

**Devils Lake Planning Commission**  
**12-17-15**

Members present: Dick Johnson, Tom Traynor, Gary Martinson, Mike Grafsgaard, Larry Liere, Rodger Haugen, Terry Thompson, Greg Semenko, Vonda Markestad.

Others present: Steven Zimmer, Nels Nelson, Marlene Bertsch.

Larry opened the public hearing to review a request to change zoning from Agricultural to Suburban Single Family Residential for a parcel of land adjacent to the north side of Quiet Acres Subdivision.

Marlene Bertsch is representing Jason Bednarz, owner of the property. She stated the parcels requested to be zoned Suburban have been recorded as outlot plats, including one outlot plat for the right of way to access the lots. She said the County has no problems with the taxation of the outlot plats. The outlot plat for right of way will have an easement to the 3 property owners of the outlot plats and once all the lots are sold, the intention is to deed interest to the 3 lots. That will not be able to be done until all the lots are sold. Another outlot plat will be completed for a parcel of land adjacent to the north side of Lot 1 of the 1<sup>st</sup> Addition to Quiet Acres Subdivision. This lot will be offered for sale to the adjacent property owner.

It was noted that Lot 1 is not 4 acres, and can't be an outlot plat on its own. Any parcel less than 4 acres has to be part of a subdivision. Letters were sent to adjacent property owners regarding the zoning change request. One property owner expressed concern about the potential increase in traffic and about the condition of the existing road.

Mike asked why this area was not laid out as a subdivision instead of outlots.

Marlene Bertsch said it's not required to be a subdivision because the lots are larger than 4 acres. The owner chose to do outlots plats versus a subdivision because of time restraints.

Mike said it would be so much easier to be looking at a subdivision plat, rather than a group of outlot plats.

Gary said normally an outlot plat is intended for a single parcel not a group of lots.

Marlene Bertsch stated the owner is not asking to approve the outlots, just the change in zoning. She did agree that a subdivision is better.

Mike said the Suburban zoning fits the area, but it would be more organized as a subdivision rather than outlot plats.

Larry closed the hearing and re-opened the hearing reviewing changes to the Suburban Single Family Residential zoning that would allow a hobby farm use and keeping animals as a conditional use in that zoning.

Gary asked for clarification on the condition of large animals being within 100' of a residential area.

Steven said the 100' is the minimum distance from the main living structure of the residential lot.

Gary said as part of a conditional use permit, there would be a specification for the distance of a fence and animals, and drawings would be submitted with an application showing locations and distances from property lines. It also needs to be clarified that a property can't keep animals without a main living structure.

Dick asked if there would be a requirement on the type of fence.

Steven said there would be no definition of the type of fence required. That would be dealt with in the conditional use permit application.

Vonda said the fence should be appropriate to the type of animal contained in the fence.

Larry closed the hearing and re-opened the hearing to discuss the request for a change in zoning from Highway Commercial to Light Industrial for a parcel of land located in Government Lot 6, Section 3 (Hwy 20 S behind Ed's Bait Shop).

A request was received to change the zoning to allow an outdoor storage yard. It was the general consensus of the Commission that it would be better to have that type of use as a conditional use permit in Highway Commercial zoning. Steven was asked to come up with a definition of an outdoor storage yard and language to change the Highway Commercial zoning to allow an outdoor storage yard as a conditional use permit.

Gary said it needs to be defined as to what would be allowed in an outdoor storage yard. Is there a better way to state that all vehicles stored have to be licensed? We want to make sure that we don't end up with a storage yard full of old fridges and other junk. We need to make the owner responsible for keeping the yard clean.

Dick said requiring stored vehicles to be licensed may not be the answer – many storage or enclosed trailers don't require a license.

Greg said if someone buys a car to restore and it's not licensed, it should be able to be stored in this type of facility. It would be better there than having it sit in your back yard.

Mike said the city ordinance now states that any vehicles sitting in your back yard have to have current licenses.

Steven said there needs to be some teeth in the ordinance to regulate what is stored if it becomes an issue.

Nels Nelson said his intent for a storage yard would require renters insurance. He wanted clarification on what could be stored there. Could NDTC store the big wire spools temporarily?

He would like to know what can and can't be stored in an outdoor storage yard before he gets the whole thing completed. He does plan to have a small building on the site for bathrooms.

Mike said the way the proposed definition is written, it would not allow spools.

Gary asked if there was anything wrong with storing pipe, wire, etc.

Steven said the definition could include "other items as approved by the City".

Nels Nelson asked about the Conex boxes being allowed in the storage yard. He would like to have the option of having them.

Mike said we need to work a little more on the definition of an outdoor storage yard.

Gary said the way it's proposed now is restrictive. We need to make sure that an outdoor storage yard doesn't turn into a salvage yard with old vehicles all over.

Larry closed the hearing and opening the regular meeting. Terry made a motion to approve the minutes of the last meeting. Motion 2<sup>nd</sup> by Rodger. Carried.

Greg thanked the Commission for the opportunity to serve as vice president.

Greg made a motion to recommend approval of the requested change in zoning from Agricultural to Suburban Single Family Residential for the 4 outlot plats adjacent to the north edge of the Quiet Acres Subdivisions, with the smaller 1.09 acre parcel not included in the zoning change because it is less than 4 acres. Motion 2<sup>nd</sup> by Terry.

Mike said he wishes it was a subdivision plat instead of outlot plats. A subdivision plat would assure the owners they have public access to their property.

Marlene Bertsch said that maybe the city's subdivision requirements need to be reviewed.

Vonda asked if the owner requesting the zoning change would be open on a subdivision.

Marlene Bertsch stated that the owner chose outlot plats rather than a subdivision because it was a simpler process. According to the existing regulations, a subdivision is not required as long as the parcel is 4 acres or more.

Gary said it is much better to have a subdivision and a dedicated public road way rather than an easement for access.

Rodger asked who will maintain the outlot that is dedicated for access.

Gary said the way it is laid out now, it's a private access and it would be the responsibility of the owner to maintain the road.

All voted in favor of the motion, with the exception of Tom who voted nay. Motion carried.

Rodger made a motion to recommend approval of the proposed change in the zoning for Suburban Single Family Residential and the Special Provisions that would allow the keeping of animals as a conditional use permit. Motion 2<sup>nd</sup> by Vonda. Carried.

Greg made a motion to deny the previously submitted request to change zoning from Highway Commercial to Light Industrial for a parcel of land located in Government Lot 6, Section 3 (Hwy 20 S behind Ed's Bait Shop). Motion 2<sup>nd</sup> by Terry. Carried.

Mike stated we need more discussion on the definition of an outdoor storage yard.

Nels Nelson said he was OK with having further discussion.

Greg stated we need to also address storage containers being allowed in an outdoor storage yard.

Rodger made a motion to table the discussion on outdoor storage yards as a conditional use permit in Highway Commercial zoning. Motion 2<sup>nd</sup> by Vonda. Carried.

Larry asked if the Planning Commission should have errors and emissions insurance.

Tom said that was not necessary as long as the Commission does not act out of line.

Larry said he would like to see some more discussion held on subdivisions versus outlot plats.

Terry made a motion to adjourn the meeting. Motion 2<sup>nd</sup> by Dick. Carried.

Respectfully submitted,

Helen Carlson  
Recording Secretary