

Becker County Planning Commission
April 19, 2011

Members Present: Harry Johnston, Dan Schlauderaff, John Lien, Jim Bruflodt, Commissioner Larry Knutson, Jim Kovala, John McGovern, David Blomseth, Jeff Moritz, Mary Seaberg, Ray Thorkildson, Zoning Administrator Patty Swenson and Zoning Technician Julene Hodgson.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Zoning Technician Julene Hodgson recorded minutes.

McGovern made a motion to approve the minutes for February 2011. Lien second. All in favor. Motion carried.

Chairman Bruflodt explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on April 26th, 2011.

FIRST ORDER OF BUSINESS: Clarence & Julie Field 24567 Co rd 149 Detroit Lakes, MN 56501 **Project Location:** Clark Rd Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** R080321001 Detroit Township PT S1/2 SE1/4 SW1/4 NW1/4: COMM W QTR COR SEC 20 TH E 662.82' TO POB; TH E 624.50', N 321.51', W 627.73', TH S 319.41' TO POB Section 20, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a conditional use permit for an Electrical & Lighting Contracting Business (Ace Electric & Lighting) in an agricultural zone.

Clarence Field explained the application to the Board. This will be an electrical contracting business that will be open 7:00 am to 5:30 pm Monday thru Friday. Field plans on remodeling and adding a bathroom to the current 30x40 structure with parking south of the building. The traffic would be minimal with two office areas, a secretary on site and 6 other employees on job sites. Field is not planning any kind of commercial sales on site at this time, no store for retail. There would be only a sign located on the building.

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 was held.

Schlauderaff stated Field runs a clean, neat buisness that would not be detrimental to that area, he sees no reason not to approve this.

Lien stated this is a good location with adequate facilities and parking with no cause for concern for anyone.

There was no further discussion by the Commission.

Motion: Seaberg made a motion to approve a CUP for a Electrical & Lighting Contracting Business to operate with hours of operation 7am-5:30pm, 5 days a week, based on the fact that the use would not be detrimental to the surrounding area. Lien second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Ken Otte 25218 Broadway Ave Detroit Lakes, MN 56501 **Project Location:** 25218 Broadway Ave **LEGAL LAND DESCRIPTION:** R160125001 Holmesville Township S 660' OF E 660' OF E1/2 OF SE1/4 Section 18, TWP 140, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a conditional use permit for a gunsmithing shop to be located in an existing building. Hours of operation will be Monday - Friday by appointment and Saturday 10-3 in an agricultural zone.

Ken Otte explained his application to the Commission. He would like to repair firearms out of an existing 30x60 shop with hours of operation Monday-Friday by appointment and Saturdays 10am-3pm. Otte feels there is a need in the area. Otte has taken courses in gun-smithing and is in the process of obtaining his Federal Firearm License. Part of their mandate before issuing a Federal Firearm License is proof of a Conditional Use Permit for the property/proprietor. Otto stated the traffic would be minimal with plenty of parking.

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 was held.

Johnston asked Otto what he proposed for signs to which Otto explained he would like to place a sign on the building and replace the temporary sign by the road right of way with a 4x4 business sign.

McGovern questioned if there was going to be any shooting on the property as in a gun range. Otte answered he is a member of the gunclub and would bring larger caliber guns to the public shooting range to fire and/or site in. Otte stated he would set up a barrel with water on his property to use when firing handguns, this would keep any noise down.

There was no further discussion by the Commission.

Motion: Kovala made a motion to approve a CUP for Gunsmithing Shop to operate Monday-Friday by appointment and Saturday 10am-3pm based on the fact that the use would not be detrimental to the surrounding area. Lien second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Harold Hickel 18347 335th Ave Detroit Lakes, MN 56501 **Project Location:** 18347 335th Ave **LEGAL LAND DESCRIPTION:** R100362000 Erie Township N1/2 OF SW1/4; PART OF NW1/4 OF SE1/4 W OF OTTERTAIL RIVER; & SW1/4 OF NW1/4 LESS 10 AC IN NW COR Section 23, TWP 139, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a

conditional use permit for a mining operation consisting of the extraction and processing of materials along with temporary hot mix asphalt. Proposed hours of operation are from 6 am to 10 pm for extraction and 24 hours daily for crushing of materials in an agricultural zone.

Acting agents Ron Wickham and Brad Busbey explained the application to the Commission. Wickham explained Anderson company has been in place for 70 years with over 200 Conditional Use Permits currently in place. The pit hours of operation requested would be 6am – 10pm seasonal May thru mid October. If awarded any public road projects, they request to be allowed to run 24 hrs a day. He further stated they would like to set up an asphalt plant to sell asphalt for large jobs and private driveways. Busbey stated they are willing to work with any regulations/stipulations and set conditions the Commission puts in place to help with any concerns.

Kovala wanted clarification pertaining to the request for crushing of materials 24 hours a day. Wickham stated they wanted to ask for everything they could and then would implement what the Commission granted with set conditions/hours. Kovala questioned if there was a lot of rock existing in the test areas to which Wickham answered they would not have submitted a request for that property if there was not.

Chairman Brufloedt stated the request was for 6am to 10 pm and that those seem long hours, had they thought of less hours for request to which Wickham stated that was a starting point of request and they wanted to see what would be granted. Brufloedt asked if Wickham has been contracted for any large project for the site yet to which Wickham stated nothing at this time.

Knutson stated if their requests includes an asphalt plant they would have to have the property material as in rock, binder and gravel to run full time with materials on site- not brought in from elsewhere. Knutson stated he used to live across the road and did not find any significant rock when he dug the basement. Wickham stated again the material is there, they would not bring anything onsite from elsewhere. He further stated the crushers move everywhere/ everyday and an asphalt plant would be something in the future, not right away. Knutson wanted clarification that the request would be for a continuous business, nothing temporary, something long term to which Wickham stated yes.

Seaberg asked if they would upkeep/maintain the road of use to which Wickham stated it would be their responsibility to do any maintenance to the road.

At this time Chairman Brufloedt asked if anyone in the audience would like to speak for or against the application.

Erie Township Supervisor JoAnn Sponskowski spoke regarding questions and concerns from the Township and area residents. She stated they had received calls about the times of operation and for more information that she could not answer because Andersons had not contacted the Township regarding their request. She stated they are concerned about

the use of the roads that the Township is responsible for. The alternate road would be by a bridge area that is not structurally sound and is scheduled for replacement. Their concern is that area would not stand up to excessive traffic and large equipment.

Other audience members speaking with concern and objection were:

Mark Anderson, Jeff Stowman, Dennis Capistran, Royce Kovar, Vern Moltzan, Russ Miller, Kristen Frank, Donald Engleson, Barry Kutzer, and Dave Balfour.

Repeated comments of concern were regarding: Hours proposed, smell, noise, longevity of operation, surrounding property value possibly declining, increased traffic and access, safety, close to residential properties, dust, chemicals in the air, change character of area, privacy, and the direct impact for the area, public nuisance .

Written correspondence in opposition included letters from: Sharon & Curtis Johnson, Janice & Stanly Upham, John & Susan Klassen, Jeff Stowman, Charles & Virginia Swenson, David & Barbara Balfour, John & Jane Oxton, Barry Kutzer, Timothy Pederson on behalf of the owners of Twin Haven Estates, Marlene Collins, Clyde Ostlund, Shane Frank, Catherine Bachman, Tim and Pam Kivi, Clarence Kochmann, and a signed petition from 35 property owners living close to the property.

DNR Area Hydrologist Janell Miersch submitted written correspondence of concern and questions for clarification of the application. The main concern was regarding any gravel washing areas to which Wickham stated there were none proposed.

Some copies of these letters were forwarded to the Planning Commission Board prior to the public hearing and the others were given to the members the evening of the public hearing and briefly reviewed.

At this time, testimony was closed and discussion was held.

McGovern stated this area is a place for a small gravel operation but not a crusher and full time asphalt plant.

Thorkildson commented on the letter from the DNR and what would be done to address those concerns. He had Wickham reaffirm that the 24-hour crushing would be ONLY if awarded any public road project to which Wickham answered yes. Thorkildson also stated he wants Andersons to address the concerns regarding entrance and exit off of Hwy 34 and what could be done for safety purposes.

Lien stated he was aware of Andersons' good business practice/background but he has concern regarding the affect on the surrounding properties. He quoted Section 10 D. 5. of the Becker County Ordinance regarding the adequate measures that must be taken to assure the business will not constitute a nuisance. He stated the proposed plan before the Commission does not fully address/satisfy this criteria.

Chairman Brufodt stated a full plan must be proposed to describe what will be implemented to address/take care of all of the concerns brought forth by application. The application in front of the Commission is too broad/open regarding hours, years of operation and this should have been all addressed before coming into the public hearing. Busbey stated that prior excavation has been done on the property since 1969 and they did not think a Conditional Use Permit would be a problem.

Lien clarified that in 1969 there was some material taken from the property and later some material taken for temporary public roadway projects. These were exempted projects but this is an entirely different case scenario. Wickham stated as long as the resource is there the Commission has the opportunity to place conditions on how and what is done to the property.

Seaberg agreed this is very broad compared to previous applicants. They have indicated more specifics regarding hours and time frames for the Conditional Use Permit. Wickham again stated the Commission could put that in place tonight.

Chairman Brufodt stated that it is not up to the Board to place all of the conditions related on a plan, these are normally proposed by applicant.

Knutson stated in this case some of the property has been previously “split” and sold for residential purposes. Although property is zoned agricultural it is surrounded by property for residential living.

Thorkildson stated with the application in front of them he does not feel there is any way he could approve it, there would have to be some conditions placed/changed before any consideration. Some examples may be to shorten the day hours, no weekends, no 24-hour crushing- this might make sense before any consideration.

Moritz suggested they meet with the Township officials at the Township level to address their concerns. Maybe the community could go to the Township meeting also to see if any agreements could be implemented into a plan.

Johnston stated even if they come back to the Commission with a better plan, there would still be noise, extra traffic in the summer to contend with and smell. It may still harm the use/enjoyment of others and the property value, no matter the plan.

Lien asked Swenson if they did not go through the Conditional Use process for a permit, they would be exempt for extraction to be used for temporary public roadway projects to which Swenson answered yes per Becker County Ordinance Section 6 B. He said so in other words road projects supersede County regulations, but then they do have to go by EPA rules, State rules, DNR rules and so forth and it is for temporary use only and then is closed down.

At this time Wickham and Busbey stated they would like the opportunity to table the application. They would like the time to review the written letters and concerns brought

up this evening. They would like to meet with the Township and area residents and work on a more specific plan to bring back to the Commission. They want to do everything they can do to go forward to be able to utilize a good gravel source.

APPLICATION IS TABLED UNTIL FURTHER NOTICE FROM APPLICANT.

FOURTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, May 12th, 2011 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

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

Jim Bruflo, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator