

Devils Lake Planning Commission
8-27-15

Members present: Greg Semenko, Larry Liere, Kevin Davidson, Tom Traynor, Mike Grafsgaard, Dick Johnson, Tim Greene, Terry Thompson, Rodger Haugen, Ray Sletteland, Gary Martinson.

Others present: Tom Haahr, Terry Riggan, Steven Zimmer, Cory Thune.

Larry called the meeting to order. Kevin made a motion to approve the minutes of the last meeting. Motion 2nd by Terry. Carried.

The final plat for Brauangel 1st Addition was tabled at the last meeting to address the turning motions at the west end and to make sure all utilities are covered by an easement. Those items have now been addressed on the final plat. The drainage easement needs to tie into the culvert under Gouldings Road and needs to be noted on the plat before the City Commission gives final approval.

Ray asked if the overhead electrical poles were staying.

Mike told him they are staying and the WAPA easement for the poles is shown on the plat.

Ray made a motion to recommend approval of the final plat for Braunagel 1st Addition contingent on the drainage easement extending to the culvert on the south right of way line of Gouldings Rd. Motion 2nd by Rodger. Carried.

The city has contracted with Steven Zimmer to review planning and zoning issues as they come up.

The city received notification that an individual would like to purchase a 16.6 acre parcel of land and build a house and have a hobby farm on the property. The parcel is located adjacent to the back of the lots of those homes in Wilcox Subdivision along Cty Rd 1.

Steven said he has done some research on hobby farms and found most cities allow hobby farms in their extra-territorial (ET) areas. Devils Lake's ordinances don't define a farm. A definition needs to be done as well as a definition of a hobby farm. The IRS defines a farm as land used for raising crops and animals for profit.

The city's current agricultural (AG) zoning regulations require a minimum of 35 acres to be zoned as AG. Does the city want to see hobby farms in the ET area? Steven said this parcel in particular is adjacent to an area already developed and across from the golf course. Does the city want to allow this and change the ordinance to allow it? Where is the right place for hobby farms?

Mike explained that Terry Riggan owned a larger parcel and the city bought a portion of it for the ponding area required for the levee project. The city's purchase reduced the size of his parcel.

Terry Riggin said he was contacted by people that are originally from Devils Lake and are now moving back here and want to have a hobby farm. There is a big grove of trees at the back of all the lots in Wilcox Subdivision and would be a buffer between the houses and a hobby farm. There is 50 acres of undeveloped AG land surrounding this 16.6 acre parcel. He said the 16.6 acre parcel is a good useable property. He asked about somehow combining the 25 acre city parcel to make it fit the minimum 35 acres for AG.

Steven said the city has to look at the entire ET and not just case by case, and whatever is decided has to be consistent. Would a hobby farm be a conditional use for AG zoning? There would need to be a definition for how many and what type of animals would be allowed on a hobby farm.

Cory Thune said he was interested in purchasing that 16.6 acre parcel from Terry Riggin for a new home and hobby farm. He would envision a couple cows, chickens, maybe goats or pigs. They would also intend to plant large gardens to provide their own vegetables and to sell the vegetables. Where he recently lived in Idaho, hobby farms were common. He would want his zoning to be AG and be treated like any other farm but does understand the need for some regulations. Could he lease the city's land and have that count towards the minimum 35 acres required for AG zoning?

Gary said we have run into similar issues but the people purchased enough property to have it meet AG requirements.

Steven stated that there needs to be a definition of both a hobby farm and a farm. He would assume that a hobby farm is for recreation and a farm would be for making a living. It may work to allow a hobby farm in AG but define the minimum acres and number and type of animals per acre (to allow for nuisance smell) that would be allowed on a hobby farm.

Gary said that AG land is not regulated unless you get a permit to build a structure. He said right now a person could have animals or a barn on a 16 acre parcel zoned as AG.

Cory Thune said the parcel is now zoned as AG. He wants to build a house. Could he just separate a small part of the bigger parcel and have that zoned as residential so he could build a house on it and just leave the rest as AG?

Mike said the conditional use process is the best way to address a hobby farm to be able to look at each case separately and control the use.

Greg asked if the city even wants to allow hobby farms in the ET area?

Gary said he would like to see the AG zoning re-written to allow a hobby farm as a conditional use permit. The zoning ordinance would have to be changed to list it as a conditional use permit. We could have Steven prepare the language to do that and define a farm and a hobby farm.

Terry Riggin asked if there was a way to purchase back the 25 acres the city bought and have that included with the 16 acre parcel.

Mike said in order to sell the land it would have to be declared surplus and advertised.

Steven recommended going through the process of changing the ordinance to define farms and hobby farms so Cory Thune can get started on his project.

Cory Thune said he would be nervous building a house and then having restrictions put in place later on regarding a hobby farm.

Tim said the type of animals permitted on a hobby farm will be the biggest thing.

Tim announced he is resigning from the planning commission, so a replacement will be needed.

Rodger made a motion to adjourn the meeting. Motion 2nd by Tim. Carried.

Respectfully submitted,

Helen Carlson
Recording Secretary