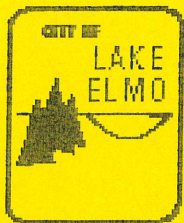


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## City of Lake Elmo

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### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, February 27, 2006, at 7:00 p.m.**

#### AGENDA

1. Agenda Approval
2. Minutes
  - a. February 13, 2006
3. Home Occupations
4. Wedding Ceremonies in AG Zoning District
5. Commissioner Training Dates
6. City Council Update
7. Adjourn

The public is invited to attend.

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of January 23, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Lyzenga, Deziel, Armstrong, Van Zandt, Ptacek, Roth, Pelletier, and Schneider. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, and Recording Secretary Schaffel.

**Agenda**

M/S/P, VOTE: 9:0.

Eliminate 8-Home Occupations, replace with 8-Met Council Communication. 7B-Proposed Joint Community Playfield with Oakdale.

**Welcome New Commissioner**

The Planner related the City Council actions relative to the Planning Commission's composition. Laurie McGinnis was appointed 2<sup>nd</sup> Alternate Member and granted a Leave of Absence until she gets her Master Degree in June. Bob Van Zandt is now 1<sup>st</sup> Alternate Member and Julie Fliflet is now a Full Voting Member.

**Election of Officers**

Commissioners Ptacek and Armstrong nominated Commissioner Helwig for Chairman.

Commissioner Roth nominated Commissioner Armstrong for Chairman, and Commissioner Armstrong did not accept the nomination.

M/S/P, Ptacek/Armstrong to nominate Bob Helwig as Chairman. VOTE: 8:0:1 Abstain: Helwig~Modesty.

M/S/P, Helwig/Armstrong to nominate Commissioner Ptacek as Vice Chairman. VOTE: 8:0:1 Abstain: Ptacek~Modesty.

M/S/P, Roth/Ptacek to nominate Commissioner Pelletier as Secretary. VOTE: 8:0:1 Abstain: Pelletier~Modesty.

Commissioner Ptacek thanked Commissioner Sedro for her work and time served on the Planning Commission.

**Minutes of January 9, 2006**

M/S/P, Deziel/Lyzenga to accept the Minutes of January 9, 2006 as presented. VOTE: 6:0:3 Abstain: Armstrong, Ptacek, and Schneider~Absence.

**Variance: 4473 Olson Lake Trail (Continued)**

M/S/P, Deziel/Schneider to take from the table The Flanagan Variance. VOTE: 9:0.

Planner Dillerud explained that the applicant after tabling his application and waiving the 60 day review period, has revised his plans for the home remodel and expansion in order to reduce the horizontal encroachment into the Ordinary High Water Mark. The site is located on Lake

DeMontreville. The applicant proposes to remove the two decks and convert the sunroom into a covered deck. He has also removed the encroachment into the sideyard setback area.

Chairman Helwig said the two decks were the primary problem last time and asked if the applicant still requires a variance. The Planner said most of the home today is within the shoreland setback, and any work performed to the structure would require a variance and that the addition that squares off the building creates further encroachment.

Commissioner Schneider asked if the concrete patio is there today. The applicant said yes.

**Patrick Flanagan, Applicant**

Mr. Flanagan said they took off the decks and the sunroom will be converted to an open air covered deck. He said the area where the sunroom meets the house still has to be protected from the elements to prevent further deterioration.

Commissioner Roth asked about 6X8 opening by the area where the patio was previously planned. The applicant said there will be no deck there, just doors to the outside.

Commissioner Pelletier said she is concerned about the size of the home of the neighbors. The Planner said the conversion to the open air porch eliminates about 350 square feet of living area.

M/S/P, Deziel/Van Zandt to recommend approval of the variance application for a remodel and addition to a house at 4473 Olson Lake Trail based on the findings that the lot was platted before current zoning and the shoreland overlay district were established, the proposal is deemed to be reasonable, and it will not alter the character of the neighborhood in any negative fashion, pursuant to the condition that plans are modified to reflect the open air porch. VOTE: 8:0:1  
Abstain: Ptacek~Absent from last meeting.

**Zoning Code Text Amendment: Vineyard Wedding Business as AG Use**

The Planner explained there is an existing vineyard just north of Carriage Station on 55<sup>th</sup> Street. The Zoning District is AG. Uses conditional and permitted on AG lands today generally relate to the existing use. The Commission was asked if this proposed use would be in the best interest of the City, and if so, should staff publish a public hearing notice for a Zoning Text Amendment.

Commissioner Ptacek asked about consumption of alcohol and liquor licensing questions. Not knowing the answer, he would suggest it as a Conditional Use.

Commissioner Schneider asked about parking when there might be 300 or more guests on ten acres.

Commissioner Deziel asked if this would be more like a garage sale or a permanent store. Perhaps if the plan is for this use on an occasional basis then liquor licensing could be handled on an occasional basis as well. He asked about advertising and whether the applicants would be trying to attract more business.

Commissioner Armstrong mentioned a snowmobiling event request by Green Acres but the noise factor put the kibosh on it. Issues of concern for him are the noise factor (such as a band), parking, permanent or tent structures only, whether we would allow a permanent building, sufficient toilet facilities would be necessary. He said perhaps these events could be limited to summertime. Liquor licensing and frequency of events are other concerns. He said it would

probably fit in with the natural setting in the AG Zone but we have to address these other factors. We have CUP s in the AG zone such as greenhouses, kennels, and stables. We would want conditions established in advance for wedding receptions so everyone knows what to expect.

M/S/P, Armstrong/Ptacek to direct staff to come back with a draft ordinance in the next few weeks.

The Planner said he will investigate how this use is regulated in Stillwater. He agreed with Commissioner Armstrong about it needing to be a Conditional Use.

VOTE: 9:0.

### **Drive-up/Drive-through Facilities for Table Service Restaurants in the GB Zone**

The Planner introduced the request for a minor site plan modification for a drive-up window at Gorman's Restaurant. The City Code says restaurants with table service are all that are permitted in the GB Zone. Council agreed that clause was designed to preclude fast food restaurants in the City. The Council sustained the administrative decision to deny Mr. Gorman's request but directed that the Planning Commission review the Code to determine if it could be modified to allow a drive-up window without violating the original ordinance intent. The Planner believes it can. Oakdale's ordinance distinguishes fast food from classic restaurants. Order boards differentiate them partly because of lights and attendant noise.

