

**Becker County Planning Commission**  
**May 19, 2009**

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

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

**Minutes:** Thorkildson made a motion to approve the April 21, 2009 minutes. Schlauderaff second. All in favor. Motion carried.

Bruflodt explained the protocol of 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, May 26, 2009.

**FIRST ORDER OF BUSINESS: Mark Kent, AT & T Mobility and American Tower Corporation.** Request a conditional use to construct a 4 tenant communications site complete with a 300 ft guyed tower, 4 sets of antenna and coax cable, 4 equipment buildings (12 ft x 20 ft), tower base and buildings and anchors to be enclosed with a 6 ft high chain link fence with 3 barb wire anti-climb fence on the property described as: NE ¼ of NE ¼, Section 21, TWP 142, Range 41, White Earth Township. PID Number 36.0133.000. The property is located at 24893 370<sup>th</sup> St.

Rick Adams, AT & T Representative, explained the application to the Board. Adams stated that he has been involved in most of the tower construction in the County. AT & T is allocating a lot of money for towers in northern Minnesota. Adams stated that they first contacted White Earth Tribe about locating a tower on the reservation. After the initial contact, they decided to expedite the process by finding a private site. This location is a strong site for an under served area. This area is mostly farmland and should serve the Highway 59 corridor well. AT & T will also be co-locating on the We Fest tower just south of Detroit Lakes and another tower by Vergas in Otter Tail County.

Bruflodt verified that it would be a guy tower, and that the tower could house up to 4 sets of antenna. Adams stated that AT & T will not own the tower for long. The tower would be sold to American Towers, which is an independent company. An independent company is able to keep the towers fully utilized. Knutson questioned when the tower would be constructed and operational. Adams stated that the tower could be constructed in July or August and in service within 60 days after construction.

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.

Bruflodt questioned if the tower north of Richwood was operational. Swenson stated that this tower is now in operation. Lien stated that the area seems to be a good location. Johnston questioned if the White Earth Tribe needed to approve the application. Swenson stated that the Tribal Authority was notified of the hearing, but this property is private ownership.

**Motion:** Lien made a motion to approve a 4 tenant communications site complete with a 300 ft guyed tower, 4 sets of antenna and coax cable, 4 equipment buildings (12 ft x 20 ft), tower base and buildings and anchors to be enclosed with a 6 ft high chain link fence with 3 barb wire anti-climb fence based on the fact that the use would not be detrimental to the surrounding area. Kovala second. All in favor. Motion carried. Application approved.

**SECOND ORDER OF BUSINESS: Scott and Vicki Stelter.** Request a conditional use permit to construct a 100 ft by 200 ft outdoor riding arena with a 20 ft by 20 ft crows nest to be utilized for horse shows. The arena would normally be open between the hours of 9 am and 6 pm on Saturdays and Sundays on the property described as: W 760 ft of the SE ¼ of the SW ¼; Section 32, TWP 140, Range 41; Richwood Township. PID Number 24.0252.000. The property is located at 24300 Co Rd 149.

Swenson stated that, during the informational meeting, the Planning Commission had requested a parking plan and the applicant responded.

Stelter explained the application to the Board. The primary use of the arena is for his personal use, but wanted a conditional use permit in case he wanted to do shows.

Bruflodt questioned what would happen when two trailers met on the driveway, the driveway does not appear to be wide enough for two vehicles. Stelter stated that either all the traffic is coming at the same time or leaving at the same time and that there is a circular driveway in which they can avoid each other. Bruflodt questioned the number of people that would be attending the event. Stelter stated that the average would be 60 participants with about 20 trucks and trailers and parking would be as outlined their letter. Seaberg questioned where the other five acres is located. Stelter stated that the five acres is on the other side of the fence, the fence would be removed for access to the five acres. Stelter also stated that if another access point was needed, they could access the property through the Gilbertson property. Bruflodt questioned if the low areas retained water all year or dried up during the year. Stelter stated that he would create a solid base driving area around the wet and low areas to keep the vehicles away from the low areas.

Knutson stated that some of these events could bring up to 200 people to the area. Stelter stated that those are mostly winter shows that have large incentives. Stelter stated that the summer shows are smaller. Stelter stated that he is involved with two different associations, so there could be two different types of shows. Stelter stated that most people would not even know that a show is being held with the exception of local gas

stations and restaurants. Knutson questioned if Stelter planned expand the use of the arena or the shows. Stelter stated that there would have to be \$15,000 incentives to attract 200 people. Seaberg questioned how many shows would be held. Stelter stated that team penning is held once a month and the American Quarter Horse Shows are booked three to four months in advance. Kovala questioned the number of spectators that attend, other than the riders. Stelter stated that the families of the participants are usually the only spectators; the group is also trying to build up the youth division.

Bruflodt questioned sanitary facilities. Stelter stated that he would not have permanent facilities, he would look into portable facilities, and most of the horse trailers have living and sanitary facilities.

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.

Knutson stated that the arena is not a concern of his, but the traffic, parking and access to the property are a concern. Lien stated that this is a nice location, but very poor access and felt that the permit could not be issued without addressing the access concern. Bruflodt felt that if most of the trailers were the same size as Stelters, there would be a great concern. Johnston stated that he had no problem with the riding arena, but had concerns of a commercial business located within a residential area. Seaberg was concerned about the access and width of the road. Thorkildson felt the area was a good location and wanted to see more youth get involved with the event. Lien felt the access should be one-way traffic. Knutson stated that they would need the consent of the other party before the Board could act.

Bruflodt explained the 60 day rule and that the applicant has the right to table the application.

**Motion:** Thorkildson made a motion to approve the application as requested. Schlauderaff second. Voting in favor of the motion were: Thorkildson, Schlauderaff, Skarie and Seaberg. Voting against the motion were: McGovern, Kovala, Lien, Johnston, and Knutson. Majority voted against the motion. Motion failed.

Further discussion was held regarding parking, access, and tabling the application. Stelter stated that he was going to go ahead with the personal arena whether or not the conditional use permit is approved. Stelter stated that if the permit is not approved, it is too late for scheduling for the AQHA events.

**Second Motion:** Lien made a motion to deny the application based on the fact that there is not adequate parking and access to the property, causing traffic concerns about safety. Johnston second. Voting in favor of the motion were: Johnston, Lien, McGovern, Kovala and Knutson. Voting against the motion were: Seaberg, Skarie, Thorkildson and Schlauderaff. Majority in favor. Motion carried. Application denied.

Kovala explained to Stelter that if he could show a plan for safe ingress and egress, he could present it to the County Board of Commissioners at Tuesday's meeting. Swenson stated that MN DOT may have concerns if there was direct access from Highway 59.

**THIRD ORDER OF BUSINESS: Bruce Qvammen.** Request a change of zone from high density residential to residential and approval of a certificate of survey to subdivide 11 acres into three tracts of land for the property described as: Pt Govt Lot 4, Comm SW Cor Sec 23 Th E 1358.29 feet; Section 23, TWP 139, Range 39; Height of Land Township. PID Number 15.0219.00 (original parcel number), 15.0493.300-15.0493.312.

Qvammen explained the application to the Board. The multi residential development for 12 units would be eliminated and three lot subdivision. The multi unit development has been a financial disaster and has decided to abandon that project and replace it with the three-lot subdivision. The boardwalk would be installed prior to the sale of the lot. Qvammen stated that he has been frustrated with the Township regarding the road maintenance.

McGovern questioned if the sites were suitable for septic systems and questioned how the wetlands would be protected. Qvammen stated that the lots are very suitable for septic systems based on the EAW information and that most of the wetlands in question dry up and are mowed all summer. Seaberg questioned the docking and if the ERTTP approved the docking location. Qvammen stated that the ERTTP wanted one dock for three lots, but sharing of one dock for three lots would not sell the lots.

Knutson questioned how many lots Brandi Lane serves. Qvammen stated that there are five lots in the first subdivision and three lots proposed for a total of eight lots. Knutson stated that the next Township meeting is June 9 and Qvammen needs to be at the meeting to resolve a maintenance agreement in which Qvammen pays for maintenance until the Township takes over the road. Qvammen stated that he has been working with John King, working toward a solution.

Jim Navara, lake association, stated that they have protested the last two projects, but are not protesting this one because it is less dense and better for the lake. However, they are concerned about the docking and would like to see permanent docking to be used by all three lots and are also concerned about the enforcement regarding weed removal.

Doug Fisher stated that he is not protesting the project but has concerns about the road. The road is not being maintained now and this should be resolved before approving more lots.

Knutson questioned if Fischer checked into what type of road serviced the property before buying it. Fischer stated that it was a gravel road and the realtor stated that either the Township or County would maintain the road. Knutson explained how a road agreement works and that most Townships do not maintain a road until those conditions are met. Knutson stated that the realtor misrepresented the road. Swenson stated that the Zoning Ordinance requires a road agreement before a plat can be approved, but this

agreement does not address the developer having to maintain the road until the Township accepts the maintenance.

Johnston felt that, in the future, there should be an agreement as to who is responsible for the maintenance until the Township begins maintenance. Qvammen stated that he has had a verbal agreement that the person that maintains the Township roads was to maintain this road and he would pay for it. However, the Township has changed maintainers and there has been miscommunication between all parties involved. Qvammen stated that he sends a check to the Township and the Township directs the maintainer to do the maintenance on the road.

Written correspondence was received from the Lake Association. At this time, testimony was closed and further discussion was held.

Bruflodt questioned how many boat slips were approved for the multi residential development. Qvammen stated that there were eight slips approved; now the proposal is for two docks, one of which will be in the same location as approved for the multi residential development. Knutson questioned if the aquatic vegetation was as dense on the rest of the development. Qvammen stated it is denser further south. Qvammen further stated that if the spawning area is such a concern, then buoys should be placed marking the location by the DNR.

Lien stated that the lakebed is a hard pan and that putting a dock in or out of the water should not cause damage to the lakebed, especially when the dock is usually placed in the lake before the weeds begin to grow and taken out when the weeds are dormant. Skarie stated that there would be less number of watercraft using this area with fewer lots. Johnston stated that the DNR has regulations as to how much aquatic vegetation can be removed, so why is the County telling him where the docks can be placed. Lien agreed. Scott Walz stated that when the permit for weed cutting is applied for, the DNR can choose the dock location.

**Motion:** Lien made a motion to approve the change of zone from high density residential to residential and approve the certificate of survey for three lots based on the fact the this subdivision would have less impact on the lake than the 12 unit development, which will be abandoned. Kovala second. All in favor except McGovern.

**FOURTH ORDER OF BUSINESS: Curt and Shelly Ulrich.** Request approval of a certificate of survey to subdivide an 11.8 acre parcel into two tracts of land for the property described as: Pt Govt Lot 2, Section 7, TWP 139, range 42; Audubon Township. PID Number 02.0047.001. The property is located at 17087 US Hwy 10.

Scott Walz explained the application to the Board. Ulrich has sold his house and would like to split the property. These two tracts would be accessed from the east. No further splitting of the lots could be done unless a public road is constructed.

Johnston questioned if the building setback is from the ordinary high water mark or the water line. Walz stated the setback is from the ordinary high water mark.

Rick Ellsworth, Audubon Township, stated that they had concerns about the driveway location. The driveway goes through a commercial parking lot. Written correspondence was received from Audubon Township with their concerns about the driveway location. At this time, testimony was closed and discussion held.

Lien felt that the driveway easement should be identified so that trucks could not block it. Knutson questioned why the zoning was left ag and not changed to residential. Swenson stated that minimum ag lot size was 2.5 acres and to change it to residential is additional fees and would be considered spot zoning.

**Motion:** Johnston made a motion to approve the certificate of survey for two lots based on the fact that it meets the criteria of the Zoning Ordinance. Skarie second. All in favor. Motion carried. Certificate of survey approved.

**FIFTH ORDER OF BUSINESS: Final Plat of Hanson's Mountain View Shores First Addition.**

Swenson explained that the change of zone from agricultural to residential and preliminary plat approval for six (6) lots was approved in November 2008. Everything is in order for final plat approval.

Larry Hanson, developer, stated that nothing has changed since the preliminary approval.

**Motion:** Kovala made a motion to approve the final plat of Hanson's Mountain View Shores First Addition based on the fact that the plat meets the criteria of the Zoning Ordinance. Seaberg second. All in favor. Motion carried. Final plat approved.

**SIXTH ORDER OF BUSINESS: Upcoming training.** West Central Initiative along with Government Training Services is hosting a training workshop for city and county planning commission members on Thursday, June 4, 2009 at the Otter Tail Government Center in Fergus Falls. Anyone interested in going should contact the office by Friday, May 22, 2009.

The next informational meeting is scheduled for Thursday, June 11, 2009 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, Thorkildson made a motion to adjourn the meeting. Lien second. All in favor. Motion carried. Meeting adjourned.

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Jim Bruflodt, Chairman

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Jeff Moritz, Secretary

ATTEST

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Patricia Swenson, Zoning Administrator