

**Becker County Planning Commission**  
**July 21, 2009**

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

Chairman Bruflodt called the meeting to order at 7:00 pm. Debi Moltzan took minutes.

**Minute Approval:** McGovern made a motion to approve the minutes from the June 2009 meeting. Moritz second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting and explained that the recommendations of the Planning Commission would be forwarded to the County Board for final decision on Tuesday, July 28, 2009.

**FIRST ORDER OF BUSINESS: Danny Olson.** Request approval of a certificate of survey for a 3.1 acre tract to be subdivided from 36.55 acres for the property described as: Part of Govt Lots 9 & 10; Section 4, TWP 138, Range 43; Cormorant Township. PID Number 06.0059.000. The property is located on Upper Cormorant Lake across the road from Rossman Acres.

Scott Walz, surveyor, explained the application to the Board. This piece would be subdivided from 36 acres and would be for a family member. The lot meets the criteria of the Zoning Ordinance.

Lynn Magnotto questioned where the property was located and which road would access the property. Walz stated that the property would be accessed from 132<sup>nd</sup> Ave, which the property abuts.

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

**Motion:** Lien made a motion to approve the certificate of survey for a 3.1-acre tract to be subdivided from 36.55 acres based on the fact that it meets the criteria of the Zoning Ordinance. Kovala second.

Knutson stated that the Environmental Review Technical Panel had concerns about the shoreline if future subdivision would be done, but did not have concerns for this one tract.

A vote was taken with all members voting in favor of the application. Motion carried.

**SECOND ORDER OF BUSINESS: Becky Hastad.** Request approval of a preliminary plat consisting of six (6) lots and a change of zone from agricultural to residential for the platted lots on the property described as: Lots 1, 2, 7 and Lot 3 less 2.22 ac; Section 16,

TWP 142, Range 40; Maple Grove Township. PID Number 20.0297.001. The property is located adjacent to the plat known as Wabaunaquat.

Swenson stated that the Environmental Technical Review Panel had requested additional information from the applicant, which has been provided. Swenson further stated that there is concern about the steep slope and the ERTTP has requested that there be no vegetation removal on the steep slope.

Hastad and Scott Walz, surveyor, explained the application to the Board. Walz stated that the plat is actually five new lots and a replat of Lot 5 of Wabaunaquat. The original Lot 5, now to be known as Lot 1 Block 1, will have the same restrictions as before, which included access through Lot 3, next to Lot 2 Wabaunaquat. Walz further stated that the ERTTP was more concerned about the peninsula, which is not part of this subdivision.

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, which included concern for the slope, future development of the peninsula and lake access.

**Motion:** Seaberg made a motion to approve the preliminary plat consisting of six (6) lots and a change of zone from agricultural to residential for the platted area based on the fact that it meets the criteria of the Zoning Ordinance. Moritz second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Lee Carlson.** Request a change of zone from agricultural to residential and approval of a certificate of survey to subdivide 17.7 acres into three (3) lots for the property described as: Pt Govt Lot 3; Section 10, TWP 139, Range 39; Height of Land Township. PID Number 15.0093.000. The property is located slightly north of the intersection of State Hwy 34 and SW Height of Land Drive.

Carlson and Chris Heyer, surveyor, explained the application to the Board. Carlson stated that he would like to change the zone of the two smaller lots to residential and keep the larger tract agricultural. Heyer explained that there is a bluff area on Tracts B & C and that access to Tract C would be along the west and south side of Tract B.

Knutson questioned if Carlson had plans for the larger tract of land. Carlson stated that for right now he would like to leave it agricultural because he has horses. Kovala questioned if there was lake access. Heyer stated that docking would have to adhere to DNR regulations and be off the road right of way.

Carolyn Wenger, adjacent property owner, questioned the restrictions on the bluff and if all three lots would be residential. Swenson stated that the request was for all three lots to be residential, but Carlson could amend his request. Swenson further stated that the Ordinance has provisions to protect the bluff area with control on vegetation removal and setbacks.

Shirley Nelson questioned if more houses could be built on these lots.

Carolyn Engebretson questioned if the surveyor took into consideration the property she is buying contract for deed and also stated that structures cannot be placed in the road right of way.

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

Brufloft clarified that Carlson is now requesting that the two smaller lots be rezoned to residential and the large lot remain agricultural. Lien stated that the certificate meets the criteria of the Zoning Ordinance. Johnston stated that there are building setbacks from the bluff to protect the bluff. Knutson questioned what the setback would be for Tract B, which is only part bluff. Swenson stated that both the 100 ft lake setback and the 30 ft bluff setback would be taken into consideration and the most restrictive would apply.

**Motion:** Kovala made a motion to approve the certificate of survey for three lots and the change of zone from agricultural to residential for the two smaller lots (Tract B and Tract C) based on the fact that it meets the criteria of the Zoning Ordinance. Seaberg second. All in favor. Motion carried.

**FOURTH ORDER OF BUSINESS: Tim and Linda Bauer.** Request a change of zone from agricultural to residential and approval of a certificate of survey allowing one tract of land to be divided into two tracts for the property described as Pt Lot 1 Beg at SE Cor SW ¼, Section 32, TWP 138, Range 40; Burlington Township. The property is located on Eagle Lake at 10942 Eagle Lake Road.

The Bauers explained the application to the Board. They wish to subdivide their property into two tracts, and since each tract is less than 2.5 acres, a zone change is required. Knutson questioned if the stakes running through the yard and close to the buildings. Bauer stated that would be the proposed lot line, they wanted to divide the property as close to half as possible. One tract would have lake frontage and access the other one would not.

Brian Smith, Burlington Township, asked if the 66 ft road corridor could be dedicated instead of an easement. Heyer, Bauer's surveyor, explained that Burlington Township already has an existing road order for this road, but the wording of the legal description could be worded a little different to say 'public road easement' instead of 'road easement'.

Knutson questioned the difference between dedicated and easement roads. Heyer stated that a plat required the public road to be dedicated and in all other situations the road is an easement road. Heyer further stated that if the roads had been surveyed in the past or if there was an existing road order, the public road easement would be the entire 66 ft. If there is no road order or if the road had not been surveyed and recorded, the public road easement is only the area which is being maintained by the Township.

Written correspondence was received from Burlington Township with the same request as Smith requested.

At this time, testimony was closed and further discussion was held, which included the location, the zone change and the road.

**Motion:** Lien made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey for two tracts of land based on the fact that it meets the criteria of the Zoning Ordinance. Johnston second. All in favor. Motion carried.

**FIFTH ORDER OF BUSINESS: Informational Meeting.**

The next informational meeting is scheduled for Thursday, August 13, 2009 at 8:00 am in the third floor meeting room of the main 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.

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Jim Bruflodt, Chairman

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Jeff Moritz, Secretary

ATTEST

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Patricia Swenson, Administrator