

**Becker County Planning Commission**  
**March 7th, 2016**

**Members Present:** Vice Chairman John Lien, Harry Johnston, Jim Kaiser, Ray Thorkildson, County Commissioner Larry Knutson, Dave Blomseth, Jeff Moritz, and Zoning Technician Julene Hodgson. Absent were Chairman Jim Bruflo, Jim Kovala, Mary Seaberg, and Mary Seaworth.

Vice Chairman Lien called the Applicants Public Hearing meeting to order at 7:00. Zoning Technician Julene Hodgson recorded minutes.

Vice Chairman Lien announced that applicant #3 Verizon Wireless on behalf of Cory and Katie Jendro property has been tabled until further notice and nothing would be discussed or decided this evening regarding this application- if anyone present wanted to leave.

Intros were given.

Vice Chairman Lien explained the protocol for the meeting and stated the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on March 15th, 2016.

Kaiser made a motion to approve the minutes for December 8th, 2015; Johnston seconded. All in favor. Motion carried.

**Old Business:** None

**New Business:**

**FIRST ORDER OF BUSINESS: APPLICANT: Randy Gravelle, 25575 Brolin Beach Rd Detroit Lakes, MN 56501** **Project Location:** 25575 Brolin Beach Rd **LEGAL LAND DESCRIPTION:** 080292000 Detroit Township Non-Shoreland PT NE1/4 SW1/4, NW1/4 SE1/4 & GOVT LOT 2: COMM SW COR LOT 1 GRAVELE AC TH S 958.10' TO POB CONT SWLY AL DED RD 325.19', TH SE 429', SLY 508.28' TO HWY 59 SE 100', ELY 550', N 1900', SWLY 330.64', S 686.77', W 329.84', S 242', W 333.62' TO SWLY COR LOT 1 BUZZ EST & POB, Section 16, TWP 139, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for material/black dirt extraction in an Agricultural Zone.

Hodgson introduced the application.

Randy Gravelle explained the application to the Board. He obtained a land alteration permit from the Zoning office last fall to do some scraping and leveling work on the property. He started selling the black dirt off the property but discontinued when the Zoning office contacted him. He was unaware a Conditional Use Permit is required to sell minerals off your property. He submitted application and plans to sell the black dirt off the property and reestablish the vegetative cover.

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No one spoke for or against the application. There was no written correspondence either for or against the proposal. At this time, testimony was closed.

Blomseth noted the plan followed the criteria of the Ordinance and the request is small and of temporary nature. It was the consensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

**MOTION: Blomseth made a motion to approve a Conditional Use Permit as submitted to allow the sale and extraction of material/black dirt on the above property due to the request meets the criteria of the Ordinance and would not be detrimental to the surrounding area. Knutson seconded. All in favor. Motion carried.**

**SECOND ORDER OF BUSINESS: APPLICANT: Cornerstone Land Company, 421 W Main St Detroit Lakes, MN 56501 Project Location: North Fox Lake land LEGAL LAND DESCRIPTION: 190092002 Lake View Township Non-Shoreland PT GOVT LOT 9, 10: BEG NE COR SEC 7, W 2636.94', S 874.78', E 561.56', N 246.87', E 2085.81', N 643.19' TO POB. LESS .75 AC IN NE COR., Section 07, TWP 138, Range 41 APPLICATION AND DESCRIPTION OF PROJECT: Request a Zone Change from Agricultural to Residential for 3.18 acres in the S/W corner of the property with the remainder of the property to remain zoned Agricultural. Eventual request of subdivision will be submitted to the City of Detroit Lakes for review.**

Hodgson introduced the application.

Scott Walz from Meadowland on behalf of Cornerstone Land Company explained the application to the Board. The applicants propose to rezone 3.18 acres to residential from agricultural and the remainder of the parcel would stay zoned agricultural because it is currently in a CRP program. Due to the location of the property, any subdivision proposal would be reviewed by the City of Detroit Lakes. The future request may be for one acre parcels which are a reasonable size for property owners to maintain and construct on.

There was no one present that spoke for the application. Speaking against the application were Kenneth Shroyer, Bryan Olson, David Bellware, Jack Misson, Tera Guetter and Matt Casey. Some concerns included: Soils are more sandy and tend to create a lot of weeds, current owners have not been good stewards of taking care of weed control or mowing. Neighboring property owners want larger lots created they fear one acre parcels are too small to accommodate three separate wells and three separate septics given the bad soils and topography- fear of contaminants running toward lake. Changing the zone could potentially allow smaller lots and they want that avoided. Fear of runoff to the lake. Although lake quality has improved, less density would be better and maybe the suggestion should be made to cluster any proposed septics or wells. Letters were read to the Board against the application from Stephen Corbin and Matt Casey. The letters

92 outlined some of the same concerns- opposed to smaller sized parcels. At this time,  
93 testimony was closed.

94

95 Vice Chairman Lien opened the matter for disussion by the Board.

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97 Johnston wanted it noted and made very clear the only thing the Planning Commission  
98 members are dealing with is the request for a zone change for 3.18 acres and although  
99 there are people voicing concerns, any subdivision concerns/requests will be going  
100 through the City of Detroit Lakes, not this Board. Lien noted that any septic system  
101 and/or drainage questions should be addressed during any application into the City  
102 Zoning Office and during any procedure for subdivision. Johnston further stated that  
103 there were already residential lots in the area and this would be residential in nature.  
104 Knutson asked how far the parcel is from the lake to which Walz answered one point is  
105 880'+ and the other side is over 1000'. Thorkildson stated he appreciates the concerns but  
106 sees no problem with the request that is in front of this Board and the request meets the  
107 criteria of the Ordinance.

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109 **MOTION: Thorkildson made a motion to approve a Zone Change from**  
110 **Agricultural to Residential for 3.18 acres in the S/W corner of the property with the**  
111 **remainder of the property to remain zoned Agricultural due to the request meets**  
112 **the criteria of the Ordinance and would not be detrimental to the surrounding area.**  
113 **Blomseth seconded. All in favor. Motion carried.**

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115 ~~**THIRD ORDER OF BUSINESS: APPLICANT: Verizon Wireless Tower on behalf**~~  
116 ~~**of Cory & Katie Jendro, property owners, 132 S Delphia Ave Park Ridge, IL 60068**~~  
117 ~~**Project Location: 48004 St Hwy 113 LEGAL LAND DESCRIPTION: 120040001**~~  
118 ~~**Forest Township Non Shoreland Pt SE 1/4 NE 1/4 N of Hwy 113, Section 05, TWP 142,**~~  
119 ~~**Range 37 APPLICATION AND DESCRIPTION OF PROJECT: Request a**~~  
120 ~~**Conditional Use Permit for a 310' communication tower to include fence, equipment**~~  
121 ~~**platform with cabinets, transformer and equipment for essential services in an**~~  
122 ~~**Agricultural Zone.**~~

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124 **\*\*The Application has been tabled until further notice at the**  
125 **request of the applicant. There will be re-notification when it is**  
126 **requested to be placed on a future agenda.**

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137 **Chairman Lien closed the Applicants Public Hearing agenda and opened the Notice of**  
138 **Intent to Amend an Ordinance agenda.**

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140 The general purpose and subject matter of Zoning Ordinance Sections is as follows:  
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142 Each section was introduced by Hodgson, the Board discussed and motions were made.  
143

- 144 1. To Amend Chapter 3, Section 1,  
145 Subject Matter: Nonconformities of certain classes of property.  
146 The addition of this section is to bring the Ordinance in compliance with MN  
147 State Statute 394.36.
- 148 2. To Amend Chapter 3, Section 8 Paragraph C  
149 Subject Matter: Remove this paragraph to be in compliance with the addition of  
150 Chapter 3, Section 1.1.
- 151 3. To Amend Chapter 3, Section 5  
152 Subject Matter: Amend this paragraph to be in compliance with the addition of  
153 Chapter 3, Section 1.1.

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155 **RECOMMENDATIONS:**  
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157 **Chapter 3, Section 1 and Section 5**  
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159 **Section 1, Non-Conforming Structures and Uses Allowed to Continue**

160 Non-conforming uses and non-conforming structures are uses and structures lawfully in  
161 existence prior to the adoption of this Ordinance that do not meet the requirements of this  
162 Ordinance for the zoning district in which they are located. Non-conforming uses and  
163 structures shall be allowed to continue if they comply with the provisions in this Chapter.  
164

165 **A. Exemption.** Structures found to be non-conforming only because of height, yard or  
166 area requirements shall be exempt from the provisions of this Chapter.

167 **B. Conformity encouraged.** All non-conforming uses and non-conforming structures  
168 are encouraged to convert to conformity whenever possible.

169 **C. Change of title no effect.** Change of title or change of right to possession shall not  
170 affect the allowed continuation of a non-conforming use.

171 ~~**Section 8 C. In shoreland areas.** In shoreland areas, the lot shall be in separate  
172 ownership from contiguous lands and all sanitary and dimensional requirements of the  
173 Ordinance are complied with insofar as practical.~~

174 ~~1. **Same ownership requires combination of lots.** If, in a group of two or more  
175 contiguous lots under the same ownership, any individual lot that is not a  
176 buildable lot shall not be considered as a separate parcel of land for the purposes  
177 of sale or development, the lot shall be combined with the one or more contiguous  
178 lots so they equal one or more parcels of land, each meeting the requirements for  
179 building. When adjacent substandard parcels are in the same ownership, they shall  
180 be joined into one parcel and shall no longer be allowed as individual building  
181 sites.~~

182 **Section 1.218 C, Existing nonconforming lots in shoreland areas.** ~~A.~~ This subdivision  
183 applies to shoreland lots of record in the office of the county recorder on the date of  
184 adoption of local shoreland controls that do not meet the requirements for lot size or lot  
185 width. The county shall regulate the use of nonconforming lots of record and the repair,  
186 replacement, maintenance, improvement, or expansion of nonconforming uses and  
187 structures in shoreland areas according to this subdivision.

188 ~~BA.~~ A nonconforming single lot of record located within a shoreland area may be  
189 allowed as a building site without variances from lot size requirements, provided that:

- 190 1. all structure and septic system setback distance requirements can be met;
- 191
- 192 2. a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080,  
193 or successor rules, can be installed or the lot is connected to a public sewer; and
- 194 3. the impervious surface coverage does not exceed 25 percent of the lot.

195 ~~CB.~~ In a group of two or more contiguous lots of record under a common ownership,  
196 an individual lot must be considered as a separate parcel of land for the purpose of  
197 sale or development, if it meets the following requirements:

- 198 1. the lot must be at least 66 percent of the dimensional standard for lot width and lot  
199 size for the shoreland classification;
- 200 2. the lot must be connected to a public sewer, if available, or must be suitable for  
201 the installation of a Type 1 sewage treatment system consistent with Minnesota  
202 Rules, chapter 7080, or successor rules, and local government controls;
- 203 3. impervious surface coverage must not exceed 25 percent of each lot; and
- 204 4. development of the lot must be consistent with an adopted comprehensive plan.

205 ~~DC.~~ A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must  
206 be combined with the one or more contiguous lots so they equal one or more  
207 conforming lots as much as possible.

208 ~~ED.~~ Notwithstanding paragraph (c), contiguous nonconforming lots of record in  
209 shoreland areas under a common ownership must be able to be sold or purchased  
210 individually if each lot contained a habitable residential dwelling at the time the lots  
211 came under common ownership and the lots are suitable for, or served by, a sewage  
212 treatment system consistent with the requirements of section 115.55, or successor  
213 rules, and Minnesota Rules, chapter 7080, or successor rules, or connected to a public  
214 sewer.

215 ~~FE.~~ In evaluating all variances, zoning and building permit applications, or conditional  
216 use requests, the County zoning authority shall require the property owner to address,  
217 when appropriate, storm water runoff management, reducing impervious surfaces,  
218 increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and  
219 water supply capabilities, and other conservation-designed actions.

220 ~~GF.~~ A portion of a conforming lot may be separated from an existing parcel as long as  
221 the remainder of the existing parcel meets the lot size and sewage system  
222 requirements of the zoning district for a new lot and the newly created parcel is  
223 combined with an adjacent parcel.

224

225 **Section 5 Restoration.** ~~Unless exempted by Section 1.1, nNo~~ No building that has been  
226 damaged by fire, explosion, act of God or the public enemy to the extent of more than

227 fifty percent (50%) of its market value shall be restored except in conformity with this  
228 Ordinance.

229

230 Discussion was held and Number One, Number Two and Number Three amendments  
231 were recommended for approval with no concerns.

232

233 **MOTION:**

234 **Number One and Number Two: Kaiser made a motion to approve as submitted.**  
235 **Thorkildson second. All in favor. Motion carried.**

236 **Number Three: Johnston made a motion to approve as submitted. Knutson**  
237 **second. All in favor. Motion carried.**

238

239 4. To Amend Chapter 10, Definitions

240 Subject Matter: Amend Definitions by adding a definition for Buffer; Buffer,  
241 Natural; Expansions of non-conforming structures; and Habitable Residential  
242 Dwelling.

243

244 **RECOMMENDATIONS:**

245

246 **Chapter 10, Definitions.**

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248 **Buffer:** An area of land consisting of established perennial vegetation, excluding  
249 invasive plants and noxious weeds, designed to intercept stormwater runoff, stabilize of  
250 soils, shores, and banks..

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252 **Buffer, Natural:** An unmown, undisturbed natural or enhanced native perennial  
253 vegetation area, excluding invasive plants and noxious weeds, that is managed to stabilize  
254 and maintain the integrity of upland, shorelines, and stream channels, to reduce the  
255 impact of upland sources of water pollution by trapping, filtering, and converting  
256 sediments, nutrients, and other chemicals, and to supply food, cover, and thermal  
257 protection to fish and other wildlife.

258

259 **Expansions of non-conforming structures:** Enlargement or any increase in a  
260 dimension, size, or area resulting in an increase in the livable area, any placement of a  
261 structure or part thereof where none existed before. Changes in roof pitch or structure  
262 height are not expansions as long as they do not increase livable space.

263

264 **Habitable Residential Dwelling.** A structure having floorspace equipped with  
265 cooking/kitchen facilities, water supply and/or sanitary disposal facilities, sleeping  
266 accomidations with any other amenities capable of providing independent human  
267 habitation.

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269 Discussion was held and Number Four amendment was recommended for approval with  
270 no concerns.

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272 **MOTION: Blomseth made a motion to approve as submitted. Moritz second. All in**  
273 **favor. Motion carried.**

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- 275 5. To Amend Chapter 7, Section 22, Paragraph C  
276 Subject Matter: Remove the dollar amount of the license and bond and replace  
277 with phrase ‘amount set by the County Board of Commissioners.

278

279 **RECOMMENDATIONS:**

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281 **Chapter 7, Section 22 C Mass Gathering – Fees**

282

283 **C. Fees.** The application shall be accompanied by a license fee ~~in the amount of \$500.00~~  
284 ~~and, together with a bond in penal sum of \$25,000.00~~ in an amount set by the County  
285 Board of Commissioners with sureties to be approved by the County of Becker  
286 conditioned that the licenses (a) carries out all of the plans and keeps and performs all of  
287 the conditions of the application and license, (b) maintain order on the premises, (c) leave  
288 the premises in neat and respectable condition, (d) pay, when due, to the person or  
289 persons entitled thereto, all debts and obligations incurred in promoting, advertising, and  
290 conducting and operating the assembly, and (e) indemnify and hold harmless the County  
291 of Becker, its officers, agents, and employees, from any liability or causes of action  
292 arising in any way from the conduct of the assembly, The bond shall run for a period of  
293 one (1) year. If the applicant has made application for a like assembly at the same  
294 location for four (4) consecutive years immediately preceding the application under  
295 consideration, the Becker County Board of Commissioners may, in its sole discretion,  
296 waive the license fee and/or the bond referred to above.

297

298 Discussion was held and Number Five amendment was recommended for approval with  
299 no concerns.

300

301 **MOTION: Moritz made a motion to approve as submitted. Kaiser second. All in**  
302 **favor. Motion carried.**

303

- 304 6. To Amend Chapter 7, Section 6, Paragraph B  
305 Subject Matter: Add additional conditions that must be followed in order for  
306 extraction sites to be exempt from a conditional use permit.

307

308 **RECOMMENDATIONS:**

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310 **Chapter 7, Section 6 Extraction of Materials and Minerals**

311 The following regulations shall apply to the extraction of materials and minerals in any  
312 land use district.

313

314 **A. Conditional use permit required.** No person shall extract any sand, gravel, stone,  
315 coal, clay, peat, subsoil, topsoil or mineral from the land for sale without first obtaining a  
316 conditional use permit.

317

318 **B. Exemption for public roadway projects.** Extraction sites to be used for public  
319 roadway projects are exempt from provisions of this section with the following  
320 conditions:

321

322 1. Land alteration permit required. Any operator who has a public roadway construction  
323 contract shall be granted a land alteration permit provided the following conditions  
324 are met:

325 a. The operator shall provide evidence that the operator has been awarded a contract  
326 for public roadway construction. The contract shall state that the operator shall  
327 reclaim the nonmetallic mining site according to the most recent edition of the  
328 Minnesota Department of Transportation Standards Specifications for  
329 Construction, with the additional requirements of any applicable sections of this  
330 Ordinance.

331 b. The operator shall provide a copy of the contracting agency's Completion  
332 Certificate upon completion of the project.

333 c. All other provisions of the Becker County Zoning Ordinance shall apply.

334 2. A rock crusher or asphalt plant shall not be located on the parcel.

335 3. No materials shall be extracted below the ground water.

336 4. No more than 2.5 acres of the site shall be disturbed, this includes mining areas and  
337 areas where materials are stockpiled.

338 5. The site is to be reclaimed within twelve (12) months of the stoppage of operations.

339 6. An annual renewal of a land alteration permit shall be required by the permittee.

340

341 Discussion was held regarding the additions. Comments included: this is for temporary  
342 use and would be for barrow pits for road exemptions, Misuse has occurred in the past  
343 with properties extraction exceeding what should be allowed and restoration is not being  
344 completed. When proposing the road work, it is known the area that crews will be  
345 working in and the applicant should know if this will be a temporary extraction site or  
346 something more permanent that will require an asphalt plant and/or crusher. The #2  
347 sentence was discussed with the idea of the language reading: A temporary rock crusher  
348 or asphalt plant may be located on the parcel during the contract duration. Thorkildson  
349 agreed that the language needs to be added to but he felt the proposal should go forward  
350 as originally worded. Blomseth agreed that if the road order entailed something more  
351 permanent, then a Conditional Use Permit should be applied for. The Board concurred  
352 that the language should go forward as originally agreed and if any further changes are  
353 made it should be at the County Board level.

354

355 **MOTION: Thorkildson made a motion to approve as submitted. Blomseth second.**

356 **All in favor. Motion carried.**

357

358 7. Purpose: To Amend Chapter 7, Section 6, Paragraph E

359 Subject Matter: To make existing language consistent within the paragraph.

360

361 **Chapter 7, Section 6**

362 **E. Bond may be required.** Bond may ~~shall~~ be required by the Board of County  
363 Commissioners in such form and sum as the Board shall determine, with sufficient surety

364 running to the County, conditioned to pay the County the extraordinary cost and expense  
365 of repairing, from time to time, any highways, streets or other public ways where repair  
366 work is made necessary by the special burden resulting from hauling and travel, in  
367 removing materials from any extractive process, the amount of cost and expense to be  
368 determined by the County Engineer; and conditioned further to comply with all the  
369 requirements of this Subdivision and the particular permit, and to pay any expense the  
370 County may incur by reason of doing anything required to be done by any applicant to  
371 whom a permit is issued.

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373 Discussion was held and Number Seven amendment was recommended for approval with  
374 no concerns.

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376 **MOTION: Kaiser made a motion to approve as submitted. Moritz second. All in**  
377 **favor. Motion carried.**

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379 8. Purpose: To Amend Chapter 3, Section 8, Paragraph B  
380 Subject Matter: Amend setback average plus twenty (20) feet to setback average  
381 plus ten (10) feet.

382  
383 9. Purpose: To Amend Chapter 5, Section 2, Paragraph C  
384 Subject Matter: Amend setback average plus twenty (20) feet to setback average  
385 plus ten (10) feet.

386  
387 **Chapter 3, Section 8 and Chapter 5, Section 2C. NOTE - graphics will need to be**  
388 **edited**

389 **B. Setback averaging.** Setback averaging is the horizontal distance of a proposed  
390 structure obtained by adding the horizontal distance, as measured from the ordinary  
391 high water mark of the lake, of the like structures on the adjacent lots and dividing  
392 that sum by two (2).

393  
394 1. If structures exist on the adjoining lots on both sides of a proposed building site,  
395 the required setbacks shall be that of the average horizontal distance of the like  
396 structures plus ~~twenty~~ ten (~~1020~~) feet, not to exceed the required lake setback.  
397 (Example: deck to deck, house to house)

398  
399 2. If a building on one side of a lot does not comply with the setback requirements of  
400 this ordinance and if the lot on the other side is vacant, or if the structure exceeds  
401 the required setback, the setback for the lot shall be equal to one half (1/2) the  
402 sum of the horizontal distance as measured from the ordinary high water mark of  
403 the lake to the like structure and the setback required by this ordinance plus  
404 ~~twenty~~ ten (~~2010~~) feet, not to exceed the required lake setback.

405  
406 3. Notwithstanding the above, a building site shall not be located in whole or in part  
407 within a shore impact zone or a bluff impact zone.

408

- 409 4. Whenever the setback averaging method is allowed to establish a lakeside structure  
410 setback and the property is a substandard size property, as provided for in  
411 subsections B1 and B 2, above, the deficiency area between the setback  
412 determined by the setback averaging and the setback required by this Ordinance  
413 must be mitigated by the installation of a shoreline vegetative buffer. The criteria  
414 and provisions for the shoreline vegetative buffer contained in Chapter 3, Section  
415 11, Mitigation Requirements for Nonconformities in Shoreland Areas, are  
416 applicable.
- 417
- 418 5. If a dwelling unit is used for lakeshore averaging, the dwelling must be of average  
419 livable condition.
- 420
- 421 6. ~~Adjacent like structures used for the setback averaging must be located within the~~  
422 ~~width and area of a standard lot size. Notwithstanding the above, adjacent like~~  
423 structures used for the setback averaging must be located on the immediately  
424 adjacent lots. If the adjacent lots exceed the standard size lot in width and area,  
425 the adjacent like structures used for the setback averaging must be located within  
426 the width and area of a standard size lot. If the adjacent like structures are located  
427 outside the width and area of the standard size lot, the required lake setback shall  
428 apply for that particular lot.
- 429

430 Discussion was held regarding the proposed changes and additions. Hodgson explained to  
431 the Board that the setback averaging plus 20' was adopted by the County in 2011. The  
432 MN Rule still allows stringline as a setback. There continue to be more Variance requests  
433 asking to vary away from the setback averaging plus 20' and some property owners  
434 choose not to construct at the averaging setback but instead build in the same location-  
435 even if that means constructing the structure in the shore impact zone. The proposal was  
436 brought back to the ZSOAC which voted to bring forward the recommendation to allow  
437 setback averaging plus 10'. This setback option would still be more restrictive than the  
438 State rule of stringline, but give property owners more choices than just the most  
439 restrictive setback or a Variance. Setback averaging does not allow a new dwelling to be  
440 constructed within the shoreimpact zone. Hodgson obtained and read an opinion from the  
441 County Attorney Office and letters from the DNR. The County has mitigation in place to  
442 offset any setback shortcomings with vegetation buffers and protection zone areas  
443 besides stormwater management regulations regarding impervious surface runoff.

444

445 Audience members that voiced their concerns and viewpoints included: John Postovit,  
446 Steve Lindow, Barb Halbakken-Fischburg, Willis Mattison, and Terra Guetter. Some  
447 statements included: the County can adopt stricter setbacks than the State and Becker  
448 County did this in 2011 when adopting the setback averaging plus 20' - this should not be  
449 changed to anything lesser. Many nonconforming lots are secondary structures with tear  
450 downs and more impervious so they should have to be further back from the lake. COLA  
451 is against the proposal. MN rule still allows stringline, but further setback should be  
452 required due to larger homes with greater impacts to help with water quality. Legislation  
453 had draft written up to be more restrictive and do away with stringline, but it never  
454 occurred. Homeowners that can't comply can still request a Variance. DNR doesn't make

455 the rules- they just enforce them. Further protect water quality from over development  
456 and closer setbacks. Testimonies were read and given to forward to the County Board.  
457 Giving people too many choices can be harmful and not benefit the resources. At this  
458 time, testimony was closed.

459  
460 Vice Chairman Lien opened the matter for discussion by the Board. Kaiser stated if the  
461 DNR rules have been in play since 1969- why haven't they changed them already.  
462 Knutson stated the averaging plus 20' rule took a choice away from people and the  
463 previous Zoning Administrator stated this was too strict of a regulation- the proposed  
464 change would still get the structures further back from the lake then the stringline  
465 setback. They debated on how the number came about when first proposed in 2011 and  
466 Kaiser stated it was just a random number picked. Moritz stated he felt this is helping to  
467 get the dwellings back away from the lakes and that there needs to be findings of fact that  
468 would make one want to vote to change from the 20' to the 10' - not just an  
469 Administrators issue. Moritz did not want to make a recommendation that he could not  
470 support. Johnston gave examples of Variance requests and the tunnel effect when back  
471 further- seeing the back of neighbor dwellings. Johnston stated he did not think the 10'  
472 closer would be more detrimental if offset by mitigation and stormwater management and  
473 it would still keep the structures out of the shore impact zone. Thorkildson noted he had a  
474 problem with the recommendation. Although he sees the problem with the larger homes  
475 being constructed, it seems that going as far back from the lake with any of the setbacks  
476 should be the common sense solution. Even though there is mitigation and Variances the  
477 problem is the small lots- too small for these large homes everyone wants to build.  
478 Thorkildson continued by saying the proposal should be tabled and sent back for further  
479 review and statistics. Kaiser noted he sat in on the meetings in 2011 when this was being  
480 discussed and everyone thought changes were coming from the State so the County felt  
481 they would get on board before it happened. Kaiser said it was a pipe dream and the  
482 County should just change back to the State regulation of stringline. Thorkildson stated  
483 the mitigation for shoreline buffers is the best thing they can do if they want to be closer.  
484 Johnston agreed it is a good concept but then of course there is a lot more to enforce by  
485 the Zoning office.

486  
487 **MOTION: Thorkildson made a motion to table the proposal back to the ZSOAC**  
488 **committee for more clarity and history. Moritz second. Thorkildson and Moritz in**  
489 **favor, Johnston, Knutson, Blomseth and Kaiser against- majority ruled- motion**  
490 **denied.**

491  
492 **MOTION: Moritz made a motion to deny the proposal based on the fact there is not**  
493 **enough findings of fact to allow the change. Thorkildson second. Moritz and**  
494 **Thorkildson in favor, Johnston, Knutson, Blomseth and Kaiser against- majority**  
495 **ruled- motion denied.**

496  
497 **MOTION: Kaiser made a motion to approve as submitted to go forward to the**  
498 **County Board. Blomseth second. Kaiser, Blomseth, Johnston and Knutson in favor,**  
499 **Moritz and Thorkildson against- majority ruled- motion carried.**

500

501 **Informational Meeting:** The next informational meeting is scheduled for Wednesday,  
502 April 6th, 2016 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

503

504 **Other Business:** Election of Officers. Lien made the motion to keep the Officers the  
505 same for the year 2016 which would nominate Brufloft for Planning Commission  
506 Chairman, Lien as Vice Chairman, and Moritz as Secretary. Nominations closed.  
507 Johnston second. All in favor, motion carried.

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509 Since there was no further business to come before the Board, Blomseth made a motion  
510 to adjourn. Thorkildson second. Motion carried. The meeting adjourned.

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John Lien, Vice Chairman

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Jeff Moritz, Secretary

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ATTEST \_\_\_\_\_

Julene Hodgson, Zoning Technician