

Zoning Ordinance Review Committee
January 5, 2011

Present: Ray Vlasak, Dick Pettit, Don Lefebvre, Jerome Flottesmesch, John Postovit, Harry Johnston, Tera Guetter, Dave Barsness, Chuck Church, Brad Grant, Roy Smith, Barry Nelson, Larry Knutson, Patty Swenson, Debi Moltzan and Moriya Rufer.

Flottesmesch, past chairman, called the meeting to order. Swenson gave an update as to the changes in the members, which are voting members and which are advisory members. Introduction of members was done.

Flottesmesch opened the floor for nominations for chairman. Lefebvre nominated Flottesmesch for chairman. Pettit made a motion to cease nominations for chairman. Vlasak second. All in favor. Motion carried. Flottesmesch is chairman for this session of the Zoning Ordinance Review Committee.

Flottesmesch opened the floor for nominations for vice-chairman. Pettit nominated Don Lefebvre for vice-chairman. Vlasak made a motion to cease nominations for vice-chairman. Pettit second. All in favor. Motion carried. Lefebvre is vice-chairman for this session of the Zoning Ordinance Review Committee.

Swenson stated that the minutes for the Zoning Ordinance Review Committee would be placed on the website. Swenson wanted to start an agenda for point of study. A list of items was prepared for the County Board of Commissioners for consideration. A letter has since been received from Dick Hecock and Clark Lee for additional items for consideration.

Existing Licensed Resorts and Point of Sale Septic Inspections

Swenson stated that the first items that need to be reviewed are 'Existing Licensed Resorts' (in 2006, Becker County was allowed to be less restrictive in this area due to flexibility implementation allowed by the MN DNR) and 'Point of Sale Septic Inspections'.

Some discussion was held regarding both issues. Nelson suggested that a subcommittee be formed to work on point of sale inspections. Consensus of the group was that Vlasak would chair the ISTS subcommittee with members Postovit and Church. Postovit suggested that a member from the Zoning Office also be on the subcommittee.

Comments from the group regarding point of sale inspections were:

Good idea; if the State Shoreland Standards are implemented, point of sale inspections are required; point of sale inspections only require those selling their homes to update, not the other nonconforming systems; point of sale inspections can be looked at as discriminatory,

Nelson stated that he has been asked how lakes can be inventoried if they do not meet the TSI Index requirements. The subcommittee should also look at this. Knutson felt that the process for choosing lakes to be inventoried should to be reviewed; however, the Lake Association does not represent all the lakeshore owners, just the association members. Rufer thought the declining water quality should be one of the deciding factors. Church felt that regulations from other counties could be used as a guide to help the subcommittee.

Swenson stated that resorts have caused much heartburn in the county and felt that existing licensed resorts should be revisited and the subcommittee, which included resort owners, should be reconvened to work on this issue. Postovit pointed out that some of the past members would not be involved in this go around. Further discussion was held regarding existing language, interpretation, definitions and the implementation flexibility.

Nonconforming Lot Mitigation

Swenson explained that the mitigation process is cumbersome. The permits and inspections require too much time. Postovit stated that the State Shoreland Standards, when implemented, requires mitigation and felt that the process could be tweaked but should not be eliminated. Guetter questioned if there was someone that these people could contract with to help with the mitigation process. Nelson stated that he and Grant are trying to develop a shoreland specialist. Smith felt that a landscape architect, who can design a plan that will work for that lot, should determine mitigation. Flottesch pointed out that there are many capable people in the County that could develop a mitigation plan, who are not licensed.

Further discussion was held on licensing of contractors, training of contractors, landscape architects, monitoring of mitigation, credit for pervious pavers, mitigation advantages over variances, and reduction for pervious pavers. Nelson felt that a recommendation should come from the Zoning Office.

Accessory Structures

Swenson stated that the one and one-half story has become an issue and the amenities that can go into the structure. Swenson suggested eliminating the one and one-half story and allows for a structure 22 ft in height and only allows one amenity. Swenson stated that these structures are a policing nightmare.

Flottesch gave some background history on accessory structures. Postovit stated that the past committees tried to regulate the size and differentiate accessory structures from guesthouses and this would provide for guest quarters. Postovit suggested reconvening the subcommittee that worked on this before. Swenson suggested that the Zoning Office could come up with a suggestion and bring it back to the committee. At that time, if they felt it was necessary, the subcommittee could be reconvened.

String line

Smith felt that a subcommittee should work on this issue. Smith felt that the subcommittee could work on string line, smaller back lots, impervious coverage, impact closest to the lake.

Comments from the group included: string line could be used with an additional setback; string line with a minimum setback out of the shore impact zone; limiting size of structures; and impervious closest to the lake.

The subcommittee will consist of Lefebvre, Johnston, Barsness and Smith.

Water Oriented Structures

Nelson stated that he was concerned about accessory structures being dug into the bank and those not being used as boathouses. Flottesmesch gave some background regarding boathouses, when they were allowed, when they were taken out of the ordinance and revisions to this section of the ordinance.

Comments from the group included: new State Shoreland Standards would not allow for new water oriented structures; topography requires some type of storage for water toys and fishing gear; State regulations allow existing to be rebuilt in same location and same size; reducing size of structure; ordinance already limits size, height and location; and water oriented structures should be allowed on lots with steep topography.

The subcommittee working on the string line will also look at this issue.

Fines

Swenson stated that a fine system should to be implemented for after the fact issues that cannot be permitted. This will be discussed at the next meeting.

Ordinary High Water setback versus Highest Known Water setback

Swenson stated that this recommendation did not pass last time. Postovit stated that this setback had been suggested for closed water basin lakes, which would affect approximately 10 lakes.

Comments from the group, along with discussion, included: set back from ordinary high water mark; setback from highest known water level; DNR not considering setting new OHW's; buying conforming lots in good faith then laws changing; setting an administrative line; 'taking of property'; liability of creating this line; and how many lakes would be affected.

Flottesmesch stated that the group had a good discussion and starting point. This meeting also allowed everyone to get to know each other and where everyone is 'coming from' as

far as their viewpoint. Flottemesch stated that the meetings need to be held to two hours and asked for suggestions for a next meeting date.

Consensus of the Board is that the next meeting will be held Thursday, January 27, 2011 from 9:00 am until 11:00 am in the Third Floor Meeting Room, Original Courthouse.

Nelson suggested that Swenson take these items of discussion to the full County Board for further direction. Flottemesch stated that thermal heating is an item that needs to be looked at in the future.

Meeting adjourned.

Respectfully submitted,
Debi Moltzan

Tentative agenda for January 27, 2011

1. Nonconforming lot mitigation
2. Accessory structures
3. Fines
4. Updates from resort subcommittee, ISTS subcommittee, and string line subcommittee.