

**Becker County Planning Commission**  
**May 17, 2011**

**Members Present:** Harry Johnston, John Lien, Jim Bruflodt, Commissioner Larry Knutson, Jim Kovala, John McGovern, David Blomseth, Ray Thorkildson, Zoning Supervisor of Inspectors Debi Moltzan and Zoning Technician Julene Hodgson.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Zoning Technician Julene Hodgson recorded minutes.

Kovala made a motion to approve the minutes for April 19<sup>th</sup>, 2011. McGovern second. All in favor. Motion carried.

Chairman Bruflodt 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 May 24<sup>th</sup>, 2011.

**FIRST ORDER OF BUSINESS:** Alan Zemek 23982 Goldeneye Drive Laguna Niguel, CA 92677  
**Project Location:** Grouse About Trail  
**LEGAL LAND DESCRIPTION:** 270174003 Savannah Boot Pt Govt Lot 7: Comm W QTR Cor Sec 32 Th S 300.17 ft, Section 32, TWP 142, Range 36  
**APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from agricultural to residential and approval of a certificate of survey for two lots, with the request that one of the lots be approved as an access lot for the nonriparian lots in Heronrest Point.

Moltzan read the application request and explained to the Board it was incorrectly worded in the request. The Board is to act on the request for a change of zone from agricultural to residential and approval of a certificate of survey for two lots ONLY.

Alan Zemek explained the application to the Board. Zemek's original intent when he surveyed this property in 2002 was to leave the property as natural as possible and as one parcel. Zemek would now like to have two parcels. Zemek explained the existing road would service the 3-dwellings/4-properties. The Township recommendation was to allow the existing roadway to remain as either a 33' private easement driveway, or as an unimproved "minimum maintenance" road within the existing 33' wide right-of-way that currently exists. Zemek stated the 33' corridor has an existing 18' road surface and the request meets all of the Ordinance requirements. Knutson stated that the application request does state the request is for non-riparian lake access and asked Zemek to state for the record that this was to be dismissed from the application so it is clear to which Zemek answered "yes, I wish to dismiss that as part of the application and it is clear that this just for the recommendation of an appropriate parcel split". Zemek noted he has taken special care to construct the roads, protect wetlands, consider the bluff area and keep the natural areas.

COLA representative John Postovit spoke in regards to the application paperwork. Postovit stated although it has been stated for the record as an error in publication and is

being characterized as misinterpretation, he has a hard time with this because it was noted on the owners application itself, referred to on the agenda, in the paper, public notices and in file letters. Postovit wanted the Board to include in their recommendations/findings specific wording stating this Board is not approving an access lot for non-riparian properties due to that would have to go in front of a different Board for approval. Brufloft stated the Board is aware of that and he reaffirmed the recommendations this evening will be concluded on the approval of a certificate of survey for two parcels and a change of zone, that is it. Craig Kulla, Shirley Kulla and Paul Wystepek spoke in favor of the application. Moltzan read written correspondence on file from The Township of Savannah supervisors, Doug Kingsley with DNR fisheries in favor of the application. At this time, testimony was closed and discussion was held.

Lein stated he was OK with reviewing this as just a lot split, he had no problem with it. Knutson stated the Board has made exceptions in the past regarding road corridor areas as long as they met the minimum requirements of the Ordinance and the Township was in agreement with the recommendations. Thorkildson questioned if the buildable area met the criteria, to which Moltzan answered it does. Thorkildson stated he had no problem with the request as long as it was just for subdividing the property.

There was no further discussion by the Commission.

**Motion:** Lien made a motion to approve the request of a certificate of survey for two lots and a change of zone from agricultural to residential with the understanding that the Township has accepted the existing 33' roadway to remain as either a public easement roadway or an unimproved "minimum maintenance" road with the understanding that this motion does not include any lake access approval for non-riparian properties. Blomseth second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Bruce Jacobs** 11000 Silver Star Rd Frazee, MN 56544 **Project Location:** 11000 Silver Star Road **LEGAL LAND DESCRIPTION:** 030282000 and 030282001 Burlington Eagle Lake PT SEC 28, 33: PT GOVT LOT 2: PT GOVT LOT 5: PT GOVT LOT 6 and PT LOTS 6 & 7 BEG 1261.5' S & 1332.59' SE OF NW COR LOT 6: Section 28, TWP 138, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an amendment of an existing CUP to add a private boat launch and a boat washing station for campground guests in a Water Oriented Commercial Zone.

Tami Norgard from Vogel Law firm spoke in behalf of Bruce Jacobs and explained the application to the Board. Jacobs request is to add a boat launch and boat washing station for the campground guests. This would not be open for public use and would be an amendment to the existing CUP. Jacobs are currently operation 46 lots/campsites with 18 existing boats slips. The request would not increase boats slips and there is an existing 60 ft day dock for owners to gain property access. Norgard noted the safety concerns and road issues that arise by the campground guest using the public access on a daily basis. This would not only be for convenience, but would also free up parking at the public access. The boat washing station would be located 350 ft back from the lake and would

drain away from the lake toward the ditch of the Township road. The landing itself would follow DNR specifications with the area being approximately 20x10x6” deep constructed with crushed rock. Knutson asked if there were any permits required through the DNR to which Norgard stated there were not any required, just specifications to follow. Brufloft questioned if everyone that has a campsite has a boat to which Jacobs answered approximately half do and the day dock helps with the access for the ones that do not have a boat slip area.

Harold Knutson spoke with some concerns regarding the application. He noted that by giving them approval for a boat ramp, it may lead to more boats on the small lake due to the access being more convenient. He spoke of environmental concerns along with shoreline erosion from wakes. McGovern asked how many past complaints Knutson spoke to Jacobs about and Knutson said just one. Burlington Township Supervisor Dave Green spoke in favor of the application. He addressed the road concerns not only with maintenance from overuse, but the dust and safety concerns. He stated this would be an overall win-win situation for others using the road, public access, parking and picnic area. Eagle Lake Association Vice President Mike Murphy spoke with concerns regarding the application. He stated people have voiced past complaints to him regarding the campsite and several have phoned or spoke to him in person to speak tonight. Murphy stated the Board should not be allowed to add/expand to what was previously approved. The small lake is shallow and he agrees this may bring more use onto the lake. Murphy noted the Jacobs should keep in compliance with what was previously approved. Moltzan read written correspondence on file from the City of Frazee and Burlington Township in favor of the application. There was also a letter sent in from Ernest Stevenson stating he was a neighbor and against the application but he resides east of the public access on Acorn lake, so the letter was irrelevant. At this time, testimony was closed and discussion was held.

Kovala reaffirmed where the existing slips and day dock are located on the property. Thorkildson stated he was not in favor when the campground was approved for their original CUP and due to the small lake area, he did not agree to the request to amend/add anything. Lein understood the need for the private launch due to the overuse of the road, safety issues, public access and picnic area. Brufloft noted that the request was a part of the original public hearing and was later taken out so he is torn between what was first approved and now a request for an amendment. Johnston noted the previously dropped request may have been a mistake by not allowing this in the campground. The people may come and go a couple of times during the day, driving all the way across the lake from the public access creating wakes, the safety features alone make sense to keep the people on the campgrounds and therefore was in favor of the application. Blomseth agreed he did not feel this would add to the lake traffic, the boats that go on the lake are already there, this is just a better plan for how they get on and off the lake.

There was no further discussion by the Commission.

**Motion:** Lien made the motion to approve the request for an amendment of the existing CUP to add a private boat launch and a boat washing station for campground guests

private use only. Kovola second. All in favor except Thorkildson. Majority ruled. Motion carried for approval.

**THIRD ORDER OF BUSINESS: Gerald Brogren** 22473 185th Str Audubon, MN 56511 **Project Location:** 17168 Highland Dr, DL **LEGAL LAND DESCRIPTION:** 080482000 Detroit 54.2 RDS N & S BY 62 RDS E & Wj in SE PT of SE1/4 of SE1/4 Less 5.45, Section 26, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from Industrial to Residential on property that has always had Residential use.

Gerald Brogren explained the application to the Board. Brogren explained the property does have a residential dwelling existing on it and the property has never been used for industrial use. Brogren stated a family member would like to purchase the property and cannot get financing due to the current zone of the property. Knutson agreed this was due to “blanket” zoning years ago by the City of Detroit Lakes. Brogren stated there are wetland issues and this property would be in best use as residential property because nothing large could ever be constructed there.

Finance consultant Terri Usher spoke in favor of the application. Usher stated due to current finance/mortgage regulations, companies will not loan money on property zoned commercial or industrial. Possible buyers could try to go through someone with a higher interest rate, but most lenders will deny 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.

There was no further discussion by the Commission.

**Motion:** Thorkildson made a motion to approve the change of zone from Industrial to Residential. Lien second. All in favor. Motion carried.

**FOURTH ORDER OF BUSINESS: Daniel McDougall** 29385 Co Hwy 34 Callaway, MN 56521 **Project Location:** 29385 Co Hwy 34 **LEGAL LAND DESCRIPTION:** 320234003 Sugar Bush Pt N1/2 NW 1/4 SW1/4: Section 28, TWP 141, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from Agricultural to Residential to allow a (1) one acre tract of land for residential use.

Daniel McDougall explained the application to the Board. McDougall would like the smaller tract to be around his dwelling with the remainder of the property to be attached to his parent’s property to the north. He wants to sell the dwelling and one acre and move to town. McDougall stated there are other smaller tracts in the area and the rest of the acreage being attached to his parents is contiguous farmland.

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.

There was no further discussion by the Commission.

**Motion:** Lien made a motion to approve a Change of Zone from Agricultural to Residential to allow a (1) one acre tract of land for residential use. Johnston second. All in favor. Motion carried.

**FIFTH ORDER OF BUSINESS: Derrick & Britt Moore (for Randy Gravelle)** 15881 E Ridgeview Ln Detroit Lakes, MN 56501 **Project Location:** Brolin Beach Rd **LEGAL LAND DESCRIPTION:** 080292003 Detroit Floyd PT GOVT LOTS 2 & 3 & PT NE1/4 SW1/4 & PT NW1/4 SE1/4: BEG SW: Section 16, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for storage condos to be sold and utilized for storage of personal items. The request is for two buildings, with each building housing eight storage units, in an Agricultural Zone.

Randy Gravelle explained the application to the Board. Gravelle would like to construct storage condos to be sold and utilized for storage of personal items. There would be a total of two buildings. Gravelle stated he has been approached by individuals indicating there is a need for private storage facilities in the area. Gravelle noted due to wetland issues, the two proposed structures will be the only ones constructed on the property.

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 discussion was held.

There was no further discussion by the Commission.

**Motion:** Lein made a motion to approve a Conditional Use Permit for storage condos to be sold and utilized for storage of personal items consisting of two buildings, with each building housing eight storage units. Kovala second. All in favor. Motion carried.

**SIXTH ORDER OF BUSINESS: Marilynn & Dan Holt (& Rick & Julie Cogger)** 20861 Cozy Cove Rd Detroit Lakes, MN 56501 **Project Location:** 27703 Front Ave **LEGAL LAND DESCRIPTION:** 240022000 & 240021000 Richwood Beg 60' N 79: & .19ac in NE 1/4 Section 02, TWP 140, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a Farmers Market located in the Village of Richwood located in an Agricultural Zone.

Marilynn "Sue" Holt explained the application to the Board. Holt stated they would open the farmers market and rent out 10x10 areas for 8-12 vendors to sell produce, homemade products, floral and greenhouse items, food items, homemade goods, and artwork/crafts along with recycled items. They would place emphasis on those that are Minnesota-made and/or locally-owned. They will have porta-potties available for vendors and consumers, with parking available on the property. Hours of operation requested are: Fridays 1:00pm-6:00pm, Saturdays and Sundays 10:00am-4:00pm starting May 27<sup>th</sup> and ending October 9<sup>th</sup>. Johnston asked where the road access would be to which it was stated access

would be off of Hwy 34 onto Front street with the entrance to the farmers market off of Front street.

No one spoke in favor of the application. No one spoke against the application. Moltzan read written correspondence on file from Penny Aguirre owner of Richwood Winery in favor of the application. At this time, testimony was closed and discussion was held.

Kovala commended the owners on the wonderful business plan that was submitted. Kovala stated the plan covered everything regarding the proposed operation and addressed any concerns. There was no further discussion by the Commission.

**Motion:** Kovala made a motion to approve a Conditional Use Permit for a Farmers Market located in the Village of Richwood as submitted. Knutson second. All in favor. Motion carried.

**SEVENTH ORDER OF BUSINESS: Glen & Kari Holmstrom** 15955 Co Hwy 1 Lake Park, MN 56554 **Project Location:** 15955 Co Hwy 1 **LEGAL LAND DESCRIPTION:** 060067000 Cormorant Pt Govt Lot 2: Beg N Qtr Cor E 1286.34, S 830.28', W 1286.34, N 830.28 To POB 11.30 acres +/-, Section 05, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a temporary second dwelling on the property for elderly care in an Agricultural Zone.

Kari Holmstrom explained the application to the Board. Due to health reasons and concern, they would like to relocate her mom's trailer house onto their property. Holmstrom stated this would help her mom with finance worries such as lot rent and utilities while still giving her independent living facilities. Holmstrom noted they are proposing a separate septic system and will have the structure "tie into" their existing well. The property is an 11 acre parcel and Holmstrom realizes this will be for a dwelling for temporary use, not a permanent second dwelling.

No one spoke in favor of the application. No one spoke against the application. Moltzan read a written correspondence from the Cormorant Township Board in favor of the application. At this time, testimony was closed and discussion was held.

Kovala stated that the owner understands this is a temporary solution for elderly care reasons. McGovern noted the owner has addressed any concerns regarding well and septic issues. McGovern stated the Board can place a time line on the motion to indicate how long the temporary dwelling will be on the property after the use is no longer needed.

There was no further discussion by the Commission.

**Motion:** McGovern made the motion to approve a temporary second dwelling on the property for elderly care with the stipulation the dwelling will be removed 6 months after it is no longer required for elderly care. Lien second. All in favor. Motion carried.

**EIGHTH ORDER OF BUSINESS: Informational Meeting.**

The next informational meeting is scheduled for Thursday, June 16th, 2011 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. Lien second. All in favor. Motion carried. Meeting adjourned.

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Jim Brufloft, Chairman

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Jeff Moritz, Secretary

ATTEST \_\_\_\_\_  
Patricia Swenson, Zoning Administrator