

EAST BETHEL CITY COUNCIL WORK MEETING

JUNE 25, 2014

The East Bethel City Council met on June 25, 2014 at 6:36 PM for the City Council Work Meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Tim Harrington
 Heidi Moegerle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator

1.0 The June 25, 2014 City Council Work meeting was called to order by Mayor DeRoche at
Call to Order 6:36 PM.

2.0 **Harrington made a motion to adopt the June 25, 2014 City Council Work Meeting**
Adopt **agenda. Koller seconded; all in favor, motion carried.**
Agenda

3.0 Davis presented the staff report, indicating the City has received a number of requests from
City residents to keep chickens on residential properties under three acres. Currently the City's
Ordinance, ordinance only allows chickens under certain conditions on lots larger than three acres.
Chapter 10, City Staff has provided some information on how other cities done as far as keeping
Article V, chicken on smaller than three acres. At this time, we would like a discussion on whether to
Farm keep the ordinance as it is or modify it to allow keeping of chickens on smaller lots.
Animals

DeRoche, "Well, that being said, did everyone have a chance to read all the different cities and their insight?"

Ronning, "I have, last week. How many of these requests for chickens have we had, generally?" Davis, "I don't have a specific number. I know we have inquiries, from time to time, about people who want to keep chickens. They ask about the regulations on them. One of the latest ones was one of Ron's neighbors. Recently, Colleen said two or three have called in. I really haven't kept a number on those but probably the number I've received, I'd estimate, in the neighborhood of 6-10 requests for information."

DeRoche, "How many complaints have we had filed that people have chickens?" Davis, "We haven't received any complaints regarding the chickens."

Ronning, "This is kind of a tough subject. Its opinion, who likes this and who doesn't. I was trying to think of a way to quantify this so I started looking at comparisons, chickens, rabbits, some of this sort of stuff, and what we think about each one and then compare. There is some nuisance consideration, but otherwise it's mostly health, I would think, if it would cause any kind of a health problem."

DeRoche, "Well, after reading Forest Lake and Norwood-Young America, it's obvious they spent numerous meetings trying to discuss this. So, what started out as kind of a simple discussion has turned into quite the discussion. I guess it depends on what people are looking at. I personally don't want to see chickens in my neighborhood on a half-acre lot. Growing up I spent time on a farm. Chickens are not the cleanest thing in the world. From what a lot of the newspaper articles have said, 'Well, it's a growing trend.' Well, we all know that trends don't generally last and when somebody has three, four, five chickens and,

you know, 'Geez, we don't know how to feed them, we don't know how to clean them up, and neighbors are complaining, why don't we just let them go?' Then again, what's going to happen? Are we going to have to start doing more enforcement on their predators, fox, coyote, dogs, whatever? I don't know. It's one of those discussions that, personally, I don't care if you have chickens but I would not want to see it on a half-acre lot. I think it was Forest Lake, someone on their Planning Commission said, 'Well, it's the same as having a cat.' Well, no, it's not. Most cats live indoors, they go to the bathroom in a box, they are not out spreading disease but not to say there are not some out there that aren't running wild."

Koller, "We have a cat."

Ronning, "Do we know how many people have chickens even?" Davis, "No, not really. I'm sure there are probably a lot of people that keep chickens on lots less than three acres. Again, we've had no complaints with them so I don't have any kind of references to how many we have. We could go back and look through the IUPs that we've issued to see how many on three acre or larger lots that we have. I can't recall that we've issued a lot of those."

Moegerle, "Has anyone with a half acre lot wanted to have chickens?" Davis, "I don't know what their lot sizes were. Colleen handles most of those."

Koller, "I've got a couple of e-mails on that."

Moegerle, "The other thing is, didn't we talk about this three weeks ago that between the pen and the coop that it would take less than 100 feet to have five chickens? I mean, isn't that all it takes according to the coop and pen things that we read?"

Davis, "In our ordinance, if you meet the acreage requirements, you are allowed to have, essentially 100 chickens per acre."

Moegerle, "Right, but what I'm talking about, the information that you provided us where you have to have six square feet in a pen and two square feet in a coop, 100 square feet would take your five chickens. So, why do we have to have a half-acre for a 100 square foot operation of five chickens?"

Davis, "I don't think there's any 'magic' to any of those numbers. It's just probably a local standard as to what you want to determine for lot size for keeping chickens. Again, if you use those numbers, two square feet per chicken and six for a lot, it comes out, like you say, less than 100 square feet. I don't think there's any 'magic' or science behind these. It's just what you want to adopt as a local standard."

DeRoche, "Young-America pretty much beat this thing up and I think in their finality, their coops have to look like the house. They have requirements for the coops and the run lengths. They have to go to the vet every year. They have to be banded so if the chickens get out you know where they came from. They made it so you could probably do it but it would be so costly it's just not even worth it. I don't think we need to go to that extreme. I didn't realize we had a chicken problem in the City."

Koller, "I have a neighbor, down around the corner, I think on a 2.5 acre and they have about 15 chickens. They run around the yard all day too and at night, they're right back in

the coop. They never leave the yard. All the neighbors are fine with it. That's a little too many chickens for that lot, I think, but none of the neighbors complain."

Ronning, "I wonder if most people don't realize there is an ordinance. Before this came up, I sure didn't know." Davis, "I'm sure there are probably some that don't." Ronning, "Out of 11,000-12,000 I wouldn't be surprised if there isn't about 10,500." Davis, "You could be very well correct."

Koller, "My kids had chickens for a while. We are over the acreage requirement so it wasn't a problem and after two or three years, they got tired of them. We found somebody else that wanted chickens, and they took them. So, it wasn't really hard to get rid of. "

DeRoche, "Well, I guess it would be my recommendation that we take two people, put them on a committee or what ever you want to call it. I don't think it's something that the Planning Commission needs to discuss because it is not an ordinance. Tom, you have any interest in looking? In taking this? You and someone else and going through it? Ron?"

Koller, "I've read through all of these already. What would a committee do?" DeRoche, "Craft what you pull out of here as to what you think would be a good fit for the City. Because, if we enact everything that's in all of these, there won't be any chickens."

Koller, "I was reading through them and I think Forest Lake has a very nice, clean cut, one."

Ronning, "And to some degree, quite a bit of degree, if there isn't interest up here, then there isn't much sense in pursuing it." Moegerle, "Well, I definitely think that we should pursue it." Ronning, "Yeah, I do too."

Moegerle, "I don't think that this is physics or brain science here. I think this should be fairly straightforward. I agree that Forest Lake's fine. And, I just love the Planning Commission minutes, by the way. Those are fabulous. But, I think they were direct and to the point. The one question I would have is with regard to selling eggs. If we give somebody a permit to have chickens, do they have to get a permit for a home occupation to sell the eggs of the chickens?"

DeRoche, "Well, if it's a business."

Davis, "By our ordinance, they would have to get an IUP to sell the eggs." Moegerle, "And, that would be an important thing to be a part of that decision."

DeRoche, "What about from a health standpoint? Are we just going to let people have chickens, even if they are sick or not? We are talking about the stress on chickens in the wintertime. Are you going to say you have to have a heated coop? Summer, 100 degrees outside, are you going to say well now you have to cool them off? How are you going to regulate that?"

Moegerle, "Anybody that's going to go to the expense of creating a coop, creating a pen, buying the chickens, is going to keep them in good health. They're going to have it warm and they're going to have it cold. If not, we all know what happened when we had the horse issue when they weren't being taken care of and we acted quickly on that. The thing of it is that you can't prevent people from being foolish or neglectful. If you lived your life

saying, 'Oh, we're going to prevent everybody from being neglectful,' then you're not going to get anything done. So, as far as the veterinarian requirements that were outlined with Young America, I think that would be ideal and I'm sure it's required for people who have chickens for 4-H issues. But, you can't legislate everything." DeRoche, "I don't know, some people try."

Ronning, "We know there are chickens in the City. There just plain are. They are on different sized lots. Have we had complaints about people having chickens?" Davis, "No we haven't received any complaints about chickens. Our animal complaints, primarily, center around dogs. The others are almost non-existent for other species of animals. We haven't received any chicken complaints."

Ronning, "I asked the question because I'm curious, how much of a problem there is. Because, it sounds like we don't have a problem." Davis, "Again, to answer your question, we haven't had any complaints and, therefore, if that's an indication of no problem, then we don't have a problem."

DeRoche, "Then why are we even talking about it?" Moegerle, "Because we have a three acre minimum."

DeRoche, "But if there hasn't been a complaint, nobody has complained so far, what, are you playing both sides here? If it hasn't been a problem and nobody's been complaining, then why even discuss it? Tom says all the time, 'Well, if it's not broken why fix it?' Well, we've had the three acres minimum and if nobody's complained about it. It's not like we have the 'chicken police' around here."

Moegerle, "Well, we have gotten complaints. People with smaller acres. Just change the three acres to half acres and let's go home. That would be the simple solution." DeRoche, "I don't think a half acre is appropriate." Ronning, "Myself, that's a pretty small chunk of ground."

Moegerle, "But it takes less than 100 square feet for five chickens, out of that half acre of what, 23,000-22,000 square feet. 100 of it."

Ronning, "One chicken for 2 square feet." Moegerle, "That's for the pen and I think the other one in Forest Lake was six square feet for the pen." Ronning, "The square root of 2 is 1.41 something, so it amounts to about 1 foot, 5 inches. That's what size a chicken is." Moegerle, "And, that's for the coop." Ronning, "If you pack them in like that, their eggs would have more room in a carton."

Moegerle, "Total 8 square feet is the minimum they have for chickens. I think one maybe went up to 10 square feet per chicken. Again, that's 50 square feet on a half acre of 22,000."

DeRoche, "I take it you've never been on a farm with chickens. They're not going to do well in this little area. There's going to be feces all over the place." Moegerle, "I appreciate that." DeRoche, "Well, I don't think you do."

Moegerle, "The thing of it is, that's the person's responsibility who wants to do this. That's a job they want to undertake to have these things, that's great. It's just like the job I undertake with my two cats. I understand what the responsibilities are and I undertake

them.” DeRoche, “Cats and chickens are not the same.”

Moegerle, “I appreciate they are not. But, each comes with separate responsibilities and I undertake those for which I’m willing to take the responsibilities. Anybody that wants to have chickens knows what the responsibilities are.”

DeRoche, “Why create something we can’t enforce? I think a half acre is too small, especially in somewhere like the Coon Lake Beach area where you have houses that are less than a half acre or a half acre, maybe a little more, and they’re right on top of each other. I don’t want a chicken coop next to my side yard and when the wind blows and have to smell it. I don’t want their chickens going crazy because they can’t run around.”

Moegerle, “That’s the definition of a nuisance so that’s resolved.” DeRoche, “So, then we’ve got to Nick and say, ‘Hey Nick, we have a nuisance. We have an ordinance that we want you to go out and enforce and you’ve got to make sure.’ It’s kind of like the Noise Ordinance.”

Moegerle, “That’s why he gets a pay check, that’s his job. And, the other thing is that there are setbacks. Certainly these model ordinances that we have, they have setbacks. They say the smells can’t be a nuisance, that chickens can’t be out running loose. Those are some significant responsibilities that anybody who’s getting a permit to do this would have to understand and appreciate.”

DeRoche, “I don’t think they are getting a permit. Are they Jack? This is just saying if you have...she’s saying if they have a half acre, they can just have chickens unless you are going to sell the eggs, then you need an IUP.” Davis, “No, you would have to get a permit in any case to keep the chickens.”

Moegerle, “And, we inspect anyplace that has a permit. Don’t we do annual reviews?” Davis, “On three acres or more.” Moegerle, “Right, so there would be no difference on a half acre. It would just be another routine inspection.”

DeRoche, “Well, with the commitment we’ve got to fulfill in all the other stuff going on, to add another, ‘Well, now we need to have a chicken police,’ I think is just... Heidi, look, you have your opinions, I have mine. If that’s what you want to do, you’re welcome to your opinion.”

Moegerle, “I understand that. I’m trying to understand that, the ‘chicken police.’ Really? We’re going to have chicken police?” DeRoche, “Well, look, Nick, right now as far as I know, we don’t have to go out and have him chasing down if somebody’s having problems with chickens. All right?” Moegerle, “We’re not anticipating that we’re going to have that problem. Are we? We just said if there is not problem.”

DeRoche, “Because I’ve seen you say other things up here and then 180 degrees turn down the road where it turns into a problem. Fact of the matter is, I recommend we take pieces of this and put it together, bring it back and say, ‘Okay, this is what we came up with. This is what we think is the best thing.’ Unless you can specifically pull things out right now of what we’re going to do, the setbacks, the stipulations, how you’re going to handle the nuisances. This is a Workshop so we can’t vote on anything anyway.”

Ronning, “Just for consideration. We don’t have a problem. What we’re trying to do is

define what's the right number and if it's defined, maybe we'll have people abiding by the ordinance. Half an acre is 147.6 by 147.6, if it's square. That's not a bad piece of ground but I don't think I could support half an acre. I don't think there's going to be a mad dash to the front desk to sign up for permits and ask where you can buy chickens, anymore than there has been."

DeRoche, "There hasn't been a problem yet. I think there is a lot more pressing issues that we're dealing with than chickens."

Moegerle, "I would say that we start with the Forest Lake ordinance and bring that back and then we start working on it. Because, I think that works well as a beginning point."

Ronning, "There might be some use in it by the simple fact that if people are aware they have to do a certain amount of cleaning, they can't be in your neighbors' back yard, things like that, that might not be a bad thing. I know of somebody that has less than an acre, one neighbor has five chickens and it's right on his fence. And, he doesn't like it. I can't blame him. If the chickens were away from his fence, it might not be the same thing."

DeRoche, "How are you going to deal with chickens on lakeshore property?" Ronning, "Get them life jackets." DeRoche, "You don't think that makes a problem with them crapping in the yard and running into the lake?" Moegerle, "Forest Lake didn't seem to think so. And, the other thing, is considering that chickens eat vegetarian feed. It's not a major issue."

DeRoche, "Well, for someone who always touts that they are...keeping the lake clean...be careful of run off...and now you're saying, 'Well, it doesn't matter if you have chickens between the lake and property even though their feces may go in there?'" Moegerle, "Because there is a responsibility to clean it up." DeRoche, "That's not going to happen."

Moegerle, "Do you think people have such little responsibility?" DeRoche, "Some do. Yes Heidi, you are absolutely right." Moegerle, "And, those are the people who are going to move to East Bethel and buy chickens? Let's buy chickens so we can...aw, come on, give people credit for being responsible."

DeRoche, "You know what, enough of playing to the camera." Moegerle, "I'm not playing to the camera. I'm asking you. So, everybody is going to be the lowest common denominator?" DeRoche, "Now Heidi, you know dog gone well that was not the statement that was made." Moegerle, "You just said that they are going to do all these bad..." DeRoche, "Some are, some aren't." Moegerle, "You say that like it's a proof. You are saying like that's an absolute given that's going to happen. And, I disagree." DeRoche, "Well, disagree." Moegerle, "I did."

Ronning, "There's users and abusers in everything." Moegerle, "Absolutely."

Ronning, "But, the chicken poop won't even compare to geese and ducks. It's like, what were you saying about the, oh, there was some ordinance regarding bathrooms or something. And, you said, 'what about fish houses.'" Moegerle, "Yup."

Ronning, "You know, you cover one thing, and not really aware, I don't know as you can say it's ignorance, it's just not an issue."

DeRoche, "Ducks and geese you can't control. Chickens, you can. And, believe me, people that own lakeshore or that live on the lake have a little more of a vested interest."
Ronning, "Yeah."

Moegerle, "Then let's put in that we don't allow lakeshore property owners to have chickens on that property. That's real easy. All you have to do is do an 'x' through what Forest Lake did. I don't have a problem."

DeRoche, "Well, if you recall, I just said, 'Let's craft something, Heidi.' See, you're trying to make it out that I'm making the statement we shouldn't have chickens. What I'm saying is we need to craft the ordinance to fit East Bethel. We are not Forest Lake. We are not Norwood-Young America. We are not New Brighton. This is East Bethel, okay? And, there are certain concerns that people have and we need to deal with that." Moegerle, "I agree. So..."

DeRoche, "Look, we're not going to argue about this all night. I'm going to put that out there right now." Moegerle, "We've already done it far too long, in my opinion."
DeRoche, "Absolutely, so I suggest we do that."

Moegerle, "Can we start with having the Forest Lake ordinance brought to us in full? And, then 'tweak' it?" Davis, "This is the full ordinance."

Moegerle, "As it's been enrolled?" DeRoche, "It's been enacted." Davis, "Yes. In your packet, that's their ordinance. I think whatever we do, too, we also have to look at our existing ordinance and make sure we coordinate with what's in there too. I think it may be, from what we've seen here, the next step may be to prepare just a draft revision to our ordinance for further consideration. That will give us a base starting point, at least, to go on. And we're not trying to pull all the things together. We've got everything under one ordinance that we can take a look at, modify, change, whatever we want to do."

DeRoche, "I would recommend that the Councilmembers e-mail you what our thoughts are and what we think should be in there. Everybody amenable with that? Ron?" Koller, "Yeah." DeRoche, "Tom?" Harrington, nod indicating consent. DeRoche, "Heidi?" Moegerle, "Could we have avoided this meeting and done that earlier?"

Ronning, "What was your comment, please?" DeRoche, "That we e-mail Jack what we think needs to happen. Ms. Moegerle, you had the option to not show up tonight if you didn't want to be here." Moegerle, "And, I nearly stayed home." DeRoche, "Well, that was your option. You could have done that." Moegerle, "But, these people needed something special. So, I'm here."

Harrington, "Bob, I just want to add that I have an issue with the chickens. My issue is with the predators. They are going to come, fox, coyotes. When a neighbor's daughter's cat disappears, then we're going to start having trouble. That's going to be a factor. You are going to get the predators here." Ronning, "They are already here."

Harrington, "They are already here but there's going to be more when you've got chickens around. And, fox will get into the chicken coop." Moegerle, "Yes, they will."

Ronning, "This whole thing doesn't put it into perspective. This isn't a pressing problem."
DeRoche, "No."

Ronning, "It sounds like it comes from curiosities more than anything. And, I got to say, we're almost giving it too much attention. It should be a simple thing. I mentioned earlier, if there isn't any interest up here, might as well 'can' it."

DeRoche, "And my suggestion was we e-mail Jack, direct staff to look at modifying our ordinance. We e-mail him what we think the changes should be. Staff brings back a draft. Sound good Jack?" Davis, "Okay."

DeRoche, "Tim?" Harrington, "That's fine." Ronning, "Sure." DeRoche, "Tom?" Koller, nod indicating consent. DeRoche, "Heidi?" Moegerle, "Of course." DeRoche, "Okay Jack, got it?" Davis, "Got it." DeRoche, "Perfect."

**4.0
City
Ordinance,
Zoning,
Appendix A,
Section 41-44
and 56, 57**

Davis presented the staff report, indicating 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 for 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 regard 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 1 in 10 requirement was as much a tool to funnel residential development to the Highway 65 Corridor and was possibly a method to gain favor with Metropolitan Council for the proceeding the sewer project 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.

Davis, "I gave you two handouts that show what residential densities are in cities that border East Bethel. If you'll take a look at those you'll see that in Andover, the minimum density is 2.5 acres in the unsewered areas. In Columbus it's 5 acres. In Ham Lake it's 1 to 3 acres depending on the zoning district. Linwood has three designations set up: 2.5, 5 and 10, depending on the zoning district. Oak Grove has two: 2.5 and 10, depending on the zoning district, and one of those zoning districts is the MUSA zone, which is the area that was included for sewer service from our sewer plant. That density requirement is 1 in 10 acres, probably to attempt to limit development until the time that sewer service may be extended to Oak Grove, which is probably going to be never. St. Francis has three designations: 2.5, 10, and 40, depending on the zoning district.

So, the basic underlying number is 2.5 acres as the minimum lot size for four of our six cities that border us. On the map you see on your screen, you see a long yellow strip, that's the Highway 65 Corridor that's three-quarters of a mile east and west of Highway 65. Everything in that area for residential purposes is zoned R-1 or R-2 or Business or Light Industry. Everything outside that area is essentially zoned Rural Residential.

One thing you'll notice too, is there's a lot of different shades of gray areas on the map.

Those are either lakes, wetlands, or streams. In the City of East Bethel, we have approximately 31,000 acres and approximately 16,000 acres of wetlands, lakes or streams. So, those 16,000 acres are going to protect, essentially, the rural or semi-rural nature of the City of East Bethel.

The orange areas on the screen designate vacant properties that are in excess of 20 acres that could possibly be developed for residential subdivisions. There's about 1,000 acres that are there. I think that the 1 in 10 requirement is a little restrictive in order to meet our growth expectations. If we went back to the 2.5-acre requirement, it would provide the potential for greater population growth outside the Corridor while at the same time still retaining its rural character.

You can see, even if all those orange areas developed, we're still pretty sparse in terms of population and structures or collections of housing in those areas. But, it would also increase the population for the market area, which would help in attracting business. So, with that, I'd like to open the floor up for discussion on this matter."

Ronning, "Hidden Haven, there's two sides to Hidden Haven, those are all less than 2.5 acres. I think they consider the golf course part of a commons that would make up the total area that was, at the time. But, there's a number of these around the City where there's, East Bethel Boulevard and 212th, I think, as you go a mile east, a mile south, and make a square out of it, that's all closer housing."

Davis, "Yes, and it's really interesting, and I did some checking, we have many neighborhoods in the City with smaller lot sizes. We have, if you start up here in the north, these are unsewered areas and does not include Whispering Aspens, but there's an area up here off 241st called Fillmore Street and 241st, all those lot sizes are less than an acre. As you get down to, 'old' Hidden Haven, and I'm just talking now about areas outside the Corridor, there're lots ranging in size from .5 acre to a 1.5 acre. On Fifth Street in what's called 'Norseland Manor,' there are about 100 homes in there and most of those lots average anywhere from .5 acre to a little over 1 acre. In the area behind the Post Office, there's quite a few of those lots that are .5 acre to 1 acre in size. Anywhere you go around the Lake, you have lots that range from 0.15 of an acre to 10 acres. But, there are a number, and by 'number,' we're talking in the hundreds of lots, that are less than 1 acre in size. We have numerous examples in the City where there are many lots in many developments that are less than an acre and sometimes even less than .5 acre."

Moegerle, "Jack, how many of these orange designated properties are agriculture or farmland now? I understand they are vacant now, but were used as farmland? And, I realize that you probably have to guess." Davis, "Primarily, these areas right in here are still being actively farmed. And, there may be a few of them down here that, you know, are pasture land and at least mowed for hay. Generally speaking, they're all probably put to some type of agricultural application."

Moegerle, "But, they're vacant now which means they're for sale or fallow? Or, what does it mean?" Davis, "They're vacant' means they're used for agriculture uses. They could be used for future development. All these are areas outside wetlands, all these are high grounds." Moegerle, "So, 'vacant' means non-residential?" Davis, "Means non-residential, that's correct."

DeRoche, "How many cul-de-sacs do we have now going into developments?" Davis, "We

have a total of approximately 140 cul-de-sacs in the City.”

DeRoche, “And, how many small developments? Because, you know as you and I had talked before, there are so many lots that are just spread out. Especially on 65 until you get north of Sims where you could actually have something and build something, somewhat size. How many of these, say up on Cooper’s Corner, that development on the southeast side, how big are those lots?” Davis, “Those lots, I’m going to say, average from probably around 1 acre apiece, 1 to 2 acres.”

DeRoche, “Tim, what’s your development?” Harrington, “Well, we’ve got everything. We’ve got 10, 5, 2, 2.5, 3. I think the smallest is 2.5 or 3.”

Ronning, “It’s not that long ago, and I think we’re still in favor, we were looking for a developer to do roughly 65 homes. It got trimmed down to 42.” DeRoche, “48, wasn’t it Jack?” Davis, “48.”

Ronning, “At the corner of Jackson and 22. We need some kind of continuity or an explanation of how much property. If you’re in wetlands, how much do you need?”

DeRoche, “After the last meeting I went and read, after Jeff made the statements about the Comprehensive Plan. That’s actually what this is. And what some of the reasoning was, trying to put it together and I came in and asked Jack a couple questions earlier. I’m still doing some reading. Yeah, I can kind of see where, I think the way I explained it to Jack was, they wanted to make 1 in 10 to try and focus high density residential on 65 to meet the numbers that were put out for the sewer/water project. That about right, Jack?”

Davis, “That’s correct. I’m sure that was one of the reasons for it. They wanted to try and funnel more of the residential growth to the Corridor. I don’t think they took a look, though, at what the Corridor could accommodate in terms of that growth. I was told, too, by several people that the other reason that it was changed was that the City Council wanted to gain Metropolitan Council’s favor for the support to continue with their interest in the sewer project. One of Metropolitan Council’s, I won’t say it’s a requirement but maybe it was a recommendation, that they go to the 1 in 10 zoning as a Comprehensive Plan revision. I know that several other surrounding communities did not do that. Of course, they were not faced with a sewer issue either. What I’m speaking of, this is just repeating what someone else has told me, there’s no documentation to that, that I know of, but it does sound plausible.”

DeRoche, “According to the Comprehensive Plan, it is in writing. Again, you know, if you can make sure that the rest of the Council gets a copy of it and reads through it. Even though it needs a couple of updates, that’s kind of what it is. But, on the other hand, if that’s what Metropolitan Council based everything on and my concern then would be if we go down to 2.5 acres and they say, ‘Well, okay, but you had the potential to grow and now you took that away because you are allowing people to put these developments on smaller lots, taking away from the sewer/water district.’”

Davis, “I think what you’re going to find, in the sewer/water district, in order to make residential development financially feasible, is you are going to be looking at developments like Don Shaw’s, like 0.25 acre lots to 0.5 acre lots at a maximum. So, what you’re going to be doing is really talking about two different housing options, in my opinion.” DeRoche, “Right.”

Moegerle, "Jack, three weeks ago, a gentleman said he just was aware of this change that had been done in the Comprehensive Plan and that it was essentially a 'taking.' Is there any 'meat' on that argument at all? That it was a 'taking' of value from these properties?" Davis, "Well, I think you can make that argument. But, from a legal standpoint, the City has the right to adopt a Zoning Ordinance and regulate land use. I think in doing so, that they have to look at what they are doing and take that into account. What it does in terms of certain properties is, if somebody owned 20 acres and they had planned to develop it into 2.5 acre lots and it was rezoned and they hadn't filed a plat on it, then all of a sudden they can only get two lots out of it instead of eight. Is that a 'taking?' Probably in the broadest sense of the term it is. But from a legal aspect, in the City's zoning powers, and it has been upheld many times it isn't. But, I think it is a factor that should be considered in when zoning changes are made."

Moegerle, "So, the next question that I have with regard to that. If we revert to pre-Metropolitan Council on this, what affect does it have with our relationship with Metropolitan Council or, they don't have a 'horse' in that race and we've moved on from that situation?" Davis, "Well, I'm hoping that we've moved on and we have some issues with Metropolitan Council, which we're going to bring up. I think that in order for this whole sewer project to even have a chance at working or having some degree of success, the whole 'game' will have to be changed. Part of that change is going to be that we're going to have to have a little more development in the areas outside the Corridor also. 2.5 acre lots, I live on a 2.8 acre lot and to me that seems like a ranch. We had the standard of 2.5 acres prior to the 1 in 10 and it kept East Bethel as a semi-rural city. We've had no subdivision plats that have been filed since the 1 in 10 zoning change has gone into effect. So, the 1 in 10 has not really done a whole lot to preserve anything, in my opinion."

Moegerle, "And, I appreciate that but we are going to have to amend the Comprehensive Plan to make this change. Is that correct?" Davis, "We have to get it approved by Metropolitan Council, correct."

Moegerle, "Right. So what are they going to exact from us if we do this? Because, there are no 'free rides' when it comes to Metropolitan Council, unless the world has changed." Ronning, "There isn't even free air."

Davis, "I don't think it's as much as they are going to exact from us, and I prefer not to get into any details right now." DeRoche, "Right, I think we should just stay away from that right now." Davis, "I think it may be more what they owe this project to make it succeed. And, they're going to have to change their view of things too on several issues because if they don't and they keep us at 1 in 10 outside the Corridor, that means if we've got 1,000 acres we can get 100 homes. That's nothing. Even if we go to 2.5 acres, that's only essentially 400 homes. But, 400 homes is probably 1,200 people. It does a whole lot when you're considering locating certain types of businesses here."

DeRoche, "I think we have to really be cautious of what we say about Metropolitan Council up here. Like it or not, the project is here. We have to work with them and figure something out. I think we got some stuff coming up. I think there's some people on Metropolitan Council that we made aware of some of the stuff that had happened. On January 10th when we had a meeting. I think they will be open to maybe some ideas. It's either that or if we can't do it they're not going to get their money. It's pretty simple."

Davis, “we had a conversation with a representative from Metropolitan Council today, Freya Theyman, and she did not say that this was an impossibility. There’s a process that we’re going to have to go through and you just work through it. Because the rest of our neighboring cities have much lower minimum densities than we do, we shouldn’t be singled out and be the only ‘island’ that has the total of 1 in 10 for all unsewered areas.”

DeRoche, “And, we have to be competitive. There was a moratorium on developments and such back in 2008, maybe. And all the other cities seemed to have taken advantage of that, did plats and kind of got everything together and East Bethel kind of sat on the outside. Well, now we’re playing ‘catch up’ because Ham Lake has developed, Andover has developed, Oak Grove has developed. We have to do something and that’s it.”

Davis, “This doesn’t correlate 100% across the board, but I talked to the Andover City Planner regarding the 2.5 acre minimum they have. She said that they had 300 lots that had just been platted this year. I think it will increase the possibilities for development and still keep it in the way that people are accustomed to around here. The denser development will only occur or can only occur in the Corridor. And, again, it’s going to be densities that, in my opinion, will never exceed 0.5 acre and will probably be closer to 0.25 acre just to make the cost of utility service work.”

DeRoche, “as you and I looked at that map, up until you hit north of Sims, it’s real spotty for any kind of development where you’re not going to hit wetlands.” Davis, “It is. And, your question a minute ago on the size of lots in the southeast corner of Coopers Corner, I checked six of them and they’re averaging about 2 acres apiece.”

DeRoche, “Okay. What do you think Ron?” Koller, “I think 2.5 sounds like a better number than 2. It looks like all the other cities feel that way too. I think this was all brought up because of a parcel near Coon Lake. He wants to develop his own property. He’s not going to buy property in the sewer district so it’s not really going to affect that.”

Davis, “I agree and I think it will complement it. You know, there will be certain people that want a small lot with really no maintenance responsibilities but, there’s going to be lots of others that want a larger lot. I don’t know if it’s going to be a lot of people that want 10 acres. I’m sure there’s probably going to be more that want the 2.5, which may be more manageable to maintain. But at least it gives us a broader variety and we’re going to be able to serve a much larger market when it comes to residential housing choices.”

Koller, “Like you mentioned, the more houses that move into these pockets, the more business will come and they’ll go into the sewer district.”

DeRoche, “What do you think Tim?” Harrington, “I like the 2.5 acre idea too.”

Ronning, “When we were moving here in 2001, I think, we bought, I thought that’s what they were, 2.5 acre minimum. That sounded real good to me at the time. I don’t know of anything that would change my opinion. You have to do something. This isn’t Montana. We have to do something to make this at least slightly palatable for people to come in and be interested in living here.”

Koller, “Well, you know, in the sewer district we have like 0.5 acre lots or even smaller than that with Shaw’s development. And, if you go a little farther out you can get 2.5, you can get a 10, or if you have a lot of money, a 40. So, we can kind of cater to anybody

because we have the room.”

Davis, “And just because you own 120 acres of farm land, that doesn’t mean you have to sell it in 2.5 acre lots. If you want to keep it more open, it’s entirely up to you to decide what acreages you want to divide that into.”

DeRoche, “What would the chances of us hearing something back from Metropolitan Council before we, I mean, you move it on to Planning and let them hash it out somewhat. I’d be curious to see what Metropolitan Council is going to have to say about it.” Davis, “The lady that I talked to today is going to get us some more information on that. She didn’t have it at the time but she said she would get back to us. As soon as we get that, we can pass it on as to what all is involved in the process and if there are any ‘sticking points’ that may be apparent at this time.”

DeRoche, “Or things that they may throw back at us. We’ve got to be open with all of our ‘cards’ now and I would expect them to do the same. That anything that’s going to be ‘coming down the pipe,’ that we hear it before we get right to the end and then, ‘Oh, by the way...’”

Ronning, “One of your earlier comments about if we ‘change the game’ does that upset everything that was put into the Comprehensive Plan. And, that’s a reasonable concern that I share with you. But, we’re sort of ‘testing the water’ to see how confined we are to that original plan.”

Davis, “And the other thing too is that the Comprehensive Plan should be reviewed every five years.”

Moegerle, “It says every year in the Comprehensive Plan.” Davis, “Yes, I’m sure but a major revision, you know and probably there hasn’t been a lot that’s changed. But, now there has been so it’s due to be reviewed for possibly other changes too. So, this would be just a part of that.”

Moegerle, “And, my opinion was that 2.5 acres was right too. I know you didn’t get to ask me but, just to let you know.” Koller, “Well, we’re all kind of in agreement with that.” Ronning, “He didn’t ask me either, I just volunteered.”

DeRoche, “Well, with all the comments said, I guess I would direct staff to move it on to the Planning Commission.”

Ronning, “With certain guidance, which would be what?” DeRoche, “That we keep in touch with Metropolitan Council to just see where that’s going to go.”

Ronning, “So, we’re not going to proceed real fast. We’re going to go slow and cautious?” DeRoche, “Well, we have to go slow and cautious because, you know, we’ve found an experience from the past some real quick rash ideas didn’t work out so well.”

Ronning, “We don’t want to do it twice, 2 or 3 times.” DeRoche, “Oh, no, absolutely not. And, I guess I would like Mark’s legal opinion, let him weigh in on stuff.”

Davis, “Once we get the process for presenting this amendment to Metropolitan Council for the change, then we can bring it back and review it and at that time we can come up with

some direction on how you want to go. So, we should have that in the next, hopefully by tomorrow but definitely within the next week.”

Ronning, “Food for thought, there’s a million different variables in this sort of thing. You could do the 2.5 incrementally rather than open the whole City up. You know, so somebody could come with…” DeRoche, “Is that…Jack, or is this kind of a blanket?”

Davis, “Well, you could establish different densities for different residential zones. I think that kind of complicate things. I think everything that you saw up there, outside that yellow strip, was zoned Rural Residential anyway. There’s only, maybe, one or two little sections that are zoned R-1 or R-2. Most of the areas that are open for development are in the Rural Residential zone and I think it should be just blanketed across the board. The other areas, essentially, that are R-1 and R-2 are in the Corridor so they’re going to be probably covered, they’re going to have to have higher densities to even be viable for subdivisions.”

DeRoche, “There again, we’ve got this 48 square miles but we also have the Helen Allison Oak Savanna, Cedar Creek, PCA methane pit/mound, call it what you will, and all the wetlands. We only have so much area to develop and we can’t make any more.”

Davis, “Yes, with what we have available for development outside the Corridor for residential purposes is about 3% of the area of the City. And, again, the thing that’s going to preserve the semi-rural/natural area of East Bethel is the 16,000 acres of our City that is wetlands, lakes, and streams. Those areas will never be developed. That’s going to provide significant buffers from all of these developments. Even if we had higher density developments outside the Corridor, which I’m not advocating, the fact that over 50% of the land in the City is not developable will be the guarantee that the City outside the Corridor will be semi-rural from now on.”

DeRoche, “Does staff have enough direction? That being said, do we have a motion to adjourn?”

**5.0
Adjourn**

Moegerle made a motion to adjourn at 7:37 p.m. Koller seconded; all in favor, motion carried unanimously.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.