



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

TO: Members of the Planning Commission

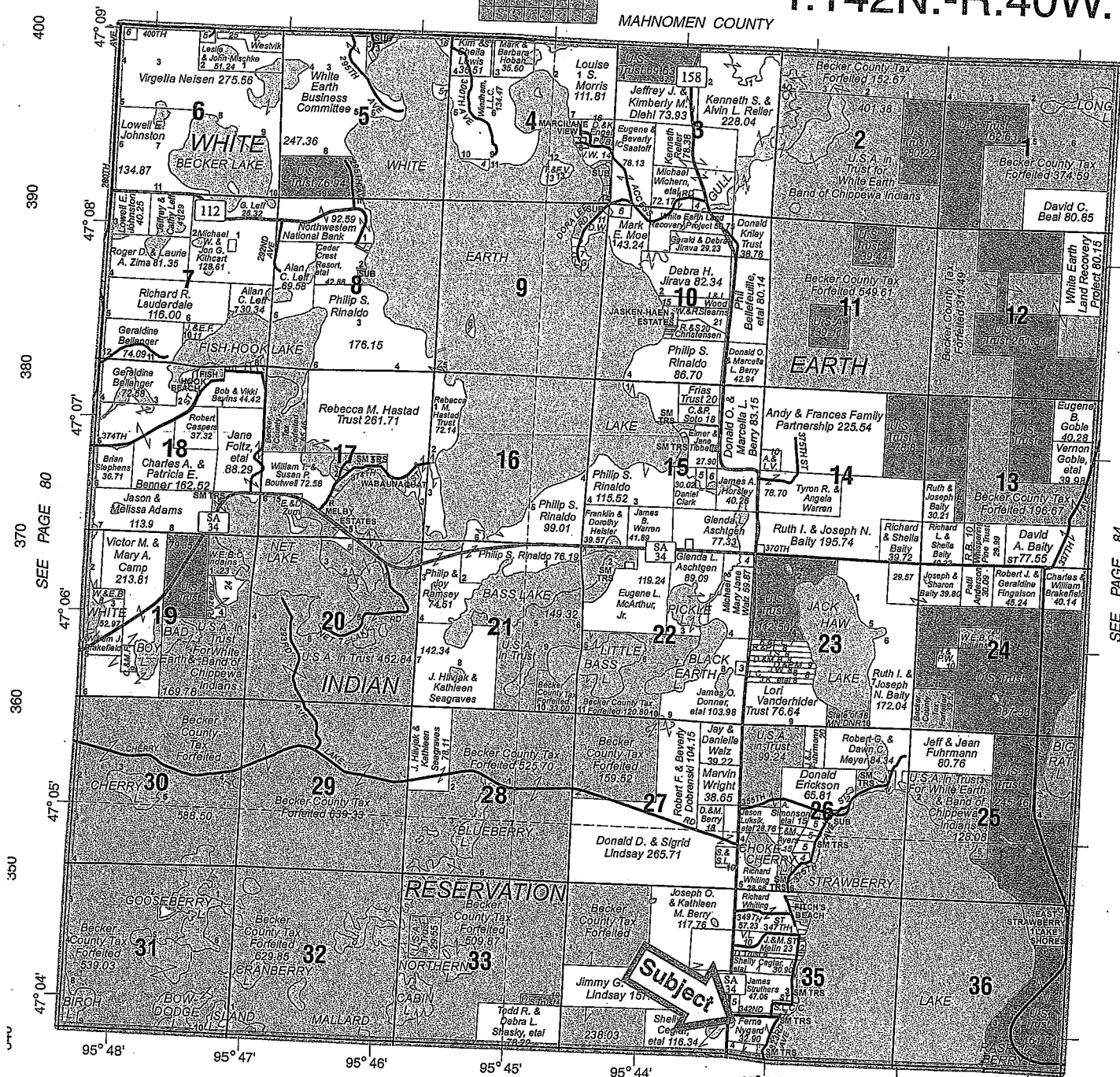
FROM: Planning & Zoning Department

DATE: November 29, 2016

RE: Planning Commission Meeting

An informational meeting and tour has been scheduled for **Wednesday, December 7th, 2016, 8:00 am**. Please meet at the Planning & Zoning Department. If you cannot make the tour, please contact the office at 218-846-7314.

Thank you.



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Becker County, MN



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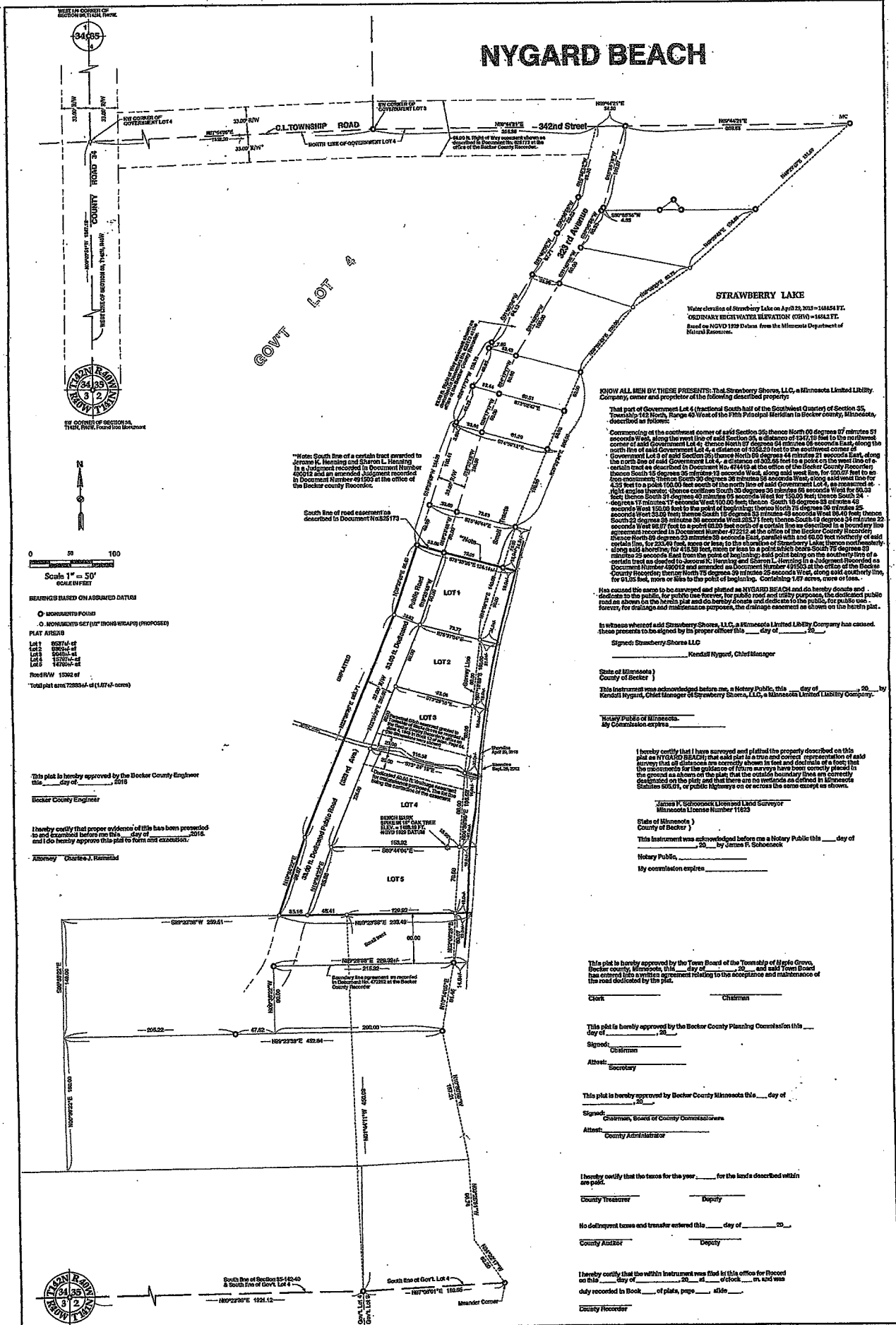
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NYGARD BEACH



**Becker County Planning Commission
November 7th, 2016**

Members Present: Chairman Jim Bruflodt, Vice Chairman John Lien, Harry Johnston, County Commissioner Larry Knutson, Jim Kovala, Mary Seaberg, Dave Blomseth, Jim Kaiser, Marry Seaworth, Planning and Zoning Supervisor Dylan Ramstad Skoyles and Planning and Zoning Technician Kyle Vareberg.

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

Chairman Jim Kovala 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 October 18th, 2016.

Jim Bruflodt made a motion to approve the minutes for October 11th, 2016. John Lien seconded. The motion passed.

Old Business: None

New Business:

1. **FIRST ORDER OF BUSINESS: APPLICANT: Osage Sportsman Club, Inc.**
Project Location: 27803 County Road 135 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to allow the conversion of timber land to cleared property within the Shoreland District. This is part of a previous request and future proposal.

Jodi Walsh spoke on behalf of the Osage Sportsman Club. She explained the club removed trees from the property without knowing a Conditional Use Permit was required. Which prompted the permit to be submitted after the fact.

Jim Kaiser asked if the trees had already been cut and if they were cut off of the new piece of land that was purchased by the club. Jodi stated the trees have been cut but no stumps have been removed.

Larry Knutson asked Jodi to clarify if the stumps were still there, how many trees were removed, and if it was apart of the original cut. Jodi stated the club removed the trees for safety concerns because the bullets were directed towards the lake prior to the trees being cut. Jodi also said the bullets will now be redirected towards the north west into a gully and that the trees were taken off of the new piece of property.

Larry Knutson asked how far the trees were removed from the lake. Jodi said approximataely four hundred feet.

46 Tom Vikama spoke against the Conditional Use Permit. He questioned why the new
47 permit will overrule the last one and allow the club to add an additional three shooting
48 lanes. Vikama stated the noise from the range is very loud in his yard and in his house.
49 He said he previously lived by a shooting range in Wolf Lake and that is was very
50 tolerable. He then mentioned a safety concern was created with the tree removal and
51 added shooting lanes. Vikama also asked what the limitations are on the land. Jim
52 Bruflodt stated there will be conditions and the club won't have free reign. Jim Bruflodt
53 then asked how long Tom has lived near the range. Tom stated two years, since June of
54 2015. Tom ended his argument by stating prior to the tree removal the range was boxed
55 in heavy and now there is a clearing to the lake, that it is used exstensively, and he has
56 had readings of ninety five decibles in his in yard

58 Brian Winczewski opened his argument against the Conditional Use Permit questioning
59 why it matters how long he's lived there since the tree removal began in 2015 and carried
60 into 2016. Jim Bruflodt asked if mattered to Brian that he bought a residence next to the
61 club. Brian then argued the school shooting team is shooting twice a week instead of
62 once, that he felt Becker County Zoning failed on the first permit and he believed they
63 would learn from their mistakes. Brian said the Becker County Zoning Department
64 presented a Conditional Use Permit they shouldn't have and that the appellee court said
65 harsh things about the board and 90% was not ruled on by the appellee court. Brian said
66 all issues are still present in the new Conditional Use Permit plus more and that
67 recommendations have stated lake shore property can be damaged by the Conditional Use
68 Permit. Brian asked if once the property is cleared can the club do what they want with
69 property. Brian also made reference to twenty letters that were sent to the Becker County
70 Zoning Department concerning the tree removal that began in 2015.

72 Brett Peterson spoke in favor of the Osage Sportsman Club. Peterson stated the range has
73 existed since 1956 and if its closed they will just move to another area. Peterson admitted
74 the range can be loud but that should be taken into consideration when buying property
75 near it. He argued it's a great fast growing sport for kids and only takes two hours for the
76 kids to shoot. He compared the issue to moving next to an airport and somebody
77 expecting the planes to stop flying. Peterson said living next to a gun rage will be loud.

79 Dylan Ramstad Skoyles referred back to the twenty letters the Becker County Zoning
80 Department received and stated all twenty letters were in opposition of the Conditional
81 Use Permit. Dylan listed the the twenty people in opposition as followed
82 : Robert Carrier, Thomas Vikama, Ron Buntrock (2), Wayne Volk, Brian and Mary
83 O'Rourke, Lyn Hartness, Brian Winczewski, Patricia Moyer, David and Barbara
84 Southward, Ric and Laura Benson, George and Eileen Hache, Michell Carver, Joan and
85 Mahlon Edmonson, Carl Broughton, Tom and Dawn Caracio, Bob Prichard, Virgil Oint,
86 Kurt Benson, Del Carver and Mahlon Edmonson. Dylan stated the main concern of the
87 letters was noise, increased shooting, and the safety of the shooting. The board was
88 provided with the letters and Dylan offered to read them in which the board declined.

90 Jim Bruflodt made a point that the Conditional Use Permit is in reference to allow timber
91 to be cleared in the Shore Impact Zone.

92
93 Jim Kaiser questioned whether the club can still exist or is the Conditional Use Permit
94 only to be used just for the removal of trees. Jim Bruflodt said it's only in reference to the
95 removal of trees.

96
97 Dylan Ramstad Skoyles stated the Becker County Zoning Department cannot tell the club
98 to shut down because it is a non-conforming property and that Federal Law protects the
99 club's operation.

100
101 Larry Knutson stated the board has to look at the Conditional Use Permit as the club does
102 not exist. John Lien seconded Knutson and said they are only looking at the Conditional
103 Use Permit to clear timber in the Shore Impact Zone and not as a shooting range. Harry
104 Johnston agreed with both Knutson and Lien.

105
106 Mary Seaberg questioned whether or not the club spoke with all agencies involved with
107 the process and if all the correct permits were acquired.

108
109 Dylan Ramstad Skoyles said the club worked with the Minnesota Pollution Control
110 Agency and Becker County Soil and Water and did so in a manner that would not be
111 detrimental to the environment. He stated they obtained all the correct permits to remove
112 the trees, except the Conditional Use Permit from the Becker County Zoning Department.

113
114 John Lien read the findings as followed: The Osage sportsman's Club has submitted an
115 after the fact CUP application for the conversion of timber land to cleared property within
116 the shoreland district. Chapter eight section eleven part F of the zoning ordinance
117 outlines six findings and criteria for approving a conditional use. Staff has reviewed the
118 application and makes the following recommendations:

119 1. Affect on surrounding property. That the conditional use will not harm the use
120 and enjoyment of other property in the immediate vicinity for the purposes already
121 permitted, nor substantially diminish or impair property values within the immediate
122 vicinity.

123 Staff finds that the previous removal of trees did not encroach on neighboring properties
124 and as such will not have an effect on those properties.

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

128 The clearing of the land will not have an effect on orderly consistent development. The
129 removal of trees in no way impedes any future or current development in the area.

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

132 This is an existing site and currently has the necessary utilities and access from Co Hwy
133 48. The drainage from the property will not be affected as they have an approved
134 Stormwater Pollution Prevention Plan from Becker County Soil and Water Conservation
135 District and a permit from the Minnesota Pollution Control Agency along with a letter
136 from the Minnesota Department of Natural Resources indicating approval.

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

This is an existing facility with adequate parking for the intended use.

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

The appropriate permits for clearing trees have already been obtained by the Sportsman's club and those permits require the owners to control the dust and noise from those activities. None of the other suggested nuisances are possible with the proposed activities.

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

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

The Sportsman's club has obtained the necessary permits from the MPCA and a SWPPP from BCSWCD to control their stormwater.

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

The owners did not clear all the way to the public water. So any future structure on the property will not be visible from the public water.

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

The site is rustic and does not have a well or an on-site sewage treatment system. In staff's view the site would be suitable for both utilities if the need for them arose in the future.

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

The site will not be using watercraft.

Staff feels that this is an existing non-conforming use. We feel this is because the shooting has provided information indicating that they began before zoning regulations were in place. We also have documentation from past zoning officials agreeing with that determination. In several letters from both Patty Swenson and Deb Moltzan, it is indicated that the shooting range is a non-conforming use. I have attached one such letter dated June 7th of 2005 from Patricia Johnson who was the Planning and Zoning administrator at the time indicating that the club has been in operation since 1958 and there for is considered a non-conforming use. In a letter from Scott Anderson dated August 19th 2016 he explained a recent court case regarding the club where his analysis is the Club is a non-conforming use and subject to those rules and regulations. He also suggests that our office's past assumption that a CUP was needed for the addition of shooting bays was incorrect and that it only needs one for the conversion of forest land. I have attached that excerpt to this report as well.

John Lien also stated they are dealing with the clearing of timber and not the club itself.

There was no further discussion by the Commission.

MOTION: Harry Johnston made a motion to approve the request for a Conditional Use Permit to allow the conversion of timber land to be cleared within the Shoreland District on the following findings: 1. The applicant has an approved Stormwater Pollution Prevention Plan from the Becker County Soil & Water Conservation District, a permit from the Minnesota Pollution Control Agency, along with a letter from the Minnesota Department of Natural Resources indicating their approval. 2. The clearing of the trees does not encroach on neighboring properties and will not have an effect on the properties. 3. The owners did not clear all the way to the public water so any future structure on the property will not be visible from the public water. This is an after the fact request. I have visited this property twice in the past year and I feel this Conditional Use Permit would have previously been approved if requested. Harry also chose to include the Staff report as followed Staff report for the Ossage Sportsman's Club

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

Staff finds that the previous removal of trees did not encroach on neighboring properties and as such will not have an effect on those properties.

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

The clearing of the land will not have an effect on orderly consistent development. The removal of trees in no way impedes any future or current development in the area.

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

This is an existing site and currently has the necessary utilities and access from Co Hwy 48. The drainage from the property will not be affected as they have an approved Stormwater Pollution Prevention Plan from Becker County Soil and Water Conservation District and a permit from the Minnesota Pollution Control Agency along with a letter from the Minnesota Department of Natural Resources indicating approval.

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

This is an existing facility with adequate parking for the intended use.

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

The appropriate permits for clearing trees have already been obtained by the Sportsman's club and those permits require the owners to control the dust and noise

from those activities. None of the other suggested nuisances are possible with the proposed activities.

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

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

The Sportsman's club has obtained the necessary permits from the MPCA and a SWPPP from BCSWCD to control their stormwater.

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

The owners did not clear all the way to the public water. So any future structure on the property will not be visible from the public water.

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

The site is rustic and does not have a well or an on-site sewage treatment system. In staff's view the site would be suitable for both utilities if the need for them arose in the future.

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

The site will not be using watercraft.

John Lien seconded the motion. All in favor. Motion carried.

2. **SECOND ORDER OF BUSINESS: APPLICANT: Mark Rasmussen Project**
Location: 11659 US Hwy 10 **APPLICATION AND DESCRIPTION OF**
PROJECT: Request a Conditional Use Permit for the manufacturing of skidsteer
 attachments and other agricultural equipment attachments.

Mark Rasmussen introduced his application for a Conditional Use Permit and stated he has been in business for ten years and paying commercial tax. Rasmussen stated he was unaware he needed a Conditional Use Permit until he recently submitted a building site permit. Rasmussen employs sixteen people.

Jim Kovala asked if there are multiple shifts. Rasmussen stated yes, two, hours of operation are from 7:00 AM to 5:30 AM. Kovala also asked if all work was performed inside. Rasmussen said yes and he has received no complaints about his business operation.

Harry Johnston asked if the business was open five days a week. Rasmussen said yes however normally the business is only open four days a week because the employees work ten hour shifts.

Jim Kovala asked about the residences on the property. Rasmussen stated he owns both residences on the property and an employee of his rents one of the residences and he occupies the other.

There was no further discussion by the Commission.

MOTION: Jim Kaiser made a motion to approve the Conditional Use Permit to allow the manufacturing of skidsteer attachments and other agricultural equipment attachments with the amended hours from 7:00 AM to 5:30 AM. Kaiser also chose to include the staff findings as follow:

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

The area is predominantly agriculture and is located right on the highways as such the proposed use will not harm the use of enjoyment or any of the neighboring properties. All of the activity will be located indoors.

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

The CUP will not impede the orderly development of the surrounding property as it a manufacturing building in a rural area but close to the City of Lake Park. The current use of the surrounding land is most Agricultural so this will not impede their use.

3. Adequate facilities. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provide.

The area has the need access to US Hwy 10. With the provided utilities and drainage issues have been addressed.

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

There is adequate parking for the proposed facilities.

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

All of the proposed activities would take place indoors and is located centrally on the property. This would allow for any possible nuisance like noise and dust to dissipate before reaching the neighboring properties.

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

- 3. THIRD ORDER OF BUSINESS: Applicant: Vicky Grondahl Project Location: 16241 Viking Bay Road APPLICATION AND DESCRIPTION OF PROJECT: Request a re-arrangement of previously approved CIC Viking Bay Document No 574811. The Preliminary Plat and Final Plat would re-arrange to allow 5 overall units instead of the original 10 approved 2009.**

Dylan Ramstad Skoyles explained that after him and Scott Walz reviewed the plat, there was a correction made.

Scott Walz stated a sketch had units placed in the water so he moved them back to meet the one hundred foot setback. None of the proposed units are closer then the previous ten

units. Dylan said Becker County Zoning staff reviewed the new survey and it is compliant.

Jim Kovala asked if all questions were answered at the informational meeting. Dylan said yes they were and Scott agreed that Bob Merritt's concern about the units being to close to the lake was solved.

Jim Kovala stated the amended line was placed back to the original one and there are now half the total units. Jim Bruflodt confirmed it is half the original units and half the density.

There was no further discussion by the Commission.

David Blomseth made a motion to approve the re-arrangement of the Final Plat allowing five total units instead of the original ten. The re-arrangement meets all of the criteria in the ordinance. Mary Seaberg seconded. All in favor, Jim Kaiser abstained. Motion carried.

Informational Meeting: The next informational meeting is scheduled for Wednesday, December 7th, 2016 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, Jim Kovala made a motion to adjourn. Mary Seaberg seconded. Motion carried. The meeting adjourned.

Jim Bruflodt, Chairman

John Lien, Vice Chairman

ATTEST

Dylan Ramstad Skoyles