

**CITY OF BATTLE LAKE**  
**PLANNING COMMISSION**

The Battle Lake Planning Commission met Tuesday, June 4, 2019. Present were Commissioners Chuck Reeve, Dawn Swisher, Gary Dirckx, Gene Kelm, Greg Maynard and Don Maslow. Absent was Bert Olson. Also present were Val Martin, Clerk/Treasurer/Zoning Officer; Steve Seufert, Public Works Superintendent; Pat Morstad, Precision Landscaping; and Jim and Jenny Jenson.

The meeting was called to order by Dirckx.

Kelm moved to approve the agenda. Maslow seconded. MCU Reeve moved to approve the minutes. Swisher seconded. MCU

*The Planning Commission held a hearing to review a Conditional Use Permit Request: David J. McCoss, Trustee at 535 Summit St. East is requesting a Conditional Use Permit for work within the shore impact zone and behind the impact zone. The request is to remove the ice ridge by the lake; leave existing trees at the lake; pull this area back from the water's edge to level lot area; and put soil on to create a medium for turf to grow. They will use erosion control blankets and hydro-seeding to establish turf. They will remove approximately 15 to 18 trees and stumps to aide in leveling this 70 foot area. The leveling is done for ease of use and accessibility for recreation. Soil to be brought in is approximately 200 yards of screened soil for turf establishment. Silt fence will be used at the beach area.*

Some members of the planning commission met at the site prior to the meeting (6:00 p.m.) to review the request.

**Presentation of Application:**

- Pat Morstad from Precision Landscaping presented the request as stated in the application. The work also includes about 25 feet of the adjacent property.
- Tree removal will not be in the shore impact zone.
- They will use add 4 to 6 inches of black dirt after they have repaired the ice damage to have a good base for grass. This will be done from the shoreland all the way back to the end of the project area. They will hydro-seed and use erosion control blankets.
- Pat has recommended rip-rap to the owner but the owner does not want to do it at this time.
- The shoreline is sandy with some rock.

**Staff Report**

1. The subject property is legally described as Marci Addn Lot 2, Block 1 and is currently zoned as Seasonal Residential Recreational and a bare lot.
2. A portion of the work is within the Shore Impact Zone with movement of more than 10 cubic yards, thus the requirement for a Conditional Use Permit.
3. The new owner is requesting the permit to repair several years of ice damage.
4. The owner is working with a contractor that will use proper measures to protect the lake – silt fence, erosion control blankets, and hydro-seed area as soon as landscaping is completed.

Dirckx called for public comment.

- Jim and Jenny Jensen own property down the hill from the lot and have concerns about additional water issues onto their property. They would like to see a water retention area to keep water on the property.
- They continue to see more and more water issues on their property due to what they feel is the addition of impervious surface coming from new homes over the last 20 years.
- They also feel a berm would assist in controlling water.

Seufert mentioned that water tables all over are high and this may be a large portion of their water issues and is probably contributing to the expansion of the wetlands on their property.

The commission members discussed several options to aid in the stormwater issue. It was noted that the Jensen's property is downhill from all the others and they naturally get much of the stormwater from the properties uphill from them.

One of the commissioners asked if 200 yards of fill will be enough to get the job done. Morstad said that he is going to repair the ice damage by pulling back the dirt from that area. The finished project will not be totally level, there will still be natural topography. He said that the majority of the fill will be used to add 4 to 6 inches of soil to the project area to establish turf. There was a discussion on whether he can use more than 200 yards with this project. Martin stated that he can only add the 4 to 6 inches of soil in the shore impact zone but outside of that point he doesn't need to have a permit

to fill in that area. He could use up to 300 yards without a permit. It seems that a swale, with the establishment of turf will certainly assist in slowing water movement to the adjacent property.

Commissions reviewed the findings of fact:

1. Will the requested use create an unreasonably excessive burden on existing streets or other utilities? **No, not with the assistance of some water retention controls.**
2. Is the requested use in any incompatible with surrounding areas? **No, it should help the slow-down of water**
3. Will the intended use have an appearance that will unreasonably, adversely affect nearby properties? **No, it will be an improvement**
4. Will the intended use create an unreasonably adverse effect because of noise, odor, glare or general unsightliness, for nearby property owners? **No, it will be an improvement**
5. Is the intended use, in the opinion of the Planning Commission, reasonably related to the existing land use and environment? **Yes**
6. Is the intended use consistent with the Battle Lake Land Use Ordinance? **Yes**

It was noted that more than 300 yards of fill would need a separate CUP.

Reeve made a motion to recommend approval of the CUP with the following conditions: The contractor must create a natural swale to keep water off the east side and within the project area to help control water run-off to the adjacent property. The contractor will need to get written permission from the owner at 533 Summit to do the additional work (about 25 feet) that has the same type of damage to match the work he is doing. Maynard seconded. MCU

Martin made a request for the commissioners to review the regulations regarding Campers/RCU's. Changes were made to the ordinance in 2016. Some questions have come up and Martin would like to revisit the ordinance regulation. Commissioner agreed.

*RECREATIONAL CAMPING UNIT (RCU). A relocatable single-family dwelling unit, less than 40 ft. in length, which in the traveling mode, is less than 8 ½ body ft. in width, and is less than 399 square feet when erected onsite, including, but not limited to tents, motor homes and travel trailers.*

*(5) Storage and use of fish houses and RCU's. The storage and use of fish houses and RCU's are allowed with the following provisions:*

- (a) It meets set back requirements.*
- (b) Cannot be connected to water or sewer.*
- (c) The lot is compliant with all area, water frontage and width of the requirements of this ordinance.*
- (d) Use of an RCU, that meets the above provisions, will be allowed on a temporary basis, not to exceed 10 days.*

Adjourn – 7:45 p.m.

Valerie J. Martin, Zoning Officer/Secretary