

EAST BETHEL PLANNING COMMISSION MEETING

February 26, 2013

The East Bethel Planning Commission met on February 26, 2013 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT:

ALSO PRESENT: Colleen Winter, Community Development Director
Tom Ronning, City Council Member

Call to Order & Adopt Agenda

Chairperson Balfany called the February 26, 2013 meeting to order at 7:00 P.M.

Balfany motioned to adopt the February 26, 2013 agenda. Mundle seconded; all in favor, motion carries unanimously.

Oath of Reappointed Commission Member

On January 16, 2013, City Council held interviews of an interested resident and commission members wishing to continue work for the Planning Commission. City Council appointed the following to the Planning Commission:

1. Lorraine Bonin (reappointed), term expires January 31, 2016 (already sworn in)
2. Lou Cornicelli (reappointed), term expires January 31, 2016
3. Randy Plaisance (new appointment) term expires January 31, 2016 (already sworn in)

Lou Cornicelli will be taking the oath of office this evening.

I, Lou Cornicelli, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

**Public
Hearing/Interim Use
Permit – A request
by owner, Paul
TremL, to obtain an
Interim Use Permit
for up to four (4)
horses. The location
being 19928 Polk St.
NE, East Bethel, MN
55011, PIN 19 33 23
41 0004. The Zoning**

Background Information

Property Owner/Applicant:

Paul TremL
19928 Polk St. NE
East Bethel, MN 55011

Property Location:

19928 Polk St. NE
PIN 19-33-23-41-0004

The applicant, Mr. Paul TremL, is requesting an IUP for the keeping of up to four (4) horses at his residence. Mr. TremL currently has three (3) horses, but in the future may wish to add an additional horse.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located

Classification for this property is R-1 Single Family Residential.

within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 9.7-acre parcel is not located within a platted subdivision.

City Code has a limit on the number of animals per parcel. Four (4) horses require four (4) acres of pastureland. Pastureland is defined as land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands. The property owner is in the process of fencing pastureland for the horses. The fencing and a shelter for the horses must be completed prior to the horses occupying the property.

City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of farm animals.

This is a very standard IUP, similar to others that have been approved in the City.

Recommendation:

City Staff is requesting Planning Commission recommend approval to the City Council for an IUP for the keeping of four (4) horses for Paul Treml, located at 19928 Polk St. NE, East Bethel, PIN 19-33-23-41-0004 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.
2. Property owner shall provide shelter and have a minimum of four (4) acres of pastureland for the horses.
3. Property owner must comply with City Code Section 10. Article V. Farm Animals.
4. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
5. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.
6. Property will be inspected and evaluated annually by city staff.
7. Conditions of the IUP must be met no later than March 15, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

Mundle asked if there is already an IUP for the three horses.

Treml stated they purchased the property last year. It was a foreclosure. They currently have their horses in Ham Lake. Their intention is to move them to East Bethel after their pastures are ready and a pole building is built.

Mundle wondered if it is a four-acre, one per horse, and if the shelter is on the four acres, or would it be on another area of the property. Winter stated she would look into it. Holmes said in the past, it would not be on the acre of grazeable land. Winter said it is their intent to have the building in a different area. The landowners stated that is correct. Mundle stated maybe that should be stated clearly in the future. Winter said she would take note of that and look into

it. Holmes wondered how large the property is. Treml said it is 9.7 acres, but GIS states it is larger.

Terry motioned to recommend approval to the City Council of an IUP for the keeping of four (4) horses for Paul Treml, located at 19928 Polk St. NE, East Bethel, PIN 19-33-23-41-0004 with the following conditions:

- 1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.**
- 2. Property owner shall provide shelter and have a minimum of four (4) acres of pastureland for the horses**
- 3. Property owner must comply with City Code Section 10. Article V. Farm Animals.**
- 4. Permit shall expire when:**
 - a. The property is sold, or**
 - b. Non-compliance of IUP conditions**
- 5. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.**
- 6. Property will be inspected and evaluated annually by city staff.**

Conditions of the IUP must be met no later than March 15, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP. Holmes seconded; all in favor, motion carries unanimously. This will go before the City Council at their March 6, 2013 meeting.

MIDS Update

John Bilotta and Jay Michel's roles are to assist the 4 pilot communities in education, training, and implementation of the new model ordinances that will help cities implement the new MIDS standards for stormwater management.

John Bilotta is an Extension Educator with the Minnesota Extension and Minnesota Sea Grant Programs and leads the Northland NEMO Program (Nonpoint Education for Municipal Officials – www.northlandnemo.org). John's efforts focus on providing effective education programs for local elected and appointed community leaders to enhance their knowledge about water management and land use and in providing train-the-trainer programs for colleagues in water resource education. John's background includes 12+ years in Extension Education at the University of Minnesota and 8 years in other public and private capacities in soil and water resource management. John has a BA in Environmental Studies and Natural Resources with an emphasis in Soil Resources and an MS in Soil Science with a focus on Fertility and Nutrient Management.

Jay Michel's is a Project Manager with Emmons & Olivier Resources in Oakdale, MN. He is a Certified Professional in Erosion and Sediment Control with over 25 years of experience in construction management, erosion control and stormwater management. The emphasis of his work is in Low Impact Development project design, project management, storm water pollution and erosion and sediment control planning and implementation, ordinance and storm water program development, and outreach and education. Jay is known for his work throughout the United States and Canada as an educator on Low Impact

Development, storm water management and erosion and sediment control.

Mr. Bilotta was not in attendance and the presentation was made by Mr. Michel's.

NEMO 101 - Why stormwater management and why volume control?

Michel's stated about a year and a half ago, the City applied to be part of the MIDS pilot project. There was an introduction in August to the City. This is the presentation he gives for the introduction and moving you through the definitions. We have two more workshops he would like to do. If there is some way we could fit it in in March or April that would be great. It gets a lot tougher from that point forward.

We are here to talk about the raindrop. We are the land of 10,000 lakes (11,642 lakes actually.) Forty percent of all surface waters in Minnesota are found to be impaired. There is one that is impaired in East Bethel. This is a big problem in Minnesota. Mundle asked what the definition of impaired is. Michel's stated it is based on State standards, based on the Clean Water Act.

To understand the issue we face, you have to understand the hydrologic cycle. We have very little in the way of runoff in Minnesota. We get huge amounts of infiltration in this area. What fouls this whole thing up is when we put in impervious surfaces. This flip-flops the equation. We have gotten very good at running it off. An impervious surface is anything that won't allow the raindrop to get into the ground.

In one of the first studies looking at impervious surface, above 10 percent you impact the receiving water. When you are above 25 percent you degrade the receiving water.

Water quantity impact

- Disruption of natural water balance
- Increased flood peaks
- Increased duration of flow
- Stream bank erosion
- Habitat loss
- Lower summer base flow

Increased quantity = Decreased quality

Development impacts on water quality

- Nutrients
- Pathogens
- Sediment
- Toxic contaminants
- Debris
- Thermal stress

How much water are we really talking about?

Conversion of partially vegetated site to residential development. In 2002 there

was 43 inches of rain – the typical rainfall is 34.6 inches. This was a very wet year. The area they studied was a 25-acre development, a field of corn and beans originally (an agriculture field). If we switch the field over to residential subdivision - the 25 acres, we had 9 rainfall events that generated run off. Now there are 29 that generate run off. These are the numbers that we develop pipes to. One of the things we see is compaction not being taken into play. If you take that into effect it goes to 39 rainfall events that generate run off. More than 12,000,000 gallons/year for a 25-acre site are now run off.

Bonin asked - the area where work has been done is becoming impervious. Does this ever soften up by natural means? Michel's said yes, it takes decades. He said that is why the ordinance recommendations require tilling of the land.

How much of this volume is reduced by using storm water ponds?

How does this effect phosphorus loading to a lake?

This is one of the major impairments in Minnesota.

In 1983 the National Urban Runoff Program (NURPS) was started. The program was a technical study that compiled data about urban runoff. This resulted in treatment recommendations and easy to apply standards for design and review. Leading to proliferation of ponds.

The NURPS study had us putting ponds everywhere. The ponds are full of sediments and we have hazardous waste in many of these. Maintenance has always been easy. We also have the issue of goose poop. That is a significant cause of phosphorus.

Traditional stormwater runoff management had us getting the water running off, taking it to a collection location and dropping it into a lake. This is a problem. We have one battle with new developments and a different battle with stray pipes.

There were three programs developed:

NPDES – There are three areas of this:

- The construction permit requires anything over an acre project (of soil being impacted) needs a storm water protection plan.
- The MS4 Program – East Bethel is part of the program, and is based on population.
- Industrial storm water program – the Cemstone plant is part of that. They need to have it permitted.

There are six minimum control measures that will need to be addressed.

TMDL

- 303 Impaired Waters List
- Total Maximum Daily Loads
- TMDL Studies
- TMDL Plan – Sources must reduce their contribution to assure the water quality standards are met.

Anti-degradation – City must demonstrate what past, present and future best management practices will be reasonably required to return stormwater runoff to 1988 levels.

The challenge – We need coordination and synchronization of coverage under federal and state regulatory programs.

It is how do you make the subdivision act like a forest? You do it by retaining and restoring the natural landscape. This is called Low Impact Development (LID). LID takes advantage of all of the features of the site (natural areas, sandy, water features, etc.). It is keeping soils healthy, deep tilling, breaking up compaction. It is treating storm water at the source.

About MIDS including 1) New performance goals for volume control; 2) SW BMP calculator; 3) Model ordinances

This was introduced in 2009 in the Minnesota Legislature. Minnesota was the first state to enact this legislation.

- Performance Goal. The performance goal is 1.1 inches. That is where we can get 90 percent of the pollutants. This will meet the anti-degradation standards.
- SW BMP Calculator. It is a work in progress and should be done in the very near future.
- Model Ordinances. This is the community assistance package. It looks at the critical areas where these things are addressed. It looks at the erosion and sediment control.

Nonstructural LID Tools

Planning/Design, Cluster Development, Conservation Design, Minimize Total Disturbed Area, Protect Natural Flow Pathways, Protect Riparian Buffer, etc.

LID Structural BMPs

Raingardens (Capturing rainwater/stormwater) – Bio-retention

Just like a regular planting but able to absorb rainwater and breakdown pollutants.

Research increasingly shows the benefits of infiltration. One of the greatest studies is over in H.B. Fuller Company Parking Lot. 1997 Study Ramsey Washington Metro Watershed District – Reduced storm water discharge by 73 percent. Reduced sediment discharge by 94 percent. Reduced phosphorus loading by 70 percent.

Terry wondered about mosquitoes and wasps and other things that aren't desirable. Michel's said they are designed for water to not be standing for more than 48 hours. We will get more mosquitoes in a catch basin.

Engineered Swales – Open, above-ground, are easier to maintain and troubleshoot. Installation costs are favorable compared to piped drains.

Buffer zones are also a bonus. We can also build storm water treatment under the

parking lots and streets.

Pervious pavement costs have been decreasing. There is pervious asphalt, pervious concrete and interlocking concrete pavers. Mundle asked comparing pervious asphalt versus green areas. How do you deal with compaction the roads need? How do you get the same compaction? Michel's said you don't use class five. If we are using porous pavement, we use washed pavement. Leaving out the clay. Bonin wondered about maintenance. Michel's said generally a vacuum sweeper coming over it a couple of times a year will clean it fine. It is a different world of maintenance.

Balfany wondered about oil, freon, etc. that drips from vehicles. Michel's said mother nature has enzymes that will eat that stuff. There is also a company doing research on this and they are working on a product that will enhance the enzymes. That is all part of what we look at in the ordinance. What can we do where? Do you want to do this at a gas station? Maybe not. Do you want to do it in an overflow parking lot for the church? Probably.

East Bethel existing ordinance audit highlights

Purpose

Activities Covered

Performance Standards

Site Design Process/Use of MIDS Credit Calculator

Inspections and Maintenance

Permit Review Process

Enforcement Actions

Winter stated we talked about being more creative with the developers. She thinks this whole project works with this. If we can incorporate this, and make it cost effective for developers.

Balfany wondered what we are looking at for the next couple of months.

Holmes wondered how quickly the rain gardens fill up with items we are gathering. Pretreatment is the secret to making it work. There should be three levels of pretreatment. More and more we are looking at a box approach for pretreatment.

Holmes asked about the chain of lakes up in Alexandria – they have zebra mussels. The lakes they are in are cleaner, because of the zebra mussels. Does that play a part in any of this? That will clean up water, but it completely throws the water balance off. Holmes wanted to know how you handle the zebra mussel lakes.

Terry wondered what kind of maintenance the rain garden needs and who performs it. Michel's said we are training staff at the U on how to maintain them. It is a whole different approach towards maintenance. Some communities hire it out, other communities have people on staff that do it. We talk about that in the ordinance. Terry said if we require a rain garden, then the company has to figure out how to maintain them. Michel's said we used to require it of homeowners

associations to maintain them.

At what point do we get other people involved. Do you anticipate this being a work meeting? Should it be Planning Commission and the Public Works Department Manager to be there? What about having people who are interested in development? Michel's said we are designing this as we go. Generally we work with the Planning Commission first, and then we take it to the City Council second. If we can get everyone together for three meetings, that would be great. As far as staff is concerned, we get this thing down the road a little farther and then we have a meeting with everyone. What about the development community? He would be happy to work with them. It is interesting that the development community has dwindled. It is a new generation of developers. We still have some of the bigger developers that are in the game.

Plaisance asked about plants and landscaping, and do you have partnerships with different landscaping companies that are familiar with your process. Is there anyone here that is local that is educated in that? Michel's said there are a number of native plant operators in the Twin Cities area. We will have all the site work on a contract and have all the plants and maintenance on a separate contract. If we have local landscapers that would be interested, he said we could get them into some training and get them that information/education.

Winter asked if a cost benefit analysis has been done on a traditional system versus a green system. If you look at their website, there is a study that was done. It shows cost information on the construction cost, the number of units, and all the things that they did. He will send Winter the study. There has been a lot of other side-by-sides. This development has the full spectrum.

Winter wondered if we should wait until the next Planning Commission. The deadline for this project is the end of August. One special meeting would be a work session to address the next two steps. We could also dedicate time at the next regular meeting for this. Bonin said we used to have extra meetings all the time.

Proposed to have a special meeting on the 19th at 7:00 p.m. Regular meeting on the 26th at 7:00 p.m. The Commission was fine with that.

Michel's provided everyone with a Community Assistance Package Pilot Community Draft. This will be something we will be working on.

**Approve January 22,
2012 Planning
Commission Meeting
Minutes**

Terry said, on page six, fourth paragraph, sixth line down, he wants it changed to Terry said if all the neighbors are fine with it, he would have no problem, but would not want to burden them. Strike the word and start the next sentence with also.

He also has two minor things on the next page. One is fourth paragraph down second sentence, Terry said that went in after, add to the comp plan.

The other question he had, the first paragraph where Tanner is talking about it. He didn't see anything about it about having to please the developers stated by

Lorraine.

Chair asked if there are any changes. No changes were mentioned.

Holmes made a motion to approve the January 22, 2012 minutes as presented. Mundle seconded; all in favor, motion carries.

Winter stated the EDA just made a change from verbatim to summary minutes. Holmes would like to see this approach. Winter said you still have the motions, you still have the list of items for conditions, but the discussion is summarized. For example, tonight's presentation would mean more, it would be much more helpful. We have everything recorded, so we could come back to the tape for reference. Bonin said she has been on this Commission long enough. She thinks the summary is a good idea. Cornicelli said it is according to Roberts Rule of Order and verbatim isn't worth the time. It is important to account for pros and cons. Terry asked how long the tapes are kept. Winter wasn't sure how long they are kept. Mundle said they have been recording them for a year. Terry said if you can't access the information, you wouldn't know what was considered or what was presented? What was asked about and why they are kept? Winter said she would ask Wendy about that. For everything that does come before you, we do keep the data on it. It is certainly something we can keep track of. A CD doesn't take up as much space.

Balfany motioned to move forward with summary minutes for the Planning Commission meetings versus verbatim minutes. Seconded by Cornicelli; all in favor, motion carries unanimously.

Holmes said we are going to record it onto the CD. Where will it be kept, in a fireproof case? How long will they be kept? Winter will look into it and see how long they will be kept and let the Commission know. Plaisance said he talked to Wendy about it and they will be keeping them forever. This will go into effect for the next Planning Commission meeting.

City Council Report

Three weeks ago we had an off site meeting. We discussed some of the things such as cleaning up the ordinances, making them more gender neutral. We also talked about the Hwy 65 Corridor. The meeting was held at Cedar Creek. What would you see on the Corridor?

Staff talked about upcoming needs in the next 5 years. We talked about financing, etc. It was outlining what the work plan is for the City for the next year. They also talked about training. They also looked at the licensing process and refunding licensing process. This is related to liquor licensing specifically.

Adjournment

Holmes made a motion to adjourn the meeting at 9:17 PM. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Anderson, Recording Secretary