

DRAFT

**Becker County Planning Commission
May 20, 2008**

Present: Ray Thorkildson, John Lien, Harry Johnston, Phil Majerus, Mary Seaberg, Jim Bruflodt, Don Skarie, Commissioner Larry Knutson, Zoning Administrator Patty Swenson and Zoning Staff Debi Moltzan.

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

Thorkildson made a motion to approve the minutes from the April 15, 2008 meeting. Lien second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting. Bruflodt stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, May 27, 2008.

FIRST ORDER OF BUSINESS: Jim Elliott. Request a Conditional Use Permit to process and mine aggregate resources by use of dozers, loaders, crushers, wash plant & hot mix plant. The area to be mined will be under 40 acres. The application is for the property described as the SE ¼ of the SW ¼ & Govt Lot 4, Section 30, TWP 138, Range 43, Cormorant Township. PID Number 06.0411.000. The project will be in the SW Corner of the property.

Elliott explained the application to the Board. The proposed project is surrounded by other gravel pits; proposed hours of operation would be 6:00 am until 9:00 p.m. Discussion was held regarding the hours of operation and dust control.

Speaking in favor of the application was Everett Paulson. Paulson was in favor of the application but had concerns about noise, dust and hours of operation. Paulson would like to see a 100 ft buffer from his property, along with trees planted to cut the noise. Paulson would also like to see the hours of operation from 7:00 am until 5:00 p.m. Richard Sherbrooke also spoke in favor of the application and stated that the hours of operation should be the same as other pits, which generally worked from 6:00 to 8:00 or 9:00 p.m. No one spoke against the application and there was not written correspondence either for or against the application. At this time testimony was closed and discussion held.

Knutson questioned what type of trees Paulson would like to see and stated that trees take time to grow enough to act as a sound barrier. Paulson stated that he had no preference, but there are fast growing trees like hybrid poplars.

Bruflodt questioned Elliott if planting trees would be an issue. Elliott stated that planting trees would not be an issue. Johnston stated that this proposal should be treated the same

as other pits and be allowed to have the same hours of operation. Swenson stated that she would check on the hours of operation of other pits.

Motion: Lien made a motion to approve the conditional use permit to process and mine aggregate resources as outlined in the operations plan with the stipulation that trees be planted as a sound barrier near the Paulson property, dust control be used to protect surrounding properties and the hours of operation be consistent with surrounding pits. Johnston second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Gordon and Sharon Anderson. Request a Conditional Use Permit for a new & used firearm sales as a home occupation for the property described as: PT NW 1/4 SE 1/4: Comm Ctr 1/4 Cor Th E 228; Th SW 178.17 To POB; SE 267.51; E 360.93; S 511, Section 10, TWP 139, Range 41, Detroit Township. PID Number 08.0184.002. The property is located at 20375 Co Rd 131.

Anderson explained the application to the Board. Anderson has applied for a Federal Firearms License. The license is to allow him to buy and sell guns. The FTA requires the applicant to have a physical place for business and specific hours of operation so they can follow up on the gun sales. Anderson's intent is to buy and sell guns over the internet, there will not be any advertising and no walk-in traffic. Anderson will deal in older classic guns and some gun parts. If the conditional use permit is approved, a security system will be installed.

Brufloft questioned if Anderson would be repairing guns. Anderson stated that he is not a gun smith. Anderson stated that this would be a hobby and he would be dealing about 20 to 30 guns a year. He would buy them and resell them on the internet. Once sold, he would take the gun either to the post office or UPS to be shipped off.

Roger Kunka spoke in favor of the application. Written correspondence against the application were: Dan & Dina Kloster; Laurie Kloster Gray; Steve, Diane & Jean Bollig; William & Susan Ferryman; Phyllis Norgard; Kay Hockett; and Ron & Jan Kloster. At this time, testimony was closed and discussion held.

Brufloft stated that the concerns of the letters need to be addressed. Anderson stated that there would be no traffic other than him taking the guns to the post office or UPS; there would be no signage; there is no shooting range in the basement; and no one would be shopping on his property.

Motion: Lien made a motion to approve a conditional use permit to allow new and used firearm sales as a home occupation with the stipulation that there be no walk in traffic on the property based on the fact that the use would not be detrimental to the surrounding area. Seaberg second. All in favor. Motion carried.

Johnston stated that this is not a zone change but a conditional use permit. Johnston further stated that this is not a retail store, there would not be any walk in traffic and no advertising signs. Johnston further stated that this situation would not be any different

than other conditional use permits granted for firearm sales. Knutson stated that if the conditions of the conditional use permit are violated, the conditional use permit can be revoked.

THIRD ORDER OF BUSINESS: Ray and Kaye Linebaugh. Request a change of zone from agricultural to residential and approval of a certificate of survey for two tracts of land (1.65 acres and 2.5 acres) for the property described as: PT Govt Lot 3,6: Beg SW Cor Govt Lot 6: E 243' N 604.02' W 294.37' S 604.02 E 60.59' To POB, Section 19, TWP 138, Range 41, Lake View Township. PID Number 19.0383.000. The property is located at 23312 Co Hwy 22.

Glen Howe, Anderson, Howe and Langlie, explained the application to the Board. The property would be divided into two residential lots, being 1.65 acres and 2.5 acres in size. The smallest lot would be 1.75 times larger than the property across the road. There may be an old dump site on the property that would need to be addressed by the MPCA, but this should not affect the subdivision of the land.

Speaking in favor of the application was Gail Hahn, Lake View TWP Supervisor. Tom Comney spoke against the application with concerns of an additional septic system getting too close to a wetland. Douglas Mark sent a letter of opposition. At this time, testimony was closed and discussion was held.

Johnston questioned where the Comney property was in relation to the Linebaugh property and in relation to the wetland. Johnston stated that the elevation of the back lot was higher than the elevation of the front lot.

Knutson stated that septic systems are regulated by the Planning and Zoning Department and are not a concern of this Board.

Motion: Skarie made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey for two tracts of land (1.65 acres and 2.5 acres) based on the fact that the request is compatible with the surrounding area. Thorkildson second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Tom and Stephanie Borgen. Request a Conditional Use Permit for a business to store boats & recreational items (campers, snowmobiles, etc) for the property described as: Pt SW 1/4 NE 1/4 Beg 400' N of SW Cor; Th E 200' Th S 395.38', Section 21, TWP 139, Range 41, Detroit Township. PID Number 08.0326.004. The property is located near the intersection of Brandy Lake Road and Cummins Road.

Borgen explained the application to the Board. The structure would be used for storage of boats and other recreational items. Brufloft questioned if there were plans for the rest of the lot. Borgen stated that there may be a second building in the future. Johnston questioned if this would be inside storage. Borgen stated that he intended to have only inside storage. Speaking in opposition to the application were Craig and Gurine

Johnston. They were concerned about the location of the structure, access to the structure, who would maintain the easement if they used the easement road as access and style of building. Borgen stated that they would be using the existing approach from Brandy Lake Road, but should they end up using the easement road, they would do the up keep. G. Johnston questioned if there would be any trees removed. Borgen stated that some of the trees would be removed and some would be relocated. Written correspondence in opposition was received from Craig and Gurine Johnston. At this time, testimony was closed and discussion was held.

H. Johnston questioned the height of the building. Swenson stated that the property is zoned agricultural, but is bordered by a residential subdivision, which is still zoned agricultural, and commercial property. Since it is zoned agricultural, the height could be permitted.

Motion: Seaberg made a motion to approve a conditional use permit for a business to store boats & recreational items (campers, snowmobiles, etc), with the stipulation that there be no outside storage, based on the fact that the use would not be detrimental to the surrounding area. Skarie second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Jeffrey and Linda Andvik. Request an after-the-fact Conditional Use Permit for a 20 x 28' garage to exceed the 1 1/2 stories allowed by the zoning ordinance for the property described as: Pt Lot 2 Beg 2337.6' S on W Line lot 2 Th S 28' SE 375.39' NE 100 AL Lk & NW 430.07' to Beg, Section 23, TWP 139, Range 39, Height of Land Township. PID Number 15.0220.000. The property is located on Little Toad Lake at 18575 – 395th Avenue.

