

Becker County Planning Commission
November 20, 2012

Members Present: Chairman Jim Bruflodt, Harry Johnston, John Lien, Commissioner Larry Knutson, Mary Seaberg, David Blomseth, Ray Thorkildson, Jim Kovala, Mary Seaworth, John McGovern, Jeff Moritz, Zoning Administrator Patty Swenson and Zoning Technician Julene Hodgson.

Chairman Bruflodt called the meeting to order. Zoning Technician Julene Hodgson recorded the minutes.

Kovala made a motion to approve the minutes from October 16, 2012. Seaberg second. All in favor. Motion carried.

Chairman Bruflodt explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on November 27, 2012.

Old Business:

FIRST ORDER OF BUSINESS:

APPLICANT: Gary Schander 15150 Buckhorn Rd Lake Park, MN 56554 **Project Location:** Buckhorn Rd **LEGAL LAND DESCRIPTION:** 170071001 Lake Eunice Leif Lake PT GOVT LOTS 5 & 7 WEST OF BAY VIEW DRIVE, Section 06, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** 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. ****This was withdrawn from the October 16th Public Hearing.**

Scott Walz from Meadowland explained the application to the Board on behalf of Gary Schander. Schander who owns a riparian lake lot has a purchase agreement pending the subdivision approval. The four lots would be permanently attached to riparian lake lots across the road with one remainder larger lot that meets the standard lot criteria.

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

It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

MOTION: Kovala made the motion to approve a Preliminary plat consisting of 5 parcels as submitted due to the request meets the critieria of the Ordinance. 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 motion includes a Change of Zone for all parcels to residential. Seaberg second. All in favor. Motion carried.

New Business:

FIRST ORDER OF BUSINESS:

APPLICANT: Ronald (Dave) & Sandra Christensen 630 Gaston Ave. Shoreview, MN 55126
Project Location: 34594 E. Boot Lake Rd **LEGAL LAND DESCRIPTION:** Parcel# 270181000 Savannah Township Boot Lake GOV'T LOT 6, Section 32, TWP 142, Range 36
APPLICATION AND DESCRIPTION OF PROJECT: Request an approval of a certificate of survey to allow Tract A (89,664 sq ft), Tract B (64,195 sq ft) and a remainder tract of 24.82 acres. The request includes a Change of Zone from Agricultural to Residential for all three tracts.

Ronald Christensen explained the application to the Board. Kovala noted the only buildable area on tract B is east of the roadbed area. Kovala also noted that Tract A would require a boardwalk for access to the lake over the wetlands.

No one spoke in favor or in opposition to the application. Swenson read a letter from Soil and Water Director Brad Grant stating a “no loss” permit is required from soil and water and Zoning for a Boardwalk area to allow a 10’ access path through the wetlands to the lake for tract A. At this time, testimony was closed and discussion was held.

Knutson noted the request for change of zone was for the entire property, which was proper in case more subdivision occurs in the future.

There was no further discussion by the Commission.

MOTION: Kovala made the motion to approve a certificate of survey as submitted to allow Tract A (89,664 sq ft), Tract B (64,195 sq ft) and a remainder tract of 24.82 acres due to the request meets the criteria of the Ordinance. The motion includes a Change of Zone from Agricultural to Residential for all three tracts. Johnston second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS:

APPLICANT: Dennis & Peggy Olson 13486 Rosman Erickson Rd Lake Park, MN 56554
Project Location: 13486 Rosman Erickson Rd **LEGAL LAND DESCRIPTION:** 060061000 Cormorant Township Rossman Lake GOV'T LOTS 7 & 8 LESS PLAT EMERALD BAY & LESS .09 AC IN GOV'T LOT 7 PT 06.0679.000 & LESS 1.84 AC FOR TRACTS E & F AKA 010 & 012 & LESS .93 FOR TRACT G AKA 014; & LESS 2.38 AC GOV'T LOT 8 & LESS 6.84 AC TRACTS A-D IN GOV'T LOT 8 AKA 002-005, Section 04, TWP 138, Range 43, Cormorant Twp. **APPLICATION AND DESCRIPTION OF PROJECT:** Request an approval of a Certificate of Survey to allow Tract H (40,094 sq ft) and Tract I (40,054 sq ft). The request includes a Change of Zone from Agriculture to Residential for both tracts.

Scott Walz from Meadowland explained the application to the Board on behalf of Dennis & Peggy Olson. The two tracts on the north side of the road are large enough to “stand alone” as standard sized parcels and are consistent with the previous tracts that have been approved. Kovala asked why there was a 66’ area left between Tract D and Tract I to which Walz answered for legal access to the back remainder tract.

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

It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

MOTION: Johnston made the motion to approve of a Certificate of Survey to allow Tract H (40,094 sq ft) and Tract I (40,054 sq ft) due to the request meets the criteria of the Ordinance. The motion includes a Change of Zone from Agriculture to Residential for both tracts. Seaberg second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS:

APPLICANT: Karen Garrity 1904 Valkyrie Drive NW Rochester, MN 55901 **Project Location:** 13085 Cormorant Beach Rd **LEGAL LAND DESCRIPTION:** Parcel#: 06.0291.000 and Parcel # 06/0608.000 Cormorant Township Cormorant Lake GOVT LOT 1 LESS S 15 AC & LESS PLATTED PART, & LESS HOLIDAY BCH RD & LESS 1.07 AC; & 1/2 VAC ROAD DOC 599336 AKA .32 AC LOT 10 EX 1.39 AC FOR 06.0609.000, 1/2 VAC RD DOC 599336 AKA .33 AC & LOT 9 Section 22, Township 138, Range 043 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an approval of a Certificate of survey with lot line adjustments of two (2) parcels to allow four (4) parcels (A 1.35, B 1.01, C 2.52 and D 1.20). The Request includes a Change of Zone from Agricultural to Residential for all properties.

Scott Walz from Meadowland explained the application to the Board on behalf of Karen Garrity. There were two existing tracts and the owner wishes to subdivide the two tracts into four tracts. Only one parcel would be lakeshore/riparian with the other three tracts further back from the lake and all of the parcels will meet the standard sized parcel requirements. Kovala noted the new lots would not have access rights to the lake to which Walz stated the owner is aware of this.

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

It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

MOTION: Seaberg made a motion to approve a Certificate of survey with lot line adjustments to two (2) parcels to allow four (4) parcels (A 1.35, B 1.01, C 2.52 and D 1.20) due to the request meets the criteria of the Ordinance. The motion includes a Change of Zone from Agricultural to Residential for all properties. Blomseth second. All in Favor. Motion Carried.

FOURTH ORDER OF BUSINESS:

APPLICANT: Mark/Mike Spadgenske 54795 St. Hwy 87 Menahga, MN 56464 **Project Location:** 54795 St. Hwy 87 **LEGAL LAND DESCRIPTION:** Parcel#: 260127000 Township: Runeberg S1/2 OF NE1/4; SE1/4; NE1/4 OF SW1/4; & PT SE1/4 OF SW1/4: COMM NW COR TH S 340' ON W LN TH NELY TO NE COR, TH W AL N LN TO POB AKA 5.10 ACRES, Section 20, TWP 138, Range 36 **APPLICATION AND DESCRIPTION OF PROJECT:**

Request a Conditional Use Permit to have a gravel pit for crushing of gravel and rocks in an Agricultural Zone.

Nate Gerdes explained the application to the Board on behalf of Mark Spadgenske. The gravel would be used for mainly Township road purposes. Kovala asked how deep the digging would go and what would be done to the area after all of the gravel was extracted to which Gerdes stated they are only proposing to take down the existing hill and the area would be sloped back to a 3/1 or 4/1 slope. Johnston asked when they propose to do the crushing work to which Gerdes stated depending on the weather and road restrictions it would be either April or May of 2013 and would last for 2-3 weeks. The gravel would then be hauled off site over a period of 3-4 years until depleted. Kovala reconfirmed that the crushing would be very short term but the hauling of the gravel would be a number of years to which Gerdes answered yes. Johnston asked after the property is depleted of the gravel, when would the restoration start to which Gerdes answered immediately. Kovala noted the existing owners have cattle and would want the area reclaimed as soon as possible for pasture.

No one spoke in favor or in opposition to the application. Swenson read letters in the file from neighbors Pat Butler and Jordan and Paula Simi regarding concerns of an artesian well on the property and noise from the crushing equipment. At this time, testimony was closed and discussion was held.

Knutson asked how far the work area would be from the artesian well/creek area to which Mark Spadgenske answered about 700 feet away. Spadgenske added the project will not be digging by that area. The proposal is just for getting rid of the hill and bank area that has been previously dug into.

There was no further discussion by the Commission.

MOTION: Lien made a motion to approve a Conditional Use Permit to have a gravel pit for crushing of gravel and rocks as submitted due to the request meets the criteria of the Ordinance. Kovala second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS:

APPLICANT: Jeff & Janaya Davis 21696 Co Hwy 29 Detroit Lakes, MN 56501 **Project Location:** 21696 Co Hwy 29 **LEGAL LAND DESCRIPTION:** Parcel# 100003001 Township: Erie PT SW1/4 OF NE1/4 & PT GOVT LOT 2: BEG SE COR LOT 1 BLK 2 COTTON EAST TH E 588.06' TO CSAH #29, NW 433.51' TO SLY LN SANDY BCH RD, TH WLY & SLY AL RD TO N LN LOT 1, E 128' TO NE COR LOT 1, TH S 150' TO POB, Section 01, TWP 139, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an after the fact Conditional Use Permit to allow a seasonal Garden Boutique business to continue on the agriculturally zoned property.

Janaya and Jeff Davis explained the application to the Board. Davis stated the request is for a small business and most of her requests are for off site work for planting window boxes, planters and flowerbeds. The request includes 3 open houses for customers to come into their home for education and help to design gardens and flowerbed areas. The plan does not include putting a nursery on the property and there is adequate parking area for visitors. Knutson asked how many people attend the open houses at one time to which Davis answered 4-5 people and they are invited by invitation only. Brufloft noted Davis already has several future open houses scheduled per a website and Davis stated yes but most of her business is not done at her house but is done at

the customers' site where she creates custom window boxes and planters. Brufloft asked if Davis plans on an advertisement sign to which Davis stated yes she would like to place a small un-luminescent sign at the end of the driveway. Seaberg reconfirmed Davis is not an open business all the time but rather only a few times throughout the year for these events to which Davis stated yes the invited clients bring pots and they plant them together but most of her work she does at her property and delivers elsewhere.

No one spoke in favor or in opposition to the application. Swenson read a letter on file from Jay Wheeler, Keith and Jeannie Gilbertson and Ruth and John King. Some questions included: Hours of operation, what if any conditions would be placed on the type of business granted, screening from residential lakeshore property, what equipment would be used, would the wetlands on the property be affected, and are there any structures proposed for the business. At this time, testimony was closed and discussion was held.

Brufloft stated the hours of operation are outlined in the business plan submitted. The property is a large property and if any future structures are proposed for the property, they would have to meet the criteria of the Ordinance pertaining to size, setbacks and lot coverage. Brufloft asked Davis what type of equipment is currently being used to which Davis stated a skidsteer is being used and they have owned this equipment for some time and use it for snow removal and blading the rest of the tools used are hand tools. Brufloft stated a Conditional Use Permit stipulations/approval are to allow to operate the business as submitted, nothing more.

MOTION: Seaberg made a motion to approve a Conditional Use Permit to allow a seasonal Garden Boutique business as plan submitted due to the request would not be detrimental to the area. Lien second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, December 13th, 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. Thorkildson second. All in favor. Motion carried. Meeting adjourned.

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator