

Becker County Planning Commission
October 19, 2004

Present: James Kovala, Jim Bruflodt, Harry Johnston, Waldo Johnson, Ray Thorkildson, Julia Miller, John McGovern, Larry Knutson, Ken Christianson, Commissioner Dave Seaberg, Zoning Administrator Patricia Johnson, and Zoning Staff Debi Moltzan.

Chairman Kovala called the meeting to order at 7:00 p.m. Debi Moltzan recorded the minutes.

Kovala stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, October 26, 2004.

McGovern made a motion to approve the minutes from the September 2004 meeting. Miller second. All in favor. Motion carried.

FIRST ORDER OF BUSINESS: Tammy Quade. Request a conditional use permit to allow commercial use of a restaurant and bar in an agricultural zone; property located in Toad Lake Township.

P. Johnson explained that this application was tabled at the September meeting for more information. A letter was sent to Quade requesting this information. To date, the information requested has not been received.

Knutson made a motion to remove the application from the table. Bruflodt second. All in favor.

Christianson felt that if the information requested has not been received, the Board would have no alternative than to deny the request. Miller agreed.

Motion: Thorkildson made a motion to deny the application based on the lack of information to make a sound decision. Bruflodt second. All in favor. Motion carried. Application denied.

SECOND ORDER OF BUSINESS: Dave Korkowski. Request approval of a certificate of survey for one tract of land consisting of 2.5 acres for the property described as: Pt of Govt Lot 2, Except Plat; Section 11, TWP 141, Range 36; Two Inlets Township. PID Number Split from 34.0065.000 & 34.0066.000.

Glen Howe, Anderson Land Surveying, explained the application to the Board. A 2.5-acre tract, around the current buildings, would be split from the remainder of the parcel. The certificate meets the criteria of the Zoning Ordinance and Subdivision Ordinance.

Kovala suggested that 911 addresses should be put on the certificate for easier referencing when viewing the property. Christianson questioned if the remainder of the parcel exceeded the lot size requirements. Howe stated that it did.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the lot sizes and topography.

Motion: Seaberg made a motion to approve the certificate of survey based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. W. Johnson second. All in favor. Motion carried. Certificate of Survey approved.

THIRD ORDER OF BUSINESS: Rolf & Barb Christianson. Request a conditional use permit to allow a two story accessory building exceeding the allowable 18 ½ ft height limitation on the property described as: Pt of Govt Lot 1; Section 17, TWP 142, Range 37; Forest Township. PID Number 12.0102.000. The property is located on Bad Medicine Lake.

R. Christianson explained the application to the Board. The Christianson's are avid tinkers. They would like to add onto the existing storage shed and add on a second story for a wood working shop. The neighbor's do not have a problem with the location of the structure and the structure would not be visible from the neighboring properties.

Thorkildson questioned the pitch of the roof. R. Christianson stated that the roof would be a 4/12 pitch. Kovala stated that the structure would be built in a location lower than the house and at the end of a dead-end road. Johnston questioned the size of the lot. R. Christianson stated that he owns two lots, each 200 ft wide by approximately 1000 ft deep. K. Christianson stated that one reason the height restriction was placed in the Ordinance was to restrict accessory buildings from being used as guest houses and that the Board has been point blank denying these types of requests. K. Christianson further stated that this portion of the Ordinance is being looked at and could possibly change in the near future.

R. Christianson stated that he would agree to a stipulation that no living quarters could be placed in the structure. Knutson questioned the height of the house. R. Christianson stated that the house is a two story with walk out basement.

No one spoke in favor of the application. No one spoke in opposition of the application. Written correspondence was received from Forest Township in favor of the application; and Lynn Lindow, in favor of the application. At this time, testimony was closed.

Further discussion was held. Johnston stated that a 38 ft by 50 ft is adequate for storage and for a shop. Johnston also stated that an upper story could keep tools drier than a main floor shop. In the past, two story garages over 18 ½ feet high have been denied and

the Board needs to be consistent. Brufloft stated that he cannot approve something that is contradictory to the Ordinance and that has previously been denied. Knutson mentioned the proposed changes to the Ordinance. K. Christianson suggested that the applicant table the application to see what changes would be made to the Ordinance. The 60-day rule was discussed.

At this time, R. Christianson requested that his application be tabled to a later date. The Board accepted the owner's request to be tabled.

FOURTH ORDER OF BUSINESS: Archie Wiedewitsch. Request a conditional use permit to allow commercial use of a storage building and an indoor riding arena in an agricultural zone for the property described as: W ½ of SW ¼ of NW ¼; Section 9 TWP 139, Range 40; Erie Township. PID Number 10.0085.002.

Laura Wiedewitsch explained the application to the Board. An existing turkey barn would be used for both uses. One half of the structure would be an indoor riding arena for hobbyhorse enthusiasts, Freedom Reins Therapeutic Riding and possibly the new Sheriff's Posse. The other half of the structure would be used for commercial storage.

W. Johnson questioned how the existing structure would accommodate the arena, if the structure would be changed. Wiedewitsch stated that portable panels would be setup inside and that the structure would not be altered.

Johnston stated that this property is located at the end of the dead end road, zoned agricultural and cannot be seen by any neighbors. Johnston questioned how much additional traffic is expected. Wiedewitsch stated that the traffic would depend on how well the idea works. If 4-Her's and the Posse used the arena, it could be as many as 10 to 30 people a day, if individuals used the arena 5 – 10 people per day. W. Johnson questioned trails. Wiedewitsch stated that there are existing trails through out the property. Brufloft questioned if the students of Freedom Reins would be holding classes inside or outside. Wiedewitsch stated that the students of Freedom Reins are strictly inside and cannot go outside. Wiedewitsch also stated that liability insurance issues have been discussed and arrangements worked out.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the surrounding agricultural uses in the area, the locality of the property and use, parking and traffic.

Motion: W. Johnson made a motion to approve a conditional use permit for commercial storage and an indoor riding arena in an agricultural district based on the fact that the uses would not be detrimental to the surrounding area and the uses would be beneficial to the community. Johnston second. All in favor. Motion carried. Conditional Use Permit approved.

FIFTH ORDER OF BUSINESS: Mark Yozamp. Request a conditional use permit for a residential planned unit development consisting of 10 residential units and a change of zone from agricultural to high density residential for the property described as: Pt of Lot 4; Section 21, TWP 138, Range 41; Lake View Township. PID Number 19.0442.001.

Yozamp explained the application to the Board. This project has been in the works for a year and has gone through considerable changes from the first proposal. There have been several meetings with the DNR, Pelican River Watershed and the Lake Association. There is 431 feet of shoreline, in which about 150 feet will be used for docking and swimming. The existing channel will be used for boats and the swimming area will be north of the channel. The beach area will be fenced so that no one will use the neighboring property and to protect the bluff area. There is a provision for a future tram system and a boat carriage. The existing trail will be used, with bump outs added to detour run off toward the bluff. Additional plants and grasses will be planted on the bare spots of the bluff. The land will not be altered much because it is open. The natural drainage slopes away from the bluff toward the county road ditch.

Knutson questioned the access to the beach area. Yozamp stated that beach area will be accessed either by the existing trail or by the tram system. Brufloft questioned who would operate the tram system. Yozamp stated that the owners would operate it themselves. Christianson questioned the use of the road/trail coming from the property to the north. Yozamp stated that the road/trail would not be used. Christianson questioned the usable area in Tier 1 and Tier 2. Scott Walz, surveyor, explained the usable area, the calculations and how the number of units was arrived at. Kovala questioned the number of bedrooms in each unit. Yozamp stated that some would be one bedroom, some two bedroom and some three bedroom. The exact design has not been determined. Miller questioned how the structures would be configured. Yozamp stated that he did not know if it would be one 8-unit structure with 4 units on main floor and 4 units on the upper floor or two structures with 4 units per structure. McGovern questioned the vegetation on the bluff. Yozamp stated that the bluff has not been disturbed, is not eroding and has a lot of natural vegetation cover. Christianson questioned if more units would be proposed at a future date. Yozamp stated that this is the maximum number of living units allowed; there is a possibility of a storage structure in the future.

Speaking in favor of the application was Gail Hahn, Supervisor of Lake View Township. The Township is in favor of the project with preference of one unit in the front and that the Watershed take care and have control of the bluff area. Speaking in opposition to the application were: Walter Gordon, who had questions on the vegetation, swim area, reed removal, road use, and access to the lake; Brian Langager felt that there were questions that have not been answered such as the swimming and docking area, the private road shared by 5 to 6 people and the location of the fence; Patricia Pearson felt that the number of units needed to be addressed. Written correspondence was received from Amanda Gordon with concerns about the project; MaryAnn Bond, Lake Association,

with objections to the rezoning of the property; and one unsigned letter of objection. At this time, testimony was closed.

Further discussion was held regarding the access road from the north, clearing of the beach, aquatic vegetation removal, tram system, cradle system, number of boat slips allowed, and density.

Christianson stated that in reality, the lakeshore probably will not get used much. Christianson also thought it was strange that an EAW had not been petitioned for this project.

Motion: Brufloft made a motion to table the application for one month (until the November 2004 meeting) for the concerns of the Lake Association and neighbors to be addressed. The neighbors are to put together a list of questions and concerns and submit them to the Zoning Office by October 31, 2004 so that the Zoning Office can forward them to the developer to have them answered by the November meeting. Along with the questions and concerns of the neighbors, a determination from the DNR on the cradling system and some type of association agreement must be received by the next meeting. McGovern second. All in favor. Motion carried. Application tabled.

SIXTH ORDER OF BUSINESS: Final Plat of Cormorant Shores, Mardon, Inc. Developer.

P. Johnson presented the final plat to the Planning Commission. The preliminary plat and change of zone from agricultural to residential was approved in December 2003 with the stipulation that there be 5 riparian lots and one non-riparian lot. Everything is in order for final approval.

Brufloft made a motion to approve the final plat. Miller second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, November 11, 2004 at 8:30 a.m. at the Planning and Zoning Office.

Since there was no further business to come before the Board, W. Johnson made a motion to adjourn the meeting. Seaberg second. All in favor. Motion carried. Meeting adjourned.

James Kovala, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Johnson, Administrator