

EAST BETHEL PLANNING COMMISSION MEETING

August 28, 2012

The East Bethel Planning Commission met on August 28, 2012 at 6:30 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Brian Mundle, Jr. Lorraine Bonin Tanner Balfany Lou Cornicelli
Eldon Holmes Glenn Terry

MEMBERS ABSENT: Joe Pelawa

ALSO PRESENT: Jack Davis, City Administrator
Heidi Moegerle, City Council
Robert DeRoche, City Council

Adopt Agenda Chairperson Mundle called the August 28, 2012 meeting to order at 6:32 P.M.

Mundle motioned to adopt the August 28, 2012 agenda. Balfany seconded; all in favor, motion carries.

Approve July 24, 2012 Planning Commission Meeting Minutes

Holmes made a motion to approve the July 24, 2012 minutes as submitted. Balfany seconded; all in favor, motion carries.

**Presentation:
Introduction to the MIDS Community Assistance Package, Workshop #1, Consultants: John Bilotta and Jean Coleman**

Tonight's presentation on MIDS will be made by:
John Bilotta – U of M Extension
Jean Coleman – CR Planning

Agenda for tonight's discussion:

- Introductions and objections of the MIDS Community Assistance Pilot Project
- Local Land Use and Water Quality – Making the Connection (NEMO Presentation)
- Summary of MIDS Model Ordinance Package
- Pilot community ordinance audit highlights
- Next steps and setting work sessions

John Bilotta thanked the Commission and audience for coming this evening. He is with the University of Minnesota Extension. He is joined by Jean Coleman from CR Planning. He wanted to congratulate the City for being one of the cities selected to participate in the MIDS. Why does he want to congratulate the City? East Bethel was chosen from a group of cities, who nominated themselves, to roll out a new approach to water management. There were 7 communities that applied. In order to apply you have to be part of the St. Croix Watershed. Another group selected was the Chisago Trifecta – which is the cities of Lindstrom, Chisago City and Center City. They share bordering lakes and want to work as one unit.

What is the benefit to East Bethel? Some of the things we will be talking about is:

Pilot Communities receive

- Review existing ordinances
- Review new MIDS
- Recommendations and guidance for local revisions and opportunities
- Customized training – NEMO and Stormwater U
- Streamline compliance for state water quality regulations and
- Achieve your local water and community goal.

This will comply with water quality goals as a community.

What is MIDS?

MIDS – Minimal Impact Design Standards.

This is a new approach for the State of Minnesota. It was directed for the State to work on through the legislature.

MIDS has three components.

- Calculation Methodologies for a Menu of Techniques – Example: We have design book for build storm water ponds. We know what they can do. We know how to inspect them. We know how to build them. We don't have the same things for rain gardens. Until recently we didn't have a good way to calculate the credit for a rain garden. We want to make sure it is consistent from city to city.
- Performance Goal – The greatest minds around the State of MN have been working on this. What they designed first was a performance goal. It is:

New development – 1.1 inches of rain managed on the site

Redevelopment – These goals are forth coming

Linear projects – These goals are forth coming

- Community Assistance Package – Providing communities with the assistance they need to implement it. This is what they are here to talk about to us tonight.

Why would we do MIDS at all?

- The past is not working
- Volume control + rate control
- Move stormwater up, out and down!

Why care about clean water?

He had all the attendees talk about why clean water is important as a resident or leader of East Bethel.

The answers were:

- Clean water tastes better than non-clean water.
- Because I am alive.
- We only have so much of it.
- We only have so much of it.
- Because he works for the DNR and if he wasn't concerned he would have to change jobs.
- Looking out for the future of water management. Making sure we will have enough in the future.
- Like to clean up with a wet shower and like to be able to paddle her feet in a lake.
- Better targets when fishing.
- Hunting and fishing.
- Too much pollution going on. Too many people saying they are taking care of it but aren't.
- Important to image to the City. Major component of life.
- We always think we are spoiled with clean water. There are places that will never see a clean glass of water in their life. Industry can ruin the water. It is not a renewable resource. Have to take care of it.

We covered a lot of the importance of clean water.

Why care about clean water?

- Recreational opportunities
- Drinking water protection
- Property values
- Flood control
- Fish and wildlife habitat
- Agricultural and commercial needs
- Sense of place

In Minnesota we have a sense of place. That is very special in Minnesota. It is very important to us as a community. Water and natural resources are a high personal value for people's sense of place. You ask people what is important in Minnesota where they reside and they say: school, roads, safety and natural resources.

As you think about your position as a local leader, what impacts clean water is land use? Land use is determined by what happens in this room. What we decide to do with the land is important. You have the keys for land use.

When we think about clean water in Minnesota, these are the images that come to mind - recreational opportunities and cleanliness. This is not always the case in our communities. We get excessive plant growth, pollutants, algae, debris and sometimes we have to change the course of streams, such as putting in barricades.

Background Information

MIDS is a statewide initiative to manage storm water differently. We are rolling

out MIDS in the St. Croix Watershed. As we looked at impairments to the St. Croix. There is too much phosphorus in the St. Croix. In order to get the St. Croix phosphorus levels down, we need to reduce the over 1,600 gallons of phosphorus from the Sun Rise going into the St. Croix.

Why do we have a problem?

There are pre-developed conditions. Before we were here, about 50% of the rainfall went back into the ground. When we came, we changed the surface that can be penetrated. We are now at 15% penetration. Over 55% of the rain runs off the landscape. This causes flooding and also causes quality problem. Our traditional approach to stormwater management was: I don't care what you do with it, just get it away from my house, we don't want wet houses. We wanted to convey it, concentrate it and get it out of here. This works well for flooding prevention, but does nothing for water quality and quantity.

Why should we be concerned?

Drinking water, wildlife, pollutants to streams.

Every gallon of storm water you have to manage costs the city money. These are drivers on why we need to be attentive on how we manage storm water. All these things point to the fact that we need to look at storm water management differently.

Storm water management – We look at the increase quality and decreased quality. We look at thermal stress, debris, toxic contaminants, pathogens, sediment and nutrients.

Impervious Surfaces - As the intensity of land use grows, we know that the potential for water quantity and quality increase. This is tied to impervious surfaces. As impervious surface exceeds 10%, surface water starts to degrade. He wanted to look up the impervious surface for the City of East Bethel, but didn't get a chance to. He will bring that information for the next meeting.

Why do we need to be attentive for storm water management?

Clean water act came into effect in 1972. It says we will make the waters of nation, swimmable, fishable and drinkable. We use a variety of programs to help us get there and there is a whole alphabet soup of acronyms. TMDL (Total Maximum Daily Load), NPDES (National Pollution Elimination System), etc.

DeRoche says all these programs cost money. We are talking about less development to have less impervious surface. Bilotta said we will talk about money soon, but an ounce of prevention is worth a pound of cure. If we want to clean it up after the fact, it will cost a lot of money. As local leaders, you must maintain clean water, improve and minimize impact.

Bilotta said he will eventually get to ordinances tonight, but wanted everyone on a level playing field on why we do this.

He reiterated, we want growth and we want development. We need it! We want it! Thus we are not going to be able to prevent all impacts, but we need to

minimize.

We need more water to flow back into the ground.

What can we do?

- Plans (Innovative and new planning)
- Policies (Adopt and revise ordinance and codes)
- Practices (Storm water management, rain gardens, conservation tillage, etc.)

Planning – Comprehensive Planning, a strategy for coping with polluted runoff. Typical planning process – where do we develop

- Natural Resource Base Planning

Practices – Storm water management today. The practices we have been using forever are conveyance which is use of pipes and ponds. We need to have all four blended – conveyance, storage, filtration and infiltration

Policies – Why do we have policies, ordinances and codes?

- Policies balance interest of the community with those of individuals
- Treat everyone the same way
- Codes clearly tell people what's expect of them

Who owns the most impervious surfaces in the City of East Bethel?

In most cities it is owned by the City. So we also look at policies related to streets and roads. We need to start with ourselves and we need to address: Development, Redevelopment, Streets – Construction and Reconstruction and Municipal Good Housekeeping. We need to have ordinances for Clean Water and look at adopting some of the MIDS Model Ordinances.

Why have a storm water management in local code?

Land use, land management and even some courses of water management is controlled at the local level. Ordinances are just one of the key main tools to meet the community vision and clean water goals – ordinances, education, technical assistance, financial assistance, municipal operations.

Where do we talk about clean water in the codes and ordinances for East Bethel?

For the past two months we have been auditing the East Bethel City Code and clean water is addressed throughout the City Code.

MIDS provides a new performance goal. MIDS determines how much rainwater will we require to be managed on site and provides the City with a calculation system.

DeRoche is concerned about Coon Lake. He read about MIDS and saw a lot about coastal waters. Coleman said it is not just coastal waters, so she is not sure where that idea came from.

Will MIDS limit our opportunity as a City? Bilotta said no. First of all, he doesn't want to get stuck on the regulation piece. We must ensure clean water, for drinking, wildlife, etc. Beyond that, people, even businesses, value water and natural resources. Meeting clean water goals should be attractive for prospects in East Bethel. Another way to think about MIDS -- this isn't about more; it is about doing it different. Bilotta said he remembers talking to the city leader from Lindstrom. He explained to her, this is not necessarily more, it is different and better. The approach that we have been doing isn't working; we will now try these different approaches.

DeRoche asked if this is a blanket statement or is it just East Bethel. Are you saying East Bethel isn't working? You say you have been studying this for a couple of months. This piece of paper, this agenda, wasn't enough for me to process. Bilotta said tonight is just an introduction. As a pilot community, this is a series of workshops that we want to provide to you. We want to be sensitive to your needs and customize it.

Are you singling out East Bethel? We know from water quality, in East Bethel, and Sun Rise and St. Croix, we know it isn't working. We aren't singling out East Bethel. We look at water quality. Cornicelli said we know that you are not picking on us. Coleman doesn't think East Bethel is bad in any sense, your lake being worse than it was before. We need to look at things in a better way.

Alright so, there are lots of questions, so that was the background, if there are other questions about NEMO, or the water process that Bilotta went over. Primarily so you can hand out the ordinance document. Any other questions. You talked about not stifling development, aren't we going to restrict our development based on storm water. We will state how they can do water run-off. We will restrict development based on storm water. Coleman said there would be different approaches that we will suggest; we are already regulating the design water management systems. DeRoche said we are 50 percent wetlands in the City of East Bethel.

Time to get a little more specific.

What is in the Community Assistance Package?

Jean Coleman – She has worked on storm water management for about twenty years here in Minnesota. They are here because they want to protect natural resources.

The Community Assistance Package contains a lot of information. East Bethel will access and use some of this information. Much of this we won't be using. Some of this we will be focusing on.

Community Assistance Package

- ✓ Background on MIDS
- ✓ How to use the package
- ✓ Long form stormwater and erosion control ordinance
- ✓ Short form stormwater and erosion control ordinance

- ✓ Subdivision ordinance
- ✓ Conservation subdivision ordinance
- ✓ Shoreland standards (forthcoming)
- ✓ Development checklist
- ✓ Planning process checklist
- ✓ Sample adoption resolution for ordinance changes.

Background

MIDS was brought about due to a concern that communities had in 1987. Previously the Clean Water Act focused on the degraded waters. Those amendments trickled down in 2010, the MPCA to MS4 communities that have to comply with NPDES. NPDES said “Anti-degradation rules are coming your way, and you are going to have to comply with those rules. Some of the cities said “You are adding regulation on top of what we are doing already.” Instead of doing the same path, the MPCA is working with each community. The MN Legislature agreed. They approved a direct path and the MIDS project was funded. Here we are two years later, with a clear path. That is a short background version.

We have been working on the calculator, the community assistance package and the performance standards. We are piloting this with the City of East Bethel, to make sure it is right. The community assistance package, the goal is to have a package where communities can pick it up and change ordinances and be in compliance. We also recognize that cities are in different stages. We offer two different types of ordinances – long and short form. The short form is for communities that have already addressed a lot of this in their ordinances. We are hoping this will be a one stop package for communities that want to comply.

Terry wanted to know if you can identify the most relevant areas where the City isn't complying. Coleman asked if you have peeked ahead. You aren't failing because you haven't had to come into compliance with degradation.

East Bethel Audit Highlights

East Bethel Ordinance Elements

- Purpose
- Activities covered
- Performance standards
- Site design process/use of MIDS credit calculator
- Inspections and maintenance
- Permit review process
- Enforcement actions

These are the essential ordinance elements.

Purpose

Strengths

- City adopted policy on water protection
- East Bethel Surface Water Management Plan

- City Council, Planning Commission and staff support

Opportunities

- Bring policy statements into ordinances, including MIDS policy statement.

Activities Covered

Strengths

- City requires storm water management for subdivisions, new construction and roadways

Opportunities

- Consolidate storm water provisions into a single ordinance
- Small redevelopment projects
- Building permits for smaller projects (under ½ an acre of disturbance)
- Pilot Community Workshop Goals

Performance Standards

Strengths

- Surface Water Management Plan requires storm water management through conventional practices
- References state standards

Opportunities

- The MIDS performance standard of 1.1 inch on-site treatment of stormwater for new impervious is achievable.
- Because of their porosity, soils in East Bethel provide a great opportunity for the use of low-impact development infiltration techniques
- Adoption of MIDS performance standards will help in complying with the TMDL allocations for Sunrise river area.

Site design process/use of MIDS credit calculator

Strengths

- Significant Natural Environmental Area (SNEA) Overlay District
- Use of PUDs for many developments
- Reference City Engineering Manual

Opportunities

- Use MIDS design process to enhance green space and encourage activity
- Use MIDS “Better Site Design” in SNEA and PUD

Inspections and maintenance

Strengths

- Surface Water Management Plan includes inspection requirements and maintenance activities
- City street sweeping program
- Septic upgrading and maintenance

Opportunities

- Bring into the City ordinances.

Permit review process

Strengths

- Storm water control reviewed for many subdivision activities since city

SWPPP first approved in 2006

Opportunities

- Bring into the City ordinances.

Enforcement actions

Strengths

- Subdivision code includes enforcement mechanisms
- Partnership with the Sunrise River Watershed Management Organization

Opportunities

- Custom enforcement provisions for storm water and erosion control activities.

Questions

Holmes stated first of all, he knows it is State and Federal regulations pertaining to pervious surface, for storage ponds they have been doing more with pervious asphalt. Should that be part of the package to be considered? From his understanding, it is accepted but they don't know what they are doing with it.

Bilotta stated the storm water manual will define what we want. It goes back to the storm water calculator – we have taken the most current practices and put them into the calculator. The calculator will help you figure volume, pollution, sediment removal, phosphorus removal. It also has to do with the design standards. So what if you design a rain garden, how much storm water reduction will that get me and how will pollution be reduced.

Holmes stated it has not been determined if the pervious asphalt will help or not.

Bilotta explained the greatest minds looked at pavement technologies and they have come out with design specs, where are the gaps, what does it get you. When the MIDS product comes out, it has all those standards and information that comes with it.

Holmes asked if you take into account existing ground waters in communities. Bilotta said even though MIDS is being designed as a credit calculator that can be used state wide. It is recognized there is variation in different communities.

Mundle asked if for the next meeting if we can get a package of information before our next meeting so we can study it and have some idea of what we are going into. Bilotta said duly noted.

Goals for Pilot Communities

1. Review local ordinances and development standards for strengths and opportunities. (We were presented highlights of this tonight.)
2. Development recommendations including providing the MIDS Model Ordinances. (The MIDS model is what the greatest people have come up with. It is about meeting vision for community.)
3. Establish local work teams (CC/PC/staff) to work through revisions. (We want to do workshops 2 or 3, who do you want to be. Ninety minutes is about the length. In Chisago City Area they appointed two people from City Council and two from each Planning Commission.)

4. Move towards ordinance changes, a plan to do so, and resolution for adoption.
5. Provide for training – NEMO (leaders) and Stormwater U (staff, consultants, property owners). (We have a training program. The consultants and staff will be going through training and providing that to East Bethel.)

East Bethel applied and wanted to be part of this process. So we want to provide the training. To do that we will require a couple more workshops, then we would set up a couple of opportunities to come back to meet with you. Once in October and once in November.

Are you agreeable to us coming back? Mundle said if this is going to come through no matter what he thinks that it should be beneficial to us for getting help. Moegerle said they wanted to come with open minds. If you could provide us more information in advance of the meeting.

Bilotta said we have an agenda, but we don't have an "Agenda." Workshop two will get into more in depth. We will send you more information prior to the meeting.

We really hope that we can help you with your goals for East Bethel.

- Review and consider recommendations to existing ordinances and standards.
- Discuss the adoption of MIDS Community Assistance (Model Ordinance) Package
- Establish teams of city council, planning commission members and staff that will work towards revisions and changes.
- Set a framework for city resolutions and adoptions of ordinance revisions by the end of 2012.

Staff Report

As everyone knows, Stephanie Hanson has resigned. We hope to advertise it very quickly. But it will be six to eight weeks before we get someone in Stephanie's place. Any questions please send them to Jack Davis.

Cornicelli said we are greatly appreciative of the service that Stephanie Hanson gave to the City. She had great stewardship of the City and she will be sorely missed.

Council Report

They met with MPCA -- there are some things we found out about the waste water treatment plant. The City's plant is a water reclamation plant. It was a very revealing conversation.

Adjourn

Holmes made a motion to adjourn the meeting at 8:15 PM. Balfany seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary