



The Lake Elmo Economic Development Authority (EDA) is committed to preserving and enhancing our community by creating an attractive business climate and listening to businesses and residents to prepare for the economy of tomorrow.

NOTICE OF MEETING

**City of Lake Elmo
Economic Development Authority
Meeting
3880 Laverne Avenue North
Tuesday, May 21, 2024, 6:00 PM**

AGENDA

- | | |
|--|------------------|
| 1. Call to Order | 6:00 p.m. |
| 2. Approval of Minutes February 20, 2024 | 6:05p.m. |
| 3. Discuss Letter of Intent for 3M Priority 2 Grant | 6:05p.m. |
| 4. Discuss EDA website plan | 6:25p.m. |
| 5. Update on Old Village Master Plan | 6:35p.m. |
| a. Selling fire station discussion | |
| 6. Future Items and Reports | 6:55 p.m. |
| -Next Meeting: August 20, 2024 | |
| -Future Items: | |
| 7. Adjourn | 6:55 p.m. |

**CITY OF LAKE ELMO
ECONOMIC DEVELOPMENT AUTHORITY MINUTES
February 20, 2024**

Call to Order/Roll Call

Ninna Waldoch called the meeting to order at 6:02pm.

PRESENT: Charles Cadenhead, Ninna Waldoch, Jeff Holtz and Tony Manzara

ABSENT: Paul Ryberg

Staff Present: Interim City Administrator Clark Schroeder, City Planner Sophia Jensen, Community Development Director Jason Stopa, and Planning Assistant Ashley Monterusso

November 21, 2023 Minutes:

Motion by Waldoch, seconded by Holtz to approve. Motion carried.

Election of Officers:

Motion by Manzara to elect Mayor Cadenhead as President. Seconded by Waldoch to approve.

Motion by Holtz to elect Tony Manzara as Vice President. Seconded by Waldoch to approve.

Sign Ordinance Review for Discussion

Jensen presented on current sign code and provided a table of neighboring cities for comparison to facilitate conversation about needs and wants for updates in the City of Lake Elmo's code. Feedback and discussion occurred around creating code that is user friendly for businesses in various districts.

2024 Review of EDA Work Plan

Stopa presented an updated work plan to the EDA. Modifications were made for goals (1) and (2). Exploring the feasibility of developing a solar farm on former city landfill site using 3M Settlement Priority 2 grant funds was added to the plan (4). Manzara distributed a fact sheet on the project. Reviewing and making changes to the Old Village Plan was also added to the plan as goal 5. Action steps and deliverables were added to the plan. Discussion about adding a workshop meeting for EDA occurred.

Motion to accept 2024 EDA work plan made by Holtz, seconded by Manzara. Approved.

Motion passes to forward the EDA work plan to City Council.

Future Agenda/Reports

The next meeting of the EDA is scheduled for May 21, 2024.

Adjourn

Meeting adjourned by Cadenhead at 7:02pm

Respectfully Submitted,
Ashley Monterusso



STAFF REPORT

DATE: May 21, 2024

REGULAR

AGENDA ITEM: Consideration for Submitting a Letter of Intent for 3M Priority 2 Grant Funds

SUBMITTED BY: Ashley Monterusso, Planning Assistant

Jason Stopa, Community Development Director

OBJECTIVE:

To determine if the EDA should move forward with applying for a letter of intent (LOI) as a preliminary step in applying for 3M Priority 2 grant funds for the removal of state issued bonds on the Washington County Landfill site with the intention of installing of a solar farm.

BACKGROUND:

Exploring the feasibility of developing a solar farm on a former city landfill site using 3M Settlement Priority 2 grant funds is on the 2024 EDA workplan.

The Washington County Landfill property is under consideration for redevelopment into a solar energy facility. This initiative aims to utilize grant funds to pay off existing bonds.

Nearly 10 years ago the Washington County landfill underwent a restructuring financed by approximately \$4 million in general obligation bonds issued by the state. As a result of this financial arrangement, it is understood that the land cannot be further developed until the bond status is removed from the land.

Current Bonding Status:

During recent discussions with Roger Behrens, a Capital Bonding Coordinator for the state of Minnesota in the Debt Management Division, it was communicated that paying off the bonds tied to the Washington County Landfill does not automatically remove the land's bond status. This status imposes certain use restrictions that currently prevent the development of solar infrastructure. Similarly, Shawn Ruotsinoja, Program Administrator for the Remediation Division of the MPCA has echoed this perspective, affirming the likely need for legislative intervention to alter the bond status.

To enable the redevelopment of the landfill into a solar facility, the city would most likely need to pursue special legislation. Such legislation would specifically address the bond status and allow for its amendment or removal, thus clearing legal and regulatory hurdles for progress.

PROPOSAL DETAILS/ANALYSIS:

Acknowledging the constraints on development due to the outstanding bonds, the city now seeks to explore a funding opportunity through the 3M Priority 2 grant. The objectives for applying for this grant are twofold: to retire the remaining debt from the general obligation bonds (although this will not remove bonded status) and to cover the administrative costs associated with preparing for the development of a solar power installation. This installation aims to utilize the land effectively and serves as a potential source of income for the city. The generated revenue theoretically could be directed towards public

benefits, such as the park dedication fund, thus enhancing community assets and contributing to the public good.

The decision to submit the Letter of Intent does not commit the city to proceed with either development option but opens the door for more detailed investigations into the legal, financial, and technical aspects of the project. It is a first step in determining how best to utilize the closed landfill site, potentially transforming it into an asset that contributes to the city's environmental and financial health.

The proposal under consideration involves applying for the 3M Priority 2 grant with the intent to remove the bonded status and to fund preliminary administrative efforts for developing a solar power installation on the site. Given that there are around 30 years left on the bond, this proposal raises several considerations and steps:

1. Legal Feasibility:

- Engaging with the City attorney is essential to explore the legal feasibility of using grant funds to retire the bonds early. This would involve an analysis of bond covenants, terms, and steps for pursuing special legislation to move the project through the state legislature.
- City Council would be required to allocate funds for attorney fees and staff time to conduct this analysis.

2. Preliminary Analysis on ROI for a solar farm project ranging from 1-3MW:

- Option 1: Community Solar Garden
 - Description: Lease the landfill site to a private company that would build and manage the solar farm. The company sells the generated power to an energy company, and the city receives lease payments.
 - Risks and Considerations: There is a risk that no private companies may be interested in developing the site, possibly due to its previous use as a landfill or other site-specific challenges.
- Option 2: Investing in a city owned solar farm
 - Description: The city invests in building and managing the solar farm itself. This option would likely involve issuing a new bond specifically for this project.
 - Feasibility: A detailed feasibility study would be required, including technical assessments of the landfill's suitability for supporting solar infrastructure and financial analyses to project the ROI over a 25 year period for a 1-3 MW installation.

NEXT STEPS FOR LOI SUBMISSION:

- Decision on LOI: The immediate decision required from the Economic Development Authority is whether to proceed with submitting the Letter of Intent. This step is preliminary and involves no commitment beyond expressing interest in the grant and beginning the exploration of the project's feasibility.
- Gathering More Information: Submitting the LOI would allow the city to begin further analysis and legal consultations needed to fully assess the project's viability.

ISSUE BEFORE COMMITTEE:

Should the EDA move to recommend to City Council the authorization of a Letter of Intent to be drafted and submitted for the 3M Priority 2 grant funds? Should the city spend money on staff to pursue this project?

RECOMMENDATION/s:

Staff recommends the Economic Development Authority recommend the approval of the submission of a letter of intent for the 3M Priority 2 Grant funding to City Council.

Suggested motion:

“Motion to recommend to City Council the approval of a submission of a Letter of Intent for the 3M Priority 2 Grant.”

ATTACHMENT:

- Minnesota 3M PFAS Settlement Priority 2 Information
 - [Front page | Minnesota 3M PFAS Settlement \(state.mn.us\)](#)
 - [3M Settlement Priority 2 Project Update \(state.mn.us\)](#) (attached)
- Feasibility of Solar Development on State-Managed Closed Landfills: A Report to the Legislature
 - [Feasibility of Solar Development on State-Managed Closed Landfills: A Report to the Legislature \(mn.gov\)](#)
- US Environmental Protection Agency Superfund site page for Washington County Landfill
 - <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0503888>
- MPCA Groundwater Contamination Atlas page for WCL
 - <https://webapp.pca.state.mn.us/cleanup/search/superfund?text=SW-1&siteId=2273-AREA0000000003>



STAFF REPORT
DATE: 12/19/2017
REGULAR
AGENDA ITEM# 14

TO: City Council

FROM: Emily Becker, Planning Director

ITEM: Creation of new Landfill Land Use Category within the Comprehensive Plan Re-guiding Land Management Area of Washington County Landfill to Landfill Land Use Category

REVIEWED BY: Ben Prchal, City Planner

SUMMARY AND ACTION REQUESTED:

The Minnesota Legislature, in 1994, adopted a Landfill Cleanup Act (LCA) (M.S. 115B.39-115B.45) which created the Closed Landfill Program (CLP), designating the Minnesota Pollution Control Agency (MPCA) responsible for clean and long term care of 112 closed, municipal, solid waste landfills throughout the state, making it responsible for managing risk to public health and environment associated with landfills. M.S. 115B.412, Subd. 9 requires the MPCA to develop a Land Use Plan for each landfill and that local government units (LGUs) make their land use plans consistent with the MPCA's plan for the site.

The Washington County Landfill within the City of Lake Elmo is subject to the statute that requires the MPCA develop a land use plan with which the governing body's land use plan must be consistent.

There are four actions being requested. The Council is being asked to review the following:

- 1) Comprehensive Plan Amendment creating a new Closed Landfill Restricted Land Use Category.
- 2) Comprehensive Plan Amendment re-guiding the property designated by the MPCA as the Closed Landfill Restricted area.
- 3) Zoning Text Amendment creating a new zoning district corresponding to the new Closed Landfill Restricted Land Use Category of the Comprehensive Plan.
- 4) Zoning Map Amendment rezoning the area designated by the MPCA as the Closed Landfill Restricted area.

GENERAL INFORMATION

Property: PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003, 15-292-12-20-0001

Property Owners: 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003: City of Lake Elmo
15-292-12-10-20-001: State of Minnesota – Pollution Control Agency

Location: Washington County Landfill Park

MMB Commissioner requires that a Declaration be recorded on the property records indicating that any sale of the property may be subject to the MMB Commissioner's approval. Such Declaration, pertaining to LCA parcel B, was signed by the Minnesota Pollution Control Agency (MPCA) and filed with the Office of the County Recorder, Washington County, on February 8, 2011 as document no. 3830248. These documents were recorded in April of 2015 on parcels A, C, and D (as shown as Appendix E in the attached Closed Landfill Use Plan (CLUP) Report). Declarations of Restrictions and Covenants already restrict the following:

Parcel	Constructing, excavating, placing any structure, material, personal property, equipment <i>without prior written approval from MPCA Commissioner</i>	Installing drinking water wells on parcel <i>without prior written approval of MPCA and MDH Commissioners</i>
A	X – entire parcel	X – entire parcel
B	X – entire parcel	X – entire parcel
C	X – area 125 feet S of N prop. line	X – entire parcel
D	X – west 200 ft	X – entire parcel

- *MPCA's Land Use Plan for the Landfill.* The MPCA has found the following uses acceptable on the entire landfill management area or portions thereof are as follows:
 - Closed Landfill Management
 - Civic
 - Parks and Open Space
 - Solar Energy Farm

Appendices H through J of the CLUP Report show where these uses would be allowed.

Reason for Comprehensive Plan and Zoning Map Amendment. While the restrictive covenants restrict the property in regards to well installation and the construction of buildings, the MPCA also requires a Land Use Plan to be developed that identifies uses that commensurate with the MPCA's obligations to take care of the landfill and manage risks the landfill poses to the public, as well as to protect the remedial infrastructure the state has invested, including equipment, landfill cover, etc. Public access or recreation is not allowed on its landfills. Designating the entire Land Management Area as Parks and Open Space would give the impression that all of the site was accessible to the public as park, which is exactly what cannot be allowed.

Further, Minn. Stat. § 115B.412, Subd. 9 requires all local land-use plans be consistent with the MPCA's land-use plan for the landfill management area. The MPCA's future obligations for the landfill management area conflict with the current local land-use plan; specifically the City's Public and Quasi-Public Open Space and Agriculture zoning ordinances for this property. The MPCA believes that most of the uses within the current zoning for the landfill management area are not compatible with the MPCA's future responsibilities for the site as well as the risks associated with the Landfill.

COMPREHENSIVE PLAN AMENDMENT – CREATING CLOSED LANDFILL MANAGEMENT AREA LAND USE CATEGORY

Need for Comprehensive Plan Amendment. Because the Comprehensive Plan does not currently have a Closed Landfill Restricted Land Use Category, an amendment to include such a land use category will be required in order to re-guide the area.

Proposed Amendment. Staff proposes that the Closed Landfill Restricted Land Use Category be added to Chapter III – Land Use Plan. The proposed amendment is attached for reference and would include the following amendments:

- The addition of a Closed Landfill Restricted category to Existing Land Use Definitions.
- Amendment of the Existing and Planned Land Use Table, adding acreage to the Closed Landfill Restricted category and removing the same amount of acreage from the Public/Park land use category.
- Updating the Planned Land Use Map to re-guide landfill management area to Closed Landfill Restricted (see attached updated Planned Land Use).

COMPREHENSIVE PLAN AMENDMENT – REGUIDING CLOSED LANDFILL MANAGEMENT AREA

Lot Line Adjustment. In order to re-guide only portions that are restricted due to the above-mentioned areas of concern, the City has had a survey done which will adjust the lot lines of three city-owned parcels. This survey is attached. The City will only be re-guiding Parcel A as shown in this attached survey and PID# 15.029.21.22.0001 (3855 Jamaca Ave, owned by the State of MN – Pollution Control Agency) to Closed Landfill Restricted.

ZONING TEXT AMENDMENT – CREATING CLOSED LANDFILL MANAGEMENT ZONING DISTRICT

Creation of Zoning District. Because there is not a zoning district to reflect the Closed Landfill Restricted Land Use category, a separate zoning district will need to be created. Attached is a draft ordinance which creates this zoning district.

Allowed Uses. Allowed uses within the proposed zoning district correspond to those as outlined in the CLUP report and include:

- Closed Landfill Management
- Solar Energy Farms (conditional use)

Definition of Closed Landfill Management. The definition of Closed Landfill Management (a proposed permitted use in the CLR district) is proposed to be added to Article II: Definitions.

Standards for Solar Energy Farms. The standard for a Solar Energy Farm is that location and plans be approved by the MPCA and City. The City is currently in the process of amending its solar energy systems standards but is waiting on input from the Building Official and Fire Chief. Because the standards for these systems are currently undergoing amendments, Staff recommends that the Council focus solely on the use and setbacks required for solar energy systems. The Commission may wish to recommend that the proposed amendments to the Comprehensive Plan and Zoning Ordinance not be adopted until the City has updated its solar energy systems standards. The draft ordinance and current standards for solar energy systems require that solar energy systems adhere to the setback standards for the zoning district in which they are located. Additionally, a Conditional Use Permit would allow further regulations of screening, etc.

Proposed Setback Requirements. The proposed setback requirements for solar farms within this zoning district are consistent with those of the required setbacks of the previous zoning district in which the Closed Landfill Restricted area were located. A required buffer of 150 feet from residential zones was added in order to protect adjacent residential areas from any glare or potential nuisance caused.

Screening Requirements? The Commission may wish to add screening requirements to proposed solar farms. Alternatively, this may be done with any conditional use permit application so that screening is required where appropriate.

ZONING MAP AMENDMENT – REZONING CLOSED LANDFILL MANAGEMENT AREA

Consistency with the Comprehensive Plan. If the Commission wishes to recommend updating the Comprehensive Plan, re-guiding Parcel A as shown in this attached survey and PID# 15.029.21.22.0001, the proposed Zoning Map Amendment would be consistent with the Comprehensive Plan.

Planning Commission Review. The Planning Commission held a public hearing and considered the proposed Comprehensive Plan Amendments, Zoning Text Amendment, and Zoning Map Amendment at its October 23, 2017 meeting. A number of inquiries regarding the requests were received looking for clarification regarding the requests prior to the public hearing, but ultimately no concern was expressed. Shaun Ruotsinoja of the MPCA, who helped draft the Closed Landfill Use Plan in 2013, spoke during the public hearing to answer questions. The Planning Commission had expressed desire that the proposed requests be sent to the Parks Commission for review before being considered by Council and ultimately recommended approval of the proposed requests with a vote of 7-0.

Parks Commission Review. The Parks Commission considered the proposed requests at its November 20, 2017 meeting. Staff explained to the Parks Commission that the proposed land use and zoning changes would only affect the fenced in areas of the affected parcels and would have no impact on those areas outside of the fence. The Parks Commission unanimously recommended approval of the re-guiding and rezoning of the area within the fence as delineated in the attached survey to Closed Landfill Restricted in order to adhere to State Statute requirements as long as it had no impact on Sunfish Lake Park.

NEXT STEPS

Parkland Conversion. There are four parcels that make up the Washington County Landfill site located in the City of Lake Elmo. In 1978, these properties received a Land and Water Conversion Fund (LAWCON) grant, which is a federal grant used for the development of outdoor recreation facilities. The Department of Natural Resources (DNR) is responsible for tracking compliance of the conditions to which this grant was given. In 1990, the DNR determined the Landfill Park was unavailable for public outdoor recreation use because of landfill remediation systems, specifically spray irrigation system. The City then began with the required conversion process to convert the land to non-recreational uses to find other land to replace it, but the City has yet to complete this process. The City will need to complete this conversion process, and this may be done with future parkland dedicated with development or through a different process (purchasing parkland, designating donated parkland, etc.). The dedicated land must be equal in value to the land that is no longer usable for recreation purposes.

The next step in this conversion process will be to have a federal appraisal completed for Parcel A which will no longer be available for public recreation use. If the expected value is under \$25,000, a waiver valuation can be submitted, but the appraiser preparing the waiver must have sufficient understanding of the local real estate market to be qualified. Staff has received a quote of \$3,000 to perform the appraisal provided the expected value is under \$25,000.

Additional Cost for Survey. E.G. Rud and Sons, the surveyor of the three parcels, had originally quoted \$4,640 for completion of the survey. This amount was approved by Council in March of

2017. The amount of time that this survey took, however, was longer than anticipated, and E.G. Ruds and Sons has communicated that the amount of time it took to complete the survey has amounted to \$8,075.30 but would be willing to meet in the middle between the approved amount and amount it actually took at \$6,350. The City has already paid the additional amount and is recommending that Council approve the additional cost of \$1,710 to complete the survey.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of the proposed Comprehensive Plan Amendment, adding a Closed Landfill Restricted Land Use Category and re-guiding portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 as shown in the survey dated August 18, 2017 from Public/Park to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Rural Area Development to Closed Landfill Restricted.

“Move to recommend approval of an amendment to the City’s Comprehensive Plan’s Land Use Plan, adding a Closed Landfill Restricted Land Use Category as proposed by Staff and re-guiding portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 as shown in the survey dated August 18, 2017 from Public/Park to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Rural Area Development to Closed Landfill Restricted..”

Staff and the Planning Commission recommend approval of the proposed Zoning Text Amendment, adding a Closed Landfill Restricted zoning district to the City’s Zoning Code, as proposed by Staff.

“Move to recommend approval of a Zoning Text Amendment to the City’s Code, adding a definition to Section 154.012 of Closed Landfill Management and adding Article XIX: Closed Landfill Restricted as proposed by Staff.”

Staff and the Planning Commission recommend approval of the proposed Zoning Map Amendment rezoning portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 as shown in the survey dated August 18, 2017 from Public and Quasi Public Open Spaces to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Agricultural to Closed Landfill Restricted.

“Move to recommend approval of the proposed Zoning Map Amendment rezoning portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 as shown in the survey dated August 18, 2017 from Public/Park to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Agricultural to Closed Landfill Restricted.”

Finally, Staff recommends that the City Council move to approve to additional payment of \$1,710 to E.G. Rud and Sons for additional costs incurred for preparing the survey.

“Move to approve payment of additional cost of \$1,710 for completion of the survey for a lot line adjustment for PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003.”

ATTACHMENTS:

- Timeline
- CLUP Report
- Survey showing lot line adjustments of the parcels
- Proposed Comprehensive Plan Amendment
- Ord. 08-193 Creation of the Closed Landfill Restricted Zoning District

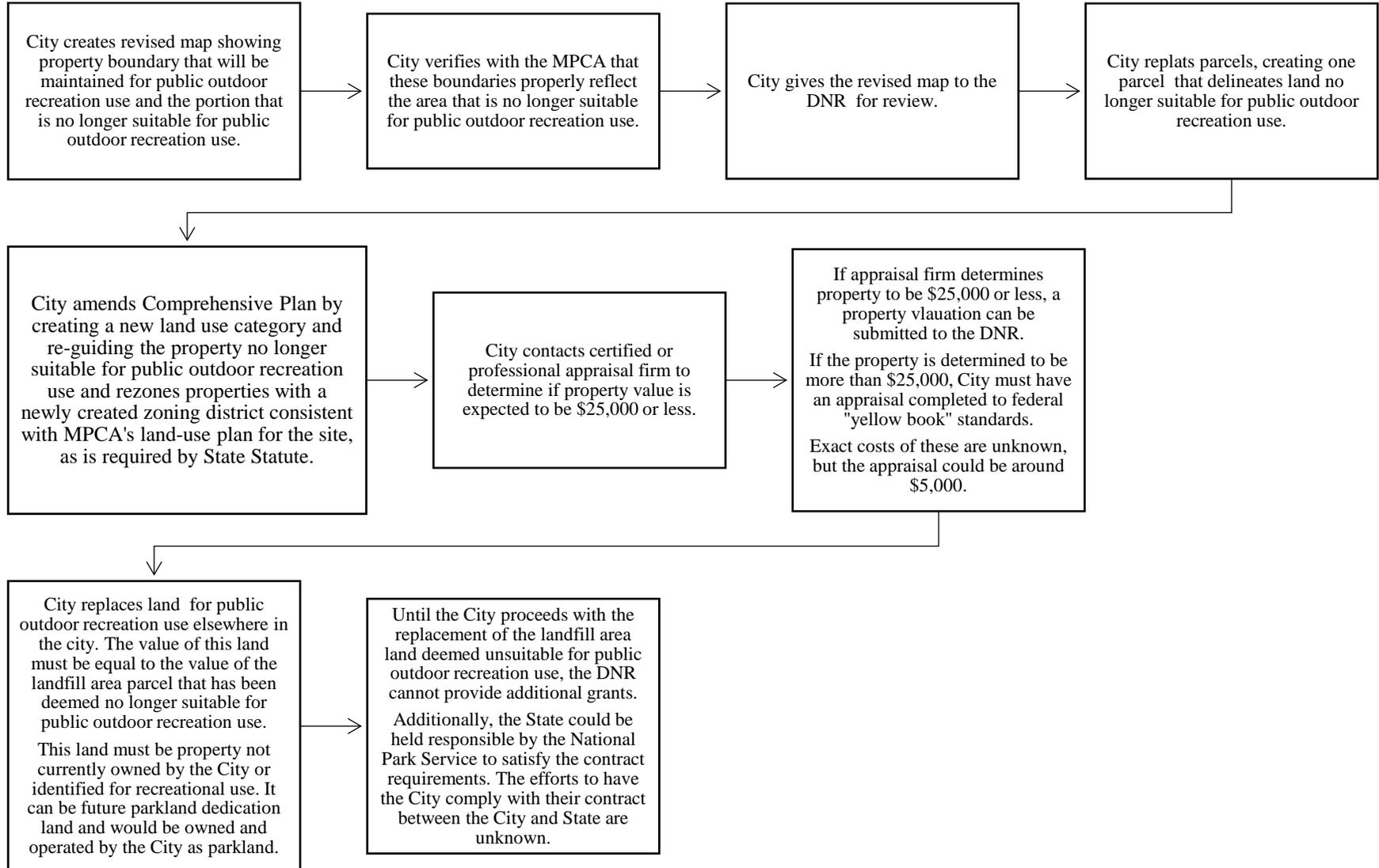
- Resolution 2017-143 approving a Comprehensive Plan Amendment to re-guide portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 as shown in the survey dated August 18, 2017 from Public/Park to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Rural Area Development to Closed Landfill Restricted.
- Ord 08-194 approving a Zoning Text Amendment to re-zone portions of PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003 as shown in the survey dated August 18, 2017 from Public and Quasi Public Open Spaces to Closed Landfill Restricted and all of PID# 15-292-12-10-20-001 from Agricultural to Closed Landfill Restricted.
- Request by E.G. Rud and Sons for additional payment for completion of survey for PID#s 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003
- Invoice showing time spent by E.G. Rud and Sons for completion of above-mentioned survey

Washington County Landfill Timeline

Year	Event	Details
1969	Landfill permitted.	
1975	Landfill closed.	
1978 & 1979	Land and Water Conversion Fund (LAWCON) grant agreements signed by City and State.	LAWCON is a federal grant that is used for the development of outdoor recreation facilities. The Department of Natural Resources (DNR) is responsible for tracking compliance.
1990	DNR determines Landfill Park unavailable for public outdoor recreation use because of landfill remediation systems, specifically spray irrigation system.	DNR informs City of this determination and recommends the City begin with the required conversion process to convert the land to non-recreational uses and to find other land to replace it.
1993	City Council accepts this determination.	City informs DNR the City will begin appraising new land to replace the Landfill Park.
1994	MN Legislature adopts the Landfill Cleanup Act (LCA) (M.S. 115B.39-115B.45) which created the Closed Landfill Program (CLP), designating the Minnesota Pollution Control Agency (MPCA) responsible for clean and long term care of 112 closed, municipal, solid waste landfills throughout the state.	<ul style="list-style-type: none"> • <i>Mission:</i> Manage risk to public health and environment associated with landfills. • <i>Strategy:</i> M.S. 115B.412, Subd. 9 requires the MPCA to develop a Land Use Plan for each landfill and that local government units (LGUs) make their land use plans consistent with the MPCA's plan for the site. • <i>Issue:</i> Current City of Lake Elmo local land use plan conflicts with MPCA's land use plan.
1995	MPCA takes over responsibility of the Landfill.	An agreement is made with MPCA, Washington County, Ramsey County, and the City entered in to a Landfill Cleanup Agreement (LCA).
1995	DNR informs City the required conversion process is not complete.	Informs the City no further funds will be received until the process is completed.
2010	DNR again requests the City to complete the conversion process.	
2011	City informs the MPCA of the issue for the first time and meeting is held between City Administrator, Engineer, Attorney, Special Projects Assistant and a Parks Board Member, representative from DNR and representative from MPCA.	<ul style="list-style-type: none"> • City claimed the property would remain designated public outdoor recreation use except for the fact that the MPCA has determined a portion of it to be unsuitable for public recreation/use. • MPCA argues that the DNR's determination that the land was unsuitable for public outdoor recreation, as well as City's acceptance of this and its early willingness to begin the conversion, had nothing to do with MPCA's determination and that this determination was made before the Landfill Cleanup Act was enacted.
2013	MPCA drafts a Closed Landfill Use Plan that identifies future land uses that are acceptable to MPCA for the site, or parts of the site.	In addition to closed landfill management, certain areas may be suitable for certain civic uses related to city maintenance, parks or open space, or use as a solar energy farm.
Today	The City has yet to adopt the MPCA land use plan nor has it had the land recently appraised or replaced with other suitable public outdoor recreation use to meet DNR requirements.	

Next Action Steps for City of Lake Elmo: Washington County Landfill

PID#s: 10-029-21-33-0001, 10-029-21-34-0001, 15-292-12-10-0003, 15-292-12-20-0001



CLOSED LANDFILL USE PLAN

WASHINGTON COUNTY LANDFILL

SEPTEMBER 17, 2013

**Minnesota Pollution
Control Agency**



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CLOSED LANDFILL USE PLAN
WASHINGTON COUNTY LANDFILL

INTRODUCTION

In 1994, the Minnesota Legislature adopted the Landfill Cleanup Act (LCA) (Minn. Stat. 115B.39 - 115B.45) which created the Closed Landfill Program (CLP). Under the CLP, the Minnesota Pollution Control Agency (MPCA) is responsible for the cleanup and long term care of 112 closed, municipal, solid waste landfills throughout the State.

The mission of the CLP is to manage the risk to public health and the environment that is associated with these landfills. Landfill gas migration and groundwater contamination can be serious issues at some landfills. These problems can pose a threat to the health and safety of those living or occupying land nearby. In addition, chemicals leaching from landfills can degrade groundwater and surface water resources surrounding them. The MPCA addresses the risk to public health and the environment at the closed landfills by undertaking cleanup actions, operating and maintaining remediation systems (engineered covers, gas-collection and groundwater-treatment systems) and by monitoring groundwater, surface water, and landfill gas.

The risk to public health and safety is also mitigated by implementing land-use controls that minimize public exposure to landfill hazards and protect the state's response action equipment. In other words, future use of land at and around closed landfills needs to be planned carefully and responsibly. Minnesota Statutes 115B.412, Subd. 9 of the LCA requires the MPCA to develop a Land Use Plan for each of these landfills and for local government units (LGUs) to make their local land use plans consistent with the MPCA's plan for the site. Minnesota Statutes 115B.412, Subd. 4 requires the MPCA to provide LGUs certain information about the landfill and to incorporate this information in to their local land use planning. These statutes are provided in Appendix A.

The MPCA considers these statutory requirements, when put together, as a Closed Landfill Use Plan (CLUP). The purpose, then, for preparing a CLUP for each landfill is to:

- protect the integrity of the landfill's remediation and monitoring systems;
- protect human health and public safety at each landfill; and
- accommodate local government needs and desires for land use at the qualified facility with consideration for health and safety requirements.

To meet the requirements of subdivision 9 of the statute, LGUs that have land-use authority must make their land-use plans for the landfill consistent with the MPCA's plan for future use of, and obligations for, the facility. One way to accomplish this is for LGUs to make certain that their land-use designations and/or zoning ordinances are compatible with the MPCA's future responsibilities and uses for the Land Management Area. To meet the requirements of subdivision 4 of the statute, LGUs must consider the information about the landfill's contamination and methane gas migration in its land-use planning and also make this information available to those that want to develop the affected property. Also, LGUs may wish to adopt certain land-use controls in order to better protect public health and safety.

SITE LOCATION AND DESCRIPTION

The Washington County Landfill (Landfill) is located in the city limits of Lake Elmo (City), Washington County, Minnesota (Appendix B). A landfill's Land Management Area (LMA) includes the property described in the Landfill Cleanup Agreement between the MPCA and the landfill owner/operator, and may include adjacent property that contains waste, adjacent buffer property (land acquired for the purpose of restricting use by the public due to landfill gas or groundwater concerns), and adjacent property where response action equipment is located. At a minimum, the LMA will be comprised of the property in the Landfill Cleanup Agreement. In addition, the LMA is the property that is subject to Minnesota Statutes 115B.412, Subd. 9 of the LCA that requires the MPCA to develop a Land Use Plan for the landfill and with which the LGU's land use plan must be consistent. The LMA for the Landfill consists of approximately 129 acres as shown in Appendix C and legally described in Appendix D. The waste footprint is about 24 acres.

The Landfill was permitted in 1969 and closed in 1975. The MPCA took over responsibility of the Landfill in 1995 when the MPCA, Washington County, Ramsey County, and the City entered into a Landfill Cleanup Agreement (LCA) and the MPCA issued the Notice of Compliance. The LMA is divided into four parcels (A, B, C, and D) in the LCA for purposes of describing certain and required remedial response actions (Appendix E shows the location of the LCA parcels). These parcels, in terms of their shape and legal description, are not necessarily the same as the parcels identified by Washington County's property records (i.e. tax parcels). Currently, LCA parcels A, C, and D are owned by the City and parcel B is owned by the State of Minnesota, MPCA.

GROUNDWATER AND METHANE GAS AREAS OF CONCERN

Groundwater Area of Concern

The Groundwater Area of Concern (GWAOC) is defined as the area of land surrounding a landfill where the presence of activities that require the use of groundwater may be impacted or precluded by contamination from the landfill, or may cause the groundwater flow direction to change thereby impacting the user or others nearby. The GWAOC is used to inform the public about the current and potential risks to users of groundwater contaminated by the landfill. In most circumstances this area is not equidistant around the site. The GWAOC is shown in Appendix F.

The surficial aquifer beneath the Landfill consists of glacial sand and gravel. Depth to the water table at the site is approximately 50 feet below the ground surface. The surficial aquifer is contaminated with perfluorochemicals (PFCs) and volatile organic compounds (VOCs) including tetrachloroethene, trichloroethene, and vinyl chloride. The plume of VOCs extends south to the railroad track that is north of Highway 5.

The groundwater area of concern around the Landfill is the Special Well Construction Area (SWCA) established by the Minnesota Department of Health (MDH). The area is defined by the environmental monitoring system that includes 40 monitoring wells and 253 residential wells. This area was expanded by MDH on March 8, 2007 in response to PFC contamination and is approximately 5.3 million square meters. The SWCA includes the plume of mounded groundwater from the Landfill that travels to the

south and southeast and the co-mingled plume to the southwest that includes a plume from the Oakdale Disposal Site through Raleigh Creek and a former plume from the Landfill that discharged to Raleigh Creek from a Tri-Lakes outlet in the early 1990s. The contaminant plume from the Oakdale Disposal Site is identified by PFOS (a type of PFC) that has impacted areas south and west of Raleigh Creek, Eagle Point Lake, the area between Eagle Point Lake and Lake Elmo that is in the Lake Elmo Park Reserve and residential developments that are south of this area to I-94. The bedrock aquifer of the Prairie du Chien and St. Peter Formation are impacted with PFCs to a depth of 200 feet below the ground surface.

Methane Gas Area of Concern

The Methane Gas Area of Concern (MGAOC) is defined as the area of land surrounding a landfill waste footprint where the presence of certain activities, such as construction of enclosed structures, may be impacted or precluded by subsurface migration of methane gas. Methane gas is an odorless gas produced when municipal solid waste decomposes, and can be explosive in confined spaces such as basements when mixed in air. The MGAOC is used to inform the public about the risks to current and future land owners regarding certain uses they may want to consider. The MGAOC is shown in Appendix G.

Soils in the vicinity of the Landfill are generally very well drained sands and gravel with some silty sand. The Landfill waste footprint is about 24 acres and contains approximately 2,000,000 cubic yards of waste. The closest enclosed structure off the LMA is approximately 350 feet west of the waste footprint.

The Landfill has been reconstructed by building a triple lined system to segregate contaminants present in the waste from direct contact with the environment. A geosynthetic cover has been installed and welded to the top of the liner to seal landfill gas and leachate in the waste mass. An active gas extraction system and a leachate collection system have been installed to manage gas and leachate.

The active gas extraction system has 20 vertical gas extraction wells connected to an enclosed blower/flare unit. There are two gas monitoring probe nests currently located on the west side of Jamaca Avenue west of the Landfill. Monitoring of these gas probes has shown non-detectable concentrations of methane before and during the Landfill reconstruction. Additional gas probes are anticipated to be installed during the latter half of 2013 to gather additional methane data.

Based on the waste being sealed within the liner/cover system, but also recognizing the permeable soils in the area, the large mass of waste present in the Landfill, and the potential for gas to migrate under seasonal low permeable (frozen) conditions, the MGAOC extends 200 feet beyond the waste footprint. The MGAOC is within the LMA property boundary except for a small area on adjacent property southeast of the Landfill.

It is important to note that these Areas of Concern can change over time. Therefore, updated information will be provided to the County when the existing information becomes obsolete or misleading.

CURRENT ZONING/LAND USE PLAN FOR THE LMA

LCA parcels A, C, and D are zoned Public and Quasi-Public Open Space (PF) while LCA parcel B is zoned Agricultural (A).

Permitted uses in the Public and Quasi-Public Open Space (PF) district include uses allowed in the zoning code that are in existence within the City at the effective date of the zoning code. Conditional uses in the PF district include: cemeteries, places of worship, government facilities, libraries and museums, public and private schools, and historic sites and interpretative centers. Interim uses in the PF district include: keeping of horses in conjunction with churches.

Permitted uses in the Agricultural (A) district include: agriculture, farm, poultry facilities, farm buildings, farm drainage and irrigation systems, forestry, one farm dwelling per 40 acres not already containing a farm or non-farm dwelling, wayside stands, and joint ownership of property or by association or rental for the purpose of providing private gardens and forest plots. Conditional uses in the A district include: greenhouses, kennels, stables, commercial recreation, agricultural service establishments, open space development projects, and non-agricultural low-impact uses. Interim uses in the A district include: agricultural sales businesses, and agricultural entertainment businesses.

DECLARATIONS OF RESTRICTIONS AND COVENANTS

Three Declarations of Restrictions and Covenants were signed by the City and one by both Washington and Ramsey Counties that restrict certain uses on the four LCA parcels. Each Declaration was recorded with the Office of the County Recorder, Washington County, on December 14, 1995. The Declarations run with the land and are described below.

Document No. 866616; prohibits the City from the following on LCA Parcel A:

- constructing, excavating, or placing any structure, material, personal property, equipment, or any other items on the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH.

Document No. 866617; prohibits Washington and Ramsey Counties from the following on LCA Parcel B:

- constructing, excavating, or placing any structure, material, personal property, or equipment on the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH.

Document No. 866618; prohibits the City from the following on LCA Parcel C:

- constructing or placing any structure on the portion of the parcel that lies south of a line that is 125 feet south of the north boundary of the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH (any approved well installation must follow Minn. Rules 4725.4450).

Document No. 866619; prohibits the City from the following on LCA Parcel D:

- constructing or placing any structure on the portion of the parcel that lies approximately within the west 200 feet of the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH (any approved well installation must follow Minn. Rules 4725.4450).

STATE BOND FINANCED PROPERTY

The MPCA used proceeds from the sale of State general obligation bonds for capital costs of environmental response actions that MPCA undertook at the Landfill. As a result of this expenditure of State bond proceeds, the publicly owned property where the environmental response actions were taken became “State Bond Financed Property” as that term is defined by Minn. Stat. § 16A.695. As the owner this State Bond Financed Property, the City and the MPCA are subject to the requirements of Minn. Stat. § 16A.695 and any orders or rules adopted by the Commissioner of Minnesota Management and Budget (MMB) under that statute.

Minn. Stat. § 16A.695 and the MMB Commissioner’s Fourth Amended Order Relating to the Use and Sale of State Bond Financed Property (the Order) impose certain requirements on any sale, mortgage, or other disposition of State Bond Financed Property, or any lease or contract for the use or management of the property entered into by the City or the MPCA Commissioner. The statutory requirements include, but are not limited to, obtaining the approval of the Commissioner of MMB before the City or the MPCA Commissioner enters into any such transaction (sale, lease, etc.) with respect to the property.

In order to assure that the requirements of Minn. Stat. § 16A.695 and the Order are carried out with respect to all State Bond Financed Property, the MMB Commissioner requires that a Declaration be recorded on the property records indicating that any sale of the property may be subject to the MMB Commissioner’s approval. Such Declaration, pertaining to LCA parcel B, was signed by the MPCA and filed with the Office of the County Recorder, Washington County, on February 8, 2011 as document no. 3830248. However, two other Declarations, pertaining to LCA parcels A, C, and D, were sent to the City for signature but have not yet been signed or recorded against the corresponding property.

MPCA'S LAND USE PLAN FOR THE LMA

The MPCA's first and foremost responsibility regarding the Landfill is to manage the risk to public health and safety. It does this by taking response actions, maintaining the Landfill, and working with local governments to assure land use is commensurate with landfill conditions and MPCA's obligations on the LMA, as well as the conditions on the affected land off the LMA. Therefore, land uses associated with the MPCA's obligation to protect public health and safety take precedence over other possible land uses.

The MPCA has identified land uses for the LMA. It has done so by considering the methane gas and groundwater areas of concern, the types and locations of response actions and associated equipment, the amount of the LMA occupied by landfill waste, and local land-use desires. The land uses on either the entire LMA or portions thereof that are acceptable to the MPCA are:

- Closed Landfill Management;
- Civic;
- Parks and Open Space; and
- Solar Energy Farm.

Appendices H through J show where these uses would be allowed within the LMA.

Closed Landfill Management is the use associated with the MPCA's responsibility and obligation to take necessary response actions on the property as provided in Minn. Stat. §§ 115B.39-43. Civic is the use associated with the City's need for building infrastructure related to city maintenance, fire service, public safety, etc.

DISCUSSION / CONCLUSIONS

Land Uses on the LMA

Minn. Stat. § 115B.412, Subd. 9 requires all local land-use plans be consistent with the MPCA's land-use plan for the LMA. The MPCA's future obligations for the LMA conflict with the current local land-use plan; specifically the City's Public and Quasi-Public Open Space and Agriculture zoning ordinances for this property. The MPCA believes that most of the uses within the current zoning for the LMA are not compatible with the MPCA's future responsibilities for the site as well as the risks associated with the Landfill. As a result, the MPCA recommends that the City adopt a new zoning district and ordinance for the LMA. The MPCA recommends the City adopt a zoning district called Closed Landfill Restricted (CLR) with an ordinance similar in form to the one included in Appendix K.

The new zoning, however, should reflect the land uses identified above – Closed Landfill Management, Civic, Parks and Open Space, Solar Energy Farm – and as shown in Appendices H through J. The City may want to consider Closed Landfill Management, Civic, and Parks and Open Space uses as permitted uses

for portions of the LMA while Solar Energy Farm be considered a conditional use (conditioned upon location and plans approved by the MPCA and the City).

Regardless of future land use on the LMA, provisions within the Declarations of Restrictions and Covenants prohibit the construction and placement of structures and other materials as well as the installation of drinking water wells on certain portions of the LMA without prior written approval of the MPCA and/or MDH.

Affected Property off the LMA

Minn. Stat. § 115B.412, Subd. 4(b) requires local units of government to incorporate information about the landfill and associated groundwater contamination and landfill gas migration into any land-use plans and to notify persons applying for a permit to develop affected property of the existence of this information and, on request, to provide them with the information.

Certain land-use controls pertinent to groundwater use and well construction within the GWAOC currently exist to protect public health and safety. First, Minn. Rules Chapter 4725.4450 requires that a water supply well cannot be constructed within 600 feet of the Landfill. Second, MDH has established a Special Well Construction Area south and east of the Landfill that prohibits the installation of wells in this area unless approved by MDH to be constructed in certain aquifers and following certain construction methods.

A majority of the MGAOC is contained within the LMA except for a small portion that is on adjacent property southeast of the Landfill. However, the City's existing zoning ordinance for the adjacent property, upon which the off-LMA MGAOC is present, prohibits structures from being built within 200 feet of the property line. Therefore, based on the monitoring data collected by the MPCA, no specific land-use controls are being recommended for properties outside the LMA.

DISCLAIMER

The MPCA makes no representations or warranties to the user of the accuracy, currency, suitability, or reliability of the data presented in this report. Any recommendations made by the MPCA in this report are based solely on the data it has, or its contractors have, collected, and only from data collected at specific locations and times. Other sources of contamination or methane, unknown to the MPCA, could exist off the Landfill property. The MPCA recommends that any person interested in developing property near the Landfill first consult with an environmental consulting or engineering firm, and/or an environmental attorney, regarding the possible risks associated with the Landfill.

APPENDIX A

Minnesota Statutes 115B.412

Subd. 4. **Affected real property; notice.**

(a) The commissioner shall provide to affected local government units, to be available as public information, and shall make available to others, on request, a description of the real property described in the original and any revised permits for a qualified facility, along with a description of activities that will be or have been taken on the property under sections 115B.39 to 115B.43 and a reasonably accurate description of the types, locations, and potential movement of hazardous substances, pollutants and contaminants, or decomposition gases related to the facility. The commissioner shall provide and make this information available at the time the facility is placed on the priority list under section 115B.40, subdivision 2; shall revise, provide, and make the information available when response actions, other than long-term maintenance actions, have been completed; and shall revise the information over time if significant changes occur that make the information obsolete or misleading.

(b) A local government unit that receives information from the commissioner under paragraph (a) shall incorporate that information in any land use plan that includes the affected property and shall notify any person who applies for a permit related to development of the affected property of the existence of the information and, on request, provide a copy of the information.

Subd. 9. **Land management plans.**

The commissioner shall develop a land use plan for each qualified facility. All local land use plans must be consistent with a land use plan developed under this subdivision. Plans developed under this subdivision must include provisions to prevent any use that disturbs the integrity of the final cover, liners, any other components of any containment system, or the function of any monitoring systems unless the commissioner finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

Before completing any plan under this subdivision, the commissioner shall consult with the commissioner of management and budget regarding any restrictions that the commissioner of management and budget deems necessary on the disposition of property resulting from the use of bond proceeds to pay for response actions on the property, and shall incorporate the restrictions in the plan.

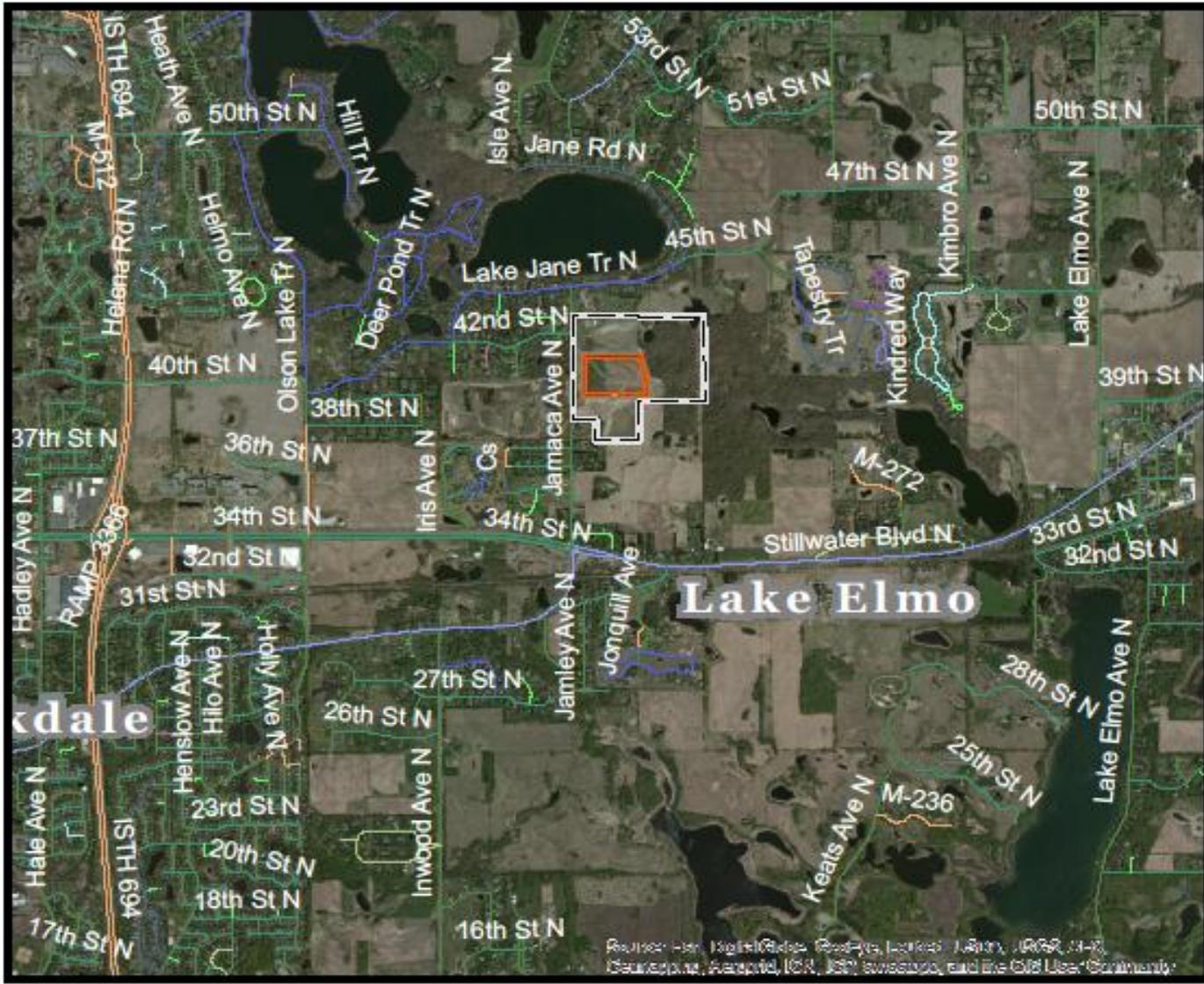
Appendix B: Site Location Map WASHINGTON COUNTY LANDFILL



Site Contacts
 Land Manager: Shawn Ruotsinoja
 Engineer: Peter Tiffany
 Hydrogeologist: Joe Julik

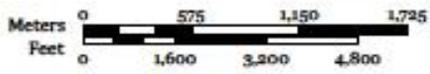
Site Features

- Legend**
-  Land Management Area
 -  Waste Footprint



1:37,266
 Created June 14, 2013

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose.



APPENDIX D

Legal Description of the Washington County Landfill Land Management Area (LCA Parcels)

Parcel A:

All that part of the South 40 acres of Government Lot 5, Section 10, and the Southeast Quarter of the Southwest Quarter of Section 10, and the North 30 acres of the North One-Half of the Northwest Quarter of Section 15, all in Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Beginning at the northwest corner of said Section 15, thence South 00 degrees, 18 minutes, 30 seconds West, bearings are based on the Washington County Coordinate System NAD83, along the west line of said Section 15, a distance of 501.27 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence North 89 degrees, 51 minutes, 00 seconds East, along said south line, a distance of 1808.59 feet, thence North 00 degrees, 02 minutes, 32 seconds West and parallel with the east line of said Northwest Quarter of Section 15, a distance of 501.26 feet to the north line of said Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said north line a distance of 105.52 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 650.00 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the south line of said Section 10, a distance of 200.00 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 656.24 feet, to a point on the north line of said Southeast Quarter of the Southwest Quarter of Section 10, thence South 89 degrees, 45 minutes, 24 seconds West, along said north line, a distance of 193.17 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter, thence North 00 degrees, 42 minutes, 39 seconds West, along the east line of said Government Lot 5, a distance of 29.52 feet to the northeast corner of said South 40 acres of Government Lot 5, thence South 89 degrees, 51 minutes, 00 seconds West, along the north line of said South 40 of Government Lot 5, a distance of 706.92 feet, thence South 00 degrees, 53 minutes, 21 seconds East and parallel with the west line of said Section 10, a distance of 200.00 feet, thence South 50 degrees, 54 minutes, 08 seconds West, a distance of 127.25 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the north line of said South 40 acres of Government Lot 5, a distance of 500.00 feet to the west line of said Section 10, thence South 00 degrees, 53 minutes, 21 seconds East along the west line of said Section 10, a distance of 1055.45 feet to the point of beginning, containing 65.9 acres, more or less.

Parcel B:

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 15, Township 29, Range 21, except the following described parcels: EXCEPTION 1: The North 501.5 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 29 North, Range 21 West, being the northerly 15 acres thereof. EXCEPTION 2: The North 220.0 feet of the South 396.00 feet of the West 330.00 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 29 North, Range 21 West, containing 1.33 acres, more or less. All subject to a road easement for Jamaca Avenue over the West 33.00 feet thereof. EXCEPTION 3: The South 176.00 feet of the west 330.00 feet of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 15 (15), Township Twenty-nine (29) North, Range Twenty-one (21) West, containing 1.33 acres, more or less.

Parcel C:

All that part of the South 40 acres of Government Lot 5, Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 10, thence North 00 degrees, 53 minutes, 21 seconds West along the west line of said Section 10, a distance of 1055.45 feet to the point of beginning, thence continuing North 00 degrees, 53 minutes, 21 seconds West along the west line of said Section 10, a distance of 280.00 feet to the northwest corner of said South 40 acres of Government Lot 5, thence North 89 degrees, 51 minutes, 00 seconds East along the north line of said South 40 acres of Government Lot 5, a distance of 600.00 feet, thence South 00 degrees, 53 minutes, 21 seconds East and parallel with the west line of said Section 10, a distance of 200.00 feet, thence South 50 degrees, 54 minutes, 08 seconds West, a distance of 127.25 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the north line of said South 40 acres of Government Lot 5, a distance of 500.00 feet to the point of beginning, containing 3.8 acres, more or less.

Parcel D:

All that part of the Southeast Quarter of the Southwest Quarter of Section 10, and the North 30 acres of the North One-Half of the Northwest Quarter of Section 15, all in Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the northwest corner of said Section 15, thence South 00 degrees, 18 minutes, 30 seconds West, bearings are based on the Washington County Coordinate System NAD83, along the west line of said Section 15, a distance of 501.27 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence North 89 degrees, 51 minutes, 00 seconds East, along said south line, a distance of 1808.59 feet to the point of beginning, thence North 00 degrees, 02 minutes, 32 seconds West and parallel with the east line of said Northwest Quarter of Section 15, a distance of 501.26 feet to the north line of said Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said north line a distance of 105.52 feet, thence North 00 degrees, 53 minutes 21 seconds West and parallel with the west line of said Section 10, a distance of 650.00 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the south line of said Section 10, a distance of 200.00 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 656.24 feet, to a point on the north line of said Southeast Quarter of the Southwest Quarter of Section 10, thence North 89 degrees, 45 minutes, 24 seconds East along said north line, a distance of 1113.64 feet to the northeast corner of said Southeast Quarter of the Southwest Quarter, thence South 00 degrees, 31 minutes, 57 seconds East, along the east line of said Southeast Quarter of the Southwest Quarter a distance of 1307.98 feet to the southeast corner of said Southeast Quarter of the Southwest Quarter, thence South 00 degrees, 02 minutes, 32 seconds East, along the east line of said Northwest Quarter of Section 15 a distance of 501.26 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said south line, a distance of 800.00 feet to the point of beginning, containing 39.5 acres, more or less.

Appendix E: LCA Parcels WASHINGTON COUNTY LANDFILL



Minnesota Pollution Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features

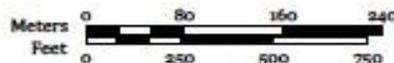
Legend

 LandManagementArea

Source: For DigitalGlobe, GeoEye, Earthstar (IGNF), IGNF, USDA, USGS, EO-1, Sentinel-1A, Sentinel-2, CNR, GeoEye, and the GIS User Community

1:5,695
Created June 19, 2013

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose.



Appendix F: GWAOC

WASHINGTON COUNTY LANDFILL



Minnesota Pollution Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features



Waste Footprint



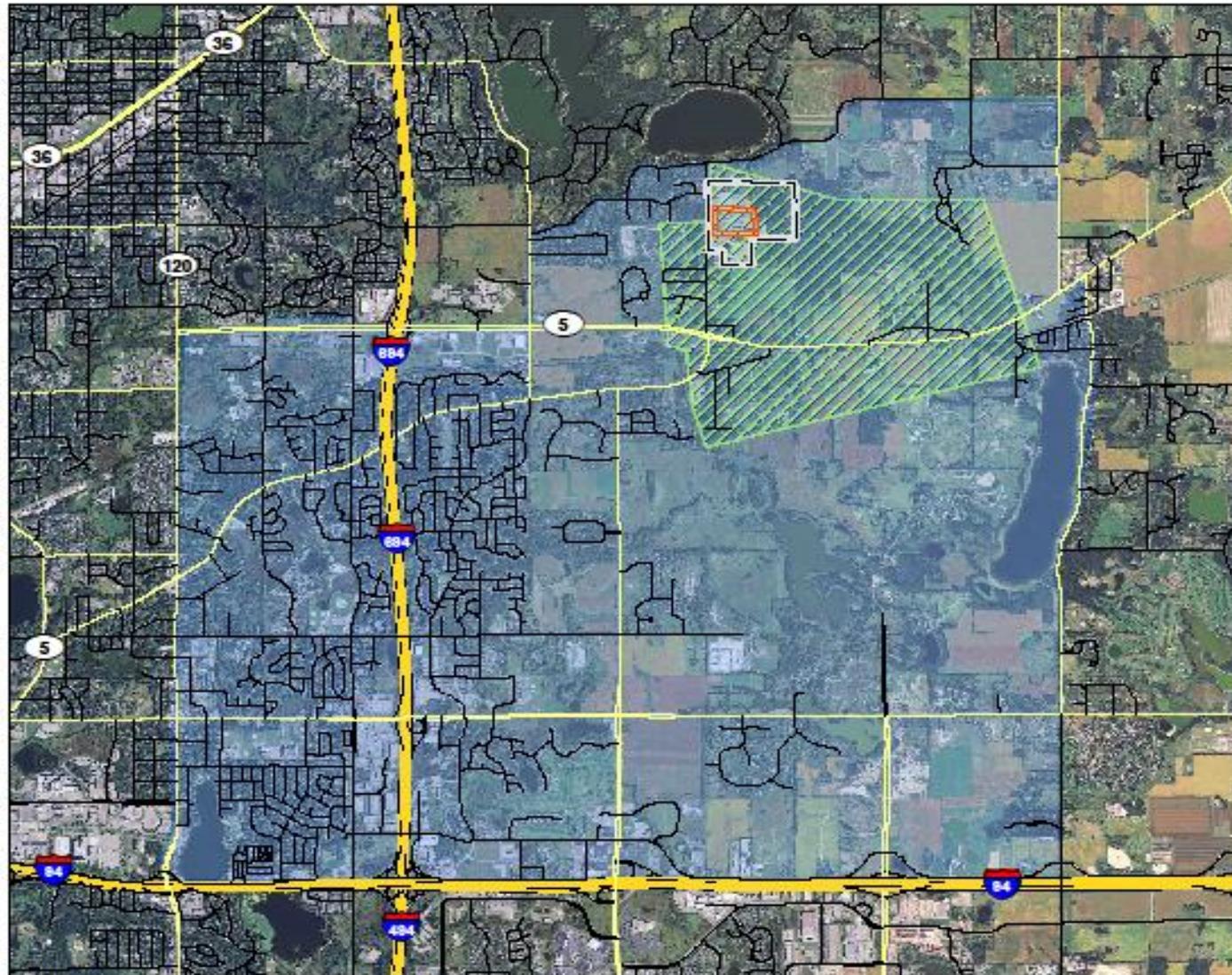
Land Management Area
Designates the property that is under the responsibility and control of the MPCA.



Groundwater Plume
Approximate area of the subterranean contaminated groundwater plume.



Groundwater Area of Concern
An area where the groundwater may be affected by landfill contamination.



DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/19/2013 by CLP Hydrogeologist Ingrid Verhagen



Appendix G: MGAOC

WASHINGTON COUNTY LANDFILL



Minnesota Pollution Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features



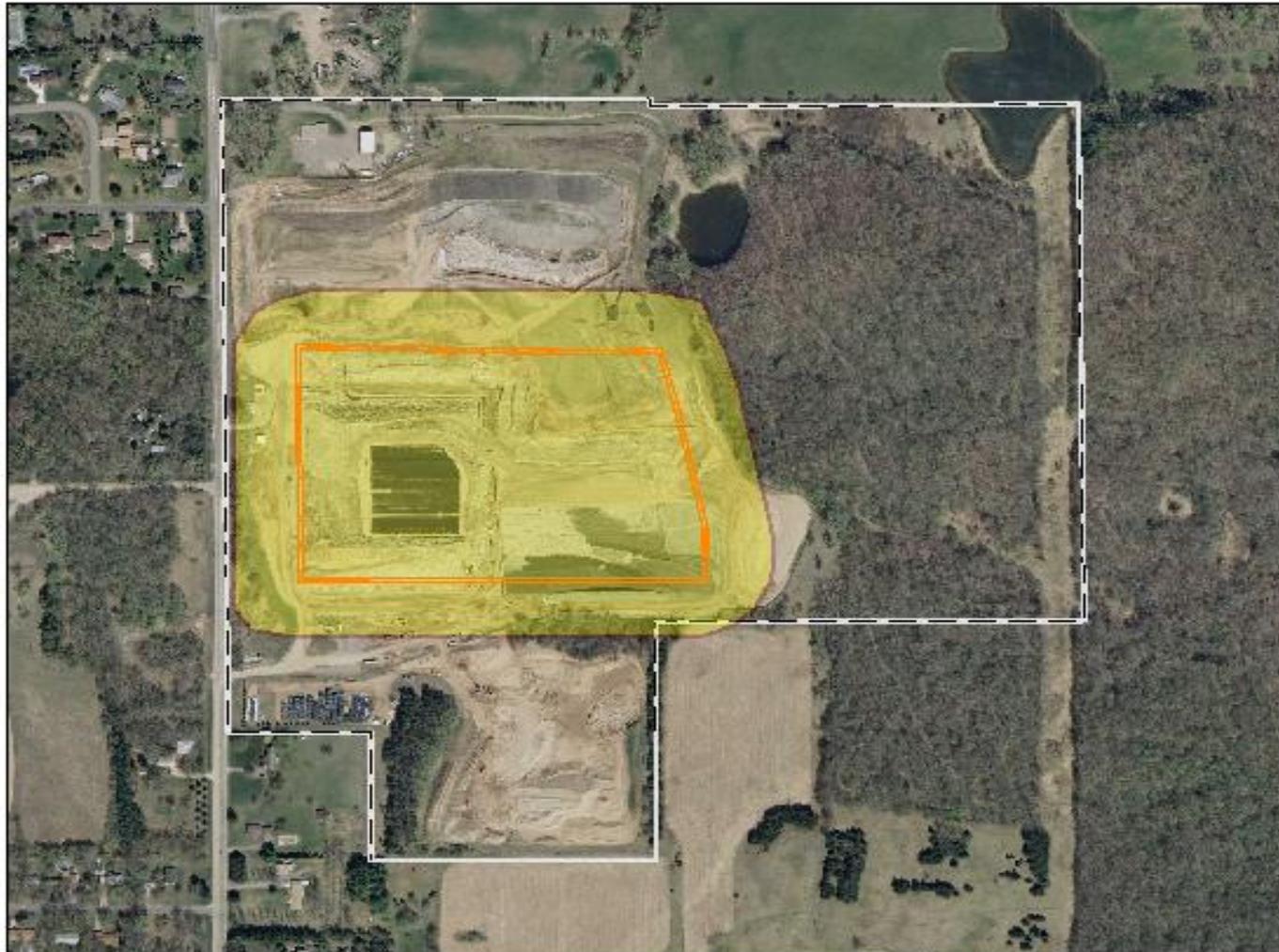
Waste Footprint



Land Management Area
Designates the property that is under the responsibility and control of the MPCA.



Methane Area of Concern
Area surrounding the landfill that may be impacted by subsurface migration of methane gas.



DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/19/2013 by CLP Engineer Peter Tiffany
Meters 0 80 160 240
1:6,180 Feet 0 280 560 840



Appendix I: Civic and Park & Open Space Use

WASHINGTON CO. LANDFILL



Minnesota Pollution Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features

 Parks and Open Space

 Civic Use

 Waste Footprint

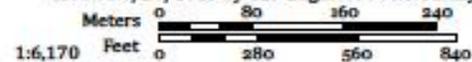
 Land Management Area
Designates the property that is under the responsibility and control of the MPCA.



Source: Esri, DigitalGlobe, GeoEye, Earthstar (United States), CNR, Aermap, IGN, USDA, USDA, USDA, AeroGRID, IGN, Esri, Swisstopo, and the GIS User Community

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/20/2013 by CLP Engineer Peter Tiffany



APPENDIX K

District CLR – Closed Landfill Restricted

A. Purpose

The Closed Landfill Restricted (CLR) District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA. This district shall apply whether the landfill is in public (MPCA, County, City, Township), Indian tribal, or private ownership.

For purposes of this ordinance, the Land Management Area for the _____ Landfill, a qualified facility under the MPCA's Closed Landfill Program, is described as:

B. Permitted Uses

The following uses are permitted within the CLR District: _____.

C. Accessory Uses

Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates shall apply under these provisions.

D. Conditional Uses

Conditional uses shall be limited to uses that do not damage the integrity of the Land Management Area and that continue to protect any person from hazards associated with the landfill.

Any application for a conditional use must be approved by the Commissioner of the MPCA and the ____ (LGU) _____. Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions.

The following conditional uses are permitted within the CLR District:

E. Prohibited Uses and Structures

All other uses and structures not specifically allowed as conditional uses, or that cannot be considered as accessory uses, shall be prohibited in the CLR District.

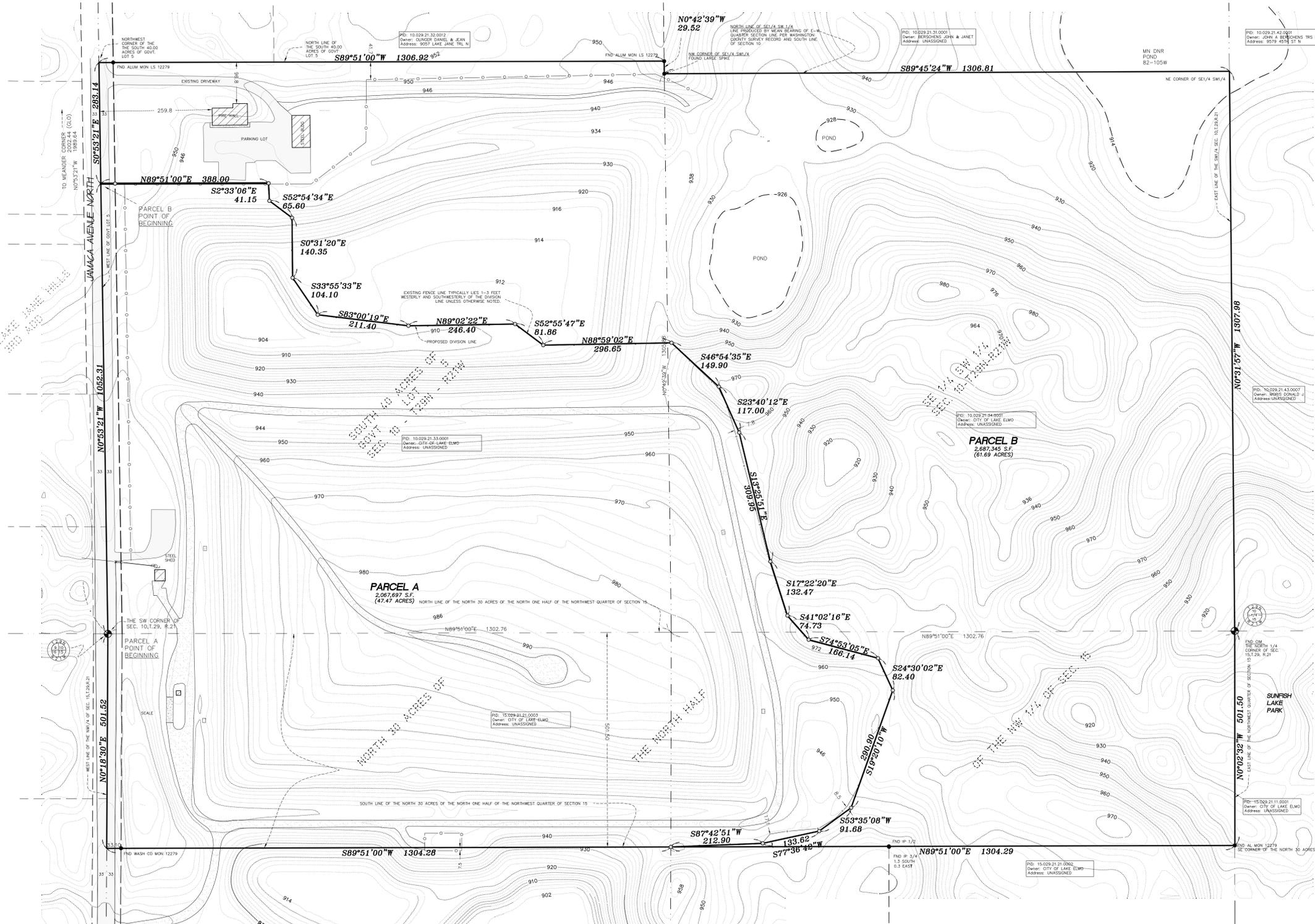
F. General Regulations

Requirements for (parking, signs, area, height) and other regulations are set forth in _____.

G. Any amendment to this ordinance must be approved by the Commissioner of the MPCA and the (LGU).

CERTIFICATE OF SURVEY

~for~ CITY OF LAKE ELMO
~of~ WASHINGTON COUNTY LANDFILL



EXISTING LEGAL DESCRIPTION

(Per Doc. No. 861262)

The South Forty (40) acres of Government Lot Five (5), Section Ten (10), and the Southeast Quarter of the Southwest Quarter (SE1/4 of SW1/4), of Section Ten (10), and

The North Thirty (30) acres of the North One-Half of the Northwest Quarter (N1/2 of NW1/4) of Section Fifteen (15) all in Township Twenty-nine (29) North of Range Twenty-one (21) West, containing 110 acres more or less; subject to all easements of record.

PROPOSED LEGAL DESCRIPTIONS

PARCEL A

All that part of the South Forty (40) acres of Government Lot Five (5), Section Ten (10), and the Southeast Quarter of the Southwest Quarter (SE1/4 of SW1/4), of Section Ten (10);

The North Thirty (30) acres of the North One-Half of the Northwest Quarter (N1/2 of NW1/4) of Section Fifteen (15), all in Township Twenty-nine (29) North of Range Twenty-one (21) West, Washington County, Minnesota described as follows:

Beginning at the southwest corner of said Section 10; thence on an assumed bearing of North 00 degrees 53 minutes 21 seconds West along the west line of said Government Lot 5, a distance of 1052.31 feet; thence North 89 degrees 51 minutes 00 seconds East a distance of 388.00 feet; thence South 02 degrees 33 minutes 06 seconds East a distance of 41.15 feet; thence South 52 degrees 54 minutes 34 seconds East a distance of 65.60 feet; thence South 00 degrees 31 minutes 20 seconds East a distance of 140.35 feet; thence South 33 degrees 55 minutes 33 seconds East a distance of 104.10 feet; thence North 83 degrees 00 minutes 19 seconds East a distance of 211.40 feet; thence North 89 degrees 02 minutes 22 seconds East a distance of 246.40 feet; thence South 52 degrees 55 minutes 47 seconds East a distance of 81.86 feet; thence North 88 degrees 59 minutes 02 seconds East a distance of 296.65 feet; thence South 46 degrees 54 minutes 35 seconds East a distance of 149.90 feet; thence South 23 degrees 40 minutes 12 seconds East a distance of 117.00 feet; thence South 17 degrees 22 minutes 20 seconds East a distance of 132.47 feet; thence South 41 degrees 02 minutes 16 seconds East a distance of 74.73 feet; thence South 74 degrees 53 minutes 05 seconds East a distance of 166.14 feet; thence South 24 degrees 30 minutes 02 seconds East a distance of 82.40 feet; thence South 19 degrees 02 minutes 10 seconds East a distance of 290.90 feet; thence South 53 degrees 35 minutes 08 seconds West a distance of 91.68 feet; thence South 77 degrees 36 minutes 46 seconds West a distance of 133.62 feet; thence South 87 degrees 42 minutes 51 seconds West a distance of 212.90 feet to the south line of said North 30 Acres; thence South 89 degrees 51 minutes 00 seconds West along said south line of the North 30 Acres a distance of 1304.28 feet to the west line of the Northwest Quarter of said Section 15; thence North 00 degrees 18 minutes 30 seconds East along the west line of said Section 15, a distance of 501.52 feet to the point of beginning.

Subject to all easements of record.

PARCEL B

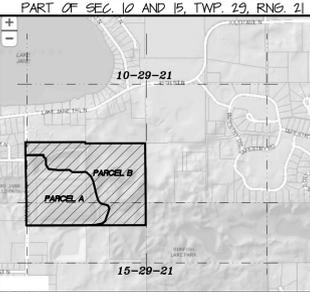
All that part of the South Forty (40) acres of Government Lot Five (5), Section Ten (10), and the Southeast Quarter of the Southwest Quarter (SE1/4 of SW1/4), of Section Ten (10);

The North Thirty (30) acres of the North One-Half of the Northwest Quarter (N1/2 of NW1/4) of Section Fifteen (15), all in Township Twenty-nine (29) North of Range Twenty-one (21) West, Washington County, Minnesota described as follows:

Commencing at the southwest corner of said Section 10; thence on an assumed bearing of North 00 degrees 53 minutes 21 seconds West along the west line of said Government Lot 5, a distance of 1052.31 feet to the point of beginning of the land to be described; thence North 89 degrees 51 minutes 00 seconds East a distance of 388.00 feet; thence South 02 degrees 33 minutes 06 seconds East a distance of 41.15 feet; thence South 52 degrees 54 minutes 34 seconds East a distance of 65.60 feet; thence South 00 degrees 31 minutes 20 seconds East a distance of 140.35 feet; thence South 33 degrees 55 minutes 33 seconds East a distance of 104.10 feet; thence North 83 degrees 00 minutes 19 seconds East a distance of 211.40 feet; thence North 89 degrees 02 minutes 22 seconds East a distance of 246.40 feet; thence South 52 degrees 55 minutes 47 seconds East a distance of 81.86 feet; thence North 88 degrees 59 minutes 02 seconds East a distance of 296.65 feet; thence South 46 degrees 54 minutes 35 seconds East a distance of 149.90 feet; thence South 23 degrees 40 minutes 12 seconds East a distance of 117.00 feet; thence South 17 degrees 22 minutes 20 seconds East a distance of 132.47 feet; thence South 41 degrees 02 minutes 16 seconds East a distance of 74.73 feet; thence South 74 degrees 53 minutes 05 seconds East a distance of 166.14 feet; thence South 24 degrees 30 minutes 02 seconds East a distance of 82.40 feet; thence South 19 degrees 02 minutes 10 seconds East a distance of 290.90 feet; thence South 53 degrees 35 minutes 08 seconds West a distance of 91.68 feet; thence South 77 degrees 36 minutes 46 seconds West a distance of 133.62 feet; thence South 87 degrees 42 minutes 51 seconds West a distance of 212.90 feet to the south line of said North 30 Acres; thence South 89 degrees 51 minutes 00 seconds West along said south line of the North 30 Acres, a distance of 1304.28 feet to the southeast corner of said North 30 Acres; thence North 00 degrees 02 minutes 32 seconds West along the east line of said north 30 acres a distance of 501.50 feet to the North Quarter corner of said Section 15; thence North 00 degrees 31 minutes 57 seconds West along the east line of said Southeast Quarter of the Southwest Quarter of Section 10, a distance of 1307.98 feet to the northeast corner of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 45 minutes 24 seconds West along the north line of said Southeast Quarter of the Southwest Quarter, a distance of 1308.81 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 42 minutes 39 seconds West along the east line of said South 40 acres a distance of 29.52 feet to the northeast corner of said South 40 acres of Government Lot 5; thence South 89 degrees 51 minutes 00 seconds West along the north line of said South 40 acres, a distance of 1306.92 feet to the west line of said Government Lot 5; thence South 00 degrees 53 minutes 21 seconds East along the west line of said Government Lot 5, a distance of 283.14 feet to the point of beginning.

