

Becker County Planning Commission
March 21, 2006

Present: Members Waldo Johnson, Ray Thorkildson, Jim Kovala, John Lien, John McGovern, Harry Johnston, Jim Bruflodt, Ken Christianson, Don Skarie, Mary Seaberg, Commissioner Larry Knutson; Planning & Zoning Staff Patty Johnson, Zoning Administrator and Debi Moltzan.

Chairman Kovala called the meeting to order at 6:30 p.m. Debi Moltzan took the minutes.

Thorkildson made a motion to approve the minutes from the December 2005 meeting. Seaberg second. All in favor. Motion carried.

Chairman Kovala explained the public hearing procedure. Kovala stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final decision on Tuesday, March 28, 2006.

P. Johnson stated that the first five applications would be discussed together, but acted upon separately because the five applications are intertwined. All five applications are by Verizon Wireless for cellular towers. Four of the applications were tabled at the applicant's request to provide more information to the Planning Commission and address there questions and concerns.

Jake Solberg, Verizon Wireless, stated that supplemental information was provided to the Planning Commission to answer questions that arose at the December 2005 meeting.

Kovala questioned the proposed Osage site and where that tower would be located. Solberg stated that the tower would be located near the existing substation on the RD Offutt property, near the potato warehouses at the intersection of County Highway 47 and State Highway 34. Kovala questioned how far the tower was from the Straight River. Solberg stated that the proposed tower location is approximately 3000 ft from the river. Kovala questioned why Verizon does not co-locate on the Mountain Ash tower. Solberg stated that due to the terrain, trees, hills and capacity, the Mountain Ash tower will not work.

Knutson questioned what type of coverage a tower would have on flat ground. Solberg stated that there are many variables. In a perfect world a tower could possibly cover 10 to 14 miles. The proposed network (new towers and co-location on existing towers) is designed to make the best coverage possible. Bruflodt questioned if there was some type of system that would replace the towers. Solberg stated that satellites work, but does not allow for good coverage inside of structures, the signals do not penetrate buildings. There was also discussion on balloon coverage.

FIRST ORDER OF BUSINESS: Verizon Wireless c/o Buell Consulting. Request a Conditional Use Permit for a wireless communications facility (including a 190 ft

monopole antenna structure and 12 ft by 30 ft equipment shelter) for the property described as: N ½ of NE ¼ Ex 10 Ac; N ½ of S ½ of NE ¼ Ex Rwy Less 6.45 Ac for Hwy; Section 18, TWP 140, Range 41. Richwood Township. PID Number 24.0134.000. The property is currently owned by Okeson Farms and located at 25xxx Hwy 59.

Solberg explained that this would be a monopole, short towers, not a guide tower. The monopoles look better and are not so obtrusive. This design is standard throughout all applications. Kovala questioned how long it would take to erect the towers. Solberg stated that all the sites have been budgeted for this year so construction would be done as soon as possible. Knutson questioned if the towers would have lights and which towers would not have lights. Solberg stated that these types of towers do not require lighting.

No one spoke in favor of the application. Speaking in opposition of the application was Steve Amell, questioning why Verizon cannot use the existing tower that is only three miles away. There was no written correspondence either for or against the application. At this time, testimony was closed.

Solberg stated that Exhibit C-4 shows the coverage of the existing tower was used and the coverage of a new tower was constructed. Solberg stated that all the requirements of the zoning ordinance were met and supplemental information has been provided to the Planning Commission.

Further discussion was held regarding location, height and coverage.

MOTION: Thorkildson made a motion to approve the conditional use permit for a wireless communications facility (including a 190 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) based on the fact that it does meet the criteria of the zoning ordinance. W. Johnson second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Verizon Wireless c/o Buell Consulting. Request a Conditional Use Permit for a wireless communications facility (including a 250 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) for the property described as: S ½ of NE ¼ E of Rwy Less Hwy & NE ¼ NE ¼ W of Hwy, Section 7, TWP 141, Range 41, Callaway Township. PID Number 04.0032.000. The property is currently owned by Ronald & Melissa Mattson and located at 32xxx US Hwy 59.

Solberg explained that this would be a monopole, short towers, not a guide tower. The monopoles look better and are not so obtrusive. Kovala questioned the height of the tower. Solberg stated that this is the tower that was proposed at 250 feet, but has been changed to a 190 ft tower. The proposed tower would be just north of Callaway.

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.

Further discussion was held regarding location, height and coverage.

MOTION: Christianson made a motion to approve the conditional use permit for a wireless communications facility (including a 190 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) based on the fact that it does meet the criteria of the zoning ordinance. Brufloft second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Verizon Wireless c/o Buell Consulting. Request a Conditional Use Permit for a wireless communications facility (including a 190 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) for the property described as: SW ¼, Section 5, TWP 140, Range 38, Shell Lake Township. PID Number 28.0024.000. The property is currently owned by Jerry & Wilma Hanson and located at 42xxx Co Hwy 26.

Solberg explained that this would be a monopole, short towers, not a guide tower. The monopoles look better and are not so obtrusive.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Nick, Jean and Evelyn Reed in favor of the application. At this time, testimony was closed.

Further discussion was held regarding location, height and coverage.

MOTION: Brufloft made a motion to approve the conditional use permit for a wireless communications facility (including a 190 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) based on the fact that it does meet the criteria of the zoning ordinance. Lien second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Verizon Wireless c/o Buell Consulting. Request a Conditional Use Permit for a wireless communications facility (including a 190 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) for the property described as: N ½ lying S of Rwy & S of Hwy Ex E 30 Rds & Ec 31.34 Ac AKA 001, 002 & 003 & Ex Plat Audubon Heights AKA 33.69 Ac & Ex 18.76 Ac AKA 004; Section 24, TWP 139, Range 42, Audubon Township. PID Number 02.0159.000. The property is currently owned by Walter & Elaine Graff and located at 22xxx US Hwy 10.

Solberg explained that this would be a monopole, short towers, not a guide tower. The monopoles look better and are not so obtrusive.

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.

Further discussion was held regarding location, height and coverage.

MOTION: Johnston made a motion to approve the conditional use permit for a wireless communications facility (including a 190 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) based on the fact that it does meet the criteria of the zoning ordinance. Seaberg second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Verizon Wireless c/o Buell Consulting. Request a Conditional Use Permit for a wireless communications facility (including a 198 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) for the property described as: NW ¼ Ex 23.68 Ac; Section 29, TWP 140, Range 36; Osage Township. PID Number 21.0294.000. The property is currently owned by RD Offutt Company.

Solberg explained that this would be a monopole, short towers, not a guide tower. The monopoles look better and are not so obtrusive. The proposed tower would be near an existing industrial site.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Ron Lindall, two letters opposition. At this time, testimony was closed.

Further discussion was held regarding location, height and surrounding area. Kovala stated that the river is about 3000 feet from the tower.

MOTION: W. Johnson made a motion to approve the conditional use permit for a wireless communications facility (including a 190 ft monopole antenna structure and 12 ft by 30 ft equipment shelter) based on the fact that it does meet the criteria of the zoning ordinance. Lien second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Orvis Olson. Request a change of zone from agricultural to residential and approval of a certificate of survey for two tracts of land for the property described as: Part of Govt Lot 3 Comm at SE Corner of NE ¼ SE ¼; Section 7, TWP 138, Range 43; Cormorant Township. A proposed split from PID Number 06.0094.000. The property is located on Turtle Lake.

Olson explained the application to the Board. The tract of land was left to siblings in 1976. This subdivision would be done for estate planning. The existing tract would be divided into two tracts with the remnant being attached to the adjoining farm tract.

Christianson questioned if the mobile homes would be removed. Olson stated that, if the subdivision would be approved, the one mobile home would be correctly situated on the proposed lot, the other mobile home would remain and if replaced in the future, the new structure would be correctly placed on the lot. Kovala questioned the mobile home on Tract B, which extends across the proposed property line. Olson explained that the use of the property is not being changed. There will still be three owners, but instead of three owners in common ownership, each owner would own their own lot.

Christianson questioned the contours of the property. Scott Walz, Meadowland Surveying, stated that the north end of the parcel is steeper and tapers toward the south.

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. Dawn Morgan had questions concerning the project, but thought it was for a different piece of property. At this time, testimony was closed.

Further discussion was held. Knutson questioned if a site permit issued if the setbacks cannot be met. P. Johnson stated that if the setbacks cannot be met, a site permit would not be issued, but the lots do have adequate buildable area.

