

Becker County Planning Commission
May 12, 2015

Members Present: Chairman Jim Bruflodt , John Lien, Commissioner Larry Knutson, Jim Kovala, Mary Seaberg, Harry Johnston, Jim Kaiser, Mary Seaworth, Ray Thorkildson, Jeff Moritz, Zoning Supervisor Eric Evenson-Marden and Zoning Technician Julene Hodgson. Absent was David Blomseth.

Chairman Bruflodt called the **Notice of Intent to Amend Ordinance** meeting to order. Zoning Technician Julene Hodgson recorded minutes.

FIRST PURPOSE OF BUSINESS: Purpose: To Amend Chapter 5, Section 2, Table 5-5 Subject Matter: Amend Nonriparian lot sizes on Natural Environment Lakes. Nonriparian lots 400 feet and greater from the ordinary high water mark of the lake will be reduced to 2.5 acres of lot area and 200 feet of lot width from 200,000 sq ft of lot area and 400 feet of lot width.

Hodgson read the proposal to the Board. Scott Walz as a member of the Zoning Ordinance Review Committee shared information with the Board. Walz stated it was previously approved to increase the minimum lot size for nonriparian lots on Natural Environment lakes to 4.6 acres and 400' width. The request seemed too restrictive for people who had large parcels but because of the current regulations, they were not allowed to be subdivided. Walz handed out examples of land that was 400 feet and further from the OHW of the lake (but within 1000 feet) that could benefit from the change. He stated some of the property owners felt the value of their land was jeopardized by the more restrictive regulations.

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

Knutson stated the proposal was for a minimum of 2.5 acres to stay under the Agricultural zone size requirements. Kaiser questioned because these will be nonriparian larger lots can they be Administratively approved for subdivision by Zoning without going through the Planning Commission to which Hodgson answered yes. There was no further discussion by the Commission.

Motion: Lien made a motion to amend Chapter 5, Section 2, Table 5-5 Subject Matter as submitted: Amend Nonriparian lot sizes on Natural Environment Lakes. Nonriparian lots 400 feet and greater from the ordinary high water mark of the lake will be reduced to 2.5 acres of lot area and 200 feet of lot width from 200,000 sq ft of lot area and 400 feet of lot width. Kaiser second. All in favor. Motion carried to approve.

SECOND PURPOSE OF BUSINESS: Purpose: To Amend Chapter 3, Section 8
Subject Matter: Amend Setback Average plus 20 feet to Setback Average plus a lot width ratio. Setback Average plus 20 feet would be replaced with setback average plus a predetermined footage according to lot width.

THIRD PURPOSE OF BUSINESS: Purpose: To Amend Chapter 3, Section 11
Subject Matter: Amend Setback Average plus 20 feet to Setback Average plus a lot width ratio. Setback Average plus 20 feet would be replaced with setback average plus a predetermined footage according to lot width.

FORTH PURPOSE OF BUSINESS: Purpose: To Amend Chapter 5, Section 2, Paragraph C
Subject Matter: Amend setback average plus 20 ft to Setback Average plus a lot width ratio. Setback Average plus 20 feet would be replaced with setback average plus a predetermined footage according to lot width.

(The Second, Third and Forth Purpose of Business are regarding the same proposal which is in three different areas of the Ordinance).

Hodgson read the proposal to the Board and referred to the paperwork handed out and discussed at the informational meeting.

No one spoke in favor of the proposal. John Postovit as COLA representative spoke against the proposal. Postovit referred to handout material he had previously given to the Board. He voiced concern regarding impact on the water and inconsistent setback standards. He reviewed previous Variance applicants and photos of dwellings that complied. He stated this should not be allowed to go forward without further review. Scott Walz spoke against the proposal. Walz also spoke of environmental concerns and wondered if this would result in taxpayer issues because different rules/setbacks would apply to the owner of a 100 foot lot (setback further back) versus an owner with a 50 foot lot being allowed to be closer to the lake. Moritz asked Walz if in fact this is a current problem to which Walz stated he could perceive it as a future problem. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

The Board agreed there could be potential issues with the proposal. There was no further discussion by the Commission.

Motion: Knutson made a motion to refer the proposal back to the Planning and Zoning Office and the Zoning Ordinance Review Committee for further discussion and review. Kovala second. All in favor. Motion carried to refer the proposal back to the Planning and Zoning Office and the Zoning Ordinance Review Committee.

FIFTH PURPOSE OF BUSINESS: Purpose: Petition for Surface Water Use Ordinance
Subject Matter: To review a petition form that would allow citizens to petition for a Surface Water Use Ordinance. The petition is a form for review only. If the form is approved, the form would allow citizens to petition for a standalone Surface Water Use Ordinance for a particular lake.

Hodgson read the proposal to the Board. Hodgson explained that if approved this form would be used if property owners wished to go forward with a petition to begin the process for surface water use regulations on individual lakes.

Members of the audience who spoke in favor of starting a petition for Blueberry Lake included: Earl DeBates and Shiela Parvi. They stated concern of the impact on the lake, the use of the lake increasing with larger motors in use, safety issues and the size of the lake being too small for some of the updated uses. Gary Larson stated he was against the proposal due to the request would restrict certain uses on public waters and a few owners should not have the say on what happens on the public waters. He stated there are enough regulations in place that apply to all lakes and this would be more restrictive. He had concerns regarding who would enforce the regulations if they passed. Larson stated if these are large problems, then they should pass a regulation for control on all lakes, not just a select few. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Brufloft reminded the audience that the proposal in front of the Board is for the forms only. After that the process is still quite lengthy with any petitions referred to the DNR and then to the Planning Commission and finally the County Board. Knutson stated any approval of a Surface Water Use Ordinance for a specific lake would then have to be enforced by the DNR, County and property owners. Knutson stated the County already has 2 lakes that have Surface Water Use Ordinances in place and this form is just a mechanism or tool for any future requests. Brufloft commented as long as there are lakes there will be different uses by a lot of people but it is how the use is being conducted that may be a concern. Lien stated this is a good first step for control on lakes that have a problem. Kaiser stated we have DNR and Wardens to enforce and control what happens on lakes because they are public waters. If you have a majority of property owners on small lakes that petition the use, then we could have dozen of lakes within a short period of time that may be too restrictive, and I don't think this should be done. Knutson stated this is to put in place a process to make it easier for people to ask for more control. Brufloft agreed owners can ask for more restrictions and go through the process but that doesn't necessarily mean everything asked for will be approved.

There was no further discussion by the Commission.

Motion: Lien made a motion to approve the form submitted to be utilized for any future citizen petition for a Surface Water Use Ordinance. Moritz second. All in favor except Kaiser. Majority ruled. Form approved.

At this time Chairman Brufloft called the **Applicants Public Hearing** meeting to order. 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 May 19th, 2015.

Kovala made a motion to approve the minutes for April 14th, 2015 with minor changes as addressed at the informational meeting. Thorkildson second. All in favor. Motion carried.

Old Business: None

New Business:

FIRST ORDER OF BUSINESS: APPLICANT: Mikki Groft Project Location: 18847 230th Avenue **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a Small Engine Repair Shop on Agricultural zoned property. The proposal includes the use of an existing building and a sign at the end of the driveway and on the building.

Mikki Groft explained the application to the Board. He would like to start a small engine repair shop on his property. He would like to use an existing 24x32 structure.

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

Thorkildson stated the request meets the criteria of the Ordinance and it would be a good spot for a small business with ample room on the property. There was no further discussion by the Commission.

MOTION: Thorkildson made a motion to approve a Conditional Use Permit as submitted for a Small Engine Repair Shop due to the fact the request meets the criteria of the Ordinance and is not detrimental to the area. The proposal includes the use of an existing building and a sign at the end of the driveway and on the building. Kovala second. All in favor. Motion carried to approve.

SECOND ORDER OF BUSINESS: APPLICANT: Brookside Resort (Stevens Property) Project Location: 31490 County Hwy 50 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to use an existing dwelling on an individual lot as an additional rental cabin for Brookside resort. They have a purchase agreement contingent on the approval of application and this would remain a separate parcel from the resort.

Josh and Joanna Wallenberg on behalf of Brookside Resort explained the application to the Board. They have a purchase agreement pending on the approval of the request by the Board. They would like to utilize the existing cabin on this property as a rental unit- but keep it a separate lot from the resort property. They will not use the existing boat ramp on the property for any other resort users.

No one spoke in favor of the application. No one spoke for or against the application. There was written correspondence read by Hodgson from Mike Gould regarding the

proposal. He stated he wanted to raise concern that part of an out building may be on their land. He requested that prior to a sale and rezone of the property that the property be surveyed to establish the property boundaries. Hodgson explained the boathouse in question was on the property since 1991 and this would be a civil issue between property owners. At this time, testimony was closed and further discussion was held.

Kovala stated he didn't see a problem with wanting to add one more rental to the resort. Knutson stated the request was for a CUP on the property and not for a zone change as suggested in the letter that was submitted. It was the consensus of the Board that the request meets the criteria of the Ordinance. There was no further discussion by the Commission.

MOTION: Kovala made the motion to approve a Conditional Use Permit to use an existing dwelling on an individual lot as an additional rental cabin for Brookside resort due to the fact the request meets the criteria of the Ordinance and the request is not detrimental to the surrounding area. This will remain a separate parcel from the resort. Johnston second. All in favor. Motion carried to approve.

THIRD ORDER OF BUSINESS: APPLICANT: The Wilds Resort Inc. (Barry Wilde) Project Location: 45120 Maple Shores Ln APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to expand an existing resort by 31 seasonal RV units. All expansion is proposed within the 2nd tier. The resort will then consist of 4 existing cabins, 14 existing seasonal RV units and the proposed 31 seasonal RV units for an overall total of 49 units.

Barry Wilde and Scott Walz from Meadowland explained the application to the Board. The property is large with over 13 acres. The proposal would allow expansion with the minimum calculations by the current Ordinance. All regulations will be followed through the MPCA and Department of Health design standards. The proposed impervious coverage inside of the roads and not using the outside area calculates to 10%. The unit sizes proposed are 2,000 square feet minimum which also follows the Department of Health Standards. The shoreline calculations would allow for a maximum of 25 mooring spaces. Johnston asked the question regarding the cabins docks and total existing docks to which Barry stated there are 4 docks for the existing cabins, 1 dock at the launch that does not provide parking, and 4 docks that the seasonal RVs use.

Craig Enervold, Larry McLaven, Rose McLaven, and Denise Enervold, spoke against the application. Concerns included: Environmental impact, neighbors wanted an EAW, increased traffic/safety issues on smaller curvy road, more lake traffic/lake safety, sewage/septic concerns, shoreline erosion, 31 more "homes" with pollution concerns, bought for quiet setting fears it will look like a trailer park. John Racer on behalf of Shell Lake Township, Don Heston, Kristy Wilde and Scott Walz spoke in favor of the application. They spoke of the owners being good stewards of the land, the lake being 3,000 acres and it could handle more fishermen, the Township will maintain the road and they can add speed limit signs, proposal won't affect the lake and there shouldn't be a problem to allow expansion, plenty of room on the lake, the resort is located on the road

before the private owners property so the traffic should be minimal by the private property, the RVs proposed will be for seasonal rental so the RVs will stay on the property with just the occasional automobiles coming and going, wetlands are protected and everything has to be in order before all permits are issued, they will only allow newer RVs and are very strict on upkeep. There was written correspondence from Craig Enervold against the proposal. At this time, testimony was closed and further discussion was held.

Lien stated he was impressed with the existing site and any issues regarding septic permits and/or conformity would be enforced by Planning and Zoning. The mooring spaces are also regulated by the current Zoning regulations and a maximum of 25 spaces would be allowed. Knutson stated he lives on Big Toad and the Bambi resort went through the motion of expansion several years ago. There was much controversy when the application was in front of the Board and they expanded to the maximum limit of 49 that is allowed before an EAW would be required. The resort is kept very clean, there have been no complaints or problems. Lien reaffirmed that an EAW is not required until there is more than 49 rental units on a property. Kovala stated the proposal does not impact the wetlands. Johnston stated the request meets the criteria for expansion of an existing resort.

There was no further discussion by the Commission.

MOTION: Johnston made a motion to approve a Conditional Use Permit as submitted to expand an existing resort by 31 seasonal RV units due to the request meets the criteria of the Ordinance. All expansion is proposed within the 2nd tier. The resort will then consist of 4 existing cabins, 14 existing seasonal RV units and the proposed 31 seasonal RV units for an overall total of 49 units. Kovala second. All in favor. Motion carried to approve.

FORTH ORDER OF BUSINESS: Rebecca Hass Project Location: 55789 Co. Hwy 44 APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to use an existing dwelling for Transitional Housing with Recovery Counseling Services for Veterans only. The request includes the use of an existing bunkhouse for caretaker purposes as a second dwelling on a Residential zoned property.

Amanda Zenk and Rebecca Hass explained the application to the Board. They purchased the property with a 5 bedroom home and a bunkhouse they want to use as a secondary place to sleep. Due to the request and the condition of the structures, the business would not be open for one year. The applicants realize there is further clarity that could be included in their business plan and there are some concerns from the Community that they would like to address. Hass stated they would not house people with criminal records, nor current cases with PTSD, they will not be a primary care facility due to there will not be onsite medical or therapy care. This would be just transitional housing for short term use. They would help people find work and the VA could be a source for them to refer clients. They are not deemed non-profit yet due to the process takes 6 months to 1 year and they cannot get any funds from the VA at this time so they are looking for

sponsorship and grants. They would provide transportation to work and appointments if needed. Zenk and Hass have degrees but will not provide clinical care. The people will be screened thoroughly before they could stay there. They would have to be self-determined, self-motivated, and willing to live and contribute in a small community. Brufloft asked where would be the closest transitional housing to which Zenk answered Cass Lake. They stressed there is an importance for housing in rural areas. Johnston stated that is a small property and a quiet area, what would they do with their time. Zenk stated they would be expected to work toward education, have employment, obtain permanent housing and this is just a temporary solution. They need to be working and show some commitments, if not then this will not be the place for them. Some will have private vehicles, but they will address parking if it becomes an issue. They plan on having someone there 24/7 so the residents will never be there alone. Kovala asked what would they do on their down time to which they answered they could go for walks, fishing, do projects through the VA, help with yardwork, do Community help, camp by Bemidji or visit family. Knutson stated the most important thing with a project like this is to have a good foundation on your overall plan, good community support and I don't think you have done your homework. Zenk stated this will be an open door policy and we want nothing in the dark- we want to create a safe place for everyone, including ourselves. Knutson stated I won't support this because you have no support- not any funding in place, nothing concrete regarding what entities are behind your project and nothing of support from the local Veteran Service Office. Knutson reminded the applicant they can table their application until they have further information for the Board- to which Hass and Zenk stated they would like to table the applications but they would like to hear all concerns before doing so. Thorkildson asked them if they had a Board of Directors in place- to which they answered they are working on getting members. Thorkildson agreed they should work on their Committee members and there is more work needed on their business plan/request.

Audience members speaking against the request included: Glen Wolters on behalf of Two Inlets Township and Community Members, Doug Lennier on behalf of Two Inlets Lake Association, Bernie Gartner and Sue Hosler. Some of the Concerns included: Busy traffic/safety, Police and/or medical response time, how are they kept track of, very few jobs in the area, bunkhouse is very small, cemetery close by, alcohol served in town store, no training/financing info, no one approached Township at meeting to alleviate concerns, lack of security, certain State criteria must be met- plan not efficient, if facility is not full will they open house to others that are not screened, do they have State or VA backing and area very busy with seasonal people and hunters. Lyle Wegner spoke in favor of the application. Wegner stated everyone is jumping to conclusions and PTSD is not always triggered by gunfire or seeing a cemetery. They are researching safety concerns, fire regulations, egress regulations and building permit questions, and the buildings won't be ready for awhile. This is an opportunity to increase business in the area and help up to 8 Veterans, but we don't want to bring fear into the Community. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Chairman Brufloft again stated the applicants could table their request and be placed on a future agenda when they have further information to come before the Board.

At this time the applicants requested to table their request until further notice. They will notify the Planning and Zoning Office when they wish to be placed on a future agenda with further information to present to the Board.

FIFTH ORDER OF BUSINESS: APPLICANT: Greater Minnesota and Viking Gas Companies (Fisher Property) Project Location: 15464 Co Hwy 19 APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to install a natural gas regulator station on property zoned Agricultural for essential services. **This same request was on last months agenda but is now proposed on different property.

Mike Clemens on behalf of Greater Minnesota and Viking Gas Companies explained the application to the Board. The companies propose to expand their lines to area residents and are requesting a regulator station. They will construct facility buildings on the property. They have a purchase agreement pending on the Conditional Use Permit to obtain some property from the Fisher's. They discussed the projected areas they will expand to and the facility is designed to be 2 ½ times larger than what is needed at this time. Kaiser asked if the expansion was going to benefit mostly the populated lake property owners or some rural developments also- to which they answered yes it will benefit rural areas as well and they are already advertising with homeowners regarding savings for propane to heat their houses. They explained that if the expansion grows larger than what this station can handle- they would then add an additional site elsewhere at that time. Kaiser asked if they were following the road easements to which Clemens stated yes, there are not a lot of private easements they have to obtain in Becker County, most of private easements are in Ottertail County.

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

Johnston stated he lived along Co 19 for 17 years and drove by the gas line area everyday and this is a good place for the proposal.

There was no further discussion by the Commission.

MOTION: Johnston made a motion to approve a Conditional Use Permit as submitted to install a natural gas regulator station on property zoned Agricultural for essential services. Moritz second. All in favor. Motion carried to approve.

SIXTH ORDER OF BUSINESS: Informational Meeting: The next informational meeting is scheduled for Thursday, June 3rd, 2015 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. Thorikildson second. All in favor. Motion carried. Meeting adjourned.

Jim Bruflodt, Chairman

Jeff Moritz, Secretary

ATTEST _____
Eric Evenson-Marden, Zoning Supervisor