

Becker County Planning Commission
June 19, 2012

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

Chairman Bruflodt called the meeting to order. Zoning Technician Julene Hodgson recorded the minutes.

Kovala made a motion to approve the minutes from May 15th, 2012. Lien 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 June 26th, 2012.

FIRST ORDER OF BUSINESS:

APPLICANT: Sharon Clark 295 100th Ct NE Blaine, MN 55434 **Project Location:** 39224 E Juggler Road **LEGAL LAND DESCRIPTION:** 250142000 Round Lake Township Juggler Lake PT GOVT LOT 7;COMM AT NE COR JUGGLER BCH,... Section 02, TWP 142, Range 38 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an After-the-Fact Conditional Use Permit for shoreland renovation to remain.

Tom Clark and John Pratt from Ulteig Engineering on behalf of property owner Sharon Clark explained the application to the Board. They request to bring fill in after raising the cabin to take care of water/drainage issues. Blomseth asked confirmation as to what the final elevation would be after raising the garage and on the sides by the proposed berms. Pratt stated the garage final would be 1616 and the berms would be 1615 on the tops, the sides going up to the berms would be less than that. They plan to try to berm the shared driveway to split the runoff between the their property and the property to the north. The property was surveyed before hiring Ulteig Engineering and they feel this plan will resolve the runoff issues. Bruflodt asked what was planned to protect the neighbors from runoff to which they answered the controlled driveway area, infiltration areas, French drains and the side berms. Knutson asked what if the plan doesn't work to contain his runoff onto his own property and to stop runoff to the neighbors. They stated this is the best solution to try to remedy the problem. Clark stated the after the fact request was because they had brought in fill up toward the shoreline so the workers could work- they kept getting stuck before that. The current level is even with the grass around the existing trees, no higher. Kovala stated all three properties have raised 2-3 feet up front it appears and the neighbors have the same problems trying to save their cabins because you can't always control mother nature/water.

Bob Forstner spoke regarding the application. He stated when the cabin was raised Clark assured him there would be a barrier between Clarks home and his but this never happened. Forstner stated runoff is coming onto his property and over onto the property to the north. He stated he wants to protect his property and he feels Clark should be responsible to contain his runoff on his own property. Dave Schiller spoke on behalf of the owners to the north Oldenbergs who recently sold their property. Schiller stated the neighbor doesn't want anything removed but to finish the

plan to implement storm water management to keep Clarks water on his own lot. There was written correspondence on record from James Ullring in favor of the application. He stated the plan would improve the situation to protect the shoreline from further loss. There was written correspondence regarding concerns with the application from Theodore (Bob) Forstner and Dale Oldenburg. They stated concerns regarding stormwater management and drainage issues onto their properties. At this time, testimony was closed and discussion was held.

Knutson stated the plan seems to be the beginning of a fix of a bad situation. Lien agreed if Clarks can maintain their own water with the plan submitted, it will be better for all properties involved. Moritz stated it is a good plan and a good start to help address issues. Lien asked clarification as to were french drain/infiltration area is going to be installed to which they answered in front of the docking area to the north side of the lakeshore.

There was no further discussion by the Commission.

Motion: Lein made the motion to approve the request for a Conditional Use permit to implement stormwater management according to the plan submitted to contain his water and provide adequate protection for the adjacent properties. Johnston second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: APPLICANT: Loren & Nancy Johnson 20950 322nd Ave Rochert, MN 56578 **Project Location:** 20950 322nd Ave **LEGAL LAND DESCRIPTION:** 100100000 Erie Township Pickeral Lake PT GOVT LOT 1: COMM NW COR SEC 10, E 435.41', S 99.52', E 175.75', S 395.01' TO POB..., Section 10, TWP 139, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request the approval of a Certificate of Survey to allow 1 tract (Tract B) consisting of 54,300 sq ft with a remainder Tract A of 3.5 acres to be attached to the adjacent Billie Marie Keyeer Living Trust tract. The request includes a Change of Zone from Ag to Res for Tract B only.

Scott Walz from Meadowland explained the application to the Board on behalf of Loren and Nancy Johnson. They recently purchased the property from Arnold and Erma Hoseth. Due to a structure and a lot line adjustment request, Johnson's want to sell 2 acres and the Foltz building to the neighbor Don Keyser and family. The zone change request is for Tract B only and Tract A will be added to the existing Keyser tract as a lot line adjustment.

No one spoke in favor or in opposition to the application. There was no written correspondence either for or against the application. At this time, testimony was closed and discussion was held.

Lein stated the proposal meets the requirements and he is in favor of the application as submitted.

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: Kovala made a motion to approve of a Certificate of Survey to allow 1 tract (Tract B) consisting of 54,300 sq ft with a remainder Tract A of 3.5 acres to be attached to the adjacent Billie Marie Keyser Living Trust tract and a change of zone from Ag to Res for Tract B as submitted due to the request meets the critieria of the Ordinance. Seaberg second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: APPLICANT: David Anderson and Kenneth Reynolds 14783 Sherbrocke Beach Rd Pelican Rapids, MN 56572 **Project Location:** Sherbrocke Rd
LEGAL LAND DESCRIPTION: 060483001 Cormorant Township SLY 1090' OF ELY 400'
OF SW1/4 SW1/4 LESS SLY 545' AKA 06.0483.002, Section 35, TWP 138, Range 43
APPLICATION AND DESCRIPTION OF PROJECT: Request the approval of a Certificate of Survey to allow 2 tracts (Tract A 2.16 acres and Tract B 2.11) and a change of zone from Agricultural to Residential for both tracts.

Scott Walz from Meadowland explained the application to the Board on behalf of David Anderson and Kenneth Reynolds. The property is one tract consisting of 5 acres. The owners wanted to split the property to become two separate tracts to retain their own parcel. When excluding the road right of way area, the useable area is less than 2.5 acres therefore the request to change the zone to residential for both properties.

No one spoke in favor or in opposition to the application. There was no written correspondence either for or against the application. 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: Kovala made a motion to approve of a Certificate of Survey to allow 2 tracts (Tract A 2.16 acres and Tract B 2.11) and a change of zone from Agricultural to Residential for both tracts as submitted due to the request meets the criteria of the Ordinance. Blomseth second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: APPLICANT: Ken Reynolds 6288 13th Circle S Fargo, ND 58104 **LEGAL LAND DESCRIPTION:** 060479002 Cormorant Township PT NW1/4 SW1/4: COMM NE COR TH WLY 330' TO POB; SLY 845', WLY 840', NLY 845.42' TO N LN, ELY 840' TO POB, Section 35, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an approval for a Preliminary Platt consisting of 7 parcels and a Change of Zone from Agricultural Zone to Residential.

Scott Walz from Meadowland explained the application to the Board on behalf of Ken Reynolds. The owner has agreed to construct the road per the Township and County specs and will obtain a road maintenance agreement with Cormorant Township. His request will include restrictions recorded on the final plat for non-homestead, storage structures on the properties. Rather, the properties will be used for storage structures and/or possible bunkquarters- but nothing for year around residences or dwellings.

No one spoke in favor or in opposition to the application. There was written correspondence on file from the County Highway department stating the road will need to meet subdivision criteria and road standards with a road maintenance agreement required from Cormorant Township. At this time, testimony was closed and discussion was held.

Bruflodt stated it seemed everything is in order with the proposal to go onto the next step for a final plat.

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: Seaworth made a motion to approve a Preliminary Plat consisting of 7 parcels and a Change of Zone from Agricultural Zone to Residential as submitted due to the request meets the criteria of the Ordinance. Moritz second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: APPLICANT: Thomas Bunnell 20450 Co Hwy 21 Detroit Lakes, MN 56501 **Project Location:** Corner of Co Rd 21 and Little Floyd Lake Rd **LEGAL LAND DESCRIPTION:** 080172000 Detroit Township Little Floyd Lake PT LOT 1; BEG 2556.25' S & 480.61' W OF SE SEC COR TH W 250' TO HWY, N AL HWY 657.55', E 470', SLY 654.59' TO BEG EX EVERGREEN SHORES DRIVE, Section 10, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from Commercial to Residential.

Thomas Bunnell explained the application to the Board. In the past the parcel was a part of Commercial property. He would like to place a small dwelling on the property so he requests to change the zone from Commercial property to Residential property.

No one spoke in favor or in opposition to the application. There was written correspondence on file from Ford Hermanson in favor of the application. 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: Kovala made a motion to approve a Change of Zone from Commercial to Residential due to the change would not be detrimental to the area. Johnston Second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: APPLICANT: Roy & Teresa Gilbertson 158 82nd Str S Glyndon, MN 56547 **Project Location:** 32324 Co Hwy 26 **Project Location:** 32324 Co Hwy 26 **LEGAL LAND DESCRIPTION:** 160064000 Holmesville Township E1/2 NW1/4, Section 10, TWP 140, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to allow Running Events on the property including merchandise and concession sales.

Roy Gilbertson explained the application to the Board. A revised version of the request was handed out to the Board. The request is to allow for two non-motorized races per year. They are not requesting alcohol to be sold on the premises. The hours of operation would be 7am to 9pm only. They request restrictions on any approval to note these are non-motorized races on the property therefore if they ever sold the property a new owner could not start four-wheeler races as an example. Any concessions brought onto the property would be licensed vendors. The foot race would be a length of 3.2 mls/5K on the 70acre parcel. The races would start in waves in the AM and continue in different waves throughout the day and Gilbertson noted there is plenty of parking. Lien stated they must have a permit through the County Engineer through the Highway department for the road access to which Gilbertson stated they understood. Johnston asked who the current property owner was to which Gilbertson stated Jim Momb and Gilbertson has a purchase agreement pending on if the Conditional Use Permit is granted. Brufloft wanted clarification as to how many people Gilbertson thought would be on site during the day events

and Gilbertson it is hard to say due to different people running in different groups at different times- it could be 300 or more per wave.

Dave Johnson, Jarod Coalwell, Phyllis Johnson for Richard Johnson, John Preterka, Ron Linden, Gina Kemper, Annalee Kologi and Tom Holweger spoke in opposition of the application. The similar concerns included: Commercial use in Ag/Res area, possible harm to adjacent property values, environmental and eco concerns, music noise, traffic safety and plan for medical emergencies, plan should require a survey to assure work is being done on just that property, parking issues, poor cell phone reception in that area, too many people on premises in one day, located close to Tamarac refuge, plan should follow Ordinance, developer could work with some other organizations in another area that is already geared/permitted for this type of use, busy road already, internet info advertising much larger plans geared toward a money making venture and are there adequate facilities proposed to accommodate number of people expected. There was a petition presented for the file of 85 signatures of neighboring property owners in opposition to the application. A note presented with the signatures outlined similar concerns and regarding the request for no alcohol, no camping, no firearms or paintball guns. There was written correspondence on file from the County Highway department stating an approach permit is required and with the amount of traffic- adequate site distance and spacing will be required. There was written correspondence from Tim Gordon Becker County Sheriff against the application. His concerns included increased traffic, disturbing nature and the natural environment, public safety and pollution control. At this time, testimony was closed and discussion was held.

Thorkildson stated concerns of the number of people and traffic and would like more information. Lien read Chapter 8 Section 11 of the Ordinance regarding: affect on surrounding property, property values, request will not impede the normal orderly development, adequate facilities, and not a nuisance to disturb neighbors. Lien stated he had concerns regarding all of these areas. Brufloft stated the only concrete thing seems to be humans running on land otherwise questions regarding cars, protecting neighbors, concessions, music, amount of people, how long per wave, number of people are very vague in the business plan submitted. Seaberg stated that much traffic is not a good idea and her son participated in one and there was 3,000 people on the premises in one day. Knutson stated if this were allowed in rural areas, where does it end and the plan is not conclusive to the area. Kovala agreed with Brufloft and Lien that there must be another area/property suitable for this type of activity. Kovala noted the website has already been advertising that this is going to happen in August.

There was no further discussion by the Commission.

Motion: Kovala made a motion to deny the request as submitted based on the above concerns and that it would be detrimental to the neighborhood. Lien Second. All in favor. Motion carried to deny.

SEVENTH ORDER OF BUSINESS: APPLICANT: Nancy Kaeding for Contractors Leasing PO Box 10325 Fargo, ND 58106 **Project Location:** 115th Street **LEGAL LAND DESCRIPTION:** 060397000 Cormorant Township 607Wetland 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 extraction of materials and minerals.

Joshua Kadrmas for Contractors Leasing explained the application to the Board. Hours of operation have changed, the hill they plan to mine is away off the road, will replace the topsoil and eventually develop the property as residential property or use as farmland. There are several

mining projects in the area and they wish to mine the aggregate only, not to add any asphalt plant or hot mix plant. The traffic would be directed to the west. There would be no dewatering facility so no sediment would be running or contained on the property. They will make arrangements for calcium chloride to be placed on the road for dust control. Brufloft asked how long they project mining from the property. Kost stated pretty insignificant sight, small and depending on demand possibly 2-5 years of active mining. Knutson asked what the plans are to control dust from the top soils to which Kadrmas stated they would re-vegetate the piles. Moritz questioned what type of buffer they are proposing to leave between the dirt berms and the wetland and if they thought they would be digging down to the watertable. Joshua stated they may be digging down to the watertable somewhat, but not discharging sediment so they will not be going into the wetlands and they plan on a top soil berm between the working areas and the wetland similar to a 50' protection area with a berm. McGovern asked what happens after the 5 years, to which they answered the property would end up with smooth vegetative slopes, flatter than the original contours and restored with topsoils. Lien stated he still has concerns regarding if the berm is going right up to the wetland or if there is a buffer between the berm and the wetlands to which Joshua answered enough area for equipment to get on both sides of the berms. Johnston asked how close they would mine to the east property line by the residential homes and Joshua stated eventually within 100 feet of the property line. Thorkildson asked Swenson if they can go right up to the property line to which Swenson stated the Board could place a stipulation on any conditional use permits granted stating a minimum side yard setback.

Tim Sweeney, Mary Broberg, Janelle Beauchay, Rick Julian, Arnie Cox, Dave Anderson, Mary Sorrum, Craig Frey, and Mr Fagerlie all spoke in opposition of the application. The similar concerns included: Noise, traffic safety, digging in or near the watertable, dust, machinery leaks seeping into the ground, effects on Lake Ida and the wetlands, wildlife, next to the cemetery, narrow roads, residential homes too close, should be in performance contract with bond of at least \$300,000, lowering of market values, monitoring well contamination, no interest other than to generate revenue, residential homes there first, and the intent of trying to protect the ponds and keep the trucks going to the west may fail. There were read and on file from Kimberly Nerby, Barry Johnson, Dennis and Sheila Baadte, Nathan and Donna Lutz, Lori Olson Middle Cormorant Lake President, Curtis Lundeen President of Cormorant Lutheran Church Council and Gene Mayer Building and Grounds Committee in opposition of the application. They all had similar concerns as the speakers voiced. At this time testimony was closed and discussion was held.

Lien stated concerns regarding nuisance and noise. Kovala noted that restoration doesn't always happen, he does not agree with the hours proposed and thinks this request is too close to residential properties. Brufloft stated the majority of these are S/W and maybe it is time to put limits on how close they can be to residential areas. Johnston noted they not only effect quality of life on the properties but as a previous appraiser he knows the property values diminish with this type of activity close by. Moritz stated he is still not satisfied that the plan will not effect the property, wetlands, it is not conducive to the area and too close to residential properties. Thorkildson agreed with Kovala.

There was no further discussion by the Commission.

Motion: Lien made a motion to deny the request as submitted due to it would be detrimental to the neighborhood and does not meet the criteria of Chapter 8 Section 11 of the Ordinance. Kovala second. All in favor. Motion carried to deny.

EIGHTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, July 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. Kovala made a motion to adjourn. Thorkildson second. All in favor. Motion carried. Meeting adjourned.

Jim Bruflodt, Vice Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator