

**CITY OF EMILY  
AGENDA  
PLANNING AND ZONING COMMISSION**

**\*\*NOTE THE SPECIAL TIME\*\***

**June 6, 2007, 6:30 PM**

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1. Call to Order
2. Roll Call
3. Site Visit to Northern Lights over Roosevelt Lake Riparian Strip
4. Public Hearings

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Preliminary Plat of Northern Lights over Roosevelt Lake (Continuation)  
Chris Scott  
Application 07-08

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Ordinance Amendment  
Leasing/renting of Residential Property  
City of Emily

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Ordinance Amendment  
Collection of Fees in Case of Litigation  
City of Emily

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Ordinance Amendment  
Definition of Passive Recreation  
City of Emily

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4. Additions or Deletions to the Agenda
5. Open Forum
6. Approval of Minutes
  - a. May 2007 Regular Meeting
7. Planning and Zoning Administrator's Report
  - a. Permits

- b. Correspondence
  - c. Enforcement Actions
  - d. Feedback Surveys
  - e. Council Action
  - f. ISTS Compliance Testing
  - g. CUP and Variance Review
8. New Business
9. Old Business
- a. Utility Overlay Zone
  - b. Alternative Shoreline Standards
  - c. Extractive Use Discussion
10. Adjournment

## STAFF REPORT

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**Application:** Preliminary Plat of Northern Lights (continuation)

**Applicant:** Chris Scott, City Lakes Investment Group LLC, Property Owner

**Agenda Item:** 4(a)

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**Background:** This application is a continuation from the May Planning Commission meeting. The application was tabled in June, with further discussion needed for the number of boat slips to be allowed. Further discussion was also needed for the definition of passive recreation in the ordinance.

Since the last meeting, the applicant did meet with representatives of the Roosevelt and Lawrence Area Lakes Association. Subsequent to that meeting, Staff held a phone conference with a few of the membership to answer technical questions regarding the ordinance and the application. The Lakes Association has submitted a letter, dated May 29, on the matter requesting that the application be denied.

The applicant is requesting approval of the Preliminary Plat of Northern Lights over Roosevelt Lake. Under the proposal, the property would be subdivided into a 48 lots using the Rural Conservation Subdivision standards of Section 8.1 of the Ordinance. Access to the development would be off of Smokey Hollow Road.

Riparian access to Roosevelt Lake is proposed via a tunnel beneath Highway 6. A total of 30 "Assigned Seasonal Use" boat slips and two, "2 day docking" slips are proposed on Roosevelt Lake. A swimming area is also proposed. The land area along Roosevelt Lake is to have picnic tables and walking trails, the latter of which is linked to trails that run throughout the subdivision.

The City has received a letter from Mn/DOT regarding the proposed tunnel under Highway 6. While there are some logistical details to work out, Mn/DOT has indicated that they are not opposed to the tunnel included with the project.

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**Applicable Ordinances:** Please refer to the May 2007 Staff Report on this item.

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**Staff Findings:** The Staff provides the following findings for the Planning Commission's consideration:

1. Outlot A is a contiguous parcel set aside for conservation. It is 38.11 acres, which is 40% of the property.
2. Outlot A is to be owned by a homeowner's association.
3. The proposed conservation parcel, Outlot A, is to be used for passive recreation. There are numerous trails that run throughout the Outlot.
4. There are wetlands on the property and they are contained within the conservation parcel. There are no historical sites or wildlife corridors identified within the property.
5. Outlot A is single contiguous parcel and is shaped so as to be usable for passive recreational use.

6. The proposed conservation parcel is utilized for passive recreation, not for agriculture, forestry or sensitive resource protection.
7. There are no adjacent conservation parcels of other lands that would benefit from connectivity.
8. The property is zoned Rural Preservation. While there is no minimum lot size in a Rural Conservation Subdivision, a maximum density of 1 unit/acre is allowed. The total site is over 90 acres, which would allow up to 90 units. The applicant has proposed 48 units, which is less than what would be allowed.
9. All proposed lots, except for Lots 1 and 2, meet the exterior setback of 10 feet.
10. While there is ample land area within the subdivision and the proposed lots are significant in size, there are no provisions provided for allocating impervious coverage rights within the development.
11. The proposed lots vary in size and configuration and provide a natural buffer to the adjacent Highway 6 as well as adjacent properties.
12. Natural vegetation is shown to be retained within Outlot A, which will provide screening from Highway 6.
13. There are no existing residences on the property.
14. The proposed residential lots of the conservation subdivision are grouped as to retain the natural rural character of the site.
15. Administration and maintenance provisions will be provided for the proposed subdivision as part of the final platting process.
16. The land is zoned Rural Preservation, which provides for a Rural Conservation Subdivision at the densities proposed. All limiting physical features of the site are included in Outlot A of the subdivision.
17. There are no existing structures on the parcel.
18. It is unclear how sewage is proposed to be treated within the subdivision.
19. A tunnel under Highway 6 has been proposed for riparian access for 30 "Assigned Seasonal Use" boat slips and two, "2 day docking" slips on Roosevelt Lake. It is not clear what the near shore aquatic conditions of the site are and whether or not the facilities proposed are suitable for access.
20. None of the proposed lots directly abuts public right-of-way, however, each lot conveys ownership in Outlot A, for which ingress/egress is provided to the public right-of-way on Smokey Hollow Road.
21. Detailed road plans have not been submitted for review.
22. There are no public utilities contemplated for this site. Easements for private utilities have not been provided.
23. If it is demonstrated that there is adequate provisions for sewage treatment, the proposed lots will not require variances for construction.
24. While the survey has been prepared by a licensed surveyor, the submitted copies have not been signed.
25. The construction of the tunnel is to be a public project as per Mn/DOT's regulations. A development agreement is required for this project, as well as to ensure construction of the internal road and trail systems.

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**Planning Commission Direction:** The Planning Commission can develop findings to recommend approval of this preliminary plat, develop findings to recommend denial of the preliminary plat, or table the application to gather additional information.

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**Staff Recommendation:** Based on feedback received at the May meeting and over the last month, there seems to be three major issues of concern. Those are:

1. The construction and long-term maintenance of the tunnel.
2. The number of boat slips and their configuration.
3. The overall impact of the development in terms of stormwater runoff and corresponding lake water-quality.

As stated in last month's report, the City of Emily would have to be the project manager and initiate the construction of the tunnel. We can and will have a developer's agreement with the applicant for that work. Mn/DOT has provided a letter (in the May packet) indicating that they would support the tunnel, but require that it be a public entity that construct and maintain it.

For the sake of discussion, your Staff is recommending that we detail our concerns with the tunnel construction and maintenance so they can be specifically addressed. We anticipate that addressing these issues is a matter of logistics and legal arrangements once the concerns are all understood.

On the issue of boat slips, the Lakes Association presents some arguments and comparisons on the issue. In light of their questions and statements, we will clarify a couple of points in regards to the proposed docks.

1. The City of Emily does not allow Controlled Access Lots, however, this is not a controlled access lot. A controlled access lot is a separate lot used to give access to properties that do not have lake access. This property has lake access on Roosevelt (even though the access is made difficult by the placement of Highway 6).
2. In a Planned Unit Development (PUD), the applicant is allowed to have the number of boat slips equivalent to the number of dwelling units they would be allowed to place in the first tier of development. In the case of this property, the location of Highway 6 so limits first-tier development that they would not be allowed any slips beyond one day dock. This is not an application for a PUD, however.
3. In a regular lot/block subdivision, the applicant would need 100 feet of shoreline for each lot. In theory, they could therefore place at least 16 lots on the property. There is no limit to how many boats slips could be placed on each lot. In this scenario, you would have the safety concerns that they have along Highway 169 south of Garrison where people have to cross the highway to reach the shoreline. This is also not a lot/block subdivision.
4. To address the safety issues, the applicant discussed options with Mn/DOT, including increased signage, a blinking signal crossing and a tunnel. The tunnel was deemed to be the safest, but it is also the most costly. To facilitate the construction of the tunnel, they are requesting an increase in the number of slips allowed. There is no equation or statement in the ordinance that would directly allow this or, in the case of a Rural Conservation Subdivision, directly prohibit it either.

There is a possibility that a compromise on the type of watercraft allowed can be reached. We recommend some additional discussion between the applicant and the Lakes Association on that matter.

The third item, the overall impact on water quality, is something that will be clarified by the submittal of the additional materials requested of the applicant.

The issues we raised in the May staff report are still outstanding, specifically:

1. We need to identify a mechanism for sewage treatment. If it is to be on-site systems, we need a drawing demonstrating that there is ample room on these sites for sewage treatment systems and also a representative sample (one out of four sites, for example) that demonstrates that the soils are capable of handling the wastewater.
2. As with sewage treatment, with this type of development we need a demonstration that there is adequate setback for the construction of wells.
3. We need an evaluation of the near-shore aquatic conditions to ensure that the slips and swimming area have been properly located.
4. We also need 2-foot contours and a stormwater evaluation as required by the Ordinance.

The application is still not ready for approval, so we recommend that it be tabled with direct guidance given for what issues are outstanding.

## STAFF REPORT

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**Application:** Ordinance Amendment for Leasing/Renting of Residential Property

**Applicant:** City of Emily

**Agenda Item:** 4(b)

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**Background:** The City of Emily currently prohibits, as a Commercial Use, all rental and leasing of property not zoned commercial. This includes properties zoned Shoreline Residential, Neighborhood Residential and Rural Preservation.

As discussed in May, this arrangement is different than the City had under the old land use regulations and is not practical in terms of long-term renting of residential properties.

The City also regulates an arrangement called “Leaseback by Owner”, which is defined as:

**Leaseback by Owner.** An arrangement between an owner of property and a leasing agent or resort to promote and operate the property for rental purposes.

This arrangement is prohibited for residential zones in the Ordinance, but an ambiguity in this definition has been identified in that we only term something a leaseback by owner if the leasing agent promotes and operates the property. The changes proposed are designed to provide clarity to this situation.

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**Ordinance Amendment Proposal:** We propose to make the following amendments:

Modify definition of Leaseback by Owner as follows (change underlined):

**Leaseback by Owner.** An arrangement between an owner of property and a leasing agent or resort to promote and/or operate the property for rental purposes.

Add definition for Long-Term Lease as follows:

**Long-Term Lease.** An arrangement between an owner of property and a family that provides for the rental or lease of the property by the family for uses allowed on that property for a term of not less than six consecutive months.

We use the reference to a “family” because it is defined in the Ordinance.

We would then provide for Long-Term Lease as an Allowed use in all zones, except for Water Resource and Open Space.

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**Planning Commission Direction:** The Commission can recommend to deny, approve, or table the amendment to the City Council. The City Council makes the final decision on ordinance amendments.

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**Staff Recommendation:** Staff recommends approval of the Ordinance amendment to provide additional flexibility consistent with the nature of the residential zone.

## STAFF REPORT

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**Application:** Ordinance Amendment for Collection of Fees in Case of Litigation

**Applicant:** City of Emily

**Agenda Item:** 4(c)

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**Background:** The proposed ordinance amendment is for instances where the city decides to enforce the Zoning Ordinance through a civil remedy. In such a case the offending party would be required to reimburse the city for attorney fees and costs, along with other professional costs incurred by the City.

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**Ordinance Amendment Proposal:** We propose to make the following amendments:

### **Section 12.1 Violations and Penalties**

6. "If the City determines to enforce compliance of the Zoning Ordinance through a civil remedy, the offending party shall be required to reimburse the City for the City's reasonable attorney's fees and costs, and other professional costs incurred by the City associated with enforcing the offending party's compliance with the Zoning Ordinance."
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**Planning Commission Direction:** The Commission can recommend to deny, approve, or table the amendment to the City Council. The City Council makes the final decision on ordinance amendments.

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**Staff Recommendation:** Staff recommends approval of the Ordinance amendment. We propose this language be inserted under Section XII Enforcement in the Land Use Ordinance.

## STAFF REPORT

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**Application:** Ordinance amendment for definition of passive recreation

**Applicant:** City of Emily

**Agenda Item:** 4(d)

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**Background:** A recent proposal for a rural conservation subdivision has included trails that are designated for use only by passive recreation. Providing a definition for passive recreation in the ordinance would clarify what uses would be allowed and what uses would not be allowed in passive recreation areas.

The intent of the proposed amendment is to limit the types of uses allowed in passive recreation areas to help preserve the natural environment in certain areas.

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**Research/Ordinance Amendment Proposal:** Research into other ordinances and definitions of passive recreation have all produced relatively the same information. The following is a proposed definition of Passive Recreation which reflects the general consensus of this information. Any other uses may be included or excluded to meet the needs of the ordinance.

**Passive recreation.** Outdoor activities that include walking, hiking, cross-country skiing, horseback riding, and other non-motorized outdoor recreational activities that do not materially alter the landscape, degrade environmental quality, or involve commercial recreational use.

