

STAFF REPORT

DATE: July 10, 2018

REGULAR

ITEM #: 3

TO: Council

FROM: Emily Becker, Planning Director

AGENDA ITEM: Sunfish Ponds Septic System

REVIEWED BY: Kristina Handt, City Administrator

ISSUE BEFORE COUNCIL: Should the Council direct Staff to bring approval of a septic system in an undesignated area of Outlot A of Sunfish Ponds, over which the City has a conservation easement?

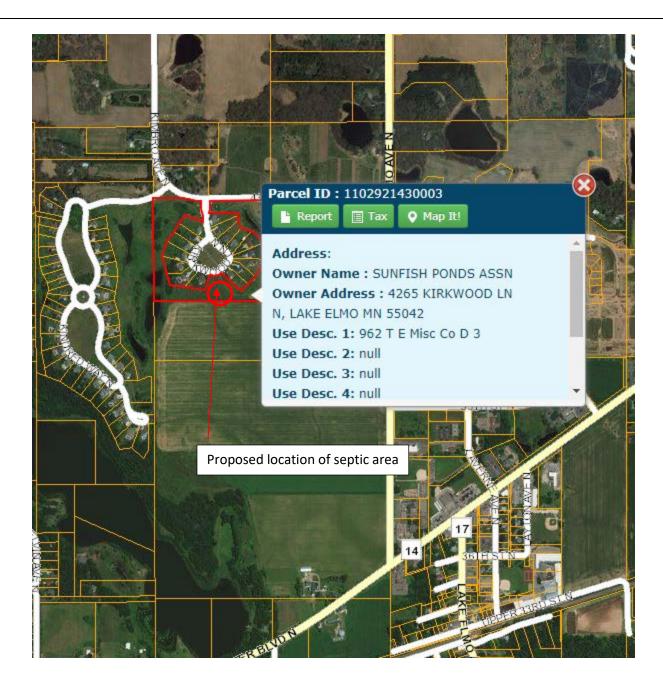
PROPOSAL DETAILS/ANALYSIS:

Location of Septic Area and Conservation Easement. Sunfish Ponds has Individual Subsurface Sewage Treatment Systems (SSTS). Many of these systems are within Outlots A and B, over which the City has a conservation easement. The conservation easement states that owners may maintain, repair, and replace existing utility systems such as water, sewer, power, fuel and communication lines and related facility within the protected outlots without prior approval of the City. Installation of new utility systems or extensions of existing utility systems, however, require prior approval. Sunfish Ponds designated in its Septic Sewer Plan where septic areas could go.

Request. The owner of Lot 4, Block 1 of Sunfish Ponds (4146 Kirkwood Lane N) had a failed septic system within Outlot B. The attached septic sewer plan indicates where both the primary and secondary septic systems could go within Outlot B. In order to remedy this, it is possible for a mound system to be constructed within Outlot B. Due to concerns of surrounding property owners (there is no formal Homeowners' Association (HOA)), the owner and potential buyer are requesting that the system be constructed in Outlot A outlined in the attached plan – Kirkwood Septic Options and below for reference.

Issues.

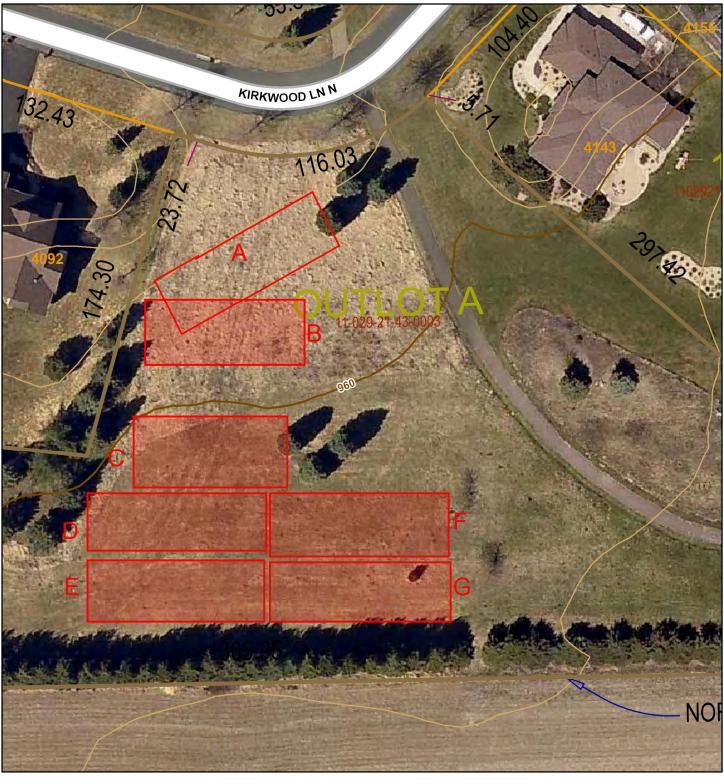
- Deviation from Plan. The City has heard that a number of homes within this development have septic systems that are near the completion of their lifetime. It would be difficult for the City to allow this owner, who has an option to construct a mound system within the designated area, to construct a septic area in an undesignated area, possibly leaving future homeowners with no option of future septic area.
- Sewer. If this development were to hook up to sewer (it is not currently within the Metropolitan Urban Service Area), the area in which the septic system is being proposed would be disturbed by a sewer pipe, leaving the home without wastewater treatment for the period of time it takes to hook up the system.



FISCAL IMPACT: None.

RECOMMENDATION: Staff would recommend that the City not allow the septic area to be located outside of the previously-approved area in order to ensure all property owners within the development have equal septic area possibilities in the case of future failed systems. Staff is requesting that the Council provide direction on whether to bring this for approval at a future City Council meeting.

Kirkwood Septic Options Washington County, MN



- 4. Residential, Commercial & Industrial Uses. Owner shall not subdivide all or part of the Protected Lands for residential, commercial or industrial development. Owner shall not subdivide, either legally or physically, the Protected Land for any other reason without the prior written approval of the City. Owner shall not engage in commercial or industrial activities on the Protected Land, other than the activities relating to agricultural operations as set forth in Paragraph 7. Owner shall not engage in the exploration or extraction of soil, sand, gravel, rock minerals, hydrocarbons or any other natural resource on or from the Protected Land. Owner shall not grant rights of way on the Protected Land in conjunction with commercial or industrial activities or residential development on lands other than the Protected Land, except for access to adjacent parcels owned by Owner.
- 5. <u>Construction</u>. Owner shall not construct or install additional buildings or improvements of any kind including, without limitation, fences, driveways, parking lots, and roads, on the Protected Land, except as specified herein. Owner may maintain, repair, and replace existing roads but shall not widen them unless doing so lessens the environmental impact of the road on the Protected Land and Owner has obtained the prior written approval of the City. Owner may maintain, renovate, expand or replace existing agricultural and related buildings or improvements in substantially their present location. Any expansion or replacement of an existing building or improvement shall not substantially alter its character or function, and shall not exceed its current square footage, without the prior written approval of the City.
- 6. <u>Utility Systems</u>. Owner may maintain, repair, and replace existing utility systems on the Protected Land including, without limitation, water, sewer, power, fuel, and communications lines and related facilities. Owner shall not install new utility systems or extensions of existing utility systems on the Protected Land including, without limitation, water, sewer, power, fuel, and communications lines and related facilities, without the prior approval of the City. Owner may install, maintain, and replace irrigation systems used on the Protected Land. Owner may install sewage systems on or under the Protected Land which comply with all existing federal, state and local regulations regarding water quality and other environmental concerns, and which do not disrupt other activities permitted under the terms of this Open Space Easement.
- 7. <u>Agricultural Use</u>. Owner may conduct agricultural operations on the Protected Land provided that such use is in compliance with the City's Development Regulations.
- 8. <u>Surface Alteration</u>. Owner shall not alter the surface of the Protected Land including, without limitation, the filling, excavation, or removal of soil, sand, gravel, rocks,

 From:
 Tillges, Jennifer

 To:
 Emily Becker

 Subject:
 Re: 4146 Kirkwood

Date: Monday, April 30, 2018 3:38:28 PM

Hi Emily,

We would like to purpose outlet A be used for the new mound septic system for 4146 Kirkwood. Brian Humpal has provided a map of potential locations that would be options to service this home.

As Brian mentioned today, the design was done poorly when the homes were built back in 2003 & unfortunately the owners have a non-compliant septic as a result of a system that was originally signed off on when the home was built. Out lot B in the middle of the neighborhood will not go over well with the HOA and we will work on getting signatures from the neighbors prior to the workshop meeting on 6/12/18.

Is there anything else that I should include, in order for us to get on the schedule for the workshop and city council meeting?

Would an email from the owner be suffice, allowing myself and Brian to attend the meetings on their behalf?

Thank you for your time today.

Jennifer Tillges-Dahly Edina Realty- White Bear Lake Cell Phone: 651-442-5662

Please excuse typos from my mobile device.

On Apr 26, 2018, at 9:25 AM, Emily Becker < EBecker@lakeelmo.org > wrote:

It will work, but please be advised that it will not be going to Council Tuesday. Also, I do want to convey that Kristina has spoken with two councilmembers who do not support the relocation of the septic area when a mound system will work.

Emily Becker Planning Director City of Lake Elmo 651-747-3912 ebecker@lakeelmo.org <image001.jpg>

From: Tillges, Jennifer [mailto:JenniferTillges@edinarealty.com]

Sent: Thursday, April 26, 2018 6:43 AM **To:** Emily Becker < <u>EBecker@lakeelmo.org</u>>

Subject: Re: 4146 Kirkwood

Will 1pm Monday work?

Jennifer Tillges-Dahly Edina Realty- White Bear Lake Cell Phone: 651-442-5662

Please excuse typos from my mobile device.

On Apr 26, 2018, at 6:00 AM, Emily Becker < EBecker@lakeelmo.org > wrote:

Ok I checked and she's off Friday. Please advise of available times Monday.

Emily Becker

On Apr 26, 2018, at 5:37 AM, Tillges, Jennifer < <u>Jennifer Tillges@edinarealty.com</u>> wrote:

1pm works for Brian Friday. Please confirm It works for you & Kristina.

