



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

TO: Members of the Planning Commission

FROM: Planning & Zoning Department

DATE: August 25, 2015

RE: Planning Commission Meeting

An informational meeting and tour has been scheduled for **Wednesday, September 2nd, 2015, 8:00 am**. Please meet at the 3rd floor meeting room by the Planning & Zoning Department. If you cannot make the tour, please contact the office at 218-846-7314.

Thank you.



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

Becker County Planning Commission Meeting

September 8, 2015 ~ 7:00 P.M.

~ Tentative Agenda ~

I. Roll Call of Members

Minutes Approval for the August 11th, 2015 Meeting.

II. Old Business: None

III. New Business

- 1) **APPLICANT:** Todd Amtson **PROJECT LOCATION:** 11471 Co Hwy 4
APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to begin renting the existing barn as an event center, primarily weddings in an Agricultural Zone.
- 2) **APPLICANT:** Dennis E. & Kristine A. Bohner **PROJECT LOCATION:** 17107 N. Leaf Lake Road **APPLICATION AND DESCRIPTION OF PROJECT:** : Request a Conditional Use Permit to operate a small engine repair shop part time from an existing garage in an Agricultural Zone.
- 3) **APPLICANT:** Jessica Brattland **PROJECT LOCATION:** NE Pickerel Lake Rd **APPLICATION AND DESCRIPTION OF PROJECT:** : Request a Certificate of Survey for two tracts of land with Tract A consisting of 91,000 sq ft +/- and Tract B consisting of 92,200 sq ft +/- with the remnant area of 37,231 to be attached to Tract A. The request also includes a change of zone from Agricultural to Residential for both tracts.
- 4) **APPLICANT:** James & Tamara Hanson **PROJECT LOCATION:** 19731 Toad Mountain Road **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Certificate of survey for 1 tract of land consisting of 7.6 acres +/- with a remainder tract of 35.6 acres in an agricultural zone.
- 5) **APPLICANT:** Contractors Leasing/Kost Materials **PROJECT LOCATION:** Co Rd 145 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional use permit for gravel/aggregate extraction in an Agricultural Zone.

V. Other Business

- 1) **Tentative Date for Informational Meeting:**
Wednesday, October 7, 2015; 8:00 am; Zoning Office
- 2) **Other Business**

VI. Adjournment

**Becker County Planning Commission
August 11, 2015**

Members Present: Vice Chairman John Lien, Commissioner Larry Knutson, Jim Kovala, Mary Seaberg, Harry Johnston, Jim Kaiser, Mary Seaworth, Ray Thorkildson, Jeff Moritz, David Blomseth, Zoning Supervisor Eric Evenson-Marden and Zoning Technician Julene Hodgson. Absent was Chairman Jim Bruflo.

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

FIRST PURPOSE OF BUSINESS: Purpose: To Amend Chapter 5, Section 2, Subject Matter: Nonconforming deck additions. In 2007, nonconforming deck additions were removed from the Ordinance. This created a situation where all decks on nonconforming structures required a variance in order to add a deck. In order to reduce the number of variances and allow better enjoyment of property, this provision would be amended to allow a twelve (12) ft nonconforming deck addition providing the deck addition does not extend into the shore impact zone and meet pervious criteria.

Hodgson explained the proposal to the Board. The Proposed Language was read:

L. Nonconforming Deck Additions.

A deck addition not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:

- A. The deck encroachment toward the ordinary high water level does not exceed twelve (12) feet of the current structure setback or required setback for new construction.
- B. The deck addition cannot extend into the shore impact zone;
- C. The deck is constructed in a pervious manner, and is not roofed, enclosed or screened; and
- D. The ground underneath the deck must remain pervious.

Current Paragraphs L – Q would be renumbered.

A “conditional denial” letter from the MN DNR (attached) was given to the Board. The DNR letter stated they would not approve the changes as submitted and indicated the following language would be acceptable to them: “A deck addition not meeting the required setback from the ordinary high water level may be added to structures existing on the date the shoreland structure setbacks were established without a variance if all of the following criteria and standards are met:

- A. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
- B. The deck encroachment toward the ordinary high water level does not exceed twelve (12) feet of the current structure setback or required setback for new construction.

- C. The deck addition cannot extend into the shore impact zone;
- D. The deck is constructed in a pervious manner, and is not roofed, enclosed or screened; and
- E. The ground underneath the deck must remain pervious. “

No one spoke in favor of the proposal. John Postovit, Becker County COLA, spoke against the proposal. He discussed the letter he had previously submitted to the Planning Commission members outlining/summarizing COLA concerns. (a copy of the letter will be forwarded to the County Board of Commissioners.) Postovit asked if the county was interpreting the date shoreland structure setbacks were established, as 1971 (When Becker County adopted the original shoreland Ordinance) or before 2011 (when the setback was established to either be the required lake setback or the average setback plus 20 feet). Evenson-Marden stated the County Attorney indicated there is not a clear legal authority of the interpretation of the phrase “the date the shoreland structure setbacks were established” However, a good faith” argument can be made that the date that the most recent setbacks were established, 2011, seems to be supported by fact and upholds the spirit of the law. Mr. Evenson-Marden stated that the DNR will review proposed ordinance change for compliance and consistency with state law but defers to the County in how it interprets its zoning ordinance. Mr. Evenson-Marden was asked if he felt the DNR’s proposed language would change the intent of the Ordinance Review Committee’s recommendation. He replied he had asked the County Attorney’s office that same question and was told they did not believe the proposed language varied substantially from what they understood to be the intent of the Ordinance Review Committee. There was no other written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held. Mr. Postovit highlighted a guidance document that stated decks were impervious. Evenson-Marden stated the Becker County Ordinance currently defines decks as pervious.

Moritz stated the Board could recommend the proposed changes with the DNR amendments added to the language. Seaberg questioned who would evaluate the property to determine if a nonconforming deck addition could be allowed. Mr. Evenson-Marden stated the Zoning office would do the evaluations during their application review process and added that proposed decks within the shore impact zone would still be required to get a variance. There was no further discussion by the Commission.

Motion: Seaworth made a motion to send the proposal back to the ZORC to review and/or add rewording. Moritz second. 2 in favor, 6 opposed. Motion denied. Johnston made a motion to approve the proposed changes to Amend Chapter 5, Section 2 as submitted. Knutson second with the following change: D. notwithstanding existing impervious areas below a second story deck, the ground underneath a deck must remain pervious. 7 in favor, 2 opposed. Motion carried.

It was asked that the DNR letter be sent to the County Board for them to discuss if they wish to add the recommended language.

SECOND PURPOSE OF BUSINESS: Purpose: To Amend Chapter 8, Section 5
Subject Matter: Amend Minimum Road Frontage to be consistent with Chapter 8, Section 4, which was amended in March 2012. When Chapter 8, Section 4 was amended, Section 5 was inadvertently overlooked.

Hodgson explained the proposal to the Board. The Proposed Language was read:

Section 5 Subdivision of Land

2. Lots.

e. Minimum road frontage. Every lot must have at least sixty-six feet (66') of frontage on a public dedicated road or street other than an alley except that a lot created by a Surveyor's Sketch is not required to have frontage on a public road if access is provided:

(1) ~~with a fourteen foot (14') wide driving surface;~~ The easement from the property to a public road must be at least thirty-three (33) feet wide when servicing one (1) or two (2) tracts of land;

(2) ~~on an easement or on property owned by the developer; and The easement from the property to the public road must be at least sixty-six (66) feet wide when servicing three (3) or more tracts of land; except that this provision does not apply to property that is accessed by a forest management road; and~~

(3) ~~that access is to no more than two (2) lots. The easement from the property to the public road has a graded and serviceable driving surface.~~

No one spoke in favor of the application. 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.

The Board agreed the language was necessary for the Ordinance to be consistent. There was no further discussion by the Commission.

MOTION: Seaworth made a motion to Amend Chapter 8, Section 5 as submitted. Blomseth second. All in favor. Motion carried.

THIRD PURPOSE OF BUSINESS: Purpose: To Amend Chapter 8, Section 5, Paragraph J Subject Matter: Amend the number of times a parent tract can be divided by a certificate of survey. Additional tracts created before the end of the timeline established would have to be approved through a public hearing process.

Hodgson explained the proposal to the Board. The Proposed Language was read:

J. Subdivision of a tract of land into three or fewer tracts. Applications involving tracts of land that are proposed to be subdivided into three (3) or fewer tracts, but are not exempt from subdivision review under Chapter 8, Section 5, subsection A.2, may be reviewed according to the procedures in this subsection. The design

of such subdivisions shall conform to the requirements of this subsection. Within a three (3) year period, a total of three (3) tracts of land may be subdivided from a parent tract by a certificate of survey. Additional tracts may be created through the public hearing process.

No one spoke in favor of the application. 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.

Kaiser stated concern that even if this was approved to be added to the Ordinance, some people would still find ways to circumvent the Ordinance. A lengthy discussion was held regarding subdividing property by survey and the proposals of larger pieces of property. Kaiser stated this may possibly force people through a public hearing (that they may have avoided before) to which Hodgson stated we look at each application/survey on an individual basis to determine if it meets the criteria of the Ordinance and yes there are times they will have to be approved by the Planning Commission and County Board, that is part of the office review process.

There was no further discussion by the Commission.

MOTION: Kaiser made a motion to deny the proposal as submitted with no recommendation to the County Board. The motion died for a lack of a second motion. Kovala made a motion to accept to Amend Chapter 8, Section 5 as submitted. Blomseth second. All in favor except Kaiser. Majority ruled. Motion carried.

FORTH PURPOSE OF BUSINESS: To Amend Chapter 8, Section 5, Paragraph J(2) Subject Matter: Amend Administrative Review to be consistent with Chapter 8, Section 5, Paragraph A 2(a)[1] which was amended in March 2012. When Chapter 8, Section 5, Paragraph A 2(a)[1] was amended, Chapter 5 Paragraph J2 was inadvertently overlooked.

Hodgson explained the proposal to the Board. The Proposed Language was read:

1. When allowed. Any quarter-quarter section, government lot, or smaller tract of land which was under single ownership on the effective date of this Ordinance may be subdivided into three or fewer tracts without following the preceding provisions for a plat if a surveyor's sketch of the proposed subdivision is submitted and approved in accordance with the procedures in this subsection J.
2. Review procedure.
 - a. Within a shoreland area.

(1) Administrative review. The surveyor's sketch shall be submitted to the Zoning Administrator for approval. The Zoning Administrator shall approve the surveyor's sketch only if it meets or exceeds 2.5 acres. The Zoning Administrator reserves the right to refer to the certificate of survey to the Planning Commission and County Board of Commissioners for consideration with any subdivision

proposal presenting extraordinary circumstances. Approval or disapproval of the proposed subdivision shall be conveyed to the subdivider in writing fifteen (15) days after the submission. If the proposed subdivision is disapproved, the subdivider shall be notified in writing of the reasons for the disapproval. The approval of the proposed subdivision together with a copy of the surveyor's sketch shall be filed with the County Recorder before any conveyances of the subdivided lots shall be valid. (Current subsections 1 & 2 would be renumbered)

No one spoke in favor of the application. 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.

The Board agreed the language was necessary for the Ordinance to be consistent. There was no further discussion by the Commission.

MOTION: Seaworth made a motion to amend Chapter 8, Section 5, Paragraph J(2) Subject Matter: Amend Administrative Review to be consistent with Chapter 8, Section 5, Paragraph A 2(a)[1] which was amended in March 2012. All in favor. Motion carried.

FIFTH PURPOSE OF BUSINESS: Purpose: To Amend Chapter 8, Section 5, Paragraph M(4) Subject Matter: Amend the size of a non-riparian lot from a non-riparian lot having to be greater than five thousand (5000) sq ft.

Hodgson explained the proposal to the Board. The Proposed Language was read:

- M. Non-riparian lots. Non-riparian lots not meeting the required size of the zoning district may be allowed if the following criteria are met;
1. Non-riparian lots described by metes and bounds conveyance must be described by legal description the riparian lot to which it is being attached to and the combined tract cannot be conveyed separately nor separated without county approval;
 2. Non-riparian lots created by platting must include in the plat dedication the legal description of the riparian lot to which it is being attached and that neither can be conveyed separately nor separated without county approval;
 3. The non-riparian lot and riparian lot must be located within two hundred (200) feet of each other;
 4. The non-riparian lot must be at least ~~be greater than~~ five thousand (5000) square feet ~~in area~~;
 5. The minimum road frontage of the non-riparian lot is fifty (50) feet;
 6. All setbacks for the applicable zoning district shall apply to the non-riparian lots;
 7. The lot area of the non-riparian lot cannot be used in the calculations of impervious coverage for the riparian lot;

8. The maximum lot coverage of the non-riparian lot cannot exceed twenty-five (25) percent of the area of the non-riparian lot.

No one spoke in favor of the application. 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.

There was no further discussion by the Commission.

Motion: Thorkildson made a motion to amend Chapter 8, Section 5, Paragraph M(4) Subject Matter: Amend the size of a non-riparian lot from a non-riparian lot having to be greater than five thousand (5000) sq ft. Kaiser second. All in favor. Motion carried.

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

Vice Chairman Lien 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 August 18th, 2015.

Kovala made a motion to approve the minutes for July 14th, 2015. Thorkildson second. All in favor. Motion carried.

Old Business: None

New Business:

FIRST ORDER OF BUSINESS: APPLICANT: Michael & Harriet Powers 437 5th Ave SE East Grand Forks, MN 56721 **PROJECT LOCATION:** E Little Cormorant Rd **LEGAL LAND DESCRIPTION:** 170043103 Lake Eunice Township Non-shoreland PT GOVT LOT 1: COMM NE COR SEC 4: W 496.45', S 363', W 523.42 SELY 310.89', ELY, SLY, WLY AL RD 275.88' TO POB; WLY & SLY AL RD 1021.18', NELY 334.64', SELY 345.18', NWLY 273.70', NW 285.63' TO POB. TRACT C., Section 04, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Agricultural to Residential for three tracts consisting of (Tract C-2) 1.9 acres, (Tract C-3) 2.0 acres and (Tract C-4) 1.77 acres.

Scott Walz explained the application to the Board on behalf of Michael Powers. Powers would like to sell some back lots and the potential buyers are riparian lot owners. The survey meets the Ordinance requirements and the proposal is for a change of zone for all parcels to residential. The area by the road is being connected to a riparian lot because it is too small to stand alone. The road surface in use is over further than the original platted road corridor for Summer Haven. Hodgson explained the current riparian owner (Nelson) is aware of the formalities they would have to go through to vacate the part of the road

that is not in use and describe the area back into the lake properties. Hodgson stated the small piece across the road cannot be used toward the 25% lot coverage of the lake lot. No one spoke in favor of the application. 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 consensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

MOTION: Thorkildson made a motion to approve a change of zone from Agricultural to Residential for three tracts consisting of (Tract C-2) 1.9 acres, (Tract C-3) 2.0 acres and (Tract C-4) 1.77 acres as submitted. Kaiser second. All in favor. Motion carried to approve.

SECOND ORDER OF BUSINESS: APPLICANT: APPLICANT: Karen Nelson 10779 Co Hwy 5 Pelican Rapids, MN 56572 **PROJECT LOCATION:** 10779 Co Hwy 5 **LEGAL LAND DESCRIPTION:** PT NW1/4 OF NW1/4 BEG 1200' E & 559.85' S OF NW COR; TH NW 115.72', S 208.11' TO RD, E AL RD 117.28', & N 218.94' TO BEG, Section 36, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Commercial to Residential to reflect the current use of the property.

Hodgson explained the application to the Board.

No one spoke in favor of the application. 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 consensus of the Board that the request meets the criteria of the Ordinance and the request reflects the use of the property.

There was no further discussion by the Commission.

MOTION: Kaiser made the motion to approve a change of zone from Commercial to Residential to reflect the current use of the property as submitted. Kovala second. All in favor. Motion carried to approve.

THIRD ORDER OF BUSINESS: APPLICANT: APPLICANT: Kelly Brackett 24062 Cherry Hill Rd Detroit Lakes, MN 56501 **PROJECT LOCATION:** 24062 Cherry Hill Rd **LEGAL LAND DESCRIPTION:** Lot 1 Block 2 Sunnyvale, Section 30, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Agricultural to Residential for one tract consisting of (Tract B) 1.41 acres.

Hodgson explained the application to the Board.

No one spoke in favor of the application. 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.

Johnston stated the area is all residential use parcels. 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 a motion to approve a change of zone from Agricultural to Residential for one tract consisting of (Tract B) 1.41 acres due to the request meets the criteria of the Ordinance. Kovala second. All in favor. Motion carried to approve.

FORTH ORDER OF BUSINESS: EAW REVIEW: Review of comments submitted/received regarding a proposal for gravel/aggregate extraction to exceed 40 acres on parcel 06.0402.001 Section 29 S ½ of NW ¼ Cormorant Township with Contractors Leasing/Kost Materials and determination if project needs an EIS. Conditional Use Permit application pending for upcoming Public Hearing.

Evenson-Marden explained the review process to the Board. The review was completed with findings/facts of conclusion. Staff reviewed and prepared responses to each comment issued.

The Planning Commission concluded the following:

1. This “Finding of Fact and Record of Decision” document and related documentation for the project that we prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Part 4410.1000-4410.1700.
2. This “Finding of Fact and Record of Decision” document and related documentation for the project have satisfactorily addressed all of the issues for which formation could have been reasonably obtained.
3. This project does not have the potential for significant negative environmental effects based upon the above findings and evaluation of the following four criteria as specified in Minnesota Rules, Part 4410.1700, Subp. 7:
 - ☐ The type, extent, and reversibility of environmental effects;
 - ☐ The cumulative potential effects of related or anticipated future projects;
 - ☐ The extent to which the environmental effects can be mitigated by ongoing public regulatory authorities; and
 - ☐ The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other Environmental Impact Statements (EIS).

Josh Kadrmas, Houston Engineering, spoke in support of the EAW and asked that the Phase I review recommended by the State Historical Society be requested, not required. There was general acceptance of this change. No one spoke against the EAW. The written correspondence had been previously given to the Board for review. At this time, testimony was closed and further discussion was held.

Lien noted the only negative comment/concern was regarding the prairie chicken “leks” and the author added suggestions for mitigation purposes.

There was no further discussion by the Commission.

MOTION: Blomseth made a motion to submit a recommendation to the County Board for a negative declaration. Johnston second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Informational Meeting: The next informational meeting is scheduled for Wednesday, September 2nd, 2015 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. Blomseth second. All in favor. Motion carried. Meeting adjourned.

John Lien, Vice Chairman

Jeff Moritz, Secretary

ATTEST _____

Eric Evenson-Marden, Zoning Supervisor



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

September 8, 2015 @7:00 PM

3rd Floor Jury Assembly Room New Addition-Becker County Courthouse
Detroit Lakes, MN. 56502

APPLICANT:
Todd Arntson
11471 Co Hwy 4
Lake Park, MN 56554

Project Location: 11471 Co Hwy 4

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Conditional Use Permit to begin renting the existing barn as an event center, primarily weddings in an Agricultural Zone.

LEGAL LAND DESCRIPTION: 060260000 Cormorant Township Non-shoreland
PT E1/2 OF NW1/4 & PT NW1/4 OF NE1/4; BEG 1602.56' E OF NW SEC COR TH S 1189.12', SELY 877.89' TO E LN, N 126.88', E 334.67', NWLY 1347.60', TH W 1111.47' TO POB, Section 19, TWP 138, Range 43

REFER TO BECKER COUNTY ZONING ORDINANCE

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT
915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number: 218-846-7266
email: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

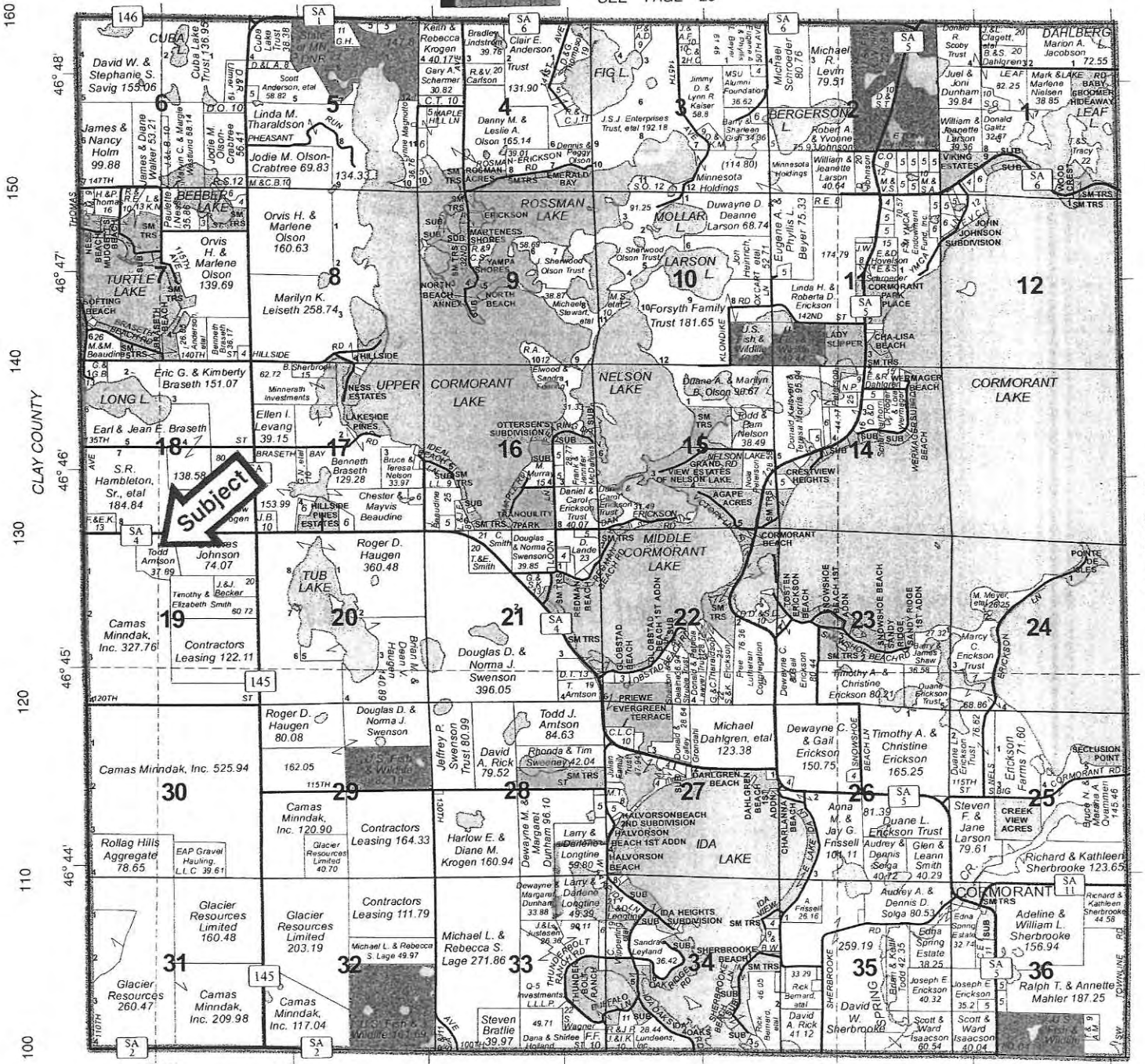
The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

CORMORANT

T.138N.-R.43W.

SEE PAGE 28



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OTTER TAIL COUNTY

Becker County, MN

110

120

130

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150

160

170

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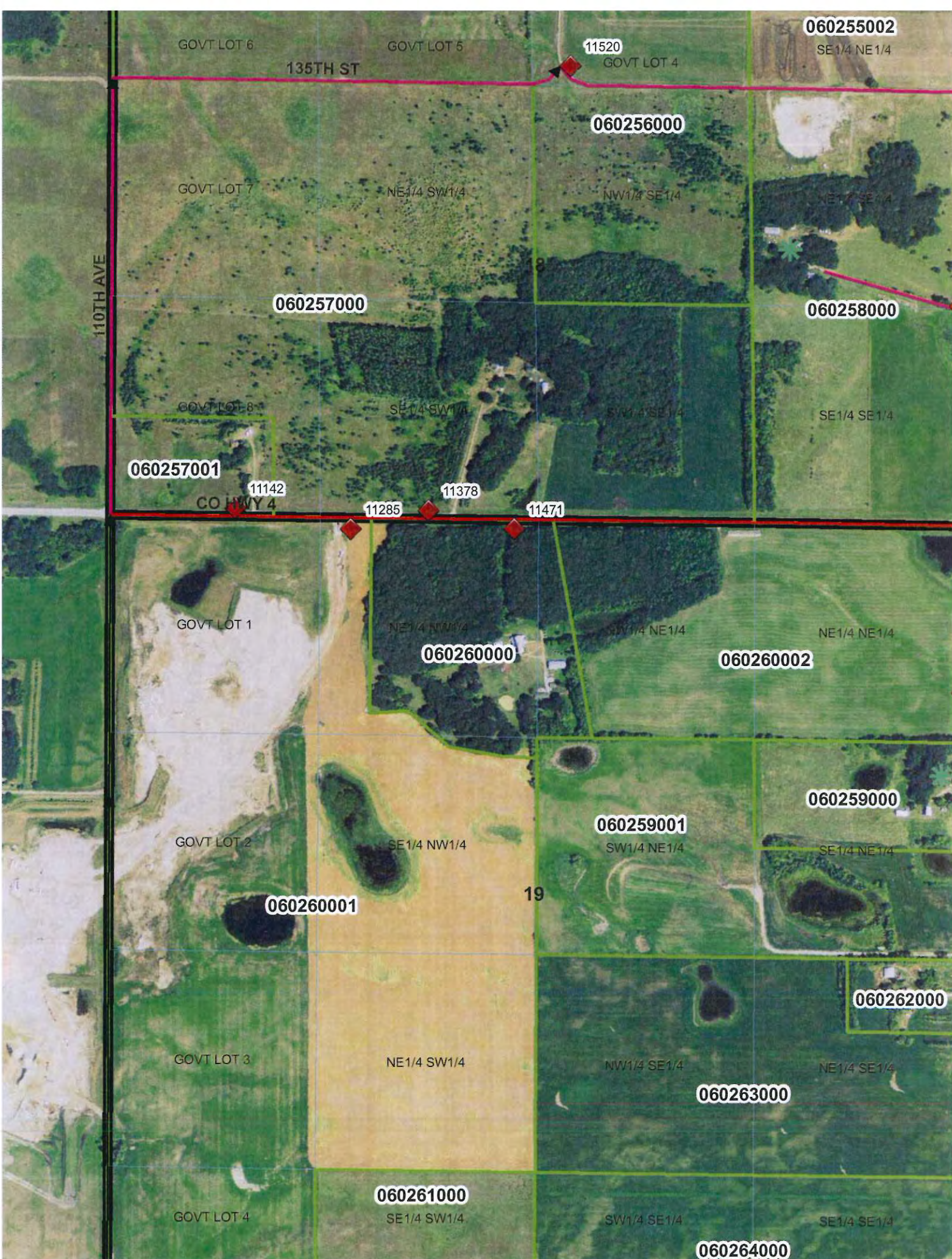


JOHN DEERE



RDO
EQUIPMENT CO.

SEE PAGE 12



060255002

SE 1/4 NE 1/4

11520

GOVT LOT 6

GOVT LOT 5

GOVT LOT 4

135TH ST

060256000

GOVT LOT 7

NE 1/4 SW 1/4

NW 1/4 SE 1/4

NE 1/4 SE 1/4

110TH AVE

060257000

060258000

GOVT LOT 8

SE 1/4 SW 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

060257001

11142

CO HWY 4

11378

11285

11471

GOVT LOT 1

NE 1/4 NW 1/4

SW 1/4 NE 1/4

NE 1/4 NE 1/4

060260000

060260002

GOVT LOT 2

SE 1/4 NW 1/4

060259001

SW 1/4 NE 1/4

060259000

SE 1/4 NE 1/4

060260001

19

060262000

GOVT LOT 3

NE 1/4 SW 1/4

NW 1/4 SE 1/4

NE 1/4 SE 1/4

060263000

GOVT LOT 4

SE 1/4 SW 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

060261000

060264000



~ CONDITIONAL USE APPLICATION ~
BECKER COUNTY PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	CUP
YEAR	
SCANNED	

PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)

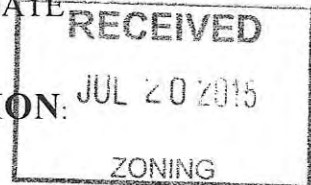
First name(s): Todd Last name: Arntson
Mailing Address: 11471 County Hwy 4 City, State, Zip Lake Park, MN 56554
Phone Number(s): 218-790-5454 Project Address: 11471 County Hwy 4, Lake Park, MN
Parcel number(s) of property: 066260000 Sect - Twp - Range: 19-13 8-43
Township Name: Cormorant Legal Description: PT E 1/2 OF NW 1/4 + PT NW 1/4 OF NE 1/4;
BEG 1602.56' E OF NW SEC COR TH S 1189.12', SELY 877.89' TO E LN, N 126.88', E 334.67',
NWLY 1347.60', TH W 1111.47' TO POB

REASON FOR CONDITIONAL USE REQUEST: I wish to begin renting my
barn as an event center, primarily weddings

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

[Signature]
SIGNATURE OF APPLICANT

7/14/15
DATE



OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:

1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings; parking area and all other materials deemed necessary.
3. Non-refundable filing fee of \$326.00. If in Cormorant Township add \$25.00 surcharge to the filing fee (\$351.00). **Make check payable to Becker County Zoning.**
4. **Is the conditional use permit request after the fact?** [] Yes [] No
If yes, after the fact application fee is an additional \$600.00.

Office Use Only

This application is hereby (accepted) or (rejected) as presented.

[Signature]
SIGNATURE - ZONING ADMINISTRATOR

8-10-2015
DATE

PARCEL	
APP	CUP
YEAR	

BUSINESS PLAN

Name of Business: _____

Owners of Business: Todd Amtson

Type of Business: Retail Sales Service Other

Type of Merchandise: _____

Type of Service: rental of event center

Hours of Operation: ~~varies~~ primarily Saturdays 11am - Sunday 1am

Number of Employees: 0

Off - street Parking Plan: parking will be provided on property

Size of Structure to be used for Business: 40x100

New Structure: _____ Existing Structure: 40x100 Barn

Signage Plan: 4x8 Roadside lighted sign on end of driveway

Exterior Lighting Plan: exterior lights on barn

Environmental Hazards: _____

Other Comments: _____



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

September 8, 2015 @7:00 PM

3rd Floor Jury Assembly Room New Addition-Becker County Courthouse

Detroit Lakes, MN. 56502

APPLICANT:

Dennis E. & Kristine A. Bohner
17107 N. Leaf Lake Road
Lake Park, MN 56554

Project Location: 17107 N. Leaf Lake Road

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Conditional Use Permit to operate a small engine repair shop part time from an existing garage in an Agricultural Zone.

LEGAL LAND DESCRIPTION: 171338000 Lake Eunice Township Leaf Lake
Lots 3 & 4, WHITE OAKS BEACH 1ST, Section 06, TWP 138, Range 42

REFER TO BECKER COUNTY ZONING ORDINANCE

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT
915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number: 218-846-7266
email: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

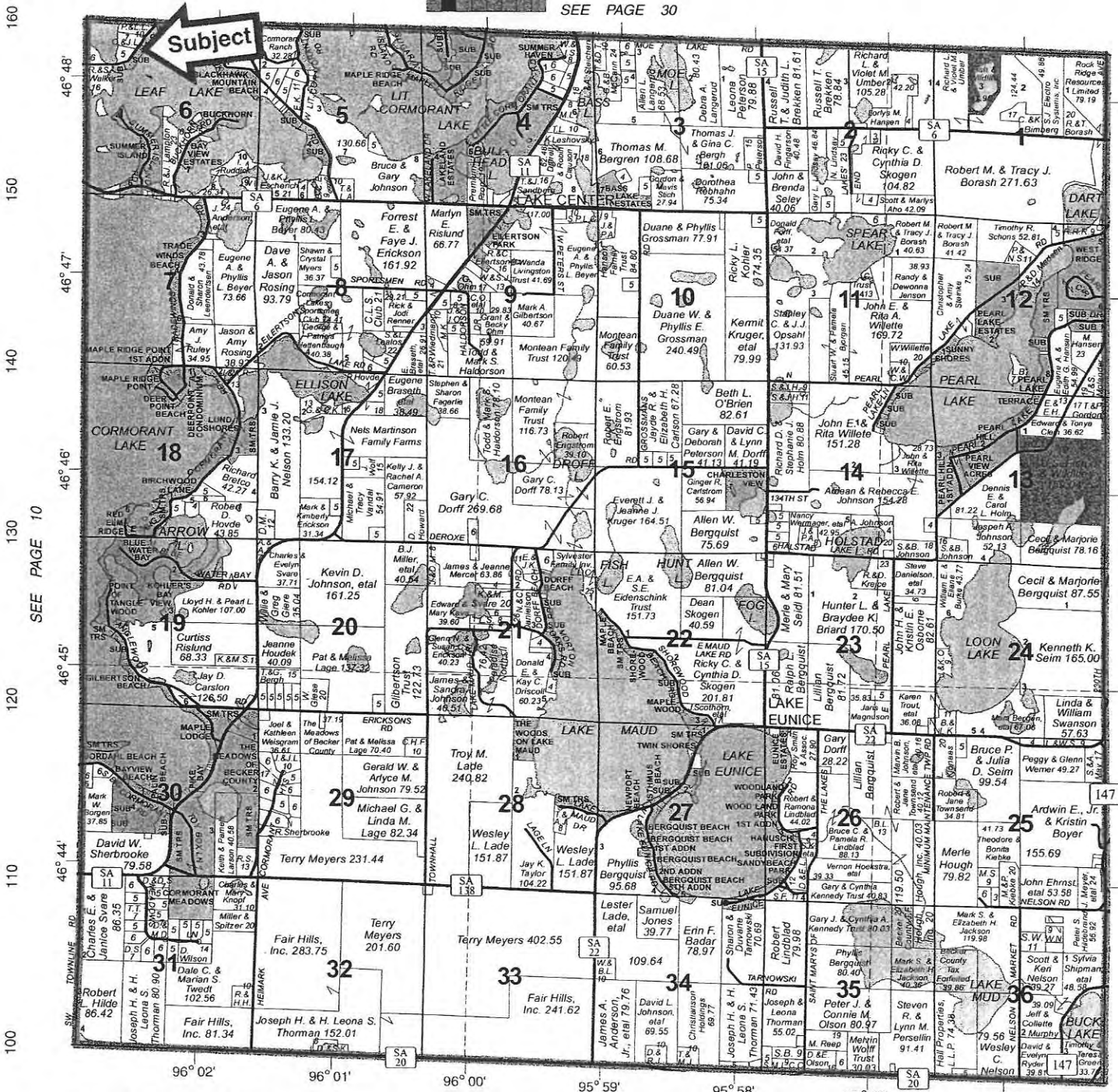
The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

LAKE EUNICE

T.138N.-R.42W.

SEE PAGE 30



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OTTER TAIL COUNTY

Becker County, MN

170 180 190 200 210 220 230

DetroitLakes.com

421 Main Street West • Detroit Lakes, MN 56501

Office: 218.844.5557 • Fax: 218.844.5558

Cell: 218.841.2238 • rjcarr121@hotmail.com

Dick Carr

Broker / Agent





~ CONDITIONAL USE APPLICATION ~
BECKER COUNTY PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	CUP
YEAR	
SCANNED	

PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)

First name(s): DENNIS E + KRISTINE A Last name: Bohner
Mailing Address: 17107 N Leaf Lake Rd City, State, Zip LAKE PARK MN 56554
Phone Number(s): 218-532-2274 Project Address: 17107 N Leaf Lake Rd
Parcel number(s) of property: 17.1338.000 - Sect - Twp - Range: SECT 06 TWP 138
Township Name: LAKE EUNICE Legal Description: LOTS 3+4 - RANGE - 042
LOTS NUMBER 03 + 4 WHITE OAKS BEACH FIRST ADDITION

REASON FOR CONDITIONAL USE REQUEST: HAVE COMMERCIAL
SMALL REPAIR SERVICE -

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

Dennis E Bohner
SIGNATURE OF APPLICANT

8.2.15
DATE

OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:

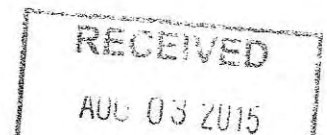
1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings; parking area and all other materials deemed necessary.
3. Non-refundable filing fee of \$326.00. If in Cormorant Township add \$25.00 surcharge to the filing fee (\$351.00). **Make check payable to Becker County Zoning.**
4. Is the conditional use permit request after the fact? Yes [] No
If yes, after the fact application fee is an additional \$600.00.

Office Use Only

This application is hereby (accepted) or (rejected) as presented.

[Signature]
SIGNATURE - ZONING ADMINISTRATOR

8-10-2015
DATE



PARCEL	
APP	CUP
YEAR	

BUSINESS PLAN

Name of Business: Dennys Repair

Owners of Business: Dennis Bohner

Type of Business: Retail Sales Service Other

Type of Merchandise: NO SALES - JUST REPAIRS

Type of Service: REPAIRS - PALLET JACK - HYDRAULICS, SMALL ENGINES

Hours of Operation: MON - FRIDAY 5:00 PM TO 9:00 PM - SOME WEEKENDS

Number of Employees: 0 - NONE

Off - street Parking Plan: NOT NEEDED - JUST DROP OFF OR PICK UP + FIX *Service Truck goes to site*

Size of Structure to be used for Business: 22 BY 30 FEET

New Structure: NO Existing Structure: YES

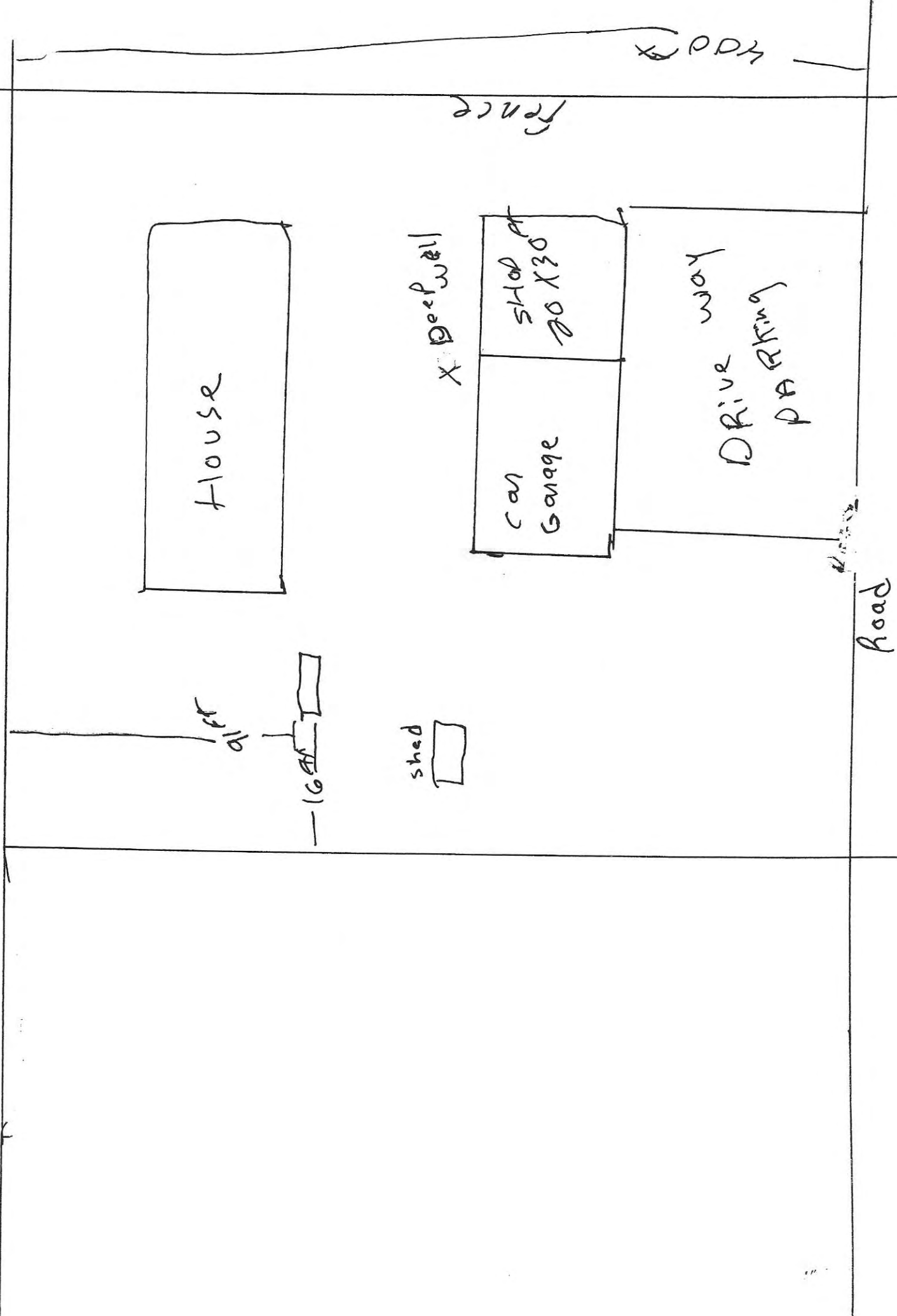
Signage Plan: _____

Exterior Lighting Plan: _____

Environmental Hazards: _____

Other Comments: THIS IS A PART-TIME SMALL ENGINE REPAIR BUSINESS - MOST OF THE WORK IS DONE ON THE CUSTOMER'S SITE - WE HAVE A SERVICE TRUCK THAT GOES TO CUSTOMERS PLACE OF BUSINESS AND REPAIRS ARE DONE THERE. SOME TIMES A PART IS NEEDED THAT IS DONE IN OUR SHOP. DENNIS HAS A FULL-TIME JOB - HE WORKS AT IN FARGO - THE REPAIR SHOP IS IN OUR GARAGE - ONE SEPARATE STALL WHICH 20 + 30 FT HOURS OF BUSINESS - 5 PM TO 9 PM + SOME WEEKENDS

Lake — 100 ft



House

shed

shed

X Sheep well

car Garage

shed 20 X 30

DRIVE way
PARKING

Road

Fence

ROAD





COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

September 8, 2015 @7:00 PM

3rd Floor Jury Assembly Room New Addition-Becker County Courthouse
Detroit Lakes, MN. 56502

APPLICANT:
Jessica Brattland
1545 Pinecrest Drive
Ogden, UT 84403

Project Location: NE Pickerel Lake Rd

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Certificate of Survey for two tracts of land with Tract A consisting of 91,000 sq ft +/- and Tract B consisting of 92,200 sq ft +/- with the remnant area of 37,231 to be attached to Tract A. The request also includes a change of zone from Agricultural to Residential for both tracts.

LEGAL LAND DESCRIPTION: 100040000 Erie Township Pickerel Lake
S 300' OF LOT 4 LESS ROADWAY, Section 04, TWP 139, Range 40

REFER TO BECKER COUNTY ZONING ORDINANCE

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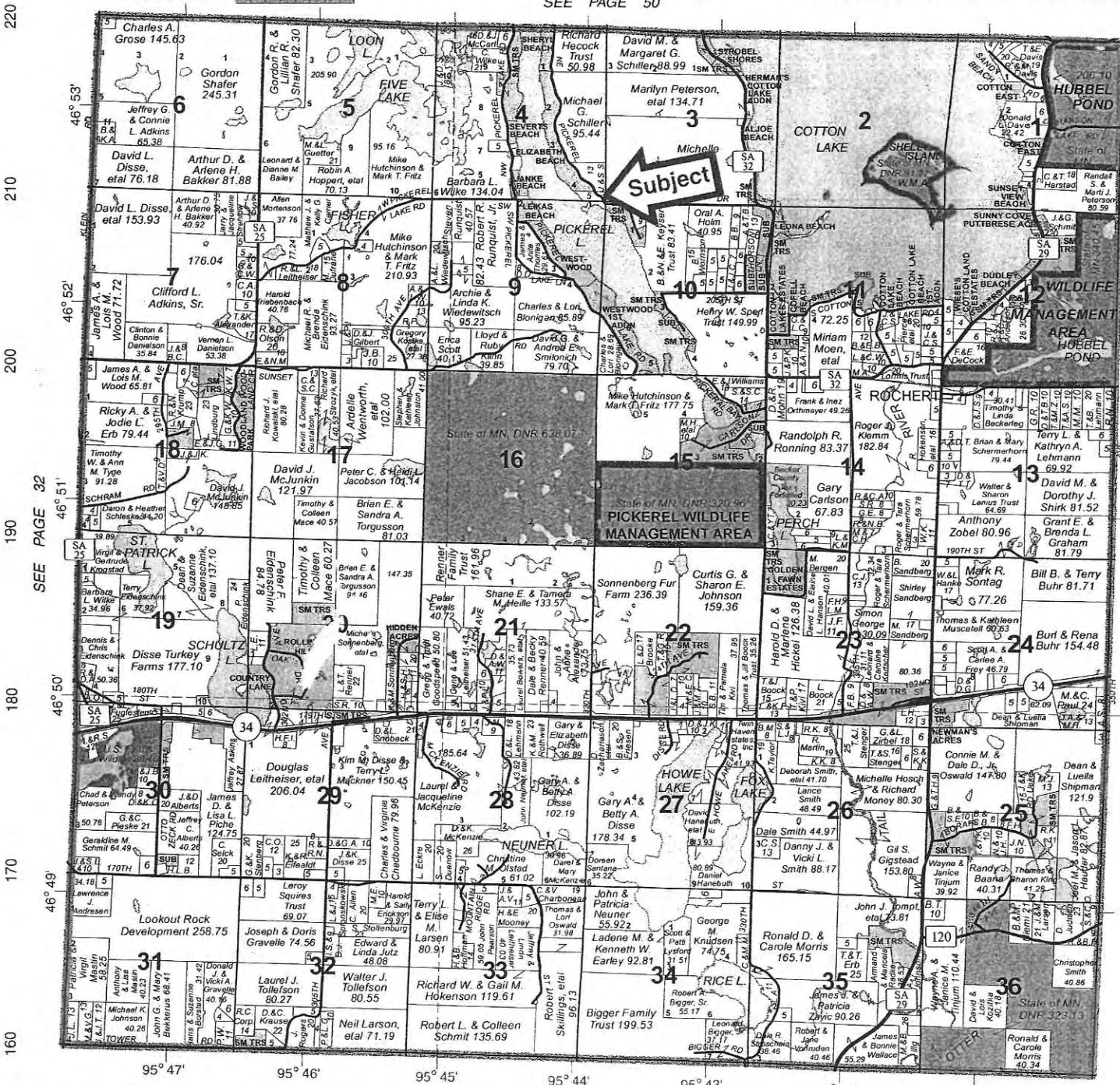
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Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

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SEE PAGE 36

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SUBDIVISION ZONE CHANGE
BECKER COUNTY
PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	ZONE / SURVEY
YEAR	
SCANNED	

Application for: Zone Change Certificate of Survey Preliminary Plat
(Complete Section 1) (Complete Section 2) (Complete Section 3)

Applicant's Name: Jessica Brattland

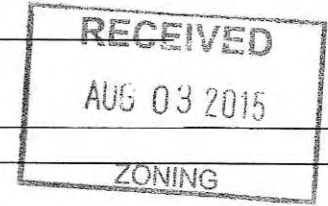
Applicant's Address: 1545 Pinecrest Drive
Ogden, UT 84403

Telephone(s): _____ Date of Application: 8-3-15

Signature of Applicant: A.H.R. Wagy (MORROWLAND SURVEYING)

Parcel ID Number: 100040000 Project Address: N/A

Legal Description of Project: See legal attached.



SECTION 1

*Zone Change For Existing Parcel Number 100040000
~~100040000~~
Current Zoning AG Requested Zoning RES

SECTION 2

*Certificate Of Survey: Number of Lots 2 & ATTACHED BACK LOT
Shoreland (within 1000 ft of lake) Nonshoreland _____
Current Zoning of property AG
Is a change of zone required? yes _____ no _____
If yes, change from AG Zone to RES Zone.
Total acreage of parcel to be subdivided 5.0
**Include a copy of the purchase agreement if applicant is not the owner of the property.

SECTION 3

*For Preliminary Plat:
Number of Lots _____
Name of Subdivision _____
Name of Proposed Roads _____
Shoreland (within 1000 ft of lake) _____ Non-shoreland _____
Current Zoning of property _____
Is a change of zone required? _____ yes _____ no _____
If yes, change from _____ Zone to _____ Zone.
Total acreage of parcel to be subdivided _____
**Include a copy of the purchase agreement if applicant is not the property owner.

Date Received 8-3-2015 Date Accepted 8-10-2015 Authorized Signature [Signature]
Application Fee _____ Notice Fee _____ Recording Fee _____
Date Paid _____ Receipt Number _____

423193

Personal Representative's Deed
Individual Personal Representative
to Joint Tenants

Form No. 111-M

No delinquent taxes; certificate
of real estate value received; #2166
and transfer entered
on July 22, 1996

Keith Brekken
County Auditor

by TP
10-0040-000 Deputy

*
(reserved for recording data)

STATE DEED TAX DUE HEREON: \$ 171.60

Date: ~~June 3~~ June 3, 1996

FOR VALUABLE CONSIDERATION, Roger J. Engstrom, Grantor, as
Personal Representative of the Estate of Donnell D. Engstrom,
decedent, single at the time of death, hereby conveys to Jennifer
S. Ota and Paul T. Ota, an undivided one-half interest, as joint
tenants and Janel K. Brattland and Jessica L. Brattland, an
undivided one-half interest, as tenants in common, Grantees, real
property in Becker County, Minnesota, described as follows:

The South Three Hundred (300) feet of Government Lot
Four (4), Section Four (4), Township One Hundred
Thirty-nine (139), Range Forty (40), Becker County,
Minnesota, less roadway described as: A strip of land
66.0 feet in width extending from the South line of the
South 300.0 feet of Government Lot 4, Section 4,
Township 139 North, Range 40 West of the 5th P.M. in
Becker County, Minnesota, to the North line thereof,
the center line of the said strip of land being
described as follows, to-wit: Beginning at a point
which bears North 89 degrees 38 minutes West 49.66 feet
in the south line of the said Section from the
Southeast corner thereof; thence running by the
following three courses and distances, viz: North 25
degrees 23 minutes West 166.5 feet, North 68 degrees 34
minutes West 155.8 feet and North 37 degrees 23 minutes
West 118.9 feet to the North line of the said South
300.0 feet of Government Lot 4 and there terminating.

together with all hereditaments and appurtenances belonging
thereto.

Charge _____
Paid _____
Numerical _____
Tract _____
Grantor _____
Grantee _____
Compared _____

BECKER COUNTY RECORDER STATE OF MN.

Microfilm No. 423193

Date: JUL 23 1996 11:00 a.m.

I hereby certify that the within
instrument was recorded in the office
of Becker County Recorder.

M.M. Martenson
County Recorder



1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
www.meadowlandsurveying.com

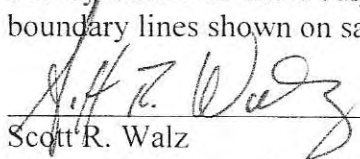
Jessica Brattland – Tract A – 91,000 square foot, more or less, tract on Pickerel Lake

Land description:

That part of Government Lot 4 in Section 4, Township 139 North, Range 40 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at an iron monument which designates the southeast corner of said Section 4; thence North 89 degrees 24 minutes 33 seconds West 12.88 feet on an assumed bearing along the south line of said Section 4 to an iron monument on the northeasterly line of a Dedicated Public Road (now known as Northeast Pickerel Lake Road) in ELIZABETH BEACH, said plat is on file and of record in the office of the Recorder in said County; thence continuing North 89 degrees 24 minutes 33 seconds West 73.38 feet along the south line of said Section 4 to an iron monument on the southwesterly line of said Dedicated Public Road; thence North 25 degrees 19 minutes 47 seconds West 137.22 feet along the southwesterly line of said Dedicated Public Road to an iron monument; thence North 68 degrees 31 minutes 03 seconds West 74.29 feet continuing along the southwesterly line of said Dedicated Public Road to an iron monument, said point is the point of beginning; thence North 89 degrees 35 minutes 03 seconds West 595.38 feet to an iron monument; thence continuing North 89 degrees 35 minutes 03 seconds West 28 feet, more or less, to the water's edge of Pickerel Lake; thence northwesterly along the water's edge of said Pickerel Lake to the southerly line of Lot 1 of said ELIZABETH BEACH; thence South 89 degrees 33 minutes 20 seconds East 33 feet, more or less, along the southerly line of said Lot 1 to an iron monument; thence continuing South 89 degrees 33 minutes 20 seconds East 618.24 feet along the southerly line of said Lot 1 to an iron monument at the southeasterly corner of said Lot 1; thence South 23 degrees 19 minutes 45 seconds East 18.59 feet along the southwesterly line of said Dedicated Public Road to an iron monument; thence South 37 degrees 19 minutes 51 seconds East 132.15 feet continuing along the southwesterly line of said Dedicated Public Road to an iron monument; thence South 68 degrees 31 minutes 03 seconds East 77.65 feet continuing along the southwesterly line of said Dedicated Public Road to the point of beginning. The above described tract contains 91,000 square feet, more or less.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota and that the above legal description was prepared from information on Certificate of Survey T8858-15 dated July 30, 2015 and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.



Scott R. Walz

Minnesota Licensed Land Surveyor No. 50320



1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
www.meadowlandsurveying.com

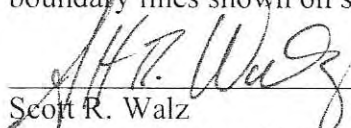
Jessica Brattland – Tract B – 92,200 square foot, more or less, tract on Pickerel Lake

Land description:

That part of Government Lot 4 in Section 4, Township 139 North, Range 40 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at an iron monument which designates the southeast corner of said Section 4; thence North 89 degrees 24 minutes 33 seconds West 12.88 feet on an assumed bearing along the south line of said Section 4 to an iron monument on the northeasterly line of a Dedicated Public Road (now known as Northeast Pickerel Lake Road) in ELIZABETH BEACH, said plat is on file and of record in the office of the Recorder in said County; thence continuing North 89 degrees 24 minutes 33 seconds West 73.38 feet along the south line of said Section 4 to an iron monument on the southwesterly line of said Dedicated Public Road, said point is the point of beginning; thence North 25 degrees 19 minutes 47 seconds West 137.22 feet along the southwesterly line of said Dedicated Public Road to an iron monument; thence North 68 degrees 31 minutes 03 seconds West 74.29 feet continuing along the southwesterly line of said Dedicated Public Road to an iron monument; thence North 89 degrees 35 minutes 03 seconds West 595.38 feet to an iron monument; thence continuing North 89 degrees 35 minutes 03 seconds West 28 feet, more or less, to the water's edge of Pickerel Lake; thence southeasterly along the water's edge of said Pickerel Lake to the south line of said Section 4; thence South 89 degrees 41 minutes 01 second East 74 feet, more or less, along the south line of said Section 4 to Meander Corner No. 29; thence South 89 degrees 24 minutes 33 seconds East 63.84 feet continuing along the south line of said Section 4 to an iron monument; thence continuing South 89 degrees 24 minutes 33 seconds East 386.90 feet along the south line of said Section 4 to the point of beginning. The above described tract contains 92,200 square feet, more or less.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota and that the above legal description was prepared from information on Certificate of Survey T8858-15 dated July 30, 2015 and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.



Scott R. Walz
Minnesota Licensed Land Surveyor No. 50320

MEADOWLAND SURVEYING INC

1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
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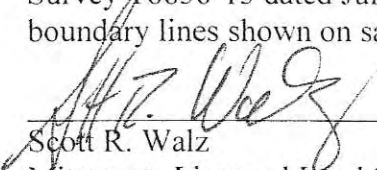
Jessica Brattland – Tract C – 37,231 square foot tract to be attached to Tract A

Land description:

That part of Government Lot 4 in Section 4, Township 139 North, Range 40 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Beginning at an iron monument which designates the southeast corner of said Section 4; thence North 89 degrees 24 minutes 33 seconds West 12.88 feet on an assumed bearing along the south line of said Section 4 to an iron monument on the northeasterly line of a Dedicated Public Road (now known as Northeast Pickerel Lake Road) in ELIZABETH BEACH, said plat is on file and of record in the office of the Recorder in said County; thence North 25 degrees 19 minutes 47 seconds West 195.42 feet along the northeasterly line of said Dedicated Public Road to an iron monument; thence North 68 degrees 31 minutes 03 seconds West 159.64 feet continuing along the northeasterly line of said Dedicated Public Road to an iron monument; thence North 37 degrees 19 minutes 51 seconds West 85.33 feet continuing along the northeasterly line of said Dedicated Public Road to an iron monument on the north line of the south 300.00 feet of said Government Lot 4; thence South 89 degrees 24 minutes 33 seconds East 294.54 feet along the north line of the south 300.00 feet of said Government Lot 4 to an iron monument on the east line of said Section 4; thence South 00 degrees 25 minutes 47 seconds East 300.05 feet along the east line of said Section 4 to the point of beginning. The above described tract contains 37,231 square feet.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota and that the above legal description was prepared from information on Certificate of Survey T8858-15 dated July 30, 2015 and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.



Scott R. Walz

Minnesota Licensed Land Surveyor No. 50320



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100041001

SW 1/4 SW 1/4 3

100025000

100041002

100040000

100040000

21016

100093000

GOVT LOT 4

32010

32084

100101000

100107000

GOVT LOT 1

100103000

WATER

Pickerel Lake

9

10

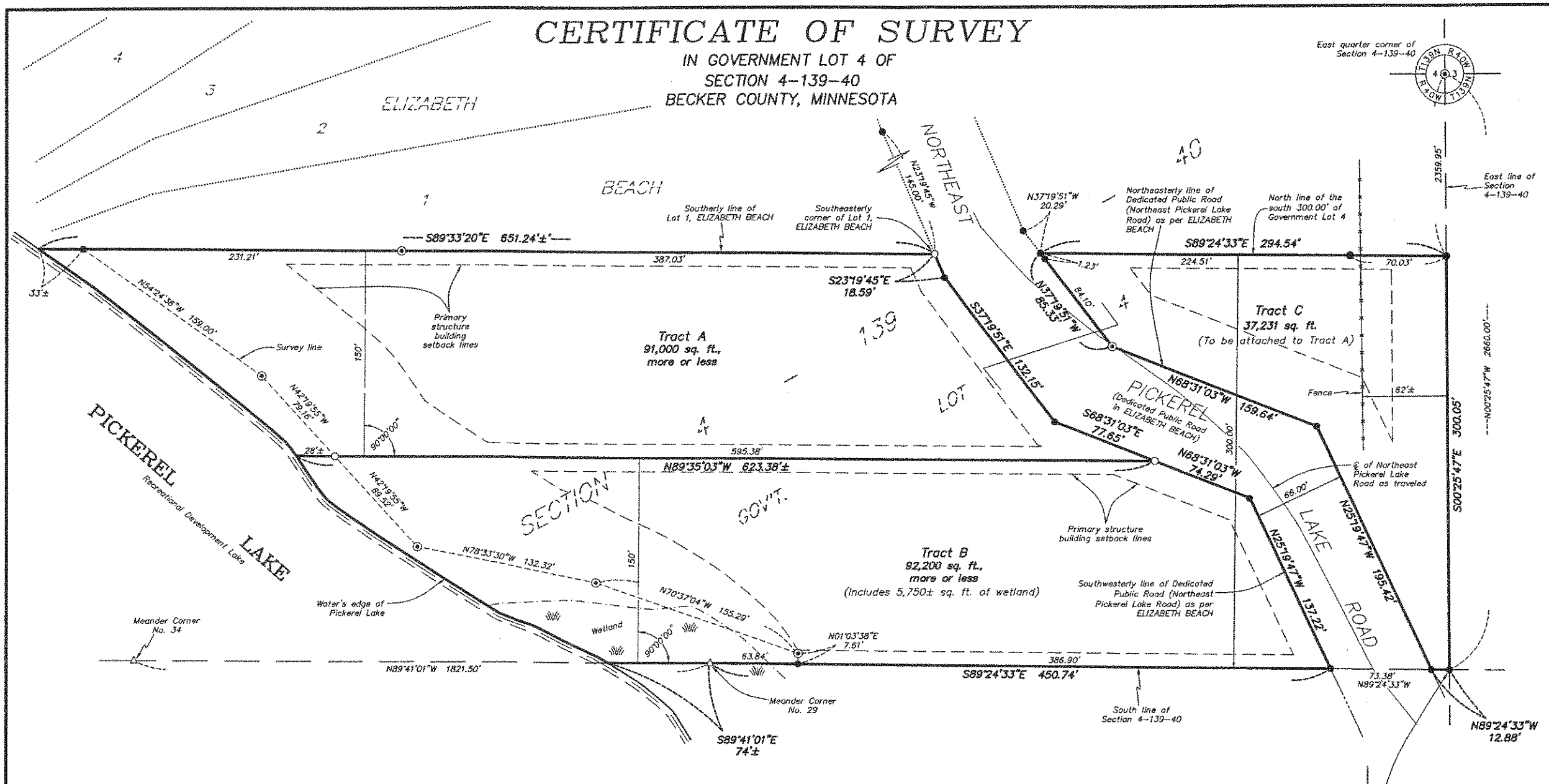
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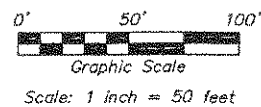
CERTIFICATE OF SURVEY

IN GOVERNMENT LOT 4 OF
SECTION 4-139-40
BECKER COUNTY, MINNESOTA



LEGEND

- = Denotes iron monuments found.
- = Denotes iron monuments set marked with Minnesota License No. 12004/46538/50320.
- ⊙ = Denotes iron monument previously found and verified.
- △ = Denotes no monument set.



Orientation of bearing system is assumed.

BUILDING SETBACKS

- Primary structure building setbacks for land zoned residential as shown are as follows:
- Pickerel Lake (Recreational Development Lake) - 100'
 - Side yard - 10'
 - NORTHEAST PICKEREL LAKE ROAD - 20' from right of way for riparian lots
 - NORTHEAST PICKEREL LAKE ROAD - 45' from right of way for non-riparian lots
 - Rear yard - 40'

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Scott R. Waack
Print Name: _____
Signature: _____
Date: July 30, 2015 License # 50320

Raised seal indicates official copy.

MEADOWLAND SURVEYING, INC.
1118 HWY 59 SOUTH, DETROIT LAKES, MN 56501
OFFICE: 218-847-4289 FAX: 218-846-1945
EMAIL: frontdesk@meadowlandsurveying.com
www.meadowlandsurveying.com

CLIENT:	JESSICA BRATTLAND 1545 PINECREST DRIVE OGDEN, UT 84403
COMP FILE:	04WILKE(COORDS)
CRD FILE:	04WILKE(COORDS)
DWG FILE:	04BRATTLAND_COS
COMP BY:	JPP
DRAWN BY:	JPP

DRAWING NUMBER: T8858-15



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

September 8, 2015 @7:00 PM

3rd Floor Jury Assembly Room New Addition-Becker County Courthouse

Detroit Lakes, MN. 56502

APPLICANT:

James & Tamara Hanson
4733 48th Ave S
Fargo, ND 58104

Project Location: 19731 Toad Mountain Rd

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Certificate of survey for 1 tract of land consisting of 7.6 acres +/- with a remainder tract of 35.6 acres in an agricultural zone.

LEGAL LAND DESCRIPTION: 330158000
LOT 1, Section 17, TWP 139, Range 38

Toad Lake Township

Toad Lake

REFER TO BECKER COUNTY ZONING ORDINANCE

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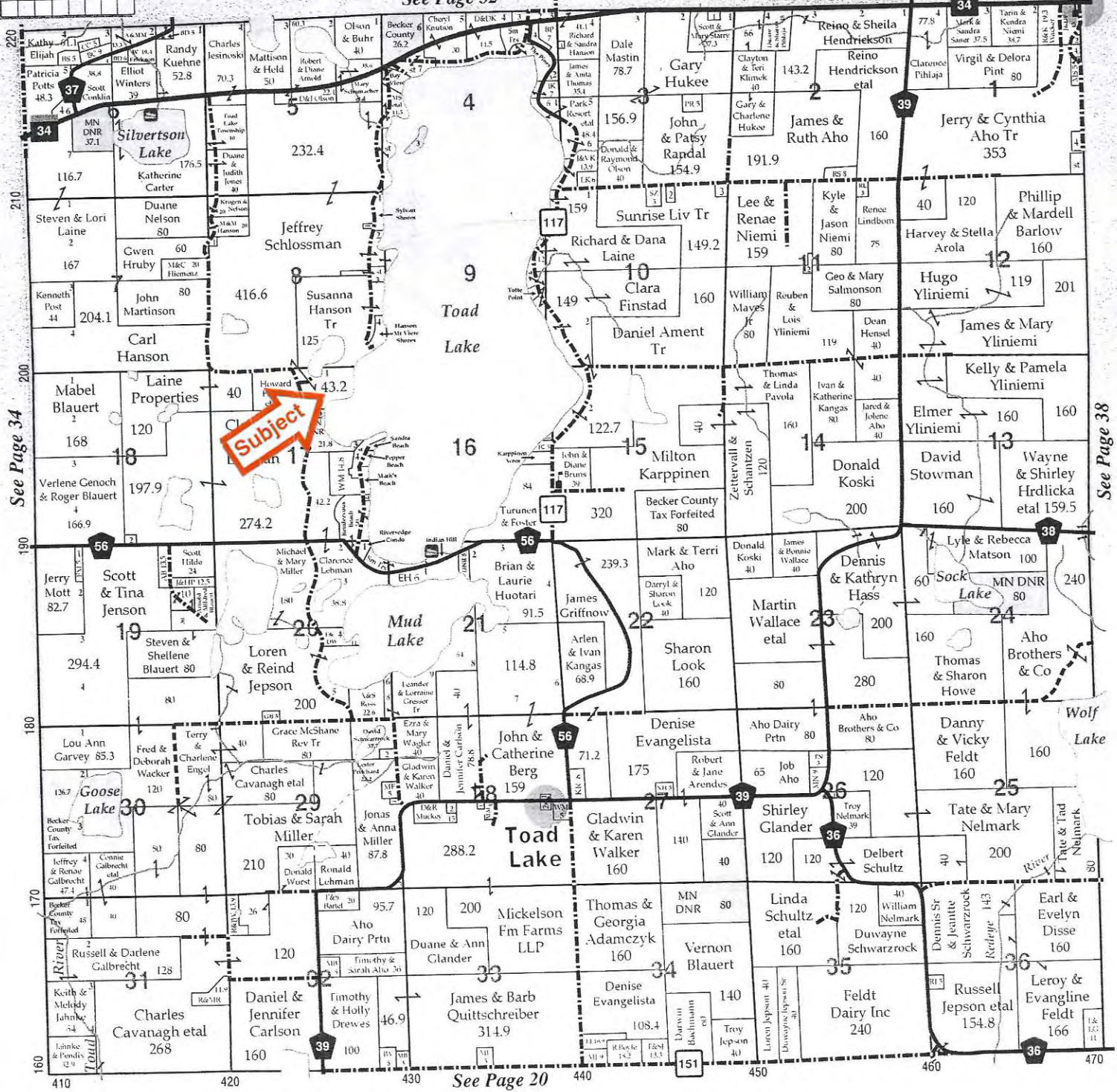
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Toad Lake

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See Page 52

Snellman



See Page 34

See Page 38

See Page 20

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SUBDIVISION / ZONE CHANGE
BECKER COUNTY
PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	ZONE / SURVEY
YEAR	
SCANNED	

Application for: Zone Change Certificate of Survey Preliminary Plat
(Complete Section 1) (Complete Section 2) (Complete Section 3)

Applicant's Name: James & Tamara Hansord

Applicant's Address: 4733 48th Ave S
Fargo, ND 58104

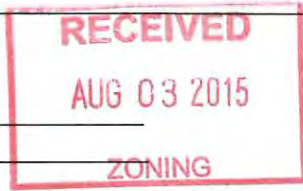
Telephone(s): 701-520-5520 Date of Application: 8-5-15

Signature of Applicant: [Signature]

Parcel ID Number: 33.0158.000 Project Address: 19731 Toad mt. Rd

OSAGL, 56572

Legal Description of Project:



SECTION 1

*Zone Change For Existing Parcel Number
Current Zoning Requested Zoning

SECTION 2

*Certificate Of Survey: Number of Lots 1
Shoreland (within 1000 ft of lake) Nonshoreland
Current Zoning of property Ag
Is a change of zone required? yes no
If yes, change from Zone to Zone.
Total acreage of parcel to be subdivided 7.6
**Include a copy of the purchase agreement if applicant is not the owner of the property.

SECTION 3

*For Preliminary Plat:
Number of Lots
Name of Subdivision
Name of Proposed Roads
Shoreland (within 1000 ft of lake) Non-shoreland
Current Zoning of property
Is a change of zone required? yes no
If yes, change from Zone to Zone.
Total acreage of parcel to be subdivided
**Include a copy of the purchase agreement if applicant is not the property owner.

Date Received 8-3-15 Date Accepted 8-10-2015 Authorized Signature [Signature]
Application Fee Notice Fee Recording Fee
Date Paid Receipt Number



1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
www.meadowlandsurveying.com

Jim Hanson- 7.6 acre, more less, tract on Toad Lake for proposed house

Land description:

That part of Government Lot 1 in Section 17, Township 139 North, Range 38 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at a found cast iron monument which designates the north quarter corner of said Section 17; thence South 86 degrees 52 minutes 22 seconds East 1380.17 feet on an assumed bearing along the north line of said Section 17 to a found cast iron monument at Meander Corner No. 15; thence South 26 degrees 55 minutes 49 seconds East 183.86 feet to the point of beginning; thence South 32 degrees 47 minutes 35 seconds West 505.20 feet; thence South 85 degrees 37 minutes 59 seconds West 430.84 feet; thence westerly on a curve concave to the north, having a central angle of 34 degrees 14 minutes 52 seconds and a radius of 217.00 feet, for a distance of 129.71 feet (chord bearing North 77 degrees 14 minutes 36 seconds West); thence North 60 degrees 07 minutes 09 seconds West 133.53 feet; thence North 65 degrees 53 minutes 52 seconds West 141.49 feet to the centerline of Toad Mountain Road; thence southeasterly along the centerline of said Toad Mountain Road on a curve concave to the southwest, having a central angle of 36 degrees 06 minutes 18 seconds and a radius 175.00 feet, for a distance of 110.28 feet (chord bearing South 28 degrees 24 minutes 57 seconds East); thence South 65 degrees 53 minutes 52 seconds East 52.09 feet; thence South 60 degrees 07 minutes 09 seconds East 130.20 feet; thence easterly on a curve concave to the north, having a central angle of 34 degrees 14 minutes 52 seconds and a radius of 283.00 feet, for a distance of 169.16 feet (chord bearing South 77 degrees 14 minutes 36 seconds East); thence North 85 degrees 37 minutes 59 seconds East 449.58 feet; thence South 20 degrees 13 minutes 20 seconds East 286.07 feet, more or less, to the water's edge of Toad Lake; thence northeasterly, northerly and northwesterly along the water's edge of said Toad Lake to the intersection with a line which bears North 32 degrees 47 minutes 35 seconds East from the point of beginning; thence South 32 degrees 47 minutes 35 seconds West 29 feet, more or less, to the point of beginning. The above described tract contains 7.6 acres, more or less.

SUBJECT TO a 33.00 foot wide easement for public road purposes for Toad Mountain Road over, under and across that part of the above described tract which lies within 33.00 feet of the centerline of said Toad Mountain Road.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota and that the above legal description was prepared from information on Certificate of Survey T8839-15 dated August 3, 2015, and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.



Scott R. Walz

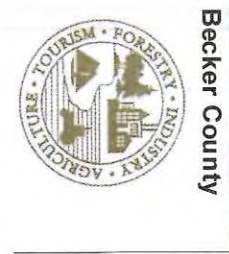
Minnesota Licensed Land Surveyor No. 50320

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:19,969

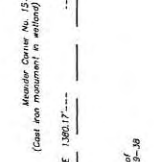
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Date: 8/25/2015



CERTIFICATE OF SURVEY

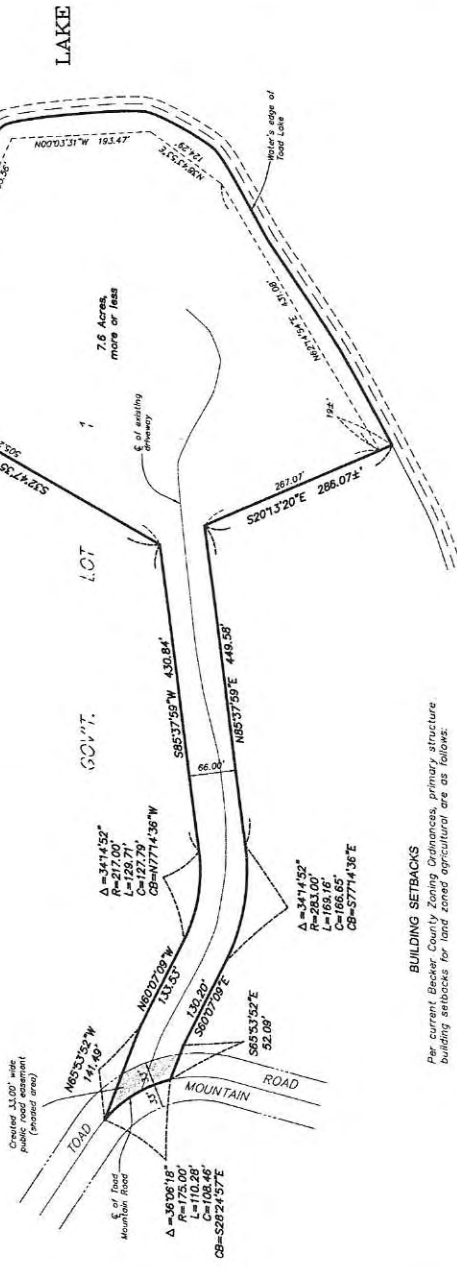
IN GOVERNMENT LOT 1
SECTION 17-139-38
BECKER COUNTY, MINNESOTA



SECTION 17

SECTION 139

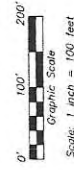
SECTION 38



Orientation of bearing system is assumed.

LEGEND

● = Denotes iron monuments found.



BUILDING SETBACKS
Per current Becker County Zoning Ordinance, primary structure building setbacks for land zoned agricultural are as follows:
Toad Lake (Recreational Development Lake) - 100'
Side yard - 20'
Toad Mountain Road - 53' from E

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Surveyor under the laws of the State of Minnesota.

Print Name: Scott E. Hildner
Signature: [Signature]
Date: August 5, 2010
License #: 51321

DRAWING NUMBER: T8839-15

Revised indicates Official copy

COMP FILE	1652813538.MXD(COORDS)
CRD FILE	1652813538.MXD(COORDS)
DWG FILE	17HANSN.DWG
COMP BY	JDP/APP
DRAWN BY	JDP

CLIENT:
MR. HANSEN
4733 WETH AVE. S
FAIRBANKS, ND 58104

MEADOWLAND SURVEYING, INC.
1118 HWY. 59 SOUTH, DETROIT LAKES, MN 56507
OFFICE: 218-847-4289 FAX: 218-846-1945
EMAIL: frontdesk@meadowlandsurveying.com
www.meadowlandsurveying.com



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

September 8, 2015 @7:00 PM

3rd Floor Jury Assembly Room New Addition-Becker County Courthouse
Detroit Lakes, MN. 56502

APPLICANT:
Contractors Leasing/Kost Materials
PO Box 10325
Fargo, ND 58106

Project Location: Co Rd 145

APPLICATION AND DESCRIPTION OF PROJECT:
Request a Conditional use permit for gravel/aggregate extraction in an Agricultural Zone.

LEGAL LAND DESCRIPTION: 060402001 Cormorant Township Non-shoreland
S 1/2 OF NW1/4, Section 29, TWP 138, Range 43

REFER TO BECKER COUNTY ZONING ORDINANCE

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT
915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number: 218-846-7266
email: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

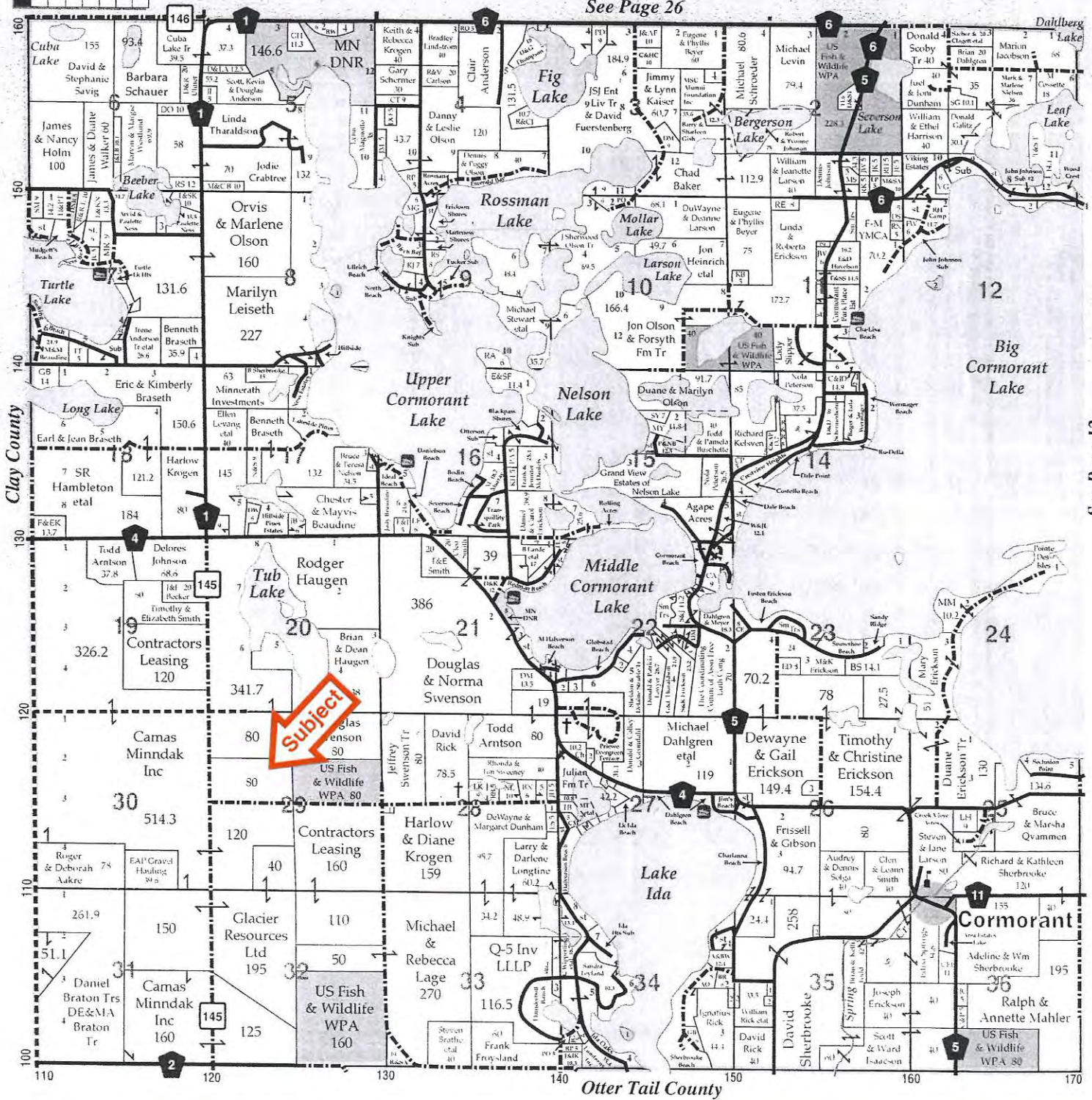
Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

See Page 26



See Page 12

Becker, MN

10



Coming Soon...

the online interactive map of

Becker County

www.communitymaptools.com/mn/becker_county

Brought to you by:

CommunityMaptools

Brain Maps



~ CONDITIONAL USE APPLICATION ~
BECKER COUNTY PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	CUP
YEAR	
SCANNED	

PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)

First name(s): Contractors Leasing / Kest Mtls. Last name: _____

Mailing Address: PO Box 10355 City, State, Zip Fargo, ND 58106

Phone Number(s): 701-238-6604 / Jeff Project Address: CO Rd 145 Lake Park

Parcel number(s) of property: 06.0402.001 Sect - Twp - Range: 29-138-043

Township Name: Cormorant Legal Description: _____

REASON FOR CONDITIONAL USE REQUEST: Gravel / Aggregate Extraction

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

[Signature] _____ DATE 8-3-2015

SIGNATURE OF APPLICANT

OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:

1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings; parking area and all other materials deemed necessary.
3. Non-refundable filing fee of \$326.00. If in Cormorant Township add \$25.00 surcharge to the filing fee (\$351.00). **Make check payable to Becker County Zoning.**
4. **Is the conditional use permit request after the fact?** [] Yes [] No
If yes, after the fact application fee is an additional \$600.00.

Office Use Only
This application is hereby (accepted) or (rejected) as presented.

SIGNATURE - ZONING ADMINISTRATOR

DATE

PARCEL	
APP	CUP
YEAR	

BUSINESS PLAN

Name of Business: Contractors Leasing / Kost Materials

Owners of Business: Tony Kost / Jeff Eberhardt

Type of Business: Retail Sales Service Other

Type of Merchandise: Aggregates

Type of Service: Aggregates for retail and internal sales for production of concrete

Hours of Operation: 24 hrs - consistent with existing operations

Number of Employees: ≈ 5

Off - street Parking Plan: N/A

Size of Structure to be used for Business: N/A

New Structure: N/A Existing Structure: N/A

Signage Plan: Private Property and all applicable mining signage

Exterior Lighting Plan: N/A

Environmental Hazards: follow all applicable local/state regulations

Other Comments: _____

* Please see attached worksheet outlining extraction of materials for more detailing on operating plan

* A pending EAW review is in the queue as we have a plan for mining 40+ acres

Section 6

Extraction of Materials

A. CUP – applied for (see attached)

B. N/A

C. Application for extraction

1. **Applicant Info** - Contractors Leasing – PO Box 10325 Fargo, ND 58106

2. **Property description** – Section 29, Twsp 138, Range 043 S1/2 of NW ¼

3. Mining Plan

a. **Map** – see attached

1-5 – see attached

b. Operations Plan

1. **Land Use** – current land use is natural vegetative agriculture (comparable to a CRP program)

2. **Material** – excavated material will be sand and gravel products (unwashed)

3. **Groundwater** – upon site drilling, average depth of groundwater is approx. 30' – 35' below topsoil

4. **Method of Extraction** – typical crushing operation utilizing front end loaders, dozers and conveyor systems

5. **Timetable** – seasonal operation, typically May – November with operations hours of 24/7 – as it is with other companies in the general area – typical crushing operations run for only a few weeks total in this time period

6. **Topsoil management** – will be stripped, and bermed along boundaries and reutilized once mining operations cease for reclamation

7. **Erosion Control Plan** – use of silt fencing, straw waddles, on site ponding/ditching, etc... to ensure that all water/materials stay on site

8. **Screening plan** – use of berms of topsoil

9. **Noise Control** - will stay in compliance with all applicable laws, consistent with other area companies

10. **Dust control** - will stay in compliance with all applicable laws, consistent with other area companies – use of H2O when necessary

11. **Pollution Control** – Best Management Practices on typical operations (location of garbage cans, etc...), fule to be contained in compliance with state/local regulations

12. **Haul routes** – Will utilize identified entrances and run north on cty 145 for all loaded/empty equipment

c. Site Plan and staging plan

1. See attached drawing of phases of mining

2. N/A

3. **Estimated Volumes** – varies based on materials and material needs, but typically each phase will mine approximately 75K – 100K/year for use

d. **Reclamation Plan** – reuse of all stripped topsoil and unused materials (fill sand) to reshape total acreage and regrade to as close to initial landscape. Will do it in phases as it permits to identifying materials and site is no longer in use.

D. Extractive Use Standards

1 – 2. N/A

**FINDINGS OF FACT AND CONCLUSIONS
FOR
THE ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW)
FOR THE
CORMORANT TOWNSHIP GRAVEL MINE
CORMORANT TOWNSHIP
BECKER COUNTY, MINNESTOA**

Based upon the EAW, comments and responses received and reviewed at the Becker County Planning and Zoning Office staff recommends the following Findings of Fact and Conclusion:

Responsible Governmental Unit: Becker County
Contact: L. Eric Evenson-Marden
Becker County Planning and Zoning
915 Lake Avenue
Detroit Lakes, Minnesota 56501

Telephone: 218-846-7314
E-mail: eevens@co.becker.mn.us

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The Cormorant Township Gravel Mine EAW was prepared under Minnesota Rules 4410.4300, Subpart 12(B), nonmetallic mineral mining.

Project Summary:

Contractors Leasing is opening a new construction aggregate mine located in Cormorant Township of Becker County, Minnesota. The project location is in S½, NW¼, Section 29 Township 138 North, Range 43 West (referred to as the "Project"). The location of the proposed aggregate extraction operation is currently used for agriculture.

This property is located within the reaches of the Glacial Lake Agassiz beach ridges, an area rich with gravel/aggregate resources, and adjacent to several currently operating gravel mining operations. The aggregate resources proposed to be extracted from the site will be unwashed sand and gravel.

Typical method of extraction will be commenced utilizing front-end loaders and dozers, with operations including conveyor systems, crushing, and screening. This project is a new operation and not part of an existing project.

II. EAW NOTIFICATION AND DISTRIBUTION

On June 11, 2015, Becker County distributed the EAW to the official EQB mailing list, published a press release, and posted the EAW on the Becker County Website. On June 22, 2015, the EAW notice appeared in the *EQB Monitor*.

III. COMMENT PERIOD AND RECORD OF DECISION

The comment period started June 22, 2015 and ended at 4:30 pm on July 22, 2015.

IV. COMMENTS RECEIVED AND RESPONSES

1. Rick Julian, 11545 West Lake Ida Lane (Attachment 1): :

Comment: Exhibit 7, Sites of Biodiversity and Threatened and Endangered Species and Page 17, #13 contain inaccuracies.

Response: Current information provided through the Minnesota Department of Natural Resources, Natural Heritage and Nongame Research Program, Rare Natural Features GIS data was consulted for the assessment of the presence of species and unique features within and in close proximity to the Project boundary. This data was last updated, under its license agreement, February 4, 2015. For the purpose of the EAW, the MDNR Natural Heritage Information System (NHIS) is the preferred method for obtaining information on rare features as it offers access to a collection of databases that provides the most comprehensive information on Minnesota's rare natural features. The data accessible through the MDNR's NHIS is accurately represented in Exhibit 7. Due to the sensitivity of locations of rare features and under license agreement, complete disclosure of specific identity or specific location of rare features is discouraged. Information provided by commenter has not been supported by referenced literature and/or reports nor was this information readily accessible during the environmental review documentation process.

Comment: EAW question 13 (page 17): Land description is incorrect as it is unlikely that the site was ever forested; it was part of the oak savanna and tall grass prairie ecosystem that occurred in this portion of Becker County. A suggestion was provided to the County to revise the Becker

County Comprehensive Plan to accurately represent this portion of the county.¹

Response: Comment noted. The project area is comprised of primarily cultivated cropland (approximately 68%) with forested areas accounting for approximately 17% of the area followed by 8% herbaceous vegetation and 7% wetland. Aerial photography shows the minor pockets of woody vegetation are located in the south-central boundary of the Project site and also along the outer edges of the adjacent wetlands.

Comment: Page 18. The author failed to note that the complete disappearance of the prairie dancing ground in 2006 from section 19 corresponded to the permitted establishment of a new gravel pit operation in the northwest corner of that section. The 24 hour operation schedule allowed by the county and the starting of mining operation in March drove the birds to abandon the site. Four other grounds in Becker County have also extirpated over the past 8 years, and in all cases mining activities appears to have contributed to these losses. Additional sites have also extirpated in Otter-tail and Clay counties, respectively... Gravel mining operations should not be allowed to occur 24 hours a day. No operation should occur between 4 and 9 am adjacent to dancing areas.

Response: Comments are noted. Best available data was consulted to assess the presence of rare natural features in and adjacent to the Project. The additional survey data provided by the commenter is noted, though the information provided within the EAW is sufficient in addressing the presence of and impacts to the rare features identified by MDNR NHIS for the Project area.

2. Minnesota Pollution Control Agency (MPCA) (Attachment 2).

Comment: The project will require a National Pollutant, Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) and a detailed Stormwater Pollution Prevention Plan (SWPPP).

The project will also require a Clean Water Act Section 401 Water Quality Certification or waiver from the MPCA.

¹ Full comment is not provided as portions were irrelevant to the proposed Project at hand.

Response: The Owner and Operator will be required to acquire all necessary state and federal permits prior to issuance of a Conditional Use Permit by Becker County.

3. Minnesota Historical Society (Attachment 3).

Comment: Request that a Phase 1 archeological survey be completed.

Response: The Owner and Operator will be requested to acquire a satisfactory finding or an approved mitigation plan from the State Historical Society prior to issuance of a Conditional Use Permit by Becker County.

V. FINDINGS OF FACT

The EAW comments received during the comment period and responses to the questions raised and issues identified, Becker County, as the responsible governmental units (RGU) for this environment review concludes the following:

1. This “Finding of Fact and Record of Decision” document and related documentation for the project that we prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Part 4410.1000-4410.1700.
2. This “Finding of Fact and Record of Decision” document and related documentation for the project have satisfactorily addressed all of the issues for which formation could have been reasonably obtained.
3. This project does not have the potential for significant negative environmental effects based upon the above findings and evaluation of the following four criteria as specified in Minnesota Rules, Part 4410.1700, Subp. 7:
 - The type, extent, and reversibility of environmental effects;
 - The cumulative potential effects of related or anticipated future projects;
 - The extent to which the environmental effects can be mitigated by ongoing public regulatory authorities; and
 - The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other Environmental Impact Statements (EIS).

VI. CONCLUSION:

Based upon consideration of the criteria and factors specified in Minnesota Rules, part 4410.1700, subp. 6 and 7 to determine whether a project has the potential for significant environmental effects and on the Finding and Record in this matter, Becker County determines that the proposed Cormorant Township Gravel Mine does not have the potential for significant environmental effects. Therefore, Becker County makes a Negative Declaration and does not require the development of an EIS for this project.

VII. ORDER

Based on the above Findings of Fact and Conclusions, Becker County determines that an EIS is not required for the Cormorant Township Gravel Mine.

Any Findings that might properly be termed Conclusions and Conclusions that might properly termed Findings are hereby adopted as such.

Dated that 18 day of August, 2015.

Becker County Board of Commissioners

Benjamin Grimsley, Chairperson



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:9,984	
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Becker County

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Date: 3/12/2015

