

**Becker County Planning Commission
December 16, 2008**

Present: Harry Johnston, John McGovern, Ray Thorkildson, Jim Kovala, Jeff Moritz, Jim Bruflodt, John Lien, Mary Seaberg, Don Skarie, Commissioner Larry Knutson, Zoning Administrator Patricia 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 November 2008 meeting. Moritz second. All in favor. Motion carried.

Bruflodt explained the protocol of the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, December 23, 2008.

FIRST ORDER OF BUSINESS: Hough Inc. Request a revision of an existing Conditional Use Permit, Document Number 407839. The existing CUP was approved in 1991 and was to establish a demolition site. The site was to follow all MPCA regulations. The location of the site was to be 5 acres located in the NW ¼ SW ¼. The revision is asking that the area be extended to encompass the entire 40 acres in the NW ¼ of the SW ¼ of Section 25. The applicant at the November 18, 2008 meeting tabled this application. PID Number 17.0280.000.

Mike Hough explained the application. He is requesting to expand the demolition site to encompass the entire 40 acres to match the legal description on the MPCA permit.

Bruflodt questioned when the site was started. Hough stated it was started when the first CUP was obtained. Lien questioned the phases of the operation. Hough stated that phases 1-6 covered the original 5 acres. The next set of planned phases would encompass approximately 13 ½ acres and they are not intending to expand past 13 ½ to 14 acres. Seaberg questioned if he was willing to compromise with the acreage, settling for less than 40 acres. Hough stated that he would be willing to compromise. Kovala questioned what happened to the dumpster full of pails, which had been seen earlier. Hough stated that the dumpster had been taken to the Becker County Landfill. Kovala questioned how often Hough burned at this site. Hough stated that they have not burned at this site for some time and are trying not to burn at all. The steam seen is from an air pocket underground in an area that was not compacted. Kovala questioned if Herzog's bring roofing material to the site. Hough stated that they have not been dumping there for years.

Knutson questioned the engineered design and if the 19 phases equaled the 13 ½ acres or if the 26 phases equaled the 13 ½ acres. Hough stated that his rough calculations were 20 acres for the entire project, so most likely the 26 phases equaled the 13-½ acres. Knutson stated that everything was covered before the Board could see what had been buried.

Knutson questioned Hough if he had to report to the County. Hough stated that he just had to submit a solid waste report each year and when re-permitted, the County was notified every 5 years. Skarie questioned who would be liable to clean up in the future. Hough stated that they would be responsible and that they do have environmental insurance (pollution insurance). Thorkildson questioned how often the debris had to be covered. Hough stated that interim coverage, to keep things from blowing around, is to be done within 30 days. Final coverage, with topsoil and grass/sod, takes place when the cell is full.

Speaking in opposition to the application were Ted Kiebke and Marty Kiebke. Their concerns included water quality, fencing and buffers, the road condition, dust control and the need for a second demolition site when the County has a demolition site.

There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Kovala stated that he has questioned the need for a second demolition site. Kovala further stated that he felt that the site had been covered up just for a show for the Board and that Hough's are not good neighbors or are not doing a good job. Johnston felt that if a new conditional use permit is granted, it should be limited to 13 ½ acres, request MPCA monitoring, limit the speed limit, ban burning, require more frequent covering, plant trees and have the Commissioner's request MPCA to do more frequent inspection. Brufloft stated that he was at the Seim property and the Kiebke property and felt that the demo site was not an issue, as far as an ugly view, from either property. Brufloft stated that he felt that there would not be a need for a CUP on the entire 40 acres, but a compromise could be reached, that some trees could be planted and felt it was MPCA's responsibility to monitor and inspect the facility. Seaberg questioned if there was a record of inspections. Hough stated that he has copies of all the inspections and that the inspections are random, they never know when an inspection will take place. Lien stated that he read the October 2008 report and that there were no violations. Knutson stated that there was a CUP already in place and that would not be taken away. Knutson stated that there are new questions and new information from Environmental Services that needs to be addressed and answered.

Further discussion was held and it was suggested that a meeting be held with Hough, the neighbors, MPCA and Environmental Services to address questions and concerns.

At this time, Hough requested that the application be postponed to address and answer any questions and concerns.

SECOND ORDER OF BUSINESS: James Mulari. Request a conditional use permit for seasonal storage of boats, pontoons, snowmobiles, etc for the property described as: Pt NE ¼ of NE ¼ and Pt NW ¼ of NE ¼ Beg NE Cor Sec 9 Th S 1142.14 ft, Th W 1661.83 ft, Th N 1135.08 ft to CTR N Sugar Bush Heights Rd, Th E 1661.68 ft to NE Cor Sec 9 and POB, Section 9, TWP 141, Range 40, Sugar Bush Township.

Karen Mulari explained the application for the applicant. The existing farm buildings would be utilized for the storage of boats, pontoons, etc. There is a great need for storage in this area. The application came about when J. Mulari inquired about putting up another building for storage.

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.

Motion: Kovala made a motion to approve a conditional use permit for seasonal storage of boats, pontoons, snowmobiles, etc, based on the fact that the use would not be detrimental to the surrounding area. McGovern second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Ruth Seidel. Request a change of zone from agricultural to residential and approval of a certificate of survey to divide a 80,004 sq ft parcel into two lots (40,002 sq ft each) for the property described as: Lot 1 Pearl Hill First Addition, Section 13, TWP 138, Range 42, Lake Eunice Township. PID Number 17.1049.014.

Scott Walz, surveyor, explained the application to the Board. This subdivision was originally platted by a conditional use permit for a residential subdivision and is currently zoned agricultural. The proposed subdivision meets all the requirements of residential lots.

Tom Olson stated that he had no objections to the application provided all setbacks could be met. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Motion: Moritz made a motion to approve a change of zone from agricultural to residential and approve the certificate of survey based on the fact that it meets the criteria of the Zoning Ordinance. Seaberg second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: David and Ella Brenneman. Request a conditional use permit to establish an Amish Church Cemetery for the property described as: S ½ of SW ¼, Section 5, TWP 138, Range 38, Evergreen Township. PID Number 11.0018.000.

Tobias Miller explained the application to the Board. Miller stated that a location was picked and the process began to try to establish a cemetery.

Brufloft stated that it was a nice location for a cemetery. Skarie questioned the size and stated that a large enough area should be requested from the start so they did not have to repeat the process. Miller stated that ½ to 1 acre would be the site. Miller stated that they are new to this and just wanted to get the process started.

Simon George, adjoining neighbor, had no objection to the application but was concerned with the closeness to his property. George stated that he would prefer the location to be further from the property line, was concerned about the wetlands, would like to see some type of a buffer and make sure all conditions were in place before final approval. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Knutson felt the location was too close to the property line but felt that the Applicants were just opening the door to suggestions and beginning the process. Seaberg questioned the state regulations regarding setbacks. Swenson stated that there are no specific setbacks and the Zoning Ordinance only refers to a setback of 50 feet from water bodies. Swenson further stated that a suitable location needs to be found, and then the property would need to be surveyed and state regulations followed.

Further discussion was held and it was the consensus of the Board that George and the Applicants get together to find an appropriate site. Miller stated they would be willing to work together to get things started, and they could plant trees or put up a fence because they would like to keep the cemetery as private as possible.

At this time, Miller requested that their application be tabled.

FIFTH ORDER OF BUSINESS: Jessica and Timothy Kerekes. Request a conditional use permit for a home business (hair salon) for the property described as: S ½ of SE ¼, Section 17, TWP 138, Range 38, Evergreen Township. PID Number 11.0080.000.

Jessica Kerekes explained the application to the Board. The business would be in the front room of their home (150 sq ft) and would be open by appointment. She would be the only person working there.

Kovala questioned if there would be signage. Kerekes stated that there might be a small, preprinted sign. Seaberg questioned if there were state regulations to follow. Kerekes stated that there were state regulations to follow.

No one spoke in favor or in opposition to the application. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion held.

Lien stated that he felt this was a good location on a good road with ample parking.

Motion: Lien made a motion to approve a conditional use permit for a home business consisting of a hair salon based on the fact that the use would not be detrimental to the surrounding area. Kovala second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Joyce Omang. Request a conditional use permit to have two horses on 16.37 acres for the property described as: SW ¼ SE ¼ Less 12.03

Ac; N 295.34 ft of E 75 ft of SE ¼ SW ¼; Section 16, TWP 138, Range 41; Lake View Township. PID Number 19.0336.003.

Swenson stated that the request has been amended to three horses and is needed because this is a non-active farming operation located on a natural environment lake. Swenson stated that a feedlot requires a 300 ft setback from the ordinary high water mark of the lake. Omang explained the application to the Board. Omang gave a history and timeline of events that happened leading up to the conditional use permit application.

Knutson stated that the information given is not pertinent to this case. Lien questioned if the issues of horses and a house were brought up when the survey was presented for approval. Omang stated that it was discussed. Knutson asked Omang, if there was no lake involved, if she thought she could have horses on the property. Omang stated that if there was no lake involved she would be able to have the horses. Knutson stated that even if the lake were not an issue, horses would not be allowed without a conditional use permit. Omang stated that there is a fence to keep the horses out of the lake. Skarie questioned how much of the 16.37 acres was in the lake and how much was high ground. Skarie stated that if you setback 300 feet from the water, there would be very little property left. Lien stated that this is an unfortunate situation, but the Board needs to look at the Ordinance and this application goes against the Ordinance.

No one spoke in favor or 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 things happened that were unfortunate, but the Board needs to be consistent. This application could not be approved because it is against the Ordinance. Skarie stated that there is no room left for animals after the setbacks are met.

Motion: Lien made a motion to deny a conditional use permit to allow horses on the property based on the fact that the application does not meet the criteria of the Zoning Ordinance. Skarie second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Informational Meeting and expense vouchers.

Swenson stated that meetings will not be held during January, February and possibly March and April due to the weather conditions. The Board would be notified when the next meeting will take place.

Swenson reminded the Board to turn in their expense vouchers prior to the end of the year.

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

Jim Bruflo, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia Swenson, Administrator