

**Notice of Public Hearing
And Notice of Intent to Amend an Ordinance
Public Hearing Held Before the
Planning Commission
November 16, 2005**

Planning Commission Chairman Jim Kovala called the Public Hearing to order. Present were Planning Commission Members Ken Christianson, Harry Johnston, Jeff Moritz, John McGovern, John Lien, Waldo Johnson, Ray Thorkildson, Mary Seaberg, Commissioner Larry Knutson, and Zoning Staff Patricia Johnson and Debi Moltzan. Debi Moltzan was recording secretary.

P. Johnson explained that the purpose of the public hearing was to amend Section 6, Subdivision 5 of the Becker County Zoning Ordinance. The subject matter is Section 6, Subd.5 established procedures for placement of structures on nonconforming lots that do not meet the minimum size standards. The proposed amendments will guide redevelopment of nonconforming lots, by requiring rebuilding projects to include mitigations such as restoring shoreline vegetative buffers, reestablishing shoreline berms, disposing of roof drainage on site, using porous paver systems and removal of impervious surface in the shore impact zone. The object is to lessen the impact that redevelopment has on the lake. Along with this, new verbage would be added in Section 6, Subd.5, Section 12 Subd.9, and a definition for structure would be added.

P. Johnson stated that a committee was formed to address changes in the Ordinance. The committee worked long and hard to arrive at a fair but environmentally sound plan. Members of this committee that were present at the Public Hearing included John Postovit, Harry Johnston, Jerome Flottesmesch, Don Lefebvre, Ken Christianson and Dave Barsness.

At this time, public testimony was taken. Speaking were:

Jim McGough – in favor of the proposal. McGough is also on the Floyd Shores Board and stated that if he brought this proposal to the members of the lake association, he felt the majority of the lakeshore owners would be in support.

Bill Sherlin, Lake Maud Association, was in support but felt 15% impervious coverage was too restrictive.

John Postovit – not only on the advisory committee but also involved with COLA. The Board wanted to allow redevelopment but wanted the runoff mitigated to protect the lake. Postovit felt that this proposal was consistent with redevelopment and consistent with preservation of the lake.

Christianson questioned Postovit if the mitigation would apply to any site permit being obtained for a nonconforming lot. Postovit stated that it would. Postovit further stated that the committee tested this concept with 15 real life properties. Out of the 15

properties, 14 of them already had a deficiency in the setback. 53% of the properties were already over 25% impervious lot coverage. The committee felt that existing problems needed to be addressed before they were compounded.

Christianson questioned how the rainfall total was arrived at for the calculations. Postovit stated that a subcommittee worked with the Pelican River Watershed and a MN Advocacy group. Postovit stated that most people are slim in divulging information to the Zoning Office. The Zoning Office needs to be able to address an entire site rather than just a structure.

Christianson questioned if gravel driveways would be included in impervious material. Postovit stated that the current Ordinance states that gravel is considered impervious.

Further discussion was held regarding who can design and install the berms, French drains, pervious pavers and rain gardens. P. Johnson stated that qualified professionals must do the designs and installed by a qualified person. Moritz questioned if there was a tool for the Zoning Office to have help reviewing plans that have apparent red flags. P. Johnson stated that there is a support system in place.

Postovit stated that more owners need to take responsibility for what happens to the lake. A responsible plan would be required for the entire site, preventing runoff prior to problems.

Jim Kaiser questioned if a homeowner could install the storm water plan if a qualified professional designs it. P. Johnson stated that the homeowner could install if it were done properly.

Further discussion was held regarding qualified professionals, designs and installation of storm water management practices.

Johnston stated that this concept would greatly reduce the number of variances that the Board of Adjustments deals with. Knutson suggested that a list of people should be made to help owners fill out the mitigation worksheet so the homeowners do not have to hire a professional to fill out the worksheet.

At this time, testimony was closed.

W. Johnson made a motion to recommend that Section 6 Subd.5 of the Becker County Zoning Ordinance be amended. The amendment would read:

- 1) Section 6, Subd.5 established procedures for placement of structures on nonconforming g lots that do not meet the minimum size standards. The proposed amendments will guide redevelopment of nonconforming lots, by requiring rebuilding projects to include mitigations such as restoring shoreline vegetative buffers, reestablishing shoreline berms, disposing of roof drainage on site, using porous paver systems and removal of impervious surface in the shore impact zone.

- 2) Section 6. Land Use District Requirements Subdivision 5. Placement of structures and sewage treatment systems on lots. ADD: Whenever the string line method is allowed to established a lakeside structure setback, the deficiency must be mitigated by the installation of a shoreline vegetative buffer. The criteria and provisions contained in Section 17, Nonconforming Uses are applicable.
- 3) Section 12 Shoreland Standards, Subdivision 9 Stormwater Management – General Standards. ADD: When the placement of impervious surface on any shoreland parcel exceeds 15 percent area coverage, storm water drainage control features with on site containment and/or shoreline berms must be installed to mitigate the effects of development. The criteria and provisions contain in Section 17, Nonconforming Uses are applicable.
- 4) Section 4 Definitions. ADD: Structure – Anything constructed, erected or placed; which includes but not limited to houses, garages, accessory buildings, decks, driveways, sidewalks, patios, fences, retaining walls, mobile homes, dog kennels and signs.

Thorkildson second the motion. All in favor. Motion carried.

Chairman Kovala thanked the Advisory Committee for all the time and effort spent in revising the Ordinance.

At this time, there was a five-minute recess before the regular Planning Commission began.