

**City of Lake Elmo
Planning Commission Meeting
Minutes of September 13, 2010**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Britz, Fliflet, Hall, McGinnis (7:03), Pearson, Pelletier, Van Erem, Van Zandt and Ziertman. Absent: Williams. STAFF PRESENT: Planning Director Klatt and Planner Matzek. Washington County staff Chris LeClaire was also in attendance.

Agenda

M/S/P, Bidon/Britz, move to approve the agenda as presented. Vote: 9:0.

Minutes – July 12, 2010

M/S/P, Fliflet/Pearson, move to approve as presented. Vote: 6:0. Abstain: Britz, Fliflet, Van Erem.

August 16, 2010

M/S/P, Pearson/Hall, move to approve as presented. Vote: 7:0. Abstain: Pelletier, Van Erem.

Public Hearing – Septic Variance at 9051 Jane Road

Planner Matzek said the applicant is seeking a variance to the property line setback for a septic system at 9051 Jane Road to allow the replacement septic system up to ten feet in the city's road right-of-way. She said the septic tanks may also be encroaching slightly on the 75 foot Ordinary High Waterline setback. Staff is recommending approval with conditions as outlined in the staff report.

Commissioner Hall asked about the drainage in the ditch.

Planner Matzek said the City Engineer has reviewed the application, but can ask him if his review included drainage. She then distributed and responded to an email with concerns sent from Commissioner Williams.

Mr. Kennedy said his mother has lived there many years and is the house in which he grew up.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:15 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:15 P.M.

Commissioner Fliflet asked if there were other alternatives.

Planner Matzek said this property does not have an option to connect to a city-run 201 system with open capacity and it is not guided for city sewer in the future. The septic designer has identified this as the last potential location for a septic system.

Mr. LeClair said the septic designer had designed the system based on the new Washington County ordinance, which is the next item on the agenda.

M/S/P, Pelletier/Ziertman, move to recommend approval of the septic variance with conditions identified in the staff report. Vote: 9:0

Business Item – SSTS Ordinance

Planning Director Klatt introduced the item with a recommendation that the City turn over the septic program to Washington County. He said the city would continue to process variances and appeals. Attached to the staff report is a preliminary draft of the ordinance and highlighted the two differences between the city and county ordinances – the timing of pumping requirements and the prohibition of allowing a mound system as the primary system.

Chris LeClair, Washington County R.E.H.S. Senior Environmental Specialist Dept. of Public Health

Mr. LeClaire presented the more recent historical revisions to the ordinance at the state and county level. He identified what has changed, what is new, and gave an update to the status of the state rules.

Commissioner Fliflet asked what would happen if a septic inspection were to fail at the time someone is trying to sell their home.

Mr. LeClaire said a compliance inspection would be required at the time a home is being sold, but that the inspection is done by a private inspector and not the County.

Commissioner Britz asked if the thirty-six inch standard had been in place for a long time.

Mr. LeClaire said it had, but that hydrology changes over time. He said groundwater mounding sometimes occurs, which changes the separation between the water table and the drainfield.

Commission Fliflet suggested the city be more restrictive than the county's requirement of replacing failing septic systems within ninety days.

Commissioner Britz asked if there was a measureable benefit to pumping every two years instead of three.

Mr. LeClaire said he does not have a problem requiring the pumping every two years instead of three as the county's database has the ability to decipher that difference.

Planning Director Klatt said the City Council will be presented with a contract at the next meeting to considering turning over inspection and permitting of septic systems to Washington County. He said the cost of additional training and licensing is a part of the reason the city is considering the change. He said the county has higher fees than what the city has been charging, but that the city has not revisited that fee in some time and may be outdated.

Commissioner Fliflet asked if this change would impact open space developments that are on community septic systems.

Mr. LeClaire said a service provider should be checking the system every six months, but that once the system handles over 10,000 gallons a day, it is licensed by the State.

Planning Director Klatt said the city is still going to maintain 201 systems, but could choose to turn it over to the county in the future. He said if a new 201 system were built, it would be permitted by the county, but that the city would be the applicant and owner of the system. Then he said the City Engineer asked for an additional requirement be put in the ordinance – that anytime a system serves more than one home, the system must be designed by a professional engineer.

In general, the commission felt supportive of the proposed ordinance with the engineer's additional recommendation and in turning the permitting and inspection of septic systems to Washington County.

City Council

Planning Director Klatt said the Lake Elmo Inn was seeking to replace the existing tent at the site with a permanent structure which would not meet setback or parking requirements for the site. He said zoning text amendments will be considered at the next meeting. He updated the commission on the recent lawsuit with Country Sun Farm. He said both himself and Planner Matzek will be attending a planning conference in Mankato the following week, which is also open to interested commissioners.

Commission concerns

Chairman Van Zandt asked commissioners to try and attend the Fall Festival that weekend.

Adjournment:

The meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Kelli Matzek
Planner