Commissioner Van Zandt said Applebee's and Chili's car side to go is a successful model because you would not want to order food and then wait for it. The order must be placed in advance. He said this presents convenience for young parents and elderly people. He thinks there is a need for it in the City as long as it is controlled.

The Planner said Oak Park Heights addresses bank drive-up facilities very well. They must have room for stacking of automobiles on-site. There is room at Gorman's but there would not be room at the Lake Elmo Inn or Twin Points.

Mr. Gorman said he wants a limited menu board of coffees and ice cream cones. He would face it to the south with a 70 db squawk box. Commissioner Armstrong said that makes it more difficult for the Planning Commission to accommodate the request.

Commissioner Armstrong said an intercom and menu board would prohibit it. Commissioner Pelletier is against any kind of intercom, menu board, or drive-up window. She suggested car side to go. Chairman Helwig agreed. Commissioner Lyzenga asked about a walk-up window instead.

A Straw Poll was conducted to see which commissioners would be in favor of a menu board/intercom system. 0: menu board/intercom system. Another Straw Poll was conducted for car side to go versus a drive-up window. 5: drive up window without menu or intercom. 9: car side to go. A Straw Poll was taken to determine if the Planning Commission would like to take up this matter. All 9 commissioners agreed.

M/S/P, Ptacek/Deziel to direct staff to draft an ordinance allowing window service without a menu board and without an intercom system allowing this type of use of a restaurant in the GB Zone. VOTE: 7:2 Nay - Lyzenga/Pelletier, Lyzenga expressed concern about getting cars to the window in an orderly fashion. Pelletier is worried about a negative precedent. PASSED.

The Planner said the City Council wants to see this back in February so he will try to draft something to bring back soon.

**Proposed Joint Community Playfield with Oakdale**

The Planner said the City Council has requested a recommendation for a joint playfield with Oakdale in Lake Elmo at northeast corner of Ideal and Stillwater Boulevard.

The Administrator explained the history of the donation request from 3M for a park for the City of Oakdale. 3M offered them land in Lake Elmo. After discussions and meetings, it has matured to a possibility of joint ownership of the land and in terms of capitalization, maintenance, and government and field scheduling. Staff held out for joint governance and joint input on design. Eventually our population will be close to theirs but meanwhile we are only 30% of their size. So there might have to be consideration of proportionate terms in the meantime until we grow.

The City Council asked if this is something we want to attempt, and do we want to take the next step to create a development agreement. The Parks Commission unanimously recommended doing that.

The Planner explained the City's need for ballfields today and into the future. He said the Park Plan is 15 years old. Oakdale is about where we will be at 2030 for population. They have a significant community playfield but it is not enough for their needs. An Old Village community playfield would still be needed in the future. He said it makes sense from a Planning standpoint.

Commissioner Deziel asked about new zoning with RAD2 on the parcel north of Highway 5. He said it would be the nearest Lake Elmo development to this. Commissioner Ptacek agreed with Commissioner Deziel and the Planner. He also said there are not enough dates and times and fields available in Lake Elmo and Oakdale.

Commissioner Armstrong would want this park for ages 18 and under and daylight facilities only, no lights on this field. He said it is probably better to create a park here near the railroad without displacing homes and REC units, and it would be a good partnership with Oakdale for the future.

The Planner clarified the proposal is for youth only.

Chairman Helwig used to be on the Parks Commission in Oakdale and he said the Oakdale Athletic Association and the Parks Commission there are two distinct entities. The Athletic Association does all the scheduling and they will get lights if they want them.

Commissioner Schneider said the City is sacrificing 26 acres for no houses and no taxes. We should get more than 50% use of this park.

The Administrator said the Cities are insured by the League of MN Cities so liability is not a problem.

M/S/P, Ptacek/Deziel to recommend taking the next step to continue the discussions. VOTE: 9:0.

**Met Council Communication**

The Planner said a letter was received by courier today from Chairman Bell saying the materials submitted on January 6, 2006 still do not put us in the complete category, and he's getting tired of it. We have until February 1, 2006, to get our Comprehensive Plan complete or he will ask the board to begin litigation against us.

The City Council will conduct an Emergency Meeting on January 24, 2006 at 6:00 p.m. to address this issue.

The Planner said that three major issues remaining are the Village Master Plan detail, the Affordable Housing component with quantities of about 40 acres guided for 5-6 units per acre, and the conditions to the extension for submission the City received in July. The Metropolitan Council is insisting we include the remedial measures in our Comprehensive Plan as text.

**City Council Updates**

The Planner said the Council upheld two administrative determinations and dealt with a sewer issue.

Adjourned at 8:38 p.m.

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 13, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Armstrong, Deziel, Van Zandt, Park, Ptacek, Pelletier, Lyzenga, Fliflet, and Schneider. STAFF PRESENT: Planner Dillerud, Administrator Rafferty, and Recording Secretary Schaffel.

**Pledge of Allegiance**

**Welcome Nicole Park to the Planning Commission.**

**Agenda**

M/S/P, Ptacek/Deziel, to accept the Agenda as presented. PASSED: 9:0.

**Minutes**

M/S/P, Ptacek/Deziel, to accept the Minutes of January 23, 2006 as presented. PASSED: 8:0:2  
Fliflet and Park-Absent.

**Public Hearing:**

**Variance to OHW Setback and Minimum Lot Size Requirements, 8160 Hill Trail N.**

The Planner explained the application proposes the razing of an existing home and complete construction of a new home on a lot fronting on both Lake Demontreville and Lake Olson.

The Planner said the original home does not comply with Shoreland Setback Standards; and, that construction of a new home on this non-conforming parcel is difficult without variances. The proposed home is 52 feet from the OHW mark of Lake Demontreville. He said that legal non-conforming status expires should the existing home be removed. The proposed home is much larger than its neighbors' homes. Positive findings can be made for the variance to shoreland setback, but the new construction on a non-conforming lot by area could establish a problematic precedent with carefully crafted findings addressing specific circumstances.. The Planner advised the Commission that he has worked with the City Attorney on potential findings that could support all of the variances requested, including new construction on a non-conforming lot, as follow:

1. The property cannot be put to reasonable use without the granting of the variances requested. The OHW setback variance is the minimum possible given the unique circumstances of the parcel essentially "fronting" two lakes. The lot area variance responds to this "reasonable use" Finding only due to the existence of a habitable dwelling and functioning private wastewater treatment system on this parcel. This Finding would not be applicable were this non-conforming vacant parcel of similar parcel area non-conformity.
2. The variances requested result from circumstances unique to this property platted prior to the adoption of Shoreland Regulations by the City resulting in OHW setback applicable from two lake frontages, and an existing home/functioning private wastewater treatment system constructed prior to current zoning ordinance/City Code lot area and septic treatment standards; and, the circumstances of the variance were not solely created by the applicant.

3. Granting of the variance will not change the essential character of the neighborhood. Significant mature trees on the parcel will effectively mitigate the visual impact of increased structure mass of the new house.

Based on those findings, the Planner recommends approval subject to the following conditions:

1. Compliance with VBWD recommendations pertaining to silt fencing, erosion control, and rain guttering.
2. The City Forester must be involved in the staking of trees on this lot prior to and during construction.

Commissioner Schneider asked how tall the house will be from the lake.

The Planner said he thinks about 30 to 35 from the adjoining ground level plus the elevation difference from ground near the house and the lake elevation – several more feet.

Commissioner Fliflet asked if the chance of saving the trees is good.

The Planner said the new house is a little bit farther from the lake but in an entirely new area on the parcel that will improve the odds on saving the trees. He also noted that the City Forester could participate in reviewing tree protection measures during construction

Commissioner Ptakek asked about the backup septic system.

The planner reported that there is enough room to enlarge the drain field site adjacent to the existing drain field if they need to in the future.

Commissioner Pelletier asked who would verify silt would not go into the lake.

The Planner said the Building Official monitors erosion control during construction.

Commissioner Lyzenga asked the rationale for 1.5 acre minimum in the R-1 Zoning District.

The Planner said it was before his time with the City and he is not aware Of the exact rationale.

Commissioner Ptakek said the rationale was room for primary and backup traditional septic systems.

Commissioner Armstrong said the reason was concern for the environment. The mid 1980's failure of numerous septic systems and the resulting 201 Septic System Program had a great deal to do with the lot area zoning, especially on lake lots. The City did not want to repeat a 201 program in the future.

Chairman Helwig asked if the existing 201 Mound System on this lot meets current standards.

The Planner said he does not know.

**Todd Ganz, Merit Custom Homes representing The Haire Family**

Mr. Ganz said that all the trees are at least 25 feet from the new house location.



Chairman Helwig asked what about footings in relation to the trees..

Mr. Ganz said the plan puts the footings about 23 feet from the trees and they will be happy to work with the City Forester regarding tree protection measures.. The proposed house is 28 feet tall from 934 elevation to the highest peak. He said the existing 1200 gallon dual compartment tank will be replaced with a new dual tank treating 1600 gallons. The mound has been tested by Barry Brown and the future system would be next to and south of the existing septic system.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:30 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:31 P.M.

Commissioner Ptacek said he has no problem with the proposed OHW setback because it is further from the lake than the existing house. He said he does have a problem continuing to grant variances without the new zoning for Neighborhood Conservation Districts. He supports the OHW variance but does not feel comfortable with the minimum lot size variance.

Commissioner Deziel said this lot is almost nine-tenths of an acre. He asked if we should force people who live on lakeshore to live in shanties. He complimented the applicant for locating the house behind the trees instead of a more exposed location. He encouraged them to make the house as dark a color as possible to decrease visibility from the lake.

Commissioner Armstrong said he is concerned that the plan says three bedrooms, but that plan shows an unheated storage room and a family room that could be converted to bedrooms. This is more accurately a four bedroom home on a mound system that cannot handle it. He wants to be sure this septic system will be sufficient. He believes we should look at a square footage equation instead of a bedroom count for future variances.

M/S/P, Armstrong/Fliflet, To recommend approval based on three findings in the staff report and three conditions to include that staff and the City engineer review applicable Code to insure that the septic system is up to date. PASSED: 5:4. Nay: Pelletier, Schneider, Lyzenga, Helwig.

Commissioner Pelletier asked for staff and the applicant to watch to prevent erosion into the lake.

The Planner said there are scores of lots like this one. Presumably these findings are specific enough to this lot.

Commissioner Schneider said this is a very large house on a non-conforming lot on two lakes.

Commissioner Lyzenga said she looks at the plans as a five bedroom home. She is not convinced the scale of the home is supported by this lot. It is disproportionately out of scale.

**Public Hearing:**

**Comprehensive Plan Amendment and Rezoning, 8740 Stillwater Blv.**

The Planner said that what is proposed with this application is for a nominal ten (9.4) acre site north of Lake Elmo Heights and Tablyn Park neighborhood, south of the railroad tracks to be reguied from RAD to SRD and rezoned from RR to R-1. Originally the site was part of a Comp

Plan Amendment action from RAD to RED in the mid-1990's. This 9.4 acre portion was removed from the amendment at the applicant's request during review of the Comp Plan amendment by the Metropolitan Council. The reduced RE request was approved by the City for RED guiding and Residential Estates Zoning. He explained the guiding and zoning adjacent to and surrounding the subject property.

The Planner asked the Commission to determine whether there was an error for this parcel to be guided RAD and/or whether conditions have changed since the Comprehensive Plan was adopted 15 to 16 years ago.

He said the neighborhood properties are larger lots east and west of the site, smaller lots south of the site. He said 1.5 acre R-1 lots on this parcel would be incompatible with abutting properties.

