

City of East Bethel
Planning Commission Agenda
7:00 PM
Tuesday, May 24, 2016



Agenda

| | <u>Item</u> | |
|---------|-------------|--|
| 7:00 PM | 1.0 | Call to Order |
| 7:02 PM | pg. 1 | 2.0 Adopt Agenda |
| 7:03 PM | pg. 2-22 | 3.0 Approval of Meeting Minutes April 26 th , 2016 – Regular Meeting |
| 7:05 PM | pg. 23-35 | 4.0 Farm Animals IUP/Public Hearing Sara Stream, 20856 Kissel ST NE, PID# 13-33-23-31-0007, Rural Residential |
| 7:15 PM | pg. 36-44 | 5.0 Farm Animals IUP/Public Hearing Stacey Persons, 2630 196 th LN NE, PID# 27-33-23-22-0004, Rural Residential |
| 7:25 PM | pg. 45-50 | 6.0 Private Kennel IUP/Public Hearing Stacey Persons, 2630 196 th LN NE, PID# 27-33-23-22-0004, Rural Residential |
| 7:45 PM | pg. 51-84 | 7.0 Review Zoning Ordinance – Light Industrial, Exterior Storage and Screening |
| 8:15 PM | pg. 85-90 | 8.0 Review ordinance for Subdivisions |
| 8:30 PM | | 9.0 City Council |
| 8:35 PM | | 10.0 Other Business |
| 8:40 PM | | 11.0 Adjournment |

EAST BETHEL PLANNING COMMISSION MEETING
March 22, 2016

The Planning Commission met for a regular meeting at 7:00 pm at East Bethel City Hall.

MEMBERS PRESENT: Randy Plaisance, Chair Lorraine Bonin Tanner Balfany
 Eldon Holmes Lou Cornicelli Sherry Allenspach

ABSENT: Glenn Terry

ALSO PRESENT: Colleen Winter, Community Development Director
 Jack Davis, City Administrator
 Tim Harrington, City Council Liaison

1. Call to Order Chair Plaisance called the meeting to order at 7:05 pm.

2. Adopt **Mr. Balfany moved and Ms. Allenspach seconded to approve the agenda**
Agenda **with one amendment - change the Agenda Information sheet for Rimma**
 Medelberg to Item 4.0, from Item 3.0. Motion carried.

3. Approval of **Ms. Allenspach moved and Mr. Cornicelli seconded to approve the**
2/23/16 and **2/23/16 minutes as amended. Motion carried.**
3/22/16 Minutes **Mr. Balfany moved and Mr. Holmes seconded to approve the 3/22/16**
 minutes as written. Motion carried.

4. Concept Plat Owner: Rimma Medelberg
Minor Address: 20381 East Bethel Blvd., East Bethel, MN 55011
Subdivision PID: 223323110006
 Zoning: Rural Residential (RR)

Requested Action: Recommend approval of the concept plan and call for a public hearing.

Background Information:

Ms. Medelberg is interested in subdividing her property into two separate parcels for the purpose of selling. One property would include the existing residential home and two and half acres. The other property would be the remaining balance of the land which is almost 27 acres. If you will recall this property was brought before the Planning Commission last year and was recommended for approval to the City Council. At that time the property division was under the Metes and bounds rules and the City Council rejected the application due to lack of 300 feet of frontage for both lots along East Bethel Blvd. Ms. Medelberg is now interested in going through the subdivision process and before you is the Concept plan.

Ms. Winter confirmed that there is now 200' of frontage for both lots. **Mr. Holmes moved and Ms. Bonin seconded to recommend approval of the concept plan and to call for a public hearing at the May meeting. Motion carried.**

5. CST Update

Chair Plaisance gave the following opening statement: “The City of East Bethel Planning Commission will begin the review of the CST Site Application Plan as required by City Code, Zoning, Appendix A, Section 4-22. As part of this review process, the Planning Commission will address the specific items contained in this Code section. As part of the formulation of a recommendation to City Council, the Planning Commission shall take into consideration the following: a) Consistency with City Comprehensive Plan, b) Compliance with City Ordinances, c) The preservation of the site in its natural state, to the extent practicable, by minimizing tree loss, soil removal and grading, d) The harmonious relationship between buildings, open space, natural site features, architectural details, and vehicular and pedestrian circulation, and e) The protection of neighboring and adjacent properties.

This meeting is intended for the deliberation of the CST Site Review Application and is not a public hearing. Comments will not be taken from the audience. Residents have had the opportunity to publicly comment on this matter at the February 23, 2016 Planning Commission meeting. In addition, public comment periods have been made available at the February 22, 2016 EDA meeting, the March 8, 2016 Roads Commission meeting, the March 9, 2016 Parks Commission meeting, the City Council meetings of March 2, 2016, March 16, April 6, and April 20, 2016, and the April 19, 2016 Town Hall meeting.

This statement is in no way meant to be insensitive or indifferent to those who have concerns with this issue, but is to inform those in attendance that the Planning Commission needs to focus its time to conduct the review and discussion of this items. The Commission may refer questions, if needed, from sources outside of City Staff for any additional information it deems necessary.

The Planning Commission has discussed this issue at length at its last two meetings and has had access to all information that has been submitted to the City Council. At this time, the Planning Commission is prepared to begin the review of this item.

To both the residents and the applicant, the Planning Commission will conduct a thorough examination of this matter and will continue the assessment until they have evaluated and received all facts and information necessary to consider a recommendation relating to this site plan and review.

The Planning Commission can take no action on this item tonight. The City received a notification from the Environmental Quality Board (EQB) today, that EQB has deemed the City as the appropriate unit to determine the need for completion of an Environmental Assessment Worksheet (EAW). Until this is addressed, no action can be taken on the CST’s application for a Site Plan Review. Until this review is completed by the City, any actions relative to this agenda item are suspended.

The Planning Commission thanks you in advance for your cooperation during the proceedings of this meeting.”

Requested Action: Review and comment relating to the CST Site Plan

Application Background Information:

In January 2016, City Staff met with Chad and Megan Toft, CST Companies, LLC and their Real Estate representative Dan Friedner (Colliers International) to express their interest in relocating and consolidating their business operations in East Bethel, Minnesota on the Mike Wyatt property, 23805 Highway 65 NE in an area zoned Light Industrial. Based on the information provided by CST the business fell under the following categories in the Light Industrial District:

- Office
- Warehouse and Distribution
- Manufacturing

Based on that initial meeting, City Staff provided CST an application for a Site Plan Review and outlined the pertinent ordinances contained within our Zoning code that would be applicable to the Site Plan Review process. Further, Staff advised CST that they cannot generate noise, odor, vibration, or other discharge discernable from areas outside the parcel on which the use is located.

Attached is the complete Site Plan submission and City Staff has deemed it a complete submission that has met the minimum requirements as outlined in the Site Plan Application under Appendix A, Section 4-12. Upon receipt of an application that contains all required information, city staff shall schedule the matter for review by the Planning Commission. From the date the city receives the completed application, the City Council must approve or deny the application within 60 days. The city may extend the 60-day period by providing written notice of the extension to the applicant before the end of the initial 60-day period. This notification must state the reason for the extension and its anticipated length, which may not exceed 60 days.

This process began in January 2016. There have been a number of meetings, emails and discussions between representatives from CST and City Staff. City Staff has been to both the Rogers and Elk River locations of the current CST operations. Over that time period site plan comments have been provided to CST.

Included in this packet are submissions, including the formal site plan and narrative. The major points of this material are as follows:

Existing Land Use

- The site is 39.2 acres in size and is currently a farm field, with two delineated wetlands.

- Current access is through a frontage road off of 237th and turns into a private driveway
- Adjacent land uses – North – agriculture (farm fields), East - Single family residential home, West - Convenience store/gas station, liquor store and a home, South – 237th Avenue NE (CSAH 24)

Proposed Use – CST Companies, CST Distribution and CST Transportation and are proposing to build and utilize 56.85% of the property for business operations, and outdoor storage. The remaining acreage will be used for stormwater ponding, preservation of the existing wetlands, berming (screening) and drainage swales. The breakdown is as follows:

- 26,745 sq. ft. Office, warehouse and maintenance facility with room for a future 6,000 sq. ft. future addition
- 10,720 sq. ft. mulch bagging facility
- Truck parking for up to 20 trucks
- Outdoor Storage area – under 30% of the rear yard

CST Distribution is a wholesale distributor of softener salt, mulch, ice melt, firewood, washer fluid and bottled water and a contract packager of mulch. Customers include SuperAmerica, Holiday Station Stores, Menards, Cub Foods and Home Depot. They have 22 employees. CST Distribution has two shifts – M-F 7 am to 3:30 pm and M-TH 4 pm to 2:30 am. Exterior equipment used includes rubber tired loaders, forklifts, a truck fleet and coloring machine.

CST Transportation is a local/regional trucking company specializing in forklift mounted flatbed trucks. They have 33 employees. Drivers may start as early as 4:30 am and finish by 6 pm.

Site Requirements:

CST was required to address the following and must comply with city code regarding: Lighting; parking; screening; signage; building; utilities; grading, and landscaping.

Additional requirements included:

- a) Right of way dedication for a future service road
- b) Accommodations for expansion and on site growth, particularly as it relates to outside storage
- c) Dust and particulate matter control
- d) Noise impacts and mitigation process
- e) Water use and water quality issues
- f) Fire mitigation
- g) Anoka Co. Hwy. Dept. requirements
- h) Joint Application affecting waterways

Public Input – There has not been a public hearing on this project. However, there have been a number of neighbors that have been present at the Feb. 23 and March 22 Planning Commission meetings and many City Council meetings. Further comments were heard by the residents opposed to the

project at the Town Hall meeting on April 19, 2016. The neighbors have also presented a petition to the City stating their opposition to CST locating in East Bethel and at the proposed site. The owners of CST and their representatives met with the neighbors and residents on April 14, 2016. The City provided the facility only for the meeting and did not participate in the proceedings.

Site Plan Comments:

- Screening and Security – there is a proposed berm that extends along the length of the south property line and to the west. CST is also required to put in fencing along all other property lines. The proposed landscape materials are still under review and the trees that will be used for the screening are subject to City approval. CST will also have entrance gates on their access roads into the property. Additional berming/screening would be required along the proposed service road outside a dedicated 80' right of way/easement.
- Lighting – LED downward facing lighting is proposed for the site and there will be six (6) outside lights located on the office/warehouse building and four (4) outside lights located on the bagging facility. The lighting intensity proposed does not illuminate beyond the boundaries of the site.
- Parking – meets the required allocated parking spaces for office and warehouse.
- Truck parking – there is proposed truck parking designated on the site plan for up to 20 trucks. These trucks are used in the operations to deliver mulch and other products. General maintenance of the trucks is done on site at the main building.
- Landscaping, sign plans, architectural standards, and grading plans have been reviewed and comments have been forwarded to CST.
- Building plans have been submitted as required. However full building plans will be submitted at the time of application for the building permits should the Site Plan Review be approved by City Council.

Other Requirement/Comments:

Wood chip (Mulch) piles – The proposed site plan indicates that there will be four mulch storage piles. Mulch is colored utilizing a machine that sits outside on a paved surface and then bagged inside a building on the site. There is no processing or grinding of trees on the site. The mulch is delivered ready to be colored. Rubber tired loaders and forklifts are used in the mulch operation. The mulch bagging operation is April 1 through mid-November, depending on the weather. August is typically the slowest time and winter months are used for stocking raw material. Per the Fire code mulch piles cannot exceed 25 feet in height, 150 feet in width and 250 feet in length.

Fire suppression – In addition to the access roads required for all outdoor storage areas, CST would be required to have an approved hydrant and hose system or portable system to deal with fires. As noted, there was a fire at CST's location in Elk River due to a malfunction of one of the loaders. CST has since put fire suppression system on the loaders that work around the mulch piles. Mulch piles in general are monitored for temperature to make sure they do not exceed a certain temperature. The City Fire Marshall

completes inspections of all businesses within the City every three years and could inspect this facility on a more frequent interval.

Growth of company – CST's projected growth, has raised concerns by Staff regarding their capacity to accommodate increased exterior storage needs on the site. CST has stated they propose to increase the efficiency of the mulch bagging operation to address this need. This, per CST, would allow for packaging inventory at a higher rate to eliminate the need for additional exterior storage. The proposed bagging facility is designed to accommodate an additional production line if required.

The trucking side of the business also has grown and currently there are 14 truck/trailers proposed to be parked on site with the ability to expand to the maximum of 20 trucks parked at the site. Currently there are approximately 40 truck trips per day (round trip). Expansion and growth of the business would increase that number.

Hours of operation – Staff and residents have expressed concern regarding the hours of operation and its potential impact on adjoining properties. CST's operations will also extend beyond what are considered normal business hours and could create noise issues that could interfere and be a nuisance to the surrounding neighborhoods.

Hours of operation and activities that can be conducted during hours of operation may need to be addressed as conditions to a Developers Agreement should this review be approved by City Council.

Dust and Particulate matter – CST utilized the MPCA Air Emission Calculation worksheet for Fugitive Emission to determine if they were required to obtain a permit. The permitting threshold for total particulate matter (dust) is 100 tons per year. The proposed number emitted by CST is 12 tons per year per their calculations. MPCA confirmed that CST was not required to obtain an emissions permit based on information submitted to MPCA staff. CST has provided the City with a proposed dust control plan. This plan would require modifications should this project move forward.

Even though the MPCA does not require CST to obtain an emissions permit, this does not indicate that dust issues and particulate matter will be contained on site. There exists the potential for dust to affect adjoining and surrounding properties. The City Comprehensive Plan states that Light Industrial activities are limited to those that do not generate noise, odor, vibration, or other discharge discernable from other areas outside the parcel on which the use (CST) is located.

There have been three reported observances of dust issues from the CST site in Elk River. These reports claim to have witnessed excessive amounts of wind-blown particulate matter emanating from that site. It is reasonable to assume that large piles of mulch could release dust material as the surface mulch dries which could be blown off-site when wind speeds become capable of

transporting these types of materials. There is also concern about dust issues from internal service roads and any of the 500,000 SF pallet storage area that has an exposed surface from the proposed site in East Bethel.

Noise impacts and mitigation process – CST completed a noise assessment report for the proposed East Bethel location. The noise generated from this activity is primarily due to back up alarms on equipment and trucks, the operation of heavy equipment and the use of other equipment for movement and processing of mulch. This study concluded that the noise generated by CST's operations would be negligible.

This is an area of great concern and one that has been expressed by many residents. There are several measures that can be taken to mitigate noise including the use of broadband backup alarms that can be heard by employees but merge with background noise at a distance. There is also non-audible backup lights that can be used that meet OSHA requirements. There is also a proposed berm that will mitigate noise coming from the site.

While CST claims that back up alarms can be modified to reduce noise, the City has not received any OSHA material that indicates approval for these modifications or their impact on noise reduction. In addition, modifications would, if approved, only apply to those pieces of equipment that are dedicated to and used exclusively on site. This would not apply to trucks that transport to multiple offsite locations.

City Staff would recommend that CST's noise study be reviewed by an independent consultant to ensure that the studies assumptions are not flawed, mitigation measures would be effective, OSHA requirements relating to back-up alarms would meet compliance standards and noise measurements included all equipment utilized in the operation, including trucks, and that noise measurements included peak production times.

The City Comprehensive Plan states that Light Industrial activities are limited to those that do not generate odor discernable from other areas outside the parcel on which the use (CST) is located. While information has been provided to address this concern, Staff recommends additional supporting documentation be provided to definitively confirm CST's response.

Odors – CST has stated that their mulch piles are turned over quickly and do not have the same odor as non-processed wood. CST claims that the odor of cedar is potentially the strongest smell coming from the site and is equivalent to what you would smell if you were to go to any garden center that has bulk mulch bins.

The City Comprehensive Plan states that Light Industrial activities are limited to those that do not generate odor discernable from other areas outside the parcel on which the use (CST) is located. The City has no baseline for measuring or determining the insignificance or magnitude of this concern. Observation of their existing facility over the course of their April through

October operations would provide some indication as to the claim of odor as offensive by-product of CST. In addition, no information has been provided that addresses any type of odor from CST's truck fleet.

Water use and water quality – CST is proposing to utilize an estimated total of 2,157,800 gallons per year and will be required to go through the MN DNR appropriation permit. Prior to constructing a well, the applicant will be required to complete a preliminary water appropriation assessment from the DNR. According to the DNR 2.1 gallons per year is roughly the equivalent of 28 residential households.

On site discharge of water used in the production process is also a major concern of this operation. Drainage and on-site runoff are designed to be collected in storm water holding ponds.

CST will be required to obtain an NPDES permit for on-site storm water ponds. City staff is still reviewing the runoff issues from the mulch piles as to negative impacts on the ground water, particularly during heavy storm events. City Staff is also evaluating CST's plan to ensure that the wetlands are not negatively impacted.

There are studies that have been done for other mulching operations in other states that claim that mulch production facilities have been found to have an impact on ground water as a result of these operations. While these studies are site specific and may not be comparable to this particular situation, this could be a concern and may require additional documentation to insure there are no problems with ground water contamination from site run-off and dyeing discharge.

Joint Application affecting waterways - CST has complied with requirements to delineate the wetlands. The delineation was reviewed by the local TEP (Technical Evaluation Panel) who concurred with the delineation.

Increased traffic and safety concerns on 237th – CST was required to submit their plans to Anoka County Highway Department (ACHD) for review and comment. 237th Ave. (County Road 24) is a County road and ACHD has responsibility and jurisdiction over this route. The ACHD has identified no significant concerns with the CST Project. Ms. Winter noted that ACHD is requiring CST to install some turn lanes.

Potential Health Issues- Concerns have been expressed relating to potential airborne mold, respiratory irritants and dust issues that could originate from mulch operations. Residents have provided several articles to the City that identify this as a potential issue as related to mulch operations in other states. This material has been provided to the legal firm that represents CST. The findings provided in these studies have not been linked to CST's operation, may or may not be comparable to this particular operation but may be a concern that bears further investigation.

Right of Way/Easement Dedication - While the City cannot require a dedication of a right of way/easement for a proposed City service road in this case, the City can request and encourage that this commitment be memorialized in an agreement approved by both parties. The City would be negligent if they did not secure an agreement for the right of way/easement for a future road through the CST site prior to any development. The requested dedication would be an extension of Davenport Street north of 237th Ave. and through the CST site.

At a point in the future, the service road will be needed to access the property north of the CST project. The location requested by the City is the most logical alignment in terms of access to 237th Avenue and to serve the projected future traffic patterns through the Light Industrial zoned acreage. Provision of this road is also consistent with the City's Comprehensive Plan. CST has proposed to dedicate the right of way/easement, but their conditions are unacceptable to the City.

Summary:

While CST has submitted the information identified by the City's April 11, 2016 letter requesting additional information for the application and the application is considered complete terms of requirements of City Ordinance, there remain Staff concerns relating to the matters of noise, dust and water discharge. The need for further review and verification of some of these materials are beyond staff's expertise and may require a consultant to review their submittals.

It is the opinion of City Staff that the resolution of the right of way for a future frontage/backage road should be resolved prior to the approval of the Site Review Plan. This Staff recommendation is based on the need for future access to the properties north of the CST site and to remain consistent with the City's Comprehensive Plan.

A petition requesting an EAW for the project was submitted by a group representing the neighbors along 237th Ave.

As previously talked about this evening, Ms. Winter confirmed that the City did receive the petition and that a letter was received today from the Environmental Quality Board regarding the petition. Ms. Winter read, "The Environmental Quality Board has received a petition requesting that an EAW be prepared on the project described in the petition and has determined that the City of East Bethel is the appropriate governmental unit to decide the need for an EAW. The requirements for an environmental review, including the preparation of an EAW can be found in MN Rules Chapter 4410. The procedure to be followed in making an EAW decision are set forth in part 4410-1100." Ms. Winter said the letter went on to say that, "you're allowed up to 30 working days, Saturdays, Sundays, and holidays do not count, for your decision if it will be made by a council board or other body which meets only periodically or 15 working days if it will be made by a single individual. You may request an extra 15 days from the Environmental Quality Board if the

decision will be made by an individual.” Ms. Winter stated that the City Council will be making that decision, not an individual. Chair Plaisance asked when the next City Council meeting would be that the Council would address needing an EAW. Ms. Winter did not know if the date was determined yet, as the letter was just received today.

Staff is of the opinion that the issues relating to on-site containment of activities generated by CST, noise, odor and particulate matter, potential for ground water contamination in regards to storm water run-off and discharge and spills of product used in the dying process and compliance with the City’s Comprehensive Plan relative to service roads may require further review before a recommendation can be offered for this request.

In addition, there may be other questions raised by the Planning Commission or the City Council regarding the Site Plan Review Application. These will be addressed as they are presented.

There were a multitude of attachments included in the packets: Site Plan, CST narrative, air emission calculation, dust control plan, noise assessment plan, Anoka County Highway Department review, comment and requirements, and Review request 2-16.

The Planning Commission has been sent all the information that City Council has received over the course of the last six weeks. This includes reports, videos, and photographs from interested residents.

The Planning Commission also received public comment on a concept plan for this project at its February 23, 2016 meeting and was provided an update of this matter at its March 22, 2016 meeting. Ms. Winter noted that at the March 22, 2016 meeting the Planning Commission did not take public comment, however, residents remained after meeting to talk with the commissioners.

Recommendation(s):

The Planning Commission may request additional time to analyze the material related to their charge of presenting a recommendation to City Council on this matter and may request additional meeting(s) and/or information necessary to conduct their review and develop a recommendation;

OR

The Planning Commission may conclude after deliberation of the matter at this meeting that there is adequate information available to act on this request.

Ms. Winter stated that based on the information received this morning, the first recommendation written above is the route the Planning Commission will have to take.

Staff requests that the Planning Commission complete a review of the material related to the CST Site Plan Review and provide a recommendation.

Ms. Winter displayed and reviewed in detail the CST Site Plan and overall layout plan for the site. The CST site is roughly 39 acres. Ms. Winter pointed out where the main building will be located, the location of the bagging facility, the bins that are part of the bagging facility operation, and the coloring equipment (which will sit outside), mulch piles, where the trucks will park, where the fuel station for the trucks was moved (which must meet the standards of and comply with the Fire Code for outside fuel storage), internal fire lanes which must remain open, the proposed dedicated road which CST is showing as its primary path, the route trucks will take to enter the site, two areas of pallet storage, two ponds on the east side which are part of CST's storm sewage system which will address runoff for the main area of the property, and one smaller pond located on the west side of the property which is also part of the storm sewage system that will address the runoff from the northwest area of the property, and gravel areas. The mulch piles, bagging facility, coloring equipment, and truck parking will be bituminous. Ms. Winter pointed out where curb and gutter will run along the front of the building, where berms will be located, where there will be a fence, two delineated wetlands, and land that will remain as is. She also pointed out the location of the nearest house to the operation.

Chair Plaisance read the following memo from Mr. Terry concerning his thoughts regarding CST:

“As I am unable to attend tonight's P & Z meeting, here are some thoughts regarding the CST proposal:

I was a Planning Commission member when we did the land use designation review for the Comprehensive Plan that included labeling the parcel in question “Light Industrial”. As it is adjacent to a residential neighborhood, the understanding was that a compatible use would be something in the order of a warehouse type building inside of which an activity such as assembling, storing, or creating a product may occur. In such an activity, even if an operation were conducted 24/7, the noise, dust, lights, etc. would all occur inside an enclosed, soundproof space. Thus the impact on a residential neighborhood would be very minimal.

The proposed use of CST is an operation that is largely conducted outdoors. The indoor activity is a very small element of its visual presence. The material is stored and moved continuously from outdoor locations. The proposed business intends to run well past normal business hours, with inevitable noise generation, even if efforts are taken to minimize it, by the movement of loaders. While the owner may be able to retreat from the business to a quiet home for rest after a hard days work, the neighborhood residents are being asked to find rest and comfort across from a business that is not entirely quiet even at 2 A.M. An evaluation of noise levels is presented that shows these to be well below tolerable limits. Yes, no neighbor is going to risk hearing loss due to CST activities. But as a quality of life issue, the presence of continual random machine sounds in the dead of night is not a reasonable imposition on

a residential neighborhood. Just on that basis I don't see this fitting in with the thoughts behind the land use designation. The business plan for CST calls for continued expansion. The issue of noise and all other concerns are only likely to increase, and to what extent is not yet clear.

There are environmental concerns regarding runoff water quality, airborne dust from heavy winds, the smell, and the effects on the water table. Locating this near a treasured ecological resource, The Cedar Creek Ecosystem Science Reserve is yet another cause for concern, and a reason to have an environmental assessment made prior to making a decision.

I do not know that we have come to an understanding of the safety concerns regarding the trucking presence and volume of traffic, and its impact on 237th St.

I had asked about the possibility of having the water supply taken from the holding pond rather than the ground water, as this would potentially alleviate some concerns. If this project were to move forward, I would like to see a serious plan developed to use that option, rather than crafted excuses as to why that may not be feasible.

Having visited the site, I found that a number of my concerns about noise levels and smell were not as bad as I had expected. However, for a large chunk of that visit the bagging operation had stopped apparently due to a machinery glitch, and so the main loader action had halted. Regardless, it was a short visit at one particular time of day and season, and prior to any proposed expansion of the business. I cannot say what the impact would be like day to day over months and years. I do know this; I would not want to have such an operation move in across the street from me.

If I were at the meeting, I don't think I could be convinced either that this is a good fit for that particular site, nor that enough reasonable concerns have been addressed yet to move forward with an approval. I think this business could work on a site that is away from residential properties and next to compatible uses, and that is already prepared for the increased truck traffic. The business and the service provided are a positive thing. It just needs to be done in a way that does not negatively impact the lives of those around it.

Thanks, Glenn Terry"

Ms. Winter noted that both Chad and Megan Toft, the owners of CST, were in attendance at tonight's meeting, along with Greg Stotko their general contractor, Todd Erickson their engineer, and Peter Coyle, their attorney.

Chair Plaisance said he did have questions, however, he preferred to hear initial reactions from the other commissioners' along with their comments, concerns, and questions first.

Mr. Holmes' comments, questions, concerns:

-The curb and gutter stops just north of the small pond then goes another 100' or so then starts again. Why isn't it connected? Ms. Winter noted that item was discussed earlier today as part of the review of staff comments and that there will probably be additional curb and gutter added. Mr. Holmes believes it should be connected.

- Fencing was to be on the south side and east side with no fencing on the north side, however, now it is on the north side only. Ms. Winter noted that on the south side it was always the berm that was the screening. Mr. Holmes said he knew that, but it still showed fencing on that side. Ms. Winter said that in the packet there was something that showed modeling for gates. Mr. Holmes brought it up because he believes the whole property should be fenced for safety reasons, especially if children were to get in and get stuck in a mulch pile. So for safety reasons Mr. Holmes would like the entire property fenced.

- On Sheet C4 on the northwest side of the gravel portion where pallets are stored, it shows runoff going north, but everything else goes toward the ponds. Why is that? Ms. Winter said the City Engineer looked at that and had concerns about the drainage and how that was going to be affected. Ms. Winter directed the commissioners' attention to the projected image showing catch basins that go south into the storm holding ponds.

- On the sheet C4, Key note #2 "Proposed rock construction entrance. Refer to detail 4/C5." There is no detail on 4/C5; Mr. Holmes would like to see that changed.

- On Sheet C5 it shows a pond outlet structure grate in the diagram, but doesn't show where it goes and what it entails. Ms. Winter again noted that the City Engineer has reviewed those plans and that they have gone back and forth several times with comments relative to the whole system. This is an outstanding issue in Ms. Winter's write-up.

- On Sheet D1 under notes it shows an infiltration rate of 0.8 in/hr. was used for the infiltration basin. This will be confirmed with a soil boring. Have soil borings have been done per sheet D1? Ms. Winter confirmed that borings have been done.

- When Mr. Holmes was at the existing facility, if he remembers correctly, the coloring bin was located closer to the bagging facility. So when the mulch was colored it went right onto a conveyor belt into the bagging facility. On sheet E1 it appears the bin is located further away from the bagging facility. How is the mulch going to be transported from the coloring bin to the bagging facility? Will a frontend loader be used; this is a concern to Mr. Holmes.

- Is the gravel that goes in the proposed future right of way or service road going to be the proper gravel for a service road? It should be class 5 or is it just going to be gravel? Ms. Winter stated that that is still in negotiation, however, CST has a requirement to meet for the type of gravel. In addition, the City is going to have minimum requirements for that to be an access.

Mr. Balfany's comments, questions, concerns:

- Concerns with noise emitted past the property. Yes, it was in the write-up, but there are ways around the trucking or their onsite equipment. If the trucks coming and going are going to have the back-up noises, it's still emitting noise

off the property as a part of the operations. It may be minor, but to Mr. Balfany it is still a part of emitted noise of the operations.

- If the right of way dedication is unacceptable, the Commission would like to see it made acceptable.
- Issue with hours of operation and running until 2:30 am outside. Mr. Balfany agrees with Glenn Terry that the City ordinances don't allow for it now and he doesn't see making an exception for it, let alone creating a precedence for anybody in the future. Ms. Winter stated that hours of operation are addressed in the City ordinances under construction only. The City refers back to the MPCA standard which is very generic. Mr. Balfany asked if that was in a previous packet that referred to certain hours. Ms. Winter said that may have been referring to the MPCA noise study for when they have decibels for daytime hours and nighttime hours.

Ms. Allenspach's comments, questions, concerns:

- The City Comprehensive Plan states that light industrial activities are limited to those that do not generate noise, odor, vibration or other discharge discernable from other areas. The noise, the odor...in her opinion this does not meet the light industrial ordinance.

Mr. Cornicelli's comments, questions, concerns:

Didn't have much to add beyond Mr. Terry's letter or what Sherry said. He appreciates Glenn's clarification on how that area was zoned originally and what the reason was; he had asked that question previously.

- One question was about the water use. Mr. Cornicelli did read the materials provided. One half million gallons of water used for bathroom and irrigation equates to the staff having almost 80 toilet flushes per day per person; so it seems that the water use is pretty high for individuals. One piece says it needs irrigation and another part says it doesn't need irrigation. Then there is the 1.7 million gallons a year against 1.3 million gallons a year. His real question was about the 20% annual growth that is predicted, is that annual growth in mulch, is that annual growth overall, so is that a 20% increase in water annually or is half the growth related to mulch and salt somewhere? Mr. Cornicelli is less concerned with the current use and more concerned with what it will be in 5-10 years as opposed to infiltrating naturally and realizing that crops take up x amount of water each. He thinks that the EAW will get to more questions that he has concerning water usage.

Ms. Bonin's comments, questions, concerns:

- Agrees with Glenn Terry's letter. She knows that this is a big issue. She doesn't know when the properties north of this area are going to be developed, but it seems to her that East Bethel does have land north of there that is not available right now, that would be a good fit for this business. But this particular parcel is not a good fit; it just doesn't fit north of a neighborhood.

Mr. Balfany agreed with Lorraine, however, he had one variation/comment to what she said – he agrees that it would be great not to be located next to a neighborhood, but a bigger concern is if that property to the north is zoned in the exact same way that this is, that locating there will be irrelevant. This

application needs to comply with the City ordinances and from what is being discussed, it doesn't sound like it is in compliance. As much as he'd like to see it located somewhere north and not next to neighborhood, if it doesn't fit here, it doesn't fit anywhere with that same zoning. Mr. Balfany wanted to clarify that point so it doesn't sound like they are saying, "Hey, just not in our backyard, not right next door, but..." Again, it has to fit the Code, that's really what the Commission is here to do to determine. He wants to give CST an honest chance and wants to make sure the residents understand that the Commission is taking what they have to say into consideration, but the Commission also has to be open minded to the future of the city. The Commission wants to be open minded to businesses, to let them know that the doors are open, and that East Bethel wants to work with them and work with companies like CST as long as they fit. That's the biggest key, if it fits.

Ms. Bonin stated that if East Bethel allows something that doesn't fit it is destroying the future of the city, because then they can't do what would fit there because it has already done something else. So East Bethel has to be very careful with making sure that it fits.

Chair Plaisance had thought that it would be nice if this was further north from where it's located. The fact of the matter is that there also has to be property up for sale in order for that to happen, and currently there is no property north of there that is for sale.

Chair Plaisance stated he was going to directly ask Mr. Toft some questions. He noted that Mr. Cornicelli did have an unanswered question if he'd like to address it to Mr. Toft or one of his representatives to do so. Mr. Cornicelli said he would wait until after the Chair asked his own questions.

Chair Plaisance's comments, questions, concerns:

- You state that you monitor temperatures of the mulch piles to insure they do not exceed limits that may promote spontaneous combustion. If these temperatures exceed these limits, what do you do to address this problem, what is the process and how often does this occur. Mr. Toft – Mulch piles are monitored in winter. Every other day a 6' rod is used to record the temperature in the morning before the shift starts. If the piles ever get too hot, they would be spread out to cool off. The only time the piles get big is in the winter when they are stockpiled. Chair Plaisance asked if a front loader is used to spread out the mulch pile in order to make it the right temperature. Mr. Toft - That is what would happen, that is what you would do to cool down the pile. However, he has never had to do that because he's never had a mulch pile hot enough.

- Road restrictions on County Road are 7 tons during the late winter-early spring period that regulate weight limitations. These restrictions can be imposed as early as the last of February-first of March and may not be lifted until mid-May, depending on the frost depths and weather conditions. How do you plan to handle your shipments of your product during this period which

can last for up to 2 months? Mr. Toft – This has been addressed with ACHD.

- You have stated that some of your pallets are chipped and processed as mulch. Mr. Toft – No. Chair Plaisance asked if they did that at all. Mr. Toft – No.

- Will there be a concentration of idling trucks at any time that can produce substantial diesel emissions and was this factored into your statement that addressed noise issues? Mr. Toft – Only have 14 trucks at this point. All the trucks are within three years old and meet California emissions standards. Trucks leave at different times varying from 5-8 in the morning. The trucks do not all leave at the same time.

- Are odor issues of the mulch piles directly related to outside temperatures and if so, what amounts of mulch storage are present on the site during May through September? Mr. Toft – No on the smell. Start time of dying the mulch is usually in spring and what month depends on the weather conditions. If it is warmer in March they will start then, or if it is cooler and there is snow in April, they will start later. Usually by the second or third week of June dying is pretty much down to zero; not completely zero, but material rotates in and out in the same week.

- There have been a number of reports prepared from other states that indicate of potential links between mulch operations and health issues, particularly those that relate to respiratory illnesses. Can you verify that your product and process poses no health concerns for the surrounding area of the proposed site in East Bethel? Mr. Toft – Can't speak for other companies. Chair Plaisance said fair enough, but that he is asking about CST. Mr. Toft – He has not had any issues or anything like that.

- Should this be approved, what is your maintenance schedule for the property regarding lawn and grounds maintenance on all the site, but particularly along County Road 24? Mr. Toft – Weekly? Mr. Todd Erickson, Project Engineer for EricksonCivil - The exterior of the site is planned with a slow growth fescue with an approximate 8" height growth that doesn't really have to be mowed more than 3-4 times per year. It is actually better if it is left natural so it looks like the first rough on a golf course, so it just lays over and naturally re-seeds itself. It's a nice, natural looking product.

Ms. Bonin asked how high the berm will be. Mr. Erickson - It is designed to be 8 feet tall. Mulch piles are 25 feet at their maximum height. The trees that they have planned are designated for planting on top of the berm, so it could exceed 30 feet eventually.

Mr. Balfany asked where the mulch piles would be moved to if it was necessary to cool them down and would that exceed the fire code for the height, width, length. Looking at the site plan there are four pads which he assumed are scaled to be the 25' height, 150' in width, and 250' in length. By spreading out a mulch pile would it exceed the fire code specifics? Mr.

Erickson – It would be a temporary condition at most, because (unclear what was said) interim period of time depending on the operations the winter mulch pile may or may not be (unclear what was said). Mr. Balfany said that was his question – if the mulch pile is already to the max, by expanding it doesn't it go beyond what the Fire Chief determined to be an adequate size. Mr. Erickson – The mulch piles are actually quite a bit smaller because they are surrounded by fire lanes. Mr. Balfany stated that is why he was asking because if down the road it came to that they would need to account for space for that and still be within code.

- You have stated that you would employ a second shift that operates from the hours of 4 pm to 2:30 am Monday through Thursday. How would you address the noise issues generated during this shift to ensure they are contained on the site and do not impact surrounding areas? Mr. Toft – All the noise by the production shift is done inside with one wheel loader running outside. Chair Plaisance said that is one of his concerns. The actual bagging itself is inside and when he went to the CST site he appreciated that fact that it was indoors and the sound was mitigated. However, the front loader was outside grabbing the mulch and that is, from his understanding, required in order to bring the mulch in to keep that bagging process running. Chair Plaisance asked if that was correct. Mr. Toft – They did a noise study and CST fell below noise levels. Chair Plaisance said true, but that CST was anticipating growth of the business and should it locate in East Bethel... Mr. Toft - The anticipated growth is not with the mulch part of the business. Chair Plaisance asked how they would handle the need for increased storage, as well for mulch piles and pallets if CST continues to grow. Mr. Toft – He has no further needs than what is already there. Chair Plaisance asked, “So then you don't anticipate growing?” Mr. Toft – CST just runs more efficient with another production line in. Chair Plaisance asked if Mr. Toft is talking about weekend and overnight shifts. Chair Plaisance said he likes to see businesses grow and succeed, but then he asked how CST is going to go about it. Will CST need more property to expand the business and if Mr. Toft is not talking about expanding, how would he increase that productivity? Is CST looking to increase production by adding a third shift? Mr. Toft – No. Mulch is not the biggest part of his future growth. He currently supplies almost everyone in the area with mulch, so there isn't too much business to add to his production. Warehousing salt will be his future growth. (Question was asked) Mr. Toft – Rogers, the front building.

- Aside from your need for your truck fleet to distribute your mulch product and other products described in your narrative report, what other general or contract trucking business is performed by CST Transportation, Inc.? Mr. Toft – CST does trucking for other customers also. Chair Plaisance understands that CST will mostly be running production in the summer, does that mean CST will be running trucks during the winter as well as be a trucking location spot from this location? Mr. Toft – Yes. (Unable to hear what someone else said.) Chair Plaisance said he understands that CST runs the bagging of mulch from March/April until late fall and that he assumes the trucks are used for business beyond that. Mr. Toft - Mulch is only 1/3 of the business with water softener

salt being the majority of his business. CST does trucking of salt for other companies and that goes year round, since people put salt in water softeners year round. Chair Plaisance asked if CST is leasing out its trucks. Mr. Toft – No, it is only CST salt.

- Will you be acceptable to the City's proposal for dedication of a right of way/easement for the service road that is proposed to extend the site along the Davenport Street alignment? Peter Coyle, Attorney for Larkin Hoffman Daly & Lindgren Ltd. - It has been confirmed to the City by letter that CST is willing to provide a firm contractual commitment to the City that the requested right of way would be provided to them, but the terms of that dedication that the City is referring to has not been finalized. Chair Plaisance asked for clarification that dedication is still be negotiated. Attorney Coyle – That is correct. It is worth noting for the Planning Commission's information that because CST is not going through a formal platting exercise, the most the City can do legally is make a request of this applicant. It is not a condition that can be legally imposed on an approval. If CST were going through a formal plat, then it would be a different discussion. But, nonetheless, CST is open to the idea of providing a commitment to the City that would preserve that right of way for its future use and that has been conveyed to the City in writing. Chair Plaisance said he was sure that they understand why the City would want to have that particular right of way because they are not just talking about this particular property, but if they were to consider the property that is to the north that is all light industrial...he thinks that as a city they should all be concerned the aesthetics of getting into that property and that is one of his biggest concerns. East Bethel is looking for growth in the City and he thinks that they would all like to see people share the tax base with them. In order to make that parcel attractive to other companies, he believes that is one of their concerns that this right of way would have to be a portion of this concern for the City to make this palatable for the City to go forward. That is why he asked his question. Attorney Coyle – CST is not opposing the request, they are negotiating what the terms of that request would look like and at the end of the day it would be CST's expectation that it would commit to the City contractually that that right of way would be available for its future use as a road when and if the City chooses to build that road.

Chair Plaisance had no further questions at that time.

Ms. Allenspach asked with regard future growth and the salt business, is the salt delivered to CST's site for storage and then it is trucked out to customers. Mr. Toft – It depends on certain customers; there are certain ways. Some of it is picked up by railheads at two different locations down in the cities. Only certain customers truck out of CST's facility and others out of where their railheads are located.

Mr. Holmes clarified that he is not on either side right now as it's too much to comprehend for the short time that they have had the information. Mr. Holmes made the statement that the City's light industrial definition probably fits this category. Does he think this is in the wrong spot? Probably. However, if it fits

the City's description the City needs to find what is right and what is wrong with that.

With regard to the noise, the Minnesota Noise Standards for an Industrial location for both day time and night time is between 75 and 80 decibels. He had a chart of miscellaneous items – a gas lawnmower is over 90, so if the City doesn't like the noise from a facility like this, don't run your lawnmowers. That seems asinine. Mr. Cornicelli said that people to run lawnmowers at 2:00 in the morning. Mr. Holmes said true, but during the day you shouldn't run your lawnmower and how goofy is that? Another chart that Mr. Holmes had showed CST's highest decibel level is about 77, so they are well within the industrial noise.

Mr. Holmes asked Mr. Toft where the wood mulch comes from and what other types of wood are used for the mulch. Mr. Toft - 1/3 of product comes from the Savannah Forest, which is composed of miscellaneous wood. The cypress wood used is from Florida, and the cedar wood is from British Columbia. Mr. Holmes asked because people are concerned about cancer and working with wood products. There are a lot of companies that do a lot of sawing and chipping and everything else and the guy standing right next to a saw eight hours a day and he doesn't get cancer. There are types of wood that people can't even touch.

Mr. Holmes talked about diesel fuel and how many trucks and trains use diesel fuel and all of a sudden CST is getting picked on because of the diesel fuel. He knows that CST went with the California specifications for emissions. Both sides are reaching and the City needs to look at it more logically than listening to the outreach of both sides.

Mr. Holmes asked Ms. Winter to verify that the construction working hours of 7 am to 8 pm are strictly construction hours. Ms. Winter will verify the Chapter Code for Mr. Holmes.

Mr. Balfany stated this is a lot of material for the Planning Commission to review and that it will look at all sides of it in terms of what is best for CST, the City, and residents.

Mr. Balfany did state that he knows noise does tend to be louder at night without any background noise, such as the highway and other traffic. Has there ever been a noise study done in evening hours? Ms. Winter noted there was a noise study included in the packet.

Mr. Cornicelli would like more clarification on the business growth plans and subsequent water use that would go with the growth. The way he reads the same paragraph says 20% yearly growth since starting in 2011 can't accommodate any future growth in either the mulch or distribution side. This explicitly implies that there is growth on the mulch side. They are talking about a static point in time when they need to be thinking about 10-15 years from now. The EAW will address this issue.

Mr. Holmes asked Mr. Toft about the coloring bin being further away on the site plan than at the Elk River location where the mulch went from the bin onto a conveyor belt into the bagging facility. Mr. Toft – No. Mulch is scooped up by a loader and put into a hopper bin on the backside of the building. Mr. Holmes verified that the plans show approximately the same distance. Mr. Toft – Yes.

Chair Plaisance stated that he realizes this is a sensitive subject and that the Commission is trying to comb through everything in order to be fair to the applicant and residents. He realizes that at some times it seems the questions are nitpicky, but on the other hand he thinks it would be failing the residents of East Bethel if the commissioners didn't ask the questions before making a decision. That is why the Commission goes through this process.

Chair Plaisance recommended the Planning Commission table this item until such time that the Commission has heard back from the City Council as to what is going to happen with an EAW then readdress this at a later time. By tabling this it will also give the Commission time to further review the packet and all the information presented; he would like additional time to review everything regardless of the EAW. **Chair Plaisance moved and Ms. Allenspach seconded to table this item.** Ms. Allenspach said she thought the recommendation was to request additional time to analyze the material. Ms. Winter said that this needs to be tabled due to the information that was received early in the day. Mr. Holmes said he thinks the Commission needs to come to a conclusion of the suspension of order of this item to within two weeks/three weeks/five weeks/20 weeks...there should be a time table of when the Commission meets back on this situation. Mr. Cornicelli said that is constrained by the 30 days. Ms. Winter clarified that it is constrained under the 60-100 days. Mr. Holmes understood that, but if they could do it within two weeks they should try and do it to try and speed up the process. Mr. Cornicelli stated he believes the City should take the time necessary to make the best decision. Mr. Cornicelli doesn't say that as a stalling tactic, but he sees things rushed all the time and it's never right. Mr. Holmes said he understood, but if the Commission does the 60 days, is it pushing the City Council into to the same type of problem? Mr. Cornicelli could not answer that question. That is Mr. Holmes concern since the City Council makes the final decision. Mr. Cornicelli thought that as a precautionary measure the Commission should take as much time as needed, whether it be 20 days or 60 days. **Motion carried.**

6. City Council Report

Mr. Harrington, City Council liaison reported:

- Council passed the Sauter Commercial Park 2nd Addition Final Plat development agreement.
- The 2015 audit was presented to City Council and the City is in good financial shape.
- Parks Commission 2016-2020 Capital Improvement Plan passed.
- Council passed the EPA AV proposal. That is for new audio/visual

equipment in Council Chambers. The price is approximately \$96,000, however, there will be no cost to taxpayers because it is being paid for with cable TV funds.

- Two new firefighters finished their probation, and Todd Bennett will be retiring after 20 some years with the Fire Department.

- Saturday, April 30 is Recycling day at Coon Lake Beach area from 8-12.

Ms. Winter noted that a special City Council meeting is scheduled for 7:00 pm on Wednesday, April 27, 2016 for the business retention expansion commencement meeting. This is a project that started a year ago working with the University of Minnesota and Conexus Energy, along with the East Bethel Chamber of Commerce. Tomorrow night's meeting is a culmination of what was done, review of the 44 businesses that were interviewed, and the three projects that were identified as Economic Development projects that the City will be working on.

7. Other Business

Mr. Holmes asked that the Planning Commission go through the City sign ordinance very soon, as there are some illegal items in the City.

Mr. Balfany confirmed with Ms. Winter that the last 10 pages in the packet were for information only based on last month's discussion on violations. Ms. Winter said that was correct.

8. Adjourn

Mr. Holmes moved and Mr. Balfany seconded to adjourn at 8:41 pm. Motion carried.

Respectfully submitted,

Gail Gessner, Recording Secretary
Submitted 5/3/16



City of East Bethel Planning Commission Agenda Information

Date:

May 24, 2016

Agenda Item Number:

Item 4.0

Agenda Item:

Public Hearing: Interim Use Permit (IUP) for Ms. Sara Stream to keep 6 chickens.

Requested Action:

Consider Granting an Interim Use Permit (IUP) for Ms. Stream to keep 6 chickens.

Background Information:

Owner/Property Location:

Ms. Stream
20856 Kissel St NE
East Bethel, MN 55011
PIN: 13-33-23-31-0007

Ms. Stream is requesting an IUP for farm animals for the keeping of six (6) chickens on the 1.99 acre parcel they own. The chickens will be housed in a chicken coop (5 ft. x 12 ft.) and have a 10 ft. x 12 ft. covered run which will be located 51 feet from the property line. This property is zoned Rural Residential. The City of East Bethel recently passed an ordinance related to chickens on properties between .5 and 3 acres in size. Per our City Code NO roosters are allowed to be kept on a property.

Zoning Code Sections:

Chapter 10. Article V – Farm Animals
ORDINANCE 51, THIRD SERIES

Recommendation(s):

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for keeping 6 chickens for Ms. Stream, located at 20856 Kissel St NE, East Bethel, MN 55011, PIN 13-33-23-31-0007 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 and Ordinance 51, Third Series
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 July 1, 2016. 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.

Attachments:

1. Attachment #1 – Draft of the potential IUP
2. Attachment #2 – Supportive/Background information
3. Attachment #3 – Aerial photo of the property
4. Attachment \$4 – Aerial photo indicating location of the property within East Bethel.

Planning Commission Action:

Motion by: _____ Second by: _____

Vote Yes: _____ Vote No: _____

No Action Required: _____

CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: June XX, 2016

Property Owner: Erik and Sara Stream
20856 Kissel St NE
East Bethel, MN 55011

Applicant: Sarah Stream
20856 Kissel St NE
East Bethel, MN 55011

Parcel Location: 20856 Kissel St NE
East Bethel, MN 55011

Parcel Number: 13-33-23-31-0007

Present Zoning District: RR – Rural Residential

IUP REQUEST: approval to keep no more than 6 chickens, with no roosters, at 20856 Kissel St NE, East Bethel, MN 55011.

PLANNING COMMISSION ACTION

A public hearing was held on May 24th, 2016 at which all interested parties had the opportunity to be heard. Planning Commission recommended approval of the IUP request.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on _____ and approved the IUP request with conditions.

DECISION

The City Council hereby grants the IUP to keep no more than 6 chickens and no roosters located at 20856 Kissel St NE, East Bethel, MN 55011, LOT 5 BLOCK 4 OAK BROOK ACRES, PIN 13-33-23-31-0007 subject to the following conditions:

CONDITIONS AND REQUIREMENTS

- 1) The ownership of the chickens shall meet the specific standards set forth in the city ordinance 51, Third Series: an ordinance amending Chapter 10 Animals, Article V Farm Animals, Section 10-151 Interim Use Permit (IUP) and Acreage Requirements for Domestic Farm Animals; Nondomestic Animals Prohibited, Exceptions
 - a) The use of the property shall be single-family residential;
 - b) The property shall contain one (1) detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;
 - c) Chickens shall not be kept inside the principal structure;
 - d) No person shall slaughter chickens on-site except when in an area of the property not visible to the public or adjoining properties;
 - e) Chicken coops and attached exercise pens shall be provided for all chickens;
 - f) Coops and pens shall be fully enclosed and constructed of durable weather resistant materials;
 - g) The floor area of the coop shall be a minimum of 2 sq/ft in area per chicken;
 - h) The floor area of the attached pen shall be a minimum of 6 sq/ft in area per chicken;
 - i) Coops and pens shall meet all setback requirements required of accessory structures;
 - j) Coops and pens shall be located in rear yards only;
 - k) Coops larger than 200 sq/ft in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design.
 - l) Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;
 - m) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings; All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis;
 - n) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of City of East Bethel
 - o) The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the Certificate of Compliance and the City Code.
 - p) No more than 6 chickens can be kept on lots between 0.5 acre and 3 acres in size.
 - q) No roosters shall be allowed on lots between 0.5 acre and 3 acres in size.
 - r) No chickens will be permitted on lots less 0.5 acres
 - s) An Interim Use Permit would be required for this use unless the property complies with Section 10-151, (j),
 - t) All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions
- 2) An Interim Use Permit Agreement must be signed and executed by the applicant(s) and notarized. An IUP Agreement must be signed and executed in order to be within compliance of the Chicken Ordinance. Failure to execute the IUP Agreement will result in the null and void of the IUP.
- 3) The IUP shall be for a term of three (3) years, expiring May 24th, 2019 at which time, the applicant will be required to renew their IUP.
- 4) Permit shall expire when:
 - a) The property is sold,

- b) The IUP expires, or
- c) Non-compliance of IUP conditions
- 5) All conditions must be met during time of scheduled or non-scheduled inspection(s) of the property or the IUP may be terminated.
- 6) Property owner shall have thirty (30) days to remove chickens upon expiration or termination of the IUP.
- 7) Property may be inspected and evaluated annually by city staff.
- 8) Violation of conditions and/or City Codes shall result in the revocation of the IUP.

DRAFT

May 1, 2016

Dear City of East Bethel,

Thank you so much for considering my application to have 6 hen chickens in East Bethel. Attached you will find the survey of our land. I have tried to map out where the chicken coop is. It is 51 feet from the property line and 173 feet from the home. The coop is in our backyard with the well being in our front yard. The chickens have a space 5 feet by 12. Inside the coop there are nesting boxes on the wall and roosts for them to sleep on at night. There is a run door for them that is locked every night. They have a covered fenced area that is 10*12. Their food is kept in plastic bins that are rodent proof. We use the manure to fertilize our garden which is behind the coop area. It is so neat to see the full circle of life when we feed our garden scraps to the chickens.

Attached you will also find pictures of my children with their chickens. It has been such a great learning experience for them. They now know where their breakfast comes from. They have learned the responsibility of having to feed, clean and collect eggs. But most importantly the chickens calm the kids down and they have really bonded with them.

Thank you, Sara Stream

A handwritten signature in cursive script, appearing to read "Sara Stream", with a long horizontal flourish extending to the right.

CERTIFICATE OF SURVEY

SWENSON LAND SURVEYING, INC.

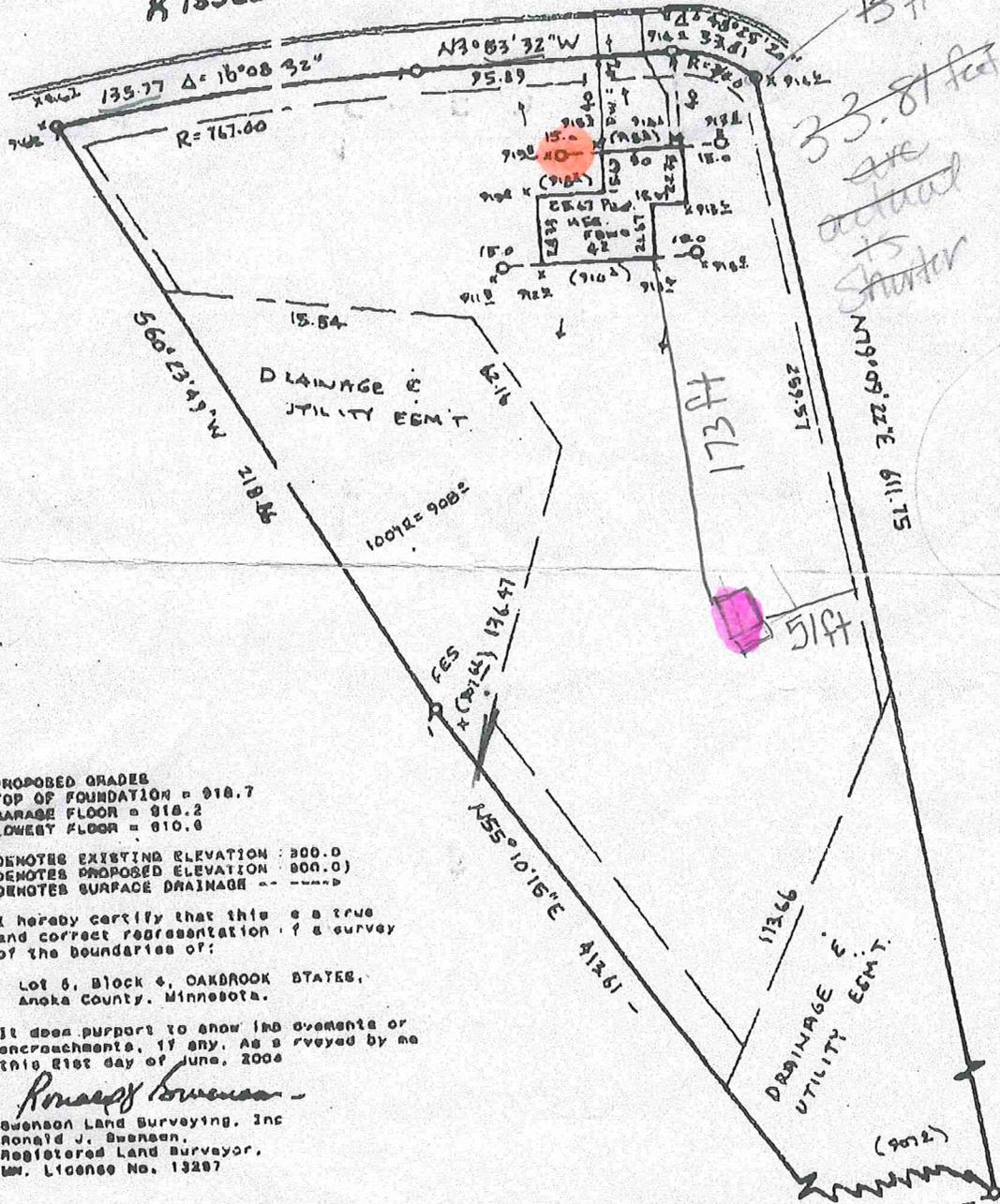
RONALD J. SWENSON
REGISTERED LAND SURVEYOR

14950 Waco Street
Ramsey, Minnesota 55303

TELEPHONE
(763) 427-1020

SURVEY FOR: **HERMAN:ION HOMES**
KISSEL ST. N.E.

● Denotes Iron Monuments Found
○ Denotes Iron Monuments Set
Scale 1 inch equals 50 feet
Book P.C. Page 4109
Invoice No. 4109



PROPOSED GRADES
TOP OF FOUNDATION = 918.7
GARAGE FLOOR = 918.2
LOWEST FLOOR = 910.0

DENOTES EXISTING ELEVATION : 900.0
DENOTES PROPOSED ELEVATION : 900.0
DENOTES SURFACE DRAINAGE

I hereby certify that this is a true and correct representation of a survey of the boundaries of:

Lot 6, Block 4, OAKBROOK STAGES,
Anoka County, Minnesota.

It does purport to show the covenants or encroachments, if any, as surveyed by me this 21st day of June, 2004

Ronald J. Swenson
Swenson Land Surveying, Inc
Ronald J. Swenson,
Registered Land Surveyor,
Mn. License No. 13297

Well
Chicken Coop

25ft Well
632



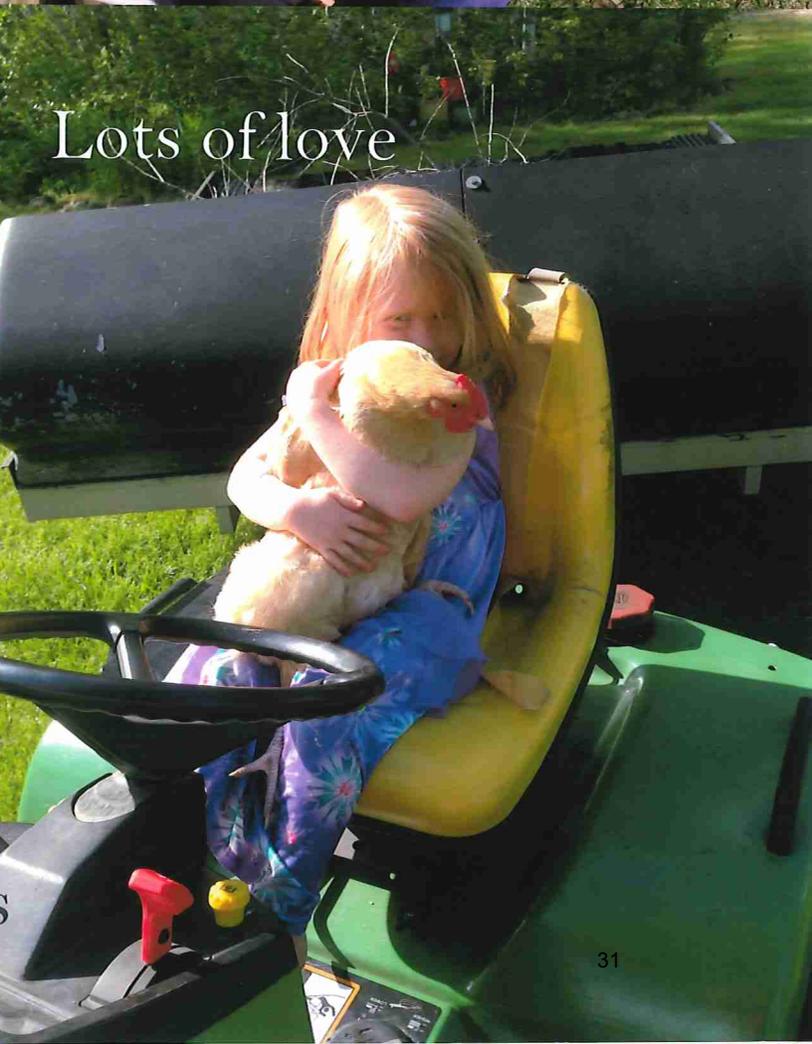
Izzy with her classroom bear, she shared pictures and taught them about collecting eggs.



Many friends have visited



We raised them from chicks



Lots of love



Parcel Information

PIN: 133323310007
Acres: 1.99

Owner Name: STREAM ERIK
Address1: 20856 KISSEL ST NE
Address 2: EAST BETHEL, MN 55011

Site Address1: 20856 KISSEL ST NE
Site Address 2: EAT BETHEL, MN 55011-9523
Zoning: RR
Shoreland: null

Legal: LOT 5 BLOCK 4 OAK BROOK
ACRES

1 in = 94 ft



May 4, 2016

Map Powered by DataLink
from WSB & Associates



Parcel Information

PIN: 133323310007
Acres: 1.99

Owner Name: STREAM ERIK
Address1: 20856 KISSEL ST NE
Address 2: EAST BETHEL, MN 55011

Site Address1: 20856 KISSEL ST NE
Site Address 2: EAT BETHEL, MN 55011-9523
Zoning: RR
Shoreland: null

Legal: LOT 5 BLOCK 4 OAK BROOK
ACRES

1 in = 3,009 ft



May 4, 2016

ORDINANCE 51, THIRD SERIES

AN ORDINANCE AMENDING CHAPTER 10 ANIMALS, ARTICLE V FARM ANIMALS, SECTION 10-151 INTERIM USE PERMIT (IUP) AND ACREAGE REQUIREMENTS FOR DOMESTIC FARM ANIMALS; NONDOMESTIC ANIMALS PROHIBITED, EXCEPTIONS

THE CITY OF EAST BETHEL ORDAINS:

Section 10-151 Interim Use Permit (IUP) and Acreage Requirements for Domestic Farm Animals; Nondomestic Animals Prohibited, Exceptions is amended by adding the following:

(3)

The use of the property shall be single-family residential;

- a. The property shall contain one (1) detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;
- b. Chickens shall not be kept inside the principal structure;
- c. No person shall slaughter chickens on-site except when in an area of the property not visible to the public or adjoining properties;
- d. Chicken coops and attached exercise pens shall be provided for all chickens;
- e. Coops and pens shall be fully enclosed and constructed of durable weather resistant materials;
- f. The floor area of the coop shall be a minimum of 2 sq/ft in area per chicken;
- g. The floor area of the attached pen shall be a minimum of 6 sq/ft in area per chicken;
- h. Coops and pens shall meet all setback requirements required of accessory structures;
- i. Coops and pens shall be located in rear yards only;
- j. Coops larger than 200 sq/ft in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design.
- k. Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;
- l. All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings; All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis;
- m. Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of City of East Bethel
- n. The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the Certificate of Compliance and the City Code.
- o. No more than 6 chickens can be kept on lots between 0.5 acre and 3 acres in size.
- p. No roosters shall be allowed on lots between 0.5 acre and 3 acres in size.
- q. No chickens will be permitted on lots less 0.5 acres
- r. An Interim Use Permit would be required for this use unless the property complies with Section 10-151, (j), (2)

- s. All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions

Adopted this 20th day of May, 2015 by the City Council of the City of East Bethel.

For the City:

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Administrator

Adopted: May 20, 2015
Published:
Effective:



City of East Bethel Planning Commission Agenda Information

Date:

May 24, 2016

Agenda Item Number:

Item 5.0

Agenda Item:

Public Hearing: Interim Use Permit to keep Farm Animals

Requested Action:

Consider Granting an Interim Use Permit (IUP) for Ms. Persons to keep Farm Animals

Background Information:

Owner/Property Location:

Ms. Persons
2630 196th Ave NE
East Bethel, MN 55011
PIN: 27-33-23-22-0004

Ms. Persons is requesting an IUP for farm animals for the keeping of up to 5 chickens on her property. In the future if Ms. Persons wishes to keep other farm animals on her property she will need to apply for a separate IUP.

The chickens will be housed in a chicken coop which will be located 125 feet from the property line. This property is zoned Rural Residential. The lot size is 6.44 acres.

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 chickens for Ms. Persons, located at 2630 196th Ave NE, East Bethel, MN 55011, PIN 27-33-23-22-0004 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 July 1, 2016. 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.

Attachments:

1. Attachment #1 – Draft of potential IUP
2. Attachment #2 – Supporting information
3. Attachment #3 – Aerial photo of the property
4. Attachment #4 – Aerial photo of the location of the property within East Bethel

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: June XX, 2016

Property Owner: Stacey Persons
2630 196th Ave NE
East Bethel, MN 55011

Applicant: Same

Parcel Location: 2630 196th Ave NE
East Bethel, MN 55011

Parcel Number: 27-33-23-22-0004

Present Zoning District: RR – Rural Residential

IUP REQUEST: approval to keep chickens at 2630 196th Ave NE, East Bethel, MN 55011.

PLANNING COMMISSION ACTION

A public hearing was held on May 24th, 2016 at which all interested parties had the opportunity to be heard. Planning Commission recommended approval of the IUP request.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on _____ and approved the IUP request with conditions.

DECISION

The City Council hereby grants the IUP to keep chickens located at 2630 196th Ave NE, East Bethel, MN 55011, LOT 4 BLK 1 PINE RIDGE ESTATES; SUBJ TO EASE OF REC, PIN 27-33-23-22-0004 subject to the following conditions:

CONDITIONS AND REQUIREMENTS

- 1) The ownership of the chickens shall meet the specific standards set forth in the city ordinance 51, Third Series: an ordinance amending Chapter 10 Animals, Article V Farm Animals, Section 10-151 Interim Use Permit (IUP) and Acreage Requirements for Domestic Farm Animals; Nondomestic Animals Prohibited, Exceptions
 - a) The use of the property shall be single-family residential;
 - b) The property shall contain one (1) detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;
 - c) Chickens shall not be kept inside the principal structure;
 - d) No person shall slaughter chickens on-site except when in an area of the property not visible to the public or adjoining properties;
 - e) Chicken coops and attached exercise pens shall be provided for all chickens;
 - f) Coops and pens shall be fully enclosed and constructed of durable weather resistant materials;
 - g) The floor area of the coop shall be a minimum of 2 sq/ft in area per chicken;
 - h) The floor area of the attached pen shall be a minimum of 6 sq/ft in area per chicken;
 - i) Coops and pens shall meet all setback requirements required of accessory structures;
 - j) Coops and pens shall be located in rear yards only;
 - k) Coops larger than 200 sq/ft in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design.
 - l) Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;
 - m) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings; All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis;
 - n) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of City of East Bethel
 - o) The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the Certificate of Compliance and the City Code.
 - p) No more than 6 chickens can be kept on lots between 0.5 acre and 3 acres in size.
 - q) No roosters shall be allowed on lots between 0.5 acre and 3 acres in size.
 - r) No chickens will be permitted on lots less 0.5 acres
 - s) An Interim Use Permit would be required for this use unless the property complies with Section 10-151, (j),
 - t) All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions
- 2) An Interim Use Permit Agreement must be signed and executed by the applicant(s) and notarized. An IUP Agreement must be signed and executed in order to be within compliance of the Chicken Ordinance. Failure to execute the IUP Agreement will result in the null and void of the IUP.
- 3) The IUP shall be for a term of three (3) years, expiring May 24th, 2019 at which time, the applicant will be required to renew their IUP.
- 4) Permit shall expire when:
 - a) The property is sold,

- b) The IUP expires, or
- c) Non-compliance of IUP conditions
- 5) All conditions must be met during time of scheduled or non-scheduled inspection(s) of the property or the IUP may be terminated.
- 6) Property owner shall have thirty (30) days to remove chickens upon expiration or termination of the IUP.
- 7) Property may be inspected and evaluated annually by city staff.
- 8) Violation of conditions and/or City Codes shall result in the revocation of the IUP.

DRAFT

Stacey Persons IUP Application Information

2630 196th Ave NE

Acres: 6.44 acres

Zoning: Rural Residential

Shoreland district: No

| Kennel | Chickens | Farm Animals |
|---|--|--|
| <p>Fence: Waiting for Spring road restrictions for the dirt to be disbursed for grading purposes prior to fencing. Does not need a fence permit for a fence under 6 feet.</p> <p>Rabies: see attached</p> <p>Outside: Dogs are put on cable chains when they go outside</p> <p>Kennels: Kennels Great Dane when at work, 1 large kennel</p> <p>Number of dogs: Has 2 dogs now, but looking to possibly get more and also breed</p> | <p>Number of Chickens: 3-5 and potentially more</p> <p>Will not butcher on-site</p> <p>Location of coop is indicated in drawing</p> | <p>Interested in owning cows and possibly goats.</p> |



Parcel Information

PIN# 273323220004
 Acres: 6.44

Owner Name: SAASTAD MARK A & BAMBI
 Address 1: 5751 7TH ST NE
 Address 2: EAST BETHEL, MN 55011

Site Address 1:
 Site Address 2: EAT BETHEL, MN 55011-9523
 Zoning: RR
 Shoreland: Null

Legal: LOT 4 BLK 1 PINE RIDGE
 ESTATES; SUBJ TO EASE OF REC

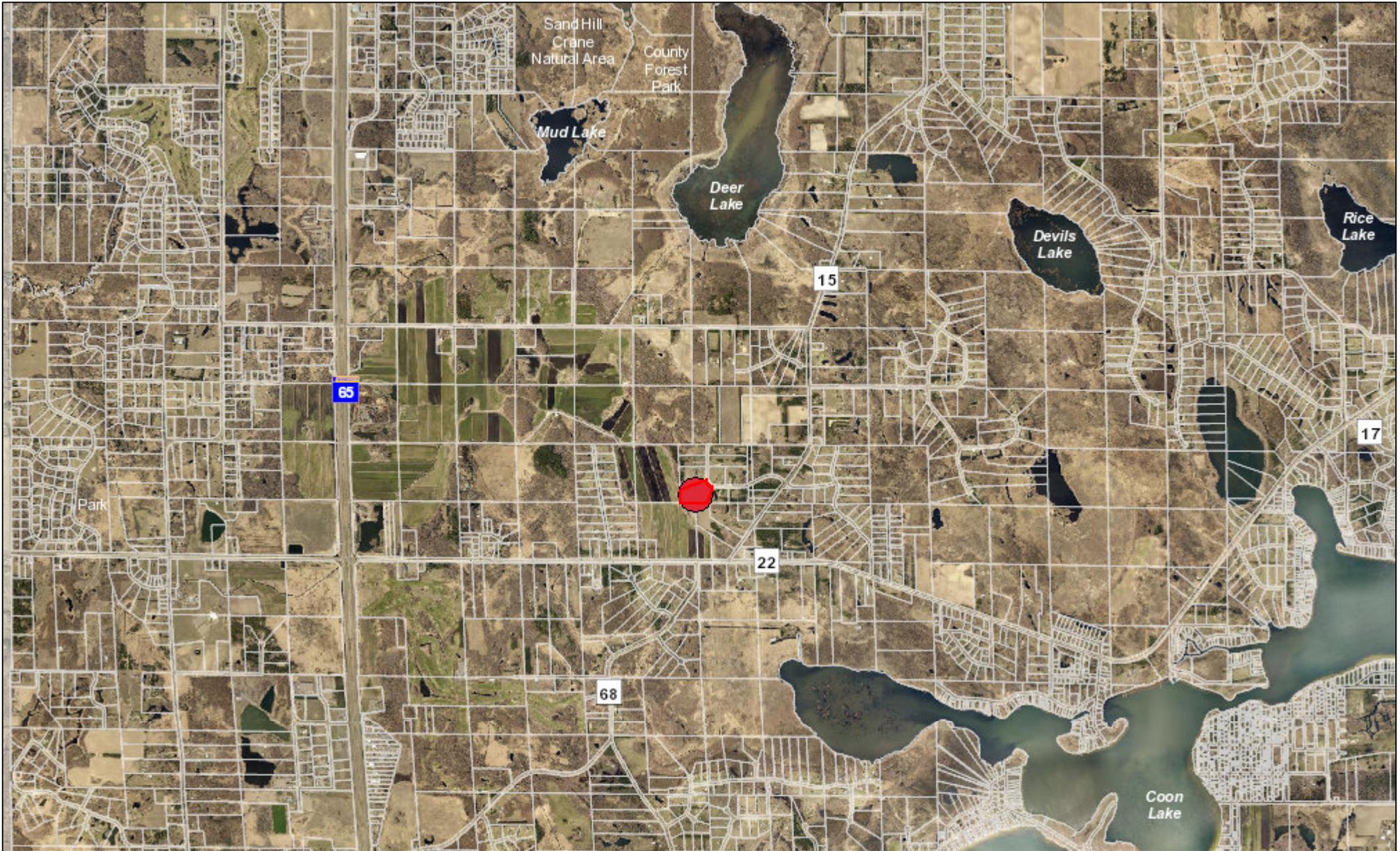
1 in = 94 ft



March 29, 2016

Map Powered by DataLink
 from MSP & Associates

2630 196th Ave NE



1 in = 3,009 ft





City of East Bethel Planning Commission Agenda Information

Date:

May 24, 2016

Agenda Item Number:

6.0

Agenda Item:

Public Hearing: Interim Use Permit for a Private Kennel License

Requested Action:

Consider Granting an Interim Use Permit (IUP) for Ms. Stacy Persons for a Private Kennel License

Background Information:

Owner/Property Location:

Stacey Persons
2630 196th Ave NE
East Bethel, MN 55011
PIN: 27-33-23-22-0004

Ms. Persons is requesting an IUP for a private kennel license for the keeping of six (6) dogs on the 6.44 acre parcel she owns. Currently, she has one (1) Great Dane and one (1) Golden Retriever. The dogs are kept in a fenced in area in the backyard. The dogs have proof of rabies vaccination and are currently licensed with the city.

East Bethel City Code Chapter 10, Article II. Dogs, allows up to six (6) dogs on parcels five (5) acres or more but less than ten (10) acres with an approved private kennel license. Code requires dogs be confined to the property, outdoor housing facilities must not encroach on any setbacks, housing and shelter must be provided, feces shall be removed in a timely manner, and accumulation of feces must not be located within 200 feet for any well.

The following conditions are mandatory for the issuance of a private kennel license:

1. Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.
2. Dogs shall be confined to their own property by a provable means.
3. Housing and shelter must be provided which will keep animals comfortable and protected from the elements.
4. Accumulations of feces shall be located at least 200 feet from any well.
5. All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.
6. All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.
7. The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.
8. Kennels shall be considered an accessory structure for setback purposes.

Fiscal Impact:

Not Applicable

Zoning Code Sections:

Chapter 10. Article 2. Division 2. Section 10-55: Conditions for issuance of a private kennel license.

Recommendation(s):

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP/Private Kennel License for no more than six (6) dogs for Ms. Persons, located at 2630 196th Ave NE, East Bethel, MN 5501; PIN: 27-33-23-22-0004; Zoning Rural residential subject to the following conditions:

1. An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City.
2. Applicants must comply with City Code Chapter 10, Division II, Dogs.
3. Permit shall expire when:
 - a. The property is sold,
 - b. The IUP expires, or
 - c. Non-compliance of IUP conditions
5. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.
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.

Attachments:

1. Location Map
2. IUP draft

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: June XX, 2016

Property Owner: Stacey Persons
2630 196th Ave NE
East Bethel, MN 55011

Applicant: Same

Parcel Location: 2630 196th Ave NE
East Bethel, MN 55011

Parcel Number: 27-33-23-22-0004

Present Zoning District: RR – Rural Residential

IUP REQUEST: approval of a Private Kennel for 6 dogs at 2630 196th Ave NE, East Bethel, MN 55011.

PLANNING COMMISSION ACTION

A public hearing was held on May 24th, 2016 at which all interested parties had the opportunity to be heard. Planning Commission recommended approval of the IUP request.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on _____ and approved the IUP request with conditions.

DECISION

The City Council hereby grants the IUP for a Private Kennel located at 630 196th Ave NE, East Bethel, MN 55011, PIN 27-33-23-22-0004 subject to the following conditions:

CONDITIONS AND REQUIREMENTS

1. The private kennel shall meet the specific Private Kennel standards set forth in the City Code Chapter 10. Article 2. Division 2. Section 10-55: Conditions for issuance of a private kennel license.

- a. Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.
 - b. Dogs shall be confined to their own property by a provable means.
 - c. Housing and shelter must be provided which will keep animals comfortable and protected from the elements.
 - d. Accumulations of feces shall be located at least 200 feet from any well.
 - e. All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.
 - f. All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.
 - g. The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.
 - h. Kennels shall be considered an accessory structure for setback purposes.
2. An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City.
3. Permit shall expire when:
 - a. The property is sold,
 - b. The IUP expires, or
 - c. Non-compliance of IUP conditions
4. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.
5. Property will be inspected and evaluated annually by city staff.
6. Violation of conditions and City Codes shall result in the revocation of the IUP.
7. The IUP shall be for a term of three (3) years, expiring XXX, 2019, at which time, the applicant will be required to re-apply for an IUP.
8. An IUP Agreement shall be signed and executed no later than July 1st. Failure to execute the IUP Agreement will result in the null and void of the IUP. All conditions must be met no later than July 31st.



Andover Animal Hospital
1574 154th Avenue Suite 108
Andover, MN 55304
(763) 434-3933

Reminder Status Report

(Date Printed: Tuesday, March 29, 2016)

Stacey Persons (#2410)

2064 141st Ln NE
Ham Lake, MN 55304

Cell Phone Number: (763) 479-9674

Home Phone: (763) 479-9996

Tucker (#F)

Breed: Golden Retriever
Microchip #: 985112005792143
Rabies Serial Number: 18252
Sex: MN
Tattoo #:
Age: 2 years old

Coat Color: Cream
Rabies Brand Name: Imrab-3
Rabies Tag Number: 13583
Species: Canine
Weight: 66.4000 lbs.

Vaccines and Reminders

| | DUE DATE | PERFORM... |
|---------------------------|------------|------------|
| Fecal Test | 7/25/2015 | 7/25/2014 |
| Bravecto Flea/Tick Tablet | 8/17/2015 | 5/19/2015 |
| Heartworm Test | 5/18/2016 | 5/19/2015 |
| Bordetella | 10/28/2016 | 10/29/2015 |
| Rabies | 7/31/2018 | 8/1/2015 |

| | DUE DATE | PERFORM... |
|--------------|------------|------------|
| Lyme-Nobivac | 8/17/2015 | 8/17/2014 |
| Proheart 6 | 4/26/2016 | 10/29/2015 |
| Annual Exam | 7/31/2016 | 8/1/2015 |
| Distemper | 10/28/2016 | 10/29/2015 |

Raja (#G)

Breed: Great Dane
Microchip #: 985112004833457
Rabies Serial Number: 18262
Sex: FS
Tattoo #:
Age: 1 year and 11 months old

Coat Color: Black/White
Rabies Brand Name: Imrab-3
Rabies Tag Number: 13512
Species: Canine
Weight: 100.4000 lbs.

Vaccines and Reminders

| | DUE DATE | PERFORM... |
|---------------------------|-----------|------------|
| Bravecto Flea/Tick Tablet | 8/17/2015 | 5/19/2015 |
| Heartworm Test | 5/18/2016 | 5/19/2015 |
| Bordetella | 9/19/2016 | 9/20/2015 |
| Fecal Test | 2/28/2017 | 2/29/2016 |

| | DUE DATE | PERFORM... |
|-------------|------------|------------|
| Proheart 6 | 11/15/2015 | 5/19/2015 |
| Annual Exam | 9/19/2016 | 9/20/2015 |
| Distemper | 9/19/2016 | 9/20/2015 |
| Rabies | 9/19/2018 | 9/20/2015 |



City of East Bethel Planning Commission Agenda Information

Date:

May 24, 2016

Agenda Item Number:

Item 7.0

Agenda Item:

Discussion regarding changes to Appendix A, Zoning Ordinance

Requested Action:

Review and comment relating to proposed changes

Background Information:

In January 2016, City Staff met with Chad and Megan Toft, CST Companies, LLC to discuss their interest in relocating and consolidating their business operations in East Bethel, Minnesota on the Mike Wyatt property, 23805 Highway 65 NE in an area zoned Light Industrial. Based on the information provided by CST at that time, the business fell under the following categories in the Light Industrial District:

- Office
- Warehouse and Distribution
- Manufacturing

In 2016-2017 the City of East Bethel will be completing a Comprehensive Plan update and as part of that process there will be an update to the Zoning Ordinance. In the meantime, City staff is requesting that the Planning Commission review and consider changes to the following areas of the Zoning Ordinance.

- Light Industrial – permitted and conditional uses
- Exterior Storage – additional clarification and changes
- Screening – additional language
- Definitions – additional language

The changes as proposed do not change the overall Comprehensive Plan for the City, but are intended to align the existing Zoning ordinance with the existing Comprehensive plan. These items are discussion only at this time and will be the background and framework for a proposed work session with the City Council on June 8, 2016. Any changes that are made will be interim in nature. As we begin the discussions related to the upcoming Comprehensive Plan, other categories such a Medium Industrial, Transition Industrial, Mixed use Industrial/Commercial may all be considered as part of the Comprehensive Plan update.

City Code, Appendix A, Zoning, Section 48, Light Industrial was adopted in 2007. Due to a previous City Moratorium on all development in the Hwy. 65 Corridor, the recessionary period of 2009 -2012 accompanied by the associated slow recovery from this economic downturn and the City’s geographic location in relation to the surrounding and immediate market areas of Blaine, Forest Lake and Cambridge, commercial and industrial development in East Bethel has been dormant since 2008.

As a result, the application of the Light Industrial section of the City Code has never been used to evaluate a proposed use within this zoning designation. A proposal by CST Companies to locate in the

City has been the first test of this section of the City Code and, as such, revealed a number of material weaknesses in our Ordinance.

Staff is of the opinion that amendments are needed to this section of the Zoning Ordinance to remove the existing ambiguities that currently permit most any activity. A proposed revision would only be an interim modification and a final review of this section would be performed during the 2017 preparation of the Comprehensive Plan. This change would provide protection from uses which may be inconsistent with the Comprehensive Plan and beyond the objective of the intended goal of this portion of the Ordinance.

The proposed changes include but not limited to:

Section 48 – Light Industrial District

Purpose – Added language better defining uses in this zoning category.

Permitted Uses – Added Manufacturing, light; Brewery/taprooms, Retail sales, Repair services

Permitted uses eliminated – eliminated Medical Science uses, Recreation Public, Wholesaling, Adult uses, Self service storage, Construction sales and services

Accessory Uses, added as category – included fuel tanks

Conditional Uses – Adult Uses, Construction sales and services, Maintenance facilities, Exterior storage, Telecommunication facilities, Mining.

Prohibited Uses – Added in category

Clean up and clarification of other language

Section 23 – Screening Regulations

Changed Item H to make it clearer

Section 24 – Exterior Storage

Exterior Storage is a Conditional Use permit in both the Light Industrial (I1) and Highway Business (B3) Districts

Proposed changes to the amount of square footage for exterior storage and height regulations; Language included for construction yards

Exterior Display, Prohibited Storage, Parking all separate categories.

Added language for semi trucks and construction yards

Section 9 – Definitions

Added language for Manufacturing, light

Attachments:

Attachment 1 – Section 48 Light Industrial District Proposed changes

Attachment 2 – Section 24 Proposed changes

Attachment 3 – Section 23 Proposed changes

Attachment 4 – Section 9 Proposed changes

Fiscal Impact:

Not determined

Recommendation(s):

Discussion only.

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

SECTION 48. - LIGHT INDUSTRIAL (I) DISTRICT

1. - ~~Purpose.~~ PURPOSE

The light industrial (I) district is intended and designed to provide areas of the city suitable for activities and uses that are commercial and general services related and/or of a light industrial nature. ~~It is further intended that light industrial and related commercial uses be the predominate use of land within the light industrial district.~~ The Light Industrial District is intended and designed to provide areas of the City suitable for activities and uses that are industrial in nature. Industrial uses within this district are limited to those that do not generate noise, odor, vibration, or other discharge discernable from areas outside the parcel on which the use is located. This category is aimed towards industrial uses that are lower in intensity of activity such as offices, warehousing, research laboratories, and light manufacturing.

2. - ~~Permitted uses.~~ PERMITTED USES

- A. Uses allowed in the B-2 and B-3 districts.
- B. Industrial condominium/multi-tenant structure.
- C. Manufacturing, light – excluding those uses that generate any discernable discharge that cannot be maintained on the site and any use that requires any outside manufacturing activities-
- D. ~~Medical science uses.~~
- E. Office.
- F. Brewery and taproom as regulated under Section _____
- G. Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than twenty five (25) percent of the building is used for retail space.
- F. ~~Recreation—Public.~~
- G.H. Research facility.
- H.I. Warehousing and distribution.
- I. ~~Wholesaling.~~
- J. ~~Adult uses.~~
- K. ~~Self-service storage.~~
- L. ~~Construction sales and service.~~
- M. ~~Motor vehicle service station with minor or major repairs.~~
- J. Repair services, except for businesses related to passenger vehicles and trucks

~~NK.~~ Essential services, government.

~~OL.~~ Other similar uses to those permitted in this section as determined by the ~~zoning administrator.~~
Planning Commission and approved by the City Council

3. - ~~Accessory uses.~~ ACCESSORY USES

~~A.~~ A.—Trash enclosure service structure.

~~B.~~ B. Fuel tanks as regulated by the Uniform Fire code

~~C.~~ B.—Other uses customarily associated with a permitted use as determined by the Planning Commission and approved by the city council~~City Council~~~~Council~~.

4. - ~~Conditional uses.~~ CONDITIONAL USES

~~A.~~ A. Adult Uses – as regulated under Section 10-5

~~B.~~ B. Construction sales and services

~~C.~~ C. Maintenance facilities directly associated with the primary business and contained inside the principal structure.

~~D.~~ D. Exterior storage as regulated under Section 24

~~E.~~ E. Two or more buildings on same lot provided such buildings relate to the Permitted use -and meeting the requirements of the Minnesota State Building Code.

~~A.~~ Detached accessory structure.

~~B.~~ Place of worship.

~~C.~~ Daycare facility—Licensed.

~~DF.~~ Essential services—Utility substations.

~~EG.~~ kennel, commercial as regulated under East Bethel Code of Ordinances, Chapter 10-

~~FH.~~ Commercial and public radio and television transmission and public utility microwave antenna.

~~I.~~ I. Telecommunication facilities as regulated under Section 16

~~G.~~ Residential care facility—Serving seven or more persons.

~~H.~~ Nursing home.

~~I.~~ School, specialty.

~~J.~~ Drive thru services.

~~K.~~ Recreation—Commercial.

~~LJ.~~ Other similar uses to those permitted in this section as determined by the ~~planning commission~~Planning Commission and ~~city council~~City Council.

5. - Interim uses.

~~A.~~ A. Grading activities that move more than 1,000 cubic yards of material per acre. Mining activities as regulated under Chapter 26, Article V.

B. Other uses similar to those permitted in this section as determined by the ~~planning commission~~Planning Commission and ~~city council~~City Council .

~~C. Communication tower.~~

6. - ~~Certificate of compliance.~~

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

A. Prohibited Uses

B. Trucking Terminals

C. Slaughterhouses

D. Recycling centers

E. Auto reduction yards

F. Impound lots

7. - Development regulations.

A. *Minimum lot requirements:*

| | | | |
|----|------------------------|-------------------------|--------------------|
| 1) | Lot area: | | |
| | a) | Without sewer and water | 10 acres |
| | b) | With sewer and water | 1 acre |
| 2) | Lot width | | 150 feet |
| 3) | Minimum buildable area | | 23,000 square feet |

B. *Setbacks:*

| | | | |
|----|-------------|------------------------|----------|
| 1) | Front yard: | | |
| | a) | Local/collector street | 40 feet |
| | b) | Arterial street | 50 feet |
| | c) | State/county street | 100 feet |

| | | |
|----|-----------|--|
| 2) | Side yard | 10 feet |
| 3) | Rear yard | 25 feet, except 60 feet if abutting a residential district |

C. *Maximum building height:* ~~Measured to the eave, maximum height of three stories or 30 feet, whichever is less.~~ 50 feet from ground level.

Minimum building size – 5,000 square feet.

D. *Maximum lot coverage:* 80 percent.

E. All uses shall comply with all other sections of the East Bethel City Code and be consistent with the City Comprehensive Plan.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

SECTION 24. - EXTERIOR STORAGE

1. - Exemptions.

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

2. - Inoperable vehicles and refuse materials.

- A. Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

3. - A, RR, R-1, and R-2 residential districts.

- A. All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - ~~1. 1)~~ Play and recreational equipment.
 - ~~2. 2)~~ Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
 - ~~3. 3)~~ Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. A maximum of five motor vehicles, or recreational vehicles, or boat/trailer combinations, or snowmobile/trailer combinations, or items of lawn equipment, or items of construction equipment with a weight limit of 20,000 GVWR, or other equipment or trailers, or any combination thereof, may be stored outside of structures at any time. The storage of recreational

vehicles, items of equipment, or trailers must be on the driveway of the residence or within an outside storage area located in a side or rear yard. The storage area shall be screened from the public right-of-way and from adjacent lots. Motor vehicles stored outside on a designated driveway must maintain and display current licensing and registration and must be operational and roadworthy.

- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

4. - I district.

A. Exterior Storage is permitted in I-1 districts as a Conditional Use permit and subject to the following conditions:

- 1. A.—Exterior storage shall be limited to the rear yard and an area occupying no more than 50 percent of the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
- 2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.
- 3. Exterior storage cannot exceed 12 feet in height
- 4. Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and occupying no more than 50 percent of the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier.

—Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.

- 1. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].

- 2. C.—All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

C. Exterior Display in I-1 districts.

- 1. D.—The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.

~~2. E.~~—Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.

~~3. F.~~—Additional parking spaces shall be provided based upon the exterior display and sale area.

D. Prohibited storage

~~1. G.~~—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

E. Parking

—

~~H.~~—Up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.

~~1.~~

2. Semi trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

5. - B-3 district.

A. Exterior Storage is permitted in B-3 districts as a Conditional Use permit and subject to the following conditions:

1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.

3. Exterior storage cannot exceed 12 feet in height

B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.

—

1. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].

~~2. C.~~—All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

C. Exterior Display in B-3 districts.

1. ~~D.~~—The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.

~~2. E.—Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.~~

~~3. F.—Additional parking spaces shall be provided based upon the exterior display and sale area.~~

A. Prohibited storage

~~1. G.—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.~~

B. Parking

~~1. Semi trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and does not exceed the number of docks and or bay doors.~~

~~Exterior storage is permitted with a conditional use permit (CUP).~~

~~B.—Approved exterior storage shall be limited to an area occupying no more than 50 percent of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.~~

~~C.—All equipment and materials within the storage area shall be arranged in a neat and orderly manner.~~

~~D.—The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.~~

~~E.—Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.~~

~~F.—Additional parking spaces shall be provided based upon the exterior display and sale area.~~

~~G.—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.~~

~~H.—Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].~~

6. - B-2 district.

A. Exterior storage is permitted with a CUP.

~~1. B.—Approved exterior storage shall be limited to an area no more than 100 square feet of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.~~

~~2. C.—Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].~~

~~3. D.~~—All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

B. Exterior Display in B-2 Districts

~~1. E.~~—The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.

Exterior Display in B-2 Districts

~~2. F.~~—Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.

~~3. G.~~—Additional parking spaces shall be provided based upon the exterior display and sale area.

C. Prohibited Storage

~~1. H.~~—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

7. - B-1 district.

~~A.~~—Exterior storage and exterior displays are not permitted.

~~A.~~

~~B. B.~~—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

8. - All zoning districts.

~~A.~~—All outside storage must be accessory to the principal use of the property.

~~A.~~

~~B. B.~~—Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.

~~C. C.~~—The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord. No. 19, Second Series, 5-5-2010)

SECTION 23. - SCREENING REGULATIONS

1. - General standards.

- A. Screening shall be installed so as to provide a visual barrier. Any such barrier shall reduce visibility in a manner that restricts vision of the object being screened.
- B. Any business, industrial, non-residential uses, and residential dwellings other than detached single-family adjacent to any residential district shall provide screening along the boundary of residential property.
- C. Screening shall consist of a compact evergreen or deciduous hedge and overstory and understory trees of sufficient width and density, or an earth berm of sufficient height to provide effective screening throughout the year. Overstory and understory trees are defined in Section 27. Landscaping Regulations.
- D. A required screening fence shall be constructed of masonry, brick, or wood. Such fence shall provide a solid screening effect and not exceed eight feet in height or be less than six feet in height.
- E. Earth berms shall not have a slope of more than four feet horizontal to one foot vertical or be located within any street right-of-way or within eight feet of the traveled portion of any street or highway.
- F. No screening or buffering shall be located on any public rights-of-way or within eight feet of the traveled portion of any street or highway.
- G. Loading docks shall be screened from all lot lines and public roads.
- H. [Except as provided under Appendix A, Section 24, All-all](#) storage of material and equipment related to, located on, and used by any business, light industrial, or other non-residential use shall be stored inside a building. Exterior storage in business districts that is allowed by other provisions of this ordinance shall be screened from public rights-of-way and adjacent properties.

2. - Screening of mechanical equipment.

- A. All mechanical equipment, such as air conditioning units, erected on the roof of any structure or on the ground, shall be screened so as not to be visible from public rights-of-way and adjacent properties.
- B. The screening shall be constructed with materials that are architecturally compatible with the building.

3. - Screening of trash containers.

- A. Trash and recycling storage facilities which would be visible from public rights-of-way or adjoining property, except those located in parks, shall be screened by an enclosure of masonry or brick construction. Screening gates shall be of solid material such as wood; chain link fencing is not acceptable.
- B. Screening enclosure gates may not be required if the resulting open side of the enclosure does not face an existing or future right-of-way.

4. - [Buffer yards.]

Buffer yards for business, light industrial, and non-residential uses in residential districts, and residential dwellings other than detached single-family shall meet the following requirements:

- A. Where a buffer yard is required for property which abuts residentially zoned property, there shall be within the required setback a landscaped area at least 20 feet in width which shall extend along and be adjacent to the entire length of all common property lines shared with residentially zoned property.
- B. The landscaped area shall contain a double row of evergreen shrubs which, when planted, shall be a minimum of four feet in height with the capability to grow to a minimum height of six feet.
- C. The rows of such shrubs shall be planted in such a manner that a distance of five feet exists between the centerline of each row and that, when viewed perpendicular to the rows, one would observe a shrub planted every 2½ feet on center.
- D. This buffer area shall contain a fence, which fence shall be located entirely on the non-residential lot.
- E. Berms may be constructed the entire length of the buffer yard and shall be continuous or provide the illusion of continuity when viewed from the side and perpendicular to the berm. Earth berms shall not exceed a slope of 4:1.
- F. Some uses may not be required to provide A—E above at the discretion of city council.

9. - Definitions.

The following words and terms used in this ordinance shall be defined as follows. Words found in this ordinance not defined in this section shall have the meanings customarily assigned to them by any standard dictionary, except where such a meaning is clearly contrary to the intent of this ordinance.

Accessory apartment: An apartment located within a single-family home and is incidental to the principal use to which it is related.

Accessory storage container: A container placed outdoors and used for the storage of goods, materials, or merchandise that is used in connection with a lawful principal or accessory use of the lot. The term "accessory storage container" includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars, piggyback containers, and portable moving and storage containers. The term "accessory storage containers" does not include a garage, barn, or storage shed accessory to a dwelling provided such structure is not of a type designed, equipped, or customarily used for over-the-road transport of goods, materials, or merchandise.

Accessory structure or facility: Any building or improvement clearly subordinate to a principal use such as garages, sheds, or storage buildings located on the same parcel as the principal structure.

Accessory use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same parcel as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants or caretakers.
- B. Swimming pools and private recreational facilities for the use of the occupants of a residence or their guests.
- C. Residential- or agriculture-related storage in a barn, shed, tool room, or similar accessory building.
- D. A newsstand intended primarily for the convenience of the occupants of a building which is located wholly within such building and has no exterior signs or displays.
- E. Interior storage of merchandise normally carried in-stock in connection with a business or industrial use unless such storage is excluded in the applicable district's regulations.
- F. Accessory off-street parking spaces, open or enclosed.
- G. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

Addition: A physical enlargement of an existing structure, excepting that said physical enlargement shall not be larger than the existing structure.

Adult uses: Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult companionship establishments, adult conversation/rap parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

Agricultural building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Agricultural business, seasonal: A seasonal business not exceeding six months in any calendar year operated on a rural farm offering for sale to the general public produce or any derivative thereof grown or raised on the property.

Agricultural composting: The direct incorporation by disking or plowing of yard waste into the soil surface of agricultural production lands.

Agricultural use: The production for sale of livestock, dairy animals or dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products.

All-terrain vehicle: "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic inches and total dry weight less than 900 pounds.

Alteration: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building such as foundations, walls, or partitions, columns, beams, or girders, or any enlargement of a building or structure whether horizontal or vertical.

Amortization: The establishment of a time schedule over which the cost of an investment is depreciated.

Antenna, amateur radio: Any equipment or device used to transmit, receive, or transmit and receive electromagnetic signals for "amateur radio service" communications.

Antenna, building-mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than ten feet tall and six inches in diameter, or a structure other than a telecommunications tower.

Antenna, minor: A ground- or building-mounted receive-only radio or recreational vehicle antenna whose total height including any mast to which it is attached is less than 20 feet.

Antenna support structure: Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna.

Apartment: A suite of rooms or a room in a multiple-family dwelling arranged and intended as a place of residence.

Applicant: The owners, their agent, or representative having interest in land where an application for city review of any permit, use, or development is required by this chapter.

Base flood: See *Regional flood*.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and breakfast: An owner-occupied private home where accommodations are offered for one or more nights to transients.

Block: The property abutting one side of a road or street and lying between the two intersecting or intercepting roads or streets and subdivided acreage.

Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the water body;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. The slope must drain toward the water body. An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

Bluff impact zone: A bluff and land located within 20 feet from the top of a bluff.

Boathouse: An uninhabited structure designed and used solely for the storage of boats or boating equipment.

Buffer: A strip of land intended to create physical separation between potentially incompatible uses of land or environmentally sensitive areas.

Buildable lot area, net: The space remaining on a lot after the setback requirements, area with a slope of 33 percent or more, 100-year floodplain, and drainage easements or wetland have been subtracted.

Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property.

Building code: The Minnesota State Building Code.

Building height: The vertical distance measured from the highest adjoining ground level to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height of eaves for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building line: A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Building official: Appointed by the city council to support the city administrator in the enforcement of the state building code.

Building permit: A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

Bus: A vehicle designed for carrying passengers and having a seating capacity of at least 12 persons.

Certificate of occupancy: A certificate issued by the building official authorizing the use or occupancy of a building or structure.

Certificate of survey: A legal document depicting property information that is signed by a registered land surveyor under Minnesota State Law.

City: The City of East Bethel, Minnesota.

City council: The governing body of the City of East Bethel, Minnesota.

City-supported senior housing: Residential housing developed in conjunction with block grants or other governmental financial aid intended for the development of senior housing (residential housing restricted to persons age 55 and older) as mandated by the granting authority. City-supported senior housing will consist of multi-unit housing intended to serve senior citizens (persons age 55 and older). It may consist of cooperative housing or rental units managed by the residents thereof or a qualified independent management entity.

Commercial use: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Common open space: Land held in common ownership used for natural habitat, pedestrian corridors, and/or recreational purposes that is protected from future development.

Composting:

Agricultural: The direct incorporation by disking or plowing of yard waste into the soil surface of agricultural production lands.

Residential: A mixture of decaying organic matter used to improve soil structure and provide nutrients being incorporated into the soil surface.

Comprehensive plan: The document entitled "The City of East Bethel Comprehensive Plan," adopted October 13, 2000, as amended, or as hereafter revised or superseded by new comprehensive plans.

Conditional use. See *Use, conditional.*

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of [a] parcel or real property, together with a separate interest in space in a building.

Conservation easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection, and maintenance of natural resources, open space, and agriculture.

Construction debris: Concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural metal, and wood from demolished structures. It shall also include waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads, and any material as defined by the Minnesota Pollution Control Agency (MPCA) or permitted for deposit in construction debris disposal facilities by said agency or by Anoka County such as, but not limited to, foundry sand, waste shingles, tree waste, water treatment plant lime sludge, and street sweepings.

Contiguous: Parcels of land that share a common lot line or boundary.

Craft center: A place designated to serve individuals and groups by offering indoor crafts such as knitting, quilting, scrapbooking, and other similar uses.

Crematorium or crematory: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than 30 inches above ground.

Density: The number of dwelling units permitted per acre of new developable acres of land as regulated by the applicable zoning district.

Density units: The number of individual dwelling units that can be located on a parcel of land as established through the use of [a] yield plan. For the purpose of this chapter, a multifamily residential dwelling is considered as having, as many density units as there are individual dwelling units regardless of whether those units are attached or detached.

Drive-through: Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

Driveway access permit: A permit required from the responsible governmental agency that allows access onto a public road. Such permit must be acquired prior to construction and the issuance of a building permit.

Disposal facility: A waste facility that is designed or operated for the purpose of disposing of waste on or in the land, together with any appurtenant facilities needed to process waste for disposal.

Dwelling: A building of one or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, or bed and breakfasts (also see *Dwelling unit*).

Dwelling, attached, single-family: A dwelling that is joined to another dwelling by a common wall.

Dwelling, detached, single-family: A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, townhouse: A single structure consisting of two or more dwelling units having the first floor at or near the ground level with no other dwelling units or portions thereof above or below, with each dwelling unit connected to each other unit by a single party wall with no openings.

Dwelling, two-family: A building designed and used exclusively for occupancy by two families living independently of each other within a dwelling unit.

Dwelling unit: Any structure, portion of a structure, or other shelter designed as living quarters for one or more persons and having cooking facilities. Short-term rental or timeshare accommodations such as motel, hotel and resort room and cabins are not considered dwelling units.

Easement: Property which is acquired by the city by purchase, gift, devise, condemnation, lease, or otherwise that is used for the expressed purpose of providing access for: public utility installation and maintenance, stormwater drainage, right-of-way, and otherwise. An easement does not provide or allow any other public access or use unless specifically recorded in the legal description.

Equal degree of encroachment: A method of establishing the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the building or structure. Excavation, fill, drainage, and the like shall be considered a part of erection.

Essential services: The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Essential services—governmental uses, buildings and storage: An area of land or structures used for public purposes, storage, or maintenance, and which is owned or leased by a governmental unit.

Essential services—utility substation: A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large-size long-distance transmission lines to small retail quantities in a neighborhood distribution system. These uses include electric substations and telephone switching and relay facilities. Business offices associated with these uses are not included as part of this definition.

Excavation: Any breaking of ground, except common household gardening and ground care.

Exterior storage: The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

Extractive use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stats. §§ 93.44—93.51.

Farm: A tract of land used for any agricultural activity or the raising of livestock or small animals as a source of income.

Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges or operations) shall be considered animal feedlots, but an unrestricted pasture or range shall not be considered animal feedlots.

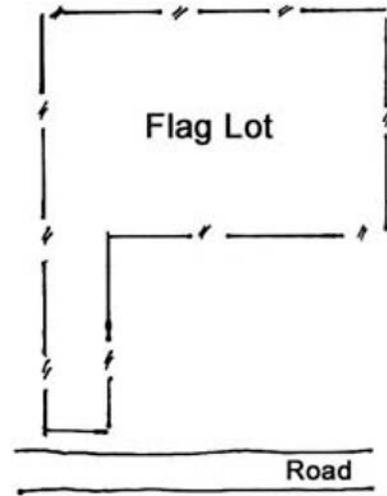
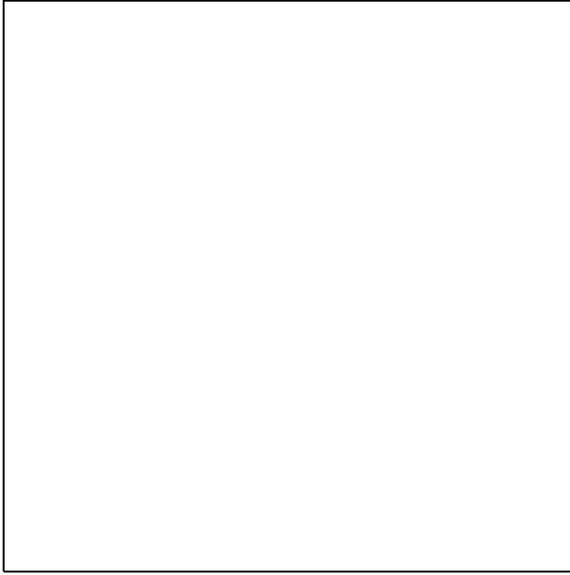
FEMA: Federal Emergency Management Agency.

Fill: Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported, and shall include the conditions resulting thereupon.

Final plat: A drawing or map of an approved subdivision that meets all requirements of the Subdivision Regulations.

Fish house: A structure set on the ice of state waters to provide shelter while taking fish by angling.

Flag lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.



Flood: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood frequency: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe: The portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for Anoka County.

Floodplain: The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

Flood-proofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

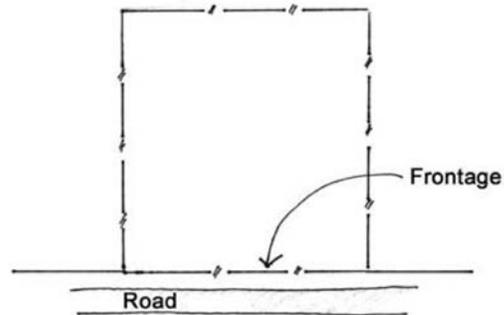
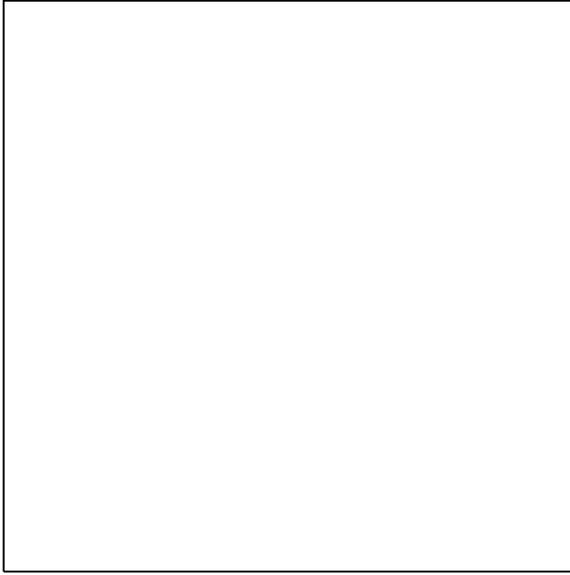
Floor area: The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two attached buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads and accessory structures.

Florist, commercial: A building or premises used primarily for the retail sale of flowers and small plants which may not have been grown or raised on the property and does not include greenhouse.

Footprint: The area of the land covered by a building's foundation.

Forest land conversion: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Frontage: That boundary of a lot that abuts a public street or private road.



Funeral home: A building or part thereof used for funeral services. Such buildings may contain space and facilities for:

- A. a) — Embalming and the performance of other services used in preparation of the dead for burial;
- B. b) — The storage of caskets, urns, and other related funeral supplies; and
- C. c) — The storage of funeral vehicles.

Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall not include facilities for cremation.

Garage: A detached or attached accessory building designed or used for the parking and storage of vehicles owned and operated by residents of the principal structure on the same lot.

Garden supply store and nursery yard: A building or premises used primarily for the wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products. Accessory products are those products that are used in the culture, display and decoration of lawns, gardens, and indoor plants.

Golf course: An area of land laid out for golf with a minimum series of nine holes each including a tee, fairway, and putting green, and often one or more natural or artificial hazards.

Governing body: The city council.

Habitable space: A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hardship: A property cannot be put to reasonable use if: the conditions of the zoning ordinances are followed; the landowner's particular circumstances are unique and not self-created; and, granting a variance will not alter the essential character of the locality.

Hazardous waste: Any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may cause or significantly contribute to an increase in mortality or serious, irreversible, or incapacitating reversible illness, or which poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Health/recreation facility: An indoor facility that includes uses such as game courts, exercise equipment, locker rooms, Jacuzzi and/or sauna, and pro shop.

Home occupation: An occupation carried on in a dwelling unit or accessory building by the resident, which is clearly secondary to the principal use.

Homeowners association: A formally constituted nonprofit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

Hotel: A building having provision for ten or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests or both, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

Industrial use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Industrial waste: Solid waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream.

Infectious waste: Laboratory waste, blood, regulated body fluids, sharps, and research animal wastes that have not been decontaminated.

Inoperative vehicle: A vehicle incapable of movement under its own power.

Intensive vegetation clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim use: A temporary use of property until a particular date, the occurrence of a particular event, a violation of the permit, or until zoning regulations no longer permit it.

Junk yard: An establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the MPCA, any of which are wholly or partly within one-half mile of any rights-of-way, whether maintained in connection with another business or not, where waste, or discarded material stored is equal in bulk to five or more motor vehicles and which is to be resold for used parts or old iron, metal, glass, or other discarded material.

Kennel, commercial: Any place where a person accepts dogs from the general public and which are kept for the purpose of boarding.

Kennel, private: Any place where more than two dogs, over four months of age are kept or harbored, provided such animals are owned by the owner or lessee of the premises on which they are kept or harbored, and the owner or lessee of said premises is not conducting a business operation involving the dogs, whether for-profit or nonprofit.

Land clearing: The removal of contiguous groups of trees and other woody plants in an area of 20,000 square feet or more within any 12-month period.

Licensed daycare facility: Any public or private facility required to be licensed by a governmental agency that provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Licensed daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult daycare centers, and day services.

Licensed residential care facility: Any public or private facility required to be licensed by a governmental agency, that provides one or more persons with 24-hour-per-day care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to, state institutions under the care of the commissioner of human services, foster homes, residential

treatment centers, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for handicapped persons. A facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquents on the basis of conduct in violation of criminal statutes pertaining to sex offenses shall not be considered a licensed residential care facility.

Lighting:

A. *Fixture, outdoor:* Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for:

1. ~~a)~~ Buildings and structures;
2. ~~b)~~ Recreational areas;
3. ~~c)~~ Parking lot lighting;
4. ~~d)~~ Landscape lighting;
5. ~~e)~~ Billboards and other signs;
6. ~~f)~~ Street lighting;
7. ~~g)~~ Product display area lighting; and
8. ~~h)~~ Building overhangs and open canopies.

B. *Footcandle:* A unit of illumination produced on a surface, all points of which is one foot from a uniform point source of one candle.

C. *Shielding:* A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing the light fixture.

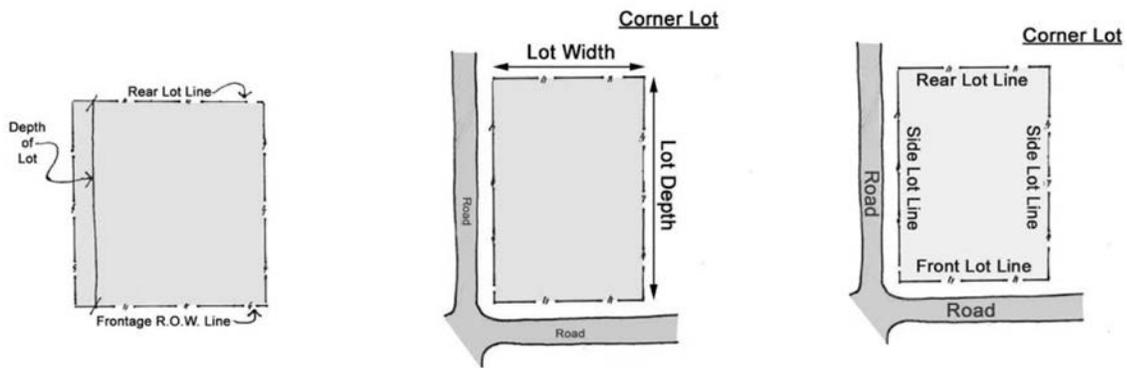
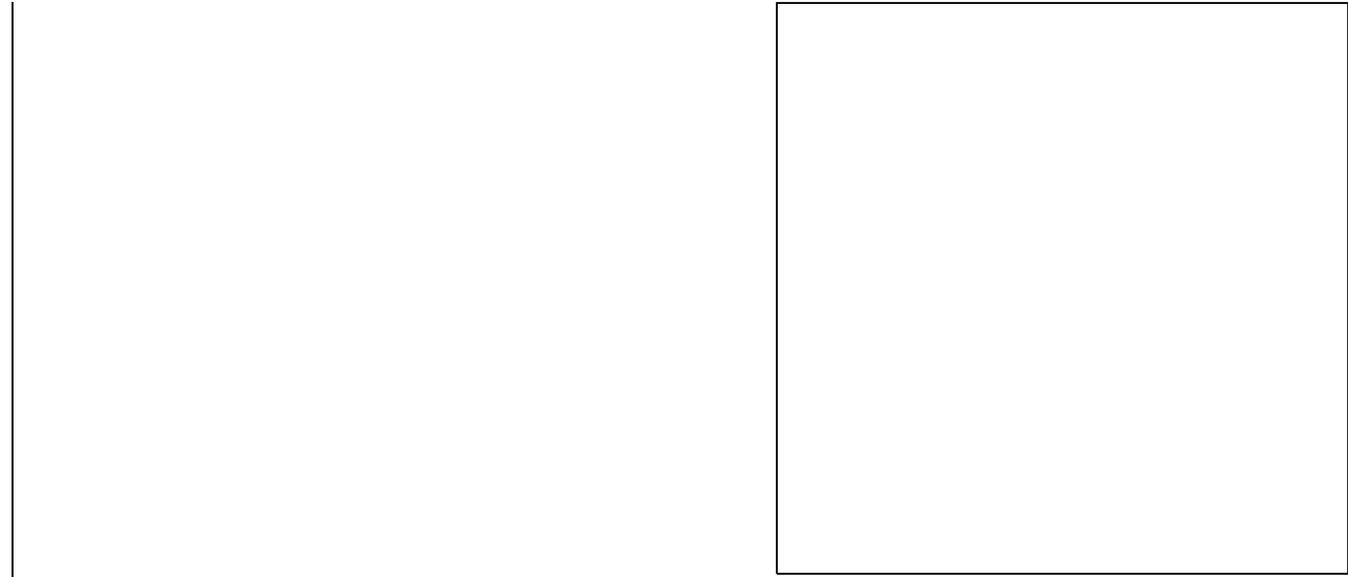
D. *Source:* A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

E. *Outdoor:* Any light source or collection of light sources located outside of a building including, but not limited to, light sources attached to any part of a structure, located on the surface of the ground, or located on free standing poles.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other legal means and separate and apart from any other parcel or portion of land, and from right-of-way, public or private.

Lot area: Total horizontal area within the lot lines of the lot.

Lot, corner: A lot situated at the junction of and abutting two or more intersecting streets or public right-of-ways; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.

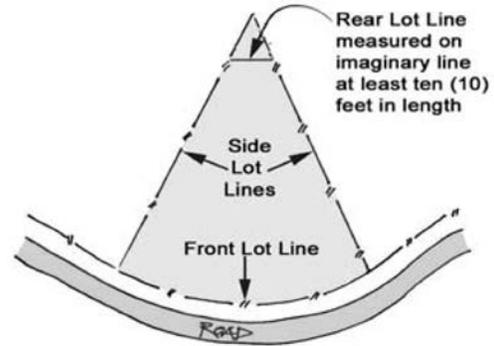
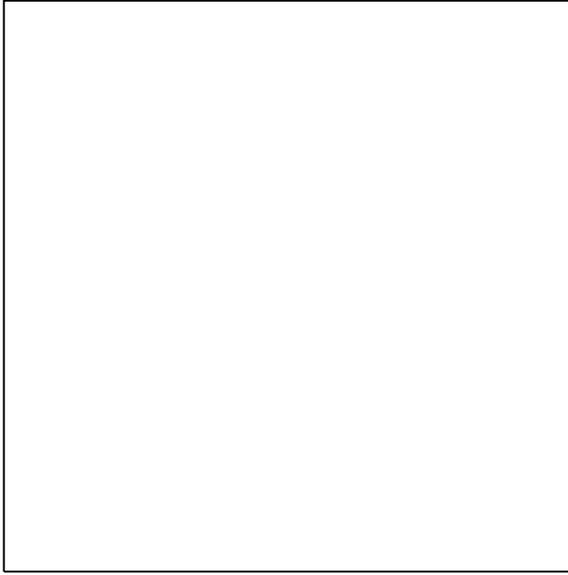


Lot coverage: The part or percent of the lot occupied by buildings, including accessory buildings, and other impervious surface. This definition includes, but is not limited to, driveways, patios, and structures.

Lot depth: The average horizontal distance between the front and rear lot lines.

Lot lines: The lines bounding a lot are defined below:

- A. **Front lot line:** For an interior lot, the line separating the lot from the street. For a corner lot, the lines separating the lot from either street. For a through lot, the lines separating the lot from both streets. On lakeshore lots, the street shall be considered the front lot line.
- B. **Rear lot line:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- C. **Side lot line:** Any lot line other than the front lot line or rear lot line; the average horizontal distance between the front and rear lot lines.
- D. **Zero lot line:** A lot line dividing two or more dwelling units sharing a common wall.



Lot of record, buildable: Any lot which is individually owned and has been recorded in the Office of the Anoka County Recorder as having the minimum area and minimum road frontage required by this ordinance for a building site in the district in which such lot is located.

Lot, through: Any lot other than a corner lot that abuts more than one street or street right-of-way. On a through lot, all property lines abutting the street right-of-way shall be considered the front lines.

Lot width: The shortest distance between lot lines measured at the midpoint of the building line.

[Manufacturing, light – Establishments involved in the manufacture, processing, fabrication, packing, assembly or compounding of products where the process involved is usually completely enclosed and without adverse environmental effects.](#)

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.

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

Master development plan: A concept plan of an area adopted by the city council which includes single and/or multiple ownerships of parcel(s) that relate through common objectives and design elements.

Materials recovery: The collection, storage, sorting, separation, processing, sale, use, or reuse of discarded materials, substances, or products contained within or derived from waste.

Medical uses: Those uses concerned with the diagnosis, treatment, and care of human beings.

Mining: The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits in excess of one acre.

Mixed municipal solid waste: Garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates creates for collection. Auto hulks, street sweepings, ash, construction debris, industrial wastes, mining waste, sludges, tree and

agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams are not included.

Mn/DOT: Minnesota Department of Transportation.

Motel: An establishment containing rooming units designed primarily to provide sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing automobile parking located adjacent to or near sleeping rooms.

Motor truck: A single or multiple axle straight frame truck with a maximum gross vehicle weight rating (GVWR) 20,000 pounds or greater.

Motor vehicle: The meaning given to it in Minn. Stats. § 168.011, subd. 4, and also includes a park trailer as defined in Minn. Stats. § 168.011, subd. 8, and a horse trailer as defined in Minn. Stats. § 168.27, subd. 1.

Motor vehicle and/or motorcycle internet distribution sales (only): A business predicated on sales through internet communication elements of which consist of the following: at least 95 percent of all sales are initiated and secured through internet communication between buyer and seller; the business has no pre-sale acquired inventory; all sales are substantially completed before the product is delivered to the business site for delivery to the customer; there is minimal need for automotive storage on site with the exception of automobiles awaiting customer pickup; there is limited need for exterior storage, and no automotive repair or maintenance is conducted outdoors.

Motor vehicle dealer: Any person, firm, or corporation, including licensed used motor vehicle dealers, wholesalers, auctioneers, and lessors of new or used motor vehicles, regularly engaged in the business of selling, purchasing, and generally dealing in new and used motor vehicles, and new and used motor vehicle bodies, chassis-mounted or not, having an established place of business for the sale, trade, and display of new and used motor vehicles, and new and used motor vehicle bodies, and which has new and used motor vehicles and new and used motor vehicle bodies for the purposes of sale or trade.

Motor vehicle parts: Retail and wholesale of new auto parts, equipment, and supplies to the general public and the automotive industry.

Motor vehicle repair, major: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service including body, frame, or fender straightening or repair, overall painting and upholstery; and/or vehicle steam, cleaning. This definition does not include towing businesses.

Motor vehicle repair, minor: Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under *Motor vehicle repair, major*.

Motor vehicle sales: The sale, offering for sale, display for sale, or facilitating the sale of motor vehicles, new or used.

Motor vehicle sales lot: Any lot, site, premises, or establishment where motor vehicles, new or used, are sold, offered for sale, or displayed for sale, or where the sale of motor vehicles is facilitated.

Motor vehicle service station: A place for the dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of motor vehicles.

Motor vehicle wash: Premises having a structure for washing and drying vehicles and adequate outdoor space for staging vehicles into and out of the wash.

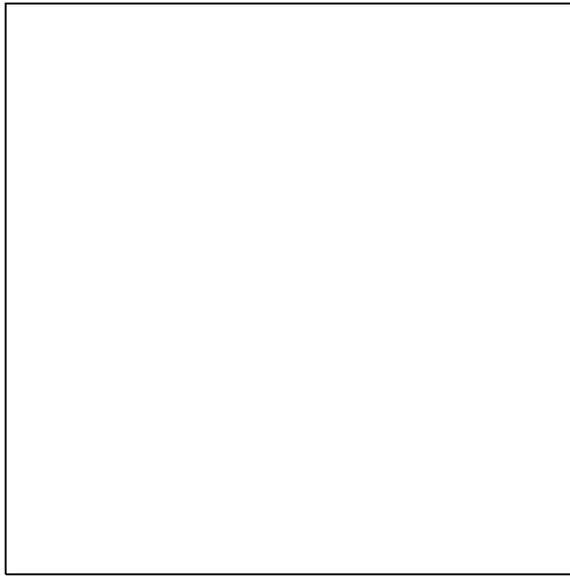
Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, excluding tractors as defined by Minn. Stats. § 169.011, subd. 44.

MPCA: Minnesota Pollution Control Agency.

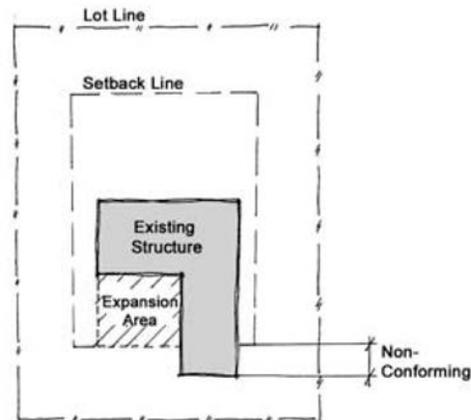
NIER: Non-ionizing electromagnetic radiation, electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

Nonconforming lot: A separate parcel or lot of record on the effective date of this chapter, or any amendment thereto, which lot or parcel does not conform to the regulations, including area or dimensional standards, contained in this chapter or amendments thereto.

Nonconforming structure: Any structure legally existing on the effective date of this chapter, or any amendment thereto, which does not conform to the regulations including the dimensional standards, for the district in which it is located after the effective date of this chapter or amendments thereto.



Non-conforming Structure



Nonconforming use: A use which lawfully occupies a building or land after the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nonconformity: Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded, or authorized.

Noxious matter or material: Material which is capable of causing injury or is in anyway harmful to living organisms, or is capable of causing detrimental effect upon the physical, economic, or mental health of human beings.

Nursing home: A building with facilities for the health evaluation and treatment of patients and residents who are not in need of an acute care facility but who require nursing supervision on an inpatient basis. A nursing home does not include a facility or that part of a facility that is a hospital.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Office: A room, suite of rooms, or a building containing rooms or suites of rooms in which commercial activities, professional services, or occupations are conducted that do not require that goods are stored, produced or sold at retail, or repaired including, but not limited to, financial institutions, professional office, governmental offices, insurance offices, real estate offices, utility offices, radio broadcasting, and similar uses.

Official control: Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria all of which control the physical development of the City of East Bethel or any part thereof or any detail thereof, and the means of translating into ordinances all or part of the general objectives of the

comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps that have been adopted by the City of East Bethel as the East Bethel Zoning Ordinance.

Official map: A map adopted in accordance with the provisions of Minnesota State Statutes.

Off-street parking lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, to provide access for entrance and exit for the parking of more than three vehicles.

Open sales lot: Lands devoted to the display of goods for sale, rent, lease, or trade where such goods are not enclosed within a building.

Open space: Land used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes that is undivided and permanently protected from future development.

Ordinary high water level: The boundary of public waters and wetlands delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outdoor sidewalk cafe: A seasonal expansion of a permitted restaurant, delicatessen, or lunch shop outside on an attached or unattached patio structure, or a freestanding public or private outdoor cafe in conjunction with a promotional event.

Overlay district: A zoning district shown as an overlay on the zoning map. Development within an overlay district is subject to the regulations of both the underlying zoning district and the overlay district.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Parking space: An area of definite length and width designed for parking of motor vehicles, exclusive of drives, aisles, or entrances to the spaces and shall be fully accessible for the storage or parking of permitted vehicles.

Permitted use: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards (if any) of such district.

Place of worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

Planning commission: The planning commission of the City of East Bethel, Minnesota.

Plant nursery, commercial: A building or premises used primarily for the retail sale of trees, shrubs, flowers, or other plants, which may not have been grown or raised on the property.

Plant nursery, wholesale: A building or premises used primarily for the growing and wholesale sale of trees, shrubs, flowers, and other plants.

Platted area: A parcel of land described by block and lot.

Principal building or use: The main use of buildings or land in which the principal use of the property is conducted.

Pole building: A building with no foundation and with sides consisting of corrugated steel or aluminum panels supported by poles set in the ground typically at eight-foot intervals.

Private sewage treatment system: Septic tank and soil absorption system or other individual or cluster-type sewage treatment system as described and regulated in Ordinance 61—Sewage Treatment Ordinance.

Project development package: An application containing information needed to initiate the review process of specific site(s) with the master development plan area.

Public utility: A corporation, municipal department, board, or commission duly authorized under federal, state, or municipal regulations to furnish the public with gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Public waters: All lakes, ponds, swamps, streams, drainage ways, floodplains, floodways, natural water courses, underground water resources, and similar features involving directly or indirectly, the use of water within the community, as defined by the department of natural resources.

Reach: A hydraulic engineering term describing a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreation, commercial: Land intended to accommodate uses that provide active and passive recreational opportunities on a use and/or membership fee basis. Land designated for commercial recreation use differs from land designated for park and recreation use in that it is privately owned land rather than being publicly owned.

Recreation, public: Land intended to accommodate uses that provide active and passive recreational opportunities whether or not on a use and/or membership fee basis. Land designated for public recreation use differs from land designated for commercial recreation use in that it is publicly owned land rather than being privately owned. Typical uses include tot lots, neighborhood parks, community parks, ball fields, public golf courses, public gardens, green ways and trail corridors, beaches, and community centers.

Recreational equipment: Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures, but not including tree houses, swimming pools, play houses exceeding 25 square feet in floor area, or sheds utilized for storage of equipment.

Recreational facility: An indoor facility in which physical recreation activities are conducted, such as ice hockey, tennis, racquet/hand ball, swimming, ice and roller skating, or bowling.

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

Recyclable material: Materials that can be readily separated from mixed municipal solid waste for the purpose of recycling including, but not limited to, paper, glass, plastics, metals, automobile oil, and batteries.

Recycling drop-off facility: A publicly owned, operated, or sponsored site used to collect recyclable materials which have been source separated from other materials and stored for shipment to processing, reuse, or manufacturing facilities.

Regional flood: A flood which is representative of large floods known to have occurred generally in Minnesota, and reasonably characteristic of what can be expected to occur on an average frequency of once each 100 years. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Registered engineer: An engineer registered in accordance with the laws of the State of Minnesota.

Regulatory flood protection elevation (RFPE): An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that results from designation of a floodway.

Research: Medical, chemical, electrical, metallurgical, or other scientific research and quality control conducted in accordance with the provisions of this chapter.

Restaurant, fast food: Any restaurant that meets some or all of the following requirements:

- A. Customarily provides quick service to its customers.
- B. Offers its customers a limited, standardized choice of inexpensive food and/or beverages.

- C. Serves its customers from a counter and customarily does not serve its customers at tables.
- D. Packages and serves its food and beverages in disposable wrappers, containers, cartons, boxes and/or bags.
- E. Expects customers to dispose of their used food serving and packaging containers in trash, litter, or garbage cans.
- F. Prepares a considerable amount of its food in volume in advance of customer orders.
- G. Offers food to customers by way of signs, placards, posters, valences, or boards rather than on menus given to customers.

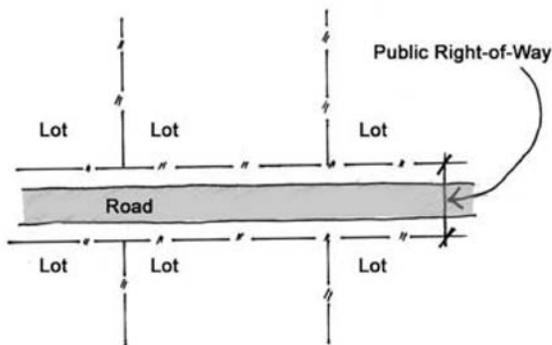
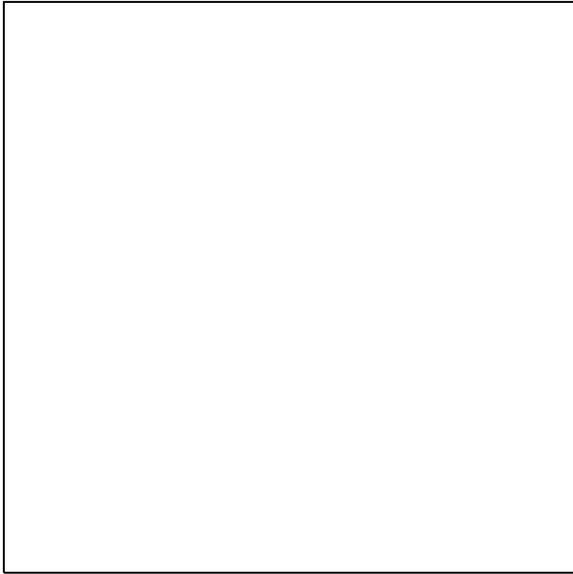
Restaurant, full service: A business establishment whose principal business is the preparing, selling, and serving of unpackaged ready-to-consume food to customers seated at counters or tables.

Retail/office/multitenant structure: Any grouping of two or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicle or open sale lots are not included in this category of uses.

RFPE: Regulatory flood protection elevation.

Right-of-way (ROW), public: An area for public use owned and maintained by a government jurisdiction.



Satellite dish: Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow, dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennae.

School: A facility that provides a curriculum of preschool, elementary, secondary, post-secondary, or other instruction including, but not limited to, licensed daycare facilities, kindergartens, elementary, junior high, high schools, and technical or college instruction.

School, home: A school within a residential dwelling educating children residing in the residential dwelling.

School, specialty: A facility that provides specialized instruction for dance, music, art, karate, or similar educational activities.

Screening: Screening includes earth mounds, berms, or ground forms, fences and walls, or landscaping (plant materials) or landscaped fixtures (such as timbers), used in combination or singularly so as to block direct visual access to an object throughout the year.

Self-service storage: A structure or structures containing separate storage spaces of varying sizes that is leased or rented individually.

Semi-public use: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Semi-tractor: A vehicle that is designed to pull a trailer attached to a fifth wheel and has a gross vehicle weight rating (GVWR) 20,000 pounds or greater.

Semi-trailer: A vehicle of the trailer type so designed and used in conjunction with a tractor-trailer that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semi-trailer combination.

Sensitive resource management: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback: The minimum horizontal distance from any lot line, road easement, ordinary high water level, or other referenced feature that a structure or improvement may be placed, as measured from the lot line or feature to the closest point of the structure or improvement.

Sewer system: Pumping stations, force main, pipelines, or conduits, and all other construction, devices, appliances, or appurtenances used for conducting sewage, industrial waste, or other wastes to a point of ultimate disposal.

Shore impact zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner of the department of natural resources.

Significant historic site: Any archaeological site, standing structure, or other property that has been listed on, or meets the criteria for eligibility to be listed on, the National Register of Historic Places, the state register of historic sites, or any regional, county, municipal or local historic registers, or that is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on any of the aforementioned registers, or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist, the director of the Minnesota Historical Society, or a qualified representative of the regional, county, municipal, or local registers. All unplatted cemeteries are automatically considered to be significant historic sites.

Snowmobile: "Snowmobile" means a self-propelled vehicle designed for travel over snow or ice on skis or runners.

Solid waste: garbage: Refuse or sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Steep slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics as mapped and described in available county soil surveys or other technical reports unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Street: A public vehicular right-of-way which affords a primary means of access to abutting property, except in the case of streets with a high volume of vehicular traffic where access may be restricted and an alternative access may be required.

- A. *Approved private street:* A private street that has been approved by resolution of the City of East Bethel. Such resolution must specify the street, indicate that the street must support emergency vehicles, and specify that provisions must exist for the ongoing maintenance of the street.
- B. *Collector street:* A street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road and designated as a collector street on the city comprehensive plan.
- C. *Arterial street:* A street, as designated in the comprehensive plan, which serves or is designed to serve heavy flows of traffic, and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- D. *Local street:* A street intended to serve primarily as an access to abutting properties.
- E. *Street pavement:* The wearing or exposed surface of the roadway used by vehicular traffic.
- F. *Street, public:* A street owned and maintained by a government jurisdiction.
- G. *Width of street:* The width of the right-of-way measured at right angles to the centerline of the street.

Story: Vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and for the topmost story, from the top of the finished floor surface to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters of a building or structure.

Story, half: That part of a building under the gable, hip, or gambrel roof; the wall plates of which are not more than four feet above the floor.

Structural alteration: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structure, public: An edifice or building of any kind, or any piece of work artificially built-up or comprised of parts joined together in some definite manner which is owned or rented and operated by a federal, state, or local government agency.

Structure, recreational: Structures of a recreational nature such as swing sets, jungle gyms, tree houses and other similar facilities.

Structure, temporary: Structures that are of a mobile nature and located on a property for no more than six months in a 12-month period, such as ice fishing shanties, camping, tents, enclosed trailers, and other similar facilities.

Subdivision: Land that is divided for the purpose of sale, rent, or lease.

Surface water-oriented commercial use: The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conducting of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Swimming pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep and 5,000 gallons in capacity. This includes in-ground, above-ground, and on-ground swimming pools.

Tavern or bar: A building with facilities for the serving of 3.2 percent malt beverages, liquor, wine, set-ups, and short order foods.

Telecommunications facility: A facility that transmits and/or receives electromagnetic signals. It includes antennae, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel, vehicle or other outdoor storage yards, offices, or broadcast studios other than those designated for emergency use. All communication towers are subject to the provisions established for such use in Section 17 [16]. Telecommunication[s] Facilities.

Telecommunications tower: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennae. A ground- or building-mounted mast less than ten feet tall and six inches in diameter supporting a single antenna shall not be considered a telecommunications tower.

Temporary/seasonal sales: A facility or area for temporary or seasonal sales of goods, wares, or merchandise.

Toe of the bluff: The base of a bluff.

Top of the bluff: The top portion of a bluff.

Townhouse: A single-family dwelling unit, with private front and rear entrances which is part of a multiple-family building whose dwelling units are attached horizontally in a linear arrangement. Each dwelling unit must be separated from other dwelling units by a firewall or walls extending from the foundation through the roof with no openings. Each dwelling unit shall have a totally exposed front and rear wall to be used for entry, light, and ventilation.

Transportation/motor freight terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or shipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.

Transportation terminal: Taxi, bus, train, and mass transit terminal and related ticketing, passenger waiting, parking, and storage areas.

Truck farming: An agricultural operation in which garden vegetables, fruits, and other such produce is transported from the subject property to an off-site location for sale.

Truck, semi-trailer: The terms "semi-trailer," "truck-tractor," "truck," and "vehicle" shall have the meanings given them in Minn. Stats. § 169.01.

Truck stop: A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities

Undisturbed soil contour: The identified area within the buildable area of each lot which has never been excavated, cut, or filled. On-site septic areas (sewers) sufficient for two systems shall be identified

on each lot and marked off to keep construction traffic off during plat development. Areas for sewers which cannot be located in the undisturbed soil contour area will require a design by a certified designer to ensure the lot will be capable of sustaining an on-site sewer at the time of plat review. Certification of "buildable area" and "undisturbed soil contour" shall be submitted in the form of an exhibit prepared by the developer's engineer or surveyor.

Unplatted area: A parcel of land described by metes and bounds, without reference to block and lot.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

- A. *Accessory use:* A use subordinate to and serving the principal use or structure on the same lot and incidental to such principal use.
- B. *Conditional use:* Either a public or private use as listed which because of its unique characteristics cannot be properly classified as a permitted use in a particular district. After consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted by the council.
- C. *Open space use:* The use of land without a structure or including a structure incidental to the open space use with a ground floor equal to five percent or less of the area of the lot.
- D. *Permitted use:* A use that is or may be lawfully established in a particular district or district provided it conforms to all requirements, regulations, and performance standards of such district.
- E. *Principle use:* The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be permitted or conditional.

Used motor vehicle: A motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer. A new motor vehicle will not be considered a used motor vehicle until it has been placed in actual operation and not held for resale by an owner who has been granted a certificate of title on the motor vehicle and has registered the motor vehicle in accordance with Minn. Stats. ch. 168 and Minn. Stats. chs. 168A and 297B, or the laws of the residence of the owner.

Variance: A modification or variation of the provisions of this chapter as applied to a specific lot or property.

Veterinary: Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.

Warehousing: The storage, packaging, and crating of materials or equipment within an enclosed building or structure.

Warehousing and distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste: Infectious waste, nuclear waste, pathological waste, sewage sludge, solid waste and hazardous waste.

Waste facility: Property used for the accumulation, storage, processing, or disposal of waste.

Waste management: Activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing, and disposal of waste.

Water-oriented accessory structure or facility: A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls.

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this chapter, wetlands must:

- a) Have a predominance of hydric soils;
- b) Be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c) Under normal circumstances, supports a prevalence of hydrophytic vegetation.

Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesaling: The selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.

Yard waste: Garden wastes, leaves, lawn clippings, weeds and pruning generated at residential or commercial properties.

Yards: The open spaces on the same lot as a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined below:

- A. *Front yard:* An open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. For a corner lot which is not a reversed frontage corner lot, the front yard shall adjoin a front yard in an adjoining lot.
- B. *Rear yard:* An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. *Side yard:* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Zoning district: An area or areas within the limits of the city in which the regulations and requirements of this chapter are applied uniformly.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010; Ord. No. 36, Second Series, 4-4-2012; Ord. No. 48, Second Series, 2-5-2014; Ord. No. 48, Third Series, 6-4-2014)



City of East Bethel Planning Commission Agenda Information

Date:

May 24, 2016

Agenda Item Number:

Item 8.0

Agenda Item:

Changes to Administrative subdivision requirements – Chapter 66, Article V

Requested Action:

Review and recommend proposed changes to the City Council

Background Information:

Staff is requesting that the Planning Commission consider changes to Chapter 66, Article V as presented in Attachment 1. The changes include the addition of language to allow someone to complete a simple lot split for their property. Currently a lot split can only occur under the Zoning Ordinance, Section 12, or by going through the complete subdivision process. For a simple lot split that can meet the requirements of the underlying zoning district, the subdivision process is not necessary and is expensive for the homeowner. It is also an impractical application of the subdivision ordinance.

Attachments:

Attachment 1 – Proposed Changes to Chapter 66, Article V Subdivisions

Attachment 2 – MN Statute language

Fiscal Impact:

Not determined

Recommendation(s):

To approve changes as presented.

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

ARTICLE V. - ADMINISTRATIVE SUBDIVISIONS

Sec. 66-133. - Applicability.

The provisions of this section shall apply only to those subdivisions classified as administrative subdivisions.

(Ord. of 10-17-2007, § 6)

Sec. 66-134. - Qualification.

The following shall be considered an administrative subdivision:

- A. ~~(1)~~ *Lot boundary line adjustment.* Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination of recorded lots to form no more than two lots. Newly created lots shall conform to the design and performance standards of this chapter and the city's zoning ordinance, set forth in Appendix A to this Code.
- B. ~~(2)~~ *Base lot subdivision.* In the case of a request to divide a base lot upon which a two-family dwelling, townhouse, a quadraminium, or commercial building, which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this chapter and the city's zoning ordinance, set forth in Appendix A to this Code.
- C. ~~(3)~~ *Simple Lot Split.* Allows the division of a lot where there is an existing home on a metes and bounds described property and no new public roads are required. Subject to the following conditions:
 - 1. The lot split -will result in no more than two lots, one of which has an existing home on it.
 - 2. The lot split does not require the creation of new roads
 - 3. Each resulting lot has the minimum road frontage for the applicable zoning district and meets all other underlying zoning requirements
 - 4. Adequate access to public roads must be provided for future development.
 - 5. A lot split -can only be created one time. If at a later date someone wishes to further subdivide their property they will need to meet all of the requirements of Chapter 66, exempting Article V.

(Ord. of 10-17-2007, § 6(6-1))

Sec. 66-135. - Information required for administrative subdivisions.

- A. ~~(a)~~ Whenever any subdivision of land as outlined in section 66-134 is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a

structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall file an application and secure approval of an administrative subdivision.

B. ~~(b)~~—The administrative subdivision application shall be considered to be officially filed when the zoning administrator has received the application and has determined that the application is complete. Administrative subdivisions shall consist of maps and accompanying written documents. An owner or applicant shall submit seven large-scale (one inch equals 100 feet or less) copies and one reduced scale (11-inch by 17-inch) copy of detailed graphic materials to include the following information: Certificate of survey prepared by a licensed land surveyor identifying the following:

1. ~~(1)~~—Scale (engineering only) one inch equals 100 feet or less.

2. ~~(2)~~—Name and address, including telephone number, of legal owner and/or agent of the property. Changes in the principles involved as outlined above will be furnished to the city in writing within 30 days. Failure to provide such notification of the change in the principle may lead to voiding of the application for administrative subdivision.

3. ~~(3)~~—North point indication.

4. ~~(4)~~—Existing boundaries of parcel to be platted with dimensions and area and proposed new property lines with dimensions noted.

5. ~~(5)~~—Existing legal description/proposed legal description of new lots.

6. ~~(6)~~—Easements of record.

7. [Drainage and utility easements as required by the City.](#)

8. [Road right of way dedication as required by the City.](#)

9. [Soil report to determine buildable lot area.](#)

10. [Lowest floor elevation for newly created lot\(s\).](#)

11. [Known flood elevation.](#)

12. ~~(7)~~—Delineated wetland boundary, to include the ordinary high water (OHW) level of any lakes or department of natural resources (DNR) waters, 100-year flood elevations.

13. ~~(8)~~—All encroachments, easements, or rights-of-way encumbering the property.

14. ~~(9)~~—Existing buildings, structures, and improvements within the parcel to be platted and those 100 feet outside the boundaries of the subject parcel.

15. ~~(10)~~—Locations, widths, and names of all public streets, trails or sidewalks, rights-of-way, or railroad rights-of-way showing type, width, and condition of the improvements, if any, which shall pass through and/or are within 100 feet.

16. ~~(11)~~—Proposed driveway locations and locations of existing driveways on the same side of the road.

17. ~~(12)~~—Location of any existing tile lines, abandoned wells, drainageways, waterways, watercourses, lakes, and wetlands.

~~18. (13)~~—Additional preliminary plat data requirements determined appropriate by the zoning administrator.

~~(14) Simple Plats require~~

(Ord. of 10-17-2007, § 6(6-2))

Sec. 66-136. - Filing and review of application.

- A. ~~(a)~~ *Filing; fee.* The applicant shall file an administrative subdivision application with all required information and accompanying fee with a schedule established by the city.
- B. Park Dedication fee – Applicant will need to pay applicable park dedication fee for the newly created lot as outlined in the adopted City of East Bethel fee schedule
- C. ~~(b)~~ *Review by city staff.* Upon receipt of an application, the zoning administrator shall refer copies of the complete administrative subdivision application to city staff and consultants for review and the preparation of a report.
- D. ~~(c)~~ *Request for additional information.* The zoning administrator shall have the authority to request additional information pertinent to the administrative subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
- E. ~~(d)~~ *Decision.* The city council shall reach a decision on the requested administrative subdivision within 120 days of complete application, unless the applicant agrees to an extension of the review period.
 - 1. ~~(1)~~—The zoning administrator may approve the administrative subdivision with conditions that must be met to insure the administrative subdivision is compliant with the regulations of this chapter and the city's zoning ordinance, as set forth in Appendix A to this Code and as may be amended, and other applicable requirements.
 - 2. ~~(2)~~—The zoning administrator shall prepare findings and deny a subdivision if the administrative subdivision is found to be premature as defined by the criteria of section 66-16 or fails to comply with regulations of this chapter and the city's zoning ordinance, as set forth in Appendix A to this Code and as may be amended, or other applicable requirements.
- F. ~~(e)~~ *Decision appeal.* The applicant may appeal an administrative subdivision denial following the procedures outlined in the city's zoning ordinance, as set forth in Appendix A to this Code and as amended from time to time.

(Ord. of 10-17-2007, § 6(6-3))

Sec. 66-137. - Recording.

If the administrative subdivision is approved by city council, the applicant shall record the deed and the accompanying survey in the office of the county registrar of titles within 90 days after the date of approval, otherwise the approval of the administrative subdivision shall be considered void.

(Ord. of 10-17-2007, § 6(6-4))

Sec. 66-138. - Record plan.

The property owner/applicant must submit one digital electronic copy in a format compatible with the city's computer system of record plans including lot dimensions and all other pertinent information.

(Ord. of 10-17-2007, § 6(6-5))

Secs. 66-139—66-159. - Reserved.

RELEVANT LINKS:

Minn. Stat. § 462.358, subd. 3a.

- Separations where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses.
- Cemetery lots.
- Court ordered divisions or adjustments; and
- Lot consolidation, since subdivision refers only to separation of land.

Although such divisions may nonetheless go through the city’s regulatory subdivision process, it appears cities are without authority to require them do so.

Not all subdivisions necessarily require the preparation of a plat. The state subdivision statute mandates that municipal subdivision ordinances require that all subdivisions should be platted which create five or more lots or parcels which are 2-1/2 acres or less in size. Subdivision ordinances may or may not require other subdivisions be platted. Further, not all subdivisions that require platting must necessarily require both a preliminary and then a final plat. The subdivision statute provides that the city ordinance may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions.

Some city subdivision ordinances will provide alternative procedures for certain types of “minor” subdivisions. When the city ordinance consolidates preliminary and final approval, it is sometimes called a simple plat. Often this is allowed if subdivision creates a minimum number of lots of a certain size and the plat does require creation of new roads. A different alternative procedure for minor subdivisions is for divisions of land for which the city is not requiring plats. Often called administrative subdivisions or lot splits, such subdivisions are typically accomplished with metes and bounds descriptions.

IX. Review of important points

City staff and officials should carefully evaluate every application for preliminary plat approval for compliance with the subdivision ordinance. Once the preliminary plat has been approved, the city has limited ability to revisit the issue of adequate compliance. If new public improvements or infrastructure are to be installed, then it is important to enter into a development agreement so the improvements will meet city standards and be completed in a timely fashion. Cities should periodically review their subdivision ordinances for consistency with comprehensive plan and current vision of future land use, particularly with regard to the city’s capacity for wastewater, stormwater, and traffic.