

Becker County Planning Commission
March 18, 2003

Acting Chairman James Kovala called the meeting to order. Present were Members Waldo Johnson, Harry Johnston, Jeff Moritz, Jim Bruflodt, Ken Christianson, Don Skarie, Larry Knutson, Julia Miller, Commissioner Dave Seaberg and Zoning Administrator Patricia Johnson. Minutes were recorded by Debi Moltzan.

Kovala stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for a final decision. The County Board of Commissioners will be meeting on Tuesday, April 8, 2003.

Moritz made a motion to approve the minutes from the February 18, 2003 meeting. Seaberg second. All in favor. Motion carried. Minutes approved.

FIRST ORDER OF OLD BUSINESS: Preliminary Plat for Ernest Saylor.

Johnson explained that this application had been postponed from an earlier meeting, to be acted upon at the March 2003 meeting. Since the postponement, Mr. Saylor has written a letter requesting that his application be postponed until the May 2003 meeting. Johnson stated that since this was the applicant's request, no action would be needed. The application is postponed until the May 2003 meeting.

SECOND ORDER OF OLD BUSINESS: Change of Zone and Resort Conversion of Wakanda Resort/ Haggerty applicant.

Johnson explained that this application was postponed from the February for more information. Since that time, Haggerty has submitted all the information requested and all Board Members have received copies of that information to review.

Haggerty explained to the Board that everything that was requested of him was submitted. Kovala questioned if some of the campsites were removed. Haggerty stated that two were removed. Haggerty also stated that with all the information on the plan, the plan is a little hard to read.

Moritz questioned if the DNR commented on the proposed docking. Johnson stated that the Zoning Ordinance requires centralized docking and that the proposal does not meet that criteria. Haggerty stated that they placed the docks in the same location that the docks have been in for many years. Haggerty also stated that if the Board is worried about density, they should look in the file because Zoning allowed one cabin to be increased from a two bedroom to a four bedroom.

Christianson questioned if the restaurant would be converted into another unit. Haggerty stated that it would be. Pueringer, Haggerty's partner, stated that nothing additional would be added.

Further discussion was held on Common Interest Communities. Knutson questioned if they were able to keep all the units they requested in the other CIC's. Pueringer stated that they dropped two sites at Swan Lake and one site at Osakis. Knutson questioned if they intended to keep the RV sites at Wakanda. Haggerty stated that they were keeping them and one way to control them is to give each site an envelope. This envelope would control what size unit they could have, which would not allow them to expand.

Speaking in favor of the application were:

Ron Wekkesser, former owner – conversion will cut down the amount of traffic.
Gary Lehman – small businesses are diminishing, working families cannot afford expensive vacations, and everyone can enjoy public water.

Speaking in opposition of the application were:

Terry Kalil – proposal does not meet the Ordinance. Structures are located within the setbacks, docks are scattered, does not have frontage on a township road. The developers have ignored the Zoning Ordinance and are here only for financial gain.

Marian Keenan – there is limited access and parking area at the resort; the septic system Should have to be recertified; Haggerty told her that CIC's did not need Zoning's approval, which is completely false. Keenan referred to a legal opinion that their group had, stating that CIC's needed Zoning approval.

Joyce Warner – opposed to the campers digging up her trees and parking on her property
Chris Daly, President of Lake Association – consider the DNR's letter.

Written correspondence in opposition to the application were received from:

Terry Kalil	Scott and Andrea Sonstegard	COLA
Delary & Verlene Dvoracek	Joyce Warner	Duane Meyer
Paula Hatfield	Don & Ann Irmen	Reed Stigen
Greg & Jill Post	Shelley Hatfield	Teri Buschette
Myron & Anita Frannea	Peter Aschbacher	Darwin Leach
James & Jane Anne Smith	Carl & Caroline Hendrickson	
Kristen & Shaun Schipper		

At this time, testimony was closed.

Christianson asked Johnson to restate the request so everyone knew exactly what was being requested. Johnson read the request, "Requests approval of a change of zone to accommodate a residential planned unit development". Johnson stated that the original plan showed 17 units, the revised plan shows 15 units. Johnson stated that under today's regulations, only 3 units would be allowed. Johnson reread the letter from the DNR, stating that the DNR would prefer to see not more than 8 units. Johnson also stated that four of the cabins lie within the shore impact zone.

Christianson questioned if the resort is operating under an existing CUP. Johnson stated that they were not, that the resort was grand-fathered in, which meant that what was there was allowed to remain, but not necessarily replaced or expanded.

Moritz questioned if Haggerty looked at the possibility of relocating the cabins out of the shore impact zone. Haggerty stated that moving the cabins would cause more damage than leaving them. Haggerty also stated that when private cabins are sold, they are not required to move them back. Haggerty stated that if they cannot do what the Board grants, they will walk away from the project.

Christianson stated that this is one the many resorts that will be coming before the Board. The Board has to be careful, make good decisions and set good precedents. Haggerty stated that the Board has the opportunity to reduce the traffic in the area and a chance to make a change.

Moritz stated that he is struggling with the density and number of sites in the shore impact zone. W. Johnson stated that he is in favor of what is grand fathered in, but does see the DNR's view and would also like to see the trailers out of there. Knutson stated that he did not feel that the project would hurt the lake if it was limited to nine units and is also concerned about the road status. W. Johnson stated that centralized docking would be a plus. Brufloft stated that density was a big issue and was in favor of the DNR's recommendation. Miller was concerned with the density and felt the area was over crowded. Johnston stated that the conversion would reduce traffic but density was a big issue. Johnston felt eight units would be the limit, with removing Unit #6 from the shore impact zone.

Brufloft made a motion to approve the change of zone and allow a residential planned unit development for a total of seven (7) units, with the removal of Unit #6 from the shore impact zone and any other necessary combination to meet the seven unit requirement based on the fact that this would be an acceptable solution with the DNR for the over density problem. Moritz second.

Haggerty stated that if the number of units permitted would be less than nine (9) then the Board should just turn down the whole project.

A vote was taken with everyone voting in favor of the motion except W. Johnson. Motion carried.

THIRD ORDER OF OLD BUSINESS: Preliminary plat of Cornerstone.

Johnson explained that application had been postponed to allow the developers to address some unanswered questions and submit more information. Since that time, it was found that the preliminary plat does lie within two miles of the incorporated city limits of Detroit Lakes. Therefore, the City of Detroit Lakes will be dealing with the subdivision of the property. The City meeting is scheduled for March 27, 2003. The only concern before the Board tonight is the change of zone from agricultural to residential.

Commissioner Seaberg removed himself from the Board due to a conflict of interest.

Developers Mark Schultz, Phil Erb and John Seaberg explained the application. The area in which this property lies is residential in character and this project is compatible with the area. The Pelican River Watershed District has approved the project and the DNR has stated that their land is private and cannot be used as a public access to the lake.

Kovala questioned if everyone that will buy a lot will know they do not have lake access. Schultz stated that that statement is in the restrictive covenants and the plat shows no lake access.

Speaking in favor of the application was Scott Walz, surveyor. Walz stated that a residential piece of property has more restrictions than an agricultural piece of property and the zone change is compatible with the area.

Speaking in opposition of the application were:

Sue Portilla – she has met with the DNR and PRWD, which are both opposed to this development. This property is too close to the lake, the lake is fragile.

Bruce Hentjes – he is directly across from the development and this does not match the area.

Lew Lewandowski- he has met with Remen from the City and PRWD, the City is looking for a plan to re-subdivide each lot in the future so the lots should remain 2.5 acres. Everyone must look toward the future.

Kunte Thorsgard – not opposed to development, but the density, too many lots.

Mara Bergen – opposed to spot zoning

George Portilla – the other residential areas were done so many years ago and should not change the zone on this area.

Mark Yozamp – need to know the impact of the density, can't let the cattails spread.

Written correspondence was received from:

Pelican River Watershed District – in favor of the application

Dave Friedl, MN Dept Natural Resources – stating the DNR will not allow their land to be used, as a public access to the lake, the people of the subdivision will not have lake access.

M/M Richard Wilson- in opposition

At this time, testimony was closed.

W. Johnson stated that city sewer and water is very expensive and that the City should favor smaller lots. Knutson stated that no one would build on one side of their property with intentions of future subdividing. Knutson questioned if this area agrees with the comprehensive plan. Johnson stated that the final draft of the comprehensive plan has not been approved, but the draft does show this area as a residential area.

Kovala reminded the Board that they were just acting on the change of zone, not the plat.

W. Johnson made a motion to approve the change of zone from agricultural to residential based on the fact that it fits in with the long range planning. Knutson second.

Christianson stated that he would be abstaining from voting because it could be a potential conflict for him.

A vote was taken with W. Johnson, Moritz, Johnston and Knutson in favor of the motion. Brufloft, Miller and Skarie opposed to the motion. Christianson and Seaberg abstained from voting. Majority in favor of the application. Motion carried.

FOURTH ORDER OF OLD BUSINESS: Preliminary Plat by Lefebvre.

Johnson explained that this application lies within two miles of the incorporated city limits of Detroit Lakes, therefore the County Planning Commission will not be acting on the preliminary plat, the City of Detroit Lakes will be taking care of that. Therefore, the application has been removed from the agenda.

FIRST ORDER OF NEW BUSINESS: Application for a Conditional Use Permit by Lloyd Bertek. An application for a conditional use permit to allow a commercial use consisting of a used car lot in an agricultural zone has been filed by Lloyd Bertek for the property described as: Pt NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Beg 278 feet N of SE Cor of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; Th N 330 Ft W 660 Ft S 330 Ft & E 660 Ft to Beg; Section 15, TWP 138, Range 40; Burlington Township.

Bertek explained the application. Bertek would like to start a car lot to make a little money to pay his taxes. He would like to rebuild and resell the cars for a lower price because there are a lot of people that cannot afford \$1,000 for a vehicle.

Kovala stated that several members looked at the property and questioned where the property lines end and if there is a junkyard permit because the property looks like a junkyard. Bertek explained the boundaries of the property and he knows that several cars need to be hauled out.

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

Miller stated that there should be clean up and compliance before action is taken. Kovala questioned the 60-day rule and explained the rule. Kovala explained that this rule does not apply if the applicant asks for the extension.

Bertek asked for a postponement to allow him to clean up the property before the Board takes any action.

SECOND ORDER OF NEW BUSINESS: Preliminary Plat by Cone. An application for a change of zone from agricultural to residential and approval of a preliminary plat consisting of 5 lots has been filed by Thomas Cone for the property described as: Lot 4 less platted part & N 250 ft, Section 23, TWP 141, Range 36; Two Inlets Township.

Glen Howe, surveyor, and Tom Cone explained the application to the Board. The property would be divided into five lots, each lot being a back lot, with no lake access. The lakeside lots have already been subdivided into residential lots. Cone stated that there are five heirs and his intention is to have one lot for each heir.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from:

Brad Grant, Soil & Water Conservation – buyers should be made aware of the wetlands and pleased with the wetlands advisory statement on the plat.
Kevin & Marin Hansch – no objections to the development providing the back lots do not have lake access.

At this time, testimony was closed.

Discussion was held.

Christianson made a motion to approve the change of zone to residential and approve the preliminary plat based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance and is compatible with the surrounding area. Miller second. All in favor. Motion carried.

THIRD ORDER OF NEW BUSINESS: Preliminary Plat by Meadows of Becker County. An application for a change of zone to residential and preliminary plat consisting of 31 lots has been filed by Meadows of Becker County for the property described as: Govt Lots 1 & 2 E of Hwy #11 Ex 13.42 Ac in Lot 1; Section 30, TWP 138, Range 42; Lake Eunice Township.

Scott Walz, surveyor and Jerry Keihl, developer explained the application to the Board. Walz stated that the lots are non-riparian lots with no lake access. All lots exceed the minimum lot requirements and they have been in contact with the watershed. They are willing to put up a swale in front of the pond to allow the water to settle before entering the pond on Lot 14. All septic systems will be installed according to State and County regulations.

Bob Schaffer, attorney, stated that there will be restrictive covenants and a couple of lots may be set aside for a potential central sewer system.

Jerry Kiehl stated that they have met with the watershed and are concerned about the drainage and the central sewer would benefit the lake lots across the road and could benefit the plat.

Speaking in favor of the application was Jay Carlson, attorney for Cormorant Lakes Watershed. Carlson stated that the Watershed was looking at a 10-year option to purchase the land needed for a central sewer system. With that stipulation, the watershed has no objections to the plat.

No one spoke against the application.

Written correspondence was received from:

Brad Wentz, Highway Department – concerned about the site distance with tree line on Lot 1, an agreement should be made with landowner to clear trees to achieve adequate sight distance.

Brad Grant, Soil & Water Conservation – request a Wetland Advisory Statement be placed on plat.

Joyce Cieluch, MPCA – needs NPDES permit, storm water permit for construction

Les & Nancy Lomsdahl – opposed

Everett Martin – opposed

Joe Lightowler, Lake Association – wants storm water drainage study plan

At this time, testimony was closed.

Discussion was held. Johnston stated that he is new to the Board and agrees with the zone change within two miles of a city, but rural areas should be left as is and go with larger lots. W. Johnson stated that he likes the idea of a central sewer system.

Kovala asked if the developers would consider putting in the central system for the development. Kiehl stated that the central system is there for the benefit of the lake people, not the people of the development.

Further discussion was held regarding the location, lot size and compatibility with the comprehensive plan.

Christianson stated the things might be jumping too far ahead. Christianson stated that the developer should have enough time to think about cost factors for the central sewer for the entire development. Christianson also stated that every residential plat that has come before the Board, providing it meets the requirements, has been approved. Skarie felt that as long as the lots were large enough, the sewage should be spread out over a larger area rather than in one central location. W. Johnson stated that the lots are large enough for their own septic system.

W. Johnson made a motion to approve the change of zone to residential and preliminary plat of 31 lots based on the fact that the lots meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Skarie second.

Jay Carlson reminded the Board of the contingency between the Watershed and developer for the central system for the lakeshore owners and that a stipulation be placed

on the plat that the Watershed have a 10 year contingency to buy enough land for the central system.

W. Johnson amended his motion to read approve the change of zone to residential and preliminary plat of 31 lots based on the fact that the lots meet the criteria of the Zoning Ordinance and Subdivision Ordinance with the stipulation that the Cormorant Lakes Watershed have a ten-year contingency to buy enough land for a central sewer system for the lakeshore owners. Skarie second. All in favor. Motion carried.

FOURTH ORDER OF NEW BUSINESS: Preliminary Plat by Charles Dahlgren.

An application for a change of zone to residential and a preliminary plat consisting of 19 lots has been filed by Charles Dahlgren for the property described as: SE ¼ of SW ¼; Govt Lot 3 Less 4.71 Acres & Less Plat, Section 11, TWP 138, Range 43; Cormorant Township.

Charles Ramstad, attorney, explained the application to the Board. All lots meet or exceed the size requirements of a residential plat, which is located across the road from Big Cormorant Lake. The developer has met with the Watershed regarding a storm water plan. There would be no lake access. The road would be constructed as a compromise so that not all the traffic would be on County Road #5 and so that not all traffic would be on 142nd ST. The DNR has been approached to buy Lot 1 Block 2 as a buffer strip between the development and the hunting preserve to the West.

No one spoke in favor of the application. Speaking in opposition to the application were:

Hans Heinrich – the developer should have to improve 142nd St, not the Township.
Roberta Erickson – there would be excessive run off to their property across the road and to the North of the project, the project is too dense and creates a safety concern.

Written correspondence was received from:

Joyce Cieluch, MPCA – need NPDES permit, storm water permit for construction
Brad Wentz, Highway Department – consider an “L” or “T” turnaround between Lot 6 & 7 instead of accessing Highway #5 at that location.
Brad Grant, Soil & Water Conservation – would like Wetlands Advisory Statement on final plat
James & Mary Lichtsinn – opposed
Jon Olson – opposed
Cormorant Township – in favor

At this time, testimony was closed.

Johnston stated that if the road access to #5 was dropped to the South of the wetland, the access to #5 would be safer, even if it meant losing one lot. Walz stated that the sight distance would have to be rechecked because this location would be on top of a hill and it would create a dead spot in the plat – the Township does not want a cul-de-sac.

Ramstad gave the Board a copy of the water drainage plan that was presented to the Watershed.

Further discussion was held regarding the road issue, access, and utility easement.

Christianson made a motion to approve a change of zone to residential and a preliminary plat consisting of 19 lots based on the fact that the proposal meets the requirements of the Zoning Ordinance and Subdivision Ordinance. Moritz second. All in favor. Motion carried.

FIFTH ORDER OF NEW BUSINESS: Expense Reports

Johnson reminded everyone that this meeting was the last meeting of the quarter and that expense sheets should be turned in quickly for prompt payment.

SIXTH ORDER OF NEW BUSINESS: Informational Meeting.

The tentative date for the next informational meeting is scheduled for Thursday, April 10, 2003 at 8:30 a.m. at the Zoning Office.

SEVENTH ORDER OF NEW BUSINESS: Election of Officers.

Discussion was held as to who wanted to be and who would like to be an officer.

Knutson nominated Jim Kovala for Chairman. Nominations were closed. All in favor for Kovala for Chairman.

Christianson nominated Jim Brufloft for Vice Chairman. Nominations were closed. All in favor for Brufloft for Vice Chairman.

Moritz volunteered to once again be the Secretary. All in favor for Moritz for Secretary.

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

James Kovala, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia L. Johnson, Administrator