

## EAST BETHEL PLANNING COMMISSION MEETING

July 28, 2015

The East Bethel Planning Commission met on June 23<sup>rd</sup>, 2015 at 7:00 PM for their regular meeting at City Hall.

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

MEMBERS EXCUSED: Eldon Holmes

ALSO PRESENT: Colleen Winter, Community Development Director  
Brian Mundle, City Council Member

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

**2.0 Adopt Agenda** Ms Bonin noted that she had requested a discussion of flag lots be on the agenda for this meeting. Members agreed to add it to the Other Business Item. **Mr Terry motioned to adopt the agenda as written with the addition of “Flag lots Discussion under Other Business. Ms Allenspach seconded the motion. All members were in favor; motion carried.**

**3.0 Public Hearing  
Interim Use Permit  
(IUP) to keep a Farm  
Animal**

**Owner/Property Location:**

Elizabeth Erickson  
22790 Jewell St NE  
Bethel, MN 55005  
PIN 01-33-23-21-0011

Elizabeth Erickson is requesting an IUP for a farm animal for the keeping of one (1) miniature pot-bellied pig on the 4.98 acre parcel she owns. She is working with the Martin County Humane Society in Fairmont, MN to rescue this animal. The pig will be kept as a pet and housed in the home and in an existing pasture area that is currently fenced in. This property is part of Deer Haven subdivision where over 80% of the lots are 3 acres or larger in size therefore meeting the requirement of allowing Farm Animals.

**Zoning Code Sections:**

Chapter 10. Article V – Farm Animals

**Recommendation(s):**

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for keeping a single miniature pot-bellied pig for Ms. Erickson, located at 22790 Jewell St NE, Bethel, MN 55005, PIN 01-33-23-21-0011 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the applicants and the City.
2. Applicants must comply with City Code Section 10. Article V. Farm Animals.
3. Permit shall expire when:
  - a. The property is sold, or

- b. Non-compliance of IUP conditions
4. Property owner shall have thirty (30) days to remove the approved domestic farm animals upon expiration of the IUP.
  5. Conditions of the IUP must be met no later than September 1, 2015. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.
  6. The IUP shall be for a term of three (3) years at which time the applicant will be required to re-apply for an IUP.
  7. Property will be inspected and evaluated annually by city staff.

The Public Hearing was opened at 7:03 pm.  
 No members of the public were present to speak.  
 The Public Hearing was closed at 7:04 pm.

Members were shown a Location Map and Site Plan for the property. The fenced in area is chain link and some boards. Mr Cornicelli questioned if there may be requests for additional animals in the future. Ms Winter stated she had brought this up with the owner and understood that this was just a rescue of this particular pig and the IUP was written for only one animal.

**Mr Terry made a motion to recommend approval of the Interim Use Permit with the stated conditions for Elizabeth Erickson to keep a Farm Animal to the City Council. Ms Allenspach seconded the motion. All members were in favor; motion carried. This item will go to the City Council in August for approval.**

**4.0 Andrew Nelson –  
 Variance Request**

**Property Owner/Property Location:**

Andrew Nelson  
 4640 East Front Blvd NE  
 East Bethel, MN 55092  
 PIN 25-33-23-42-0017  
 Lot 12, Block 1, Edwards Beach

The applicant, Andrew Nelson is requesting two different variances (both side yard setbacks) to construct a 22ft. x 26 ft. detached garage on his property. Because this property is located in the Shore land Management District, he is required to construct the detached garage 75 feet from the ordinary high water mark on Coon Lake and 25 ft. from the property line on East Front Blvd. NE.

Mr. Nelson is complying with both the OHW and street setback. However, due to the need to meet those standards, and due to the location of his septic system, well and drain field, the proposal to locate the garage as shown on the site plan is the only option that Mr. Nelson has for this property. Normal side yard setback requirements are 10 feet and the proposed garage will be located 1 foot from the east property line and 1 foot from the west property line.

Mr. Nelson has spoken to his neighbor to the east and they are fine with allowing the garage to be located at that location. Mr. Nelson has provided a letter to the City from his neighbor stating this is ok.

On the west side, the proposed garage will be located 1 foot from the unused city street known as Sylvan Street. This property has a long complicated history with the City due to the need to put in a new septic system and well. This history is explained by Mr. Nelson in documentation as part of the variance request. Ms Winter also asked the City Attorney to review this request. This lot is very narrow and long, and

due to the unique geography and the location of the existing septic, drain field and well there is no other appropriate location on the lot for the garage, so therefore the following are the variance requests:

- 9 feet variance from the normal side yard setback of 10 feet on the west side of the property for construction of a detached accessory structure
- 9 feet variance from the normal side yard setback of 10 feet on the east side of the property for the construction of a detached accessory structure.

Per the following MN State Statute 394.27.7

a. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in conjunction with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Members discussed the City owned property adjacent to Mr Nelson's property. Several requests have been made in the past to purchase the land from the City but this was not possible due to MN state law. Mr Nelson does have an agreement with the City to use the property and he maintains much of the landscape as well. He also noted that the neighbor on the other side of the City's property uses it as well. Mr Plaisance asked about liability if anything were to occur on the City land. Ms Winter stated that the liability issue is also covered in the agreement between Mr Nelson and the City.

Mr Plaisance also asked about the buried sewer supply line in relation to the well location. Mr Nelson stated that the City Building Official had told them how far away the garage had to be from the ends of the tubes. They will continue to work with the regulations to ensure the structure meets all requirements for placement. Mr Nelson also stated that he is avoiding the need to cut down a 200 year old tree by placing the garage in this location.

**Mr Plaisance made a motion to recommend approval of the variance requests for Andrew Nelson to the City Council. Mr Terry seconded the motion. All members were in favor; motion carried. This item will go to the City Council in August for approval.**

## 5.0 Park Dedication Fees

Our Current Residential Park Dedication Fee is:

- Up to 6 units/acre: 10% of land or cash = to market value of land;
- 6 or more units/acre: 10% of land = 1% for each unit over 6 units per acre or cash = to market value of land.
- In no event shall the cash in lieu of land payment exceed \$6,000.00 per residential unit.

Residential Park Dedication Fees for neighboring Cities are as follows:

Cambridge	Oak Grove	St. Francis	Isanti	Columbus	Ham Lake
\$1,600/lot	\$2,000/lot	\$2,500/lot	\$1,500/lot	\$1,525/lot	\$2,500/lot*

\*Ham Lake does utilize percentages of land value, but their maximum costs are \$2,500/lot

In relation to the Residential Park Dedication Fees of other surrounding Cities, Council may wish to consider amending our fees for this requirement.

Another consideration that may be appropriate for review would be the charge for residential Park Dedication Fees for Metes and Bounds Subdivisions. Our current schedule does not differentiate this type of subdivision of land from platted developments. Metes and Bounds subdivisions involve only two lots and the cost per lot for these fees becomes disproportionate to platted divisions of land in which there are a larger number of lots over which to spread the costs. This may be another issue that Council may desire to consider.

Members discussed the current fees and how they are calculated. Mr Balfany noted that our fees are much higher than other communities as noted. Several members commented that they felt it was important to bring our fees more in line with the nearby communities. A suggestion was made for \$2,000-\$2,500.

Members discussed having different fees for residential and commercial. Ms Winter explained that for large developments, there is an ability to negotiate reductions to the fees if there are trails or sidewalks that the builders pay for and this is taken off of the fees. Members agreed overall that it seemed to make sense to keep the fee scale simple.

Mr Plaisance asked if there had been any known people who chose to go somewhere else based on the current fees. Ms Winter stated she was not aware of any.

**Mr Plaisance made a motion to recommend Park Dedication Fees be changed to reflect a \$2,000/lot fee for both commercial and residential developments to the City Council. Ms Bonin seconded the motion. All members were in favor; motion carried.**

**6.0 Approval of June 23, 2015 Meeting Minutes**

**Mr Balfany motioned to approve the minutes as written. Ms Allenspach seconded; all others in favor. Motion carried.**

**7.0 City Council Report**

Mr Mundle reported that Booster Days went very well with a good turnout. Fall Recycling Day will be Sept 26<sup>th</sup>.

City staff have been working on the MET Council MCS Wastewater Service Agreement through many negotiations over the last year and a half. The Council has endorsed MCS staff modifications to the Agreement but has not approved it overall. The Agreement now goes back to MET Council.

Mr Mundle attended the League of MN Cities Conference. He related one of the most interesting sessions he attended was “Attracting and Retaining the Next Generation in Your

Community” presented by the Mayor of Duluth. Topics highlighted were housing, activities and a young professionals group.

## **8.0 Other Business**

Ms Bonin had questioned why it seemed that flag lots (refers to the shape of the lot) are not usually approved. Ms Winter stated that these lots tend not to be attractive to buyers and can be somewhat of a concern for emergency access.

Ms Bonin stated that her concern related to a property she knows of that may have been able to be separated into a flag lot but since it was not allowed, the whole property seems to have fallen into disrepair. She also noted that she has a neighbor who has what seems to be a flag lot that looks very nice from the road. Her point was that sometimes flag lots can be good for people if they are done right.

Mr Terry asked what the City codes say about flag lots. Ms Winter stated that there must be 200-300 feet of road frontage to meet current code requirements. If a decision was made to allow flag lots, a large number of ordinances would have to be changed to allow for this. He asked if a variance would allow for a flag lot. Ms Winter stated that there would have to be a “hardship” that meets the requirements for a variance and geography alone cannot be a hardship.

Ms Allenspach suggested it might be something that could be addressed on a case by case basis. Ms Winter agreed this might be possible.

Mr Plaisance wondered how much more development might be available if flag lots were allowed. Ms Winter felt that the amount of additional development would probably not be worth the effort of changing multiple ordinances. Mr Terry agreed with this assessment.

Mr Plaisance suggested that the subject might be tabled at this time as there does not seem to be a demand for flag lots. If and when it becomes a higher priority it can be addressed again. Other members agreed with this suggestion.

Mr Balfany noted that at most meetings in other organizations, the approval of the previous meeting minutes always occurs at the beginning of the meeting. Mr Tanner explained that his reason for moving the minutes to the end of the meeting was to allow for public hearings to occur as soon as possible and not make people wait for the members to approve the minutes.

Mr Plaisance suggested that if the minutes were reviewed at the beginning of the meeting and there is a concern with the minutes, the discussion could be tabled until the end of the meeting. Mr Balfany explained that it seems it should be important to approve the previous minutes and clarify any discrepancies before any further discussion occurs that might relate to information in the previous minutes.

It was noted that all other East Bethel committees follow the standard agenda template with the minutes approved at the beginning of the meeting. Ms Winter stated that she had also received guidance that meeting documentation/processes should follow the same format as other committees.

Members discussed the issue of setting specific times for the agenda items but not having the meeting follow the designated times. Ms Winter explained that the times were another part of standardizing the documentation across all committees and are mostly a guideline for how long each item is expected to take for discussion. There was some concern that if a public hearing started several minutes before it was scheduled to on the agenda, it would be

possible for the comments to be completed and the hearing closed before some members of the public even arrived for the hearing. Ms Winter stated that when the notices go out for public hearings, they state the date of the meeting and when it starts. They do not give a specific time when the topic is expected to be addressed.

Members agreed and Ms Winter stated the next agenda will follow the same format as the rest of the committees with the approval of minutes at the beginning of the meeting.

**9.0 Adjournment**

**Mr Plaisance moved to adjourn the meeting at 8:10 PM. Mr Cornicelli seconded; all in favor, motion carried.**

Submitted by:  
Susan Lori Irons  
Recording Secretary