

OTTER TAIL COUNTY PLANNING COMMISSION

Otter Tail County Government Services Center, 540 West Fir, Fergus Falls, MN 56537 218-998-8095

July 9, 2008

Meeting of the Otter Tail County Planning Commission was held on July 9, 2008 at 6:30 P.M. in the Commissioner's Room, Government Services Center, Fergus Falls, Minnesota.

Roll Call:

Members Present: Rod Boyer, Ken Erickson, Les Estes, Marion Gill, Joe Maske, Bert Olson, Robert Schwartz, David Trites, Rick Wilson, and Leona Zimmerman.

Members Absent: None.

David Hauser represented the County Attorney's Office and Bill Kalar represented the Land & Resource Management Office.

Minutes of June 11, 2008: A motion by Erickson, second by Maske to approve with the correction that the County Attorney present was Chris Stuber, not David Hauser as stated.

Voting: All members in favor.

David & Deanna Kollar – Approved As Presented:

A Conditional Use Permit Application (*as stated by the Applicant*): To erect a Wind Turbine - 82' to hub, 26 foot propellers. Not commercial use. The property is described as SW1/4 NW1/4 ex tr & Lot 1 ex ry (46.26 AC), Section 18 of Dane Prairie Township; Chautauqua Lake (56-780), NE.

David Kollar represented the Application.

Motion: A motion by Wilson, second by Erickson to approve as presented. Voting: All members in favor, except Zimmerman abstained.

Norman L. & Jocelyn L. Westby – Approved As Presented:

A Conditional Use Permit Application (*as stated by the Applicant*): This home is currently licensed (License #1009657-3-AFC by the MN Department of Human Services, 203-Adult Foster Care (AFC), subject to the standards of MN Statutes, Chapter 245A and MN rules, parts 9555.5101 to 9555.6265 under Agency: Otter Tail County Human Services, Adult Foster Care Home) signed by Jerry Kerber, Director of Licensing & Cal R. Ludeman, Commissioner. This home has provided care for residents, 55 years and over, and has been occupied by 7 individuals since 2001. A new septic system was installed in 2003 and determined, by Wayne Roisum, Inspector for the Department of Land and Resource Management Otter Tail County Government Services Center, that the Sewage Treatment Installation, Permit #16203, servicing this property was in compliance with the provisions of the Sanitation Code of Otter Tail County, for a 6 bedroom home. Otter Tail County Shore Land Management Ordinance defines commercial use as the use of land or buildings for the sale, lease, rental or trade of products, goods or services, includes storage or transmission structures. This home does not sell or trade any services as it is licensed by the state of MN Department of Human Services, MN Department of Health, and Otter Tail County Dept. of Human Services to provide care for elderly residents. The rate of reimbursement is governed by Federal and State Law. Resident care is provided 24 hours/7days a week by trained staff and supervised by a Registered Nurse. There are 6 visitor parking spaces which is ample as the residents do not drive. Since 2001 only 5 of the 6 bedrooms in this home have been utilized for 7 occupants. This conditional use

permit is requesting an increase of 2, with the utilization of the 6th bedroom, from 7 to 9 occupants which conforms to the MN Department of Human Services and MN State Department of Health for a Class F, Home Care Provider, Housing with Services License. This provides the continuum of excellent care for elderly residents in this home according to MN statutes. No structural changes will be made to this property inside or out and no signage in use. The property is described as Lot 3 & that pt of Lot 4, Crystal Hills 1st Addition & pt of Tract 23 ... Crystal Hills 7th Addn (1.20 AC) parcels #1174-002 & #630 not to be split, Section 2 of Lida Township; Crystal Lake (56-749), RD.

Norman & Jocelyn Westby represented the Application.

Ida Donley (neighbor) expressed concerns regarding the closeness of their dwelling to her property, the location of their septic system, and noise.

Motion: A motion by Gill, second by Maske to approve as presented. **Voting:** All members in favor, except Boyer and Zimmerman voted no (reasons include the impervious surface, too many people for this size of lot, and parking).

“Ruby Park” / Jane & Roald Lund –Tabled to August 13, 2008:

A Preliminary Plat of “Ruby Park” consisting of 5 Lots, 1 Block (2 Single Family Residential Lots and 3 Non-Residential Back Lots). The property is described as Lot 1 Block two Haugen’s Point, Section 8 and 17 of Dunn Township; Pelican Lake (56-786), GD & Bass Lake (56-770), GD.

Roald Lund and Glenn Howe (Anderson Land Surveying) represented the Application.

Steve Bergeson expressed concerns regarding the purchasing of the non-residential lots by the riparian parcel property owners as stated in the request as they have 50 to 100 year leases, and the Sanitation Code requires elevation above the OHWL or the highest known.

Motion - Withdrawn: A motion by Trites, second by Wilson to approve with the following conditions: 1. Lots 3 & 4 must be combined as presented in the Alternative plan received at this hearing, and be reviewed and approved by Land & Resource. 2. Lot 5 must be attached to a riparian lot within 200’ as required by the Ordinance. 3. The Sewage Treatment Area must be reviewed and approved by Land & Resource Management, being compliant with existing County and State standards. 4. The Buildable Areas must have adequate elevations, without topographical alterations, and be reviewed and approved by Land & Resource Management. 5. The southerly garage that is located within the 20’ road right-of-way setback requirement, must be addressed so it is compliant.

Motion: A motion by Trites, second by Gill to accept the Applicant’s request to table (waiving the 60-Day Rule) to August 13, 2008, allow time to address the following 6 items: 1. Provide time to submit a revised drawing. 2. Lots 3 & 4 being combined. 3. Lot 5 being attached to a riparian lot within 200’. 4. Sewage Treatment Areas being compliant with standards. 5. Buildable Areas being compliant with standards. 6. The southerly garage must be addressed so it is compliant with standards. **Voting:** All members in favor.

Break: At 8:04 P.M., the Commission took a 10 minute break.

“Crystal-Lida Beaches Backlots” /Tweeton Property Management LLC – Tabled To August 13, 2008:

A Preliminary Plat titled "Crystal – Lida Beaches Backlots" consisting of 4 Lots, 1 Block (2 Non-Residential Backlots, 1 Single Family Residential Lot and 1 Commercial - Business Use Lot), and a Conditional Use Permit Application (*as stated by the Applicant*): Renew our Conditional Use Permit #5804 granted in 2000 – for use of bldgs and land for operating

Construction Business – will not be an open Business – just a headquarters for Tweeton Const. LLC to operate (to be located on proposed Lot 3 Crystal – Lida Beaches Backlots). The property is described as Crystal Hills 5th Addn Tracts 7 & 9 of Auditor's Subdivision #108 ex trs, Section 11 of Lida Township; Crystal Lake (56-749), RD.

Wes Tweeton and Steve Holm (Ultieg Engineers) represented the Application.

Motion: A motion by Trites second by Erickson to table (at the Applicant's request, waiving the 60-Day Rule), to August 13, 2008, to allow the opportunity to redesign the plat: 1. Must provide public road access to Lot 4. 2. To address potential compaction issues with proposed septic system locations. 3. Address the comments provided in the Otter Tail County Highway Engineer's letter. Material must be received by Land & Resource no later than July 25, 2008. **Voting:** All members in favor.

"Pelican Point First Addition" / Pelican Point Association – Approved With A Condition:

A Preliminary Plat of "Pelican Point First Addition" (Corrective Replat establishing lotlines) consisting of 22 Single Family Residential Lots, 1 Block. The property is described as Easterly Lots 6 & 7, the westerly Lots 3 – 7, Lots 8 – 35 & pt of Lot 36, Blk 2 Pelican Point & pt of Lot 6, 7 & 8, Section 4 of Dunn Township; Pelican Lake (56-786), GD.

Robert Ilg (Moore Engineering), Les Wahl and Jim Houghton represented the Application.

Motion: A motion by Boyer, second by Maske to approve as presented, with the condition that Mr. Ilg satisfy concerns raised by the County Auditor and County Recorder. **Voting:** All members in favor.

"Deutsch Addition" / Katheryn E. Deutsch Trust – Approved As Revised:

A Preliminary Plat titled "Deutsch Addition" consisting of 3 Single Family Residential Lots, 1 Block & a Conditional Use Permit Application (*as stated by the Applicant*): Construct approx 650' of public roadway to access 3 Lots of Deutsch Addition including approx 100' within existing township road easement (T-1086). New construction to be in accordance to Otter Tail County Subdivision Controls Ordinance, Appendix III and Clitherall Township standards which increase the roadbed width from 24' to 28'. Approx 200' of existing gravel driveway and 20,000 square feet of existing buildings being removed will be reclaimed and restored to a vegetated, pervious surface. Temporary and permanent erosion and sediment control measures will be used. Total excavation 3,000 cy. The project is located at the NW1/4 SW1/4 & GL 4 ex trs (Doc #1029747), Section 11 of Clitherall Township; Clitherall Lake (56-238), RD.

Motion – June 11, 2008: A motion by Estes, second by Maske, to table, (at the Applicant's request, waiving the 60-Day Rule), to July, 9, 2008. The revised material must be received by Land & Resource Management no later than June 20, 2008.

Jeff Stabnow represented the Application.

Don Davenport (Clitherall Township) confirmed that the Township approved the road layout as shown.

Motion: A motion by Estes, second by Trites to approve the revised plan (4 Lots 1 Block), dated June 3, 2008, with the following conditions: 1. A plan is provided to Land & Resource addressing a supplemental drainfield location on proposed Lot 3. 2. Rock rip-rap is installed at the outlet end of both proposed culverts. 3. Appropriate erosion control measures are implemented. **Voting:** All members in favor.

“Elmer’s Texas Bar-B-Que” / Matmar Properties, LLP – Approved With A Condition:

A Conditional Use Permit Application (*as stated by the Applicant*): We will be adding a facility to accommodate weddings, family reunions, picnics and additional restaurant seating. It will be an open air building with drop down curtains and placed behind the restaurant to buffer any noise. Approximately 150 – 200 occupancy (maximum). Will have electricity for lighting and potential use for music (such as D.J.); adequate parking for restaurant and proposed building. There is an existing approach and parking facility. Seasonal use only – April to October, seven days a week, 11:00 A.M. – 1:00 A.M. No additional signage. The property is described as Pt NW1/4 NW1/4, (4.67 AC), Section 6 of Girard Township; Blanche Creek (56-TR), Tributary.

Matt Oothoudt and Mary Wilson represented the Application.

Scott Madson (Otter Tail Beach Resort) spoke in favor of the request, indicating these owners have cleaned-up the area, and stated they run a good business and don’t have any problems with it.

Motion: A motion by Estes, Second by Wilson to approve as requested, provided Land & Resource Management confirms the onsite impervious surface, is in compliance. **Voting:** All members in favor.

Bill Kalar – Kevin & Mick Moore, Swan Lake– Reconsideration of Recommendation:

Bill Kalar discussed with the Commission the Conditional Use Permit Application for Kevin & Mick Moore, Swan Lake (56-781), that was approved on October 10, 2007, with conditions. He indicated that in meeting with the contractor onsite, the second condition requiring that all surface water run-off must be diverted away from the lake, was found to be physically impossible. Following discussion, the Commission passed the following motion:

Motion: A motion by Wilson, second by Erickson to revise the second condition such that all surface water runoff to the lake is “slowed” rather than “diverted”, Land & Resource Management must approve the revised plan. **Voting:** All members in favor.

Adjourn: At 9:30 P.M., Chairman Olson set the Meeting. The next Meeting is scheduled for 6:30 P.M. on August 13, 2008.

Respectfully submitted,

Marsha Bowman
Recording Secretary