

Recommended Changes to the Becker County Zoning Ordinance,

I. Chapter 3, Section 1 and Section 5

Section 1, Non-Conforming Structures and Uses Allowed to Continue

Non-conforming uses and non-conforming structures are uses and structures lawfully in existence prior to the adoption of this Ordinance that do not meet the requirements of this Ordinance for the zoning district in which they are located. Non-conforming uses and structures shall be allowed to continue if they comply with the provisions in this Chapter.

- A. **Exemption.** Structures found to be non-conforming only because of height, yard or area requirements shall be exempt from the provisions of this Chapter.
- B. **Conformity encouraged.** All non-conforming uses and non-conforming structures are encouraged to convert to conformity whenever possible.
- C. **Change of title no effect.** Change of title or change of right to possession shall not affect the allowed continuation of a non-conforming use.

Section 1.1 Nonconformities; certain classes of property.

This subdivision applies to homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.

If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.

If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body.

When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

Section 1.2, Existing nonconforming lots in shoreland areas.

- A. This subdivision applies to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. The county shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to this subdivision.
- B. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
1. all structure and septic system setback distance requirements can be met;
 2. a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 3. the impervious surface coverage does not exceed 25 percent of the lot.
- C. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
1. the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification;
 2. the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 3. impervious surface coverage must not exceed 25 percent of each lot; and
 4. development of the lot must be consistent with an adopted comprehensive plan.
- D. A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- E. Notwithstanding paragraph (c), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- F. In evaluating all variances, zoning and building permit applications, or conditional use requests, the County zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- G. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

~~**Section 8 C. In shoreland areas.** In shoreland areas, the lot shall be in separate ownership from contiguous lands and all sanitary and dimensional requirements of the Ordinance are complied with insofar as practical.~~

- ~~**1. Same ownership requires combination of lots.** If, in a group of two or more contiguous lots under the same ownership, any individual lot that is not a buildable lot shall not be considered as a separate parcel of land for the purposes of sale or development, the lot~~

shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements for building. When adjacent substandard parcels are in the same ownership, they shall be joined into one parcel and shall no longer be allowed as individual building sites.

Section 5 Restoration. Unless exempted by Section 1.1, nNo building that has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent (50%) of its market value shall be restored except in conformity with this Ordinance.

II. Chapter 10, Definitions.

Buffer: An area of land consisting of established perennial vegetation, excluding invasive plants and noxious weeds, designed to intercept stormwater runoff, stabilize of soils, shores, and banks..

Buffer, Natural: An unmown, undisturbed natural or enhanced native perennial vegetation area, excluding invasive plants and noxious weeds, that is managed to stabilize and maintain the integrity of upland, shorelines, and stream channels, to reduce the impact of upland sources of water pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover, and thermal protection to fish and other wildlife.

Expansions of non-conforming structures: Enlargement or any increase in a dimension, size, or area resulting in an increase in the livable area, any placement of a structure or part thereof where none existed before. Changes in roof pitch or structure height are not expansions as long as they do not increase livable space.

Habitable Residential Dwelling. A structure having floorspace equipped with cooking/kitchen facilities, water supply and/or sanitary disposal facilities, sleeping accomidations with any other amenities capable of providing independent human habitation.

III. Chapter 8, Section 22 C Mass Gathering – Fees

C. Fees. The application shall be accompanied by a license fee in the amount of \$500.00 and , together with a bond in penal sum of \$25,000.00- in an amount set by the County Board of Commissioners with sureties to be approved by the County of Becker conditioned that the licenses (a) carries out all of the plans and keeps and performs all of the conditions of the application and license, (b) maintain order on the premises, (c) leave the premises in neat and respectable condition, (d) pay, when due, to the person or persons entitled thereto, all debts and obligations incurred in promoting, advertising, and conducting and operating the assembly, and (e) indemnify and hold harmless the County of Becker, its officers, agents, and employees, from any liability or causes of action arising in any way from the conduct of the assembly, The bond shall run for a period of one (1) year. If the applicant has made application for a like assembly at the same location for four (4) consecutive years immediately preceding the application under consideration, the Becker County Board of Commissioners may, in its sole discretion, waive the license fee and/or the bond referred to above.

Item #V-b. Recommended changes to Chapter 7, section 6B relating to the public road exception of a CUP for gravel mining projects.

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.

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 land alteration permit shall be renewed annually.

Chapter 7, Section 6

E. Bond may be required. Bond 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.

Chapter 3, Section 8 and Chapter 5, Section 2C. NOTE - graphics will need to be edited

B. Setback averaging. Setback averaging is the horizontal distance of a proposed structure obtained by adding the horizontal distance, as measured from the ordinary high water mark of the lake, of the like structures on the adjacent lots and dividing that sum by two (2).

1. If structures exist on the adjoining lots on both sides of a proposed building site, the required setbacks shall be that of the average horizontal distance of the like structures plus ~~twenty-ten~~ (10~~20~~) feet, not to exceed the required lake setback. (Example: deck to deck, house to house)

2. If a building on one side of a lot does not comply with the setback requirements of this ordinance and if the lot on the other side is vacant, or if the structure exceeds the required setback, the setback for the lot shall be equal to one half (1/2) the sum of the horizontal distance as measured from the ordinary high water mark of the lake to the like structure and the setback required by this ordinance plus ~~twenty-ten~~ (20~~10~~) feet, not to exceed the required lake setback.

3. Notwithstanding the above, a building site shall not be located in whole or in part within a shore impact zone or a bluff impact zone.

4. 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 B1 and B 2, above, the deficiency area between the setback determined by the 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 11, Mitigation Requirements for Nonconformities in Shoreland Areas, are applicable. 5. If a dwelling unit is used for the lakeshore averaging, the dwelling must be of average livable condition.

4. Adjacent like structures used for the setback averaging must be located within the width and area of a standard lot size.

Table 5-5: Minimum lot area and minimum width standards for shoreland areas in any land use district

Minimum area in square feet and minimum lot width in feet

Minimum lot area and minimum lot width standards for Lakes - Lake lots	Lake Classification – See Appendix A							
	RD Recreational Development				GD General Development			
	Riparian lots		Nonriparian lots behind conforming riparian lots		Riparian lots		Nonriparian lots behind conforming riparian lots	
	Area	Width	Area	Width	Area	Width	Area	Width
Single	40,000	150	40,000	150	20,000	100	40,000	150
Duplex	80,000	225	80,000	265	40,000	180	80,000	265
Special Protection	100,000	250	100,000	250	100,000	250	100,000	250
Minimum lot area and minimum lot width standards for Lakes - Lake lots	Lake Classification – See Appendix A							
	RD Recreational Development				GD General Development			
	Riparian lots		Nonriparian lots behind nonconforming riparian lots		Riparian lots		Nonriparian lots behind nonconforming riparian lots	
	Area	Width	Area	Width	Area	Width	Area	Width
Single	40,000	150	60,000	225	20,000	100	40,000	150
Duplex	80,000	225	80,000	265	40,000	180	80,000	265
Special Protection	100,000	250	100,000	250	100,000	250	100,000	250
Minimum lot area and minimum lot width standards for Lakes – Lake lots	Lake Classification – See Appendix A							
	NE Natural Environment Lakes							
	Riparian lots			Nonriparian lots 400 ft and greater from OHW				
	Area	Width		Area	Width			
Lakes 251 acres and larger in size <u>Lakes with a rating of 0-25</u>	100,000	250		2.5 acres	200			
Lakes 101 to 250 acres in size <u>Lakes with rating of 26-31</u>	160,000	400-300		2.5 acres	200			
Lakes 51 to 100 acres in size <u>Lakes with rating of 32 or greater</u>	200,000	500-350		2.5 acres	200			
Lakes 50 acres and smaller in size	240,000	600		2.5 acres	200			

*** State minimum is 80,000 sq ft (1.84 acres)

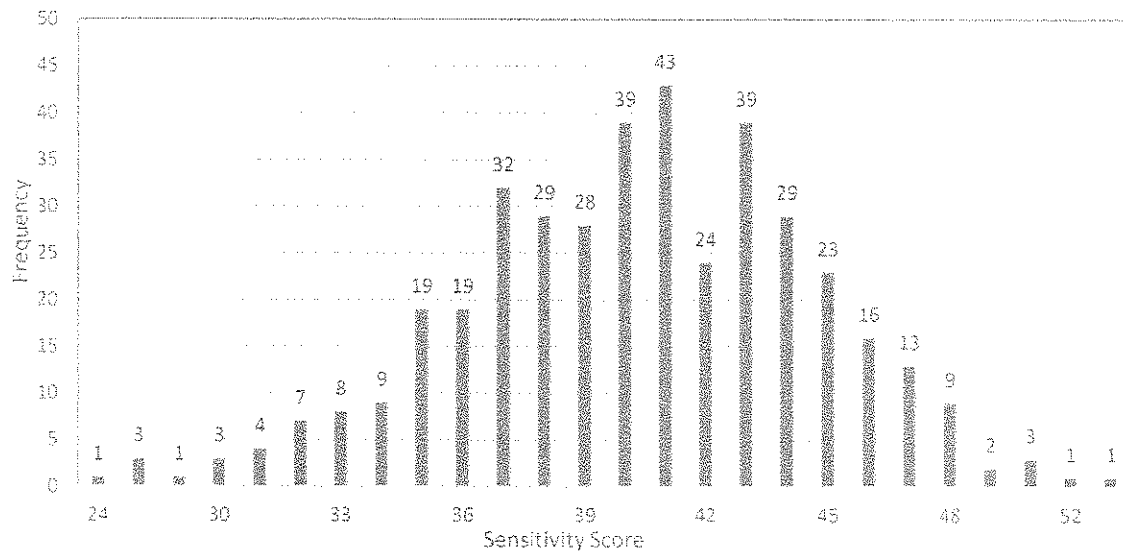
100,000 sq ft = 2.30 acres

160,000 sq ft = 3.67 acres

200,000 sq ft = 4.59 acres

240,000 sq ft = 5.51 acres

Score Distribution



DOWID	Lake Name	Assessment Score	Tier
03015700	Tea Cracker	34	1
03016000	Dead	34	1
03026700	Unnamed (Evans)	34	1
03039900	Strunk	34	1
03043200	Anderson	34	1
03049100	Holstad	34	1
03059900	Unnamed	34	1
03060400	Tub	34	1
03065000	Unnamed (Cuba)	34	1
03000400	Knutson	33	1
03010300	Big Rush	33	1
03047100	Mission	33	1
03052600	Marshall	33	1
03054800	Unnamed	33	1
03055000	Seabold	33	1
03059400	Unnamed	33	1
03119400	Unnamed	33	1
03008200	Wahbegon	32	1
03015100	Camp Seven	32	1
03021300	Waboose	32	1
03064800	East LaBelle	32	1
03065500	Unnamed	32	1
03065600	Unnamed	32	1
03111700	Unnamed	32	1
03009900	Unnamed	31	1
03010400	Aspinwall	31	1
03039500	Beer	31	1
03064700	Stinking	31	1
03009600	Big Basswood	30	1
03020600	Upper Egg	30	1
03057900	Boyer	30	1
03006700	Mud	29	1
03013000	Unnamed	28	1
03020000	Pine	28	1
03037000	Mud	28	1
03008000	Unnamed	26	1
03040000	Brandy	24	1

DOWID	Lake Name	Assessment Score	Tier
03000200	Nancy	35	2
03000500	Shipman	38	2
03001600	Mud	38	2
03001800	Twin	40	2
03002300	Mud	41	2
03002500	Ruggs	37	2
03002600	Wapsi	35	2
03002800	Fools	40	2
03002900	Hungry Man	38	2
03003200	Hernando DeSoto	40	2
03003300	Twin Island	36	2
03003400	Unnamed	42	2
03003900	Abners	37	2
03004000	Unnamed	39	2
03004100	Pine	38	2
03004700	Mud	41	2
03004800	Coon	37	2
03006400	Unnamed	36	2
03006600	Gyles	40	2
03007000	Linbom	35	2
03007400	Unnamed	38	2
03007700	Unnamed	38	2
03007800	Unnamed	37	2
03007900	Unnamed	41	2
03008100	Mission	35	2
03008400	Missouri	40	2
03008600	Unnamed (Moulton)	42	2
03009200	Basswood	38	2
03009400	Mallard	39	2
03009500	Kansas	42	2
03009700	Sockeye	41	2
03010000	Gardner	42	2
03010100	Wolf	37	2
03010500	Collett	38	2
03010800	Sieverson	36	2
03010900	Unnamed	41	2
03011000	Unnamed	40	2
03011200	Mud	38	2
03011700	Unnamed	36	2
03011800	Goose	35	2
03011900	Unnamed	40	2
03012000	Mud	37	2
03012100	Brenum	39	2
03012300	Jones	39	2
03012400	Dumbbell	37	2
03012500	Little Shell	41	2

03012700 Bass	36	2
03012900 Unnamed	37	2
03013100 Mud	42	2
03013900 Pike	41	2
03014000 Unnamed	42	2
03014300 Unnamed	40	2
03014400 Unnamed	40	2
03014500 Sugar Bush	41	2
03014600 Unnamed	39	2
03014700 Sucker	41	2
03015400 Twentyfive	42	2
03016600 Hungry	39	2
03016800 Unnamed	40	2
03017100 Unnamed	40	2
03017200 Schlehr	41	2
03017300 Rice	40	2
03017500 Unnamed	38	2
03017800 Ballard	40	2
03018600 Wettles	40	2
03018700 Mud	41	2
03018800 Little Mud	41	2
03019600 Chippewa	37	2
03019800 Booth	42	2
03019900 Johnson	37	2
03020100 Rice	37	2
03020200 Evans	40	2
03020300 Mud	39	2
03020700 Unnamed	35	2
03021000 Lower Egg	38	2
03021100 Unnamed	41	2
03021200 Bush	38	2
03021400 Spindler	41	2
03021600 Winter	37	2
03021700 Little Flat	37	2
03021900 Equay	38	2
03022200 Johnson	40	2
03022500 Gable	39	2
03022700 Unnamed	41	2
03023500 Mallard	38	2
03023900 Little Rice	39	2
03024200 Flat	35	2
03024400 Long	37	2
03024500 Little Rat	37	2
03024600 Big Rat	36	2
03024800 Boot	40	2
03024900 Pearce	40	2
03025000 Big Rock	42	2

03025100 Elbow	39	2
03025500 Unnamed	37	2
03025900 Brink	37	2
03026000 Chilton	36	2
03026100 Gebo	37	2
03026300 Trieglaff	37	2
03026900 Five	42	2
03027800 Schultz	41	2
03028000 Unnamed (King)	41	2
03028300 Howe	39	2
03028400 Unnamed	41	2
03029200 Balsam	38	2
03029800 Werk	40	2
03030000 Little Cotton	40	2
03030100 North Momb	39	2
03030200 Little Round	37	2
03031100 Twin	39	2
03031800 Eagen	37	2
03031900 Blackberry	40	2
03032500 Cranberry	35	2
03032600 Bow-Dodge	42	2
03032900 Becker	37	2
03033200 Bass	41	2
03033700 Little Bass	35	2
03033800 Black Earth	42	2
03034200 Cherry	36	2
03034400 Unnamed	42	2
03034700 Unnamed	41	2
03034800 Unnamed (Pine)	40	2
03034900 Unnamed	41	2
03035100 Island	37	2
03035200 Birch	37	2
03036400 Glawe	36	2
03036500 Senical	36	2
03036600 Abbey	36	2
03036700 East Twin	42	2
03037100 Meadow	38	2
03037200 Nottage	37	2
03037300 Cottage	35	2
03037700 Mill	41	2
03038200 St. Clair	39	2
03038900 Kennedy	40	2
03039000 Wheeler	41	2
03039200 Oak	39	2
03039400 Rice	37	2
03039700 Oar	39	2
03039800 Wine	35	2

03040600	Houg	41	2
03041400	Gandrud	42	2
03041500	Grimsbard	41	2
03041900	Campbell	39	2
03042000	Sands	42	2
03042800	O-Me-Mee	36	2
03042900	Fairbank's	42	2
03043100	Unnamed	36	2
03043600	Unnamed (Kutz)	37	2
03043700	Unnamed (Vizenor)	40	2
03043900	Carrott	42	2
03044000	Squash	41	2
03044100	Unnamed	36	2
03044700	Vegetable	40	2
03045000	Spirit	38	2
03045200	Spinach	39	2
03045300	Onion	41	2
03045400	Gay Bow	40	2
03045500	Hospital	35	2
03045600	Unnamed (Brown)	37	2
03045800	McKenzie	38	2
03045900	Morrison	37	2
03046200	Uran	41	2
03046300	Unnamed	41	2
03046800	Unnamed	38	2
03047200	Unnamed	35	2
03047400	Dart	42	2
03047900	Moe	35	2
03048100	Bullhead	40	2
03048400	Ellison	38	2
03048500	Spear	35	2
03048900	Loon	39	2
03049600	Arrow	36	2
03050400	Mud	38	2
03051000	Homestead	40	2
03051600	Canary	39	2
03051700	Gilbertson	41	2
03051800	Boardson	41	2
03052200	Oriole	40	2
03052300	Skaeim	38	2
03052400	North Barnes	41	2
03052500	South Barnes	36	2
03052800	Gottenberg	40	2
03053600	Pierce	35	2
03054200	Bay	41	2
03054300	Hofendahl	38	2
03054400	Ox-Bowl	40	2

