

Chair Balfany opened the public hearing at 7:02 pm. Hearing no comments, the public hearing was closed at 7:03 pm.

Commissioner Allenspach asked for clarification that there is nothing on the neighboring property line south of the property to prevent the variance. Chair Balfany said it is a wooded lot with boat storage. The variance lot is cleared and ready for the placement of holding tanks.

Commissioner Allenspach moved and Commissioner Johnson seconded to recommend to City Council approval of variances for Darrin Mercil, 19351 EAST FRONT BLVD NE, EAST BETHEL, MN 55092. COON LAKE EAST FRONT LOT 19 COON LAKE E FRONT INCL ABUTTING 30FT OF VACATED ST.; REARR OF LOTS A B C D & E, COON LAKE EAST FRONT LOT 3-B REARR OF LOTS A B C D & E COON LAKE EAST FRONT, R1- Single Family Residential zoning as follows:

- 1. 25-33-23-13-0036 request for the placement of a drainfield 5 feet from the south property line, a variance of 5 feet from the normal setback of 10 feet for a drainfield.**
- 2. 25-33-13-0022 request for the placement of holding tanks 5 feet from the south property line, a variance of 5 feet from the normal setback of 10 feet for holding tanks.**

Motion passed unanimously.

This item will go before the City Council on June 10, 2019.

5.0 – Home Occupation Ordinance Continuation/Public Hearing

Background Information:

The Planning Commission discussed proposed changes to the Home Occupation ordinance at the February 26, 2019 meeting. The April 23, 2019 meeting began the public hearing process for the amendment of this ordinance. Staff requested a continuance of the public hearing to include language to the ordinance for home occupations requiring federal oversight. The proposed changes are intended to clarify the present ordinance and provide a way to deal with three separate home occupation levels. It was determined that not all Home Occupations are the same and those that are simply a home office can go through an Administrative process. Whereas those that may have one or two employees and operating out of a detached accessory structure fit under either the Interim Use Permit or Limited Interim Use Permit Home Occupation.

Ms. McDermott noted 4 A. is the text that was required at the last public hearing and read the added text. *“Any home occupation requiring federal oversight is obligated to apply for the Interim Use or Limited Interim Use Permit so a public hearing is held to ensure that any additional requirements as established by the City of East Bethel may be added to the permit as deemed necessary by the Planning Commission or City Council.”*

Chair Balfany re-opened the public hearing continued from the last meeting which included the new information as read by Ms. McDermott at 7:04 pm. Hearing no comments, the public hearing was closed at 7:04 pm.

Commissioner Johnson moved and Commissioner McLaurin seconded to recommend to City Council the adoption the proposed amendments to the text, specifically for 4 A. Motion passed unanimously.

This item goes before City Council on June 10, 2019.

6.0 – Variance Ordinance Revision/Public Hearing - Proposed Changes to the following Sections of the City of East Bethel Code of Ordinances, Appendix A, Zoning: Section 04-10 – Variances

Background Information:

In 2010, Minnesota changed the statute governing variance requirements and as a result the language for variance requirements was changed from “Undue Hardship” to “Practical Difficulties”. The League of Minnesota Cities determined that cities were able to utilize this new wording before changing their ordinances. The City of East Bethel has been using this guideline since 2011. This ordinance revision is a simple language change to reconcile the ordinance with State Statute 394.27, subdivision 7; 462.357, subdivision 6. All language changes are taken directly from 394.27, subdivision 7.

Chair Balfany opened the public hearing at 7:06 pm. Hearing no comments, the public hearing was closed at 7:06 pm.

Commissioner Cornicelli asked if a “practical difficulty” is a statute definition. Yes, it was copied and pasted from the State statute.

Commissioner Cornicelli moved and Commissioner Allenspach seconded to recommend to City Council adoption of the recommended language changes to Sections of the City of East Bethel Code of Ordinances, Appendix A, Zoning: Section 04-10 – Variances. Motion passed unanimously.

This item goes before City Council on June 10, 2019.

7.0 – Recreational Camping Discussion- Ordinance Revisions

Background Information:

A resident posed a question about staying in a recreational vehicle on his property, and referenced Sec. 38-20 from the City Ordinance, which mentions that camping vehicles are permitted on the owner’s property for storage and may be occupied for up to three weeks in a two-month period.

This conflicts with Appendix A – Zoning, which states in Section 1-6. Interpretation and Application, that if a use is not specifically permitted within a zoning district that it is to be considered prohibited.

Recreational camping in residential areas has resulted in many code enforcement complaints in the past, as in many of these cases the recreational vehicle is being used as a permanent residence as opposed to a recreational activity. This has created many concerns from a public health standpoint as septic systems are designed for the number of bedrooms within the residence, and it may overburden the systems on the property.

Presently East Bethel ordinances include RVs and other recreational vehicles in the count of 5 vehicles that are allowed per property. Most properties that are noncompliant with the Zoning Ordinance in terms of vehicles have multiple recreational vehicles on the property. To maintain the cleanliness and value of properties of East Bethel, separating residential vehicles from recreational vehicles may be a reasonable conclusion while working with the residents.

Staff recommendation(s):

- 1) Staff recommends that Sec. 38-20 be amended from two months to 12, as three weeks out of every two months would allow for residents to reside in, instead of temporarily occupy, a recreational camping trailer which does not meet the intent of the code.
- 2) Add Recreational Camping to “Accessory Uses” under R-R Rural residential, and R-1, Single Family Residence, as camping is very prominent in the Shoreland Overlay Districts of the city. Staff also recommends requiring a permit to ensure the waste removal from recreational campers is handled in a safe and legal manner to avoid imminent health threats. We do not recommend the addition of residential camping to R-2, as it does not fit within the characteristics of that zoning.
- 3) Amend the vehicle ordinance to separate recreational vehicles, allowing for up to 3 recreational vehicles to be parked in an orderly manner on the rear lot line, not to be included in the 5 residential vehicles required to be parked on or next to the driveway.

Ms. Winter reminded the commissioners that this is for discussion purposes only. If further discussion is deemed appropriate, Ms. McDermott can draft appropriate language to present to the commission in the next month or two for a public hearing.

Commissioner Cornicelli asked what the basis is for the need. Are people living in their RVs because they do not have another place to live? Is it a parcel that does not have a structure on it and they are living there all summer? Are they setting up a P.O. Box in Isanti and living in a trailer park all winter? What is the basis for needing to live in your RV? Ms. McDermott said most of the complaints have come from people allowing family members to reside within the RV indefinitely. One of the cases remitted to the city attorney for code enforcement violation was running a business out of his home and decided that residing in his RV was a reasonable use instead of moving the business to a more suitable location. Why people are living out of RVs varies. Ms. McDermott believes that if the city were to make it a permitted activity to maintain control over the septic waste (which seems to also be a large issue), that could deter people using RVs are residential instead of recreational. Commissioner Cornicelli said he believes the waste is an issue as is hoarding. He believes that allowing three RVs per property contributes to a problem and he is not sure legitimizing a problem is the solution. Commissioner McLaurin asked if three RVs includes a pontoon boat or is it for three RVs and a boat and other recreational vehicles. Ms. McDermott said that within the zoning ordinance it specifies recreational vehicles as being boats, trailers, snowmobiles, ATVs, RVs. So it would be three of any combination of those. This is where Ms. McDermott would like guidance on the commissioners' thoughts. Mr. Cornicelli stated it functionally bumps the number of things outside to eight. Chair Balfany and Commissioner McLaurin both agreed that many families have numerous recreational items. Commissioner Cornicelli leans toward being more restrictive than more liberal. Three weeks out of 12 months makes more sense from a camping perspective. Three weeks out of every two months is living and domicile. Commissioner Terry asked what the problem is for any of that. Is it the septic use? Commissioner McLaurin answered partially because there are two residents living on one single-family lot. Ms. McDermott noted RVs are not necessarily intended for sustaining human safety for extended periods of time. Building code issues come into play and that is why the codes are as strict as they are. As a safety issue for the residents, the city does not want to allow that when accidents happen – RVs are not rated for fires the same way houses are. They do not protect residents from the elements in the same way a house would. It runs the risk of other public health issues also. Commissioner McLaurin believes it opens up the other fine line that the commission was trying to prevent between recreational vehicles and “tiny homes” because they are what is called “park models” which are RVs that do not hook up to septic, but have holding tanks and are considered to be used in a park for the summer/seasonal use. Where is the line drawn?