Staff suggested Findings and recommendations are:

1. No error in the 1990 Lake Elmo Comprehensive Plan regarding the land use classification of the subject site is demonstrated by the applicant nor detected by the Planning Commission that would support land use reclassification of the subject site from RAD to SRD.
2. There has been no change of City policy nor change in physical circumstances regarding the subject site or its environs that supports an amendment to the 1990 Lake Elmo Comprehensive Plan land use classification of the subject site from RAD to SRD.
3. The subject site does not present 4 of the 5 locational or physical characteristics required by the Lake Elmo Comprehensive Plan for SRD land use classification.

Based on the findings he recommends denial of the request.

**Michael Conlin , Applicant**

Mr. Conlin said he lives on the property. The only purpose for being here is to save his home for his family. He has four children. They moved here six years ago. They have a special needs child going to school in Lake Elmo where there is a special program for his needs. They remodeled the home substantially. His child has had numerous brain surgeries since coming to Lake Elmo. They now have an opportunity to keep the home if the remaining parcel is subdivided. One year ago they wanted to sell the property and they received a letter saying their property is in the middle of the groundwater contamination. That is a substantial change to the environment. That makes his property unmarketable until City water arrives. Now he has an offer from a developer. If he has to wait one year for water to arrive or is not allowed to develop, he and his family will have to move.

Commissioner Deziel asked if he agrees there isn't necessarily an error but that conditions have changed.

The applicant agreed.

Chairman Helwig explained that 3M has granted funds to bring City water to the area during 2006 at no expense to the property owners .

**THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:20 P.M.**

**David Moore, 8680 Stillwater Boulevard**

Mr. Moore said he is not opposed to the applicant subdividing the property, but objects to size of lots on a concept plan he received, and feels the applicant could do a better job on the layout without impacting wetlands and the drainage ditch. He said there is an eroded ditch leading into a culvert that goes under County Road 6, and a holding pond should be placed there for sediment control where the water goes under Stillwater Boulevard, and trees should be preserved. They are old trees. Some have wind damage but there is not much oak wilt in that area. He walked the site last week. The layout could be improved for aesthetics and erosion control due to runoff of the water. That water drains into Lake Elmo Park Reserve. His lot is just south of Raleigh Creek and this parcel.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:24 P.M.

Commissioner Armstrong said that SRD Guiding in the Comprehensive Plan was basically used for existing neighborhoods back in the 1980's with the attitude that they are great neighborhoods but we cannot duplicate them due to septic systems and other problems. The City developed a method for devising SRD Guidings based on five criteria that had to be met before parcels could be rezoned. Perhaps this parcel could go to RED but SRD is absolutely inappropriate for this site.

Commissioner Deziel said the water pollution does seem to be a change in condition. He asked the Planner's opinion.

The Planner said the water will be taken care of in less than one year and does not constitute a change in conditions that would support a Comp Plan amendment. He also noted that a variance for minimum plat are would be required to go to RE Zoning.

M/S/P, Ptacek/Armstrong to recommend denial of the application to amend the Comprehensive Plan and rezone this parcel 8740 Stillwater Boulevard to SRD and R-1 based on the findings suggested by City Staff.

Commissioner Deziel said he does not see an error to the Comprehensive Plan. RED guiding might get some sympathy with the Planning Commission. The density of R-1 doesn't comply with neighboring densities.

PASSED: 9:0.

The Chairman recessed the meeting at 8:31 p.m. and reconvened at 8:39 p.m.

**Amend Uses in GB Zone to Allow a Drive-up Window**

The Planner said he wants to be sure the Commission approves what text changes have been made for permitted and conditional use. He will publish immediately following this meeting when a final draft of the Code is determined.

Commissioner Armstrong said his concern is that a drive-up window should be tied into an existing sit down restaurant so a coffee shack would not be allowed in the future. "Attached only to a sit down restaurant."

In that case the Planner said he would define restaurants differently.

Commissioner Pelletier asked if someone can do a carside to go or a walk-up window without it being added to the Code.

The Planner said a walk-up window would probably be okay.

Commissioner Deziel said limited full table service operation is already in there. The Planner would add it to the definition of restaurants in another part of the Code.

Commissioner Van Zandt said he lived five blocks off Grand Avenue for 22 years. There was an empty lot there. The City would not allow a restaurant applicant to go in there and instead allowed a drug store there that resulted in putting a smaller drug store out of business. If we don't allow some businesses here to thrive and remain competitive, we will lose our significant businesses. We should look for compromises.

Commissioner Armstrong said we are helping our businesses by disallowing menu boards and intercoms. We want to exclude fast food while allowing a business like Gorman's to continue. We always have to look at the big picture. If there are other ways to distinguish fast food, he would like to hear about them.

M/S/P, Ptacek/Schneider direct staff to publish a revised definition of restaurants in order to allow drive-up service adjacent to full service table restaurant as a conditional use in the General Business Zone as the Planner drafted.

Commissioner Ptacek said the CUP gives us opportunity to review space for traffic stacking.

Commissioner Fliflet said she does not see the need for allowing menu board and intercom when other restaurants are doing great carside to go business. She sees no need to change the Code to allow it. She also agrees with Commissioners Armstrong and Ptacek as to protecting our existing restaurants.

Commissioner Park said she sees how a drive-up window could work. She often gets carside to go.

### **Ed Gorman**

Mr. Gorman said he has owned Gorman's Restaurant for 26 years. He does not sell liquor. He has enough room to stack traffic. The proposed addition is only 200 square feet and 100 square feet of it is for adding more ice cream flavors. There are only three restaurants in the GB zone in Lake Elmo. He has been doing this work for forty years and the industry is changing. The window without the intercom is less convenient for customers.

Commissioner Deziel asked how we exclude fast food if we approve what Mr. Gorman requests.

Mr. Gorman said the Health Department classifies his business as Table Business. Traffic flow would be fine on his site, and it would be a natural fit.

Commissioner Ptacek pointed out that it takes no longer if someone talks at the window or uses an intercom. Commissioner Fliflet said people walked up to the window at the old Dairy Queens.

PASSED: 8:1 Fliflet-Nay.

### **Home Occupations**

The Planner explained the history of the review of Home Occupations. He asked the Commission to review a handout while he rewords some of the table with the City Attorney to eliminate subjective phrasing such as “adequate parking on-site” and “adverse effect on adjacent properties.”

### **City Council Update**

The planner reported that as of one week ago, Metropolitan Council considers our Comprehensive Plan to be “complete”. The Met Council now has sixty days to complete its detailed review of the City’s Plan..

Commissioner Schneider asked when the nine months begins regarding an amended zoning ordinance and map to match the Plan.

The Planner said the nine months will begin as soon as the Met Council Board has concurred in the City’s Comp Plan. That could still be a couple months out. He suggested that the Commission will soon have to pick up the Zoning Code and have a performance-based and form-based zoning refresher. It would be expensive to bring the zoning ordinance consultant Lane Kendig back again. Staff will look to see if we have tapes of the previous workshops with Kendig.

Commissioner Armstrong noted that congratulations were in order to Commissioner Fliflet for helping us meet our population goals!

The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Kimberly Schaffel  
Recording Secretary

**MEMO**

(February 23, 2006 for the Meeting of February 27, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud 

Subject: Wedding Ceremonies in AG Zoning District

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Since it appears we have a relatively light agenda on February I have inserted a "place holder" on that agenda to discuss the subject further. I have not as yet spoken with Stillwater on the subject, but will prior to the February 27 meeting. I have attached the AG standards and use listing from our current ordinance. I urge the Commission (as with drive-up windows) to consider this matter in a global context. There is and there will remain hundreds of AG zoned land in the City, some with (or may have) vineyards and orchards where this same activity could be proposed. It seems to be the rage these days.

Subd. 4 Districts.

A. AG - Agricultural.

1. Permitted Uses and Structures.

- a. Commercial agriculture and horticulture
- b. Poultry facilities meeting state and federal regulations
- c. Farm buildings
- d. Farm drainage and irrigation systems
- e. Forestry meeting state and federal regulations
- f. One farm dwelling per farm (Also see Section 300.13, Subd. 2 and Subd. 16)
- g. One non-farm dwelling per each forty (40) acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling provided:
  - i. The dwelling unit is located on a separate parcel of record in the office of the county recorder and/or County Auditor, which shall be at least one and one-half (1 1/2) acres in size.
  - ii. The parcel on which the dwelling unit is located must have at least one hundred twenty-five (125) feet of frontage along a public street, be rectangular in shape and no dimension to be greater than three times the other.
  - iii. The dwelling is separated by at least three hundred (300) feet from the nearest farm building.
- h. Seasonal open sales lots for agricultural and horticultural products produced on the premises.
- i. Pick-your-own or cut-your-own type sales operations for products grown on the premises.
- j. Joint ownership of property or ownership by association or rental for the purpose of providing private gardens or forest plots to its members or lessees.

2. Uses Permitted by Conditional Use Permit.

- a. Greenhouses;
- b. Kennels;
- c. Stables;
- d. Commercial recreation of a rural nature, including outdoor target ranges;
- e. Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including sorting, grading and packing fruits and vegetables for the owner, lessee or sublessee; agricultural produce milling and processing for the owner, lessee, or sublessee; horticultural services; fruit picking; grain cleaning; veterinary services; boarding and training of horses;
- f. Open Space Development Projects, as regulated by Section 300.07 Subdivision 4.0.<sup>1</sup>
- g. Non-Agricultural Low Impact Uses Pursuant to the Standards Described in Section 300.07 4A 6.<sup>2</sup>

3. Accessory Uses and Structures. (See Section 300.13, Subd. 3<sup>3</sup> and 4)

- a. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures as defined in Section 150;

<sup>1</sup> Added by Ordinance 97-40 - 12/01/98

<sup>2</sup> Added by Ordinance 97-57 on 7-18-00

<sup>3</sup> Amended Ordinance 97-38 on 11-17-98

b. Private garages, carports, screen houses, conservatories, playhouses, swimming pools and storage buildings, as defined in Section 150, for use by occupants of the principal structure;

c. Home Occupations.

4. Minimum District Requirements.

Agricultural Zoning District	Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered	Non-Farm Dwellings and Activities if Clustered
Lot Size	Nominal 40 acres A forty acre parcel not reduced by more than ten percent (10%) due to road rights-of-way and survey variations	1 1/2 acres (If Clustered)
Lot Width	300 feet	125 feet
Primary Building setback from property lines: <i>(Also see Section 300.11)</i>		
Front:	<del>100</del> 200 feet <sup>1</sup>	30 feet
Side: (Interior)	<del>100</del> 200 feet	10 feet
Rear:	<del>100</del> 200 feet	40 feet
Side Corner:	<del>100</del> 200 feet	25 feet
Arterial Street:	<del>100</del> 200 feet	50 feet
Primary Building Height <i>(Also see Section 300.12)</i>	35 feet	35 feet
Off Street Parking <i>(Also see Section 300.13, Subd. 6)</i>	N/A	3 spaces per dwelling unit
Accessory Building or Structure setback from property lines: <i>(Also see Section 300.13, Subd. 3 and Subd. 4.)</i>		
Front:	<del>100</del> 200 feet	30 feet
Side: (Interior)	<del>100</del> 200 feet	10 feet
Rear:	<del>100</del> 200 feet	40 feet
Side Corner	<del>100</del> 200 feet	25 feet
Arterial Street	<del>100</del> 200 feet	50 feet
Setback for all animal buildings, feedlots, and manure storage sites shall be as follows: <i>(Also see Section 300.13 Subd. 3. and Subd. 4.)</i>		N/A
Any property line	<del>100</del> 200 feet	N/A
Any existing well, or residential structure on the same parcel	50 feet	N/A
Any existing well, or residential structure on an adjacent or nearby parcel.	200 feet	N/A
Any body of seasonal or year-round surface water	200 feet	N/A

<sup>1</sup> Amended Ordinance 97-57 on 07-18-00



Agricultural Zoning District - Minimum District Requirements (continued)	
Septic Drainfield Regulations (Also see Section 700)	All lots must have at least (1) one acre of land suitable for septic drainfields and area sufficient for two separate and distinct drainfield sites.  Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
Minimum Width of Primary Dwelling or Structure	All dwelling units must be at least twenty (20) feet wide through the main living area of the structure.
Footings	All dwelling units must have frost footings. Continuous frost footings are not required for porches, decks, and other appendages as long as proper post-type footings, per existing Building Codes are constructed.
Minimum Lot Size for Clustering	The entire tract of land for which a cluster development as proposed shall not be less than sixty-one (61) acres in size.
Cluster Density	The maximum number of dwelling units proposed for the entire tract, including any existing dwellings shall not exceed one (1) unit per forty (40) acres or major part of the tract. For example, a tract of land consisting of 101 acres might qualify for three (3) dwelling units on a prorated basis.
Minimum and Maximum Road Frontage in Cluster Development	A parcel on which a dwelling unit is located shall have at last one hundred twenty-five (125) feet of frontage along a public street and a maximum of five hundred (500) feet.
Signage	See Section 535
Driveway Width	See Section 1405.07

5. Clustered Development Standards. The Council hereby finds that cluster development, as defined in this section, provides a means to preserve good agricultural land, open green space, scenic views, and other desirable features of the natural environment. It is, accordingly, the purpose of the cluster development standards to permit and encourage cluster development where appropriate.

The owner of any tract of land in an agricultural district may submit a plan for the use and development of the tract of land as a cluster development and apply for a permit authorizing completion of the project according to the plan. The plan for the proposed project shall conform to all of the regulations applicable to agricultural districts, except as follows:

- a. A plat shall be approved that complies with the City's subdivision ordinance; the entire parcel of land shall be included within the plat;
- b. All new lots created by the cluster development shall be contiguous.
- c. Each lot created shall be used for no more than one single family home which shall meet the following requirements:

- i. Each dwelling unit shall be located on a separate parcel of record in the office of the county recorder and/or County Auditor; the separate parcel shall be at least one and one-half (1 1/2) and not more than two (2) acres in size, except the remaining large lot.
  - d. Any land which is to be set aside as an out lot shall be clearly identified as such on the plat, and shall be dedicated as permanent open space in a manner approved by the City Attorney and City Council.
6. Non-Agricultural Low Impact Use Standards.<sup>1</sup> The City desires to maintain and preserve open space and agricultural land within the City. The City recognizes the monetary regards that may be enjoyed by a farmer or larger property owner who sells their land for development. The City further recognizes that allowing non-agricultural low impact uses, strictly controlled and regulated by conditional use permit, might allow a farmer or large property owner an economical use of their property that is zoned for agriculture. The following standards shall apply to these types of uses.

<sup>2</sup>It is also the intent of the City to preserve the appearance of rural character within the community by establishing standards for the setback and screening from adjacent property and public roadways by natural features of any open storage as may be associated with the Non-Agricultural Use.

- a. All of the property owner's fee estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the Conditional Use Permit is in effect.
- b. The area where the non-agricultural low impact use is located shall be legally defined and is hereafter known as the "CUP Area. The CUP Area shall not exceed 4% of the property owner's contiguous agricultural zone area. The CUP Area impervious surface coverage shall not exceed 1.5% of the property owner's contiguous agricultural zoned area.
- c. Non agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.
- d. Non-agricultural low impact uses shall not generate, on the average, more than three vehicle trips per day per acre of contiguous agriculturally zoned area.
- e. Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary,<sup>3</sup> except that the setback from the I-94 frontage road shall be not less than 50 feet. The use shall be landscaped, bermed and/or screened from view by a landscape plan approved by the City Council. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the Conditional Use Permit, which shall clearly demonstrate by view cross sections, that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the Conditional Use Permit.
- f. Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.

<sup>1</sup> Adopted Ordinance 97-57 on 07-18--00

<sup>2</sup> Amended Ordinance 97-76 on 3-06-01

<sup>3</sup> Amended Ordinance 97-71 on 3-06-01

**MEMO**

(February 23, 2006 for the meeting of February 27)

To: Lake Elmo Planning Commission

From: Chuck Willerud

Subject: Home Occupations

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At your last meeting I distributed copies of the table of standards that resulted from the Commission's last extensive discussion of the subject. The intent was for commissioners to review this material and come prepared to both discuss what we now have, and direct staff to publish a Notice of Hearing on that amendment to the zoning ordinance or something similar to it. We already have a busy applicant agenda on March 13, so that hearing on Home Occupations amendments would not be until March 27.

The Commission will recall that much of the terminology in the latest table of standards was taken from the Shoreview zoning ordinance. You will also recall the staff was uncomfortable with the subjective slant on some of those terms. I have conferred with the City Attorney (Jerry also the City Attorney for Shoreview) regarding those that concerns. He advises that there has been no problems to date in Shoreview with those terms. Perhaps my concern is unwarranted.

Since we have time on our agenda February 27 I encourage the Commission to wrap up its pre-Hearing discussions and direction on Home Occupations. We have been at this subject long enough.

Attach:

1. Table of Standards/Requirements for Home Occupations
2. February 13 Draft Commission Minutes
3. November 14, 2005 Commission Minutes
4. **Current** Home Occupation Definition/Standards from Chapter 150 of the City Code

**MEMO**  
(February 13, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Home Occupations

---

The last time the Commission addressed this topic was during the November 14, 2005 meeting. I have attached a copy of those Minutes which include motions of direction regarding the Home Occupation Standards table that had been presented at that meeting. I have placed those directions in bold italics. I have also attached the Table as it appears following modification to correspond to the November 14 Commission direction.

The final November 14 direction to staff – regarding “traffic count enforcement methods” - continues to be a challenge. Short of relying on the reports of neighbors (not recommended, nor of any value legally), the only methods we can come up would be direct personal observation by staff members or Sheriff’s deputies, or by installation of a pneumatic traffic counter at the site of the home occupation. Neither of those methods would really go to the intended findings, since all we would know is how many vehicles came/went from a site, not the purpose of the trips – except in the case of the visual “stake-out” by staff where commercial delivery vehicles appear. In addition, the pneumatic counters are subject to tampering (and would not distinguish between resident trip and commercial deliveries); and, the staff visual monitoring would be excessively costly compared to the relative gravity (measured in terms of Public health/safety) of the City Code violation involved.

The now-proposed limitation of the number of commercial deliveries per week could, however, begin with a report of the name of the commercial delivery company observed.

The City could then check the records of that delivery firm (or firms) to ascertain volume over a specified time at a specified delivery address.

I have gone through the terms that appeared in the November 14 Standards Table (all from the Shoreview Ordinance) for what I saw as “weasel words”. Terms like “adverse effect” and “adequate off street parking” are subjective, and are impossible to enforce. I am still working on some alternative language with the same regulatory outcomes.

Home Business Use Standards – November 15, 2005 per November 14 PC Motions

	<u>Home Office</u>	<u>Home-Based Business</u>
<b>Zones</b>	<b>All Residential</b>	<b>All Residential</b>
<b>City Permit</b>	None required, except where customers will visit site. Administrative Permit required for customer site visits.	Required
<b>Property Status</b>	Homestead	Homestead
<b>Prohibited Businesses</b>	Home occupations having an adverse affect on adjacent properties due to traffic or offensive noise, light, odor, dust or other noxious substances.	Home occupations having an adverse affect on adjacent properties due to traffic or offensive noise, light, odor, dust or other noxious substances.
<b>Appearance</b>	There shall be no exterior evidence that a building is being used for any purpose other than as a residential dwelling or permitted accessory structure.	There shall be no exterior evidence that a building is being used for any purpose other than as a residential dwelling or permitted accessory structure.
<b>Number of Businesses</b>	More than one home office is allowed, however the combined impact shall be considered when evaluating the terms of this ordinance.	More than one home-based business is allowed, however the combined impact shall be considered when evaluating the terms of this ordinance.
<b>Employee</b>	A full-time resident of the property must conduct the business.	A full-time resident of the property must conduct the business.
<b>On-Site Non-Resident Employees</b>	None Permitted	None Permitted
<b>On-Site Business Vehicles</b>	Not Regulated	Not Regulated

<b>Customer Visits to Site</b>	Permitted only upon issuance of an Administrative Permit	Permitted as elsewhere regulated.
<b>Deliveries to Site</b>	No more than six delivery/pickup trips per week. Delivery vehicles shall not be larger than a typical step van	No more than six delivery/pickup trips per week. Delivery vehicles shall not be larger than a typical step van
<b>Hours for Visits and Deliveries</b>	Not Regulated	Not Regulated
<b>Storage</b>	All storage of equipment, material or stock must take place within a fully enclosed and roofed structure.	All storage of equipment, material or stock must take place within a fully enclosed and roofed structure.
<b>Non-residential Traffic</b>	Not Regulated, except for deliveries	Not Regulated, except for deliveries
<b>Parking</b>	When customer site visits are allowed by Administrative Permit, adequate off Street Parking must be provided for customers and for those who reside on the premises. All required parking spaces shall be located on an asphalt or bituminous surface, which is in character with the surrounding neighborhood.	Adequate off Street Parking must be provided for customers and for those who reside on the premises. All required parking spaces shall be located on an asphalt or bituminous surface, which is in character with the surrounding neighborhood.
<b>Exterior Business Use</b>	None Permitted	None Permitted
<b>Business Signage</b>	None Permitted	None Permitted
<b>Non-compliant Noise, Odor, Vibration, Light, Glare and/or Electromagnetic Interference</b>	None Permitted	None Permitted

City of Lake Elmo  
Planning Commission Meeting  
Minutes of November 14, 2005

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.  
COMMISSIONERS PRESENT: Ptacek, Deziel, Fliflet, Van Zandt, Sedro, Roth, Schneider, Pelletier,  
and Armstrong. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Recording Secretary.

**Agenda**

M/S/P, Ptacek/Armstrong, to accept the Agenda as presented. VOTE: 9:0.

**Minutes of October 24, 2005**

M/S/P, Ptacek/Sedro, to accept the Minutes of October 24, 2005 as presented. VOTE: 8:0:1  
Abstain~Helwig.

**Home Occupations**

The Planner said he thought that the ordinance from City of Shoreview was reasonably consistent with where our commission seemed to want to go. The Planner used the Bunn Table and inserted Shoreview items where applicable. That table is in the Agenda Packet, and the Planner displayed it on the overhead viewer.

The Planner explained that an accessory structure is a structure detached from the primary structure. An attached garage does not qualify as an accessory structure. Shoreview does not allow any home-based business activity in an accessory structure.

Commissioner Sedro said she wanted the maximum of 20% removed (Item I).

Commissioner Schneider asked if farming is exempt. The Planner said it is.

Commissioner Ptacek had a lot size concern for accessory structures. He would redirect staff for that. If the business is virtually invisible as to sight, sound, and smell, etc., it should not bother anyone. He recommended removing some of the 'weasel words.' Customer visits to a site might be included for Home Offices perhaps by appointment only. The Administrator said permitting for home offices could be done administratively but said the Code should be clear. The Planner said it could be difficult to monitor appointment only.

Commissioner Deziel said there is no distinction between categories if that was changed. If there is concern, we could require a permit for some of the issues that might otherwise be prohibited. He thinks we should waive requirements for broad bands of items in the tables.

The Planner said, of Codes he reviewed, there was a licensing standard. Administrator Rafferty said the reason cities do that is if someone decides not to comply, then the license can be pulled and they cannot operate. By setting a monetary standard, it becomes difficult to manage for a licensing issue.

Commissioner Fliflet said her parking preference was the original chart from February. They may not have more than 3 parking spaces, etc. That measures the effect on a neighbor.

Commissioner Armstrong said this has been a relatively non-problematic portion of the Code and it has been applied across the board. Thinks a permit system would be unnecessary. He said he thinks one column instead of three. Any violation is considered a misdemeanor, etc. There are remedies within our Code.

The Administrator would prefer a permit or a license. If they are operating outside their permission, a license could be revoked and used as another piece of evidence in a courtroom. A compliance campaign

would be necessary for existing residents engaged in home businesses.

Commissioner Sedro disagreed that parking spaces are important she said that parking spaces are insufficient for controlling traffic, and traffic coming and going every few minutes impacts neighbors.

Commissioner Schneider asked at what point does a commercially used accessory structure change the homestead.

Commissioner Ptacek said that septic pumping used to not be regulated. Now we regulate it because there were enough people in the state who did not comply with guidelines.

A straw poll was conducted and there were 6 in favor, 2 against licensing in any form; a dog license approach. Burden of proof should be on the neighbor who complains.

Administrator for licensing to work, it has to be communicated to the public. Constraints are on that home-based business. There would not be door to door questions. A license can be refused on grounds, such as manufacturing. That would not be a home-based business for a residential district.

The Planner said there are distinctions among these categories.

Commissioner Deziel asked for clarification on enforcement. Maybe a homeowner didn't know they needed it.

The Planner said maybe there have been five complaints from your neighbors. We have a problem that appears to be more than a home-based business. You do need a license, and you cannot operate under these conditions.

Commissioner Sedro said she works at home one day per month. That should not need a license. There is actually less traffic impact to the neighborhood.

Commissioner Van Zandt said there needs to be a distinction between home office and home business. No disruption to the neighbors, no need for a permit.

Commissioner Fliflet no customers or clients, no deliveries, no products, etc., they would not need a permit.

Chairman Helwig said that counting cars visiting a home would be very difficult for determining if the visitors were customers or guests.

Commissioner Deziel said the need to regulate should correlate with the concept of contributing to the public welfare. Are we improving the situation or just creating another burden? Unless there is compelling argument that something must be done, we should get out of it or get into it as lightly as possible.

The Commissioners determined a need for distinction within Non AG and Non RR. The straw poll was unanimous for a single column there.

Straw poll vote for whether there should there be a distinction between Home Office and Home Based Business. 8:2 (Two categories).

Commissioner Armstrong asked the threshold that should require a permit.

M/S/P, Ptacek/Schneider, to direct staff to retool the chart and language so the City does not require a City permit if a home office does not have customer visits on-site. An Administrative Waiver can be



granted by the City Administrator for permits if there are customer visits on site for Home Offices.  
VOTE: 8:1, Nay: Deziel.

M/S/P, Fliflet/Ptacek, To remove the Structure Use row and under the Storage row within the table provided by staff, to say all business related equipment, material, or stock must be stored entirely within the structures on the site. Anything related to a business must be kept entirely within structures because the City should not care if business material is in a basement or in a shed in the backyard. VOTE: 8:1, Nay: Roth~Warehousing concern for large amounts of stock in trade.

The Planner said we control the size of vehicles in residential neighborhoods by gross weight size.

The Planner said we could eliminate the row about on-site business vehicles.

Commissioner Armstrong asked if the Code can be enforced, why would we need a permit? We have enough conditions here without a permitting system. What are the externalities that are going to exceed a threshold? Home Office is so simple it does not need consideration.

Planner asked about adjusting customer visit provision by appointment.

M/S/P, Armstrong/Deziel, to direct staff to investigate traffic count enforcement methods for home business customers, deliveries, etc. in residential zones. VOTE: 9:0.

#### **2006 Meeting Schedule and Work Plan**

M/S/P, Ptacek/Armstrong, to adopt the 2006 Meeting Schedule and 2006 Work Plan as presented.  
VOTE: 9:0. (Attached)

#### **City Council Update**

The Planner updated the Commissioners with regard to the Hardy building move, removing OP from AG and RR versus a moratorium for OP development city-wide. City attorney said we could do it that way, but easier to repeal that section of the code. The Council approved the 8 unit development of PARK MEADOW.

The Planner said the Council met in a Workshop about early comments from the Metropolitan Council. They directed the Planner to send a letter, because they did not believe the mechanics in the Resolution whereby the extension of time was granted were reasonable conditions. Other communities submitted their comments. Woodbury were to be asked what their thoughts were with regard to commercial guiding along the I-94 corridor. OPH continues to be interested in annexing east of Manning above 50<sup>th</sup> street.

The sale fell through for the Barr Construction purchase in the Harty Insurance Building on Highway 5. Approvals for the site are valid for one year.

Adjourn at 8:46 p.m.

Respectfully submitted,

Kimberly Schaffel  
Recording Secretary

Home Occupation	Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, that no over-the-counter retail sales are involved, and entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hairdressing, or teaching limited to three (3) students at any time, and similar uses. A home occupation shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, disorderly house as defined by Minnesota <sup>13</sup> §609.33 Subdivision 1, or similar uses. No home occupation shall be permitted that creates the need for more than three (3) parking spaces at any given time in addition to the parking spaces required by the occupants. Home occupations shall not be carried on except between the hours of 7 a.m. and 10 p.m.
Horticulture	The cultivation and management of trees, plants, grasses, vegetables and fruits for sale on site from a wayside stand.
Hotel.	A building having provision for nine (9) or more guests in which lodging is provided with or without meals for compensation, and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.
Illuminance <sup>14</sup>	Illuminance means the level of light measured at a surface.
Incompatible Waste (Sewer Systems)	Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving water of the waste water treatment works.
Individual Sewage Disposal System	A septic tank, seepage tile sewage disposal system or other sewage treatment device.
Individual Sewage Treatment System	An on-site sewage treatment system connecting to a single dwelling or other establishment, consisting of soil treatment unit, septic tank, and any associated pumping and piping systems.
Industrial Use	The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items.
Industrial Users or Industries (Sewer Systems)	<p>B. Entities that discharge into a publicly owned waste water treatment works, liquid waste resulting from the process employed in industrial or manufacturing processes, or from the development of any natural resources; these are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:</p> <p>Division A. Agriculture, Forestry and Fishing          Division B. Mining          Division D. Manufacturing          Division E. Transportation, Communications, Electric, Gas and Sanitary Sewers          Division I. Services</p> <p>B. Any non-governmental user of a publicly owned treatment works which discharges waste water to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.</p>
Industrial Waste Water (Sewer Systems)	The liquid, solid or gaseous processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E, or I, as distinct from domestic waste water.

<sup>13</sup> Amended 97-103 on 3-19-02

<sup>14</sup> Amended 97-17 on 9-16-97