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**Planning Commission Direction:** The Commission can recommend gathering additional information, approving/modifying the proposed definition, or maintaining the existing ordinance. The Commission should give the Staff direction on whether they are interested in additional information gathering and whether to draft language for a new and/or amended ordinance. Should the Commission table the issue, a number of questions might be considered to assist in information gathering:

1. Whether the Commission desires to define active recreation.
  2. What uses are to be included as passive recreation.
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**Staff Recommendation:** Based on the research done into the definition of passive recreation staff recommends approval of the proposed/modified Ordinance amendment. We propose the language be inserted under the “definitions section” in the Land Use Ordinance.

## 7. P&Z Administrator's Report

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A. Permits: The following permits were issued by the Planning and Zoning office since the last meeting:

	Name:	Address:	Type:	Permit Fee:
1	Pine River State Bank	40099 State Highway 6	Land Use	\$650.00
2	Emily Wesleyan Church	40141 State Highway 6	Land Use	\$250.00
3	Alayna Elenson	18447 Jermark Road	Land Use	\$275.00
4	Alayna Elenson	18447 Jermark Road	ISTS	\$150.00
5	Joanie Harrell	17487 Buchite Road	Land Use	\$275.00
6	Emily Wesleyan Church	40141 State Highway 6	ISTS	\$150.00
7	Chris Mely	40660 South Bay Drive	Land Use	\$25.00
8	David Jensen	23480 South Shore Drive	Land Use	\$275.00
9	David Larsen	23310 South Shore Drive	Land Use	\$275.00
10	Randy Moritz	Blue Lake Road	Land Use	\$275.00
11	Dennis Heppelmann	44485 State Highway 6	Land Use	\$25.00
12	Dave Reiland	19498 Blue Lane East	ISTS	\$150.00
13	Kelly Raph	41127 State Highway 6	Land Use	\$165.00
14	Michael Otte	15 South Lake Lawrence Road N.E.	ISTS	\$150.00
15	Pallett Minnesota	40138 Sawmill Road	Land Use	\$275.00
			<b>TOTAL:</b>	<b>\$3365.00</b>

B. Correspondence. The following correspondence was sent or received by the Planning and Zoning office since the last meeting:

	Date:	To:	From:	RE:
1	5/14/07	Charles Marohn	David Landecker	Scott project on Roosevelt Lake
2	5/12/07	David Landecker	Charles Marohn	Chris Scott Plat in Emily

3	5/9/07	Lake Country Vacation Rentals	Charles Marohn	Verification for Lake Country Vacation Rentals issues
4	5/9/07	Chris Scott Dave Landecker	Charles Marohn	Meeting with Roosevelt Lake Association
5	5/7/07	Charles Marohn	Dave Landecker	Chris Scott Plat in Emily
6	5/7/07	Charles Marohn	Mary Kowalski	Preliminary Plat of Northern Lights
7	5/7/07	Mary Kowalski	Charles Marohn	Preliminary Plat of Northern Lights
8	5/1/07	Charles Marohn	David Landecker	Roosevelt Lake RCS
9	5/1/07	David Landecker	Charles Marohn	Roosevelt Lake RCS
10	4/25/07	Christopher and Deborah Mely	Charles Marohn	Land Use Violation

### C. Enforcement Actions

1. **Nancy Cossette.** The Cossette's called and assured that the violation would be taken care of this spring (tree-clearing). We are scheduling a site visit in June to view progress on the property.
2. **Rex Stiner.** This matter (property cleanup) has been referred to the City Attorney.
3. **Jason Quilling.** The property owner has submitted an after-the-fact application. We are waiting for payment of the AFT fee (\$700) to resolve this matter.
4. **Lake Country Properties.** We received a report of Lake Country Properties providing daily and weekly rentals of residential property within Emily. We viewed a website that seems to indicate this. Lake County Properties have contacted our office to discuss this matter.
5. **James and Barbara Szczech.** This property is reported to be leased on a weekly or daily basis through a web site operated by Lake Country Properties. The Szczech's have contacted us about resolving this matter.
6. **Thomas and Judith Hanson.** These individuals are reported to be involved in leasing of a residential property on a weekly or daily basis through a web site operated by Lake Country Properties. We have not determined which Emily property they are reportedly leasing, although we believe the Hanson property is not the property being leased. The Hanson's have contacted our office to assure that they will no longer be leasing their property, further monitoring will take place.
7. **Rhonda Kosiak.** We received a report that this property has constructed a guest quarters above their accessory structure. A recent application clearly indicates that no such facility is provided for in the structure. A site visit was conducted and it was determined that the property was not in violation of the ordinance.
8. **Gregory and Wendy Koch.** We received a report that this property has constructed a guest quarters above their accessory structure. This property owner applied for a variance for such and was denied. A site visit was recently conducted on the property and there is a second story in the garage.

9. **Bob Grecula.** Our office was contacted by Cary Schultz of the DNR, regarding work being done on the Grecula property. An on site inspection was conducted on 5-22-07, and it was documented that landscaping work had taken place. Mr. Grecula stated that he was unaware that a permit was needed to do the work. He has made plans to apply for an after-the-fact permit and submit plans on what he is proposing to complete. He has also worked with the DNR on an issue with rip rap.
10. **Trent Deboer.** The DNR also contacted us about work being done on the Deboer property. Mr. Deboer has done some significant grading work on his property without the proper permits. A site visit will be scheduled to inspect the work done on the property.
11. **41826 Whitebirch Lane.** There has been a violation report at 41826 Whitebirch Lane. A citizen has reported this potential violation, a site visit is scheduled to investigate this report.

#### D. Feedback Surveys

We did not receive any feedback surveys in May.

#### E. Council Action

The City Council tabled accepted your recommendation on the Patrick Cave and Patrick Anderson vacation requests.

#### F. ISTS Compliance Testing

We have identified the remaining 433 properties for which we have either non-compliant or unknown status on their ISTS system. We are pulling information from the file for each of these properties and will be sending out letters to those with no current information in the file during June.

#### G. CUP and Variance Review

We have reviewed all of the CUP and Variance requests that have not had final inspections. We have sent each of the following property owners a letter indicating that we will be performing an inspection this month and giving them an opportunity to contact us to be present during the site visit.

The following individuals have received letters:

1. **Don Arkell** Variance (2003)
2. **Terrance Bray** Variance (2003)
3. **Bob Bussler** Variance (2003)
4. **Properties Ect.** Variance (2003)
5. **Daniel Springman** Conditional Use Permit (2003)
6. **Brian Lueck** Variance (2004)
7. **Dan Sexton** Variance (2004)
8. **Brian Rettke** Variance (2004)
9. **George Pepek** Variance (2005)
10. **Harriet Smith** Conditional Use Permit (2006)
11. **Rodney Chuba** Conditional Use Permit (2006)
12. **Robert Cincoski** Variance (2005)

13. **Rodger Rice** Variance (2005)
14. **Suzanne Redman** Variance (2005)
15. **James McCarthy** Variance (2005)

## 8. Old Business - Discussion on Extractive Uses

The Planning Commission indicated in May that they would like a month to review the information and consider alternatives. We provide the following information from the May Staff Report for assistance.

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The Ordinance defines “Extractive Use” as follows:

***Extractive Use.*** *The use of land for removal of sand, gravel, rock, industrial minerals, other non-metallic minerals or peat not regulated under Minnesota Statutes Sections 93.44 to 93.51.*

We commonly refer to these areas as “Gravel Pits”, although they are theoretically much more, particularly when all of the accessory uses that are typically provided are factored in. The Ordinance defines an accessory use as:

***Accessory Use.*** *A use naturally and normally incident and subordinate to the main use of the premises.*

For most extractive uses that we would see in Emily, the following accessory uses would be most typical:

- **Crushing of Aggregate.** This is essentially taking large rocks and making smaller rocks out of it using a crushing machine. The crushing provides jagged (as opposed to smooth) edges on the aggregate, which gives a better material with greater overall strength.
- **Sifting of Aggregate.** The mined materials are frequently processed in a manner that separates aggregates of different sizes. This is done by sifting the material through filters of varying size. Aggregate is routinely sifted to get the correct blend of course material (to provide strength) and fine material (to provide binding).
- **Blending of Aggregate.** Blending is the reverse of sifting, where material of a certain size is added back into a mixture to augment the overall material.
- **Washing of Aggregate.** It is sometimes necessary or desired to remove the fine material from an aggregate mixture, particularly when that mixture is intended to be porous or highly permeable. This is done by spraying the material with water.
- **Bituminous Batch Plant.** This process involves taking an aggregate mixture and blending it with asphalt cement, at high temperatures, to create bituminous. Bituminous is a flexible pavement that is used to pave most highways, roadways and driveways in Minnesota.
- **Concrete Batch Plant.** This process involves taking an aggregate mixture and blending it with Portland cement (and sometimes other admixtures) to create concrete. Concrete is commonly used in foundations, basements, commercial structures, sidewalks, driveways and highways.

