

**Barnesville Planning Commission
Regular Meeting
Monday, August 2, 2010**

The regular meeting of the Barnesville Planning Commission was called to order by Chairman Merlin Strom at 6:31 p.m.

Members present: Steve Mortensen, Merlin Strom, Pat Berndt, Margaret Follingstad, Brent Berg, Paul Karsnia and Mike Rietz, Zoning Administrator.

Members absent: Mike Detloff and Matthew Wever.

Others present: Milissa Boone, Leonard Boone, Karen Lauer and Pam Aakre of the Barnesville Record-Review.

AGENDA

8-2-10-01 Motion by Mortensen and seconded by Berg to approve the agenda with the addition of Barn Roof on 9th Avenue under new business. Unanimously carried.

MINUTES

8-2-10-02 Motion by Follingstad and seconded by Karsnia to approve the minutes of the June 29, 2010 meeting. Unanimously carried.

ORDINANCE REVISING THE SETBACK REGULATIONS IN THE R-1 AND R-2 DISTRICTS

Mike Rietz reviewed the proposed language changes. The Planning Commission agreed with the proposed language.

8-2-10-03 Motion by Berndt and seconded by Follingstad to recommend to the City Council to approve the Ordinance revising the setback regulations in the R-1 and R-2 Districts. Unanimously carried.

Sec. 11.11 R-1 Single Family Residential District

Subd. 4. Yard and Lot Requirements:

	One Family	All Other Uses	Accessory Structures
Minimum Lot Area (sq. ft.)	7,200	7,200	
Minimum Lot Width at Setback Line (ft.)	60	60	
Minimum Lot Depth (ft.)	120	120	
Minimum Rear Yard Setback (ft.)	25	25	[2]
Minimum Front Yard Setback (ft.)	25	25	25
Minimum Side Yard Setback	[1]	[1]	[2]
Maximum Lot Coverage	35%	35%	

[1] 10% of the lot width at the front yard setback. On corner lots, the setback on the side yard adjacent to the street ~~Side yard setback on corner lots shall be a minimum of twelve (12) feet from the property line.~~

[2] Five (5) feet unless a garage entrance faces onto a street, avenue or alley, the minimum setback will be 18 feet from the property line to accommodate vehicle parking off the right-of-way. On corner lots, the setback on the side yard adjacent to the street shall be a minimum of twelve (12) feet from the property line. A setback of ten (10 feet is required if there is a utility easement. On a lot 30,000 sq. ft. or larger accessory buildings with sidewalls greater than ten feet shall have a required setback of 15 feet from the property line.

Sec. 11.12 R-2 Urban Residential District

Subd. 4. Yard and Lot Requirements:

	One Family	All Other Uses	Accessory Structures
Minimum Lot Area (sq. ft.)	6,000	6,000	
Minimum Lot Width at Setback Line (ft.)	50	50	
Minimum Lot Depth (ft.)	120	120	
Minimum Rear Yard Setback (ft.)	25	25	[3]
Minimum Front Yard Setback (ft.)	[1]	[1]	25
Minimum Side Yard Setback	[2]	[2]	[3]
Maximum Lot Coverage	35%	35%	

[1] Twenty-five (25) feet from the property line except on residential streets where the right-of way is one hundred (100) feet, in which case the setback shall be seventeen and one-half (17.5) feet from the property line.

[2] 10% of the lot width at the front yard setback. On corner lots, the setback on the side yard adjacent to the street shall be a minimum of twelve (12) feet from the property line.

[3] Five (5) feet unless a garage entrance faces onto a street, avenue or alley, the minimum setback will be 18 feet from the property line to accommodate vehicle parking off the right-of-way. On corner lots, the setback on the side yard adjacent to the street shall be a minimum of twelve (12) feet from the property line. A setback of ten (10) feet is required if there is a utility easement. On a lot 30,000 sq. ft. or larger accessory buildings with sidewalls greater than ten feet shall have a required setback of 15 feet from the property line.

PETITION FOR DETACHMENT – FRANK & MILISSA BOONE AND LEONARD & CAROLYN BOONE

Mike Rietz reviewed the petition for detachment that has been submitted. The Planning Commission reviewed a map showing the location of the two properties which are each 40 acres. John Shockley, City Attorney, provided five criteria that should be considered in the evaluation of the petition. The criteria are: (1) Is the property rural in character and not developed for urban residential, commercial or industrial purposes? (2) The property is within the municipal boundaries and abuts a boundary. (3) The detachment would not unreasonably affect the symmetry of the detaching municipality. (4) The land is not needed for reasonably anticipated future development. (5) Can the city continue to carry on the functions of its government without undue hardship? Rietz commented on each of the five criteria. Leonard Boone indicated that the reason for the petition is mostly due to the amount of tax they pay to the City and they would be better off if they were paying taxes to the township. Currently, the two properties have city telephone and road maintenance. There would be no change in the utilities if the petition is approved. Leonard Boone indicated the county will take over road maintenance. Follingstad asked if the detachment is allowed could the property be annexed into city limits again at a future date. Rietz indicated that would still be possible. Since the property is on the west side of the railroad tracks, there are limited access roads to the area. Berg asked what it would take to install sewer to the properties. Rietz noted that sewer could be installed but the largest problem is the cost to the property owners. Strom asked if shortening city limits on one end of the city would affect anything. Rietz noted that the only affect would be if the city needed to leap frog the properties to provide service to someone else. Rietz noted that if the city does approve the petition it must then go to an Administrative Law Judge for approval. If the land owner and the city would not agree, then there is a hearing before an Administrative Law Judge and the judge makes the final decision on whether all or part of the property can be detached. The Planning Commission members agreed that they had no concerns with approving the request.

8-2-10-04 Motion by Berndt and seconded by Berg to recommend to the City Council to approve the Petition for Detachment by Frank & Milissa Boone and Leonard & Carolyn Boone. Unanimously carried.

FENCE/RIGHT-OF-WAY REGULATIONS

Mike Rietz presented options for the Planning Commission to consider regarding allowing fences in easements. (1) Leave the language in the ordinance as it is and enforce the CUP application requirement.

(2) Create a different method of permitting fences on easements through a Right-of-way ordinance. (3) Change the language in the ordinance to provide standards/conditions where it is allowable to build a fence in an easement. (4) Remove the language allowing a fence in an easement with a CUP and replace it with language outlawing fences on easements. Rietz noted that option one is not working now. Option two would create a permitting process that could be handled in the city office. Option three would put language in the ordinance that states the conditions to build a fence. In any new language, Rietz did not want to make a distinction between easements that are currently being used and easements that are not being used. It was noted that requiring access gates in fences still creates a problem since vehicles generally do not fit through the gates. In most communities, fences or other structures are not allowed on easements. Berg asked what would be the enforcement if a fence is built where it isn't allowed. Rietz stated that the fence would need to be removed at the owner's expense if access became necessary. It was the consensus of the Planning Commission members to not allow fences on easements and to have the tools to enforce the removal of the fence if access is required. Rietz will talk to John Shockley regarding the appropriate language and will bring it to the next meeting.

POPPEL SALVAGE YARD FENCE

Mike Rietz reviewed the condition of the Poppel Salvage Yard. A letter has been sent to Mr. Poppel notifying him of the need to take action on the fence and clean up the property. If the problems are not fixed, the next letter will state that the Planning Commission will consider revocation of the CUP for the salvage yard.

SUPREME COURT CASE ON VARIANCE AUTHORITY

The Planning Commission reviewed the information on the Supreme Court case on variance authority. The ruling indicates a stricter interpretation of undue hardship.

BUILDING PERMIT LIST

Building permits for July 2010 were reviewed.

BARN ROOF ON 9TH AVENUE

Merlin Strom noted that the lean-to on the back of the barn is not completed and it has been an ongoing process for about three years to reroof the structure. Rietz indicated this property is being addressed by the Property Maintenance Task Force.

NEXT MEETING DATE

The next Planning Commission meeting is scheduled for Monday, August 30, 2010 at 6:30 p.m.

8-2-10-05 Motion by Mortensen and seconded by Follingstad to adjourn at 8:36 p.m. Unanimously carried.

Submitted by:

Pat Berndt

Planning Commission Secretary