

**City of Lake Elmo
Planning Commission Meeting
Minutes of April 25, 2011**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Hall, Obermueller, Van Zandt, and Haggard (7:02). Absent: Williams, Ziertman, Fliflet, and Pelletier. STAFF PRESENT: Planning Director Klatt and Planner Matzek.

Agenda

M/S/P, Hall/Bidon, move to approve the agenda. Vote: 5:0.

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Commissioner Haggard said on page two she would like it to reflect that she said neighborhoods in general that were highly compact, not just the one she lived in.

Planner Matzek read Williams' comments into the minutes.

M/S/P, Haggard/Hall, move to approve as amended. Vote: 5:0.

Public Hearing- *Septic Variance Request 8242 Hidden Bay Trail*

Planner Matzek asked the Commission to consider approval of a 50 foot lakeshore setback variance request for the purpose of installing a replacement septic system twenty-five feet from the ordinary high waterline. Planner Matzek also described the site, highlighting an underground weir on the north end of the property, further restricting the placement of the new septic system.

Pete Ganzel, Washington County Public Health, described the proposed septic system as an elevated mound system. He also noted that this system would be more effective and efficient.

Planner Matzek noted that the system currently in use at 8242 Hidden Bay Trail is classified as a failing system under current state statute.

Chairman Van Zandt asked whether the current system, left as is, would be a threat to the lake.

Mr. Ganzel noted pathogens could get into the lake as well as drinking water if left as-is. He also noted that the new system would be safer in this regard.

Commissioner Bidon questioned the placement of the system and wondered whether it could be placed further to the North.

Planner Matzek provided further clarification with pictures of where on the property the easement for the weir exists. She also explained that the placement of the septic system

was at that location in order to not be located within the flood plain in the northern portion of the property.

Commissioner Hall noted that the 75 foot setback from the ordinary high waterline is a design safety standard, but does not mean that a design that is closer to the waterline is not safe.

Mr. Ganzel explained the reasoning behind the traditional 75 foot setback. He also noted that the contractor would have to implement erosion control in order to be careful and sensitive to the lake.

Commissioner Haggard questioned how close the final product would be from the lake.

Pete Ganzel reassured her that there would be 25 feet. He explained that the absorption area would be far enough away to not be a concern.

Commissioner Haggard expressed interest in why the relocating of the well was not considered when placing the septic system.

Planner Matzek speculated that the applicants may not have considered that location due to the cost of moving a well and the chance they would also need to work with a neighbor to move the neighbor's well to maintain the required separation.

CHAIRMAN VAN ZANDT OPENED THE PUBLIC HEARING AT 7:27 P.M.

Planner Matzek stated that Staff had received two letters from neighbors of the applicants. The first letter, from Bob and Margie Sevenich at 8224 Hidden Bay Trail, showed support for the approval of the variance. The second letter, from Gordon and Mary Grundien at 8270 Hidden Bay Trail, showed concerns about the elevation of the drain field and potential contamination of the lake by the septic system. Planner Matzek also read an email from Commissioner Williams, in which he also questioned the location of the septic system.

Commissioner Obermueller wondered whether the current proposal before the Commission included a lift station.

Pete Ganzel affirmed that it does include a lift system.

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

M/S, Hall/Obermueller, move to approve the variance request for a reduced lakeshore setback for the replacement septic system.

Chairman Van Zandt suggested an amendment to the motion that the recommendation of approval was contingent on all other locations were deemed impractical. The amendment was approved.

Vote: 5:0.

Public Hearing – *Conditional Use Permit Amendment: Jesuit Retreat House Garage and Greenhouse Structure*

Planning Director Klatt introduced a Conditional Use Permit Amendment application at 8243 Demontreville Trail, which is zoned Public Facilities, to build an earth-sheltered maintenance shop and greenhouse. He summarized activities on the site and stated that the proposed site is highly screened and hardly visible. Planning Director Klatt outlined the various conditions of approval for the garage which is planned for servicing vehicles. He said that the design standards were not covered in staff report and staff is interpreting that we will regulate it so that the exposed surfaces will meet the requirements.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:53 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:53 P.M.

Commissioner Van Zandt commented that Commissioner Williams (absent) said he would be supportive of approving the conditional use permit.

M/S/P, Obermueller/Hall move to recommend approval of CUP as submitted by the applicant. Vote: 5:0.

Public Hearing – *Zoning Text Amendment for Public Land Acquisition*

Planning Director Klatt said this amendment was briefly discussed at the last meeting. The proposed amendment allows the purchase of land for municipal purposes to not count against property owners for acreage standards. He suggested using a percentage to put a cap on the amount as well.

Commissioner Haggard wondered if the situation could be solved using a variance.

Planning Director Klatt identified that there has been a recent court case that has greatly limited the city's ability to approve variances. He said the replacement of failing septic systems on small lots are the only variances the city has undertaken since that court case, which would render a house unusable.

Chairman Van Zandt agreed with the benefits of this amendment, noting that it would allow the city to move forward with infrastructure needs without penalizing the existing property owners.

Director Klatt explained that generally the city is able to acquire easements to complete other infrastructure projects, but in the most recent case, the city is trying to site a well

and the Department of Health requires that the city be the fee owner of the land so an easement is not an option.

THE CHAIRMAN OPENED THE PUBLIC AT 8:09 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:09 P.M.

Chairman Van Zandt read Commissioner Williams' comments, which were supportive of the amendment.

M/S/P, Bidon/Haggard, move to recommend approval with changes identified by staff.
Vote: 5:0.

Business Items

None.

Adjournment

The meeting was adjourned 8:12 p.m.

Respectfully submitted,

Kelli Matzek
Planner