

EAST BETHEL CITY COUNCIL WORK MEETING

March 17, 2010

The East Bethel City Council met on March 17, 2010 at 6:30 PM for a work session meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steve Channer Kathy Paavola
Steve Voss

MEMBERS ABSENT: Greg Hunter

ALSO PRESENT: Douglas Sell, City Administrator
Stephanie Hanson, City Planner
Tammy Schutta, Asst. City Administrator/HR Director

Call to Order **The March 17, 2010 City Council work meeting was called to order by Acting Mayor Voss at 6:32 PM.**

Adopt Agenda **Boyer made a motion to adopt the March 17, 2010 City Council Work Session Agenda. Paavola seconded; all in favor, motion carries.**

Ordinance 19, Second Series, Zoning Code Changes Hanson said on January 23, 2010, Planning Commission recommended approval of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code. On February 5, 2010, the changes were distributed to City Council for review.
After review of the proposed changes, Council directed a work session be scheduled for March 17th to discuss the changes to the Zoning Code. The meeting will allow City Council and staff to discuss changes, comments, and concerns prior to consideration of Ordinance 19 at the regular meeting.

Hanson said a few Council members have sent her e-mails about clarification and she has sent answers to those e-mails.

Voss suggested Council just start at the beginning of the Ordinance and work through the document with any changes they may have. Hanson said she wants to clarify that for swimming pools there were two definitions and Boyer had asked why we have two definitions. She said she went back to the building code and looked at their definition. Hanson said since we already have adopted the building code, she wants to strike the portable and swimming pool definitions and she will add the definition from the building code. Hanson read the definition from the building code. Council was fine with the definition from the building code.

Voss said he doesn't have any questions until page five (5). He said on page five (5) where it talks about vacant lots may be allowed as building sites without variances is this just saying these are lots of records. Hanson said yes, we could change it to vacant lots of record. Voss asked why does it have to be vacant. Hanson said it doesn't, we can just put lots of record. .

Voss said on page seven (7), paragraph twenty (20), under motor vehicle repair, where did this come from, what is this for. Hanson said this has to do with OSHA. Boyer said it has to do with air requirements. Voss said not all paint booths have to be approved.

Voss asked on page seven (7), under paragraph twenty-five (25), outdoor dining area, how did you pick a six (6) foot barrier. Boyer said he also had a question about the six (6) foot barrier,

to him it takes away the experience of outdoor dining. He said it is not that way in Blaine. Paavola said not all places are like this, most have a three (3) foot barrier. Boyer said most places he can think of are two (2) to three (3) feet, he can see why you would want to control it. Voss said he does want to control it, he doesn't want them just walking in. Channer said it makes it easier to enforce the passing of alcohol, but it would be breaking the law to pass the alcohol.

Voss said the only one we have to worry about is Fat Boys. Hanson said we could change this to four (4) feet. Paavola said three (3) or four (4) feet would be better. Boyer said if you have a small area, four (4) feet might be too high. Hanson asked should we put a minimum of three (3) feet and then they can come and make application and we can determine it then. Channer said he can see why we would do a four (4) foot. Voss said yes, a three (3) foot barrier you can walk over. Boyer said he thinks at Bella Restaurant in Blaine it is thirty (30) inches which is fine with him. Channer said if the intent is to demarcate, than three (3) feet is fine to him. He said as far as alcohol and a barrier to keep alcohol in, to pass the alcohol outside the barrier to someone of age is even illegal. Hanson said when we get some that are closer to residential properties than it might need to be taller. Paavola said you would have to have some kind of guidelines for those types of situations. Channer said you could have it be four (4) feet and give variances for three (3) depending on the situation. Voss said if it is adjacent to a residential area then he could see requiring it to be a six (6) foot slat fence, because it would need to be for privacy. He said we could set it at four (4) foot and they could make an argument for three (3) feet. Boyer said we could say three (3) to six (6) feet and it could be determined by staff or upon site review. He said staff could write up guidelines. Voss said that is fine as long as it is defensible.

Voss said on page eight (8) under swimming pools, what does the building code say about fences and swimming pools. He said requiring someone to put a fence around a portable swimming pool is ludicrous. Hanson said you wouldn't have to. She said anything four (4) foot above ground you would need a fence, but the pools that are prefabricated and installed entirely above ground accessory to dwelling units which do not exceed 5,000 gallons in capacity and a twenty four (24) inch depth do not need a permit. Voss asked to have that added. He said and then B would be deleted. Hanson said yes, but we do need to add to this, because pools over 5,000 gallons require a permit, that is what the Building Official told her. Voss asked what kind of permit. Hanson said it is some kind of generic permit. Voss said you buy the pool at Wal-Mart for \$300 and then you have to go to the City and get a permit. Boyer said there are plans for building it. He asked does it say how many gallons the pools hold. Hanson said the Building Official did a permit like this and they went out there and looked at it to make sure it met the setbacks, etc. Voss asked is there a fee for it. Sell said if you pull a permit there is a fee. Voss said there are hundreds of pools around town.

Boyer said on page eight (8) number thirty three (33) Retreat Center, we now have three (3) residential districts with retreat centers in them. Voss said he doesn't agree. He said there are a lot of areas that are Rural Residential (RR) and a lot of areas that are going to be one acre lots. Voss said his place is not going to be RR and he is surrounded by small lots. Boyer said Retreat Centers should be Conditional Use Permits (CUPs), they should be Interim Use Permits (IUPs). Voss said he knows in years past we had B & B's, they were only three (3) or four (4) rooms. He said when he reads about these Retreat Centers, twenty (20) guests in a single family home, aren't we setting up ourselves on this for a fire danger. Voss said we wouldn't allow this many people to live in a single family home.

Voss said they are setting this up as a commercial business, why aren't these types of activities

put into commercial areas. Paavola said she heard rumblings later last fall that there is a home out there that someone was looking to take a home and turn it into a Retreat Center just for the purpose of having bible studies overnight, and the house isn't that big. She said the question would be how many are they having stay overnight, is this a residential area, what is the traffic going to be, what is going on there, and can we allow something like this to happen. Hanson asked is there a maximum number of guests/occupants you would suggest. Boyer said he is worried about the fire code. Hanson said what would end up happening is the Fire Chief and Building Official would check to make sure the Retreat Center meets the building codes.

Voss said it doesn't state in here, since the primary use of the property is the home, is that still going to be the case, is the family still living there. Hanson said at first we had this in there, but she believes the Planning Commission took it out of there. Voss said he thinks of all the businesses we have approved over the year, how we have considered the effect it would have on the neighbors, the traffic, shipments per day, and how the property must be owner occupied. Boyer said it comes back to the gunsmith that came in, we never got any complaints on him. Hanson said that is why staff proposed it as a CUP, it would be an acceptable use as a CUP. She said it would be the same as a CUP in a residential area.

Boyer said if someone came in to do scrapbooking, why do you need to stay overnight for scrapbooking. Hanson said there is a Retreat Center in Hinckley, it is open every weekend of the year, and they get about fifteen (15) people per weekend. Voss said there is no way it will be a CUP. Boyer said with an IUP you can control it. Sell said some of the CUP is capital investment, no one is going to come in and invest \$500,000 just to not get approved or to lose their license. Voss said his input right away is it is not in a residential or agricultural district. Boyer said he also tends to think these should be in a commercial district. He said to him this seems to be a traditional Main Street activity. Hanson said a lot of these Retreat Centers are in more residential areas.

Boyer said for an example, let's just say someone comes and wants to open a Scientology Center in the Whispering Aspen Center. He said that to him is very acceptable. Hanson asked what if we allowed them as a type of home occupation and put in restrictions. Boyer said we have given grief to people for parking on City streets for softball tournaments is one that pops in his mind and he is sure there are many more examples. Sell said he suggests we put this on the back burner and come back to it at our next work meeting. Channer said that if fine, but he wants to make it known that he is not for this at all. He said he understands what we are trying to get at, but he needs to think about it more. Channer said he is not against retreat centers.

Voss said on page eight (8) under Temporary Sales, with the changes there, again what is staff trying to get at. Hanson said we want to make sure the temporary structures are removed. She said and when it was approved in 2007 it was supposed to be changed to 150 days, it was a typo. Boyer asked are we going to have five (5) month firework sales. He said he is perfectly happy if the Goldman's want to set up a stand. Hanson said she could put this on as allowed for agricultural sales. Channer said it could be put on for agricultural and non-agricultural. Hanson said we can define agricultural and non-agricultural. Voss said previously at a Council meeting we already had a drawn out discussion about transient sales. Sell said that is the licensing and permitting process.

Voss said on page nine (9) under metes and bounds are we going to ten (10) acres. Hanson said because we have ten (10) acres as a requirement in the areas that are marked for future sewer district areas, the City attorney suggested we do this. Voss said most metes and bounds are five (5) acres. Hanson said she can add language to clarify that it is ten (10) acres in the

sewer district. Boyer said the lot isn't five acres anyways, because we require right of way. Hanson said she will come up with language for this. Voss said metes and bounds still has to be platted because it has to be ghost platted. He said he wants it left at five (5) acres. Hanson said she will add language for the right of way.

Voss said on page nine (9) under C, seven (7) it says the metes and bounds needs to be filed, add no permits will be issued until it is filed.

Boyer on page ten (10) section thirteen (13) Postal Service Regulations, we don't know what the regulations are. Voss said and some don't have mailboxes.

Boyer said on page eleven (11) under pole type building, we should increase the side yard and rear yard setbacks, he is tired of people building them in the back of their lots for their neighbors to have to look at.

Voss said we will pick this up at Section 14 at the next work meeting.

Council consensus was to schedule a work meeting for Wednesday, April 7, 2010 at 6:45 p.m. immediately after the HRA meeting scheduled at 6:30 p.m.

Adjourn

Boyer made a motion to adjourn at 7:25 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk