

City of East Bethel
Joint Meeting Planning Commission and
Economic Development Authority Meeting
September 23, 2013

The East Bethel Economic Development Authority (EDA) met on September 23, 2013 for a joint meeting at City Hall at 7:25 p.m.

MEMBERS PRESENT: Brian Bezanson Dan Butler Heidi Moegerle Julie Lux
John Landwehr Lou Cornicelli Randy Plaisance Tanner Balfany Glenn Terry
Lorraine Bonin Brian Mundle, Jr. Mike Connor

MEMBERS EXCUSED: Eldon Holmes Richard Lawrence

ALSO PRESENT: Jack Davis, City Administrator

Introduction and Meeting Purpose – This is a joint meeting, so there hasn't been any formalization. There is just a moderator or facilitator from each group.

Jack Davis, City Administrator Moegerle called the meeting to order and Planning Commission can adjourn it.

Presentation by Craig Jochum, City Engineer – The New MS4 permitting process and how it relates to Best Management Practices and Minimum Impact Design Standards Over the past year, the City of East Bethel has been participating in the Minimum Impact Design Standards (MIDS) Community Assistance Package Pilot program. This program was sponsored by the University of Minnesota – Extension service, MPCA, the Builder's Association of Minnesota, and EPA. The goals of the program were:

- Review our Existing ordinances related to management of stormwater, runoff, and development practices
- Receive new MIDS model ordinances
- Recommendations and guidance for local revisions and opportunities
- Customized training
- Streamline compliance for State water quality regulations

It is important to note that the City of East Bethel is a Municipal Separate Storm Sewer (MS4) community and are already required to follow MPCA rules regulating storm sewer. The MIDS project went beyond just looking at MS4 permitting and set the stage for land use, land management and water management through best management practices, streamlined approval and permitting process, and a method for calculating water impacts in the community.

Another important note is that the City of East Bethel is part of 2 different Watershed Districts – The Upper Rum River and the Sunrise River. Both of these districts are governed by Watershed Management Organizations that already require Best Management practices (BMP) and Minimum Impact Design Standards related to water quality and development. An example of a recent project that was completed using BMP's is the Walmart that was just built on Hwy. 65 in Blaine, MN. That project is located in the Coon Creek Watershed District and had certain requirements that needed to be met and the result was a low impact design for the treating of the storm sewer on

that site. This example illustrates the way that storm sewer is now handled in commercial development projects.

In the year that we have been discussing MIDS, several things have happened at the State and Federal level related to stormwater management as well as overall water quality management. August 1, 2013 new rules went in to effect by the MPCA for MS 4 communities, of which the City of East Bethel is one. **Please find attached a handout that discusses what an MS 4 community is and requirements that they have to meet.**

There has been some concern on the part of the City Council that if we move forward and implement the recommendations that are outlined by the MIDS assistance package that we would be creating a negative impact on development and increasing development costs. Further the City Council is also concerned about MIDS on small-scale projects, including individual lots. The Planning Commission shares some of those same concerns, particularly when it comes to small projects and individuals. The Planning Commission and Staff recommend moving forward with managing what is required under MS4 permitting at this time as that now deals with low impact development practices. Craig Jochum, City Engineer will be making a presentation that discusses MS4 permitting.

Jochum handed out a sheet to everyone. This summarizes the standards that are out today and what is coming. Maybe that will help you make a decision on which way you want to go as a city. The three standards are infiltration, quality and control. If a developer came into East Bethel today, they would follow the Upper Rum and Sunrise WMO standards. They are in general the same standards - .5 inches of runoff, 2.5 inch store event and 2, 10 and 100 year storms. Those requirements have all been around for a while. The General Construction permit standards have always been in effect, but they were changed as of August 1, 2013. This particular standard applies with an addition of 1 acre of impervious surface. The new General MS4 permit is now coming up in January 1, 2014. This will bring in cities greater than 5,000. It started out that it was the bigger cities.

MIDS was put into place so it would comply with the net increase for the NPDES. It really comes down to looking at developers. Some are pushing the MIDS so it is standard wherever you go. Others want to do it on a case-by-case basis. Each site is going to be different. There are already requirements in place, whether you go with MIDS, you will still be faced with your new permit on January 1, 2014. Davis asked what would be more restrictive. Jochum said it would be site restrictive. Davis asked if a larger impervious area would be more restrictive. Jochum said if you are tearing down woods, then it would be harder to meet the no net increase. It is very site specific. Every way you go, he is not sure what is all involved.

Davis said one of the questions about the standards, if you adopt one, then which standard usurps the other. Jochum said if you adopt a MIDS program that will satisfy the general permit. Davis said if we have a MIDS program in place would that satisfy the MS4 permit. Jochum said we have to apply our SWPP by January 1, 2014. They are trusting you to develop a SWPP to comply with the MS4. It is self-policing.

Butler asked if it is determined that we are not in alignment, how do they determine that. Jochum said this is for new development and redevelopment. Butler said what if you are not in alignment a few years later after an audit. Jochum said he doesn't see that happening. The City will review the standards they won't review it to that degree. They will review that you have the ordinances in place. It is up to the City to make sure. Butler wanted to know if we had a hydrologist on staff. Davis stated the City Engineer

would review. Balfany said MIDS would have taken care of all of this.

Ronning asked for the history of the permits. Jochum said the General Construction permit has been around for many years. If you disturb an acre of land, then you have to get the permit. It is statewide. Ronning said I thought you said renew a permit. Jochum said it is a permit that expires in 2014. Ronning wanted to know if we had a copy of the permits on file. Davis said yes, we do have copies. Jochum provided copies of the General Construction Permit and the MS4 Permit. That is the standard, and you have to write the SWPP to handle that. Ronning said he was reading the eligibility, and wondering if we fit that. Jochum said yes, we are in an urban area and also have a population of more than 5,000. Balfany said we are MS4 plain and simple. Balfany asked if it would be advantageous for us to adopt MIDS. Jochum said he would like to look at it more to give a recommendation. Balfany said he thought there was a requirement and that he didn't want a small project to be included. Davis said we could modify those proposals to meet our needs. These are particular areas of concerns and we do have the latitude to make those changes. Balfany the purpose of MIDS was to get us to look at what works for our City. We had the ability to modify the land disturbances. We went through it for a reason. We don't want to let it go, just because there is a new process.

Cornicelli stated all of our discussions were really about new development, not redevelopment. Balfany said yes. Moegerle asked if someone subdivides their property, and then they grade to put in their garage and out-structures does that trigger this and do we want it to? Is this residential or commercial? Mundle asked if you are looking at high density, would that be covered. Cornicelli said yes.

Moegerle was wondering how disturbance was defined. Jochum said that is something we need to look at. Landwehr said the MPCA does have a definition of disturbance. Ronning said the term any disturbance, is for the person to do the checking. He asked if there are any exceptions. Cornicelli said it is zoned agriculture. Jochum said development and redevelopment are the categories, so in a sense they are exceptions. Moegerle wants the definition of disturbance provided.

Davis said would it be beneficial for the City Engineer to look at the two, provide definitions, and with staff assistance could they still be tailored to the City. Balfany said we went through the rough ordinances, and before we spent any more time, we wanted Council's recommendation, and then we would look at making changes to the ordinances. Cornicelli said he also thought the same thing. Jochum said MIDS is a general term. He doesn't know how erroneous the ordinances are. The storm water standards aren't a big deal. He doesn't know what else is coming along with the ordinances. Moegerle asked if Jochum could put together a table of comparing apples to apples, that summary format might be more helpful. Jochum said he could. Balfany said the whole point was to adopt some minimum impact design standards. Jochum said a lot of times that goes along with that, is ordinances. Ronning was wondering how broadly the term development is. Jochum said that is defined.

Moegerle asked if you had enough direction at this point. Are there any other concepts that we need to have for Council or this group? Balfany said he doesn't think so. Terry said in the terms of smaller roadway widths, he objected to that, because of road safety. Bonin said they have a cul-de-sac and no one uses the whole circumference. Ronning said the clock is ticking and wants to know what the drop-dead date is. Jochum said January 1, 2014, that is when the application is due. Balfany said we either need to adopt MIDS or apply for the permit. Moegerle said the last Council meeting is December 18, 2013. Ronning asked if the SWPP goes in with the permit. Jochum said you submit

your SWPP and you're done.

Discussion regarding the Highway 65 corridor

Discussion regarding the Highway 65 corridor

- Background information – Jack Davis, City Administrator
- Three potential Zoning Classification changes
- Hwy 65 Corridor discussion

In 2009 the City of East Bethel approved a Comprehensive Plan and Future Land Use Map for the community. Since that time, there have been some significant changes in the community – namely municipal sewer and water. The scale of the municipal sewer and water project is much smaller than what was originally envisioned, and that along with the economic downturn and slow recovery have had an impact on development now and in the future. With that in mind, it is a good time to look at how we can best market “The Corridor” and position East Bethel as a community that is open to new businesses and development. There are three specific areas where the Land Use and underlying Zoning may need to be changed, and there may be other areas as well where the Land Use simply does not fit what is needed for East Bethel. The three areas that need to be looked at are:

1. West side in Sewer and Water District – Need to look at changing this to Light Industrial to support the application as a Shovel Ready Site to MN Dept. of Employment and Economic Development. This has been a priority for the EDA and the new designation would allow us submit a single application.
2. City Center District – Is this still applicable? The concepts outlined in this district are ones that could apply to many areas in the corridor and we may want to look at expanding this area.
3. Higher Density Residential Development – Look at implementing Planned Unit Development Concepts, similar to the City Center District.

Other areas to discuss:

- Viking Blvd.
- MPCA landfill site – required zoning change.

Attachments:

- Future Land Use Map
- West end map
- MPCA map
- City Center requirements

The Sept. 23rd meeting is a Strategic Planning Session and as a group the following questions should be answered:

1. Do you agree with Staff's recommendations to propose changing the Comprehensive Plan to reflect the change in Land Use designations as outlined above?
2. Should the focus of modifications to the Comprehensive Plan be limited to the Highway 65 corridor?
3. Should Viking Boulevard be designated a different zoning classification to reflect the business community that exists along that street?
4. Are there other areas that should be looked at for higher density residential development?

Do we want to have zoning in place that is flexible enough to allow a number of different uses to coexist together with common design elements (reference City Center corridor)?

Davis said regarding number one – we feel this area is light industrial, especially the area that doesn't front Hwy 65. Changing the zoning would give more flexibility. Landwehr said B1 and B2 are still permitted uses in that area. Davis said the character of this area is really light industrial. Unless there is another access point, the commercial use will be limited.

The other area we would like to have reconsidered for zoning would be the City Center area. It is a grand idea, and he doesn't think it will ever happen. We need to find something that is realistic. The other areas that we talked about are higher density uses. We may want to consider some sort of a concept that is a form based zoning component, like a PUD.

The other areas that we want to look at are by 221st. The one area that we have been mandated to make a change on is the MPCA landfill. That has to be changed to give it certain protections.

The other area is to the east of Hwy 65 on Hwy 22. This is currently a mixed commercial/residential area. We should look at this area all the way down to the East Bethel Fire Department.

Balfany said we had an issue on Viking where the gas station went vacant, and needed a conditional use permit because it sat vacant for over a year. So it lost its legal non-conforming use. Davis said that is clearly a commercial use. Balfany doesn't know why we wouldn't look at it going the other way also. Moegerle said it was recently changed to residential. Davis said from Jackson Street west it is residential. Moegerle said going east it used to be commercial, and was recently switched to residential. Davis said it was done because at some point it was thought that County Road 22 would be turned over to the State, and it would be cheaper to buy residential versus commercial right of way for future improvements. The potential four lane of Viking was talked about. Davis said it was a concept that was discussed once upon a time but based on information from MnDOT, it is not going to happen anytime in the near future

Davis said he recommends that we look at the requirements for the specific zoning classifications. We need to look at outdoor storage in the B-1 and B-2 categories. He thinks some of those things might be a little too restrictive. He thinks there maybe other ways to address the intent. Butler said it allows you to have an enclosure for your recycling bin and dumpster. Davis said you are looking at a very small space. He understands the primary intent is so we don't have wall-to-wall car lots in East Bethel. We need to work to achieve that objective where we could do it, so it isn't so restrictive. Moegerle said she is looking at light industrial and B1. So is there a way to say, this is either B1 or Industrial. Davis said the only area that is B1 is a small area at the 22 and 17. Moegerle said she was thinking the NW corner would be B1.

Davis stated that it is important to remember too, that when it was done it reflected the conditions of the time. It needs to be modified to reflect current conditions. It was probably cutting edge at the time. Is this something that we want to look at? Commissioners agreed it is something that we have to look at. There is no right or wrong answer. Bonin said if we are suggesting the development of two areas, we are looking doing too much. We need to focus on one area. She is not sure that is going to happen. Moegerle said isn't that driven by the demand. Davis said why we would like to it all together as a total package to minimize the reviews by Met Council. We want to send one packet of changes to them. If it were possible to make all the changes at one time, it would simplify things. Bonin said we would do the zoning and not promote the

other areas. Davis said we would promote all the areas in the sewer district first.

Bezanson said he sees the growth being on the east side. Davis said if we are talking about growth, we will be looking at nodes – 221st/Hwy 65 and Sims/Hwy 65. When something big comes in, the City might have to consider investing in infrastructure. There will be additional costs for water. What he envisions is at Sims/Hwy 65, there will need to be a new water tower and treatment installed at some point in the future.

Bezanson stated that he has always thought that you need to adjust your zoning because you have a better chance of businesses of the same type to be there. He thinks that we should look at something along those lines. That is going to affect the marketability of the other properties.

Ronning said they took this to the Met Council three times before it was approved. They kept adding high-density housing. Davis stated we need to consider higher density, if we were looking at numbers, the bulk of commercial development will be at the major intersections. The infilling would be high density residential. To make the project cash flow 80% of the development in the Hwy 65 Corridor needs to be higher-density residential. We will have to double in population, and the population will have to happen in the sewer district. Davis said we need to look at form-based zoning/PUD. Butler said when you talk about residential housing on the Hwy 65, what are the traffic patterns. Where are the frontage roads? How we are going to route the traffic. The way they have Hwy 65 set up now, are they going to build bridges? Davis stated that there are going to be no improvements on our main intersections for at least 20 years, or 30 years. The Anoka County Hwy Department and MnDOT have said there are four other intersections south of Viking that will probably be done prior to those in East Bethel. They will take out signals and put in overpasses. Bunker will happen first, then Crosstown and then Constance. Last would be Viking. We cannot wait on Anoka County or MnDOT on this. Ronning said housing on Hwy 65 would be like having a railroad tracks in front of your house. He doesn't know anyone that wants to live by Hwy 65. Balfany said there is a demand. The commissioners discussed how people like different things. There are demands for all types of property.

Davis stated that as we talk about development, we need to attempt to concentrate development along the Hwy 65 corridor. The pace of the development is the question. Cornicelli asked if developers are approaching us. Davis stated we have been working with developers for the NW corner of Viking Boulevard and a couple of other properties. We are working actively on two properties. Going north of Hwy 65, we have had a little interest and there has been some interest on the Fat Boys property. Balfany asked if there has been anything done to reach out to local and national builders. The ERUs are going to come from high density. Davis stated we are continually talking to developers and site selectors. Julie Lux has been very helpful in getting us contacts. We have been approaching things in broad range. There are a lot of opportunities here.

Balfany asked if there is anything that is hindering us from attracting business. Davis said from 2008-2010 we had a moratorium on the Hwy 65 corridor. There may be some people that think that still exists. We do have to do a better job at overcoming our past image and provide a unified voice as a City. We are in a very competitive game. We have to use all of the tools available to us.

Plaisance says he thinks there is a lack of identity. We can't even decide among ourselves which is the best place. How do we make that happen? We have to start by going and finding these businesses. Investments are these portions of the municipal utilities project. The small area is the seed, and developer driven to extend it further

north. Because of certain economic realities, that won't happen. When he talks investment, if something happens at Hwy 65/Sims, we may have to extend services. To put in more money, we have to make sure we have the development lined up. Industrial developments will be looking for something along with commercial. We will have to commit to some of those things in the future. Balfany said to take one step back; we have to have a uniform message. That is the very beginning and positive image. It has to be scripted. He doesn't see a whole lot of positive coming out. We have to have a positive message. We all have to be on the same page so it is uniform and it is out there. It's Marketing 101; you can't be part of a group where 50 people are saying 50 different things. Cornicelli said the Ady Voltedge study identified ways to work on that. Butler said the EDA assisted with the formation of a Chamber of Commerce. He appreciates what everyone does. To parrot what Balfany said, we need to focus on the big issues to present to the City Council. We need to present the City in the best light possible all the time.

Moegerle motioned to adjourn the meeting. Cornicelli seconded; all in favor, motion carries.

Respectfully submitted by:

Jill Anderson
Recording Secretary