

BECKER COUNTY PLANNING COMMISSION MEETING
October 18, 2005

The Planning Commission was called to order at 7:00 PM by Chairman Kovala with the following members present: Jeff Moritz, Harry Johnston, John McGovern, John Lien, Don Skarie, Jim Brufloft, Commissioner Larry Knutson, Ken Christianson, Waldo Johnson and Ray Thorkildson. Zoning Administrator Johnson recorded the minutes.

Brufloft made a motion to approve the minutes of September 20, 2005. Moritz second. All members in favor. Motion carried.

Chairman Kovala explained the protocol of the meeting. Kovala stated that the County Board of Commissioners would act on the recommendations of the Planning Commission on Tuesday, October 25, 2005.

OLD BUSINESS:

FIRST ORDER OF OLD BUSINESS: Jason Sjostrom. The application was tabled at last months meeting for further review by Planning Commission. The request was for a conditional use permit for a retaining wall in the shore impact zone. The Applicant was not present at the hearing.

Chairman Kovala stated that the Planning Commission had viewed the property and found a small lot with a large house. Larry Knutson stated that the engineered plan is not detailed enough to prove that the retaining wall will alleviate the existing drainage and erosion problems. Harry Johnston recommended that three French drains be constructed on the lot to alleviate some of the drainage concerns. Chairman Kovala stated that the lot has significant drainage potential based on lot coverage and the slope toward the lake. Waldo Johnson stated that the roof line drains north and south, eave troughs directed into the french drains would help the problem.

No one spoke for or against the application. Skarie made a motion to deny the application based on the fact that the plan is inadequate to address the drainage and erosion problem. McGovern second. All members in favor. Motion carried.

SECOND ORDER OF OLD BUSINESS: Juergen & Alice Byers. This application was tabled at last months meeting for further review by the Planning Commission and Soil & Water Conservation District. The application will remain tabled based on the need for a wetland delineation based on the field survey by Soil & Water Conservation District.

NEW BUSINESS:

FIRST ORDER OF NEW BUSINESS: Dave Carlson **LEGAL LAND DESCRIPTION:** 10.0585.000 Erie Township. Cotton Lake. Lot 12 Cofell Beach. Section 11, TWP 139, Range 40. Project Location: Cofell Beach. **APPLICATION AND DESCRIPTION OF**

PROJECT: Request a Conditional Use Permit for a retaining wall within the shore impact zone.

Andy Francis, Francis Landscaping, represented Carlson. Francis explained that currently no grass grows well on the slope towards the lake. Carlson tries to maintain the area with grass but any water washes it out. The engineered plan was reviewed. The patio would be constructed with Uni ecostone (pervious), there would be a retaining wall constructed on the backside to hold in the toe of the slope. Scrubbery and rock would be planted on the backside of the patio and on the hill to provide a nature look from the lakeside.

Chairmana Kovala stated that the patio location within twenty feet of the lake is contrary to the ordinance. Lien further stated that there are four criteria that must be met before the Planning Commission can approve a conditional use permit for a retaining wall within shore impact zone. Lien read the criteria from the ordinance “The retaining wall is designed to correct an existing erosion hazard; no other alternative is feasible; the retaining wall is designed by a registered professional engineer or landscape architect; and the dimensions of the retaining wall are the minimum necessary to control the erosion.” Lien stated that the plan only meets the one criteria of being designed by a professional and does not meet the other three criteria.

Francis stated that the site has washing on the right side of the cabin. Lien stated that there is some evidence of washing but, other alternatives exist to correct the problem, example being rock. Francis stated the owner does not like rock look. Lien further stated that the plan does not fit the ordinance criteria.

Brufloft asked for the intent of the plan: to conquer the erosion or to have a deck. Francis stated both. Brufloft stated the plan does not prove that the patio would help drainage or prevent erosion. Knutson commented that the ordinance does not allow for the patio and that the erosion problem can be controlled by other measures.

No one spoke for or against the application.

Christianson made a motion to deny the application for a conditional use permit for a retaining wall in the shore impact zone based on the fact that the plan does not meet the criteria stated in the ordinance. Brufloft second. All members in favor. Motion carried.

SECOND ORDER OF NEW BUSINESS: Scott Busker. LEGAL LAND DESCRIPTION: 06.0069.001 Cormorant Township. Upper Cormorant Lake. Govt Lot 12 Less 1.5 Ac for Rd. Section 5, TWP 138, Range 43. Project Location: 13182 Maple Hill Ln. APPLICATION AND DESCRIPTION OF PROJECT: Request a Preliminary Plat for four lots & Change of Zone from Agricultural to Residential.

Scott Busker presented the preliminary plat. The existing parcel consists of 20 acres and 1800 feet of lake frontage. Currently there is a single family home on the parcel. The plat would encompass three additional lots plus the existing home lot.

Busker met with Cormorant Township and heard their concerns with the proposed road, Maple Hills Road. Busker has agreed to upgrade the road at his expense if the plat is approved and recorded.

Chairman Kovala questioned where the lake access is proposed. Scott would like individual lake access for each lot. Busker did have the opportunity to meet with the Technical Panel which also had concerns with access. Busker would agree to 2 lake access locations, a 60 foot access between Lots 1&2 and a 60 foot access between Lots at 3&4. Kovala asked if the remaining lakeshore would be placed in a conservation easement. Busker stated that this was discussed by the Technical Panel and that the DNR would like this area but has not been able to acquire it as yet. Kovala stated that there is significant aquatic vegetation in front of the lots. Kovala further questioned the depth of the lake at this area. Christianson stated the lake map shows a 10 foot depth out passed the vegetation.

Kovala questioned the road location in relation to the existing garage. Busker commented that the garage will be removed. The Planning Commission discussed the steep slope to the east of the road and the wetland impacts. Walz, Surveyor, stated that the road has an 8% slope. Walz commented that it is possible to move the road 10 to 15 feet to the west to address the slope issues. He also commented that the right of way would be near the wetland but the actual road construction and location would not impact the wetland.

Lien stated his concern with the wetland areas on the lakeshore and access to the water. Busker stated that lake access would be by boardwalk.

Knutson asked for survey location of an existing platform located on the property. Busker stated approximate location on lot 3 just below the 100' setback line.

Christianson asked about access to the north wooded area within the plat. Surveyor Walz stated that per the survey notes the Survey crew could not access this area due to the large wetland area.

No one spoke for or against the application.

Lien stated his concern with the unsuitable shoreline and agreed that the only one area for access should be on lot 3. Moritz stated the same concerns with the shoreline, use of boardwalks and the wetlands areas. Knutson commented that the property is not suitable for the proposed development as presented. Knutson stated access should be limited to one location (preferably near existing platform area) and no docking on Lots 3 or 4 because of unsuitable shoreline. Knutson expressed the need for conservation easement on the unsuitable areas within the plat. Thorkildson agreed that the shoreline is unsuitable. Johnson commented that Lot 4 does not appear buildable based on the site visit and the low area. Thorkildson suggested two lots instead of the 4 proposed. Skarie stated his

concerns with the proposed road location (potential for washing out), limit lake access to one location and four lots being too dense.

Thorkildson made a motion to deny the change of zone and preliminary plat based on the findings that the land is not suitable for the proposed development and the lake access is inadequate. Moritz second.

Surveyor Walz asked about tabling the application to address the concerns of the Planning Commission. Chairman Kovala stated the concerns voiced by the Planning Commission are the number of lots, lake access, conservation easement and road location. Johnston commented that the lakeshore is similar to the Sauer Lake development.

Chairman Kovala called the vote. In favor of the motion to deny were Johnson, Knutson, Skarie, McGovern, and Lien. Against Johnston, Bruflo. Motion carried.

THIRD ORDER OF BUSINESS: Jona Baer **LEGAL LAND DESCRIPTION:** 18.0198.000 Lake Park Township. Bijou Lake. Part of Gov't Lot 9 less Bijou Heights Plat & less 6.80 Acres & E1/2. Section 30, TWP 139, Range 43. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Preliminary Plat for nine lots and Change of Zone from Agricultural to Residential.

Jona Baer explained his application to the Board. The plat includes a road to connect the two township roads. The Lake Association wanted to buy the piece of property, in previous years, to change the road alignment due to safety factors. The plat includes a wetland area that will be mitigated through the SWCD.

McGovern asked if the lots would have lake access. Jona stated there would be no lake access allowed. Moritz questioned the existing metes and bounds area excluded from the plat. Jona stated his son split the 5 acre metes and bound tract off the parcel and built a new home. Christianson asked if the 36" culvert would alter the existing drainage. Jona stated there will be no change in the flow of water. Jona further stated the smallest lot proposed is over an acre and there are two septic sites located for each lot, there is currently 4 acres tillable and the rest is wasteland. Storm water Pollution Prevention Plan has been applied for from MPCA.

No one spoke in favor.

Speaking in opposition. Lonnie Bentley, resident, concerned with drainage of wetland and ditch. Don Kirk, similar concerns, suggested moving the road to the north, wetlands are a concern that is the last natural watershed filtering area for fields before runoff enters the lake. Larry Nyblaut, not opposed to the development but to the road becoming a thoroughfare instead of dead end. Not concerned with 9 families but the access to the township road.

Letters read from COLA and SWCD on wetland mitigation. Johnston asked for clarification on the change in drainage and runoff quality. Surveyor Walz stated that the Cormorant Watershed District requires permits and that the Watershed does not allow for greater runoff nutrient loads or velocity.

Discussion by the Planning Commission. Christianson asked for a formal response from Lake Park Township. Knutson qualified that the plat should be signed off from the Township before the Planning Commission acts. Surveyor Walz stated mitigation cannot start without the Township approval.

Johnson asked if the road alignment could be squared off to Alpine lane. Surveyor Walz stated that he can square road to alpine lane.

Johnson made a motion to approve the change of zone and preliminary plat pending an approval letter from the township based on the findings that the plat is compatible with the surrounding area. McGovern second. Motion carried. All members in favor. Motion carried.

FOURTH ORDER OF NEW BUSINESS: Next Information Meeting. November 10, 2005 at 8:30 am in the Zoning Office Meeting Room.

Since there was no further business to come before the Board, Lien made a motion to adjourn. Brufloft second. Motion carried.