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:
 1. Senior housing;
 2. Farm schools for pre-school children and school-aged children;
 3. Townhouses (no more than 50% in any development).
- D. *Development Standards.* The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:
 1. All development within an OP-2 district shall only be permitted as a planned unit development. All requests for flexibility from the standards of this section shall be considered and documented as part of a request for a planned unit development.
 2. The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.
 3. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.
 4. *Buffer Zones.* A 100-foot setback shall be provided between the property line of the abutting parcel and any structure and a 50-foot setback shall be provided between the property line and any driving surface within an OP-2 development.
 5. *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.
 6. *Domestic Farm Animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable city and MPC/A requirements related to livestock and other domestic farm animals.

7. *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP zoning district except as noted below:

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Maximum Building Height:		
Primary Structure	2 stories or 35 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width ½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage: Calculated on a development-wide basis	25%	25%
Minimum Setback Requirements:		
Front Yard	20 feet	30 feet
Side Yard	10 feet	10 feet
Corner Lot Front	20 feet	30 feet
Corner Lot Side Yard	20 feet	30 feet
Well from Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	NA	NA
Individual Well and Communal Drainfield	6,000 square feet per unit	NA

(Ord. 08-025, passed 6-1-2010)



STAFF REPORT
DATE: FEBRUARY 13, 2017
PUBLIC HEARING
ITEM #: 4C (CASE #2017-04)
MOTION

TO: Planning Commission

FROM: Emily Becker, Planner

AGENDA ITEM: OP-ALT Zoning District Repeal

REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

RAD-ALT Land Use Category Created. In 2010, the City adopted a new Comprehensive Plan Land Use Category called Rural Area Development – Alternate (RAD-ALT). This land use category:

- Allowed Open Space Preservation development of up to two (2) dwelling units per buildable acre.
- Permitted uses included single family residences, townhouses, and multi-family housing for seniors.

Corresponding District Created. A new district was also created called OP-2 Open Space Preservation Overlay District to the City Code.

RAD-ALT Land Use Category Repealed. In 2014, the RAD-ALT Land Use designation was repealed and all areas previously guided for this Land Use designation were re-guided to RAD-Rural Area Development.

Corresponding District Still Exists. OP-2 Open Space District still exists within the Zoning Code, as there has been no ordinance adopted that repealed it.

ISSUE BEFORE THE COMMISSION:

The Planning Commission is being asked to hold a public hearing and make recommendation on repealing Article XV – OP-ALT District from the Zoning Code.

ANALYSIS:

No Corresponding Land Use Category. The Land Use Category to which the OP-2 zoning district corresponds no longer exists.

Density. The Comprehensive Plan clearly states that Open Space development shall occur at a density of up to 0.45 units per buildable acre, yet the OP-ALT district states that density of up to 2 units per acre is allowed.

Permitted Uses. The OP-ALT district allows all uses permitted within the OP district and also includes senior housing, farm schools for small children, and townhouses (up to 50% of development).

General Regulations and Requirements. The OP-ALT district states that all general regulations and requirements of the OP district must be met.

Development Standards.

- Must be developed as a Planned Unit Development (PUD).
- Minimum acreage for development is 20 acres.
- 60% of open space must be in contiguous parcels of 5 acres.
- Buffers from Abutting Property Lines: 100 feet for structures and 50 feet for driving surface.
- Most setback standards are the same as OP standards except for:
 - Sideyard setbacks are 10 feet (OP is 15 feet).
 - Corner Lot Front Yard setbacks are 20 feet for senior housing (OP is 30 feet).

RECOMMENDATION:

Staff is recommending the Planning Commission recommend approval of repealing Article XV – OP-ALT District from the Zoning Code:

“Move to recommend approval of repealing Article XV – OP-ALT District from the Zoning Code.”

ATTACHMENTS:

1. Draft Ordinance 08-__
2. 2014 Comprehensive Plan Amendment Removing OP-ALT

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Opportunity for Public to Speak.....Chair
- Close the Opportunity for Public to SpeakChair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-_____

AN ORDINANCE TO REPEAL SECTION 154.700 - OP-ALT DISTRICT FROM THE
ZONING CODE

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; by repealing Section 154.700: OP-2- Open Space Preservation Overlay District.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Article IX: Rural Districts; Table 9-1: Permitted and Conditional Uses, Rural Districts by repealing Op-Alt Development as a Conditional Use within the Rural Districts.

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

SECTION 4. Adoption Date. This Ordinance 08-_____ was adopted on this _____ day of _____ 2017, by a vote of _____ Ayes and _____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

This section of the Land Use chapter establishes the City's official land use categories and the official Future Land Use Map. The map assigns planned land use types to all parcels within the community to guide current and future planning and development through the year 2030, and is the official land use designation map for the City. The assigned land use designations are intended to shape the character, type and density of future development according to sound planning principles. Any new development, redevelopment, change in land use or change in zoning is required to be consistent with the official land use guidance for each parcel.

The official land use plan categories are as follows:

RURAL AREA DEVELOPMENT – This category represents the large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Open Space Preservation regulations. Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development. No new areas of rural area development are being established by the official land use plan. [Corresponding Zoning District(s): A, RR, OP]

~~**RURAL AREA DEVELOPMENT – ALTERNATE DENSITY** – This land use category represents a subset of land guided for Rural Area Development and provides for an increase in the densities allowed through an Open Space Preservation development of up to 2.0 dwelling units per buildable acre. Further increases in the base density may be allowed through a Planned Unit Development through incentives for density bonuses that are permitted as part of a PUD and that maintain the open space character of a development. In addition to single family residences and townhouses, multi-family housing for seniors is permitted in this district. [Corresponding Zoning District(s): A, RR, OP, 2]~~

RESIDENTIAL ESTATE – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land. No new areas of residential estate are being established by the official land use plan. [Corresponding Zoning District(s): RE]

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

URBAN LOW DENSITY – The Urban Low Density land use category is intended primarily for single-family detached housing serviced by public sewer and water. This category allows net residential densities from two and one-half (2.5) to four (4) units per acre. Significant new areas of urban low density are guided both within the Old Village and along I-94. [Corresponding Zoning District: LDR]

URBAN MEDIUM DENSITY – The Urban Medium Density land use category allows net residential densities from four and one-half (4.5) to seven (7) units per acre; with greater densities only allowed if deemed appropriate and approved through the PUD process and that meet incentives for density bonus

Table 3-B
Existing and Planned Land Use Table

Land Use	Residential Density (units/acre)		Existing Land Use (acres)	Planned Land Use (acres)	Planned Land Use Changes (anticipated acreages in 5 year increments) ³				Change (acres)
	Min	Max			City wide (Village) ¹	2012 to 2015	2015 to 2020	2020 to 2025	
RESIDENTIAL									
Rural Area Development	n/a	0.1	7094.24	5157.62 5313.24	6610.08 6648.99	6125.92 6203.74	5641.76 5758.49	5157.62 5313.24	-1936.62 1781
Rural Area Dev. ALT	n/a	2.0	0.00	155.62	38.91	77.81	116.72	155.62	155.62
Residential Estates	0.1	0.4	771.26	793.71	776.87	782.49	788.10	793.71	22.45
Rural Single Family	0.66	2.0	1665.92	1666.41	1666.04	1666.16	1666.28	1666.41	0.49
Urban Low Density	2.5	4	0.00	496.39	124.10	248.20	372.29	496.39	496.39
Urban Medium Density	4.5	7	176.08	390.49	229.68	283.29	336.89	390.49	214.41
Urban High Density	7.5	15	0.00	157.67	39.42	78.84	118.25	157.67	157.67
Village Urban Low Density	1.5	2.5	0.00	216.20	54.05	108.10	162.15	216.20	216.20
Village Urban Medium Density	3.0	4.0	0.00	113.70	28.43	56.85	85.28	113.70	113.70
COMMERCIAL ²									
Business Park	7.5	15	120.65	329.69	172.91	225.17	277.43	329.69	209.04
Commercial	4.5	7	99.86	208.33	126.98	154.10	181.22	208.33	108.47
Limited Business	—	—	111.41	66.16	100.09	88.78	77.47	66.16	-45.25
Village Mixed Use	6.0	10.0	0.00	164.40	41.10	82.20	123.30	164.40	164.40
PUBLIC/SEMI PUBLIC/OPEN SPACE ³									
Public/Park	—	—	3298.94	3352.24	3312.27	3325.59	3338.92	3352.24	53.3
Greenbelt Corridor ⁴	—	—	0.00	82.67	20.66	41.34	62.01	82.67	82.67
Road ROWs	—	—	890.93	890.93	890.93	890.93	890.93	890.93	0.0
UNDEVELOPED									
Open Water	—	—	1355.29	1355.29	1355.29	1355.29	1355.29	1355.29	0.0
TOTALS:	—	—	15,584.58	15,584.58	15,584.55	15,584.55	15,584.55	15,584.55	0.0

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

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

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

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

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2014-109**

**RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO
COMPREHENSIVE PLAN**

WHEREAS, the City of Lake Elmo has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

WHEREAS, The City Council of the City of Lake Elmo ("City") has directed the Lake Elmo Planning Commission to consider an amendment the Lake Elmo Comprehensive Plan that would change the future land use designation of property located at 9434 Stillwater Boulevard North from RAD-ALT to RAD, a description of which is on file in the Community Development Department; and

WHEREAS, the City previously amended the Comprehensive Plan for the subject property on June 1, 2010 to allow for an increase in density on the site in conjunction with a proposed development that is no longer valid; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on January 13, 2014 to consider said Comprehensive Plan amendment; and

WHEREAS, on January 13, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve said Comprehensive Plan amendment; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan at a meeting on January 21, 2014; and

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the Planning Commission has reviewed said Comprehensive Plan Amendment in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.

- 2) That the Planning Commission conducted a public hearing on January 13, 2014 consistent with these procedures.
- 3) That the proposed amendment is to is to revise the Future Land Use Map (Map 3-3 in Chapter III – *Land Use Plan*) in the Lake Elmo Comprehensive Plan, and to specifically change the future land use designation a parcel of land commonly known as 9434 Stillwater Boulevard North (PID 15.029.21.31.0001) from RAD-ALT Rural Area Development Alternate Density to RAD Rural Area Development.
- 4) That the Comprehensive Plan Amendment will apply to property legally described in the attached Exhibit “A”.
- 5) That there have been no changes in circumstances since the Land Use Section of the Comprehensive Plan was updated in 2006 that warrant revisions to increase or transfer density to the subject site.
- 6) That higher density residential development is encouraged in areas that will be served by public sanitary sewer where the provision of these services is more cost-effective and where the City will receive credit towards the REC unit counts mandated under its Memorandum of Understanding with the Metropolitan Council.
- 7) That the Housing Chapter of the Comprehensive Plan specifically states that any future senior-specific housing in Lake Elmo will be best accommodated within the Old Village Area due to proximity to goods, services, and public facilities.
- 8) That the subject site does not demonstrate any characteristics that are substantially different from other areas guided for RAD development in the City of Lake Elmo or that would indicate that higher density development is more appropriate in this area than any other site within the City.
- 9) That the City is has recently adopted major Comprehensive Plan amendment related to development in the Old Village Area and the I-94 corridor. Given the current market conditions, the City encourages higher density development in areas that would help off-set the significant infrastructure costs required to serve these areas.
- 10) That higher density housing is not consistent with the City’s stated goals to preserve and enhance its rural character, especially when planned in areas that are guided for Rural Agricultural Density.
- 11) That build-out of existing empty lots in platted and developed OP developments is encouraged over the creation of new development and service areas in the community
- 12) That new access that would be needed to support development on the subject site does not conform to the City’s Transportation Plan that encourages limited access to major collector roads and is inconsistent with the City’s access spacing guidelines.

13) That the 2010 Comprehensive Plan Amendment was designed to accommodate a specific development proposal which no longer exists.

14) That recent Met Council projections of population and household growth indicate less overall population growth than was expected in 2010.

15) That the support of local neighbors for the 2010 development proposal was based on a misunderstanding of the details of the proposal. The 2010 Planning Commission recommendation was significantly driven by the support of neighbors, which support no longer exists.

16) That the Planning Commission and City Council have become more educated and experienced in considering higher density development. Such development should not be considered for land not guided for sewer before 2030.

17) That the 2010 action could be considered spot zoning based on later information and training received by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Lake Elmo City Council hereby approves the Comprehensive Plan amendment, subject to and contingent upon the following:

1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.

Passed and duly adopted this 21st day of January 2104 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Mike Pearson, Mayor

Adam Bell, City Clerk

Exhibit "A"

PT OF SW1/4 OF SD SEC 15 LYING NLY OF NLY R/W OF RR DESC AS FOLL: COM AT NELY COR SD SW1/4 THN S00DEG51'44"E BRG ORIENTED TO WACO SYS ALG ELY LN SD SW1/4 DIST 1067.20FT THN S89DEG13'16"W DIST 289.50FT THN S48DEG14'16"W ALG A LN HEREINAFTER REFERRED AS LN "A" DIST 36.58FT TO PT HEREINAFTER REFERRED AS PT "C" THN S05DEG16'16"W ALG A LN HEREINAFTER REFERRED AS LN "B" DIST 194.90FT M/L TO PT OF INTER WITH NLY R/W LN OF HWY 5 AKA STILLWATER BLVD N SD PT OF INTER BEING THE POB THN N05DEG16'16"E ALG SD LN "B" DIST 194.90FT M/L TO BEFORE DESC PT "C" THN N48DEG14'16"E ALG SD LN "A" DIST 35.69FT M/L TO INTER WITH SLY LN OF N 1067.20FT OF SD SW1/4 THN S89DEG06'21"W ALG SD SLY LN DIST 24.33FT M/L TO WLY LN OF E 314.50FT OF SD SW1/4 THN N00DEG51'44"W ALG SD WLY LN DIST 1067.20FT M/L TO NLY LN OF SD SW1/4 THN S89DEG06'21"W ALG SD NLY LN DIST 995.27FT M/L TO ELY LN OF W 1312.FT OF SD SW1/4 THN S00DEG41'24"E ALG SD ELY LN DIST 460.FT M/L TO SLY LN OF N 460.FT OF SD SW1/4 THN S89DEG06'21"W ALG SD SLY LN DIST 404.01FT M/L TO DESC ELY LN OF FRIEDRICH HGTS PLAT THN S00DEG41'24"E ALG SD ELY LN DIST 141.48FT THN S80DEG54'36"W ALG SLY LN SD PLAT DIST 59.61FT THN S00DEG41'24"E ALG SD ELY LN SD PLAT DIST 66.FT THN N80DEG54'36"E ALG SD NLY LN SD PLAT DIST 164.77FT THN S00DEG41'24"E ALG SD ELY LN SD PLAT DIST 5.07FT M/L TO INTER WITH LN DRAWN PARL WITH SD NLY LN OF SW1/4 & EXT WLY FROM IPM ON WLY LN OF E1/2 SD SW1/4 SD WLY LN HAVING BRG OF S00DEG46'34"E SD IPM DIST 657.56FT SLY FROM NWLY COR OF SD E1/2-SW1/4 THN N89DEG06'21"E ALG SD PARL LN DIST 299.85FT M/L TO SD IPM THN N89DEG24'43"E ALG NLY LN TRACT DESC IN DOC #714370 & ALG NLY LN OF PARCEL DESC IN DOC #3408380 DIST 309.19FT M/L TO IPM AT THE NELY COR THEREOF THN S01DEG00'08"E ALG ELY LN SD PARCEL DESC IN DOC #3408380 DIST 386.67FT M/L TO INTER WITH A LN HERINAFTER REFERRED AS LN "C" DRAWN AT RT ANG & ELY FROM A PT IN SD WLY LN OF E1/2-SW1/4 SD PT BEING HERINAFTER REFERRED AS PT "A" SD PT ALSO DIST 118.20FT NLY AS MEAS ALG SD WLY LN OF E1



STAFF REPORT

DATE: February 21, 2017

CONSENT

ITEM #: 10

AGENDA ITEM: Maintenance Advisory Committee Appointments

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

As was discussed at the last meeting, staff is presenting the applications for the Maintenance Advisory Committee.

ISSUE BEFORE COUNCIL:

Who should the Council appoint to the Maintenance Advisory Committee?

PROPOSAL:

Council members were emailed copies of the application materials from the following:

Dave Moore

Dan Larson

Richie Springborn

FISCAL IMPACT:

NA

OPTIONS:

- 1) Appoint Dave Moore, Dan Larson, and Richie Springborn to the MAC
- 2) Appoint other members to the MAC
- 3) Do not make any appointments to the MAC

RECOMMENDATION:

“Motion to appoint Dave Moore, Dan Larson and Richie Springborn to the MAC”

ATTACHMENTS:

- None



STAFF REPORT

DATE: February 21, 2017

CONSENT

ITEM #: 11

AGENDA ITEM: Public Safety Committee Appointments

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

As was discussed at the last meeting, staff is presenting the applications for the Public Safety Committee.

ISSUE BEFORE COUNCIL:

Who should the Council appoint to the Public Safety Committee?

PROPOSAL:

Council members were emailed copies of the application materials from the following:

Dave Moore

Cullen Case Jr

Lisa McGinn

FISCAL IMPACT:

NA

OPTIONS:

- 1) Appoint Dave Moore, Cullen Case Jr, and Lisa McGinn to the Public Safety Committee
- 2) Appoint other members to the Public Safety Committee
- 3) Do not make any appointments to the Public Safety Committee

RECOMMENDATION:

“Motion to appoint Dave Moore, Cullen Case Jr, and Lisa McGinn to the Public Safety Committee”

ATTACHMENTS:

- None



STAFF REPORT

DATE: February 21, 2017

CONSENT

ITEM #: 12

AGENDA ITEM: Human Resources Committee Appointments

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

As was discussed at the last meeting, staff is presenting the applications for the Human Resources Committee.

ISSUE BEFORE COUNCIL:

Who should the Council appoint to the Human Resources Committee?

PROPOSAL:

Council members were emailed copies of the application materials from the following:

Mike Reeves

John Andrews

Teresa Berry

FISCAL IMPACT:

NA

OPTIONS:

- 1) Appoint Mike Reeves, John Andrews, and Teresa Berry to the Human Resources Committee
- 2) Appoint other members to the Human Resources Committee
- 3) Do not make any appointments to the Human Resources Committee

RECOMMENDATION:

"Motion to appoint Mike Reeves, John Andrews, and Teresa Berry to the Human Resources Committee"

ATTACHMENTS:

- None



STAFF REPORT

DATE: 2/21/2017

REGULAR

ITEM #: 13

TO: City Council
FROM: Emily Becker, City Planner
AGENDA ITEM: City's Shoreland Management Overlay District Ordinance Amendment
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

At its 2/7/2017 meeting, the Council tabled discussion of proposed Shoreland Management Overlay District Ordinance amendments. These amendments were proposed in order to bring the City's Shoreland Management Overlay District Ordinance in to compliance with standards set forth by Minnesota Administrative Rules, Chapter 6120: Shoreland and Floodplain Management. Minnesota Rules Part 6120.2800 requires Minnesota cities designated by the commissioner in consultation with the appropriate county adopt land use controls that are in compliance with this Chapter.

ISSUE BEFORE COUNCIL:

The Council is respectfully requested to consider the Minnesota Department of Natural Resources (MNDNR)-approved amendments to Section 154.800: Shoreland Management Overlay District of the Zoning Code.

PROPOSAL DETAILS/ANALYSIS:

Since its last meeting, Staff has received communication indicating the following concerns with the proposed amendments:

- *Proposed amendment to Table 17-3: Shoreland Standards*, which requires a minimum structure setback for sewerer properties within the shoreland district of Natural Environment lakes of 150 feet (the current ordinance requires a 100 foot structure setback on such properties).
 - Staff has been in contact with the MNDNR asking for flexibility from this standard, and the MNDNR indicated that this is not a standard they are willing to allow flexibility on, as structure setback standards are one of the most important standards in the rules. The MNDNR will look at individual applications for variances, PUDs, etc. that request flexibility from this standard and provide comment. If a decision is made that the MNDNR considers to be an egregious violation of the standards, the MNDNR may appeal that decision. This email communication is attached for reference.
 - While there are a number of legal nonconforming homes within the City that currently do not meet this required setback, the goal of the ordinance amendment

- is to set forth these standards in order to further protect the more sensitive Natural Environment lakes.
- *Nonconformities amendment.*
 - The proposed language on nonconformities was changed to align with Minnesota Statutes, Section 462.357 Subd. 1e, which states that a legal nonconformity within a shoreland may continue but must not be expanded.
 - This would not allow a structure or part thereof that does not currently meet the required setback from the OHW to expand or intensify in use.
 - The purpose of this amendment is again to protect the water bodies from further potentially negative effects caused by intensification of use within the required setback.

FISCAL IMPACT:

None.

OPTIONS:

The Council may:

- Approve the ordinance amendment as proposed.
- Make changes to and approve the ordinance amendment (this may result in the MNDNR retracting their approval and possibly taking further action).
- Deny the ordinance amendment.

RECOMMENDATION:

Staff, the MNDNR, and the Planning Commission recommend that the Council approve the proposed ordinance amendment to the City's Shoreland Management Overlay District Ordinance.

"Move to approve Ord. 08-166 amending Section 154.800: Shoreland Management Overlay District of the Zoning Code."

In addition, Staff recommends that the City Council authorize summary publication of the approved ordinance through the following resolution:

"Move to adopt Resolution 2017-012 authorizing summary publication of Ordinance 08-166"

ATTACHMENTS:

- Email dated 2/13/2017 from MNDNR regarding structure setbacks
- 2/7/2017 Council Meeting Item #12: Shoreland Ordinance Packet

From: [Sorensen, Jenifer \(DNR\)](#)
To: [Emily Becker](#)
Cc: [Petrik, Daniel \(DNR\)](#); [Stephen Wensman](#)
Subject: RE: Shoreland Ordinance Amendment Update
Date: Monday, February 13, 2017 11:59:35 AM

Emily –

State shoreland rules specify a structure setback of 150 feet for both sewered and unsewered lots on Natural Environment (NE) lakes. NE lakes are especially sensitive water bodies – they are typically shallow and more wetland in character than Recreational Development (RD) and General Development (GD) lakes, which are larger and deeper. Having a greater setback on an NE lake allows the width of the shore impact zone (SIZ) to also be greater (since the SIZ is ½ the structure setback).

When approving Lake Elmo's shoreland ordinance, MNDNR will be reviewing the ordinance against the state's shoreland standards, and the expectation by MNDNR is that the setback for both sewered and unsewered lots on NE lakes will be 150 feet. MNDNR will not approve flexibility to this standard under the Lake Elmo's ordinance because structure setback standards are one of the most important standards in the rules, especially for greenfield development.

Once the ordinance is adopted, MNDNR will continue to comment on applications for variances, PUDs, CUPs, lot splits, plats, and subdivisions within the shoreland district. If an application is made for a variance to the OHW setback, either through a variance for an individual lot or during negotiations for a PUD, MNDNR will comment on the application. MNDNR will look at each request individually, but if MNDNR considers the deviation from the standard to be an egregious violation of the state shoreland rules, MNDNR may appeal the decision. The structure setback standard is one of the most important standards in the rules (along with lot size and vegetation alteration standards), especially for greenfield development. Economic hardship is not a reason to grant a variance.

Jen

Jenifer Sorensen

East Metro Area Hydrologist (Ramsey and Washington Counties)
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road
St Paul, MN 55106
Phone: 651-259-5754
Email: jenifer.sorensen@state.mn.us

From: Emily Becker [mailto:EBecker@lakeelmo.org]
Sent: Wednesday, February 08, 2017 2:50 PM
To: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
Subject: Shoreland Ordinance Amendment Update

Hi Jen,

I left you a voicemail but wanted to follow up with an email. I wanted to provide you with an update from last night's Council meeting, during which the shoreland amendment was considered. The item was tabled. We are unsure if there were additional reasons for this, but we do know one point of contention was the proposed amendment that increases the structure setback on a natural environment lake from 100 ft to 150 ft for sewerer lots.

My question is: Can/How can we either a) negotiate decreasing this setback to 100 ft in the ordinance or b) negotiate decreasing this setback through PUD flexibility?

We would like to bring this option (if there is any) back to the next Council meeting on February 21 if possible. Thank you in advance!

Emily Becker

City Planner

City of Lake Elmo

651-747-3912

ebecker@lakeelmo.org





STAFF REPORT

DATE: 2/7/2017

REGULAR

ITEM #: 13

TO: City Council
FROM: Emily Becker, City Planner
AGENDA ITEM: City's Shoreland Management Overlay District Ordinance Amendment
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City amended its Shoreland Ordinance in 2014 by adoption of Ordinance 08-111. These amendments were significant and did not receive required approval from the Minnesota Department of Natural Resources (MNDNR).

The Planning Department has been working with the MNDNR to make amendments to the City's Shoreland Management Overlay District Ordinance to bring the ordinance in to compliance with shoreland regulations of the state, as set forth in Minnesota Rules Part 6120.2800, in order to obtain required approval from the MNDNR. The MNDNR provided conditional approval of the amended ordinance in December of 2016.

ISSUE BEFORE COUNCIL:

The Council is respectfully requested to consider recommended amendments to Section 154.800: Shoreland Management Overlay District of the Zoning Code.

PROPOSAL DETAILS/ANALYSIS:

In summary, the recommended amendments include the following:

- *Definitions are removed*, as these definitions are already in Chapter 11 of the zoning code.
- *Three water bodies are removed from the Shoreland Classifications table*, removing them from the Shoreland Management Overlay District. A map of these waterbodies is attached to this report.
 - These do not have MNDNR shoreland classification and therefore are not required to be included in the City's Shoreland Ordinance. These three water bodies were not included in the City's 1993 Shoreland Ordinance but were added in during the 2014 Shoreland Ordinance amendment, as Staff at the time included all waterbodies that were on MNDNR lakefinder and/or public waters inventory data, rather than only including those that received MNDNR shoreland classification.
 - **MNDNR and VBWD Responses.** While working with the MNDNR to amend its Shoreland Management Overlay District ordinance, the Shoreland Classification Table was discussed. The MNDNR recommended adding one waterbody and removing four. Both the MNDNR and Valley Branch Watershed District (VBWD) were contacted regarding the removal of four waterbodies, and their exact responses can be viewed in the attached emails.

- **Summary of MNDNR Response:** Recommended removing four water bodies from the Shoreland Classification table (DNR ID#s 82041900, 82031300, 82041700, 82041400, 82019a, and 82016a) and adding one water body (DNR ID# 82010500).
- **Summary of VRWD Response:** Developments still need to conform to VBWD buffer and minimum floor elevation standards, so this in and of itself may adequately protect these shorelands. MNDNR ID#82041700 is part of a somewhat natural greenway connection between Horseshoe Lake and Lake Elmo, which is part of a larger somewhat connected greenway from the St. Croix, up Afton along Valley Creek, up Raleigh Creek and Sunfish Lake to the Tri-Lakes and Long Lake and eventually to White Bear Lake.
- *Berschen's Pond was added to the Shoreland Classifications table.*
 - This water body has a MNDNR shoreland classification and therefore should be included.
- *Forest land conversion was added as a conditional use to Table 17-2, with standards outlined in MN Rules Chapter 6120.3300 Subp. 8 included in Subd. (C) (8).*
 - *Changes were made to the Shoreland Standards Table 17-3 to bring standards in to compliance with the MNDNR shoreland standards.*
 - *Reference to riparian dedication is deleted.*
 - This was an amendment made during the 2014 shoreland ordinance amendment and not approved by the MNDNR.
- *Setbacks from ROW and roads are outlined.*
- *Certain lot width and size minimum standards were amended according to MNDNR standards.*
- *Standards for triplets and quads were added.*
- *Minimum lot width standards for unsewered lots and non-riparian lots were added.*
- *Impervious surface standards were kept.*
- It should be noted that the MNDNR approved an increase in maximum impervious standards within sewered shoreland areas (30% rather than 25%) in exchange for a lower impervious standards for unsewered shoreland areas (15% as opposed to 20%).
- *Maximum structure height was added.*
 - It should be noted that the MNDNR approved an increase in maximum building height (35 feet as opposed to the standard of 25 feet) for a decrease to Planned Unit Development (PUD) flexibility (20%, which is lower than MNDNR standard but is aligned with the City's PUD ordinance).
- Standards for lots intended as controlled access to public waters or recreation areas for use by owners of nonriparian lots within subdivisions was added.
- These standards were taken from the MNDNR Model Shoreland Ordinance.
- *Restrictions on roads, driveways and parking area, as well as steep slopes, were added, pursuant to requirements set forth by Minnesota Rules Part 6120.2800.*
- *Language was added to the Subdivision Standards subpart:*
 - Prohibiting lots that require the use of holding tanks.
 - Added standards set forth in MN rules for duplexes, triplexes, and quads.
- *The Sand and Gravel Extraction Subdivision was eliminated, as extraction is not a permitted use within the shoreland district.*
- *PUD standards for PUDs within the shoreland were added, as requested by the MNDNR.*
 - *Requirement to hook up to public sewer or community septic.* The requirement that PUDs be connected to public water supply and sewer systems was kept, but language

is also added that specifies that hen sewer is not available, individual septic systems are not allowed, and a community septic system is required.

- *Open Space Preserved in Perpetuity.* Language from the 2014 City-approved Shoreland ordinance was kept, requiring the developer/owner to provide for the preservation and maintenance in perpetuity of open space and continuation of the development as a community.
- *Open Space Calculations – What May and May Not be Included.* Since the Planning Commission meeting, language was added that allows for wetlands and public waters without shoreland classification to be included in open space calculations and clarifies that public waters and wetlands cannot be included as open space. This was in response to a question from a resident that arose on whether or not this could be included, and the previous language did not clarify this. Staff consulted the MNDNR, who explained that land below the Ordinary High Water Level of public waters cannot be included, and so Staff recommends that this language be included for clarification.
- *Non-Conformities.* The non-conformities section was revised to align more closely with State Statute requirements for nonconformities.
- *Surface Water-Oriented Uses.* Standards for surface water-oriented uses were added as recommended by the MNDNR. Language from the MNDNR Model Shoreland Ordinance was used.
- *Administration Section.* The administration section was updated to more closely align with Minnesota Rules.

The MNDNR has reviewed the ordinance and has given approval of the ordinance contingent upon adoption of the ordinance with recommended edits. After the Planning Commission has made recommendation and Council has approved any amendments to the Shoreland Ordinance, Staff will send the ordinance to the MNDNR for final approval.

FISCAL IMPACT:

None.

OPTIONS:

The Council may:

- Approve the recommended ordinance amendment.
- Make changes to and approve the ordinance amendment.
- Deny the recommended ordinance amendment.

PLANNING COMMISSION/PUBLIC HEARING:

A public hearing was held on the proposed amendment on January 9, 2017 at the Planning Commission meeting. Comments from the public included the following:

- Terry Emerson, 11678 20th St N, concern about:
 - Involving the MNDNR in approval processes of variances, conditional use permits, etc.
 - Requirement of a variance for additions or expansions to nonconforming structure.
 - Logic behind adding Berschen's Pond in the Shoreland Classification Table.
 - Requiring the same setback from Ordinary High Water Level from a Natural Environment water body in sewered areas as are required in non-sewered areas.
 - The proposed amendment was recommended by an affirmative vote of 5-0.

- Ann Buchek, 2301 Legion Ave, questions about:
 • If there is an open space requirement when developments meet lot area and size requirements.
 • Maintenance responsibility for open space.
 • Whether 50% open space requirement was per shoreland within a development or per the entire development within the shoreland.
- An email from John Hodler requesting that Goetschel be retained in the Shoreland Classifications Table was read.

The Planning Commission recommended making the following two changes, which have been amended in the attached, proposed ordinance:

- Do not remove Goetschel's Pond from the Shoreland Classification Table.
- Clarify that open space must constitute at least 50% of the total project area within the shoreland of a Planned Unit Development.

The Planning Commission also asked for clarification if lots served by community septic systems would be considered sewer by shoreland standards. MNDNR's response to this question is attached in an email. The Planning Commission recommended the Council approve the ordinance as amended with an affirmative vote of 5-0.

RECOMMENDATION:

Staff, the MNDNR, and the Planning Commission recommend that the Council approve the proposed ordinance amendment to the City's Shoreland Management Overlay District Ordinance.

"Move to approve Ord. 08-166 amending Section 154.800: Shoreland Management Overlay District of the Zoning Code."

In addition, Staff recommends that the City Council authorize summary publication of the approved ordinance through the following resolution:

"Move to adopt Resolution 2017-011 authorizing summary publication of Ordinance 08-166"

ATTACHMENTS:

- Ord. 08-166
- MNDNR Comments and Contingent Approval Letter
- Resolution 2017-011
- Planning Commission meeting minutes, 1/9/2017
- MNDNR email clarifying community septic system standards.
- Map showing water bodies affected by changes to Shoreland Classification Table
- Email request to retain Goetschel in Shoreland Classification Table.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-166

AN ORDINANCE AMENDING SHORELAND MANAGEMENT DISTRICT RESTRICTIONS TO OBTAIN
COMPLIANCE WITH DEPARTMENT OF NATURAL RESOURCES SHORELAND ORDINANCE
REQUIREMENTS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 800 to read the following:

ARTICLE 17. SHORELAND MANAGEMENT OVERLAY DISTRICT

§154.800 Shoreland Management Overlay District

§154.800 Shoreland Management Overlay District

- A. *Purpose.* The ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462. The purpose of the Shoreland Management Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands through the following activities:
1. Regulate placement of sanitary and waste treatment facilities on shorelands of public waters to prevent pollution of public waters and public health hazards resulting from the facilities.
 2. Regulate alteration of shorelands of public waters to prevent excessive sediment pollution, increased water runoff and excessive nutrient runoff pollution.
 3. Preserve and enhance the unique aesthetic appearance and ecological value of the shoreland.
 4. Regulate the construction of buildings and changes of land use in shorelands to minimize property damage during periods of high water.
- B. *Definitions.* Words, terms and phrases, when used in this section, shall have the meanings ascribed to them in Subd. 01: Definitions; of Chapter 11: General Code Provisions, except where the context clearly indicates a different meaning.
- C. Shoreland Management Overlay District
1. *Shoreland Classifications.* The public waters in Table 17-1 have been classified by the commissioner of natural resources, consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300, as: natural environment (NE), recreational development (RD) and tributary (T) shorelands.

Table 17-1: Shoreland Classifications

DNR ID #	Name	Location	Ordinary High Water Level	Class
82011601	Armstrong (north of CSAH 10)	Sec 28, T29, R21	1020.3	NE

Table 17-2: Permitted (P) and Conditional (C) Uses, Shoreland Classifications

2. Land Uses in Shoreland Districts. All uses of land shall be regulated by the applicable zoning district subject to applicable conditions. Notwithstanding the underlying zoning district, the following uses shall be regulated in shoreland districts as specified in Table 17-2:

a. As measured from and perpendicular to the ordinary high water level (OHWL)

Notes to Table 17-1:

T = Tributary River Classification

NE = Natural Environment Lake Classification

RD = Recreational Development Lake Classification

Classifications

82011602	Armstrong (south of CSAH 10)	Sec 28, T29, R21	1019.3	NE
82009900	Clear	Sec 2 & 11, T29, R21	-	NE
82010100	DeMontreville	Sec 4, 5 & 9, T29, R21	929.3	RD
82010500	Berschen's Pond			NE
82011000	Downs	Sec 24, T29, R21	889.1	NE
82010900	Eagle Point	Sec 22 & 27, T29, R21	896.5	NE
82010600	Elmo	Sec 13, 14, 23, 24 & 26, T29, R21	885.6	RD
82010800	Friedrich Pond	Sec 15 & 22, T29, R21	-	NE
82011300	Goose	Sec 27, 34 & 35, T29, R21	924.4	NE
82011100	H.J. Brown Pond	Sec 26, T29, R21	-	NE
82007400	Horseshoe	Sec 25, T29, R21	876.8	NE
82010400	Jane	Sec 9 & 10, T29, R21	924.0	RD
82011700	Kramer	Sec 35, T29, R21	-	NE
82010300	Olson	Sec 8 & 9, T29, R21	929.3	RD
N/A	Raleigh Creek North (to Eagle Point Lake)	Sec 16, 21 & 22, T29, R21	-	T
N/A	Raleigh Creek South (Eagle Point Lake to Lake Elmo)	Sec 22, 23 & 227, T29, R21	-	T
82011200	Rose	Sec 25 & 36, T29, R21	-	NE
82010700	Sunfish	Sec 14, T29, R21	896.4	NE
82010000	Unnamed	Sec 4, T29, R21	-	NE
82031300	Unnamed	Sec 12, T29, R21	-	NE
N/A	Unnamed to Wilmes Lake	Sec 33, T29, R21	-	T
N/A	Unnamed Tributary	Sec 25, T29, R21	-	T

Land Uses	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Residential	P	P	P
Commercial	P	C	C
Public and Civic Uses	P	C	C
Outdoor Recreation ^a	C	C	C
Agricultural and Related Uses ^{b, c}	P	P	P
Industrial and Extractive Uses	-	-	-
Utilities, Transportation and Communications	C	C	C
Accessory Uses	P	P	P
Planned Developments (PUDs)	C	C	C
Forest Land Conversion	C	C	C

Notes to Table 17-2:

- a. City owned parks and open space and any uses or structures accessory to such uses are permitted within shoreland areas.
 - b. Vegetative clearing within shore and bluff impact zones and on steep slopes is not permitted.
 - c. New feedlots are not allowed in any Shoreland Management Overlay District.
3. *Shoreland Standards.* The standards in Table 17-3 shall apply within shoreland areas to principal, conditional and accessory uses and structures:

Table 17-3: Shoreland Standards

Standards	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Minimum structure setback from County, State or Federal road right-of-way	50 feet	50 feet	50 feet
Minimum setback from right-of-way line of town road, public street, or other roads or streets not classified	20 feet	20 feet	20 feet
Minimum structure setback from an unplatted cemetery or historical site ^a	50 feet	50 feet	50 feet
Minimum structure setback from the Ordinary High Water Level (OHWL) ^{b, c, e}			
Sewered ^d	75 feet	150 feet	50 feet
Unsewered ^d	100 feet	150 feet	100 feet
Minimum structure setback from top of bluff	30 feet	30 feet	30 feet
Minimum septic system setback from OHWL	75 feet	150 feet	75 feet
Minimum low floor elevation above the 100-year flood elevation	2 feet	2 feet	2 feet
Maximum impervious lot coverage			
Sewered ^e	30%		

Unsewered			
Single family detached			
150 feet	200 feet	100 feet	
Sewered			
Single family detached			
75 feet	125 feet	75 feet	
Two-family or duplex ^e			
135 feet	220 feet	115 feet	
Triplex ^e			
190 feet	315 feet	150 feet	
Quad ^e			
245 feet	410 feet	190 feet	
Unsewered			
Minimum lot width, nonriparian Lots			
Sewered			
Single family detached			
150 feet	200 feet	100 feet	
Two-family or duplex ^e			
225 feet	300 feet	150 feet	
Unsewered			
Single family detached			
75 feet	125 feet	75 feet	
Two-family or duplex ^e			
135 feet	225 feet	115 feet	
Triplex ^e			
195 feet	325 feet	150 feet	
Quad ^e			
255 feet	425 feet	190 feet	
Unsewered			
Minimum lot width, ^{f, g} riparian lots			
Sewered			
Single family detached			
40,000 sf	80,000 sf	Same as zoning district	
Two-family or duplex			
80,000 sf	160,000 sf	Same as zoning district	
Unsewered			
Single family detached			
15,000 sf	20,000 sf	Same as zoning district	
Two-family or duplex			
26,000 sf	35,000 sf	Same as zoning district	
Triplex			
38,000 sf	52,000 sf	Same as zoning district	
Quad			
49,000 sf	65,000 sf	Same as zoning district	
Sewered			
Minimum lot size ^f , non-riparian lots			
Single family detached			
40,000 sf	80,000 sf	Same as zoning district	
Two-family or duplex			
80,000 sf	70,000 sf	Same as zoning district	
Unsewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
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Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
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Quad			
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Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
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Unsewered			
Minimum lot size ^f , riparian lots			
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Single family detached			
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Two-family or duplex			
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Unsewered			
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Two-family or duplex			
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Triplex			
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Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
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Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
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Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
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Triplex			
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Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
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Triplex			
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Minimum lot size ^f , riparian lots			
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Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
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Triplex			
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Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
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Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
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Single family detached			
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Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
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Single family detached			
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Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
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Two-family or duplex			
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Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
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Single family detached			
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Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
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Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
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Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
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Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
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Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family or duplex			
35,000 sf	70,000 sf	Same as zoning district	
Triplex			
120,000 sf	160,000 sf	Same as zoning district	
Quad			
160,000 sf	200,000 sf	Same as zoning district	
Unsewered			
Minimum lot size ^f , riparian lots			
Sewered			
Single family detached			
20,000 sf	40,000 sf	Same as zoning district	
Two-family			

Two-family or duplex ^e	265 feet	400 feet	150 feet
Maximum Structure Height	35 feet	35 feet	35 feet

Notes to Table 17-3:

- a. Reduction of the required setback from a historic site is permitted with the approval of the office of the Minnesota State Archeologist.
- b. Where structures exist on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the Ordinary High Water Level (OHWL), provided the proposed building is not located in a shore impact zone or bluff impact zone.
- c. Roads, driveways and parking areas shall meet the minimum structure setback. Where no alternative exists, such improvements may be placed within the required structure setbacks provided they are designed to adapt to the natural landscape, soil erosion is minimized and no construction shall occur in shore or bluff impact zones. Exceptions to setback requirements must comply with the rules and regulations of local watershed districts.
- d. Commercial, public and civic uses located on lots with public waters frontage shall be setback double the required setback or be substantially screened from the water by vegetation or topography, assuming summer, leaf-on conditions.
- e. Subdivisions of duplexes, triplexes, and quads within Natural Environment Shoreland districts must also meet standards set forth in Section (C)(5)(c).
- f. Minimum lot size and width requirements apply to residential uses only.
- g. *Lots Intended As Controlled Accesses to Public Waters or as Recreation Areas for Use by Owners of Nonriparian Lots within Subdivisions.* Must meet or exceed the following standards:
They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - i. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of Lake Size to Shore Length (acres/mile)	Required increase in frontage (percent)
Less than 100	25%
100-200	20%
201-300	15%
301-400	10%
Greater than 400	5%

- ii. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total

number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

4. Design Criteria for Structures

a. *Water Oriented Accessory Structures.* Each lot may have one (1) water oriented accessory structure not meeting the normal structure setbacks if the structure complies with the following provisions:

- i. *Structure Height.* The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, from the average grade of the structure to the peak of the roof. Detached decks must not exceed eight (8) feet above grade at any point.
- ii. *Structure Size.* Water oriented accessory structures cannot occupy an area greater than two-hundred and fifty (250) square feet.
- iii. *Structure Setback.* The setback of the structure or facility landward from the Ordinary High Water Level (OHWL) must be at least ten (10) feet on a recreational development lake and fifty (50) feet on a natural environment lake.
- iv. *The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.*
- v. *The roof of the structure may be used as a deck with safety rails, but must not be enclosed or used as a storage area.*
- vi. The structure or facility must not be used for human habitation and must not contain water supply or sewage treatment facilities.
- vii. *Watercraft Storage Facilities.* As an alternative for recreational development water bodies, water oriented accessory structures used solely for watercraft storage, and including the storage of related boating and water oriented sporting equipment, may occupy up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

b. *Stairways, Lifts and Landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- i. Stairways and lifts must not exceed four (4) feet in width. Wider stairways may be used for public open space or recreation properties.
- ii. Landings for stairways and lifts must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space or recreation properties.
- iii. Canopies or roofs are not allowed on stairways, lifts or landings.

iv. Stairways, lifts and landings may be either constructed above ground on posts or pilings or placed into the ground, provided that they are designed and built in a manner that ensures control of soil erosion.

v. Stairways, lifts and landing must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

- vi. Facilities such as public and private watercraft access ramps, lifts, access-related parking areas, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (i) through (v) above are satisfied and provided the vegetative screening and erosion control requirements are met.
 - c. *Roads, Driveways, and Parking Areas.* Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
 - d. *Steep slopes.* Local government officials must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
5. *Subdivision Standards.* The following standards shall apply to subdivisions in shoreland areas:
- a. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. In determining suitability the City will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision, or of the community at large.
 - b. Subdivisions must conform to all other official controls adopted by the City of Lake Elmo. Subdivisions will not be approved that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose. Lots that would require use of holding tanks must not be approved.
 - c. On natural environment lakes, subdivisions of duplexes, triplexes, and quads must also meet the following standards:
 - i. Each building must be set back at least 200 feet from the ordinary high water level.
 - ii. Each building must have common sewage treatment and water systems that serve all dwelling units in the building.
 - iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
 - iv. No more than 25 percent of a lake's shoreline can be in a duplex, triplex, or quad environment.
6. *Agricultural Activities.* The following standards shall apply to agricultural activities in shoreland areas:
- a. The shore impact for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the OHWL.

- i. The smallest amount of bare ground is exposed for the shortest time possible;
 - ii. Ground cover such as mulch is used for temporary bare soil coverage and permanent ground cover, such as sod, is established;
 - iii. Methods to prevent erosion and trap sediment during construction are employed;
- e. *Grading in Shoreland Areas.* All grading and filling activities must be in conformance with the Wetland Conservation Act. Any grading or filling on steep slopes or within shore or bluff impact zones involving the movement of ten (10) or more cubic yards of material or involving more than fifty (50) cubic yards of material elsewhere in a shoreland area shall require the submission of a Grading Permit. Approval shall be granted only if the following conditions are met:
- d. *Limited Tree Clearing.* Limited clearing of trees and shrubs and the cutting, pruning and trimming of trees within bluff and shore impact zones or steep slopes to accommodate picnic areas, trails and water access and to provide a view to the water from a principal dwelling site shall be permitted provided the screening of structures, as viewed from the water, is not substantially reduced and that the shading of water surface is along rivers is preserved. These provisions do not apply to the removal of tree limbs or branches that are dead or pose a safety hazard.
 - c. *Intensive Vegetative Clearing.* Intensive vegetation clearing within shore and bluff impact zones and/or steep slopes is not permitted. Intensive clearing within shoreland areas outside of bluff or shore impact zones and steep slope areas is subject to standards set forth in Subp. (C) (8) of this Section.
 - b. Shore impact zones shall be maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district.
 - a. No principal or accessory structure or use shall be placed within bluff or shore impact zones other than agricultural activities as permitted by subsection (C)(6)(b).
7. *Shoreland Alterations.* The purpose of this section is to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent back slumping and protect fish and wildlife habitat. Shoreland alterations shall be allowed in accordance with the following standards:
- d. The use of pesticides, fertilizers or animal wastes within shoreland areas shall be done in such a way as to minimize impacts on shore impact zones by proper application or use of earth or vegetation.
 - iii. Old feedlots not currently in operation may resume operation consistent with Minnesota Statute Section 116.0711.
 - ii. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - i. Feedlots must be designed consistent with Minnesota Rules Chapter 7020; following standards:
- c. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the Resources Conservation Service.
 - b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation district or the USDA Natural Resources Conservation Service.

- iv. Altered areas are stabilized to accepted erosion control standards;
 - v. Fill is not placed so as to create unstable slopes;
 - vi. Plans to place fill or excavated material on steep slopes are certified by qualified professionals as to slope stability and must not create finished slopes of 30 percent or greater;
 - vii. Alterations below the OHWL of public waters must first be authorized by the Commissioner of the Minnesota Department of Natural Resources per Minn. Stats. § 103G.245 and 103G.405;
 - viii. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the OHWL and the height of the riprap above the OHWL does not exceed three feet; and
 - ix. Alterations of topography shall only be permitted if accessory to a permitted or conditional use.
 - x. Fill or excavated material must not be placed in bluff impact zone.
8. *Forest management standards.* The harvesting of timber and associated reforestation or conversion of forested use to a nonforested use must be conducted consistent with the following standards:
- a. Timber harvesting and associated reforestation must be conducted consistent with the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers
 - b. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
 - i. Shore and bluff impact zones must not be intensively cleared of vegetation.
 - ii. An erosion and sediment control plan is developed and approved by the City and local soil and water conservation district and is consistent with the City's Storm Water and Erosion and Sediment Control Ordinance (150.270) before issuance of a conditional use permit for the conversion.
9. *Stormwater Management.* Stormwater management shall be in accordance with the City's Storm Water and Erosion and Sediment Control Ordinance (§150.270). In addition, the Minnesota Pollution Control Agency's Minnesota Stormwater Manual shall be used as guidance. Within shoreland areas, the following standards also apply:
- a. Existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain storm water in a manner consistent with local watershed district rules and regulations before discharge to public waters.
 - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, and erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as grading is complete and facilities or methods used to retain sediment on the site are removed.
 - c. Use of fertilizers, pesticides or animal wastes within shoreland areas must be done in a way to minimize impact on the shore impact zone or public water by proper application.
 - d. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
10. *Private Utilities.* The following provisions shall apply in shoreland areas:

- a. Private subsurface sewage treatment systems shall meet applicable City and County requirements and Minnesota Pollution Control Agency's Chapter 7080 standards.
- b. Any private water supply to be used for domestic purposes shall meet quality standards established by the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- i. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

11. Planned Unit Developments (PUD)

- a. **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential uses.
- b. **Density.** Deviation from the minimum lot size standards of Table 17-3 of this ordinance is allowed if the standards in this Section are met.
- c. **Processing of PUDs.** Planned unit developments are processed according to the procedures in Section 154.758 and the standards of Article XVI and Article XVII, whichever is more restrictive. Approval cannot occur until all applicable environmental reviews are complete.
- d. **Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action on the application request:
 - i. A property owners association agreement with mandatory membership, and consistent with 11 (h) (iv) of this ordinance.
 - ii. Deed restrictions, covenants, permanent easements or other instruments that:
 1. Address future vegetative and topographic alterations, construction of additional buildings, beaching of waterfront, and construction of commercial buildings in residential PUDs; and
 2. Ensure preservation and maintenance of open space in perpetuity accordance with the criteria and analysis specified in 11 (h) of this ordinance.
- e. **Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.
 - i. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Classification	Tier Depth	No Sewer (ft)	Sewer (ft)
Recreational Development Lakes	267	267	267
Natural Environment Lakes	400	400	320
Tributary Rivers	300	300	300

- ii. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.
- iii. Step 3. Determine Base Density
 - 1. Divide the suitable area within each tier by the minimum single residential lot area in Table 17-3 (use required minimum riparian lot areas for the 1st tier unless no lots within the 1st tier are riparian) for lakes to determine the allowable number of dwelling units, or base density, for each tier. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
 - 2. All PUDs must meet the design standards in Section 11 (f) of this ordinance.
- iii. Step 4. Determine if the Site can Accommodate Increased Density.

The PUD may provide for an increase in density of up to 20% allowed in the base zoning district or in Table 17-3, whichever is more restrictive, if:
Structure setbacks from the ordinary high water level:

 - 1. Are increased to at least 50 percent greater than the minimum setback; or
 - 2. The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

f. Design Criteria. All PUDs must meet the following design criteria:

- i. General Design Standards.
 - 1. Dwelling units must be clustered into one or more groups and located on suitable areas of the development.
 - 2. Dwelling units must be designed and located to meet the dimensional standards, other than those for lot area and width, in Table 17-3:
 - 3. Shore recreation facilities:
 - 1. Must be centralized and located in areas suitable for them based on a suitability analysis (as explained in Subd. (C) (5) (a) of this Section).
 - 2. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit in the first tier.
 - 3. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units located in other tiers.
 - 4. At least 50 percent of the total project area shall be preserved as open space and must meet standards outlined in 11 (g) of this ordinance.

5. PUDs shall be connected to public water supply and sewer systems. When sewer is not available, individual septic systems are not allowed; community sewage treatment systems are required.
6. Approval from the DNR is required to ensure compliance with additional regulations.
- ii. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- iii. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

g. *Open Space Requirements.*

- i. Open space must constitute at least 50 percent of the total project area within the shoreland and must include:
 1. Areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries;
 2. Portions of the shore impact zone preserved in its natural or existing state as follows:
 - i. For existing residential PUD's, at least 50 percent of the shore impact zone
 - ii. For new residential PUDs, at least 70 percent of the shore impact zone.
- ii. Open space may include:
 1. Outdoor recreational facilities for use by owners of lots in the subdivision and by the general public; and
 2. Stormwater detention facilities, subsurface sewage treatment systems (if the use of the space is restricted to avoid adverse impacts on the systems), and other required site improvements not prohibited herein may be applied to this requirement.
 3. Non-public water wetlands
- i. Open space shall not include:
 1. Road rights-of-way, or land covered by roads, structures or parking surfaces;
 2. Lots, unless owned in common by an owners association;
 3. Commercial facilities or uses;
 4. Land below the OHWL of public waters.

h. *Open Space Maintenance and Administration Requirements.*

- i. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved.

- ii. Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.
 - iii. The instruments must prohibit:
 - 1. Commercial uses ;
 - 2. Vegetation and topographic alterations other than routine maintenance;
 - 3. Construction of additional buildings or storage of vehicles and other materials; and
 - 4. Uncontrolled beaching of watercraft.
 - iv. Development organization and functioning. All planned unit developments must use an owners association with the following features:
 - 1. Membership must be mandatory for each dwelling unit owner and any successive owner;
 - 2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
 - 3. Assessments must be adjustable to accommodate changing conditions; and
 - 4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
12. *Nonconformities.*
- a. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Section 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
 - b. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance.
13. *Surface Water-Oriented Uses.* Uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters must meet the following standards:
- i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards, uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - iii. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - iv. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information.

v. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

D. Administration.

1. *Variances.* Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:

- a. A variance may not circumvent the general purposes and intent of this ordinance; and
 - b. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.
2. *Conditional Uses.* All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

- a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- b. The visibility of structures and other facilities as viewed from public waters is limited;
- c. There is adequate water supply and on-site sewage treatment; and
- d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

3. Mitigation.

a. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address, when related to and proportional to the impact, the following conditions to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

1. Advanced storm water runoff management treatment;
 2. Reducing impervious surfaces;
 3. Increasing setbacks from the ordinary high water level;
 4. Restoration of wetlands;
 5. Limiting vegetation removal and/or riparian vegetation restoration;
 6. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 7. Other conservation-designed conditions the zoning authority deems necessary.
- b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as

viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

4. *Notifications to the Department of Natural Resources*

a. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

b. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

c. Any request to change the shoreland management classification of public waters must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

d. Any request to reduce the boundaries of shorelands of public waters must be sent to the commissioner or the commissioner's designated representative for approval. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

5. **Subsurface Sewage Treatment System Certificate of Compliance.** A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficient is the system's improper setback from the ordinary high water level.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 43 Adoption Date. This Ordinance 08-166 was adopted on this 7th day of February 2017, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL REGION
1200 WARNER ROAD
SAINT PAUL, MN 55106
651-259-5800

Date: 12/29/2016

Steve Wensman
Planning Director, City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: MNDNR Conditional Approval of City of Elmo's Shoreland Regulations and DNR Flexibility to State Shoreland Standards

Steve –

MNDNR has reviewed Lake Elmo's draft Article 17 – Shoreland Management Overlay District (submitted to our Central Region Office for review on 12/28/16) for compliance with the State Shoreland Management Regulations. Contingent on changes requested by MNDNR in the attached draft Article 17 dated 12/29/16, the attached Article 17 with additions and deletions is compliant with MN Rules, Parts 6120.2500 – 6210.3900 and is conditionally approved by MNDNR.

Under shoreland flexibility, MNDNR and the City of Lake Elmo agree to allow a 35-foot maximum building height (standard = 25 feet) and 30% maximum impervious surface coverage of lots in sewered areas (standard = 25%), in return for 15% impervious surface coverage on unsewered lots (standard = 25%) and a 20% bonus density increase for PUDs (standard = 200%). The 20% bonus density increase for PUDs is consistent with the City's existing PUD provisions. It is found that these flexibility requests involve circumstances that take into account the existing development patterns of Lake Elmo. MNDNR provides conditional approval for your request for implementation flexibility.

If you have questions regarding the contents of this letter, please contact Jenifer Sorensen, Area Hydrologist (651-259-5754; jenifer.sorensen@state.mn.us). Thank you for Lake Elmo's efforts in developing standards that will protect the water resources of the state.

Sincerely,


Terri Yearwood
Central Region Manager
MNDNR, Division of Ecological & Water Resources
1200 Warner Road, St. Paul, MN 55106
651-259-5766 | terri.yearwood@state.mn.us

mndnr.gov



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CITY OF LAKE ELMO - 12-29-16
COUNTY OF WASHINGTON
STATE OF MINNESOTA
ORDINANCE NO. 08-

AN ORDINANCE AMENDING SHORELAND MANAGEMENT DISTRICT RESTRICTIONS TO OBTAIN COMPLIANCE WITH DEPARTMENT OF NATURAL RESOURCES SHORELAND ORDINANCE REQUIREMENTS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 800 to read the following:

ARTICLE 17. SHORELAND MANAGEMENT OVERLAY DISTRICT

§154.800 Shoreland Management Overlay District

§154.800 Shoreland Management Overlay District

A. Purpose. The ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462. The purpose of the Shoreland Management Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands through the following activities:

1. Regulate placement of sanitary and waste treatment facilities on shorelands of public waters to prevent pollution of public waters and public health hazards resulting from the facilities.
2. Regulate alteration of shorelands of public waters to prevent excessive sediment pollution, increased water runoff and excessive nutrient pollution.
3. Preserve and enhance the unique aesthetic appearance and ecological value of the shoreland.
4. Regulate the construction of buildings and changes of land use in shorelands to minimize property damage during periods of high water.

B. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, in Subd. 01: Definitions, of Chapter 11: General Code Provisions, except where the context clearly indicates a different meaning:

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics: (An area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff.)

1. Part or all of the feature is in a shoreland area;
2. The slope rises at least 2.5 feet above the ordinary high water level of the water body;
3. The grade of the slope from the toe of the bluff to a point 2.5 feet or more above the ordinary high water level averages 30% or greater; and
4. The slope must drain toward the water body.

Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff. ~~Boathouse.~~ A structure designed and used solely for the storage of boats and boating equipment.

~~Dedicated Riparian Area.~~ Starting at the Ordinary High Water Level (OHWL), areas dedicated to the City to be maintained in a permanent state of natural vegetation for the purposes of protecting surface waters from the impacts of land alteration and/or development activity. Permitted uses within dedicated riparian areas are noted in subsection (C)(7)(f).

~~D.N.R.~~ The Minnesota Department of Natural Resources.

~~Land Alteration.~~ The excavation or grading of land involving movement of earth and materials in excess of 50 yards.

~~Shore Impact Zone.~~ Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

~~Shoreland.~~ Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or foliage; and 300 feet from a river or stream, or the landward extend of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

~~Water-Oriented Accessory Structure or Facility.~~ A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

C. Shoreland Management Overlay District

1. ~~Shoreland Classifications.~~ The public waters in Table 17-1 have been classified by the commissioner of natural resources, consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300, as: natural environment (NE), recreational development (RD) and tributary (T) shorelands. ~~Where noted, riparian dedication is required by the City.~~

Table 17-1: Shoreland Classifications

DNR ID #	Name	Location	Ordinary High Water Level	Class	150 FT ^a Riparian Dedication Required
82011601	Armstrong (north of CSAH 10)	Sec 28, T29, R21	1020.3	NE	No
82011602	Armstrong (south of CSAH 10)	Sec 28, T29, R21	1019.3	NE	No
82009900	Clear	Sec 2 & 11, T29, R21	-	NE	No
82010100	DeMontreville	Sec 4, 5 & 9, T29, R21	929.3	RD	No
82010500	Berschen's Pond			NE	
82011000	Downs	Sec 24, T29, R21	889.1	NE	No
82010900	Eagle Point	Sec 22 & 27, T29, R21	896.5	NE	No
82010600	Elmo	Sec 13, 14, 23, 24 & 26, T29, R21	885.6	RD	No
82010800	Friedrich Pond	Sec 15 & 22, T29, R21	-	NE	No
82011300	Goose	Sec 27, 34 & 35, T29, R21	924.4	NE	Yes
82011100	H.J. Brown Pond	Sec 26, T29, R21	-	NE	No
82007400	Horseshoe	Sec 25, T29, R21	876.8	NE	No
82010400	Jane	Sec 9 & 10, T29, R21	924.0	RD	No

Commented [EB1]: Language regarding dedicated riparian areas has been removed. This part of the ordinance was added in 2014 and not approved by the DNR.

Commented [EB2]: This is an administrative function requiring approval by the DNR and is included in the administrative section.

Commented [EB3]: The DNR recommended removing these definitions according to its comments dated 12.19.2016, as they are all already in the definitions of Chapter 11 of the City Code.

Commented [J54]: Armstrong Lake (South) must remain within Table 17-1. The basin itself is in Oakdale, but a portion of the lake's shoreland district are within the City boundary of Lake Elmo and thus must be regulated under the City's shoreland ordinance.

Shoreland Classification			
Land Uses	Recreational Development	Natural Environment	Tributary River
Residential	P	P	P
Commercial	P	C	C
Public and Civic Uses	P	C	C
Outdoor Recreation ^a	C	C	C
Agricultural and Related Uses ^{b, c}	P	P	P
Industrial and Extractive Uses	-	-	-
Utilities, Transportation and Communications	C	C	C
Accessory Uses	P	P	P

Table 17-2: Permitted (P), Conditional (C), and Interim (I) Uses, Shoreland Classifications

2. Land Uses in Shoreland Districts. All uses of land shall be regulated by the applicable zoning district subject to applicable conditions. Notwithstanding the underlying zoning district, the following uses shall be regulated in shoreland districts as specified in Table 17-2:

a. As measured from and perpendicular to the ordinary high water level (OHWL)

Notes to Table 17-1:

T = Tributary River Classification

NE = Natural Environment Lake Classification

RD = Recreational Development Lake Classification

Classifications

N/A	Unnamed Tributary	Sec 25, T29, R21	-	I	No
82011700	Kramer	Sec 35, T29, R21	-	NE	Yes
82041900	Margaret	Sec 26, T29, R21	-	NE	No
82010300	Olson	Sec 8 & 9, T29, R21	929.3	RD	No
N/A	Raleigh Creek North (to Eagle Point Lake)	Sec 16, 21 & 22, T29, R21	-	T	No
N/A	Raleigh Creek South (Eagle Point Lake to Lake Elmo)	Sec 22, 23 & 27, T29, R21	-	T	No
82011200	Rose	Sec 25 & 36, T29, R21	-	NE	No
82010700	Sunfish	Sec 14, T29, R21	896.4	NE	No
82010000	Unnamed	Sec 4, T29, R21	-	NE	No
82031300	Unnamed	Sec 12, T29, R21	-	NE	No
82041700	Unnamed	Sec 25, T29, R21	-	NE	No
82048400	Unnamed	Sec 11, T29, R21	-	NE	No
Unnamed to Wilmes Lake		Sec 33, T29, R21	-	T	No
N/A					
N/A	Unnamed Tributary	Sec 25, T29, R21	-	I	No

Commented [EBS]: The DNR allows extractive uses as conditional uses in these shorelands. Industrial uses are also allowed in NE lakes. The 2014 shoreland amendment had not changes to this.

Planned Developments (PUDs)	C	C	C
Forest Land Conversion	C	C	C

Notes to Table 17-2:

- City owned parks and open space and any uses or structures accessory to such uses are permitted within shoreland areas.
- Vegetative clearing within shore and bluff impact zones and on steep slopes is not permitted.
- New feedlots are not allowed in any Shoreland Management Overlay District.

3. *Shoreland Standards.* The following standards in Table 17-3 shall apply within shoreland areas to principal, conditional and accessory uses and structures:

Table 17-3: Shoreland Standards

Standards	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Minimum structure setback from County, State or Federal road right-of-way	50 feet	50 feet	50 feet
Minimum setback from right-of-way line of town road, public street, or other roads or streets not classified	20 feet	20 feet	20 feet
Minimum structure setback from an unplatted cemetery or historical site ^a	50 feet	50 feet	50 feet
Minimum structure setback from the Ordinary High Water Level (OHWL) ^{b, c, e}			
Riparian dedication required	200 feet	200 feet	200 feet
Riparian dedication not required ^d			
Sewered ^d	75 feet	100 150 feet	50 75 feet
Unsewered ^d	100 feet	150 feet	100 feet
Minimum structure setback from top of bluff	30 feet	30 feet	30 feet
Minimum septic system setback from OHWL	75 feet	150 feet	75 feet
Minimum low floor elevation above the 100-year flood elevation	2 feet	2 feet	2 feet
Maximum impervious lot coverage			
With riparian dedication	50%	50%	50%
Without riparian dedication			
Sewered ^e	30%	30%	30%
Unsewered	15% or 6,000 square feet (sf), whichever is larger		
Minimum lot size ^f , riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sSewered			
Single family detached	20,000 sf	40,000 sf	Same as zoning district
Two-family or duplex	35,000 sf	70,000 sf	
Triplex	120,000 sf	160,000 sf	Same as

Commented [EB6]: This aligns with MN rules. Comment from DNR: The reason why the structure setback from the OHW is 150 feet for both sewer and unsewered lots is that NE lakes are especially sensitive water bodies – they are typically shallow and more wetland in character than RD and GD classified lakes, which are larger and deeper. Having a greater setback on NE lake allows the width of the shoreland impact zone (SIZ) to also be greater (since the SIZ is 1/2 the structure setback). In summary, to reduce the impacts from human activities on NE lakes, which are more ecologically sensitive, the OHW setback on NE lakes is greater than for RD and GD lakes.

Commented [EB7]: MN rules only requires 50 feet for a sewer property in a tributary SL.

Quad	160,000 sf	200,000 sf	zoning district
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
Minimum lot size, non-riparian lots			
Riparian dedication required			
Riparian dedication not required, sewer			
Single family detached	15,000 sf	20,000 sf	Same as zoning district
Two-family or duplex	47,500 26,000 sf	26,000 35,000 sf	
Triplex	38,000 sf	52,000 sf	
Quad	49,000 sf	65,000 sf	
Riparian dedication not required, u-Unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
Two-family or duplex	80,000 sf	160,000 sf	
Triplex	120,000 sf	240,000 sf	
Quad	160,000 sf	320,000 sf	
Minimum lot width, 1 st riparian lots			
Riparian dedication required			
Riparian dedication not required, sewer			
Single family detached	80 75 feet	125 feet	80-75 feet
Two-family or duplex ⁵	135 feet	225 feet	115 feet
Triplex ⁶	195 feet	325 feet	150 feet
Quad ⁶	255 feet	425 feet	190 feet
Riparian dedication not required, u-Unsewered			
Single family detached	150 feet	200 feet	100 feet
Two-family or duplex ⁶	225 feet	300 feet	150 feet
Triplex ⁶	300 feet	400 feet	300 feet
Quad ⁶	375 feet	500 feet	250 feet
Minimum lot width, nonriparian Lots			
Sewered			
Single family detached	75 feet	125 feet	75 feet
Two-family or duplex ⁶	135 feet	220 feet	115 feet
Triplex ⁶	190 feet	315 feet	150 feet
Quad ⁶	245 feet	410 feet	190 feet
Unsewered			
Single family detached	150 feet	200 feet	100 feet
Two-family or duplex ⁶	265 feet	400 feet	150 feet
Triplex ⁶	375 feet	600 feet	200 feet

<u>Quad</u>	<u>490 feet</u>	<u>800 feet</u>	<u>250 feet</u>
<u>Maximum Structure Height</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>

Notes to Table 17-3:

- a. Reduction of the required setback from a historic site is permitted with the approval of the office of the Minnesota State Archeologist.
- b. Where structures exist on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the Ordinary High Water Level (OHWL), provided the proposed building is not located in a shore impact zone or bluff impact zone.
- c. ~~With the exception of public crossings of public waters, R~~roads, driveways and parking areas shall meet the minimum structure setback. Where no alternative exists, such improvements may be placed within the required structure setbacks provided they are designed to adapt to the natural landscape, soil erosion is minimized and no construction shall occur in shore or bluff impact zones. Exceptions to setback requirements must comply with the rules and regulations of local watershed districts.
- d. Commercial, ~~and~~ public and civic uses located on lots with public waters frontage shall be setback double the required setback or be substantially screened from the water by vegetation or topography, assuming summer, leaf-on conditions.
- e. ~~The maximum amount of impervious surface allowed for sewerer lots zoned Rural Single Family (RS) is 15% of lot area or 6,000 sf, whichever is larger.~~
- e. Subdivisions of duplexes, triplexes, and quads within Natural Environment Shoreland districts must also meet standards set forth in Section (C)(5)(d).
- f. Minimum lot size and width requirements apply to residential uses only.
- g. Lots Intended As Controlled Accesses to Public Waters or as Recreation Areas for Use by Owners of Nonriparian Lots within Subdivisions. Must meet or exceed the following standards:
They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - i. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

<u>Ratio of Lake Size to Shore Length (acres/mile)</u>	<u>Required increase in frontage (percent)</u>
<u>Less than 100</u>	<u>25%</u>
<u>100-200</u>	<u>20%</u>
<u>201-300</u>	<u>15%</u>
<u>301-400</u>	<u>10%</u>
<u>Greater than 400</u>	<u>5%</u>

- ii. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must

Commented [JS8]: Under (C)(5)(c)

4. Design Criteria for Structures
- a. *Water Oriented Accessory Structures*. Each lot may have one (1) water oriented accessory structure not meeting the normal structure setbacks if the structure complies with the following provisions:
- Structure Height*. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, from the average grade of the structure to the peak of the roof. Detached decks must not exceed eight (8) feet above grade at any point.
 - Structure Size*. Water oriented accessory structures cannot occupy an area greater than two-hundred and fifty (250) square feet.
 - Structure Setback*. The setback of the structure or facility landward from the Ordinary High Water Level (OHWL) must be at least ten (10) feet on a recreational development lake and fifty (50) feet on a natural environment lake.
 - The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.*
 - The roof of the structure may be used as a deck with safety rails, but must not be enclosed or used as a storage area.*
 - The structure or facility must not be used for human habitation and must not contain water supply or sewage treatment facilities.
 - Watercraft Storage Facilities*. As an alternative for recreational development water bodies, water oriented accessory structures used solely for watercraft storage, and including the storage of related boating and water oriented sporting equipment, may occupy up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- b. *Stairways, Lifts and Landings*. Stairways and lifts are the preferred alternative to major or topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- Stairways and lifts must not exceed four (4) feet in width. Wider stairways may be used for public open space or recreation properties.
 - Landings for stairways and lifts must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space or recreation properties.
 - Canopies or roofs are not allowed on stairways, lifts or landings.
 - Stairways, lifts and landings may be either constructed above ground on posts or pilings or placed into the ground, provided that they are designed and built in a manner that ensures control of soil erosion.
 - Stairways, lifts and landing must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

Commented [EB9]: This is language taken from the MNDNR model ordinance. There had previously been an issue with the height allowed for water-oriented accessory structures (previously the ordinance did not mention the maximum height was 10 feet exclusive of safety rails).

- vi. Facilities such as public and private watercraft access ramps, lifts, access-related parking areas, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (i) through (v) above are satisfied, and provided the vegetative screening and erosion control requirements are met.
 - c. Roads, Driveways, and Parking Areas. Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
 - d. Steep slopes. Local government officials must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
5. Subdivision Standards. The following standards shall apply to subdivisions in shoreland areas:
- a. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. In determining suitability the City will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision, or of the community at large.
 - b. Subdivisions must conform to all other official controls adopted by the City of Lake Elmo. Subdivisions will not be approved that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose. Lots that would require use of holding tanks must not be approved.
 - c. ~~If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this section, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirement of this section as much as possible. An exception to this standard shall be made if each lot contains a habitable dwelling at the time they into common ownership.~~
 - c. On natural environment lakes, subdivisions of duplexes, triplexes, and quads must also meet the following standards:
 - i. Each building must be set back at least 200 feet from the ordinary high water level.
 - ii. Each building must have common sewage treatment and water systems that serve all dwelling units in the building.
 - iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
 - iv. No more than 25 percent of a lake's shoreline can be in a duplex, triplex, or quad environment.

Commented [JS10]: Added this language in, which is under 6120.3200 Subpart 2 B.

6. *Agricultural Activities.* The following standards shall apply to agricultural activities in shoreland areas:
- The shore impact for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the OHWL.
 - General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation district or the USDA Natural Resources Conservation Service.
 - Feedlots must be designed consistent with Minnesota Rules Chapter 7020: following standards:
 - Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - Old feedlots not currently in operation may resume operation consistent with Minnesota Statute Section 116.0711.
 - New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
 - Feedlots and manure storage are not permitted within the shoreland of watercourses or in bluff impact zones, and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins identified in subsection (C)(1).
 - New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
 - Feedlots must be designed consistent with Minnesota Rules Chapter 7020: following standards:
 - Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - Old feedlots not currently in operation may resume operation consistent with Minnesota Statute Section 116.0711.
- The use of pesticides, fertilizers or animal wastes within shoreland areas shall be done in such a way as to minimize impacts on shore impact zones by proper application or use of earth or vegetation.
 - Shoreland Alterations. The purpose of this section is to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent back slumping and protect fish and wildlife habitat. Shoreland alterations shall be allowed in accordance with the following standards:
 - No principal or accessory structure or use shall be placed within bluff or shore impact zones other than agricultural activities as permitted by subsection (C)(5)(b).
 - Shore impact zones shall be maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district.
 - Intensive Vegetative Clearing. Intensive vegetation clearing within shore and bluff impact zones and/or steep slopes is not permitted. Intensive clearing within shoreland areas outside of bluff or shore impact zones and steep slope areas is permitted subject to standards set forth in Subp. (C) (8) of this Section. ~~City approval of an erosion and sedimentation control plan that is consistent with the City's Storm Water and Erosion and Sediment Control Ordinance (\$150.270).~~
 - Limited Tree Clearing. Limited clearing of trees and shrubs and the cutting, pruning and trimming of trees within bluff and shore impact zones or steep slopes to accommodate picnic areas, trails and water access and to provide a view to the water from a principal dwelling site shall be permitted provided the screening of structures, as viewed from the water, is not substantially reduced and that the shading of water surface is along rivers is preserved. These provisions do not apply to the removal of tree limbs or branches that are dead or pose a safety hazard.
 - Grading in Shoreland Areas. All grading and filling activities must be in conformance with the Wetland Conservation Act. Any grading or filling on steep slopes or within shore or bluff impact zones involving the movement of ten (10) or more cubic yards of material or involving more than fifty (50) cubic yards of material elsewhere in a shoreland area shall require the submission of a Grading Permit. Approval shall be granted only if the following conditions are met:

Commented [EB12]: This has been moved to the Forest Management Section

Commented [DP11]: PCA rules are now more restrictive and supersede the shoreland rules. PCA rules prohibit new feedlots in shoreland so 300 foot setback and bluff impact zone are no longer relevant. PCA rules do allow modification or expansion to existing feedlots or resumption of old feedlots. Per SL rules these would need to be processed as a conditional use. If these situations could apply in the City, suggest using this language.

- i. ~~Any filling or grading in any Type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in conformance with the Wetland Conservation Act of 1991 and shall require consideration of how extensively the proposed activity will affect the following functional qualities of the wetland:~~
 - a) ~~Sediment and pollution trapping and retention~~
 - b) ~~Storage of surface runoff to prevent or reduce flood damage~~
 - c) ~~Fish and wildlife habitat and endangered plants and animals~~
 - d) ~~Recreational use~~
 - e) ~~Shoreline or bank stabilization~~
 - f) ~~Historical significance~~
- ii. The smallest amount of bare ground is exposed for the shortest time possible;
- iii. Ground cover such as mulch is used for temporary bare soil coverage and permanent ground cover, such as sod, is established;
- iv. Methods to prevent erosion and trap sediment during construction are employed;
- v. Altered areas are stabilized to accepted erosion control standards;
- vi. Fill is not placed so as to create unstable slopes;
- vii. Plans to place fill or excavated material on steep slopes are certified by qualified professionals as to slope stability and must not create finished slopes of 30 percent or greater;
- viii. Alterations below the OHWL ~~of public waters are authorized~~ must first be authorized by the Commissioner of the Minnesota Department of Natural Resources per Minn. Stats. § 103G.245 and 103G.405;
- ix. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the OHWL and the height of the riprap above the OHWL does not exceed three feet; and
- x. Alterations of topography shall only be permitted if accessory to a permitted or conditional use.
- xi. Fill or excavated material must not be placed in bluff impact zone.
- f. ~~Dedicated Riparian Areas. Riparian areas dedicated to the City shall be protected from intensive development. Permitted uses include passive open space, pedestrian trails, public parks and park-related structures, facilities for public water access, fishing piers, parking lots for park users, and stormwater treatment ponds. Unless being used for active park purposes, the riparian areas shall be maintained in permanent natural vegetation.~~
8. Forest management standards. The harvesting of timber and associated reforestation or conversion of forested use to a nonforested use must be conducted consistent with the following standards:
 - a. Timber harvesting and associated reforestation must be conducted consistent with the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers
 - b. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
 - i. Shore and bluff impact zones must not be intensively cleared of vegetation.
 - ii. An erosion and sediment control plan is developed and approved by the City and local soil and water conservation district and is consistent with the City's

Commented [EB13]: These can be removed as they duplicate standards in MR 8420

Storm Water and Erosion and Sediment Control Ordinance (150.270) before issuance of a conditional use permit for the conversion.

8. ~~Sand and Gravel Extraction. The following standards shall apply to sand and gravel extraction uses:~~
 - a. ~~Processing machinery shall be located consistent with setback standards for structures.~~
 - b. ~~A site development and restoration plan shall be developed by the owner for approval by the city which addresses dust, noise, possible pollutant discharges, hours and duration of operation and anticipates vegetation and topography alterations. It shall identify actions to be taken to mitigate adverse environmental impacts and measures to be employed to restore the site after excavation.~~
9. ~~Stormwater Management. Stormwater management shall be in accordance with the City's Storm Water and Erosion and Sediment Control Ordinance (150.270). In addition, the Minnesota Pollution Control Agency's Stormwater Manual shall be used as guidance. Within shoreland areas, the following standards also apply:~~
 - a. ~~Existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain storm water in a manner consistent with local watershed district rules and regulations before discharge to public waters.~~
 - b. ~~Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, and erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as grading is complete and facilities or methods used to retain sediment on the site are removed.~~
 - c. ~~Use of fertilizers, pesticides or animal wastes within shoreland areas must be done in a way to minimize impact on the shore impact zone or public water by proper application.~~
 - d. ~~New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.~~
10. ~~Private Utilities. The following provisions shall apply in shoreland areas:~~
 - a. ~~Private subsurface sewage treatment systems shall meet applicable City and County requirements and Minnesota Pollution Control Agency's Chapter 7080 standards.~~
 - b. ~~Any private water supply to be used for domestic purposes shall meet quality standards established by the Minnesota Department of Health and the Minnesota Pollution Control Agency.~~
 - i. ~~Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.~~
11. ~~Planned Unit Developments. Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of Article XVI of this chapter.~~
 - a. ~~Design criteria for planned unit developments within shoreland areas:~~
 - i. ~~At least 50 percent of the total project area shall be preserved as open space. The open space computation shall not include road rights-of-way, or land covered by roads, structures or parking surfaces.~~
 - ii. ~~Open space shall include areas having physical characteristics that are unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries.~~
 - iii. ~~Open space may contain outdoor recreational facilities for use by the owners of residential units or the public.~~
 - iv. ~~The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved.~~

- v. ~~PUDs shall be connected to public water supply and sewer systems.~~
- vi. ~~Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.~~
- vii. ~~Approval from the DNR is required to ensure compliance with additional regulations.~~

11. Planned Unit Developments (PUD)

Commented [DP14]: Proposed for Section 11 of Article 17.

- a. Purpose. To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential uses.
- b. Density. Deviation from the minimum lot size standards of Table 17-3 of this ordinance is allowed if the standards in this Section are met.
- c. Processing of PUDs. Planned unit developments are processed according to the procedures in Section 154.758 and the standards of Article XVI and Article XVII, whichever is more restrictive. Approval cannot occur until all applicable environmental reviews are complete.
- d. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the application request:
 - i. A property owners association agreement with mandatory membership, and consistent with 11 (h) (iv) of this ordinance.
 - ii. Deed restrictions, covenants, permanent easements or other instruments that:
 - 1. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - 2. Ensure preservation and maintenance of open space in perpetuity accordance with the criteria and analysis specified in 11 (h) of this ordinance.
- e. Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures:
 - i. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Commented [EB15]: Deed restrictions and covenants may be provided to address future vegetative and topographic alterations, construction of additional buildings, etc., but a permanent easement will likely be required over open space areas.

Classification	Tier Depth	
	No Sewer (ft)	Sewer (ft)
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
Tributary Rivers	300	300

- ii. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.
- iii. Step 3. Determine Base Density

Commented [DP24]: Definition for this?

Can you please clarify?

How I'm reading it is:

Commented FEB 21

commented, "I've never seen a lot of 'underlying' zo-

need to be reviewed o

say, 150 feet — a lot de

underlying zoning. The

or there are no lots in

but not so obvious for

Continued FEB 16

4. At least 50 percent of the total project area shall be preserved as open space and must meet standards outlined in 11 (g) of this ordinance.
 5. PUDs shall be connected to public water supply and sewer systems. When sewer is not available, individual septic systems are not allowed; community septic systems are required.
 6. Approval from the DNR is required to ensure compliance with additional regulations.
- ii. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
 - iii. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
- g. Open Space Requirements.
- i. Open space must constitute at least 50 percent of the total project area and must include:
 1. Areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries;
 2. Portions of the shore impact zone preserved in its natural or existing state as follows:
 - i. For existing residential PUD's, at least 50 percent of the shore impact zone
 - ii. For new residential PUDs, at least 70 percent of the shore impact zone.
 - ii. Open space may include:
 1. Outdoor recreational facilities for use by owners of lots in the subdivision and by the general public; and
 2. Stormwater detention facilities, subsurface sewage treatment systems (if the use of the space is restricted to avoid adverse impacts on the systems), and other required site improvements not prohibited herein may be applied to this requirement.
 - i. Open space shall not include:
 1. Road rights-of-way, or land covered by roads, structures or parking surfaces.
 2. Lots, unless owned in common by an owners association; road rights-of-way, or land covered by road surfaces; parking areas, or structures, except water-oriented accessory structures or facilities; and
 3. Commercial facilities or uses.
- h. Open Space Maintenance and Administration Requirements.
- i. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved.

Commented [EB27]: This is language from the 2014 ordinance amendment.

Commented [EB28]: This was added to provide an option for developments to which sewer is not available.

Commented [EB29]: This was added from our 2014 ordinance.

Commented [DP30]: These provisions, or similar, may be in other parts of the code. If so, they may be acceptable. If these exist, I couldn't find them.

Commented [EB31R30]: It more or less says this through this part of the PUD Ordinance.: *Open space.* For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.

However, because this does not explicitly restrict commercial facilities or lots, I think it best to keep it in here. I did add some language that allows stormwater detention facilities and other site improvements not prohibited herein to be located in open space.

Commented [EB32]: This was added from our 2014 ordinance.

Commented [DP33]: These provisions, or similar, may be in other parts of the code. If so, they may be acceptable. If these exist, I couldn't find them.

- Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.
- iii. The instruments must prohibit:
1. Commercial uses;
 2. Vegetation and topographic alterations other than routine maintenance;
 3. Construction of additional buildings or storage of vehicles and other materials; and
 4. Uncontrolled beaching of watercraft.
- iv. Development organization and functioning. All planned unit developments must use an owners association with the following features:
1. Membership must be mandatory for each dwelling unit owner and any successive owner;
 2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
 3. Assessments must be adjustable to accommodate changing conditions; and
 4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
12. **Nonconformities.** Nonconformities, substantial lots and structures, and nonconforming on-site sewage treatment systems within shoreland areas shall meet the requirements specified in Article IV of this chapter.
- a. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Section 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
 - b. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance.
- a. The expansion or enlargement of a riparian standard structure shall meet the shoreland development standards set forth in subsection (C)(3) except as follows:
 - i. The extension, enlargement or alteration of a riparian standard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the OHWL without following the variance process;
 - ii. An improvement to a riparian standard structure or sanitary facility may be allowed to extend laterally by a conditional use permit (parallel to the OHWL) when the improvement is in compliance with the other dimensional standards of this chapter. In no case shall the improvement extend closer to the OHWL than the existing structure.
 - i. Decks may be allowed without a variance where riparian dedication is not required, provided as follows:
 1. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;

Commented [EB34]: This is the exact language provided in regards to open space preservation in City-approved 2014 ordinance.

Commented [DP35]: These provisions, or similar, may be in other parts of the code. If so, they may be acceptable. If these exist, I couldn't find them.

2. ~~The deck encroachment toward the OHWL does not exceed 15 percent of the existing shoreline setback of the structure from the OHWL or does not encroach closer than 30 feet, whichever is more restrictive; and~~
 3. ~~The deck is constructed primarily of wood, and is not roofed or screened.~~
 - ii. ~~If a riparian substandard structure is demolished, replacement shall comply with the dimensional standards of this section.~~
 - b. ~~Any deviations from the standards set forth in subsection (C)(3) must be authorized by a variance.~~
 - c. ~~Nonconforming Sewage Treatment Systems.~~
 - iii. ~~A sewage treatment system not meeting the requirements of subsection (C)(10) (a) must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purpose of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the OHWL.~~
 - iv. ~~Upgrading or replacement of any nonconforming system will be required within a reasonable period of time which will not exceed 2 years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.~~
 - d. ~~Construction on nonconforming lots of record.~~
 - v. ~~Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Table 17-3 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot size meets the minimum restrictions of the underlying zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.~~
 - vi. ~~If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Table 17-3 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Table 17-3 of this ordinance as much as possible.~~
13. Surface Water-Oriented Uses. Uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters must meet the following standards:
- i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards, uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - iii. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in

- on public waters by a public authority or under a permit issued by the county sheriff.
- iv. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information.
- v. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- D. Administration.

1. Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:

- a. A variance may not circumvent the general purposes and intent of this ordinance; and
- b. For properties with existing sewage treatment systems, a certificate of compliance consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.
2. Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:
- a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- b. The visibility of structures and other facilities as viewed from public waters is limited;
- c. There is adequate water supply and on-site sewage treatment; and
- d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

3. Mitigation.

a. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address, when related to and proportional to the impact, the following conditions to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

1. Advanced storm water runoff management treatment;
2. Reducing impervious surfaces;
3. Increasing setbacks from the ordinary high water level;
4. Restoration of wetlands;
5. Limiting vegetation removal and/or riparian vegetation restoration;
6. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
7. Other conservation-designed conditions the zoning authority deems necessary.

b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

4. Notifications to the Department of Natural Resources

a. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

b. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

c. Any request to change the shoreland management classification of public waters must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

d. Any request to reduce the boundaries of shorelands of public waters must be sent to the commissioner or the commissioner's designated representative for approval. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

4. Required Notice to the Department of Natural Resources. The zoning administrator shall send copies of notices of any public hearings to consider variances, plats, ordinance amendments, PUDs or conditional uses under local shoreland management controls to the commissioner of the department of natural resources or his designee at least ten days prior to the hearings. In addition, a copy of the approved amendments, plats, variances and conditional uses shall be sent to the commissioner or his designee within ten days of the final decision.

5. Subsurface Sewage Treatment System Certificate of Compliance. A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficient is the system's improper setback from the ordinary high water level.

Commented [EB36]: I added this but also added subsurface sewage treatment system to the language, as I wanted to clarify for the reader that may not know the MN rules that the certificate of compliance was in regards to SSTs, not just any permit or variance.

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

SECTION 4. Adoption Date. This Ordinance 08-____ was adopted on this ____ day of ____ 2016, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-_____ was published on the _____ day of _____, 2016.

From: [John P. Hanson](#)
To: [Emily Becker](#)
Subject: RE: Shoreland Classification Table Question
Date: Monday, August 01, 2016 5:12:05 PM
Attachments: [image002.png](#)

Hi Emily,

I so sorry for not responding sooner.

I think it's really the City's call on whether to include these in the Shoreline Ordinance. Whether they're in or out, developments would still need to conform to the Valley Branch Watershed District's buffer and minimum floor elevations standards. Of the four in the first table:

- Margaret: It's entirely within Lake Elmo Park Preserve and the nearest undeveloped land to the south is 0.4 miles away so I don't think whether it's in or out makes a difference.
- 82031300 is Goetschel Pond. I think all of the adjacent land is developed or in permanent open space. Goetschel Pond has a high flood level so that would also require a decent setback. So, again, I don't think it would make a significant difference if it's in or out.
- 82041700 is within Tartan Park/The Royal Golf Club at Lake Elmo. This one of the four might deserve the most discussion by the City as it could affect the surrounding development. It's part of a somewhat natural greenway connection between Horseshoe Lake and Lake Elmo, which is part of a larger somewhat connected greenway from the St. Croix, up Afton along Valley Creek, up Raleigh Creek and Sunfish Lake to the Tri-Lakes and Long Lake and eventually to White Bear Lake.
- 82048400: The land to the SE is undeveloped so I think whether it's in our out could affect development. To be consistent with the existing developments (Hamlet at Sunfish Lake and Sunfish Pond) around the wetland, the City might want to keep it the Shoreline ordinance, but perhaps other rules and regulations would limit development close to the wetland.

John

John P. Hanson, PE, ENV.SP.
Valley Branch Watershed District Engineer
Barr Engineering Co. | 4300 MarketPointe Drive | Bloomington, MN 55435
office: 952.832.2622 | cell: 612.590.1785
JHanson@barr.com | www.barr.com | www.vbwd.org

resourceful. naturally.



From: Emily Becker [mailto:EBecker@lakeelmo.org]
Sent: Monday, August 01, 2016 11:35 AM
To: John P. Hanson <JHanson@barr.com>
Subject: RE: Shoreland Classification Table Question

Hi John,

Sorry to bother you about this, but we are getting inquiries again about if these bodies of water or okay to remove from the revised Shoreland Ordinance. I don't want to remove these if they are bodies of water that should remain in the ordinance. Please let me know when you are able.

Emily Becker
City Planner
City of Lake Elmo
651-747-3912
ebecker@lakeelmo.org



From: Emily Becker
Sent: Tuesday, July 19, 2016 11:58 AM
To: 'John P. Hanson' <JHanson@barr.com>
Subject: RE: Shoreland Classification Table Question

Hi John,

I just wanted to see if you had a chance to review this to see if there are issues with removing any of these bodies of water from our shoreland ordinance? Please let me know. Thank you!

Emily Becker
City Planner
City of Lake Elmo
651-747-3912
ebecker@lakeelmo.org

DNR ID #	Name	Location	Ordinary High Water Level	Class	150 FPA Riparian Dedication Required	Can this Public Water be Removed from City Shoreland Ordinance?
82041900	Margaret	Sec 26, T29, R21	-	NE	No	Yes
						You're correct that this waterbody does not have a DNR shoreline classification. This waterbody is not required to be included in the City's 1997 ordinance (last version approved by DNR) and I don't have any correspondence with the City as to why this waterbody was included in the shoreland ordinance. If removed, shoreland district of Eagle Point Lake (82010900) or HJ Brown Pond (82011100). Lots around the waterbody are within shoreland district but riparian lots wouldn't have to meet shoreland setback standards.
						All public watercourses have a shoreland classification (however, there isn't a table on DNR's website telling the shoreland classifications of each watercourse). This watercourse segment is classified as tributary. All public watercourses have a 300' shoreland district on each side of the watercourse. This watercourse should be in the shoreland ordinance.
N/A Use this DNR ID: 82016a	Raleigh Creek North (to Eagle Point Lake)	Sec 16, 21 & 22, T29, R21	-	T	No	No
N/A Use this DNR ID: 82016a	Raleigh Creek South Lake to Lake Elmo)	Sec 22, 23 & 227, T29, R21	-	T	No	No
						All public watercourses have a shoreland classification (however, there isn't a table on DNR's website telling the shoreland classifications of each watercourse). This watercourse segment is classified as tributary. All public watercourses have a 300' shoreland district on each side of the watercourse. This watercourse should be in the shoreland ordinance.
Yes						You're correct that this waterbody does not have a DNR shoreline classification. This waterbody is not required to be included in the City's 1997 ordinance (last version approved by DNR).
Unamed	Unnamed	Sec 12, T29, R21	-	NE	No	Yes
Sec 25, T29, R21			-	NE	No	You're correct that this waterbody does not have a DNR shoreline classification. This waterbody is not required to be included in the City's 1997 ordinance (last version approved by DNR). waterbody wasn't listed in the City's 1997 ordinance (last version approved by DNR). shoreland classification. This waterbody is not required to be included in the City's 1997 ordinance (last version approved by DNR). have any correspondence with the City as to why this waterbody was included in the shoreland ordinance. This waterbody wasn't listed in the City's 1997 ordinance (last version approved by DNR).
82041700	Unamed					You're correct that this waterbody does not have a DNR shoreline classification. This waterbody is not required to be included in the City's 1997 ordinance (last version approved by DNR).

82048400	Unnamed	Sec 11, T29, R21	-	NE	No	be included in the City shoreland ordinance and I don't have any correspondence with the City as to why this waterbody was included in the shoreland ordinance. This waterbody wasn't listed in the City's 1997 ordinance (last version approved by DNR).
N/A Use this DNR ID: 82019a	Unnamed to Wilmes Lake	Sec 33, T29, R21	-	T	No	All public watercourses have a shoreland classification (however, there isn't a table on DNR's website telling the shoreland classifications of each watercourse). This watercourse segment is classified as tributary. All public watercourses have a 300' shoreland district on each side of the watercourse. This watercourse should be in the shoreland ordinance.
N/A Use this DNR ID: 82016a	Unnamed Tributary	Sec 25, T29, R21	-	T	No	All public watercourses have a shoreland classification (however, there isn't a table on DNR's website telling the shoreland classifications of each watercourse). This watercourse segment is classified as tributary. All public watercourses have a 300' shoreland district on each side of the watercourse. This watercourse should be in the shoreland ordinance. Part of this watercourse is in a pipe (on Royal Golf Course).

Also, 82011602 is not listed on the DNR's table (listed twice is 82011601 on the DNR's table, but this could have been a typo)

82011602	Armstrong (south of CSAH 10)	Sec 28, T29, R21	1019.3	NE	No	This waterbody shouldn't be in Lake Elmo's shoreland ordinance since it's outside of the City limits. Thanks for noting the correction that needs to be made to DNR's shoreland classification table. 82011601 should be in the City's shoreland ordinance (Armstrong North).
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Bershen's Pond (ID 82010500), however, IS listed on the DNR website's list, but is not on our table.

You're correct, 82010500 has a Natural Environment shoreland classification. This waterbody should be included in the City's shoreland ordinance. It was in the City's 1997 ordinance; I don't have any correspondence with the City on why it was removed from the shoreland ordinance. Please add this waterbody to the City's shoreland ordinance.

Please advise if these lakes and rivers are to remain on our classification table, or if this classification system has been updated and the above lakes or rivers can be removed from our Ordinance's classification table. We have had a request to have them removed, so will need a response to give.

Emily Becker
City Planner
City of Lake Elmo
651-747-3912
ebecker@lakeelmo.org



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

RESOLUTION NO. 2017-011

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-166 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-166, an ordinance to amend Section 154.800: Shoreland Management Overlay District, of the City Code; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-166 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-166, which amends the Section 154.800: Shoreland Management Overlay District, of the Zoning Code, bringing it in to compliance with Minnesota Rules Part 6120.2800, by amending the following:

- The Shoreland Classifications Table is modified.
 - The following waterbodies are removed: Minnesota Department of Natural Resources (MNDNR) ID#s 82041900, 82041700, 82048400.
 - MNDNR ID# 82010500 (Berschen's Pond) is added.
- Forest land conversion is added as a conditional use, and standards for this use are set forth.
- Changes were made to the Shoreland Standards Table 17-3, including increasing certain minimum lot width, lot size, and structure setback standards; adding standards for lots containing triplexes and quads; adding minimum lot width standards for unsewered riparian lots and nonriparian sewer and unsewered lots; and maximum structure height.
- Standards for lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions were added.
- Restrictions on roads, driveways and parking area, as well as steep slopes, were added.
- Additional standards for Planned Unit Developments (PUDs) within the shoreland were added.

- The non-conformities section was revised to reference State Statutes, Section 462.357, Subd. 1e.
- Standards for surface water-oriented uses were added.
- Administration subdivision was updated to align with Minnesota Rules.

The full text of Ordinance No. 08-166 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: February 7, 2017.

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor

thereof: _____ and the following voted against

same: _____

Whereupon said resolution was declared duly passed and adopted.

M/S/P: Williams/Dodson, motion to change Item (O) (3) connectivity on page 14 to read "Trails, walkways and paths must make planned connections to planned external trails and walkways and paths within the community, ***Vote: 5-0, motion carried unanimously.***

M/S/P: Dodson/, motion to delete Item (O) (4) on page 14 regarding street design, ***Vote: 5-0, motion carried unanimously.***

M/S/P: Dodson/, motion to delete Item (O) (4) on page 14 regarding street design, ***Vote: 5-0, motion carried unanimously.***

M/S/P: Williams/Dodson, move to require that the restaurant and drinking establishments must be in the same structure as the clubhouse and golf shop, ***Vote: 5-0, motion carried unanimously.***

M/S/P: Dodson/Williams, move to require the clubhouse follow the city's commercial design guidelines and standards manual for Lake Elmo, ***Vote: 5-0, motion carried unanimously.***

Williams is not in favor of including the semi-transient accommodations without further definition. Kreimer stated that he doesn't feel that they need to do that now. Wensman stated that this would be the time to include it and get the definition set, otherwise they will need to do a zoning text amendment in the future. Handt suggested that they could table this to the next meeting which would give staff time to draft the standards.

There was discussion regarding the 9000 square feet minimum lot size and how that number was arrived at.

M/S/P: Williams/Kreimer, move to table the addition of a Golf Course Community Zoning District to the Zoning Code until standards are received for the semi-transient accommodations, ***Vote: 5-0, motion carried unanimously.***

Public Hearing – Zoning Text Amendment amending the City's Shoreland Management Overlay District

Becker started the presentation with some history regarding the Shoreland Ordinance. In 2014, a Shoreland ordinance was drafted that was modeled after Woodbury's. It was submitted to the DNR, but the DNR did not approve it. In 2016, staff started working to make amendments to submit to the DNR. Definitions were removed, 4 water bodies were removed, Berschen's Pond was added, and the language for water oriented accessory structures was kept. The DNR suggested that the City include a Forest Land Conversion as a conditional use with standards. They also suggested deleting the riparian dedication, changed the setbacks and impervious standards. Standards are

addressed for lots intended as controlled access to public waters, restrictions on roads, driveways and parking areas and subdivision standards. There is a nonconformities section and a more detailed list for the planned unit development section. The proposed ordinance for a PUD maps out what the open space can and cannot be. There were 2 public comments received. One comment was asking for an increase to setbacks for sewer development on Natural Environment Lakes from 100 ft. to 150 ft. The second comment is requesting that Goetschel pond not be removed.

Dodson asked if community septic is considered sewer or unsewered. Becker stated that by City standards it would be considered unsewered. The DNR might have a different standard.

Dodson stated that the proposal states that when municipal sewer is not available, a community septic is required. Is there a minimum number of lots for that? Becker stated that by City PUD standards, a minimum of 5 acres is required and they would have to adhere to the minimum base standards of the district.

Williams would like the wording regarding the requirement for 50% open space more clear to say only in the shoreland area vs. the total project area.

Public Hearing opened at 11:39 pm

Ann Bucheck, 2301 Legion Ave, she is wondering how much of the shoreland area has to be open space. Becker stated that they spoke to the DNR and they stated that it does not mean the open space needs to be in the shoreland area and that it can transfer to anywhere in the project area. She is wondering if it is requiring city sewer. Becker stated that with a PUD, when city sewer is not available, a community septic is allowed.

Terry Emerson, 2204 Legion Lane Circle N, went through a few of the water bodies on the list and a number of them would not meet the ordinance. He thinks there will be a lot of issues with the current homes on the lakes that do not meet the code and are going to be coming in for variances. He feels that changing the building setback from 100 to 150 feet is a little excessive as compared to the lakes that are already developed.

Public Hearing closed at 11:56 pm

M/S/P: Williams/Kreimer, move to recommend keeping Goetschel Pond in the Shoreland classification table, ***Vote: 5-0, motion carried unanimously.***

M/S/P: Williams/Kreimer, move to recommend clarifying the open space requirements for PUD: open space must constitute at least 50% of the total project area within the Shoreland, ***Vote: 5-0, motion carried unanimously.***

M/S/P: Williams/Kreimer, move to recommend approval of Ord. 08- . amending section 154.800: Shoreland Management Overlay District of the Zoning Code, **Vote: 5-0, motion carried unanimously.**

City Council Updates – December 20, 2016 Meeting

- i) Boulder Ponds 2nd addition Final Plat and PUD extension – passed.
- ii) Village Area AUA – passed.
- iii) Diedrich Property zoning map amendment – passed.
- iv) Comprehensive Plan to meet population targets and growth plans – forwarded to Planning Commission.
- v) Moratorium ordinance – repealed.
- vi) Low impact development standards – referred to Planning Commission.
- vii) Noise Ordinance – failed.

City Council Updates – January 3, 2017 Meeting

- i) Hammes Estates 2nd Addition Final Plat – passed.
- ii) Planning Commission appointments of Gary Fields and Dale Dorschner.
- 1. Upcoming Meetings
 - a. January 23, 2017
 - b. February 13, 2017

Commission Concerns

Meeting adjourned at 12:30 pm

Respectfully submitted,

Joan Zierman
Planning Program Assistant

Emily Becker

From: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
Sent: Tuesday, January 10, 2017 5:33 PM
To: Emily Becker
Cc: Petrik, Daniel (DNR); Stephen Wensman
Subject: RE: Clarifying Sewered/Unsewered Standards

Emily –

MN Rules 6120.3800 Subpart B (2) (a) state that residential PUDs must be connected to publically owned water supply and sewer system, if available. Long term funding and maintenance of a public sewer system is anticipated (governments stay in existence for a long time). With a community septic system, there is that same need to have long term funding and maintenance of the system in place. As long as the City takes measures to make sure that a community septic system is funded and maintained, and as long as the system meets MPCA standards, DNR could consider the use of a community septic system in a residential PUD as meeting the shoreland rule requirements. For example, the City should require, as part of the approval of a community septic system, documentation that an annual escrow fund is set up and will be managed to provide funds for long term maintenance and replacement of the system.

Regarding Whistling Valley: DNR does not have documentation that DNR reviewed and approved the Whistling Valley shoreland residential PUD, and we don't have documentation that DNR approved that lots within the development be considered sewered because they utilize a community septic system. Do you have documentation stating this? If so, please send me a copy. It may be that people assume that it was approved by DNR because the development went forward.

What came out of the 1/9/17 public hearing on the shoreland ordinance? Were there other questions? I'm curious as to how you think the ordinance will be received by City Council on 2/7/17.

Thanks –

Jen

Jenifer Sorensen

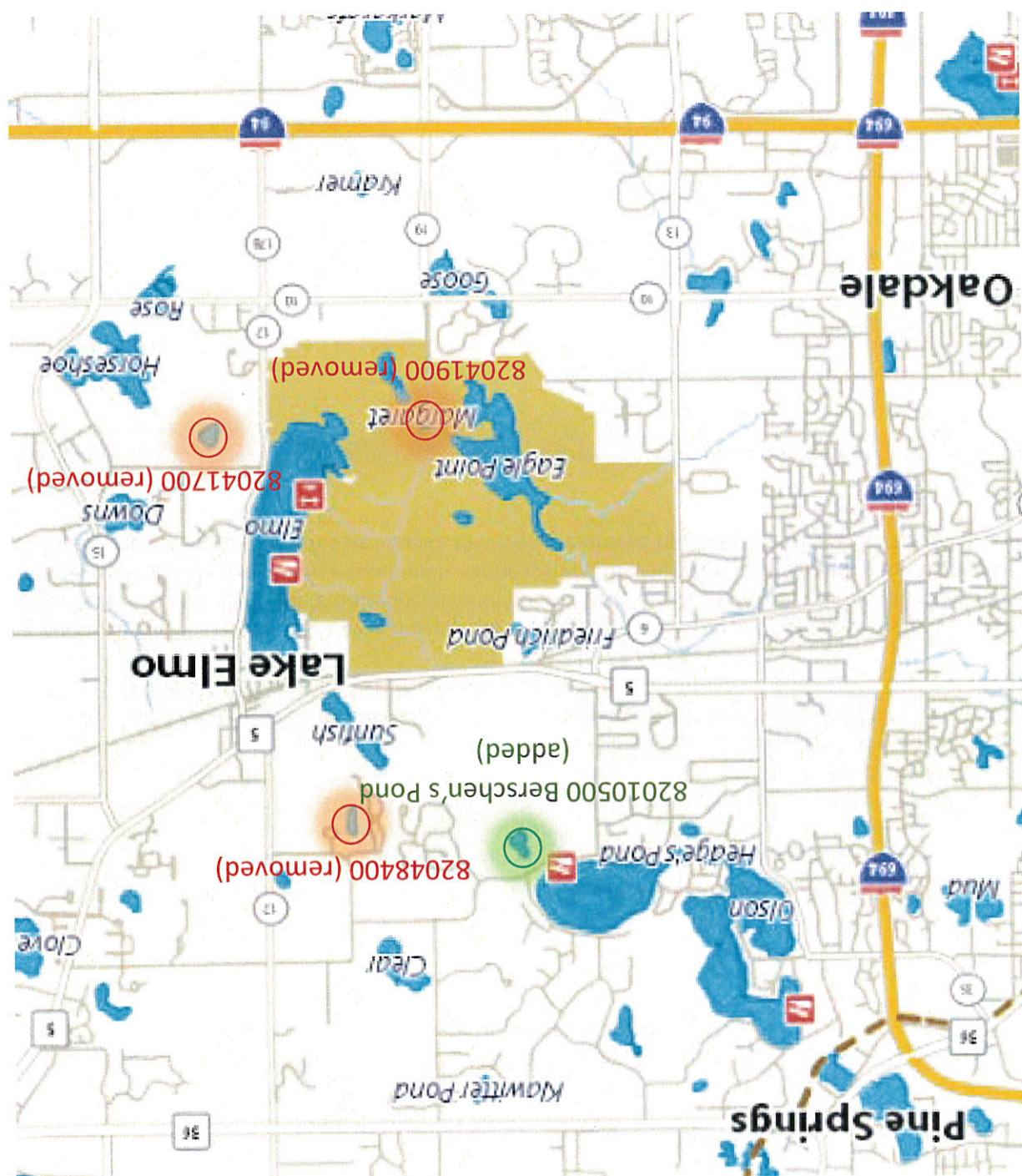
East Metro Area Hydrologist (Ramsey and Washington Counties)
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road
St Paul, MN 55106
Phone: 651-259-5754
Email: jenifer.sorensen@state.mn.us

From: Emily Becker [mailto:EBecker@lakeelmo.org]
Sent: Tuesday, January 10, 2017 12:39 PM
To: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
Cc: Petrik, Daniel (DNR) <Daniel.Petrik@state.mn.us>
Subject: Clarifying Sewered/Unsewered Standards

Jen and Dan,



From: [Stephen Wensman](#)
To: [Emily Becker](#)
Subject: FW: Retain Lake Goetschel (82031300) in the City of Lake Elmo's Shoreline ordinance
Date: Monday, January 09, 2017 1:52:07 PM

Stephen Wensman
Planning Director
City of Lake Elmo
651-747-3911

From: John Hodler [mailto:johnhodler@gmail.com]
Sent: Monday, January 09, 2017 1:24 PM
To: Stephen Wensman <SWensman@lakeelmo.org>
Cc: Larson, Rolf <hhalver@gmail.com>
Subject: Retain Lake Goetschel (82031300) in the City of Lake Elmo's Shoreline ordinance

City of Lake Elmo Planning Commission:

On behalf of the Fields of St Croix Community Association (FoSC), I request that the City of Lake Elmo continue to cover Lake Goetschel under its Shoreline Ordinance.

First, in the past few years Goetschel has increased in size to ten acres. Therefore, it is now a lake instead of a pond per the Metro area's definition of a lake.

Second, in the past two years, the City of Lake Elmo approved using Lake Goetschel as a storm water overflow basin for the GWSA Land Development LLC and Robert Engstrom Companies developments located in the watershed immediately to the west of the Fields of Saint Croix. The impact of storm water flowing into Lake Goetschel from these new developments is yet to be determined and is of concern since the lake's outlet exceeds the 100 year flood elevation. As a result, Lake Goetschel is more vulnerable to development both within and outside its current watershed.

Fortunately, Lake Goetschel's shoreline and immediate watershed area are protected by the Minnesota Land Trust. Ownership of the lake's shoreline is shared by FoSC, Tana Ridge Community Association and Robert Engstrom Companies. Presently, there are no plans for development on its shoreline. However, recent experience demonstrates that developers can obtain approval for developments in areas that were previously off limits.

Therefore, please retain Lake Goetschel as one of the water bodies covered by the City of Lake Elmo Shoreline Ordinance.

Respectfully,

John Hodler

John Hodler, Board president, Fields of St Croix Community Assoc.
(c) [651 343 4638](tel:6513434638)



STAFF REPORT

DATE: 2/21/2017

REGULAR

ITEM #: **14**

MOTION

TO: City Council
FROM: Emily Becker, City Planner
AGENDA ITEM: 3549 Lake Elmo Avenue Zoning Map Amendment and Conditional Use Permit
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City has received two requests from Christ Lutheran Church, ELCA, of 11194 36th Street North:

- Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue North from GB – General Business District to VMX – Village Mixed Use.
- Conditional Use Permit to allow a parking facility as a principal use on a lot.

ISSUE BEFORE COUNCIL:

The Council is being asked to consider a request for a Zoning Map Amendment to rezone 3549 Lake Elmo Avenue (Property) to VMX – Village Mixed Use and for a Conditional Use Permit for a parking facility as a principal use on Tract B of the property, as shown in the attached survey dated 11-30-12. The Council is also being asked to re-affirm a previously approved Minor Subdivision for the property, as depicted on the attached survey.

PROPOSAL DETAILS/ANALYSIS:

See Attached Information. The background and reason for the request may be found in the attached Planning Commission Staff Report. The recommended Ordinance 08-170 approving the zoning map amendment; recommended Resolution 2017-017 approving the Conditional Use Permit; and re-affirmance of the minor subdivision by Resolution 2017-018 are attached and outline conditions of approval.

Re-Affirmation of Minor Subdivision. The approval of a Zoning Map Amendment and Conditional Use Permit will allow for the subject property to be subdivided, as explained in the attached Planning Commission Staff Report. The City Attorney has advised that although there is nothing in our Code that says a Minor Subdivision will become invalid if not processed with the County after a certain amount of time, it would be advisable to re-affirm the Minor Subdivision request. Re-affirmation of the Minor Subdivision can be done by adopting Resolution 2017-018, attached to this report.

Planning Commission/Public Hearing. The Zoning Map Amendment and Conditional Use Permit requests were noticed to property owners within 350 feet of the subject property. A public hearing was held at the Planning Commission meeting on February 13, 2017. No one spoke at the public hearing, and no comments were received prior to the meeting.

- Zoning Map Amendment: Commission recommended approval 6-0.
- Conditional Use Permit: Commission recommended approval 6-0.

- The Commission made a motion to strike Condition #2, but the motion failed 3-3. Staff does not recommend striking this motion, as the Code says that parking requirements may be waived in the VMX district. This is something that should be vetted, and it was clearly vetted in the past, as it was a condition of the previously-granted Variance and Minor Subdivision approvals.
- Re-affirmance of Minor Subdivision Approval: Commission recommended approval 6-0.

FISCAL IMPACT:

The re-zoning and Conditional Use Permit will facilitate the sale of the parcel of land on which the former Lank Elmo Bank building is located for its reuse and return as a thriving taxable property.

OPTIONS:

The Council may:

- Approve Zoning Map Amendment; Conditional Use Permit with recommended conditions; and re-affirm approval of the Minor Subdivision.
- Amend recommended conditions of approval and approve the requested Zoning Map Amendment and Conditional Use Permit with conditions as amended and re-affirm approval of the Minor Subdivision.
- Deny the Zoning Map Amendment; Conditional Use Permit; and Re-affirmance of Minor Subdivision.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of the Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue North from GB – General Business to VMX – Village Mixed Use.

“Move to adopt Ord. 08-170 approving a Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue from GB – General Business to VMX – Village Mixed Use.”

Staff recommends that the Planning Commission recommend approval of the request for a Conditional Use Permit to allow the use of a parking facility on ‘Tract B/Parcel 2’ as shown in the attached Certificate of Survey dated 11-20-12.

“Move to adopt Resolution 2017-017 approving a Conditional Use Permit for a parking facility on the property legally described as “Lot 29 except the south 40 feet thereof, County Auditor’s Plat No. 8, Washington County, MN.”

The Council may also wish to re-affirm approval of a Minor Subdivision for the property located at 3549 Lake Elmo Avenue North.

“Move to adopt Resolution 2017-018 re-affirming approval of a Minor Subdivision granted by Resolution 2013-46.”

ATTACHMENTS:

- Application
- Planning Commission Staff Report
- Draft Ord 08-170 Zoning Map Amendment
- Draft Resolution 2017-017 Approving a Conditional Use Permit for a parking facility
- Draft Resolution 2017-018 Re-affirming Approval of Minor Subdivision
- Resolution 2013-07 & 2013-46 approving a variance from minimum lot size and width requirements and Minor Subdivision for 3549 Lake Elmo Avenue
- Planning Commission meeting minutes 02/13/2017



STAFF REPORT

DATE: 2/13/2017

PUBLIC HEARING

ITEM #: 4a & 4b (Case 2017-05)

MOTION

TO: Planning Commission
FROM: Emily Becker, City Planner
AGENDA ITEM: 3549 Lake Elmo Avenue Zoning Map Amendment and Conditional Use Permit
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City has received two requests from Christ Lutheran Church, ELCA, of 11194 36th Street North:

- Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue North from GB – General Business District to VMX – Village Mixed Use.
- Conditional Use Permit to allow a parking facility as a principal use on a lot.

Existing Land Use: Parking lot and former Lake Elmo Bank Building

Existing Zoning: GB - General Business District

Surrounding Use/Zoning: Single family homes (RS – Rural Single Family) to the North, West, and East; Lake Elmo Public Library (GB – General Business) to the South.

Comprehensive Plan: VMX – Village Mixed Use

History: The City conducted a site plan review when Lake Elmo Bank proposed construction of the building that currently exists on the property in 1989. Christ Lutheran Church (Church/Applicant) now owns the property and uses a portion of the parking lot for parking for the church. The church had plans to sell a portion of the property and previously requested a variance and minor subdivision in 2013 (see Proposal Details/Analysis for further explanation).

Deadline for Action: Application Complete – 1/23/2017
60 Day Deadline – 3/24/2017
Extension Letter Mailed – No
120 Day Deadline – N/A

Applicable Regulations: §154.500 VMX – Village Center District
§ 154.106 – Conditional Use Permits

ISSUE BEFORE COMMISSION:

The Commission is being asked to hold a public hearing and make recommendation on the request for a Zoning Map Amendment to rezone 3549 Lake Elmo Avenue (Property) to VMX – Village Mixed Use and for a Conditional Use Permit for a parking facility as a principal use on Tract B of the property, as shown in the attached survey dated 11-30-12.

PROPOSAL DETAILS/ANALYSIS:

REASON FOR REQUEST

- **Approved Variance from Minimum Lot Size Requirements.** In 2013, the City approved a variance for the Property from the minimum lot size requirements of the GB – General Business District so that the Church could request a Minor Subdivision, separating a portion of the parking lot from the former Lake Elmo Bank Building (Building).
 - *Reason for Minor Subdivision Request.* The Church had plans to sell the property but found that potential buyers believed that the amount of parking provided on the Property exceeded the required parking for the building. Therefore, the Church wanted to subdivide the Property in to two parcels: one that would contain the Building and a small parking area (Tract A, as shown on the attached survey) and one that would provide parking for the Church (Tract B).
 - *Reason for Variance Request.* The resultant parcels would be 0.42 acres and 0.27 acres, not meeting the minimum lot size requirement of the GB – General Business District of 1.5 acres or the minimum lot width.
- **Approved Minor Subdivision Request.** The City subsequently approved the Minor Subdivision request.
- **Conditions.** The Variance and Minor Subdivision were approved with the following conditions:
 - *Shared Parking.* That the Church execute a shared-parking agreement with the future owners of the Building to allow tenants to use the larger parking area when the Church is not using it.
 - *Drainage Easement.* Drainage easement be provided along the storm water infiltration area that collects storm water runoff from both parcels.

- **Minor Subdivision Not Executed, Variance Expired.** The Minor Subdivision was never executed, as the Church had not found a buyer and therefore was not able to satisfy the condition of approval that a shared parking agreement be executed. The Church now has a buyer, and would like the City to sign off on the subdivision, but the City cannot, as the proposed lots do not meet lot size or width standards of the current zoning of the property.
 - While there is nothing in the Code that dictates a time period by which an applicant must execute a minor subdivision after City approval, the Zoning Code states that a variance shall expire if work does not commence within a year of the date it is granted.
 - Therefore, the variance which allowed for the minor subdivision of a parcel which creates two lots which do not meet minimum lot size standards has expired.

ZONING MAP AMENDMENT

- **Rezoning Required.** In order to approve a land use request, the use should be consistent with the Comprehensive Plan. The Property is guided for VMX – Village Mixed Use. The Variance from the minimum lot size standards for this Property was granted before the Village Mixed Use district was created. Now that this zoning district exists, rezoning the property to VMX – Village Mixed Use would be the best approach, as it would satisfy the following:
 - *Consistency with Comprehensive Plan.* As explained above.
 - *Minimum Lot Size/Maximum Impervious Surface Requirements.* The VMX – Village Mixed Use Zoning District does not have minimum lot area or width requirements, nor does it have maximum impervious surface requirements for non-residential uses, therefore bringing the Property in to compliance.

- *Parking Requirements.* It is not yet known for sure what the use of the building will be, so Staff is unable to calculate what would be required for parking according to the City's Off-Street Parking Regulations. The following off-street parking standards may be waived for lots zoned VMX:
 - Required minimum number of off-street parking spaces.
 - The requirement that off-street parking areas containing more than four parking spaces be located a minimum of 20 feet from the boundary of a lot zoned or used for residential purposes.
- *Use.* A parking facility is a conditional use in the VMX – Village Mixed Use District, whereas it is not an allowed principal use in the GB – General Business District.
- **Recommended Condition of Approval.** The attached ordinance requires that the City receive the recorded documents or document numbers which effectuate the minor subdivision approved by Resolution 2013-46. This is necessary, as the ordinance provides the proposed legal descriptions of the two parcels after the minor subdivision is recorded.

CONDITIONAL USE PERMIT

Conditional Use Permit Required for Parking Facility in VMX District.

- As previously stated, a conditional use permit for a parking facility in the VMX District is required.
- While the parking lot already exists, it does not exist as the principal use of the parcel; it serves as an accessory use to the former Lake Elmo Bank building.
- The minor subdivision will result in the parking facility becoming the principal use of the new parcel (Tract B), creating the need for a conditional use permit in order to bring the parcel in to compliance with the requirements of the VMX zoning district.

Minimum Parking Space and Aisle Dimensions.

- *Number.* 'Tract B' provides 26 parking spaces.
 - Christ Lutheran Church provides 33 total parking spaces, and the building located on 'Tract A' has 12 total parking spaces.
- *Size.* These are approximately 9' in width and 20' long, with an aisle width of 30'.
- *Accessibility Parking.* While no handicap spaces are provided on the parcel itself, the parking lot will serve both Christ Lutheran Church, which has four handicap parking spaces, and the building on 'Tract A', which has two handicap parking spaces.
- *Curbing.* The parking lot does not currently provide curbing as required, however, the Church is not currently requesting a current change to the parking lot itself.
 - Per Code, a bumper curb or barrier of normal bumper height is to be provided five or three feet from the property line, respectively.
 - It is a recommended condition of approval that any future improvements made to the parking lot shall be in conformance with City Code and Design Standards.
- *Landscaping.* Trees exist on the north edge of the property; a raingarden exists on the south side of the parking lot; mostly meeting requirements for perimeter parking lot landscaping.
 - The east side of the parking lot is not screened, as it connects to an alley.
 - The number of parking spaces does not require interior parking lot landscaping.
 - It is a recommended condition of approval that any future improvements made to the parking lot shall be in conformance with City Code and Design Standards.

Village Improvement Project. Temporary easements were granted to Washington County for the purpose of highway construction for the improvement and protection of County State Aid Highway 17 (Lake Elmo Avenue). These easements expire September 30, 2017.

Drainage Easement Still Needed. A condition of approval of both the approved variance and minor subdivision was that a drainage easement be provided across the storm water infiltration area that collects

storm water runoff from both parcels. This will allow 'Tract A' to utilize the storm water infiltration area of 'Tract B.' This has not yet been recorded but has been drafted. It is recommended that the execution and recording of this document be added as a condition of approval to the Conditional Use Permit.

Parking Agreement Still Needed. A condition of approval of both the approved variance and minor subdivision was that the Applicant execute and record a shared parking easement in a form acceptable to the City Attorney prior to the transfer of either 'Tract A' or 'Tract B,' as shown in the Certificate of Survey dated 11-20-12 to another party. This easement was to allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant, and be reciprocal. This has not yet been recorded, as the Church hadn't found a buyer. This is recommended to be added as a condition of approval to the Conditional Use Permit.

Drainage and Utility Easement over Storm Sewer Pipe. There is an existing storm sewer pipe that was reinstalled new as part of the DOWNTOWN project under a prescriptive easement. It is a recommended condition of approval that this easement be formalized.

Recommended Findings. Staff recommends the following required findings for allowing a conditional use:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. The use has already existed for a number of years and has not shown to be detrimental.
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. The area is guided for VMX – Village Mixed Use in the Land Use Guide of the Comprehensive Plan. Parking facility is a conditional use in this district.
3. The use or development is compatible with the existing neighborhood. A parking facility will alleviate parking needs for the nearby church and building on the parcel to the south through a shared parking agreement.
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. There are no specific development standards for a parking facility in Article 7.
5. If the proposed use is in a flood plain management or shoreline area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). The property is located outside the 0.2% annual chance floodplain.
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. The use is existing and will not change the existing or intended character of the general vicinity or alter the essential character. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. The use is existing and will deter church goers and tenants of the building to the south from parking on the street, thereby allowing for more on-street parking for surrounding residents and visitors to the downtown area.
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. The use will not change and has been served adequately thus far.
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. The use will not change and therefore will not create additional requirements or cost.

10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **The use will not involve anything that would be detrimental.**
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **The use will create no more traffic congestion than already exists at the site.**
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

Recommended Conditions of Approval. If approved, Staff recommends the following conditions of approval for the Conditional Use Permit allowing the use of a parking facility on ‘:

1. This Conditional Use Permit is effective upon the recording Minor Subdivision, as approved by Resolution 2013-46. Recording of the aforementioned Minor Subdivision must be executed within one year of the date of approval of this Conditional Use Permit.
2. The Applicant shall execute and record a shared parking easement in a form acceptable to the City Attorney prior to the transfer of either ‘Tract A’ or ‘Tract B,’ as shown in the Certificate of Survey dated 11-20-12 to another party. This easement shall allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.
3. The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable by the City Attorney prior to the transfer of either ‘Tract A’ or ‘Tract B’ to another party.
4. Future improvements to the parking lot shall be in conformance with City Code and Design Standards.
5. The Applicant shall execute and record a drainage and utility easement across the existing storm sewer pipe located along the south property line of ‘Tract A.’

RE-AFFIRMING MINOR SUBDIVISION APPROVAL

As previously mentioned, the variance which allowed for the City to approve the Minor Subdivision granted by variance 2013-46 has expired. There is nothing that states that a Minor Subdivision must be recorded by a specific amount of time. The City Attorney has been consulted and has stated that State Statute allows but does not require governing bodies to mandate a time by which a minor subdivision be recorded before it becomes invalid. If the Zoning Map Amendment and Conditional Use Permit are required by Council, the City Attorney recommends that for clarification purposes, a Resolution be passed re-affirming the Minor Subdivision. A draft of this Resolution is attached.

FISCAL IMPACT:

The re-zoning and Conditional Use Permit will facilitate the sale of the parcel of land on which the former Lank Elmo Bank building is located for its reuse and return as a thriving taxable property.

OPTIONS:

The Commission may:

- Recommend approval of the requested Zoning Map Amendment and Conditional Use Permit with recommended conditions.
- Amend recommended conditions of approval and recommend approval of the requested Zoning Map Amendment and Conditional Use Permit with conditions as amended.
- Recommend denial of the Zoning Map Amendment and Conditional Use Permit.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue North from GB – General Business to VMX – Village Mixed Use.

“Move to recommend approval of the Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue North from GB – General Business to VMX – Village Mixed Use.”

Staff recommends that the Planning Commission recommend approval of the request for a Conditional Use Permit to allow the use of a parking facility on ‘Tract B/Parcel 2’ as shown in the attached Certificate of Survey dated 11-20-12.

“Move to recommend approval of a Conditional Use Permit for a parking facility on the property legally described as ‘Lot 29 except the south 40 feet thereof, County Auditor’s Plat No. 8, Washington County, MN’ with recommended conditions of approval.”

The Commission may also wish to recommend re-affirmance of approval of a minor subdivision for the property located at 3549 Lake Elmo Avenue North.

“Move to recommend re-affirming approval of Minor Subdivision granted by Resolution 2013-46.”

ATTACHMENTS:

- Application
- Draft Ord 08- Zoning Map Amendment
- Draft Resolution 2017- Approving a Conditional Use Permit for a parking facility
- Draft Resolution 2017- Reaffirming the Approval of a Minor Subdivision of 3549 Lake Elmo Avenue North
- Resolution 2013-07 approving a variance from minimum lot size and width requirements
- Resolution 2013-46 approving a minor subdivision for 3549 Lake Elmo Avenue



11194 – 36th Street North
P.O. Box 310
Lake Elmo, MN 55042
Telephone: 651/777-2881
Fax: 651/748-0145

January 23, 2017

Ms. Kristina Handt
City of Lake Elmo Administrator
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: Rezoning Request and Conditional Use Permit Application, 3549 Lake Elmo Avenue North

Dear Ms. Handt:

As has been discussed recently in phone conversations and by e-mail, Christ Lutheran Church (CLC) of Lake Elmo currently owns the property at 3549 Lake Elmo Avenue. The property currently consists of two parcels, Parcel 1: a 4,684 square foot single story building and associated 12 stall parking lot and access lanes; and Parcel 2: a 26 stall parking lot and rain garden area. CLC currently utilizes Parcel 1 for church activities and storage space, and Parcel 2 for weekend and event parking. The current legal description of the property is:

- Parcel 1: The South 40 feet of Lot 29 and all of Lot 30, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota. Registered Property Certificate of Title No. 58428.
- Parcel 2: Lot 29 except the south 40 feet thereof, County Auditor's Plat No. 8, Washington County, Minnesota.
- Parcel ID No.: 130-29-21-23-0053.

The entire property is currently zoned General Business (GB) and has been for sale or lease since being vacated by our previous tenant in August 2011. CLC was granted tax-exempt status for the property by Washington County in August 2012. CLC is requesting that the zoning designation for the property be changed to **Village Mixed Use (VMX)**, consistent with recent zoning updates in the Old Village area.

In November 2012 CLC requested a variance to City Ordinance 154.051 regarding lot width and minimum acreage of commercially zoned properties in the Old Village area of Lake Elmo for the two parcels. At its February 5, 2013 regular meeting, the Lake Elmo City Council approved the variance request.

CLC is at this time requesting a lot line adjustment for the property as shown on the attached survey by Ulteig Engineers. The proposed new legal description is:

- Tract A: The South 46.00 feet of Lot 29 and all of Lot 30, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota. Contains 18,155 Sq. Ft., or 0.42 Acres, more or less.

- Tract B: That part of Lot 29 lying north of the South 46.00 feet thereof, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota. Contains 11,760 Sq. Ft, or 0.27 acres, more or less.

By adjusting the property line along the proposed boundary, CLC is retaining full ownership and maintenance responsibility of the rain garden installed at the property in 2011, the 26-stall parking lot, and the associated green space. CLC intends to operate and maintain the Tract B parking lot as a part of its normal operations. It is used primarily on Sundays, Wednesday evenings, and occasionally during the day for special events. The lot will continue to serve as a community resource, offering off-street parking for residents and visitors when needed, and providing overflow parking for the new business on Tract A. CLC seeks a **Conditional Use Permit** from the City for the continued operation of the parking lot.

In October of 2016, CLC entered into a purchase agreement with a local company who intends to purchase and use the Tract A building and associated parking for business office purposes. CLC and the prospective buyer have entered into a shared parking agreement as required by the City in its approval of the lot line adjustment. CLC is also willing to provide an easement to allow the potential buyer of Tract A (and future owners) the right to discharge storm water to the rain garden. Copies of these documents are available upon request.

CLC is looking forward to working with the City of Lake Elmo to complete the process of adjusting the lot lines on the 3549 Lake Elmo Avenue property, rezoning the property to the VMX zoning designation, and obtaining a Conditional Use Permit for the parking lot. Completing these steps in a timely manner will facilitate the potential sale of the commercial building (Tract A) and its return to the tax rolls, a goal shared by the City and CLC. Please find attached the completed Development Application Form, survey, and application fee. CLC is in the process of obtaining updated mailing labels. If you have any questions please contact Jim Kelly at 651-253-1129 or Kevin Huntley at 612-363-6191.

Sincerely,



Dave Leuthe
Congregation President
Christ Lutheran Church

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



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

LAND USE APPLICATION

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

Applicant: Christ Lutheran Church, ELCA _____
Address: 11194 36th Street North, Lake Elmo, MN 55042 _____
Phone # 651-777-2881 _____
Email Address: _____

Fee Owner: Same as Above _____
Address: _____
Phone # _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description: 3549 Lake Elmo Ave., Lake Elmo, MN 55042
Parcel 1: The South 40 feet of Lot 29 and all of Lot 30, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota. Registered Property Certificate of Title No. 58428
Parcel 2: Lot 29 except the south 40 feet thereof, County Auditor's Plat No. 8, Washington County, Minnesota.
Parcel ID No. is 130-29-21-23-0053

Detailed Reason for Request: Christ Lutheran Church owns the property at 3549 Lake Elmo Ave. A lot split was approved by the City Council in 2013 to allow the church to sell the "Bank Building" (identified as "Tract A" on the attached survey) and retain ownership of the parking lot ("Tract B"). The Church has recently been informed that the property needs to be re-zoned to the Village Mixed Use District (VMX) (from General Business, GB) and a Conditional Use Permit (CUP) be applied for to facilitate a sale. The Church has identified a buyer and wishes to proceed with these actions as soon as possible.

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

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

Signature of applicant: David Luther President CC Date: 1/22/17
Signature of fee owner: David Luther President CC Date: 1/22/17



Lake Elmo City Hall
651-747-3900
3800 Lavene Avenue North
Lake Elmo, MN 55042

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Christ Lutheran Church
(Please Print)

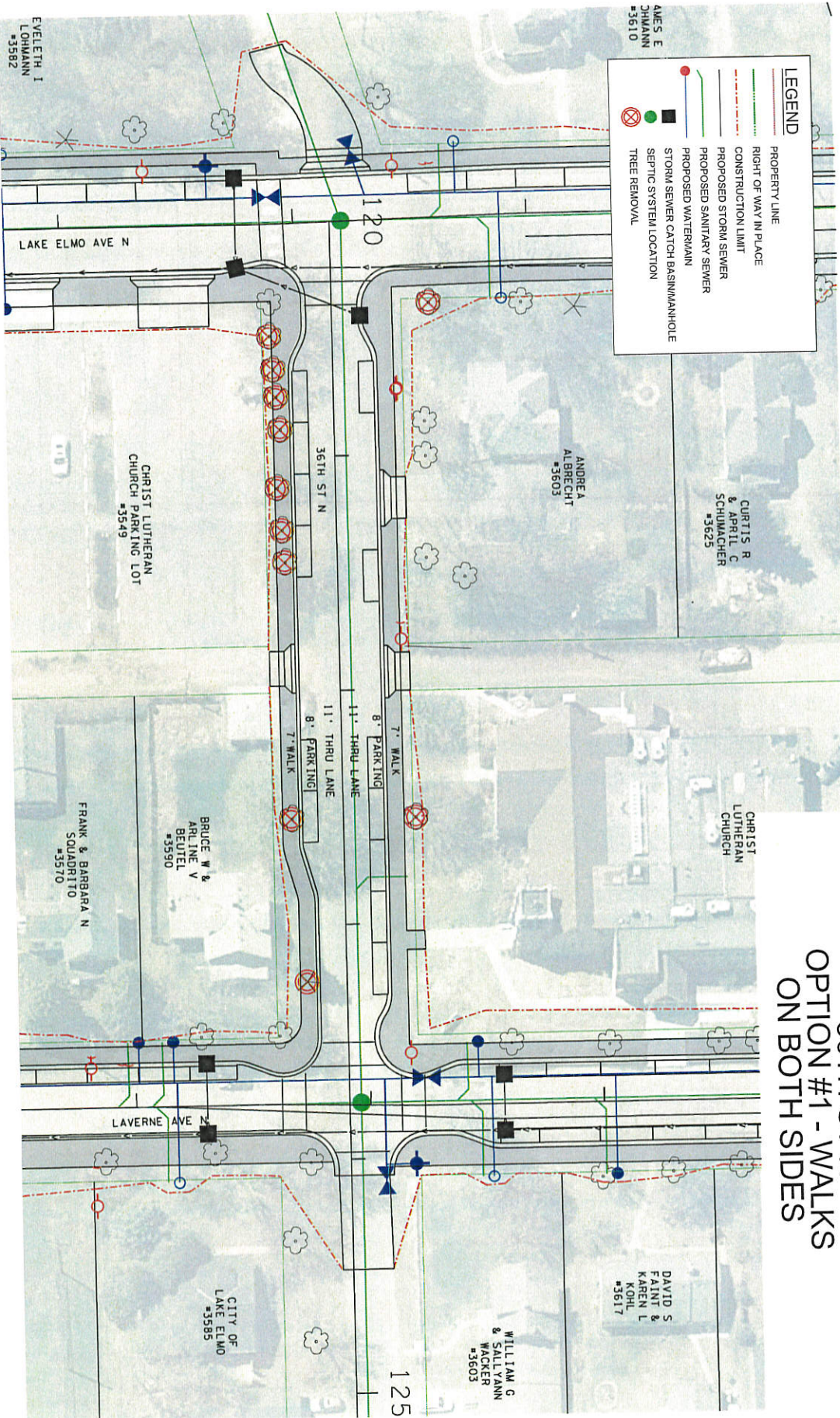
Street address/legal description of subject property 3544 Lake Elmo Ave

Parcel ID: 130-29-21-23-0053

Signature David P. Feltz, President
Date 1/22/17

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.
If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.
If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

36TH ST N OPTION #1 - WALKS ON BOTH SIDES



40
SCALE IN FEET

SEH
PROJECT: 1851190-2000
3535 VANDERLIP CENTER DR.
ST. PAUL, MN 55110

LAKE ELMO, OLD VILLAGE 2015
CONSTRUCTION
36TH ST N OPTION #1 - WALKS
ON BOTH SIDES

FILE NO.
WASHC06774
5
OF 9

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-170

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE
BY AMENDING THE OFFICIAL ZONING DISTRICT MAP
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-017, as follows:

Section 1: Zoning Map Amendment. The following properties are hereby rezoned from GB - General Business District to VMX - Village Mixed Use:

The South 46.00 feet of Lot 29 and all of Lot 30, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota.

That part of Lot 29 lying north of the South 46.00 feet thereof, COUNTY AUDITOR'S PLAT NO. 9, Washington County, Minnesota.

Section 2: This Zoning Map Amendment is conditioned on the City receiving recorded documents or recorded document numbers for the deeds of conveyance which effectuate the Minor Subdivision approved by Resolution 2013-46 within one year of the effective date of this Ordinance.

Section 3: The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

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

This Ordinance No. 08-170 was adopted on this 21st day of February, 2017, by a vote of ____ Ayes and ____ Nays.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION 2017-017

***A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PARKING FACILITY
FOR CHRIST LUTHERAN CHURCH***

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Christ Lutheran Church, 11194 36th Street North (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit for a parking facility for the property legally described as that part of Lot 29 lying north of the South 46.00 feet thereof, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota (the "Property"); and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on February 13, 2017; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 13, 2017; and

WHEREAS, the City Council considered said matter at its February 21, 2017 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:

- a) A Conditional Use Permit for a parking facility and for the Property.
- 4) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **The use has already existed for a number of years and has not shown to be detrimental.**
 - 5) The use or development conforms to the City of Lake Elmo Comprehensive Plan. **The area is guided for VMX – Village Mixed Use in the Land Use Guide of the Comprehensive Plan. Parking facility is a conditional use in this district.**
 - 6) The use or development is compatible with the existing neighborhood. **A parking facility will alleviate parking needs for the nearby church and building on the parcel to the south through a shared parking agreement.**
 - 7) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. **There are no specific development standards for a parking facility in Article 7.**
 - 8) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). **The property is located outside the 0.2% annual chance floodplain.**
 - 9) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. **The use is existing and will not change the existing or intended character of the general vicinity or alter the essential character.**
 - 10) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. **The use is existing and will deter church goers and tenants of the building to the south from parking on the street, thereby allowing for more on-street parking for surrounding residents and visitors to the downtown area.**
 - 11) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. **The use will not change and has been served adequately thus far.**
 - 12) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. **The use will not change and therefore will not create additional requirements or cost.**
 - 13) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **The use will not involve anything that would be detrimental.**
 - 14) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **The use will create no more traffic congestion than already exists at the site.**

15) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Conditional Use Permit for a self-service storage facility and outdoor vehicle storage is granted, subject to the following conditions:

- 1) The Minor Subdivision, as approved by Resolution 2013-46, must be executed within one year of the date of approval of this Conditional Use Permit.
- 2) The Applicant shall execute and record a shared parking easement in a form acceptable to the City Attorney prior to the transfer of either 'Tract A' or 'Tract B,' as shown in the Certificate of Survey dated 11-20-12 to another party. This easement shall allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.
- 3) The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable by the City Attorney prior to the transfer of either 'Tract A' or 'Tract B' to another party.
- 4) Future improvements to the parking lot shall be in conformance with City Code and Design Standards.
- 5) The Applicant shall execute and record a drainage and utility easement across the existing storm sewer pipe located along the south property line of 'Tract A.'

Passed and duly adopted this 21st day of February, 2017 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Michael Pearson, Mayor

Julie Johnson, City Clerk

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

RESOLUTION NO. 2017-018

*A RESOLUTION RE-AFFIRMING APPROVAL OF A MINOR SUBDIVISION FOR
CHRIST LUTHERAN CHURCH – 3549 LAKE ELMO AVE*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Christ Lutheran Church, 11194 36th Street North (Applicant) submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to split an existing parcel located at 3549 Lake Elmo Avenue (PID 13.029.21.23.0053) (Property) into two separate parcels in accordance with the certificate of survey dated November 20, 2012 signed by Michael Cannon, License #40035, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Board of Adjustments and Appeals approved a variance request by the applicant to create two lots that do not meet the minimum lot size and minimum street frontage requirements of the Lake Elmo Zoning Ordinance on February 5, 2013; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on June 4, 2013 and adopted Resolution 2013-46, approving the Minor Subdivision for Christ Lutheran Church – 3549 Lake Elmo Avenue North.

WHEREAS, the variance that was approved by the Lake Elmo Board of Adjustments and Appeals to create two lots that do not meet the minimum lot size and minimum street frontage requirements of the Lake Elmo Zoning Ordinance on February 5, 2013 has since expired; and

WHEREAS, the Planning Commission has reviewed at its meeting on February 13, 2017 requests by the Applicant for a Zoning Map Amendment to re-zone the Property from GB – General Business District to VMX – Village Mixed Use and a Conditional Use Permit to allow a parking facility as the principal use of the property legally described as that part of Lot 29 lying north of the South 46.00 feet thereof, County Auditors Plat No. 8, Washington County, Minnesota; and submitted its report and recommendation concerning the requested Zoning Map Amendment and Conditional Use Permit as part of a memorandum to the City Council for the February 21, 2017 Council Meeting; and

WHEREAS, the City Council reviewed the Applicant's request for a Zoning Map Amendment and Conditional Use Permit and approved Ordinance 08-170, rezoning the Property from GB – General Business District to VMX – Village Mixed Use, and adopted Resolution 2017-017, granting a Conditional Use Permit for the property legally described as that part of Lot 29 lying north of the South 46.00 feet thereof, County Auditors Plat No. 8, Washington County, Minnesota, thereby bringing the proposed Minor Subdivision in to conformance with City Code.

NOW, THEREFORE BE IT RESOLVED, that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby re-affirms its approval of the request by Christ Lutheran Church for a Minor Subdivision, provided the following conditions are met:

1. The Applicant shall execute and record a shared parking easement in a form acceptable to the City Attorney prior to the transfer of either "Tract A" or "Tract B" to another party. This easement shall allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.
2. The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable to the City Attorney prior to the transfer of either "Tract A" or "Tract B" to another party.
3. The Applicant shall execute and record a drainage and utility easement over the existing storm sewer pipe located along the south property line of the "Tract A."

Passed and duly adopted this 21st day of February 2017 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2013-07

***A RESOLUTION APPROVING A VARIANCE TO ALLOW CHRIST LUTHERAN
CHURCH TO SPLIT AN EXISTING LOT INTO TWO SEPARATE PARCELS THAT DO
NOT MEET MINIMUM LOT SIZE AND WIDTH REQUIREMENTS***

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Christ Lutheran Church, 11194 36th Street North (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a variance to split the lot at 3549 Lake Elmo Avenue North into two separate parcels that do not meet the minimum area and lot width requirements of the GB – General Business zoning district; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on January 14, 2013; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 5, 2013; and

WHEREAS, the City Council considered said matter at its February 5, 2013 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said Section 154.017 have been met by the Applicant.
- 3) That the proposed variance is to split the existing lot at 3549 Lake Elmo Avenue North into two separate parcels that do not meet the minimum area and lot width requirements of the GB – General Business zoning district. The proposed parcels would be 0.42 acres

and 0.27 acres in size, which is under the minimum lot size requirement of 1.5 acres. The proposed parcels would also be 80 and 123.5 feet in length, which is shorter than the minimum requirement of 150 feet.

- 4) That the Variance will be located on property legally described as follows: Lots 39 and 40, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota. More commonly known as 3549 Lake Elmo Avenue North.
- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. *Specific findings: That the proposed use is reasonable because the potential buyer of the former Lake Elmo Bank building has stated that they do not have a need for all of the parking provided on the site. Between the former bank building and the Christ Lutheran Church facility there is an expected amount of parking that will be using this property that will not change due to a change in ownership over a portion of the site.*

- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific findings: That the applicant's property is unique due to the large amount of parking that exceeds most other off-street parking lots in the downtown village area of Lake Elmo. The Zoning Ordinance does allow for waivers of parking requirements in the GB - General Business District and any future users would need to request such a waiver under if their parking needs exceeded the amount available.*

- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific findings: That the proposed lot split will not change the current use of the site for offices and parking. Any potential impacts associated with a lack of parking for the office uses could be mitigated with a shared parking arrangement that allowed any potential building tenants to use the parking area outside of peak Church usage periods.*

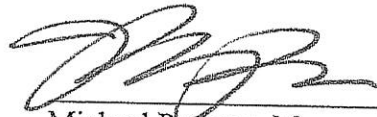
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *Specific findings: No impacts above and beyond those considered normal for any other business use in the surrounding area would be expected should the variance be granted.*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted, provided the following conditions are met:

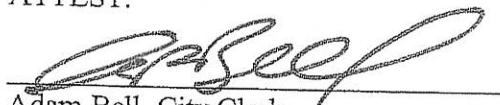
1. The Applicant shall execute a shared-parking arrangement with the future owners of the former Lake Elmo Bank Building that will allow any future tenants of this building to use the parking lot to be retained by the Applicant during time periods when the parking lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of the former Lake Elmo Bank Building.
2. The applicant shall provide for a drainage easement across the storm water infiltration area that collects storm water runoff from both of the parcels to be created by the lot split.

Passed and duly adopted this 5th day of February 2013 by the City Council of the City of Lake Elmo, Minnesota.



Michael Pearson, Mayor

ATTEST:



Adam Bell, City Clerk

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2013-46

A RESOLUTION APPROVING A MINOR SUBDIVISION FOR
CHRIST LUTHERAN CHURCH - 3549 LAKE ELMO AVE

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Christ Lutheran Church, 11194 36th Street North (Applicant) has submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to split an existing parcel located at 3549 Lake Elmo Avenue (PID 13.029.21.23.0053) into two separate parcels in accordance with the certificate of survey dated November 20, 2012 signed by Michael Cannon, License #40035, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Board of Adjustments and Appeals approved a variance request by the applicant to create two lots that do not meet the minimum lot size and minimum street frontage requirements of the Lake Elmo Zoning Ordinance on February 5, 2013; and

WHEREAS, the Lake Elmo Planning Commission reviewed the proposed Minor Subdivision at a meeting held on May 29, 2013; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Minor Subdivision as part of a memorandum to the City Council from Planning Director Kyle Klatt for the June 4, 2013 Council Meeting; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on June 4, 2013.

NOW, THEREFORE BE IT RESOLVED, that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the request by Christ Lutheran Church for a Minor Subdivision, provided the following conditions are met:

1. The Applicant shall execute and record a shared parking easement in a form acceptable to the City Attorney prior to the transfer of either "Tract A" or "Tract B" to another party. This easement shall allow any future tenants of the building on Tract A to use the parking

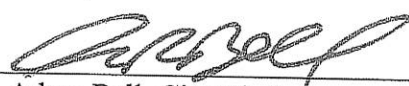
lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.

2. The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable the City Attorney prior to the transfer of either "Tract A" or "Tract B" to another party.

Passed and duly adopted this 4th day of June 2013 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:


Mike Pearson, Mayor


Adam Bell, City Clerk

**City of Lake Elmo
Planning Commission Meeting
Minutes of February 13, 2017**

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

COMMISSIONERS PRESENT: Kreimer, Dodson, Dorschner, Williams, Lundquist and Hartley

COMMISSIONERS ABSENT: Fields, and Larson
STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Williams/Dodson, move to approve the agenda as amended, adding picking a member of the Planning Commission to be on the Comprehensive Plan Advisory Board as item 5b, *Vote: 6-0, motion carried, unanimously.*

Approve Minutes: January 9, 2017

M/S/P: Williams/Lundquist, move to approve the January 9, 2017 minutes as amended, *Vote: 6-0, motion carried unanimously.*

Approve Minutes: January 23, 2017

M/S/P: Dodson/Dorschner, move to postpone consideration of the January 23, 2017 minutes until the next meeting, *Vote: 6-0, motion carried unanimously.*

Public Hearing – Zoning Text Amendment and Conditional Use Permit – 3549 Lake Elmo Ave

Wensman started his presentation for the Zoning Map Amendment and CUP for 3549 Lake Elmo Ave. Christ Lutheran Church owns this property and now has a buyer for the property. The Church would like to separate part of the parking lot and keep that portion of the property. In 2013 the Church had approval for a variance and lot split. They did not proceed with the lot split as they did not have a buyer for the bank building. The variance is now expired, as they are only good for 1 year. This property is currently guided Village Mixed Use. Wensman stated that a variance is not the way to go forward at this point. It would be more appropriate to rezone the property to Village Mixed Use. There is no minimum lot size in this district which would allow the property owner to subdivide. A parking lot is a conditional use in this zoning district.

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The City is suggesting 3 conditions of approval. 1) that there be a shared parking agreement between the church and new property owner 2) a drainage easement be provided along the storm water infiltration area that collects storm water runoff from both parcels 3) a formalized document for a drainage and utility easement for the storm sewer pipe reinstalled as part of downtown project executed and recorded.

Williams asked if the minor lot split was administrative. Wensman stated that it is administrative, but cannot be done until the property is rezoned to Village Mixed Use. (statement corrected on page 4)

Dorschner asked why the City would ask for the shared parking agreement if VMX does not have required parking. Wensman stated that it is to ensure that both users will have access to that parking lot. Dorschner stated that he thinks that should just be a private agreement between property owners and not a condition of approval. Wensman stated that was a condition for the variance and they just brought it forward, but the Planning Commission can remove if they desire. Dorschner is wondering if the drainage and utility easement is the same thing. Wensman stated that it is 2 different things. One is for the pipe and one is for the shared drainage area in the parking lot. Hartley asked if either property is sold, will they have to come back to the City to change the use on the property. Wensman stated that if it is a conditional use, it would have to come back through the process. If it is a permitted use, it would be a certificate of zoning compliance and the staff would review it for compliance administratively.

Jim Kelly, for Christ Lutheran Church, stated the Church purchased this property primarily for use of the parking lot, but they have also maintained the building and have rented it in the past. They are ready to sell the building and get it back on the tax rolls.

M/S/P: Williams/Dodson, move to hold the 2 public hearings simultaneous for the Zoning Map Amendment and CUP, **Vote: 6-0, motion carried unanimously.**

Public Hearing opened at 7:21 pm

No one spoke and there were no written comments

Public Hearing closed at 7:22 pm

M/S/P: Lundquist/Williams, move to recommend approval of the zoning map amendment to rezone the property located at 3549 Lake Elmo Avenue from GB – General Business to VMX – Village Mixed Use, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Lundquist, move to recommend approval of a Conditional Use Permit for a parking facility on the property legally describes as "Lot 29 except the south 40 feet thereof, County Auditor's Plat No. 8, Washington County, MN" with the findings and recommended conditions of approval, **Vote: 6-0, motion carried unanimously.**

M//P: Dorschner/, move to make an amendment to remove condition #2, requiring an easement for shared parking , **Vote: 3-3, motion fails. (note: there was no formal second)**

Dorschner feels the shared parking agreement should be between the 2 business owners as it is not a requirement of the VMX zoning district. Wensman stated that it might be worth touching base with applicant to see what their preference would be.

Mr. Kelly, representing Christ Lutheran Church stated that it was a requirement of the variance at the request of City Staff. The Church feels that that fewer agreements that go into the future would be preferable from a property standpoint. They would be in support of the amendment as described.

Wensman asked the Commission to reaffirm their recommendation of approval for the lot split and corrected a previous statement that the lot split did require Commission and Council approval which was granted by Resolution 2013-46.

John Whitcomb, representing the buyer of the property, stated that the easement will be in place regardless of the action tonight. There is an agreement in place between the buyer and the seller that this easement will be put in place.

Dorschner stated that his reason for recommending removing this condition is because VMX does not require parking and he does not want to see the City setting a precedent to require commercial to find parking.

Williams would like to speak against the motion because even though it isn't required in the VMX, it is very valuable downtown and at a premium. He thinks the shared easement will benefit both properties as well as the City. Kreimer agrees with Williams and would like to see the easement put in place. Dorschner agrees that parking is at a premium, but he feels it is something the Planning Commission needs to think about, not putting that burden on the business owners that currently have that asset. If parking is required, it should be required and not done piece meal.

Hartley agrees with Dorschner from the standpoint that if parking is important to businesses in the VMX district, than it should be required of all businesses. He feels that the City needs to look down the road and consider what could happen in the future on those two properties. This creates an oddity in the VMX zone. He feels this is somewhat of a backdoor requirement for parking. Dodson asked what would happen if they want to change the number of parking spaces. Would that violate the easement? John Whitcomb stated that the easement is a benefit to both property owners and the only way that the easement can be changed is if both parties agree to the change.

Hartley stated that both of the parties have agreed to an easement agreement that they are comfortable with. He does not feel that the City needs to be involved with the private agreement. He feels that since VMX does not have a parking requirement, if the City requires the agreement, it is creating an awkward situation for the future. If something changes with the properties, with the City requiring an agreement, it would have to come back to the City vs. the property owners working out a different agreement.

Williams stated that the conditions are for the Conditional Use for parking. Parking is a Conditional Use in the VMX zoning and therefore he feels that it is very appropriate for the City to put conditions on the parking that are useful for the City and the property owners. Nothing that he has heard so far has indicated to him that anybody is losing anything by having this condition retained. He feels it does not set a precedent as it is specifically related to this CUP, not the general zoning district.

Dorschner feels that by putting this condition in place for the parking lot, it is not treating the old bank building property like a VMX property. It is placing a condition on it that they have to have an easement with the church for the parking.

M/S/P: Williams/Kreimer, move to recommend re-affirming approval of Minor Subdivision granted by Resolution 2013-46, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment to repeal OP-ALT District

Wensman started his presentation giving background about OP-Alt District that was created in 2010. This was repealed from the Comprehensive Plan, but it still exists in the zoning code. There is nothing guided for this zoning, so staff has prepared a Zoning Text Amendment to repeal it from the zoning code.

Public Hearing opened at 7:43 pm

No one spoke and there were no written comments

Public Hearing closed at 7:43 pm

M/S/P: Williams/Dodson, move to recommend approval of repealing Article XV – OP-Alt District from the Zoning Code, **Vote: 6-0, motion carried unanimously.**

Business Item – Village District Zoning Discussion

Wensman started his presentation by stating that there are some projects coming forward that are guided for Village LDR, but there are no standards set forth for this district. There are a couple of the Village developments that were approved using the

