

**Becker County Planning Commission
December 20th, 2023**

Members Present: Chairman David Blomseth, Jeff Moritz, Tom Disse, Kohl Skalin, County Commissioner Erica Jepson, Harvey Aho, Nick Bowers, Steve Lindow, Kim Mattson, Commissioner John Okeson, Craig Hall, Mary Seaberg, Tommy Ailie, and Zoning Director Kyle Vareberg. **Members Absent:** None

Chairman David Blomseth called the Planning Commission meeting to order at 6:00 pm. Introductions were given. Becker County Zoning Technician Nicole Bradbury recorded the minutes.

Harvey Aho made a motion to approve the minutes from the October 25th, 2023, meeting. Skalin second. All members in favor. Motion carried.

Chairman David Blomseth explained the protocol for the meeting and stated that the recommendations of the Planning Commission will be forwarded to the County Board of Commissioners for final action.

New Business:

1. **APPLICANT: Soo Pass Ranch Inc; Lake Sallie Homes, LLC** 900 Wayzata Blvd E Suite 130 Wayzata, MN 55391 **Project Location:** TBD Lake Ridge Ln Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID Number: **19.0320.000, 19.0338.002, 19.0338.001, and 19.1433.000** Sections 16 & 17 Township 138 Range 041; 16-138-41 GOVT LOT 5. GOVT LOT 6 LESS S 34.75'. LESS 1.06AC (PT 19-321-1).; PT GOVT LOT 1; BEG AT MOST WLY COR OUTLOT A OF LAKERIDGE PLAT TH N 24.56', NW 164.85' TO LK, SWLY AL LK 100', & E 200.62' AL N LN OF OUTLOT A TO POB.; N 600 FT OF LOT 1 EX .40 AC TR.; LAKERIDGE Block 001 OUTLOT A. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a Shoreland Conservation Subdivision consisting of sixteen (16) units.

Scott Walz with Meadowland Surveying presented the application. He explained that this would be a sixteen (16) unit common interest community. The developer hired an engineer to make sure a road and houses could get in there without massive amounts of dirt work or doing any damage to the bluff. He stated there will be sixteen (16) storage units, so each house will have a storage unit.

Because We Fest has their own septic system that is connected to the City of Detroit Lakes', they asked the city if they could connect this development to that as well. The City wants to do a feasibility analysis to ensure that the system can handle it, if so, they have no issues. If they are unable to connect, there would be a centralized septic system for the homes. Walz also stated that the city said there should be no reason they can't connect to the city water. If for some reason they couldn't, there would be a couple of shared wells put in. Walz commented that this went through the Tech Panel and there were no concerns.

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48 Jepson asked about the geo-testing mentioned in the letter from the Pelican River Watershed.
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50 Vareberg said that the Pelican River Watershed District (PRWD) suggested geo-testing, but it
51 was not required.
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53 Bruce and Pam Paskey, neighbors, spoke and shared the history of their property and the
54 problems with the bluff. They shared their concerns that their property could be negatively
55 impacted by this development. They wanted to make sure the members were aware of the issues
56 with the bluff and said they don't think a thirty (30) foot setback on a bluff that is sinking is
57 enough.
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59 Lindow asked when the slip with the bluff occurred.
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61 Paskey said the major one was in 2015, but issues with the bluff started in 1995 when a neighbor
62 started shaving out the hill to move the road. They requested that a decision be delayed until soil
63 testing could be done, so they could know their property won't be affected.
64
65 Birch Burdick, President of the Melissa-Sallie Lake Association, spoke on behalf of lake
66 members who are concerned about changes to the lake. He said he is not there to oppose the
67 development but asked that they consider the recommendations of the PRWD letter. He also
68 mentioned PRWD had concerns with soil testing and an interest in a conservation easement
69 along the bluff. He thinks the easement would be a good idea to ensure that no one down the line
70 tries to develop it in a way that could endanger that area.
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72 Brian Saunders, Lake View Township supervisor spoke regarding the road going into the
73 property as being a private road, and that the township wants it build to county specs before they
74 will take it over. He said Walz told him it would be a Class B County Road.
75
76 Okeson said Class C would also work in an area like that.
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78 Okeson asked Walz if any soil borings have been done.
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80 Walz said no. He stated that the bluff is a ridge. That all work is being done on the back side. He
81 said the top of the bluff is higher than where any house will be, so no weight is being put on that
82 ridge. He said no borings have been done and there weren't any plans to do so, but they will if
83 the board recommends it. He also commented that the PRWD's concern is for water quality.
84 They don't want any part of the bluff entering the lake again. He commented that they are not
85 soil experts, they just want to make sure the lake is safe.
86
87 Skalin asked if it is correct that soil borings are intended to control risk on the developer, and
88 stated that soil borings don't mitigate risk, they just show that the developer took all the steps in
89 development.
90
91 Walz said the engineer has done all the preliminary engineering, and that if they think they need
92 borings, then they will be done.

93
94 Jepson asked Vareberg if there were soil experts at the Tech Panel meeting.
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96 Vareberg said yes, Ed Clem and Jon Olson.
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98 Vareberg asked Phil Hansen if this project was discussed at the PRWD meeting earlier that
99 morning.
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101 Hansen said it was discussed briefly in regard to the lots and the conservation easement along the
102 bluff.
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104 Vareberg asked if it was discussed that the bluff wasn't developable by any ordinance. He said
105 it's against the law, so why would you put an easement there. By law, nothing can be built there
106 anyways.
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108 Hansen said it was just general conversation that the meeting was happening that night and that if
109 there was seriousness about the easement, maybe they could help financially. It was just a
110 discussion.
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112 Vareberg said the ordinance is there to protect the slope.
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114 As there was no one else to speak for or against the application, testimony closed.
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116 All letters regarding this application were received and read before the meeting and are entered
117 into record below:
118

Hi Nicole,

Here are the PRWD's comments for the BOA Meeting on December 20, 2023.

Applicant: Soo Pass Ranch Inc. Lake Sallie Homes, LLC **Project Location:** TBD Lake Ridge Lane, Detroit Lakes

Comment: PRWD recommends when considering a conservation subdivision for this property, it was discussed at the Environmental technical review panel meeting to recommend including a special protection conservation easement on the bluff area (the toe of the bluff to the top of the bluff- bluff impact zone), and to conduct additional soil testing (Geo-Technical) as this area in the past has had structural slumping issues (see attached photo below).

Thank you,

Gina Kemper

Permitting/Water Resource Coordinator

Pelican River Watershed District

Wells-Fargo Bldg – Suite 201

211 Holmes Street West

Detroit Lakes, MN 56501

E-mail: prwdpermit@arvig.net

Website: www.prwd.org

Phone: (218) 846-0436

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From: Doug Christians

We have been on Lake Sallie for 47 years and we are totally against this development. You state that the aquatics will not be disturbed which is totally false. With 16 proposed units with each having its own dock how can it not be. That area is a reproduction area for ducks, geese, loons, crappie, northerns, walleyes, well you get my meaning. This is completely a way for the owner to make more money. His We Fest attendance has gone down so now he doesn't need this for camp sites. It will not help the area it will only harm the environment.

I hope you will pass this onto the board as I cannot be at the meeting.

Hall asked if it would fall on the developer if there were to ever be an issue.

Jepson said she had thought about that as well and was wondering who would be liable.

Vareberg stated that there's nothing stopping them from creating lots there right now. He said it's buildable by ordinance.

Ailie said if you're going to develop it, this is the way to do it.

Jepson said she thinks it would be a stretch to say the County would be liable.

Lindow asked what we need to do to protect the County.

Skalin said the risk is on the builder.

Aho stated that if the Board always worried about being liable, then they couldn't ever proceed with approving projects.

Vareberg commented that that is the purpose of having findings of fact.

Lindow said he thinks it's a good project, but he has concerns for the neighbor's houses.

Disse said he was on the Board when the first house slipped. That the issue was the fact that the house wasn't built right. He stated that these people will do what they need to do to do it right, and that is why they hired an engineer. The engineer is an expert.

MOTION: Disse motioned to approve the application as presented.

Vareberg suggested they schedule a special meeting to consider findings of fact drafted to be consisted with the recommendation of the Planning Commission and to be included with the recommendation to the County Board.

Jepson asked if this could wait to come before the County Board till the second meeting in January.

163 **Disse motioned to approve the application as presented with the condition that they**
164 **schedule a special meeting to consider Findings of Fact to be consistent with the**
165 **motion and for those findings to be included with the recommendation to the**
166 **County Board at their meeting on January 16th, 2024.; Aho Second.**

167 **Roll Call; Aho, Disse, Bowers, Blomseth, Moritz, Ailie, Seaberg, Skalin, Mattson,**
168 **and Hall in Favor; Lindow opposed. Motion Carried.**

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173 **2. APPLICANT: St. Claire Family Revocable Living Trust 28128 272nd Ave**
174 **Callaway, MN 56521 Project Location: 28128 272nd Ave Callaway, MN 56521**
175 **LEGAL LAND DESCRIPTION: Tax ID Number: 04.0214.000 Section 36**
176 **Township 141 Range 041; SW1/4 OF SW1/4 LESS 7.50 AC IN SW COR.**
177 **APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use**
178 **Permit for retail sales.**

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180 Robert and Cindy St. Claire presented the application and stated that they are looking to build a
181 commercial kitchen. They said they are in the planning phase right now.

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183 Jepson asked if they were just looking for permission to build a bakery.

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185 Blomseth asked if this was going to be wholesale or retail.

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187 St. Claire said it would be both as well as having an area for refinished furniture.

188
189 As there was no one to speak for or against the application, Testimony Closed.

190
191 There were no letters received regarding this application.

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193 Skalin said he has no concerns with this application.

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196 **MOTION: Skalin motioned to approve the application as presented. Ailie second.**
197 **Roll Call; All in favor. Motion carried.**

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202 **3. APPLICANT: Kohl D Skalin & S J Askelson 21783 Cozy Cove Rd Detroit Lakes,**
203 **MN 56501 Project Location: 25101 Co Rd 149 Detroit Lakes, MN 56501 LEGAL**
204 **LAND DESCRIPTION: Tax ID Number: 08.0056.002 Section 04 Township 139**
205 **Range 041; 4-139-41 PT GOVT LOT 5: COMM NW COR SEC 4, S 422.32', ELY**
206 **338.47' TO POB; N 394.6', E 328.53', S 367.54', WLY 331.25' TO POB. TRACT B.**
207 **APPLICATION AND DESCRIPTION OF PROJECT: Request a Change of Zone**
208 **from Agricultural to Residential.**

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Kohl Skalin presented the application and explained his desire to be able to split the lot in two if and when he decided to. He commented that this request was approved in the past at the Planning Commission but denied at the County Board. However, he stated that a precedent has been set this year with a Change of Zone approval off of Highview Oaks Rd in Richwood Township.

Seaberg commented that she was on the board before when he requested, and it was being considered spot zoning at that time. However, she stated that things have come a lot further since that time and there are more people trying to find more places to live outside of town.

Skalin said that not everyone can afford large lots.

Ailie said there is a need to have lots that are more affordable to build on.

Jeff Lewis, neighbor, spoke. He said his property is a nice spot because while he has neighbor's he can't see them on his six (6) acre piece. He said developing small parcels will defeat the purpose of why people bought land out there. He is also worried about how it will affect the value of his property.

Scott Walz spoke and said this is not true spot zoning. He said it is about the use and the use in that area is residential. He also commented that there is no record of devaluation, and that values tend to go up as things develop in an area.

As there was no one else to speak for or against the application, Testimony closed.

Letters received were read by the members before the meeting. The letters are regarding both applicants three (3) and four (4), and are entered below for both:

In regards to the rezoning from ag to residential request from Eric Hoban and Kohl Skalin which I assume is to reduce lot size to allow more housing development I STAND OPPOSED.

This peaceful neighborhood in my opinion is already starting to get overcrowded and I would hate to see the loss of more Agricultural property.

Thank you
Charles and Carrie Amundson

I Greg gilbertson have lived on cty 149 since 1979 have never been against changes as long as they have been by the rules that exist but now someone wants to change the rules just to benefit them selves both of them knew the zoning when they bought the property. I am totally against this new plan

From: Brent Gilbertson

I am writing regarding the request per Kohl Skalin and Eric Hoban. I own nearby property and rent several nearby pieces for agricultural production.

It is my belief that these parcels should remain agricultural. I've resided here over 30 years and have seen the increase in many new homes and neighbors. I have no desire to slow progress or impede on somebody else's rights to treat their property how they see fit. However we are strictly agriculture and rural out here and I believe we already have good use requirements that are intended to maintain our zoning status. I'm guessing the request to change that is for the ability to sell smaller parcels of land. I feel in our area a 2.5 acre lot is small enough. I don't think we need to start breaking off already small parcels of land/change zoning; and then sub divide them smaller yet. Perhaps the day will come when our community needs that but for now we are far enough out from the city and residential areas that I think it's best to follow the regulations that are already in place and have served us well for many years. Thanks

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Hello,

This is in response to the request to change the zone from Agriculture to Residential for parcels 08.0055.003 (Eric Hoban & Alissa Hoban) and 08.0056.002 (Kohl D Skalin & SJ Askelson).

We **DO NOT** want these parcels to be zoned residential. This area is an agriculture area. Our neighboring property is part of our active dairy farm operation. We currently are using the land for raising crops but have in the past, also used portions of the land for pasture. We have no plans to stop farming. We also enjoy our land for hunting and for its generally quiet, peaceful space.

Traffic is not safe on County Road 149 and it is especially dangerous on the corner of County Road 149 and Cozy Cove Road. Increased population and more driveways will only make this more dangerous. I also would question the safety of the wetland areas in this area due to the increased septic systems that would be installed.

Please consider the needs and safety of the long-time neighbors of this area and do not approve the change to residential.

Thank you,

Jeramie W Jacobson & Kathy M Jacobson

Owners of parcels 080087001 & 080089000

24606 County Hwy 21

Detroit Lakes, MN 56501

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ZURN SHOP

From:
I live on County highway 149 and am reaching out about what Skalin and Hobin are requesting to get their property zoned residential.
I am against zoning it residential. I don't see their reasoning. I chose to live in what I consider the country for a reason. If you want the city life, move to the city. We are 5.5 to 6 miles out of town and I really don't know why anyone on our road would like to see something get developed into lots under the minimum amount of acres that is the current standard. I understand that they own the land and assume they are looking to lot it off to make money but I see no reason to zone it residential. Why zone it residential when everything around it is ag. It is an ag community. We do not need to turn the country into a city.

Jepson asked about the size of the lot to the North of County Road 149.

Vareberg said it's approximately eighty (80) acres.

Hall commented that this is where things are going to expand, and that the bulk of it will likely be residential. He said he thinks this is a smart and reasonable request.

Jepson agreed.

Vareberg commented that regardless of lot size, all lots must have a minimum of eighty-five hundred (8500) square feet of buildable area.

MOTION: Aho motioned to approve the application. Hall second. Roll Call; Aho, Disse, Bowers, Blomseth, Moritz, Ailie, Seaberg, Lindow, Mattson, and Hall in Favor. None opposed. Skalin did not vote. Motion carried.

4. APPLICANT: Eric Hoban & Alissa Hoban 21820 Whitetail Trl Detroit Lakes, MN 56501 **Project Location:** 25155 Co Rd 149 Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID Number: **08.0055.003** Section 04 Township 139 Range 041; PT GOVT LOT 5: COMM NW COR SEC 4, E 666.63' TO POB; S 602.60' E 343.98', N 590.53', W 324.80 TO POB. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from Agricultural to Residential.

Kohl Skalin presented the application and explained that Hoban's desire is to be able to create lots smaller than two point five (2.5) acres in size if he chooses to do so.

As there was no one to speak for or against this application, testimony closed.

Letters received regarding this application were for both applicants three (3) and four (4) and are entered under the minutes for applicant three (3).

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294 **MOTION: Ailie motioned to approve the application. Moritz second. Roll Call;**
295 **Aho, Disse, Bowers, Blomseth, Moritz, Ailie, Seaberg, Lindow, Mattson, and Hall in**
296 **Favor. None opposed. Skalin did not vote. Motion carried.**
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299 **Other Business:**
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301 **I) Call for Special Meeting and set date and time:** Hall called for a Special Meeting to
302 discuss a Planning Commission Member's conduct and for a recommendation for removal.
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304 Blomseth asked if he wanted to add that to the agenda of the special meeting to consider
305 Findings of Fact.
306

307 Hall said yes.
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309 Vareberg asked if they could schedule that special meeting before adjourning.
310

311 **It was decided to schedule the Special Meeting for January 9th, 2024, to discuss the**
312 **Planning Commission Member's conduct and recommendation for removal and to**
313 **consider Findings of Fact consistent with the motion for Applicant one (1).**
314

315 **II) Tentative Date for Next Informational Meeting: January 24th, 2024; 8:00 am; 3rd Floor**
316 **Meeting Room in the Becker County Courthouse, Detroit Lakes, MN.**
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319 **Since there was no further business to come before the Board, Ailie made a motion to**
320 **adjourn. Skalin second. All in favor. Motion carried. The meeting adjourned at 7:18 pm.**
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324 _____
324 **David Blomseth, Chairman**

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324 **Jeff Moritz, Secretary**

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326 ATTEST
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328 _____
328 Kyle Vareberg, Zoning Administrator