

Becker County Planning Commission
December 18, 2012

Members Present: Chairman Jim Bruflodt, Harry Johnston, John Lien, Commissioner Larry Knutson, David Blomseth, Ray Thorkildson, Jim Kovala, Mary Seaworth, John McGovern, Jeff Moritz, and Zoning Technician Julene Hodgson. Mary Seaberg and Zoning Administrator Patty Swenson were absent.

Chairman Bruflodt called the meeting to order. Zoning Technician Julene Hodgson recorded the minutes.

Kovala made a motion to approve the minutes from November 20, 2012 with the addition under the third order of business: (Second Dave Blomseth. All in favor). Moritz 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 January 8, 2013.

Old Business: None

New Business:

FIRST ORDER OF BUSINESS:

APPLICANT: Kathleen & Charles Entrekin PO Box 1514 Detroit Lakes, MN 56502
Project Location: 27208 Anchor Rd **LEGAL LAND DESCRIPTION:** 080205000
Detroit Township S1/2 OF SW1/4 LESS N 410' & LESS 10 AC IN SE COR OF SW1/4,
Section 11, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF
PROJECT:** Request a Conditional Use Permit for the property owner to operate a
business for auto repairs and sales of used vehicles.

Charles Entrekin explained the application to the Board. His plans are to buy used or slightly damaged vehicles from auctions and other entities to repair and sell from his property. They would have each car re-inspected by the state before resale. They intend on using an existing structure for any mechanical work. The business would be family run and they would have approximately 15 used and salvaged vehicles on the property at one time. Bruflodt stated the Commission had concerns of this turning into a salvage or junkyard and Entrekin stated again there would be approximately 15 cars for resale at one given time, if they are not fixable or too badly damaged, they will be crushed. Lien stated to Entrekin that any Conditional Use Permit approved can be withdrawn from the property if the property becomes noncompliant and Entrekin stated he understood this provision. Entrekin stated there is ample room for parking and there is a nice buffer of trees. Blomseth asked if Entrekin was going to place a sign by the road right of way and Entrekin stated no, most sales are done by advertisement and craigslist.

No one spoke in favor or in opposition to the application. Hodgson read a letter from Pelican River Watershed Administrator Tera Guetter stating the District plans on making road improvements and they will try to keep access disruption to a minimum, but the owners should be aware of this situation and make plans accordingly. The District has flowage easements on the property and there are no building setbacks from the easement area. The District questioned if the Township had any specifications/requirements for width/turning/weight issues for a commercial run business off of a township road. They recommended a condition be attached to any approval that the driveway/access be brought up to any applicable road access standards. At this time, testimony was closed and discussion was held.

Knutson asked Hodgson if the Township had been notified of the request and Hodgson stated the Township had been notified and they did not contact the Zoning Office with any comments or concerns. Blomseth noted he lives in the area and he sees no issues, there has not been any junk on the property in the past and the area is well buffered.

There was no further discussion by the Commission.

MOTION: Kovala made the motion to approve a Conditional Use Permit as submitted for the property owner to operate a business for auto repairs and sales of used vehicles. Blomseth second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS:

APPLICANT: G. Thomas & Sally F Nelson PO Box 310 Twin Valley, MN 56584
Project Location: 39642 Bald Eagle Haven Rd **LEGAL LAND DESCRIPTION:** 090485000 Eagle View Township Tulaby Lake Lot Ten (10), Block Number One (1), BALD EAGLE HAVEN, Section 02, TWP 142, Range 39 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an after the fact Conditional Use Permit to replace an existing retaining wall with expansion.

Thomas Nelson and Jason Link explained the application to the Board. Nelson purchased the undeveloped lot in 1980. Nelson constructed the previous retaining wall in 1982 out of railroad ties. The area was contoured/cut out of the shore like a horseshoe for parking purposes for a sailboat and there were stairs leading to the dock. After a few years the railroad ties were replaced, then replaced again with new material in 1995. Due to ice heaves and again the railroad ties deteriorating, the area was replaced with blocks and an extended area was constructed. The entire area was from an engineered plan and the extended area was created to avoid the drop off to the water, unsafe conditions when the grass was wet/slippery and the existing erosion along the shoreline.

Link explained the engineered plan and the construction of the retaining wall area. Link noted the natural drainage down the hill toward the shore area was causing erosion before entering the lake. Link stated they felt this was the least amount of work that could be done to fix the problem and there was no other alternative. Link felt riprap would have been an unrealistic longterm solution and the wall will help to prevent ice damage and the

raised area behind the wall will filter any water runoff before going into the lake. Link stated materials used should last for years.

Nelson apologized to the Commission stating he did not think he needed a permit for replacing the wall that had been there for years and didn't realize there was such strict regulations for the shoreline area. He felt he beautified the area and the wall will help with erosion and future ice damage. Brufloft asked Link why he did not think rip rap was a feasible option for the property to which Link stated it would have required fill in the triangle area to slope the area for rip rap and if it rained the loose soil would go into the lake. Link noted Nelson has the north shoreline of property rip rapped and that the area needs to be re-established eventually.

Kovala read the criteria of Chapter 6 Section 8 and stated he would disagree that the work conducted was the minimum necessary to control the erosion and that there was no other alternative. Kovala noted Nelson purchased the property undeveloped and that he created the cut out area so the problem was created by the landowner. Kovala continued to note the pictures on file show a previous slight slope down to the waters edge with little erosion present. Kovala stated that Nelson had to have taken a lot of material out to cut back the property to create the drop-off area to the sand before the water. Nelson stated he only did the area that addressed his concerns. Kovala stated the owners could have constructed a berm along the shoreline to help control the stormwater runoff to the lake and installed riprap.

Brufloft agreed the owner created the problem when they dug out the first area and now continued the problem that could have been remedied by a berm and riprap. Brufloft noted that cutting back further into the property has added to the original problem. Nelson stated he thought it would have caused more of an eventual erosion and ice push-up problem if they wouldn't have moved back further into the property. Lien noted that all the criteria of this section of the Ordinance must be met, all or none, and he disagrees that no other alternative is feasible.

No one spoke in favor or in opposition to the application. Hodgson read written correspondence from Brenda Moen and LaRae Rosenfeldt in support of the application. At this time, testimony was closed and further discussion was held.

Knutson asked the Commission if this request had come before the Board before the property was developed, would the Board have allowed the request, to which the majority stated no.

Moritz noted that the request is after the fact but that does not mean the Board can allow more now than they would have if the request would have come in front of the Board before it was constructed, he again read Section 8 A. and B. and stated this is not appropriate to allow.

Brufloft stated he understood the concept to replace the old logs to alleviate the problem caused by the owner where he cut out the first area, but he did not agree with the owner creating the new area.

At this time, Thorkildson recused himself from voting and/or discussion due to conflict of interest.

Lien again stated the request does not meet the criteria for approval.

There was no further discussion by the Commission.

MOTION: Lien made the motion to deny the request as submitted for an after the fact Conditional Use Permit to replace an existing retaining wall with expansion due to the request does not meet the criteria of the Ordinance. McGovern second. All in favor, except Thorkildson, who abstained from voting. Motion carried to deny.

THIRD ORDER OF BUSINESS: Informational Meeting. There are no Planning Commission applications for the month of December therefore there will be no informational meeting in January.

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

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST _____

Patricia Swenson, Zoning Administrator