

Becker County Planning Commission
November 9th, 2021

Members Present: Chairman Dave Blomseth, County Commissioner Larry Knutson, Ray Thorkildson, Tommy Ailie, Kohl Skalin, Mary Seaberg, Jeff Moritz, Craig Hall, and Zoning Director Kyle Vareberg. **Members Absent:** Brian Bestge, Chuck Collins, and Harvey Aho.

Chairman Dave Blomseth called the Planning Commission meeting to order at 6:00 pm. Introductions were given. Becker County Zoning Office Support Specialist Nicole Hultin recorded the minutes.

Jeff Moritz made a motion to approve the minutes from the October 12th, 2021, meeting. Seaberg second. All members in favor. Motion carried.

Chairman Dave Blomseth 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.

New Business:

- 1. APPLICANT: Scott L McConkey** 26626 Whiskey Creek Dr Detroit Lakes, MN 56501 **Project Location:** 26626 Whiskey Creek Dr Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID number: 24.0084.001 Section 11 Township 140 Range 041; 11-140-41 S1/2 NW1/4 NW1/4; SW1/4 NW1/4 W OF RD; PT GOVT LOT 4; COMM NE COR SEC 10, W 168.4', SELY AL RD 1266.7', SE 425.1 TO W LN GOVT LOT 4 TO POB; SE 459.3', SW 435', N AL W LN GOVT LOT 4 TO POB (2.1AC). **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from agricultural to residential for a tract of land approximately 2.2 acres in size with the remainder of the parcel to stay agricultural.

Scott McConkey presented the application.

McConkey explained that in 1993 he bought that section of land at 2.2 acres, and then combined it with his existing parcel. He stated that now he would like to downsize and move onto the 2.2 acres and sell the larger parcel.

Knutson explained that there were substandard lots before the creation of the Becker County Planning and Zoning department in 1971. Since McConkey had combined the lots, any new agriculturally zoned parcel would need to be at least 2.5 acres to be in compliance with the ordinance. That is why McConkey needs to request this change of zone.

Skalin spoke in favor of the application.

47 Hall asked if the parcel was zoned residential when McConkey bought it in 1993, and if
48 he had changed it to agricultural when he combined the two.

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50 McConkey stated no, it was agricultural.

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52 Seaberg asked McConkey if he would need to have a new survey done to split that
53 section back off the existing parcel.

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55 McConkey stated no, he should be able to use the legal description from a deed before
56 the parcels were combined.

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58 Vareberg stated that has been allowed in the past.

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60 Seaberg commented that it seemed like taking anything less than 2.5 acres and changing
61 it to residential in an area surrounded by agriculturally zoned parcels would be spot
62 zoning.

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64 Skalin stated that this situation does not meet the definition of spot zoning.

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66 McConkey stated that if he were to make it 2.5 acres it would cut into the cornfield in a
67 way that would make it harder for equipment to maneuver around that property line.
68 Although he owns the property now, his intention is to sell it either to family or someone
69 else.

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71 Hall recommended adjusting it to be 2.5 acres so there wouldn't be need for a zone
72 change.

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74 Skalin commented that in doing so you're asking the homeowner to give up and extra
75 one-third (1/3) of an acre, and every acre counts.

76
77 Knutson stated that you don't change the ordinance because of financial gain.

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79 Skalin stated again that it is not spot zoning.

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81 Knutson said that it is according to the Becker County definitions.

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83 Skalin asked where he can find the definition through Becker County, and then read a
84 legal definition he had of spot zoning regarding cities and counties, that read:

- 85 • Has no supporting rational basis that relates to promoting public welfare.
86 • Establishes a use classification inconsistent with surrounding uses and creates an island of
87 nonconforming use within a larger zoned district (for example one lot where industrial uses
88 are permitted in an otherwise residential zone).
89 • Dramatically reduces the value for uses specified in the zoning ordinance of either the
90 rezoned plot or abutting property.

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93 Regarding that description Skalin stated that there is no financial gain to be had here and
94 that McConkey is not creating an island.
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96 Knutson stated that there are no other residentially zoned properties in that area.
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98 Skalin asked what Knutson defines as an area.
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100 Knutson said in that vicinity, not counting riparian lots, there are no residentially zoned
101 parcels.
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103 Skalin argued that is only the case because the county was blanket zoned agricultural
104 many years ago.
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106 Knutson stated the reason for that was because there is a difference between urban and
107 rural areas.
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109 Knutson insisted that zoning that parcel residential would in fact be creating an island.
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111 Skalin also stated that that is does not decrease the values of the existing or rezoned
112 parcel.
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114 Knutson said that it could.
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116 Skalin stated that property previously had a house on it, and that changing the zone is not
117 going to change anything about how that parcel is used. It will be used just like it was
118 before they were combined.
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120 Knutson commented that what McConkey wants to do could be easily remedied without
121 a zone change by splitting off 2.5 acres instead of the proposed 2.2 acres.
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123 Knutson also stated that county does have a precedent set that considers this to be spot
124 zoning.
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126 Testimony closed.
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128 Ailie commented that since the request is to go back to what it was, that it is worth
129 considering.
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131 Blomseth agreed.
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134 **MOTION: Ailie motioned to approve the application; Skalin second.**
135 **Thorkildson, Skalin, Moritz, Seaberg, Ailie in favor. Hall opposed. Motion**
136 **carried.**
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2. APPLICANT: Grethe Winther Beyer RLT 46788 Foss Rd Osage, MN 56570 Project Location: 53351 St Hwy 34 Osage, MN 56570 LEGAL LAND DESCRIPTION: Tax ID number 21.0303.000 Section 30 Township 140 Range 036; PT NE1/4 NW1/4 &PT SE1/4 NW1/4 COMM N QTR COR, S 673.58' TO POB; SW 659.81', S 1842', E 633.88', N 2009.27' TO POB. TRACT B. APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to operate a manufacturing facility.

Ronald Chilton presented the application

Skalin asked if there was an existing Conditional Use Permit on this property for manufacturing.

Knutson stated there is a Conditional Use Permit for a Flea Market.

Testimony Closed.

MOTION: Skalin motioned to approve the application; Moritz second. Roll Call. All in favor. Motion carried.

Other Business:

D) **Tentative Date for Next Informational Meeting: December 1st, 2021; 8:00 am; 3rd Floor Meeting Room in the Becker County Courthouse, Detroit Lakes, MN.**

Since there was no further business to come before the Board, Thorkildson made a motion to adjourn. Ailie second. All in favor. Motion carried. The meeting adjourned at 6:21 pm.

David Blomseth, Chairman

Jeff Moritz, Secretary

ATTEST

Kyle Vareberg, Zoning Administrator