

**Becker County Planning Commission
December 10, 2019**

Members Present: Chairman Jim Bruflodt, Vice Chairman John Lien, County Commissioner Larry Knutson, Mary Seaberg, Jeff Moritz, Dave Blomseth, Brian Bestge, Ray Thorkildson, Bob Merritt, Zoning Administrator Kyle Vareberg and Zoning Technician Joseph Doll. **Members Absent:** James Kovala, Harry Johnston, John Skarie.

Chairman Jim Bruflodt called the Planning Commission meeting to order at 7:00 pm. Introductions were given. Becker County Planning and Zoning Technician Joseph Doll recorded the minutes.

Dave Blomseth made a motion to approve the minutes from November 12, 2019. Bob Merritt second. All members were in favor. Motion carried.

Chairman Jim Bruflodt explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action.

Old Business:

1. **APPLICANT: Richard & Dana Laine** 20781 Co Rd 117 Osage, MN 56570
Project Location: 20781 Co Rd 117 Osage, MN **LEGAL LAND DESCRIPTION: Tax ID number: 33.0118.000** Section 10 Township 139 Range 038 LOT 1 & SW1/4 OF NW1/4 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a Commercial Planned Unit Development (PUD) to have 14 RV sites with no docking or mooring spaces. Tabled from the November 12th, 2019 Hearing.

Kyle Vareberg introduced the application.

Tom Winters explained the application, focusing mainly on the changes made from last month. Winters stated that the dock system and beach area have been removed from the permit request, leaving people no reason to cross the road. Winters also stated that the applicant would be willing to put no trespassing signs in place. Winters pointed out the request still includes the fence along the road and stated that park rules would not allow use of the property across the road. Access to the lake would be through public access points. Park rules would also state tenants are not allowed to park boats on the shore.

Winters also addressed the issue of allowing commercial use in a residential area and pointed out this is the purpose of a CUP, he noted that the board can place restrictions on the permit. Winters stated that this board routinely approves CUP's in residential and agricultural areas and gave a few examples.

Jim Bruflont asked if the signs would be posted on both sides of the road. Winters indicated that the applicant would adhere to the conditions set by the board.

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48 Mary Seaberg asked how the County would enforce the no boating conditions. Winters
49 indicated the applicant would be responsible for doing his part to enforce park rules.

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51 Members of the public spoke to this application.

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53 Terry Ball talked about the amount of research done before purchasing her home. She
54 also voiced her concerns about the RV park having a negative effect on the tax value of
55 homes in that area.

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57 Bob Merritt asked Terry if she was saying that she bought her property knowing the
58 property across the road was zoned residential and if that was the reason, she had
59 purchased it. Terry replied, exactly, if there was already an RV park there we would
60 have drove right by.

61

62 Lori Mitchell stated her objections to the request, she asked why anyone would want an
63 RV site near a lake without lake access. Lori stated she thinks the applicant has another
64 plan in place to get around this issue. Even without the dockage it should not be
65 approved.

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67 Clark stated that his view of removing the docking system is a weak attempt to
68 circumvent the fact that if no dock is approved Rick can still provide all the lake access
69 he wants. Clark stated he spoke with both Nathan Kestner of the MN DNR and Zoning
70 Director Kyle Vareberg, he indicated both acknowledged that neither the Minnesota
71 Shoreland Rules or the County Zoning Ordinance prohibit someone from allowing lake
72 access to the public. Clark then referred to his paper hand out and claimed Richard had
73 allowed lake access on his property to current RV renters.

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75 Bob Merritt asked Clark if he was claiming Richard would allow lake access from a
76 different property. Clark stated that he feels that Richard would.

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78 Patty Swenson stated her concerns about the application and feels it would be unrealistic
79 that RV tenants will not use the shoreline for recreation. She said no measures have been
80 proposed for the safety of RV tenants and the general public. Swenson said the applicant
81 has not satisfied his burden of proving the use is consistent with public health, safety and
82 welfare. She stated the proposed use is commercial and the area is predominantly
83 residential. She asked the board to look at in this light, and said this a poor location for
84 such a use. She said the proposed use will interfere with the use and enjoyment of
85 neighboring properties and is not consistent with public welfare. Her examples were
86 existing RV's are unkept, nuisances. Outside storage is unsightly and can be seen clearly
87 from the road and the lake. Animals are not leashed (caused an accident). Current RV
88 tenants park in the R.O.W and other users have parked directly on Cty Rd 117
89 continually. This will only increase the nuisances and the safety issues of the road adding
90 14 additional units (families).

91 Swenson said the applicant stated at last month's meeting they will be on-site (which she
92 would understand to mean that they would be within the campground continually). Their
93 home is ¼ mile (approx.) up the driveway that does not qualify (in her mind) as watching
94 and managing your tenants. Furthermore, there can be no enforcement of the proposed
95 campground rules unless the applicant is present continually. Swenson said the property
96 was zoned by Becker County residential in 2004 based on the fact that it was compatible
97 with the surrounding area. Not one resident opposed the change of zone but instead
98 welcomed it. She said they purchased their property in 2009 after much research. They
99 purchased their retirement home for ½ million dollars and now they want a trailer park
100 adjacent to our land. They have not provided any facts that our property values will not
101 be affected. We would not have bought our home if there was an existing campground in
102 place adjacent to our land. Again, the applicant has not provided any facts to support
103 commercial use in residential zone property. She said she believes allowing commercial
104 use in residential zone property without facts or evidence is arbitrary and capricious.
105 Furthermore, the precedent the approval would be setting would directly impact all of
106 Becker County. Residential zoned properties would no longer have protection from
107 commercial or industrial uses in a residential area. Swenson stated she disagrees with the
108 Laine's Attorney, Becker County has approved CUP's in residential areas such as beauty
109 salons in home, taxidermy in a shop, or storage facilities but nothing high density
110 commercial.

111
112 Denis Nerud asked who would be responsible for policing the rules.

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114 Steve Mitchell asked about penalties for not following the guidelines of the CUP.

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116 Jim Brufloft stated the county has the authority to revoke the CUP.

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118 Kyle Vareberg read the written correspondences from Jen Thompson, Mandy Erickson,
119 Barbara and William Franke, Yvonne and Arlen Kangas, Al and Julie Neske, and
120 Michele and Terry Sabby.

121
122 Testimony was closed

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124 Larry Knutson wanted to clarify a point about not comparing one CUP to another.

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126 Bob Merritt asked Larry Knutson if it would be realistic to expect that the board would
127 force the CUP to stop if the conditions of the permit were not being met.

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129 Larry Knutson stated it would be very unlikely that the board would ever revoke a CUP.

130
131 Richard Laine spoke about his application and some of the claims made by others at the
132 meeting. Richard pointed out to the people that had concerns about tax values that they
133 all bought property next to a 100-cow dairy farm. He also addressed the claims that he

134 would let people use his other property to access the lake, stating that he welcomed the
135 idea of not having a docking system to pay for and maintain.

136

137 **MOTION: Bob Merritt made a motion to deny the application based on the fact**
138 **that verbal and written testimony showed residents bought property in a residential**
139 **area, that commercial use is not compatible with a residential area, and that**
140 **restricting lake access from the park occupants is unreasonable and not enforceable.**
141 **Mary Seaberg second. Those in favor of the motion were Merritt, Seaberg, Lien,**
142 **Thorkildson, Moritz. Those opposed were Blomseth and Bestge. Motion carried.**

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145 **New Business:**

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147 No new business came before the board.

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149 **OTHER BUSINESS: Informational Meeting:** The next informational meeting is
150 scheduled for January 8th, 2020 in the Third Floor Meeting Room of the Original
151 Courthouse.

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153 **Since there was no further business to come before the Board, John Lien made a**
154 **motion to adjourn. Mary Seaberg seconded. All in favor, motion carried. The**
155 **meeting adjourned.**

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158 _____
Jim Bruflo dt, Chairman

_____ **Jeff Moritz, Secretary**

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160 ATTEST _____

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Kyle Vareberg, Zoning Administrator