

Becker County Planning Commission
March 20th, 2012

Members Present: Harry Johnston, John Lien, Jim Bruflodt, Commissioner Larry Knutson, John McGovern, Jeff Moritz, Mary Seaberg, David Blomseth, Zoning Administrator Patty Swenson and Zoning Technician Julene Hodgson.

Chairman Bruflodt called the **Notice of Intent to Amend Ordinance** meeting to order at 6:00 p.m. Zoning Technician Julene Hodgson recorded minutes.

Chairman 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 on March 27th, 2012.

FIRST PURPOSE OF BUSINESS: To amend Chapter 5, Section 2, Subp. D. Subject Matter: Detached accessory building not a guest cabin and Chapter 7, Section 3, Subp. B. Subject Matter: Accessory Structure Use, Height Limit, and Size Limit.

Swenson read and explained the proposals to the Board.

COLA representative John Postovit spoke in favor of the proposals. He stated although this would eliminate the size percentage formula that was meant to control size of the accessory structures, this proposal still has a maximum limit of size that can be constructed and the overall 25% lot coverage will also limit the size that can be allowed/constructed on the property.

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

It was the concensus of the Board that the proposed language will simplify the accessory structure area of the Ordinance.

There was no further discussion by the Commission.

Motion: Johnston made a motion to approve to amend Chapter 5, Section 2, Subp. D. Subject Matter: Detached accessory building not a guest cabin as submitted and to amend Chapter 7, Section 3, Subp. B. Subject Matter: Accessory Structure Use, Height Limit, and Size Limit. Seaberg second. All in favor. Motion carried.

SECOND PURPOSE OF BUSINESS: To amend Chapter 8 Section 4, Subp. E Subject Matter: Road Frontage Requirement.

Swenson read and explained the proposal to the Board.

No one spoke in favor of the application. Gary Larsen spoke against the proposal. He stated there is confusion in the Ordinance and the requirements may not allow

development or ease of transfer of property. He felt this doesn't deal with public roads, just driveways and does not think the wording justifies what is meant by saying "has to be a graded and serviceable driving surface". He understood that this is supposed to help remedy someone describing an easement area with no intention of using, constructing a road surface in that area, but he is against the required "footage" that is proposed to be mandated/recorded for easement roads. Knutson stated why not record a larger easement area, so it will be easier to construct a larger road surface and make it easier for townships if they were ever to take the road over for maintenance. Brufloft stated that if a single individual cannot meet these requirements when subdividing property, it would be their privilege to apply for a Variance to try to vary away from the regulation. There was no written correspondence either for or against the proposal. At this time, testimony was closed and discussion was held.

Lien stated this would have greatly simplified older plats and as a Township official he thinks this is a benefit with the larger corridors proposed. It was the consensus of the Board that this would be an improvement regarding the current easement road language.

There was no further discussion by the Commission.

Motion: Lien made a motion to approve to amend Chapter 8 Section 4, Subp. E Subject Matter: Road Frontage Requirement as submitted. Blomseth second. All in favor. Motion carried.

THIRD PURPOSE OF BUSINESS: To amend Chapter 8, Section 5, Subp. A4 and M. Subject Matter: Creation of non-riparian (back) lots which do not meet the required lot size of that zoning district.

Swenson read and explained the proposal to the Board. Swenson stated that the ordinance requires that back lots be standard residential size. Many lake owners want smaller back lots for septic systems, garages and gardens. The change would allow a smaller back lot providing it is permanently attached by deed and cannot be sold separate from the lake lot and the back lot cannot be used for residential construction. The back lot could not be used in the lot area calculation of the front lot for impervious coverage; and the back lot would be within 200' from the lake lot. The minimum size would be 50 ft wide and 5,000 sq ft in lot area and all building setbacks would apply.

COLA representative John Postovit spoke in favor of the proposal. He commended the Zoning Ordinance Review Committee for their work and stated the Committee went to great lengths and time to review, revise and edit the wording and then propose changes to the Ordinance. He asked the Board to move forward and recommend the wording as submitted. He stated this will enhance other ordinances as in riparian lot coverage and accessory structures that may have been constructed on lakeside can be allowed across the road and further from the lake. There is a need for property to be utilized for septic systems and storage sheds. This will help the main structures (dwellings) to meet the lake setbacks if they can go further away from the lake and construct a garage on property across the road. Jim Kaiser spoke in favor of the proposal. He stated owners may not be

able to afford a standard size back lot, but will welcome the smaller lots allowed to place their septic tanks, drainfields and storage sheds as support facilities across the road from the lake. No one spoke against the proposal. There was no written correspondence either for or against the proposal. At this time, testimony was closed and discussion was held.

It was the concensus of the Board that there is a need for the smaller back lot property. There was no further discussion by the Commission.

Motion: Moritz made a motion to approve the proposal to amend Chapter 8, Section 5, Subp. A4 and M. Subject Matter: Creation of non-riparian (back) lots which do not meet the required lot size of that zoning district as submitted. Lien second. All in favor. Motion carried.

THIRD AND FOURTH PURPOSE OF BUSINESS: To amend Chapter 8, Section 7, Subp. E and Chapter 8, Section 9, Subp. Q. Subject Matter: Redefine Tier depth and density.

Swenson read and explained the proposal to the Board. The verbiage regarding shoreland tier dimensions and density were explained along with the calculations of living units or sites for existing licensed resorts. Swenson stated the proposal added the wording for conversion or expansion by 6 or more seasonal sites, at once accumulatively, to require a new conditional use permit.

COLA representative John Postovit spoke in favor of the proposal. The original density calculations were from 1999 and the RVs were vastly different than today's larger models. Owners have decks, porches and sheds that make the site coverage larger. MN Dept rules on spacing require more distance between each individual site and this amendment will bring the County into compliance with the MN Dept rules and the DNR Shoreland Standard regulations. No one spoke against the proposal. There was a written correspondence from COLA President Richard Hecock in favor of the proposed changes. He noted this will more precisely establish an overall density allowance for a conversion and expansion project, the tier dimension table adds more land area in the second tier with these added dwellings or sites positioned farther from the lake. At this time, testimony was closed and discussion was held.

It was the concensus of the Board that there is a need for clarifying the calculation areas for existing resorts.

There was no further discussion by the Commission.

Motion: Lien made a motion to approve the proposal to amend Chapter 8, Section 7, Subp. E and Chapter 8, Section 9, Subp. Q. Subject Matter: Redefine Tier depth and density as submitted. Blomseth second. All in favor. Motion carried.

FIFTH PURPOSE OF BUSINESS: To amend Chapter 9, Sections 1, 2 and 3 Subject Matter: Clarification of existing wording for inspection fees, enforcement, and after the fact fines.

Swenson read and explained the proposal to the Board. There was a need for clarification regarding fines. She stated the County Board defines the amounts for fines in our current fee schedule, so they did not need to be written in the Ordinance.

COLA representative John Postovit spoke in favor of the proposal. He stated he supports the amendment and trusts the County Commissioners will enforce any fines. No one spoke against the proposal. There was no written correspondence either for or against the proposal. At this time, testimony was closed and discussion was held.

It was the concensus of the Board that there is a need for clarifying the wording in Chapter 9.

There was no further discussion by the Commission.

Motion: Johnston made a motion to approve the proposal to amend Chapter 9, Sections 1, 2 and 3 Subject Matter: Clarification of existing wording for inspection fees, enforcement, and after the fact fines as submitted. Seaberg second. All in favor. Motion carried.

Since there were no further proposals to come before the Board, Lien made a motion to adjourn. Blomseth second. All in favor. Motion carried. Meeting adjourned.

Chairman Bruflodt called the **Applicants Public Hearing** meeting to order at 7:00 p.m. Zoning Technician Julene Hodgson recorded minutes.

Seaberg made a motion to approve the minutes for December 20th, 2011. Blomseth second. All in favor. Motion carried.

Chairman 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 on March 27th, 2012.

FIRST ORDER OF BUSINESS: Knife River Materials For Contractors Leasing
P.O. Box 40 Bemidji, MN 56619 **Project Location:** 115th St Lake Park, MN 56554
LEGAL LAND DESCRIPTION: 060397000 Cormorant Township #607W (wetland)
E1/2 OF NW1/4 LESS 1 1/2 AC FOR CHURCH, Section 28, TWP 138, Range 43
APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit for an asphalt plant to extract materials and minerals which includes wash ponds and a hot mix asphalt operation.

Steff Basgaard as acting agent for property owners Contractor Leasing explained the application to the Board. Basgaard went over the plan submitted and stated they will

follow all regulations required by the State, MPCA, EPA and so forth. Basgaard stated they will follow road rules with maintenance and dust control with dust guard added when needed. The noise levels and odors produced will fall below the % of emissions allowed through current regulations. Berms and silt fence are proposed to ensure no encroachment into the wetlands. The water pumping units are closed groups, re-circulated so the water will not be removed from the sight and not taken from the wetland areas so there is no water level change predicted to the wetland. Knutson questioned if they think they will hit the ground water by excavating 30-40 feet down, do they think they will be digging to the water level. Jeff Brooks stated he did not think so. He stated the water levels differ, but they propose to go down to the clay in this area, which he thought was above the water level in this area. Brooks stated the elevations change within the property and the proposed mining in the N/E corner has a higher elevation. Moritz asked what the depth was of the wetland adjacent to the mining area and is the wetland deeper than the proposed mining area. Basgaard stated they have not taken the depth of the wetlands. Moritz voiced concern regarding the wetland wondering if it will drain toward the project.

No one spoke in favor of the application. Rick Julian; Jack Lekang; Janelle Beauchey; Mary/Allen Broberg; Jeff Holte; Tim Sweeney; Steve Sorenson, Supervisor of Cormorant Township; Larry Longtine; Gary VanHunnik, The Pastor of the Cormorant Lutheran Church ECLA Synod; Cherie Storhoff, member of the Lake Lida Lake Association; Lori Olson, Middle Cormorant Lake Association President; Mary Soehren; Neil Meyer; and Blane Klemek, MN DNR Wildlife Supervisor of Detroit Lakes spoke against the application. **Multiple concerns and questions voiced were regarding:** Local produce/small businesses, requested mining moratoriums, noise/smell, pollution/dust, wetland contamination/resident stated wetland 12'-14' and is freshwater springfed, health concerns, ground water contamination/nearby shallow wells, animals/birds, property values declining, residential homes close to proposed area, hours proposed/24 hours-7 days a wk, lighting, road use/damage, road routes/traffic/safety, Church/outdoor services, depth of proposal/effect on wetlands, local preserved areas/wildlife areas, proposed setback from wetland, national heritage database/rare, endangered, threatened species with example of prairie chickens in the area. The Board received earlier written correspondence from Rick and Sharon Julian who were against the application. Swenson read written correspondences on file from Joel and Tammy Torgerson, Mary and Lee Soehren, Doris and Gerry Haukebo, and Larry and Vicki Stanko, Charles Lenthe, Todd Arntson and Teresa and Paul Aamodt who were against the application. Letters from Becker County Engineer Brad Wentz and the Cormorant Lakes Watershed District outlined concerns. Contractors Leasing Tony Kost addressed the Board. He voiced to the Board that they have other property with designated mining areas and have abided to all regulations regarding these very same concerns. The proposal is a small area, not a permanent situation and the tested area by the wetland is higher than the wetland level. He stated 99% of the traffic will go to the west. Knutson pointed out in the plan it states that on occasion, depending on projects, they may go to the east. Jeremy Ganske of Knife River Materials stated the road route is much quicker to the west and or south but the Board could place a stipulation on the outcome to restrict the road use to the west only.

Ganske stated the asphalt plant would be moved in temporarily, then moved off site when the project was complete. At this time, testimony was closed and discussion was held.

Blomseth read Chapter 7 Section 6 B noting that there are certain exemptions for temporary gravel projects. Lein noted this is a residential area and he voiced concerns regarding the wetland. He stated if the measurement has not been documented on the wetland, how do we know if the wetland will or will not drain into the project area or the dug area draining into the wetland and causing contamination. Lein also stated traffic and safety is always a concern in a more populated area and the road to the east should not be a part of the proposal due to safety and residential homes. Lien read Chapter 8 Section 10 F regarding the criteria for granting a conditional use permit. Moritz stated his concern regarding the wetland. He noted the lack of understanding where the watertable is and where the water flows is an issue, the depth of the excavation in relation to the depth of the current wetlands need to be studied- is the bottom of the excavation site “sound enough” to not contaminate or drain the wetland.

At this time Jeremy Ganske, Knife River Materials and Tony Kost, Contractors Leasing stated they would like the opportunity to table the application. They would like the time to review the written letters and concerns brought up this evening. They would like copies of the written questions and concerns from the Board members to address and work on a more specific plan to bring back to the Commission. They want to do everything they can do to go forward to be able to utilize a gravel source.

APPLICATION IS TABLED UNTIL FURTHER NOTICE FROM APPLICANT.

SECOND ORDER OF BUSINESS: Mark & Ammie Winter 26703 230th Street Detroit Lakes, MN 56501 **Project Location:** 26703 230th Street Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** 240271000 Richwood Township N1/2 OF E1/2 OF NW1/4 OF NE1/4, Section 34, TWP 140, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to open a Hair Salon on agricultural zoned property.

Ammie explained the application to the Board. The proposal would follow State regulations and Ammie feels there is a need in the neighborhood for this type of business. Ammie went over the hours of operation and stated they are going to use an area within the existing dwelling for the salon. A separate septic holding tank has been installed for the salon. Ammie had a previous salon in a different County and wanted to bring her business to Becker County.

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 discussion was held.

Lien stated he visited the site and had no concerns. He felt it was well suited for this kind of business with a wooded area and long driveway. The owners can have a 35 sq ft sign

located out of the road right of way at the end of their driveway to advertise their business. Knutson agreed everything was basically in place.

There was no further discussion by the Commission.

Motion: Seaberg made the motion to approve the request of a Conditional Use Permit to open a Hair Salon based on the request would not be detrimental to the area and meets the criteria of the Ordinance. Lien second. All in favor. Motion carried for approval.

THIRD ORDER OF BUSINESS: Ray & Yvonne Schmaltz 308 2nd Str SE Hillsboro, ND 58045 **Project Location:** 18624 Co Hwy 6 Audubon, MN 56511 **LEGAL LAND DESCRIPTION:** 170049000 Lake Eunice Township Little Cormorant Lake GOVT LOTS 3 & 4 EX 36.76 AC & EX 12.74 AC OF GOVT LOT 4 FOR PLAT... Section 05, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Certificate of Survey to allow 1 tract consisting of 50,000 sq ft with a remainder tract of 128 acres. The request includes a Change of Zone from Ag to Res for the small tract only.

Scott Walz from Meadowland explained the application to the Board on behalf of Ray and Yvonne Schmaltz. The property is family owned by brothers and Yvonne. Ray and Yvonne want to separate out a new tract of property to eventually construct a residential home on.

No one spoke in favor of the application. No one spoke against the application. There was written correspondence on file from E RTP Panel member Dave Barsness noting that emergent vegetation is present and it would be advised that just one access point be maintained in order to preserve as much emergent vegetation as possible. Ed Clem from Soil and Water commented there appears to be no wetland issues in the area proposed as the new tract. At this time, testimony was closed and discussion was held.

Lien stated the proposal meets the requirements of the Ordinance. Knutson stated the request was straight forward and he had no concerns.

There was no further discussion by the Commission.

Motion: Lien made a motion to approve a Certificate of Survey to allow 1 tract consisting of 50,000 sq ft with a remainder tract of 128 acres and a Change of Zone from Ag to Res for the small tract as submitted due to the request meets the criteria of the Ordinance. Seaberg second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Robin Brewer for Maple Trees LLC, ET AL
Project Location: 29454 Co Rd 112 Waubun, MN 56589 Request a Certificate of Survey to allow 3 tracts (Tract B) consisting of 84,900 sq ft (Tract C) consisting of 66,400 sq ft (Tract D) consisting of 50,900 sq ft acres with a remainder tract of 84.4 acres. The request includes a Change of Zone from Agricultural to Residential for Tract B, Tract C and Tract D only.

Scott Walz from Meadowland explained the application to the Board on behalf of the property owners in Maple Trees LLC, ET AL. The subdivision would create 3 new residential tracts to be sold for single-family residents. The owners cleared up an issue of encroachment to the south of the property and the survey was then completed. The property has some high ground with a small drop to the lake and is site suitable for construction.

No one spoke in favor of the application. No one spoke against the application. There was written correspondence on file from ERTTP Panel member Dave Barsness noting that steep slopes exist on the property and it is critical to retain the natural vegetation on the slopes. Ed Clem from Soil and Water commented there shows a wetland on the south side of the property but it could be avoidable. At this time, testimony was closed and discussion was held.

It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

Motion: Blomseth made a motion to approve a Certificate of Survey to allow 3 tracts (Tract B) consisting of 84,900 sq ft (Tract C) consisting of 66,400 sq ft (Tract D) consisting of 50,900 sq ft acres with a remainder tract of 84.4 acres and a Change of Zone from Agricultural to Residential for Tract B, Tract C and Tract D as submitted due to the request meets the critieria of the Ordinance. Seaberg second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, April 12th, 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, Johnston made a motion to adjourn. Moritz second. All in favor. Motion carried. Meeting adjourned.

Jim Bruflodt, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator