

**Becker County Planning Commission  
December 16th, 2014**

**Members Present:** Chairman Jim Brufloft , John Lien, Jim Kovala, Harry Johnston, Mary Seaworth, Ray Thorkildson, Dave Blomseth, Mary Seaberg, Jeff Moritz, Jim Kaiser and Zoning Technician Julene Hodgson.

Chairman Brufloft called the meeting to order at 7:00 pm. Zoning Technician Julene Hodgson recorded minutes.

Chairman Brufloft 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 January 20th, 2015.

The Board discussed the previous meeting minutes. Jeff Moritz noted he was present at the meeting and wanted his name added to the minutes. Thorkildson made a motion to approve the minutes for November 18th, 2014 with the noted changes. Blomseth second. All in favor. Motion carried.

Old Business: NONE

New Business:

**FIRST ORDER OF BUSINESS: APPLICANT: Richard Sherbrooke** 11255 Cormorant Heights Audubon, MN 56511 **Project Location:** 10576 Co Hwy 11 **LEGAL LAND DESCRIPTION:** 060367000 Cormorant SE 40 AC OF S1/2 OF SW1/4, Section 25, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for an Amusement Park (Kiddie Land In Cormorant) and a change of zone from Residential to Agricultural.

Richard Sherbrooke explained the application to the Board. Sherbrooke stated he would like to open an amusement park behind the grocery store in Cormorant. The plans include parking areas, rides and mini-golf.

Leroy Larson and Tim Erickson on behalf of himself and Cormorant Township spoke in favor of the application. Comments included: People want it here and it will be a good asset to the area. No one spoke against the application. There was written correspondence read by Hodgson from Benny and Susie Braseth in favor of the application. They stated it would be a great addition to the Cormorant area and there are a lot of young children in that area and there needs to be more for them to do without going a long distance. They felt it was an ideal location and Sherbrooke would see that it is operated safely. There was written correspondence read by the Board members from the Cormorant Township in favor of the application. The letter stated Sherbrooke spoke during the Cormorant Township Board meeting of November 25<sup>th</sup>, 2014 and the Cormorant Township is 100% in support of his plans. The area will provide an additional recreation area for children

and families to enjoy and they are in support of projects that bring families together. At this time, testimony was closed and further discussion was held.

Seaberg confirmed with Sherbrooke where driveway would be located. Moritz stated it fits well, nice area and would be an asset to the Township and County.

**MOTION: Moritz made a motion to approve a Conditional Use Permit as submitted for an Amusement Park and a change of zone from Residential to Agricultural due to the fact the request would not be detrimental to the surrounding area. Kovala second. All in favor. Motion carried to approve.**

**SECOND ORDER OF BUSINESS: APPLICANT: Blanchard Family Trust PO Box 176 Osage, MN 56570 Project Location: 54807 St Hwy 34 LEGAL LAND DESCRIPTION: 210287000 Osage NE1/4 OF NE1/4 EX 7.5 AC & LESS 2.90 AC FOR HWY & ABOUT 5 AC IN SE COR OF NW1/4 OF NE1/4, Section 29, TWP 140, Range 36 APPLICATION AND DESCRIPTION OF PROJECT: Request a Change of Zone from Commercial to Agricultural.**

Frank Blanchard explained the application to the Board. Blanchard stated they are requesting to change the zoning from Commercial to Agricultural for the entire property.

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.

Kovala stated with discussing the application with others, they wondered why this property was zoned Commercial in the first place and this would be a good change due to a dwelling on the property. 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: Kovala made a motion to approve a change of zone from Commercial to Agricultural due to fact the change will coincide with the use of the property. Kaiser second. All in favor. Motion carried to approve.**

**THIRD ORDER OF BUSINESS: APPLICANT: Richard Whiting 21431 US Hwy 10 Audubon, MN 56511 Project Location: 21431 US HWY 10 LEGAL LAND DESCRIPTION: 020087001 Audubon PT W1/2 OF SE1/4 BEG 3598.79' SE OF SW COR NW1/4 TH SE AL HWY 284.61' SW 451.14' W 284' & NE 551.94' TO BEG, Section 14, TWP 139, Range 42 APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to purchase, repair and sell used vehicles and ATV equipment on agricultural zoned property.**

Attorney Joe Irby spoke on behalf of property owner Richard Whiting and Extreme Motorsports LLC to explain the application to the Board. Whiting wants to operate a

business to sell high-end vehicles, ATV's, campers etc. Whiting will acquire vehicles, fix them up and sell them. Most of the sales will be completed by internet. Whiting will purchase BMW's, Audi's and other high end make and models. Whiting is seeking a commercial dealers license to purchase vehicles at auctions and this requires a Conditional Use Permit on the property for the paperwork. Lien asked what type of inventory is he requesting, how many vehicles would be displayed and how many would be worked on inside the buildings at one given time to which Irby stated he will have 10-12 at one given time. Kaiser asked if this included ATV's and Irby stated the vehicles are totalled or theft recovery vehicles that are fixed up and then sold, the inventory could include 4-wheelers, rangers, jeeps, razors, campers and so forth. Irby continued by stating a lot of the work on the vehicles will be done off site at other businesses and then brought back to the property as the final product to sell. Blomseth asked if any repair work would be completed onsite and Irby stated possibly small things but the larger repairs would be completed offsite. Kovala stated the Board wants control of these type of requests so the property does not turn into a junk yard or salvage area. Seaberg stated the sale items cannot be parked in the road right of way area and there are regulations for any signs for the property. Thorkildson asked what buildings are on the property to which Irby stated one shed and a large attached garage. Kaiser asked if the owner lives on the property and Irby stated yes.

No one spoke in favor of the application. No one spoke against the application. There was written correspondence from Tim Larson read by Hodgson against the application. He stated he did not want the property to become a storage facility or grave yard for vehicles and ATV's and it would be a deal breaker for any future potential buyers for Larson's property. At this time, testimony was closed and further discussion was held.

Lien stated even though the proposal is for mostly internet sales there is the potential for a lot of vehicles to be there so the more reason for control and stipulations. Brufloft noted the property was located along a commercially used corridor area. Johnston stated the location is nice and if the property starts looking like a salvage/junk yard the Board can revoke the Conditional Use Permit. Johnston further stated any stipulations should include anything non-operable should not be located outside of structures. Blomseth agreed there should be restrictions on the repairable units with nothing on the property that looks like junk. Blomseth continued to state they should refer to units so the permit will cover ATV's, campers, cars with the stipulation that there be nothing inoperable parked outdoors.

**MOTION: Lien made a motion to approve a Conditional Use Permit to purchase, repair and sell used units with the stipulations that there be no more than 10 operable units parked outdoors at one time and no inoperable units parked outdoors at any time due to the fact the requests meets the criteria of the Ordinance. Johnston second. All in favor except Kovala. Majority ruled to approve. Motion carried to approve with stipulations.**

**FOURTH ORDER OF BUSINESS: APPLICANT: Michael Hjeldness 1282 8th Ave NE Thompson, ND 58278 Project Location: 27300 125th St LEGAL LAND**

**DESCRIPTION:** 190748000 Lake View Abbey ABBEY LAKE ESTATES Lot 020 Block 002 SubdivisionCd 19001, Section 23, TWP 138, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for storage buildings on agricultural zoned property.

Jim Hjeldness and Michael Hjeldness explained the application to the Board. They own two parcels but the request is for a Conditional Use Permit on this parcel only for rental of storage units. Hjeldness propose two buildings measuring 40x200 with up to 44 units per building for rental storage.

No one spoke in favor of the application. David Knopf spoke against the application. Knopf stated the area is used for mostly residential and farm purposes and he felt this would not be a good fit for a commercial type use. Knopf stated the two large buildings will look like commercial use in a residential area. There was written correspondence read by Hodgson from Kenneth Shroyer on behalf of Lake View Town Board and in favor of the application. They requested the application be granted with the provisions of no outside storage around the structures and the implementation of stormwater management. Hodgson also read a letter from Pelican River Watershed Brent Alcott. PRWS recommends as a condition of the conditional use permit that the owner will be required to obtain permits from PRWD with a stormwater management plan. At this time, testimony was closed and further discussion was held.

Kaiser asked why the permits would be required from PRWD and Hodgson stated due to the property being within the district, located 1,000 feet from a lake and the buildings proposed are larger than 10,000 in size so permits are required by PRWD. Seaberg stated the storage units along highway 10 are not intrusive. Thorkildson stated this is a good site, plenty of open space and there is always a need for storage. Blomseth noted there have been some requests that neighbors have opposed in the past and most of the approved ones have turned out to be good neighbors. Brufloft stated there could be stipulations attached to address no storage outside. conditions on anything approved to include no outside storage on the property and all applicable permits must be obtained through

**MOTION: Blomseth made a motion to approve a Conditional Use Permit for two rental storage buildings with the stipulations there will be no outside storage around the structures or on the property and all applicable permits must be obtained through Pelican River Watershed District regarding a stormwater management plan. Kovala second. All in favor. Motion carried to approve with stipulations.**

**FIFTH ORDER OF BUSINESS: APPLICANT: Scott Erickson** with SNE Properties 1112 S Shore Dr Detroit Lakes, MN 56501 **Project Location:** 20488 Co Hwy 20 **LEGAL LAND DESCRIPTION:** 170393000 Lake Eunice PT W/12 SE1/4: BEG S QTR COR SEC 34, E 668.20', N 612.63', W 669.13', S 637.44' TO POB., Section 34, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit and preliminary plat for storage condominiums on agricultural zoned property.

Scott Erickson with SNE Properties and Scott Walz explained the application to the Board. Erickson's proposal includes 48 condo storage units to be sold individually. Kaiser asked if there would be any water or sewers on the property to which Erickson stated he would like to stay away from that and promote this as cold storage only.

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.

Kaiser stated there are a lot of storage units already in that area. It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

**MOTION: Blomseth made a motion to approve a Conditional Use Permit and preliminary plat for storage condominiums as submitted due to the fact the request will not be detrimental to the surrounding area with the stipulation there be no outside storage around the structures or on the property. Kaiser Second. All in favor. Motion carried to approve with stipulations.**

**SIXTH ORDER OF BUSINESS: APPLICANT: Barry & Jim Shaw** 15730 Snowshoe Beach Rd Lake Park, MN 56554 **Project Location:** 15730 Snowshoe Beach Rd **LEGAL LAND DESCRIPTION:** 060360000 Cormorant Big Cormorant GOVT LOT 1 & GOVT LOT 2 LESS 9.6 AC FOR SNOWSHOE BCH, LESS 8.1 AC FOR SANDY RIDGE & LESS 3.5 AC FOR SANDY BCH RIDGE 1ST ADDN & LESS 3.18 AC FOR 06.0360.001, Section 23, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from agricultural to residential for one parcel (Tract C) consisting of 40,002 square feet.

Scott Walz on behalf of Barry and Jim Shaw explained the application to the Board. Walz stated a neighbor wants to purchase a stand alone lot. The parcel meets the requirements for a standard sized lot. The request is for a zone change for the new Tract C and the remnant will remain zoned Agricultural.

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.

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

There was no further discussion by the Commission.

**MOTION: Kaiser made a motion to approve the Change of Zone from agricultural to residential for Tract C due to the fact the change will coincide with the use of the property with the remnant tract to remain zoned Agricultural. Seaberg second. All in favor. Motion carried to approve.**

**SEVENTH ORDER OF BUSINESS: APPLICANT: Verizon Wireless On Behalf of Grones Property** 1360 Energy Park Drive #210 St Paul, MN 55108 **Project Location:** 31728 Rock Rice Road **LEGAL LAND DESCRIPTION:** 160104002 Holmesville S 1/2 of the NW 1/4 of SE 1/4, Section 16, TWP 140, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a 259' Wireless Communications Facility Tower on Agricultural zoned property.

Dave Fischer on behalf of Joyce Grones explained the application to the Board. The tower will be a self support lattice tower with overall height of 259' which includes a lightening rod. The design includes accomodations for 4 additional units/carriers with the proposed location meeting all setbacks. Brufloft asked why not a monopole to which Fischer stated under 150' the tower can be a monopole but over that height it is required to be the lattice structure. Kaiser questioned why they couldn't meet the required setback from the lake to which Fischer stated they found no one that would agree to having the tower on their property that met the lake setback and was within the usage area required. Kaiser asked if the FAA approval is required before constructuion can begin to which Fischer stated yes.

No one spoke in favor of the application. Keith Brekken spoke against the application. He stated many owners outside the required notification range of 1/4 mile will be affected because they can see the tower. He questioned if there was fiber-opic line in the area, will they carry insurance and will the tower have lighting to which Fischer stated they will bring fiber-optic in if it is not already that there, yes they carry insurance and bond, the tower will be lighted and they make the tower available to accommodate up to 4 other carriers such as Sprint or AT&T. Kovala stated they have a tower in his area people were opposed to and now you don't even notice it is there. Kovala calls the County if the light goes out and watches it at night. Kovala stated his telephone reception is excellent and you get used to the tower being there. Lee Carlson spoke against the applications. Carlson who has property north of the proposed sight is afraid the tower will devalue his property. Carlson didn't feel this property was the right spot for a tower due to the population around that property. Fischer stated opinions vary both ways but for some people it is actually an attraction because of their communication needs. There was written correspondence read by Hodgson from Kathleen and Keith Brekken against the application. Some concerns were: Obstruction of view, will the tower give off any type of radiation, or increase electrical strikes and could it possibly decrease land value. At this time, testimony was closed and further discussion was held.

Moritz stated each proposal for towers is looked at individually but it would be nice to see a large overlay of where the existing towers are located because no one wants extras and everyone wants them strategically placed. Fischer stated the FCC requires them to obtain the information for existing towers to see if there are any they can co-locate on to assure there are not too many towers being erected. Fischer continued by saying that is why each tower must have the capability to add more carriers onto them, to keep down the overall total number of towers in each County.

There was no further discussion by the Commission.

**MOTION: Thorkildson made a motion to approve a Conditional Use Permit for a 259' Wireless Communications Facility Tower as submitted due to the fact the request meets the criteria of the Ordinance. Seaworth second. All in favor except Kaiser. Majority ruled. Motion carried to approve.**

**EIGHTH ORDER OF BUSINESS: APPLICANT: Verizon Wireless On Behalf of WeFest Property** 1360 Energy Park Drive #210 St Paul, MN 55108 **Project Location:** 13294 260th Ave **LEGAL LAND DESCRIPTION:** 190318000 Lake View E 1/2 of SE 1/4, Section 16, TWP 138, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a 109' Wireless Communications Facility Tower on Agricultural zoned property.

Dave Fischer on behalf of WeFest Randy Levy explained the application to the Board. The request for the permanent 109' tower will replace one of the cell on wheels (COW) towers that was on this property last year. Verizon already has one tower in the area, but it is full with other carriers and the need is there for that area to sustain another tower. The other approved temporary one (COW) will be used in the VIP area as it was last year to help in that immediate area. The permanent tower will provide other uses as in Team/Sprint or Excel the ability to be added onto it so they will have the coverage also.

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.

Brufloft stated there is a need more for texting versus phone conversations. 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: Blomseth approved a Conditional Use Permit for a 109' Wireless Communications Facility Tower as submitted due to the fact the request meets the criteria of the Ordinance. Lien second. All in favor. Motion carried to approve.**

**NINTH ORDER OF BUSINESS: APPLICANT: Verizon Wireless On Behalf of Borash Property** 1360 Energy Park Drive #210 St Paul, MN 55108 **Project Location:** 22858 Co Hwy 6 **LEGAL LAND DESCRIPTION:** 170002000 Lake Eunice Th Pt of the SE 1/4 of the NE 1/4, Section 01, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a 199' Wireless Communications Facility Tower on Agricultural zoned property.

Dave Fischer on behalf of Robert Borash explained the application to the Board. This is another location where there is a need for full tower capacity to service communication needs. This 199' tower needs the specific height proposed due to the concerns of the engineers because of the height of the gravel mounds on the neighboring property. Typically the FAA guidelines state if the tower is under 200' they do not have to light the tower. Due to the proposed tower location in proximity to the airport, an FAA height

approval determination is required. If the tower was approved at a lower height it would not be feasible in this location. Fischer talked to Larry Remmen regarding the airport Conical Zone and will work with FAA and the City of Detroit Lakes for approval before any construction begins.

Karen and Clifford Bimberg spoke to the Board. They are requesting screening on their personal property and they do not want any lighting unless the FAA requires it. No one spoke against the application. There was written correspondence read by Hodgson from Kenneth Shroyer on behalf of Lake View Town Board in favor of the application. They stated the tower request should be granted with the provision the tower would be lighted at the top. There was written correspondence read by Hodgson from Clifford and Karen Bimberg stating if the tower is allowed Verizon is required to use screening so that the facility is screened from adjacent residential properties and they want any proposed lighting to not illuminate their property. ~~Hodgson read a letter from Larry Remmen on behalf of the City of Detroit Lakes stating the height limitation in the horizontal zone is 100 feet above the airport elevation of 1396 which means the top of the structure cannot extend higher than an elevation of 1496 feet above mean sea level. Therefore, the 190 foot tall tower they are proposing in this location is not allowed.~~ At this time, testimony was closed and further discussion was held. \*\*Please see notation after the motion.

Kaiser clarified that the Bimbergs are asking for trees and shrubs to be planted on their personal property, not just by the facility or adjacent property lines. Brufloft stated this would have to be discussed between Verizon and the property owners and the Board is not going to include something in the stipulations that may hold precedence for future applicants. Brufloft added if Verizon wants to discuss reasonable demands with neighboring property owners then they can iron out the details between them. Lien stated he felt that was a fair request to work with the Bimbergs regarding screening.

There was no further discussion by the Commission.

MOTION: Thorkildson made a motion to approve the Conditional Use Permit as submitted for a 199' Wireless Communications Facility Tower based on the fact the application meet the criteria of the Ordinance contingent on FAA, City of Detroit Lakes and Airport approval. Kovala second. All in favor. Motion carried to approve with stipulations.

\*\*On 12/17/14 Larry Remmen with City of Detroit Lakes rescinded his letter of 12/15/14 which contained incorrect information. The proposed property is located on the outer edge of the conical zone with a height limitation in the area of 1696. The proposed structure will not extend higher than the allowed elevation, therefore the 199' would be allowed.

**TENTH ORDER OF BUSINESS: Informational Meeting:** The next informational meeting is scheduled for Wednesday, January 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. Seaberg second. All in favor. Motion carried. Meeting adjourned.

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Jim Brufloft, Chairman

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Jeff Moritz, Secretary

ATTEST \_\_\_\_\_  
Patricia Swenson, Zoning Administrator