

**Becker County Zoning Ordinance Review Committee (BCZORC)**  
**September 17, 2015**

**Present:** Harry Johnston, Roy Smith, Dave Knoff, Larry Knutson, Jim Kaiser, Rodger Hemphill, Brian McDonald, Gretchen Thilmony, Ray Vlasak, Tera Guetter, John Postovit, and Peter Mead, Julene Hodgson, Eric Evenson-Marden

Chairman Johnston called the meeting to order at 9:00 am. It was asked if resort conversions could be discussed. Ms. Thilmony responded that the county is currently involved in a lawsuit regarding this matter. The agenda was approved with no changes.

**Minutes:** The minutes from the August 13, 2015 were amended to show Dave Knoff attended the meeting. Motioned by Mr. Knopf to approve, Mr. Vlasak seconded, motion carried unanimously.

**Proposed amendment to Chapter 8, Section 5, Paragraph M related to the 5000 minimum requirement related to non-riparian lots (backlots).**

Mr. Evenson explained that the County Board returned this item to the BCZOAC for clarification and possible amendment.

Mr. Smith said the reason the County adopted a 5,000 square foot minimum as to prevent individuals from purchasing a small parcel of land in that would prevent access to adjoining parcel and, at the time, 5,000 square feet seemed a reasonable size. Mr. Smith argued that the 5,000 feet did not need to be buildable and that it could be bluff or wetlands.

Mr. Knoff moved that staff work with the County attorney to develop language:

1. To clarify that the 5,000 did not need to be buildable.
2. The minimum of 5,000 feet apply to the extent it is practicable and feasible.
3. The creation of a non-riparian lot not prevents access to adjacent parcels.

Second by Mr. Valasak, unanimously approved.

**Rating system to determine lot frontages natural environment lakes.**

Peter Mead handed out a spreadsheet showing possible lake frontage requirements for natural resource lakes that was based on a system recommended at the August 13<sup>th</sup> meeting. Mr. Mead indicated that three of the lakes came up with 250 foot of frontage. It was decided that the BCOAC would go through an exercise at their next meeting to rate 3 or 4 lakes to test the scoring system.

**Recommendation to changes to the Becker County Zoning Ordinance to bring it into conformity with Minnesota Statutes related to non-conforming structures in shoreland areas**

Mr. Evenson provided an overview of 2008 changes of Shoreland regulation related to non-conforming structures and recommended that the County Shoreland Ordinance be amended accordingly. Mr. Vlasak approved, Mr. Knoff seconded, motion passed unanimously.

Mr. Evenson indicated that the 2008 statute changes allow for the reconstruction of non-conforming structures in shoreland areas, but says they cannot be expanded. He said that he recently received guidance from the DNR that adding additional vertical space to non-conforming structures could be done under state statute.. Rodger Hemphill confirmed that additional vertical space can be added long as structures meet the height limit and added that county policy should clarify if they would allow vertical expansion. Mr. Evenson described the two sides of the issue. He stated that it could be argued that allowing additional vertical space to non-conforming structures is contrary to the county's desire to move structure further away from the lake shore. However, he also said it could be argued that adding additional vertical space will not create additional adverse impact shoreland areas. Mr. Evenson presented various options that would clarify or allow vertical expansion.

Ms. Hodgson argues that the county has been consistent in its past practice of not allowing vertical impact because that county wants to increase the setback between the structure and lakeshore. Mr. Knoff stated the current policy seems to be working and is good to move structures back from the lakes. Ms. Thilmony indicated there has been no case law regarding this matter.

Mr. Knutson agreed that the county has consistently applied this policy and that it should not be changed. He added that he was concerned that adding additional space could intensify use in sensitive shoreland areas. Mr. Vlasak moved that we keep the existing policy but add a definition of "expansion" in the ordinance, seconded by Harry Johnston.

The following items were not discussed and will be added to the next agenda.

- Setback requirements from shoreland (string line +20)
- 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."

It was requested that a discussion regarding the authority a city government can exercise over property located within a 2-mile radius outside its corporate boundaries.

Mr. Knopf moved to adjourn, Mr. Johnston seconded. The meeting was adjourned at 11:00 am.

Respectfully submitted,

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