



- Existing Land Use -The current site is a combination of upland, woods and wetlands.
- Adjacent land uses - North border – There are single family homes located in Athens township; South Border –wetlands; West border – wetlands and a future single-family home lot East Border – single family homes
- Proposed Use – A rural subdivision with 16 lots.
- Access - As stated the access will be from two streets in the City of Bethel, 243rd and 241st. City staff has been in contact with the City of Bethel and their City engineer. Bethel is supportive of the development but does want to make sure that impacts to both 243rd and 241st are minimal. The proposed plat is also adjacent to 245th Ave NE. 245th Ave NE is currently a gravel road where the driving lane is in Athens Township. There had been some discussion as to realigning 245th to be located on the correct right of way line. The East Bethel City Council discussed the upgrade of 245th Avenue at their February 4, 2019 Work Meeting. Due to the impact of the proposed realignment of 245th on four City residents and potential City costs in excess of \$100,000 related to Mr. Strandlund’s proposal, the city does not have interest in realigning 245th.
- General layout – The overall layout of the development meets the underlying zoning requirements; however, the Developer will adjust lots 3 & 4 in Block 2 to meet the minimum 200 feet of frontage at the street right of way.
- Street designation – The Street name will be Washington Street NE.
- Wetlands and floodplain – The wetlands have been delineated on the property and the Developer has completed the Joint application and will be completing a MNRAM (wetland functional assessment) for this project. There is a proposal to fill some small wetland areas off 243rd and 241st. A Letter of Map amendment was completed for this project related to the Floodplain and that is shown in Attachment 3. At this time the Developer has not heard back from FEMA re; the LOMA.
- Site Drainage and Grading – The Developer completed a series of soil borings and piezometers to evaluate groundwater levels. Based on this information, the lowest floor elevations have been set for the building pads. The Developer has also completed the storm water management plan for this project. Attachment 5 discusses this in greater detail.
- Tree removal – The Developer will only be removing trees necessary to construct the street and adjacent to 245th and as needed for stormwater management. The building pads for the lots have been set in areas that will disturb the least number of trees where possible. Some of the lots will be custom graded, and tree removal will depend on where the home will be located.
- Park Dedication – This is not in an area that is part of the City’s trail system. The Developer will be required to pay a Park Dedication fee.
- City staff review – The Plat has been reviewed by the Community Development Department and the City Engineer. It has also been reviewed by the City of Bethel and their consulting engineer (MSA).

Chair Balfany opened the public hearing at 7:14 pm.

Corey Klebs, 290 243<sup>rd</sup> Ave. NE, Bethel - Said it sounds like East Bethel has already made a decision. He does not want extra vehicles going on his road. He bought his property to be on a cul-de-sac.

Randy Anderson, 24315 University Ave. Extension, East Bethel – Noted this development is located behind his property. Is there a five-acre minimum requirement? Most of the parcels on the preliminary plat are three acres. What is the timeline for this development? He does not want to see removal of trees nor added traffic.

Chair Balfany clarified that questions posed during the public hearing will be address after the public hearing is closed.

Victoria Wodarck-Soderman, 290 243<sup>rd</sup> Ave. NE, Bethel – She was the second person to build on the dead-end street. She is opposed to additional traffic due to the proposed through street.

Dustin and Bridget Nyara, 295 241<sup>st</sup> Lane NE, Bethel – They built their house 21 years ago with the understanding this property was not able to be developed because of the wetlands. Based on all the pipes put into the ground already, they believe East Bethel has made a decision.

Richard Wiitala, 24075 Dogwood St. NW, Bethel – As a Bethel City Council member, he was present when the plan was reviewed. What is the road agreement with Athens and how is that being worked out and how is that going to be an equally, at minimum, attractive path for those residents to take ingress and egress from that neighborhood? Part of the watershed wetlands are in Bethel and he believes impacted wetlands are in Bethel in both locations mentioned. The City of Bethel needs to understand how that is going to work. Where there is an impacted wetland the City of Bethel has accountability as well. He referred to some power agreement being handed over or some control being handed over to East Bethel around how that wetland project would be managed. There needs to be more discussion about that. There was mention of another complication with a connection being tweaked for the south most end and Bethel wants to understand more about that – unsure whether it was 241<sup>st</sup> or 243<sup>rd</sup>. Chair Balfany said 241<sup>st</sup>. On the 241<sup>st</sup> theme, there is one resident driveway that connects to the existing Bethel road, yet there is no tax benefit to Bethel. Is that still being discussed with East Bethel that it would have the full tax benefit of having another residence there yet not have any maintenance of that road at all? Bethel would be covering the full cost. How does that typically work in this type of scenario? He would like to see other precedents or how that has happened with other cities. Minard Lake Development is being developed and is staked up. There will be beautiful homes there and it will be a nice development in a beautiful area. He was disappointed to not hear about East Bethel talking about trails through there and getting access to Minard Lake

through the development. Bethel is talking about trails and looking to establish trails around the city, including to the development and residents that are on that side that must get to the other side of 47; trails leading into downtown. Bethel is also working on development for its downtown. He believes there should be trails for residents to use to get to Minard Lake and to downtown Bethel. Now is the time to develop trails between the two developments. Bethel Developer Agreement – being totally separate, the Bethel City Council has not looked at it yet.

Herb Bailey, 614 245<sup>th</sup> Ave., Bethel – Owns property to the east of this development and most of the wetlands out there. He is located at the end of the cul-de-sac on 245<sup>th</sup> Ave. Mr. Bailey asked if East Bethel is in the process of making an access out to the dirt road on 245<sup>th</sup> that is shared by Athens Township and East Bethel? That is a cow path and he has all the privacy at the end of it. Will 245<sup>th</sup> be blacktopped? He understands that anything down to two acres must have blacktop. He sees why the developer is coming in off 243<sup>rd</sup> because that is blacktop. There is no blacktop out the University Extension on 245<sup>th</sup>. He has many concerns regarding Minard Lake and would like to know what is happening with the Minard Lake development, as that is wetland there. He is a staunch conservative when it comes to protecting the wetland. A cul-de-sac was removed and a road destroyed years back. Yet East Bethel is allowing a developer to come in and change things around. He would like to see what laws East Bethel has from the DNR and legislation concerning the wetlands and pushing a road through that area.

Chair Balfany closed the public hearing at 7:28 pm.

Ms. Winter addressed questions posed during the public hearing.

Access on 243<sup>rd</sup> is a temporary cul-de-sac which accesses a dedicated right-of-way so that it would be a continuation of 243<sup>rd</sup>.

Five acre minimum – Metes and Bounds Division has five acres. In this case, the developer is doing a plat which is a rural residential sub-division. The way the East Bethel ordinance works is that a developer can go down to two acres, but the overall average for the development must be 2.5 acres in size. The proposed average size for this development is over 4 acres per lot.

Park dedication – The developer does have an obligation to provide park dedication if there is not going to be a trail system in the development. The developer is responsible to provide park dedication fees which can be used for park improvements within East Bethel.

Timeline – The developer can address that, as he is in attendance. Ms. Winter believes this will start as soon as possible.

Trees – The plan is to keep the impact to the trees to a minimum.

Chair Balfany said one comment was the mess during construction. Is there another development going on behind this preliminary plat?

Ms. Winter addressed there being pipes in the ground. She believes the pipes are the piezometer pipes that the developer put in to look at the water table.

Watershed and wetlands – There is a joint application between East Bethel, Board of Water and Soil Resources (BWSR), Anoka Conservation District (ACD) and MN DNR – which is called a technical evaluation panel (TEP). A joint application process must be done to delineate where the wetlands are, show a history of wetlands, and the developer must show what type of impact is going to be on the wetlands. The TEP will meet on site to evaluate what the developer has prepared and determine if they are in concurrence with what they have delineated for wetlands. On this property, the wetlands have been delineated and there is a 25’ buffer that is required around all wetlands. There are also drainage and utility easements on all these lots. The developer cannot build anything within those drainage and utility easements. There are two small areas that may have wetlands and if they are under the diminimus there may or may not be much that the developer must do to those areas, as they are small disturbances that may occur in the wetlands. The developer is also required to manage all the run-off from this property via infiltration ponds to manage all the storm sewer run-off.

Minard Lake Development – The development that is occurring is being called Minard Lake development, however, it is occurring much further to the east. There is not going to be any impact to Minard Lake. There are only five lots in that area which are five acres or greater in size. The one closest to Minard Lake is over 16 acres in size. There is a road in that area that has been there for many years that accesses a single-family house on the south-side of Minard Lake.

245<sup>th</sup> Avenue NE – Is a gravel road. The driving path is contained in Athens Township. Due to impact, it was determined 245<sup>th</sup> will remain a gravel road. The developer will have to work with Athens Township regarding the ingress and egress onto 245<sup>th</sup>.

Chair Balfany read aloud a comment letter dated 2/25/19 from the City of Bethel.

“Dear Ms. Winter,

Thank you for giving the City of Bethel the opportunity to comment on the Prairie Pines Preliminary Plat application being reviewed by the City of East Bethel. The proposed development includes 16 new single-family building sites. 15 of the lots would access off an extension of 243rd Avenue from the City of

Bethel. The 16th lot would access off a driveway from the end of the 241s Lane cul-de-sac within the City of Bethel.

In both cases, the built improvements lie within a public right-of-way easement. The cul-de-sacs are not ended to the adjacent property lines within the City of

East Bethel. Therefore, the City of Bethel considers these undeveloped portions of the right-of-way to be closed.

In order to open these portions of the public right-of-way for an extension of a public road and the construction of a private driveway, the City of Bethel is requesting that the applicant provide the following:

- The City of Bethel requests that the applicant enter into an escrow agreement and provide an initial escrow of \$2,500 to defray the costs of the Bethel City Engineer to review the final construction plans for the improvements proposed to be placed within the City of Bethel's right-of-way. The construction plans shall include both roadway and stormwater drainage improvements. Additional securities may be required by the City of Bethel related to guaranteeing the condition of existing roads and construction monitoring. The City of Bethel requires that the applicant prepare and provide copies of construction plans for the public road improvements in the 243rd Avenue right-of-way and typical driveway improvements for the 241st Street right-of-way. The public road improvements shall include the removal of the existing cul-de-sac and construction of an urban section road built to City of Bethel Engineering standards. The City of Bethel Engineer shall review and approve the construction plans prior to approval by the City of East Bethel.

Further to guarantee the maintenance of existing City of Bethel roadways and to ensure the proper construction of new infrastructure, the City of Bethel will require the following:

- The City of Bethel will require a roadway maintenance escrow or bond, with the amount at the discretion of the Bethel City Engineer. This security shall guarantee the proper maintenance of the existing streets and shall be released upon final acceptance of new improvements. The City of Bethel will be seeking to have the City of East Bethel not accept newly constructed improvements until that time that the City of Bethel Engineer has stated that the construction has been satisfactorily completed and that the construction has not so degraded the existing roadway(s). East Bethel's development agreement shall require written approval from the City of Bethel prior to final acceptance of the improvements, The City of Bethel Engineer shall be invited to any preconstruction meetings. The City of Bethel shall be provided a copy of all record drawings. Prior to issuance of any building permit for the lot off of the 241st Lane right-of-way, a driveway permit shall be required from the City of Bethel.”

Chair Balfany believes that answers what the City of Bethel is getting, requiring and requesting, and will have a final say in matters with this development.

Chair Balfany addressed an earlier comment that the City of East Bethel has already made a decision. East Bethel never just accepts a plan for development. There are items that the developer must do prior to submitting a preliminary plan; the City does not just accept a plan. Submitted plans meeting City codes and requirements are forwarded to the Planning Commission for review. The Planning Commission then makes a recommendation to the City Council with City Council making all final decisions.

Mr. Terry has a problem accepting as justifiable is the southern most lot off 241<sup>st</sup>. He said the lot looks like it is disrupting a wetland area just for the sake of adding another house; it doesn't look like a natural location to put a house.

Chair Balfany invited the developer, Mr. Steve Strandlund, to address any or all questions.

Mr. Strandlund said that southern most lot off 241<sup>st</sup> meets the ordinance and requirements. The upland there is equivalent to or greater than some of the whole lots on the Bethel side of the line, simply because the Bethel lots were designed as city lots. A small portion of land may or may not go away, depending on the decision of the TEP based on the drainage flow directly into the wetlands. Total impact to that area will be 600 sq. ft. which is minimum. There is another piece of land off 243<sup>rd</sup> which is approx. 500 sq. ft. that may also be impacted.

Mr. Terry said the point of his question was not whether it meets code, he is asking whether it is good stewardship of that land and how does that affect the wetland as a whole to carve into it with a lot. It makes more sense to him to have it extended into a large lot north of it so as to respect and preserve the whole general area. The other lots in this development do that, however, this lot does not do that. Just because it is allowable, it is not the right thing to do. Is it the city's responsibility to look out for nature or to allow carving up nature? Is that going to help the city? He does not see it.

Chair Balfany said this is not a matter of putting a house in the middle of a very wide-open area, there is an existing house next to an already existing development on the edge of the wetland. The proposed house will have less impact on the wetlands than other neighboring properties. Mr. Terry pointed out on the map how it impacts the land to the east and that it is out of character of what is going on there. From an aerial view, Chair Balfany showed that it is no different from the other two properties located off 241<sup>st</sup> being set further back off the road. That pad in the development appears to still be essential to the neighborhood. Ms. McLaurin sees it as just another home being added to a street that is not supposed to be a permanent cul-de-sac but a right-of-way. All

that will be added is a driveway off 241<sup>st</sup>. Mr. Strandlund pointed out the wetland line and where the pad is located on the map. He believes this property will be one of the nicest and best quality parcels in the development.

**Ms. McLaurin moved and Ms. Allenspach seconded to recommend approval of the Concept/Preliminary Plat for Prairie Pines dated 2/26/19 subject to the following conditions:**

- 1. That the plat conforms to Chapter 66 and Appendix A, Section 42**
- 2. Developer needs to address to and respond to all comments from the CD Director, City Engineer and City of Bethel.**

**Motion carried with Mr. Terry voting no.**

This item will be on the City Council March 11, 2019 meeting agenda.

Cory Klebs while seated in the audience said something about there being no mention of Athens Township in the motion. Erin McDermott said she mailed out notices to property owners. Mr. Klebs came to the microphone and said he has concerns that if the developer decides to push the road into Athens, that Athens will have no say in the matter. It was clarified that if the developer does develop the road, he will deal directly with Athens Township. Mr. Strandlund explained the amount of time, money, and research he did on 245<sup>th</sup> Ave. and has given the information to both East Bethel and Athens Township. East Bethel has easements on the south-side. Currently, Athens Township and East Bethel have an agreement regarding road maintenance. Ms. Winter stated that the East Bethel City Council at its February 4, 2019 meeting made the decision to leave the road as is due to the potential cost (possibly in excess of \$100,000) on the four city residents and that the City has no interest at this time in realigning 245<sup>th</sup> Ave. If the road were to be realigned there would be a significant number of trees removed, there would be an impact on a wetland, and if it were to connect to University, what would the County say needs to be done, i.e. require a turn lane, etc. One resident would lose all the trees in their front yard.

Chair Balfany reminded the public that the Planning and Zoning Commission is a recommending board and that City Council makes all final decisions.

Randy Anderson stated Athens Township does very little with 245<sup>th</sup> Ave. Mr. Strandlund clarified that the roads that he puts in will be paved and that the land around 245<sup>th</sup> Ave. has been discussed and taken into consideration for this development.

7. Home  
Occupation  
Ordinance  
Review

Discussion Only

Background Information:

The City is becoming aware that there are many construction, landscaping and automotive repair facilities in residential areas through code enforcement complaints and would like to address the home occupation ordinance to work



with the residents of the City of East Bethel while maintaining the residential character of the neighborhoods affected.

In the past the Planning commission has discussed concerns and questions regarding certain home occupations in residential districts such as automotive repair facilities and landscaping businesses and whether these types of home occupations should be permitted. It is not uncommon for metro area cities to list occupations such as body shops, landscaping businesses, and motor vehicle repairs or sales as prohibited home occupations. Also, many cities do not allow any person, other than the property owner, whom must reside on the premise, to be engaged in the home occupation. Staff has compiled home occupation ordinances from other municipalities in the surrounding area to give the commission an idea of how other similar areas handle their home occupations.

Staff suggests Planning Commission members discuss current home occupation requirements with the possibility of recommending an amendment to current regulations.

Ms. McDermott shared information she gathered from neighboring communities on:

- Interim Use Permits for home occupations
- “Working Hours” restrictions by city
- Number of employees allowed per home occupation who do not reside in the home
- Signs allowed on a property with a home occupation
- Percent of space allowable that the home occupation may use in the primary structure
- Use of an accessory building allowed for home occupations
- Exterior storage – Ms. McDermott noted that the number one code complaint is exterior storage.

Ms. McDermott reviewed East Bethel’s Home Occupation Requirements and four staff recommendations:

- Recommended requirement of 400’ in garages be reserved for primary residential use – many code violations of properties with home occupations are vehicle violations involving personal and commercial vehicles.
- Recommendation of stricter time restrictions, 10pm is not reasonable for some home occupations in neighborhoods with smaller lot sizes.
- Recommendation of a tiered permit system, with administrative permits or no permit requirements for smaller home occupations with no employees and no added traffic, as well as a temporary interim use permit for growing businesses as they transition from a residential area to one better suited to their business needs. This will promote small business but still allow for restrictions on activities detrimental to the character of the residential zones within the city.

- Recommendation of allowing larger signs for home occupations on the condition they submit signs for approval by City Council at the time of application for the IUP.

City code currently allows a 2 sq. ft. sign which is very small. Ms. McDermott believes if a business gets a permit from the city, it would be reasonable to address allowing larger signage. Mr. Terry said a larger sign makes sense if the home occupation is on a county or state road, but not on a residential street. Ms. McDermott said that is something that should be addressed at the time of application. Mr. Terry said it needs to be written in the ordinance what sizes are allowed depending on what type of street/road they live on. Mr. Eich believes the location/lot size should also be part of the signage size determination. Ms. McDermott is going to be looking further into signage requirements, if it is located on a building or at road side, etc.

Ms. Johnson believes 8pm is a good end time for hours of operation, 10 pm is late from a noise standpoint. Chair Balfany said if a tiered system is put into place, that can also be determined by tier level. Noise levels could determine tier levels.

Currently, the cost is \$300 to apply for an interim use permit with \$300 of escrow. For a small one-person business that is a high cost and could be a deterrent to going public with their business.

Ms. Winter noted that staff would like guidance on the number of employees and exterior storage then bring that back to the Commission for review.

Mr. Terry thought number of employees may be a factor of acreage, because that would change the impact on a neighborhood.

Ms. McLaurin has an issue with allowing occupation to happen in accessory buildings. If you have an accessory building and IUP it would make sense to have additional employees as opposed to working out of the home. She does not have a problem with three employees, however, parking of vehicles seems to be a reoccurring issue. Chair Balfany has no objection to the employee number, if the code is followed for number of vehicles.

Neither Ms. McLaurin nor Chair Balfany want to ‘open that can of worms’ regarding exterior storage. Ms. McDermott believes no exterior storage should be allowed.

8. Minimum  
Lowest Floor  
Elevations  
Change

Ms. Winter stated staff is going to be bringing two to three ordinance changes or topics i.e. kennels and private kennels to meetings for discussion. The home occupation ordinance and signage ordinance (there is a sub-committee through the Chamber of Commerce working on the sign ordinance) are two major topics. Another topic is the need for kennels for people to board their pets. Currently, commercial kennels are only allowed in light industrial areas. People can go

online to rover.com to find someone to sit their pet in a residential area. However, due to time constraints the one issue to discuss tonight is minimum lowest floor elevations change.

**Background Information:**

The City Council discussed making changes to sections of Appendix A, Zoning code at previous meetings including February 4, 2019, a City Council work meeting. Over the next several months, the City Council has requested that the

Planning Commission look at changing ordinances contained within the Zoning code and other sections of City code where needed. In addition to the Home Occupation ordinance that was discussed under Item 6.0, the following revisions represent changes needed to Minimum lowest floor elevations. This is a relatively simple ordinance fix and staff is requesting that Planning make a recommendation for approval as presented to City Council. The proposed changes would clarify design criteria for structures constructed on mottled soil, as the current wording has caused some confusion.

Commission consensus was to approve the proposed changes as presented. Ms. Winter will bring a revised copy to the next meeting.

The commissioners asked that proposed changes to codes/ordinances be noted by underlining, use of strike-through, etc. and for pie charts different patterns be used for the backgrounds.

**9. City Council Report**

Ms. Erkel asked Ms. McDermott to include both Bethel and Linwood Township in her home occupation reports.

City Council Liaison Suzanne Erkel reported the following:

- Council has a big discussion about service dogs and changing the ordinance; this was tabled until more information is gathered.
- Council approved the City of East Bethel to bid to purchase one little plot of property at the Sheriff's Sale around Coon Lake
- Pet Clinic in April
- Town Hall Meeting – April 11<sup>th</sup>
- Sunrise business breakfast – April 11<sup>th</sup>

**12. Other Business**

Ms. Winter asked the commissioners to email Amy Norling any contact information changes and/or preference of packet distribution – delivered or emailed.

**13. Adjourn**

**Commissioner Cornicelli moved and Commissioner Allenspach seconded to adjourn at 8:41 pm. Motion carried.**

Respectfully submitted,

Gail Gessner, Recording Secretary  
Submitted 3/6/18