

Devils Lake Planning Commission
1-25-18

Members present: Terry Thompson, Mike Grafsgaard, Gary Martinson, Tom Traynor, Ray Sletteland, Wyatt Hanson, Dick Johnson.

Others present: Mark Olson, LuAnn Hinderscheit, Steven Zimmer.

Ray opened the public hearing to review a conditional use permit to allow an animal rescue operation at 307 5th Ave NE. The City's zoning ordinance was recently changed to allow animal rescue operations as a conditional use permit in Central Area Commercial zoning.

The animal rescue operation has been at this site for about a year and had planned to rent a house on 6th St NE and move their operation to that site. The owners have since decided to sell the house. The operation will remain at 307 5th Ave NE and a conditional use permit was submitted for that site. They will continue to look for a different site.

Ray closed the hearing and opened the regular meeting. Terry made a motion to approve the minutes of the last meeting. Motion 2nd by Dick. Carried.

It was noted there have been no complaints or comments from the adjacent businesses on the animal rescue operation at the current site.

Dick made a motion to recommend approval of a conditional use permit to allow an animal rescue operation at 307 5th Ave NE. Motion 2nd by Wyatt. Carried.

Steven Zimmer opened discussion on temporary uses and structures such as greenhouses. The cities he checked with all use the IBC for the definition of temporary structures. The IBC states no temporary structure may be up for longer than 180 days in a calendar year unless it meets the codes for a permanent structure. Temporary uses are those that will go away in the near future and temporary structures will be taken down within 180 days. He said the Devils Lake ordinance could maybe tweaked to have the temporary use fees a flat fee and simplify the chart of uses and permitted length of time.

Ray asked if the City follows the IBC or UBC codes.

Gary said the State adopts the IBC every three years and the current code is 2015. Cities have the option of making regulations more restrictive. The code is written for permanent structures to meet engineering requirements for snow loads, codes, foundation. The code addresses temporary structures and limits them to be up for 180 days or meet all the engineering requirements. We should simplify our ordinance to follow the code for a maximum of 180 in a calendar year to have a temporary use, have a flat fee for that use, and clearly state that structures must come down within a certain number of days.

Dick thought it didn't seem right that the annual fee for a storage container was \$50, while the temporary greenhouse fee was \$50 per month.

Gary asked how we define a temporary structure – if the membrane is taken off and the structure or hoops stay up year-round, is that OK?

Steven thought by taking the membrane off it would not be considered a temporary structure anymore.

Mark Olson agreed the structure or hoops should be OK to stay if the membrane is removed. He does not agree that if his temporary structures are at the back of his property that they should be taken down or just have the membrane removed. There is no snow load or wind load requirement on the temporary hoop structures. What about the garages or sheds that are in residential areas and are made from hoop structures and membranes— do they have to be taken down each year? He did not think it was fair to have permanent storage units pay only \$50 per year and have the temporary green houses pay \$50 per month.

Steven said the difference between a temporary garage and a temporary commercial use is that the general public has access to the commercial structure and that brings in safety issues.

Gary stated this is the first discussion on the changes and Steven will come back with recommendations on amending the ordinance and the fees. We are looking for direction to know which way to proceed with an ordinance change. The planning commission does not set the fees, but could make a recommendation to the city commission.

Steven asked if we keep the ordinance the same? Do we follow the IBC codes? Do we adjust the fees and rates? Do we make changes to simplify the ordinance? We can take one of two directions: Allow temporary structures to stay up year-round or follow the IBC code.

Mike thought it would be pretty hard to go against the IBC code that is in place.

Mark Olson asked if the ordinance would better define a temporary structure.

Steven said that would be included in the change.

Gary felt there needed to be clarification on whether once the membrane comes off a structure, is it no longer considered a temporary structure? Steven can check with other cities on fees.

Mike asked if we would have the recommend language ready by the next planning commission meeting.

It was the consensus that the final language for the amendment to the ordinance could be ready for the next planning commission.

Another change to the zoning ordinance that may be coming soon is addressing medical marijuana growing and dispensaries. Steven will check to see what other cities are doing.

Dick made a motion to adjourn the meeting. Motion 2nd by Terry. Carried.

Respectfully submitted,

Helen Carlson
Recording Secretary