

**Becker County Planning Commission  
September 8th, 2015**

**Members Present:** Chairman Jim Bruflodt, Vice Chairman John Lien, Commissioner Larry Knutson, Jim Kovala, Mary Seaberg, Harry Johnston, Jim Kaiser, Ray Thorkildson, David Blomseth, Zoning Supervisor Eric Evenson-Marden and Zoning Technician Julene Hodgson. Absent was Mary Seaworth and Jeff Moritz.

Chairman Bruflodt called the Applicants Public Hearing meeting to order. Zoning Technician Julene Hodgson recorded minutes.

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 September 15th, 2015.

Kovala made a motion to approve the minutes for August 11th, 2015. Thorkildson second. All in favor. Motion carried.

Old Business: None

New Business:

**FIRST ORDER OF BUSINESS: APPLICANT:** Todd Arntson 11471 Co Hwy 4 Lake Park, MN 56554 **Project Location:** 11471 Co Hwy 4 **LEGAL LAND DESCRIPTION:** 060260000 Cormorant Township Non-shoreland PT E1/2 OF NW1/4 & PT NW1/4 OF NE1/4; BEG 1602.56' E OF NW SEC COR TH S 1189.12',SELY 877.89' TO E LN, N 126.88', E 334.67', NWLY 1347.60', TH W 1111.47' TO POB, Section 19, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to begin renting the existing barn as an event center, primarily weddings in an Agricultural Zone.

Todd Arntson explained the application to the Board. Arntson stated he wanted to use the existing barn primarily for weddings. There is plenty of parking and the sight is secluded. The size is 35x100 both top and bottom and he plans on utilizing porta-potties until he can install a septic system. Kovala asked what he looked into regarding a septic system to which Arntson stated he has plenty of room and will eventually install a septic sized for commercial use. Arntson stated there will be no beverages or food provided through him, the renters are required to cater in all food and beverages. Kaiser asked what type of time of day Arntson is requesting for the renters to be done to which Arntson stated he would like it to be 2:00-2:30am, that way it gives plenty of time for everyone to shut down if they are returning somewhere on a fun bus or camping or having campfires. Arntson added he would like to have the music stop by 2:00am. Lien asked if Arntson has given any thought to security to which Arntson answered no. Arntson stated he would just like to rent the barn for weddings, reunions, and company parties but would not have events that charge for entrance. Lien continued by stating Arntson would be responsible for any type of security. Arntson continued by stating for insurance purposes and licensing he will not provide food or beverages and he will set his limit on 350 people max.

No one spoke in favor of the application. No one spoke for or against the request. There was written correspondence read by Hodgson from Susan Hambleton, Tracey Maghakian and Colleen Draft-Griffeth against the proposal. Their concerns included night noise levels and operating hours. They stated there was already a wedding this summer that lasted well into the early morning hours and the noise level was unacceptable. They requested operating hours that are reasonable for a neighborhood with families and working people and questioned if the County had noise ordinances that come into play when projects such as this are approved. At this time, testimony was closed and further discussion was held.

Brufloft noted that the business plan submitted stated the request was primarily for Saturday 11am through Sunday 1am and that seemed reasonable. Kaiser noted there are a lot of trees in the yard that should serve as a noise buffer and he didn't see a problem with the request. Brufloft noted that it seems Arntson is now requesting an open ended business, not sure of days of operation and hours. He asked, suppose someone wants to rent it on a Wednesday but we put a stipulation that the CUP is only for weekends, are you going to be OK with that? Arntson indicated he understood the concerns and stated he will only have one event per week at the most and he would be OK with the stipulation that they would occur on Friday, Saturday or Sunday only. Johnston voiced concerns regarding noise until 2:30 in the morning, he stated the bands should quit at 12:30 am and have just inside bands. The Board discussed Arntsons comment that he would like campers to have the option to camp on the premis overnight to which they stated this would not be allowed due to that was not a part of the original request and that would entail another Conditional Use Permit request for RV camping. Knutson stated Arntson would not be allowed (under this CUP request) to utilize the older second dwelling as a separate rental unit during these weddings, but it could be utilized as part of their wedding package.

There was no further discussion by the Commission.

**MOTION: Kaiser made a motion to approve a Conditional Use Permit as submitted to begin renting the existing barn as an event center for primarily weddings as submitted with the stipulations that any band or disc jockey stop playing at 1:00 am and the days allowed are Friday, Saturday or Sundays with one event allowed per weekend due to the request would not be detrimental to the surrounding area. Lien second. All in favor. Motion carried to approve.**

**SECOND ORDER OF BUSINESS: APPLICANT:** Dennis E. & Kristine A. Bohner 17107 N. Leaf Lake Road Lake Park, MN 56554 **Project Location:** 17107 N. Leaf Lake Road **LEGAL LAND DESCRIPTION:** 171338000 Lake Eunice Township Leaf Lake Lots 3 & 4, WHITE OAKS BEACH 1ST, Section 06, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to operate a small engine repair shop part time from an existing garage in an Agricultural Zone.

Bohner explained the application to the Board. Bohner stated he is requesting a pallet-jack repair shop and that the application misstated that he was requesting a CUP for a small engine repaire shop. Bohner stated he will try to keep everything inside the

existing garage with nothing parked outside or around the building. Bohner stated they have worked to clean up the yard. Kaiser asked if Bohner picks up the pallet-jacks himself to which Bohner stated yes, he has drop off areas offsite because to the road is too small for larger trucks to bring them to him. Lien stated there seemed to be several pallet jacks stored outside the building until Bohner has the time to work on them inside. Lien stated Bohner has no choice but to place some of them outside until he is able to work on them. Bohner stated he has cleaned up a lot of the area and only has 3 or 4 outside at this time. Kovala stated there were several in the yard when he inspected the site and the area was a mess. He added any type of repair shops of this sort tend to look like a junkyard over time. Kovala continued stating there were a lot of other things in the yard besides the pallet jacks and this is residential lakeshore property with neighbors that don't want to look at a bunch of junk outside the garage and in the road right of way. Bohner stated he could move a lot of the items out to his sons property out in the country.

No one spoke in favor of the application. Phillip Longtine spoke against the request. Longtine's list of concerns included: Items parked too close to the road, items parked up to property line and against fence, blocking vision, junkyard, burning barrel and decreased property values. There was written correspondence read by Hodgson against the proposal from Phillip and Lucille Longtine and Aaron and Mary Longtine. Concerns included questioning where Bohner is disposing of solvents, motor oil and gas from things he is working on. They both stated there has been obstruction of the roadway and did not feel it would be appropriate to allow a business of this type on the lake and in a residential area. Kristine Bohner spoke on behalf of the request. Kristine stated the burn barrel was a long time ago and they don't burn anything but wood in their fire pit. She stated some of the items on the property are their personal property versus business equipment that they use and have no where else to store it. They have a two foot clearance by the fence and have spent the last three weeks cleaning up the property. At this time, testimony was closed and further discussion was held.

Lien noted the owners are asking for a CUP to run a business on lakeshore property and he read the criteria for granting the request to include that the conditional use will not harm the use and enjoyment of other property in immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity and that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, traffic, and vibration, so none of these will constitute a nuisance. Kovala stated this is not the proper place for a pallet repair shop due to it is a small lakeshore lot, in a residential area, and the request does not meet the criteria of the Ordinance. Kovala further stated they should find an alternate location and clean up the property. Lien stated a CUP can be pulled at a future date if issued and deemed that it is causing a nuisance. Blomseth agreed with Kovala stating that the property is too small to support this business and without enough room, things are continually placed outside. Knutson stated he could not remember ever allowing a CUP of this nature on this small of a property in a residential area, to which Lien agreed. Brufloft suggested renting a storage unit for personal property and that the property be cleaned up.

There was no further discussion by the Commission.

**MOTION: Kovala made a motion to deny a Conditional Use Permit for a pallet-jack and small engine repair shop as submitted on the above property due to the fact the request is creating a junkyard, is not compatible in a residential setting, and the use would be detrimental to the surrounding area. Blomseth second. All in favor. Motion carried to deny the CUP.**

**THIRD ORDER OF BUSINESS: APPLICANT:** Jessica Brattland 1545 Pinecrest Drive Ogden, UT 84403 **Project Location:** NE Pickerel Lake Rd **LEGAL LAND DESCRIPTION:** 100040000 Erie Township Pickerel Lake S 300' OF LOT 4 LESS ROADWAY, Section 04, TWP 139, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Certificate of Survey for two tracts of land with Tract A consisting of 91,000 sq ft +/- and Tract B consisting of 92,200 sq ft +/- with the remnant area of 37,231 to be attached to Tract A. The request also includes a change of zone from Agricultural to Residential for both tracts.

Scott Walz explained the application to the Board on behalf of Jessica Brattland. Tract C is not large enough to stand alone so the property will be permanently attached to Tract A. The survey meets all the criteria of the Ordinance. Kaiser asked if the owners could build something on Tract C to which Walz stated there is buildable area that could accommodate a shed, but not a second dwelling, the dwelling would go on Tract A.

No one spoke in favor of the application. 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 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 approve a Certificate of Survey for two tracts of land with Tract A consisting of 91,000 sq ft +/- and Tract B consisting of 92,200 sq ft +/- with the remnant area of 37,231 to be attached to Tract A due to the fact the request meets the criteria of the Ordinance. The request also includes a change of zone from Agricultural to Residential for both tracts. Kovala second. All in favor. Motion carried to approve.**

**FORTH ORDER OF BUSINESS: APPLICANT:** James & Tamara Hanson 4733 48th Ave S Fargo, ND 58104 **Project Location:** 19731 Toad Mountain Rd **LEGAL LAND DESCRIPTION:** 330158000 Toad Lake Township Toad Lake LOT 1, Section 17, TWP 139, Range 38 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Certificate of survey for 1 tract of land consisting of 7.6 acres +/- with a remainder tract of 35.6 acres in an agricultural zone.

Scott Walz explained the application to the Board on behalf of James and Tamara Hanson. The request is to break off a lakeshore piece for mortgage purposes. The banks prefer no more than 10 acres and the owners have no further plans to subdivide. Johnston noted there is a lot of wetland to which Walz stated mostly yes, mostly on the remnant tract.

No one spoke in favor of the application. 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 consensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

**MOTION: Johnston made a motion to approve a Certificate of survey for 1 tract of land consisting of 7.6 acres +/- with a remainder tract of 35.6 acres due to the request meets the criteria of the Ordinance. Blomseth second. All in favor. Motion carried to approve.**

**FIFTH ORDER OF BUSINESS: APPLICANT:** Kost Materials Contractors Leasing PO Box 10325 Fargo, ND 58106 **Project Location:** Co Rd 145 **LEGAL LAND DESCRIPTION:** : 060402001 Cormorant Township Non-shoreland S 1/2 OF NW1/4, Section 29, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional use permit for gravel/aggregate extraction in an Agricultural Zone.

Jeff Eberhardt explained the application to the Board on behalf of Contractors Leasing/Kost Materials. Last month was the conclusion of the EAW review and everything was completed with findings/facts of conclusion. The plan submitted for the CUP runs consistent with other operations in the area. Kovala questioned when the reclamation plan gets implemented on these properties to which Tony Kost stated there is property in that area that his company recently completed the reclamation work and they do follow up to see it is complete once they are finished extracting the materials. Kost stated different wildlife groups inform them of what type of grasses to plant. Kaiser asked to reaffirm the truck route that will be utilized to which Eberhardt stated they would exit to the west and use the road going north.

No one spoke in favor of the application. 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.

Evenson-Marden stated there is a number of stipulations in the conclusions of findings of facts such as all other permits must be obtained as required by Ordinance and the Cultural research survey review is completed. Evenson-Marden noted the only negative comment/concern was regarding the prairie chicken “leks” and the author added suggestions for hours of operation for mitigation purposes.

There was no further discussion by the Commission.

**MOTION: Lien made a motion to approve a Conditional use permit for gravel/aggregate extraction in an Agricultural Zone as submitted with the EAW stipulations and all other active permits are obtained. Kaiser second. All in favor. Motion carried.**

**SIXTH ORDER OF BUSINESS: Informational Meeting:** The next informational meeting is scheduled for Wednesday, October 7th, 2015 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. Thorkildson second. All in favor. Motion carried. Meeting adjourned.

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Jim Bruflo, Chairman

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Jeff Moritz, Secretary

ATTEST

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Eric Evenson-Marden, Zoning Supervisor