

Zoning Ordinance Review Committee
April 21, 2011

Present: Don Lefebvre, John Postovit, Dave Knopf, Harry Johnston, Jerome Flottemesch, Roy Smith, Larry Knutson, Chuck Church, Patty Swenson, and Julene Hodgson.

Chairman Flottemesch called the meeting to order at 9:00 am. Introductions were completed and included audience member Dan Berg from Lakecrest Resort on Long Lake.

Minute approval

Lefebvre made a motion to approve the minutes from the March 24th meeting. Knopf second. All in favor. Motion carried.

Discussion of Final Drafts

First Point of Discussion: SSTS Inventory Program

Discussion was held including: Swenson clarified this would be a Zoning Office Policy and would not be a part of the Zoning Ordinance. The final wording will be presented as a Resolution to the Planning Commission and then to the County Board. Smith stated he thought the end of the first sentence should be changed from: systems, which are located on riparian property to systems, which are located within the 1st tier of the property. Swenson stated the previous lake studies followed this guide but there are a lot of larger properties with the dwellings located further into the property (some even outside the shoreland district area) and those properties were excluded from the lake study. There is not a way to distinguish where the dwellings are located to rule out which ones should be a part of the study and which ones should not be- until the land owner contacts the office. Swenson stated it alleviates confusion and time by pulling just the riparian properties. Smith stated he would still like to see the change to include residents within the 267ft (1st tier) of the lake to check more systems. Knutson stated no matter what you place in the sentence it is up for interpretation and a lot of them have to be looked at on a one to one basis. His example was of his dwelling located on Toad Lake but if you did a study for Mud Lake, which is located across the road, his property would get pulled for the study because he is within 267' of the lake. Consensus of the group agreed that they wanted the sentence changed to property within the 1st tier of the lake. They suggested the letters sent to the homeowners to state they are to contact the office if their dwelling is further than 267 ft from the lake so they can be taken off of the study. Flottemesch stated he wanted to open the floor to entertain a motion for final approval.

MOTION: Vlasek made a motion to approve the Shoreland On-site Sewage Treatment System Compliance and Education Program with the correction that will include properties within the 1st tier of the lake. Lefebvre second. All in favor. Motion carried.

Second Point of Discussion: Chapter 6 Section 3 Water-Oriented Accessory Structures

The Committee went over the final draft and found no corrections. Flottemesch stated he wanted to open the floor to entertain a motion for final approval.

MOTION: Lefebvre made a motion to approve Chapter 6 Section 3 as proposed. Knopf second. All in favor. Motion carried.

Third Point of Discussion: Chapter 5 Section 2 C. Setback Averaging and Chapter 3 Section 7 Lots of Record B. Setback Averaging.

Discussion was held including: Smith stated he would like to add to the first sentence in number 4 (in both section 2 and Section 7) to clarify the intent. The sentence with addition would read: Whenever the setback averaging method is allowed to establish a lakeside structure setback and the property is a substandard size property, as provided for in subsections C.1 and C.2, above, the deficiency area between the setback determined by setback averaging and the setback required by this Ordinance must be mitigated by the installation of a shoreline vegetative buffer. The criteria and provisions for the shoreline vegetative buffer contained in Chapter 3, Section 10, Mitigation Requirements for Nonconformities in Shoreland Areas, are applicable. The Committee agreed that with the clarification of setback averaging to include the wording “like” structures, it alleviates any confusion as to what is used for the averaging measurement. Swenson gave an example that if one dwelling has a lakeside deck and the other dwelling does not- the averaging measurement would go from dwelling to dwelling (even though the deck is considered a structure). In another example an owner cannot use an old boathouse to a dwelling for averaging due to these not being “like” structures. Knopf stated the picture examples were not drawn correctly to show this justification. Knopf suggested the example remain in the final draft, but the measurement reflect going to the dwelling on the structure that has a lakeside deck so there will be no question regarding the intent. The Committee was comfortable with the wording with the additions that Smith recommended and the corrections to the picture example. Smith stated the wording clarifies the intent. Flottemesch stated he wanted to open the floor to entertain a motion for final approval.

MOTION: Knopf made a motion to approve the setback averaging with changes indicated. Lefebvre second. All in favor. Motion carried.

Fourth Point of Discussion: Chapter 6 Section 10 D. Impervious Surface coverage for Zoning Districts and E. Impervious Surface Coverage for Riparian Shoreland Lots.

Discussion was held including: Smith gave examples explaining the protective zone area. Consensus of the group was to change the wording in the last sentence of #1. to read: The protective zone will be calculated by using the total lot area within 150 feet of the lake. Smith explained if an applicant exceeds 15 percent in the protection zone area, the owner would have to mitigate the lot coverage. Johnston didn’t like the idea that if an owner had a larger parcel they would have to mitigate in this area if their overall lot coverage did not exceed 15 percent yet. The committee agreed that with the owners having to go back another 20 feet for a setback, mitigation in the protected area would

rarely occur due to the structures being back further from the lake and less being able to be in the left over area within the protected area. The group discussed mitigation with the consensus that this is a large area to break down for discussion and Swenson stated this will be placed on the agenda for next month for further discussion. Flottesmesch stated the protective zone area will not apply to many of the parcels but will help control the larger parcels from placing their entire 25 percent of impervious within the 150 feet of the lake. Smith stated it would be a good idea to use some examples regarding the protective zone area when going through the mitigation information to see what or how it would effect properties using this 150 feet area. Flottesmesch stated he wanted to open the floor to entertain a motion for final approval.

MOTION: Knopf made the motion to approve Impervious Coverage D. and E. with changes to E. as indicated. Smith second. All in favor. Motion carried.

Swenson stated these recommendations will be forwarded to the Planning Commission for review.

Tentative agenda for the next meeting will be:

- Private Home Rental Regulations
- Resort Subcommittee Report
- Accessory Structures
- Mitigation

Flottesmesch stated that Administrator Swenson will finalize the agenda before mailing out the notice. The next meeting date is scheduled for Friday, May 20, 2001 from 9:00 am until 11:00 pm.

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

Respectfully submitted,

Julene Hodgson