

Becker County Planning Commission
April 12th, 2016

Members Present: Chairman Jim Bruflodt, Vice Chairman John Lien, Harry Johnston, Jim Kaiser, Ray Thorkildson, County Commissioner Larry Knutson, Jim Kovala, Bob Merritt, Mary Seaberg, Mary Seaworth and Zoning Technician Julene Hodgson. Absent were Dave Blomseth, and Jeff Moritz.

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

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 April 19th, 2016.

Kovala made a motion to approve the minutes for March 7th, 2016. Lien seconded. The motion passed unanimously.

Old Business: None

New Business:

FIRST ORDER OF BUSINESS: APPLICANT: Janaya and Jeff Davis 21696 County Hwy 29 Rochert, MN 56578 **Project Location:** 33637 State Hwy 34 **LEGAL LAND DESCRIPTION:** 100366000 Erie Township PT SW1/4 SE1/4 BEG 616.22' E OF SW COR TH N 429.93' TO HWY E AL HWY TO PT N OF BEG S 494.92' & W TO BEG, Section 23, TWP 139, Range 40 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to operate a seasonal garden boutique with custom planting and flower maintenance. The request includes a zone change from Residential to Agricultural for the entire 2.85 acre parcel.

Hodgson introduced the application.

Janaya and Jeff Davis explained the application to the Board. They purchased the property and Janaya would like to run a business of garden décor and plants with custom planting and flower maintenance. Knutson asked if Janaya will keep her other business open on her other property to which she answered no, that one will be closed. Knutson reminded her that if the old one stays closed for two years the previous conditional use permit on that property will expire and become null and void. Seaberg asked about parking area to which Davis stated the area is more like a 95x60 area that would be able to accommodate 15 cars at one time, so there is plenty of room.

Nicole Martinson spoke in favor of the application. She stated she works for CEP and Davis helps with the youth program and employs youth in the summer which supports the Community. No one spoke against the application. There was no written correspondence either for or against the proposal. At this time, testimony was closed.

48 Chairman Bruflo dt opened the matter for disussion by the Board.

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50 Lien stated this is a good location for something of this nature and noted the plan
51 followed the criteria of the Ordinance. Knutson noted it would be a good improvement of
52 the property. Seaberg agreed. It was the concensus of the Board that the request meets the
53 criteria of the Ordinance.

54

55 There was no further discussion by the Commission.

56 **MOTION: Lien made a motion to approve a Conditional Use Permit as submitted**
57 **to operate a seasonal garden boutique with custom planting and flower maintenance**
58 **due to the request meets the criteria of the Ordinance and would not be detrimental**
59 **to the surrounding area. The request includes a zone change from Residential to**
60 **Agricultural for the entire 2.85 acre parcel. Seaberg seconded. All in favor. Motion**
61 **carried.**

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63 **SECOND ORDER OF BUSINESS: APPLICANT: Mark LaBarre** PO Box 62
64 Willmar, MN 56201 **Project Location:** 44319 SW Juggler Rd **LEGAL LAND**
65 **DESCRIPTION:** 250245000 Round Lake Juggler Lake PT GOVT LOT 4: BEG 660.23'
66 E OF NW SEC COR TH S 346.31' TO POB, TH E 493.96' TO POINT F & CTR PUB
67 RD, CONT E 336.20' TO WATERS EDGE JUGGLER LK, NLY AL LK 113.50', NELY
68 167', TH NWLY 88' TO MNDR COR #1, TH W 470.87' TO POINT C & ..., Section 14,
69 TWP 142, Range 38 **APPLICATION AND DESCRIPTION OF PROJECT:** Request
70 a Certificate of Survey for two tracts of land with Tract A consisting of 5.6 acres +/- and
71 Tract B consiting of 47,900 sq ft +/- . The request includes a zone Change from
72 Agricultural to Residential for both Tracts.

73

74 Hodgson introduced the application.

75

76 Scott Walz from Meadowland on behalf of Mark LaBarre explained the application to the
77 Board. The parcels proposed on the survey exceed the minimum requirements for size
78 and lake frontage. The change of zone request is due to the property being residential in
79 nature and matches area properties. Kaiser questioned if the request for change of zone
80 included the remainder tract of 5.6 acres located across the road from the lake to which
81 Walz stated yes, they wish to rezone the entire property now so if there was any future
82 subdivision requests, it would already be zoned residential.

83

84 No one spoke for or against the application. There was no written correspondence either
85 for or against the proposal. At this time, testimony was closed.

86

87 Chairman Bruflo dt opened the matter for disussion by the Board.

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89 Kaiser stated concern that this would trigger spot zoning and that previous surveys have
90 been approved with change of zone for the smaller proposed parcels but the remainder
91 larger parcels stayed the current zone of Agricultural. Bruflo dt stated that this is all

92 located within the shoreland area and these remainder pieces would never be utilized for
93 agricultural purposes and they have not had problems in the past with such a change.

94
95 **MOTION: Johnston made a motion to approve a Certificate of Survey for two**
96 **tracts of land with Tract A consisting of 5.6 acres +/- and Tract B consisting of 47,900**
97 **sq ft +/- as submitted due to the request meets the criteria of the Ordinance. The**
98 **request includes a zone Change from Agricultural to Residential for both Tracts.**
99 **Kovala seconded. All in favor except Kaiser. Majority rules and Motion carried.**

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101 **THIRD ORDER OF BUSINESS: APPLICANT: Island Lake Irrevocable Trust**
102 **Ralph Blomquist on behalf of Ron McMartin PO Box 10 Hallock, MN 56728 Project**
103 **Location: 41106 Co Rd 126 LEGAL LAND DESCRIPTION: 280197000 and**
104 **280212000 Shell Lake Township Island Lake Pt of Govt Lot 4 and pt of Govt Lot 5.,**
105 **Section 30, TWP 140, Range 38 APPLICATION AND DESCRIPTION OF**
106 **PROJECT: Request a Certificate of Survey for two tracts of land with Tract A**
107 **consisting of 2.3 acres +/- and Tract B consisting of 16.5 acres +/- with a remnant tract of**
108 **29.2 acres +/-.** The request includes a zone change from Agricultural to Residential on all
109 three tracts.

110
111 Hodgson introduced the application.

112
113 Scott Walz from Meadowland on behalf of Ron McMartin and Island Lake Irrevocable
114 Trust explained the application to the Board. The son in law is Ralph Blomquist whom is
115 executor of the estate. The request for the survey includes Tract A that is a duplex sized
116 lot to accommodate the existing cabin and guest cottage. Tract B is where McMartin is
117 going to construct a future dwelling and the remnant tract has enough lake frontage to
118 possibly subdivide someday for children to make a lake lot and rear non-riparian lots.
119 Walz wanted to answer the previous question regarding spot zoning. He stated spot
120 zoning is when there is one residential property in the middle of all agricultural property
121 or residential amongst commercial and so forth. With these requests there are other
122 residential zoned property by plat near by and this will reflect the residential use of the
123 property it will not be used for agricultural purposes. The zoning should reflect the land
124 use during subdivision. Merritt noted concern regarding lake access and that there should
125 be no access allowed if there are any future back lots created. Walz stated there is already
126 a provision in the ordinance that prohibits access to public waters for owners of
127 nonriparian lots. (Chapter 8 Section 8 C 9)

128
129 No one spoke for or against the application. There was no written correspondence either
130 for or against the proposal. At this time, testimony was closed.

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132 Chairman Brufloft opened the matter for disussion by the Board.

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134 The discussion continued regarding if the back portion on the N/W side of the property
135 were ever to be subdivided, they would not have lake access and would be non-riparian
136 lots only. Lien noted if there was any future proposal, the subdivision proposal would
137 have to come before the Planning Commission and County Board for approval.

138 **MOTION: Lien made a motion to approve a Certificate of Survey for two tracts of**
139 **land with Tract A consisting of 2.3 acres +/- and Tract B consisting of 16.5 acres +/-**
140 **with a remnant tract of 29.2 acres +/-.** The request includes a zone change from
141 **Agricultural to Residential on all three tracts. Seaberg seconded. All in favor except**
142 **Kaiser. Majority rules and Motion carried.**
143

144 **FORTH ORDER OF BUSINESS: APPLICANT: Verizon Wireless On behalf of**
145 **Cory and Katie Jendro** 132 S Delphia Ave Park Ridge, IL 60068 **Project Location:**
146 48004 St Hwy 113 **LEGAL LAND DESCRIPTION:** 120040001 Forest Township Pt
147 SE 1/2 NE 1/4 N of Hwy 113, Section 05, TWP 142, Range 37 **APPLICATION AND**
148 **DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a 310'
149 communication tower to include fence, equipment platform with cabinets, transformer
150 and equipment for essential services.
151

152 Hodgson introduced the application.
153

154 Alex Novak and Mike Koch on behalf of Novation Group Consulting, Ltd, SBA
155 communications and Verizon Wireless explained the application to the Board. They
156 handed out maps regarding the proposed site and area sites that were compared for
157 coverage results. With the proposed radio frequency, the coverage objectives, topography
158 and access other sites were discussed but the conclusion was the Jendro property would
159 be the best choice. Some areas cell phone reception is nonexistent- this would help for
160 911 emergency coverage, public safety, area residents, businesses, and indoor coverage.
161 The existing towers are over 10 miles apart and the proposed tower will have adequate
162 room for other carriers. The other sites looked at (Vlasek site, Township property site and
163 Lorentzen site) would not meet the coverage needs that are proposed and the engineers
164 ranked them down. There is a lot of tax-forfeited land in the County but they ended up
165 not pursuing because of the unfavorable lease terms of 10 years with renewals- they
166 won't take that risk. The statute also has a clause that if the land is sold, the property is to
167 remain subject to the lease for not more than one year from the signing of the lease. The
168 new owners could refuse a lease agreement or put any kind of a figure on a rental/lease
169 amount or tell them to take the tower down and once again they will not take this risk.
170 Novak stated Mary Hendrickson from the Auditor/Treasurers office contacted him today
171 and informed him she had new information that there may be a way of getting around the
172 State statute that would be a positive resolution regarding placement of a tower and a
173 longer lease period. They haven't had time to investigate this avenue. The current
174 proposal is asking relief from the public waters setback but would be the best placement
175 for Verizon's needs. Knutson asked how the County property to the east compare with
176 coverage needs proposed to which Alex stated that property would fulfill their needs.
177 Knutson noted he has never seen a lease not renewed by the County. Alex stated the
178 tower company wants control of any lease, the County shouldn't have control of the
179 lease, that is why private property is looked at more favorably. Knutson asked if Mary
180 Hendrickson, who was in the audience, would speak to the Board. Mary stated the other
181 site is basically a suitable site, there is a small access road back into the property and
182 some open area. There is a process that the proposal would go to the Forest Board who
183 would then ask the County Board to obtain a resolution to remove the property from

184 Forest land and then they could deed up to 3 acres to the County. The title would be held
185 by the County versus the State. That would allow the County to control that area and they
186 would not have to follow the MN Statute so the County could offer a longer lease period.
187 Only the County can control what happens to that property and the property can never be
188 sold. The proposal of a tower on the property being looked at would be over 2640' from
189 Bad Medicine Lake. Kaiser asked if the other location would serve what they are trying
190 to accomplish for coverage to which Novak stated yes. Novak added no one wants to
191 argue there is a need for this but they also want to be a good neighbor. Merritt stated they
192 should look at other alternative sites. Thorkildson noted that Novak had stated they
193 wanted primary coverage along St Hwy 113 but it seemed that the other sites that were
194 looked at would add more coverage for residents and that any location proposed should
195 serve all objectives. Merritt asked how many sites they looked at and they said 5 or 6
196 total.

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198 ****At this time the applicant requested to table the proposal on**
199 **behalf of SBA Communications and Verizon Wireless until**
200 **further notice to gather additional information regarding**
201 **possible alternate locations. There will be re-notification when**
202 **it is requested to be placed on a future agenda.**

203

204 Chairman Brufloft explained that there would be no decision made tonight and although
205 the application was tabled, he would allow further discussion from the audience.

206

207 At this time audience members spoke. They included Bill Haggerty, Jim Syvertson, Rick
208 Meide, Charles Church, Mark Veronen, Ralph Christiansen, Roger Olson, Keary Toso
209 and Joe Evans. Some suggestions and concerns included: There were other private
210 properties offered that would meet the 2640' from the lake and the tower would be less
211 intrusive to look at from the lake area. Two of the properties were in the general area
212 where they are looking. They were opposed to the proposed location because it was too
213 close to the lake but stressed there is the need for another tower to add cell phone
214 coverage in case of emergencies. Questions regarding coverage areas investigated
215 because some audience members thought they should go further east or south to help with
216 dead spots. Concerns of fall zones regarding the highway- thought any proposal should
217 be back further from the road. The company would have to prove this proposal was the
218 only practical site that could accomplish their needs before it could be allowed and there
219 sounds like there are many opportunities/options to investigate. Verizon should take a
220 hard look at other sites that serve their needs and meet all the criteria of the Ordinance. At
221 this time no further discussion was held.

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223 **Informational Meeting:** The next informational meeting is scheduled for Wednesday,
224 May 4th, 2016 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

225 *****There are no applications in the office at this time and we will advise**
226 **the Board closer to the date if there will not be an informational meeting**
227 **and/or public hearing for May.**

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Since there was no further business to come before the Board, Kovala made a motion to adjourn. Merritt seconded. Motion carried. The meeting adjourned.

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST _____
Julene Hodgson, Zoning Technician