

City of Lake Elmo

Thirty-third and Laverne Avenue
Lake Elmo, Minnesota 55042
777-5510

DATE: September 19, 1980
TO: Planning Commission
FROM: Larry Whittaker
SUBJECT: CANCELTION of September 22, 1980, Planning Commission Meeting

CC: PZC, COUNCIL, PRESS, PZC Agenda list, Kathy, Admin.; Rob Chelseth, Ray Marshall

I have no Agenda items for the Sept. 22, 1980, meeting...SO, it is canceled!

M
E
The Conservancy Regualtions are suffering through their umpteenth revision; and I won't have a "package" on that until October 27 - most likely. The Council will review the new draft October 21, if there is time. After that, we may have to schedule another public hearing.

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The difficulty we are experiencing with the Ordinance is due to interpretation of DNR regulations. What we need to do is sit down with the City Attorney and figure out just what and when the DNR regulates wetlands. Then, Jess would like the City to adopt DNR standards by reference; so that we can apply them to all wetlands. It is his feeling that the most critical wetlands are those which serve as storm water retention areas and wildlife preserves. Right now, it appears to us that DNR does not regulate many of the ponds that are a part of the stormwater retention areas. They do provide standards; but, they do not apply them to that class of wetland.

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Jess wants to apply the same standards to all wetlands, where practical. At this point, we are not sure where it is practical; and, it is going to take Oliver Wendall Holmes to figure that out. Actually, it is not quite that bad; but, it is not something I will be able to complete before I leave for New York. So, I'll get on it as soon as I get back; and hope to have it ready for the Council the 21st.

Other Agenda items for the October 13 meeting will be:

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7:45 P.M. - Public Hearing on Mr. Peltiär's request for rezoning to AG, so he can get a car dealer's license (Yes, that is the State Law...no dealer's licenses in Residential zones.)
Selection of Vice Chairman
Discussion of Metro Council comments on the Comp. Plan
Status of other projects the Planning Commission has been involved in.

If you have any questions or comments, I will be in until Thursday, Sept. 25.

Chairman Michels called the meeting to order at 7:39 p.m.

ROLL CALL: Lyall, Crombie, Fraser, Dreher, Lundquist, Prince, Forsblad Halden (7:41), and Gifford (7:50).

MINUTES: Prince moved, seconded by Fraser, to approve the minutes of August 25, 1980. Motion carried 8-0.

COMP PLAN - METRO COUNCIL: Rob Chelseth, City Planner, reviewed the Metro Council comments on the Comp Plan. Many of their comments were answered within the plan. The Capital Improvement Plan for parks is being prepared and will be forwarded to the Metro Council after Council approval. The Commission has no reactions to the Council's comments. The Administrator will request the Met Council meet with the Commission if they want further explanations.

GENE PELTIER - PUBLIC HEARING FOR REZONING: Because there was not adequate time to publish cancellation of the hearing, Chairman Michels opened the hearing at 8:15 p.m. and closed the hearing at 8:16 p.m. There was no one in the audience for the hearing.

Fraser moved, seconded by Crombie, to table Mr. Peltier's request for rezoning until Mr. Peltier comes in and requests the proposal be heard. Motion carried 9-0.

CONSERVENCY REGULATIONS PUBLIC HEARING: Chairman Michels opened the hearing at 8:17 p.m.

Administrator Whittaker reviewed the changes proposed by Councilman Mottaz on definitions for fill, regulating other governing bodies, wetland definition, and dredging.

The Administrator proposed the definition for clean fill indicate it be non-organic, contain no noxious hazardous waste, as defined by the PCA, and prohibit refuse, rubbish or garbage, as provided in Section 801.010 of the City Code. Additional standards could include rock sizes and compaction. The Commission agreed that non-organic and hazardous waste should be included. They were not concerned about regulating rock sizes and compaction.

The Administrator informed the Commission that the City cannot regulate the State on public right-of-way or public waters. The City Attorney is reviewing the City's right to regulate the County. The proposed Ordinance includes a provision that allows the City to regulate those agencies we have jurisdiction over. Planner Chelseth indicated the County is somewhat regulated under Section B-1, Exemptions. The Commission had no comment.

The City's definition of wetlands is as complete and restrictive as is found in governmental regulations and those of surrounding communities.

The Commission reviewed the DNR Regulations on dredging. This regulates all ponds over 2 1/2 acres in size.

CONSERVENCY REGULATIONS: The Commission reviewed the public waters map and determined it is incomplete and not to scale in identifying wetlands. Chelseth suggested the City get a copy of the DNR aerial map for comparison, since the DNR will use the map in their permit process. The Administrator will notify the DNR of the inaccuracies.

Chairman Michels closed the hearing at 9:05 p.m.

Michels moved, seconded by Prince, to recommend the City Council adopt the proposed Conservency Regulations with the following changes:

1. all reference to dredging be deleted
2. a clear definition of clean fill be included

Motion carried 9-0.

GENE PELTIER: Mr. Peltier came in and explained his hobby of restoring older model and antique cars. In order for him to get a used car dealers license his property cannot be zoned R-1. He stated he does not intend to have a used car lot; but needs this type of license to purchase cars out of state and not be subject to their sales tax. He requests his property be rezoned to Ag in order to meet the Department of Transportation requirements.

The Administrator will contact Mn/DOT and also verify the permitted uses in Ag.

Prince moved, seconded by Lundquist, to hold a hearing on October 13, 1980, at 7:45 p.m., to consider rezoning the Gene Peltier property to Ag from R-1. Motion carried 9-0.

COLON - FEDERAL LAND COMPANY: Cancelled

SEPTEMBER 22, 1980: Cancelled - presently no agenda items.

CHRIS CURRAN: Mr. Curran notified the Administrator he will be resigning from the Planning Commission effective September 8. The Planning Commission will vote on a Vice-Chairman at the next scheduled meeting.

STATUS REPORTS: Michels requested the Administrator keep the Commission informed on the status of old projects that do not come back before the Commission. The Administrator will prepare a status memo for the Commission.

ADJOURNMENT: 10:00 p.m.

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AGENDA

Planning Commission

September 8, 1980

- 7:30 P.M. ---- Meeting convenes
- Minutes
- 7:45 P.M. ---- Public Hearing, Gene Peltier's
request for rezoning, if ready
- 8:15 P.M. ---- Public Hearing, Conservancy
Regulations
- Public Waters
- 8:45 P.M. ---- Review Metro Council
response to Comprehensive Plan

Coming:

- Sept. 22 -- A. Final Review Conservancy
B. Colon (Federal Land Co.) PUD
at Co. Rd. 19 and Highway 12