

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: September 24, 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. Updates
4. Approval of Minutes: August 27, 2024 Pg. 1 - 7
5. **Public Hearing:** Conditional Use Permit – Exterior Storage – PID: 32-34-23-34-0013 - Pg. 8 - 51
North County Concrete, Inc.
6. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2
3 EAST BETHEL PLANNING COMMISSION MEETING
4 August 27, 2024

5
6 MEMBERS PRESENT: Chair Sharon Johnson, Vice Chair Gabriel Hanschen, Glenn Terry, Brian Downie, and
7 Kory Jorgensen.

8
9 MEMBERS ABSENT: Tanner Balfany and Diana Saenger

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 **2.0 Adopt Agenda**

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

20 **3.0 Updates**

21 Council Liaison Smith updated the Commission on recent Council actions.

22 The next Planning and Zoning Commission meeting is scheduled for September 9, 2024

23 **4.0 Approve July 23, 2024 meeting minutes**

24 Terry noted on page 4, line 152, needs to add the word “the” between was and most. He also noted on
25 line 4, the name of the business was Thistle and Ivy.

26 **Commissioner Downie moved and Commissioner Hanschen seconded to approve the July 23, 2024**
27 **regular meeting minutes as corrected.** Johnson asked any discussion? To the motion, all in favor say
28 aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

29 **5.0A Public Hearing – Variance – 4141 226th Ave NE - Detached Accessory Structure nearer front lot**
30 **line**

31 Berg reviewed the staff's report stating this property is located in the Oak Glen Estates and a RR Rural
32 Residential Zoning District. The applicant's property is over 2 acres in size however over (1) one acre of
33 the rear yard is wetlands/lowlands and a Drainage and Utility Easement. The property owner is
34 requesting a variance for the placement of a detached accessory structure closer to the street than the
35 primary structure due to Drainage and Utility Easement restrictions and SSTS (Septic) placement on the
36 property.

37 Berg reviewed Sec. 14-4 permits a 2-acre parcel an accessory building of 1,800 square feet in size.

38 Berg reviewed Section 14-2.F states, “No accessory building or detached private garage shall be located
39 nearer the front lot line than the principal building with exception. This case does not meet any of the
40 exceptions.

41 Berg stated Sec. 66-255 requires a minimum building setback from Delineated Wetland Edge of 25 feet.
42 Berg noted the septic tank and mound are located east of the attached garage while the well is located on
43 the west side of the residence. Berg reviewed Sec. 74-44 requires a minimum building setback from a
44 septic tanks is 10 feet and septic mounds is 20 feet however Sec. 74-45 permits a building official to

45 reduce the setback from detached accessory buildings or garages with no basements be reduced by 50
46 percent or 10 feet.

47 Additionally, Berg noted that since this variance request is for a placement in front of the primary
48 residence according to Sec. 42-7 B (2) the Front Yard Setback distance for structural placement is 40
49 feet. Therefore, if a variance for this placement is approved the detached accessory structure would need
50 to meet the 40 foot setback.

51 Berg reviewed the three-factor test for practical difficulties. With respect to the first factor, a test of
52 reasonableness, Berg stated that the landowner would like to use the property in a practical way but
53 cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any
54 reasonable use whatsoever without the variance. For example, if the variance application is for a
55 building too close to a lot line or does not meet the required setback, the focus of the first factor is
56 whether the request to place a building there is reasonable.

57 Berg indicated in this case accessory structures are a permitted accessory use in the RR Single Family
58 Residential Zoning District. The SSTS (Septic System) is located on the west side of the property.

59 With respect to the second factor, the landowner's problem is due to circumstances unique to the
60 property and not caused by the landowner. The uniqueness generally relates to the physical
61 characteristics of the particular piece of property, that is, to the land and not personal characteristics or
62 preferences of the landowner. When considering the variance for a building to encroach or intrude into a
63 setback, the focus of this factor is whether there is anything physically unique about the particular piece
64 of property, such as sloping topography or other natural features like wetlands.

65 Berg indicated in this case, this property is over 2 acres in size, however, over 1 acre of the rear yard is a
66 Drainage and Utility Easement and wetland. Wetland Setbacks as defined in Artic IX, Sec. 66-255
67 require a 25 foot setback from the delineated Wetland Edge. The placement of the SSTS (Septic System)
68 is prohibitive to a placement within the setback rules of the ordinance.

69 Berg stated the third factor is that a variance would not alter the essential character of the neighborhood.
70 This factor is used to consider whether the resulting structure will be out of scale, out of place, or
71 otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an
72 encroachment into a setback, the focus is how the particular building will look closer to a lot line and if
73 that fits in with the character of the area.

74 Berg indicated in this case, the minimum structural setback in the neighborhood is 40 feet. Primary
75 residences on neighboring properties were built at the minimum structural setback.

76 Berg recommended the Planning Commission review the request, hold a public hearing, and recommend
77 approval of the variance to the City Council as presented in Resolution 2024-XX.

78 Johnson opened the public hearing at 7:08 pm.

79 There were no comments made.

80 Johnson closed the public hearing at 7:08 pm.

81 Berg presented the site plan for the property with the intention of where the detached accessory structure
82 will be located on the site. The next site presentation shows that over half of the yard is not buildable.
83 He noted that almost everywhere on the site other than the area they are requesting to build on, is
84 virtually impossible due to the wetlands and lowlands.

85 Downie noted that he noticed that the placement may block the view of the residents to the east. He
86 discussed that looking at the wetland layout, there may not be another place for the location unless they
87 decrease the size. He thinks it would be nice for the property owner to discuss this with the neighbors.

88 Johnson noted that all neighbors have been properly notified and the City has not received any
89 complaints or comments on the public hearing.

90 Hanschen asked Berg about the setback of the neighboring properties. Berg noted that each surrounding
91 property is set back at least at the 40 feet setback. Hanschen explained he has no reason to object.

92 **Commissioner Terry moved and Commissioner Hanschen seconded to recommend approval to**
93 **City Council of Resolution No. 2024-XX, A Resolution granting a variance for the placement of a**
94 **structure nearer to the front property line than the principal structure for the construction of a**
95 **residential detached accessory structure on property located at 4141 226th AVE NE (PIN:02-33-**
96 **23-14-0014) Johnson asked any discussion? To the motion, all in favor say aye. All in favor. Johnson**
97 **asked any opposed? That motion passes. Motion passes unanimously.**
98 This item goes before City Council on September 9, 2024.

99 **5.0 B Type of Application – Public Hearing – Concept Plan – Blanco De Cola Pradera – 34xx Viking**
100 **Blvd NE – Matthew Chacich**

101 Berg reviewed the concept plan stating the Planning Commission is asked to hold a public hearing and
102 review the concept plan for a 3-lot rural residential development at 3400 Viking Boulevard NE.

103 Berg reviewed the property is two vacant parcels, totaling 60 acres, located within the RR – Rural
104 Residential zoning district. Approximately 35 acres of the proposed lots are wetlands and likely
105 unbuildable. Within the RR- Rural Residential zoning district the minimum lot size required is 2 acres,
106 with a density not to exceed one unit per 2.5 acres. All lots within the proposed subdivision meet the 2-
107 acre minimum lot size. Additionally, each lot meets the required minimum 200-foot width at the right-
108 of-way setback line.

109 Berg noted there are no internal streets proposed in the plan. Each lot will need to obtain an individual
110 Access Permit from the Anoka County Engineer. Berg reported the new concept plan will be placed on
111 the next Parks Commission meeting agenda. The standard Park Dedication fee is currently \$2,000 per
112 newly created parcel.

113 Berg reviewed the next steps, based on the feedback received on the concept plan the owner can modify
114 the plans prior to making an application for Preliminary Plat and Final Plat approvals. Once a
115 Preliminary Plat Application is received it will be forwarded on to City and County Engineer for
116 comment and approval.

117 Staff is requesting that the Planning Commission hold a public hearing, take public feedback on the
118 proposed concept plan and informally advise the developer on any adjustments to the plan prior to the
119 creation of a Preliminary and Final Plat application.

120 Johnson opened the public hearing at 7:16 pm.

121 No comments made.

122 Johnson closed the public hearing at 7:16 pm.

123 Berg presented the site plans as included in the packet. Each property will have a driveway off of Viking
124 Boulevard.

125 Johnson asked if Berg knows of any intentions for lot 3 to be subdivided in the future. Berg noted that
126 most of lot 3 is wetland and will most likely never be developed.

127 Downie asked how long this land has been in the possession of the current property owner. Berg
128 explained that this is a recent purchase for the property owner. He purchased both lots. Downie
129 discussed how he noticed some wetland areas and asked if they are legally allowed to remove or fill that

130 area. Berg noted that the next phase of development is a wetland delineation, they would then have to
131 apply with the Minnesota Board of Soil and Water to determine if filling that is acceptable.

132 Hanschen asked if there are houses across the street. Berg presented the location of the house on the map
133 included in the packet.

134 Commissioners had no concerns with this concept plan.

135 This item goes before City Council on September 9, 2024.

136
137 **5.0 C Type of Application – Rezoning parcels along west side of Hwy 65 in an R-2 Zone between**
138 **Klondike Drive and 207th Ave NE.**

139 Johnson recused herself from voting due to her property being near the rezoning area and passed the
140 gavel to Hanschen.

