

DRAFT

**Becker County Planning Commission
February 19, 2008**

Present: John Lien, Waldo Johnson, Jim Brufloft, Jeff Moritz, Ray Thorkildson, Larry Knutson, Mary Seaberg, Don Skarie, Zoning Administrator Patricia Swenson, and Zoning Staff Debi Moltzan.

Chairman Brufloft called the meeting to order at 7:00 p.m. Minutes were taken by Debi Moltzan.

Minutes: Thorkildson made a motion to approve the January 2008 minutes. Lien second. All in favor. Motion carried.

Brufloft explained the protocol for the meeting and explained that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, February 26, 2008.

At this time, Swenson explained that Assistant County Attorney Thilmony would be present at the next informational meeting to discuss the proposed nuisance ordinance. The proposed ordinance has been sent to the townships for review.

FIRST ORDER OF BUSINESS: Steven Anderson and James Schaefer. Request to rescind Change of Zone Document Number 550253. This document approved a change of zone from commercial to residential. As the zone change was not necessary and the primary land use in the vicinity is commercial, it has been requested that the document be rescinded and the property returned to the original zoning of commercial for the property described as: Pt SE ¼ NW ¼ and that part of the SW ¼ NE ¼; Section 24, TWP 139, Range 42; Audubon Township. PID Number 02.0159.005.

Jim Schaefer explained the application to the Board. He and Anderson applied for a change of zone and conditional use permit to build the storage units in July 2007. Since that time, the adjoining property owner has filed a lawsuit, stating that the change of zone was not necessary, only the conditional use permit. At the request of Becker County and their legal counsel, Schaefer and Anderson would like the zone changed back to commercial. Schaefer stated he did not have any preference as to what the zone of the property was as long as they could build the 10 garage structures and sell them as in their original plans.

Knutson questioned if any variances would be necessary. Swenson stated that no variances would be required due to the fact that the existing and proposed structures do meet the required building setbacks.

Speaking in favor of the application was Carl Malmstrom, Attorney for the adjoining property. Malmstrom pointed out that the rescinding of the zone change was at the request of the County, not Schaefer and Anderson, but Schaefer, Anderson and White

Birch, Inc (adjoining property owner) are all in favor of changing the zone back to commercial.

There was no written correspondence. At this time, testimony was closed and further discussion was held. Knutson questioned if a conditional use permit would have to be granted. Swenson stated that there already is a conditional use permit; an additional one would not be required.

Motion: Lien made a motion to rescind the change of zone, as recorded in Document Number 550253, reverting the zone of this parcel to commercial. Skarie second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Daniel Thompson and David Thompson. Request a conditional use permit to construct a second dwelling on the property and maintain the existing dwelling as a guest cottage. The lot meets the criteria for a guest cottage, however, both the existing dwelling and the proposed dwelling exceed the 700 sq ft maximum permitted for a guest cottage for the property described as: Lots 2, 3 and SW ¼ of that Qtr Section 29, Township 140, Range 40 less west 21 feet of Qtr of the NW ¼; Section 29, TWP 140, Range 40. PID Number 16.0192.000. The property is located on Rock Lake.

This application has been tabled by the Applicant.

THIRD ORDER OF BUSINESS: Byron Nolan. Request a change of zone from agricultural to residential for the existing five acre tract of land described as: Comm at the NE ¼ of the NW ¼ thence S along the easterly boundary of said NE ¼ NW ¼; Section 13, TWP 139, Range 40; Erie Township. PID Number 10.0236.001.

Carl Malmstrom explained the application to the Board. There are three gentlemen that own this property, unrelated as common tenants. They owners want to resolve the tenancy issues by splitting the property. Splitting the property in half would not meet the criteria of an agricultural lot due to the amount of road frontage and lot area; however, the lot would meet the requirements of a residential lot. Malmstrom further explained that most of the property in the area is zoned agricultural but is residential in character.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence. At this time, testimony was closed and further discussion was held.

Brufloft stated that the original information provided to the Planning Commission was incorrect due to an error in the GIS system. Since then, the Board has received the correct information. Lien stated that the property is suitable for building on and the character of the neighborhood is residential. Knutson questioned if the property could be further subdivided if rezoned to residential. Swenson stated that it may be possible, but it would be limited due to the road frontage and lot area requirements. Knutson stated that

even though the properties are residential in character, most the properties are 5 to 10 acres in size.

Motion: Lien made a motion to approve a change of zone from agricultural to residential for the five-acre tract based on the fact that the residential zone is compatible with the current residential use of the surrounding area. Knutson second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Gary and Lynette Dahl. Request a conditional use permit to have horses in an agricultural zone. The horses will be located over 400 feet from the lake. A conditional use permit has been requested as this property does not have an active farming operation but has provided a plan for waste removal and feed. The property is described as: Pt of the SE ¼ of the SE ¼, Sec 8 AKA 4.6 Ac & Pt Govt Lot 1; Pt SE ¼ of SE ¼ Beg at SW Cor Th N 589.29 ft to Ctr Ln; Section 17, TWP 139, Range 43; Lake Park Township. PID Number 18.0105.000.

Dahl explained the application to the Board. Dahl stated that he is relocating to this location from Colorado. He has experience in humane animal treatment, being an inspector with USDA. The family has five horses, which have been with the family for years. There is a family farm in Beltrami County, from where they would get the majority of the feed. Dahl stated that he wanted to make sure that he does everything correctly.

Johnson questioned how far the horses would be from the lake. Dahl stated that the horses would be more than 300 feet from the lake and there would be no run off from the horses getting to the lake. Johnson questioned what would be done with the manure. Dahl stated that the manure would be hauled off site.

Speaking in favor of the application were: James Matter, stating that the property is insured for any liability involving the horses; Chris Carlson, neighbor, stating the manure can be disposed of on his farm; Lynette Comny, realtor; and Jim Kaiser, realtor. Written correspondence was received from Lake Park Township, in favor of the application. At this time testimony was closed and further discussion was held.

Kaiser questioned why a conditional use permit was required when the property is zoned agricultural. Swenson stated that the Zoning Ordinance states that animals are incidental to a farming operation, so if there is no farming operation, keeping of animals on the site requires a conditional use permit.

Motion: Thorkildson made a motion to approve a conditional use permit to allow five horses on the property without an active farming operation based on the fact that there is an adequate plan for feeding of the animals and manure removal and the use would not be detrimental to the surrounding area. Moritz second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Ronald Lass. Request a conditional use permit to replace existing retaining walls with new timber retaining walls and native plantings and construct/provide a safe walkway using existing cuts to the hillside to provide access to the lake for the property described as: Lots 11 & 12, North Beach Annex; Section 9, TWP 138, Range 43; Cormorant Township. PID Number 06.0962.000.

This application has been tabled by the applicant.

SIXTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting will be held on Thursday, March 13, 2008 at 8:00 am at the Planning and Zoning Office. At this meeting, the proposed nuisance ordinance will be discussed.

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

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Swenson, Administrator