

EAST BETHEL PLANNING COMMISSION MEETING

June 25, 2013

The East Bethel Planning Commission met on June 25, 2013 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Tanner Balfany Eldon Holmes Lorraine Bonin
 Lou Cornicelli Brian Mundle, Jr. Glenn Terry

MEMBERS ABSENT: Randy Plaisance

ALSO PRESENT: Colleen Winter, Community Development Director
 Tom Ronning, City Council Member

Call to Order & Adopt Agenda **Holmes motioned to adopt the June 25, 2013 agenda. Mundle seconded; all in favor, motion carries unanimously.**

Interim Use Permit (IUP) for Randolph E. Anderson, 24315 University Ave. NE, East Bethel, MN. **Background Information:**
Property Owner/Applicant:
Randolph E. Anderson
24315 University Ave. NE
East Bethel, MN 55005-9772

Property Location:
24315 University Ave. NE
PIN 30-34-23-22-0010
PIN 30-34-23-22-0009

Public hearing opened at 7:02 p.m.

Public hearing closed at 7:03 p.m.

The applicant, Mr. Randolph Anderson, is requesting an IUP for the keeping of up to four (4) horses and/or three (3) bovines at his residence, for a total of six (6) animals.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The two parcels (both owned by Mr. Anderson) total 16 acres and are not located within a platted subdivision.

City Code has a limit on the number of animals per parcel. Four horses require 4 acres of fenced pastureland. Pastureland is defined as land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands. The property owner has fenced pastureland for the horses and an existing shelter that is 15' x 24'. He is required to have 8.2 acres of pastureland for six animals and he has adequate pastureland.

Winter said she went to the site today, and she had some pictures of the site. The shelter is in the back of the property. The shelter is sized for the animals on his property. There was also a picture of the fenced-in areas. Where they were standing there was also an area for pastureland.

Cornicelli asked when the last time livestock were on the property. Winter said there are horses on the property now. Terry said the language needs to be cleared up. It states that four horses and three bovines, equals seven. Should that be six? Mundle said he read it as up to six. Mr. Anderson said he won't have any more than two cows. He has four horses now. Bonin said doesn't having a calf have flexibility on when they have to leave. Cornicelli said if you have a calf drop and it took you to seven, it would be allowed until weaned. He said he wouldn't have one dropped.

Mundle asked if there have any previous complaints of the property or Mr. Anderson. Winter said no. This is truly the corner of East Bethel. Where the shelter is located, it is set back 50 feet. His manure piles are set back over 50 feet. If he is going to add additional pastureland that would also have to be set back. Terry asked if there was a well head in that picture. Cornicelli said it looks like a tire. Holmes asked why this is being brought before us. Winter said he didn't have one before. Holmes wondered how long the animals have been on the property. Mr. Anderson said not quite a year.

Bonin said you are showing an area for manure. Will it be used for something? Mr. Anderson said after a year, it will be put on the ground.

Cornicelli asked if it was all fenced and ready to go. Mr. Anderson said yes. He replaced some of the wire and replaced some of the insulators.

Recommendation:

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for the keeping of no more than four (4) horses and/or three (3) bovines for Randolph Anderson, located at 24315 University Ave. Ext. NE, East Bethel, PINs 30-34-23-22-0009 and 0010 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.
2. Property owner shall provide shelter and have a minimum of 8.2 acres of pastureland for the animals.
Property owner must comply with City Code Section 10. Article V. Farm Animals.
3. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
4. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.
5. Property will be inspected and evaluated annually by city staff.
6. Conditions of the IUP must be met no later than August 1, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in

the null and void of the IUP.

Terry motioned to recommend approval to the City Council of an IUP for the keeping of no more than four (4) horses and/or three (3) bovines for Randolph Anderson, located at 24315 University Ave. Ext. NE, East Bethel, PINs 30-34-23-22-0009 and 0010 with the following conditions:

1. **An Interim Use Permit Agreement must be signed and executed by the property owner and the City.**
2. **Property owner shall provide shelter and have a minimum of 8.2 acres of pastureland for the animals.**
3. **Property owner must comply with City Code Section 10. Article V. Farm Animals.**
4. **Permit shall expire when:**
 - a. **The property is sold, or**
 - b. **Non-compliance of IUP conditions**
5. **Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.**
6. **Property will be inspected and evaluated annually by city staff.**

Conditions of the IUP must be met no later than August 1, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

Seconded by Cornicelli; all in favor, motion carries.

MIDS Update

Winter reported that Jay Michels of Emmons and Olivier presented the MIDS information to the City Council. It was a three hour presentation in which Jay went over the same information that has been presented to the Planning Commission at the last 3 meetings. It was important to bring the Council up to speed on MIDS. There were four Council members present at the meeting. The presentation was well received and there was a lot of good discussion. We need to have another work session with City Council. City Council is looking for some direction from the Planning Commission on where we would see this applied in the City. Winter stated she doesn't think it is something that needs to be applied throughout the whole community. We probably will never meet the thresholds outside the Hwy. 65 corridor. The Council doesn't want to make it difficult for developers to come in and develop. She would like to see the recommendation that MIDS be adopted for the corridor at this time.

Holmes said most developers know about this and already understand that they have to deal with water runoff. Winter agrees. Cornicelli said Jay has made some compelling arguments. You see it everywhere you go now. He doesn't know how it will affect the taxpayer. We have a statutory obligation to comply with MS4. We would be going in the opposite direction to not adopt where it makes sense in the City.

Winter said in our community, from a practical standpoint, where it would be practical would be the corridor. Holmes said if a developer doesn't know it, they haven't been in business very long. Winter stated that the next steps will be to have a developer come in and present to Planning Commission and City Council how MIDS has worked in their development. Also, the Council has requested

information on what it would cost to develop under MIDS versus traditional stormwater abatement.

Ronning said it would define things better than the way it has been in the past. Balfany said the first discussion the Council has had about MIDS was at the last meeting. Ronning said we are in competition with surrounding communities and he doesn't want anything to impair our housing competition. What you are proposing would really define things more. It is everywhere. In front of that Walmart down in Blaine.

Cornicelli said the standards of the 50s, 60s and 70s have given us what we have today. I don't know if you are more competitive if you make things worse for the future. He thinks as we look at developing a comprehensive plan, we need to adopt plans that are relative in 20 or 30 years. Things are evolving.

Bonin said we have to stand tough. Cornicelli said yes, when appropriate. Holmes said the other communities have to adopt this too. Winter said St. Francis is an MS4 community. Cornicelli said there is limited high density left in the City. The growth corridor is on Hwy 65.

Ronning said you are not confined when you adopt this. Phosphorus has not been for sale for a decade. Bonin said Wisconsin is not that far away.

Terry said if we are serious about this, why aren't we addressing agriculture in our ordinances. Winter explained that all the City can control is land use related to development and some limited agriculture. However there are other agencies that address agriculture uses. Balfany said wasn't some of this already in what Jay addressed. Ronning said the Council asked what the design costs. That is his specialty. Balfany said you mean the developer's costs. Holmes said it is up to the developer to design and that will determine costs. Holmes said he has talked to some guys who say they did MIDS and they really did it to eliminate some costs. Balfany said a residential development is almost a cost benefit from what they are already doing. Ronning said several of you are familiar with engineers. His specialty will be designing the area to fit the system. If it is an arbitrary cost and gets passed down to someone, we are competing with other cities for residents and business. Balfany said, "Mundle, you are in the field we are talking about." Mundle said it is something we do look at it. If you have two different parcels and you have similar stats and similar costs and you have this one thing that will add more costs, why would you want to do it? If it is a million dollar more, you wouldn't want to do it. Plus you also have to appraise the property against a neighboring community. If the neighboring community doesn't have these costs, their cost may be less. Balfany asked if there is currently a cost for engineering when you are developing a property. Mundle said yes.

Ronning said before the first shovel is turned, there will have to be approval of the designs and costs before the project goes forward. He wants to have a sample with the cost of the design. Winter said we already have subdivision costs in place. Bonin said if we have a higher up-front cost, don't we have to have something to override that. Something to make a parcel more attractive, because we have something else around there. If we had some business like Walmart, wouldn't it

make it worth paying more against being somewhere in the boonies. Balfany said it might be cheaper, you don't know.

Ronning said he doesn't have all the answers and you have to separate the oranges and the apples. It sounds like your hands are tied with the assessors. Mundle said he has seen deals get thrown apart because an appraiser comes in. They say what it is worth. Ronning said he believes there isn't any extra money in it. You cut it very close. Holmes said Menards has 11 store setups. They have designs of 11 different stores they put on properties. The one in Cottage Grove and Coon Rapids are the same store. The store cost difference was over a million dollars. That didn't deter Menards. They want their store at one location, and they don't care about the costs.

Cornicelli asked what Blaine's MIDS regulations are for Walmart. He has a real problem with coming to East Bethel and we will let you do what you want. He again emphasized that while we have to work with developers, we also have to look at the natural environment and future of East Bethel. Winter again stated whether it is MIDS or traditional development, the developer is still going to have to mitigate stormwater and surface water runoff. She also stated that the State of Minnesota is looking at making MIDS a requirement for development and we have an opportunity to be progressive and put something in place that is going to be a requirement down the road anyway.

Winter does have a cost comparison. They did three different comparisons in Lakeville. The conventional was \$4 million built. A retrofit \$3.6 million. A MIDS design was \$3.2 million. Ronning wanted to know if that was the construction. Winter said yes, construction. Holmes said most engineers and architects know about this already and it isn't a surprise. If Menards wants to go on Hwy. 65 and 221st, they will go there no matter the costs. If they have to put in a big pond, they don't care. They are not the only ones. Communities have done this for years. Most of our impact will be with larger businesses.

Terry would like some clarification on the agriculture issue. He would like to know why we are focusing on building versus the agriculture. Cornicelli said, "I don't know how much impact the City has on agriculture." Holmes said if this was applied it would be on the corridor. Terry said why is the gentleman who is presenting this focusing on development. Cornicelli said like Lake Elmo, the area is agriculture being converted to development. He thinks Jay would talk about conversion of agricultural to residential/commercial. Balfany said this program is about runoff. Holmes said if someone has ten acres right over here, we wouldn't have them put in a holding pond. If there is a runoff from that, we will try to divert it. There is not a lot you can do about that. Terry said if it is statewide, if that is actually the contributor, this program is presented to us to do something about the runoff program. Yet these so called impaired waters have to do with agriculture versus construction. Cornicelli said there are programs that deal with that. Every one of them competes with eight dollar a bushel corn. Balfany said the reason we are not looking at the agricultural side, they are coming to us to look at what we can control. Terry said to what extent could we deal with what is in our control. If we were to know that, how would that affect construction in our City? Do we have a serious problem? Holmes said with new construction we can do that. He knows

DNR has a program for farms next to lakes. Like the creek that runs through Viking and Hwy 65. We can do a lot by saving that. Cornicelli said new construction creates new runoff. Holmes said if there is a farm over here with the river going through it, and sells it to a developer to put in 400 homes. We can change it. Cornicelli said whatever you can do to minimize water nutrients is what we need to do. Terry said the standard that he is presenting, if the runoff is going to small and even smaller if we address it the way he says it needs to be. What if agriculture is a large problem and we let it go. Cornicelli said what is going on in a lot of rivers is out there. But that is apple and oranges. Holmes said look at the mercury content in our lakes and rivers. Cornicelli said we are addressing future development. We aren't talking about addressing issues. As standards changes, we have to work with them. We need to address things as a result of new development. Bonin said we are trying to prevent a problem before it happens.

Balfany asked what message do we want to convey to Council.

Mundle said we would like to hesitantly move forward. Balfany said this is something we all feel is important on some scale. We need to get a direction to Council. Mundle said more exploration needs to be done, and brought forward to us. Winter said what sort of information. Mundle said the costs between construction and engineering. Glen said we should talk with developers and ask about the impact. Winter stated that will be discussed at the next joint session between the Planning Commission and City Council. Balfany said would anyone not agree, we think it is important to move forward with MIDS in the corridor area. It could be a problem down the road. Costs being the concern. In order to keep the ball rolling, we need to let everyone know. We owe it to everyone who has been involved in this. Cornicelli asked if there was any word on what Chisago is doing. Winter said everyone else has moved forward with this. Bonin said then we should too. Cornicelli said he agrees.

Holmes motioned to proceed with the MIDS project in the City of East Bethel, along with gaining some more information. Go ahead with the MIDS set up. Terry said by going ahead, does it give us the opportunity to change the language. Balfany said yes, we are just telling the Council what we want. **Cornicelli seconded; all in favor, motion carries unanimously.**

This will be sent out to Council in a Council Update on Friday. The Council has the task of having a lot of work sessions coming up. She doesn't know where it will fit in. Having a Council member in the room, based on what they said, are you comfortable with that. Ronning said that defines things a whole lot better. As food for thought, a lot of what he is seeing happen, is intentions, honorable good intentions. He recommends you define what your problems are. Example for agriculture, there is no pond that will absorb more water than an agricultural field. Cornicelli said unless there is drain tile. Mundle said the stat is there are more tiles to go around the world three times. Cornicelli said the cost benefit of breaking the law is crazy. He doesn't know what the tiling rate on the southwest corner of the state is – a lot. Any field with a depression has to be tiled.

Cornicelli said we all recognize there are a lot of details that have to be worked out. What does it cost for a smaller business? Is there a give and take.

Winter said the other thing is, there are very good examples in East Bethel where we have used MIDS. There are some really good examples. Cornicelli said it looks nicer than a mosquito-infested pond.

Leon has a lot of experience on this. He has been here. Their watershed has done different kinds of minimum impacts.

**Approve May 28,
2013 Planning
Commission
Meeting Minutes**

Mundle said page 22, second paragraph under recommendation, the bold one, middle of second paragraph. Mundle said add “does.”

The commission doesn’t like verbatim.

Bonin said the second line the lake property where he has his place. That isn’t a full sentence. Cornicelli said it is hard to keep up and these are great. Winter said to super human powers like Jill to type this fast.

Mundle page 23, middle of the paragraph. He said in 2000, in should be replaced with around.

Holmes motioned to approve the May 28, 2013 minutes with said changes. Mundle seconded; all in favor, motion carries unanimously.

**Other
Business/City
Council Report**

Holmes said he would like to see a letter go out to the residents in East Bethel, stating that if you have a home business and haven’t applied for the proper rules, and along with the horses, like tonight. It is starting to get his goat. There are some junky residents and that is against our ordinance. He thinks that people don’t know about it. We should send out a letter about IUPs, cleaning up your residence – it is something East Bethel should do.

Cornicelli said his neighbor that was foreclosed on – it is awful behind their garage.

Holmes said just explain to people if you have a junk car, it has to be gone. If you are running a business, you have to apply for them.

Winter said the cost to send a letter to every resident is high along with the labor intensity. Right now all of the staff at City Hall are extremely busy and we only have one support person that takes care of Planning, Building, and Community Development and Winter stated she will not put anything else on her plate – she is overtaxed the way it is. Mundle said instead of a letter could we send an email. Cornicelli said what about the bulletin. Winter said from a practical standpoint, it would be better to put an announcement on the website and in the City newsletter. Holmes said the thing is if we have these ordinances and all these rules and no one does anything about them, what good does it do? Bonin said even though you have an ordinance and it isn’t followed completely, you have less of what you are talking about without it. Cornicelli said could we work it in the newsletter, and break it down into different areas. Holmes said if you have livestock of any sort, come to City hall. You don’t need a long deal. He thinks it is important that we let our residents know.

Balfany said he completely understands.

Winter said as staff when we are out and about in the City of East Bethel we do observe our surroundings and if we notice anything that is a violation we will try and address it. One of the things, as people call in and register complaints, we do follow up on the complaints. There are some chronic ones out there and they are getting better. We turned them over to the Sheriff and they now have to go to court. It is always a good idea to educate people. Balfany said in the newsletter we should let them know you can report concerns on the website. Holmes said he wants to eliminate the “here’s your ticket.” Bonin said if you present it in a list, in a newsletter, they will review it. But they won’t call City Hall to find out. Make it clear.

Holmes said about changing some of the ordinances. We had the discussion that we will be doing the ‘home occupation’ and ‘accessory structure’. Holmes said a lot of the cities now have an ordinance because of the new LED lighting. The new East Bethel sign might not be compliance with the LED rules. It is in the busiest corner of East Bethel.

Terry said that on that sign there are a lot of the lettering combinations which are unreadable. Especially the ones that have small little yellows – you can’t read that. All the busy backgrounds make no sense. All you need is simple backgrounds and larger letters. Holmes said the drivers are trying to find out what is there. They aren’t watching the road. There are quite a few communities that you can’t have readers.

Winter stated that on July 10, we will be presenting our budgets to the City Council. She does have Comp Plan changes budgeted in the 2014 budget.

Ronning had a comment on the minutes. He believes these ladies do an excellent job. He has only heard punctuation changes, not substantive. There have been a lot of barbs. Democracy determined how it is going to be.

At the 19th meeting, we had the three recommendations that you brought forward. We unanimously supported them. At any rate, there was the ability to save \$3 million dollars; however, last Thursday the bond market took a nose dive. It is inverted from the way he talks about it. We had a work meeting to review it with Ehlers and Associates. They spent quite a bit of time, and we have prepared to keep the window open – it might have to go into mid-September. If we have the opportunity to save some money. He respects all of you for your intentions and you are respectable.

Adjournment

Holmes made a motion to adjourn the meeting at 8:15 p.m. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary