

**Devils Lake Planning Commission**  
**4-12-18**

Members present: Tom Traynor, Rodger Haugen, Vonda Markestad, Kevin Davidson, Terry Thompson, Ray Sletteland, Gary Martinson, Mike Grafsgaard, Larry Liere (via phone).

Others present: Mark Olson, Steven Zimmer.

Kevin opened the public hearing to review the final plat for Field of Dreams Subdivision, located on Hwy 2 E. Jon Volk inherited the property from his parents and is in the process of getting the final deed for ownership recorded. The plat can be approved contingent on proof of ownership.

There is a dedicated right of way shown on the north edge of the plat that is owned by the City. Mike asked if there were any issues with the City signing off on the plat and keeping the dedicated roadway for City use.

Tom told him the roadway is dedicated right of way on the plat, so there were no issues.

Kevin closed the hearing and opened the public hearing to review a change in the zoning ordinance that would allow medical marijuana manufacturing and dispensaries. The proposed change would allow manufacturing as a conditional use permit in light and heavy industrial zoning and in agricultural zoning. Marijuana dispensaries would be allowed as a conditional use permit in highway commercial and central area commercial zoning.

Steven said he assumed the general sense from of the planning commission wishes at the last meeting were to handle these uses as conditional use permit. This would allow for an open process and most other cities are treating the use the same way, although some cities are going to treat the use as a permitted use because of all the state regulations. Steven created a map showing the state required 1000' buffer from all schools. Most of Hwy 2 commercial zoning would be open for a dispensary conditional use, but not much of the central area commercial would be available because of the school buffer zone.

Larry asked if the school buffer included both public and private schools and was told it did.

Gary asked if the way the proposed zoning change was written, would the 1000' buffer apply to schools only?

Steven said the buffer would apply to schools only.

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

Discussion was held on changes to the temporary use permits, which includes temporary greenhouses.

Ray asked if a temporary structure has to be an accessory use to the principle use of the property.

Steven replied that temporary structures have to be a part of the principle use and cannot be located on a vacant lot.

A public hearing regarding changing the zoning regulation for temporary uses was already held. The planning commission now needs to take action to make a recommendation to the city commission on the final changes. There were a couple additional changes that were made to the original language for the purpose of clarification.

Ray asked if the Connex boxes were considered a temporary use.

Steven said the current storage containers at Beaver's Pawn Shop and Dakota Boys Ranch were previously approved by the planning commission and would be grandfathered as long as no future changes were made to the current set up. Adding new storage containers at these two sites would fall under the new temporary use and would be allowed for a maximum of 180 days per calendar year.

Gary said the temporary use of trailers at Wal Mart or any other similar operation would not be regulated as temporary uses. Any storage container that is on site less than 30 days would not be regulated.

Mark Olson asked if this change in zoning would apply to hoop garages in residential areas.

Steven told him that the zoning regulations will apply to commercial uses only.

Currently the fee for temporary greenhouses is \$50 per month and storage containers are \$50 per year. To simplify the process, Steven recommended the planning commission recommend one \$250 fee per annual permit regardless of the type of temporary use.

Ray made a motion to recommend approval of the final plat for Field of Dreams Subdivision contingent upon proof of ownership. Motion 2<sup>nd</sup> by Vonda. Carried.

Ray made a motion to recommend changing the zoning ordinance to allow medical marijuana dispensaries as a conditional use permit in highway commercial and central area commercial zoning, and medical marijuana manufacturing as a conditional use in light and heavy industrial and agricultural zoning, with all state regulations being applied to 1000' school buffer zones. Motion 2<sup>nd</sup> by Terry. Carried.

Vonda made a motion to recommend approval of clarification changes to the temporary use ordinance and recommend the city commission approve the changes. Motion 2<sup>nd</sup> by Rodger.

Mark Olson asked about putting up a temporary greenhouse prior to the final reading of the change to the zoning ordinance that permits temporary uses.

Gary told him the final reading of the ordinance change would be at the city commission meeting on May 7 so any temporary greenhouse put up prior to that would be dealt with under the old regulations.

Motion carried.

Terry made a motion to recommend the city commission review the Resolution of Fees and Rates and effective immediately change the permit fee for temporary uses to a \$250 fee per permit per year. Motion 2<sup>nd</sup> by Ray.

Terry asked if the city commission changes the fee per permit as recommended by the planning commission, would it have to come back to the planning commission again?

It would not have to come back to the planning commission for approval.

Mike thought the recommendation for the permit fee is better coming from the planning commission rather than the zoning administrator's office.

Motion carried.

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

Respectfully submitted,

Helen Carlson  
Recording Secretary