

Becker County Planning Commission
January 21, 2003

Chairman Duane Grossman called the meeting to order at 7:30 p.m. Present were Members Don Wahl, Tom Oakes, John McGovern, Jeff Moritz, James Kovala, Mary Jo Brunner, Tom Disse, and Zoning Administrator Patricia Johnson. Minutes were recorded by Debi Moltzan.

Chairman Grossman explained that the Planning Commission would make a recommendation on each application, which would be presented to the County Board of Commissioners for a final decision. The County Board of Commissioners Meeting would be held on Tuesday, January 28, 2003.

Kovala stated that there was one typographical error in the December 2002 minutes. McGovern made a motion to approve the minutes with the correction of the typographical error. Brunner second. All in favor. Motion carried. Minutes approved with correction.

FIRST ORDER OF OLD BUSINESS: Ernest Sayler, preliminary plat.

Johnson explained that this plat was for a change of zone from agricultural to residential and 25 lots on Stakke Lake. Johnson stated that a mandatory EAW has been completed on this plat. A negative declaration was done on the plat, but there are some concerns and the Planning Commission should take these concerns into consideration when acting on the plat. The concerns include: Stakke Lake is a recreational development lake, but the lake has the characteristics that reflect a natural environment lake; the bay in which the plat lies has a history of drying up limiting lake access; the soil type has severe limitations in reference to construction of dwellings, roads, and sewage treatment systems; this soil type has perched water tables; the proposed road location changes the hydrology of existing drainage patterns, including wetlands; there are steep slopes, possible bluffs, wetlands, aquatic vegetation and shoreland vegetation fringes not adequately shown on the preliminary plat; and the Committee recommends that Section 1, Subdivision 8 Land Suitability of the Becker County Subdivision Ordinance be reviewed and considered prior to preliminary approval.

Robert Hovde stated that Sayler was in Arizona and that he was standing in for Sayler. Hovde stated that he had no additional information other than these lots were larger than the lots in the first subdivision. Hovde also stated that he had not heard of any concerns regarding the plat before the hearing.

No one spoke in favor of the application. No one spoke against the application. A letter of opposition was received from Keven and Monique Anderson. At this time, testimony was closed.

Wahl stated that the ground is now frozen and that the problem soils cannot be seen or testing cannot be done. Wahl suggested that either the plat be left agricultural and re-

platted with 2.5-acre lots or tabled until snow-off conditions. Wahl stated that he would not be able to vote on this application with the information provided. Disse stated that perc tests should be run on the soils to determine what is really out there. Disse also stated that leaving the lots 2.5 acres in size would be a good option.

Kovala asked Hovde if he had any authority to act in Sayler's behalf. Hovde stated that he did not.

Moritz stated that the steep slopes, possible bluffs, and vegetation were not adequately addressed. Moritz stated that he did agree with either 2.5-acre tracts or tabling the plat.

McGovern stated that he agrees with everything that has been said. McGovern also stated that a road plan should be submitted prior to the construction and questioned if the MPCA permit had been applied for yet.

Discussion was held regarding the 60-day rule. Johnson stated that the application could be tabled for up to 60 days if the Board was specific as to what information is needed or the applicant could request a postponement.

Brunner made a motion to table the application for 60 days to allow the applicant to provide the following information: soil types to make sure the lots are large enough to accommodate dwellings and two septic system sites; identify the steep slopes, possible bluffs, wetlands, aquatic vegetation and shoreland vegetation fringes; drainage patterns after the construction of the proposed road; road specifications and erosion control plans. Disse second. All in favor. Motion carried. Preliminary plat tabled.

FIRST ORDER OF NEW BUSINESS: William and Debra Dillon. An application for a certificate of survey and change of zone for a 1.01 acre parcel in the shoreland district has been filed by William and Debra Dillon for property described as: NE ¼ Less 5.50 ac W of Cnty Ditch 13; W ½ of SE ¼ & Pt Govt Lot 2 Desc as Foll: Beg 66 ft SE of most Ely Cor Lot 1 Madsens Grove, Th SE to SE Cor Section 11, TWP 139, Range 41, Detroit Township.

Dillon explained the application to the Board. The 1.01-acre tract is the present site of his mother's home. They would like to have the house on a tract separate from the rest of the acreage. Disse questioned which piece of property this 1.01 acres is. Dillon stated that the 1.01 acres would be what is known as the Dodd's house.

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.

Disse stated that the piece of property in question is high ground.

Disse made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey for a 1.01-acre tract based on the fact that the change of

zone is in character with the surrounding neighborhood and the certificate does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Brunner second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Curt Richmond. An application has been filed by Curt Richmond for a conditional use permit to allow a retaining wall in the shore impact zone for property described as Lot 3, Block 1, Wermager Beach Second Addition, Section 14, TWP 138, Range 43, Cormorant Township.

Richmond explained the application to the Board. The wall would be constructed to stop existing erosion, reduce run off to the lake, make the hill safer and replace deteriorating steps. Richmond has consulted with Strata Block and Masonry for professional help on the project. Randy Brogen, Strata Block and Masonry, further explained that the existing wall would be removed. A silt fence would be installed to protect the area while the work is being done. The new wall would be a two-tier system. Each wall would be three feet high and approximately 40 feet long. The two-tier system would disturb less ground than one big wall and would be more natural looking.

Oakes questioned if the riprap would remain. Brogen stated that the riprap would remain; in fact, it would be redone and re-enforced. Grossman questioned the run off. Brogen stated that a swale would be created at the top of the hill, discharging the water back into the lawn. Further discussion was held.

No one spoke in favor of the application. Moritz stated that he is also on the Cormorant Lakes Watershed Board. Moritz stated that the Board has not had a chance to officially act on the application. Moritz stated that the Watershed would like to be part of the solution. Moritz stated that he would be in favor of the application with a stipulation that the Watershed must also approve the plan before construction begins. Written correspondence was received from Cormorant Township in favor of the application and Cormorant Lakes Watershed requesting tabling until Watershed could act on the application or with the stipulation be added in the motion that the Cormorant Lakes Watershed approves the plans prior to starting the project. At this time, testimony was closed.

Further discussion was held.

Oakes made a motion to approve a conditional use permit to allow a retaining wall in the shore impact zone based on the fact that it would correct an existing erosion problem, that the plan submitted to the Zoning Office, with the conditional use permit application and dated 10/18/02 and 12/03/02 be followed and with the stipulation that the Cormorant Lakes Watershed must approve the plans prior to starting the project. Wahl second. All in favor. Motion carried. Conditional Use Permit approved.

THIRD ORDER OF NEW BUSINESS: Otter Tail Power Company. An application for a conditional use permit for essential services in an agricultural district has been filed

by Otter Tail Power Company for a 115 KV transmission line running along US Highway 10 from Frazee to Detroit Lakes.

Rick Johnson, Otter Tail Power, explained the application to the Board. Johnson stated that he is the manager of this particular project. There is a current line that is presently 41.6 KV line that will be upgraded to 115 KV. The old poles would be removed and new poles put in. Johnson further stated that a study done in 1985 showed the increased demand of electricity and this would be the last phase of this upgrade. Johnson further explained the upgrade and reasons why. Johnson also stated that Otter Tail Power has contacted each property owner involved and no one has any objections. The company would like to begin the project as soon as possible; working in the frozen ground would disturb less ground and do less damage.

Grossman questioned if any of the power line would be underground. Johnson stated that all lines would be above ground. Disse questioned if this line would be the same as the one that runs from Detroit Lakes to Audubon. Johnson stated that it would be the same. Art Puleberg, Otter Tail Power, stated that all property owners involved have been contacted, with no objections. Grossman questioned if the existing route would be used. Johnson stated that the same route would be used except from Eagle Lake Road to East of Frazee, which would be a new route and line.

No one spoke in favor of the application. Speaking in opposition to the application was Brian Voeltz, with concerns about the increase in voltage. There was no written correspondence either for or against the application. At this time, testimony was closed.

Rick Johnson stated that there have been studies done on voltage, but there is no mandated Federal setback distance from the power line to a building. Patricia Johnson stated that there are no County regulations regarding setbacks.

Further discussion was held. Rick Johnson stated that the new poles would be larger and taller. The span of the poles would be greater and because of the height difference, the actual lines would be further from structures.

Disse made a motion of approve a conditional use permit to allow the upgrade of a transmission line from Frazee to Detroit Lakes based on the fact that it is an essential service to provide electricity to a growing community and the application does follow the guidelines of the Zoning Ordinance. Oakes second. All in favor. Motion carried. Conditional use permit approved.

FOURTH ORDER OF NEW BUSINESS: Informational Meeting.

The next informational meeting is tentatively scheduled for Thursday, February 13, 2003 at 8:30 am at the Zoning Office. Johnson also stated that by that date, she should know more about the Planning Commission appointments.

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

_____ ATTEST _____
Duane Grossman, Chairman Jeff Moritz, Secretary

Patricia Johnson, Zoning Administrator