

EAST BETHEL PLANNING COMMISSION MEETING

October 27, 2015

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

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

ALSO PRESENT: Colleen Winter, Community Development Director
Ron Koller, 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 **Mr. Terry motioned to adopt the agenda as written. Mr. Plaisance seconded the motion. All members were in favor; motion carried.**

3.0 Approval of August 25, 2015 Meeting Minutes Ms. Winter requested a correction to the meeting minutes, noting it says Brian Mundle is the City Council Liaison and it should say Ron Koller. Mr. Terry asked we have no recording secretary tonight? All right, any other corrections.

Mr. Holmes motioned to approve the minutes with corrections. Mr. Plaisance seconded the motion; all others in favor. Motion carried.

4.0 Loading Dock Specialist Home Occupation IUP

Background Information:

Owner/Property Location:

Erryn Magnusen, (dba Loading Dock Specialists)
22050 Quincy Street NE
East Bethel, MN 55092
PIN: 07-33-23-12-0002
Zoning: Rural Residential (RR)

Ms. Winter presented the staff report, indicating Mr. Magnusen, dba Loading Dock Specialists (LDS), has been in business for over twenty years and employs three full time employees and one part time/seasonal employee. LDS installs dock equipment for truck terminals throughout Minnesota and the five State area. All of the installation and service work takes place on the construction site and most of the equipment is sent directly to that site, with the exception of fragile electronic controls and miscellaneous installation hardware.

The day-to-day operations are as follows:

The employees leave their vehicles and pick up their work trucks and any miscellaneous parts in the morning, usually at 7:30 a.m., and leave for the job site and work for the day and then in the afternoon return to pick up their vehicles usually between 2-4:30 p.m. The operation is Monday to Friday.

Recommendation(s):

If the Planning Commission were to choose to recommend approval of the IUP, it should be subject to the 13 conditions detailed in the staff report.

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Ms. Winter stated attached in your packet you will find a site plan drawing that indicates where this is located. She reported she had the opportunity to go to Mr. Magnusen's today and I did observe a number of vehicles parked outside as well as a large dumpster. She talked with Mr. Magnusen a little bit about that. So, that is a concern with the number of vehicles that are actually parked outside.

The Public Hearing was opened at 7:03 pm.

Bruce Roles, 21853 Quincy Street NE, stated he's got several comments about this business. First and foremost, it's a residential area and he doesn't need a heavy equipment storage yard at the corner of his street as all know how that can degrade property values. Based on Colleen's comments, he assumed none of the Commissioners personally visited the site. Mr. Holmes stated he drove by it today and took a look.

Mr. Roles stated his disappointment, noting he had served on the Planning Commission and would go to every site and 'lay his eyes' on it as pictures usually don't do justice. He stated this business has been existing for well over two years, maybe three years, and he doesn't know what prompted it to finally get to the point where it's getting a permit to operate. Mr. Roles stated if we haven't followed the rules up to this point and the City grants the permit for the business to exist, he doesn't know why anyone would expect the rules to be followed from this point forward. He noted Colleen has already addressed the equipment and if you look at the satellite picture in the packet, it does not come close to representing the equipment on the site. He suggested there are one and maybe more that he's never seen move and wonders if they are even operational. In addition, there is a large commercial dumpster outside the building and everything can be seen from the road, especially now that the leaves have dropped. Mr. Roles noted they have been operating in violation of City ordinances for a couple years and strongly recommended, as a resident on that street, to not allow this business and require it to move to an appropriate business location due to the impact it has on the residential area.

Mr. Holms asked Mr. Roles, since he used to be on the Planning Commission, why he didn't call City Hall before. Mr. Roles stated he has talked with the City Administrator a number of times over the last couple of years and was told there wasn't enough there to move it on to the next step. Mr. Roles stated there are no company logos on the trucks. He stated he's lived on Quincy Street since 1986 and is a long-time resident.

Mr. Plaisance asked about the level of traffic he's noticed that this business has generated. Mr. Roles stated it comes and goes but the traffic was most notable, maybe when there were more employees. Now because of his recent work schedule, he is gone before and returns after any of the traffic flow. He stated his bigger concern is the visual impact of this mature business that should be properly relocated and impact to property valuations. Mr. Roles described the comments he receives from visitors to his property asking what is going on with this business that looks like a heavy equipment storage yard. He suggested there are more than enough appropriate locations to which this business can relocate.

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Mr. Terry noted with the Planning Commission's consideration, property values are somewhat immaterial as it is conditions that are detrimental to residential. Mr. Roles suggested that storage of heavy equipment is detrimental. Mr. Terry stated it still comes down to the basis of whether this business belongs there, not how it affects property values. Mr. Roles suggested it doesn't look like a business but looks like a residence and big parking lot storing functioning and nonfunctioning equipment and a big commercial dumpster container. He noted if all those things are removed and it looks like a residential property and a business can still function, he doesn't understand what the harm would be. Mr. Roles stated another concern is the industrial trucks stored, whether they are leaking, what is being thrown in the dumpster, and those types of details. Mr. Roles pointed out that City ordinances provide places for business to be and this is a mature 20+ year business that has been operating 'under the radar,' not a business trying to get off the ground. He suggested this business has had its opportunity to get situated and should now relocate.

No other members of the public were present to speak. The Public Hearing was closed at 7:11 pm.

Mr. Terry stated if this is a 20-year business but has been operating here only two years, he would ask where they operated the other 18 years.

Aaron Magnusen, applicant, stated Loading Dock has been working at this site since 1998 and there has not been a big expansion because three brothers own the business and are not interested in making it a huge production. He stated they don't have heavy equipment but do have a dumpster and after talking with Colleen, will relocate or cover it to meet Code. Mr. Magnusen stated they have five company vehicles and one will be removed but the others are day-to-day vehicles and located behind the tree line so they are not visible.

Mr. Plaisance referenced the Home Occupation Ordinance indicating, 'no more than three persons at least one of whom shall reside within the principle dwelling shall work at the home occupation's site.' He noted that Mr. Magnusen exceeds this condition. Ms. Winter stated yes, in addition to himself he has three other full-time employees and one part-time employee. But, again, that is if they work directly at that site and according to what Mr. Magnusen indicated, they park their vehicles there and then to go off site to work. She explained this is similar to the Pavement Resources consideration of a couple years ago.

Ms. Winter presented what would be required as far as in-home occupations and those conditions. (*Note: Ms. Winter's comments are identified in bold italics.*)

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site. ***Again, employees are parking their vehicles there so there is not anyone working at the home occupation site itself except for Mr. Magnusen.***
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.

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4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved. Documentation from MPCA or Anoka County Environmental Services regarding hazardous waste generation is required. *So, as part of the conditions, that would be one of the things that I would work with them on, is making sure that they got the proper documentation from Anoka County regarding any sort of hazardous waste.*
5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste.
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. *Again, having a conversation with Mr. Magnusen. I expressed my concerns about the outside storage. He does have a pole barn there so there may be potential that he can put the vehicles inside that building.*
8. Parking needs generated by the home occupation shall be provided on-site. *That part we do want provided on site. We do not want them parking on the road.*
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. *That does not apply in this case because they're operating out of a detached accessory 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 in the attached or detached accessory structures shall not exceed whatever that accessory structure space is.
13. Applicant is required to follow all local building and fire codes.

Mr. Terry stated to the earlier question of why grant the permit, you can see with the conditions they need to follow them or they get revoked. There's more control than were they not going through this process.

Mr. Roles refuted some of the statements made, noting on the south side of the building there is the truck with a huge mounted boom crane that has never moved but is not shown in this picture. There is a manlift, industrial equipment, that is routinely sitting out next to the dumpster. Mr. Roles stated he understands it may be stored inside and if it doesn't look like a business, then he does not necessarily have a problem with it. With regard to being required to follow all local Codes, Mr. Roles asked whether the Fire Marshal will inspect the building for proper sprinkling and the plumbing facilities for off-site employees, or if they are using residential facilities within the house. He also asked what is needed for infrastructure to operate this business and who is monitoring that actually exists. To the point of the hazardous waste, Mr. Roles stated you can get a mitigation plan and he hopes that is followed because this business uses lubricants. He explained that as a mechanical engineer with a technical background, he hired guys like this to work on buildings

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that he managed so he understands some of the equipment and products they use so he questions whether it is free of industrial wastes.

Mr. Roles stated they've admitted to being here the whole time and at the beginning it probably wasn't as obvious it was a business as it has been the last few years. He asked why it was not until now that we are following the rules and what suggests the rules will be followed going forward.

Mr. Terry stated to the last question, he would say if they were 'under the radar' before, that is no longer the case so that would be the difference.

Mr. Holmes asked what prompted this to be on the agenda. Ms. Winter answered Mr. Magnusen came forward and applied for an IUP through a complaint or Code violation with the Code Enforcement Officer going out and observing the business. She stated there were two properties in this neighborhood that had issues and then Mr. Magnusen came forward and applied for the IUP for his business.

Mr. Terry asked Ms. Winter if she saw the manlift and the boom truck while visiting the site. Ms. Winter stated she did not but did see three F-150 trucks and two commercial vans.

At the inquiry of a Commissioner, Mr. Magnusen described the dumpster location, noting it is next to the pole barn. Ms. Winter stated the dumpster was visible from the road when she was out there.

Mr. Terry asked if the pole barn is sufficient to store the equipment that is in question as far as being an eyesore. Mr. Magnusen stated there's no equipment that actually sits out, it's the vehicles and that's what they refer to as equipment, plus the dumpster. Everything else is usually in the pole shed or on a job site, besides his travel trailer, which he thinks he is allowed to have.

Ms. Allenspach asked if he had any concerns about the conditions of the permit. Mr. Magnusen stated he does not as he and Ms. Winter have gone through them and are willing to assure from this point forward it's taken care of. Ms. Allenspach asked if they can get the issues addressed. Mr. Magnusen answered in the affirmative.

Ms. Bonin stated one thing not being addressed is why the City is allowing this kind of business in a residential area. She felt when people move into a residential area, they have some right to expect it to be residential rather than commercial but has not heard anyone being concerned about that issue.

Mr. Terry stated in this case, the fact that their work is off site means to him that as long as they do things to maintain the residential character, it's not like they're operating a factory on the site. They're actually doing the labor off site and parking their personal vehicles.

Ms. Bonin stated that's the point, their equipment and vehicles are being parked there so that it doesn't look like a residential use. Mr. Terry stated they park three pick-up trucks that anyone might have. Ms. Bonin stated most don't have three

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pick-up trucks in one family. Several Commissioners described their neighbors that have three or more trucks on their property.

Mr. Holmes stated when he visited the site he just glanced at the equipment and along the south side of the property he could see a lot of vehicles but did not know if they were for the business or family cars. Ms. Winter stated when she visited the site there were five parked down below and three in the driveway. Mr. Magnusen stated the three vehicles that were at the top are his personal vehicles and registered to him.

Mr. Holmes stated this business has been in operation for a while and should be growing. He asked if they've ever looked into finding a commercial spot. Mr. Magnusen stated they have not as it is a family-run business, not a large company, and when they moved to East Bethel it's not like they're on a quarter acre lot with houses on top of each other.

Mr. Terry asked what are the buildings located to the south. Mr. Magnusen stated the people who live to the south run a nursery. Mr. Balfany noted this is then not the only business on the street.

Mr. Balfany displayed a Google map on his cellular phone and asked Mr. Magnusen if that is what it looks like when vehicles are parked on site. Mr. Magnusen answered in the affirmative, noting the work vehicles are down below and parked in front of the sheds and those by the road are personal vehicles. Mr. Balfany described what was depicted on the Google map and stated it looks like there are a lot of trees. He asked if the only view is along the driveway. Mr. Magnusen stated it's hard to say because now the leaves are coming off but you can see it if you are looking for it. Otherwise, you have to be looking coming off Highway 74 and down the driveway. Ms. Winter confirmed it is observable from the road.

Mr. Balfany stated what's coming up a lot is visibility so at this point he starts to think about a privacy fence or some sort of obstructed fence to block the view of the vehicles. Mr. Plaisance felt that would almost make it a commercial site, to fence the front yard for equipment that nobody can see. Mr. Balfany concurred.

Mr. Plaisance stated this has been operating without a permit for 17 years and now all of a sudden the Commission is asked to approve a permit on faith that they'll follow the conditions. He stated he would much prefer to see conditions followed before entertaining a permit. Ms. Winter explained that usually after an IUP is approved, they have about one month to meet the conditions and then there is a final inspection and sign off. At that point, normally an IUP is for three years but if there is a level of concern, the Planning Commission can make that time period shorter. She stated additional appropriate conditions can also be recommended

Ms. Allenspach stated that is why she is inclined to approve, because even though it has been operating 'under the radar,' now it is not and now they must comply. She noted Mr. Magnusen is okay with complying and the City now has some leverage to assure the site will comply and things are done the way they should be for the neighborhood. She added that Mr. Magnusen will want to comply so he can continue the business from where he lives.

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Mr. Terry asked if at the end of the IUP period, it is reviewed by staff or the Planning Commission. Ms. Winter explained if there are no problems with the IUP, it is typically renewed at the internal level. Mr. Terry stated if granted for one year instead of three, and if all went well for that one year, it could then be extended for three years. Ms. Winter stated the term is however the IUP is set up and it could be written into the IUP that it is for one year and then it has to come back before the Planning Commission or Council and set for a different time period. Or, if everything is fine it could be set up for an automatic renewal of three years. Ms. Winter stated as long as the conditions are not arbitrary, timeframes can be set and conditions placed to address any issues in the Home Occupation Ordinance or set additional conditions to address other concerns (i.e., noise, dust).

Mr. Terry stated his inclination, because this is not a start-up business with unknowns but rather a business that needs to meet conditions, to consider a one-year trial period to assure the conditions are met. Then thereafter, to put it back to a regular three-year cycle. Ms. Winter stated that is an option as a recommendation to forward to the Council.

Mr. Plaisance asked what kind of materials are being put into the waste disposal container, how often it is removed or replaced, and whether they could consider concealing it or removing it from the site. Mr. Magnusen stated it's for construction equipment, cardboard from boxes, and a company comes in once per month or when it is full. As to its location, if they have to put a net over it, or go with a smaller size in the pole shed, they are at the mercy of what they have to do to make it right.

Mr. Plaisance stated in trying to minimize the requirements and impact upon the applicant as well as conforming with concerns of the neighbors, if it is going to be a permanent thing, he would like to have a fenced enclosure around that particular piece so it can be accessed but not obviously a business or seen from the road. He stated he is also in favor of requiring a one-year review on this home occupation to make sure it conforms to the ordinance requirements.

Mr. Plaisance made a motion to recommend approval to the City Council of the Interim Use Permit for a one year term with the stated conditions for Erryn Magnusen/ dba as Loading Dock Specialist at 22050 Quincy St NE, East Bethel MN 55011, PIN 07-33-23-12-0002, plus additional conditions to place a fence enclosure around the waste disposal container or have it removed, to remove from visibility the equipment that has been stored there without a building a fence around the entire property. Ms. Allenspach seconded the motion.

Mr. Balfany described a minimal impact to the applicant to put in a six-foot or taller gated fence on the south side of the shed where the employee's vehicles can be parked. He asked whether the intent is to enclose or screen view of these vehicles. Mr. Plaisance stated his preference is to enclose so it is not visible from other sides of the property. He stated if there is only something in front, it could probably be seen from the nursery next door.

Mr. Plaisance stated his second concern would be if picked up once a month, if enclosed there would be no one who could get into it without serious concerns about

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jumping into it, where somebody like a kid might get into it and get pulled away. He stated that is what he was thinking. Not only to remove visibility but to enclose it for safety reasons.

Mr. Cornicelli stated he has two points and may need a legal opinion. He felt that fencing a residential area constitutes a residential nuisance. He stated what he sees in his mind is where you pick up parts on Highway 65 that has a big giant fence in a commercial area. He does not view it any differently than that, a big fence that opens up so equipment can come and go, as being a commercial area. Mr. Cornicelli referenced the condition indicating, 'No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation site.' He stated it does not say, 'shall work at the home occupancy.' So if five people are employed by the home occupant, it doesn't really matter where they're working. It's more than three. Ms. Winter explained the City changed that language in the Code to say that no more than three persons can actually physically work at that site.

Mr. Terry stated with the fence, if it is a chain link fence with slats he would agree but if it is a fence that looks like a residential fence then he does not see how that's any different than someone who puts a fence around their yard.

Mr. Holmes asked if there are City regulations on how high that fence can be. Ms. Winter answered six feet. Mr. Holmes stated he has a problem with this and agrees with Mr. Cornicelli. He stated there could be a business in a residential area that could have 80 employees that drop their car off and leave. He asked if the City wants that and stated he does not think so. Mr. Holmes stated he is not in favor of this at all. He stated with soil contamination, we don't know what the employees' cars are doing and the only way he would be in favor of anything would be to grant one year at the property and after that they have to move to a commercial property. Mr. Holmes stated he thinks that's another option but this is too big a business for a residential property. He noted East Bethel has had a lot of problems with outdoor storage, outside buildings, outside vehicles sitting around, some that don't even have wheels, and it's against the rules yet we do nothing about it. Mr. Holmes stated it is now causing some problems.

Ms. Allenspach asked how many bedrooms are in the home. Mr. Magnusen answered three. Ms. Allenspach stated that house is built for six people, which means six vehicles at least. She stated every bedroom is built for two people and if every person that lives in the house has a vehicle, there could be six vehicles on that property and the City can't tell them if it's a car or pick-up truck.

Ms. Winter explained the ordinance says you can have no more than five personal vehicles on your property parked outside at any given time and they have to be licensed. What they count as part of that is not only cars and trucks but trailers are in that as well.

Mr. Terry stated the scenario then of having 80 employees parked there cannot be allowed. Ms. Winter concurred. Mr. Terry stated five vehicles is the limit of what can be parked outside and visible on a property. Mr. Holmes asked how do you rate when somebody has a party at their house for 20 people. Ms. Winter stated they are

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not staying on the property. Mr. Terry stated this deals with a specific situation, not a wild scenario.

Discussion occurred relating to different scenarios on the number of cars that could be parked on a residential property. Mr. Holmes repeated his position and stated why he is against the request unless it is for one year and then they have to move to a commercial property.

By a show of hands, 4 voted in favor and 3 against (Bonin, Cornicelli, Holmes); motion carried. This item will go to the City Council on November 17, 2015, for consideration.

5.0 Met Council Thrive MSP 2014 Plan

Ms. Winter presented the staff report, indicating on September 17, 2015, the City of East Bethel was given the 2015 System Statement, which is the framework for the Metropolitan Council Thrive MSP 2040 long-range plan. The City of East Bethel is required to complete a Comprehensive Plan by 2018. As part of the process if a community disagrees with elements of the System Statement, they have 60 days (until November 17th) to request a hearing before the Met Council's Land Use Advisory Committee.

Areas of concern in the System statement are specifically with our Land Use designation. Staff, Planning Commission and City Council have all had numerous discussions regarding development within the Corridor, which is the area from 181st Avenue NE on the south and 245th Avenue NE on the north, that stretch from south to north along Highway 65 and three-quarters mile on either side of Highway 65. This area is designated for sewer and water district and for densities of 3-5 units per acre. In addition there is a second area around Coon Lake designated for 3-5 units per acre. These are both shown in attachments that you have in your packet and I'll put them up on the screen shortly.

The other land use designation is Diversified Rural, which is outside of the corridor. In that, the System Statement that we received is that it is 4 units per 40 acres. This is something that we feel, as staff, is incorrect. We've met with Met Council staff back in August to specifically discuss the area outside the corridor and all parties agreed that it should have an overall density of 1 unit per 10 acres with the ability to develop 2.5 acre lots. The Diversified Rural does not appear to have that same flexibility.

Ms. Winter stated so, in other words, if the Comp Plan is approved under this scenario, you are 4 in 40. So, you are not able to subtract out your wetlands or any of those other designations and be able to give people the ability to build rural developments in this area.

Ms. Winter explained population projections, households, and required affordable housing are also part of the System Statement and warrant more discussion. The 4 in 40 designation is in contrast to really what they've proposed to be our population density. By 4 in 40, if we were to go with that, we've already exceeded what we can have for households so there's some real inconsistencies with that.

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Ms. Winter pointed out that the City's neighbors, Ham Lake, Oak Grove, and Andover, have the community designation called Rural Residential. Rural Residential communities have residential patterns characterized by large lots and do not have plans to provide urban infrastructure such as centralized wastewater treatment.

Ms. Winter stated these communities have topographic development limitations and a development pattern with lot sizes that generally range from 1 to 2.5 acres. That is very, very consistent with what East Bethel has as well. They are expected to discourage growth in those Rural Residential patterns and encouraged to look at a 1 unit per 10 acre density. But, again, the big distinction is, in the 4 in 40, their basically saying that's where any development stops and you are tied to that. Whereas in the Rural Residential designation, you have the ability to do those rural developments, you just have to make sure that you're not exceeding the 1 per 10.

Ms. Winter stated for example, if we had a 40 acre piece and you subtract out the wetlands, and you're able to get maybe 20 lots on that, or less, overall if you take that along with everything else that's in that Rural Residential area, we're still going to be over 1 per 10. Right now, The City is at 1 per just over 11 acres. Anything outside of the corridor, if you subtract out the wetlands and the other places where you're not able to develop, we already exceed the 1 per 10 density. Ms. Winter asked does that make sense?

Ms. Bonin asked, when you're saying 1 per 10, you're talking about over all. You're not talking about one area. Ms. Winter stated that is correct, overall in that area. Ms. Bonin stated if less than that, then you have to have an area that's more open to balance it. Ms. Winter answered in the affirmative.

Ms. Winter displayed the map, noting it is a little hard to read and distinguish the colors. She pointed out that clearly Ham Lake, Andover, and Oak Grove has a little section that's Diversified Rural, as well as Nowthen, Ramsey, etc. are all in that Rural Residential. Where they simply have East Bethel as more of that Diversified Rural, which is essentially agriculture.

Ms. Winter stated in the Met Council area they have it differently. It looks like Linwood Township and Columbus follow that same designation. But, staff has had many conversations at the Planning Commission level that they don't feel it's correct. She stated she talked to Met Council staff and they said East Bethel still has the ability within its own local zoning control to be able to do the Rural Residential and develop at 2.5 acre lots. Ms. Winter stated she said that's all well and good but the problem is if we're not following our Comprehensive Plan, we can't do that legally. The whole land use development within a community is dictated by what the Comprehensive Plan says. So, we need to get this clarified. Ms. Winter stated she believes it needs to have that Rural Residential designation versus Diversified Rural.

Ms. Winter stated you may say there's no difference if you take 4 in 40 versus 1 in 10 but the distinction, again, is if we go with Rural Residential we still have the ability to have some development out in those areas that's non-sewered

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development. So, we're not holding the remaining part of the community that's outside of our corridor for however long because someday there might be sewer and water there. We recognize that outside of the corridor there's not going to be sewer and water.

Ms. Winter stated she'd like discussion and confirmation from the Planning Commission that staff is looking at this correctly and also to forward a recommendation to the Council but she doesn't know if it will get to that simply because on a staff level, they will be able to work with Met Council and get this figured out. She noted the City has until the 16th so if the City has to appeal it, it would have to go before the Council at their next meeting.

Mr. Plaisance stated staff has had a conversation with Met Council and from his understanding, this was originally set up as being Diversified. It was supposed to be Rural Residential but it was not that way according to them. He asked what kind of response staff got from the Met Council when told that the City wants this to be Rural Residential instead of Diversified. Ms. Winter stated there are two things to be careful about. Zoning is our development tool so she wants to leave zoning out of it. Ms. Winter stated the City needs to look at land use and from a Met Council perspective, land use is all about density. In the case of the 4 in 40, they're basically saying you don't have the ability to develop beyond 4 houses in 40 acres. Where with a Rural designation, it's 1 per 10 and we've already exceed that with what's in the community now if we subtract out the wetlands. So, their point back to the City was they are really not changing it. It can stay Diversified Rural and the City can still do what they want to do. Ms. Winter explained that's not something she believes staff can do because what they're saying is you can then guide that locally. But no, if it's part of your Plan and you're requesting us to get a Plan approved, we can't guide it locally because then our Comprehensive Plan, zoning, or one of the tools will be contrary to what we have to get approved. She stated it would be much cleaner and much easier to go through this process now and to get the designation correct to begin with.

Mr. Plaisance stated his question still stands, they're saying they will not bother changing it, you can just ignore the rules at the City level if that's what you want to do. And, staff is saying no, we can't do that. He asked what we can do that convinces them the City needs the other designation rather than ignoring the rule and coming up with our own plan. Ms. Winter stated she does not want to ignore the rule because not only is that somewhat reckless but it's also the idea that it's contrary to what the demographics are telling us right now.

Ms. Winter stated if the Planning Commission can make a recommendation and forward it to the Council saying that based on the System Statement, we don't agree with the land use designation that they have here and they need to look at changing it. She stated that is the biggest thing. There are other things they have in the Plan but quite frankly the rest of it she didn't have so much of an issue with.

Ms. Winter stated they have a regional park trail, for example, going through East Bethel; they talk about transportation but in our area, from a transportation perspective, they basically delineated the highways. She explained housing is another issue as the Met Council tells us we need to have so many affordable

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housing units and our number is a lot lower than other communities in the Metro. Ms. Winter explained there is a bit of inconsistency there because in one part it says 290 and in another it says 369 or 368 so we need to look at the affordable housing component as well. Those are manageable but the biggest one is this land use issue that needs to be resolved at this point.

Mr. Cornicelli asked about northern Washington County (Columbus, Sandia, Grant Township) that fall into the same category. Ms. Winter stated her conversations have largely been with Anoka County and she hasn't talked to anybody in Columbus or Hugo or Scandia, but could do so. Her conversations have been with Oak Grove, St. Francis, and Ham Lake. Mr. Cornicelli stated he was just curious and surmised they would have the same concerns. Ms. Winter stated they may have but Washington County is a bit different than Anoka County.

Mr. Plaisance stated when talking about passing this along to the City Council and encouraging them to make a recommendation back to Met Council, is the intent to get it done before the Comprehensive Plan by 2018. Ms. Winter stated she'd like it done before November 17, 2015, because it's a System Statement and the City has 60 days to appeal anything in the System Statement. She found this to be a critical piece that needs to be resolved. Ms. Winter stated she is somewhat confident it can get done at a staff level but if not, then it has to go before the Met Council's Land Use Advisory Committee. She stated it would be good for the City Council to know that the Planning Commission had this discussion.

Mr. Terry stated he's stuck on a much earlier concern, which is why the City is in this position with the Met Council dictating land use policies when it's our City. He felt it should be generated from within and asked why the City is trying to see if the Met Council will conform to what we're looking at. Ms. Allenspach stated that's what the Met Council does. Ms. Winter explained the City is within their jurisdiction. Mr. Terry stated it's not in their charter, which deals with water use and one other thing, not this but suddenly that's what they're doing.

Ms. Winter stated they've been doing it for a long time. Met Council has had land use plans and comprehensive plans and before Thrive MSP, was the 2030 Plan. If the City is part of Metropolitan Council it is required to update its Comprehensive Plan and go by what they are guiding. This is because they are the regional organization that is responsible for wastewater, water, resources, as well as for transportation. As part of that, they need to look at the long-term future of the region and decide where their resources are going and how to best plan the region.

Mr. Terry stated they're not just doing that but wanting to dictate how much affordable housing and densities. He stated they might want to know where the City is at or planning for but he would ask why they are dictating those conditions.

Ms. Bonin stated she is concerned about the affordable housing thing and asked why you would want to put people with few resources so far from the city. She found this made no sense and while there needs to be some, it would be difficult. She felt it encourages people to live beyond their means when they can't afford the things they have to have in order to live out here. They have to have good cars because most will live where they can't use public transportation.

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2014 Plan

Ms. Allenspach stated they don't supply public transportation, which is part of what you're saying, it makes it ridiculous. But as Colleen has said, it's what Met Council does and they've been telling communities for many, many years what they expect them to have for affordable housing and for many years, communities have fought it.

Ms. Bonin asked about push back and say that's not reasonable. Mr. Terry stated that should be market driven, not some person planning who's 100 miles away and wants to move 'chess pieces' around. Ms. Winter explained affordable housing is a much more political issue as you get the Legislature involved and they're saying we need to have much more affordable housing because all of people are telling them there's a huge lack of affordable housing. So, a lot of what Met Council is going to dictate on some of the policies is a direct reflection of what they're being told from a political standpoint.

Ms. Allenspach stated there's no doubt we need affordable housing in East Bethel as we need places for our seniors to live when they can't afford to live in their houses and for the young people so they don't move away from East Bethel. But, for the Met Council to dictate it this way, is a little difficult for the community.

Ms. Winter stated I didn't include the whole System Statement because I didn't want to print it all out but I did provide you with the ability in your packet to look at that. If we want to continue this discussion, we certainly can and if you want, I could bring back more information. Ms. Winter stated if it would be helpful to have a representative from Met Council staff to come to talk about it, it's certainly something we could ask them.

Ms. Allenspach asked who is our rep? Ms. Winter replied we have a new person now. Edward Reynoso is on the Board and he's out of Ham Lake. Our new sector rep is Eric and he just started. She explained we've been dealing with the manager of the planning department who has been very receptive to working with staff.

Mr. Balfany stated staff is looking for direction from us and I'm pretty sure, without speaking for everybody, but looking at the head nods and the way the conversation is going, without having a motion, I'd say you have our blessing, unless somebody wants to contradict that statement.

Mr. Terry stated I think we need to decide what's best for East Bethel and let them know that's where we're going.

Mr. Plaisance stated when you take into consideration all of the requirements that are coming down from Met Council as to what we're doing with the City, we certainly would want to encourage to have a designation that we're talking about. Since we're talking about how many people per acre we can have, we have sewer and water that they were involved with, and also the affordable housing. In order to get the affordable housing, you have to have property cheap enough to do that and to get that property down, you have to split those properties. Mr. Plaisance stated when you take in all of those considerations and the fact of how do we pay for all that, it also requires development to go along with it. He stated from his

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2014 Plan

standpoint, he would highly encourage putting that recommendation to the Metropolitan Council to have this to be the way we recommend to have it.

Mr. Terry stated in order to come anywhere close to meeting their ideas about affordable housing, the City needs to have established infrastructure that would justify that so let's not 'put the cart before the horse,' to use another metaphor.

6.0 Floodplain Ordinance

Ms. Winter displayed the a floodplain map and presented the staff report, indicating Federal Emergency Management Agency has recently published new floodplain maps and is requiring every community that participates in the Flood Insurance Management Program to adopt new maps and is recommending that guidelines be adopted as well.

Under the guidance of the Minnesota Department of Natural Resources (MnDNR), they are strongly encouraging communities adopt a Model Floodplain Ordinance.

Ms. Winter noted in the packet was the new floodplain map and it's displayed on the screen as well. She would like to bring a map to the next Planning Commission meeting and to call for a Public Hearing this evening for the next meeting. She noted, as a reminder, that both in November and December, our meetings are one week ahead of when they normally are. So, please note that the Planning Commission meeting will be on November 17th. At that time, I'll bring back what the differences are. Ms. Winter explained this is really nice, they've streamlined the language so it makes it a lot easier to deal with any floodplain that comes into the City.

Mr. Plaisance stated I don't see any difference between the current floodplain and the data for the 500 year. Is that correct? Ms. Winter explained the biggest difference, and what's really nice about the new floodplain maps, those areas that are not 'hatched' are actually areas that are in our existing Floodplain Ordinance. With the new maps, all of those areas will be taken out and no longer part of the floodplain.

Mr. Plaisance stated I realize we're going to cover this and assume we're going to have the Public Hearing. He stated he assumes it would be a benefit insurance-wise to current residents in these locations that would be removed from that 100-year floodplain. Ms. Winter indicated that is correct.

Mr. Holmes stated he used to live in an area where his house was in both a 50-year and 100-year floodplain and it made a big difference on your house insurance. He stated he didn't know there was a 500 year and asked who lives that long. Mr. Holmes explained if you are in a floodplain and it does flood for some reason and you don't have insurance, because it is designated as a floodplain, you get 'the big goose egg.' He stated this is important to some of the people.

Mr. Terry asked what is expected to be done at the Public Hearing? Ms. Winter explained it is required to hold a Public Hearing because the City is saying that the Ordinance currently in place regarding the floodplain will be revoked and staff will recommend a new ordinance be put in place to conform with FEMA and MnDNR

Floodplain
Ordinance

recommendations.

Mr. Holmes stated some of these involve the same body of water with some being 100 and some being 500. He asked what constitutes the difference when it's the same body of water. Ms. Winter agreed it is strange in some cases and explained their technology has changed as far as the maps they are using and maybe the elevations. Mr. Holmes stated with his old property, a blind man can say where the 100 year and the 50 year are because of the difference in height but when it's already standing water, two different floodplain years doesn't make sense. Ms. Winter stated by the next meeting she can have additional clarification on that issue.

Mr. Terry asked if there is significant change to language or just the map. Ms. Winter indicated there are some significant changes to the language.

Mr. Plaisance made a motion to have a Public Hearing at the Planning Commission Meeting of November 17, 2015, to cover the revised FEMA floodplain map and to update our ordinances for said ordinances. Mr. Holmes seconded the motion. All members were in favor; motion carried.

Mr. Holmes asked if everybody on this map will be notified. Ms. Winter stated the City is not required to notify them but sometimes their mortgage companies will notify them. The only time the City has to notify them is if they are now in a floodplain where they weren't before. She noted that as you can see from the map, everyone in an existing floodplain is still there and some folks that were in a floodplain will be removed, which is good news for them. So, it's probably going to be that their mortgage companies or title companies will probably notify them. Ms. Winter stated she expects East Bethel will be getting some phone calls after this is adopted.

Mr. Holmes asked if the City will have to have a display of this on our front window. Mr. Cornicelli stated that might be a good idea. Ms. Winter agreed it is a good idea and staff will also post it to the front page of the website to let people know. Ms. Allenspach stated that's nice, especially if a few of the major roads can be identified so people can determine where they are.

Mr. Holmes stated some of this could be very important and if you don't have it documented that it is being displayed or something at least in the City Hall window, it could cost somebody their house, their livelihood, if it did flood and they know nothing about it or have a chance to see it. At least they have a chance to see it through the window or come in during business hours. I would suggest that we do that.

Mr. Terry asked if he is correct to assume it would also include changes in the language of the ordinance. Ms. Winter answered in the affirmative.

7.0 City Council Report

Service Road Funding

Council Member Koller reported the Council had a fairly short meeting and worked on the advanced funding for the service road, which will go from our business area (around Aggressive Hydraulics) north to Viking (behind Our Saviors Church). Apparently, the State turned down our request so we're finding funding elsewhere and hopefully will start next spring.

Social Media Policy

Council Member Koller stated the Council is working on a Social Media Policy as there have been a couple problems on the internet with City employees making inappropriate postings.

Town Hall Meeting

Council Member Koller stated they hope to get the State Senator and Representative to the Town Hall Meeting so the format may be changed. Ms. Allenspach asked when is the next Town Hall Meeting. Ms. Winter responded November 19th.

8.0 Other Business
BR&E Program

Ms. Winter reported on the Business Retention & Expansion Program with the University of Minnesota. To date, they have interviewed 43 businesses and think that's a nice turn out and excellent response. The end results and culmination of everything will be the first quarter of 2016. Everyone will be invited to view the results, next steps, and two or three big projects the City will be working on.

9.0 Adjournment

Mr. Balfany moved to adjourn the meeting at 8:21 p.m. Mr. Terry seconded the motion; all members were in favor, motion carried.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial Inc.