

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
February 24, 2020**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, February 24, 2020, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Ken Baltzer, Jim Berry, Pamela Enz, and Mark Lynch.

MEMBERS EXCUSED: Erich Reinhardt and Peter Reis.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, Tracy Shimek, Housing & Economic Development Coordinator, Connie Taillon, Environmental Specialist, and Ashton Miller, Planning Technician.

OTHERS PRESENT: Ben Andreski, Don Vry, Craig Drake, Gloria Drake, Judy Craig, Scott Costello, Harleigh Brown, Steve DeShane, Brian Bonin, Rachel Bonin, Allen Holmstrom, Tony Reif, Josh Winchell, David Olson, Shelly Young, William Dinauer, Jason Brown, Pat Ryan, Grant Raykowski, Kathryn Raykowski, and Pat Dempsey.

2. APPROVAL OF THE FEBRUARY 24, 2020 AGENDA:

Member Berry moved for approval of the agenda. Member Lynch seconded the motion, and the agenda was approved (4-0).

3. APPROVAL OF THE JANUARY 27, 2020 PLANNING COMMISSION MEETING MINUTES:

Member Enz moved for approval of the minutes. Member Berry seconded the motion, and the minutes were approved (4-0).

4. CASE ITEMS:

A. **Case No. 19-10-Z:** A **City-Initiated** text amendment to Zoning Code at Section 1303.230, Subd.7 “Shoreland Alterations” to reiterate the limitation that retaining walls not exceed four feet in height, restrict retaining walls within the shore impact zone unless determined structurally necessary by the City Engineer, and to clarify that riprap along the shoreline is only appropriate when vegetation alone is not sufficient to curtail an erosion problem.

Crosby discussed the case. Staff recommended the case be continued to the March Planning Commission meeting to allow time for staff to develop guiding documents.

Member Lynch noted that he is happy that there will be opportunity for public input before the text amendment comes back to the Planning Commission for a vote. He questioned where staff was in creating the guiding documents. Crosby explained that they are at a very early stage in the process and are looking at what other cities are doing.

Member Baltzer opened the public hearing.

Ben Andreski, Scandia, he works to stabilize shorelines and several of his projects were highlighted in staff's presentation. He supplied the Planning Commissioners with a number of pictures representing the work he has done within a five-mile radius of the City to demonstrate the type of erosion his company handles. He commented that staff's reasoning for requiring plantings appears to be a shielding technique to hide the large rocks. He has found that with the winters the region has been having, the ice will freeze down to the lake bottom, expanding everything forward, and undermining the shore. As a way to protect against this, the larger stones are embedded below the frost line, so the bank is not crushed. He has used both boulders and native plantings and has found the effectiveness is circumstantial. Several of his example projects showed that all the planting materials disappeared over the years.

Member Enz asked if the plantings used have been deep rooted. Andreski replied that many of his projects are partnerships with the Rice Creek Watershed District, Ramsey County, or Washington County, who design the projects utilizing their knowledge of native plantings. He described how the rising water has disrupted established vegetation and boats are having a greater impact with more waves against the shoreline. He explained that there is a time and place for larger boulders. Small rocks are better for erosion, but ice is the main concern for shallow lakes like White Bear.

Member Lynch asked Mr. Andreski for his opinion on what the City should be looking at to curtail erosion and protect the lakes. Andreski answered that no one really knows. The recent lack of snow and shallow lakes make it a challenge and a lot depends on soil type. The Department of Natural Resources (DNR) limits the size of riprap to an average 30-inch diameter, not a maximum of 30 inches, as the City is proposing. He believes that limiting the size of boulders is not beneficial. He also suggested that the slope of the riprap should be changed from 3:1 to 2:1 to help alleviate the ice issues and to promote rebuilding the bank. It is hard to regain the land that is lost to erosion.

Andreski commented that there are already several agencies that regulate shoreline alterations. He noted that anything below the Ordinary High Water Level (OHWL) is under DNR jurisdiction, and the City can regulate anything above. However, often time, the shoreline permits come from the watershed district.

Member Berry commented that from the materials that the Planning Commissioners have been given, it appears the ordinance will allow the big rocks right along the lake as the first layer if needed. The rest of the rocks above the high water mark are more decorative, so that is where the plantings could be.

Craig Drake, 4647 Lake Avenue, utilized a series of photographs to demonstrate how their shoreline is in dire need of repair. He described how in 2005, after pulling out tires, concrete and other debris, working with the watershed district, his family installed coconut logs and a retaining wall to create a little living area. After back filling the logs, his wife planted thousands of native

plants and they installed an anti-erosion blanket. During that time, the lake level was very low, so many plants were not exposed to the water until it started coming back up in recent years. They thought they were doing everything right, but at the beginning of last year, the recreational area started to sag. The land by the shore used to be flat, but now the ground underneath is hollow because water is seeping in, so their shore is caving in. He explained that they do not want to do what they are going to do to find a permanent solution to the erosion problem. They want to do what is best for the lake, but sometimes doing what is right does not work. He does not support the City putting more restrictions on what the DNR already regulates. He believes there are other education opportunities that will better the health of the lake.

Don Vry, Champlin, he is an engineer that has a lot of experience working on shoreline restoration. He has learned that when proposing code changes, it is important to develop a statement of need. He understands the desire to protect the lake, but it needs to be made clear what issues have arisen to warrant the changes. Landowners are biased and do not want to spend money if they do not have to. He stated that it is not typical for a City engineer to sign off on a design because it holds the City accountable if the project fails. He believes that staff's memo needs to better clarify that riprap in itself does not degrade water quality, that riprap needs to be defined, since crushed rock works better, and that a distinction needs to be made since lakes are not wetlands. He urged staff to make clear that property owners would not lose their rights over any existing structures.

Pat Ryan, 4609 Lake Avenue, explained that they installed riprap around the same time his neighbors planted vegetation. He is now concerned his rocks are not big enough. He thinks the City is going too fast and should not limit the rock size. Further, he does not want to have to plant native vegetation, since he has a membrane under his riprap and punching holes would undermine its purpose. They terraced their yard in order to have a place to store their dock. He does not think the City should get involved in an area the DNR has provided guidance for and that the wording of the proposed ordinance is not fully developed. He is concerned the retaining wall language is too vague.

Josh Winchell, 2338 South Shore Boulevard, he has a lot of questions because he has a proposed project he is waiting for approval on. He bought the house with small riprap, around 2/3 of which is now missing because of ice heave and traffic to the docks. He stated that when staff came to his house, they told him the larger rocks were not allowed. He wants to know what other cities are doing and whether the proposed change follows other established rules or best management practices. He asked what the City is trying to accomplish, since the lake is already developed. He thinks the rules are too restrictive and wonders if it is about control of homeowners.

Scott Costello, 2359 Joy Avenue, has been a part of the White Bear Lake Conservation District (WBLCD) and the dock association that has a dock off the Winchell property. He noted there are five municipalities around the lake, so any rules the City enacts will not apply to the whole lake. He commented that the evils of riprap have never come up in WBLCD meetings. The DNR rules are successfully applied to the other lakes in Minnesota. He is curious if there are model ordinances out there and believes there are other agencies to regulate riprap.

Gloria Drake, 4647 Lake Avenue, she believes that we should defer to the experts and look at what the evidence says before changing protocol. She has worked on her shoreline for 15 years and has spent lots of time and energy promoting native vegetation, which has not worked. She suggested that the Planning Commission reconsider the text amendment.

Brian Bonin, 4871 Lake Avenue, he has been a part of the lake for 46 years. He described how he has lost about three to four feet of lakefront property over the year, as it is a very sandy bottom. He stated that he has many questions about the proposed changes since he will be exploring the options available to him to prevent more erosion this summer. He agreed with previous comments that the rules should be based on results. He suggested that boat traffic is a huge problem. More boats and bigger waves are detrimental to the shore. The lake has changed a lot and there are chances it will continue to change if more docks are permitted. He would like to find a balance between those who are using the lake, creating many of the issues, and those who want to maintain their lakeshore property. He explained that he wants to know who the experts are because he does not want to make an investment on something that does not work. He questioned what can be done that is a permanent solution and is good for the lake.

Judy Craig, 4643 Lake Avenue, she noted that her home had smaller rocks when she moved in that were eroding. It took a lot for her project to get approved. She had to go through the City, the watershed, and other entities. Another layer of government is unnecessary.

Grant Raykowski, 2503 Manitou Island, he does not agree with what the City is trying to do. He described how there is a wall along two-thirds of his property, which has not been affected by erosion. The portion that has no wall protection is eroding, which has forced him to remove several trees along the shore. He agrees that there are too many rules and regulations.

Ben Andreski spoke again, reiterating that there are other ways to improve the health of the lake. Reducing the amount of runoff from South Shore Boulevard and the amount of salt that ends up in the lake are just two things the City can do to affect lake quality.

Member Baltzer closed the public hearing.

Member Lynch contended that the City should look at some model ordinances of other cities on heavily used, shallow lakes. He commented that he does not mind going further than the DNR because the City has a history of having a unique character and of being more environmentally friendly. He likes deferring to the experts, but wants some quality control on who those experts are. He agreed with the public comments that there needs to be a statement describing the problem this proposed ordinance is addressing.

Member Enz asked staff how the riprap size limits were determined. Crosby noted the aforementioned DNR rule of a 30-inch average. She could not recall where the 12-inch diameter came from, but offered to have that resource for the next meeting. She confirmed that the 12-inch diameter is by right, and larger stones are allowed if site circumstances call for them.

Member Berry stated that while the vagueness of the draft ordinance was intentional to provide flexibility, it has caused concern with property owners who do not know where it is going. Crosby replied that flexibility has been the goal the whole time.

Member Baltzer commented that should the City adopt stricter regulations than the DNR, there will be a hodge-podge of rules among the lake's five municipalities. He is inclined to stay with the rules enforced by the DNR.

Member Berry moved to continue Case No. 19-10-Z to the March 30 Planning Commission Meeting. Member Lynch seconded the motion. The motion passed by a vote of 4-0.

5. DISCUSSION ITEMS:

A. Comprehensive Housing Market Study Summary Presentation.

Shimek presented the findings from Maxfield Research on the City's housing stock. The organization looked at the changing demographics to determine the City's future housing needs. She described some of the changes, including the increase in the baby boomer generation, smaller household sizes, and increases in those living alone. Shimek explained that unemployment rates are low, as are vacancy rates among rentals, particularly affordable housing. White Bear Lake has a lot of natural occurring affordable housing. Even so, roughly half of renters in the City are cost burdened. There is currently a low inventory of housing, which is driving up prices in all unit types.

Maxfield Research projects that there will be a 1,800 unit demand through 2030 in White Bear Lake. Shimek described what the next steps for the City will be now that it is equipped with this information. The goal is to present the report to the community and various organizations to start a conversation to determine what the most pressing issues are and how resources should be allocated to address them.

B. City Council Meeting Minutes of February 11, 2020.

Kane provided a recap on how the City Council voted on the previous month's land use cases.

C. Park Advisory Commission Meeting Minutes of November 21, 2019.

No discussion

6. ADJOURNMENT:

Member Lynch moved to adjourn, seconded by Member Enz. The motion passed unanimously (4-0), and the February 24, 2020 Planning Commission meeting was adjourned at 9:23 p.m.