

**City of East Bethel**  
**Planning Commission Agenda**  
**Planning Commission Regular Meeting**  
**Date: January 23, 2023 at 7 p.m.**



Two or more Council Members and/or the Mayor may be in attendance at this meeting.  
If two or more Council Members and the Mayor attend the event, there will be a quorum of Council Members.

This meeting may be monitored live via the following means:  
Cable Channel 10, MidcoTV Channel 77, or the City of East Bethel YouTube channel  
([www.youtube.com/channel/UC8\\_7ShcME-XG14pN5JrmBGg/live](http://www.youtube.com/channel/UC8_7ShcME-XG14pN5JrmBGg/live))

1. Call To Order
2. Adopt Agenda
3. Approval of Minutes: November 28, 2023 (Pg. 1 - 19)
4. **Public Hearing:**
  - A. Septic Variance - 4310 Channel Ln NE - Sue Jensen (Pg. 20 - 30)
  - B. Preliminary Plat – E. Bethel Blvd & 198<sup>th</sup> Ave NE. – T. H. Const. of Anoka (Pg. 31 - 38)
5. Sale of City Owned Parcel - PID: 36-33-23-32-0002 – Review (Pg. 39 - 45)
6. Candidate Interviews: (Pg. 46)
  1. Steve Voss
  2. Brian Downie
  3. Kory Jorgensen
7. Updates
8. Adjourn

1  
2 **DRAFT MINUTES: NOT YET APPROVED**

3  
4 EAST BETHEL PLANNING COMMISSION MEETING

5 November 28, 2023

6  
7 MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sharon Johnson, Gabriel Hanschen, Randy  
8 Plaisance, and Joe Reiter

9  
10 MEMBERS ABSENT: Sherry Allenspach

11  
12 ALSO PRESENT: Aaron Berg, Community Development Director  
13 Bob DeRoche, City Council Liaison

14  
15 **1.0 Call to Order**

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

17  
18 **2.0 Adopt Agenda**

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

22 **3.0 Approve October 24, 2023 meeting minutes**

23 **Commissioner Johnson moved and Commissioner Terry seconded to approve the October 24,**  
24 **2023 regular meeting minutes as amended.** Balfany asked any discussion?

25 Johnson stated on page 5, line 204, Balfany made the comment, not Berg and Allenspach had made  
26 some positive comments also but she could not remember what Allenspach said.

27 To the motion, all in favor say aye. **Balfany, Johnson, and Terry.** Balfany asked any opposed?  
28 **Plaisance, Reiter, and Hanschen abstained.** That motion passes. **Motion passes 3-0-3.**

29 **4.0A CUP – Team Drywall, Inc., - 18533 Buchanan Street NE**

30 Berg reviewed staff's report stating Jennifer O'Brien, owner of TEAM Drywall, Inc., an East Bethel  
31 based commercial and residential drywall company for over 32 years has purchased 18533 Buchanan  
32 Street NE (formally Norther Asphalt) with the intent to grow and expand operations.

33 Berg noted the 2.19-acre property has an existing 6,000 Sq. Ft. Office/Warehouse, with 6,300 Sq. Ft of  
34 customer parking lot, and 40,500 Sq. Ft. of screened exterior rear and side yard storage.

35 Berg indicated 18533 Buchanan Street NE; Lot 5, Block 1, Saunters Commercial Park, PID: 32-33-23-  
36 24-0006 is zoned Light Industrial (I) and in accordance with Appendix A, Sec. 48 (4), Construction,  
37 Trade, and Service Business are permitted by a Condition Use Permit (CUP).  
38

39 Berg stated Sec. 24 (4) states that: *Exterior storage is permitted in I-1 and B-3 districts as a conditional*  
40 *use permit and subject to the following conditions:*

- 41  
42 1. *Exterior storage shall be limited to the rear yard and shall not be allowed within the*  
43 *required setbacks, public right-of-way, private access easement, or within the required*  
44 *parking area.*  
45 2. *Maximum amount of exterior storage cannot exceed 2 times the square footage of the*  
46 *Principal Building.*  
47 3. *Exterior storage cannot exceed the maximum allowable height of the principal building.*  
48

49 *Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A,*  
50 *provided they are located in the rear yard behind the principal building and cannot exceed the square*  
51 *footage of the Principal building and shall not be allowed within the required setbacks, public right-of-*  
52 *way, private access easement, or within the required parking area.*

53  
54 Berg stated the 18533 Buchanan Street NE location has an existing exterior storage area, rear, and side  
55 yard, approximately 6 times the size of the principal building; however, it's fully fenced meeting all of  
56 the screening requirements of the ordinance and reducing the visual impact from the right of way.

57 Berg indicated accessory storage containers, as defined in Section 01. General Provisions of  
58 Administration shall not be permitted.

59 Berg noted TEAM Drywall, Inc. currently has one employee and equipment will be out on jobsites daily  
60 as this is skilled labor residential or commercial jobsite service-based business. The existing 6,300 sq. ft.  
61 parking area is designated for 17 vehicles and with the abundance of exterior yards there should be  
62 sufficient parking for employees in the event more employees are added. Vehicles over 20,000 GVWR,  
63 construction equipment, and trailers shall be required to be parked in the Exterior Storage yard or behind  
64 screening.

65 Berg indicated the light industrial (I) district is intended and designed to provide areas of the City  
66 suitable for activities and uses that are industrial in nature. The proposed use aligns with the approved  
67 2040 Comprehensive Plan.

68 Berg recommended the Planning Commission review the CUP request, hold a public hearing and make a  
69 recommendation of approval to City Council, with the conditions set forth in Resolution 2023-83.

70 Balfany opened the public hearing at 7:05 p.m.

71 There were no comments made.

72 Balfany closed the public hearing at 7:06 p.m.

73 **Commissioner Reiter moved and Commissioner Johnson seconded to recommend approval to**  
74 **City Council Resolution 2023-83 with the conditions set forth in the provided Resolution.** Balfany  
75 asked any discussion? Hanschen stated he noticed a discrepancy between the square footage of the  
76 parking areas described. Berg responded he likely copied this over from another CUP and thanked him  
77 for pointing that out. To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed?  
78 That motion passes. **Motion passes unanimously.**

79 This item goes before City Council on December 11, 2023.  
80

#### 81 **4.0B IUP Farm Animals – Wendy Cisneros – 716 192<sup>nd</sup> Avenue NE**

82 Berg reviewed staff's report stating in late July 2023, the City of East Bethel received a complaint about  
83 building and zoning code violations at 716 192<sup>nd</sup> Avenue NE. During the investigation, the Code  
84 Enforcement Officer discovered that in addition to the code violations there was also a horse on the  
85 property. A standard City Code enforcement letter was issued identifying the code issues and a request  
86 that the property owner contact the City.

87 Berg stated the property owners Wendy Cisneros and Leyva Pinal, came to East Bethel City Hall to  
88 discuss the identified code issues with staff. At the conclusion of the discussion multiple permit  
89 applications and Interim Use Permit were applied for by Cisneros the following week.

90 Berg indicated upon review of the building permit applications it was discovered by the City's  
91 Residential Building Inspector there were construction Code related deficiencies, as well as excessive

92 number of detached accessory buildings, and the IUP requirements for farm animals (horse) were not  
93 met.

94 Berg noted a subsequent meeting was scheduled with the property owners and the issues were identified  
95 along with a plan to remedy the City's concerns by November 15, 2023. The applicants completed all of  
96 the necessary corrective actions regarding buildings and detached accessory structures and an inspection  
97 was completed on November 3, 2023.

98 Berg stated the applicants are requesting an Interim Use Permit to keep the one horse on the property.

99 Berg indicated the applicants property is zoned Rural Residential, is located in Brookside Place  
100 Subdivision and is 4.86 acres in size.  
101

102 **Sec. 10-151. – Interim use permit (IUP) and acreage requirements for domestic farm**  
103 **animals; nondomestic animals prohibited.** *No animal regulated by this article can be kept on a*  
104 *parcel of land located within a platted subdivision or on any parcel of land of less than three*  
105 *acres. Provided further, that if 80 percent of the lots within a platted subdivision are larger than*  
106 *three acres, an IUP for keeping a regulated animal may be issued for any of those lots larger than*  
107 *three acres.*

108 Berg noted Brookside Place was platted in 1978 with ten lots of which only four lots meet the three acre  
109 or larger requirement.

110  
111 **Sec. 10-152. - Domestic farm animal shelter setbacks, paddocks, and pastureland.** During the  
112 November 3<sup>rd</sup> inspection staff were able to verify that the minimum requirements for the keeping of  
113 one horse have already been met (one acre of fenced pasture, an adequate 12 foot by 30 foot shelter,  
114 food, water, and all setbacks distances are met).  
115

116 **Sec. 10-157. - Interim use permit required.** *The keeping of animals regulated under this article*  
117 *will be allowed only after issuance by the City of an IUP for such keeping. The procedure for an IUP*  
118 *will be in accordance with the City's zoning ordinance, set forth in appendix A to this Code. The*  
119 *required public hearing will be before the planning commission. The final decision on the IUP will*  
120 *be made by the City council not earlier than seven days after the public hearing.*

121  
122 Berg recommended the Planning Commission review the IUP request, hold a public hearing and make a  
123 recommendation of approval or denial to City Council, with the conditions set forth in attached  
124 Resolution. If approved staff requests the Planning Commission recommend a term of one to three  
125 years to determine if the deviation from the zoning standard identified in Sec. 10-151(c) has an impact  
126 on the neighborhood.

127 Balfany opened the public hearing at 7:12 p.m.

128 There were no comments made.

129 Balfany closed the public hearing at 7:13 p.m.

130 **Commissioner Hanschen moved and Commissioner Johnson seconded to open for discussion.**

131 Balfany asked any discussion?

132 Hanschen stated he did not know why he would consider denying this with everything they had gone  
133 through and when they have met all of the standards, but he questioned how it was platted with only 4 of  
134 the 10, so less than 80 percent.

135 Johnson questioned setting precedent. She believed there might have been similar requests in the past  
136 that had been denied and she was unsure about the fairness of it.

137 Balfany commended the applicant for their efforts to get things to be compliant, but he did agree with  
138 the other points made. He stated he had been on the record multiple times about creating precedent and  
139 where did they draw the line. He indicated he struggled with an approval as this was in an area where it  
140 should not technically be.

141 Terry pointed out as far as he knew, the neighbors were not complaining about the horses as well as the  
142 property was not in a development where they were encroaching with the horses upon immediate  
143 neighbors. He noted there was a lot of open space, which was a lot different than a development where  
144 you have 2.5 acres right up on each other. He believed this circumstance was different than previous  
145 ones that had been denied where it had to do with how close neighbors were.

146 Balfany stated he was struggling with that right now it was not compliant. Terry noted the rules were  
147 guides and they could not necessarily fit every circumstance that came before them. He stated it was up  
148 to the Commission to discern whether it was a legitimate reason to do it or now and he did not see it as a  
149 precedent because this was not the same condition due to the setting of how the land was situated. He  
150 again noted this was not due to a neighbor complaint either, where the other ones had complaints from  
151 the neighbors.

152 Johnson stated the public hearing also had no opposition either and that was one thing she believed was  
153 different than some of them they had seen in the past. She asked if there had been any complaints other  
154 than this zoning. Berg responded he did not know the full details of the original complaint. He noted  
155 this was brought to him by code enforcement. He noted the applicant had put everything in compliance  
156 when asked and they were very cooperative with staff.

157 Balfany agreed the applicants were doing their best to comply however, he believed it did “kind of fit  
158 the precedent.” He noted right now the property to the south of this property was not developed, but that  
159 did not mean it would remain that way in the future. Berg responded there was no sewer or water in this  
160 location, so the maximum density they would get was one resident per ten acres in this rural residential  
161 area.

162 Balfany stated if it were not this specific lot, and this was in another area, and someone did not have  
163 building behind it, and they looked at it the same way, but was able to be buildable would that not then  
164 change it. He indicated he was empathetic to the situation, but he struggled with the precedent piece.  
165 He asked at what point did they draw the line on where residents needed to be sure they were doing their  
166 due diligence beforehand on these things instead of it always being after the fact. Berg pointed out that  
167 the applicant as Lot 3 on this plat and they were sandwiched in the four lots that were more than three  
168 acres. He indicated they was no neighboring lot that was less than three acres in the ten.

169 Terry stated it if were strictly the matter of the letter of law, then why would this be before the  
170 Commission and why wouldn't staff just have said, “No, you can't do that.” Balfany responded it was  
171 because the applicant had every right to apply at any time for anything.

172 Terry noted this indicated to him that the Commission had the ability to look at a case-by-case basis and  
173 make a decision on the merits of the case rather than the general broad spectrum of the rule. Balfany  
174 stated that again was where precedent came into play and what precedent did they set moving forward.

175 Hanschen stated he was kind of siding with Terry. He noted they needed to be willing to meet people  
176 where they were at versus if it does not fit inside this box, then they were out. He indicated with this  
177 scenario, it was the property itself and he believed it made sense. He did not believe they were setting a  
178 precedent for everyone who wanted a horse to come in. He understood Balfany's point, but he was  
179 looking at this from a different angle.

180 Balfany stated in the end it was not their final decision either and this will go the City Council for the  
181 final decision.

182 Berg stated there were conditions in the Resolution and if the applicant was not in compliance with the  
183 conditions, the applicant would be told to move the horse from the property and that was why he  
184 suggested giving the applicant a one to three year trial period and after the trial period, if there were no  
185 issues, he believed the applicant should be allowed to come back and apply for one that would go for  
186 perpetuity.

187 Johnson asked when this was renewed, would the applicant need to pay a fee each time. Berg responded  
188 yes, and he believed it was a \$300 fee.

189 Reiter asked if the horses would be behind the tree line or up by the house. Berg responded the horse  
190 shelter had a small, fenced area one acre area around the shelter which was behind the tree line and  
191 could not be seen from the right-of-way. He noted the only way anyone would know there was a horse  
192 there was that there was a horse trailer in the front yard. He indicated the applicant was in attendance if  
193 the Commissioners wished to hear from her.

194 Johnson stated she was in agreement with this request and she did not need to hear from the applicant  
195 unless the applicant wanted to come up and speak.

196 The discussion was closed by consensus.

197 **Commissioner Johnson moved and Commissioner Terry seconded to recommend approval to City**  
198 **Council of the IUP and the Resolution granting an Interim Use Permit for the keeping of no more**  
199 **than one horse on the property.** Balfany asked any discussion? **Plaisance, Johnson, Terry,**  
200 **Hanschen, and Reiter.** To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed?  
201 **Balfany.** That motion passes. **Motion passes 5-1.**

202 This item goes before City Council on December 11, 2023.  
203

#### 204 **4.0C Preliminary Plat – Capstone Homes, Inc., - 1788 Viking Blvd NE – Viking Meadows**

205 Berg reviewed staff's report stating on November 8, 2023, a Preliminary Plat and PUD application from  
206 Capstone Homes, Inc. for the redevelopment of Viking Meadows was received. The proposal show the  
207 redevelopment of 155 acres of land which spans across the zoning classifications of Mixed Use and  
208 Single Family Residential. The proposal shows 95 acres of developable land will contain a proposed 242  
209 lots. In addition, the proposal contains 60 acres of open space which also includes over 10 acres of park  
210 and recreation space.

211 Berg noted at the June 27, 2023 Planning Commission Meeting a Public Hearing was held and feedback  
212 was provided to the developer on a Concept Plan proposal.

213 Berg stated at the July 24, 2023 City Council Meeting the Concept Plan proposal was presented to the  
214 City Council for feedback.

215 Berg indicated on August 22, 2023 a revised Concept Plan was presented to the Planning Commission  
216 and by a 6-1 vote, a recommendation of approval was forwarded to the City Council.

217 Berg stated on August 28, 2023 the revised Concept/PUD Plan was presented to the City Council along  
218 with the Planning Commission's Recommendation. The City Council unanimously voted to approve the  
219 Concept Plan by Resolution 2023-61.

220 Berg noted according to City Code Section 49 – 6 Development Procedure. Mixed-use and single-use  
221 projects. The application procedure and applicable general requirements pertaining to planned unit  
222 developments (PUD) shall apply to the MXU district, subject to any exceptions, modifications, or

additions set forth in the ordinance. Amendments to the PUD can be proposed and implemented upon City council approval.

Berg stated the application procedure shall include submittal and approval by the City council of a concept plan prior to the submittal of a PUD request.

*According to Section 56 - PLANNED UNIT DEVELOPMENT (PUD), Subsection D. – A Planned Unit Development is required in Mixed Use Districts in the City. Mixed use allows for commercial, residential, parks and open space and, as such, are in compliance with the East Bethel Comprehensive Plan. The purpose of a PUD is to allow flexibility and variation from conventional ordinance standards in exchange for higher standards of development design and creativity, architectural control, natural resource protection, landscaping, public parks, public and private open space protection, pedestrian access, and multi-use corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.*

Berg stated as part of the preliminary plat/ PUD review, staff has offered the following comments:

- Access – Ingress and egress to the development will be accessible from two locations, Sandhill Parkway NE, and Viking Blvd. NE. The original proposal contained a potential connection at 189th Ave NE however, after public comments and discussion, City Staff requested this to be configured only as an emergency access point.

The Developer, City Engineer, Public Works Manager, and City staff have met with and are working in conjunction with the Anoka County Highway Department to evaluate and address the overall traffic considerations of the area.

Additionally, an independent contracted traffic study is ongoing and the results are to be presented to the City Council and Staff in early December 2023.

- Open Space - A primary function for a PUD is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. Capstone has proposed over 60 acres of open green space which includes over 10 acres of community park and recreation space with walking trails and unique landscaped buffers.
- Streets – Streets and cul-de-sacs, along with utilities should be constructed in compliance with City Code Section 66 – 164 which requires that streets shall provide for future connections to adjoining un-subdivided land. Staff recommends that the streets be City-maintained public streets throughout the development.
- Housing - The amended plan consists of 242 new single-family homes on a combination of 55', 70', and 80' lots.
- Commercial – The plan includes a 15-acre Commercial Outlot, at the intersection of Highway 65 and Viking Blvd. NE, identified for future commercial space.
- City Services - The plan indicates the new single-family homes will each be connected to the City sewer and water as the entire development is within the Metropolitan Urban Service Area (MUSA).
- Density - The plan consist of an overall density for the proposed developable land that is under 3 units per acres, which is the Citywide density standard based on the 2040 Comprehensive Plan for all properties in the MUSA.

- 265 • Parks Commission – On November 14, 2023, the developer presented the Preliminary Plat Parks  
266 Plan to the Parks Commission. The Parks Commission was agreeable to the \$1,500 fee per lot  
267 and 10.95 acres of upland and recreation space with the Park Dedication Fees being directed  
268 back to the Viking Meadows public park improvements.
- 269 • HOA – The plan proposes a Homeowners Association which will be responsible for common  
270 areas, landscaping along the entrances of Sandhill Parkway and Viking Blvd NE, as well as  
271 proposed .7-acre park.
- 272 • Design Standards - The plan calls for a minor deviations from design standards however a PUD  
273 provides the City flexibility in allowing for exceptions. Exceptions will be defined and approved  
274 in PUD/ Developers Agreement.

275 Berg indicated as part of the approval process, the PUD must demonstrate the public benefits to the  
276 surrounding neighborhoods and the City as a whole. Public benefit includes, but is not limited to the  
277 following:

278 Preservation and enhancement of desirable site characteristics and open space. There are a vast  
279 number of wetlands/low areas on the properties. The developer will protect and enhance the areas  
280 and create additional amenity areas such as open space/gathering areas and trails. The amenities  
281 will be accessible to the public. Once the entire development is completed/built out, trails and open  
282 spaces will be connected throughout the development as well as to the adjacent development areas.

283 The pattern of development preserves natural resources that significantly contribute to the  
284 character of the City. The existing wetlands will be further enhanced to provide open space and  
285 accessible trails. Wetland impacts will be mitigated on-site. Storm water management basins will  
286 be enhanced by additional plantings and designed as wet ponds.

287 The use of design, landscape, and architectural features will create a pleasing environment or other  
288 special development features. Additional landscaping will be added throughout the site. Also,  
289 areas of the site that are wooded will be preserved wherever possible.

290 Variety of housing types will be available in accordance with the City's housing goal. The  
291 development will provide a variety of Rambler, Multi-level, Split Entry and Two-Story style  
292 homes positioned between existing Rural Residential parcels and complementary to the adjacent  
293 Elevage townhome and Commercial Development. (Attachment 9)

294 Development to enhance the local economy and strengthen the tax base. The preliminary plat  
295 projected plan would generate a conservative estimate of \$280,100 in annual City property tax  
296 revenues at build out in 2028. The City will also collect \$1,431,360 in City SAC and WAC fees  
297 over the life of the project (2024 -2028). This amount would pay off approximately 70% of the  
298 principal balance of the METC Reserve CapaCity Loan. In addition, the increased housing units  
299 would improve the demographics in the local market area which are needed to attract basic retail,  
300 food, and grocery services to the City.

301 Berg stated the proposed preliminary plat/PUD meets the intent of the criteria for granting a PUD based  
302 on ordinance Section 56. PLANNED UNIT DEVELOPMENT.

303 Berg requested the Planning Commission hold a public hearing, review the proposed preliminary  
304 plat/PUD, and recommend approval of the preliminary plat/PUD to City Council with conditions in  
305 Resolution 2023-XX and Resolution 2023-XX.

306 Balfany opened the public hearing at 7:38 p.m.

307 Keith Saarela stated he owned the Pharma Insurance Agency directly across the street on Viking  
308 Boulevard. He indicated he was in full favor of this development and he believed it would enhance the  
309 value of their property.

310 Balfany closed the public hearing at 7:40 p.m.

311 **Commissioner Reiter moved and Commissioner Terry seconded to open the discussion.** Balfany  
312 asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed?  
313 That motion passes. **Motion passes unanimously.**

314 Reiter stated in reading through the Preliminary Plat and looking through the R2 zoning, there were  
315 properties with frontage as low as 37 feet, which was a significant departure from what the regulations  
316 say, which were 80 feet unless it was a townhome and he believed this was going to be a significant  
317 issue as here would not be any areas to put the snow. He indicated if there was no HOA involved in  
318 hauling snow, then it was going to be the City's responsibility.

319 Reiter indicated he was also having trouble with 40 acres of ponds. He stated it was his experience that  
320 ponds filled up fast and it would be the responsibility of the City and he did not understand how that  
321 would help the City with dredging costs between \$50,000 and \$100,000 per acre. He stated the City was  
322 not capable of doing this, so it would need to be contracted out.

323 Reiter noted this was a mixed use and planned unit development and it was not in compliance with the  
324 City's planned unit and mixed-use guidelines – specifically 20 percent of the property should be  
325 commercially developed. He noted on Lot 1, which was 15 acres was all peat and wetland was not  
326 developable, which directly conflicted with the City's PUD guidelines that emphasize sustainable  
327 development and environmental stewardship.

328 Reiter stated 19 acres of the developed land should be commercial mixed use. He pointed out multiple  
329 setbacks and frontage violations throughout the project. He stated many plots were smaller than this  
330 minimum location and interconnectivity concerns. He believed the proposed development's limited  
331 egress points and insufficient interconnectivity pose potential challenges for traffic flow and  
332 accessibility in the County to the transportation goals outlined in the Comprehensive Plan.

333 Reiter indicated since they did not have a traffic study, the best estimate was between seven and ten trips  
334 a day with over 100 homes in one area. He indicated at that intersection, they were going to see 1000  
335 cars on a residential street and he believed that would contribute to people being stuck in their driveways  
336 trying to back out. He stated snow piles would also be extremely high in this area with limited visibility  
337 on a very busy road.

338 Reiter stated the cul-de-sac was not in compliance with the City's length requirements. He noted 500  
339 feet was allowed. He acknowledged they had provided exceptions in rural residential areas. He stated  
340 this development was proposing eight times more density and was concerned this would lead to a risk  
341 for emergency response. He also indicated a longer cul-de-sac could contribute to increased traffic  
342 congestion, especially during peak hours, which could lead to longer travel times with resident difficulty  
343 in navigating the neighborhood and overall decrease the efficiency of the local transportation network.

344 Reiter believed this was a contradiction for urban planning best practices. He stated such  
345 noncompliance not only went against the City's regulations, but also undermined the efforts to create a  
346 more livable and well-connected community. He indicated because they did not have a traffic study they  
347 could not make an informed decision on this.

348 Reiter stated he had environmental impact concerns with the proposal to transform extensive land and  
349 deep-water retention ponds that might pose significant environmental risks that would lead to  
350 unsustainable maintenance costs and liabilities for the City.

351 Reiter stated it was not clear what management responsibilities the HOA had and the lack of a detailed  
352 HOA plan created uncertainty about management of common areas and long-term sustainability, which  
353 was critical for the project's viability projects.

354 Reiter indicated the Liberty Homes section appeared to reflect the two guidelines, yet the planning  
355 documents indicated the entire project was R1 and R2 was allowed. He stated he wanted to see if the  
356 HOA described the financial costs of pond, snow removal, and lawn care and how they would be  
357 addressed. He noted that based on the frontage and setbacks of the plan, snowplow or a snow  
358 maintenance plan should be presented and also a plan for dredging ponds as well as a timeline.

359 Reiter stated the Anoka County traffic engineer presented the noise area classification issue, which was  
360 a State statute. The absence of a commercial buffer zone or barrier on Viking raised concerns about  
361 potential noise impact on residential areas necessitating alternative noise mitigation status strategies.

362 Reiter stated he had more concerns, but these were some of his issues with the development proposal.

363 Hanschen stated with respect to the HOA, was that not something that was proposed by the developer to  
364 include and would they not cover snow mitigation. Balfany responded he believed that was what  
365 Reither was alluding to, but it was not detailed in the documents.

366 Reiter stated that usually these would be presented in the final plan, but because it was such an  
367 important part of this approval, he believed it was probably warranted to be submitted. He indicated  
368 there was such an extreme departure from the regulations.

369 Hanschen noted the paperwork indicated they were still waiting on a traffic study and asked for an  
370 update on that. Berg responded there was a lot of things happening and the traffic study was one of  
371 them.

372 Balfany noted if there was a Resolution on this, he believed it would be in the recommendations that any  
373 recommendations or concerns the City staff and the City Engineer would have to be addressed, which  
374 included any concerns with the traffic study. Berg responded the Anoka County Transportation  
375 Department had indicated they were not going to allow the City to issue any permits to any developer on  
376 this until they had approved all of their comments in the letter, but regardless of how many pages the  
377 City's comments were, they are not going to even be able to address them until they address all of  
378 comments that encompassed Viking Boulevard, the intersection at Viking Meadows and they also  
379 indicated they want to see the traffic results and none of this was going to move forward until that was  
380 done. He stated the City was not going to issue a final plat until this was satisfied and all four pages  
381 were cleaned up.

382 Balfany asked if it would be a fair statement to say that anything the Commission was working with  
383 tonight was under the assumption that these items being taken care of anyway, so to save time and  
384 energy he believed they should focus on what they had and moving forward with the assumption that  
385 until these things would be taken care of, or they would not be allowed.

386 Hanschen indicated most of the reason he brought it up was to respond to what Balfany had mentioned  
387 with respect to his concerns that were being addressed. He noted all of this was partial hieroglyphics to  
388 him, and this at least eased his mind on some of Balfany's concerns.

389 Reiter stated he did not like to assume that both of the engineers had a hefty list of issues that should be  
390 addressed, and he believed they were premature in approving this until some of those issues were  
391 addressed. He indicated some of the issues were very large issues that should not just get passed.

392 Reiter indicated he did not see an issue with potentially tabling this and letting the developer catch up  
393 with the requirements of this plan, but the concept plan was a different level than the approval of the  
394 preliminary plat. He stated preliminary was much further down and offered a lot more legal rights to the

395 developer and he did not think they were there yet because the plan was not complete and it was missing  
396 the traffic study.

397 Reiter stated the City did not have a Roads Commission any longer, so now this was just going to be  
398 passed onto the Council unless that was what they wanted to do. He believed they have to have a look at  
399 that before providing a recommendation. He indicated he tried to keep his personal opinions out of this  
400 and these were the guidelines and regulations in the City's R1 Ordinance guidelines regulations.

401 Balfany stated he did not think it was assuming if it were clearly stated that nothing would be approved  
402 without conditions being met, so therefore it was not an assumption at that point. He indicated he was  
403 just trying to help narrow the list to keep it moving forward.

404 Johnson stated she believed Reiter had some valid concerns and the Minutes of the meeting were being  
405 taken so those concerns would be passed on. She indicated these things were typical concerns in any  
406 development and there was a lot of professionals that were working on this, so she personally did not see  
407 a reason to slow it down, but she did believe Reiter's concerns were valid and should be addressed.

408 Balfany indicated the developer could address some of the concerns also and was available tonight. He  
409 noted again that the Planning Commission was not the final say in this, and it was part of the  
410 Commission's job as an advisory committee to make sure they were doing due diligence to make the  
411 best recommendations as they saw fit, but the City Council would make the final decision on how they  
412 wanted to look at this.

413 Balfany stated the "road thing" got to him but felt it would be addressed. He indicated he had some of  
414 his own opinions on some of the items Reiter brought up, but the developer was in attendance who could  
415 address some of those concerns.

416 Reiter stated he would be very concerned about having his kids run around in the neighborhood with  
417 that much traffic without a parkway or a two-lane boulevard with a median in the middle. He indicated  
418 that might be more reasonable than a single two-way street with 1000 trips per day. He noted that was  
419 only in the middle and they were looking at a right-hand turn only egress which they probably want to  
420 prevent because that was going to be sent over to Greenbrook. He believed the comments from the City  
421 Council when they asked why would they be looking at what was going on at Viking over by the Fire  
422 Department when that was so far away while this development was sending traffic over that way  
423 because they can only have a right-in-right-out egress on their secondary access point.

424 Reiter indicated he believed the other one on Sandhill was probably going to be where everyone went  
425 because no one was going to want to turn right. He stated they were going to want to go out and get to  
426 the highway so they were looking at potentially 2,700 cars per day coming in and going into that  
427 intersection, which seemed pretty excessive to him. Berg stated the City did have an obligation to  
428 improve the intersection at Sandhill Parkway and Viking Boulevard by the end of 2025. He stated as  
429 part of the connection with that project, they signed a Joint Agreement that they would not necessarily  
430 reconfigure but add an additional bypass lane along with some other items to that intersection based on  
431 the requirements of the County Engineer to make that safe enough for traffic. He noted it also  
432 mentioned in the comment letter from the traffic engineer from the County that a plan had to be in place  
433 in and had to work simultaneously so there was some obligation on the City to get that done as well  
434 within the comment letter.

435 Terry stated he was concerned about the length of the cul-de-sac without any other option other than  
436 going halfway through the development to exit. Berg responded the cul-de-sac of concern was a  
437 temporary cul-de-sac. He noted the City's Ordinance required that undeveloped land had to be made  
438 available for a future connection.

439 Plaisance asked if they “gave it a pass” because they knew it was going to be connecting to another  
440 development. Berg noted when they looked at the Bear Hollow request for a variance where that street  
441 ended in a cul-de-sac which was over a mile, and there was future expansion built in that one which  
442 would probably never happen. He noted the City had over 200 cul-de-sacs and when he spoke with the  
443 City’s Public Works Director, there was a lot of that that, if they measured, probably did not meet the  
444 City’s Ordinance based on the way the land was laid out, so it was not uncommon to have a cul-de-sac  
445 or a street that ended on undeveloped property. He pointed out on the map how people could enter and  
446 exit if they were blocked off from getting out in the event of an emergency. He stated that would not be  
447 open all of the time and the developer and City requested there be some form of a barrier put up, which  
448 could be removed for emergency purposes.

449 Terry asked why they did not want to have that continued. Berg responded there had been feedback  
450 from the neighborhood where they asked that there not be a connection street in which they felt the  
451 pushback from the neighborhood was warranted and the City decided to make it an emergency only  
452 access.

453 Reiter noted they would have to put a stoplight on Greenbrook as there was a blind corner there. Berg  
454 responded there was also another consideration as the corner was very difficult to navigate to get back  
455 out on Greenbrook from that location if a volume of traffic was traveling that way. He indicated in an  
456 emergency situation, the City could always stop traffic to allow cars to evacuate if needed.

457 Hanschen asked with respect to the commercial development he believed at one of the Council meetings  
458 comments had been made about an outlet on the northwest corner. He asked if that had been something  
459 that had been discussed more extensively. Berg responded in 2018 Kwik Trip was intent on building  
460 their location at this site, but they ended up with a better deal down the road. Reiter believed Kwik  
461 Trip’s plan were probably hampered due to the peat deposits behind there.

462 Johnson asked how many businesses could go on the 15 acres. Berg responded it depended on how big  
463 the business was. He noted the City did have design standards or lot sizes for their commercial  
464 development. He indicated with the availability of sewer and water at that location and 23,000 sq. ft. is  
465 a quarter of an acre in size, so conceivably a quarter of an acre divided by 60. He indicated he did not  
466 believe that would every happen that way though unless someone could figure out a way to “sardine  
467 them in there.”

468 Berg stated there was also peat and wetlands there and any remediation would require State permitting.  
469 He indicated there was no way to have a final answer without any soil research.

470 Matt Barker, Capstone, reviewed where they have been over the past eight month.

471 Mr. Barker stated there had been a question as to why this was R1. He noted this was actually R1 and  
472 mixed use, which meant they had to follow the standards of R1 and R2, which took their lot sizes from  
473 what they originally proposed to increase to meet the R1 and R2 standards.

474 Mr. Barker indicated there was also a comment about the study that looked for endangered species,  
475 which has been done. He noted what had been approved as a concept was what was coming before the  
476 Commissioners now. And the only thing that changed was when they got into stormwater development.  
477 He indicated water runoff would go into the ponds where it would be treated. He indicated there was a  
478 private ditch system that had been created and managed.

479 Mr. Barker stated there was now ten acres of park space that was going to come to the City as well.

480 Mr. Barker pointed out the areas where there would be green space that would require the HOA to  
481 maintain. He noted there was no snow removal or lawn service for the individual lots and residents  
482 would be responsible for maintaining their own driveways. He indicated they also had some

483 recreational private space which the HOA would manage. He stated the HOA structure was very sound  
484 within their company.

485 Mr. Barker stated there was also a setback differential between R1 and R2. In R1 there was a 30-foot  
486 setback and in R2 there was a 25-foot setback. He explained the comments made about the narrow lots  
487 and the setbacks on those lots.

488 Mr. Barker stated with respect to the traffic study there had been a lot of meetings over the last several  
489 months with the County trying to figure out exactly how they want to see their highway managed. He  
490 indicated the County wanted to make sure that the Joint Powers Agreement they have on Sandhill was  
491 followed through by 2025. He indicated the County also had some initial comments that was directed  
492 towards the right end on Viking Boulevard and moving traffic to Sandhill Parkway because Sandhill  
493 Parkway had just been developed and expanded to manage traffic so that Sandhill Parkway had become  
494 the focus to move traffic to the full intersection at Viking Boulevard. He indicated the traffic study was  
495 also looking all of the intersections and they were confident that the study was going to come back with  
496 supporting evidence that there was not going to be a negative impact, but rather an improvement. He  
497 stated there was also continued planned improvement for a lot of the areas that are really going to help  
498 buffer some of the traffic concerns. He indicated the traffic study would come before the Council for  
499 them to see and review as they get into their review of the project.

500 Reiter noted there is an issue with snow maintenance and that a dump truck would need to haul the snow  
501 out of there because there was no where to push it.

502 Reiter stated Capstone could not mix and match what they were doing – take R1 rules and apply them to  
503 the R-2. Mr. Barker responded they were not doing a mix and match and they were using R1 for the R1  
504 homes. Berg indicated the other overarching component was that the planned unit development  
505 standards allowed for design flexibility for more desirable elements.

506 Berg pointed out Viking Preserve as another planned unit development in the City that was approved a  
507 few years back, and this one was in a very similar location in the MUSA area. He noted design  
508 flexibility was allowed and the Council had to help define what those standards were.

509 Balfany stated this was the whole purpose of a PUD to begin with, which was a compromise.

510 Johnson stated she believed that was really a big basic point was this is a PUD and there was flexibility.

511 Mr. Barker indicated their goal was to meet the R1 and R2 standards with their plans and it was their  
512 hope to have a plan that was conducive to the current zoning standards of R1 and R2 throughout the  
513 entirety, but they also wanted to make sure to create some transition.

514 Reiter stated he was not against development of this property, but he believed this was seriously over  
515 developed and exceeded the City's guidelines in multiple ways which would get them going in the  
516 wrong direction on the Comprehensive Plan and the mixed uses. He indicated they were going to be  
517 giving up 19 acres commercial space on a road that they just built, as well as putting in too many offices  
518 communities. He stated it was up to the Council to make that decision.

519 **Commissioner Reiter moved for denial of the proposal.** Motion died for lack of a second.

520 **Commissioner Johnson moved and Commissioner Hanschen seconded to recommend approval of**  
521 **the Preliminary Plat of Viking Meadows for the property legally described in the Resolution.**

522 Balfany asked any discussion?

523 Plaisance asked when this gets built out, at what point will the parks be transferred to the City. Berg  
524 responded it was his understanding that as the development progressed, the park system would match  
525 the areas that get done and the City would take over those as they were finished off. He indicated he

526 assumed the infrastructure was going to come in, they were going to put in the main roads, and then start  
527 in different locations.

528 Plaisance asked if the ponding would have been developed before it got turned over to the City. Berg  
529 responded yes, and the Parks Commission had agreed to \$1,500 per house and that money could be put  
530 into the parks budget to be reused back in the community for upkeep, maintenance, additions, and other  
531 amenities but it would be specifically in this community. He noted there was a private HOA managed  
532 green space that the City would not have any responsibility to do anything for. He indicated that area  
533 would be maintained by the developer or the property management group that was dealing with the  
534 HOA.

535 Mr. Barker stated the plan was to definitely have a phased development and as was stated, as they get to  
536 components or portions of the development some of it would come to the City while others would stay  
537 within their own planning. He indicated this would be done in phases. He noted this had not yet been  
538 defined as they needed to get through the first step of getting a Preliminary Plat approved and then they  
539 will start working out what their phasing would look like as they went through them.

540 Reiter stated he wanted to submit his comments and notes for the Minutes because he was sure people  
541 were looking for some written comments. (See Attachment 1)

542 Balfany stated it was his impression that this area was not being overdeveloped and he knew there were  
543 a lot of residents asking for some commercial businesses to come in. He acknowledged this was one  
544 step at a time to get there and they do not always get to pick and to decide what moves forward. He  
545 believed they were doing their due diligence in this matter. He believed the developer had done an  
546 excellent job and worked with the residents and the City well.

547 Reiter asked for a fiscal impact study because he believed that a lot of these discussions and  
548 recommendations were being driven on the WAC/SAC opportunity and he saw a lot of liabilities in this  
549 with those ponds and pond maintenance.

550 Reiter inquired about insurance on the ponds. He asked what would happen if a child fell in and  
551 drowned. He asked who would be responsible for that since the City owned the property. He inquired  
552 about the snow removal and hauling. He believed these were all valid concerns and \$258,000 in tax  
553 revenue for the City and a \$1.3 million WAC/SAC might not justify this. He believed the fiscal impact  
554 of what was being proposed was going to be very significant on the City. He asked for an ecological  
555 impact study as well on the sell side rural wells. Berg stated the developers had already done  
556 environmental assessments and if Reiter wanted to see them he could come to his office. He indicated  
557 the City Engineer would review them all before anything moved forward.

558  
559 Balfany asked if there were any other questions or discussions. To the motion, all in favor say aye.  
560 **Plaisance, Hanschen, Terry, Johnson, and Balfany.** Balfany asked any opposed? **Reiter.** That  
561 motion passes. **Motion passes 5-1.**

562  
563  
564 **Commissioner Johnson moved and Commissioner Hanschen seconded to recommend approval for**  
565 **the planned unit development of Viking Development for properties legally described as in the**  
566 **Resolution. Hanschen legally described in the Resolution.** Balfany asked any discussion?

567 Reiter stated that the purpose of the planned unit development in Section One were going to be a pattern  
568 of development which preserved natural vegetation, topographic and geologic features. He indicated

569 this plan proposed digging up 40 acres and moving it to the other side of the property. He noted the tree  
570 plan basically had seven of the old growth trees on the property and the rest was going to be a complete  
571 clear cutting. He stated this very clearly went against the guidelines.

572 To the motion, all in favor say aye. **Plaisance, Hanschen, Terry, Johnson, and Balfany.** Balfany  
573 asked any opposed? **Reiter.** That motion passes. **Motion passes 5-1.**

574 This item goes before City Council on December 11, 2023.  
575

## 576 5.0 Updates

577 Council Liaison DeRoche updated the Commission on recent Council actions.

578 Plaisance stated that it had been his commitment over many years to support the City to the best of his  
579 ability, and centered on that principle was his absolute dedication to principles and ethics. He indicated  
580 he had been very clear that he would not compromise on any perception that would cross that line. He  
581 stated it had become clear to him that he could no longer allow his name to be involved with conduct  
582 that in his view, was detrimental to the principals he held dear. He stated he was humbly submitting his  
583 resignation from the Planning Commission effective immediately and he would continue to have an  
584 open door to support the City. He indicated it had been his honor and he wanted to thank all of the  
585 residents for the opportunity to serve.

586 Balfany thanked Plaisance for his time and dedication for the last 15 plus years in the City. He indicated  
587 he could not say enough good things about him. He wished him the best of luck in any and all  
588 endeavors moving forward.

589 Johnson stated this distressed her a lot and she was sorry to see Plaisance go.

590 Reiter stated that while they do not always agree on things, he found Plaisance's insights good and that  
591 Plaisance was committed to his principles. He stated he appreciated Plaisance, even though they did not  
592 agree on many things.

593 Terry stated that this was a "little bit off the wall," but he wanted to say sometimes when Plaisance  
594 brought up Rules of Order and such...when they table something that meant that they were putting it  
595 away for a later time, but in the Roman period table meant to present the topic. He acknowledged this  
596 probably had nothing to do with anything, but he thought it was an interesting point since Plaisance was  
597 really up on the Rules of Order.

598 Johnson stated she appreciated Plaisance's knowledge of the Rules of Order.

## 599 6.0 Adjournment

600 **Commissioner Plaisance moved and Commissioner Johnson seconded to adjourn at 8:50 pm.**

601 Submitted by:

602 Kathy Altman

603 *TimeSaver Off Site Secretarial, Inc.*  
604

605 Attachment One: Reiter's written comments and notes

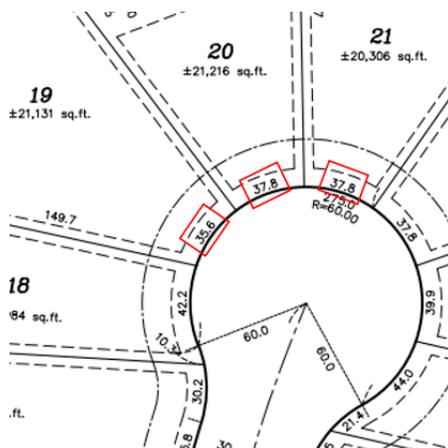
606 Attachment Two: Commissioner Plaisance's resignation  
607

Dear Mayor and Councilmen,

In reviewing the Viking Meadows preliminary plat proposal, several significant concerns arise, grounded in the East Bethel Code of Ordinances and the professional input of city and county engineers. These concerns substantiate a recommendation to deny the proposal in its current form:

1. **Mixed-Use and Planned Unit Development Non-Compliance (Sections 49, 56):** The proposal fails to include a commercial area, contravening the Mixed-Use District guidelines. Additionally, the plan to develop a 15-acre area of deep peat deposits, labeled as Outlot I and also labeled “wetland”, directly conflicts with our PUD guidelines that emphasize sustainable development and environmental stewardship.
2. **Inadequate Commercial Area and Development Pattern:** The absence of a commercial area fails to meet the requirement for a mix of uses, essential for creating an integrated and vibrant community focal point. This lack of integration fails to align with the comprehensive plan and PUD objectives.
  - 20% of the 95 developable acres = 19 acres
3. **Inappropriate Application of Zoning Guidelines in Mixed-Use Development:** The developer's approach to applying mixed-use zoning regulations is problematic, as it selectively combines elements from different zoning categories to maximize housing density while minimizing development standards. This 'Frankenstein' application of zoning rules allows for the increased number of homes typical of a high-density R-2 townhome district, but with the looser regulatory requirements of an R-1 single-family zone. This cherry-picking of regulations undermines the integrity of our zoning system and could lead to a development that lacks the appropriate spacing, community feel, and aesthetic quality of a single-family neighborhood, as defined by our comprehensive plan. It's crucial that zoning standards, particularly regarding setbacks and lot frontages, be applied consistently to preserve the character and design quality of our residential areas.
4. **Setback and Frontage Violations (Section 43):** The proposal shows significant deviations from established frontage and setback regulations for

an R-1 district, with some lots falling below the minimum required dimensions. This is a clear breach of zoning regulations, impacting neighborhood character and potentially infringing on future residents' privacy and space.



- R-1 has a minimum frontage of 80' and front setback of 30'.
- The proposal has lots with frontages as low as 35.6' and setbacks of 25'.
- The minimum lot size in an R-1 zone is 8,260 square feet, many plats contained in the proposal are smaller than the minimum requirement.
- The deviation from our standard frontage requirement results in an increase of housing density more than 200% above what is allowed in the R-1 development rules.

The developer has claimed that the frontage width in our rules applies at the setback. This interpretation is not standard. The developer's plat maps clearly depict the right of way and proposed frontages. Please review this comment with the city engineer.

5. **Location and Interconnectivity Concerns (East Bethel Comprehensive Plan, Chapters 3 & 5):** The proposed development's limited egress points and insufficient interconnectivity pose potential challenges for traffic flow and accessibility, contrary to the transportation goals outlined in our comprehensive plan.

6. **Cul-de-sac radii (radius) non-compliance:** Our street guidelines specify cul-de-sac right of way radii (radius) to be 70'. This proposal indicates a reduction to 60' in all cul-de-sacs which is at 14% reduction or decrease of 10' from our minimum standard radius.
7. **Cul-de-sac Length Non-Compliance (Chapter 66-164 Streets):** The cul-de-sac lengths exceed the city's maximum 500' allowed limit, potentially leading to traffic congestion and difficulties for emergency services, thus failing to meet city code.
  - **Risk to Emergency Response Efficiency:** The cul-de-sacs exceeding the city's maximum allowed length pose significant challenges for emergency vehicles, such as fire trucks and ambulances. Longer cul-de-sacs can hinder quick access and egress in emergency situations, potentially delaying critical response times and impacting residents' safety.
  - **Increased Traffic Congestion and Inefficiency:** The longer cul-de-sacs can contribute to increased traffic congestion, especially during peak hours. This design flaw can lead to longer travel times for residents, difficulty in navigating the neighborhood, and an overall decrease in the efficiency of the local transportation network.
  - **Contradiction to Urban Planning Best Practices:** The excessively long cul-de-sacs contradict modern urban planning best practices, which favor shorter streets and multiple points of access to enhance connectivity and mobility. Such non-compliance not only goes against city regulations but also undermines efforts to create more livable, well-connected communities.
8. **Lack of Traffic Study:** The absence of a comprehensive traffic study inhibits our ability to assess the impact on local traffic, a key component for planning approval.
9. **Insufficient Engineering Review Time:** The limited time provided to the city engineer for review raises procedural concerns, potentially leading to oversight of critical issues. This rush contradicts the need for a thorough and responsible review process.

**10. Environmental Impact Concerns:** The proposal to transform extensive land into deep water retention ponds may pose significant environmental risks and could lead to unsustainable maintenance costs and liabilities for the city.

**11. Unclear HOA and Management Responsibilities:** The lack of a detailed HOA plan creates uncertainty about the management of common areas and long-term sustainability, which is critical for the project's viability. The project's Liberty homes section appears to reflect R-2 guidelines, yet the planning documents indicate that the entire project is R-1. R-2 is allowed when there will be an HOA to manage communal maintenance requirements, such as ponds, snow removal and lawn care.

- The absence of an HOA will place these costs on the city.
- Based on the frontage and setbacks of the plan, snow will need to be hauled out of the neighborhood
- The cost to dredge ponds ranges between \$50-\$100k per acre
- The city does not have the expertise to conduct pond dredging

**12. Noise Area Classification (NAC) Issue (Minnesota Rule 7030.0030):** The absence of a commercial buffer adjacent to CSAH 22 raises concerns about potential noise impact on residential areas, necessitating alternative noise mitigation strategies.

**13. Planned Use District Considerations:** There seems to be substantial confusion regarding how Planned Unit Development works. In my best effort to summarize, the Planned Unit Development (PUD) section grants substantial authority to the city council in overseeing development projects in the Mixed Use District.

Key points include:

**Purpose:** PUD allows flexibility from standard ordinances for superior design, resource protection, and varied uses.

**Public Benefit Focus:** Developments are evaluated for benefits like environmental preservation, aesthetic enhancement, and economic impact.

**Conditional Exclusions:** Exemptions are granted not for economic gain but for better design and environment.

**Zoning Compliance:** PUDs must adhere to underlying zoning rules; permits must align with the approved PUD.

**Open Space Priority:** PUDs aim to preserve natural site characteristics, avoiding overly dense developments.

**Approval Process:** Involves pre-application meetings, concept and preliminary plan reviews, and final council approval.

**Approval Criteria:** Council considers factors such as alignment with the city plan, public welfare impact, and development feasibility.

**Amendments and Cancellation:** Major changes to PUDs require a new application, and PUDs can be canceled under specific circumstances.

Given these concerns, which are rooted in the legal and planning guidelines established by our city ordinances and informed by expert input from the letters provided by the city and county engineers, I moved to deny the approval of this preliminary plat and planned use development of Viking Meadows.

Despite being the lone voice of dissent on this project in its current form, I remain steadfast in my position that the issues must be addressed comprehensively to ensure the development aligns with our community's standards and long-term interests.

*Very respectfully submitted,*

*Joe Reiter*

*Planning Commissioner*

**City of East Bethel  
Planning Commission Meeting  
Agenda Item Information**



**Date:** January 23th, 2024

**Agenda Item Number:** 4.0A

**Agenda Item:** Public Hearing - Variance – Reduction of Front Yard Setback for Septic System replacement – 4310 Channel Ln. NE.

**Background Information:** On November 16, 2023, the city received an application from the owner of 4310 Channel LN. NE, to allow the replacement of a non-compliant septic system at the address. The applicant had hired Lashinski Services, Inc. to repair the existing system servicing the property. Lashinski Services, Inc. discovered the location of the existing system is the only location on the .47 acre parcel for the system due to the lot shape, building placement, and shoreland setbacks. While creating the septic design to remove and replace the existing drainfield Lashinski Services, Inc. discovered that it was placed in a City Right of Way (ROW).

4310 Channel Ln NE is located in the Oak Ridge Second Addition, which was originally approved and platted in July 1962 by the Village of East Bethel Council. (See Attachment 4) City Staff have researched the property records and discovered there was septic work completed in 1979, in which a drainfield was added to an existing system. City Staff is unable to locate any license agreement or variances issued to permit the existing placement, nor any discussion in council minutes from 1962 or 1979.

The applicant has owned the property since September 1991, has no knowledge of any previous variance or license and is looking to fix the system in order to put the house on the market for a future sale.

If a variance is approved, a Licensing and Use Agreement will be required to permit the use of the ROW in order to reconstruct the drainfield in its current location as it is 30 feet into the Right of Way and straddling the front property line.

The applicant is requesting a variance to reduce the front yard setback standard from 10 feet to 0 feet for the replacement of the septic drainfield and tanks.

The system current placement meets setback requirements of all wells in the area.

Consideration of a variance requires the following three-factor test for practical difficulties:

- The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance.

In this case:

***Septic systems are required for a home to be considered habitable. The approval of the variance would allow this property to continue to be used as a residence.***

- The second factor is, a test of uniqueness, the issue for the variance is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular property.

In this case:

***The property has limited space for a drain field due to the lot sizes created by this 1960's era plat. The primary structure (home) was placed approximately 36.5 feet from the Ordinary High Water Level OHWL, 31.1 feet from the front lot line, and 10.5 feet from the side yard lot***

*line. The detached garage was placed 60 feet from the OHWL, 22.7 feet from the front property line and 18.4 feet from the side yard lot line.*

*Today's Shoreland setback for structures is 75 feet from the OHWL, 25 feet from the front lot line and 7 feet from the side yard lot lines. Additionally, there is 30 feet between the primary residence and the detached garage.*

*Current setback requirements for sewage treatment systems are 50 feet from the OHWL, 50 feet from any well, 20 foot from any structure and 10 foot setback from any property line. Tanks are required to be placed 10 feet from any structure and 10 feet from property lines. The well serving this residence is in the basement of the house.*

- The third factor is, that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure or improvement will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

In this case:

*The existing non-compliance sewage treatment system is already in this location and it is being proposed to be replaced. It has existed in this location since at least May 1979 when a permit was issued for installation.*

**Recommendations:** Planning Commission is requested to hold a public hearing regarding a variance for the reduction of front yard setback for the installation of a sewage treatment system at 4310 Channel Ln NE.

Staff recommends Planning Commission consider making a recommendation of approval to the City Council, on Resolution 2024-XX, granting a variance to a reduction of the standard allowing for the installation of a replacement septic system, at the front yard setback standard from 10 feet to 0 feet at 4310 Channel Ln. NE with the following conditions:

1. A License and Use Agreement with the City of East Bethel must be obtained prior to the issuance of a septic replacement permit.

**Attachments:**

1. Resolution 2023-XX, Approving variance to the reduction of the standard for the installation of a septic system in the front yard setback.
2. Location Map
3. Aerial of Property
4. Oak Ridge Second Addition Plat
5. Certificate of Survey
6. Septic Design

**Planning Commission Action:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

**CITY OF EAST BETHEL  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**RESOLUTION NO. 2024-XX**

A RESOLUTION **GRANTING** VARIANCE FOR THE REDUCTION IN SETBACK FROM THE FRONT PROPERTY LINE FROM TEN FEET TO ZERO FEET FOR THE INSTALLATION OF A SEPTIC SYSTEM DRAINFIELD ON A PROPERTY LOCATED AT 4310 CHANNEL LN NE (PIN: 25-33-23-33-0035) LEGALLY DESCRIBED AS:

LOTS 17 & 18 BLK 1 OAK RIDGE 2ND ADD SUBJ TO EASE OF REC

**WHEREAS**, the property owner requested a variance for a reduction in setbacks from the front property line from 10 feet to 0 feet; for the placement of a septic system drainfield, and;

**WHEREAS**, the Minnesota Septic Code requires the approval of a variance to the standards by the governing municipality, per Minnesota Rule Chapter 7080; and,

**WHEREAS**, the Planning Commission held a public hearing on January 23, 2024; and,

**WHEREAS**, the Planning Commission finds the request:

1. Is a reasonable request:
  - Minnesota Septic Code allows municipalities to grant variances to the standards.
  - The issuance of a variance for the drainfield installation is necessary for this home to continue to be a habitable structure.
2. Is due to circumstances unique to the property, not caused by the landowner;
  - Because of existing lot sizes within this subdivision, setback requirements from wells and residences, the property has limited space for a compliant drain field.
3. Will not have a negative effect on the characteristic of the neighborhood;
  - Neighborhood near Coon Lake have had numerous septic variances issued.
  - With a number of the older systems needing to be replaced in this area, a variance request is quite common and granting this variance will not change the essential character of the neighborhood.

**WHEREAS**, the City Council approves of the variance request.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Bethel hereby approves the variance to the standard to allow for the installation of a septic system drainfield 0 feet from the front lot line on property located at 4310 Channel LN NE with the following conditions:

1. A Certificate of Survey must be submitted indicating the septic system location to verify setbacks.
2. A Licensing and Use Agreement for the use of the City Right of Way must be executed prior to the issuance of a septic replacement permit.

Adopted this 12<sup>th</sup> day of February, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

ATTEST

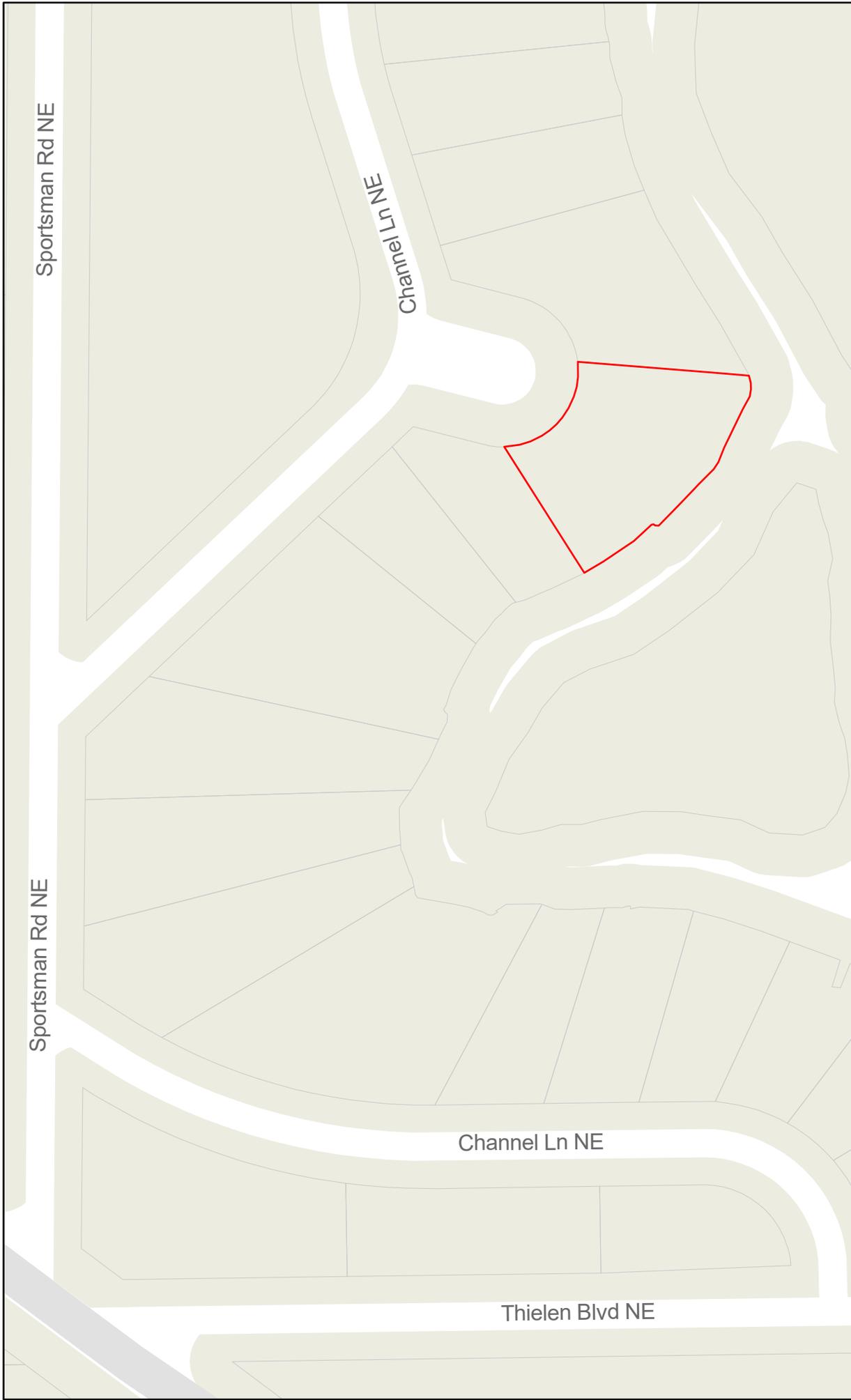
---

Kevin Lewis, Mayor

---

Matt Look, City Administrator

# 4310 Channel Ln - Location Map



1 inch equals 149 feet

Parcels  
City Mask



# 4310 Channel Ln - Aerial Map



1 inch equals 227 feet

Parcels  
City Mask



# OAK RIDGE SECOND ADDITION

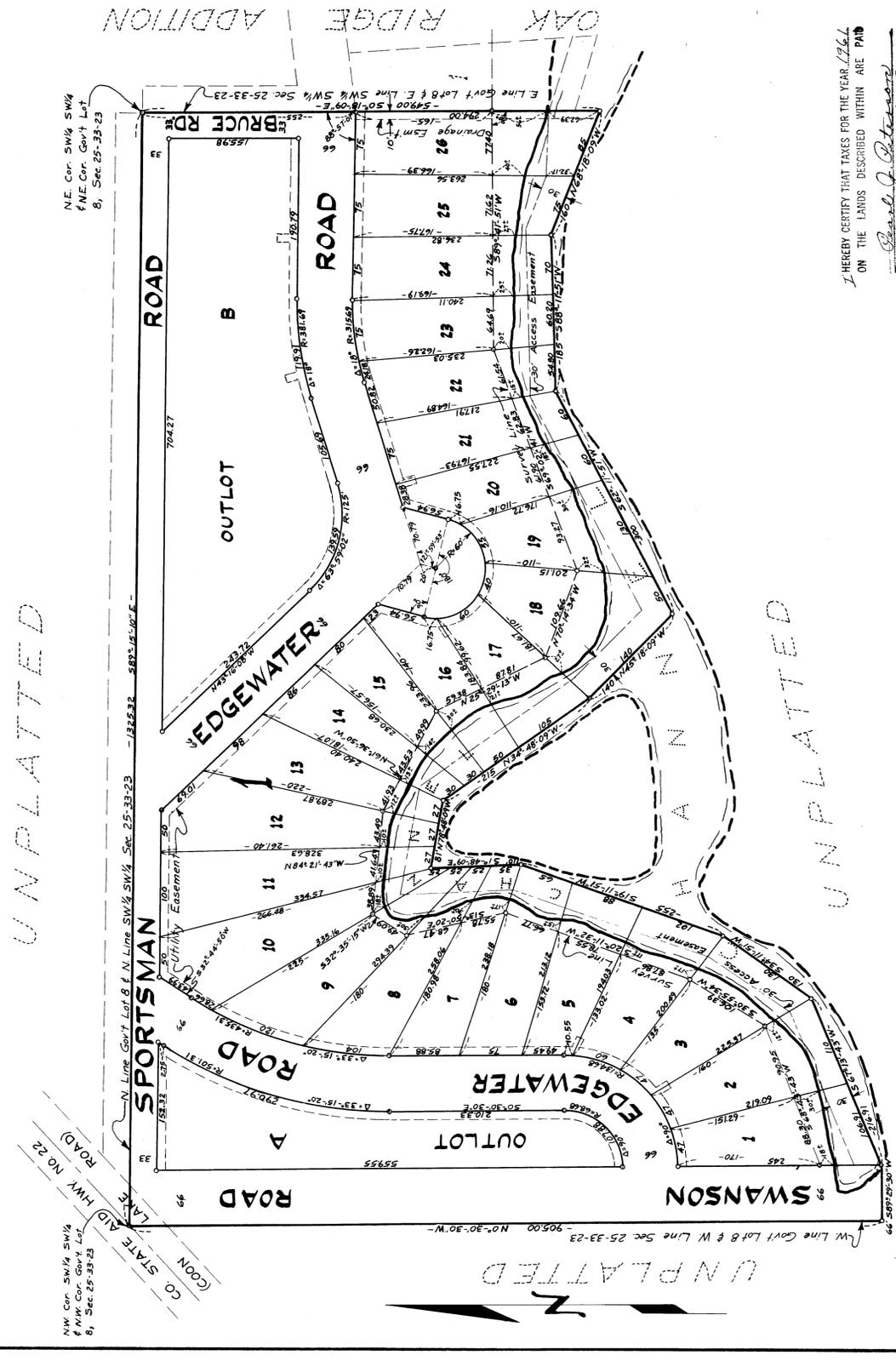
## VILLAGE OF EAST BETHEL ANOKA COUNTY, MINNESOTA

SCALE: 1"=100'

MILNER W. CARLEY & ASSOCIATES SURVEYORS-ENGINEERS

Note: 25 Foot Building Set-back From All Street Right-of-way Lines

Utility Easement Unless Otherwise Shown.



KNOW ALL MEN BY THESE PRESENTS: that Buford A. Olson, a single man, owner and proprietor of the following described property situated in the County of Anoka, State of Minnesota to wit: All that part of Government lot numbered Eight (8), in Section numbered Twenty-five (25), Township numbered Thirty-three (33), Range numbered Twenty-three (23) described as follows: Beginning at the Northeast corner of said Government Lot 8; thence S 0°18'09"E on the East line of said Government Lot 8, 549 feet; thence N 85°18'09" W, 180 feet; thence S 88°11'51" W, 185 feet; thence S 62°11'51" W, 300 feet; thence N 45°18'09" W, 140 feet; thence S 19°11'51" W, 215 feet; thence N 78°48'09" W, 81 feet; thence S 1°48'09" E, 110 feet; thence S 89°29'30" W, 66 feet; thence S 34°11'51" W, 130 feet; thence S 67°13'43" W, 216.91 feet; thence S 0°30'30" W, 905 feet to the Northwest corner of said Government Lot 8; thence S 89°15'10" E, 1325.32 feet to the point of beginning; subject to the reservation of a 150 foot strip for rail-way purposes as the same was described in that deed recorded in Book 5, Page 382, in the office of the Registrar of Deeds, Anoka County, Minnesota, and subject to County State Aid Highway No. 22, have caused the same to be surveyed and platted as OAK RIDGE SECOND ADDITION, as shown by this plat, and hereby dedicate to the public and for the public use forever all streets, roads and easements as shown.

Witness my hand this 3rd day of July A.D. 1962.

In Presence of  
*Richard V. Belland*  
 STATE OF MINNESOTA  
 COUNTY OF Anoka SS

*Buford A. Olson*  
 Buford A. Olson

On this 3rd day of July A.D. 1962 before me, the undersigned, personally appeared Buford A. Olson, a single man, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public, Anoka County, Minnesota  
 My Commission expires April 27, 1963

I hereby certify that I have surveyed and platted the land described in the dedication on this plat as OAK RIDGE SECOND ADDITION; that this plat is a correct representation of said survey; that all distances are correctly shown on said plat in figures denoting feet and decimals of a foot; that the monuments for the guidance of future surveys have been correctly placed in the ground as shown on the annexed plat; that the outside boundaries of the land are correctly designated on said plat; and that there are no wet lands or public highways to be designated on said plat other than are shown thereon.

*Milner W. Carley*  
 Surveyor - Minnesota Registration No. 3527

STATE OF MINNESOTA }  
 COUNTY OF RAMSEY }  
 within and for said County and State, on this 7th day of July A. D. 1962.

Notary Public, Ramsey County, Minnesota  
 My Commission expires April 27, 1963

We hereby certify that the Village Council of the Village of East Bethel, Anoka County, Minnesota, duly accepted and approved the annexed plat of OAK RIDGE SECOND ADDITION at a regular meeting thereof held this 5th day of July A. D. 1962.

VILLAGE OF EAST BETHEL, ANOKA COUNTY, MINNESOTA  
 BY *John E. Anderson* Mayor  
 BY *Charles B. Dickson* Clerk

Checked and approved by me this 11th day of July A. D. 1962.

*Robert W. Anderson*  
 Anoka County Surveyor

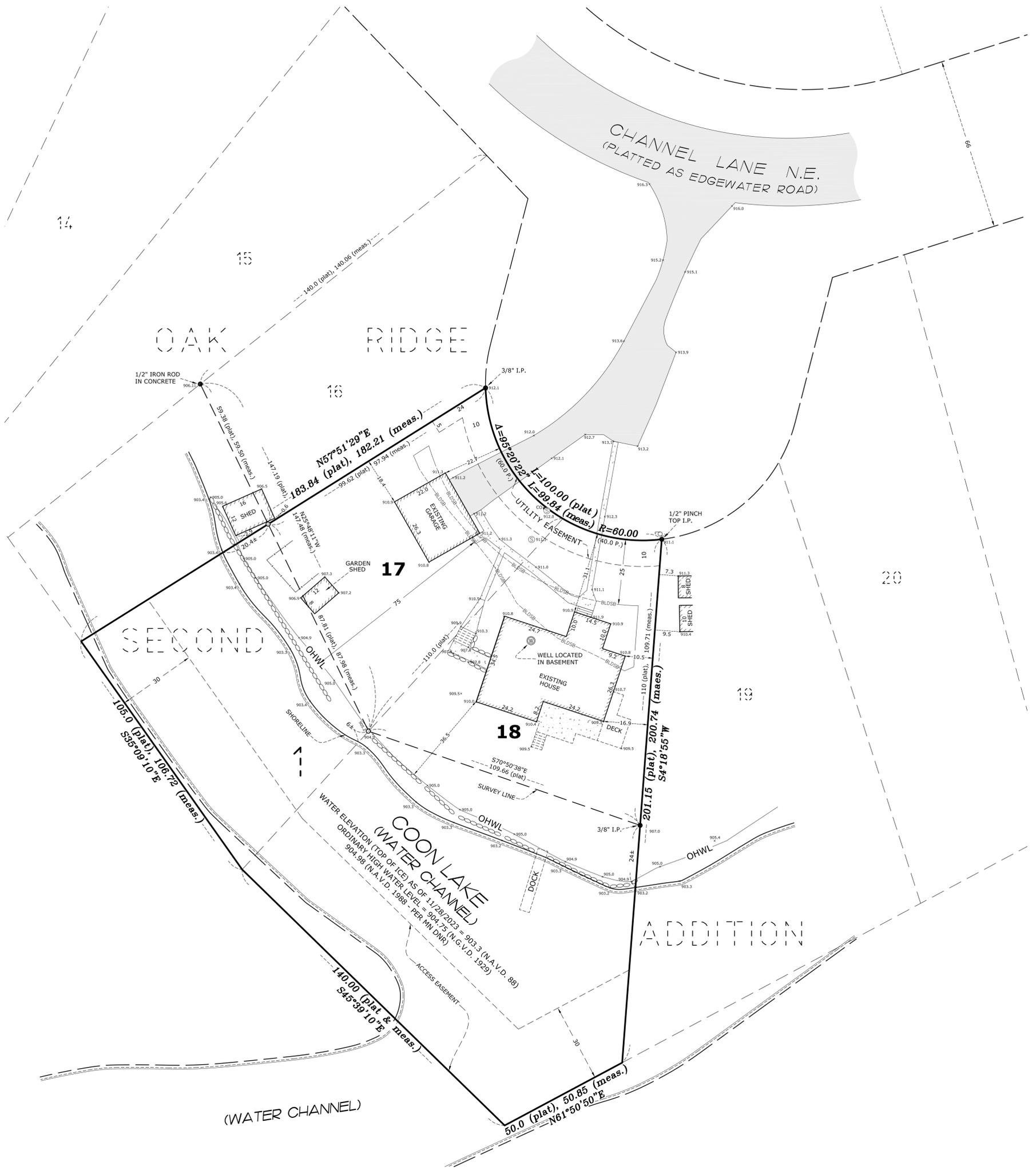
I HEREBY CERTIFY THAT TAXES FOR THE YEAR 1962 ON THE LANDS DESCRIBED WITHIN ARE PAID  
*Charles J. Peterson*  
 County Treasurer

TAXES PAID  
 This day of July 1962  
*Robert H. Campbell*  
 Village Clerk

OFFICE OF REGISTER OF DEEDS  
 STATE OF MINNESOTA, COUNTY OF ANOKA  
 I hereby certify that the within instrument was filed in this office for record on the 11th day of July A.D. 1962 at 2:45 o'clock P.M., and was duly recorded in Book 24 of Platbooks at 11  
*Electra Johnson*  
 Register of Deeds  
 By *Margaret A. Sweeney*  
 Deputy

# CERTIFICATE OF SURVEY

~for~ SUZANNE JENSEN  
 ~of~ 4310 Channel Lane N.E.  
 East Bethel, Minnesota 55092



## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 11/28/23.
- Bearings shown are on Anoka County datum.
- Parcel ID Number: 25-33-23-33-0035.
- Total Parcel Area: 35,851.4 Sq. Ft. or 0.82 Acres.
- Total Area Above OHWL: 17,107± Sq. Ft.
- Lake Name: Coon Lake  
 Lake ID#: 02004200 GD  
 Classification: General Development Shoreland
- Property is Zoned: Coon Lake Residential District (CLR)
- Building Setbacks: 25 Feet Front Yard  
 7 Feet Side Yard  
 75 Feet from OHWL
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

## PROPERTY DESCRIPTION:

LOT 17 and 18, Block 1, OAK RIDGE SECOND ADDITION, Anoka County, Minnesota.

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- <sup>CO</sup> DENOTES SEWER CLEAN OUT
- <sup>CP</sup> DENOTES POWER POLE
- <sup>SM</sup> DENOTES SEPTIC SEWER MANHOLE
- <sup>W</sup> DENOTES WELL
- X 992.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES BUILDING SETBACK LINE
- DENOTES ORDINARY HIGH WATER LEVEL
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

## BENCHMARK

BENCHMARK: ANOKA CO. BM NO. 2042 - BLUE 42  
 ELEVATION: 907.779 (N.A.V.D. 1988)

NORTH  
 GRAPHIC SCALE



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

*Jason E. Rud*  
 JASON E. RUD

Date: December 8, 2023 License No. 41578

DRAWN BY: CJT	JOB NO: 23.1169BT	DATE: 11/28/23
CHECK BY: JER	FIELD CREW: JH / CB	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY

**E. G. RUD & SONS, INC.**  
 EST. 1977  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701

1244 Crosstown Blvd NE Ham Lake MN 55304

Office: (763) 434-3915

service@lashinskiseptic.com

January 10, 2024

Sue Jensen  
4310 Channel Lane NE  
East Bethel MN 55092

The onsite sewage treatment system at 4310 Channel Lane in East Bethel is designed for a type I, 3-bedroom house in accordance to the Minnesota Pollution Control Agency (M.P.C.A.) chapter 7080 and local ordinances. The maximum daily flow for this system must not exceed 450 gallons per day (GPD).

The existing tanks must be pumped and abandoned as per MPCA Chapter 7080. A new 1500-gallon (minimum) septic tank must be installed as well as a 1000-gallon pumping chamber to lift the effluent to the proposed treatment area. The tanks must be provided by an MPCA approved vendor and must be registered tanks. If there is less than 24" of cover over the tanks, they must be insulated to a R-Value of 10. All plumbing in and out of the tanks must be Schedule #40 PVC and must be air-tested as per plumbing code. An outlet filter must be installed.

The only suitable site for the new septic is in an area of the existing drainfield and is located in City property. A 750 sq. ft. pressurized bed should be installed in the area of soil borings #1 through #3. All filled and compacted soils as well as any drainfield and/or contaminated soils must be excavated out to a depth of approximately 36" and replaced with washed sand. Because this system is installed in disturbed soils, it is classified as a Type III system and is required to have an approved monitoring and mitigation plan. This plan is attached with this design. A 750 sq. ft. rockbed is to be constructed with a minimum of 6-inches of ¾"-1 ½" rock beneath six 1 ½" laterals with 7/32" perforations drilled every 36".

The system should be installed as drawn on the attached site plan and must be at least 10-feet from the property line. The entire rockbed must be installed level and the materials clean as per MPCA chapter 7080. It is the homeowner's responsibility to establish ground covering over the proposed system to prevent freezing and/or soil erosion.

A shallow well is located to the basement of the house and must be sealed prior to construction. A new deep well must be drilled greater than 50-feet from the proposed system. All neighboring wells appear to be located greater than 50-feet from the proposed septic location. It is the homeowner's responsibility to locate and disclose any wells within 100-feet of the proposed septic site.

The power supply and switches for the lift pump must be located outside the manhole and pumping chamber in a weatherproof enclosure. A warning device must be installed with both audible and visual alert in case of pump failure. The pressurized force main from the pump to the treatment area must be sloped to allow for drain back.

Keep all heavy equipment off the proposed treatment area before and after construction. The treatment area should be marked off before construction. Failure to protect the site of the proposed treatment area can result in this design being invalid and the system will need to be relocated.

Nothing other than human waste, toilet tissue, laundry, showers, water softeners, etc. should be disposed into the septic tanks. **Iron filters must be diverted out of the system.** Garbage disposals are not recommended due to adding more solids and fine solids passing through the tanks and into the treatment area. Excessive amounts of soaps, cleaning agents, and chlorine may kill the bacteria needed to treat septic effluent. Limit the use of anti-bacterial soaps. We recommend using liquid laundry and dish soap instead of powder. **Additives should not be used.**

**Each tank must be inspected by a state licensed professional year after construction for the first three years, then at least once every three years thereafter.** With proper installation and maintenance, this system should have no problem treating effluent effectively.

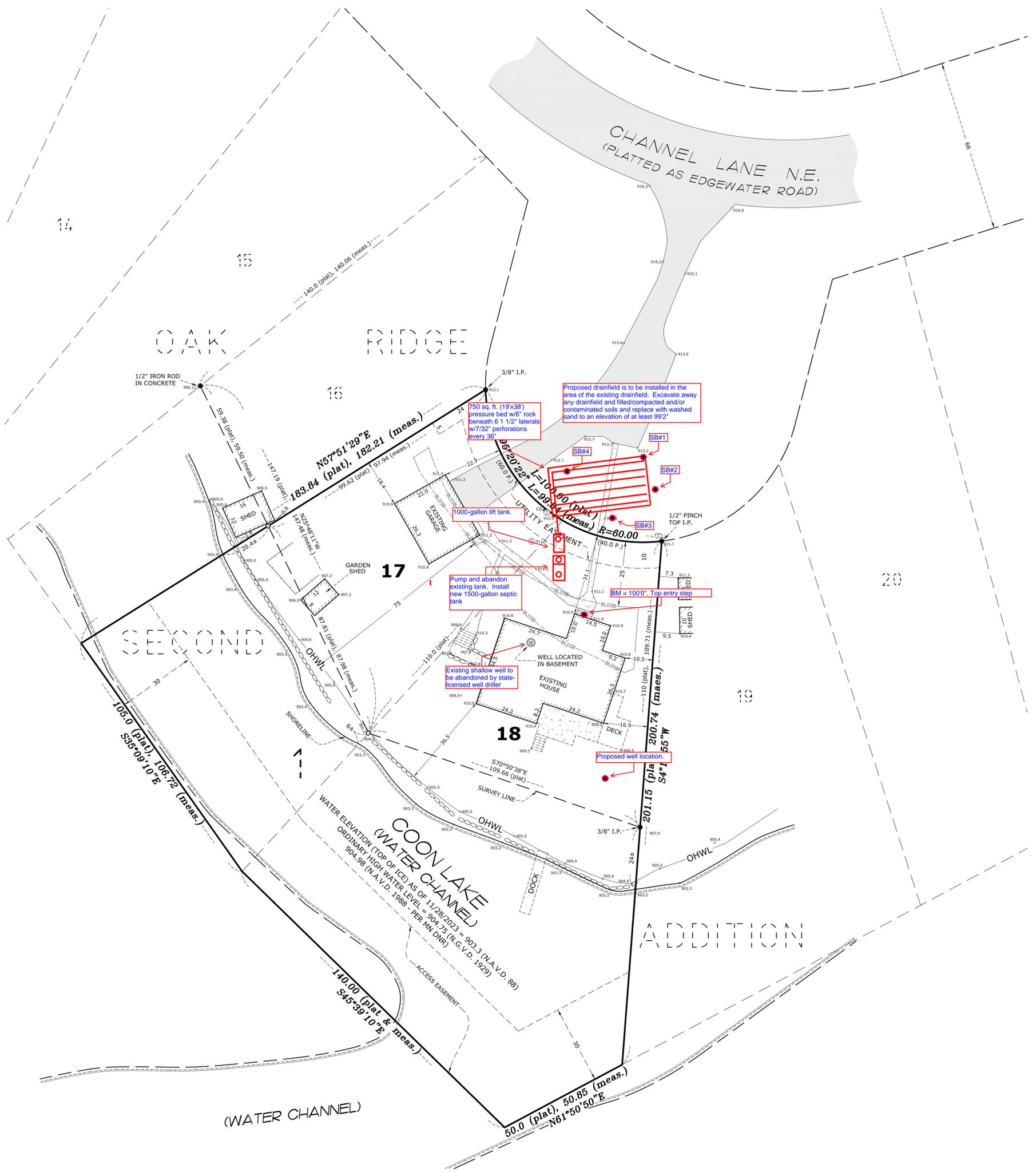
Sincerely,

A handwritten signature in black ink, appearing to read "R. Lashinski". The signature is written in a cursive style with a large initial "R" and a long horizontal stroke extending to the right.

Ryan Lashinski

# CERTIFICATE OF SURVEY

~for~ SUZANNE JENSEN  
 ~of~ 4310 Channel Lane N.E.  
 East Bethel, Minnesota 55092



## NOTES

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 Classification: General Development Shoreland
- Property is Zoned: Coon Lake Residential District (CLR)
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LOT 17 and 18, Block 1, OAK RIDGE SECOND ADDITION, Anoka County, Minnesota.

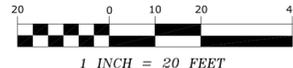
## LEGEND

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- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- <sup>CO</sup> DENOTES SEWER CLEAN OUT
- <sup>PO</sup> DENOTES POWER POLE
- <sup>SS</sup> DENOTES SEPTIC SEWER MANHOLE
- <sup>W</sup> DENOTES WELL
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- DENOTES CONCRETE SURFACE

## BENCHMARK

BENCHMARK: ANOKA CO. BM NO. 2042 - BLUE 42  
 ELEVATION: 907.779 (N.A.V.D. 1988)

NORTH  
 GRAPHIC SCALE



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

*Jason E. Rud*  
 JASON E. RUD

Date: December 8, 2023 License No. 41578

DRAWN BY: CJT	JOB NO: 23.1169BT	DATE: 11/28/23
CHECK BY: JER	FIELD CREW: JH / CB	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY

**E. G. RUD & SONS, INC.**  
 EST. 1977  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701  
 www.egrud.com

**City of East Bethel  
Planning Commission Regular Meeting Agenda  
Item Information**



**Date:** January 23, 2024

**Agenda Item Number:** 4.0B

**Agenda Item:** Public Hearing – Preliminary Plat – Hidden Prairie – T.H. Construction of Anoka

**Background Information:**

On July 25<sup>th</sup>, 2023, the Planning Commission reviewed a Concept Plan for the revised development plan for a previously approved Preliminary Plat for the Hidden Pines Rural Residential Subdivision. The developer acquired additional adjacent land and incorporated the additional acreage into the revised plan. A public hearing was held and a recommendation of approval was forwarded to the City Council on August 14, 2023. The City Council approved the proposed Concept Plan.

On 1/5/24, a Preliminary Plat Application and supporting materials were delivered to the city.

This plat is consistent with the approved concept plan. It consists of sixteen (17) buildable single family rural residential lots. Within the RR- Rural Residential zoning district the minimum lot size required is 2 acres, with a density not to exceed 1 unit per 2.5 acres. All lots within the proposed Hidden Prairie Subdivision meet the 2 acre minimum lot size and the 17 units' fall below the density requirements. Additionally, each lot meets the required minimum 200 foot width at the right-of-way setback line.

Streets

The development will be accessed off of East Bethel Blvd/County Road 15; therefore, the Anoka County Highway Department is required to review the plan. They submitted a comment letter on January 9<sup>th</sup>, 2024 with comments. The developer is required to satisfactorily address all comments prior to any grading of the site.

The internal street will be constructed to city standards with no temporary cul-de-sacs permitted.

Public Works

East Bethel Public Works comments were addressed during the previously approved Preliminary Plat and they have provided no new comments.

Parks Commission

The new concept plan was placed on the August 8, 2023 Parks Commission meeting and they recommended Park Dedication Fees in lieu of park land. The Parks Plan does not support a park in this area of the city.

City Engineer

The City Engineer was sent the new Preliminary Plat for review on January 5<sup>th</sup>, 2024. Although the review comments have not been received, the developer was required to satisfy any Preliminary Plat comments prior to filing a Final Plat application.

**Recommendation:**

Staff requests the Commission hold a public hearing, discuss and consider recommending approval of the Preliminary Plat known as Hidden Prairie with the conditions set forth in the attached resolution to the City Council.

**Attachments:**

1. Resolution 2024-09, Approve the Preliminary Plat for Hidden Prairie.
2. Location Map
3. Preliminary Plat for Hidden Prairie
4. ACHD Comment Letter Dated January 9, 2024

**Planning Commission Action:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

**CITY OF EAST BETHEL  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**RESOLUTION NO. 2024-XX**

**A RESOLUTION APPROVING THE PRELIMINARY PLAT OF “HIDDEN PRAIRIE”  
FOR PROPERTY LEGALLY DESCRIBED AS:**

SE1/4 OF SW1/4 OF SEC 22 TWP 33 RGE 23, EX N 210 FT THEREOF, & ALSO EX THAT PRT THEREOF DESC AS FOL: BEG AT SE COR OF SD 1/4 1/4, TH N ALG E LINE THEREOF 462 FT, TH W PRL/W S LINE OF SD 1/4 1/4 942.81 FT, TH S PRL/W SD E LINE TO SD S LINE, TH E ALG SD S LINE TO POB, & ALSO EX THAT PRT OF SD 1/4 1/4 DESC AS FOL: COM AT SE COR OF SD 1/4 1/4, TH N 00 DEG 47 MIN 02 SEC E, ASSD BRG, ALG E LINE OF SD 1/4 1/4, 911.48 FT TO S LINE OF N 415 FT OF SD 1/4 1/4 & POB, TH N 89 DEG 51 MIN 24 SEC W, ALG SD S LINE OF N 415 FT, 637.58 FT TO W LINE OF E 637.50 FT OF SD 1/4 1/4, TH N 00 DEG 47 MIN 02 SEC W, ALG SD W LINE OF E 637.50 FT, 205.03 FT TO S LINE OF N 210 FT OF SD 1/4 1/4, TH S 89 DEG 51 MIN 24 SEC E, ALG SD S LINE OF N 210 FT, 637.58 FT TO SD E LINE OF SD 1/4 1/4, TH S 00 DEG 47 MIN 02 SEC E, ALG SD E LINE 205.03 FT TO POB, EX RD, SUBJ TO EASE OF REC

&

THE E 200 FT OF THE SW1/4 OF SW1/4 SEC 22-33-23 EX RD; SUBJ TO EASE OF REC

**WHEREAS**, T.H. Construction of Anoka, Inc. has requested approval of a Preliminary Plat for Hidden Prairie; and

**WHEREAS**, the East Bethel Review Committee has reviewed the Preliminary Plat and have provided comments; and

**WHEREAS**, pursuant to published and mailed notice thereof, the Planning Commission has conducted a public hearing on said plat; and

**WHEREAS**, as a result of such public hearing, the Planning Commission recommends approval of the Preliminary Plat to the City Council.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Bethel hereby agrees with the recommendation of the Planning Commission and approves the Preliminary Plat of Hidden Prairie, with the following conditions:

1. The approved Preliminary Plat lot lay out is shown as Exhibit A.

2. The Developer shall satisfy any and all comments on the Preliminary Plat from the City Engineer prior to filing a Final Plat application. The City Engineer will determine when all items have been addressed.
3. Anoka County Highway Department comments dated January 9, 2024 must be satisfactorily addressed prior to any site grading.
4. The Developer shall be responsible for the cost of construction of all improvements proposed as a part of the preliminary plat.
5. Prior to final plat recording at Anoka County, a Development Agreement acceptable to the City Attorney must be executed by the Developer and filed with Anoka County.
6. Prior to Final Plat recording at Anoka County, Vehicle Maintenance Access Easements must be executed.
7. Park dedication fees must be paid prior to the release of the final plat.

Adopted by the City Council of the City of East Bethel this 12<sup>th</sup> day of February, 2024.

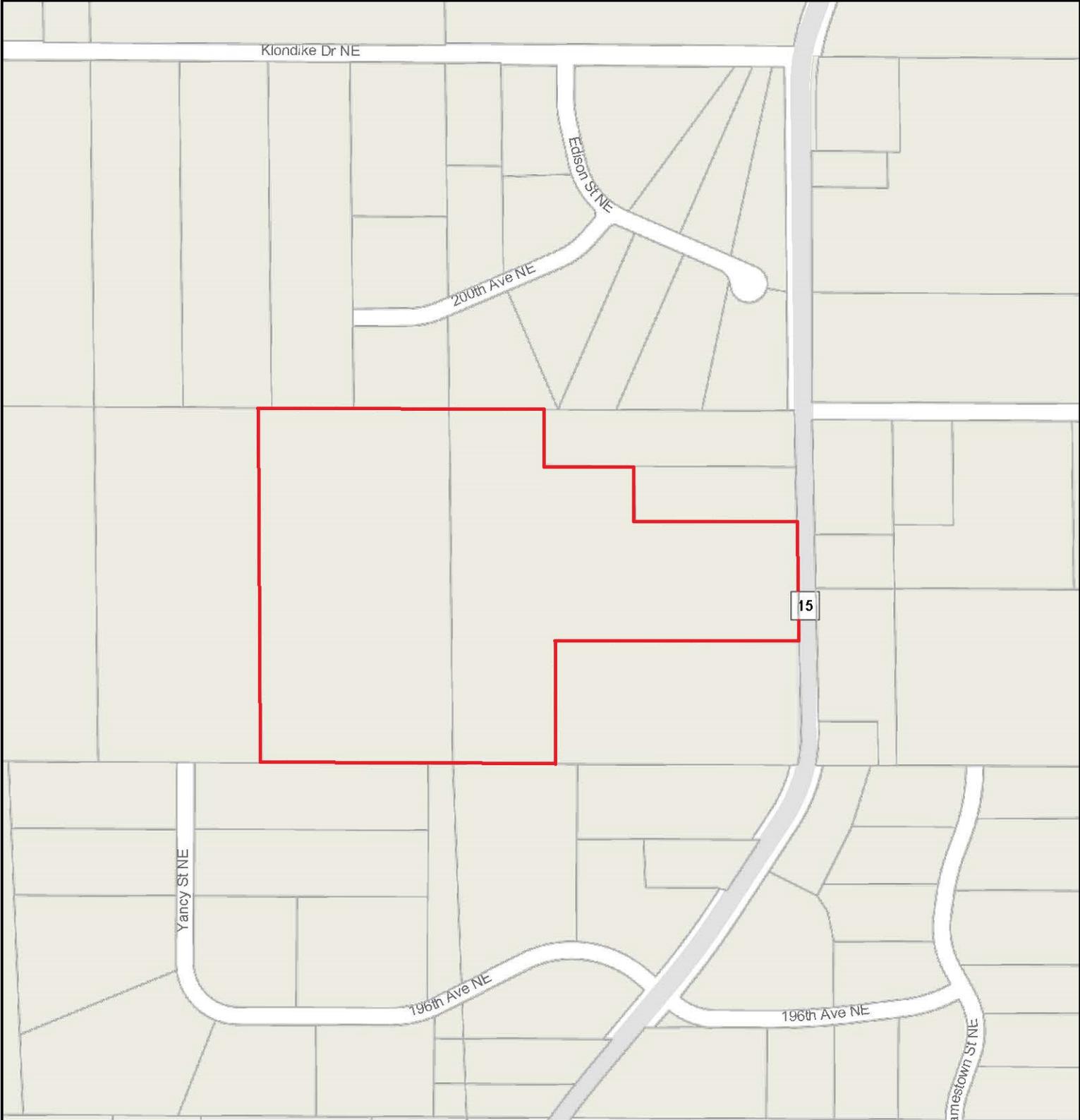
ATTEST

CITY OF EAST BETHEL

\_\_\_\_\_  
Matt Look, City Clerk

\_\_\_\_\_  
Kevin Lewis, Mayor

# Hidden Prairie - Location Map



-  Parcels
-  City Mask

1 inch equals 504 feet



# PRELIMINARY PLAT

for ~ T.H. CONSTRUCTION OF ANOKA, INC.  
of ~ HIDDEN PRAIRIE

## PROPOSED ZONING INFORMATION

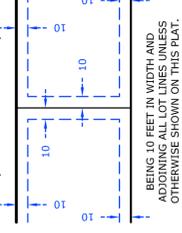
- RR-RURAL RESIDENTIAL
- MINIMUM LOT WIDTH
- MINIMUM LOT DEPTH
- MINIMUM LOT FRONTAGE
- MINIMUM LOT AREA
- MINIMUM BUILDABLE AREA

- = 200 FEET
- = 200 FEET
- = 2 ACRES
- = 23,000 S.F.

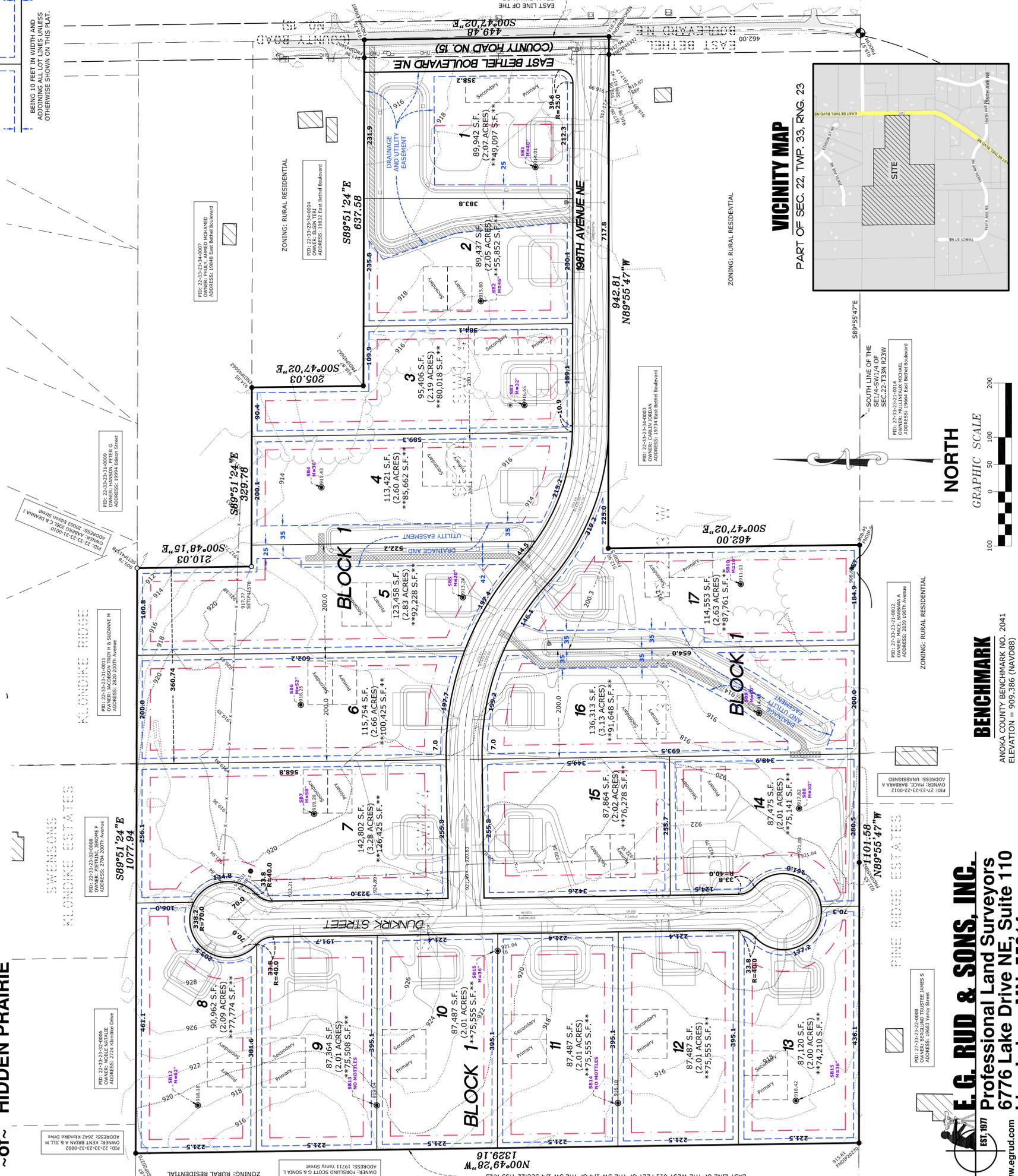
## DEVELOPER/OWNER

T.H. CONSTRUCTION OF ANOKA  
TONY HENNING  
617 E MAIN ST., STE 3  
EAST BETHEL, MN 55303  
(763) 422-8809

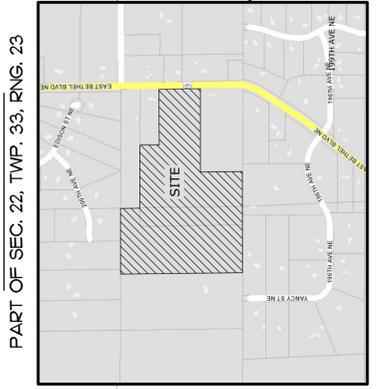
TYPICAL EASEMENTS ARE SHOWN THIS:  
(SCALE: 1 INCH = 80 FEET)



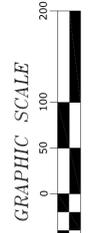
BEING 10 FEET IN WIDTH AND 10 FEET IN DEPTH, UNLESS OTHERWISE SHOWN ON THIS PLAT.



## VICINITY MAP



## NORTH



## BENCHMARK

ANOKA COUNTY BENCHMARK NO. 2041  
ELEVATION = 909.386 (NAVD83)

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

www.egrud.com

## PROPERTY DESCRIPTION

### Parcel 1:

All that part of the Southwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence North 00 degrees 47 minutes 02 seconds East, assumed bearing, along the east line of said Southwest Quarter of the Southwest Quarter a distance of 462.00 feet to the point of beginning of the parcel to be described; thence North 89 degrees 55 minutes 47 seconds West, parallel to the south line of said Southwest Quarter of the Southwest Quarter, a distance of 942.81 feet; thence South 00 degrees 47 minutes 02 seconds East, parallel to the east line of said Southwest Quarter of the Southwest Quarter, a distance of 462.00 feet to said south line of the Southwest Quarter of the Southwest Quarter; thence North 89 degrees 55 minutes 47 seconds West, along said south line of the Southwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter, a distance of 584.95 feet to the west line of the East 200.00 feet of said Southwest Quarter of the Southwest Quarter; thence North 00 degrees 48 minutes 15 seconds West, along said west line of the north 200.00 feet of the Southwest Quarter of the Southwest Quarter, a distance of 1118.46 feet to the south line of the north 210.00 feet of the Southwest Quarter of the Southwest Quarter; thence South 89 degrees 51 minutes 24 seconds East along the south line of the north 210.00 feet of said Southwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter, a distance of 890.60 feet to the west line of the east 637.50 feet of said Southwest Quarter of the Southwest Quarter; thence South 00 degrees 47 minutes 02 seconds East, along said west line of the east 637.50 feet, a distance of 205.03 feet to the south line of the north 415.00 feet of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 51 minutes 24 seconds East along said south line of the north 415.00 feet, a distance of 637.58 feet to said east line of the Southwest Quarter of the Southwest Quarter; thence South 00 degrees 47 minutes 02 seconds East, along said east line, a distance of 449.48 feet to the point of beginning and terminating thereafter.

### EXCEPT

The East 200 feet of the Southwest Quarter of the Southwest Quarter, Section 22, Township 33, Range 23, Anoka County, Minnesota, EXCEPT the North 210 feet thereof.

### Parcel 2:

The East 200 feet of the Southwest Quarter of the Southwest Quarter, Section 22, Township 33, Range 23, Anoka County, Minnesota, EXCEPT the North 210 feet thereof.

### Parcel 3:

That part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, lying East of the West 611 feet thereof, except that part of the East 200 feet of the said Southwest Quarter of the Southwest Quarter lying South of the North 210 feet thereof, according to the U.S. Government Survey, Anoka County, Minnesota.

### Parcel 4:

The West 360.74 feet of the North 210.00 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota.

## DEVELOPMENT DATA

PROPOSED NUMBER OF LOTS = 17 LOTS  
TOTAL PROPERTY AREA = 44.66± ACRES  
RIGHT-OF-WAY DEDICATION = 5.08± ACRES

## EXISTING ZONING

RR-RURAL RESIDENTIAL

## SETBACKS

- COUNTY ROAD = 100 FEET
- FRONT ROAD = 40 FEET
- SIDE YARD = 25 FEET
- REAR YARD = 25 FEET
- WETLAND = 25 FEET
- WETLAND BUFFER = 15 FEET

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES ANOKA COUNTY CAST IRON MONUMENT
- ⊖ DENOTES CABLE PEDESTAL
- ⊗ DENOTES ELECTRICAL BOX
- ⊘ DENOTES EXISTING SPOT ELEVATION
- ⊙ DENOTES FIBER OPTIC BOX
- ⊚ DENOTES GUY WIRE
- ⊛ DENOTES POWER POLE
- ⊜ DENOTES SOIL BORING. (BY MARK TRADEWELL)
- ⊝ DENOTES TELEPHONE PEDESTAL
- ⊞ DENOTES TREE
- ⊟ DENOTES FENCE
- ⊠ DENOTES EXISTING CONTOURS
- ⊡ DENOTES PROPOSED CONTOURS
- ⊢ DENOTES TREE LINE
- ⊣ DENOTES OVERHEAD UTILITY
- ⊤ DENOTES VEHICLE SETBACK LINE
- ⊥ DENOTES VEHICLE MAINTENANCE ACCESS
- ⊦ DENOTES BITUMINOUS SURFACE
- ⊧ DENOTES ADJACENT PARCEL OWNER INFORMATION (PER ANOKA COUNTY TAX INFORMATION)
- ⊨ DENOTES BUILDING PAD

DENOTES CONTIGUOUS LAND AREA OCCURRING WITHIN THE PROPERTY LINES OF A PARCEL OR LOT EXCLUDING DRAINAGEWAYS, WETLANDS, WATERCOURSES AND PONDING AREAS, PARK LAND, ROAD RIGHTS-OF-WAY, AND SLOPES IN EXCESS OF 18 PERCENT.

## NOTES

- I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered and Licensed Surveyor under the laws of the State of Minnesota.
- Field work was completed by E.G. Rud and Sons, Inc. on 10-31-22, and 10-23-23.
- Parcel ID numbers are Anoka County 4801 22-33-23-005 and 22-33-23-006.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.) according to Flood Insurance Rate Map No. 27003C0205E Community No. 270012 Panel No. 0205 Suffix E by the Federal Emergency Management Agency, effective date December 16th, 2015.
- This survey is based upon information found in the commitment for title insurance prepared by Stewart Title Guaranty Company, File No. 600078, dated effective December 30, 2019 at 10:10 A.M.
- Workhand delineated by Kjolhaug Environmental.
- Proposed street, storm sewer, building pads, and ponding provided by Plow Engineering.

JASON E. RUD  
Date: 1/5/2024 License No. 41578

DRAWN BY: JEN	JOB NO: 220088PP	DATE: 02-03-22	
CHECK BY: JER	FIELD CREW: DT / CT		
1	11-7-22	ADJUST PROPOSED ROW	CMB
2	1-4-24	UPDATED SUBMITTAL	CMB
3			
NO.	DATE	DESCRIPTION	BY



# Anoka County

## TRANSPORTATION DIVISION

Highway

Aaron Berg  
City of East Bethel  
2241 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

January 9, 2024

RE: Preliminary Plat – Hidden Prairie

Dear Aaron,

We have reviewed the Preliminary Plat for Hidden Prairie to be located west of CR 15 (East Bethel Boulevard NE) and south of 199<sup>th</sup> Avenue NE within the City of East Bethel, and I offer the following comments:

- An additional 27 feet of right of way along CR 15 will be required for future reconstruction purposes (60 feet total right of way width west of CR 15 centerline).
- As proposed, the plat will introduce one new street access point onto CR 15, which will be permitted provided that construction of a SB CR 15 right turn lane is completed in conjunction with the plat.
- Intersection sight distance shall be met to the fullest extent possible at the proposed 198<sup>th</sup> Avenue.
- No other access points onto CR 15 will be permitted for this plat and the right of access along CR 15 should be dedicated to Anoka County with the exception for the proposed new city street.
- Internal site grading shall not commence until the requested ACHD Engineering plan approvals are received and the applicable permits can be issued.
- Any utility relocation on the CR 15 right of way, will be required to be coordinated directly by the city/developer.
- Please note that no plantings or private signs will be permitted within the county right of way and care must be exercised when locating private signs, building, structures, plantings, berms, etc. outside of the county right of way, so as not to create any new sight obstructions for this section of CR 15.

