

City of East Bethel
City Council Agenda
Work Meeting - 6:36 PM
Date: June 25, 2014



	Item	
6:36 PM	1.0	Call to Order
6:37 PM	2.0	Adopt Agenda
6:38 PM	3.0	City Ordinance, Chapter 10, Article V, Farm Animals
7:46 PM	4.0	City Ordinance, Zoning, Appendix A, Sections 41-44 and 56, 57
9:00 PM	5.0	Adjourn



City of East Bethel City Council Work Meeting Agenda Information

Date:

June 25, 2014

Agenda Item Number:

Item 3.0

Agenda Item:

City Ordinance, Chapter 10, Article V, Farm Animals

Requested Action:

Continue the discussion of amending City Ordinance, Chapter 10, Article V, Farm Animals as it relates to the keeping of chickens on lots less than 3 acres

Background:

The City has received a number of requests from residents to keep chickens on residential properties under 3 acres. Currently our ordinance only allows chickens on lots larger than 3 acres. City Staff has researched the practices of other Cities regarding this matter and that information is included in Attachment # 3. Standards vary from prohibition to allowance of chickens on lots less than 3 acres with restrictions on the number that can be kept.

Attachment # 4 is a power point presentation prepared by the City of Cottage Grove that outlines survey results of 52 Cities and their policies for the keeping of chickens.

While arguments can be made in favor of relaxing our current standards for keeping chickens, keep in mind that on certain lots this could have unintended consequences, primarily with neighbors. Council may wish to discuss this as part of this agenda item or consider tabling this matter and adding this discussion to the Work Meeting that is scheduled for June 25, 2014.

Attachments:

1. Forest Lake Ordinance
2. Norwood Young America Ordinance
3. Chicken Ordinance Requirements for Surrounding Cities
4. Cottage Grove Survey

Recommendation:

Staff has no recommendations at this time in regards to amending the ordinance

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

CITY OF FOREST LAKE

ORDINANCE NO. 627

AN ORDINANCE AMENDING SECTION 153.096 OF THE CITY CODE OF THE CITY OF FOREST LAKE AND PERTAINING TO THE KEEPING OF DOMESTICATED CHICKENS WITHIN THE CITY OF FOREST LAKE

The City Council of the City of Forest Lake hereby ordains as follows:

Section 1. Section 153.096 of the City Code of the City of Forest Lake is hereby amended by adding a new subsection (OO) *Chickens, keeping of as follows*:

- 1) The keeping of domesticated chickens is permitted on single-family residential properties less than five (5) acres and within all residential zoning districts subject to the following requirements:
 - a) Any person wishing to keep chickens in the City of Forest Lake on a property shall first obtain a Certificate of Compliance from the City;
 - b) The principal use of the property shall be single-family residential;
 - c) The property shall contain one (1) detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;
 - d) No more than five (5) hen chickens shall be permitted;
 - e) No person shall keep a rooster;
 - f) All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions;
 - g) Chickens shall not be kept inside the principal structure;
 - h) No person shall slaughter chickens on-site except when in an area of the property not visible to the public;
 - i) Chicken coops and attached exercise pens shall be provided for all chickens;
 - j) Coops and pens shall be fully enclosed including overhead and constructed of durable materials;
 - k) The floor area of the coop shall be a minimum of 2 sq/ft in area per chicken;
 - l) The floor area of the attached pen shall be a minimum of 6 sq/ft in area per chicken;
 - m) Coops and pens shall meet all accessory structure setback requirements;
 - n) Coops and pens shall be located in rear yards only;
 - o) Coops larger than 120 sq/ft in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design.
 - p) Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;
 - q) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings;

- r) All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis;
- s) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of Forest Lake;
- t) The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the Certificate of Compliance and the City Code.

Section 2. Section 153.096 of the City Code of the City of Forest Lake is hereby amending subsection (P) *Livestock and livestock operations* as follows:

- 2) No livestock shall be placed on any site of less than 5 acres, except chickens located on single-family properties located in residential zoning districts meeting additional requirements in § 153.096 (OO).

Passed and adopted by the City Council of the City of Forest Lake, Minnesota this 25th day of March 2013.

BY: _____

Chris Johnson, Mayor

ATTEST:

Aaron Parrish, City Clerk/Administrator

Keeping of Domesticated Chickens on Small Residential Lots



Text Amendment to the Zoning Ordinance

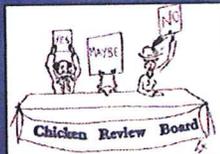
Urban Chicken Movement

- Sustainable /green living
- Residents interested in locally-grown food sources
- Stillwater, Maplewood, St. Paul, Roseville, Ham Lake
- Strongest interest in the more urban areas with very small lot sizes: St. Paul, Minneapolis, etc.



Planning Commission Review

- General Discussion - Sept. 12, 2012
 - Keeping chickens on smaller urban lots
 - Growing trend to allow chickens in other cities
 - Why residents want chickens
- Staff findings and in-depth discussion - Jan. 9, 2013
 - Reviewed common regulations within other chicken ordinances
 - Draft ordinance presented
- Final revisions - Feb. 13, 2013
 - Chicken breeds
 - Chickens in backyards under Supervision
- Public Hearing - March 13, 2013
 - Motion to approve (Yes - 6, No - 1)



Findings

- *Planning Commission stated the following reasons why they were in favor of the proposed regulations:*
 - The Planning Commission had been notified that there has been an increase interest from the community to raise domesticated chickens in the single-family district;
 - The raising of domesticated chickens in single-family districts is common in other communities (growing trend);
 - The Planning Commission feels this is economical for families in the community and is a healthy means of getting eggs & chicken in their diet;
 - Raising chicken has educational value for families / children, such as 4-H;
 - Domesticated chickens are also considered pets (cleaner than dogs);
 - With control and structure should not be or cause a nuisance;
 - The City has an ordinance to allow Pigeons.

Planning Commission Review

- Text Amendment to the Zoning Ordinance - March 13, 2013
- Public hearing held.
- Planning Commission recommend approval.



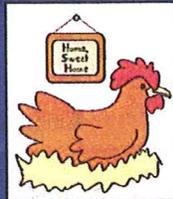
Current Zoning Ordinance - Review

- Chickens are recognized as "livestock"
- Chickens only allowed in rural zoning districts (C, A, RR)
- Requires min. of 5 acres



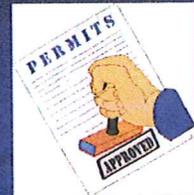
Proposed Zoning Ordinance Changes

- Allow on residential properties less than 5 acres
- Allow in all residential zoning districts
- Must have single-family residence
- Not permitted on vacant properties or if multi-family residences (duplexes, townhomes and apartments)



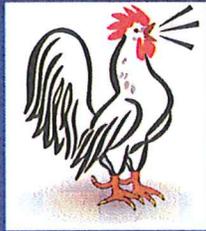
Permits and Process

- One-time permit
- Administrative review by Community Development staff
- \$50 permit application fee



Number of Chickens Permitted

- Maximum of 5 hen chickens per property
- No roosters allowed



Slaughtering Restrictions

- On-site slaughtering allowed if not visible to the public (coop, garage, screened yard, etc)
- Similar to processing wild ducks, pheasants and game



Chicken Breeds

- All chickens must be domestic species (*Gallus gallus domesticus*) and tolerant to local climate conditions.



Chicken Coops and Pens

- Require coops/pens for all chickens
- Must be fully-enclosed with overhead material
- Minimum area requirement per chicken
 - Coops: 2 sq/ft
 - Pens: 6 sq/ft



Chicken Coops and Pens

- Coops and pens must meet accessory structure setbacks (often 10 feet from side and rear property lines)
- Chicken coops/pens located in back yards only
- Coops larger than 120 square feet must meet accessory structure requirements (size, number, height, impervious surface, etc.)



Containment Requirement

- Chickens must be contained in coops and attached pens
- Exception: Allowed in fenced-in back yards if under supervision



Minimizing Impacts and Nuisances

- Food must be stored in containers or inside buildings
- Coops/pens must be kept clean at all times
- May not create a public nuisance
- Public Nuisance Ordinance §96.02 recognizes noxious smells, accumulating manure and dead animals

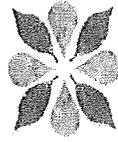


Planning Commission Action

- Text Amendment to the Zoning Ordinance (public hearing)
- Planning Commission provides recommendation to City Council

- Motion to approve:
Recommend approval of the draft ordinance amending Section 153.096 of the City Code of the City of Forest Lake pertaining to the keeping of domesticated chickens





Forest Lake
AS GOOD AS IT SOUNDS

Date: March 25, 2013

To: Honorable Mayor and City Council Members

From: Community Development Department

Re: Amending Section 156.096 of the City Code of the City of Forest Lake and Pertaining to the Keeping of Domesticated Chickens (a.k.a. "Urban Chickens")

The interest in keeping chickens on residential properties in urban settings is a growing trend in Twin Cities area. Many cities have chosen to allow them in residential backyards by ordinances. The topic of allowing "urban" chickens on smaller, single-family residential properties has been discussed at three previous Planning Commission meetings.

September 12, 2012 Planning Commission Meeting

Community Development staff presented the topic of keeping urban chickens for purposes of discussion. Staff advised that there has been an increase in public inquires over the past two years from residents interested in keeping chickens on smaller residential properties. The topic of urban chickens and potential concerns were discussed among Planning Commissioners and staff. The consensus of the Planning Commission was to have staff collect additional information on the topic and present the findings at a later meeting.

January 9, 2013 Planning Commission Meeting

Community Development staff collected additional information and reviewed many ordinances from other cities that allow urban chickens. Findings were presented to the Planning Commission on January 9, 2013. Staff also provided a draft ordinance based on ordinances from other cities that allow urban chickens. Discussion highlights from the January 9, 2013 meeting include:

- Forest Lake current zoning ordinance recognizes chickens as livestock. Only allowed in rural lots of at least five 5 acres.
- Consider changing ordinance to allow in C, A, RR, SF, MXR-1, MXR-2 on single-family properties less than five (5) acres.
- Not allowed if vacant property or multi-family use.
- Permitting process, fees, education requirement
- Coops/Pens: Require minimum size, enclosed, location on lots, coops as accessory structures, and distance restrictions to homes on neighbor's property.
- On-site slaughtering
- Allowing free range
- Addressing potential nuisance issues
- Lake properties

February 13, 2013 Planning Commission Meeting

Community Development staff presented a revised draft ordinance to the Planning Commission on February 13, 2013. Final revisions to the draft ordinance and discussion highlights include:

- Allow chickens in all residential zoning districts on single-family properties Chicken coops/pens to meet all accessory structure setbacks.
- Allow chickens outside of coops/pens if placed in fenced-in back yards and when under supervision by owner.
- Chicken breeds and domestic chickens.
- Chickens on lake properties.

The Planning Commission had no further comments on the draft ordinance.

A public hearing was held at this meeting and no comment was provided from the public.

Planning Commission stated the following reasons why they were in favor of the proposed regulations:

- The Planning Commission had been notified that there has been an increase interest from the community to raise domesticated chickens in the single-family district;
- The raising of domesticated chickens in single-family districts is common in other communities (growing trend);
- The Planning Commission feels this is economical for families in the community and is a healthy means of getting eggs & chicken in their diet;
- Raising chicken has educational value for families/children, such as 4-H;
- Domesticated chickens are also considered pets (cleaner than dogs);
- With control and structure should not be or cause a nuisance;
- The City has an ordinance to allow Pigeons.

Recommendation

b-1

The Planning Commission has recommended on ~~7-0~~ vote, the City Council approve and adopt the proposed ordinance amending Section 156.096 of the City Code pertaining to the Keeping of Domesticated Chickens (a.k.a. "Urban Chickens").

Date: March 13,2013

To: Planning Commission

From: Community Development Department

Re: Urban Chicken Ordinance

Background

The topic of allowing “urban” chickens on smaller, single-family residential properties has been discussed at three previous Planning Commission meetings. At the Planning Commission meeting on September 12, 2012, Community Development staff presented the topic of keeping urban chickens for purposes of discussion. Staff advised that there has been an increase in public inquires over the past two years from residents interested in keeping chickens on smaller residential properties. The interest in keeping chickens on residential properties in urban settings is a growing trend in Twin Cities area . Many cities have chosen to allow them in residential backyards by ordinances. The topic of urban chickens and potential concerns were discussed among Planning Commissioners and staff. The consensus of the Planning Commission was to have staff collect additional information on the topic and present the findings at a later meeting.

Community Development staff collected additional information and reviewed many ordinances from other cities that allow urban chickens. Findings were presented to the Planning Commission on January 9, 2013. Staff also provided a draft ordinance based on ordinances from other cities that allow urban chickens. Discussion highlights from the January 9, 2013 meeting include:

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- Consider changing ordinance to allow in C, A, RR, SF, MXR-1, MXR-2 on single-family properties less than five (5) acres.
- Not allowed if vacant property or multi-family use.
- Permitting process, fees, education requirement
- Coops/Pens: Require minimum size, enclosed, location on lots, coops as accessory structures, distance restrictions to homes on neighbor’s property.
- On-site slaughtering
- Allowing free range
- Addressing potential nuisance issues
- Lake properties

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- Allow chickens outside of coops/pens if placed in fenced-in back yards and when under supervision by owner.
- Chicken breeds and domestic chickens.
- Chickens on lake properties.

Recommendation

Staff has prepared the proposed draft zoning text amendment at the direction of the Planning Commission. The Planning Commission shall hold a public hearing this evening, consider the proposed zoning ordinance text amendment and provide a recommendation to the City Council.

Forest Lake Planning Commission Minutes

Forest Lake, Minnesota

Wednesday, September 12, 2012

7:00 PM

Approved 9/12/2012

MEMBERS PRESENT

Dick Damchik, Craig Andersen, Steve Cunningham, Ed Eigner, Paul Girard, Kathy Kuehn, Bill Loushine, Maggie Vogel-Martin;

Absent: Julie La Fleur

STAFF MEMBERS PRESENT

Doug Borglund, Community Development Director, Aaron Buffington City Planner,

CITY COUNCIL MEMBER(S) PRESENT Mike Freer

PUBLIC ATTENDING:

MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM

PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE

Craig Anderson had discussions with Doug Borglund regarding progress and construction of past project(s).

ITEM 2. Approval of the June 13, 2012 Minutes

MOTION was made by Craig Anderson, seconded by Steve Cunningham to approve the June 13, 2012 minutes as presented.

Dick Damchik, Craig Andersen, Steve Cunningham, Maggie Vogel-Martin; Kathy Kuehn, voted in favor. Bill Loushine, Paul Girard, Ed Eigner abstained.

MOTION CARRIED. (5 Yes 3 Abstained)

ITEM 3. To consider the request of owner Darwin Lindahl Architects PA on behalf of Building and Site Owner Whitaker Buick GMC, Dellwood Holdings LLC, a site plan review approval to allow an 858 square foot addition onto an existing 17,806 square foot office/showroom facility. Location: 131 19th Street SW; PID 07.032.21.13.0002; Legal Lot 1 Block 1 Everton Park; Zoning B-2 Highway Business District

Doug Borglund, Community Development Director provided a review of Staff Report dated September 12, 2012.

Items discussed/reviewed are as follows:

- Applicant's request: Expand on existing building; 858 square foot addition to be used for an automobile showroom facility.
- Existing landscaping and planting beds located along the building foundation are overgrown and will be replaced with new plantings.
- Three parking spaces will be removed with building addition; Minimum parking requirements still being met with proposal.
- Addition will not require additional stormwater control or a Comfort Lake-Forest Lake Watershed District permit.
- Addition will not create any access or safety concerns (fire, emergency vehicles)
- Minor grading needed around building foundation.

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, September 12, 2012
7:00 PM

- Proposed architecture meets the city requirements.
- Staff recommends to approve project with conditions listed in the staff report dated September 12, 2012.

Darwin Lindall, Architect provided additional comments.

- Proposed architecture enhances the overall look of building and provides addition focus to the main entrance into the building.
- Will use aluminum (ACM) panels above and around the entrance.
- Architecture will conform to the standards required by GMC and also blend into existing building.
- Signage will be changed in the future. Signage would be backlit channel letters.
- Cleaning up existing landscaping and adding new shrubs and plantings (junipers, boxwoods, ornamental grasses, etc) will enhance the look of the building.

Planning Commission Discussion

- Why is Site Plan Review required for this project?
- Staff Doug Borglund advised that all commercial building expansions require Site Plan Review based on ordinance.

MOTION was made by Steve Cunningham and seconded Maggie Vogel-Martin to recommend to City Council approval of the request of owner Darwin Lindahl Architects PA on behalf of Building and Site Owner Whitaker Buick GMC, Dellwood Holdings LLC a site plan review approval to allow an 858 square foot addition onto an existing 17,806 square foot office/showroom facility with staff conditions listed in the staff report dated September 12, 2012.

All members present voted in favor. **MOTION CARRIED. (8 Yes)**

ITEM 4. Discussion Item: Urban Chickens

Doug Borglund provided a presentation. Items discussed/reviewed are as follows:

- City staff has received a significant increase in public inquiries in the past two years regarding this item.
- Residents wish to have a limited number of chickens on smaller-sized residential properties for egg laying and personal use. Some see it as a hobby. Others like growing their own food.
- Urban chickens are a growing trend in other cities in the Twin Cities metro area. Other cities already allow them (St. Paul, Maplewood, Minneapolis, Roseville, etc.).

Planning Commission discussion:

- Kathy Kuehn: She is familiar with residents in other cities that allow urban chickens.
- Steve Cunningham: Health concerns would need to be explored.

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, September 12, 2012
7:00 PM

- Craig Anderson: Having the ability to contain chickens with fencing, coops, fencing would be important.
- Dick Damchik: How would we address a property if their chickens become an issue or a nuisance? Doug Borglund advised that some cities require permits to ensure they follow ordinance requirements.
- Maggie Vogel-Martin: Sees no difference between chickens and dogs/cats. There can be problems with any kind of animal, not just chickens.
- Doug Borglund requested the Planning Commission provide direction to city staff to determine if the item should be explored further.
- Consensus of all Planning Commission members was to direct city staff to collect additional information on urban chickens to present to Planning Commission. Staff should determine what other cities have urban chicken ordinances and how they are regulating to minimize any concerns.

Other Discussion by Planning Commission:

Craig Anderson brought up a concern with past projects and Applicants not following through with plans or conditions that were approved by Planning Commission and City Council. He suggested that Planning Commission members need to pay more attention to details when reviewing packet materials and proposed plans.

Doug Borglund advised that it is difficult to control the actions and free will of others. City staff often handles these issues through enforcement.

MOTION was made by Paul Girard and seconded by Craig Anderson to adjourn the meeting at 7:43 P.M. All members present Voted in favor. **MOTION CARRIED. (8 Yes)**

Doug Borglund, CDD
Planning Commission

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, January 9, 2013
7:00 PM

Approved

MEMBERS PRESENT

Dick Damchik, Craig Andersen, Steve Cunningham, Maggie Vogel-Martin; Kathy Kuehn, Bill Loushine, Paul Girard,
Absent: Ed Eigner, Julie La Fleur

STAFF MEMBERS PRESENT

Aaron Buffington City Planner, Beatrice Smith, Support Staff

CITY COUNCIL MEMBER(S) PRESENT

PUBLIC ATTENDING: Applicant, Shane O'Sullivan

MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM

PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE

None

ITEM 2. Approval of the December 12, 2012 Minutes,

MOTION was made by Craig Andersen seconded by Steve Cunningham to approve the 12/22/2012 Minutes as presented. All members present voted in favor.

MOTION CARRIED. (7 Yes)

ITEM 3. Public Hearing : To consider the request of owner / applicant: Shane O'Sullivan a variance at 9910 Julep Trail N. to reduce the 75-foot setback to a wetland for the placement of a septic drain field. PID 12.032.21.14.0002; Legal: Lot 19 Blk 2 Sudb. CD 81825 Valley Hills

Aaron Buffington, City Planner provided a review of staff report dated January 9, 2013. Attached Item A-1.

Items discussed as follows:

- Location of property
- Process and request-why variance is required
- Septic system design
- Drain field not meeting 75' setback from wetland
- Background and conditions of septic system-portion of septic system (drain field) that would encroach in the 75' wetland setback,
- Property contours, location of wetlands, principal structure, well, trees – proposed location of septic system being the best locations based upon soil testing and other variables.
- Review by Washington County and MN Dept. of Health (Well Division)
- Septic System permits done by Washington County
- Variance Findings of Fact
- Staff recommendations

PUBLIC HEARING: No one present for Public Hearing
07:09 PM Open / Closed 07:09 PM

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, January 9, 2013
7:00 PM

MOTION was made by Craig Andersen and seconded by Kathy Kuehn to recommend to City Council approval of the request of owner applicant Shane O'Sullivan a variance at 9910 Julep Trail N. to reduce the 75-foot setback to a wetland for the placement of a septic drain field. PID 12.032.21.14.0002; Legal: Lot 19 Blk 2 Sudb. CD 81825 Valley Hills contingent upon satisfaction of all staff recommendations dated January 9, 2013. All members present voted in favor. **MOTION CARRIED. (7 Yes)**

ITEM 4. Discussion Urban Chickens

Aaron Buffington, City Planner provided a review of the Staff Report dated January 9, 2013. Attached Item A-2.

Items discussed as follows and items to be considered:

- Why this items was being presented, Planning Commission has reviewed before
- How the Planning Commission feels about updating the Zoning Ordinance to allow the keeping of Urban Chickens in residential neighborhoods.
- How other communities are handling/allowing chickens on smaller residential properties
- Definitions of livestock-under current Zoning Ordinance Chickens are recognized as livestock
- Zoning Districts that allow livestock-Urban Chickens
- Under the current ordinance how much property is required for livestock and the zoning districts that livestock is allowed
- Drafting a proposed ordinance
- Item to consider: should a permit be required: A review/study indicates most communities require some type of permitting: Staff Recommends Certificate of Compliance \$50 fee. One time review and permit.
- Item to consider: Number of chickens allowed; Staff Recommends 5 chickens no roosters
- Item to consider: Enclosed requirements (Coops and pens) Size specification; setbacks for coops and pens; building requirements (heights) should coops and pens be considered an accessory structure; Definition of chicken pens (runs); requirements for chicken pens
- Distance restriction and locations to homes on adjacent properties.
- Minimum area requirements
- Regulation of roosters
- Slaughtering restrictions
- Nuisance clauses
- Prohibit "free Range"
- Other Discussion items
 - a) Chickens in back yards outside of enclosures (Pen, coops)
 - b) Coop distance from occupied structures
 - c) Lake properties
 - d) Neighbor approval
 - e) Educations requirements

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, January 9, 2013
7:00 PM

- f) Selling eggs
- Recommendation/Action

Planning Commission Discussion

Is this Zoning Ordinance appropriate for the City of Forest Lake:

Dick Damchik was not in favor of updating ordinance. Does not like the idea of urban chickens in residential/city lots due to various reason and causing issues. Also, asked for definition of urban chicken.

The majority of members felt a need to update ordinance and allow urban chickens in Single Family (SF), Single and Townhouse Residential (MXR-1) and Single and Two Family Residential (MXR-2) Zoning Districts Chickens would be allowed only if a single-family residence is present.

Items discussed:

Whether the area requirements are large enough

What to consider for setback

Whether the coop should be considered an accessory structure

How large should the coop be

Some chicken coops are portable: do we need something in ordinance to address this?

Who would do the policing of chicken coops

Can chickens fly

Suggested Items for zoning ordinance:

1. Coop not to be recognized as an accessory structure unless it is larger than 120 sq. feet.
2. Coop and pen to be 10 feet from property lines; structure can be located next to principal structure; (Staff recommended 50')
3. Staff recommendation for permit requirements-Agreed with Staff Recommendations
4. Number of chickens Permitted. Agreed with Staff Recommendations
5. Enclosed requirement: Add if property owner has a fenced in backyard the urban chickens would be allowed to roam freely and not be required to be contained in the Pen.
6. Agreed with Area requirements coops 2 sq/ft and pens 4-8 sq/ft
7. Regulation of roosters. Agreed with Staff Recommendations
8. Slaughtering restrictions – Agreed to Staff Recommendations
9. Nuisance clauses – Agreed with Staff Recommendations
10. Prohibit "free range" – disagree OK if in a fenced in back yard
11. Chickens should be in backyard only. Agreed with Staff Recommendations
12. Ok to have Urban Chickens on lake properties – No issues or concerns, would still need to meet all setback requirements and permitting.
13. Education requirement – Agreed with Staff Recommendations
14. Selling eggs – Did not see as an issue of concern, no regulations needed.

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, January 9, 2013
7:00 PM

Planning Commission members would like Staff to come back with suggested items in draft form.

Adjourn

MOTION was made by Paul Girard and seconded by Maggie Vogel-Martin to adjourn the meeting at 08:01 P.M. All members present Voted in favor. **MOTION CARRIED. (7 Yes)**

Doug Borglund, CDD
Planning Commission

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, February 13, 2013
7:00 PM

Approved

MEMBERS PRESENT

Dick Damchik, Steve Cunningham, Paul Girard, Julie La Fleur, Bill Loushine, Dennis Battey

Absent: Craig Andersen, Kathy Kuehn, Maggie Vogel-Martin

STAFF MEMBERS PRESENT

Doug Borglund, Community Development Director; Aaron Buffington City Planner

CITY COUNCIL MEMBER(S) PRESENT Susan Young

PUBLIC ATTENDING: Ron Hammes, Ben Oliver

MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM

PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE

None.

ITEM 2. Approval of the January 9, 2013 Minutes

MOTION was made by Steve Cunningham seconded by Bill Loushine to approve the 1/9/2013 Minutes as presented.

Dick Damchik, Steve Cunningham, Paul Girard, Bill Loushine, Dennis Battey voted in favor; Julie La Fleur abstained.

MOTION CARRIED. (5 Yes, 1 Abstained)

ITEM 3. Discussion and Comments regarding City Ordinance 130.06 Use and Possession of Firearms and other Weapons

Doug Borglund provided a review of current ordinance. Items discussed/reviewed are as follows:

- Ordinance has become outdated.
- Ordinance not part of Zoning Ordinance although it refers to zoning districts when determining where an indoor gun range can be located.
- Current ordinance allows use in B-3 and I districts. Zoning map and districts have since been updated make current ordinance outdated and no longer in-sync.
- Requires conditional use permit as a recreation-commercial use.
- Indoor gun range doesn't really fit the definition of "commercial recreation".
- New language proposed to recognize indoor gun range as retail sales and service and allowed in all commercial, industrial and General Mixed Use District (MU-2) zoning districts.
- Should indoor gun ranges be allowed in Neighborhood Commercial (NC), Downtown (MU-1) and Broadway Business (B-1) Districts?
- Significant federal and state regulations control the design of ranges (lead collection, wall thickness, etc.)

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, February 13, 2013
7:00 PM

- Indoor gun ranges and retail gun sales are often tied together where ranges are inside the gun sales shop.
- City Council reviewed the subject item, requested Planning Commission provide comments since the current and proposed ordinance language have land use components to them.
- Is conditional use process appropriate and should it be required? Or is it more appropriate to allow use as permitted (retail).

Planning Commission Discussion

- Julie LaFluer: Why should Neighborhood Commercial district be considered for exclusion in the proposed language?
- Borglund: Proximity to neighborhoods and schools.
- Steve Cunningham: Has concerns allowing gun shops in Neighborhood Commercial (NC) Districts.
- Dick Damchik: Where are bow and arrows allowed to be shot? Are they allowed in neighborhoods?
- Paul Girard: Not allowing indoor gun ranges in the Neighborhood Commercial (NC), Downtown (MU-1) and Broadway Business (B-1) Districts is valid due to Comprehensive Plan, intent of those zoning districts and increased pedestrian traffic in those districts. MU-2 district seems adequate for indoor ranges because properties are more auto-oriented.
- Julie LaFluer: Concerns with placement of indoor ranges in proximity to neighborhoods and schools. Would like to see ranges kept out of MU-2. Or allow on properties south of 11th Ave (MU-2).
- Consensus to City Council #1: Permit indoor ranges in the B-3, Industrial, Industrial Park and MU-2 district on properties south of 11th Ave on the west side of Highway 61.
- Consensus to City Council #2: Require an Interim Use Permit on properties either leased or owned by applicant.

ITEM 4. Continuation from January 9, 2013 Planning Commission meeting: Review Urban Chickens – Ordinance Draft

Aaron Buffington reviewed PowerPoint and discussion to date.

- Current regulations
- Districts allowing chickens
- Permits and Process
- Maximum number of hen chickens; No roosters
- Slaughtering restrictions
- Allowable breeds
- Chicken coops as accessory structures
- Location on property
- Size of coop requirements

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, February 13, 2013
7:00 PM

- Coop proximity from lot lines (10 feet)
- Containment requirements. Additional considerations include fenced yards, types of fences, supervision.
- Nuisance clauses
- Chickens on lake properties
- Neighborhood approval not necessary
- Educational component with application
- Selling of eggs on-site

Planning Commission Discussion

- Dick Damchik: Does not support having coops or chickens between lake and principal structure
- Dennis Batty: Clarification regarding allowable breeds.
- Staff Buffington: Many chicken breeds are adaptable to backyards and local climates. Recommend all domesticated chicken breeds.
- Julie LeFluer: Coop setbacks are adequate. Would like to see chickens be kept in coops unless under supervision in a fenced yard.
- Paul Girard: Keep chickens in pens unless under supervision. Also would like coops to meet all accessory structure setbacks.
- Julie LeFluer: Concerns with predators. Chickens should be kept inside enclosed pens at night.
- Dennis Batty: Agrees with allowing chickens out of coops when under supervision.
- Steve Cunningham: People will put investment into coop.
- Consensus of Planning Commission: Staff should make final revisions to the draft ordinance and set the public hearing.

MOTION was made by Paul Girard and seconded by Steve Cunningham to adjourn the meeting at 8:25 P.M. All members present voted in favor. **MOTION CARRIED.**

Doug Borglund, CDD
Planning Commission

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. 250**

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE
RELATING TO ANIMALS.**

I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA, HEREBY ORDAINS CHAPTER 5 OF THE CITY CODE IS AMENDED AS FOLLOWS:

CHAPTER 5. ANIMALS

500.01 Definitions. The following definitions shall be used in the application and interpretation of the provisions of this chapter:

Animal, Farm. “Animal, Farm” shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, ponies, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable. Backyard Chickens as defined in this Chapter are exempt from this definition.

Backyard Chicken. “Backyard Chicken” shall mean a female chicken that serves as a source of eggs or meat.

Coop. “Coop” shall mean the structure for the keeping or housing of backyard chickens as permitted by this Chapter.

Rooster. “Rooster” shall mean a male chicken.

Run. “Run” shall mean an area attached to a coop where backyard chickens can roam unsupervised.

Section 550 – Farm Animals

550.03 Keeping of Backyard Chickens.

- A. Purpose. It is recognized that the ability to cultivate one’s own food is a sustainable activity that can also be a rewarding past time. It is further recognized that the keeping of backyard chickens, if left unregulated, may interfere with the residential character of certain neighborhoods. Therefore, it is the purpose and intent of this Section to permit but strictly limit the keeping of backyard chickens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.
- B. Keeping of Backyard Chickens Allowed. A person may keep up to four (4) backyard chickens on a residential property that is not in the Transitional/Agricultural District of the City as provided for in Chapter 12-Zoning of the Norwood Young America City Code, provided:

1. The parcel where the backyard chickens are kept is within a Residential District as provided for in Chapter 12 (Zoning) of the Norwood Young America City Code;
2. The keeper of the backyard chickens resides in a detached dwelling at the parcel at which the backyard chickens are kept;
3. The subject parcel is a minimum of 10,000 square feet; and,
4. The owner of the subject parcel obtains a backyard chicken permit from the City, issued in compliance with this Chapter.

C. Permit Required: A permit is required for the keeping of backyard chickens.

1. Those desiring to keep backyard chickens shall file a written application with the City Administrator on a form provided by the City and pay an application fee. Fees to be charged for the permit to keep backyard chickens shall be set by City Council on the fee schedule.
2. The application shall include:
 - a. The breed and number of chickens to be maintained on the premises;
 - b. A site plan of the property showing the location and size of the proposed coop and run, setbacks from the coop to property lines and surrounding buildings (including houses on adjacent lots), and the location, style, and height of fencing proposed to contain the backyard chickens in a run; and,
 - c. Written statements that the Applicant will at all times keep the backyard chickens in accordance with all of the conditions prescribed by the City Administrator, or modifications thereof, and that failure to obey such conditions will constitute a violation of the provisions of this Chapter and will be grounds for cancellation of the permit;
 - d. Such other and further information as may be required by the City Administrator; and
 - e. The required fee.
3. The City Administrator and/or designee shall process the application.
4. All initial permits will expire on December 31st of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31st of the second year following their issuance unless sooner revoked.
5. The City, upon written notice, may revoke a permit for failure to comply with provisions of this Section or any of the permit's conditions.
6. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this Section. If the City is not able to obtain the Occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.

D. General Standards and Limitations for the Keeping of Backyard Chickens.

1. The keeping of roosters as a backyard chicken is prohibited.
2. Backyard chickens shall not be raised or kept for the purpose of fighting.
3. Backyard chickens shall not be kept in a dwelling, garage, or accessory structure other than those meeting the requirements of an enclosed coop.
4. All backyard chickens must have access to an enclosed coop meeting the following minimum standards:
 - a. The enclosed coop may not occupy a front or side yard.
 - b. The enclosed coop must have a minimum size of four (4) square feet per animal and shall not exceed a maximum of forty (40) square feet in total area.

- c. The enclosed coop shall be setback a minimum of twenty-five (25) feet from any principal structure on the subject parcel and any property line.
 - d. The enclosed coop shall have a roof type and pitch that is similar to the principal structure on the lot.
 - e. The enclosed coop shall be similar in color to the principal structure on the lot.
 - f. The enclosed coop shall employ exterior building materials that are similar in type and quality to those employed on the principal structure.
 - g. The enclosed coop shall be constructed of permanent residential dwelling building materials. Coop components that are not designed or intended for use as permanent residential dwelling building materials, including but not limited to, garage doors, tires, pallets, employment of interior residential structural components on the exterior (drywall, particle board, plywood), sheet metal, fiberglass panels, plastics, corrosive metal, household items (appliances, fixtures, furniture), canvas, flimsy materials, tarps, non-permanent items (cages, portable kennels), wire panels, and the like are prohibited.
 - h. The floor of the enclosed coop shall be comprised of impervious surface such as vinyl, tile, concrete, or treated wood.
 - i. The enclosed coop must be built to protect the backyard chickens from extreme heat or cold.
 - j. The enclosed coop shall be at all times maintained in a good condition.
 - k. The enclosed coop shall meet all applicable building, electrical, HVAC, plumbing, and fire code requirements.
5. All backyard chickens shall have access to a run meeting the following minimum standards:
 - a. The run shall be a fully-enclosed and covered area attached to a coop where backyard chickens can roam unsupervised.
 - b. The run shall adhere to setbacks required for enclosed coops to which they are attached.
 - c. The enclosed run shall be well drained so there is no accumulation of moisture.
 - d. Run components shall feature fencing materials approved for use in the R-1 Single Family Low Density Residential District as provided for in Chapter 12-Zoning of the Norwood Young America City Code
 - e. Run components not designed or intended for use as fence material, including, but not limited to, garage doors, tires, pallets, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e. more than ninety percent (90%) opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), makeshift or flimsy materials (plastic, paper, twine, rope, tin, webbing), farm animal fencing (barbed wire, chicken wire, high tensile, electric wire, woven wire, or other livestock fencing), canvas, tarps, non-exterior grade residential construction materials, and the like are prohibited.
 - f. Landscaping shall be employed on the perimeter of the run to shield views of the run from adjacent properties.
 - g. The run shall be at all times maintained in a good condition.
6. The following minimum sanitation standards shall be observed at all times:
 - a. Slaughtering of backyard chickens on the property is prohibited.
 - b. Leg banding of all backyard chickens is required. The band must identify the owner, the owner's address, and the owner's telephone number.

- c. The owner shall keep a written record from a Doctor of Veterinary Medicine licensed to practice in the State of Minnesota. The written record shall certify the health of each backyard chicken before obtaining the chicken and annually thereafter.
- d. All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the City Administrator and/or Enforcement Officer removing backyard chickens from the premises or revoking the backyard chicken permit.
- e. All grain and food stored for backyard chickens permit shall be kept indoors in a rodent proof container.
- f. Backyard chickens shall not be kept in such a manner as to constitute a Nuisance as provided for under Chapter Six of the Norwood Young America City Code.
- g. Persons no longer intending to keep backyard chickens on the subject property shall notify the City in writing and remove the enclosed coop and run.
- h. The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation.

II. EFFECTIVE DATE. THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City Council this 9th day of June 2014.

Attest:

Mayor

Diane Frauendienst, City Clerk/Treasurer

Chicken Ordinances for other local Cities

City	Lot size	# of Chickens Allowed	Roosters allowed?	Zoning Requirements
Anoka, city of	Not specified	Max limit 4	No	Within City Limits
Wyoming	< 2 buildable acres	Max limit 4	No	R1, R2, R3 and R4
	> 2 buildable acres	4 per acre	No	
Forest Lake	< 5 acres single family residential properties (not allowed on multi-family residential properties)	Max limit 5	No	Residential zoning district
Shoreview	< 2 acres	Max limit 4	No	
	> 2 acres	Conditional use permits may be required for more than 4	May be provided crowing is not nuisance	RE, Residential Estate Zoning district and R1 Detached Residential District
North Branch	0-0.99	0	No	R1, R2, RR, AG-1, AG-2
	1.0-2.49	5	No	
	2.5-5.0	10	No	
	5.01-10.0	50	Yes	
	10.0 and larger	Based on current MPCA animal chart	Yes	
Ham Lake	Except domesticated pets, and as permitted under Chapter 5-200, no raising, breeding, keeping or occupancy of livestock, poultry or other animals shall be permitted on any lands other than those zoned R-A Rural Single Family Residential. In land zoned R-A such activities may be permitted on parcels in excess of five contiguous acres, provided the occupant has obtained an Animal Permit			
Oak Grove	Does not specify Just for Special regulations for the keeping of non-domestic animals it specifies Pen size			

St Francis	< 5 acres	Not permitted	Not specified	Not specified
	> 5 acres (although when determining size 1 acre will be excluded as being considered for residence, lawns, etc..)	Max 20 , with 1 additional acre required per 10 additional fowl		

Municipal Survey Results

Poultry and Fowl Ordinance Survey (November 2012)

- **52 cities surveyed**
- **67 percent (35 cities)** do not allow chickens in the back yard of urban lots.
 - Allow on 1.5 – 3.5 acre minimum lot area if zoned agricultural
 - 5 acre minimum lot area popular
 - 10 acre minimum lot area by two cities
- **33 percent (17 cities)** allow chickens with coop, pen, minimum lot, licensing, etc. requirements
 - Licensing: 10 cities required an annual license.
 - Licensing Fee: \$0 - \$100 \$55 avg.
 - Inspections: 5 cities inspect annually
3 periodically
1 complaint basis

Municipal Survey Results

- **Inspections:** 5 cities inspect
 - 3 periodically
 - 1 complaint basis
- **Maximum number of chickens:**
 - 2 cities without any limits
 - 3 cities allow up to 3 chickens
 - 4 cities allow up to 4 chickens
 - 3 cities allow up to 5 chickens
 - 1 city allows up to 6 chickens
 - 1 city allows up to 10 chickens
- **Roosters:** 12 cities prohibit
 - 1 city if neighbors approve
 - 2 cities allow

Municipal Survey Results

- **Slaughter:** 16 cities prohibit
1 city determines in review process

- **Building Permit Required:** 13 cities

- **Coop/pen Setbacks:**

Property Line

- 0 – 3 ft. 2 cities
- 5 feet 4 cities
- 10 feet 5 cities
- 25 feet 1 city
- 50 feet 1 city

Other Residential Structures

- 6 feet 1 city
- 25 feet 3 cities
- 30 feet 2 cities
- 50 feet 2 cities
- 75 feet 1 city

Chicken Run Rescue – Mary Britton Clouse
www.chickenrunrescue.org

Experiences: Rescue center, rodents, ground cover, dwelling damages, predators and injured/ diseased chickens

Recommendations:

1. Keep the minimum lot size requirement as is.
2. If allowed on smaller lots, then:
 - **100% consent of neighboring property owners.**
 - **Stringent requirements and fund inspections and enforcement for shelter and care.**
 - **Strict cruelty/neglect enforcement.**
 - Permit chickens as “companion pets” only. Not for food.
 - No prohibition on roosters.
 - Prohibit slaughtering, breeding, sale or barter of animals or by products.
 - Limit the number of permits.

A link to the Chicken Run Rescue’s slideshow will be sent to by email on Monday, April 22, 2013.

St. Paul - Animal Control Officer

68 permits - more pending

Initiated as a permit process from Animal Control Center

Respond to complains. Now involves Zoning Dept., Building Dept., Health Dept. and Public Safety. **Each Department must allocate resources.**

Animal Control Center **recommends stringent coop and pen standards** because of complaints and diversity of materials being used. St. Paul did not adopt stringent requirements and now causes **neighboring resident issues.**

Chicken Feces Challenges. Used as yard fertilizer or mixed with compost is prohibited.

75 percent approval by neighboring property owners within 150 feet. **Recommends 100 percent.**

St. Paul - Animal Control Center...continued

\$25 permit for less than 3 chickens, \$18 renewal
\$72 permit for 4 or more chickens

Compliance by majority of permit holders. **Enforcement challenges and costs.**

Animal health and diseases. Can determine if the chickens are generally in good health, but not trained to recognize diseases that require veterinary care.

DIRECTION:

- YES
- NO

1. Accept the Planning Commission's and Public Safety, Health and Welfare Commission's recommendations not to amend City ordinances to allow poultry and/or fowl in the back yard of urban residential lots.

- YES
- NO

2. Amend the City's Zoning Ordinance to change the five acre minimum requirement to a different minimum acreage requirement.

a) If you think there should be a change for the minimum acreage requirement, what should that change be? (check one)

- 10 acres
- 5 acres (current requirement)
- 4 acres
- 3 acres
- 2 acres
- 1 acre
- .5 acre
- .25 acre

b) Neighboring property owner/tenant's written approval? (check one)

100% adjoining landowner/tenant.

or

100% property owner/tenant within 150 feet.

or

100% property owner/tenant within 500 feet.

c) Minimum setback between coop/pen to neighboring residential dwelling? (check one)

100 feet

75 feet

50 feet

25 feet

15 feet

10 feet



City of East Bethel City Council Work Meeting Agenda Information

Date:

June 25, 2014

Agenda Item Number:

Item 4.0

Agenda Item:

City Ordinance, Zoning, Appendix A, Sections 41-44 and 56, 57

Requested Action:

Discuss residential density regulations as required in Sections 41-14 and 56, 57 in the City Zoning Ordinance

Background Information:

The City Zoning Ordinance was amended on September 5, 2007 to restrict densities in unsewered residential areas to one unit per 10 acres or four units per 40 acres with no lot exceeding 2.5 acres. Since the adoption of this amendment there have been no subdivision plats filed in the City of East Bethel that do not have access to sewer service. The 2009 downturn in the housing market is a contributing factor in the cessation of plat filings but the “one in ten” density minimums are an equal cause for the lack of rural subdivision development in the City.

There has been discussion in regards to re-consider residential density requirements that would revert to the previous 2.5 acre standard. Given that the previous regulations provided protection against urban type densities and that the “one in ten” requirement was as much a tool to funnel residential development to the Highway 65 Corridor as it was to protect the rural nature of the City of East Bethel, it may be appropriate to re-examine this issue.

Council can consider if there is a need to proceed on this matter and should there be an interest in examining this further, Council can provide direction to the Planning Commission to develop recommendations for the City to consider at future date.

Attachments:

- Attachment 1- Section 41
- Attachment 2- Section 42
- Attachment 3- Section 43
- Attachment 4- Section 44
- Attachment 5- Section 56
- Attachment 6- Section 57
- Attachment 7- June 4, 2014 CC Minutes

Fiscal Impact:

To be determined

Recommendation(s):

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

SECTION 41. AGRICULTURAL DISTRICT (A)

1. Purpose.
2. Permitted uses.
3. Accessory use.
4. Conditional uses.
5. Interim uses.
6. Development regulations.

1. Purpose.

The purpose of this district is to allow agricultural activities that are compatible with adjacent rural residential land uses and which promote the rural atmosphere of the community until such time as the land may be developed for other appropriate rural uses. No more than one single-family dwelling is permitted per lot.

2. Permitted uses.

- A.
Single-family detached dwelling at a maximum density of one unit per ten acres.
- B.
Licensed residential facility - Serving six or fewer persons.
- C.
Agriculture, including crop production, sod farming, nurseries, and horticultural activities.
- D.
Animal husbandry, including the raising of livestock, dairy animals, or game animals, and excluding animal feed lots and commercial stockyards.
- E.
Raising of poultry, rabbits, or game birds.
- F.
Recreation, public.

- G. Essential services, utility substation.
- H. Essential services, government.

3. Accessory use.

- A. Barns and stables related to crop production and the raising of livestock, poultry, bees, rabbits, or game birds.
- B. Agricultural buildings and similar structures as regulated in Section 14. [Detached] Accessory Structures.
- C. Temporary/seasonal sales as permitted in Section 10. General Development Regulations.
- D. Amateur radio antennae less than 30 feet in height, as measured from ground level.
- E. Unlicensed daycare facility serving six or fewer persons.
- F. Licensed daycare facility serving 14 or fewer persons.

4. Conditional uses.

- A. Places of worship.
- B. Electric power and communications transmission lines.

5. Interim uses.

The following interim uses are permitted in the agricultural (A) district with an interim use permit (IUP):

- A. Raising of livestock or game animals at densities of more than five animals per acre.
- B. Golf courses.
- C.

Agricultural composting.

D.

Home occupations as regulated by Section 10. General Development Regulations.

E.

Grading activities that move more than 1,000 cubic yards of material per acre.

F.

Domestic farm animals as regulated by Ordinance 115A.

6. Development regulations.

A.

Minimum lot requirements.

1)	Lot area	Not less than two acres with a maximum residential density of one unit/ten acres
2)	Lot width	300 feet at the public right-of-way; 300 feet at front building setback
3)	Minimum buildable area	23,000 square feet

B.

Setbacks.

1)	Principal structure.		
	a)	Front yard	
		(1)	City ROW 40 feet
		(2)	State/county ROW 100 feet
	b)	Side street	
		(1)	City ROW 40 feet
		(2)	State/county ROW 100 feet
	c)	Side yard 30 feet	
	d)	Side street 25 feet	
2)	Accessory structure.		
	a)	Front yard	
		(1)	City ROW 40 feet
		(2)	State/county ROW 100 feet
	b)	Side street	
		(1)	City ROW 40 feet
		(2)	State/county ROW 100 feet
	c)	Side yard 10 feet	
	d)	Rear yard 10 feet	

C.

Maximum height.

1)	Principal structure	Measured to the eave, a maximum height of three stories or 30 feet, whichever is less.
2)	Detached accessory structure	30 feet

D.

Minimum floor area.

1)	Single-level unit	1,000 square feet
2)	Full two-story with full basement	720 square feet
3)	All other units	900 square feet (main floor plus additional area)

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

SECTION 42. RURAL RESIDENTIAL (RR) DISTRICT

1. Purpose.
2. Permitted uses.
3. Accessory uses.
4. Conditional uses.
5. Interim uses.
6. Certificate of compliance.
7. Development regulations.

1. Purpose.

A.

The rural residential (RR) district is designed to accommodate residential land uses at low densities that promote the rural character of East Bethel and provide an environment of peace and tranquility for district residents. Residential uses within this district shall rely upon on-site sewage treatment systems and private wells rather than public utility facilities. No more than one single-family dwelling is permitted per lot.

2. Permitted uses.

A.

Single-family detached dwelling.

B.

Licensed residential facility—Serving six or fewer persons.

C.

Recreation-public.

D.

Agricultural use.

E.

Essential services, government.

3. Accessory uses.

A.

- B. Private garage, carport, or parking space.
- B. Private swimming pool, tennis court, or other similar facility used by a single family.
- C. Shelters temporarily located on-site for construction activities during construction or for six months, whichever is less.
- D. Accessory structures as regulated by Section 14. [Detached] Accessory Structures.
- E. Unlicensed daycare facility serving six or fewer persons.
- F. Licensed daycare facility serving 14 or fewer persons.
- G. Pasture—other uses customarily associated with but subordinate to a permitted use as determined by the city council.
- H. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations, and television receivers as regulated by [Section 17](#) [16]. Telecommunication[s] Facilities.
- I. Kennel, private.

4. Conditional uses.

- A. Places of worship.
- B. Schools.
- C. Cemeteries.
- D. City-sponsored senior housing.
- E.

Essential services, utility substation.

5. Interim uses.

The following interim uses are permitted in the RR district with an interim use permit:

- A. Home occupations, as regulated by Section 10. General Development Regulations.
- B. Golf courses.
- C. Outside storage of more than five motor vehicles, recreational vehicles, items of equipment, or trailers.
- D. Grading activities that move more than 1,000 cubic yards of material per acre.
- E. Amateur radio antennae less than 30 feet in height.
- F. Domestic farm animals as regulated by City Code [chapter 10](#)
- G. Craft center.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

7. Development regulations.

- A. Minimum lot regulations.

1)	Lot area	Not less than two acres with a maximum residential density of one unit/ten acres
2)	Lot width	200 feet at public right-of-way, 200 feet at front building setback
3)	Minimum buildable area	23,000 square feet

- B. Setbacks.

1)	Principal structure	
----	---------------------	--

	a)	Front yard		
		(1)	City right-of-way	40 feet
		(2)	County/state right-of-way	100 feet
	b)	Side street		
		(1)	City right-of-way	40 feet
		(2)	County/state right-of-way	100 feet
	c)	Side yard		25 feet
	d)	Rear yard		25 feet
2)	Detached accessory structure			Same as above

C.

Maximum height.

1)	Principal structure	Measured to the eave, maximum height of three stories or 30 feet, whichever is less.
2)	Detached accessory structure	Shall comply with Section 14.3.A. Roof pitch and style shall match the principal structure.

D.

Minimum floor area.

1)	Single-level unit	1,000 square feet
2)	Full two-story with full basement	720 square feet
3)	All other units	900 square feet
		(main floor plus additional area)

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

SECTION 43. SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

1. Purpose.
2. Permitted uses.
3. Accessory uses.
4. Conditional uses.
5. Interim uses.
6. Certificate of compliance.
7. Development regulations.
8. Maximum lot coverage.

1. Purpose.

A.

The single-family residential (R-1) district is intended and designed to provide for certain low-density residential areas now developed with single-family dwellings and areas where similar residential development is likely to occur. No more than one single-family dwelling is permitted per lot.

2. Permitted uses.

A.

Single-family residential.

B.

Licensed residential care facility—Serving six or fewer persons.

C.

Recreation—Public.

D.

Essential services—Governmental.

3. Accessory uses.

The following accessory uses are permitted in the R-1 district:

A.

Accessory structures as regulated by Section 14.
Accessory Structures.

- B. Private swimming pool, tennis court, or other similar facility used by a single family.
- C. Unlicensed day care facility—serving six or fewer persons.
- D. Licensed day care facility—serving 14 or fewer persons.
- E. Shelters temporarily located on-site for construction activities during construction or for six months, whichever is less.
- F. Other uses customarily associated with but subordinate to a permitted use as determined by the city.
- G. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by [Section 17](#) [16].
Telecommunication[s] Facilities.
- H. Kennel, private.

4. Conditional uses.

- A. Principal use.
 - 1) Places of worship.
 - 2) Essential services, utility substations.
 - 3) Schools.
- B.

- C. Bed and breakfast inn.
- D. Electric power and communications transmission lines.
- D. Other uses similar to those permitted in this section as determined by city council.

5. Interim uses.

The following interim uses are permitted in the R-1 district with an interim use permit:

- A. Home occupations, as regulated in Section 10. General Development Regulations.
- B. Golf courses.
- C. Telecommunication tower.
- D. Grading activities that move more than 1,000 cubic yards of material per acre.
- E. Domestic farm animals as regulated by City Code [Chapter 10](#)

6. Certificate of compliance.

- A. Temporary/seasonal sales as permitted in Section 10. General Development Regulations.
- B. Fences as permitted in [Section 25](#). Fence Regulations.

7. Development regulations.

- A. Minimum lot requirements.

1)	Lot area	
	(a) Without sewer and water	10 acres
	(b) With sewer and water	11,800 square feet
	(c) Shoreland overlay district with sewer and	As regulated by [Section] 57 . Shoreland Overlay

	water	District
2)	Lot width	
	(a) Without sewer and water	300 feet at the public right-of-way
	(b) With sewer and water	80 feet at the public right-of-way
3)	Minimum buildable area	
	(a) Without sewer and water	23,000 square feet
	(b) With sewer and water	8,260 square feet

B.

Setbacks.

1)	Principal structure	
	(a) Front yard	
	(1) City right-of-way	30 feet
	(2) >County/state right-of-way	>100 feet
	(3) Shoreland overlay	25 feet
	(b) Side yard	10 feet
	(c) Side street	
	(1) City right-of-way	25 feet
	(2) >County/state right-of-way	>100 feet
	(d) Rear yard	25 feet
2)	Detached accessory structure	
	(a) Front yard	Must meet required setback of principal structure and cannot be located between the principal structure and the street
	(b) Side street	25 feet and cannot be located between the principal structure and the street
	(c) Side yard	10 feet
	(d) Rear yard	10 feet

C.

Building height:

1)	Principal structure	Measured to the eave, maximum height of three stories or 30 feet, whichever is less.
2)	Detached accessory structure	Shall be limited to one story with a maximum sidewall height of ten feet, measured from the floor surface to the underside of the ceiling member. Roof pitch and style shall match the principal structure.

D.

Minimum floor area.

1)	Single-level unit	1,000 square feet
2)	Full two-story with full basement	720 square feet
3)	All other units	>900 square feet
		(main floor plus additional area)

8. Maximum lot coverage.

A.	R-1 not located in the shoreland overlay district	50 percent
B.	All properties located in the shoreland overlay district	As regulated by Section 57 . Shoreland Overlay District

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

SECTION 44. SINGLE-FAMILY AND TOWNHOME RESIDENTIAL (R-2) DISTRICT

1. Purpose.
2. Permitted uses.
3. Accessory uses.
4. Conditional uses.
5. Interim uses.
6. Certificate of compliance.
7. Development regulations.
8. Maximum lot coverage.

1. Purpose.

The single-family and townhouse residential (R-2) district is intended to allow a mix of single-family and attached/detached townhomes at a more typical single-family density; to reflect the character of its transitional setting on the fringe of the urbanized area of the city served by public sewer and water; and to broaden the choice of residential living styles in the city. The mix of detached and attached housing units shall reflect a minimum 60 percent detached and a maximum 40 percent attached dwelling ratio in any given residential subdivision.

2. Permitted uses.

- A. Single-family residential detached.
- B. Single-family residential attached—Maximum six units per building.
- C. Licensed residential care facility—Serving six or fewer persons.
- D. Recreation—Public.
- E.

Essential services, government.

3. Accessory uses.

The following accessory uses are permitted in the R-2 district:

- A. Detached accessory structures serving detached single-family units only as regulated by Section 14. [Detached] Accessory Structures.
- B. Swimming pool, tennis court, or other similar facility.
- C. Unlicensed day care facility, serving six or fewer persons.
- D. Licensed day care facility serving 14 or fewer persons.
- E. Shelters temporarily located on-site for construction activities during construction or for six months, whichever is less.
- F. Other uses customarily associated with but subordinate to a permitted use as determined by the city.
- G. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by [Section 17](#) [16].
Telecommunication[s] Facilities.

4. Conditional uses.

- A. Essential services, utility substations.
- B. Place of worship.
- C. School.
- D.

Hospital services.

E.

Other uses similar to those permitted in this section as determined by the city council.

5. Interim uses.

The following interim uses are permitted in the R-2 district with an interim use permit:

A.

Home occupations, as regulated in Section 10. General Development Regulations.

B.

Golf course.

C.

Tower.

D.

1) Lot area			
(a)	Without sewer and water	10 acres	
(b)	With sewer and water		
	(1)	Detached single-family	8,250 square feet
	(2)	Detached townhome	6 units per acre
	(3)	Attached townhome	6 units per acre
	(4)	Shoreland overlay district with sewer and water	As regulated by Section 57 Shoreland Overlay District
2) Minimum buildable area			
a)	Without sewer and water		23,000 square feet/unit
b)	With sewer and water		
	(1)	Detached single-family	6,600 square feet
	(2)	Detached/attached townhome	5,000 square feet/unit
3) Lot width			
(a)	Without sewer and water		300 feet at the public right-of-way
(b)	With sewer and water		
	(1)	Detached single-	80 feet at the public

		family	right-of-way
	(2)	Detached townhome	60 feet at the public right-of-way except developments with common site area owned and maintained by a homeowner's association shall not have a required minimum lot width
	(3)	Attached townhome	No established minimum lot width

Kennel,
private.
E.
Grading
activities that

move more than 1,000 cubic yards of material per acre.

F.

Domestic farm animals as regulated by Ordinance 115A.

6. Certificate of compliance.

A.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

B.

Fences as permitted in [Section 25](#). Fence Regulations.

7. Development regulations.

A.

Minimum lot requirements.

B.

Setback.

1)	Principal structure		
	a)	Front yard	
	(1)	City right-of-way	30 feet
	(2)	County/state right-of-way	100 feet
	(3)	Side yard	10 feet
	(4)	Side street	25 feet
	(5)	Rear yard	25 feet
	(6)	Internal	20 feet between principal structures
	(7)	Shoreland overlay	25 feet from public right-of-way
	(8)	Maximum height	Measured to the eave, maximum height of three stories or 30 feet, whichever

			is less
2)	Detached accessory structure		
a)	Front yard	Must meet required setback of principal structure and cannot be located between the principal structure and the street	
b)	Side street	25 feet and cannot be located between the principal structure and the street	
c)	Side yard	10 feet	
d)	Rear yard	10 feet	

C.

Building height.

1)	Principal structures	Measured to the eave, maximum height of three stories or 30 feet, whichever is less
2)	Detached accessory structures	Shall be limited to one story with a maximum sidewall height of ten feet, measured from the floor surface to the underside of the ceiling member

D.

Minimum floor area.

1)	Single-level unit	1,000 square feet
2)	Full two-story with full basement	720 square feet
3)	All other units	900 square feet
		(main floor plus additional area)

8. Maximum lot coverage.

A.	R-2 not located in the shoreland overlay district	50 percent
B.	All properties located in the shoreland overlay district	As regulated by Section 57 . Shoreland Overlay District

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

SECTION 56. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

1. Purpose.
2. Conditional uses.
3. Rules and standards.
4. Development standards.
5. Procedure and administration.
6. Criteria for granting a PUD.
7. Final plan revisions.
8. Method of amending a PUD.
9. Method of cancellation of a PUD.

1. Purpose.

The primary purpose of the planned unit development (PUD) provisions is to allow flexibility and variation from conventional ordinance standards in exchange for higher standards of development design and creativity, architectural control, natural resource protection, landscaping, public parks, public and private open space protection, pedestrian access, and multi-use corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.

Public benefit: The public benefits to the surrounding neighborhood and the city as a whole that are intended to be derived from the approval of a planned unit development include, but are not limited to:

- A.
Preservation and enhancement of desirable site characteristics and open space.
- B.
A pattern of development which preserves natural vegetation, topographic and geologic features.

- C. Preservation and enhancement of historic and natural resources that significantly contribute to the character of the city.
- D. Use of design, landscape, or architectural features to create a pleasing environment or other special development features.
- E. Provision of a variety of housing types in accordance with the city's housing goals.
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
- G. Business and commercial development to enhance the local economy and strengthen the tax base.
- H. To assure the development of a complex unit of associated uses is planned as a single entity and to effectuate the policies and standards of the comprehensive plan.

2. Conditional uses.

- A. Electric power and communications transmission lines.

3. Rules and standards.

- A. A PUD may be excluded from certain requirements when specifically approved as part of the PUD. Such exclusions shall only be granted for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the applicant.
- B. The granting of a PUD does not alter in any manner the underlying zoning district uses. Building permits shall not be issued which are not in conformity with the approved PUD.
- C.

A PUD may be applied to the B-1, B-2, B-3, PBD, and I zoning districts.

D.

A PUD is required in the city center zoning district and environmental overlay district.

E.

A PUD is not permitted in the R-1, R-2, RR, and A residential zoning districts unless otherwise designated on the official City of East Bethel zoning map adopted as part of the zoning ordinance.

4. Development standards.

The development standards for a PUD shall be guided by the underlying zoning district and established with PUD approval with the exception of the following standards:

A.

Minimum area for a PUD. The minimum total area required for a PUD shall be three acres of contiguous upland (excluding wetlands). Tracts of land less than three acres may qualify only if the applicant can show that the minimum lot area requirement should be waived because a PUD is in the public interest and that one or both of the following conditions exist:

1)

Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the normal district would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

2)

The property is adjacent to or across the street from property that has been developed under the provisions of this section and will contribute to the amenities of the neighborhood.

B.

Commercial and industrial sites. All commercial and/or industrial sites shall at a minimum have two principal

buildings or two principal uses on site to qualify as a PUD. All commercial and/or industrial sites that have two or more principal buildings must be processed as a PUD.

C.

Open space. A primary function for a PUD is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial. All open space shall be labeled as such and as to its intent or designed functions.

D.

Relationship to adjacent areas. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed to minimize any undesirable impact of the development on adjacent properties and, conversely, to minimize any undesirable impact of adjacent land use and development characteristics on the PUD.

5. Procedure and administration.

A.

Pre-application meeting. Prior to submission of any plan for consideration of the planning commission and city council, the applicant shall meet with city staff to discuss the contemplated project relative to community development objectives for the area in question to learn what procedural steps and exhibits shall be required. In the event the proposed development of the land is not in conflict with such community development objectives, the applicant may proceed to concept plan review.

B.

Concept plan review. Before submitting an application for preliminary plan review, the applicant shall submit a concept plan of the proposed PUD to be reviewed by the planning commission and city council. The concept plan review allows the applicant to receive general, non-binding feedback from the

planning commission and city council before the applicant prepares and submits a more detailed application for preliminary plan review.

C.

Preliminary plan review. The applicant for a PUD shall apply for preliminary plan review. The planning commission shall make a recommendation to the city council to approve or deny the preliminary plan and the council shall take final action on the application. City council approval of the preliminary plan indicates that the applicant can proceed to final plan review. The application for preliminary plan review shall be accompanied by supporting information as listed below or as deemed necessary by the city to fully explain the property, the applicant, and the proposed development. The application may include further information as the applicant deems appropriate for preliminary plan review of the proposed PUD. The city may require additional information depending on the complexity of the proposal. The supporting information and an application form shall be submitted in a format as directed by the city and, at a minimum, shall contain the following:

1)

A written statement describing the proposed PUD and the market which it is intended to serve. The statement shall also demonstrate the proposed PUD relationship to the city's comprehensive plan and how the proposed PUD is to be designed, arranged, and operated to permit the development and use of neighboring property in accordance with the applicable provisions of the city. The statement shall also include the public decisions necessary for implementing the proposed plan including the present and possible new zoning classifications required for development.

2)

A legal description of the entire area within the PUD for which final plan review approval is sought.

3)

A preliminary plat prepared in accordance with the city's subdivision regulations.

4)

A preliminary plan drawing to scale of not less than one inch equals 50 feet (or scale as requested by the city) containing at a minimum the following information:

- a) Proposed name of the development;
- b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the site;
- c) The location, size, use, and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area of proposed buildings including model homes and existing buildings that will remain, if any. Also, all required setback lines shall be depicted;
- d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces, and access aisles, and all other circulation elements including bike and pedestrian, and the total site coverage of all circulation elements;
- e) Location, designation, and total area of all common private open space and facilities;
- f) Location, designation, and total area proposed to be conveyed or dedicated for public open space including parks, playgrounds, school sites, and recreational facilities;
- g) The location, use, and size of structures and other land uses on adjacent properties; and
- h) Where applicable, tabulation indicating the number of residential dwelling units and expected population, and tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity.

- 5) A preliminary landscape plan showing groundcover materials and the areas to be landscaped with the location, size, and species of all trees, shrubbery, and groundcover.
- 6) A preliminary grading, drainage, and site alteration plan for the development illustrating changes to existing topography and natural site vegetation and all appropriate protection measures taken during construction.
- 7) A preliminary lighting plan illustrating the location, types of devices, and photometric data.
- 8) A preliminary signage plan illustrating the sizes, location, and overall program.
- 9) A traffic flow plan and analysis.
- 10) Solid waste disposal procedures and provisions.
- 11) The applicant shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a leasehold interest in excess of 30 years, or a substantial interest in a joint venture agreement, real estate investment trust, or other real estate syndication that can obtain a fee simple title or marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time. All mortgages including purchase money mortgages, easements restricting land use, and liens and judgments that may affect the site shall be documented. The applicant shall supply proof of existing ownership consisting of an abstract of title, certified currently, a current certificate of title, or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable property interest.
- 12)

Any other information that may have been required by the city staff, planning commission, or city council in conjunction with the approval of preliminary plan review.

A. [D1.]

Final plan review.

The applicant shall have secured final plan review approval by the city council within one year following the date of approval of the preliminary plan review. If application for final plan review approval is not received within one year, the preliminary plan review will be considered abandoned and a new application for preliminary plan review must be submitted. The city council shall make final determination on approval of the final plan review.

The application for final plan review shall be accompanied by development plans of the proposed PUD and supporting information as listed below or as deemed necessary by the city. All material shall be submitted together in a format as directed by the city.

1)

A final site plan, grading plan, utility plan, landscaping plan, lighting plan, building elevations, sign plan, and all applicable data as aforementioned in this section as deemed necessary depending upon the complexity of the proposal. One transparent Mylar copy of the final development plans, should they be approved, shall be filed with the city within 60 days of such approval.

2)

A final plat in accordance with the requirements of the city's subdivision ordinance.

3)

A legal submission component including any deed restrictions, covenants, agreements, bylaws, or proposed homeowner's association or other documents or contracts controlling the use or maintenance of property. Where such information is lacking, the city council may require a bond or similar guarantee to insure that areas held common by persons residing in the development will be developed and maintained.

- 4) A final construction staging plan indicating the geographical sequence and timing of development for the plan or portions thereof, including the date of beginning and completion of each stage.
- 5) Any other information necessary to fully represent the intentions of the final plan.

A. [D2.]

Fees. The required application fee shall accompany applications for sketch plan, preliminary plan, and final plan review. The applicant shall pay fees as set forth by the city council.

E.

Public hearing and notices. All applications for review of a PUD proposal, except sketch plan review, require a public hearing and shall be noticed and processed according to the standards and procedures for zoning ordinance text and map amendments as established in Section 4. Applications and Procedures.

F.

Development agreements. A development agreement shall be executed reflecting all terms and conditions of the approved PUD plans and financial requirements.

6. Criteria for granting a PUD.

The planning commission may recommend, and the city council may act to approve or deny, a preliminary or final plan for a PUD in any district. The planning commission, in making a recommendation, and the city council, in acting upon a plan, shall consider the following factors; however, nothing herein shall be meant to guarantee approval of such PUD:

- A. The consistency of the proposed PUD with the city's comprehensive plan;
- B.

The proposed uses compliance with the standards and criteria of the zoning ordinance and subdivision regulations;

C.

The extent to which the proposed PUD is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual character, and sufficiency of drainage and utilities;

D.

The extent to which the proposed uses will be compatible with present and planned uses in the surrounding area;

E.

The impact of the proposed uses on the health, safety, and general welfare of the occupants of the surrounding area;

F.

The burden or impact created by the PUD on parks, schools, streets, and other public facilities and utilities;

G.

The sufficiency of each phase of the PUD to ensure its construction and operation is feasible without dependence upon any subsequent phase;

G. [H.]

The impact of the PUD on environmental quality, property values, scenic views, and preservation of significant natural resources and amenities of the surrounding area; and

H. [I.]

That any exceptions to city ordinances, policies, or regulations are justified by the design or development of the proposed use.

7. Final plan revisions.

A.

Minor changes in the location, placement, and heights of buildings or structures may be authorized by the city if required by engineering or other circumstances not foreseen at the time the final plan review was approved.

B.

Approval by the city council shall be required for changes such as rearrangement of lots, blocks, and building tracks or any other significant changes as determined by the city. These changes shall be consistent with the purpose and intent of the approved final plan review.

8. Method of amending a PUD.

Any desired change involving density, use, building type, enlargement, or intensification of the use not specifically allowed by a particular PUD, or any request for a variance from the specific terms of a previously passed PUD, shall require that an application be filed for an amendment and all procedures shall then apply as if a new plan was applied for.

9. Method of cancellation of a PUD.

Any existing approved PUD shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with respect to said property prior to the time that there is any physical implementation of the matters covered by the previously approved PUD. In addition, an existing PUD shall be deemed to be automatically canceled in the event that a final plat, if the same is required in connection with the application, is not filed with Anoka County as required by and in accordance with the terms of the city subdivision regulations within 120 days following final approval of the PUD by the city council. The PUD shall expire and be considered null and void one year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing PUD shall be canceled and revoked, short of expiring according to its own terms, only upon the event of the city acting in accordance with law and due process, taking some rezoning action that supersedes the PUD. City council has the authority to set a completion date of construction activities with a PUD.

(Ord. No. 19, Second Series, 5-5-2010)

SECTION 57. SHORELAND OVERLAY (SL) DISTRICT

1. Statutory authorization and policy.
2. Scope and applicability.
3. Notifications to the department of natural resources.
4. Purpose.
5. Definitions.
6. Administration.
7. Shoreland classification system and land use districts.
8. Shoreland overlay district standards.
9. Placement and design of roads, driveways, and parking areas.
10. Stormwater management.
11. Special provisions for commercial, industrial, public/semi-public, agricultural, forestry, and extractive uses and mining of metallic minerals and peat.
12. Conditional and interim uses.
13. Water supply and sewage treatment.
14. Nonconformities.
15. Subdivision/platting provisions.

1. Statutory authorization and policy.

A.

Statutory authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes.

1)

Policy. The uncontrolled use of shorelands of the City of East Bethel, Minnesota, affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to

local governments of the state to regulate the subdivision, use, and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of East Bethel.

2. Scope and applicability.

A.

Jurisdiction. The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in this ordinance and unclassified water bodies where applicable. A landscape/garden pond created by a private user where there was no previous water body may, at the discretion of the governing body, may be subject to the provisions of this section.

B.

Abrogation and greater restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

C.

[Compliance with regulations.] The use of any shoreland of public waters, the size and shape of lots; the use, size, type and location of structure on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this regulation and other applicable regulations.

D.

[Severability.] If any section, clause, provision, or portion of this ordinance is determined to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

E.

[Supplemental regulations.] The regulations contained in this section are in addition to and not in lieu of the other regulations contained in other sections of this ordinance. All other regulations in this ordinance that are inconsistent with the regulations of this section are hereby repealed to the extent of the inconsistency only.

3. Notifications to the department of natural resources.

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional or interim uses under this subdivision of this ordinance must be sent to the Minnesota Department of Natural Resources (DNR) Commissioner or designated representative and be postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivisions/plats.
- B. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional or interim uses under this subdivision shall be sent to the DNR Commissioner or representative within ten days of final action.

4. Purpose.

It is the intent and purpose of these regulations to:

- A. Designate suitable land use districts for each body of public water.
- B. Regulate the sanitary and waste treatment system for lots.
- C. Regulate the area of lots and the width of lots suitable for building sites.
- D. Regulate the alteration of shoreland of public waters.
- E. Regulate alterations of the natural vegetation and the natural topography along shorelands.

- F. Conserve natural resources and maintain a high standard of environmental quality.
- G. Preserve and enhance the quality of water.
- H. Preserve the natural environmental values of shorelands.
- I. Maintain water quality, reduce flooding and erosion, and provide sources of food and habitat for a variety of fish and wildlife.

5. Definitions.

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in [Section 01](#). General Provisions of Administration, and to give this section its most reasonable application.

Access corridor. An area where vegetation is cut or removed through the buffer to provide access to a lake, stream, or wetland.

Bluff. A line along the top of a slope connecting points at which the slope, proceeding away from the water body or adjoining watershed channel, becomes less than 18 percent and it only includes slopes greater than 18 percent that meet the following criteria:

Bluff line. A line along the top of a slope connecting points at which the slope, proceeding away from the water body or adjoining watershed channel, becomes less than 18 percent and it only includes slopes greater than 18 percent that meet the following criteria:

- 1) Part or all of the feature is located in a shoreland area.
- 2) The slope rises at least 20 feet above the ordinary high water level of the water body.
- 3) The slope must drain toward the water body.

4)

The average slope of 18 percent or more shall extend over a distance of 50 feet or more.

Bluff impact zone. A bluff and land located within 20 feet from the top of a bluff.

Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

Buildable area. The space remaining on a lot after the setback requirements, area with a slope of 33 percent or more, 100-year floodplain, and drainage easements or wetland have been subtracted.

Building line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Buffer strip. Undisturbed strip of land adjacent to shorelines and wetlands consisting of native or existing vegetation.

Buffer width, minimum. The minimum buffer distance allowed measured perpendicular to the delineated wetland edge or ordinary high water mark of the lake or stream.

Clear cutting. The removal of an entire stand of trees.

Commercial use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Conditional use. A use as this term is defined in Minnesota Statutes, chapter 394.

Controlled access lots. Lots intended to provide access to the lake for residents of a particular development.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than six inches above ground.

Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes.

Forest land conversion. The clear-cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Hardship. A property cannot be put to reasonable use if: the conditions of the zoning ordinances are followed; the landowner's particular circumstances are unique and not self-created; and, granting a variance will not alter the essential character of the locality, as defined in MN Statutes, Chapter 462.

Height of building. See [Section 01](#). General Provisions of Administration.

Impervious surface. The area of a lot (above the ordinary high water level) covered with buildings including all appurtenances, driveways and sidewalks, and similar impervious materials. For the purpose of this section, driveways that have a gravel base shall be considered impervious. Decks that allow drainage through the decking and that do not have a plastic weed barrier or some other material that would impede drainage into the ground and swimming pool water surface area shall not be considered impervious.

Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Lake—general development. Generally large, deep lakes of varying size and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common.

Lake—natural environment. Generally small, often shallow lakes with limited capacities for assimilation of the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils.

Lake—recreational development. Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lakes around them. They often are characterized by moderate levels of recreational uses and existing development. Development consists mainly of seasonal and year-round residences and recreational-oriented commercial uses.

Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other legal means and separate and apart from any other parcel or portion of land, and from right-of-way, public or private.

Lot width. The horizontal distance between the side lot lines of a lot measured at the minimum required setback line from the ordinary high water mark or road right-of-way.

Nonconformity. The same as that term is defined or described in Minnesota Statutes 394.

Non-riparian. A lot with no frontage on a water body.

Ordinary high water level. The boundary of public waters shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool. On lakes with an ordinary high water level established by the Minnesota Department of Natural Resources, that elevation shall be considered the ordinary high water level.

Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or

cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Public waters. Any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a. However, no lake, pond, or flowage of less than ten acres in size will be regulated for the purposes of this code. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts of this code.

Riparian. A lot with frontage on a water body.

River—transition. A river designated as such by the Minnesota Department of Natural Resources.

River—tributary. Consists of watercourses mapped in the protected waters inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics.

Sensitive resource management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, property line, or other facility.

Sewage treatment system. An on-site septic tank and soil absorption system or other individual or cluster type sewage treatment system.

Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone. Land located between the ordinary high water level of public water and a line parallel to it at a setback of 50 percent of the required structure setback.

Shoreland. Land which meets all of the following criteria from public waters:

- 1)
A portion of the lot must be located within 1,000 feet from the ordinary high water level of a lake, or 300 feet from a river or stream, or the landward extent of a floodplain designated by an ordinance on a river or stream, whichever is greater.
- 2)
A portion of the lot must fall within the shoreland zoning district as delineated on the zoning map.
- 3)
A lot must have public water frontage or be in the next tier of lots landward that has primary access from the same public or private road that serves the public water frontage lots (tier two lots).

Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery.

Steep slope. Land where development or agricultural activity is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics. Where specific information is not available, "steep slope" is a 12 percent slope measured over a horizontal distance of 50 feet.

Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit development.

Surface water-oriented commercial use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Tier one. A lot or parcel of land with frontage on a public water body.

Tier two. A lot or parcel of land that is across the street from a public or private road that serves the lots fronting a public water body.

Toe of the bluff. The lower point of a bluff with an average slope exceeding 18 percent.

Top of the bluff. The highest point of a bluff with an average slope exceeding 18 percent.

Tributary stream. A stream classified as such by the Minnesota Department of Natural Resources.

Unclassified body of water. Unclassified body of water means any lake, pond, backwater, swamp, march, wetland, stream, drainage way, flowage, river, floodplain, or other water-oriented topographical features not designated as being a natural environment lake, recreational development lake, general development lake, or transition river or tributary stream on the zoning map.

Vegetation, natural. Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

Variance. A modification or variation of the provisions of this ordinance as applied to a specific lot or property, except that modification in the allowable uses in the district in which the property is located shall not be allowed as a variance.

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such

structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. For the purposes of the ordinance, wetlands must:

- a) Have a predominance of hydric soils;
- b) Be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c) Under normal circumstances, support a prevalence of hydrophytic vegetation.

Wetlands generally include swamps, marshes, bogs, and similar areas.

6. Administration.

A.

Compliance. The use of any shoreland of public waters, the size and shape of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste removal systems, the grading and filling of any shoreland area, the cutting of shoreland vegetation, and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. In cases where standards conflict with the standards of the base zoning districts, the more restrictive standard will prevail.

B.

Permits required.

1)

A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks, fences, and signs), the installation and/or alteration of sewage treatment systems, and

grading and filling activities. Application for a permit shall be made to the city. The application shall include the necessary information so that the city can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

2)

A permit authorizing an addition to an existing structure shall stipulate that an identified failed sewage treatment system shall be reconstructed or replaced.

3)

A water use permit from the City of East Bethel is required for all users withdrawing less than 10,000 gallons of water per day or less than 1,000,000 gallons per year from a public body of water. The pumping system must be enclosed in a structure not to exceed four feet by four feet and no more than two feet in height.

C.

Notification to the department of natural resources.

1)

Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls shall be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.

2)

A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

D.

Variances.

1)

Variations may only be granted in accordance with Minnesota Statutes. No variance may be granted for prohibited uses.

2)

When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance shall be sent to the department of natural resources and include the city council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

3)

For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, shall require reconstruction of a nonconforming sewage treatment system.

7. Shoreland classification system and land use districts.

A.

Shoreland classification system: The public waters of the city have been classified below and are consistent with the criteria found in Minnesota Regulations, part 6120.3300, and the Protected Waters Inventory Map for Anoka County, Minnesota.

1)

The shoreland area for the water bodies listed in this subpart [subsection 1)] shall be defined as land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage, and 300 feet from a river or stream, or the landward extent of a floodplain on a river or stream, whichever is greater. The limits of shoreland areas may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner of the DNR. Mutually inclusive with

shoreland areas, the SL districts are shown on the official zoning map.

a)

Lakes.

<i>Natural Environment Lakes</i>	<i>Protected Waters I.D.#</i>
Rice Lake	2-43
Lone Pine Lake	2-55
Booster Pond	<u>2-56</u>
Ned's Lake	<u>2-57</u>
Devil Lake	<u>2-58</u>
Deer Lake	<u>2-59</u>
Mud Lake	<u>2-60</u>
Goose Lake	2-62
Anderson Lake	2-63
Unnamed	2-64
Fish Lake	2-65
Unnamed	2-66

	Unnamed	2-68
	Unnamed	2-69
	Cooper's Lake	2-70
<i>Recreational Development Lakes</i>		
	Minard Lake	2-67
<i>General Development Lakes</i>		
	Coon Lake	2-42

b)

Rivers and streams.

<i>Tributary Streams</i>		
	Cedar Creek	*

*All protected watercourses in the city shown on the Protected Waters Inventory Map for Anoka County, a copy of which is hereby adopted by reference, not given a classification in items a) and b) above, shall be considered "tributary."

[B.

Reserved.]

C.

Land use districts:

1)

Allowable land uses in the SL districts shall follow the permitted, accessory, conditional, and interim use designations as found in Section 40. General Zoning

District Provisions of this ordinance, as may be amended, and as shown on the official zoning map of the city.

2)

Nonconformities: The land use districts adopted in this section of this ordinance shall apply to shoreland areas and their delineated boundaries on the official zoning map. All legally established nonconformities as of March 3, 1993, shall be managed according to Section 05. Nonconformities of this ordinance.

8. Shoreland overlay district standards.

A.

Lot area and width standards. The lot area and lot width standards for single- and multiple-family residential lots created after the date of enactment of this ordinance shall meet the requirements of this section.

Unsewered Lakes		Area	Width (feet)
Recreational Development		10 acres	150
General Development		10 acres	300
Natural Environment			
	Cooper's Lake	10 acres	300
	Mud Lake	10 acres	300
	Ned Lake	10 acres	300
	Deer Lake	80,000 sq. ft.	200

	Devil Lake	80,000 sq. ft.	200
	Rice Lake	80,000 sq. ft.	200
	Goose Lake	80,000 sq. ft.	200
	Fish Lake	80,000 sq. ft.	200
	Anderson Lake	80,000 sq. ft.	200
	Lone Pine Lake	80,000 sq. ft.	200
	Booster Pond	80,000 sq. ft.	200
	Unnamed 2-64	80,000 sq. ft.	200
	Unnamed 2-66	80,000 sq. ft.	200
	Unnamed 2-68	80,000 sq. ft.	200
	Unnamed 2-69	80,000 sq. ft.	200
Sewered Lakes		Area	Width (feet)
Recreational Development		20,000 sq. ft.	80
General Development		15,000 sq. ft.	80
Natural Environment		40,000 sq. ft.	125

	Unnamed 2-64	40,000 sq. ft.	125
	Unnamed 2-66	40,000 sq. ft.	125
	Unnamed 2-68	40,000 sq. ft.	125
	Unnamed 2-69	40,000 sq. ft.	125

B.

[Standards for controlled access lots.] Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

1)

They shall meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

2)

If docking, mooring, or over-water storage of more than six watercraft is proposed at a controlled access lot, the width of the lot (keeping the same lot depth) shall be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
<i>Ratio of Lake Size to Shore Length (acres/miles)</i>	<i>Required Increase in Frontage (percent)</i>
Less than 100	25
100–200	20
201–300	15
301–400	10
Greater than 400	5

3)

They shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.

4)

Covenants or other equally effective legal instruments shall be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water assuming summer leaf-on conditions.

C.

Placement, design, and height of structures.

1)

Lot area. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

2)

Placement of structures on lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered with an approved variance to conform to the adjoining setbacks from the ordinary high water level provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

a)

Structure and on-site sewage system setbacks from ordinary high water level:

<i>Setbacks</i>			
	<i>Structures</i>		
<i>Classes of Public Waters</i>	<i>Sewered</i>	<i>Unsewered</i>	<i>Sewage Treatment System</i>
Lakes			
Natural Environment	150 feet	150 feet	150 feet
Recreational Dvlp	75 feet	100 feet	75 feet
General Dvlp	50 feet	75 feet	50 feet
Creeks and Streams	100 feet	100 feet	75 feet

b)

Additional structure setbacks. The following additional structure setbacks apply regardless of the classification of the water body:

<i>Setback from</i>	<i>Setback</i>
Top of bluff	30 feet
Unplatted cemetery	50 feet
Right-of-way line of federal, state, or county highway	50 feet
Right-of-way line of town road, public street, or other roads or streets not classified	25 feet

c)

Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

3)

Design criteria for structures.

a)

High water elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not

exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed is at a level at least three feet above the highest known water level or three feet above the ordinary high water level, whichever is less, of the lake, creek, or stream fronted by the property.

Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to that elevation, electrical and mechanical equipment is placed above that elevation, and if long-duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

b)

Accessory structures. Said structures shall meet the normal structure setback in item c) of this subpart and comply with the following provisions:

(1)

The structure or facility must be treated or screened so as to be minimally visible from public waters and adjacent shorelands. Treatment techniques include, but are not limited to, use of vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions;

(2)

The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

c)

Stairways, lifts, and landings. Stairways and lifts shall be used for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:

(1)

Stairways and lifts shall not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and public recreational properties.

(2)

Landings for stairways and lifts on residential lots shall not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties and public recreational properties.

(3)

Canopies or roofs are not allowed on stairways, lifts, or landings.

(4)

Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion by following the Minnesota Pollution Control Agency's (MPCA) best management practices.

(5)

Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer leaf-on conditions whenever practical.

(6)

Facilities such as ramps, lifts, or mobility paths for physically handicapped persons shall be allowed for achieving access to shore areas provided that the dimensional and performance standards of subitems 1 through 5 are complied with in addition to the requirements of Minnesota Regulations, chapter 1340.

(7)

Significant historic sites. No structure shall be placed on a significant historic site in a

manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository. Any alteration to or use of an historic site shall be subject to applicable historic preservation regulations.

(8)

Steep slopes. The zoning administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetative screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer leaf-on conditions.

4)

Height of structures. All structures in residential districts, except churches and non-residential agricultural structures, shall not exceed 30 feet in height to the eave line of a residence or 30 feet total height for other structures.

5)

For lakes, rivers, and streams, the lowest floor level must be placed at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is greater.

D.

Shoreland alterations. Alterations to vegetation and topography shall be regulated to preserve shoreland aesthetics, preserve historic values, prevent bank slumping, fix nutrients, protect fish and wildlife habitat, and prevent erosion into public waters, according to the MPCA's Best Management Practices.

1)

Vegetation alterations. Vegetation alterations necessary for the construction of structures, sewage treatment systems, roads, and parking areas as regulated by subpart 6 of this subdivision [item 9 of this [section 57](#)] are exempt from the vegetation alteration standards that follow.

2)

Removal or alteration of vegetation within an SL district, except for agricultural and forest management uses as regulated in subparts b and c of subpart 8 of this subdivision [subsections B. and C. of item 11 of this [section 57](#)], respectively, is allowed subject to the following standards:

a)

Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas but within an SL District is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

b)

In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view of the water from the principal dwelling site and to accommodate the placement of stairways, landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

(1)

The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced;

(2)

Existing shading of water surfaces is preserved along rivers, creeks, and streams; and

(3)

The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards in which case responsible removal is allowed.

E.

Topographic alterations/grading and filling.

1)

Grading, filling, and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly-issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subpart shall be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways hereafter.

2)

Public roads and parking areas are regulated by subpart 6 of this subdivision [item 9 of this [section 57](#)].

3)

Notwithstanding items 1.) and 2.) above, a grading and filling permit will be required for:

a)

The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and

b)

The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones within an SL District.

4)

The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals:

a)

Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:

- (1) Sediment and pollutant trapping and retention;
- (2) Storage of surface runoff to prevent or reduce local flooding;
- (3) Protection of fish and wildlife habitat;
- (4) Recreational use;
- (5) Shoreline or bank stabilization; and
- (6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies, such as a watershed district, the Minnesota DNR, or the U.S. Army Corps of Engineers.

a) [b)]

Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

b) [c)]

Mulches or similar materials shall be used where necessary for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

c) [d)]

Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;

d) [e)]

Altered areas must be stabilized to acceptable erosion control standards consistent with the Anoka County Soil and Water Conservation Districts and the U.S. Soil Conservation Service;

e) [f)]

Fill or excavated material shall not be placed in a manner that creates an unstable slope;

f) [g)]

Plans to place fill or excavate material on steep slopes shall be reviewed by qualified professionals to promote continued slope stability and must not create finished slopes of 30 percent or greater;

g) [h)]

Fill or excavated material shall not be placed in bluff impact zones;

h) [i)]

Any alterations below the ordinary high water level of public waters must first be authorized by the DNR Commissioner under Minnesota Statutes.

i) [j)]

Alterations to topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties;

j) [k)]

Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

9. Placement and design of roads, driveways, and parking areas.

A.

Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters.

Documentation shall be provided by a qualified professional that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the requirements of the Anoka Conservation District.

B.

Roads, driveways, and parking areas must meet structure setbacks and shall not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.

C.

Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of subpart 5 of this subdivision [subsection E. of item 8 of this [section 57](#)] must be met.

10. Stormwater management.

The following general and specific standards shall apply:

A.

General standards.

1)

When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

2)

Development shall be planned and conducted to minimize the extent of disturbed areas, runoff

velocities, erosion potential, and runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and sediment must be retained on-site.

3)

When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

B.

Specific standards.

1)

Impervious surface coverage of lots shall not exceed 25 percent of the lot area.

2)

When constructed facilities are used for stormwater management, documentation must be provided by a qualified professional that they are designed and installed consistent with the Anoka Conservation District requirements.

3)

Newly-constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

11. Special provisions for commercial, industrial, public/semi-public, agricultural, forestry, and extractive uses and mining of metallic minerals and peat.

A.

Standards for commercial, industrial, public, and semi-public uses.

1)

Surface water-oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses must meet the following standards:

a)

In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

b)

Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

c)

Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

(1)

No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.

(2)

Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information.

(3)

Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out

across public waters. This does not preclude use of navigational lights.

2)

Commercial, industrial, public, and semi-public uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by topography or vegetation, assuming summer leaf-on conditions.

B.

Agriculture use standards.

1)

General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the Anoka Conservation District requirements or the U.S. Soil Conservation Service, as provided by a qualified professional or agency.

2)

The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

C.

Forest management standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment—Forestry, and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

D.

Extractive use standards.

1)

Site development and restoration plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of

the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated alterations to vegetation and topography. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

2)

Setbacks for processing machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

C[E].

Mining of metallic minerals and peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, shall be a permitted use provided the provisions of Minnesota Statutes and all city ordinances are satisfied.

12. Conditional and interim uses.

Conditional and interim uses allowable within shoreland areas shall be subject to the review and approval procedures established in [Section 04](#). Applications and Procedures of this ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

A.

Evaluation criteria. A thorough evaluation of the water body and the topography, vegetation, and soils conditions on the site must be made to ensure:

1)

The prevention of soil erosion or other possible pollution of public waters both during and after construction;

2)

The visibility of structures and other facilities as viewed from public waters is limited;

3)

The site is adequate for water supply and on-site sewage treatment;

4)

The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

B.

Conditions attached to conditional or interim use permits.

The city council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional or interim use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

1)

Increased setbacks from the ordinary high water level;

2)

Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

3)

Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

13. Water supply and sewage treatment.

A.

Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the MPCA.

B.

Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows:

1)

Publicly owned sewer systems must be used where available.

2)

All private sewage treatment systems must meet or exceed the MPCA standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080."

3)

On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in this section.

4)

All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in this section. If the determination of a site's suitability cannot be made with publicly available and existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

a)

Depth to the highest known or calculated groundwater table and bedrock.

b)

Soil conditions, properties, and permeability.

c)

Slope.

d)

The existence of lowlands, local surface depressions, and rock outcrops.

5)

All lots must have sufficient area for the construction of two soil treatment areas, wherever possible.

6)

Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 13. [General Residential Building Standards] of this subdivision.

14. Nonconformities.

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and Section 04. Applications and Procedures of this ordinance for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

A.

Construction on nonconforming lots of record.

1)

Lots of record in the Office of the Anoka County Recorder on the date of enactment of local shoreland controls that do not meet requirements of this section may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, the lot was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.

2)

A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the planning commission shall consider sewage treatment and water supply capabilities and constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

3)

If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this section, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each

meeting the requirements of the ordinance as much as possible.

B.

Additions/expansions to nonconforming structures.

1)

All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this section. Any deviation from these requirements must be authorized by a variance in accordance with [Section 04. Applications and Procedures](#).

2)

Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

a)

The structure existed on the date the structure setbacks were established.

b)

A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.

c)

The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.

d)

The deck is constructed primarily of wood, and is not roofed or screen-enclosed.

C.

Nonconforming sewage treatment systems.

1)

A sewage treatment system not meeting the requirements of subpart 10 of this subdivision must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on or use of the property, prior to issuance of any permits. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

2)

The city council has by formal resolution notified the DNR Commissioner of its program to identify nonconforming sewage treatment systems. The city will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time not to exceed ten months. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the MPCA for design of on-site sewage treatment systems, shall be considered nonconforming.

15. Subdivision/platting provisions.

A.

Land suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the

natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the city.

B.

Consistency with other controls. Subdivisions shall conform to all official controls of the city. A subdivision shall not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. A subdivision shall not be approved unless domestic water supply is available and a sewage treatment system consistent with this ordinance is installable and operable. Each lot shall meet the minimum lot size and dimensional requirements of this ordinance, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

C.

Information requirements. The following information shall be required to determine land suitability:

1)

Topographic contours at two foot intervals or less from U.S. Geological Survey maps or more accurate sources showing limiting site characteristics;

2)

The surface water features required in Minnesota Statutes to be shown on plats obtained from U.S. Geological Survey quadrangle topographic maps or more accurate sources;

3)

Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

4)

Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations, near-shore aquatic conditions, including depths to and types of bottom sediments and aquatic

vegetation, and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

5)

Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and

6)

A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

D.

Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

E.

Platting. All subdivisions that create lots or parcels that are less than five acres in size, have less than 300 feet road frontage and width on a publicly-maintained street, or if a street is to be constructed or dedicated for the purpose of subdividing, shall be processed as a plat in accordance with the city's subdivision ordinance.

F.

Controlled access or recreational lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision shall meet or exceed the sizing criteria in this section.

(Ord. No. 19, Second Series, 5-5-2010)

Jeff Stalberger, “What I want to talk about tonight is the 4 in 40 in the Comprehensive Plan. I found about this a few months back and I was blown away. I know from experience, I’ve done a lot of developing in Ham Lake, and know for years the Metropolitan Council has pushed this on the cities. Ham Lake always, ‘No way,’ wanted no part of it and I’m sure East Bethel too. For years, and years, and years, said, ‘No, we’re not going to abide by what you want.’ They want everybody downtown, they want them on the choo-choo trains, and they want all of this. You know, a couple big farms and that’s about it. I know none of you had anything to do with that. I do know that.

At first, I was so mad I was going to write every landowner in East Bethel and tell them, ‘Hey, look what happened.’ If you think about what happened here, you’ve got landowners, whether it’s estates to families or farmers, that have 40 acres and are getting old and were going to sell out, basically, 401k’s or whatever. Somebody just reached in there and pulled 80% of their value right out of these people’s pockets. Let’s say you’ve got a 38 acre tract right now and you’ve got a little farm and they want to split off five acres and develop, they’ve got a little wetland in the front there and they probably could have sold to a developer, got 10-12 lots in the back. Right now, what could you get? They could get two other parcels back there and if there’s wetlands in the front, you’ve got to build the road. Well, you put a road in there, there’s no value.

I’m here on behalf of all the landowners and myself. I’m a landowner as well. I’ve got 35 acres on Coon Lake. I’ve probably got, with the interest I pay on it, I probably got \$1 million dollars in the property. It’s 36 acres. Three parcels I could get out of that right now. I also believe that this whole thing that happened, signing off to Met Council, they were people previous to you, when they pushed for the sewer project, there was a lot of self-interest there. I don’t agree with that. I’m a believer that everybody should have a ‘fair shake’ at everything. I believe there were people who pushed for this project and signed off on it and they didn’t care about all the land owners in East Bethel. I think it was a bad, bad, bad deal for everybody.

I’d like to start some talks and see if we can change that. Like I say, it isn’t just for me, it’s for, I’m looking out for everybody. I just want to see if we can do something about it. I know you guys had nothing to do with it so I’m not mad at any of you guys, but I think they sold out on a bad deal, they really did.”

Moegerle, “Could you state your address for us?” Stalberger, “Yes, 17404 Ward Lake Drive NW, Andover.” Moegerle, “Thank you.”

Ronning, “Nobody’s disagreeing with your comments about what happened.”

Stalberger, “Is there something we can do? Start talks? Can we do anything about it?” DeRoche, “Well, not in this particular forum.” Stalberger, “I know that, but...”

DeRoche, “Have you addressed this with the City Administrator?” Stalberger, “I have. I’ve talked to Jack and Colleen. They were very nice about it. In fact, I was surprised because when I found out, I was mad, I felt like people really got kicked here and they were very nice about it. I appreciate that.”

Moegerle, “This has been brought up at the EDA before, about the 4 on 40 versus 2.5 acre lots. So, it is on our ‘radar.’ One of the things that I recall is that there’s a lot of conversation and pressure for East Bethel to not change and to remain rural. So, if you start putting 2.5 acre lots, which I’m not saying, I’m not putting words in your mouth, but if you increase the density more than 4 on 40, there’s a contingent of our City who will be outraged. So, there’s ‘both sides of the coin.’ While I don’t discount the possibility of that changing,

I think it has to be done in a very measured way because there's very strong views that the City should not change. One of those things is, large lots. So, if you want to proceed with that, part of the solution is what's the best solution and how do you make it work for everybody. But, it is on our 'radar.'"

Stalberger, "I mean, am I going to survive? Yeah. Am I going to take 'lumps' on my piece? Yeah. But, I mean there's people who have been here before this was even a City that are landowners and they really, really got screwed. Because it's been what, 2.5 acre stuff for 40 years, you know? I did a plat in 1988 here. I've done a few other ones. I think it was long before that you had 2.5 acres."

Moegerle, "Did that change in 2008? I think it was 2008." Stalberger, "Yes, during the recession. That's why nobody knows and nobody's come forward."

Moegerle, "Was it part of the Comp Plan?" Davis, "It was part of the Comp Plan, that's correct."

Stalberger, "Right in the heart of the recession so the landowners don't know."

DeRoche, "But, just as quick as that happened before, it can't be undone quite as fast because, again, every decision made up here effects everyone in the City and there is outcry on both sides. We didn't make those decisions but we've kind of, for the last 3.5 years, been undoing certain things. It takes time. I realize people don't like to hear that." Stalberger, "I realize that. You are dealing with the Met Council on all that stuff and I know it's not an easy, it's not going to be an easy task, I'm sure."

Moegerle, "Once the 'door' to Met Council has been opened, it's hard to close it much less kick them out. And, that can't happen. What really has to happen is that we have to work with them and have them appreciate the City's identity and what we want to do."

Stalberger, "I guess the main thing is that I'd like to hear that you're willing to try to see what we can do. That would give me comfort. Maybe we can work around it in the future?" DeRoche, "I kind of have to believe that Jack and Colleen have probably discussed this and may be working on something. I don't come in here every day but I guess this isn't the first time that Jack has not told us about it."

Davis, "What we discussed, at the EDA's last meeting, if Council wishes us to proceed with this, if we get direction, then we could take something to the Planning Commission. We have to go through them. This would be a land use change. If you wish us to work on that, we'll be glad to start and will proceed with the Planning Commission as the first step."

DeRoche, "What I would like to see happen is have a Work Session, maybe with a couple issues, and put it on a Work Meeting prior to going to Planning so that it doesn't go through Planning and then winds up at the Council and we wind up tabling it because we still haven't had a chance to look at it and have any discussion and make a decision." Davis, "Whenever you'd like to schedule the Work Meeting, we'll have whatever you need to take a look at that and decide what direction you wish to go with it." DeRoche, "All right."

Stalberger, "Thank you very much."

Ronning, "If anybody is not familiar with a Work Meeting, it takes place in here, it's recorded, everything is the same but you cannot take votes and actions."

Stalberger, "I'll be in touch with you.