

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, September 21, 2009

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, September 21, 2009 at 1:00 p.m. in the community room of the Dickinson County Courthouse.

Members present were Sally Nielsen, Duane Moser, Mike Roach, Jon Gunderson, Bob Chaffin, Tony Weber, and Tim Fairchild.

Sally Nielsen, Chairman, called the meeting to order at 1:00 p.m.

First on the agenda was approval of the minutes of August 17, 2009. Fairchild moved to approve the minutes as written. Weber seconded. All were in favor.

Second on the agenda was Robert and Glenda Frank and Northwest Home Improvement, a rezoning request from A-1 Agricultural to HC Highway Commercial District, Parcel B in the NW ¼, NW ¼, Section 3, Excelsior Twp.

Kohlhaase gave some background on the request. Rob Hinn, realtor, is representing Northwest Home Improvement. Brad Beck of Beck Engineering is representing Robert and Glenda Frank. The Franks want to purchase a part of the property north of their acreage. To take part of 5.8 acres and split it off makes it non-conforming. The north part of the property is requested to be rezoned to Highway Commercial. Franks would buy the balance to the south which would stay as agricultural. The intent of the HC fits. Currently an implement dealer north of Highway 9 is using the buildings as storage.

Beck said he feels the use fits the area. Lot 64, 65, and 66 north of this property is zoned Highway Commercial in the City of Lake Park. The use will not change. They just had to make sure the setbacks were okay.

Kohlhaase said the only call he received was from Tom Underwood, City Clerk of Lake Park, who called to ask what the request was.

Weber asked if the south portion will remain agricultural.

Beck said yes. The sale to the Franks is contingent on the rezoning, so if the commission approves, he suggested adding wording to that effect.

Gunderson asked why the north property needs to be zoned commercial.

Kohlhaase said zoning doesn't allow an existing acreage of less than ten acres to be split. The Franks are in the business of taking in orphaned and injured animals, non-domestic. If they purchase the south part of the property, they will add it to their existing acreage.

Moser asked if the commercial zoning is approved, can more storage buildings be built on the north property.

Kohlhaase said the Highway Commercial district requires 10,000 square feet minimum area, so the lot could be split once.

Roach asked why the proposed property line is not straight.

Beck said that was to conform to the setbacks required for existing buildings.

Gunderson moved to vote on the application contingent on the sale going through to the Franks. Moser seconded. All were in favor.

The vote was recorded as all approved.

Third on the agenda was old or unknown business. Kohlhaase said he had received a letter from Dave Stein, Sr. Stein is active on the Milford airport board and was instrumental in getting wording added to our zoning ordinance which protects airport clear zones and approach zones in all districts. He had found a 1991 Washington County ordinance for airport protection that is four pages long and wanted the county to consider adopting a similar ordinance. Kohlhaase feels our zoning ordinance says about the same thing in one sentence.

Saunders said Stein is concerned with protection of future airports. The county can't put a hold on all wind farms for any future airport sites.

Kohlhaase said wind farm developers have to check with the FAA and existing airports before proceeding with their plans. It is hard to protect planned or future airports.

Kohlhaase said last month there was discussion of small wind turbines. Do the commission members have any other comments? Saunders said he saw a display of small wind turbines at the fair.

Kohlhaase said when this was discussed the concerns were:

- 1) Do we want them placed above the tree line.
- 2) Fall down distance.
- 3) Is it needed, or are existing power companies providing adequate utilities.

Moser asked what is the difference between a small wind turbine and a T.V. antenna.

Kohlhaase said the difference is the height limitations in residential districts. He can guarantee neighbors along the lake would not like it.

After further discussion, it was agreed to continue to study this issue and gather information from other counties.

There being no further business, Weber moved to adjourn. Roach seconded. All were in favor. The meeting adjourned at 1:45 p.m.

Filed By: Barbara Woodley

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