

**Becker County Planning Commission
November 18, 2008**

Present: John McGovern, Ray Thorkildson, Harry Johnston, Jeff Moritz, Jim Kovala, Jim Bruflodt, Mary Seaberg, Commissioner Larry Knutson, Zoning Administrator Patricia Swenson, and Zoning Staff Debi Moltzan.

Chairman Bruflodt called the meeting to order at 7:00 p.m. McGovern made a motion to approve the October 2008 minutes. Kovala second. All in favor. Motion carried.

Bruflodt explained the protocol of the meeting and explained that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, November 25, 2008.

FIRST ORDER OF BUSINESS: Alex Bishop and Nancy Grabanski. Request a conditional use permit to have a second dwelling on the property. The dwelling will be located within an existing 30 ft by 64 ft garage, with the dwelling taking up an area 24 ft by 30 ft in size. The additional dwelling is being requested for a family member who is on disability due to medical reasons. This request is on the property described as: 37.26 ac in Govt Lot 3, Section 2, TWP 139, Range 36; Green Valley Township, PID Number 13.0006.001. The property is located at 57239 Sartain Street.

Grabanski explained the application to the Board. This will not be a new structure, but located within a portion of an existing garage. The structure would be used for a disabled brother-in-law, who is currently living in an apartment in town. The structure will have its own septic system and share the well with the main dwelling.

Knutson stated that, if granted, the structure could only be used by the brother-in-law and could not become a future rental unit. Grabanski stated that once the brother-in-law no longer lives there, the area will be used as an office for her husband to use for their farming operation.

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 further discussion held.

Kovala stated that he had spoken to the Green Valley Town Board, whom did not have a problem with the application.

Motion: Kovala made a motion to approve a conditional use permit to allow a second dwelling, 24 ft by 30 ft in size, to be located within an existing garage, with the stipulation that the structure may only be used by the family member (Grabanski's brother-in-law) and once this family member is no longer living in the structure, the structure cannot become a rental unit. Seaberg second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Hough Inc. Request a revision of existing Conditional Use Permit Document Number 407839. The existing conditional use permit was approved in 1991 and was to establish a demolition site. The site was to follow all MPCA regulations and was to be 5 acres and located in the NW ¼ SW ¼. The revision is asking that the area be extended to encompass the entire 40 acres in the NW ¼ SW ¼ located in the property described as: 80 ac, W ½ of SW ¼; Section 25, TWP 138, Range 42, Lake Eunice Township. PID Number 17.0280.000.

Mike Hough explained the application to the Board. The revision would allow expansion of the existing site. Brufloft questioned where the demo site was located from the asphalt pile. Hough stated that the asphalt pile is the recycling site and the demo site is further north. Knutson stated that they could not get into the site to view the property and questioned Hough if he was aware of the tour date. Hough stated that he did not realize that there was a tour date. Knutson suggested that the application be tabled so that the Board could get into the site to view the property. Brufloft stated that the next tour date would be December 11, 2008, during the morning hours.

Speaking with concerns or opposition to the application were:

Bruce Seim – knew the property contained a demo site when he purchased his, since he bought his property, the buffer of evergreen trees has been removed; now there is no buffer between the properties.

Marty Kiebke – did not know there was a demo site on the property when he bought his and two weeks before he was to build his house, the buffer of evergreen trees was removed and he saw that there was a demo site; MPCA regulations were not followed until he began pursuing compliance; traffic is an issue; was lead to believe this site would be closed once the County opened a demo site.

Mark Jackson – concerned about the traffic volume and speed; looks like they have exceeded the five acres already; will impact the value of his land.

There was no written correspondence. At this time, testimony was closed and further discussion was held.

Motion: Knutson made a motion to table the application until the December 2008 meeting. Kovala second. All in favor. Motion carried.

Hough stated that he would address the concerns brought up at the next meeting and stated that he has a survey from Widseth, Smith and Nolting showing that the expansion plans are for 10 acres, just requesting the revision for the entire 40 acres so they would not have to repeat the hearing process.

THIRD ORDER OF BUSINESS: Susanna Hanson Trust. Request a change of zone from agricultural to residential and approval of a preliminary plat for the property described as: W ½ SE ¼ Govt Lot 3 and Govt Lot 4 less Hanson's Mt View Shores;

Section 8, TWP 139, Range 38; Toad Lake Township. PID Number 33.0090.000. The property is located at 20475 West Toad Lake Drive, Toad Lake.

Larry Hanson explained the application to the Board. His family homesteaded this property in the 1900's and it was his parent's wishes to keep the property in the family. He has been working on this for four years trying to divide things equally.

Kovala questioned on which lot the original house was located. Hanson stated that it was located on Lot 4. Johnston questioned if the structures located within the shore impact zone would be removed. Hanson stated that one has already been removed and assumed that the other one would be removed.

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 further discussion was held. Johnston stated that the subdivision meets the requirements of the Zoning Ordinance.

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

FOURTH ORDER OF BUSINESS. Barry and Theresa Halvorson. Request a conditional use permit to construct a retaining wall in the shore impact zone to correct a non-permitted land alteration for the property described as: Lot 3, Morton Oak Lane Third Addition; Section 21, TWP 138, Range 42; Lake Eunice Township. PID Number 17.1007.000. The property is located at 19738 Morton Oaks Road, Maud Lake.

The Halvorson's explained the application to the Board. The problem began with a misunderstanding. Their shoreline was a mess, so they pushed about 8.2 cubic yards of dirt to the side in preparation to apply for a conditional use permit for a retaining wall in 2007. They have run into opposition from day one. They hired Hebron Brick for a plan, but got no action. Once they hired Heyer Land Surveying, they got immediate action. They were under the understanding that a permit was not needed if the dirt work was under ten cubic yards, which it was. B Halvorson stated that he wanted his shoreline to look like the neighbors.

Brufloft stated that retaining walls are not allowed in the shore impact zone unless there is no other alternative. Knutson stated that most of the explanation was about the dirt removal and misunderstandings and wanted clarification as to what their request was. The Halvorson's stated that they are requesting a retaining wall. Knutson stated that retaining walls are not allowed in the shore impact zone unless there is no other alternative. The Halvorson's stated that they meet this criteria and that Heyer did not say they needed a plan for restoration; he gave them a plan for a retaining wall. T. Halvorson stated that there is no other alternative. Knutson stated that the land could be reclaimed to a natural slope with no retaining wall. T Halvorson stated that restoring to a natural

slope would be more expensive. B Halvorson stated that if retaining walls are not allowed they should have been told that. Brufloft stated that monetary concerns do not enter into the equation for granting or denying a conditional use permit. T Halverson stated that they do not have the money to restore the shoreline. Moritz stated that the shoreline should be able to be restored fairly reasonable with riprap, water retention area and native plants and that this would enhance the value of the property. B Halvorson stated that there would be sand behind the retaining wall to allow the water to soak away and that Heyer stated that the plan was in compliance with the Ordinance.

No one spoke either in favor or opposed to the application. A letter in opposition to the application was received from the Lake Maud Lake Association. At this time, testimony was closed and further discussion was held.

Johnston stated that the run off issue and erosion starts at the road and the down spouts are directed toward the lake. Many things could be done to slow the water down before it gets to the bank by the lake, which could include a berm. Moritz stated that there are options instead of a retaining wall. Seaberg stated that the area should be rip rapped and restored to a natural state. Thorkildson stated that it should be restored back to its original condition, along with the neighbors, if they are in violation. Swenson stated the regulations for retaining walls have changed over the years and that the rules in effect at the time of application must be acted on. Seaberg stated that the Zoning Office has brochures on natural plantings and buffers. Swenson stated that correspondence in the file sent to the Halvorson's suggest that the shoreline should be restored and they were given the criteria for a retaining wall.

Motion: Knutson made a motion to deny a conditional use permit for a retaining wall based on the fact that it does not meet the criteria of the Zoning Ordinance and there are other alternatives to control the erosion. Kovala second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS. Jeff and Susan Schlossman. Request a Conditional Use Permit to allow an equestrian riding school. This would include equestrian training, riding lessons, indoor/outdoor and day riding camps, hayrides, nature walks, skiing and occasional special events. The facility would also include a home office and kitchen. The Conditional Use Permit would be for the property described as: E ½ of SW ¼ and 10 ac in SW Cor of SE ¼ NW ¼; Section 5, TWP 139, Range 38; Toad Lake Township. PID Number 33.0050.000. The property is located at 42273 St Hwy 34.

The Schlossman's explained the application to the Board. They would like a conditional use permit to allow the commercial business of an equestrian school. Kovala questioned if there would be signage, noting that State Hwy 34 is a scenic byway. J Schlossman stated that a sign may be put up if too many people have a problem finding the property; most of the advertising will be done online. Knutson stated that if a sign is put up, a permit would be required from the County and from the State DOT. S Schlossman stated that the school would be private and not open to public traffic at this time. Brufloft questioned the hours of operation. J Schlossman stated that they listed extended hours in case there was a planned event that would last longer than expected. S Schlossman stated

that they were being entrusted with children and did not want strangers on the property to endanger the children.

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

Brufloft stated that he was not a horse fan, but felt this type of business was needed in the area. Knutson stated that the Schlossman's had a beautiful facility.

Motion: Kovala made a motion to approve a conditional use permit to allow an equestrian riding school based on the fact that the use would not be detrimental to the surrounding area and would be compatible with the area. This would include equestrian training, riding lessons, indoor/outdoor and day riding camps, hayrides, nature walks, skiing, occasional special events, a home office and kitchen. Moritz second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS. Final Plat of Valhalla Shores.

Swenson explained that the change of zone from agricultural to residential and preliminary plat was approved in September 2007 with the stipulation that there be a 50 ft conservation easement running parallel to the shoreline, allowing for docks and lifts to be stored on the conservation easement, allowing a 8 to 10 ft wide boardwalk over the wetlands for each lot. Everything is in order for final approval.

Motion: Seaberg made a motion to approve the final plat of Valhalla Shores based on the fact that it meets the criteria of the Zoning Ordinance. Thorkildson second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS. Informational Meeting. The tentative date for the next informational meeting is Thursday, December 11, 2008 at 8:00 am at the Planning & Zoning Office.

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

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Swenson, Administrator