

EAST BETHEL PLANNING COMMISSION MEETING
September 28, 2021

Pursuant to Minnesota Statutes Section 13D.021 and the declared public health emergency due to COVID-19, this meeting was held remotely.

MEMBERS PRESENT: Glenn Terry, Sherry Allenspach, Tom Eich, Daryl Lawrence

MEMBERS ABSENT: Sharon Johnson

MEMBERS ABSENT: None

ALSO PRESENT: Stephanie Hanson, Community Development Director
Erin McDermott, Zoning Administrator
Suzanne Erkel, City Council Liaison

1.0 Call to Order

Chair Terry called the Planning Commission regular meeting to order at 7:00 pm.

2.0 Adopt Agenda

Commissioner Terry moved and Commissioner Eich seconded to adopt the agenda as presented. Terry asked any discussion? To the motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

3.0 Approve July 27, 2021, meeting minutes

Commissioner Terry moved and Commissioner Eich seconded to adopt the July 27, 2021 regular meeting minutes as written. Terry asked any discussion? To the motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

4.0 Appointment of Vice Chairperson

McDermott stated on August 30, 2021, Wanda McLaurin was appointed by the City Council to fill the City Council vacancy; therefore, she will no longer be the Chair for the Commission.

McDermott indicated per Planning Commission policy; Vice Chair Glenn Terry becomes the Chair for the remainder of 2021. The Commission will need to appoint a Vice Chair.

McDermott stated the Commission is requested to appoint a Vice Chair for the remainder of 2021.

Allenspach stated she had spoken with Commissioner Johnson who said she was willing to accept the appointment as Vice Chairperson.

Commissioner Allenspach moved and Commissioner Lawrence seconded to appoint Sharon Johnson as Vice Chairperson. Terry asked any discussion? To the motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

5.0 Candidate Interviews:

Terry noted they originally had three candidates for the Planning Commission, but now they had two candidates. He stated he did not believe they needed to interview them, and he would vouch for both of them.

Terry asked Councilmember McLaurin to speak regarding her leaving the Commission. McLaurin stated it had been an honor to serve with everyone and while it had been a challenge at times, it was an

honor to work with the rest of the Commission. She stated she would also vouch for the individuals who were running for the Planning Commission.

Commissioner Terry moved and Commissioner Eich seconded to recommend Tanner Balfany and Karen Krepis as the two new Planning Commission members. Terry asked any discussion?

McDermott stated the Commission did need to appoint the two members to specific terms. She noted one term ended on January 31, 2023, and the other ended on January 31, 2024.

Allenspach requested the two candidates approach the podium and state why they want to be on the Commission.

Tanner Balfany, 19534 East Front Boulevard, stated he had served on the Planning Commission until the end of 2019 when he moved out of the City for a short period of time. He indicated he had recently moved back. He stated he has always been for helping the City grow in the areas that were necessary and appropriate to grow while still maintaining the City's rural feel outside of the corridor. He indicated he was familiar with the issues facing the City currently and had helped with the execution of the Comprehensive Plan.

Karen Krepis, 23050 Gopher Drive NE, stated she has been a resident of the City for 20 years and she moved to the City because of the rural character. She noted there was an important balance between residents and businesses, and she has learned a lot over the years. She wanted to get more involved in the City. She believed she could follow up on zoning ordinances even though she was not familiar with all of them.

To the motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 Public Hearing – Variance – Front Yard Fence Height – 2246 Viking Blvd – Dan Forslund

McDermott stated this property is located in the RR- Rural Residential zoning district. This application was made due to the Building Official notifying the property owner that the fence he was in the process of installing was an ordinance violation.

McDermott indicated Zoning Appendix A – Section 25-2.C states “C. Fences six feet in height and less. Fences six feet in height and less may be placed anywhere on a lot but not in a required front yard.”

McDermott noted there are 160 properties that abut Viking Blvd to the east of Highway 65 in the City of East Bethel. Of those 160 properties, there are four with six-foot fences along Viking Blvd. Three of those six-foot fences are located on the rear property line of the property they are surrounding. The remaining six-foot fence that is along Viking Blvd is a legal nonconforming fence, installed before the adoption of the fence ordinance in 2010. The property with the legal nonconforming fence is also located within the MXU – Mixed Use District as well as the 2040 MUSA.

McDermott stated on August 26, 2019, City Council denied a request for a six-foot fence in a front yard along County Road 74 on the basis that while the applicant was requesting for a chain link in that case, it could be replaced with a privacy fence down the road, which could be used to hide code violations. The fence that the applicant has installed is a privacy fence.

McDermott reviewed the three-factor test for practical difficulties.

With respect to the test of reasonableness, McDermott stated while a fence is a reasonable use, staff was not provided information that a six-foot fence would reduce noise to a substantially higher level than a four-foot fence. Additionally, trees and other landscaping to screen is allowed by ordinance to be taller than fence construction, which is also addressed in the fence ordinance.

With respect to the circumstances being unique to the property and not caused by the landowner, staff acknowledged noise is an issue faced by all properties along Viking Blvd. The majority of other properties along Viking Blvd have utilized trees and plantings to mitigate the noise of traffic.

With respect to the variance would not alter the essential character of the neighborhood, McDermott stated the placement of a six-foot vinyl fence will alter the character of the neighborhood. The four-foot maximum was established to combat code compliance issues that are encouraged by the allowance of six-foot fences in front yards. There would likely be substantial requests for additional variances from the fence height requirement along Viking Blvd if this request is approved.

McDermott stated staff is requesting the Planning Commission hold a public hearing and make a recommendation to the City Council for the construction of a six-foot fence along the front property line of a Rural Residential property along Viking Blvd NE.

Terry opened the public hearing at 7:11 p.m.

Dan Forslund, 2246 Viking Boulevard, stated he was at fault for misunderstanding the zoning ordinances. He thought he could put a six-foot fence anywhere on his property including the front yard. He indicated the ordinance's language was confusing. He noted the fence was a high quality, expensive fence. He indicated the main thing was the noise and everybody knew that Viking Blvd was noisy. He noted when the cement was put in, the tires howled even more. He stated they wanted to keep their doors open and hear the television. He stated his house sits a little closer to the road and while he knows the fence will not block all of the noise, he believed it would damper some of the noise. He disagreed that four-foot fence and a six-foot fence would make a difference. He also noted this was a security issue. He noted all of his equipment was outside and he did not like advertising what he had. He stated he did not want everyone to see what he had. He stated his neighbors have been asking him when he will finish the fence and they believed the fence looked great.

Mr. Forslund stated if he planted 40 pine trees, how long would it take for them to grow up to be effective. He indicated the fence would be effective right now. He asked if he could put a six-foot retaining wall up front and call it landscaping. Terry noted this would refer to landscaping such as shrubs. He noted trees are separate.

Mr. Forslund asked if he would be able to put up landscaping and then put fencing on top of the berm. Terry responded no. He indicated landscaping pertained to vegetation and not dirt.

Terry closed the public hearing at 7:16 p.m.

Eich believed the fence looked nice, but he believed this would open up precedence for multiple types of fencing. He stated PVC probably had a 25-to-30-year warranty, but if they opened up this door then they might have cedar siding fences or other types of six-foot high fencing that might not get maintained as nicely as other fencing did. He stated he understood what Viking Blvd was like and it would only get worse. He stated a six-foot fence might calm down the noise and give Mr. Forslund more protection and privacy, but in his opinion those two things were compromised because of County Road 22.

Allenspach agreed that a six-foot fence wasn't going to make that much of a difference down the road and she believed landscaping would do more.

Terry stated for him the issue was meeting the requirements of a variance. He noted there was a Code in place that stipulated a four-foot fence in a front yard as a maximum and in order to grant a variance there had to be just cause based on the criteria that was outlined and he believes staff had made a convincing case as to why this request did not fit the legal definitions of what would fall under a reason to grant a variance.

Mr. Forslund asked what the purpose of a variance was. Terry explained what a variance was used for. He did not believe this was a unique situation for the granting of a variance. He noted if this was granted, then anyone else on Highway 22 could use the same reasoning.

Mr. Forslund asked if there would be a chance to get a retaining wall put up like freeways had to block the noise. Terry stated this was trying to find ways to get around the issue rather than do what was reasonable and allowed such as trees, shrubs, etc.

Mr. Forslund asked how long it would take for the trees grow before they would block the noise. He noted he should have planted them when he moved in.

Terry noted the Commission was not going to have a debate and the Commissioners have considered the issue. He stated the Commission was not here to solve his issues but rather to or not to grant a variance. He noted the Commission was an advisory board and this would go before Council after this meeting. He indicated the Commission had to consider the legal requirements for a variance, which was the main consideration here.

Commissioner Allenspach moved, and Commissioner Eich seconded to deny the request for the variance to place a six-foot fence along the front property based on the findings stated in the Commissioner's packet and by staff. Terry asked any discussion? To the motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

7.0 Public Hearing – Private Kennel License – 22359 Bataan St NE – Tammy Gimpl

Terry stated based on the past history with this applicant and based on the responses received, I'd like to say something before we begin. The dictate of Love Thy Neighbor as Thyself was a tough one to follow and the wisdom of Bear no False Witness was an understanding of human nature given that the first one was a tough one. He stated what he did not want to have happen at this meeting was the opposite of these things which was a vendetta, slander, and/or gossip. He indicated everyone had the right to speak, but they did not have the right to bear false witness in trying to make their case. He stated if the comments went in that direction, he would be cutting this short in the interest of time and in the interest of not making negative "karma."

McDermott stated Tammy Gimpl has held an IUP for the keeping of ten dogs over four months of age on her property located at 22359 Bataan St NE since 2002. Due to recent events, the City Attorney reviewed the applicant's previous IUPs, as well as the Dog Ordinance. It has been determined that a Private Kennel License is separate from IUPs, and the only instance in which an IUP should be issued for kennels is for a commercial kennel. Commercial kennels are allowed in the commercial and industrial districts. With this clarification, the City will move forward with a Private Kennel License requests as a separate license, not as an Interim Use Permit.

McDermott indicated Tammy Gimpl has 3 active IUPs with the City of East Bethel. The most recent IUP issued, was for the keeping of two horses, and the other two of the issued IUPs are for home occupations. The home occupation IUPs are for the distribution of pet food, and an animal control business of Gratitude Farms, through which she contracts services to the City of East Bethel, as well as other cities. These home occupation IUPs expire 12/31/2021 in which the applicant has applied for renewal of the IUPs. Her property is routinely inspected by the Minnesota Board of Animal Health as required by state law, and annual inspections have been completed by appointed City inspectors. This is informational only; this particular agenda item is only for the issuance of a Private Kennel License.

McDermott noted the property is 26.51 acres with wetlands and ponds. Chapter 10, Article II, Division 2 of City Code governs Kennel licenses, and the ordinance states the maximum number of dogs allowed with a private kennel is determined by the number of acres. In the care of this property, it meets subpart (4) which specifies for properties with ten acres or more, a maximum of ten dogs may be allowed. This

Private Kennel License is separate from her home occupation of animal control officer and is only for the keeping of her personal dogs.

McDermott stated the City has not received any code enforcement complaints regarding the keeping of Ms. Gimpl's dogs, nor any verifiable code enforcement complaints regarding this property in general, since the first issuance of the kennel IUP in 2002.

McDermott stated staff is requesting the Planning Commission hold a public hearing for the Private Kennel License and make a recommendation to the City Council for the Private Kennel License for the keeping of ten dogs over the age of four months at 22359 Bataan St. NE, PIN: 03-33-23-31-0004, 03-33-23-31-0003; a property zoned RR – Rural Residential with the conditions as noted in the Resolution.

Terry opened the public hearing at 7:30 p.m.

Kenneth Henrickson, 22309 Bataan St NE, stated he lived next door to Ms. Gimpl, and he has never had any issues with her. He stated she had a few dogs and horses which he was fine with. He asked would 10 dogs turn into 15 or 20 dogs and if this was for boarding, breeding, or both. McDermott responded these are only per personal dogs in which she bred one litter per year.

Mr. Henrickson stated as far as keeping everything healthy and clean, were people allowed in there to check periodically without a warrant. McDermott responded the city staff has always contacted Ms. Gimpl for an inspection and Ms. Gimpl has always been very upfront and friendly with the City to schedule those. She stated they have never had an issue.

Mr. Henrickson stated he did not trust Ms. Gimpl, but he did not have any real issues.

Terry closed the public hearing at 7:32 p.m.

Allenspach stated it sounded like Ms. Gimpl was doing everything she was supposed to be doing so she didn't have any issues.

Eich stated Ms. Gimpl had the property acreage. He stated he knew this had been an issue on social media, but he did not think Ms. Gimpl had ever been convicted of anything. He stated one neighbor gave his opinion and it was his interpretation that neighbor was neither for nor against her having dogs. He believed people were entitled to having pets as long as they were not a nuisance to anyone or not bothering anyone. He stated the State had inspected the property and if the State did not find anything wrong then he didn't believe he should hold anything against her. He believed Ms. Gimpl and followed the guidelines, and he was in favor of this.

Lawrence thanked City staff for the information and stated any concerns he had had was answered by staff.

Terry stated Ms. Gimpl does animal control for the city and other places as well and he did not believe she was able to do that without exhibiting a level of responsibility and an understanding on how to work with animals which spoke well with what she was doing. He stated she had appropriate acreage and there were no complaints from the neighbors. He stated everything looked positive to him.

Commissioner Terry moved and Commissioner Eich seconded to approve the IUP for the keeping of ten (10) dogs on the property as a private kennel with staff recommendations. Terry asked any discussion? McDermott noted this was not an IUP and a private kennel license was a separate application now.

Commissioner Terry moved and Commissioner Eich seconded to amend the motion to approve a private kennel license for Tammi Gimpl for up to ten (10) dogs on her property.

To the amended motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

8.0 Public Hearing – Preliminary Plat – Anderson Meadows – Durant St NE/210th Ave NE – Carrington Homes/Steve Strandlund

McDermott stated the plat consists of ten (10) buildable single family residential lots. Of the proposed lots, one lot is the minimum acreage of 2.00 acres, the average lot size in the proposed plat is 3.785 acres, which exceeds our average of 2.5 acres per lot; therefore, all lots meet city code requirements.

McDermott indicated the Parks Commission will review the plat at the October 12, 2021, meeting to make a recommendation of park land or park fees. Staff recommends cash in lieu of land since there is undeveloped park land within the Oak Brook Acres plat.

McDermott noted the park dedication fee is determined by 5% of the fair market value of the undeveloped land; not to exceed \$2,000.00 per acre. Staff is working with the property owner to determine the amount required for park dedication fees, which will need to be paid prior to the release of the final plat for filing with Anoka County.

McDermott stated in 2003, City Council approved the plat for Oak Brook Acres. Staff has attached the sketch plan and final plat for Oak Brook Acres, which details that Ghia Street was intended to extend to the north when the land was developed. Therefore, as part of the Oak Brook Acres development, a temporary cul-de-sac was constructed, as shown on attachment 4 and 5.

McDermott indicated as part of City Code Chapter 66, Section 66-164 Streets, permanent cul-de-sac lengths over 500 feet, require a variance.

McDermott stated there are residents living in the Oak Brook Acres subdivision that do not support Ghia St NE being extended to the north and would rather see a new cul-de-sac from Durant St to access Anderson Meadows. The Fire Chief and Public Works Manager reviewed the concerns and have the following comments: Nate Ayshford, the Public Works Manager, is in support of this subdivision as proposed, with no comments on the plat; Mark DuCharme, the Fire Chief, is in support of the plat as proposed, noting that the access to Durant Street is necessary from a safety standpoint. This can be seen in his statement dated September 23, 2021.

McDermott noted the preliminary plat was submitted to the Anoka County Highway Department for review on September 2, 2021. At this time, staff has not received county comments. However, the developer is required to comply with Anoka County comments/requirements.

McDermott requested requests the Commission hold a public hearing, discuss and recommend approval of the preliminary plat known as Anderson Meadows with the conditions set forth in the resolution.

Terry opened the public hearing at 7:39 p.m.

Casey and Holly Riley, 21052 Gia Street, expressed concerns from seven out of the ten households on their street. He stated they did not want the street to go through as they had moved onto the street because of the cul-de-sac, and they did not know that it was proposed to go through. He stated nobody had a problem with the development, but they wanted to keep their cul-de-sac.

Holly Riley stated part of the reason why all of them on Gia Street liked the cul-de-sac was because they all had children that ranged from ages one to 17. She noted this was a rural area and the kids were often out in the street riding their bikes, going on walks, playing on their hoverboards, etc. She stated currently they did not have a lot of traffic on their road and everyone that lived on the street respected the fact that the kids were living active lives and they slowed down. However, people who are not familiar with the area and that this was a cul-de-sac and pulled in, they will not respect the fact that there are children there and unfortunately, they have had a lot of close calls. She stated the second reason she was not for a through street was because currently there was one in and out of the neighborhood and it was not a very large neighborhood so there was not much traffic, and this was good security and

whenever someone pulls into the neighborhood, they had to leave the same way. She noted if there was a suspicious vehicle, they can get a look at it twice. She stated usually when people are casing a neighborhood and they see there is only one in and out, a lot of times they will leave the neighborhood without causing any issues. She understood the City was growing and she wasn't against the neighborhood itself, but she did not like the through street.

Terry closed the public hearing at 7:43 p.m.

Terry stated nobody that lives on a cul-de-sac wanted it to continue to a through street to an adjacent development and this was an unfortunate fact of development generally for safety of the development such as for fire access. He stated it was difficult to figure something else out for emergency services to respond to a new development. He noted winter plowing was also another factor to be considered. He unfortunately indicated a lot of things happened with developments that were unexpected.

Lawrence stated they have had discussions in the past regarding cul-de-sacs and they have been fairly in depth then it came to fire safety and snow removal. He stated it was very rare that a cul-de-sac was allowed to exist permanently. He stated usually cul-de-sacs were constructed in the first phase of development and then later phases compelled the City to consider the ramifications of not extending the street which was what was occurring here. He noted the Fire Chief was making a concrete argument for the street continuing. He indicated this was unfortunate because he understood the other safety aspect and the security the neighbors felt with a cul-de-sac.

Allenspach agreed and she understood why the residents wanted the cul-de-sac. She stated however she will always side on the side of the Fire Chief and in this situation, he was saying the street should go through and she cannot go against that for public safety purposes.

Eich stated everyone wanted their privacy but unfortunately it was fading away and there was no way to stop it. He stated he understood the residents wanted their privacy, but there was good and bad with this.

Hanson stated what staff did was if a cul-de-sac was temporary and eventually it would go through, there was a sign placed there. She indicated there was a sign there at some point, but she wasn't sure if it was still there. She noted as developments came in and if they know a cul-de-sac will eventually go through signs were posted with that information.

Terry reopened the public hearing at 7:48 p.m.

Kathleen Zehm stated she was not familiar with this particular area, but she lives in the area of Coon Lake. She believed people who bought on a cul-de-sac usually paid more for their homes as this was a more expensive piece of property. She asked if the Fire Chief was involved in the planning of that part of the roads and what was safe for individuals and for the public safety. McDermott responded the Fire Chief was and that was why this was approved as a temporary cul-de-sac in the initial subdivision.

Ms. Zehm asked if whoever bought in the cul-de-sac knew it was a temporary thing. McDermott responded if they purchased from the initial subdivision, they might have been aware if they had been involved, but anyone purchasing a home that had been lived in by someone else previously might or might not have that information. She stated a lot of times these types of documents were not passed along to the new owners. She indicated this information was readily available through the City Hall and they encourage people to ask the City for information on properties before they are purchased so they can let anyone know if there was anything there that they should know. She indicated this was also public information with the County as well.

Eich stated he understood the point and if they took today's housing market, people were walking through and looking at a purchase of hundreds of thousands of dollars and they are taking a 4-5 minute

look. He indicated there wasn't a real estate agent that was required to tell someone that they can't put a six-foot fence in their front yard, and you can't plan on this cul-de-sac being there forever. He noted none of that stuff was required to tell anyone.

Terry reclosed the public hearing at 7:52 p.m.

Commissioner Eich moved, and Commissioner Lawrence seconded to recommend approval of the preliminary plat known as Anderson Meadows with the conditions set forth in the Resolution.

Terry asked any discussion? To the motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

9.0 Public Hearing – Zoning Text Amendments and Zoning Map Amendments

McDermott stated approximately 1,000 public hearing notices were mailed to the property owners whose property is affected by the proposed code and zoning changes. As part of the public hearing notice, there was a map showing the zoning changes and a link to the City of East Bethel website in which a draft of the text changes and the map are available for review.

McDermott noted this past week, staff has received calls and emails from approximately 40 property owners with specific questions. The consensus of the resident calls supports the proposed changes.

McDermott indicated since the adoption of the 2040 Comprehensive Plan, City staff has been working on amendments to the zoning code and zoning map to ensure compliance with the plan. The majority of the amendments are minor in nature.

McDermott stated City Council reviewed and discussed the amendments at the September 7, 2021, work session and at the September 13, 2021, regular meeting. City Council supports the amendments to the zoning code and the zoning map.

McDermott indicated as part of the adoption of the 2040 Comprehensive Plan, the land use on certain residential properties changed; therefore, the zoning must change to reflect the Comprehensive Plan.

McDermott stated the changes occurred because it's been determined by the Metropolitan Council that the properties will not be part of Metropolitan Urban Service Area (MUSA – city sewer and water).

McDermott indicated the zoning on a portion of the properties located south of Viking Blvd will change from:

1. R1- Single Family Residential to RR – Rural Residential, and
2. R1 – Single Family Residential to CL – Coon Lake Residential

McDermott stated all the zoning changes occur east of Highway 65 and south of Viking Blvd.

McDermott reviewed the changes to the Zoning Code including:

1. The most notable change to the zoning code is the creation of the Coon Lake (CL) Residential District. These are properties that previously were zoned R-1 Single Family Residential. The only changes to the CL District is that the side yard setback is reduced from 10 feet to 7 feet and minimum lot sizes without sewer and water is reduced from 10 acres to 2 acres (this only pertains to new residential developments).
2. Previously, additions to commercial buildings greater than 10 percent of the existing building footprint required a site plan review in front of the Planning Commission and City Council meetings. The code will now require additions greater than 25 percent to require a site plan review.
3. Car washes are now allowed within all business districts as a conditional use.

4. Brewery and taprooms are permitted in all business districts. Previously, they were limited to the Light Industrial District.
5. The business and industrial districts are required to have lighting in off-street parking areas with a minimum of 0.5-foot candle illumination.
6. The Mixed-Use District (MXU) was created and adopted on March 8, 2021, but was not incorporated into pertinent sections of the code. The amendment adds MXU and CL throughout the zoning code.
7. New definition is added for Non-residential Uses in the Residential District and Sidewall Height is redefined.
8. Planned unit developments are now allowed within all residential and commercial districts and are required in the mixed-use district.

McDermott stated staff is requesting that Planning Commission hold a public hearing, discuss, and make a recommendation of approval to City Council of Ordinance 2021-06, Amending Appendix A – Zoning and the zoning changes to the Official City of East Bethel Zoning Map.

McDermott noted staff has received almost 100 phone calls regarding this zoning change. She reviewed the questions and the answers to those questions.

Terry opened the public hearing at 7:59 p.m.

Joshua Sturman, read from the Hauge Convention and commented on choice of law related to securities. Terry stated he did not understand his point and asked how this applied to the zoning changes being requested. Joshua Sturman stated this did not have anything to do with the zoning.

Terry stated it was his understanding that this didn't have anything to do with this discussion except peripherally in terms of government. Joshua Sturman stated this was to make people aware when they were buying a home, predatory lending issues, and where this funding was coming from.

Terry stated these were not issues under discussion here. Joshua Sturman stated he understood that, but he wanted to "throw something out". He noted he had not been here in a long time, and he hated to disappoint them and not say anything.

Lawrence stated in terms of historical precedent it was important to recognize the unique nature of the District through this proposal and they were actually going to make things easier for the City to work with those property owners.

Mary Wells, 3405 Edmar Lane NE, stated their property was changing from R-1 to RR. She asked if the acreage requirement had changed. McDermott responded no and a lot of lots in this area were subdivided before that zoning requirement took place, so they were considered legal non-conforming lots.

Ms. Wells asked was Rural Residential zoning a 2-acre minimum. McDermott responded it was.

Ms. Wells asked how it was decided which properties were put into this new zoning. McDermott responded it was determined on the lot size average currently in those developments.

Arnie Wicker, 3940 Breezy Point, stated they put in City sewer and water in 2010 and asked for an update on the new developments coming in. He asked if those areas would get City sewer and water. Terry responded he believed this became too problematic to do that so that plan was scrapped. McDermott stated the Met Council was the one that determined what connected to the City sewer and water and they determined that at this time it was not feasible to move City sewer and water outside of

the City municipal area which was confined to the Highway 65 corridor. She summarized what the present plan is.

Ed Fiore, 194 Ivy Road, clarified the water and sewer systems and the Met Council. He noted the populations are changing and as cities are dying people were looking for places to live including going into the suburbs, which included East Bethel. He stated if the City had large acre zoning the Met Council would step in and reduce it. He believed it was wise of this Commission to reduce these lot sizes. He hoped this passed and he believed it was good for the community even if it raised their taxes.

Bradley Harlan, 18465 Lakeview Point Dr NE, asked if Met Council was the Minneapolis City Council. Terry responded it was not and the Met Council was an elected body that over time became an expansive governmental body.

Mr. Harlan expressed concern that people along the lake would be given higher taxes with this change. McDermott responded the County determines the taxes. She indicated typically the County did not look at the individual city lots or zoning.

Jerry Torgerson Pocus 186 Bryant Ln NE, noted they were on the lake and their taxes were ridiculous. She stated people who had lake views were considerably less. Allenspach noted lake shore taxes were high everywhere, but she understood what she was saying. Terry stated the changes being proposed would not impact how the County assessed the properties for taxes.

Joshua Sturman commented on the right-of-way, outlots, and docking rights.

Anna Harlan, 18465 Lakeview Point Drive NE, asked if the changes were for sewer and water to come in. Lawrence noted the reason for this was because the lots were so small that whenever someone came in, they would need a variance because the septic or well was too close to the property line. He noted this was amending that so not as many people had to come in.

Mary Wells stated she was an independent property assessor for Anoka County and stated what staff was saying is correct and the assessor did not look at zoning for increasing taxes. She noted assessing was done as it was currently done with respect to the lot size, if they were lake property or not lake property, etc.

Terry closed the public hearing at 8:25 p.m.

Commissioner Lawrence moved and Commissioner Allenspach seconded to recommend the proposed changes to the City Code. Terry asked any discussion? To the motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

10.0 City Reports

Council Liaison updated the Commission on recent Council actions.

11.0 Adjournment

Commissioner Lawrence moved and Commissioner Eich seconded to adjourn at 8:30 pm. Terry asked any discussion? To the motion, all in favor say aye. **All in favor.** Terry asked any opposed? That motion passes. **Motion passes unanimously.**

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.