

**Becker County Planning Commission**  
**July 18, 2006**  
**Monthly Meeting**

**Present:** Members Jim Bruflodt, Harry Johnston, John McGovern, Waldo Johnson, Jeff Moritz, Jim Kovala, John Lien, Mary Seaberg, Ken Christianson, Ray Thorkildson, Don Skarie, Commissioner Larry Knutson, Zoning Administrator Patty Johnson and Zoning Staff Debi Moltzan.

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

Seaberg made a motion to approve the minutes from the June 2006 meeting. Kovala second. All in favor. Motion carried.

Chairman Bruflodt stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final approval on Tuesday, July 25, 2006. Bruflodt then explained the protocol for the meeting.

**FIRST ORDER OF BUSINESS: Ed Kava.** This issue was for the change of zone from agricultural to residential, which was postponed at the May 2006 meeting.

P. Johnson stated that the original request was for the change of zone to residential for a one-acre tract. The request has been changed to ask for a change of zone to commercial.

Christianson stated that it was postponed at the last meeting because residential would not be compatible with the area. Kava stated this was correct. Kava would now like it to be rezoned to commercial. There currently is a conditional use permit for commercial storage and it is being taxed commercial so it should be zoned commercial. Kava stated that he wants to split off one acre and one building, but since it is zoned agricultural one acre would not be allowed. Lien felt that if the property would be rezoned to commercial, official controls would be lost and there would be nothing to regulate what type of business could be in the structure.

Knutson questioned if more property could be added to this tract to make it larger. Kava stated that it could not be done due to the layout of the existing structures. Knutson questioned why Kava wanted to split the property. Kava stated that he wanted this building to stand on its own and use it for personal storage. Christianson questioned if there would be a change of ownership of the property. Kava stated that the entire acreage is currently owned by his company and once split, the one-acre would be owned by himself and his wife. Kava stated that he would really like to see the entire acreage as commercial since he is already paying commercial taxes. W. Johnson questioned if the structure on the one-acre would be used for personal storage. Kava stated that the structure would be used for personal storage.

P. Johnson stated that if the one-acre was rezoned to residential, Kava would be giving up the conditional use permit for commercial storage in that structure.

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 on the use of the surrounding area, the size and location of the structure and use of the structure.

**Motion:** Knutson made a motion to approve the change of zone from agricultural to residential for a 1.51-acre tract based on the fact that the residential use is compatible with the area with the stipulation that the conditional use for commercial storage has been forfeited on the 1.51-acre tract and can be used only for personal storage. McGovern second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Brad Solheim. This application has been tabled at the request of the applicant.**

**THIRD ORDER OF BUSINESS: Bruce Danielson. This application was postponed at the June 2006 Board of Commissioners meeting to go back to the Planning Commission for further review.**

Danielson stated that he has rethought his proposal and is now going back to his first thought, which would be for an office and storage for his personal business. Danielson would construct a looped driveway to allow access to both the road on the west and the road on the east, there would not be access off of County Road 4. There would only be one building, with no activity on the portion of the lot west of the road, near the lake. Proper storm water management would be done on the portion of the lot where the structure would be located. The structure would be constructed to look like a home, and could be converted to a house in the future. There would not be any retail work done at this location.

Moritz questioned the hours of operation. Danielson stated that he is a small time carpenter so there would not be long hours or much activity and no outside storage. Knutson questioned if the office would be manned during the day. Danielson stated that only he and his workers would be there on occasion; he has an accounting service do his bookwork. Johnston questioned if there would be cabinet making inside the building. Danielson stated that he does not make cabinets and there would not be any construction inside the building.

No one spoke in favor of the application. Speaking against the application were Neil Meyer, Marvin Wright and Gene Meyer.

Neil Meyer questioned why the neighbors were not notified of this meeting when the Planning Commission denied the application last month. P. Johnson explained that the

Planning Commission is a recommending board. The County Board of Commissioners makes the final decision. In this case, the County Board of Commissioners sent the application back to the Planning Commission. P. Johnson stated that if someone has an issue with an application it is important to follow the application through the entire process.

There was no written correspondence either for or against the application. At this time, testimony was closed.

Knutson stated, that for the sake of discussion, this is not a change of zone. This is a request for a conditional use permit, in which stipulations can be placed and monitored.

P. Johnson reminded the Board that the request is also for approval of a certificate of survey.

Christianson questioned the personal storage and what would be stored at this location. Danielson stated that he had a pickup, flat bed trailer, tool trailer, small dump truck and fork lift. Danielson stated that the equipment is currently stored at a farmer's yard, sitting out in the elements. Danielson also stated that his company consists of one partner and one employee. Danielson further stated that there would be some storage of materials that were either left over from one job or waiting to be taken to another job.

Brufloft questioned if there would be an employee there during the day. Danielson stated that the crew would meet at this location in the morning, go to the job site, and return in the evening. The only time someone would be there at a different time is if they needed additional items or yard maintenance.

Knutson questioned, that if the conditional use permit were to be granted, what type of stipulations the other members would like to see included. Knutson felt hours of operations, screening and access should be stipulated. Johnston felt there should not be outside storage. Brufloft felt everything had been addressed in his proposal except hours of operation.

**Motion 1:** Christianson made a motion to approve the certificate of survey for a 4.32-acre tract based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Skarie second. All in favor except W. Johnson. Majority in favor. Motion carried.

Lien stated that the conditional use request does meet the criteria of the ordinance except for suitability. Johnston stated that there is pretty good screening, the location is on a well-used county road and would not affect the value of the surrounding houses. Knutson agreed with Johnston.

**Motion 2:** Skarie made a motion to approve a conditional use permit for an office and storage area for a personal construction business as outline in the proposal presented to the Planning Commission on 7/18/06 and on file with the Zoning Office. Johnston

second. All in favor except W. Johnson, Lien and McGovern. Majority in favor. Motion carried.

**FOURTH ORDER OF BUSINESS: Chet Collins.** Request a change of zone from agricultural to residential and approval of a certificate of survey for three lots on the property described as: Pt Govt Lot 9; Section 4, TWP 139, Range 41; Detroit Township. PID Number 08.0060.000. The property is located on East Cozy Cove Road.

Collins explained the application to the Board. The current parcel would be divided into three lots. The tract sizes would be 1.36 acres, 3.2 acres and 3.9 acres in size. Currently, he does not have any plans for the lots, one of which contains his house; he is planning for the future. Collins stated that he does have a riparian lot across the road, which would be attached to just one of the lots, not all three.

Scott Walz, Meadowland Surveying, stated that the lot across the road is not contiguous to this lot and is a nonconforming lot of record, which would not have to be attached to any one of the non-riparian lots. P. Johnson stated that as long as the riparian lot is not contiguous, it could stand-alone or be attached to one of the lots, but not all three.

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:** Lien made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey for three lots (1.36 acres, 3.90 acres and 3.20 acres) based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. All in favor. Motion carried.

**FIFTH ORDER OF BUSINESS: Vern and Lori Peterson.** Request a conditional use permit for a craft shop in an agricultural zone for the property described as: Lot 2 Wegner Shores; Section 29, TWP 138, Range 40; Burlington Township. PID Number 03.0614.000. The property is located on Acorn Lake.

Lori Peterson explained the application to the Board. She would like to open a craft shop, not a commercial building, which would be seasonal. Peterson cannot afford to construct a separate building, so a mobile home will be brought in and fixed up and redecorated. The structure would not be seen from the lake.

Knutson questioned the setback. Knutson felt that the proposed structure does not meet the setback from the state right of way. P. Johnson stated that the proposed structure would have to meet either the required setback or string line. Lien felt the setbacks should be addressed before the Board makes a determination. P. Johnson stated the setbacks are not a concern of this Board and would either be addressed by the Zoning Office or the Board of Adjustments.

Speaking in favor of the application was Kathy Froelich, Burlington Township. Froelich stated that the Township is in favor of the craft shop, but not the relocation of a mobile home. Froelich stated that the Township has too many problems with dilapidated mobile homes. Speaking in opposition to the application were Tim Riley and Harold Ness, both not opposed to a craft shop but the mobile home. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Christianson felt the application should be tabled until the setback issues have been addressed. Brufloft questioned the 60-day rule. P. Johnson stated that the Board would have to act on it unless the applicant tabled the request. Knutson stated that the conditional use permit does not have anything to do with what building it is located in. Johnston felt that if the application was tabled till next month and then a variance was needed, and additional 30 days would be added onto the time from the August meeting.

**Motion:** Knutson made a motion to approve a conditional use permit to allow a craft shop based on the fact that it would not be detrimental to the surrounding area with the stipulation that if a structure is moved onto or built on the property, that the structure meet the required setbacks. Moritz second.

Johnston questioned who determines what type of a building can go on the property. P. Johnson stated that the Zoning Office cannot discriminate against mobile homes and there is not an adopted building code. Seaberg stated that the craft shop could be operated out of the Bed and Breakfast.

A vote was taken with everyone voting in favor of the application except Lien. Majority in favor. Motion carried.

**SIXTH ORDER OF BUSINESS: Doug Askelson.** Request approval of a certificate of survey for two tracts of land in an agricultural zone for the property described as: SE ¼ SE ¼; Section 36, TWP 140, Range 43; Cuba Township. PID Number 07.0169.000. The property is located on Warling Lake.

Scott Walz, surveyor, explained the application to the Board. Both lots meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Walz stated that there is an existing easement to the Fish & Wildlife Service, along the shoreline.

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. McGovern stated that this lake is a DNR rearing pond. People can use the easement for hunting and walking, but no dock will be allowed on the lake.

**Motion:** McGovern made a motion to approve the certificate of survey for two lots, based on the fact that the survey meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. All in favor. Motion carried.

**SEVENTH ORDER OF BUSINESS: Keith & Brandy Johnson.** Request approval of a certificate of survey for two lots in an agricultural zone for the property described as: Pt Govt Lot 5; Section 33, TWP 139, Range 42; Audubon Township. PID Number 02.0230.003. The property is located on Maple Ridge Road.

K. Johnson explained the application to the Board. The 6-acre tract would be divided into two tracts, 2.93 acres and 3.67 acres. The conditional use permit for horse boarding is located on the other 28 acres.

No one spoke in favor of the application. Speaking in opposition to the application was the Jerry Lunde and Rick Ellsworth, Audubon Township Board, which is opposed to lots smaller than 5 acres outside the shoreland district and stated that they have a moratorium on this issue.

P. Johnson asked to read a copy the moratorium. P. Johnson stated that the moratorium is for property outside the shoreland district and these lots are located within the shoreland district. At this time, Ellsworth withdrew their opposition since the tract was located within the shoreland district.

There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held.

**Motion:** Lien made a motion to approve the certificate of survey for two tracts of land (3.67 acres and 2.93 acres) based on the fact that the certificate of survey meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Kovala second. All in favor. Motion carried.

**EIGHTH ORDER OF BUSINESS: Lyle Dodes.** Request a change of zone from agricultural to residential and approval of a certificate of survey for three lots for the property described as: N ½ SW ¼ S of Trk Ex 2.50 Ac & W 700 Ft of Lot 7; Section 27, TWP 138, Range 40; Burlington Township. PID Number 03.0269.000. The property is located on Town Lake.

Dodes and Scott Walz explained the application to the Board. The property would be split into three tracts (Tracts A, C, & F) with Tracts B2 and D2 to be added to existing tracts. There is a home currently on Tract F. Walz stated that the additions to the existing tracts will make the existing tracts conforming and this will clean up an old survey.

Dodes explained that the owner of Tracts D & E would like to own the entire lakeshore in front of his property, but that would leave Tract F a substandard parcel.

Lien stated that, when creating a new subdivision, the minimums must be met. Johnston stated that this is the proper way to do things. Walz stated that the Technical Review Panel suggested this configuration.

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:** Johnston made a motion to approve the change of zone from agricultural to residential and approval of a certificate of survey consisting of three lots (60,100 sq ft; 40,600 sq ft; and 44,100 sq ft) and two tracts to be joined to existing tracts based on the fact that the survey does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Christianson second. All in favor. Motion carried.

**NINTH ORDER OF BUSINESS: Don Skarie.** Request approval of a preliminary plat consisting of five (5) lots in an agricultural zone for the property described as: Pt Govt Lots 4 & 5; Section 4, TWP 139, Range 41; Detroit Township. PID Number 08.0055.000. The property is located on Co Rd 149.

At this time, Skarie excused himself from the Board and explained his application to the Board. The lots are over 2.5 acres, so the zoning would not have to be changed. The lots range from 3 to 6 acres.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Wentz, County Highway Engineer, with concerns about the access to the County Road. At this time, testimony was closed.

Further discussion was held.

**Motion:** Christianson made a motion to approve the preliminary plat consisting of five (5) lots in an agricultural zone based on the fact that the preliminary plat meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Kovala second. All in favor. Motion carried.

**TENTH ORDER OF BUSINESS: Todd Steeke.** Request a change of zone from agricultural to residential and approval of a certificate of survey for one lot for the property described as: Pt Govt Lots 7 & 8; Section 36, TWP 138, Range 39; Silver Leaf Township. PID Number 29.0226.002. The property is located on Dead Lake.

Steeke and Chris Heyer, surveyor, explained the application to the Board. The lot meets the criteria of the Zoning Ordinance and Subdivision Ordinance. There is a wetland that

separates the buildable area and the lake, so a boardwalk will be constructed over the wetland. Steeke will work with Soil & Water Conservation to construct the boardwalk.

Kovala questioned the location of the wetland since there were so many trees growing in the area defined as wetlands. Steeke stated that the land is in CRP and has been planted in trees. Heyer stated that the wetland was not delineated; the area was taken off the inventories map.

No one spoke in favor of the application. Speaking in opposition to the application was Randy Thompson. Thompson stated that he had an easement across this property to the north end of the lake and did not want to lose the easement.

Johnston questioned the easement. Heyer stated that the easement is recorded but the description is not locatable. Heyer stated that a new, locatable easement will be drafted and recorded.

Further discussion was held regarding the easement. Johnston felt the easement should be resolved before action taken on the survey. Brufloft questioned the 60-day rule. Christianson suggested action contingent upon a defined easement.

**Motion:** Christianson made a motion to approve the change of zone and certificate of survey for one lot (119,400 sq ft in size) with the stipulation that a new, recordable easement, 33 ft in width across the most satisfactory location on the easterly side of the property, be conveyed to the Thompson's based on the fact that the change of zone and survey meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Thorkildson second. All in favor. Motion carried.

**ELEVENTH ORDER OF BUSINESS: Sandra Tweeten.** Request a change of zone from commercial to residential for the property described as: Pt NE ¼ NE ¼; Beg 400 ft S & 600 ft E of Inter Hwy 34 & N Ln; Section 25, TWP 139, Range 41; Detroit Township. PID Number 08.0435.000. The property is located on Highway 34.

Lisa Piche explained the application to the Board. Piche stated that the property was zoned commercial in the original comprehensive plan, but has always been a residence. The owner is looking at selling. The property has been marketed as commercial, but no one is interested. There have been several offers for the house, but banks will not loan money for a residential house in a commercial zone. There are several other houses in the area, so the request would be compatible.

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:** Lien made a motion to approve the change of zone from commercial to residential. Moritz second. All in favor. Motion carried.

**TWELVETH ORDER OF BUSINESS: Steven Strawsell.** Request approval of a certificate of survey for two tracts of land (17.0 acres and 13.6 acres) in an agricultural zone for the property described as: Pt Govt Lot 4; Section 20, TWP 141, Range 40; Sugar Bush Township. PID Number 32.0186.000. The property is located Little Sugar Bush Lake.

Strawsell explained the application to the Board. The parcel would be split into two tracts of land; one would be 13 acres in size and 17 acres in size.

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 sizes and location.

**Motion:** Kovala made a motion to approve the certificate of survey for two lots (17.0 acres and 13.6 acres) based on the fact that the survey meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Thorkildson second. All in favor. Motion carried.

**THIRTEENTH ORDER OF BUSINESS: Final Plat of Bijou Lake Estates, Jona Baer, Developer.**

P. Johnson explained that the preliminary plat was approved in October 2005 for a change of zone from agricultural to residential and nine lots. Everything is in order and ready for final approval.

McGovern made a motion to approve the final plat of Bijou Lake Estates based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. All in favor.

**FOURTEENTH ORDER OF BUSINESS: Final Plat of County 32 Storage Condominiums, Gary Heitkamp Developer.**

P. Johnson explained that the preliminary plat was approved in March 2006. This would be a residential storage condominium. Everything is in order and ready for final approval.

Lien made a motion to approve the final plat of County 32 Storage Condominiums based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Christianson second. All in favor. Motion carried.

**FIFTHTEENTH ORDER OF BUSINESS: Final Plat of The Lakes Toybox, First Supplemental Addition, Bruce Qvammen, Developer.**

P. Johnson stated that this is a supplemental plat of an amendment to the storage condominiums approval at an earlier date. Everything is in order and ready for final approval.

Moritz made a motion to approve the Final Plat of The Lakes Toybox, First Supplemental Addition based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Kovala second. All in favor. Motion carried.

**SIXTEENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is scheduled for Thursday, August 10, 2006 at 8:30 am at the Planning & Zoning Office.

**SEVENTEENTH ORDER OF BUSINESS: Top Brass Estates, Bruce Qvammen, developer.**

P. Johnson explained that this planned unit development was approved with the stipulation that the dock location be established by the DNR. P. Johnson has been informed that the DNR will not act on the dock location. The developer has requested that the motion be amended to have the dock location chosen by the Technical Review Panel.

**Motion:** Knutson made a motion to amend the original motion to allow the Technical Review Panel to choose the most appropriate location for the dock based on the fact that the Department of Natural Resources will not locate the dock. Seaberg second. All in favor. Motion carried.

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

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Jim Bruflo, Chairman

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Jeff Moritz, Secretary

ATTEST

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Patricia Johnson, Administrator