

DICKINSON COUNTY PLANNING AND ZONING
Monday, January 16, 2012
1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, January 16, 2012 at 1:00 p.m. in the community room of the Dickinson County Courthouse.

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

First on the agenda was approval of the minutes of December 19, 2011. Roach moved to approve the minutes as written. Chaffin seconded. All were in favor.

Second on the agenda was election of officers. Three members were absent, so there was discussion of waiting until a full board was present. Gunderson moved to retain the current slate of officers. Roach seconded. All were in favor. Chairman will be Sally Nielsen, Vice-Chairman Tony Weber, and Secretary Duane Moser.

Third on the agenda was Amendment to Zoning Ordinance 102, Article #23 Landscaping of Lakeshore Property, Section 2: Definitions ,B) Shoreline Bank. At the end of the definition paragraph, add the sentence "In the case where there is no front yard building setback line (i.e. General Commercial District) 40 feet will be used." Recommendation to Board of Supervisors.

Kohlhaase said the dilemma in a General Commercial District is there is no front setback so no landscape ordinance would apply. The intent of the landscape ordinance in part is to prevent erosion and siltation from entering public lakes and to protect the natural terrain of the shoreline. Because of how we define shoreline bank, the ordinance does not apply to General Commercial.

Weber said he had researched the ordinances from Spirit Lake and Okoboji which have the same definition of shoreline bank except it is up to the existing grade of the bank. Our ordinance includes the bank and the front yard, where other ordinances are just the bank.

Weber asked for comments and questions.

Butch Parks of Parks Marina said they are the only one in the county affected by this amendment. A marina has to have access to the water. They respect the shoreline, but their front yard would be cement for boat ramps, etc. He feels it would basically stop them from lake access.

Weber said you can't defoliate or strip the shoreline bank, but there is an application for landscaping. The application calls for water drainage control, erosion control, etc. We are not saying you can't, you just have to go through an application process.

Parks said when they purchased the 10 acres from the Lutheran Camp, they zoned it General Commercial before they purchased knowing they could have boat ramps and marine services. Now to change the rules and setback, changes their plans. Parks Marina wants to provide access to the lake for people who have no other way to get to the lake. He asks the Planning and Zoning board not to change the rules.

Weber said marine services are allowed in the General Commercial and also essential services. He would think a boat ramp would be an essential service.

Kohlhaase said that is open for interpretation. We would still allow whatever essential services are allowed in General Commercial. It is based on the plan presented and what is reasonable in General Commercial and to protect the lakeshore bank. The landscape

ordinance came into place in the 1990's after Mertz completely stripped the bank on a parcel on East Lake.

Where Parks Marina sits is the only General Commercial business in the unincorporated area. The intent of the ordinance was to protect the lakeshore bank. The board may want to consider changing the wording of the definition of shoreline bank to "the shoreline back to the grade of the lot."

Kohlhaase said in recent classes he attended, there is a change in the way landscaping is handled. There is more emphasis on grubbing, clearing out scrub trees, trimming trees to get more sunlight and add vegetation. Leaving the shoreline natural.

Kohlhaase said the board should consider is the ordinance okay as written, do you want to make an amendment, or change the definition of shoreline bank.

Parks said he did cut down some old dead trees and some trees that had fallen into the lake. The land hasn't changed much since the 1960's. The farmer put in the pond for his cattle. What they are doing will filter the water better. There will be zero runoff of water into the lake when they are all done. They will be installing low impact development of the highest quality. For the marina to double over the next few years as planned, they need cooperation from the county. Again he asks the board not to change the rules, but let the business grow as it should.

Allen asked what this amendment change would do.

Weber said if anything is going to be done on the shoreline bank, approximately 20 items on the checklist on the permit application must be checked by the Zoning Administrator. The intent was to keep banks from eroding. Another thing is when anyone disturbs an acre or more of land, they have to meet a SUDAS plan. It does create a lot of paperwork.

Kohlhaase said if someone came to us with an old cottage on a lot and the lakeshore is overgrown, can they clean it up, thin out, trim trees, plant grass? The answer is yes. The intent is for a project on the lakeshore bank. In Parks' area he has that little bit of a rise, it is not really a lakeshore bank, but if he wants to construct walkways and boat ramps, then we would issue a permit. GC already allows that, so we can't say he can't do it, just making sure what he does is reasonable for a lakeshore bank and not causing any damage. Parks is concerned about someone else who becomes administrator someday may not interpret the ordinance the same way. Anybody can appeal a decision the administrator makes and that goes in front of the BOA.

Parks said they have plans to build the nicest park in Dickinson County, with lots of green space but also marina. They need some hard surfacing for their heavy equipment to move around and to reach the water. Parks said he wants to give the Planning and Zoning Commission a tour of the property and explain his plans before they would make the change to include the 40 feet back from the lake.

Chaffin said he would be in favor of accepting the offer for a tour and then discuss again later.

Kohlhaase said the tour could also include different kinds of lakeshore banks, such as in Francis Sites.

Darin Partello said he is in his 14th year of working for Parks Marina. He has watched Spirit Lake continue to grow and endorses the need for a place for families to enjoy and have access to the lake.

Kohlhaase suggested the tour at the next regular Planning and Zoning meeting which would be February 21st, weather permitting.

All Planning and Zoning members agreed to table the proposed amendment until after the tour.

Fourth on the agenda was a review of the R-1, R-2, R-3 and R-4 residential districts of Zoning Ordinance 102.

Kohlhaase said this review was not a result of any issues, just a periodic review to update the ordinance if needed. He did not see anything that needed to be addressed.

Weber said the only thing he sees is the commercial cottage that allows rental of less than 30 days. He feels it should be a conditional use.

Discussion followed and Kohlhaase said since that issue came up by the Egralharve residents, there have been no further complaints.

Fifth on the agenda was old business. Weber said at the December 19th meeting, the board discussed an amendment to delete convenience store and service station as a principal permitted use and change them to a conditional use. That amendment died for lack of a motion.

Mardi Allen said there is lakeshore zoned agricultural in several places that could turn into something more. She doesn't say they shouldn't have a convenience store or a service station, but to have some control and take a second look before allowing it. She wants it to be a conditional use.

Kohlhaase said the Planning and Zoning members can leave these uses as a principal use, change to a conditional use, or just say no to either use in the AG district.

Weber said the board may need to look at other agricultural property that could potentially be developed commercial.

The members agreed to consider the amendment again as a public hearing at the February 21st. meeting.

Kohlhaase said tomorrow the Board of Supervisors will consider two amendments recommended by the P and Z at the December meeting.

Also, he was requested to do a survey of aerial sprayers in the area to get their input regarding putting colored spherical markers on the guy-wires of met towers. There were four in the area and Kohlhaase received two responses, both in favor of marking the guy-wires. The FAA has also come out with a formal recommendation to mark the wires, but have not made it a requirement.

Kohlhaase said in the WECS requirements, we could add a sentence in the paragraph about color and finish of towers and add the FAA recommendations. The P & Z members asked Kohlhaase to contact some wind companies about extra expense and engineering that might be incurred by adding this requirement. It will be discussed again next month.

Kohlhaase said letters went out the Chalstrom Beach owners who are in the area zoned R-5 Mobile Home District and the need to change the zoning to residential. He said the office will wait a month to receive replies, then bring up later.

Homework for next month's meeting will be to review the two commercial and two industrial zoning districts.

There being no further business, Chaffin moved to adjourn. Roach seconded. The meeting was adjourned at 2:35 p.m.

Filed By: Barbara Woodley

Date: January 17, 2012