The principle extractive use, along with the accompanying accessory uses where allowed, can create a number of concerns. The most common concerns include:

1. **Noise.** Noise is a particular problem for crushing operations, which are very loud. Bituminous batch plants can also be very loud. The volume is often less of

an issue than the persistence – some crushing operations have been known to continue around the clock for weeks with little interruption.

2. **Dust.** Dust from the extractive use operation is minimal compared to the dust that is created from the traffic on gravel haul roads and from some of the accessory uses. Complaints of dust are usually only heard from those directly adjacent to the operation of who live on a haul road.
3. **Traffic.** A large-scale operation will generate a lot of traffic. Since aggregate operations are compensated based on how much material they can deliver, there is a built-in incentive to push the acceptable limits of speed and other traffic regulations. This becomes a particular issue when there is interaction with other vehicles and/or children living and playing in the area.
4. **Road Damage.** Trucks hauling aggregate material are typically heavily loaded. The repeated loading of the roadway inevitably causes the road to prematurely deteriorate.
5. **Environmental Impacts.** Extractive uses are often done in remote locations. While each is a case-by-case evaluation, the nature of the operation necessitates that there is major disturbance to wildlife habitat in the area of the extraction and the immediate vicinity.
6. **Groundwater Impacts.** There is often confusion with mining of aggregate and other types of mining. There are mining operations that, as a routine part of the extraction process, inject chemicals into the ground. Many of these chemicals have been shown to cause serious groundwater and surface water contamination. The extraction of aggregate materials as is contemplated by the Emily zoning ordinance would not have this type of impact.
7. **Property Value Impacts.** Although we can't cite direct studies, it is empirical that an extractive use will have an impact on the development potential of surrounding properties. When seeking to site new extractive uses, aggregate companies typically analyze the level of existing residential development in the immediate vicinity. While an extractive use would not impact land used for forestry or strictly for hunting, it would potentially make property less desirable for expansion of residential use.

At the upcoming meeting, we intend to hold a discussion forum to identify any other potential concerns the Planning Commission and public may have.

There are statewide implications for extractive uses, so much so that the legislature has required counties to plan for and facilitate the establishment of extractive uses. Those statewide implications for road construction and growth do sometimes outweigh the negative local impacts, which is the justification for the legislation.

The benefits of having a local aggregate producer, particularly when accessory uses are provided, include cheaper local aggregate, lower cost for local construction projects (due to lower hauling costs) and some potential job creation.

There are a number of ways the City of Emily can approach the issue of extractive uses.

### **Solution #1 – Expand Allowable Uses within the RP or FR Zones**

We currently allow for existing extractive uses to continue, but as a non-conforming use that cannot be expanded. There are no new extractive uses provided for. We can modify the zoning ordinance to provide for extractive uses in the RP or FR zones. We would

need to clearly define the operating parameters, including which accessory uses would be allowed and under what conditions.

**Solution #2 – Expand Allowable Uses, but keep overall Prohibition**

What we would be doing here is to maintain a prohibition on new extractive uses, but increasing the uses that we would allow established gravel pits to utilize. We would need to coordinate this approach with the City Attorney to ensure that we were treating all property owners legally through this method.

**Solution #3 - Create an Overlay Zone to Provide for the Use**

We can create an overlay district that would define the parameters under which we would allow an extractive use and/or any accessory uses. For example, we can indicate that the operation would have to be greater than 1,000 feet from a lake, greater than 500 feet from an established residence and located on public roadway. This approach would allow the City the greatest control over just where an extractive use was allowed to be established or expanded.

**Solution #4 - Do Nothing**

There is nothing that requires the City to take action in this case. We do not have a pending application or formal request for an ordinance modification. The current ordinance was created after much debate and public input. While it does not satisfy all concerns, it has been correctly established.

Keep in mind that, with the first three solutions offered, a 4/5ths vote of the Council is going to be required to allow for a modification of the Ordinance.