

Becker County Planning Commission
June 21, 2005

Present: Members Don Skarie, Mary Seaberg, Harry Johnston, John McGovern, Ken Christianson, James Kovala, Jim Bruflodt, Waldo Johnson, John Lien, Ray Thorkildson, Commissioner Larry Knutson, Zoning Administrator Patricia Johnson, and Zoning Staff Debi Moltzan.

Chairman Kovala called the meeting to order at 7:00 p.m. Debi Moltzan took the minutes. Kovala explained procedure and explained that the Planning Commission is a recommending board and that the recommendations of the Planning Commission would be acted upon by the County Board of Commissioners on Tuesday, June 28, 2005.

Minute Approval. Bruflodt made a motion to approve the minutes from the May 2005 meeting. Lien second. All in favor. Motion carried.

FIRST ORDER OF BUSINESS: GRB Financial. Requests approval of a certificate of survey consisting of one tract to be divided into two tracts and a change of zone from agriculture to residential for the property described as: Pt of NE ¼ & Gov Lot 2 Tract B & Lot 3, Block One McLaughlin Beach; Section 32, TWP 138, Range 41. PID Number 19.1463.303 & 19.0625.005.

The application was explained by Scott Walz, surveyor. Walz explained that when the original survey was done, Tract B was attached to Lot 3 of McLaughlin Beach, which did not require a public hearing. GRB Financial, along with the new owners of the property, would like to have each lot as individual buildable lots. Each lot size meets the criteria of the Zoning Ordinance and Subdivision Ordinance and is consistent with the surrounding area.

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 location and lot size.

Motion: W. Johnson made a motion to approve the change of zone from agricultural to residential and approve a certificate of survey to allow one tract of land to be divided into two tracts of land based on the fact that the tracts met the criteria of the Zoning Ordinance and Subdivision Ordinance. Johnston second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Jeffrey Boehm. Requests approval for a change of zone from residential to commercial for a five-acre tract in the SW corner of Govt Lot 4; Section 4, TWP 138, Range 41; Lake View Township. PID Number 19.0047.000.

No one was present to explain the application to the Board. Kovala stated that the application would be placed at the end of the agenda to allow applicant time to arrive at the meeting.

THIRD ORDER OF BUSINESS: Jason Fischer. Request approval for a change of zone from agricultural to residential and approve a preliminary plat consisting of twenty (20) lots for the property described as: Pt of Govt Lot 6; Section 30, TWP 139, Range 42; Audubon Township. PID Number 02.0210.000.

Fischer explained the application to the Board. The plat would be a lot and block subdivision with limited lake access. Fischer felt that this would have the least amount of impact on the lake. The wetlands would be protected through a protective easement. The lots, with areas marked in yellow, would be allowed a 30 ft access area to the lake. The entire red area would be placed in a shoreline protective easement. Lot 1,2,and 3 would not have direct access to the lake. To access the lake, they would be allowed to use Lot 11. A footbridge would be constructed over the wetlands, protecting the wetlands. Boats will not be allowed to be launched from Lot 11, but there would be boat mooring for the owners given access through Lot 11. Each lot exceeds the minimum lot size. If the lots were made to be the minimum lot size, 24 lake lots would be allowed.

Kovala questioned if the back lots would have lake access through Lot 11. Fischer stated that they would. Kovala questioned if there would be a marina on Lot 11. Fischer stated that there would be a marina on Lot 11 for those owners given lake access through this lot. Knutson questioned the lake frontage on Lot 11 and stated that he was not able to view the property correctly because the lots were not identified and the proposed road location was not marked. Knutson stated that it is a hard sell when one cannot see where things are to be placed. W. Johnson questioned if the current township road would be upgraded. Fischer stated that he did not know if the road would be upgraded because he has not talked to the township, but he is open to suggestions. McGovern questioned where the parking was for those using the access lot. Fischer stated that they would be parking on the cul-de-sac. Christianson questioned why the parcel to the east was left out of the plat. Fischer stated that it is a five-acre parcel, which he planned to build on before the plat was final.

Speaking in favor of the application was Jason Kirwin, West Central Environmental Consultants, stated that the environmental concerns that arose during the EAW process have been addressed. Fischer agreed to change the plat to meet these concerns.

Speaking in opposition to the application were:

Jim Renslow, Rick White, Luann Porter and Rick Ellsworth, Supervisor of Audubon Township. Ellsworth stated that the Township will not tolerate cul-de-sacs because their maintainer will not maintain them; the road is designed poorly; 175th ST needs upgrading and the Developer has not talked to the township regarding the development, road design, and maintenance.

Kovala questioned what the township thought of 175th St and 180th Ave. Ellsworth stated that both roads need much upgrading; the roads cannot handle this type of a development. Lots should be either reconfigured or eliminated to make a circular road.

The Board discussed, with Ellsworth, the townships involvement with the project so far, the types of roads the township allows and the types of dead end roads the township allows. Christianson suggested that the developer should get together with the township and discuss the road issues before going any further.

Written correspondence was received from: Jay Carlson, attorney for the Twp; Brad Wentz, Becker County Highway Department; Tammy Nordgard, attorney for Little Cormorant Lake Association. At this time, testimony was closed.

Further discussion was held. Brufloft stated that he had questions on upgrading 180th and 175th; he doesn't like the back lots or the access lot; and questions if a bridge can be constructed Lot 11 and if a marina could be put in for boat docking. W. Johnson felt that the developer and township should meet to settle the difference. Kovala suggested that Fisher meet with the twp board to resolve the differences. Knutson stated that the developer can table the application for an indefinite period of time and may want to do that to resolve these issues.

At this time, Fisher asked to postpone the application. Ellsworth stated that the next Township Board meeting would be July 7, 2005.

Johnston suggested that the 90-degree angles be removed from the road and that the 5-acre tract be included in the plat.

FOURTH ORDER OF BUSINESS: Winton Johnson. Request a change of zone from agricultural to high density residential and a conditional use permit to allow a residential planned unit development consisting of 13 units for the property described as: Pt of Govt Lot 1; Section 33, TWP 138, Range 41; Lake View Township. PID Number 19.0647.001.

Brant Beeson, attorney for Winton Johnson and Lightowler, Johnson Associates, explained the application to the Board. This application was filed under the former ordinance and the former ordinance regulations apply. An EAW was completed and an EIS was ordered. An amendment was done on the plan and the EIS was terminated. Changes included decreasing the amount of dirt work to be done, creation of a sediment pond and a permanent dock that will not be removed, which would be constructed over the cattails to open water. There will be a conservation easement for the entire lakeshore area except the dock area. There will be trees and vegetation to screen the development from the lake. The soil is very sandy with minimal topsoil, which makes the project more suitable for development. Covenants will be in place, no snowmobiles will be allowed in the development, there will be a common septic system, with each unit having their own septic tank.

Kovala questioned the removal of the dock. Winton Johnson stated that the portion over the vegetation will be permanent; the slips or the "T" will be removed annually by means of floating it to the public access and storing off premise.

Beeson stated that the project meets the criteria of the former ordinance and meets most of the criteria of the new ordinance.

McGovern questioned the number of homeowners currently on the lake and if there are floating bogs on the lake. Beeson stated that there are about 14 to 15 homeowners on the lake and that there are some floating bogs.

No one spoke in favor of the application. Speaking in opposition to the application were: Sandy (Dahring) Cossette; Rick Wirth; Henry Carpenter; Gail Hahn, Lake View Township; Robert Brolin; Don Hennen; Shorty Marthaler; Barb Dahring; and Karen (Dahring) Saba. Consensus of the group is that the development is too large for the lake; an EIS should still be conducted on the project; the lake is more natural environment in character, not recreational development; the lakeshore along the bluff should not be considered in the calculations of the project; lake has deteriorated with increased public access use; public access cannot be controlled but development can.

Written correspondence was received from: Marcy Blackburn, Henry Carpenter, Karen Saba, Rick Wirth, Jerry Bugliosi, Valerie Nelson, and Russell Sauer, all in opposition to the application.

At this time, testimony was closed.

Further discussion was held. Johnston stated that there are 17 acres in this project, which includes the road right of way and bluff area that is not useable; the project should be based on the useable area on the north end; with 700 ft of frontage, this would change the density to three units. Knutson agreed with Johnston and that the lake is more natural environment than recreational development; and the cul-de-sac should have a 75 ft radius. McGovern agreed. Thorkildson agreed. Lien agreed. W. Johnson agreed, Brufloft agreed. Christianson agreed. Discussion was held regarding the road. P. Johnson stated that a road within a PUD is a private road. Further discussion was held regarding the bluff area, useable area and suitability.

Motion: Thorkildson made a motion to deny the change of zone and conditional use permit for a planned unit development based on the fact that the land is not suitable for this type of development. McGovern second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Jeffrey Boehm. This application had been postponed earlier in the meeting.

Boehm explained the application to the Board. The request is to change the zone from residential to commercial for a 5-acre tract located near the intersection US Hwy 59 and County Road #6. If the property is rezoned to commercial, the company, Paul Davis

Restoration, would relocate to this site. The house would be renovated for offices and displays and the sheds would be used for warehouses. Paul Davis Restoration is a licensed general contractor, of which most of the work is done off premise.

Christianson questioned how many acres Boehm owned. Boehm stated that there is 95 acres, of which 5 acres would be rezoned. Knutson questioned if there would be a residence on the property. Boehm stated that there would not be, the existing house would be converted to offices.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence was either for or against the application. Gail Hahn, Lake View Township, stated that the township had no opposition to the application. At this time, testimony as closed.

Further discussion was held regarding location and compatibility.

Motion: Christianson made a motion to approve the change of zone from residential to commercial for the 5-acre tract, as described in the application, based on the fact that the request is compatible with the surrounding area. Seaberg second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Final Plat of Preserve at Two Inlets, Naterra Land, developer.

P. Johnson stated that the preliminary plat was approved in May 2005 for 21 lots. Everything is in order for final approval.

Scott Seeley, Naterra Land, stated that they have met with the Township Board regarding the toad and they have made one change in the covenants, tightening up use of watercraft on the lake.

Motion: Johnston made a motion to approve the final plat of Preserve at Two Inlets based on the fact that the plat does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Thorkildson second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Final Plat of Ice Cracking Lakeshore Estates, Richard Lesage, developer.

P. Johnson stated that the preliminary plat was approved July 2004 for four lots, two riparian and two non-riparian. Everything is in order for final approval.

Motion: Brufloft made a motion to approve the final plat of Ice Cracking Lakeshore Estates based on the fact that the plat does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Skarie second. All in favor. Motion carried.

EIGHTH ORDER OF BUSINESS: Informational Meeting.

P. Johnson explained that the next informational meeting was scheduled for Thursday, July 14, 2005 at 8:30 a.m. at the Planning and Zoning Office. P. Johnson also stated that the July 19, 2005 meeting will follow this tentative agenda:

5:00 pm – open forum on upcoming ordinance changes

6:00 pm – public hearing for ordinance changes

7:00 pm – regular monthly meeting of the Planning Commission

Since there is no further business to come before the Board, W. Johnson made a motion to adjourn the meeting. Bruflodt second. All in favor. Motion carried. Meeting adjourned.

_____ ATTEST _____
James Kovala, Chairman Jeff Moritz, Secretary

Patricia Johnson, Administrator