

Zoning Ordinance Review Advisory Committee
December 17, 2015

Present: Harry Johnston, Larry Knutson, Eric Evenson-Marden, Dave Knopf, Scott Walz, Kevin Miller, Barry Nelson, Julene Hodgson, Rodger Hemphill, Peter Mead, John Postovit, Roy Smith, Jerome Flottesmesch, Debi Moltzan, and Ray Vlasak.

The agenda was considered and it was noted that item 4A (dog kennels) has been stricken from the agenda. Knopf made a motion to approve the amended agenda. Walz second. All in favor. Motion carried.

Election of new chairman. Johnston stated that he would like to step down as chairman and felt that Flottesmesch should be named as chairman of the committee since he had been the former chairman. Knopf made a motion to accept Johnston's resignation and appoint Flottesmesch as chairman. Walz second. All in favor. Motion carried.

Approval of minutes. Knopf stated that his name had been misspelled several times throughout the minutes and that there was no second to the motion to adjourn the meeting and if there was no second, it should read that the chairman adjourned the meeting,

Knopf made a motion to approve the minutes with the following changes: Knopf's name should be corrected to read 'Knopf' and the meeting was adjourned by the chairman. Johnston second. All in favor. Motion carried.

Recommended changes for gravel pits. Evenson-Marden presented the proposed changes to Chapter 7, Section 6B. Discussion included if the 2 ½ acres was disturbed area or gravel taken out; if all gravel pits are registered; what type of equipment should be allowed on site and which equipment should not; if a bond should be required; if this will affect pits that are grand-fathered; reclamation; if the black dirt should be stored on site or if the black dirt could be sold and new black dirt be brought back on site for reclamation; what the gravel tax collected is used for; the length of a land alteration permit and if it can be renewed; and once a pit is reclaimed it should be signed off by SWCD.

After much discussion on the above matters, Walz made a motion to approve the following language:

Chapter 7, Section 6 Extraction of Materials and Minerals

The following regulations shall apply to the extraction of materials and minerals in any land use district.

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A. Conditional use permit required. No person shall extract any sand, gravel, stone, coal, clay, peat, subsoil, topsoil or mineral from the land for sale without first obtaining a conditional use permit.

B. Exemption for public roadway projects. Extraction sites to be used for public roadway projects are exempt from provisions of this section with the following conditions:

1. **Land alteration permit required.** Any operator who has a public roadway construction contract shall be granted a land alteration permit provided the following conditions are met:
 - a. The operator shall provide evidence that the operator has been awarded a contract for public roadway construction. The contract shall state that the operator shall reclaim the nonmetallic mining site according to the most recent edition of the Minnesota Department of Transportation Standards Specifications for Construction, with the additional requirements of any applicable sections of this Ordinance.
 - b. The operator shall provide a copy of the contracting agency's Completion Certificate upon completion of the project.
 - c. All other provisions of the Becker County Zoning Ordinance shall apply.
2. A rock crusher or asphalt plant shall not be located on the parcel
3. NO materials shall be extracted below the ground water.
4. No more than 2.5 acres of the site shall be disturbed, this includes mining areas and areas where materials are stockpiled.
5. The site is to be reclaimed within twelve (12) months of the stoppage of operations.
6. ~~A bond shall be required in accordance with Chapter 7, Section 6 § E. of this ordinance.~~ A land alteration permit shall be renewed annually.

Vlasak second. All in favor. Motion carried.

Chapter 7, Section 6. Evenson-Marden explained that the heading of this section says that a bond may be required, but the paragraph states that a bond must be required. This needs to be looked at and wording should be changed to be consistent.

Walz made a motion to approve the following language:

Chapter 7, Section 6

E. Bond may be required. Bond ~~shall~~ may be required by the Board of County Commissioners in such form and sum as the Board shall determine, with sufficient surety running to the County, conditioned to pay the County the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where repair work is made necessary by the special burden resulting from hauling and travel, in removing materials from any extractive process, the amount of cost and expense to be determined by the County Engineer; and conditioned further to comply with all the requirements of this Subdivision and the particular permit, and to pay any expense the County

may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

Johnston second. All in favor. Motion carried.

Non Conforming Lots of Record and Road Frontage. Evenson-Marden explained that this situation had been brought up by a local attorney and needs to be addressed. The issue stems from a situation in which an existing lot of record is serviced by an easement that serves more than 3 properties. Discussion held included the history as to why a parcel was to be serviced by a public road and how this concept was strengthened by banks and lending institutions; permits not being able to be issued to properties without legal road frontage or legal easements; why should the County care if the property has road frontage or not; disclaimers when buying and selling land; how many parcels in the County are like this; emergency vehicles need access to property and service of public vehicles; and how townships don't want to get involved being afraid that they will have to 'take over' and maintain roads.

Flottemesch suggested having the County Attorney look into the road issues and suggested tabling the issue. After further discussion, Walz requested to table the discussion and to have the County Attorney looking into this situation and come back with options for the County. Knopf second. All in favor. Motion carried.

Resurfacing of existing driveways. Discussion came about as to whether or not a permit should be required for someone to change their gravel driving surface to a hard surface such as asphalt or concrete. If the area is already impervious, why do they need a permit? Discussion included requiring a permit to make sure that the impervious area was not increased; requiring a permit to see if the property was already over lot coverage; and not needing a permit because the amount of impervious was not changing.

Consensus of the group was that a permit was not required to change from one type of impervious material to another type of impervious material as long as the amount of impervious did not change. However, if the amount increased a permit would be required. This is for clarification for in house policy only, not an issue for a change in the Zoning Ordinance.

Knopf made a motion that it be clarified that when changing from one impervious surface to another impervious surface of the same size, with no expansion, that a site permit is not required through the Zoning Office. Walz second. All in favor. Motion carried.

Natural Environment Lakes. Evenson-Marden referred to a letter submitted by the Environmental Review Technical Panel on their view of the NE lake analysis and lake setback averaging. The ERTTP recommended that additional information be collected

before changing lot sizes on natural environment lakes and fixing loopholes in setback averaging before changing setback averaging requirements.

List of changes to go before the Planning Commission. The following items have been approved by the Zoning Ordinance Review Advisory Committee and are ready to be forwarded to the Planning Commission for public hearing:

1. Chapter 10, Section 2, Definitions.
Add the following definitions: Buffer; Buffer, Natural; Habitable residential dwelling and Expansion of nonconforming structures.
2. Chapter 3, Section 8 Setback Average – changing from setback average plus 20 ft to setback average plus 10 ft.
3. Chapter 5, Section 2C Setback Average – changing from setback average plus 20 ft to setback average plus 10 ft.
4. Chapter 7, Section 6 B – road exemption of a CUP for gravel mining projects.
5. Chapter 7, Section 6 – change first shall to may for consistency.
6. Chapter 7, Section 22 C – change license and bond amount to a fee in an amount set by the County Board.
7. Natural Environment Lake lot size changes
8. Chapter 3, Sections 1 and 5 – Nonconformities and restoration

Items to be placed on future agendas. The following items are to be placed on future agendas:

1. Commercial rental of shoreland property.
2. Interim use permits
3. Dog kennels

The next meeting was tentatively scheduled for January 14, 2016 at 9:00 am.

Vlasak stated that the letter from the ERTP was not discussed and should be discussed at the next meeting.

Postovit stated that this would be Evenson-Marden's last meeting with the group. Postovit stated that Evenson-Marden embedded a memory in everyone and gave superb direction to everyone with great professionalism.

At this time, the chairman adjourned the meeting.

Respectfully submitted,

Debi Moltzan, Becker County Planning & Zoning