

Becker County Planning Commission
August 17, 2010

Present: John McGovern, Dan Schlauderaff, John Lien, Harry Johnston, Jeff Moritz, Don Skarie, Jim Kovala, Jim Brufloft, Mary Seaberg, Commissioner Larry Knutson, Zoning Administrator Patricia Swenson and Zoning Staff Lisa Tufts.

Chairman Jim Brufloft called the meeting to order at 7:00 p.m. Lisa Tufts took minutes.

Kovala made a motion to approve the July 20, 2010 Minutes with a change in the Fifth order of business 4th paragraph, "McGovern" questioned the junk on the cul-de-sac. Seaberg second. All in favor. Motion carried.

Brufloft explained the protocol for the meeting and explained that the recommendations would be forwarded to the County Board of Commissioners for final decision on August 24, 2010.

FIRST ORDER OF BUSINESS: Bruce Richard and Mark Praska. Request a conditional use permit to allow 3 recreational vehicles on one parcel. The property is owned by two families. Each family would like a camper, with a third camper for an additional family member. The property is described as PT GOVT LOT 5 & 7: COMM SLY COR LOT 29, BLK 1 SUMMER HAVEN... Section 04, TWP 138, Range 42, Lake Eunice Township PID: 170043001. The property located on Bullhead Lake, E Little Corm Road.

Sherry Praska and Bruce Richard explained the application. They explained that it is a small family that bought the property together and that they plan on building a cabin in the future. They will build when the property is paid in full. They have a small family and two of the RV's are used on a regular basis and a third would be used approximately 3 times per year. They stated that the property is very secluded with ample parking and no one would be able to see the RVs unless they came all the way into the bay. Two are hooked up to the water and septic and they would like to be able to leave the third RV on the property in case the additional family member needs to use it. But the 3rd would not be permanently hooked up.

McGovern questioned well and septic system. The applicant stated that they are currently using two 250-gallon drums for sewage and that they pump water out of lake. They are working on a septic design, but first they have to confirm their cabin plans so that the system is sized appropriately for the future cabin. They have a septic pumper pump the barrels on a regular basis

Speaking in favor of the application was Raymond Laney who owns property to the east of Praska. He stated he can't see the RVs because they are in an area secluded by trees. The applicants keep the site clean and well cared for. He has no problem with them having 3 RVs on one property.

No one spoke in opposition to the application.

Letters received by the Zoning Office regarding the application include:

Scott Dirks – stating that more than one RV violates the covenants of the development.

Clarion Eilertson – Opposed to approval because natural environment lake and habitat degradation.

Barb Johnson – Opposed to approval because devaluation of home.

Gerald and Sharon Faith – Opposed to approval because should have to abide by same rules as everyone else, starting campground, tax consideration for permanent structures vs. RVs.

Loren Knudsvig Family – Opposed approval because; zoned for one residence per lot, negative impact on spawning beds, devalues homes, no septic system, setting bad precedent.

Mark Holle – Doesn't have a problem with 3 RVs, but would like the stipulation that they be removed each fall and that a new permit be required in the Spring of 2014

Lien asked Swenson for clarification of RV provisions in the zoning ordinance. Swenson stated that one RV could be permitted as a dwelling and one could be allow as a guest cottage for use 7 out of 30 days. Knutson asked for clarification of the required lot size on a Natural Environment Lake. Swenson stated that on this lake the requirement is 600 ft of frontage 240,000 sq ft in area. Brufloft asked if the applicants were aware of covenants prior to buying the lot. They stated that they were, but the realtor may have misled them in some aspects. They would not have bought the property if they had known that they would not be allowed 3 RVs. Brufloft the asked them when they plan on building. The applicants estimate in six (6) years. Johnston sought clarification from Swenson as to what year the RV ordinance become effective. Swenson informed him that it was 2005. Johnston believes if the board varies from standards we will open up a lot of problems. Lien agreed and stated that until the standard is changed we need to stick with ordinance. Kovala stated that if the application was approved it would set precedence and campgrounds would be on every lake lot. Seaberg question which method of enforcement the zoning office would use in this circumstance - removal or fines. Swenson stated that in this case removal.

Motion: Lien made a motion to deny the application because stated that it doesn't meet criteria of the ordinance. Kovala second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Ronald & Laurel Johnson. Request approval of an after the fact conditional use permit for a retaining wall in the shore impact zone. The property is described as Cotton lake Beach 2nd Add, Lot 13, Section 11, TWP 139, Range 40. Erie Township, Cotton Lake. PID: 100623000 The property is located at 33426 S Cotton Lake Rd.

Johnson explained the application. He thought the landscaper obtained the necessary permits. Johnson then submitted photos of the property prior to installing the retaining wall. He stated that this area had a natural slope and that no land alteration was necessary to install the block. Lien asked who did work. Johnson stated that a landscaper from Park Rapids completed the work. The landscaper told him that this type of work doesn't

require a permit in Hubbard County. Swenson stated that the regulations are a statewide DNR standard.

Lien read the requirements for approving retaining walls from Chapter 6, Section 8 of the Becker County Zoning Ordinance. He stated that these are the only conditions under which a retaining wall can be allowed.

Kathleen Somers spoke in favor of the application. She lives nearby and is the outgoing president of the lake association. She is fanatical about protecting the lake, she sees no feasible alternative to protect the lake. She has received many phone calls from other neighbors and it doesn't bother them. They hope that the Johnson's can keep it the wall.

Kovala stated that in viewing the pictures presented by Johnson he sees no evident erosion problem. The house is relatively new. Somers said this is landscaping to match the house. Knutson stated that it doesn't meet the criteria of the ordinance.

Seaberg stated that someone complained about it and it must be dealt with. Somers stated that it is a fine project and he should be allowed to keep it.

Also speaking in favor of the application, Keith Sanders, neighbor, thinks that the aesthetics are much better with the project in place than it was prior to its installation.

Written support in favor of the project was received from Kelly and Sandy Grenier, Donna and Gabe Galle, and Kathleen Somers.

Lien stated that the Planning Commission considers applications for retaining walls frequently. Unfortunately many projects have had to have been removed, but the Board can't support the applications because they don't meet the criteria of the zoning ordinance.

Brufloft stated that in looking at photos, he sees no reason necessary for retaining wall. There is no evidence of erosion. The project looks nice but we can't go on nice when there is no need.

Johnson said that there was some erosion near boathouse that was previously cured with concrete along side the boathouse.

Knutson stated that he viewed the neighborhood and that the neighbor has same slope on his lot and there was not evidence of an erosion problem on either lot.

Motion: Kovala made a motion to deny the application for an after the fact conditional use permit for a retaining wall in the shore impact zone because it doesn't meet the criteria of the zoning ordinance. Second Skarie. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Laura and Ronald Knoll. Request approval of a conditional use permit for a boulder retaining wall in the shore impact zone. The wall would be installed to prevent erosion and allow for natural plantings and a beach play area. The property is described as Summer Haven Lot 2, Section 04, TWP 138, Range 42.PID: 171119000, Lake Eunice Township, Little Cormorant Lake The property is located at 15918 E Little Cormorant Rd.

L. Knoll presented pictures of the existing site to the Board. She stated that her property has a lower elevation than the properties on each side of her and that the water from the

neighboring lots washes directly through her lot and over her fire pit. Andy Francis, landscaper, stated that even if gutters, downspouts and French drains were used the neighboring water would still wash out the shoreline. He stated that the lot naturally drops off and he proposed to place riprap and natural plantings to prevent the erosion and keep it looking natural. He was planning on placing a topside swale to divert water from sand area. The left side of the property would have gradual slopes and planting beds. He stated that some bulk needed to be added because the slope can't be held with just riprap.

Brufloft questioned why wouldn't rip rap work. Francis stated that to bring riprap up to 3:1 slope that is required by DNR specifications the rocks would be 20 feet out in the water. The erosion is not necessarily from wave action but from the upslope.

R. Knoll stated that there is a natural gully that provides drainage from both side properties.

Francis stated that L. Knoll has fallen into the water while mowing the lawn due to the drop off and that the proposed swale would help make the area safer.

Kovala stated that mowing the lawn all the way to the lake is causing the erosion problem. And that if the berms and plantings started further up the slope the erosion could be prevented without a retaining wall. Francis stated that it isn't exactly a retaining wall. Kovala stated that it appears to be a wall from the engineer's drawings and if the lawn wasn't mowed all the way to the lake it, would help stop the erosion.

R. Knoll stated that the fire pit area is always muddy and dirty and no grass will grow in the area.

Francis stated that to the right side of the project, there is an embankment that could be riprapped. L. Knoll stated that the swale behind the wall will stop the water.

Johnston stated that a few boulders and berms would control the water but there is no need for a 4 ft retaining wall. Francis stated that the project location is on east side; Johnston stated if you put berms on west side, you wouldn't need a wall.

Francis says the drawing submitted with the application isn't accurate. The engineer's plans do not adequately show the proposal. Francis says it is a little bit of a retaining wall but not exactly. L. Knoll stated it is hard to maintain the property. R. Knoll wants the shoreline as natural as possible, but more useful. Johnston suggested riprap from fire pit, plantings and berms toward the house.

Francis stated that the erosion isn't caused by wave action, but from the large drop in elevation from the upslope.

Brufloft questioned whether the proposal was for any type of locking block and what holds the formation? Francis stated that the proposal is for crushed rock and landscaping fabric to hold the formation along with the boulders. Brufloft questions how this is different from riprap. Francis states that it is not. Johnston thinks that the planning commission should not approve the application, but that zoning office should make a plan to correct the shoreline problem.

Swenson stated that altering over 10 cu yds in shore impact zone, would require an engineered plan. And that she will consult with the DNR over riprap standards.

Brufloft stated that the applicant may wish to consider tabling their application due to 60 day rule, and that he is not convinced that retaining wall is necessary. L. Knoll stated that she really didn't want a wall. Johnston doesn't think that engineered plan is necessary. Knutson stated that there is no point in tabling because it can't be approved.

Lien doesn't think the shoreline plan is appropriate. He would like to see elevations and thinks that riprap would solve the problem. Lien also would like more information as to whether this project is functional or esthetic. Francis stated that native plants will make it look more natural.

L. Knoll would like to make east side useable. Johnston stated that the shoreline currently has reasonable use.

No one spoke in favor of the application. No one spoke in opposition to the application.

Moritz questioned definition of retaining walls. How do we differentiate between retaining wall and decorative landscaping? Swenson stated we would need to do more research with the state standards.

Lien stated that a berm that is located 20 feet from lake and structures 4 feet in height; whether considered a wall or not, is a pretty substantial structure. Lien question whether is project was intended for erosion control or making front yard bigger. It appears as though the purpose is to make the yard bigger.

Knutson stated that the erosion wasn't a problem two years ago when they bought the property. So something has changed on the property. He suggested diverting water to the west would help stop the erosion.

Motion: Lien made a motion to deny the request for approval of a conditional use permit for a boulder retaining wall in the shore impact zone because it doesn't meet criteria of zoning ordinance. Johnston second. Moritz once again questioned whether it was a retaining wall and whether a CUP was necessary for decorative landscaping. Swenson stated that she will assist the property owners in creating a plan that is may be permitted without a CUP. In favor of denial of the application McGovern, Schlauderaff, Lien, Johnston, JMoritz, Skarie, Kovala, Knutson. Opposed Seaberg. Motion to deny carried.

FOURTH ORDER OF BUSINESS: George Lemelin. Request approval of a conditional use permit to allow up to 4 mobile homes (50x100 in size) for staff housing (Harvest Free Will Baptist Church School). Also, request approval of a cemetery on the property that would be 100x100 in size. The cemetery would be platted in the future and would follow all state and county regulations. The property is described as the E 1/2 of NE 1/4 of SE 1/4, Section 23, TWP 142, Range 41. White Earth Township. PID: 360145000. The property is located on 270th Ave.

Lemelin explained the application by stating that he is seeking permission to allow four (4) mobile homes on one parcel of land for staff housing for the school. Kovala ask why not just subdivide the property. Lemelin stated he was advised by the Zoning Office to apply for a conditional use permit for a planned unit development with a cemetery. Kovala ask what is the cost in subdividing. Lemelin stated that he is trying to reduce

costs since they are a nonprofit entity. Lemelin explained that the mobile homes would use as staff housing for approximately 2 years until the school is better established. Lien questioned whether a cemetery would need to be surveyed and suggested that it may reduce costs if the cemetery and home sites were surveyed all at the same time. Schlauderhaff questioned Lemelin about the septic system plans. Lemelin stated A-1 will complete the work next year and that they currently have a well that is 287 feet deep on the property. Lien asked Swenson whether or not a cemetery needed to be surveyed. Swenson stated there are state criteria and that a survey is not necessarily required. Seaberg questioned where the school is currently located. Lemelin stated that the school is currently one (1) mile away. Johnston would like to see it surveyed, but would not be opposed permitting it. Lien stated that it is a difficult decision, but feared of setting a poor precedent. He stated the area is currently a well-maintained project, but thinks that it should follow the ordinance. Johnston suggested approving the CUP for the staff and if not used for staff, the homes must be removed. Lemelin again stated that they would be removed in two (2) years.

No one spoke in favor of the application. No one spoke in opposition to the application. No written correspondence was submitted to the Zoning Office.

Motion: Johnston made a motion to approve a CUP to allow 4 mobile homes for staff housing, with the stipulation that the mobile homes be removed in the event they are not used for staff or the property must be surveyed to meet separate residential lot requirements. Schlauderhaff second. Knutson stated that it would be difficult enforce. Skarie stated that the board's judgment shouldn't be clouded because the request is from a church; the board just denied 3 RV's on a lake lot.

Brufloft called for a vote on the motion presented Moritz, Johnston and Schlauderhaff in favor. All others opposed. Motion did not carried.

Lien made a motion to deny the application because it doesn't meet criteria of zoning ordinance. Skarie second. In favor of motion to deny application McGovern, Lien, Skarie, Kovala, Seaberg, and Knutson. Opposed to motion to deny Johnston, Moritz and Schlauderhaff. Motion to deny application carried.

FIFTH ORDER OF BUSINESS: Barry and Sue Schuchard. Request approval of a conditional use permit to replace an existing retaining wall system (that is failing) in the shore impact zone to prevent erosion. The property is described Agape Acres Bl 1 Lot 3, Section 15, TWP 138, Range 43 Cormorant Township, Middle Cormorant Lake. PID: R060500303. The property is located at 14849 Victory Lane.

Mr. Schuchard explained the application. He stated that there was an existing 3-tiered retaining wall on the property that was not engineered. It failed and the first two tiers were repaired with land alteration alone. However, the third tier is about to fail and land alteration alone will not stabilize the slope. Mr. Schuchard is an engineer. The slope on the property is approximately 1:1 and 25 feet high. A one tiered system would have to go too deep into the soil to provide enough strength, so Mr. Schuchard is proposing a two

(2) tiered system. A one (1) tiered system would require a 4 foot deep anchoring depth and it would damage the toe of the steep slope/bluff.

Kovala stated that it appears that something must be done with the existing nonconforming wall because it is on a severe slope. Brufloft questioned why there was no vegetation on the slope. Applicant stated that he couldn't get it established because the erosion must be stopped first. Lien feels that the proposal does meet all 4 criteria for approval of retaining walls in the ordinance. Moritz stated that natural rock might be more acceptable. Johnston stated that there should be a berm on east and French drain but he does need a retaining wall, but the berm should also be required.

No one spoke in favor of the application. No one spoke in opposition to the application. The Zoning Office received no written correspondence.

Lien believes this is a good project. Knutson agrees.

Motion: Kovala made a motion to approve the replacement of the failing retaining wall in the shore impact zone because it meets the criteria of the zoning ordinance with the stipulation that berms be placed on the property. Johnston second. Moritz would like a storm water management plan submitted to the zoning office prior to the construction of retaining wall to determine where that water is going to flow. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Dennis and Peggy Olson. Request approval of a certificate of survey to subdivide a 40,000 sq ft parcel away from 40 acres. Also, request approval of a change of zone from agricultural to residential for the new 40,000 sq. ft. tract. The property is described as GOVT LOTS 7 & 8 LESS PLAT EMERALD BAY & LESS .09 AC IN GOVT LOT 7 & 2.38 AC GOVT LOT 8; 1/2 VAC RD N OF PLAT LOTS 1-3 & 26' OF LOT 4, Section 04, TWP 138, Range 43. Cormorant Township, Rossman Lake. PID: 060061000. The property is located at 13643 Rosman Erickson Rd.

Scott Walz explained the application the request is for a one residential lot subdivision of the larger property. He stated that it meets all the requirements of zoning ordinance.

Walz also requests that Becker County make a change to the zoning ordinance to allow substandard lots for back lots to be permanently attached to lake lots across the road similar to Ottertail County. This is beneficial as many of the lake lots are substandard in size and this allows for accessory structures to be placed across the road. The lots would not need to be large enough to accommodate a residence. It would be beneficial for the lake as there would not be the need to have as much impervious surface lake side and the property own would have reasonable use or their property.

Jim Kaiser spoke in support of Walz's proposal for the zoning ordinance change. He also stated that in addition to having accessory structures across the road it would be a good location for septic systems as they would also be located further from the lake.

No one spoke in favor of the application. No one spoke in opposition to the application. The Zoning Office received no written correspondence.

Motion: Moritz made a motion to approve application for a certificate of survey to subdivide a 40,000 sq ft parcel away from 40 acres and a change of zone from agricultural to residential for the new 40,000 sq. ft. Seaberg second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Final Plat – McSweeney’s Addition

Swenson stated required information was not submitted to the zoning office so this item has been removed from the agenda.

EIGHTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, September 16, 2010 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

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

Jim Bruflo, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia L. Swenson, Administrator
Patricia L. Swenson, Zoning Administrator