

**Becker County Planning Commission  
April 14th, 2015**

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

Chairman Brufloft called the meeting to order at 7:00 pm. 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 April 21st, 2015.

The Board discussed the previous meeting minutes. Seaberg made a motion to approve the minutes from January 13th, 2015 meeting. Lien second. All in favor. Motion carried.

Old Business: NONE

New Business:

**\*\*At this time Chairman Brufloft stated the Fourth Order of Business had been tabled at the applicants request and the Ninth Order of Business had been removed from the Agenda until further notice.**

**FIRST ORDER OF BUSINESS: APPLICANT: Jonathan Nelson** 15751 Maple Ridge Rd Audubon, MN 56511 **Project Location:** 15751 Maple Ridge Rd **LEGAL LAND DESCRIPTION:** 170979000 Lake Eunice Township Little Cormorant Lake Maple Ridge Beach 2nd Outlot E, Section 04, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to acquire a Federal Firearms License and operate a small business for extra income out of residence.

Jonathan Nelson explained the application to the Board. The CUP request is for obtaining a Federal Firearms License to operate a small business. There will be no other employees. Kaiser asked if Nelson was proposing any shooting on the property to which Nelson said he would like to request occasional shooting but that he could go to his brothers property that is not lakeshore property to shoot. Kaiser asked if he was going to repair guns to which Nelson stated no, he did not want the liability. Kovala asked how far the neighboring homes were from Nelsons to which Nelson said two of the neighbors are within 300 feet. Moritz stated when reviewing other applications the Board notes what is going to be expected as in noise, hours of operation and if the request is going to cause a nuisance. Lien agreed that a CUP is not supposed to cause a nuisance and the amount of footage between dwellings he sees as a problem.

No one spoke in favor of the application. No one spoke against the application. Audience member Ken Shroyer had a general question of what type of security is

required against theft if he has a number of firearms on the property to which Brufloft stated the Federal licensing process restricts this along with the background checks Nelson will have to complete. There was written correspondence from Robin Steenson, LaVerne Czichotzki and David Meyer. Some of the comments included: Not a problem with Nelson selling firearms on his property as long as firearms are not being discharged on the property. They have heard guns discharged in that area in the past and there are homes too close to be discharging firearms in that area. Neighbor against project altogether. Small residential area on a dead end road that has increased in population over the years and still has lots available to grow further. Term small business is pretty vague, not enough detail regarding the amount of business that is expected or will be allowed. Area historically residential, opening the door to commercial activities in this area isn't conducive of the recreational lifestyle that is expected. Does not want the Board to set a bad precedent, at the very least ensure that provisions are in place to limit the potential size/volume of activity allowed. At this time, testimony was closed and further discussion was held.

Lien noted it would be hard to regulate how much shooting would be allowed, if a gun is off site, sometimes it takes several rounds to site it in correctly. Johnston suggested Nelson could go to his brothers for any shooting of the retail guns. Lien and Knutson both stated the Board could restrict the size of guns allowed to shoot on the property. Kaiser noted it would be hard to control and enforce if they stipulate no shooting and someone else in the area shoots (sound travels), but it is not Nelson, then his CUP would be in jeopardy. Brufloft stated the Board has previously issued CUPs for the license for selling firearms with no shooting on the property. Lien stated they could restrict the use on the property to personal firearms, not comfortable with the shooting of larger guns. Johnston noted they could eliminate center bore rifles, the larger caliber, everything larger than a 22 or shotgun. Kovala noted that no matter the size of gun being shot, it creates a lot of noise and echoes because of the lake. Blomseth questioned what they could restrict so Nelson could still fire his own weapons if needed. Kaiser stated the Board could restrict the firing of any guns that are for sale.

There was no further discussion by the Commission.

**MOTION: Lien made a motion to approve a conditional use permit as submitted to acquire a Federal Firearms License with the stipulation that no shooting can be conducted on the property from the guns being sold for retail. The approval was allowed based on the fact the request meets the criteria of the Ordinance. Blomseth second. All in favor except Kovala. Majority ruled. Motion carried to approve.**

**SECOND ORDER OF BUSINESS: APPLICANT: Kelly Schwarzrock 45152 St Hwy 87 Frazee, MN 56544 Project Location: 45152 St Hwy 87 LEGAL LAND DESCRIPTION: 110064000 Evergreen Township SW1/4 LESS HWY, Section 14, TWP 138, Range 38 APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to operate a heavy truck shop on property zoned Agricultural.**

Kelly Schwarzrock explained the application to the Board. Schwarzrock wished to operate a heavy truck shop on his property. Kovala asked what would be done with the used oil to which Schwarzrock stated he would use it as fuel to heat his shop and his brothers shop. Kovala asked how many trucks would be located on the property at one given time to which Schwarzrock stated less than 10 and there will be more trees planted as a buffer. Schwarzrock stated it will not become a salvage yard and the only permanent truck that will be parked there will be one used to move the trailers around. If the vehicles and/or trailers are not able to be repaired, they will be removed from the property. The ones that will be parked on the property will be operable ones waiting to be picked up by the customers.

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 business will be on his private property so if any stipulations of the CUP are not followed, the CUP will be jeopardized. Kovala stated property is in nice condition. It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

**MOTION: Kovala made a motion to approve a Conditional Use Permit as submitted to operate a heavy truck shop with not more than 10 trucks sitting outside at one time and no inoperable vehicles due to fact the request meets the criteria of the Ordinance and would not be detrimental to the surrounding area. Seaberg second. All in favor. Motion carried to approve.**

**THIRD ORDER OF BUSINESS: APPLICANT: City of Wolf Lake PO Box 5 Wolf Lake, MN 56593 Project Location: Wolf Pack Rd LEGAL LAND DESCRIPTION: 377107000 Wolf Lake Township Wolf Lake PT GOVT LOT 2: COMM SE COR TH N 617' TO POB.;BALL PARK, Section 33, TWP 139, Range 37 APPLICATION AND DESCRIPTION OF PROJECT: Request an amendment to Conditional Use Permit Document #381610 to allow expansion of the existing campground from 4 campsites to 15 campsites on publically owned property.**

Eugene Aho with the City of Wolf Lake explained the application to the Board. There is the current park established with the existing CUP on 11 acres. They wish to expand the park with more RVs and tent sites to total 15. The Board went over the smaller drawings submitted that refer to the proposed areas for the additional sites. The City of Wolf Lake are working with the DNR and the State of Minnesota regarding the proposed project. Kovala spoke to the neighboring property owners that live the closest to the project and share the road and they were not against the application.

No one spoke in favor of the application. Cindy Dingman spoke against the application. She voiced her concerns that were also submitted in writing. There was written

correspondence From Cindy Dingman against the application. Dingman stated concern regarding further safety problems and public disturbances to the parks' entrance road. Increase in traffic, not regularly patrolled, crowd disturbances. Underage drinking occurs often with races up and down the road. There are no signs to warn drivers of children and people walking on the road. Adding more campsites to the park and campground that has no security personnel to monitor and keep campers and residents safe is a huge concern. Sheriff department is too far away to monitor area and enforce speed limit. No schedule to patrol road or area. Concern regarding taxes going up if the City were to patrol the area and they are worried the existing restroom and shower facilities will not be sufficient to accommodate the use. Worry of danger of campfires becoming out of control. Questioning how the City of Wolf Lake is capable of funding for a new water treatment facility and maintain it within economical reason, how they intend to fund this expansion of the campgrounds and fund police patrol of traffic and crowds. Letter read from Arlen Kangas (who was out of the area during the Public Hearing) addressing the concerns outlined. The proposal is part of the planned improvements to the Waterfront Recreation Area and there will be individual electric hookups and a new toilet has been added. They will work with the County's Sheriff Office to provide regular patrols and they plan to install a security camera to deter aberrant behavior or provide evidence in situations where prosecution is warranted. They agree signage could be improved on the township road and will encourage local officials to make those changes. The use of fire rings and having a mowed buffer area will limit the spread of fire. A quick review of past complaints registered with the Sheriff's office does not lead to believe that this has been a "trouble spot" for the City or County. This is a volunteer effort using funds raised from non-City and non-County sources. There is no profit motivation and the hope is to appropriately monitor and manage the park use for the benefit of many. At this time, testimony was closed and further discussion was held.

Brufloft asked who manages and keeps track of the people coming and going to which Aho stated up until now the Liquor store keeps a log on who checks in and pays for the use of the campground. He added that may have to be looked at to put something more formal into place. Brufloft stated adding more signs and controlling any fires seems like an easy fix, but patrolling certain areas is a problem everywhere due to lack of manpower. Lien stated the CUP is put into place for control and if the language is not followed, the CUP can be revoked. Seaberg asked if the current campsite area must follow regulations already and Aho answered yes from the Minnesota Department of Health, DNR and MPCA. Johnston, Knutson and Brufloft agreed that any and all concerns can be addressed by the City of Wolf lake and the permitting authorities up and beyond the Planning Commission and County Board. If the license is not obtained from the Minnesota Department of Health, the campgrounds will not be open for use. Lien stated if the provisions of the CUP are not followed, the CUP will be revoked. It was the consensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

**MOTION: Lien made a motion to amend the existing Conditional Use Permit #381610 as submitted to allow expansion of the existing campground from 4**

**campsites to 15 campsites due to fact the request meets the criteria of the Ordinance. If all provisions of the CUP are not followed, the CUP will be revoked. Johnston second. All in favor. Motion carried to approve.**

~~**FOURTH ORDER OF BUSINESS: APPLICANT: Greater Minnesota Gas Company along with Viking Gas Company PO Box 68 Le Sueur, MN 56058 Project Location: 15357 Co Hwy 19 LEGAL LAND DESCRIPTION: 190076003 Lake View Township PT NE1/4 SE1/4, PT SE1/4 SE1/4 COMM.. TO POB., Section 05, TWP 138, Range 41 APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to install a Natural Gas Regulator Station on property zoned Agricultural for essential services. Tabled application until next month- application will be proposed on different parcel across the road.**~~

**FIFTH ORDER OF BUSINESS: APPLICANT: Walter Jehs 11651 US Hwy 10 Lake Park, MN 56554 Project Location: 11651 US Hwy 10 LEGAL LAND DESCRIPTION: 180046000 Lake Park Township 4.58 AC IN NW1/4 OF NE1/4 & W 10 RDS OF N 30 RDS OF NE1/4 OF NW1/4, Section 07, TWP 139, Range 43 APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to operate rental storage buildings/units for monthly rental on an Agricultural zoned property.**

Walter Jehs explained the application to the Board. He would like to construct a storage building on his property to rent out for boat storage. Kaiser asked if Jehs will have to level the hill to which Jehs answered yes to make it site suitable for the structure.

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.

Kovala visited the site and said he had no concerns. It was the consensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

**MOTION: Kaiser made a motion to approve a Conditional Use Permit as submitted to operate a rental storage building/units for monthly rental on an Agricultural zoned property due to fact the request meets the criteria of the Ordinance and would not be detrimental to the area. Kovala second. All in favor. Motion carried to approve.**

**SIXTH ORDER OF BUSINESS: APPLICANT: Marty Solmon 12044 Co Hwy 17 Detroit Lakes, MN 56501 Project Location: Co Hwy 22 LEGAL LAND DESCRIPTION: 190170001 Lake View Township PT GOVT LOT 4: COMM E QTR COR TH W 512.29'... TRACT A, Section 09, TWP 138, Range 41 APPLICATION AND DESCRIPTION OF PROJECT: Request an amendment to Conditional Use**

Permit Document #607993 and #580088 to remove hill (haul out fill & level area) for future road for proposed residential development.

Marty Solmon explained the application to the Board. The first two years of the original CUP approved there was hardly anything removed. Last year very little was removed so Solmon has now went with a different contractor. Solmon's request is for a two year extension for a total amount of 100,000 cubic yards. Joe White on behalf of Landwehr Construction company addressed the Board. Landwehr were awarded the bid for the State Hwy 10 and 59 underpass project. The contract is done in November 2015. They are requesting two years so once they are done hauling out fill, the reclamation plan can be implemented for the property. Landwehr want to get started before the summer traffic gets busy. They project 40,000 yards taken out for the months of May and June. The trucks haul 20 yards per truck and they project up to 100 trucks a day for approximately 21 days a month with no hauling beyond November. The reclamation plan should take 3-4 weeks.

No one spoke in favor of the application. Ken Shroyer, Dan Labat, Nancy Stensgard, and Matt Boeke spoke against the application. Some of the concerns expressed were: Traffic issues, Safety concerns, dust control, hours of operation, no weekend use, timeline before finished project, want stringent restrictions applied and enforced, noise, pedestrian use in the area, no weekends, no holidays, no We-Fest, reduce speed and add blinking signs requested. There was written correspondence from Larry and Bette Larson against the application. They stated similar concerns and felt there had been ample time and thought the previous years of permits granted to complete the work even if it meant finding an area to haul and store the fill needed to be removed. A reminder of over one hundred signatures were collected on a petition against granting Solmon his first permit to haul what was initially believed to be the only permit issued. The Board allowed Joe from Landwehr to address some of the concerns. They are contracted with the State with all NPDS permits required to keep roads clean, the job will be monitored for dust control, with the addition of chloride when needed, flag people added on County Rd 6, and restrict the drivers speed. They don't work holidays and normally are off by noon if a holiday is on Saturday and they do not begin until noon if a holiday is on Sunday. They will not be working during We-Fest week. They want to request hours of 6:30-6:30 Monday thru Friday- not typically Saturdays. Hauling loads to the south would not be an option, due to the contracting of the bid awarded was based on mileage also- the bid was awarded with the shortest haul route- so the closest route will be Co Hwy 6 to Hwy 59. All trucks have gravel shields. At this time, testimony was closed and further discussion was held.

Lien noted the last Cup stated there would be no further extensions. If anything were approved for the property they could place a time frame of November 1<sup>st</sup>, 2015 for the hauling of fill and then the reclamation (onsite work) could be accomplished by the next summer. Kovala stated this was not the fault of the Board that Solmon was back with another request, he had previously stated he would get it hauled out and even haul it to be stored elsewhere until needed just to get the job accomplished. Moritz stated they could put an end date for the reclamation to be completed by June 1<sup>st</sup>, 2016- so it is not the

entire season. Lien stated the State jobs are very restricted and the MN DOT is fussy on maintenance of haul roads which include flag people and dust control. Lien stated if the provision is added that they can no longer haul after November 1<sup>st</sup> and then the reclamation takes place with no more hauling, this could be controlled. It was suggested that flashing lights be added on the County Road before and after the driveway where the trucks pull out during the hauling hours and Knutson added the County Engineer will have to approve the flashing lights/signs.

There was no further discussion by the Commission.

**MOTION: Kaiser made a motion to approve to amend the Conditional Use Permits Document #607993 and #580088 to haul out fill & complete reclamation of the site due to fact the request meets the criteria of the Ordinance. Stipulations of the amendment include: Hauling to be accomplished between date of approval and November 1<sup>st</sup>, 2015 with the hours of operation from 6:30 am to 6:30 pm Monday thru Friday. There will be flashing lights/signs on both sides of the pit/property when working, dust control measures implemented and the reclamation work on site will occur between November 1<sup>st</sup>, 2015 and no later than June 1<sup>st</sup>, 2016. Seaworth second. All in favor except Kovala. Majority Ruled. Motion carried to approve.**

**SEVENTH ORDER OF BUSINESS: APPLICANT: Michael & Lynette Erickson** 18157 Co Hwy 15 Audubon, MN 56511 **Project Location:** 18157 Co Hwy 15 **LEGAL LAND DESCRIPTION:** 020158001 Audubon Township PT GOVT LOT 4 & PT LOTS K & L (DRAINED LK MCKINSTRY).., Section 23, TWP 139, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to open a micro-distillery to make and sell distilled spirits on Agricultural zoned property.

Michael Erickson explained the application to the Board. He would like to start a distillery of flavored moonshine. The product is distilled with corn. Moritz asked if Federal and State permits are required to which Erickson stated yes. Erickson stated he would like to run it like Richwood winery, where people can come onsite to taste test a product, then purchase the product to take home. There would be special events to include a tour and sampling of the product and eventually he will sell the product to businesses. His hours of operations requested include Wednesday thru Saturday 11:00-8:00. Moritz asked what is done with the used mash to which Erickson stated they feed it to their animals and the cooling water is placed in a separate septic.

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.

Brufloft stated these are becoming more and more common. Seaberg noted it will probably be more regulated being this is considered hard liquor. The Board agreed that the approval is for limited taste testing only, and that the property is not used as a bar.

It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

**MOTION: Lien made a motion to approve a Conditional Use Permit as submitted to open a micro-distillery to make and sell distilled spirits due to fact the request meets the criteria of the Ordinance and would not be detrimental to the area. The micro-distillery is approved to be open (four) 4 days a week. Moritz second. All in favor. Motion carried to approve.**

**EIGHTH ORDER OF BUSINESS: APPLICANT: GBR Dairy LLP 27998 Co Hwy 9 Lake Park, MN 56554 Project Location: 27998 Co Hwy 9 LEGAL LAND DESCRIPTION: 070008001 Cuba Township LOT 1 & SE1/4 OF NE1/4 LESS S 3 RODS, Section 02, TWP 140, Range 43 APPLICATION AND DESCRIPTION OF PROJECT: Request an amendment to Conditional Use Permit Document #441729, #427353 and #412123 to expand to 2500 mature cows and 200 calves or 3540 animal units on an agricultural zoned property.**

Patrick Balsiger with GBR Dairy LLP explained the application to the Board. The request is to expand the dairy operation. The barns have adequate room and the 3 existing lagoons are large enough for 1 year of storage. The facility is controlled by the State regulations and MPCA.

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.

Kaiser and Kovala shared with the Board that they were given an extended tour of the facility. They were impressed with the system to pump the manure by piping into local fields and “knifing” it into the fields. The barns are kept clean and there is minimal odor. It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

**MOTION: Blomseth made a motion to amend the Conditional Use Permits Document #441729, #427353 and #412123 as submitted to expand to 2500 mature cows and 200 calves or 3540 animal units due to fact the request meets the criteria of the Ordinance and would not be detrimental to the area. Kaiser second. All in favor. Motion carried to approve.**

~~**NINTH ORDER OF BUSINESS: FINAL PLAT: Grand View Estates Third Supplemental Common Interest Community Plat: Developers Kim Stokes and Brian Solum on behalf of Lakeside Estates LLC. Document #510978 & #602347. \*\*REMOVED FROM AGENDA UNTIL FURTHER NOTICE.**~~



**Other Business:**

1. **Informational Meeting:** The next informational meeting is scheduled for Wednesday, May 6th, 2015 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.
2. **Election of Officers:** Brufloft nominated Lien for Chairman and Lien declined. Kovala motion to nominate Brufloft for Planning Commission Chairman, Lien as Vice Chairman, and Moritz as Secretary. Seaworth closed nominations. Seaworth second. All in favor, motion carried.

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

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Jim Brufloft, Chairman

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Jeff Moritz, Secretary

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