

Becker County Planning Commission
August 15, 2006

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

Kovala made a motion to approve the Minutes from the July 18, 2006 meeting. McGovern second. All in favor. Motion carried. Skarie made a motion to approve the July 18, 2006 Zoning Ordinance Amendment Minutes. Lien second. All in favor. Motion carried.

Brufloft explained the protocol for the public hearing and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action. The County Board of Commissioners will act on the recommendations on Tuesday, August 22, 2006.

FIRST ORDER OF BUSINESS: Brad Solhiem. Application tabled at the June 2006 meeting. Christianson excused himself from Board for this application due to a conflict.

P. Johnson stated that the June application was for a lot/block subdivision with 15 lots. Due to the concerns of the Planning Commission, the application was tabled. Solhiem has now addressed the concerns and presented a 16 unit MURD (multi unit residential development).

P. Johnson stated that an EAW petition has been received. The Planning Commission can hear and act on the application since they are only a recommending committee. The County Board cannot give final approval until the EAW has been satisfied.

Solhiem further explained the revised application. The original application was for the traditional lot/block subdivision with 15 lots. Due to suggestions of the Technical Review Panel and the steep slopes and wetlands, a new proposal was devised for a 16 unit MURD. The new proposal fits the land well. There are two natural openings to allow lake access. A public road will be constructed up to the property and there will be a private road within the development.

No one spoke in favor of the application. Speaking in opposition to the application were: Bill Sherlin, who spoke for the lake association and for himself. The lake association would like to see the rules followed. Personally, Sherlin believes the density is excessive for the site. Sherlin felt that the EAW process will address concerns of the project.

Julie Scothorn - concerned about protecting the property.

Dave Morndahl concerned for the wetlands and wildlife.

Chris Stensgard – development whistling through the system, step back and take a second.

Ron Stensgard – has seen the quality of the lake deteriorate and wants the lake protected.

Mike Thompson – when he asked for a variance, he was told to be a better steward of the lake, he feels the same should hold true here.

Steve Magnuson – supports the Lake Association and does not want rash decisions made.

At this time, testimony was closed. Brufloft asked if there was any written correspondence either in favor or against the application. P. Johnson stated that the letters received from COLA and the DNR were specific to the variance process. P. Johnson stated that a variance was granted for the reduced setback and the two lake accesses. P. Johnson stated that the application does meet the criteria of the Zoning Ordinance and that the Zoning Ordinance does dictate the amount of shoreline that can be disturbed.

Knutson asked P. Johnson to explain the process that Solhiem has gone through before this plan has been presented to the Planning Commission. P. Johnson explained the application process, the Technical Review Process, the Variance Process and the Planning Commission process.

Lien stated that the developer has gone through the entire process and has altered his plan as a result of the process. Johnston stated that the land is more suitable for a MURD than a lot/block subdivision. Thorkildson felt the project had too many units.

Motion: Lien made a motion to approve a change of zone from agricultural to residential and approve a preliminary plat for a common interest community consisting of 16 units based on the fact that the land would be better protected by a multi-unit residential development than a traditional lot/block subdivision and the proposal meets the criteria of the Zoning Ordinance. Johnston second. All in favor except McGovern. Motion Carried.

Knutson questioned the next step in the procedure. P. Johnson stated that the EAW Committee would meet to review the EAW petition and make their recommendation to the County Board as to whether or not an EAW should be completed.

SECOND ORDER OF BUSINESS: Tom Kleven. Request approval of a Certificate of survey for two lots in an agricultural zone for the property described as: Pt NE ¼ NE ¼; Section 7, TWP 138, Range 43; Cormorant Township. PID Number 06.0087.001. The property is located on Beeber Lake.

At this time, Christianson joined the meeting.

Kleven explained the application. Kleven currently owns a 10- acre parcel and would like to split the parcel into two lots. One lot he plans on building a house and plans on selling the other lot.

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.

Discussion was held. Christianson questioned why lot goes into water. Scott Walz, surveyor, explained the difference between a meandered lake and unmeandered lake.

Motion: McGovern made a motion to approve the certificate of survey to allow two lots in an agricultural zone based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Kovala second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Erlene and Jack Davis. Request a conditional use permit for a commercial use consisting of a crafting retreat in an agricultural zone for the property described as: Pt SE ¼ NW ¼ E of Hwy 59; Section 28, TWP 138, Range 41; Lake View Township. PID Number 19.0525.000. The property is located on Lind Lake.

Erlene Davis explained the application. The house would be used for scrap-booking retreats, quilting retreats and other crafting retreats. This will be the first of its kind in this area. The house will become a lodge and will be able to accommodate 16 families. Retreats will be held on the weekends and workshops will be held during the week.

Brufloft questioned if the guests will be camping outside. Davis stated that they will be staying inside the house.

No one spoke in favor of the application. Speaking in opposition to the application was Ingrid Scarski. Written correspondence was received from Wade & Ingrid Scarski, in opposition to the application. At this time, testimony was closed.

Further discussion was held. Kovala questioned if anyone would be camping. Davis stated that everyone would be staying inside. Brufloft stated that the property had been run as a resort in the past. P. Johnson stated that the conditional use permit for the resort was nullified by the property being subdivided.

Motion: Kovala made a motion to approve a conditional use permit to allow a commercial use consisting of crafting retreat center based on the fact that the use would not be detrimental to the surrounding area. Christianson second. All in favor. Motion carried.

Knutson explained that a conditional use permit is for a specific use and the use cannot change without a new public hearing and a new permit.

FOURTH ORDER OF BUSINESS: John Onstad. Request a change of zone from agricultural to residential and approval of a certificate of survey for one tract of land for the property described as: Lots 5 – 11, Deerpoint Beach, Section 18, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0642.000. The property is located on Big Cormorant Lake.

John Onstad explained the application. Onstad owns 7 lots that were platted under older regulations. The 7 lots are now combined into one lot. Onstad would like to sell off 150 ft of the property, making one new lot.

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, remnant size and location.

Motion: Lien made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey for one lot based on the fact that the application meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Skarie second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Rolf Christiansen. Request a change of zone from agricultural to residential and approval of a certificate of survey for one tract of land for the property described as: N 600 ft of Lot 1 Ex 2.1 Ac; Section 17, TWP 142, Range 37; Forest Township. PID Number 12.0102.000. The property is located on Bad Medicine Lake.

Barb Christiansen explained the application. They currently own 400 feet of lakeshore frontage and would like to sell off 150 ft for one lot.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Forest Township, no objections, in support. At this time, testimony was closed.

Further discussion was held.

Motion: Kovala made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey for one lot based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Shelly and Curt Ulrich. Request approval of a certificate of survey for three tracts of land in an agricultural zone for the property described as: Pt Govt Lot 2 & Pt NE ¼ NW ¼; Section 7, TWP 139, Range 42; Audubon Township. PID Number 02.0047.001. The property is located on Boyer Lake.

Ulrich and Walz explained the application. The property would be divided into three lots. Christianson questioned which easement would service which lot. Ulrich stated that two of the lots would be serviced by the easement from the West and one lot would be serviced by the easement to the East. Walz stated that both easements are already in place. Christianson felt the easement from the West should terminate at the lot line dividing Tracts A & B.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from the Township, in favor of the application. At this time, testimony was closed.

Further discussion was held regarding the size of the lots and access to each lot.

Motion: Christianson made a motion to approve the certificate of survey for three lots based on the fact that the application meets the criteria of the Zoning Ordinance and Subdivision Ordinance with the stipulation that Tracts A & B be accessed from the West, with the easement terminating at the lot line separating Tract A & Tract B; and access to Tract C be from the East. Lien second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Lowell Schlauderaff. Request approval of a certificate of survey for one tract of land for the property described as: Pt W ½ NW ¼, Section 20, TWP 139, Range 41; Detroit Township.

Lowell Schlauderaff explained the application. One tract would be subdivided off from the farm. Walz stated that there is a slim tract that will be turned over to the US Fish & Wildlife Department to correct a past survey. Schlauderaff stated that, when he originally bought this property, this lot was separate from the farm, but after he acquired both tracts, he combined them.

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 and location.

Motion: Johnston made a motion to approve the certificate of survey based on the fact that the application meets the criteria of the Zoning Ordinance and Subdivision Ordinance. W. Johnson second. All in favor. Motion carried.

EIGHTH ORDER OF BUSINESS: Ronald Hanson. Request approval of a certificate of survey for one tract of land for the property described as: Pt N ½ NW ¼ Beg 850 ft S of NW Cor Th E 465 ft N 850 ft E to Rd S 964.48 ft W 625.59 ft S 368.81 ft Al Rd W 476.74 ft & N to Beg; Section 7, TWP 138, Range 43; Cormorant Township. PID Number 06.0102.000.

Bonnie Munson explained the application. Hanson would like to buy this piece of property and it meets the size requirements.

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 size of the lot and location of the property.

Motion: Lien made a motion to approve the certificate of survey based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance. McGovern second. All in favor. Motion carried.

NINTH ORDER OF BUSINESS: Neil Lewis Aaxis Development LLC. Request a change of zone from agricultural to residential and approval of a preliminary plat consisting of 11 lots for the property described as: Pt E ½ NW ¼ & Lot 9; Section 7, TWP 139, Range 41; Detroit Township. PID Number 08.0104.001. The property is located on Wheeler Lake.

Chris Heyer explained the application. There would be 7 riparian lots and 4 back lots. The centerline of the new road was staked out. The North end of road is variable width for a storm water retention area. The wetlands have been delineated. The southerly end of the property has some steep slopes, but the slopes do not fit the criteria of a bluff. The back lots would not have lake access.

Knutson questioned the size of the lake. Heyer stated that the lake is 61 acres in size.

No one spoke in favor of the application. Speaking in opposition to the application were:

Nathan Webber – currently there are 5 houses on the lake, would like to see larger lots to protect the wildlife, proposed road is a blind entrance.

Kevin Olson – farmer to the south, development will impact the wildlife, should not be residential with the amount of farming and feedlots in the area.

Brian Willie – dairy farm to the north – he has the proper feedlot permits and feels it would be a disaster putting a residential development between two farming operations.

Written correspondence was received from David and Jean Erickson, in opposition; Brian and Kathleen Willie, in opposition; Rob and Diane Ulyyott, in opposition; two petitions against the application were received with several signatures. At this time, testimony was closed.

Further discussion was held regarding lot size, road location, wetlands and general character of the area. P. Johnson stated that comments were not received from the County Highway Engineer regarding the proposed road location.

McGovern felt that there would be issues with the lots abutting the Fish & Wildlife property. Brufloft felt the project was too dense. Seaberg questioned if SWCD had reviewed the plat. P. Johnson stated that SWCD had reviewed the plat and felt that the proposal would not impact the wetlands. Johnston questioned what the lot sizes needed to be if the zone was left agricultural. P. Johnson stated that in an agricultural zone, minimum lot size is 2.5 acres. Lien felt the project was too dense. Kovala felt that the application should be tabled until the County Highway Engineer could respond to the road issues, and look into the possibility of leaving the zone as agricultural and reducing the number of lots. Knutson felt that approval could not be given without a comment from the County Highway Engineer.

Motion: Thorkildson made a motion to table the application until the September 2006 meeting for more information, which included the comments from the County Highway Engineer and an alternative plan, which could include leaving the zone as agricultural and reducing the number of lots. Kovala second. All in favor. Motion carried.

TENTH ORDER OF BUSINESS: Final Plat of Creek View Acres, Leslie Heimark, developer. The change of zone from agricultural to residential and preliminary plat consisting of 22 lots was approved in May 2006.

Heimark stated that there are only 21 lots; the signs are in, the road has been approved, and the conservation easements are in place.

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

Motion: Skarie made a motion to approve the final plat of Creek View Acres based on the fact that the final plat meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Christianson second. All in favor. Motion carried.

ELEVENTH ORDER OF BUSINESS: Final Plat of Smokey Hills Estates, Steven Pachel, developer. The change of zone from agricultural to residential for 5 lots and preliminary plat for 13 lots (total of 5 residential and 8 agricultural lots) was approved in March 2006.

Steve Pachel stated that the road has been constructed and approved and the signs have been installed. Everything is in order for final approval.

No one spoke in favor of the application. Speaking in opposition to the application Wm Eckberg, who asked for reconsideration of the plat. Eckberg also stated that he was not notified of the preliminary hearing.

P. Johnson explained that there are statutory regulations to follow for the hearings. P. Johnson stated that Eckberg's property was not within the notification area.

Bruce Brummitt – thought that everything was done in the first hearing. Brummitt would like to see Lot 1 Block 2 excluded from the plat.

Written correspondence was received from Robert Usgaard, MN Regional Biologist for Ducks Unlimited; and Izaak Walton League, both in opposition to the final plat.

At this time, testimony was closed.

Further discussion was held regarding lot size and compliance with the preliminary plat approval. Skarie stated that approval for the preliminary plat has already been given; this is just the final process.

Motion: Skarie made a motion to approve the final plat of Smokey Hills Estates based on the fact that the final plat meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Lien second. All in favor except Thorkildson, W. Johnson, McGovern and Seaberg. Majority in favor. Motion carried.

TWELVETH ORDER OF BUSINESS: Final Plat of County 17 Store & More Condos, Bill Jordan, developer. The change of zone from agricultural to residential, certificate of survey for one tract of land and a conditional use permit for residential storage condominiums was approved in May 2006.

Jordan stated that everything is done except the final landscaping and everything is in order for final approval.

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

Motion: Christianson made a motion to approve the final plat of County 17 Store and More Condos based on the fact that the plat meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Thorkildson second. All in favor. Motion carried.

THIRTEENTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, September 14, 2006 at 8:30 am at the Planning and Zoning Office.

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

Jim Bruflo, Chairman

ATTEST

Patricia Johnson, Administrator