

Devils Lake Planning Commission
10-15-15

Members present: Larry Liere, Vonda Markestad, Kevin Davidson, Gary Martinson, Rodger Haugen, Ray Sletteland, Tom Traynor, Mike Grafsgaard.

Other present: Terry Estvold, Tee Young, Mark Shipley, Jim Moe, Jess Brekken, Tory Haugland, Steven Zimmer.

Larry opened the public hearing to review a conditional use permit to allow storage units in an area zoned as highway commercial and located at 8317 Hwy 2 E. The request is for the conditional use to place storage units, not the type of building. Any building would have to meet city building codes.

Tee Young stated that he would like to construct 4 storage garages, with 2 of them being on skids so they could be moved around. The portable garages would have wood floors.

Gary said he talked with the company that is supplying the proposed storage garages. Metal buildings have to be designed and engineered to have a concrete floor and meet all building codes. The only portable storage the city would approve is for a temporary use such as Conex boxes. The location of the conditional use request is highway commercial but is developed as residential along with other mixed uses.

Mike said he understands that if the conditional use permit is approved, it would be for the use only. The application is for 2 permanent storage garages and 2 portable garages and Gary has stated the city will not approve portable storage units other than temporary units like Conex boxes. He asked Tee Young how that affects his original request.

Tee Young said he would still have wooden floors in the smaller units, but would anchor them to a concrete pad. He is requesting 2 permanent storage garages - one 16' X 50' and once 24' X 50' - to be located on the east side of the entrance road to the property; and he is requesting 2 permanent storage garages one the west side of the entrance road - each unit would be 10' X 50'.

Gary reminded Tee Young that the buildings would have to meet city codes.

Mike asked if there was an issue with have storage garages in an area that is mostly residential.

Gary stated there are a lot of mixed uses in that whole area.

Steven Zimmer said there shouldn't be an issue because the storage garages are a conforming use for highway commercial zoning.

Larry closed the hearing and opening a public hearing to review a conditional use permit to allow an above ground 15,000 gallon fuel tank at 200 National Guard St NW, located on the airport property.

Jess Brekke said the double walled fuel tank will be used for jet fuel for his aerial spraying operations. He will install steel posts for traffic protection on all 4 sides of the tank.

Fire Chief Jim Moe said he had reviewed the site plan, minimum setbacks and tank design and didn't see any issues. The double walled tank does not require a protection berm.

Larry closed the hearing and opened a public hearing to review proposed changes in zoning that would allow a hobby farm.

Gary said it's difficult to define a hobby farm when there could be so many different variables. It's easy enough to classify the use of the land, but it would not be easy to classify whether or not a person is a farmer. He does not want to spend his time telling a farmer that he has too many cows. He doesn't see any problems with changing the minimum acreage in AG zoning from 35 to 15 acres.

Steven said we need to define hobby farms in order to regulate them. Another option would be to leave the minimum acreage for AG at 35 acres, and allow 15 acre hobby farms as a conditional use.

Vonda asked what the thought process was behind the number of animals allowed in the different types of zoning.

Steven said he went through all the cities in the area and reviewed their ordinances. Most of them are more strict about the number of animals allowed on hobby farms. The proposal he is submitting is a hybrid of all the ones he reviewed.

Ray said the typical cow/calf needs 4-5 acres to graze and 1 horse needs 4-5 acres to graze. If you had more animals per acre than that, you would have to start hauling in feed for the animals and asked if that that now becomes a feed lot?

Gary said we have never regulated the number of animals allowed in AG, but we do need a good definition of confined animal operations.

Tory Haugland, township chairman, said they were OK with either 15 or 35 acres as the minimum acreage for AG zoning. He questioned the liability of livestock on a hobby farm should they get loose and cause damage. Owners should have insurance for that.

Larry closed the public hearing and opened the regular meeting. Kevin made a motion to approve the minutes of the last meeting. Motion 2nd by Rodger. Carried.

Mike stated that if we recommend approval of a conditional use permit for storage garages at 8317 Hwy 2 E, it would be for 4 storage garages that would meet city building codes and setbacks. If the owner wanted to construct more than 4 units, he would have to come back to the planning commission for another conditional use permit.

Rodger made a motion to recommend approval of a conditional use permit to allow the construction of 4 permanent storage garages (2 – 10' X 50' buildings; 1- 16' X 50' building; and 1 – 24' X 50' building) at 8317 Hwy 2 E, contingent on all buildings meeting city codes. Motion 2nd by Ray. Carried.

Kevin made a motion to recommend approval of a request for a conditional use permit for an above ground 15,000 gallon fuel tank to be placed at 200 National Guard St NW located at the airport, contingent on the tank meeting all Fire Department regulations. Motion 2nd by Vonda. On roll call vote, Tom, aye; Mike, aye; Ray, aye, Vonda, aye; Kevin, aye; Larry, aye. Rodger abstained from voting because of his involvement with the Airport. Motion carried.

Larry felt we needed more clarification on the proposed zoning changes that would address hobby farms.

Mike said he is still wrestling with whether or not to change the minimum from 35 acres to 10 acres for AG zoning or to create a second AG zoning district. He likes the idea of conditional uses so each case is reviewed individually and specific conditions may be added.

Steven said the two options he is proposing are either a new zoning district or address hobby farms as a conditional use. He felt it would be much cleaner to have a separate zoning that would allow hobby farms as well as larger parcels of land.

Gary thought it may work to look at an additional AG zoning district. The present AG zoning works. If someone wants to have a hobby farm, they could request changing the zoning to the new zoning district.

Kevin said he has researched 4 other cities and finds their zoning language to be very similar to our proposed zoning changes.

Gary said the process would be the same to add another zoning district as it is to change an existing district.

Mike thought we should look at another AG zoning district and then bring back to the planning commission for review.

Tom said a vote should be taken to take the public hearing for the zoning changes off the city commission meeting for October 19.

Ray made a motion to remove the public hearing to review zoning changes from the October 19 city commission agenda. Motion 2nd by Kevin. Carried.

Rodger made a motion for Steven to come back to the planning commission with a new AG zoning district that would address hobby farms. Motion 2nd by Ray. Carried.

Larry asked if there was anything that could be done about the lot next to the VFW. It is a huge mess with all the abandoned cars.

Jim Moe stated that repair garages do park vehicles outside as part of their operation. He can talk to the police chief to see if there is anything that can be done.

Terry Estvold, township chairman, wanted to know if the two-mile extra territorial area expands, are those people who have chickens, etc, grandfathered into any new type of zoning.

Steven said typically those uses would be grandfathered.

Larry mentioned that we need to elect officers at the November meeting. Tim Greene was vice president and has since resigned his membership.

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

Respectfully submitted,

Helen Carlson
Recording Secretary