

Becker County Planning Commission
February 20, 2007

Present: John Lien, Waldo Johnson, John McGovern, Harry Johnston, Jim Kovala, Jim Bruflodt, Jeff Moritz, Commissioner Larry Knutson, Don Skarie, Ray Thorkildson, Zoning Administrator Patricia Johnson, and Zoning Staff Debi Moltzan.

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

Kovala made a motion to approve the minutes from the January 2007 meeting. McGovern second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting and that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, February 27, 2007.

FIRST ORDER OF BUSINESS: Marie Zander. P. Johnson explained that this certificate of survey had been approved with stipulations at the November 2006 hearing. The stipulation placed on the survey was that an easement must be provided for Tracts B & C to access Co Hwy 46 through the current access on Tract A. After approval, a second proposal was presented to the Zoning Office and the County Highway Engineer. With the new proposal, the County Engineer has approved the approach location, allowing Tract C access from Co Hwy 46. Zander is requesting for the Planning Commission to amend their motion and approve the revised survey.

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 and further discussion was held.

Motion: Kovala made a motion to amend the original motion to allow approval of the revised certificate of survey and allow three tracts of land with Tracts A & C having access from County Highway 46 and Tract B being accessed by an easement. Moritz second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Mark Yozamp. Request a Change of zone from Agricultural to High Density Residential and a Conditional Use Permit for a Multi-unit Residential Development consisting of 10 units. This application was tabled at the October 2004 Planning Commission Meeting by the Planning Commission and tabled by the applicant at the November 2004 Planning Commission Meeting. LEGAL LAND DESCRIPTION: PID Number R190442001, Pt Lot 4 Beg 680.37 Ft W of NE Cor Th Sly Al CSAH #17, Section 21, TWP 138, Range 41. The property is located at 12176 Co Hwy 17, in Lake View Township, on Lake Melissa.

Yozamp explained that this would be a 10-unit development. Changes from the original plan include 5 – 2 unit building instead of one 8 unit and one 2 unit structure; the boat carousel has been removed; the road has been narrowed and the storage shed is larger.

Yozamp stated that the buildings may be smaller than presented on the plan. Moritz questioned what the separation was between units. Yozamp stated that there was approximately 10 ft between buildings and the buildings would be approximately 16 to 24 ft in height.

Brufloft asked Yozamp to explain the tram system. Yozamp stated that the tram would be for human use only, that it would be like a basket on an elevator, which would go up and down the hill. Moritz questioned if this would be the only way down to the lake. Yozamp stated that there is an existing grass trail that goes to the lake. Johnston questioned if the trail would be non-motorized. Yozamp stated that he could not say for sure, if someone had a golf cart, they could probably use it on the trail, but not four-wheelers.

Brufloft questioned the docking. Yozamp stated that the carousel would be eliminated and there would be four mooring docks and one-day dock.

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

Clayton Jenson, speaking for Ravenswood Beach Improvement Corporation – they would be in favor of residential zoning and 4 dwellings and opposed to four mooring sites for ten units.

Tom Koehnlein – felt that high density was not appropriate, the property is allowed reasonable use, the Board should be consistent with their actions and that the property should be developed under residential restrictions.

Gail Hahn, Lake View Township – the Township is in agreement with Jenson and Koehnlein, the first tier is not buildable, there is not a storm water plan, instead of one dock with four mooring spaces, there is now 4 docks; this area of lakeshore is very sensitive.

Patricia Pearson – is in agreement with the others, the covenant agreement has not been seen by anyone, the lakeshore should be developed under the new ordinance.

Lee Massey – before any action takes place, the plans should be more precise.

Mary Ann Bond – the lake association is opposed to the application.

Walter Gordon – there is already erosion on the hill, more development will create more erosion, how will the run off be contained? When will the fence be constructed? Their private road has been used by many people to look at this project.

Written correspondence was received from:

In opposition to the application	
Nell, Glen & Mark Olson	Ravenswood Beach Improvement Corp.
Thomas Koehnlein	Michael McElroy

Amanda & Valerie Gordon
Bob Bristlin
Darian & Melanie Schur
Walter Gordon

Bill & Velva Strand
Jim Argent
Patricia Pearson

At this time, testimony was closed and further discussion was held.

Lien stated that the plan shows mooring area and does not say if that is docks or slips. Covenants need to be spelled out and the trail needs to be addressed. Lien felt that the density needed to be addressed and felt that 10 feet between structures was not enough.

Moritz stated he had the same concerns and questioned if there was a conservation easement on the bluff and if there would be any aquatic vegetation removal. Moritz stated that bluffs are unstable by nature and there appears to be no provisions to prevent further erosion.

Knutson felt that the docks, fences, and accesses are important, but the density was too much. Knutson felt the project should be developed under the new ordinance, not the old ordinance. Knutson stated, that due to the topography of this property, the number of units allowed under the new ordinance may even be too dense.

Brufloft felt that the path to the lake could be eliminated altogether because the lake could be accessed by the tram. Brufloft felt that there were too many “ifs” not addressed with the plan.

Skarie felt the project should be developed under the new ordinance not the old ordinance. McGovern stated that many things have been discussed, but they are not clearly identified on the plan. Thorikildson stated that high density in this area is not suitable and the bluff is not suitable for development.

Yozamp stated that no structures would be constructed in the first tier for the safety of the bluff and due to the elevations; all run off would go toward the road, not toward the lake.

Motion: Kovala made a motion to deny the change of zone from agricultural to high density residential and deny the conditional use permit for a multi unit residential development based on the fact that the land is not suitable for high-density development and the proposed development would cause more erosion problems to an already sensitive bluff area. Skarie second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Roger Geddes. Request approval of a certificate of survey for 2 Lots in an Agricultural zone, with one lot being 6.7 acres and one lot being 9.4 acres. LEGAL LAND DESCRIPTION: PID Number R090106000, Part of GL 3 & 4 and part of NW 1/4 - SE 1/4, Section 13, TWP 142, Range 39. The property is located on Buck’s Trail, Big Elbow Lake, Eagle View Township.

P. Johnson explained that the survey has been prepared according to the recommendations made by the Environmental Technical Review Panel.

Geddes stated that he wants to build a year round residence at this location and has prepared the lot configuration according to the recommendations of the Tech Panel. Kovala questioned what would prevent someone from buying one of the larger lots and re-subdividing in the future. Geddes stated that he does not plan on selling the lots, but if he were, the new owners would have to abide by the current regulations.

W. Johnson questioned the status of the road. Geddes stated that Buck's Trail was taken over by the Township. P. Johnson stated that the County Engineer has not certified the road.

Scott Walz explained the survey. Walz stated that the survey appears busy because of the topography contours on the survey.

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 and further discussion was held.

Motion: Johnston made a motion to approve the certificate of survey for two tracts of land, as presented, based on the fact that the survey does meet the requirements of the Zoning Ordinance and Subdivision Ordinance. W. Johnson second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Curt & Susan Cornell. Request a Change of Zone from Agricultural to Residential and approval of a certificate of survey to allow two tracts of land, with one tract being 4.31 acres and one tract being 41,450 sq ft in size. LEGAL LAND DESCRIPTION: PID Number R340026000, N 4.6 ac of Lot 7, Section 05, TWP 141, Range 36. The property is located at 33933 Co Hwy 46, on Boot Lake in Two Inlets Township.

Scott Walz explained the application to the Board. The current tract would be divided into two tracts of land. The lot sized meets the current ordinance and there is at least three feet of vertical separation for construction. The current driveway would be used to access both lots. The Cornell's do not have any intentions of selling the property; their intention is to construct a new home on the vacant lot. The Cornell's have been told that they would not be able to add onto the current cabin due to the location.

Further discussion has held regarding the location of the existing structure, the topography of the lot and access.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Wentz, County Highway Engineer, regarding the access to the property. At this time testimony was closed and further discussion was held.

P. Johnson stated that the letter from the County Highway Engineer may not apply because the easement is existing on the survey.

Motion: Kovala made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey to allow two tracts of land based on the fact that the survey does meet the criteria of the Zoning Ordinance and Subdivision Ordinance with the stipulation that the existing cabin cannot be added onto at the current location. Knutson second.

Johnston questioned why they should approve a split of land when the current structure is nonconforming. Johnston felt that the cabin should have to be relocated as a condition of the approval. Johnston stated that the cabin is only 12 ft by 18 ft and could easily be moved. Knutson stated that he saw Johnston's point and stated that the timetable for relocating structures in a resort conversion is 10 years.

Amended Motion: Kovala amended his motion to say: approve the change of zone from agricultural to residential and approve the certificate of survey to allow two tracts of land based on the fact that the survey does meet the criteria of the Zoning Ordinance and Subdivision Ordinance with the stipulation that the cabin must be relocated to the required building setback within five years from the date of final approval and with the stipulation that the cabin cannot be added onto at the current location. Knutson second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: James & Jeanne Hochhalter. Request a Conditional Use Permit to construct a rock retaining wall, within the shore impact zone, to stabilize a slope next to the dwelling. LEGAL LAND DESCRIPTION: PID Number R171222000, Summer Island Block 5 Lot 9 & 8 Ex Wly 25, Section 06, TWP 138, Range 42. The property is located at 17251 Co Hwy 6, on Big Cormorant Lake, in Lake Euncie Township.

Jay Hochhalter and Rich Larum explained the application to the board. Hochhalter stated that he originally wanted a block retaining wall, but is now looking at a boulder type wall for a more natural looking wall. There is erosion that needs to be stopped and corrected. Hochhalter stated that he had the opportunity to acquire some boulders, so some of the boulders have already been brought on site. Larum stated that the boulders would be able to be brought down the hill without harming the hill, either by skid steer or mini excavator. A ramp may have to be constructed or there is a possibility of going across the neighboring properties.

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 and further discussion was held.

Moritz stated that the watershed has been in contact with the owner and the watershed has approved the plan. Brufloodt stated that the application is warranted and that the

natural rock wall would be a better fit. Lien stated that this is a perfect location for this type of wall.

Motion: Moritz made a motion to approve a conditional use permit to allow a natural rock retaining wall within the shore impact zone based on the fact that the wall meets the criteria of the Zoning Ordinance and the placement of the wall would correct an erosion problem. McGovern second.

Thorkildson questioned if the concrete wall would be removed. Larum stated that the concrete wall would not be seen after the rock wall is completed. Thorkildson stated that if the concrete wall does not show, then he does not have an issue if the concrete remains.

A vote was taken with everyone voting in favor of the motion. Motion carried.

SIXTH ORDER OF BUSINESS: Lookout Rock Development. Request a Change of zone from Agricultural to High Density Residential and a Conditional Use Permit for a Multi-unit Residential development consisting of 17 units (Phase 1). LEGAL LAND DESCRIPTION: PID Number R100502000, Part of the SE 1/4 NW 1/4 SW 1/4 NE 1/4, NE 1/4 NW 1/4, Section 31, TWP 139, Range 40. The property is located on Tower Road in Erie Township.

Scott Walz and Bob Bekkerus explained the application to the Board. This is phase one of a multi phase – multi unit development. Walz stated that the ordinance is primarily directed to mobile home parks when there is a multi unit residential development outside the shoreland district. The private ownership would be 2/3 of an acre and the rest of the property would be held in common ownership and be used for open space, walking trails, etc. Walz stated that the County Engineer has commented about the road, but the County Engineer did not understand the difference between a road in a MURD and a lot/block subdivision. A storm water management plan will be implemented according to MPCA permits and specifications.

Brufloft questioned the location of phase one in comparison to the existing ski lodge. Bekkerus stated that phase one is considerably west of the lodge. W. Johnson questioned if the road would be large enough to accommodate a school bus. Bekkerus stated that he has talked to the City, school and Jeff Swanson (Detroit Lakes Fire Department) regarding the road and that the road does meet Class B specifications. Bekkerus state that they wanted to MURD instead of a lot/block subdivision to accommodate for a private road, which would preserve more nature and the land would be held in common ownership to prevent devastation of the land.

Bekkerus further stated that the ski business cannot make is with the global warming. The series of single family homes, town homes and condominiums would maintain the natural beauty of the land, the common areas and road would be maintained by an association and the ski slopes would be preserved and possibly re-opened for the skiing and snowboarding for the residents.

Johnston questioned if the 17 sites would be for 17 families. Bekkerus stated that phase one would be for 17 single-family homes. P. Johnson stated that phase one is a small portion of the entire project. Kovala questioned how many acres were in the total project. Bekkerus stated that there was 330 acres. Kovala questioned the circle in the roadway. Bekkerus stated that it was meant to slow down traffic, create a centerpiece and be a distinctive part of the plan. Knutson questioned the gap between units 9 & 10. Bekkerus stated that it was for the placement of a future road.

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

Marty Solmon – curious as to why the lots are so small.

Pete Gunderson – not for or against the project, just has questions on how the phases will impact the gravel roads.

Anthony Mastin – concerned about the natural habitat for the animals and the trespassers, where will the run off go, how will this change the character of the community, high density does not fit in this area.

Mitch Vogt – not against progress, against progress that interferes with safety and integrity; Tower Road is already treacherous and has low maintenance.

Linda Leitheiser – the existing road cannot accommodate more traffic, due to multiple townships involved with the road, no one maintains the road the way it should be.

Larry Jones – the existing road is treacherous and cannot accommodate more traffic, a north entrance to the project should be made just as attractive as the south entrance to allow the residents an alternate route.

Julie Tiedeman – this is a busy road and cannot take any more vehicles.

Lovonne Anderson – questioned why some of the residents in the area did not receive notices.

P. Johnson explained the notification process. The notice is also published in the paper to inform those in the surrounding area that may be affected of the project, but live outside of the notification district.

Leroy Squires – knew for a long time that the property would eventually be developed; these lots are smaller than the minimum; visualized this project to be similar to Hidden Hills, not smaller lots with multiple dwellings; concerned about future phases and approving a plan when the future concept is not known.

Written correspondence was received from:

Brad Wentz, County Highway Engineer, with concerns about the road.

Letters of opposition were received Tom & Jane Schmitz; Matthew & Patricia Vogt; Donald Gravelle; and Jerry & Pam Ross.

At this time testimony was closed and further discussion was held.

Thorkildson was concerned about the unknown phases and what the ultimate number of sites and the application should be tabled for more information, especially as to what the final plan will look like. Bekkerus stated that he does not know for sure, but what is known for sure is that one phase will blend in and be esthetically pleasing to the previous phase. Bekkerus stated that he wants as much open space and common area as possible. This concept will allow them to place the structures in the places where the topography will allow.

Lien questioned if Bekkerus has talked to the townships involved with the road. Bekkerus stated that he has not talked to the Townships. Lien stated that Bekkerus should be in contact with the townships, because if roadwork is needed, the roadwork has to be scheduled in advance, it cannot “just happen”.

Further discussion was held regarding the current road system and phases of the project. Johnston felt that the property should be rezoned to residential, not high density residential. With the larger lots, they could still have trails and common area.

Walz stated that the ordinance is not clear on multi unit residential development in the non-shoreland district. They picked the most suitable locations to place the structures, to take advantage of the topography and preserve nature.

Moritz was concerned about approving something when the future phases were not known. Bekkerus stated that he does have a concept for the entire project, but if presented, he does not want to tied down to that plan, should they change.

Johnston stated that the decision on phase one would not have to depend on future phases. Moritz felt that the townships should be contacted to comment. Knutson felt that an overall plan should be submitted to look at the overall plan.

Further discussion was held regarding density, overall concept, topography, and contacting the townships involved. Bruflodt asked if Bekkerus would like to table the application. Bekkerus stated that time is of the essence and would like to get started on the project. Walz stated that they have more than one concept and don't know which one to submit.

Motion: Moritz made a motion to table the application until the March 2007 meeting to allow the applicant to submit a concept plan, allow the townships to submit information on the road and offer any other information that can be contributed to the plan, including topography. Kovala second. All in favor. Motion carried.

P. Johnson stated that the information must be submitted to the Zoning Office, no later than March 9, 2007 in order to get the information to the Planning Commission Members.

SEVENTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, March 15, 2007 at 7:00 am at the Planning Zoning Office.

Kovala discussed changing the meeting time to 8:00 am.

Kovala made a motion to change the time of the informational meeting to 8:00 am. Johnston second. All in favor except Moritz, Bruflodt and Skarie. Majority in favor. Motion carried. Meeting time changed to 8:00 am.

Discussion was held regarding upcoming training. Anyone interested in attending the training should contact the office.

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

Jim Bruflodt, Chairman

ATTEST

Jeff Moritz, Secretary

Patricia Johnson, Administrator