



3800 Laverne Avenue North  
Lake Elmo, MN 55042

(651) 747-3900  
[www.lakeelmo.org](http://www.lakeelmo.org)

## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, August 26, 2013 at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. August 12, 2013
4. Public Hearings
  - a. VARIANCE – 4719 OLSON LAKE TRAIL NORTH. The Planning Commission will hold a Public Hearing to consider a request for a Variance at 4719 Olson Lake Trail North to allow for a septic holding tank system for a time period long than 12 months.
  - b. VARIANCE – 09.029.21.22.0025 (HILL TRAIL NORTH). The Planning Commission will hold a Public Hearing to consider a request by Dean and Gayle Dworak for a Variance to allow the construction of a single family home on a lot that is not considered a lot of record under the zoning ordinance due to its size and that does not meet the required 20,000 square feet of area for a septic system.
  - c. VARIANCE – 3712 LAYTON AVENUE NORTH. The Planning Commission will hold a Public Hearing to consider a request from Lake Elmo Inn Inc. for a Variance to allow for a ground sign that exceeds the allowed sign area and height permitted under the City's Sign Ordinance.
  - d. COMPREHENSIVE PLAN AMENDMENT – CHAPTER VI: WASTEWATER FACILITIES. The Planning Commission is asked to hold a Public Hearing to consider an amendment to Chapter 6 – Wastewater Facilities in the Comprehensive Plan that will revise this section of the Comprehensive Plan to be consistent with the recently updated Land Use section. The proposed document will replace Chapter VI in its entirety.
5. Updates
  - a. City Council Updates
    - i. Landscape Ordinance Amendment – passed at the 8/20/13 City Council meeting.

- ii. Village Area Planning and Development Schedule – discussed at 8/20/13  
City Council Meeting
  - b. Staff Updates
    - i. Upcoming Meetings:
      - September 9, 2013
      - September 23, 2013
  - c. Commission Concerns
6. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 12, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Dorschner, Dodson, Larson, Morreale and Lundgren;

**COMMISSIONERS ABSENT:** Haggard and Kreimer; and

**STAFF PRESENT:** City Planner Johnson.

**Approve Agenda:**

M/S/P: Williams/Dorschner, move to accept the agenda as amended with the addition of two items to introduce the new alternate member and elect a new vice chair: **Vote: 6-0, Motion Carried.**

**Approve Minutes:** *July 29, 2013*

M/S/P: Morreale/Dodson, move to accept the minutes of July 29, 2013 as presented: **Vote: 3-0, Motion Carried** with Larson, Lundgren & Williams not voting.

**Introductions:**

Williams introduced the new Planning Commissioner, Jill Lundgren, who is serving as 1<sup>st</sup> Alternate. Lundgren lives on Olson Lake.

**Election of Officers:**

Williams noted that the Planning Commission has to elect a new Vice Chair to replace Commissioner Reeves who was appointed to the City Council. Commissioner Larson volunteered to finish out the year.

M/S/P: Larson/ Dodson, move to appoint Commissioner Larson to the position of Vice Chair: **Vote: 6-0, Motion Carried.**

**Public Hearing:** *Zoning Text Amendment – Landscape Requirements*

Johnson began his presentation by explaining the purpose of the Zoning Text Amendment. The ordinance is intended to update and relocate the landscaping

Lake Elmo Planning Commission Minutes; 8-12-13

provisions in the City Code to Article 6 – Environmental Performance Standards. This ordinance addresses size requirements, requirements for perimeter and interior of parking areas, provides a baseline for instances when screening is required, and requires financial security to ensure performance of landscape plan. This ordinance was reviewed by the Planning Commission on July 22<sup>nd</sup>. The Planning Commission asked for clarification and had inquiries. Staff made 2 proposed changes to this ordinance based on those inquiries. If the proposed landscaping ordinance is approved, Staff is proposing to remove the existing landscaping provisions with a future house-cleaning amendment of the Subdivision Ordinance, OP Ordinance, and Site and Building Review Ordinance. Staff hopes to complete this amendment in September.

Williams suggested that the word borders be added along with islands and medians. He also suggested that coniferous be added for perimeter parking lot. Larson thought that coniferous trees take up too much space and could interfere with parking.

Williams asked about the difference between the 6 foot height for evergreens and 8 foot for fences. Johnson stated that the more restrictive provision of the city Code always applies. In instances where these two ordinances, screening and fence, conflict, the more restrictive applies.

Dodson asked who reviews the landscape plans. Johnson responded that Staff reviews plans for conformance to City ordinances. However, Staff recommends that final plans be reviewed by a certified landscape architect or arborist in order to provide greater expertise in species selection and location.

Public hearing opened at 7:25 pm.

Greg McGrath, 1509 15<sup>th</sup> Street Court North, stated that it is important that the City review these plans as mistakes were made in his development on the implementation aspect. He noted that what was approved in the final plans was not actually planted. The Planning Commission felt it is important to make sure that the landscape plan is enforced.

No written comment was received.

Public hearing closed at 7:37 pm.

Morreale would like to see something in the Code to hold the developer to their landscape plans. Williams stated that the proposed ordinance already requires a financial security. Dodson does not feel that it is sufficient and asked for further explanation about how the City enforces the approved plans. Johnson stated that the ordinance is strong enough, and where the City needs to focus greater care and energy is in the implementation of the development improvements. The City is now only accepting a letter of credit instead of performance bonds and the oversight needs to be



stronger than it has in the past. He noted that the Staff and Council are committed to ensuring performance when it comes to development.

Morreale wants to put a timeline of 2-3 years before the responsibility of replacement and maintenance becomes the homeowners. Dodson is concerned about CIC type development. Sometimes the developer turns over responsibility before the association knows what they are doing. He would like to see a timeline of 2 years before the developer can turn it over to an association.

Williams wants to know if boulevards are the responsibility of the City or property owner. Johnson stated that boulevards are the responsibility of the homeowner.

Morreale asked what happens if there is an act of God, such as a powerful storm that damages plant materials. Johnson stated that the contingencies of performance for the landscape plan would be spelled out in the developer's agreement. Alternatively, if the storm occurred 2 years after installation, it would be the homeowner's responsibility. Johnson further stated that 2 years is the industry standard and it would be burdensome to hold the financial security for many years beyond the suggested timeframe.

Morreale asked what would happen if a storm went through and many, many boulevard trees are taken out. He asked how the City could play a role in assisting property owners with tree replacement. Johnson noted that some Cities have tree planting programs that target locations within the community in greatest need of additional plantings.

Williams proposed language to be added in the reasons for landscape section of "to provide visual softening of, especially, urban development". He further suggested that we check with the City attorney regarding the 2 year standard. Williams also suggested that we add language under the financial security that states adequate security must be retained to ensure performance for at least 2 years after the installations have been completed.

M/S/P: Morreale/Larson, move to recommend approval of the Landscape Requirements Ordinance with amendments, subject to legal review by the City Attorney: **Vote: 6-0.**  
**Motion Carried.**

## **Updates and Concerns**

### *Council Updates*

1. Preliminary Plat – Lennar Homes/Savona passed at the 8/6/13 City Council meeting.

2. Lake Elmo Avenue infrastructure improvements I-94 to 30<sup>th</sup> Street, bid awarded at the 8/6/13 City council meeting.
3. Olson Lake Trail Sanitary sewer extension Phase I bid awarded at the 8/6/13 City Council meeting.

#### *Staff Updates*

1. Welcome to our new Planning Commission member Jill Lundgren. There is still an opening for an alternate.
2. Planning Commission meetings upcoming on August 26 and September 9.

#### *Commission Concerns*

1. Dorschner is wondering if the City has talked to the school district yet with all the new development coming in. Williams stated the school district is given the Comprehensive Plan and is given the opportunity to comment and is kept informed of developments as they come forward. Johnson noted that Staff has been in communication with the school districts regarding upcoming growth.
2. Morreale is concerned that there are 4 public hearings at the last Meeting of the summer and it creates a situation where important decisions could be made without some members of the community being available. Johnson noted that the majority of the items are external applications that the City has to address in a certain time period.
3. Larson is concerned that the comments the Planning Commission had about the parks were not acted on at the City Council meeting. He noted that the communication between the Park and Planning Commission was lacking. Maybe there should be some joint meetings with the Planning Commission and the Parks Commission. Johnson stated that it will be important to establish roles and establish good process moving forward for future development in regards to parks. Williams stated that the Park Commission and Planning Commission are recommending bodies, and the City Council is free to accept or reject the recommendation. Morreale noted his concern that the letters from Larson and Williams were not read into the record.

Meeting adjourned at 8:28pm

Respectfully submitted,

Nick Johnson  
Planner



Planning Commission  
Date: 08/26/13  
Item: 4a  
Public Hearing

ITEM: Variance Request – 4719 Olson Lake Trail North

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

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### **SUMMARY AND ACTION REQUESTED:**

The City of Lake Elmo has received an application from Mary Florence Brink and Thomas Brink, 1941 Millbank Street Southeast, Grand Rapids, MI, for a variance at 4719 Olson Lake Trail North to install a septic holding tank system for a period longer than 12 months. The current wastewater system on the site has been determined to be non-compliant per Washington County Code. As the applicants are proposing to construct a new single family home on the property, they are required to install a compliant wastewater system. Lake Elmo City Code and Washington County Development Code does not allow for these systems to be utilized for a period longer than 12 months.

### **BACKGROUND INFORMATION:**

Due to the inclusion of the property at 4719 Olson Lake Trail North in the area guided for sanitary sewer in the City's Comprehensive Plan, the applicants have found it to be problematic from a financial standpoint to install a new trench or mound system when it is expected that the site will be connected to Municipal Sanitary Sewer as part of Phase II of the Olson Lake Trail sewer Project. For this reason, the applicants consulted with City and County Staff and determined that a septic holding tank variance was the best course of action for their property.

In addition, the applicants did provide a narrative to address the 4 required criteria for approving a variance. Staff reviewed these findings and found them to be reasonable and satisfactory. Greater detail regarding the review of the variance request can be found in the attached Staff Report (Attachment #1).

Finally, Staff is recommending that the applicants enter an Agreement with the City to agree to connect to Municipal Sanitary Sewer within 6 months of service being available to their property. As the variance is based upon the extension and connection to sanitary

sewer, the City must ensure that the septic holding tank system is not utilized as a permanent solution for the property.

**RECCOMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the Variance request with the following motion:

***“Move to recommend approval of the Variance request for the installation of septic holding tanks at 4719 Olson Lake Trail North for a time period longer than 12 months with the conditions outlined in the Staff Report.”***

**ATTACHMENTS:**

1. Staff Report
2. Variance Application w/Applicant Narrative and Supporting Materials
3. Location Map
4. Sewer Service Area – Tri-Lakes (City Comprehensive Plan – Wastewater Facilities)
5. Washington County Capital Improvement Plan (CIP)
6. City Engineer’s Report
7. Washington County Report – Environmental Services

**ORDER OF BUSINESS:**

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing .....Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members



City of Lake Elmo Planning Department  
**Variance Request**

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**To: Planning Commission**

**From:** Nick M. Johnson, City Planner

**Meeting Date:** 08/26/2013

**Applicant:** Mary Florence Brink and Thomas W. Brink

**Owner:** Mary Florence Brink and Thomas W. Brink

**Location:** 4719 Olson Lake Trail

**Zoning:** RS – Rural Single Family

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***Introductory Information***

***Application  
Summary:***

The City of Lake Elmo has received an application from Mary Florence Brink and Thomas Brink, 1941 Millbank Street Southeast, Grand Rapids, Michigan, for a variance to allow for the use of a septic holding tank system longer than the 12-month time period that is allowed under the Washington County Development Code. As the property is guided for municipal sanitary sewer in the City's Comprehensive Plan, the applicant would like to install a holding tank system until sanitary sewer is made available.

The applicant has provided a written statement to the City indicating the reason for the request. In addition, the applicant narrative addresses how the proposed variance meets the 4 required findings to grant a variance.

***Property  
Information:***

The property at 4719 Olson Lake Trail North (CSAH-13) is located on the western shore of Olson Lake in Lake Elmo. The attached location map (Attachment #3) details the location of the property.

***Applicable  
Codes:***

**Section 51.002 Adoption of County Subsurface Sewage Treatment System Ordinance**

Chapter 4 of the Washington County Development Code entitled *Subsurface Sewage Treatment Systems Regulations*, as amended is hereby adopted by reference in its entirety as if herein printed in full.

**Washington County Development Code**

**Chapter 4 – Subsurface Sewage Treatment System Regulations**

18.5 Holding Tanks

- (1) Holding tanks may be considered for installation on previously developed sites, as a temporary method for periods of up to 12 months, during which time measures are taken to provide municipal sewer service or the installation of an approved system as provided in this Chapter.

**Section 154.109 Variances.**

(A-J) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

***Findings & General Site Overview***

**Site Data:** Lot Size: 0.56 acres  
 Existing Use: Single Family Detached Dwelling  
 Existing Zoning: RS – Rural Single Family  
 Property Identification Number (PID): 08.029.21.14.0060

***Application Review:***

***Variance Review:***

As outlined in the narrative, the applicant is seeking to build a new single family home at 4719 Olson Lake Trail North. Per the requirements of Washington County, the permitting authority of subsurface sewage treatment systems, all systems must be inspected at time of real estate transactions and construction of new homes. The applicants have consulted with Pete Ganzel, Washington County Environmental Specialist, and have determined that the septic system on the property is non-compliant per Washington County regulations. Given the non-compliant status of the existing septic system, the applicants must design and install a compliant system before a building permit is issued to construct a new home on the property.

It should be noted that Thomas Brink and Mary Florence Brink previously applied for and were granted a variance related to an encroachment of a covered porch into the required setback from the Ordinary High Water (OHW) Mark per the City's Shoreland Ordinance. The variance was granted at the City Council meeting on July 2, 2013 through Resolution 2013-050. Through the review of this variance, the Planning Commission and Council reviewed the applicant's plans for the property. As the applicants have progressed in making plans for constructing a new home, the septic system issue was raised and analyzed. After meeting with Staff and Washington County, as well as consulting a septic designer, the applicant's chose to move ahead with a variance to allow septic holding tanks for a period longer than 12 months. The applicant selected this option given that their property was recently included in the area guided for sanitary sewer per the Olson Lake Trail Sewer Project.

Regarding the Olson Lake Sewer Project, the City of Lake Elmo entered into a Joint Powers Agreement with the City of Oakdale on May 7, 2013 (Resolution 2013-034) to complete two phases of sanitary sewer improvements to multiple properties along

|                                      |  |
|--------------------------------------|--|
|                                      | <p>Olson Lake Trail. The project was initiated by petition from two Oakdale residents on the western side of Olson Lake Trail. When presented the opportunity to collaborate on a sewer project, the City of Lake Elmo surveyed adjacent Lake Elmo residents and found support for the sewer project. In order to move forward with the sewer project, the City of Lake Elmo had to amend the Wastewater Facilities chapter of the City's Comprehensive Plan to reflect the properties on Olson Lake Trail that would be guided for sanitary sewer service. The Planning Commission reviewed this Comprehensive Plan Amendment on April 22, 2013, and the City Council approved the amendment on May 7, 2013 (Resolution 2013-037). The properties that are now guided for sanitary sewer in the City's Comprehensive Plan are found in Attachment #XX. The property owned by the applicants is located in Phase II of the Olson Lake Sewer Project. The City anticipates that Phase II of the project will be completed when Washington County reconstructs Olson Lake Trail (CSAH 13). Per the County's 2013 Capital Improvement Plan (Attachment #XX), Olson Lake Trail is scheduled to be reconstructed in 2016. Given that Phase I of the project has now been authorized by both cities, and the reconstruction of Olson Lake Trail is likely to move ahead in 2016, these established policies provide greater explanation and reasoning for the variance request.</p>  |
| <p><b>Variance Requirements:</b></p> | <p>An applicant must also establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to City Code requirements can be granted. These criteria are listed below:</p> <ol style="list-style-type: none"> <li>1. <b>Practical Difficulties.</b> A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.</li> <li>2. <b>Unique Circumstances.</b> The plight of the landowner is due to circumstances unique to the property not created by the landowner.</li> <li>3. <b>Character of locality.</b> The proposed variance will not alter the essential character of the locality in which the property in question is located.</li> <li>4. <b>Adjacent properties and traffic.</b> The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.</li> </ol> <p>Given the information that has been submitted by the applicant and pending further review by the Planning Commission, Staff would offer the following suggested</p> |

findings specific to the variance that have been requested by the applicant:

1. *Staff finds that the proposed use of a septic holding tank system for a period longer than 12 months in this case represents a reasonable use of the property. Given that the applicant's property is now guided for sanitary sewer connection, and the project is likely to occur in the future, it makes more financial sense for the property owner install a holding tank system as opposed to a brand new trench or mound system. **Staff determines that this criterion is met.***
2. *The inclusion of the subject property in Phase II of the Olson Lake Trail Sewer Project is a unique circumstance to the property not created by the land owner. **Staff determines that this criterion is met.***
3. *Staff finds that the installation of a holding tank system will not alter the essential character of the neighborhood. The applicant has noted that allowing for the installation of a holding tank system would save a number of trees on the property that would otherwise have to be removed if a different type of septic system was installed. **Staff determines that this criterion is met.***
4. *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. **Staff determines that this criterion is met.***

**Conclusions:** Staff finds that the applicants have met the 4 necessary criteria for a variance and demonstrated that the desire to install a holding tank system until sanitary sewer is available is a reasonable use of the property not permitted by an official control. Staff has also confirmed that the inclusion of the subject property in the area to be served by sanitary sewer is a unique circumstance not caused by the landowner.

In order to grant the proposed variance, Staff recommends that the applicant enter into an Agreement with the City to connect to Municipal Sanitary Service within 6 months of service being available. The proposed variance is predicated upon the future connection to sanitary sewer. For that reason, the applicants should enter into an agreement with the City to ensure their participation with the Sewer Project and connection into the sanitary sewer system. This Agreement is to ensure that a holding tank system that is temporary in function does not become a permanent solution for the property.

**Conclusion:**

Mary Florence Brink and Thomas Brink, 1941 Millbank Street Southeast, Grand Rapids, MI, have submitted a request for a variance to allow for the installation of a septic holding tank system at 4719 Olson Lake Trail North for a period longer than 12



|                                  |  |
|----------------------------------|--|
|                                  | <p>months. The holding tank system will serve a new single family home as a temporary system until sanitary sewer is available.</p>  |
| <b>Staff Rec:</b>                | <p><b>Staff is recommending that the Planning Commission</b> recommend approval of the variance request by Thomas Brink and Mary Florence Brink to install holding tanks at 4719 Olson Lake Trail that will replace an existing non-compliant subsurface sewage treatment on its site, provided the following conditions are met:</p> <ol style="list-style-type: none"><li>1. The applicant shall to enter into an Agreement with the City to connect to Municipal Sanitary Sewer within 6 months of service being available, and waiving their right to appeal their assessment for the extension of Municipal Sanitary Sewer.</li><li>2. The applicant should be required to submit copies of all septic tank pumping records to the City on a quarterly basis.</li></ol> |
| <b>Approval Motion Template:</b> | <p><b>Staff is recommending that the Planning Commission</b> recommend approval of the proposed variance through the following motion:</p> <p><i>“Move to recommend approval of the Variance request for the installation of septic holding tanks for a time period longer than 12 months with the conditions outlined in the Staff Report.”</i></p>   |

cc: Mary Florence Brink and Thomas Brink

Fee \$ \_\_\_\_\_

City of Lake Elmo  
DEVELOPMENT APPLICATION FORM

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment              | <input checked="" type="checkbox"/> Variance * (See below)           | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment                 | <input type="checkbox"/> Minor Subdivision                           | <input type="checkbox"/> 01 - 10 Lots                                   |
| <input type="checkbox"/> Text Amendment                            | <input type="checkbox"/> Lot Line Adjustment                         | <input type="checkbox"/> 11 - 20 Lots                                   |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="checkbox"/> 21 Lots or More                                |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.)           | <input type="checkbox"/> Site & Building Plan Review                 | <input type="checkbox"/> Excavating & Grading Permit                    |
|  |  | <input type="checkbox"/> Appeal   |
|  |  | <input type="checkbox"/> PUD  |

APPLICANT: Thomas W. Brink Mary Florence Brink 1941 Millbank St SE Grand Rapids MI 49508  
(Name) (Mailing Address) (Zip)

TELEPHONES: 616-452-2883(MI) 651-779-4123(MN) 616-322-6591  
(Home) (Work) (Mobile) (Fax) Cell

FEE OWNER: \_\_\_\_\_  
(Name) (Mailing Address) (Zip)

TELEPHONES: \_\_\_\_\_  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): see attached  
4719 Olson Lake Trail N, Lake Elmo, MN 55042

DETAILED REASON FOR REQUEST: Temporary holding tank needed for  
longer than 12 months, until planned sewer hookup is available

\*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Thomas W. Brink 7/2/13  
Signature of Applicant Date

Mary Florence Brink 7/5/13  
Signature of Applicant Date

RECEIVED

JUL - 5 2013

CITY OF LAKE ELMO

July 1, 2013

Variance Request

4719 Olson Lake Trail N., Lake Elmo, MN 55042

a) Property owners are Thomas W. Brink and Mary Florence Brink

Ownership of the property was recently transferred from the trust of Robert F. Coles (deceased 4/15/11) and the trust of Catherine E. Coles to the current owners, and registered with Washington County on May 30, 2013.

b) Legal description: SECT 8 TWP 29 RG 21 PT GOV LOT 2 LYING ELY OF OLSON LAKE RD & LYING WITHIN FOLL DESC BDRY SECT 8 TWP 29 RG 21 PT GOV LOT 2 LYING ELY OF OLSON LAKE RD & LYING WITHIN FOLL DESC BDRY The property consists of 3 parcels that have been combined into one lot, 0.51 acres or 22,216 square ft in size. For the full legal description see Exhibit A in previously submitted documents.

PID: 08.029.21.14.0060

Existing use is for a residential home. Property is zoned R-1 residential.

c) A variance is sought for the use of a temporary holding tank for more than 12 months. This is in reference to the Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations, Section 18.5, sub-section 1. It reads as follows.

*18.5 Holding Tanks*

*(1) Holding tanks may be considered for installation on previously developed sites, as a temporary method for periods of up to 12 months, during which time measures are taken to provide municipal sewer service or the installation of an approved system as provided in this Chapter.*

d) The variance is requested because Pete Ganzel, Washington County Public Health & Environment, believes the existing septic system is non-compliant, based on the information I provided him about the age, location, and type of system on the site. A sewer project is planned for the homes along the road. Phase One, which falls 2 homes short of our property, is to be completed in 2013. We requested that our property be included in Phase One of the sewer project, but it is our understanding that the depth of the sewer pipe as it reaches our property would require tearing up the road. Phase Two is scheduled for completion in conjunction with a Washington County road resurfacing project sometime between 2014 and 2016. Therefore, we are requesting the use of a holding tank until a sewer hookup is available, in lieu of installing an entirely new septic system/drainfield. The variance is needed because code allows a holding tank to be used for up to 12 months. We would need to use the tank until the sewer hookup is available.

e) I have discussed the code requirements and options for dealing with a non-compliant septic system with both Nick Johnson and Kyle Klatt in the Lake Elmo city planning office, and with Pete Ganzel in the Washington County Department of Public Health and Environment. A temporary holding tank seems to be our best option. It could be placed near the existing liquid and solids tanks, is the least damaging to the trees on the property, and could be converted for use as a pumping tank when the hookup to the sewer is made. Alternatively, we might be able to use one of the existing liquids or solids tanks as the holding tank. We would install a pumping tank during construction, but not hook it up until the sewer connection is available. We are checking on the viability of the existing tanks for this use.

f) Denial of the variance would cause us to incur the cost of an expensive new septic system that would be used for only a short time and then abandoned when the new sewer is installed. It could also result in the delay of construction of the new house until the completion of Phase Two of the sewer project, and delay of our return to the community from out of state.

g) Because of the small lot size and setback constraints, the only location available on the site for a new drainfield would be to the north of the house, and would result in the destruction of multiple trees on the property. This would be an unnecessary loss of both natural habitat we are trying to preserve and of the valuable natural screen the trees provide between our house and the neighbor.

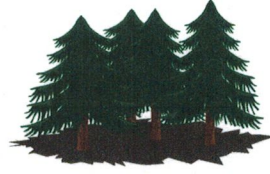
h) A variance for a holding tank would have substantially less impact on the neighborhood than the installation of a new drainfield for the septic system. A holding tank is underground, not visible to the surrounding community, and it would be placed in a location that did not require the destruction of the wooded portion of the lot. It would not alter the current use or nature of the site.



Z ierke

S oil

T esting



## Zierke Soil Testing

27072 Flintwood Circle  
Wyoming, MN 55092  
MPCA Certification #00998  
Phone (651) 462-2294

Name: Morrissey Builders  
07/18/13

Date:

Address: 2300 Kennedy Street NE., Suite 200, Minneapolis, MN. 55413

Location: Tom Brink property, 4719 Olson Lake Trail N., Lake Elmo, MN. 55042

Test area should be staked out and roped off to keep construction traffic away from site.

This testing information should be submitted to the proper authority for approval.

**STANDARD SYSTEM DESIGN  
INDIVIDUAL SEWAGE TREATMENT SYSTEM**

WASHINGTON COUNTY HEALTH, ENVIRONMENT & LAND MANAGEMENT  
14900 N. 61<sup>ST</sup> STREET, P.O. BOX 3803, STILLWATER, MN 55082-3803  
651/430-6708 OR 651/430-6656 FAX 651/430-6730

Owner's Name Tom Brink  
Job Site Address 4719 Olson Lake Trail N., Lake Elmo, MN. 55042  
City or Township City of Lake Elmo  
Use of Building Single family-residential

|   |             |                                |
|---|-------------|--------------------------------|
| Design Flow Rate 300 gpd  | Land Slope  | Percent                        |
| Required Tank Sizes 1500 Gallons  | and         | Gallons                        |
| Type of System (standard, at grade or bed) Holding tank   |             |                                |
| System Size: Square Feet  | Lineal Feet | Trench Width                   |
| Depth of rock below pipe:   |             | Depth of Rock Above Pipe: 2"   |
| MINimum Depth of Trench   |             | MAXimum Depth of Trench        |
| From Existing Grade   | Inches      | From Existing Grade            |
|   |             | Inches                         |
| Recommended Number of Trenches  |             | Recommended Length of Trenches |
| Trench Spacing Measured Center to Center feet   |             |                                |
| Any Other Special Conditions This design is for a temporary holding tank. City sewer is being run past this property in the near future. Holding tank will be used as a lift to pump to new sewer line in the future. |             |                                |

IF PRESSURE DISTRIBUTION IS USED, COMPLETE THE PRESSURE DISTRIBUTION WORK SHEET ATTACHED.

This design **must be accompanied by a site plan** that clearly shows the location of the area tested and approved by the following:

1. Use an appropriate scale and indicate direction by use of a north arrow.
2. Show **ALL** property boundaries, rights-of-way, easements, wetlands. If necessary, an enlarged detail of the house site may also be required.
3. Show location of house, garage, driveway and all other improvements existing or proposed.
4. Show location and layout of sewage treatment system.
5. Show location of water supply (well and/or community supply line).
6. Dimension all setbacks and separation distances.

This system has been designed by a Pollution Control Agency (PCA) Certified Professional.

Designer Name: Chris Zierke

PCA Certification # 00998 (Lic. 119)

Address: 27072 Flintwood Circle Wyoming, MN 55092

Phone # (651) 462-2294

Signature 

Date 07/18/13

An Equal Employment Opportunity/Affirmative Action Employer  
If You Need Assistance Due to Disability or Language Barrier, Please Call 430-6656 OR 430-6708 (TDD 439-3220)







## Location Map: 4719 Olson Lake Trail North



Data Source: Washington County, MN  
6-17-2013



4719 Olson Lake Trail North



Municipal Boundary

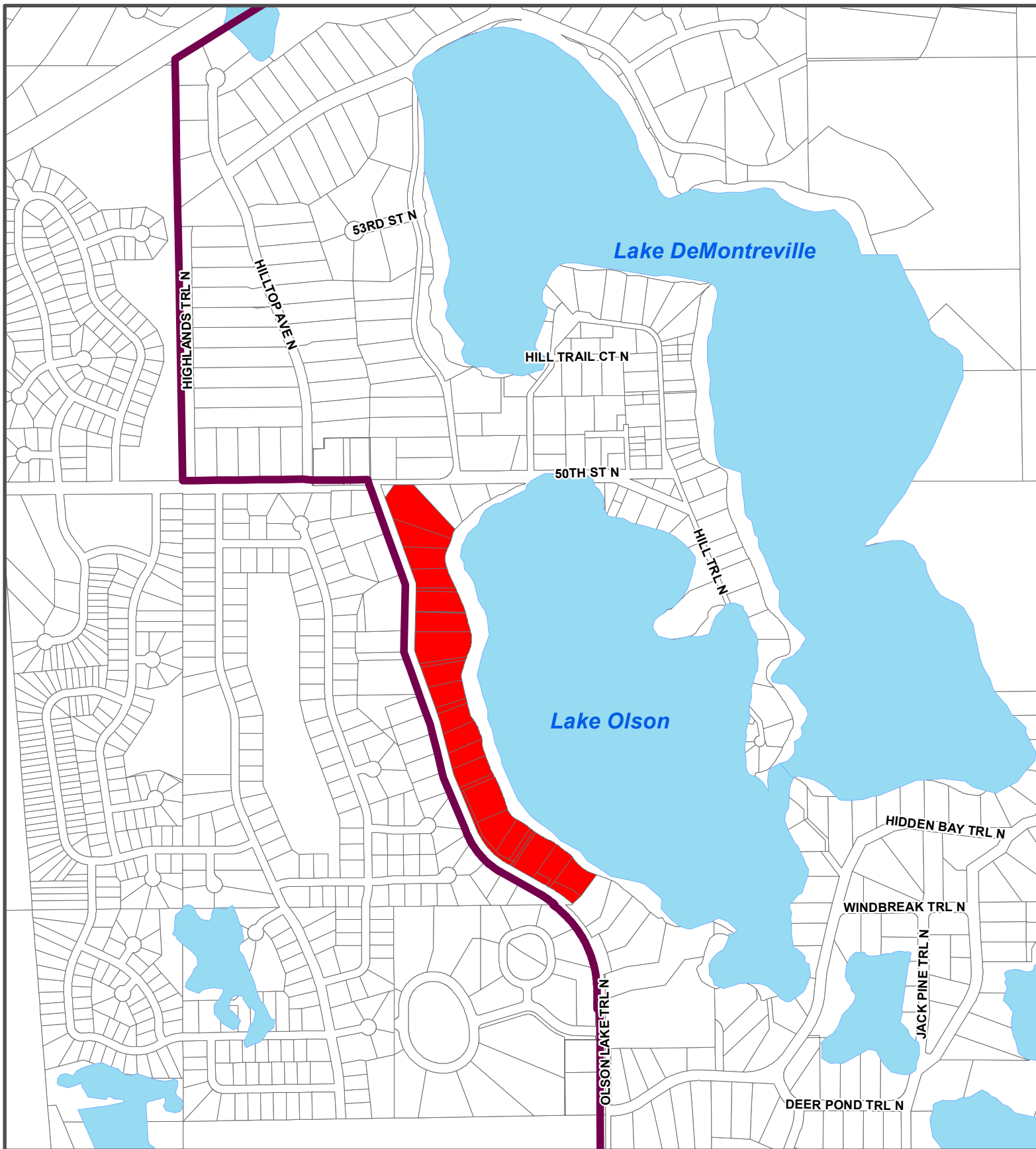
0 200 400 800 Feet



1"=400'







## Sewer Service Area - Tri Lakes

Lake Elmo Comprehensive Plan Update



Map Date:  
April 22, 2013



0 125 250 500 750 1,000  
Feet

**Future Public  
Sewer Service Area**

**Project #**     **RB-2570**

**Project Name**   **CSAH 13 (Ideal Avenue) - TH 5 to CSAH 35**

**Location**   Oakdale

**Department**   Capital Projects (R&B)

**Contact**       W. Sandberg

**Type**           Construction

**Useful Life**    5+ years

**Category**     Road & Bridge

**Priority**        3 Important

#### Description

Transportation Improvement to Ideal Avenue to include:  
Pavement Improvement  
Drainage Improvements  
Potential Pedestrian improvements.

Project limits are - Trunk Highway 5 to the south and County State Aid Highway 35 to the north.

#### Justification

Ideal Avenue has poor pavement condition. The presence of a number of street intersections, along with the desire to improve pedestrian and cycling opportunities in the corridor justifies this project.

| Expenditures        | 2013 | 2014 | 2015           | 2016             | 2017 | Total            |
|---------------------|------|------|----------------|------------------|------|------------------|
| Planning / Design   |      |      | 150,000        |                  |      | 150,000          |
| Construction        |      |      |                | 1,800,000        |      | 1,800,000        |
| Right-of-Way        |      |      |                | 100,000          |      | 100,000          |
| <b>Total</b>        |      |      | <b>150,000</b> | <b>1,900,000</b> |      | <b>2,050,000</b> |
| Funding Sources     | 2013 | 2014 | 2015           | 2016             | 2017 | Total            |
| Local Contributions |      |      |                | 100,000          |      | 100,000          |
| State Aid           |      |      | 150,000        | 1,800,000        |      | 1,950,000        |
| <b>Total</b>        |      |      | <b>150,000</b> | <b>1,900,000</b> |      | <b>2,050,000</b> |

#### Budget Impact/Other

If this project is not completed, ongoing maintenance costs will increase and future improvement costs will increase.

# MEMORANDUM

## FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

Date: August 20, 2013

To: Nick Johnson, City Planner

Re: City of Lake Elmo

From: Jack Griffin, P.E., City Engineer

4719 Olson Lake Trail N.

Septic System Variance Request

Applicant is requesting a variance to allow for installation of a septic holding tank system for a period longer than 12 months.

**Review Comments:** Engineering has reviewed this variance request and has the following comments:

1. The property at 4719 Olson Lake Trail North is part of the Phase 2 Olson Lake Trail Sanitary Sewer Extension Project. Therefore, this home will be allowed to connect to the Oakdale Sanitary Sewer System when the Phase 2 project is constructed.
2. If the variance is granted, the applicant should be required to install a temporary system as approved by Washington County. The system capacity should be oversized to minimize pumping intervals to provide more operational flexibility.
3. The applicant should be prepared to operate the system for at least 5 years in the event the Phase 2 project is delayed for any reason.
4. Consideration should be given to allocating and reserving sufficient space to allow for the construction of a drain field in the event the Phase 2 project is terminated for any reason.
5. The applicant should be required to connect to the sanitary sewer system within 6 months of the system being made operational for this property.



**Department of Public  
Health and Environment**

**Lowell Johnson**  
Director

**Sue Hedlund**  
Deputy Director

August 21, 2013

Nick Johnson  
City Planner  
City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042

**RE: Variance Request, 4719 Olson Lake Trail, Holding Tank (Brink Residence)**

The proposal to install a holding tank on this property on a temporary basis on this property has been reviewed. As municipal sewer service will be provided within a few years, this Department supports approval of a variance to Section 18.5 (1) of the Washington County SSTS ordinance.

The applicants have been made aware of the costly nature of maintaining a holding tank for more than a year.

The location of the proposed 1500 gallon tank meets all setback requirements and ideally could be reused as a lift station for the future connection to municipal service if that was necessary.

Holding tanks are subject to several requirements in the SSTS ordinance. I refer specifically to Sections 18.5 subparts 5 through 10 (attached), which could be incorporated as conditions of the variance or certainly as requirements of the installation permit.

A requirement that the dwelling be connected to municipal service within 30 days or other reasonable time following completion of the sewer project is recommended as is a time limit on the variance itself. If the sewer project does not proceed within a reasonable time, the applicants must provide an on-site sewage treatment solution for the proposed dwelling or forfeit its habitability.

If you have any questions call me at (651)430-6676.

Pete Ganzel

A handwritten signature in black ink, appearing to be "Pete Ganzel", written over a large, loopy, handwritten "P" that also serves as a signature element.

Senior Environmental Specialist

## 18.5 Holding Tanks

- (1) Holding tanks may be considered for installation on previously developed sites, as a temporary method for periods of up to 12 months, during which time measures are taken to provide municipal sewer service or the installation of an approved system as provided in this Chapter.
- (2) Holding tanks may be considered on a permanent basis for non-residential, low water use establishments with a sewage flow of 150 gallons per day or less, subject to approval by the Department or local unit of government.
- (3) Holding tanks must be used for floor drains for vehicle parking areas and existing facilities potentially generating hazardous waste.
- (4) To qualify as a holding tank, the system must:
  - (A) Meet or exceed applicable requirements of Section 13.
  - (B) Meet or exceed the applicable requirements of Section 16.2.
  - (C) Meet or exceed the requirements of Section 16.3 (2).
  - (D) Meet the requirements of Section 18.5 (2) to Section 18.5 (10).
- (5) All tanks used as holding tanks must be tested once placed at the final location for watertightness as specified in Minnesota Rules, Chapter 7080.2010<sup>2</sup>.
- (6) A cleanout pipe of at least six inches in diameter must extend to the ground surface and be provided with seals to prevent odor emissions and exclude insects and vermin. A maintenance hole of at least 20 inches in least dimension must extend through the cover to a point within 12 inches, but no closer than six inches, below finished grade. If the maintenance hole is covered with less than six inches of soil, the cover must be secured according the Section 13.13.
- (7) For a dwelling, the minimum size is 1,000 gallons or 400 gallons times the number of bedrooms, whichever is greater. For other establishments, the minimum capacity shall be at least five times the design flow. Tank sizing for floodplain areas must be calculated according to Section 18.3 (10).
- (8) Holding tanks must be located in an area readily accessible to the pump truck under all weather conditions and where accidental spillage during pumping will not create a nuisance and must meet the setback requirements of Table V.
- (9) Holding tanks must have an alarm device to minimize the chance of accidental sewage overflow unless regularly scheduled pumping is used. An alarm device shall identify when the holding tank is at 75 percent capacity.
- (10) A contract for disposal and treatment of the septage shall be maintained by the owner with a licensed Maintainer.

August 20, 2013

Nick M. Johnson  
City Planner  
Lake Elmo City Hall  
3800 Laverne Ave. No.  
Lake Elmo, MN 55042

Mr. Johnson,

I am writing in response the attached Notice of Public Hearing regarding 4719 Olson Lake Trail North.

As owner of the property located at 4710 Olson Lake Trail North, it would be acceptable for the installation of a septic holding tank system at the property referenced above.

Additionally, I would like to include on record that I installed city water and sewer, at my expense, several years ago. Therefore, should the City of Lake Elmo ever decide to install city water and sewer in the immediate community and/or neighboring properties, that I, as a homeowner, would not be assessed any further charges.

Should you have any questions, please feel free to contact me at 651-324-4883.

Sincerely,

  
Gary Mulcahy, Sr.



Planning Commission  
Date: 08/26/13  
Item: 4b  
Public Hearing

ITEM: Variance Request – 09.029.21.22.0025 (Hill Trail North)

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director  
Pete Ganzel, Washington County

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### **SUMMARY AND ACTION REQUESTED:**

The City of Lake Elmo has received an application from Dean and Gayle Dworak, 12325 Upper Heather Ave. N., Hugo, Minnesota, for a variance to allow for the construction of a single family home on a lot that is not considered a lot of record under the Zoning Ordinance due to its size and that it does not meet the required 20,000 square feet of area for a septic system. The owners of the property, Paul and Nancy Hansen, have co-signed the variance request. The parties have agreed to a purchase agreement for the property contingent upon the granting of a variance to construct a new single family home.

### **BACKGROUND INFORMATION:**

The applicants have provided the reasons for their request in their application materials (Attachment #2), including a narrative, survey, site plan, and building plans. In the application, the applicants address the 4 findings required to grant a variance request. Staff has reviewed the application and found that the required criteria for a lot size variance have been established. However, the review by Washington County has indicated that the applicants have not yet submitted a septic design that meets the County requirements for a permitted system. Staff recommends not granting the Variance request until the applicant has completed the necessary work to site a septic system that will be permitted by Washington County. It is the recommendation of Staff to table consideration of the item until the next available Planning Commission meeting to allow the applicant more time to complete the necessary work related to septic design and permitting through Washington County. Greater detail about the application and the Staff recommendation is found in the Staff Report (Attachment #1).

### **RECOMMENDATION:**

Staff is recommending that the Planning Commission table the Variance request through the following motion:

***“Move to table the Variance request at 09.029.21.22.0025 (Hill Trail North) for further consideration at the next available Planning Commission meeting to allow the applicant more time to submit a septic design that will meet Washington County approval.”***

**ATTACHMENTS:**

1. Staff Report
2. Variance Application w/Applicant Narrative and Supporting Materials
3. Location Map
4. Washington County Report – Environmental Specialist
5. Letter from Mike and Ruth Schrantz, 5831 Hytrail Ave. N.

**ORDER OF BUSINESS:**

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public Hearing .....Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members





City of Lake Elmo Planning Department  
**Variance Request**

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**To: Planning Commission**

**From:** Nick M. Johnson, City Planner

**Meeting Date:** 08/26/2013

**Applicant:** Dean and Gayle Dworak

**Owner:** Paul and Nancy Hansen

**Location:** 09.029.21.22.0025 (Hill Trail North)

**Zoning:** RS – Rural Single Family

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***Introductory Information***

***Application  
Summary:***

The City of Lake Elmo has received an application from Dean and Gayle Dworak, 12325 Upper Heather Ave. N., Hugo, Minnesota, for a variance to allow for the construction of a single family home on a lot that is not considered a lot of record under the Zoning Ordinance due to its size and that does not meet the required 20,000 square feet of area for a septic system. Per the requirements of the Rural Single Family (RS) zoning district, the minimum lot size is 1.5 acres, and there must be at least 20,000 square feet suitable for the installation of a subsurface sewage treatment system. The Zoning Ordinance allows existing lots of record to be considered buildable if the lot meets a minimum of 60% of the minimum lot size in the underlying zoning district. 60% of 1.5 acres is 0.9 acres. The subject lot is 0.63 acres according to the Washington County parcel data, making the parcel 0.27 acres less than the minimum size to be considered a lot of record.

The owners of the property, Paul and Nancy Hansen, have co-signed for the Variance request. The parties have agreed to a purchase agreement for the property contingent on the approval of a variance to construct a single family home. The applicant has provided a written statement to the City indicating the reason for the Variance request. In addition, the applicants' narrative addresses how the proposed application meets the 4 required findings to grant a Variance.

***Property  
Information:***

The property (09.029.21.22.0025) is located on the east side of Hill Trail North on the peninsula between Lake DeMontreville and Olson Lake. The attached location map (Attachment #3) details the location of the property. The property has been owned by Paul and Nancy Hansen since 1979.

***Applicable  
Codes:***

**Section 154.402 Lot Dimensions and Building Bulk Requirements**

Lot area and setback requirements shall be as specified in Table 9-2, Lot Dimension and Setback Requirements.

**Table 9-2: Lot Dimension and Setback Requirements, Residential Districts**

|  | RT  | A                 | RR              | RS               | RE                 |
|--|-----|-------------------|-----------------|------------------|--------------------|
| <b>Minimum Lot Area (acres)</b>  |     |                   |                 |                  |                    |
| Single Family Detached Dwelling  | 20  | 40 <sup>a,b</sup> | 10 <sup>c</sup> | 1.5 <sup>d</sup> | 2.5 <sup>e,i</sup> |
| <b>Minimum Lot Width (feet)</b>  |     |                   |                 |                  |                    |
| Single Family Detached Dwelling  | 300 | 300               | 300             | 125              | NA <sup>f</sup>    |
| <b>Maximum Principal Structure Height (feet)</b>   |     |                   |                 |                  |                    |
|  | 35  | 35                | 35              | 35               | 35                 |
| <b>Maximum Impervious Coverage</b>   |     |                   |                 |                  |                    |
|  | -   | -                 | -               | 25%              | 15%                |
| <b>Minimum Principal Building Setbacks (feet)</b>  |     |                   |                 |                  |                    |
| Front Yard   | 30  | 200               | 30              | 30               | 100                |
| Interior Side Yard   | 10  | 200               | 10              | 10               | 50                 |
| Corner Side Yard <sup>g</sup>  | 25  | 200               | 25              | 25               | 80                 |
| Rear Yard  | 40  | 200               | 40              | 40               | 100                |
| <b>Minimum Accessory Building Setbacks (feet)</b>  |     |                   |                 |                  |                    |
| Front Yard   | 30  | 200               | 30              | 30               | 100                |
| Interior Side Yard   | 10  | 200               | 10              | 10               | 15                 |
| Corner Side Yard   | 25  | 200               | 25              | 25               | 30                 |
| Rear Yard  | 40  | 200               | 40              | 10               | 15                 |
| <b>Minimum Agricultural Related Setbacks</b><br>(Animal buildings, feedlots or manure storage sites) |     |                   |                 |                  |                    |
| Any Property Line  | 200 | 200               | 200             | -                | -                  |
| Any Existing Well or Residential Structure   | 50  | 50                | 50              | -                | -                  |
| Any Body of Seasonal or Year-round Surface Water   | 200 | 200               | 200             | -                | -                  |

**Section 154.080 Additions and Exceptions to Minimum Area, Height, and Other Requirements.**

(A) 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.

#### **Section 154.404 Site Design and Development Standards**

Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 5, 6 and 7. The following standards apply to specific uses, and are organized by district.

- (A) *Single-Family Detached Dwelling, All Rural Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
- (B) *Septic Drainfield Regulation, A, RR, and RS Districts.* All lots must have at least 20,000 square feet of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.

#### **Section 154.109 Variances.**

(A-J) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

### ***Findings & General Site Overview***

|                   |  |
|-------------------|--|
| <b>Site Data:</b> | <p><i>Lot Size:</i> 0.63 acres</p> <p><i>Existing Use:</i> Single Family Detached Dwelling</p> <p><i>Existing Zoning:</i> RS – Rural Single Family</p> <p><i>Property Identification Number (PID):</i> 09.029.21.22.0025</p> |
|-------------------|--|

### ***Application Review:***

|                         |  |
|-------------------------|--|
| <b>Variance Review:</b> | <p>As outlined in the narrative, the applicant is seeking to build a new single family home at 09.029.21.22.0025 (Hill Trail North). In the application, the applicant has also provided an existing survey, a proposed site plan of the proposed single family home, as well as building plans. However, it should be noted that the site plan does not provide adequate detail of the proposed septic system that will serve the property.</p> |
|-------------------------|--|

|   |   |
|---|---|
|   | <p>Regarding the lot size Variance, the lot does not currently meet the minimum size requirements to be considered a buildable lot of record per the requirements of the Rural Single Family (RS) zoning district. The applicants have noted that the owners of the property have owned since 1979, before the minimum lot size zoning requirements were in place. It is quite common that many of the older platted lots in the community that are zoned RS do not meet the 1.5 acre minimum size requirement. In the application, the applicants have provided some of the sizes of the adjacent lots to the subject property. Given the sizes of the adjacent lots, the subject lot is consistent in size to many of these properties. As long as the new single family home was able to meet the requirements for impervious surface, setbacks, shoreland requirements, and site a subsurface sewage treatment system on the site, the application seems to present a reasonable request to allow variance from the minimum lot size requirements.</p> <p>Regarding the Variance requested from the minimum requirement of 20,000 square feet of area suitable for septic (§154.404), it is common that lots that are unable to meet minimum size requirements also are non-compliant with the area requirements for septic systems. In order to build a single family home on such a lot, a Variance is required from the minimum area requirements for septic systems. In the Variance application, the applicants have noted that a septic permit from Washington County is being pursued. It should be noted that the Variance request has been reviewed by Pete Ganzel, Washington County Senior Environmental Specialist. Mr. Ganzel has submitted review comments, found in Attachment #4, noting that the current area being proposed for septic is most likely would not meet the County requirements necessary for a septic system. Until the City receives indication that septic design will be accepted by Washington County and the septic permit will be issued, Staff does not recommend allowing for a variance from the septic area requirements to be granted. As it is critical to ensure that a septic system can be adequately sited on the property for a new single family home, it is not prudent to grant a variance in advance of having greater assurance that a septic design will be approved by Washington County. Allowing for more time to bring resolution to the septic design would allow the applicant to finalize the septic design with Washington County.</p> <p>It should also be noted that a letter of support for the Variance was submitted by a neighboring property owner, Mike and Ruth Schrantz, 5831 Hytrail Ave. N., Lake Elmo, MN. The letter of support is found in Attachment #5.</p> |
| <p><b><i>Variance Requirements:</i></b></p> | <p>An applicant must also establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to City Code requirements can be granted. These criteria are listed below:</p> <ol style="list-style-type: none"> <li>1. <b>Practical Difficulties.</b> A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in</li> </ol>  |

keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

2. **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. **Character of locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.
4. **Adjacent properties and traffic.** The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

Given the information that has been submitted by the applicant and pending further review by the Planning Commission, Staff would offer the following suggested findings specific to the variance that have been requested by the applicant:

1. *The applicants have noted that the desire to build a single family home on a lot that is consistent in terms of lot area to the other properties in the neighborhood is a reasonable use not permitted by an official control. **Staff determines that this criterion is met.***
2. *The applicants have noted that the property was owned by the Hansen family before the zoning district requirements were established. The lot is consistent in lot area with other adjacent properties that have single family homes. The establishment of zoning is a circumstance not created by the landowner. **Staff determines that this criterion is met.***
3. *The applicant has correctly noted that the lot is similar or consistent in lot area with most of the existing lots in the neighborhood. The construction of a single family home will not alter the essential character of the neighborhood. **Staff determines that this criterion is met.***
4. *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. **Staff determines that this criterion is met.***

**Conclusions:** Staff finds the applicants have met the 4 necessary criteria for a Variance and demonstrated that the desire to construct a single family home represents a reasonable

use not permitted by an official control. However, until the City receives better indication that the site will be able to be served by a septic system that is permitted by Washington County, it is not advisable to grant a Variance at this time for the request. It is recommended that more time be allowed to finalize the septic design and receive indication from Washington County that the septic design will be accepted and permitted.

**Conclusion:**

Dean and Gayle Dworak, 12325 Upper Heather Ave. N., Hugo, MN, have submitted a request for a variance at 09.029.21.22.0025 (Hill Trail North) to allow the construction of a single family home on a lot that does not meet the minimum lot area requirements to be considered a buildable lot of record. In addition, the request includes a variance from the requirement that each lot in the RS district have 20,000 square feet of area suitable for septic systems.

**Staff Rec:** **Staff is recommending that the Planning Commission** table the Variance request by Dean and Gayle Dworak until the September 9<sup>th</sup> meeting to allow for more time to bring resolution to the design of the septic system. In addition, given that new information is likely to be provided, it is recommended that the Planning Commission not close the Public Hearing, but continue the hearing until the September 9<sup>th</sup> meeting.

**Approval Motion Template:** **Staff is recommending that the Planning Commission** table the Variance request through the following motion:

***“Move to table the Variance request at 09.029.21.22.0025 (Hill Trail North) for further consideration at the next available Planning Commission meeting to allow the applicant more time to submit a septic design that will meet Washington County approval.”***

cc: Dean and Gayle Dworak  
Paul and Nancy Hansen

# City of Lake Elmo

## DEVELOPMENT APPLICATION FORM

Signature Page

Signature of Applicants:

Dean Dworak 8/4/13

Dean Dworak  
12325 Upper Heather Ave N  
Hugo, MN 55038

Gayle Dworak 8/4/13

Gayle Dworak  
12325 Upper Heather Ave N  
Hugo, MN 55038

Signature of Owners:

Paul Hansen 8/4/13

Paul Hansen  
8024 Hill Trail N  
Lake Elmo, MN 55042

Nancy Hansen 8/4

Nancy Hansen  
8024 Hill Trail N  
Lake Elmo, MN 55042

By signing this document, we the above signees, formally submit for approval the attached Variance Application to the City of Lake Elmo.

City of Lake Elmo  
DEVELOPMENT APPLICATION FORM

Fee \$ 1000

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment              | <input checked="" type="checkbox"/> Variance * (See below)           | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment                 | <input type="checkbox"/> Minor Subdivision                           | <input type="checkbox"/> 01 - 10 Lots                                   |
| <input type="checkbox"/> Text Amendment                            | <input type="checkbox"/> Lot Line Adjustment                         | <input type="checkbox"/> 11 - 20 Lots                                   |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="checkbox"/> 21 Lots or More                                |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.)           | <input type="checkbox"/> Site & Building Plan Review                 | <input type="checkbox"/> Excavating & Grading Permit                    |
|  |  | <input type="checkbox"/> Appeal <input type="checkbox"/> PUD            |

APPLICANT: Dean & Gayle Dworak 12325 Upper Heather Ave N, Hugo MN 55038  
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-407-9881  
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Paul & Nancy Hanson 8024 Hill Trail N, Lake Elmo, MN 55042  
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-4911  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): XXXX Hill Trail N, Lake Elmo  
Lots 505-510 & Lots 629-634 Lanes Demontreville Country Club.  
Also that portion of Demontreville Beach according to Lots 629-634  
of Lanes Demontreville Country Club, Washington City, Warranted  
Local 390352

DETAILED REASON FOR REQUEST:

- 1) City of Lake Elmo Resolution 97-32 for approval to transfer real estate.
- 2) Request approval to build on 0.7 acre lot.
- 3) Install septic system to be approved by Washington City on less than 30,000 sq. feet. Lake Elmo Ordinance 08-073, Section 154.404

\*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

- 1) Seek approval for Paul & Nancy Hanson to sell lot to Demontreville Country Club.
- 2) Owners have owned lot since 1974 before requirements were in place. Will need a septic permit from Washington County.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

See cover sheet  
Signature of Applicant Date

See cover sheet  
Signature of Applicant Date



## INFORMATION FOR VARIANCE REQUEST

- a). Applicants: Dean and Gayle Dworak  
Owners: Paul and Nancy Hansen
- b). Legal description : Lots 505 – 510 and 629 – 634 Lane's Demontreville Country Club.  
Also portion of Demontreville Beach accruing to Lots 629 – 634 of Lane's  
Demontreville Country Club, Washington County, MN  
Warranty Deed Document No. 393352  
Parcel Number : 09.029.21.22.0025  
Size: 31,440 sq feet 0.7 acres  
Currently an unimproved wooded lot  
Zoned residential
- c). Variance sought for: i) Resolution 87-32 of City of Lake Elmo to transfer/sell land  
ii) Build home on 0.7 acres rather than 1.5 acres  
iii) City of Lake Elmo Ordinance 08-073, Article 9 requiring minimum of 20,000 square feet of land suitable for septic drainfield.
- d). i) Request approval to purchase lot to build new home.  
ii&iii ). Paul and Nancy Hansen have owned this lot since 1979 before these requirements were in place. A permit for an approved septic system is being pursued with Washington County. Approval of this variance request could be made contingent on obtaining the septic permit.
- e). Met with Lake Elmo city planner, Nick Johnson, for guidance. Followed variance procedure.
- f). Need to purchase land from current owners. Purchase is contingent on getting a variance. All adjacent lots already have homes so no adjacent vacant land.
- g). The lot will not be marketable if a house cannot be built on it.
- h). Granting the variance would not alter the essential character of neighborhood as one adjacent house ( 8108 Hill Trail N ) is on 0.53 acres while the other adjacent house ( 8120 Hill Trail N ) is on 0.76 acres. The house across the street ( 8123 Hill Trail N ) is on 0.69 acres. The subject lot of 0.7 acres is comparable in size to all other homes in the immediate area. A new septic system of more current design would probably exceed the performance of the older neighboring systems.

RECEIVED  
NOV 19 2012

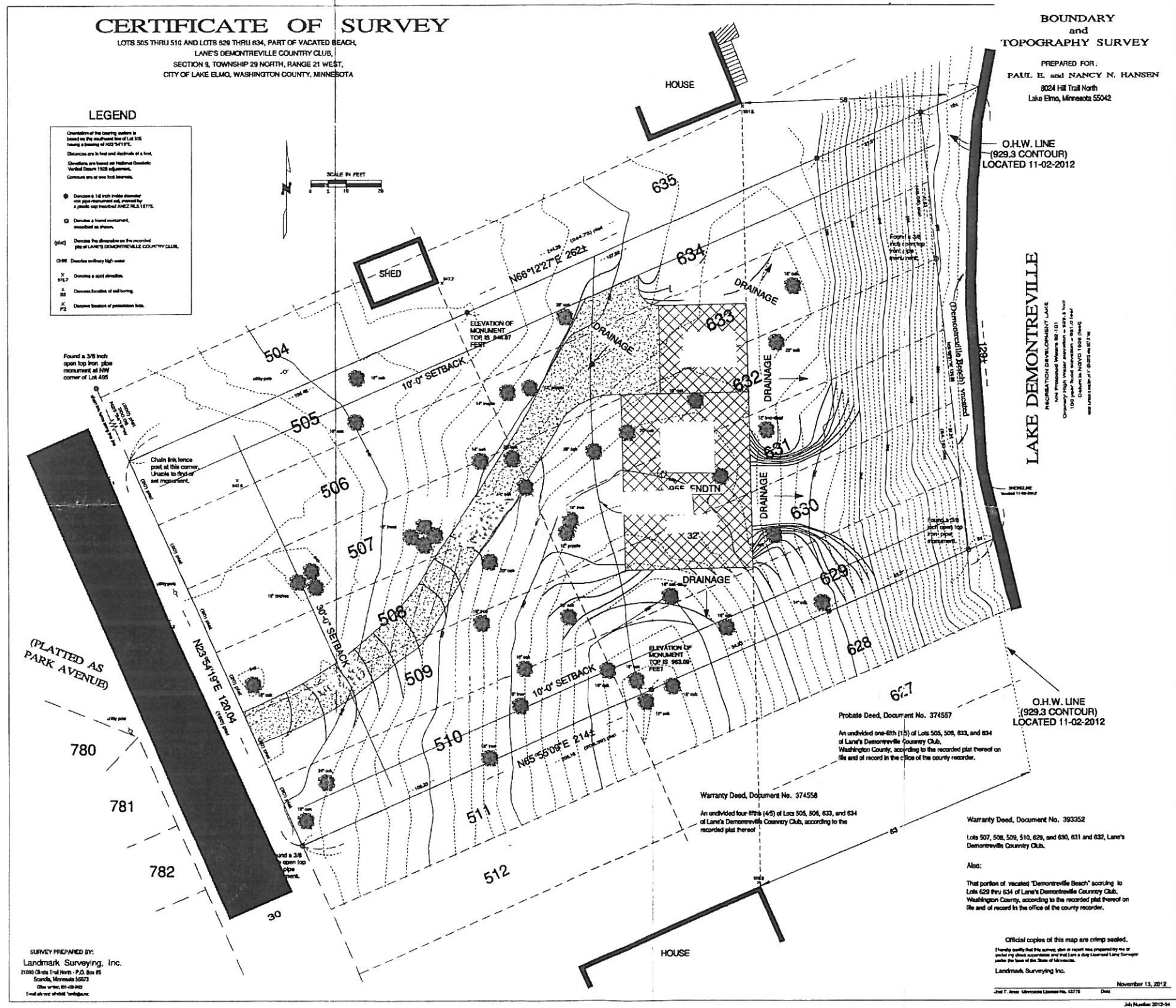
# CERTIFICATE OF SURVEY

LOTS 505 THRU 510 AND LOTS 628 THRU 634, PART OF VACATED BEACH,  
LANE'S DEMONTREVILLE COUNTRY CLUB,  
SECTION 3, TOWNSHIP 29 NORTH, RANGE 21 WEST,  
CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA

## LEGEND

- Orientation of the bearing system is based on the monument top of Lot 505 having a bearing of N62°54'18"E.
- Distances are in feet and decimals of a foot.
- Boundaries are based on National Grids. Verified by 100' measurements.
- Contours are at one foot intervals.
- Denotes a 1/2 inch iron pipe monument, capped by a plastic cap inscribed ANE2 121715.
  - Denotes a round monument, inscribed as shown.
  - (dist) Denotes the distance on the recorded plat of LANE'S DEMONTREVILLE COUNTRY CLUB.
  - CHW Denotes ordinary high water.
  - X 1/16" Denotes a spot elevation.
  - X 1/32" Denotes a boundary of soil boring.
  - X 1/8" Denotes location of post-and-rail fence.
- Found a 3/8 inch open top pipe monument at NW corner of Lot 485.
- Chain link fence post at this corner. Unable to find or set monument.
- Found a 3/8 inch open top pipe monument.

SCALE IN FEET  
0 5 10



## BOUNDARY and TOPOGRAPHY SURVEY

PREPARED FOR:  
PAUL E. and NANCY N. HANSEN  
8024 Hill Trail North  
Lake Elmo, Minnesota 55042

O.H.W. LINE  
(929.3 CONTOUR)  
LOCATED 11-02-2012

LAKE DEMONTREVILLE

O.H.W. LINE  
(929.3 CONTOUR)  
LOCATED 11-02-2012

(PLATTED AS  
PARK AVENUE)

SURVEY PREPARED BY:  
Landmark Surveying, Inc.  
21000 Olinda Trail North - P.O. Box 95  
Scandia, Minnesota 55073  
(Office phone: 612-439-3403)  
E-mail: info@landmark-surveying.com

Warranty Deed, Document No. 374558  
An undivided four-fifths (4/5) of Lots 505, 506, 633, and 634 of LANE'S DEMONTREVILLE COUNTRY CLUB, according to the recorded plat thereof.

Probate Deed, Document No. 374557  
An undivided one-fifth (1/5) of Lots 505, 506, 633, and 634 of LANE'S DEMONTREVILLE COUNTRY CLUB, according to the recorded plat thereof on file and of record in the office of the county recorder.

Warranty Deed, Document No. 393352  
Lots 507, 508, 509, 510, 629, and 630, 631 and 632, LANE'S DEMONTREVILLE COUNTRY CLUB.

Also:  
That portion of "vacated Demontreville Beach" according to Lots 629 thru 634 of LANE'S DEMONTREVILLE COUNTRY CLUB, Washington County, according to the recorded plat thereof on file and of record in the office of the county recorder.

Official copies of this map are being sealed.  
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
Landmark Surveying, Inc.  
November 15, 2012  
Joel T. Ames, Minnesota License No. 13775 Date

July Number 2013-04

1 EXISTING / PROPOSED SITE PLAN  
1" = 20'-0"

My signature below indicates approval to these drawings and authorization to proceed to the next phase.  
By: \_\_\_\_\_ Date: \_\_\_\_\_

RUST ARCHITECTS, P.A.  
4744 WASHINGTON SQ  
WHITE BEAR LAKE  
MINNESOTA 55110  
PHONE (651) 429-1913  
FAX (651) 429-7561

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
Date: \_\_\_\_\_ License No. \_\_\_\_\_  
William E. Rust

HILL TRAIL  
LAKE ELMO, MN

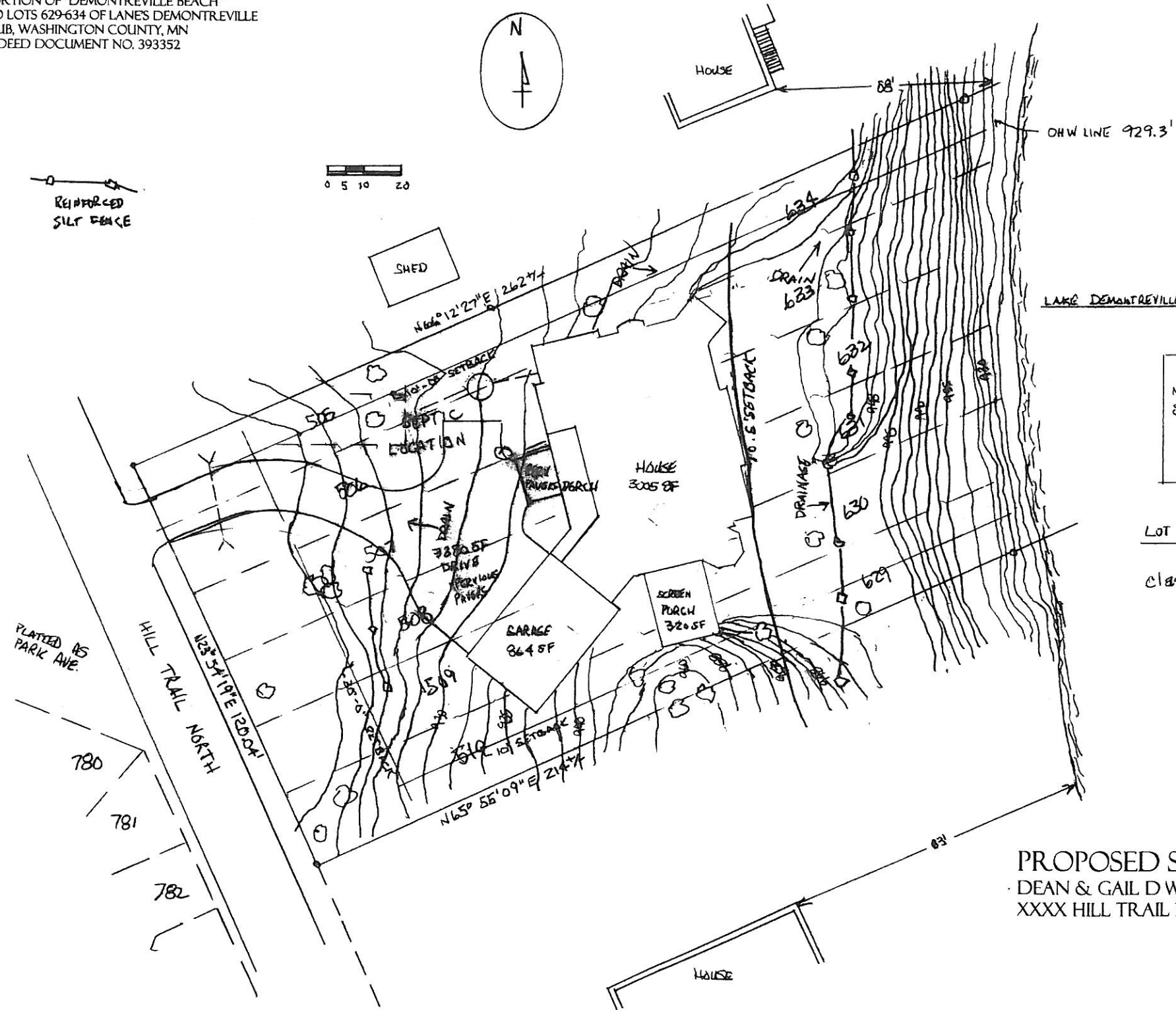
DRAWN BY: Author  
CHECKED BY: Checker  
PROJECT NO: RA09022  
PRINT DATE:

REVISIONS  
# DATE:

A101

505, 506  
 LOTS 507, 508, 509, 510 AND 629, 630, 631, AND 632, 633, 634  
 LANE'S DEMONTREVILLE COUNTRY CLUB  
 ALSO THAT PORTION OF "DEMONTREVILLE BEACH"  
 ACCRUING TO LOTS 629-634 OF LANE'S DEMONTREVILLE  
 COUNTRY CLUB, WASHINGTON COUNTY, MN  
 WARRANTEE DEED DOCUMENT NO. 393352

**HOME TEC**  
 DESIGNERS AND BUILDERS, INC.



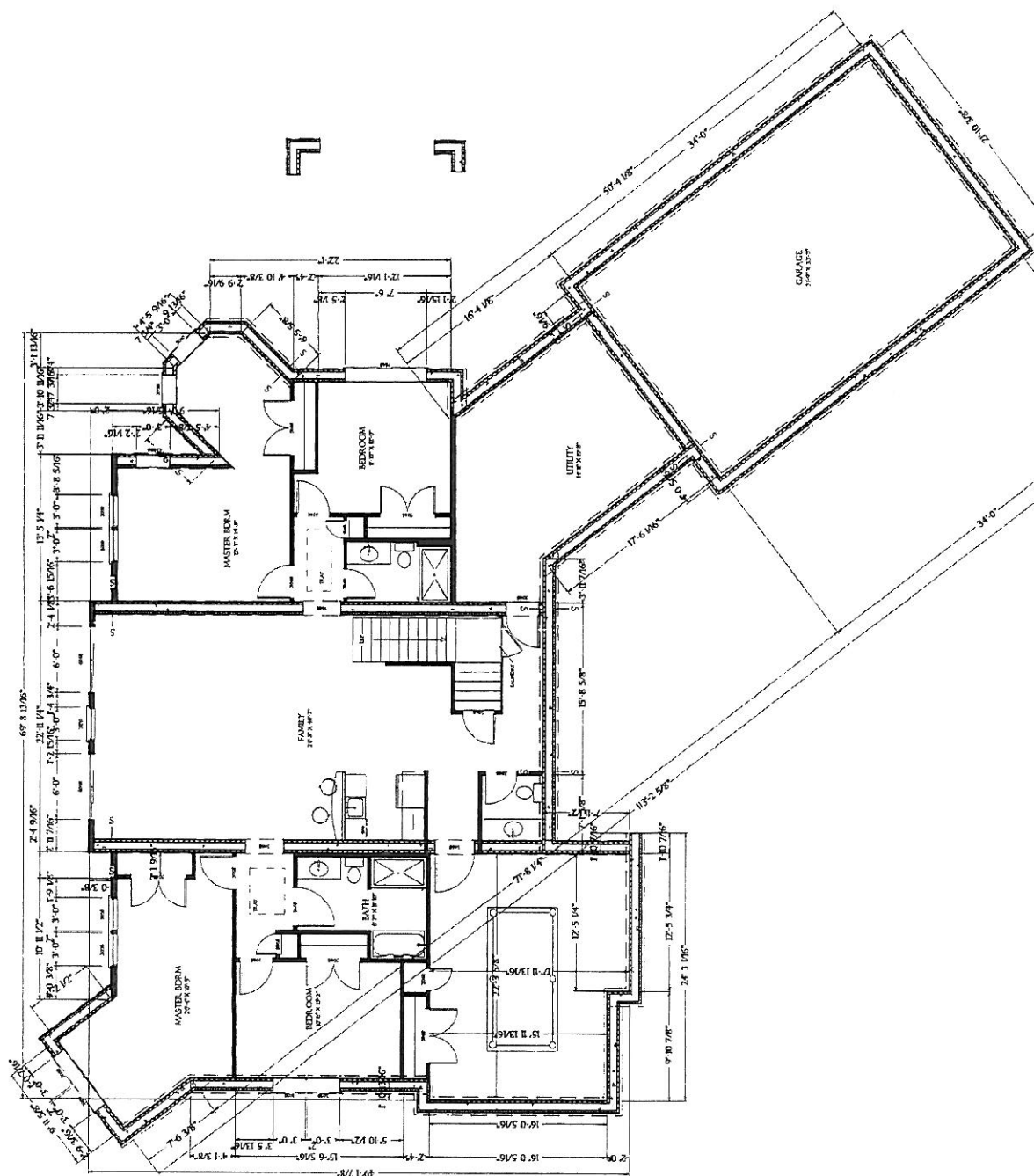
| AVERAGE SETBACK: |               |
|------------------|---------------|
| NORTH HOUSE      | 58'           |
| SOUTH HOUSE      | 83'           |
|                  | <hr/>         |
|                  | 141'          |
|                  | <hr/>         |
|                  | ÷ 2           |
|                  | 70.5' SETBACK |

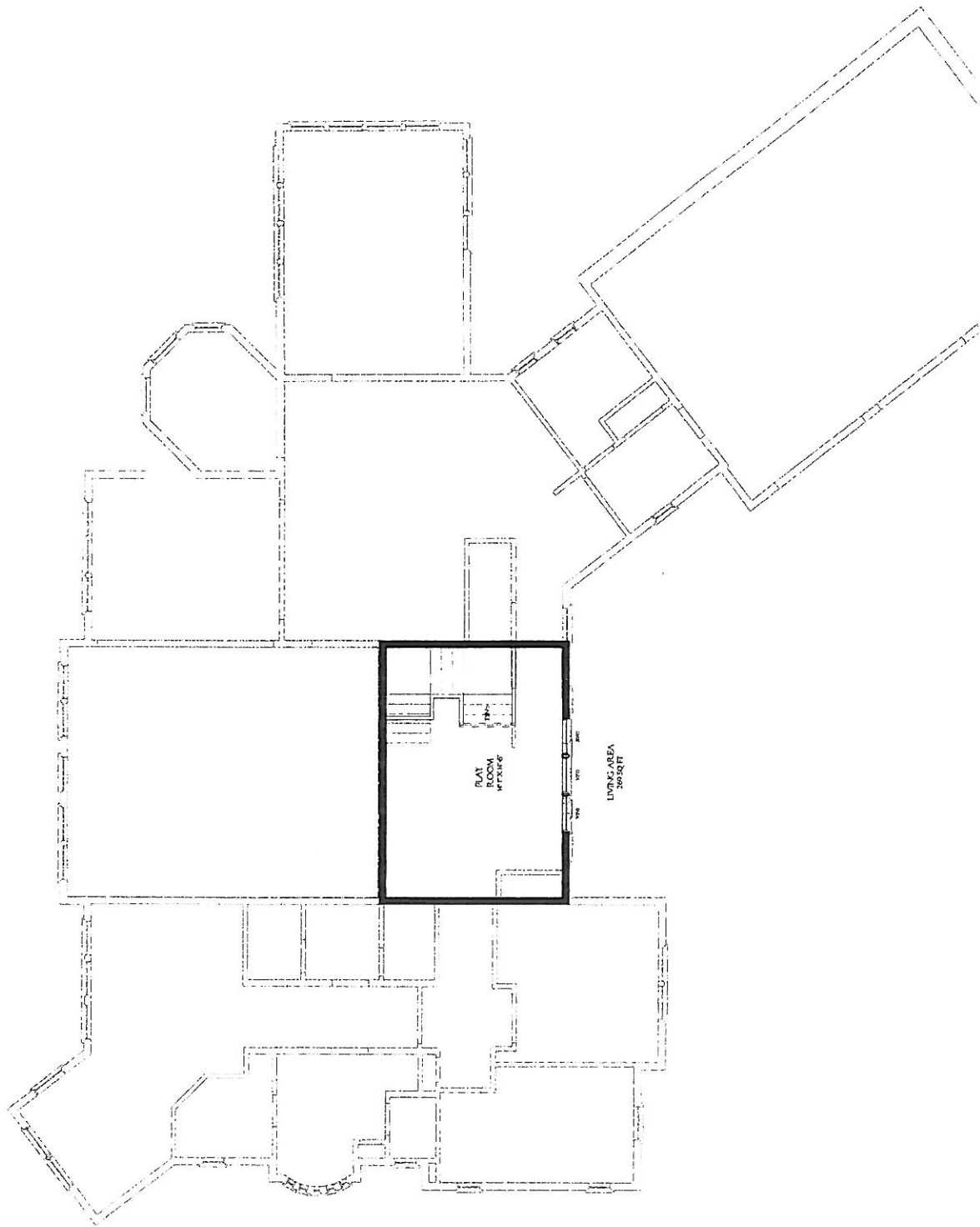
LOT SQ FOOTAGE: 31,440 SF

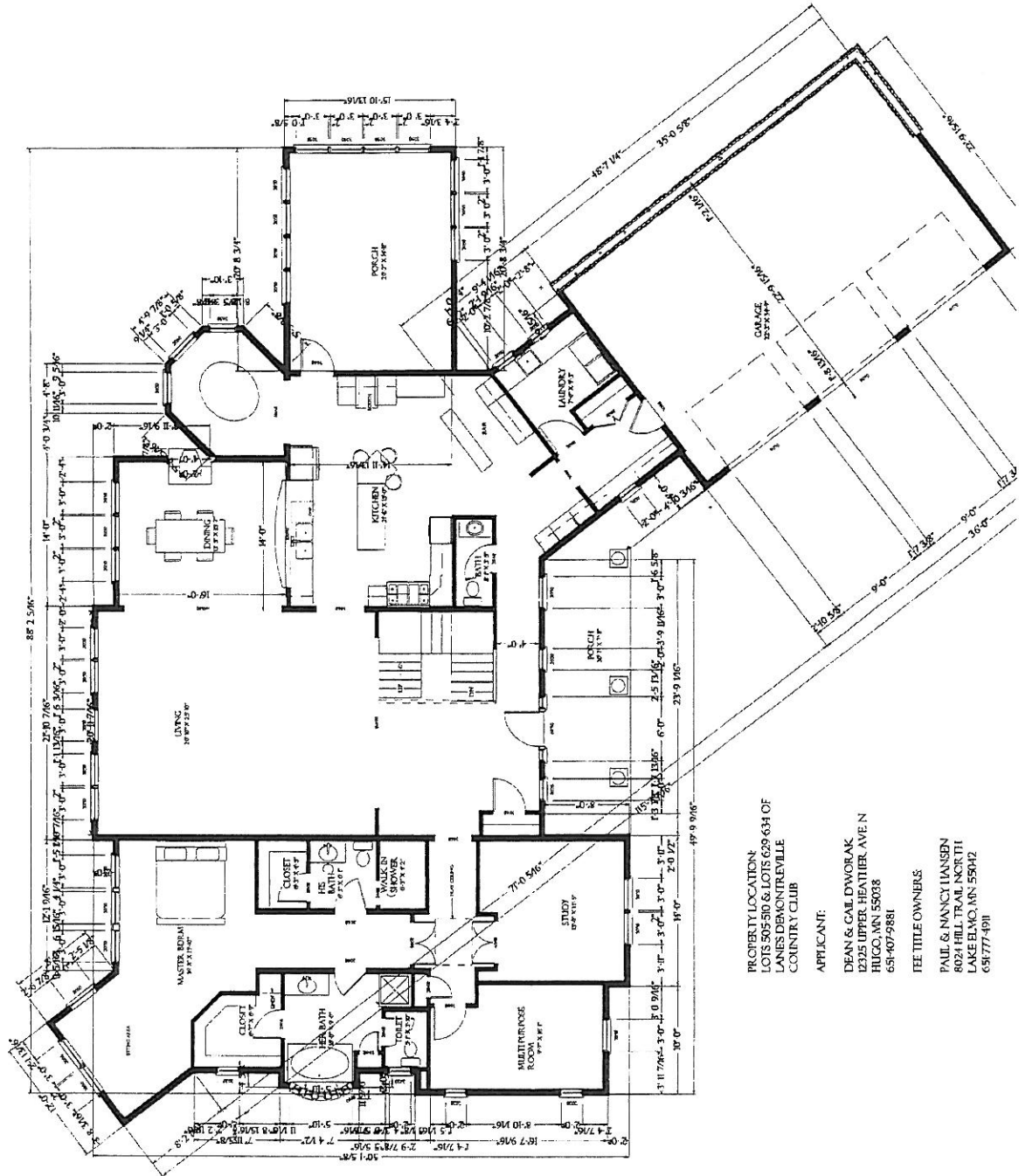
Classification: RESIDENTIAL

PROPOSED SITE PLAN FOR:  
 DEAN & GAIL D WORAK  
 XXXX HILL TRAIL NORTH, LAKE ELMO, MN

PROPOSED SITE PLAN  
 SCALE: 1" = 20 FEET







PROPERTY LOCATION:  
 LOTS 505-510 & LOTS 629-634 OF  
 LANES DEMONTREVILLE  
 COUNTRY CLUB

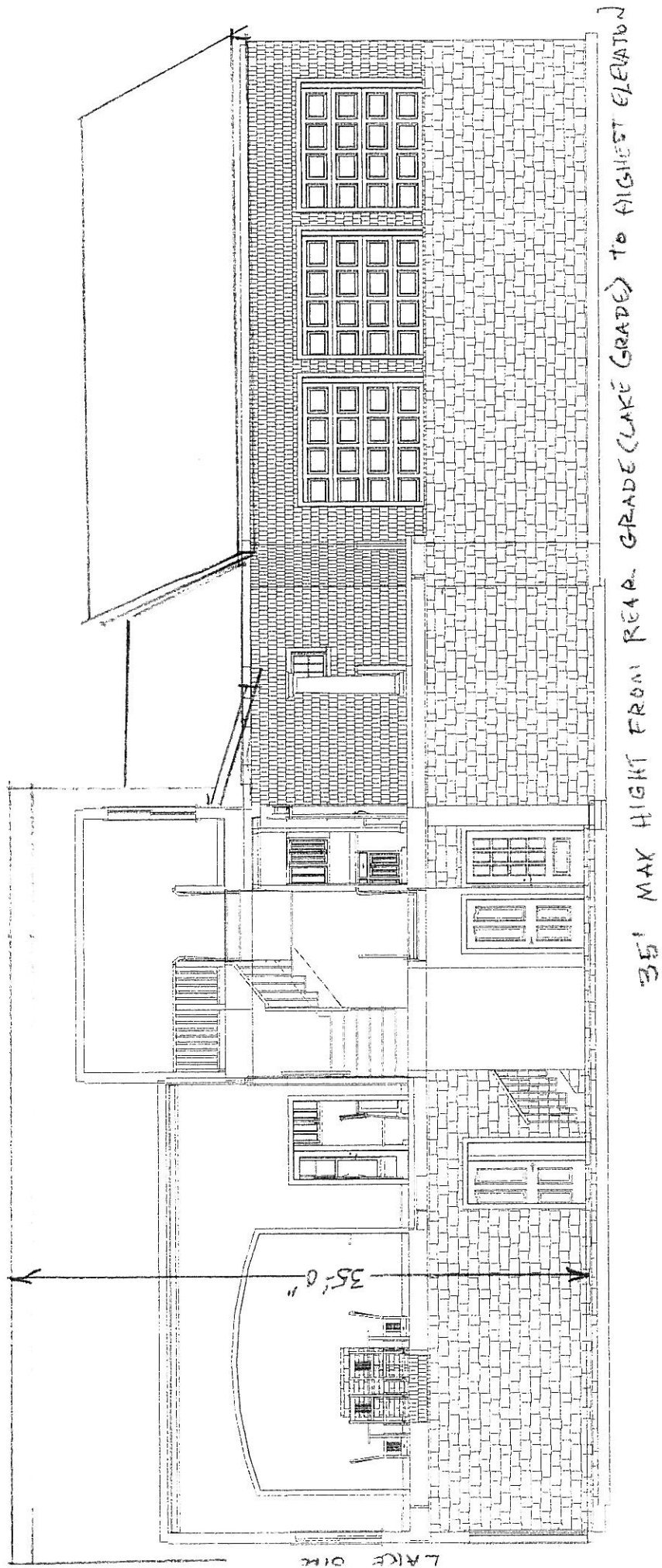
APPLICANT:

DEAN & GAIL DWORAK  
 1325 UPPER HEATHIER AVE N  
 HUGO, MN 55038  
 651-407-9881

THE TITLE OWNERS

PAUL & NANCY HANSEN  
 8024 HILL TRAIL NORTH  
 LAKE ELMO, MN 55042  
 651-777-4911







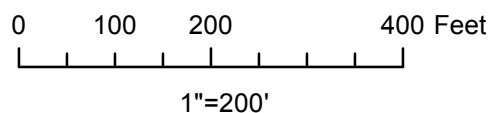
## Location Map: 09.029.21.22.0025



Data Source: Washington County, MN  
8-22-2013



09.029.21.22.0025







**Department of Public  
Health and Environment**

**Lowell Johnson**  
Director

**Sue Hedlund**  
Deputy Director

August 21, 2013

Nick Johnson  
City Planner  
City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042

**RE: Request for Variance, Minimum Lot Size, Parcel 09-029-21-22-0025 (Dworak)**

Section 9.9 of the Washington County SSTS ordinance requires area for two complete SSTS systems sized for the proposed dwelling. Typically, this requires about 4,000-6,000 square feet of area with reasonable natural soil. The proposed site plan shows only about 2,400 square feet available for the sewage treatment area. Soil testing and a sewage system design have not yet been submitted by the applicant. A well location also must be a minimum of 50 feet from the sewage area.

If you have any questions call me at (651)430-6676

Pete Ganzel 

Senior Environmental Specialist

August 13, 2013

Mr. Nick M. Johnson  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RE: Public Hearing – Variance – 09.029.21.22.0025 (Hill Trail North)

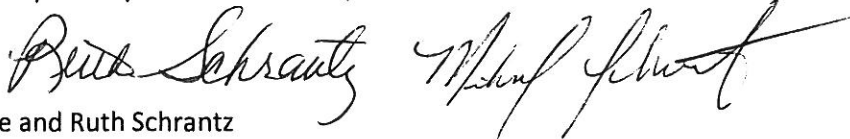
Mr. Johnson:

We will be unavailable to attend the meeting scheduled for Monday, August 26, 2013 to discuss the above referenced variance request.

We are property owners on Hill Trail North and intend to file a request for variance in the near future as well. With that said, we would like the Planning Commission to accept this variance request provided the same privilege will be granted for a variance on our property ID #09.029.21.22.0008.

We would appreciate hearing the outcome of this request.

Thank you for your consideration,

  
Mike and Ruth Schrantz  
5831 Hytrail Avenue North  
Lake Elmo, MN 55042

mobile #651-485-7057)



Planning Commission  
Date: 08/26/13  
Item: 4c  
Public Hearing

ITEM: Variance Request – 3712 Layton Ave. N.

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director  
Mike Bouthilet, Public Works Superintendent  
MnDOT

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#### **SUMMARY AND ACTION REQUESTED:**

The City of Lake Elmo has received an application from Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, Minnesota, for a variance at 3712 Layton Ave. N. to allow for a ground sign that would exceed the height and area allowance as permitted under the City's Sign Ordinance. The proposed ground sign would advertise the Lake Elmo Inn Event Center.

#### **BACKGROUND INFORMATION:**

The applicants are proposing to install a ground sign that exceeds the height and area allowance per the City's Sign Ordinance. The applicants have cited a lack of adequate area for snow storage in the right-of-way in front of their property as a unique circumstance that meets the required finding to approve a variance. Due to the build-up of snow bank during the winter season, the applicants are requesting a height variance to ensure that the sign that is installed has year-round visibility. In addition to these considerations, the applicants have indicated a need to exceed the area allowance of the ordinance due to the existing character of Trunk Highway 5 (TH-5) and to maintain the correct proportions of the proposed sign.

To address the required findings to grant a Variance, the applicants have provided a narrative to address the 4 required criteria. Staff reviewed these findings and found them to be reasonable and satisfactory. Greater detail regarding the review of the Variance request can be found in the attached Staff Report (Attachment #1).

#### **RECCOMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the Variance request with the following motion:

***“Move to recommend approval of the Variance request at 3712 Layton Ave. N. to allow the installation of a ground sign that exceeds the height and area allowance permitted by the City’s Sign Ordinance based upon the findings outlined in the Staff Report.”***

**ATTACHMENTS:**

1. Staff Report
2. Variance Application w/Applicant Narrative and Supporting Materials
3. Location Map
4. Site Visit Images
5. Review of Public Works Superintendent

**ORDER OF BUSINESS:**

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing .....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members



City of Lake Elmo Planning Department  
**Variance Request**

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**To: Planning Commission**

**From:** Nick M. Johnson, City Planner

**Meeting Date:** 08/26/2013

**Applicant:** Elmo Inn Enterprises, Inc.

**Owner:** Elmo Inn Enterprises, Inc.

**Location:** 3712 Layton Avenue North

**Zoning:** GB – General Business

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***Introductory Information***

|                                    |   |
|------------------------------------|---|
| <b><i>Application Summary:</i></b> | The City of Lake Elmo has received an application from Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, Minnesota, for a variance to allow for a ground sign that would exceed the height and area allowance as permitted under the City's Sign Ordinance. The new ground sign would advertise the Lake Elmo Inn Event Center.<br><br>The applicant has provided a written statement to the City indicating the reason for the request. In addition, the applicant narrative addresses how the proposed variance meets the 4 required findings to grant a variance. |
|------------------------------------|---|

|                                     |  |
|-------------------------------------|--|
| <b><i>Property Information:</i></b> | The property at 3712 Layton Avenue North is located on the southwest corner of Layton Ave. and Stillwater Blvd. (TH-5) in Lake Elmo. The attached location map (Attachment #3) shows the location of the property. |
|-------------------------------------|--|

|                                 |  |
|---------------------------------|--|
| <b><i>Applicable Codes:</i></b> | <b>Section 154.212 Sign Regulations</b><br><br>Table 5-3 Ground Signs<br><br>Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed. |
|---------------------------------|--|

| Ground Signs                        |                         |   |                               |                               |
|-------------------------------------|-------------------------|---|-------------------------------|-------------------------------|
| Zoning District                     |                         | A <sup>a</sup> , LDR, OP,<br>RE, RS, RR <sup>a</sup> ,<br>RT <sup>a</sup> | MDR, HDR                      | BP, C, CC, GB,<br>LC, VMX     |
| No. of<br>Total<br>Traffic<br>Lanes | Speed<br>Limit<br>(MPH) | Max Height/<br>Area (Sq. Ft.)   | Max Height/<br>Area (Sq. Ft.) | Max Height/<br>Area (Sq. Ft.) |
| 1-3                                 | 0-34                    | -   | 6' /32                        | 10' /32                       |
|                                     | 35-44                   | -   | 6' /32                        | 10' /50                       |
|                                     | 45+                     | -   | 6' /32                        | 10' /72                       |
| 4-5                                 | 0-34                    | -   | 6' /32                        | 10' /40                       |
|                                     | 35-44                   | -   | 6' /32                        | 10' /64                       |
|                                     | 45+                     | -   | 6' /32                        | 12' /80                       |

#### Section 154.109 Variances.

(A-J) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

### Findings & General Site Overview

**Site Data:** Lot Size: 1.2 acres  
Existing Use: Catering/Event Center  
Existing Zoning: GB – General Business  
Property Identification Number (PID): 13.029.21.24.0025

### Application Review:

**Variance Review:** As outlined in the applicant's narrative, the applicant is seeking to install a ground sign at 3712 Layton Avenue North that exceeds the heights and area allowed under City Code. Per the requirements of the City's Sign Ordinance (§154.212), ground signs in 35-44 mile-per-hour zones with 1-3 traffic lanes are not allowed to exceed 10 feet in height and 50 square feet in sign area. The applicant is proposing to install a sign that is 13 feet in height and approximately 68 square feet in area. In

In discussing the proposed sign in the context of the City's Sign Ordinance with City Staff, the applicants noted the following concerns:

- Snow Storage: The applicants have noted that there is no ditch to allow for snow storage along Trunk Highway 5 (TH-5) in front of their property. Over the course of the winter, snow banks are consistently created due to plowing,

drifts, and over accumulation. While other properties along TH-5 do have ditches to account for snow storage, the subject property does not. The applicants have noted that a sign that is only 10 feet in height would be obscured during the portions of the winter when the snow banks cause a visual obstruction.

- **Travel Speeds:** The applicants also noted that the average travel speeds along TH-5 are consistently higher than the posted speed limit. The posted speed limit on TH-5 along the downtown stretch of Lake Elmo is 40mph. The City's Sign Ordinance accounts for sign area and height of ground signs based upon speed limits. This method is used to site the appropriate amount of signage per the context and character of the roadway. However, the applicant's have stated that the travel speeds and character of the roadway do not match the posted sign limit. They noted that if the posted speed limit was 45mph, which they believe is closer to the actual average travel speeds, the allowed sign area would be 72 square feet. They stated that under a 45mph roadway, the area of the proposed sign would be allowed under the City's ordinance.
- **Other Considerations:** The applicants also noted other difficulties related to the character of the TH-5 corridor. These difficulties include power/telephone poles/lines along the road and the wide right-of-way (rural section as opposed to urban section). The applicants stated that these other conditions of TH-5 make it difficult for passing vehicles to see pertinent signage and encourage higher travel speeds due to the rural character of the road.

After consulting with Staff and discussing the various concerns related to TH-5 and the specific property at 3712 Layton Ave. North, the applicants submitted a Variance application to allow for additional sign height and area than would currently be allowed by the Sign Ordinance.

Regarding the circumstance of limited snow storage as stated by the applicants, Staff has conducted multiple site visits to confirm the status of the ditch in front of the property. Photos of the site can be found in Attachment #4, including images of the section of TH-5 in front of the subject property, as well as other areas of TH-5. To confirm the range of size of snow banks that accumulate during a typical winter, Staff consulted with Mike Bouthilet, the Public Works Superintendent. He confirmed that during heavy accumulation and drifts, snow bank can get to a height in the range of 6 feet. The Public Works Superintendent's review comments can be found in Attachment #5. In addition, representatives from MnDOT, who have jurisdictional control of TH-5, did contact City Staff to report that they had no concerns with the proposed Variance.

Regarding the issue of the sign area, the applicants have noted in their application that after increasing the sign height to account for the snow banks, it is difficult to meet the 50 square foot maximum as specified in the Sign Ordinance. The applicants state that narrowing the face of the sign makes the logo distorted and difficult to read. Alternatively, making the logo smaller to account for the narrower sign would make it less visible to passing traffic. In discussion with Staff, the applicants also referenced the average traffic speeds that, in their opinion, consistently exceed the posted speed

|                               |   |
|-------------------------------|---|
|                               | limit.  |
| <b>Variance Requirements:</b> | <p>An applicant must also establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to City Code requirements can be granted. These criteria are listed below:</p> <ol style="list-style-type: none"> <li>1. <b>Practical Difficulties.</b> A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.</li> <li>2. <b>Unique Circumstances.</b> The plight of the landowner is due to circumstances unique to the property not created by the landowner.</li> <li>3. <b>Character of locality.</b> The proposed variance will not alter the essential character of the locality in which the property in question is located.</li> <li>4. <b>Adjacent properties and traffic.</b> The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.</li> </ol> <p>Given the information that has been submitted by the applicant and pending further review by the Planning Commission, Staff would offer the following suggested findings specific to the Variance that have been requested by the applicant:</p> <ol style="list-style-type: none"> <li>1. <i>The inability of the public to see proposed commercial signage due to conditions along TH-5 represents a practical difficulty for the applicants. The applicants desire to increase visibility of the proposed signage given the existing conditions of TH-5 represents a reasonable use not currently permitted by an official control. <b>Staff determines that this criterion is met.</b></i></li> <li>2. <i>The lack of depth of the ditch in front of the subject property makes it difficult to store snow in a manner that does not obstruct the visibility of the proposed signage, particularly during winters of heavy accumulation. Along with the travel speeds of TH-5, the lack of snow storage represents a unique circumstance not created by the landowner. <b>Staff determines that this criterion is met.</b></i></li> <li>3. <i>The installation of the proposed sign will not alter the essential character of the neighborhood. The proposed sign will replace the existing sign in nearly the same location. In addition, the downtown stretch of Lake Elmo along TH-5</i></li> </ol> |



*has numerous signs that are significantly higher than the proposed sign. Staff determines that this criterion is met.*

4. *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. Staff determines that this criterion is met.*

**Conclusions:** Staff finds that the applicants have met the 4 necessary criteria for a Variance and have demonstrated that the desire to install a ground sign that exceeds the height and area allowed under the Sign Ordinance is a reasonable use of the property not permitted by an official control. Staff has also confirmed that amount of snow accumulation caused by a lack of depth in the ditch along TH-5 represents a unique circumstance not caused by the property owner.

**Conclusion:**

Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, MN, have submitted a Variance request to allow for the installation of a ground sign that exceeds the height and area allowances permitted by the City's Sign Ordinance, as shown in the proposed sign.

**Staff Rec:** **Staff is recommending that the Planning Commission** recommend approval of the Variance request by Elmo Inn Enterprises, Inc., allowing a ground sign as depicted in the Variance application that exceeds the height and area allowance of the City's Sign Ordinance.

**Approval Motion Template:** **Staff is recommending that the Planning Commission** recommend approval of the proposed variance through the following motion:

*“Move to recommend approval of the Variance request at 3712 Layton Ave. N. to allow the installation of a ground sign that exceeds the height and area allowance permitted by the City's Sign Ordinance based upon the findings outlined in the Staff Report.”*

cc: John and Christine Schiltz, Elmo Inn Enterprises, Inc.

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_

THE CITY OF  
**LAKE ELMO**

651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## LAND USE APPLICATION

☐ Comprehensive Plan   ☐ Zoning District Amendment   ☐ Zoning Text Amendment   ☒ Variance \*(see below)

☐ Conditional Use Permit (C.U.P.)   ☐ Flood Plain C.U.P.   ☐ Interim Use Permit (I.U.P.)

3712 Applicant: LAKE ELMO INN INC ELMO INN ENTERPRISES INC.  
Address: ~~3442~~ LAYTON AVE NW, LAKE ELMO MN 55042  
Phone # 651-777-5954 John's Cell # 651 402 1262  
Email Address: chefschildt@aol.com

Fee Owner: LAKE ELMO INN INC John Schildt  
Address: 3442 LAKE ELMO AVE NW  
Phone # 651-777-8495  
Email Address: chefschildt@aol.com

Property Location (Address and Complete (long) Legal Description: See Attachment # 1

Detailed Reason for Request See Attachment # 2

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction work is suspended or abandoned for a period of 180 days at any time after work has commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of the laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provision of any other state or local law regulating construction or the performance of construction.

Signature: John Schildt Date: Aug 6<sup>th</sup> 2013

### City Use Only

Planning: Zoning District: \_\_\_\_\_ Minimum Setbacks Required: Front \_\_\_\_\_ Side \_\_\_\_\_  
Rear \_\_\_\_\_ Road Right of Way \_\_\_\_\_ Other \_\_\_\_\_  
Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Subject to the following conditions: \_\_\_\_\_

Building Inspections: Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Subject to the following conditions: \_\_\_\_\_

Engineering: Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Subject to the following conditions: \_\_\_\_\_

Public Works: Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Subject to the following conditions: \_\_\_\_\_

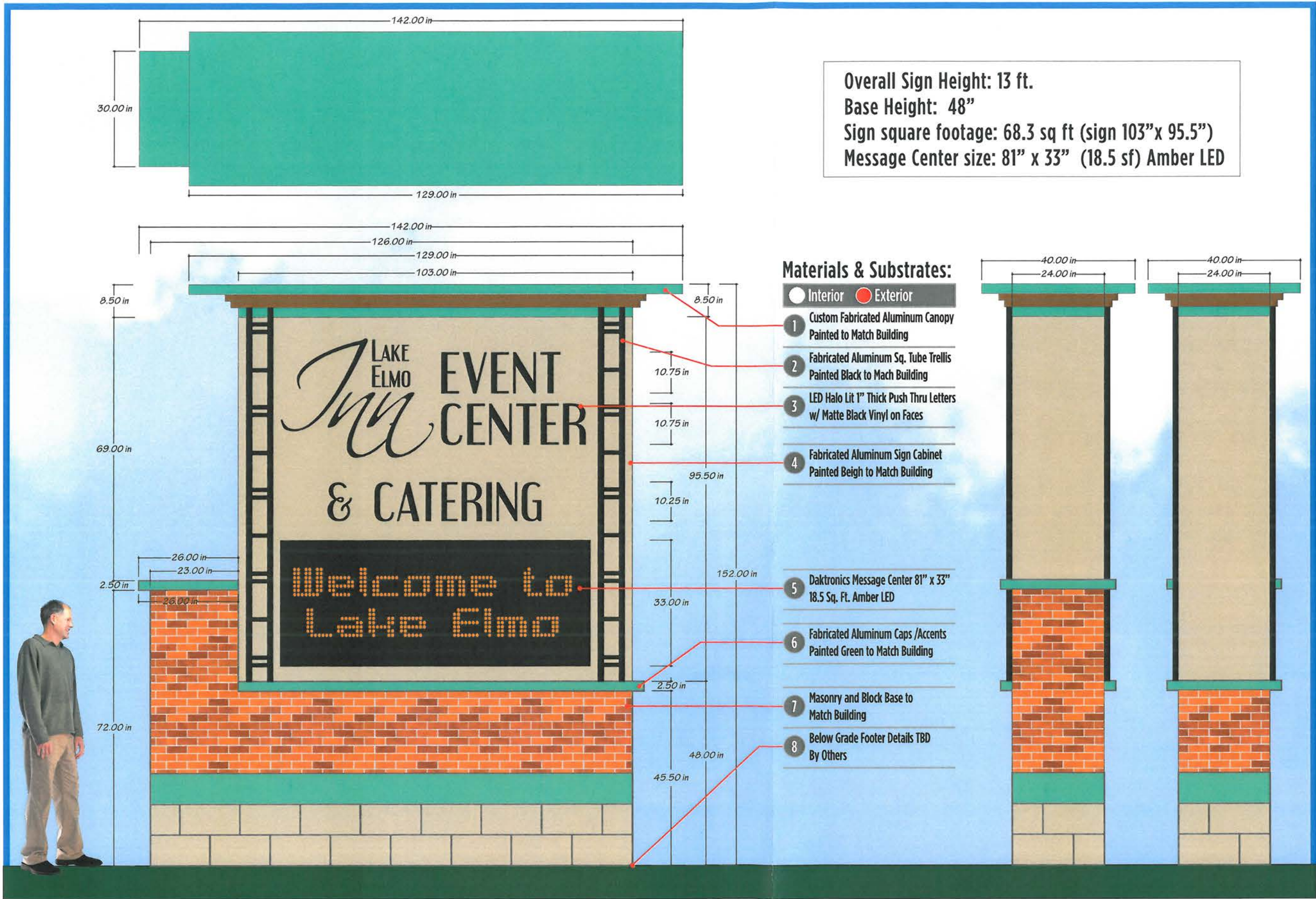
### Required Findings:

- 1) **Practical difficulties:** The limited visibility of the sign creates difficulty for drivers because of the size of the company name, logo etc., as well as the insufficient lighting. It causes drivers to slow down to read the sign (or miss it altogether) which is dangerous for other drivers, as well as those having to turn around and come back to enter the parking lot. The new design would make Highway 5 safer all traffic by increasing the visibility of the message.
- 2) **Unique Circumstances:** Because of the lack of ditch area all along Highway 5, there is insufficient room for the state to pile the snow that is removed from Highway 5 in winters that have large amounts of accumulation. The piles of snow along the front of our property have sometimes been as high as 10 feet. A sign that is lower to the ground would be covered by snow for months during these winters making it impossible to see.
- 3) **Character of the Locality:** The new sign will remain in the location of the current sign. The base of the sign is smaller in square feet on the ground and complies with the 15 foot set back from the parking lot entrance to the west as requested by the city.
- 4) **Adjacent Properties and Traffic:** We are replacing a sign that is an embarrassment to the city of Lake Elmo and we feel we are setting a standard for other future developments in our city.
- 5) **Square Footage of Sign Face:** Due to the height issue, the width of the sign creates a larger face than allowed. However, when bringing in the sides to create a narrow face, the logo and name/message of the sign will become so distorted it will be difficult to read.









Overall Sign Height: 13 ft.  
Base Height: 48"  
Sign square footage: 68.3 sq ft (sign 103"x 95.5")  
Message Center size: 81" x 33" (18.5 sf) Amber LED

Materials & Substrates:

- Interior Exterior
- 1 Custom Fabricated Aluminum Canopy Painted to Match Building
- 2 Fabricated Aluminum Sq. Tube Trellis Painted Black to Match Building
- 3 LED Halo Lit 1" Thick Push Thru Letters w/ Matte Black Vinyl on Faces
- 4 Fabricated Aluminum Sign Cabinet Painted Beige to Match Building
- 5 Daktronics Message Center 81" x 33" 18.5 Sq. Ft. Amber LED
- 6 Fabricated Aluminum Caps/Accents Painted Green to Match Building
- 7 Masonry and Block Base to Match Building
- 8 Below Grade Footer Details TBD By Others

Drawing Date: 08.09.13

Customer:  
Lake Elmo Inn Event Center

Sales / Project Manager:  
Bob Ackerswold  
952.908.9107 - BobA@Sign-Source.com

Customer Service Representative:  
-

Designer:  
Tom Schommer  
952.908.9111 - TomS@Sign-Source.com

Order / Est. #:  
e29396

File Name:  
e29396 Lake Elmo - Monument Sign.ai

File Location:  
A-Z Tom's Mac

Fonts:  
-

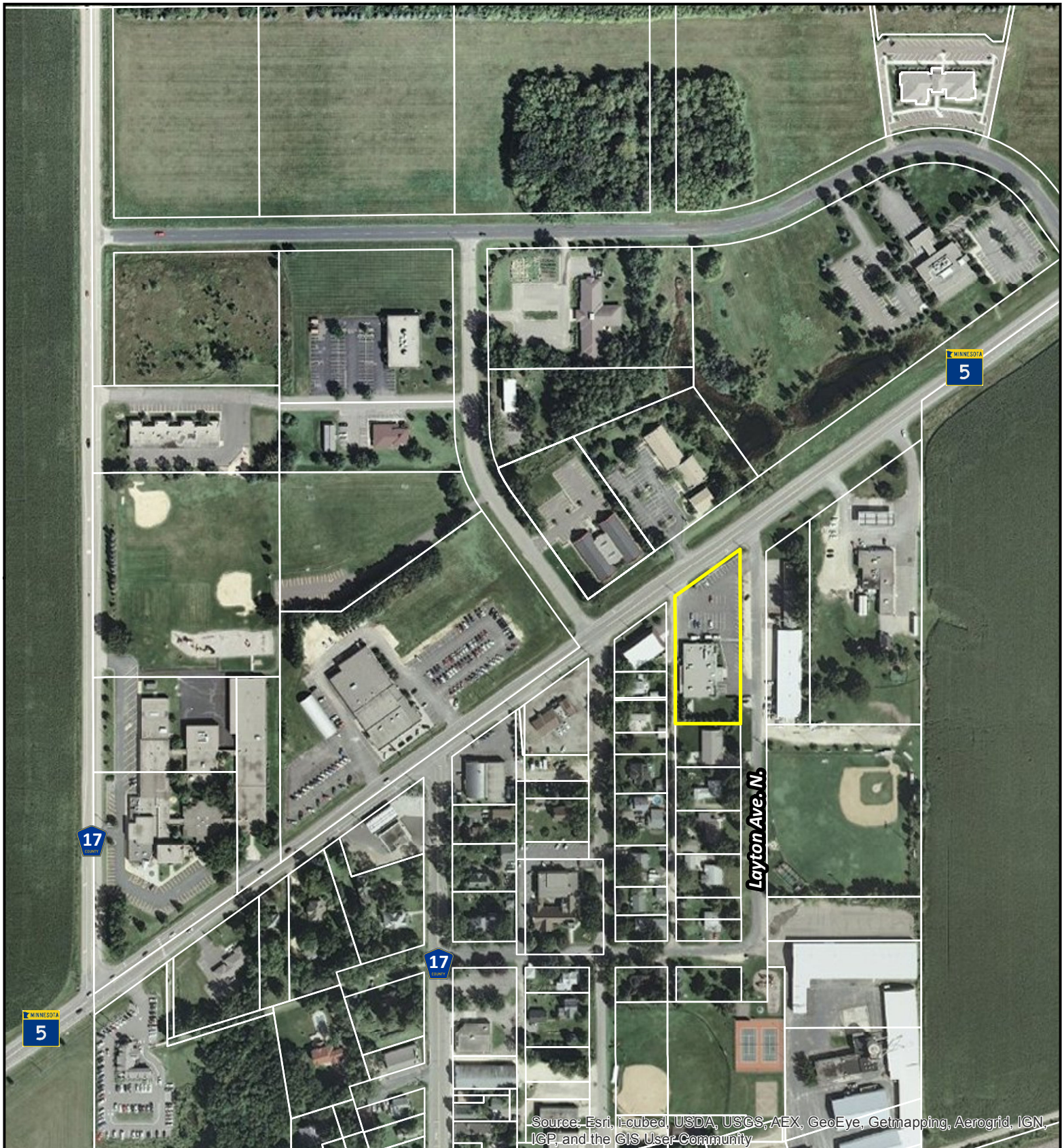
Rev: 1.0 | Revision Notes

Rev. 2: -  
Rev. 3: -  
Rev. 4: -  
Rev. 5: -  
Rev. 6: -  
Rev. 7: -  
Rev. 8: -  
Rev. 9: -  
Rev. 10: -

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# **Location Map: 3712 Layton Avenue North**



Data Source: Washington County, MN  
8-22-2013



3712 Layton Ave. N.

0 150 300 600 Feet

1"=300'





## Site Visit: 3712 Layton Ave. N.



Lake Elmo Event Center ditch looking east



Lake Elmo Event Center ditch looking west



Other ditch areas on TH-5



Other ditch areas on TH-5

## Site Visit: 3712 Layton Ave. N.



40 mph zone begins approximately 350 feet to the east of the Lake Elmo Event Center



Telephone/power poles along TH-5



Existing Lake Elmo Event Center sign with telephone/electrical lines





August 21, 2013

Nick Johnson  
Cite Planner  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

**RE: Variance Request – 3712 Layton Avenue North**

In response to your request to review the proposed Variance at 3712 Layton Ave. N., I have the following comments:

1. By midwinter of an average season, typical wind-rowsed snow banks can be as high as 4 feet. However, due to drifting, heavy accumulations, or scenarios where plows are forced to reduce speed due to traffic conditions, the snow banks can get up to 6 feet in height.
2. The proposed location of the sign does not impede sightlines to neighboring intersections, or conflict with existing or proposed utilities.

Let me know if you have any further questions.

Respectfully,



Mike Bouthilet  
Public Works Superintendent



PLANNING COMMISSION  
DATE: 8/26/13  
AGENDA ITEM: 4D – PUBLIC HEARING  
CASE # 2013-24

ITEM: Comprehensive Plan Amendment – Wastewater Facilities (Chapter 6)

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner  
Jack Griffin, City Engineer  
Ryan Stempski, Assistant City Engineer

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider an amendment to Chapter 6 of the Comprehensive Plan concerning wastewater facilities in the community. The proposed amendment would replace the existing Chapter 6 in its entirety. Staff is recommending approval of the amendment as drafted.

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### **GENERAL INFORMATION**

*Applicant:* City of Lake Elmo

*Location:* N/A – City wide amendment

*Request:* Adoption of revised Chapter 6 – Wastewater Facilities section of the Comprehensive Plan

*History:* Chapter 6 was prepared in 2005 as part of the City's decennial Comprehensive Plan update. This section was recently updated to add a small portion of the City along Olson Lake Trail to the City's planned public sewer service area.

*Deadline for Action:* N/A (City-initiated request)

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### **REQUEST DETAILS**

The Planning Commission is being asked to consider an amendment to the Lake Elmo Comprehensive Plan that would revise Chapter 6 – Wastewater Facilities. This amendment has been prepared in order to bring this section of the Comprehensive Plan into conformance with the recently adopted Land Use Chapter, and to specifically incorporate the updated housing, population, and employment projections from the land use section. The purpose of the wastewater facilities plan is to develop a strategy for providing sanitary sewer services throughout the community. In Lake Elmo, this includes planning for: 1) the proposed areas to be served by the regional sewer system managed by the Met Council, 2) the City-owned and managed 201 community septic systems built by the City using federal grant funds in the 1980's, 3) the City's wetland treatment systems that provide services

for many of the OP – Open Space Preservation developments, and 4) the private treatment systems that service individual homes and businesses in the community.

When the City adopted a revised Land Use Plan earlier this year, it included updated population, household, and employment projections based on a revised agreement with the Metropolitan Council concerning these numbers. In essence, the City received relief from its previous agreement with the Met Council, which called for sewered development to start occurring as soon as 2006 and with a very rapid pace of development occurring in each subsequent year. As part of the recently updated Memorandum of Understanding between the City and the Met Council, the earliest development target date has been moved back to 2015 and the previous forecasts in term of households and employees being added each year have likewise been re-adjusted throughout the 20-year planning period between 2010 and 2030. The revised numbers were adopted in the 2013 Land Use Plan; however, the City has not yet updated the new forecast numbers in other sections of the Comprehensive Plan.

The section of the Comprehensive Plan that most heavily relies on the household and employee numbers is the Wastewater Facilities chapter. The City is required to include a projection of Residential Equivalency Connections (or REC units) being added to the regional system each year in the plan, which is then used to estimate the projected flows into each of the Met Council's regional interceptors that will be accepting this flow. All of these numbers (described in detail in Table 6-A and Table 6-B) in the plan have now been updated by Staff to be consistent with the projections used in the land use chapter. The overall forecast of 6,600 REC units within the community, which includes new development within the Village area and I-94 corridor in addition to existing homes in the Village and the Cimarron manufactured housing park, matches the number of future REC units in the Land Use Plan that has been calculated for each year until 2030.

Please note that Staff has reformatted the entire chapter to follow the design and layout of the City's recent Comprehensive Plan amendments, and has made other minor modifications to bring this section of the Plan up-to-date. Some of the more significant changes include the following:

- All dates have been updated to reflect the revised time schedule for development activity.
- The approved Olson Lake Trail amendments have been incorporated into this document.
- The REC forecast table and projected flows by interceptor now include all existing homes and business that will be served by the regional system.
- References to the Washington County Subsurface Sewage Treatment System regulations have been added where appropriate.
- The wetland treatment systems table has been updated to include subdivisions approved after 2005.
- The list of City-owned treatment systems has also been updated to reflect current conditions.
- All maps have been revised for consistency with other sections of the Comprehensive Plan.

This Wastewater Facilities section of the Comprehensive Plan is being brought forward at this time in part because the Met Council has deemed the City's Village Plan Amendment submission incomplete without the updated sewer forecasts included with this amendment. Upon approval and submission of this amendment, the Met Council will be able to continue its review of the City's Village plans.

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## REVIEW AND ANALYSIS

The City Engineer has been asked to review the proposed amendment and any recommended modifications have been incorporated into the document. This section of the Comprehensive Plan is critical to have in place as the City will not be allowed to connect to the regional treatment system without the updated information contained in this plan.

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**RECCOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the proposed amendment to Chapter VI of the Comprehensive Plan (Wastewater Facilities) as presented. Suggested motion:

*“Move to recommend approval of the amendment to Chapter VI of the Comprehensive Plan as drafted”*

**ATTACHMENTS:**

1. Draft Comprehensive Plan Amendment – Chapter VI: Wastewater Facilities

**ORDER OF BUSINESS:**

- Introduction .....Planning Staff
- Report by Staff .....Planning Staff
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

## WASTEWATER FACILITIES

### Sanitary Sewer System

#### Background

The City of Lake Elmo's sewer plan is based on the Memorandum of Understanding approved by the City of Lake Elmo and the Metropolitan Council dated January 27, 2005 and as subsequently amended. This plan meets the intent of that agreement and has been drafted to comply with the housing, population, and employment projections as incorporated into the Land Use Plan.

#### Existing Sanitary Sewer

The Southeast 1/4 of Section 33 is within the Metropolitan Urban Service Area (MUSA) Boundary at this time. By agreement with the City of Oakdale this area discharges to a City of Oakdale sanitary sewer main in Hudson Boulevard. From there it enters the WONE interceptor. Under the agreement with the City of Oakdale, Lake Elmo is limited to the amount it can discharge.

#### Sanitary Sewer Plan

The MCES plans to extend a new sewer connection for the City of Lake Elmo to serve the east 1/2 of Section 33 and all of Section 34. The connection will be near the City's existing lift station, and that lift station will continue to be active and maintained by the City.

Additionally, the MCES will extend the Cottage Grove Ravine interceptor to serve the remainder of the City south of 10th Street and the Village Planning Area.

The City will install a lift station-forcemain system to convey wastewater to the MCES interceptor from the Village Planning Area. This lift station-forcemain system will be designed to serve the planned 900 new housing units and approximately 200 existing housing units. The City plans to build this system in 2013.

Sanitary sewer service will also be initiated to serve portions of the City south of 10th Street beginning in 2013 by extending gravity sewer in two locations. In the southeast side of Lake Elmo, gravity sewer will be connected to the MCES Cottage Grove Ravine Meter Station in Lake Elmo, and extended north to support development in the immediate area of the sewer main. In the southwest side of Lake Elmo, a gravity sewer and lift station-forcemain system will be constructed to support development in the remaining east ½ of Section 33 and in Section 34.

The existing units in the Cimarron manufactured home park will be served by regional sewer between 2020 and 2030. This flow is included in the forecasts. Cimarron will need to install a lift station in order to be served by regional sewer. The existing homes and businesses in the Village Planning Area of Lake Elmo are assumed to be served by regional sewer between 2013 and 2030. That flow has also been included in the forecasts.

The City has identified an area along Olson Lake Trail in the Tri-Lakes area that will be served with public sanitary sewer via an extension from the City of Oakdale. A sanitary sewer services agreement has been entered to facilitate this extension. The City of Lake Elmo will work with the City of Oakdale to connect existing homes as public projects occur or as when otherwise feasible to make these connections.

### **Requirements for Areas Served by the Regional System**

#### **Community Forecast for Areas Served by Regional Sewer Service (REC Units)**

The following table provides projections of future sewer units (REC units) that will connect to the regional interceptors, including all new sewer units and any existing units that are projected to connect into the system.

| <b>Table 6-A</b>  |                      |                      |                           |                      |              |
|---|----------------------|----------------------|---------------------------|----------------------|--------------|
| <b>Forecast of Lake Elmo REC Units by Sewer Interceptor</b> |                      |                      |                           |                      |              |
| <b>Year</b>   | <b>New REC Units</b> |                      | <b>Existing REC Units</b> |                      | <b>Total</b> |
|   | <b>WONE</b>          | <b>Cottage Grove</b> | <b>WONE</b>               | <b>Cottage Grove</b> |              |
| 2010  | 0                    | 0                    | 100                       | 0                    | 100          |
| 2011  | 0                    | 0                    | 100                       | 0                    | 100          |
| 2012  | 0                    | 0                    | 100                       | 0                    | 100          |
| 2013  | 0                    | 0                    | 100                       | 0                    | 100          |
| 2014  | 60                   | 40                   | 100                       | 0                    | 200          |
| 2015  | 375                  | 140                  | 100                       | 0                    | 615          |
| 2016  | 520                  | 326                  | 130                       | 20                   | 996          |
| 2017  | 665                  | 512                  | 160                       | 40                   | 1377         |
| 2018  | 810                  | 698                  | 190                       | 60                   | 1758         |
| 2019  | 955                  | 884                  | 220                       | 80                   | 2139         |
| 2020  | 1100                 | 1070                 | 250                       | 100                  | 2520         |
| 2021  | 1200                 | 1270                 | 270                       | 150                  | 2890         |
| 2022  | 1300                 | 1470                 | 290                       | 200                  | 3260         |
| 2023  | 1400                 | 1670                 | 300                       | 367                  | 3737         |
| 2024  | 1500                 | 1870                 | 300                       | 533                  | 4203         |
| 2025  | 1600                 | 2070                 | 300                       | 700                  | 4670         |
| 2026  | 1600                 | 2456                 | 300                       | 700                  | 5056         |
| 2027  | 1600                 | 2842                 | 300                       | 700                  | 5442         |
| 2028  | 1600                 | 3228                 | 300                       | 700                  | 5828         |
| 2029  | 1600                 | 3614                 | 300                       | 700                  | 6214         |
| 2030  | 1600                 | 4000                 | 300                       | 700                  | 6600         |

### Sanitary Sewer Plan Map

The Sewer Staging Plan Map (**Map 6-1**) shows sewer service staging in three phases in accordance with the Land Use Plan. The staging plan will be revised to reflect any future updates to the Memorandum of Understanding between the City and the Metropolitan Council.

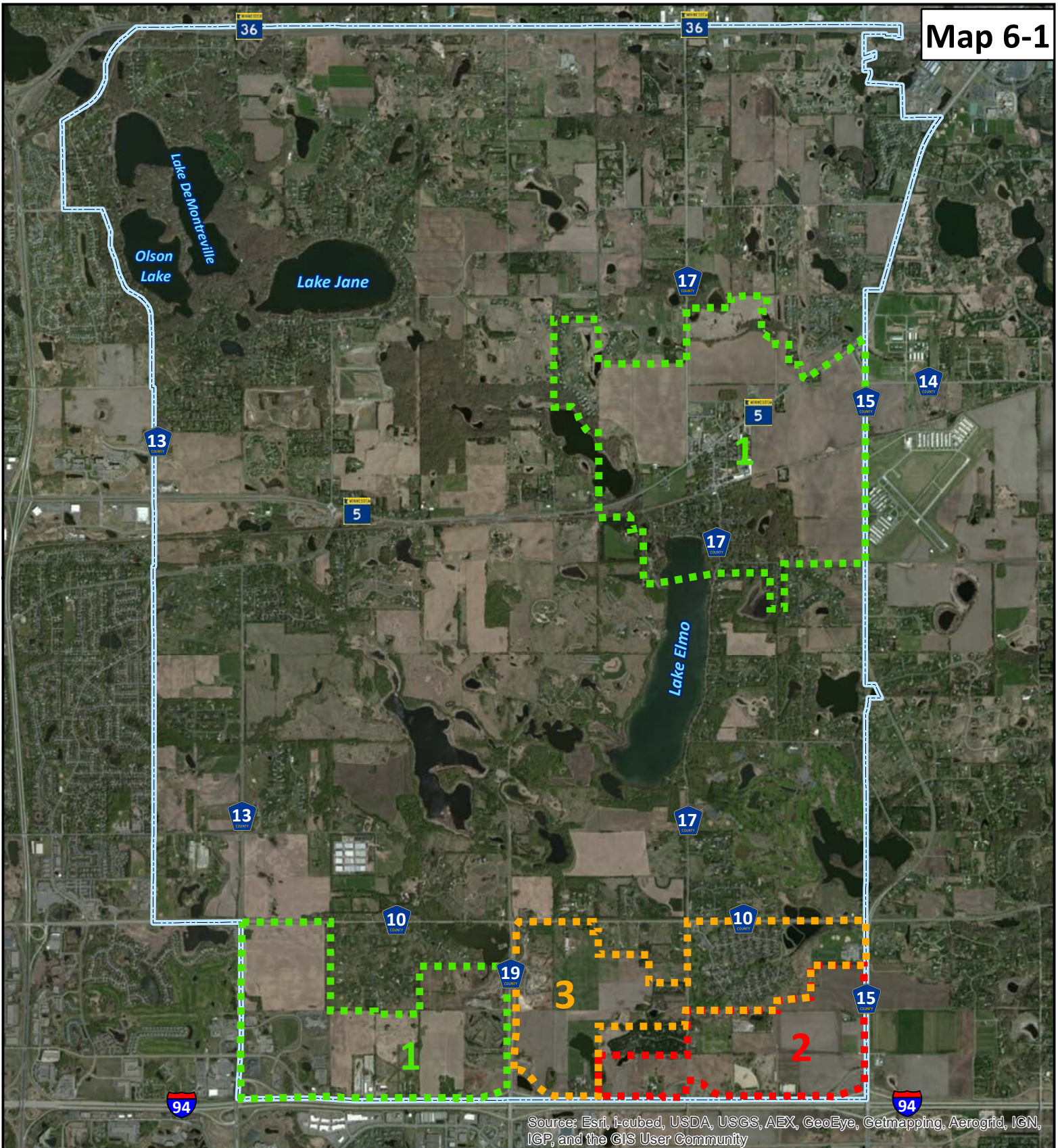
The Sewer Service Area – Tri Lakes Map (**Map 6-2**) shows the sewer service area for existing homes to be provided with service along Lake Olson. There is no specific time frame identified for this area, but connections are expected to begin in 2013.

### Projected Flows for Each MCES Interceptor Service Area (MGD)

| <b>Table 6-B</b><br><b>Projected Flows by Interceptor (MGD)</b> |             |                      |               |
|---|-------------|----------------------|---------------|
| <b>Year</b>   | <b>WONE</b> | <b>Cottage Grove</b> | <b>Totals</b> |
| 2010  | 0.03        | 0.00                 | 0.03          |
| 2014  | 0.04        | 0.01                 | 0.05          |
| 2015  | 0.13        | 0.04                 | 0.17          |
| 2016  | 0.18        | 0.09                 | 0.27          |
| 2017  | 0.23        | 0.15                 | 0.38          |
| 2018  | 0.27        | 0.21                 | 0.48          |
| 2019  | 0.32        | 0.26                 | 0.59          |
| 2020  | 0.37        | 0.32                 | 0.69          |
| 2025  | 0.52        | 0.76                 | 1.28          |
| 2030  | 0.52        | 1.29                 | 1.81          |

Flows are based on 1 residential equivalent unit = 274 gallons per day





## Regional Sewered Staging Plan



Data Source: Washington County, MN  
8-16-13

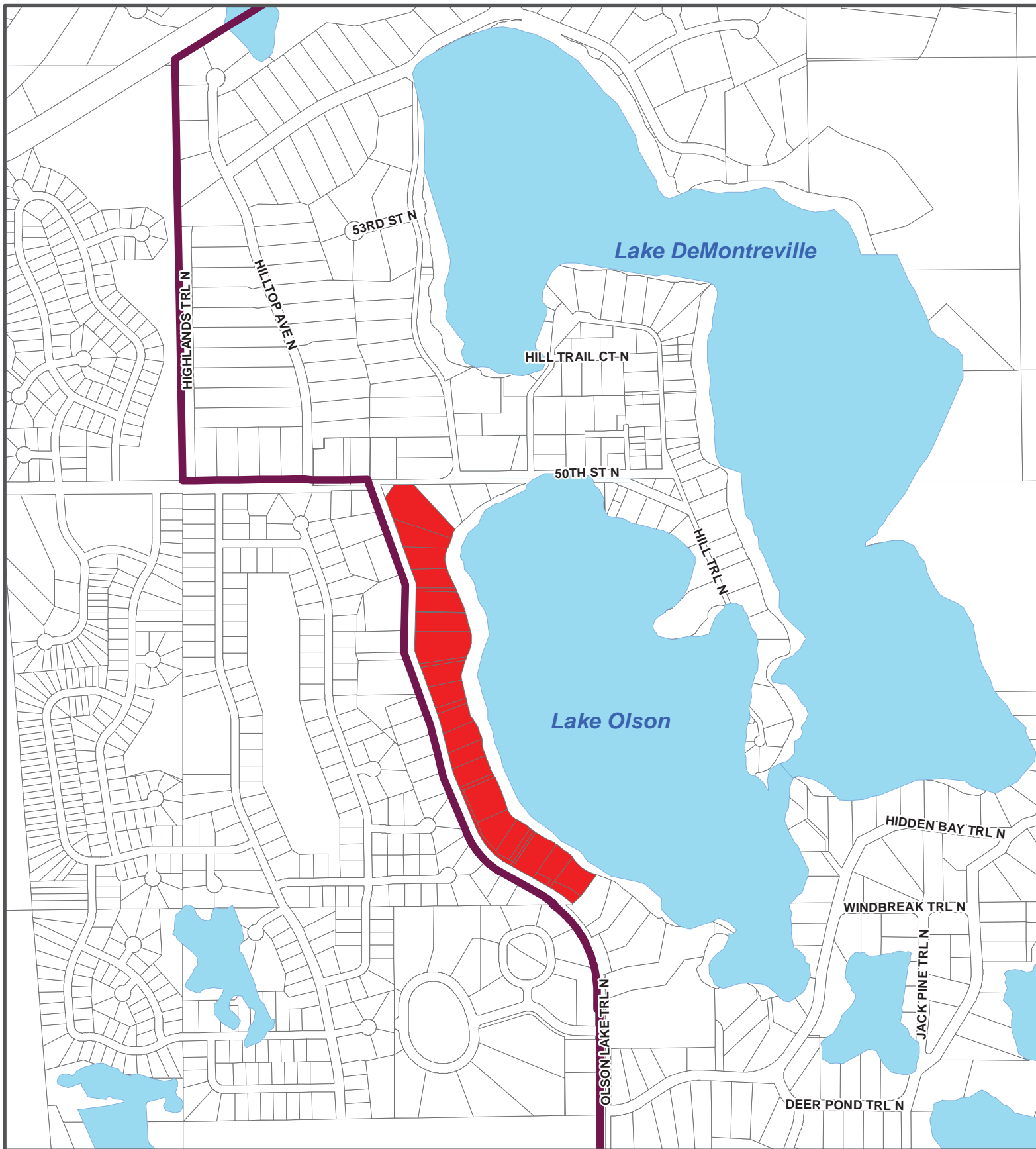


Stage 1  
Stage 2  
Stage 3



0 0.25 0.5 1  
Miles





## Sewer Service Area - Tri Lakes

Lake Elmo Comprehensive Plan Update



Map Date:  
April 22, 2013



0 125 250 500 750 1,000  
Feet

Future Public  
Sewer Service Area

### Map 6-2

## Land Use Plan Map

The general plan for providing sanitary sewer to the planned service areas is described in **Map 6-3**.

## City Goals, Policies and Strategies Concerning Infiltration and Inflow

The City of Lake Elmo's goal is to have no inflow or infiltration into its sewer system, and to attain the goal of preventing and reducing excessive infiltration and inflow into the local sewer system the City will observe the following procedures:

- All sewer mains will be air tested in accordance with the Minnesota City Engineers Association Standards for Utility Construction.
- All new sewer mains will be televised.
- Homes and businesses will be checked for sump pump discharge into the sewer system prior to issuance of a Certificate of Occupancy.
- The City will monitor its actual sewer flows during storm events to see if there is an increase in sewer discharge.
- The City will develop a schedule to inspect and clean all sewers.

Should excessive inflow and infiltration be a concern in the future, the City will adopt additional policies to remedy the situation.

## Requirements for Areas Not Served by the Regional System

### Description of the City's Current Management Program

The City has adopted Chapter 4: *Subsurface Sewage Treatment System Regulations* of the Washington County Development Code by reference. A copy of the City's Ordinance and a description of the SSTS monitoring system are included as an Appendix. Washington County currently monitors SSTS installations and administers the code for the City.

Cimarron Manufactured Home Park operates and maintains a packaged treatment plant with a capacity of 0.15 MGD. There is a State permit for this facility.

### Map of Existing Public Septic Systems

**Map 6-4** entitled *Existing 201 Common Wastewater Systems* identifies the City's existing public septic systems.

### Conditions Under Which Septic Systems Are Allowed

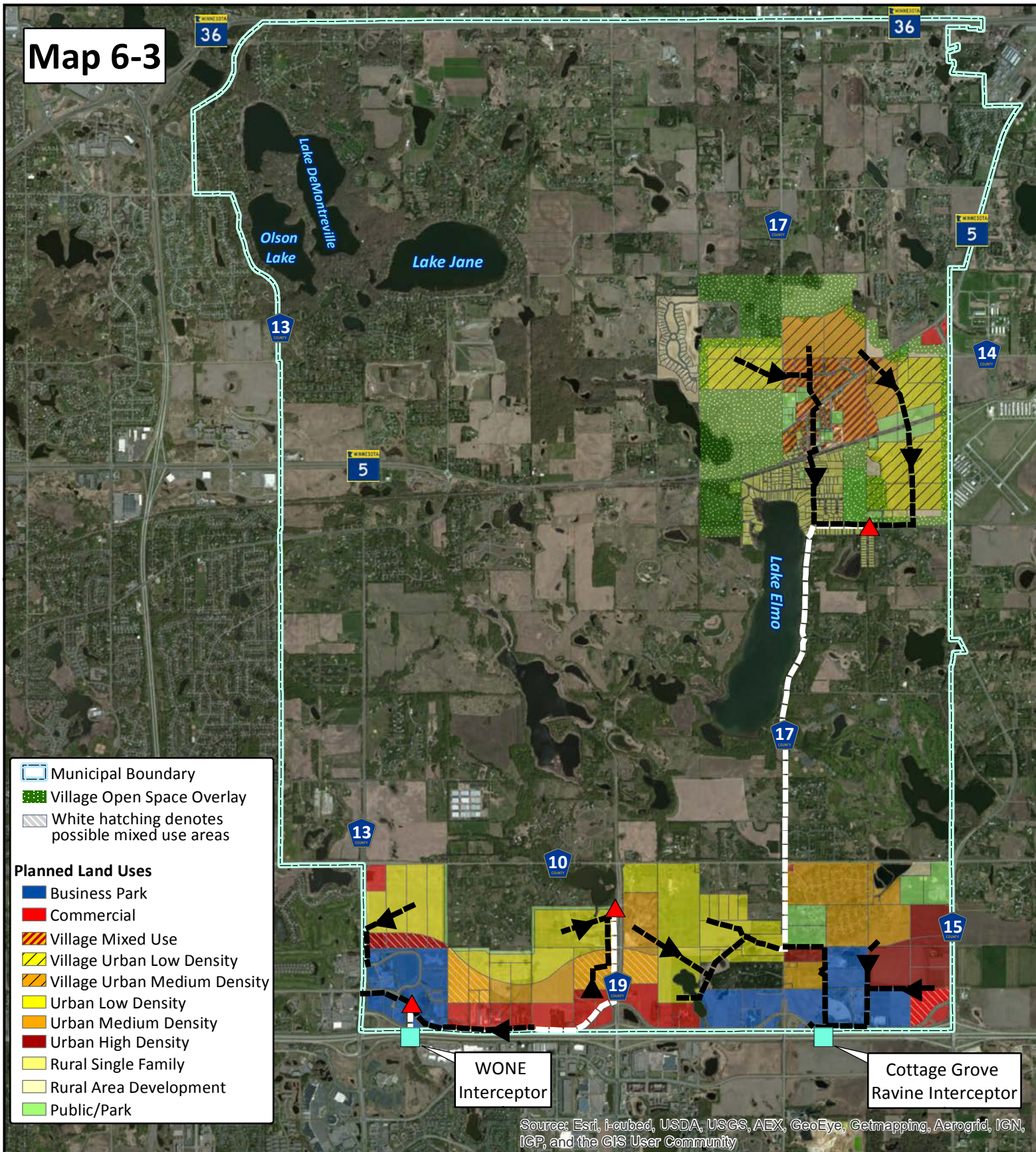
Septic Systems are allowed for all land uses within the City outside of the planned sewer service areas in accordance with Chapter 4: *Subsurface Sewage Treatment System Regulations* of the Washington County Development code as adopted by reference by the City of Lake Elmo.

### Capacity and Flows to Public and Private Septic Systems

The capacity and flows to public and private septic systems are listed in **Table 6-C** and **Table 6-D**.



**Map 6-3**



Source: Esri, I-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

## Future Land Use - Sewer Plan



Data Source: Washington County, MN  
8-19-13

- Gravity Sewer
- Forcemain Sewer
- ▲ Lift Station
- MCES Interceptor



0 0.5 1 Miles

## Private Community Wastewater Treatment Systems

**Map 6-5** *Private Community Wastewater Treatment Systems* shows the privately owned sewage treatment systems that have been constructed in the City. These private systems have been built since 1998. The city at the time decided to allow “performance based” sewage treatment systems, in accordance with Minnesota Rules 7080. To date, all of these private systems are located in new residential subdivisions. The homeowners within these new subdivisions are responsible for ownership, operation and maintenance. The Private Community Wastewater Treatment Systems consist of “wetland treatment systems” or “community drainfield systems”.

Systems over 10,000 gallons per day have a State Disposal Permit.

A list of the Private Community Wastewater Treatment Systems are incorporated as part of **Table 6-C**.

| <b>Table 6-C</b><br><b>Private Community Wastewater Treatment Systems</b> |                        |                          |                     |
|---|------------------------|--------------------------|---------------------|
| <b>Subdivision</b>  | <b>Number of Homes</b> | <b>Design Flow (GPD)</b> | <b>State Permit</b> |
| Fields of St. Croix   | 135                    | 35,589                   | Yes                 |
| Tana Ridge  | 20                     | 5,841                    | Yes                 |
| Tamarack Farm Estates   | 20                     | 4,000                    | No                  |
| Hamlet on Sunfish Lake  | 41                     | 8,200                    | Pending             |
| Prairie Hamlet  | 14                     | 2,800                    | No                  |
| Wildflower Shores   | 25                     | 3,600                    | No                  |
| Carriage Station  | 111                    | 44,875                   | Yes                 |
| Whistling Valley (I-III)  | 46                     | 20,000                   | Yes                 |
| Tapestry  | 67                     | 25,125                   | Yes                 |
| Farms of Lake Elmo  | 33                     | 12,375                   | Yes                 |
| Discover Crossing   | 28                     | 9,045                    | No                  |
| St. Croix’s Sanctuary   | 62                     | 20,000                   | Yes                 |
| Hidden Meadows  | Church & 25 Homes      | 13,375                   | Yes                 |

## City-Owned 201 Wastewater Treatment Systems

In the late 1980’s, the City of Lake Elmo participated in the Federal 201 program which provided grant funds to help communities build shared wastewater treatment systems. The City of Lake Elmo designed and constructed eight (8) 201 shared wastewater treatment systems under this program to replace failing septic systems on private property. The systems provided individual septic tanks for private



properties with shared wastewater drain fields and were constructed in the Old Village and Tri-Lakes areas.

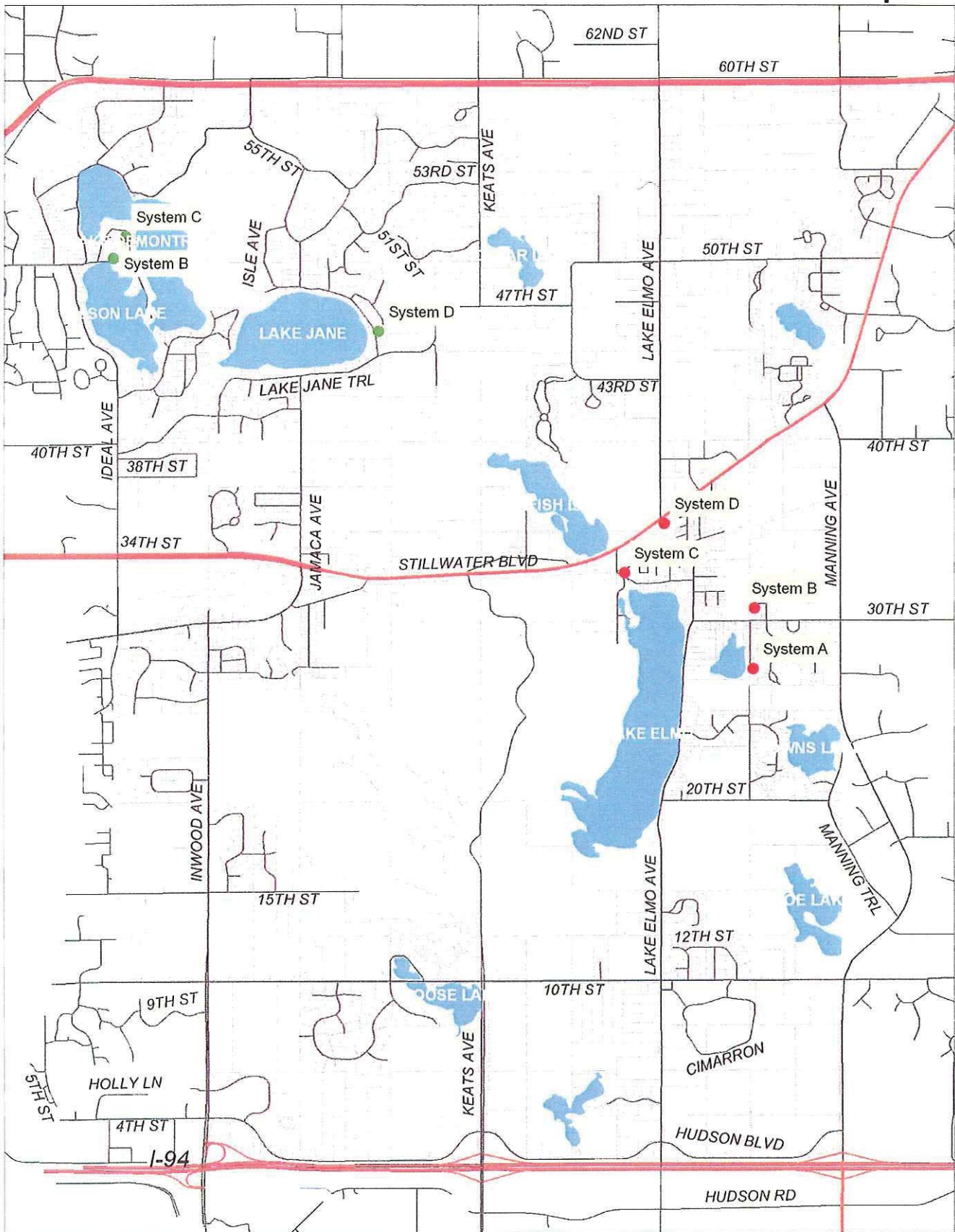
**Map 6-5:** *Existing 201 Shared Wastewater Treatment Systems* shows the location of these systems, which include the following facilities:

| <b>Table 6-D</b>                                   |                              |                          |
|--|------------------------------|--------------------------|
| <b>City-Owned 201 Wastewater Treatment Systems</b> |                              |                          |
| <b>Facility</b>                                    | <b>Number of Connections</b> | <b>Design Flow (GPD)</b> |
| Old Village Remote A                               | 6                            | 3,750                    |
| Old Village Remote B                               | 6                            | 2,700                    |
| Old Village Remote C                               | 8                            | 1,500                    |
| Old Village Remote D                               | 6                            | 4,440                    |
| Tri-Lakes Remote A                                 | 1                            | 450                      |
| Tri-Lakes Remote B                                 | 3                            | 1,500                    |
| Tri-Lakes Remote C                                 | 2                            | 600                      |
| Tri-Lakes Remote D                                 | 3                            | 1,350                    |
| Tri-Lakes Remote E                                 | 1                            | 450                      |

### Future Sewer Plans

The City has no plans to expand the area served by the Regional Sewer System outside of the areas shown in **Map 6-1 Sewer Staging Plan Map** except for those areas specified in the Tri-Lakes area and depicted on **Map 6-2 Sewer Service Area – Tri Lakes Map**. The City will continue to work with the City of Oakdale to potentially extend sewer services into the Tri-Lakes area to serve the future service areas identified in this map. Within the planned Regional Sewer System, the City will abandon all City-owned septic systems in the Village Area at the time of connection to sanitary sewer. The City does not plan to construct a local sewage treatment plant.

Private sewage treatment systems may be constructed in new residential developments by developers as necessary outside of the areas that have been guided for public sanitary sewer services. The installation of new private systems will occur at the time new homes are built.



# EXISTING 201 COMMON WASTEWATER SYSTEMS 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: August 24, 2005

Created By: TKDA

DIYORRIS ARCHITECTS PLANNERS

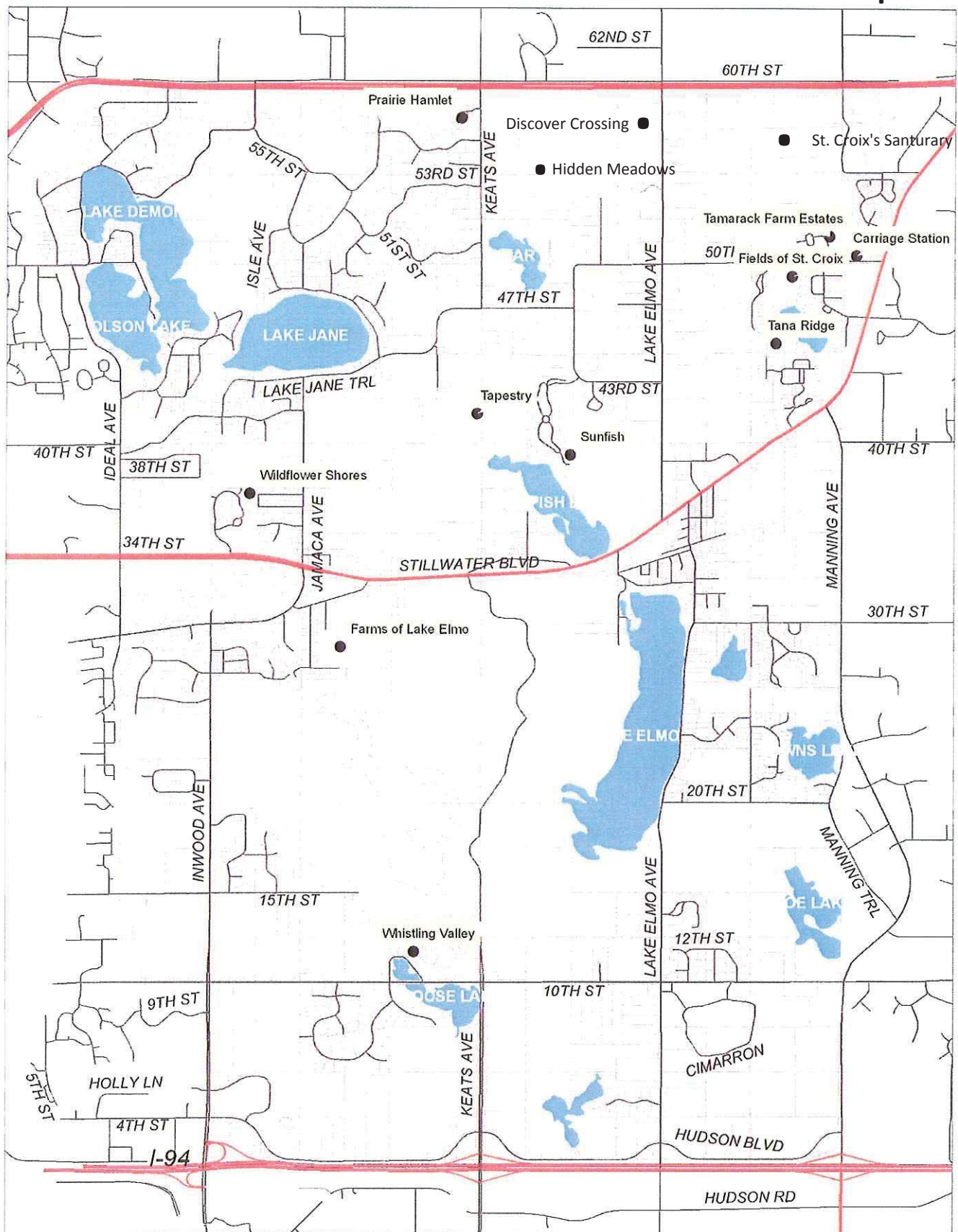


0 600 1,200 2,400 3,600  
Feet

## Legend

- Old Village System
- Tri-Lakes System

Lake Elmo City Boundary



## ENGINEERED WETLAND TREATMENT SYSTEMS

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: August 24, 2005

Created By: TKDA

ENGINEERS ARCHITECTS PLANNERS



0 600 1,200 2,400 3,600  
Feet

### Treatment Systems

Wetland Treatment Location

Lake Elmo City Boundary