03054900 Larson	42	2
03055100 Boe	40	2
03055500 Rat	39	2
03055600 Unnamed	38	2
03055800 Unnamed	38	2
03056200 Trotochaud	37	2
03056300 Bisson	36	2
03056400 Plum Grove	41	2
03056700 Apple	41	2
03057000 Banana	40	2
03057300 Lemon	39	2
03057700 Dahlberg	40	2
03058100 Warling	41	2
03058600 Fig	38	2
03059100 Beeber	40	2
03059600 Unnamed (Larsen)	36	2
03059700 Unnamed (Mollar)	38	2
03059800 Unnamed	35	2
03060000 Unnamed	35	2
03060500 Unnamed	39	2
03060900 Unnamed (Ida 1)	41	2
03061000 Unnamed	41	2
03061200 Little Boyer	42	2
03061800 Sand	41	2
03061900 Talac	39	2
03062100 Lund Brothers Marsh	42	2
03062200 Unnamed	41	2
03062300 Ode	41	2
03062400 Forget-Me-Not	38	2
03062500 Sorenson	42	2
03063000 Olive	40	2
03063300 Horan	40	2
03063500 Gourd	40	2
03063900 Shoe	39	2
03064300 Brannigan	39	2
03064400 Peach	40	2
03064500 West LaBelle	37	2
03065200 Balke	39	2
03065300 Rustad	41	2
03065400 Unnamed	41	2
03065800 Long	35	2
03066100 Pump	38	2
03066200 Cuba	39	2
03070900 Unnamed	37	2
03112200 Unnamed	36	2
03112300 Unnamed	42	2

DOWID	Lake Name	Assessment Score	Tier
03000300	Unnamed	48	3
03001200	Bog	45	3
03001300	Unnamed (Browns)	45	3
03002100	Small	43	3
03002400	Ten Acre	43	3
03003100	Gilfillan	44	3
03003500	Boogun	50	3
03003700	Unnamed	44	3
03004200	Kane	48	3
03004400	Dinner	44	3
03004600	Unnamed	45	3
03004900	Morrison	43	3
03005100	Unnamed	47	3
03005800	Pickereel	43	3
03006100	Branch	44	3
03006200	Island	46	3
03006300	Peninsula	44	3
03006500	Elbow	45	3
03006800	Bottomless	43	3
03006900	Unnamed	48	3
03007200	Macs	47	3
03007300	Unnamed	43	3
03007500	Unnamed	44	3
03007600	Unnamed	45	3
03008300	Unnamed	46	3
03009000	Kneebone	45	3
03009100	Unnamed	47	3
03011100	Unnamed	43	3
03011300	Sock	44	3
03011500	Unnamed	44	3
03013400	Green Water	43	3
03013700	Unnamed	45	3
03014200	Horseshoe	43	3
03014800	Deephole	48	3
03014900	Rinker	44	3
03015200	Moore	45	3
03016200	Mud	43	3
03016300	Lizzy	43	3
03016500	Unnamed	46	3
03017600	Unnamed	43	3
03017700	Hanson	44	3
03017900	Unnamed	43	3
03018500	Unnamed	44	3
03019100	Oelfke	49	3
03019700	Blackbird	43	3
03020900	Carman	44	3

03021500 Rush	44	3
03022900 Horseshoe	47	3
03023700 Rice	43	3
03024000 Hubbel Pond	47	3
03024300 Mary Yellowhead	43	3
03025200 Unnamed (Boyer Pond)	46	3
03025300 Unnamed	44	3
03025400 Youman	50	3
03025600 Unnamed	49	3
03027300 Perch	45	3
03027700 St. Patrick	43	3
03028100 Fox	43	3
03028200 Neuner	47	3
03028500 Rice	47	3
03028800 Loon	44	3
03029000 Spring	46	3
03029100 Rice	44	3
03029400 Momb	46	3
03029500 North Twin	45	3
03031400 Fish	43	3
03031500 Pine	48	3
03031600 Mud	43	3
03032200 Raspberry	44	3
03032700 Unnamed	43	3
03033100 Fish Hook	43	3
03033300 Unnamed	44	3
03033600 Bad Boy	44	3
03034000 Choke Cherry	44	3
03034100 Blueberry	47	3
03034300 Gooseberry	46	3
03034500 Unnamed (Northern)	43	3
03034600 Cabin	44	3
03035300 Unnamed	52	3
03035400 White	47	3
03036800 Slough	43	3
03036900 West Twin	44	3
03037600 Lind	45	3
03037800 Unnamed (Mill)	46	3
03037900 Unnamed	44	3
03038800 Tamarack	46	3
03039600 Unnamed	44	3
03040100 Unnamed (Mud)	44	3
03040200 Mud	46	3
03041000 Tovson	48	3
03041600 Kraut	46	3
03041700 Fish	46	3
03042200 Harding	44	3

03043000 St. Clair	48	3
03043500 Unnamed	45	3
03043800 Unnamed	47	3
03044500 Unnamed	44	3
03044600 Fish	46	3
03044800 Du Forte	45	3
03046000 Unnamed (Morrison)	44	3
03046100 Unnamed	46	3
03046400 Rat Farm	43	3
03046900 Parsnip	43	3
03047300 Buck	47	3
03048000 Bass	48	3
03049300 Hunt	43	3
03049400 Droff	50	3
03050200 Fog	47	3
03050800 Unnamed (Anderson B)	43	3
03051200 South Reep	46	3
03051300 Reep	48	3
03051900 Bluebird	45	3
03052000 North McKinstry	44	3
03052700 Robin	43	3
03052900 South McKinstry	45	3
03053100 Minnetonka	43	3
03053700 Unnamed	43	3
03054000 Unnamed	43	3
03055900 Unnamed (Skaeim)	43	3
03056800 Clarence	43	3
03057100 Cucumber	45	3
03057800 Unnamed	45	3
03058300 Severson	45	3
03058500 Bergerson	47	3
03060300 Unnamed (Beaudine)	46	3
03062900 Unnamed	43	3
03063200 Prune	45	3
03063400 Orange	43	3
03063600 Engebretson	43	3
03063700 Prestrude	43	3
03064000 Round	45	3
03064600 Lime	45	3
03064900 Unnamed (Wangensteen)	45	3
03066000 Axberg	43	3
03119000 Unnamed (Valmes)	45	3



COUNTY OF BECKER

Planning and Zoning

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Date: December 16, 2015

TO: Zoning Ordinance Review Committee
FROM: Becker County Environmental Review Technical Committee (Debi Moltzan-P&Z, Julene Hodgson-P&Z, Peter Mead-SWCD, Ed Clem-SWCD, Rodger Hemphill-DNR, Tera Guetter-PRWD, Mandy Erickson-DNR, Eric Evenson-Marden-P&Z)
RE: Natural Environment Lake Analysis and Lake Setback Averaging

On October 15, 2015, the Zoning Ordinance Advisory Committee recommended the County adopt a rating system, referred to as Natural Environment Lake Analysis (NELA), which uses natural characteristics of a lake and its watershed to determine lot frontage requirements. The NELA attempts to refine the work done by the County and DNR in 2008 which established lake frontages based on the ability of a lake to withstand impacts from development.

In response to concerns raised at the November 19, 2015 Ordinance Review Committee, the Becker County Environmental Review Technical Committee (ERTC) met to review the weighting criteria used in the NELA.

Much of the information used in NELA, such as topography, ground cover, soils, lake size, watershed size, etc., are readily available from the DNR, SWCD, or County. Other information, such as biological data, vegetative diversity, and phosphorous sensitivity are not yet available for most natural environment lakes. The Pelican River Watershed District and the Becker County SWCD are in the process of collecting the missing information.

The ERTC was unanimous in recommending the missing biological and chemical information be included in the NELA, and the criteria appropriately weighted before it is adopted as part of the County's Zoning Ordinance. Once the missing information is incorporated and appropriately weighted, NELA has the potential to provide an excellent basis for establishing lake frontages on defensible, scientific principles. However, as proposed, NELA does not provide a scientific basis for determining lake frontages and the TAC recommends that NELA should not be adopted as part of the zoning ordinance at this time.

The ERTC also discussed the proposed 10 foot reduction of lake setback requirements. The TAC is supportive of any measures the county will take to increase the setback of new construction from the lakeshore. Zoning staff raised a concern that setback averaging may be misused on new subdivisions and conforming lots which have the space to meet setback requirements. The ERTC recommends that this "loophole" be fixed before changing setback averaging requirements.