

Becker County Planning Commission
June 16, 2009

Present: Jim Kovala, Harry Johnston, Jim Bruflodt, John McGovern, Jeff Moritz, Dan Schlauderaff, John Lien, Ray Thorkildson, Don Skarie, 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. Debi Moltzan took minutes.

Kovala made a motion to approve the minutes from the May 19, 2009 meeting. Lien second. All in favor. Motion carried.

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 Tuesday, June 23, 2009.

FIRST ORDER OF BUSINESS: Brad Solhiem. Request approval of a preliminary plat consisting of four (4) lots for the property described as: The Woods on Lake Maud CIC 53, Section 28, TWP 138, Range 42, Lake Eunice Township. PID Number R171252817. The property is located on Maud Lake. This is a re-plat of the multi residential development known as "The Woods on Lake Maud". The property is located at 11999 Lake Maud Trail.

Solheim explained the application to the Board. This project began as a lot/block subdivision and, by the suggestions of the ERTF, Planning Commission and DNR, became a MURD. The project is now being dissolved and looking at a four lot subdivision. The site is self contained and all run off is going into the wetlands. The topography has been analyzed and this layout fits the land.

Bruflodt questioned if a stairway would be placed on Lot 3, Solheim stated that if one was needed, it would have to be engineered to fit the lot. Solheim further stated that the DNR concerns regarding docking on the north go away with the dissolving of the MURD.

Lien questioned the type of road leading into the subdivision. Solheim stated that the Township will take it over once it is built to their specifications and there are buildings constructed on the lot. Lien questioned who would take care of the road until the Township takes over the road. Solheim stated that he would be responsible for the upkeep. Solheim also stated that there are MN Statutes pertaining to rural subdivisions that state the developer must maintain the road until a road authority takes over the road.

Speaking in opposition to the application were:

Rick Livermore – main concern is minimal impact on the lake. The previous plan called for two docks, now this plan is calling for four docks. He felt there should be two docks shared by the four lots.

Bill Sherlin, Maud Lake Association – Lake Association wanted shared docks

Johnston questioned Livermore as to what type of vegetation was in front of his property. Livermore stated that he has lots of weeds in front of his lot.

Written correspondence was received from:

Joyce Fliek – in opposition

Leroy & Mary Kay Hagen – in opposition

At this time, testimony was closed and discussion was held.

McGovern stated that he is concerned about the wetlands and spawning area with four docks and did not like the proposal. Johnston stated that there is over 1300 sq ft of shoreline, which means there could have been nine lots, but the developer chose to have four lots with four docks, meaning that only 4% of the shoreline will be developed.

Bruflodt questioned how many docks, slips and boats were allowed under the MURD plan. Solhiem stated that there would have been two docks with sixteen boat slips for sixteen watercraft. Even if each lot had two watercraft, the number of watercraft would be cut in half. Bruflodt stated that several people live on the lake and don't own docks or watercraft. Bruflodt felt that this was a good proposal.

Kovala questioned Sherlin as to how many 50 ft lots were on Maud and how many of them had docks. Sherlin stated that there were several substandard lots and did not feel that was relevant to this project. Sherlin stated that the Lake Association did not want the spawning area disturbed.

Lien stated that, from how he understood the DNR regulations, the DNR did not have a problem with direct in and out access to the lake lots. The DNR has the jurisdiction on the spawning area. Lien felt that there was no problem with the four docks because it was less invasive than the two docks with sixteen boat slips.

Thorkildson felt that if the DNR is so concerned with the spawning area, they should have bought the property.

Knutson stated that the only proposed dock in question is the dock on Lot 1. Solhiem stated that the dock on Lot 1 would be on the edge of the spawning area. Solhiem stated that even the DNR could not agree where the dock on the north end should be located. Solhiem stated that the Water's department told him one location and the Fisheries department told him another location.

Motion: Lien made a motion to approve the preliminary plat consisting of four lots to supercede the MURD based on the fact that the project meets the criteria of the Zoning Ordinance. Kovala second.

Johnston felt that there should be a stipulation that the developer maintains the road until the township takes over maintenance and that the DNR spawning restrictions be made aware to purchasers and abide by them.

Lien amended his motion to state: approve the preliminary plat consisting of four lots to supercede the MURD based on the fact that the project meets the criteria of the Zoning Ordinance with the stipulation that the DNR spawning restrictions be made aware to purchaseres and abide by them and the developer maintains the road until the township takes over the maintenance. Kovala second. All in favor except McGovern. Majority in favor. Motion carried.

SECOND ORDER OF BUSINESS: Walter and Elaine Graf. Request approval of a certificate of survey for a 6.76 acre tract to be subdivided from a 67.61 and a change of zone from Agricultural to Commercial for the 6.76 acre tract for the property described as: 67.61 Acres N 1/2 lying S of RWY and S of Hwy ex E 30 RDS and Ex 31.34 ac, Section 24, TWP 139, Range 42, Audubon Township. PID Number R020159000. The property is located at 22201 US Hwy 10.

The application was explained by Glen Howe, Anderson Land Surveying. This site is along Highway 10, the site follows an existing fence line and encompasses the entire hill, which can help control run off. There was concern, from the Board, that this was being rezoned for billboards. Howe stated that there has been talk between the property owner and two sign companies about potential, but there are no written agreements of any kind for billboards. Discussion was held regarding the existing conditional use permit for the tower and if the tower was included in the 6 acre site to be rezoned.

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.

Swenson stated that Steve Baukol, MN DOT, has contacted her with concerns regarding rezoning property just for billboard placement. Swenson stated that DOT has more restrictive sign regulations than the County. Bruflodt questioned what the Tweeton property to the West was zoned. Swenson stated that was zoned commercial and there was commercial property just to the East of the Graf property. Lien stated that since there is commercial property on both sides of this property, the Board needs to be consistent. Johnston stated that this property is adjacent to Highway 10 and the Board would be consistent by approving the application. Seaberg stated that this was over 6 acres being rezoned and not just a strip of land along Highway 10.

Motion: Seaberg made a motion to approve the change of zone from agricultural to commercial for a 6.76 acre tract and approve the certificate of survey based on the fact that it is compatible with the surrounding area and meets the criteria of the Zoning Ordinance. Skarie second.

Johnston felt that a stipulation should be put into the motion stating that the applicant has been made aware that there may be MN DOT regulations that are more restrictive than the County restrictions.

Seaberg ammended her motion to say: to approve the change of zone from agricultural to commercial for a 6.76 acre tract and approve the certificate of survey based on the fact that it is compatible with the surrounding area and meets the criteria of the Zoning Ordinance and the applicant has been made aware that there may be MN DOT regulations that are more restrictive than the County restrictions. Skarie second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, July 16, 2009 at 8:00 am in the 3rd Floor Meeting Room of the Main 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. Meeting adjourned.

Jim Bruflodt, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Swenson, Administrator