

Becker County Planning Commission
August 19, 2003

PRESENT: Members: Julia Miller, John McGovern, Ray Torkildson, Larry Knutson, Don Skarie, Harry Johnston, Jim Bruflodt and Ken Christianson.
Zoning Staff: Patricia Johnson, Administrator and Debi Moltzan, recording minutes.

Vice Chairman Jim Bruflodt called the meeting to order at 7:00 p.m. Bruflodt stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final decision on Tuesday, August 26, 2003.

Johnston made a motion to approve the minutes from the July 15, 2003 meeting. McGovern second. All in favor. Motion carried.

OLD BUSINESS:

First Order: Cormorant Lakes Estates East, Jeff Aafedt developer. Re-subdivision of the plat of Cormorant Lakes Estates East, Lake Eunice Township.

Johnson stated that this issue was tabled at the June 17, 2003 meeting to allow the developer to work out water run off issues with the Cormorant Lakes Watershed. The application was removed from the table.

Aafedt explained that the application was to take 8 lots and reconfigure them into 14 smaller lots, each still meeting the required lot size. He has been working with the Watershed, which is in a neutral state at this time. He is still working with the Watershed to increase retention pond sizes, adding filter strips and another retention pond. There is no way to stop the run off, but it can be slowed down and filtered.

Bruflodt stated that the agreement was to table the issue until an agreement could be reached with the Watershed and no agreement has been reached as of yet. Aafedt stated that the Watershed remains neutral. Aafedt further stated that all but 2.3 acres of run off drains toward the natural wetland, he will do what he needs to do to slow down the rest of the water.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from the Watershed stating an agreement had not yet been reached. At this time, testimony was closed.

Johnson stated that the Watershed was meeting right now concerning this matter and maybe an agreement could be reached, but one has not been reached as of yet. At this time, Jody Beaudine, Cormorant Lakes Watershed, joined the meeting and addressed the Board. Beaudine stated that the Watershed remains neutral as far as the Zoning issues are concerned. Beaudine stated that there is a water problem with this plat that needs to be

solved whether or not the re-subdivision is approved. The Board was meeting at this time to discuss how this matter will be resolved.

Further discussion was held regarding the run off, the replatting of the lots, zoning of the property, lot sizes and agreement between the developer and Watershed.

Motion: Christianson made a motion to approve the revised plat based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance with the stipulation that the developer and Watershed must come up with an agreement concerning the water run off issue before the final plat can be approved. Johnston second. All in favor. Motion carried. Application approved.

Second Order: Preliminary Plat of Wabaunaquat, Rebecca Hastad developer, White Earth Lake.

Johnson explained that this application was tabled to allow the developer to work with the DNR (Department of Natural Resources) and SWCD (Soil & Water Conservation District) to allow one common lake access for the development. The application was removed from the table. Miller excused herself from the Board.

Hastad stated that she worked with both agencies and has set aside Lot 3 for the common access. This was the suggestion of the DNR.

Christianson questioned the slope of Lot 3 and asked how much excavation would be required to gain access. Hastad stated that there would be some, but this was the lot that the DNR and SWCD were most comfortable with having as the access lot. Scott Walz, surveyor, stated that SWCD did not find any wetlands on the property as previously thought and that the DNR wanted the access pushed as far west as possible on Lot 3.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from DNR and SWCD verifying the above testimony. At this time, testimony was closed.

Further discussion was held regarding the access lot and lot size. Johnston stated that the developer did come back with the information that the Board had requested and everything seemed to be in order.

Motion: Johnston made a motion to approve the change of zone from agricultural and preliminary plat for 4 lots and an access lot, access lot being Lot #3, based on the fact that the change of zone and preliminary plat meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Torkildson second. All in favor. Motion carried. Application approved.

At this time, Miller rejoined the Board.

Third Order: Land Alteration by Todd and Louella Fraser, Red Top Beach, Bad Medicine Lake.

Johnson explained that this application was tabled at the June 17, 2003 meeting for further information. The application was removed from the table.

Fraser stated that this is three separate applications on three separate lots and should be considered as such. Fraser stated that if the road is destroyed or harmed during the filling process, he will have the road repaired. Fraser further stated that he may have prematurely removed the structures. Fraser stated that he wants to preserve the fish rearing area and preserve the harmony of the area. He wants to fill the lots and return the lots to three buildable lots with three structures for resale.

Christianson questioned if he knew what the elevation could eventually be of the lake, if it continued to rise. Fraser stated that the elevation of the lots would be ½ ft above the basin outlet level. If the lake rose that much, the only additional fill that would be required would be the driveway to get into the garage. The proposed septic systems would be above the basin dump level.

Skarie questioned if the application was three separate or one. Johnson stated that the way that the plan was submitted, it is one application. To act on each individual lot would require three separate plans, each addressing one lot. The three lots are contiguous and that is how this plan was submitted.

Speaking in favor of the application were:

Nancy Veronen
David Hagen
Jay Smukowski
Barb Christianson

Speaking in opposition of the application were:

Chuck Church
Roger Olson
Jim Letto
Ray Vlasak

Written correspondence was received from:

Forest Township – in support
Douglas McArthur – in support
John Holzworth & Judith Veronen – in support
Nancy Veronen – in support
Mark Veronen – in support
Donna Waliczek – in support
Brad Grant, SWCD – great concerns about the wetlands, needs a wetland replacement plan.

At this time, testimony was closed.

Further discussion was held. Skarie stated that this situation is different from normal flooding situations. In this case, the property was flooded before he bought the property, he knew of the problem. It is not like you have owned the property for many years then all of a sudden the property floods. Torkildson stated that Lot 4 is now part of the lake and consideration should be given to making two lots out of the three. Johnston stated that the water is about 6 ft higher than it was 7 years ago and if the DNR gave a blanket permit for filling, why can't it be done again. Johnston stated that the fill figures given are for three lots, not one lot.

Christianson questioned what the general feeling was about anyone filling in there lot for looks instead of a building site. Johnson stated that no one else would be allowed to do this unless they came before the Planning Commission. Christianson stated that this issue could be looked at differently if there were three owners of three lots that had owned the property for many years then flooded out rather than one person buying three flooded lots and trying to fill them. McGovern stated that SWCD's letter should be seriously considered. Christianson questioned if an EAW could be done. Johnson stated that it would have to be petitioned in this case. Johnson stated that if the Board were to vary from this plan, a new plan would have to be submitted before final action could be given. The plan that was submitted must be acted upon.

Motion: Knutson made a motion to deny the application as requested based on the fact that the large amount of fill would have a negative impact on the lake, wetlands and fish rearing area. Miller second. All in favor. Motion carried. Application denied.

NEW BUSINESS

First Order: David Mueller. Request a Conditional Use Permit to allow a two story garage 19 feet in height on a property used primarily for residential purposes. Project Location: 31903 Sugar Creek Rd Big Sugarbush Lake LEGAL LAND DESCRIPTION: 32.0358.000 Sugarbush Township Lot 2, sugar Bush Heights 1st, Section 8, TWP 141, Range 40.

Mueller explained the application to the Board. He did obtain a permit to construct the garage and did not know about the height limitation. The garage was constructed to match the design of the house. The garage is built into the hill, so the entire garage is not 19 ft above the ground. The garage will have electricity, but no running water nor any living quarters. The garage is screened from the lake by the house.

No one spoke in favor of the application. No one spoke against the application. There was written correspondence from John Robson in favor of the application. At this time, testimony was closed.

Further discussion was held regarding the construction of the garage, the size, location and use.

Motion: McGovern made a motion to approve the conditional use permit to allow a garage 19 feet in height based on the fact that the height is not detrimental to the area, the design matches the house with the stipulation that no living quarters can be in the garage. Torkildson second. All in favor. Motion carried. Application approved.

