

**Becker County Planning Commission**  
**May 18, 2004**

**Present:** Members: John McGovern, Harry Johnston, Julia Miller, Waldo Johnson, Ray Thorkildson, James Kovala, Jim Bruflodt, Larry Knudson, Don Skarie, and Jeff Moritz; 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. Kovala explained that the Planning Commission is a recommendation board, which the recommendation of the Planning Commission would be acted upon by the County Board of Commissioners on Tuesday, May 25, 2004.

Bruflodt made a motion to approve the minutes from the April 20, 2004 meeting. Seaberg second. All in favor. Motion carried. Minutes approved.

**FIRST ORDER OF BUSINESS: Old Business postponed from the April 20, 2004 meeting; Contractor's Leasing.**

P. Johnson explained that this application was for gravel mining on property located in Section 19 of Cormorant Township. The application had been postponed at the applicant's request and Planning Commission suggestion to allow Contractor's Leasing, the Becker's and the Odegaard's to work out compromises on some issues.

Cheryl Feigum, Houston Engineering, explained that Contractor's Leasing has met with both parties, along with Odegaard's father on April 26 & May 5. The following issues were addressed:

1. Traffic safety. Speed of the trucks will be handled internally and will work with the Becker County Highway Department on posting blind approach signs.
2. Dust on Gravel Road. Contractor's Leasing will participate with the other gravel companies to apply calcium chloride.
3. Hours of Operation. Hours will be limited to 7 am to 7 pm Monday thru Friday.
4. Water Quality. Contractor's Leasing will begin annual water testing for Odegaard once gravel washing begins. The Becker's felt that testing of Odegaard's well was adequate for their well. If either well is contaminated or dries up, Contractor's Leasing will replace the well as long as they reside there.
5. Buffer Area for Odegaard. Planting of two rows of trees along the West and South.
6. Buffer Area for Becker. Acres owned by Mike Smith will not be mined as long as the Becker's reside there.
7. Other. Possible buy out of the Odegaard property.

McGovern questioned Odegaard's request of a 500 ft buffer. Figum stated that there is that discrepancy; Contractor's Leasing has offered two rows of trees, which would be approximately 150 feet. Figum further stated that Soil and Water Conservation must be

contacted to suggest the correct type of trees to be planted. They do not want to plant something that will not grow or survive in those conditions.

No one spoke in favor of the application. Speaking in opposition to the application were Rodger Haugen and Stacy Odegaard. Haugen stated that his farm has been in the family for over 100 years and that consideration should be given to this and that a prairie chicken has been sited in the area. Odegaard still requests denial of the permit based on the fact that full agreement of her terms have not been met. Odegaard questions include: after operation hour maintenance; wants the road tarred, not calcium chloride; wants the trucks to use the South route instead of the North route; wants a tall mature tree buffer with a 500 ft buffer; and testing of her well to begin right away. Odegaard further stated that Contractor's Leasing stated that if she protested the application, they would withdraw their agreement and that Contractor's Leasing has offered a price for her property less than the 2004 assessed value.

Kovala questioned the speed of the trucks. Kost stated that the trucks would not be going any faster than 30 to 40 miles per hour past the houses. Kost further stated that any conditions or agreements made with the Becker's or Odegaard would not be withdrawn, but possibly worked out to a better solution.

Written correspondence was received from Contractor's Leasing, letter containing the compromises made with the Becker's and Odegaard; the Becker's, which stated that they were satisfied with the agreement with Contractor's Leasing; and Odegaard in opposition to the application. At this time, testimony was closed.

Brufloft questioned the idea of all trucks going the South route. Kost stated that not all trucks will be going that route. Aggregate and Mark's Sand and Gravel are willing to cost share in black topping the road, but the time is not known. Kost stated that they do not know when they will even open this pit and they would not cost share until they begin using the pit.

Brufloft stated that he lives very close to a gravel mining operation; has grown use to the operation and know doesn't even know its there. Short of sight, sound and smell, the list of compromises are a good solution.

Further discussion was held regarding the buffer zone and trees. Seaberg stated that he had hoped that more ground would have been gained in the compromises, but Contractor's Leasing has bent over backwards to work with the landowners; sooner or later this area will be mined as this is part of the County's aggregate resource.

**Motion:** Seaberg made a motion to approve the conditional use permit for gravel extraction as outlined in the plan submitted to the Zoning Office and with the modifications/conditions set forth in Contractor's Leasing's letter dated May 7, 2004. Knutson second. All in favor except McGovern and Moritz. Majority in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Old Business postponed from the April 20, 2004 meeting; Cormorant Park Place.**

P. Johnson explained that this application was for a change of zone from agriculture to high density residential and a conditional use permit for a planned unit development consisting of 28 units. The property is located on the West side of Big Cormorant Lake. The application was postponed to allow the developer to answer questions and concerns of the Planning Commission. A list of questions was sent to the developer, which the developer answered and replied in writing to the Zoning Office, which a copy of the letter was given to the Planning Commission Members and is in the file.

Brant Beeson explained that all the questions and concerns were answered. The plan exceeds the requirements of the Zoning Ordinance and Comprehensive Plan. This is one of the most environmentally sound plans in the County.

Kovala asked if additional property would be acquired from the neighbor for the wetland. Beeson stated that negotiations are in place to acquire more of the wetland, construct a berm and also use the wetlands for irrigation during high water times.

W. Johnson stated that he is still against the 4 units in the third tier based on the fact that 3,000 sq ft for each unit is too small. Beeson stated that there are people who want smaller structures, smaller garages and a smaller area; these areas will have to be built on accordingly. Beeson also stated that there will be designated areas for boat and trailer parking.

Moritz stated that the developers had been present at a previous meeting at the Cormorant Townhall, during which they were talking about a conservation easement. Beeson stated that it was an idea, but they feel that it is not needed in this case, considering the by-laws provided. Beeson stated that the structures will be setback 150 feet from the lake, a walkway will be constructed to the lake; by-laws will protect the common area and the Zoning Ordinance protects the shore impact zone.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from: Melvyn & Margaret Ristvedt, with concerns about the docking and number of boats; Paul Finstad, Director of F-M YMCA, with concerns that measures should be taken to prevent run off onto the camp property; Sara & Glen Cook, would prefer individual residential lots, not a PUD; Gary Marvin in opposition. At this time, testimony was closed.

Further discussion was held. Moritz questioned if the structures would have basements. Beeson stated that some would, some would be slabs. Beeson further stated that, in the construction areas, the black dirt would be stripped off, stock piled and used for final landscaping; the fill from the basements would be used for back fill and the rest hauled off site; and proper erosion control measures would be used.

Brufloft felt that the marina, which is centralized, would have less impact than individual docks. McGovern stated that it is a good plan, but personally felt there were too many units and too many boats. Knutson stated that he felt the plan looked good from the start.

**Motion:** Knutson made a motion to approve the change of zone from agricultural to high density residential and approve a conditional use permit for a planned unit development consisting of 28 units. Johnston second. All in favor except W. Johnson. Majority in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Larry Geiselhart.** A request for a conditional use permit to exceed height restrictions for storage above a detached garage has been filed on the property described as: Lot 11 Block 2, Maple Ridge Beach; Section 5, TWP 138, Range 42; Lake Eunice Township. Property is located on Little Cormorant Lake. PID Number 17.0941.000.

Geiselhart explained the application to the Board. He would like to construct a garage, 24 ft by 30 ft, with storage above. No dormers would be placed on the upper floor. This garage would fit in with the other garages in the neighborhood.

Johnston questioned why it would need to exceed the height limitation. Geiselhart stated that he wanted 9 ft sidewalls for a larger door to get his boat in and out. Brufloft stated that he drives a Suburban with a ski rack and he does not have any problem with a 7 ft door. Johnston agreed. McGovern questioned if there would be living quarters above. Geiselhart stated that it would not, that the upstairs would be unfinished.

P. Johnson stated that the garages on the neighboring properties are in violation of the permits issued and that enforcement action is pending. Therefore, consideration of precedence should not be considered.

Speaking in favor of the application was Richard Meyer. 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. Johnston stated that the Board has not allowed taller garages in the past. Johnston further stated that last month the Board denied a similar after the fact request and now the land owner has to remove the structure from the property. Knutson stated that Ordinances are there for a reason and that a garage can be built within the guidelines.

**Motion:** Skarie made a motion to deny a conditional use permit to allow a garage to exceed the 18 ½ ft height restriction and storage above the garage based on the fact that a reasonable garage can be constructed meeting the requirements of a detached garage as outlined in the Zoning Ordinance and the Zoning Ordinance prohibits second stories on detached garages. Miller second. All in favor except Seaberg. Majority in favor. Motion carried. Application denied.

Geiselhart questioned what he had to do if he wanted storage above the one story garage but kept the height of the garage under 18 ½ feet. The Board stated that he would have to make a new application to the Board.

**FOURTH ORDER OF BUSINESS: Central Specialties.** A request for a conditional use permit for gravel extraction, processing and storage in an agricultural zone for the property described as: W ½ of SW ¼; Section 35, TWP 141, Range 38; Round Lake Township and owned by Charles Anderson. PID Number 25.0121.000.

Jim Pontius, Central Specialties, explained the application to the Board. The gravel would be used for County and Township road work, primarily County Highway 26, 39 and 156. Three pits will be open to minimize hauling of materials. The conditional use permit is required to leave the pits open after the road projects are completed.

P. Johnson explained that a conditional use permit is not required for gravel extraction for public road projects. Once the road project is finished, the pit must be closed and reclaimed. To leave the pit open, a conditional use permit is required.

Kovala questioned how long the pit will be open. Pontius stated that the plan is for 7 years. Before the equipment is removed from the site, material will be stock piled for future use. Reclamation would not be done until the stock piled material is used up.

Knutson questioned the amount of area involved in the project. Pontius stated that 30 acres would be involved; there is a natural woods buffer to the West and County Roads to the north and East of the project.

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 location, the road projects and plan submitted.

**Motion:** Seaberg made a motion to approve a conditional use permit for gravel extraction, processing and storage as outline in their operations plan submitted to the Zoning Office based on the fact that it does meet the criteria of the Zoning Ordinance. W. Johnson second. All in favor. Motion carried.

**FIFTH ORDER OF BUSINESS: Central Specialties.** Request a conditional use permit for gravel extraction, processing, storage, and temporary hot mix asphalt plant operation in an agricultural zone for the property described as: NW ¼ SE ¼; Section 14, TWP 141, Range 37; Pine Point Township and owned by Thomas and Patricia Yliniemi. PID Number 22.0058.001.

Jim Pontius, Central Specialties, explained the application to the Board. The gravel would be used for County and Township road work, primarily County Highway 26, 39 and 156. Three pits will be open to minimize hauling of materials. The conditional use

permit is required to leave the pits open after the road projects are completed. A temporary hot mix plant would also be set up to mix tar for the projects. They will also be working with the Township to fix the road on which the pit is located.

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.

**Motion:** Seaberg made a motion to approve a conditional use permit to allow gravel extraction, processing, storage and a temporary hot mix plant as outline in their operations plan submitted to the Zoning Office based on the fact that it does meet the criteria of the Zoning Ordinance. Bruflodt second. All in favor. Motion carried.

**SIXTH ORDER OF BUSINESS: Thomas Hauglid.** Request a change of zone from agricultural to residential and approval of a certificate of survey for three tracts of land for the property described as: W 300 ft of E 550 ft of Lot 6; Section 13, TWP 139, Range 39; Height of Land Township. The property is located on South Twin Lake. PID Number 15.0155.002.

Hagulid and Scott Walz, surveyor, explained the application to the Board. Hauglid would like to divide the property into three lots for his children. Lots sizes will be 2.1 acres; 2.15 acres; and 4.2 acres. Tract C would have access to the lake and there would only be one dock.

No one spoke in favor of the application. Verlene Genoch had concerns as to where the property lines were because there was confusion in the neighborhood that everyone's property lines were off 30 feet. There was no written correspondence either for or against the application. At this time, testimony was closed.

The Board asked for clarification on Genoch's statement. Walz stated that all the property owners still own the same and correct amount of property, but after the survey was done, the actual survey lines are not where the property owner thought they were.

Johnston questioned the 50 ft right of way. Walz stated that the current county road has a 33 ft right of way. The highway department asked for a 50 ft dedication for future road expansion. Johnston questioned if the right of way was calculated in the lot area. Walz stated that it was calculated in the total sq. footage, but not in the usable lot area.

Further discussion was held. P. Johnson stated that, according to the Zoning Ordinance and Subdivision Ordinance, Tract C could not have an easement to the lake or riparian rights.

Knutson stated that he was still unclear about the lot line issue and asked if the land owners had any recourse. P. Johnson stated that the certificate of survey becomes law and if there is any dispute, civil action could be taken.

**Motion:** Johnston made a motion to approve the change of zone from agricultural to residential and to approve the certificate of survey for three tracts of land based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance and with the stipulation that Tract C does not have an easement for lake access or riparian rights. Moritz second. All in favor. Motion carried.

**SEVENTH ORDER OF BUSINESS: Kip Moore.** A request for a change of zone from agricultural to residential and approval of a certificate of survey to allow three tracts of land for the property described as: Lot 6 less plat; Section 18, TWP 138, Range 42; Lake Eunice Township. The property is located on Big Cormorant Lake and Arrow Lake. PID Number 17.0197.001.

P. Johnson read an e-mail from Dave Barsness, DNR regarding the split and stated that Arrow Lake is not a natural environment lake, but a protected wetland.

Moore explained the application to the Board. Moore stated that he is a surveyor, but not in the State of Minnesota. He has owned the property for ten years and now would like to split the property into three tracts. His intent is to keep Tract B and sell Tracts A & C. Tracts A & B have direct access to Big Cormorant Lake. Tract C is on Arrow Lake, which is accessible to Big Cormorant Lake through a channel.

No one spoke in favor of the application. Speaking in opposition to the application were Steve and Paula Stromstead. Stromstead stated that the pond as been peaceful and has a no wake zone to protect the loons. When the water is low, Arrow Lake is a slough with no access to the lake. Written correspondence was received from the Stromstead's; DNR and Jay Carlson, Cormorant Lakes Watershed District in opposition to the application. At this time, testimony was closed.

Discussion was held regarding lot sizes and access to the lake. Moore stated that the lots are buildable and access to the lake is not an issue, the one lot may or may not have access to the lake. Skarie stated that the DNR has already stated that the channel cannot be dredged to accommodate boat traffic.

Moritz stated that Tracts A & B have direct access to Big Cormorant Lake, but Tract C does not. Selling Tract C, which they have water frontage but may or may not have access to the main lake is not suitable; approving the split would be asking for problems. Tracts B & C should be combined.

Seaberg stated that he is confident that Moore is not the one ruining the bay area and if there is already a no wake zone, the purchasers will be made aware of this; consideration should be given to the current landowner.

Brufloft agreed with Moritz and felt that Tracts B & C should be combined.

**Motion:** Brufloft made a motion to deny the change of zone and certificate of survey based on the fact that the lots are not suitable for development.

At this time, Moore requested that his application be withdrawn.

Brufloft withdrew his motion.

Application withdrawn at applicant's request.

**EIGHTH ORDER OF BUSINESS: Marjorie Ley.** Request to change the zone on a parcel of land from agricultural to high density residential for the property described as Tract A; Section 15, TWP 138, Range 41; Lake View Township; a split from PID Number 19.0298.000.

Ley explained the application to the Board. This 0.54 acre parcel would be split off a 3.1 acre parcel for the construction of a new home.

P. Johnson explained that the Board would only be acting the change of zone; this property is located within the two mile extraterritorial limits of the City of Detroit Lakes. The City would be acting on the subdivision.

No one spoke in favor of the application. Speaking in opposition was Gail Hahn, Lake View Township, stating it was spot zoning. There was no written correspondence either for or against the application. At this time, testimony was closed.

Discussion was held. Johnston stated that this was spot zoning, but it was within the two mile extraterritorial limits of the City and City regulations should also be considered. It was clarified that the Board is only acting on the change of zone, not the approval of the certificate of survey. The City of Detroit Lakes would be acting on the certificate of survey.

**Motion:** Seaberg made a motion to approve the change of zone from agricultural to high density residential based on the fact that the property is located within the two mile extraterritorial limits of the City of Detroit Lakes and it would be compatible with the City. Knutson second. All in favor except Moritz, Johnston, and Brufloft. Majority in favor. Motion carried.

**NINTH ORDER OF BUSINESS: Steve Mattson.** Request a conditional use permit to allow extraction in an agricultural zone for the property described as: E ½ of SE ¼; Section 20, TWP 139, Range 43; Lake Park Township. PID Number 18.0130.002.

Mattson explained the application to the Board. Clay County will be redoing the County landfill. The clay will be used for a new liner at the landfill. A certain type of clay is needed and it has been found at this location. Three to four feet of clay will be removed

over a two acre parcel. The black dirt will then be replaced and the property will again be farmed.

McGovern questioned if the work will be close to the wetland or to the substation. Mattson stated that the work will not be close to either one. Johnston questioned how long the process would take. Mattson stated that it would take approximately 10 weeks. Seaberg questioned how deep the top soil was. Mattson stated that the top soil is only about 6 inches deep and actually the removal of some of the clay would make this better farmland.

No one spoke in favor of the application. No one spoke in opposition to the application. Written correspondence was received from: Harvey Gabbert, Minnkota Power, had no objections as long as the project does not interfere with the substation or that equipment is not on the substation property; and Brad Wentz, Becker County Highway Department, with concerns that there may be some maintenance concerns with County Road 8 since it is a gravel road. At this time, testimony was closed.

Discussion was held. Seaberg questioned if Mattson would fix up the gravel road should the road be messed up. Mattson stated that the trucks would be using the existing approach off of County Hwy 1 not County Hwy 8. County Hwy 1 is a tarred road. Mattson further stated that only two pieces of machinery will be used, not much different than actually doing field work.

**Motion:** Seaberg made a motion to approve a conditional use permit to allow extraction of material as outlined in the operations plan submitted to the Zoning Ordinance based on the fact that the use would not be detrimental to the area. McGovern second. All in favor. Motion carried.

**TENTH ORDER OF BUSINESS: Kent Disse.** Request a conditional use permit for commercial storage, office space and a retail rental center in an agricultural district for the property described as: Beg at Inter E Line W ½ NE ¼ & NW R/W Ln Hwy #34 Th N 704 ft W 675 ft S 120 ft SW 225 ft; Section 25, TWP 139, Range 41; Detroit Township. PID Number 08.0440.000.

Disse explained the application to the Board. The existing mink ranch has gone out of business and they would like to utilize the buildings that remain. 16 mink sheds have been torn down and the rest would remain and be used. One of the structures has a concrete floor and is heated, which could be used for offices and retail building.

Brufloft asked when the mink ranch went out of business. Disse stated a year ago this past February. Seaberg stated that it would be a good use of the structures and the clean-up that has taken place looks nice and is an improvement.

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. Johnston stated that this would be a good use of what is left of the structures and the property looks great with the past clean up and it is along the Highway 34 commercial corridor.

**Motion:** Johnston made a motion to approve a conditional use permit to allow commercial storage, office space and a retail rental center in an agricultural district based on the fact that it is compatible with the surrounding area and it would utilize existing structures. W. Johnson second. All in favor. Motion carried.

**ELEVENTH ORDER OF BUSINESS: Informational Meeting.**

The tentative date for the next informational meeting is scheduled for Thursday, June 10, 2004 at 8:30 a.m. at the Planning and Zoning Office.

Since there was no further discussion to come before the Board, Seaberg made a motion to adjourn the meeting. McGovern second. All in favor. Motion carried. Meeting adjourned.

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James Kovala, Chairman

ATTEST

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Jeff Moritz, Secretary

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Patricia L. Johnson, Administrator