

Becker County Planning Commission
June 17, 2003

Present: Board Members: Ray Thorkildson, Julia Miller, Waldo Johnson, Harry Johnston, John McGovern, Ken Christianson, Jim Brufloft, Jim Kovala, Don Skarie, Larry Knutson & Dave Seaberg, Commissioner.

Zoning Staff: Patricia Johnson, Administrator & Debi Moltzan

Chairman Kovala called the meeting to order at 7:30 p.m. Kovala stated that the recommendations of the Planning Commission would be acted upon by the County Board of Commissioners on Tuesday, June 24, 2003.

Brufloft made a motion to approve the minutes from the May 20, 2003 meeting. McGovern second. All in favor. Motion carried.

FIRST ORDER OF OLD BUSINESS: Final Plat of Vizsla Beach, Little Cormorant Lake, Audubon Township.

P. Johnson presented the final plat to the Board. This preliminary plat was presented to the Planning Commission at the November 2002 meeting. The preliminary plat was approved at the December 2002 meeting with a change of zone from Agricultural to Residential and 16 lots. All the paper work is in order for final approval.

Motion: Christianson made a motion to approve the final plat based on the fact that the plat does meet the criteria of the Subdivision Ordinance and that the land is suitable in its natural state for the proposed use with minimal alteration. Seaberg second. All in favor. Motion carried.

SECOND ORDER OF OLD BUSINESS: Final Plat of Chesapeake Beach, Little Cormorant Lake, Audubon Township.

P. Johnson presented the final plat to the Board. This preliminary plat was presented to the Planning Commission at the April 2003 meeting. The preliminary plat was approved for a change of zone from Agricultural to Residential and three lots. All required paperwork is in order for final approval.

Motion: W. Johnson made a motion to approve the final plat based on the fact that the plat does meet the criteria of the Subdivision Ordinance and that the land is suitable in its natural state for the proposed use with minimal alteration. Brufloft second. All in favor. Motion carried.

FIRST ORDER OF NEW BUSINESS: Jeffrey Aafedt. Project Location: Cormorant Lakes Estates East. Request approval of land subdivision - Preliminary Plat, consisting of 8 parcels/lots. Rearrangement of Lots 1, 2, 6, 7, and 8, Block 2, Cormorant Lakes Estates

East. LEGAL LAND DESCRIPTION: Lake Eunice Township Lots 1&2 and 6,7&8, Block 2, Cormorant Lakes Estates East Section 30, TWP 138, Range 42.

Aafedt explained the application to the Board. Since the original development was done, it appears that people want smaller lots with less maintenance. This rearrangement would take the 8 larger lots and make 14 smaller lots, each still exceeding the required residential lot size. Since the original development was done, trees have been planted around the perimeter and there is the 5 acre green space park. In the future a pool and club house are planned for the park. An engineering study has been completed. There was a water issue last year right after the road was built. Three of the 14 lots have a potential for run off and no work would be done on these lots until the recommendations of Moore Engineering have been implemented.

Discussion was held on the run off, drainage, flow, and control of the water.

No one spoke in favor of the application. Speaking in opposition of the application was Jay Carlson, Attorney for the Cormorant Lakes Watershed. Carlson stated that the run off issues have not been resolved. Written correspondence was received from Lake Eunice Township in opposition; and Cormorant Lakes Watershed in opposition. At this time, testimony was closed.

Further discussion was held. Christianson questioned if the developer would anticipate water problems. Chris Heyer, surveyor, stated that the drainage was addressed for an average flow and by adding more lots, the impervious area would not increase.

Discussion was held regarding the 60-day rule. Carlson stated that the July meeting may not be enough time to gather the information needed. Knutson questioned if the rearrangement could be approved except lots 3,4, & 5. P. Johnson stated that a plat cannot be partially approved.

At this time, Aafedt asked to have the application tabled until the study could be completed.

Christianson asked the other Board Members what they felt about the plat. Seaberg stated that with Soil & Water's comments, this project would be better than if the land would be farmed. Johnston stated that he did not want to see the smaller lots. W. Johnson felt it was smart to postpone the application until the study was done. P. Johnson stated that the Watershed, Township and developer should meet and come up with an agreement. When the agreement is reached, the application can be placed on the agenda.

Motion: Christianson made a motion to table the application at the request of the developer to allow the Watershed, Township and developer to reach an agreement. W. Johnson second. All in favor. Motion carried.

SECOND ORDER OF NEW BUSINESS: Central Specialties. Project location: 21755 Co Hwy 47. Request a Conditional Use Permit to allow Commercial Use (temporary hot mix plant) in an Agricultural district. LEGAL LAND DESCRIPTION: 13.0022.000 Green Valley Township W1/2 of NW 1/4, Section 5, TWP 131, Range 36.

Tam Bukowski, Central Specialties, explained the application to the Board. A ten acre site would be used for a hot mix operation. This operation would be temporary and used for the Park Rapids Airport project and Becker County Highway #38 project. Gravel extraction is exempt from a CUP for public roadway projects, but the hot mix plant would require a CUP. This would be on the land owned by Ted Silvers.

W. Johnson asked how long the hot mix plant would be in operation. Bukowski stated that this would be two year operation and that a hot mix plant has operated out of this pit in the past. Knutson questioned if there would be any contaminates. Bukowski stated that there would not be and that they have to adhere to strict State and Federal 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.

Further discussion was held.

Motion: Knutson made a motion to approve a conditional use permit to allow a temporary hot mix plant on the property based on the fact that the use is compatible to the extraction activity on the property. Skarie second. All in favor. Motion carried.

THIRD ORDER OF NEW BUSINESS: Todd Fraser. Project location: 37393 Red Top Rd Bad Medicine Lake. Request a Conditional Use Permit to allow Land Alteration in the shore impact zone. LEGAL LAND DESCRIPTION: 12.0202.000 Forest Township Lots 3, 4, & 5 Red Top Beach, Section 18, TWP 142, Range 37.

Fraser explained the application to the Board. He recently purchased three flood stressed properties. The existing structures have been removed. He plans to rip rap the shoreline, fill the lots and rebuild structures on the properties.

Johnston asked Fraser when he bought the property. Fraser stated that he began buying the lots August 2002.

Speaking in favor of the application were:

Josh Walters, Registered Landscape Architect - he began working on this plan approximately 3 years ago. The object is to gain distance between the buildings and the lake to allow the run off to filter before entering the lake. The filling process will not be easy, the work will have to be done in layers. This will make the lots more habitable and will not change or impact the ordinary high water mark of the lake.

Hilding Hagen, Realtor – the Fraser’s are going about this in the right way, getting permits first.

Jim Noonan – as long as the natural drainage pattern is not altered and the Ordinance is followed, there will be no problem.

Luella Fraser – this will make the lots usable.

Speaking in opposition of the application were:

Ray Vlasak – gave some history of Bad Medicine Lake; stated 12 structures have been affected by water and there are 50 more structures that could be affected by water; the TWP will not pursue an outlet; this could be eligible for a buyout.

Charles Church – this project would have a community impact; projects always exceed the estimated volumes; damage will be done to the roads; only 3 –4 people will benefit from this project; the area should be returned to wetlands.

Tim Holzkamp – concerned the fill will be coming across his land.

Written correspondence was received from:

Jay Smukowski – in favor

Mark Veronen – in favor

Forest Township – in opposition

Soil & Water Conservation – concerns that should be addressed with their office before work is done (wetland determination)

Department of Natural Resources – in opposition

At this time, testimony was closed.

Further discussion was held regarding the area to be filled, size of the area, amount of fill, depth of fill, and the 60-day rule. Most members of the Board felt that a better plan should be presented and the area staked so that the Members could better understand and make a better decision.

Fraser asked to have the application tabled until he can provide better information to the Board.

Motion: Johnston made a motion to table the application at the applicant’s request to allow the applicant to provide the following information to the Board:

1. Stake the area to be filled with grade stakes showing depth of fill,
2. Provide a better plan showing:
 - a. the lot sizes and buildable area after the fill is done,
 - b. building locations and septic locations,
 - c. lot sizes,
 - d. elevations, tying the landscape architects elevations into the DNR’s elevations
3. Provide an aerial photo of the property.

Brufloft second. All in favor. Motion carried.

Walters explained that he is not a surveyor. P. Johnson stated that the information requested is addressed to Fraser. Fraser may have to get this information from more than one source.

FOURTH ORDER OF NEW BUSINESS: Gary & Gayle Kaatz. Project Location: 17276 200th St Boyer Lake. Requests approval of land subdivision - Certificate of Survey, consisting of 2 parcels/lots, 2.71AC and 6.89AC. LEGAL LAND DESCRIPTION: 02.0040.000 Audubon Township. PT GOVT LOT 5; BEG 226.31' N & 134.51' NE OF SW COR, TH SW 134.51', N 1046.36' TO WTR EDG BOYER LK, TH NELY & SELY AL LK 1030.97', S 387.12' TO WTR EDG Section 7, TWP 139, Range 42.

Kaatz explained the application to the Board. They would like to subdivide the property, selling one parcel and retaining one parcel. They would be constructing a new house on the parcel they retain. Both lots meet the criteria of the Subdivision Ordinance.

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.

Discussion was held.

Motion: Christianson made a motion to approve the certificate of survey to allow two tracts of land, one being 2.71 acres in size and one being 6.89 acres in size, based on the fact that the certificate meets the criteria of the Subdivision Ordinance. McGovern second. All in favor. Motion carried.

FIFTH ORDER OF NEW BUSINESS: Ed Streeper. Project Location: 26XXX Co Hwy 39 Shell Lake. Requests approval of land subdivision - Certificate of Survey, consisting of 2 parcels/lots, 2.51 Acres each. LEGAL LAND DESCRIPTION: 05.0076.000 Carsonville Township Part of Gov't Lot 4 Section 7, TWP 140, Range 37.

Chris Heyer, Surveyor, explained the application to the Board. These lots have frontage on Shell Lake, but separated by the County Road. The buildable area would not be on the riparian side of the road. The lots do meet the criteria of the Subdivision Ordinance.

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.

Discussion was held.

Motion: Miller made a motion to approve the certificate of survey to allow two tracts of land, both being 2.51 acres in size based on the fact that the certificate meets the criteria of the Subdivision Ordinance. Seaberg second. All in favor. Motion carried.

SIXTH ORDER OF NEW BUSINESS: Lief Thrane. Project Location: 17481 Blue Water Bay Rd Cormorant Lake. Requests approval of land subdivision - Certificate of Survey, consisting of 2 parcels/lots. Rearrangement of Lots 25, 26 & 27, Block 2, Blue Water Bay. LEGAL LAND DESCRIPTION: 17.0618.000 17.0619.000 Lake Eunice Township Lots 25, 26, & 27, Block 2 Blue Water Bay, Section 19, TWP 138, Range 42.

Chris Heyer, Surveyor, explained the application to the Board. Lots 25, 26 & 27 of Block 2 Blue Water Bay have been reconfigured to make two buildable lots under the current 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.

Discussion was held.

Motion: W. Johnson made a motion to approve a certificate of survey allowing Lots 25, 26 & 27, Block 2 Blue Water Bay to be reconfigured into two lots, with Tract A being 44,400 sq ft in size and Tract B being 42,600 sq ft in size, based on the fact that the reconfiguration does make two buildable lots as allowed by the Zoning Ordinance and Subdivision Ordinance. Skarie second. All in favor. Motion carried.

SEVENTH ORDER OF NEW BUSINESS: Keith Zitzow. Project location: 24011 Woodland Ln, Lake Sallie. Request a Conditional Use Permit to exceed Height Restriction for an accessory structure in a Residential district. LEGAL LAND DESCRIPTION: 19.1926.001 Lake View Township E1/2 OF LOT 6, ALL OF LOTS 7 & 8, Section 8, TWP 138, Range 41.

The application was explained by Zitzow. The garage was built with living quarters. They lived in the garage until a time that a new house was constructed. The garage was built with attic trusses (not a full story). The garage is under the height limitation, but has a loft.

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

Discussion was held regarding the loft, use, view, visibility and location.

Motion: Brufloft made a motion to approve a conditional use permit to allow a two story garage based on the fact that the garage is not a full two story garage, but a loft and the garage is not detrimental to the surrounding area with the stipulation that the garage

can not be used as living quarters but storage only. Johnston second. All in favor. Motion carried.

EIGHTH ORDER OF NEW BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, July 10, 2003 at 8:30 a.m. at the Planning & Zoning Office.

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

James Kovala, Chairman

ATTEST

Jeff Mortiz, Secretary

Patricia L. Johnson,
Zoning Administrator