

**Becker County Planning Commission
August 16th, 2011**

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

Chairman Brufloft called the meeting to order. Zoning Technician Julene Hodgson recorded minutes.

Kovala made a motion to approve the minutes from July 19th, 2011. Seaberg second. All in favor. Motion carried.

Chairman Brufloft 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 August 23rd, 2011.

FIRST ORDER OF BUSINESS: Penny Aguirre for Richwood Winery 8424 40th Ave N New Hope, MN 55427 **Project Location:** 27799 Co Hwy 34 **LEGAL LAND DESCRIPTION:** 240004000 Richwood Township Buffalo Lake PT GOVT LOTS 4 & 5: BEG SWLY COR LOT 2 BLK 1 ABUNDANT LIFE AC TH N 387.54' TO CTR LN CSAH #34, TH SW 1334.02', S 267.14' TO BUFFALO LK, TH ELY AL LK 854.57' TO NLY LN BUFFALO LK EST, TH E 536.08', NELY 58.05' TO SWLY COR LOT 2 BLK 1 ABUNDT LIFE AC & POB, Section 01, TWP 140, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an amendment to Conditional Use Permit # 554093 to allow Entertainment.

Penny Aguirre explained the application to the Board. Their winery has increased business and would like to add small entertainment to enhance, promote and draw people for different occasions and returned visits. Plan submitted outlined hours of operation with proposed music from small groups of musicians implemented into those hours. No new hours or longer hours of operation were requested. Small outdoor events would be planned using an outside patio area or the existing airplane hanger/shed. The request included the ability to hold weddings and benefits on the property if requested. Moritz asked if the request was for only one wedding a year or weddings and Aguirre stated weddings throughout their hours/season of operation if requested. Brufloft asked how far the market area was from this property in case they needed parking for overflow to which Aguirre answered about a ¼ of a mile. Seaberg asked when the owners have to acquire a special permit for mass gatherings to which Swenson answered when the number of people is going to exceed 300 a special permit is required. Johnston asked Aguirre how many people she feels would attend the largest event she is requesting to hold to which she answered maybe 100-200 people. Aguirre stated they would check ID's and place wristbands on people. Aguirre gave the Board a list of signatures of area people that were in favor of the request.

Robin Turnwall spoke against the application. Main concerns were regarding noise, traffic, road congestion and residential property in the immediate area. Seaberg asked if Turnwall had any complaints or has heard of any complaints against the winery since it has been open to which he answered no. Sandy Nelson spoke against the application. He also stated this was rural residential parcels and felt noise would be a concern. He noted when the winery was first allowed, it was allowed with no entertainment. Nelson stated permit should not be issued if it was not restricted to specific detail of what can occur on the property. Nelson stated he would not be against the indoor use they were requesting but was against an outdoor festival atmosphere. Denise Oaks spoke against the application. She noted that the plan was vague and her fear was if they have several weddings along with four or five events, this could potentially mean there would be noise every weekend. Jim Kaiser spoke in favor of the application. Kaiser noted there is an existing church down the road from the winery that has weddings and no one has complained of any noise. He noted there were no cabins immediately by the winery and if the Board wishes, to grant the request with restrictions. Kaiser wanted the Board to take into consideration the economics of the request. There were written letters of opposition and concern from Deidre Kolotkin and Thaddeus & Veronika Wilson. Main concerns were traffic safety, noise and residential properties. There was written correspondence in favor of the application from Joan and Kevin Kopperud. Their hope is that this will help benefit the area/businesses and help the winery establish itself as a competitive winery. They noted the winery is not directly on the water nor in close proximity to neighbors. At this time, testimony was closed and further discussion was held.

Lein asked to reconfirm the hours and days of operation requested to which Aguirre read from the plan submitted. Seaberg noted again that they were not asking for any new hours or late hours of operation. Johnstons biggest concern was how large the events could potentially become. Brufloft noted they would be required to obtain a special mass gathering permit if they request to exceed 300 people. Brufodt stated he could see using the existing structures to have small entertainment/bands inside, but the outdoor request was kind of open-ended. Brufloft asked the Board to entertain if this plan was previously submitted as a part of the original Conditional Use Permit- would it have been allowed. Thorkildson stated he had no problem with the request but wondered if the Board could place a maximum number of events/benefits/weddings that could be held within a year and number of people that could attend. Knutson noted that it would be hard to enforce the number of people for each given event but it was a good suggestion. Seaberg noted if the plan was not followed, the Conditional Use Permit granted on the property would be jeopardized. Lien also had concern regarding size of events, but stated most wineries are low keyed with mild entertainment.

Motion: Lien made a motion to approve the request to amend the Conditional Use Permit # 554093 as submitted. McGovern second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Eric & Holly Anderson for Great River Energy 2621 Sungate Dr S Fargo, ND 58103 **Project Location:** Corner of Co Hwy 26 and Co Hwy 37 **LEGAL LAND DESCRIPTION:** 280010000 Shell Lake Township 2-140-38 S1/2 NW1/4; GOVT LOTS 3 & 4 EX 3.56 AC, Section 02, TWP 140, Range 38

APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to construct an electrical transmission tower in a(n) Agricultural Zone.

Peter Schaub, on behalf of Great River Energy and property owners Eric & Holly Anderson, explained the application to the Board. The tower requested would be used to monitor electricity and assist in managing loads. Itasca Mantrap is trying to purchase property for a large substation. Then that tower would be used for energy management as well to monitor flow. Schaub explained it is essential to allow the tower next to the substation for best management. He noted there is a secondary location (Verizon tower) located 3 mls away from this one. That tower was looked at, but this one was a more suitable one for signal reception. Schaub presented paperwork for the file regarding the Environmental Review conducted for this location. He concluded with stating the size of the compound proposed, fenced area with small un-manned shelter, lighting required, tower height not to exceed 300 ft and there is no water or sewer is proposed.

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 the request meets the requirements for distance from other towers (2 mls) and no one is affected by the request.

Motion: Lien made a motion to approve a Conditional Use permit to construct an electrical transmission tower as submitted due to the request meets the criteria of the Ordinance. Blomseth second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Dennis & Peggy Olson 13486 Rossman Erickson Rd Lake Park, MN 56554 **Project Location:** 13486 Rossman Erickson Rd **LEGAL LAND DESCRIPTION:** 060061000 Cormorant Township GOVT LOTS 7 & 8 LESS PLAT EMERALD BAY & LESS .09 AC IN GOVT LOT 7 & LESS 1.84 AC FOR TRACTS E & F AKA 010 & 012 & LESS 2.38 AC GOVT LOT 8 & LESS 6.84 AC TRACTS A-D IN GOVT LOT 8 AKA 002-005; 1/2 VAC RD N OF PLAT LOTS 1-3 & 26' OF LOT 4, Section 04, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request the approval of a certificate of survey for 1 lot (Tract G) consisting of 40,771 sq. ft. and a change of zone from agricultural to residential for Tract G.

Scott Walz from Meadowland, on behalf of property owners Dennis and Peggy Olson, explained the application to the Board. Olson's have created similar tracks for sale across the road from lake property owners. The request meets the requirement for a residential non-riparian lot therefore asking the request for a zone change to residential. Johnston asked if the request for zone change was due to the small size of the tract proposed to which Walz answered yes.

No one spoke in favor of the application. No one spoke against the application. There was written correspondence from the Cormorant Township Board stating they had no objections to the request. There was no written correspondence against the application.

There was a question from audience member Susan Jennen asking if this survey/request would allow legal easement through these properties to her property to the east, to which Walz stated no, there was not legal easement going west through these properties to her property to the east. Lien noted this would have to be addressed/asked of the landowners of those specific parcels and then surveyed and described to gain easement. At this time, testimony was closed and further discussion was held.

There were no further questions or concern from the Board.

Motion: Johnston made a motion for the approval of a certificate of survey for 1 lot (Tract G) consisting of 40,771 sq. ft. and a change of zone from agricultural to residential for Tract G due to the request meets the criteria of the Ordinance. Thorkildson second. All in favor. Motion carried.

FORTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, September 20th, 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, Kovala made a motion to adjourn. Lien second. All in favor. Motion carried. Meeting adjourned.

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator