

**Becker County Zoning Ordinance Review Committee**  
**February 4, 2016**

**Present:** Jerome Flottemesch, Harry Johnston, John Postovit, Peter Mead, Ed Clem, Rodger Hemphill, Mandy Erickson, Dave Knopf, Debi Moltzan, Larry Knutson, Scott Walz, Brian McDonald, Roy Smith, Ray Vlasak and Julene Hodgson.

Chairman Flottemesch called the meeting to order at 9:00 am.

**Minute approval.** Postovit referred to the minutes and questioned if Vlasak's statement of wanting to discuss the ERTP letter and if that was placed on the agenda. Flottemesch questioned the language of #6 on the second page and felt that it should read 'an annual renewal of a land alteration permit shall be required.' Knopf felt that is was meant to be that way.

Knopf made a motion to approve the minutes with the change to #6 on the second page. Johnston second. All in favor. Motion carried.

**Clarification of NE lakes – lake frontage and lot area.** Moltzan explained that in preparation for the Planning Commission meeting and upcoming Ordinance changes, it was found that the lake frontage of the natural environment lakes was discussed and acted upon, but the lot area requirements were not addressed. Moltzan questioned if that was an oversight.

Walz stated that typically, the first tier depth is multiplied by the required lake shore frontage to determine the lot area of a lot. On natural environment lakes, the first tier is 400 feet, this would make the required lot sizes as follows: 250 ft. of lake shore frontage = 100,000 sq. ft. of lot area; 300 ft. of lake shore frontage = 120,000 sq. ft. of lot area; and 350 ft. of lake shore frontage = 140,000 sq. ft. of lot area.

Discussion was held as to why the '400' ft. depth was used, impact to the lakes, state minimum requirements and the fact that the lot area does need to change to coincide with the reduction of lake shore frontage.

Vlasak stated that the group did not look at the comments in the letter from the ERPT and felt that this issue should be tabled until more information is available to better rate the lakes.

Discussion included: time table to get more information; make changes now and fine tune the changes as more information becomes available; how much pressure there is out there for development on natural environment lakes; looking at the 'other side' of development; what has been driven by the comprehensive plan; having more justification as to why each lake is being

classified the way it is; further criteria for development on natural environment lakes (such as increased setback, less impervious, etc.); and setting up a subcommittee for further review.

Smith felt that a timeline should be set and if something better was not found by that deadline, present the current proposal to the Planning Commission. Walz agreed that a timeline must be set and not be open-ended.

Vlasak made a motion to table the recommendation of natural environment lakes for one year and bring back with additional information. Discussion was held on the wording of the motion and what Vlasak meant by the motion. Vlasak reworded the motion to say 'table the natural environment proposal from going to the Planning Commission to allow a subcommittee to be formed to work on information as it becomes available to have a final revised plan ready to go before the Planning Commission by February 2017'. The motion died for lack of second.

Further discussion was held as to what the group was trying to accomplish, what information they wanted to get to include in their decision, timelines, what the subcommittee was to accomplish and how the subcommittee would be formed.

Knopf made a motion to table the present natural environment lake proposal; form a subcommittee to come up with a draft within two (2) months and a final draft ready for the Planning Commission in three (3) months; the new proposal is to use the proposed lake frontages of 250 ft., 300 ft. and 350 ft., defining the criteria used to determine the correlating lake frontage for each lake and proposing additional restrictions/mitigation for development on each lake. Flottesmesch second.

Further discussion was held on the rating system (not being the same as originally talked about) and if that would be redefined and how the subcommittee would be formed. Flottesmesch stated that he would choose the subcommittee, which he asked for volunteers. The subcommittee will consist of Larry Knutson, Scott Walz, Mandy Erickson, Peter Mead and Roy Smith.

Erickson questioned the expectations of the group. She stated that after the subcommittee relooks at everything and redefines the criteria and rating system, it is possible that 80% of the lakes could end up in the high lake size. Consensus was that a draft would have to be put together to be looked at.

A vote was taken with everyone voting in favor of the motion.

**Proposed Amendments.** The list of proposed amendments and their final draft language were reviewed. Each section would be reviewed independently, minor changes would be made, if needed, and one motion would be made at the end of the review.

Chapter 3, Section 1 and Section 5, Nonconforming Structures. This change is to bring the Ordinance into better compliance with changes in State Rule changes. After much discussion as to whether or not to leave rule chapter numbers in the proposal, it was decided to leave the rule chapter numbers in place and add the language ‘or successor rules’ after each chapter number in case that number is changed, renumbered or recodified.

Definitions. Buffer, Buffer, natural, Expansions of nonconforming structures and Habitable, residential dwelling would be added to the Ordinance.

Chapter 8, Section 22 C, Mass Gathering Fees. The dollar amounts would be removed and replaced by ‘an amount set by the County Board of Commissioners’.

Chapter 7, Section 6, Extraction of Materials and Minerals. Number 6 under B1 should be reworded to be clearer that it is the applicant’s responsibility to renew the permit, not the County’s obligation to renew the permit. Consensus was to reword this to say ‘An annual renewal of a land alteration permit shall be required by the permittee.’

Chapter 7, Section 6, E. The bold heading says ‘may’ but the sentence following says ‘shall’. This needs to be changed to be consistent. The word ‘shall’ will be changed to ‘may’.

Chapter 3, Section 8 and Chapter, Section 2C – setback averaging. Currently, the setback average plus twenty (20) feet is being applied. This change would change the formula to setback average plus ten (10) feet.

Postovit stated that he still had concerns about changing the setback average, stating that this is the third attempt to change this and is afraid that if the setback average is changed, the State may come back to day that the setback average is contradictory to State law that says if a structure cannot meet the required setback, that one must apply for a variance. Postovit stated that the information he obtained from the DNR states that the stringline is no longer valid.

Johnston stated that he called Otter Tail County and Douglas County to see what method they used. Otter Tail uses stringline and Douglas County uses setback averaging. Knutson stated that if the stringline is no longer valid, it must be looked into at the State level. Hemphill stated that the stringline is still valid. Smith questioned the concern whether or not the stringline should be applied to conforming lots that are between nonconforming lots.

Further discussion was held as to whether or not setback average plus should be applied to all lots or just nonconforming lots and whether or not the setback average plus twenty (20) should be changed.

Knopf made a motion to forward Proposals 1-5 to the Planning Commission, with the following minor changes:

Proposal 1 – add or successor rules behind every chapter number;

Proposal 4 – change #6 to read ‘An annual renewal of a land alteration permit shall be required by the permittee’; and correct E to read ‘Bond may ~~shall~~ be required’, showing what was changed.

Johnston second. All in favor. Motion carried.

At this time, a meeting was scheduled for March 10, 2016 at 9:00 to review the progress of the subcommittee.

Since there was no further business to come before the Committee, Flottesch adjourned the meeting.

Respectfully submitted,

Debi Moltzan