



*Our Mission is to Provide Quality Public Services in a Fiscally Responsible  
Manner While Preserving the City's Open Space Character*

## **NOTICE OF MEETING**

### **City Council Meeting**

**Tuesday, March 6, 2018 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. Accept Minutes**

1. February 20, 2018

**D. Public Comments/Inquires**

**E. Presentations**

2. Employee Service Recognition Awards

**F. Consent Agenda**

3. Approve Payment of Disbursements and Payroll
4. Approve Hiring of Fire Department Chaplain
5. Approve Private Development Security Reduction –Inwood 5th Addition

**G. Regular Agenda**

6. Outdoor Lighting Ordinance Zoning Text Amendments – *Ordinance 08-202; Resolution 2018-022*

**H. Council Reports**

**I. Staff Reports and Announcements**

**J. Adjourn**



## **STAFF REPORT**

DATE: March 13, 2018

### **DISCUSSION**

### **ITEM #02**

**AGENDA ITEM:** Comprehensive Plan Update

**SUBMITTED BY:** Emily Becker, Planning Director

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#### **BACKGROUND:**

The City has been holding a number of pop up sessions, Advisory Panel meetings, and an open house to gain feedback on the City's long-term vision, goals, strategies and policies for guiding future changes and investments. The City's Comprehensive Plan Consultant, Swanson Haskamp Consulting, will be providing the Council on update on the Comprehensive Plan process.

#### **ISSUE BEFORE COUNCIL:**

The Council is being provided an update on the Comprehensive Plan process in order to be prepared for resident questions prior to the Open House on April 11<sup>th</sup>, which will provide residents an opportunity to provide feedback on a draft of the Comprehensive Plan.

#### **PROPOSAL DETAILS/ANALYSIS:**

The City's Consultant will be presenting an update on the process. A draft of the Land Use Plan is included in this packet in order to familiarize the Council with the draft prior to the Open House.

#### **FISCAL IMPACT:**

Consultant time (hourly rate of \$105-\$150/flat in-person meeting rate of \$500).

#### **OPTIONS:**

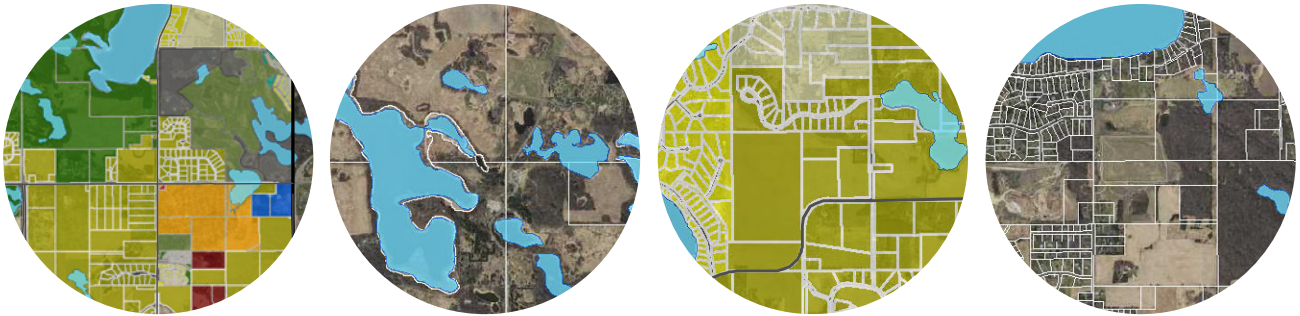
The Council is being provided an update in preparation for potential questions prior to the Comprehensive Plan Open House April 11<sup>th</sup>, 2018. The Council is not being asked to provide feedback on the content of the Plan at this time.

#### **ATTACHEMENT:**

- Draft Comprehensive Plan

## Chapter 3: Land Use

Existing & Future







## INTRODUCTION

The City of Lake Elmo is a growing, dynamic, and diverse community that has experienced significant change over the past planning period. The City's proximity to jobs, access and regional amenities means that the City will likely continue to experience external pressures to grow. Consequently, it is essential for the City to develop a thoughtful, well-planned approach to its future land uses and growth strategy. The following chapter will focus first on existing land uses that will provide a baseline from which the Future Land Use Plan ("FLU") was derived. The FLU guides anticipated densities of new neighborhoods, locations of future mixed-use and employment centers, and guides land for commercial and retail services through 2040. The community understands that while there is significant growth pressure and demand today for certain types of development, that demand is likely to ebb and flow and change over the next several decades as market trends fluctuate. More detail regarding current market trends and development can be found in Chapter 4. Balanced Development & Growth within this Plan; however, the pace of growth is addressed through the Staging Plan that is included in subsequent sections of this chapter. The Staging Plan provides sequential geographic areas available for development and growth during prescribed time periods that methodically allows for contiguous development and cost-effective expansion of municipal services to undeveloped areas of the community.

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The Future Land Use, Staging and Special Area plans contained within this chapter, if consistently followed and implemented, directly support the goals and objectives contained within Chapter 1: Vision, Goals & Strategies. The intent of this chapter is to demonstrate where land use changes are anticipated, where existing land use patterns are guided to stay the same, and how these land uses patterns will continue to support the identity and character of the community through this planning period.

## 2040 Land Use Highlights – What's to Come

- » The Existing Land Use Patterns in the Rural Residential areas should be protected through this planning period; some new rural residential neighborhoods, including open space developments, are anticipated to develop consistent with the City's rural tradition.
- » New Future Land Use designations will allow for a better response to market conditions and will allow a greater options in land use choices.
- » Integration of more diverse neighborhood patterns and densities will allow for a stronger commitment to the staging plan.
- » Refinement of staging and infrastructure phasing to promote contiguous, well-planned development.

## Existing Land Use

The existing land use patterns reflect the City's past commitment to the rural landscape and investment in development of primarily single-family detached housing. Rural residential neighborhoods with conventional rural subdivisions and open space development subdivisions are sprinkled throughout much of the community's landscape. The many lakes of the City are dotted with smaller residential lots that once were dominated by vacation homes that have now transitioned to full-time residences. The Lake Elmo Regional Park Reserve is centered in the City providing a hub of natural and recreational resources for both City and metro-area residents. The "Old Village" is the historical hub of activity in the City, and a mix of uses is present today including some residential, commercial and office users. Business uses, employment pockets and retail/service users are primarily located in or near the "Old Village", along the I-94 corridor, or at major intersections and thoroughfares.

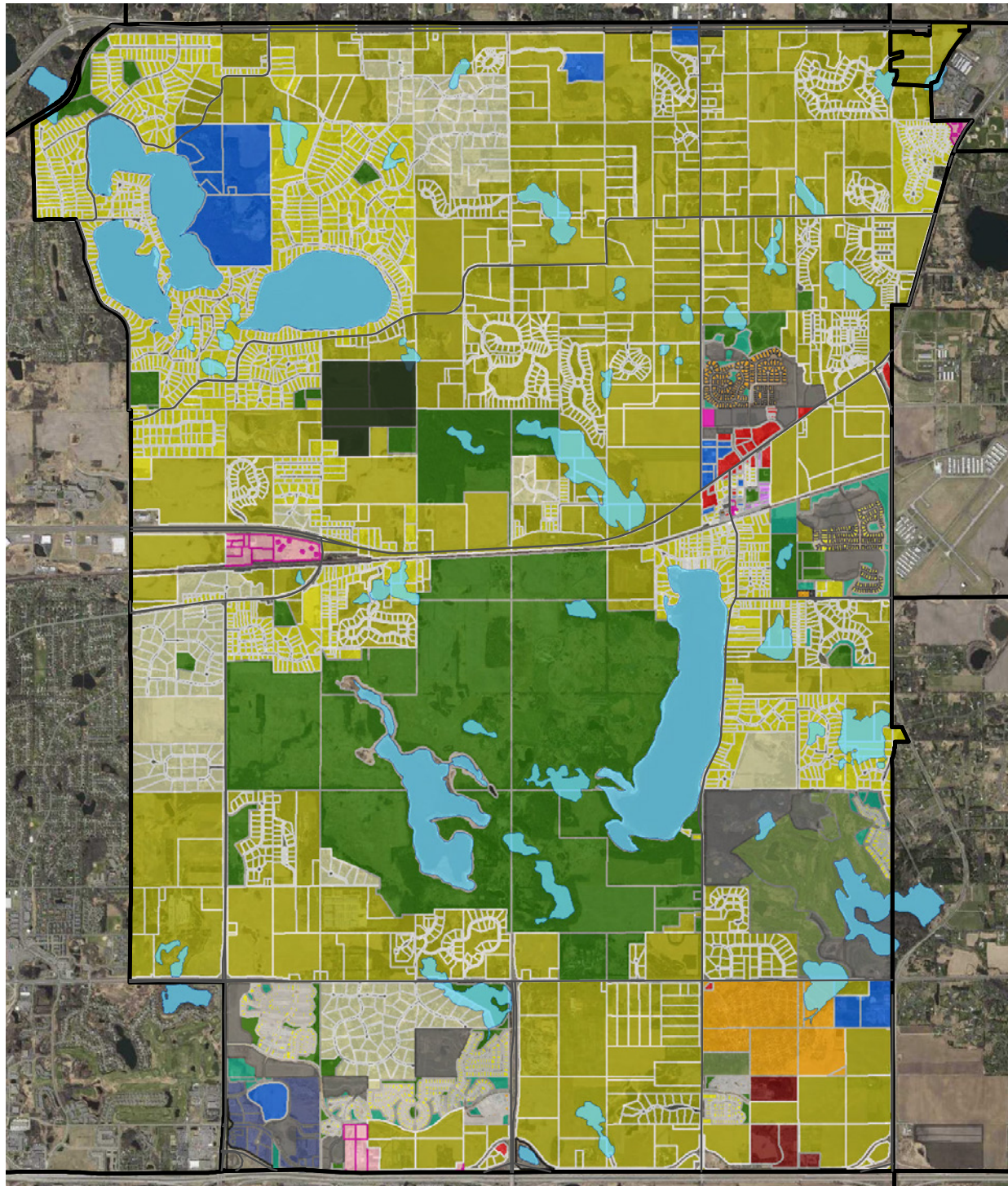
In Lake Elmo's 2030 Comprehensive Plan, the City's existing land uses did not include any areas that were connected to municipal services or located within the Metropolitan Urban Service Area ("MUSA"). Now, in this 2040 Plan, the existing land use patterns include neighborhoods that have been developed or are under construction that were guided in the MUSA in the previous plan. The availability of municipal services has allowed for the addition of new land use patterns that can be found in developing neighborhoods such as Inwood, Savona, and Easton Village. Additionally, the Old Village area has been incrementally served and connected to municipal services over the past decade, which has allowed for existing small-lot residential neighborhoods to be served, as well as new neighborhoods under development. While the developing neighborhoods in the MUSA continue to be dominated by single-family detached uses, some diversification has started to emerge as a few small pockets of medium-density residential uses are under construction and development.

Table 3-1. Existing Land Use

Existing Land Uses	Residential Density (dwelling units/acre)	Acres	% Total Acres
Agricultural Preserve (AP)	0.025	414.70	2.67%
Rural Area Development (RAD)	0.1	6,040.82	38.96%
Rural Estate (RE)	0.1 - 0.4	815.26	5.26%
Rural Single Family (RSF)	0.66 - 2.0	1,754.14	11.31%
Low Density Residential (LDR)	2 - 4	182.06	1.17%
Medium Density Residential (MDR)	4 - 8	231.41	1.49%
Village - Low Density Residential (V-LDR)	1 - 4	36.08	0.23%
Village - Medium Density Residential (V-MDR)	4 - 6	48.18	0.31%
Mixed Use (MU)	5 - 12	4.93	0.03%
Undeveloped (U)	Various	392.15	2.53%
Limited Business (LB)	NA	71.79	0.46%
Business Park (BP)	NA	88.01	0.57%
General Business (GB)	NA	70.09	0.45%
Commercial (C)	NA	50.27	0.32%
Institutional (INST)	NA	305.40	1.97%
Closed Landfill (CL)	NA	67.53	0.44%
Public/Semi-Public (PSP)	NA	123.55	0.80%
Golf Course (GC)	NA	267.36	1.72%
Parks & Open Space (POS)	NA	2,593.74	16.72%
Right of Way (ROW)	NA	594.18	3.83%
Open Water	NA	1,355.29	8.74%
<b>TOTAL</b>		<b>15,506.96</b>	<b>100.00%</b>



Map 3-1: Existing Land Use Map 2018



Existing Land Use

Lake Elmo Parcels

ELU

RAD

RE

RSF

V-LDR

LDR

V-MDR

MDR

HDR

MXD

Undeveloped

LB

BP

GB

C

Industrial

Institutional

Golf Course

PSP

Park/OS

Closed Landfill

ROW



## Existing Land Use Definitions

### Agricultural Preserve (AP)

This land use designation identifies land that is enrolled in the Agricultural Preserves program. Land in this designation is required to be guided for no more than 1 dwelling unit per 40 acres, and is protected from further subdivision during the contract period.

### Rural Area Development (RAD)

This land use designation represents the large areas of rural residential development and agricultural uses within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Preserved Open Space regulations.

### Rural Estate (RE)

This land use designation defines areas developed specifically for large lot single-family detached housing typically on two or more acres of land, but developed at densities less than one unit per ten acres.

### Rural Single Family (RSF)

This land use designation identifies land that was platted for conventional subdivision prior to 2005, and includes large lots that are primarily serviced by private on-site well and septic system.

### Low Density Residential (LDR)

This land use designation identifies land that has been developed with primarily single-family detached housing with urban services between 2010 and 2018 at densities between 2.5 and 4 dwelling units per acre. This existing land use is only located within the South MUSA.

### Medium Density Residential (MDR)

This land use designation identifies land that has been developed primarily with a mix of attached and detached single-family housing with urban services between 2010 and 2018 at densities between 4.5 and 7 dwelling units per acre, and the manufactured home park that was developed in the 1960s. This existing land use is only located within the South MUSA.

#### Village - Low Density Residential (V-LDR)

This land use designation identifies land that has been developed with primarily single-family detached housing with urban services between 2010 and 2018 at densities between 1.5 and 2.5 dwelling units per acre. This existing land use is only located within the Village Planning MUSA.

#### Village - Medium Density Residential (V-MDR)

This land use designation identifies land that has been developed with primarily single-family detached housing with urban services between 2010 and 2018 at densities between 2.5 and 5 dwelling units per acre. This existing land use is only located within the Village Planning MUSA.

#### Mixed Use (MU)

This land use designation identifies land developed with a mix of commercial and residential uses and is limited to land within the Village Planning Area.

#### Undeveloped (U)

This land use designation identifies land within the South MUSA and Village MUSA that have been approved for future sewered development through a Preliminary Plat or PUD process, but Final Plat has not been completed.

#### Limited Business (LB)

This land use designation identifies areas that are developed with commercial users that were not served by urban services. Users in this designation are generally less intense than would be permitted in the planned MUSA designations.

#### Business Park (BP)

This land use designation identifies areas used for professional businesses including medical and research facilities, offices and corporate headquarters. Users specifically excluded for existing park areas include warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowed by conditional use permit.

#### General Business (GB)

This land use designation identifies areas used for general business activities that currently include warehousing, light industrial and manufacturing uses.

#### Commercial (C)

This land use designation identifies areas that are used for retail and service businesses. This land use can be found within the Village MUSA and South MUSA.

#### Institutional (INST)

This land use designation identifies lands that are developed with public or semi-public uses including users such as, but not limited to, religious institutions, schools, libraries and other civic buildings.

#### Public/Semi-Public (PSP)

This land use designation identifies lands that support adjacent development with stormwater ponds and other utilities and may include ancillary uses such as trails and small open spaces.

#### Golf Course (GC)

This land use designation identifies land that is used for a private golf course and ancillary uses that may include, but not be limited to, driving range, clubhouse and other amenity centers.

#### Park & Open Space (POS)

This land use designation identifies land that is used for park, recreation, trails, other natural resources preservation. Land within this designation is publicly owned by either the City, county, or other public agency.

#### Closed Landfill Restricted (CL)

This land use designation identifies former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of this category is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety.

#### Right of Way (ROW)

This land use designation includes all publicly dedicated areas that are used for roadways, shoulders, ditches, and other improvements. It should be noted that not all roads in the City are platted, and many are dedicated by easement and therefore this land area is accounted for through associated land use designation. As a result there is more land dedicated to use roads that identified within the acreages identified on the existing land use table.



## FUTURE LAND USE

The Future Land Use Plan (“FLU”) was developed by building on stated goals and strategies as identified through the planning process and documented in Chapter 1: Vision, Goals & Strategies. The resulting FLU carefully balances the recommendations and considerations of residents, stakeholders, staff, and policy-makers while responding to and incorporating the regulatory requirements of the Metropolitan Council.

***LU Goal #1.** Work with residents, developers, land owners and other stakeholders through the development process and require development that is consistent with the future Land Use Plan.*

- Chapter 1: Vision, Goals & Strategies

The FLU is in part shaped by the policy designations the City is required to meet as part of the Metropolitan Council’s Thrive MSP 2040 Land Use Policy as provided within the 2015 Lake Elmo System Statement. Lake Elmo falls into two categories of Community Designation, as described in Chapter 2: Community Context. Each of these designations carries responsibility for the related Community Role in the regional growth of the metropolitan area in relation to future land use. These roles are outlined in the Metropolitan Council’s Thrive 2040 Land Use Policy and include the following land use practices for Lake Elmo:

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### Emerging Suburban Edge

- Plan and stage development for forecasted growth through 2040 and beyond at overall average net densities of at least 3-5 dwelling units per acre in the community. Target higher-intensity developments in areas with better access to regional sewer and transportation infrastructure, connections to local commercial activity centers, transit facilities, and recreational amenities. Future land use must therefore plan to accommodate a minimum residential density of 3 du/acre within this designation.
- Identify and protect an adequate supply of land to support growth for future development beyond 2040, with regard to agricultural viability and natural and historic resources preservation.
- Incorporate best management practices for stormwater management and natural resources conservation and restoration in planning processes.
- Plan for local infrastructure needs including those needed to support future growth.

## Rural Residential

- Discourage future development of rural residential patterns (unsewered lots of 2.5 acres or less) and where opportunities exist, plan for rural development at densities that are not greater than 1 unit per 10 acres. Future land use must therefore plan to limit development to a maximum residential density of 0.1 du/acre within this designation.
- Implement conservation subdivision ordinances, cluster development ordinances, and environmental protection provisions in local land use ordinances, consistent with the Council's flexible residential development guidelines.
- Promote best management practices for stormwater management, habitat restoration, and natural resource conservation in development plans and projects.

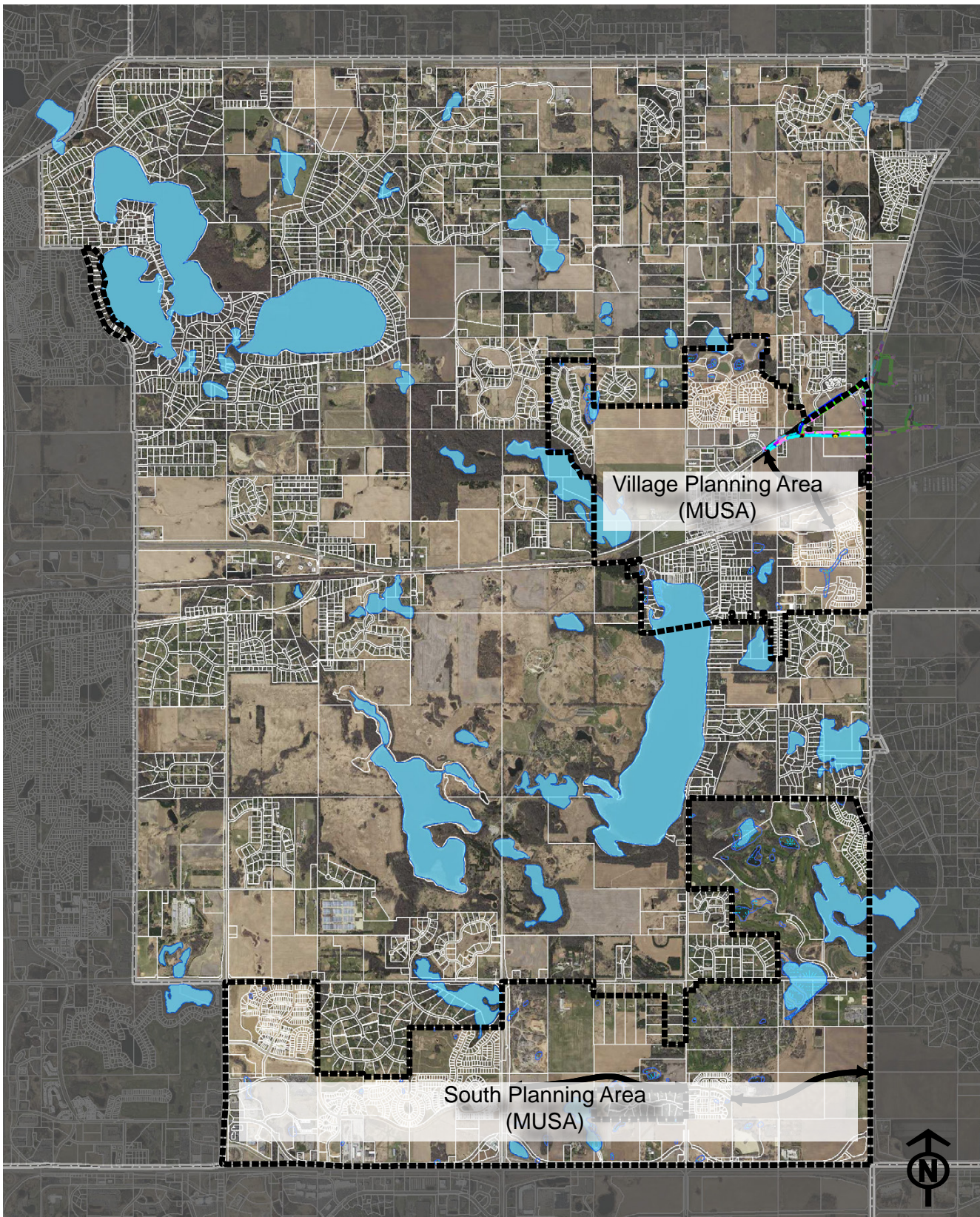
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The two distinctive Community Designations require the City to adopt and implement a FLU that provides a minimum residential density within the areas defined as Emerging Suburban Edge (where MUSA is designated), while implementing a maximum residential density for the areas identified as Rural Residential (areas not included within the MUSA in this planning period).

The FLU must also identify appropriate land use designations and guide corresponding acreages that support the forecasted employment growth as identified within the System Statement. Additionally, the FLU must guide adequate land area, at appropriate densities, that may accommodate the City's allocated number of affordable housing units for the period between 2021 and 2030. The employment and affordable housing requirements will be provided for within the MUSA, and are not expected to be met within the Rural Residential Areas. The Emerging Suburban Areas are generally consistent with the MUSA areas identified in the 2030 Comprehensive Plan with two exceptions; 1) the existing single-family homes on the south side of Olson Lake are now served by MUSA; and 2) the newly designated Golf Course Community located on the east side of the community was incorporated into the MUSA through a Comprehensive Plan Amendment in October 2017. With the exception of these two areas, the MUSA and corresponding Emerging Suburban Area designations are unchanged from the previous planning period, and all projected urbanized growth can be accommodated within the boundaries as shown on Map 3-2. 2018-2040 MUSA.



Map 3-2. 2018 – 2040 MUSA





## Future Land Use Definitions

### Agricultural Preserve (AP)

This land use designation identifies land that is enrolled in the Agricultural Preserves program. Land in this designation is required to be guided for no more than 1 dwelling unit per 40 acres, and is protected from further subdivision during the contract period.

### Rural Area Development (RAD)

A large percentage of land in Lake Elmo falls within the Rural Area Development designation, including single-family detached homes, working farms and agricultural uses where land is undeveloped, cultivated in crops, or used for livestock. This designation includes open space developments developed with clustered housing and may be served by a community septic system. The open space developments generally average less than 1 residential unit per 10 acres and include a dedicated open space protected through a conservation easement. This designation is inclusive of large-lot rural single family detached residential uses, and future conventional subdivision is planned for densities that do not exceed 1 residential dwelling unit per 10 acres. This land use designation is limited to areas not within the MUSA planning areas.

### Rural Single Family (RSF)

This land use designation combines the previous Residential Estate and Rural Single-Family categories into one designation to simplify intended land use guidance. Development with this designation includes single-family detached housing served by private on-site well and septic systems. Some areas with this designation are allowed to have two-family dwellings based on zoning.

### Golf Course Community (GC)

In recognition that a Golf Course on the land known as Tartan Park is a local and regional amenity the City wishes to maintain, this specialized land use category has been crafted to maximize the likelihood that a golf course can be maintained on the property should a development proposal for the land come forward.

### Low Density Residential (LDR)

Approximately 20% of the planned land uses in the South Planning Area are guided or developed with low density residential land uses. This category includes development of single-family detached housing and two-family attached dwellings with a density of 2.5 to 4 units per acre (2.5 – 4 du/acre) and are planned to be serviced by public sewer and water. This land use is limited to the part of the City within the South Planning Area.



#### Medium Density Residential (MDR)

Approximately 12% of the planned land uses in the South Planning Area are guided for medium density residential uses. This category allows for a variety of housing types including single-family detached, duplexes, townhomes, and small two- and three-story apartment buildings and/or senior living centers. The Medium Density Residential development is intended for a density of 4.5 to 8 units per acre (4.5 – 8 du/acre). This land use is limited to the part of the City within the South Planning Area.

#### High Density Residential (HDR)

Approximately 4% of the planned land uses in the South Planning Area are guided for high density residential uses. This land use designation guides land for higher density residential development including townhomes, small apartment buildings, and multi-family dwellings. Residential density ranges between 8.5 and 15 units per acre (8.5 – 15 du/acre) and provides opportunities for affordable housing to be incorporated into future developments. This land use is limited to the part of the City within the South Planning Area.

#### Mixed Use Commercial (MU-C)

Approximately 8% of the planned land uses in the South Planning Area are guided as mixed-use commercial. This designation is a new land use designation and identifies where a mix of commercial and residential uses may be integrated to benefit from proximity and adjacencies to each other. Commercial uses in this category include service and retail uses such as, but not limited to, restaurants, shops, convenience stores, salons, studios and dry cleaners. Land with this designation is assumed to develop with a minimum of 50% residential use with a density ranging from 12 to 15 dwelling units per acre (12 – 15 du/acre).

#### Mixed Use - Business Park (MU-BP)

Approximately 8% of the planned land uses in the South Planning Area are guided as mixed-use business park. This land use designation is new and identifies where a mix of general business, business park, and residential uses may benefit or be compatible due to proximity of uses. Business uses in this category include office and service uses such as, but not limited to, offices and agencies, warehouse/showroom, light manufacturing, and live/work development. Land with this designation is assumed to develop with a minimum of 50% residential use with a density ranging from 6 to 10 dwelling units per acre (6 – 10 du/acre).

#### Village – Low Density Residential (V-LDR)

This land use designation is planned for areas within the Village Planning Area and identifies land intended for single-family detached housing development serviced by municipal sewer and water. Density ranges between 1.5 and 3 dwelling units per acres (1.5 – 3 du/acre). This land use already exists, or is developing, in much of the outside edges of the Village Planning Area, transitioning from the village center districts to the rural land use pattern not designated within the MUSA areas.

#### Village – Medium Density Residential (V-MDR)

This land use designation identifies proposed land use within the Village Planning Area guided for single-family detached, duplexes, and townhomes/ villa housing types. Residential density ranges between 3 and 5 dwelling units per acre (3 – 5 du/acre). This land use allows for a greater variety in housing stock and brings more people closer to living within easy access of Village destinations and amenities.

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#### Village – High Density Residential (V-HDR)

This land use designation is a new planned land use within the Village Planning Area and is guided for apartment buildings and multi-family dwellings with a density between 8 and 12 units per acre (8 – 12 du/acre). This land use is intended to provide for an increase in types of housing stock, provide opportunities for more affordable and lifecycle housing, and bring a higher concentration of people living closer to Village destinations and amenities.

#### Village – Mixed Use (V-MU)

This land use designation is used in the center of the Village Planning Area to identify an area where a mix of vertically integrated commercial/business and residential uses provide development types that benefit from proximity to each other. More residents in closer proximity to businesses bring greater traffic to the businesses while these same businesses offer convenient and necessary services and amenities to nearby residents. Together, the dynamics of a mixed-use district can establish unique vitality, synergy of activity, and a true community destination. Land with this designation is assumed to redevelop or develop with a minimum of 50% residential use with a density ranging from 5 to 10 dwelling units per acre (5 – 10 du/acre).

#### Limited Business (LB)

This land use designation identifies areas that are developed with commercial users that were not served by urban services. Users in this designation are generally less intense than would be permitted in the planned MUSA designations.

#### Commercial (C)

The commercial land use includes areas that are used for retail business and are primarily located within MUSA boundaries of the City. Small pockets of commercial land can also be found where retail goods and services are located at transportation intersections. This category excludes any residential use.

#### Business Park (BP)

This land use provides for a wide variety of professional businesses such as medical and research facilities, offices and corporate headquarters. Uses specifically excluded from existing business park areas include warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowable uses by conditional use permit provided such uses are goods and services for the employees of the permitted business use. This category excludes any residential use.

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#### Urban Reserve (UR)

The Urban Reserve land use category identifies land that is currently undeveloped or in a low-intensity residential or agricultural use but is located within the current MUSA boundary. The land is identified to develop in a similar pattern to other surrounding uses that are serviced with municipal sewer and water; however, it is not intended to do so until after the 2040 planning period. Land within the Urban Reserve is therefore not included in the sewerable developable land acreages for 2040 population and household calculations. It is assumed to have a residential density no less than 1 unit per 10 acres ( $< 0.1$  du/acre).

#### Institutional (INST)

The Institutional land use category identifies land that is used for schools, religious institutions, City hall, municipal buildings, libraries, and other institutional uses. This land use is found throughout the City.

#### Public/Semi-Public (PSP)

The Public/Semi-Public land use category identifies land that is generally owned by the City or other agency, whose primary purpose is to support adjacent developments with stormwater management and other utilities. This land use may also include some secondary uses such as public trails or small open spaces.

#### Closed Landfill Restricted (CL)

This land use designation identifies former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of this category is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety.

#### Park & Open Space (Parks)

This land use identifies land used for public recreation and protected open space managed for park uses. Most land within this designation is owned by Washington County or the City of Lake Elmo, but also includes land owned by other public and semi-public agencies.





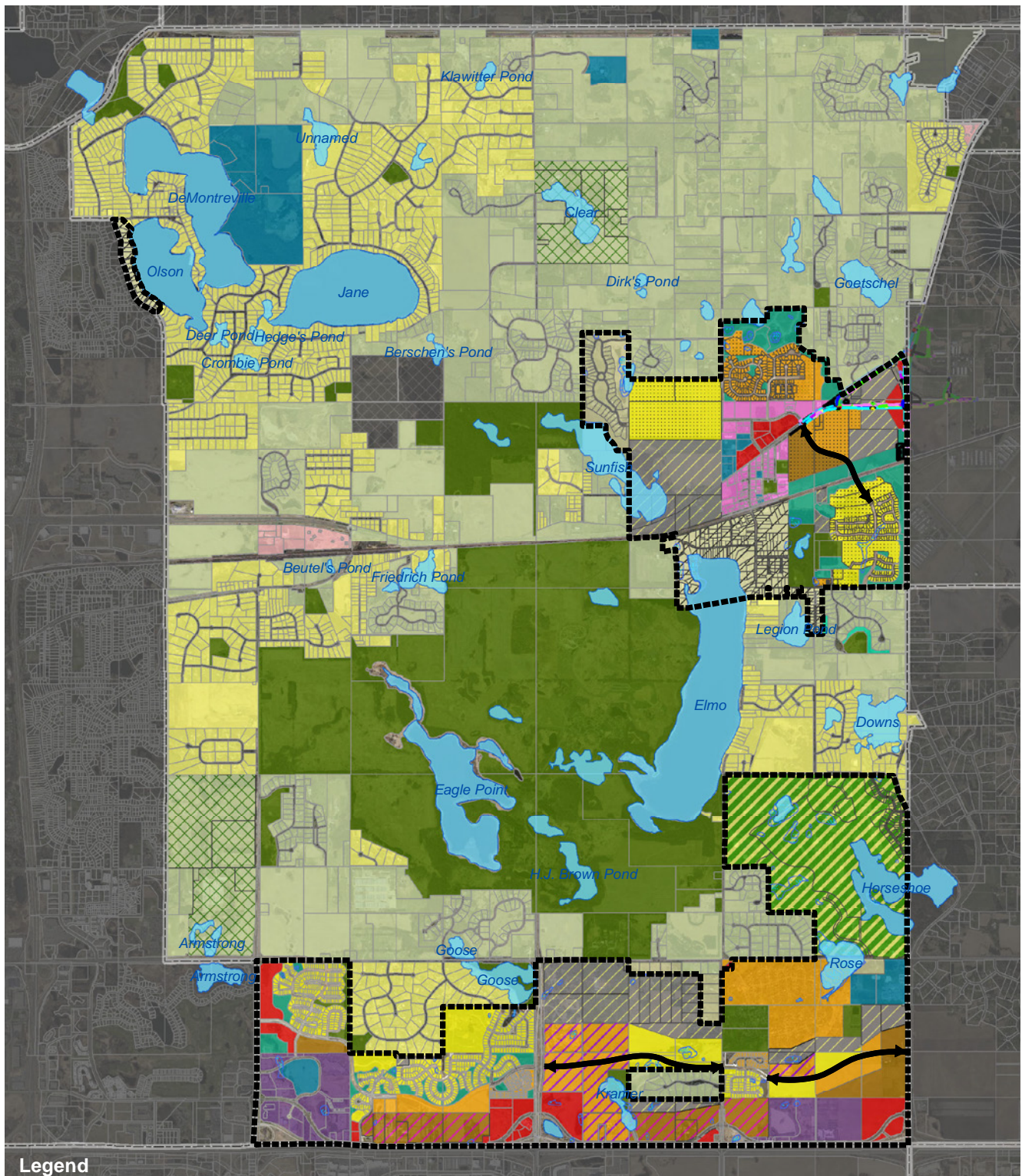
The following table identifies the total land area within the community and comprehensively includes all existing land uses, not guided for change, and planned land uses. The planned land use designations are generally consistent with the 2030 Land Use Plan, with some exceptions as noted:

- The nomenclature regarding sewer residential uses has been changed from “Urban Low Density” to “Low Density Residential,” “Urban Medium Density” to “Medium Density Residential” and so forth. This change did not in all cases alter the definition or density ranges but was renamed to better describe the planned land uses.
- The density ranges for Medium Density Residential and High Density Residential were shifted to align with the required affordable housing density requirements as noted within the Metropolitan Council’s Housing Policy Plan.
- Two mixed use residential land uses were added to areas within the MUSA to allow for a better integration of uses and more flexibility to respond to market demands. These use designations require a minimum residential component as described within the Future Land Use definitions.

*Table 3-2. Future Land Use Plan and Total Acreage*

Future Land Use	Residential Density (dwelling units/acre)	Total Acres	% of Total Acres
Agricultural Preserve (AP)	0.025	414.70	2.67%
Rural Area Development (RAD)	0.1	4,805.93	30.99%
Rural Single Family (RSF)	0.1-2.0	2553.12	16.46%
Golf Course Community (GC)	1.5-2.49	436.04	2.81%
Low Density Residential (LDR)	2.5 - 4	307.74	1.98%
Medium Density Residential (MDR)	4.5 - 8	240.88	1.55%
High Density Residential (HDR)	8 - 15	66.16	0.43%
Mixed Use – Commercial (MU-C)	12 - 15	137.39	0.89%
Mixed Use - Business Park (MU-BP)	6 - 10	146.25	0.94%
Village – Low Density Residential (V-LDR)	1.5 - 3	201.78	1.30%
Village – Medium Density Residential (V-MDR)	3 - 5	108.96	0.70%
Village – High Density Residential (V-HDR)	8 - 12	31.07	0.20%
Village – Mixed Use (V-MU)	5 - 10	76.94	0.50%
Urban Reserve (UR)	0.1	467.04	3.01%
Commercial (C)	NA	158.58	1.02%
Business Park (BP)	NA	179.01	1.15%
Institutional (INST)	NA	301.27	1.94%
Closed Landfill	NA	67.53	0.44%
Public/Semi-Public (PSP)	NA	195.63	1.26%
Park/Open Space (POS)	NA	2615.72	16.87%
Open Water	NA	1355.29	8.74%
Right of Way (ROW)	NA	594.18	3.83%
<b>Total</b>		<b>15,506.97</b>	<b>100.00%</b>

Map 3-3. Future Land Use Map



Legend

AP	LDR	V-LDR	C	PSP
RAD	MDR	V-MDR	BP	Park
RSF	HDR	V-HDR	Urban Reserve	Closed Landfill
RSFS	MU-BP	V-MU	Institutional	ROW
GC	MU-C	LB		





## Planned Growth Areas

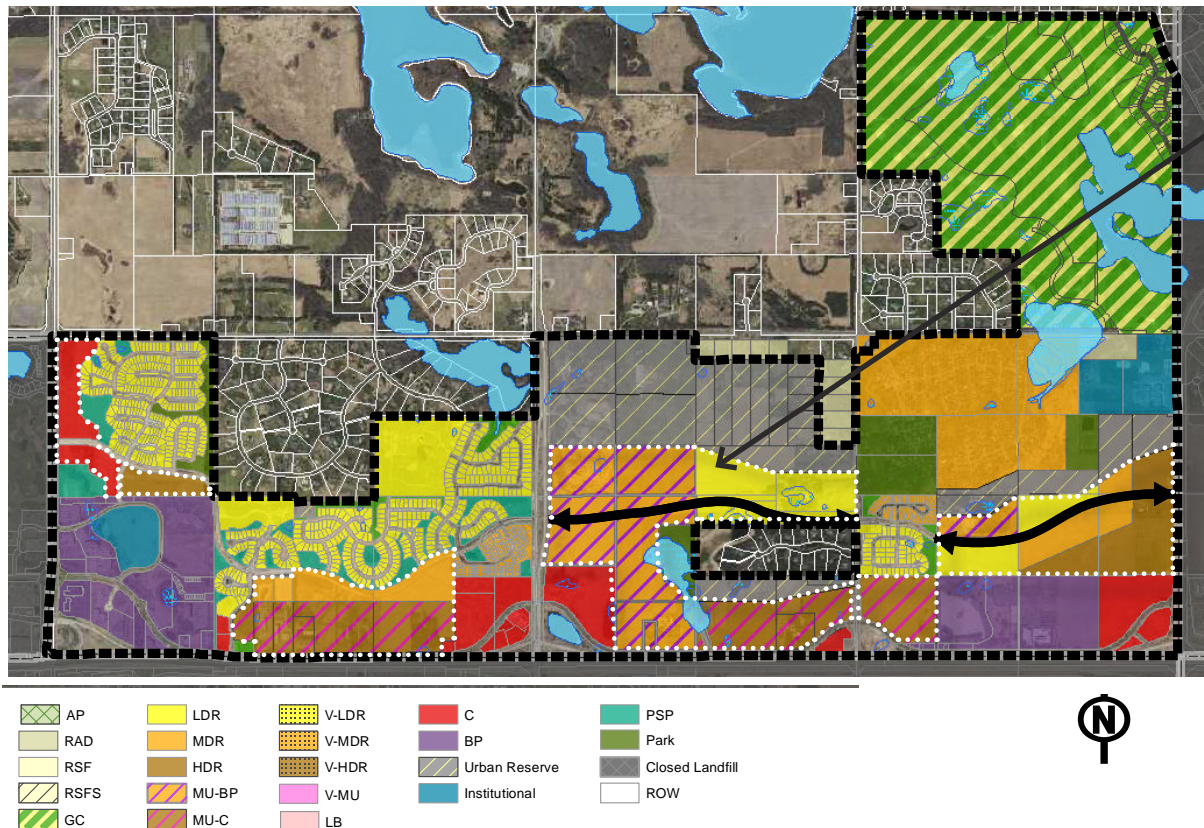
Growth within Lake Elmo is expected to primarily occur in areas designated within the MUSA, consistent with the Metropolitan Council's 2015 System Statement Projections. The City geographically describes their primary growth areas the South Planning Area and the Village Planning Area. Within both of these MUSA boundaries, there is adequate land to serve the projected population, households and employment through 2040. As shown on Map 3-4 and Map 3-5, the areas planned for growth and change in this planning period are identified. Corresponding Table 3-3. Net Developable Acreage of Residential Land Uses provides the calculated density, and expected households, based on the FLU in each of these areas. In addition to the anticipated growth in the areas served within the MUSA, the City also anticipates some growth within the Rural Residential areas consistent with previous land use plan designations and as projected within the 2015 System Statement. Further description regarding the development of the FLU and the growth strategy are provided within Chapter 4: Balanced Development & Growth.

**LU Goal #3.** Continue to educate residents, developers, and stakeholders about the guided land uses and where sewer and non-sewered development is guided.

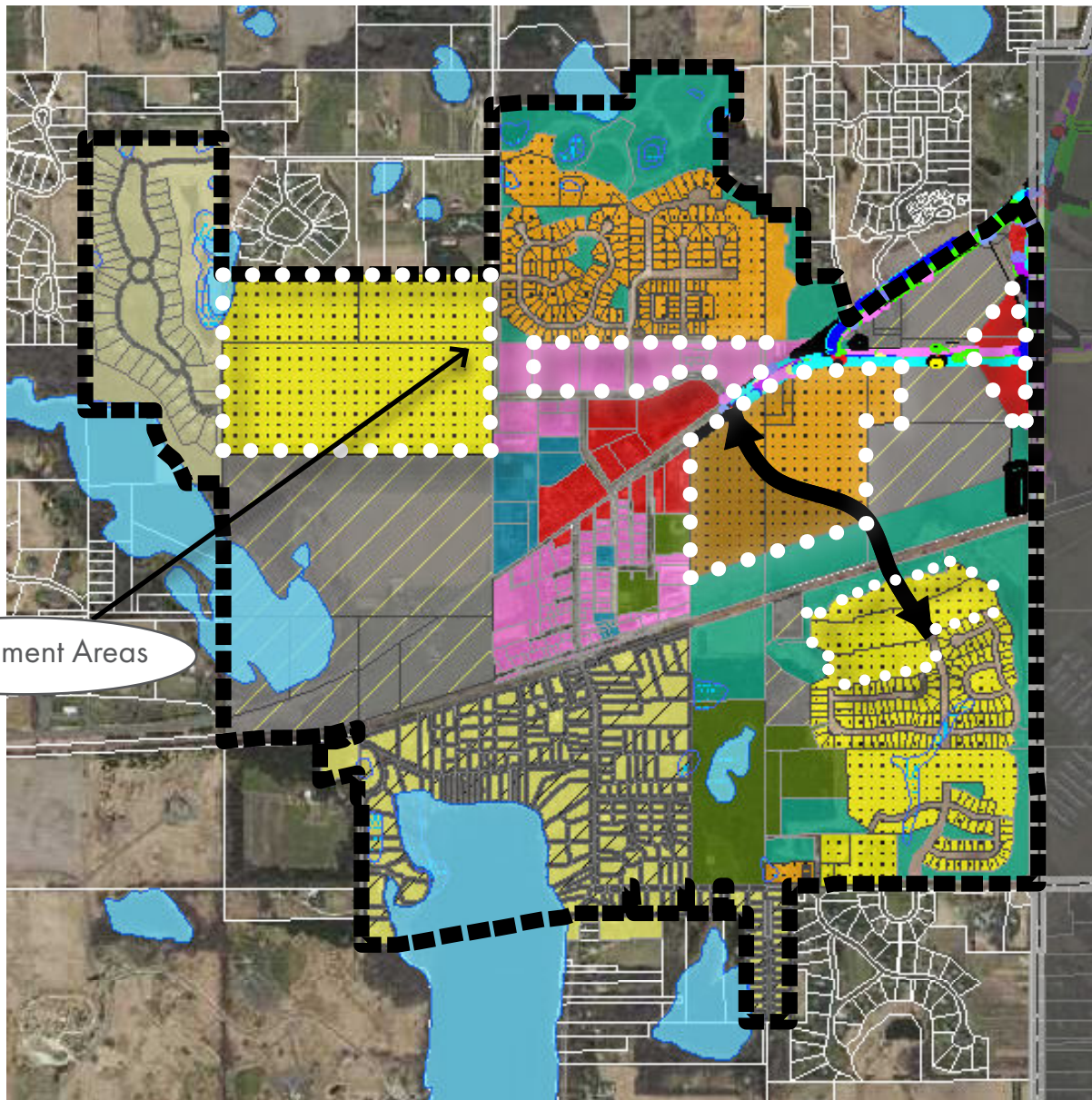
- Chapter 1: Vision, Goals & Strategies

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*Map 3-4. Future Land Use – South Planning Area Planned Growth*



Map 3-5. Future Land Use –Village Planning Area Planned Growth



AP	LDR	V-LDR	C	PSP
RAD	MDR	V-MDR	BP	Park
RSF	HDR	V-HDR	Urban Reserve	Closed Landfill
RSFS	MU-BP	V-MU	Institutional	ROW
GC	MU-C	LB		



Table 3-3. Net Developable Acreage of Residential Land Uses

Future Land Use	Residential Density (dwelling units/acre)	Total Acres	Households
Low Density Residential (LDR)	2.5 - 4	70.02	175
Medium Density Residential (MDR)	4.5 - 8	63.41	285
High Density Residential (HDR)	8 - 15	66.16	529
Mixed Use – Commercial (MU-C)*	12 - 15	34.97	419
Mixed Use - Business Park (MU-B)*	6 - 10	31.13	186
Village – Low Density Residential (V-LDR)	1.5 - 3	8.41	13
Village – Medium Density Residential (V-MDR)	3 - 5	33.09	99
Village – High Density Residential (V-HDR)	8 - 12	29.57	236
Village – Mixed Use (V-MU)*	5 - 10	9.84	49
<b>Total 2020-2040 Residential</b>		<b>412.71</b>	<b>1,994</b>
<b>Net Density 2020-2040</b>			<b>4.8 du/acre</b>
<b>Residential Plats 2010 - 2020</b>		<b>1,107.1</b>	<b>2,444</b>
<b>Total Sewered Households 2010-2040</b>		<b>1,519.81</b>	<b>4,438</b>
<b>Total Net Density 2010-2040</b>			<b>3.05 du/acre</b>

\*Only residential acreage included/calculated in table. Land Use designation assumption that a minimum of 50% of total acreage is developed with residential use.

## Density in Sewered Areas by 2040

Consistent with the Metropolitan Council's policies, the density calculation performed based on Table 3-3. Net Developable Acreage of Planned Residential Land Uses will result in an average net density of approximately 3.0 dwelling units per acre. As required, the household calculation in Table 3-3 was performed based on the minimum units allowable per the density range.

As shown on Map 3-4 and Map 3-5, there are three land use designations at sufficient densities to meet the City's allocation of affordable housing per the Metropolitan Council System Statement. Approximately 166 acres are collectively guided for these three designations between 2021 and 2030, which meets the required allocation in this planning period. (Further detail regarding affordable housing can be found in Chapter 5: Housing).



## Employment Locations

Existing and planned employment locations are generally located within the Village Planning Area and South Planning Area. Land uses served by MUSA, or planned for extension of services, will continue to be the primary locations for employment through the forecasted planning period. There are some existing limited business land uses located outside of MUSA designations that are anticipated to remain in operations through this planning period, but are not accounted for in Table 3-4 because they are existing, and no intensification of the land use is projected in these areas.

To determine the intensity of the commercial and business park uses in the guided FLU, the maximum impervious surface coverage was estimated based on information contained in the City's Zoning Ordinance. The coverage calculation was converted to square feet and the Metropolitan Council Environmental Services Sewer Area Charge (SAC) 2017 Manual was used to determine allocated SAC units based on the designation and potential users.

These land uses are identified on Map 3-3: Future Land Use Plan, Map 3-4: Future Land Use Plan – South Planning Area and Map 3-5: Future Land Use Plan – Village Planning Area.

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*Table 3-4. Employment Locations and Intensity (Planned for Development)*

Growth Area	Land Use	Planned Acres	Intensity (Impervious)	Estimated Acres (Square Feet)	SAC
<b>South Planning Area</b>	Commercial	120	35%	42 (1,829,000)	610
	Business Park <sup>b</sup>	75	50%	37.5 (1,633,500)	233
	Mixed Use - Commercial <sup>a</sup>	69.95	35%	24.48 (1,066,348)	355
	Mixed Use - Business Park <sup>ab</sup>	62.27	50%	31.14 (1,356,240)	194
<b>Village Planning Area</b>	Commercial	11.02	35%	3.86 (168,010)	56
	Mixed Use - Village <sup>a</sup>	9.54	50%	4.77 (207,781)	69
<b>Total SAC/Emp.</b>					<b>1,517</b>

<sup>a</sup>Only commercial/business component is included in acreage. Approximately 50% of total land use designation used for calculation per land use definition.

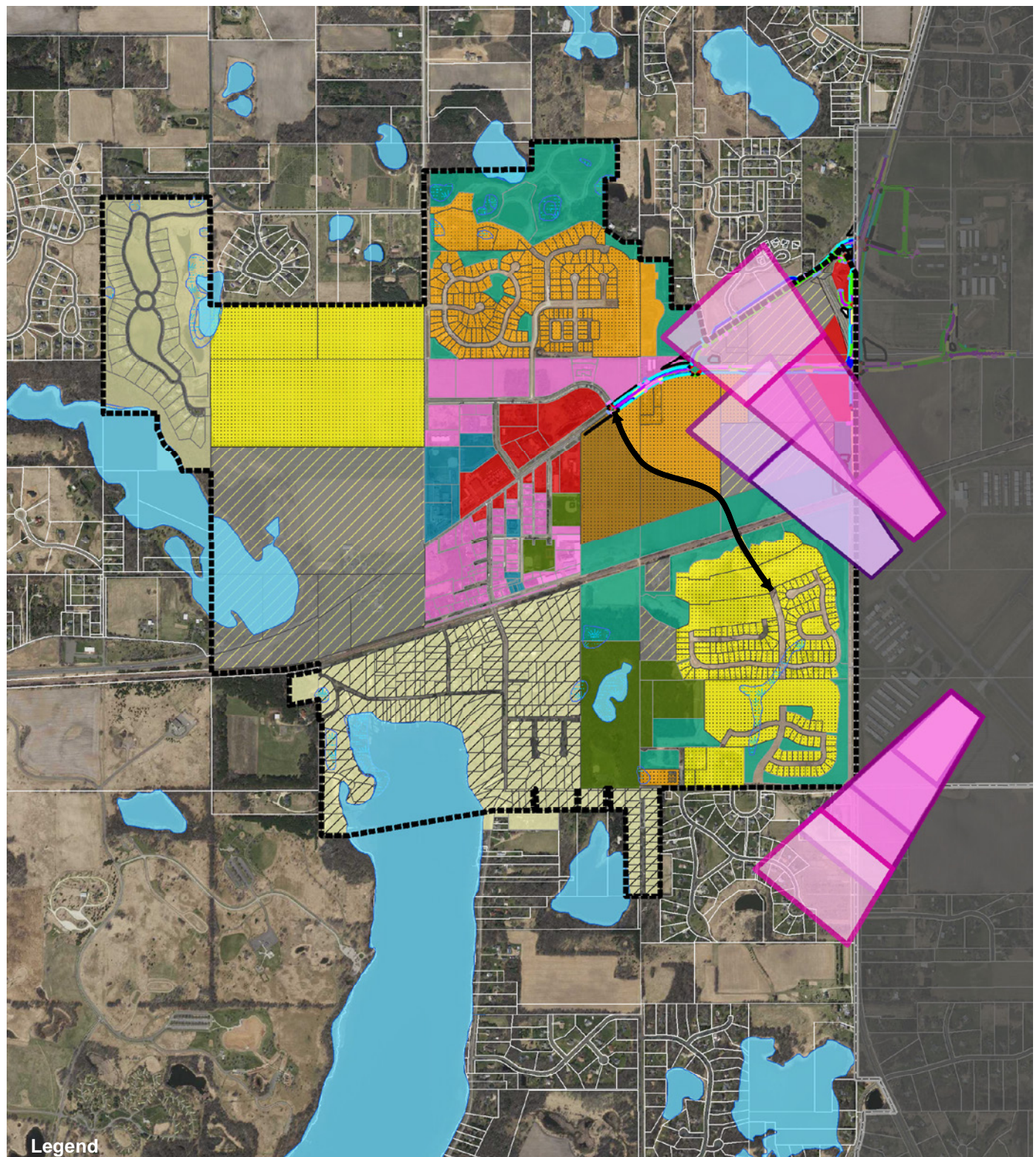
<sup>b</sup>Business Park Designations calculation assumes office/manufacturing/warehousing mix of general business users.

## Airport Impact

The Lake Elmo Regional Airport is located adjacent to the City's eastern boundary in West Lakeland Township. The airport is east of Manning Avenue and between the railroad and 30th Street N. Parts of the airport safety zone and noise impact areas impact a portion of the Village Planning Area in Lake Elmo. A new low density single-family detached residential neighborhood is partially developed with subsequent phases anticipated within this planning period. No development is allowed within the Runway Protection Zone (RPZ). All land designated within the RPZ are designated as Public/Semi-Public uses and are included within the City's Greenway Overlay which restrict any future development of land within this designation. The FLU is consistent with allowed land uses within the safety zones for the Lake Elmo Regional Airport and reflects this restriction. The City will continue to work with the Metropolitan Airports Commission and MnDOT Aeronautics Division to update airport zoning regulations that address noise and safety concerns within these zones as required.



Map 3-6. Airport Safety and Runway Protection



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**Legend**

- 21D\_ULT\_SSZB
- 21D\_ULT\_SSZA
- 21D\_ULT\_RPZ
- 21D\_EX\_SSZB
- 21D\_EX\_SSZA



## Phasing and Staged Growth

The majority of the City's growth in households and employment is anticipated to occur within the designated MUSA boundaries; however, there will be some continued development in the rural residential areas of the community through 2040 as shown in the following table. Since the 2030 Planning period, the City's projected population and households through 2040 was decreased by approximately 25%. As a result, the all of the land area within City's MUSA area to accommodate projected growth in the 2015 System Statement is not needed. While the City cannot change the designated MUSA, it has created a new Urban Reserve land use designation that is not planned for urban services during this planning period.

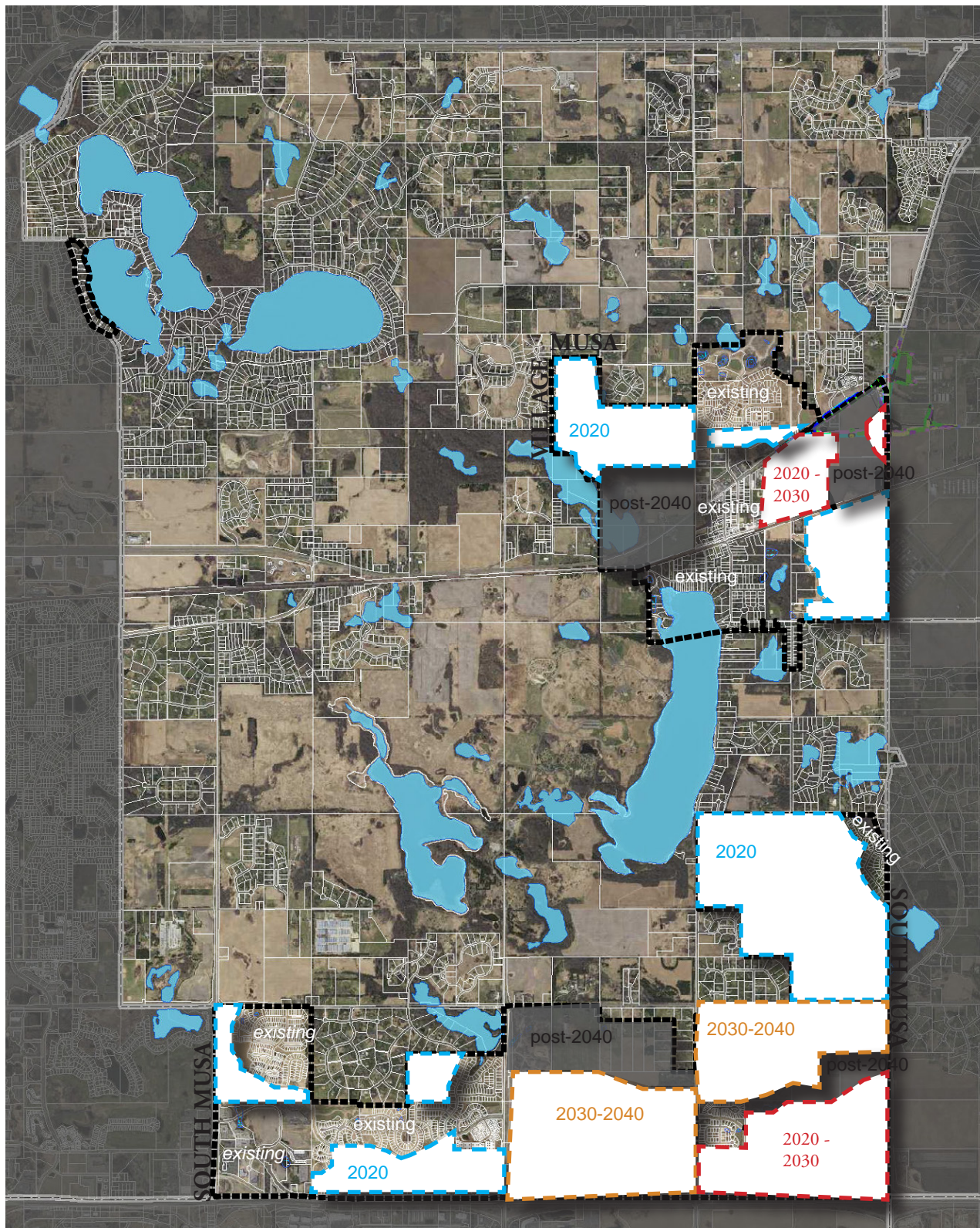
*Table 3-5. Future Land Use Forecast Acreage per Decade (TO BE FILLED IN AFTER*

### *ENGINEER INPUT ON STAGING MAP)*

Future Land Use	Residential Density (dwelling units/acre)	2020 Acres (%)	2030 Acres (%)	2040 Acres (%)
Agricultural Preserve (AP)	0.025	414.70 (2.67%)	414.70 (2.67%)	414.70 (2.67%)
Rural Area Development (RAD)	0.1	4,805.93 (30.99%)	4,805.93 (30.99%)	4,805.93 (30.99%)
Rural Single Family (RSF)	0.5 - 2	1,740.01 (11.22%)	1,740.01 (11.22%)	1,740.01 (11.22%)
Low Density Residential (LDR)	2.5 - 4			
Medium Density Residential (MDR)	4.5 - 8			
High Density Residential (HDR)	8 - 15			
Mixed Use - Commercial (MU-C)	12 - 15			
Mixed Use - Business Park (MU-BP)	6 - 10			
Village – Low Density Residential (V-LDR)	1.5 - 3			
Village – Medium Density Residential (V-MDR)	3 - 5			
Village – High Density Residential (V-HDR)	8 - 12			
Village – Mixed Use (V-MU)	5 - 10			
Urban Reserve (UR)	0.1	467.04 (3.01%)	467.04 (3.01%)	467.04 (3.01%)
Commercial (C)	NA			
Business Park (BP)	NA			
Institutional (INST)	NA	301.27 (1.94%)	301.27 (1.94%)	301.27 (1.94%)
Public/Semi-Public (PSP)	NA			
Park & Open Space (POS)	NA			



Map 3-7. MUSA Growth & Phasing Plan





## ADDITIONAL OBJECTIVES OF FUTURE LAND USES

The City's FLU acknowledges and plans for continued household and employment growth through 2040, but also includes preservation and continued support of its rural residential landscape and robust parks and open space system. The City of Lake Elmo has always been identified as an exceptional place to live because of its robust parks system, protected high-quality natural resources, and proximity to major employment, healthcare and retail centers. Even though the community is growing, and in some cases transitioning from a primarily rural residential community, there is a desire and an opportunity to weave the most important elements and characteristics into changing areas of the community to ensure that the identity and character of the community continues for generations to come.

Equally important to the planned land uses, densities and projections is the commitment to maintain open spaces, natural resources and parks and to promote opportunities to provide healthy, vibrant, resilient neighborhoods.

The following sections should be used as an extension to the Future Land Use Plan and should be incorporated or acknowledged in growth areas and in areas planned for protection of existing uses. There is always an opportunity to do better, and the following themes help support the future direction of the City's land uses and decision-making.

### Promoting Health with Land Use

As part of the 2040 Comprehensive Plan Update process, the City obtained a grant from Washington County Health Services through the State Health and Improvement Program (SHIP) to incorporate living healthy principles into this comprehensive plan. There are many ways that the principles of healthy neighborhoods, communities and environments can be incorporated into existing and future land uses. The following summary identifies some of the ways in which health was considered, and incorporated, into the Future Land Use Plan.



### Mixed-Use Land Use Designations to Promote Health

The introduction of land uses that will promote a more compact, walkable, development pattern was purposefully integrated throughout the growth areas as identified in previous sections of this chapter. In addition to creating new land use designations, the City discussed opportunities to better connect existing neighborhoods through bikeways, trails and other pedestrian routes to support active residents. This discussion included how public and private trail connections may be used to achieve these objectives, and the City acknowledges the need to better communicate and sign public trails and routes so users are comfortable and informed using the system.

In addition to neighborhood pattern, the new mixed-use designations will permit the incorporation of uses such as restaurants, markets, farmers markets, and other events that can be designed to support an active lifestyle for the City's residents, employees and employers. With the growing popularity of farm-to-table dining and experiences that focus on healthy living, Lake Elmo is well-positioned to capitalize on trends that connect its rich rural and agricultural resources with health-conscious consumers seeking fresh high-quality foods and products. As the community grows and new households are added, it will be important for the City to ensure grocery and fresh foods are sold and provided at locations nearby higher concentrations of residents.

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### Ensuring "Uses" that Support Health are Permitted and Accessible

Closely related to the introduction of more compact development patterns, is the need to provide accessible options to purchase healthy and fresh foods and products. This can be accomplished through ensuring that uses that support that objective are permitted within the City's land use designations and the zoning code. Connection and ease of access are essential components to this objective, so pedestrian, bikeways and other routes to locations with fresh products is important to consider as the City develops and evolves.

### Providing an Accessible Greenway Network

The City is committed to preservation of its existing natural resource and open space network. In addition to the existing network, the City plans to expand the network as growth areas are developed. Part of this planning process included discussion and recommendations regarding better park, trail and open space connections for residents in existing neighborhoods and in new growing neighborhoods. Natural resource protection, identification, preservation and development creates opportunities to create a network of greenways and trails for residents to utilize for recreation, connection with nature, and connection between various neighborhoods and destinations in and around Lake Elmo. Trail development is an important way to promote health and activity in the community. The City's Future Land Use Plan should be implemented to be consistent with Chapter X: Parks, Trails & Open Space that identifies key trail, natural resource and open space considerations as development occurs within the City's growth areas.

***LU Goal #2.*** Enhance Lake Elmo's expansive network of trails, open spaces, and natural resources as amenities in developing areas of the community.

- Chapter 1: Vision, Goals & Strategies

### Parks, Open Space and Natural Resources Integration

Nearly 18% of the City's land acreage is publicly protected as Park or Open Space, and nearly XX% of private lands area protected with a conservation easement. Natural resources, parks, and open spaces protection and enhancement is one of the City's character defining elements that makes the community a special place to live, work and recreate. The City's expansive natural resources, including woodland, meadow, lakes and wetlands, and rural scenic amenities are sprinkled throughout the heart of the community and is a valued asset for all residents. The presence of high quality natural resources is important to the lasting effort of balanced development, enduring biodiversity, and opportunity for recreation and connection for area residents. The effort to preserve and enhance these features as an asset for the community and region is a primary objective and specifically stated in several Goals and Strategies within Chapter 1: Vision, Goals & Strategies.

Decision-making related to incorporation of greenways, natural resources, parks and trails associated within this Future Land Use Plan should be consistent with the information found in Chapter 6: Parks, Trails & Open Space.

#### Access & Transportation

A key component of implementing the Future Land Use Plan is to plan for appropriate access and consider diverse modes of transportation. It is likely that as the growth areas change and develop a more diverse demographic will move to the community and their transportation demands may include alternate modes such as bikeways, pedestrian ways and the desire for transit.

Incorporated on Map 3-3: Future Land Use Plan are the conceptual main thoroughfares through the growth areas that are planned for within the Chapter X: Transportation. Identification of the east-west roadway connection in the South MUSA planning boundary on the Future Land Use Plan is deliberate and was used to guide compatible and appropriate land uses. It is the intent of the Future Land Use Plan that development along the east-west corridor would support and plan for adequate right-of-way at time of development that would include a multi-use trail that would promote mode choice and accessibility to adjacent neighborhoods. Likewise, a new roadway connection in the Village MUSA planning boundary is identified and the land use plan was developed to encourage higher-densities near the roadway to improve access. More detail regarding new roadways, and the existing transportation, transit, and bikeways system can be found in Chapter 7: Transportation.

### Supporting Resiliency

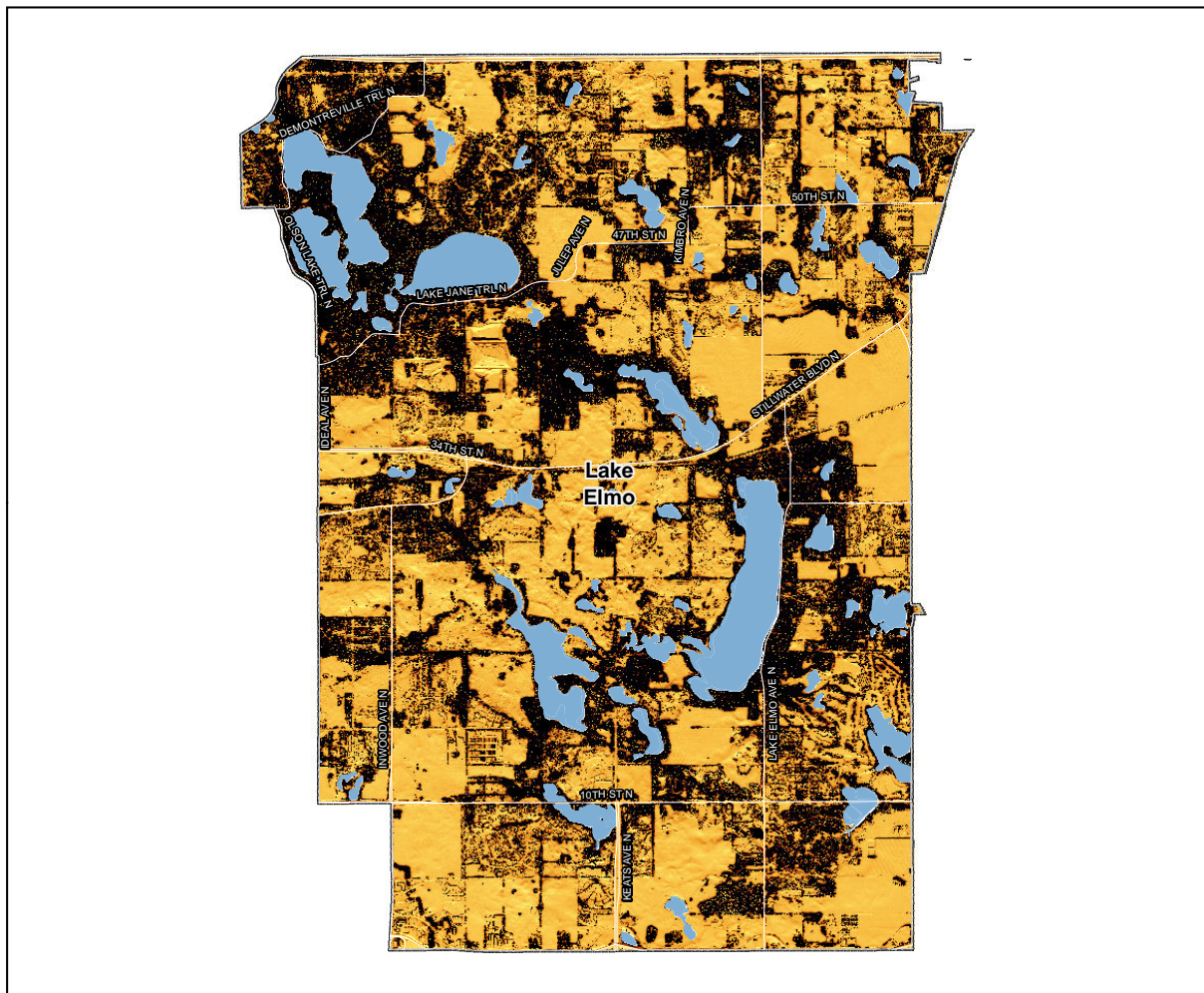
The purpose of creating a Future Land Use Plan that provides a diverse land use pattern is to allow for the City to adapt and change as needed through this planning period. Better integration of land uses allows for the community to be thoughtful about innovation as the environment changes and new technologies are developed, and creates opportunities to adapt and be responsive. The idea of resiliency is woven throughout this plan, and it is the intent of the City that it be used as part of the decision-making process and allows for improvements in neighborhood and development design as the community evolves and changes through 2040.

### Solar Access

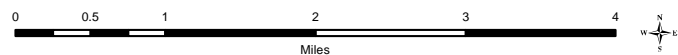
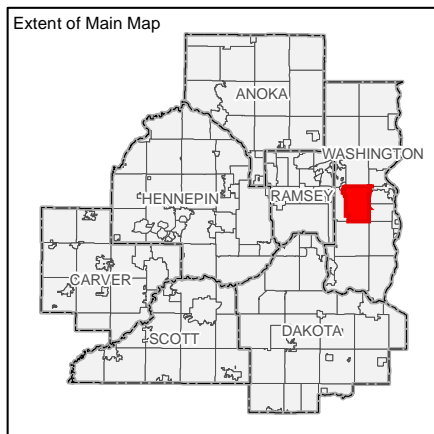
To be filled in with information from City Staff.



Map 3-8: Gross Solar Potential



12/20/2016



**Gross Solar Potential  
(Watt-hours per Year)**

High : 1276008  
Low : 900001

- Solar Potential under 900,000 watt-hours per year
- County Boundaries
- City and Township Boundaries
- Wetlands and Open Water Features

Source: University of Minnesota U-Spatial Statewide Solar Raster.

## SPECIAL RESOURCE PROTECTION

A consideration when developing the Future Land Use Plan was to inventory special or unique resources in the community, and to allow these resources (where applicable) to help guide where and when development would occur.

### Historical Resources

There are no State or Locally registered historical districts or structures in the Lake Elmo. However, the City strongly supports the preservation of the “Old Village” Main Street, where the village first developed. During the 2030 Planning period, the City’s developed a set of design guidelines will help protect existing buildings and ensure new construction integrates well with the existing character and building form of the district.

During this Plan development process the City studied the Old Village area, and concluded that it would benefit from further refinement based on areas contained within the previous Old Village boundary. The result, is that this Plan creates three distinct Districts that describe the use, activities and desired plans based on location within the City’s core village area. A full description of the Districts, and how they will shape the core of the village are provided in Chapter 4: Balanced Development & Growth.

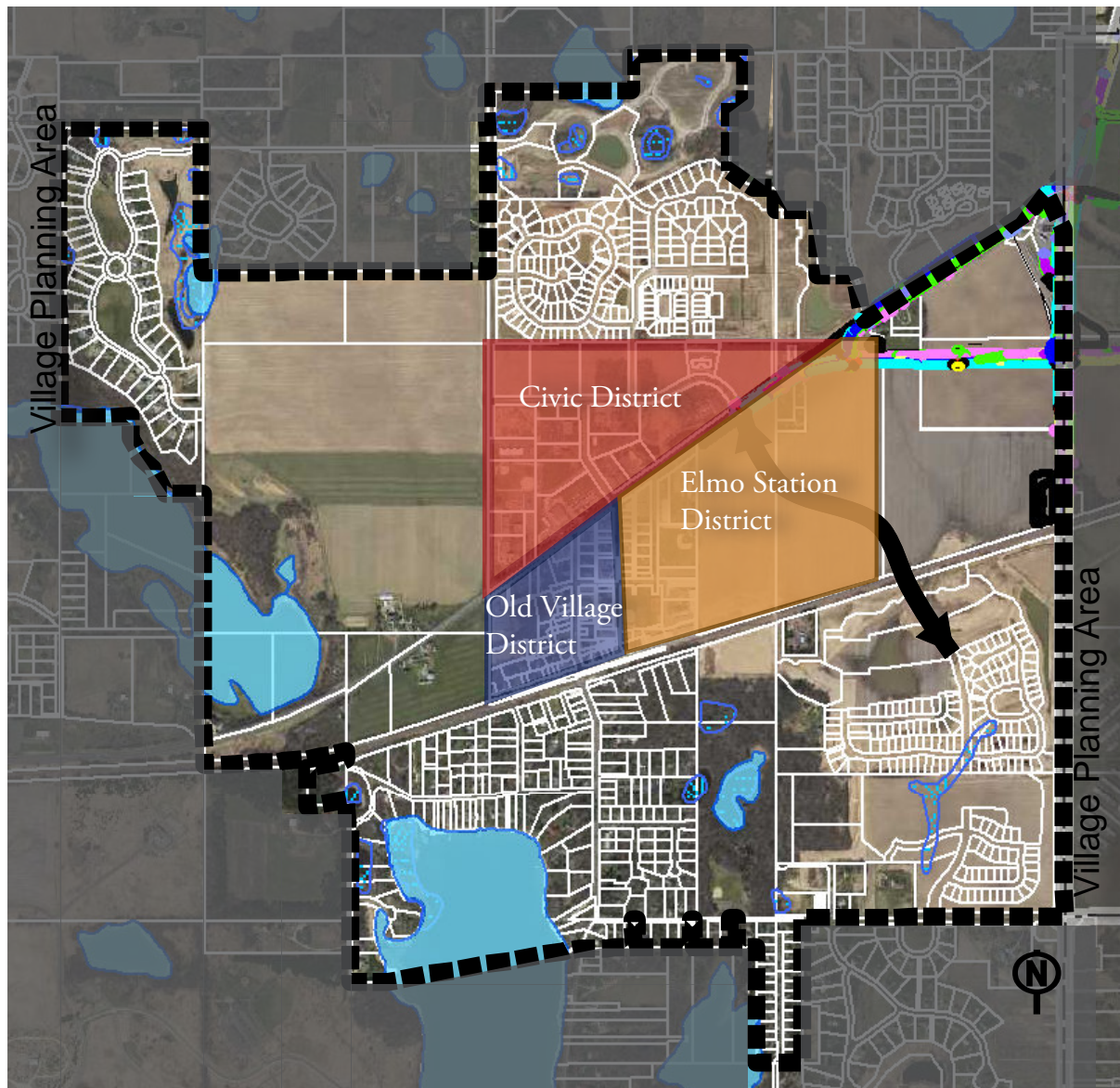
***LU Goal #4.*** Create strong and vibrant Districts in the Village Planning Area that becomes a destination for all residents of the community.

***LU Goal #5.*** Identify and Explore opportunities to improve the streetscape in the Old Village District, Elmo Station District and Civic Center District to create a more walkable environment.

***LU Goal #6.*** Maintain and Strengthen the small-town charm of the Old Village District.

- Chapter 1: Vision, Goals & Strategies

MAP 3-9: District Boundaries in Village Planning Area



## Aggregate Resources

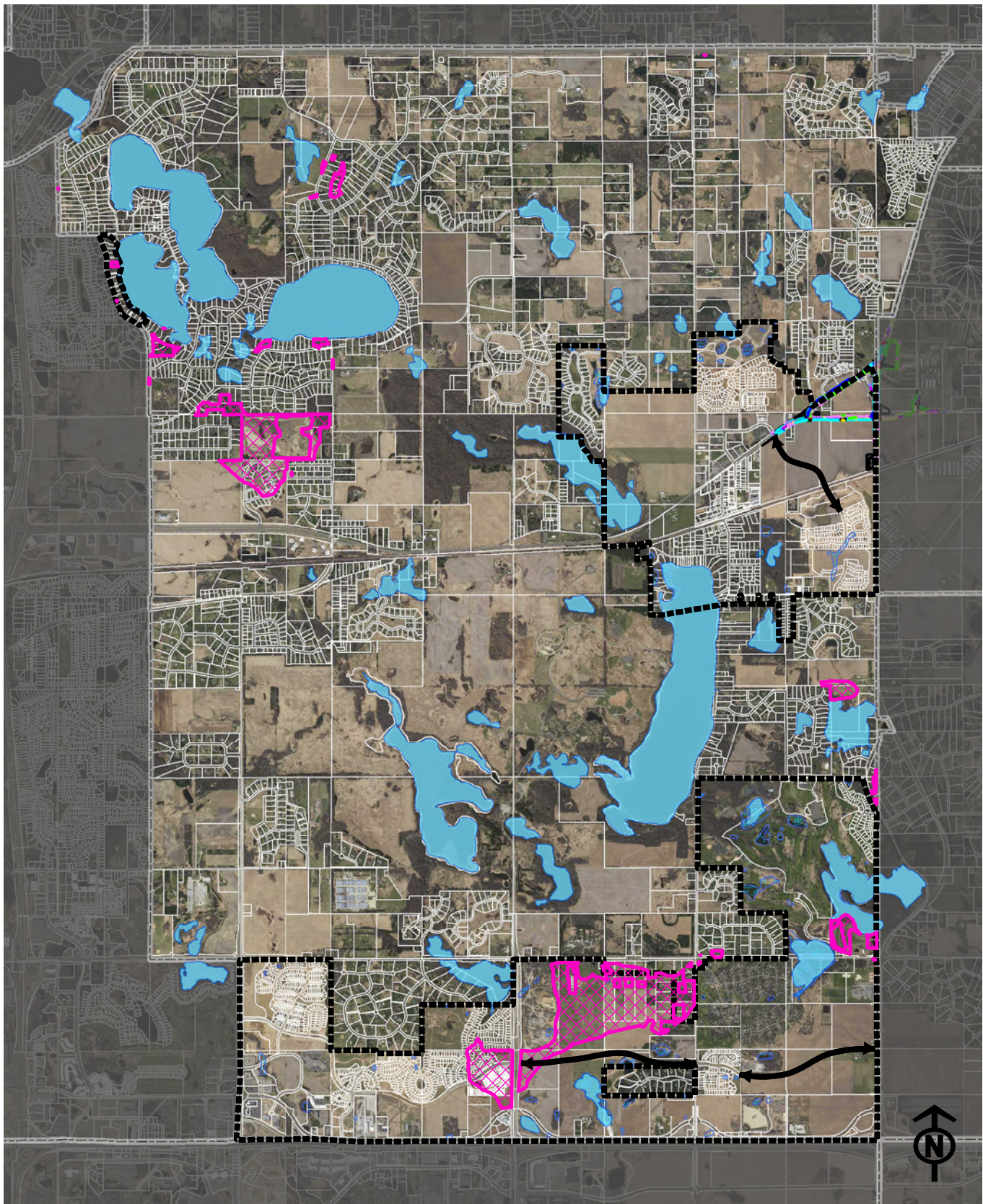
Per the Metropolitan Council's 1997 Aggregate Resources information, there are approximately 324 acres of land identified in the City has having aggregate resource value. Today, there are two active aggregate sites, one located in the northwestern quadrant of the community, which is identified on the 1997 Aggregate Resource Inventory. The second active site is located in the South MUSA boundary, near the Keats intersection with 10<sup>th</sup> Street North. Adjacent to this site, and designated within the City's Urban Reserve land use, is additional land identified within the 1997 Aggregate Resource map. The existing active sites have been in operation for several decades, and it is the City's understanding that these sites are nearing their useful life and may be exhausted in this planning period. Beyond the active sites, the 1997 Aggregate Resource map identified areas within exiting neighborhoods that are not likely to experience any demand or opportunity for extraction. As aggregate resources are depleted, the land will transition into suburban-style development, consistent with the surrounding district. As mentioned, some of the land identified with potential for aggregate resource extraction that has not been mined, is designated within the City's Urban Reserve that guides development post-2040. Future plans will work to address these reserve areas further.



## Agricultural Preserve

The City's agrarian and agricultural past continues to be valued by the City, and landowners and homeowners that express interest in preserving agricultural land through the Agricultural Preserve program will be supported by the City. Currently, there are approximately 414-acres of land protected by an Agricultural Preserve covenant per the Metropolitan Council's records, and those properties have been identified and guided appropriately on the Existing and Future Land Use Plan contained within this chapter.



Map 3-10. Aggregate Resource Locations



-  Aggregate Resources 1997
-  Revised 2040 MUSA





## STAFF REPORT

DATE: March 13, 2018

ITEM #: 3

**TO:** City Council

**FROM:** Public Safety Committee

**AGENDA ITEM:** Motion from Public Safety Committee regarding Street Naming and Numbering.

**REVIEWED BY:** Greg Malmquist, Fire Chief

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**BACKGROUND:** The current Public Safety Committee has had this item on its agenda, since its first meeting on March 28, 2017 when it appeared under “Unfinished Business” from a prior meeting of the Committee on 9/17/15. Committee requested City Planner Emily Becker attend the next meeting and update the Committee.

City Planner Emily Becker attended the April 25, 2017 Public Safety Committee meeting. She provided the Committee with a packet and gave an overview of what had transpired since the Committee last discussed this item in September of 2015. Committee tabled the matter to allow members to review information.

Committee meeting on May 23, 2017. No quorum, discussion only on street naming.

Committee meeting on June 27, 2017. No discussion on street naming.

Committee meeting on August 22, 2017. New Committee members were given an overview on Street Naming and Committee again requested City Planner Emily Becker attend their next meeting. At this time, the Planning Department was short staffed. Committee recognized this and tabled item until Planning was fully staffed.

City Planner Ben Prchal attended the January 23, 2018 Committee meeting, Emily Becker was unable to attend. Planner Prchal gave an overview of the current adopted Street Naming process and Chief Malmquist added historical information. The Committee passed the following motion unanimously. Motion: “Public Safety Committee recommends Lake Elmo follows the Washington County Road Naming and Numbering System in support of Public Safety routing during an emergency. In recognition of the concerns about the difference between streets with the same name, and a break in the street, a sufficient difference in the numbers should be used between the two streets.”.

**ISSUE BEFORE COUNCIL:** Adoption of the motion made by the Public Safety Committee “Public Safety Committee recommends Lake Elmo follows the Washington County Road Naming and Numbering System in support of Public Safety routing during an emergency. In recognition of the concerns about the difference between streets with the same name, and a break in the street, a sufficient difference in the numbers should be used between the two streets.”.

**PROPOSAL DETAILS/ANALYSIS:** Committee discussed at great length the matter of keeping the street names the same with or without a break in the road by adhering to the County system. While they supported keeping the name the same for simplicity, they also acknowledged the past struggles of a road stopping and starting. Committee felt that the appropriate solution would be to ensure that whenever there was a break or separation in a road, the proper spacing or gap in the numbering would be sufficient for identification.

**OPTIONS:**

- 1) Move forward with Motion from the Public Safety Committee and approve the change to the Street Naming Policy
- 2) Do not move forward with changes.

**RECOMMENDATION:**

Discuss Motion from Public Safety Committee at Council Workshop to get clear direction

**ATTACHMENTS:**

1. ORDINANCE NO. 08-144, AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES PERTAINING TO STREET NAMING
2. PUBLIC SAFETY COMMITTEE MINUTES, January 23, 2018

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-144

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES PERTAINING  
TO STREET NAMING

SECTION 1. The City Council of the City of Lake Elmo hereby amends Section 540: Uniform Naming and Numbering System as it was adopted on the 15<sup>th</sup> Day of February of 2005 by officially repealing the Section in its entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 153: Subdivision Regulations; Section 07: Preliminary Plat; Subd. (E) (1) to read the following:

- (1) Layout of proposed streets showing right-of-way widths, center line grade, typical cross-sections, and proposed names of streets in conformance with all applicable city ordinances and policies. The street names shall comply with the County Uniform Street Naming and Property Numbering System, with the following exceptions:
  - a. Unless a newly proposed street directly extends from, or is planned to extend from, an existing street, no street name that already exists in the city or its environs shall be used, regardless if it is on the same grid as another street.
    - i. Names of north-south avenues shall increase alphabetically from west to east, following the grid system.
    - ii. Names of east-west streets shall follow the grid numbering system as appropriate, but a different suffix such as Lane, Place, Way, etc. or a different prefix such as Upper or Lower shall be used.
  - b. Names of deflecting, continual streets shall not change, even if the street changes direction, unless an intersection exists.
    - i. The names of deflecting streets shall be determined according to their relation to an Arterial or Collector Street if appropriate, otherwise such names shall be determined according to their main point of entry in to a development or as deemed appropriate by Council.
  - c. If appropriate, names with the same theme (i.e. flowers, nature) are permitted for naming streets in an entire subdivision.
  - d. All street names shall end with the directional suffix of North.

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

**SECTION 3. Adoption Date.** This Ordinance 08-144 was adopted on this 4th day of October, 2016, by a vote of 3 Ayes and 2 Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-144 was published on the \_\_\_\_ day of \_\_\_\_\_, 2016.





PUBLIC SAFETY COMMITTEE  
MINUTES

January 23, 2018

In Attendance: Lisa McGinn, Cullen Case and Andrew Masterman

Not Present: Dave Moore, Katrina Beckstrom

Others present: City Planner Ben Prchal and Fire Chief Greg Malmquist

1. *Call meeting to order*  
3:34 PM

2. *Approve minutes from August 22, 2017 meeting.*  
Motion Lisa McGinn, Second Andrew Masterman, Approved 3-0

3. *Overview of City Street Naming procedure by Planning Director Emily Becker and Planner Ben Prchal at the request of Committee.*

Planning Director Emily Becker was unable to attend, Planner Ben Prchal gave overview of current Street Naming procedure to Council. Chief Malmquist added historical information. Committee supports following the Washington County Grid System.

Motion: "Public Safety Committee recommends Lake Elmo follows the Washington County Road Naming and Numbering System in support of Public Safety routing during an emergency. In recognition of the concerns about the difference between streets with the same name, and a break in the street, a sufficient difference in the numbers should be used between the two streets.". Motion by Cullen Case, Second Lisa McGinn. Passed 3 - 0

4. *Fire Department Updates*

a. *Part Time Staffing*

Chief Malmquist informed committee on what has happened since their last meeting regarding part time staffing. Explained scheduling challenges and struggle to fill all shifts. Discussed current recommendation of utilizing Paid on Call Firefighters to fill open shifts, as they are trained and ready to go at no additional cost to City. This has been discussed at Council Workshop, sent to HR Committee and now going back to Council for approval based on recommendation of HR Committee. They'll be categorized as "Substitute Firefighters" to clearly differentiate between these and part timers.

*b. Space Needs Study*

Brought Committee up to speed on recommendations from the study.

*c. Truck Committee*

Informed Committee on the process and work done to date on the specifications for the Rescue/Engine to be purchased in 2018 by the Truck Committee. Gave overview of truck layout and recommended tool/equipment purchases. Truck Committee will bring costs to next meeting for recommendation.

*5. Old Business/Action Items*

*6. New Business*

Invite Sgt. Larry Osterman to February meeting.

Elect Co-Chair at February meeting

*7. Next meeting, February 27, 2018*

*8. Adjourn*

Motion Andrew Masterman, Second Lisa McGinn, Adjourned 5:40.



## **STAFF REPORT**

DATE: March 13, 2018

### **DISCUSSION**

Item #4

**AGENDA ITEM:** Penalty for Delayed Sewer Connection

**SUBMITTED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

In 2016, the Council updated Chapter 51 of the city code to require any building used for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, or in a platted block through which the system extends, shall be connected to the municipal sanitary sewer system **within 2 years** from the date on which a connection is available to the building. Previously ordinance required connection within 1 year. The change was made to allow for the wastewater incentive credit for existing properties on septic.

We are at the two year mark for Old Village Phase 1 properties which received their notice of connection availability on 3/9/16. We have four properties (2 residential and 2 commercial) which have not yet connected. Staff sent them reminder letters in February 2018.

### **ISSUE BEFORE COUNCIL:**

How should the city respond to those properties not hooking up to municipal sewer within the 2 year time frame?

### **PROPOSAL DETAILS/ANALYSIS:**

Strict interpretation of our ordinances would result in a code violation being passed to the City Prosecutor and penalties under Section 10.99 of the code (misdemeanor for not complying with code). Staff reached out to other communities to see how they handle similar situations. Examples from other communities include: (1) city connecting the property to sewer and assessing the costs to the property, (2) prosecution as code violation, (3) late connection charge, (4) deed restriction recorded against property, or (5) monthly service charge (in communities that charge monthly for utilities).

Staff would propose the Council pursue a variation of the last example by charging the sewer base charge (currently \$53.03 for residential properties) each quarter. This would be the least burdensome to enforce and the least impact to property owners while still balancing the needs of the system (such as providing the funding necessary to maintain the sewer infrastructure that was put in place to extend municipal sewer) and protecting the financial investment.

For commercial properties (which currently don't have a base sewer charge) staff would propose charging the residential base charge multiplied by the number of REC (residential equivalent charge) as determined by the Engineering staff in the feasibility studies for the project. So for one commercial property their quarterly fee would be \$159.09 (3 RECs) and the other would be \$212.12 (4 RECs). The fee would be adjusted annual in the same proportion as the residential sewer base fee until such time as the property connects to municipal sewer.

### **FISCAL IMPACT:**

By charging the base sewer fee, the sewer fund will be less impacted from the loss of revenue as projected in the utility studies. Long range financial plans assume that connections are made within 1-2 years of service being available. Since all of these properties already receive a water bill quarterly, there will not be any additional expense to the city to add this to the billing. Any unpaid charges will then be certified to the property tax levy in the fall in the same manner as any other unpaid utility charges.

**OPTIONS:**

- 1) Direct staff to prepare an ordinance amendment to charge the sewer base charge per REC for properties not connecting to municipal sewer within two years from the date service is available
- 2) Direct staff to prepare a different penalty amendment to the sewer ordinance
- 3) Make no changes to the ordinance (staff will utilize the misdemeanor penalty for enforcement)





## **STAFF REPORT**

DATE: March 13, 2018

### **DISCUSSION**

#### **ITEM #5**

**AGENDA ITEM:** Library Fund Shortfall

**SUBMITTED BY:** Kristina Handt, City Administrator

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#### **BACKGROUND:**

In May 2017, the Lake Elmo Library Board and City Council approved an agreement with Washington County to bring the local library back into the Washington County System as of 1/1/18. The agreement had a number of provisions including that the City will convey \$150,000 of its library funds to the County on January 1, 2018. Staff has been waiting to collect all of the final bills from 2017 before making the payment to the County.

The County and Library Board did agree in December to have contractors come in and remove asbestos during the time the library was closed down the last week of the month. Since it was still under city ownership at that time the city was to pay the bill but the County will allow that expense (\$4,173) to be deducted from the \$150,000 total.

#### **ISSUE BEFORE COUNCIL:**

How should the shortfall in the Library Fund be addressed?

#### **PROPOSAL DETAILS/ANALYSIS:**

The balance of the library fund at 12/31/16 was approximately \$174,000. In May I had asked the Library Director for his projection of the fund through 12/31/17 if the library rejoined the county system. He estimated there would be about \$10,000 left above the \$150,000 commitment to the County.

However, there were some significant deviations from the projections including library collection purchases, parking lot consultant fees, minor repairs and maintenance, and library card reimbursements. As a result, the fund is short \$7,966 of the \$150,000 commitment after factoring in the abatement costs.

We cannot have an account go negative without a plan to transfer funds to cover the shortfall. Staff is looking for direction on how to cover the shortfall in the Library Fund.

#### **FISCAL IMPACT:**

Since the city is contractually obligated to pay \$150,000, the \$7,966 shortfall will need to be made up from other city funds.

#### **OPTIONS:**

- 1) Transfer funds from the City Facilities Fund-current balance is about \$255,000. Staff expects another \$4,750 for the Brookfield fit test to come from the fund this year as well as about \$51,000 for the library parking lot paving.
- 2) Transfer funds from the General Fund

#### **ATTACHEMENT:**

- Library Fund Financials as of March 7, 2018

**CITY OF LAKE ELMO**  
**2017 LIBRARY FINANCIAL STATEMENT WITH 2016 ACTUALS PROFORMA**  
**AS OF MARCH 7, 2018 for DECEMBER 31, 2017**

<u>Account Number</u>	<u>Description</u>	<u>2016 Actual</u>	<u>2017 Adopted</u>	<u>2017 Projected</u>	<u>Comments</u>
<b><u>Library Fund Revenues:</u></b>					
<b>Taxes</b>					
206-000-0000-31010	Current Ad Valorem Taxes	\$ 256,957	\$ 256,957	\$ 256,957	
206-000-0000-34105	Sale of Copies, Books, Maps	84	-	-	
206-000-0000-35100	Fines	-	-	120	
206-000-0000-36210	Interest Earnings	941	-	-	
206-000-0000-36230	Donations	12,970	4,000	4,000	
		-	-	-	
<b>Total Taxes</b>		<b>\$ 270,952</b>	<b>\$ 260,957</b>	<b>\$ 261,077</b>	
<b>Miscellaneous</b>					
	Transfers In	-	-	-	
	Miscellaneous Revenue	-	-	-	
	Use of Fund Balance	-	-	-	
<b>Total Miscellaneous</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>Total Library Fund Revenues:</b>		<b>\$ 270,952</b>	<b>\$ 260,957</b>	<b>\$ 261,077</b>	
<b><u>Library Fund Expenditures:</u></b>					
<b>5300 Administration</b>					
<b>Personnel</b>					
206-450-5300-41010	Full-time Salaries	48,808	49,996	51,527	
206-450-5300-41030	Part-time Salaries	25,228	27,048	38,639	
206-450-5300-41210	PERA Contributions	5,553	4,555	6,611	
206-450-5300-41220	FICA Contributions	4,426	3,895	5,412	
206-450-5300-41230	Medicare Contributions	1,035	910	1,266	
206-450-5300-41300	Health/Dental Insurance	13,673	15,223	14,730	
		-	-	-	
<b>Total Personnel</b>		<b>\$ 98,722</b>	<b>\$ 101,977</b>	<b>\$ 118,185</b>	
<b>Materials and Supplies</b>					
206-450-5300-42000	Office Supplies	2,950	5,000	3,035	
206-450-5300-42180	Hardware	1,124	10,000	259	
206-450-5300-42185	Software	86	-	895	
206-450-5300-42230	Building Repair Supplies	123	-	340	
206-450-5300-42500	Library Collection Maintenance	77,595	45,000	32,330	
<b>Total Materials and Supplies</b>		<b>\$ 81,878</b>	<b>\$ 60,000</b>	<b>\$ 36,859</b>	
<b>Charges and Services</b>					
206-450-5300-43030	Engineering Services	420	-	-	- Moved to general engineering in G.F.
206-450-5300-43040	Legal Services	3,870	4,000	-	- Moved to G.F. so no increase added.
206-450-5300-43150	Contract Services	4,604	6,000	1,651	
206-450-5300-43180	Information Technology	11,222	3,200	14,754	
206-450-5300-43210	Telephone	2,033	1,800	2,176	

**CITY OF LAKE ELMO**  
**2017 LIBRARY FINANCIAL STATEMENT WITH 2016 ACTUALS PROFORMA**  
**AS OF MARCH 7, 2018 for DECEMBER 31, 2017**

<u>Account Number</u>	<u>Description</u>	<u>2016 Actual</u>	<u>2017 Adopted</u>	<u>2017 Projected</u>	<u>Comments</u>
206-450-5300-43250	Internet	929	2,000	590	
206-450-5300-43310	Mileage	166	-	-	Mileage moved to GF Admin..
206-450-5300-43630	Insurance	1,637	2,200	1,700	
206-450-5300-43810	Electric Utility	5,872	8,000	7,793	
206-450-5300-43820	Water Utility	276	-	-	
206-450-5300-43840	Refuse	819	600	660	
206-450-5300-44310	Internal Charges	10	500	-	
206-450-5300-44330	Dues and Subscriptions	-	-	289	
206-450-5300-44370	Conferences and Training	314	2,500	334	
		-	-	-	
<b>Total Charges and Services</b>		<b>\$ 32,172</b>	<b>\$ 30,800</b>	<b>\$ 29,948</b>	
<b>Capital Outlay</b>					
206-450-5300-44010	Repairs/Maint Bldg	67,029	30,000	64,687	Incl. \$4173 for lead abtmt. to be deducted from bal.
206-450-5300-44030	Repairs/Maint Imp Not Bldgs	13,286	-	14,264	
206-450-5300-44040	Repairs/Maint Eqpt	94	-	93	
		-	-	-	
<b>Total Capital Outlay</b>		<b>\$ 80,409</b>	<b>\$ 30,000</b>	<b>\$ 79,044</b>	
<b>Miscellaneous</b>					
206-450-5300-44300	Miscellaneous	38,720	38,180	33,721	
<b>Total Miscellaneous</b>		<b>\$ 38,720</b>	<b>\$ 38,180</b>	<b>\$ 33,721</b>	
<b>1320</b>	<b>Total Administration</b>	<b>\$ 331,901</b>	<b>\$ 260,957</b>	<b>\$ 297,756</b>	
<b>Total Library Revenues Over/(Under) Expenditures:</b>		<b>\$ (60,949)</b>	<b>\$ -</b>	<b>\$ (36,679)</b>	
<b>FUND BALANCE AS OF 12/31:</b>		<b>\$ 174,540</b>	<b>\$ 174,540</b>	<b>\$ 137,861</b>	
<b>Original Amount Due Washington County:</b>				<b>\$ 150,000</b>	
<b>Less: Amount Paid by City for Lead Abatement:</b>				<b>\$ (4,173)</b>	
<b>Net Amount Due Washington County:</b>				<b>\$ 145,827</b>	
<b>Amount to be paid from City Facilities Fund:</b>				<b>\$ 7,966</b>	



## **STAFF REPORT**

DATE: March 13, 2018

### **DISCUSSION**

### **ITEM #6**

**AGENDA ITEM:** Water Permit Conditions from DNR

**SUBMITTED BY:** Kristina Handt, City Administrator

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#### **BACKGROUND:**

On August 30, 2017, Judge Margaret Marrinan ruled in favor of the plaintiffs (White Bear Lake Restoration Association and White Bear Lake Homeowners Association) in their case against the DNR related to the lake levels of White Bear Lake. Her order included restrictions or led to conditions being placed on groundwater permits within a 5 mile radius of White Bear Lake. See map included in your packet. Also attached are the portions of the ruling that led to the four conditions being placed on the City's permit. They can be found on page 137 of the order sections 4 C) through F). The first condition (plan to convert to surface water) was placed on the permit in January while the last three conditions were added on March 1, 2018. A copy of the permit with the conditions highlighted in yellow is included in your packet.

#### **ISSUE BEFORE COUNCIL:**

Should the City appeal the conditions placed on the MN DNR Water Appropriations Permit?

#### **PROPOSAL DETAILS/ANALYSIS:**

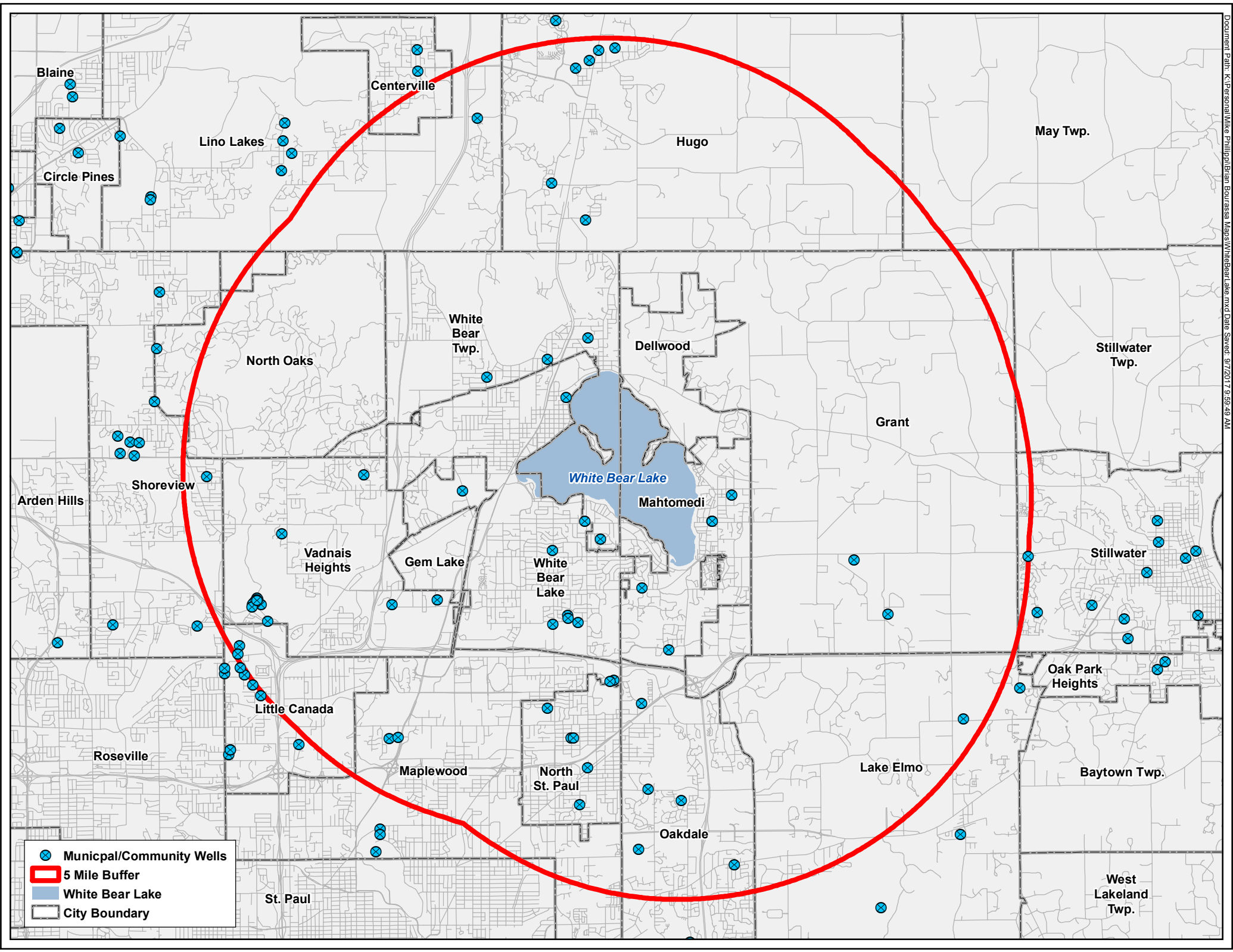
The City has 30 days to appeal the conditions placed on the permit. Staff is seeking council direction on whether or not an appeal should be filed for any of the last three items (residential irrigation ban, per capita water use plan and collaborative efforts). Given that the state is planning to appeal the district court judge's ruling and a stay is not in place, staff would recommend appealing the residential irrigation ban and per capita water use plan. These conditions are arbitrary and capricious as there has been no scientific evidence that placing these conditions on water systems within 5 miles of White Bear Lake will impact the lake levels.

Other cities in the 5 mile radius are likely to appeal as well. Staff would coordinate our efforts if Council wants to move forward with an appeal. At this time, my understanding is that the appeal can be initiated with a simple letter to the DNR. If directed, staff would bring back a letter to the March 20<sup>th</sup> meeting for approval.

#### **ATTACHMENTS:**

- Map of 5 mile radius around White Bear Lake
- Excerpt from 8/30/17 ruling
- Recently amended City of Lake Elmo Water Appropriations Permit





**NOW THEREFORE, IT IS HEREBY ORDERED:**

1. The Court declares that the DNR's current and planned permitting of high capacity groundwater appropriations and management of White Bear Lake and the Prairie du Chien-Jordan Aquifer violate:

A. MERA, by impairing both White Bear Lake and the Prairie du Chien Aquifer.

B. The Public Trust Doctrine, by:

- 1) Causing a continuing decline in the levels of both the Prairie du Chien Jordan Aquifer and of White Bear Lake that diminishes the size of the lake and its lakebed, and adversely impacts public uses of the lake; and
- 2) Failing to take remedial measures within its authority to protect White Bear Lake and the Prairie du Chien Aquifer, when it had knowledge that its actions in issuing and failing to manage high capacity groundwater pumping permits were adversely affecting the lake and aquifer.

2. The Court declares that by virtue of its violating the following statutes and rules, the DNR has violated MERA:

A. M.S. § 103G.211 (the draining of the lake resulting from the excessive pumping of the aquifer);

B) M.S. § 103G. 287, subd. 5 (issuance of permits for pumping without a determination that the amount of use is sustainable, particularly for future generations);

C) M.S. § 103G.287 and .285 (failing to set collective annual withdrawal limits from the lake; failing to require permittees to submit contingency plans for alternate water sources; failing to set a meaningful trigger for implementation of

action before the protected elevation is reached); and

D) M. Rule 6115.0670 (approval of groundwater appropriations without sufficient data to determine the effects of the appropriation allowed).

3. The DNR is prohibited from issuing appropriation permits for new groundwater wells, or increasing appropriation amounts in existing groundwater permits, within a 5-mile radius of White Bear Lake until it has **fully** complied with the requirements of the above statutes. To that end, it shall:

A) Review *all* existing groundwater appropriation permits within a 5-mile radius of White Bear Lake, analyzing them both individually, and cumulatively, to ensure compliance with the sustainability standard of M.S. §103G.287, subd. 5. The review will be completed within one year of the date of this order. The specific results of the analysis will be published in a public newspaper, in a form understandable to the general public.

B) In the event that any of the above permits do not comply with the sustainability standard set by statute, they will be reopened and down-sized within 6 months of failure to comply with the sustainability standard of M.S. § 103G.287, subd. 5.

C) Analyze the cumulative impact of these permits within the 5-mile radius of White Bear Lake to determine whether pumping at the maximum rates allowed by the permits is sustainable. The analysis will be completed within one year of the date of this order. The specific results will be published in a public newspaper, in a form understandable to the public.

4. For groundwater permits within a 5-mile radius of White Bear Lake, the DNR shall comply with all the applicable provisions of M.S. § 103G.285, including:

A) Setting a collective annual withdrawal limit for White Bear Lake;

B) Setting a trigger elevation of 923.5 feet for implementation of the protected elevation;

C) Preparing, enacting and enforcing a residential irrigation ban when the level of White Bear Lake is below 923.5 feet, to continue until the lake has reached an elevation of 924 feet. The preparation and enactment of this process will be completed within 6 months of this order.

D) Requiring that all existing permits include an enforceable plan to phase down *per capita* residential water use to 75 gallons per day and total *per capita* water use to 90 gallons per day. The enactment of this requirement will be completed no later than 1 year from the date of this order.

E) *Immediately* amending *all* permits within the five mile radius of White Bear Lake to require that within one year of the date of this order, permittees submit a contingency plan in their water supply plans for conversion to total or partial supply from surface water sources. This contingency plan will include a schedule for funding design, construction and conversion to surface water supply. The Court notes that while the DNR has previously ignored the mandate of this statute, submission of these water supply conversion plans is required for the issuance of permits. Whether any conversion would occur shall be determined by the DNR and the affected communities.

F) Requiring that all groundwater permittees report annually to the DNR on collaborative efforts with other northeast metro communities to develop plans as described in (D), above.

5. The DNR shall issue no groundwater appropriation permits unless it has sufficient hydrologic data to understand the impact, whether cumulative or otherwise, of those groundwater appropriations on White Bear Lake and the Prairie du Chien-Jordan Aquifer.

6. The DNR shall work with the Metropolitan Council to evaluate current conservation goals and update them as needed.

7. The DNR shall require that water supply plans include measurable conservation goals and shall evaluate compliance with water conservation requirements on all permits



issued within the 5 mile radius of the lake. Should the individual community be out of compliance with those requirements, the DNR shall take appropriate action in downsizing that community's permit.

6. For each day that the DNR is out of compliance with this Order, it will be subject to a fine of \$1000 per day.

7. Costs are awarded Plaintiff and Plaintiff/Intervenor against Defendant DNR.

8. The Court retains jurisdiction over this action to monitor the DNR's compliance with the conditions imposed by this Order.

LET JUDGMENT BE ENTERED ACCORDINGLY.

30 August 2017

BY THE COURT:



Margaret M. Marrinan

Judge of District Court

#### Memorandum

The last 12 months have been the wettest on record in Minnesota, a record that dates back to 1837. From August, 2016 to July, 2017, 40.72 inches of rain fell in the Twin Cities, well above the 30-year average for annual MSP rainfall of 31 inches (which is 20% wetter than the 1941-1970 rainfall average of 26 inches).<sup>568</sup> The span of time between the start of this trial and the date of this Order runs from March 6, 2017 to August 30, 2017. In that period of time, 24.02 inches of rain fell in the Twin Cities, as

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<sup>568</sup> Paul Douglas, Minneapolis Tribune, August 16, 2017.

compared to the annual average rainfall of 19.33 inches.<sup>569</sup> In January, 2017, the level of White Bear Lake was approximately 923 feet; in May, 2017, 923.8 feet; on August 24, 2017, 923.17 feet.<sup>570</sup>

None of this information appears in the body of the Court's Order because most of it occurred after the time of trial. It is included in this Memorandum simply to alert the reader that 1) the Court recognizes the large amounts of rain have fallen in the last several months; 2) the fact that 24 inches of rain has fallen in a 6 month period does not translate to an increase to the lake of that amount—or anything near it; and that 3) the findings of fact remain valid: that in the long term (years, decades) White Bear Lake levels are controlled mainly by groundwater fluctuations, and in the short term (monthly, seasonally) by precipitation and runoff.

30 August 2017

MMM <sup>3</sup>

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<sup>569</sup> Weather Underground, August 29, 2017.

<sup>570</sup> Minn. DNR website, August 29, 2017.



**Amended**

## Water Appropriation Permit

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

<b>Project Name:</b> N/A	<b>County:</b> Washington	<b>Watershed:</b> Lower St. Croix River	<b>Resource:</b> Groundwater
<b>Purpose of Permit:</b> Municipal/Public Water Supply		<b>Authorized Action:</b> Withdrawal of up to 260.0 million gallons of water per year for municipal/public water supply.	
<b>Permittee:</b> LAKE ELMO, CITY OF CONTACT: WELDON, ROB, (651) 747-3941 3800 LAVERNE AVE N LAKE ELMO, MN 55042 (651) 777-5510		<b>Authorized Agent:</b> N/A	
<b>To Appropriate From:</b>  Well 1: 20.0 inches diameter, 805.0 feet depth, 500 gpm, unique number 208448 Point(s) of Taking UTM zone 15N, 509382m east, 4982596m north Section 13, T29N, R21W  Well 2: 24.0 inches diameter, 285.0 feet depth, 750 gpm, unique number 603085 Point(s) of Taking UTM zone 15N, 510832m east, 4986116m north Section 6, T29N, R20W  Well 4: 24.0 inches diameter, 290.0 feet depth, 1250 gpm, unique number 767874 Point(s) of Taking UTM zone 15N, 509470m east, 4985377m north SWSW of Section 1, T29N, R21W			
<b>Issued Date:</b> 03/01/2018	<b>Effective Date:</b> 03/01/2018	<b>Expiration Date:</b> Long-Term Appropriation	
<b>Authorized Issuer:</b> Joe Richter	<b>Title:</b> District Appropriations Hydrologist	<b>Email Address:</b> joe.richter@state.mn.us	<b>Phone Number:</b> 651-259-5877

This permit is granted **subject to** the following **CONDITIONS**:

**LIMITATIONS:** (a) Any violation of the terms and provisions of this permit and any appropriation of the waters of the state in excess of that authorized hereon shall constitute a violation of Minnesota Statutes, Chapter 103G. (b) This permit shall



## **CONDITIONS** *(Continued from previous page)*

not be construed as establishing any priority of appropriation of waters of the state. (c) This permit is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its employees, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the Permittee relating to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the Permittee, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the Permittee, for violation of or failure to comply with the provisions of the permit or applicable provisions of law. (d) In all cases where the doing by the Permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the Permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests necessary therefore. (e) This permit shall not release the Permittee from any other permit requirements or liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances relating thereto and shall remain in force subject to all conditions and limitations now or hereafter imposed by law. (f) Unless explicitly specified, this permit does not authorize any alterations of the beds or banks of any public (protected) waters or wetlands. A separate permit must be obtained from the Department of Natural Resources prior to any such alteration.

**FLOW METER:** The Permittee shall equip each installation for appropriating or using water with a flow meter, unless another method of measuring the quantity of water appropriated to within ten (10) percent of actual amount withdrawn is approved by the Department.

**WATER USE REPORTING:** Monthly records of the amount of water appropriated or used shall be recorded for each installation. Such readings and the total amount of water appropriated or used shall be reported annually to the Director of DNR Ecological and Water Resources, on or before February 15 of the following year, via the MNDNR Permitting and Reporting System (MPARS) at [www.mndnr.gov/mpars/signin](http://www.mndnr.gov/mpars/signin). Any processing fee required by law or rule shall be submitted with the records whether or not any water was appropriated during the year. Failure to report shall be sufficient cause for terminating the permit 30 days following written notice.

**MODIFICATION:** The Permittee must notify the Commissioner in writing of any proposed changes to the existing permit. This permit shall not be modified without first obtaining the written permission from the Commissioner.

**TRANSFER OR ASSIGNMENT:** Any transfer or assignment of rights, or sale of property involved hereunder shall be reported within 90 days thereafter to the Director of DNR Ecological and Water Resources. Such notice shall be made by the transferee (i.e., new owner) and shall state the intention to continue the appropriation as stated in the permit. This permit shall not be transferred or assigned except with the written consent of the Commissioner.

**COMMISSIONER'S AUTHORITY:** (a) The Commissioner may inspect any installation utilized for the appropriation or use of water. The Permittee shall grant access to the site at all reasonable times and shall supply such information concerning such installation as the Commissioner may require. (b) The Commissioner may, as he/she deems necessary, require the Permittee to install gages and/or observation wells to monitor the impact of the Permittee's appropriation on the water resource and require the Permittee to pay necessary costs of installation and maintenance. (c) The Commissioner may restrict, suspend, amend, or cancel this permit in accordance with applicable laws and rules for any cause for the protection of public interests, or for violation of the provisions of this permit.

**PUBLIC RECORD:** All data, facts, plans, maps, applications, annual water use reports, and any additional information submitted as part of this permit, and this permit itself are part of the public record and are available for public inspection at the offices of DNR Ecological and Water Resources. The information contained therein may be used by the Division as it deems necessary. The submission of false data, statements, reports, or any such additional information, at any time shall be deemed as just grounds for revocation of this permit.

**MONITORING REQUIREMENTS:** Minnesota Statutes 103G.282 authorizes the Department of Natural Resources to require permittees to install and maintain monitoring equipment to evaluate water resource impacts from permitted appropriations. You may be required to modify or install automated measuring devices and keep records for each installation. The frequency of measurements and other requirements will be based on quantity of water appropriated, source of water, potential connections to other water resources, nature of concern, and other relevant factors.

**DROUGHT PLANNING:** In accordance with M.S. 103G.293, all permits must be consistent with the drought response plan detailed in the Statewide Drought Plan at [http://files.dnr.state.mn.us/natural\\_resources/climate/drought/drought\\_plan\\_matrix.pdf](http://files.dnr.state.mn.us/natural_resources/climate/drought/drought_plan_matrix.pdf).

## CONDITIONS *(Continued from previous page)*

**WELL SEALING:** The permittee shall notify the Minnesota Department of Health prior to sealing, removing, covering, plugging or filling the well(s) from which the authorized appropriation was made. The well(s) must be sealed by a licensed well driller and in accordance with the procedures required under Minnesota Statutes 103I and Minnesota Rules 4725 as administered by the Minnesota Department of Health.

**WATER USE CONFLICT:** If notified by the DNR that a water use conflict is suspected and probable from your appropriation, based on confirmation of a formal well interference complaint or a preliminary hydrologic assessment, all appropriation authorized by this permit must cease immediately until the interference is resolved. The permittee may be required to obtain additional data to support the technical analysis, such as domestic well information within a radius of one and one-half miles of the production well. The permittee and impacted party may engage in a negotiated settlement process and there may be modifications made to this permit in support of conflict resolution.

**WATER CONSERVATION:** All practical and feasible water conservation methods and practices must be employed to promote sound water management and use the least amount of water necessary, such as reuse and recycling water, water-saving devices, and water storage.

**DISCHARGE AUTHORIZATION:** This permit is valid only in conjunction with all required discharge authorizations from local, state, or federal government units.

**MT. SIMON-HINCKLEY AQUIFER:** Water appropriations from the Mt. Simon Hinckley aquifer are limited to domestic water uses for general household purposes for human needs such as cooking, cleaning, drinking, washing, and waste disposal. Use of water from the aquifer for commercial, industrial, and nonessential purposes, including lawn watering, golf course irrigation, and vehicle washing are prohibited by Minnesota Statutes. Increases in authorized volumes from the Mt. Simon Hinckley aquifer will not be allowed in the future unless appropriate water conservation measures are implemented and feasible and practical alternatives to the Mt. Simon Hinckley aquifer are found to not exist after substantial effort has been made to search for such alternatives.

**GROUNDWATER MONITORING REQUIREMENT:** All new wells must have an access port that allows measuring of water levels. The permittee must measure the water levels in all production wells and/or one or more approved groundwater level monitoring well(s) per the guidelines specified in the monitoring details attachment, which is hereby made a part of this permit. Failure to submit monitoring data as specified in the attachment may result in termination of this permit.

### **RAMSEY COUNTY DISTRICT COURT ORDER: 62-CV-13-2414 – PLAN TO CONVERT TO SURFACE WATER**

**SOURCE:** A revised Water Supply Plan must be submitted to the DNR, by August 29, 2018, that includes a contingency plan to fully or partially convert the source water that is authorized under this permit from groundwater to surface water source(s). The contingency plan must include a schedule for funding design, construction and conversion to a surface water supply. Whether any conversion would occur shall be determined by the DNR and the holder of this permit.

**RAMSEY COUNTY DISTRICT COURT ORDER: 62-CV-13-2414 – RESIDENTIAL IRRIGATION BAN:** The permittee must prepare, enact and enforce a residential irrigation ban when notified by DNR that the lake level of White Bear Lake has fallen below 923.5 feet (MSL 1912), to continue until notified by the DNR that the lake level has reached an elevation of 924 feet (MSL 1912). By April 30, 2018, send the DNR your approved ordinance or other enforceable mechanism for implementing an irrigation ban consistent with this permit condition. The current lake levels of White Bear Lake may be viewed on the MN DNR website: ([http://www.dnr.state.mn.us/waters/csg/site\\_report.html?mode=get\\_site\\_report&site=82016700](http://www.dnr.state.mn.us/waters/csg/site_report.html?mode=get_site_report&site=82016700)).

**RAMSEY COUNTY DISTRICT COURT ORDER: 62-CV-13-2414 – PER CAPITA WATER USE PLAN:** By August 29, 2018 submit an enforceable plan to the DNR to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day.

**RAMSEY COUNTY DISTRICT COURT ORDER: 62-CV-13-2414 – REPORT ON COLLABORATIVE EFFORTS:** Annual reporting to the DNR is required on your collaborative efforts with northeast metro communities to develop plans to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day. Annual reports are due on March 31st of each year, beginning in 2019.

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cc: Jeanne Daniels, EWR District Manager  
SEH Inc - St. Paul, Agent  
Focus Engineering, Inc., Agent  
Wolohan, Brendan, Contact; SEH Inc - St. Paul  
Isakson, Chad, Contact; Focus Engineering, Inc.  
Griffin, Jack, Contact; Focus Engineering, Inc.  
Michael Welling, County, Washington  
Stephanie Souter, County, Washington  
Jessica Collin-Pilarski, County, Washington  
John Hanson, Watershed District, VALLEY BRANCH WD  
Jay Riggs, SWCD, Washington Conservation District  
Kristina Handt, City, Lake Elmo