Second Order: Michael Walther. Request a Conditional Use Permit to allow Commercial Use (transmission repair) in a(n) Agricultural district. Project Location 28030 Co Hwy 34. LEGAL LAND DESCRIPTION: 04.0212.000 Callaway Township PT NE1/4 OF SE1/4 BEG AT SE COR TH N 60 FT W 330 FT N 360 FT W 990 FT S TO SW COR & E TO BEG, Section 36, TWP 141, Range 41.

Walther explained the application to the Board. He would be utilizing an existing building, for which he had a conditional use permit for a machine shop. He would now like to rebuild transmissions. He would be working with mechanics and not the general public. The existing building is out of the site of the road and neighbors.

McGovern questioned what would be done with the waste fluids. Walther stated that they would be placed in containers and recycled. Bruflodt questioned which County road this was on. Walther stated that it was on County Road #34. Knuston questioned bathroom facilities. Walther stated, that for now, there would only be one employee and he could use the facilities on the house. If the business expanded, a new shop would be built and bathroom facilities would be put into the new structure. Johnston questioned if the transmission would be removed from the vehicles on the premises. Walther stated that he would prefer not to do this, but did not want to get locked into something that he couldn't do it.

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.

Further discussion was held regarding the number of vehicles on the property, operating vehicles, non operational vehicles, and site from the road and neighbors.

Motion: Christianson made a motion to approve a conditional use permit to allow a commercial use consisting of a transmission repair business in an Agricultural district based on the fact that the use would not be detrimental to the surrounding area and cannot be seen from the road or neighboring properties with the stipulation that no more than six (6) disabled vehicles be on the property at any given time and that the disabled vehicles must be parked in a manner that they cannot be seen from the road or neighboring properties. Johnston second. All in favor. Motion carried. Application approved.

Third Order: Joan Montplaiser. Requests approval of land subdivision - Certificate of Survey and Change of Zone, consisting of 2 parcels, 4.4 ac. The current land use district

is Agricultural. The requested land use district is Residential. Project Location: 31177 Eagle Lake Rd LEGAL LAND DESCRIPTION: 03.0348.000 Burlington Township Part of Gov't Lot 6 Section 33, TWP 133, Range 40.

Montplaiser explained the application to the Board. She would like to sell off half of her property, the portion with the large storage shed. The lot sizes meet the required lot sizes.

Christianson questioned the driveway easement. Montplaiser stated that the driveway is already in place but would prefer that the new lot have their own driveway. Christianson stated that contours are not required on the certificate of survey, but what is the elevation of the lot. Scott Walz stated that there is a slope from the road to a flat spot at the building site and then another steep slope to the lake, off hand he did not know exact elevations or slopes.

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 regarding lot size, lake classification, road type, access for a new driveway and general characteristic of the neighborhood.

Motion: Torkildson made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey to allow two tracts of land based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance and is in general harmony with the neighborhood. Skarie second. All in favor. Application approved.

Fourth Order: Walter Graff. Requests approval of a Change of Zone. The current land use district is Agricultural. The requested land use district is Commercial. Project Location: 22201 US Hwy 10. LEGAL LAND DESCRIPTION: 02.0159.000 Audubon Township. N1/2 LYING S OF RWY & S OF HWY EX E 30 RODS & EX 31.34 AC AKA 001 & 002; & EX PLAT AUD HGHTS AKA 33.69 AC Section 24, TWP 139, Range 42.

Graff explained the application to the Board. He does not have any immediate plans for the property but would like to rezone the 18.64 acres along Highway #10 to commercial, preparing for the future.

Christianson questioned the access off of 185th ST. Graff stated that there is one portion of the property that cannot be accessed from Highway #10 due to the wetlands. This would allow access to that portion of the property. Christianson questioned if property was abutting Graff's residential subdivision. Graff stated that it did and also abutted commercial property to the East.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Becker County Highway Engineer with statement to contact MN DOT on controlled access. At this time, testimony was closed.

Further discussion was held. Christianson questioned what the Comprehensive Plan showed for this area. Johnson stated that the Comprehensive Plan showed mixed development for this area. Christianson questioned advertising signs in commercial zones. Johnson stated that advertising signs would be allowed under commercial zoning, but there are both State and County regulations regarding this. Miller questioned if a conditional use permit could be granted for commercial uses. Johnson stated that this could be done but would limit the property to one use and would have to be amended for each business.

Motion: Johnston made a motion to approve the change of zone from agricultural to commercial based on the fact that this property adjoins existing commercial property and is consistent with the Comprehensive Plan. Torkildson second. All in favor except Miller. Motion carried. Application approved.

Fifth Order: Taylor Investments. Taylor Investment Corp for Verna Mae Leitheiser requests approval of a Change of Zone. The current land use district is Agricultural. The requested land use district is Residential. Project Location: Section 22 & 27 Reeves Lake. LEGAL LAND DESCRIPTION: 19.0496.000 19.0457.000 Lake View Township LOT 1 Section 27 and SLY 520' OF NE1/4 SE1/4 LESS TR 230' E & W BY 303' N & S IN SE COR; & SE1/4 OF SE1/4 LESS TR 644' N & S BY 203' E & W IN NE COR Section 2227, TWP 1380, Range 41.

Scott Seelye, Taylor Investments, explained the application to the Board. This property lies within two miles of the City of Detroit Lakes, so the City will be acting on the actual subdivision. The County needs to act on the change of zone to residential to allow residential subdivision.

Johnson explained to the Board the process on subdivision within two miles of an incorporated city and that the County would only act on the change of zone. Christianson questioned if there were any other subdivisions on the lake. Seelye stated that there were two other developments on the lake.

No one spoke in favor of the application. Speaking in opposition to the application was Boyd Bradbury, who was just opposed to the change of zone, not the subdivision. Written correspondence was received from Becker County Highway Department with concerns about the road. At this time, testimony was closed.

Further discussion was held. Miller stated that she felt that natural environment lakes could not handle residential subdivisions. Johnston stated, that even though they are not approving the subdivision, the plat shows that each lot meets or exceeds the criteria for a natural environment lake. Christianson stated that natural environment lakes require 80,000 sq ft of lot area, which is just shy of two acres and that agricultural zoning

requires 2.5 acres. This plat could easily be reconfigured to meet the ag zoning. Christianson reminded the Board of other zoning changes that have been denied that were similar to this request.

Motion: Miller made a motion to deny the change of zone from agricultural to residential based on the fact that the lake could not handle residential development and that the area is predominantly agricultural. Johnston second. All in favor except Christianson and Skarie. Motion carried. Application denied.

Sixth Order: Kris and Dustin Wirth. Request approval of a Change of Zone. The current land use district is Agricultural. The requested land use district is Commercial. Project Location: 10567 Indy 500 Rd Town Lake. LEGAL LAND DESCRIPTION: 03.0287.000 Burlington Township. NW1/4 OF SE1/4 & LOT 4 S OF OLD HWY 10 & N OF NEW HWY 10 LESS W 350', & LESS PT S OF FOLL LN:BEG 1486.38' N OF SE COR SE1/4;TH SW 1457.15' & Section 28, TWP 138, Range 40.

Kris Wirth explained the application to the Board. They would like to start their own business on the property, they have a small business and would like have room for it to grow. Brufloft questioned what type of business it was. Wirth stated that it was a vinyl graphic business. Wirth further stated that they have begun excavation on the ground, they do have a right-of-way permit from the State to do so.

Christianson questioned how they would access the property. Wirth stated that if the property was zoned commercial, the State would allow them to access off of Highway 10 and they also have access to Indy 500 Road.

No one spoke in favor of the application. Speaking in opposition to the application was Kathy Froelich, Burlington Township Supervisor. Froelich stated that due to the timing of the application, the Board had time to discuss the issue but was not able to make a formal action due to missing Board members. The TWP is not opposed to the change of zone, but how the property is accessed. The TWP would like to see all main traffic come off of Highway #10. Indy 500 Road is a minimum maintenance road and a 5 ton road that cannot handle semi traffic.

There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding access to the property and compatibility with the comprehensive plan.

Motion: Christianson made a motion to approve the change of zone from agricultural to commercial based on the fact that it is compatible with the comprehensive plan. Skarie second.

Johnston questioned if there should be a stipulation that the main traffic must use the Highway 10 access.

Christainson made a motion to amend his original motion to read: approve the change of zone from agricultural to commercial based on the fact that it is compatible with the comprehensive plan with the stipulation that the main entrance to the property must be off of Highway #10. Skarie second the amended motion. All in favor except Miller. Motion carried. Application approved.

Seventh Order: Steve Campbell. Requests approval of land subdivision - Certificate of Survey and Change of Zone, consisting of 1 parcels 2.1 acres in size. The current land use district is Agricultural. The requested land use district is Residential. Project Location: 25534 East Cozy Cove Rd Tamarack Lake. LEGAL LAND DESCRIPTION: 08.0066.000 Detroit Township. LOT 10 EX W 3 AC Section 4, TWP 139, Range 41.

Campbell explained the application to the Board. He would like to subdivide off one parcel of land with the intention of moving his home from Floyd Lake onto this property and rebuilding on Floyd Lake. In the future, he may do something with the rest of the property, but is more interested in just doing this for now.

Johnston questioned if there was a reason for not going 2.5 acres and leaving the property agricultural. Campbell stated that there was none. Miller questioned if Tract A included the wetlands. Campbell stated that it did.

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 regarding vicinity of the lot, lot size and required lot size.

Motion: Christianson made a motion to approve the change of zone and certificate of survey to allow one parcel of land 2.1 acres in size based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance and is compatible with the surrounding area. Skarie second. All in favor. Motion carried. Application approved.

Eighth Order: Jack Bouton. Requests approval of land subdivision - Preliminary Plat and Change of Zone, consisting of 7 lots. The current land use district is Agricultural. The requested land use district is Residential. Project Location: 170th Ave Marshall Lake. LEGAL LAND DESCRIPTION: 02.0133.000 Audubon Township. PT LOTS 5,6,& 7 BEG 3141.03' N OF SW COR SEC TH E 1413.76' S 678.35' W 590.13' TO LK, N AL LK TO N LN LOT 6,W TO NW COR LOT 5 & S TO BEG Section 19, TWP 139, Range 42.

Tom Geddes, Attorney, explained the application to the Board, along with Jack and Joyce Bouton and Glen Howe, surveyor. Geddes explained that an EAW has been completed on this project, with a negative statement. The lake has been reclassified to a natural environment lake. In the past, the Planning Commission did approve a preliminary plat

for 15 lots, which the County Board did deny. Now, the request is for 7 lots. All 7 lots exceed the required lot size for a natural environment lake. The people in the area are reluctant to any type of development, but this property has not been farmed in years and the plat meets the requirements.

No one spoke in favor of the application. Speaking in opposition to the application was Rick Ellsworth, whom was speaking for a number of property owners. Ellsworth had a petition signed by 71 people in opposition to the application. Ellsworth stated that they are not opposed to development, just the change of zone. This should remain agricultural and be developed under agricultural standards.

Written correspondence was received from the Becker County Highway Department with concerns about the road. At this time, testimony was closed.

Further discussion was held regarding lot size, lot width, State Statutes versus County Regulations, lake classification, the EAW and surrounding area. Miller stated that she feels that the natural environment lakes cannot handle the residential development and that this property can still be developed under the agricultural standards. Torkildson agreed. Johnston stated that this is the same as the Taylor plat on Johnson/Reeves Lake.

Motion: Miller made a motion to deny the change of zone from agricultural to residential based on the fact that the lake cannot handle residential development and that it is not compatible with the surrounding area and to deny the plat based on the fact that it does not meet criteria of an agricultural district. Johnston second. All in favor. Motion carried. Application denied.

Ninth order: Roger Geddes. Requests approval of land subdivision - Preliminary Plat and Change of Zone, consisting of 13 lots. The current land use district is Agricultural. The requested land use district is Residential. Project Location: Bucks Trail Elbow Lake
LEGAL LAND DESCRIPTION: 09.0106.000 Eagle View Township LOT 4 EX .03 AC FOR PLAT Section 13, TWP 142, Range 39.

The application was explained by Brian Drown, developer. The lake is a recreational development lake, which requires 150 ft lots and 40,000 sq ft of lot area. A soils suitability study was done stating the slopes are stable for development.

Discussion was held regarding the elevation of the lots, access to the lake, bluffs, wetlands and type of road accessing the lots.

Speaking in favor of the application were Roger Tate and Scott Walz.

Speaking in opposition of the application were Loren Schiebe, John Colvin, Richard Hamilton, Jerry "Paul" Schiller, Tom Irving, Kevin & Jennifer Thompson, Erin Bement, Douglas McCarther, and Tom Trowbridge. Concerns were in reference to springs, bluffs, wetlands, and Indian burial grounds.

Written correspondence was received from:

Brad Grant SWCD- concerned about the wetlands and relationship of driveways and steep slopes and possible erosion.

Becker County Highway Department – concerns about the road.

Braun Intertec – review of the geotechnical conditions.

At this time, testimony was closed.

Further discussion was held regarding the road, wetlands, bluffs, steep slopes, springs, burial grounds and lake access. The consensus of the Board was that there was not enough information to make a sound decision. The Board discussed their options. Due to the 60 day rule, the application would either have to be acted upon or the developer/owner would have to table the application. The Board discussed what information the Board would need the developer/owner to come back with to make a sound decision. The consensus of the Board was that an EAW would address all concerns talked about.

Geddes asked that the application be tabled until an EAW could be completed.

Tenth Order: Final Plat of Fish Hook Beach, Benner developer.

Johnson explained that this was a change of zone from agricultural to residential and a plat of 6 lots, which was approved in February of 2003. This property is located in Maple Grove Township, Fish Hook Lake. Everything is in order for the approval of the final plat.

Motion: McGovern made a motion to approve the final plat of Fish Hook Beach based on the fact that the plat does meet the criteria of the Subdivision Ordinance. Torkildson second. All in favor. Motion carried. Final plat approved.

Eleventh Order: Final Plat of Lady Slipper, Dahlgren developer.

Johnson explained that this was a change of zone from agricultural to residential and a plat of 19 lots, which was approved in March of 2003. This property is located in Cormorant Township. Everything is in order for the approval of the final plat.

Motion: Miller made a motion to approve the final plat of Lady Slipper based on the fact that the plat does meet the criteria of the Subdivision Ordinance. Knutson second. All in favor. Motion carried. Final plat approved.

Twelfth Order: Final Plat of Thunderbolt, Q5 Investments, developer.

Johnson explained that this was a change of zone from agricultural to residential and a plat of 10 lots, which was approved in May of 2003. This property is located in Cormorant Township, Lake 610. Everything is in order for the approval of the final plat.

Motion: Christianson made a motion to approve the final plat of Thunderbolt Slipper based on the fact that the plat does meet the criteria of the Subdivision Ordinance. Johnston second. All in favor. Motion carried. Final plat approved.

Thirteenth Order: Final Plat of Top Brass Ridge, Q5 Investments, developer.

Johnson explained that this was a change of zone from agricultural to residential and a plat of 14 lots, which was approved in May of 2003. This property is located in Height of Land Township, Little Toad Lake. Everything is in order for the approval of the final plat.

Motion: Skaire made a motion to approve the final plat of Top Brass Ridge based on the fact that the plat does meet the criteria of the Subdivision Ordinance. Torkildson second. All in favor. Motion carried. Final plat approved.

Fourteenth Order: Informational Meeting.

The next informational meeting is scheduled for Thursday, September 11, 2003 at 8:30 am at the Planning & Zoning Office. There will also be a meeting beginning at 7:00 am with Roy Smith, County Surveyor, to explain how to read preliminary plats and certificates of survey and how to understand them.

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

Jim Brufloft, Vice Chairman

ATTEST

Jeff Moritz, Secretary

Patricia L. Johnson, Administrator