

1 **Becker County Planning Commission**
2 **Tuesday November 12th, 2019**

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4 **Present:** Chairman Jim Bruflodt, Vice Chairman John Lien, James Kovala, Harry Johnston,
5 County Commissioner Larry Knutson, Mary Seaberg, Dave Blomseth, John Skarie, Ray
6 Thorkildson, Bob Merritt, Zoning Administrator Kyle Vareberg and Zoning Technician Jeff
7 Rusness. **Absent:** Brian Bestge and Jeff Moritz.

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9 Chairman Jim Bruflodt called the Planning Commission meeting to order at 7:00 pm.
10 Introductions were given. Becker County Planning and Zoning Technician Jeff Rusness
11 recorded the minutes.

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13 **Kovala** made a motion to approve the minutes for the October 8th, 2019 minutes with changes.
14 **Seaberg** second. All in favor. Motion carried.

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16 **Bruflodt** explained the protocol for the meeting and stated the recommendations of the Planning
17 Commission Board would be forwarded to the County Board of Commissioners for final action.

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19 **NEW BUSINESS:**

20 **APPLICANT: James and Charlotte Becker** 20321 Victor Rd Detroit Lakes, MN 56501 **Project**
21 **Location:** 20321 Victor RD Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID
22 number: **08.1020.000** Section 10 Township 139 Range 041; HERMANSON SHORES Block 001
23 **LOT 1 APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit
24 to replace an existing retaining wall.

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26 *****WITHDREW APPLICATION 10/29/19*****

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29 **Old Business:**

30 **FIRST ORDER OF BUSINESS: APPLICANT: Richard & Dana Laine** 20781 Co Rd 117
31 Osage, MN 56570 **Project Location:** 20781 Co Rd 117 Osage, MN **LEGAL LAND**
32 **DESCRIPTION: Tax ID number: 33.0118.000** Section 10 Township 139 Range 038 LOT 1 &
33 SW1/4 OF NW1/4 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a
34 Conditional Use Permit for a Commercial Planned Unit Development (PUD) to have 14 RV sites
35 and a 21 slip dock system. This application was tabled by the applicant on October 3rd, 2019.

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37 Kyle Vareberg introduced the application.

38
39 Richard Laine outlined his request for a 14 unit RV park with 21 boat slips. Richard said the
40 property went through wetland delineation to comply with the Becker County Zoning Ordinance
41 to determine the suitable amount of land for the number of RV sites and boat slips. Laine
42 explained how the proposed commercial P.U.D. was drawn up and stated that ample space was
43 available for each site.

44 Laine said twenty-five hundred square feet is required for each site, while being limited to
45 fourteen sites, he made the sites larger with eight in the front six in the back. Laine explained
46 they moved the docking area to the southern edge of the proposed development because of the
47 concerns of the bull rushes. Laine talked about the square footage needed for the dock slips and
48 how it will be kept inside the park property line with minimum weed removal and there will be
49 thirty-two feet from the edge of road to the edge of the lake. Laine explained they will be
50 removing one picnic area and leaving the other by the well house area, also there will be lighting
51 by the entrance and the exit and at the center of well house, and other lighting in accordance of
52 Minnesota State Statute. The Becker County Hwy Dept. would install a pedestrian crossing sign
53 if the permit is approved, he said he will also put up stop and look signs on both sides of the road
54 and explained other safety precautions such as the possibility to reduce the speed limit on Co Rd
55 117. Laine said they will be planting fast growing shrubs, trees and landscaping for shade and a
56 nice view with recommendations from Becker County Soil and Water. He stated they have extra
57 room east of the septic drain field for more parking and boat trailer storage, ect. He also stated
58 there will be a storm shelter provided for the park occupants. Laine stated County Road 117 is a
59 public road and anyone can drive on it, he also stated the uptick in traffic will be minimal. Laine
60 stated that crossing the roads and streets in Minnesota can be done anywhere if it is done
61 reasonably and safely, meaning everyone is responsible for their own safety. He said all the
62 potential site owners will be interviewed, he and wife his do not want hell-raisers or hoarders at
63 their park. Laine explained how hard they have worked on meeting the requirements and how all
64 setbacks are met by a large margin. He said Toad Lake is a recreational lake and it's not just for
65 the people who live on it. Laine stated people want a place to come and enjoy the lake and
66 support local business around the area. Laine said he is the third generation born on this farm and
67 wants to re-purpose it for supplemental income upon their retirement and pass the farm on to the
68 next generation. Laine showed the board a picture of the park and explained where the closest
69 home was to the campground.

70

71 Ashley Laine spoke for the application, stating that the Laine family has no intention of ruining
72 the lake and they take offense to people saying so. Ashley stated she has lived in that area for
73 many years, and that is not the Laine's intent.

74

75 John Berg spoke for the applicant stating that Richard Laine did everything on the farm to
76 prevent any pollution. He claims Becker County has more issues with other roads around the
77 area. He felt the park will be good for everybody and does not feel there is any safety issues.

78

79 Tom Winters, attorney for Richard Laine gave some suggestions on some stipulations to address
80 the safety conditions that the people in the area have. Winter stated that most of the fatalities on
81 that road occurred in the winter.

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83 Deb Nerud spoke against the application. Nerud commented on accidents on Co Rd 117 in the
84 summer, and questioned where the docks and lifts are going to be stored.

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86 Dennis Nerud spoke against the application, Dennis is concerned about potential invasive species
87 in the lake being this would be an uncontrolled access.

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89 Jim Brufloft explained to Dennis that there is no access at the campground area.

90
91 Clark Lee spoke against the application. He explained his frustration about the application being
92 brought up for another public hearing. He said the only thing that changed was the dock location
93 and that was not why it was denied by the Commissioners previously. He said it was because of
94 public safety reasons. Lee asked the board to deny the application and stated he does not think it
95 is right to have commercial business in a residential area.

96
97 Skarie asked if the permit is denied because of safety issues, will the people in the area petition
98 to get the speed limit reduced.

99
100 Clark said they have tried in the past.

101
102 Larry Knutson said he talked to Jim Olson, County Engineer and the State of Minnesota will not
103 do a speed study on a gravel roads, therefor the speed limit cannot be lowered. Knutson stated
104 Olson said they could possibly put up speed advisory signs but they mean nothing. Knutson also
105 asked Olson if it was proper to create a situation that could be dangerous even if others already
106 exist. Olson said it is not his decision, but he would not recommend it.

107
108 Evan Laine spoke for the application. Evan Laine explained the stretch of Co Rd 117 where the
109 campground is to be placed, is safe. He also stated more signs would be beneficial.

110
111 Roger Ball spoke against the application. Ball stated the County would be responsible for the
112 safety of the people in the area if they approve the request. Ball referred to statistics from the
113 Department of Public Safety for accidents in Becker County. Ball feels people will be in harms
114 way if there is a campground there and does not feel it will be beneficial to the area.

115
116 Jim Brufloft questioned Ball if he truly believed the County would be liable for safety.

117
118 Don Wurst, representing Toad Lake Township, spoke for the application. Wurst stated it will be
119 good for the area, he feels it's unfair for the Laine's to be judged on what they do with their own
120 property.

121
122 Jennifer Thompson representing Becker County Coalition of Lake Association, spoke against the
123 request. She stated the application has no changes. She also stated her concerns about the
124 application of it going from residential to commercial, and how many slips were requested as
125 well as the location of the RV park.

126
127 John Skarie asked about allowing less slips.

128
129 Thompson replied, they should be allowed a maximum of 14 dock slips and they are proposing
130 21 slips.

131
132 Kovala stated we approved a thirty-six -unit campground on Eagle Lake and there is zero traffic
133 coming on to the lake.

134

135 Thompson stated, she lives on Island Lake and the people in the campgrounds are the people
136 enjoying the lake not the lake property owners.

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138 John Skarie asked what the negative part of people enjoying the lake is.

139
140 Thompson replied it is the number of slips and configuration of the dock system disturbing the
141 bull rushes that is concerning.

142
143 Johnston asked Thompson what her feelings would be if there was not more than fourteen slips.

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145 Thompson replied I think there would be more support for it and if it were configured in a way to
146 not damage bull rushes.

147
148 Phillip Laine spoke for the application. He stated the previous comments about selling our farm
149 out to a corporate entity will not happen and future hypothetical safety issues is not realistic. He
150 said they all want what is best for the lake.

151
152 Rick Lien spoke against the application. Lien said kids don't read signs and do not look for
153 traffic.

154 He stated kids will not be seen all the time and will be crossing the road because water attracts
155 kids.

156
157 Morgan Laine spoke for the application. Morgan stated she lives on the farm all year round and
158 never has any safety concerns. Morgan stated she knows her parents will do this the right way
159 and the safest way possible.

160
161 Dana Laine spoke for the application. Dana explained what the contract says about crossing the
162 road and that all children under twelve must be accompanied by a parent. She said if people do
163 not follow these rules it could lead to eviction.

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165 Mary Seaberg asked who the on-sight manager will be?

166
167 Dana stated Richard and her will be the managers and will live next to the park, she also said her
168 son in law will be there.

169
170 Patty Swenson spoke against the application. Patty stated in 2004 Becker County deemed this
171 property residential and now they are requesting commercial use in residential zoned area. She
172 said no evidence has been submitted by the applicant or the council to support commercial use in
173 a residential area. Swenson said this will have a huge impact in Becker County and will be
174 opening up a can of worms, and it could be considered spot zoning. She said this project cannot
175 be compared to existing resorts because most of them were in business before 1971, before
176 zoning was in Becker County.

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178 Jim Kovala asked if they could have a P.U.D. with 14 sites but not be considered commercial.

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180 Patty explained that it is a conditional use permit for commercial use, not a change of zone.

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Testimony Closed

Lien said he is still not convinced and believes safety is the main concern. Lien stated we set a precedence when we voted to deny the application and the County Board agreed with it. He also said by putting a P.U.D. in a residential area is not consistent with the zoning we have in place.

Bob Merritt stated there is not enough room across the road by the lake.

Larry Knutson stated number one of the conditional use criteria in the Zoning Ordinance should also abide for finding of facts, a conditional use should not harm the use and enjoyment of other property in the immediate vicinity that is already permitted.

Ray Thorkildson stated there is no room and he cannot support it. He said if it wasn't for the lake access issue there would be no problem.

Mary Seaberg said zoning and safety issues are the main concerns and they cannot open themselves up to that.

Richard Laine reiterated the changes that were made. No swimming allowed for children, no recreation area, and they'll work with anyone on the dock issues. He said they only want 14 lifts.

Richard Laine stated if we can get the permit for a dry park and not use the lake then lets do it.

Lien said if your willing to entertain that idea, that would eliminate a lot of the problems, although we still have the zoning issue.

Laine stated he does not understand the zoning issue.

Lien explained how the commercial use and the conditional use permit worked on the residential property.

Motion: Lien made a motion to **deny** the request for a conditional use permit for a commercial planned unit development (PUD) to have 14 RV sites and a 21 slip dock system. Based on the fact a PUD is not consistent with the residential zoning district, adequate facilities do not exist due to the minimal amount of area between t Co Rd 117 and the shore of Toad Lake, which causes a nuisance.

Merritt Second.

Dana Laine asked to table the application.

Lien and Merritt rescinded their motion.

Bruflodt said, whenever the applicant comes back, a decision will be made, and this will be the final tabling of the application.

