

Planning Commission
October 17, 2006

Present: John Lien, Ray Thorkildson, Waldo Johnson, Harry Johnston, John McGovern, Jim Kovala, Jeff Moritz, Larry Knutson, Ken Christianson, Jim Brufloft, Mary Seaberg, Patty Johnson and Debi Moltzan.

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

Minute approval: Kovala made a motion to approve the September minutes with the following changes: Third Order of Business, W. Johnson second, all in favor, motion carried and Sixth Order of Business, Lindstrom's property is located on Bad Medicine Lake. Seaberg second. All in favor. Motion carried.

Brufloft explained that the Planning Commission is a recommendation Board. The recommendations of the Planning Commission would be forwarded to the Planning Commission for final approval on Tuesday, October 24, 2006. Brufloft explained the protocol for the meeting and explained that the Simpson, Finn and Benson applications had been withdrawn from the agenda. Brufloft explained that with the number of applicants and number of people attending the meeting, a two-minute time limit would be imposed on speakers. Brufloft also explained the 60-day rule and how the Planning Commission must take action on the applications. .

FIRST ORDER OF BUSINESS: Bruce Jacobs. Request a Change of Zone from Agriculture to Water Oriented Commercial and a Conditional Use Permit for a Planned Unit Development consisting of a Seasonal RV Campground for 54 units. LEGAL LAND DESCRIPTION: R. 03.0282.001. Lot 5 Less Pt N of Hwy 10 & 2.66 Ac for gravel pit & Lot 6 less Hwy W of NE ¼ SW ¼ & Lot 7 less 5.59 Ac; Section 28, TWP 138, Range 40; Burlington Township. The property is located at 11000 Silver Star Road.

Brant Beeson and Jacobs explained the application. Beeson showed a map as to the proposed location of project. Beeson stated that the Jacobs own approximately 6600 feet of lakeshore. Beeson gave a brief history as to why the project was delayed and the events leading up to the public hearing. Beeson stated that modifications have been made to the original plan as a result of meetings with the technical review panel, the EAW and amended EAW. Beeson stated that much of the testimony in opposition refers to the older revisions. Beeson stated that MPCA has approved a SWIPP plan. Beeson stated that there is a letter dated 1/31/05 from Patty Johnson stating that the ordinance in effect at the time of the submission would be followed, not the new regulations. Beeson handed out a sheet comparing the proposed campground with the regulations of the old ordinance and the new ordinance. Beeson stated that there would not be any sites in the first tier of development. The old ordinance would allow 74 units; they are requesting 54. The new ordinance would allow approximately 29 units. The ordinance requires 50% open space, the proposal would allow for 80% open space. The ordinance allows 25% impervious coverage. The proposal is for 1% impervious coverage. Beeson stated that there may be a petition circulating in opposition to the docks and the spawning area. Jacobs stated that

Barsness (DNR) has stated that the proposed location of the dock is no more sensitive than the average area around the lake. No portion of the campground will be within the bay area. This will be a seasonal campground, not a year round campground. Several campgrounds have closed in the area and there is a need for a campground in the area. Beeson stated that the Jacobs do not want to build anything that would devalue their own property, yet alone any one else's. Jacobs is willing to grant a wetland conservation easement. Beeson stated that "not in my backyard" should not be considered.

Shane Kjellberg, K2 Engineering, explained the sediment ponds, depth to the water table and erosion control methods to be used. Christianson questioned if there would be one sediment pond. Kjellberg stated that there would be two sediment ponds; of which all factors exceeds the guidelines of the MPCA and will hold a 50-year storm event. Moritz questioned the docking for 18 boats. Kjellberg stated that the docking system would be as shown on the plan.

Scott Walz stated that the plan meets the criteria of the Zoning Ordinance at the time of submission. Walz stated that private landowners do not have the restrictions that are placed on MUD's. Walz stated that the Jacob's have the right to develop their property. Moritz questioned where the conservation easement would be placed. Jacobs showed the Planning Commission on the plan.

Speaking in favor of the application were:

Don Trieglaff – this is not an Eagle Lake development issue, but any lake issue; who decides what is too large or too small; what is the proof of environmental suffrage; what is the proof of destruction.

Kathleen Froelich – Burlington Township – Township is in favor of the application; good for the families of the area; it would be a valuable assets and tax base increase.

Bonita Julius – she would be one of the people using the lake, they do not have a boat; they just want a place to enjoy the lake.

David Schram – he has been around a lot of lakes fishing and has not seen a campground ruin a lake; there are fewer boats coming from a campground than a resort; if campground are bad, then why does the State have State run campgrounds.

Mike Sandberg – Jacobs are a good steward of the lake and will do a good job with the project; this is a needed asset in the community; this project has been delayed too long.

Speaking in opposition to the application were:

Jim Peters, Attorney for the Eagle Lake Group. Peters stated that the Ordinance provides that the current ordinance applies to the application, not the appealed Ordinance that was in effect at the time of application. With the revisions made to the project, it is not the original application. The project has increased in number and has changed

location. There are several reasons to deny this application. The SWIPP plan is not site specific, the proposal does not meet the criteria of the Department of Health. Peters further stated that single-family residences would bring in more money than a campground. Peters stated the area residents want to see a residential development.

Joy Penney – she has a petition signed by several people because of the environmental impacts on the lake. The petition has been signed by 200 people from Iowa that stay at the Eagle Lake Resort. Eagle Lake is a sensitive lake and the plan falls short from the requirement.

Mike Murphy – Murphy works at Hamden Slough Refuge and works with restoration and water hydraulics. The soils in this area have severe limitations, which would require costly engineering plans.

Terry Sullivan – Sullivan is with the Dead Lake Association, Otter Tail County – Sullivan is an original Becker County Resident and applauds the insight of the technical review committee and was surprised that the County Board of Commissioners would override the technical review committee regarding the EIS.

Ron Jenson – has been a past caretaker of the Aerie's across the lake. At night, there is an oil slick in the bay areas from the boats using the lake.

Eric Gunderson – adding more boats to the lake would make the lake un-fishable.

Jim Landbloom – the Eagle Lake Park has been used for a campground in the past and has been very noisy and has had unsanitary conditions.

Deb Simonson – moved here from a larger lake and does not know how the campground will be maintained quietly. The campers will bring friends and relatives to use the lake.

Written correspondence was received from James Peters, in opposition; Debbie and Lyle Moore, in opposition to the application.

At this time, testimony was closed and further discussion was held. Christianson stated that the lake is public and can be used by the public. Christianson stated that this type of a proposal would allow people who cannot own lakeshore to enjoy the lakeshore. It is difficult to make a recommendation on this type of project.

Lien stated that it is difficult to make a decision. Lien has gone through the entire plan and the plan is very well put together. However, Lien felt the project may be too dense for that type of lake. The Ordinances do not take into consideration the size and shape of the lake.

Kovala questioned if the County Attorney has been contacted as to which Ordinance applies to this application. P. Johnson stated that the County Attorney has not been

contacted for an opinion on this application. P. Johnson referred to the case law cited by Peters. Kovala agreed with Lien that the project is put together well but may be too dense for the area.

Christianson stated that the current pastureland is not friendly to the lake or to the land. Clay County currently has problems with feedlots coming into residential areas and Becker County has problems with residential areas coming into the agricultural areas. Residential housing would be more detrimental to the lake because the houses are only required to be 100 feet from the lake.

Seaberg questioned if MN DOT has responded to the turn lane request. P. Johnson stated that they have not responded but it was a stipulation placed by the County Board of Commissioners. Christianson stated that MN DOT analysis would make the determination as to whether or not the turn lane would be required. Seaberg questioned if there was any more response from Soil & Water Conservation. P. Johnson stated that SWCD was part of the technical review process and has made their recommendations.

Brufloft stated that he has always enjoyed the area lakes, but has never lived on a lake. No matter which lake you go to, you will always have people abusing the lake. Brufloft stated that it has been his observation that more traffic coming from a resort than a campground. W. Johnson had a concern for the septic system and felt that a pressurized drainfield would be better for the environment than a gravity flow.

Knutson asked Kjellberg to address Murphy's concerns about the limitations of the soils. Kjellberg stated that area chosen for the system are well drained soils, the area is about 25 feet above the lake and the drainfield would be more than 10 feet above the water table. The system would be more than 200 feet from the lake and could be pumped up the hill further from the lake. Kjellberg stated that the system must be designed to the soil conditions. Thorkildson stated that density is a concern and felt that the present Ordinance should apply.

Motion: Thorkildson made a motion to deny the application based on the fact that the project is too dense and does not follow the current ordinance. McGovern second.

Knutson stated that the Jacobs never got a hearing when the application was first applied for because of the petitioned EAW and felt the old ordinance should apply. Lien felt the current ordinance should apply. Christianson stated that he does not know what the magic number is.

Knutson questioned what would happen if the application was denied by the Planning Commission and the County Board of Commissioners. P. Johnson stated that the applicant would have to reapply for any changes or amendments to the project.

Johnston questioned the number of boat slips for the campground. A residential housing development would only be allowed 10 boat slips.

A vote was taken with Thorkildson, Lien, Kovala, McGovern, in favor of the motion. Knutson, Johnston, Moritz, Christianson, W. Johnson, Seaberg against the motion. Motion failed.

Further discussion was held regarding the applicant tabling the application. Beeson suggested that it be tabled for 30 days, until the November meeting, to allow both sides to look at the density issues and get an opinion from the County Attorney as to which ordinance applies to the application. Jacobs agreed to table the application until the November 2006 meeting.

Knutson stated that the public needs to know that the application would be reheard at the November meeting, which would be November 21, 2006 at 7:00 p.m.

Peters stated that with the tabling, the applicant must waive the 60-day rule. Beeson stated, that by tabling the request for 30 days, they are waiving the 60-day rule.

SECOND ORDER OF BUSINESS: Daniel Simpson. WITHDRAWN BY APPLICANT. Request a Change of Zone from Commercial to Residential. LEGAL LAND DESCRIPTION: R. 08.0526.000. Beg 259.3 ft W of NE Cor Lot 1 S of Hwy Th S 200 ft W 100 ft N to Hwy & E to Beg, Section 29, TWP 139, Range 41; Detroit Township. The property is located at 17848 Long Lake Lane.

THIRD ORDER OF BUSINESS: Ray & Lynette Vlasak. Request a Change of Zone from Agricultural to Residential and a Conditional Use Permit for a Multi-Unit Residential Development consisting of 4 units. LEGAL LAND DESCRIPTION: R.12.0147.000; Bad Medicine Lake; Pt Govt Lot 5, 6, & 7 & SW 1/4 NE 1/4, Section 19, TWP 142, Range 37; Forest Township. The property is located at 46522 Wildwood Trail.

The application was explained by Vlasak. Vlasak stated that the resort would be converted to a MURD. Vlasak has met with the technical review panel, has obtained variance due to the topography. One cabin has been moved out of the shore impact zone and attached to another cabin to become one unit. The remainder of the units will remain and within the next 10 years the cabins will either have to be removed and rebuilt in the designated areas or the existing cabin relocated to the designated area meeting the required setback.

Kovala questioned if the bluff area would be placed in a conservation area. Vlasak stated that the bluff area would be placed in a conservation easement and the existing staircase would be removed. Thorkildson felt the proposal was a good proposal.

Speaking in favor of the application was:

Chuck Church – The Vlasak's are good stewards of the lake and the plan is not a villain.

No one spoke against the application. Written correspondence was received from Karen LaFond, in favor of the application; Dennis Anderson, in opposition to the application; Don Tschudi, in favor of the application; Karla Noonan, in opposition to the application;

Mark Noonan, in opposition to the application; Doug Trenda in opposition to the application; Wendy Nielsen, in opposition to the application. At this time testimony was closed.

P. Johnson stated that most of the opposition is referring to the Forest Township Zoning Ordinance. P. Johnson stated that the County does not enforce the Township's Ordinance. The project does meet the criteria of the County Zoning Ordinance.

Further discussion was held. Kovala stated that the current resort operation is too close to the lake. With this plan, the cabins would be moved further from the lake and would meet the requirements of the Ordinance. Thorkildson stated that it would be an improvement to the lake. Brufloft agreed. Knutson questioned how this was second tier development, when the structures are in the first tier. P. Johnson stated that the comments were directed to the Forest Township Ordinance and refers to the common ground that goes into the second tier.

Motion: Kovala made a motion to approve the change of zone from agricultural to residential and approve a conditional use permit for a multi unit development consisting of four sites based on the fact that the proposal meets the criteria of the Zoning Ordinance. Johnston second. All in favor except McGovern. Majority in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Kris Smith, Sunrise LLC. Request a Change of Zone from agricultural to residential & a Conditional Use Permit for a Multi-Unit Residential Development consisting of 21 units. LEGAL LAND DESCRIPTION: R. 08.0170.000; Little Floyd Lake; Pt of Govt Lots 1 & 2 East of the County Road, Section 10, TWP 139, Range 41; Detroit Township. The property is located at 20664 Co Hwy 21.

The application was explained by Kris Smith. Smith stated that the project has been in process for the last 12 months; the plan is for 21 single-family units. Smith stated that he has enjoyed the time working with county and government agencies preparing the plan. Smith read a letter of support from John Postovit and Sig Von Willard, which stated that the development was environmentally safe and has been endorsement by the lake association.

Scott Walz explained the layout and design of the plan. Since the project is a golf course, the layout of the golf course enhances the project by keeping the drainage away from the lake. The proposed docking area, even though it does not meet the location of the Ordinance, was placed there at the recommendations of the Department of Natural Resources.

Kovala questioned the size and location of the water oriented structure and the location and necessity of the serenity dock. Walz stated that the water oriented structure can be placed where the Board sees fit and the intent of the serenity dock if for someone to sit on the dock and look at the lake. The dock is not for docking of boats, just a viewing dock.

Kovala stated that he hates to see a golf course close, but this is a good plan and good use of the land.

W. Johnson questioned if there would be a boat launching area. Walz stated that there would not be boat-launching area because the boat landing is near the project and the boat slips are in accordance to the MURD requirements.

Lien questioned if the use of the serenity dock would be spelled out. Jim Morken, developer, stated that there are strict covenants with the MURD, including a marina master. The marina master is the policeman of the beach area. Morken stated that there would be a proposed storage unit near evergreen drive and a private road within the development. The density fits the requirements of the new Ordinance.

Moritz questioned if it was the intent to have the people walk to the docking area. Morken stated that the covenants will allow for golf carts to be used on designated trails, which are not shown on the plan.

Seaberg questioned the design of the building. Morken stated that there will be a review committee to review the design of the proposed houses, which will have to meet the criteria of the covenants and by-laws. Brufloft questioned if a speck house would be constructed. Morken stated that one model home would be constructed.

Johnston questioned how many units would be in the storage buildings. Morken stated that there would be one storage unit per dwelling unit. Johnston questioned the size of the water-oriented structure. P. Johnson stated that the structure will have to meet the criteria of the Ordinance.

Walz stated that two dead end roads were originally planned for the development, but the roads have been modified to meet the suggestions of the fire department. The developers are working with SWCD to achieve this. If they cannot get the permits to fill the wetlands, they will have to go back to two roads with cul-de-sacs.

Speaking in favor the application were:

Wayne Crawford –Crawford owns a business next to the development. Crawford stated that Smith is a past president of the lake association and the people look up to him; no one likes change but change will happen.

Ron Haukadahl – hates to see the golf course go away, but this is a good plan, but he does have some concerns. The first concern is the storage units and would like to see the doors of the storage units face the MURD development, not the road to their subdivision. The second concern is the setback from his private driveway should be 80 ft, not 45 as presented. Third the water-oriented structure should be 75 feet from the lake, not 50 feet from the lake. And last, the docking area should be moved further to the north where there is a natural opening in the vegetation, the docking area is too close to his property line.

Leo Johnson – questioned the letter from the lake association because most of the members live on Big Floyd Lake and this is a Little Floyd Lake project. Smith stated that the letter stated that the majority of the Board Members approved the application, not the majority of the landowners. Jim Flannagan agreed.

Larry Bosna, partner – he has seen several 50 ft lake lots with two docks, two boat lifts, the Ordinance will not allow this on a MURD development. There are many property owners that do not even use the lake. This development will be spacious not 50 ft apart line residential lot/block subdivisions. No one owns the lake and the lake is for the enjoyment of everyone. This project will be better for the lake.

Speaking in opposition to the application were:

Bob McDougal – they were blind sided by the project and would like to see an environmental impact statement done on the lake.

Brant Beeson, representing Ford Hermanson – Beeson stated that it is unusual for him to be representing the other side of development. Hermanson feels that the project is a good project but has concerns about the lake, which have been referenced in his letter. When Hermanson developed his subdivision, he wanted a private road but the Ordinance requires a public road. The road has been dedicated to the public but is privately maintained. Hermanson would like to see this remain this way. Hermanson also feels that the storage sheds could be relocated elsewhere, away from the project.

Ursala Hatvig, Hermanson's daughter – stated that their family has had a good relationship with Smith until this project. The Hermanson family built the golf course and sold it in 2000. The family has planted 1000's of trees and lilac bushes and does not want to see them damaged or destroyed. The 13th fairway is not the most desirable swimming location. The storage sheds will be an eyesore.

Written correspondence was received from: Pat & Jim Staples, in favor of the application; Judy Gildersleeve, in opposition to the application; Becker County Soil & Water Conservation – Smith is working with them for a wetland replacement application; Joan Kjonaas, in opposition to the application; Ford Hermanson, in opposition to the application; John Postovit & Sig Von Willard, Floyd Shores, in favor of the application and Anita Block, in opposition the application. At this time testimony was closed.

Discussion was held on the size of the project, location and the roads. Seaberg questioned if the road going to Evergreen Shores is public, why is it considered private? Walz stated that the road has been dedicated to the public for public use by anyone. However, it is privately maintained, not maintained by the Township. Morken stated that a developer must look at all their assets. A dedicated public road is an asset to the project. Morken would like to see the project approved with the flexibility to make minor changes in the road location to work around the topography and meld the project with the land. Christianson questioned how many acres were involved with the project. Walz stated that there was 13.6 acres for 21 units because this is on a general development lake.

Christianson questioned if there was any correspondence from the DNR or SWCD. P. Johnson stated that both agencies were part of the technical review committee. Christianson questioned if an EAW should be done. P. Johnson stated that the technical review panel felt that the EAW was not necessary because the project was already a golf course and not a natural site. P. Johnson further stated that the wetland is not a natural wetland. Christianson felt an EAW should still be done. Morken stated that he wanted to be treated like any other developer and there is no mandatory threshold to warrant an EAW. Walz stated that the purpose of the technical review panel was to look at the concerns before the developer got too far into the project. If the technical review committee did not see the need for an EAW, then one should not be required by the Planning Commission.

Morken stated that cluster developments are encouraged for less impact, why should he be put at a higher threshold and have to do an EAW. Christianson stated that Little Floyd Lake is classified as a general development lake, but should really be a recreational development lake.

Johnston felt that the docking area should be moved north further away from the Haukedahl property line. Johnston also felt that the access to Units #9, 10 & 11 should be from the development, not the public road; the entrance to the storage units should be from the development, not the public road; and Unit #9 should be 80 feet from the property line, not 45 feet.

Brufloft stated that he hates to see the golf course close, but this development would have less impact on the lake than a golf course. W. Johnson agreed with Johnston's suggestions. Thorkildson agreed.

Motion: Johnston made a motion to approve the change of zone from agricultural to residential and approve a conditional use permit for a Multi-Unit Residential Development for 21 units based on the fact that the development does meet the criteria of the Zoning Ordinance with the following stipulations: 1) Meet with the Department of Natural Resources to move the boat and beach area further North, trying to meet the required setback from the property line; 2) Unit #9 must meet the required 80 ft setback; 3) Ingress and egress to Units 9, 10 & 11 are to be from the development and not the public road; and 4) the storage sheds are to be entered from the development and not the public road. Kovala second. Motion carried.

Christianson felt there should be a deeper environmental review in the County.

The vote was taken with everyone voting in favor of the application except Christianson. Christianson stated that he is not opposed to the development, but felt an EAW should be done.

FIFTH ORDER OF BUSINESS: Winston Bedford. Request a Change of Zone from Agricultural to Residential. LEGAL LAND DESCRIPTION: R. 19.0075.000; Munson Lake. 2.29 Acres in Govt Lot 8 lying S of & Adj Munson Beach Sub, Section 5, TWP

138, Range 41; Lake View Township. The property is located south of 15503 West Munson Lane.

Scott Walz explained the application. Walz stated that this property is located within two miles of the City of Detroit Lakes. Bedford would like to create two lots, which would be acted upon by the City. The County would only have to act on the change of zone.

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 regarding the location, surrounding area and similar requests.

Motion: Christianson made a motion to approve the change of zone from agricultural to residential based on the fact that it is compatible with the surrounding area. Kovala second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Kay Hockett. Request a Conditional Use Permit to replace an existing retaining wall within the shore impact zone. LEGAL LAND DESCRIPTION: R. 08.0994.001; Floyd Lake. Pt Lot 20 Beg at SE Cor Th W 10 ft N 72 ft W 30 ft N 108.5 ft to Lk NE Al Lk 40 ft & S 180.5 ft to Beg & Lot 21, Section 10, TWP 139, Range 41; Detroit Township. The property is located at 26260 Floyd Lake Point Road.

Hockett explained the application. There has been erosion near the bank and the erosion has washed the dirt from the roots of the trees. Hoglum Landscaping has designed a retaining wall. Hockett felt that the proposed wall meets the criteria as outlined in the Zoning Ordinance.

Moritz questioned if the block would be back filled to the top of the block and what would happen to the water flow. Hockett stated that the wall would be backfilled to the bottom of the cap. Brufloft questioned why riprap was not considered. Hockett stated that they needed a way to hold the roots.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Pelican River Watershed, in opposition to the application. At this time, testimony was closed.

Discussion was held regarding the need of a wall. Moritz stated that if the Watershed cannot approve the wall, the County should not approve the wall. The applicant should get the watershed's approval first then come back to the Planning Commission.

Knutson stated that the application should be denied because there are better alternatives. Lien felt that the wall does not meet the criteria of the Ordinance and there are other alternatives. Thorkildson agreed that riprap should be used.

Motion: Thorkildson made a motion to deny the request for a retaining wall within the shore impact zone based on the fact that the wall does not meet the criteria of Section 12 of the Becker County Zoning Ordinance. Moritz second. All in favor.

Knutson stated that if the applicant works with the Pelican River Watershed, obtains the Watershed permit and rip raps, a permit is not required from the County.

SEVENTH ORDER OF BUSINESS Henry & Joyce Trangrud. Request a Conditional Use Permit to replace an existing retaining wall within the shore impact zone. LEGAL LAND DESCRIPTION: R. 06.0237.001; Upper Cormorant Lake; Beg at NE Cor L1 Bodin Beach Th SE 130 ft N 64 ft NWLY 349.81 ft to Lk SW Al Lk to NE Ln Bodin Beach, Section 16, TWP 138, Range 43; Cormorant Township. The property is located at 13668 Maple Rd.

Trangrud explained the application. The new retaining wall would replace an existing retaining wall that was installed in 1978-1979. The old wall consists of railroad ties, power poles, and poles. The new wall would consist of keystone block. Midwest Testing has done soil borings and the wall is engineered for the soil conditions. Trangrud stated that the hill is slipping and will slide further if not stabilized with a solid structure.

Knutson questioned what was on the other side of the boathouse. Trangrud stated that the area was left natural with trees and shrubs. Moritz questioned how the water will be slowed down. Trangrud stated that a cap will be placed at the top of each wall. The wall would be back filled to the bottom of the cap; landscape fabric placed, shrubs and flowers would be planted. Either chips or rocks would be placed between the plants. This area cannot be mowed.

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 regarding the condition of the existing wall, location, stability of the hill, slope of the hill. Thorkildson felt the hill should be rip rapped. Brufloft stated that he is all in favor of riprap but does not feel riprap would be stabilized enough for this hill. Brufloft felt the wall met the criteria of the Zoning Ordinance. Lien agreed. Lien felt this would be the best way to hold the hill and hauling big rock down the hill could cause more damage.

Motion: Lien made a motion to approve the conditional use permit to allow the replacement of a retaining wall within the shore impact zone based on the fact that the wall would replace an existing deteriorating wall and the wall does meet the criteria of Section 12 of the Ordinance. Christianson second.

Moritz stated that he would like to see a 6-inch lip to slow down the water flow.

Lien amended his motion to read: approve the conditional use permit to allow the replacement of a retaining wall within the shore impact zone based on the fact that the

wall would replace an existing deteriorating wall and the wall does meet the criteria of Section 12 of the Ordinance with the stipulation that a 6 inch lip be constructed at the top of each wall to detour and slow down the water flow. Christianson second. All in favor except Knutson and Thorkildson.

EIGHTH ORDER OF BUSINESS: Urban Atterbury & Ernest Sayler. Request approval of a certificate of survey for two lots in a residential zone and one lot in an agricultural zone. LEGAL LAND DESCRIPTION: R. 18.0401.000 & 18.0176.00; Stakke Lake; Lot 1 Sayler's Lake View Beach & Pt SW 1/4 NE 1/4, Section 28, TWP 139, Range 43; Lake Park Township. The property is located at 13490 - 175th ST.

Scott Walz explained the application to the Board. The survey was done over a year ago and has never been brought to the Board for approval. The proposal exceeds the requirements. Kovala questioned if Tract C would have lake access. Walz stated that Tract C would not have 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.

Discussion was held regarding the lot sizes, location, zoning classification. McGovern stated that he talked to Sayler about the request and the request meets the criteria of the Ordinance.

Motion: McGovern made a motion to approve the certificate of survey for two tracts of land in a residential zone and one lot in an agricultural zone based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. All in favor. Motion carried.

NINTH ORDER OF BUSINESS: Allen Langerud. Request a approval of a Certificate of Survey for 2 tracts of land within the shoreland district in an Agricultural Zone. LEGAL LAND DESCRIPTION: R. 02.0247.000 & 02.0247.00; Moe Lake; Pt SW 1/4 SE 1/4, Section 34, TWP 139, Range 42; Audubon Township. The property is located at 20612 Moe Lake Road.

Scott Walz explained the application to the board. There are currently two dwellings this piece of property. The subdivision will correct that problem, allowing one dwelling per parcel of land. The proposal exceeds the requirements.

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

Discussion was held regarding lot size, location, surrounding area.

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. Johnston second. All in favor. Motion carried.

TENTH ORDER OF BUSINESS: Jim Ulteig. Request a Change of Zone from agricultural to residential and approval of a certificate of survey for 2 lots. LEGAL LAND DESCRIPTION: R. 19.1563.000; Lake Sallie; Lots 1, 2, 3 & 4 Block 1 Pebble Beach and 1/4 Ac Adj Rear, Section 18, TWP 138, Range 41; Lake View Township. The property is located at 23639 Pebble Beach Lane.

Dave Heyer surveyor explained the application. Ulteig would like to reconfigure the lot lines to split his property. Ulteig plans on selling one tract and retaining one tract. Both lots meet the criteria of the Ordinance.

Moritz questioned the existing boathouse and the fact that it would not be in the center 25 feet of the lot upon the new configuration. Ulteig stated that it is a stone structure on a stone foundation and that it has been there forever.

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 regarding the lot size, location and location of boathouse. Lien stated that, with exception of the shed, this application is straightforward. Lien stated that he did not know how to address the boathouse. Knutson stated that the intent of the boathouse regulations is so that adjacent owners have to look at the structure. In this case, the structure is already there and who ever buys the lot will know in advance that the structure is there.

Motion: Lien made a motion to approve the change of zone from agricultural to residential and approval of a certificate of survey to allow two tracts of land based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Knutson second. All in favor except Thorkildson and Moritz. Majority in favor. Motion carried.

ELEVENTH ORDER OF BUSINESS: Tracy Donahue. Request an approval of a certificate of survey for one tract of land within the shoreland district. LEGAL LAND DESCRIPTION: R. 03.0011.004; Lake 252; Pt SW 1/4 SW 1/4, Section 3, TWP 138, Range 40; Burlington Township. The property is located at 15223 - 320th Ave.

Scott Walz explained the application to the board. Walz stated that there has been confusion on the status of the road and it was finally determined that the road is actually an easement. The property owner to the south of the Donahue tract has granted an easement to the proposed tract, which meets the criteria of the Ordinance. Donahue will be working with the Township to try to have the road taken over as a Township road and then the easement can be dissolved.

Speaking in favor of the application was Gary Larsen, who gave a brief history of the easement and road situation. 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 regarding the easements and road statutes, lot size and location.

Motion: Knutson made a motion to approve the certificate of survey for one tract of land based on the fact that the survey meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. All in favor. Motion carried.

TWELVETH ORDER OF BUSINESS: Final Plat of Courage View, Bruce Qvammen, Developer. The Change of zone from agricultural to residential and approval of 12 lots were approved in April 2006. Everything is in order for final approval.

Motion: Kovala made a motion to approve the final plat of Courage View based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Moritz second. All in favor. Motion carried.

THIRTEENTH ORDER OF BUSINESS: Final Plat of CIC No. 47, Oxbow Beach Club, Dan Finn, Developer. WITHDRAWN BY DEVELOPER.

FOURTEENTH ORDER OF BUSINESS: Final Plat of Cormorant Meadows, Jason Benson, Developer. WITHDRAWN.

FIFTEENTH ORDER OF BUSINESS: Informational Meeting. The next information meeting is scheduled for Thursday, November 16, 2006 at 7:00 am at the Planning & Zoning Office.

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

Jim Brufloft, Chairman

ATTEST

Jeff Moritz, Secretary

Patricia Johnson, Administrator