

Becker County Planning Commission
May 11th, 2021

Members Present: Chairman Dave Blomseth, County Commissioner Larry Knutson, Jeff Moritz, Mary Seaberg, Harvey Aho, Tommy Ailie, Kohl Skalin, Bob Merritt, Ray Thorkildson and Zoning Director Kyle Vareberg. Remote: Brian Bestge. Absent: Chuck Collins

Chairman Dave Blomseth called the Planning Commission meeting to order at 6:20 pm. Introductions were given. Becker County Zoning Tech. Jeff Rusness recorded the minutes.

Mary Seaberg made a motion to approve the minutes from the April 13, 2021 meeting. Jeff Moritz second. All members in favor. Motion carried.

Chairman Dave Blomseth 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.

New Business:

1. APPLICANT: Lloyd B & Eunice I Gunderson 29075 US Hwy 10 Detroit Lakes, MN 56501 Project Location: 29075 US Hwy 10 Detroit Lakes, MN 56501 LEGAL LAND DESCRIPTION: Tax ID number: 03.0074.000 Section 07 Township 138 Range 040; PT LOTS 3&4 BEG 150' E OF SW COR SEC TH E 459' N 687.1' NW 1153.8' AL HWY TO TWP RD S 334' E 121' & S 1321' TO BEG EX 1.17 AC. Tax ID number: 03.0075.000 Section 07 Township 138 Range 040; PT LOTS 3&4 BEG 609' E 687.1' N & 1153.8' NW OF SW SEC COR TH S 334' E TO HWY#10 & NW AL HWY TO BEG APPLICATION AND DESCRIPTION OF PROJECT: Request a Change of Zone from Residential to Commercial.

Lucinda.Liebelt, Lloyd Gunderson's Daughter, presented the application.

Blomseth asked Liebelt what are the proposed plans are for the property?

Liebelt explained, they just want to get it rezoned to be more saleable because the property will eventually be sold. Liebelt added it is mostly commercial out in that part of the Highway 10 corridor.

Paul Renner spoke about the application, he asked if there was a specific plan for changing the zoning or is just for resale purposes.

Liebelt stated, it is just for resale purposes.

45 Renner stated that he was not for or against the application, he just wanted to know
46 more specifics on the project, because he plans to build a house on the adjacent lot.

47

48 Liebelt stated it is just for resale purposes.

49

50 Kate Hagerty-Pennick stated her concern about the change of zone without indicating
51 what the property will be used for. Hagerty-Pennick asked, would the new buyer be able
52 to put whatever they want out there or would they have to go back to the County Board
53 to get approval.

54

55 Blomseth explained, they could do whatever fits within the Becker County Ordinance on
56 commercial property.

57

58 Blomseth stated there is a difference between Commercial and Industrial Zoning.

59

60 Hagerty-Pennick stated her concerns about homes on the adjacent property, living next
61 to a gas station for example. Hagerty-Pennick also stated concerns about tax increases
62 in the area if the rezoning goes through. Hagerty-Pennick stated she feels this request is
63 too vague and premature to rezone this property without having any specific indications
64 on what the intension is for the property.

65

66 **Testimony Closed**

67

68 Thorkildson asked, what would be the criteria be for the use of this commercial
69 property?

70

71 Blomseth ask Vareberg what the commercial property can be used for.

72

73 Vareberg read the ordinance on commercial use to the Board. Vareberg explained it
74 would be basically retail sales.

75

76 Knutson stated to the Blomseth, the tax on the use would not affect the neighboring
77 property taxes.

78

79 Vareberg read two opposing letters. Letters are on file in the Becker County Zoning
80 Office.

81

82 Blomseth opened the matter for discussion by the Board. The Board discussed. All in favor.

83

84 **MOTION: Thorkildson motioned to accept the application as submitted; Skalin second. All in**
85 **favor. Motion carried.**

86

87 **2. APPLICANT: Smokey Resort LLC** 100 N Gould St Redwood Falls, MN 56283; **Tyler & Erika**
88 **Johanning** 605 4th St W Park Rapids, MN 56470 **Project Location:** 53014 St Hwy 34 Osage,
89 MN 56570 **LEGAL LAND DESCRIPTION:** Tax ID number: 05.0144.001 Section 25 Township
90 140 Range 037; NE1/4 N of HWY 34 Tax ID number: 21.0302.010 Section 30 Township 140
91 Range 036; 30-140-36 PT GOVT LOT 1: N OF LN PARALLEL AND 250' N OF FOLLOWING LN:
92 BEG N QTR COR, S 517.2', SW 2450.6' AND TERM. **APPLICATION AND DESCRIPTION OF**
93 **PROJECT:** Request a Change of Zone for 21.0302.010 from Agricultural to Commercial and
94 request a Conditional Use Permit for 49 units or sites for a non-shoreland multi-unit
95 development.

96
97 Surveyor, Brad Nyberg presented the application.

98
99 Nyberg said they are developing 63 acres of non-shoreland and are proposing 49 seasonal sites.
100 The sites will typically be 40'x50' to allow for room for average RV sizes of 12x40. The total
101 impervious area will be approximately 7%. Nyberg stated all the roads on the drawing will be
102 private and be maintained by the resort. The water and sewer will be on a common system.

103
104 Seaberg asked if the roads on the north side of the drawing will come out to an existing road.

105
106 Nyberg explained that they do come out to an existing road, however the layout is kind of a
107 guideline.

108
109 Seaberg asked if there is a guideline on how wide the roads will be.

110
111 Vareberg explained the roads within the campground need to be 14 ft for one-way and 24ft for
112 two-way.

113
114 Seaberg asked if the application was reviewed by the Township officials.

115
116 Vareberg replied, yes, both Osage and Carsonville Townships had no issues. Vareberg added
117 that is part of the Tech Panel Board's process.

118
119 Ailie asked if there is adequate parking for each site? Nyberg replied that there is room for two
120 cars per site.

121
122 Seaberg asked if they are promoting the ATV factor within the campground?

123
124 Lasage, Authorized Agent for Smokey Resort LLC, stated they will not be promoting ATV rentals
125 within the park. Lasage added the existing buildings would contain restaurants, convention
126 centers and promoting and renting 4 wheelers and side by sides.

127

128 Knutson stated that they can do that because, that is on a different parcel, which is already
129 zoned commercial.

130

131 Seaberg noted they received several letters with deep concerns about ATV traffic. Seaberg
132 explained we are here just for the commercial zone and a CUP RV Park request.

133

134 Lasage stated, that is the way I would look at it, it would be no different than R&R Rental, who
135 rent four wheelers and side by sides.

136

137 Bill Eckberg asked how many letters were going to be read?

138

139 Vareberg replied ten letters adding he will read them all.

140

141 Cheryl Breitbach spoke against the application, Breitbach stated concerns about the amount of
142 ATV's traveling through the area already. Breitbach stated her concern about her grandchildren
143 using these roads for walking and riding bikes the old fashion way, riding horses in the fall and
144 hayrides. Breitbach noted how dry it is right now and expressed worry about the hills starting on
145 fire. She stated her main concern is safety.

146

147 Ron Tate spoke against the application. Tate stated concern about the water table and noted
148 concern about increase dust from the road due to ATV use, adding it will only get worse with
149 that many more ATV's coming through. Tate Stated neighbors that live in the area have to suffer
150 because of it.

151

152 Vareberg read ten opposing letters. Letters are on file in the Becker County Zoning Office.

153

154 **Testimony Closed**

155

156 Vareberg read the following letters into record:

157

This application is within the purview of the Smoky Hills State Forest and is an addition to another unit which was granted a conditional use permit in the early 1980s to do business as The Village of the Smoky Hills. At the time it was stated that they never intended for it to be used in the manner that this conditional use permit is requesting. The impact of the ATVs and dirt bikes that "Jack Pines Resort" advertises to will be harmful to the wildlife and the multiple use of the forest trails. Not to mention the road hazards. This is a very large undertaking and will be tantamount to a subdivision with 49 housing units. Who will police the trails? Already there is a problem with trash and "mudding" of the roads, many of which are township roads, and forest roads which are meant as multiple use areas. It used to be a great place for horse trail rides, but that seems to have gone the way of "the old days". It's dangerous to walk the forest roads. It's dangerous to drive our township roads where blind crossings often sees three or four ATVs riding abreast at speeds in excess of their ability to control. Speed limits on township roads here is 55 mph.

The area CO has responsibility for policing the trails...he is overwhelmed. We go through the forest picking up trash, broken glass, etc on a regular basis.

We don't know what the impact of Jack Pines Resort and their ATV customers will have without the addition of the 49 unit RV park. I suggest we take a breath, see how this new business goes and have them come back in two or three years to request a conditional use permit for an RV park at that time.

I am concerned for everyone who lives near this new "subdivision". I thought that the forests were going to have their housing growth limited to 5 acre parcels per unit.

Attached is from Jack Pines Resorts facebook page:

Thank you for taking this matter under serious consideration

Bruce Brummitt and Cheryl Valois
24747 Guyles Road
setsail@gmail.com

158
159

Hello,
I am sending this message to ask that further public input be sought before approving the permit for 50 RV sites at Jack Pines Resort. I have mentioned it to only a few people, as I only learned about it recently, and they each had misgivings.

One lady said that when she did go four wheeling on the Wolf Lake trails, there were some scary episodes with careless drivers.

Last night at dusk I was out walking and two dirt bike riders and I exchanged a friendly wave. I live on an ATV trail. These trails are really well used on certain weekends, by people who have been coming here for a long time. It is not hard for me to picture the number of riders getting so large that it is not fun anymore and destructive as well.

I hope you give these comments consideration.

Thank you,
Bruce Engebretson

160

Dear Nicole Hultin,

I have attached a letter to the Becker County Department of Planning, Zoning, and Land Use. I would like this letter read at the Meeting scheduled for May 11, 2021 @ 6:00 pm. I would also like my letter included and recorded in the minutes of the meeting. Would you please send me an email confirmation that you received my email along with the attached letter? Thank you for your assistance in this matter.

Sincerely,

LeAnn I. Allen

161

May 10, 2021

My name is Trisha Harms and I live just east of the Smokey Hills State Forest. I was made aware of a change in Zoning Application and a Conditional Use Permit for a 49 unit campsite to be developed a few miles from my home and family farm. I have concerns about what the intentions are for that many campsites on such small acreage. Is the plan to use public roads to accommodate side by sides, four wheelers, and ATV's?

I have grown up here and have seen many changes to the area around the Smokey Hills. The summer brings speeding ATV's and loud noise to our home. If the campsites will be allowing ATV's, I feel it is unsafe for that many side by side vehicles to be speeding down Smokey Hills Road. The speed limit is posted at 30 mph but there are side by sides that travel well above 60 mph. I have dogs and livestock just feet from the road. Who will be enforcing the speed limit and what kind of expense and resources will be needed to manage even more ATV traffic? Please consider the families that have lived here and our wildlife that do not have a voice in the matter.

Sincerely,

Mitch & Trisha Harms

162

Nicole: I am sending you my written testimony related to the meeting of Planning and Zoning on May 11, 2021 and the proposed multi-unit development at Smokey Resort, Osage, MN.

I ask it be read at the meeting, shared and entered into the minutes. I am not sure I will be attending the meeting in person or by Microsoft Teams.

Please acknowledge you have received this testimony and are able to access the enclosed document.

Thanks much,

William Eckberg/Catherine Eckberg

163

May 11, 2021
To Becker Cty. Dept.
of Planning,Zoning and
Land use.

This is Dan and Cheryl Breitbach. We live at 50928 Smokey Hills rd. in Carsonville Township of Becker County. We have some concerns over the proposed 49 campsite units being added to the Jack Pine Resort. IF the campsite is truly for the use of ATV's, we have huge safety concerns !!

On any given weekend during the months of May-October you will see 20+ vehicles with trailers parked at the wayside rest on highway 34 and the Old Mill rd. So you see we already have numerous ATV's roaring around. There are many current residents in the area who do not appreciate all the noise, dust, tearing up of the roads etc. etc. that comes with heavy ATV use. These same roads are used for hiking, riding your bicycle and horseback riding , which can be hazardous when meeting numerous ATV's. Also during dry conditions I fear for the fire hazards to our beautiful Smokey Hills State Forest.

Please consider all the facts and concerns of area residents before making this decision on the proposed zoning changes.

Thank you,
Dan and Cheryl Breitbach

164

Dear Ms. Hultin and County Officials:

It is with great concern that I read the proposed plan for Pervis #CUP2021-34. Our DNR protected Nature Preserve is in the heart of the Smoky Hills State Forest, which already has been overused as a 4-wheeler recreation area. There are a number of very serious consequences in not regulating gas-powered traffic in the Forest areas here. Let me point out a few:

First, the noise pollution that permeates the entire Smoky Hills State Forest leaves wildlife and local residents traumatized. Already I feel the noise pollution that travels a great distance is of serious concern, but I cannot possibly imagine what the increase in volume will be when this resort opens up without limitation on the number of vehicles allowed to be in our State Forest area.

Secondly, pollution and trash is of utmost concern. I find trash strewn about the Smoky Hills State Forest when visitors come to play, but have no investment in keeping the land clean and beautiful for the wildlife, the residents or future generations. They don't care. If the Jake Pines Resort does not make an effort to clean up after their guests, I fear we will have bottles, plastics, and dangerous junk left to reduce the beauty of our region, this precious place we all protect and hold dear. Of course, the exhaust pollution will also greatly affect our natural environment, if the numbers of vehicles are not regulated properly.

Thirdly, I have heard gun fire in the Smoky Hills State Forest. People think they are coming to shoot randomly into the woods, not realizing there are homes nearby. My family has literally heard the WHIZ of a stray bullet fire by our home. This lack of regulation and control over our State Forest land for recreational use is atrocious and frightening. If numbers of reckless thrill seekers are coming in bringing their guns for fun, we could end up with disaster in the area.

Finally, I find many adventurers in the Smoky Hills area do not know the difference between public routes and private land, and this includes protected land that is not intended for any human traffic. This is a SERIOUS concern! Until the County, State or other officials are able to regulate and track abuse of trespassing adequately, again, especially on protected lands, then we cannot have such a significant increase in off-road vehicle traffic. We are just not ready to manage such an increased risk.

While my family also appreciates having locations to play and have vacations on various motorized vehicles, I know it is best to go to places where our adventure will not disrupt nature, especially nature preserves intended to help local wildlife and plants thrive. I choose locations where recreation is regulated and observed closely, so that I also know others who participate are following guidance and rules properly. Then, my family and I can feel free to really enjoy the experience fully knowing we are being responsible in the area.

The issue at hand is the lack of regulation that could be helpful to protect our local environment, while still providing a safe and fun recreational usage of our State Forest region for ALL. Until we have those systems in

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place that assure local residents that our natural environment will remain protected and preserved properly, I just don't see that we are ready to significantly increase off-road vehicle traffic in this region.

Thank you all so much for your time in considering the local residents concerns.

Very sincerely,
Nicolle LaFleur
47318 Mountain Ash Blvd
Osage, MN 56570
218-573-3094

May 11, 2021

To Becker County Dept. of Planning, Zoning, and Land Use.

My name is Carin Shepersky. I reside within two miles of the proposed multi-unit development. I was made aware of the request to change the zoning from Agricultural to Commercial along with a Conditional Use Permit. When making the decision for our "forever" home this is something we investigated. We purposefully chose a home surrounded by agricultural and residential zoning. We knew we wanted to raise our family in the serenity of the country. We endure the 20-mile commute to school, work, shopping ect to return to our haven here in the country. A haven that will be destroyed if this proposal advances. The initial information I received was the intention to open an ATV (all terrain vehicle) camp site located on Hwy 34 and 525 Ave. I am hoping for more information as the intentions of the proposed multi - unit development is vague. More facts would assist in make a decision on the suitability of the project and the needed changes to the CUP. (Conditional Use Permit)

If the intention is to make ATV campsites, I have many concerns as a resident in the area. The amount of traffic that would create on our roads and our State Forest would be detrimental. As a family we are avid hikers and horseback riders, this proposed plan would make these activities unavailable to my children and myself. It would not only be unenjoyable but life threatening. There have already been complications with the current ATV activity. No speed limits, reckless and drunken driving. Rooted up trails that are now unwalkable/unrideable. Not to mention the noise and the garbage bags full of trash us locals pick up. This would force our children off the roads and trails. No more going for a walk with the dog, no more hiking, horseback riding or bicycles. No more quiet afternoons on the patio. The environment seems to be a huge priority to most, what would this do to our sacred Smokey Hills Forest and all who live near it and in it? Two legged and 4.

We as a community should have great concern for the welfare of our families, our children, our pets and the impact this will have on our quality of life. You have been elected by the people to represent the people. We as a community are voicing our concerns and are willing to fight for our current standard of living. With these concerns and facts, you have information to question and challenge the proposed Zoning changes that would be fatal to our community and our way of life. Sincerely,
Carin Shepersky

1

May 11, 2021

We live on 50819 Smokey Hills Rd, near one of the entrances to Smokey Hills State Forest, in the Township of Carsonville.

We write to you to voice our opposition to granting the applicant, Smokey Resorts LLC, a zoning change and a conditional use permit for 49 unit or site development.

Our primary concern is NOISE. To item 5 in the Conditional Use Application Review that asks for a description of the measures "to prevent or control offensive...noise", the applicant writes, "Business is in the woods away from other properties. Lighting is approved by State of MN and does not affect surrounding properties". This statement would only be true if the guests remained on the applicant's property. However, the reasonable expectation is that some, if not many, guests will bring with them offroad vehicles, ATVs. The reasonable expectation is that the guests will drive these ATVs from the applicant's site to Smokey Hills State Forest, which is about 4-6 miles away, bringing with them offensive dust and noise to our community. To be clear, we do not object to a few ATVs traveling by the house. However, the reasonable expectation is that a project of this size will substantially increase ATV traffic to this area and increase the noise level from ATV traffic in our neighborhood.

In summary, we are concerned with the negative impact this project will have on the needs and welfare of this community. As such, we urge that the commission deny the applicant's request. Thank you.

Sincerely
Yuskau Uchimura
Linda Gastelum

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168

169 Thorkildson asked Lasage if there are four wheelers coming into the existing area for parking.

170

171 Lasage replied the parking area is just reopening now and is not sure what transpired the past.

172

173 Lasage stated the ATV traffic is a different issue. Lasage stated he does not know how it could be regulated out there besides enforcing the existing ATV laws.

174

175
176 Thorkildson asked if they would have stipulations in the RV Park for the number of ATVs allowed.

177

178
179 Lasage stated if you wanted to put a stipulation on the RV Park, they would be ok with it however, there is more than just the RV Park in the area. They cannot regulate outside ATV traffic.

180

181
182
183 Thorkildson noted his concerned about the number of RV sites, noting he does not think he cannot support this application.

184

185
186 Knutson ask Lasage how many RV units are at Bambi's Resort. Lasage said 49 units.

187

188 Knutson asked how many ATV's are at the campground. Lasage replied 50.

189
190 Knutson described where he lives in proximity to Bambi's Resort adding he has no
191 problem with the ATV traffic by his house.
192
193 Seaberg asked Lasage if he had regulations for Bambi's Resort? Lasage replied no.
194
195 Knutson explained how Bambi's Resort came in with 49 RV sites and a marina and there
196 is no more activity than prior to the addition. Knutson used this as an analogy for a
197 gentleman in the audience.
198
199 Skalin explained what is in the zoning criteria and what information he must use to
200 make his decision on.
201
202 Merritt asked what the conditional use guidelines for non-shoreland are, and what is the
203 number of potential sites allowed on that parcel. Vareberg explained the density
204 calculation.
205
206 Ailie stated having a home base for the ATVs to come back to would be a good thing and
207 help with trash issues out on the trails.
208
209 The Board talked among themselves.
210
211 Kyle read the Townships approval letters. Letters are on file in the Becker County Zoning
212 Office.
213
214 Kyle read the findings. Findings are on file in the Becker County Zoning Office.
215
216 **MOTION: Skalin motioned to approved CUP with based on the following criteria:**
217
218 1. **Effect on surrounding property.** That the conditional use will not harm the
219 use and
220 enjoyment of other property in the immediate vicinity for the purposes already
221 permitted, nor substantially diminish or impair property values within the
222 immediate vicinity.
223
224 **The proposal is located in a commercial district. A commercial district allows a**
225 **planned unit development if handled by a conditional use permit. The existing**
226 **adjacent parcel which will be combined with one parcel in the request is currently**
227 **used as a planned unit development/resort. The Commission finds through**
228 **compliance with the Becker County Zoning Ordinance and all of its criteria the use**
229 **and enjoyment of properties in the immediate vicinity will not be infringed upon.**
230 **This will be ensured by the significant amount of land in the development, the**
231 **parcels being heavily wooded to naturally screen the property, and other rules**

232 established by the applicant. No evidence has been provided to this Commission to
233 prove any fact for the potential to impair property values in the immediate vicinity.

234

235

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

239

240 **Land surrounding the proposal is predominately wooded with very few occupants,**
241 **limiting any potential effects. All required criteria of the Becker County Zoning**
242 **Ordinance have been met or exceeded to prevent any potential to impede or prevent**
243 **normal, orderly development and improvements of surrounding vacant property for**
244 **uses predominant in the area.**

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

251

252 **Required utilities, roads, and all necessary facilities will be provided. All**
253 **drainage will be created to the recommendation of Becker County Soil and Water**
254 **and an approved storm water pollution prevention plan. The Minnesota Pollution**
255 **Control Agency and Minnesota Department of Health guidelines will also be**
followed and incorporated into the multi-unit development.

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258

259 4. **Adequate parking.** That adequate measures have been or will be taken to
260 provide sufficient off-street parking and loading space to serve the proposed
261 **A minimum of two parking spaces shall be provided for each RV unit, any**
262 **additional parking may overflow to the common space provided on the**
263 **survey.**

264

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

269

270 **The proposal is not expected to produce any nuisance odors, fumes, or**
271 **vibration. Multiple acres of heavily wooded land surround the proposal**
272 **creating an extensive natural buffer from all neighboring properties.**
273 **Nuisance dust and noise is not expected in the park and any traffic outside of**
274 **the park will need to follow state law.**

275
276 6. **Additional criteria for shoreland areas.** In Shoreland areas, it shall be found
277 that adequate measures have been or will be taken to assure that:

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

280
281 N/A
282 b. **View from public waters.** That the visibility of structures and other
283 facilities as viewed from public waters will be limited;

284
285 N/A
286
287 c. **Adequate utilities.** That the site is adequate for water supply and on-
288 site sewage treatment; and

289
290 N/A
291 **Watercraft.** That the types, uses, and number of watercrafts that the project will
292 generate can be safely accommodated.

293
294 N/A

295
296 **Ailie Second. Roll Call. In Favor: Jeff Moritz, Mary Seaberg, Harvey Aho, Tommy Ailie,**
297 **Kohl Skalin, and Brian Bestge. Opposed: Bob Meritt and Ray Thorkildson**

298
299 **Motion carried.**

300
301 **MOTION: Skalin motioned to approve change of zone as submitted; Second by Aho**

302
303 **In Favor were Jeff Moritz, Mary Seaberg, Harvey Aho, Tommy Ailie, Kohl Skalin, and**
304 **Brian Bestge (Remotely).**

305
306 **Opposed were Merritt and Thorkildson.**

307
308 **Motion carried.**

309

310 **Other Business:**

311

312 l) **Tentative Date for Next Informational Meeting: June 2nd, 2021; 8:00 am; 3rd Floor**
313 **Meeting Room in the Becker County Courthouse, Detroit Lakes, MN.**

314

315 **Since there was no further business to come before the Board, Merritt made a motion**
316 **to adjourn. Aho second. All in favor. Motion carried. The meeting adjourned.**

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319 _____
David Blomseth, Chairman

_____ **Jeff Moritz, Secretary**

320

321 ATTEST

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323

324

Kyle Vareberg, Zoning Administrator