141 Berg reviewed that at the formal request of the City Council the Planning Commission should review
142 the rezoning of parcels from R-2 to B-2 to better align the use in this area with the city’s overall goals.
143 City Staff have received requests from the owner of 20454 Highway 65 NE (Hunter’s Inn) for a
144 rezoning of the property in order to facilitate the sale of the property. This property, although once an
145 active commercial use in a residential zone, has been discontinued for more than 365 days. As a non-
146 conformity it loses its ability to be used as a non – conformity after 1 year of discontinued use. This
147 provision is contained in East Bethel Ordinance and State Statute.

148 Additionally, Berg added City staff have responded to zoning information requests for the property at
149 1351 Klondike Dr. NE, which is also currently on the market for sale. As a corner lot it may have more
150 value as a commercial parcel than a residential parcel due to its proximity to Highway 65.

151 Berg noted these two properties are located in a larger area, approximately 120 acres, zoned Single
152 Family and Townhome Residential (R-2) which stretches from Klondike Drive NE north to the area of
153 207th Ave NE. Although there are two single family residential parcels directly on Hwy 65 in this R-2
154 Zone, it also contains the over 35 acre U-Pull R-Parts Salvage Yard parcel which was approved by a
155 Conditional Use Permit on July 17, 1996, when this area was a B-2 Zone.

156 Berg explained in summary according to Anoka County Tax Assessor Alex Guggenberger, as long as
157 the existing use of a property remains the same use, the tax classification would remain the same. Tax
158 classification is how a property is assessed, not the underlying zoning designation. The properties zoning
159 designation might change but that would not change the actual use or tax classification. The underlying
160 zoning classification helps determine a Highest and Best Use of a property from a valuation perspective.
161 If a rezoning were to be approved, the two residences located in the area would be allowed to remain as
162 residential uses, located in a Commercial Zone and taxed as a residential use.

163 Berg stated this rezoning would also create a continuous Commercial Zone on the west side of Hwy 65
164 from Sims Road NE south to 197th Avenue NE.

165 Berg reviewed the City’s Met Council Sector Representative has been consulted and does not believe
166 they would be opposed to a Rezoning of this area as it is currently outside of the MUSA area. In the
167 City’s 2040 Plan, Commercial and Industrial development is allowed with the Future Growth Area,
168 provided each site can be supported by a viable septic system. Staff are waiting on a more definitive
169 answer to determine if this change will require an Administrative Comp Plan Amendment now or if this
170 can be updated during the next required update since the change is outside the MUSA boundaries.

171 Additionally, Berg stated the southern portion of this area is classified as a Significant Natural
172 Environment. The primary purpose of the Significant Natural Environmental Areas (SNEA) overlay
173 district is to protect resources and functional values that have been identified by Anoka Conservation

174 District (ACD), Minnesota Department of Natural Resources (MNDNR), and the metropolitan council
175 as providing benefits to the sustainability of the natural resource communities. This classification, by
176 ordinance, requires a Planned Unit Development in order to provide maximum flexibility to encourage
177 development that preserves and enhances the natural characteristics and valuable natural resources of a
178 site.

179 Berg recommended the Planning Commission should review the information, hold a public hearing and
180 make a formal recommendation to the City Council regarding the Rezoning the identified area from
181 Single Family and Townhome Residential (R-2) to Central Business (B-2) District, in order to better
182 align the use in this area with the city's overall goals.

183 Hanschen opened the public hearing at 7:30 pm.

184 Thomas Darlson noted that the red outline on the presentation is a lot larger than the one he received.
185 Berg explained that the parcels identified are the purple ones in the presentation included in the packet.
186 He reviewed the placement of the properties on a map and their zoning.

187 Darlson asked if there are any business regulations for these parcels. Berg explained that each business
188 would have to apply for a permit, and each permit would most likely have a public hearing before
189 approval.

190 Robin Metz, speaking on behalf of her father, she asked for them to expand on what they mean by
191 sustainable use. Berg presented a map showing areas that contain species of plants and/or animals that
192 would like to be protected. This does not forbid development, but when these parcels are being
193 developed there should be considerations for the environmental items. Each parcel would require a
194 planned unit development application.

195 Thomas Darlson asked if all of this property is zoned as commercial, what does this mean for the water
196 tower and City sewage systems. Berg noted that the newest proposed water tower is placed near Sims
197 and will need quite an extension or a new system to meet the sewage.

198 Dan Roscoff asked that if the previous water tower proposal was for up near Sims, can they create a new
199 proposal to use the land if this was rejected. Berg explained that the reason this proposal was placed near
200 Sims, is because the City owns land there already and this is the closest possible place to get water to the
201 elementary schools. If this was rezoned the City would have to purchase the land to build.

202 Dan Roscoff asked why this is a priority now. Berg noted that this is based on opinion. He shared that a
203 lot of this land is already commercial due to the salvage yard.

204 Dough Shuster explained that he called about this 10 months ago and he was told that it was highly
205 unlikely that this would get to the City Council. He asked what the process is following this. Berg noted
206 that he has discussed with the Met Council and they are not opposed to it. He noted that the Commission
207 will make a recommendation tonight, City Council will see it September 9, 2024 for approval, then he
208 will need a few days to get it signed off. In total it will be about a month.

209 Hanschen closed the public hearing at 7:44 pm.

210 Jorgensen noted that he is not opposed to this decision.

211 Hanschen shared how he thinks it makes sense to rezone.

212 Downie noticed that in the recommendation part of the agenda, it mentions the City's over all goals. He
213 asked Berg to expand on that. Berg presented the zoning map, he explained that it would be difficult for
214 them to rezone outside of that area.

215 Hanschen reopened the public hearing at 7:48 pm.

216 Thomas Darlson asked if this area is rezoned for commercial use and does the City have anything that
217 restricts 24-hour operation. He also shared his concerns for the possible light and noise production from
218 businesses that may be built near residential properties. Berg presented the list of the existing approved
219 businesses that could build under the B-2 zoning. He noted that each business will have to obtain a
220 permit and the City engineer will ensure that it meets the engineering standards prior to approval.

221 Hanschen closed the public hearing at 7:51 pm.

222 Downie explained that he is concerned with the fact that there is no sewer and water available; it may be
223 hard to develop. He may see himself voting against this. He noted that if they knew what businesses
224 could coexist with what they need to protect within this sustainable use, he added that if it was some
225 type of wildlife it would not make sense to put a 24-hour business there. Berg explained that those
226 restrictions would go on when a proposal comes in. He reviewed the City resources that have been used
227 on this plan. He reviewed the areas surrounding that are not suitable for building and areas that are
228 already zoned.

229 Johnson shared her thoughts on how no one will likely build anything on the Inn property.

230 **Commissioner Downie moved and Commissioner Jorgensen seconded to recommend approval to**
231 **City Council of draft Ordinance 2024-XX, Rezoning of Properties from Single Family and**
232 **Townhome Residential (R2) District and the proposed zoning designation being Central Business**
233 **(B-2) District, as listed in the draft ordinance revision.** Hanschen asked for any discussion?
234

235 Terry asked why the southern part of Klondike needs to be a part of the rezoning consideration. Berg
236 explained that this area is most likely already for commercial use and part of the salvage yard is on that
237 property so that is taken out of the equation. He added that the only part left is the corner lot that
238 contains the Inn, and the owner is looking to sell.
239

240 To the motion, all in favor say aye. **All in favor.** Hanschen asked any opposed? That motion passes.
241 **Motion passes unanimously.** This item goes before the City Council on September 9, 2024.
242

243 **6.0 Metes & Bounds – Lot Split - 22645 Bataan St N**

244 Berg reported, on July 24, 2024, Nichole Sherk, submitted an application for a Metes and Bounds split
245 of a 20-acre parcel, located at 22645 Bataan Street NE, PID: 03-33-23-24-0001, into three parcels. The
246 first parcel will contain the original single-family home and will be divided off as a 7.88 acre lot. The
247 remaining 12.50 acres will be subdivided into a 6.06 acre lot and 6.42 acre lot.

248 Berg reviewed that the property proposed for the division is zoned Rural Residential and per City Code,
249 Appendix A, Zoning, Section 42, the minimum lot size for any division is 2 acres with a minimum lot
250 width of 200 feet at the public right of way and 23,000 square feet of buildable area. To be eligible for
251 using metes and bounds divisions as outlined in Appendix A, Zoning, Section 12-2, the following
252 conditions must be met:

- 253 1.) The parcel must be a minimum of five acres.
- 254 2.) The parcel must have a minimum road front of 300 feet.
- 255 3.) The parcel must contain 23,000 square feet of buildable area as defined in other portions of this
256 ordinance.
- 257 4.) Appropriate road, public utility, and drainage easements, as outlined in Ordinance 151 as amended,
258 must be dedicated to the city.
- 259 5.) Park and trail dedication fees as adopted by the city council by resolution must be paid at the time of
260 city certification of parcel division.
261

262 Berg stated although this proposed split meets 4 out of the 5 conditions it exceeds the minimum lot
263 requirements for the Rural Residential Zone.