Motion: McGovern made a motion to approve the request a change of zone from agricultural to residential and approval of a certificate of survey for two tracts of land based on the fact that the request does meet the criteria of the zoning ordinance and subdivision ordinance. Brufloft second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Steve Campbell. Request approval of a certificate of survey for one tract of land for the property described as: Part of Govt Lot 10; Section 4, TWP 139, Range 31; Detroit Township. A proposed split from PID Number 08.0066.001. The property is located on Tamarack Lake.

Scott Walz, Meadowland Surveying, explained the application. This is further subdivision from what was done a few years ago. The request and certificate of survey does meet the criteria of the zoning ordinance.

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.

Further discussion was held regarding location, size of lots and ordinance requirements.

Motion: Brufloft made a motion to approve a certificate of survey for one tract of land based on the fact that the survey does meet the criteria of the zoning ordinance and subdivision ordinance. Seaberg second. All in favor. Motion carried.

EIGHTH ORDER OF BUSINESS: John Webber. Request a change of zone from agricultural to commercial for an 11.07 acre tract of land for the property described as: Pt of NE ¼ SE ¼; Section 5, TWP 138, Range 41. A proposed split from PID Number 19.0076.000.

Doran Schneibel explained the application to the Board. The request could rezone the property to commercial so they could relocate their business, DL RV & Marine to this location. Their current business is located on south side of Highway 10.

Christianson questioned how the size of this property compares to the current location. Schneibel stated that this piece would be a little larger but more useable property. Kovala questioned what would happen to the old boats, motors and trailers. Schneibel stated that they are not in the salvage business, but retail, there would not be any junk lying around. Kovala questioned the condition of the existing business. Schneibel stated that their business is renting the current location and most the junk belongs to the current owner of the property. W. Johnson questioned what type of site work would be done. Schneibel stated that there would not be a lot of site work, except for the actual building site. Knutson questioned why a conditional use was not applied for instead of the change of zone. Schneibel stated that he did not want to bother with having to change or update conditional use permits, he would rather have the zone changed and be done with hearing processes. Knutson stated that if the zone was changed, the county loses control of what happens to the property, with a conditional use permit, conditions and restrictions can be placed on the property and monitored.

Speaking in favor of the application was Jim Vareberg, Carl Malmstrom and Gail Hahn, Lake View Supervisor.

Christianson questioned what the uses along Highway #6 were. P. Johnson stated that there are several commercial properties, along with residential properties. P. Johnson also stated that the intent and vision of the comprehensive plan was to allow commercial zoning along the Highway 59 corridor.

Speaking in opposition to the application was John Moran. Written correspondence was received from Diane McCormack and Robert McDonald, both in opposition to the application. A letter was also received from Jody Martinson, MN DOT District 4, stating that Highway 59 has access control and that there would be no access given from Highway 59. At this time, testimony was closed.

Further discussion was held regarding location, use, access and city expansion. Christianson questioned if the City of Detroit Lakes had been contacted and offered any comment. P. Johnson stated that she had talked to Larry Remmen. Remmen indicated to her that this area has not been studied closely and the city does not have a specific plan for this area. Christianson felt that the City should be forced to comment on the change of zone. Christianson added that if the City exercised subdivision control within two miles of the city boundaries, that the City should be involved with zoning changes in the same area. Christianson felt that the change of zone made sense. Lien felt that a conditional use permit would be a better solution, allowing the applicant the use that they want without the county losing control of the activities on the property. Christianson discussed billboards on commercial properties and how offensive billboards have become.

Kovala questioned the procedure Schneibel would have go through for a conditional use permit rather than the change of zone. P. Johnson stated that the Board could deny the change of zone and grant the conditional use permit instead. P. Johnson suggested that, due to the 60 day rule, that the applicant table the application in order to provide the

Board with more information such as exact building size and location, fence location, buffer location, access, and other items associated with the conditional use permit. Schneibel stated that he wants what is best for Becker County and would go with the suggestions of the Board to accomplish their goal.

Motion: Brufloft make a motion to deny the request for the change of zone from agricultural to commercial based on the fact that the use is not compatible with the surrounding residential area, but allow the applicant the opportunity to submit a proposal for a conditional use permit at the April 2006 meeting. McGovern second. All in favor except Seaberg. Majority in favor. Motion carried.

NINTH ORDER OF BUSINESS: James and Nancy Vareberg. Request a change of zone from agricultural to commercial for a 36.86 acre tract of land for the property described as: Pt NE ¼ SE ¼ & Pt SE ¼ SE ¼ in Section 5 and Pt of SW ¼ SW ¼ & Pt NW ¼ SW ¼ Section 4; TWP 138, Range 41; Lake View Township. A proposed split from PID Numbers 19.0076.000 & 19.0050.000.

Jim & Nancy Vareberg explained the application to the Board and handed out maps of the existing area, showing the location of the commercial tracts. Vareberg stated that there would be 25 acres, closest to Sunset Hills Addition, that would be left agricultural and act as a natural buffer. Vareberg would like to continue operation of the gravel pit and propose a campground in the future. The closest neighbor adjacent to this is Perry Nodsle, who is not opposed to this project. Vareberg stated that the proposed campground is in the future and does realize that he would have to meet with the Zoning Office and come back before the Board for a conditional use permit.

W. Johnson questioned the restrictions along the natural gas pipeline. Vareberg stated that the gas line does have an easement, in which nothing can be done. Kovala questioned the access to the property. Vareberg stated that the access would be from County Road 6. Christianson questioned what the exact request was for. P. Johnson stated that the only request before the Board was for a change of zone from agricultural to commercial and any future proposals would be dealt with at future hearings.

Speaking in favor of the application were Carl Malmstrom, Scott Walz and Gail Hahn, Lake View Township. No one spoke against the application. Written correspondence was received from Diane McCormack and Robert McDonald, both in opposition to the application. Written correspondence was also received from Jody Martinson, MN Dot District 4, stating that Highway 59 is a controlled access road and that access would not be permitted from Highway 59. At this time, testimony was closed.

Further discussion was held regarding location, use, surrounding area, controlled access and comprehensive plan.

Motion: Thorkildson made a motion to approve the change of zone from agricultural to commercial based on the fact that the property was located along the Highway 59 corridor. Seaberg second. Voting in favor of the motion were Seaberg, McGovern,

Thorkildson and Lien. Voting against the motion were Brufloft, Skarie, Johnston, Christianson, and W. Johnson. Knutson abstained from voting. Majority against the application, motion failed.

Kovala questioned if Vareberg would like to table the application and request a conditional use permit. Vareberg stated that he has too much invested in the property for a conditional use permit; the tax assessors said it should be commercial so it should be commercial.

Brufloft made a motion to deny the change of zone from agricultural to commercial based on the fact that it is not compatible with the surrounding agricultural and residential area. Skarie second. Voting in favor of the motion were: Brufloft, Johnston, W. Johnson and Skarie. Voting against the motion were: Seaberg, Thorkildson and Lien. Knutson and McGovern abstained from voting. Majority voted in favor of the motion. Motion carried.

TENTH ORDER OF BUSINESS: David Opsahl. Request approval of a certificate of survey for a 13.86 acre tract of land for the property described as: Pt Govt Lot 3 N ¼; Section 12, TWP 138, Range 42; Lake Eunice Township. A proposed split from PID Number 17.0137.000. The property is located within the shoreland district of Pearl Lake.

Opsahl explained the application to the Board. Opsahl stated that he is purchasing the property and would like to split the property and build on one tract.

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. There was no written correspondence. At this time, testimony was closed.

Discussion was held regarding lot size, location and topography.

Motion: Christianson made a motion to approve a certificate of survey for a 13.86 tract of land based on the fact that it does meet the criteria of the zoning ordinance and subdivision ordinance. Skarie second. All in favor. Motion carried.

ELEVENTH ORDER OF BUSINESS: American Enterprises, Inc./Mike Staber. Request a conditional use permit for a commercial use consisting of a doctor's family practice office for the property described as: 6 acres in the SW ¼ SW ¼ lying N of #138; Section 30, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0354.004.

Staber explained the application to the Board. This application would be changing an existing conditional use permit to allow the use of an existing building for a family doctor practice.

W. Johnson questioned if there would be any changes to the building. Staber stated that there would not be any exterior changes, just internal changes and maybe pave a portion of the parking lot.

Bob Hovde 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.

Further discussion was held regarding the existing conditional use permit, location and proposed use.

Motion: Bruflodt make a motion to allow a conditional use permit for a family doctor practice, as presented in the application, based on the fact that the use would not be a detriment to the surrounding area. Johnston second. All in favor. Motion carried.

TWELVETH ORDER OF BUSINESS: Gary Larsen. Request approval of a certificate of survey for eight tracts of land for the property described as: NE ¼ NE ¼ & SE ¼ NE ¼ Govt Lots 5, 6 & 10 & SE ¼ NW ¼; Section 3, TWP 138, Range 40; Burlington Township. PID Number 03.0010.000 & 03.0012.000. The property is located on Elbow Lake.

Charlie Ramstad explained the application to the Board. This is a certificate of survey that is Larsen's vision for the remainder of his lakeshore. There would be a total of eight lots; six of the lots would have riparian rights. The lots are large enough to preserve the agricultural integrity of the area. The survey meets the criteria of the zoning ordinance and subdivision ordinance. Ramstad stated that he talked to Brad Wentz, County Highway Engineer, regarding the comments he make about the survey and that Wentz did not fully understand the lot configuration and access. The comments from the Environmental Review Committee have been incorporated into the design.

Questions arose on the 66 ft access and 24 ft driveway, docking issues, and size of the lots. Chris Heyer, Heyer Land Surveying, explained the lot size, road accesses, easements, elevations, and aquatic vegetation requiring the boardwalk.

Speaking in favor of the application were Curt Able, Gary Bigger, George Knutson, and Gerald "Fritz" Zirbel. No one spoke against the application. Written correspondence was received and read by P. Johnson in its entirety from Ann Gerlach and Jim Ulmer in opposition to the application; and Brad Wentz, County Highway Engineer with questions regarding the access of Tract D. At this time, testimony was closed.

Further discussion was held. Johnston thanked Larsen for al the work Larsen went through to make sure that the Planning Commission was able to view the property.

Motion: Seaberg made a motion to approve the certificate of survey for eight lots based on the fact that the survey meets the criteria of the zoning ordinance and subdivision and that the lots have adequate building area. W. Johnson second. All in favor. Motion carried.

THIRTEENTH ORDER OF BUSINESS: Gary Heitkamp. Request a conditional use permit for storage condo units in an agricultural zone for the property described as: N 10 Ac of W 30 Ac of SW ¼ SW ¼ less roads; Section 11, TWP 139, Range 40; Erie Township. PID Number 10.0173.000. The property is located within the shoreland district of Cotton Lake.

Heitkamp explained the application to the Board. This application would change the existing application, which allowed commercial storage, to allow for storage condominiums. The change would allow the units to have private ownership instead of a rental agreement. The size of the building, location of the building and number of units would all be the same as previously granted.

Christianson questioned if there was a minimum size for such units. P. Johnson stated that there was not. Seaberg questioned how the covenants would be enforced. Heitkamp stated that the association enforces the covenants. Knutson questioned if the access issue has been worked out with the County Highway Department. Heitkamp stated that he is going to set up an appointment with Wentz to visit the property and work out the details on the access.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from David Mjolsness, in opposition to the application. At this time, testimony was closed.

Further discussion was held. Consensus of the Board was that the use of the land and building are not changing from what was previously approved, just the ownership was changing.

Motion: Lien made a motion to approve a conditional use permit to allow storage condo units in an agricultural zone, amending the original conditional use permit granted in December 2005, based on the fact that the use would not be changed from what was previously granted and the use would not be detrimental to the surrounding area. Seaberg second. All in favor. Motion carried.

FOURTEENTH ORDER OF BUSINESS: Aggregate Industries. Request a conditional use permit for extraction of sand and gravel in an industrial zone for the property described as: SE ½ S ½ SE ¼; Govt Lots 1, 2, 3 & 4 & NE ¼ SW ¼; NE ¼ NW ¼ & SE ¼ NW ¼; Section 19, TWP 138, Range 43; Cormorant Township. PID Numbers 06.0260.001, 06.0261.000, 06.0265.000.

P. Johnson stated that this application is a result of an Environmental Impact Statement, and the application complies with the EIS.

Mike Rose, Aggregate Industries explained the application to the Board. 80% of the material removed would be transported on County Highway 4 and Clay County 10, the extraction pit would be approximately ¼ mile off the road for a buffer and a proposed road would be constructed in the center of the parcel to accommodate the transportation

of the material. Extraction in this area would occur for 7 to 10 years, with reclamation beginning as soon as 2 to 3 years.

Kovala questioned the hours of operation. Rose stated that they would like the approval to operation 24 hours a day, seven days a week so that they would be allowed to operated during extreme cases such as flood situations or short construction seasons. Kovala questioned what would happen if a neighbor's well were contaminated. Rose stated that tests indicate that the area wells should not be affected, but if it were to happen, Aggregate would be liable and would have to correct the situation. Rose stated that well monitoring is part of the EIS process. Christianson questioned if this application was one of the commitments of the EIS. Rose stated that it was.

No one spoke in favor of the application. Speaking in opposition to the application was Josh Becker. Written correspondence was received from Josh Becker and Rodger Haugen. At this time, testimony was closed.

Discussion was held on the EIS, location, hours of operation, location of surrounding neighbors, noise control and buffers. Thorkildson stated that he did not like the idea of operating 24 hours a day, seven days a week. Skarie stated that the hours of operation should be consistent for all pits, not each pit has different hours. Thorkildson questioned the buffer strip. Rose explained the buffer strip.

Motion: Christianson made a motion to approve the application as presented based on the fact that the application is part of the Environmental Impact Statement agreement, that it is the extension of an existing operation and the use is compatible with the industrial operation in the surrounding area. Skarie second. All in favor. Motion carried.

FIFTEENTH ORDER OF BUSINESS: Chris Leach. Request a conditional use permit for a commercial operation consisting of a lawn care service in an agricultural zone for the property described as: Pt SE ¼ SW ¼; Section 17, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0178.000 & 17.0178.002.

Leach explained the application. Leach would like to start up a lawn care service and construct a storage building for the operation of the business. A sign would be located on the building.

Kovala questioned if there would be outside storage. Leach stated that there would not be any outside storage because of security issues and the location of the structure at the intersection of two existing roads.

No one spoke in favor of the application. Lloyd Kohler, Lake Eunice Township questioned the size of the property and location of the building in reference to visibility at the intersection. Jim Renslow spoke in opposition. Written correspondence was received from Brad Wentz, Becker County Highway Engineer, stating access would not be given from County Highway 11. At this time, testimony was closed.

Further discussion was held regarding structure location, access, view at the intersection and the comment in Wentz's letter requesting the access to the property being 500 feet from the intersection when the property is not 500 feet deep. Knutson stated that if the request meets the guidelines of the ordinance, it would be very difficult to deny. P. Johnson stated that further information could be requested from the County Engineer requesting a site visit for the visibility at the intersection. Kovala stated that the Township's concerns should also be addressed. Leach stated that he would like to get started on the project within the next three weeks and would prefer not to table the application.

Motion: Thorkildson made a motion to approve a conditional use permit for a commercial operation consisting of a lawn care service as presented in the application based on the fact that the use would not be detrimental to the surrounding area. Skarie second.

Christianson stated that he felt that the property should be look at to make sure the visibility at the intersection would not be restricted. Skarie stated that the curvature of the road would not restrict the visibility.

Vote was taken with everyone voting in favor of the motion except: Christianson, Brufloft and McGovern. Majority in favor. Motion carried.

SIXTEENTH ORDER OF BUSINESS: Steven Pachel. Request a change of zone from agricultural to residential for the lots within the shoreland district and approval of a preliminary plat consisting of 13 lots (5 residential lots and 8 agricultural lots) for the property described as: NW ¼ NW ¼; Section 26, TWP 140, Range 37; Carsonville Township. PID Number 05.0148.000. The property is located within the shoreland district of Gyles Lake.

Pachel and Lowell Shellack, Surveyor, explained the application to the Board. The total acreage is 40 acres, which would be divided into 13 lots. The subdivision would be divided into two zones, five residential lots and eight agricultural lots. A new road would be constructed to service some of the lots, some of the lots would have access from the existing road and two of the lots would be accessed by an easement.

Kovala questioned how Old Mill Trail will be maintained. Pachel stated that the trail would be maintained by the owners of those lots, private maintenance not public maintenance. Kovala stated that the cul-de-sac should be changed to a hammerhead turn around.

McGovern questioned the wetland location and if the lots are large enough for construction so that the wetlands are not impacted. Pachel and Shellack stated that the lots are large enough that the wetlands should not be impacted. Discussion was held regarding the road construction, existing grade and final grade of the road.

No one spoke in favor of the application. Speaking in opposition was Bruce Brummitt, who felt the proposed conservation overlay concept should be applied to this plat. Ron Winters felt the plat should not be approved until the conservation overlay district was acted upon. Written correspondence was received from Bruce Brummitt, in opposition to the application. At this time, testimony was closed.

Further discussion was held regarding the location of the plat, number of lots, proposed road, access and the proposed conservation overlay district. Kovala stated that all applications must be acted upon within 60 days of receipt or the application is automatically approved. Knutson questioned what Carsonville's response was to the application. Kovala stated that he was not at that meeting, but the other supervisors did not have a problem with the application.

P. Johnson stated the conservation overlay district has not been approved yet, an information forum will be held on March 28, but no action will be taken for 4 to 6 months yet. The comprehensive plan, which is a vision, would like to see the overlay district, but it is a vision, not a regulations.

Knutson stated that he feels the area is agricultural in nature, but the plat does meet the criteria of the ordinance. Lien stated that since it meets the criteria, it could only be denied based on suitability, but it is suitable for development. Christianson stated that it would be arbitrary to say that the lots need to be larger if the lots meet the current regulations.

Motion: Lien made a motion to approve a change of zone from agricultural to residential for the lots within the shoreland district and approval of a preliminary plat consisting of 13 lots (5 residential lots and 8 agricultural lots) based on the fact that the proposed plat meets the criteria of the zoning ordinance and subdivision ordinance and the lots are suitable for development. Johnston second. All in favor except Thorkildson and McGovern. Majority in favor. Motion carried.

SEVENTEENTH ORDER OF BUSINESS: Lee Carlson. Request a change of zone from agricultural to residential and approve a preliminary plat consisting of four lots for the property described as: Pt Govt Lot 3; Section 5, TWP 141, Range 36; Two Inlets Township. PID Number 34.0032.001. The property is located on Boot Lake.

Carlson and Scott Walz explained the application to the Board. The request is to change the zone and create four lots. There is a bluff on Lots 1, 2 & 3, which has been accounted for in the lot area. Lot 2 has the steepest bluff area. All lots have access from an existing public road. Lake access on Lots 1, 2 & 3 would be by either stairways or mechanical means.

Discussion was held regarding lot size, lot width, road access, bluff area and lake access.

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.

Further discussion was held. During the discussion, it was found that the measurements for Lots 3 & 4 were correct, but the line was actually placed in the wrong location. Walz stated that the line would be corrected on the final plat, should the preliminary be approved.

Motion: Johnston made a motion to approve the change of zone from agricultural to residential and preliminary plat consisting of four lots based on the fact that the preliminary plat meets the criteria of the zoning ordinance and subdivision ordinance with the stipulation that the line between Lot 3 & Lot 4 be corrected. Bruflodt second. All in favor except Thorkildson. Majority in favor. Motion carried.

EIGHTEENTH ORDER OF BUSINESS: Boyd Bradbury. Request a change of zone from agricultural to residential and approval of a preliminary plat consisting of four lots for the property described as: Pt of Govt Lot 3; Section 27, TWP 138, Range 41; Lake View Township. PID Number 19.0497.000. The property is located on Johnson/Reeves Lake.

Bradbury and Scott Walz explained the application to the Board. Four lots would be created and the remnant would be attached to the existing Bradbury tract. This would lower the impact on the lake by eliminating 17 campsites. The private lake access, which was being used like a public access would be closed. The motivation of this plat is to reduce the impact on the lake by eliminating an old resort.

Discussion was held regarding structure location and which structures would be removed. Bradbury stated that this is not a money making venture and there is not a lot of money to relocate buildings.

Bradbury stated that he was under the impression that the existing structures could remain and be maintained, but not improved or added onto. P. Johnson stated that the Planning Commission could place conditions on the plat, which could include removal of the structures. Consensus of the Board was that the existing cabins were too close to the lake and should not be allowed. Since the property is being subdivided, this is the chance to correct deficiencies. Discussion was held regarding the road, road location, type of road and building location in reference to the road.

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.

Further discussion was held. Johnston felt that the area would be cleaned up by just removing the campers, but felt the cabins should be removed. Thorkildson felt that the

project as a whole could be fully supported. Knutson and Seaberg felt that the cabins should be removed along with the campers.

Motion: Johnston made a motion to approve the change of zone from agricultural to residential and the preliminary plat consisting of four lots based on the fact the proposed plat meets the criteria of the zoning ordinance and subdivision ordinance based on the fact that the proposal meets the criteria of the zoning ordinance and subdivision ordinance with the stipulation that all campers, two cabins and four out buildings be removed from the property. Seaberg second. All in favor except Christianson, Brufloft and W. Johnson. Majority in favor. Motion carried.

NINETEENTH ORDER OF BUSINESS: John Backes. Request a change of zone from agricultural to residential and approval of a certificate of survey for two tracts of land for the property described as: Pt Govt Lot 5 Comm NWLY Cor Whitetail Ridge Th Sly 415.95 ft; Section 5, TWP 142, Range 37; Forest Township. PID Number 12.0028.002. The property is located on Bad Medicine Lake.

Backes and Scott Walz explained the application to the Board. The existing parcel of land would be split into two tracts of land. The lots meet the criteria of the ordinance.

Johnston questioned why the lot line was not moved further to the west. Backes stated that the property line was located ten feet from the septic system, which was installed one and one-half years ago. Knutson questioned if the road issues have been resolved. Vlasak, Forest Township, stated that there is a proposal, but not adopted yet.

P. Johnson stated that none of the property owners along this road do not have legal road access and are working to get the issue resolved and the road turned over to the township. Brant Beeson stated he has been working on the legal aspect of the issue, the new easement is drawn on the certificate of survey, but there will have to be some corrective work done on legal descriptions and titles.

Speaking in favor of the application was Ray Vlasak, Forest Township. No one spoke against the application. Written correspondence was received from Lynne Anderson, in opposition to the application. At this time, testimony was closed.

Further discussion was held. Christianson questioned why Forest Township does not act on the issues in their township if they have their own zoning. Vlasak stated that Forest Township has a conservation zone ordinance that starts at the back tier; the County governs the riparian area.

Motion: Lien made a motion to approve a change of zone from agricultural to residential and approve a certificate of survey to allow two tracts of land based on the fact that the certificate of survey meets the criteria of the zoning ordinance and subdivision ordinance with the stipulation that the easement through the property be turned over to the Township. Brufloft second. All in favor except Thorkildson.

TWENTIETH ORDER OF BUSINESS: Daniel Finn. Request a change of zone from agricultural to residential and conversion of an existing resort to a multi-unit residential development consisting of twenty (20) units for the property described as: Part of Govt Lots 1 & 8; Section 6, TWP 142, Range 38; Round Lake Township. PID Number 25.0175.000 & 25.0179.000. The property is located on Elbow Lake and is the former Oxbow Resort.

Finn, Brant Beeson and Scott Walz explained the application to the Board. This would be the first resort conversion under the new conversion regulations. After the conversion, there would be a total of 20 units. Currently there are five cabins, one house and 25 RV sites. 13% of the shoreline would be used for shore activities. The back tier would have access to the lake and mooring rights, but would not have a permanent docking. The existing pole barn would be used for storage until storage units could be build. The storage condos would coincide with one for each unit. The RVs are rented through the 2006 season so the sites would not be sold until after the season.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Lynette and Dale Peterson in opposition to the application. At this time, testimony was closed.

Further discussion was held regarding the conversion, relocation of sites and density.

Motion: Christianson made a motion to approve a change of zone from agricultural to residential and the conversion of an existing resort to a multi-unit residential development consisting of twenty (20) units based on the fact that it does met the criteria of the resort conversion section of the ordinance and would lessen the impact on the lake. Seaberg second. All in favor. Motion carried.

TWENTY-FIRST ORDER OF BUSINESS: Final Plat of Sauer Lake Highlands.

P. Johnson stated that all the paperwork was in order for the final plat. This is a multi-unit residential development consisting of seven units.

Motion: W. Johnson made a motion to approve the final plat of Sauer Lake Highlands based on the fact that it does meet the criteria of the zoning ordinance and subdivision ordinance. Lien second. All in favor. Motion carried.

TWENTY-SECOND ORDER OF BUSINESS: Election of officers and informational meeting.

Christianson made a motion to nominate Brufloft for Chairman. Knutson second. All in favor. Motion carried. Brufloft will be chairman for 2006.

Johnston made a motion to nominate Kovala for Vice Chairman. Skarie second. All in favor. Motion carried. Kovala will be chairman for 2006.

Kovala made a motion to nominate Moritz for secretary. Knutson second. All in favor. Motion carried. Moritz will be secretary for 2006.

The next informational meeting is scheduled for Thursday, April 13, 2006 at 8:30 am at the Planning & Zoning Office.

Since there was no further business to come before the Board, Chairman Kovala adjourned the meeting.

Jim Kovala, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia L. Johnson, Zoning Administrator