

**City of East Bethel  
Planning Commission Agenda  
7:00 PM  
Tuesday, March 24, 2015**



**Agenda**

	<u>Item</u>
7:00 PM	<b>1.0 Call to Order</b>
7:02 PM	<b>2.0 Adopt Agenda</b>
7:03 PM	<b>3.0 Approval of Meeting Minutes</b> <ul style="list-style-type: none"><li>- January 27<sup>th</sup>, 2015 – Regular Meeting</li><li>- February 10<sup>th</sup>, 2015 – Special Meeting</li></ul>
7:05 PM	<b>4.0 Public Hearing/Conditional Use Permit –</b> A request by applicant, Beaverbrook Sportsman Club for a Conditional Use Permit to improve the safety and functionality of shooting range(s) and additional sound mitigation. The location being 20500 Palisade St NE, Cedar MN 55011, PIN(s) 16-33-23-43-0001, 21-33-23-11-0001, 21-33-23-12-0001, 21-33-23-13-0001
7:25 PM	<b>5.0 Lowest Floor Elevation for buildings</b>
7:40 PM	<b>6.0 Travel Trailer/Recreational Vehicles/overnight camping</b>
7:55 PM	<b>7.0 City Council Report</b>
8:00 PM	<b>8.0 Other Business</b>
8:05 PM	<b>9.0 Adjournment</b>

## EAST BETHEL PLANNING COMMISSION MEETING

January 27<sup>th</sup>, 2015

The East Bethel Planning Commission met on January 27, 2015 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Randy Plaisance Lou Cornicelli Lorraine Bonin Glenn Terry\*  
Sherry Allenspach Tanner Balfany Eldon Holmes  
\* Commission Chairperson

MEMBERS ABSENT: None

ALSO PRESENT: Colleen Winter, Community Development Director  
Ron Koller, City Council Member

**1.0 Call to Order** Mr Terry called the meeting of the East Bethel Planning Commission to order at 7:00PM.

**2.0 Adopt Agenda** **Mr Terry motioned to adopt the agenda. Mr Balfany seconded the motion. All members were in favor; motion carried.**

**3.0 Welcome New Planning Commission Member Sherry Allenspach** Mr Terry and members of the Commission welcomed Ms Allenspach to her first meeting as a member. Her term will expire on 1/31/2018.

**4.0 Oath of Office for New and Re-appointed Members** Mr Holmes and Mr Terry were both reappointed by the City Council to the Planning Commission for another three year term ending on 1/31/2018. Ms Allenspach, Mr Holmes and Mr Terry took their Oath of Office.

**5.0 Election of Planning Commission Chairperson and Vice Chairperson** Mr Terry has been the Vice Chairperson on the Commission for the last year. It is common practice to nominate the Vice Chair to the position of Commission Chairperson. **Mr Plaisance made a motion to elect Glenn Terry as Chairperson of the Commission. Ms Allenspach seconded the motion. All members were in favor; motion carried.**

**Mr Terry accepted the position of Chairperson for the Planning Commission.**

Mr Balfany stated it suggested that any member interested in becoming the chairperson should nominate themselves for the vice chairperson position.

Randy Plaisance nominated himself for the Vice Chairperson position. No other members were nominated.

**Mr Plaisance made a motion to elect himself as Vice Chairperson of the Commission. Mr Holmes seconded the motion. All members were in favor; motion carried.**

**Mr Plaisance accepted the position of Vice Chairperson for the Planning Commission.**

**6.0 Public Hearing/ Interim Use Permit, Home Occupation** Request by owner/applicant, Justin Donnell, to obtain an Interim Use Permit (IUP) to operate a Hydrographic business from his detached accessory structure. The location

**is at 3601 228th Ave NE, East Bethel, MN 55011, PIN 023323210002. The Zoning Classification is Rural Residential (RR) District.**

Mr. Donnell is interested in obtaining an IUP to operate a business out of his detached accessory structure. Enclosed in your packet is his application along with a detailed business plan that outlines his business. The Community Development Director and Fire Chief have both been out to the site where he is planning on conducting his business, and the building official has been apprised of his business as well. He will comply with all of the requirements of the building and fire code as required by the City, and will also comply with the home occupation requirements, Section 10-19 of the City of East Bethel Municipal code related to Home Occupations.

Attachment 6.1 – Public Hearing notice

Attachment 6.2 – IUP application

Attachment 6.3 – Location map

Attachment 6.4 – Business Plan

Attachment 6.5 – Examples of products

The Public Hearing was opened at 7:08pm.

Members of the community were invited to attend the public hearing and provide input. (Attachment 6.6)

Mr Dave Nelson related his concerns regarding the proposed home business. He stated that he had moved to the rural community to “get away from commercialized” areas and rush hour. Mr Nelson had concerns about the chemicals used in the process of hydrographics – are they harmful? He asked if the chemicals might be drained into the wetland area of the community and if there might be harmful vapors released into the environment. There have been problems with parking on the street in front of the Donnell home in the past and neighbors worry that a business might restart this problem as well as increase vehicle traffic in the area due to customers and employees.

Mr Terry stated that most of the concerns stated by Mr Nelson are addressed in the Home Occupation Ordinance that delineates the conditions under which the IUP would be granted. Items specifically noted in the Ordinance include parking (Item 8), hazardous waste (Item 4) (Mr Terry noted that the issue of hazardous waste was also addressed in Mr Donnell’s application), traffic (Item 2), and employees (Item 1). He also highlighted Item 11 regarding the prohibition of detriment to the neighborhood.

Ms Kelly Mingo stated that she moved to the neighborhood for the same reasons as Mr Nelson and has concerns about the home business as well. She asked who would be responsible for “policing” the business to ensure compliance. Ms Mingo stated they have private wells and private septic systems, low ground, children playing in the area. She reported that Mr Donnell was already operating the business. Ms Mingo related having done a great deal of research and asked who would ensure Mr Donnell disposed of the waste correctly. She stated disposing of the waste is very expensive. Ms Mingo stated “We are strongly opposed to this business in this neighborhood. ... a residential area. It’s not meant for a business.” Ms Mingo closed her remarks with a comment that her biggest concern was “groundwater contamination”.

Mr Terry again noted the conditions of the ordinance that Mr Donnell must meet in order to operate his business. He stated that although it is not the neighbors’ responsibility to “police” but that they should inform the city if there are issues of concern and it will be the

city's responsibility to address those concerns. On the groundwater concern, Mr Terry stated that Mr Donnell's business plan as submitted addresses this as follows:

"The Company has no hazardous waste that fall under the Minnesota Pollution Control Agency. Although paint is used it is not mixed and all paint cans are full dispensed, therefore never wasted, the Company has adjusted painting techniques to be limit waste in general. All paint comes from spray cans which when emptied are then recycled."

Ms Mingo addressed the Commission with further information. She stated that she had contacted a company in California that manufactures the chemicals used in the business and was told that they are the same ones used in the automotive painting industry and that any wastewater would contain chemicals that are hazardous. Ms Mingo reiterated that the neighbors have private wells and are concerned about the environmental impact.

Mr Justin Donnell addressed the Commission and public attendees of the hearing. He explained that his customer contact would be done at gun shows and online so no increase in traffic or parking issues should occur. All chemicals used are in spray cans and are not considered as hazardous waste by the Minnesota Pollution Control Agency (MPCA). He stated his business will comply with not only state and federal guidelines but also with city requirements. Mr Donnell will have one employee who will be working at his own shop off-site.

Mr Terry questioned Mr Donnell about the wastewater from the hydrographics process. Mr Donnell related that the MPCA regulations refer to a certain level of "particles per million" to be considered hazardous. He stated that the wastewater is filtered and does not meet that level. He emphasized that they do not use automotive grade paints and there is no waste as the paint is not mixed but are in a spray can. According to the MPCA once the cans are empty with less than three percent product remaining they can be recycled.

Mr Donnell explained that the process does not place paint into the water used in the process. The only paint used is to actually paint the object (and allowing it to dry) prior to placing it in the water where a design on soluble film will adhere to the object. The water can remain in the tank 6-12 months and is then drained. It is filtered while in the tank with filters changed monthly. The water does not have any debris or paint particles when it is drained and does not meet any definition of hazardous waste.

Ms Winter pointed out that Mr Donnell also has to comply with ATF regulations in order to operate his business. Mr Donnell has applied for his ATF license.

Mr Holmes questioned how long Mr Donnell had been performing the process at his home. Mr Donnell replied that he has been using the process for friends about two months. He stated that he does not do this at his home. He has his supplies and tank at a friend's shop in Champlin where they have allowed him to work. Mr Holmes asked if there was any film remaining after the part has been covered. Mr Donnell responded that there may be particles of film left in the water. This water is filtered to remove these particles and the filters are changed monthly. The water used in the process must be clean of all chemicals and/or debris. When asked why he did not continue using the shop he currently uses for the process, Mr Donnell stated that the location is an hour away from his home and he also must have a permanent address in order to secure the ATF license which he needs to operate his business.

Mr Balfany asked about the specific chemicals that the neighbors are concerned about. Mr Donnell stated that automotive paints and mixing colors do result in hazardous chemicals.

The paint he uses is not automotive grade and no mixing is required. Mr Cornicelli asked about the number of different colors of paint to be available for the business. Mr Donnell explained that most of the designs use tan, white or black.

Ms Winters asked about the volume of business and potential paint cans to be disposed of (recycled) on a regular basis. Mr Donnell estimated approximately 12 paint spray cans every two months.

Mr Holmes asked for clarification of the difference between automotive paint and the paint used in the hydrographics process. Mr Donnell explained that many chemicals and substances are added to automotive paint to make it more durable. The paint used for hydrographics is water based and does not require any special product (like paint thinner) to wash it off.

Mr Plaisance asked about ventilation while painting. Mr Donnell stated he was told by the fire chief that as long as he has at least one door and one window open, it should be sufficient. If the business increases he would like to install a paint booth to protect objects in the shop from getting any paint spray on them. Mr Donnell stated that the vapor from the spray cans would not be enough to be noticed by neighbors.

Mr Plaisance also asked if the business had a website. Mr Donnell related that he does have a site but it has not been published yet as he is waiting for approval to open the business. Mr Plaisance asked about customers coming to the home shop to drop off or pick up items for hydrographing. Mr Donnell stated that they do not intend to have any customer traffic at the home shop. Finished products will be mailed/shipped or personally dropped off to the customer. Some items to be processed and supplies may be delivered to the home shop but all shipping out will be done through the Bethel Post Office.

Mr Plaisance asked about the security system as stated in the business plan. Mr Donnell stated the system will be in place before he is opens the business. He described the details of storage for any weapons or pieces of weapons in his custody while he performs work on them. He stated that most customers would only give him the piece of a weapon that they want to have decorated. They require that customers disassemble any weapons before sending them in for work.

Mr Holmes again questioned the plan for a paint booth. Mr Donnell stated that because they use a spray paint can for the process, a paint booth is not required by state or federal guidelines. He reiterated his hope for a booth in the future to protect other objects in the shop.

Mr Donnell stated that if the business grew large enough to make a paint booth necessary he would anticipate moving the business to a new location. Ms Winter also related that if a paint booth is required, the business would no longer qualify for the IUP as a home business.

Ms Winter explained that the Commission has the option of approving the IUP with conditions such as regular inspections.

Mr Holmes asked Mr Donnell what his plans were if the Commission does not approve his request for the IUP. Mr Donnell stated that he would be unable to open the business.

Ms Patty Larson of 22740 Tippecanoe Street. (She did not sign in on the sheet) Ms Larson stated her concerns about having the business in the residential neighborhood including

parking, ventilation and wastewater drainage. Ms Larson stated she also knew Mr Donnell was already doing the process at his home.

Mr Jim Harlo related that the area is zoned as residential and should not have a business operating in the neighborhood. He also voiced his concern for his grandchildren and other children in the neighborhood with allergies who might be affected by the vapors. Mr Harlo was worried about wastewater disposal getting into the groundwater and nearby private wells. He asked what the fire chief's recommendation was regarding the business and Ms Winter reported that the Chief approved the proposal.

Mr Terry replied that the City does allow "Home Occupations" in residential areas and they must follow strict guidelines set forth in the ordinance referenced earlier in the meeting.

Mr Curtis Mingo (did not sign in) shared his concerns regarding the business. He stated that any fumes would be smelled on his property because they are 300 feet apart. Mr Mingo voiced concern about the wastewater and how it would be disposed of, and the possibility of accidental spills that might leak into the ground. He questioned whether the water filters are considered hazardous waste and where the empty paint cans would be disposed of for recycling.

Mr Terry asked for any further comments from the public. No comments were forthcoming and Mr Terry closed the public hearing.

The Public Hearing was closed at 7:50pm

Mr Donnell responded to additional questions raised. He stated that the process uses residential paint only, not automotive paint. The shop is not located closer than 500 feet to any other structure on any neighbor's property. There are currently three people living in the home with three vehicles and all are parked on the property unless one must be moved into the street to allow another vehicle to move.

Mr Cornicelli asked about signage for the business. There will only be a small sign on the shop door with information to contact the owner. The door cannot be seen from the street.

Mr Holmes asked where the filtered water from the tank is drained. Mr Donnell stated that it would be drained out to the street.

Mr Donnell reported that he had done extensive research on the entire process through the EPA and MPCA, reviewing all the chemicals used and how to safely operate the business. He stated, "I have been very careful...to make sure that I'm not going to hurt the environment, I'm not going to hurt my neighbors and I am following all federal, state and local guidelines."

Mr Balfany asked about the disposal of the water filters. Mr Donnell responded that the filters are made to catch any pieces of water soluble film and can be thrown away in regular garbage.

Mr Holmes emphasized to Mr Donnell that if the IUP is granted, the neighbors can report any concerns and, if any violations are found, the business could be shut down. Mr Donnell replied that he is open to visits from any of the neighbors.

Mr Cornicelli suggested that the tank water be disposed of through the septic system instead of draining to the street. Mr Donnell agreed that this could be done.

Ms Winter clarified the terms of the East Bethel Home Occupation Ordinance as they apply to the business. She stated that unless posted, parking is allowed on the street in the neighborhood. The septic system company will need to be consulted to make sure it is acceptable to dispose of the tank water into the system. The Planning Commission has the option of limit the IUP or review it annually or more frequently if desired. It is common for IUPs to be reviewed annually and to come up for renewal every three years. The Fire Department is required to inspect the business annually and the Community Development department will be doing annual reviews of the IUP.

Mr Donnell commented that the Fire Chief did make some recommendations which he has complied with. He has upgraded his fire extinguishers and has a fire cabinet for the spray cans. The Fire Chief will follow up on these recommendations before the business opens. Mr Holmes asked if the Fire Chief's report had been submitted. Ms Winter had not seen the report but stated it could be included as part of the IUP.

**Mr Balfany made a motion to recommend approval of an IUP for Justin Donnell to obtain an interim use permit to operate a Hydrographic business from this detached accessory structure. Location 3601 228th Ave NE, East Bethel MN 55011, PIN 023323210002, Zoning Rural Residential, subject to the Home Occupation meeting all the applicable building and fire codes as well as the following conditions:**

**Mr Donnell must provide proof of ATF licensure prior to performing any work on weapons.**

**The IUP will be reviewed annually.**

**The water from the tank will be drained into the septic system, not into the street.**

East Bethel's Home Occupation Ordinance

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site.
2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.
4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
8. Parking needs generated by the home occupation shall be provided on-site.
9. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure.
10. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
11. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
12. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.

**All members were in favor of the motion save two (Ms Bonin and Mr Holmes); motion carried.**

This item will be presented to City Council next week.

**7.0 Public  
Hearing/Conditional  
Use Permit**

**A request by applicant, Dan Schultz, for a Conditional Use Permit to relocate his business operations to 21058 Davenport St NE, East Bethel, MN 55011, PIN 173323130007. The Zoning Classification is Central Business (B-2) District.**

Mr. Schultz currently operates his business at 21185 Viking Boulevard NE, in an area that is zoned Residential (pending zoning change to Highway commercial). Mr. Schultz has outgrown that facility and wants to be in an area that is on Highway 65. Attached in your packet is a letter that explains Mr. Schultz business operations. The proposed new location of his business is 21058 Davenport and is zoned B2 – Central Business District. The majority of Mr. Schultz’s business operations are allowed uses in the Central Business District zoning classification – Section 46, Zoning Ordinance, East Bethel code of ordinances. The one part of his business that requires a Conditional Use Permit is the custom cabinet manufacturing that they will be operating in the east side of the building.

- Noise – Noise levels when doors are closed and machines are operating create minimal impact. Mr. Schultz currently has neighbors next door to his business and they do not have any issues with noise.
- Permitting for waste – The current septic system is compliant and Builders by Design does not do any painting, or finish work that generates hazardous waste. All of the dust is captured in interior dust collectors and a farmer picks up the wood shavings and utilizes them as bedding for his animals. Larger pieces of wood are bundled and put in a dumpster onsite. Very little waste is generated. A septic system inspection was completed for the property and it is compliant.
- Hours – Normal business hours will be from 7 am – 5 pm, Monday through Friday

The proposed location is an existing building in the B-2 (Central Business District). The building has been previously used as a fitness center, electrical contractor warehouse, offices and shop.

Attachment 7.1 – Public Hearing notice

Attachment 7.2 – CUP application

Attachment 7.3 – Location map

Attachment 7.4 – Business Letter

Ms Winter reviewed the following conditions for the permit:

1. No outside storage of materials, or other parts.
2. Signage to comply with all applicable codes and regulations of the City of East Bethel.
3. Building to be issued a Certificate of Occupancy for the proposed use once all applicable State and fire building code requirements have been met.
4. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 27 Landscaping Requirements.
5. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 22, Off Street Parking and Loading Requirements.

The Public Hearing was opened at 8:15pm.

Members of the community were invited to attend the public hearing and provide input. Mr Terry asked for any comments from the public. No comments were forthcoming and Mr Terry closed the public hearing.

The Public Hearing was closed at 8:15pm.

Mr Terry asked about the outside storage of vehicles and suggested the CUP limit what those vehicles would be. Dan Schultz reported that there will be 2 cube vans, a company pickup truck and a truck with a plow at the proposed location. There is an existing berm on the property that has appropriate screening and Mr Schultz is also considering security fencing and a gate. He does not anticipate an increase in vehicles. Mr Schultz agreed to work with Staff regarding any changes in vehicle storage to ensure compliance with City requirements.

**Mr Holmes motioned to recommend approval of a Conditional Use Permit application to Dan Schultz (dba Builders by Design, LLC) to operate at 21058 Davenport St NE, East Bethel MN  
PIN: 173323130007  
Zoning: Central Business (B2) District**

The granting of this Conditional Use Permit is subject to the following conditions and requirements:

1. No outside storage of vehicles, materials, or other parts.
2. Signage to comply with all applicable codes and regulations of the City of East Bethel.
3. Building to be issued a Certificate of Occupancy for the proposed use once all applicable State and fire building code requirements have been met.
4. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 27 Landscaping Requirements.
5. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 22, Off Street Parking and Loading Requirements.

**Ms Bonin seconded the motion. All members were in favor; motion carried.**

#### **8.0 Approval of Meeting Minutes**

**Mr Terry moved to approve the December 16, 2014 meeting minutes as written. Mr Cornicelli seconded the motion. All members were in favor except Ms Allenspach as she was not in attendance at the December meeting; motion carried unanimously.**

#### **9.0 City Council Report**

Mr Koller reported that at the last meeting the Council recognized Bob DeRoche for his service. They approved the Sunrise River Watershed District's budget for this year which was substantially less than the previous year because they had completed several projects. They are working on Nordin Estates flooding and drainage problems. The City will be putting in drainage to an existing sewer system.

**10. Other Business**

Ms Winters stated she does not anticipate a regular Commission meeting in February as no new agenda items have been submitted. She noted that a special meeting has been scheduled for February 10<sup>th</sup> at 6:30pm in Council Chambers for a public hearing on a major mining permit. The company has been going through the steps of the permit process for some time and would like to begin working as soon as possible

Ms Winters offered the opportunity for Planning Commission members to meet jointly with the Economic Development Authority to discuss goals. There will be a meeting on January 29<sup>th</sup> with representatives from Anoka County Highway Department and MN Department of Transportation to discuss issues that will be critical in the near future.

Mr Plaisance asked the members to be mindful of the recent incident at the New Hope City Council meeting and to keep the council members and law enforcement community in our thoughts as they work through this difficult time.

**11.0 Adjournment**

**Mr Holmes moved to adjourn the meeting. Mr Balfany seconded; all in favor, motion carried and the meeting was adjourned at 8:30 PM.**

Submitted by:  
Susan Lori Irons  
Recording Secretary

**Attachments:**

- 4.1. Oath of Office
- 6.1. Public Hearing notice
- 6.2. IUP application
- 6.3. Location map
- 6.4. Business Plan
- 6.5. Examples of products
- 6.6. Public Attendance Sign in
- 7.1. Public Hearing notice
- 7.2. CUP application
- 7.3. Location map
- 7.4. Business Letter

## EAST BETHEL PLANNING COMMISSION MEETING

February 10<sup>th</sup>, 2015

The East Bethel Planning Commission met on February 10, 2015 at 6:30 P.M for a Special meeting at City Hall.

MEMBERS PRESENT: Randy Plaisance Glenn Terry\* Sherry Allenspach Eldon Holmes  
\* Commission Chairperson

MEMBERS ABSENT: Lou Cornicelli - Excused Lorraine Bonin – Excused  
Tanner Balfany - Excused

ALSO PRESENT: Colleen Winter, Community Development Director  
Ron Koller, City Council Member

**1.0 Call to Order** Mr Terry called the Special meeting of the East Bethel Planning Commission to order at 6:30 PM.

**2.0 Adopt Agenda** Mr Terry motioned to adopt the agenda. Mr Holmes seconded the motion. All members were in favor; motion carried.

**3.0 Public Hearing/  
Interim Use Permit,  
Mining** Request by applicant, Classic Construction, Inc. to obtain an Interim Use Permit to perform Major Mining at 1965 Briarwood Lane NE, East Bethel, MN 55011, PIN 333323220005. The Zoning Classification is Single Family Residential (R1) District.

City of East Bethel Code Reference:  
Article V Extractions; Appendix A, Zoning Ordinance, Section 43

Mr. Martin Johnson contacted Classic Construction, Inc. requesting that they create a wildlife pond on his property. The area proposed for the excavation had been a sod farm and is approximately 2 acres in size. The excavation would take place over a period of 12 months and would be started this winter subject to approval of the IUP. The pond will be dug out and a 10:1 slope will be maintained. The seeding will be a Minnesota State Seed Mix 34-262 Wet Prairie. The current driveway will be used to haul the material out. Classic Construction will be the only company hauling the fill and their route will be from Briarwood Ln NE continuing on Highway 65 service road to 187th Lane NE where they will head west and bring fill to a vacant lot owned by Classic Construction in the Classic Commercial Park. Erosion control both at the excavation site and stockpile site will be mandated and is included in their plan. The applicant has completed their Joint application form for Activities affecting water resources in Minnesota and has received a Notice of Decision from the City and from the Army Corps of Engineers. So they are permitted through that process. The City Engineer has also reviewed the project and offered comments and the applicant has responded to those comments.

Ms Winter reviewed the conditions for approval of the IUP (see below).

Mr Terry opened the Public Hearing at 6:37 PM. He invited any members of the public who wished to speak to do so. None of the attendees had comments to share. The Public Hearing was closed at 6:38.

The property owner was available to answer questions of Commission members. Mr Terry asked about the hours for construction on Saturdays. Ms Winter explained that Mr Johnson anticipated only one or two times that construction might be needed on the weekend. The suggestion was made that Mr Johnson could work with the City Staff when he needed to

operate on a Saturday and approval would be made based on the situation. Mr Johnson agreed to this condition.

Mr Holmes asked how deep Mr Johnson anticipated the pond would be. His question related to how long silt might be a problem in a shallow pond. Ms Winter stated the pond should be 4-6 ft deep in accordance with the decision per the mining permit. The pond is to be initiated with this permit and IUP but may be phased to include all two acres based on how well it does. The pond will be seeded with "Wet Prairie" mix which is appropriate for growth with this type of pond.

**Mr Terry made a motion to recommend approval of the IUP to Classic Commercial, Inc. and Martin Johnson to permit the excavation of materials and create a wildlife pond under Section V – Excavation, East Bethel City Code of Ordinances. Subject to the following conditions:**

1. All permits from jurisdictions under the Joint Application Form are required before any work can begin.
2. All comments of the City Engineer shall be addressed .
3. Property Owner and applicant shall meet City, State, and Federal regulations for the protection of air quality, erosion control, dust control, and noise.
4. Hours of operation shall be 7 am to 7 pm Monday through Friday, and Saturday with consent of City Staff only.
5. Truck Hauling signs shall be posted on the site.
6. NPDES permit is required.
7. A revised grading plan shall be provided.
8. Erosion control shall be required at the stockpile site.
9. Stockpile site is allowed on Outlot A, Classic Commercial Park 3rd Addition. For a period of one year.
10. Property Owner or Applicant shall provide a Letter of Credit or an escrow in an amount determined by the City Engineer.
11. Enter into a Mining Performance Agreement with the City of East Bethel.

**Ms Allenspach seconded the motion; all in favor. Motion carried.**

Mr Terry stated the recommendation will be on the agenda for the next City Council meeting.

#### **11.0 Adjournment**

**Mr Plaisance moved to adjourn the meeting. Mr Holmes seconded; all in favor, motion carried and the meeting was adjourned at 6:43 PM.**

Submitted by:  
Susan Lori Irons  
Recording Secretary

#### **Attachments:**

- Attachment #1 – Joint application**
- Attachment #2 – IUP application**
- Attachment #3 – Aerial photo**
- Attachment #4 – Elevation map**
- Attachment #5 – Memo from Hakanson Anderson**
- Attachment #6 – Memo from Classic**
- Attachment #7 – Wetland Notice of decision**
- Attachment #8 – Army Corps letter**



# City of East Bethel Planning Commission Agenda Information

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**Date:**

March 24, 2015

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**Agenda Item Number:**

Item 4.0

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**Agenda Item:**

Conditional Use Permit

Property Owner: Beaverbrook Sportsmen’s Club

Applicant: Bill Dubats (Club representative)

Address: 20500 Palisade St NE, Cedar MN 55011

PIN(s): 16-33-23-43-0001, 21-33-23-11-0001, 21-33-23-13-0001

Zoning: Rural Residential (RR)

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**City of East Bethel Code Reference:**

Appendix A, Zoning Ordinance, Section 42

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**Requested Action:**

Consider approving Conditional Use Permit (CUP) to the Beaverbrook Sportsmen’s Club to operate a gun club, and make improvements to improve safety and mitigate noise.

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**Background Information:**

Mr. Bill Dubats representing Beaverbrook Sportsmen’s Club is interested in improving the gun club by creating additional shooting ranges. These ranges will not only provide the gun club with some additional tournament opportunities, but will enhance the experience for the existing members while improving safety and mitigating noise.

Enclosed in your packet you will find several attachments that outline the planned improvements, which is to construct a 700’ x 160’ berm as part of 7 shooting ranges for pistol, muzzleloader, and shotgun. The main berm will be 20 feet in height and the sides will be 10 feet in height. It will be located in what is right now an open field. It will be 10 feet off the east property line. The property to the east is a heavily wooded area and there are no homes located in this area.

A wetland delineation was completed and the area where the shooting range will be located is outside of any wetland areas. It should be noted that there is a Significant Natural Environment Area located to the east of where the shooting range will be (see attachment 4.7) and the Gun Club will be working with Anoka Conservation District on preserving this property.

**History:**

The Gun Club was established in 1968 through a Special Use permit and received subsequent approval to construct a large shooting range and variance for the clubhouse (see attachment 4.5).

In discussions with the Mr. Dubats we determined that it would be appropriate to go through the Conditional Use Permit process to address the new shooting range. In a more generic sense the Conditional Use Permit should cover future improvements for the gun club as well.

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**Attachments:**

- Attachment #1 – Beaverbrook CUP application
- Attachment #2 – Beaverbrook Explanations
- Attachment #3 – Aerial photo
- Attachment #4 – Half Section map
- Attachment #5 – Land Use History
- Attachment #6 – Wetland Review
- Attachment #7 – Significant Natural Environment Area

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**Recommendation(s):**

Staff recommends that the Planning Commission approve the CUP to Beaverbrook Sportsmen’s Club to permit the addition of a shooting range, and for future improvements that enhance the safety of the gun club, mitigate noise and improve the overall gun club operations subject to the following conditions:

1. All improvements are subject to Wetland review and recommendations
2. All Significant Natural Environment areas will be protected
3. Property Owner and applicant shall meet City, State, and Federal regulations for the protection of air quality, erosion control, dust control, and noise.
4. All building codes, and zoning regulations imposed by the City of East Bethel will be applicable for future development as required.

\*\*\*\*\*

**Planning Commission Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

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Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



2241 221<sup>st</sup> Ave. NE • East Bethel, MN 55011  
 Phone: (763) 367-7844 • Fax: (763) 434-9578

OFFICE USE ONLY  
 Date Rec'd: 2-23-15  
 By: AN  
 Fee \$: 1,555  
PAID

**CONDITIONAL USE PERMIT (CUP) PROCESS & CHECKLIST**

Application Fee: \$500\* Escrow: \$1,000\* Filing Fee: \$55\*  
 Applicant is responsible for accrued consulting fees from the City Engineer, City Attorney, etc.  
 \*Fee is subject to change per Resolution.

The application for a **CONDITIONAL USE PERMIT (CUP)** is processed in three separate review steps:

- 1) CITY STAFF  
 (Applicant is required to meet with City Staff prior to submittal of the application.)
- 2) PLANNING COMMISSION  
 (Public hearing and recommendation to the City Council)
- 3) CITY COUNCIL  
 (No public hearing required)

LOCATION: PID: 16-21-33-23<sup>A</sup> LEGAL: LOT: 120601 NW 1/4 of NE 1/4, Section 21, East Bethel, MN  
 BLOCK: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_

PROPERTY ADDRESS: 20500 Palisade St NE PRESENT ZONING: RR

PROPERTY OWNER: Beaverbrook Sportsman's  
 CONTACT NAME: Bill Dubats PHONE: 763 757 4143

ADDRESS: 12967 Crooked Lake Ln PHONE: \_\_\_\_\_

CITY/STATE/ZIP: Coon Rapids, MN EMAIL: bdubats@q.com

APPLICANT:  
 CONTACT NAME: Same as above PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff

[Signature]  
 Property Owner Signature  
POC

W. C. Dubats  
 Printed Name

June 23, 2015  
 Date

## **Beaverbrook Tri-County Sportsman's Club Conditional or interim Use Permit Application**

The following items are keyed to the numbers appended to the boxes on page 2 and 3 of the CUP.

1. Application fee and escrow are enclosed as Beaverbrook checks #15630 and #15631. Location maps are included as attachments (1) Anoka Co. ½ Section 21 map, and (2) Anoka Co. GIS Aerial photo.

**Narrative:** The primary purposes of this request to regrade a 2.7 acre area are to:

- (a). Improve the safety and functionality of a portion of the shooting range, and
- (b). Provide additional sound mitigation relating to the three housing units located approximately 1,300 feet to the south and east.

This will be accomplished by constructing an earth backstop of at least 20 feet high and approx 45 feet wide at the base as shown in the location maps and topographical sketches. These are primarily backstop berms. In addition, each end will have similar 20' berms for both safety and sound mitigation to the benefit the housing units to the south.

In addition, safety berms of at least ten feet high will divide the individual shooting lanes. All soils involved in the grading will be reseeded with the highway shoulder mix used by both Minnesota and Anoka Co.

Grading will be accomplished by scraping soil from between and around the berms. No material will be exported or imported for this parcel of property. The maximum depth of soil removal will typically be three feet deep. All grading will be kept well above the water table.

**2. Legal:** The NW ¼ or the NE ¼ of Section 21, Township 33, Range 23, City of East Bethel, County of Anoka, Minnesota.

**3. Evidence of Ownership.** See Anoka Co. Property Account listing BEAVERBROOK SPORTSMANS as Owner, attached.

**4. Principal uses within 350 feet:** Sod farm maintenance and work buildings to the west. All other properties within 350 feet undeveloped.

**5. Certification of Taxes Paid.** Beaverbrook hereby certifies that all taxes, assessments and any other government fees are paid.

**5. Survey.** A survey showing property corners, boundary lines and access via Palisade St. NE will be provided.. Impervious areas are not present.

**7. Survey of wells and Septic.** See Item 6.

**8. Narrative on use.** Since 1963 or earlier, the property has been part of a shooting range. Special Use permits are on file with East Bethel dated 1963 and 1982.

**9. Wetlands Review.** An analysis has been performed by Joan Spence of the Anoka Conservation District and submitted to Colleen Winter.

**10. Proposed Improvements.** Appendixes A through D show typographical details of before and after **elevations of the berms.**

**11. Proposed architectural elevations and floor plans.** None applicable.

**12. Review by Anoka Co. Transportation.** None required, as transportation needs are not affected.

**13. Review by MNDOT.** None required, as MNDOT transportation is not impacted.

**14. Employees.** The shooting range uses mostly member/volunteers, so there are no full time employees. A small number of part time helpers are used for summer league trapshooting.

**15. Escrow.** None necessary. Beaverbrook will pay earth moving and seeding contractors directly.

**16. Erosion control.** During grading we will control erosion by placing a two foot berm just inside the East property line with the adjacent property to the East (Dennis Berg). This earth berm will prevent any of the earth material, which may have been loosened in the process of excavating ,from migrating off the the premises in the event of heavy rains.

In addition, all soils disturbed in the grading process, including the backstop and side berms, will be air seeding planted with a drought hardy grass such as “highway shoulder mix” to preclude further erosion after the project is complete.

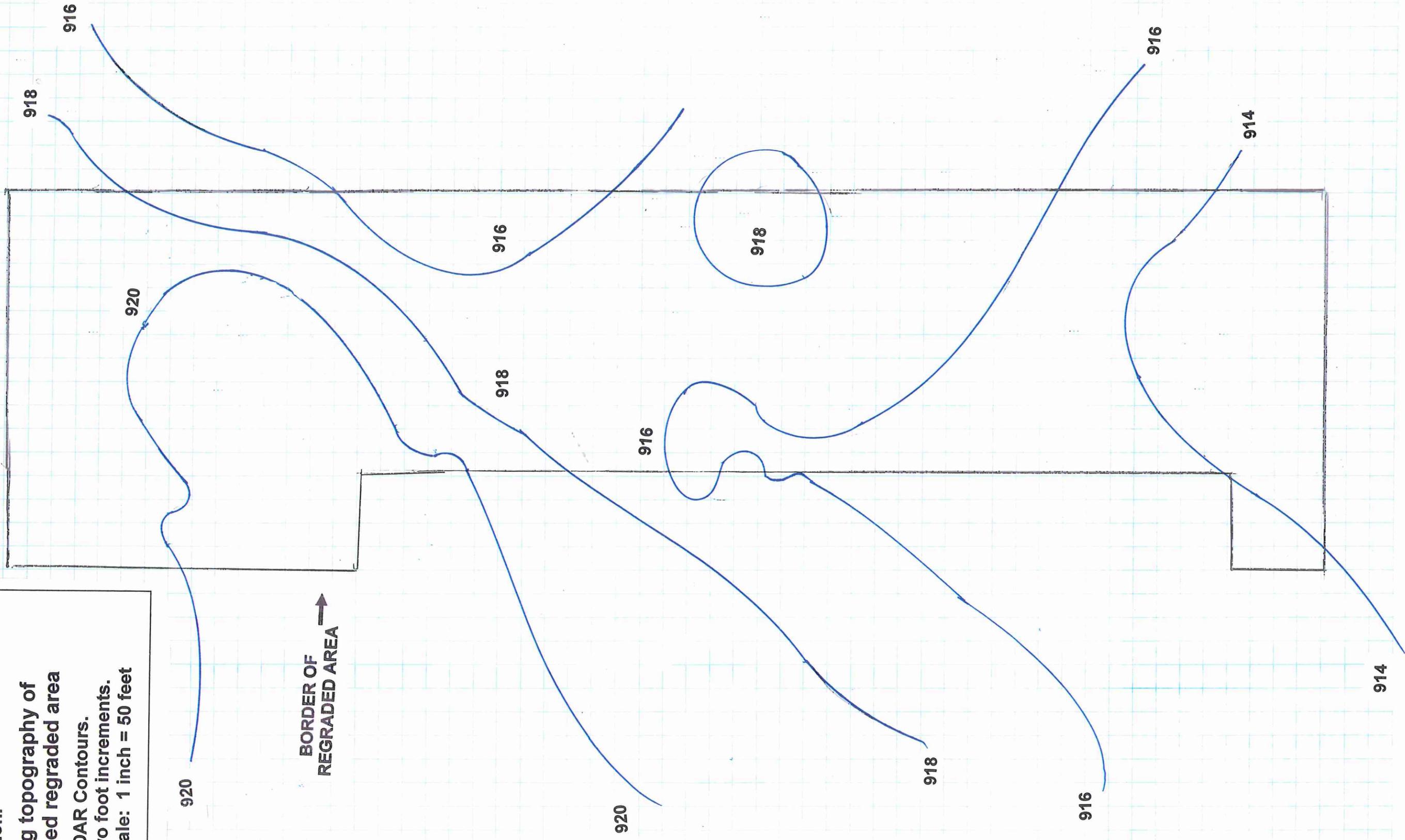
The evidence of the effectiveness of these measures can be seen in the berms and backstops in service on the Beaverbrook properties for over 20 years. These areas show little or no erosion in 18 to 32 years of service. Helping to minimize erosion is the very high percolation of the soils, which are almost entirely a very permeable sandy loam. Rainfall tends to simply soak into the ground where, or very close to where, it falls. Even after a 50 year flood rainfall of three years ago, no erosion was noted in similarly graded areas. A few low spots served as temporary catch basins, but no water movement or erosion of soils was apparent.

# APPENDIX A

Beaverbrook Tri-County Sportsman's Club Grading Permit application.

Existing topography of proposed regraded area

- LIDAR Contours.
- Two foot increments.
- Scale: 1 inch = 50 feet

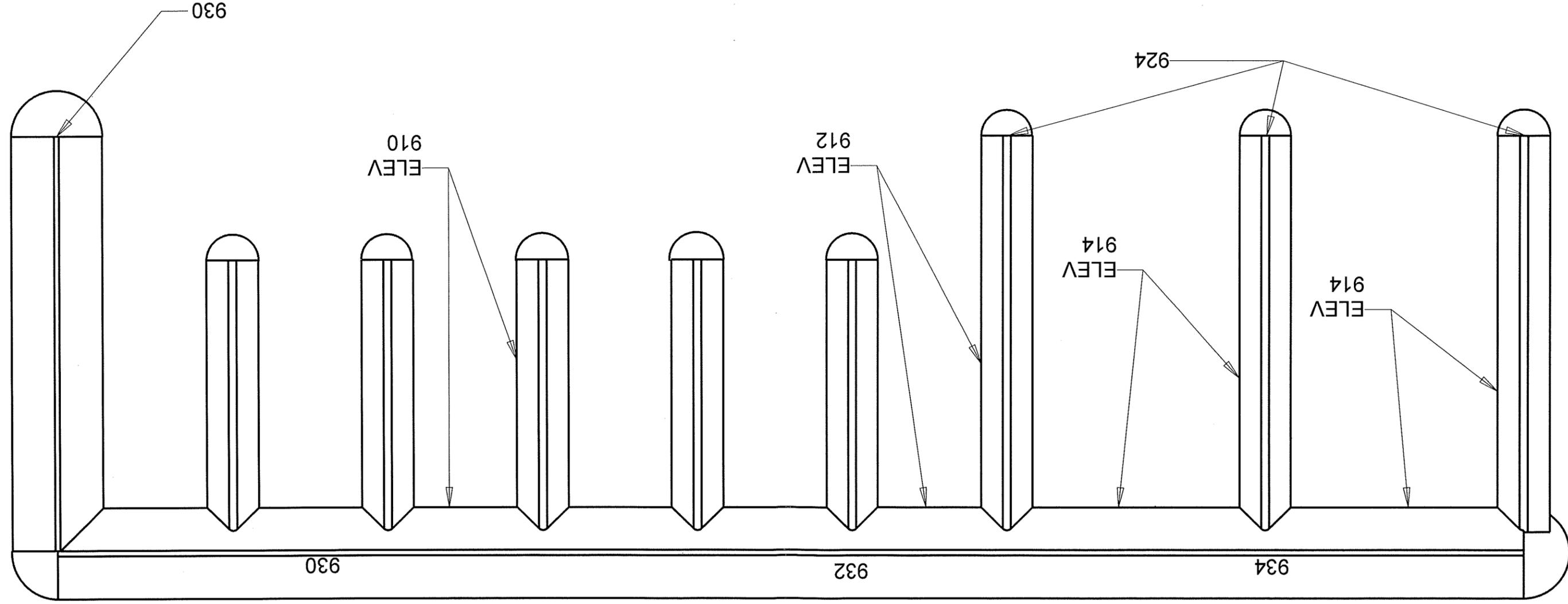


REFER TO APPENDIX C & D FOR ELEVATIONS OF BERMS

# APPENDIX B



EAST EDGE OF PROPERTY LINE



# ELEVATION CONTOURS FOR PROJECT AS PER PERMIT REQUEST

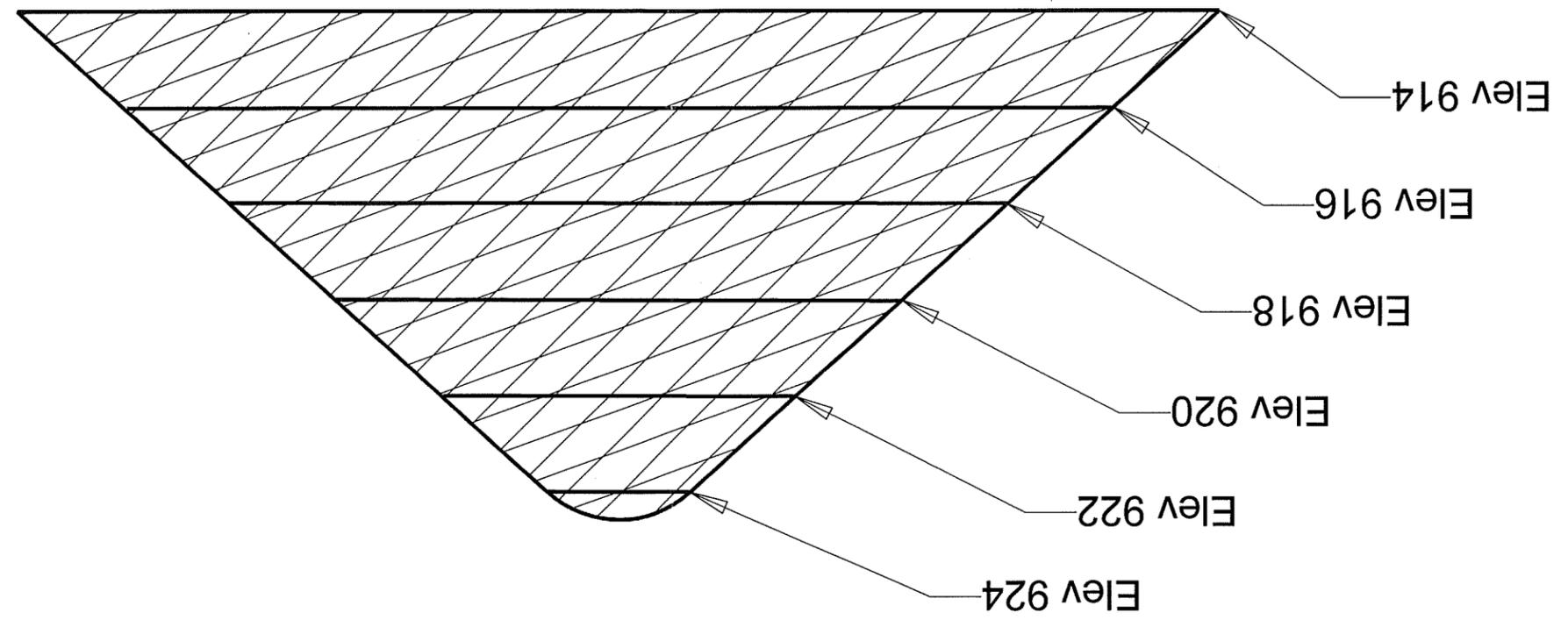
# BEAVERBROOK GRADING PERMIT APPLICATION

Scale: 1 in. = 50 ft.

# BEAVERBROOK GRADING PERMIT APPLICATION

SCALE: 1 IN. = 3.33 FT.

## CROSS SECTION OF ELEVATION CONTOURS FOR 10 FOOT SIDE BERMS

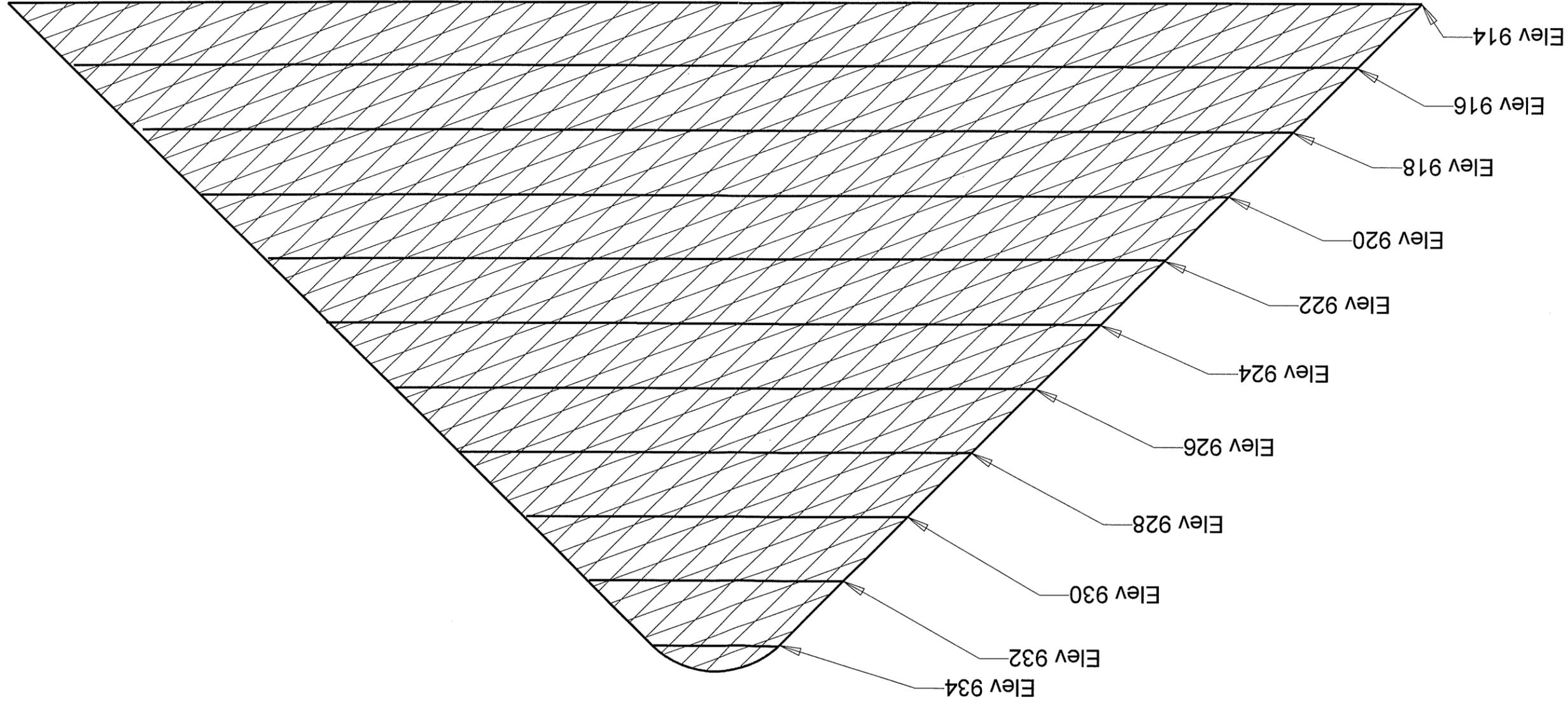


# APPENDIX C

# BEAVERBROOK GRADING PERMIT APPLICATION

SCALE: 1IN. = 6.63 FT.

## CROSS SECTION OF ELEVATION CONTOURS FOR 20 FOOT BACKSTOP



## APPENDIX D

SANDHILL  
CRANE  
NATURAL AREA

20500



2425

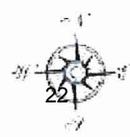
2495

2419

2557

PALISADE ST NE

KLOND



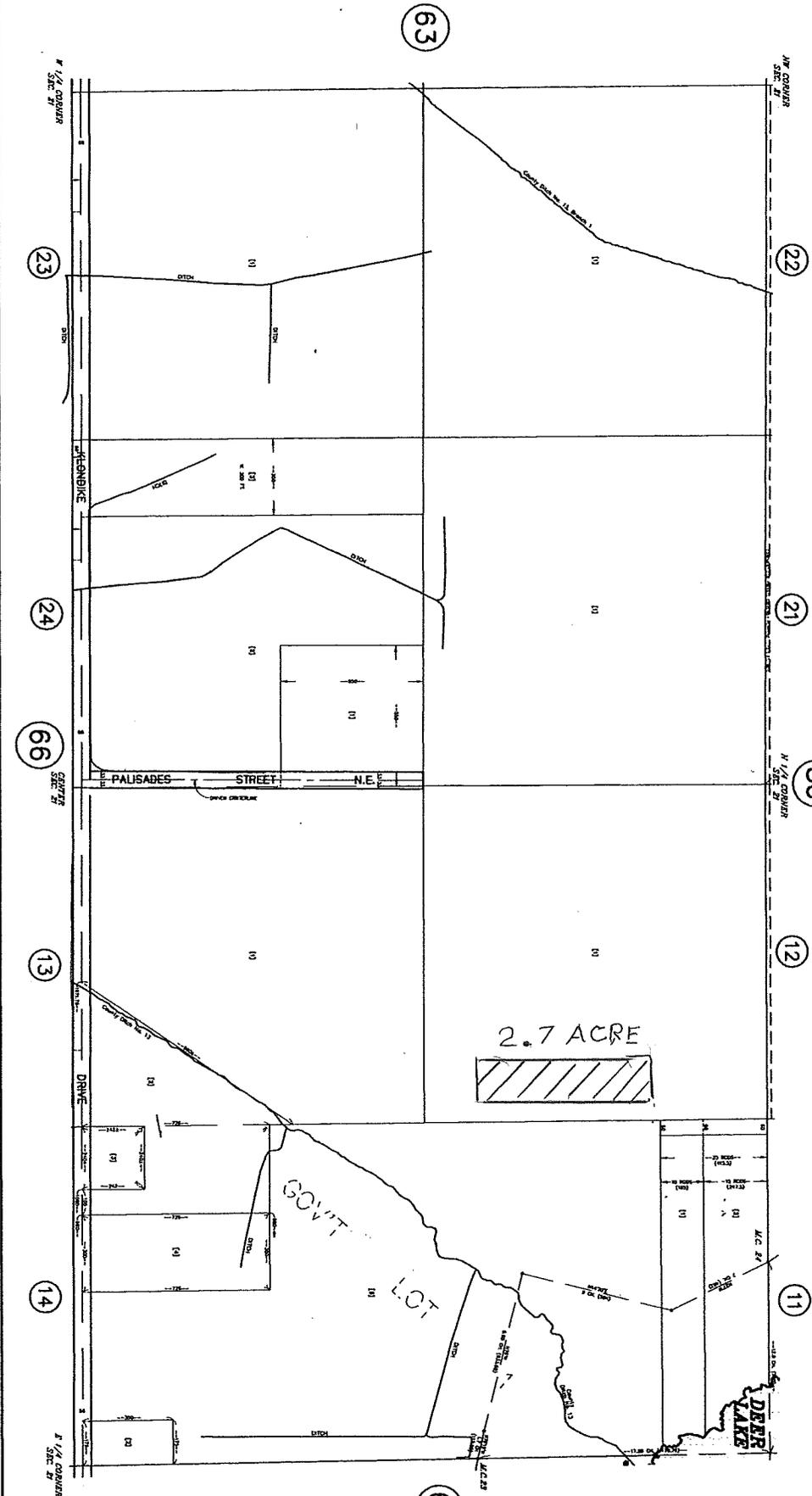
Aerial Photo: Flown Spring 2011

Prepared by Anoka  
County GIS Department

This is a computer-generated map and does not represent a legal document. It is for informational purposes only. The County is not responsible for any errors or omissions.

# N 1/2 SECTION 21, T. 33, R. 23

## CITY OF EAST BETHEL



ANDREA COUNTY  
 SURVEYOR'S OFFICE  
 2100 2ND AVENUE N.  
 ANCHORAGE, ALASKA 99503  
 (763) 323-5510

QUARTER QUARTER INDEX

22	21	12	11
23	24	13	14
32	31	42	41
33	34	43	44

NORTH HALF  
OF SECTION

SOUTH HALF  
OF SECTION

PROPERTY IDENTIFICATION NUMBERS

Section Township Range Quarter Specific  
 Number Number Number Number Number  
 XX XX XX XX XXXX

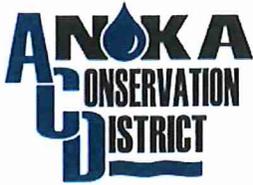
SPECIFIC PARCEL NUMBERS ARE IN BPA.  
 EXAMPLE OF PIN NUMBER: 21-33-23-14"

THIS IS A COMPILED AND RECORDED AS IS DRAWING. THE SURVEYOR'S OFFICES APPEARING IN THIS DRAWING ARE NOT TO BE USED FOR ANY OTHER PURPOSES AND THE COUNTY REPRESENTATION OF THE COUNTY COURTS IS HEREBY CONTAINED.

Land Release December 1, 2009  
 11/02/2012 10:57:41 AM Data Printed

## Land Use Applications from Beaverbrook Sportsman Club

Land Use Application	Applicant Name	Site Address	PIN No.	Reason	Date of PC Approval or Denial	Date of CC Approval or Denial
Special Use Permit	Beaverbrook Sports Club	20513 Palisade St. NE, East Bethel, MN	16 33 23 34 0001	SUP to operate shooting range		9/4/1968
Hearing	Beaverbrook Sportsmens Club	20513 Palisade St. NE, East Bethel, MN		Hearing to allow construction of big bore shooting range	11/25/1975	11/25/1975
VAR	Beaverbrook Sportsmens Club	20513 Palisade St. NE, East Bethel, MN		Special Use Permit for archery range and gun club	1/4/1983	1/5/1983
VAR	Beaverbrook Tri-County Sportsman Club	20513 Palisade Street NE, East Bethel, MN	16 33 23 43 0001	Variance to construct a second accessory building (30' x 40') on 40 acre parcel (Resolution 1986-23)	5/13/1986	5/21/1986



1318 McKay Drive NE, Suite 300  
Ham Lake, Minnesota 55304  
Ph: 763-434-2030 Fx: 763-434-2094  
www.AnokaSWCD.org

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January 26, 2015

Subject: Off-Site Wetland Review PIN# 21-33-23-12-0001

Beaverbrook Tri-County Sportman's Club  
% Bill Dubats, Director  
20500 Palisade St NE, PO Box 60  
Cedar, MN 55011  
[bdubats@g.com](mailto:bdubats@g.com)  
763-757-4143

This letter is to advise you and the city of East Bethel of the off-site wetland review for above mentioned parcel(s).

The Anoka Conservation District (ACD) makes wetland determinations using methods from the Corps of Engineers Wetlands Delineation Manual, Final Report January 1987 (referred to as "the manual") and applies the Wetland Conservation Act Rules chapter 8420 (referred to as "WCA").

ACD conducted a Wetland Review which included but not limited to the following information:

- USDA FSA color and infrared aerial photos from 2013, 2010, 2009, 2008, 2006, and 2003 & 1981-2000. Ancillary aerial photography from out-of-growing season 2011 (Pictometry) and dry season 1991 (USGS)
- 2011 LiDAR at 2-ft contours and a digital elevation model (DEM)
- USDA NRCS soil survey map for Anoka County
- USFWS National Wetlands Inventory
- DNR public waters and wetlands map
- Marshner's pre-settlement vegetation cover type map
- DNR Minnesota Land Cover Classification System
- "Offsite hydrology determination by using rainfall data with Farm Services Agency Imagery", NRCS-Minnesota Guidance (August 1994) as adopted by the Minnesota Board of Water and Soil Resources (BWSR) July 2006.

Four sites were identified as potential wetlands having hydrophytic vegetation, wetland hydrology and hydric soils.

#### VEGETATIVE COMMUNITY

1. Marshner's pre-settlement vegetative community for the project area was described as "wet meadow".
2. Minnesota DNR Minnesota Land Cover Classification System describes the current vegetative cover as "grassland or emergent vegetation"
3. No on-site inspection of vegetation for sites 1-4 were possible to determine a dominance of hydrophytic vegetation.

- a. Wetland signatures 2 & 3 appear to be types 1 /2
  - i. Site 3 was excavated in the 1980's per information given during a meeting with Mr. Dubat and evidenced by historical aerial photography. Identification of wetland signatures for site 3 was independent of the excavation.
- b. Wetland signature 4 appeared to be a wetland type 6/7

#### HYDROLOGY

1. FSA aerial imagery for years 1981 to 2013 were reviewed for wetland signatures, an indicator of wetland hydrology. Fourteen of those years had normal precipitation. A site showing wetland signatures for at least 50% of five or more years of normal precipitation is an indicator of wetland hydrology.
  - a. Site 1 had wetland signatures 1/14 normal years or 6.7% and therefore is not considered a potential wetland
  - b. Site 2 had wetland signatures greater than 10/14 normal years or 66.7%
  - c. Site 3 had wetland signatures greater than 12/14 normal years or 85.7%
  - d. Site 4 has woody vegetation and which is not conducive to an offsite determination for wetland hydrology

#### SOIL

1. The soil type for sites 2 & 3 is mapped as a Zimmerman fine sand – non-hydric
  - a. Soil mapping does not include small areas the size of sites 2 & 3 and therefore an onsite wetland delineation would be necessary to determine if sites 2 and 3 have hydric soil.
2. The soil type for site 4 is mapped as a Rifle mucky peat – hydric

#### CONCLUSIONS

**Given offsite methods, site 1 was determined to be non-wetland and not regulated by WCA but may be regulated by another agency or ruling; the wetland review is inconclusive for determining if areas 2 & 3 are wetlands and it is ACD's opinion that Site 4 is a wetland. *WCA requires avoidance of wetlands as first priority.* A WCA jurisdictional determination during the growing season would be necessary if the Sportsman's Club's plan is to impact sites 2-4. In addition, ACD has also identified the project site to be within an area of Anoka County noted for its high species diversity, rare and endangered species and plant communities because of the soil type association, land form, hydrology and topographic relief and so ACD recommends a rare and endangered species inventory.**

If you have any further questions give me a call; 763-434-2030 x14

Sincerely,




---

Joan Spence, Wetland Specialist  
Minnesota Certified Wetland Delineator #5040

---

1 FSA aerial photos from 2011 to 2013, county soil map, national wetland inventory east-central update, public water inventory and 2011 LiDAR contour data

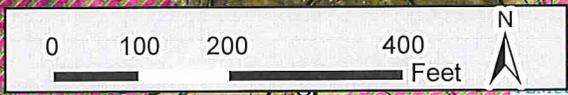
2 **This statement only applies to a review of off-site indicators for the presence of wetlands as regulated by WCA of 1991. *Permits from local, state and federal agencies may be required.*** For all exemptions: A landowner draining or filling a wetland under an exemption shall ensure that: appropriate erosion control measures are taken to prevent sedimentation of the water, the drainage or fill does not block fish passage, and the drainage or fill is conducted in compliance with all other applicable local, state and federal requirements, including best management practices and water resource protection requirements established under Minnesota Statutes, chapter 103H.

Attachments: Figure 1 Soil, LiDAR contours, NWI and Figure 2 Wetland Signatures

Date: 1/22/2015; W:\T\Township\_LGU\_Files\East Bethel\Public Assistance and Letters\Wetland Services\2015 Beaverbrook T\County Sportsman's club\Beaverbrook.mxd



\*These are NOT WCA approved wetland boundaries; data are for general reference only. Official wetland boundaries are delineated according to the 1987 USACE manual and must be approved by your WCA LGU (<http://www.bwsr.state.mn.us/>).



- Area of Review
- National Wetland Inventory\*
- Public Water Courses
- County Soil Survey
- Anoka Streams
- 2011 LiDAR Contours
- 10 Ft
- 2 Ft
- CCWD Status
- Private Ditch
- Public Ditch

Map Created: 1/22/2015

Coordinate System: NAD 1983 UTM Zone 15N

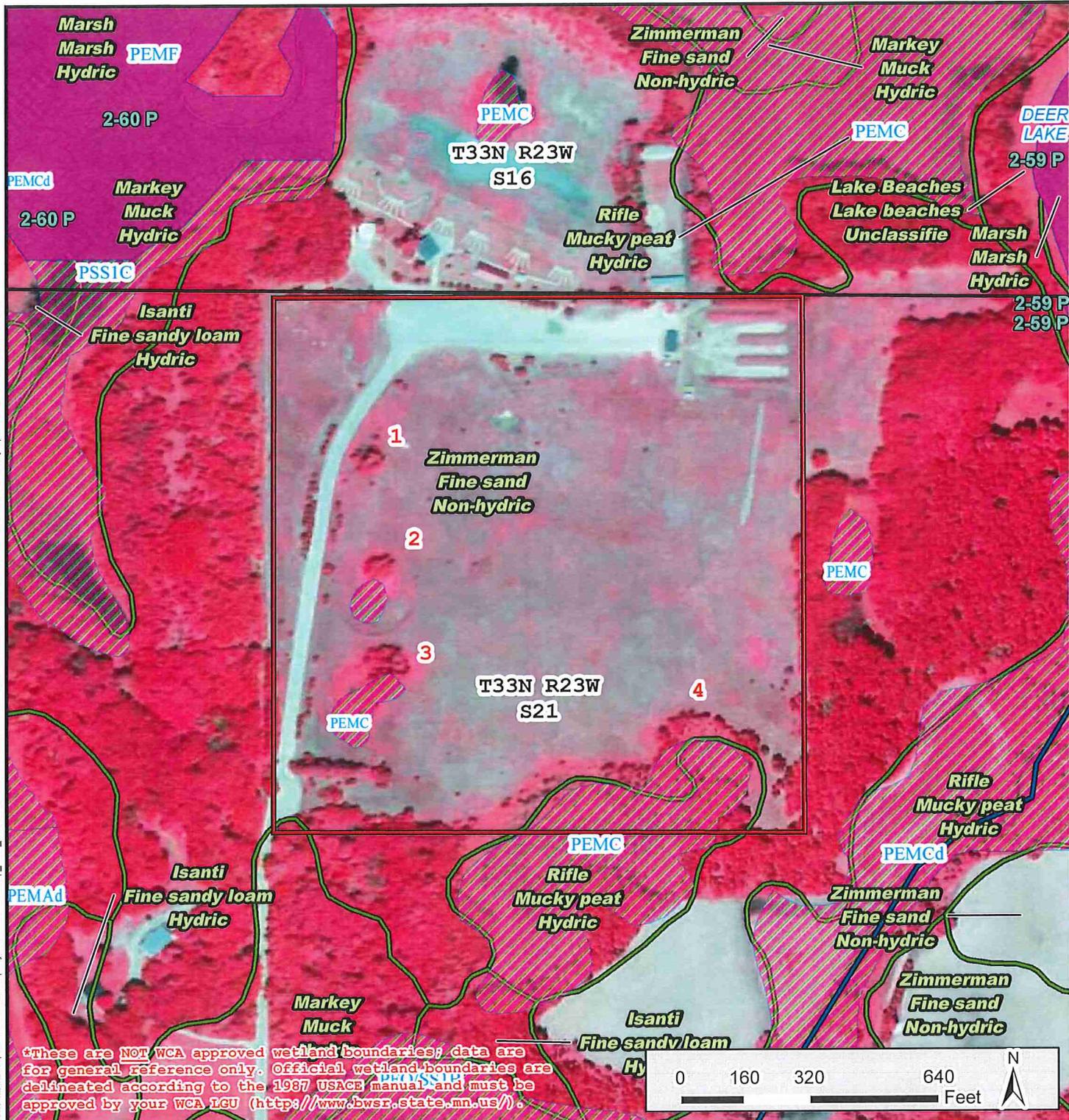
**Wetland Review 2015  
Beaverbrook**

**EAST BETHEL  
21-33-23-12-0001  
S21 T33N R23W**



Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.

Date: 1/26/2015; \\NACDSER\1\Company\Wetlands\Township\_LGU\_Files\East Bethel\Public Assistance and Letters\Wetland Services\2015 Beaverbrook\Ticounty Sportsman's club\Beaverbrook.mxd



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- Area of Review
- Public Water Courses
- Anoka Streams
- CCWD Status
- Private Ditch
- Public Ditch
- Section
- National Wetland Inventory\*
- Public Water Inventory\*
- County Soil Survey

Map Created: 1/26/2015

Coordinate System: NAD 1983 UTM Zone 15N

**Wetland Review 2015  
Beaverbrook**

**EAST BETHEL  
21-33-23-12-0001  
S21 T33N R23W**



FSA Aerial color infrared (CIR)  
Wetland Signatures 1-4

Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.



21-33-23-12-0001  
Beaverbrook

21-33-23-11-0002  
Parcel of  
interest

21-33-23-11-0001  
Parcel of  
interest

SIGNIFICANT NATURAL ENVIRONMENT AREA

\*These are NOT WCA approved wetland boundaries; data are for general reference only. Official wetland boundaries are delineated according to the 1987 USACE manual and must be approved by your WCA Rep (<http://www.dwsr.state.mn.us/>).

Area of Review

Map Created: 3/19/2015

Coordinate System: NAD 1983 UTM Zone 15N



Map Location 0 1 2 4 Miles

Figure 1: Parcels of Interest  
Beaverbrook Sportsman's Club  
East Bethel, MN  
Anoka County

S21 T33N R23W





# City of East Bethel Planning Commission Agenda Information

\*\*\*\*\*

**Date:**

March 24, 2015

\*\*\*\*\*

**Agenda Item Number:**

Item 6.0

\*\*\*\*\*

**Agenda Item:**

Discussion regarding overnight camping, recreational vehicles and travel trailers

\*\*\*\*\*

**Background Information:**

The City of East Bethel has had numerous discussions regarding

**Shoreland Management Areas:**

New Construction and additions need to be located three feet above:

- The regulatory floodplain
  - Mottled soils
  - Ordinary High water level
- >
- Whichever is greater

In the Shoreland District this regulation is consistent with the DNR rules governing Shoreland Management.

We have applied these same rules city wide, although it is only referenced under our Shoreland Management District.

Potential new language:

**PROPOSED – Minimum Lowest Floor Elevation**

All construction shall be at a reasonably safe elevation above the high water table in order to avoid water seepage problems, and in order to provide adequate drainage from the structure.

1. **Minimum lowest floor elevation for new construction.** The minimum acceptable lowest floor elevation for new construction of residential homes or commercial buildings is two feet above the highest known water table, mottles soil or 100 year floodplain elevation, whichever is highest.  
Exception: Established low floor elevations that are part of a platted subdivision and were established by a licensed professional engineer and approved by the City Engineer.
2. **Minimum lowest floor elevation for an addition to existing residential or commercial buildings or for residential accessory buildings.** The minimum acceptable lowest floor elevation for an addition to an existing building or to a residential accessory

building is one foot above the highest known water table, mottles soil or 100 year floodplain elevation, whichever is highest.

\*\*\*\*\*

**Attachments:**

Attachment #1 – Comparisons to other cities

\*\*\*\*\*

**Recommendation(s):**

Staff is looking for guidance from the Planning Commission to determine if the ordinance should be changed to a different standard.

\*\*\*\*\*

**Planning Commission Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

For building sites what is the lowest floor elevation? Does this apply in all districts?	
St. Francis	<u>3 feet</u> above the water table. Subdivisions/new developments get one soil boring, and existing properties that are building need to get a soil boring.
Cambridge	<u>3 feet</u> above the highest known water table or ordinary water level.
Oak Grove	Regulatory flood protection elevation means an elevation no lower than <u>1 foot</u> above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
Andover	Basements and low floors: Basement or low floor elevation shall be a minimum of <u>3 feet</u> above the seasonal high water mark or <u>2 feet</u> above the designated 100-year flood elevation, whichever is higher, unless evidence is submitted and certified by a geotechnical engineer hired by the city at the expense of the developer and approval by the City Council that a separation of less than <u>3 feet</u> can be achieved and is warranted. (Ordinance # 9-3-3: A3) Variances: If construction plans are submitted in sufficient detail to substantiate that proper drainage can be maintained at lesser elevations, the City Building Official may, in his or her discretion, vary the terms of this section. (Ordinance # 9-3-3: B) Shoreland Elevation: No structure, except boathouses, piers and docks, shall be placed at an elevation such that the lowest floor, including a basement, is less than <u>3 feet</u> above the highest known water level. (Ordinance # 12-11-2: B)
Blaine	<u>2 feet</u> above the floodplain or mottled soil.
Linwood	<u>3 feet</u> above the highest known water level
Columbus	Optimum election for new construction is <u>6 feet</u> above the level of the high water table as measured to the top of the lowest footing. Construction at or above 6 feet above the high water table is strongly advised. Acceptable elevation for new construction is <u>3 feet</u> above the high water table as measure to the top of the lowest footing. Any construction below the optimum elevation of 6 feet above the high water table shall require installation of: not less than one sump; one sump pump; and drain tiles either inside or outside all of the footings. The sump pump shall not be connected to the septic system in any manner. (Caution: Although a 3 feet minimum is acceptable under this section, current FHA and VA construction standards require not less than 4 feet minimum elevation required by this section will meet or exceed the requirements of the Anoka County Flood Plain Management Ordinance, the Anoka County Shoreland Management Ordinance, and Rice Creek Watershed District Regulations as of July 1, 1990. Coon Creek Watershed District and Sunrise River Watershed District do not have independent regulations for minimum construction elections. Accessory Buildings do not have a need for on-site sewage treatment and are not required to have a sump, sump pump, or drain ties if built at less than the Optimum Elevation, but in no case can they be built at less than the acceptable minimum elevation.



# City of East Bethel Planning Commission Agenda Information

\*\*\*\*\*

**Date:**

March 24, 2015

\*\*\*\*\*

**Agenda Item Number:**

Item 6.0

\*\*\*\*\*

**Agenda Item:**

Discussion regarding overnight camping, recreational vehicles and travel trailers

\*\*\*\*\*

**Background Information:**

The City of East Bethel has had numerous discussions regarding recreational vehicles, travel trailers camping or being brought into lots during the summer months on Coon Lake. The City Council in 2014 looked at this issue on a couple of different occasions and no final decision was made. We are asking that the Planning Commission review the attached recommendations and provide input.

\*\*\*\*\*

**Attachments:**

Attachment #1 – Changes

Attachment #2 – Other City comparisons

\*\*\*\*\*

**Recommendation(s):**

Staff is looking for guidance from the Planning Commission to determine if the ordinance should be changed to a different standard.

\*\*\*\*\*

**Planning Commission Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

---

---

---

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

***Under Appendix A – Zoning Ordinance***

***Manufactured home***: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; the term includes any structure which meets all the requirements and with respect to which the ***manufacturer*** voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under Minn. Stats. ch. 327.

*Recreational vehicle*: Any device having wheels and capable of supporting overnight sleeping accommodations and designed for uses in addition to normal travel.

---

**UNDER ARTICLE 34 – FLOODS,**

**Sec. 34-183. - Manufactured homes and manufactured home parks and placement of travel trailers and travel vehicles.**

The following standards shall apply to manufactured homes, manufactured home parks, travel trailers, and travel vehicles:

- (1) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions for subdivisions in article VII of this chapter.
  
- (2) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with article V of this chapter.

If vehicular road access for preexisting manufactured home parks is not provided in accordance with section 34-113(1), then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the city. All manufactured homes must also be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

- (3) Travel trailers and travel vehicles that do not meet the exemption criteria specified in section 34-183(3)a shall be subject to the provisions of this chapter, including those specifically spelled out in section 34-183(3)c.
- a. Travel trailers and travel vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in section 34-183(3)b and comply with the ~~following~~ criteria set forth in paragraphs 1 and 2 or paragraph 3 as follows:
1. Have current licenses required for highway use, **and**
  2. Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
  3. **Is located on an individual lot/parcel of record owned by the record owner of the travel/recreational vehicle, meets setback requirements from property lines as measured to the travel trailer, has a lawful on site or other MPCA allowed disposal facility for the disposal and treatment of human waste and does not permit or allow any nuisance condition as defined in Sec. 26-63 to exist on the site.**
- b. Areas exempted for placement of travel **trailers**/recreational vehicles:
1. Individual lots or parcels of record **owned by the record owner of the travel/recreational vehicle. Subject to Sec 34-183(3)b.3 above and under the Property Tax classification status as SEASONAL RECREATIONAL-VACANT and IMPROVED**
  2. Commercial recreational vehicle parks or campgrounds in operation prior to the adoption of the ordinance from which this chapter is derived.
  3. Condominium type associations in operation prior to the adoption of the ordinance from which this chapter is derived.
- c. Travel trailers and travel vehicles exempted in section 34-183(3)a shall lose their exempt status when development occurs on the parcel exceeding \$500.00 in value for a structural addition to the travel trailer/travel vehicle or an accessory structure. The travel trailer/travel vehicles and all additions and accessory structures will then be treated as a new structure and shall be subject to the flood protection requirements of this chapter.
- d. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion exceeding five units or dwelling sites of any such use in operation prior to the

adoption of this chapter shall be subject to the following:

1. A travel trailer or travel vehicle will be allowed in the floodway or flood fringe districts provided said trailer or vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with [section 34-114\(1\)](#). No fill placed in the floodway to meet the requirements of this article shall increase flood stages of the 100-year or regional flood.
2. A travel trailer or travel vehicle not meeting the criteria of subsection (3)a of this section may, as an alternative, be allowed as a conditional use. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood prepared by a registered engineer or other qualified individual or agency acceptable to the city. The applicant shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding.

*(Ord. No. 156, § 7(7.04), 5-6-1992)*

## **Article II, Chapter 38**

### **Sec. 38-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Doublewide unit or multiple unit* means two or more segments constituting one manufactured home designed to be transported separately and attached to each other at the manufactured home park to form one home.

*Lot* means a section of ground in a manufactured home park of not less than 7,800 square feet, excluding any street right-of-way, of otherwise unoccupied space designated as the location of one singlewide unit, and all other necessary improvements required by this article.

*Manufactured home* means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term "manufactured home" includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minn. Stats. § 327.31 et seq.

*Manufactured home park* means any site, lot, field or trace of land upon which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle enclosure used or intended for use as part of the equipment of such manufactured home park.

*Recreational camping vehicle* means any of the following:

- (1) *Travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.
- (2) *Pickup coach* means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (3) *Motor home* means a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) *Camping trailer* means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

*Singlewide unit* means one self-contained manufactured home designed to be a complete dwelling unit.

*Special width lot* means a section of ground in a manufactured home park of not less than 11,700 square feet, excluding any street right-of-way, of otherwise unoccupied space designated as the location for one doublewide unit.

*(Ord. No. 142, § 2(subd. 1), 3-4-1987)*

### **Sec. 38-20. Location of manufactured homes and manufactured home parks.**

- (a) *Parking and placement prohibited.* It shall be unlawful within the limits of the city of East Bethel for any person to park any manufactured home on any street, alley or highway or other public place or on any tract of land owned by any person, occupied or unoccupied.
- (b) *Emergency parking permitted.* Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than 24 hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- (c) *Placement outside a manufactured home park prohibited.* No person shall park or occupy any manufactured home on either the premises of any occupied dwelling unit or on any lot which is not a part of the premises of any occupied dwelling which is situated outside of an approved manufactured home park unless it meets the architectural standards and other regulations as stated in the city's zoning ordinance, set forth in Appendix A to this Code, and

amendments thereof. The parking of no more than three unoccupied recreational camping vehicles is permitted in an accessory private garage building, side yard or rear yard provided no living or sleeping quarters shall be maintained nor any business conducted in said recreational camping vehicle while such vehicle is so parked or stored. A recreational camping vehicle is permitted on owner's property for storage purposes provided the property has a single-family residence on it connected to a sewer and well, and may not be occupied for more than three weeks within any two-month period.

- (d) *Conditional use permit required.* No person shall construct, locate, operate or maintain a manufactured home park within the city without first obtaining a conditional use permit and all such other permits and licenses as shall be required and described herein.
- (e) *Zoning.* No person shall construct, locate, operate or maintain a manufactured home park in the city unless the proposed area is zoned for B-1 business commercial district as stated in the city's zoning ordinance.

Do they allow overnight camping in their Shoreland Districts? If so how many days at a time?	
<b>St. Francis</b>	St. Francis has not adopted a shoreland overlay district.
<b>Cambridge</b>	They have a State of MN campground which allows camping in their shoreland district.
<b>Oak Grove</b>	Dwelling units (defined as a camp site) or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased for developments with density increases. (Ordinance # Part 2, Chapter 109, Article 8, Section 109-307
<b>Andover</b>	No principal building or dwelling unit shall be located within 75 feet of the normal high water mark. Said high water mark shall be as established by the City Engineer or such other person as the City Council shall designate.
<b>Blaine</b>	(a) A permit is required for the establishment, construction and maintenance of a manufactured home park or recreational camping area. (b) Application for a permit shall be made to the city. The application for a permit shall be accompanied by 15 copies of the manufactured home park or recreational camping area plan showing the following, either existing or proposed: The extent and area proposed for manufactured home park or recreational camping purposes. Location of streets and driveways therein. Location of lots for manufactured homes or recreational camping vehicles. Location and number of sanitary conveniences and location of solid waste storage areas. Proposed disposition of surface drainage. Proposed street surfacing and lighting. Off-street parking. Patios. Location of community building. (10) Location of recreation facilities. (11) Location of sidewalks. (12) Location of setback lines. (13) Location of screening, planting, green areas, etc. (14) If a sales lot in conjunction with the manufactured home park or recreational camping area is to be operated, location of sales lot in relation to manufactured homes or recreational camping vehicles used as dwellings. (15) Any other information requested by the city. (c) Each application for a permit shall be accompanied by a certified list of owners of all of the property within 350 feet of any boundary line of the proposed site. (d) Each applicant shall be required to pay a per acre and per lot fee established by council resolution, with a minimum as established by council resolution at the time that such application is filed with the city. This money shall be used by the city to defray the expense of processing applications.

<p><b>Linwood</b></p>	<p>Commercial outdoor recreation areas including golf courses and country clubs, campgrounds and swimming pools and similar facilities provided that: The principal use, function or activity is open, outdoor in character. Not more than 5% of the land area of the site be covered by buildings or structures. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with Section 807.04, Subd 4 of this Ordinance. The land area of the property containing such use or actively meets the minimum established for the district. The provisions of section 807.12, Subd 1, (5) of this Ordinance are considered and satisfactorily met.</p>
<p><b>Columbus</b></p>	<p>Campgrounds are allowed on Community Retain (CR), Commercial/Showroom (C/S), Light Industrial (LI) districts with interim uses. Commercial Planned Unit Developments allow campgrounds without any permits.</p>