

**City of East Bethel
 Planning Commission Agenda
 7:00 PM
 Tuesday, August 23, 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. 2-6 3.0	Approval of Meeting Minutes July 26, 2016 – Regular Meeting
7:05 PM	pg. 7-24 4.0	Green Cities Presentation from Peter Lindstrom, Local Government Outreach Coordinator – U of MN
7:25 PM	pg. 25-31 5.0	Viking Preserve, Preliminary Plat/Public Hearing A request by Shaw Trucking for approval of a REVISED Preliminary Plat/Planned Unit Development for a residential development known as Viking Preserve. PID#'s 303323140008, 303323140005, 293323230008
7:50 PM	pg. 32-35 6.0	Prairie Ridge Estates, Final Plat Final Plat to subdivide a 41.67 acre parcel into 10 lots in an area zoned Rural Residential located at the corner of Bataan St and 229 th Ave NE, PID: 033323220001
8:05 PM	pg. 36-56 7.0	Ordinance Consideration – Restricting the residency of convicted sex offenders
8:15 PM	8.0	City Council
8:20 PM	9.0	Other Business
8: 25 PM	10.0	Adjournment

Park Dedication/Trail

The Developer will be required to put in a trail along Bataan St per the City's long range Trail plan.

Wetland Delineation/No impact

The Developer has prepared a wetland delineation report and there will be no impact to the wetlands, except where the trail along Bataan is located.

Additional Information

All required documents as outlined in our Subdivision Ordinance Chapter 66 have been submitted and are in the review and comment period.

Ms. Winter reviewed the following items: Location map, preliminary plat documents, and trail map. The plan is to have shared driveways located on Cty Rd 26.

Public Hearing opened at 7:05 pm.

Kelley Bloom, 2657 226th Lane NE, East Bethel asked if the lots will be completely built with homes before sale or if the empty lots will be for sale, as she is interested in purchase lot #10.

Steve Strandlund said the lots will be for sale, no spec homes are to be built. At this time, he is not sure whether he will use a realtor to sell the lots; he prefers himself and another builder to sell the lots. Also, there will be covenants for this development.

Public Hearing closed at 7:09 pm.

Ms. Winter did not know when Cty Rd 26 is scheduled for upgrading or whether or not upgrading might affect this development. She is unaware of no new driveways being located on Bataan Street, which is a much safer location for driveways than Cty Rd 26.

Mr. Balfany moved and Mr. Holmes seconded to recommend approval of the Concept Plan and Preliminary Plat for the subdivision of lands for the development of Prairie Ridge Estates, a rural ten (10) lot residential subdivision. Motion carried.

This Concept Plan and Preliminary Plat will go before City Council at the second meeting in August.

5. Public Hearing
Proposed
Ordinance
Changes –
Appendix A

The Planning Commission has discussed making changes to sections of Appendix A, Zoning code at previous meetings including May 24, 2016, a Special City Council meeting on June 8, 2016, and June 28, 2016. The revisions presented represent a culmination of those discussions and represent changes to the following sections:

Section 48, Light Industrial District
Section 24, Exterior Storage
Section 23, Screening
Definitions

The proposed changes would not alter the Light Industrial zoning designation, but would align the existing Zoning Ordinance with the Comprehensive Plan. Any changes that are implemented would be interim in nature. At the time discussions related to the Comprehensive Plan update commence, other categories for industrial use, transition industrial, and/or mixed use industrial/commercial may be considered as part of revisions to the Code during the Comprehensive plan process.

Ms. Winter reviewed the proposed ordinance changes. She suggested that during the comprehensive planning process the commission look at other areas in the Code for Trucking Terminals (now listed under 6. Prohibited Uses) and to review the maximum amount of exterior storage allowed and definition of same (4. I District, 2). The Commissioners' recommendation will be reviewed by the city attorney, and city council members who will then make a final decision on the ordinance changes.

Public Hearing opened at 7:29 pm.

Cole Robertson, 23462 Goodhue Street NE, East Bethel asked that the following be considered in the ordinance – no outside storage if the business is adjacent to residential properties, limit the hours of operation if adjacent to residential properties, and no use of raw materials if adjacent to residential properties.

Public Hearing closed at 7:31 pm.

Building heights do not include roof top units. Mr. Terry thought that the defined height was by the sidewall height. Ms. Winter thought it was split between the eave and peak for maximum height. Mr. Terry asked that this be clarified and defined in the ordinance. Ms. Winter will check the building code.

The City follows the MPCA code for construction times, which is 7 am – 10 pm. Ms. Winter cautioned the Commission on having specific times listed in the Code.

4. I-District A. 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.” Mr. Terry believes better/clearer verbiage is needed to clarify exterior storage requirements if the property abuts residential property.

Mr. Terry stated he believes the rules are more to filter out rather than to regulate so that the City does not get into a situation that needs enforcement, but that someone can get a sensible idea of what the City is expecting and then there are tools to back-up and support the decisions made.

The Commissioners asked that the following changes be made:

- 1) 2. PERMITTED USES D. replace the word “maintained” with “*confined*”.
- 2) 5. B-3 District, B. 2 - restore to “...be arranged *in a neat and orderly manner.*”
- 3) 6. B-2 District A. 2 – change the screening height from five to *six*.

Mr. Balfany moved and Ms. Bonin seconded to recommend City Council approve the proposed ordinance changes with the following revisions: 1) 2. PERMITTED USES D. replace the word “maintained” with “*confined*”. 2) 5. B-3 District, B. 2 - restore to “...be arranged *in a neat and orderly manner.*” 3) 6. B-2 District A. 2 – change the screening height from five to *six*. Motion carried.

6. City Council Update

Tim Harrington, City Council Liaison reported:

- Approved a one (1) year contract with Anoka County Sheriff with a 7/10 of a percent raise, saving the City about \$30,000.
- 14 existing and one new IUP's were approved.
- Quote for Castle Tower demolition has been accepted for \$19,000 to remove the old sewer plant, leaving the City with 10 acres to sell for development which will help bring in revenue.
- Thank you to all who were involved with Booster Days.
- The Planning Commissioners are invited to attend the Wednesday, July 27, 2016 6:00 pm City Council Work meeting where Comp Plan interviews will be conducted.
- Tuesday night is National Night Out

7. Other Business

Ms. Winter reviewed Green Step Cities. As part of the Comprehensive Plan update (Thrive MSP 2040), communities are encouraged to include a section that integrates strategies into local comprehensive plans to be more resilient in the face of a changing climate. As communities adjust to increasingly extreme weather events, stress on public facilities, and higher costs of services, there is growing need to not only plan for these events, but to also reduce the impacts through conscious climate adaptation and resilience planning. Moreover, resiliency also considers reducing greenhouse gas (GHG) emissions so that the extent of climate change does not exceed the capacity to adapt and become resilient. One of the ways to achieve this, is to evaluate the recommended sustainability and resiliency practices adopted by other communities through the GreenStep Cities program. Ms. Winter asked the Commission to consider recommending participation in GreenStep Cities as an implementation strategy in the Comp Plan.

Sharon LeMay, 22959 Erskin Street NE East Bethel also spoke on the basics of the GreenStep City Program and the benefits of being a GreenStep City.

Ms. Winter reviewed the Mid-year Comparison of Permit Tues from January to July '15 and '16 and noted that the valuation of projects completed is much higher this year.

Chair Plaisance thanked the residents in attendance for their involvement with the City of East Bethel.

**Mr. Balfany moved and Mr. Holmes seconded to adjourn at 8:07 pm.
Motion carried.**

8. Adjournment

Respectfully submitted,

Gail Gessner, Recording Secretary
Submitted 7/31/16

DRAFT



City of East Bethel Planning Commission Agenda Information

Date:

August 23, 2016

Agenda Item Number:

Item 4.0

Agenda Item:

Green Step Cities Presentation by Peter Lindstrom, Local Government Outreach, U of MN.

Requested Action:

Recommend one of the following actions to City Council:

1. Participate in the Green Step Cities program
2. Do not participate in the Green Steps Cities program

Background Information:

Green Step Cities - As part of the Comprehensive Plan update (Thrive MSP 2040), communities are encouraged to include a section that integrates strategies into local comprehensive plans to be more resilient in the face of a changing climate. As communities adjust to increasingly extreme weather events, stress on public facilities, and higher costs of services, there is growing need to not only plan for these events, but to also reduce the impacts through conscious climate adaptation and resilience planning. Moreover, resiliency also considers reducing green house gas (GHG) emissions so that the extent of climate change does not exceed the capacity to adapt and become resilient. One of the ways to achieve this is to evaluate the recommend sustainability and resiliency practices adopted by other communities through the Green Step Cities program. At the last Planning Commission meeting this was an information item only. Peter Lindstrom with the University of Minnesota will be giving a more in depth presentation regarding becoming a Green Step city.

East Bethel is considered a Category A City and Attachment A outlines the steps that are part of the Green Step process.

Attachments:

- 1) Green Step Cities required elements

Fiscal Impact:

unknown

Recommendation(s):

Make a recommendation to the City Council regarding participation in the Green Step program.

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

<p>>> to receive recognition from the GreenStep Cities program, you will need to type information on completed actions into the GreenStep website <<</p>	<p>initial inventory of city actions. Consider checking off which actions are: Completed; In process; Planned; Not Relevant. Note if desired who the responsible person / entity is.</p>	<p>Step 3 Recognition Minimums for a Category A city</p>
<p>MINNESOTA GREENSTEP CITIES BEST PRACTICES, ACTION OPTIONS AND PROGRAM RECOGNITION MINIMUMS (3/28/2016)</p>		
<p>Buildings & Lighting Best Practices Category: BPs 1 - 5</p>		
<p>Best Practice #1: Efficient Existing Public Buildings</p>		
<p>Action # 1. Enter building information into the Minnesota B3 Benchmarking database and routinely enter monthly energy use data for all city-owned buildings.</p>	<p>Required BP</p>	<p>BP #1 plus ONE other Building BP required for Step 3 recognition</p>
<p>Item 4, Attachment 1</p>	<p>Required action</p>	<p>Required action</p>
<p>2. Make no/low cost indoor lighting and operational changes in city-owned/school buildings to reduce energy costs.</p>	<p>Required action</p>	<p>Required action</p>
<p>3. Invest in energy efficiency opportunities through larger financed projects or through smaller retro-commissioning/retrofit projects in city-owned/school buildings.</p>	<p>Required action</p>	<p>Required action</p>
<p>4. Implement information technology efforts and city employee engagement to reduce plug loads and building energy use.</p>	<p>Required action</p>	<p>Required action</p>
<p>5. Document that the new construction or major remodeling of a public building has met or qualifies under a green building or energy framework.</p>	<p>Required action</p>	<p>Required action</p>
<p>6. Document that the operations & maintenance of city-owned/school buildings meets or qualifies under a green building framework.</p>	<p>Required action</p>	<p>Required action</p>
<p>7. Install for one or more city-owned/school buildings one of the following efficiency measures:</p>	<p>Required action</p>	<p>Required action</p>
<p>a. A ground-source, closed loop geothermal system.</p>	<p>Required action</p>	<p>Required action</p>
<p>b. A district energy/microgrid system.</p>	<p>Required action</p>	<p>Required action</p>
<p>c. A rainwater harvesting system for building water use.</p>	<p>Required action</p>	<p>Required action</p>
<p>>> For each best practice, see the web page listed to view detailed guidance. implementation tools and which cities are completing the actions: http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=1</p>	<p>Required action</p>	<p>Required action</p>
<p>Page 8 of 56</p>	<p>Required action</p>	<p>Required action</p>
<p>2. Efficient Existing Private Buildings</p>		
<p>Optional BP</p>	<p>Optional BP</p>	<p>Optional BP</p>

<p>1. Create or participate in a marketing/outreach program to promote/achieve residential energy/water use reduction and energy efficiency.</p> <p>2. Integrate green building best practices information and assistance into the building permit process.</p>		
<p>3. Implement an energy rating/disclosure policy for residential and/or commercial buildings.</p> <p>4. Describe energy/water efficiency actions and other green building practices at businesses located within/nearby the city.</p>		
<p>5. Conserve drinking/groundwater resources by creating a watering ordinance, water-wise landscaping ordinance/guidance, WaterSense purchasing program, or guidance on rainwater harvesting.</p>		<p>If implementing this BP, complete at least TWO actions.</p>
<p>6. Provide a financial or other incentive to private parties who add energy/sustainability improvements or renovate using a green building or energy framework.</p>		
<p>7. Customize a model sustainable building renovation policy and adopt the language to govern commercial renovation projects that:</p> <p>a. Receive city financial support, and/or</p>		
<p>b. Require city regulatory approval (conditional use permits, rezonings, variances, PUD status).</p> <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=2</p>		<p>Optional BP</p>
<p>3. New Green Buildings</p>		
<p>1. Require by city policy that new city-owned buildings built in the future use a green building framework.</p>		<p>If implementing this BP, complete at least action (1) or (2) and ...</p>
<p>2. Work with the local school district to ensure that future new schools are built using a green building framework.</p>		
<p>3. Customize a model sustainable building policy and adopt language governing new private development projects that:</p>		
<p>a. Receive city financial support, and/or</p>		
<p>b. Require city regulatory approval (conditional use permit, rezoning, variance, PUD).</p>		<p>... complete at least ONE additional action (3) through (5).</p>
<p>4. Provide a financial or other incentive to private parties who build new buildings that utilize a green building framework.</p> <p>5. Adopt environmentally preferable covenant guidelines for new common interest communities addressing issues such as stormwater, greywater, native vegetation, growing food, clothes lines and renewable energy.</p>		
<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=3</p>		
<p>4. Efficient Outdoor Lighting and Signals</p>		
		<p>Optional BP</p>

	<ol style="list-style-type: none"> 1. Require energy efficient, Dark-Sky compliant new or replacement outdoor lighting fixtures on city-owned/private buildings and facilities. 2. Purchase LEDs for all future street lighting and traffic signals. 3. Replace the city's existing street lighting with Dark Sky-compliant LEDs, modifying any city franchise/utility agreement and adding smart grid attributes. 4. Coordinate traffic signals and/or optimize signal timing so as minimize car idling at intersections yet maintain safe and publicly acceptable vehicle speeds. 5. Use LED/solar-powered lighting for a flashing sign or in a street, parking lot or park project. 6. Relamp/improve exterior building lighting for city-owned buildings/facilities with energy efficient, Dark-Sky compliant lighting. 7. Replace city-owned parking lot/ramp lighting with Dark-Sky compliant, energy efficient, automatic dimming lighting technologies. 8. Replace the city's existing traffic signals with LEDs. 	<p>If implementing this best practice, complete at least TWO actions, including one of actions (5) through (8).</p>
	<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=4</p>	
<p>Item 54</p>	<p>Building Redevelopment</p>	<p>Optional BP</p>
	<ol style="list-style-type: none"> 1. Adopt an historic preservation ordinance/regulations to encourage adaptive reuse. 2. Implement the Minnesota Main Street model for commercial revitalization. 3. Plan for reuse of large-format retail buildings, or work with a local school to either add-on space or repurpose space into non-school uses. 4. Create/modify a green residential remodeling assistance/financing program to assist homeowners in adding space to their existing homes. 5. Adopt development and design standards that facilitate infill, redevelopment, and adaptable buildings. 	<p>If implementing this BP, complete at least ONE action.</p>
	<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=5</p>	
<p>Land Use Category: BPs 6 - 10</p>		
<p>Item 55</p>	<p>Comprehensive Plans</p>	<p>Required BP</p>
	<ol style="list-style-type: none"> 1. Adopt a comprehensive plan or (for Category B & C cities) adopt a land use plan that was adopted by the county or a regional entity. 	<p>Required action</p>

	Required action
<p>2. Demonstrate that regulatory ordinances comply with the comprehensive plan including but not limited to having the zoning ordinance explicitly reference the comprehensive plan as the foundational document for decision making.</p>	
<p>3. Include requirements in comprehensive and/or other plans for intergovernmental coordination addressing land use and watershed / wellhead impacts, infrastructure, economic development and city/regional services.</p>	
<p>4. Include ecologic provisions in the comprehensive plan that explicitly aim to minimize open space fragmentation and/or establish a growth area with expansion criteria.</p>	
<p>5. Adopt climate protection or energy independence goals and objectives in the comprehensive plan or in a separate policy document, and link these goals to direct implementation recommendations.</p>	
<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=6</p>	
<p>7. Efficient City Growth</p>	Optional BP
<p>1. Limit barriers to higher density housing by including in the city zoning ordinance and zoning map:</p>	
<p>a. Neighborhood single-family density at 7 units/acre or greater.</p>	
<p>b. Multi-family housing at a gross density of at least 15 units/acre adjacent to a commercial zoning district or transit node.</p>	
<p>2. Encourage higher density housing through at least two of the following strategies:</p>	
<p>a. Incorporate a flexible lot size/frontage requirement for infill development.</p>	
<p>b. Use density and floor area ratio (FAR) bonuses in selected residential zoning districts.</p>	
<p>c. Tie a regulatory standard to comprehensive plan language defining compact city expansion zones that limit low-density development.</p>	
<p>d. Allowing accessory dwelling units or co-housing or tiny houses / apartments by right in selected zoning districts.</p>	If implementing this BP, complete at least ONE action.
<p>3. Encourage a higher intensity of commercial land uses through at least one of the following strategies:</p>	
<p>a. Include in the city zoning ordinance and zoning map a commercial district with reduced lot sizes and zero-lot-line setbacks, or a FAR minimum of 1.</p>	
<p>b. Set targets for the minimum number of employees/acre in different commercial zones.</p>	
<p>4. Provide incentives for infill projects, or for life-cycle housing at or near job or retail centers, or for achieving an average net residential density of seven units per acre.</p>	
<p>5. Modify the city zoning ordinance and zoning map to allow, without variance or rezoning in at least one district, developments that meet the prerequisites for LEED for Neighborhood Development certification.</p>	

<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=7</p>		Optional BP
<p>8. Mixed Uses</p>	<ol style="list-style-type: none"> 1. Organize or participate in a community planning/design process for the city/a mixed use district. 2. Locate or lease a school, city building or other government facility that has at least two of these attributes: <ol style="list-style-type: none"> a. Adjacent to an existing employment or residential center. b. Designed to facilitate and encourage access by walking and biking. c. Accessible by regular transit service. 3. Modify a planned unit development ordinance to emphasize mixed use development or to limit residential PUDs to areas adjacent to commercial development. 4. Determine that a (re)development meets a minimum point threshold under LEED for Neighborhood Development or the Equitable Development Scorecard. 5. Have a downtown zoning district that allows residential and compatible commercial development. 6. Incorporate form-based zoning approaches into the zoning code, in those areas where a diverse mix of uses is desired. 7. Create incentives for vertical mixed-use development in appropriate locations (downtown, commercial districts near colleges or universities, historic commercial districts). <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=8</p>	<p>If implementing this BP, complete at least TWO actions.</p>
<p>9. Efficient Highway- and Auto-Oriented Development</p>	<ol style="list-style-type: none"> 1. Establish design goals for at least one highway/auto-oriented corridor/cluster. 2. Participate in regional economic development planning with representatives from surrounding townships, cities, the county and business interests to: <ol style="list-style-type: none"> a. Estimate commercial/industrial needs among all jurisdictions. b. Jointly implement recommendations to stage highway/auto-oriented commercial development in order to avoid overbuilding and expensive low-density development. 3. Adopt infrastructure design standards that protect the economic and ecologic functions of the corridor through clustering of development and incorporating access management standards. 4. Adopt a commercial zoning district that permits only auto-oriented land uses. 5. Require decommissioning in development agreements for large format developments in the event that the tenant leaves and no new tenant or adaptive reuse is in place within a set period of time. 	<p>If implementing this BP, complete at least ONE action.</p>

<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=9</p>		Optional BP
<p>10. Design for Natural Resource Conservation</p>		
<p>1. Conduct a Natural Resource Inventory or Assessment (NRI or NRA); incorporate protection of priority natural systems or resources through the subdivision or development process.</p>	<p>2. For cities outside or on the fringe of metropolitan areas, conduct a build-out analysis, fiscal impact study, or adopt an urban growth boundary and a consistent capital improvement plan that provides long-term protection of natural resources and natural systems, and agricultural practices outside the boundary.</p>	<p>If implementing this BP, complete at least ONE action.</p>
<p>3. For cities within metropolitan areas, incorporate woodland best management practices addressing protection of wooded areas into zoning or development review.</p>	<p>4. Adopt a conservation design policy and use a conservation design tool in negotiating development agreements in cities with undeveloped natural resource areas.</p>	
<p>5. Develop/fund a conservation easement program, such as a purchase of development rights program, in collaboration with a land trust.</p>		
<p>6. Conserve natural resources by adopting or amending city codes and ordinances to support sustainable sites and environmentally protective land use development.</p>		
<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=10</p>		
<p>Item 4, Attachment 1</p>		
<p>Transportation Category: BPs 11 - 14</p>		
<p>11. Living Streets</p>		
<p>1. Adopt a complete streets policy that also addresses street trees and stormwater.</p>	<p>2. Adopt zoning language or approve a development agreement for a selected area/project that is substantially equivalent to LEED for Neighborhood Development certification, including credits for Walkable Streets and Street Network.</p>	<p>Required BP</p> <p>Complete action (1), and ...</p> <p>... complete TWO additional actions.</p>
<p>3. Modify a street in compliance with the city's complete streets policy.</p>	<p>4. Identify, prioritize and remedy complete streets gaps and lack of connectivity within your road network by, for example, adding a bike route/lane, truck route, sidewalk or mid-block alley.</p>	
<p>5. Identify and remedy street-trail gaps between city streets and off-road trails/bike trails to better facilitate walking and biking.</p>		
<p>6. Implement traffic calming measures, including road diets, roundabouts, shared space and depaving, in at least one street redevelopment project.</p>		
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<p>Item 4, Attachment 1</p>		

<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=11</p>	<p>Required BP</p>
<p>12. Mobility Options</p>	<p>1. Promote walking, biking and transit use by one or more of the following means:</p> <ul style="list-style-type: none"> a. Produce/distribute route maps, signage or a web site. b. Document increased bike facilities, such as racks, bike stations or showers. c. Add bus infrastructure, such as signage, benches, shelters, park and ride lots, and real-time arrival data-streaming. d. Increase the number of employers promoting multiple commuting options, including offering qualified transportation fringe benefits instead of only a tax-free parking fringe benefit. e. Be recognized as a Walk Friendly or Bicycle Friendly Community. <p>2. Launch an Active Living campaign such as a Safe Routes to School program.</p> <p>3. Prominently identify mobility options: transit; paratransit/Dial-A-Ride; cab service; rental cars; bikes.</p> <p>4. Promote carpooling or ridesharing among community members, city employees, businesses, high schools and institutions of higher education.</p> <p>5. Launch telework/flexwork efforts in city government, businesses or at a local health care provider.</p> <p>6. Add/expand transit service, or promote car/bike sharing.</p> <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=12</p> <p>Complete at least TWO actions.</p>
<p>Item 4, Attachment 1</p>	<p>Optional BP</p>
<p>13. Efficient City Fleets</p>	<p>1. Efficiently use existing fleet of city vehicles by encouraging trip bundling, video conferencing, carpooling, vehicle sharing and incentives/technology.</p> <p>2. Right-size/down-size the city fleet with the most fuel-efficient vehicles that are of an optimal size and capacity for their intended functions.</p> <p>3. Phase-in no-idling practices, operational and fuel changes, and equipment changes including electric vehicles, for city or local transit fleets.</p> <p>4. Phase in bike, foot or horseback modes for police, inspectors and other city staff.</p> <p>5. Document that the local school bus fleet has optimized routes, start times, boundaries, vehicle efficiency and fuels, driver actions to cut costs including idling reduction, and shifting students from the bus to walking, biking and city transit.</p> <p>6. Retrofit city diesel engines or install auxiliary power units, utilizing Project GreenFleet or the like.</p> <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=13</p> <p>If implementing this BP, complete at least TWO actions.</p>
<p>Page 14 of 56</p>	<p></p>

14. Demand-Side Travel Planning	Optional BP
<ol style="list-style-type: none"> 1. Reduce or eliminate parking requirements and/or add parking maximums. 2. For cities with regular transit service, require or provide incentives for the siting of retail services at transit/density nodes. 3. For cities with regular transit service, require or provide incentives for the siting of higher density housing at transit/density nodes. 4. Adopt a travel demand management plan for city employees or incorporate into development regulations TDM or transit-oriented development standards. 5. Document that a development project certifies under the LEED for Neighborhood Development program and is awarded at least one of the following credits: <ol style="list-style-type: none"> a. Transportation Demand Management. b. Housing and Jobs Proximity. 	<p>If implementing this BP, complete at least TWO actions.</p>
<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=14</p>	<p>BP #15, BP #16, BP #17 and ONE other BP required</p>
<p>Environmental Management Category: BPs 15 - 23</p>	
<p>15. Sustainable Purchasing</p> <ol style="list-style-type: none"> 1. Adopt a sustainable purchasing policy or administrative guidelines/practices directing that the city purchase at least: <ol style="list-style-type: none"> a. EnergyStar certified equipment and appliances and b. Paper containing at least 30% post-consumer recycled content. 2. Purchase energy used by city government/distributed by a municipal utility from renewable energy sources. 3. Establish a local purchasing preference and, working with a local business association, develop a list of locally-produced products and suppliers for common purchases. 4. Require purchase of U.S. EPA WaterSense-certified products. 5. Set minimum standards for the percentage of recycled-content material in asphalt and roadbed aggregate or other construction materials. 6. Require printing services to be purchased from companies certified by Minnesota Great Printers or by the Sustainable Green Printing Partnership. 7. Lower the environmental footprint of meetings and events in the city. 8. Use state and national green standards/guidelines for at least 3 categories of purchasing/investments. <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=15</p>	<p>Required BP</p> <p>Complete action (1), and ...</p> <p>... complete at least ONE additional action.</p>

<p>16. Urban Forests</p>	<p>1. Certify as a Tree City USA.</p> <p>2. Adopt best practices for urban tree planting/quality; use them in at least one development project.</p> <p>3. Budget for and achieve urban canopy/tree planting goals.</p> <p>4. Maximize tree planting along your main downtown street or throughout the city.</p> <p>5. Adopt a tree preservation or native landscaping ordinance.</p> <p>6. Build community capacity to protect existing trees/plant resilient species by certifying at least one or more local staff/volunteers.</p> <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=16</p>	<p>Required BP</p>
<p>Complete at least TWO actions.</p>	<p>17. Stormwater Management</p> <p>1. Adopt and use Minnesota's Minimal Impact Design Standards (MIDS).</p> <p>2. Complete the Blue Star City stormwater management assessment and be recognized for implementing the actions therein.</p> <p>3. Adopt by ordinance one or more of the following stormwater infiltration/management strategies:</p> <ul style="list-style-type: none"> a. A narrower streets provision that permits construction of 22- or 24-foot roads for public, residential access and subcollector streets (with fewer than 500 average daily trips). b. For sites less than one acre, retain the water quality volume of 1.1 inches of runoff from all impervious surfaces for new and fully-redeveloped construction sites. c. For non-MS4 permittees, adopt an illicit discharge prohibition rule or ordinance and an erosion and sediment control ordinance. <p>4. Create a stormwater utility that uses variable fees to incentivize enhanced stormwater management, minimize the volume of and pollutants in runoff, and educate property owners.</p> <p>5. Adopt and implement guidelines or design standards/incentives for at least one of the following stormwater infiltration/reuse practices:</p> <ul style="list-style-type: none"> a. Rain gardens/infiltration practices. b. Rainwater harvesting practices. c. Green alleys or green parking lots. d. Pervious/permeable pavement or pavers. e. Green roofs / green walls. f. Tree trenches / tree boxes. <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=17</p>	<p>Required BP</p>
<p>Complete at least ONE action.</p>	<p>Item 4, Attachment 1</p>	<p>Complete at least ONE action.</p>
<p>Page 16 of 56</p>	<p>Item 4, Attachment 1</p>	<p>Complete at least ONE action.</p>

18. Parks and Trails		Optional BP
<ol style="list-style-type: none"> 1. Make improvements within your city's system of parks, offroad trails and open spaces. 2. Plan and budget for a network of parks, green spaces, water features and trails for areas where new development is planned. 3. Achieve minimum levels of city green space. 4. Adopt low-impact design standards in parks and trails that infiltrate or retain all 2 inch, 24-hour stormwater events on site. 5. Create park/city land management standards/practices that maximize at least one of the following: <ol style="list-style-type: none"> a. Low maintenance turf management; native landscaping; organic or integrated pest management; bee/monarch-safe policies. b. Recycling/compostables collection. c. Sources of nonpotable water, or surface/rain water, for irrigation. 6. Certify at least one golf course in the Audubon Cooperative Sanctuary Program. 7. Document that the operation and maintenance, or construction / remodeling, of at least one park building used a green building framework. 8. Develop a program to involve community members in hands-on land restoration and stewardship projects. 		<p>If implementing this BP, complete at least THREE actions.</p>
	<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=18</p>	
19. Surface Water Quality		Optional BP
<ol style="list-style-type: none"> 1. (Action deleted on 09/22/2015) 2. Support a multi-party community conversation around improving local water quality. 3. Adopt and report on measurable, publicly announced surface water improvement targets for water bodies. 4. Adopt a shoreland ordinance for all river and lake shoreland areas. 5. Adopt goals to revegetate shoreland and create a local program or outreach effort to help property owners with revegetation. 6. Implement an existing TMDL implementation plan. 		<p>If a city has at least one state-designated public water body within its boundaries and chooses to implement this best practice, complete action (4) and at least ONE additional action. *** If a city has no state-designated public water body and chooses to implement this best practice, complete any ONE or more actions.</p>

<p>7. Create/assist a Lake Improvement District.</p> <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=19</p>	<p>Optional BP</p>
<p>20. Efficient Water and Wastewater Facilities</p>	
<p>1. Compare the energy use and performance of your facilities with other peer plants using standardized, free tools.</p>	<p>If implementing this best practice, complete actions (1) and (2) and ...</p>
<p>2. Plan and budget for motor maintenance and upgrades so as to assure the most energy efficient, durable and appropriate equipment is available when upgrades or break downs occur.</p>	
<p>3. Establish an on-going budget and program for decreasing inflow and infiltration into sewer lines and losses in drinking water systems.</p>	
<p>4. Assess energy and chemicals use at drinking water / wastewater facilities and report on implemented changes that had a short payback period.</p>	<p>... at least ONE additional action.</p>
<p>5. (Action deleted on 06/17/2012)</p>	
<p>6. Implement a wastewater efficiency project/program for business operations: pretreatment, water conservation, business co-location, co-generation or water reuse.</p>	
<p>7. Create a demand-side management program to reduce demands on water and wastewater systems.</p>	
<p>Item 4, Attachment</p>	
<p>21: Septic Systems</p>	
<p>1. Report to landowners suspected noncompliant or failing septic systems as part of an educational, informational and financial assistance and outreach program designed to trigger voluntary landowner action to improve septic systems.</p>	
<p>2. Use a community process to address failing septic systems.</p>	
<p>3. Clarify/establish one or more responsible management entities for the proper design, siting, installation, operation, monitoring and maintenance of septic systems.</p>	
<p>4. Adopt a subsurface sewage treatment system ordinance based on the Association of Minnesota Counties' model ordinance.</p>	<p>If implementing this BP, complete at least ONE action.</p>
<p>5. Create a program to finance septic system upgrades.</p>	
<p>6. Work with homeowners and businesses in environmentally sensitive areas and areas where standard septic systems are not the least-cost option to promote innovative waste water systems, including central sewer extensions.</p>	
<p>7. Arrange for assistance to commercial, retail and industrial businesses with water use reduction, pollution prevention and pretreatment prior to discharge to septics.</p>	
<p>Page 18 of 56</p>	<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=21</p>

<p>22. Solid Waste Reduction</p>	<ol style="list-style-type: none"> 1. Adopt and meet reduction goals for waste/toxics generated from internal city operations, including schools, libraries, parks, municipal health care facilities. 2. Adopt and meet recycling/composting goals for waste/toxics generated from internal city operations. 3. Document significant waste reduction/recycling, through a resource management contract (covering recycling and garbage) or other means, for one or more of: <ol style="list-style-type: none"> a. City government operations. b. Schools, libraries, parks, or municipal health care facilities. c. A commercial or industrial business. 4. Publicize, promote and use the varied businesses/services collecting and marketing used, repaired and rental consumer goods in the city/county. 5. Arrange for a residential or business/institutional source separated organics collection/management program. 6. Implement one or more city-wide solid waste collection/recycling systems: <ol style="list-style-type: none"> a. Require collection of recyclables from multi-unit residential buildings. b. Require collection of 3 or more recyclable materials from commercial entities. c. Organize regular, ongoing residential solid waste collection by private and/or public operations to link one (or more) geographic district(s) to only one hauler. 7. Offer significant volume-based pricing on residential garbage and/or incentives for recycling. 8. Adopt a construction and demolition ordinance governing demolition permits that requires a level of recycling and reuse for building materials and soil/land-clearing debris. <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=22</p>	<p>Optional BP</p> <p>If implementing this BP, complete at least action (1) or (2), and ...</p> <p>... at least ONE of actions (4) through (8).</p> <p>Optional BP</p>
<p>Item 4, Attachment 1</p>	<p>Item 4, Attachment 1</p>	<p>Optional BP</p>
<p>23. Local Air Quality</p>	<ol style="list-style-type: none"> 1. Conduct an education/financial assistance campaign around one of the following residential wood burning/auto exhaust issues: <ol style="list-style-type: none"> a. Indoor and outdoor wood burning behavior, to ensure that wood burning is only done with seasoned wood and in a manner that doesn't negatively impact neighbors. b. Indoor wood burning technology, to result in community members upgrading from inefficient/more polluting fireplaces and wood stoves to pellet/natural gas/biogas stoves and fireplaces or the most efficient certified wood stoves. c. Smoker cars - older model/high polluting vehicles, to result in repairs spurred by repair vouchers. 	<p>Optional BP</p>
<p>Page 19 of 56</p>	<p>Page 19 of 56</p>	<p>Optional BP</p>

	<p>2. Regulate outdoor residential wood burning, using model ordinance language, performance standards and bans as appropriate, for at least one of the following:</p> <ul style="list-style-type: none"> a. Recreational burning. b. Outdoor residential wood boilers. <p>3. Conduct one or more policy or education/behavior change campaigns on the topics below and document:</p> <ul style="list-style-type: none"> a. Decreased vehicle idling in specific locations. b. Participation in the Air Aware Employers program. c. Adoption of a smoking-free policy at one or more multi-unit housing buildings, private or public. d. Replacement of gasoline-powered equipment with lower polluting equipment. e. Increased sales by retail stores of low and no-VOC household products. <p>4. Document the participation of at least 3 larger businesses in emission/idling reduction programs.</p> <p>5. Install, assist with and promote one or more public fueling stations for plug-in hybrid and full electric vehicles, flex-fuel ethanol vehicles, CNG vehicles.</p> <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpnum=23</p>	<p>If implementing this BP, complete at least TWO actions.</p>
<p>Economic & Community Development Category: BPs 24 - 29</p>		
<p>Item 4, Attachment 1</p>	<p>24. Benchmarks & Community Engagement</p> <ul style="list-style-type: none"> 1. Use a committee to lead, coordinate and report to community members on implementation of GreenStep best practices. 2. Organize goals/outcome measures from all city plans and report to community members data that show progress toward meeting these goals. 3. Engage community members in a public process that results in city council adoption of and commitment to measure and report progress on sustainability indicators. 4. Conduct or support a broad sustainability education and action campaign involving: <ul style="list-style-type: none"> a. The entire community. b. Homeowners. c. Block clubs/neighborhood associations. d. Congregations. e. Schools and youth. 5. Conduct or support a community education, visioning and planning initiative using a sustainability framework such as: <ul style="list-style-type: none"> a. Strong Towns, Natural Capitalism. 	<p>Required BP</p> <p>Required action</p> <p>Required action</p>
<p>Page 20 of 56</p>		

	<ul style="list-style-type: none"> b. Transition initiatives, resiliency, Post-Carbon Cities. c. Eco-municipalities/The Natural Step, ecological footprinting, urban metabolism, permaculture. d. ISO 14001, Genuine Progress. e. Healthy communities, multi-generation learning. 	
	<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpnum=24</p>	
	<p>25. Green Business Development</p>	<p>Required BP</p>
	<p>1. Support new/emerging green businesses and green jobs through targeted assistance and new workforce development.</p>	
	<p>2. Create or participate in a marketing/outreach program to connect businesses with assistance providers, including utilities, who provide personalized energy, waste or sustainability audits and assistance.</p>	
	<p>3. Actively promote green tourism in your city, and green tourism resources to tourism and hospitality businesses in/around the city.</p>	
	<p>4. Strengthen value-added businesses utilizing local waste products and renting products/services.</p>	
	<p>5. Lower the environmental footprint of a brownfield remediation/redevelopment project.</p>	
	<p>6. Promote green businesses that are recognized under a local, regional or national program.</p>	
	<p>7. Conduct or participate in a buy local campaign.</p>	
<p>Item 4, Attachment 1</p>	<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpnum=25</p>	<p>Complete at least TWO actions.</p>
	<p>26. Renewable Energy</p>	<p>Optional BP</p>
	<p>1. Adopt solar energy standards or a wind energy ordinance that allows or encourages appropriate renewable energy installations.</p>	
	<p>2. Consistently promote at least one of the following means of increasing renewable generation:</p> <ul style="list-style-type: none"> a. A local utility's green power purchasing program that allows residents/businesses to order/buy new renewable energy. b. Local, state and federal financial incentives for property owners to install renewable energy systems. 	
<p>Page 21 of 56</p>	<p>3. Create/participate in a renewable energy financing program such as PACE for commercial property owners to install generation capacity/energy efficiency equipment.</p>	
	<p>4. Support or create a program that enables community members to participate in a community renewable energy project.</p>	<p>If implementing this BP, complete at least TWO actions.</p>

	<p>5. Install a public sector/municipally owned renewable energy technology, such as solar electric (PV), biomass, solar hot water/air, micro-hydro or wind.</p>		
	<p>6. Enable a new or demonstrate prior collaboration for installed private sector renewable energy/ energy efficient generation capacity with at least one of the following attributes:</p>		
	<p>a. Fueled by flowing water, sun, wind, or biogas.</p>		
	<p>b. Fueled in part or whole by manure or woody biomass, optimized for minimal air and other environmental impacts and for energy efficiency and water conservation.</p>		
	<p>c. Distributing heating/cooling services in a district energy system.</p>		
	<p>d. Producing combined heat and power; using a microgrid.</p>		
	<p>7. Create an expedited permit process for residents and businesses to install solar energy systems.</p>		
	<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpnum=26</p>		
	<p>27. Local Food</p>		<p>Optional BP</p>
<p>Item 4, Attachment 1</p>	<p>1. Incorporate working landscapes - agriculture and forestry - into the city by adopting an ordinance for one or more of the following:</p>		
	<p>a. An agriculture and forest protection district.</p>		
	<p>b. A local food production district.</p>		
	<p>c. Performance standards for minor and major agricultural retail.</p>		
	<p>2. Facilitate creation of home/community gardens, chicken & bee keeping, and incorporation of food growing areas/access in multifamily residential developments.</p>		
	<p>3. Create, assist with and promote local food production/distribution within the city:</p>		<p>If implementing this BP, complete at least ONE action.</p>
	<p>a. A farmer's market or co-op buying club.</p>		
	<p>b. An urban agriculture business or a community-supported agriculture (CSA) arrangement between farmers and community members/employees.</p>		
	<p>c. A community or school garden, orchard or forest.</p>		
	<p>4. Measurably increase institutional buying, and sales through groceries and restaurants.</p>		
<p>Page 22 of 56</p>	<p>a. Purchasing of local/organic/humane/equitable foods by schools, hospitals, nursing homes and event centers.</p>		
	<p>b. Sales of local/organic/humane/equitable food in markets, retail food co-ops, rural grocery stores, urban convenience stores, hotels and restaurants.</p>		
	<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpnum=27</p>		
	<p>28. Business Synergies</p>		<p>Optional BP</p>

		<p>1. Help businesses register as users of the Minnesota Materials Exchange and document their exchanges/sales of byproducts with other local/regional businesses.</p> <p>2. Document that at least one business/building uses waste heat or water discharge from another business.</p> <p>3. Require, build or facilitate at least four of the following in a business/industrial park project:</p> <ul style="list-style-type: none"> a. Shared parking/access OR shared recreation/childcare facilities. b. Green product development, manufacturing or sales OR a green job training program.. c. Buildings located within walking distance of transit and/or residential zoning. d. Renovated buildings OR buildings designed for reuse. e. Green buildings built to exceed the Minnesota energy code by 20% OR renewable energy generated on-site. f. Combined heat and power (CHP) generation capacity OR shared geothermal heating/cooling. g. Low-impact site development. <p>4. Use eco-industrial park tools to identify industrial facilities that could achieve economic and environmental benefit by co-locating in the city's industrial park or industrial zone.</p> <p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpnum=28</p>			
		<p>29. Climate Adaptation and Community Resilience</p>			
		<p>1. Integrate climate resilience into planning and budgetary processes.</p>			
		<p>2. Prepare to maintain public health and safety during extreme weather and climate-change related events, while also taking a preventive approach to reduce risk for community members.</p>			
		<p>3. Provide opportunities for economically vulnerable residents to improve their economic prosperity.</p>			
		<p>4. Increase social connectedness through consistent and direct citizen engagement and capacity building of communities or populations that are generally underrepresented in community discussions or participation.</p>			
		<p>5. Protect public and critical facilities and infrastructure with practical mitigation measures to reduce physical damage and sustain functions during extreme weather events.</p>			
		<p>6. Increase the capacity of buildings and infrastructure to reduce the urban heat island effect, better manage stormwater, use locally available energy resources, and decrease GHG emissions while increasing resilience.</p>			

<p>7. Make long-term investments through sustainable best practice actions to prepare for anticipated climate impacts and increase resiliency over time.</p>	
<p>http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=31</p>	
<p>>> <i>To be recognized as a Step 3 GreenStep City, implement (1) the minimum number of BPs under each BP category, (2) any specific BPs and BP actions noted, and in total implement at least this many best practices:</i></p>	<p>16</p>
<p>>> To be recognized as a Step 2 city, simply implement any BPs to total:</p>	<p>8</p>



City of East Bethel Planning Commission Agenda Information

Date:

August 23, 2016

Agenda Item Number:

Item 5.0

Agenda Item:

Revised Preliminary Plat Viking Preserve Planned Unit Development, Zoning R1, R2, and CC.

Developer: Shaw Trucking

Location: Southern Boundary – Viking Blvd NE (CSAH 22), Western Boundary – Jackson St.,

Northern Boundary - Taylor St./City owned property, Eastern Boundary – private property

Proposal: 48 single family lots in a Planned Unit Development

Zoning: R1 (single family), R2 (one and two family), and CC (City Center)

Requested Action:

Approve the Revised Preliminary Plat

Background Information:

The Preliminary Plat for Viking Preserve, a single family residential Planned Unit Development was originally approved by the City Council on December 4, 2013. Since that time there have been modifications to the Plat due to comments received from the Army Corps of Engineers regarding wetland modification and other outside agencies. On March 25, 2014, the Planning Commission did review a Revised Preliminary plat and recommended approval to the City Council. The City has met with the Developer several times and the Developer has never formally requested that the Final Plat be approved. The City Council did however approve a Memorandum of Understanding with the Developer on April 1, 2015 and that MOU allowed the Developer to complete grading and lot correction for the eventual Viking Preserve plat. The Developer is now interested in proceeding forth with the REVISED Preliminary Plat for Viking Preserve. Due to the lag time, a new public hearing is required for this development. As indicated as part of the review process several outside agencies submit their comments and the City works with the Developer to incorporate those changes into the Final Plat and as part of the Developers Agreement. Any permits that are required from outside agencies, such as stormwater permitting, access permits, etc. are the responsibility of the Developer. Based on previous comments, the proposed Plat has been revised as follows:

- This layout provides 48 single family lots. Original project had 60 lots.
- Developer is proposing to stop the street construction for Taylor Street just beyond our intersection with 193rd Lane. This greatly reduces their wetland issue, as we believe we can fall under 1/2 acre of impact. Developer no longer proposing any future homes beyond the proposed Lot 25, so public access will not be necessary.
- There may be space to create a small berm along the south side of Block 1 along Viking Boulevard, otherwise buffer to Viking Boulevard will be 193rd Lane and future plantings.
- Proposed ponding areas are indicated.
- Developer will continue to provide Outlot C as a buffer and recognize the need to preserve existing trees.

- Developer proposing to dedicate the additional 15 feet of right of way, to satisfy Anoka County Highway Department.
- Sidewalks and trail planned in the development
- Park dedication fee will be required

Attachments:

1. Revised Preliminary Plat Maps 1-4

Fiscal Impact:

Potential tax revenue generated from this development is estimated between \$20,000-\$175,000 per year (at full development). 2016 SAC and WAC fees = \$8,785 per lot and these fees are collected at the time the building permit is issued for new construction. Park Dedication fees = \$39,000 - \$50,000.

Recommendation:

Recommend approval of the Preliminary Plat subject to the following:

- 1. City Engineer approval
- 2. Anoka County highway department approval
- 3. Approval of all requirements as outlined in Chapter 66 – Subdivisions

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

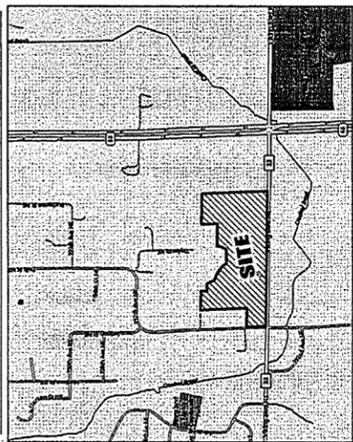
Vote No: _____

VIKING PRESERVE

TITLE SHEET, NOTES & LEGEND

EAST BETHEL, MN

VICINITY MAP



N.T.S.

GENERAL NOTES

THE INFORMATION SHOWN ON THESE DRAWINGS CONCERNING TYPE AND SIZE OF ALL UTILITIES IS BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO TYPE AND LOCATION OF UTILITIES AS NECESSARY TO AVOID DAMAGE TO THESE UTILITIES.

CALL "611" FOR EXISTING UTILITIES LOCATIONS PRIOR TO ANY EXCAVATIONS.

THE CONTRACTOR SHALL VERIFY SIZE, DEPTH, LOCATION AND LOCATION OF EXISTING SANITARY SEWER, STORM SEWER, WATER MAIN AND WATER MAIN SERVICE LINES PRIOR TO THE START OF INSTALLATIONS.

INSTALLATIONS SHALL CONFORM TO THE CITY STANDARD SPECIFICATIONS (LATEST EDITION), CITY STANDARD DETAIL PLATES, AND MINNAPLANS SPECIFICATIONS FOR CONSTRUCTION, 2005 EDITION.

THE CONTRACTOR SHALL NOTIFY CITY PUBLIC WORKS DEPARTMENT A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY SEWER OR WATER SERVICE TO EXISTING HOMES OR BUSINESSES.

STORAGE OF MATERIALS OR EQUIPMENT SHALL NOT BE ALLOWED ON PUBLIC STREETS OR WITHIN PUBLIC RIGHT-OF-WAY.

NOTIFY CITY A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF ALL ELECTRICAL, TELEPHONE, AND GAS EXTENSIONS INCLUDING SERVICE LINES SHALL BE CONSTRUCTED TO THE APPROPRIATE UTILITY COMPANY. THE APPROPRIATE UTILITY COMPANY.

REMOVE/RELOCATE EXISTING UTILITIES AS NECESSARY FOR CONSTRUCTION.

ABANDON EXISTING WATER WELLS PER CITY AND STATE CODE.

WATER MAIN NOTES

EXISTING WATER MAIN LOCATION AND SIZE SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.

PROVIDE PIPE INSULATION PER STANDARD DETAIL PLATE NO. 304 WHERE SEWER (SANITARY OR STORM) CROSSES WITHIN 18" OF WATER MAIN.

MECHANICAL JOINTS SHALL BE USED FOR WATER MAIN PIPES 4" IN DIAMETER AND LARGER. RUBBER GASKETS SHALL CONFORM TO AWWA C111 (ANSI A21.11).

MAINTAIN MINIMUM 7.5-FT COVER TO TOP OF ALL WATER MAIN PIPE.

PROVIDE CONCRETE THRUST BLOCKING AT BENDS AND TEES PER STANDARD DETAIL PLATE NO. 202.

TRACER WIRE IS REQUIRED FOR ALL PVC WATERMAIN PIPE AND SHALL BE NO. 8 COPPER INSULATED AND RATED FOR UNDERGROUND SERVICE. TRACER WIRE SHALL REMAIN CONTINUOUS AND BE BROUGHT TO THE SURFACE AT ALL HYDRANTS. SEE STANDARD DETAIL PLATE NO. 204 FOR DETAIL.

GATE VALVES SHALL BE RESINITE WEDGE VALVES CONFORMING TO AWWA C509 STANDARDS. ALL VALVES SHALL BE INSTALLED ON-LINE WITH ACCOMPANYING VALVE BOXES. ALL VALVES SHALL BE IN A CLOCKWISE DIRECTION. ALL VALVE BOXES SHALL BE COVERED PER AWWA C506. ALSO SEE STANDARD DETAIL PLATE NO. 205.

WATER SERVICES SHALL BE 1" COPPER TYPE K AND SHALL CONFORM TO STANDARD DETAIL PLATE NO. 204.

HYDRANTS SHALL BE PLACED FIVE (5) FEET FROM BACK OF CURB AND SHALL CONFORM TO STANDARD DETAIL PLATE NO. 204.

STORM SEWER NOTES

FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING STORM SEWER AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.

STORM SEWER SHALL BE REINFORCED CONCRETE PIPE (RCP) ANSI C76 WITH R-4 GASKETS AND HOPE. HOPE PIPE SHALL MEET THE REQUIREMENTS OF AASHTO M294, TYPE S WITH WATER-TIGHT CONNECTIONS. USE SAND/GRANULAR BACKFILL WITH THE PROTECTION OF HOPE PIPE IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM 2321.

STORM SEWER LENGTHS INCLUDE THE LAWN LENGTH OF THE FLARED-END SECTION. LAWN LENGTH OF APRON TO BE DEDUCTED FROM PAYMENT LENGTH OF PIPE.

ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10 FEET OF A WATER SERVICE LINE MUST BE TESTED IN ACCORDANCE WITH MINNESOTA RULES, PART 4715.2920.

STORM SEWER PIPES TO BE JOINED TO THE CATCH BASIN MANHOLES WITH APPROVED PRE-FORMED RUBBER, TYPE A, IN ACCORDANCE WITH MNDOT 3726.

ALL FLARED-END SECTIONS FOR PIPE CULVERTS 18" AND LARGER SHALL BE FITTED WITH TRASH GUARDS AND ALL FLARED-END SECTIONS ON PIPE STORM SEWER SYSTEMS SHALL BE FITTED WITH TRASH GUARDS.

ALL CATCH BASINS SHALL BE OFFSET PER STANDARD DETAIL PLATE NO. 703.

SANITARY SEWER NOTES

EXISTING SANITARY SEWER LOCATION, SIZE, AND ELEVATION SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.

PROPOSED SANITARY SEWER SHALL BE PVC AND SHALL CONFORM TO AWWA C900 FOR THE SIZE AND STRENGTH REQUIREMENTS AS SHOWN ON THE PLAN.

ALL CONNECTIONS BETWEEN EXISTING AND NEW SANITARY SEWER OR SERVICE LINES SHALL BE MADE WITH APPROVED MECHANICAL JOINTS FOR SANITARY SEWER CONNECTIONS.

ALL SANITARY SEWER SERVICE PIPE SHALL BE 4" PVC SDR 26. ALL SERVICE CONNECTIONS SHALL BE SOLWELD WELDED - GASKETED CONNECTIONS WILL NOT BE ALLOWED. ALSO SEE STANDARD DETAIL PLATE NO. 302.

CHIMNEY SEALS
ANY ONE OF THE FOLLOWING IS ALLOWED:
1. FLEXIBLE INTERNAL RUBBER SEALS, INTERLOCKING EXTENSIONS AND STAINLESS STEEL EXPANSION BANDS (STANDARD PLATE 306)
2. FLEX-SEAL UTILITY SEALANT (STANDARD PLATE 309)
3. INF-SHIELD (STANDARD PLATE 310)

CURB & BITUMINOUS NOTES

REMOVAL AND DISPOSAL OF EXISTING STREET MATERIALS AS REQUIRED FOR CONSTRUCTION IS CONSIDERED INCIDENTAL.

PROVIDE SAW-CUT AND 2-INCH DEEP BY 4 FOOT WIDE MILL AT BITUMINOUS SNIP-OUT EXISTING BITUMINOUS CONCRETE CURB TO PROVIDE BUTT-JOINT.

RESTORE DISTURBED STREET TO EXISTING OR BETTER SECTION.

BACKFILL OF CURB IS INCIDENTAL TO CURB INSTALLATION.

APPROVED GRANULAR SUBGRADE UNDER CURB IS INCIDENTAL TO CURB INSTALLATION.

LEGEND

—	EXISTING OVERHEAD ELECTRIC	—	PROPOSED WATER PIPE
—	EXISTING TELEPHONE FEDESTAL	—	PROPOSED SANITARY SEWER PIPE
—	EXISTING ELECTRICAL FEDESTAL	—	PROPOSED STORM SEWER PIPE
—	EXISTING CABLE FEDESTAL	—	PROPOSED DRAINILE AND CLEAN-OUT
—	EXISTING UTILITY POLE	—	PROPOSED STORM MANHOLE
—	EXISTING STORM SEWER	—	PROPOSED CATCH BASIN
—	EXISTING WATER MAIN	—	PROPOSED FLARED-END SECTION
—	EXISTING SANITARY SEWER	—	PROPOSED GATE VALVE
—	EXISTING STORM MANHOLE	—	PROPOSED HYDRANT
—	EXISTING CATCH BASIN	—	PROPOSED SANITARY SEWER MANHOLE
—	EXISTING FLARED-END SECTION	—	
—	EXISTING GATE VALVE	—	
—	EXISTING HYDRANT	—	
—	EXISTING WELL	—	
—	EXISTING FENCE	—	
—	EXISTING WETLAND	—	
—	EXISTING WETLAND BOUNDARY	—	
—	SOIL BORING LOCATIONS	—	
—	TESTING COMPANY OCTOBER 2013	—	

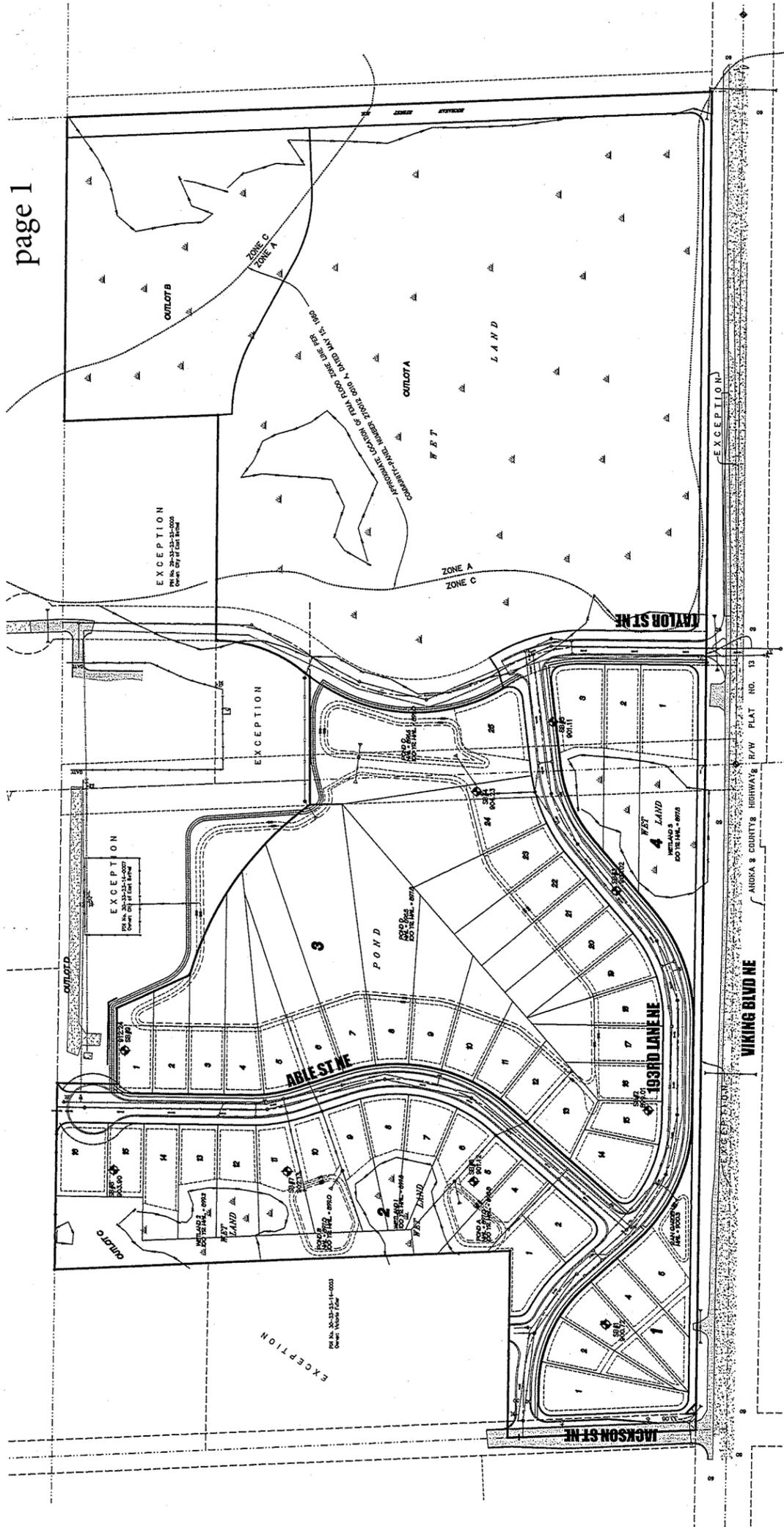
SOIL BORING LOCATIONS PERFORMED BY TDS ALLEN TESTING COMPANY OCTOBER 2013

SHEET INDEX

C0	TITLE SHEET, NOTES & LEGEND
S1	PRELIMINARY PLAT
S2	CERTIFICATE OF SURVEY
S3	NEIGHBORHOOD EXHIBIT
S4	PRELIMINARY TREE INVENTORY & TREE REMOVAL PLAN
G1-G4	PRELIMINARY GRADING, DRAINAGE & ESC PLAN
C1.1	LOT TABULATION & GRADING DETAILS
C1.2	PLAN/PROFILE (SANITARY/WATER) - 193RD LN NE
C1.3	PLAN/PROFILE (SANITARY/WATER) - 193RD LN NE/ABLE ST NE
C1.4	PLAN/PROFILE (SANITARY/WATER) - TAYLOR ST NE
C1.5	PLAN/PROFILE (STORM/STREET) - 193RD LN NE
C1.6	PLAN/PROFILE (STORM/STREET) - TAYLOR ST NE
C1.7	PLAN/PROFILE (STORM/STREET) - TAYLOR ST NE
C1.8	PLAN/PROFILE (STORM) - MISCELLANEOUS STORM
C2.1	STREET INTERSECTION DETAILS
C3.1-C3.3	STORM WATER POLLUTION PREVENTION PLAN (SWPPP) DETAILS
C4.1	COUNTY HIGHWAY 13 TURN LANE
C5.1-C5.2	STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

TITLE SHEET, NOTES & LEGEND

VIKING PRESERVE



DATE: 02.03.2014
LIC. NO. 43963
ADAM GIMKEL
PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 11-2-14
CITY REVIEW #1
STREET, LOT, AND POND LAYOUT DL.
2-3-14

DATE: 11-2-14
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STREET, LOT, AND POND LAYOUT DL.
2-3-14

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CITY REVIEW #1
STREET, LOT, AND POND LAYOUT DL.
2-3-14

page 1

CERTIFICATE OF SURVEY

~of~ VIKING PRESERVE
~for~ SHAW TRUCKING, INC.
18530 Buchanan Street N.E.
East Bethel, MN 55011

PROPERTY DESCRIPTION

The Southwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, is hereby surveyed and platted as Anoka County Highway Right-of-Way Plat No. 13, except that part platted as Anoka County Highway Right-of-Way Plat No. 13.

AND

The Southwest Quarter of the Northwest Quarter of Section 30, Township 33, Range 33, Anoka County, Minnesota, is hereby surveyed and platted as Anoka County Highway Right-of-Way Plat No. 13, except that part platted as Anoka County Highway Right-of-Way Plat No. 13.

Together with a Non-Beck 40' wide of the Southwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, is hereby surveyed and platted as Anoka County Highway Right-of-Way Plat No. 13, except that part platted as Anoka County Highway Right-of-Way Plat No. 13.

EXCEPT

That part of the Southwest Quarter of the Northwest Quarter of Section 30, Township 33, Range 33, Anoka County, Minnesota, described as follows:

Beginning at the Northwest corner of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, bearing South 02 degrees 18 minutes 18 seconds East along the East line of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, a distance of 48.33 feet; thence Northwesterly a distance of 418.48 feet along a non-tangential curve, concave to the Southwest, having a radius of 630.00 feet, a central angle of 37 degrees 31 minutes 23 seconds, a chord bearing South 24 degrees 32 minutes 36 seconds West, a distance of 157.15 feet; thence North 80 degrees 00 minutes 52 seconds East, a distance of 14 seconds East to the North line of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, and there terminating.

AND

That part of the Southwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, lying South of the North 10 degrees 00 minutes West line of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, and lying West of the West line of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, described as follows:

Line A:

Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, bearing South 02 degrees 18 minutes 18 seconds East along the East line of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, a distance of 350.00 feet and there terminating.

Line B:

Commencing at the Northwest corner of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, bearing South 02 degrees 18 minutes 18 seconds East along the East line of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, a distance of 350.00 feet and there terminating.

AND ALSO EXCEPTING

That part of the Southwest Quarter of the Northwest Quarter of Section 30, Township 33, Range 33, Anoka County, Minnesota, described as follows:

Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, bearing South 02 degrees 18 minutes 18 seconds East along the East line of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 33, Anoka County, Minnesota, a distance of 350.00 feet; thence North 00 degrees 00 minutes East a distance of 350.00 feet and there terminating.

NOTES

Field survey was completed by E.C. Rud and Sons, Inc. on 10/08/13 and 12/23/13 on the Anoka County Coordinate System. Bearings shown are on the Anoka County Coordinate System. Distances shown are in feet and are rounded to the nearest foot or less. This survey is based upon title commitment file No. 111-12037 prepared by Registered Abstractors, Inc. dated 08/15/10.

29-33-33-23-000 Unassigned address
29-33-33-23-001 Unassigned address
30-33-33-14-0005 937 Viking Boulevard
30-33-33-14-0006 937 Viking Boulevard
30-33-33-14-0008 19315 Jackson Street

Locations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown herein and additional underground utilities and/or structures may be located during the course of this survey. The location of underground utilities and/or structures may vary from locations shown herein and additional underground utilities and/or structures may be located during the course of this survey. The location of underground utilities and/or structures may vary from locations shown herein and additional underground utilities and/or structures may be located during the course of this survey.

(651) 454-0002 for verification of utility types and field location, prior to excavation. United Locating Services (763-555-5185) was used for utility locations. The Copier State ticket numbers 13565656 by United Locating Services for this survey ticket request is 13565656.

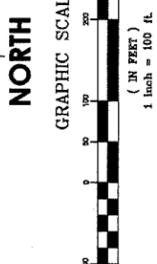
I hereby certify that this survey plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Minnesota.

J. GUN E. RUD
Date: 2-03-14 License No. 41578

E.C. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.ecrud.com



VICINITY MAP
PART OF SEC. 29 & 30, TWP. 33, RANG. 33.



NORTH
GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES ANOKA COUNTY CAST IRON MONUMENT
- ◇ DENOTES CATCH BASIN
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊗ DENOTES HYDRANT
- ⊕ DENOTES GATE VALVE
- ⊖ DENOTES POWER POLE
- ⊗ DENOTES EXISTING SPOT ELEVATION
- ⊘ DENOTES SIGN
- ⊙ DENOTES LIGHT POLE
- ⊕ DENOTES TELEPHONE PEDESTAL
- ⊖ DENOTES FIBER OPTIC BOX
- ⊗ DENOTES GUY WIRE
- ⊘ DENOTES WELL
- ⊙ DENOTES STORM SEWER APRON
- ⊕ DENOTES WET LAND
- ⊖ DENOTES WOVEN WIRE FENCE

- ~ DENOTES EXISTING 2 FOOT CONTOURS
- ~ DENOTES EXISTING 2 FOOT CONTOURS PER ANOKA COUNTY
- ~ DENOTES EXISTING SANITARY SEWER
- ~ DENOTES EXISTING STORM SEWER
- ~ DENOTES EXISTING WATER MAIN
- ~ DENOTES OVERHEAD WIRE
- ~ DENOTES UNDERGROUND ELECTRIC LINE
- ~ DENOTES UNDERGROUND GAS LINE
- ~ DENOTES UNDERGROUND TELEPHONE LINE
- ~ DENOTES UNDERGROUND FIBER OPTIC LINE
- ~ DENOTES CONCRETE SURFACE
- ~ DENOTES BITUMINOUS SURFACE
- ~ DENOTES GRAVEL SURFACE
- ~ DENOTES EDGE OF WETLANDS AS DELINEATED BY EARTH SCIENCE ASSOCIATES, INC., SEPTEMBER 2013
- ~ DENOTES TREES 8" OR LARGER
- ~ DENOTES SOIL BORING BY ALLED TESTING

BENCHMARK

MANDOT NAME: DENN MNDT ELEV. = 899.21 (NAVOD88)
1.5 MILES NORTH OF HAM LAKE, AT TRUNK HIGHWAY 65
MILEPOST 23.2, 1.5 MILES NORTH ALONG TRUNK HIGHWAY 65
15 (CROSSSTOWN BLVD) TO FIVE AND COUNTRYSIDE ROAD
65 (61.1 FEET NORTHWEST OF WESTERN MOST LEG. OF ANTIQUES SIGN, 22.5 FEET NORTH OF POWER POLE, 31.5 FEET WEST-SOUTHWEST OF RIGHT-OF-WAY POST, 9.4 FEET SOUTHWEST OF RIGHT-OF-WAY POST, 3.0 FEET NORTH OF WITNESS POST.

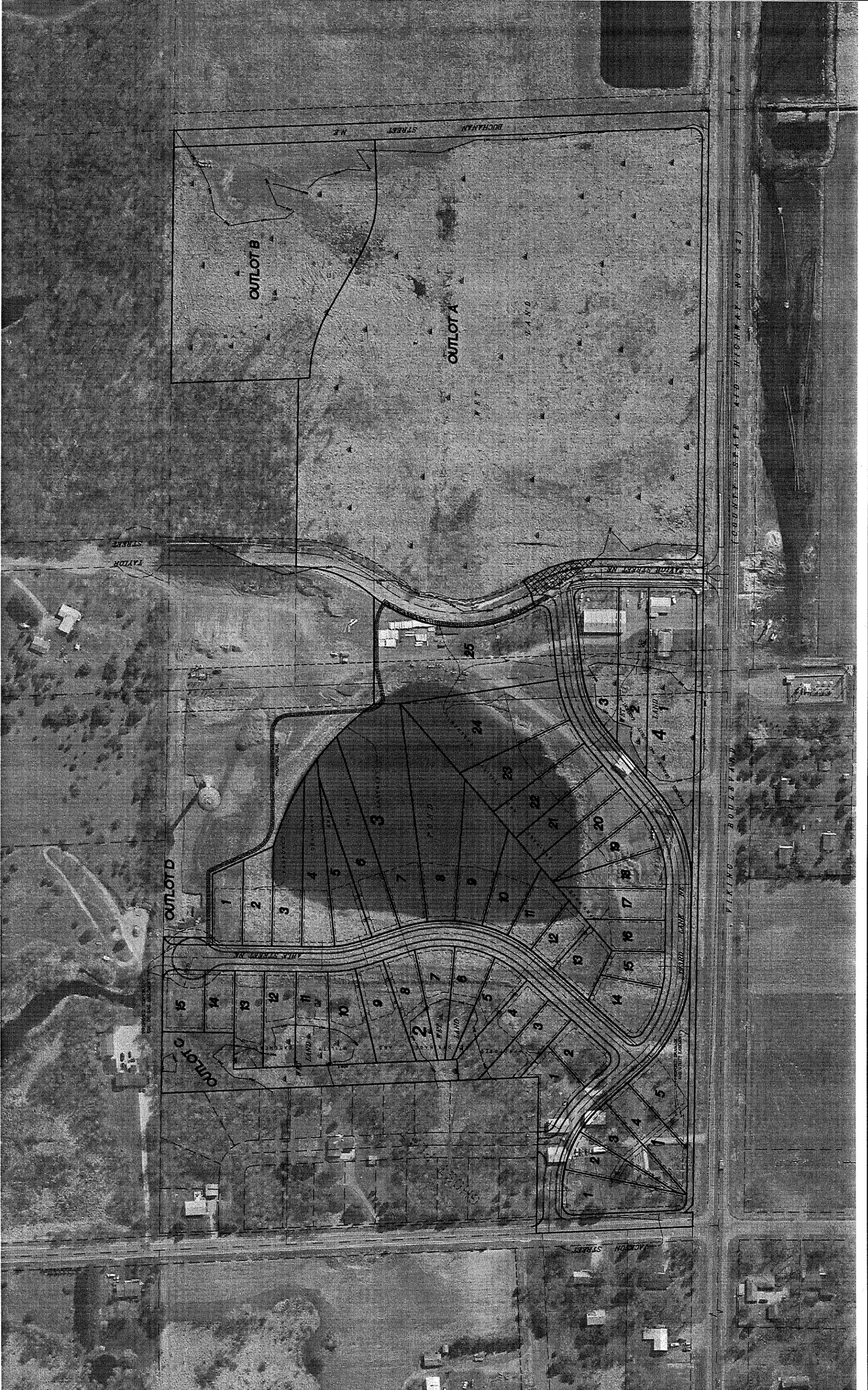
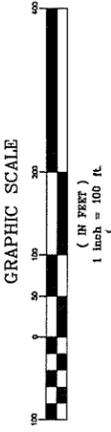
NO.	DATE	DESCRIPTION	BY
1	09/20/13	CONCEPT SUBMITTAL	JEN
2	10/14/13	CONCEPT RE-SUBMITTAL	JEN
3	11/12/13	PRE-PLAT SUBMITTAL	JEN
4	01/07/14	CITY/COUNTY COMMENTS	JEN
5	02/03/14	CITY SUBMITTAL/ISSUE	JEN

NEIGHBORHOOD EXHIBIT

~for~ SHAW TRUCKING, INC.
18530 Buchanan Street N.E.
East Bethel, MN 55011

E.G. RUD & SONS, INC.
EST. 1877
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

NO.	DATE	DESCRIPTION	BY
1	10/14/13	Concept R#-submital	JEN
2	11/22/13	Preliminary Plat Submittal	JEN
3	01/07/14	City/County Comments	JEN
4	02/03/14	Revised Layout	JEN





City of East Bethel Planning Commission Agenda Information

Date:

August 23, 2016

Agenda Item Number:

Item 6.0

Agenda Item:

Final Plat to subdivide a 41.67 acre parcel into 10 lots in an area zoned Rural Residential.

Requested Action:

Consider approval of a Final Plat for the subdivision of lands for the development of Prairie Ridge Estates, a rural 10 lot residential subdivision.

Background Information:

Fee Owner:

George J Roberts
3626 Roble Court
Eldorado CA

Property Location:

033323220001
Corner of Bataan St and 229th Ave NE

Applicant:

Carrington Development LLC
Steve Strandlund
P O Box 169
Cedar MN 55011

At the regular Planning Commission meeting on July 26, 2016 and at the regular City Council meeting on August 17, 2016 the Preliminary Plat for Prairie Ridge Estates was approved. Before the Planning Commission is the Final Plat of Prairie Ridge.

All comments from City Staff, City Engineer and outside agencies have been received.

- Anoka County Highway Department sent a letter and have requested additional right of way dedication. That right of way dedication was indicated on the Preliminary Plat and is shown on the Final plat.
- Per the Park Board recommendation and as acted on by the City Council, the Developer will be required to put in a trail along Bataan St NE.
- All required documents as outlined in our Subdivision Ordinance Chapter 66 have been submitted and revised per Staff and City Engineer recommendations.

Fiscal Impact:

The current taxable market value of the site is \$177,200 and is classified as agriculture, non-homestead. 2016 total taxes (City, County and School District) will be \$2,190. If the subdivision were totally built out and assuming a build out value for the 10 lots was \$250,000 per lot or a total of \$2,500,000, the estimated total tax generated by the parcel would be approximately \$29,750 in 2016 dollars.

Recommendation:

City Staff is requesting the Planning Commission recommend Final Plat approval to the City Council for the proposed subdivision with the following conditions:

- 1. All comments from the City Engineer, City Attorney, and City Staff need to be addressed
- 2. Trail to be dedicated and improved per comprehensive trail plan.
- 3. Developer enter into a Developer's Agreement with the City.

Attachments:

- 1. Location Map
- 2. Final Plat documents
- 3. Trail map

Planning Commission Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

KNOW ALL PERSONS BY THESE PRESENTS: That Carrington Development, LLC, a Minnesota limited liability company, owner and Landmark Community Bank, Na, a National Association, mortgagee of the following described property:

The Northwest Quarter of the Northwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota, except that part described as follows:

All that part of the Northwest Quarter of the Northwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota, that lies south of the following described line: Beginning at a point on the east line of said Northwest Quarter of the Northwest Quarter distant 24.52 feet north of the southwest corner thereof; thence west to a point on the west line of said Northwest Quarter of the Northwest Quarter distant 21.47 feet north of the southwest corner thereof and there terminating.

Have caused this same to be surveyed and platted as PRAIRIE RIDGE ESTATES and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as shown by this plat. Also dedicating to the County of Anoka, the right of access onto County State Aid Highway No. 26 as shown on this plat.

In witness whereof said Carrington Development, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

CARRINGTON DEVELOPMENT, LLC

Steven J. Strandlund
as Chief Manager.

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Steven J. Strandlund, as Chief Manager of Carrington Development, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County, Minnesota
My Commission Expires _____

In witness whereof said Landmark Community Bank, Na, a National Association has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

LANDMARK COMMUNITY BANK, NA

Heidi L. Johnson
as Vice President

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Heidi L. Johnson as Vice President of Landmark Community Bank, Na, a National Association, on behalf of the association.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, Jason E. Rud do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41578

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Jason E. Rud.

Notary Public, _____ County, Minnesota
My Commission Expires _____

City Council, City of East Bethel, Minnesota

This plat of PRAIRIE RIDGE ESTATES was approved and accepted by the City Council of the City of East Bethel, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of East Bethel, Minnesota

By _____ Mayor
By _____ Clerk
County Surveyor _____

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

Larry D. Holm
Anoka County Surveyor
County Auditor/Treasurer _____

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

Property Tax Administrator _____
By _____ Deputy

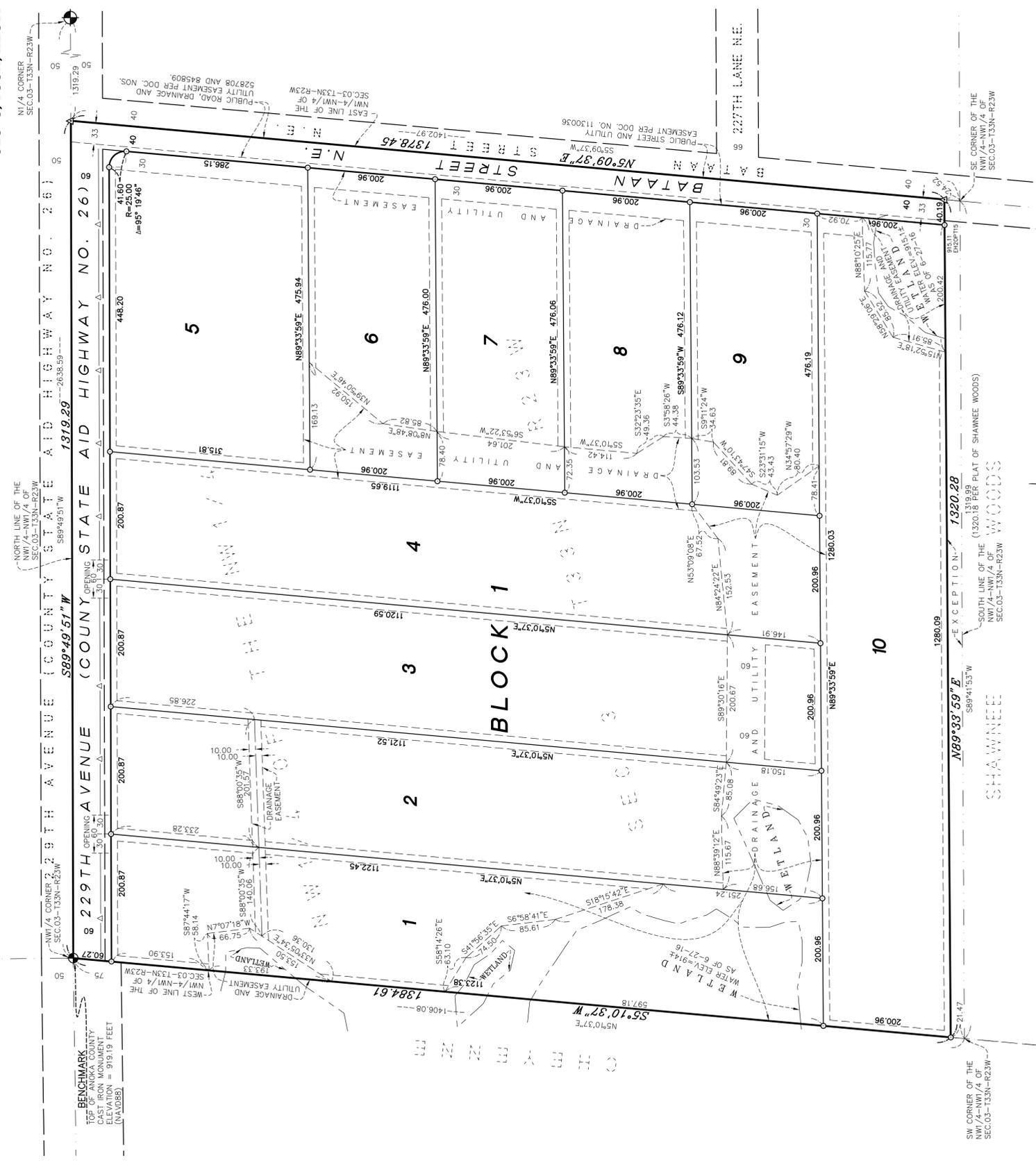
County Recorder/Registrar of Titles
County of Anoka, State of Minnesota

I hereby certify that this plat of PRAIRIE RIDGE ESTATES was filed in the office of the County Recorder/Registrar of Titles for public record on this _____ day of _____, 20____, at _____ o'clock _____M., and was duly recorded in Book _____ Page _____ as Document Number _____.

County Recorder/Registrar of Titles _____
By _____ Deputy

CITY OF EAST BETHEL
COUNTY OF ANOKA
SEC. 3, T33N, R23W

PRAIRIE RIDGE ESTATES



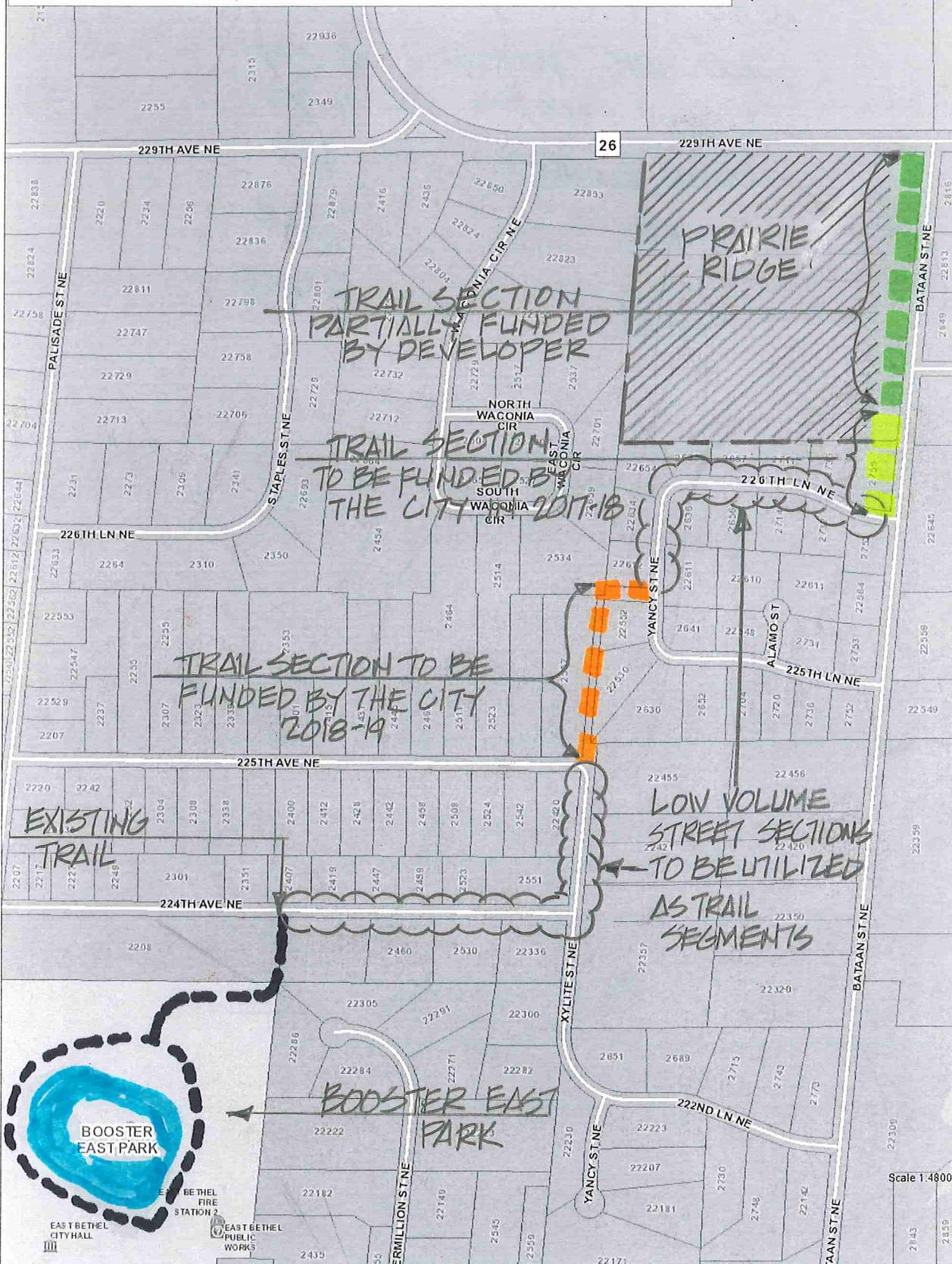
North arrow, scale bar (1 inch = 100 feet), legend for monuments and easements, and a note about lot widths.



NORTH



Trail Plan - 229th Ave. to 225th





City of East Bethel Planning Commission Agenda Information

Date:

August 23, 2016

Agenda Item Number:

7.0

Agenda Item:

Discussion regarding putting in place an Ordinance to restrict the residency of convicted sex offenders.

Requested Action:

Information only.

Background Information:

Repeat predatory offenders present an extreme threat to the public safety of a community as a whole, and especially to children. Some communities have adopted Ordinances limiting where convicted sex offenders can live in an effort to further protect the safety and welfare of community residents. Attached are examples from Anoka and Andover who have recently adopted such ordinances. Also attached is an article from the Association for the Treatment of Sexual Abusers (ATSA) that discusses in depth such laws.

Attachments:

- 1) Ordinance from Anoka
- 2) Ordinance from Andover
- 3) ATSA article

Fiscal Impact:

Unknown

Recommendation(s):

To recommend that staff put together an Ordinance related to residency of convicted sex offenders and bring back to the Planning Commission for public hearing and review.

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____



2015 First Avenue, Anoka, MN 55303
Phone: (763) 576-2700 Website: www.ci.anoka.mn.us

**CITY OF ANOKA, MINNESOTA
ORDINANCE**

ORD-2016-1635

**AN ORDINANCE AMENDING CHAPTER 46; ARTICLE III.
OFFENSES INVOLVING PUBLIC SAFETY
OF THE CODE OF THE CITY OF ANOKA**

THE COUNCIL OF THE CITY OF ANOKA ORDAINS:

Section 1. Pursuant to Minnesota Law, the Anoka City Charter and the Anoka City Code, and upon a review of a study conducted by City staff, amendments of Chapter 46, Article III; Offenses Involving Public Safety, **Section 46-63 is hereby established and inserted** into the City Code of the City of Anoka, by an affirmative vote of a majority of the Anoka City Councilmembers present, to read as Exhibit A, hereto attached.

Section 2: This Ordinance shall be in full force and effective upon passage and seven (7) days after publication.

ATTEST:



Phil Rice, Mayor



Amy T. Oehlers, City Clerk

Introduced: May 2, 2016
Adopted: May 16, 2016
Published: Summary Publication
May 20, 2016
Effective: May 27, 2016

	Aye	Nay	Abstain	Absent
Rice	X			
Anderson	X			
Freeburg	X			
Schmidt	X			
Weaver	X			

CHAPTER 46. OFFENSES AND MISCELLANEOUS PROVISIONS

EXHIBIT A

ARTICLE III. Offenses Involving Public Safety

Section 46-623. Title Predatory Offender Residency Restriction Ordinance.

~~This section shall be known and referenced as the Predatory Offender Residency Restriction Ordinance.~~

(a) Findings and Purpose.

Repeat predatory offenders present an extreme threat to the public safety of a community as a whole, and especially to children. Predatory offenders are likely to use physical violence and to repeat their offenses. Most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, unmistakably steep.

It is the intent of this ~~Article~~ **Section** to serve the City’s compelling interest to promote, protect and improve the health, safety, and welfare of citizens of the City of Anoka by creating areas around locations where children regularly congregate in concentrated numbers, and where certain predatory offenders are prohibited from establishing temporary or permanent residence.

(b) Definitions. For the purpose of this ~~Article~~ **Section**, the following definitions will apply unless the context or intent clearly requires a different meaning:

Day Care. Any facility, public or private, licensed by the State of Minnesota or Anoka County, in which care, training, supervision, habilitation or developmental guidance for children is provided on a regular basis and for periods less than 24 hours per day.

Child or children. Any person or persons under 18 years of age, or individuals under age 21 who are in foster care.

Facilities for Children. All public parks, parkways, park facilities, parkland, public or private schools, designated public school bus stops, libraries, group homes, foster homes, day care and child care facilities, public recreation centers, non-profit or commercial recreation centers, public or private playgrounds, public or commercial swimming pools, public beaches, youth centers, athletic fields used by children, crisis centers or shelters, care facilities for children’s skate park or rink, movie theaters, bowling

alleys, facilities for children's clubs, e.g. scouting, public recreational areas and trails including conservation areas, jogging trails, hiking trails, walking trails, bicycle trails, Offices for Child Protective Services, places of assembly, and specialized schools for children, including but not limited to, tutoring, gymnastics, dance and music schools.

Designated Predatory Offender. Any person who has been categorized as a Level III predatory offender under Minnesota Statutes 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

Licensed Child Care Facility. Any facility, center, home or institution licensed by the State of Minnesota pursuant to Minn. Stat. 245A, where children are cared for pursuant to the requirements of a license issued by the Minnesota Department of Human Services.

Permanent Residence. A place where a person abides, lodges, or resides for 14 or more consecutive days. An ownership interest by the person in such residence is not required.

Place of Assembly. A place of assembly, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs or a special purpose building that is designated or particularly adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses by a religious congregation.

School. Any public or non-public educational institution providing instructional services to children, which shall include any structure, land, or facility owned, leased or used for operation of the school or school activities.

Temporary Residence. A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year, and which is not the person's permanent residence, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(c) Prohibitions; Measurement of Distance; Penalties; Exceptions.

(1) *Prohibited location of residence.* It is unlawful for any designated predatory offender to establish a permanent

residence or temporary residence within 2,000 feet of any school, day care, licensed child care facility, place of assembly, ~~or~~ facility for children. ~~or park.~~

- (2) *Prohibition present in safety zone.* It is unlawful for any designated predatory offender to be present within 100 feet of any facility for children or day care facility.
- (3) *Prohibited activity.* It is unlawful for any designated predatory offender to participate in a holiday event involving children such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.
- (4) *Measurement of distance.* For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the property line of the permanent residence or temporary residence to the nearest outer property line of the school, day care, licensed child care facility, place of assembly, facility for children, or park.
- (5) *Violations.* A designated predatory offender who violates this ~~Article~~ **Section** shall be deemed guilty of a misdemeanor. Each day a designated predatory offender maintains a residence in violation of this ~~Article~~ **Section** constitutes a separate violation.
- (6) *Exceptions.* A designated predatory offender residing within a prohibited location, as herein described, does not commit a violation of this ~~Article~~ **Section** if any of the following apply:
 - A. The designated predatory offender established the permanent or temporary residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167, or a successor statute, prior to **May 16, 2016** (~~date of adoption of this ordinance~~).

- B. The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult.
 - C. The designated predatory offender is a minor.
 - D. The school, day care, licensed child care facility, place of assembly, or facility for children ~~or park~~ within 2,000 feet of the designated predatory offender's residence was opened after the designated predatory offender established their permanent or temporary residence, and reported and registered the residence pursuant to Minnesota Statutes, Sections 243.166 and 243.167, or a successor statute.
 - E. The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse.
 - F. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to **May 16, 2016** (~~date of adoption of this ordinance~~).
 - G. The designated predatory offender is in residence at the Anoka County Jail or AMRTC (Anoka Metro Regional Treatment Center).
- (d) Official map of prohibited locations. The City Manager, **or designee**, shall maintain an official map showing prohibited locations of residences as defined by this ~~Article~~ **Section**. The City Manager, **or designee**, shall review annually, and if appropriate, update the map to reflect any changes in the prohibited locations. The map shall not be deemed conclusive or all-encompassing since some prohibited locations change from time to time including, but not limited to, other places where children are known to congregate.
- (e) Restrictions Relating to Rental Property; Penalties.
- (1) It is unlawful for a property owner to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing such permanent or temporary residence

pursuant to this ~~Article~~ **Section** if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location as set forth in ~~part 6 (d) above~~ **Section 46-64 (d)**.

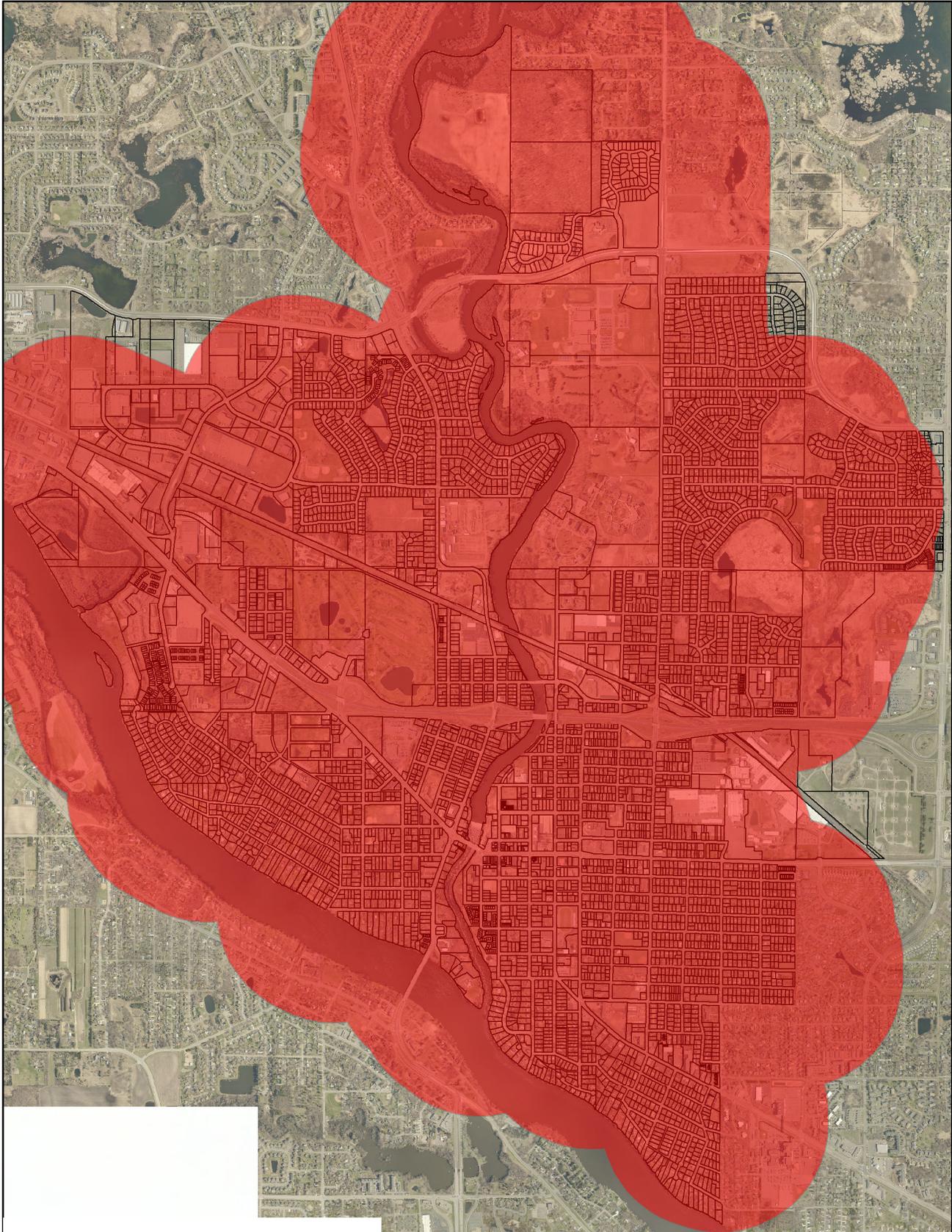
- (2) A property owner violating ~~Part 6 (e) above~~ **Section 46-63 (e)** shall be guilty of a petty misdemeanor. Each day a property owner violates ~~Part 6 (e) above~~ **Section 46-63 (e)** constitutes a separate violation.
 - (3) If a property owner discovers or is informed that a tenant is a designated predatory offender after signing a lease or otherwise agreeing to let the designated predatory offender reside on the property, the owner or property manager may evict the offender without further liability to the offender.
 - (4) Violation of ~~Part 6 (e)~~ **Section 46-63 (e)** may be cause to suspend or revoke the property owner's rental license.
- (f) Severability. Should any section, subdivision, clause, or other provision of this section be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of this ~~Article~~ **Section** as a whole, or of any part thereof, other than the part held to be invalid.

Sections 46-634 – 46-90. Reserved

Areas Restricted for Predatory Offender Residency

Item 7, Attachment 1

Includes Areas Within 2,000 Feet of: Schools, Day Cares, Licensed Child Care Facilities, Places of Assembly, and Facilities for Children.



0 0.5 1 Miles



TITLE 4

PUBLIC HEALTH AND SAFETY

CHAPTER 5

PREDATORY OFFENDER RESIDENCY RESTRICTIONS

SECTION:

- 5-1-1: Findings and Purpose
- 5-1-2: Definitions
- 5-1-3: Prohibitions; Measurement of Distance; Penalties; Exceptions
- 5-1-4: Official map of prohibited locations
- 5-1-5: Restrictions Relating to Rental Property; Penalties

5-1-1: **Findings and Purpose.** Repeat predatory offenders present an extreme threat to the public safety of a community as a whole, and especially to children. Predatory offenders are likely to use physical violence and to repeat their offenses. Most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, unmistakably steep.

It is the intent of this Chapter to serve the City’s compelling interest to promote, protect and improve the health, safety, and welfare of citizens of the City of Andover by creating areas around locations where children regularly congregate in concentrated numbers and where certain predatory offenders are prohibited from establishing temporary or permanent residence.

5-1-2: **Definitions.** For the purpose of this Chapter, the following definitions will apply unless the context or intent clearly requires a different meaning:

DAY CARE: Any facility, public or private, licensed by the State of Minnesota or Anoka County, in which care, training, supervision, habilitation or developmental guidance for children is provided on a regular basis and for periods less than 24 hours per day.

CHILD OR CHILDREN: Any person or persons under 18 years of age, or individuals under age 21 who are in foster care.

FACILITIES FOR CHILDREN: All public parks, parkways, park facilities, parkland, public or private schools, designated public school bus stops, libraries, group homes, foster homes, day care and child care facilities, public recreation

centers, non-profit or commercial recreation centers, public or private playgrounds, public or commercial swimming pools, public beaches, youth centers, athletic fields used by children, crisis centers or shelters, care facilities for children's skate park or rink, movie theaters, bowling alleys, facilities for children's clubs, e.g. scouting, public recreational areas and trails including conservation areas, jogging trails, hiking trails, walking trails, bicycle trails, Offices for Child Protective Services, places of assembly, and specialized schools for children, including but not limited to, tutoring, gymnastics, dance and music schools.

**DESIGNATED
PREDATORY
OFFENDER:**

Any person who has been categorized as a Level III predatory offender under Minnesota Statutes 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

**LICENSED
CHILD CARE
FACILITY:**

Any facility, center, home or institution licensed by the State of Minnesota pursuant to Minn. Stat. 245A, where children are cared for pursuant to the requirements of a license issued by the Minnesota Department of Human Services.

**PERMANENT
RESIDENCE:**

A place where a person abides, lodges, or resides for 14 or more consecutive days. An ownership interest by the person in such residence is not required.

**PLACE OF
ASSEMBLY:**

A place of assembly, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs or a special purpose building that is designated or particularly adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses by a religious congregation.

SCHOOL:

Any public or non-public educational institution providing instructional services to children, which shall include any structure, land, or facility owned, leased or used for operation of the school or school activities.

**TEMPORARY
RESIDENCE:**

A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year, and which is not the person's permanent residence, or a place where the person routinely abides, lodges, or resides for a period of four or more

consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

5-1-3: Prohibitions; Measurement of Distance; Penalties; Exceptions.

- A. Prohibited location of residence: It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any school, day care, licensed child care facility, place of assembly, or facility for children.
- B. Prohibition present in safety zone: It is unlawful for any designated predatory offender to be present within 100 feet of any facility for children or day care facility.
- C. Prohibited activity: It is unlawful for any designated predatory offender to participate in a holiday event involving children such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or proceeding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.
- D. Measurement of distance: For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the property line of the permanent residence or temporary residence to the nearest outer property line of the school, day care, licensed child care facility, place of assembly, facility for children, or park.
- E. Violations: A designated predatory offender who violates this Chapter shall be deemed guilty of a misdemeanor. Each day a designated predatory offender maintains a residence in violation of this Chapter constitutes a separate violation.
- F. Exceptions: A designated predatory offender residing within a prohibited location, as herein described, does not commit a violation of this Chapter if any of the following apply:
 - 1. The designated predatory offender established the permanent or temporary residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167, or a successor statute, prior to _____, 2016 (*date of adoption of this ordinance*).
 - 2. The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult.
 - 3. The designated predatory offender is a minor.

4. The school, day care, licensed child care facility, place of assembly, facility for children or park within 2,000 feet of the designated predatory offender's residence was opened after the designated predatory offender established their permanent or temporary residence, and reported and registered the residence pursuant to Minnesota Statutes, Sections 243.166 and 243.167, or a successor statute.
5. The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse.
6. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to _____ (date of adoption of this ordinance).

5-1-4: **Official map of prohibited locations.** The City Administrator, or designee, shall maintain an official map showing prohibited locations of residences as defined by this Chapter. The City Administrator, or designee, shall review annually, and if appropriate, update the map to reflect any changes in the prohibited locations. The map shall not be deemed conclusive or all-encompassing since some prohibited locations change from time to time including, but not limited to, other places where children are known to congregate.

5-1-5: **Restrictions Relating to Rental Property; Penalties.**

- A. It is unlawful for a property owner to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing such permanent or temporary residence pursuant to this Chapter if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location as set forth in Section 5-1-4 above.
- B. A property owner violating Section 5-1-5 (A) above shall be guilty of a petty misdemeanor. Each day a property owner violates Section 5-1-5 (A) above constitutes a separate violation.
- C. If a property owner discovers or is informed that a tenant is a designated predatory offender after signing a lease or otherwise agreeing to let the designated predatory offender reside on the property, the owner or property manager may evict the offender without further liability to the offender.
- D. Violation of Section 5-1-5 may be cause to suspend or revoke the property owner's rental license.

5-1-6: **Severability.** Should any section, subdivision, clause, or other provision of this chapter be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of this Title as a whole, or of any part thereof, other than the part held to be invalid.

Adopted by the City Council of the City of Andover on this ____ day of _____, 2016.

CITY OF ANDOVER

ATTEST:

Julie Trude, Mayor

Michelle Hartner, Deputy City Clerk



Residency Restrictions for Sexual Offenders in Minnesota: False Perceptions for Community Safety

Introduction

Residency or zone restrictions for individuals with sexual offenses have become increasingly popular in recent years, but such restrictions tend to be rooted in fear and anger, rather than informed public policy. “There is no research to support residence restrictions as effective in reducing sexual recidivism.”¹ The Minnesota Department of Corrections concluded in one study that, “during the past 16 years, not one sex offender released from a MCF (Minnesota Correctional Facility) has been reincarcerated for a sex offense in which he made contact with a juvenile victim near a school, park, or daycare center close to his home.”² Because people typically choose to live close to family, friends, or employment, and establishing social stability for offenders reduces recidivism, residency restrictions may be counterproductive.¹ “Research on residency restrictions demonstrate no deterrence effect.”³

By Richard Weinberger, M.S.E., L.P.

Sexuality includes our sexual orientation, our preferences, our gender, and our identity. It affects the way we express ourselves and how and with whom we interact. It is because of these realities that sex crimes strike powerfully at our core and elicit such revulsion. This emotional reaction motivates political leaders to create and pass laws that have the intent to protect individuals, especially women and children, from such potentially devastating crimes.

Sex offender residency restriction ordinances are one such type of law. They impose artificial distances that individuals convicted of sex crimes or who are on a predatory offender registry must live from a designated location. Nationwide, designated locations include parks, daycares, playgrounds, schools, recreation centers, bus stops or school bus stops, and anyplace where minors congregate; distances range from 500 to 2500 feet. Sometimes, these laws are limited to those individuals deemed most likely to reoffend. Sometimes, they are broad sweeping and affect anyone convicted of a sex crime. The rationale for residency restriction laws is to prevent or lessen the chance of a previously convicted offender from reoffending by increasing distance between the offender and a possible victim.

Unfortunately, sometimes what first appears to be a rational safeguard is not only ineffective, but might actually serve to defeat the objective it is intended to achieve.



On February 13, 2006, the city of Taylors Falls in Chisago County became the first community in Minnesota to implement a sex offender residency restriction ordinance.*

Between 2006 and 2015, 33 additional Minnesota communities followed suit and implemented sex offender residency restrictions laws (most with similar language to that of Taylors Falls). The following cities (and one county) have ordinances that, to some degree, restrict where certain registered sex offenders may live in proximity to designated locations. Some only apply to Level 3 offenders (regardless of the offense) and some to those with a minor victim:

Albertville	Eagle Lake	Minnesota Lake
Askov	Elysian	Moose Lake
Birchwood (T)	Grand Rapids	Morristown
Brainerd	Grasston	North Mankato
Brooklyn Center (T)	Kilkenny	Otsego
Chisago City	Lake Crystal	Pine Island
Chisago County	Le Center	Proctor
Cleveland	Lindstrom	Rochester
Cloquet	Linwood Township	Taylors Falls
Cohasset	Mahtomedi (T)	Wyoming
Cuyuna	Mankato	
Duluth	Mapleton	(as of 12/14/2015)

Communities above marked with a (T) have temporary residency restrictions pending further study of the efficacy of promulgating such ordinances.

From the 1990’s through the present, individuals who have committed sex crimes have been the subject of countless psychological, sociological, criminal justice and governmental agency studies. Consequently, there is large body of research on these individuals that demonstrates that a number of commonly held beliefs (myths) regarding recidivism are not true. The fact is, current research indicates that:

- A) Sex offenders, as a group, reoffend much less than other criminal offenders.⁴
- B) 95% of sex offenses are committed by first-time offenders.⁵
- C) 93% of sex crimes are committed by offenders known to the victim, in a place familiar to the victim.⁶

In 2015, the Minnesota Sentencing Guidelines Commission published a report stating that the number of individuals convicted of sexual crimes in 2014 who had “true prior CSC [Criminal Sexual Conduct] offenses was 5%. This means that in 2014, 95% of all sex crimes were committed by first time offenders.⁷ The report also indicated that a salient offense factor related to stranger on stranger offending was the use of force. Of the 491 adjudicated cases in 2014, 70 offenses were against strangers and were placed in the



category of “Provision Force/Other.” Of these 70 offenses, eight were against children. These eight releases represent 1.6% of the 491 people released in 2014. These results contradict the need and efficacy of the Taylors Falls’ ordinance as well as the ordinances in the other communities who followed suit.

In April 2007, the Minnesota Department of Corrections released a study entitled: Residential Proximity & Sex Offense Recidivism.⁸ The study examined “the potential deterrent effect of residency restrictions by analyzing the sexual reoffense patterns of the 224 recidivists released between 1990 and 2002 who were re-incarcerated for a sex crime prior to 2006” (p. 1). The 244 recidivists represented 7% of the 3,166 offenders who were actually released during this period. This means that 93% did not commit any new sexual crimes. The study concluded:

“Of the few offenders who directly contacted a juvenile victim within close proximity of their residence, none did so near a school, park, playground or other location where children are normally present. Thus, not one of the 224 offenses would likely have been affected by residency restrictions” (p. 24).

Moreover, of the 7% who reoffended, 79% victimized someone they knew. Consequently, the study also stated,

“The results clearly indicated that what matters with respect to sexual recidivism is not residential proximity, but rather social or relationship proximity...more than half (N = 113) of the 224 cases were “collateral contact” offenses in that they involved offenders who gained access to their victims through another person, typically an adult. For example, one of the most common victim-offender relationships found in this study was that of a male offender developing a romantic relationship with a woman who has children.”

Similarly, Zandbergen, Levenson, and Hart (2010)⁹ examined a sample of 330 sex offenders in Florida. They compared recidivists and non-recidivists who lived close to schools or daycare centers. They found that those who lived within 1,000, 1,500, or 2,500 feet of schools or daycare centers did not reoffend more frequently than those who lived farther away.

On June 21, 2013, The Kansas Department of Corrections published a report entitled: Sex Offender Housing Restrictions.¹⁰ The report lists 20 findings of research from reviewing implementation of housing restrictions for sex offenders in multiple states. Briefly, findings include: 1) research demonstrates that there is no correlation between residency restrictions and sex offenses against children; 2) residency restrictions have a damaging effect on the offender registry; 3) the lack of protective efficacy does not justify the cost of enforcement, and 4) the number of offenders unaccounted for doubled after the law went into effect.

Current research indicates that communities in Minnesota and throughout the country are spending money and diverting human resources to create and enforce laws that are not only ineffective, but may result in serious unintended negative consequences. To enhance the safety of our children and all community members, evidenced-based and effective laws need to be promulgated. For this to occur, “a



research-based understanding of individuals who commit sex crimes must be accepted. In part, this means accepting that sex offenders are a heterogeneous population and that many of them do not pose a grave risk to the public.”¹¹

Between 2011 and 2015, residency restrictions were struck down by courts in Pennsylvania, New York, Massachusetts, and California.¹²

Conclusion

ATSA does not support the use of residence restriction laws as a sex offender management strategy.¹ There is no research to support the effectiveness of residence restrictions in reducing sexual offense recidivism, and these types of policies often have the unintended consequences that may compromise, rather than promote, public safety.¹

* In part, the Taylors Falls, Minnesota residency ordinance reads as follows:

“The Taylors Falls Code of Ordinances, Chapter 5, Nuisances and Offenses, shall be amended by adding Section 540, Sexual Offenders and Sexual Predators (italicization added for further discussion) :

540.001 Findings and intent.

Subd. 1 Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. *Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.*

Subd. 2 It is the intent of this article to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

540.003 Sexual offender and Sexual Predator Residence Prohibition; Penalties; Exceptions.

Subd. 1 Prohibited location of residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence: a) within 2,000 feet of any school, licensed day care center, park, or playground; or b) within 1,000 feet of any designated public school bus stop, place of worship which provides regular educational programs (i.e. Sunday school), or other places where children are known to congregate.



Subd. 2 Prohibited activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.”

Notes - References - Bibliography

- 1) Sexual Offender Residence Restrictions, ATSA Policy Statement, August 2014. Retrieved 2/12/2016. <http://www.atsa.com/pdfs/Policy/2014SOResidenceRestrictions.pdf>
- 2) Duwe, G., Donnay, W. & Tewksbury, R. (2008) Does Residential Proximity Matter? A Geographic Analysis of Sex Offense Recidivism, *Criminal Justice and Behavior*, vol. 35 no. 484-504. Retrieved 2/12/2016. <http://ibis.geog.ubc.ca/courses/geob479/classof10/aykwok/files/Duwe%20Donnay%20Tewksbury.pdf>
- 3) *Review of Policies Relating to the Release and Housing of Sex Offenders in the Community*, State of Washington Sex Offender Policy Board, Office of Financial Management. December, 2014. Retrieved 2/12/2016. http://www.ofm.wa.gov/sgc/sopb/meetings/board/2014/20141210/housing_workgroup_leg_report_draft_20141201.pdf
- 4) U.S. Department of Justice, Bureau of Justice Statistics, *Recidivism of Sex Offenders Released from Prison in 1994* (2002) (after three years, 5.3% of sex offenders were rearrested for a new sex crime and 3.5% were convicted of a new sex crime); *Comprehensive Recidivism Study*, Massachusetts Sentencing Commission, June 1, 2002, pg. 38 (“Of the major offense categories, recidivism rates were lowest for sex offenders (20.8%) and highest for property offenders (56.5%)”); Hanson, K.R.; Bussière, M.T., *Predicting relapse: A meta-analysis of sexual offender recidivism studies*, *Journal of Consulting and Clinical Psychology*, 66(2), Apr, 348-362, (1998)(13.4% sexual recidivism for all offenders in meta-analysis of 61 studies and 23,400 offenders); Hanson, K.R.; Morton-Bourgon, K., *The Characteristics of Persistent Sexual Offenders: A Meta-Analysis of Recidivism Studies*, *Journal of Consulting and Clinical Psychology*, 73(6), 1154-1163 (Dec 2005)(13.7% sexual recidivism in meta-analysis of 95 studies with over 31,000 sexual offenders over five year follow-up period).
- 5) *Fact Sheet: What you need to know about Sex Offenders*, *Center for Sex Offender Management*, December 2008 (estimating about 12-24% of all offenses are repeat offenders); *A Better Path to Community Safety*, *California Sex Offender Management Board*, (about 95% of all offenses are first time offenders);
- 6) *Bureau of Justice Statistics (2000)*: Approximately 93% of all sex crimes are perpetrated by offenders known to the victim prior to the offense. The majority of sexually abused children are victimized by someone well know to them and approximately 60% of offenses take place in the victim’s home or the home of someone the victim knows *Bureau of Justice statistics (1997)*.
- 7) Minnesota Sentencing Guidelines Commission: Sentencing Practices – *Criminal Sexual Conduct Offenses Sentenced in 2014* (Published December, 2015).
- 8) Minnesota Department of Corrections released a study entitled: *Residential Proximity & Sex Offense Recidivism*. (2007). http://www.csom.org/pubs/MN%20Residence%20Restrictions_04-07SexOffenderReport-Proximity%20MN.pdf



9) Zandbergen, P. A., Levenson, J. A., & Hart, T. C. (2010) Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism. *Criminal Justice and Behavior*, 37, 482. Retrieved 2/12/2016. <http://themediareport.com/wp-content/uploads/2013/11/Residential-Proximity-to-Schools-and-Daycare-study-2010.pdf>

Abstract: “Residential restrictions for sex offenders have become increasingly popular, despite the lack of empirical data suggesting that offenders’ proximity to schools or daycares contributes to recidivism. Using a matched sample of recidivists and non-recidivists from Florida ($n = 330$) for the period from 2004 through 2006, the authors investigated whether sex offenders who lived closer to schools or daycares were more likely to reoffend sexually against children than those who lived farther away. No significant differences were found between the distances that recidivists and non-recidivists lived from schools and daycares. There was no significant relationship between reoffending and proximity to schools or daycares. The results indicate that proximity to schools and daycares, with other risk factors being comparable, does not appear to contribute to sexual recidivism. These data do not support the widespread enactment of residential restrictions for sexual offenders.”

10) *Sex Offender Housing Restrictions*, (2013) The Kansas Department of Corrections. Retrieved 2/12/2016. <http://www.doc.ks.gov/publications/CFS/sex-offender-housing-restrictions>.

- A. “Housing restrictions appear to be based largely on three myths that are repeatedly propagated by the media: 1) all sex offenders reoffend; 2) treatment does not work; and 3) the concept of “stranger danger.” Research does not support these myths, but there is research to suggest that such policies may ultimately be counterproductive. Sex offender residence restrictions. A Report to the Florida Legislature, October 2005, Jill S. Levinson, Ph.D.
- B. Research shows that there is no correlation between residency restrictions and reducing sex offenses against children or improving the safety of children. Iowa County Attorneys Association
- C. The resulting damage to the reliability of the sex offender registry does not serve the interests of public safety. Iowa County Attorneys Association
- D. There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction. Iowa County Attorneys Association
- E. Many prosecutors have observed that the numerous negative consequences of the lifetime residency restriction has caused a reduction in the number of confessions made by offenders in cases where defendants usually confess after disclosure of the offense by the child. In addition, there are more refusals by defendants charged with sex offenses to enter plea agreements. Plea agreements are necessary in many cases involving child victims in order to protect the children from trauma of the trial process. Iowa County Attorneys Association
- F. Recommendation 1: Shared Living Arrangements appear to be a frequently successful mode of containment and treatment for higher risk sex offenders and should be considered a viable living situation for higher risk sex offenders in the community.... Recommendation 2: Placing restrictions on the location of correctionally supervised sex offender residences may not deter the sex offender from re-offending and should not be considered as a method to control sexual offending recidivism. Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community; Colorado Department of Public Safety, Division of Criminal justice, Sex Offender Management Board



- G.the number of sex offenders who are unaccounted for has doubled since the law went into effect. Iowa Coalition Against Sexual Assault
- H. There is no accommodation in the current statute for persons on parole or probation supervision. These offenders are already monitored and their living arrangements approved. Iowa County Attorneys Association
- I. [This policy] is contrary to well-established principles of treatment and rehabilitation of sex offenders....These goals are severely impaired by the residency restriction, compromising the safety of children by obstructing the use of the best known corrections practice. Iowa County Attorneys Association
- J. The sex offender residency restriction was a very well intentioned effort to keep the children of our communities safe from sex offenders. It has, however, had unintended consequences that effectively decrease community safety. Iowa Coalition Against Sexual Assault
- K.some offenders are attempting to comply by providing descriptions of where they are actually living..."under the 7th street bridge," "truck near river," "rest area mile marker 149," "Flying J, in truck," "in tent, S side of I-80," "RV in old K-Mart parking lot," "I-35 rest area,"Two listed Quick Trips.... For the first time, sex offender treatment providers tell us, sex offenders are absconding in larger numbers. Iowa Coalition Against Sexual Assault
- L. When a brutal sexually violent crime occurs, such as the one that occurred in Iowa last year, our societal tendency is to focus all our resources and energy on stopping offenders. The long-term solutions to eradicating sexual violence from our society, however, do not lie in measures taken to stop re-offense, but rather in preventing sexual violence from happening in the first place. Iowa Coalition Against Sexual Assault
- M. ... the Board of the Iowa Coalition Against Sexual Assault joined the Iowa County Attorneys Association in stating that these unintended consequences warrant replacing the residency restriction with more effective measures. Iowa Coalition Against Sexual Assault
- N. Housing restrictions have passed in most localities with little resistance. Child safety is rightly the primary concern when sex offender restrictions are imposed. It seems to make sense that decreasing access to potential victims would be a feasible strategy to preventing sex crimes. There is no evidence, however, that such laws are effective in reducing recidivistic sexual violence. On the other hand, such laws aggravate the scarcity of housing options for sex offenders, forcing them out of metropolitan areas and farther away from the social support, employment opportunities and social services that are known to aid offenders in successful community re-entry. Sex offender residence restrictions. A Report to the Florida Legislature, October 2005, Jill S. Levinson, Ph.D.
- O. Despite overwhelming public and political support, there is no evidence that proximity to schools increases recidivism, or, conversely, that housing restrictions reduce reoffending or increase community safety. Sex offender residence restrictions. A Report to the Florida Legislature, October 2005, Jill S. Levinson, Ph.D.
- P. Based on the examination of level three re-offenders, there were no examples that residential proximity to a park or school was a contributing factor in any of the sexual re-offenses noted... Enhanced safety due to proximity restrictions may be a comfort factor for the general public, but it does not have any basis in fact...it appears that a sex offender attracted to such locations for purposes of committing a crime is more likely to travel to another neighborhood on order to in secret rather than in a neighborhood where his or her picture is well known. Level Three Sex Offenders Residential Placement Issues, 2003 Report to the Legislature, Minnesota Department of Corrections
- Q. Having such restrictions in the cities of Minneapolis and St. Paul would likely force level three offenders to move to more rural areas that would not contain nearby schools and parks but would



pose other problems, such as high concentration of offenders with no ties to the community; isolation; lack of work, education and treatment options; and an increase in the distance traveled by agents who supervise offenders. Again, no evidence points to any effect on offense rates of school proximity residential restrictions. Level Three Sex Offenders Residential Placement Issues, 2003 Report to the Legislature, Minnesota Department of Corrections

- R. Since blanket proximity restrictions on residential locations of level three offenders do not enhance community safety, the current offender-by-offender restrictions should be retained. Proximity restrictions, based on circumstances on an individual offender, serve as a valuable supervision tool... Most of these supervision proximity restrictions address the issue of the offender associating or interacting with children or minors, rather than where the offender resides. Level Three Sex Offenders Residential Placement Issues, 2003 Report to the Legislature, Minnesota Department of Corrections
- S. A significant number of offenders have married or have been reunited with their victims; and, in those cases, the residency restriction is imposed on the victims as well as the offenders. Iowa County Attorneys Association...
- T. A tight web of supervision, treatment and surveillance may be more important in maintaining community safety than where a sex offender resides. Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community; Colorado Department of Public Safety, Division of Criminal justice, Sex Offender Management Board."

11) Tennen, E. (2014) Risky Policies: How Effective Are Restrictions on Sex Offenders in Reducing Reoffending? *Boston Bar Journal*, 58, 4, <http://bostonbarjournal.com/?s=tennen%2C+e>

12) http://texasvoices.org/wordpress/wp-content/uploads/2016/01/Residency_Restrictions_Packet1.pdf



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ATSA is an international, non-profit, interdisciplinary organization, with nearly 3,000 clinicians, scientists, and allied professional members. ATSA is dedicated to the prevention of sexual abuse through the advancement of research, professional knowledge, best practices, and support for public education. MnATSA is the state chapter of ATSA.

This is one in a series of educational papers written by MnATSA colleagues to provide research, facts, and information to help educate the public and inform policymakers.

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