264
265 Berg stated that the Planning Commission is requested to review this petition for a metes and bounds
266 parcel split and make a recommendation to the City Council to approve or deny the parcel split with
267 conditions as identified in Resolution 2024-XX.

268 Hanschen asked which of the five conditions has not been met. Berg explained that each lot does not
269 meet the minimum road front of 300 feet.

270 Terry asked what the logic is between the 200 feet minimum and 300 feet Metes and Bounds minimum.
271 Berg shared that he is unsure what the logic is behind that.

272 **Commissioner Terry moved and Commissioner Hanschen seconded to recommend approval to**
273 **City Council of Resolution No. 2024-XX, A Resolution approving the Metes and Bounds split for**
274 **the administrative subdivision of the property located at 22645 Baatan Street NE, East Bethel,**
275 **PIN 03-33-23-24-0001, legally described as: The N1/2 of SE1/4 of NW1/4 of SEC 3 TWP 33 RGE**
276 **23, EX RD, SUBJ to ease of REC.** Johnson asked any discussion? To the motion, all in favor say aye.
277 **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**
278

279 This item goes before City Council on September 9, 2024.
280

281 **8.0 Adjournment**

282 **Commissioner Downie moved and Commissioner Terry seconded to adjourn at 8:13 pm.** Johnson
283 asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed?
284 That motion passes. **Motion passes unanimously.**

285 Submitted by:

286 Sylvia Rokosz

287 *TimeSaver Off Site Secretarial, Inc.*
288

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



Date: September 24, 2024

Agenda Item Number: 5.0

Agenda Item: Conditional Use Permit – Exterior Storage – 23035 Ulysses St NE – North County Concrete, Inc.

Background Information: On September 9, 2024 the city received an application from Karl Virkus, owner of North County Concrete, Inc., for a Conditional Use Permit (CUP) for Exterior Storage on vacant parcel, across Ulysses St NE to the west of the existing North County Concrete, Inc. location.

The vacant parcel is over three (3) acres in size and is located at the North West corner of 230th Ln NE and Ulysses St NE, in a Light Industrial (I) Zoning District. It borders a 17.50 acre Single Family Residential (R1) parcel on the West lot line and three (3) Single Family Residential (R1) parcels of the Cooper Lake Estates subdivision to the North.

Virkus is proposing the exterior storage of equipment, trucks, and trailers for the associated business across the street at 23035 Ulysses St NE. He is proposing the construction of a six (6) foot privacy fence with an entrance gate onto Ulysses St NE and one the cul-de-sac onto 230th Ln NE, landscape boulevard areas with evergreen trees and bushes to matching the North County Concrete, Inc. location. (Attachment 9)

Additionally, the proposal includes stripping and remove the topsoil and replace with crushed asphalt millings to provide a positive drainage to the roads for watershed, as well as installing drive over curb and concrete approach aprons at each gate location.

There is not a building included in the proposal however Virkus indicated he would be constructing a build on the parcel someday.

Section 48. – Light Industrial (I) District permits Exterior Storage as regulated under Section 24 as a Conditional Use. (Attachment 4)

Section 24. – Exterior Storage 4. – (I) District. Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and cannot exceed the square footage of the Principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area. (Attachment 5)

Under the current proposal, the Exterior Storage on a separate parcel, without a principal building, would not meet the conditions of city ordinance.

Section 22. Off Street Parking and Loading Requirements. (Attachment 6)

1. – Purpose. This section establishes off-street parking standards to allow for the orderly and adequate parking of vehicles on property, to alleviate and prevent congestion on public right-of-way, and to control the appearance and maintenance of parking areas and surfaces.

2. - Scope of regulations. -The regulations and requirements set forth in this chapter shall apply to all off-street parking facilities in all of the zoning districts.

3. - General provisions. B. - Prohibited uses in required parking areas. Required off-street parking areas in the B-1, B-2, B-3, I, and MXU districts, shall not be used for open storage of goods, recreational

vehicles and equipment, commercial vehicles and equipment, unlicensed/inoperable vehicles, or vehicles displayed for sale.

4. - Design, construction, and maintenance. A. - All parking facilities and streets are subject to the City of East Bethel engineering standards.

Section 48. – E. does however identify: Other similar uses to those permitted in this section as determined by the planning commission and approved by the city council. (Attachment 4)

Section 23. – Screening Regulations – B. Any business, industrial, non-residential uses, and residential dwellings other than detached single-family adjacent to any residential district shall provide screening along the boundary of residential property. (Attachment 7)

Section 35. – Grading, Filling, and Excavation 7. - Stormwater management. No land shall be developed and no use shall be allowed that results in water runoff causing flooding, erosion, or increased runoff on adjacent property. Such runoff shall be properly channeled into a watercourse, ditch, storm pond, or other appropriate facility subject to review and approval by the city engineer. (Attachment 8)

Recommendation: The Planning Commission should review the information, hold a Public Hearing and make a recommendation to the city council of either approval, approval with alternative conditions or a denial of the CUP for Exterior Storage on a vacant parcel, PID: 32-34-23-34-0013.

Attachments:

1. Resolution 2024-XX
2. Location Map
3. Aerial Map
4. Section 48. – LIGHT INDUSTRIAL (I) DISTRICT
5. Section 24. – EXTERIOR STORAGE
6. Section 22. – OFF STREET PARKING
7. Section 23. – SCREENING REGULATIONS
8. Section 35. – GRADING, FILLING, AND EXCAVATION
9. PHOTOGRAPHS

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** A CONDITIONAL USE PERMIT TO ALLOW EXTERIOR STORAGE AT 23035 ULYSSES ST NE, EAST BETHEL, PIN 32-34-23-34-0013, LEGALLY DESCRIBED AS:

LOT 1 BLOCK 3 SHADE TREE COMMERCIAL PARK, SUBJ TO EASE OF REC

WHEREAS, the property owner requested approval of a conditional use permit for Exterior Storage; and

WHEREAS, the property is zoned LIGHT INDUSTRIAL (I) DISTRICT, in which Exterior Storage is permitted by Condition Use Permit (CUP); and

WHEREAS, other uses similar to those permitted in this section as determined by the city council is permitted by Condition Use Permit (CUP); and

WHEREAS, the City's Planning Commission conducted a public hearing on this matter on September 24, 2024; and

WHEREAS, as a result of the review, the Planning Commission recommends approval to City Council of the CUP to allow the exterior storage.

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 CUP to exterior storage, on the property legally described as 23035 Highway 65 NE, East Bethel, PIN 32-34-23-34-0013, with the following conditions:

1. Exterior Storage shall comply with the following conditions:
 - a. shall be screened from the right of way,
 - b. shall provide screening along the boundary of residential property,
 - c. not allowed within the required setbacks, public right-of-way, or easement,
 - d. Screening shall consist of a compact evergreen or deciduous hedge and overstory and understory trees of sufficient width and density, or an earth berm of sufficient height to provide effective screening throughout the year,
 - e. shall contain a fence, which shall be located entirely on the non-residential lot.
 - f. shall not result in water runoff causing flooding, erosion, or increased runoff on adjacent property in accordance with city's stormwater management ordinance.
 - g. No excavating, grading, filling, or any other change in the earth's topography shall be permitted without the proper permit issued by the city, including the approved plans and all terms and conditions of the permit.

Adopted this 14th day of October, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL:

ATTEST:

Kevin Lewis, Mayor

Matt Look, City Administrator

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

RESOLUTION NO. 2024-XX

A RESOLUTION **DENYING** A CONDITIONAL USE PERMIT TO ALLOW EXTERIOR STORAGE AT 23035 ULYSSES ST NE, EAST BETHEL, PIN 32-34-23-34-0013, LEGALLY DESCRIBED AS:

LOT 1 BLOCK 3 SHADE TREE COMMERCIAL PARK, SUBJ TO EASE OF REC

WHEREAS, the property owner requested approval of a conditional use permit for Exterior Storage; and

WHEREAS, the property is zoned LIGHT INDUSTRIAL (I) DISTRICT, in which Exterior Storage is permitted by Condition Use Permit (CUP); and

WHEREAS, the owner intends on extending the exterior storage from a property across Ulysses St NE to this vacant parcel; and

WHEREAS, the owner is not placing a building on the property as part of this proposal; and

WHEREAS, East Bethel City Code Sec. 24 - 4 permits exterior storage for Construction yards provided it is located in a rear yard, behind a principal building and cannot exceed the square footage of the principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area; and

WHEREAS, East Bethel City Code Sec. 22 – 3 prohibits open storage of goods, recreational vehicles and equipment, commercial vehicles and equipment, unlicensed/inoperable vehicles, or vehicles displayed for sale in required parking areas; and

WHEREAS, the City's Planning Commission conducted a public hearing on this matter on September 24, 2024; and

WHEREAS, as a result of the review, the Planning Commission recommends denial to City Council of the CUP to allow the exterior storage.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby disagrees with the recommendation of the Planning Commission and denies the CUP to exterior storage, on the property legally described as 23035 Highway 65 NE, East Bethel, PIN 32-34-23-34-0013.

Adopted this 14th day of October, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL:

ATTEST:

Kevin Lewis, Mayor

Matt Look, City Administrator

PID: 323423340013 - Location Map



-  Parcels
-  City Mask

1 inch equals 359 feet





-  Parcels
-  City Mask

1 inch equals 272 feet



SECTION 48. LIGHT INDUSTRIAL (I) DISTRICT

1. Purpose.

The light industrial (I) district is intended and designed to provide areas of the city suitable for activities and uses that are commercial and general services related and/or of a light industrial nature. These are areas that have the prerequisites for industrial development, but because of proximity to residential areas or the need to protect certain areas or uses from adverse influences, high development standards will be necessary. The light industrial district is intended and designed to provide areas of the city suitable for activities and uses that are industrial in nature. Industrial uses within this district are limited to those that do not generate noise, odor, vibration, or other discharge discernable from areas outside the parcel on which the use is located. This category is aimed towards industrial uses that are lower in intensity of activity such as offices, warehousing, research laboratories, and light manufacturing.

2. Permitted uses.

- A. Uses allowed in the B-2 and B-3 districts as determined by the planning commission and approved by the city council.
- B. Tavern, bar, brewery and taproom.
- C. Industrial condominium/multi-tenant structure.
- D. Manufacturing, light—excluding those uses that generate any discernable discharge that cannot be maintained on the site and any use that requires any outside manufacturing activities.
- E. Municipal facilities.
- F. Research facilities.
 - G. Research facility.
 - H. Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than 25 percent of the building is used for retail space.
 - I. Warehousing and distribution.
 - J. Other similar uses to those permitted in this section as determined by the planning commission and approved by the city council.
 - K. Brew pub.
 - L. Craft brewery.
 - M. Micro distillery.
 - N. Food truck.

(Ord. No. 28, Third Series, 6-17-2015; Ord. No. 2021-06, 10-11-2021)

3. Accessory uses.

- A. Fuel tanks as regulated by the uniform fire code
- B. Trash enclosure service structure.
- C. Other uses customarily associated with a permitted use as determined by the planning commission and approved by the city council.

4. Conditional uses.

- A. Uses allowed in the B-2 and B-3 Districts as determined by the planning commission and approved by the city council.
- B. Adult uses—as regulated under Appendix A, Zoning, Section 10-5.
- C. Commercial and public radio and television transmission and public utility microwave antenna.
- D. Construction sales and services
- E. Exterior storage as regulated under Appendix A, Zoning, Section 24
- F. Kennel, commercial as regulated under East Bethel Code of Ordinances, Chapter 10
- G. Maintenance and repair facilities directly associated with the primary business and contained inside the principal structure or other buildings on the site.
- G. Telecommunication facilities as regulated under Appendix A, Zoning, Section 16.
- H. Two or more buildings on same lot provided such buildings relate to the permitted use and meeting the requirements of the Minnesota State Building Code.
- I. Other similar uses to those permitted in this section as determined by the planning commission and approved by the city council.

5. Interim uses.

- A. Temporary/seasonal sales as permitted in Section 10. General Development Regulations.
- B. Other uses similar to those permitted in this section as determined by the planning commission and approved by the city council.

6. Prohibited uses.

- A. Trucking and motor freight terminals.
- B. Slaughterhouses.
- C. Recycling centers and drop off facilities.
- D. Auto reduction yards.
- E. Impound lots.
- F. Motor vehicle sales.

7. Development regulations.

A. *Minimum lot requirements:*

1)	Lot area:		
	a)	Without sewer and water	10 acres
	b)	With sewer and water	1 acre
2)	Lot width		150 feet
3)	Minimum buildable area		23,000 square feet

B. *Setbacks:*

1)	Front yard:		
	a)	Local/collector street	40 feet
	b)	Arterial street	50 feet
	c)	State/county street	100 feet
2)	Side yard		10 feet, except 60 feet if abutting a residential district
3)	Rear yard		25 feet, except 60 feet if abutting a residential district

C. *Building:*

1)	Maximum building height	50 feet from ground level
2)	Minimum building size	5,000 square feet
3)	Maximum lot coverage	80 percent

D. All uses shall comply with all other sections of the East Bethel City Code and be consistent with the city comprehensive plan.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010; Ord. No. 48, Fourth Series, 9-21-2016)

SECTION 24. EXTERIOR STORAGE

1. Exemptions.

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

2. Inoperable vehicles and refuse materials.

- A. Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

3. Residential districts.

- A. All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - 1. Play and recreational equipment.
 - 2. Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
 - 3. Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. Agriculture (A), Rural Residential (RR), Single Family Residential (R-1), Single Family and Townhome Residential (R-2) districts, and Coon Lake Residential (CL) districts.

1. Motor vehicles stored outside must be parked on a designated driveway.
 2. A maximum of five of the following vehicles must be parked on a designated driveway, or outdoor storage area located in a side or rear yard:
 - a. Recreational vehicles,
 - b. Boat/trailer combinations,
 - c. Snowmobile/trailer combinations,
 - d. Items of lawn equipment,
 - e. Items of construction equipment with a weight limit of 20,000 GVWR, or
 - f. Other equipment or trailers, or any combination thereof.
 3. The outdoor storage area must be completely screened from the public right-of-way and adjacent properties.
- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

(Ord. No. 2021-06, 10-11-2021)

4. I district and B-3.

- A. Exterior storage is permitted in I-1 and B-3 districts as a conditional use permit and subject to the following conditions:
1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
 2. Maximum amount of exterior storage cannot exceed two times the square footage of the principal building.
 3. Exterior storage cannot exceed the maximum allowable height of the principal building.
- Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and cannot exceed the square footage of the Principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier.
1. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.
 2. All screening shall meet the regulations in section 23. Screening Requirements [Regulations].
 3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- C. Exterior display in I-1 and B-3 districts.
1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.

2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
 3. Additional parking spaces shall be provided based upon the exterior display and sale area.
- D. Prohibited storage
1. Accessory storage containers, as defined in section 01. General provisions of administration, shall not be permitted.
 2. E. Parking up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.
 3. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

5. B-2 district.

- A. Exterior storage is permitted with a CUP.
1. Exterior storage shall be limited to the rear yard, shall not exceed the square footage of the principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
 2. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in section 23. Screening requirements [Regulations].
 3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- B. Exterior display in B-2 districts
1. The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.
 2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
 3. Additional parking spaces shall be provided based upon the exterior display and sale area.
- C. Prohibited storage
1. Accessory storage containers, as defined in section 01. General provisions of administration, shall not be permitted.

6. Reserved.

7. B-1 district.

- A. Exterior storage and exterior displays are not permitted.
- B. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

8. Mixed use districts.

- A. Exterior storage is allowed with a conditional use permit.
- B. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.
- C. The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 48, Fourth Series, 9-21-2016; Ord. No. 2021-06, 10-11-2021; Ord. No. 2023-12, 6-26-2023)

SECTION 22. OFF-STREET PARKING AND LOADING REQUIREMENTS

1. Purpose.

This section establishes off-street parking standards to allow for the orderly and adequate parking of vehicles on property, to alleviate and prevent congestion on public right-of-way, and to control the appearance and maintenance of parking areas and surfaces.

2. Scope of regulations.

The regulations and requirements set forth in this chapter shall apply to all off-street parking facilities in all of the zoning districts.

3. General provisions.

- A. *Change of use or occupancy of land.* No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land or division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by this chapter. Any change of use or occupancy of any building (including additions thereto) requiring more parking area, shall not be permitted until additional parking spaces as required by this chapter are furnished.
- B. *Prohibited uses in required parking areas.* Required off-street parking areas in the B-1, B-2, B-3, I, and MXU districts, shall not be used for open storage of goods, recreational vehicles and equipment, commercial vehicles and equipment, unlicensed/inoperable vehicles, or vehicles displayed for sale.
- C. *Prohibited parking.*
 - 1) Single-family residential (R-1), single-family and townhome (R-2) zoning, and Coon Lake residential (CL) districts:
 - a) Parking of buses, motor trucks, semi-tractors and/or semi-trailers on city streets and on individual lots is prohibited.
 - b) Parking of vehicles on lots created after the adoption of [this] Ordinance [No.] 203 is prohibited in any portion of the front, side, or rear yard except on bituminous or concrete driveways or on one open, bituminous, or concrete space located on the side of the driveway.
 - c) Parking of vehicles on existing R-1, R-2, and CL parcels is prohibited in any portion of the front, side, or rear yard except on a designated driveway or on one open space located on the side of the driveway.
 - 2) Rural residential (RR) zoning district:
 - a) Parking of buses, motor trucks, semi-tractors and/or semi-trailers on individual properties longer than 24 hours continuously is prohibited. Parking on city streets is prohibited.
 - b) Parking of vehicles is prohibited in any front, side, or rear yards except on designated driveways.
 - 3) Business and light industrial districts. Parking of truck-tractors, semi-trailers, and/or equipment incidental to the principal use is prohibited on city streets.

- D. *Re-establishment of nonconforming structures.* Should a nonconforming structure or use be damaged or destroyed by fire, it may be re-established in compliance with Section 05. Nonconformities; except in doing so, any off-street parking or loading area which existed shall be retained.
- E. *Accessible parking.* All parking shall comply with the Building Code Accessibility Requirements or Americans with Disabilities Act (ADA), as deemed necessary.

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

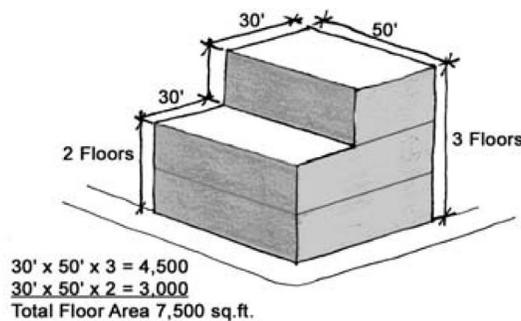
4. Design, construction, and maintenance.

- A. *Approval of parking plans.* Except for single-family dwellings, before any construction occurs on any new, enlarged, reduced, reconfigured or altered parking lot, plans for such parking lots shall require review and approval by the city. When the parking lot is in conjunction with an application for a new structure, expansion of an existing structure, or expansion of a use of land, parking plans shall be part of the site plan review process. All parking lot plans shall be shown on a site plan drawn to scale and shall include: a layout of spaces, accessible spaces, drive aisles, and access drives with dimensions, construction materials, grading and drainage plans, screening, landscaping, signage, lighting, and a tabulation of the number of spaces required relative to square footages of specific uses on site and the number of spaces to be provided. All parking facilities and streets are subject to the City of East Bethel engineering standards.
- B. *Location of parking spaces.* All required off-street spaces in all districts shall be on the same lot as the principal building.
- C. *Circulation design.* Parking areas shall be so designed that circulation between parking bays or aisles occurs within the designated parking lot. Parking areas that require backing into the public street are prohibited.
- D. *Fire access lanes.* Fire access lanes shall be provided as required by building and fire code regulations.
- E. *Curbing.* Except for single-family dwellings, all driveways, loading areas, and parking areas shall be bounded by curb and gutter.
 - A. [1]] The city may exempt curbing where the city has approved future expansion of a parking lot.
 - B. [2]] Traffic safety islands shall be installed at the ends of each parking tier. Additional traffic safety islands may be required to maintain a safe and orderly flow of traffic within the parking lot.
 - C. [3]] All required curbing and safety islands shall be poured-in-place concrete.
- [F. Reserved.]
- G. *Signs.* No signs shall be located in a parking area except as necessary for the orderly operation of traffic movement. No sign shall be located so as to restrict the sight lines and orderly operation and traffic movement within the parking lot.
- H. *Lighting.* Any lighting used to illuminate an off-street parking area shall meet the requirements of Section 26. Lighting Regulations.
- I. *Landscaping.* Landscaping and maintenance shall meet the requirements of Section 27. Landscaping Regulations.
- J. *Marking of spaces.* Parking stalls shall be marked with painted lines four inches wide in accordance with the approved site plan.
- K. *[Size.]* Each parking space shall be a minimum of nine feet wide by 20 feet long.

- L. *Maintenance of off-street parking spaces.* It shall be the responsibility of the operator and owner of the principal use, uses, and/or building to maintain, in a neat and adequate manner, parking spaces, drive aisles, landscaping, screening, and fencing.
- M. *[Pedestrian walkways.]* Pedestrian walkways are required in lots with a minimum of 100 spaces.

5. Calculation of parking requirements.

- A. *Floor area.* For the purpose of determining off-street parking requirements, the term "floor area" shall mean the sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements, and attached accessory buildings, but exempting that area primarily devoted to window display, storage, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized for dead storage, heating and utility rooms, inside off-street parking, or loading space. Measurements shall be made from the inside of exterior walls.



- B. *Multiple types of use in a single building, or in a complex of several buildings on a single site.* In instances where more than one type of use occupies the same building or parcel, the total number of required spaces shall be based upon the parking requirements for each use. Parking needs will be based on existing and potential uses of the building. In cases where potential future uses will generate additional parking demand, the city may require a proof of parking plan for the difference between the immediate and potential parking needs.
- C. *Bench seating.* In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 18 inches of such seating facilities shall constitute one seat for the purpose of calculating required parking.
- D. *Reduced parking requirement.* Parking space for uses outlined in this chapter may be reduced if a detailed parking analysis is provided by the applicant and approved as a conditional use permit (CUP).

6. Joint parking facilities.

- A. The city council may, after receiving a report and recommendation from the planning commission, approve a CUP for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided is less than the sum of the total required for each business should they provide them separately. When considering a request for such a permit, the planning commission shall not recommend that such permit be granted nor shall the city council approve such a permit except when the following conditions are found to exist:

- 1) Up to 50 percent of the parking facilities required for a theater, bowling alley, dance hall, bar, or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in subsection (4) of this section.
 - 2) Up to 50 percent of the off-street parking facilities required under subsection (4) of this section as primarily daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, places of worship, bowling alleys, dance halls, theaters, bars, apartments, or restaurants.
 - 3) Up to 80 percent of the parking facilities required by this article for a place of worship or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under subsection (4) of this section as primarily daytime uses.
 - 4) For the purpose of this section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale uses, and similar uses.
- B. Conditions required for joint use are as follows:
- 1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
 - 2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - 3) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the city attorney, shall be filed with the city clerk-treasurer and recorded with the county recorder within 60 days after the approval of the joint parking use by the city.

7. Required off-street parking spaces and garages.

- A. The number of required parking spaces has been established for specific uses in the city. The zoning administrator shall determine the required number of parking spaces for uses not specifically listed in this section based upon the characteristics of the use.
- B. Garage size. The minimum garage size for single and townhome dwellings, attached or detached, shall be, at a minimum, 24 feet by 24 feet for each dwelling unit.
- C. The minimum number of parking spaces for uses shall be as follows:

Use	Required Spaces
1) Residential, detached single-family dwelling	A minimum of two spaces per dwelling unit.
2) Attached townhome	A minimum of two spaces per dwelling unit; one space shall be completely enclosed plus one space per dwelling unit for visitor parking.
3) Housing and health care facilities for elderly persons	One space for each dwelling unit. At least 50 percent of the required parking shall be enclosed.
4) Manufactured home	Two for each manufactured home, as required by City of East Bethel Ordinance No. 142.
5) Boarding house	One for each dwelling room.
6) Places of worship, theatres, and auditoriums	One parking space for each three seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction

		with such buildings or uses shall be subject to additional requirements which are imposed by this section.
7)	Senior high school	One space for each seven students based on the design capacity plus one for each classroom.
8)	Elementary school, junior high school, or similar school	One for each classroom plus one additional space for each ten students capacity.
9)	Community centers, libraries, art galleries, museums, private clubs, and lodge halls	Ten spaces plus one for each 150 square feet in excess of 2,000 square feet of floor area in the principal structure.
10)	Golf courses	Six spaces for each golf hole plus one space for each employee per largest shift.
11)	Miniature golf, golf driving ranges, and archery ranges	Ten spaces plus one per 100 square feet of floor area.
12)	Institutional group homes	One for each four group home resident.
13)	Chemical dependency facilities and similar group homes	One for each three residents plus one for space for each employee per largest shift.
14)	Beauty salon day spa or barber shop	Three spaces for the first two work stations, and 1½ for each additional work station.
15)	Bowling alleys	Five for each bowling lane plus additional spaces as may be required for related uses contained within the principal structure.
16)	Restaurants, cafes, private clubs serving food and/or drinks, bars, and on-sale nightclubs	One space for each 40 square feet of gross floor area of dining and bar area plus one space for each 80 square feet of kitchen area
17)	Retail sales and service businesses with 50 percent or more of gross floor area devoted to storage, warehouses, and/or industry	A minimum of eight spaces or one space per 200 square feet devoted to public sales or service, whichever is greater, plus one space per 500 square feet of storage area or a minimum of eight spaces, whichever is greater.
18)	Motor vehicle service station	Two for each service stall plus one for each gasoline pump.
19)	Laundromats and coin operated cleaners	One for each two machines.
20)	Mortuary establishment	One for each 100 square feet of assembly room usable floor area plus one space for each funeral vehicle maintained on premise.
21)	Motel, hotel, or other commercial lodging establishments	One for each occupancy unit plus one for each employee.
22)	Motor vehicle sales and service establishments	Three spaces per 1,000 square feet of building floor area plus two spaces per 5,000 square feet of lot area, but not less than three spaces.
23)	Retail stores and service establishments	One for each 150 square feet of usable floor area.
24)	Banks	One for each 100 square feet of usable floor area.
25)	Office buildings and professional offices	One for each 200 square feet of usable floor area (minimum of three spaces per lot design).
26)	Clinics (including, but not limited to, dental or medical offices, veterinary clinics, and animal hospitals)	One for each 100 square feet of usable floor area (minimum of three spaces per lot design).

27)	Industrial or research establishments	Five spaces, plus one for every 1½ employees in the largest working shift, or one for every 350 square feet of usable floor area, or whichever is determined to be the greater.
28)	Warehousing, storage, or handling of bulk goods	That space which is solely used for office shall comply with the office use requirements. One space for each employee on the largest working shift, or one for every 1,700 square feet of usable floor area, whichever is greater, plus one space for each company-owned vehicle (if not stored inside the principal structure).
29)	Drive-in establishment and convenience food	One space per 150 square feet of floor area, but not less than 15 spaces.
30)	Car washes (in addition to required stacking space):	
	a. Automatic drive-thru, serviced	A minimum of ten spaces, or one space for each employee on the maximum shift, whichever is greater
	b. Self-service	A minimum of two spaces
	c. Motor fuel station car wash	Zero in addition to that required for the station
31)	Shopping centers Basic requirements:	
	a. Small centers (400,000 sq. ft. or less of Gross Leasable Floor Area (GLA))	Four spaces per 1,000 square feet of gross leasable floor area (GLA) or portion thereof
	b. Medium centers (greater than 400,000 sq. ft. of GLA)	4½ spaces per 1,000 square feet of GLA or portion thereof
	c. Large centers (greater than 600,000 sq. ft. of GLA)	Five spaces per 1,000 square feet of GLA or portion thereof
32)	Other uses	Requirements for other uses not specifically mentioned in this section shall be determined on an individual basis by the zoning administrator. Factors to be considered in such determination shall include, without limitation, size of building, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles.
33)	Business establishments containing drive-up facilities, including restaurants and financial institutions, shall provide a stacking lane for vehicles on the site.	A minimum of six vehicle spaces per lane shall be provided.

8. Reduced parking facilities.

When demonstrated to the satisfaction of the city council that up to ten percent of the number of parking spaces required by this section would not be needed for the particular use in question, a reduced number of parking spaces may be approved subject to the following:

- A. The application for reduction shall be accompanied by supporting data specifically applying to the particular use in question or showing a lesser national standard.

- B. The applicant must also provide each of the following:
 - 1) A detailed parking plan demonstrating that the parking otherwise required by this section can be provided on the site within ordinance design standards; and
 - 2) A covenant in recordable form, approved as to form and content by the city attorney, executed by the property owner, which covenant provides that the owner, on behalf of him/herself and his/her heirs, successors and assigns, will not use the area identified for expansion parking for any use except landscaping or to cause compliance with the off-street parking requirements of this Code.
- C. The city may order installation of previously excepted parking spaces at any time when, in the city's judgment, conditions indicate the need for such parking, and the property owner shall comply with such order.

9. [Parking stall and aisle dimensions].

Parking stall and aisle dimensions for parking lots shall be constructed as follows:

Parking Angle	Curb Length	Stall Length	Aisle Width
45 degrees	12.5 ft.	20 ft.	13.5 ft.*
60 degrees	10.5 ft.	20 ft.	18.5 ft.*
75 degrees	9.5 ft.	20 ft.	23 ft.*
90 degrees	9 ft.	20 ft.	26 ft.**

*One-way aisles only.

**Aisles that serve one row of parking stalls may be 22 feet wide.

10. Loading facilities.

The regulation of loading spaces is designed to alleviate or prevent congestion of public rights-of-way and so to promote the safety and general welfare of the public by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures.

A. *Location.*

- 1) All loading berths shall be off-street and located on the same lot as the building or use to be served.
- 2) All loading berth curb cuts shall be located a minimum of 50 feet from the intersection of two or more street rights-of-way. This distance shall be measured from the property line.
- 3) Except for loading berths for condominiums, no loading berth shall be located closer than 50 feet to a residential district unless within a structure.
- 4) Loading berths shall not be located within the front yard.
- 5) Loading berths located at the side of buildings on a corner lot shall:
 - a) Not conflict with pedestrian movement.
 - b) Not obstruct the view of public rights-of-way from off-street parking access.

- c) Comply will all other requirements of this section.
- 6) Each loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.
- B. *Surfacing.* All loading berths and access ways shall be constructed with bituminous or concrete surface and curbed.
- C. *Use of loading berths and access drives.* Any space allocated as a required loading berth or access drive shall not be used for the storage of goods, inoperable vehicles, or snow, and shall not be included as part of the space required for off-street parking.
- D. *Screening.* Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with this ordinance.
- E. *Size of loading berths.* Unless otherwise specified in this chapter, the first loading berth shall be not less than 70 feet in length, and additional berths required shall be not less than 30 feet in length, and all loading berths shall be not less than ten feet in width and 14 feet in height, exclusive of aisle and maneuvering space.

11. Parking provisions in residential districts.

- A. *Location of parking spaces.*
 - 1) Side and rear yard: Off-street parking areas shall not be located within five feet of the side or rear lot lines.
 - 2) Front yard: Off-street parking areas shall not be located within ten feet of the front lot line.
- B. *Screening.*
 - 1) Parking areas for residential dwellings other than detached single-family shall be screened from adjacent properties in accordance to [with] Section 23. Screening Regulations.
 - 2) Parking areas for non-residential uses in residential districts shall be screened from adjacent properties.

12. Parking provisions in business districts.

- A. *Location of parking spaces.*
 - 1) Front yard: Ten feet from the right-of-way.
 - 2) Side yard: Five feet from the right-of-way.
 - 3) Rear yard: Five feet from the right-of-way.
- B. *Screening.* Parking areas shall be landscaped in accordance to [with] Section 27. Landscape [Landscaping] Regulations.
 - 1) Parking areas abutting a residential district shall be screened from adjacent properties. Types of screening materials shall consist of berms, fences, walls, or landscaping. Plans for screening shall be submitted and approved in the site plan review process.
 - 2) Screening shall be a minimum of six feet in height.

13. Parking provisions in the light industrial district.

A. Location of parking spaces.

- 1) Front yard: Ten feet from the right-of-way.
- 2) Side yard: Five feet from the right-of-way.
- 3) Rear yard: Five feet from the right-of-way.

B. Screening.

- 1) Parking areas shall be screened in accordance to [with] Section 23. Screening Regulations.
- 2) Parking areas abutting a residential district shall be screened from adjacent properties. Types of screening materials shall consist of berms, fences, walls, or landscaping. Plans for screening shall be submitted and approved in the site plan review process.

(Ord. No. 19, Second Series, 5-5-2010)

SECTION 23. SCREENING REGULATIONS

1. General standards.

- A. Screening shall be installed so as to provide a visual barrier. Any such barrier shall reduce visibility in a manner that restricts vision of the object being screened.
- B. Any business, industrial, non-residential uses, and residential dwellings other than detached single-family adjacent to any residential district shall provide screening along the boundary of residential property.
- C. Screening shall consist of a compact evergreen or deciduous hedge and overstory and understory trees of sufficient width and density, or an earth berm of sufficient height to provide effective screening throughout the year. Overstory and understory trees are defined in Section 27. Landscaping Regulations.
- D. A required screening fence shall be constructed of masonry, brick, or wood. Such fence shall provide a solid screening effect and not exceed eight feet in height or be less than six feet in height.
- E. Earth berms shall not have a slope of more than four feet horizontal to one foot vertical or be located within any street right-of-way or within eight feet of the traveled portion of any street or highway.
- F. No screening or buffering shall be located on any public rights-of-way or within eight feet of the traveled portion of any street or highway.
- G. Loading docks shall be screened from all lot lines and public roads.
- H. Except as provided under Appendix A, Section 24, all storage of material and equipment related to, located on, and used by any business, light industrial, or other non-residential use shall be stored inside a building. Exterior storage in business districts that is allowed by other provisions of this ordinance shall be screened from public rights-of-way and adjacent properties.

2. Screening of mechanical equipment.

- A. All mechanical equipment, such as air conditioning units, erected on the roof of any structure or on the ground, shall be screened so as not to be visible from public rights-of-way and adjacent properties.
- B. The screening shall be constructed with materials that are architecturally compatible with the building.

3. Screening of trash containers.

- A. Trash and recycling storage facilities which would be visible from public rights-of-way or adjoining property, except those located in parks, shall be screened by an enclosure of masonry or brick construction. Screening gates shall be of solid material such as wood; chain link fencing is not acceptable.
- B. Screening enclosure gates may not be required if the resulting open side of the enclosure does not face an existing or future right-of-way.

4. [Buffer yards.]

Buffer yards for business, light industrial, and non-residential uses in residential districts, and residential dwellings other than detached single-family shall meet the following requirements:

- A. Where a buffer yard is required for property which abuts residentially zoned property, there shall be within the required setback a landscaped area at least 20 feet in width which shall extend along and be adjacent to the entire length of all common property lines shared with residentially zoned property.
- B. The landscaped area shall contain a double row of evergreen shrubs which, when planted, shall be a minimum of four feet in height with the capability to grow to a minimum height of six feet.
- C. The rows of such shrubs shall be planted in such a manner that a distance of five feet exists between the centerline of each row and that, when viewed perpendicular to the rows, one would observe a shrub planted every 2½ feet on center.
- D. This buffer area shall contain a fence, which fence shall be located entirely on the non-residential lot.
- E. Berms may be constructed the entire length of the buffer yard and shall be continuous or provide the illusion of continuity when viewed from the side and perpendicular to the berm. Earth berms shall not exceed a slope of 4:1.
- F. Some uses may not be required to provide A—E above at the discretion of city council.

(Ord. No. 48, Fourth Series, 9-21-2016)

SECTION 35. GRADING, FILLING, AND EXCAVATION

1. Purpose.

This section has been established to govern grading, filling, and excavation activities in the city to ensure the protection of public property, minimize impacts on adjacent property, and protect natural resources.

2. Permit.

No person shall undertake, authorize, or permit any of the following actions without first having obtained the proper permit from the city:

- A. Any excavating, grading, filling, or other change more than ten cubic yards in the earth's topography in any designated wetlands, floodplain, or shoreland district;
- B. Any excavating, grading, filling, or other change in the earth's topography resulting in the movement of more than 500 cubic yards of material;
- C. Any excavation of materials in the amount of 1,000 cubic yards or more shall comply with the requirements of City of East Bethel Ordinance No. 166 Excavation and Mining, and shall be reviewed as an interim use permit under the standards outlined in Section 04. Applications and Procedures.

(Ord. No. 226, 11-25-2019)

3. Permit not required.

Notwithstanding the above, a separate grading permit shall not be required for the following activities:

- A. Earthwork undertaken in accordance with grading plans approved in conjunction with a building permit, or at plat approval that is in conformance with this section; or
- B. Agricultural activities.

(Ord. No. 226, 11-25-2019)

4. Restrictions.

No person shall undertake, authorize, or permit any excavating, grading, filling, or any other change in the earth's topography which violates or is not compliant with the proper permit issued by the city, including the approved plans and all terms and conditions of the permit.

(Ord. No. 226, 11-25-2019)

5. Administrative grading permit application and review.

- A. Grading plans that would result in the movement of more than 500 cubic yards but less than 1,000 cubic yards of material may be approved by the Zoning Administrator. The applicant shall submit the following information unless waived by the Zoning Administrator:

- 1) The legal description of the property;
 - 2) Shoreland, floodplain, and wetland designations;
 - 3) Existing and proposed final grades utilizing two feet contour intervals;
 - 4) A tree survey showing all trees having a diameter of six inches or greater and a tree preservation plan;
 - 5) A landscaping and site restoration plan;
 - 6) A Stormwater Management plan that is acceptable to the City Engineer;
 - 7) An erosion and sediment control plan; and
 - 8) Any other information that may be required by the Zoning Administrator that demonstrates that the use of this property is consistent with this ordinance and the comprehensive plan.
- B. Upon receipt of a completed application, the zoning administrator or city engineer shall review the application within 30 working days and shall notify the applicant of the decision by mail. The zoning administrator or city engineer may impose such modifications and conditions as may be necessary to protect the public interest.
- C. Any applicant aggrieved by a decision of the zoning administrator or city engineer may appeal the determination to the planning and zoning commission in accordance with Section 02. Responsibilities, Enforcement, and Appeals.

(Ord. No. 226, 11-25-2019)

6. Grading permit standards.

Grading permits shall be issued only for grading plans which comply with the following:

- A. The grading plan shall demonstrate that tree preservation has been maximized by adherence to the following:
- 1) Significant trees greater than six inches in diameter shall be destroyed only to the extent necessary for the property to attain a reasonable, but not maximum, use;
 - 2) Prior to commencement of grading, all trees identified for preservation shall be identified and grading limits cordoned with a suitable barrier. The barrier shall be located to coincide to the drip line of the tree;
 - 3) No construction, compaction, or grading of any kind may occur within these drip lines, except when necessary to save additional significant trees and when the risk to the trees designated for preservation is minimal.
- B. The grading plan shall use landscaping materials to restore site aesthetics, minimize the visual impact of the work, screen the grading from adjacent property, and enhance the property's developmental potential. All areas altered because of grading activity shall, at a minimum, be restored with seed and disc mulch or sod within two weeks after completion of the activity. The zoning administrator may approve an extension of this deadline, if appropriate, but in no case shall site restoration be delayed beyond October 1 of the year in which grading activity is approved. The grading plan shall not result in sites that are unsatisfactory for development of permitted uses.
- C. The plan shall provide for the removal of any significant amounts of organic material or construction debris from the site.

- D. In instances where an existing natural or created buffer shall be impacted by grading or filling operations, site restoration shall be completed in a manner that resembles, to the extent possible, the original vegetation and topographic state of the property.
- E. The plan shall protect wetlands, floodplains, shorelands, public waters, and other natural features to the maximum extent possible.
- F. The plan shall provide for adequate drainage, stormwater retention, and erosion control measures.
 - 1) Erosion and sediment control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to grading when necessary to control erosion.
 - 2) Land shall be developed in increments of workable sizes such that adequate erosion and sedimentation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
 - 3) When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the agreement.
 - 4) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. Topsoil shall be restored or provided to a depth of three inches and shall be of a quality at least equal to the soil quality prior to development.
 - 5) Natural vegetation shall be protected to the greatest extent feasible.
 - 6) Based upon the review and recommendation of the city engineer, it may be necessary to divert runoff water to a sedimentation basin before being allowed to enter the natural drainage system.
 - 7) For developers which shall disturb one or more acres of land, the developer shall also obtain a NPDES construction permit.
 - 8) Solid waste and hazardous waste controls, including concrete washout areas, shall be installed as per the standard specification and guidelines as established within the NPDES general permit for construction activity.
 - 9) Dewatering and basin draining shall be performed in conformance with the guidelines as established within the NPDES general permit for construction activity.
 - 10) When ten or more acres of disturbed soil drain to a common location, a temporary sediment basin must be provided to treat the runoff before it leaves the construction site. A temporary basin shall be installed per the standard specification and guidelines as established within the NPDES general permit for construction activity.
 - 11) The construction site shall be inspected at least once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. All inspections shall be documented.
 - 12) All permanent and temporary erosion and sediment control practices shall be maintained and repaired whenever necessary to assure the continued performance of their intended function.
 - 13) Final stabilization upon the completion of construction activity needs to be established including the use of perennial vegetative cover on all exposed soils or other equivalent means.
- G. The plan shall provide for traffic movements to and from the site that do not have significant adverse impacts on area roadways, development, and traffic patterns, and/or congestion. Roads surrounding the site shall be swept as needed to remove any debris that may accumulate as a result of the grading activity. The city may require the installation of a rock entrance pad to the property prior to the grading

activity for projects that involve a substantial amount of hauling to or from the site to accommodate removal of mud from construction vehicles.

- H. The plan shall include provisions for dust control measures on a regular basis as determined by city staff.
- I. The plan shall include a schedule of activities that limits the duration of off-site impacts and disruptions.
- J. The plan shall comply with the most current revision of the City of East Bethel's Water Resources Management Plan and the City of East Bethel's Engineering Manual.
- K. The plan must be approved, if required, by the watershed district and other state and federal agencies that have jurisdiction prior to the commencement of grading. The applicant shall submit other government agencies' approvals, and/or permits to the city prior to commencement of grading activity.
- L. The plan shall comply with the Minnesota State Building Code and all other applicable state, county, and city ordinances.

(Ord. No. 226, 11-25-2019)

7. Stormwater management.

No land shall be developed and no use shall be allowed that results in water runoff causing flooding, erosion, or increased runoff on adjacent property. Such runoff shall be properly channeled into a watercourse, ditch, storm pond, or other appropriate facility subject to review and approval by the city engineer.

Stormwater pollution prevention plans (SWPPP). Stormwater pollution prevention plans are required for small and large sites, as defined below, to be submitted to the city engineer for review and approval.

- A. Small sites consist of more than 20,000 square feet but less than 1.0 acre of land disturbance, filling, grading or other such activity.
 - 1) Small sites shall be designed to control runoff rate so as to not cause downstream flooding or erosion. Calculations shall use Atlas 14 precipitation data.
 - 2) Small site stormwater pollution prevention plans shall be designed to minimize erosion and to contain sediment from the existing site.
 - 3) No building permit, subdivision approval, or permit to allow land distributing activities shall be issued until the city approves this plan.
- B. Large sites include more than 1.0 acre of disturbance and any sites that disturb less than 1.0 acre but are part of a larger development or connected action disturbing a cumulative 1.0 or more acres.
 - 1) Designed and implemented to meet or exceed the requirements of the Minnesota NPDES/SDS Construction Stormwater General Permit MN R100001 (Construction Stormwater Permit).
 - 2) General policy on stormwater runoff rates and water quality for large sites.
 - (a) For new development stormwater runoff rates, volume, total suspended solids, and total phosphorus from the site shall not increase over the predevelopment values, based on the last ten-years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.
 - i. Stormwater peak discharge rates shall not increase for the 24 hour, 2-year, 10-year, and 100-year storm events.

- ii. Volume, total suspended solids, and total phosphorus may not increase on an average annual basis.
 - iii. An instantaneous stormwater volume calculated as one inch of runoff from the new impervious surface shall be retained on-site.
- (b) For redevelopment stormwater runoff rates, volume, total suspended solids, and total phosphorus must be managed from the predevelopment values, based on the last ten-years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.
- i. Stormwater peak discharge rates shall not increase for the 24 hour, 2-year, 10-year, and 100-year storm events.
 - ii. Volume, total suspended solids, and total phosphorus must show a net reduction on an average annual basis.
 - iii. An instantaneous stormwater volume calculated as one inch of runoff from the new impervious surface shall be retained on-site.
 - iv. For linear projects, the water quality volume must be calculated as the larger of one inch times the new impervious surface or one-half inch times the sum of the new and the fully reconstructed impervious surface.
- (c) Infiltration systems must be prohibited when the system would be constructed in areas:
- i. That receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface;
 - ii. Where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans;
 - iii. Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour;
 - iv. With less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;
 - v. Of predominately Hydrologic Soil Group D (clay) soils;
 - vi. In an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health;
 - vii. In an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;
 - viii. Outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review

- sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;
- ix. Within 1,000 feet up-gradient or 100 feet down gradient of active karst features; or
 - x. That receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.
- (d) Limitations. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within the project boundaries. Such projects may include:
- i. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;
 - ii. Sites where infiltration is prohibited;
 - iii. Other locations as determined by the city.
- (e) Sequencing. Projects that cannot fully meet the stormwater requirements of this section must demonstrate the site constraints through a sequencing analysis subject to review and approval of the city engineer. Prior to consideration of off-site mitigation, the applicant must demonstrate on-site treatment to the maximum extent practicable given the site constraints.
- (f) Mitigation. Projects that have made reasonable effort but have been unable to fully meet volume, total suspended solids, and total phosphorus requirements within the project limits may, upon authorization by the city, utilize the following methods to meet that portion not met on-site:
- i. Provided treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;
 - ii. Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;
 - iii. Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;
 - iv. Provide treatment that yields the same benefits at a site approved by the city.
 - v. Offsite mitigation authorized by the city shall be completed within 24-months of the beginning of construction on the permitted site.
 - vi. Mitigation projects must involve the creation of new permanent pollution controls or retrofit of existing permanent pollution controls, or the use of properly designed regional permanent pollution controls.
 - vii. Maintenance of existing permanent pollution controls that do not have adequate capacity to meet the runoff and water quality criteria of this

ordinance shall not be accepted in lieu of new or retrofit permanent stormwater pollution controls.

- (g) Applicants shall provide documentation showing compliance with the rate and quality requirements of this ordinance. Acceptable documentation shall be:
- i. For rate and volume: Calculations shall be by a methodology listed in the Minnesota Pollution Control Agency's publication, "The Minnesota Stormwater Manual" or other method approved by the city. Calculations shall use Atlas 14 precipitation data.
 - ii. For total suspended solids and total phosphorus: Calculations shall be done using the Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website, P8 or other method approved by the city.
 - iii. Prepared and certified by a professional engineer.

C. The following criteria shall be met for all sites.

- 1) *City inspection.* The applicant shall be responsible for all required erosion and sediment inspections required in the approved stormwater pollution prevention plan. The city may perform inspections to ensure conformance with this section. The applicant and/or builder shall provide access to the site and address any deficiencies noted by the city to maintain proper erosion and sediment control at all sites within the timeframes noted in this ordinance and the construction stormwater permit. In cases where cooperation is withheld, construction stop work orders may be issued by the city, until erosion and sediment control measures are compliant with the construction stormwater permit and this ordinance. Follow up erosion and sediment control/grading inspections must then be scheduled and passed before the construction stop work order is lifted or any other inspections will be done.
- 2) *Inspection and maintenance.* All stormwater pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. The city or its designated representative shall inspect all stormwater management facilities during construction and during the first year of operation.
- 3) *Private facilities.* Where private facilities are allowed by the city council the applicant must provide as part of the design plan of operation and maintenance. The plan must indicate the responsible party or parties charged with the long-term maintenance, repair, or replacement of the facilities. The plan shall also include information on the intended final ownership of the properties containing such facilities and the means by which inspection, maintenance, repair, or replacement, when necessary, shall be funded and accomplished and the party that will be responsible for the operation and maintenance. The details shall be included in an agreement that shall be recorded against the property being developed. In addition, the agreement shall provide for:
 - (a) Access in perpetuity for inspection of the facilities by the city.
 - (b) Access in perpetuity for maintenance of the facilities should the city find that storm water facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.
 - (c) If upon inspection, the city finds that any private stormwater management facilities require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities;

the party or parties responsible for the continued operation of the facilities shall be given written notice of the findings.

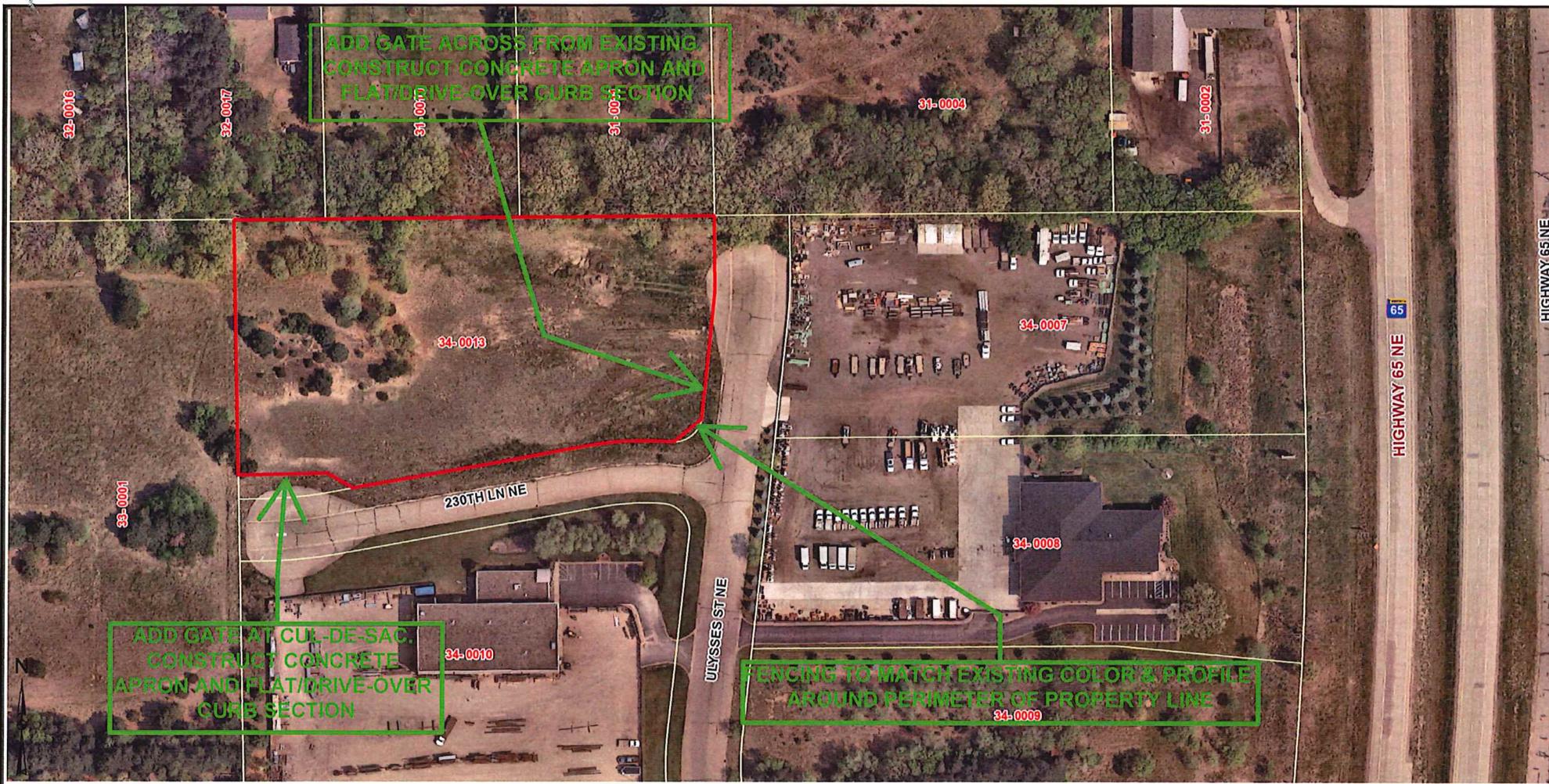
- (d) If upon inspection, the city finds that any private stormwater management facilities require maintenance, repair, or replacement and such deficiencies create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities, the city may take immediate corrective action and charge the costs to the properties identified in the agreement as benefitting from the private stormwater facilities. The city council shall, by appropriate resolution, assess the costs including appropriate administrative fees against said properties, and certify the same to the county assessor of Anoka County, Minnesota.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 226, 11-25-2019; Ord. No. 2023-06, 4-24-2023)

8. Security.

The plan shall be accompanied by a letter of credit or other acceptable financial surety, as the city deems appropriate, to guarantee compliance with the approved permit and adequate site restoration. The surety will be 150 percent of the amount determined by the zoning administrator, city engineer, or the city's designated representative, based on the size of the project, site restoration, and potential offsite impacts.

(Ord. No. 226, 11-25-2019)



Parcel Information:

32-34-23-34-0013

EAST BETHEL
MN 55005

Approx. Acres: 3.07

Plat: SHADE TREE COMMERCIAL PARK
Commissioner: JULIE BRAASTAD

Owner Information:

VIRKUS REAL ESTATE LLC
23034 HIGHWAY 65 NE
EAST BETHEL
MN
55005



Anoka County GIS

1:1,200

Date: 9/4/2024

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

