

**Becker County Planning Commission  
December 16, 2003**

**Present: Members** Larry Knutson, Waldo Johnson, Ken Christianson, John McGovern, Harry Johnston, Jeff Moritz, Jim Kovala, Don Skarie, Jim Brufloft, Julia Miller, Ray Thorkildson, and Commissioner Dave Seaberg. **Zoning Staff** Debi Moltzan and Lisa Tufts.

Chairman Kovala called the meeting to order at 7:00 p.m. Lisa Tufts recorded minutes.

Kovala stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for a final decision on Tuesday, December 23, 2003.

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

**FIRST ORDER OF BUSINESS: Old Business: Mardon, Inc., Preliminary Plat of Sherman Shores Third Addition.**

McGovern made a motion to remove the issue from the table. Brufloft second. All in favor. Application removed from the table. This request was for a change of zone from agricultural to residential and a preliminary plat consisting of 6 lots.

Vicki Bedford explained that she has been in contact with the Township regarding the cul-de-sac. They have agreed to a cul-de-sac with a 150 ft diameter and 200 ft right-of-way. The rest of the proposal does meet the criteria of the Subdivision Ordinance.

No one spoke in favor of the application. Speaking in opposition to the application was Dick Meyer. Meyer was concern with the number of docks in a marshy area, disturbing the fish and wildlife. Mike Reep, Lake Eunice Township, stated that the Township and Developer have agreed upon the road issue. Reep also stated that since the developer owns the property to the East, that consideration should be given to make a through road in the future and not another cul-de-sac road.

Written correspondence was received from the Lake Eunice Township Board requesting larger lot sizes and Bob Merritt and Dave Barsness, Department of Natural Resources, recommending denial of the plat and consideration should be given to either a planned unit development or one access lake lot for all lots to use. At this time, testimony was closed.

Kovala asked how many lots there would be if all lots were 2 acres in size. Scott Walz, surveyor, stated that 2 lots would probably be lost (total number of lots reduced by two). Bedford stated that the lots meet the size requirements in the Ordinance, so what's the problem?

Board discussion was held. Christianson suggested an EAW. Moritz referred to Section 8 of the Subdivision regarding land suitability.

Don Busker stated that the State has set the shoreland guidelines for the County's to follow. When the developer meets or exceeds these guidelines, then the State should not object.

Seaberg stated that the main issue that the application was tabled was for the cul-de-sac. This issue has been resolved, and now, there is another issue. Thorkildson agreed with the DNR and that the lakes should be preserved.

**Motion:** Christianson made a motion to approve the change of zone from agriculture to residential and the preliminary plat consisting of six (6) lots based on the fact that the application does meet the criteria of the Zoning Ordinance and Subdivision Ordinance with the stipulation that the Township request for a 150 ft diameter cul-de-sac with a 200 ft right-of-way be met. Johnston second. In favor of the motion were: Christianson, Miller, Johnston, Skarie, Knutson, Seaberg, and Brufloft. Opposed to the motion were: Thorkildson, McGovern and Moritz. Majority in favor. Motion carried. Change of Zone approved and Preliminary Plat approved.

**SECOND ORDER OF BUSINESS: New Business: J & K Marine, Kevin Tinjum.** An application for a conditional use permit to allow a six (6) ft high fence along the Wine Lake Road right-of-way has been filed for the property described as A Tri in SW Cor of Lot 6 Bet Wine Lake and Public Road & S Line of Sec 20; Section 20, TWP 139, Range 41, Detroit Township. PID Number 08.0320.000.

No one was present to explain the application to the Board.

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.

The Board held discussion. Johnston stated that one of the reasons the fence request is for 6 ft is for security reasons, fencing off the show area. A 4 ft high fence would not be high enough.

**Motion:** Johnston made a motion to approve a conditional use permit to allow a six (6) ft high fence along the Township road right-of-way for security purposes. Miller second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Michelle Yliniemi.** An application for a change of zone from residential to high density residential and a conditional use permit to allow a residential planned unit development consisting of eleven (11) units has been file for the property described as 660 ft x 660 ft lying 33 ft W 378.5 ft N of SE Cor of SE ¼ SW ¼, Section 20, TWP 140, Range 36, Osage Township. Former Osage School property.

Yliniemi explained the application to the Board. The school would be converted into 11 apartments with an 11 garage units.

Discussion was held regarding the location, the proposed common area, the type of rental units they would be and green space. Yliniemi stated that she would like to see senior housing with some meals and housekeeping help, but not senior housing that would require the medical help. Seaberg suggested that the commons area could be used for meals on wheels for all seniors. Yliniemi stated that she welcomed the idea and is keeping an open mind for all suggestions.

No one spoke in favor of the application. No one spoke against the application. There were two letters received from Garnett Newland, in opposition to the application. At this time, testimony was closed.

Further discussion was held regarding the location and the use of the structure. Brufloft stated that this was an excellent idea for that type of structure, what else would go into that large of a structure?

**Motion:** Brufloft made a motion to approve the change of zone from residential to high density residential and a conditional use permit for a planned unit development consisting of eleven (11) rental units and eleven (11) garage units based on the fact that it would be compatible with the residential area and a good conversion of an existing structure. Moritz second. All in favor. Motion carried.

**FOURTH ORDER OF BUSINESS: Darlene Kimball.** An application for a change of zone from residential to commercial for the property described as Pt of Govt Lot 4; Section 7, TWP 138, Range 40, Burlington Township. PID No. 03.0076.000.

Kimball explained the application to the Board. The change of zone is requested to allow Yards and More to relocate and house their equipment and store material.

Knutson questioned why the tract is being split into two tracts? Kimball stated that they may want to sell one in the future. Scott Walz, Surveyor, stated that this lies within two miles of the City, so the City would act on the split; the County acts only on the Change of Zone.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Grant, Soil and Water Conservation, making the applicant aware of the wetlands and inability to fill them. At this time, testimony was closed.

Kimball stated that if anything were to be done to the wetlands, it would be done to enhance them and with the approval of all agencies involved.

Further discussion was held.

**Motion:** Thorkildson made a motion to approve the change of zone from residential to commercial based on the fact that it is compatible with the surrounding area. W. Johnson second. All in favor. Motion carried.

**FIFTH ORDER OF BUSINESS: Lori Thompson.** An application for a conditional use permit to allow a commercial use consisting of a gift shop and retail greenhouse in an agricultural zone has been filed for the property described as Pt of SW ¼ SE ¼ & Pt SE ¼ SW ¼; Section 30, TWP 138, Range 42; Lake Eunice Township. PID No. Split of 17.0354.000.

Thompson explained the application to the Board. There would be a 40 ft by 100 ft building constructed. 40 ft x 40 ft would be used for the gift shop and 40 ft x 60 ft used for the greenhouse. This would be located next to Toy Box PUD garages. There is a lifetime easement to access the property from 11 and the new township road. Thompson stated that she is working with the Township and Qvammen to make the new township road a through road from 11 to 138, this would benefit the Toy Box PUD, the greenhouse and the Township.

Discussion was held regarding the hours, type of structure, type of heat, access and location.

Speaking in favor of the application were:

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| Mike Reep, Township | Cindy Brown | Ann Hixson    |
| Lynn Massey         | Bob Hovde   | Bruce Qvammen |

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

Christianson asked Scott Walz if he saw any problem with allowing an access to this property from Co Rd 138. Walz stated that there should not be a problem; it was just a matter of working out details between owners, the Township and the County Highway Department.

**Motion:** Moritz made a motion to approve a conditional use permit to allow a commercial activity consisting of a retail gift shop and retail greenhouse based on the fact that it would be a good use of the property and compatible with the surrounding area. McGovern second.

Christianson stated that he would like the motion to include a recommendation allowing an access from County Road 138.

Moritz changed his motion to read approve a conditional use permit to allow a commercial activity consisting of a retail gift shop and retail greenhouse based on the fact that it would be a good use of the property and compatible with the surrounding area with a recommendation that an access should be provided from County Road 138. McGovern second. All in favor. Motion carried.

**SIXTH ORDER OF BUSINESS: Vicki Bedford.** An application for a change of zone from agricultural to residential and approval of a preliminary plat consisting of six (6) lots for the property described as Govt Lot 5, Section 33, TWP 139, Range 42; Audubon Township. PID No. 02.0230.001.

Bedford explained the application to the Board. There would be six lots. Walz, surveyor, explained that the cul-de-sac would be “P” shaped. Walz stated that this designed was used due to the boundaries of the plat and layout of the lots. There would not be any expansion in this area to warrant a different type of cul-de-sac or the possibility of a through road.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Grant, Soil & Water Conservation, stating that there were no wetlands present; and Bob Merritt and Dave Barsness, DNR, in opposition to the application. The DNR suggests denial or allow a planned unit development or a central access lot for all lots. At this time, testimony was closed.

Bedford stated that the lot lines could be adjusted, giving Lot 2 all the lakeshore from Lot 1, making Lot 1 a non-riparian lot. This would eliminate the concerns of the DNR.

Further discussion was held regarding the suggested change in the lot lines, lot sizes, lake access and slopes.

**Motion:** Miller made a motion to approve the change of zone from agricultural to residential and approve the preliminary plat consisting of six (6) lots with the stipulation that the lot line between Lots 1 & 2 be changed to make Lot 1 a non-riparian lot by giving all the lakeshore to Lot 2. Johnston second. All in favor. Motion carried.

**SEVENTH ORDER OF BUSINESS: Dennis Nelson.** Requests approval of a certificate of survey consisting of two parcels, 4.52 acres & 10.4 acres in size for the property described as Pt of Govt Lot 2, Section 11, TWP 138, Range 43; Cormorant Township. PID No. 06.0168.001.

Nelson explained the application to the Board. Nelson would like to the sell the property East of the road and keep the property to the West of the road. The road naturally splits the property. Since the parcel West of the road was less than 5 acres in size and within the shoreland district, the certificate of survey had to be approved by the Planning Commission and County Board.

Discussion was held regarding the type of road, contiguous lots and road separation.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Grant, Soil & Water Conservation, regarding the wetlands. At this time, testimony was closed.

Further discussion was held regarding the lot size, road type, natural road separation of the property and the wetlands.

**Motion:** W. Johnson made a motion to approve the certificate of survey based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Skarie second. All in favor. Motion carried.

**EIGHTH ORDER OF BUSINESS: Final Plat of the Rearrangement of Cormorant Lakes Estates East, Jeff Aafedt developer.**

Moltzan stated that the final plat has been submitted and everything is in order. The preliminary plat was approved for the rearrangement of Lots 1, 2, 6, 7 & 8; Block 2; Cormorant Lakes Estates East. This was approved in August 2003.

**Motion:** Miller made a motion to approve the final plat of the Rearrangement of Cormorant Lakes Estates East based on the fact that the final plat meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Brufloft second. All in favor. Motion carried.

**NINTH ORDER OF BUSINESS: Informational Meeting.**

The next informational meeting is scheduled for January 15, 2004 at 8:30 a.m. at the Planning & Zoning Office.

Moltzan reminded the Board Members to submit their vouchers prior to the end of the year.

Discussion was held amongst Board Members regarding possible future changes in the Ordinance dealing with marginal lakeshore. Seaberg stated that Patty Johnson is trying to get committees formed to begin this work.

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

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James Kovala, Chairman

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Jeff Moritz, Secretary

ATTEST

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Patricia L. Johnson, Zoning Administrator