

Becker County Planning Commission
September 18, 2012

Present: Jim Kovala, Harry Johnston, Jeff Moritz, John Lien, David Blomseth, Jim Bruflo, Ray Thorkildson, Mary Seaberg, Mary Seaworth, Commissioner Larry Knutson, Zoning Administrator Patricia Swenson and Zoning Staff Debi Moltzan.

Chairman Bruflo called the meeting to order at 7:00 p.m. Debi Moltzan took minutes.

Kovala made a motion to approve the minutes from the August 21, 2012 meeting. Blomseth second. All in favor. Motion carried.

Bruflo explained the protocol for the meeting and explained that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, September 25, 2012.

FIRST ORDER OF BUSINESS: David Munsinger. Request approval of a certificate of survey to allow two tracts of land and a change of zone from commercial to residential for the property described as: Pt Govt Lot 4; Comm W Qtr Cor Sec 7, N 1269.61 ft to POB, S 591.43 ft, E 619.15 ft, SELY 446.03 ft to Str Lk, NELY & NLY AL LK 976.22 ft, W 1174.30 ft to POB, AKA Tract C, Section 7, TWP 140, Range 36, Osage Township. PID Number 21.0040.000. The property is located on Straight Lake at 26681 W Straight Lake Ave.

Scott Walz, Meadowland Surveying, explained the application to the Board. Munsinger would like to subdivide his property into two tracts, each tract well exceeding the minimum requirements for lot width and area. Munsinger's intentions are to keep the southerly tract and sell the northerly tract.

Kovala questioned where Munsinger will be living and if it is in the old boathouse, is the septic system up to date. Walz stated that the State Statute allows that structure to remain and that the cabin is independent of the application. Swenson stated that no permits are required for interior remodeling or maintenance such as shingles, siding and paint.

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 and further discussion was held.

Motion: Kovala made a motion to approve the certificate of survey to allow two tracts of land (C1-8.5 acres and C2-9.6 acres) and the change of zone from commercial to residential based on the fact that it meets the criteria of the Zoning Ordinance and that the zoning was from an old resort that is no longer in business. Lien second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Joyce Omang. Request a conditional use permit to allow horses on a five (5) acre tract within the shoreland district of a natural environment lake for the property described as: Pt SW ¼; Comm SW Cor SE ¼, E 997.11 ft to POB; N 653.06 ft, E 328.16 ft, S 653.14 ft W 338.56 ft to POB, Tract A, Section 16, TWP 138, Range 41, Lake View Township. PID Number 19.0336.000. The property is located on West Twin Lake at 25674 130th St.

Omang explained the application to the Board. This property is next to her home and is five (5) acres in size.

Swenson handed out pasture information from the University of MN and stated that the Ordinance does not regulate how many acres are required for a certain number of animals.

Brufloft questioned how many horses would be on the property and how the manure would be disposed of. Omang stated that there would be three (3) horses and the manure would be taken to the Township compost site and she would be willing to put up a lean to type shelter for the horses.

Lien questioned if Omang knew where the 300 ft setback from the lake was in order to begin her fence. Omang stated that she did know where that was and would make sure to keep the fence a minimum of 300 ft from the lake.

Johnston questioned if the Township would allow her to dispose of the manure in the compost site. Omang stated that they did allow her before. Knutson stated that she should check with them again before doing so.

Ken Shroyer, Lake View Township Supervisor, stated that the Township has no objections to the application as long as the County regulations are followed.

Lisa Piche, realtor, stated that she sold Omang the property and that they were guaranteed horses could be put on the property and that it was only recently that the 'lake' was really a lake. Omang's horses are being kept at Piche's house and the Omang's are great horse people who take good care of their animals.

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

Brufloft felt that the number of horses should be limited to three (3) and that this application request was not the same as the previous request by Omang. Lien felt, that after viewing the property, the area should be adequate for three (3) horses as long as they are kept a minimum of 300 ft from the lake.

Motion: Seaworth made a motion to approve a conditional use permit to allow three (3) horses on this property with the stipulation that the pasture area be kept a minimum of three hundred (300) feet from the lake based on the fact that the use would not be detrimental to the surrounding area. Seaberg second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Jeff Laliberte. Request a conditional use permit to replace an existing retaining wall along the shoreline for the property described as: Lot 4, Block 1, Wermager Beach 1st Addition, Section 14, TWP 138, Range 43, Cormorant Township. PID Number 06.1143.000. The property is located on Big Cormorant Lake at 15795 Wermager Beach Rd.

Laliberte and Rich Lahren, Hebron Brick, explained the application to the Board. There is an existing retaining wall and patio that is failing and needs repair. Last year, Ellis Peterson, Cormorant Watershed, and Debi Moltzan, Becker County Planning and Zoning, met on the property with Lahren to look at the situation and discuss options. As a result of that meeting, a plan was drawn up to stabilize the rip rap, remove the patio, install a new wall, which would be a two tier system instead of one tier, and move the patio to the second tier. This design would mean less dirt movement, better stabilization and would be safer. The patio is falling into the water and would like to replace the patio the same size. The water use to be about 10 to 15 feet further into the water, but has risen over the years and the wave action and ice has caused damage to the shoreline.

Discussion was held regarding the location of the patio and retaining wall, the condition of both, the elevation of the lot, if the patio could be allowed as a water-oriented structure and what the definition of a water-oriented structure was.

Brufloft questioned if they thought about mitigation or plantings to hide the wall. Lahren stated that they had talked about it but did not include it in the plan. Lien felt that this was more than replacement, that it was a total rebuild. Brufloft felt that footings should be put under the retaining wall, remove the fire pit, remove the patio, fix the riprap and put in plantings, and then he could probably go along with the plan. Further discussion was held on the height of the wall, elevation differences between the lake, patio and wall, if a two tiered wall system would be better than a one-tier wall.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Cormorant Township with no objections to the project. At this time, testimony was closed and further discussion held.

Discussion included replacing the sand area with grass and plantings, moving the wall further from the lake, reducing the size of the patio, removing the patio, removing the fire pit, using more natural material, the 60 day rule, timing of the application in conjunction with the weather and options if the Board tabled the application, acted on the application or if the applicant tabled the application.

At this time, Laliberte requested to table his application to a later date.

FOURTH ORDER OF BUSINESS: Ron Schmitz. Request approval of a preliminary plat consisting of ten (10) back lots that will be connected by deed to adjacent lake lots (the parcels cannot be sold one away from the other), with Lot 10 not having buildable area due to setbacks from the natural environment lake. The property description is Pt SE ¼; Comm E Qtr Cor Th S 871 ft to POB, Th W 350 ft, S 174 ft, Th W 1243.83 ft, S to Intersection Sec 28 & 33, Th E 1537.24 ft to SE Cor Sec 28, Th N 1769.30 ft to POB, Section 28, TWP 138, Range 43, Cormorant Township. PID Number 06.0401.002. The property is near 11264 W Lake Ida Lane.

Scott Walz, Meadowland Surveying, explained the application to the Board. The ten back lots would be attached by deed to the lake lots across the road. The buyer of Lot 10 does know that there is no buildable area but still wants the lot for storage, etc. Walz stated, that if approved, it would be stated on the final plat that Lot 10 is not buildable.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Cormorant Township with no objections to the application. At this time, testimony was closed and further discussion was held.

Johnston questioned if a guesthouse could be built on the back lot. Swenson stated no, not unless the lot met duplex size, there could be that possibility in the future, but not the case in this situation. Johnston questioned if the structure(s) built on this lot would have to comply with the 25% impervious coverage. Swenson stated that no more than 25% could be covered with impervious material.

Motion: Johnston made a motion to approve a preliminary plat of ten (10) back lots that will be connected by deed to adjacent lake lots (the parcels cannot be sold one away from the other) with Lot 10 not having buildable area due to the setbacks from the natural environment lake, based on the fact that it does meet the criteria of the Zoning Ordinance. Kovala second. All in favor. Motion carried.

At this time, Swenson explained that the final plat could also be approved for this plat.

Motion: Moritz made a motion to approve the final plat for ten (10) back lots that will be connected by deed to adjacent lake lots (the parcels cannot be sold one away from the other) with Lot 10 not having buildable area due to the setbacks from the natural environment lake, based on the fact that it does meet the criteria of the Zoning Ordinance. Lien second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Gerald Behlmer. Request a conditional use permit to allow a pet cremation service for the property described as: that Pt SE ¼ SE ¼ in Foll Desc: Beg 989.39 ft W of SE Cor SE ¼; Th S 80.5 ft, SE 281.61 ft, N 490 ft, E 278.14 ft & S 367.88 ft to Beg, Section 20, TWP 139, Range 40, Erie Township. PID Number 10.0315.001. The property is located at 30730 179th St.

Behlmer and Cheryl Kohler explained the application to the Board. The service would be housed in an existing building. They have had good feed back on the potential service. The closest service is in Mayville ND and when they needed the service, it took four (4) weeks to get the remains of their pet back. Kohler has been in contact with local veterinarians about the service.

Brufloft questioned what happened to the euthanized animals now. Kohler stated that if the owners did not take them home to be buried or sent out for cremation, they were sent to the landfill. Johnston stated that the next service needed in this area was a pet cemetery.

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 and further discussion held.

Motion: Kovala made a motion to approve a conditional use permit to allow a pet cremation service based on the fact that it would be a useful service to the community and would not be detrimental to the surrounding area. Thorkildson second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, October 11, 2012 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

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

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Swenson, Zoning Administrator