

Becker County Planning Commission
July 15, 2014

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

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 July 22nd, 2014.

Kovala made a motion to approve the minutes for June 17th, 2014 with a change on Page 2 under first purpose of business changing the second motion to Lien. Lien second. All in favor. Motion carried.

Chairman Bruflodt called the meeting to order. Zoning Technician Julene Hodgson recorded minutes.

Old Business: NONE

New Business:

FIRST ORDER OF BUSINESS: William Martodam 11385 W Lake Eunice RD Detroit Lakes, MN 56501 **Project Location:** Toy Box Lane **LEGAL LAND DESCRIPTION:** 170354014 Lake Eunice Township Pt of the SW 1/4 of SE 1/4 Tract U 4.17 Acres Metes and Bounds S 10 FT OF LOT 12, Section 30, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to operate rental storage units for monthly rental on an agricultural zoned property.

Martodam explained the application to the Board. The proposed location is by the Toy Box subdivision and contains 4.17 acres. Martodam would rent space out by the month with individual rental units within large buildings. The structures will be unheated with no lights, water or septic. Moritz asked how many structures he is proposing to which Martodam stated he would like to construct up to 3 buildings this year. Kaiser asked how many buildings he thinks he will construct on the property to which Martodam stated possibly up to 4 buildings total. Johnston asked in the area that is leveled how many structures could be constructed to which Martodam stated again depending on the lot coverage, possibly up to 4 or 5 maximum.

No one spoke for or against the request. There was written correspondence from Neal and Sherry Pederson against the proposal. They were under the understanding the larger lots were for residential use to keep the number of people at a minimum. They felt any approval would convert non-commercial property into commercial property near residential homes. Kaiser asked Swenson if the Toy Box property is zoned Commercial to which Swenson answered no. At this time, testimony was closed and further discussion was held.

Seaberg stated that the proposed rental structures would not impact other properties immediately by this property because all of them have storage units constructed on them.

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

MOTION: Kaiser made a motion to approve a Conditional Use Permit to operate rental storage units for monthly rental as submitted based on the fact the request meets the criteria of the Ordinance and will not be detrimental to the surrounding properties. Blomseth second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Don Skarie 25793 Co Rd 149 Detroit Lakes, MN 56501 **Project Location:** 25793 Co Rd 149 **LEGAL LAND DESCRIPTION:** 080055000 Detroit Township 04-139-41 PT GOVT LOTS 2 & 3: COMM NE COR GOVT LOT 3 TH W 143.40' TO POB; SE 301.32', SW 442.34', N 359.69', W 180' TO FLOYD LK DR, SLY & SWLY AL RD TO S LN GOVT LOT 3, E 965' TO CUL-DE-SAC..., Section 04, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Certificate of Survey for one (1) tract (Tract A) containing 2.28 acres with a change of zone from agricultural to residential for the smaller (new) tract only.

Scott Walz with Meadowland Surveying explained the application to the Board on behalf of Don Skarie. Walz explained the survey depicts tract B and tract A, the tract B was a large enough tract that the Zoning office could approve the tract and the tract was not a part of the public hearing request. Tract A is less than 2.5 acres, therefore the survey and a change of zone is 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.

Lien stated the request meets the guidelines of the Ordinance. There was no further discussion by the Commission.

MOTION: Lien made the motion to approve a Certificate of Survey as submitted for one (1) tract (Tract A) containing 2.28 acres with a change of zone from agricultural to residential for the smaller (new) tract only based on the fact the request meets the criteria of the Ordinance. Johnston second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: : Mavis Davis 21775 Sandy Beach Rd Rochert, MN 56578 **Project Location:** 23093 460th Ave **LEGAL LAND DESCRIPTION:** 280155000 Shell Lake Township Bass Lake 280155001 and 280156000 W1/2 OF SW1/4, NE1/4 OF SW1/4 & LOT 3 LESS 5.52 AC, Section 25, TWP 140, Range 38 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Certificate of survey to create two tracts of land- Tract A (4.4 acres) Tract B (7.0 acres) with the remainder Tract E of 124 acres- along with correcting legal descriptions to describe Tract C (1.3 acres) and Tract D (2.7 acres).

Scott Walz from Meadowland Surveying explained the application to the Board on behalf of Mavis Davis and the Kangas Trust. Walz explained tract A and B would be accessed

by a 66' easement and is located on a natural environmental lake. Both tracts exceed the width and lot area requirements. Tract C and D are not part of the request the survey depicts lot line adjustments for C and D for description only to correct the property titles. They have current access and the new access will go north. Kovala stated he drove through the area and the lots are very large, he saw no problem with the request.

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.

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 Certificate of survey as submitted to create two tracts of land- Tract A (4.4 acres) Tract B (7.0 acres) with the remainder Tract E of 124 acres based on the fact the request meets the criteria of the Ordinance. Seaberg second. All in favor. Motion carried.

FORTH ORDER OF BUSINESS: Doyle & Wendy Fevig 1601 40th Ave N Moorhead, MN 56560 **Project Location:** County Rd 132 **LEGAL LAND DESCRIPTION:** 240010000 Richwood Township N1/2 OF SE1/4 LYING N OF HWY 21 & SW1/4 OF NE1/4 LYING S OF HWY 132 & W OF HWY 21, Section 02, TWP 140, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to allow up to three (3) 30,000 gallon propane storage tanks on an agricultural zoned property.

Doyle Fevig explained the application to the Board. Fevig is in the process of purchasing property and is requesting to have propane storage on the property. Initially Fevig would have one storage tank on the property and eventually up to a total of 3 tanks. Kovala stated there is a signed petition on record from some of the people that live in Richwood that are opposed to the request. Johnston asked if the request was for the tank to be 225' from Co Hwy 132 to which Fevig stated yes. Lien stated the further Fevig could propose the placement of the storage tanks from Richwood the better it would be for the residents. Lien read the criteria in the Ordinance regarding allowing a CUP on a property including affecting surrounding property, not a nuisance, harm the use and enjoyment of other property and substantially diminish or impair property values. Fevig stated they proposed the storage tanks in this area to create less snow removal but they could place them further south. Seaberg asked how busy they would be during their busiest season to with Fevig stated they would be in and out of the property once a day they are not proposing heavy traffic. Kaiser suggested they go back further into the property, by the woods.

No one spoke for the request. Speaking against the application were Melissa Paskey, Angie Johnson, Gary Johnson and Mary Lesko. Some of the concerns included: Children play in the yards along Co Hwy 132 and they are afraid of increased traffic, the residents are close to the road and worried with safety issues, depreciated property values, Co 132 won't handle the extra traffic, High traffic area already, possible vandalism, hazmat concerns, possible explosion from lightening, road maintenance and questioned if they

had looked in a different area that would be just agricultural property. There was no written correspondence for the proposal. There is a petition on file against the proposal with 15 signatures. At this time, testimony was closed and further discussion was held.

The Board gave Fevig the opportunity to answer some of the questions asked. Fevig stated he has never heard of lightening striking one of these type of tanks, they will have a fence and lighting around the area to help control vandalism and for safety purposes, they have had no problems with anything in the past and a lot of these tanks are placed close to residential areas.

At this time Blomseth recuse himself from the conversation, motion and voting.

Lien stated Fevig could table the application and come back to the Board with the suggestion of where this would be more suitable place- further back into the property. Seaberg noted the Board could stipulate the access was off of Co Hwy 21 only and no access off of Co Hwy 132. Swenson stated the approval for access would be contingent on approval from the County Engineer regarding entrance off of Co Hwy 21. Johnston handed out an example showing the property is adequate for the proposed tanks to be located 500' south of Co Hwy 132 and 400' west of Co Hwy 21- close to the pine trees that are located on the property. The Board agreed there are some of these storage tanks located within the city limits of Detroit Lakes. Kovala stated he would be comfortable making a motion for approval if they could follow the suggestions of the Board to be as far south as possible away from Co Hwy 132 and west of Co Hwy 21 and the access has to be approved by the County Engineer off of Co Hwy 21.

There was no further discussion by the Commission.

MOTION: Kovala made a motion to approve a Conditional Use Permit to allow up to three (3) 30,000 gallon propane storage tanks on an agricultural zoned property. The storage tanks must be located a minimum of 500' south of Co Hwy 132 and 400' west of Co 21 with the access approved by the County Engineer off of Co Hwy 21 only.

Johnston second. All in favor except Seaberg and Kaiser. Majority ruled. Motion carried.

FIFTH AND SIXTH ORDER OF BUSINESS: APPLICANT: Verizon Wireless On Behalf of We Fest 1360 Energy Park Drive #210 St Paul, MN 55108 **Project Location:** 25526 County Hwy 22 **LEGAL LAND DESCRIPTION: 190315000** Lake View Township LOT 2 SW OF RWY LESS N 32 RDS W OF HWY; & 3.78 AC & LOTS 1 & 3 EX R/W, 1 AC W OF HWY & NE 10 AC OF LOT 1; & NE1/4 OF NW1/4, Section 16, TWP 138, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to locate a temporary portable wireless communications facility in the **VIP area** to offload capacity from the existing facility due to the amount of communication volume anticipated in an Agricultural Zone.

APPLICANT: Verizon Wireless On Behalf of We Fest 1360 Energy Park Drive #210 St Paul, MN 55108 **Project Location:** near 13288 260th Ave **LEGAL LAND DESCRIPTION: 190318000** Lake View Township PT E1/2 OF SE1/4; BEG AT SE SEC COR TH W 840.93', N 384.90' E 196.46', N 1439.37', E 541.17' TO W R-O-W OF SOO RR, S 220', WLY 403.50', S

270', NE 403.50' TO WLY R-O-W SOO RR..., Section 16, TWP 138, Range 41
APPLICATION AND DESCRIPTION OF PROJECT: Request a Conditional Use Permit to locate a temporary portable wireless communications facility in the **Campground area** to offload capacity from the existing facility due to the amount of communication volume anticipated in an Agricultural Zone.

Dave Fischer on behalf of Verizon Wireless and We Fest explained the application to the Board. The units are portable wireless communications facilities located on the back of trucks to support the offload for communications needs. The towers are 35' in height and one would be located in the VIP section and the other one in the Hilltop campground area. They would locate the trucks onsite a week before the event and take them off premis within a week after the event. Kaiser asked if this will be a long term use to which Fischer stated they would like to propose this as a long term CUP request. Fischer stated they are going to submit an application in the near future for a permanent tower location, but that will not take away the need for the CUP for a couple of temporary COLTS (Cell On Light Trucks). He explained that a temporary fence will enclose the sites. Seaberg asked why they cannot add to the existing tower that is already located on the We fest grounds to which Fisher stated they are at the maximum capacity and Verizon Wireless already has some of their equipment located on that tower. The proposed permanent tower will help with more of the run off needs. Kaiser noted they can look at this each year and that if any problems surface, it will jepordize the conditional use permit and it will not be renewed the following year.

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.

Johnston suggested they state on the CUP they can have them on site one week before and one week after the event. Knutson stated they wouldn't have to place any dates or time in the motion and that way it could be open to other festival events also. The suggestion was brought up that they could have these on site for any festival event during the year, with a 30 day notice given to the Zoning Office of when they are going to be setup on site and when they will be taken off site. Swenson noted that this could be a part of their mass gathering information that is required to be submitted before any fesival event happens on the We fest grounds.

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: Lien made a motion to approve a Conditional Use Permit to locate a temporary portable wireless communications facility in the VIP and Campground area to offload capacity from the existing facility for any of the festival events on the We fest grounds. Information must be submitted on a yearly basis for which festival events the temporary towers will be utilized. Kovala second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Informational Meeting: The next informational meeting is scheduled for Thursday, August 14th, 2014 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. Thorkildson second. All in favor. Motion carried. Meeting adjourned.

Jim Bruflodt, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator