

**Becker County Planning Commission**  
**June 17, 2008**

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

**Minutes:** Thorkildson made a motion to approve the minutes from the May meeting. Lien second. All in favor. Motion carried.

Brufloft explained the protocol for the meeting. Brufloft explained that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, June 24, 2008.

**FIRST ORDER OF BUSINESS: Jim Kaiser.** Request a conditional use permit to remove, dig and mine rocks and to crush rocks into aggregate on site and remove and sell the aggregate on the property described as Lots 3 & 4; Sections 1 & 6, TWP 141, Range 40; Govt Lots 1, 2, 3 & SE ¼ of NE ¼ and NE ¼ SE ¼ and SW ¼ of SE ¼ and E ½ of SE ¼ of SW ¼, Section 11, TWP 141 Range 41; Callaway and Sugar Bush Townships. PID Numbers 04.0001.001; 04.0002.001; & 32.0077.000.

Kaiser explained the application to the Board. Kaiser is requesting a conditional use permit to get rid of boulders and large rocks. He wants to crush and remove the boulders and large rocks from the property. Currently he is looking for a market for approximately 12-inch rocks for placement under the asphalt as retention areas. Kaiser stated that he is requesting the permit so he can negotiate with companies and does not have to decide on just one company to come in to do the work. Kaiser stated that the work will be done between June 1 through December 15 due to road restrictions, five days a week, 7 am to 7 pm and nothing on weekends. There are no close buildings to hear the equipment.

Kovala questioned how noisy the crusher would be. Kaiser stated that the rocks are first split with a jackhammer then crushed with a regular crusher. Knutson questioned how close the closest neighbor is to the site. Kaiser stated that the closest neighbor is approximately one mile from the site. Knutson questioned if there is to be mining of rocks. Kaiser stated that there would be no mining of rocks that he may have to dig out the rocks that are sticking partially out of the ground. Majerus questioned if there would be mining of gravel. Kaiser stated that a separate conditional use permit would be required for that. Johnston questioned which way the trucks would travel. Kaiser stated that the trucks would come from Co Highway 21 and Bullert Road. Brufloft questioned if the pictures were of the same site. Kaiser stated that each picture was of a different site on the property. Lien stated that the pictures only show about one-fourth of the sites.

Speaking in favor of the application was David Rousu, Callaway Township Supervisor, who stated that they have talked to Kaiser and resolved any concerns about the road. Rosou was also concerned that there were no representatives from the Reservation on the

Planning Commission. Thorkildson stated that his township is located within the Reservation. There was no written correspondence either for or against the application. At this time testimony was closed and further discussion was held. Lien stated that there were no close neighbors that would get offended by the noise.

**Motion:** Lien made a motion to approve the conditional use permit to remove, dig and mine rocks and to crush rocks into aggregate on site and remove and sell the aggregate on the property based on the fact that the application does meet the criteria of the Zoning Ordinance. Kovala second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Martin Berens.** Request a conditional use permit to construct a 28 ft by 120 ft building to be utilized as storage unit rentals for the property described as E ½ of SW ¼; Section 11, TWP 139, Range 36; Green Valley Township. PID Number 13.0060.001.

Susan Pfeiffer explained the application to the Board. The closest neighbor is approximately one mile away, the property is located on a county road, and they thought it would be a great location for a storage rental facility. Lien questioned the construction of the building. Pfeiffer stated that there would be one building with ten storage units.

Knutson questioned if the structure setback was from the right of way or centerline of the road. Berens stated that it was from the centerline. Swenson stated that the structure would have to be moved further from the road to meet the required setbacks. Knutson questioned the setback from the river. Berens stated that the building would be approximately 500 feet from the river.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Wentz, Becker County Highway Department regarding approach permits and spacing between approaches. At this time, testimony closed and further discussion was held.

Pfeiffer questioned if the existing approach could be used instead of installing a new one. Swenson stated that she would check with the Highway Department. Swenson also stated that some work may have to be done to the existing approach if required by the Highway Department. Kovala stated that he talked to Green Valley Township and they did not have any objections to the application. Knutson stated that he also talked to Green Valley Township and agreed with Kovala.

**Motion:** Kovala made a motion to approve a conditional use permit to allow a 28 ft by 120 ft storage rental building on the property based on the fact that it would not be detrimental to the surrounding area with the stipulation that the structure meet all required setbacks and meets the approval of the Becker County Highway Department for access to the building. Knutson second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Ronald and Susan Field.** Request a conditional use permit to park cars during the We Fest Music Festival and have a lighted sign on the

property approximately 50 – 75 feet before the driveway on the property described as: Pt SE ¼ NW ¼ & NE ¼ SW ¼; Beg 8.31 ft E of SW Cor SE ¼; Section 16, TWP 138, Range 41; Lake View Township. PID Number 19.0321.001.

Swenson stated that the Board received a copy of a letter submitted by Sheriff Tim Gordon. Swenson stated that Sheriff Gordon wants the Field's to work with We Fest on a path between the properties and does not want a lighted sign. Ron and Sandy Field explained the application to the Board. Field wants a permit to park cars during We Fest. Brufloft questioned the number of cars to be parked. Field stated that there would be approximately 25 to 50 cars. Johnston questioned if two property owners shared the driveway. Field stated that it was but the other party was in favor of the application. Field felt that an attendant at the end of their driveway would eliminate unwanted traffic in their yard. Brufloft questioned if Field has talked to We Fest about a path between properties. Field stated that he has not talked to them. Seaberg questioned how the people would get to the festival. Field stated that they would have to either cross the road, enter the campground and enter that way or walk down the road. Johnston questioned if they walk down the ditch. Field stated that they do walk through the ditch. Kovala questioned the number of cars to be parked because the application stated 50 – 75 cars. Field stated that he does not think he can get more than 50 cars in his yard. Lien questioned the type of sign. Field stated that he does not need a lighted sign. Seaberg questioned the security at the owner's expense and if that has been discussed with the Sheriff. Field stated that he has not talked to the Sheriff. Further discussion was held regarding the letter and application. Moritz questioned if the parking would be for cars, trucks and motor homes. Field stated that it would be just for cars, not motor homes. Brufloft questioned if the parking would come and go parking. Field stated that it would be come and go parking. Lien questioned how the parkers from the Stensgard property access the festival. Field stated that most cross the Field property and cross the road.

Speaking in favor of the application was Gail Hahn, Lake View Township. Hahn felt that other properties in the area have conditional use permits and the Field's are entitled to the same type if permit. Written correspondence was received in opposition to the application from Sheriff Tim Gordon and Highway Engineer Brad Wentz. At this time, testimony was closed and further discussion was held.

Brufloft questioned the Field's as to how the people from the Anderson property and Stensgard property access the festival. McGovern questioned the steepness of the driveway. Field stated that cars would have no problem and motor homes would not be allowed to park. Knutson stated that he understands what the Sheriff is saying about the people cannot enter the campgrounds to get to the festival since the campgrounds are owned by We Fest and We Fest has the right to control who enters their property. Knutson questioned if the other private parking lots have private security. Swenson stated that they were not required to do so due to the era that the conditional use permits were issued.

Brufloft stated that there are several unanswered questions that need to be addressed. Brufloft suggested that the Field's contact the Sheriff, Highway Department and We Fest

to come to some type of agreement and postpone their application until next month. At this time, Field's requested that their application be postponed until the July meeting.

**FOURTH ORDER OF BUSINESS: David Jones.** Request a conditional use permit to construct a retaining wall to assist with mitigation berm and storm water run-off and to install a beach sand blanket above the existing rip rap for recreational purposes for the property described as Lot 7, Block 1, Maple Ridge Beach; Section 4, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0926.000.

Dave Jones and Rich Lahren, Hebron Brick explained the application. They explained that they were looking at doing landscaping and adding a beach.

Brufloft questioned if the house was new construction. Jones stated that there is extensive remodeling and an addition to the existing structure. Lahren explained that this plan is in conjunction with the mitigation required for the addition. The existing riprap would remain, a sand blanket installed above the existing riprap and a native buffer installed. Majerus questioned the elevation of the sand blanket. Lahren explained that it would be placed right above the existing riprap. Lahren explained that similar projects have been done in the past. This type of project would slow the water down and allow the plants to get established. Majerus questioned the removal of the trees within the shore impact zone. Jones stated that he did not know he couldn't remove the trees. McGovern questioned the deck on top of the boathouse and the new steps and if there were permits for either structure. Jones stated that he did not know he needed permits. Swenson stated that those issues would be dealt with internally and the Planning Commission does not need to be concerned about them.

McGovern stated that he did not see any erosion that would require a retaining wall. Lien read the portion of the Zoning Ordinance that pertains to retaining walls and stated that the request and the condition of the lakefront do not require a retaining wall. Lahren stated that the proposed plan would slow the water down, retain water and allow the plants to get better established. Lien stated that the best erosion control is trees.

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 was held.

Lien stated that during the site visit, he could not determine if there was on going erosion or erosion due to the construction and without evidence of on going erosion, he could not support the application. Lien felt that this was a way to improve the front lawn, not control erosion. Knutson stated that there are a lot of plans that come before the Board and the bottom line is "is there another way to control the erosion". Knutson felt there was other ways and could not support the application. Moritz questioned Lahren if he felt that the proposed plan was the minimum required to control an erosion problem. Lahren felt that this was the minimum. Seaberg questioned the amount of excavation. Lahren stated that approximately 20 cubic yards would have to be removed. Johnston stated that so much of the property is not in compliance with the current regulations.

Kovalala felt that Jones is trying to make a beach area for the kids and not following the Ordinance.

**Motion:** Lien made a motion to deny a conditional use permit to construct a retaining wall to assist with mitigation berm and storm water run-off and to install a beach sand blanket above the existing rip rap for recreational purposes for the property based on the fact that the application does not meet the criteria of the Zoning Ordinance and that there are alternatives to control erosion. McGovern second. All in favor. Motion carried.

**FIFTH ORDER OF BUSINESS: Informational meeting.** The next informational meeting is scheduled for July 10, 2008 at 8:00 am at the Planning and Zoning Office. Tentatively, the next Planning Commission Meeting is scheduled at the City Council Chambers due to Courthouse construction.

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

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Jim Brufloft, Chairman

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Jeff Moritz, Secretary

ATTEST

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Patricia Swenson, Administrator