

July 21st , 2015

**BECKER COUNTY PLANNING COMMISSION SETS PUBLIC HEARING**

Notice is hereby given that the Becker County Planning Commission will conduct a Public Hearing on **Tuesday, August 11th, 2015 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:** Michael & Harriet Powers 437 5<sup>th</sup> Ave SE East Grand Forks, MN 56721 **PROJECT LOCATION:** E Little Cormorant Rd **LEGAL LAND DESCRIPTION:** 170043103 Lake Eunice Township Non-shoreland PT GOVT LOT 1: COMM NE COR SEC 4: W 496.45', S 363', W 523.42 SELY 310.89', ELY, SLY, WLY AL RD 275.88' TO POB; WLY & SLY AL RD 1021.18', NELY 334.64', SELY 345.18', NWLY 273.70', NW 285.63' TO POB. TRACT C., Section 04, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Agricultural to Residential for three tracts consisting of (Tract C-2) 1.9 acres, (Tract C-3) 2.0 acres and (Tract C-4) 1.77 acres.
  
- 2) **APPLICANT:** Karen Nelson 10779 Co Hwy 5 Pelican Rapids, MN 56572 **PROJECT LOCATION:** 10779 Co Hwy 5 **LEGAL LAND DESCRIPTION:** PT NW1/4 OF NW1/4 BEG 1200' E & 559.85' S OF NW COR; TH NW 115.72', S 208.11' TO RD, E AL RD 117.28', & N 218.94' TO BEG, Section 36, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Commercial to Residential to reflect the current use of the property.
  
- 3) **APPLICANT:** Kelly Brackett 24062 Cherry Hill Rd Detroit Lakes, MN 56501 **PROJECT LOCATION:** 24062 Cherry Hill Rd **LEGAL LAND DESCRIPTION:** Lot 1 Block 2 Sunnysvale, Section 30, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Agricultural to Residential for one tract consisting of (Tract B) 1.41 acres.
  
- 4) **EAW REVIEW:** Review of comments submitted/received regarding a proposal for gravel/aggregate extraction to exceed 40 acres on parcel 06.0402.001 Section 29 S ½ of NW ¼ Cormorant Township with Contractors Leasing/Kost Materials and determination if project needs an EIS. Conditional Use Permit application pending for upcoming Public Hearing.

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

Eric Evenson-Marden, Zoning Administrator

EEM/jmh

**Proposed Zoning Changes**  
**Public Hearing Date**  
**August 11, 2015**

**1. Amend Chapter 5, Section 2 to allow Nonconforming Deck Additions**

Proposed Language

L. Nonconforming Deck Additions.

A deck addition not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:

- A. The deck encroachment toward the ordinary high water level does not exceed twelve (12) feet of the current structure setback or required setback for new construction.
- B. The deck addition cannot extend into the shore impact zone;
- C. The deck is constructed in a pervious manner, and is not roofed, enclosed or screened; and
- E. The ground underneath the deck must remain pervious.

Current Paragraphs L – Q would be renumbered.

**Synopsis:** Nonconforming deck additions were removed from the Ordinance in December 2007. Since then the Ordinance has been changed to allow one time additions without variances and additions to nonconforming structures by setback average plus twenty (20) feet. However, these changes did not address deck additions, which required variances. This provision could reduce the number of variances. Once a variance is granted, the variance stays with the land and changes the setbacks for that property forever. It is preferred to approve permits by regulation, thus if the regulation changes, setbacks change.

**2) Amend Chapter 8, Section 5, Paragraph J(2) – this section needs to reflect the same information as in Chapter 8, Section 4, which was changed in March 2012**

Proposed Language

Section 5 Subdivision of Land

2. Lots.

e. Minimum road frontage. Every lot must have at least sixty-six feet (66') of frontage on a public dedicated road or street other than an alley except that a lot created by a Surveyor's Sketch is not required to have frontage on a public road if access is provided:

- (1) with a fourteen foot (14') wide driving surface; The easement from the property to a public road must be at least thirty-three (33) feet wide when servicing one (1) or two (2) tracts of land;
- (2) on an easement or on property owned by the developer; and The easement from the property to the public road 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  
(3) that access is to no more than two (2) lots. The easement from the property to the public road has a graded and serviceable driving surface.

**Synopsis:** In March 2012 the language for minimum road frontage was changed and approved. The language regarding this was located in two (2) locations of the Ordinance. In 2012, one section of the Ordinance was changed, but one section was inadvertently not changed. This change would bring both sections into compliance with the 2012 amendment.

**3). Amend Chapter 8, Section 5, Paragraph (J) to Limit the number of tracts to be created with a certificate of survey**

Proposed Language:

- J. Subdivision of a tract of land into three or fewer tracts. Applications involving tracts of land that are proposed to be subdivided into three (3) or fewer tracts, but are not exempt from subdivision review under Chapter 8, Section 5, subsection A.2, may be reviewed according to the procedures in this subsection. The design of such subdivisions shall conform to the requirements of this subsection. Within a three (3) year period, a total of three (3) tracts of land may be subdivided from a parent tract by a certificate of survey. Additional tracts may be created through the public hearing process.

**Synopsis:** Currently, there is not a limit as to how many times a parent tract can be subdivided by Certificate of Survey providing all criteria are met. In some cases, this can create havoc with orderly development, especially with public roads. By placing a time limitation on the number of tracts created with a certificate of survey, it allows more review and potentially better development.

**4). Amend Chapter 8, Section 5, Paragraph J(2) – this section needs to reflect the same information as Section 5, A.2.a.(1), exemption by Tech Panel, which was changed in March 2012.**

Proposed Language:

1. When allowed. Any quarter-quarter section, government lot, or smaller tract of land which was under single ownership on the effective date of this Ordinance may be subdivided into three or fewer tracts without following the preceding provisions for a plat if a surveyor's sketch of the proposed subdivision is submitted and approved in accordance with the procedures in this subsection J.
2. Review procedure.
  - a. Within a shoreland area.
    - (1) Administrative review. The surveyor's sketch shall be submitted to the Zoning Administrator for approval. The Zoning Administrator shall approve the

surveyor's sketch only if it meets or exceeds 2.5 acres. The Zoning Administrator reserves the right to refer to the certificate of survey to the Planning Commission and County Board of Commissioners for consideration with any subdivision proposal presenting extraordinary circumstances. Approval or disapproval of the proposed subdivision shall be conveyed to the subdivider in writing fifteen (15) days after the submission. If the proposed subdivision is disapproved, the subdivider shall be notified in writing of the reasons for the disapproval. The approval of the proposed subdivision together with a copy of the surveyor's sketch shall be filed with the County Recorder before any conveyances of the subdivided lots shall be valid.

(Current subsections 1 & 2 would be renumbered)

**Synopsis:** In March 2012 the language was approved to allow certain certificates of survey, which were exempted from the Technical Review Panel to be reviewed administratively by the Zoning Office. In 2012, one section of the Ordinance was changed, but one section was inadvertently not changed. This change would bring both sections into compliance with the 2012 amendment.

#### **5) Amend Chapter 8, Section 5, Paragraph M**

Proposed language:

M. Non-riparian lots. Non-riparian lots not meeting the required size of the zoning district may be allowed if the following criteria are met;

1. Non-riparian lots described by metes and bounds conveyance must be described by legal description the riparian lot to which it is being attached to and the combined tract cannot be conveyed separately nor separated without county approval;
2. Non-riparian lots created by platting must include in the plat dedication the legal description of the riparian lot to which it is being attached and that neither can be conveyed separately nor separated without county approval;
3. The non-riparian lot and riparian lot must be located within two hundred (200) feet of each other;
4. The non-riparian lot must be at least ~~be greater than~~ five thousand (5000) square feet ~~in area~~;
5. The minimum road frontage of the non-riparian lot is fifty (50) feet;
6. All setbacks for the applicable zoning district shall apply to the non-riparian lots;
7. The lot area of the non-riparian lot cannot be used in the calculations of impervious coverage for the riparian lot;
8. The maximum lot coverage of the non-riparian lot cannot exceed twenty-five (25) percent of the area of the non-riparian lot.

**Synopsis:** In 2012, a provision was approved to allow non-riparian back lots to be joined permanently to lake lots with the intent to allow storage sheds and septic systems, to take the pressure off the lakes. The definition stated that the lots needed to be a minimum of 5000 sq ft of lot area (no wetlands, bluffs, etc). This was a success; however there has been interest in people buying unbuildable land behind their lake lots as buffers to ‘protect’ their land. In order to accomplish this, the language must be changed as in the proposal above.