

DEFINITION FOR "BUFFER"

Chapter 10, Section 2, Definitions

Buffer: An area of land consisting of established and unmown, perennial native vegetation, excluding invasive plants and noxious weeds, designed to intercept stormwater runoff, stabilize soils, shores, and banks; and protect or provide wildlife habitat.

Recommendation to the Ordinance Advisory Committee

Natural Environment Lake lot size criteria

- 1) The preferred option is to wait until the Ottertail WRAPS is completed and implementation of the Minnesota Buffers legislation has begun.
- 2) There is no report of a landowner deciding not to develop a Natural Environment lake because of Lot/Block size criteria. However; if amendment must be recommended proceed under the following premise:

A. The proposed change must be consistent with Becker Comprehensive Plan goals which are:

- *Develop a hierarchy of Lake carrying capacity to guide development.
- * Protect selected lakes with lower carrying capacity by requiring larger lot sizes
- * Support the use of cluster development patterns that protect the natural resource.
- * Promote development patterns that exceed minimum standards.

B. The standards must provide a development choice; Lot and Block or Conservation Subdivision.

Accordingly; lot size criteria should discourage, but not prohibit Lot and Block layout while providing incentive with additional density to develop by Conservation Subdivision.

The recent lake sensitivity study broadened the scope to include watershed, depth, soil, slope, stream, wetland, undeveloped shoreland character. However, we believe the study failed to assign adequate weight to the water acres/shoreline length factor which is important to limiting overdevelopment, especially on the smaller Natural Environment lakes. Therefore, we are proposing that a final review of any proposed amendment reflect stronger emphasis on that element by retaining a development criteria relationship to water body size. Our recommendation is detailed in the following table:

ORIGINAL SENSIVITY STUDY	ENHANCE SENSITIVITY STUDY	PROPOSAL
<u>PRESENT STANDARDS</u>	<u>> POINTS = > VULNERABILITY</u>	
>250 acres (37 lakes) 250' FF*	Points - 19 to 25 (52 lakes) 250' FF	> 250 acres (37 lakes) 250' FF*
101 - 249 acres (100 lakes) 400' FF	Points - 26 to 31 (273 lakes) 300' FF	75 - 249 acres (118 lakes) 350' FF
51 - 100 acres (176 lakes) 500' FF	Points - 32 to 37 (74 lakes) 350' FF	< 75 acres (274 lakes) 450' FF
10 - 50 acres (398 lakes) 600' FF	399 lakes included in the study	Public waters not classified (282 lakes)
		*State minimum alternative standard

We believe this proposal essentially maintains the requirement of Ordinance consistency with the Goals of the Comprehensive Plan, satisfies the DNR recommendation on deployment of Conservation Subdivision, fairly treats property owners with undeveloped land and establishes a responsible benchmark in the preservation of the Natural Environment lakes.

Tera Guetter / Pelican River Watershed
John Postovit / Coalition of Lake Associations

Becker County Comprehensive Plan Introduction

What is a Comprehensive Plan?

A comprehensive plan is the policy framework Becker County will use to guide its land uses activities over the next twenty years. Unplanned development often results in conflicting land uses or undesirable impacts on natural resources. The Becker county Comprehensive Plan reflects the priorities and decisions made by citizens, residents, business owners and other Becker County stakeholders over the 18 month planning process. The Comprehensive Plan identified a vision for how development and programs will shape Becker county 20 years hence, the desired future condition in five specific issue areas: Rural and Shoreland development; Economic Development; Natural Resources; Transportation; and Infrastructure.

The vision for each issue is reflected in a series of goals that help identify how the vision becomes manifest. The goals are further defined by policies, intermediate steps that guide the day to day decisions of elected and appointed officials charged with overseeing programs, regulation, and management of public and private resources. Finally, the Plan provides series of recommended strategies with which County officials and staff can bring the vision closer to reality. The strategies identify the priority actions, programs, regulations, ordinances and cooperative efforts that should achieve the policies, goals and the vision.

What is the Authority of the Comprehensive Plan?

The Comprehensive Plan is the legal basis for land use controls. The State of Minnesota gives counties the authority to adopt comprehensive plans under Minnesota Statute Chapter 394. Counties exercise authority under this statute to promote the "health, safety, morals and general welfare of the community." Counties may develop a comprehensive plan and implement the plan through a variety of means. These means include adopting official controls, such a zoning ordinances and official zoning map and other ordinances, as well as establishing incentive programs, educational programs and changing spending priorities.

Land use ordinances and programs must be consistent with the adopted comprehensive plan. The vision, goals and policies included in the Becker County Comprehensive Plan will be implemented through a variety of means. Many implementation tools, methods and techniques are included in the plan. These tools direct changes in existing ordinances and adoption of new ordinances and programs.

Conservation Subdivision

Introduction

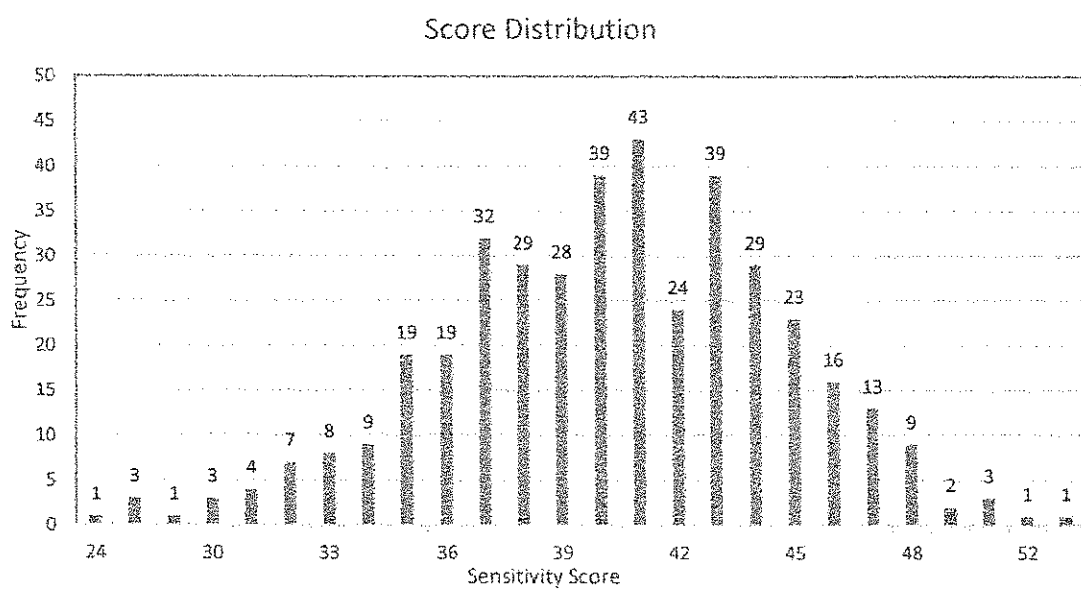
Conservation Subdivision is a method of development characterized by clustering homes adjacent to permanently preserved, common space. Conservation subdivisions are quite similar to home-site developments adjoining a golf course. First, critical natural areas and community recreation areas are identified and protected. Then, buildable areas are identified and a majority of the homes are clustered around these protected areas. Conservation subdivisions create a greater sense of community and allow more interaction with the outdoor environment. These benefits make conservation subdivision more attractive and economical than conventional lot-block subdivision.

Open spaces provide walking and biking trails, play areas and community gathering places. Protected natural areas mean lower development costs, preservation of critical habitat and less pollution runoff into adjoining lakes, streams, and wetlands. Developers can still build full residential densities and often sell the sites at a premium because people prefer living next to permanently preserved open space. Development costs can be 12 to 20 percent lower for conservation subdivisions. This is because conservation subdivision requires much less landscape alteration and shorter, narrower street pavements than conventional subdivisions. Consequently, long term maintenance costs are significantly less, since infrastructure is reduced. More compact layouts also result in shorter sewer and water connections and arterial roads. Public Service costs for such developments are 4 to 8 percent lower than the cost for large lot-block developments. Depending on how open space is incorporated into the site design and how stormwater is managed, construction and infrastructure cost savings are between 11 and 66 percent. All this leads to both higher property values and greater protection of the natural resources, which strengthens local economies. Finally, these developments do not require local units of government to establish and maintain open space recreation areas for these communities.

The primary reason for utilizing Conservation Subdivisions is to protect natural resources and other sensitive areas. Conservation subdivisions are a valuable tool for protecting water quality and natural habitat because they require less impervious surface coverage than conventional lot-block subdivisions of the same size. Also, vulnerable natural features can be incorporated within the open space, instead of being part of someone's private lot. Large conservation subdivisions have the potential to protect significant natural habitat and preserve the hydrologic balance of shoreland areas.

In order to promote the use of conservation subdivisions over conventional lot-block subdivisions, the local unit of government should establish disincentives for conventional subdivision. One effective disincentive is to require conventional subdivision lots sizes to be at least two (2) times the site density used for a conservation subdivision. In addition, lot widths for all riparian lots in conventional subdivisions should be at least one & one half times greater than the width used for conservation subdivisions. These measures are vital to establish an incentive to use conservation subdivision.

III a.



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	Sieversen	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	Pickerei	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 (Wangenstein)	45	3
03066000 Axberg	43	3
03119000 Unnamed (Valmes)	45	3

DEFINITION FOR "EXPANSION"

Chapter 10, Section 2, Definitions

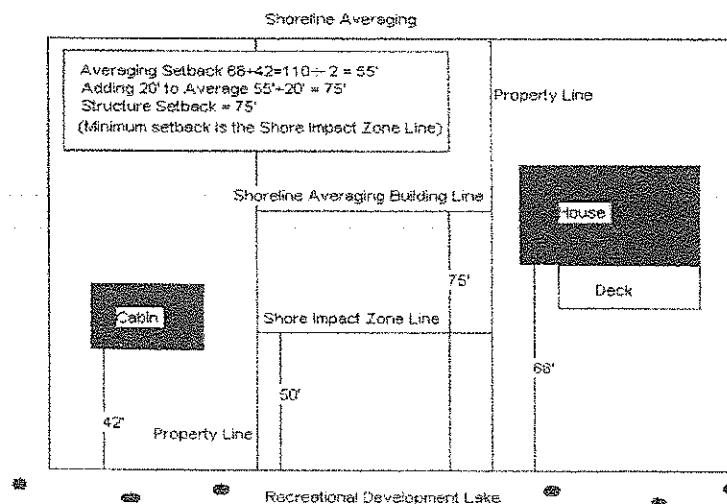
Expansions of non-conforming structures: Enlargement or any increase in a dimension, size, or area resulting in an increase in the livable area, any placement of a structure or part thereof where none existed before. An expansion shall not increase a non-conformity.

Setback requirements from shoreland (string line +20)

Current Ordinance Language:

Section 2 Height, Yard, Setback, Area and Lot Width and Depth Requirements

- A. **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 on the lot 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 C.1 and C.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.
 6. Adjacent like structures used for the setback averaging must be located within the width and area of a standard size lot.



III d.

Recommended Changes to the Becker County Zoning Ordinance, Mass Gathering

II. 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 licensee (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.

Recommended Changes to the Becker County Zoning Ordinance, Gravel Pits

Chapter 7, Section 6 B Extraction of Material and Minerals – Exception for Public Roadway Projects

Existing Language:

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.

- 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.*

Concern:

With the exception of gravel mining operations used for public roads, all other gravel mines require a conditional use permit (CUP). CUPs are required because gravel mining operations have the potential to adversely impact public roads, quality of life, surface and ground water quality, property values, plant, and wildlife. Gravel mining operations 40 acres or larger also require an Environmental Assessment Worksheet (EAW) and may require an Environmental Impact Statement.

Gravel mining operations used for public roads are generally small and operate for a short time. However, as the number of road projects increase, the demand for local sources of gravel also increases. What once were small gravel pits are now operating similar to larger, commercial operations and may include asphalt plants, crushers, and other types of auxiliary operations.

Gravel mines operating under the "public road exception" are not allowed to sell gravel for any other purposes. Enforcement of this provision is difficult and, it is believed to be routinely violated.

Challenge:

The challenge is to develop ordinance language that would allow for the exception for public road projects yet provide the protections offered by a CUP when the operation takes on the characteristics of a commercial operation.

Options:

A. No action

- Negatives – potential conflicts with adjoining property owners, damage to water quality and natural resources, operators skirting public review/input (CUP), possible damage to roads and public infrastructure
- Positives – Supported by small gravel pit operators, easier to secure gravel for road projects and related cost savings, makes it easier for small operators to profit from resources on their land.

B. Limit the cumulative size of the area or which may be disturbed (e.g. 2.5 acres), the number of "back-to-back" permits issues, or the amount of gravel that may be harvested (e.g. 10,000 cy) without triggering a CUP.

- Negatives – mine owners may object to additional controls, limits the amount of gravel that can be mined before a CUP is needed, may limit access to gravel for road projects, CUP process could deny the use of land as a mine.
- Positives – allows for continued use of gravel mine while protects community interests and natural resources after CUP is approved; makes it difficult for operator to skirt CUP process, is within the "spirit" of the law.

C. Limit the length of time (cumulative) a site can receive "public road exceptions" without a CUP (e.g. 2 years). See MS Chapter 462.3597 (attachment 1).

- Negatives – mine owners may object to additional controls, some road projects may take longer than two years, does not limit the amount of damage that can be done in a short period of time
- Positives – Easily enforced, mine can continue after the CUP is approved, establishes expectations of surrounding property owners, individual road projects are generally completed in a year.

D. Require a CUP if the site will contain any auxiliary uses (e.g. crusher, asphalt plant, etc.)

- Negatives – asphalt plants and crushers are commonly used in gravel pits, mine owners may object to additional controls
- Positives – can be done in combination with any of the above options, may address noise, odor, and dust issues of surrounding property owners, provides for natural resource protection

MEMORANDUM

Date: November 9, 2015
To: Ordinance Review Committee
From: Eric Evenson Marden

Re: Dog kennels

The Zoning Ordinance Review Commission has been requested to look into adding language to the County Zoning Ordinance related to Dog Kennels.

Zoning staff indicate there are at least 4-5 commercial kennels in the county. It is believed there may be several additional unpermitted, smaller kennel operations throughout the county. Two of the known dog kennels are grandfathered in; the remainder received CUP's as "general commercial" operations. The grandfathered kennels have received negative attention for their treatment of dogs.

Most commonly, county zoning ordinances require Conditional or Interim Use Permits for kennels. Kennels are most often defined as "any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, profit, etc. for six (6) or more months.

Some ordinances expand the definition to include "pets." Other specifies dogs, cats, birds and similar animals commonly kept in a residence.

While some counties have detailed language or standalone ordinances (Sherburne County), most counties have language similar to below:

Kennels, Commercial.

- A The use shall comply with all applicable State and County rules and regulations and:
- (i) Structures used for animal confinement require a minimum 100 foot setback from any property line and 500 feet from any residential structure, other than the applicants, that exists at the time of application.
 - (ii) On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup.
 - (iii) Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting.
 - (iv) All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow and cold weather.
 - (v) Kennel facilities shall be adequately drained and maintained in a healthful manner.
 - (vi) Kennel facilities shall not be located on riparian lots.