Swenson explained to the Board that the information handed out at the informational meeting was incorrect and clarified the application, what was being asked and what the ordinance allows.

Andvik explained the application to the Board. Andvik stated that he is before the Board for two reasons, one to explain why he was there and the other to offer a solution. Andvik stated that he obtained a site permit in September 2007 for a garage/storage shed. The footings were put in and check by the Zoning Department and found ok. He intended to build a structure with a 4/12 pitch roof, but his contractor suggested building a gambrel roof to give him more space. When he proceeded with the plan, the lumber yard told him he could not exceed 22 feet in height and this structure is about 17.5 feet in height. Andvik also stated that he did not know that there was a one and one half story limitations on structures, he just thought there was the 22 ft height limitation. Andvik showed an illustration showing how a 1.5 story structure with a 4/12 pitch would fit inside this structure, sillohette wise, the structure is ok, just the knee walls are too high. Andvik stated that the structure is located in an area that it cannot be seen from the road or from the lake. Andvik offered to construct a false wall in side, lowering the knee walls to four feet and lowering the ceiling.

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 discussion held.

Brufloft stated that the structure is not intrusive. Knuston stated that on the outside, the structure meets the height requirement, it just does not meet the half story requirement. Knuston stated that the Ordinance has the provision for the owner to apply for a conditional use permit and this provision allows the Board to make exceptions. Knutson also stated that the Board does need to be consistent with what has been done in the past. Lien stated that the sidewalls of the second story are too high, which is unfortunate. Lien stated that the permit had been totally violated. The original permit was for a single story structure with a 4/12 pitch, not a two story structure with a gambrel roof. Further discussion was held on the height of the garage, construction of the garage, location of the garage and if something could be done on the inside of the garage to make it comply.

Brufloft stated that the ceiling could be taken out so there was no second story. Knutson stated that the inside could be remodeled to meet the criteria of a half story. Lien felt there were two options, either remove or allow, but other people have been forced to remove buildings. Johnston suggested constructing a 4/12 pitch inside of the second story to meet the regulations.

Motion: Lien made a motion to approve a conditional use permit to allow the 20 ft by 28 ft garage to exceed the 1 ½ stories allowed by the Zoning Ordinance with the stipulation that the interior of the second story be reconstructed with a four (4) ft knee wall and false rafter and completely enclosed so that there is no storage between the original roof and false rafters based on the fact that the overall height of the structure does not exceed what is allowed by the Ordinance and the structure is not detrimental to the surrounding area. The interior of the garage must be inspected by the Zoning Office to make sure the structure complies with this stipulation. Skarie second. All in favor except Johnston. Majority in favor. Motion carried.

SIX ORDER OF BUSINESS: First Supplemental Common Interest Community Plat , Common Interest Community Number 56, Sunrise on Little Floyd Lake.

Swenson presented the plat to the Board. The original approval for this CIC was given in October 2006 and November 2007. Everything is in order for final approval.

Motion: Johnston made a motion to approve the First Supplemental Common Interest Community Plat, Common Interest Community Number 56, Sunrise on Little Floyd Lake based on the fact that it meets the criteria of the Zoning Ordinance. Seaberg second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Final Plat of Molly's Golden Ridge.

Swenson presented the plat to the Board. The preliminary approval was granted in October 2007 for the change of zone from agricultural to residential and approval of four lots on Lake Melissa. Everything is in order for final approval.

Motion: Lien made a motion to approve the final plat of Molly's Golden Ridge based on the fact that the final plat meets the criteria of the Zoning Ordinance. Thorkildson second. All in favor. Motion carried.

EIGHTH ORDER OF BUSINESS: Final Plat of The Plantation. This application was withdrawn from the agenda at the applicant's request.

NINTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, June 12, 2008 at 8:00 am at the Planning and Zoning Office.

Since there was no further business to come before the Board, Seaberg made a motion to adjourn the meeting. Lien second. All in favor. Motion carried.

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Swenson, Administrator