

Becker County Planning Commission
June 21, 2011

Members Present: Harry Johnston, John Lien, Jim Brufloft, Commissioner Larry Knutson, Jim Kovala, John McGovern, Ray Thorkildson, Jeff Moritz, Dan Schlauderaff, Zoning Administrator Patty Swenson and Zoning Technician Julene Hodgson.

Chairman Brufloft called the **Notice of Intent to Amend Ordinance** meeting to order at 6:00 p.m. Zoning Technician Julene Hodgson recorded minutes.

Chairman 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 28th, 2011.

FIRST PURPOSE OF BUSINESS: To amend Chapter 3, Section 7, Subp. B. Subject Matter: Setback Averaging. AND To amend Chapter 5, Section 2, Subp. C. Subject Matter: Setback Averaging.

Swenson read and explained the proposals to the Board. The intent is to implement setback averaging plus 20 ft to allow structures closer to the lake than the required setback without requiring a Variance.

COLA representative John Postovit spoke in favor of the proposals. He stated the averaging method would be a plus overall. The proposal for an impervious surface coverage protection zone area will go hand in hand with the setback averaging. By moving the structures further back, the lot coverage with setbacks will require smaller structures. Postovit stated this averaging method has been implemented in Aitkin County since 2001. He stated the mitigation process will still be implemented for the coverage between 15% and 25% but these changes will encourage surface coverage further from the lake. Over time you will see more open space between the structures and the lake. He commended the Zoning Ordinance Review Committee for their work and stated the Committee went to great lengths and time to review, revise and edit the wording and then propose changes to the Ordinance. He asked the Board to move forward and recommend the wording as submitted.

Terry Kalil spoke in favor of the application. She supports the Committee and it has been a longtime challenge concerning lakeshore property. She stated this will be a positive change for the lakes.

Greg Anderson spoke against the proposal. He wanted to commend the committee on their work, but wanted it noted that there are times rewording areas of the Ordinance can cause or create other issues. He stated many of the lake parcels that were created long before Zoning are very small and the averaging plus the added 20 feet setback will then cause more Variance requests for the road setback. He stated the smaller parcels would suffer. Anderson stated he would like the Board to recommend to the Zoning Ordinance Review Committee less restrictive road setbacks from Township or easement roads to be 20 feet for dwellings as well as the detached structures. This would maybe alleviate added Variance requests on the roadside.

Jim Kaiser spoke against the proposal. He agreed he felt this would cause more barriers for the smaller properties. Kaiser was also in favor of the recommendation to consider a lesser road setback on the low traffic roads.

There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Lien stated there are exceptions in place to use averaging for roadside also. He stated although this may implement some Variance requests, this proposal looks good. The Committee has done their work with many scenarios before forwarding the proposals. Brufloft agreed and stated this is a good proposal. Knutson stated anytime there are changes it may trigger something elsewhere and the Committee may have to then look at those areas, but this is a good proposal.

There was no further discussion by the Commission.

Motion: Lien made a motion to approve to amend Chapter 3, Section 7, Subp. B. Subject Matter: Setback Averaging. AND to amend Chapter 5, Section 2, Subp. C. Subject Matter: Setback Averaging as submitted. Kovala second. All in favor. Motion carried.

SECOND PURPOSE OF BUSINESS: To amend Chapter 6 Section 3 Subject Matter: Water-Oriented Accessory Structures.

Swenson read and explained the proposal to the Board. The reasoning for the amendment is to allow smaller water-oriented structures on any size parcel that fits the lot criteria, with a wider flexibility of where they can be placed.

COLA representative John Postovit spoke in favor of the proposal. He stated this opens up the possibility for the non-conforming smaller parcels to now have a structure for storage by the lake. Postovit stated the Minnesota shoreland rules are proposing changes with the draft indicating the size recommendation of 120 sq ft also.

No one spoke against the proposal. There was no written correspondence either for or against the proposal. At this time, testimony was closed and discussion was held.

