

**Becker County Planning Commission**  
**April 18, 2006**

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

Chairman Bruflodt called the meeting to order at 6:30 p.m. Bruflodt stated that this segment of the meeting would pertain to the proposed ordinance revisions.

P. Johnson stated that the proposed revisions were a recommendation from the Zoning Ordinance Revision Committee. P. Johnson read each of the proposals, which included: Changing language for an accessory structure in a residential zone and within the shoreland district; previous decks; impervious surface; water oriented accessory structures; conditional use permits; variances; nonconforming deck additions; patios; rear yard setbacks; lake setbacks; and string line.

Public comments were taken from:

Gary Larson – felt that water oriented structures should include gazebos, the proposal does not allow for shoreline activities for people to get out of the elements and to relax; also placement of the structure in the center 25 feet of the lot is ok on minimum size lots, but oversized lots should not have to follow the same regulations. Larson also felt that setbacks should remain at the ordinary high water mark rather than recorded high.

Lisa Piche – felt that there should be a process to keep a non-functioning conditional use permit, rather than it voiding if not used. Piche stated that the process for obtaining a conditional use permit is lengthy and can be an emotional strain, there should be a way to keep it once obtained incase the operation temporarily ceases but wants to begin again in the future.

P. Johnson stated that the voiding of unused conditional use permits and variances would only apply to those permits granted after the adoption date, not those previously granted.

Ray Vlasak – agrees with everything except the string line. Vlasak felt that the string line should not apply on conforming lots.

Public comments ended. Discussion was held regarding all the proposals. The Planning Commission questioned proposal #1 on the height and number of stories allowed and in which areas; and #10 if the proposal was worded correctly.

Consensus of the Planning Commission was to send the proposals back to the Ordinance Review Committee for clarification on proposals 1 & 10.

P. Johnson then explained the nuisance ordinance and the changes in Section 19, Administration and Enforcement; and Section 24, Violation, Penalties & Enforcement.

There was no public comment on these sections. Discussion was held. P. Johnson stated that there was earlier discussion about sending the nuisance proposal to the Townships for their input. Brufloft questioned "farm graveyards" and whether or not they should be excluded.

Consensus of the Planning Commission was to send the nuisance proposal to the Townships for comment before the Board takes action.

The regular meeting of the Planning Commission began at 7:07 p.m.

Lien made a motion to approve the minutes from the March meeting. Seaberg second. All in favor. Motion carried.

Brufloft explained the meeting procedure for the evening and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, March 25, 2006.

P. Johnson stated that the application by Jim Kaiser would not be heard this evening due to a pending EAW.

**FIRST ORDER OF BUSINESS: Joey Kaiser.** Request a change of zone from agricultural to commercial for PID Numbers 17.0071.000 and 17.0074.000.

P. Johnson stated that this request came before the Planning Commission in May 2005. At this meeting, the applicant tabled the application to re-evaluate what he wanted to do with the property and decide if he wanted to go ahead with the change of zone or request a conditional use permit. P. Johnson stated that the property was a nonconforming commercial use, which ceased operation for more than a year. P. Johnson stated that the ordinance states that when a nonconforming use is discontinued for more than one year, the grandfathered clause is lost. In order to re-open as any type of commercial use, would either require a conditional use permit or a change of zone to commercial.

Kaiser stated that the property has always been a bar/restaurant. Kaiser would like a conditional use permit to keep a bar/ restaurant.

Johnston questioned if there was enough parking. P. Johnson stated that the number of parking spaces was never calculated because it was a grandfathered use. Christianson stated that the property has always been run as a bar/restaurant and is a good use of the property. Knutson stated that it appeared that there is enough parking. Christianson questioned the seating capacity of the building. Kaiser stated that, per fire code, maximum occupancy is 110 people.

Knutson made a motion to approve a conditional use permit to allow a commercial use consisting of a bar/restaurant in an agricultural district based on the fact that the property has always had this type of operation; the use would not be detrimental to the

surrounding area; and the conditional use permit would correct a situation that should have been taken care of years ago. Kovala second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Mattson Farms, Inc.** Request a conditional use permit for extraction of material in an agricultural zone for the property described as: SE ¼ NW ¼; SW ¼ NE ¼; NE ¼ SW ¼ Ex Sly 200 Ft of SE ¼ NE ¼ SW ¼; N ½ of SE ¼; and Pt S ½ SE ¼ Lying Nly of CSAH #8; Section 20 TWP 139, Range 43; Lake Park Township. PID Number 18.0130.002.

Steve Mattson explained the application to the Board. The extraction would consist of clay. The clay would be extracted and land reclaimed for farming land. This project is approximately 1/3 the size of an earlier project done in 2004. The clay is used for a liner in the Clay County Landfill. One change would be made to the proposed plan and that would be to have the empty trucks come in on County Hwy 8 and exit on County Hwy 1 (original plan showed enter on #1, exit on #8). This would eliminate any empty trucks waiting on #1. The driveway off of #8 is owned by Mattson and shared with Schauer. Dust guard would be provided to eliminate dust to the Schauer home/property. The project is to begin at the end of May.

McGovern commented that the first mining project has been reclaimed and was done according to plan. Mattson stated that the area was seeded last fall, but there is still some leveling left to do.

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 entrance to the pit, exiting the pit, reclamation of the pit.

**Motion:** McGovern made a motion to approve a conditional use permit application for extraction of material in an agricultural zone based on the fact that it is not detrimental to the surrounding area with the stipulations that the empty trucks enter from County Highway #8 and full trucks exit on County Highway #1, dust control measures are provided for the Schauer property, and the restoration plan submitted with the application be followed. W. Johnson second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Sheryl Nameniuk.** Request an after the fact conditional use permit for a retaining wall within the shore impact zone for the property described as: Lot 12 Wermager Beach, Section 14, TWP 138, Range 43; Cormorant Township. PID Number 06.1137.000.

Jeff Aafedt explained the application to the Board by reading a letter from Naminuk, to the Zoning Office. P. Johnson stated that the Zoning Office did not receive a copy of the letter so Aafedt read the letter in its entirety. The letter explained what happened and why the wall was constructed.

Brufloft stated that what was done was not a repair to an existing wall but a new wall. Aafedt stated that the portion of the wall that did not collapse remained and what collapsed was replaced.

Speaking in favor of the application was Josh Walter. Walter stated that he was the landscape architect that was contacted after the wall had already been constructed. Walter stated that the wall meets the criteria and is necessary. Walter also stated that he made 3 recommendations to make the wall more pleasing and those recommendations should be taken into consideration.

No one spoke against the application. There was one unsigned letter in the file. At this time, testimony was closed.

Further discussion was held regarding the construction without a permit, placement of the wall, existing wall, and the after the fact permitting process.

Kovala stated that the wall replaced an existing wall.

**Motion:** Kovala made a motion to approve an after the fact conditional use permit for a retaining wall within the shore impact zone based on the fact that the wall does meet the criteria of the ordinance and the wall replaced an existing wall. Johnson second but added that the motion should include removing a portion of the old wall and backfilling toward the new wall to make the area level.

Walter and Christianson stated that Walter's recommendations should also be considered.

Johnston rescinded his second to the motion. Kovala rescinded his motion and made the following new motion: approve an after the fact conditional use permit for a retaining wall within the shore impact zone based on the fact that the wall does meet the criteria of the ordinance and the wall replaced an existing wall with the stipulation that: 1) a portion of the old wall be removed and the ground backfilled toward the new wall and leveled off; 2) a safety railing must attached on top of the wall with spacing of vertical supports not to exceed four (4) inches; 3) drill weep holes approximately one (1) inch above finish grade every 18 inches so that no excessive soil pressure occurs behind the wall; 4) finish the wall with a natural look such as stucco, cultured stone facing or painting the wall with a neutral color. Johnston second. All in favor. Motion carried.

**FOURTH ORDER OF BUSINESS: Roger Priewe.** Request approval of a preliminary plat consisting of 26 lots in an agricultural zone for the property described as: Pt Sections 22 & 27; 77 acres; Cormorant Township. PID Numbers 06.0379.000, 06.0349.000, & 06.0385.001.

Priewe explained the application to the Board. The project would be done in three phases for a total of 26 lots 2.5 acre in size and greater. The property is currently a tree farm, located behind the Cormorant Lutheran Church.

Jonathon Anderson, Meadowland Surveying, stated that the project would be done in three phases, with the first phase including all the roadwork.

Brufloft questioned if the trees would be removed from the lots. Prieve stated that there would be covenants placed on the project so that many of the trees would remain.

Speaking in favor of the application was Sheldon Struble. No one spoke against the application. Written correspondence was received from the Becker County Highway Department and Cormorant Lutheran Church. At this time, testimony was closed.

Further discussion was held. Knutson stated that he had talked to several people in that surrounding area and those he talked to did not have a problem with the project. Johnston stated that the application met the criteria of the zoning ordinance.

**Motion:** Johnston made a motion to approve a preliminary plat consisting of 26 lots, to be completed in three phases, based on the fact that the subdivision is compatible with the surrounding area. Christianson second. All in favor. Motion carried.

**FIFTH ORDER OF BUSINESS: Jason Selly.** Request a conditional use permit for a detached garage exceeding the 18 ½ ft height restriction in a residential zone for the property described as: Lots 2 & 3, Block 2, Highland Acres; Section 36, TWP 139, Range 41; Detroit Township. PID Number 08.1033.000 & 08.1034.000.

Selly explained the application to the Board. The structure would be approximately 22.5 feet in height and would be for personal use.

Kovala questioned why he needed the height. Selly stated that the 5<sup>th</sup> wheel camper is 12.5 feet high and to get a 14 ft overhead door in the structure, the opening would have to be 16 ft and the peak would then be over 22 feet.

Brufloft questioned if there was a buffer zone between him and the neighbors. Selly stated that he would plant pine trees. Christianson stated that there have been several requests like this before the Board and the Board has been consistent in denying all of them.

Selly stated that there is a similar garage to the southeast of his property. Knutson stated that the Board did look at that structure, but it appeared that it was (without measuring it) close to the 18.5 ft limit. Kovala stated that this structure appeared to be too large for a residential lot.

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. Lien stated that location means everything in these types of requests. If this structure were allowed, it would set a bad precedent for the neighborhood. Further discussion was held regarding the current regulations and proposed structures.

**Motion:** Seaberg made a motion to approve the 22.5 ft storage shed with the stipulation that a pine tree buffer be planted to screen the property. Thorkildson second. Thorkildson, W. Johnson, McGovern and Seaberg voted in favor of the motion. Knutson, Lien, Christianson, Johnston and Kovala voted against the motion. Majority against. Motion failed.

Kovala made a motion to deny the conditional use permit for a 22.5 storage shed based on the fact the structure is not compatible with the surrounding residential neighborhood. Lien second. Knutson, Lien, Christianson, Johnston and Kovala voted in favor of the motion. Thorkildson, W. Johnson, McGovern and Seaberg voted against the motion. Majority in favor. Motion carried.

**SEVENTH ORDER OF BUSINESS: Paul Munsterteiger.** Request a conditional use permit for a detached garage exceeding 18 ½ feet in height in a residential area for the property described as: Lot 2 Block 1, Section 11, TWP 139, Range 41; Detroit Township. PID Number 08.1237.502.

Munsterteiger explained the application to the Board. The structure would be 30 ft by 40 ft and 21 ft tall. The structure would be used for personal storage for an RV. The RV measures 12 ft 8 inches in height. There would be a 14 ft overhead door. The structure would be located across the road from the lake and 700 ft from the lake, he owns five acres. The structure would be constructed behind the existing garage and behind the structure are wetlands, so there would be no future neighbors. The structure would be constructed into a depression left by an old gravel pit; basically dug into a hill.

Knutson questioned if the fence line was the property line. Munsterteiger stated that the fence line remained from a time when he had cattle. The property line is into the woods. Johnston questioned if some of the other out buildings would be removed. Munsterteiger stated that one would be removed and a portion of another would be removed. Christianson questioned how the property was zoned. P. Johnson stated that the property is actually zoned agricultural, but is residential in character. Christianson stated that there was one similar application to this, in which the structure was over height on an ag zoned parcel in a residential neighborhood; the Planning Commission denied the application and the County Board of Commissioners overturned the decision, allowing the over height structure.

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

Further discussion was held.

**Motion:** W. Johnson made a motion to approve a conditional use permit to allow a 21 ft high storage structure in a residential area based on the fact that the property is zoned agricultural, the structure will be built into a hill and screened by the existing house, wetlands and woods. Thorkildson second.

Further discussion was held. Kovala stated that the County did need to address the height limitations. Bruflodt stated that he did some checking on RV heights and found them to be all the way up to 13.5 ft in height. Lien stated that the location of the application makes all the difference in granting or denying. Johnston stated that the property is surrounding by a wetland buffer on two sides, that the property is zoned agricultural, with residential characteristics, and the proposed structure is only half the size and the previous application. Christianson stated that for many years these types of requests have been denied and there needs to be consistency.

A vote was taken with everyone voting in favor of the motion except Christianson and Kovala. Majority in favor. Motion carried.

**EIGHTH ORDER OF BUSINESS: Donald Goering, owner, and Bruce Qvammen, developer.** Request a change of zone from agricultural to residential and approval of a preliminary plat consisting of 12 lots for the property described as: Pt Govt Lots 4 & 5; Section 32, TWP 139, Range 42; Audubon Township. The property is located on Little Cormorant Lake. PID Number 02.0226.000.

Goering, Qvammen, and Scott Walz, Meadowland Surveying, explained the application to the Board. This piece of property is on a peninsula, across the road from one of Qvammen's previous developments. At the time the previous developments were done, Goering was not ready to sell. The revenue from this project will be going to fund a foundation called Angels of Courage. The plan is to construct retention areas of Lots 5 & 8 to prevent run off into the lake. The property is currently farmed, so the first step would be to plant a ground cover to prevent further run off. Lots 11 & 12 would not be allowed to dock or boat in the bay area, both lots would have a common access on the southern most portion of Lot 12. Walz stated that the lots exceed the requirements of the Ordinance. Lot 1 & 3 do have bluffs, but only the bluff on Lot 3 would interfere with the access to the lake, which would require a stairway to the lake. Goering stated that this is the first step of his dream, Angels of Courage, to help chronic ill people.

Jim Renslow, Little Cormorant Lake Association, was concerned for the bay along Lots 11 & 12, and questioned if a conservation easement could be placed on the bay. Carley Nelson, from Angels of Courage, 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 topography, the bay, and conservation easements.

Walz and Qvammen stated that a conservation easement would be workable as long as Lot 10 could have their own dock on the north end of the lot, with a conservation easement on the peninsula portion of the lot; a conservation easement could be placed on Lot 11 & 12, with no buildings on the middle portion of Lot 12 and a storage shed of approximately 12 ft by 16 ft on the southerly portion of Lot 12 to be shared by Lots 11 & 12 for storage of recreation instruments.

**Motion:** Knutson made a motion to approve the change of zone from agricultural to residential and approve the preliminary plat consisting of 12 lots based on the fact that the application is compatible with the surrounding area with the stipulation that a 30 ft deep conservation easement be placed on all shoreline abutting the bay, including the peninsula, but allowing Lot 10 to have their own dock on the north end of the lot. Kovala second. All in favor except Thorkildson and W. Johnson. Majority in favor. Motion carried.

**NINTH ORDER OF BUSINESS: Tom Riedman.** Request a conditional use permit to allow a two-story detached garage exceeding 18 ½ feet in height in a residential zone for the property described as: Lot 2 Block 1, Sandy Ridge First Addition, Section 23, TWP 138, Range 43; Cormorant Township. The property is located on Big Cormorant Lake. PID Number 06.1000.952.

Riedman explained the application to the Board. The structure would match his existing house; it would not be a metal building. The second story gives extra storage and a place for the grandchildren to play.

Kovala stated that if the structure was constructed larger, it would not need the second story and if constructed as proposed, the neighbor would be looking at the roof of a garage. McGovern questioned if there would be plumbing in the garage. Riedman stated that there would be water to wash boats and cars.

Riedman stated that the neighbor has a similar garage. W. Johnson stated that the neighbor's garage is actually attached to the house.

No one spoke in favor of the application. Ray Vlasak stated that in all these applications, if two smaller structures were built or if the structure was narrower and longer, they would not exceed the height requirement. There were no letters either for or against the application. At this time, testimony was closed.

Further discussion was held. Lien stated that there are two strikes against this application, the height and the second story. Lien stated that if the structure were constructed a little larger, they would have the same amount of storage and still not exceed the height limitation. Knutson agreed.

**Motion:** Kovala made a motion to deny a conditional use permit to allow a two-story garage 21 feet in height based on the fact that the structure is two stories and it is not

compatible with the residential lake area. Christianson second. All in favor. Motion carried.

**TENTH ORDER OF BUSINESS: Final Plat of Cormorant Park Place.**

P. Johnson stated that this final plat is for the storage units associated with the planned unit development previously approved. Everything is in order and ready for final approval.

Kovala made a motion to approve the final plat of Cormorant Park Place storage units based on the fact that it was part of the original plan and meets the criteria of the Ordinance. Seaberg second. All in favor. Motion carried.

**ELEVENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is scheduled for Thursday, May 11, 2006 at 8:30 am at the Planning and Zoning Office.

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

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James Bruflo, Chairman

ATTEST \_\_\_\_\_  
Jeff Moritz, Secretary

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Patricia Johnson, Administrator