



3800 Laverne Avenue North  
Lake Elmo, MN 55042

(651) 747-3900  
[www.lakeelmo.org](http://www.lakeelmo.org)

## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday November 22, 2021**  
**at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance

2. Approve Agenda

3. Approve Minutes

a. October 25, 2021

4. Public Hearings

A. **Conditional Use Permit- 10755 50<sup>th</sup> Street N**

CEF Lake Elmo Community Solar has applied for a Conditional Use Permit for the construction and operation of a solar farm on the property located at 10755 50<sup>th</sup> Street N (PID#1102921110003). The proposed solar photovoltaic ("PV") project has a maximum size of 1,000 kilowatts ("KW") alternating current ("AC").

5. New/Unfinished Business

A. **Royal Golf 4<sup>th</sup> Addition Final Plat** – South of 20<sup>th</sup> Street N and east of Lake Elmo Avenue N

US Home Corporation (Lennar) has submitted an application for a final plat to be known as Royal Golf 4th Addition. The final plat includes approximately 88 acres to be subdivided into 5 outlots for future development.

6. Communications/Updates

a. City Council Update

11-03-2021 Meeting –Crossroads East Final Plat and PUD  
11-16-2021 Meeting – Krueger Tree Farm IUP

b. Staff Updates

c. Upcoming PC Meetings:

1. December 13, 2021 – No items scheduled
2. December 27, 2021 – Cancelled
3. January 10, 2022

7. Adjourn

\*\*\*Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo Planning  
Commission Meeting  
Minutes of October 25, 2021**

Commission Chair Risner called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. No cable casting/recording of this meeting

**COMMISSIONERS PRESENT:** Risner, Graen, Mueller, Steil, Vrieze, Weeks

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Planning Director Just, Interim Planning Consultant Jane Kansier Bolton & Menk, Finance Director Sam Magureanu

**Pledge of Allegiance** at 7:00 PM

**Approve Agenda:**

M/S/P: Steil/Risner moved to approve the agenda. **Vote: 6-0, motion carried unanimously.**

**Approve Minutes:**

Commissioner Steil stated the need to correct the 9-27-21 minutes to show Commissioner Steil as Commission Chair for the meeting.

M/S/P: Risner/Weeks moved to approve the amended Planning Commission minutes of September 27<sup>th</sup>, 2021. **Vote: 6-0, motion carried unanimously.**

**Public Hearings:**

**Krueger Tree Farm Interim Use Permit- Lake Elmo Ave and 43<sup>rd</sup> Street**

The Krueger Christmas Tree Farm has requested an amendment to its Interim Use Permit (IUP). The current IUP allows the sale of Christmas trees that are grown off-site on the property in order to supplement the sale of trees that are grown on the property. The proposed amendment to the IUP would allow the following additional items:

1. Construction of an approximately 2,576 square foot barn to be used for Christmas tree sales;
2. Allow a professional photography business to operate on the property from July through December of each year (this will need to be covered under a separate IUP);
3. Extension of the term of the existing IUP from January 1, 2042 by five years to January 1, 2047.

Interim Planning Consultant Jane Kansier gave staff report and presentation.

Applicant, Neil Krueger spoke regarding the history of the Krueger Tree Farm.

Applicant John Krueger spoke regarding upcoming plans for the Krueger Tree Farm. John thanked the neighbors and the City of Lake Elmo for all the support that has been shown.

Staff is recommending the Planning Commission recommend approval of the amendments to the IUP for Agricultural Sales (Christmas trees) and the new IUP for the Agricultural Entertainment Business (professional photograph) with the listed conditions.

Public hearing opened at 7:57 PM

Commissioner Risner read the emailed responses that were received by the City:

Dan & Ruth Lundgren, 4251 Kirkwood Ln N, in favor of a new building.  
John & Tonya Oberg, 4143 Kirkwood Ln N, in favor of a new building.  
Zac & Christina Edstrom, 4155 Kirkwood Ln N, in favor of a new building.  
Brittany & Josh Peltier, 4167 Kirkwood Ln N, in favor of a new building.  
Dr. Mathew Hei, 4220 Kirkwood Ln N, in favor of a new building.  
Dave & April Wyland, 4177 Kirkwood Ln N, in favor of a new building.  
Richard & Erin Mathaus, 4265 Kirkwood Ln N, in favor of a new building.  
Beau & Marlena McGraw, 4199 Kirkwood Ln N, in favor of a new building.

The following residents spoke during the public hearing:

Adam Slinger, 9849 59<sup>th</sup> St. Ct. N, spoke in support of the Krueger Tree Farm.  
Steve Pott, 4212 Lake Elmo Ave. N, Steve stated that he feels that this business has grown too large for the existing location and does not want the IUP expansion. He also spoke regarding parking and traffic issues.  
Doug Williams, 4596 Lake Elmo Ave. N, spoke in favor of the new building.

Public hearing closed at 8:10 PM

Commissioner Weeks commented on the increased traffic being a safety risk, and that photography is a commercial use, and not an agricultural sale use. Weeks does agree with Mr. Pott, that this business has out grown the existing location.

Commissioner Mueller spoke in favor of striking condition number ten.

Commissioner Steil spoke regarding the removal condition number ten. He is concerned that removing condition number ten would open it up for the applicants to add more buildings.

Commissioner Graen pointed out that condition number 11 still limits the amount of trips allowed.

M/S/P: Graen/Vrieze moved to recommend approval of the amendment to the IUP for agricultural sales with ten conditions based on the findings listed in the staff report and striking condition number ten. **Vote: 4-2, (Weeks, Steil - nay) motion carried**

M/S/P: Mueller/Risner moved to recommend approval of the IUP for agricultural entertainment business to allow professional photography sessions on the site with twelve conditions, based on the findings listed in the staff report, and amending condition three to change hours of operation from 9 AM to sunset, amend condition four to no more than fifty people per hour, and striking condition number five. **Vote: 3-3, (Weeks, Graen, Steil - nay) motion fails**

M/S/P: Graen/Mueller moved to recommend approval of the IUP for agricultural entertainment business to allow professional photography sessions on the site with ten conditions, based on the findings listed in the staff report, removing conditions three, four and five. **Vote: 4-2 (Weeks, Steil - nay) motion carried**

## **2022-2026 Capital Improvement Plan**

A Capital Improvement Program, or CIP, is a multi-year (typically 5 years) capital expenditure plan for a city's infrastructure (such as streets, parks and utility systems), vehicles, equipment, and public buildings. It identifies the major projects needed and desired by the community, their potential costs and how they would be financed. Including a project in a CIP does not commit the city to that project. The City Council must specifically authorize each one, and the associated funding, before any project may proceed. When the CIP is reviewed (ideally annually, in conjunction with the budgeting process), projects may go forward as planned, advance ahead of schedule, be removed entirely, or new projects may be added, depending upon changes in circumstances and priorities.

Finance Director Sam Magureanu gave staff report and presentation

Commissioner Graen noted that the 2040 Comprehensive Plan states that the city is to grow in a fiscally responsible way, he does not think the money riding to our debt service is fiscally responsible, also a new civic square was to be included with the new city hall and is not on the plan and should be accounted for in the Capital Improvement Plan and in the Building Plan, also there is supposed to be a special use park access to the Lake Elmo Park Reserve that is called out in the 2040 Comprehensive Plan, which has not been included, and he feels the trail budget is not comprehensive enough to accomplish all the trails called out in the 2040 Comprehensive Plan at a rate that has them completed by 2040.

Public hearing opened at 9:03 PM

No public questions.

Public hearing closed 9:04 PM

M/S/P: Risner/Weeks moved to recommend to the City Council that the 2022-2026 Capital Improvement Plan is consistent with the 2040 Comprehensive Plan **Vote: 5-1, (Graen - nay) motion carried.**

#### **New/Unfinished Business**

None

#### **Communications/Updates**

- a. City Council Update
  - 10-05-2021 Meeting –Wildflower 4<sup>th</sup> Addition Final Plat and PUD
  - 10-19 2021 Meeting – Crossroads East Final Plat and PUD
- b. Staff Updates
- c. Upcoming PC Meetings:
  - 1. November 8, 2021 (Cancelled)
  - 2. November 22, 2021

Meeting adjourned at 9:17 PM.

Respectfully submitted,

Diane Wendt  
Permit Technician



## **STAFF REPORT**

DATE: 11/22/2021

AGENDA ITEM: 4A – PUBLIC HEARING

**TO:** Planning Commission  
**FROM:** Jane Kansier, AICP, Planning Consultant  
**ITEM:** **CEF Lake Elmo Community Solar Garde – Conditional Use Permit**  
**REVIEWED BY:** Molly Just, Planning Director

### **BACKGROUND:**

CEF Lake Elmo Community Solar has applied for a Conditional Use Permit for the construction and operation of a solar farm on the property located at 10755 50th Street N (PID#1102921110003). The proposed solar photovoltaic (“PV”) project has a maximum size of 1,000 kilowatts (“KW”) alternating current (“AC”). The Applicant has a Solar Energy Option Agreement to lease up to 10 acres with the Manzara family to enable construction and operations of the project.

Staff is recommending approval of the request subject to meeting the conditions of approval listed in this report.

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

*Applicant:* CEF Lake Elmo Community Solar, LLC  
*Property Owners:* Anthony P. Manzara Rev Trust  
*Location:* 10755 50<sup>th</sup> Street N  
*Request:* Application for a Conditional Use Permit (CUP) to allow a solar farm  
*Site Area:* 10.9 acres  
*Existing Land Use:* Single family residential and agricultural  
*Existing Zoning:* Rural Residential  
*Surrounding:* North – 50<sup>th</sup> Street N and single family homes zoned RR  
West – single family home zoned RR  
South – single family home zoned RR  
East – Lake Elmo Avenue and agricultural land zoned RR

*Comprehensive Plan:* Rural Area Development (RAD)

*History:* The existing single family home on this site was built in 1986. To the best of our knowledge, no other development applications have been filed for this property in the past.

*Deadline for Action:* Application Complete – 10/22/2021  
60 Day Deadline – 12/21/2021  
Extension Letter Mailed – No  
120 Day Deadline – NA

*Regulations:* Chapter 154.012 – Zoning Use Types and Classifications  
Article XI – Rural Districts  
Chapter 154.258 – Landscaping Requirements  
Chapter 154.308 – Standards for Alternative Energy  
Chapter 154.310 – Solar Energy System Regulations

## **PROJECT ANALYSIS**

A solar farm is defined as a “commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of sales of generated electricity to off-site customers.” Solar farms are a conditional use in the RR district and thus require approval of a conditional use permit.

The proposed solar farm is a 1 megawatt photovoltaic (PV) facility which will utilize approximately 7 acres of the 10.9 acre site. The applicant proposes to install approximately 2,250 PV modules arranged in north-south rows spaced approximately 15 feet apart. The PV modules are glass with anti-reflective coating (not mirror design) and are 9 feet in height, as shown on the attached plans. The proposed facility includes inverters and switch gear located on the north side of the site on 7’ by 12’ concrete pads, and up to 3 new utility poles. The site will be secured by a 9’ galvanized wire mesh fence. The facility has an expected life of 25-30 years.

Access to this site is via a 16’ wide gravel drive off of 50<sup>th</sup> Street North. There is no permanent off-site parking located on the site.

During construction, there will be approximately 10-15 employees on site from 7:00 am to 7:00 pm. Construction is expected to take 4-6 months. Once the site is operational, the site will operate during daylight hours. It is expected one maintenance truck will visit the site 1-3 times per year.

**Setback and Impervious Surface Requirements.** The following table outlines how the proposed use and site plan adheres to the setback and impervious surface requirements of the RR zoning district. The proposed site plan is meeting all the required zoning code standards.

<b>Rural Residential Zoning Standards</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
<b>Maximum Height</b>	35 feet	9 feet
<b>Maximum Impervious Coverage</b>	--	--
<b>Front Yard Setback – Building</b>	30 feet	50 feet
<b>Interior Side Yard Setback – Building</b>	10 feet	50 feet
<b>Interior Side Yard Setback – Building</b>	10 feet	50 feet
<b>Rear Yard Setback - Building</b>	40 feet	50 feet

**Standards for Solar Farms.** The following outlines how the proposed development adheres to the City's standards for solar farms.

1. *Conditional or Interim Use Permit.* Solar farms in the RR district require a conditional use permit. The applicant has submitted a complete application for consideration.
2. *Minimum Lot Size, Setbacks, and Screening Requirements.* Solar farms are limited to properties at least ten acres in size, must maintain a setback of at least 50 feet from adjacent properties and be screened and fenced as determined by the City from adjacent residential properties. The parcel on which the facility is located is 10.9 acres. The site plan shows the setbacks are at least 50' from any property line. The site will also be fenced. Additional landscape screening will be required in order to meet zoning requirements. The applicant will be required to submit a revised landscape plan as a condition of approval.
3. *Stormwater and NPDES.* Solar farms are subject to the City's and watershed district's stormwater management and erosion and sediment control provisions and NPDES permit requirements. The applicant will be required, as a condition of approval, to submit all required stormwater and NPDES permits prior to approval of a building permit.
4. *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions. The applicant is proposing this certification will be done within 60 days of construction.

**Standards for Solar Energy Systems.** There are specific use standards for solar energy systems listed in Section 154.310, C of the Zoning Code. They include:

1. *. Permits.* A building permit shall be obtained before the installation of solar arrays or panels on any property. All solar energy systems shall be installed and components labeled in accordance with the Minnesota State Electric Code Section 690. The applicant will be required to obtain these permits prior to construction.
2. *Rooftop or Building Integrated Solar Energy Systems.* This is not applicable to this application.
3. *Ground-Mount Solar Energy Systems.*
  - a. *Ground-mount energy systems must comply with all accessory setback, height and lot coverage restrictions unless otherwise stated herein or a variance is granted and shall not encroach on any City easement unless an easement encroachment agreement approved by the Planning Director or his/her designee after review and approval from the City Engineer or his/her designee has been executed. A certificate of zoning compliance is required for all solar energy systems unless a conditional use permit is required as stated herein.* The proposed site plan indicates the facility will meet all minimum setback requirements. The site plan indicates 59' of right-of-way preservation along 50<sup>th</sup> Street N. The required right-of-way preservation is 60 feet from the centerline, and the setbacks must be measured from the line of preservation. As a condition of approval, the applicant must submit a certificate of survey verifying all setbacks, and adjusting setbacks as needed to meet the minimum requirements.
  - b. *The collector surface of a ground-mount system and any foundation, compacted soil, or other component of the solar installation that rests on the ground is considered*

*impervious surface. Vegetated ground under the collector surface can be used to mitigate stormwater runoff. There is no maximum impervious surface requirement in the RR district.*

4. *Interconnection Agreement. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. The applicant's narrative notes the applicant has submitted an interconnection application to Xcel Energy and is working through that process. The final agreement will be submitted prior to a building permit.*
5. *Glare. Glare produced from any solar energy system shall be minimized from affecting adjacent or nearby properties. The applicant is proposing to use panels with a non-reflective coating. In addition, landscape screening will be required along the perimeter of the site.*
6. *Decommissioning. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The applicant has submitted a decommissioning plan. As a condition of approval, the City will require the owner remove all modules and equipment within 90 days after the site has been decommissioned. The City will also require a letter of credit equal to 110% of the cost of decommissioning. The potential salvage value shall not be subtracted from the cost of decommissioning. In this case, the applicant has estimated the cost of decommissioning at \$96,521. This will require an LOC in the amount of \$106,200.*

**Landscaping Requirements:** Sections 154.258, C and F, of the Zoning Code list specific landscaping requirements for this site.

- *Landscaping of Setback Areas.* A minimum of one tree for every 50' of street frontage is required. In addition, 5 trees per every acre of disturbed land are required. This requires a minimum of 50 trees be planted on the site. The applicant's landscape plan does not meet these requirements.
- *Screening.* Screening shall be used to provide visual and noise separation of intensive uses from less intensive uses, and shall consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. The proposed landscape plan does not meet this requirement.

As a condition of approval, the applicant must submit revised landscaping plans meeting the Zoning Code requirements. The screening shall be focused on the areas directly adjacent to residential uses.

## **REVIEW COMMENTS**

**Engineering Review.** The City Engineer has reviewed this request, and has prepared a review memorandum for the Commission and City Council's review, dated November 13, 2021. Some key issues outlined in the review include:



- **Right-of-way preservation:** The minimum right-of-way preservation along 50<sup>th</sup> Street N is 60' from the centerline. All setbacks must be measured from the right-of-way preservation line.
- **Site access:** The site access on 50<sup>th</sup> Street N must be relocated as far west as possible to minimize future conflicts with the construction of future turn lanes. The recommended minimum distance is 350' from the intersection with Lake Elmo Avenue.
- **Driveway:** Any portion of the proposed driveway located within the right-of-way must be paved.
- **Site Plan Approval:** Prior to the start of any construction, Civil Site Construction Plans must be prepared and submitted for City review and approval. The site plan must submit all of the required detail, including a wetland delineation and the wetland buffers. The site plan must also show the proposed power poles located at least 55' from the centerline of 50<sup>th</sup> Street N.
- **Stormwater Management:** A stormwater management plan meeting all State, Watershed District and City rules is required and a permit must be obtained from the Valley Branch Watershed District. The required details must be included.
  - Soil borings will be required for infiltration basins.
  - If adjacent properties are impacted by stormwater discharge, written permission from those property owners is required.
  - The storm water facilities must remain privately owned and maintained. A Stormwater Maintenance and Easement Agreement in the City's standard form is required.

**Fire Department Review.** The Fire Department has reviewed this request and has provided the attached comments. Some key issues outlined in the review include:

- A clear, brush-free area of 10 feet (3048 mm) shall be required for ground-mounted photovoltaic arrays.
- The installation and use of gates shall be in compliance with the fire code. If a gate(s) is to be installed, provide more detailed information for review.
- A Fire Department lock box is required for emergency access to building at an approved location(s) and provide keys for emergency access into the property and any controls necessary for emergency use or shut down.
- Site address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.

**City Attorney Review.** The City Attorney has reviewed this request and has provided the attached comments. Some key issues outlined in the review include:

- A condition that requires the owner of the property and/or the operator to remove the modules and equipment after a certain amount of time after the project is decommissioned (i.e. 90 days or something like that). In the event that it is not removed by that time, the City should be given permission to enter the property to remove it and recover its costs from the letter of credit. In the event that the letter of credit is

insufficient to cover the City's costs, the City should be able to certify the costs against the property and collect the costs with the property taxes.

- There should also be a condition that the letter of credit must be in good standing at all times, so in the event that it is not renewed or cancelled, the City may revoke the conditional use permit.

**Landscaping Review.** The City's landscape architect has reviewed this request and has provided the attached comments. Some key issues outlined in the review include:

- The proposal does not meet the minimum landscape and screening requirements. A revised landscaping plan meeting all requirements must be submitted.

### **RECOMMENDED FINDINGS**

Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met: Staff recommends the following findings:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The proposed use will not be detrimental or in any way endanger the public health, safety, comfort. Conditions intended to mitigate any potential impact have been included in the CUP, and include items such as screening, setbacks, and stormwater management.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***Chapter 3 of the Comprehensive Plan notes the City has incorporated standards into their zoning ordinances regarding siting of structures and buildings to support access to solar resources. Given the City's dominant residential landscape pattern, options for private property owners including individual homeowners and homeowners associations to capitalize on solar energy are supported by the City's adopted ordinances and official controls.***
3. The use or development is compatible with the existing neighborhood. ***The proposed use is permitted in the Rural Residential District subject to a CUP. With conditions, the use is compatible with the existing neighborhood.***
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposed use will meet the specific development standards for a solar facility with specific conditions.***
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain and shoreland area.***
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed use will be compatible in***

***appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.***

7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The proposed use will not be hazardous or create a nuisance. To help ensure this, the staff is recommending conditions for screening and decommissioning.***
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***No wastewater or city water facilities are needed to serve this site. The site is otherwise adequately served by existing City services.***
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The proposed use will not create excessive additional requirements at public cost.***
10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate 1-3 trips per year on the site.***
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***The proposed use should not create traffic congestion or interfere with traffic on surrounding public streets.***
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. ***The proposed use will not impact a natural or scenic feature.***

### **RECOMMENDED CONDITIONS OF APPROVAL**

If the Planning Commission wishes to recommend approval, staff recommends the following conditions:

- 1) Prior to Lake Elmo City Council consideration of the CUP application:
  - a) The applicant must provide to the City Engineer a statement from a qualified engineer certifying the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions
  - b) The applicant shall revise all project plans to address the review comments of the City Engineer in the memo dated November 13, 2021.
  - c) The landscape plans must be revised and approved by the City's Landscape Architect. The landscape plans must meet all landscaping and screening requirements.
  - d) The applicant must provide an approved interconnection agreement with Xcel.
  - e) The applicant must provide a certificate of survey with the site plan to verify all required setbacks.

- 2) Prior to issuance of City permits for the project:
  - a) The applicant shall enter into a Stormwater Maintenance and Easement Agreement with the City.
  - b) The applicant must provide to the Fire Department details about the proposed gate to ensure it is in compliance with the fire code.
  - c) The applicant must provide a letter of credit in the amount of \$106,200 for decommissioning the site. The letter of credit must be in good standing at all times. In the event the letter of credit is not renewed or is cancelled, the City may revoke the conditional use permit.
  - d) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, and building permits.
- 3) General:
  - a) The applicant must install a Fire Department lock box for emergency access to the site at an approved location and provide keys for emergency access into the property and any controls necessary for emergency use or shut down.
  - b) The modules and equipment on the site must be removed within 90 days after the site is no longer operational or has not operated continuously for 12 months. In the event that it is not removed by that time, the City has permission to enter the property to remove it and recover its costs from the letter of credit. In the event that the letter of credit is insufficient to cover the City's costs, the City shall certify the costs against the property and collect the costs with the property taxes.

### **FISCAL IMPACT:**

There is no fiscal impact on the City as a result of this permit. The City is collecting a letter of credit to cover any potential removal costs.

### **OPTIONS:**

The Planning Commission may:

- Recommend approval of the Conditional Use Permit with recommended findings and conditions of approval.
- Recommend approval of the Conditional Use Permit with amended findings and conditions of approval.
- Recommend denial of the Conditional Use Permit citing findings for denial.

### **RECOMMENDATION:**

Staff recommends the Planning Commission recommend approval of the CUP to allow a solar farm with the listed conditions.

Suggested motion:

***“Move to recommend approval of the CUP for a solar farm with the listed conditions based on the findings listed in the staff report.”***

**ATTACHMENTS:**

1. Location Map
2. Applicant’s Narrative\*
3. Site Plan
4. Landscape Plan
5. Structure Detail Sheet
6. City Engineer review comments
7. Fire Department review comments
8. City Attorney review comments
9. Landscape Architect Review
10. Letter from Abutting Property Owner

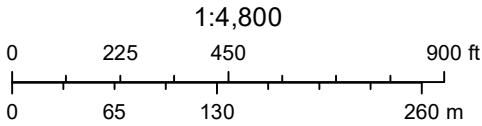
\*Due to the size of the full submittal, we have not included all of the appendices listed in the narrative. These are available upon request.