Commissioner Terry said what concerns him is the paragraph that states, “This conflicts with Appendix A – Zoning, which states in Section 1-6. Interpretation and Application, that if a use is not specifically permitted within a zoning district that it is to be considered prohibited.” How is it defined for example if somebody wanted to do bow and arrow practice in their backyard (that’s probably not in the code) but is a use of their yard. Ms. Winter said that is defined in the code as it falls under “discharge”.

Commissioner Terry gave the example of somebody deciding they want to get in touch with nature and build a tipi in their backyard. It is their property and they love nature and they want to do that. Are they prohibited because it is not in the code? Ms. Winter said that is different because a tipi is not defined as a permanent structure. The city does not legislate nor regulate that. Commissioner Terry believes that could be a bigger hazard than an RV as far as safety and other concerns go; there is no septic, no protection from the elements. Commissioner McLaurin asked if they are planning on living in the tipi. Commissioner Terry is only making up a scenario. Commissioner McLaurin said the difference is that people are living the in the RVs and that is where the problem starts. Commissioner Terry gave the example of a dying relative wanting to stay with family in an RV for their remaining time. Ms. McDermott said that is why she wrote in as a recommendation considering possibly making it a

permitted use where they would have to come to the city to obtain a permit so they can inform staff where they plan on dumping the effluent. [There currently is an issue within the city where someone is pumping their sewage into the middle of the street.] The city wants to make sure they are not running into a situation where people do not know what to do with the septic in the holding tank. The city wants to make sure there is a plan if someone is going to pump the holding tank or if they are going to drive to an MPCA certified dump site. That is the goal of the city. Commissioner Cornicelli reiterated that he is not in support of people living in RVs full-time.

For Commissioner Terry, the jump from three weeks within two months occupation to three weeks in a year is significant. He thinks it is going too far in the other direction. If the city can restrict the things that are safety issues without throwing everything out in a category like RVs then it gives the honest situation opportunity and it tries to protect people from the harmful. What Ms. McDermott is hearing is that amending it from three months to six months might be a more reasonable solution. Commissioner Terry does not know what a reasonable use would be, it just seems 12 months is an extreme. Ms. McLaurin said people probably should not be living out of an RV for six months of the year. Chair Balfany is not in favor of allowing residency in non-residential dwellings and he agrees with Commissioner Cornicelli. But from the viewpoint of someone who lives near the lake, such as the Mercils, whose parents want to park a camper on their property for summer months he understands. Summer months do last longer than a three-week period. Maybe the Shoreline District should have a separate paragraph in the ordinance. Maybe a written plan permit is needed for those people staying longer than three weeks. How would the change affect the RV park on Viking Blvd.? The city needs to be careful of what they will and will not allow. The city needs to be responsible from a safety point-of-view but not restrictive of privately-owned property. Commissioner Johnson voiced her biggest concern is with the disposal of septic waste. She asked Ms. McDermott if she has an estimate of how many people might be in the situation where they are having an RV by Coon Lake for the summer. When Ms. McDermott started the position she inherited a fair number of code enforcement complains and several them were complaints of people residing in RVs. It was mainly family members wanting to enjoy family-time. That is why she included the portion about making it a permitted activity within those zones so it could be an allowable thing. She wants to see people using their property for what they intend it for. The city needs to decide on what it finds reasonable for allowing recreational camping. That is why this discussion is being held.

Commissioner Cornicelli noted that there are two different things currently being discussed. One can be managed and the other should be prohibited. When put on paper, there must be some type of separation between the two items. Would allowing living in RVs on private property negatively impact the business of the local RV park? That also need to be considered. Ms. McDermott asked if the ordinance should be left as is but add in accessory uses in those zones for the recreational camping as defined by Section 38-20. Commissioner McLaurin asked if the inconsistency is reconciled, what is the protection to the city, what does it allow for enforcement. Ms. McDermott recently followed up on a RV residential complaint and had to visit the site for 21 days to ensure there was someone living in the RV before a letter of non-compliance to code was sent and that they were to vacate the premises and stop using it as a residence. By making changes to the ordinance it will help to define where the code enforcement starts.

It was asked if Ms. McDermott had enough information from tonight's discussion to draft a proposal to bring to another meeting. Ms. McDermott said yes.

8.0 – Minor Subdivision – Stern

Ms. Winter noted that this minor subdivision is like what they reviewed a few months ago for Skylark Drive.

Metes and Bounds subdivision

Location: Klondike Dr NE and Highway 65

Zoning: Split; R-1 Single Family Residential and R-2 Single Family and Townhome Residential
PID #20-33-23-23-0005

Owners: Irene Stern Trust; Trustees Gary Stern and Kathy Bell-Fiedelman

Requested Action:

Consider approval of a four lot Minor Metes and Bounds subdivision – This is not a public Hearing.

Background Information:

Ms. Kathy Bell-Fiedelman has been working with city staff to divide up the late Irene Stern's (her mother) estate. By working with city staff it was determined this property would be divided into Metes and Bounds described parcels as a Minor subdivision. It is in an area that is part of the proposed Urban Reserve Area in the 2040 Comp Plan update. The Urban Reserve is an area that is not expected to have city sewer and water but is required to show a ghost plat overlay indicating future street locations and lots. The proposal is to divide the remaining acreage into 4 lots, one of which will be combined with an existing lot that has a home on it. The other 3 properties will be put up for sale. The lots are all on improved existing city streets and range in size from 5.14 to 22.48 acres, which is an average lot size of 10.54 acres for the new lots and existing lots that are currently owned by the Stern/Bell-Fiedelman family. The following items were all completed as part of the subdivision:

- ✓ Wetland delineation – A complete wetland delineation was done and the Notice of no impact was signed off on by all respective agencies. There will be a 25-foot D&U around all the delineated wetlands and because this is in a Significant Environmental Overlay district the houses will be set back 50 feet from any existing wetlands.
- ✓ Road right of way and D&U dedication will be recorded as a separate document
- ✓ Park Dedication of \$6,000.00
- ✓ Ghost plat that shows a future extension of Buchanan St NE.
- ✓ The applicant provided the financial security and park dedication fees already as part of the application process.

Ms. Winter noted this property is part of a significant natural environment area so there is a significant natural environment overlay district on top of this. When the wetland delineation was done those wetlands were identified and the sensitive areas related to those wetlands were identified. This will require a permanent 25' buffer around all the wetlands. Staff recommends approval of the minor subdivision, subject to the following:

- Enter into a Developer's agreement with the City
- Comply with applicable sections of East Bethel Code of Ordinances

Commissioner Terry moved and Commissioner Johnson seconded to recommend to City Council approval of a four lot Minor Metes and Bounds subdivision Location: Klondike Dr NE and Highway 65, Zoning: Split; R-1 Single Family Residential and R-2 Single Family and Townhome Residential, PID #20-33-23-23-0005, Owners: Irene Stern Trust; Trustees Gary Stern and Kathy Bell-Fiedelman as proposed with staff recommendations. Motion carried unanimously.

This item goes before City Council on June 10, 2019.

8.1 – City Council Report

Council liaison Suzanne Erkel reported the following:

- Council approved a city website upgrade. The website will be down for a few days in the coming months.
- Council approved the parking restrictions on the south side of Minard Lake.
- Council approved the Roads Capital Improvement Plan (CIP)

- Council approved the purchase of a property and a transfer of city property to a resident for a parking lot.

9.0 – Other Business

Commissioner McLaurin thanked Ms. Winter for her service and all that she has done to make the commissioners' jobs easier. This sentiment was shared by all the commissioners. Ms. Winter thanked the commission for the integrity in which it conducts business and that it was enjoyable to work with this commission.

10.0 - Adjournment

**Commissioner Johnson moved and Commissioner Cornicelli seconded to adjourn at 7:40 pm.
Motion carried unanimously.**

Submitted by:

Gail Gessner

Recording Secretary