

**Zoning Ordinance Review Committee**  
**January 27, 2011**

**Present:** Jerome Flottemesch, Harry Johnston, Jerry Schutz, Brad Grant, Dave Barsness, Terra Guetter, John Postovit, Roy Smith, Don Lefebvre, Ray Vlasak, Barry Nelson, Patty Swenson and Debi Moltzan.

Chairman Flottemesch called the meeting to order. Swenson stated that Commissioner Knutson would not be attending today's meeting and the Dick Pettit had resigned from the committee due to conflicts with schedule.

Lefebvre made a motion to approve the minutes from the January 5, 2011 meeting. Vlasak second. All in favor. Motion carried.

**First Point of Discussion - Point of Sale Septic Inspections**

Swenson handed out a letter received from the Lake County Association of Realtors, with their concerns about point of sale compliance inspections of individual sewage treatment systems.

Vlasak explained the proposal for point of sale inspections. The proposed language is that of Wadena County. Swenson further explained that the proposal does have an exception for seasonal transfers of property. Swenson has met with the Recorder's Office as to how enforcement would be handled. Swenson stated that the Recorder must record anything brought to their office, so the enforcement would have to come from the Zoning Office with information obtained from the Recorder's Office.

Discussion included: State regulations regarding septic system disclosure upon sale of property; Counties that have point of sale inspections; enforcement; whether point of sale should be shoreland or county wide; how many transactions took place in a year; number of shoreland versus non shoreland transactions; protection of ground water, surface water and buyer protection; if the point of sale should be for riparian lots and not non riparian lots; the fact that one house may sell five times to the neighboring house which is never sold; other Counties that have had point of sale inspections and no longer require them; and a fairer way to have septic systems inspected and upgraded.

Lefebvre suggested that, instead of only lakeshore property being inspected, each township should be inspected, beginning with the less populated townships and when getting to the more densely populated townships, doing sections at a time. Discussion was held as to whether this program would be in addition to the shoreland program, replace the shoreland program, if the wording of the shoreland program should be changed; who does compliance inspections and how they are done; why the County no longer does compliance inspections; and dispute resolutions.

Swenson stated that there are a limited number of inspectors, who are licensed through the State, which take their license very serious and do a good job of doing compliance

inspections. Nelson would like to see the lake associations be more involved and the criteria of the shoreland inventory program be changed to allow different lakes to be inventoried – if this was done, then point of sale inspections would be less pressing and would alleviate the concerns of the realtors.

Discussion was held regarding how to change the criteria for evaluating lakes. A proposal from RMB Laboratories was presented, outlining how lakes would be ranked, what information would be used, and that these lakes would not be lakes that have already been inventoried or lakes that would be included in the grant proposal between SWCD and PRWD. Consensus was that the study could be done relatively quickly since it would be using existing data.

Guetter questioned what the goal was. Guetter felt that once a goal is decided, the plan would follow much easier. Consensus of the group was that more information was needed to decide this and that the inventory from RMB may be required to help determine this. Swenson stated that she would need to take the RMB proposal to the County Board for approval.

Vlasak made a motion to go ahead with the RMB inventory study and refer this issue back to the subcommittee for further review. Schutz second. All in favor. Motion carried.

### **Second Point of Discussion – Setback Averaging and Impervious Surface Coverage**

Smith explained that the subcommittee just picked a number and began applying numbers to come up with a formula. The concept followed was that of Aitkin County, which was to average the setback of the adjoining properties and adding 20 feet to come up with the setback of the new structure. This would not jeopardize what was there and moves structures back. If the setback average plus the 20 ft were greater than the required setback for that lake, then the required setback would be the deciding setback. Smith showed several examples. Grant felt that it would be better to give a variance from the road than the lake.

Once the setback was determined for the lot, the impervious lot coverage would be addressed. Since the area closest to the lake impacts the lake most, all lots should have equal amount of impervious closest to the lake – in other words – larger lots should not be allowed more impervious closer to the lake than smaller lots. This would be accomplished by determining the amount of impervious coverage allowed for that lot (width times depth of lot times 25%). Once the total amount of impervious is calculated, then 25% of the first 150 ft of lot depth would be determined. Of the total amount of impervious, only 25% of the first 150 ft could be located within 150 feet of the lake and the remainder would have to be located further than 150 ft from the lake.

Example: The lot is 50 ft wide by 150 ft deep. 25% lot coverage would be 1875 sq ft, which would be allowed to go anywhere within the buildable area determined by the setbacks.

If the lot were 50 ft by 200 ft deep, 25% lot coverage would be 2500 sq ft. Of this 2500 sq ft, only 1875 sq ft would be allowed within the first 150 feet of the lake and the remaining 625 sq ft would have to be placed more than 150 feet from the lake.

If the lot were 50 ft by 300 ft deep, 25% lot coverage would be 3750 sq ft. Of this 3750 sq ft, only 1875 would be allowed to be within the first 150 feet of the lake and the remaining 1875 sq ft would have to be placed more than 150 feet from the lake.

Further discussion was held regarding the setback averaging, impervious lot coverage, if the two factors would interfere with each other, by increasing the setback the shore impact zone is better protected, limiting the amount of impervious within the first 150 feet of the lake better protects the lake, and better restricts the size of structures closer to the lake.

Consensus of the group was that the concept needed to go back to the subcommittee for further discussion but the Zoning Office was to come up with the language of a proposal prior to the next meeting so the entire committee could have further discussion on the next level of questions.

### **Third Point of Discussion – Next Meeting and Agenda**

The next meeting is scheduled for Wednesday, February 23, 2011 from 9:00 am until 11:00 am. Tentative agenda will be:

1. Water Oriented Accessory Structures
2. Discussion on:
  - a. Substandard Lots
  - b. Structure Height
  - c. Impervious Surface Coverage
3. Update from Setback Committee
4. Update from Point of Sale
5. Pump and Dump geothermal systems

At this time, Vlasak made a motion to adjourn the meeting. Schutz second. All in favor. Motion carried.

Respectfully submitted,

Debi Moltzan,