

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: June 25, 2024 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)

1. Call To Order
2. Adopt Agenda
3. Approval of Minutes: May 28, 2024 Minutes Pg. 2 - 10
4. **Public Hearings:**
 - Variance – 23558 Ulysses St NE – Wetland Setback in Shoreland Overlay Pg. 11 - 18
 - IUP – Farm Animals – 22343 Sandy Drive NE – Alpaca/ Llama & Sheep/ Goats Pg. 19 - 27
 - Sec. 15. - Driveway access and standards. Pg. 28 - 29
 - Sec. 10-151. - Interim use permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited. Pg. 30 - 32
5. Metes and Bounds – Lot Split – 516 217th Ave NE Pg. 33 - 37
6. Discussion - Sec. 66-165. – Sidewalks and trails. Pg. 38 - 43
7. Updates
8. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2
3 EAST BETHEL PLANNING COMMISSION MEETING
4 May 28, 2024

5
6 MEMBERS PRESENT: Chair Sharon Johnson, Vice Chair Gabriel Hanschen, Glenn Terry, Tanner Balfany,
7 Brian Downie, Corey Jorgensen, and Diana Saenger.

8
9 MEMBERS ABSENT: None

10
11 ALSO PRESENT: Aaron Berg, Community Development Director
12 Jim Smith, City Council Liaison

13
14 **1.0 Call to Order**

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

16
17 **2.0 Adopt Agenda**

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

21 **3.0 Approve April 23, 2024 meeting minutes**

22 Balfany noted he would be abstaining as he was not at the last meeting.

23 Downie noted one page 1, line 25, his name was misspelled twice. He indicated on line 75, there was no
24 ending parenthesis. One line 85, change has been to had been.

25 Johnson acknowledged the Minutes were a summary, but Jorgensen had made good comments regarding
26 the aprons at the last meeting that were not included. Jorgensen stated he believed his comments had
27 been covered sufficiently.

28 **Commissioner Terry moved and Commissioner Downie seconded to adopt the April 23, 2024**
29 **regular meeting minutes as amended.** Johnson asked any discussion? To the motion, all in favor say
30 aye. **Jorgensen, Downie, Hanschen, Terry, Saenger, and Johnson.** Johnson asked any opposed?
31 **Balfany abstained.** That motion passes. **Motion passes 6-1.**

32 **4.0A Public Hearing – Setback Variance – 18116 Deerwood LN NE**

33 Berg reviewed staff's report stating on January 30, 2024, Blake Robinson purchase 18116 Deerwood Ln
34 NE. At the time of the sale the septic system, which was installed in 1978, failed an inspection and was
35 declared non-compliant. He reviewed Sections 74-36 and 74-48.

36 Berg stated Boettcher Excavating and Septic was hired to replace the system. Due to the age of the
37 existing system, the condition of the soils and lack of available space on the property, it was noted that a
38 variance would be necessary to install a replacement system.

39 Berg noted on April 11, 2024, the City received an application from Mr. Robinson, for a variance to
40 reduce the front yard setback standard from 10 feet to 2 feet for the placement of a Type III, raised
41 pressure bed, septic box mound and a tank at 5 feet.

42 Berg indicated the proposed septic design calls for soil corrections (removal of all existing material and
43 replacement) with additional soils, approximately three (3) feet above ground, contained within a
44 landscape block retaining wall. The proposed placement requires the raised bed be placed two (2) feet

45 from the City Right of Way (ROW) in the front yard setback in order to achieve the required 20-foot
46 setback from the residence basement/ foundation wall.

47 Berg stated this proposed placement of the raised pressure bed is completely on the property and not in
48 the city ROW however, due to the proximity of the City ROW the Public Works Manager was
49 consulted. After a visual observation of the property, it is believed that if approved the placement would
50 not interfere with maintenance operations or future street repairs.

51 Berg noted the proposed system meets setback requirements for all wells.

52 Berg reviewed the three-factor test for practical difficulties:

53
54 With respect to a test of reasonableness Berg stated, in this case septic systems are required for a home
55 to be considered habitable. The approval of the variance would allow this property to continue to be
56 used as a residential use.

57
58 With respect to a test of uniqueness, Berg stated in this case the property has limited space for a drain
59 field due to the irregular shaped corner lot. A branch of Anoka County Ditch 28 runs through the
60 property from the rear lot line to the front lot line dividing it into two land areas.

61
62 With respect to the test that the variance would not alter the essential character of the neighborhood,
63 Berg stated in this case the property has an existing hedge running parallel to the front property line and
64 in the city Right of Way. The proposed raised bed box mound will not exceed the height of the hedge.

65
66 Berg stated the City staff has requested that the Planning Commission hold a public hearing, review the
67 application, and approve a variance to reduce the front yard setback standard of 10 feet to 2 feet, for the
68 placement of a raised pressure bed septic box mound and a tank at 5 feet on a property at 18116
69 Deerwood Ln NE, with the following conditions:

- 70
71 1. A licensed septic designer must obtain all necessary building permits and complete all
72 necessary inspections for the installation, as required by the Minnesota Septic Code.
73 2. A Monitor and Mitigation Plan must be submitted and approved.
74

75 Johnson opened the public hearing at 7:09 p.m.

76 There were no comments.

77 Johnson closed the public hearing at 7:09 p.m.

78 **Commissioner Balfany moved and Commissioner Jorgensen seconded to open the discussion.**

79 Balfany stated to him this made sense as there was a ditch on the other side of his property otherwise it
80 would be a reasonable use of that area. He believed this met the three-factor test.

81 Johnson also believed this met the three-factor test as well.

82 Hanschen asked if the entire hedge would be eliminated leaving the block retaining wall that would
83 contain the drainfield.

84 Blake Robinson, 18116 Deerwood Lane NE, responded he had told the builder that curb appeal was a
85 very big aspect and requested they save as many bushes as possible and the ones that needed to be
86 removed, he wanted to replant them later.

87 By consensus, the discussion was closed.

88 **Commissioner Balfany moved and Commissioner Terry seconded to recommend to the City**
89 **Council approval of a variance to reduce the front yard setback standard of 10 feet to 2 feet, for**
90 **the placement of a raised pressure bed septic box mound and a tank at 5 feet on a property at**
91 **18116 Deerwood Ln NE, PIN 33-33-23-34-0043, with conditions as noted in Resolution 2024-40.**
92 Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any
93 opposed? That motion passes. **Motion passes unanimously.**

94 **4.0B Variance to lot and setback standards – 18164 Highway 65 NE Lots 17 and 125**

95 Berg reviewed staff's report stating Cedarwood Estates, formerly Village Green North, is a 150 + unit
96 Manufactured Home Park, located in an R2 Residential Zoning District, at the corner of Hwy 65 NE and
97 181st Ave NE. Continental Communities purchased the property in November 2021. Documentation
98 showing that this property was given a Special Permit by the Village of East Bethel Council to be a Mobile
99 Park as early as September 1969. Multiple zoning code and ordinance revisions (May 1979 & March 1987)
100 have been occurred since 1969, to include a requirement that Manufactured Home Parks have Conditional
101 Use Permits. City Staff and Continental Communities staff have searched and are unable to locate any
102 Conditional Use Permit issuance for the property.
103

104 Berg reviewed Section 38-20. He indicated since 18164 Hwy 65 NE was rezoned to R2 Residential in 2008
105 and no Conditional Use Permit can be located this makes the entire property a potential non-conforming
106 use. In addition to the non-conforming use, there are also potentially non-conforming placements, as a result
107 of the changes in zoning standards.
108

109 Berg reviewed Section 05 Nonconformities and Minn. Stat. § 462.357, subd. 1e.

110 Berg noted the East Bethel City Council in 1987 recognized that there would be complications and
111 impacts when enacting new citywide zoning standards.

112 Berg reviewed Section 38-44, Existing manufactured home parks, and Section 38-25 Lot standards.
113

114 Berg noted historical mapping shows that last time homes were placed on Lots 17 and Lot 125 was in 2008,
115 prior to Continental Communities purchase. The lots remained empty until October 2022, when Continental
116 Communities applied for a permits to place a new homes on the lots. Without a Conditional Use Permit,
117 these non-conforming lots were lessened in conformity sometime after 2008, when the previous non-
118 conforming homes were removed. They remained vacant all the way up to 2022, which is more than 1 year.
119 The placement of new manufactured homes, with a larger footprints and square footage, would meet the
120 definition of expansion.

121 Berg indicated since those lots were vacant and exceptions were codified for existing manufactured home
122 parks city staff reviewed Ordinance No. 122 for prior lot standards. This was the regulatory ordinance for
123 mobile homes and mobile home parks prior to March 4, 1987.

124 Berg reviewed subdivision 2. Lot Standards.

125 Berg noted in comparing the existing lot proposals to the standards of Ordinance No. 122 from 1979
126 shows that they did not, nor would not meet the standards making them Illegal Nonconformities without
127 a Conditional Use Permit. Illegal nonconformities are defined as those that were not permitted when
128 established. They may exist because a prior zoning ordinance was not enforced as written. A city's
129 failure to enforce a prior zoning ordinance does not give a landowner the legal right to continue an

130 illegal nonconformity. Illegal nonconformities do not have the rights associated with legal
131 nonconformities. Municipalities should consider whether the nonconformity ever complied with existing
132 ordinance or law before assuming a particular nonconformity is entitled to the statutory right to
133 continue.

134
135 Berg reviewed Minn. Stat. § 462.357 Official Controls: Zoning Ordinance. He noted landowners
136 may assert their continuance rights in response to city enforcement of a zoning ordinance. The
137 burden is on the landowner to establish that their property qualifies for nonconforming rights.
138 Continental Communities has not provided the city any documentation to establish the manufactured
139 home park complied with existing requirements when constructed.

140
141 Berg stated Lot 17 is an interior lot with a reported width of 30 feet and a length of 80 feet. The newly
142 proposed home is 16' X 76' home. The placement is 5'9" from the curb face, 21' from the home to the rear,
143 21' from the home to the right and 27' from the home to the left. In 2008, the home on Lot 17 was
144 approximately a 14' x 65' home with a placement of approximately 10 feet from the curb face, 25' from the
145 home to the rear, 20' from the home to the right and 25 feet from the home on the left.

146
147 Berg indicated Lot 125 is a corner lot at the intersection of Cedarwood Rd NE and Linden PL NE with the
148 possible dimensions of 50 X 90, however lot lines cannot be established. The newly proposed home is a 16'
149 x 76' home and was placed on the lot 6.5' off of the curb face of Cedarwood Drive NE. There is 29' of
150 distance between the new home and the home to the east however there is 14.5' of distance between this and
151 the home to the north. Additionally, this is a corner lot so the side yard placement off of the curb face of
Linden Pl NE is 30'.

152
153 Berg stated in 2008, the home on Lot 125 was approximately a 14' X 68' and it was placed 15' off of the
154 curb face of Cedarwood Drive, 26' from the curb face of Linden Pl NE and 28' from the neighboring home
to the east and 15' from the home to the north.

155
156 Berg noted these placements do not meet the criteria set forth to allow for the structures to be placed on
the lots, so variances would be required.

157
158 Berg stated consideration of a variance requires the Planning Commission to consider a three-factor test
159 for practical difficulties.

160
161 With respect to a test of reasonableness, Berg stated in this case the placement of a new manufactured
162 home on a lot in an existing manufactured home park is reasonable; placing a manufactured home with
163 the dimensions larger than a previous non-conforming home is not reasonable; expansion of a non-
164 conformity is prohibited by East Bethel Ordinance Sec 05. & Minn. Stat. § 462.357, subd. 1e.; and
165 placing a manufactured home within 30' of another manufacture home may not be reasonable.

166
167 With respect to the landowner's problem is due to circumstances unique to the property and not caused
168 by the landowner, Berg stated in this case Continental Communities purchased the property in its
169 existing form and design, and due to the lack of CUP and non-conforming/ illegal non-conforming status
170 of the entire property, the existing lot dimensions in Cedarwood Estate cannot be expanded to
171 accommodate placements of manufactured homes within existing setbacks.

172
173 With respect that the variance would not alter the essential character of the neighborhood, Berg stated in
174 this there are 150 + manufactured homes in the park of which all would not meet Sec. 38-25. - Lot
standards; the encroachment in setbacks vary on each lot as a result of the inconsistent lot dimensions;

175 and a variety of manufactured home dimensions have been placed on lots throughout the history of the
176 park.

177
178 Berg stated the City staff was requesting the Planning Commission hold a public hearing and make a
179 recommendation of approval or denial to the City Council to the variance requests to reduce the lot
180 standards and setback distances to allow the existing placement of Manufactured Homes on Lot 17 and
181 Lot 125.

182 Johnson opened the public hearing at 7:31 p.m.

183 Rusty Edmonds, 4018 Mapleton Drive NE, Ham Lake, indicated he was the Area Manager. He stated
184 he understood the setbacks were not maintained which did not work for him. He indicated he had
185 spoken with Berg several times regarding this. With respect to non-conformity were they saying going
186 forward the only homes that could go on the existing sites were homes that were there physically as far
187 as size went. He indicated they had some sites that were 12-foot homes, which they did not make any
188 longer. Berg requested Mr. Edmonds speak to the current variance requests and then they could have a
189 conversation outside of this about how moving forward would work.

190 Mr. Edmonds stated basically the homes were set and they were not meeting current Code. He noted if
191 they looked down the line in either direction, the homes that were placed were in line with what else was
192 there to aesthetically match what was already existing.

193 Johnson asked if the lots were vacant right now. Mr. Edmonds responded right now the homes were
194 there and they were ready to go awaiting final approval. He noted they could not get occupancy until
195 this was satisfied.

196 Johnson asked if Mr. Edmonds had managed other parks. Mr. Edmonds responded he had but he was
197 getting close to retirement.

198 Johnson asked Mr. Edmonds if he had ever dealt with things like this before. Mr. Edmonds responded
199 most of the previous parks he managed were fairly modern, but even with older parks the builder that
200 built them left plenty of room. He noted the footprint did not have to remain the same, as long as the
201 site was used in the same way. He stated his concern was that a 12-foot home had to be replaced with a
202 12-foot home, which made it difficult as those sites were smaller – narrower and shorter. He indicated
203 they could possibly replace the homes with a 14-foot side home, but the problem was aesthetics. He
204 stated it was not possible to match 12-foot homes as they were no longer made.

205 Johnson asked if there would be a lot of homes that would need to be replaced in the future. Mr.
206 Edmonds responded he was not looking to move anyone out of their home, but if a home came in
207 disrepair and it could not be remodeled or made livable it needed to be replaced. He noted his concern
208 was for the residents. He stated there were several homes that needed to be taken away as they were
209 vacant through Sheriff sales. He noted they would continue to run into setback issues.

210 Mr. Edmonds stated it was their job to make a nice-looking community for the residents and they
211 wanted to create a home atmosphere and neighborhood. He indicated it was in the best interest to clean
212 the place up, but that took time and money. He stated they were not afraid to spend the money or do the
213 improvements. He noted so far they had replaced one-third of the roads and had done tree maintenance
214 on diseased or damaged trees.

215 Mr. Edmonds stated so far they had put in 23 new homes, but according to the City they probably should
216 not have done that. However, he noted they did get approval and occupancy on 21 of the homes within
217 the last three years.

218 Johnson asked if this were to be denied, what would happen to the two homes in lots 17 and 125. Mr.
219 Edmonds responded they would probably be moved to another park. He noted they would probably not
220 put other homes on those sites as there was nothing that would fit on them.

221 Jorgensen asked where the water came from. Mr. Edmonds responded they were on well water but there
222 had been talk about hooking up to City water and sewer at some point.

223 Jorgensen inquired about fire protection and did they have a hydrant. Mr. Edmonds responded he did
224 not believe there were any fire hydrants in the park so they would need to bring in water by tanker
225 trucks.

226 Johnson closed the public hearing at 7:43 p.m.

227 Berg noted guidance said that municipalities should consider whether the nonconformity ever complied
228 with the existing Ordinance or law before assuming a particular nonconformity was entitled to statutory
229 rights to continue. He indicated there was a potential here with this property whether it meets standards
230 or doesn't meet standards. He noted he had spent hours going through the old City Council Minutes
231 attempting to find any information about Village Green North and whether anything was issued during
232 the Ordinance change. He indicated there were conversations from a Council meeting advising the
233 previous owner of Village Green North that they would be grandfathered in so there was no reason for
234 them to seek anything else. He stated the only permit issued was a special permit which was issued in
235 1969.

236 Berg stated in 1969 mobile home parks were allowed to be used for six-months at a time as seasonal
237 living, so the original application was given permission to have the park under the seasonal
238 establishment. He noted a lot of research had been done to determine if this was an illegal
239 nonconformity or a nonconforming situation. He stated it would take a lot more research and a legal
240 opinion to make that determination. However, he noted it did not meet today's standards and it was not
241 the City's obligation to prove that they met the standards, but rather the owner's obligation to bring
242 proof that they met the standard at the time.

243 **Commissioner Hanschen moved and Commissioner Downie seconded to open the discussion.**

244 Hanschen asked if there was a CUP and would a CUP transfer to new owners. Berg responded that was
245 a civil agreement between two private parties and the City did not get involved in that conversation.

246 Hanschen asked if Continental Communities had been informed that they needed a CUP. Berg
247 responded they had been. He noted that occurred in 2022, but that was before he was the Community
248 Development Director. He believed the people who were in his position at that time most likely ignored
249 the zoning stipulations because of how difficult of a conformity situation this was. He noted all of the
250 zoning changes were under the same ownership, so he assumed they had no reason to comply if the City
251 was ignoring the Zoning Code and allowing things to continue. He indicated as he was a letter of the law
252 person, this is a potential issue that should be addressed and should not be ignored.

253 Johnson agreed it needed to be addressed because it seemed as if the Certificates of Occupancy had been
254 granted over and over again.

255 Berg stated the exceptions listed have to do with street and sidewalk with amount of park space.

256 Terry stated this did not address setbacks. Berg responded it did address setbacks for the existing homes
257 as they were not required to pick up those homes and then push them back to meet the standards, but
258 anything moving forward should have met the standards. He indicated the legal non-conforming
259 standardization made it difficult without a CUP because if a CUP had been issued years ago they might
260 not be having this discussion tonight as those would have all been defined in a CUP.

261 Terry asked what was allowed to be built before they got to the point of reviewing this. Berg responded
262 he believed the City staff had just ignored the Zoning Code to allow for replacement of manufactured
263 homes.

264 Mr. Edmonds stated Berg has previously said this was zoned incorrectly. Berg responded current City
265 Ordinance stated that manufactured home parks could not be placed in any zone other than B3.

266 Mr. Edmonds asked if the zoning were changed, what would change with respect to the setbacks. Berg
267 responded the setbacks would remain the same regardless of what the zoning district was.

268 Hanschen asked if that meant they would be required to have a CUP. Berg responded he had spoken
269 with both Council and the City Administrator about this and the issue was that when you pull off one
270 layer, now they exposed another layer and until you got to the core of the problem, you might not solve
271 the problem. He explained as the park sat right now, the amount of land that was there for the number
272 of homes that was on the land and the size of the homes they could not meet the standards because there
273 was just not enough area there. He indicated they might end up losing half of the park if they tried to
274 meet the standards.

275 Berg reminded the Commissioners that this was about the variance requests for Lot 17 and Lot 25. He
276 indicated simultaneously to this conversation, Continental Communities also submitted a sketch plan for
277 an expansion to the north of the park. He indicated it took staff some time to do the research and work
278 with the City Attorney on the non-conforming aspect of things to make a determination on the expansion
279 portion. He indicated due to staff changes things got extended out to where they were today. He noted
280 the Council did not necessarily want to expand the park, but rather help the park create a cleaner
281 community by individual replacements in the existing park but that did not mean they could not come in
282 with an expansion plan for a different community. He stated what the Commissioners had in front of
283 them right now was the variance request for the two individual lots and the applicant's desire to improve
284 the two lots. He indicated he did not want the Commission to get lost in the bigger picture of why it
285 took so long.

286 Johnson asked if this variance were approved by both the Planning Commission and the Council would
287 this set a precedent. Berg responded unless they take the existing home on a lot that was there that
288 wasn't removed more than a year ago, and they remove that one and they put back exactly the same size
289 in the exact same place with the same footprint, he would not be enforcing the Zoning Code. He
290 indicated if they were replacing an existing nonconformity with the exact same nonconformity, they
291 have recently approved on of those because the footprint was identical to what was coming off of a lot.

292 Balfany asked what happened if the square footage was the same, but the length and width were
293 different. Berg responded the setback distances would be changed.

294 Balfany asked what would occur if they went from a 14-foot to a 16-foot and it still met the setback
295 requirements. Berg responded there was a standard set in there and they should be 30-feet between each
296 manufactured home. He acknowledged this was not a possibility.

297 Balfany stated it would be nice if the Fire Department could inform them of the importance of the
298 distance between the homes. Downie indicated that was one of his concerns also. He did not believe
299 this was passing the three-factor test and he did not see how they could recommend approval to the City
300 Council.

301 Berg noted there were nonconformities everywhere in the park and he while he knew how that could be
302 solved, it would be a very expensive proposition.

303 Jorgensen asked if the Planning Commission could approve these, but say they were not going to
304 approve any more unless there was a CUP. Saenger believed that was what had been occurring.

305 Berg responded they could do that and noted they could bring in more units as long as they were equal
306 to what was being replaced. He indicated it was his interpretation that a \$300 variance for the lots that
307 they want to correct was a lot cheaper than the cost to get a CUP passed as they would need to have a
308 professional surveyor survey the entire property.

309 Jorgensen pointed out that having new units were good for the community and the residents and he
310 would like to see it and support this, but he acknowledged there were some issues with the City in the
311 way they handled this in the past. He noted for campgrounds they had to have 10-feet between campers
312 for fire safety and he would like to see 10-feet between units there moving forward. Berg responded
313 they might be able to achieve a 10-foot distance on the backside, but not on the front side as they are 2-
314 feet off of the curb. He indicated there was no easy answer.

315 Johnson requested the Commissioners bring the conversation back to the two lots requested in the
316 variance.

317 Saenger stated she had a concern about the infrastructure that was in place to support those homes. She
318 indicated if they brought in larger homes with more people, would they have the water to sustain it and
319 would they be drinking good water. She asked what would happen if there was a fire and how did they
320 solve that issue. She asked if anyone was inspecting the sewer. She expressed concern that they did not
321 have current information. She expressed concern that by approving the variance, they would be setting a
322 standard that they would have a hard time getting out of later. She did not think she could make a
323 decision to consider approval of the variance when they did not have enough information to ensure the
324 people moving in would be safe with respect to good water and sewer.

325 Saenger indicated she wanted to see this be successful and maybe they needed the City to work with
326 them in rearranging the park to meet setback standards to make a nice area for people going forward.
327 Berg pointed out that the City staff would not inspect the sewage plant and that would be the MPCA.
328 He stated the City would also not inspect the well and they would need to get a well certification from
329 the MN Department of Health.

330 Jorgensen stated he was not worried about the well as a trailer park had to have somebody with a water
331 license and he was sure this was being checked by the MN Department of Health.

332 Saenger stated she still had an issue of setting precedence.

333 Balfany agreed this would set precedence. He indicated just because this was allowed to happen in the
334 past did not mean it was okay to happen moving forward. He acknowledged that the Commissioners
335 cared about everybody, but it was not the job of the Commission to produce alternative solutions for the
336 property owners. He also did not think this was on the City either. He believed it was the property
337 owners responsibility to make their properties a success in whatever manner they could while following
338 the rules.

339 Balfany stated he could not support the variance as by definition this was an expansion which was not
340 allowed.

341 Johnson stated she was hearing a lot of the Commissioners not supporting the variance. She asked if
342 any Commissioner wanted to support the variance.

343
344 Jorgensen stated he wanted to support the variance, but he did not think they had enough information.
345 He noted the owners were clearly making improvement to the community and they are heading in the
346 right direction and he did not want to tell them to now stop. He indicated this was disappointing to him.

347 Johnson indicated this was a necessary part of the community.

348 Hanschen pointed out if the old home were removed and an exact same size home was put in there
349 would be no need for a variance. Berg noted the other consideration was if there was a larger lot and
350 they put in a smaller home, they would not be able to go back up to a larger home.

351 Saenger noted the Zoning Code had not changed since 2022 and the property owners knew they were
352 going to be placing in different sized homes which would change the setback. She asked why this was
353 not brought to the City before they were put in. Mr. Edmonds responded every home had value.

354 Berg stated an individual could not change an Ordinance if they ignored a violation and approved
355 something anyway. He indicated by ignoring an Ordinance and approving a permit did not change the
356 Ordinance and it did not change the conformity either – it was still a nonconformity.

357 Mr. Edmonds noted every home had a different set and type of problems. Balfany stated the public
358 hearing had been closed and the Commission understood the permits had been applied for. He indicated
359 they needed to be compliant with the law. He called the question.

360 **Commissioner Balfany moved and Commissioner Hanschen seconded to recommend denial of the**
361 **variance to City Council.** Johnson asked any discussion?

362 Hanschen agreed with the improvement and he wanted to see that happen. He noted that without
363 expansion it would be harder to get a hold of the size of manufactured homes required, but it might be
364 possible.

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

367 **5.0 Updates**

368 Council Liaison Smith updated the Commission on recent Council actions.
369

370 **6.0 Adjournment**

371 **Commissioner Balfany moved and Commissioner Jorgensen seconded to adjourn at 8:27 pm.**

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

374 Submitted by:

375 Kathy Altman

376 *TimeSaver Off Site Secretarial, Inc.*
377

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



Date: June 25, 2024

Agenda Item Number: 4.0 A

Agenda Item: Variance Request – Setback reduction from the Shoreland Overlay standard for the placement of an in ground pool – 23558 Ulysses St NE – Everything Outdoors, LLC.

Background Information:

Everything Outdoors, LLC, on behalf of Dan Graff, is requesting a variance to reduce the Shoreland Overlay setback standard for the placement of an in ground pool. This property is located in an R-2 Single Family and Townhome Residential Zoning District, in the West Side Estates Subdivision and in the Coopers Lake - Shoreland Overlay.

Zoning Appendix A. General Regulations – Section 57. Shoreland Overlay (SL) District classifies wetlands into multiple categories and are consistent with the criteria found in Minnesota Regulations, part 6120.3300, and the Protected Waters Inventory Map for Anoka County, Minnesota. Additionally, each classification has a required setback from the Ordinary High Water Level (OHWL). Coopers Lake has been classified as a Natural Environment with a 150 foot structural setback.

The residence was constructed in 2006 and was placed 161.22 feet from the OHWL, as identified on a Certificate of Survey dated May 5th, 2004. According to survey there is 87.60 feet of distance between the rear of the house and the rear lot line. Elevations identified on the survey show that there is a 12 foot elevation change (steep drop off) between the rear lot line and the edge of the OHWL. This area between the rear lot line and Coopers Lake is owned by the City of East Bethel and included in the John E. Anderson Park.

The property owners have proposed placing an in ground pool with concrete apron in the rear yard within the 150 foot Shoreland Overlay setback. The required rear yard setback in an R2 Zoning District, without the shoreland overlay component, is 10 feet. The proposed placement is 21 feet from the rear property line however it is approximately 94 feet from the nearest point of the identified OHWL.

Section 57. Shoreland Overlay (SL) District. Sub. 6. Administration.

A. Compliance. *The use of any shoreland of public waters, the size and shape of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste removal systems, the grading and filling of any shoreland area, the cutting of shoreland vegetation, and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. In cases where standards conflict with the standards of the base zoning districts, the more restrictive standard will prevail.*

C. Notification to the Department of Natural Resources. *1). Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls shall be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings.*

D. Variances. *1). Variances may only be granted in accordance with Minnesota Statutes. No variance may be granted for prohibited uses.*

2). *When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall be sent to the department of natural resources and include the city council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.*

A Public Hearing Notice and email copy was sent to the North Metro representative of the MN DNR. As of the date of this report no response or contact has been made with City Staff regarding the variance request.

Sub. 8. - Shoreland overlay district standards. C. Placement, design, and height of structures. 2).
Placement of structures on lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

The extent of pool regulation ordinances is very limited to Sec. 10, Sub 36.

SECTION 10. - GENERAL DEVELOPMENT REGULATIONS - 36. - Swimming pools, permanent and portable.

- A. *A building permit is required for swimming pools exceeding a depth of 24 inches and exceeding a capacity of 5,000 gallons.*
- B. *Swimming pools may be required to be enclosed by a fence as regulated in Section 25, Fence Regulations of this Code.*
- C. *All swimming pools and their accessories must be located a minimum of ten feet from all side and rear property lines abutting other lots, and may not extend into the minimum front yard setback.*
- D. *The noise generated by equipment when operating must satisfy the requirements of Section 34, Environmental Regulations.*

The consideration of a variance requires the Planning Commission to consider a 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. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

In this case:

- ***A swimming pool is identified as an allowable Accessory Use in an R2 Zoning District.***
 - ***The variance request to place an in ground pool in a Shoreland Overlay Setback may not be reasonable.***
- The second factor is that the landowner's problem 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 piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

In this case:

- ***This property is located in the Coopers Lake - Shoreland Overlay with specific setback requirements and the primary residence was constructed within 10 feet of the setback requirements from the OHWL.***

- *The primary residence was constructed over 475 feet from the front lot line, 17 feet from the North property line and 23 feet from the South property line. This placement limits the buildable area available side and rear yard for any accessory construction.*
 - *There are terraced elevations throughout the property, both front and rear yard.*
 - *The Subsurface Sewage Treatment System (SSTS) and Well are located in front 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 will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

In this case:

- *The proposed location of the in ground pool is the rear yard and not visible from the roadway.*
- *The primary residence was constructed over 475 feet from the front lot line.*
- *Standing tree growth along the property lines screen the rear yard from neighboring properties.*

Recommendation: The Planning Commission should review the information, hold a public hearing, and make a recommendation of approval or denial, to the City Council, for the variance reduction to the standard Shoreland Overlay setback from 150 feet to 94 feet, for the placement of an in ground pool at 23558 Ulysses St NE.

Attachments:

1. Location Map
2. Aerial Map
3. Survey
4. Septic Design
5. Proposed Site Location

Planning Commission Action:

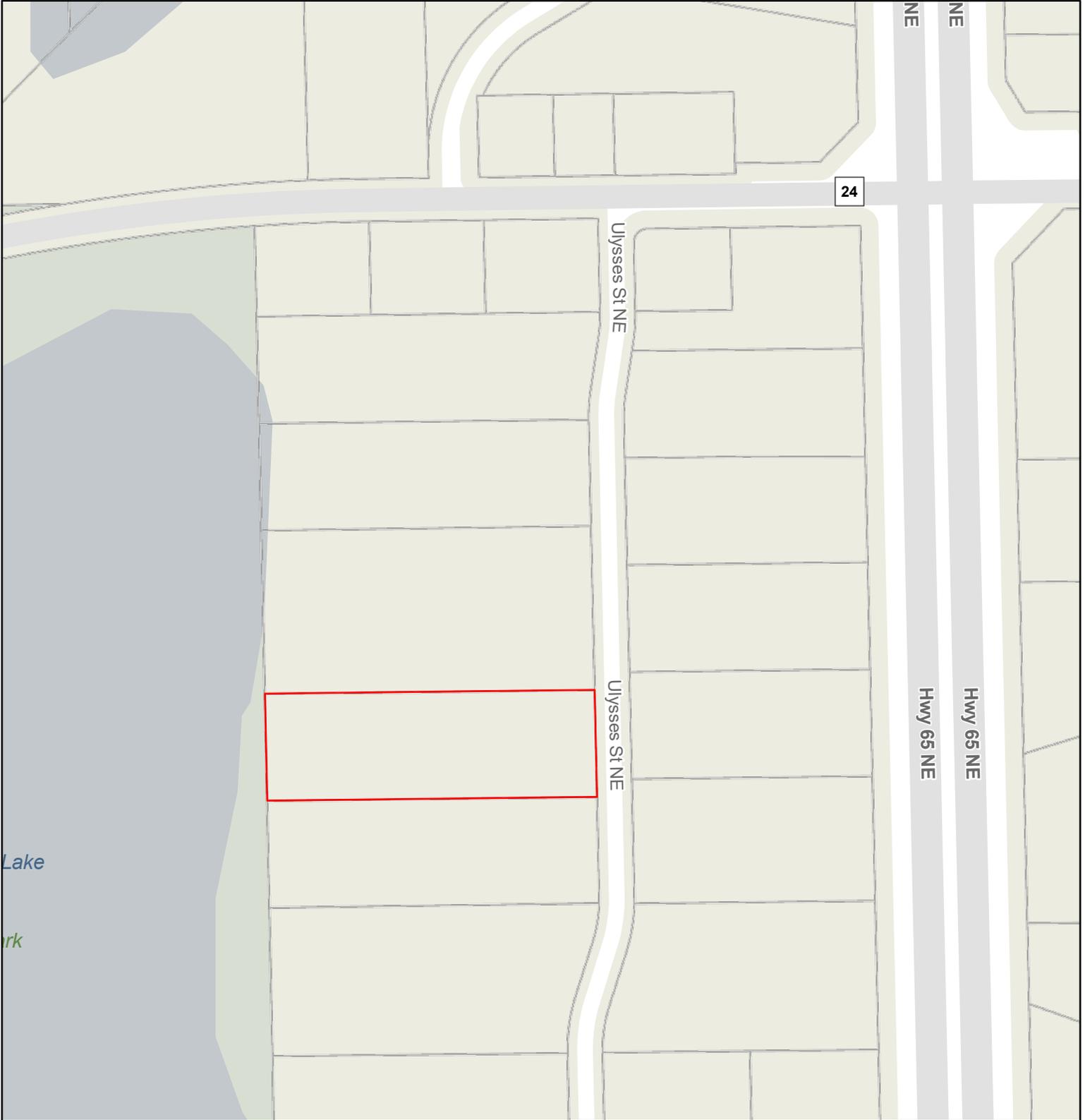
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

23558 Ulysses St NE - Location Map



-  Parcels
-  City Mask

1 inch equals 359 feet



N
June 6, 2024
Map Powered By DataLink

23558 Ulysses St NE - Aerial Map



-  Parcels
-  City Mask

1 inch equals 272 feet

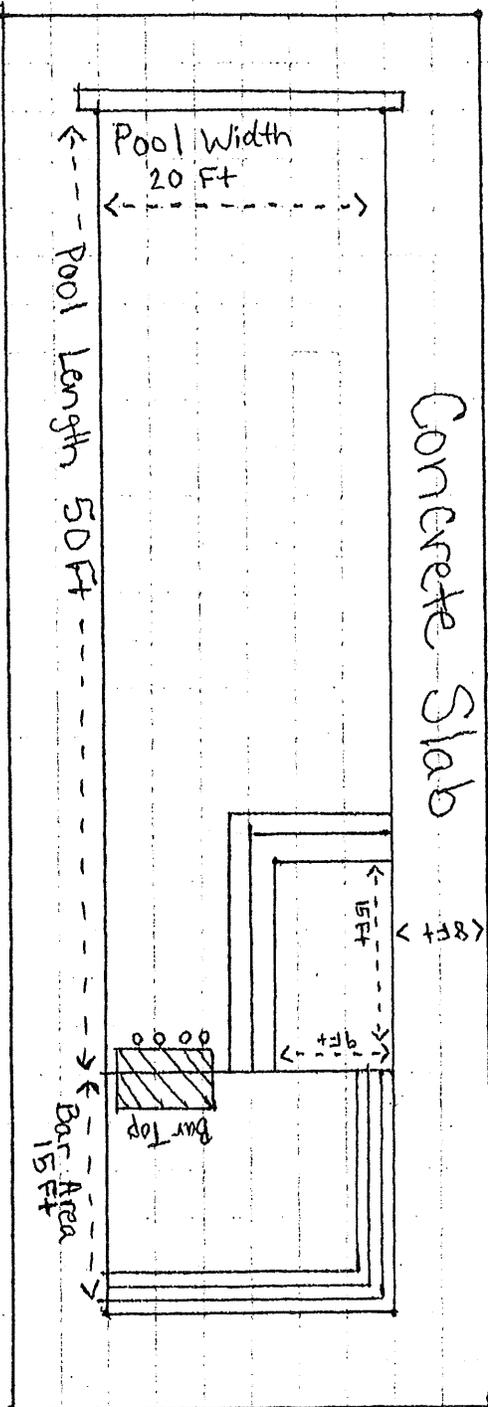
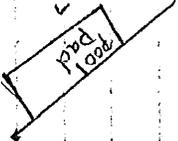


N
June 6, 2024
Map Powered By DataLink

North Property Line

< 12 Ft >

< 76 Ft >



< 81 Ft >

< 46 Ft >

House

Deck

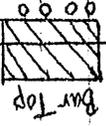
Deck

Concrete Slab

Pool Width
20 Ft

Pool Length 50 Ft

Bar Area
15 Ft



15 Ft

9 Ft

< 74 Ft >

Cooper Lake
West Property Line

23558 Ulysses St. NE
East Bethel MN 55005

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



Date: June 25, 2024

Agenda Item Number: 4.0 B

Agenda Item: Public Hearing - Interim Use Permit – Keeping of Farm Animals – 22343 Sandy Drive NE

Requested Action: Hold a Public Hearing for the IUP request for the keeping of Farm Animals at 22334 Sandy Drive NE. PID# 05-33-23-41-0002.

Background Information:

Jon and Petra Fager, the owners of 22334 Sandy Drive NE. are requesting an IUP for the keeping of 1 alpaca/ llama and 9 sheep/ goats or 11 sheep/goats. The property is reported to be 5.6 acres and is located in a R2 – Single Family and Townhouse Residential zoning district.

City Code Chapter 10., Article V, Section 10-151 (g) requires that a minimum of one fenced acre of pasture land plus any indicated fraction thereof must be provided for each animal unit described as described in Sub. (h).

(h) The following equivalents will apply when determining the animal units defined below:

Animal	Animal Units Per Acre
1 swine	0.4
1 goose or duck	0.2
1 goat or sheep	0.5
1 turkey	0.10
1 bovine	1.4
1 equine	1.0
pheasant/quail	0.01
1 emu or ostrich	1.0
1 alpaca or llama	1.0

Although the applicant’s property is 5.6 acres after mapping out required setbacks there is approximately 4.41 acres of possible pasture land with some areas of tree cover. Staff calculations would afford the applicants 1 alpaca/ llama and 6 sheep/goats or 7 sheep/ goats based on the 4.41 acres.

Sec. 10-150. Definitions. Pasture land means land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands.

This property does not have any fencing as of the date of application. The applicants intend on using an electric fence rotating the pasture land throughout their available pasture space. Appendix A., Section 25-1 B. (Barbed wire and electrical fences are prohibited, except on lots with an approved interim use permit for use in keeping and confining farm animals, livestock or for crop protection.)

The proposed pasture land areas, farm animal shelter will be required to meet all setbacks as required by Chapter 10, Article V, Sec. 10-152. There is an existing barn proposed to be utilized as a shelter for the animals.

Recommendation:

City Staff is requesting the Planning Commission hold a public hearing for this IUP request and make a recommendation of approval, to include a defined number of animals and any trial period to the City Council for the keeping of keeping of farm animals at 22343 Sandy Drive NE, with conditions.

Attachments:

1. Resolution 2024-XX
2. Location Map
3. Aerial Map
4. Proposed Pasture Area
5. IUP DRAFT Agreement

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2024-XX

A RESOLUTION **GRANTING** AN INTERIM USE PERMIT FOR THE KEEPING OF FARM ANIMALS ON PROPERTY LOCATED AT 22334 SANDY DRIVE NE, EAST BETHEL, MINNESOTA (PIN: 05-33-23-41-0002).

THAT PRT OF W1/2 OF SW1/4 OF NE1/4 OF SE1/4 OF SEC 5 TWP 33 RGE
23 LYG ELY OF ELY R/W LINE OF SANDY DR, TOG/W THAT PRT OF
S1/2 OF NW1/4 OF SD SE1/4 LYG ELY OF SD ELY R/W LINE, SUBJ TO
EASE OF REC

WHEREAS, the property owners of 22334 Sandy Drive NE requested an interim use permit for keeping of Farm Animals, and;

WHEREAS, the Planning and Zoning Commission held a public hearing on June 25, 2024; and,

WHEREAS, the Planning and Zoning Commission finds the request:

1. This property is zoned (R2) Single Family and Townhome Residential and the keeping of farm animals is considered an Interim Use within this district.

WHEREAS, the Planning and Zoning Commission recommends to the City Council approval of the interim use permit.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the interim use permit to allow the keeping of (____) Alpaca/ Llama and (____) sheep/ goats on property located at 22334 Sandy Drive NE with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the applicant and the City.
2. Applicants must comply with City Code Section 10. Article V. Farm Animals.
3. The IUP shall be valid for a term of _____ years, expiring on July 15th, _____, at which time the applicant will be required to re-apply for an IUP.
4. Permit shall expire when:
 - a. The property is sold, or
 - b. Noncompliance of IUP conditions
5. Property owner shall have thirty (30) days to remove the approved domestic farm animals upon expiration of the IUP.
6. A minimum acreage of fence pasture must be established and approved by city staff before any approved farm animals are permitted on the property.
7. Property may be inspected and evaluated annually by city staff.

Adopted this 8th day of July, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

22343 Sandy Dr NE - Location Map



-  Parcels
-  City Mask

1 inch equals 719 feet



N
June 6, 2024
Map Powered By DataLink

22343 Sandy Dr NE - Aerial Map



-  Parcels
-  City Mask

1 inch equals 543 feet



N
June 6, 2024
Map Powered By DataLink

22343 Sandy Dr NE - Pasture Area



-  Parcels
-  City Mask

1 inch equals 136 feet




June 6, 2024
Map Powered By DataLink

CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: July 8, 2024

Property Owner/Applicant: Jon and Petra Fager

Parcel Location: 22343 Sandy Dr. NE
Anoka County
East Bethel, MN 55011

Parcel Number: 05-33-23-41-0002

Present Zoning District: R2 - Single Family and Townhouse Residential

IUP REQUEST: to allow for an interim use permit to allow the keeping of (____) Alpaca/ Llama and (____) sheep/ goats on property located at 22334 Sandy Drive NE, East Bethel, Minnesota 55011.

PLANNING COMMISSION ACTION

A public hearing was held by the Planning Commission of the City of East Bethel on June 25, 2024, at which all persons interested were given an opportunity to be heard. The Planning Commission recommended approval of the IUP with conditions.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on July 8, 2024 and approved the IUP with conditions.

CONDITIONS AND REQUIREMENTS

The granting of this IUP is subject to the following conditions and requirements:

1. An Interim Use Permit Agreement must be signed and executed by the applicants and the city.
2. Applicants must comply with City Code Section 10. Article V. Farm Animals.
3. The IUP shall be valid for a term of _____ years, expiring on July 15th, _____, at which time the applicant will be required to re-apply for an IUP.
4. Permit shall expire when:
 - a. The property is sold
 - b. Noncompliance of IUP conditions

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



Date: June 23, 2024

Agenda Item Number: 4.0 C

Agenda Item: Sec. 15. – Driveway Access and Standards

Background Information: At the May 13th, 2024 City Council Meeting there was discussion to revisit and revise the Driveway Access Standards Ordinance.

City Council directed staff to review the ordinance and provide a recommendation to address the concerns.

City Staff have reviewed Sec. 15. Driveway access and standards and have provided a recommended change to address the concerns. The proposed change was presented to the City Council at the May 23, 2024 Work Meeting and the direction was to follow the cities established ordinance revision process and have the Planning Commission review.

Recommendation: Planning Commission should hold a public hearing, review and discuss the proposed changes and provide staff guidance or recommendation to the City Council to revise Sec. 15. - Driveway Access and Standards.

Attachments:

1. Sec. 15. – Driveway Access and Standards. - Redline Version

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

15. Driveway access and standards.

A. Access requirements.

- 1) Properties in the R1, R2, and CL districts are allowed one access point from a public street.
- 2) Properties in the RR and A districts are allowed two access points from a public street; however, properties located on municipal state aid streets, major thoroughfares, and major streets are allowed one access point from a public street.

B. Surface and drainage.

- 1) Off-street parking areas and driveways in the R-1, R-2, CL, B-1, B-2, B-3, I, MXU and conditional uses in the RR districts shall be constructed of a bituminous or concrete surface.
- 2) ~~In all residential zoning districts, a~~ Driveways located on an improved street, **in a platted subdivision,** require a bituminous or concrete driveway extending from the street a minimum of 75 feet or to the garage apron, whichever is less. Driveway width shall be a minimum of 12 feet wide and cannot exceed 24 feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than 45 miles per hour.
- 3) **Driveway access to properties located in non-plated RR Zoning Districts shall be improved through the public right of way to the property line. Other jurisdictional requirements may be required in addition to city driveway access standards.**
- 4) **Where permitted, second driveways shall be constructed and improved to current standards at the time of construction.**
- 5) **Driveways must meet a minimum setback of five (5) feet from abutting lots.**
- ~~3) 6)~~ Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement.
- ~~4) 7)~~ In all residential districts, driveways created on an unimproved street after the adoption of [ordinance 28, second series, adopted Dec. 21, 2010] are required to meet the paving requirements of this section no later than one year after subsequent improvements of the street are completed, with either a bituminous and/or concrete surface.
- ~~5) 8)~~ All new driveways over 150 feet must conform with the fire apparatus access road standards as adopted in City Code section 30-39 and set forth in the Minnesota ~~Uniform~~ **State** Fire Code as amended from time to time.

(Ord. No. 2020-03, 3-9-2020; Ord. No. 2021-06, 10-11-2021)

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



Date: June 23, 2024

Agenda Item Number: 4.0 D

Agenda Item: Sec. 10-151. Domestic Farm Animals

Background Information: At the May 13th, 2024 City Council Meeting there were multiple resident complainants regarding roosters lodged at the Public Forum.

City Council directed staff to review the ordinance and provide a recommendation to address the residents' concerns.

City Staff have reviewed Sec. 10-151 and have provided a recommended change. The proposed change was presented to the City Council at the May 23, 2024 Work Meeting. Council direction was to follow the cities established ordinance revision process and have the Planning Commission review.

Recommendation: Planning Commission should hold a public hearing, review and discuss the proposed changes and provide staff guidance or recommendation to the City Council on Sec. 10-151. Domestic Farm Animals.

Attachments:

1. Sec. 10-151. Domestic Farm Animals – Red Line Version

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

Sec. 10-151. Interim use permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited.

- (a) Nondomestic animals are not allowed to be kept within the city.
- (b) An IUP is required for the keeping of domestic farm animals as regulated by this article in the city, with the exception of chickens as addressed in section 10-151(j)3. The procedure for the issuance of an IUP will be in accordance with the City Code.
- (c) No animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres. Provided further, that if 80 percent of the lots within a platted subdivision are larger than three acres, an IUP for keeping a regulated animal may be issued for any of those lots larger than three acres.
- (d) Upon the transfer of the title of a parcel for which parcel an IUP is in effect on the effective date of this article, the new owner may apply for an IUP for the keeping of such animals if the existing permit is in effect and in good standing at the time the title to the property is transferred.
- (e) Meeting the acreage requirements set out in this section does not in and of itself entitle an applicant to an IUP.
- (f) IUPs in existence on the effective date of this article for parcels not in compliance with these acreage requirements will be allowed to continue but only as legal, nonconforming uses.
- (g) It is a requirement for all IUPs issued under this article that a minimum of one fenced acre of pasture land plus any indicated fraction thereof must be provided for each animal unit described below as the animal equivalent for the animal to be kept pursuant to the IUP.
- (h) The following equivalents will apply when determining the animal units defined below:

Animal	Animal units per acre
1 swine	0.4
1 goose or duck	0.2
1 goat or sheep	0.5
1 turkey	0.10
1 bovine	1.4
1 equine	1.0
1 pheasant/quail	0.01
1 emu or ostrich	1.0
1 alpaca or llama	1.0

- (i) Animals may graze within shoreland and bluff impact zones provided permanent vegetation is maintained and a plan has been submitted that is consistent with the technical guides of the Anoka Conservation District.
- (j) *Exceptions.*
 - (1) Youth development organizations may apply for an IUP in accordance with section 10.157. The IUP shall cover individual groups and members of the youth development organization; IUP application fees shall be waived. The IUP shall expire five years from the approval date at which time the organization must reapply for the IUP. In conjunction with the organization's approved IUP, individual members shall comply with the following:
 - a. Each member of the organization must complete a youth development project permit application prior to farm animals being kept on the property. The permit will be reviewed by city staff within two weeks of submittal of a completed application.

- b. It is a requirement for all permittees to have a minimum of one acre of pasture land to accommodate the farm animals.
 - c. Permittee must comply with all other farm animal regulations set forth in the code.
 - d. Approved farm animals must be removed from the property within 30 days of the expiration of the permit.
 - e. In the event a permittee would like to keep the farm animals after the expiration of the project permit, an individual IUP must be applied for and approved. The permittee must meet requirements of the code.
- (2) The use of the property shall be single-family residential:
- a. The property shall contain one detached single-family structure.
- (3) Chickens:
- a. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;
 - b. Chickens shall not be kept inside the principal structure;
 - c. No person shall slaughter chickens in an area of the property visible to the public or adjoining properties;
 - d. Chicken coops and attached exercise pens shall be provided for all chickens;
 - e. Coops and pens shall be fully enclosed and constructed of durable weather resistant materials;
 - f. The floor area of the coop shall be a minimum of two sq. ft. in area per chicken;
 - g. [Reserved.]
 - h. Coops and pens shall meet all setback requirements required of accessory structures;
 - i. Coops and pens shall be located in rear yards only;
 - j. Coops less than 200 sq. ft. in area are not considered accessory structures. Coops larger than 200 sq. ft. in area shall meet all accessory structure requirements of the city code including those pertaining to location, size, number, height, use and design;
 - k. Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards;
 - l. All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings. All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All manure shall be collected and properly disposed of on a regular basis;
 - m. Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the city code of city of East Bethel;
 - n. No more than 12 chickens can be kept on lots smaller than one-half acre;
 - o. Roosters are prohibited on lots smaller than 1.5 acres; **no more than 1 rooster is permitted on all other parcels.**
 - p. [Reserved.]

(Ord. No. 13, Second Series, 10-7-2009; Ord. No. 49, Third Series, 5-20-2015; Ord. No. 2020-06, 9-28-2020; Ord. No. 2023-02, § 1, 3-27-2023)

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



Date: June 25, 2024

Agenda Item Number: 5.0

Agenda Item: Metes and Bounds Parcel Split

Background Information:

On June 10, 2024, Keith Gallagher, submitted an application for a Metes and Bounds split of a 20 acre parcel of land, located at 516 217th Ave NE, PID: 07-33-23-31-0001, into three (3) parcels. The first parcel, will contain the original single family home and will be divided off as a 10 acre lot. The remaining 10 acres will be subdivided equally into two (2) five (5) acre lots. The property proposed for the division is zoned Rural Residential and per City Code, Appendix A, Zoning, Section 42, the minimum lot size for any division is 2 acres.

To be eligible for using metes and bounds divisions as outlined in Appendix A, Zoning, Section 12, the following conditions must be met:

- 1.) The parcel must be a minimum of five acres.
- 2.) The parcel must have a minimum road front of 300 feet.
- 3.) The parcel must contain 23,000 square feet of buildable area as defined in other portions of this ordinance.
- 4.) Appropriate road, public utility, and drainage easements, as outlined in Ordinance 151 as amended, must be dedicated to the city.
- 5.) Park and trail dedication fees as adopted by the city council by resolution must be paid at the time of city certification of parcel division.

This request meets the minimum requirements for a metes and bounds parcel split.

Recommendation:

The Planning Commission is requested to review this petition for a metes and bounds parcel split and ensure it satisfies the requirements of City Code, Appendix A, Zoning, Section 12 and make a recommendation to the City Council to **approve** the parcel split with conditions as identified in Resolution 2024-41.

Attachments:

1. Resolution 2024-41
2. Location Map
3. Aerial Map
4. Certificate of Survey

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2024-41

**APPROVING THE METES AND BOUNDS SPLIT FOR THE ADMINISTRATIVE
SUBDIVISION OF THE PROPERTY LOCATED AT 516 217th AVE NE,
EAST BETHEL, PIN 07-33-23-31-0001, LEGALLY DESCRIBED AS:**

N 20 AC OF SW1/4 OF SEC 7 TWP 33 RGE 23, EX RD SUBJ TO EASE OF REC

WHEREAS, the property owners requested approval of an administrative subdivision, Metes and Bounds Split, of PIN: 07-33-23-31-0001, a 20 acre parcel, to create one (1) 10 acre parcel and two (2) 5 acre parcels, as show in EXHITIB A; and

WHEREAS, the property is zoned a Rural Residential (RR) District in which lots are required to be a minimum of 2 acres in size; and

WHEREAS, City Staff reviewed the request and recommends the City Council approve the administrative subdivision; and

WHEREAS, as a result of the review, the East Bethel Review Committee supports the administrative subdivision since all city codes are in compliance; and

WHEREAS, the City Council has determined the administrative subdivision does not affect the health, safety and welfare of the City of East Bethel; and

WHEREAS, the administrative subdivision is in alignment with RR Zone – Land Use and the 2040 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the administrative subdivision to create one (1) 10 acre parcel and two (2) new 5 acre parcels, with the following conditions:

1. The property owners are responsible for filing the Metes and Bounds subdivision with Anoka County Property and Tax Division.
2. Park dedication fees of \$2,000 for each of new lot shall be paid prior to the release of city approval for filing.
3. The administrative subdivision is approved as shown on Exhibit A.
4. Building permits are required prior to any construction on newly created parcels.

Adopted this 8th day of July, 2024 by the City Council of the City of East Bethel.

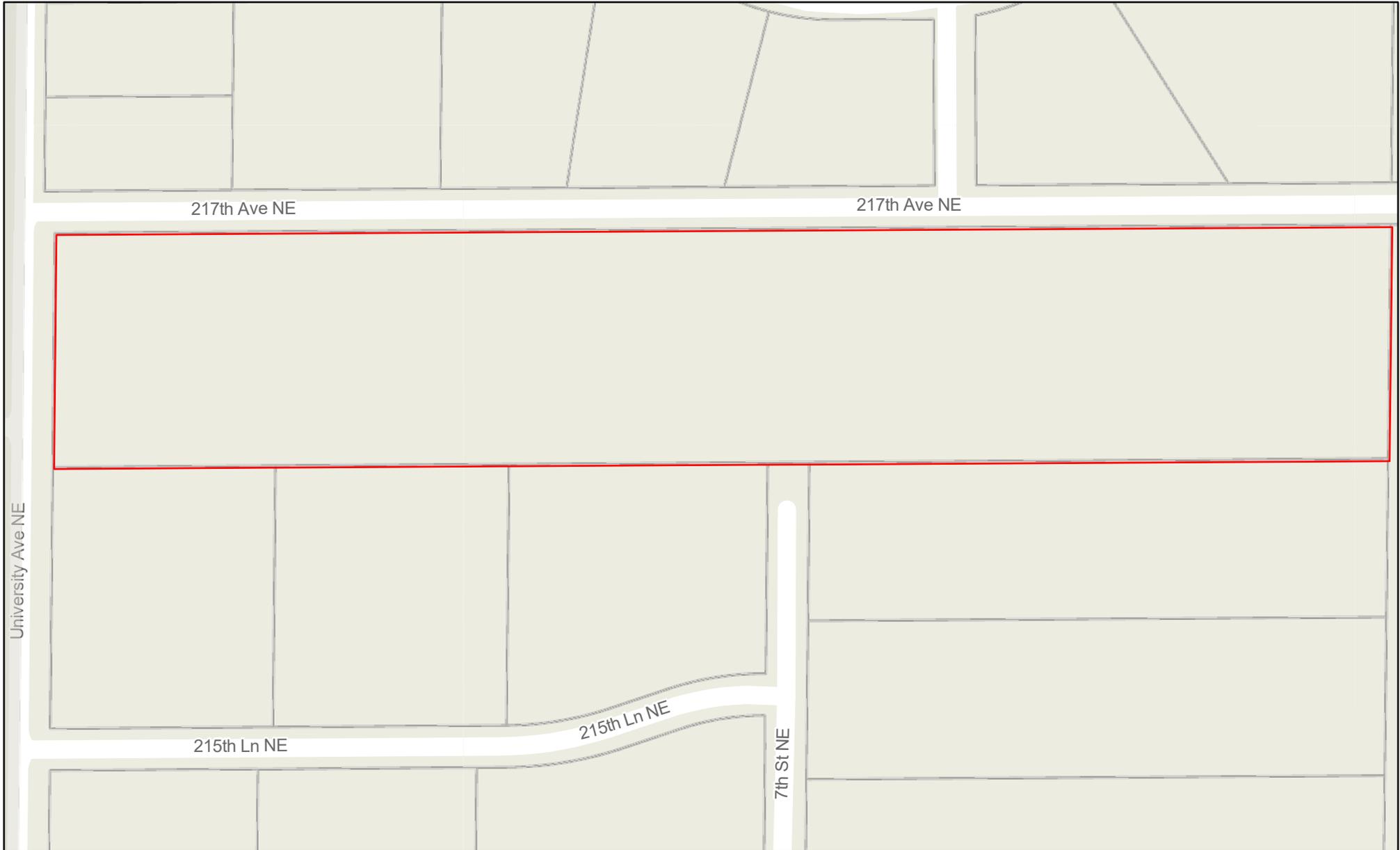
CITY OF EAST BETHEL

ATTEST:

Kevin Lewis, Mayor

Matt Look, City Administrator

516 217TH AVE NE - Location Map

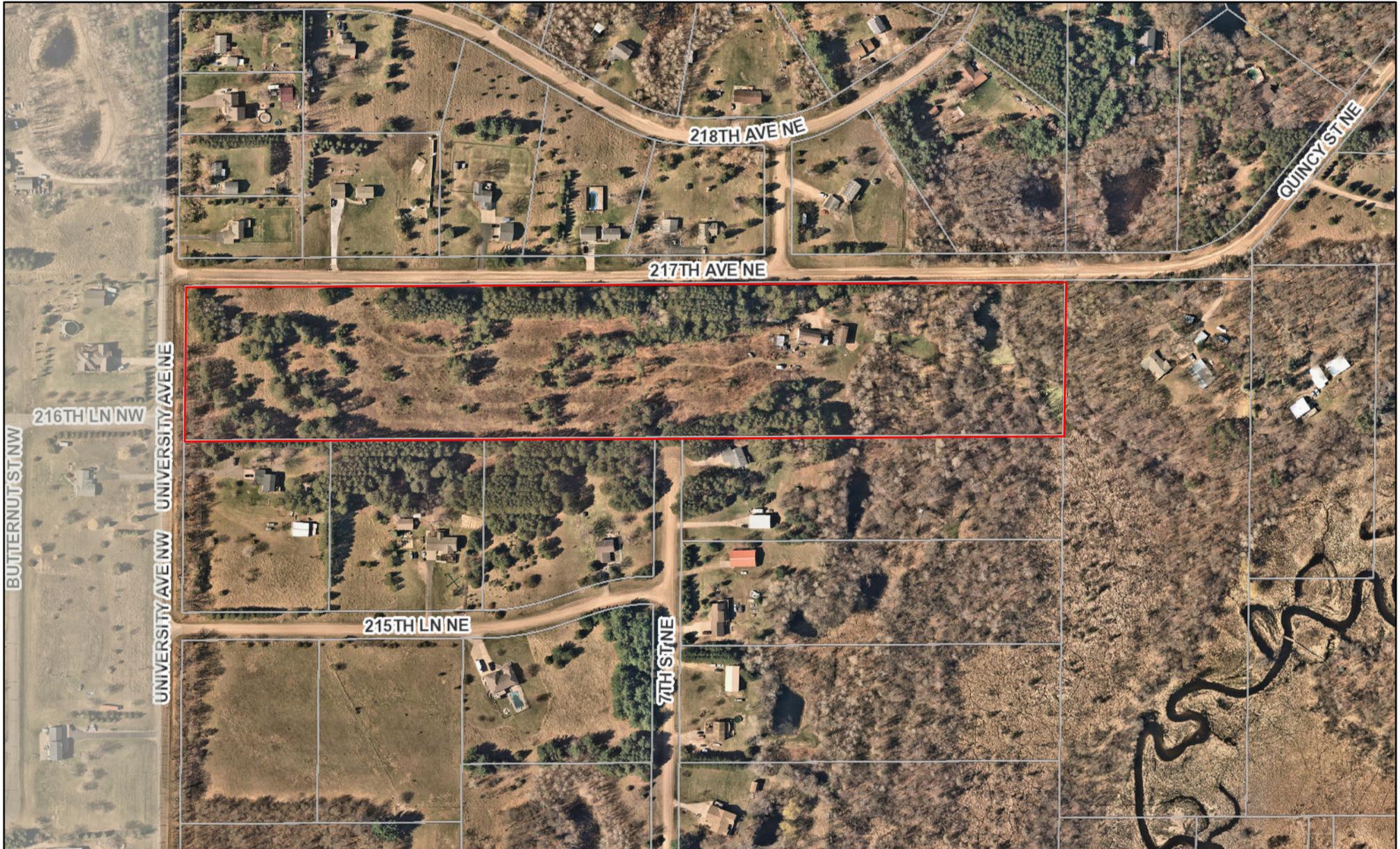


1 inch equals 299 feet



-  Parcels
-  City Mask

516 217TH AVE NE - Aerial Map



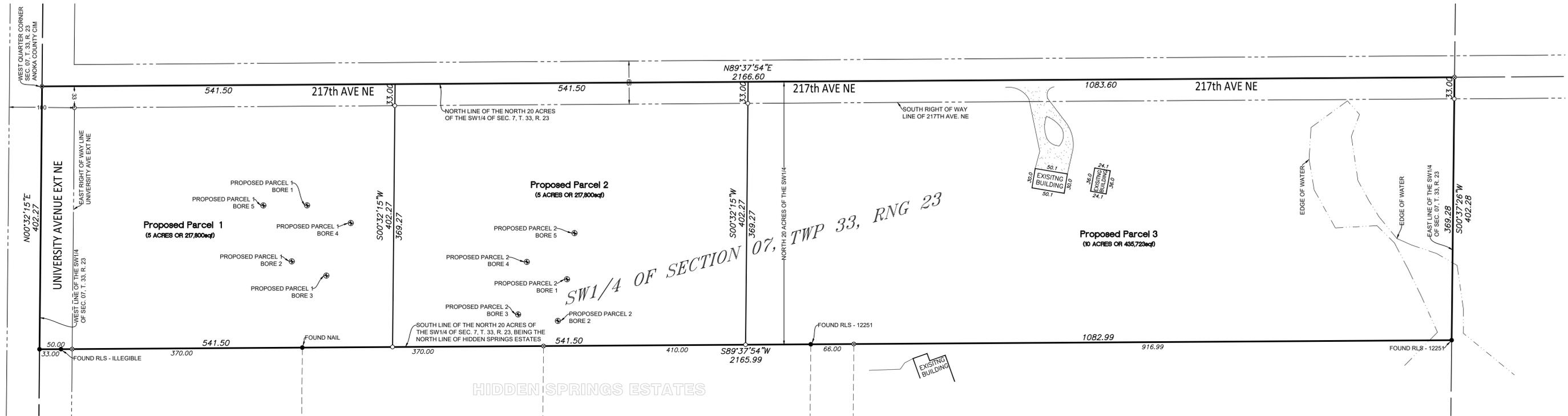
1 inch equals 453 feet

-  Parcels
-  City Mask



CERTIFICATE OF SURVEY

SECTION 07, TOWNSHIP 33 NORTH, RANGE 23 WEST
 ANOKA COUNTY, MINNESOTA



PARENT TRACT LEGAL DESCRIPTION

THE NORTH 20 ACRES OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SEVEN (7), TOWNSHIP THIRTY-THREE (33), RANGE TWENTY-THREE (23), SUBJECT TO THE EXISTING TOWN ROAD AS IT IS NOW LAID OUT AND TRAVELLED ALONG THE NORTH LINE THEREOF, AND FURTHER SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD, IF ANY.

PROPOSED LEGAL DESCRIPTION - PARCEL 1

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 07, TOWNSHIP 33 NORTH, RANGE 23 WEST, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 07, BEING THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 37 MINUTES 54 SECONDS EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 07, A DISTANCE OF 541.50 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 15 SECONDS WEST PASSING THROUGH AN IRON AT 33.00 FEET, A DISTANCE OF 402.27 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 54 SECONDS WEST, A DISTANCE OF 541.50 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 15 SECONDS EAST, A DISTANCE OF 402.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.0 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD, IF ANY.

PROPOSED LEGAL DESCRIPTION - PARCEL 2

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 07, TOWNSHIP 33 NORTH, RANGE 23 WEST, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 07; THENCE NORTH 89 DEGREES 37 MINUTES 54 SECONDS EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 07, A DISTANCE OF 541.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE NORTH 89 DEGREES, 37 MINUTES, 54 SECONDS EAST, A DISTANCE OF 541.50; THENCE SOUTH 00 DEGREES 32 MINUTES 15 SECONDS WEST PASSING THROUGH AN IRON AT 33.00 FEET, A DISTANCE OF 402.27 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 54 SECONDS WEST, A DISTANCE OF 541.50 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 15 SECONDS EAST, A DISTANCE OF 402.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.0 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD, IF ANY.

PROPOSED LEGAL DESCRIPTION - PARCEL 3

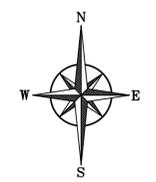
THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 07, TOWNSHIP 33 NORTH, RANGE 23 WEST, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 07; THENCE NORTH 89 DEGREES 37 MINUTES 54 SECONDS EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 07, A DISTANCE OF 1083.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE NORTH 89 DEGREES, 37 MINUTES, 54 SECONDS EAST, A DISTANCE OF 1083.60; THENCE SOUTH 00 DEGREES 37 MINUTES 26 SECONDS WEST PASSING THROUGH AN IRON AT 33.00 FEET, A DISTANCE OF 402.28 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 54 SECONDS WEST, A DISTANCE OF 1082.99 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 15 SECONDS EAST, A DISTANCE OF 402.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10.0 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD, IF ANY.

LEGEND

- IRON MONUMENT FOUND
- IRON MONUMENT SET WITH CAP NO. (57991)
- ⊙ COMPUTED POSITION
- ⊙ FOUND CAST IRON MONUMENT
- ⊕ SOIL BORING
- PROPERTY BOUNDARY
- - - PROPOSED LOT LINES
- - - EXISTING LOT LINE/ADJOINERS
- - - EDGE OF WATER
- - - RIGHT-OF-WAY
- ▨ GRAVEL SURFACE



SCALE
 1" = 80'

BEARINGS ARE BASED ON NAD83(2011)
 ANOKA COUNTY COORDINATE SYSTEM

NORTHWESTERN SURVEYING AND ENGINEERING, INC. PREPARED THIS SURVEY WITHOUT THE BENEFIT OF CURRENT TITLE WORK. THE PROPERTY SHOWN IS BASED ON A LEGAL DESCRIPTION PROVIDED BY YOU THE CLIENT OR A GENERAL REQUEST AT THE APPROPRIATE COUNTY RECORDER'S OFFICE. EASEMENTS, SITE RESTRICTIONS OR ADJOINING DEED CONFLICTS MAY EXIST WHICH AFFECT SUBJECT PROPERTY AND ARE NOT SHOWN BY THIS SURVEY. WE RESERVE THE RIGHT TO REVISE THE SURVEY UPON RECEIPT OF A CURRENT TITLE COMMITMENT OR TITLE OPINION.



NANCY GALLAGHER
 PART OF THE SW 1/4
 SEC 07-T33N-R23W
 ANOKA COUNTY, MN

JOB#	24632	DRAWN BY	MMB
FILENAME	24630 GALLAGHER LS_SURV		
REV#	DESCRIPTION	DATE	
1	PRELIMINARY	06/12/2024	

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 MATTHEW M. BOWSTAD (LIC. NO. 57991) DATE: 06/05/2024

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



Date: June 23, 2024

Agenda Item Number: 6.0

Agenda Item: Sec. 66-165. Sidewalks and trails.

Background Information: City code Sec. 66-165. Sidewalks and trails has been unclear or not enforced in development agreements by the city. The Park Commission regularly review development plans in conjunction with Parks and or per lot Park Dedication fees required for each development. At the January 9, 2024, Park Commission meeting City Staff were asked to research possibilities of having trail dedication fees in lieu of trail construction in new developments.

City Staff researched other cities in the metro area and the results are listed below:

- City of Ramsey: \$1,500 per unit
- City of Andover: \$1,066 per unit
- City of Chisago: \$450 per unit

After some discussion at the May 14, 2024, the Park Commission provided a formal recommendation to have the option to have a trail dedication of \$1,200 per unit plus right-of-way on new developments, in lieu of trail construction.

Recommendation: City Staff are requesting the Planning Commission review Sec. 66-165. Sidewalks and trails and make a recommendation to the City Council for potential ordinance revision.

Attachments:

1. Sec. 66-165. Sidewalks and trails
2. May 14, 2024 Park Commission Draft Minutes

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

Sec. 66-165. Sidewalks and trails.

- (a) Except as otherwise determined by city council or the parks, trails, and open space comprehensive plan, concrete sidewalks and/or bituminous trails shall be provided in the right-of-way or easements in accordance with the following:

Zoning	Street Type	Sidewalk/Trail Regs
RR (rural residential)	Arterial and major collector streets	Trail on one side of street
	Minor collector	Trail on one side of street
	Local street	Trail on one side of street
	Cul-de-sac	No requirements
R-1 (single-family); R-2 (single-family and townhome)	Arterial and major collector streets	Sidewalk on one side of street and trail on opposite side of street or trails on both sides of the street
	Minor collector and local streets, excepting culs-de-sac	Sidewalk on one side of street
	Culs-de-sac	No requirements
Commercial/industrial districts	All streets, including culs-de-sac	Sidewalks on both sides of street. A trail may be required to be substituted for a sidewalk in areas in which the trail is part of the city's comprehensive trail system.

- (b) All sidewalks and trails shall be placed a minimum of seven feet back from the street to provide a green strip for tree planting and to promote pedestrian safety.
- (c) Sidewalks and trails must be constructed to the city's engineering manual standards.
- (d) As part of parkland dedication, a minimum of 30 feet may be required by the city for the purpose of trails. The city may require the subdivider or developer to provide a trail corridor greater than 30 feet where deemed fit.
- (e) Where a platted subdivision with a minimum overall density of three units/acre abuts parcels greater than two acres in size, the city may require a land dedication no less than 30 feet in width around the circumference of the platted subdivision for trail purposes.
- (f) The developer shall be responsible for construction of designated trails and sidewalks within trail easements and rights-of-way.

(Ord. of 10-17-2007, § 7(7-6))

DRAFT MINUTES: NOT YET APPROVED

EAST BETHEL PARK COMMISSION MEETING

May 14, 2024

MEMBERS PRESENT: Bill Zimmermann (Chair), Tim Hoffman, Denise Lachinski (Vice Chair), Sue Jefferson, Bonnie Harvey, Maryhelen Westlund, Al Westlund

ABSENT: None

ALSO PRESENT: Nate Ayshford, Public Works Manager
City Council Liaison Tim Miller
Matt Look, City Administrator
Eric Larson, City Attorney
Rodney Sanow, Fire Chief
Aaron Berg, Community Development Director
Carrie Frost, Administrative Coordinator
Mike Jeziorski, Deputy City Administrator/Finance Director

1.0 Call to Order

Chair Zimmerman called the meeting to order by at 6:30 pm.

2.0 Adopt Agenda

Commissioner A. Westlund moved and Commissioner Lachinski seconded to adopt the agenda as presented. Motion passed unanimously.

3.0 Approve meeting minute

Hoffman requested the following changes:

Page 2, paragraph 3; “mixed us” should be “mixed use”

Commissioner Harvey moved and Commissioner M. Westlund seconded to approve the April 9, 2024 meeting minutes. Motion passed unanimously.

4.0 Park Financial Information

Ayshford summarized the Park financial information.

Lachinski asked if there has been anybody hired. Ayshford updated that they are still taking applications and reduced the age requirement to 16. Lachinski asked if the job posting could be posted on the school’s website. Ayshford said he will look into it and talk to the guidance office at St. Francis and Forest Lake.

5.0 Sidewalk and Trail Ordinance Review

Ayshford presented staff’s report indicating Section 66-165 of the City Code that guides the installation of sidewalks and trails in new developments. The ordinance requires sidewalks and trails to be installed on new city roads based on the type of zoning for the development and the type of street being built. The City Council decides on any exceptions from the ordinance.

Ayshford requested the Commission review the ordinance, and if needed, give any recommended updates or revisions.

At the January 9, 2024 Park Commission meeting, staff were asked to research possibilities of having trail

1 dedication fees in lieu of trail construction in new developments. The item was tabled at the March 12,
2 2024 and April 9, 2024 meetings.

3
4 Staff have researched other cities in the metro area and the results are listed below:

- 5 • City of Ramsey: \$1,500 per unit
- 6 • City of Andover: \$1,066 per unit
- 7 • City of Chisago: \$450 per unit

8
9 Lachinski asked if that was because those city's fees were included in their whole park dedication fees.
10 Ayshford stated that they were part of their building and zoning permits. Zimmerman stated those cities
11 may also have a trail requirement or ordinance instead of a trail fee.

12
13 Hoffman stated that he has a concern with it going into a fund merely for trails because they did have a
14 fund strictly for trails in the past and the money disappeared when the City got into financial difficulties.
15 Ayshford updated that the previous fund was a capital fund transfer from the general fund, but this
16 would be an actual dedication from the developers that can only be used for parks.

17
18 Zimmerman asked if R1 and R2 are the high-density areas. Ayshford updated that the real high density
19 areas are going to be in a PUD. Ayshford stated that he will bring any decisions made to the Planning
20 Commission as well.

21
22 Zimmerman stated that exceptions are being made now because this ordinance does not make sense.
23 Hoffman asked how they can craft this so it does not allow for exceptions or at least makes it more
24 difficult.

25
26 Zimmerman discussed different spots where trails would and would not work in his own neighborhood
27 and discussed how trails could be put in along the road like the ordinance says or take that money and
28 put a small segment somewhere within the neighborhood and find a balance of what could be taken in
29 lieu of the trail.

30
31 A. Westlund asked about having the land dedicated plus a fee. Ayshford stated that it could be if they do
32 not dedicate the land right away, then the land will never go.

33
34 Lachinski asked about making wider roads for bikes on neighborhood streets. Ayshford updated that the
35 push is to make roads narrower for cost and maintenance reasons.

36
37 Zimmerman asked the Commission what they thought about making it an option to either put in a trail
38 like it is written now or you collect a set fee per unit to give something to put back into that
39 neighborhood. Hoffman asked if that would include the right-of-way.

40
41 **Commissioner Hoffman moved and Commissioner W. Westlund seconded to have the option to**
42 **have a trail dedication of \$1,200 per unit plus right-of-way on new developments, in lieu of trail**
43 **construction. Motion carried unanimously.**

44 45 **6.0 Maynard Peterson Park and Coon Lake Beach Park Improvements**

46 Ayshford presented staff's report indicating the 2024 Parks Capital Improvement Plan included
47 \$100,000 for park improvements at Maynard Peterson Park and Coon Lake Beach Park. The Park
48 Commission held a meeting in the neighborhood in the fall of 2023 and invited residents to provide
49 input into what they would like to see completed. A new playground was decided for CLB Park and has
50 been delivered. Installation will take place in the next couple months. The cost of the playground was
51 \$50,000. At the March 12, 2024 and April 9, 2024 Park Commission meeting, the commission discussed
52 projects for the remaining \$50,000. Staff have received quotes on some of those items:

- 53 • Skateboard halfpipe for Maynard Peterson Park \$35,000
 - 54 • Shade structure over bench and CLB Park \$6,000
- 55

- Zipline 100' \$19,000
- SkyRun 35' \$15,000
- SkyRun 50' \$19,000
- Double SkyRun 50' with one Zero G seat \$38,000
- Double SkyRun 35' with one Zero G seat \$31,000
- Concrete Bean Bag/Corn Hole Boards \$1,800 per set

At the recently held annual meeting of the Coon Lake Community & Senior Center, the membership was asked to rank their preference as to which improvements to pursue for this project. 83 residents completed the survey and the respondents ranked the items listed above from 1(highest) to 4(lowest). Each item result was added together to come up with the final ranking total as listed below:

Ranked 1:122 total ranking for Rail Rider
Ranked 2: 206 total ranking for Corn Hole
Ranked 3: 247 total ranking for Umbrella
Ranked 4: 269 total ranking for Half-Pipe

Staff is seeking direction on which projects to pursue for 2024.

Harvey updated that there was no difference in the preference results at the annual meeting and the senior meeting and the 83 respondents were all local people.

Ayshford clarified that if they went with the Rail Rider, they would take out the whole skateboard park. Harvey stated that everyone at the meetings were aware of that.

Ayshford asked where the bean bag/cornhole games would be located. M. Westlund stated that she thinks it will get used more at Coon Lake Community Center. Ayshford stated that there might not be enough room there unless it is put on the lake side.

Hoffman stated that more than one set could be purchased within the budget. M. Westlund asked what will be done concerning the bags and where they will be held. Harvey asked if a better game box could be purchased for Maynard Peterson Park. Ayshford updated that the Coon Lake Beach playground will be started on soon as soon as the street sweeping guys are done, and the playground will be down for a week to 10 days.

Ayshford also updated that the Rail Rider for Maynard Peterson Park will not be received until this fall, hopefully in August. Ayshford confirmed that he will be getting the 50-foot double rail rider with the two different seats, 2 bean bag sets, and the umbrella for Coon Lake Beach Park. Harvey requested that the umbrella purchased be green to be more cohesive with the equipment colors.

7.0 2024-2028 Park Capital Improvement Planning

Ayshford presented staff's report indicating the Parks Commission prepares a Capital Improvement Plan (CIP) annually which updates projected projects, evaluates priorities and establishes funding for these works for the coming year and for each of the subsequent years for a five year period. This plan is presented to City Council for their approval and used for preparing the coming year's budget.

Ayshford discussed the projects that are listed for 2025 and beyond to determine if future projects need to stay in their current funding year or be rearranged to reflect any changes in our park priorities.

Ayshford updated that the main things to look at are the projects for 2025, and nothing else is set in stone. Ayshford stated that there is a predicted starting balance of \$97,000 for the Park Acquisition and Development Fund, \$363,000 is planned from the Viking Meadows Park Dedication, and they are predicting \$40,000 per year going forward but can vary.

1 Ayshford stated that the Booster Ball Field lights are still on the project list and costs \$350,000.
2 Ayshford also updated there was a park pavilion for 2026, a big request for a zipline at Booster Park
3 West, \$120,000 budgeted for Baton Street trail segment that needs to be worked on with the engineer,
4 and a big request for pickleball courts at Booster Park.

5 M. Westlund recommended a 10% increase each year for the budget to account for inflation.
6 Zimmerman recommended a \$10,000 increase each year up to \$150,000 beginning in 2025.

7 Ayshford noted the changes he has marked: adding 2 disk gold courses at Booster Park and John
8 Anderson and increasing annual transfer by \$10,000.

9 The Commissioners held an in-depth discussion regarding the Park Capital Improvement Planning
10 which can be viewed on the City's YouTube channel.

11
12 Ayshford noted if the Parks Commission is satisfied with the draft CIP, then a recommendation can be
13 made to City Council.
14

15 **Commissioner Jefferson moved and Commissioner Lachinski seconded to accept the Park Capital**
16 **Improvement Funds. Motion carried unanimously.**
17

18 **8.0 City Council Report and Other Business**

19 Lachinski asked if there are any updates on Highway 65. Ayshford updated that there has been poor
20 communication on that project.

21 Lachinski noted to keep track of the burning bans because they are in a drought right now.

22 **9.0 Adjournment**

23 **Commissioner Lachinski moved and Commissioner M. Westlund seconded to adjourn at 7:46**
24 **p.m. Motion passed unanimously.**
25

26 Video of the meeting is available on the City of East Bethel YouTube Page.
27

28 Submitted by:
29 Lilian Rokosz
30 *TimeSaver Off Site Secretarial, Inc.*
31