

Becker County Planning Commission
July 19, 2005
Regular Meeting

Present: Ray Thorkildson, Waldo Johnson, Don Skarie, Jeff Moritz, Jim Kovala, John McGovern, John Lien, Ken Christianson, Mary Seaberg, Commissioner Larry Knutson and Zoning Staff Patricia Johnson and Debi Moltzan.

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

McGovern made a motion to approve the minutes from the June 21, 2005 meeting. Seaberg second. All in favor. Motion carried. Minutes approved.

Kovala explained the procedure the public hearing. The recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, July 26, 2005.

FIRST ORDER OF BUSINESS: Jason Fischer. This application was tabled, at the applicant's request, at the June 2005 meeting to allow the applicant to address concerns of the Township & Planning Commission.

Fischer explained that they have met with the Township and have a revised plan. Road design and issues have been addressed; cul-de-sacs will be changed to hammerheads or t's; the road was moved to accommodate the natural drainage ditch.

Fischer stated that the number and size of back lots has been reduced from 8 to three, which would eliminate a second road. The back lots would not be 2.5 acres in size. The 5-acre tract, previously excluded from the plat, have now been added to the plat as two platted lots.

Fischer explained the conservation easements that would be placed on the lake access. Four of the lake lots will not have direct lake access and will have to use the common lot, along with the three back lots for lake access. The lots marked in yellow will be allowed a 30 ft access strip to the lake. The access area for Lots 7 & 8 will be side by side to concentrate the boat traffic and preserve more lakeshore; Lots 5 & 6 will be side by side.

Discussion was held regarding lake access, lot size, docking on the common lot, number of boats and parking on the common lot, covenants and control and the condition of the existing township road.

P. Johnson explained the new policy and procedure for developers to deed conservation easements to the County and how enforcement will be handled on these areas.

No one spoke in favor of the application. Speaking in opposition to the application was Dick Meyer for Little Cormorant Lake Association. Barry Nelson, Commissioner, asked questions for clarification. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Christianson stated previous plats have been approved with an access lot, but the lot is used by the riparian owners that have poor lakeshore access, not by the back lots. Skarie did not like the idea of the back lots having lakeshore access.

Motion: Skarie made a motion to approve the change of zone from agricultural to residential and approve the preliminary plat consisting of 17 lots based on the fact that the preliminary plat does meet the criteria of the Zoning Ordinance and Subdivision Ordinance with the stipulation that the three non-riparian (back lots) do not have lake access due to the sensitivity of the lakeshore. Thorkildson second. All in favor except McGovern, Knutson, Lien and Seaberg. Majority in favor. Motion carried.

SECOND ORDER OF BUSINESS: Winton Johnson. This application was denied by the Planning Commission at the June 2005 meeting, and the applicant tabled the application at the County Board of Commissioners Meeting to address the concerns of the Planning Commission.

Winton Johnson explained that he tabled the application at the County Board level to revise the plan. The plan has been reduced from 13 units to 7 units. The old plan did meet the criteria of the Zoning Ordinance, but since the Planning Commission felt that the project was too dense, the project was revisited and number of units reduced. There would be 5 single-family units in the first tier and two single-family units in the second tier. There would be seven boats slips for the seven lots. The rest of the project is the same. Winton Johnson felt that a planned unit development is more feasible for this location. A permanent dock will be installed over the top of the emergent vegetation. There will be a centralized sewer and water system. The road is a private road for the planned unit development, not a township road.

McGovern questioned the dock system's construction. Winton Johnson explained how it would be constructed.

Speaking in favor of the application were Opal Rogstad and Monte Jones. Speaking in opposition to the application were: Hank Carpenter, Rick Wirth, Marcy Blackburn, Shorty Marthalar, and Charles Blackburn. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Thorkildson questioned if individual lot sizes apply in a planned unit development. P. Johnson stated that individual lot sizes apply in the overall calculations of the planned unit development, but there is no individual lot ownership. Further discussion was held regarding the difference between a lot/block development and a planned unit development, lot area, usable area and the bluff area. Skarie stated

that this plan is more acceptable than a lot/block subdivision because it would not allow individual docks. Lien stated that the planned unit development allows for storm water protection. W. Johnson stated that with an association there is more protection for the entire development and there is the perpetual easement for the lakeshore and wetlands.

Motion: W. Johnson made a motion to approve the change of zone from agricultural to high density residential and approve a conditional use permit to allow a planned unit development consisting of seven single family units with one centralized docking system for seven watercraft based on the fact that there will be a permanent easement on the lakeshore and wetlands and this plan would be the most ideal situation for the sensitive topography. Skarie second. All in favor except Thorkildson, McGovern and Seaberg. Majority in favor. Motion carried.

THIRD ORDER OF BUSINESS: Final Plat for Earl Hemmerich.

P. Johnson explained that the change of zone from commercial to residential and preliminary plat approval for five lots were approved May 17, 2005. The property is located on Big Basswood Lake. Everything is in order for final approval.

Motion: Lien made a motion to approve the final plat based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Thorkildson second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Rodney Bahr. Request a change of zone from agricultural to residential and approval of a certificate of survey to allow three substandard lots in contiguous ownership to be divided into two buildable tracts of land for the property described as: Lots 6, 7 & 8 Pleasure Estates; Section 3, TWP 139, Range 39; Height of Land Township. PID Numbers 15.0482.000, 15.0483.000 & 15.0484.000. The property is located on Height of Land Lake.

No one was present to explain the application. Kovala and P. Johnson explained the application to the Board. There are three substandard size contiguous lots in the same ownership, owned by Bahr. The request is to subdivide the lot into two buildable parcels.

No one spoke in favor of the application. No one spoke in opposition to 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 topography of the property, size requirements, and procedure for re-platting of platted lots.

Motion: Knutson made a motion to approve the change of zone and certificate of survey to allow the three substandard lots in contiguous ownership to be divided into two buildable lots based on the fact that the request meets the requirement of the Zoning Ordinance and Subdivision Ordinance. Christianson second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Strawberry Lake Christian Retreat Church.

Request a conditional use permit to allow 18 RV sites for the property described as: Lot 1 Less 10 Acres in SE Corner; Section 3, TWP 141, Range 40; Sugar Bush Township.

Vince Duff, Engineer and construction manager, explained the application to the Board. Two of the existing sites would be removed and 12 new sites added for a total of 18 sites.

W. Johnson questioned if the sites were permanent or transient. Duff stated that the sites are transient.

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

Further discussion was held regarding location, size and use.

Motion: Thorkildson made a motion to approve a conditional use permit to allow 18 RV sites based on the fact that the request is in compliance with the non-shoreland commercial multi-unit developments. Seaberg second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Becker County Human Society/ Detroit Lakes Development Authority. Request a conditional use permit for a semi-public use in an agricultural zone for the property described as: 2.98 acres of NW ¼ less 5 Acres in SW Corner; Section 22, TWP 139, Range 41; Detroit Township. PID Number 08.0381.000.

The application was explained by Dan Hagen. The property will be used to construct a shelter for the humane society. The area in which this is to be constructed will eventually be annexed into the city. Currently, a conditional use permit would be required to get the project started.

Kovala stated that this would be located on the parcel of land for which the City of Detroit Lakes was denied the change of zone from agricultural to industrial. Seaberg questioned what type of building would be constructed. Hagen stated that the exact type of building is not known yet, but it would house up to 25 animals.

Kovala questioned how the society operates now. Hagen stated that they use the Detroit Lakes Animal Hospital and volunteer care takers. W. Johnson stated that the society needs a home, but not in the middle of a residential area.

P. Johnson stated that it is the intent of the City to annex this land into the City and its intended use is to be industrial. Knutson remembered saying, at the last meeting, that the Society had an option to apply for a conditional use permit. Christianson felt that this is a City issue.

Speaking in favor of the application were: Lori Thompson, Beth Pridday, Linda Martinson and Kelly Pratt.

Christianson questioned why, if it is a County Humane Society, why other locations weren't looked at. Priddy stated that the County grants some funds each year. Kovala questioned the noise from the animals. Martinson stated that the animals are indoors except for exercise times. Kovala stated he did not care for the position the City of Detroit Lakes and Larry Remmen put the Board in; if the County grants the conditional use permit, then the City will annex as industrial because a shelter can only be located in an industrial zone. Seaberg questioned why the society has not looked into tax-forfeited lands for the shelter. Kovala questioned why the society couldn't share a facility with another county.

Speaking in opposition to the application were Clayton Schott and Tom Mack. There was no written correspondence either for or against the application. At this time testimony was closed.

Further discussion was held. Lien felt that the City did not do the society a favor by giving them this land and that the City is forcing the change in the City's favor. Lien stated that he is in favor of a shelter, but this Board has sent a clear message to the City that this area should be residential. Knutson stated that he admired the passion of the society, there is a clear message to the City that this area should be residential. W. Johnson stated that the society should talk to the County Commissioners about a rural location for a shelter. Thorkildson agreed.

Motion: Knutson made a motion to deny a request for a conditional use permit for a semi-public use in an agricultural zone based on the fact that it is not compatible with the surrounding residential area. McGovern second. All in favor. Motion carried.

Kovala stated that the application is being denied because of the City's approach, not because of the Humane Society.

SEVENTH ORDER OF BUSINESS: Tom Krabbenhoft. Request a conditional use permit to restore a retaining wall on the property described as: Lot 7 & S 50 feet of Lot 6, Knollwood Glen; Section 14, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0827.000. The property is located on Pearl Lake.

Krabbenhoft explained the application to the Board. A new retaining wall would be constructed to replace the existing wall. The wall is located within the shore impact, but not directly on the shore. The current wall is constructed of railroad ties and is deteriorating. The Pelican River Watershed District is in agreement with the replacement.

Kovala questioned if there was riprap there before. Krabbenhoft stated that there was riprap there before, but the wall is deteriorating from above, not below. Lien questioned who engineered the plan. Krabbenhoft stated that Strata engineered the plan, but did not stamp it.

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 shoreline, water flow, surrounding shorelines, the engineered plan and the topography.

Motion: Thorkildson made a motion to approve a conditional use permit to allow a retaining wall in the shore impact zone based on the fact that the wall is replacing a deteriorating wall that is not directly on the lakeshore and it will correct an erosion problem. W. Johnson second. All in favor. Motion carried.

EIGHTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, August 11, 2005 at 8:30 am at the Planning and Zoning Office.

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

James Kovala, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Johnson, Zoning Administrator