

City of Lake Elmo

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Lake Elmo, Minnesota 55042

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file

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, March 26, 2007, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. February 26, 2007
4. PUBLIC HEARING: A variance application to allow a private off-site septic system on less than 1 acre at Lot 11, Block 1, Ruth's 1st Addition, located off Klondike Avenue North.
5. PUBLIC HEARING: The repeal of ordinance 97-167 regarding commercial outdoor social events.
6. City Council Updates
 - a. March 13 – Temporary Signs for Home Sales
 - b. March 20 – 3200 Lake Elmo Avenue; Minor Subdivision, Variance application tabled
 - c. March 21 – Village Area Master Plan Open House – Oakland Jr. H.S. 6:30 – 9:00
7. Informational Item
 - a. Park Commission comments on Village Area Master Plan
8. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of February 26, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Ptacek, Fliflet, Armstrong, Van Zandt, Lyzenga, Roth, Deziel, and Schneider. STAFF PRESENT: Senior Planner Gozola, Interim Administrator T. Bouthilet, and Planner Matzek.

Pledge of Allegiance

Agenda

Add 7H. Handout from Park Commission

M/S/P, Van Zandt/Deziel to accept the Agenda as amended. Vote: 8:0

Minutes

M/S/P, Roth/Lyzenga to accept the Minutes of January 22, 2007 as presented. Vote: 8:0.

Variance to Lot Width - 3200 Lake Elmo Avenue

Senior Planner Gozola introduced the application for a variance to lot width at 3200 Lake Elmo Avenue in order to create a minor subdivision on the applicant's land. A public hearing was held at the January 22, 2007 Planning Commission meeting. The application was then tabled at that meeting. The applicant's have since altered the proposed lot line to reduce the variances from two to one. Parcel F is proposed to have increased frontage along Lake Elmo Avenue. Due to the new configuration, the road frontage along 32nd Street would be the front yard and the lot width would be met at that location. The lot width at the shoreland setback on Parcel F continues to not meet the required 150 foot width.

At the previous meeting there was discussion of whether to recommend the movement of the existing driveway to access 32nd Street. Senior Planner Gozola stated that section 400.14 Subd. 8(f) of the City Code states that with a subdivision, the lots shall access onto local streets wherever possible. Staff would ask that the applicant's work with the City Engineer to relocate the existing driveway onto 32nd Street.

Senior Planner Gozola identified a number of potential vehicle accident conflict points that are possible in turning in and out of the existing driveway from Lake Elmo Avenue. By moving the driveway, three conflict points would be eliminated. He stated that the level of traffic is anticipated to increase on Lake Elmo Avenue because of the planned and guided growth. The number of average vehicles per day were presented as is shown in the City's current Comprehensive Plan.

Senior Planner Gozola stated that he would still recommend requiring the standard utility easements around the perimeter of the proposed lots. He suggested allowing a one year timeframe for the applicants to hook the homes up to city water.

The applicants are proposing two septic locations for the two proposed lots. As the Comprehensive Plan identifies this area as slated for sewer, an approval of this variance should not preclude the city, if it so chooses to do so in the future, from requiring the land owners to

hook up to the future sewer lines. There is currently no policy in place requiring existing land owners to hook up to sewer in the future.

Staff is recommending approval with the nine conditions listed in the report.

Chairman Ptacek asked for clarification on the one year timeline for hooking up to water.

Senior Planner Gozola stated it would be helpful to the City to have a timeline for homeowners to connect to the city water lines.

Anthony Dorland, applicant's attorney

Mr. Dorland stated that on page seven of the staff report is the listed conditions of approval. His clients are opposed to #1, 3, and 4 for the main reason that the conditions are applicable for the subdivision of unimproved land where there is not an existing water supply. That is not the case in this situation. Staff has come up with new reasons such as safety for the movement of the existing driveway. He is concerned about driving on 32nd Street because it is very narrow and may not be any safer. He stated that the requested easement would contain existing non-conforming structures which the applicant would like to keep. The applicant would be willing to grant a sewer easement. Mr. Dorland stated that the applicant already has a safe and adequate water supply. It is not necessary to shut down the existing well.

Commissioner Deziel asked Mr. Dorland what was the objection to condition #3 regarding the standard drainage easements.

Mr. Dorland said there are two legally non-conforming structures along the southern property line. If there is an easement, a utility company could say the structures need to be removed. The pillars on the existing driveway would also fall within the easement.

Planner Gozola said he would request 10 foot easements along the roadway, 20 feet along the lakeshore, and 5 feet along side property lines.

Chairman Ptacek asked if there would be protection for the existing non-conforming structures.

Gozola stated that may be an issue for the City Attorney.

Carolyn Horttor, Co-applicant

Ms. Horttor stated she would like to address the three recommendations the attorney addressed. She stated that 32nd Street is narrow and lined with vegetation. Currently, both 32nd Street and Lake Elmo Avenue have speed limits of 30 mph. The existing driveway has an excellent view of oncoming traffic. There is a 3 foot shoulder on Lake Elmo Avenue which also helps. She spoke with Joe Lux and Carol Hanson at Washington County regarding the proposed additional driveway. The permit is on file with the City for the proposed future driveway. She has seen more accidents on 32nd Street. The existing driveway does not cause flooding concerns.

Ms. Horttor stated that with condition #4 she does not have concerns about attaching the new home to water and sewer. However, the existing home has a deep existing well that has an excellent water source and is tested annually by the property owner.

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

Constance Smith, Co-applicant

Ms. Smith stated that a lot of people park on 32nd Street in front of the garages and it is a dangerous road.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:28 P.M.

Commissioner Deziel suggested taking the conditions piece by piece since there are a few contentious recommendations.

Chairman Ptacek asked for a straw vote to determine if the commission should look at the conditions individually. The commission agreed to look at conditions 1, 3, and 4 separately with an 8:0 vote.

Chairman Ptacek asked for clarification on condition #1.

Senior Planner Gozola stated that the County has no choice about the existing driveway as it is legally non-conforming. He said Joe Lux with the County would like the City to get rid of the existing driveway.

Commissioner Deziel recalled the applicant's statement previously that they always stop to look and therefore it may be dangerous. The City may need improvements to 32nd Street; it may be too narrow. The Senior Planner has identified good statistics for moving the existing driveway.

Commissioner Roth asked if there was any distinction between built and new subdivisions in Ch 400.

Senior Planner Gozola said there is not a distinction.

Commissioner Fliflet stated that Senior Planner Gozola made good points, but she does not think the movement would create a safer location for the driveway. It is 30 mph in this location and does not see the speed increasing. There is only one driveway access. She would not support this condition.

Chairman Ptacek asked for a straw poll for condition #1. This resulted in a tie 4:4

Commissioner Armstrong stated that condition #3 regarding the easements is pretty standard. Statutes allow the property owner to keep the existing structures. This is an important condition since utilities are going to be added in the future

Commissioner Deziel asked if the utility company could make them remove the buildings.

Commissioner Armstrong stated he did not think so, but he was not sure.

Senior Planner Gozola stated that for all practical purposes the easements would be for drainage purposes in the future. He is not sure it would be used for utilities.

Commissioner Fliflet suggested the City Attorney may have suggestions for rewording the easement to protect the homeowners regarding the existing buildings.

Chairman Ptacek asked if they were unanimous in leaving in #3. There was agreement of the Planning Commission.

Commissioner Fliflet asked if the City Code addressed developments with an existing building or if it assumed it was all raw land.

Senior Planner Gozola stated he is fairly confident in his interpretation of code.

Commissioner Armstrong stated he thought the city would not be forcing residents to hook up to utilities unless there was a health, safety and welfare issue. He would like to see condition #4 deleted.

Commissioner VanZandt said that in the tri-lakes area there is concern if they will be forced to hook up to water. That is a major concern.

Chairman Ptacek said he will differ from Commissioner Armstrong's view of condition #4. He has some concern about the contamination plume.

Commissioner Deziel said he believes this is a safe area currently for water. He agrees with Tom that as long as individual's wells continue to function, the city should not force them to hook up.

M/S/P Armstrong/Fliflet to approve striking conditions 1 and 4 from the staff report. 4:4

Government Training Services

Assistant Planner Matzek encouraged the Planning Commission to attend a workshop that is offered through the Government Training Services. She requested a response by March 2nd.

2007 Work Plan

Senior Planner Gozola said the commission discussed this work plan at the February 13th joint meeting with the City Council. He created the prioritized work plan from the meeting discussion. Since then, he has spoken with the Metropolitan Council representative regarding the zoning district ordinances. He confirmed with the representative that interim zoning ordinances would be appropriate for the village area and the area South of 10th Street.

Chairman Ptacek asked for any additional input on the list.

Commissioner Fliflet said she thought the first thing that needed to be done was a current zoning map.

Senior Planner Gozola said it was a general task staff was working on.

Commissioner Deziel said the items on the work plan do not have to be done concurrently, but some things can be worked on simultaneously.

M/S/P, Roth/Van Zandt motion to approve the 2007 work plan. Vote: 8:0.

City Council Updates

Planner Matzek stated that a joint meeting was held on February 13th between the Planning Commission and the City Council. A work plan was created and allowed an open dialog between the commission and the City Council. At the February 20th Council meeting a septic

system variance was approved at 11225 31st St. N., a moratorium was placed on sexually oriented businesses, and commercial outdoor social events was discussed. On February 27th the consulting village planners will give a presentation on the Village Area Master Plan. At an unknown future meeting, the draft park plan will be reviewed by the Planning Commission.

Handout from Park Commission

Chairman Ptacek said he had received a statement on Sunfish Lake Park from Parks Chairman Steele and would like to distribute it to the commission for their information.

Mayor Johnston stated that the city has an unmet need for approximately 20 acres of play fields which are currently planned for in the village area, with a need for additional playfields by 2030. Thirty acres of land South of Sunfish Lake Park is currently being used for agriculture. One of the questions the City needs to consider is the financial implications of where the playfields would be built. It should be considered to place low intensity uses like ball fields in that 30 acres.

Adjourned at 7:59 p.m.

Respectfully submitted,

Kelli Matzek
Planner

DRAFT

Lake Elmo Planning Commission Agenda Item
Executive Summary

Title of Item: **PUBLIC HEARING: A variance application to allow a private off-site septic system on less than 1 acre at Lot 11, Block 1, Ruth's 1st Addition, located off Klondike Avenue North**

Meeting Date: **3-26-07**

Staff/Guest Reporting: **Ben Gozola, City Planner**

Summary: The applicant is seeking two variances to allow for the construction of an off-site septic facility for a proposed new home on Lot 11, Blk 1, Ruth's 1st Addition to Lake Elmo. The variances are as follows:

1. A variance from the requirement that the sewage treatment system must be "on-site."
2. A 0.38 acre (16,572 sq ft) variance from the required one (1) acre septic site for a dwelling unit.

Staff analyzed both requests using the general standards called for by statute, and the specific standards called for by Lake Elmo City Code. Based on our analysis of the review criteria in state statute and in City Code, staff would recommend **approval** of the variance request to locate a septic system off-site, but **denial** of the variance request to place such a septic system within an easement of less than one acre. Staff's recommended findings for each request are provided in the report, as are suggested conditions to be attached to any approval.

The 60-day review period for this application expires on 4-27-07, but can be extended an additional 60 days if more time is needed.

- Main Points:*
1. The applicant is seeking a variance to allow an off-site septic system, and a variance to allow a septic system on less than one acre.
 2. Staff is recommending approval of the variance to allow the off-site system, but denial of the variance on septic site area.

City of Lake Elmo Planning Department
Variance Report

To: Planning Commission

From: Ben Gozola, City Planner

Meeting Date: 3-26-07

Applicant: Joe Bush

Owner: Same

Location: Lot 11, Blk 1, Ruth's 1st Addition to Lake Elmo

Zoning: R-1

Introductory Information

Proposed Project: The applicant is seeking two variances to allow for the construction of an off-site septic facility for a proposed new home on Lot 11, Blk 1, Ruth's 1st Addition to Lake Elmo.

Applicable Codes: **Section 300.07 Zoning Districts**
Subd. 4(c). R-1 – One Family Residential (Medium Density)
...3. Minimum District Requirements
...Septic Drainfield Regulations: All lots must have at least one (1) acre of land suitable for septic drainfields and area sufficient for two (2) separate and district drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited. [sic]

Section 300.09 Additions and Exceptions to Minimum Area, Height, and Other Requirements.
Subd. 1. Existing Lot
An existing lot is a lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or registrar of titles, on or before the effective date of this section. Any such lot or parcel of land which is in a residential district may be used for single family detached dwelling purposes provided the area and width of the lot are within sixty percent (60%) of the minimum requirements of this section, provided all setback requirements of this section must be maintained; and provided it can be demonstrated safe and adequate sewage treatments systems can be installed to serve the permanent dwelling...

(cont) **Section 300.09 Additions and Exceptions to Minimum Area, Height, and Other Requirements.**

Subd. 8. Minimum Area Requirements for Lots Without Public Sanitary Sewer.

...

In areas without public sanitary sewer where public sanitary sewer is not proposed in the City Capital Improvement Program or Comprehensive Plan, single and two family homes shall demonstrate suitable soil conditions for a minimum on-site sewage treatment area of one (1) acre per dwelling unit.

Variance Request(s):

For the proposed project, the applicants will need the following variances:

1. A variance from the requirement that the sewage treatment system must be "on-site."
2. A 0.38 acre (16,572 sq ft) variance from the required one (1) acre septic site for a dwelling unit.

Findings & General Site Overview

Site Data: Lot Size – 1.37 acres (59,677.2 square feet)
 Existing Use – Vacant Land
 Existing Zoning – R-1
 Property Identification Number: 23-029-21-11-0003

Application Review:

Applicable Code Definitions:

BUILDABLE LAND AREA. The gross land area less the unbuildable land area that includes hydric and restrictive soils, land with slopes over 25%, wetlands, and areas that cannot accommodate septic systems.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING SETBACK LINE. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water mark or line, behind which buildings or structures must be placed.

DOMESTIC WASTE WATER. Waste water that is primarily produced by residential users, with B.O.D.5 concentrations of approximately 250 mg/l and suspended solids concentration of approximately 300 mg/l.

DWELLING, SINGLE-FAMILY. A residential structure designed for or used exclusively as 1 dwelling unit of permanent occupancy.

(cont.)

EASEMENT. The right granted by a property owner to another or to the public to use a tract of land for the purpose of constructing and maintaining drives, utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines.

HARDSHIP. The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists; that the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and that these unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

HOLDING TANK. A watertight sewage tank for the temporary storage of sewage until it is transported to an approved point for treatment and disposal.

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.

LOT, RIPARIAN. A separate parcel of land within a designated shoreland area having frontage along a lake or tributary stream.

MOUND SYSTEM. An alternative sewage treatment system designed with the soil treatment area built above existing grade to overcome the limitations of water table, bedrock, or soil permeability.

ORDINARY HIGH WATER MARK OR ELEVATION (O.H.W.). The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

SEPTIC TANK. A sound, durable, watertight sewage tank designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquids, digest organic matter, and store liquids through a period of detention.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

(cont.)

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or foliage; and 300 feet from a river or stream, or the landward extend of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

STANDARD SYSTEM. An individual sewage treatment system employing a building sewer, sewage tank, and the soil treatment system commonly known as a dram field or leach field.

STEEP SLOPE.

(1) Land where agricultural activity or development is either not recommended or described as poorly suited, due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this section.

(2) Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

**Variance
Criteria:**

By state statute, there are three definitive criteria that all variances must address. The three criteria are as follows, along with staff's analysis of the applicant's requests.

A. *Is the variance request reasonable? The hardship requirement does not mean that a property owner must show the land cannot be put to any reasonable use without the variance. Rather, the property owners must show that they would like to use their property in a reasonable manner that is prohibited by the ordinance.*

Staff finds that the request to place the septic site on an adjacent property rather than on the subject property is reasonable. Section 300.09, subd 1, states that this type of lot (a lot of record which provides 60% of the lot width and area requirement) is eligible to be used for one single family dwelling. Staff would interpret the City's septic regulations to be focused on the proper treatment of wastewater regardless of the location of the septic site. The fact that multiple shared off-site systems exist throughout the community supports this position. **For the request to locate the septic area off-site, staff finds this criteria is satisfied.**

Provided the septic area on the adjacent parcel is covered by an easement which runs in favor of the subject parcel; and provided the proposed area is shown to be able to support a primary and alternate septic site; staff believes **the requested variance for a site area of less than one acre is also reasonable and meets this criteria.**

(cont.) B. *Does the application present unique circumstances?*

For the request to have an off-site septic system, staff finds this application does present unique circumstances and meets this criteria. While the lot itself is considered a lot of record and is eligible for a single family dwelling, encumbrances (i.e. steep slopes & wetlands) restrict the area available for an on-site septic system. As code establishes a 60% rule as the threshold for buildable lots or record, it is already recognized that a parcel as small as 0.90 acres could be buildable even though it could never meet the 1 acre septic area requirement.

With regards to the request to have less than a one (1) acre site for the primary and alternate systems, we do not find this situation to be unique and therefore the second request fails this criteria. The applicant is currently the owner of both parcels in question. The property proposed to host the septic system for the subject lot is 8.78 acres in size and could easily support the required one acre septic site. It is our understanding that the applicant has already provided a future buyer an option on the 8.78 acres, and therefore expanding the proposed easement may certainly be a problem for the applicant. However, we do not find that loss of a potential sale of property is a unique circumstance. Staff would recommend the easement be expanded to meet code requirements to eliminate the need for this second variance.

C. *If approved, would the variance alter the essential character of the locality?*

The construction of a single home on this lot and a septic site across the street would have no impact on the essential character of Lake Elmo. **Staff finds this criteria is met for both requests.**

The applicant must also establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 300.06 Subd. 3. before an exception or modification to city code requirements can be granted. For ease of review, staff provides a three part breakdown of the definition of "hardship" in Lake Elmo City code to ensure the requests are meeting the spirit and intent of the ordinance.

D. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;*

As a home cannot be constructed without a septic site in this area, and as code does allow for parcels of less than one acre to be eligible for building, staff believes this criteria is met for the proposed off-site system. Clearly the allowed home cannot be established without this variance, so **staff finds this criteria is satisfied for the off-site septic location.**

With regards to the variance request for a substandard septic area (less than one acre), an alternative does exist: expansion of the proposed easement. Once the easement on the neighboring property meets or exceeds the required one acre, the need for this second variance is eliminated. As expansion of the easement is

(cont.)

possible (the applicant is the owner of the property), and as there is plenty of room available for the needed expansion, **staff finds this criteria is not met for the septic area size variance**

E. The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district;

Again, for the request to move the septic system off-site, this criteria is clearly **met** given the physical constraints on the lot and the fact that code recognizes the land as buildable.

Likewise, **this criteria is not met for the septic area size variance** as there are no physical limitations hampering the creation of the required one acre septic site.

F. The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

The applicant had no control over the characteristics on the subject parcel and the fact that it is not physically possible to set aside an acre of land for septic purposes and still be able to build. As such, **this criteria is met for the request to have the septic system off-site.**

Conversely, the applicant is the owner of the parcel on which the septic is proposed to be located and does have the ability to comply with code. The reason for not complying with code is financial due to the existing option on the property. As such a situation was created by the applicant and has nothing to do with a unique feature of the land, **staff finds this criteria is not met for the septic area size variance.**

**Variance
Conclusions:**

Based on our analysis of the review criteria in state statute and in City Code, staff would recommend **approval** of the variance request to locate a septic system off-site, but **denial** of the variance request to place such a septic system within an easement of less than one acre.

**Resident
Concerns:**

Staff is not aware of any resident concerns surrounding the requested variances.

**Additional
Information:**

▪ Attached to the report, please find a memo from the VBWD regarding the request. You will note the watershed district did not identify any environmental issues that would make them opposed to the septic system even if it were built on less than one (1) acre. Additionally, they recommend a number of conditions to attach to any approval.

- (cont.)
- Attached you will also find an email from Travis Germundson (DNR) indicating that he has "...[no] comment on the proposed variance..." He does note that if this were to proceed, he would recommend the property owner to the north (also on Lake Elmo) be approached as future septic may also be a problem for that parcel, and an opportunity for a shared site across the street may exist.
 - As a final point, staff would note that the current comprehensive plan guides the area across the street for sewer, but does not guide these lakeshore parcels for connections. Given that removing septic systems from the shoreland area is an environmentally sound practice, and given that the land will be adjacent to public sewer in the future, consideration may need to be given at some point to incorporating these riparian Lake Elmo lots into the urbanized Village area.
 - As of the writing of this report, we had not received any written comments from TKDA on these variance requests. It is anticipated that all engineering comment will be provided at the meeting.

Conclusion:

The applicants are seeking approval of the following two variances:

1. A variance from the requirement that the sewage treatment system must be "on-site."
2. A 0.38 acre (16,572 sq ft) variance from the required one (1) acre septic site for a dwelling unit.

Planning Com Options:

The Planning Commission has the following options:

- A) Recommend Council approve the requested variance to allow the proposed septic system to be located off-site, and also approval of the requested 0.38 acre variance from the required one (1) acre septic site for a dwelling unit; both recommendations based on the applicant's submittals and findings of fact.
- B) Recommend approval of one request, but denial of the other based on the applicant's submittals and findings of fact for each variance.
- C) Recommend denial of both variances based on the applicant's submittals and findings of fact.
- D) Table the item and request additional information

The 60-day review period for this application expires on 4-27-07, but can be extended an additional 60 days if more time is needed.

Staff Rec: Staff is recommending approval of the variance to allow an off-site septic system based on the following:

- (1) The requested variances is reasonable given the lot is eligible to be used for one single family dwelling and the off-site septic location will satisfactorily meet environmental standards for such systems.
- (2) The situation is unique in that code recognizes the subject parcel as buildable even though an on-site septic system could never be designed to meet code.
- (3) The character of the City will not be impacted by an off-site septic system.
- (4) The applicant was not responsible for the constraints on the property which prevent placement of an on-site septic system which meets code requirements.

Staff is recommending denial of the variance to place the off-site septic system within an easement of less than one acre based on the following:

- (1) The request is not unique as the applicant owns both parcels, and can easily provide a septic easement conforming to the one (1) acre minimum.
- (2) No hardship exists as there are no physical limitations restricting the creation of the required one acre septic site.

Denial Motion Template: To deny both requests or one of the requests, you may use the following motion as a guide:

I move that we direct staff to prepare a resolution of denial for the requested variance based on the following findings of fact...(use staff's provided above or cite your own)

Approval Motion Template: To approve both requests or one of the requests, you may use the following motion as a guide:

I move that we direct staff to prepare a resolution of approval for the requested variance based on the following findings of fact...(use staff's provided above or cite your own)

...with the following conditions:

1. The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any future construction or activity on the land.
2. The applicant shall enter into an agreement with the City, as drafted by the City Attorney, regarding the construction of that portion of the sewage treatment system that will be located within the public right-of-way

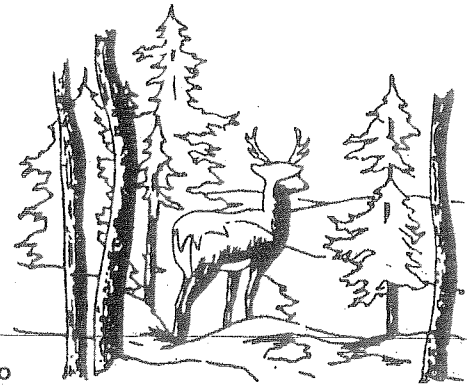
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3. The applicant shall hook up to the municipal sewer system once it becomes available if mandated to do so by the City.
4. The lowest floor elevation for any future new home shall be at or above Elevation 893.0.
5. A permanent buffer strip at least 35-feet wide, measured perpendicular to the Ordinary High Water level (Elevation 885.6) and extending 35 feet inland, shall be established.
6. For the future home, a mowed access and shoreline is allowed but shall not exceed 30 feet in width. Access paths shall not be located where concentrated runoff will flow to the lake.
7. Temporary and permanent erosion controls must be installed in conjunction with future activity per the direction of the City Engineer.
8. The variance shall expire one year from the date of resolution; City Council approval will be required for any subsequent extension.

cc: Joe Bush, Applicant

March 21, 2007

Ms. Kelli Matzek
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



Re: Variance Request, Lot 11, Block 1, Ruth's 1st Addition, Lake Elmo

Dear Ms. Matzek:

Thank you for forwarding the variance request for the above-referenced project. The project involves a constructing a house on Lot 11, Block 1 of Ruth's 1st Addition and a mound septic system on Parcel 2, which is directly west of Lot 11. The variance request is to allow the off-site septic.

Concept Plan

The concept layout shown in Exhibit C indicates that two 1000-gallon septic tanks are proposed on the north side of Lot 11. The septic tanks should have bases no lower than Elevation 893.0.

The concept mound system is shown west of Klondike Avenue. Based on Exhibit A, an 18-inch diameter culvert is located under Klondike Avenue at the proposed septic system easement. The west invert of the culvert appears to be approximately Elevation 909. It is not clear how large of an area drains to this culvert and the 100-year flood level of the ponding area at the culvert. It is possible for the ponding area behind the culvert (on the west side of Klondike Avenue) to flood a portion of the proposed septic system easement. However, it appears the proposed mound system will be above Elevation 920, according to the concept shown in Exhibit C, and safe from flooding.

Miscellaneous Comments

The VBWD Rules require the following:

- The new home's basement must be no lower than Elevation 893.0.
- A permanent buffer strip at least 35-feet wide, measured perpendicular to the Ordinary High Water level (Elevation 885.6) and extending 35 feet inland, must be established. A mowed access and shoreline is allowed, but should not exceed 30 feet. Access paths must not be located where concentrated runoff will flow to the lake.
- Temporary and permanent erosion controls must be installed.

The overall project might require a Valley Branch Watershed District Permit (VBWD), but I cannot make a final determination based on the information submitted. The following activities require a VBWD permit:

- A. Land alterations, such as grading or filling (including re-development projects), which disturb, remove or cover surface vegetation or other surfaces of 1 acre or more,
- B. All projects which create a new impervious surface area of 6,000 square feet or more,
- C. All work within the waters and floodplain of the VBWD,
- D. All projects which result in a discharge of municipal or industrial water or wastewater to a surface water drainage system,
- E. All subdivisions, plats, and developments,
- F. All projects which result in lake augmentation,
- G. All projects which impact a wetland. Note: Valley Branch Watershed District is the Local Governmental Unit (LGU) responsible for administering the Wetland Conservation Act



LINCOLN FETCHER DAVID BUCHECK DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org
LAKE ELMO, MINNESOTA 55042-0538

(WCA) within the VBWD, except the LGU responsible for administering the WCA on state land is the agency with responsibility for the land.

This letter provides my comments solely on the variance request. If the landowner wishes to construct the project, he should contact me to discuss the details of the project so I can determine whether or not a VBWD permit is required.

If you have any questions, please contact me at 952-832-2622.

Sincerely,



John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the District

c: VBWD Managers (via e-mail)

Ben Gozola

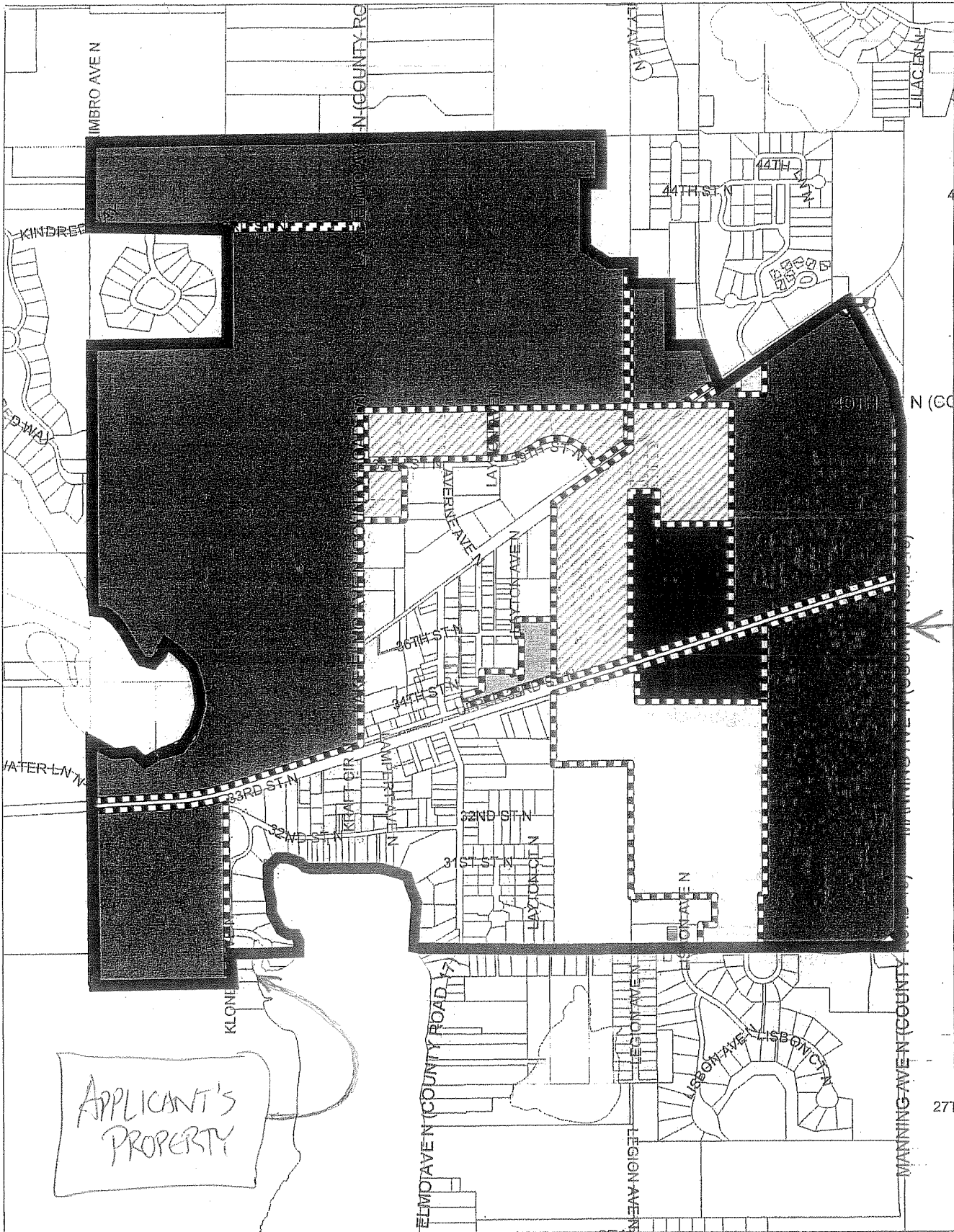
From: Kelli Matzek [Kelli.Matzek@lakeelmo.org]
Sent: Wednesday, March 21, 2007 10:15 AM
To: Ben Gozola
Subject: FW: Block 1 Ruth's 1st Addition

-----Original Message-----

From: Travis Germundson [mailto:Travis.Germundson@dnr.state.mn.us]
Sent: Monday, March 19, 2007 9:34 AM
To: Kelli Matzek
Subject: Block 1 Ruth's 1st Addition

I have not comment on the proposed variance request to allow a private off-site septic system.

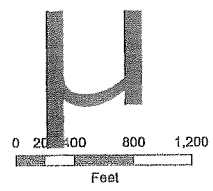
The city may want to consider having the applicant contact the property owner to the North regarding the possibility of constructing a shared or community system. Since it appears that parcel would have similar constrains imposed.



**PRELIMINARY VILLAGE AREA
FUTURE LAND USE**
Lake Elmo Comprehensive Plan 2005 - 2030

Limitation of Liability
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

Map Date: January 31, 2006
Created By: TKDA
ENGINEERS ARCHITECTS PLANNERS



- Legend**
- Land Use**
- VR-HD
 - VR-MU/MD
 - VR-LD
 - VR-GB
 - VR-P/S



J.P. Bush
H O M E S

February 27, 2007

City of Lake Elmo

RE: Detailed request of variance.

Attention City of Lake Elmo:

The referenced property known as Lot 11, Block 1, Ruth's 1st Addition to Lake Elmo. Attached Exhibit "A" is a non conforming lot that has hardship needs for a unique septic system. My hardship exists as this lot was recorded as a functional lot of record before current code was written and the current property cannot be put to reasonable use if used under the conditions allowed by the zoning code.

My hardship and primary variance request is to put a septic system off site as I am not able to meet the on site requirements of septic system (Code 325.06 Subd 9B) and section (300.09 Subd.08). I have a buildable area on Lot 11 for a reasonable home that will not change the essential character of the neighborhood, but I do not have sufficient space for an appropriate septic system. I own the property across the road known as Parcel 2 (Exhibit "A"). I have engineered a septic system that would be placed on parcel 2. See attached documents.

Exhibit "A" – Site plan shows Parcel 1 and Parcel 2 and new septic system easement.

Exhibit "B" – Actual documents recorded at Washington County for easement.

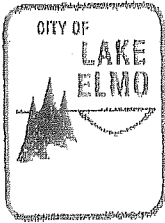
Exhibit "C" – Septic design by licensed engineer showing a proper and primary and secondary system placed on parcel 2 within the easement.

In addition to on site needs for variance I am requesting the size of the land required for my septic be 26,988 square feet in lieu of the one acre requirement listed in the R-1 zoning district. As you can see by the attached documents I have demonstrated that the easement created and septic design fit a primary and secondary system.

Please Note: I am also attaching correspondence letters that may help all involved with some of the proceedings for these requests, Attached letters Exhibit "D" and "E".

Sincerely,


Joseph P. Bush
J.P. Bush Homes



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

November 14, 2006

Joe Bush
J.P. Bush Homes
Lake Elmo, MN 55042

Dear Mr. Bush:

The Lake Elmo Building Official and I have reviewed the survey you recently submitted which depicts a site on the west side of Klondike Avenue that is proposed to serve as the drain field site for a site on the east side of Klondike Avenue that is not itself of sufficient dry land area to support a drain field site. We can find no specific prohibition in the Lake Elmo City Code for a remote drain field site by easement in the manner that the survey depicts.

Please note that a City Right-of-Way permit would be required for the waste pipe crossing under Klondike Avenue. Also note that no information has been presented from a certified septic designer that demonstrates that the specific easement area depicted on the subject survey will or will not provide sufficient surface area and/or suitable soils to support both a primary and back up drain field site.

Sincerely yours,

City of Lake Elmo

Charles E. Dillerud

City Planner

CC: Jim McNamara, Building Official

Warren E. Peterson
Jerome P. Filla
Daniel Witt Fram
Glenn A. Bergman
John Michael Miller
Michael T. Oberle
Steven H. Bruns*
Paul W. Fahning*
Amy K. L. Schmidt
Ben I. Rust
Jared M. Goerlitz



Suite 800
55 East Fifth Street
St. Paul, MN 55101-1718
(651) 291-8955
(651) 228-1753 facsimile
www.pfb-pa.com

Exhibit E

February 16, 2007

Kelli Matzek
Assistant City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo MN 55082

RECEIVED
FEB 16 2007

RE: Lot 11, Ruth's 1st Addition
Our file: 11150/06-19

Dear Kelli:

This correspondence will summarize my thoughts regarding the application of the City's regulations to the development of Lot 11 of Ruth's First Addition ("Property"). The Property is currently a nonconforming riparian lot. Nonconforming lots within the shoreland zone do not require a lot size variance if the following criteria can be satisfied:

1. The proposed use is allowed within the zoning district. In this case, the proposal is for a single family home, which is allowed in this particular zoning district.
2. The lot has been in separate ownership since it became nonconforming. The lot became nonconforming when the City adopted its shoreland regulations. This is when the 1.5 acre lot size standard was imposed. I do not have enough information to know whether the Property and Lot 10 and/or the area south of the Property were in common ownership since it first became a nonconforming lot.
3. The lot satisfied the City's regulations when it was created. The plat of Ruth's First Addition to Lake Elmo was approved in 1975. Presumably the lot satisfied the City's standards at that time, or it would not have been approved.
4. The sewage treatment and set-back requirements of the shoreland regulations can be satisfied. The City will not be able to evaluate this criteria until a specific application is received that establishes the location of the proposed building.

February 16, 2007

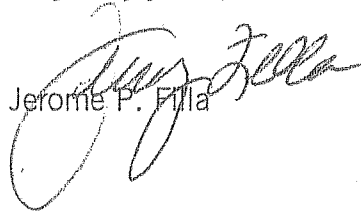
Page 2

I am aware that the proposed sewage treatment system for the Property will be located across the road. The City's regulations require sewage treatment systems to be located on site (Lake Elmo Code Section 325.06, subd. 9B, and Section 300.09, subd. 08). I would interpret the term "on site" to mean on the Property. If I am correct, the Property owner will need to apply for a variance to the above-referenced City Code sections at the time he applies for a building permit.

In addition, the City and the Property owner will need to enter into an agreement regarding the construction of that portion of the sewage treatment system that will be located within the public right-of-way. The agreement will need to address the disruption and repair of the City's road when the sewage treatment system is installed and when it is repaired in the future.

If you have any questions, please contact me.

Very truly yours,


Jerome P. Filla

JPF:cnd

cc: Thomas Bouthilet, Acting City Administrator

City of Lake Elmo Planning Department
Ordinance Repeal

To: Planning Commission

From: Kelli Matzek, City Planner

Meeting Date: 3-26-07

Ordinance Reviewed: Ordinance 97 – 167; Commercial Social Outdoor Events

Introductory Information

Request: The City Council is seeking the Planning Commission's review and recommendation regarding the repeal of Ordinance 97-167 Commercial Outdoor Social Events.

History: This ordinance was previously discussed over a series of meetings held at both the Planning Commission and City Council meetings in early 2006. A public hearing on the proposal was held at the Planning Commission on March 13, 2006.

Throughout the meetings held by the Planning Commission and City Council, a number of concerns were brought up with regards to allowing commercial social outdoor events. Some examples are: consumption of alcohol on the site, parking, noise, structures, sanitation, frequency of events, time restrictions, and screening.

Despite the concerns, this use was determined to be appropriate as a conditional use in the Agricultural zoning district and Ordinance 97-167 was adopted on May 16, 2006.

The passage of time, complaints, and further consideration of potential impacts have prompted the City Council to direct staff to take steps necessary to repeal the language approved in Ordinance 97-167.

Ordinance Review

IN GENERAL:

Existing Ordinance: The ordinance currently regulates the following items:

- Minimum property size
- Addition of structures (not allowed)
- Frequency of events
- Limitation on the number of people
- Follow noise standards
- Parking, screening

- Time of day and year
- Sanitation provided
- Prohibit charging an admission fee
- Lighting

The existing and complete ordinance is attached.

Staff Comments: Currently, staff is not processing any applications that would depend upon this existing ordinance.

**Resident
Concerns:**

- Staff has received a number of complaints regarding the existing ordinance. At this time, staff is not aware of any written complaints. The verbal concerns expressed at the March 6, 2007 City Council meeting are included in the attached minutes.

Conclusion

The Planning Commission is asked to examine the existing ordinance and recommendation to repeal such, and make any recommendations to the City Council you deem appropriate.

**Commission
Options:**

The Planning Commission has the following options:

- A) The Planning Commission may recommend no action.
- B) The Planning Commission may recommend an ordinance amendment.
- C) The Planning Commission may recommend repeal of ordinance 97 – 167.
- D) The Planning Commission may recommend a moratorium on Outdoor Commercial Social Outdoor Events to allow for further study on the issue.
- E) The Planning Commission may table the request for further study.

**Recommended
Action:**

Staff recommends option C: Repeal of ordinance 97-167 Commercial Social Outdoor Events through the adoption of the attached ordinance.

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-167

AN ORDINANCE ADDING SECTION 300.07 SUBDIVISION 4.A.2.(h) RELATING
TO CONDITIONAL USES IN THE AGRICULTURAL ZONING DISTRICT

The City Council hereby ordains that Section 300.07, Subdivision 4.A.2(h) of the Lake Elmo Municipal Code is hereby added to read as follows:

h. Commercial Outdoor Social Events, subject to the following required conditions:

1. A site tax parcel area not less than 10 acres.
2. No existing permanent or newly constructed structures may be used. Tents are allowed.
3. Events limited to twice weekly and only during the months of May through October.
4. Attendance at events shall be limited to 250 people.
5. Compliance with City Code Ambient Noise standards.
6. All parking shall be off-street, and shall be set back and/or adequately screened from adjoining properties.
7. Limiting the hours for any event to 10:00 a.m. to 10:00 p.m. including take down activity. All event-related people must be off the site by 10:00 p.m.
8. On-site portable sanitation adequately sized for the events.
9. Prohibiting charging an admission fee for any commercial outdoor social event.
10. The lighting meets code and lights go off at 10:00 p.m..

This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 16th day of May, 2006.


Dean Johnston, Mayor

ATTEST:


Martin J. Rafferty, City Administrator

Published in the *MAY 26, 2006* Lake Elmo Leader

Anthony Dorland, Moss & Barnett (attorney), Minneapolis, provided a handout to the Council outlining the applicants' position brought forth in the Staff report.

Carolyn Hortter, 1959 North Park Drive, St. Paul, stated this was her childhood home and her mother still resides there. The current driveway and the two pillars marking their driveway have been there almost a hundred years, and are at least 8 feet before the curb. The County approved the proposed second driveway in the event the property was ever split. To move the current driveway will involve trees and vegetation being cut down. The existing well is 952 feet deep, not contaminated and gets tested yearly. Hooking up to City water should continue to be the residents' choice.

The Council stated that as the Old Village develops, traffic on Lake Elmo Avenue will continue to increase as the City grows. General consensus was that additional time was needed to consider the minor subdivision and variance applications before making an informed decision.

M/S/P Smith/DeLapp – to table for further discussion at the March 13, 2007, Council Workshop and return to the March 20, 2007, Council meeting for a decision.
(Motion passed 5-0)

The City Attorney requested legal descriptions of the side yard easements before returning to the Council.

Council Members also requested that all City Code issues discussed at tonight's meeting be interpreted by the City Attorney prior to the March 13, 2007, Council Workshop meeting.

B. Review of the Commercial Outdoor Social Events Ordinance 97-167

The Senior Planner presented to the Council a review of the Outdoor Social Events ordinance and the various options to consider which included: No action; Ordinance Amendments; Repeal of the Ordinance; and/or a Moratorium on Outdoor Social Events pending further review of the ordinance.

The City Council supported outdoor social events and believes a good faith effort was made to create a supportive ordinance. However, several concerns have been brought to the City's attention and Council is requesting the Ordinance be reviewed and/or repealed.

Donna Sloan, 12208 Marquess Lane North, stated that noise limits are hard to enforce and would like the Ordinance repealed.

Kathleen Haggard, 12154 Marquess Lane North, stated the Commercial Outdoor Event Ordinance is confusing, and it needs to be repealed. She thinks commercial activity should not abut residential areas so closely.

Scott Johnson, 12211 Marquess Lane Cove North, emailed and phoned the City regarding the CUP and stated the ordinance wording is too vague, and expressed his concerns about

safety, alcohol, and enforcement. He wants Lake Elmo to be responsible and the ordinance repealed.

Charles Cadenhead, 12190 Marquess Lane North, stated that two events per week is excessive and wants the ordinance repealed.

M/S/P Smith/Park – to direct Staff to send Ordinance No. 97-167, Commercial Outdoor Social Events, back to the Planning Commission for review and return with a recommendation at the March 20, 2007, Council meeting. (Motion passed 5-0)

C. Comprehensive Plan Timeline Update

The Senior Planner summarized that the City's sector representative at the Metropolitan Council agreed with the City's determination that interim zoning districts are appropriate for both the I-94 corridor and the Village area. The interim districts will maintain the existing properties in their current configurations and uses until such time that development is guided or sewer becomes available. Such districts will be in conformance with the current comprehensive plan as the planned development cannot yet occur. Creation of such districts also carries the added benefit of providing the City with additional time to craft the final zoning language that will govern these areas. The revised timeline is through May 18, 2007.

D. Proposed Oakdale Comprehensive Plan Amendment

The Senior Planner reported that the City of Oakdale is seeking to amend their comprehensive plan to re-designate 3.86 acres from Low Density Residential to Commercial. The property in question is near Lake Elmo on the southeast corner of Helmo Avenue and 10th Street. Staff does not foresee any negative impacts to the City of Lake Elmo as a result of this change.

E. 2007 Work Plan

The Senior Planner presented the priority work items for 2007, which were established by the joint Planning Commission and City Council meeting on February 13, 2007.

The priority items recommended by the Planning Commission were:

1. Creation and adoption of zoning codes in the village area and I-94 corridor that conform to the approved comprehensive plan (due by July).
2. Zoning map update to ensure the City's official map reflects all ordinances approved since 1995.
3. Interim use ordinance to allow for such permits and to define what constitutes an interim use.
4. Revisions to the NC zoning district to address multiple problems which result in too many variances.
5. Billboard sign ordinance to study and possibly adopt regulations governing the use of LCD billboard signs. A year long moratorium on this matter was recently approved by the City Council, so action must be taken on this topic within the year.
6. Sexually oriented businesses ordinance to regulate where such facilities could potentially locate within the City of Lake Elmo. A year long moratorium on this matter

MEMO

(March 22, 2007 for the Meeting of March 26, 2007)

To: Lake Elmo Planning Commission

From: Kelli Matzek

Subject: Park Commission comments on Village Area Master Plan

A Special Park Commission meeting was held on March 14th to discuss the Village Area Master Plan. At that time Bruce Jacobson presented the plan to the Park Commission and discussion occurred. The comments provided in the attached letter stemmed from that discussion. These comments will also be sent on to the City Council.

At this time, no discussion is needed regarding the Village Area Master Plan or the associated comments from the Park Commission. This is being provided for informational purposes.

Dear Colleagues,

On Wednesday, March 14, the Parks Commission was briefed for a second time on the draft Village Area Master Plan, and we had a broad discussion focused on issues relating to parks and trails in that critical area. Because the conversation was so far-ranging, we were concerned that any attempt to capture the perspectives of the Parks Commission in any coherent way from the official minutes would be extremely difficult, so we asked at the end of the meeting if Kelli Matzek could gather our thoughts together in the form of bulleted points. She kindly agreed to do so, and I have taken those points and put them in the following document. In addition to these bullets, the official minutes of our special meeting will be available in April after the commission has had a chance to review and approve them.

I think that it is safe to say that most commissioners were impressed by the plan but that we had some fairly basic questions and, in some cases, concerns about the role of parks and trails in the draft plan. I have tried to group the comments for sake of clarity:

Broad Conceptual Issues

- The draft Park Plan identifies an anticipated level of service for each of the various park types. This same approach should be utilized when evaluating the location of proposed and existing neighborhood parks within the Old Village Area.
- The draft Park Plan and approved Comprehensive Trail Plan Guide should be integrated into the Village Area Master Plan.
- The central/playfield park (“Community Sports Complex”) was thought by some on the Parks Commission to be the "heart" of Lake Elmo, not necessarily the civic center as was presented.
- A key element of the draft Comprehensive Park Plan being developed by the Parks Commission is the establishment of a “Central Park” in the Old Village area – a park that will serve as a central meeting place for the city as a whole and also as green space for the more densely developed Old Village area. This Central Park is distinct from the Community Sports Complex also envisioned in the draft Comprehensive Park Plan: it features water, easy walking trails, grass, flower beds, trees, ponds, benches, appropriate-scale lighting, picnic tables, perhaps a bandshell and/or gazebo. It is a place of subtle beauty that people will come to for quiet reflection, family gatherings, strolls by young and old alike, perhaps ice skating in the winter. Parts of Como Park in St. Paul or Pioneer Park/Lowell Park in Stillwater would be examples of such park space. The current iteration of the Village Area vision does not capture this concept adequately. It should actually position this Central Park as the heart of the city.

- The Central Park should be located in close proximity to senior citizen housing so that the elderly can easily access the walking paths.
- It will be important to import into our consideration of parkland and green space inside the Old Village area the concepts that informed the development of the citywide Park Plan: functions of parks, service areas, levels of service, the use of a needs analysis to determine scope of athletic fields, and a commitment to linkages between parks within the Old Village area as well between the Old Village area and the rest of Lake Elmo's park and trail system.

Connectivity – Parks, Trails, Old Village

- The Plan should clarify legal ownership and maintenance of the open space that serves as the buffer to the Old Village Area. If the greenspace buffer is privately owned and maintained, that may detract from that space's role as a physical link between the Old Village Area and the rest of Lake Elmo and the city's parks and trails.
- There should be clear trail connections designated to existing neighborhoods in Lake Elmo to the village center. If there are not connections from the village area to the rest of the city, that means a majority of Lake Elmo residents will only have access to the downtown by busy roads.
- The Old Village Plan should interconnect with and complement the Comprehensive Trail Plan developed by the Parks Commission in 2006.

Design

- Some existing streets in the Old Village area are very narrow. Careful consideration should be given to existing conditions (street width and garage/shed/structure locations) with regards to plans for boulevard landscaping and/or trail locations in right-of-way.
- Safety concerns were expressed that the Community Sports Complex play fields would be located on two sides and adjacent to the existing railroad.
- Planning for how much use ball fields at the Community Sports Complex would receive needs to include consideration that VAA uses virtually every available non-school field within Stillwater and surrounding communities because the school district charges for use now. Many community fields get use 6 or 7 days a week for soccer and baseball/softball. A Community Sports Complex would need parking and facilities to accommodate this volume, which would come not just from Lake Elmo, but surrounding Washington County communities as well.

- The Community Sports Complex should be physically separate from the Central Park (although linked by a trail) so that the quiet activities pursued in the Central Park are not impacted by the louder activities of the Community Sports Complex. The Community Sports Complex should be envisioned having lights and formal fields (baseball, soccer, softball) maintained at standards adequate to support league play, but it should also have play space for less formal competition as well as a significant play lot for young children. It may be possible to place the Community Sports Complex immediately adjacent to VFW Park in order to build on such investments already made in that existing park.
- The Plan should clarify what walking/bike paths are coming from the EAST (Fields of St Croix) area to the Old Village Area.
- The trails within the Old Village Plan need to be identified as multiple use trails. Biking is just one use. There will also be walkers (individuals alone, with young children, pets, roller-bladers, etc.). These trails need to be designed to welcome all and meet the safety needs of many uses.

Execution of the Plan

- When the sewer pipe is run up Lake Elmo Avenue and the road is reconstructed, that opportunity should be used also to put in a bike route (proposed in the Comprehensive Trail Plan Guide).
- The City should be sure to reserve park land dedication funding for park purposes only.
- The Parks Commission should be consulted during sanitary sewer planning concerning landscape design following construction. This is an important opportunity for the Parks Commission to meet the objectives of trail and parks plans in a cost effective manner.
- The Parks Commission should be given a good estimate of recreation facilities (athletic fields and structures -such as band stands) to be included in Old Village plans, so that it can accurately estimate recreation needs outside of the Old Village.

Presentation

- Lions Park is spelled incorrectly in the current iteration of the document.
- The Plan should be referred to as a "guide" in the same way that the Comprehensive Trail Plan is entitled a "guide."
- **Page 17.** Second column, first paragraph, last sentence reads, "...a number of existing parklands support programmed and spontaneous activities and are an

obvious asset to the **region.**” Change the language to read **could serve** or make it even less concrete.

- **Page 31.** This section of the draft Old Village Plan does not contain adequate substance and content. It should capture the main principles which parks should play in the Old Village area: 1) parks in this area (whether the Central Park, the Community Sports Complex, the smaller neighborhood parks, or the trails and green buffer) should draw people to the heart of the community and accommodate their need for open space, 2) the green space within the Old Village area should be clearly linked to the broader citywide network of trails as envisioned in the Lake Elmo Trails Plan, and 3) the design, function, and scope of park land/green space within the Old Village should articulate cleanly with the larger vision for Lake Elmo parks as presented in the Lake Elmo Park Plan. This section, too, should highlight the fact that the Old Village will be home to a Central Park (the heart and lungs by which a growing city will breathe) and the Community Sports Complex – the two “anchors” of the park plan for the City of Lake Elmo as a whole. I’m just anxious to see that the planning that materializes within the Old Village area is clearly linked to, and consistent with, the citywide planning and vision relating to parks and trails.

Questions/Notes on the Planning Process

- A commissioner asked if any larger players, e.g., the County Park Director, Jim Luger, or others are giving/receiving input relative to this plan outside of public meetings to which we have been given pertinent information, and the Commission was told by Susan Hoyt that no meetings of this sort have taken place.
- The consultant attending our meeting said that parcels are still being evaluated. If any of those said parcels are pertinent to any of the Parks Commission’s current or future park parcels, it will be important that all such information be brought to the attention of the Parks Commission in a timely manner.
- The AUAR is being proposed only for the Old Village at this point. A commissioner wanted a guarantee that this environmental tool never has the potential to become a tool that can break the spirit of the tool and be used backwards, e.g., say however unlikely, someone wants to build a water tower/maintenance facility or some other building/usage on current or potential park dedicated lands, and it then comes to Parks eliminating any action this citizen advocacy/Council advisory group might take by showing "how it can be done to mitigate environmental impact."
- A question was asked if the Met Council can legally force the City of Lake Elmo to link trails/parks or take actions that would dilute/damage our park resources. The Parks Commission was told by the consultant and Susan Hoyt that "No, that it is being left up to municipalities." If this isn't known for sure, this issue should be clarified.

- Concern was expressed that the City attorney should review both the Comprehensive Trail Plan Guide and the draft Old Village Plan document to make sure that parks and trails are adequately protected.

I would be happy to discuss any of these issues raised by the members of the Parks Commission with you. While the sentiments are those of our members, I took the liberty of editing some of the comments for presentation in this note, and I am responsible for any errors that might appear here.

Best,

David Steele
Chair, Lake Elmo Parks Commission