Location Map - 10755 50th St N



October 22, 2021



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_

THE CITY OF  
**LAKE ELMO**

651-747-3900  
3880 Laverne Avenue North  
Lake Elmo, MN 55042

## LAND USE APPLICATION

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

**Applicant:** CEF Lake Elmo Community Solar, LLC

**Address:** 2003 Western Ave, Suite 225, Seattle WA, 98121

**Phone #** 206-900-9930

**Email Address:** kate@oneenergyrenewables.com

**Property Owner:** Anthony P Manzara Rev Trs

**Address:** 5050 Kirkwood Ave, Lake Elmo, MN 55042

**Phone #** 651-769-7001 **651-769-7001**

**Email Address:** smanzara@msn.com

**Property Address:** 10755 50th St N, Lake Elmo, MN 55042

**PID#:** 1102921110003

**Detailed Reason for Request:** Seeking Conditional Use Permit for construction and operation of a Solar Farm at the property with the PID# 1102921110003, in accordance with City Code Section 154.308.A. The Solar Farm will participate in Xcel Energy's Solar\*Rewards Community® program and will result in significant savings to Xcel Energy customers in the City, Washington County, adjacent counties over the project's 25-year life. The Applicant has a Solar Energy Option Agreement for up to 10 acres with the Anthony P Manzara Revocable Trust on this property to enable construction and operations of the solar project.

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

No variances are requested as part of this application.

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

Signature of applicant: Kate [Signature]

Date: 9/1/2021

Signature of property owner: AP [Signature]

Date: 9-1-2021



## CONDITIONAL USE PROCEDURE <sup>1</sup>FOR THE CITY OF LAKE ELMO

The Lake Elmo City Code was established to protect current and future residents from the negative impacts of improper development and to ensure a positive future for the city. A conditional use permit is the mechanism that allows the city to examine proposed uses to ensure they are compatible with the proposed site and surrounding properties. It is important to understand that a proposed use may be acceptable in some locations but unacceptable in others. All applications are viewed on a case-by-case basis.

In order to successfully receive a conditional use permit, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed conditional use and obtain a land use application from City Hall.
2. Put together an informational packet (described herein) that outlines your request and outlines all reasons as to why the conditional use permit should be granted.
3. Submit your completed packet to staff by the applicable due date for review. Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete as of the due date (see submission deadlines on website) will likely not be reviewed until the following month<sup>2</sup>.
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, and notifying a public hearing. Staff will always strive to place your application before the planning commission as early as possible, but not until all background work is completed.
5. The Planning Commission will review the request at one of their meetings (held on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of every month<sup>3</sup>) and forward a recommendation onto City Council (1<sup>st</sup> and 3<sup>rd</sup> Tuesday of every month<sup>3</sup>). Applicants are advised to attend both the Commission meeting and the Council meeting and be open to questions that might be posed regarding the request.
6. The City Council will consider the request and either grant or deny the conditional use permit.

Above all else, it is imperative that you begin your preparations as early as possible to insure your application is complete at least one month prior to the desired date for planning commission review. State mandated requirements for public hearing notifications do not allow the City to accelerate the review process which typically takes 1.5 months from the date of application (longer if the item is complex or is tabled during the review process).

<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

<sup>2</sup> Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

<sup>3</sup> Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.



Conditional use permits can be requested for many different uses in all areas of the City which makes it very difficult to generate at handout that is applicable in all situations. It is strongly recommended that an applicant meet with staff prior to putting an application together to identify components listed herein that may be exempted, and to identify additional information that may be needed in order to deem your application complete.

**At a minimum, the following materials must be submitted to the City before the City deems an application complete:**

- | <b><u>Sub:</u></b>       | <b><u>Req:</u></b>       | <b><u>Item:</u></b>   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. A completed land use application form signed by all property owners along with payment of the proper filing fee.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. <b>Written statements</b> providing information regarding your proposal. <u>Please provide a separate answer for each of the lettered items listed below</u> (answers must be submitted in both hard copy and electronic form--.txt files or MS Word format): <ul style="list-style-type: none"><li>a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;</li><li>b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s);</li><li>c. A narrative regarding the history of the property (current and past uses) and any pre-application discussions with staff.</li><li>d. A specific written description of the proposed use(s).<ul style="list-style-type: none"><li>i. Incorporate information describing <u>how the use will work on the proposed site</u> including proposed site changes, existing open spaces, landscaping, traffic circulation, transition areas to adjacent properties, individual uses for existing and proposed structures, and effects on natural areas (wetlands, forests, etc.) both on-site and in the general vicinity of the project.</li><li>ii. Provide specific details about the use including the number of employees, hours of operation, maximum number of animals (if applicable), proposed development schedule, etc.</li></ul></li><li>e. Provide justification that the proposed use meets the following findings:<ul style="list-style-type: none"><li>i. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City.</li><li>ii. The use or development conforms to the City of Lake Elmo Comprehensive Plan.</li><li>iii. The use or development is compatible with the existing neighborhood.</li></ul></li></ul> |

- iv. The proposed use meets all specific development standards for such use listed in Article 7 of the Zoning Code.
- v. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use.
- vi. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- vii. The proposed use will not be hazardous or create a nuisance as defined in the zoning code to existing or future neighboring structures.
- viii. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- ix. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- x. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- xi. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- xii. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

**Sub:   Req:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. <b>Verification of ownership</b> (a copy of a current title report, purchase agreement, etc.)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. <b>Address labels:</b> A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor or through Washington County (see attached form). |

- ☐ ☐ 5. **Ten (10) copies of a certified survey** or to-scale site plan depicting the lot upon which a conditional use permit is requested. The large number of copies is necessary given the number of people who receive the planning commission and city council packets. The survey/site plan shall be at a readable and measurable engineering scale, be composed of one or more sheets not smaller<sup>4</sup> than 11x17, be pre-folded for distribution, and include the following information<sup>5</sup>:
- ☐ Location, Floor Area, and Building Envelope of Existing & Proposed Structures
  - ☐ Lot Lines
  - ☐ Parcel Size in Acres & Square Feet
  - ☐ Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line - **Not applicable to solar use**
  - ☐ Actual elevations for Garage Floor, Basement Floor, Foundation Top, & Building Height - **not applicable to solar use**
  - ☐ Lowest Floor Elevation if any part of property is in flood plain - **not located in flood plain**
  - ☐ All Water Features: Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water
  - ☐ **Existing** topographic character of land showing contours at **2' intervals**
  - ☐ **Proposed** topographic character at **2' intervals**
  - ☐ Flow arrows indicating direction of drainage - **See Stormwater Management Plan (Appendix G)**
  - ☐ General location of wooded or heavily vegetated areas - **see Landscape Plan (Appendix D)**
  - ☐ All Adjacent Structures Within 100 Feet of Property
  - ☐ All Easements (Road, Utility, Drainage, etc.)
  - ☐ Public Right-of-Way Name (street name)
  - ☐ Proposed driveway location and proposed driveway grades
  - ☐ Wells & Neighboring Wells if New Drainfield is Installed
  - ☐ Septic System & Drainfield, or Sanitary Sewer Connection - **not applicable**
  - ☐ Percolation Test & Soil Boring Holes (if applicable) - **not applicable**
  - ☐ Hardcover Calculations--% and square footage of:

<sup>4</sup> If your survey must be larger than 11x17 to be fully legible and to scale, we ask that five (5) copies be in the large format, with the remainder reduced to 11x17.

<sup>5</sup> Please consult with staff on exactly what to include on your survey. Every application is unique and may require more or less information than what is listed in this handout. Staff reserves the right to require additional information.

- Building coverage
- Driveway and parking
- Public street right-of-way
- Open space and/or landscaped area
- ☐ Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping - **see Landscape Plan (Appendix D)**
- ☐ Location of adjacent Municipal boundaries
- ☐ Top and toe of bluffs (if applicable) - **not applicable**
- ☐ Location, dimensions, and number of off-street parking spaces (including guest, handicapped, bicycle, and motorcycle spaces) - **not applicable**
- ☐ Location of existing and proposed pedestrian sidewalks. Identify possible vehicular conflicts and indicate the proposed treatment of such - **not applicable**
- ☐ Administrative Information:
  - Scale & North Point
  - Signature of Surveyor
  - Date of Preparation
  - PID Number
  - Site Address
  - Legal Description
  - Subdivision Name (if applicable)
  - Zoning Classification
  - Parcel Size in Acres & Square Feet
- ☐ Other: \_\_\_\_\_

**Sub:   Req:   Item:**

- ☐ ☐ 6. **Landscape Plan:** Ten copies of a Landscape Plan depicting the property in question. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller<sup>6</sup> than 11x17, and be pre-folded for distribution. Staff will assist you in determining what is required. The landscape plan will not be considered complete unless all required elements are included.
- ☐ Extent and location of all plant materials and landscape features. Please include a plant material schedule with common and botanical names, symbols, sizes, quantities, and total percentage of each species.
- ☐ Flower and shrub beds shall be clearly shown and drawn to scaled dimensions. Actual plant quantities must be shown with landscape edge and mulch material identified.

<sup>6</sup> If your survey or sketch plan must be larger than 11x17 to be fully legible, we ask that that ten (10) copies of the plan be in the large format, and an additional twenty (20) be reduced to 11x17.

- ☐ Existing trees must be accurately identified as to location, species, size, and condition; and labeled with intent to remove, protect, or transplant. Transplanted tree locations shall be identified.
- ☐ Tree protection specifications as defined in Section 23 of Lake Elmo Code shall be included on all landscape plans in written and graphic form.
- ☐ Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, mulch grading, etc). Grass surfaces must be identified as sod or seed with the blend or mix specified.
- ☐ Show specific horticultural notes and details insuring the quality, survival, and establishment of plant materials.
- ☐ Proposed contours if making changes to existing grading.
- ☐ Retaining walls that are used to provide breaks in slopes, protect trees, or accomplish other landscape objectives.
- ☐ Any plans to restore, revegetate, or enhance an affected natural area or natural area buffer zone.
- ☐ Mitigation plans for any proposed natural area disturbance.
- ☐ Other requirements set forth by the City Engineer

\_\_\_\_\_

**Sub:**   **Req:**   **Item:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <p>7. <b>Architectural Plans:</b> Ten copies<sup>6</sup> of architectural plans for all buildings sufficient to convey the basic architectural intent of the proposed improvements. The plans shall be pre-folded for distribution, and include the following information (please consult with staff to determine if any of these informational requirements can be waived): <b>- not applicable</b></p> |
| <input type="checkbox"/> |                          | Architectural elevations (to a verifiable scale) as they will appear after construction.   |
| <input type="checkbox"/> |                          | Maximum building height/elevation of all structures.   |
| <input type="checkbox"/> |                          | Indication of all typical building dimensions (including doors, windows, eaves, rooflines, pitch, et cetera) on all building elevations.   |
| <input type="checkbox"/> |                          | Specifications as to type, color, and texture of exterior surfaces of proposed structures (include color chips and exterior building materials list).  |

- ☐ A detailed lighting plan insuring that all lighting apparatuses are down shielded as to ensure such do not shine or create glare on abutting properties and surrounding areas (include a specification sheet for all wall fixtures and site plan fixtures).
- ☐ Photo metric plan(s) for the site.
- ☐ Location of utility meters, HVAC equipment, vaults, irrigation boxes, transformers, and other utility service functions (such as conduits, and vents). Show how this equipment will be screened so that the visual and acoustic impacts of these functions are fully contained and out of view of the adjacent properties and public streets.

**Sub:   Req:   Item:**

- ☐   ☐   **8.   Utilities & Services Plan:** A plan set detailing the existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas lines, telephone lines, fire hydrants, and trash collection areas. - Included w. Site Plan
- ☐   ☐   **9.   Electronic file(s) of plan sets.** Staff can generally work with most file formats (we would prefer .jpg or .pdf files).
- ☐   ☐   **10.   Any other information** required by city staff, commissioners, or council members necessary to provide a complete review of the conditional use request. Information deemed critical to the review process not listed in this handout may be requested<sup>7</sup>. Staff will list other requirements below: - none requested as of application date

\_\_\_\_\_

The City may require (or the applicant may choose to submit) evidence that is beyond what is required in any section outlined in this handout. Please be advised that the City reserves the right to impose conditions on an approved conditional use if necessary to avoid a detrimental impact on surrounding properties or the City as a whole.

If you have any questions regarding these requirements, please call City Hall at (651) 747-3900.  
Thank You!

<sup>7</sup> Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



## LAKE ELMO SOLAR ENERGY APPLICATION

This form is meant to be an addendum to a building permit, interim use permit, conditional use permit, or certificate of zoning compliance application. Please attach to the applicable form to ensure all submittal requirements are met. The following outlines what type of permit is required for each type of solar energy system:

### SOLAR ENERGY PROJECT INFORMATION

1. System Manufacturer: \_\_\_\_\_

2. Type of Solar Energy System (Please attach this form to the appropriate application as indicated below):

	Type of Solar Energy System	Required Permit
<input type="checkbox"/>	Rooftop or Building-Mount	Building Permit
<input type="checkbox"/>	Ground-Mount (Accessory Use, Non-Solar Farm)	Certificate of Zoning Compliance
<input type="checkbox"/>	Solar Farm in RR or A District	Conditional Use Permit
<input type="checkbox"/>	Solar Farm in RT District	Interim Use Permit

3. Is the system of mirror reflecting design: Yes ☐ No ☐

4. Please explain how glare will be minimized from affecting adjacent property owners (selective placement, screening, modifying orientation, etc.)

\_\_\_\_\_

### Attachments to include:

- ☐ NPDES permit and/or stormwater management, erosion, and sediment control plan per City and watershed district requirements (only applicable for solar farms).  
**NPDES permit to be obtained prior to building permit. Stormwater and ESC plans included.**
- ☐ Interconnection Agreement between the applicant and servicing electrical utility if connected directly to the distribution or transmission system (if applicable).  
**Interconnection Agreement to be provided prior to building permit. Interconnection status included.**
- ☐ Site plan/survey showing proposed setback of the system from all property lines, easements, lot size, impervious surface (if ground-mount solar energy system), and structures.
- ☐ Decommissioning plan including provisions for removal of all structures and foundations, restoration of soil and vegetation, and plan ensuring financial resources will be available to fully decommission the site (may be waived for certain types of solar energy systems).  
**Plan included. Decommissioning financial surety to be provided prior to building permit.**
- ☐ A statement from an engineer certifying that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions (only applicable for solar farms). **To be provided prior to building permit.**
- ☐ Approval from the Minnesota Pollution Control Agency (MNPCA) (if applicable)  
**To be provided prior to building permit. Stormwater management plan included is MNPCA compliant.**
- ☐ System design

- ☐ Graphics showing how the system will appear

Comments (As needed for any clarification or explanation):

--



CONDITIONAL USE PERMIT APPLICATION FOR  
CEF LAKE ELMO COMMUNITY SOLAR

1 MW GROUND-MOUNTED COMMUNITY SOLAR  
GARDEN PROJECT  
LAKE ELMO, MINNESOTA

SUBMITTED BY:  
CEF Lake Elmo Community Solar, LLC

CONTACT:

Kate Larkin, Associate Director of Development  
[kate@oneenergyrenewables.com](mailto:kate@oneenergyrenewables.com)  
206-900-9930

September 8, 2021

City of Lake Elmo Planning Commission, City Council, and City Staff  
3800 Laverne Ave N  
Lake Elmo, MN 55042

RE: Conditional Use Permit Application to Develop One-Megawatt Solar Project

Dear Members of the Planning Commission, City Council, and Staff:

CEF Lake Elmo Community Solar, LLC - a wholly-owned subsidiary of OneEnergy Development, LLC - is excited to present the following application to the City of Lake Elmo Planning Commission and Council for a one-megawatt (MW) solar project located in Lake Elmo, Minnesota.

OneEnergy Development developed a series of ten (10) projects in 2019 for municipal utilities located throughout the region, which totaled 23MW and included the 2MW St Charles Project and the 600kW Lanesboro Project. OneEnergy also developed and built two (2) one-megawatt community solar projects for Xcel Energy in central and northern Wisconsin, all of which has given us strong insights into how to efficiently develop, engineer, and construct solar projects in the Upper Midwest.

We believe that we have addressed and/or exceeded the conditions listed in the City of Lake Elmo Code and the Conditional Use Permit Application for solar farms. OneEnergy has worked with Xcel Energy to identify a location with a strong interconnection position relative to their distribution infrastructure and have secured a position in Xcel's Solar\*Rewards Community® program that will result in significant savings to Xcel Energy customers in the City, Washington County, and adjacent counties over the project's 25-year life. OneEnergy has also signed a Solar Energy Option Agreement for up to 10 acres with the Manzara family to enable construction and operations of the project.

OneEnergy builds all of our projects with an eye towards integrating well to rural and agricultural settings, using deer exclusion, ag-style fencing and seeding perennial, pollinator friendly cover crops beneath and around the array. Once in operation, the project will not emit discernable noise beyond the perimeter fence and maintenance personnel will be on site an average of once monthly for vegetation and equipment monitoring and maintenance.

OneEnergy is dedicated to preserving its reputation as a good solar neighbor. We look forward to working with City Staff, the Planning Commission and the City Council as you review our CEF Lake Elmo Community Solar project for a Conditional Use Permit.

Sincerely,



Katelyn Larkin  
Associate Director of Development

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Appendix B – Current Site Condition Photos

Appendix C – Site Plan

Appendix D – Landscape Plan

Appendix E – Project Consultations

Appendix F – Facilities Study Scope

Appendix G – Stormwater Management Plan

## INTRODUCTION

The CEF Lake Elmo Community Solar Project (the “Project”) is a proposed solar photovoltaic (“PV”) project with a maximum size of 1,000 kilowatts (“KW”) alternating current (“AC”) and is owned by CEF Lake Elmo Community Solar, LLC (“Applicant”), a wholly-owned subsidiary of OneEnergy Development, LLC. The Project is proposed to be located at 10755 50th St N, Lake Elmo, MN 55042. The Applicant has a Solar Energy Option Agreement to lease up to 10 acres with the Manzara family to enable construction and operations of the project. The Project’s proposed area of development (“Site”) will occupy up to approximately seven (7) acres as shown in Figure 1 below.

### AT A GLANCE: CEF LAKE ELMO COMMUNITY SOLAR

<b>PROJECT AREA</b>	7 acres
<b>SITE CONTROL</b>	3 year option for a 26-year lease with 10-year extension option
<b>SYSTEM SIZE</b>	1 MW-AC/1,000 KW-AC
<b>SYSTEM TYPE</b>	Single-axis tracking Solar Photovoltaic
<b>PROJECTED OUTPUT</b>	~2,300 MWh / Year
<b>ESTIMATED ONLINE DATE</b>	2022



*Figure 1. Project Area*

The Project will provide low-cost renewable electricity to Xcel customers in the City of Lake Elmo, Washington County, and immediately adjacent counties via Xcel Energy’s Solar\*Rewards Community® program, and will connect directly to the distribution system of Xcel Energy. The project was designed so that the vast majority of the electricity produced would be used within the community. It is estimated the project will produce enough energy to meet the energy needs of over two-hundred (200) average Minnesota households annually.

## PARCEL ATTRIBUTES

### ZONING AND LEGAL DESCRIPTION

The Project will be sited within the Rural Residential (“RR”) District as defined under the City of Lake Elmo’s Zoning Code (“Code”). The Project is allowed in the RR zone subject to a Conditional Use Permit (“CUP”).

The Project will be located on the property with the tax parcel number: 11.029.21.11.0003 totaling 10.9 acres (the “Property”). The Property is in the City of Lake Elmo, Minnesota and bordered by 50th St N to the north, Lake Elmo Ave N (county road) to the east, and private property to the south and west. Coordinates for the approximate center of the Project are 45.020488° north latitude and -92.884442° west longitude.

### AT A GLANCE: PARCEL ATTRIBUTES

<b>OWNER OF RECORD:</b>	Anthony P Manzara Rev Trs 5050 Kirkwood Ave Lake Elmo, MN 55042 651-679-7001
<b>PROJECT OWNER:</b>	CEF Lake Elmo Community Solar, LLC 2003 Western Ave, Suite 225, Seattle, WA 98121 Kate Larkin, Associate Director 206-900-9930
<b>ADDRESS</b>	10755 50th St N, Lake Elmo, MN 55042
<b>CURRENT ZONING</b>	Rural Residential
<b>PARCEL SIZE</b>	10.9 acres/ 474,618 SF
<b>PID</b>	1102921110003

The Property is privately-owned by the Anthony P Manzara Revocable Trust. A current title report demonstrating the land ownership is included as Appendix A. The legal description of the Property is as follows:

*That part of the East Half of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota, lying North of the South 2105.5 feet (as*

*measured along the East line) thereof. Excepting therefrom the North 290.4 feet of the East 750 feet of the West 850 feet of said East Half of the Northeast Quarter, according to the United States Government Survey thereof and situate in Washington County, Minnesota.*

The Applicant has an Option to Lease the Property, which is provided in redacted form at Appendix A.

#### LAND USE AND CHARACTERISTICS

The Property has historically been used for agricultural purposes. A single family detached home was build on the western portion of the property in 1986. Currently the property continues to be used primarily for cultivated agriculture and as a residence. Site elevations range from approximately 930 to 950 feet above mean sea level. Photos of the current site conditions are included as Appendix A.

#### NEARBY LAND USE

Nearby properties are zoned RR and are primarily of residential and agricultural use. However, the Halcyon Cemetery is also located adjacent to the Project.

#### PROJECT DESCRIPTION

This Application is for a Conditional Use Permit to construct a 1 megawatt solar PV project on approximately 7 acres of land. The Project will be constructed on land currently used for agriculture. No wetlands, forests, or biologically sensitive areas will be impacted by the Project. The Project will not produce any adverse impacts on surrounding properties, as it has been designed to avoid percebtale glare and noise, will not generate traffic or emmissions once built. Additionally, the Project will not place any new burdons on City infrastructure, as no new water or sewer utilities are required. Conversely, the Project will support healthier air and soils through local renewable energy generation and use of pollinator habitat in site stabilization.

The Project is expected to start construction and be completed in 2022. The Project will be constructed in compliance with any applicable local, state, and federal regulatory standards, including – but not limited to - the State of Minnesota’s Uniform Building Code and the National Electric Code. A Site Plan is included as Appendix C and further details on the project and it’s components are provided below.



## PV MODULES

The Applicant proposes to install approximately 2,250 PV modules (final module count to be confirmed prior to building permit issuance and start of construction) to convert sunlight to electricity for local use. The PV modules installed will be consistent with the type, make, and size of PV module used in residential rooftop solar installations and will consist of individual solar cells encased in steel and glass with an anti-reflective coating as shown in Figure 2. The modules will be arranged in rows and the rows will be spaced apart approximately 15 feet to prevent inter-row shading and to allow for stormwater infiltration and maintenance equipment access.



*Figure 2. Mounted PV Modules*

## RACKING

The PV modules will be mounted on single-axis trackers supported on stationary piles as shown in Figure 2 above. Each row of solar panels will be strung together in a north-south orientation and the panels will tilt on a single-axis (facing east in the morning and tilting toward the west, following the sun, through the course of each day to maximize energy output). The top of the panels will stand no higher than 14 feet.

The racking system and panels are supported by steel piles driven to a depth of 5 to 9 feet below grade, as shown in Figure 3. No footings are required for the driven piles. Within 60 days of completion of construction, a professional engineer licensed in the state of Minnesota will certify in writing that the Project's foundation and design of the solar energy system is suitable per the City's Standards for Alternative Energy (codified at Section 154.308.A.4).



*Figure 3. Steel pile installation*



## INVERTERS AND SWITCHGEAR

The solar facility will include inverters to convert the variable direct current (DC) output of the solar panels into the alternating current (AC) power that utilities use to deliver power. Each of the inverters will be housed within a single purpose-built steel housing to be placed on top of a concrete slab. Switchgear will be installed for safety and maintenance to electrically control, protect, and isolate sections of the solar array. The switchgear will also be constructed on a concrete slab. While the exact size of these pads will be determined by final equipment selection and utility requirements, the current design calls for ~7' x ~12' concrete pads.



*Figure 4. On-site electrical infrastructure*

## ELECTRICAL COLLECTION SYSTEMS

All the wiring for the solar panels and the low-voltage runs to the inverter/switchgear station will be either underground or in a conduit mounted to the support structure of the array. From the inverters and switchgear, an underground medium voltage electric line will be constructed to Xcel's electrical interconnection infrastructure.

## ELECTRICAL INTERCONNECTION INFRASTRUCTURE

The Project will connect to the existing Xcel Energy distribution line and right-of-way located on-site. The Project proposes a line tap of the above ground distribution line located at approximately 45.021274° north latitude and -92.884682° west longitude located south of 50<sup>th</sup> St. N. As shown in the Site Plan provided at Appendix C, the Applicant anticipates Xcel Energy will require up to three new aboveground poles for their electrical equipment to support the interconnection. The access road will be co-located with the point of interconnection to allow Xcel Energy access for maintenance.

No other additional utilities or public services, such as septic system or public water service, are required or proposed. The location of existing public utilities are noted on the Site Plan in Appendix C.

## SECURITY FENCING

Security fencing will be installed and located as shown on the Site Plan to encompass all solar

panels, the inverter and switchgear pads, and the temporary staging area, along with portions of the access road and underground medium voltage electrical line.

#### ACCESS ROAD

One (16) foot gravel service road will be constructed using appropriate gravel and asphalt material to allow for vehicular access to the solar facility.

#### PARKING

No permanent parking spaces are proposed, however, temporary parking during construction will occur on-site only.

#### GROUND DISTURBANCE

There will be minor ground disturbance across the Site to drive the support piles and to bury the necessary electrical wiring. Power and communication lines running between banks of solar energy panels and the Project's interconnection to the distribution system shall be buried underground to the greatest extent possible, as shown on the Site Plan. Best efforts will be taken to minimize the earthwork required for the construction of the concrete pads for the inverters and switchgear. As shown on the Site Plan, the Project area includes room for a temporary staging area at the end of the Project's access road. All appropriate measures will be taken during construction and operation to install and maintain necessary stormwater and sediment erosion control measures, as discussed in greater detail below.

#### SETBACKS

The Project meets or exceeds the Code's setback requirement of at least 50 feet from adjacent properties (Section 154.308.A.2) and the RR zones bulk requirements (Section 154.402). The Project further observes the 60-foot right-of-ways from the centerline of both Lake Elmo Ave and 50<sup>th</sup> Ave N. The most strict required setbacks are illustrated on the Site Plan.

#### LANDSCAPE SCREENING

A majority of the views from adjacent properties are non-residential, primarily agricultural, or are currently blocked by mature vegetation (to remain on-site). Per feedback received by Mr. Ben Prchal, former City Planner, landscape screening is proposed between the Project and the residence located to the south to block residential views of the solar facility. A Landscape Plan is included as Appendix D.

### ECONOMIC AND ENVIRONMENTAL BENEFITS

The Applicant employs a rigorous site selection process to mitigate, to the largest extent feasible, negative environmental impacts, while partnering with landowners and local communities to generate positive economic and environmental benefits.

The Project will generate approximately 2,390 MW-hours of clean electricity each year, which is enough to power more than 200 average homes and will result in an annual emissions reduction of over 3.73 million pounds of CO<sub>2</sub>. This is equivalent to removing roughly 365 passenger vehicles from the road annually.

The Project will also deploy pollinator-friendly vegetation as a ground cover underneath the array and within the security fence. Pollinator habitat co-located with solar serves the dual use of ground cover to prevent soil erosion, while also benefiting pollinator populations. Pollinators are a crucial component of all agricultural ecosystems, providing every third bite of food we eat, yet suitable habitat for these species has become increasingly sparse and fragmented.

Beyond promoting a healthy local environment, this Project will deliver numerous economic benefits. This project will create long-term monitoring and maintenance jobs, temporary construction jobs, and indirect jobs through local spending at hotels, restaurants, and construction materials suppliers, among others. The Project will also generate a consistent revenue stream over its operational life through recurring annual lease payments. In addition, businesses and residents of the City of Lake Elmo and Washington County will be able to purchase energy produced by the Project at a discounted rate, saving them money on their electrical bills.

### CONSTRUCTION, OPERATIONS, AND MAINTENANCE

Construction activities will include, installation of racking posts and assembly of the racking system, mounting of the solar modules, wiring the modules together, trenching of underground electrical cables, construction of concrete pads for the inverters, and construction of the project access roadways. During construction noise levels will be kept to the appropriate daytime hours and will be temporary. Construction is likely to be complete within four to six months.

Once constructed, solar facilities operate passively and have no moving parts, besides the tracking system. The only on-site activities that will occur during operations include periodic vegetative maintenance and equipment maintenance and monitoring.

#### HOURS OF OPERATION

Construction activities will take place between 7am and 7pm. Following construction, the site will be operational during daylight hours.

#### NUMBER OF EMPLOYEES

The project will employ approximately 10-15 people during peak construction for approximately 4 to 6 months. After construction, there will be no on-site employees on a regular basis. Maintenance technicians will visit the site 1-3 times per year for scheduled maintenance, consisting of 2-4 employees. No one other than employees will access the site.

#### NUMBER OF TRIPS, VEHICLES AND TRAFFIC FLOW

Major material and equipment will be delivered by tractor-trailers and offloaded by construction vehicles (lulls, tracked vehicles, and front-loading equipment). Equipment utilized during construction of the Project may include dump trucks, trenching equipment, concrete trucks, front loaders, backhoes, post installation equipment, and excavators. A staging area will be utilized for unloading of equipment and materials.

During construction, traffic will consist of delivery trucks and personnel vehicles. It is expected that no more than 4 delivery trucks will arrive on-site per day during construction. Following construction, approximately one truck is expected to visit the site for maintenance work 1-3 times per year.

#### PROJECT CONSULTATIONS

The Applicant has consulted a number of governmental agencies or affiliated third-parties to complete due diligence of the site, determine how the proposed Project may impact the existing conditions, and confirm the site design conforms with the Code. A summary of the results of these consultations are below and consultation documentation is provided as Appendix E unless otherwise stated.

## CITY PLANNING AND ZONING

The Applicant initially reached out to the City's Planning and Zoning Department regarding the proposed Project in February 2021 and then followed-up consistently through the application submission to ensure the Project would comply with all code requirements for solar farms, and to confirm the application process and submittal requirements. The Applicant's primary contact was the City Planner, Mr. Pen Prchal. At the time of this application, Mr. Prchal is no longer with the City's Planning and Zoning Department. As such, copies of emails exchanged between Mr. Prchal and the Applicant are provided in Appendix E. The Applicant reached out to the City's consultants at Bolten & Menk in August 2021 and shared the Site Plan for review in advance of application.

## WETLANDS/VALLEY BRANCH WATERSHED DISTRICT REVIEW

A Level 1 Wetland Delineation report was completed by Braun Intertec Corporation (Braun) in December 2020 and submitted to the Valley Branch Watershed District (VBWD) in March 2021. The VBWD requested completion of a field delineation following review of the proposed Project and Level 1 report. Braun Intertec completed a field delineation (Level 2 Delineation) in April 2021, which identified two wetlands on-site. A Level 2 Wetland Delineation Report was submitted to VBWD and US Army Corps of Engineers (USACE) in May 2021 via joint application for wetland delineation concurrence. In June 2021, VBWD conducted an on-site review of the completed wetland delineations with representatives from Braun and provided their concurrence of the delineations via a Minnesota Wetland Conservation Act Notice of Decision dated July 1, 2021.

Following wetland boundary confirmation, the Project was reconfigured to avoid wetland impacts and a concept Site Plan was then emailed to VBWD with request for feedback. Mr. John Hanson, the VBWD Engineer, provided comments by phone and email in July 2021 regarding the VBWD Board's past decisions to allow solar panels within wetland buffers, but not within delineated wetlands. He also provided his expectations for how the VBWD Board would view the Project's ancillary equipment, such as fencing, access drives, and electrical equipment, located within the wetlands buffers. Based on these conversations, the Project's Site Plan was again revised in conformance with VBWD's preliminary guidance prior to this submittal.

As a result, while two wetlands are located the Property, the Project will not impact either resource. In accordance with VBWD past approvals, the Project does propose minimal sitting within the 50-foot wetland buffer, but has confirmed the necessary buffer replacement requirements and will coordinate approval of such buffer impacts directly with VBWD. Based on initial feedback received by VBWD, the access road and electrical pads will not be located in the wetland buffers.

### PUBLIC WORKS

At the suggestion of Mr. Ben Prchal, former City Planner, a concept Site Plan was submitted to Mr. Jack Griffin, PE, City Engineer, in May 2021 for review of the proposed access drive. Mr. Griffin provided his preliminary findings via a Memorandum dated June 1, 2021, which was provided to the Applicant. The Project, as proposed, complies with three of the four preliminary findings, including prohibiting access via Lake Elmo Avenue, observing the City Comprehensive Plan right-of-way setback of 60 feet from centerline of 50<sup>th</sup> St. N, and specifying that the portion of the Project's access driveway to be located within the public right-of-way be paved per City ordinance.

The fourth finding states, "Minimum spacing from the intersection with Lake Elmo Avenue for a private driveway should be 420 feet to provide for a future right turn lane at Lake Elmo Avenue." Following conversations with Mr. Griffin and in order to avoid impacts to the delineated wetland and wetland buffer located along 50<sup>th</sup> St. N, the project is proposing the access driveway be located approximately 269 feet from the intersection, as shown in the Site Plan.

### FEDERAL AVIATION ADMINISTRATION

The Applicant confirmed via the Federal Aviation Administration's ("FAA") Notice Criteria Tool that the proposed project does not require notice to be given to the FAA under CFR Title 14 Part 77.9. Further, the Applicant prepared a glare analysis for the project using the FAA's approved, third-party vendor, Forge Solar, developed by the Sandia National Laboratory and widely considered the industry standard. The analysis indicated that the Project will have "No glare predicted" with the Project's current location and design to the 18 adjacent and nearby residences analyzed.

### MINNESOTA DEPARTMENT OF NATURAL RESOURCES

The Applicant confirmed with the Minnesota Department of Natural Resources Biological Survey that the Project is not located within areas identified with moderate to high biological significance.

### FEDERAL EMERGENCY MANAGEMENT AGENCY

The Applicant confirmed with the Federal Emergency Management Agency (FEMA) that the Project is not proposed within a floodplain.

### INTERCONNECTION APPLICATION STATUS

Following application acceptance and deposit of \$100,000, but prior to issuance of an Interconnection Agreement (IA), Xcel completes multiple studies to determine that a proposed Community Solar Garden is designed to Xcel's standards and is safe to interconnect onto the existing electrical grid. To date, the Applicant has successfully completed 3 of the 4 studies required including, the Initial Engineering Review, Supplemental Review, and System Impact Study. Xcel is currently performing the Facilities Study, which is the fourth and final study required. A scope of work fully executed by Xcel and the Applicant for Facilities Study is attached as Appendix F. Upon completion of the Facilities Study by Xcel, an IA will be issued and a fully executed copy will be provided to the City before issuance of the building permit and start of construction.

### STORMWATER MANAGEMENT PLAN

Prior to issuance of a building permit and the start of construction, the Project will obtain (and comply with) the Minnesota Pollution Control Agency's (MPCA) NPDES Construction General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP), Notice of Intent submittal, and erosion and sediment controls. Additionally, the Project will apply to and comply with City and watershed district's stormwater management and erosion and sediment control provisions.

Consistent with the MPCA's guidance on solar facilities, stormwater from new impervious surfaces will be treated by changing the land use from cultivated agriculture to almost 100% vegetated groundcover, including pollinator plantings, and installation of infiltration basins. A

concept Stormwater Management Plan is included as Appendix G and provides the proposed location of these basins, along with the supporting design calculations.

#### EROSION AND SEDIMENT CONTROL

The Project is not expected to result in significant adverse impacts to soils, nor create any significant erosion. The Project will follow the guiding principles of the Minnesota Pollution Control Agency's Stormwater Best Management Practices Manual, using erosion prevention as the primary protection at the site, with sediment controls used as a secondary system.

Where possible and to the extent feasible, the erosion prevention methods to be deployed include:

- Preserve the existing vegetation.
- Design the Project to be compatible with the existing topography, soils, and vegetation.
- Schedule grading and construction to minimize soil exposure, especially during the rainy season.
- Inspection and maintain of control measures during construction.

The following Best Management Practices ("BMPs") will be used to prevent erosion and control sediment:

- Minimize concentrated flows and divert runoff away from exposed or critical areas.
- Minimize slope steepness and slope length.
- Keep runoff velocities low by using channel linings or temporary structures in drainage channels.
- Prepare drainage ways and outlets to handle concentrated or increased runoff.
- Use flagged poles or stakes to mark storm drains, catch basins, curb inlets, and other BMPs
- Vegetate and mulch disturbed areas.

In addition, the Project will utilize a mix of typical temporary and permanent erosion and sediment control best management practices during construction such as: stabilization (seeding, straw, hydro-mulch), silt fences, sediment logs, and stabilized construction exits. The Project's erosion and sediment control requirements will be confirmed with VBWD and documented via the NPDES Construction General Permit to be obtained prior to building permit issuance.



## DECOMMISSIONING AND FINANCIAL ASSURANCE PLAN

The Project has an estimated useful lifetime of approximately 25 to 35 years with equipment replacement and repowering conducted as necessary. The Applicant shall decommission the project within twelve (12) months of the end of Project operations. Decommissioning the project shall involve the removal of all components of the Project. Once all solar facilities are removed from the Project Site, the land will be returned to the farmable conditions in place prior to construction of the Project.

The decommissioning steps including the following:

- Removal of the PV modules, racking, and piles.
- Removal of the electrical equipment.
- Removal of the below-grade conduits and associated cables.
- Removal of the concrete pads. Replace and grade with native soil.
- Removal of fences and any remaining equipment.
- Removal and haul-off of gravel contained in any roads added as part of the Project plus the underlying aggregate.

No grading is necessary, since the Project construction plan does not require any grading other than possibly smoothing or knocking down any piles of debris, dirt, or aggregate that may already be on the premises.

The Applicant is committed to responsible management of the Project. As part of this commitment, the Applicant is dedicated to recycling as many of the Project components as possible once the Project is no longer in operation. As a result, waste from the decommissioning process is anticipated to be minimal. The Project's solar PV components, glass, steel, semiconductor material, and wiring material are all recyclable. During decommissioning, the Project's components will be dismantled using low-impact conventional construction equipment and recycled, or disposed of, safely and in compliance with local and national regulations. Solar equipment with remaining useful life will be sold for other applications. Any trash or debris on the Project Site will also be removed during decommissioning. The Applicant aims to employ experienced, local subcontractors to decommission the Project.

The estimated cost, salvage value, and net costs of decommissioning the project are shown in Table 1 below and will be reviewed and updated prior to issuance of the building permit for construction. Per this estimate, CEF Lake Elmo Community Solar, LLC is proposing a financial security of \$15,000. The purpose of the proposed financial security is to ensure the City has sufficient funds to remove the project and return the Site to its original condition should the Project be unable or unwilling to implement the decommissioning plan.

CEF Lake Elmo Community Solar, LLC proposes to provide the financial security in the form of a letter of credit to be established prior to the issuance of the building permit. The City will be the designated beneficiary of the fund.

The utilization of the financial assurance instrument shall be restricted to decommissioning steps and requirements as detailed herein. Any residual funds (not spent specifically for reclamation or remediation) shall be returned to the Applicant once the decommissioning operations have been completed.

**Table 1 – Decommissioning Estimate**

<b>Decommissioning Task</b>	<b>Estimated Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>
<u>Mobilization/Demobilization</u>	1	Lump Sum	\$ 8,000.00	\$ 8,000.00
<u>Site Demolition</u>				
Remove Existing Fence	3,250	LF	\$ 5.20	\$ 16,900.00
Remove Existing Gravel Entrance	152	CY	\$ 4.80	\$ 729.60
Haul off for Existing Gravel Entrance	152	CY	\$ 5.80	\$ 881.60
<u>Racking and Module Removal</u>				
Pile Removal	480	Each	\$ 9.50	\$ 4,560.00
Table Removal	90	Each	\$ 120.00	\$ 10,800.00
PV Module Removal	2,250	Each	\$ 5.50	\$ 12,375.00
PV Module Haul Off	71	Ton	\$ 25.00	\$ 1,775.00
<u>Wiring Removal</u>				
Utility Pole Removal	3	Each	\$ 390.00	\$ 1,170.00
DC Collector System Cables Removal	1	Per MW	\$ 1,500.00	\$ 1,500.00
Underground AC Collector System Cables Removal	1	Per MW	\$ 2,500.00	\$ 2,500.00
<u>Power Conditioning Equipment Removal</u>				
Inverters	10	Each	\$ 900.00	\$ 9,000.00
Transformer	1	Each	\$ 500.00	\$ 500.00
SCADA Equipment	1	Each	\$ 280.00	\$ 280.00
Pad Removal	2	Each	\$ 500.00	\$ 1,000.00
<u>Site Restoration</u>				
Permitting	1	Lump Sum	\$ 1,000.00	\$ 1,000.00
ESC Controls	3,500	LF	\$ 5.00	\$ 17,500.00
Re-seeding	6	Acre	\$ 1,100.00	\$ 6,050.00
<b>Decommissioning Subtotal</b>				<b>\$ 96,521.20</b>
<u>Salvage Value</u>				
PV Modules	2,138	Each	\$ 28.00	\$ 59,850.00
Racking	70	Tons	\$ 178.00	\$ 12,460.00
Piles	24	Tons	\$ 178.00	\$ 4,272.00
Other (Fencing, electrical equipment)	1	Lump Sum	\$ 5,000.00	\$ 5,000.00
<b>Salvage Value Subtotal</b>				<b>\$ 81,582.00</b>
<b>Decommissioning Total Net Cost</b>				<b>\$14,939.20</b>

### CONDITIONAL USE JUSTIFICATION

The Applicant has sited and designed the proposed Project to conform with and benefit the surrounding community as detailed in the findings below.

- i. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City.

*As discussed herein, the Project will comply with all code requirements, including those for setbacks, stormwater management, landscaping to protect residential views, and structural integrity. The Project will also not produce any harmful noise, fumes, runoff, or glare, will not be accessible to the public, and will be deemed electrically safe to connect to the existing grid by Xcel energy. As such, the proposed use will be a largely benign addition to the environment while providing local Xcel customers with the opportunity to save on their electric bills and introducing needed pollinator habitat into the landscape.*

- ii. The use or development conforms to the City of Lake Elmo Comprehensive Plan.

*The Project supports the City of Lake Elmo's 2040 Comprehensive Plan's (the Plan) goals in a number of ways. First, the Project is proposed in a neighborhood with the Community Designation of Rural Residential and supports the Future Land Use Plan (and Land Use Goal #1) by not adding to residential density or urbanization through added infrastructure and maintaining the Property at a density of 1 unit per 10 acres. Next, the Project will primarily result in a privately-funded, new domestic energy infrastructure resource for the community (TRIN Goal #1) that can serve and benefit all residents of the City who choose to enroll by reducing their electric bills. An estimated 49% of households are unable to host residential solar systems mainly because they are renters and/or they have inadequate roof space so this new infrastructure will also support and expand on the Future Land Use Plan's solar access and resiliency aims. Finally, the Project also supports Character & Governance Goal # 3 by providing all residents who subscribe regardless of home ownership or roof space, a novel way to connect to and benefit directly from their local, renewable solar resource.*

- iii. The use or development is compatible with the existing neighborhood.

*The Project is compatible with the existing neighborhood as it maintains the desired density for the Rural Residential District, observes or exceeds all setbacks, protects residential views, and will not create or produce any impactful traffic, noise, smoke, fumes, glare or odors once operational. As stated above, the result is a benign, and therefore compatible, addition to the existing landscape.*

- iv. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use.

*The Project is not in a flood plain management or shoreland area.*

- v. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.

*The Project was designed to be compatible with the surrounding area. The Project is a small-scale installation, proposed to be less than six acres, sited where the majority of adjacent parcels are agricultural and have non-residential views. The Project further maintains the intended density of the neighborhood. During operations and maintenance, a meadow condition with pollinator habitat will be maintained under the solar panels ensuring the Project contributes to the agricultural vitality of the neighborhood. The Applicant will also maintain a safe and clean site at all times ensuring the Project looks well-maintained. As a result of the size, siting, and maintenance of the Project, it will not consequentially change the character of the area.*

- vi. The proposed use will not be hazardous or create a nuisance as defined in the zoning code to existing or future neighboring structures.

*The Project will not be hazardous or create a nuisance at any point and the Applicant will maintain a safe and clean site at all times. During construction the Applicant will ensure any noise, dust, vibration, construction waste and debris, and any lighting and signage created or used will comply with all local laws and limits set by the permit and authorities having jurisdiction. During operations, the Project will not create any nuisance circumstance (no drainage will be altered without the proper permit, no access will be allowable for the public, no dangerous objects, no environmental nuisances, no explosives, no fires or fire hazards, no inadequate maintenance or failure to maintain improvements, etc.) as defined by City Code 96.03.*

- vii. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and

services provided by the persons or agencies responsible for the establishment of the proposed use.

*No new public streets, drainage structures, or water and sewer systems will be needed to support the project at any point. The project will not increase population at local schools and no new burdens will be placed on police or fire departments, though site specific training can be made available to both agencies as requested. Therefore, the proposed Project will be served adequately by existing essential public facilities and services.*

- viii. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

*The Project will be paid for by private investments from construction through decommissioning, including any needed utility upgrades. The Project will benefit the community through opportunity to reduce individual electricity bills, local spending, and job creation, as discussed above.*

- ix. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

*No excessive traffic, noise, smoke, fumes, glare or odors will be created by the Project. During construction the Applicant will ensure any traffic or noise created will comply with all local laws, limits set by the permit, and authorities having jurisdiction. Therefore, the Project will not be detrimental to any persons, property, or the general welfare.*

- x. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

*As discussed above, traffic to and from the site will be minimal. During construction, traffic will consist of delivery trucks and personnel vehicles. It is expected that no more than 4 delivery trucks will arrive on-site per day during construction. Following construction, approximately one truck is expected to visit the site for maintenance work 1-3 times per*

*year. Vehicular approaches to the Property will use a driveway to be approved by the Public Works Department. As a result, the Project will not create congestion or interfere with traffic on surrounding public roads.*

- xi. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

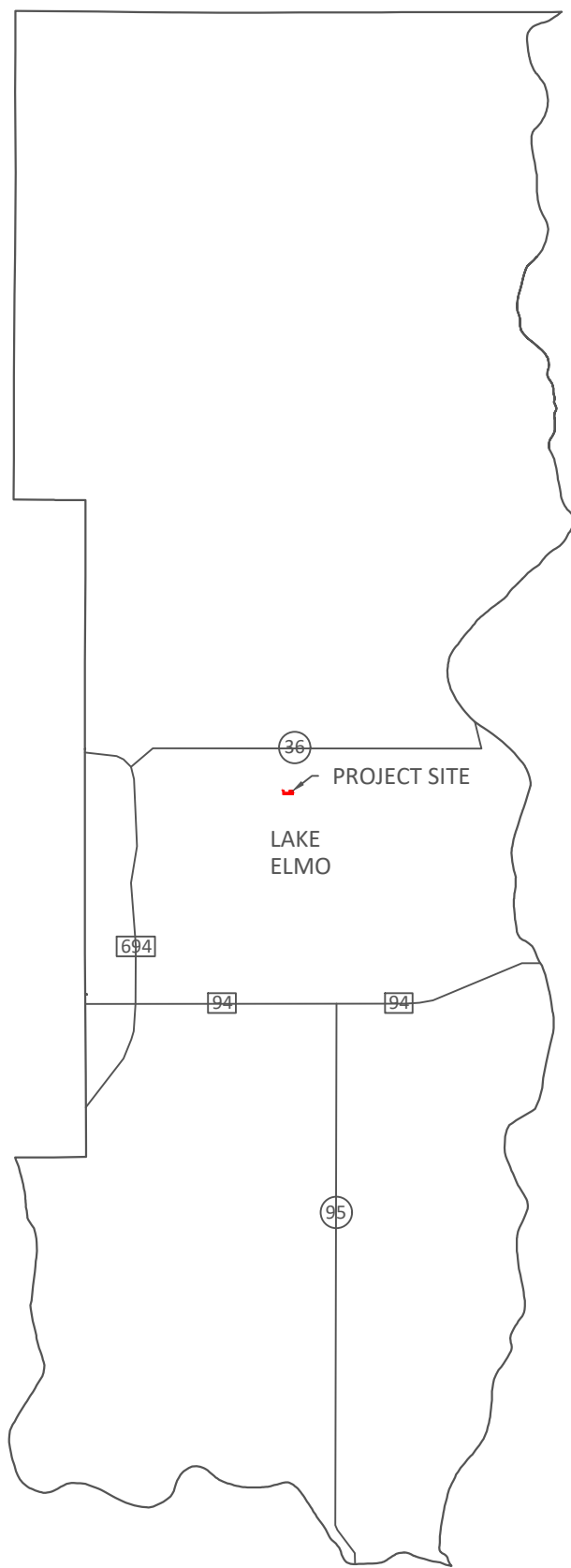
*As discussed herein, the Project will not damage, destroy or cause the loss of any natural feature such as wetlands, floodplains or areas of moderate to high biological significance. Likewise, the Project will have little impact on the scenic landscape due to it's scale and siting. Conversely, the Project help reduce emmissions from electricity generation while creating new pollinator habitat.*





CEF LAKE ELMO COMMUNITY SOLAR, LLC 1.000MWAC -  
CONCEPTUAL LAYOUT

SCALE: 1" = 60'



SCALE: 1" = 4 MILES

WASHINGTON COUNTY VICINITY MAP

SITE DETAILS:

SITE LAT: 45.020476°  
SITE LONG: -92.884332°  
CASE NUMBER: 03792551  
PARCEL ID: 11.029.21.11.0003  
OWNER: ANTHONY P. MANZARA  
ACREAGE: 10.90 ACRES  
EXISTING ZONING: RURAL RESIDENTIAL  
EXISTING USE: VACANT FIELD  
PROPOSED USE: SOLAR PV GENERATION

APPLICANT INFORMATION:

ADDRESS: 2003 WESTERN AVE  
SUITE #225  
SEATTLE, WA 98121  
PHONE: 206-900-9830  
EMAIL: KATE@ONEENERGYRENEWABLES.COM

DESIGN SUMMARY:

MODULE POWER: 540W  
MODULE COUNT: 2,250  
MOD/STRING: 25  
STRING COUNT: 90  
ARRAY DC VOLTAGE: 1500V  
INVERTER SIZE: 100KW  
INVERTER COUNT: 10  
TRACKER: ATI  
DC CAPACITY: 1.215MWdc  
INVERTER CAPACITY: 1.000MWac  
DC/AC RATIO: 1.215  
GROUND COVERAGE RATIO: 38.0%  
CODE: ASCE 7-16  
RISK CATEGORY: II  
GROUND SNOW LOAD: 50 PSF  
WIND SPEED: 108 MPH

LAND USE SUMMARY:

TOTAL PARCEL AREA: 10.90 ACRES (474,618 SQFT)  
TOTAL FENCED AREA: 5.37 ACRES  
GRAVEL ACCESS ROAD: 4,103.675 SQFT

PROPERTY LEGAL DESCRIPTION:

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 21 WEST, WASHINGTON COUNTY, MINNESTOA, LYING NORTH OF THE SOUTH 2105.5 FEET (AS MEASURED ALONG THE EAST LINE) THEREOF, EXCEPTING THEREFROM THE NORTH 290.4 FEET OF THE EAST 750 FEET OF THE WEST 850 FEET OF SAID EAST HALF OF THE NORTHEAST QUARTER, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF AND SITUATE IN WASHINGTON COUNTY, MINNESOTA.

GENERAL NOTES:

1. PROPERTY BOUNDARIES DEVELOPED FROM GIS DATABASE.
2. NO FEMA HAZARD ZONES ARE PRESENT ON THE PARCEL ON WHICH THE PROJECT IS PROPOSED.
3. 2FT CONTOURS SHOWN.
4. PROPOSED SITE ENTRANCE TO BE COORDINATED WITH WASHINGTON COUNTY ROAD AND BRIDGE DEPARTMENT.
5. WETLAND LOCATION INDICATED IS THE RESULT OF GIS DATABASE.
6. THE PROJECT WILL COMPLY WITH ALL ZONING, CITY AND COUNTY REQUIREMENTS.
7. LOCATION OF ALL PROPOSED FACILITIES ARE SUBJECT TO CHANGE DUE TO PERMITTING CONSTRAINTS, SITE CONDITIONS, EQUIPMENT SPECIFICATION AND UTILITY COORDINATION.
8. XCEL ENERGY SHALL BE GRANTED KEYLESS, UNESCORTED, 24/7 ACCESS TO THE METER AND UTILITY DISCONNECT. GATE WIDTH SHALL BE A MINIMUM OF 12'.

PROJECT

CEF LAKE ELMO COMMUNITY SOLAR, LLC  
ONEENERGY DEVELOPMENT

ADDRESS

10755 50TH ST N  
LAKE ELMO MN 55042

DRAWING

TITLE:  
CONCEPTUAL LAYOUT  
SHEET NUMBER:

A-001

SCALE:

1" = 60'

DRAWN BY:

CG

CHECKED BY:

DATE:

09/07/2021

REVISIONS:

DESCRIPTION

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF 1.000MWac SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY OR MOUNTED AT A FIXED TILT FACING SOUTH. INTERCONNECTION TO BE COORDINATED WITH THE LOCAL UTILITY.

LEGEND

- SWITCH GEAR / AC DISCONNECT
- INVERTER PAD
- LAYDOWN / PARKING AREA
- NWI WETLANDS
- PROPOSED ACCESS ROAD
- PARCEL BOUNDARY
- MINOR 2' CONTOUR
- MAJOR 10' CONTOUR
- FENCELINE
- UNDERGROUND MEDIUM VOLTAGE
- OVERHEAD MEDIUM VOLTAGE
- EXISTING UTILITY LINE
- NEW UTILITY POLE
- EXISTING UTILITY POLE

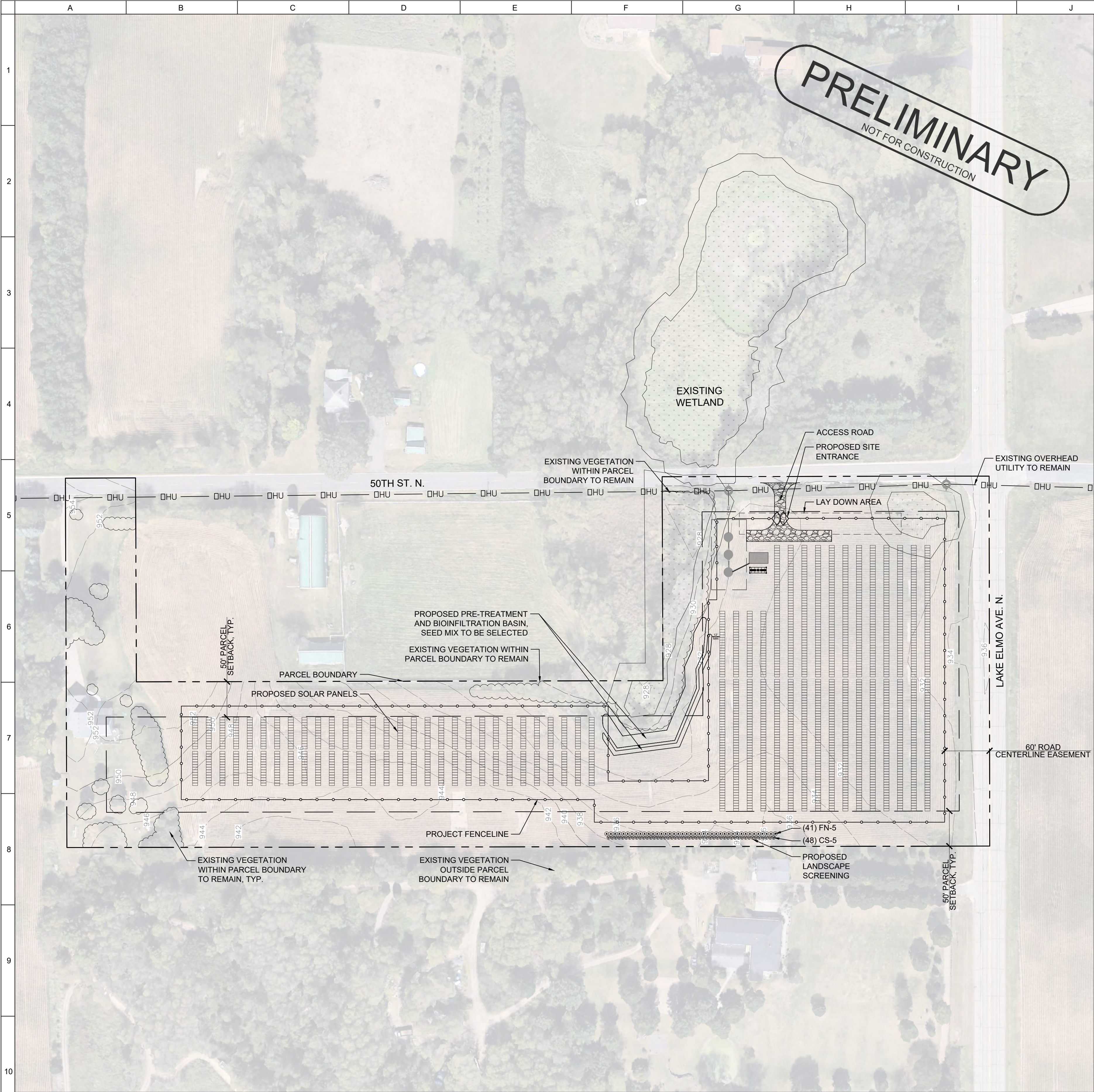


WRITTEN DIMENSIONS ON THIS PLAN SHALL SUPERCEDE SCALED DIMENSIONS. CONTRACTORS ARE RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS. THIS DRAWING, DESIGN, CONCEPT AND ARRANGEMENT REMAIN THE PROPERTY OF ONEENERGY RENEWABLES AND SHALL NOT BE COPIED, DISCLOSED OR REPRODUCED WITHOUT CONSENT.

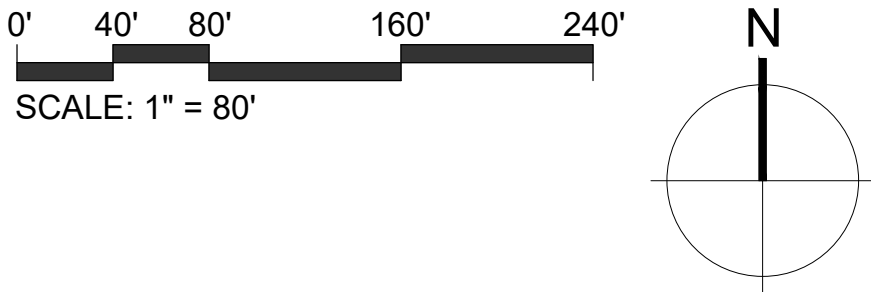
CEF LAKE ELMO COMMUNITY SOLAR, LLC 1.000MWAC - CONCEPTUAL LAYOUT

SCALE: 1" = 60'





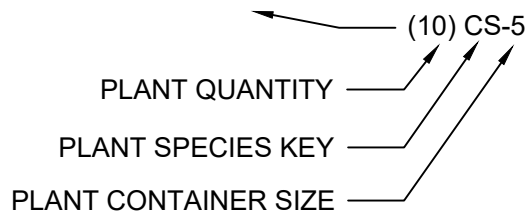
CONCEPTUAL LANDSCAPE SCREENING PLAN



PLANTING LEGEND

EXISTING TREES						
SYMBOL	KEY	PLANT NAME				
	EX	Existing trees and shrubs to be protected in place				
SCREENING SHRUBS						
SYMBOL		PLANT NAME	QTY.	SIZE	SPACING	GROWTH RATE
	CS	Isanti Dogwood <i>Cornus sericea 'Isanti'</i>	48	5 Gal.	5' O.C.	Rapid (approx. 24" per year)
	FN	Northern Sun Forsythia <i>Forsythia x 'Northern Sun'</i>	41	5 Gal.	6' O.C.	Rapid (approx. 24" per year)

PLANT IDENTIFICATION KEY



LANDSCAPE NARRATIVE:

A VARIETY OF LOW MAINTENANCE, HARDY SHRUBS WERE SELECTED TO PROVIDE ADEQUATE SCREENING FOR THE PROJECT. TWO SPECIES WERE SELECTED TO BRING DIVERSITY TO THE PLANT PALETTE. THE PLANT SPECIES SELECTED PROVIDE CONTRAST IN COLOR AND TEXTURE.



Isanti Dogwood  
*Cornus sericea 'Isanti'*  
(summer photo)



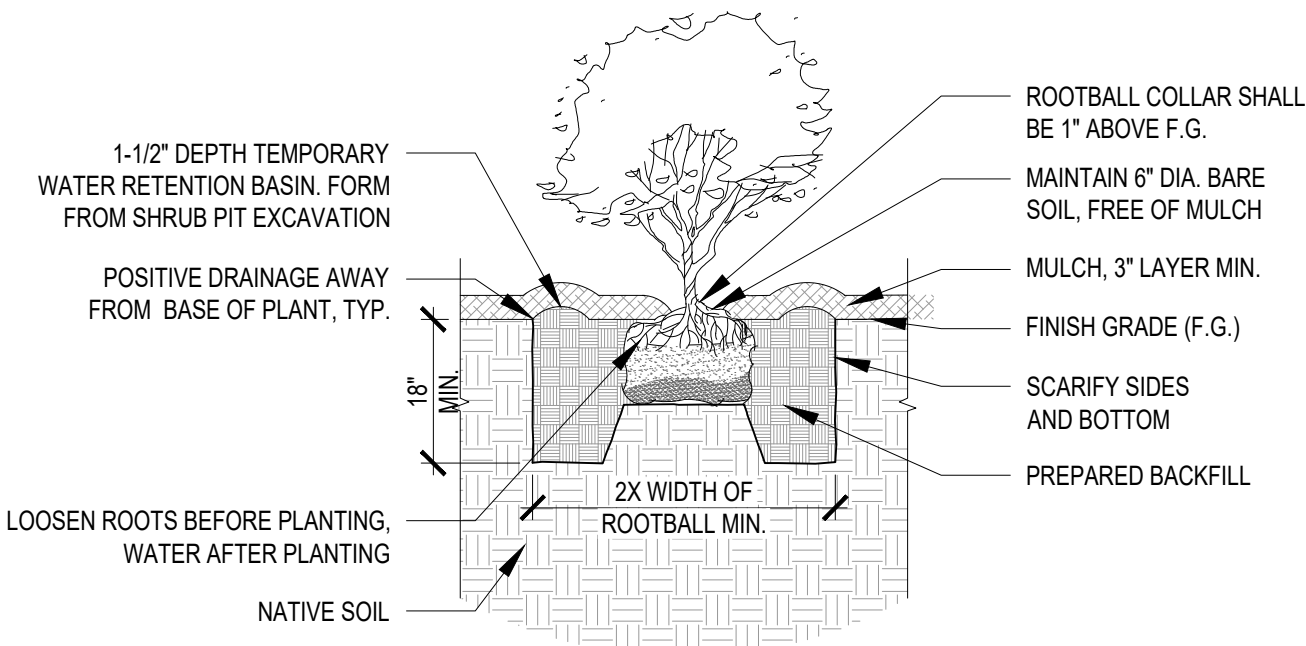
Isanti Dogwood  
*Cornus sericea 'Isanti'*  
(winter photo)



Northern Sun Forsythia  
*Forsythia 'Northern Sun'*  
(spring photo)

PLANTING NOTES:

1. THE PROPOSED SCREENING CONSISTS OF 245 LINEAR FEET OF SPECIFIED PLANT MATERIAL.
2. ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL COMPLY WITH THE CITY OF LAKE ELMO DESIGN GUIDELINES, CODES AND REGULATIONS.
3. PLANTING MATERIAL SHALL MEET NURSERY STANDARD CROWN WIDTH AND HEIGHT FOR THE SPECIFIED CONTAINER SIZE (REFER TO ANSI Z60.1-2014 OR MOST CURRENT VERSION).
4. PLANTS TO BE INSTALLED PER MNLA & ANSI STANDARD PLANTING PRACTICES.
5. BACKFILL SOIL AND TOPSOIL TO BE EXISTING TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE.
6. PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
7. ALL SHRUB AREAS SHALL BE TOP DRESSED WITH A 3" DEEP LAYER OF COMPOSTED WOOD FIBER MULCH. MULCH TO BE SHREDDED HARDWOOD AND FREE OF DELETERIOUS MATERIAL.
8. LANDSCAPE AREAS SHALL BE PERMANENTLY MAINTAINED BY OWNER.



1  
L-1.0

SHRUB PLANTING

N.T.S.

PROJECT

CEF LAKE ELMO  
COMMUNITY SOLAR

ADDRESS

10755 50th STREET NORTH  
LAKE ELMO, MN 55042

DRAWING

TITLE: CONCEPTUAL  
LANDSCAPE SCREENING

SHEET NUMBER:

L-1.0

SCALE:  
1"=80'

DRAWN BY:  
AES

CHECKED BY:  
JRS

DATE:  
08/27/2021

REVISIONS:

DESCRIPTION

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF 1.000MWac SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY OR MOUNTED AT A FIXED TILT FACING SOUTH. INTERCONNECTION TO BE COORDINATED WITH THE LOCAL UTILITY.

REVISION LOG:

LEGEND





# MEMORANDUM

## FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4283

Date: November 13, 2021

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To:	Jane Kansier, AICP, Planning Consultant Molly Just, Planning Director	Re:	OneEnergy Solar Garden – 10755 50th Street N. Engineering Review Comments
Cc:	Chad Isakson, P.E., Assistant City Engineer		
From:	Jack Griffin, P.E., City Engineer		

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An engineering review has been completed for the OneEnergy – CEF Community Solar Garden Conditional Use Permit Application received on October 22, 2021. The project is proposed for construction and operation on the property located at 10755 50th Street North. The submittal consisted of the following documentation:

- Project Report and Narrative prepared by One Energy and dated September 8, 2021.
- Site Plan dated September 7, 2021.
- Stormwater Management Plan dated October 13, 2021.
- Landscape Plan dated August 27, 2021.
- Wetland Delineation date July 1, 2021.

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**STATUS/FINDINGS:** Engineering review comments have been provided as outlined below. Site Plan revisions and additional design detail will be required to facilitate City review and approval.

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### RIGHT-OF-WAY PRESERVATION

- The Site Plan shows right-of-way preservation along 50th Street North, measured 59 feet from the existing centerline. The minimum right-of-way preservation must be 60 feet. In addition, all setbacks along 50th Street North and Lake Elmo Avenue should be measured from the roadway preservation easements/rights-of-way (60-feet from existing centerlines). Right-of-way preservation is required per the Lake Elmo and Washington County 2040 Comprehensive Plans (2-lane undivided Collector Roadways).

### SITE ACCESS

- One new access is proposed to the site from 50th Street North. No site access is shown from Lake Elmo Avenue. Access to Lake Elmo Avenue should be prohibited as presented.
- The site access along 50th Street North must be relocated to be as far west as possible, and no closer than 350 feet from the Lake Elmo Avenue intersection (as measured from the west paved shoulder). The driveway relocation is required to minimize future conflicts with the construction of a future right and left turn lane along 50th Street North. The future turn lanes will be required to meet State Aid design standards when constructed along 50th Street North (Municipal State Aid Route) for the City to be able to use State Aid funding for the turn lane construction.
- One 16-foot wide (16) gravel service road is proposed. Per City ordinance, all portions of the driveway to be located within the public right-of-way must be paved.

## SITE PLAN APPROVAL

- Prior to the start of any construction, Civil Site Construction Plans must be prepared and submitted for City review and approval. The plans must be prepared and signed by a registered professional engineer in the State of Minnesota and the plans must be prepared in accordance with the City Design Standards and Plan Format requirements.
- An existing conditions plan is required to facilitate a detailed review by the City and site plan revisions may be required due to new information provided in the detailed plans. Existing conditions must include scaled full size plan sets (no greater than 1" = 50' scale) and include all property, right-of-way and easement lines, a detailed topographic survey including contours at 2' intervals or less, include all public and private utilities along the public rights-of-way and for a minimum distance of 150 feet from the construction limits, and include delineated wetlands and wetland buffers. Public and private utility information must include utility type, pipe material and size, inverts (when applicable) and location as surveyed in the field.
- The site plan indicates that wetland locations are shown from GIS database information. A wetland delineation will be required and the Site Plans must be updated to include the delineated wetlands and required wetland buffers meeting the City and watershed requirements.
- The 3-new proposed Xcel Energy above ground power poles, to be installed to support the site interconnection, must be installed a minimum of 55 feet south of the centerline of 50th Street to locate the utilities within the designated utility corridor for the roadway right-of-way.
- No waste water management or drinking water supply is required to support the proposed site development.

## STORMWATER MANAGEMENT

- The Site Plan shows a potential stormwater infiltration basin intended to address stormwater management requirements and storm water calculations were submitted to support the basin sizing. However, the site is subject to a storm water management plan meeting State, Watershed District and City rules and a permit will be required from the Valley Branch Watershed District (VBWD). The Stormwater Management Plan must therefore be revised and resubmitted, demonstrating compliance with City and VBWD rules, and must be prepared and signed by a registered professional engineer in the State of Minnesota.
- The Stormwater Management Plan must provide a pre and post condition rate control analysis of the site, including pre and post condition drainage maps. The SWMP must demonstrate rate control is provided for all points of discharge from the site. Overland emergency overflows or outlets are required to be shown on the plans. The 100-year high water flood level (HWL) must be shown on the plans for all water bodies (wetlands) and storm water facilities, and the 100-year high water flood level (HWL) must be fully contained within private property or easements.
- The construction of an infiltration basin is proposed for the site. Soil borings must be provided as part of the Site Plans to demonstrate that the facility will be constructed in soils that are conducive to infiltration practices and the infiltration rate for the design must be based on the soil investigation.
- To the extent adjacent properties are impacted by storm water management discharges, written permission from those properties must be submitted as part of the development application.
- The storm water facilities constructed for this site should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement. Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for access to all storm water facilities.

# Lake Elmo Fire Department

## Memorandum

To: Jane Kansier, AICP

From: Dustin Kalis, Fire Chief

Date: 11/12/2021

Re: Land Use Review Request - CEF Lake Elmo Community Solar Garden



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The Lake Elmo Fire Department has completed a land use review of CEF Lake Elmo Community Solar Garden based on the Lake Elmo Planning Department packet dated 10/22/21 with the following comments:

- 1) The installation and use of gates shall be in compliance with the fire code. If a gate(s) is to be installed, provide more detailed information for review.
- 2) A Fire Department lock box is required for emergency access to building at an approved location(s) and provide keys for emergency access into the property and any controls necessary for emergency use or shut down.
- 3) Site address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.
- 4) A clear, brush-free area of 10 feet (3048 mm) shall be required for ground-mounted photovoltaic arrays.

### **Codes and Standards Used for this Review**

This review is based on the following codes and standards as adopted and in effect in the State of Minnesota at the time of plan submittal.

- 2020 Minnesota State Fire Code

*“Proudly Serving Neighbors & Friends”*

## Jane Kansier

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**From:** Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>  
**Sent:** Thursday, November 11, 2021 11:23 AM  
**To:** Jane Kansier  
**Cc:** Molly Just; Sonsalla, Sarah J.  
**Subject:** RE: Land Use Review Request - CEF Lake Elmo Community Solar Garden

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jane,

I reviewed the application materials for the community solar garden CUP. My only comment relates to decommissioning of the project. The applicant is proposing to provide the City with a letter of credit in the amount of \$15,000 that the City can use in the event that the modules are no longer in use. This can be used to remove the modules from the site and dispose of them if the owner of the property or the operator of the solar garden does not take care of it. The City should determine whether \$15,000 is a sufficient amount to cover its costs in this type of circumstance.

In line with this issue, I would also recommend that there be a condition in the conditional use permit that requires the owner of the property and/or the operator to remove the modules and equipment after a certain amount of time after the project is decommissioned (i.e. 90 days or something like that). In the event that it is not removed by that time, the City should be given permission to enter the property to remove it and recover its costs from the letter of credit. In the event that the letter of credit is insufficient to cover the City's costs, the City should be able to certify the costs against the property and collect the costs with the property taxes.

There should also be a condition that the letter of credit must be in good standing at all times, so in the event that it is not renewed or cancelled, the City may revoke the conditional use permit.

Let me know if you have any questions.

Thanks!

Sarah

**Sarah J. Sonsalla | Attorney | Kennedy & Graven, Chartered** | 150 South Fifth Street, Suite 700 | Minneapolis, MN 55402 | direct: 612.337.9284 | fax: 612.337.9310 | e-mail: [ssonsalla@kennedy-graven.com](mailto:ssonsalla@kennedy-graven.com)

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**From:** Jane Kansier <Jane.Kansier@bolton-menk.com>  
**Sent:** Friday, October 22, 2021 11:35 AM  
**To:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>; chad.isakson@focusengineeringinc.com; Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>; jhanson@barr.com; transportation@co.washington.mn.us; Marty Powers <MPowers@lakeelmo.org>; Dustin Kalis <DKalis@lakeelmo.org>; jtaylor@lakeelmo.org; Harding, Sarah <Sarah.Harding@stantec.com>; Niday, Jenna <jenna.niday@stantec.com>  
**Cc:** Molly Just <MJust@lakeelmo.org>; Diane Wendt <DWendt@lakeelmo.org>; Corrin Bemis <Corrin.Bemis@bolton-menk.com>  
**Subject:** Land Use Review Request - CEF Lake Elmo Community Solar Garden

Good morning.



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File: 227704555

To: Molly Just, City of Lake Elmo Planning Director

From: Sarah Harding, Landscape Architect  
Jenna Niday, Landscape Designer

Subject: City of Lake Elmo Conditional Use Permit Review  
CEF Lake Elmo Community Solar Review #1

Date: November 12, 2021

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### **Submittals**

- Landscape Plan, dated 8-27-2021, received 10-22-2021.

**Location:** Southwest quadrant of the intersection of 50th Street North & Lake Elmo Avenue North, Lake Elmo, MN

**Land Use Category:** Rural Residential

**Surrounding Land Use:** Rural Residential

### **Tree Preservation:**

A tree survey/preservation plan is not required for the proposed project. Per tree preservation code section 154.257.C.1.a.iii, the applicant has demonstrated that no major grading activity will occur onsite, and all trees will be preserved.

- If a tree survey is conducted, any existing, healthy, common or significant trees found onsite could potentially offset code required trees, specified below. Common and significant trees are defined in tree preservation code 154.257.B.

### **Alternative Energy:**

Per alternative energy code 154.308:

- (A.2) Solar farms are required to be screened and fenced as determined by the City from adjacent residential properties. Screening requirements are further defined below.

### **Landscape Requirements:**

A landscape plan has been submitted that **does not** include all requirements.

- The landscape plan does not include required City standard notes and details.

Per landscape code 154.258:

- (A.2) Methods for protecting existing trees and other landscape material are required.
- (A.3) Native grass ground cover seed mixes shall be specified as needed for any restored wetlands, wetland buffers, upland perennial permanent ground covers, and biofiltration basins.
- (A.5) Details and cross sections of screening are required.
- (C.1) A minimum of one (1) tree is required for every fifty (50) feet of street frontage.
- (C.2) A minimum of five (5) trees are required for every one (1) acre of land that is developed or disturbed by development activity.

November 12, 2021

Molly Just  
Planning Director  
City of Lake Elmo  
Page 2 of 2

	Code Required	Proposed	
Street frontage	1092		Lineal Feet
Lake Shore	0		Lineal Feet
Stream Frontage	0		Lineal Feet
Total Linear Feet	1092		Lineal Feet
/50 Feet = Required Frontage Trees	22	0	Trees
Development or Disturbed Area	-		SF
Development or Disturbed Area	5.5		Acres
*5 = Required Development Trees	28	0	Trees
Interior Parking Lot Spaces*	0		Spaces
/10 = Required Parking Lot Trees	0	0	Trees
Perimeter Parking Lot Frontage Length	0		Lineal Feet
/50 = Required Frontage Strip Trees	0	0	Trees
Required Mitigation Trees	0	0	
<b>Required Number of Trees</b>	<b>50</b>	<b>0</b>	

- (F) Screening shall be used to provide visual and noise separation of intensive uses from less intensive uses. Where screening is required in the City Code between uses or districts, it shall consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per forty (40) linear feet along the property line. Additional landscape material such as shade trees or trellises may be required to partially screen views from above.

**Recommendation:**

It is recommended that a condition of approval include:

- Submittal of a revised landscape plan meeting the code requirements as noted above.

**Stantec Consulting Services Inc.**



**Sarah Harding, PLA (MN)**

City of Lake Elmo Municipal Landscape Architect

P: 952-334-4838

E: [sarah.harding@stantec.com](mailto:sarah.harding@stantec.com)

Molly Just  
Lake Elmo City Hall  
3800 Laverne Avenue North  
Lake Elmo MN 55042

**Reference:** Proposed 10755 50<sup>th</sup> Street North Conditional Use Permit

I am the trustee for the trusts that own 10711 50<sup>th</sup> Street North Lake Elmo MN 55042.

We received notice that a conditional use permit (CUP) is proposed for a 10 acre utility facility to potentially be constructed at the adjacent property 10755 50<sup>th</sup> Street along with what appears to be vendor provided site plan although it's not legible.

We have multiple concerns that we expect to be thoroughly and clearly addressed in the process of developing a CUP and I've listed below those that come immediately to mind:

**Transmission Line**

A megawatt utility facility requires a megawatt transmission line to deliver power to the grid. No such transmission line currently exists. It would be purpose built for this proposed facility and therefore properly needs to be part of this proposed CUP.

Any transmission line should be buried and not overhead – an overhead three phase high-voltage line would diminish property values and is obviously inconsistent with the rural character Lake Elmo has spend so much time and energy trying to maintain.

**Scope of CUP**

Shall include high voltage transmission line and the entire 10 acre site regardless of facility and/or equipment ownership and any Xcel Energy easement(s).

**Limitations on Use**

A CUP should explicitly prohibit cryptocurrency mining, on-site battery power store and any other use potentially requiring fan cooling.

All equipment on-site, including Xcel Energy equipment to be passively cooled.

No equipment or facilities shall be constructed or stored on this site not necessary for the day to day operation of the solar utility. I.e., spare parts, partial spools of wire, spare poles, trucks, pallets, etc, should be stored elsewhere.

A screening plan should be included.

### **Liability**

The owner of this facility is liable for damage done to property, including trees, plants, etc. outside of the 10755 50<sup>th</sup> street location regardless of whether this done by Xcel Energy, the owner/operator, a subcontractor or the City of Lake Elmo.

### **Hours of Use**

All work at this facility should be conducted during normal business hours except in an emergency with the exception of “momentary” work such a resetting a circuit breaker.

Emergency should consist of the imminent harm to equipment, property or human life. The loss of power generation capability does not constitute an emergency.

### **Sanitation**

On-site sanitation should be provided for and detailed in a CUP.

### **Removal**

All equipment, buildings and other facilities shall be removed if the power facility ceases to operate for 90 days.

Owner/operator shall promptly notify Lake Elmo in the event it anticipates it will cease to operate and in any case no later than immediately upon cessation of power generation.

Owner/Operator will purchase a bond to cover removal.

### **Bike Path**

50<sup>th</sup> Street west of Lake Elmo Avenue gets very heavy bike traffic despite the lack of bike lanes or even a paved shoulder. It is clearly an ideal location for east-west bike path.

What impact would this proposed power generation facility and high voltage line have on a future bike path? Has the local biking community been made aware of this proposed CUP?

Additionally, I wanted to ask what permits if any have been applied for or granted already by the owner/operator, Xcel Energy or any sub-contractor?

The second week of November, the City of Lake Elmo performed maintenance on the right of way of (at least) 50<sup>th</sup> Street North without notice and cut down 50+ semi-dwarf maple trees that pre-date the road. This is the first time Lake Elmo has ever performed maintenance on the right of way.

Why was this done?

Will the city be compensating the property owners for the destruction of trees?

Since the trees were cut to the ground rather than being pulled, they will regenerate as bushes and spread unless the stumps are dug out. This is on the city to clean this up. When might we expect this to happen?

Finally, I wish to point out that installing a 10 acre utility facility at this location along with the required high voltage line is completely and fundamentally contrary to the City of Lake Elmo comprehensive plan that identifies and preserves this area as rural in nature. If this CUP for a decidedly industrial facility is approved, then the comprehensive plan for this area is clearly being abrogated.

Chris Boylan



1842 Juliet Ave  
Saint Paul MN 55105

651-665-0035

boylan@actualsoftware.com



DATE: 11/22/2021

**REGULAR**

**ITEM #: X**

**MOTION**

**TO:** Planning Commission

**FROM:** Corrin Bemis, Consulting Planner

**AGENDA ITEM:** Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Final Plat

**REVIEWED BY:** Molly Just, Planning Director  
Jack Griffin, City Engineer

**BACKGROUND:**

The Planning Commission is being asked to consider a request by U.S. Home Corporation d/b/a Lennar for approval of the Final Plat for the Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition. Per City Code Section 103.00.100, Final Major Subdivisions, the Planning Commission is required at this time to review and comment on the submitted plans and supporting data for the final plat application. The Planning Commission is asked to report its findings and make recommendations to the City Council.

The Final Plat for the 4<sup>th</sup> Addition will create five new outlots for conveyance purposes. U.S. Home Corporation, d/b/a Lennar, is under contract to purchase the 4<sup>th</sup> phase of the Royal Golf Club from H.C. Golf Lane, LLC, and the final plat will be used to assist in facilitation of the transaction. Outlot C of the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition and Outlot B of the Royal Golf Club at Lake Elmo will be subdivided into:

- Outlot A (0.9 acres / 39,076 sf)
- Outlot B (61.53 acres / 2,680,384 sf)
- Outlot C (7.59 acres / 330,779 sf)
- Outlot D (1.86 acres / 80,884 sf)
- Outlot E (16.02 acres / 697,916sf)

The review and approval of the Final Plat does not require a public hearing. Future development of the outlots will require review and approval of a Final PUD. A public hearing will take place as part of that process. The applicant has noted that future development will be consistent with existing homes in the area.

## **REVIEW/ANALYSIS:**

<i>Applicant:</i>	U.S. Home Corporation d/b/a Lennar
<i>Owner:</i>	Outlot B, H.C. Golf Land, LLC Outlot C, Royal Development, Inc.
<i>Location:</i>	Outlot B, The Royal Golf Club at Lake Elmo, PID #25.029.21.22.0005 Outlot C, The Royal Golf Club at Lake Elmo, PID #25.029.21.22.0002
<i>Request:</i>	Application for Final Plat
<i>Existing Land Use:</i>	Vacant Outlot; Current Zoning: GCC – Golf Course Community
<i>Surrounding Land Use:</i>	North – Rural Single Family (RS) and Rural Residential (RR), South – Golf Course Community (GCC), East – Golf Course Community (GCC), West – Public Facilities (PF)
<i>Comprehensive Plan:</i>	GCC – Golf Course Community
<i>History:</i>	Preliminary Plat and PUD Plan approval was granted on June 6, 2017 by Resolution 2017-047. Final Plat and PUD Plans for 1 <sup>st</sup> Addition was granted on September 5, 2017 by Resolution 2017-093. Final Plat and PUD Plans for 2 <sup>nd</sup> Addition was granted on July 3, 2018 by Resolution 2018-070. Final Plat and PUD Plans for 3 <sup>rd</sup> Addition was granted on December 4, 2018 by Resolution 2019-005. City Council approved a time extension, giving the developer until July 31, 2022 to record the 3 <sup>rd</sup> Addition Final Plat.
<i>Deadline for Action:</i>	Application Complete – 10/12/21 60 Day Deadline – 12/11/21 Extension Letter Mailed – No 120 Day Deadline – NA
<i>Applicable Regulations:</i>	103.00.100 – Final Major Subdivisions Article 10 – Urban Residential Districts (GCC)

## **FINAL PLAT AND PUD PLANS**

**Consistency with Preliminary Plat.** As the proposed Final Plat is only for conveyance purposes, the application does not include home sites, right-of-ways, or any associated information of the future 4<sup>th</sup> Addition. A final plat and PUD for the 4<sup>th</sup> Addition will be submitted at a later date which will include all necessary development information. Final density of the 4<sup>th</sup> phase of The Royal Golf Club at Lake Elmo will be calculated with the final



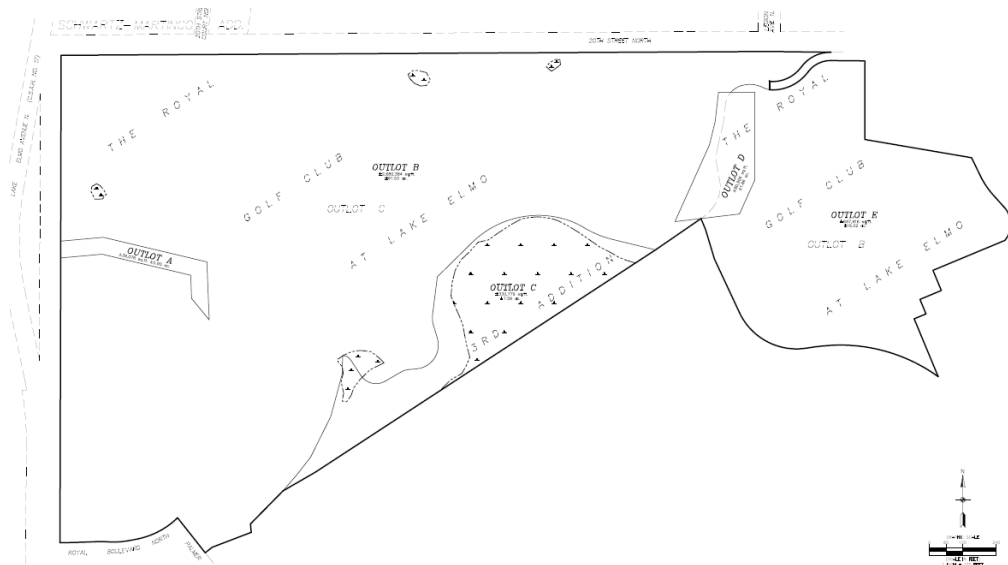
plat and PUD application. Associated infrastructure, improvements and wetland or natural area disturbances will be also be included in the same final plat and PUD.

Staff will review consistency with the Preliminary Plat conditions as part of the future final plat and PUD submittal.

### Approved Preliminary Plat



### Proposed Final Plat



**Outlots.** The Final Outlot Plat will create five (5) new outlots.

- Outlot A (0.9 acres / 39,076 sf)
- Outlot B (61.53 acres / 2,680,384 sf)
- Outlot C (7.59 acres / 330,779 sf)
- Outlot D (1.86 acres / 80,884 sf)
- Outlot E (16.02 acres / 697,916sf)

The gross area being subdivided into five (5) outlots on this Final Outlot Plat is 87.9 acres (3,829,039 sf). A map of the proposed outlots is included in Attachment 5.

**Lot Sizes and Widths.** Lot sizes and widths will be included in a future final plat and PUD submittal.

**Density.** Density calculations will be included in a future final plat and PUD submittal.

**Parkland Dedication.** Calculations for parks, trails, and dedicated public space and values associated with dedicated land and improvements will be included in a future final plat and PUD submittal.

**Landscaping.** Landscaping details will be included in a future final plat and PUD submittal.

**Street Design and Naming.** Street design and naming details will be included in a future final plat and PUD submittal.

**Engineering Comments.** On November 5, 2021, the City Engineer reviewed the final plat application and wrote:

*“Engineering has no comments on the Royal Golf Club 4th Addition Final Plat. The 4th Addition Final Plat appears to be retaining the required existing drainage and utility easements previously platted/granted to the City/VBWD.”*

**City Attorney Comments.** On November 11, 2021, the City Attorney reviewed the final plat application and wrote:

*“I reviewed the final plat application for The Royal Golf Club at Lake Elmo 4th Addition. This looks to be the “outlot plat” that we had talked about with them (to help with the purchase and transfer of property from Royal to Lennar). It appears to me that Outlot A is for drainage and utility purposes and Outlot C consists of a wetland, leaving Outlot B to be platted in a future plat into lots and blocks. There is already a drainage and utility easement over Outlot A, so nothing further needs to be done with respect to that Outlot. However, there does not appear to be a drainage and utility easement over Outlot C (the wetland property). The City may want to require that a drainage and utility easement be dedicated over Outlot C. Also, it appears that some of the wetland is located within Outlot B. The City may want to require a drainage and utility easement over that area in Outlot B as well (just to make sure that it is covered).”*

**Recommended Findings.** Staff recommends the following findings:

1. That all the requirements of City Code Section 103.00.100 – Final Major Subdivisions have been met by the Applicant.
2. That the Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Final Plat complies with the City’s subdivision ordinance.
3. That the Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Final Plat complies with the City’s Engineering Standards, as noted by the City Engineer on November 5, 2021.
4. That the Final Outlot Plat will be utilized for conveyance purposes and will assist in facilitation of U.S. Home Corporation, d/b/a Lennar’s, purchase of the 4<sup>th</sup> phase of the Royal Golf Club from H.C. Golf Land, LLC.

5. That the Final Outlot Plat will create five (5) new outlots from Outlot C of the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition and Outlot B of the Royal Golf Club at Lake Elmo.
  - Outlot A (0.9 acres / 39,076 sf)
  - Outlot B (61.53 acres / 2,680,384 sf)
  - Outlot C (7.59 acres / 330,779 sf)
  - Outlot D (1.86 acres / 80,884 sf)
  - Outlot E (16.02 acres / 697,916sf)
6. That the Final Outlot Plat will be named The Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Washington County Minnesota, to remain consistent with previous phases of The Royal Golf Club at Lake Elmo.
7. That consistency with Preliminary Plat and PUD Plans approved by the City of Lake Elmo on June 6, 2017 will be reviewed at the time of submittal for a final PUD for the Royal Golf Club 4<sup>th</sup> Addition.
8. That consistency with the Lake Elmo Comprehensive Plan and Zoning Code will be reviewed at the time of submittal for a final PUD for the Royal Golf Club 4<sup>th</sup> Addition.

**Recommended Conditions of Approval.** Staff recommends the following conditions of approval:

1. The Developer must revise the final plat to include a drainage and utility easement over all of proposed Outlot C and over the existing wetland on proposed Outlot B.
2. Prior to the City issuing building permits, the developer shall receive City Council approval on a Final PUD for the Royal Golf Club 4<sup>th</sup> Addition and enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council. This agreement shall delineate who is responsible for the design, construction, and payment of the required improvements with financial guarantees.
3. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act and shall acquire the needed permits from the appropriate watershed districts prior to the commencement of any grading or development activity on the site.
4. The Final Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in this resolution.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approve the Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Final Plat, based on the findings of fact and conditions outlined in the Staff Report.

***“Move to recommend approval of the Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Final Plat based on the findings of fact and conditions outlined in the Staff Report.”***

**ORDER OF BUSINESS:**

- Introduction and Report by Staff ..... Planning Director
- Questions from the Commission ..... Chair & Commission Members
- Questions to the Applicant ..... Chair & Commission Members
- Discussion by the Commission .....Chair & Commission Members
- Action by the Commission .....Chair & Commission

**ATTACHMENTS:**

1. Final Plat Application for Outlot B
2. Final Plat Application for Outlot C
3. The Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Final Outlot Plat Narrative
4. The Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Final Plat
5. The Golf Club at Lake Elmo 4<sup>th</sup> Addition Area Map
6. Royal Golf Club Preliminary PUD Map

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



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

## FINAL PLAT APPLICATION

Applicant: U.S. Home Corporation d/b/a Lennar

Address: 16305 36th Avenue North, Suite 600, Plymouth MN 55446

Phone #: 651-261-8273

Email Address: melissa.duce@lennar.com

Fee Owner: H.C. Golf Land LLC

Address: 941 Hillwind Road NE, Suite 301 Fridley MN 55432

Phone #: 763-502-7119

Email Address: jlevahn@zhlaw.com

Property Location (Address): SEC of 20th Street North and Lake Elmo Avenue North

Complete (long) Legal Description: \_\_\_\_\_

Outlot B, The Royal Golf Club at Lake Elmo, Washington County Minnesota

PID#: 25-029-21-12-0005

General information of proposed subdivision: Creation of outlot plat for conveyance purposes.

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

Signature of applicant: Melissa Duce Date: October 8, 2021

Fee Owner Signature: Jeff L. Lier Date: 10/8/21



## **FINAL PLAT APPLICATION REQUIREMENTS<sup>1</sup>**

### **All Subdivisions of Land creating four (4) or more lots**

This handout is intended to provide guidance on putting together and submitting a Final Plat application for the subdivision of property in Lake Elmo. The purpose of the Final Plat is to incorporate all conditions placed on the Preliminary Plat application into the final plans, and to finalize all documentation for legal recording at the County. This steps completes the subdivision process.

In order to have your Final Plat application be complete and reviewed in a timely fashion, there are a number of steps that must be followed:

1. **Pre-submittal Meeting:** Contact City Staff to discuss the status of any outstanding Preliminary Plat conditions, to discuss the requirements for Final Plat application submittal and obtain another land use application.
2. **Final Plat Submittal:** Prepare an informational packet (described herein) that fulfills the Final Plat submittal requirements. Providing a detailed and thorough application packet will greatly reduce the overall review time. Submit your completed packet to Staff to initiate review.
3. **Completeness Review:** Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so Staff can assist you in meeting all requirements. Applications found to be incomplete will be returned to the applicant.<sup>2</sup>
4. **Final Plat Review/Processing:** Staff will process completed applications. This process typically requires at least one applicant revision and resubmittal of plans to work through review comments. The process may also include additional applicant meetings, requesting review comments from partnering agencies, and writing reports.
5. **City Council Meeting:** Once the plans are revised to fully meet the Zoning and Subdivision Ordinance and Engineering Design Standards as outlined by Staff, planning and engineering reports are prepared and the item is scheduled for the next available City Council meeting (1<sup>st</sup> or 3<sup>rd</sup> Tuesday of the month<sup>3</sup>). If the proposed final plat has significant changes from the approved preliminary plat, the City requires the Planning Commission to make a recommendation about the proposal before the City Council considers the final plat.

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<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

<sup>2</sup> Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

<sup>3</sup> Staff will determine when applications are reviewed based on the time needed to review the application and the number of items already scheduled on future agendas. Please note that meeting dates are ange due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

6. **Revisions:** If needed, the applicant revises the Final Plat to address City staff recommendation(s) and any outstanding review comments before City Council consideration.
7. **City Council Meeting:** Once the plans are finalized and ready for the City Council's consideration, staff reports are prepared and the Final Plat is placed on the next available City Council meeting agenda (1<sup>st</sup> or 3<sup>rd</sup> Tuesday of the month<sup>3</sup>). Applicants are advised to attend both the Planning Commission and City Council meetings and be open to questions regarding the request.
8. **Decision:** The City Council will review the request and either grant or deny the Final Plat.
9. **Title Work:** If the Final Plat application is approved by the City Council, all title work must be reviewed and approved by the City Attorney before the plat is recorded by the County. The applicant shall provide evidence in a form satisfactory to the City Attorney that he/she has fee interest in the subject property.

Above all else, it is imperative that an applicant begin preparations as early as possible and to ensure that a complete application is submitted. Review by the Planning Commission will not occur until at least three weeks have passed from when the City has deemed the application complete.

**Final Plat Fees:** The City Council has established a **non-refundable fee**<sup>4</sup> for processing Final Plat applications. Please see the current fee schedule on our website. In addition, the City requires that the applicant enter into an Escrow Agreement with the City and post an \$8,000 escrow to reimburse the City for all technical planning, engineering, public works and legal review.

You will find that a great deal of the information requested for a Final Plat application matches the requirements for Preliminary Plat application submittal. While we have your original applications, the City does require that all applicants submit a new and complete application at every stage of the development process (updating information as needed). This allows us to track changes as the application progresses through the various levels of review. With this in mind, the following materials must be submitted prior to deeming an application complete:

**Sub:   Req:   Item:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. <b>A completed land use application form</b> signed by <b>all</b> property owners along with payment of the proper filing fee, escrow and escrow agreement. |
|--------------------------|--------------------------|--|

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<sup>4</sup> Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).



- ☐ ☐ 2. **Written statements** providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below (answers must be submitted in both hard copy and electronic form-- MS Word format or PDF):
- a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.
  - b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s).
  - c. Final Subdivision and Lot Information:
    - i. The name of the Final Plat.
    - ii. A table listing the lot and block number, size of lot, width of lot, and depth of lot.
    - iii. Final exact area calculations of parks, trails, and any other dedicated public open space; and estimated values of all dedicated land and improvements (trails, park equipment, sports fields, etc.).
    - iv. Final exact area calculations of wetlands and buffers.
    - v. Final proposed area calculations for all dedicated right-of-ways.
    - vi. Proposed legal descriptions for: all lots, easements to be created (if not being dedicated on the plat), and easements to be vacated (if any).
  - d. An explanation of how issues have been addressed since the Preliminary Plat phase of the development.
  - e. A statement showing the final density of the project with the method of calculating said density shown.
  - f. Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc) necessary to serve the subdivision.
  - g. If applicable, a narrative addressing how concerns/issues raised by neighboring properties have been addressed (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed).
  - h. If applicable, a description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated.
  - i. Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area.

**Written statements continued:**

- j. If applicable, provide a description of proposed lakeshore access (i.e. shared dock with multiple slips, individual docks for each lot, etc.).
- k. A description of proposed parks and/or open space, including a brief statement of the overall land dedication of fees to be paid in lieu of land dedication that meets the public land dedication requirements of the Subdivision Ordinance.
- l. A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

- ☐ ☐ 3. **Plat & Associated Plans:** Ten (10) packets of reduced size (11x17) and five (5) packets of full plan size (24x36) containing each of the following required pieces of information depicting the proposed subdivision. Each document shall be at a consistent, readable, and measurable engineering scale, include a title and a page number (Sheet 1 of 5±, Sheet 2 of 5±, et cetera), ). Staff will assist you in determining what is required. The plan sets will not be considered complete unless all required elements are included. Additionally, each of the packet items must be submitted in an electronic format (.jpg, .pdf, etc.) for use in presentations.

The following pages outline the information that is required to deem your application complete.

Please refer to the City's Engineering Design and Construction Standards Manual to ensure compliance prior to submitting plans.

☐ **Final Plat:**


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**Sub:   Required:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <p>1. <b>Administrative Information:</b></p> <ul style="list-style-type: none"> <li>▪ <i>Appropriate identification of the drawing (i.e. final plat, grading plan, etc).</i></li> <li>▪ <i>Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivision in Washington County. Proposed names must be verified by the Washington County Recorder.</i></li> <li>▪ <i>Signature of surveyor, engineer, landscape architect, and all other professionals certifying the documents.</i></li> <li>▪ <i>Date of plan preparation with revision date(s) (if any).</i></li> <li>▪ <i>Graphic scale and true north arrow(engineering scale only, not less than one (1) inch equals one hundred (100) feet.</i></li> <li>▪ <i>A complete Legend depicting all line types and symbols used within the plans.</i></li> </ul> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>2. <b>General Property Information:</b></p> <ul style="list-style-type: none"> <li>▪ <i>Address(es) and PID(s) for the subject property.</i></li> <li>▪ <i>Existing legal description(s) for the subject property.</i></li> <li>▪ <i>Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be platted.</i></li> <li>▪ <i>Date of survey.</i></li> <li>▪ <i>Name, address, and phone number of landowner (and subdivider if not the same)</i></li> <li>▪ <i>Name, address, and phone number of engineer, surveyor, landscape architect, or land planner preparing the plat (include registration #'s)</i></li> </ul>   |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>3. Indication of the gross area being subdivided and the proposed number of lots shown in square feet and acres.</p>   |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>4. Existing site improvements within the parcel of land to be platted and for a distance of 150 feet outside of the parcel boundaries.</p>   |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>5. Zoning district(s) of the land being subdivided (if more than one zoning district, zoning boundary lines must be shown) and proposed future zoning for the subdivided land.</p>   |

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Layout of proposed lots with future lot and block numbers. The boundary lines of the subdivision should be clearly distinguishable from other property lines. Denote outlots planned for public dedication and/or open space (schools, parks, trails, stormwater ponds, etc.). |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Layout of existing property lines if (different from proposed lot lines). Existing lot lines should be easily distinguishable from the proposed lot lines and not be a prominent feature on the plat.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Denote the area within each of the proposed parcels (in the appropriate units of acres and/or square feet)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Existing contours at intervals of two feet. Contours must extend a minimum of 150 feet beyond the boundary of the parcel(s) in question.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Delineation of wetlands and/or watercourses on the plat and within 150 feet of the perimeter of the subdivision parcel. The ordinary high water elevation and the 100 year flood elevation shall be shown for all existing water bodies.                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel, showing pavement type and width.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. All easements of record within or adjacent to the plat.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Lines establishing the buildable area on each lot (setbacks)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Boundary lines of adjoining parcels within three hundred fifty (350) feet beyond the plat. Individual parcels shall be identified by name and ownership including all contiguous land owned or controlled by the subdivider.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Location and dimensions of existing buildings or significant above ground structures on or within one hundred and fifty (150) feet of the outer plat boundary.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Location of any unique natural and/or historic features (if any)  |

☐ ***Final Grading, Drainage & Erosion Control Plan:***

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**Sub:   Required:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a “final grading, drainage and erosion control plan.” |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.   |

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Grading Plan: The developer shall submit a final grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following information:         |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. North arrow and date of preparation.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Graphic Scale (engineering scale only, not less than one (1) inch equals fifth (50) feet).   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. For each lot, provide lot and block numbers, easement locations, building pad location, building type and proposed building first floor elevation, low floor elevation and elevation at garage slab.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Stormwater Management Plan, with a narrative, including the configuration of drainage areas and calculations that meet the requirements of the City Code and City Engineering Stormwater Management Requirements and/or applicable Watershed Standards.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Location of all natural features on the tract. Natural features are considered to include, but are not limited to the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. All delineated Wetlands and watercourse buffers per the City and Watershed standards; and wetland replacement plan, if needed.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within one hundred fifty (150) feet of the tract. Existing pipe type, grades, rim and invert elevations and normal and high water elevations must be included. |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Normal water level (NWL) and 100-year high water level (100-year HWL) for all water bodies, existing and proposed.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Spot elevations at drainage break points and emergency overflows (in BOLD) with directional arrows indicating site, swale and lot drainage.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Retaining Walls (wall heights and elevations).  |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds and BMP's proposed to serve the tract.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Locations and elevations of all street high and low points.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Street grades shown.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Provide phasing plan for site grading.  |

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 18. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan using Lake Elmo city standard details. Plan must meet the requirements of MPCA General Permit Construction Activity. |
| <input type="checkbox"/> | <input type="checkbox"/> | 19. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. Existing contours at two (2) foot intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty (150) feet outside of the tract.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 21. Proposed grade elevations at two (2) foot intervals shown as solid lines.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. Other information as required and outlined in the City Plan Sheet Format Requirements.   |

☐ ***Final Utility Plan:***

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**Sub:   Required:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a “final utility plan.”   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Utility Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Easements: Location, dimension and purpose of all utility easements.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Underground and Overhead Facilities: Location and size of existing utilities including sewers, water mains, culverts, gas, electric, phone, cable, fiberoptic, utility poles or other underground facilities within the tract and to a distance of one hundred fifty (150) feet beyond the tract. Such data as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown. |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Proposed utility plans including sanitary sewer, watermain, and storm sewer, all in accordance with the current City of Lake Elmo engineering design standards manual.   |

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Water Supply, Public: Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed to the property line. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the engineering design standards as approved by the City Engineer and in accordance with the City's Comprehensive Water Plan. The Final Utility Plan shall indicate the location of all hydrants and valves. |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Water Supply, Private: In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities. Well plans must comply with the State Well Code, as may be amended, and be submitted for the approval of the City Engineer.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Sewage Disposal, Public: Sanitary sewer laterals and service connections shall be installed in accordance with the design standards of the City as approved by the City Engineer. The Final Utility Plan shall provide the locations, grades, rim and invert elevations, and sizes of all proposed sanitary sewer facilities to serve the tract. Demonstration of two separate and distinct land area of at least 10,000 square feet suitable for septic drainfields is required.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Sewage Disposal, Private: All individual sewage treatment systems shall be installed in accordance with all applicable State, County, and City requirements.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Other information as required and outlined in the City Plan Sheet Format Requirements.  |

☐ ***Final Street & Storm Sewer Plan:***

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**Sub:   Required:   Item:**

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|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a "final street & storm sewer plan."   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the preliminary plat.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Street and Storm Sewer Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Layout of proposed streets showing the proposed lot lines, right-of-way widths, and proposed names of streets in conformance with the County Uniform Street Naming and Addressing System. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Locations and widths of proposed streets, alleys and pedestrian-ways.   |

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Location, dimensions and purpose of all easements.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Annotation of street geometrics for all horizontal curves, tangent lengths and corner radii.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Centerline profile and gradients for all streets, with vertical geometrics annotated on the plan profiles.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Typical cross section of proposed street improvements.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Minimum front and side street building setback lines.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. When lots are located on a curve, the width of the lot at the building setback line.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Location and number of off-street parking spaces (guest, handicapped, bicycle, motorcycle, etc.) including typical dimensions of each. <i>Note: not required for single family residential developments.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Other information as required and outlined in the City Plan Sheet Format Requirements.   |

☐ ***Final Tree Preservation Plan<sup>5</sup>:***

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**Sub:   Required:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing(s) as the “final tree preservation plan.”  |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Tree Preservation Plan, prepared and signed by a Minnesota licensed forester or landscape architect, depicting the following information:  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Tree inventory and survey, including a total listing of all healthy significant trees, all healthy significant trees to be removed and all healthy significant trees to remain. Information should be presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form (charts listing significant trees by field tag number). |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. General description of the trees on the site not meeting the significant size threshold.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Locations of proposed buildings, structure, or impervious surfaces.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Delineation of all areas to be graded and limits of land disturbance.  |

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<sup>5</sup> All tree preservation plans shall be certified by a forester or landscape architect.



- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Identification of all significant trees to be removed in the construction area, presented in both graphic and tabular form.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Measures to protect the significant trees that are to remain.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary, presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form. |

☐ ***Final Landscaping Plan<sup>6</sup>:***

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**Sub:   Required:   Item:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing(s) as the “final landscaping plan.”   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. The proposed location, size, quantity, and species of all existing and proposed plant materials as required in §154.258. Information should also be provided in tabular form. |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Methods for protecting existing trees and other landscape material, consistent with §154.257.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Proposed structural and ground cover materials.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Proposed provisions for irrigation and other water supplies. Irrigation plan must comply with the City Standard Specifications Standards.                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. If required, proposed screening showing details and typical cross-sections.   |

☐ ***Ghost Plat*** (Note: Ghost Plat may be required dependent on potential future land uses of adjacent property as guided by the City’s Comprehensive Plan):

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**Sub:   Required:   Item:**

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|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a “ghost plat.”   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Show potential future subdivision possibilities for the land if your proposal was approved (i.e. if you are not subdividing to the maximum density, how might the land be further divided in the future to reach the maximum density). |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Indicate how the proposed subdivision will relate to potential future subdivisions of adjacent properties (you may need to ghost plat development on adjacent properties to establish this relation).                                  |

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<sup>6</sup> All landscape plans shall be certified by a landscape architect.

☐ **Electronic files**


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**Sub:   Required:   Item:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. A flash drive must be submitted which includes electronic files for the written statements regarding the proposal, the plat and all associated plans. Staff can generally work with most file formats (.jpg or .pdf files are preferred). An electronic drop-box to access all project files and plans also are acceptable. |
|--------------------------|--------------------------|--|

**Sub:   Req:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 4. <b>Supplemental Information.</b> Depending upon the submittal, the following items may also be required:   |
| <input type="checkbox"/> | <input type="checkbox"/> | Feasibility report(s) for proposed individual on-site sewer and water systems. Such reports will be required with any future plat;  |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed protective covenants;  |
| <input type="checkbox"/> | <input type="checkbox"/> | Ten (10) copies of a context diagram that graphically depicts how the development plan relates to its surrounding neighborhood or community context including the pedestrian, bike, and street (vehicular access) network (existing and potential); |
| <input type="checkbox"/> | <input type="checkbox"/> | A Traffic Impact Study (TIS) (6 copies) prepared in accordance with State, County and/or City Engineering guidelines;   |
| <input type="checkbox"/> | <input type="checkbox"/> | A soil survey and report; Include a report indicating results of deep soil tests and percolation tests at the rate of no fewer than 2 successful test results for reach proposed septic disposal area (4) tests per lot.;                           |
| <input type="checkbox"/> | <input type="checkbox"/> | Signed letters of intent indicating that all required off-site easements and off-site rights-of-way necessary for the project could be negotiated and obtained;   |
| <input type="checkbox"/> | <input type="checkbox"/> | A hydrological/groundwater report;  |
| <input type="checkbox"/> | <input type="checkbox"/> | Any other special natural area or environmental study or report pursuant to Lake Elmo Code as requested by the City, if such exists or is deemed necessary;   |
| <input type="checkbox"/> | <input type="checkbox"/> | Any <b>other information</b> required by Staff, Commissioners, or Council Members necessary to provide a complete review of the preliminary plat and associated plans <sup>7</sup> . Additional items include:                                      |

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<sup>7</sup> Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

**Sub:   Req:   Item:**

- ☐   ☐   **5. Variances:** If you are requesting variances in any portion of the submitted Final Plat, the City asks that you list each of the requested variances and provide an explanation as to why each is necessary and cannot be avoided. Additionally, you must provide written answers to the following questions:

- (1) Identify the unusual hardship on the land that necessitates the variance request; and
- (2) Explain the nature of the proposed use of land and the existing use of land in the vicinity of the property; and
- (3) Estimate the number of persons to reside or work in the proposed subdivision; and
- (4) Indicate the anticipated effect of the proposed subdivision upon traffic conditions in the vicinity.

**Sub:   Req:   Item:**

- ☐   ☐   **6. Additional Applications:** If your request involves a rezoning or a vacation request, additional applications and materials will be required.
- ☐   ☐   Zoning Map Amendment Application
- ☐   ☐   Vacation Application

Upon City Council approval of Final Plat, and before any construction commencing, a pre-construction meeting must occur for both grading and street utility construction. These meetings may be combined into one meeting provided all items on both check lists are completed. Pre-construction meetings may not occur before the City Council approves the Final Plat and Development Agreement.

**Checklist for Pre-Construction Conference for Grading**

1.   ☐   Payment of Development Fees
2.   ☐   Issuance of securities on City of Lake Elmo approved form
3.   ☐   Copy of Certificate of Insurance for both Developer and General Contractor identifying City of Lake Elmo as additional insured on City of Lake Elmo approved form
4.   ☐   Copy of NPDES card
5.   ☐   Grading specifications
6.   ☐   Proposed construction schedule

7. ☐ List of subcontractors and contacts
8. ☐ List of materials and suppliers

Prior to grading operations commencing, contractor shall install all perimeter erosion control and other required erosion control best management practices and have the site inspected and approved by the City of Lake Elmo's Field Inspector or Observer.

### **Checklist for Pre-Construction Conference for Streets and Utilities**

1. ☐ Payment of Development Fees
2. ☐ Issuance of securities on City of Lake Elmo approved form
3. ☐ Copy of Certificate of Insurance for both Developer and General Contractor identifying City of Lake Elmo as additional insured on City of Lake Elmo approved form
4. ☐ Approved construction plans and specifications. (Note: these may not be the same as the approved Final Plat Street and Utility Plans. Questions about construction plans and specifications should be directed to the City Engineer)
5. ☐ Minnesota Department of Health Watermain Permit
6. ☐ Minnesota Pollution Control Agency Sanitary Sewer Extension Permit
7. ☐ Proposed construction schedule
8. ☐ List of subcontractors and contacts
9. ☐ List of materials and suppliers

State Statutes provide City staff with fifteen (15) business days to review an application to determine if it is complete. Applications found to be incomplete will be returned to the applicant. Please contact staff at (651) 747-3900 if you have any questions.

Thank you!

*This handout last updated on 1/15/2020*



**PUBLIC WORKS DEPARTMENT  
SURVEY & LAND MANAGEMENT  
DIVISION**

**Donald J. Theisen, P.E.**  
Director

**Michael J. Welling, P.L.S.**  
County Surveyor/Division Manager

Washington County Government Center • 14949 62nd Street North • P.O. Box 6 • Stillwater, MN 55082  
Phone 651-430-6875 • Fax 651-430-6888 • TTY 651-430-6246

Date of request \_\_\_\_\_

Parcel Search File No. \_\_\_\_\_

**REQUEST FOR SURROUNDING PROPERTY OWNERS AND ADDRESSES**

Requested by: Name \_\_\_\_\_  
Business \_\_\_\_\_  
Street address \_\_\_\_\_  
City/State/Zip code \_\_\_\_\_

Daytime Phone (     ) \_\_\_\_\_

List of owner names and addresses for parcels located within \_\_\_\_\_ feet of:

Parcel ID (if known) \_\_\_\_\_  
Owner's Name \_\_\_\_\_  
Street address of subject parcel \_\_\_\_\_  
City or Township \_\_\_\_\_

Date needed: \_\_\_\_\_

Mail report \_\_\_\_\_ Pick up report \_\_\_\_\_

Mailing labels: Yes \_\_\_\_\_ No \_\_\_\_\_

# of sets of labels: \_\_\_\_\_

**PARCEL SEARCH FEES**

1st 25 parcels, including subject parcel (\$50.00) \$ \_\_\_\_\_

1 sheet of 30 labels (\$1.00/set) \_\_\_\_\_

Postage, if parcel search is mailed (\$2.00) \_\_\_\_\_

Fee, if parcel search is faxed (\$2.00) \_\_\_\_\_

Completion date \_\_\_\_\_

Service Rep \_\_\_\_\_

Total # of parcels \_\_\_\_\_

Total # of labels \_\_\_\_\_

# of additional parcels \_\_\_\_\_ x .50 = \$ \_\_\_\_\_

# of add'l sheets of labels \_\_\_\_\_ x 1.00 = \_\_\_\_\_

**Amount due:** \$ \_\_\_\_\_

Visa/MC \_\_\_\_\_ Check/Cash \_\_\_\_\_ Invoice \_\_\_\_\_

Payment date \_\_\_\_\_ Payment received by \_\_\_\_\_

THIS INFORMATION WAS COMPILED FROM WASHINGTON COUNTY SURVEYOR MAPS AND COUNTY ASSESSOR DATA FILES. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY INACCURACIES IN THE INFORMATION RELIED UPON IN THIS PARCEL SEARCH.



# City of Lake Elmo

## Escrow Agreement for Municipal Review Services

### Deposit Agreement

**THIS AGREEMENT** is made this 24th day of September 2021, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

U.S. Home Corporation d/b/a Lennar

16305 36th Avenue North, Suite 600

Plymouth, MN 55446

B. "Owner" whose name and address is:

H.C. Golf Land, LLC

941 Hillwind Road NE, Suite 301

Fridley, MN 55432

### RECITALS

**WHEREAS**, the Applicant has applied to the City for approval for one or more of the following:  
(Circle One)

- |                                     |    |                          |
|-------------------------------------|----|--------------------------|
| <input type="checkbox"/>            | 1. | Concept / Sketch Plan    |
| <input type="checkbox"/>            | 2. | Preliminary Plat         |
| <input checked="" type="checkbox"/> | 3. | Final Plat               |
| <input type="checkbox"/>            | 4. | Planned Unit Development |
| <input type="checkbox"/>            | 5. | Open Space Development   |
| <input type="checkbox"/>            | 6. | Conditional Use Permit   |
| <input type="checkbox"/>            | 7. | Commercial Zoning / Use  |
| <input type="checkbox"/>            | 8. | EAW Review               |

**WHEREAS**, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

**WHEREAS**, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.

**NOW THEREFORE**, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
  - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
  - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
  - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
  - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant

agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.



e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Application; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[ Signature Page Follows ]



OWNER:

By:   
Its: 

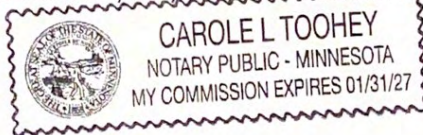
By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA )  
COUNTY OF WASHINGTON ) ss.  
Hennepin )

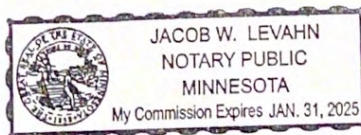
On this 24<sup>th</sup> day of September, 2021, before me a Notary Public within and for said County, personally appeared John Doe and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / ~~they executed that same~~ as his / her / their free act and deed.



Notary Public

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF WASHINGTON )

On this 21 day of Sept, 2011, before me a Notary Public within and for said County, personally appeared Joe Leblond and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their free act and deed.



as his / her / their free act and deed.

Paul M. Belcher  
Notary Public

**CITY OF LAKE ELMO**

---

By: Kristina Handt  
Its: City Administrator

---

Attest: Julie Johnson, City Clerk

STATE OF MINNESOTA        )  
  ) ss.  
COUNTY OF WASHINGTON    )

On this \_\_\_\_ day of \_\_\_\_\_, 201 , before me a Notary Public within and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

---

Notary Public



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

## **ACKNOWLEDGEMENT OF RESPONSIBILITY**

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant Melissa Duce Date September 24, 2021

Name of applicant Melissa Duce Phone 651-261-8273  
(Please Print)

Name and address of Contact (if other than applicant) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





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

## **AFFIRMATION OF SUFFICIENT INTEREST**

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

Name of applicant Joel T. LeKahn  
(Please Print)

Street address/legal description of subject property \_\_\_\_\_

Outlot B, The Royal Golf Club at Lake Elmo, Washington County, Minnesota

[Signature]  
Signature

9/24/21  
Date

**If you are not the fee owner**, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

**If a corporation is fee title holder**, attach a copy of the resolution of the Board of Directors authorizing this action.

**If a joint venture or partnership is the fee owner**, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



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

## FINAL PLAT APPLICATION

Applicant: U.S. Home Corporation d/b/a Lennar

Address: 16305 36th Avenue North, Suite 600, Plymouth MN 55446

Phone #: 651-261-8273

Email Address: melissa.duce@lennar.com

Fee Owner: Royal Development, Inc.

Address: 11455 20th Street North, Lake Elmo MN 55042

Phone #: 651-414-1948

Email Address: jfelten@royalclubmn.com

Property Location (Address): SEC of 20th Street North and Lake Elmo Avenue North

Complete (long) Legal Description: \_\_\_\_\_  
Outlot C The Royal Golf club at Lake Elmo 3rd Addition, Washington County Minnesota

PID#: 25-029-21-22-0002

General information of proposed subdivision: Creation of outlot plat for conveyance purposes.

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

Signature of applicant: Melissa Duce Date: October 8, 2021

Fee Owner Signature

A handwritten signature in black ink, appearing to be "J Felten", written over a horizontal line.

Date: 10/8/21





## **FINAL PLAT APPLICATION REQUIREMENTS<sup>1</sup>**

### **All Subdivisions of Land creating four (4) or more lots**

This handout is intended to provide guidance on putting together and submitting a Final Plat application for the subdivision of property in Lake Elmo. The purpose of the Final Plat is to incorporate all conditions placed on the Preliminary Plat application into the final plans, and to finalize all documentation for legal recording at the County. This steps completes the subdivision process.

In order to have your Final Plat application be complete and reviewed in a timely fashion, there are a number of steps that must be followed:

1. **Pre-submittal Meeting:** Contact City Staff to discuss the status of any outstanding Preliminary Plat conditions, to discuss the requirements for Final Plat application submittal and obtain another land use application.
2. **Final Plat Submittal:** Prepare an informational packet (described herein) that fulfills the Final Plat submittal requirements. Providing a detailed and thorough application packet will greatly reduce the overall review time. Submit your completed packet to Staff to initiate review.
3. **Completeness Review:** Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so Staff can assist you in meeting all requirements. Applications found to be incomplete will be returned to the applicant.<sup>2</sup>
4. **Final Plat Review/Processing:** Staff will process completed applications. This process typically requires at least one applicant revision and resubmittal of plans to work through review comments. The process may also include additional applicant meetings, requesting review comments from partnering agencies, and writing reports.
5. **City Council Meeting:** Once the plans are revised to fully meet the Zoning and Subdivision Ordinance and Engineering Design Standards as outlined by Staff, planning and engineering reports are prepared and the item is scheduled for the next available City Council meeting (1<sup>st</sup> or 3<sup>rd</sup> Tuesday of the month<sup>3</sup>). If the proposed final plat has significant changes from the approved preliminary plat, the City requires the Planning Commission to make a recommendation about the proposal before the City Council considers the final plat.

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<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

<sup>2</sup> Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

<sup>3</sup> Staff will determine when applications are reviewed based on the time needed to review the application and the number of items already scheduled on future agendas. Please note that meeting dates are ange due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

6. **Revisions:** If needed, the applicant revises the Final Plat to address City staff recommendation(s) and any outstanding review comments before City Council consideration.
7. **City Council Meeting:** Once the plans are finalized and ready for the City Council's consideration, staff reports are prepared and the Final Plat is placed on the next available City Council meeting agenda (1<sup>st</sup> or 3<sup>rd</sup> Tuesday of the month<sup>3</sup>). Applicants are advised to attend both the Planning Commission and City Council meetings and be open to questions regarding the request.
8. **Decision:** The City Council will review the request and either grant or deny the Final Plat.
9. **Title Work:** If the Final Plat application is approved by the City Council, all title work must be reviewed and approved by the City Attorney before the plat is recorded by the County. The applicant shall provide evidence in a form satisfactory to the City Attorney that he/she has fee interest in the subject property.

Above all else, it is imperative that an applicant begin preparations as early as possible and to ensure that a complete application is submitted. Review by the Planning Commission will not occur until at least three weeks have passed from when the City has deemed the application complete.

**Final Plat Fees:** The City Council has established a **non-refundable fee**<sup>4</sup> for processing Final Plat applications. Please see the current fee schedule on our website. In addition, the City requires that the applicant enter into an Escrow Agreement with the City and post an \$8,000 escrow to reimburse the City for all technical planning, engineering, public works and legal review.

You will find that a great deal of the information requested for a Final Plat application matches the requirements for Preliminary Plat application submittal. While we have your original applications, the City does require that all applicants submit a new and complete application at every stage of the development process (updating information as needed). This allows us to track changes as the application progresses through the various levels of review. With this in mind, the following materials must be submitted prior to deeming an application complete:

**Sub:   Req:   Item:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. <b>A completed land use application form</b> signed by <b>all</b> property owners along with payment of the proper filing fee, escrow and escrow agreement. |
|--------------------------|--------------------------|--|

<sup>4</sup> Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).

- ☐ ☐ 2. **Written statements** providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below (answers must be submitted in both hard copy and electronic form-- MS Word format or PDF):
- a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.
  - b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s).
  - c. Final Subdivision and Lot Information:
    - i. The name of the Final Plat.
    - ii. A table listing the lot and block number, size of lot, width of lot, and depth of lot.
    - iii. Final exact area calculations of parks, trails, and any other dedicated public open space; and estimated values of all dedicated land and improvements (trails, park equipment, sports fields, etc.).
    - iv. Final exact area calculations of wetlands and buffers.
    - v. Final proposed area calculations for all dedicated right-of-ways.
    - vi. Proposed legal descriptions for: all lots, easements to be created (if not being dedicated on the plat), and easements to be vacated (if any).
  - d. An explanation of how issues have been addressed since the Preliminary Plat phase of the development.
  - e. A statement showing the final density of the project with the method of calculating said density shown.
  - f. Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc) necessary to serve the subdivision.
  - g. If applicable, a narrative addressing how concerns/issues raised by neighboring properties have been addressed (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed).
  - h. If applicable, a description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated.
  - i. Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area.



**Written statements continued:**

- j. If applicable, provide a description of proposed lakeshore access (i.e. shared dock with multiple slips, individual docks for each lot, etc.).
- k. A description of proposed parks and/or open space, including a brief statement of the overall land dedication of fees to be paid in lieu of land dedication that meets the public land dedication requirements of the Subdivision Ordinance.
- l. A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

- ☐ ☐ 3. **Plat & Associated Plans:** Ten (10) packets of reduced size (11x17) and five (5) packets of full plan size (24x36) containing each of the following required pieces of information depicting the proposed subdivision. Each document shall be at a consistent, readable, and measurable engineering scale, include a title and a page number (Sheet 1 of 5±, Sheet 2 of 5±, et cetera), ). Staff will assist you in determining what is required. The plan sets will not be considered complete unless all required elements are included. Additionally, each of the packet items must be submitted in an electronic format (.jpg, .pdf, etc.) for use in presentations.

The following pages outline the information that is required to deem your application complete.

Please refer to the City's Engineering Design and Construction Standards Manual to ensure compliance prior to submitting plans.

☐ **Final Plat:**


---

**Sub:   Required:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <p>1. <b>Administrative Information:</b></p> <ul style="list-style-type: none"> <li>▪ <i>Appropriate identification of the drawing (i.e. final plat, grading plan, etc).</i></li> <li>▪ <i>Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivision in Washington County. Proposed names must be verified by the Washington County Recorder.</i></li> <li>▪ <i>Signature of surveyor, engineer, landscape architect, and all other professionals certifying the documents.</i></li> <li>▪ <i>Date of plan preparation with revision date(s) (if any).</i></li> <li>▪ <i>Graphic scale and true north arrow(engineering scale only, not less than one (1) inch equals one hundred (100) feet.</i></li> <li>▪ <i>A complete Legend depicting all line types and symbols used within the plans.</i></li> </ul> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>2. <b>General Property Information:</b></p> <ul style="list-style-type: none"> <li>▪ <i>Address(es) and PID(s) for the subject property.</i></li> <li>▪ <i>Existing legal description(s) for the subject property.</i></li> <li>▪ <i>Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be platted.</i></li> <li>▪ <i>Date of survey.</i></li> <li>▪ <i>Name, address, and phone number of landowner (and subdivider if not the same)</i></li> <li>▪ <i>Name, address, and phone number of engineer, surveyor, landscape architect, or land planner preparing the plat (include registration #'s)</i></li> </ul>   |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>3. Indication of the gross area being subdivided and the proposed number of lots shown in square feet and acres.</p>   |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>4. Existing site improvements within the parcel of land to be platted and for a distance of 150 feet outside of the parcel boundaries.</p>   |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>5. Zoning district(s) of the land being subdivided (if more than one zoning district, zoning boundary lines must be shown) and proposed future zoning for the subdivided land.</p>   |

- ☐ ☐ 6. Layout of proposed lots with future lot and block numbers. The boundary lines of the subdivision should be clearly distinguishable from other property lines. Denote outlots planned for public dedication and/or open space (schools, parks, trails, stormwater ponds, etc.).
- ☐ ☐ 7. Layout of existing property lines if (different from proposed lot lines). Existing lot lines should be easily distinguishable from the proposed lot lines and not be a prominent feature on the plat.
- ☐ ☐ 8. Denote the area within each of the proposed parcels (in the appropriate units of acres and/or square feet)
- ☐ ☐ 9. Existing contours at intervals of two feet. Contours must extend a minimum of 150 feet beyond the boundary of the parcel(s) in question.
- ☐ ☐ 10. Delineation of wetlands and/or watercourses on the plat and within 150 feet of the perimeter of the subdivision parcel. The ordinary high water elevation and the 100 year flood elevation shall be shown for all existing water bodies.
- ☐ ☐ 11. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel, showing pavement type and width.
- ☐ ☐ 12. All easements of record within or adjacent to the plat.
- ☐ ☐ 13. Lines establishing the buildable area on each lot (setbacks)
- ☐ ☐ 14. Boundary lines of adjoining parcels within three hundred fifty (350) feet beyond the plat. Individual parcels shall be identified by name and ownership including all contiguous land owned or controlled by the subdivider.
- ☐ ☐ 15. Location and dimensions of existing buildings or significant above ground structures on or within one hundred and fifty (150) feet of the outer plat boundary.
- ☐ ☐ 16. Location of any unique natural and/or historic features (if any)

☐ ***Final Grading, Drainage & Erosion Control Plan:***

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**Sub:   Required:   Item:**

- ☐ ☐ 1. Appropriate identification of the drawing as a “final grading, drainage and erosion control plan.”
- ☐ ☐ 2. Administrative information as required for the Final Plat.

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Grading Plan: The developer shall submit a final grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following information:         |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. North arrow and date of preparation.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Graphic Scale (engineering scale only, not less than one (1) inch equals fifth (50) feet).   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. For each lot, provide lot and block numbers, easement locations, building pad location, building type and proposed building first floor elevation, low floor elevation and elevation at garage slab.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Stormwater Management Plan, with a narrative, including the configuration of drainage areas and calculations that meet the requirements of the City Code and City Engineering Stormwater Management Requirements and/or applicable Watershed Standards.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Location of all natural features on the tract. Natural features are considered to include, but are not limited to the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. All delineated Wetlands and watercourse buffers per the City and Watershed standards; and wetland replacement plan, if needed.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within one hundred fifty (150) feet of the tract. Existing pipe type, grades, rim and invert elevations and normal and high water elevations must be included. |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Normal water level (NWL) and 100-year high water level (100-year HWL) for all water bodies, existing and proposed.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Spot elevations at drainage break points and emergency overflows (in BOLD) with directional arrows indicating site, swale and lot drainage.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Retaining Walls (wall heights and elevations).  |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds and BMP's proposed to serve the tract.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Locations and elevations of all street high and low points.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Street grades shown.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Provide phasing plan for site grading.  |

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 18. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan using Lake Elmo city standard details. Plan must meet the requirements of MPCA General Permit Construction Activity. |
| <input type="checkbox"/> | <input type="checkbox"/> | 19. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. Existing contours at two (2) foot intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty (150) feet outside of the tract.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 21. Proposed grade elevations at two (2) foot intervals shown as solid lines.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. Other information as required and outlined in the City Plan Sheet Format Requirements.   |

☐ ***Final Utility Plan:***

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**Sub:   Required:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a “final utility plan.”   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Utility Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Easements: Location, dimension and purpose of all utility easements.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Underground and Overhead Facilities: Location and size of existing utilities including sewers, water mains, culverts, gas, electric, phone, cable, fiberoptic, utility poles or other underground facilities within the tract and to a distance of one hundred fifty (150) feet beyond the tract. Such data as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown. |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Proposed utility plans including sanitary sewer, watermain, and storm sewer, all in accordance with the current City of Lake Elmo engineering design standards manual.   |

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Water Supply, Public: Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed to the property line. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the engineering design standards as approved by the City Engineer and in accordance with the City's Comprehensive Water Plan. The Final Utility Plan shall indicate the location of all hydrants and valves. |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Water Supply, Private: In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities. Well plans must comply with the State Well Code, as may be amended, and be submitted for the approval of the City Engineer.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Sewage Disposal, Public: Sanitary sewer laterals and service connections shall be installed in accordance with the design standards of the City as approved by the City Engineer. The Final Utility Plan shall provide the locations, grades, rim and invert elevations, and sizes of all proposed sanitary sewer facilities to serve the tract. Demonstration of two separate and distinct land area of at least 10,000 square feet suitable for septic drainfields is required.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Sewage Disposal, Private: All individual sewage treatment systems shall be installed in accordance with all applicable State, County, and City requirements.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Other information as required and outlined in the City Plan Sheet Format Requirements.  |

☐ ***Final Street & Storm Sewer Plan:***

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**Sub:   Required:   Item:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a "final street & storm sewer plan."   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the preliminary plat.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Street and Storm Sewer Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Layout of proposed streets showing the proposed lot lines, right-of-way widths, and proposed names of streets in conformance with the County Uniform Street Naming and Addressing System. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Locations and widths of proposed streets, alleys and pedestrian-ways.   |

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Location, dimensions and purpose of all easements.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Annotation of street geometrics for all horizontal curves, tangent lengths and corner radii.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Centerline profile and gradients for all streets, with vertical geometrics annotated on the plan profiles.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Typical cross section of proposed street improvements.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Minimum front and side street building setback lines.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. When lots are located on a curve, the width of the lot at the building setback line.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Location and number of off-street parking spaces (guest, handicapped, bicycle, motorcycle, etc.) including typical dimensions of each. <i>Note: not required for single family residential developments.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Other information as required and outlined in the City Plan Sheet Format Requirements.   |

☐ ***Final Tree Preservation Plan<sup>5</sup>:***

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**Sub:   Required:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing(s) as the “final tree preservation plan.”  |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Final Tree Preservation Plan, prepared and signed by a Minnesota licensed forester or landscape architect, depicting the following information:  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Tree inventory and survey, including a total listing of all healthy significant trees, all healthy significant trees to be removed and all healthy significant trees to remain. Information should be presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form (charts listing significant trees by field tag number). |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. General description of the trees on the site not meeting the significant size threshold.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Locations of proposed buildings, structure, or impervious surfaces.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Delineation of all areas to be graded and limits of land disturbance.  |

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<sup>5</sup> All tree preservation plans shall be certified by a forester or landscape architect.

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Identification of all significant trees to be removed in the construction area, presented in both graphic and tabular form.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Measures to protect the significant trees that are to remain.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary, presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form. |

☐ ***Final Landscaping Plan<sup>6</sup>:***

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**Sub:   Required:   Item:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing(s) as the “final landscaping plan.”   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. The proposed location, size, quantity, and species of all existing and proposed plant materials as required in §154.258. Information should also be provided in tabular form. |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Methods for protecting existing trees and other landscape material, consistent with §154.257.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Proposed structural and ground cover materials.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Proposed provisions for irrigation and other water supplies. Irrigation plan must comply with the City Standard Specifications Standards.                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. If required, proposed screening showing details and typical cross-sections.   |

☐ ***Ghost Plat*** (Note: Ghost Plat may be required dependent on potential future land uses of adjacent property as guided by the City’s Comprehensive Plan):

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**Sub:   Required:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Appropriate identification of the drawing as a “ghost plat.”   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Administrative information as required for the Final Plat.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Show potential future subdivision possibilities for the land if your proposal was approved (i.e. if you are not subdividing to the maximum density, how might the land be further divided in the future to reach the maximum density). |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Indicate how the proposed subdivision will relate to potential future subdivisions of adjacent properties (you may need to ghost plat development on adjacent properties to establish this relation).                                  |

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<sup>6</sup> All landscape plans shall be certified by a landscape architect.



☐ **Electronic files**


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**Sub:   Required:   Item:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. A flash drive must be submitted which includes electronic files for the written statements regarding the proposal, the plat and all associated plans. Staff can generally work with most file formats (.jpg or .pdf files are preferred). An electronic drop-box to access all project files and plans also are acceptable. |
|--------------------------|--------------------------|--|

**Sub:   Req:   Item:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 4. <b>Supplemental Information.</b> Depending upon the submittal, the following items may also be required:   |
| <input type="checkbox"/> | <input type="checkbox"/> | Feasibility report(s) for proposed individual on-site sewer and water systems. Such reports will be required with any future plat;  |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed protective covenants;  |
| <input type="checkbox"/> | <input type="checkbox"/> | Ten (10) copies of a context diagram that graphically depicts how the development plan relates to its surrounding neighborhood or community context including the pedestrian, bike, and street (vehicular access) network (existing and potential); |
| <input type="checkbox"/> | <input type="checkbox"/> | A Traffic Impact Study (TIS) (6 copies) prepared in accordance with State, County and/or City Engineering guidelines;   |
| <input type="checkbox"/> | <input type="checkbox"/> | A soil survey and report; Include a report indicating results of deep soil tests and percolation tests at the rate of no fewer than 2 successful test results for reach proposed septic disposal area (4) tests per lot.;                           |
| <input type="checkbox"/> | <input type="checkbox"/> | Signed letters of intent indicating that all required off-site easements and off-site rights-of-way necessary for the project could be negotiated and obtained;   |
| <input type="checkbox"/> | <input type="checkbox"/> | A hydrological/groundwater report;  |
| <input type="checkbox"/> | <input type="checkbox"/> | Any other special natural area or environmental study or report pursuant to Lake Elmo Code as requested by the City, if such exists or is deemed necessary;   |
| <input type="checkbox"/> | <input type="checkbox"/> | Any <b>other information</b> required by Staff, Commissioners, or Council Members necessary to provide a complete review of the preliminary plat and associated plans <sup>7</sup> . Additional items include:                                      |

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<sup>7</sup> Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

**Sub:   Req:   Item:**

- ☐   ☐   **5.   Variances:** If you are requesting variances in any portion of the submitted Final Plat, the City asks that you list each of the requested variances and provide an explanation as to why each is necessary and cannot be avoided. Additionally, you must provide written answers to the following questions:
- (1) Identify the unusual hardship on the land that necessitates the variance request; and
  - (2) Explain the nature of the proposed use of land and the existing use of land in the vicinity of the property; and
  - (3) Estimate the number of persons to reside or work in the proposed subdivision; and
  - (4) Indicate the anticipated effect of the proposed subdivision upon traffic conditions in the vicinity.

**Sub:   Req:   Item:**

- ☐   ☐   **6.   Additional Applications:** If your request involves a rezoning or a vacation request, additional applications and materials will be required.
- ☐   ☐   Zoning Map Amendment Application
- ☐   ☐   Vacation Application

Upon City Council approval of Final Plat, and before any construction commencing, a pre-construction meeting must occur for both grading and street utility construction. These meetings may be combined into one meeting provided all items on both check lists are completed. Pre-construction meetings may not occur before the City Council approves the Final Plat and Development Agreement.

**Checklist for Pre-Construction Conference for Grading**

- 1.   ☐   Payment of Development Fees
- 2.   ☐   Issuance of securities on City of Lake Elmo approved form
- 3.   ☐   Copy of Certificate of Insurance for both Developer and General Contractor identifying City of Lake Elmo as additional insured on City of Lake Elmo approved form
- 4.   ☐   Copy of NPDES card
- 5.   ☐   Grading specifications
- 6.   ☐   Proposed construction schedule

7. ☐ List of subcontractors and contacts
8. ☐ List of materials and suppliers

Prior to grading operations commencing, contractor shall install all perimeter erosion control and other required erosion control best management practices and have the site inspected and approved by the City of Lake Elmo's Field Inspector or Observer.

### **Checklist for Pre-Construction Conference for Streets and Utilities**

1. ☐ Payment of Development Fees
2. ☐ Issuance of securities on City of Lake Elmo approved form
3. ☐ Copy of Certificate of Insurance for both Developer and General Contractor identifying City of Lake Elmo as additional insured on City of Lake Elmo approved form
4. ☐ Approved construction plans and specifications. (Note: these may not be the same as the approved Final Plat Street and Utility Plans. Questions about construction plans and specifications should be directed to the City Engineer)
5. ☐ Minnesota Department of Health Watermain Permit
6. ☐ Minnesota Pollution Control Agency Sanitary Sewer Extension Permit
7. ☐ Proposed construction schedule
8. ☐ List of subcontractors and contacts
9. ☐ List of materials and suppliers

State Statutes provide City staff with fifteen (15) business days to review an application to determine if it is complete. Applications found to be incomplete will be returned to the applicant. Please contact staff at (651) 747-3900 if you have any questions.

Thank you!

*This handout last updated on 1/15/2020*



**PUBLIC WORKS DEPARTMENT  
SURVEY & LAND MANAGEMENT  
DIVISION**

**Donald J. Theisen, P.E.**  
Director

**Michael J. Welling, P.L.S.**  
County Surveyor/Division Manager

Washington County Government Center • 14949 62nd Street North • P.O. Box 6 • Stillwater, MN 55082  
Phone 651-430-6875 • Fax 651-430-6888 • TTY 651-430-6246

Date of request \_\_\_\_\_

Parcel Search File No. \_\_\_\_\_

**REQUEST FOR SURROUNDING PROPERTY OWNERS AND ADDRESSES**

Requested by: Name \_\_\_\_\_  
Business \_\_\_\_\_  
Street address \_\_\_\_\_  
City/State/Zip code \_\_\_\_\_

Daytime Phone (     ) \_\_\_\_\_

List of owner names and addresses for parcels located within \_\_\_\_\_ feet of:

Parcel ID (if known) \_\_\_\_\_  
Owner's Name \_\_\_\_\_  
Street address of subject parcel \_\_\_\_\_  
City or Township \_\_\_\_\_

Date needed: \_\_\_\_\_

Mail report \_\_\_\_\_ Pick up report \_\_\_\_\_

Mailing labels: Yes \_\_\_\_\_ No \_\_\_\_\_

# of sets of labels: \_\_\_\_\_

**PARCEL SEARCH FEES**

1st 25 parcels, including subject parcel (\$50.00) \$ \_\_\_\_\_

1 sheet of 30 labels (\$1.00/set) \_\_\_\_\_

Postage, if parcel search is mailed (\$2.00) \_\_\_\_\_

Fee, if parcel search is faxed (\$2.00) \_\_\_\_\_

Completion date \_\_\_\_\_

Service Rep \_\_\_\_\_

Total # of parcels \_\_\_\_\_

Total # of labels \_\_\_\_\_

# of additional parcels \_\_\_\_\_ x .50 = \$ \_\_\_\_\_

# of add'l sheets of labels \_\_\_\_\_ x 1.00 = \_\_\_\_\_

**Amount due:** \$ \_\_\_\_\_

Visa/MC \_\_\_\_\_ Check/Cash \_\_\_\_\_ Invoice \_\_\_\_\_

Payment date \_\_\_\_\_ Payment received by \_\_\_\_\_

THIS INFORMATION WAS COMPILED FROM WASHINGTON COUNTY SURVEYOR MAPS AND COUNTY ASSESSOR DATA FILES. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY INACCURACIES IN THE INFORMATION RELIED UPON IN THIS PARCEL SEARCH.



**City of Lake Elmo**  
**Escrow Agreement for Municipal Review Services**  
**Deposit Agreement**

**THIS AGREEMENT** is made this 24th day of September 2021, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

U.S. Home Corporation, d/b/a Lennar

16305 36th Avenue North, Suite 600

Plymouth, MN 55446

B. "Owner" whose name and address is:

Royal Development, Inc.

11455 20th Street North

Lake Elmo, MN 55042

**RECITALS**

**WHEREAS**, the Applicant has applied to the City for approval for one or more of the following:  
(Circle One)

- |                                     |    |                          |
|-------------------------------------|----|--------------------------|
| <input type="checkbox"/>            | 1. | Concept / Sketch Plan    |
| <input type="checkbox"/>            | 2. | Preliminary Plat         |
| <input checked="" type="checkbox"/> | 3. | Final Plat               |
| <input type="checkbox"/>            | 4. | Planned Unit Development |
| <input type="checkbox"/>            | 5. | Open Space Development   |
| <input type="checkbox"/>            | 6. | Conditional Use Permit   |
| <input type="checkbox"/>            | 7. | Commercial Zoning / Use  |
| <input type="checkbox"/>            | 8. | EAW Review               |

**WHEREAS**, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

**WHEREAS**, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.

**NOW THEREFORE**, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
  - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
  - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
  - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
  - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant

agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit within (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Applicant; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[ Signature Page Follows ]



APPLICANT

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

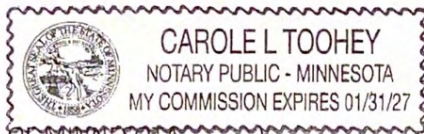
OWNER:

By: IF FELTEN  
Its: President

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA )  
Hennepin ) ss.  
COUNTY OF WASHINGTON )

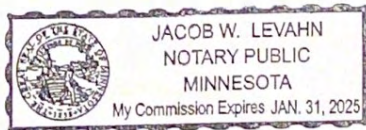
On this 04<sup>th</sup> day of September, 201<sup>st</sup>, before me a Notary Public within and for said County, personally appeared Jan Aue and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their free act and deed.



Notary Public

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF WASHINGTON )

On this 24<sup>th</sup> day of September, 201<sup>st</sup>, before me a Notary Public within and for said County, personally appeared Jim Tatten and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their free act and deed.



Paul M. Zeltchen  
Notary Public



**CITY OF LAKE ELMO**

\_\_\_\_\_  
By: Kristina Handt  
Its: City Administrator

\_\_\_\_\_  
Attest: Julie Johnson, City Clerk

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF WASHINGTON    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 201 , before me a Notary Public within and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

\_\_\_\_\_  
Notary Public



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

## **ACKNOWLEDGEMENT OF RESPONSIBILITY**

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant Melissa Duce Date September 24, 2021

Name of applicant Melissa Duce Phone 651-261-8273  
(Please Print)

Name and address of Contact (if other than applicant) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

### **AFFIRMATION OF SUFFICIENT INTEREST**

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

Name of applicant James F Feltner  
(Please Print)

Street address/legal description of subject property \_\_\_\_\_

Outlot C, The Royal Golf Club at Lake Elmo 3rd Addition, Washington County, Minnesota

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Signature

9/24/21  
Date

**If you are not the fee owner**, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

**If a corporation is fee title holder**, attach a copy of the resolution of the Board of Directors authorizing this action.

**If a joint venture or partnership is the fee owner**, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



October 12, 2021

City of Lake Elmo  
Attention: Corrin Bemis, Interim City Planner  
3880 Laverne Avenue North, Suite 100  
Lake Elmo, MN 55042

**RE: Narrative – Royal Golf Club 4th Addition Final Outlot Plat**

Dear Corrin:

U.S. Home Corporation, dba Lennar, is pleased to submit this Final Outlot Plat for Royal Golf Club 4<sup>th</sup> Addition. Lennar is under contract to purchase the 4<sup>th</sup> phase of the Royal Golf Club from H.C. Golf Land, LLC and will develop a villa and single family product to complement the existing homes found in the area. This Final Outlot Plat will be utilized for conveyance purposes and will assist in facilitation of the transaction.

The Final Outlot Plat consists of two (2) existing outlots located at the SEC of 20<sup>th</sup> Street North and Lake Elmo Avenue North:

**PID# 25-029-21-22-0002 (70.68 acres / 3,078,809 sf)**  
**Outlot C The Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition, Washington County, Minnesota**  
**Currently zoned GCC – Golf Course Community**

And

**PID# 25-029-21-12-0005 (17.22 acres / 750,230 sf)**  
**Outlot B The Royal Golf Club at Lake Elmo, Washington County, Minnesota**  
**Currently zoned GCC – Golf Course Community**

The Final Outlot Plat will create five (5) new outlots.

**Outlot A (0.9 acres / 39,076 sf)**  
**Outlot B (61.53 acres / 2,680,384 sf)**  
**Outlot C (7.59 acres / 330,779 sf)**  
**Outlot D (1.86 acres / 80,884 sf)**  
**Outlot E (16.02 acres / 697,916sf)**

The gross area being subdivided into five (5) outlots on this Final Outlot Plat is **87.9 acres (3,829,039 sf)**. The enclosed Area Map details the layout of proposed outlots including boundary lines and area(s) within each of the proposed outlots.

The Final Outlot Plat will be named The Royal Golf Club at Lake Elmo 4<sup>th</sup> Addition Washington County Minnesota, to remain consistent with previous phases of The Royal Golf Club at Lake Elmo. As this Final

Outlot Plat is only for conveyance purposes: there is currently no table available for homesites, there is not final exact area calculations or parks, trails, or dedicated public open space nor any values associated with dedicated land and improvements. Final exact area calculations of wetland and buffers is not available, final proposed area calculations for all dedicated right-of-ways is not available, proposed legal descriptions for all lots, easements to be created or vacated are also not available. A final plat for the newly created Outlot B will be submitted at a later date which will include the future homesites, right-of-ways and all associated information. As mentioned above, Lennar will be purchasing Outlot B and H.C. Golf Land, LLC will retain the newly created Outlots A, C, D and E.

Final density of the 4<sup>th</sup> and final phase of The Royal Golf Club at Lake Elmo will be calculated with the final plat of the newly created Outlot B. Associated infrastructure, improvements and wetland or natural area disturbances will be included in the same final plat of the newly created Outlot B. This Final Outlot Plat will not place excessive burdens on roads or facilities/services as it is only creating outlots consistent with the Preliminary Plat approved on June 6, 2017. Land dedication fees will be calculated in accordance with underlying PUD requirements at the time the final plat of the newly created Outlot B is proposed and is not applicable to this Final Outlot Plat.

Please contact me with any questions and/or concerns.

Thank you,

Melissa Duce  
Land Entitlement Manager  
Lennar Minnesota

# THE ROYAL GOLF CLUB AT LAKE ELMO 4TH ADDITION

Northwest corner of  
Section 25, Township  
29, Range 21  
(Cast Iron Monument)

SCHWARTZ - MARTINCO ADD.

20TH STREET COURT NORTH

20TH

R

N89°41'47"E  
2540.78

STREET

NORTH

73

LEGION AVE. N.

S89°21'57"E  
221.35

LAKE ELMO AVENUE N.  
(C.S.A.H. NO. 17)

West line of the Northwest Quarter of  
Section 25, Township 29, Range 21  
(Cast Iron Monument)

(C.S.A.H. NO. 17)

LAKE ELMO AVENUE NORTH

West Quarter corner of Section  
25, Township 29, Range 21  
(Cast Iron Monument)

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500°18'13"E

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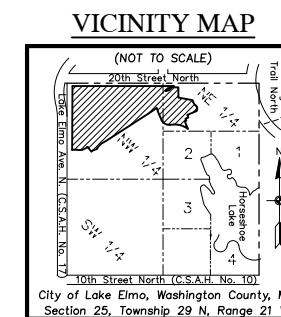
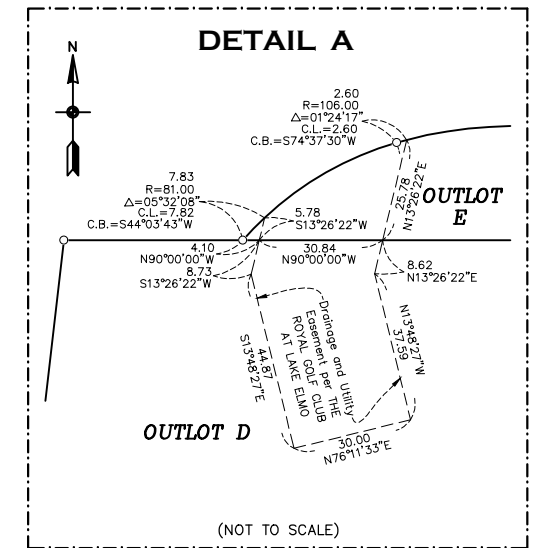
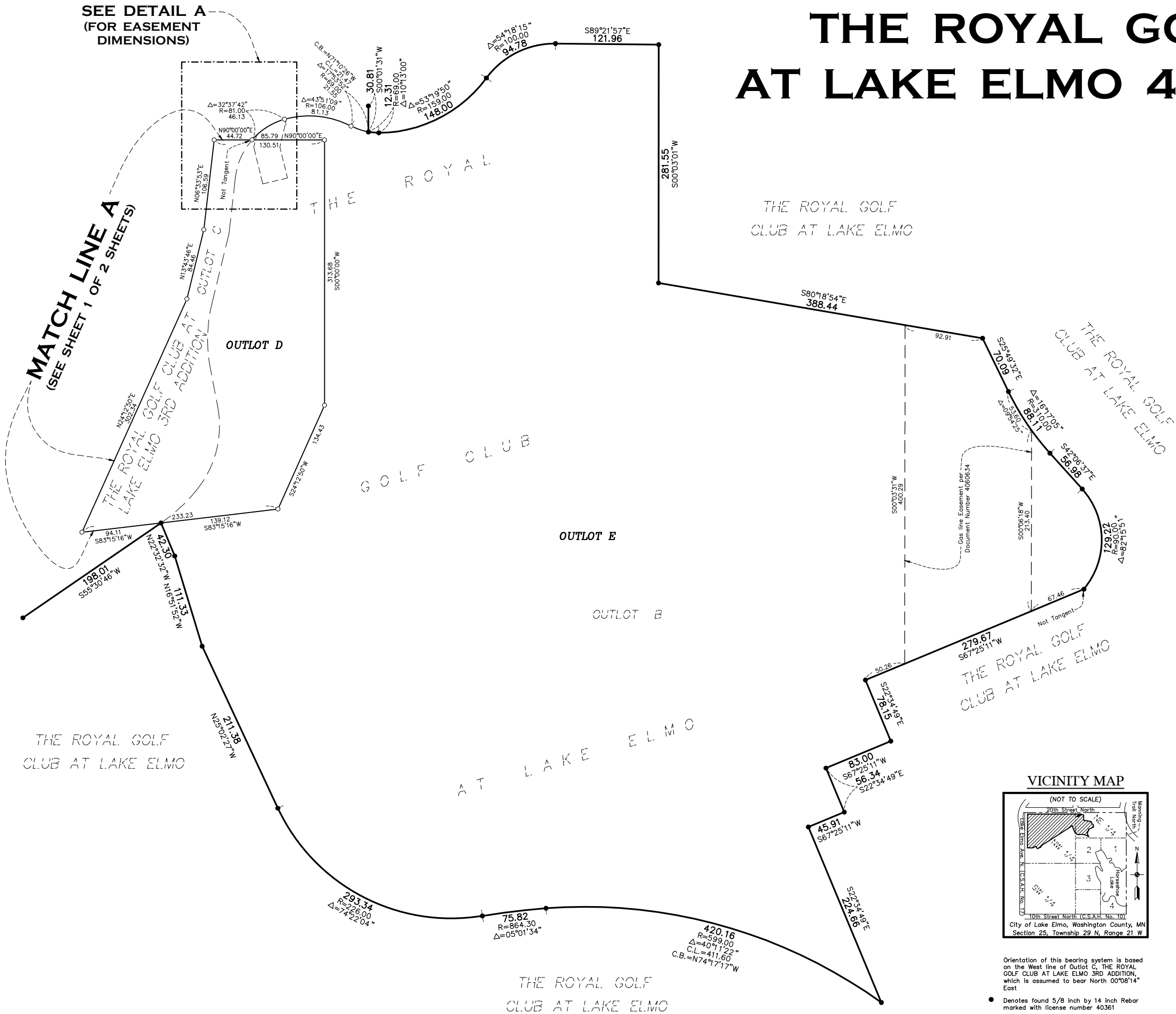
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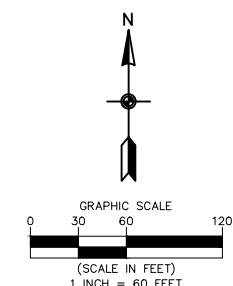


# THE ROYAL GOLF CLUB AT LAKE ELMO 4TH ADDITION

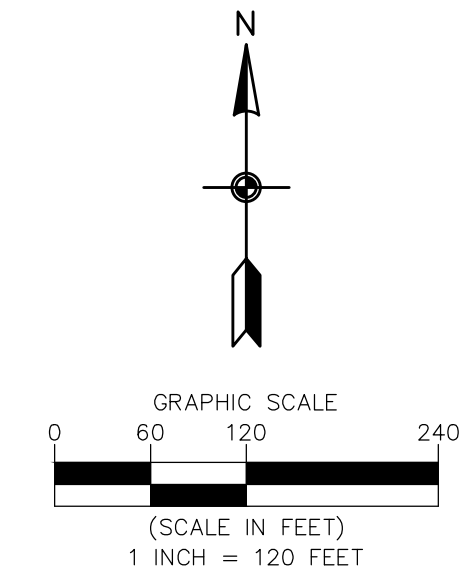
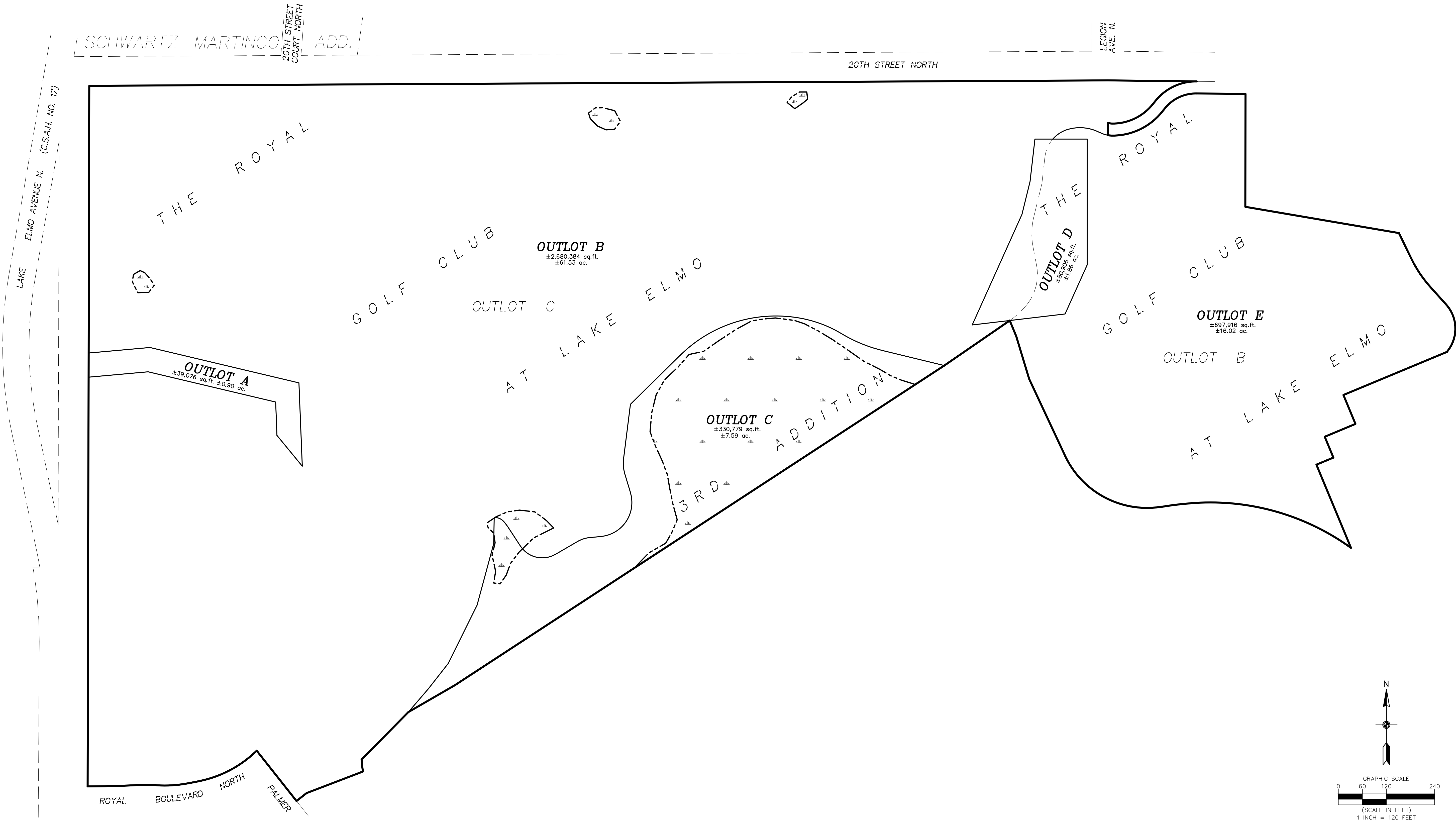


Orientation of this bearing system is based on the West line of Outlot C, THE ROYAL GOLF CLUB AT LAKE ELMO 3RD ADDITION, which is assumed to bear North 00°08'14" East

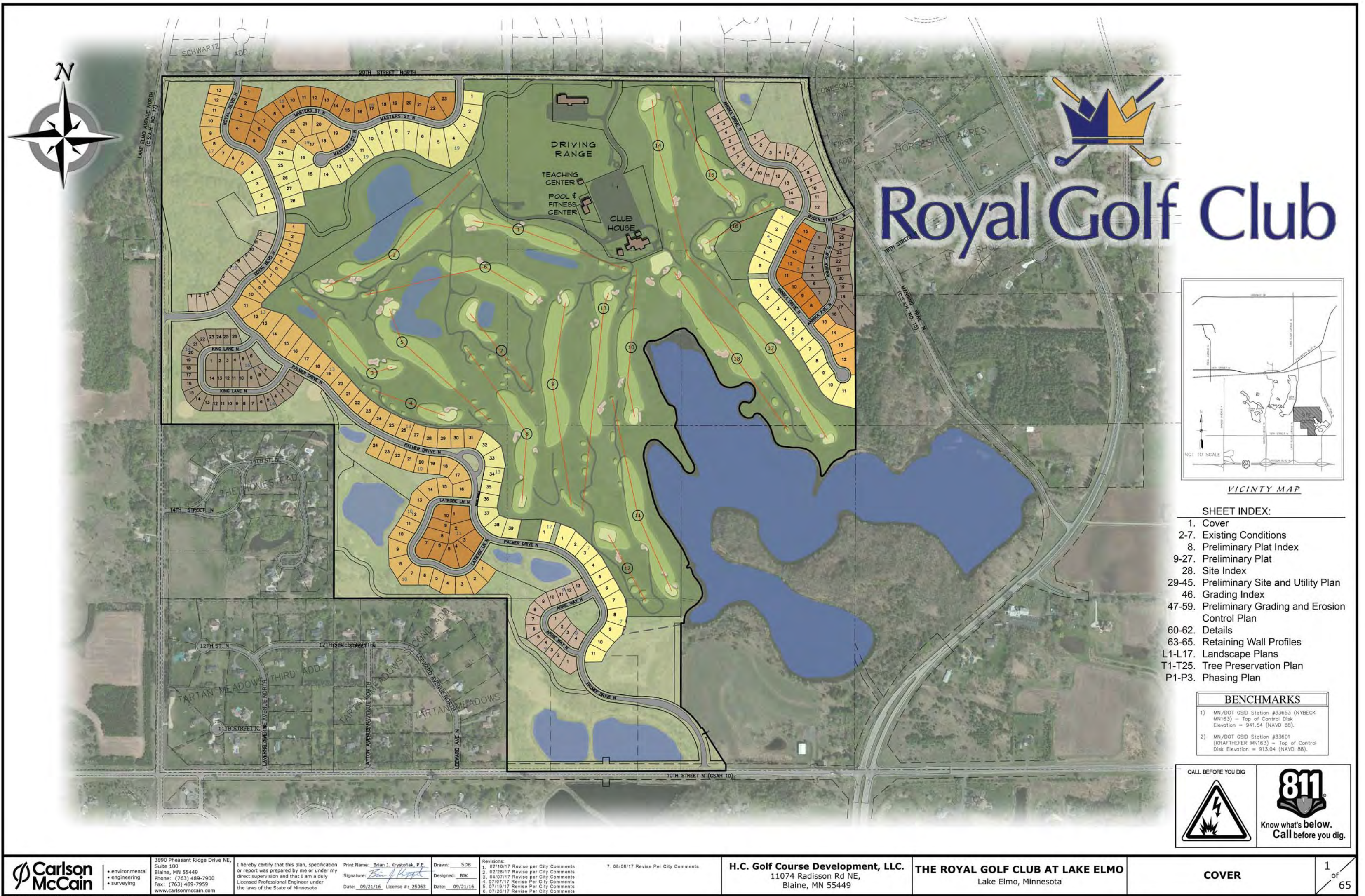
- Denotes found 5/8 inch by 14 inch Rebar marked with license number 40361
- Denotes 5/8 inch by 14 inch Rebar, set or to be set within one year of recording of this plat and marked with license number 40361



# THE GOLF CLUB AT LAKE ELMO 4TH ADDITION AREA MAP







# Royal Golf Club



VICINITY MAP

### SHEET INDEX:

- 1. Cover
- 2-7. Existing Conditions
- 8. Preliminary Plat Index
- 9-27. Preliminary Plat
- 28. Site Index
- 29-45. Preliminary Site and Utility Plan
- 46. Grading Index
- 47-59. Preliminary Grading and Erosion Control Plan
- 60-62. Details
- 63-65. Retaining Wall Profiles
- L1-L17. Landscape Plans
- T1-T25. Tree Preservation Plan
- P1-P3. Phasing Plan

### BENCHMARKS

- 1) MN/DOT GSID Station #33653 (NYBECK MN163) - Top of Control Disk Elevation = 941.54 (NAVD 88).
- 2) MN/DOT GSID Station #33601 (KRAFTHOFER MN163) - Top of Control Disk Elevation = 913.04 (NAVD 88).

CALL BEFORE YOU DIG

Know what's below.  
Call before you dig.