

Zoning Ordinance Review Committee
March 24, 2011

Present: Don Lefebvre, John Postovit, Dave Barsness, Brad Grant, Jerry Schutz, Dave Knopf, Harry Johnston, Jerome Flottemesch, Roy Smith, Larry Knutson, Chuck Church, Monica Zachay, Moriya Rufer, Jerry Schram, Patty Swenson, Joni Pace and Debi Moltzan.

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

Minute approval

Postovit stated that he did not second the motion on Page 4 under item #1. After discussion, Vlasak stated that he had second the motion. Lefebvre made a motion to approve the minutes with this change. Vlasak second. All in favor. Motion carried.

Point of Sale Discussion

Vlasak stated that the point of sale discussion was pending until the lake study policy had been looked at, should the lake study policy change, the point of sale proposal could change. Rufer presented a list of lakes prioritized by shoreline development index, inlets, water clarity trends, and Oligotrophic Trophic State Index. Rufer explained the ranking of the lakes and the information used to determine this. One (1) on the list is a higher priority than 10. Some lakes have the same ranking number and further information was not used to 'break the tie'. Vlasak stated that the current lake study policy with the TSI would be amended to use this formula and a draft of the new policy was reviewed. Postovit handed out a copy of a septic system records inventory as an educational tool, along with a copy of the letter that the homeowner received from the Zoning Office at initial contact for the lake study program. Postovit stated that a lake association may be able to help get septic systems upgraded before the County requires the upgrade.

Discussion was held including: if the number of parcels on the lake was taken into account of the ranking; how the current lake study program works; the Zoning Office's flexibility and discretion as to which lakes should be done and in which order; the difference between the current lake study program and the one done in the 90's; whether the program should be limited to the first tier of development, only riparian, and if the septic system is located on a riparian lot but outside the first tier of development; success if the program; landowner cooperation; the process for enforcement; and the fact that this a policy, not an ordinance change.

Schutz made a motion to recommend that the policy move forward by allowing the Zoning Office to make the necessary verbiage changes, bringing it back to the group for final approval before going to the County Board of Commissioners for action. Knopf second. All in favor. Motion carried.

Vlasak then presented a draft for point of sale inspections and explained the proposal.

Discussion was held on the wording of the proposal. Discussion included: if this would be used just for riparian lots; lots located within 400 feet of a water body; if the distance should be 267 feet to be consistent with the lake study; if this meant the property location or the septic system location; what constitutes a transfer of ownership; how this information would be recorded; how the information would get to the Zoning office; state disclosures; what is enforceable; which other Counties have this program and how they administer them; how many transfers occur in a year; if there is a revolving lake study in place if there was the need for point of sale inspections; and whether or not the same properties transfer on a regular basis.

Swenson stated that she has been in contact with the County Recorder and they are trying to come up with a process. Swenson stated that at this point, she does not know what impact this would have on the Zoning Office without having a process in place. Smith stated that this issue needs to be looked at very carefully. Using examples, Smith stated that it could take up to 7 or 8 quit claim deeds to clear up a title issue and that each quit claim deed is a transfer of ownership, which would require 7 – 8 compliance inspections on the same piece of property within a short period of time.

Vlasak made a motion to recommend that the point of sale proposal move forward by allowing the Zoning Office to make the necessary verbiage changes, bringing it back to the group for final approval before going to the Planning Commission and County Board of Commissioners for final action. Schutz second. Voting in favor of the motion was Schutz and Vlasak. Voting in opposition to the motion were Knopf and Lefebvre. Breaking the tie was Flottemesch's vote in opposition to the motion. Flottemesch stated that he was voting in opposition because he felt that the point of sale inspections would affect fewer properties than anticipated because there are many parcels that do not sell and several that keep selling over and over again and that the lake study program is already in place to target all the systems on the lake. Motion failed.

Water Oriented Structures

Smith presented the proposed changes to the water oriented structures. Postovit questioned Paragraph A and why the recommendations of the entire committee for requiring that only a standard lot qualify for a water oriented structure. Smith stated that rewording that would exclude too many lots. Smith stated that the positioning of the structure has changed to allow more flexibility and better protect the lake and steep slopes/ bluffs. The size of the structure would also be reduced.

Discussion was held regarding the changes. Discussion included: need for WOS (water oriented structures); uses of WOS; setbacks; history of the County's position of WOS; criteria allowing a WOS; whether the setback should be from ordinary high water mark of the lake or highest known water mark; exceptions for close basin lakes; addressing the norms and not the exceptions; and if the width of the lot really makes a difference if there is a need for the structure.

Consensus of the group was that the lake set back should be worded that the WOS be placed at the toe of the hill/slope/bluff but in no case closer to twenty (20) feet from the ordinary high water mark or ten (10) feet from the ordinary high water mark if the location is ahead of a bluff or steep slope; that the side yard setback be worded so that the structure must be within the center one-third (1/3) of the lot or if there is a steep slope or bluff the structure should be placed in the most suitable location but must meet the side yard setback; and a WOS should be allowed on any lot, no matter what size if it meets the criteria.

Knopf made a motion to recommend that the water oriented structure proposal move forward by allowing the Zoning Office to make the necessary verbiage changes, bringing it back to the group for final approval before going to the Planning Commission and County Board of Commissioners for final action. Lefebvre second. All in favor. Motion carried.

Setback Averaging

Smith presented a proposal for setback averaging that would replace the string line method of structure placement. This idea was taken from Aitkin County, who has been using this method for about six (6) years. This could be used on both standard lots and substandard lots. The setback averaging takes the shape of the lakeshore out of the question and gives a more definite setback line for construction.

Discussion was held regarding the setback-averaging proposal for nonconforming lots, Chapter 3, Section 7. Discussion included: which number to use for the added setback; setbacks from roads; variances; purpose of string line or setback averaging; and eliminating string line/setback averaging.

Schutz made a motion to recommend that the setback averaging proposal for Chapter 3, Section 7 move forward by allowing the Zoning Office to make the necessary verbiage changes, bringing it back to the group for final approval before going to the Planning Commission and County Board of Commissioners for final action.

At this time, Schutz passed out information from the resort subcommittee regarding resort and private cabin rentals. Chairman Flottemesch suggested that, due to time restraints, this be taken home for review and it will be discussed at the next meeting.

Flottemesch stated, that to save time at the next meeting, the proposals that are moving forwarded will be mailed to the committee members once the wording has been finalized. The members should review the verbiage at home and these proposals will only be discussed at the next meeting if there is a wording change.

Tentative agenda for the next meeting will be:

Chapter 5 setback averaging
Impervious surface coverage
Resorts

Mitigation
Accessory structures

Flottemesch stated that Administrator Swenson will finalize the agenda before mailing out the notice. The next meeting date is scheduled for Thursday, April 21, 2001 from 9:00 am until 11:00 pm.

Vlasak made a motion to adjourn the meeting. Knopf second. All in favor. Meeting adjourned.

Respectfully submitted,

Debi Moltzan