

**Becker County Planning Commission  
March 19<sup>th</sup>, 2013**

**Members Present:** Harry Johnston, John Lien, Commissioner Larry Knutson, Jim Kovala, Jeff Moritz, Mary Seaberg, David Blomseth, Chairman Jim Brufloft, Ray Thorkildson, Mary Seaworth, Jim Kaiser, Zoning Administrator Patty Swenson and Zoning Technician Julene Hodgson.

Chairman Brufloft called the **Applicants Public Hearing** meeting to order at 7:00 p.m. Zoning Technician Julene Hodgson recorded minutes.

Jim Kovala made a motion to approve the minutes for December 18<sup>th</sup>, 2012 after spelling corrections on page 3. 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 March 26<sup>th</sup>, 2013.

**FIRST ORDER OF BUSINESS:** Warren Woytassek **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from Agricultural to Commercial. **\*\*\*03/19/13 Mr. Woytassek contacted the Zoning Office and requested to table the application until the April public hearing.**

**SECOND ORDER OF BUSINESS:** Garry Bigger 15988 330<sup>th</sup> Ave Frazee, MN 56544 **Project Location:** 330<sup>th</sup> Ave **LEGAL LAND DESCRIPTION:** 100539001 Erie Township Rice Lake/Non Riparian SW1/4 & SW1/4 OF SE1/4 LESS 5 AC IN SE COR, Section 34, TWP 139, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to extract and process aggregate materials, along with a portable asphalt plant.

Terry Curtis, Anderson Brothers, acting agent for property owners Betty and Garry Bigger explained the application to the Board. Curtis stated Anderson Brothers Ron Wickum and Brad Buseby were also available for any questions. Curtis went over the plan submitted and stated they will follow all regulations required by the State, MPCA, EPA and so forth. Curtis stated Anderson Brothers had met with Township officials from Erie and Burlington Township and they had contacted some of the property owners along 330<sup>th</sup> Ave. Curtis stated they will follow road rules with maintenance and dust control with dust guard added when needed. Berms are proposed to ensure no encroachment into the wetlands or other personal property that border the project. Curtis stated this is a potential location to use the gravel source for smaller projects within the County. Knutson asked to reserve the right to recall the applicants at a later time for questions and verifications.

No one spoke in favor of the application. Gary Larson, Scott Lysford, Leona Smith, Curt Abel, Robert Skillings, Lisa Piche, Barb Larsen, Bill Kloubec, Richard Hokenson, Fritz Zirbel, Kenneth Gervuis, Michael Fleisher, Shantel Hess, John Gerszewski, Jane

Vonruden, and Mike Illg spoke against the application. **Multiple concerns and questions voiced were regarding:** Noise/smell, pollution/dust, wetland contamination, health concerns, ground water contamination, animals/birds/hunting, property values declining/resale values, residential homes close to proposed area, hours proposed, road use/damage, road routes/traffic/safety/no turn lane off Hwy 34 onto Hwy 29/blind curve off of 330<sup>th</sup> ave onto Hwy 29, number of trucks/overall cubic yards not clearly calculated in proposal, depth of proposal/effect on wetlands, proposed setback from wetland and neighboring properties, establishing a new site versus reopening a pre-existing site, fluids/chemicals involved with asphalt plant, effects on quality of life, topography/hills in the area and smells that linger in the low areas, rights regarding surrounding property owners enjoyment of their property, no other commercial/industry use in this area, timeframe of proposed plan not clearly outlined, and small business daycare and group home close to proposed site. Swenson read written correspondences on file from Catherine Bachman, Brenda Lehmann, Royce Kovar, John and Sue Klassen, Joann Splonskowski, John and Jane Oxtan, Barbara Frazier, Connie Cleveland, Shanel Hess, Wes Doolittle and Scott Lysford who were against the application. Letters from Becker County Engineer Highway Department Brian Shepard, Becker County Soil and Water Conservation Ed Clem, and District 3 County Commissioner John Okeson outlined concerns and questions regarding the travel routes/maintenance/safety, wetland impacts/possible wetland delineation/water table depths, time frame for completion of the project/proposed hours of operation and any approval should include adequate guidelines and restrictions to minimize impact. Swenson read written correspondence from Erie Township who voted 2-1 in favor to endorse the proposal.

At this time Anderson Brothers Terry Curtis re-addressed the Board for further discussion. He voiced to the Board that they have other properties with designated mining areas and have abided to all regulations regarding these very same concerns. Curtis stated this is a natural resource with a high demand and as a part of the overall Comprehensive Plan this would be an allowed use as a CUP in this zone area. Curtis requested the Planning Commission Board to recommend approval by adding stipulations/conditions regarding the concerns. Curtis suggested a possible EIS request, right to review the CUP every 3-4 years to assure they are meeting all stipulations/conditions, hours of operation allowed, they could asphalt the drive routes, add turn lanes, tree buffers. Buseby stated the phases of mining would be dependent on sales and right now they only have a lease for 5 years. Buseby noted they may not even be done with phase one in the 5 year time frame, but each phase area would be restored before the next phase started. Knutson stated although there is a plan in front of the Board, he did not feel the criteria of Chapter 8 Section 11 F have been met. Johnston read the criteria regarding a conditional use not harming the use and enjoyment of other property, nor substantially diminish property values, the use will not impede development of surrounding vacant property, adequate access roads and other necessary facilities for an approved project and the project will not constitute a nuisance. Johnston agreed he does not feel the proposed plan addresses the concerns to meet this criteria. Curtis stated again that the company applied for the request with a start/plan proposed and he feels the section/criteria is in the Ordinance for the Planning Commission to use as instructions for consideration of approval by adding stipulations as they deem fit. Knutson stated the public hearing process is to confirm

answers to questions for proposals and that these Ordinances are in place for these reasons. Brufloft stated Curtis was misguided and felt this was poor planning on Anderson's part. Brufloft noted it was the Boards job to instruct what must be met, but the applicants job to show how this will be accomplished. Brufloft stated it would be in Andersons best interest to write a specific business plan addressing concerns that they know will come up, not to place the burden on the Board to write the plan for them. Curtis stated they are applying to the Government Authority and have spoken to the Township authorities . Lien noted most applicants come with a complete plan, as to what they will provide. It should state what you want and what can be mitigated to meet the requirements of the Ordinance. Curtis again stated these are specific plans written allowing recommendations from the Planning Commission. Everything is outlined and if anything is an issue then we would add the stipulations. Curtis stated the concerns that were voiced this evening are the same concerns they hear with every application.

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

Seaberg commented on the noise concerns, and Brufloft noted that the noise by his house doesn't bother him but with tonights concerns, he wonders if this is a proper location for this request. Moritz stated there is a need for gravel/asphalt in the community and people do not feel this is the right area, but where is the right area for these projects. Knutson noted when the crushing started on the Hickel property he received complaints regarding the noise from people who live 1 ½ miles away and how do you mitigate that. Thorkildson stated his concern was that not one person spoke in favor of the application this evening and he agreed he did not feel the criteria is being met to grant such a request. Lein noted the Board is to examine each application on their own merit, they have the right to apply, and other applications approved have come with better plans. Kovala noted a previous one by Boot Lake was a quick projcet, they where in and out and no one knew they were there, but this sounds like it could be long term. The Board voiced concerns regarding the traffic/safety/surrounding residential property and wetlands

**MOTION:** Kovala made a motion to deny the application as submitted based on the findings that the application does not meet the criteria Sect. 8 Chapter 11 of the Ordinance. Blomseth second. All in favor to deny. Motion carried to deny.

At this time Chairman Brufloft called the **Notice of Intent to Amend Ordinance** meeting to order. Zoning Technician Julene Hodgson recorded minutes.

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 March 26th, 2013.

**FIRST PURPOSE OF BUSINESS:** Purpose: To amend Chapter 5, Section 2, Table 5-4. Subject Matter: Structure setbacks for riparian lots located on platted or dedicated township roads, as measured from the right-of-way or centerline of the road and eliminate 1 ½ stories in Footnote 12.

Swenson read and explained the proposals to the Board. Swenson noted that after the “stringline” setback was changed to the “averaging” setback plus twenty feet, it caused a lot of the property owners to request a variance from the required road setback. This amendment would be for the less traffic roads, this would not replace the required structure setbacks from the County or State roads. Footnote 12 would be deleted as it was approved in 2012.

No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

It was the concensus of the Board that the proposed language will benefit the property owners.

There was no further discussion by the Commission.

**Motion:** Kaiser made a motion to approve to amend Chapter 5, Section 2, Table 5-4. Subject Matter: Structure setbacks for riparian lots located on platted or dedicated township roads, as measured from the right-of-way or centerline of the road and eliminate 1 ½ stories in Footnote 12 as submitted. Seaberg second. All in favor. Motion carried.

**SECOND PURPOSE OF BUSINESS:** To amend Chapter 5, Section 2, Table 5-5. Subject Matter: Lot size for non riparian lots behind nonconforming riparian lots.

Swenson read and explained the proposal to the Board. Swenson noted the request will alleviate future density, traffic issues and stormwater runoff. The request would be implemented on lots behind substandard riparian lots on recreational lakes only.

No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

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Kaiser noted he felt this would take away value from the property owner with less lots being created. Knutson stated the changes implemented regarding larger lots on natural environment lakes also created less lots but that it is for the good of the lakes. It was the concensus of the Board that this would be an asset to the lakes regarding the required size of newly created non-riparian lot.

There was no further discussion by the Commission.

**Motion:** Kovala made a motion to approve to amend Chapter 5, Section 2, Table 5-5. Subject Matter: Lot size for non riparian lots behind nonconforming riparian lots as submitted. Lien second. All in favor except Kaiser. Majority ruled. Motion carried.

**THIRD PURPOSE OF BUSINESS:** To amend Chapter 10 Section 2, Definitions Subject Matter: Amend the definition of Lot Width. Add definitions for Accessory Lot and Buildable Non Riparian Lot.

Swenson read and explained the proposal to the Board. Swenson noted the proposed changes will clarify how to measure the lot width for surveyors on odd shaped parcels. The other request is to add definitions for clarification regarding construction on non riparian parcels.

No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

It was the concensus of the Board that these are good recommendations/proposals. There was no further discussion by the Commission.

**Motion:** Lien made a motion to amend Chapter 10 Section 2, Definitions Subject Matter: Amend the definition of Lot Width and add definitions for Accessory Lot and Buildable Non Riparian Lot as submitted. Johnston second. All in favor. Motion carried.

**FOURTH PURPOSE OF BUSINESS:** To amend Chapter 3 Section 10, Subd. B, 1, Calculation of mitigation requirements units. Subject Matter: Replace ‘stringline’ with setback average plus twenty (20) feet to be consistent with previous amendments.

Swenson read and explained the proposal to the Board.

No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

It was the concensus of the Board that there is a need for clarifying and replace the wording to be consistent.

There was no further discussion by the Commission.

**Motion:** Thorkildson made a motion to approve the proposal to amend Chapter 3 Section 10, Subd. B, 1, Calculation of mitigation requirements units. Subject Matter: Replace ‘stringline’ with setback average plus twenty (20) feet to be consistent with previous amendments as submitted. Moritz second. All in favor. Motion carried.

**Other Business: Informational Meeting.**

1. The next informational meeting is scheduled for Thursday, April 11th, 2013 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

2. Election of Officers: Bruflodt nominated Lien for Chairman and Lien declined. Kovala nominated Bruflodt for Planning Commission Chairman, Lien second, Kaiser closed nominations. Lien motion to approve, Kovala second. All in favor, motion carried. Kovala motion to approve Lien as Vice Chairman and Moritz as Secretary, Kaiser closed nominations. Johnston second. All in favor, motion carried.

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

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Jim Bruflodt, Chairman

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Jeff Moritz, Secretary

ATTEST \_\_\_\_\_  
Patricia Swenson, Zoning Administrator