ACHD would like to work with local governments in promoting compatibility between land use and the county highway system. It should be recognized that residential land uses located adjacent to County highways often results in complaints about traffic noise. Existing and/or future traffic noise from CR 15 could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where establishment of the land use would result in violations of established noise standards. It is advised that the City and the Developer assess the noise situation for this development as it is proposed to be located

Our Passion Is Your Safe Way Home

1440 Bunker Lake Boulevard N.W. ▲ Andover, MN 55304-4005  
Office: 763-324-3100 ▲ Fax: 763-324-3020 ▲ [www.anokacounty.us/highway](http://www.anokacounty.us/highway)

directly adjacent to CR 15 and take the level of action deemed necessary to minimize the impact of any highway noise by incorporating the appropriate noise mitigation elements into the design and phasing of this plat as applicable.

The ACHD Engineering Plan Review process will apply to this site. The following items should be submitted to Brandon Ulvenes, Engineer II, [Brandon.Ulvenes@co.anoka.mn.us](mailto:Brandon.Ulvenes@co.anoka.mn.us) (checklist and payment information are available on our website: <https://www.anokacountymn.gov/4072/Development-Review>):

- Construction plans (including turn lane plans)
- Utility relocation plans
- Traffic Control plans
- Grading and erosion control plans
- Traffic reports for the new traffic signal
- Drainage calculations – Note that the post-developed rate/volume of runoff must not exceed the pre-developed rate/volume of runoff for the 10-year critical design storm
- ACHD Design Requirements Checklist
- Engineering plan review fee (estimated at \$350.00)

Following completion of the ACHD Engineering Plan Review process, the contractor(s) who will be completing any work within the county right of way must begin the ACHD Permit process. One permit for Work within the County Right of Way (\$150.00) and one Street Access permit (\$250.00) must be obtained prior to the commencement of any construction. License permit bonding, methods of construction, design details, work zone traffic control, restoration requirements and follow-up inspections are typical elements of the permitting process. Contact Sue Burgmeier via phone at 763.324.3142 or via email at [HighwayPermits@co.anoka.mn.us](mailto:HighwayPermits@co.anoka.mn.us) for further information and to coordinate the ACHD Permit process.

Thank you for the opportunity to comment. Feel free to contact me if you have any questions regarding this review.

Sincerely,



Logan Keehr  
Traffic Engineering Technician

xc: CR 15/Plats+Developments/2024  
Jerry Auge, Assistant County Engineer  
David Zieglmeier, County Surveyor  
Sean Thiel, Traffic Engineering Manager  
Sue Burgmeier, Traffic Technician  
Brandon Ulvenes, Engineer II

**City of East Bethel  
Planning Commission Regular Meeting  
Agenda Item Information**



**Date:** January 23, 2023

**Agenda Item Number:** 5.0

**Agenda Item:** Sale of City Owned Parcel - Review

**Background Information:** Diana and Jim Saenger have requested City Council consideration the sale of a portion of city property, PIN 36-33-23-34-0002, which is a 50' wide strip that runs between Longfellow Dr. and the East Bethel/Ham Lake corporate limits. This property borders the western acreage of the Carlos Avery Nursery (Houle Sod Farm) land in East Bethel and as exhibited as Attachment 1.

The city owned parcel, PID 36-33-23-31-0002, is 2.99 acres and has a current estimated tax market value of \$12,600. The purchasers are primarily interested in the north 50' X 740' portion (0.82 acres) that that adjoins their parcel, as exhibited in Attachment 2. Both parcels are located in the Coon Lake Residential Zoning District.

This property was a tax-forfeit acquisition by the City of East Bethel in 1974. It was acquired as non-conservation for an "authorized public use" to be used exclusively for parks (MS 282.01 Subd. 1a par. (e)). Property conveyed under a conditional use deed, regardless of when it was executed, is released from the use restriction and rule of reversion thirty years from the date the deed was acknowledged. As this property has exceeded the 30 year requirement for restrictions on the sale, it can be sold by the City with no encumbrance's relating to tax forfeit acquisition.

The majority of the city property is either classified as wetlands or is located in the 100 year flood plain with poor soils throughout the entire parcel. The entire parcel is considered as unbuildable due to its dimensions (50' X 2,600') and soil, wetlands and flood plain conditions.

Statutory cities have the power to sell land or buildings they no longer need to anyone, other than public officials and certain employees. Generally, a city does not need to permission from the public in order to sell land. In some instances, a city may need to notify people or get approval prior to the sale. Sales of land are usually not required to use the competitive bidding process.

During a closed session meeting on November 27, 2023, the East Bethel City Council authorized the sale of this portion however, the City Attorney has advised that under MN State Statute section 462.356, Subd. 2, City real estate should not be purchased or sold until the Planning Commission has reviewed the proposed purchase or sale and found that it complies with the city's comprehensive plan.

At the close of the sale the purchasers would be required to immediately (as soon as possible/ practicle) combine the 50' X 740' portion with their adjacent parcel since it is smaller than the minimum lot area identified in Sec. 51 of the Zoning Code.

**Recommendation:** The Planning Commission is requested to review the proposed sale and determine if its sale for a residential purpose is in alignment with the Comprehensive Plan and the Coon Lake Residential Zoning District.

**Attachments:**

1. Location Map
2. Aerial Map
3. Map of Area of interest
4. Deed Information

**Planning Commission Action:**

Motion by: \_\_\_\_\_

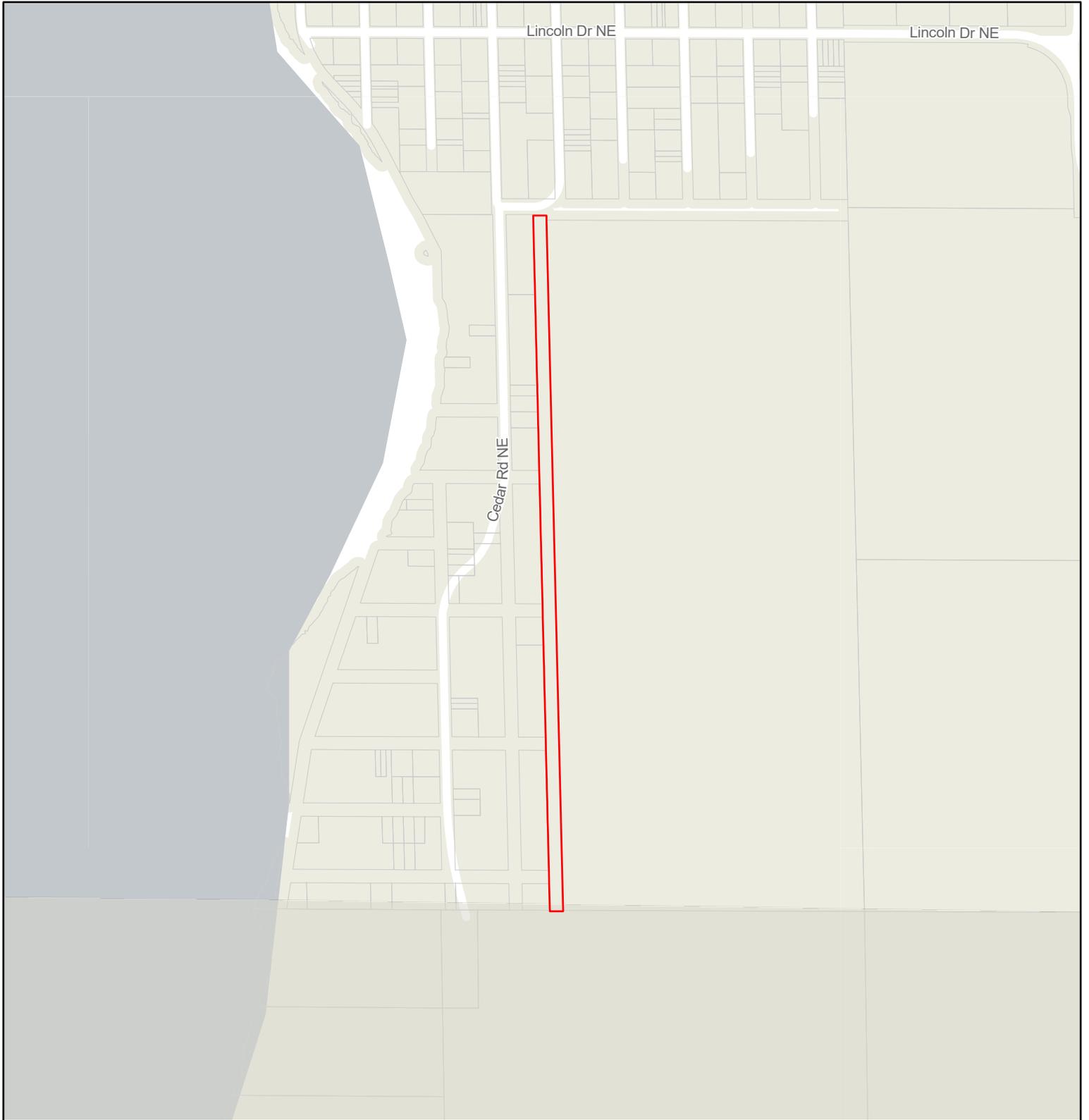
Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Needed: \_\_\_\_\_

# PID 363323320002 - Location Map



1 inch equals 719 feet

Parcels

 City Mask



# PID 363323320002 - Aerial Map

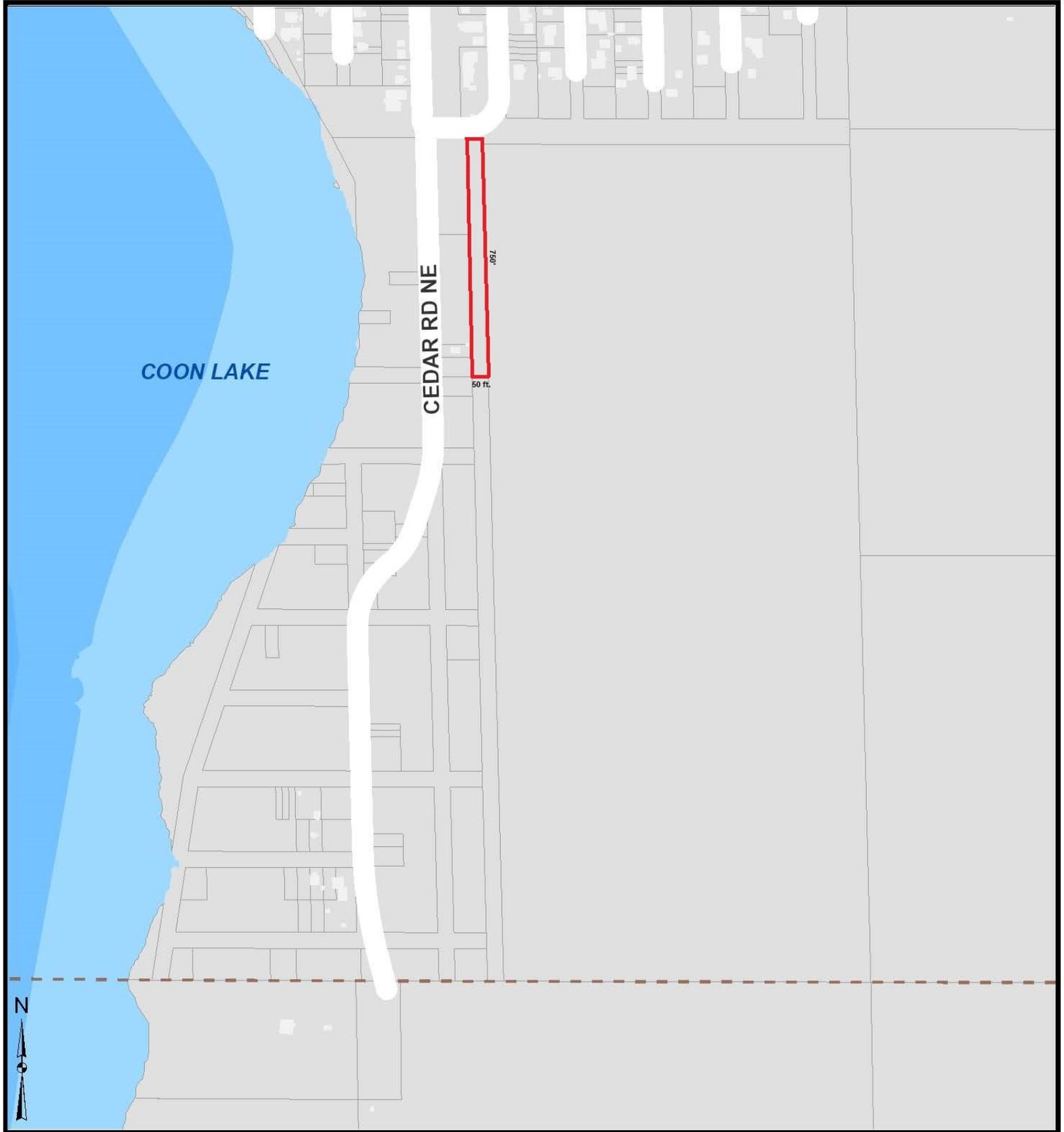


Parcels

City Mask

1 inch equals 543 feet





**Parcel Information:**      Approx. Acres: 0.68831261  
 36-33-23-31-0008      Commissioner: JULIE BRAASTAD

EAST BETHEL  
 MN 55092  
 Plat: COON LAKE BEACH 3RD MAP

**Owner Information:**

EAST BETHEL  
 MN  
 55092





413992

No. 146769

# STATE DEED

Under Minnesota Statutes, Section 282.01, Subdivision 1

STATE OF MINNESOTA  
TO

Grantee  
Recorder  
Checked  
Margin  
T.L. Index

The statements for the real property described in this instrument should be sent to:

Name: Jacqueline Stroeder, Clerk

Address: the City of East Bethel  
East Bethel, Minnesota

## OFFICE OF REGISTER OF DEEDS

STATE OF MINNESOTA ) ss.

County of Anoka

I hereby certify that the within Deed was filed in this office for record on the

day of 30 1974

A. D. 1974, at 4 o'clock P. M.,

and was duly recorded in Book 1111

of Deeds, on page 106.

"NO DELINQUENT TAXES AND TRANSFER ENTERED"

July 30 1974  
Charles R. Lohrey  
Auditor, Anoka County

BY J. K. Bernel  
Deputy

Ted J. Orndahl  
Register of Deeds.

By Margaret Russell  
Deputy.

Jacqueline Stroeder, Clerk  
City of East Bethel, Minnesota 55092

BOOK 1111 PAGE 107

**City of East Bethel  
Planning Commission Regular Meeting  
Agenda Item Information**



**Date:** January 23, 2024

**Agenda Item Number:** 6.0

**Agenda Item:** Interview of candidates to fill open Planning Commission positions.

**Background Information:** The resignations of Commissioners Sherry Allenspach and Randy Plaisance have created two openings on the Planning Commission. The term of Commissioner Allenspach was to expire on January 31, 2024 and the term for Commissioner Plaisance expires on January 31, 2025.

City staff advertised the opening and have received three (3) Letters of Interest and Resumes. The resumes and interview questions will be distributed to Planning Commissioners prior to the meeting.

**Recommendation:** The Commission is requested to interview the applicants and make a recommendation to City Council to fill the vacant seats in which the terms will expire on January 31, 2025 and January 31, 2027.

**Attachments:**

1. Steve Voss
2. Brian Downie
3. Kory Jorgensen

**Planning Commission Action:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Needed: \_\_\_\_\_