



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013

CONSENT

ITEM #: 4

AGENDA ITEM: Variance – 4719 Olson Lake Trail
SUBMITTED BY: Nick Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director
Pete Ganzel, Washington County
Jack Griffin, City Engineer

SUGGESTED ORDER OF BUSINESS (If removed from the Consent Agenda):

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- Questions from Council to Staff.....Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion.....Mayor & City Council
- Discussion.....Mayor & City Council
- Action on Motion.....Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The City Council is asked to consider a Variance submitted by Mary Florence Brink and Thomas Brink at 4719 Olson Lake Trail North to allow for the installation of a septic holding tank system for a time period longer than 12 months. Lake Elmo City Code and Washington County Development Code do not permit holding tank systems to be use on residential properties for longer than 12 months. The Planning Commission held a Public Hearing on August 26, 2013, at which time only the applicants spoke to answer questions raised by the Planning Commission. The Planning Commission unanimously recommended the variance for approval with the condition that the variance only be valid for a time period of five years. As part of the Consent Agenda, no formal motion is required. If the Council wishes to further discuss the topic, they can remove this item from the Consent Agenda and approve the variance by taking the following action or amending as necessary:

“Move to approve Resolution No. 2013-66, approving the variance requested at 4719 Olson Lake Trail North to allow for the use of a septic holding tank system for a period longer than 12 months, but not to exceed 5 years, with the conditions outlined in the Staff Report.”

BACKGROUND AND STAFF REPORT:

The City of Lake Elmo received an application for a variance from Mrs. Mary Florence Brink and Mr. Thomas Brink. The variance would allow the construction of a septic holding tank system for a period longer than 12 months. Mr. and Mrs. Brink intend to construct a new single family home on the lot. Per Washington County regulations, they must bring their septic system into compliance before proceeding with the project. Regarding the purpose of the septic holding tank system, the applicants’ property is in the Phase II area of the Olson Lake Sewer Project. It is anticipated that the 2nd phase of the sewer project will be constructed when Washington County reconstructs Olson Lake Trail (CSAH 13), which, according to the County Capital Improvement Plan

(CIP), is scheduled for 2016. The applicants would like to install a holding tank system as a temporary solution until sewer is made available.

In order to approve a variance under the new State Statute, the applicant must demonstrate compliance with 4 required findings:

1. Practical Difficulties
2. Unique Circumstances
3. Character of the Locality
4. Adjacent Properties and Traffic

Staff reviewed the application and determined that the variance request met the 4 required findings. Additional detail about this review can be found in the Staff Report to the Planning Commission, Attachment #2.

The Planning Commission reviewed the proposed Variance at the meeting on 8/26/13. As part of the review, the Planning Commission unanimously recommended approval of the variance. However, based on the report (Attachment #7) by the Washington County Environmental Specialist, Pete Ganzel, the Planning Commission determined it was important that the variance include a time limit so that a temporary holding tank system does not become a permanent wastewater solution for the property. The Planning Commission recommended that the variance be valid for a period of 5 years. With the proposed time limit, the variance would be valid until 2018, two years after the County is scheduled to reconstruct Olson Lake Trail. If Phase II of the sewer project was not executed by the end of 2018, the property owners would have to request an additional variance, or install a permanent septic system that would meet Washington County Code requirements. Further detail regarding the discussion by the Planning Commission can be found in Attachment #8.

Finally, it should be noted that Staff recommended two additional conditions of approval for the proposed Variance. These conditions are outlined in the Staff Report (Attachment #2) and require the applicant to enter into an Agreement to connect to Municipal Sanitary Sewer within 6 months of service being available, as well as a requirement to submit quarterly pumping reports to ensure that the holding tank system is functioning properly. It should be noted that the Planning Commission unanimously supported these conditions. In addition, the applicants have not objected to the proposed conditions, as they have strongly indicated their intent to connect to sanitary sewer as soon as service is available.

RECOMMENDATION:

The Planning Commission recommends the City Council approve the Variance by taking the following action:

“Move to approve Resolution 2013-066, approving the variance requested at 4719 Olson Lake Trail North to allow for the use of a septic holding tank system for a period longer than 12 months, but not to exceed 5 years, with the conditions outlined in the Staff Report.”

ATTACHMENT(S):

1. Resolution No. 2013-66
2. Staff Report to the Planning Commission, 8-26-13
3. Variance Application w/Narrative
4. Location Map
5. Sewer Service Area – Tri-Lakes (City Comprehensive Plan – Wastewater Facilities)
6. Engineer’s Report
7. Washington County Report – Department of Health
8. Excerpt from Draft Planning Commission Minutes, 8-26-13