

Becker County Planning Commission

September 18, 2007

Present: Members Waldo Johnson, Mary Seaberg, Jeff Moritz, John McGovern, Harry Johnston, Jim Kovala, John Lien, Ray Thorkildson, Jim Brufloft, Commissioner Larry Knutson, and Zoning Staff Debi Moltzan.

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

Minutes: McGovern made a motion to approve the minutes from the August 21, 2007 meeting. Seaberg second. All in favor. Motion carried.

Brufloft explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, September 25, 2007.

FIRST ORDER OF BUSINESS: Michael and Barbara Johnson. Request a conditional use permit for a business to service and repair cars and trucks in an agricultural zone for the property described as: Pt NW ¼ NE ¼ Beg at SE Cor L7B3 Brandy Lake Estates; Section 21, TWP 139, Range 41, Detroit Township. PID Number 08.0328.000. The property is located at 25674 Brandy Lake Road.

M Johnson explained the application to the Board. Brufloft asked how many cars would be on the property at any one time. M Johnson stated that there would be three, not including his own vehicles. Kovala questioned what would happen to the vehicles if they were not picked up or paid for. M Johnson stated that the impound lot is next to his property and the vehicles would be taken there. Knutson was concerned about the property becoming a junkyard. M Johnson stated that he would not allow that and would sign some type of paper to make sure this would not happen. Johnston asked M Johnson what a fair number of vehicles would be to keep on the property while repairing them, in case one had to be parked while waiting for parts. M Johnson stated that three vehicles would be it.

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

Further discussion was held. Consensus of the Board was that M Johnson's intentions may be good, but stipulations should be placed on the conditional use permit as a guarantee.

Motion: Kovala made a motion to approve a conditional use permit to allow service and repair of cars and trucks in an agricultural zone based on the fact that the use would not be detrimental to the surrounding area with the stipulation that there cannot be more than three vehicles on the property over the amount of vehicles that the property owner personally owns. McGovern second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Steve Halstensgaard. Request a conditional use permit for a second dwelling on the property, the second dwelling is being requested as a home for caretaking of elderly parents. The property is described as: A Tr 365 Ft E & W by 287 Ft N & S lying 1312.7 Ft N of SW; Section 13, TWP 139, Range 40, Erie Township. PID Number 10.0254.000. The property is located at 19295 Co Hwy 29.

Halstensgaard explained the application to the Board. Halstensgaard currently lives in Otter Tail County and his parents live next door to him. Halstensgaard is going through a divorce and as a result of the divorce is moving to this property in Becker County. As part of the divorce, Halstensgaard's parents are not to live next door to the ex-wife in Otter Tail County. Halstensgaard would like to place a doublewide mobile home on this property to keep the parents close to him to keep an eye on them, but give them their independence. Knutson questioned if the structure were to be constructed or moved onto the property. Halstensgaard stated that the structure would be moved onto the property. Kovala questioned what would be done with the home after the parents are no longer able to live there. Halstensgaard stated that the mobile home would be sold and moved off the property. McGovern questioned if the septic system was large enough to accommodate the mobile home. Halstensgaard stated that if the septic system was not large enough, either a new one would be constructed or the existing one enlarged.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from the Becker County Highway Department stating that if another approach was needed, there would have to be a 500 ft separation between approaches. At this time, testimony was closed.

Further discussion was held. Knutson questioned if another approach was needed. Halstensgaard stated that there were two existing approaches that would be utilized. Moritz questioned what would happen to the mobile home when the parents are no longer living there. Halstensgaard stated that the mobile home would be removed probably within six months of them no longer living there. Johnston felt that they should be given 12 months to remove the mobile home.

Motion: Johnston made a motion to approve a second dwelling on the property, for the care of elderly parents, based on the fact that the use would not be detrimental to the surrounding area with the stipulation that the house be removed within twelve (12) months of neither parent living in the mobile home. Moritz second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Keith Danks. Request a change of zone from agricultural to residential and approval of a preliminary plat consisting of four lots with a conservation easement for the property described as: Pt Govt Lot 9, Section 5, TWP 142, Range 38, Round Lake Township. PID Number 25.0169.000. The property is located on Elbow Lake Road, Elbow Lake.

Scott Walz explained the application to the Board. Walz gave a short history of the projects. The original plan was presented to the Technical Review Panel in March. The Panel thought there were more wetlands than depicted on the plan and wanted to have the wetlands delineated. When spring arrived, the wetlands were delineated as Type 1 wetlands and the plan was changed to four lots and resubmitted to the Panel. Neither Walz nor Danks was present at the Panel meeting. In July, Danks received a letter stated that the land was not suitable for lot/block development. Walz went to the County Board for direction on how to develop the property because a MURD was not conducive to the area. The County Board stated that they must continue with the process. Walz stated that he drew up the plan for a lot/block subdivision with a conservation easement on the wetlands. Walz stated that the wetlands are double protected because of the conservation easement and the Wetland Conservation Act.

Knutson questioned Walz as to what exactly was being asked for in the request. Walz stated that they wanted a lot/block subdivision for four lots, with a conservation easement with boardwalks for the access to the lake over the wetlands. Moritz asked how wide the boardwalk would be. Danks stated that the boardwalks would be approximately 6 to 8 ft wide and used for foot traffic only, but could be narrower. Moritz questioned where the docks and lifts would be stored during the winter. Danks felt that the docks and lifts could be left on the shore in the fall; there is a ridge along the shoreline. Moritz questioned the mooring area. Danks stated that there would be four lots with four individual accesses, not one access to the lake. Kovala stated that, after walking the property, he did not feel the wetlands are the same as what is drawn on the plan. Walz stated that the wetlands drawn on the preliminary plat meet the criteria of wetlands. Lien stated that he did not agree with the delineation, but felt that a conservation easement is needed approximately 50 feet back from the lake, allowing for a boardwalk and allowing for the docks and lifts to be stored on the easement during the winter months. Johnston stated that he walked the property and could not see why the Tech Panel took the stand that they took. Thorkildson questioned what would be done with the property on the East side of the road. Danks stated that currently he did not have any plans for the East side of the road.

No one spoke in favor of the application. Speaking in opposition to the application was Kathy Warren, White Earth Reservation. Warren felt the application should be denied or postponed. This property is located within a historical area and needs to be looked at by the archeological department, primarily Tom McCauley, who is currently on vacation. Warren also questioned how the lake bottom could be interpreted as hard bottom with the types of vegetation growing there. Warren stated that this area has significant cultural concerns and those concerns need to be addressed prior to any final approval or construction begins. Written correspondence in opposition to the application was received from COLA. At this time, testimony was closed.

Further discussion was held. Lien stated that the 50 ft conservation easement along the shoreline would help preserve the lake. Knutson stated that preliminary approval is not the final approval and if something major came up concerning the plat, final approval would not be given. Johnston questioned if the Tech Panel visited the property. Lien did not agree with the terminology of “unsuitable” for this property. Brufloft agreed, stating that on the 25 to 30 ft closest to the lake was spongy. Johnston stated that when he first saw the paper copy of the preliminary plat, he was concerned about the amount of wetlands, but after viewing the property he found that this is not the typical wetlands full of water, this area was dry and navigable.

Discussion was held regarding tabling the application, if the Planning Commission could do so or if the applicant would need to. Some of the Board Members felt that they needed more information from the Tech Panel as to what they saw and why they responded the way they did and felt that the developer should contact the White Earth Department concerning the cultural concerns.

Danks stated that he would like to move along with the project since he has two lots spoken for, and if something were to be found, he would shut the project down. Moritz felt that the Tribal Office needs to be able to respond to the application. Lien felt that the historical sites are sensitive and should be found out before beginning a project. Lien felt that because of the differences from the Tech Panel and the proposal, the application should be tabled.

Motion: Lien made a motion to table the application until the October meeting to allow the developer to meet with the Tribal Office concerning the possible historical sites on the property. Kovala second. Voting in favor of the motion Thorkildson, Moritz, McGovern, and Lien. Voting against the motion were Kovala, Johnston, Knutson, Seaberg, and Johnson. Motion failed.

Seaberg made a motion to approve the change of zone from agricultural to residential and approve the preliminary plat for four lots based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance with the stipulation that there be a 50 ft wide conservation easement running parallel to the shoreline, allowing for docks and lifts to be stored on the conservation easement, allowing a 8 to 10 ft wide boardwalk over the wetlands for each lot and

the White Earth Tribal Office be contacted to address the archeological concerns of the Tribe before final approval will be given. Johnson second. All in favor except Lien, Moritz and Thorkildson. Majority in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Final Plat of Sunrise on Little Floyd.

Moltzan explained that the change of zone and conditional use permit for a multi unit residential development was approved in October of 2006. The stipulations placed on the MURD have been addressed and everything is in order for final approval.

Motion: Seaberg made a motion to approve the final plat of the CIC known as Sunrise on Little Floyd based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance and has met the stipulations placed on the MURD. Thorkildson second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for October 11, 2007 at 8:00 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. Knutson second. All in favor. Motion carried.

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Swenson, Administrator