Brufloft stated there has always been a struggle with the the larger sized structures. The smaller size proposed for storage is a plus. The flexibility for best placement will be a plus to further protect steep slope and bluff areas. Knutson noted this is will be an improvement with more options available for placement. Lien commended the Committee for the work they have done and the time they have taken to propose these changes. He stated this is a good proposal. It was the consensus of the rest of the Board that they had no reservations regarding this proposal.

There was no further discussion by the Commission.

Motion: Kovala made a motion to approve the proposal to amend Chapter 6 Section 3 Subject Matter: Water-Oriented Accessory Structures as submitted. Lein second. All in favor. Motion carried.

THIRD PURPOSE OF BUSINESS: To amend Chapter 6, Section 10, Subp. D. Subject Matter: Impervious Surface Coverage for Zoning Districts.

Swenson read and explained the proposal to the Board. The purpose is to establish a protective zone area within 150 ft of the lot area. The owners of substandard properties will still utilize the mitigation regulations to contain stormwater runoff if they have overall coverage between 15% and 25%. The properties will still be allowed an overall 25% coverage, but some of the coverage will then have to be further back from the lake.

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

It was the concensus of the Board that this would be an improvement regarding lot coverage.

There was no further discussion by the Commission.

Motion: Lien made a motion to approve to amend Chapter 6, Section 10, Subp. D. Subject Matter: Impervious Surface Coverage for Zoning Districts. Schlauderaff second. All in favor. Motion carried.

Since there were no further proposals to come before the Board, Thorkildson made a motion to adjourn. Lien second. All in favor. Motion carried. Meeting adjourned.

Chairman Brufloft called the **Applicants Public Hearing** meeting to order at 7:00 p.m. Zoning Technician Julene Hodgson recorded minutes.

McGovern made a motion to approve the minutes for May 17th, 2011. Thorkildson second. All in favor. Motion carried.

Chairman 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 28th, 2011.

FIRST ORDER OF BUSINESS: Seven Sisters Property LLC 25275 S Melissa Dr Detroit Lakes, MN 56501 Project Location: 25275 S Melissa Dr LEGAL LAND DESCRIPTION: 190644000 Lake View Township THAT PART OF NE1/4 OF NW1/4 LYING W OF HWY #59, Section 33, TWP 138, Range 41 APPLICATION AND DESCRIPTION OF PROJECT: The Applicant wishes to amend the existing Conditional Use Permit #585930 to request commercial use on agricultural zoned property. The proposal includes new structures on the property.

Corey and Jay Malstrom explained the application to the Board. The original conditional use was for a liquor store to be located in the existing structure. Corey stated they want to construct a new structure for the liquor store but add areas that could then be leased out to other businesses. Examples given were realtor office, gift shop, retail shop, grocery store with no gas station area. Malstrom stated they wanted the flexibility to add to the structure in the future to accommodate whatever they feel is needed in the area. They stated they would utilize the 25% lot coverage with the structure and parking.

No one spoke in favor of the application. No one spoke against the application. Swenson read written correspondence on file from Greg Larson who was against the application and Becker County Engineer Brad Wentz who stated there are future plans to abandon CSAH 17 from TH 59 to South Melissa Drive. South Melissa Drive would be used as the new connection to TH 59. At this time, testimony was closed and discussion was held.

Thorkildson stated that if this is going to be leased areas and without knowing at this time what may come into those areas, the Board should consider each individual coming back to the Board at the time they have a concrete proposal for the Board. Schlauderaff stated the property already has an existing Conditional Use Permit for the liquor store, but they had stated they were going to utilize the existing structure. He asked Malstroms to confirm if the existing structures that are currently located in the road right of way area will be removed to which they stated yes. Johnston stated he understood they don't want to change the zone of the property to commercial but adding the definition of commercial use to the conditional use permit is too open without specific requests for what is proposed. Brufloft agreed if this was left open-ended regarding the use of the property, they could lease space for anything from a laundromat, used cars or fireworks. Lien agreed the owners should specify what type of use would be on the property. Thorkildson asked if any approval would indicate the overall size of the structure approved, to which Swenson stated Zoning would approve the structure size and lot coverage according to the Ordinance regulations. Knutson stated the Board could amend the existing conditional use permit to state: "to operate an off sale liquor store", they could then construct a new structure for the liquor store. They could then plan the size and plan for any future expansion of the structure in regards to lot coverage and so forth. Any further/future request for a different or added use could come in front of the Board from the business that has the request. They could apply for a conditional use permit before adding onto the structure.

There was no further discussion by the Commission.

Motion: Lien made a motion to amend the existing Conditional Use Permit #585930 to approve a conditional use permit to operate an off sale liquor store, in an agricultural zone, based on the fact that it meets the criteria of the Becker County Zoning Ordinance. Kovala second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Wayne & Beverly Thorson 4300 Thorson Blvd NE Bemidji, MN 56601 **Project Location:** Becker Cty Hwy 6 W of DL **LEGAL**

LAND DESCRIPTION: 190083000 Lake View Township NE1/4 LESS TRI IN NE COR & LESS 57.77 AC IN E1/2 OF NE1/4, Section 06, TWP 138, Range 41
APPLICATION AND DESCRIPTION OF PROJECT: The Applicant wishes to amend the existing Conditional Use Permit #412799 to request to install a wash plant with sediment ponds for removal of impurities from the rock materials in industrial zoned property.

Jeff Hatlewick from Mark Sand & Gravel Co. on behalf of Wayne & Beverly Thorson explained the application to the Board. The proposal would follow the stipulations of the original conditional use granted but would add the installation of a wash plant with sediment ponds. Hatlewick has spoken to the City power plant who are willing to provide the electricity needed to the property. They may not have everything in place for a couple of years, but want the electricity addressed correctly to provide everything needed now and in the future. Hatlewick explained the sediment ponds and rock/sand washing method. He stated there is good elevation and nice slopes to engineer the sediment ponds correctly. McGovern asked Hatlewick what eventually happens from the water of the third pond to which Hatlewick stated they reuse the water as much as possible and the rest of it evaporates or disperses into the ground.

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.

Lien stated the existing conditional use permit in place previously addressed any concerns and they would have to follow any added stipulations. Knutson agreed everything was basically in place except for this part of the request. Moritz had no concerns.

There was no further discussion by the Commission.

Motion: Lien made the motion to approve the request for an amendment of the existing Conditional Use Permit #412799 to include to install a wash plant with sediment ponds for removal of impurities from the rock materials on industrial zoned property as submitted. Schlauderaff second. All in favor. Motion carried for approval.

THIRD ORDER OF BUSINESS: Erlene & Jack Davis 49881 Trowbridge Circle Vergas, MN 56587 **Project Location:** 11463 US Hwy 59 **LEGAL LAND DESCRIPTION:** 190525000, 190525001 & 190525002 Lind Lake Lake View Township The South 620 ft of SE 1/4 pf MW ¼ Section 28, TWP 138, Range 41
APPLICATION AND DESCRIPTION OF PROJECT: The Applicant wishes to amend the existing Conditional Use Permit #540529 to request commercial use to include a wedding venue on agricultural zoned property. The proposal includes a new structure on the property.

Erlene and Jack Davis explained the application to the Board. Davis stated there is a need for people in this area to be able to rent property to hold weddings and receptions. Davis

stated the property is well sheltered and they will have strict criteria regarding rules for rental of the facilities. They have proposed a new septic that will serve the rental structure and have ample parking room. The area will serve up to 200 people and the end time of any event will be a 12 PM notice for leaving and tear down with everyone off the property by 12:30 AM. The renters will hire vendors for food and drink and will hire a security guard or sign a waiver that they are responsible if no security guard is present. Davis stated staff and they, as the property owners, would be present on the property for every event to assure the renters obey their contracts and regulations.

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.

Brufloft stated this is nice property and very sheltered. Lien agreed and asked Davis if the neighbors stated any opposition to which Davis stated no.

There was no further discussion by the Commission.

Motion: Kovala made a motion to approve an amendment to the existing Conditional Use Permit #540529 to include a wedding venue on agricultural zoned property as submitted. McGovern second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, July 14th, 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. McGovern second. All in favor. Motion carried. Meeting adjourned.

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator