

Becker County Zoning Ordinance Review Committee (BCZORC)
October 15, 2015

Present: Harry Johnston, Roy Smith, Dave Knoff, Larry Knutson, Barry Nelson, Jim Kaiser, Rodger Hemphill, Brian McDonald, Ray Vlasak, Brent Alcott, John Postovit, and Peter Mead, Julene Hodgson, Debi Moltzan, Eric Evenson-Marden

Chairman Johnston called the meeting to order at 9:00 am. Mr. Evenson asked to amend the agenda to include a review of the proposed changes to Chapter 8, Section 5, Paragraph M (5000' minimum requirement on non-riparian lots) which BCSORC requested the Attorney's office and him to develop.

September 17, 2015 Minutes: Motioned by Mr. Vlasak to approve, seconded Mr. Knopf, motion carried unanimously.

Rating system to determine lot frontages natural environment lakes: The Committee discussed a recommendation advanced by Roy Smith and Scott Waltz to use a rating system that would base lake frontage requirements on natural characteristics of the lake and lake watershed. Mr. Waltz asked if the goal of the effort was to shuffle lakes into different lake frontage requirements or to reduce the frontages to better match State standards.

Peter Mead reviewed a spreadsheet he handed out at the September 17th meeting which showed lake frontage requirements for natural environment lakes based on natural characteristics. Mr. Mead indicated that three of the lakes came up with 250 foot of frontage. Messrs. Smith and Waltz indicated they reviewed Mr. Mead's data and had slightly different results. Nevertheless, they thought Peter's data was well done and suggested that lakes could be combined in fewer lake frontage categories. Mr. Waltz added the committee should consider alternatives to large frontage requirements that would also protect the lake such as increasing setbacks or requiring naturalized shorelines. Barry Nelson related an article he recently read that stated lake could be protected if 75% of the shoreland was maintained as a natural buffer. Ray Valask added that lake usage has a significant impact on lakes.

John Postovit asked how this program relates to the new state buffer program administered by the SWCD. Rodger Hemphill indicated that details are still being worked out but the buffer program would apply to all public waters. The committee discussed possible alternatives to reducing lake frontages and considered requiring buffers and deeper setbacks. It was felt that the buffers and setbacks would address concerns related to wildlife habitat and water quality. There was general consensus that if buffers and deeper setbacks were required, 500-600 foot frontages would not be needed.

In response to a question posed by Mr. Knoff asked if everyone felt that the rating system that Mr. Mead prepared was valid. The consensus was, yes, the spreadsheet that Peter prepared was valid. However, the rating should be combined into fewer categories.

It was moved by Scott Waltz, seconded by Ray Valask that:

- 1) The spreadsheet prepared by Peter Mead would be referred to as the Becker County “Natural Environment Lake Analysis” and included into this motion by reference.
- 2) Lakes should be grouped into the following three categories.

Lakes with a rating of 0-25	250’ frontage
Lakes with a rating of 26-31	300’ frontage
Lakes with a rating of 32 or greater	350’ frontage
- 3) The setback from the OHW for natural environment lakes would remain at 150’, the maximum area allowed to be disturbed would remain at 60’(maximum of 50’ sand blanket and 10’ access path), and the remainder of the frontage left as a natural buffer.
- 4) Staff will return with a definition of a “natural buffer.”

Mr. Mead indicated he would prepare a revised spreadsheet with the lakes groups into the three categories recommended. Passed unanimously.

Clarification of zoning authorities within a 2-mile limit of Detroit Lakes (extraterritorial jurisdiction). Mr. Evenson-Marden explained the statutes/ordinance language that allows cities to extend their subdivision zoning authorities within a 2 mile radius of a city boundary. Currently, the cities of Detroit Lakes, Frazee, and Lake Park have this authority.

Roy Smith said he asked to have this matter be brought before the Zoning Advisory Committee because some of the areas in which the city exercises extraterritorial jurisdiction are unlikely to be annexed to the city in the foreseeable future. Yet, in these areas, the city can ask for park dedication fees and apply their subdivision design standards.

Mr. Evenson stated that the County Board, by resolution, can establish a joint planning board for this area but recommended if this is something the county wants to address, a Memorandum of Understanding might be an alternative first step. Mr. Knutson indicated that this is a city/county issue that he will bring up at his committee report to the County Board.

Staff recommendation for a definition of “expansion.” As a follow-up to the September 17th meeting, Mr. Evenson-Marden presented definitions of “expansion” used in other counties. Mr. Knutson asked if zoning staff had an opportunity to review the definitions. Ms. Hodgeson indicated they did. Mr. Evenson-Marden added staff preference was the shorter of the two definition presented if one was needed. Currently, Zoning allows roof expansions up to 6:12 pitch because of snow, but it is not applied consistently. Mr. Evenson-Marden said that a definition would help provide clarity and consistency in how the ordinance was applied. Mr. Knoff stated that the definition should not allow increases of “livable” space but thought that changing roof pitch was okay as long as lofts were not allowed and height limits were not exceeded. Mr. Knutson indicated that applicants could submit a truss design along with their applications. Mr. Evenson-Marden was asked to bring a revised definition to the next Committee Meeting.

Proposed changes to Chapter 8, Section 5, Paragraph M (5000' minimum requirement on non-riparian lots): Mr. Evenson-Marden reviewed the proposed ordinance changes the County and he developed. Mr. Evenson-Marden told the committee that he would be bringing the recommended language to the Board on October 20th and that he wanted to check with the committee that the language captured their recommendation. There was consensus the language was consistent with what was requested.

The meeting was adjourned at 11:15 am.

Respectfully submitted,
Julene Hodgson and Eric Evenson-Marden

Upcoming agenda items:

- Setback requirements from shoreland (string line +20)
- Discussion regarding dog kennels
- Staff recommendation to amend the Becker County Zoning Ordinance to be consistent with the approved fees for mass gatherings (Chapter 8, Section 22).
- Staff recommendation to Chapter 7, section 6B relating to the exception of a CUP for gravel mining projects.
- Discussion of "Interim Use Permits."