

EAST BETHEL PLANNING COMMISSION MEETING

March 24, 2015

The East Bethel Planning Commission met on March 24th, 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 7:00 P.M.

2.0 Adopt Agenda Mr. Terry motioned to adopt the agenda but moving the Approval of Meeting Minutes from 3.0 to after 6.0, Travel Trailer/Recreational Vehicles/Overnight Camping. Mr. Holmes seconded the motion. All members were in favor; motion carried.

Mr. Plaisance requested that in the future agenda items could be noted with the page number in the packet where the item begins. Mr. Holmes noted that the packets occasionally reference information that is not available to the member when they are reviewing the information contained in the packet.

**3.0 Public Hearing/
Conditional Use Permit** 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

Conditional Use Permit

Property Owner: Beaverbrook Sportsman'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)

City of East Bethel Code Reference:

Appendix A, Zoning Ordinance, Section 42

Attachments:

3.1 CUP Application with Appendix A-D

3.2 Beaverbrook Aerial Photo

3.3 Wetland Review from Anoka Conservation District

3.4 Significant Natural Environment Area

3.5 Resident Attendance Sheet

Background Information:

Mr. Bill Dubats representing Beaverbrook Sportsman'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.

The planned improvements include constructing 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.

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 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. In discussions with Mr. Dubats it was 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.

Recommendation:

Staff recommends that the Planning Commission approve the CUP to Beaverbrook Sportsman'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.

Mr. Cornicelli recused himself from the discussion and voting on this issue as he is a member of the Beaverbrook Sportsman's Club.

Ms. Winters reviewed visuals of the proposed range. The Club property shares borders with the Sand Hill Crane Natural Area. The entrance to the Club is north off of Klondike Dr. which is a gravel road east of Highway 65. On Attachment 3.2, Beaverbrook Aerial Photo, the proposed shooting range is identified by hash marks and the wetland area is noted to the south, west and east of the property.

Attachment 3.4, Significant Natural Environment Area, shows where the existing Club and shooting ranges are and just south of that is where the new range would be located. To the east of that, there are two parcels of land that are also owned by the Sportsman's Club. These areas are designated as Significant Natural Environment areas and are of concern to the Conservation District. These areas are an ideal habitat for Blanding's Turtles. This does not mean the turtles have been found in the area but simply that it is possible they would live there. The Sportsman's Club has already worked with the Anoka County Conservation District and will be working on signage for this area to help make people aware of the habitat.

The Public Hearing was opened at 7:08 pm.

Mr. Dan Butler, Chairperson for the East Bethel Economic Development Authority shared his support for the Sportsman's Club's request and noted that he is also a member of the Club and has served on the Board of Directors for several years. He presented his views on the potential economic benefit for adding the new range. The expansion would allow Beaverbrook to host statewide and regional shoots with 3-400 per event. This would bring more people to the area with potential benefit for getting businesses and/or people to move to the City of East Bethel. He also stressed that the Club has been a civic partner with the City in terms of shooting hours and stated that they would certainly be able to see the project through. Mr. Butler strongly urged the Commission members to support the proposed expansion with a recommendation for approval to the City Council.

Mr. Bret Berg lives on Klondike near the range and stated "It would be great if they could cut down the noise" although he did not think it was too bad. He related concern about which direction the new range would be shooting towards "not towards us" and the usage of the road (Klondike). He stated that in the summer the road gets "chewed up" and there is dust all over and adding more traffic would only make it worse. Mr. Berg stated the neighbors are not against improvements on the range but they are concerned about how bad the road might get. He noted that they may have difficulty selling because they are next to the range but that they don't even notice it.

Ms. Winter stated that the City is aware of the problems with Klondike Drive. The Sportsman's Club is only one of the businesses/activities that use the road including Blue Ribbon Pines Disc Golf Course and Minnesota Fresh Farm. The City is planning to treat the road to preserve it and reduce dust. Paving the road would be optimal but it is a mile and a half long and there are few property owners that would benefit so that is not planned at this time.

Mr. John Bizal has been a member of the Sportsman's Club and a team sponsor and also lives on Klondike Drive. He asked if there might be any limitation to the size of caliber ammunition that might be allowed at the range.

No other audience members indicated an interest in speaking. The Public Hearing was closed at 7:15.

Ms. Bonin stated she has concerns about the noise. She lives on the north side of Mud Lake and can hear the noise there. She is concerned that any mitigation that's made will not be adequate to contain additional noise from the new range and lessen the noise they are already getting. She is totally against any more development of shooting at the club until they have shown that they can take care of the noise that they already have. Ms. Bonin also stated that there is development to the east of the Club and she didn't feel that it was being addressed.

Mr. Holmes stated that he does hear the noise from the range but he is not sure that it bothers him. Ms. Allenspach lives on 217th and stated that they do hear shooting from time to time, especially if there is an event being held and there is more noise than usual. She felt that trying to buffer the noise is a good thing.

Ms. Bonin stated that if they are going to have big events with hundreds of people coming the noise will be much worse than it is now. Mr. Terry asked if the parking would be adequate for large groups of people. Mr. Bill Dubats responded that there is extensive parking available in the current lot and parking is also allowed on the grass.

Mr. Dubats stated that “the object of a safe shooting range is to capture every projectile fired”. The shotgun ranges do shoot towards the north in the general direction of Mud Lake. League nights are Tuesday and Wednesday and there can be several rounds fired.

The new range is planned to shoot away from Mud Lake into 20 ft. high berms with side berms. The noise mitigation feature towards the south end is a 20 ft. high berm that is twice as long as necessary. The berms are made of grass covered dirt and are expected to cut the sound emissions by 2/3. There is never any shooting toward Klondike Drive.

The pistol range can go up to 45 caliber. Nine millimeter, 38 and 22 are the most common rounds fired. Twelve gauge shotguns are the largest caliber fired.

Mr. Holmes asked about trap shooting to the north. Mr. Dubats stated that trap shooting will continue toward the north and west with league nights on Tuesday and Wednesday. On Sunday afternoon there is open trap shooting. Mr. Holmes asked if a person can shoot any weapon they own. Mr. Dubats related that the range rules do not allow fully automatic weapons. Semi-automatic weapons are allowed.

There are several law enforcement personnel who use the current range free of charge as a Community Service program offered by the Club. The current range is inadequate to accommodate them.

Mr. Holmes noted that the distance from the range to the nearest home is about one mile. He asked if this would be a problem. Mr. Dubats stated the 20 ft. berms surrounding the shooting range are to prevent any projectile from passing through. Mr. Holmes asked how the berm would be maintained. Mr. Dubats stated the berms don't require much maintenance. They are “holding grass” very well and any repairs that need to be done can be accomplished with a bobcat. Mr. Holmes also asked if there are any plans for a duck tower in the future. Mr. Dubats responded that there is nothing planned at this time.

Ms. Bonin asked if the current range also has a 20 ft. berm and allows the amount of noise currently heard, how will noise be contained when there are large numbers of people at events. Mr. Plaisance noted that he hears shooting from the range but only faintly and it is more of a background noise that does not bother him.

Ms. Allenspach asked what the hours are for the range. Mr. Dubats responded that the range is open from 9 A.M. to Sunset every day with trap shooting until 9 P.M. on Tuesday and Wednesday nights. This is within the City regulations.

Mr. Plaisance asked Ms. Winter if there have been any complaints from the community about noise from the range. She stated there have been no complaints that she is aware of since she started working for the City several years ago. Ms. Bodin stated she would have complained but she didn't because she didn't think it would matter and she believes there are other people out there who haven't as well. Mr. Plaisance stated that it is difficult to address a concern about noise if there is no documentation of a history of a problem. No sound level testing has been done.

Mr. Holmes asked about how many special events might be held if the new range is approved. Mr. Krieg Ofstad, President of the Club stated that the purpose of the new range is to allow more members to use ranges at the same time. He related that the new range faces toward the east and the new berm is specifically to reduce any noise in that direction.

Mr. Ofstad stated that at this time there were no special events planned. He told members that the only possible special event might be in September for the International Defense

Pistol Association round up which is a two day event. Mr. Ofstad stated that the Club is not interested in hosting any more events.

Mr. Ofstad agreed that the Club might have the opportunity to host the annual Pheasants Forever Youth Day. This is a 4-H annual event for the state and it used to be held at the Sportsman’s Club. They have asked about coming back because the Club is centrally located in the state and there is enough acreage to do all the activities in one location. The last event was for almost 900 children. They offered archery, shotgun, fishing and even mounted cowboy action shooting.

Mr. Holmes asked if the Anoka County Sheriffs use the range. Mr. Ofstad stated that they do use it because their range is deteriorating and they can do more activities at the Club. He also noted that Blaine and Spring Lake Park officers use the range and Lino Lakes Police would like to use it. Another activity that is increasing is high school trap shooting teams.

Mr. Holmes noted that if the traffic on Klondike increases with the range expansion, the City might consider using a less temporary treatment for the road. Ms. Winter stated she will look into it.

Mr. Plaisance made a motion to recommend approval to the City Council of the CUP for the Beaverbrook Sportsman’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:

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

Mr. Terry seconded the motion. Five members were in favor of the motion with one member voting against (Ms. Bonin) and Mr. Cornicelli abstaining. Majority rules; motion carried.

4.0 Lowest Floor Elevation for buildings

Background Information:

The City of East Bethel has had numerous discussions regarding Shoreland Management Areas:

The City Ordinance currently requires the lowest floor level elevation for new Construction and additions to be located three feet above:

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

Ms. Winter explained that the regulations regarding new construction and additions because the City is required to have them as part of Shoreland Management which is governed by the state Department of Natural Resources (DNR). The current requirements are consistent with the DNR rules governing Shoreland Management. The City has applied these same rules City wide, although it is only referenced under our Shoreland Management District.

It was felt that there is a need to clarify this information in the Ordinance and reference it throughout as appropriate rather than just in the Shoreland Management District section. The staff made comparisons between the City’s current requirement and those of other

cities with documented requirements (Attachment 4.1) Most cities were close to or the same as the East Bethel requirements.

Ms. Winter stated that the requirements can remain the same if that seems most appropriate. A suggestion was to make the requirements different – possibly less restrictive – for other parts of the City than they are for the Shoreland Management District. In areas that are not part of the Shoreland Management District there may be more flexibility such as the size of the lot or if it is an existing structure.

The following is potential new language for the ordinance:

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.

Ms. Winter related that as far as flood elevation, about 2/3 of East Bethel that at one point or another had some flood elevation on it. They would like to have requirements that would still allow people to build in those areas. This would not be a change to the “Comprehensive Plan” so it does not require a public hearing.

Mr. Holmes asked if any part of East Bethel is in the 50 year floodplain. Ms Winter stated that they distinguish floodway, 100 year and 500 year floodplains. The elevations must be set when they get a survey done to build their home. The homeowner is responsible for knowing if they are in a floodplain and which one that is. Mr. Holmes noted that there are state guidelines for 50 and 100 year floodplains and he thought the requirement was for 8 feet. He suggested that this should be researched.

Ms. Bonin stated that her opinion is that it is better to err on the side of caution. It is possible to fill in and build up to provide elevation but once there is water in the home it is very difficult to address. It is very important to prevent the problem.

Mr. Terry stated that he didn’t see any reason to change it to less than three feet above the water table. The members agreed with Mr. Terry and Mr. Holmes strongly suggested the state floodplain requirements be researched.

Ms. Winter noted that the City is getting a new GIS and this will be a perfect opportunity to clean the Ordinance up from that perspective. East Bethel was recently part of a project with the City of Andover. There is a ditch that runs through the south side of the community that was studied and the elevations were reset.

**5.0 Travel Trailer/
Recreational Vehicles/
Overnight Camping**

The City of East Bethel has had numerous discussions regarding recreational vehicles (RVs) or travel trailers used for 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.

Residents who own lots and would like to bring RVs or travel trailers to stay (camp) on the lots for various lengths of time would like clarification of the rules. Residents who own homes on lots in the same area have concerns about the regulation of this type of camping.

Planning Commission members reviewed proposed changes to the Ordinance. (Attachment 5.1) Information related to this topic is found in various locations of the Ordinance and are not consistent. This topic only applies to the Shoreland Management District.

Ms. Winter reviewed the current and proposed criteria that travel trailers and vehicles must comply with:

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.

Again, several nearby cities were surveyed for comparison of regulations for camping. Most do not have specific regulations regarding a Shoreland Management District. (Attachment 5.2)

Mr. Plaisance related that if he owned a piece of property in the Shoreland Management District and he wanted to use it on the weekend to camp and go boating or whatever – he did not feel that should be denied. His concern about the current statement “...an individual lot/parcel of record owned by the record owner of the travel/recreational vehicle...” is that if he owns the property he cannot have friends or relatives camp on the property with him. He feels that is too restrictive. If the goal is to limit the number of RVs, camping type vehicles on a property, the focus should be on what the property would support for a recreational weekend or other timeframe. He would also consider a limit on the timeframe as well.

Mr. Cornicelli asked if the issue was with people coming up on the weekend or with people setting up for several months. He feels there is a difference between purchasing property for recreation and part of the use is to come up on the weekend with family to camp with a travel trailer, “that’s part of living in the area” but setting up camp in March and staying until October is a different issue. Mr. Balfany noted that it is similar to claiming residency.

Ms. Allenspach questioned what if a person is retired and they want to come up for the summer and spend the time on their property – is this not allowed? Ms. Winter replied that the current ordinance restrictions would not allow that.

Mr. Cornicelli asked if the property would be taxed as a homestead or as a recreational property. Members did not know the answer to the question and wondered who would be responsible for regulating this. Mr. Cornicelli noted that Forest Service campgrounds usually have a limit of 14 days.

Ms. Allenspach emphasized that a person who wants to camp in their own travel trailer on

their own property should be allowed to do so. In her opinion it might be appropriate to restrict the number of people or camping vehicles but it did not seem appropriate to her to restrict someone from camping on their own property. She noted that there may still be situations where a restriction on the number of people or vehicles might not be best.

Ms. Bonin asked where the open lots that people might use for camping are located. Asking if they were separate or if they are mixed in with lots where permanent homes are built. Ms. Winter responded that the lots or mixed throughout the Shoreland Management District. Ms. Bonin commented that those who live in the area year round might not find it attractive to have RVs and trailers parked on nearby lots. She suggested that camping should only be allowed in a designated campground.

Members discussed lots in the district that might be big enough to host large numbers of people/vehicles. There are some lots that are very large.

Mr. Holmes related that in Aitkin, Pope, and Douglas Counties the rule is that as long as the vehicle is on wheels, it is not permanent and the resident is considered to be camping. He noted that they must move the vehicle at least once a year.

Members agreed that it is desirable goal to allow people to use property they own as they see fit. Regulations should also keep someone from making an RV or camping vehicle their permanent residence but not claiming it as such.

The comments and discussion of members will be forwarded to the City Council as input on this topic.

6.0 Approval of Meeting Minutes

Mr. Terry moved to approve the January 27th, 2015 meeting minutes as written with the following correction: On page 6, at the bottom of the page, the statement beginning “All members were in favor save two...” should be changed to read as follows: Five members were in favor of the motion with two members voting against (Ms. Bonin and Mr. Holmes). Majority rules; motion carried. **February 10th, 2015 meeting minutes had no corrections noted. Mr. Plaisance seconded the motion. All members were in favor; motion carried unanimously.**

7.0 City Council Report

Mr. Koller reported that the Council declared 24054 Johnson Street a nuisance property. It is expected to be cleared. They discussed the required maintenance for Klondike Drive and continue the process of planning frontage roads near Hwy 65 south of Viking Blvd.

8.0 Other Business

Ms. Winter informed members that the East Bethel Chamber of Commerce is hosting a Sunrise Business Breakfast on April 9th at 7:30 AM in the Senior Center. They request RSVPs to Ms. Carrie Frost. They will be discussing the plans for frontage roads along Hwy 65.

9.0 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:

- 3.1 CUP Application with Appendix A-D
- 3.2 Beaverbrook Aerial Photo
- 3.3 Wetland Review from Anoka Conservation District

3.4 Significant Natural Environment Area

3.5 Resident Attendance Sheet

4.1 Other Cities Comparison on Lowest Floor Elevation

5.1 Suggested Changes to Ordinance related to lowest floor elevation

5.2 Other Cities Comparison on Overnight Camping