Subject to all easements of record.

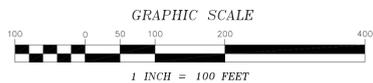
VICINITY MAP



WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
Date: 08/18/17 License No. 41578



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 05/18/17, 6/22/17 and 8/8/17.
- Bearings shown are on Washington County datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Topography is shown per MN DOT LIDAR.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET MARKED RLS# 41578
- ⊕ DENOTES WASHINGTON COUNTY CAST IRON MONUMENT
- DENOTES WOVEN WIRE FENCE
- DENOTES LIDAR CONTOURS
- DENOTES OVERHEAD WIRE
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE
- ▩ DENOTES GRAVEL SURFACE
- ▩ DENOTES ADJACENT PARCEL OWNER INFORMATION (PER WASHINGTON COUNTY TAX INFORMATION)

PRO: 17-119-22-14-0008
Owner: City of X
Address: UNASSIGNED

E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

NO.	DATE	DESCRIPTION	BY
1	6/06/17	BOUNDARY AND TOPO	JSE
2	6/20/17	PARCELS A-B DEFINITIONS	JSE
3	8/7/17	PROPOSED DIVISION LINE	JSE
4	8/18/17	ADD LEGAL DESCRIPTIONS	JSE

PUBLIC/PARK – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on public/park lands are controlled by the city’s conditional use permit process. No new areas of public/park space are currently designated by the new land use plan, but it is recognized that such areas will be created during the development process, and the land use map will need to be updated accordingly. [Corresponding Zoning District(s): P, OSP]

CLOSED LANDFILL RESTRICTED – This category is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of this category is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. [Corresponding Zoning District: CLR]

ROAD R.O.W.s – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing/planned land use table. New development will be required to dedicate right-of-way to accommodate the proposed road network.

OPEN WATER – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory. No new areas of open water are by the official land use plan.

The distribution of planned land uses on the official Future Land Use Map is shown on [Map 3-3](#) and is summarized in [Table 3-B](#):

Mixed Uses

Within the Old Village and in areas south of 10th Street, specific areas are targeted for potential mixed-use development; however, this designation means different things in both districts.

Mixed Uses within the Old Village

The mixed use designation on property within the Old Village indicates development must adhere to the specific zoning requirements established for mixed use development within the City Code. This type of development will typically see residential, commercial, office, and/or similar uses combined in complimentary ways within the same building.

Mixed Uses south of 10th Street

The mixed use designation on property south of 10th Street is intended to spur development by providing maximum flexibility on future land uses, thereby allowing a development proposal to cater to existing market conditions. In the areas designated as possible mixed-use on the Future Land Use Map ([Map 3-3](#)), the City’s planning process has identified that either the base land use or the adjacent land use designation would be appropriate for the site. These mixed-use areas may be zoned in accordance with the base land use category, or the adjacent land use category provided that:

- Any such zoning will only be allowed if it is contiguous to property in an adjacent land use category; and
- The Urban Low Density Residential land use category will not allowed as an alternative land use within mixed-use areas.

Alternatively, a combination of the uses allowed within the base land use category and future land uses adjacent to a mixed use area may be allowed through a planned unit development process.

Table 3-B
Existing and Planned Land Use Table

Land Use	Residential Density (units/acre)		Existing Land Use City wide (Village) ¹	Planned Land Use (acres)	Planned Land Use Changes (anticipated acreages in 5 year increments) ³				Change (acres)
	Min	Max			2012 to 2015	2015 to 2020	2020 to 2025	2025 to 2030	
R E S I D E N T I A L									
Rural Area Development	n/a	0.1	7094.24	5249.9	6640.66	6157.0	5703.5	5249.9	-1844.32
Residential Estates	0.1	0.4	771.26	793.71	776.87	782.49	788.10	793.71	22.45
Rural Single Family	0.66	2.0	1665.92	1666.41	1666.04	1666.16	1666.28	1666.41	0.49
Urban Low Density	2.5	4	0.00	496.39	124.10	248.20	372.29	496.39	496.39
Urban Medium Density	4.5	7	176.08	390.49	229.68	283.29	336.89	390.49	214.41
Urban High Density	7.5	15	0.00	157.67	39.42	78.84	118.25	157.67	157.67
Village Urban Low Density	1.5	2.49	0.00	244.11	61.03	122.06	183.09	244.11	244.11
Village Urban Medium Density	2.5	4.99	0.00	119.11	29.78	59.56	89.33	119.11	119.11
Golf Course Community	1.5	2.49	0.00	424.39	0	424.39	424.39	424.39	424.39
C O M M E R C I A L²									
Business Park	7.5	15	120.65	329.69	172.91	225.17	277.43	329.69	209.04
Commercial	4.5	7	99.86	208.33	126.98	154.10	181.22	208.33	108.47
Limited Business	-	-	111.41	66.16	100.09	88.78	77.47	66.16	-45.25
Village Mixed Use	5.0	10.0	0.00	164.40	41.10	82.20	123.30	164.40	164.40
P U B L I C / S E M I P U B L I C / O P E N S P A C E³									
Public/Park	-	-	3298.94	2877.4	3309.04	2857.19	2867.25	2877.4	-421.54
Closed Landfill Restricted	-	-	67.53	67.53		67.53	67.53	67.53	67.53
Greenbelt Corridor ⁴	-	-	0.00	82.67	20.66	41.34	62.01	82.67	82.67
Road ROWs	-	-	890.93	890.93	890.93	890.93	890.93	890.93	0.0
U N D E V E L O P E D									
Open Water	-	-	1355.29	1355.29	1355.29	1355.29	1355.29	1355.29	0.0
TOTALS:	-	-	15,584.58	15,584.58	15,584.5	15,584.5	15,584.5	15,584.5	0.0

Because we are adding a Land Use Category, the Existing and Planned Land Use Table must be updated accordingly.

¹ Residential uses within the "Business Park" and "Commercial" land use designations can only occur in areas specifically designated for mixed use on the planned land use map
² It is recognized that both park and road ROW areas will expand as new development occurs, but such acreage is accounted for in the respective development land use types as such land areas must contribute towards required development densities.
³ The staging plan for future development is fluid and will allow development to occur as market conditions dictate. Because of this, specific timing for development of any specific land use category is not possible. For the purposes of this table, the anticipated acreage changes are incrementally broken down into four periods of time showing a consistent rate of change between now and 2030.
⁴ The acreage of the greenbelt corridor areas, which are portions of the Village Open Space Overlay, that are adjacent to urban zoning districts were calculated to account for the remaining acreage in the Village. The other portions of the Village Open Space Overlay are accounted for through the base land use guidance (i.e. Rural Area Development or Rural Single Family).

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

ORDINANCE NO. 08-193

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADDING ADDING A CLOSED LANDFILL RESTRICTED ZONING DISTRICT.**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II: Definitions, Section 154.012 (B) (10) by adding the following:

Closed Landfill Management. The use associated with the responsibility and obligation of the Minnesota Pollution Control Agency (MPCA) to take necessary response actions on the property as provided in Minnesota Statutes § 115B.412, Subd. 115B.39-43.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; by adding the following:

ARTICLE XIX: CLOSED LANDFILL RESTRICTED

§ 154.801 CLOSED LANDFILL RESTRICTED

A. *Purpose.* The ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes § 115B.412, Subd. 9. The purpose of the CLR zoning district is to protect the integrity of the landfill’s remediation and monitoring systems; protect human healthy and public safety at each landfill; and accommodate local government needs and desires for land use at the qualified facility with consideration for health and safety requirements.

§ 154.802 PERMITTED, CONDITIONAL, AND INTERIM USES.

Table 18-1 lists all permitted, conditional, and interim uses allowed in the Closed Landfill Restricted zoning district. “P” indicates a permitted use, “C” a conditional use, and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

	CLR	Standard
Closed Landfill Management	P	154.012 (B) (10)
Solar Farms	C	154.802, 154.803 (A), 154.915

§ 154.802 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

	CLR
Structure setback requirements (feet)	
Front yard	50
Side yard	50
Rear yard	25
Residential zones	150

§ 154.803 SITE DESIGN AND DEVELOPMENT STANDARDS.

- A. *Solar Farms.* Proposed locations and plans for Solar Farms must be approved by both the City and Minnesota Pollution Control Agency (MPCA). Required buffer width may be waived through conditional use permit approval

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

SECTION 4. Adoption Date. This Ordinance 08-193 was adopted on this _____ day of ____ 2017, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

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

RESOLUTION NO. 2017-143

A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR A PORTION OF PID#S 10.029.21.33.001, 10.029.21.34.001, AND 15.292.12.10.003 AS SHOWN ON THE SURVEY DATED AUGUST 18, 2017 FROM PUBLIC/PARK TO CLOSED LANDFILL RESTRICTED AND ALL OF PID# 15.292.12.10.20.0001 FROM RURAL AREA DEVELOPMENT TO CLOSED LANDFILL RESTRICTED AND AUTHORIZES STAFF TO SUBMIT A COMPREHENSIVE PLAN AMENDMENT FOR SAME TO THE METROPOLITAN COUNCIL

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

WHEREAS, The City of Lake Elmo, 3800 Laverne Avenue North, Lake Elmo, MN 55042 (the “Applicant”) has submitted an application to the City to amend the Comprehensive Plan, a copy of which is on file in the City Planning Department; and

WHEREAS, the request to amend the Comprehensive Plan was submitted by the Applicant along with requests for a Zoning Text Amendment to create a new Closed Landfill Restricted Zoning District and Zoning Map Amendment to rezone a portion of PID#S 10.029.21.33.001, 10.029.21.34.001, and 15.292.12.10.003 from Public and Quasi-Public Open Space to Closed Landfill Restricted and all of PID# 15.292.12.10.20.0001 from Rural Area Development to Closed Landfill Restricted; and

WHEREAS, the Planning Commission held a public hearing on October 23, 2017 to review the requests; and

WHEREAS, the Planning Commission adopted a motion to recommend approval to the City Council on the Applicant’s requests; and

WHEREAS, the City Council reviewed the Planning Commission regarding the Applicant’s requests at its meeting on December 19, 2017; and

WHEREAS, the City Council has reviewed the Comprehensive Plan amendment and believes that it is consistent with the spirit and intent of the Comprehensive Plan and beneficial for public safety.

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

FINDINGS

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
 - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Closed Landfill Restricted and decreased acreage of Public/Park.
 - b. Updating Map 3-3 – the planned land use map to re-guide the land use of portions of PID#s 10.029.21.33.001, 10.029.21.34.001, and 15.292.12.10.003 as shown on the survey dated August 18, 2017 from Public and Quasi-Public Open Space to Closed Landfill Restricted and all of PID# 15.292.12.10.20.0001 from Rural Area Development to Closed Landfill Restricted.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that based on the above findings, the Lake Elmo City Council hereby approves the Applicant's request to amend the Comprehensive Plan as follows:

- c. On page III-11, updating Table 3-B to reflect proposed increased acreage of Closed Landfill Restricted and decreased acreage of Public/Park.
- d. Updating Map 3-3 – the planned land use map to re-guide the land use of portions of PID#s 10.029.21.33.001, 10.029.21.34.001, and 15.292.12.10.003 as shown on the survey dated August 18, 2017 from Public and Quasi-Public Open Space to Closed Landfill Restricted and all of PID# 15.292.12.10.20.0001 from Rural Area Development to Closed Landfill Restricted.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby authorizes and directs staff to submit a Comprehensive Plan amendment consistent herewith to the Metropolitan Council for review and approval.

Passed and duly adopted this 19th day of December 2017, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

ORDINANCE NO. 08-194

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

The City Council of the City of Lake Elmo ordains that the following shall be added to I. Zoning Map Changes of the Table of Special Ordinances of the Municipal Code:

Section 1: Zoning Map Amendment. The following property (portions of PID#S 10.029.21.33.001, 10.029.21.34.001, and 15.292.12.10.003 as shown on the survey dated August 18, 2017) is hereby rezoned from Public and Quasi-Public Open Space to Closed Landfill Restricted:

All that part of the South Forty (40) acres of Government Lot Five (5) , Section Ten (10), and the Southeast Quarter of the Southwest Quarter (SE1/4 of SW1 / 4) , of Section Ten (10):

The North Thirty (30) acres of the North One- Half of the North west Quarter (N1/2 of NW1/4) of Section (15), all in Township Twenty- nine (29) North of Range Twenty- one (21) West. Washington County, Minnesota described as follows:

Beginning on the southwest corner of said Section 10 ;
thence on an assumed bearing of North 00 degrees 53 minutes 21 seconds West along the west line of said Government Lot 5, a distance of 1052.31 feet;
thence North 89 degrees 51 minutes 00 seconds East a distance of 388.00 feet;
thence South 02 degrees 33 minutes 06 seconds East a distance of 41.15 feet; thence South 52 degrees 54 minutes 34 seconds East a distance of 65.60 feet; thence South 00 degrees 31 minutes 20 seconds East a distance of 140.35 feet; thence South 33 degrees 55 minutes 33 seconds East a distance of 104.10 feet; thence South 83 degrees 00 minutes 19 seconds East a distance of 211.40 feet;
thence North 89 degrees 02 minutes 22 seconds East a distance of 246.40 feet; thence South 52 degrees 55 minutes 47 seconds East a distance of 87.86 feet;
thence North 88 degrees 59 minutes 02 seconds East a distance of 296.65 feet; thence South 46 degrees 54 minutes 35 seconds East a distance of 149.90 feet; thence South 23 degrees 40 minutes 12 seconds East a distance of 117.00 feet; thence South 13 degrees 25 minutes 51 seconds East a distance of 309.95 feet; thence South 17 degrees 22 minutes 20 seconds East a distance of 132.47 feet; thence South 41 degrees 02 minutes 16 seconds East a distance of 74.73 feet;
thence South 74 degrees 53 minutes 05 seconds East a distance of 166.14 feet;
thence South 24 degrees 30 minutes 02 seconds East a distance of 82.40 feet; thence South 19 degrees 20 minutes 10 seconds West a distance of 290.90 feet; thence South 53 degrees 35 minutes 08 seconds West a distance of 91.68 feet;
thence South 77 degrees 36 minutes 42 seconds West a distance of 133.62 feet;
thence South 87 degrees 42 minutes 51 seconds West a distance of 272.90 feet to the south line of said North 30 Acres; thence South 89 degrees 51 minutes 00 seconds West along said south line of the North 30 Acres a distance of 1304.28 feet to the west line of the Northwest Quarter of said Section 15:
thence North 00 degrees 18 minutes 30 seconds East along the west line of said Section 15, a distance of 501.52 feet to the point of beginning.

Subject to all easements of record

Section 2: Zoning Map Amendment. The following property (PID# 15.292.12.10.20.0001) is hereby rezoned from Agricultural to Closed Landfill Restricted:

NW 1/4 OF NW 1/4 EXC N 30 ACRES & EXC S 176FT OF W 330 FT EXC 15.029.21.22.0005 EXC BEING N 220FT OF S 396 FT OF W 330FT OF NW1/4-NW1/4 OF SEC 15 SUBJ TO RD EASE FOR JAMACA AVE OVER W 33FT THEREOF & N 50FT OF S 446FT OF W 436.33FT & ALSO N 220FT OF S 396FT OF E 106.33FT OF W 436.33FT OF NW1/4-NW1/4 OF SEC 15 EXC 15.029.21.22.0002 & 15.029.21.22.0003 SECTION 15 TOWNSHIP 029 RANGE 021

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

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

This Ordinance No. 08-194 was adopted on this 19th day of December 2017, by a vote of ___ Ayes and ___ Nays.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

From: [Jason Rud](#)
To: [Emily Becker](#)
Subject: RE: Completed Survey: Washington County Landfill
Date: Thursday, September 21, 2017 9:20:06 AM
Attachments: [doc20170921093449.pdf](#)

Good morning Emily,

I have not received an update, since we sent over this survey in August. Was this approved? Has the split been finalized?

As promised earlier, I am sending over a breakdown of the time incurred to complete the survey work. I fully acknowledge this a great departure from our original estimate of \$4,640, and I do not anticipate we would invoice our full amount. I am hoping though that we could possibly meet in the middle, at a price of \$6,350.00.

If this is acceptable, I will prepare a final invoice.

Please feel free to inquire with any questions you may have.

We appreciate your business.

Jason Rud
E.G. Rud and Sons
651-361-8200

From: Jason Rud
Sent: Friday, August 18, 2017 10:01 AM
To: 'Emily Becker' <EBecker@lakeelmo.org>
Subject: Completed Survey: Washington County Landfill

Good morning Emily,

Attached is the completed survey for your land fill parcel in a PDF format.

We are providing the following:

- Existing parcel boundary and legal description per latest deed of record.
- Existing contours per Lidar data, supplemented by existing improvements (buildings, bituminous, fence line, gravel) located by our field crew.
- Proposed parcel division line based upon last week's field work. The existing fence is generally 1-3 feet westerly and southwesterly of our division line as noted.
- Proposed legal descriptions, areas, and dimensions for Parcels A and B.

These are larger format drawings, so I will also mail paper copies today.

Thank you very much for your trust in our service. Please inquire with any other questions or needs

you may have.

Jason Rud
E.G. Rud and Sons
651-361-8200

From: Emily Becker [<mailto:EBecker@lakeelmo.org>]
Sent: Tuesday, August 15, 2017 1:52 PM
To: Jason Rud <jrud@egrud.com>
Subject: RE: Update

Ok thank you.

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



From: Jason Rud [<mailto:jrud@egrud.com>]
Sent: Tuesday, August 15, 2017 1:30 PM
To: Emily Becker <EBecker@lakeelmo.org>
Subject: Update

Emily,

Just letting you know that we completed the field work last week to stake the new division line.

We have imported this information and drafted your proposed legal descriptions.

I anticipate your survey will be completed and disturbed this week.

Thank you,

JASON E. RUD, P.L.S. #41578
PRESIDENT

www.egrud.com



MAIN: (651) 361-8200
FAX: (651) 361-8701
DIRECT: (651) 361-8225

ADDRESS:
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014



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E.G. RUD & SONS, INC., LAND SURVEYING

**Prebill Slip Listing

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PM/Estimate	Job #	Date	Client Full Name	Description	Hours	Rate	Total
<u>Client: 17.311</u>							
JER	17.311	4/26/2017	CITY OF LAKE ELMO	PROJECT MANAGEMENT	JER 0.50	\$132.00	\$66.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	4/28/2017	CITY OF LAKE ELMO	LOT SURVEY - OFFICE	JSE 2.00	\$80.00	\$160.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	4/29/2017	CITY OF LAKE ELMO	LOT SURVEY - OFFICE	JSE 2.00	\$80.00	\$160.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/1/2017	CITY OF LAKE ELMO	LOT SURVEY - OFFICE	JSE 1.50	\$86.00	\$129.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/10/2017	CITY OF LAKE ELMO	PROJECT MANAGEMENT	JER 1.00	\$136.00	\$136.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/10/2017	CITY OF LAKE ELMO	BOUNDARY SURVEY	F1DT 3.50	\$146.00	\$511.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/18/2017	CITY OF LAKE ELMO	DRIVE	CAT 0.50	\$84.00	\$42.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/18/2017	CITY OF LAKE ELMO	DUMP/LOAD DATA COLLECTOR	DPT 0.50	\$114.00	\$57.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/18/2017	CITY OF LAKE ELMO	BOUNDARY SURVEY	F2DT 4.50	\$188.00	\$846.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/25/2017	CITY OF LAKE ELMO	LOT SURVEY - OFFICE	JSE 0.50	\$86.00	\$43.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/26/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 2.75	\$86.00	\$236.50
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	5/31/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 2.25	\$86.00	\$193.50
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/1/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 1.00	\$86.00	\$86.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/6/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 2.25	\$86.00	\$193.50
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/13/2017	CITY OF LAKE ELMO	LOT SURVEY - OFFICE	JSE 4.25	\$86.00	\$365.50
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/13/2017	CITY OF LAKE ELMO	PROJECT MANAGEMENT	JER 1.00	\$136.00	\$136.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/14/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 4.75	\$86.00	\$408.50
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/21/2017	CITY OF LAKE ELMO	DUMP/LOAD DATA COLLECTOR	DPT 0.50	\$114.00	\$57.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/21/2017	CITY OF LAKE ELMO	PROJECT MANAGEMENT	JER 0.50	\$136.00	\$68.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/21/2017	CITY OF LAKE ELMO	LOT SURVEY - OFFICE	JSE 0.75	\$86.00	\$64.50
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	
JER	17.311	6/22/2017	CITY OF LAKE ELMO	DUMP/LOAD DATA COLLECTOR	DPT 0.50	\$114.00	\$57.00
4,640.00	PT 10/15-29-21	WCM				WASHINGTON COUNTY LANDFILL	

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E.G. RUD & SONS, INC., LAND SURVEYING

**Prebill Slip Listing

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PM/Estimate	Job #	Date	Client Full Name	Description	Hours	Rate	Total
JER	17.311	6/22/2017	CITY OF LAKE ELMO	BOUNDARY SURVEY	F2DT 4.75	\$188.00	\$893.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	6/23/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 1.00	\$86.00	\$86.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	6/26/2017	CITY OF LAKE ELMO	LOT SURVEY - OFFICE	JSE 0.75	\$86.00	\$64.50
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	6/30/2017	CITY OF LAKE ELMO	LOT SURVEY - OFFICE	JSE 1.00	\$86.00	\$86.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	6/30/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JER 1.00	\$136.00	\$136.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	6/30/2017	CITY OF LAKE ELMO	PRO PRINT FEES JUNE	FF 0.00	\$0.00	\$16.50
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	7/5/2017	CITY OF LAKE ELMO	PROJECT MANAGEMENT	JER 0.50	\$136.00	\$68.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/4/2017	CITY OF LAKE ELMO	COUNTY/ CITY MISC	FF 0.00	\$0.00	\$89.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/4/2017	CITY OF LAKE ELMO	GENERAL MEETING EMILY	JER 2.00	\$136.00	\$272.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/4/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 2.25	\$86.00	\$193.50
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/7/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 1.50	\$86.00	\$129.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/8/2017	CITY OF LAKE ELMO	BOUNDARY SURVEY	F2DT 4.50	\$188.00	\$846.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/9/2017	CITY OF LAKE ELMO	LEGAL DESCRIPTION	JSE 2.25	\$86.00	\$193.50
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/10/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 4.50	\$86.00	\$387.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/17/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JSE 2.25	\$86.00	\$193.50
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/17/2017	CITY OF LAKE ELMO	CERTIFICATE OF SURVEY	JER 2.00	\$136.00	\$272.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/18/2017	CITY OF LAKE ELMO	TYPING LEGAL DESC.	CMB 0.50	\$52.00	\$26.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/18/2017	CITY OF LAKE ELMO	SKETCH AND DESCRIPTION	BLR 0.50	\$122.00	\$61.00
4,640.00	PT 10/15-29-21	WCM					
JER	17.311	8/31/2017	CITY OF LAKE ELMO	PRO PRINT FEES AUGUST	FF 0.00	\$0.00	\$46.80
4,640.00	PT 10/15-29-21	WCM					
				PRINTING			
4,640.00	PT 10/15-29-21	WCM					
Total: 17.311					68.25	\$8,075.30	



STAFF REPORT

DATE: May 21, 2024

REGULAR

AGENDA ITEM: EDA Website Discussion

SUBMITTED BY: Jason Stopa, Community Development Director

BACKGROUND:

At the previous meetings, commissioners held discussions on an EDA web presence. There was interest in creating a page on the city website dedicated to Economic Development and promoting business opportunities in Lake Elmo.

ISSUE BEFORE COMMITTEE:

What kind of web presence would the commission like to see? What should be included on a future page?

PROPOSAL DETAILS/ANALYSIS:

Possible items for inclusion that were discussed at the last meeting were:

- adding properties for sale by owner
- adding zoning information
- community development and promoting activities in the city

RECOMMENDATIONS:

Provide feedback and direction on EDA website strategy.

ATTACHMENT:

- None



STAFF REPORT

DATE: May 21st, 2024

REGULAR

AGENDA ITEM: EDA - Village Plan Update

SUBMITTED BY: Jason Stopa, Community Development Director

BACKGROUND:

The City of Lake Elmo has contracted with Bolton & Menck (B&M) to complete Phase 1 of the Village Plan. Part of the project will include community engagement. The staff will want input from residents regarding the sale of the Old Fire Station and Parks/Public Works building. Staff will review previous discussions by EDA related to the sale of the property. Staff will discuss the RFP process, so we are prepared to proceed when Phase 1 of the Village Plan has been completed.

RECOMMENDATION:

EDA requests staff to start drafting an RFP for the sale of the Old Fire Station and Parks/Public Works building.

ATTACHMENT:

None