

**Becker County Planning Commission
February 14th, 2017**

Members Present: Chairman Jim Bruflodt, Vice Chairman John Lien, Harry Johnston, County Commissioner Larry Knutson, Mary Seaberg, Jeff Moritz, Jim Kovala, Ray Thorkildson, Jim Kaiser, Mary Seaworth, Bob Merritt, Planning and Zoning Supervisor Dylan Ramstad Skoyles and Planning and Zoning Technician Jeff Rusness.

Chairman Jim Bruflodt called the Planning Commission meeting to order at 7:00 pm. Planning and Zoning Technician Jeff Rusness recorded minutes. Intros were given.

Chairman Jim 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 February 21st, 2017.

Jim Kovala made a motion to approve the minutes for January 10th, 2017. Bob Merritt seconded. The motion passed.

Old Business: None

New Business:

1. **FIRST ORDER OF BUSINESS: APPLICANT: Bruce Thompson** 1008 5th Street Fargo, ND 58102 **Project Location:** 31350 Wilkinson Lane **LEGAL LAND DESCRIPTION:** 10-142-040 PT GOVT LOT 3: BEG NW COR TH E 250', S 300', W TO WHITE EARTH LK, NELY AL LK TO POB REF: 20.0256.000 IN 2012 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use permit to install a retaining wall built around lake house to control drainage into lake.

Dylan Ramstad Skoyles introduced the application.

Bruce Thompson explained that they had bought the property and that it had some drainage issues and shoreline issues, they went through SWCD and made a plan for the drainage issues. Larry Muff then designed and installed a wall to control drainage.

Ron Christianson explained that although the wall was built well, he does not believe Thompson needs the retaining wall, and that he had sent out an extensive letter explaining why. He said that he had talked to the previous owners of the property and they said there was not erosion before the wall was built.

Jim Kaiser asked how the property was before the wall? Was there enough room to build a swale?

46 Bruce Thompson explained that they tried a vegetation buffer and that it did not
47 appear to work.

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49 John Lien stated it was about a 50 ft wall and that he didn't think it was really
50 necessary.

51
52 Robert Merit asked what the drainage problem was.

53
54 Bruce Thompson stated that it was very muddy around the lake home.

55
56 Robert Merit asked why the wall is needed; if Thompson could have taken care of
57 it with vegetation buffer, and if the wall was recommended in the design from
58 SWCD.

59
60 Bruce Thompson stated they had tried a vegetation buffer and it did not seem to
61 work, but they would take the wall down and put in a rock bed if they had to.

62
63 Harry Johnston stated that he was there and that it was a nice looking retaining
64 wall. He also felt that the ordinance did not require a retaining wall be designed
65 by a professional. The only concern he had was that the wall was in the shore
66 impact zone, he did not note any other issues.

67
68 Jeff Moritz thought the wall could be removed and area replanted. There are a lot
69 more alternatives if they worked with SWCD.

70
71 James Kovola asked when the deck was put on.

72
73 Bruce Thompson stated there was a new well placed on the property and new
74 windows in the house; he didn't know when the deck was put on. He stated that
75 steps to the dock were added to the bunk/boat house. The retaining wall is
76 designed to keep mud out of the cabin and to keep Thompson's property dry

77
78 Jim Brufloft asked about the retaining wall height.

79
80 Larry Knutson stated that the retaining wall was along the east side of building.

81
82 Jim Brufloft asked if the snow had an effect on the board's decision by limiting
83 the visibility.

84
85 Mary Seaworth stated that she was concerned about the snow cover. She also
86 noted its location in the shore impact zone.

87
88 Larry Knutson stated that Mr. Thompson was in violation of the zoning
89 ordinance.

90
91 Harry Johnston stated that they had seen enough of the wall to make a decision.

92
93 John Lien stated he didn't think they needed to table the application.
94
95 Bruce Thompson asked the commission to make a decision and stated he did not
96 want to table the application.
97
98 Jim Kaiser asked if it was not an after the fact application would he get the wall?
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100 Jim Brufloedt said no.
101
102 **MOTION: Bob Merritt made a motion to DENY the request for a Conditional Use**
103 **Permit to install a retaining wall built around lake house to control drainage into**
104 **lake. No erosion control problems existed before it was constructed and the**
105 **retaining wall was not needed or designed by a professional. If the Becker County**
106 **Soil and Water District would have seen a problem they would have worked with**
107 **him.**
108
109 **Jeff Moritz seconded the motion. All in favor except Mary Seaworth. Motion**
110 **carried.**
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112 2. **SECOND ORDER OF BUINESS: APPLICANT: Bruce Thompson 1008 5th**
113 **street Fargo, ND 58102 Project Location: 31350 Wilkinson Lane LEGAL**
114 **LAND DESCRIPTION: 10-142-040 PT GOVT LOT 3: BEG NW COR TH E**
115 **250', S 300', W TO WHITE EARTH LK, NELY AL LK TO POB REF:**
116 **20.0256.000 IN 2012 APPLICATION AND DESCRIPTION OF PROJECT:**
117 **Request a Conditional Use permit to rent property occasionally.**
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119 Dylan Ramstad Skoyles explained the application.
120
121 Bruce Thompson explained they have younger kids and want to able to rent out the
122 property when not in use by the family. He stated he had rented it about 40 days last
123 year. They want to be good stewards of the lake. He explained the neighbors have signs
124 that say "please do not run or walk on the road".
125
126 Jim Kaiser asked when the sleeping quarters were put in the boat house.
127
128 Bruce Thompson explained the previous couple used the boat house as a study and Mr.
129 Thompson had put in the bunk beds after they bought the property.
130
131 Jim Kaiser asked if there was electricity in the boat house when they bought it.
132
133 Harry Johnston asked if this should this be two separate issues.
134
135 Jim Brufloedt stated he had no problem renting, the problem he had was the bunk house.
136
137 Jim Kaiser asked how close the bunk house was to the neighbor's lot.

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139 Bruce Thompson stated it was very close, and that the bunk house used to be used as an
140 old man's man cave, it has sliding doors like a barn.

141

142 Larry Knutson asked why Mr. Thompson was at the Planning Commission.

143

144 Bruce Thompson stated that it was because of neighbors' complaints.

145

146 Neighbor, Arden Niemi, stated they had issues with traffic, and that he was concerned
147 with the liability associated with the increase in traffic. He had told the renters to be
148 quiet and they cussed and swore at him. He also stated that he disputed the grandma and
149 grandpa renting of the property and 40 days claim as presented by Mr. Thompson.

150

151 Jim Kaiser asked if there was a road easement for the property.

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153 Arden Niemi stated there was.

154

155 Ron Christianson stated that the previous owner used the boat house as a study or
156 informal office and that the private drive had to go through Niemi's yard. He also stated
157 that the driveway was quite an inconvenience and a liability.

158

159 Julia Miller stated she knew the previous owner and that she believed that renters didn't
160 care about the lake and its environment. She was concerned for the loons, because the
161 renters don't know about the wildlife.

162

163 Jim Brufloft asked about the letters, Mr. Ramstad Skoyles, read several letters and then
164 summarized the remaining letters.

165

166 Harry Johnston asked about Wilkerson Lane and if it was a private road? He also asked
167 if Thompson had legal access?

168

169 Dylan Ramstad Skoyles stated they have easement and it is a road.

170

171 Jeff Moritz stated that he believed that the renters were the problem, and there was no
172 rental agreement or business plan submitted with the CUP. He also noted that many of
173 the neighbors brought complaints, but no evidence suggests that authorities were called.

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175 Jim Brufloft stated he grew up on a lake, and was always fearful of disrespect. He had a
176 problem with the bunk house being living quarters.

177

178 Mary Seaworth thought the easement had been in effect, but that the renters and property
179 owners should have some respect for everyone who shares the road

180

181 John Lien stated he was concerned about the driveway, and it was unreasonable to use the
182 property as a rental.

183

184 Harry Johnston asked Mr. Thompson about the possibility of creating another driveway.

185

186 Bruce Thompson said they would like to but it would be hard, they would have to buy
187 wetland credits.

188

189 Ray Thorkalson stated he had a problem with the whole thing.

190

191 **MOTION: Ray Thorkildson made a motion to deny the Conditional Use permit to**
192 **rent property occasionally. Due to the following reasons:**

193 1. **Affect on surrounding property.** That the conditional use will not harm the use
194 and enjoyment of other property in the immediate vicinity for the purposes
195 already permitted, nor substantially diminish or impair property values within the
196 immediate vicinity.

197 Renting of the property could affect the surrounding property depending
198 on the number of people who use the property at a time. The ad on VRBO
199 states that the property sleeps 13. That amount of people could affect the
200 neighbors because they must drive down the road. The effect is largest on
201 the neighbor considering how close the neighbor is to his property and
202 how the driveway is situated. The Zoning office has certainly received
203 complaints claiming that this activity affects them.

204 2. **Affect on orderly, consistent development.** That establishing the conditional use
205 will not impede the normal, orderly development and improvement of
206 surrounding vacant property for uses predominant in the area.

207 Renting of the property will not affect orderly development.

208 3. **Adequate facilities.** That adequate utilities, access roads, drainage and other
209 necessary facilities have been or are being provided.

210 The needed facilities are present at this location. The Zoning office had
211 received complaints that indicate that the road may not be adequate for the
212 traffic.

213 4. **Adequate parking.** That adequate measures have been or will be taken to provide
214 sufficient off-street parking and loading space to serve the proposed use.

215 Depending on the number of people and type of vehicles associated with
216 the renters on site there is the potential for the parking available to not be
217 adequate. Staff has found that the parking space is small and that if there
218 are a large amount of vehicles they might have some issue parking.

219 5. **Not a nuisance.** That adequate measures have been or will be taken to prevent or
220 control offensive odor, fumes, dust, noise and vibration, so none of these will

221 constitute a nuisance, and to control lighted signs and other lights so that no
222 disturbance to neighboring properties will result.

223 Is a nuisance per neighbors' complaints.

224 6. **Additional criteria for shoreland areas.** In Shoreland areas, it shall be found
225 that adequate measures have been or will be taken to assure that:

226 a. **Pollution.** Soil erosion or other possible pollution of public waters will be
227 prevented, both during and after construction;

228 Renting in of itself should not increase the pollution on the
229 property assuming the septic system is compliant and working and
230 that the renters contain their garbage in legal containers.

231 b. **View from public waters.** That the visibility of structures and other
232 facilities as viewed from public waters will be limited;

233 Renting of the property should not change the view from the public
234 water.

235 c. **Adequate utilities.** That the site is adequate for water supply and on-site
236 sewage treatment; and

237 The renting of the property and additional bedrooms in the bunk
238 house would result in the possibility of too many people for the
239 size of system. This would make the present system inadequate.

240 d. **Watercraft.** That the types, uses, and number of watercrafts that the
241 project will generate can be safely accommodated.

242 The renting of the property and additional bedrooms in the bunk
243 house bring into question how the number of watercraft can be
244 accommodated on this property.

245
246 **Bob Merit seconded the motion. All in favor except Mary Seaworth and Jim Kovala.**
247 **Motion carried.**

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249 3. **THIRD ORDER OF BUSINESS: APPLICANT: Kyle Hertell 15563 490th**
250 **Ave Menahga, MN 56464 Project Location: 15563 490th Ave Menahga, MN**
251 **56464 LEGAL LAND DESCRIPTION: Section 04 Township 138 Range 037**
252 **W1/2 OF NW1/4 APPLICATION AND DESCRIPTION OF PROJECT:**
253 **Request a Conditional Use Permit to open a gunshop with gunsmithing and a fire**
254 **arms manufacturing shop.**

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256 Dylan Ramstad Skoyles Explained the application.

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Jim Buflodt asked Mr. Hertell to explain what he meant by gun manufacturing.

Kyle Hertell stated he planned on working on guns to make them functional and also, he would make ammunition magazines and trigger mechanisms.

Larry Knutson asked if he needed to shoot the guns?

Kyle Hertell stated he had a test firing field with a mound on his property that he currently used for personal use.

Larry Knutson asked the direction he shot?

Kyle Hertell explained he shot north.

Larry Knutson asked if he lived there?

Kyle Hertell replied yes and he is rebuilding the mobile homes that he has on his property.

Jim Kaiser asked if people will bring guns out to the house?

Kyle Hertell replied yes.

Jim Bruflodt questioned the signage and the type of signs that would be on the property.

Kyle Hertell explained the signs are about the gun business, there would be three of them.

John Lien stated that it looked like plenty of property, and he did not see a problem.

Larry Knutson stated he was concerned about the shooting times.

Kyle Hertell asked if he could have a 9 A.M to 5 P.M. shooting time because that would be his business hours.

Jim Kaiser asked about mornings?

Kyle Hertell said evenings were better.

Jim Bruflodt suggested 1-5 pm.

Kyle Hertell suggested he could save trial shooting for the weekend.

303 John Lien proposed 9 A.M to 4 P.M.

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305 Kyle Hertell agreed.

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307 **MOTION: John Lien made a motion to approve the request for a Conditional Use**
308 **Permit to open a gunshop with gunsmithing and fire arms manufacturing shop with**
309 **the shooting times 9 A.M to 4 P.M.:**

310 1. **Affect on surrounding property.** That the conditional use will not harm the use
311 and enjoyment of other property in the immediate vicinity for the purposes
312 already permitted, nor substantially diminish or impair property values within the
313 immediate vicinity.

314 The sole act of opening a gunshop for gunsmithing and firearms
315 manufacturing will not affect the property. There is usually shooting
316 associated with those activities and that could affect surrounding property.
317 Mr. Hertell is proposing this project on an 80 acre property and depending
318 on where he is planning on discharging those firearms, those affects could
319 be reduced or even eliminated. On the application he indicates he will be
320 indoors and this would reduce the noise from the activity.

321 2. **Affect on orderly, consistent development.** That establishing the conditional use
322 will not impede the normal, orderly development and improvement of
323 surrounding vacant property for uses predominant in the area.

324 This application will not affect development as it is located in a
325 predominantly agricultural area.

326 3. **Adequate facilities.** That adequate utilities, access roads, drainage and other
327 necessary facilities have been or are being provided.

328 The roads, drainage and other necessary facilities have been provided
329 already.

330 4. **Adequate parking.** That adequate measures have been or will be taken to provide
331 sufficient off-street parking and loading space to serve the proposed use.

332 There is sufficient off-street parking and loading space available.

333 5. **Not a nuisance.** That adequate measures have been or will be taken to prevent or
334 control offensive odor, fumes, dust, noise and vibration, so none of these will
335 constitute a nuisance, and to control lighted signs and other lights so that no
336 disturbance to neighboring properties will result.

337 The work associated with this proposal will be located indoors and the
338 area is rural with few residents in the area. Those residents are relatively
339 close to the property and there is a farm located very near the property line

340 where the current structures are located. The tree buffer there is not very
341 thick and would not provide any sound barrier.

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343 **Jim Kovala seconded the motion. All in favor. Motion carried.**

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345 **Informational Meeting:** The next informational meeting is scheduled for Wednesday,
346 March 8th, 2017 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

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348 Since there was no further business to come before the Board, Jim Kovala made a motion
349 to adjourn. Ray Thorkildson seconded. All in favor motion carried. The meeting
350 adjourned.

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Jim Brufloft, Chairman

John Lien, Vice Chairman

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ATTEST _____

Dylan Ramstad Skoyles

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