

Notice of Public Hearing  
And  
Notice of Intent to Amend an Ordinance

Pursuant to Minnesota Statutes, Chapter 394 and Chapter 375, notice is hereby given that the Becker County Planning Commission shall conduct a public hearing on Tuesday, May 21st, 2013 at 7:00 P.M. in the Jury Assembly Room, 3rd Floor, New Wing, Becker County Courthouse, 915 Lake Avenue, Detroit Lakes, Minnesota to consider the enactment of Becker County Zoning Ordinance, Chapter 3 Section 7; Chapter 5 Section 1; Chapter 6, Section 8 Chapter 7, Section 23 and Chapter 8 Section 4.

The general purpose and subject matter of Zoning Ordinance Sections is as follows:

1. Purpose: To add Chapter 3, Section 7, and re-numerate the remaining Sections.  
Subject Matter: Allow for a one-time addition/expansion of a principal structure on a nonconforming lot without a variance.
2. Purpose: To amend Chapter 5, Section 2, Table 5-1.  
Subject Matter: Allow a temporary single family residential unit in an agricultural zone if one of the following apply: the residential unit is occupied by persons who are engaged in the care of an elder, engaged in the occupation of farming on the premises or a family member.
3. Purpose: To amend Chapter 6 Section 8, Retaining Walls  
Subject Matter: Amend the criteria that will be used to determine if a conditional use permit will be granted for a retaining wall. Add the criteria of a pre-application meeting.
4. Purpose: To add Chapter 7 Section 23, Animal Density Regulations.  
Subject Matter: Add a section regulating the number of animal units on parcels of land 20 acres or less within the shoreland district and in an agricultural zone.
5. Purpose: To amend Chapter 8, Section 4, Length of Site Permit  
Subject Matter: Change the validation period of a site permit to one (1) year, with a one time, one year extension.

Copies of the proposed amendments are on file at the Becker County Planning & Zoning Office, 915 Lake Avenue, Detroit Lakes, Minnesota.

All interested persons are invited to attend said hearing or submit written testimony prior to the hearing date. Written testimony should be submitted to Patricia L. Swenson, Becker County Planning & Zoning Administrator, 915 Lake Ave, Detroit Lakes, MN 56501 or email: [zoning@co.becker.mn.us](mailto:zoning@co.becker.mn.us).

## CHAPTER 3 NONCONFORMITIES

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### 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 2 Discontinuance

- A. **Non-conforming use.** If a non-conforming use of any building or premises is discontinued or its normal operation stopped for one (1) year, the use shall thereafter conform to the regulations of the district in which it is located.
- B. **Non-conforming sign.** If the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for six (6) months, the structure shall be moved by the owner or lessor.

### Section 3 Change of Use

If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions also shall apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not later be changed to a less restricted use.

### Section 4 Residential Alterations

Alterations may be made to a residential building containing non-conforming residential units if they will improve the livability of the units and if they do not increase the number of dwelling units in the building.

## **Section 5 Restoration**

No 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.

## **Section 6 Normal Maintenance**

Routine upkeep of a structure that does not involve the replacement of the main structural frame or walls, or changes in exterior dimensions of a structure is permitted. Routine upkeep includes, but is not limited to: work performed on the interior of the structure; painting; replacement of siding, windows, doors, soffit, fascia, shingles, additional doors or windows; new floorboards to decks. Under no conditions shall repairs and maintenance constitute replacement of the main structural frame, walls, or changes in the exterior dimensions. Removal of the structure or any part of a structure, and rebuilding on an existing slab or foundation constitutes new construction. Replacement of an existing slab, foundation, or floor constitutes new construction, whether done by removal or raising of the structure

## **Section 7 Additions/expansions of a principal structure on a nonconforming lot may be allowed one time without a variance provided all of the following criteria will be met. However, the Zoning administrator may refer to the Board of Adjustment for variance consideration any application presenting extraordinary circumstances.**

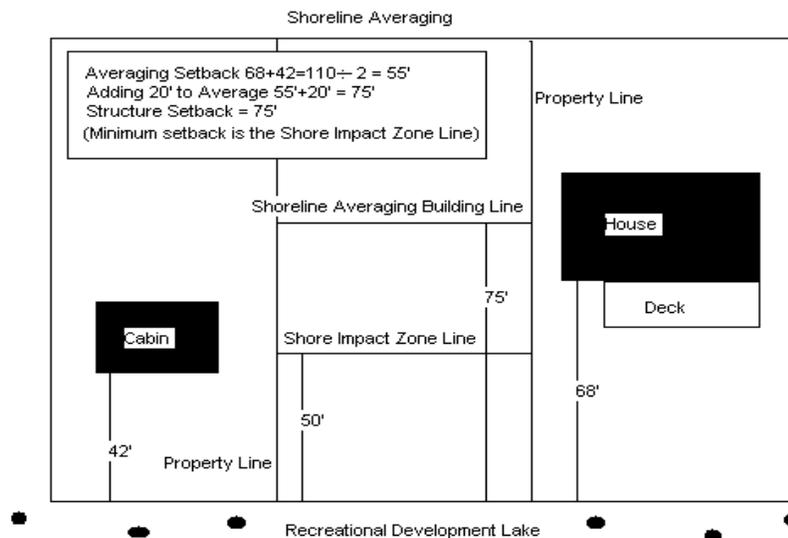
1. The property does not have a previously approved variance and there have been no prior additions to the existing structure.
2. The addition/expansion will not decrease the setback of the existing structure from the ordinary high water level.
3. The addition/expansion will not exceed fifty (50) percent of the total living area of the existing structure and the completed structure cannot be larger than 1500 square feet in lot area coverage.
4. The existing structure may be expanded vertically, but limited to twenty-four (24) feet total structure height and limited to 1500 square feet in total structure living space and no increase in the lot area coverage.
5. The existing structure must be located outside the shore impact zone.
6. The completed project is subject to the protection zone criteria specified in Chapter 6, Section 10, Paragraph E.
7. Impervious surface coverage of the parcel or lot shall not exceed 25 percent.
8. The existing structure and proposed addition/expansion must meet all other setback distance requirements of this Ordinance.

## **Section 7 8 Lots of Record**

A lot that was a buildable lot before the enactment of this ordinance is a lot of record. A lot of record is a buildable lot though it does not meet the requirements of this Ordinance but is subject to the requirements in paragraphs A through C, immediately below. The use of a lot of record shall conform to the requirements of this Ordinance.

- A. **Side yards.** Side yard requirements on a lot of record shall conform as nearly as possible to the requirements of this Ordinance. If compliance is not possible the side yard shall not be less than five (5) feet or ten percent (10%) of the lot width at the building line whichever is larger. The eave of the structure cannot encroach more than two (2) feet toward the side property line.

- 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 (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 (20) 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 10, 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.



- 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 8 9 Non-Conforming Signs**

- A. **Continuation of non-conforming signs.** Business signs on the premises of a non-conforming building or use may be continued, but shall not be increased in number, area, height or illumination.
- B. **New signs may be allowed.** New signs may be erected only upon the complete removal of all other signs existing on the effective date of this Ordinance. These signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
- C. **Change requires compliance.** No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.

### **Section 9 10 Non-Conforming Junk Yards**

- A. **Discontinuance required; Exception.** No junk yard may continue as a non-conforming use after the effective date of this Ordinance, except that a junk yard may continue as a non-conforming use in the General Agriculture (GA), Commercial (C) or Industry District (I), if it is completely enclosed within a building, fence, screen planting or other device that completely screens the operations of the junk yard.
- B. **Screening requirements.** Screening required in paragraph A, immediately above, shall meet the following provisions:
  - 1. **Approval.** Plans for the screening device shall be approved by the County Planning Commission and the Board of County Commissioners before it is erected or put into place.
  - 2. **Conditional use.** Upon installation of such approved plans and device, the junk yard shall be considered a legal conditional use and shall be subject to conditions, reviews and all procedures in Chapter 8 Section 10, for conditional use permits.

### **Section 10 11 Mitigation Requirements for Nonconformities in Shoreland Areas**

This Section establishes procedures for the placement of structures on nonconforming lots that do not meet the minimum lot size standards in Chapter 5, Section 2. The development or redevelopment of nonconforming lots, including but not limited to nonconforming setback regulations, shall require mitigation actions such as restoring shoreline vegetative buffers, reestablishing shoreline berms, management of roof drainage on-site, using porous paver systems and removal of impervious surface in the shore impact zone.

- A. **Development worksheet required.** On forms supplied by the Zoning Administrator, applications for the placement of structures or other impervious surfaces on nonconforming lots in shoreland areas shall include a completed development worksheet calculating the number of mitigation units required as specified in subsection B, below. The application shall also include the applicant's planned mitigation actions meeting the requirements in subsection C, below.
- B. **Calculation of mitigation requirement units.** The calculation of required mitigation units shall be based on the following provisions.
  - 1. **Nonconforming lake setback.** The minimum requirement that must be met for structure setbacks from lake shoreline is determined by a stringline measurement or the most restrictive

adjacent property building setback. The structure setback applies to all structures, including but not limited to: decks, patios, landings, and stairs. In all cases, structures must be outside the shore impact zone. Setback deficiency from the minimum setback is allowed with offsetting mitigation. Each foot of setback deficiency represents one (1) mitigation requirement unit.

2. **Nonconforming impervious surface.** Impervious surface is not allowed to exceed twenty-five percent (25%) coverage. Impervious surfaces include, but are not limited to: streets, roofs, sidewalks, driveways, parking lots, and similar facilities and areas covered with gravel, concrete, bituminous, compacted sand, lime rock, clay or other surfaces that substantially reduce or prevent the infiltration of water. Surface coverage between fifteen percent (15%) and twenty-five percent (25%) is allowed with offsetting mitigation. Each percentage point of impervious surface greater than fifteen percent (15%) represents five (5) mitigation requirement units.

- a. **Pervious decks.** Decks shall be considered pervious if all of the following conditions are met:

- (1) Maximum material (board) width is eight inches (8”);
- (2) Minimum spacing between material (boards) is one-quarter inch (1/4”); and
- (3) The area under the deck is pervious material.

Decks not meeting these requirements shall be considered as impervious.

3. **Nonconformities within the shore impact zone.** Structures and other impervious surfaces are not allowed in the shore impact zone, with the exception of landings, stairs and other uses meeting the requirements of Chapter 6, Sections 3 and 4, and limited to a total of thirty-two (32) square feet. Existing structures and existing impervious surfaces may be removed and mitigation credits are allowed for shore impact zone removals.

- C. **Options for meeting mitigation requirements.** The following options are available to the applicant in order to satisfy the required mitigation units for nonconformities in shoreland areas.

1. **Mitigation options for nonconforming lake setback.** Deficiencies in lake setback requirements must be mitigated by the following options:

- a. **Increasing structure setback from the lake.** One (1) mitigation unit credit is allowed for each one foot (1’) closer structures are located to the standard setback line.

- b. **Approved vegetative buffer.** Establishing an approved vegetative buffer adjacent to the ordinary high water level and parallel to the shoreline is a mitigation option for deficiencies in lake setbacks. The minimum vegetative buffer required to earn mitigation units is a twenty feet (20’) linear by fifteen feet (15’) deep buffer. Ten (10) mitigation unit credits are allowed for establishing the minimum vegetative buffer. An additional ten (10) mitigation unit credits is provided for each ten feet (10’) linear by fifteen feet (15’) deep shoreline buffer increment. An additional ten (10) mitigation unit credits are also allowed for each ten-foot (10’) linear segment of the buffer that is expanded to twenty-five feet (25’) deep.

- c. **Removal of nonconformities in shore impact zone.** Five (5) mitigation unit credits are allowed for the removal of each fifty (50) square feet of structures or other impervious surfaces from the shore impact zone.

2. **Mitigation options for nonconforming impervious surface.** Nonconforming impervious surface deficiencies must be mitigated by the following options:

- a. **Reduction of impervious surface.** Reducing impervious surface that exceeds the fifteen percent (15%) threshold in subsection B.2, above. Five (5) mitigation unit credits are allowed

for each percentage point reduction between twenty-five percent (25%) and fifteen percent (15%).

- b. **On-site stormwater management.** Divert water runoff from structures or other impervious surfaces to an approved stormwater management system. Ten (10) mitigation unit credits are allowed for each three hundred and fifty (350) square feet of surface area from which runoff will be contained on the property through discharge to the stormwater system.
  - c. **Shoreline protection berm.** Establish a berm not less than twelve inches (12”) above grade and parallel to the shoreline to contain or control stormwater runoff. Ten (10) mitigation unit credits are allowed for each twenty-five feet (25’) of protected shoreline. This mitigation option is only available to properties with less than eight percent (8%) grade to the lake.
  - d. **Removal of nonconformities in shore impact zone.** Five (5) mitigation unit credits are allowed for the removal of each fifty (50) square feet of structures or other impervious surfaces from the shore impact zone.
- D. **Approval of site plan and storm water plan required.** The applicant’s planned mitigation activities meeting the requirements of this Section shall be documented by a site plan and storm water plan approved by the Zoning Administrator and filed with the approved development permit.
- E. **Installation and maintenance required.** The mitigation activities satisfying the requirements of this Section that are approved as part of a development permit shall be installed and maintained as a condition of occupancy. The property shall be subject to inspection as necessary by the governing authority of Becker County.
- F. **Recorded on deed.** Mitigation requirements approved under this Section shall be recorded with the deed of the permitted property and shall remain with the property deed through subsequent ownerships.

Use Type	Table 5-1 Land Use Districts																
	General Agriculture		Special Protection		Residential			High Density Residential		Water Oriented Commercial			Commercial			Industry	
	All Lakes Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes	NE Lakes & Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	Mfg	Ad m. & W h s g
<b>A. Agricultural Uses</b>																	
Agricultural building	P	P	P	P	C	C	C										
Cropland and pasture	P	P	P	P	C	C	C										
Feedlots, agricultural	P	P	C	C													
Feedlots, commercial	C	C	C	C													
Forestry	P	P	P	P	P	P	P			P	P		P	P	P		
<b>B. Residential Uses</b>																	
Single-family residence- one per lot	P*	P*	C	C	P	P	P	P	P								
Duplex residential, twin homes					P	N-NE P-Rivers	P	P	P								
Home occupation <sup>*1</sup>	C	C			C	C	C	C	C								
Group care facility	C	C			C	C	C	C	C								
Conservation subdivision development	C		C		C	C		C	C								
<b>C. Recreational Uses</b>																	
Parks and historic sites	C	C	C	C	C	C	C	C	C	C	C		C	C	C		

\* Temporary single family residential unit may be permitted in an agricultural zone if one of the following apply: The residential unit is occupied by persons who are engaged in the care of an elder, engaged in the occupation of farming on the premises or a family member. Once this use ceases, the residential unit must be removed from the property within one year.

<sup>1</sup> When home occupation use does not exceed one-third (1/3) the floor area of the dwelling or an accessory building not exceeding the floor area of the building.

Use Type	Table 5-1 Land Use Districts																
	General Agriculture		Special Protection		Residential			High Density Residential		Water Oriented Commercial			Commercial			Industry	
	All Lakes Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes	NE Lakes & Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	Mfg	Ad m. & W h s g
Public										C	C		P	C	C		
Semipublic					C	C	C	C	C	C	C		P	C	C		
Single recreational vehicle <sup>2</sup>	P	P			P	P	P										
<b>D. Institutional Uses</b>																	
Cemetery	C	C	C	C													
Church <sup>3</sup>	P	P	P	P	P	P	P	P	P	P	P		P	P	P		
School <sup>4</sup>	C	C			C	C	C	C	C								
Nursing home	C	C															
<b>E. Commercial and Industrial Uses</b>																	
Airports, helicopters																C	C
Apparel manufacturing																C	P
Chemicals and allied products																C	C
Commercial, general	C	C	C	C						C	C		P	P	P		
Commercial, surface water oriented								C	C	P	C						
Commercial, planned unit										C	C		C	C	C		

<sup>2</sup> Limited to a one (1) year renewable permit.

<sup>3</sup> A church must not be located closer than fifty feet (50') to any agricultural or residential lot line.

<sup>4</sup> A school must not be located closer than fifty feet (50') to any agricultural or residential lot line.



	Table 5-1 Land Use Districts																
	General Agriculture		Special Protection		Residential			High Density Residential		Water Oriented Commercial			Commercial			Industry	
Use Type	All Lakes Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes	NE Lakes & Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	Mfg	Ad m. & Whs g
Truck terminal, shop and yard																C	P
Wholesaling																C	P
<b>F. Essential Services and Towers</b>																	
Essential services <sup>5</sup> - Water supply buildings, reservoirs, elevated tanks, sewage treatment facilities, gas regulator stations, electric substations, microwave relay towers, radio or television transmission towers and stations and service buildings, or transmission lines over 100,000 volts	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	P
Essential services - all others	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P
Tower facilities	N	C	N	C	N	N	C	N	C	N	N	C	N	N	C		
<b>G. Other Uses</b>																	
Mass gathering	C	C											C	C	C	C	C

<sup>5</sup> Essential services of this type must not be located closer than fifty feet (50') to any agricultural or residential lot line.



## Chapter 8

### Section 3 General Review Standards That Apply to All Permits and Subdivisions

The provisions in this subsection shall be applied by the reviewing staff or official body to all permit or subdivision applications. Additional provisions may apply as specified elsewhere in this Ordinance.

**A. One dwelling.** Only one dwelling unit is permitted per lot or parcel of land, unless the criteria of Chapter 5, Table 5-1 is met.

**B. County policy on easements.** The following provisions shall apply if an application includes an easement:

**1. Survey required.** Every application involving an easement must be accompanied by a survey of the land area that is subject to the easement;

## Chapter 6

### Section 8 Retaining Walls

- A. **Pre-application Meeting.** In order to avoid costly revisions of retaining wall plans, the property owner and/or contractor may have a preliminary on-site meeting with the Environmental Review Technical Panel. The preliminary meeting is to insure that the applicant is informed of the procedural requirements or limitations imposed by the ordinances. The property owner and/or contractor may present a conceptual plan to the Zoning Office to have a meeting scheduled with the Environmental Review Technical Panel.
- B. **Conditional Use Permit.** A conditional use permit is required to place a retaining wall structure in a shore impact zone or a bluff impact zone or replace an existing failing retaining wall and will not be issued unless;
1. The retaining wall is designed to correct an ~~existing~~ established shoreland erosion hazard problem;
  2. ~~No other alternative is feasible~~ The retaining wall is suitable given the demonstrated shoreland usage needs;
  3. The retaining wall ~~is~~ may be required to be designed by a registered professional engineer or landscape architect, depending on the scope of the project; and
  4. The dimensions of the retaining wall are the minimum necessary to control the shoreland erosion problem.

## Chapter 7

### Add Section 23

#### Animal Density Regulations

##### A. Shoreland District – Agricultural Zones - 20 Acre Parcels and less

1. Riparian lots
  - i. Only domestic animals permitted within 300 feet of the ordinary high water mark of the lake.
  - ii. 4 Acres minimum and more than 300 feet from public waters, 1 animal unit is permitted
  - iii. Greater than 4 Acres and more than 300 feet from public waters – 1 additional animal unit for each additional 2 acres
  - iv. Supplemental feed plan must be in place year round;
  - v. Manure removed regularly or if composted must be in a manner to protect surface and groundwater;
  - vi. Fencing to control animal units is required
2. Non Riparian parcels
  - i. 4 Acres minimum and more than 300 feet from public waters, 1 animal unit is permitted
  - ii. Greater than 4 Acres and more than 300 feet from public waters – 1 additional animal unit for each additional 2 acres
    - i. Supplemental feed plan must be in place year round;
    - ii. Manure removed regularly or if composted must be in a manner to protect surface and groundwater;
    - iii. Fencing to control animal units is required.
3. Keeping of Wild and/or Exotic animals will require a conditional use permit.

##### B. Non Shoreland District – Agricultural Zones - 20 Acre Parcels and less

1. 4 Acres minimum, 1 animal unit is permitted
2. Greater than 4 Acres – 1 additional animal unit for each additional 2 acres
  - i. Supplemental feed plan must be in place year round;
  - ii. Manure removed regularly or if composted must be in a manner to protect surface and groundwater;
  - iii. Fencing to control animal units is required.
3. Keeping of Wild and/or Exotic animals will require a conditional use permit.

## Chapter 8

### Section 4 Site Permits

- A. **When required.** No person, firm, or corporation shall erect, alter, repair, place or replace a building or structure without first getting a site permit.
1. Exceptions. An alteration or repair that does not change the exterior dimensions of a building or structure does not require a site permit. A site permit is not required for such buildings or structures as agricultural buildings, fish houses, play houses, dog kennels, or swing sets; however, the required building setbacks shall apply.
- B. **Application requirements.** Each application for a site permit shall be accompanied by a plan drawn to scale showing the dimension of the lot to be built upon and the size and location of the building or structure and accessory buildings or structures to be erected or placed.
- C. **Application review criteria.** The Zoning Administrator shall issue the site permit only if the plans and the application comply with this Ordinance.
- D. **Length of permit.** The site permit will be valid for a period of ~~six (6) months with a six (6) month extension if footings are in place~~ one (1) year. If the exterior of the structure is not complete within one year, a one (1) time, one (1) year extension may be permitted.
- E. **Road frontage requirement.** No site permit shall be issued for a lot, plot or tract of land not having frontage on a public road ~~or access to a public road by a road easement~~ unless:
1. The property has no access to a public road except by an easement over the land of others;
  2. The easement from the property to the public road must be at least thirty-three (33) feet wide when servicing one (1) or two (2) tracts of land. ~~The easement from the property to a public road is at least sixty-six (66) feet wide; except that this provision does not apply to property that is accessed by a forest management road;~~
  3. The easement from the property to a public road is must be at least sixty-six (66) feet wide when servicing three (3) or more tracts of land; except that this provision does not apply to property that is accessed by a forest management road; and
  4. The easement from the property to the public road has a graded and serviceable driving surface; ~~and~~  
~~— If the easement from the property to a public road accesses one (1) or two (2) tracts of land, the road easement must be at least thirty-three (33) feet wide.~~

May 5th, 2013

**BECKER COUNTY PLANNING COMMISSION SETS PUBLIC HEARING**

Notice is hereby given that the Becker County Planning Commission will conduct a Public Hearing on **Tuesday, May 21st, 2013 at 7:00 p.m. in the 3<sup>rd</sup> Floor Jury Assembly Room of the Becker County Courthouse, 915 Lake Ave, Detroit Lakes, MN.**

**Old Business: None**

**New Business:**

- 1) **APPLICANT: Marty Solmon Construction Inc** 12044 Co Hwy 17 Detroit Lakes, MN 56501 **Project Location:** Co Rd 22 across from General Store **LEGAL LAND DESCRIPTION:** 190170001 Lake View Township PT GOVT LOT 4: COMM E QTR COR TH W 512.29' AL N LN TO WLY LN CSAH #22 & POB; CONT W 819.04' TO NW COR LOT 4, TH S 1319.64' TO SW COR, TH E 129.62', NELY 659.56'...Section 09, TWP 138, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request to amend the existing Conditional Use Permit Document Number 580088 for an extension of the 12/31/2012 deadline to 12/31/2017 deadline.
- 2) **APPLICANT: Doug Duran** 3081 120th St Barnesville, MN 56514 **Project Location:** 15603 W Little Cormorant Rd **LEGAL LAND DESCRIPTION:** 170049022 Lake Eunice Township Little Cormorant Lake Preliminary Plat of Lot 1, Lot 2, Lot 3 and Lot 4 Block One of Three Lakes Hideaway. Section 05, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Preliminary Plat consisting of 4 lots. Lot 1 (1.7 acres +/-), Lot 2 (2.9 Acres +/-), Lot 3 (3.6 Acres +/-) and Lot 4 (4.1 Acres +/-). The request includes a change of zone from Agricultural to Residential for all 4 lots.
- 3) **APPLICANT: Sandra Fearing** 207 Park St Apt 3005 Detroit Lakes, MN 56501 **Project Location:** 13648 Fearing Dr **LEGAL LAND DESCRIPTION:** 060240000 Cormorant Township Upper Cormorant Lake Pt of govt Lot 2... Section 16, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an approval for a Certificate of Survey for one tract consisting of 2.1 acres +/- which will leave a remainder tract of 19.9 acres +/- and a change of zone from Agricultural to Residential for the small proposed tract only.

All interested persons are invited to attend or submit written comments.

Patricia L. Swenson, Zoning Administrator

PLS/jmh