

# CITY OF HAM LAKE

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Ham Lake, Minnesota 55304  
(763) 434-9555  
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## CITY OF HAM LAKE PLANNING COMMISSION AGENDA MONDAY, NOVEMBER 25, 2024

**CALL TO ORDER:** 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:** November 12, 2024

**PUBLIC HEARINGS:**

**6:01 p.m.** Consideration of amendments to Article 9 of the Ham Lake City Code related to adding Wetland Banking as a Conditional Use in R-A (Rural Single Family Residential) zoning.

**NEW BUSINESS:** None

**COMMISSION BUSINESS:**

1. City Council Update

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
TUESDAY, NOVEMBER 12, 2024

The Ham Lake Planning Commission met for its regular meeting on Tuesday, November 12, 2024, in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Commissioners Brian Pogalz, Jeff Entsminger, David Ross, and Erin Dixson

**MEMBERS ABSENT:** Commissioners Kyle Lejonvarn, Dave Ringler, and Jonathan Fisher

**OTHERS PRESENT:** City Attorney Mark Berglund, City Engineer Tom Collins, Building Official Mark Jones and Building and Zoning Clerk Jennifer Bohr

**CALL TO ORDER:** Chair Pogalz called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was recited by all in attendance.

**APPROVAL OF MINUTES:**

**Motion by Pogalz, seconded by Dixson, to approve the minutes of the September 23, 2024, Planning Commission meeting as written. All present in favor, motion carried.**

**PUBLIC HEARING:** None

**NEW BUSINESS:**

Roger and Sue Haugen, S & R Developers LLC/Haugen Family Real Estate Trust, requesting Final Plat approval for Enchanted Estates 4<sup>th</sup> Addition (9 Single Family Residential lots) in Section 14

Ms. Amy Haugen, Mrs. Angela Halgrimson and Mr. Joshua Halgrimson were present. Chair Pogalz asked Engineer Collins to comment on the project. Engineer Collins stated the final plat configuration is the same as the preliminary plat. Engineer Collins stated the preliminary plat was approved with conditions of showing the square footage of the existing shop and outbuildings, the outbuilding that exceeds the allowed square footage due to a reduction in the size of the lot was to be shown as being removed, and information was to be provided on how the southerly accessory building is going to be brought into compliance with Article 9-370.1 which requires the exterior finish of the

accessory building to match that of the house as closely as possible. Engineer Collins stated changes have been made to the survey related to the building sizes and removal. Engineer Collins stated staff has discussed two options to ensure the applicant follows through with the conditions of approval which are that building permits will not be issued until the shop on proposed Lot 8, Block 1, is demolished and the exterior finish of the outbuilding on proposed Lot 9, Block 1, has been brought into compliance with City Code or allowing building permits to be issued once the City obtains funds to be held in escrow for both the shop demolition and the changes to the exterior finish of the outbuilding. Engineer Collins stated a date by which the shop will be demoed and the outbuilding updated needs to be determined and a right-to-trespass agreement needs to be signed and filed with Anoka County in the event the City would need to demolish any of the buildings. Chair Pogalz asked Building Official Jones to comment. Building Official Jones stated he proposed obtaining escrow funds equal to the cost to demolish the outbuilding plus fifty percent to ensure the exterior finish was updated or, if not, the City could demolish the building subject to obtaining a right to trespass agreement and a date by which the work was to be completed. Building Official Jones stated Attorney Berglund stated a different escrow arrangement should be required. Chair Pogalz asked Attorney Berglund to comment. Attorney Berglund clarified that one building needs to be demolished and one building can either be resided or demolished. Attorney Berglund stated Building Official Jones was trying to work with the landowners offering a lesser expensive alternative for an escrow. Attorney Berglund stated his recommendation is to obtain escrow funds equal to one and a half times the estimated amount to demolish the shop and obtain escrow funds equal to one and a half times the estimated amount to reside the outbuilding. As Building Official Jones pointed out, if we have an end date for when that work is to be completed, and the work is not done by that date, the city should also obtain a trespass agreement so the city can perform the work. Attorney Berglund stated that if the homeowner determines they want to demo both buildings as it is a less expensive alternative that is fine, but the city should protect itself and have enough money in escrow to cover the most expensive alternative. Attorney Berglund stated no building permits should be issued until one building is demolished and the other building is either resided or demolished; no building permits are to be issued until the property comes into compliance with Code. Chair Pogalz asked Attorney Berglund if building permits could be issued if escrow funds were obtained before the work is done to the building. Attorney Berglund stated building permits could be issued if escrow agreements and funds were obtained. Mr. Halgrimson, property owner at 16207 Austin Street NE, stated he and his wife are inheriting the outbuilding. Mr. Halgrimson stated they agree to reside the outbuilding but prefer to provide escrow funds at this time as they want to do the building right. Mr. Halgrimson stated there are several improvements they want to make to the building and have been advised by contractors to do the improvements in a certain order. Mr. Halgrimson stated they do not want to inhibit progress of the development of the plat and stated he and his wife will commit to the escrow and whatever needs to be done. Mr. Halgrimson estimated the work would be done late next summer or early next fall. Building Official Jones asked if a letter or credit would be acceptable. Attorney Berglund stated it would be acceptable. **Motion by Dixon, seconded by Entsminger, to recommend approval of the Final Plat of Enchanted Estates 4<sup>th</sup> Addition in Section 14 as presented by Roger and Sue Haugen of S & R Developers LLC/Haugen Family Real Estate Trust, subject to reaching an agreement with the city regarding the**

**terms of escrow for both buildings which would be the demolition cost plus fifty percent for the building on proposed Lot 8, Block 1 and the residing cost, plus fifty percent, for the building that needs to be resided on proposed Lot 9, Block 1, obtaining completion timelines for both of those projects, completing a right to trespass agreement with the city should the projects not be completed, meeting the requirements of the City Engineer and meeting all State, County and City requirements.** Chair Pogalz asked if Commissioner Dixon wanted to specify a date for work to be completed. Commissioner Dixon stated the terms would need to be negotiated with the city. Attorney Berglund stated that the city will negotiate a completion date when terms of the development agreement are determined. **All present in favor, motion carried.** *This application will be placed on the City Council's Monday, November 18, 2024, agenda.*

**OLD BUSINESS:**

Joseph Radach of Contour Development LLC, requesting Sketch Plan approval for Elwell Farms (107 Single Family Residential lots and 4 outlots) in Section 36

Mr. Joseph Radach was present. Chair Pogalz stated this item was tabled at the September 9, 2024, Planning Commission meeting. Mr. Radach stated during the September 9, 2024, meeting there was discussion about adding an access point to the development via 138<sup>th</sup> Avenue NE by extending 138<sup>th</sup> Avenue NE eastward to Opal Street NE; that change is reflected in the revised plan. Mr. Radach stated changes were made to a few lots that did not meet Article 10 requirements as was recommended by RFC Engineering. Mr. Radach stated the length of cul-de-sacs were modified and a concept plan for a park was created. Mr. Radach stated the park plans propose a 1.2-mile sidewalk around the lake lots for pedestrian facilities. Mr. Radach stated he is aware of letters submitted from residents in the neighboring development concerning access. Mr. Radach stated they complied with the city's request to add an additional access point via 139<sup>th</sup> Lane NE, which will be the third access point for the development in addition to those at 136<sup>th</sup> Avenue NE and Opal Street NE through Hidden Forest East. Mr. Radach stated he did not feel it was fair to say Elwell Farms is a one access development. Mr. Radach stated the Hidden Forest East development has well over 100 lots with one access point and it appears to function well. Mr. Radach stated this will be a phased development and it may take 10 years to complete so there will be plenty of time to address concerns. Chair Pogalz stated ten years seems excessively long. Mr. Radach stated he hopes it will only take two years to complete. Chair Pogalz asked Engineer Collins to comment. Engineer Collins stated there were four issues for tabling the project in September. The first reason was related to wetland banking. Engineer Collins stated a public hearing is scheduled for the next Planning Commission meeting as the first step in the process to codify the Wetland Bank ordinance which should go into effect in January. Engineer Collins stated the Wetland Bank ordinance proposes that improved frontage is required along the wetland bank area and for this project that will result in a portion of 138<sup>th</sup> Avenue NE being paved from proposed Lot 76 to Ghia Street NE which is approximately a quarter mile in length. Engineer Collins stated the draft ordinance proposes parkland dedication and/or trail fees required of a wetland banking area. Engineer Collins stated the second reason for tabling the project was related to parkland dedication. Engineer Collins stated the previous submission proposed a small park which was rejected by the Park Committee; the revised plans propose a 3.6-acre park with many

amenities and a sidewalk around an entire block. Engineer Collins stated a fishing pier is shown on private property. Engineer Collins stated plans will need to be modified to show that area to access the fishing pier as being part of the parkland that will be dedicated. Engineer Collins stated there has been a lot of discussion about the Saint Paul Modelers Radio Controllers Club plans and the existing lease. Engineer Collins stated the city is not able to intervene. Engineer Collins stated another major item of discussion has been the Rice Creek 84A snowmobile trail that enters Ham Lake near the southeast corner of this plat. Engineer Collins stated the city received a schematic from Mr. Radach on November 8, 2024, that proposed extending the trail directly west and straight to Lexington Avenue NE and then northerly within Lexington Avenue NE right-of-way. Engineer Collins stated approximately 45 acres to the east of proposed Outlot C, that was on the September sketch plan, has been removed. Engineer Collins stated the removed property was considered as part of the snowmobile trail realignment in the schematic received from Mr. Radach. Engineer Collins stated that thought needs to be given to the feasibility of snowmobile trail easement dedication on private property and the potential removal of a building within the proposed trail realignment. Engineer Collins stated the third item the previous plan was tabled for, was related to adding another access point to the development. Engineer Collins stated the Planning Commission recommendation was to extend 138<sup>th</sup> Avenue NE east from Opal Street NE to what is shown as Street A; the developer now shows that street extension in the revised plans. Engineer Collins stated the city has received several messages from residents in the Red Fox Hollow and Red Fox Hollow 2<sup>nd</sup> Addition subdivisions who are concerned about the increase in traffic the proposed development will create. Engineer Collins stated three access points are currently proposed and there have been requests for another connection to Lexington Avenue NE from the south. Engineer Collins stated at least 1700-feet of wetland would need to be crossed, approximately two acres of wetland would be impacted and at least 4 acres of wetland mitigation would be needed for a connection to Lexington Avenue NE from the south, which is cost prohibitive. Engineer Collins stated any additional access points to a county roadway would require Anoka County Highway Department (ACHD) approval. Engineer Collins stated ACHD requires spacing of at least a quarter mile between intersections. Engineer Collins stated any of the suggested signal or access changes along Lexington Avenue NE would need to be approved by the ACHD. Engineer Collins stated the last item to be addressed from the previous review of the plat was lot layout. Engineer Collins stated ponding for the development that was previously shown in an outlot, has now been modified to be part of the proposed residential lots and the lots that did not meet code requirements for interior angles have been corrected. Commissioner Entsminger asked if signage was posted at the end of the cul-de-sac on 137<sup>th</sup> Lane NE in the existing development stating that the cul-de-sac was temporary, and that the road could be extended with future development. Engineer Collins stated that the cul-de-sac was constructed to temporary cul-de-sac requirements with curbing running thru the cul-de-sac and that there was additional right-of-way dedicated to the east of the temporary cul-de-sac to the eastern plat boundary of Red Fox Hollow 2<sup>nd</sup> Addition. Chair Pogalz stated the revised sketch plan shows the exclusion of property just east of Lexington Avenue NE is the southern corner. Chair Pogalz stated that creates an obstacle to creating an access point in that area to Lexington Avenue NE. Engineer Collins stated that it would. Chair Pogalz stated residents are concerned that the reason a street has not been proposed in that area is due to cost but asked what the likelihood

of getting approval for a street that impacts that much wetland would be. Engineer Collins stated obtaining approval from ACHD would be the biggest obstacle to overcome due to their access spacing guidelines. Chair Pogalz asked Building Official Jones to comment. Building Official Jones stated he wants the commissioners to review and discuss the residents' concerns related to access, traffic, the sharp turns, the right-in, right-out access on 139<sup>th</sup> Lane NE and no sidewalks in the development for kids to use. Chair Pogalz stated he would like Attorney Berglund to comment on what authority, if any, the city has related to helping the flying club and snowmobile club. Chair Pogalz stated the flying club's lease agreement ends in May; the proposed development does not show any area for the club to use, and the flying club has suggested the city may have some power to change that. Attorney Berglund stated the city is not able to dictate what happens on private property. Attorney Berglund stated it is a private contract, and the city cannot exert pressure on a private property owner. Attorney Berglund stated a snowmobile trail requires access across private property and agreements with individual property owners. Attorney Berglund stated all proposed trail alignment options touch a certain amount of newly created lots, a minimum of 8 Ham Lake properties, and that is not considering properties in Blaine that could be affected. Engineer Collins stated there could be a recorded easement for trail purposes. There was discussion about whether a trail could be discussed that is proposed to be over property that is not included in the plat, would easements be required for the trail, would permission need to be obtained from ACHD to have the trail along the shoulder and was there adequate space for a trail in all areas. Attorney Berglund stated the developer could agree to an easement for the snowmobile trail, but there are several other property owners that would also need to approve the easement. Engineer Collins stated the snowmobile club did propose options that would contain the trail within the plat. Chair Pogalz stated additional easements and agreements would be required for either of the proposed trails. Commissioner Dixson asked what obligation the developer would have to inform the home buyers of these potential easements for a snowmobile trail through their backyard as the lots are sold. Attorney Berglund stated encumbrances would be noted on the short form development agreement and hopefully the developer would share the information with the home buyer. Commissioner Entsminger stated the negotiation for the realignment of the snowmobile trail is one that is between the developer and the snowmobile club unless the city wants to require the dedication a trail easement within the plat. Chair Pogalz asked who would be responsible for maintaining the easement. Attorney Berglund stated the easement would allow the public to traverse the land and the city would not be responsible for it. Chair Pogalz asked Mr. Radach to comment. Mr. Radach stated he has not spoken with anyone from the flying club as it is something that does not fit within the development. Mr. Radach stated he did propose a new trail alignment to the snowmobile club that runs along Lexington Avenue NE and the southern border of the plat. Mr. Radach stated he has not seen any other proposed configurations, but he is not in favor of a trail that would be in the middle of the development. Mr. Radach stated that if a trail can be along the edge of the development and not impact lots within the development, there may be a way to come to an agreement. Chair Pogalz stated the snowmobile club and the developer will need to communicate to determine if something can be worked out. Chair Pogalz allowed Ken Anderson from the Rice Creek Snowmobile Club to speak. Mr. Anderson provided some history related to the club and the trail through Mr. Elwell's property. Mr. Anderson stated people in Ham Lake like country living and what country living offers and

that includes outdoor recreational activities like snowmobiling. Mr. Anderson stated a multi-use trail, that could be used year around and for snowmobiling from December 1 to April 1, was discussed in September. Mr. Anderson also shared information from a conversation he had with a representative from the Board of Water and Soil Resources (BWSR) for Anoka County. Mr. Anderson proposed scheduling a meeting with representatives from the snowmobile club, the city, BWSR, Mr. Radach and his consultants to discuss potential trail alignments, affects a trail would have on the application for wetland banking and ways to minimize negative consequences to the development so that a trail, that has existed for 32 years, could continue to exist for the use of Ham Lake residents as well as other area residents. Mr. Radach stated he is interested in finding a solution, but he does not think it will be allowed through the proposed wetland bank area or the development. Chair Pogalz stated that it appears Mr. Radach is open to discussion with the snowmobile club and they should get together to continue the discussion. Chair Pogalz stated if there is a way to get the trail to go through the wetland bank area, that would be perfect. Chair Pogalz invited Mr. Steve Scott from the Saint Paul Modelers Radio Controllers Club to speak. Mr. Scott stated the club is sanctioned by the Academy of Model Aeronautics and has been at this site for 29 years. Mr. Scott stated when the lease ends in May of 2025, it will not be renewed. Mr. Scott stated the discussion tonight has been about finding the most equitable solution for the landowner and/or the city and he is requesting help to find an alternative location in the north metro. Mr. Scott stated he feels the club offers a value-added amenity to the community, and there is a lot of justification for increasing the amount of STEM activities for youth. Mr. Scott stated that one of the clubs' members, that flew with them last year, graduated from the University of Minnesota, got commissioned to Air Force ROTC and is currently in undergraduate pilot training. Mr. Scott requested the opportunity to provide more detail and justification as to why the club deserves consideration to remain in the community in future steps of this process. Commissioner Entsminger asked how many acres the club needed. Mr. Scott stated five to six acres. Chair Pogalz stated he would like to discuss the trail over the wetland banking area and reasons why this isn't feasible. Engineer Collins explained how credit is applied to upland/upland buffers and wetland by BWSR and areas that would not be considered for wetland credit. Mr. Radach stated some of the wetland area would have to be filled in to create a trail which would be a cost to him and reduce the amount of wetland credits available for him to sell. Chair Pogalz stated there was discussion about having a walking trail easement in the wetland area. Attorney Berglund explained how the conversation of having a trail through a wetland dedicated to wetland banking evolved during the creation of the wetland bank ordinance. Attorney Berglund stated the City Council discussed requiring developers interested in obtaining land for wetland banking in Ham Lake to dedicate some land for a trail system in or around the area dedicated to wetland banking because once the land is encumbered as a wetland bank, it is that way into perpetuity and nothing more can be done with it. Attorney Berglund stated if a trail is not dedicated in the wetland banking area, the draft ordinance proposes that a parkland dedication fee be paid. Attorney Berglund stated, in this case, the developer may not desire to create a trail in the wetland banking area because wetland area would have to be given up for the trail, it would be expensive to create, and it would reduce the wetland credits available for sale. There was discussion about whether wetlands would be impacted if a trail was not an improved trail and used by snowmobiles in the winter on frozen ground. Mr. Radach asked for clarification as to

whether the trail needed to be an improved trail. Engineer Collins stated an improved trail would be required if the trail is to be a shared use trail. Engineer Collins stated that he presented the various snowmobile trail location proposals to the Parks Committee and mentioned the option of a shared use trail on the south side of the development but did not receive a recommendation from them related to trails for this development. Chair Pogalz asked Engineer Collins if trail and parkland dedication could be discussed at a future submission. Engineer Collins stated it could be and clarified that the Parks Committee did not recommend a shared use trail but did not have the opportunity to comment on a stand-alone snowmobile trail. Chair Pogalz addressed points outlined in Mr. Radach's letter dated November 4, 2024. Chair Pogalz asked Mr. Radach about the property to the southwest along Lexington Avenue NE of the proposed development that is shown as not included in the project at this time. Mr. Radach stated there have been conversations with the property owner about purchasing the land, and the intent is to purchase the land, but it is not under contract yet hence it is being excluded from the plans at this time. Chair Pogalz asked Building Official Jones to comment. Building Official Jones stated he would like the issues noted in the letters received from residents near the proposed development discussed. Chair Pogalz stated the majority of the letters submitted noted concern about the impact of increased traffic. Chair Pogalz stated the letters also requested additional access points for the development, expressed concern with limited visibility in the S curve area in Red Fox Hollow subdivisions, some letters suggested adding a traffic signal at the intersection of 136<sup>th</sup> Avenue NE and Lexington Avenue NE, expressed concern about additional homes impacting their well and water supply and concern about ditches being plugged. Engineer Collins stated adding additional access points to the development to Lexington Avenue NE and adding a traffic signal at the intersection of 136<sup>th</sup> Avenue NE and Lexington Avenue NE are under the jurisdiction of the ACHD. Engineer Collins stated it is unlikely that ACHD would approve new access points or a traffic signal due to ACHD's spacing guidelines. Engineer Collins stated an access point to Bunker Lake Boulevard NE is outside of the plat boundaries and the topography of the area made extending Bunker Lake Boulevard NE eastward unfeasible. Engineer Collins stated the S curves in the Red Fox Hollow subdivisions meet the City's 200-foot minimum centerline radius curve and that is how those curves were designed; numerous developments in the city have the same centerline curve design. Chair Pogalz discussed ways that the route to the access point at 139<sup>th</sup> Lane NE might be improved. Attorney Berglund stated that would be something the developer would need to address. There was discussion on the plans to improve 138<sup>th</sup> Avenue NE from Ghia Street NE to the east. Chair Pogalz stated recent issues with wells in the area and other parts of the city were caused by the City of Blaine activating three large wells at the same time. Building Official Jones stated wells are approved through the Minnesota Department of Health and the Minnesota DNR monitors what is drawn from aquifers. Engineer Collins stated he is not aware of any plans to plug any ditches. Chair Pogalz stated the watershed monitors any changes that could negatively impact water flow. Chair Pogalz addressed the comment related to sidewalks. Chair Pogalz stated the developer is proposing some sidewalks in the development, but sidewalks are not required when new subdivisions are developed. Chair Pogalz stated he would allow brief comments from a couple members of the audience about the development. Mrs. Erin Casper, a resident of Red Fox Hollow 2<sup>nd</sup> Addition asked the Planning Commissioners to drive the S curves in the Red Fox Hollow developments to feel what the residents



experience. Mrs. Casper stated when a car is parked on the side of the road in the S curve area it is almost impossible to see around it. Mrs. Casper stated the school bus stop in the neighborhood had to be moved because the original location at an intersection was reported to be too dangerous for the kids to stand at. Chair Pogalz asked Mrs. Casper what she proposed for a solution. Mrs. Casper proposed finding a way for people to go south on Lexington Avenue NE. Mrs. Casper stated 139<sup>th</sup> Lane NE is an access point, but it is a dirt road which people are generally not going to use. Mrs. Casper stated she has contacted the city a couple of times about the speeding in the neighborhood by delivery trucks, food delivery drivers and others that don't live in the neighborhood that do not pay attention. Mrs. Casper stated the speeding is just going to get worse with the addition of more than 100 new homes. Mrs. Casper stated she is not against the development and that she thought the developer was going to own the land that is currently shown as not part of the project. Mrs. Casper stated it makes sense to her to require the developer to put another road and access point out to Lexington Avenue NE, even if it added additional expense. Mrs. Casper stated if the property that is currently not part of the project does get acquired, the intersection it connects to on Lexington Avenue NE is set up exactly like the intersection at Lexington Avenue NE and 136<sup>th</sup> Avenue NE. Mrs. Casper stated the infrastructure is already in place. Chair Pogalz stated this issue is adding a traffic signal, and the access point at that location is for a single-use building. Chair Pogalz stated modifying the intersection is a decision that would have to be made by the ACHD. Mrs. Casper asked that adding an access point in that area at least be considered and asked that cost not be the reason not to do it. Mr. Kevin Willette, resident of Red Fox Hollow, stated if the current access points at Lexington Avenue NE cannot be improved, could the south area of the new development, where the cul-de-sacs are, be connected to the development currently being constructed directly to the south in Blaine. Mr. Willette stated another option would be to connect to West Pine Street that goes to Lino Lakes in the southeast corner. Chair Pogalz asked Engineer Collins to comment. Engineer Collins stated interconnected access points are not coordinated between cities. Engineer Collins stated property would need to be acquired from Blaine residents due to the lots being part of a platted subdivision to create a connecting road. Mr. Willette asked if a connection could be made to an existing gravel road that is shown in the southeast corner of the development. Mr. Willette asked how long it would be until that road would be improved. Engineer Collins stated he would make some inquiries.

**Motion by Pogalz, seconded by Entsminger, to recommend approval of the Revised Sketch Plan of Elwell Farms (107 Single Family Residential lots and 4 outlots) in Section 36 as presented Joseph Radach of Contour Development LLC subject to:**

- **Codification of wetland banking.**
- **Removal of the 137<sup>th</sup> Lane NE temporary cul-de-sac on the east side of Red Fox Hollow 2<sup>nd</sup> Addition, relocating the public utilities, paying the application fee for the subsequent public hearing for vacation of the cul-de-sac right-of-way beyond 66-feet and dedication of a 10-foot drainage and utility easement adjacent to the resulting 66-foot wide 137<sup>th</sup> Lane NE right-of-way.**
- **Outlot B conveyance to the adjacent 4611 139<sup>th</sup> Lane NE parcel.**
- **Relocation of the 4611 139<sup>th</sup> Lane NE driveway to Street A.**
- **Notification to the 4611 139<sup>th</sup> Lane NE property owner of the resulting address change from 139<sup>th</sup> Lane NE to Opal Street NE.**

- Extinguishment of the ingress/egress easement per Anoka County Document #486528.
- Flint Hills Resources (Minnesota Pipeline) approval.
- Future plan submittals to include all removals, including existing buildings, accessory buildings and farm buildings.
- Existing wells will need to be sealed per Minnesota Department of Health requirements and proof submitted to the Building Official.
- The existing septic systems, including tanks, will need to be abandoned per MPCA requirements and proof submitted to the Building Official.
- Demolition permit applications submitted to the Building Official.
- Coon Creek Watershed District approval.
- Plans showing the existing pond being brought into Minnesota Stormwater Manual slope compliance - 4:1 slope above the normal water level and a 10:1 bench to one-foot below the normal water level.
- FEMA Letter of Map Amendments for the lots within the Zone A designation.
- Submittal of a habitat assessment/survey due to the possibility of rare, threatened or endangered species per the June 13<sup>th</sup> DNR Natural Heritage Review.
- Making a modification to Lot 107 to show additional parkland dedication for access to fishing pier.
- Meeting the requirements of the City Engineer
- Meeting all City, State and County requirements.

**All present in favor, motion carried.** *This application will be placed on the City Council's Monday, November 18, 2024, agenda.*

**COMMISSION BUSINESS:**

City Council Update

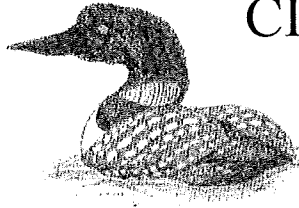
Chair Pogalz stated the City Council concurred with the Planning Commission's recommendations to approve the final plat of Swedish Chapel Estates. Commissioner Entsminger will attend the November 18, 2024, City Council meeting.

**ADJOURNMENT:**

**Motion by Dixon, seconded by Entsminger, to adjourn the Planning Commission meeting at 8:00 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax (763) 434-9599

## NOTICE OF PUBLIC HEARING CITY OF HAM LAKE COUNTY OF ANOKA STATE OF MINNESOTA

TAKE NOTICE, that pursuant to the requirements of Minnesota Law, a public hearing shall be held before the Ham Lake Planning Commission on Monday, November 25, 2024, at 6:01 p.m. at the City Hall located at 15544 Central Avenue NE for the purpose of considering the following amendments to Article 9 of the Ham Lake City Code:

### AMENDING

1. Article 9-210.3(b) by adding Wetland Banking under Article 9-330.8 as a Conditional Use in R-A (Rural Single Family Residential) Zoning

### ADDING

1. **Article 9-330.8 Wetland Bank** A "Wetland Bank," "State Wetland Banking System," or "Bank" means a system of identifying wetlands restored or created for replacement credit and providing for, facilitating, and tracking the exchange of wetland banking credits for projects that require replacement plans or wetland mitigation required by other local, state, or federal authorities.
  - A. Statutory Conditions** It shall be a mandatory condition of any Conditional Use Permit issued for a Wetland Bank that the party holding the permit has complied with all standards and procedures related to a State wetland banking system as provided in Minnesota Rules parts 8420.0700 to 8420.0820.
  - B. Monitoring Fees** To the extent the City is responsible for the role of the Local Government Unit, the City shall collect a monitoring fee for its required monitoring activities according to the City of Ham Lake Fee Schedule as amended from time to time.
  - C. Maintenance Fee** The permit holder shall pay the City a Maintenance Fee of 3% of the value of each credit sold. 2% of said Maintenance Fee shall be deposited into the general fund and 1% shall be deposited into the park fund. The total value of the credits to be sold shall be determined when the permit is issued and the permit holder shall provide a letter of credit in an amount equal to 3% of the total value of the credits. The letter of credit shall have a ten-year life and can be reduced annually

as the Maintenance Fee is paid for the credits sold in each calendar year.

- D. Easement** It shall be a mandatory condition of any Conditional Use Permit issued for a Wetland Bank that the permit holder dedicate to the City an easement through and/or adjacent to the Wetland Bank for a ten foot wide trail installed by the permit holder to include sufficient sloping and drainage as determined by the City Engineer. The easement shall be for non-motorized public use. The 20-foot wide minimum easement shall be maintained by the Maintenance Fee collected as part of this Article. Permit holder shall install, at permit holder's expense, appropriate signage identifying the trail and any rules or regulations for the use of the trail as determined by the City. In the event dedication of a trail easement is not economically feasible or possible, then the permit holder shall pay parkland dedication fees in lieu of the easement dedication in an amount of \$2,500 per acre of the parcel considered for the wetland bank.
- E. Road Frontage** Wetland Banks shall have improved roadway frontage for access as determined by the City Engineer. If any excavation is required for the creation of the Wetland Bank, road access of at least 9 tons bearing capacity shall be required.

At such hearing both written and oral comments will be heard.

DATED: November 15, 2024

Jennifer Bohr  
Building and Zoning Clerk  
City of Ham Lake

## ORDINANCE NO. 24-XX

**An Ordinance relating to ARTICLE 9, WETLAND BANK, in areas zoned R-A (Rural Single Family Residential), subject to certain conditions.**

**Be it ordained by the City Council of the City of Ham Lake, Anoka County, Minnesota, as follows:**

### **9-210.3 Rural Single Family Residential (R-A)**

**b Conditional Uses:** The following shall apply to Conditional Uses in the R-A Districts.

**b) Listing of Conditional Uses:** The following Conditional Uses shall apply in the R-A Districts:

**viii) Wetland Banking** under Article 9-330.8 of the Ham Lake City Code.

**9-330.8 Wetland Bank** A "Wetland Bank," "State Wetland Banking System," or "Bank" means a system of identifying wetlands restored or created for replacement credit and providing for, facilitating, and tracking the exchange of wetland banking credits for projects that require replacement plans or wetland mitigation required by other local, state, or federal authorities.

- A. Statutory Conditions** It shall be a mandatory condition of any Conditional Use Permit issued for a Wetland Bank that the party holding the permit has complied with all standards and procedures related to a State wetland banking system as provided in Minnesota Rules parts 8420.0700 to 8420.0820.
- B. Monitoring Fees** To the extent the City is responsible for the role of the Local Government Unit, the City shall collect a monitoring fee for its required monitoring activities according to the City of Ham Lake Fee Schedule as amended from time to time.
- C. Maintenance Fee** The permit holder shall pay the City a Maintenance Fee of 3% of the value of each credit sold. 2% of said Maintenance Fee shall be deposited into the general fund and 1% shall be deposited into the park fund. The total value of the credits to be sold shall be determined when the permit is issued and the permit holder shall provide a letter of credit in an amount equal to 3% of the total value of the credits. The letter of credit shall have a ten-year life and can be reduced annually as the Maintenance Fee is paid for the credits sold in each calendar year.
- D. Easement** It shall be a mandatory condition of any Conditional Use Permit issued for a Wetland Bank that the permit holder dedicate to the City an easement through and/or adjacent to the Wetland Bank for a ten foot wide trail installed by the permit holder to include sufficient sloping and drainage as determined by the City Engineer. The easement shall be for non-motorized public use. The 20-foot wide minimum easement shall be maintained by the Maintenance Fee collected as part of this Article. Permit holder shall install, at permit holder's expense, appropriate signage identifying the trail and any rules or regulations for the use of the trail as determined by the City.

In the event dedication of a trail easement is not economically feasible or possible, then the permit holder shall pay parkland dedication fees in lieu of the easement dedication in an amount of \$2,500 per acre of the parcel considered for the wetland bank.

- E. Road Frontage** Wetland Banks shall have improved roadway frontage for access as determined by the City Engineer. If any excavation is required for the creation of the Wetland Bank, road access of at least 9 tons bearing capacity shall be required.

Presented to the Ham Lake City Council on \_\_\_\_\_, 2024 and adopted by a unanimous vote this \_\_\_\_\_ of \_\_\_\_\_, 2024.

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Brian Kirkham, Mayor

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Denise Webster, City Clerk