

Becker County Planning Commission
April 15, 2014

Members Present: Chairman Jim Bruflodt , John Lien, Commissioner Larry Knutson, Jim Kovala, Jeff Moritz, Jim Kaiser, David Blomseth, Ray Thorkildson, Mary Seaberg, Harry Johnston, Zoning Administrator Patty Swenson, Zoning Staff Debi Moltzan and Julene Hodgson. Mary Seaworth was absent.

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 April 22nd, 2014.

Seaberg made a motion to approve the minutes for March 18th, 2014. Lien second. All in favor. Motion carried.

Chairman Bruflodt called the **Notice of Intent to Amend Ordinance** meeting to order. Zoning Technician Julene Hodgson recorded minutes.

FIRST PURPOSE OF BUSINESS: Purpose: To Amend Chapter 4, Section 10
Subject Matter: Amend the requirements of Individual subsurface sewage treatment systems to comply with the newly adopted MN Rules 7080- 7083.

Moltzan explained the proposals to the Board. The MPCA revised the 7080 rules within the 7083 rules. There is the option to adopt the entire rules from the 7083 or parts of the rules, if the County adopts the 7083 rules in whole, there will be more flexibility. Some of the changes include tank size increasing which will include more retention and be more efficient and in some cases leniency in the size # of drainfields. Moltzan gave examples when in some cases there would be some increase in the size of pumps and systems. After much research and controversy, the Zoning Office recommendation is to adopt the entire 7083 rules to comply with the State regulations.

No one spoke in favor of the request. Dave Hacker spoke against the request. Hacker is a designer and installer and has a problem with the 7083 rules in some cases requiring larger systems/designs on smaller lots. Hacker discussed cost increase to the patron because of the increase in his time and the paperwork put into the designs. Hacker fears due to the design requirements of certain systems within the 7083 rules, larger homes will be forced to install holding tanks only. Hacker stated the MPCA website has incorrect forms so when the computer figures the formulas for you with incorrect numbers, the designs do not compute correctly. Knutson asked what the solution would be to his concerns, to which Hacker stated the County should keep the old ordinance (7080 rules) with a few changes from the 7083 rules. Swenson stated the County looked into all options and researched just adopting some areas versus adopting the entire 7083 rules and the recommendation is to adopt the entire 7083 rules to comply with the State. Swenson continued by saying the County will work with the contractors to come up with solutions for the few systems that they are having concerns. If adopted and there are problems, the County can request new recommendations to the Boards. Further discussion was held regarding what other Counties have in place, different system options as in experimental, adopting part of the new regulations versus the entire 7083 rules. Al Winterberger spoke against the request. Winterberger is a designer and has been involved with MPCA with his issues and concerns. He agreed with Hacker that some of the biggest problems are the forms and formulas not working on the MPCA website, the cost increase to the owners due to the system sizing and

time to design systems and the different rules to follow for each County. Discussion continued regarding pre-treatment products, unique problems with a few systems and retaining the current rules with a few additions. Swenson stated there were very few systems installed last year that the new rules would effected and it remains the recommendation to go forward as requested .The County will work with all contractors to help with the transaction and all forms will be updated to coincide with changes. There was written correspondence read from Wayne Johnson of Super Septic and Excavation with questions regarding the proposal. At this time, testimony was closed and further discussion was held.

Knutson noted with all the contractors that work in the County, only a few called with questions and only a few came to the meeting. Bruflodt stated that a lot of the problems noted are with the paperwork and computer system with the State and MPCA. Different questions were brought up and disscussion held regarding specific systems (as in pressurized beds) to which Swenson commented we have very few of these type of systems each year. Kovala stated it doesn't make sense to approve something in the Ordinance that may or may not work. Moritz commented maybe the 7083 rules are not the way to go in whole but maybe small parts of it could be implemented. Moritz stated the County feels there is flexibility to work with other options. Knutson asked Swenson if there have been any failed systems in the County using the 7083 rules since it was implemented in 2011to which Swenson stated not that the County is aware of. Swenson stated to the Board the deadline to implement changes was February 2014 to which the office has asked for an extension from MPCA. Johnston asked why the County couldn't keep the current 7080 rules and adopt only the mandated rules from the 7083 to which Swenson stated the County then looses flexibility with options for other systems.

There was no further discussion by the Commission.

Motion: Thorkildson made a motion to Amend Chapter 4, Section 10 requirements of Individual subsurface sewage treatment systems to comply with the newly adopted MN Rules 7080- 7083 based on staff recommendations. No one would second the motion- the motion was rescinded by Thorkildson.

Motion: Kaiser made a motion to keep the 7080 rules and adopt only the State mandate rules from 7083. No one would second the motion- the motion was rescinded by Kaiser.

At this time Lien requested to table the request until a future date for further information and clarification to be presented to the Board. Blomseth second. All in favor except Knutson. Majority ruled- Motion carried to table.

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

FIRST ORDER OF BUSINESS: Warren Woytassek Property for Kost Materials Project Location: 19363 Co Hwy 15 APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to construct and operate a concrete batch plant. The business will be a service type business providing the supply and delivery of concrete to local construction projects. The request includes a Zone change from Commercial to Industrial.

Jeff Eberhardt explained the application to the Board on behalf of potential owner Tony Kost. He stated they acquired the property to propose to construct and operate a concrete batch plant. The business will be a service type business providing the supply and delivery of concrete to local construction projects. Eberhardt went over the business plan with the Board. Eberhardt stated the

positive areas of increase to tax revenue, competitive bidding and bring jobs to the area. He went over concerns regarding the letter sent from the USFW service and reminded the Board that the business is highly regulated by Federal and State government agencies. Randy Hanson with Wenck Engineers spoke to the Board regarding the stormwater management plans for the site. Kaiser asked if the material would be strictly hauled in from off site to which Eberhardt answered yes, all of the material is washed aggregate, clean material with little chance of wind/dust blow. Kaiser asked if there was any intention to stockpile used cement/material on site to which Eberhardt stated no. Kovala asked questions regarding the weight restrictions on the road to which Eberhardt stated they are aware and have to abide by County and State regulations pertaining to weight limits, control of what comes onto the property, equipment being quieter and to meet all the rules they manage the plan in a smaller scale. Eberhardt stated they will make application to relocate the entrance for ingress/egress to service the property to help with traffic visual safety. The Board brought up further questions regarding hours of operation, how many trucks they expect to be coming onto the property and leaving the property within an hour, size of stockpiles on property and buffers for the entire property. Eberhardt stated they would work with the recommendations for buffers and get them started- possibly berms, trees, shrubs and so forth.

No one spoke for the request. Dennis Lang spoke against the request. He disagreed with the property changing from agricultural to commercial and now to the new request of industrial within such a short time. Lang thought traffic safety would be an issue. Lang feared there will be control issues to which Bruflo stated that is the process of a conditional use permit is to regulate what is permitted. Swenson read written correspondences on file from Dennis and Nancy Koerner who were against the application. They stated they would view the site from their living room windows and traffic would increase along with dust, dirt and noise. They fear the value of their property would decrease. Swenson read letters of concern from Peter Mead Becker Co SWCD Administrator, Jim Olson Becker Co Highway Dept and Ryan Frohling US Fish and Wildlife District Manager. They had concerns regarding wetland impact, approach relocation, property easements, road load ratings, and wildlife impacts. At this time, testimony was closed and discussion was held.

Lien stated the proposed placement of the plant will have strict MCPA and wildlife regulations to follow and any changes to the plan proposed would have to come back in front of the Board. Johnston stated he has worked by Kost Brothers plants in the past and he has no problem with the request as long as they stay with the plan submitted.

There was no further discussion by the Commission.

MOTION: Lien made a motion to approve a Conditional Use Permit to construct and operate a concrete batch plant providing the supply and delivery of concrete to local construction projects with the stipulation there must be buffers added and maintained on the entire property to assure the request is not detrimental to the surrounding area. The approval includes a zone change from Commercial to Industrial. Johnston second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Terri Usher Property for CHAS Properties LLC
Project Location: 25626 Brandy Lake Rd **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to establish a men and women chemical health and mental health treatment center using an existing structure. The request is for 24/7 inpatient care for a capacity of 20 adults and up to 10 employees.

No one was present to explain the application to the Board. The Board went forth with the application and opened up the floor for discussion.

No one spoke in favor of the application. Laura Sauck, Curtis Sittko, Dave Samuelson, Denise Brown and Gloria Vaughn-Larson spoke against the application. Concerns were voiced regarding suitability for 20 people regarding size of structure, how do they accommodate both men and women, are doctors on staff, size of property, parking, suitable septic and well, safety issues, whether it is a locked down facility or not, railroad tracks being blocked at times, residential area, fear for safety, lower property values, and environmental concerns if there is 30-40 people on the premises daily. Swenson read written correspondence from Fred Wiese, Tom Borgen, Steve Larson and the Board had previously received written correspondence from Morry and Gwen Carlson, Janet Marschke, Laura Muzquiz, Myron and Nancy Lueck, Jay and Janel Mercil, Craig, Gurine and Rich Johnston and Jeff and Barb Wilson who are against the application. There was also a petition with 84 signatures submitted who are against the application. At this time, testimony was closed and discussion was held.

Kovala voiced the same concerns regarding the size of the structure and suitability for 20 residents and 10 workers, traffic, safety, and residential neighborhood. Lien stated he had questions regarding the Rule 31 license that is referred to and who governs this. Johnston stated there is nothing explaining what the regulations are regarding people coming and going on the premises, or is it a lock down facility. Moritz agreed there is not enough information in the plan to answer questions and to make a decision if the request meets the criteria of the Ordinance. Knutson stated questions need to be addressed and agreed there was not enough information regarding the type of treatment requested.

There was no further discussion by the Commission.

MOTION: Kovala made the motion to deny the request for a Conditional Use Permit to establish a men and women chemical health and mental health treatment center as submitted due to lack of information and the request would be detrimental to the surrounding area. Seaworth second. All in favor. Motion carried to deny the application as submitted.

THIRD ORDER OF BUSINESS: Assemblies of God Church Property for Verizon Wireless Project Location: 18330 Highway 59 North APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit for installation of a wireless communication facility to include a 129' monopole structure and a 60'x60' land space area located less than 2640' of a Natural Environment Lake. The land space will be fenced in and will include a prefabricated equipment shelter.

Tracey Malone explained the application to the Board on behalf of Verizon Wireless. Malone went over the proposal regarding tower height, cohabitation restrictions, FAA requirements, existing tower traffic and need for expansion area, shoreland setbacks, residential area setbacks, tower construction, DNR and watershed conversations, airport approval, environmental surveys, reasonable location, lighting requirements and other permits required.

No one spoke for or against the request. Swenson read written correspondence from Myron and Nancy Lueck who are against the application. They stated this would be too close to a residential neighborhood. At this time, testimony was closed and discussion was held.

There was no further discussion by the Commission.

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

MOTION: Johnston made a motion to approve a Conditional Use Permit for installation of a wireless communication facility to include a 129' monopole structure and a 60'x60' land space area based on the request will not be detrimental to the surrounding area and meets the criteria of the Ordinance. Blomseth second. All in favor. Motion carried.

FORTH ORDER OF BUSINESS: Disse Family Trust Property for Verizon Wireless Project Location: 28774 State Highway 34 APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit for installation of a Verizon wireless communication facility to include a 180' self support tower and a 60'x100' land space area located less than 2640' of two Natural Environment Lakes. The land space area will be fenced in and include a prefabricated equipment shelter.

Tracey Malone explained the application to the Board on behalf of Verizon Wireless. Malone went over the proposal regarding tower height, cohabitation restrictions, FAA requirements, existing tower traffic and need for expansion area, shoreland setbacks, residential area setbacks, tower construction, DNR and watershed conversations, airport approval, environmental surveys, reasonable location, lighting requirements and other permits required.

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.

There was no further discussion by the Commission.

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

MOTION: Seaberg made a motion to approve a Conditional Use Permit for installation of a Verizon wireless communication facility to include a 180' self support tower and a 60'x100' land space area based on the request will not be detrimental to the surrounding area and meets the criteria of the Ordinance. Moritz second. All in Favor. Motion carried.

Other Business:

1. **Informational Meeting:** The next informational meeting is scheduled for Thursday, May 15th, 2014 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.
2. **Election of Officers:** Bruflodt nominated Lien for Chairman and Lien declined. Kovala motion to nominate Bruflodt for Planning Commission Chairman, Lien as Vice Chairman, and Moritz as Secretary. Seaberg closed nominations. Seaberg second. All in favor, motion carried.

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

Jim Bruflodt, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator