

**Becker County Planning Commission
May 21st, 2013**

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

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 May 28th, 2013.

Lien made a motion to approve the minutes for April 16, 2013. Blomseth second. All in favor. Motion carried.

Chairman Bruflodt called the **Notice of Intent to Amend Ordinance** meeting to order. Zoning Technician Julene Hodgson recorded minutes.

FIRST PURPOSE OF BUSINESS: Purpose: To add Chapter 3, Section 7, and re-numerate the remaining Sections. Subject Matter: Allow for a one-time addition/expansion of a principal structure on a nonconforming lot without a variance.

Swenson read and explained the proposals to the Board. This would allow certain considerations for a one time small addition onto some nonconforming structures without a variance on the property.

Cola member John Postovit spoke in favor of the request. Recently there was a change to the setback adding an averaging setback from the lake in some instances. The recent regulation change limited certain nonconforming structures to add additions that may be approved by this new proposal without going through the variance process. File review verified several variances last year may have met proposed criteria. Postovit felt this is a property friendly proposal that gives options to an owner to keep the original cabin and construct a small addition onto them. The modest addition would not be detrimental to the lake and the big impacts come when the entire property is redeveloped. An absence of a variance on the property would assure any new dwelling would have to conform to the most current regulations at that time. No one spoke against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Lien stated this would give further options to property owners. Bruflodt stated less requests would come before the Board of Adjustments since some proposals would now be approved in the Zoning Office. It was the consensus of the Board that the proposed language will benefit the property owners.

There was no further discussion by the Commission.

Motion: Seaworth made a motion to approve to add Chapter 3, Section 7, and re-numerate the remaining Sections to allow for a one-time addition/expansion of a principal structure on a nonconforming lot without a variance. Moritz second. All in favor. Motion carried.

SECOND PURPOSE OF BUSINESS: To amend Chapter 5, Section 2, Table 5-1.

Subject Matter: Allow a temporary single family residential unit in an agricultural zone if one of the following apply: the residential unit is occupied by persons who are engaged in the care of an elder, engaged in the occupation of farming on the premises or a family member.

Swenson read and explained the proposal to the Board. Swenson noted the request will alleviate some conditional use permit requests.

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

Kovala noted this would alleviate several requests for a Conditional Use Permit on a property regarding elderly care and larger farming operations for their helpers on the property. It was the consensus of the Board that this would be an asset to the Ordinance regarding a temporary second dwelling.

There was no further discussion by the Commission.

Motion: Kovala made a motion to approve to amend Chapter 5, Section 2, Table 5-1.

Subject Matter: Allow a temporary single family residential unit in an agricultural zone if one of the following apply: The residential unit is occupied by persons who are engaged in the care of an elder, engaged in the occupation of farming on the premises or a family member. Johnston second. All in favor. Motion carried.

THIRD PURPOSE OF BUSINESS: To amend Chapter 6 Section 8, Retaining Walls

Subject Matter: Amend the criteria that will be used to determine if a conditional use permit will be granted for a retaining wall. Add the criteria of a pre-application meeting.

Swenson read and explained the proposal to the Board. Swenson noted the proposed changes will further clarify when to grant a conditional use permit for a retaining wall.

Cola member John Postovit spoke in favor of the application. Postovit stated this would allow owners to benefit from advisement of several entities before proceeding to a public hearing. Postovit stated this process will be less threatening to come forward and possibly eliminate a public hearing by a site visit from the ERTTP panel with the members giving recommendations and options other than a retaining wall for stabilization. No one spoke against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Moritz asked who would decide if a professional engineer plan is required. Postovit and Swenson stated the ERTTP panel would make recommendations to the owner and those recommendations would go forward to the Planning Commission during the public hearing process. Complex cases may require plans. Moritz stated it would benefit the owners for the ones that are going to come forward for a public hearing to come in with a preliminary plan and then at a later date a final plan like the subdivision requests. Brufloft stated many of the retaining walls are placed for aesthetic purposes and not for erosion control purposes and maybe this will clarify when they are needed or when something else can be done to alleviate problems. It was the consensus of the Board that these are good recommendations/proposals. There was no further discussion by the Commission.

Motion: Thorkildson made a motion to amend Chapter 6 Section 8, Retaining Walls

Subject Matter: Amend the criteria that will be used to determine if a conditional use permit will be granted for a retaining wall. Add the criteria of a pre-application meeting. Lien second. All in favor. Motion carried.

FOURTH PURPOSE OF BUSINESS: To add Chapter 7 Section 23, Animal Density Regulations. Subject Matter: Add a section regulating the number of animal units on parcels of land 20 acres or less within the shoreland district and in an agricultural zone.

Swenson read and explained the proposal to the Board. This section will help clarify the use of the property regarding animal units allowed.

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

Knutson stated this will be a welcome addition to have guidelines to refer to. The request is user friendly. It was the concensus of the Board that there is a need for adding the wording.

There was no further discussion by the Commission.

Motion: Lien made a motion to add Chapter 7 Section 23, Animal Density Regulations. Subject Matter: Add a section regulating the number of animal units on parcels of land 20 acres or less within the shoreland district and in an agricultural zone. Kovala second. All in favor. Motion carried.

FIFTH PURPOSE OF BUSINESS: To amend Chapter 8, Section 4, Length of Site Permit. Subject Matter: Change the validation period of a site permit to one (1) year, with a one time, one year extension.

Swenson read and explained the application to the Board.

No one spoke for or against the request. 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 there is a need for clarifying and adding the wording to be consistent with all requests.

There was no further discussion by the Commission.

Motion: Blomseth made a motion to amend Chapter 8, Section 4, Length of Site Permit. Subject Matter: Change the validation period of a site permit to one (1) year, with a one time, one year extension. Moritz second All in favor. Motion carried.

At this time Chairman Brufloft called the **Applicants Public Hearing** meeting to order. Zoning Technician Julene Hodgson recorded minutes.

FIRST ORDER OF BUSINESS: Marty Solmon Construction Inc 12044 Co Hwy 17 Detroit Lakes, MN 56501 **Project Location:** Co Rd 22 across from General Store **LEGAL LAND DESCRIPTION:** 190170001 Lake View Township PT GOVT LOT 4: COMM E QTR COR TH W 512.29' AL N LN TO WLY LN CSAH #22 & POB; CONT W 819.04' TO NW COR LOT 4, TH S 1319.64' TO SW COR, TH E 129.62', NELY 659.56'...Section 09, TWP 138, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request to amend the existing

Conditional Use Permit Document Number 580088 for an extension of the 12/31/2012 deadline to 12/31/2017 deadline.

Marty Solmon explained the application to the Board. He stated with the slower economy he didn't get a lot of dirt/sand moved out. He is drawing from the hill in the middle of where the road will go. Johnston asked how many yards he moved in the last two years and Solmon stated between 3,000-4,000 yards. Solmon stated Hough will still be in control of the trucks, traffic, loading, workers and site. Brufloft asked why the request for five years and Solmon stated he doesn't expect the economy to turn around soon and with the fuel prices being up, he doesn't think anyone will drive any kind of distance to get gravel. Solmon stated there will be no crushing on site, just hauling the gravel off premise. Lien stated concerns have risen again regarding the residential properties near this property. Thorkildson stated his concern regarding the length of time for the request noting that 5 years seems excessive. Brufloft stated the original request was for 10 years and now this new request is for 5 years but not enough was accomplished in 3 years. Kovala noted the previous minutes Solmon stated if they did not get enough hauled off premise by the deadline, they would level the rest out. Solmon stated there is not enough room and nowhere to go with the amount that is still on the property. Brufloft noted again the problem is the request for another 5 years. Knutson requested the option to recall Solmon for further questions during the discussion process.

No one spoke in favor of the application. Lakeview Township Supervisor Ken Shroyer approached the Board. Shroyer asked if gravel tax is applied to this project to which Swenson answered yes. Shroyer asked how many yards are proposed to be removed to which Solmon stated approximately 40,000 yards of the 50,000 request. Shroyer stated the residents were told the original request was approved for two years, any extension granted should not be greater than another two years. Nancy Stensgard spoke against the application. Concerns regarding trees and debris that were cut down and have not been cleaned off the property and road right of way and gravel pit activity by their residential property. Swenson read written correspondences on file from Dan Labat, Larry/ Betty Larson, and James/Nancy Stensgard who were against the application. A letter from Becker County Engineer Highway Department Brian Shepard outlined concerns and questions regarding the trees that were previously cut to improve visibility to the north. He stated they called the owner to clean up the trees from the County right of way, but the work has yet to be done. He questioned if the Board could make any approval contingent on cleaning up/removing the trees from the County right of way.

At this time, testimony was closed and discussion was held.

Lien stated after hearing the past concerns and granting the two years of time, a five year extension request is too long of an extension. Thorkildson agreed. Johnston stated with as many truck loads that are still proposed, would it be better to hurry the process and have many trucks moving in one year or spread it out over 5 years. Knutson noted the Planning Commission took all surrounding property owners concerns into consideration during the first public hearing and changed the original request a lot to accommodate concerns of the neighbors/public. Brufloft agreed he did not think the amount of the request can be moved off in a short period of time. At this time Solmon re-addressed the Board for further discussion. Solmon stated the Board could place a stipulation on the outcome that there would be no further extensions granted. Johnston asked what would happen if he did not take as much out of the property. Walz addressed the question and stated that due to the grade of the property being so steep, the owner would get fewer sites to develop if the dirt is not taken out. Walz continued by saying the proposed lots are still nice in size. Kovala stated Solmon should have hauled off the gravel/dirt in the time frame allowed to a different location, not just a truck at a time on a resale basis. Lien stated if Solmon

had someone proposing to buy the material the request may have been looked at differently. Blomseth suggested if Solmon cannot haul it off premise for profit in two years, Solmon should then haul it off premise for no profit and stock pile it somewhere to develop the property. Kovala stated that amount would require approximately 15 trucks a day to remove it within two years.

There was no further discussion by the Commission.

MOTION: Lein made a motion to deny the application as submitted and approve an amendment to allow a two year extension until 12/31/14 with no further extensions. Thorkildson second. All in favor except Kovala. Majority ruled, Motion carried.

SECOND ORDER OF BUSINESS: Doug Duran 3081 120th St Barnesville, MN 56514
Project Location: 15603 W Little Cormorant Rd **LEGAL LAND DESCRIPTION:** 170049022 Lake Eunice Township Little Cormorant Lake Preliminary Plat of Lot 1, Lot 2, Lot 3 and Lot 4 Block One of Three Lakes Hideaway. Section 05, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Preliminary Plat consisting of 4 lots. Lot 1 (1.7 acres +/-), Lot 2 (2.9 Acres +/-), Lot 3 (3.6 Acres +/-) and Lot 4 (4.1 Acres +/-). The request includes a change of zone from Agricultural to Residential for all 4 lots.

Scott Walz from Meadowland Surveying explained the application to the Board on behalf of Doug Duran. There are four lots proposed with one having a bluff. The request meets all requirements.

No one spoke in favor or in opposition to the application. Swenson read written correspondence from John Postovit with comments regarding the possible septic areas and drainage. 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 the motion to approve a Preliminary plat consisting of 4 parcels as submitted due to the request meets the critieria of the Ordinance. The motion includes a Change of Zone for all parcels to residential. Lein second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: APPLICANT: Sandra Fearing 207 Park St Apt 3005 Detroit Lakes, MN 56501 **Project Location:** 13648 Fearing Dr **LEGAL LAND DESCRIPTION:** 060240000 Cormorant Township Upper Cormorant Lake Pt of govt Lot 2... Section 16, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an approval for a Certificate of Survey for one tract consisting of 2.1 acres +/- which will leave a remainder tract of 19.9 acres +/- and a change of zone from Agricultural to Residential for the small proposed tract only.

Scott Walz from Meadowland Surveying explained the application to the Board on behalf of Sandra Fearing. The parcel will have the existing dwelling on it and the remainder will be one large parcel. The owner already has a proposed buyer for the dwelling tract if approved. The existing easement was an old easement and is being re-described to clean up the legal description. Greg Anderson stated the corrections have been made regarding the easement and the legal description attached to this proposal is the correct one with the easement correctly conveyed.

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.

Lien stated the request meets all requirements. It was the consensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

MOTION: Johnston made the motion to approve a Certificate of Survey for one tract consisting of 2.1 acres +/- which will leave a remainder tract of 19.9 acres +/- and a change of zone from Agricultural to Residential for the small proposed tract only. Kovala second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, June 13th, 2013 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 Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator