

Becker County Planning Commission
October 13th, 2015

Members Present: Chairman Jim Bruflodt, Vice Chairman John Lien, Commissioner Larry Knutson, Jim Kovala, Mary Seaberg, Harry Johnston, Jim Kaiser, Ray Thorkildson, David Blomseth, Mary Seaworth, Jeff Moritz, Zoning Supervisor Eric Evenson-Marden and Zoning Technician Julene Hodgson.

Chairman Bruflodt called the Applicants Public Hearing 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 October 20th, 2015.

Kovala made a motion to approve the minutes for September 8th, 2015. Seaberg second. All in favor. Motion carried.

Old Business: None

At the discretion of the Chairman Bruflodt, the business order was changed due to the volume of people present for the last two items on the agenda.

New Business:

FIRST ORDER OF BUSINESS: APPLICANT: Osage Sportsman Club, Inc. 12102 Fisherman's Dr Park Rapids, MN 56470 **PROJECT LOCATION:** 25108 Co Hwy 48 **LEGAL LAND DESCRIPTION:** 210104101 Osage Township Bog Lake PT NE1/4 OF SE1/4 LYING S OF FOLL LINE:BEG 365' S OF NE COR TH SWLY 1674.69' TO SW COR OF NE1/4 OF SE1/4, Section 17, TWP 140, Range 36 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for expansion of the existing Sportsman Club Shooting Range. The request includes harvesting of timber to add three additional trap shooting lanes (for four total), rearrangement of the 250 yard range, parking area and eventually a new club house and warming house in an Agricultural Zone.

Jerry Hoefs with Park Rapids "Clay Dusters" and Jody Walsh with Walsh Forest Products on behalf of the Osage Sportsman Club explained the application to the Board. The Park Rapids High School started a team last February and the Minnesota High School league started 5 years ago with over 8,000 members. Some students don't fit in on traditional sports but enjoy this sport which is very rewarding. The request is to go from 1 to 4 trap shooting ranges, expand the current long range and harvest to provide more room for the trap ranges. Walsh explained the club received all permits required regarding the tree harvest and stormwater management. The club was shut down by the Sheriff's Office due to an investigation regarding safety and has since been resolved. The club acquired a new survey that shows the property lines and the adequate footage

required for shooting setbacks. The Township has been working with the club to obtain extra property owned by the Township to use as a buffer. Railroad ties have been donated to be utilized for a fence buffer and/or backdrop protection. The Club stated spruce trees will be donated by a local mill that will help to buffer noise. Further safety measures such as fencing will be added to keep nonmembers off the property. Knutson asked with the survey completed, would the club have enough property to meet current setbacks for the additional trap shooting areas. To which Walsh explained they currently have enough property to meet state standards but they would need to cut down more trees to meet the requirements. As an alternative, the club proposing to leave the trap shooting ranges where they are and is negotiating with the Township to purchase 5 acres to meet the state requirements.

Speaking against the request where: Brian Winczewski, Lyn Hartness, Russell Hanson, Eileen Hache, Eric (Ric) Benson, Keith Ketcher, Kevin Dierks, Del Carver, and Pete Paulson. Speaking for the request where: Darlene Hildenbrandt, Paul Henderson, Al Vanderstad, Dan Mitchell, Alan Kriz, and Al Winterberger. There were letters on file from Russell/Judy Mattson, David/Barbara Southward, Virgil Pint, Wayne Volk, Thomas/Dawn Caracio, Daniel/Diana Eischens, Eric (Ric) Benson, Gary/Karie Sorknes, Kurt Benson, Bob Pritchard/Kathy Lofy, brian/Mary O'Rourke, George/Eileen Hache, Thomas Vilka, Brian Winczewski, Sherry Brakefield, Lyn Hartness and Park Rapids Area Schools. Pros and Cons included: Adequate safety zones for projectiles, increased noise from removal of trees, safety concerns with possible ricochets, increased shooting hours and days of operation, relocate to larger property, more users/growth over the past few years, no control on future growth, no control over hours of operation, lakeshore property (residential in nature), impact on surrounding properties, loss of property values, no significant conditions of the permit in place to mitigate potential harm, reduce enjoyment of their property, nuisance, place up sound barrier walls, build enclosed shooting range, limit days per week and hours to be open, use by non-members, teaching good and safe sport, owners knew range was there when they purchased property, teaches gun safety in a supervised/regulated area with berms that make it safer than using private property, in existence since 1952 and the request for more trap shooting areas will actually decrease the amount of time of shooting because they can have more students practice at one time, people are bringing in their own targets and not shooting at safe areas, should locate to larger property away from residential areas, regulate hours to shut down earlier at night, limit to Park Rapids school only, look into DNR providing state land for youth shooting, phone number was given out by club to area home owners to call with complaints and they have not been contacted with any complaints, and there are adequate staff who are very professional and provide supervision. (Full context of all letters submitted are on file at the Zoning Office). At this time, testimony was closed and further discussion was held.

Kovala went over the hours of operation- for student trap shooting it is 2 nights being 2 hours Tuesday and Thursday and league shooting which is two hours Monday night. The Vice President (Winterberger) stated at one time when he heard excessive firing he went over to the club grounds and found none at the range but there may have been someone shooting at a gravel pit across the road on private property. Winterberger stated the

property is open to any club member any day of the week from dawn till dusk- 9am weekdays and after 11 am on Sundays. Knutson asked if every member has access. To which Winterberger stated every member has a key to the property. Lein noted the request in front of the board is for expansion with 3 additional trap shooting range areas and the club sounds like they are willing to work to move the ranges to meet setbacks, add fences and trees for noise barriers, add more berms and backdrops and work with agreement pertaining to the use of more property from the Township. Lein again reminded the Board that the club is allowed to do what they have been doing there- the use will not change and the request is for expansion of the number of trap shooting ranges on the premiss and extend the rifle range to meet current regulations. Knutson asked if there was a commitment from the Township to obtain the extra property to which Township member Ken Tretbar (who was present in the audience) stated they held a meeting and are working on the details and the Township is in discussion with the Club about selling them some land. Kovala stated with the complaints it appears the use is out of control and the problem isn't the trap shooting for the youth but the hours of operation that are being abused for pistol and rifle shooting. Kovala suggested limiting certain hours for pistol and rifle shooting only. Brufloft agreed that trap shooting tournaments don't seem to cause the problems, but the louder guns do and exploding targets do. Kaiser stated if they have more trap shooting range areas, they will get more students through the shooting faster- what took them 4 hours before because of number of students using one area could possibly only take 1 hour with the use of more areas. Johnston stated he looked at the property and agreed it is the rifle range area that is causing more noise problems, but the trap range area proposed meets the dimensions that are appropriate. Johnston stated the trap range is a safe area and he sees no problem regarding expansion. Lien noted he understood the concerns regarding noise and that this should be looked at internally, the club should continue to be good neighbors and implement everything they have talked about this evening, but the opinions are not enough to deny this request. Thorkildson stated he understands the safety factor with highpowered weapons but the safety factor with shotguns is no comparison. Moritz stated the club should stick to trap shooting Monday, Tuesday and Thursday 5-7 and the member hours of 9-9 with Sundays after 11- the club should enforce their hours.

There was no further discussion by the Commission.

MOTION: Knutson made a motion to approve a Conditional Use Permit as submitted for expansion of the existing Sportsman Club Shooting Range. The request includes harvesting of timber to add three additional trap shooting lanes (for four total), rearrangement of the 250 yard range, parking area and eventually a new club house and warming house in an Agricultural Zone. Kovala second. All in favor. Motion carried to approve.

SECOND ORDER OF BUSINESS: APPLICANT: James Hofman on behalf of the Blueberry Lake Ordinance Request 2606 W 93rd St Bloomington, MN 55431 **PROJECT LOCATION:** Blueberry Lake **LEGAL LAND DESCRIPTION:** Section 22, TWP 139, Range 36 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Surface Water Use Ordinance. The specific request is for a 5 mph speed limit or no wake.

James Hofman explained the application to the Board. Hofman stated a majority of the property owners signed a petition to request a Surface Ordinance for Blueberry lake. The lake is very narrow and small having only 80 acres and 450ft width. The larger boats disrupt the lake getting too close to docks and rafts. They would like the restrictions placed on the lake because of the lake being so small, adversely affect the shoreland, and cause safety issues. Hofman stated the use of speed boats diminishes property values. Kovala asked who would patrol the lake and Hofman stated it would be self enforcing and if needed the property owners would contact law enforcement to come out to lake to ticket offenders. Hofman stated they have spoken with different people skiing on lake and it didn't seem to help. Johnston noted it is pretty hard to patrol who is going 5 MPH and who is going 10 MPH and at what time does it become enforceable. Hofman stated maybe just a no-wake rule would suffice to control the problem. Lein noted that even if 60% signed a petition this is setting a precedent and could be starting a lake war. The other 40% may not want any regulations on the lake. Lien asked Hofman if he has ever had to call law enforcement with any complaints to which Hofman said by the time they get out there the people are gone. Seaberg noted this is a public lake with a public access so it is pretty hard to enforce this when anyone can use the lake not just property owners. Moritz asked Hofman if he has checked with the DNR regarding their input about other lakes they have placed these types of regulations on or any studies that have been conducted to which Hofman stated no, he has not.

Speaking for and against the application were: Ronald Harvey, Frank Kocina, Kevin Ketter, Lowell Skoog for Township, Mary Kline, Keith Haataja, Brandon Roiko, Richard Halverson, Jerome Pietila, Cory Ylitalo, Julie Kocina, and Mark Pinoniemi. Letters from: Frank/Julie Kocina, Green Valley Town Board, Paul/Sharon Van Winkel, Mark Pinoniemi, Mary Kline, Jeff/Linda Ratike, Mark Nelson, Ben Skoog, Brandon Roiko, Dave and Cheryl Zitur. Pros and Cons included: Water skiers should go to bigger lake, lake designated as Recreational Development lake and everyone should be able to enjoy it accordingly if they want to tube with children, request more information before anything would be approved, shouldn't restrict use because of public access, rights of owners use taken away, owners knew what use of lake was when they purchased property, neighbors could police this themselves and call in if any problems without having restriction to penalize everyone, no safety or environmental issues, further research as in an EAW should be conducted, who would enforce, large amount of cattails and lily pads does not appear to have affected lake shore or cause erosion issues, too small to accommodate large boats, safety issues, disturb peace, would be hard to regulate and enforce, most skiers are respectful, noise, no documented damage to lake, property owners could be record keepers to obtain more information for formal documentation, and one of owners is a water deputy patrol officer for another county- he sees no issues or safety concerns. (Full context of all letters submitted are on file at the Zoning Office). At this time, testimony was closed and further discussion was held.

Lien again noted that 5 MPH seems extreme and practically unenforceable and setting precedents. He would like to see more proof of problems and the cause of safety problems. If there are only a handful of instances, law enforcement should be contacted

to handle and document the problems. Bruflodt suggested the property owners to form a Lake Association so everyone could have some say in what they can and cannot do and everyone could be held accountable. Lien continued to state that a no wake regulation is pretty much unenforceable. Knutson noted there is some enforcement if there is actually a law being broken and there is not enough evidence to support that. Very difficult to implement something like this because depending on size of boat and motor, 5 MPH is almost too restrictive. Moritz noted there is not enough supporting facts to support the request. Knutson noted that this was brought to the ZOAC with questions as to what the applicants options where and it was suggested to go forward- all involved have had their time to speak and their concerns are taken seriously. Lien reminded the applicant that he could table the application and come back to the Board with any new or further information, to which he answered no he did not wish to table the request.

There was no further discussion by the Commission.

MOTION: Blomseth made a motion to deny the Request for a Surface Water Use Ordinance as submitted due to lack of Lake information to substantiate the request. The specific request was for a 5 mph speed limit or no wake on Blueberry Lake. Lien second. Motion carried to deny.

THIRD ORDER OF BUSINESS: APPLICANT: David Hiltner 15022 W Munson Ln Detroit Lakes, MN 56501 **PROJECT LOCATION:** 15022 W Munson Ln **LEGAL LAND DESCRIPTION:** 190073000 Lake View Township Munson Lake PT GOVT LOT 8: COMM W QTR COR SEC 5, S 1380.25' TO POB; ELY 276.03', NE 363.42' TO RD, SL AL RD 161.79', W 6.07', SLY 187.44', SELY 214.64', E 215.04' TO LK, SLY AL LK 200', N 34', W 294.74', NW 406.89', N AL W LN TO POB., Section 05, TWP 138, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Agricultural to Residential for a Preliminary Plat consisting of six tracts. The Preliminary Plat will be reviewed by the Detroit Lakes Planning and Zoning Commission.

Scott Walz explained the application to the Board on behalf of David Hiltner. The request is for a change of zone from Agricultural to Residential. The Preliminary Plat was approved by the Detroit Lakes Planning and Zoning Commission contingent on the Zone change approval.

No one spoke in favor of the application. No one spoke for or against the request. There was written correspondence from Brent Alcott with Pelican River watershed read to the Board. Alcott stated that the preliminary plat shows only two of the six lots will contain shoreline frontage and it should be clear that the remaining lots do not have lake access. Permits are to be obtained from Pelican River Watershed for any new roads and/or plats. At this time, testimony was closed and further discussion was held.

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

There was no further discussion by the Commission.

MOTION: Kovala made a motion to approve a change of zone from Agricultural to Residential for a Preliminary Plat consisting of six tracts due to the request meets the criteria of the Ordinance. Kaiser second. All in favor. Motion carried to approve.

FORTH ORDER OF BUSINESS: APPLICANT: Keith & Diane Ketcher 24162 County Hwy 48 Osage, MN 56570 **PROJECT LOCATION:** 24162 County Hwy 48 **LEGAL LAND DESCRIPTION:** 210181000 Osage Township Straight Lake PT SE1/4 OF SE1/4: COMM SE COR SEC 20 TH N AL E LN 1066.88' TO POB; TH S AL E LN 250.10', TH W 273.83', TH NW 120.82' TO STRAIGHT LK,NELY AL LK 194.58' TH E 199.57' TO CTR LN CO RD #48 & POB, Section 20, TWP 140, Range 36 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Commercial to Residential to reflect the current use of the property.

Diane and Keith Ketcher explained the application to the Board. The property is being utilized as residential property and Ketchers are requesting the zone be changed from Commercial to Residential.

No one spoke in favor of the application. No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

It was the consensus of the Board that the request meets the criteria of the Ordinance; the property should be zoned to reflect the use of the property.

There was no further discussion by the Commission.

MOTION: Kovala made a motion to approve a change of zone from Commercial to Residential to reflect the current use of the property due to the request meets the criteria of the Ordinance and would not be detrimental to the area. Thorkildson second. All in favor. Motion carried to approve.

FIFTH ORDER OF BUSINESS: APPLICANT: Jeff & Kathy Perrine 21258 W. Height of Land Drive Rochert, MN 56578 **PROJECT LOCATION:** 21258 W. Height of Land Drive **LEGAL LAND DESCRIPTION:** 150037000 Height of Land Township Height of Land Lake GOVT LOT 4 EX NLY 820' TO STATE AKA 8.55 AC & EX 2 AC TO DERSTINE REF:15.0037.001, Section 05, TWP 139, Range 39 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Certificate of Survey for two tracts of land with Tract A consisting of 3.28 useable acres and Tract B consisting of 3.12 useable acres on a Recreational Development Lake in an Agricultural Zone.

Scott Walz explained the application to the Board on behalf of Jeff and Kathy Perrine. The request would create one new parcel making two large pieces that would not require a change of zone. There is an existing dwelling on the southerly tract.

No one spoke in favor of the application. No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Johnston stated the survey meets all the regulations of the Ordinance.

There was no further discussion by the Commission.

MOTION: Johnston made a motion to approve a Certificate of Survey for two tracts of land with Tract A consisting of 3.28 useable acres and Tract B consisting of 3.12 useable acres on a Recreational Development Lake in an Agricultural Zone due to the request meets the criteria of the Ordinance. Seaberg second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: APPLICANT: Sylvia Shipman P O Box 411 Frazee, MN 56544 **PROJECT LOCATION:** 10416 Co Rd 147 **LEGAL LAND DESCRIPTION:** 170416000 Lake Eunice Township Buck Lake GOVT LOT 1, PT GOVT LOT 2 COMM NW COR GOVT LOT 2, E 1061.7' TO POB; E AL N LN GOVT LOT 2 TO BUCK LK, SLK AL LK 1551.52' NWLY 540.25', NLY 502.76' TO POB., Section 36, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Certificate of Survey for two tracts of land (Tract B) consisting of 8.1 acres and the remnant tract (Tract C) consisting of 40.4 acres on a Natural Environmental Lake in an Agricultural Zone.

Sylvia Shipman explained the application to the Board. The entire property has been in the family for years. The survey was previously done in 2011 with the intent to deed the new parcel to the brother who recently passed away. The request would create one new parcel to be deeded to Shipmans brothers family.

No one spoke in favor of the application. No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Knutson asked Hodgson if the proposed parcel meets today's criteria for size and area on Buck Lake which is a Natural Environment lake. Hodgson stated it is required to have 400 feet of lakeshore and 160,000 area to be considered a standard sized parcel and this proposed survey meets the current criteria.

There was no further discussion by the Commission.

MOTION: Seaberg made a motion to approve a Certificate of Survey for two tracts of land (Tract B) consisting of 8.1 acres and the remnant tract (Tract C) consisting of 40.4 acres on a Natural Environmental Lake in an Agricultural Zone due to request meets the criteria of the Ordinance. Kovala second. All in favor. Motion carried to approve.

SEVENTH ORDER OF BUSINESS: APPLICANT: Donald & Pamela Skarie 25793 Co Rd 149 Detroit Lakes MN 56501 **PROJECT LOCATION:** 25793 Co Rd 149 **LEGAL LAND DESCRIPTION:** 080055001 Detroit Township Non-shoreland GOVT LOT 2 LESS W 75' OF N 1000'; LESS .18AC (8-55-10); LESS PT NW COR (2.92AC): COMM NE COR SEC 4, W 928.75' TO POB; S 343.56', W 152.32', N 67.62', W 172.68', N 276', E 325' TO POB., Section 04, TWP 139, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to operate rental storage buildings for monthly rental on an Agricultural zoned property in two existing buildings.

Donald Skarie explained the application to the Board. Skarie recently went out of the turkey business and has existing structures he would like to operate as rental storage buildings.

No one spoke in favor of the application. No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Moritz stated the request makes good sense and this would be a good use of the structures for the area.

There was no further discussion by the Commission.

MOTION: Moritz made a motion to approve a Conditional Use Permit to operate rental storage buildings for monthly rental on an Agricultural zoned property due to the request meets the criteria of the Ordinance and would not be detrimental to the area. Thorkildson second. All in favor. Motion carried to approve.

EIGHTH ORDER OF BUSINESS: APPLICANT: Minnerath Investments 6325 Co Rd 87 SW Alexandria, MN 56308 **PROJECT LOCATION:** 12125 Hillside Rd **LEGAL LAND DESCRIPTION:** 060243001 Cormorant Township Little Cormorant N1/2 OF NW1/4 LESS N 480' N & S BY 1361.25' E & W AKA 15 AC & LESS 2 ACRE FOR ROAD, Section 17, TWP 138, Range 43 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for installation of a 199' self-support tower to include an equipment shelter, fencing and driveway to a 50x54 space area in an agricultural zone.

Curt Walter on behalf of Verizon Wireless and Minnerath Investments explained the application to the Board. They would be leasing the property and constructing a tower facility due to the need in the area for better reception and capacity for more carriers to utilize the tower. The property is owned by the gravel company and the proposed tower meets all criteria regarding setbacks and height. The 199' would not require lights due to it does not exceed 200' and is not close to any airports.

No one spoke in favor of the application. No one spoke for or against the request. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Thorkildson stated the request seems to meet all the criteria regarding height restrictions and setbacks.

MOTION: Thorkildson made a motion to approve a Conditional Use Permit for installation of a 199' self-support tower to include equipment, an equipment shelter, fencing and driveway to a 50x54 space area in an agricultural zone due to the request meets the criteria of the Ordinance and would not be detrimental to the area. Seaworth second. All in favor. Motion carried to approve.

Informational Meeting: The next informational meeting is scheduled for Wednesday, November 4th, 2015 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

Since there was no further business to come before the Board, Kovala made a motion to adjourn. Moritz second. All in favor. Motion carried. Meeting adjourned.

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST _____
Eric Evenson-Marden, Zoning Supervisor