

LAKE ELMO PLANNING COMMISSION MINUTES

MAY 14, 1984

DRAFT

The meeting was called to order by Chairwoman Prince at 7:35 in the Council Chambers. Present were Dreher, Kuettner, Lundquist, Lyall, Nazarian, City Engineer, Larry Bohrer and City Administrator, Klaers.

1. Minutes:

M/S/P Dreher/Lundquist - To approve the minutes of the April 23, 1984 Planning Commission meeting as amended. (Motion carried 4-0-2 <Lyall, Nazarian>).

2. Milt Klohn application for large lot subdivision and road frontage variance. (Application withdrawn)

The Commission reviewed Mr. Klohn's letter of withdrawal wherein he states that "the steadily rising costs with each step in the development combined with unsatisfactory soil conditions where buildings were planned made this venture less than feasible without undue risk".

3. Public Hearings:

- A. Zoning code amendment: Application from Milk Klohn to allow broodmare farms in RR and Ag zones with A CUP ...(Application withdrawn).

Although Mr. Klohn withdrew his application for this zoning code amendment, pursuant to published notice, the chairperson opened the public hearing at 7:50 p.m. There was no representation from the public and the hearing was closed at 7:51 p.m. with the Commission accepting Mr. Klohn's withdrawal.

- B. Platting Code Amendment: include a time limit on applicants for meeting the conditions of simple lot subdivisions.

Pursuant to published notice, this public hearing was opened at 7:45 p.m. in the council chambers.

The purpose of this amendment to the ordinance is to add that if a simple lot division, or large lot division is granted with conditions, all conditions set forth by the City Council at the time of the approval of the simple lot division, or large lot division must be completed within one hundred eighty (180) days after said approval, or the approval of the simple lot division, or large lot division shall be considered void, unless a request for a time extension is submitted in writing and approved by the City Council.

There was no public representation on this proposed ordinance amendment and the public hearing was closed at 7:50 p.m.

M/S/P Nazarian/Lyall - To recommend to the City Council adoption of the proposed ordinance amending the 1979 Municipal Code of Lake Elmo relating to simple lot divisions and large lot divisions. (Motion carried 6-0)

- C. Zoning Code Amendment: To prohibit the placement of the required second drainfield between the trenches of the first drainfield in all zoning districts.

Pursuant to published notice, this public hearing was opened at 7:52 p.m. in the council chambers.

There was no public representation on this proposed ordinance amendment and the public hearing was closed at 8:02 p.m.

Bohrer stated there have been applications for new homes on small lots (in particular the Lanes DeMontreville and J.L. Cohn Additions) to superimpose the second required drainfield site between the primary trenches.

Bohrer stated that what actually treats the sewage is the surface area (the contact between the drainfield trench and the soil) and you get more contact surface with individual trenches, more soil interface, than you do with the bed. A bed takes up less physical space, but the individual trenches provide more square feet of treatment area. Our ordinance allows beds, but only as a replacement to a conventional system. If you were to build a new home in Lake Elmo, you could not put in a bed system. Bohrer further gave a thorough explanation on the installation and function of an on-site sewer system.

M/S/P Lyall/Nazarian - To recommend to the City Council adoption of the proposed ordinance amending the 1979 Municipal Code of Lake Elmo to prohibit the placement of the second required drainfield between the trenches of the first drainfield. (Motion carried 5-1 <Dreher>)

Dreher stated that if the lot is so situated, and you can get enough space between these drainfields, why couldn't you put in a valve that you could turn on and off and put in another pipe, if there is enough space?

#### 4. Discussions with City Engineer, Larry Bohrer

##### A. 201 Update

Bohrer stated that the original map has changed - some people have upgraded their septic systems on their own during the process and some have changed water use; so there have been people that have asked to be taken out of the program and there have been people asking to be taken into the program.

In the beginning, four planning areas were identified - Tri-Lakes area, old village area, area near the streets of Jamley and Janemo Avenues, and the Cimarron-Oakland Junior High School area.

In the Tri-Lakes there are forty-one residences that are being upgraded. Thirty-six are occurring on-site; and five will be treated off-site in two joint or collector type drainfield sites.

In the old village area, there are seventy-two residences and businesses that are being upgraded. Fifty-five will be treated on-site; and seventeen off-site into a total of seven remote sites.

There are a group of six property owners on Legion Avenue adjacent to Legion Pond, that because of the rising water, have no back yard left and their present septic system is probably in the water. We will collect their sewage and pump it up to the flat agricultural land east of the lots on Legion Avenue. This is privately owned land and the City will either have to buy it or condemn it. The City will have to maintain it, or make sure that it is maintained. This will also apply to someones system on their own property. Because of the conditions of the grant, the City has to make sure that these systems are properly maintained. Also, the six townhouses off of 30th Street have enough land area that we can make a new collective type system on their own property. There are about five residential lots on the northwest shore of Lake Elmo, that are very small, and here we will collect their sewage and have to purchase one lot in Ruth's First Addition and create a joint drainfield. The VFW has no room on their present property and we are looking at a piece of property across Layton Avenue that is vacant, and we are looking at treating the VFW off of this site. We are looking at a gravel parking lot that was just purchased by Lake Elmo Motors to service the drainfield for the Twin Point Tavern. The Lake Elmo Inn, the Beauty Shop and one residence on 34th Street do not have room on their property and we are looking for a drainfield location at the southeast corner of the White Hat Restaurant property. None of this property has yet been acquired, but the City does have condemnation authority. The land acquisition costs have all been figured into the cost estimates and it is grant eligible.

Dreher asked what the alternative was to this project as it seems like this is just another patchwork job until something else goes wrong. We have a problem here in the City that should be taken care of and we should look into a central system and do it right.

Bohrer stated that building an individual plant, or a long pipe to Metro was considered, but both of these alternatives turned out to be very much more expensive not only in first construction, but also the annual maintenance. The reason it is so expensive is that you have to purchase so much property; you have to construct the treatment plant, and there is the on-going costs in chemicals, personnel and equipment to maintain that level of treatment.

We are in the final stages of design right now. We will submit our final plans and specifications around the first of July. Before that time, we would like to hold an open-house so that people can be invited in to see what is planned on their individual lots. After the plans and specifications are completed, they will be submitted to the MPCA, which is the designated review agency for State and Federal government. They have told us that we should allow about six months for their review. We have been telling everyone that construction probably will not take place until the spring of 1985.

M/S/P Lyall/Nazarian - To recommend to the City Council adopting an ordinance requiring that sewer pumpers report to the City every tank that is pumped. (Motion carried 6-0)

M/S/P Lyall/Prince - To recommend to the City Council adopting an ordinance requiring a bi-annual inspection of all septic tanks in the City and check for solids. (Motion failed 3-3)

Discussion on the cost incurred by the City by implementing an annual inspection of septic tanks in the City.

Bohrer pointed out that the City Code already addresses the obligation of the homeowners to maintain their septic systems, should the City chose to enforce the Code.

B. Sewer installation in Section 32.

Bohrer stated that sanitary sewer construction can be initiated in two ways. It can be initiated by the City Council on a 4/5 majority vote; or a property owner can petition for the improvement. There are a few restrictions on the property owner(s) petitioning for the improvement. An adequate petition (not less than 35% of the ownership of the abutting land) must be submitted. If it is over 35%, the project can be ordered by a simple majority of the City Council. The City Council, even after receiving an adequate petition, does not have to order the project. If the City Council receives a petition from less than 35% of the landowners, it will take a 4/5 majority of the Council. If the City would decide to either initiate on its own, or receives an adequate petition, the next step would be to prepare a comprehensive sewer plan. This plan will outline estimated costs for the sewers, timing, sewage flows and anticipated connection per year. The plan would also serve as a basis from which to hold a public hearing. The City Council will hold a public hearing, and at that time they will either decide to approve a project or abandon any consideration of the project. There are many decision points where the Council can say either yes or no to the project.

C. Previous sewer assessments in Section 32.

Bohrer discussed the change in the MUSA line, and explained how the different areas in this Section could be served by sewer. Bohrer further explained that there is about 458,000 gallons of sewage per day allotted to Lake Elmo within the MUSA area. If you take the net area that is left over in this MUSA area, that comes out to be about 975 gallons per acre.

Bohrer stated that Section 32 has had two assessments in the past. In about 1968 or 1969 when that portion of the WOEN was constructed this area was assessed a charge of about \$124.50 per acre. That was a thirty-year assessment. In 1972 when the City's piece of sewer was built, there was another assessment of of \$16.00 per acre. That was a ten year assessment. We have made sewer available for another eighty acres, and these landowners are getting the benefit of this sewer availability without having to pay any of the costs to date. Bohrer suggested that we could figure out what the area charge would have been, bring that forward to todays dollars, and charge the people that have not been assessed, but would benefit from sewer. That money could be used to put against the cost of extending the trunks; it could be some form of a rebate (although this is administratively hard to do); or it could be set aside as a replacement fund.

Bohrer pointed out that the City of Lake Elmo has asked that \$55,000 be included in the Waste-to-Energy projects budget for planning that the City feels it has to do, which includes stormwater management, water systems, and sewer systems.

- D. Subdivisions abutting major right-of-ways - City Code section 401.380F.

The purpose of this discussion is to look at eliminating cluster developments from having separate driveways onto a major road, and addressing this more specifically in the City Code.

Bohrer suggested that since frontage roads are covered in the Code, the discussion should focus on access onto intermediate and minor arterial and collector streets. Some of these roads (trunk highways and County Roads) are not under our jurisdiction. The reason for including collector type streets is that most of them go thru rural type areas where the speeds are going to be 40 mph, and greater, and we don't want that many starts and stops along this type of street.

The City Engineer and Administrator are going to work on the proper wording for this code amendment, and Administrator will present the concept to the City Council.

5. Reports from City Planner, Rob Chelseth.

- A. Other land uses that should be considered to be permitted in the RR zone, on 10 and 40 acre parcels, and in the Ag zone.

Review of Planner's letter of May 8th where he suggests that consideration of changes in the ordinance begin with the development of a specified problem or issue that must be addressed. This will help avoid putting time and effort into unfruitful projects, and prevent the creation of "new" problems instead of needed solutions.

- B. The size of accessory structures in RR and Ag zones.

Review of Planner's letter of May 11th where he suggests that environmental impacts (waste generation, visual impact, etc.) and impacts resulting for the use(s) made of the property, and how compatible it is with adjacent uses are the issues to be considered. It is important to note that these issue areas are nearly impossible to regulate through the variance process. Once granted, a variance allows the building to be built. Although some constraints may be placed on the size and design of the structure, no control will be available on the continued use of the property. Thus it is possible that a variance may be issued on the premise that the property will be used only as the present owners propose, and find future owners or occupants start new uses incompatible with the surrounding area. It was recommended by the Planner that whether or not a variance is granted, a conditional use provision be considered added to the zoning code, requiring builders of very large buildings to commit to a certain type of use(s) for the building with changes only as approved by the city, unless the use is permitted.

The discussion focused on the present ordinance which does not limit the accessory structure size in parcels of Ag land that are 40 acres or more. Consensus of the Commission is to address the issue of prohibiting the subdividing of parcels of land that contain an accessory structure in excess of a size to be determined (as there is no limit now in the 40 acre zone). This item will be put on the work plan for further discussion.

The meeting was adjourned at 9:50 p.m.

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

## AGENDA

### LAKE ELMO PLANNING COMMISSION

MAY 14, 1984

- 7:30 p.m. Meeting Convenes
1. Minutes: April 23, 1984
  2. Milt Klohn application for large lot subdivision and road frontage variance (continued from 4-23)... application withdrawn .
- 7:45 p.m.
3. Public Hearings:
    - A. Zoning code amendment: Application from Milt Klohn to allow broodmare farms in RR and Ag zones with a CUP.... application withdrawn.
    - B. Platting Code Amendment: include a time limit on applicants for meeting the conditions of simple lot subdivisions.
    - C. Zoning Code Amendment: to prohibit the placement of the required second drainfield between the trenches of the first drainfield in all zoning districts.
  4. Discussions with City Engineer, Larry Bohrer
    - A. 201 Update.
    - B. Sewer installation in Section 32.
    - C. Previous sewer assessments in Section 32.
    - D. Subdivisions abutting major right-of-ways city code section 401.380F.
    - E. Other.

5. Reports from City Planner, Rob Chelseth  
(Discussion as time allows)

- A. Other land uses that should be considered to be permitted in the RR zone, on 10 and 40 acre parcels, and in the Ag zone.
- B. The size of accessory structures in RR and Ag zones.

1984 5-14-84

1984 5-14-84



MAY 7, 1984

TO: PLANNING COMMISSION MEMBERS

FROM: PAT KLAERS, CITY ADMINISTRATOR

RE: AGENDA MEMO FOR 5-14-84 PLANNING COMMISSION MEETING

Everyone should be aware that this agenda is being put together on May 4th and 7th as I will be out of town May 9th thru the 11th. I will be attending the annual State City Managers Convention in Brainerd. Therefore, material from the City Attorney and City Planner that will be reviewed during our meeting on the 14th will either be sent out individually to you commissioner's or be distributed at the meeting.

I just received a phone call from Mr. Klohn this morning and he indicated to me that he regretfully must withdraw his applications from further consideration. Mr. Klohn stated that after talking with Bruce Folz and further review of the expenses versus the risks involved and evaluation of soil conditions in the area, it would not be in his best interest to continue in pursuing his applications. A letter to this effect is expected in the office this week and when received, will be distributed to the commission. Mr. Klohn regrets any inconvenience that he may have caused the commission, but found the economy to be such that his application had to be withdrawn.

Please note that the starting time for this meeting is 7:30 p.m. as daylight savings time began at the end of April.

Please note that the City Engineer will be attending this meeting for discussions per request from the Planning Commission. Because Mr. Klohn has withdrawn his application, I have informed the City Planner that his attendance will not be required at this meeting. However, a couple of agenda items merit comments from the City Planner and I have requested that he submit brief memos on these agenda items. Again, they will either be sent out individually or distributed at the meeting.

Additionally, because Mr. Klohn has withdrawn his application, there may be a minimal need for a second meeting in May. The scheduled meeting was to take place on a legal holiday with a tentative meeting on Tuesday, May 29th. A lack of agenda items or a lack of urgency to discuss agenda items may negate the need for this second meeting in May.

1. Minutes: Attached for your consideration are the minutes from the 4-23-84 Planning Commission meeting.
2. Milt Klohn application for large lot subdivision and road frontage variance.

As noted above, this application has been withdrawn. Therefore, no further consideration of this application is required.



### 3. Public Hearings.

A. Zoning Code Amendment: Application from Milt Klohn to allow broodmare farm in RR and Ag zones with a CUP.

As previously noted, Mr. Klohn has withdrawn his application so there may be no need for this public hearing. The hearing, in theory, should at least be opened and closed as a public hearing notice was published in our legal newspaper. Additionally, the commission is looking at other possible land uses that could be permitted in RR and Ag zones and this may be one of the uses the commission wishes to consider. If this is the case, you may want to actually hold the hearing and receive public input and then discuss this among the commission. As this is a possibility, I have once again, enclosed the April 9th and 10th comments on broodmare farms from the City Planner.

B. Platting Code Amendment: include a time limit on applicants for meeting the conditions of simple lot subdivisions.

This code amendment was initiated because of the Timmers simple lot subdivision. A few months ago, Mr. Timmers wished to complete the conditions placed upon him for a simple lot subdivision approved in the late 1970's. The City Attorney indicated that this was legal as there is no time limit in the city code for the applicants to meet the conditions the City Council places on the applicant when approving the simple lot subdivision. These conditions can include obtaining easements, park donation fees, pass-thru expenses, perc tests, etc. The City has time limit requirements on applicants when they receive approval of preliminary and final plats. To avoid further problems with simple lot subdivisions, the staff recommended that the Council consider placing time limits on these applications. This is a public hearing and input from the Planning Commission is desired. The staff does not feel that this is an unreasonable requirement to be placed on applicants receiving simple lot subdivisions.

C. Zoning Code Amendment: to prohibit the placement of the required second drainfield between the trenches of the first drainfield in all zoning districts.

This also is a public hearing and the City Council would like input from the Planning Commission. The staff did not initiate this code amendment, but is responding to a request from the City Council. This request arose because land owners were placing the required second drainfield between the trenches of the first drainfield. The City Council and City Engineer do not feel that this is the best solution. To eliminate this in the future, a code amendment is required and the Council is requesting us to review this possible code amendment at a public hearing.

As soon as the material on these code amendments (B & C) is received from the City Attorney, it will be distributed to the commission.

4. Discussion with City Engineer, Larry Bohrer.

Per request from the Planning Commission, I have invited City Engineer, Larry Bohrer, to attend this Planning Commission meeting. Larry will address four items listed on the agenda and will be available to take under advisement or discuss any other items the commission wishes to raise. (Again, Section 401.380 of the city code is copied for your reference regarding subdivisions abutting major right-of-ways.)

5. Reports from City Planner, Rob Chelseth

As Mr. Klohn is not proceeding with his applications, I advised Rob that his attendance would not be required at this meeting. However, I did ask Rob to submit a brief memo for two items listed on this agenda. These two items have been included in the Planning Commission's 1984 Work Plan and as time allows, the Commission may want to discuss these items.

You should be aware that on 5-15-84, the City Council will be considering variances to the zoning ordinance (requested by Jed Wier) to allow a barn in excess of the 2,000 square feet allowed in the RR zone and to be built before the primary structure. Again, for your information the section of the city code relating to permitted uses in AG and RR zones is attached.

OTHER INFORMATION

1. Attached for your information is the City Newsletter dated 4-24-84. This edition outlines an article on the Regional Park entrance. If the 5-8-84 City Newsletter edition is ready before this packet is sent out, it will be included. If not, this edition will be available at the 5-14-84 meeting.

2. Attached is two pieces of information relating to the Lake Elmo Regional Park Reserve. First item is a letter from Gary Horning, our representative on the Parks and Open Space Commission. This letter addresses the park entrance, park plans for 1984, and the appearance of the Hammes property. The second item are two maps of the Regional Park regarding current development and future development.

3. Wish to acknowledge that "Clean-up Days" was held last Saturday, May 5th, and according to Maintenance Foreman, Dave Wisdorf, was once again a very successful operation. The City collects a fee for this activity, but supports "Clean-up Days" to the tune of \$700 to \$1000. The City collected over four dumpsters full of junk.

4. Attached is a 4-17-84 St. Paul Pioneer Press article regarding a rescue operation on Lake DeMontreville. Lake Elmo volunteer fire department member, Mike Pott, responded with a Washington County Deputy to an emergency on Lake DeMontreville and their efforts helped save two lives. Two young men had overturned in a boat in the center of the lake. The City Council passed a resolution acknowledging Mike's heroic efforts and this resolution will be presented to Mike by

the mayor sometime in June.

5. Short reminder for everyone is that "Adopt A Tree Day" will be held by the Parks Commission on Saturday, May 19th, 1984 from 9:00 a.m. until noon. Anyone living adjacent to a park may come to the nursery just 800 feet west of the parking lot in Sunfish Park to pick up some trees that they desire to plant along their lot line.

6. The weather, which has consisted of snow and rain recently, has delayed the street sweeping operation. This program will begin as soon as weather and scheduling permits.

7. At the 5-1-84 City Council meeting, the Council unanimously approved a motion which acknowledged the Planning Commission's recommendation to retain the 1-1/2 acre lot size requirements in business and residential zones; and acknowledged the Planning Commission's endorsement of the 60% rule and average lot size policy, whereby the variances should be kept to an absolute minimum.

The Council tabled this item from its 4-17-84 meeting to review the process and items discussed by the Planning Commission. The Council was very satisfied with the extensive review the Planning Commission gave these topics.

Additionally, at this 5-1-84 Council meeting, County Commissioner, A.E. Schaefer, Jr. presented an update on the waste-to-energy plant and the landfill situation.

Not much was discussed regarding the landfill situation as a committee to review alternative water supply sources will begin meeting on 5-14-84.

For Mr. Schaefer's comments on the waste-to-energy plans, please carefully review the City Council minutes from this meeting when they are distributed. This project is a slow moving animal and may or may not become a reality as many things are still uncertain.