

Becker County Planning Commission
June 15, 2010

Present: Members John McGovern, John Lien, Harry Johnston, Jeff Moritz, Jim Bruflo dt, Mary Seaberg, Don Skarie, Zoning Administrator Patricia Swenson and Zoning Staff Debi Moltzan.

Chairman Bruflo dt called the meeting to order at 7:00 p.m. Debi Moltzan took the minutes.

Lien made a motion to approve the May 2010 minutes. Seaberg second. All in favor. Motion carried.

Bruflo dt explained the protocol for the meeting, which would include a two (2) minute comment period for each person speaking due to the number of attendees. Bruflo dt also stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action, which will be done at the Tuesday, June 22, 2010 County Board Meeting.

FIRST ORDER OF BUSINESS: Marty Solmon. Request a conditional use permit to grade property and export gravel to allow for a road in a residential development. Working hours would be between 8:00 am and 6:00 pm, Monday – Friday, seasonally, for a duration of 3 years. Gravel will not be crushed or separated onsite. Total volume to be removed is approximately 50,000 yards, for the property described as: PT GOVT LOT 4: COMM E QTR COR TH W 512.29' AL N LN TO WLY LN CSAH #22 & POB; CONT W 819.04' TO NW COR LOT 4, TH S 1319.64' TO SW COR, TH E 129.62', NELY 659.56', ELY 485.88' TO WLY LN CSAH #22, NLY 693.18' AL HWY, NELY 249.28' AL HWY TO POB AKA TRACT A, Section 09, TWP 138, Range 41, Lake View Township. PID Number: R190170.001. The property is located near the intersection of West Lake Drive and County Road 22.

Scott Walz, Meadowland Surveying, began explaining the application to the Board. This application is a revised application from last month's meeting. Walz stated that Solmon purchased the property in 2007, at which time the boundaries of the property were surveyed. At that time, it was thought that there would be a problem with the ridge for the location and layout of the road and lots. No malicious act was intended, but Solmon felt he had covered his basis when he began lowering the hill in preparation of future development.

Solmon stated that since the last meeting, he feels that the amended plan addresses the concerns of the people and the Board. Solmon stated that he hauled material off the hill all last year and there were no complaints until now.

Speaking about the application were:

Bette Larson – in opposition, felt that the changes in the application had not changed anything at all; the residents should not have to compromise to accommodate this; still has questions that need to be addressed and a vote should be delayed until a response is received from the Environmental Quality Board.

Gene Maluski – in opposition, just moving in to the area; has not seen elevations as to what is there now and what the final project will be; when will the project be done and who will monitor the project.

Gail Hahn, Lake View Township – TWP Supervisors met and approved the revised proposal for a period of three (3) years.

Seaberg questioned why the Township changed their viewpoint. Hahn stated that they felt the revised plan addressed the concerns and that Solmon is a businessman that has not left anything undone in the past.

Matt Boeke – in opposition, this is an after the fact permit, why would this be any different from the retaining wall from last month? Solmon has done good work in the past but felt this was a bad business decision.

Brufloft explained the difference in an after the fact permit for putting in a road in a non-shoreland area and an after the fact permit for a retaining wall within the shore impact zone and why they are looked at differently.

Dale Storey – in opposition, even if Solmon protects the trees, what will stop the person who buys the lot from removing the trees? He is against a three (3) year plan and feels a deadline of 12/31/2012 should be placed on the permit, if it is granted. No one complained last year because they felt it was part of development, but it has now turned into a gravel pit to be operated for five (5) years.

Larry Gustafson – in opposition, if he would have known he was going to have a gravel pit in his back yard, he would not have bought the property and felt he should have been made aware of this before he bought the property.

Brufloft stated that no one knows who will be their neighbors and questioned Gustafson as to who he felt should have told him. Gustafson stated that it was probably his fault for not checking things out further.

Mary Solmon – in favor, they did have a permit to begin and felt that the permit they had was all they needed; they are trying to do things right; there is a lot in Chesterfield that was designated as access to this piece of property and they chose not to use it as the access to this property; their plan could have included more houses, but they do not want that many and there will not be a hole left to fill up with water.

Seaberg questioned if environmental studies had been done. Mary Solmon stated that plans were submitted and they were looked at.

Lynette Gedrose – in opposition, concerned about the noise, dust and trucks pulling out onto the blind curve.

Mike Hough – in favor, showed the Board a digitized image of what the existing elevation is and what the elevation would be when done with project; the ridge is being lowered, not a hole dug in the ground; after the excavation, no one will be able to tell that the hill was lowered; the sight line on the approach was improved and approved by the Becker County Highway Engineer.

Johnston questioned the safety of the trucks hauling. Hough stated that they hauled out during WE FEST last year and he was not uncomfortable hauling; signs will have to be put up to warn people and slow traffic down.

Wayne Leopold – in opposition, three (3) years is too long, should be limited to two (2) 45 day sessions for two (2) years taking the fill and stock piling off site.

Lorna Maluski – in opposition, witnessed a near accident last year between two (2) trucks, safety a concern.

Brufloft asked Bette Larson if she had more questions. Larson stated that the questions she asked during her testimony were not answered. Brufloft stated that if a Board member had a conflict with any application, they would excuse themselves from that portion of the meeting. Swenson explained that Solmon did begin construction of the road prior to permits, but did obtain a land alteration permit for a road. There was confusion over the process because the City of Detroit Lakes has the jurisdiction of the subdivision of land because of the two mile extraterritorial jurisdiction, but the County has the jurisdiction of the excavation and construction. There was no permit for a commercial gravel operation. Plans were submitted to the MPCA for the storm water permit which mitigates run off issues, but it is not an environmental study.

Written correspondence included letters from: Dan Labat, in opposition; Jeff Stowman, in opposition; June and Wayne Leopold, in opposition; and a petition in opposition to the application. At this time, testimony was closed and discussion was held.

Lien stated that he appreciated the changes in the plan, but has a problem with the three (3) year time period and felt that three (3) years was too long. Lien stated that an application for grading for a development is different from an application for a true gravel pit operation. Brufloft stated that if he was in Solmon's shoes, he probably would be doing the same thing, but on the other hand he did not agree with the three (3) year time period; however, Solmon does have the right to develop his property.

Johnston stated that the request last month was for a mining operation. Johnston stated that the new request is for grading and exporting to prepare for development and would not have a problem with that if it was done by 12/31/2011.

Moritz stated he could support the application with a timeline of 12/2011. McGovern stated that 2012 was too long. Seaberg questioned what would happen if the EQB responded on the petition. Swenson stated that if there was a valid EAW petition, the EAW Review Committee would have to determine whether or not an EAW would have to be completed on the project. The EAW would halt the project. Moritz questioned what would happen to the project if the timeline was shorter. Solmon stated that they would have to level out what ever was left. Skarie felt that a 2012 deadline was reasonable.

Motion: Skarie made a motion to accept and approve the amended proposal to grade the property and export gravel to allow for a road into a residential development with working hours to be between 8:00 am and 6:00 p.m., Monday thru Friday, seasonally for a period ending 12/31/2012 based on the fact that it is for preparation of a development and not a gravel mining operation. McGovern second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Steve McCormick and Patrick Sweeney. Request approval of a change of zone from agricultural to residential and approval of a preliminary plat to subdivide 13.77 acres into 4 tracts of land (173,850, 138,330, 148,396, 139,346 sq ft) for the property described as: GOVT LOT 2 E OF CSAH #37 LESS 8.2AC, LESS TRI IN SE COR., Section 19, TWP 142, Range 37, Forest Township. PID Numbers R120152000 and R120152001. The property is located at 36684 and 36602 Co Hwy 37 on the west side of Bad Medicine Lake.

McCormick and Sweeney explained the application to the Board. They would like to subdivide the property into four (4) tracts of land. Ulteig Engineering completed the survey and has submitted all the necessary paperwork.

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 and discussion was held.

Swenson stated that there was a question about the proposed easement serving more than two (2) tracts of land. Swenson stated that each tract of land does have proper road frontage on a public road. The proposed easement is for a common driveway to utilize an existing driveway/trail to avoid further impact to the wetlands. Lien felt that the application was straight forward and meets the criteria of the Ordinance.

Motion: Lien made a motion to approve the change of zone from agricultural to residential and approve a preliminary plat consisting of four lots based on the fact that it meets the criteria of the Zoning Ordinance. Johnston second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Ordinance Revisions, amending Chapter 3, Section 7, Subp. A; chapter 3, Section 7, Subp. B and Chapter 5, Section 2, Subp. C.

Swenson explained the need for this amendment. When the definition of a structure was changed to include sidewalks, driveway, etc., there have been situations that people have used this to try to get closer to the lake by using the string line between a house and a sidewalk, rather than the original intent to use the string line to move structures further from the lake, but not impeding peoples line of site. The revisions are more for clarificaiton than changing how things are done. Further review of the Ordinance also shows that the revision in Chapter 3, Section 7, Subp. A would also have to carry over to Chapter 7, Section 20 Subp. B.

Jim Kaiser asked questions regarding more explanation and clarification on each revision. Swenson then explained each revision in more detail.

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

Johnston stated that these revisions are what the Board of Adjustments has wanted for a long time and it would clarify things.

Motion: Mortiz made a motion to approve the amendments as presented, with the addition to Chapter 7, Section 20, Subp. B, based on the fact that the revisions would clarify the present language in the Ordinance. Seaberg second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Recreational Review Process.

Swenson stated that the County is in the process of developing a recreational plan. With the development of this plan, there needs to be a review process. The Steering Committee felt that it should be brought to the Planning Commission for their input because of the similarities between the procedures and decision making for conditional use permits and the land use associated with the Rec Plan. The Rec Plan application would have to go through all the environmental review processes prior to being brought before the Planning Commission. Swenson stated that the current Boards (Park, Natural Resources, etc) cannot handle this at the present time because they are in the process of being reorganized.

Brufloft felدت that the Planning Commission already has the infrastructure to handle the applications and it would be a natural fit. Moritz stated that the Zoning Office has done a wonderful job by reducing the work load of the Planning Commission and felt that the Planning Commission would be a natural fit and if it did not work out, other options could be explored at that time. Lien and McGovern felt it was a good and natural fit for the Planning Commission. Johnston also felt is was a good fit and also stated that the Planning Commission's work load has been reduced. Skarie agreed and felt it would be difficult for a new Board to be established.

Seaberg further questioned the process and Swenson explained that all the leg work would be done before the Planning Commission would see the application. Swenson stated she was directed to talk to the Planning Commission prior to the County Board 'springing something' on them.

Jim Kaiser felt that the Planning Commission should not vote on whether or not they would take on the responsibility, but should be directed by the County Board to do so.

The consensus of the Planning Commission is that they felt that the infrastructure was already in place for their Board to review any applications associated with the proposed recreational plan.

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

Jim Bruflo, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator