

Becker County Planning Commission
April 20, 2004

Present: **Members:** Waldo Johnson, Ray Thorkildson, Larry Knutson, James Kovala, John McGovern, Don Skarie, Jeff Moritz, Harry Johnston, Ken Christianson, Jim Bruflo dt, Julia Miller and Commissioner Dave Seaberg.

Zoning Staff: Patricia Johnson, Administrator, and Debi Moltzan.

Chairman James Kovala called the meeting to order at 7:00 p.m. Debi Moltzan recorded the minutes.

McGovern made a motion to approve the minutes of the January 20, 2004 meeting. Bruflo dt second. All in favor. Motion carried.

Kovala stated that the Planning Commission is a recommending board and that the recommendations of the Planning Commission would be acted upon on Tuesday, April 27, 2004.

FIRST ORDER OF BUSINESS: Clayton Schott. A request for a change of zone from residential to high density residential, within the 2 mile extraterritorial area of the City of Detroit Lakes has been filed by Clayton Schott for the property described as SW ¼, Section 15, TWP 139, Range 41; Detroit Township. PID Number 08.0251.000.

Brant Beeson explained the application to the Board. The property is currently residential and they would like to change the zoning to high density residential for a residential plat that the City of Detroit Lakes will be acting upon. This property is North of the City and next to the plat of Broadlawn Estates, within the 2-mile extraterritorial area of the City. The plat will include a park and trail system, which could possibly tie into the USFW land. This request is compatible not only with the area, but with the City's plans.

Schott explained that there will be restrictive covenants on the property similar to those of Broadlawn Estates.

Christianson questioned the current zoning of the property. Beeson stated that the current zoning is residential.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the surrounding area, the two-mile territory around the City, and Comprehensive Plan.

Motion: Bruflo dt made a motion to approve the change of zone from residential to high density residential based on the fact that the use is compatible with the current residential

zoning and will compliment the City's long-range plans. W. Johnson second. All in favor. Motion carried. Change of Zone to High Density Residential.

SECOND ORDER OF BUSINESS: Contractor's Leasing. A request for a conditional use to allow sand and gravel extraction in an agricultural zone has been filed for the property described as N ½ of S ½ of SE ¼ and N ½ of SE ¼ Less 7.90 Ac in NE Cor; Section 19, TWP 138, Range 43; Cormorant Township. PID Number 06.00623.000 and 06.0264.000.

Cheryl Feigum, Houston Engineering, explained the application to the Board. This is a 120.6-acre site that would supply local gravel use.

McGovern questioned the buffer zone on the North side of the property and why it did not run in a straight line. Feigum stated that it was drawn that way to protect a nesting area and wetland but utilize a good amount of gravel in the extreme North corner.

Kovala questioned how much land would be open at a time and how long it would take to mine this. Feigum stated that there would be approximately 90 acres mined at 20-acre intervals; the entire operation would take 20 – 30 years. The mined areas would be reclaimed, seeded and grassed to provide wildlife habitat. The area would be reclaimed as closely to the natural terrain as possible. This is also outlined in Question 11 of the EAW.

Moritz questioned what would be done to protect the adjacent neighbors. Feigum stated that the land would be sloped in a way that would not be a detriment to the adjoining land; and the road would be either watered for dust control or calcium chloride would be used. There should be no significant impact on the neighbors because most of the area is already gravel mines or agricultural.

Kovala questioned which way the gravel traffic would go. Feigum stated that the traffic would go East and North on the County Road; there is gravel to the East and South of this project.

Christianson questioned the depth of excavation and if it were below the water table. Feigum stated that, more than likely, they would not be digging below the water table based on the fact that the quality of gravel deteriorates as it gets closer to the water table and that Bob Merritt, DNR, will not give them a dewatering permit. Excavation at this depth should not harm the aquifer.

Kovala questioned what would happen if Odegaard's well goes dry because of the gravel excavation. Feigum stated that they would have to drill a new well.

Christianson stated that there will be increased traffic on the road and questioned if Contractor's Leasing has looked into tarring the road. Tony Kost, Contractor's Leasing, stated that this is only a 90 acre tract will about 4,000 additional acreage in the area using the same road; they should not have to take the blunt of the cost.

Speaking in favor of the application is Everett Paulson; stating the aquifer has been tested and there have been gravel operations there since the 50's and that the County took over maintenance of the road in 1977 and has not tarred it as promised it would do in 1980.

Speaking in opposition to the application were: Joy Becker; stating opposition and concern about noise, dust and traffic.

Stacy Odegaard; stating opposition noise, dust and traffic. If the application is to be approved, it should be done so with strict conditions.

Written correspondence was received from Everett Paulson, in favor; Cormorant Township, in favor; Michael Smith, in opposition; Rodger Haugen, in opposition; Stacy Odegaard, in opposition; and Josh & Joy Becker, in opposition.

At this time, testimony was closed.

Johnston questioned how far the Odegaard house was from the property line. Odegaard stated that the house was approximately 300 feet from the property line. Johnston questioned if Contractor's Leasing contacted the neighbors and discussed the plans with them and worked out a buffer zone. Becker and Odegaard stated that they were not contacted. Kost stated that they did not expect this much opposition.

Kovala questioned if the operation had to run 7 days a week. Kost stated that they probably would not run 7 days a week, but they do need a crusher and that the location of the crusher could be moved.

Brufloft stated that the number of people in opposition was small, but the concerns were great. Brufloft felt that Contractor's Leasing should get together with the neighbors and come up with a compromise. Brufloft stated that all governing agencies were contacted and compromises or plans were agreed upon, but the neighbor's have not been contacted. Brufloft stated that there were concerns with the neighbors and the neighbors have offered compromises if the project is approved.

Further discussion was held, including discussion on the 60-day rule. Contractor's Leasing asked to have the application tabled for one month.

Moritz suggested that the following concerns be discussed by Contractor's Leasing and the neighbors: safety and health; dust and dust control; maintenance and surfacing of the road; speed, approaches; noise; hours of operation; screening; land value; crushing operation; and water table.

Motion: Contractor's Leasing requested to table the application for one month.

THIRD ORDER OF BUSINESS: Timothy Bosh. A request for a conditional use permit to construct a retaining wall within the shore impact zone for the property

described as Lot 10, Sherbrooke Beach; Section 34, TWP 138, Range 43; Cormorant Township. PID Number 06.1021.000.

Bosh explained the application to the Board. The walls would level off the top of the bank. The cedar wood wall would remain, along with the steps. The wall would run up to the property line.

Kovala questioned where the wall would be. Bosh stated that it would be approximately even with the 5th step and be about 3 feet high. The bottom block would be dug down into the ground.

Thorkildson questioned if Bosh had spoken to the neighbor's about the project. Bosh stated that he talked to the neighbor to the South, the rest received letters. Thorkildson questioned if the neighbors had retaining walls. Bosh stated that the neighbor to the North had an old railroad tie wall and the neighbor to the South had a retaining wall.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the plan, erosion, size and location. Christianson stated that it has been policy to approve retaining walls if reasonable. P. Johnson stated that was correct, if the retaining wall would correct an existing erosion problem.

Motion: Christianson made a motion to approve a conditional use permit to allow a retaining wall within the shore impact zone based on the fact that it does meet the criteria of Section 12 of the Ordinance and it does correct an existing erosion problem. Bruflo second. All in favor. Motion carried. Application approved to allow a retaining wall.

FOURTH ORDER OF BUSINESS: Paul Breyer. A request for approval of a certificate of survey consisting of 2 parcels, one 59,500 sq ft in size and one 53,500 sq ft in size; and a change of zone from agricultural to residential has been filed for the property described as: Pt of Govt Lot 8, 9, 10 of Lake Ida Height Second Subdivision Replat; Section 34, TWP 138, Range 43; Cormorant Township. PID Number 06.0832.000.

Brant Beeson explained the application. One lot would be divided into two lots, each exceeding the requirements of the Zoning Ordinance.

Christianson questioned if this would be a replat of Ida Heights Second Subdivision. Beeson stated that it was somewhat of a replat.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding lot size, location and Ordinance requirements.

Motion: Thorkildson made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey allowing two tracts of land, 59,500 sq ft in size and 53,500 sq ft in size based on the fact that the request meets the requirements of the Zoning Ordinance and Subdivision Ordinance. Skarie second. All in favor. Motion carried. Change of Zone to Residential approved. Certificate of Survey approved.

FIFTH ORDER OF BUSINESS: Shoreham Investment Group. A request for a change of zone from agricultural to high density residential and a conditional use permit for a planned unit development consisting of 28 units has been filed for the property described as: Govt Lot 2; Section 11, TWP 138, Range 43; Cormorant Township. PID Number 06.0168.000.

The application was explained by Brant Beeson, on behalf of Dr. Lowell Mickelson and Dan Wilson. The property has been in the Nelson family for three generations. In the 1900's this property had been platted into 50 lakeshore lots. In 1948, the plat was vacated. There is approximately 1000 feet of shoreline.

The proposal would set the 6-lakeside units 150 feet back from the lake. There would be commons area, common driveway, common parking and common docking. There would be 1 watercraft slip for 1 watercraft for each unit. The slip would remain with the unit and cannot be transferred. There will be a storm water plan and municipal septic area. The shoreline will be kept natural. Cormorant Township has approved the plan and approved a variance for the docking slips. The Watershed has approved the docking with stipulations.

Rick Gunderson, Houston Engineering, stated that there is a plan to retain all storm water run off in ponds and the sewage would be a municipal type system that would pretreat the sewage and eventually discharge it to the wetlands. There would also be a common well system. All systems would be done according to MPCA regulations.

McGovern questioned the number of wells. Gunderson stated that 50 to 75 gallons per minutes would be needed. This would require two alternating wells.

Larry Shaw, SS Environmental, stated that the soil borings indicated that the soil in this area would not accommodate an in ground system. A municipal type system would be installed according to MPCA regulations and sizing.

W. Johnson questioned if the treated water could be used for watering lawns, etc. Shaw stated that it would be clean enough to do so. Moritz questioned which wetland the water would be discharged to. Shaw stated that the that the North wetland would be preferred.

Bruflodt questioned if the North wetland is completely on the Nelson property. Shaw stated that it is not, but the issue has been discussed with the neighbor. Shaw further stated that the flow could be split between the North and the South wetlands.

Further discussion was held regarding the storm water, sewage treatment, wetland locations, and buffer zone around the wetlands. Beeson stated that the wetlands would be protected by the covenants and nothing could be done without Government Agency's approval and approval of all CIC owners.

Christianson questioned the property to the West of the County Road. Beeson stated that this property may be included with the CIC for the sole purpose of storage units. Christianson questioned if homes would be built on the West side of the road. Beeson stated that there would be no homes on the West side of the road, if this property was included in the CIC.

Moritz questioned if the structures could be relocated to give more of a buffer to the wetland. Gunderson stated that the preliminary plat only shows squares as to where they think everything should be placed. When the final plat is submitted, more work will be conducted to get the exact location of everything, which always changes from the proposed location.

Johnston and Thorkildson questioned the impervious. Gunderson stated that the 23% impervious included the houses, sidewalks, driveways, gazebo and parking area. Further explanation was given about the unit size. The proposed 10,000 sq ft; 5,000 sq ft; and 3,000 sq ft pads is the maximum project size for each unit. The square footage would include house, garage, patio, deck, parking area, sidewalks, etc.

Moritz questioned how the shoreline would be protected. Beeson stated that it is not finalized yet. They could do a couple of things. One would be a conservation easement or the second would be to actually deed this easement to the Watershed.

Dan Wilson stated that they have been very pro active on this project. A PUD is more environmentally safe than 6 single family lots with several docks. The structure setback would exceed that of single-family lots.

No one spoke in favor of the application. Speaking in opposition to the application were: Chuck McDonald; he was speaking in behalf of 6 neighbors. They are concerned about the density.

Gene Schroder – has not seen plans and concerned about the wetland taking up more of his property.

Written correspondence was received from Brad Grant, Becker County Soil and Water Conservation, with concern about the wetlands.

At this time, testimony was closed.

Further discussion was held regarding the lake, density, wetlands, wells and septic. Christianson questioned why an EAW was not done on a project of this size, when there was one done on the Melissa Lake project. Beeson stated that he has been involved with both projects and that there is no comparison. Beeson stated that there are environmental concerns with Lake Melissa and on this project; the developers have been pro-active addressing concerns before they happen.

Christianson felt that development should be slowed down and that the County should look at controls for development. Christianson stated that an EAW has 29 questions that address environmental concerns. Beeson stated that with the information that the developers have given to the Board, it would not take long to complete the EAW, put the rest of the process would delay the project until fall.

W. Johnson and Thorkildson felt there should be fewer units. Knutson questioned if there were 29 questions on the EAW, how many have already been answered. Gunderson stated that months of planning have gone into this project, it was not just drafted.

Seaberg stated that he felt this was a good project. Moritz stated that an EAW would delay the project, but would answer questions. Moritz felt the Board could come up with a list of questions similar to the EAW questions, have them answered and only delay the project one month instead of all summer; this way both would be accomplished.

Motion: Knutson made a motion to approve the change of zone and conditional use permit for a 28 unit residential planned unit development as presented based on the fact that it does meet the criteria of the Zoning Ordinance. Seaberg second. VOTE: in favor: Seaberg, Knutson, Johnston and Thorkildson. Against: Skarie, Miller, W. Johnson, Moritz, McGovern, Christianson and Brufloodt. Motion to approve failed.

Further discussion was held. Beeson asked what type of questions needed to be answered and if they could answer those questions to the County Board. Christianson stated that the questions needed to be answered to the Planning Commission; it would not be appropriate to answer them to the County Board. Further discussion was held.

P. Johnson stated that if an EAW was what the Board wanted, then a motion would have to be made for that; if the Board wants questions answered, then they have to come up with a list of questions. P. Johnson stated that packets of information are mailed out to each Board member prior to the tour date. If the Members feel there is not enough information, then the Member should request this information at the informational meeting to allow time to get a hold of the developer so he can get the information to the Board by the meeting date.

Motion: Christianson made a motion to order an EAW. Beeson asked to table the application until the questions of the Board could be addressed, if the Board could come up with a list of questions. Christianson withdrew his motion.

Beeson asked for the list of questions to be forwarded to him within 2 weeks, allowing them 2 weeks to get them answered and back to the Board for the May meeting. Moritz suggested that the questions be funneled through the Zoning Office. P. Johnson stated that the Board should come up with the questions as a Commission and not individually. A special meeting should be scheduled to do this. At the consensus of the Board, this meeting is scheduled for Thursday, April 29, 2004 at 3:30 p.m. at the Zoning Office. Christianson thanked the developers for being willing to do this.

Application tabled at the request of the applicant's counsel.

SIXTH ORDER OF BUSINESS: Brian Smith. A request for a change of zone from agricultural to residential within the 2 mile extraterritorial area of the City of Detroit Lakes has been filed for the property described as: E ½ of NE ¼ less 1610 feet; Section 19, TWP 138, Range 40; Burlington Township. PID Number 03.0186.001.

Smith explained that this would be a change of zone from ag to residential in preparation for a plat, which the City of Detroit Lakes will be acting upon. This property lies within the 2-mile extraterritorial area of the City of Detroit Lakes. Most of the lots will be between 1.83 acres in size and 2.4 acres in size, which meet the requirements of a natural environmental lake.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the 2-mile area, the location of the project and requirements of the Ordinance.

Motion: Johnston made a motion to approve the change of zone from agricultural to residential based on the fact that the use is compatible with the current residential zoning and will compliment the City's long-range plans. Christianson second. All in favor. Motion carried. Change of Zone from agricultural to residential approved.

At this time, Chairman Kovala called a 5-minute recess. The meeting reconvened at 9:15 pm. Kovala stated that there would be a slight change in the agenda order at the request of a member of the audience due to illness.

SEVENTH ORDER OF BUSINESS: Dennis Johnson. A request for a change of zone from agricultural to residential and approval of a certificate of survey allowing two tracts of land, one being 1.7 acres in size and one being 40,300 sq ft in size has been filed for the property described as: Pt of Gov't Lot 2; Section 34, TWP 140, Range 39; Height of Land Township.

Scott Walz explained that this was a certificate of survey and change of zone that does meet the criteria of the Ordinance. The property is located just south of the Public Access.

Knutson questioned if the lot line was going to be relocated to make the smaller tract have 40,000 sq ft of lot area excluding the road right of way. Walz stated that it could be accomplished if needed.

No one spoke in favor of the application. Speaking in opposition to the application was Wallace Rossenbach, Mary Beth Lee and Randy Bahr.

Dennis Johnson arrived at the meeting and asked for the opportunity to explain the application to the Board and explained the application to the Board. Kovala questioned what this 10-year agreement was that Rossenbach was talking about. D. Johnson stated that, at the time of purchase, there was an agreement that he would not sell the land for 10 years. D. Johnson stated that he is not selling the property, just subdividing it.

Further discussion was held. Christianson stated that the Board is here to act on the split, not the legal issues as to whether the property can be sold or not.

Written correspondence was received from Jeanne Wiger and Richard Jewett in opposition; and Mark Gruss, in opposition.

At this time, testimony was closed. Further discussion was held regarding the size of the lot, location and agreement between Johnson and Rossenbach. Christianson stated that the subdivision meets the criteria of the Zoning Ordinance. Johnston stated that there is nothing to stop Johnson from conveying the property, if the subdivision is approved. Christianson stated that the Board does not know the facts of the agreement.

Motion: W. Johnson made a motion to deny the change of zone from agricultural to residential and approve the certificate of survey to allow two tracts of land; one tract being 1.7 acres in size and one tract being 40,300 sq ft in size based on the fact that this would be spot zoning; with the easement, the smaller lot is less than 40,000 sq ft in size; and due to the uncertainty of the sales agreement. Johnston second.

Christianson stated that this request is compatible with the area; it's just that all the older plats were done by CUP instead of change of zone.

VOTE: in favor of the motion: Miller, Johnston, Thorkildson, W. Johnson, and McGovern.

Against the motion: Skarie, Bruflodt, Seaberg, Knutson, Christianson & Moritz.
Motion failed.

Christianson made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey to allow two tracts of land; one tract being 1.7 acres in size and one tract being 40,300 sq ft in size based on the fact that the request does meet the criteria of the Zoning Ordinance and Subdivision Ordinance and is compatible with the area and the fact that a request cannot be denied on uncertainties of a private agreement. Knutson second.

VOTE: in favor of the motion: Skarie, Bruflodt, Seaberg, Knutson, Christianson & Moritz.

Against the motion: Miller, Johnston, Thorkildson, W. Johnson & McGovern.
Motion carried. Change of zone and certificate of survey approved.

EIGHTH ORDER OF BUSINESS: Dean Johnson. A request for a change of zone from agricultural to residential and a preliminary plat consisting of four lots has been filed for the property described as: Pt of Gov't Lot 1; Section 7, TWP 140, Range 36; Osage Township. PID Number 21.0026.003.

D. Johnson explained the application to the Board. The land would be divided into four buildable lots, all meeting or exceeding requirements.

Kovala stated that the lots were nice lots. Christianson questioned if the road would be rebuilt. D. Johnson stated that the road is an existing road. Scott Walz stated that by State Statute, the road corridor in a plat must be dedicated to the public, not an easement.

Johnston questioned the bluff on Lots 3 & 4 and access to the lake. D. Johnson stated that there id a draw on each lot that would allow for access to the lake.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Grant, Soil and Water Conservation, with concerns about the wetlands. At this time, testimony was closed.

Further discussion was held regarding location, lot size, bluffs and wetlands.

Motion: Thorkildson made a motion to approve the change of zone from agricultural to residential and to approve a preliminary plat consisting of four lots based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. All in favor. Motion carried. Change of Zone from agricultural to residential approved. Preliminary plat consisting of four lots approved.

NINTH ORDER OF BUSINESS: Bruce Jacobs. A request for approval of a certificate of survey consisting of one parcel of land, 1.8 acres in size, and a change of zone from agricultural to residential has been filed for the property described as Pt of Gov't Lot 7; Section 28, TWP 138, Range 40; Burlington Township. PID Number 03.0361.000.

Jacobs explained the application to the Board. About 20 years ago, a portion of the farm was deeded to Jacob's brother. Now the balance of the land will be incorporated into his land. The new tract being created would be for the existing house, leaving only a homestead.

No one spoke in favor of the application. No one spoke against the application. There was not written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding lot size, location and compatibility.

Motion: W. Johnson made a motion to approve the change of zone and certificate of survey for one tract of land being 1.8 acres in size based on the fact that the request meets the requirements of the Zoning Ordinance and Subdivision Ordinance and is compatible with the surrounding area. Miller second. All in favor. Motion carried. Change of zone from agricultural to residential approved. Certificate of survey for one lot approved.

TENTH ORDER OF BUSINESS: Mike & Robyn Engel. A request for a conditional use permit to allow a two story accessory structure has been filed for the property described as: Pt Lot 1; Section 13, TWP 140, Range 38; Shell Lake Township. PID Number 28.0065.000.

No one was present to explain the application. Chairman Kovala stated that this item would be placed at the end of the agenda.

ELEVENTH ORDER OF BUSINESS: Robert Sandgren. A request for a change of zone from agricultural to residential and approval of a certificate of survey to allow three tracts of land being 28.20 acres in size; 70,159 sq ft in size; and 50,678 sq ft in size; has been filed for the property described as: Gov't Lot 3 & Pt Gov't Lot 4; Section 23, TWP 141, Range 36; Two Inlets Township. PID Number 34.0126.000.

Glen Howe, Surveyor, explained the application to the Board. This would not be spot zoning based on the fact that the property to the East is already zoned residential. Each lot meets or exceeds the criteria of the Ordinance.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Grant, Soil & Water Conservation, with concerns about the wetlands. At this time, testimony was closed.

Discussion was held regarding the size of the lots, number of wetlands, access and the easement.

Motion: Christianson made a motion to approve the change of zone from agricultural to residential and certificate of survey for three lots (28.20 acres in size; 70,159 sq ft in size; and 50,678 sq ft in size) based on the fact that the request meets the requirements of the Zoning Ordinance and Subdivision Ordinance and is compatible with the surrounding area. Moritz second. All in favor. Motion carried. Change of zone from agricultural to residential approved. Certificate of survey for three lots (28.20 acres in size; 70,159 sq ft in size; and 50,6768 sq ft in size) approved.

TWELVTH ORDER OF BUSINESS: Bruce Paakh. A request for a conditional sue permit to allow a two story accessory structure has been filed for the property described as: Lot 4 S of line Beg 506 ft S of NE Cor Th S 85 deg 24 ft W 373 ft of Lk & there term & NW ¼ SW ¼ & Lots 5 & 6; Section 17, TWP 139, Range 43; Lake Park Township. PID Number 18.0103.000.

Paakh and Gary Olson explained the application to the Board. The garage has settled to support the floor, footings and walls had to be installed. He would like to utilize the space created by the walls instead of filling this area back up with dirt.

P. Johnson stated that there were concerns about the location of the garage, but a variance was granted in 1994 for the garage location.

Discussion was held regarding the location of the garage, the fill, topography, setbacks, and lake level. Knutson questioned when the fill was brought in. Paakh stated that the fill was brought in when the garage was constructed in 1994. The variance was an after the fact variance. Paakh stated that he got the site permit and then built the garage in a location other than the one permitted.

No one spoke in favor of the application. Speaking in opposition to the application was Paul Highness, concerned about the water level; and Harlan Koenig. Written correspondence was received in favor of the application from Lake Park Township. At this time testimony was closed.

Further discussion was held. Knutson questioned what the storage would be used for. Paakh stated that it would not be used everyday and access would not be from the lakeside. Seaberg stated that something does not look right with this application, what is the need for a two story accessory structure? Discussion was held regarding the two story structure and what constitutes a story. P. Johnson read the definition of a story out of the Zoning Ordinance. Johnston stated that nothing has been done right on this property so far. Johnston stated that a variance was granted to move the house back as far as possible, but the house was only moved 15 feet; the garage was constructed in the wrong location and an after the fact variance was granted; and now a request for a two story garage. Brufloft felt that the bottom story should be back filled to prevent possible water pollution from stored chemicals in boat motors, machines, etc.

Motion: Brufloft made a motion to deny the conditional use permit to allow a two story accessory structure based on the fact that it is not compatible with the area and that the lower floor of the structure is too close to the water table, which could create water pollution. The area below the garage floor and the cement (block) supporting walls must be back filled and there cannot be any type of storage under the main floor of the garage. McGovern second. All in favor except W. Johnson and Christianson. Motion carried. Application denied for a two story accessory structure.

THIRTEENTH ORDER OF BUSINESS: Dennis Fulmer. Request an application for a change of zone from agricultural to residential and approval of a certificate of survey to

allow two tracts of land, one being 3.3 acres in size and one being 1.75 acres in size has been filed for the property described as: Pt of Gov't Lot 7; Section 7, TWP 140, Range 40; Holmesville Township. PID Number 16.0034.001.

Fulmer explained the application to the Board. This piece of property would be split into two tracts, each meeting or exceeding the requirements of the Zoning Ordinance.

The Board held discussion regarding the size of the lots; access to the lots; the bluff location; buildable lot area; and current erosion. Christianson questioned if Fulmer has obtained a permit to dig into the bluff. Fulmer stated that he had not obtained a permit.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Christianson stated that Tract A was a nice spot; and Tract B has low lakeshore; but the request meets the criteria of the Ordinance.

Motion: Johnston made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey to allow two tracts of land, one being 3.3 acres in size and one being 1.75 acres in size, based on the fact that the request meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Brufloft second. All in favor. Motion carried. Change of zone from agricultural to residential and certificate of survey for two lots approved.

FOURTEENTH ORDER OF BUSINESS: John Bergstrom. Request a change of zone from agricultural to residential and approve a certificate of survey to allow two parcels of land, one being 56,914 sq ft in size and one being 50,200 sq ft in size for the property described as: Pt of Gov't Lot 7; Section 11, TWP 139, Range 39; Height of Land Township. PID Number 15.0108.002.

Brant Beeson explained the application to the Board. Bergstrom would like to build another house, which would exceed the guesthouse requirement, so Bergstrom decided to subdivide the property. Each lot exceeds the minimum requirements. Tract B would have no lake access.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the lot size and location.

Motion: Christianson made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey to allow two parcels of land, one being 56,914 sq ft in size and one being 50,200 sq ft in size based on the fact that the request meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Miller second.

All in favor. Motion carried. Change of zone from agricultural to residential and approval of the certificate of survey for two lots approved.

FIFTEENTH ORDER OF BUSINESS: Mike & Robyn Engel. A request for a conditional use permit to allow a two story accessory structure has been filed for the property described as: Pt Lot 1; Section 13, TWP 140, Range 38; Shell Lake Township. PID Number 28.0065.000.

P. Johnson explained the application to the Board. The intent is for a garage with living quarters above. In the future, there will be a house constructed on the property.

Discussion was held regarding the size of the lot, and the fact that the lot is bare.

Motion: Miller made a motion to deny the conditional use permit for a two-story garage with living quarters based on the fact that the lot is not large enough to allow a guest cabin and the Zoning Ordinance prohibits accessory structures with living quarters. Brufloft second. All in favor. Motion carried. Application denied.

SIXTEENTH ORDER OF BUSINESS: Election of Officers.

Chairman: Christianson nominated Kovala for Chairman. W. Johnson second. Nominations ceased. All in favor. Kovala will be Chairman for 2004.

Vice-Chairman: Knutson nominated Brufloft for Vice-Chairman. W. Johnson second. Nominations ceased. All in favor. Brufloft will be Vice-Chairman for 2004.

Secretary: Kovala nominated Moritz for Secretary. Johnston second. Nominations ceased. All in favor. Moritz will be Secretary for 2004.

SEVENTEENTH ORDER OF BUSINESS: Informational Meeting.

The tentative date for the next informational meeting is scheduled for Thursday, May 13, 2004 at 8:30 a.m.

Since there was no further business to come before the Board, Chairman Kovala adjourned the meeting.

James Kovala, Chairman

ATTEST

Jeff Moritz, Secretary

Patricia L. Johnson, Administrator