

Zoning and Subdivision Ordinance Review Committee
May 14, 2014

Present: Jerry Flottemesch, Harry Johnston, Dave Knopf, Larry Knutson, Marsha Watland, John Postovit, Roy Smith, Patty Swenson, Ray Vlasak, Terry Guetter, Emily Siira, Peter Mead, Debi Moltzan, along with 9 other observers.

Flottemesch called the meeting to order at 8:35 am. Flottemesch explained the purpose of the committee, process and procedures that the committee goes through and that the recommendations of the committee are sent to the Planning Commission for public hearing at which time the public can comment.

FINAL DRAFT LANGUAGE FOR STRINGLINE, IMPERVIOUS LOT COVERAVE AND MINOR SUBDIVISIONS

The proposed final language was presented for the stringline/setback average; impervious lot coverage calculations for segregated lots and minor subdivisions on natural environment lakes.

Postovit wanted a few minutes to provide additional, factual information as to why changing the setback average plus 20 ft. back to the stringline should not be done. Flottemesch stated that three meetings have been held in which Postovit has been providing information and action had been taken on the issue last meeting. Today, the final language is to be considered and the final draft to be forwarded to the Planning Commission for the public hearing.

Knopf stated that he appreciates all the Postovit has done and believes that this group is here to protect the air, water and wildlife. Changing the setback does not change this because mitigation is put into place to protect these things. If the person is responsible, they will voluntarily move back and for those wanting to build up to whichever setback, mitigation is in place. Knopf stated that he sticks with the motion he made at the last meeting. Johnston agreed. Watland stated that this committee is not the final say and that there is a public hearing process to go through. Vlasak stated that his position has not changed and is against the proposal. Swenson stated that the committee has agreed to disagree.

Guetter stated that the PRWD has spent several dollars to save the environment and they don't have a voice in the issue and did not get a vote. Flottemesch questioned if the PRWD had a representative present at the past meeting. Guetter stated that they did. Flottemesch stated that they then had a voice and the group listened to what they had to say. Guetter stated that there were people present that wanted to speak. Flottemesch and Swenson stated that they will have the opportunity to speak at the public hearing on June 17th.

Knopf made a motion to approve the proposed languages as presented and forward the recommendation to the Planning Commission. Johnston second. Knopf, Johnston and Flottemesch in favor of the motion with Vlasak in opposition of the motion. Majority in favor.

Johnston questioned if the proposed impervious language would apply to permits that have previously been approved or in process. Swenson stated that it would not apply to previously approved permits or permits in process.

Siira stated that she was very disappointed that additional discussion was held and wanted to get it in the minutes that the DNR Waters and Fisheries were opposed to the changes.

MITIGATION

Swenson explained that a subcommittee was formed to look at the mitigation procedure, look at mitigation options and alternatives and recommendations to streamlining the mitigation process. One thing that was suggested was to eliminate pervious pavers from the mitigation. Pavers cannot be maintained properly and difficult to monitor to make sure that they are designed and installed correctly. Staldine from the PRWD consented to assisting the public within their watershed with their mitigation plans.

Postovit felt that it was a good idea to eliminate the pavers from mitigation. Dick Hecock, former PRWD Administrator, stated that he has porous pavers in his driveway. They have been there around ten (10) years and feels that they are only working at half capacity but the grassy pavers are working. Knopf felt that mitigation is very important and needs to remain in place but provide options. Smith felt that topography should enter into the equation of mitigation. Postovit stated that either a scoring system or performance base system could be done for mitigation and language, policies and procedures could be changed to reflect this. Smith felt that there are many times that a professional engineer is not needed to design mitigation plans. Mead stated that they are working on a contractor certification program Flottesch stated that two issues are being discussed at the present time, one is the proposal to eliminate pavers from the mitigation and the other is additional changes to mitigation and asked the group if they should recommend the elimination of pavers and then address additional changes to mitigation or wait and address everything at one time.

Vlasak made a motion to approve the recommendation to eliminate pervious pavers from mitigation (which would mean that pervious pavers if used would be counted as impervious). Knopf second. All in favor. Motion carried.

Further discussion was held regarding mitigation, storm water plans, mitigation options, topography, certification of installers, how long it would take to implement these types of options, etc. It was the consensus of the group that the subcommittee work on these issues and bring back to the entire committee to be worked on and possibly something done and implemented for the 2015 construction season.

MINUTES

The minutes were reviewed and discussed. Consensus of the group was that they should add the following findings to their motions of recommendations:

1. A number of variances have been asked for in the past year. Most of the variances were approved for hardships or problems of the site, i.e.: topographical, size, shape, etc., especially on nonconforming lots of record. Variances are not to be used for land use control. If variances are often given for similar circumstances ordinance should be changed to accommodate use.

A variance given permanently changes or amends land use ordinance forever as it applies to that particular parcel.

2. Staff noted some landowners located near or on water's edge, when informed of the setback average plus 20 ft. setback, and chose to rebuild in at the present foot print rather than move back to setback average plus 20 ft. These landowners indicate that if they had been able to use the stringline they would have moved back from the present location.

3. With the present ordinance, impervious surface is limited and required treatment of storm water by use of berms, water gardens, French drains etc., to treat the storm water is required. Is moving the residence back another 20 ft. improving the storm water treatment before reaching the lake or is it mostly for aesthetics.

4. Early zoning ordinance in Becker County had stern and large setback from road right of ways or centerlines of the road. These setbacks were written and strongly supported then by the County Engineer. The purpose was for safety and ability for road maintenance. Lately the road setbacks have been greatly reduced to where the committee sees a safety factor. On shallow lots on rural roads, the structures are constantly being pushed back toward the road.

5. The use of stringline is quite common in local regulations and broadly understood and accepted by the public.

Knopf made a motion to approve the minutes with the addition of the findings. Vlasak second. All in favor. Motion carried.

Flottesch adjourned the meeting at 9:50 am.

Respectfully submitted,
Debi Moltzan