

Zoning and Subdivision Ordinance Advisory Review Committee
April 4, 2014

Present: Jerome Flottemesch, John Postovit, Dave Knopf, Larry Knutson, Ray Vlasak, Marsha Watland, Mandy Erickson, Ed Clem, Emily Siira, Don Lefebvre, Roy Smith, Barry Nelson Harry Johnston and Debi Moltzan.

Flottemesch called the meeting to order at 8:30 am. Flottemesch stated that Harry Johnston has been officially appointed to take the place of former member Schutz and is now a voting member. Flottemesch also stated that the agenda is a continuation of the last agenda.

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

Agenda Item II. Reduced lot area for non-riparian lots within 200 feet of riparian lots. Consensus of the group was to leave this provision as is for now.

Agenda Item III. Extraction of Materials and Minerals. Swenson explained that there is a provision in the Ordinance that exempts public road projects from CUP's for gravel pits. There had been a misunderstanding that this was a state statute, but was later found that it is not. Further discussion was held regarding current regulations, what needs to be looked at, gravel pit certification, borrow pits versus mining pits, and setting up a subcommittee to look at this.

The subcommittee will consist of the Zoning Office, Watland, Hwy Department and Knopf.

Agenda Item IV. Lot sized on Natural Environment Lakes. Smith stated that there seemed to be two issues with this topic. One issue is the subdivision and one is the development. As far as the subdivision is concerned, there is a question as to whether the amount of lakeshore frontage is too restrictive. The state requirement on NE lakes is 200 feet of frontage. One idea is to configure lot frontage by taking the entire amount of lakeshore frontage available, minus the amount of required frontage according to ordinance and if the remainder of the frontage meets state frontage, then the property can be subdivided into more than one lot. Johnston questioned why the lake frontage could not be reduced to 300 ft. no matter what size NE lake it is. Smith felt that what had been worked on before should be thrown out, just tweaked.

Much discussion was held regarding if lot frontage on NE lakes should be changed; formulas for what frontage is required; if lot area should be changed; CIC benefits versus lot/block development; what is fair for the lake and for the property owner; and whether or not the State will be reopening rule-making in the near future.

Johnston made a motion to have the Zoning Office come up with wording to allow smaller lake lots than what the current ordinance allows with the concept that there needs to be enough lakeshore for a lot required by ordinance and the remnant must meet the lake frontage required by state standards. Knopf second. Knopf, Johnston, Flottemesch and Lefebvre in favor with Vlasak in opposition. Majority in favor. Motion carried.

The second issue of NE lakes is a possibility of an alternative to CIC development on NE lakes. This option would be a blend of the conservation subdivision and traditional lot/block. The total lot area would have to meet the size requirements for a lot/block subdivision on that lake, but then the most suitable property would be chosen and that number of lots would be placed on 200 ft. wide by 80,000 sq. ft. lots with individual lake frontage and the balance of the property would be placed in a conservation easement. Discussion was held on this concept. Nelson stated that future Boards can change regulations, but once a piece of property is placed in a conservation easement, it is there to stay.

Johnston made a motion to have the Zoning Office come with language for the hybrid conservation development using the current lake size requirements as the starting point and with individual lot sizes no smaller than current state NE lake sizes. Lefebvre second. All in favor. Motion carried.

Agenda Item VIII. Setback Average Plus 20 ft. Issues have arisen with property owners and variance requests. Legal counsel has stated that if similar variances are continually being granted, then the Ordinance should be changed so variances are not required. Discussion included: if mitigation is in place what is wrong with building at string line; should the setback be on a sliding scale; intent on moving structures further from lake; rebuilding in the same location; cabin being replaced with a cabin versus a cabin being replaced with a house; complete rebuild increasing the size of the structure moving back setback average plus 20 ft. but an increase of 50% or less moving to the string line. Postovit stated that he has talked to two people that moved back the setback average plus 20 ft. and they were both happy with the move. Johnston stated that if people were happy with the setback average plus 20 ft., they would not be coming to the Board of Adjustments for variances.

At this time, Vlasak made a motion to adjourn the meeting. Knopf second. All in favor. Meeting adjourned at 10:15 am.

The next meeting is tentatively scheduled for Thursday, April 17, 2014 from 8:30 am until 10:30 am.

Respectfully submitted,
Debi Moltzan