

Becker County Planning Commission
October 16, 2012

Present: Jim Kovala, Harry Johnston, Commissioner Larry Knutson, Jim Bruflo dt, John McGovern, Jeff Moritz, Ray Thorkildson, John Lien and Zoning Administrator Patty Swenson.

Chairman Bruflo dt called the meeting to order at 7:00 p.m. Swenson recorded minutes.

Kovala made a motion to approve the minutes from the September 18, 2012 meeting. Lien Second. All in favor. Motion carried. Minutes approved.

Bruflo dt explained the protocol for the meeting and explained that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for a final decision on Tuesday, October 23, 2012.

OLD BUSINESS: Jeffrey Laliberte Request a Conditional Use Permit to replace an existing retaining wall along the shoreline as per the plan submitted for the property described as: LOT 4, Block 001, WERMAGER BCH 1ST ADD, Section 14, TWP 138, Range 43, Cormorant Township. PID Number 06.1143.000. The property is located on Big Cormorant Lake at 15795 Wermager Beach Rd.

Jeff Laliberte, property owner, was unable to attend. Rich Lahren, Hebron Brick explained the revised application to the Board. The plan was revised to address concerns of the Board. Rich Lahren stated that the existing retaining wall and patio are failing and need to be replaced.

The elevation was measured and it was determined to be a steep slope allowing a water oriented structure (patio). The patio size was reduced from 200 sq. ft to 120 sq. ft allowed by the ordinance. Native plantings were included in front of the retaining wall, patio area and replaced the proposed sand blanket area.

Lien commented that if the application were presented to the Board as new construction it most likely would not be approved today. The existing wall does not meet the four criteria for approval based on the ordinance. Lien further commented that the plan is for total replacement not repair.

Bruflo dt questioned whether the patio meets the location required by ordinance. Knutson stated that the plan is for total replacement and the patio should be placed in the center 1/3 lot based on ordinance.

Lien stated that the Board works hard to be consistent when reviewing retaining wall applications. The Board has denied several applications and has also required removal of retaining walls.

Brufloft commented that he sees the need to remove the existing patio blocks but suggests replacing with rip rap to abut the existing retaining wall. He also felt the plan was overkill. Johnston commented that the plan is not much different than the original except for the reduction in patio size.

Moritz stated that the Watershed has visited the property. The property has a major ice ridge in front, ice out causes a major ice push. The Watershed is ok with the plan but would like to see a shoreline berm incorporated along with more native plantings to screen the wall.

Thorkildson commented that the plan shows the replacement wall closer to the water than the existing wall. He suggests removing the paver patio and rip rap to the existing wall.

No one spoke for or against the application. Correspondence from Cormorant Township stating no objection. At this time testimony was closed.

Motion: Lien made a motion to deny the application based on the fact that the plan does not meet the criteria of the Ordinance Chapter 6 Section 8. Thorkildson second. All in favor except Moritz. Motion carried.

FIRST ORDER OF NEW BUSINESS: Brian Solum. Request an amendment to an existing CUP # 510978 from 9 four plex condominium units & 2 single family residences to 3 four plex condominium units & 26 single family residences-the total being the same number of 38 in a High Density Residential Zone for the property described as: LOT 1 LESS CIC NO 42 & FIRST SUPPLEMENT AKA 14.66 ACRES, Section 15, TWP 138, Range 43, GRAND VIEW ESTS OF NELSON LAKE, Cormorant Township. PID Number 06.0757.501. The property is located on Nelson Lake at 14370 Grandview Lane.

Scott Walz, Meadowland Surveying, explained the application to the Board. Currently the Common Interest community consists of 2 four plex condominiums and 6 residential lots. The application is to revise the existing conditional use permit to keep the same number of total units but as 3 four plex condominiums and 26 residential sites for a total of 38 units. The storage units were constructed with a potential of 33 more units if all 38 association owners choose to have a unit.

Moritz questioned the lot locations. Walz stated the the proposed lots are in the same basic location as the units were approved to be located.

Duane Olson, property owner on lake, asked if docking privileges would change from the original conditional use permit approval. He also asked if there are covenants to prohibit mobile homes from being placed on the lots. Brian Solum stated that the docks would not increase from the original conditional use permit and that the Association's Architectural Standards do not allow for mobile homes.

Duane Olson also asked about boat launching facilities. Brian Solum stated that there is already a launch existing.

Scott Walz stated that the only change requested by the Applicant is from units to single family residences. No other changes to the existing conditional use permit.

Mark Boushee, property owner, questioned the septic systems for all the homes and if environmental review was completed. He also stated concerns with increase traffic.

There was no further testimony. Correspondence received from Earl Magnuson, President GVE of Nelson Lake Condominium Owners Association and Bob and Georgia Bakkum. Testimony closed.

Brian Solum was asked by the Board about the septic system. The by-laws state that once 12 units are built an engineered centralized system will be installed to include pre treatment based on technology from SJE Rhombus. Currently the Association pays to maintain the existing holding tank systems.

Motion: Lien made a motion to approve the amendment to the conditional use permit to allow 3 four plex condominiums and 26 residential lots based on the findings that the living space area remains the same. Kovala second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Gary Schander. Request to approve a Preliminary plat consisting of 5 parcels. One Parcel will be a standard sized parcel to stand alone, the other parcels will be connected by deed to adjacent lake lots, and can not be sold one away from the other. The request includes a Change of Zone for all parcels to residential for the property described as: PT GOVT LOTS 5 & 7 WEST OF BAY VIEW DRIVE, Section 06, TWP 138, Range 42, Lake Eunice Township. PID Number 17.0071.001. The property is located on Leif Lake on Buckhorn Road.

Application withdrew by Owner.

THIRD ORDER OF BUSINESS: Lillian Hilgers Haven. Request a conditional use permit for a temporary second dwelling to be permitted due to elderly care for the property described as: PT LOT 2 BEG 2505.59' S ON W LINE LOT 2 TH S 70' SE 201.76' NE 75' AL LK & NW 259.34' TO BEG, Section 23, TWP 139, Range 39, Height of Land Township. PID Number 15.0222.000. The property is located on Little Toad Lake at 18537 395th Ave.

Julie Kraft, daughter to applicant, explained the request to the Board. They have a 30 foot trailer located on the property. Julie lives in Dallas and comes home in the summer to stay at the lake and take care of her 90 year old mother. There is not adequate room in the cabin to accommodate the family of eight. The septic system was inspected and failed so they plan to upgrade the system.

Brufloft asked if the camper would be left on the property year round. Julie Kraft responded yes but only used in the summer months.

Kovala stated that he visited the property and found the adjacent properties to be of concern. There are several campers and cabins that appear to be in violation of the ordinance.

Steve Hilgers, son of applicant, stated that the adjoining property has a permit for the camper.

There was no further testimony. One letter was received from Doug & Kathy Fischer in opposition. Testimony closed, further discussion by the Board.

Brufloft stated that the Board has allowed 2nd dwelling for elder care but never for a camper. Lien stated that the conditional use permit issued for care required removal of the 2nd dwelling once it was no longer needed. Knutson stated that the Board has allowed temporary, full time elder care dwellings and that this application does not meet that criteria.

Kovala made a motion to deny the application based on the findings that it does not meet the criteria of elder care. Johnston second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: David & Angela Ewanika. Request a Conditional Use Permit on the property for an equipment service business. The request includes expansion to an existing structure which is incidental to the business for the property described as: 5 AC PT GOV'T LOT 1 (FRAC'L NE1/4 OF NE1/4) BEG 548' N OF SW COR: TH E 400', N 653.46' TO GEBO LK, SW AL LK TO W LN L1, & S 484.24' TO BEG, Section 27, TWP 138, Range 40, Burlington Township. PID Number 03.0257.003. The property is located on Gebo Lake at 32879 120th St.

Dave Ewanika explained his application to the Board. He applied for a site permit at the zoning office when it was found by Staff that he has a business on the property. He assumed they were zoned commercial because they are taxed commercial. They have a heavy equipment repair business. They need more space in the shop. They would like to add two additions (20x80) (20x104). One would allow their office to be moved out of the house and into the new addition. They currently have 2 employees, hours of operation are 9-6 Monday – Friday.

Knutson explained that the property is zoned agricultural but the property is taxed commercial because of its commercial use. Thorkildson asked if there is water/sewer connection. Dave Ewanika stated yes the septic is connected to the house septic system. He further stated that they will be installing a holding tank with alarm connected to the floor drain to contain any potential spills.

Gary Larson, resident Burlington Township, stated he was in favor of promoting businesses in Burlington Township. He stated that the application for conditional use

permit was after the fact. He voiced concern for spill containment in relation to the Natural Environment Lake.

There was no further testimony. Board had further discussion. Lien stated that the shop location is over 450 feet from the lake. Kovala cautioned the Applicant about the property becoming a junkyard, which could jeopardize a conditional use permit.

Motion: Lien made a motion to approve the conditional use permit for an equipment service business based on the finding that it is not detrimental to the area with the stipulation that if property becomes a junkyard, the conditional use permit may be revoked. Moritz second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, November 15th, 2012 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 the meeting. Thorkildson second. All in favor. Motion carried.

Jim Bruflo dt, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Swenson, Zoning Administrator