

**Becker County Planning Commission  
September 21, 2010**

**Present:** John McGovern, Mary Seaberg, Harry Johnston, John Lien, Jeff Moritz, Don Skarie, Jim Bruflodt, Jim Kovala, Commissioner Larry Knutson and Zoning Staff Debi Moltzan.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Debi Moltzan took the minutes.

Kovala made a motion to approve the minutes of the August 17, 2010 meeting. Lien second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting and stated that the Planning Commission is a recommendation board and that the Becker County Board of Commissioners would make the final decision on the application on Tuesday, September 28, 2010.

**FIRST ORDER OF BUSINESS: Wayne and Lana Stoelting.** Request a change of zone from commercial to residential for the property described as Lot 1 less E 800 ft; Section 16, TWP 142, Range 37, Forest Township. PID Number 12.0089.000. The property is located at 48804 Marilou Dr.

Stoelting explained the application to the Board. This property use to be part of an old resort. The original comprehensive plan shows the property as commercial. When they bought the property they thought it was residential.

Speaking in favor of the application was John Kubat. 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 discussion was held.

Lien stated that this is a reasonable request, especially when the property is being used as residential.

**Motion:** Seaberg made a motion to approve the change of zone from commercial to residential based on the fact that it is no longer being used as commercial property. Lien second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Leroy and Deborah Larson.** Request a change of zone from commercial to residential for the property described as: Beg at NE Cor NW ¼ S of Co Road Th S 540 ft W 385.2 ft NE Al Road to Beg; Section 36, Township 138, Range 43; Cormorant Township. PID Number 06.0492.000. The property is located at 10517 Co Hwy 11.

Larson explained the application. The property is currently zoned commercial. They are trying to buy the property and cannot get a loan for property with a house on it if it is zoned commercial.

Knutson questioned if the Larson's could even apply for the change of zone since they are not the property owners. Johnston questioned if this was a single-family home. Lien questioned if there was ever a business on the property. Larson stated that they have a purchase agreement on the property, that there is a single family home on the property and that there was a business on the property in the 1960's but has not been in business since then.

Speaking in favor of the application was Scott Walz, surveyor. Walz stated that he was hired to survey the property to find the boundaries and that the owners are well informed about the public hearing and has given their approval. Written correspondence was received from Cormorant Township with no objection to the application. At this time, testimony was closed and discussion held.

Johnston stated that, in the past, a bank would loan money for a house no matter what zoning district is was located in. The banks have been getting tougher and they will not loan money for a property with a dwelling that is located in a commercial district. Knutson felt that they should have substantial evidence that the owner is aware of the application before the application comes before the County Board. Johnston felt that the owner should be applying for the application, not the potential buyer. Bruflodt stated that a stipulation could be placed on the approval. Larson stated that the Sherbrooke's are in an assisted living facility in Glenwood and it would be difficult for them to attend any meeting. Johnston and Bruflodt felt that the Larson's should get a letter from the property owner stating they are aware of the public hearing and change of zone.

**Motion:** Lien 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, with the stipulation that if the sale to the Larson's does not go through, the property remains commercial. Kovala second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Aggregate Industries.** Request a conditional use permit for a sand and gravel mining operation for the property described as: NE ¼ of SW ¼ and W ½ of SW ¼; Section 29, TWP 138, Range 43; Cormorant Township. PID Number 06.0405.000. The property is located near the intersection of Co Rd 145 and 115<sup>th</sup> St.

Pat Christensen and Micah Tysver explained the application to the Board. This site would be in operation about 3 to 5 years and is near other gravel operations. The material would be conveyed to another pit, thus reducing the dust and noise considerably. The conveyor would go under Co Rd 145 and they are working the County Engineer for approval of that and also working with the County Engineer on using Co Rd 145 if need be.

Moritz questioned how much traffic would be going south. Tysver stated that all the traffic goes south. Tysver stated that the northerly route may be shorter, but using that route would require dust control and would be more costly. The only reason they would

use the north route would be in case of an emergency or if there was a project in the lakes area that would require that route. Moritz questioned if the number of loads would increase. Bill Bach, Aggregate Industries, stated that traffic would not be increased and that on a heavy day there are 250 to 300 loads of material removed from the pits. Moritz questioned the hours of operation. Tysver stated that normal hours of operation are 6:00 am to 6:00 p.m. six (6) days a week. However, there may be a project that would require 24-hour operation, such as a major flood or road project.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Cormorant Township with no objections. At this time, testimony was closed and discussion held.

Kovala stated that Aggregate must run a good operation because no one was present to object to the application, nor were there any letters of objection. Skarie stated that the application is compatible with what is in that area.

**Motion:** Kovala made a motion to approve a conditional use permit for a sand and gravel operation as outlined in the application based on the fact that the use is compatible with the surrounding area. Johnston second. All in favor. Motion carried.

**FOURTH ORDER OF BUSINESS: Stoffel Reitsma.** Request a conditional use permit to construct a 182 ft wind turbine with a 15 ft by 15 ft by 15 ft triangular base for the property described as: R020111003, Audubon Township, Audubon Lake. Govt Lot 3; Pt S1/2 NW1/4 & Pt N1/2 SW1/4: Comm NW Cor S1/2 NW1/4 Th S 858', Th E Parallel to N Ln 759' To POB; Th N 858' TO N Ln S1/2, Th E 1890.04' To NE Cor S1/2 NW1/4, S 1312.22' To SE Cor S1/2, Cont S 1317.43 To SE Cor N1/2..., Section 16, TWP 139, Range 42, Audubon Township. PID Number 02.0111.003. the property is located on 190<sup>th</sup> Ave.

David Eid, Renewable Energy SD, explained the application to the Board. This would be a small non commercial wind turbine. With the renewable energy update that needs to be complied with, this turbine would generate electricity from the wind and feed it into the existing power line. The power that is not used by the owner is sold back to the electric company.

Kovala questioned the noise associated with the turbine. Eid stated that the turbine puts out about 55 decibels at 100 ft, which is the same level as a copy machine. Eid also stated that normal conversation is 75 decibels. This is a relatively small rotor on a tall tower that adds to the quietness. McGovern questioned if the power lines associated with the turbine would be overhead or underground. Eid stated that they would be underground. McGovern questioned if there would be a fence around the turbine, how far the tower would be from the power lines and the exact location of the tower. Eid stated that they typically do not put fences around the structures, there really is no need and they have not had past problems and the property owners are required to carry extra liability insurance. Eid also stated that they try to keep the turbines within 250 to 300 feet of the power lines.

The location they would like to use is about 250 feet from the road and 250 feet from the nearest property line.

Brufloft questioned if FAA approval has been received, referring to a letter in the file stating that FAA approval had been applied for and if approval has been obtained from the Detroit Lakes Airport Authority. Eid stated that he was not aware of any FAA approval because the turbine is under the FAA threshold and far enough from the DL airport that they did not have a concern.

Knutson questioned who gets the credit from the energy produced. Eid further explained the mandated renewable energy process and that depending on the wind, the turbine could pay for itself in 6 to 10 years and the turbine should last for 25 years, then could be rebuilt to last another 25 years. Knutson questioned if the turbine would transfer to a new owner should the property be sold. Eid stated that the turbine goes with the property.

Speaking in opposition to the application were: Shawn and Cindy Gray, Robert Gottenborg and Jean Hein. The Gray's stated that they did not know enough about the project and questioned the impact on the animals and birds; worried about property values; noise and the size of the turbine. Gottenborg was concerned about the closeness to residential properties and the geese. Hein was concerned about the turbine interfering with aerial spraying of the cropland in the area. Hein also stated that the property owners have the right to do what they want on their land, but it should not negatively affect other properties.

Kovala and Johnston pointed out the location and it was about ½ mile from Audubon Lake and 250 feet from the nearest property line. Brufloft asked why this location was chosen. Eid stated that to comply with the County regulations and staying under 300 ft from the power lines, this was the logical location.

There was no written correspondence either for or against the application. At this time, testimony was closed and discussion held.

Brufloft was concerned about not having the FAA and DL Airport Authority approval. Skarie felt there were too many unanswered questions and would have the same concerns if the turbine would be near his property. Brufloft felt the same way and stated that the Board must act on the application due to the 60 day rule unless the applicant tabled the application.

Gray stated that they would like a tour of the property and more information. Brufloft stated that Eid should meet with the neighbors, showing them the location of the turbine, get the approval from the FAA and DL Airport Authority. Knutson stated that if Eid could accomplish this by next Tuesday, the application could be presented to the County Board, otherwise it would have to come back to the Planning Commission. At this time, Eid asked to table the application until the questions could be answered.

Johnston stated that he would like to see a turbine of this size and if Eid could locate one within 50 miles of Detroit Lakes, he should let them know so the Planning Commission could look at it. Moritz requested a larger site plan, showing the location of the tower and existing residences.

**FIFTH ORDER OF BUSINESS: Randy Freed.** Request an application for approval of a change of zone from agricultural to residential (W 192 ft by 450 ft); change of zone from agricultural to commercial (E 198 ft x 450 ft) and approval of a conditional use permit for a 10 unit storage condominium on the portion of the proeprty to be zoned commercial for the property described as: Pt SE ¼ SE ¼; Beg SE Cor Sec 7 Th W 390.07 ft, N 450.08 ft, E 390.07 ft, S 450.08 ft to POB AKA Parcel A; Section 7, TWP 138, Range 43, Cormorant Township. PID Number 06.0127.001. The property is located at 14050 Co Hwy 1.

At this time, Bruflodt stated that he would recuse himself from the Board due to a conflict of interest and asked Lien to chair the meeting.

Freed and Scott Walz, surveyor, explained the application to the Board. Walz questioned the need for the change of zone. Moltzan explained that further research was done and it was determined that the entire project could be done with a conditional use permit without a change of zone. Walz stated that one half of the project would be commercial storage and the other half of the project would be storage condominiums. The Board questioned the need for the change of zone, splitting of the property and use of the structures. It further clarified that a change of zone was not needed because the project could be done by conditional use permit; since the property did not need the change of zone, the property would not have to be subdivided; and that the east side of the property would be used for commercial storage and the west side of the property would be used for storage condominiums.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Wentz, County Engineer, stating that access could not be from Co Hwy 1; Cormorant Township in favor of the application; and Kristi Pederson in opposition of the application. At this time, testimony was closed and discussion held.

Lien questioned the County Engineer's letter because there are existing approaches from both roads. Johnston stated that more traffic would be generated from storage than from a single family home and felt that Wentz should be contacted for clarification of his letter. Johnston further stated that there is a need for storage in that area.

**Motion:** Johnston made a motion to approve a conditional use permit to allow commercial storage and storage condominiums on the property based on the fact that the use would not be detrimental to the surrounding area with the stipulation that approval must be obtained from the County Highway Engineer for access to the property. Moritz second. All in favor. Motion carried.

**SIXTH ORDER OF BUSINESS: Lee Carlson.** Request approval of a certificate of survey for two tracts of land, 62,209 sq ft and 73,076 sq ft with a remnant tract of 11.2 acres and a change of zone from agricultural to residential for the two newly created parcels on the property described as: Pt Govt Lot 3: Comm W Qtr Cor Sec 10, E 2657.80' To POB; S 1308.72', E 213.20', NE Al Hwy 937.42', NE 49.07', Nly 246.36', NE 33', NW 22.61', NW 32.22', NLY 88.01' To Ht Of Land Lk, Nwly Al Lk 615.12' To E-W Qtr Ln, W 139.11' To POB. Tract A., Section 10, TWP 139, Range 39, Height of Land Township. PID Number 15.0093.000. The property is located on SW Height of Land Drive.

Carlson and Chris Heyer, surveyor, explained the application to the Board. Two new lots would be created. Tract D would not have access to the lake.

Lien questioned the bluff. Heyer stated that the slope in this area is not a bluff and that each of these tracts could have their own driveway. Kovala questioned if there was anything on Tracts B and C. Carlson stated that they were vacant lots. Heyer stated that Tracts B & C, along with the access to C, had been previously approved.

Dennis Mois, Height of Land Township, stated that he was there to question the access of Tracts C & B, but has had his questions answered.

There was no written correspondence either for or against the application. At this time, testimony was closed and discussion held.

**Motion:** Kovala made a motion to approve the certificate of survey for two tracts of land, one being 62,209 sq ft in size and one being 73,076 sq ft in size, with a remnant tract of 11.02 acres and a change of zone from agricultural to residential for the two newly created tracts based on the fact that it does meet the criteria of the Zoning Ordinance. Seaberg second. All in favor. Motion carried.

**SEVENTH ORDER OF BUSINESS: Final Plat of McSweeney's Addition.**

This plat is located on Bad Medicine Lake. The preliminary plat was approved in June 2010 for four lots and a change of zone from agricultural to residential.

Lien made a motion to approve the final plat of McSweeney's Addition based on the fact that it does meet the criteria of the Zoning Ordinance. Seaberg second. All in favor. Motion carried.

**EIGHTH ORDER OF BUSINESS: Informational Meeting**

The next informational meeting is scheduled for Thursday, October 14, 2010 at 8:00 am in the Third Floor Meeting Room in the Original Courthouse.

Kovala questioned about the proposed recreational plan and if there would be guidelines for the Planning Commission. Knutson stated that eventually there could be an ordinance and guidelines for all the Boards to follow.

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

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Jim Brufloft, Chairman

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Jeff Moritz, Secretary

ATTEST

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Patricia L. Swenson, Administrator