



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of April 23, 2018**

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

**COMMISSIONERS PRESENT:** Emerson, Kreimer, Dodson, Lundquist, Pearce, Dorschner, Weeks, & Hartley

**COMMISSIONERS ABSENT:** Johnson

**STAFF PRESENT:** Planning Director Becker and City Administrator Handt

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes:** March 12, 2018

M/S/P: Dorschner/Kreimer, move to approve the March 12, 2018 minutes as amended,  
***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** March 26, 2018

M/S/P: Hartley/Dodson, move to approve the March 26, 2018 minutes as presented,  
***Vote: 7-0, motion carried unanimously.***

**Public Hearing – Zoning Text Amendment – Accessory Structures**

Becker started her presentation regarding the accessory structure ordinance. The City is starting to get applications for ground mount systems and realized that they are not exempt from the size and number of accessory structures within the rural districts. This could prevent people from getting certificate of zoning compliance for ground mount systems if there are other structures on the property.

Staff also wanted to take the opportunity to make additional changes within the accessory structure ordinance. The other proposed changes also include exempting tool sheds from the size of accessory structures. Currently they are only exempt from the number. Currently in the rural districts additional accessory structures are allowed via CUP, but there are no clarifying standards or language that clarifies when they should be allowed. It is difficult for staff to know when they should be allowed. Staff is proposing

that a variance is more appropriate. Staff is proposing clarifying language for the definition of agricultural building to match the definition of state statute. There are notes allowing additional agricultural buildings if they meet the definition.

Kreimer asked if the City needs to be concerned with the size of solar energy systems. Becker stated that while they can be large, does the City want to prevent someone from having a ground mount solar energy system because they already have the maximum number of buildings. The solar energy system would still have to adhere to the solar energy ordinance and meet all of the required setbacks and any other screening requirements.

Public Hearing opened at 7:16 pm

No one spoke and there were no written comments.

Public Hearing closed at 7:17 pm

M/S/P: Dodson/Kreimer, move to change the language in exception #9 to ground mount solar energy systems, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Dorschner/Lundquist, move to recommend approval of the accessory structure ordinance as amended, ***Vote: 7-0, motion carried unanimously.***

#### **Business Item – Easton Village 4<sup>th</sup> Addition Final Plat**

Becker started her presentation regarding Easton Village 4<sup>th</sup> Addition. This addition includes 25 single family lots that are to the North of 3<sup>rd</sup> Addition. The final plat is consistent with preliminary plat with a couple of exceptions that have been requested to be changed. There are 10 recommended conditions of approval that staff is recommending.

Dodson asked if the Fire Chief had reviewed the street naming. Becker stated that the Fire Chief was provided a copy and did not provide any comments. Becker stated that the City street naming policy was slightly amended, and this plat would be consistent with the new policy.

Hartley is wondering if he understood correctly that once the development is completed and the other street connections are made, the temporary street in lot 13 goes away. Becker stated that is correct and at that time, the developer would be free to plat that lot.

Dodson is wondering why the City did not request an outlot over the gas easement. Becker stated that she wasn't here when this development was preliminary platted, but the way it is shown is consistent with Preliminary Plat.

M/S/P: weeks/Lundquist, move to add to the disclosure statement in condition number 6 to include railroad noise, vibration and proximity, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Lundquist/Dodson, move to recommend approval of the Easton Village 4<sup>th</sup> Addition Final Plat with the 10 conditions of approval as amended, ***Vote: 7-0, motion carried unanimously.***

### **Comprehensive Plan Update**

Becker stated that the City Council is not present because the appropriate public notice was not given. The City Council will be discussing the Comprehensive Plan at the May 1<sup>st</sup> 2018 meeting prior to the public hearing. This meeting is tentatively scheduled for 6:00 pm.

Becker stated that the Planning Commission is welcome to attend the May 1<sup>st</sup> meeting to give feedback. Becker will bring whatever feedback the Planning Commission gives to the meeting on May 1<sup>st</sup>.

Becker stated that one of the big changes with this plan is that a number of acres are being designated urban reserve which is a change. This designation means that the property in that land designation would not be able to develop until 2040 without a Comprehensive Plan Amendment.

Kreimer asked about the property in Urban Reserve. Kreimer is wondering if those people have been part of the discussions. Becker stated that they have been mailed notices and are aware of the changes. She has only received feedback from 2 property owners. One of the property owners has plans to develop prior to 2040, so they did not want to see the property put into urban reserve.

Hartley stated that this urban reserve is a way to meet the 3 units per acre in the urban area. Weeks stated that in the past, the 3 units per acre was not met and was at 2.9. This 2040 plan has to play catch up and meet the 3 units per acre. Keeping the population to the 18,200 is responding to resident feedback. Hartley stated that the other rule is that once a property is in the MUSA, you can't take it out. By using the Urban Reserve category, the property in that category will not count towards the overall population counts.

Dodson stated that the numbers are not real until a plat comes in. Becker stated that when they count the units, they are always calculated at the low end of the averages per Met Council rules. Dodson stated that it doesn't feel like transparent government to use Urban Reserve. Weeks stated that most of the property in the urban reserve is currently zoned RAD and they would have had to come in for a Comprehensive Plan Amendment anyway.

Becker stated that is true for the Schiltgen property, but much of the area proposed to be in urban reserve in the south planning area, was guided differently throughout. Most of it was Low Density Residential, with some being High Density Residential. Those properties under the current Comprehensive Plan can develop at those densities. With the Comprehensive Plan, those properties would need to come in with a Comprehensive Plan Amendment in order to develop those properties.

Dodson asked if a property in the urban reserve came in with a Comprehensive Plan amendment application, under what conditions the City would be able to deny such an application. Becker stated that the City would need to see if the application was general consistent with the guiding principles of the Comprehensive Plan. Hartley stated that the downside of allowing a property in urban reserve to develop, would be that the projected population would be increased because the land was taken out of the holding classification. Weeks stated that the property in urban reserve is in phase 3. Some of the phasing has to do with infrastructure such as roads, water and sewer.

Lundquist stated that the last she heard the City was in a water crisis and there would probably be watering bans. She is wondering if the City should be thinking about slowing down the growth until the water crisis is figured out. Becker stated that the urban reserve was in response to feedback provided during public engagement. Lundquist stated that she has heard people state that the City should be considering a moratorium on building until the water situation is figured out. Dodson stated that is a separate issue as they don't know where development will happen and if we have the capacity to accommodate the growth. Lundquist feels that the two issues definitely fit together. Becker stated that the water systems section is all being updated in reaction to the water issues.

Weeks stated that the situation might not be as dire as people are making it out to be. There might be options to put a filter system on well #1 to get it back online. Hartley stated that Lindquist's point is valid because the amount of water that is needed is related to head count. That's why putting property in urban reserve is important because it keeps the head count down in the planning period. The water issue would be a valid reason to deny the Comprehensive Plan amendment for a property in urban reserve.

Emerson stated that if a project comes forward and is in urban reserve, the City should have the right to say that we can't supply them with water. Emerson doesn't see the water as being an issue as the City has control over supplying water or not.

Kreimer is not in favor of showing anything higher than what the Met Council is requiring. He stated that the urban reserve makes sense there were areas like this in the last Comprehensive Plan that needed to come forward for Comprehensive Plan Amendments to develop at a higher density. Dodson stated that he is against the urban

reserve and it feels like a shell game. Emerson stated that some places need to be higher density, because some areas in the MUSA are lower density. Emerson is not 100% sold on the urban reserve. Those properties are in the MUSA and sooner or later they will be developed. The Planning Commission seems split about the urban reserve designation.

Dodson stated that there are gaps in the numbers between medium density and high density. It is 3-5 for medium density and high is 8-15. Kreimer asked what would happen if someone came in with a proposal that has 6 units per acre. It doesn't fit medium density or high density. Kreimer is wondering if that is an intentional thing because if you are always using the low number, you would not want projects coming in too high.

There was discussion about the Village Mixed Use. Dodson thinks the 5-12 units per acre seems high. Becker stated that is what the current density is. Weeks stated that fits what is already in the Village.

Kreimer is confused on why the Village has different densities as it adds confusion. He thinks the Village should have the same density as one of the other categories. Weeks stated the Village is a very distinct and unique area and there are already existing structure that have different densities.

Dodson asked about affordable housing. Becker stated that the City could through ordinance or policy, encourage or give bonuses for providing affordable housing. Hartley stated that the consultant said that if there are properties that have high enough density, they tend to be naturally occurring affordable housing.

There was discussion regarding Rural Area Development. Hartley does not think this area is as clear as it needs to be. This section indicates that the RAD area should not exceed 1 residential dwelling unit per 10 acres. Once the Comprehensive Plan is adopted, the ordinances need to be updated to match the Comprehensive Plan. Hartley stated that the Met Council is pretty generic and uses words like "where possible". Weeks stated that this is not a mandate, but is encouraged. Dodson is concerned that if the language in the rural area stays how it is written, the OP ordinance as written would be in violation of the Comprehensive Plan. Kreimer stated that he feels there is something wrong with that sentence and it needs to be flagged to fix. Hartley stated that in Chapter 4 page 8, it talks about how successful the open space developments are in Lake Elmo. There are a number of statements that factually are not right.

Weeks stated that it is important to remember that this is a guide and there are no fines for not meeting the numbers right now. Dodson stated that the 1 house per 10 acres in the metro is because the Met Council thinks those areas could be sewerred in the future. Lake Elmo has some constraints to doing this with the Park Preserve and because of the way the City has developed. Hartley stated that if it is a goal and not a hard and fast

rule that the rural developments have a density of 1 unit per 10 acres, he would like to see that written clearly somewhere in the document. There are several places where this is stated and it makes it sound like the rule. Hartley is concerned that Met Council will not allow Lake Elmo to have the open space developments once this Comprehensive Plan is adopted. Becker stated that the Met Council does recognize cluster developments and have a whole section on them. Hartley would like to see it made clear that it is encourage and not required.

Kreimer stated that the consultant stated it is the average over all of that area. He does think that paragraph 2 on page 7 could be written to be clearer. Dodson does not feel that paragraph gives much guidance at all. Lundquist does not want property owners that were required to have 10 acres be penalized in the future.

Kreimer stated that over the past couple of years there has been talk about bringing back Residential Estates as a zoning category. If there was interest in doing that, this would be the time to do it. There is nothing in the draft Comprehensive Plan that talks about rural estates. Becker stated that the Met Council would not be in favor of doing that type of subdivision as a whole. Becker stated that she has asked about residential estates and the Met Council is not likely to accept it.

Hartley stated that there is a checklist that the Met Council has of all of the items that need to be included in the Comprehensive Plan. Hartley would like a copy of that checklist to be made available to all of the Planning Commission members and to the public. Hartley looked for it on the Met Council website and could not find it. Hartley feels it would be helpful to know what the requirements are. Weeks doesn't feel that it will be helpful for residents to have that document to compare to the draft Comprehensive Plan. Hartley stated that it might not be helpful for some people, but it is a public document and should be made available for anyone interested in looking at it.

Dorschner stated that it would be nice for institutional knowledge to say why things are in the document. You could say this was put into the Comprehensive Plan because it met this item in the checklist. The checklist could be like a play book of how the Comprehensive Plan was developed. Hartley stated it would preserve the rationale for how it was written and would preserve it for the next planning period. Hartley stated that maybe it could go in an appendix. Becker suggested it go in a report when it goes to the Public Hearing.

Emerson asked about the proposed future 5<sup>th</sup> Street with the arrow shown in the far south East corner of the map in section 3 page 21. Emerson is wondering if it makes sense to have that in an area that has urban reserve to the north. Becker stated that the property to the south would still be required to build the whole road. Becker stated that the next step is that this will go to City Council on May 1<sup>st</sup> at 6:00 pm. If Planning Commission members can make it, a joint meeting would be good. The public hearing is on May 7<sup>th</sup>. There are 3 other chapters that are not before them.

These are the transportation, surface water and wastewater. They are currently being drafted as a joint effort between the consultant and City Engineer. Those chapters take a little longer as they are dependent on land use.

**City Council Updates – April 3, 2018 Meeting**

- i) Subdivision Ordinance Regulations – passed
- ii) Variance Request 8728 Demontreville Trail – passed
- iii) Street naming policy changed
- iv) Wildflower Developer Agreement - passed

**Staff Updates**

- 1. Upcoming Meetings
  - a. May 7, 2018
  - b. May 30, 2018 (note change in meeting date)

Meeting adjourned at 9:02 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant