

PUBLIC HEARING  
FOR ADOPTION OF LAND USE  
AND SUBDIVISION ORDINANCE  
April 30, 2009 7:00 p.m.  
Eagle Lake Lutheran Church

The Hearing was called to order at 7:05 P.M. by Chairman Donald Davenport. All board members were present.

Davenport explained that there is currently a land use ordinance in effect and described some of its ineffectiveness.

Ben Oleson of Community Growth Institute presented an overview of the zoning map. He then presented the differences in the zoning districts (as to size, animal units per acre, etc.). He also presented some options used by other townships as for ag districts.

Larry Nelson asked Ben Oleson about townships within Otter Tail County or close that have zoning now. Ben Oleson stated he would get back to him with a list if he desired.

Virginia Delaney asked why the township wants to be a "leader" in zoning. Davenport stated there are other townships which have adopted zoning ordinances he just doesn't have the names available for this meeting. He further described two reasons the township is looking at zoning at this time. One reason is that Otter Tail County predicts this area as a growth area and the township wants to be prepared. The second reason is Battle Lake is looking at annexing a portion of Clitherall Township. If the township does not have an ordinance of their own, Battle Lake can enforce their ordinances out a two-mile radius.

Alice Hoffsted stated her approval of the zoning process as she is concerned about the growth that can happen without zoning in place.

Virginia Delaney spoke on behalf of the Lundy Farm Partnership which she owns with her sisters. They are opposed to the zoning.

Davenport explained the problem with annexation. Most property owners would see an increase in their taxes of about 30% because the annexation would take a large part of the tax base but would leave the remaining township residents with the majority of the roads to maintain, resulting in an increase in taxes.

Clinton Bengtson presented a petition on behalf of property owners who are opposed to the zoning. Additionally he submitted a petition

Ron Christensen states that he has 200 acres and feels his farm would be in essence "annexed" into rural residential. He would like his land to be considered

agricultural instead of rural residential. He wants the options that are available in agricultural.

Virginia Delaney stated that they have a farm and don't want to be classified as rural residential and want to be left alone.

David Gaarsland doesn't want his land to be limited to a 35-acre parcel as he wants options.

Davenport responded that he could plat the land into any size lot that he wants in a development with a conditional use permit.

Al Boyum spoke that he doesn't want to penalize the land owners. He wants them to be able to sell off their lots. He suggests we implement a legal document that lets potential purchasers of lots know that this is an agricultural area and there will be sights, sounds, and smell associated with the agricultural area.

Ben Oleson stated that other townships have attempted that but that legal counsel states that it isn't valid protection. He states that he has seen areas where several home owners have moved in close to a farm and complain. Eventually the farm has restrictions placed on it to accommodate the home owners. He stated that it is a question of scale. If only one or two houses are involved, it isn't usually a problem, but when more move in, the homeowners can start to take away rights of the farmers. He states that some homeowners have restricted farming operations by complaining of health problems.

Larry Nelson asked if we zone if that guarantees that Battle Lake can't annex us. Davenport responded that it would not prevent annexation but would prevent them from enforcing their ordinances in the township. Davenport further described that the city has identified many areas for annexation.

Virginia Delaney asked about the cost of the funds spent with Community Growth Institute. Polly Berg responded that she didn't have the numbers with her, but estimated it was about \$11,000 over a three-year period. Delaney also asked about specific wages and expenses paid to the board for zoning. Berg responded that, outside of hearings like tonight's, the topic of the zoning ordinance has been addressed during several of the board's past regular board meetings. There is a specific account number in the townships records relating to planning and zoning; the Treasurer and Clerk have a compilation of the annual financial records which are available for review.

Clinton Bengtson stated that other townships have a planning committee made up of farmers and lakeshore owners. He also gave an example of a hunting preserve where neighbors complained about the shooting but the owner of the hunting preserve prevailed.

Dave Lill asked about who would enforce the ordinances. Davenport stated that Pete Boyum is the current contact person for the township for required permits. The new ordinance does provide for a zoning administrator to enforce the ordinance.

Virginia Delaney inquired about salary and other details of the zoning administrator. Davenport stated that the details of the position hadn't been worked out. Sam Bellig stated that the administrator will also have to handle complaints. Davenport agreed that if development picked up, there would be more time needed from the administrator.

Clinton Bengtson asked about what the ordinance is now. Pete Boyum state that the whole township is zoned Ag. Davenport added that everything currently requires a conditional use permit.

Jon Christensen asked it could stay that way. Davenport explained one situation where the current process did fail for a car dealership who wasn't able to secure the necessary permit from the township within the time constraints imposed by the State of Minnesota.

Craig Bengtson asked about the screening of dumpsters. He says that lakeshore residents don't have that requirement. He is concerned that the ordinances will give ammunition to a neighbor who wants to complain about him. Further, he indicated that he thought it would pit neighbor against neighbor.

Davenport restated the reason for zoning ordinances. Battle Lake would be able to enforce their ordinances in the two-mile radius. Al Domke asked if the city has the ability to enforce their ordinances out there now and Davenport responded that they do have that authority now.

Larry Nelson asked about the direction of Battle Lakes' proposed annexation, and Davenport responded that it goes in every direction. Nelson also asked if other neighboring townships are doing anything to stop this encroachment from Battle Lake.

Jon Christensen states that he wants to keep the property rights in the hands of the people.

Sam Bellig asked if there could be an ordinance more specific to the area close to Battle Lake to combat that specific problem.

Amy Moulton asked about perceived contradictions to the zoning. She asked about the joint powers agreement being pursued by the township. Ben Oleson explained that the state law allows for townships participate in a joint powers agreement rather than be annexed.

David Gaarsland expressed concern about the devaluing of the land if an ordinance is in place. He wants the land owners to know that their land could be guaranteed to be developed. He doesn't want to ask for permission to sell individual lots. Trutna explained that the current permitting process on a conditional use application doesn't offer one a guarantee. He gave an example where the people expressed opinions against the proposed use for which an applicant was seeking a permit, and the applicant withdrew his request based on comments from the property owners who attended the hearing.

Daniel Woods asked about two property sections, 10 and 11. Ben Oleson stated whenever the zoning ordinances were finalized, they would get the latest maps from the county to include the most current information.

Gary Wallace asked about options for avoiding the annexation.

Mrs. Rolandson asked why her farm land would be classified as rural residential rather than Ag. Davenport stated that the reason is if it were classified as ag, there could be feed lots there. Paul Rolandson stated he has problems in Fergus getting them to enforce their ordinances. He expressed concern about the ordinances as they may not be enforced.

Dale Cameron asked that a planning committee be arranged of farmers and lakes shore owners to resolve the issue.

Al Boyum stated that it would be a good idea to get a group to work the ordinances. Davenport asked for volunteers: Clinton Bengtson, Paul Rolandson.

Daniel Woods asked that specific legal definitions be capitalized and asked for corrections to typos.

Davenport stated that potentially the board would publish an ad in the paper to request residents to participate in the process of developing the ordinances.

Virginia Delaney asked about the policy for getting copies. Davenport reiterated that the policy is consistent with other policies at township and county offices.

Motion by Trutna to adjourn. 2<sup>nd</sup> Grewe. MC/U The board recessed the meeting at 9:15 p.m.

/s/

Jan Eitzen, Clerk, Clitherall Township