

**Becker County Planning Commission**  
**April 21, 2009**

**Present:** Planning Commission Members John McGovern, John Lien, Dan Schlauderaff, Ray Thorkildson, Jim Bruflodt, Harry Johnston, Mary Seaberg, Jim Kovala, Don Skarie, Commissioner Larry Knutson, Zoning Administrator Patty Swenson, and Zoning Staff Debi Moltzan.

Chairman Bruflodt called the meeting to order. Debi Moltzan took minutes.

**Minutes:** Lien made a motion to approve the December 2008 minutes. Seaberg second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting and explained that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, April 28, 2009.

**FIRST ORDER OF BUSINESS: Hough, Inc.** Applicant was seeking a revision of Conditional Use Permit Doc Number 407839. The existing CUP was approved in 1991 and was to establish a demolition site. The site was to follow all MPCA regulations. The location of the site was to be 5 acres located in the NW ¼ SW ¼. The revision is asking that the area be extended to encompass the entire 40 acres in the NW ¼ of the SW ¼ of section 25. The larger area is being requested as the current area being utilized is reaching capacity. The property is located along the Minimum Maintenance Rd off of Co Hwy 22 in the W ½ SW ¼ of Section 25, Lake Eunice Township. PID Number 17.0280.000.

Swenson explained that the application was previously postponed at the December 2008 meeting. Swenson further stated that a meeting was held between MPCA, Hough, Zoning and a neighborhood representative. During this meeting an agreement had been reached on: establishing a vegetative buffer with red pines along the NE property line; truck route maintenance with dust control; litter control with Hough employees maintaining litter control on the property and the neighbors granting permission for Hough employees to pick up loose litter from the properties when needed; and financial assurance including reporting to MPCA on a yearly basis and an engineered survey. Swenson stated that she has received a map of a revision to the application showing a total area of 18.8 acres.

Mike Hough further explained the application. Hough stated that the property was purchased about 30 years ago. In the late 80's, there was an accumulation of debris that should not have been there and they were mandated to clean it up in 1991 and began the demolition landfill. The original application was for 40 acres because of how the State permits operate and he asked for the conditional use permit for the 40 acres to make the paperwork easier and more consistent between agencies. A new plan has been drawn up showing that only 18.88 acres would be required for this project.

Hough stated that he did not want to be a bad neighbor and has had positive response from the neighbors. Hough stated that the minimum maintenance road has been rebuilt as a combined effort by Hough and two neighbors. Hough stated that he has agreed to build an earthen and treed berm, willing to do road maintenance and dust control. Hough stated that they do not take municipal or toxic waste, just demolition material. Hough also stated that MPCA conducts regular unannounced site visits of the property.

Johnston questioned where the 18 acres was located within the 40 acres. Kovala questioned if Hough has looked into chloride treatment for the road. Knutson questioned the financial insurance. Hough stated that the demo area would not go up to the property line; that the Township already uses dust control on part of the road and he is willing to do the rest of the road; and that he is ok with the financial insurance but would like to use the compacted yards because it would be easier to calculate once the survey is completed each year.

Speaking in opposition to the application was Marty Kiebke. Kiebke questioned the size of the project – the MPCA permit states 13 acres, the application was for 40 acres and now the request is for 18.8 acres. Kiebke stated that Hough may be able to control his drivers, but he cannot control the other vehicles.

Swenson stated that the revised request shows 12.5 acres for the demo site and the rest of the acreage is for retention areas, for a total of 18.8 acres. Knutson stated that if there is a traffic problem, the local law enforcement agency should be contacted. Kovala suggested speed bumps. Kovala questioned why speed limit signs were not installed. Hough stated that he was told that private individuals could not put up the signs. Knutson stated that the Township can set speed limits on township roads.

Elizabeth Jackson stated that they bought their property approximately 4 to 5 years ago and knew about the demo site, but was under the understanding that they only had a five year permit and would not be able to operate longer than that. The site has greatly restricted the surrounding property owner's use of the property and their property values. The neighbors cannot walk or ride horse on the road due to the trucks.

Lloyd Kohler, Lake Eunice Township stated that the Twp Board was not in agreement with the request for 40 acres, but if the request has changed to 18 acres, it is a different story and the Board will not meet until the second Tuesday in May for formal action. Kohler felt that hours of operation should be limited.

Written correspondence was received from Lake Eunice Township in opposition of the 40 acre request. At this time, testimony was closed.

Discussion was held. Bruflodt stated that compromises have been made to address the concerns. Lien felt that the concerns have been addressed and that the phasing plan seems reasonable and that there should be financial insurance and restricted operation hours. Kovala felt that the Township should make this area a 30 mph speed limit and if it

was not abided by, the law enforcement agency should be contacted and felt that significant changes have been made to the original request. Thorkildson agreed.

**Motion:** Thorkildson made a motion to revise existing Conditional Use Permit Doc Number 407839 to allow the expansion of an existing demolition site up to 18.88 acres based on the revised plan submitted to the Zoning Office and that the use would not be detrimental to the surrounding with the following stipulations: 1) a vegetative buffer with transplanted red pines be placed along the northeast property line; 2) a truck route maintenance agreement be worked out with Lake Eunice Township to include dust control and conduct a speed limit study; 3) Hough employees maintain litter control on the property and the employees are to pick up loose litter from neighboring properties as needed; 4) the hours of operation for outside customers be limited to 7:00 am until 5:00 p.m., this would not apply to Hough employees; and 5) financial assurance consisting of one dollar and fifty cents (\$1.50) per compacted yard based on the year end MPCA report and engineered survey. Johnston second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: David and Ella Brenneman.** Applicant requested a Conditional Use Permit for an Amish Church Cemetery for the property described as: S ½ of SW ¼; Section 5, TWP 138, Range 38; Evergreen Township. The property is located at 15078 Co Hwy 39. PID Number 11.0018.000.

Swenson stated that the application was postponed from the December 2008 meeting so that applicant and neighbor could meet and come to an agreement on the location.

Tobias Miller explained the application. They met with Mr. George with the proposed location. Miller stated that Mr. George was in agreement with the location as long as a buffer was constructed. The buffer area is a natural area and that will screen the view when it grows up. This area will be fenced off so it will grow undisturbed and trees will be added for more screening. Miller stated that the monuments will be low profile and that the burial plots would begin furthest from the property line.

Seaberg stated she was under the understanding, after talking to Mr. George, that the location was further from the property line. Miller stated that his understanding was that Mr. George was ok with the location as long as they began at the furthest point from the property line. Bruflodt questioned the number of gravesites planned for the cemetery. Miller stated that the area would be approximately one-half acre. Skarie questioned if they looked at a larger size so that they would not have to come back in the future for another conditional use permit. Miller stated that he did not know how fast their community would grow.

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.

Discussion was held. Kovala questioned if Evergreen Township responded to the request. Swenson stated that Mr. George was the only one with concerns.

**Motion:** Lien made a motion to approve an Amish Church Cemetery based on the fact that the use would not be detrimental to the surrounding area with the stipulation that the cemetery begin 600 feet north of the gravel road; the first burial plots beginning 50 feet from the westerly property line, allowing for expansion toward the property line; and a natural vegetation growth with evergreen trees planted along the property line for a buffer. Kovala second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Harvest Free Will Baptist Church, George Lemelin.** Request a Conditional Use Permit to utilize an existing church as a private educational school on the property described as: N ½ of Block 5 Being 159 ft on East line; Section 23, TWP 142, Range 41; White Earth Township. The property is located at 36137 Co Rd 133. PID Number E 36.7044.805.

George Lemelin explained the application. The Church has been at this location for two years and has been on the reservation for 7 years. The Church is looking for alternative education for approximately 15 students.

Johnston questioned if the building would still be used as a Church. Lemelin stated that it would be. Knutson questioned if the teachers had to be certified. Lemelin stated that they are required to have at least one certified teacher. Bruflodt questioned if the structure would be changed. Lemelin stated that interior remodeling has already been done and that there would be no expansion to the structure. Kovala questioned what grades would be taught. Lemelin stated that the students would be K-5<sup>th</sup> grade. Lemelin felt that they would maintain a slow growth rate and if they needed to expand, the Church owned 37 acres elsewhere.

Speaking in favor of the application were Glen DeGroat and Robert DeGroat. Pauline Creed had questions as to the location of the Church to her mother's property. Written correspondence was received from Mary Richardson and Shelly Brown in opposition to the application and White Earth Township in favor of the application. At this time, testimony was closed and further discussion was held.

Lemelin stated that the noise level was also a concern of the Church. They plan on installing a play ground on the opposite side of the Church of the Brown property and the Church yard would be fenced.

Kovala questioned how much the Church is being used now. Lemelin stated that there are three services a week. Kovala questioned when they planned on starting the school. Lemelin stated that they plan on beginning the first week of September 2009. Knutson questioned if the hill belonged to the Church or to Brown. Lemelin stated the hill belonged to the Church.

**Motion:** Kovala made a motion to approve a conditional use permit to allow the existing church to be utilized as a private educational school based on the fact that the use would not be detrimental to the surrounding area. Skarie second. All in favor. Motion carried.

**FOURTH ORDER OF BUSINESS: Neil Edwards.** Request approval of a change of zone from Commercial to Residential for a 3.42 acre parcel for the property described as: Pt SW ¼ Beg 16 Rds S of Inter E, Section 24, TWP 139, Range 40; Erie Township. The property is located at 18071 Co Hwy 29. PID Number R 10.0396.000.

Swenson stated that Mr. Edwards was out of town, so Swenson explained the application. The property is currently zoned commercial, which was done in the original comprehensive plan. In this area, the zoning is a mixture of commercial and residential. There is an existing house on the property. Gary Pieske, listing agent, stated that the potential buyers applied for a residential mortgage but cannot get the mortgage if the property is zoned commercial.

No one spoke in favor of the application. No one spoke in opposition to the application. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

**Motion:** Knutson made a motion to approve the change of zone from commercial to residential based on the fact that it is compatible with the surrounding area. Seaberg second. All in favor. Motion carried.

Johnston commented that this type of zone change has been done in several locations and particularly in this area.

**FIFTH ORDER OF BUSINESS: John and Lorraine Lyngstad.** Applicant is requesting approval of a certificate of survey to subdivide an 8.39 acre tract of land into a 1.39 and a 7.0 acre tract with a change of zone from agricultural to residential for the 1.39 acre tract for the property described as: Pt Govt Lot 5 less 11.63 acres, Section 19, TWP 140, Range 38; Shell Lake Township. The property is located at 23980 Vacation Lane. PID Number 28.0119.000.

Charles Ramstad and John Lyngstad explained the application to the Board. The existing tract of land has two residential dwellings on it. The tract would be divided into two tracts with one dwelling on each lot so they could be sold. The lots would be divided in such a way that no further subdivision of the lakeshore could be done. The property was bought in 1975, which was part of an old resort and it has been intended to subdivide the property since that time.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Shell Lake Township, in favor of the application. At this time, testimony was closed and further discussion was held.

Johnston stated that the lots do meet the criteria of the Zoning Ordinance.

**Motion:** Johnston made a motion to approve the certificate of survey with the change of zone from agricultural to residential for the 1.39 acre tract based on the fact that it does meet the criteria of the Zoning Ordinance. Kovala second. All in favor. Motion carried.

**SIXTH ORDER OF BUSINESS: Leo Ennen.** Applicant is requesting a change of zone from agricultural to residential for a 1.29 acre tract, which will be subdivided from a 6.79 acre tract of land. The remaining 5.5 acre tract will remain agricultural for the property described as: Pt SW ¼ NW ¼ & Pt NW ¼ SW ¼ Comm NW Cor, Section 24, TWP 140, Range 43; Cuba Township. The property is located at 24465 Co Hwy 9. PID Number 07.0105.000

Ennen explained the application to the Board. Ennen would like to divide his property into two tracts. At first he thought it would be no problem, but feels there might be a problem now. Ennen would like to subdivide 1.29 acres for his son. He now understands that agricultural property requires 2.5 acres and that he can't subdivide the 1.29 acres.

Skarie stated that it may be possible, if the Planning Commission allows the change of zone; however, this would be looked at as spot zoning. Ennen questioned what would need to be done if he gives his son the 1.29 acres and his son acquires another 1.21 or so acres from the neighbor. Swenson stated that this would meet the criteria of 2.5 acres and the survey could be approved through the Zoning Office, with no public hearing.

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.

At this time, Ennen asked that the application be postponed to another meeting to allow him time to talk to the neighbor to try to obtain more land.

**SEVENTH ORDER OF BUSINESS: Informational Meeting.**

The next informational meeting is scheduled for Thursday, May 14, 2009 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse Addition.

**Election of Officers**

Thorkildson made a motion to elect the same officers as last year (Bruflodt as Chairman, Lien as Vice Chairman and Moritz as Secretary). Lien second. All in favor except Kovala.

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

---

Jim Bruflodt, Chairman

---

Jeff Moritz, Secretary

ATTEST

---

Patricia Swenson, Zoning Administrator