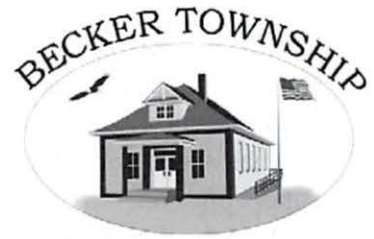




Town Planning Commission
Agenda, March 28, 2017

PO Box 248
Becker, MN 55308

www.beckertownship.org
763-261-5301



6:30 p.m.

1. Call to Order
2. Verification of Quorum
3. Approval of Agenda
4. Approval of Minutes 3/13/2017

Public Hearing 5. Theco, Inc. Brian Dodd
Variance Application

Other Business 6.

Adjourn



BECKER PLANNING COMMISSION
MARCH 13, 2017
MEETING MINUTES & PUBLIC HEARINGS

Board Members Present: Brad Wilkening, Jim Mecklenburg, Brian Kolbinger,
Absent: Frank Kasowski
Staff Present: Lucinda Messman- Clerk ; Fran Seeley- Deputy Clerk ; Ben Wikstrom – Township
Planner; Kelli Bourgeois- Township Attorney
Others present: Craig Hrkal – HN Holdings; MariLou McCormick – Wold Family; Mark
Wold, Scott Schmidt; Patty Haag; Kim Golebeck; Sarah Peckskump; Dan Haag; Ryan
Peckskump; Brian Dodd; Janelle Fast; Carol Jilek; Larry Jilek; Craig Fast; Jeff Thelen; Owen
Gossel; Vicki McGlover; Douglas Deel

Chair called meeting to order at 7:00 p.m. Quorum verified present.

Motion to adopt Agenda by Kolbinger. Second by Mecklenburg. Motion carried, all voting in favor.

Motion to adopt February 2017 Meeting Minutes by Mecklenburg. Second by Kolbinger. Motion carried, all voting in favor.

Chair Wilkening reviewed general rules of conduct and speaking Planning Commission observes for Public Hearings due to large gallery presence.

Public Hearing Opened- Craig Hrkal Conditional Use Permit Application

Wikstrom reviewed staff memo and findings with commissioners.

- Craig Hrkal, applicant and prospective owner of the property at 17060 142nd Street SE (commonly referred to as “the Foley building”), approached the Township to determine whether he could operate a business with a new or amended conditional use permit at that location. The business is a light industrial and distribution company, operating as a supplier of various materials used in a range of building and infrastructure projects. They also distribute chemical products, and blend one product line that is considered environmentally safe and therefore unregulated, according to the application.
- The property currently has an approved conditional use permit to allow a business with a limit of two employees on site. The Town Attorney has advised that an amendment to that CUP is not possible, as it would be considered an expansion of a legally non-conforming use, which is prohibited by statute.
- The Town Attorney recommended that staff review the possibility of rezoning the property to Agricultural - since it is adjacent to Ag land to the west and would not be “spot-zoning” – and determine whether the proposed use would fit into any of the permitted or conditional uses listed in the ordinance’s Agricultural District section. Staff has reviewed the ordinance, and found that the proposed use meets neither the use designations nor the stated purpose of the Agricultural zoning district:
 - The purpose of the Agricultural District is to preserve for farming those locations that have soils which, when properly managed, are capable of high crop yields, to

BECKER PLANNING COMMISSION
MARCH 28, 2017
MEETING MINUTES & PUBLIC HEARINGS

Board Members Present: Brad Wilkening, Jim Mecklenburg, Brian Kolbinger, Frank Kasowski

Absent: none due to vacancy

Staff Present: Lucinda Messman- Clerk ; Fran Seeley- Deputy Clerk ; Ben Wikstrom – Township Planner; Kelli Bourgeois- Township Attorney

Others present: Vicki MacGlover, Russel and Cheryl Elzy, Carol and Larry Jilek, Dan and Pattie Haag, Craig and Janelle Fast, Jim Mecklenburg, Brian Dodd, one other (no name indicated)

Chair called meeting to order at 6:30 p.m. Quorum verified present.

Motion to adopt Agenda by Kasowski. Second by Kolbinger. Motion carried, all voting in favor.

Motion to adopt March 13, 2017 Meeting Minutes by Mecklenburg. Second by Kasowski. Motion carried, all voting in favor.

Public Hearing Opened- Brian Dodd/Theco, Inc., Variance Application

Wikstrom reviewed staff memo and findings with commissioners.

- For full documentation, see file
- Public hearing was held March 13, 2017 for Conditional Use Permit Application
- Application received depicted a structure at less than Commercial District Ordinance Building Design Requirements. Applicant requested a variance due to size of building.
- Planning Commission instructed applicant to work with staff and submit a Variance Application. CUP was recommended for approval if additional condition requiring an approved variance application would be granted.
- Variance application was reviewed by Township Engineer – condition requiring stormwater easement added.
- Variance application is for lesser design standards
 - Applicant stated goal to be: Treat office portion differently to set it apart from rest of the building.
 - Variance will not affect the character of the building.
 - Practical Difficulty can be proven here as all sides can be seen and due to the size of this building, to hold the applicant to those design standards for an 18,000 square foot building is very substantial. Industrial zone requires 30% coverage. This size building is usually located in an industrial zone, but due to nature of business, it fits a commercial zone. In the area there are some higher quality buildings and the potato farm with all steel buildings located next to this location.
 - Commissioners discussed history of this ordinance and intent. Intent was for smaller buildings with full coverage, not to require large buildings to meet this same standard. Looking at the ordinances, steel has improved, but 30% of something other than plain steel seems appropriate for this application. This is to

BECKER PLANNING COMMISSION
MARCH 28, 2017
MEETING MINUTES & PUBLIC HEARINGS

be a modified steel truss building. Basically – amounts to building an industrial size building on a commercial lot. Building must meet State Building Code. Discussion of fireproof wall.

- Mr. Dodd stated that if he does 30% up side of building, on this scale, it would cause the building to look rather strange. He would prefer to spend additional to really dress up the front of the building rather than the back, using some architectural items and brick.
- Commissioner Kolbinger agreed that concentrating on the front entrance for ‘dressing up’ would be a good fit in this case.
- Commissioner Kasowski asked if this variance is granted, is it opening a can of worms for the future.
- Attorney Bourgeois: The Planning Commission needs to be sure to clarify why this application would receive a variance of the building standards and that they plan to change the ordinance in general.

Motion to close the public hearing by Kolbinger. Second by Kasowski. Motion carried, all voting in favor.

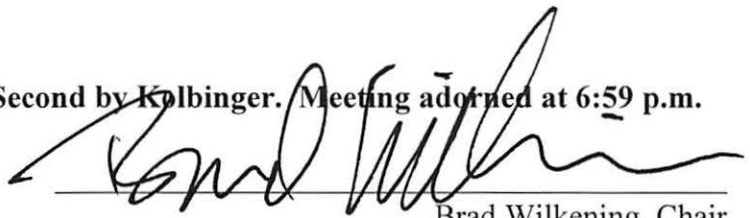
Motion to approve TPC Resolution 2017-07: A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FOR THE PROPERTY AT 14833 164TH AVENUE SOUTHEAST [full text on file] by Kasowski with the following amendments:

1. **30% office frontage is to have design elements.**
2. **Brick front sections are to be concentrated on North East Corner entry area with most design elements.**
3. **Mr. Dodd is to work with staff and two Planning Commissioners for review and agreement on design standards prior to building permit approval.**


Second by Mecklenburg. Motion carried, all voting in favor.

No other business.

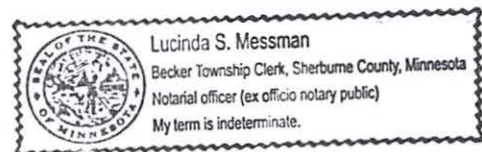
Motion to adjourn by Mecklenburg. Second by Kolbinger. Meeting adjourned at 6:59 p.m.



Brad Wilkening, Chair



Lucinda Messman, Clerk



already scanned

We are here tonight looking for help from the board. We have a dilemma, we are trying to sell our hobby farm of 5 acres that we purchased in July of 2004, when there were no restrictions by the county. When we purchased this property, we obtained permits and built an indoor riding arena and a 6 stall barn. Our farm is set up for horses and does not have too many other ways to use this property. Now because of this ordinance we have not been able to sell it, because it is set up for horse use. We have had people very interested in buying our property, but then call the township clerk Lucinda, and found out the ordinance allows for only 1 horse for the 5 acres. They have since backed out.

We believe this ordinance stating 1 horse on 5 acres to be an excessive amount of acreage needed for 1 horse, as we will present to you from experts in this field.

Surrounding Townships Stocking Rate.

Clean Lake: none follows Sherburne
County ordinance

Baldwin: Has none - follows Sherburne
County ordinance

Elk River: 1 horse per fenced in Pasture
has a process to double that
amount to: 2 horses per 1
acre through a C.U.P. Conditional
Use permit.

Big Lake: 4 acres or Larger. Shall be
limited to 1 animal per acre
of Pasture land.

Talked to Dave Lucas of the Zoning
Dept. of Sherburne Co. Last Friday - 3-10
Concerning Sherburne Counties Ordinance
on Stocking Rate per acre, for horses
He stated they have none & never have
had one limiting number of horses to
acreage.

C. Inspections and maintenance of the permitted site is the responsibility of the owner. The permittee(s) inspection records must be made available to the Zoning Department.

6. Permit Fees.

The fee for the permit required by this Ordinance will be established by the Sherburne County Board of Commissioners as part of the County Fee Schedule.

Subdivision 16: Feedlots and/or Manure Storage Areas

- A. All feedlots shall comply with MN Rule 7020.
- B. Manure Storage Areas shall be designed, constructed and maintained in compliance with MN Rule 7020.2100.
- C. The following required and minimum setbacks are applicable to feedlots, manure storage areas and residences not located on the same property as these operations, provided, however, that residences located on parcels adjacent to the feedlot property that are owned by persons having an ownership interest in the feedlot or feedlot property shall be treated in the same manner as residences located on the feedlot property for purposes of this Section:

		LUP Req	CUP Req	EAW Req	non-feedlot residence	residential platted lot	property line	road centerline	City Limits	Public Park	Lake	River, Stream, or County Ditch	Private Well
Agricultural Dist.													
Tier 1	>2 - <50 AU	No	No	No	0'	0'	10'	N/A	200'	200'	1,000'	300'	100'
Tier 2	50 - <500 AU	Yes	No	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 3	500 - <1,000 AU	Yes	No	Yes*	660'	800'	250'	100'	2,640'	1,320'	1,000'	300'	100'
Tier 4	1,000 AU & greater	No	Yes	Yes	660'	1,000'	250'	100'	3,960'	1,320'	1,000'	300'	100'
General Rural Dist.													
Tier 1	>2 - <50 AU	No	No	No	200'	0'	10'	N/A	200'	200'	1,000'	300'	100'
Tier 2	50 - <250 AU	No	Yes	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 3	250 - <500 AU	No	Yes	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 4	500 - <1,000 AU	No	Yes	Yes*	1320'	1320'	250'	100'	2,640'	2,640'	1,000'	300'	100'
Tier 5	1,000 AU & greater	No	Yes	Yes	2,640'	2,640'	250'	100'	3,960'	3,960'	1,000'	300'	100'

- * An EAW is required for new or expanding feedlots for more than 500 animal units only if located in a "Sensitive Area". A Sensitive Area includes; shorelands; delineated flood plains; Recreational or Scenic River districts; within 1,000' of a karst feature (sinkhole, cave, disappearing spring, resurgent spring, karst window, dry valley or blind valley); and vulnerable parts of delineated drinking water supply management areas.

- D. For the purposes of this section, Manure Storage Areas shall be regulated according to the number of animal units the Manure Storage Area is designed and constructed to accommodate.

- E. A Land Use Permit or Conditional Use Permit issued for any feedlot and any manure storage area shall authorize the feedlot owner/operator to maintain any number of animal units within the allowable range of the tier designated in the permit. The number of animal units contained in the feedlot must not exceed the maximum number allowed in the designated tier unless the feedlot owner/operator first obtains a new or amended Land Use Permit or Conditional Use Permit for the appropriate higher tier.

- F. An MPCA registered feedlot or manure storage area existing prior to November 8, 2014 that does not comply with the setbacks established in this Section may continue as a non-conforming use within the same tier or a lesser tier.

- G. An MPCA registered feedlot or manure storage area existing prior to November 8, 2014, that does not comply with the setbacks established in this Section may expand in area so long as the expansion does not further encroach upon the setbacks and the expansion does not result in the feedlot increasing to a higher tier.

- H. New feedlots and manure storage areas, and the expansion of existing feedlots and manure storage areas are prohibited within the Shoreland and Floodplain districts, in compliance with MN Rule 7020.2005.

- I. All proposed feedlots and/or manure storage areas requiring a Land Use Permit shall submit an application to the Zoning Department, along with the required fee and the following information:
 - 1. A complete Land Use Permit application with a map or aerial photo indicating dimensions of the feedlot and any manure storage area, and showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads, wells, and general contour and north arrow.
 - 2. A copy of approval from the MPCA to operate a feedlot.
 - 3. Designation of applicable Tier (e.g. Tier 1, Tier 2/3, etc.)

Dr Krishono Martinson - Phd. - horse
Specialist at the U of M. Phone 612-625-6776

She is in London - cannot be reached
until after 3-20.

her comments:

- That this ordinance is an unrealistic expectation.
- Based on ordinances of the State seems like an excessive amount of acreage per horse for pasture land.

Her Suggestion is 2 acres for the 1st horse and 1 acre for each additional horse. Meaning on a 5 acre lot, we should be able to support up to 4 horses (A.U.)

- She stated that a horse could live in a box stall with daily turn out.
- She also stated that should an owner become incapable of providing supplemental hay-ect. There are 5 Certified horse rescue facilities in MN, and a welfare coalition to assist MN. horse owners with supplemental feed. (Hay).
- that works like a food shelf for us. (humans)
- I also have 2 other print offs from 2 different places, and their recommendations, and a letter from our Vet at Anoka Equine
- So we are asking for this ordinance to be amended -



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Kim A. Voller, DVM
Kevin M. Voller, DVM
J.C.Thieke, DVM
Rick S. Marion, DVM
Ingrid O. Borkoski, DVM
Dave M. Schwingamer, DVM
Marta Powers, DVM

To Whom it May concern,

3/9/17

My name is Kevin Voller and am a veterinarian and an owner of Anoka Equine Veterinary Services. I have been a veterinarian since 1988 and associated with Anoka Equine since 1991. Anoka Equine is an 8 doctor practice that only works on horses. I have known Cheryl Elzy and her daughter Jodie Daugherty since 2004 when I began providing care for their horses. I have been on the Cheryl's farm in excess of a dozen times over the years.

Cheryl Elzy has asked me to write a letter to your board in regards to her property in Becker township. Cheryl informed me that she is in the process of selling her property on which she has had a number of horses previously. She was informed that the township will now only allow one horse to be housed on the property in the future. I was surprised to hear this. The farm is not a large parcel of property but it has good drainage and has always been maintained in a neat and tidy manner. Manure disposal is always good and there has not been any drainage issue of manure or run off that I have ever seen have a problem. Over the years I have seen a number of properties where this is an issue but never this one. In my opinion this property has all attributes that would allow it to accomidate more than a single horse. I appreciate your time and consideration of Ms. Elzy's request.

Respectfully

Kevin Voller DVM

Anoka Equine Veterinary Services



eXtension

Planning a Horse Pasture

✕ articles.extension.org/pages/15643/planning-a-horse-pasture



When planning your horse pasture, you should ask yourself the following question: will the pasture be a major feed source or just an exercise area?

Krishona Martinson, Equine Extension Specialist, University of Minnesota

Most horses benefit from being outside regularly for exercise. Free exercise reduces behavior and respiratory problems, promotes optimal growth and development of young horses, and improves overall horse health. However, if the pasture is to serve as a feed source, other factors need to be considered including its potential nutritional value, carrying capacity or stocking rate, and grazing system design. These topics will be discussed in further detail later.

Other things to consider when planning your pasture include:

1. Topography and Geography of Your Pasture: Individual pastures should not include steeply sloping hillsides; soil types that vary significantly in suitabilities due to wetness, presence of rocks, inherent differences in fertility; or forage species that differ greatly in growth or yield characteristics. Also, paddocks should not be oriented up and down hillsides.

2. Environmental Concerns: Keep horses out of rivers, creeks, swamps, or wetlands. Poor pasture management can cause environmental damage. Wet areas should be avoided because they typically have a greater number of insects (biting flies and mosquitoes) and poisonous plants.

3. Pasture Size: Pastures should be large enough to handle your stocking rate and grazing system. For example, two one-acre-sized pastures should be sufficient for rotational grazing of two adult horses. Rectangular shaped pastures tend to better suit horses as they encourage exercise. Irregular shaped pastures should be avoided because they create a greater risk of injury. If the pasture is to be used for year round grazing, at least two acres per horse is needed; anything less should be considered an exercise area.

4. Sacrifice Paddock/Corral: Dry lots, or sacrifice paddocks, provide an opportunity to move horses off pastures when they are excessively wet or dry, and to avoid overgrazing. Dry lots can vary in size, however they

How Much Land is Needed Per Horse?

 stablemanagement.com/article/land-needed-horse-25313



Thinkstock

Appropriate paddock size is partially determined by the size of the horses, the management strategy and a number of other factors.

Editor's Note: This month we asked author Katie Navarra to investigate the topic: How Many is Too Many? We have found as farm and stable owners that we often end up with "too many" horses for our physical or financial situation. We also know of other owners and stables who struggle with the same problems. We invite you to make comments on each of these articles, or chat with us on the Finding Out forum on these topics.

Appropriate paddock size is partially determined by the size of the horses, the management strategy and a number of other factors. "I normally recommend two acres for the first horse and one additional acre for each additional horse," said Mike Yoder, Extension Assistant Professor & Specialist Extension Horse Husbandry at North Carolina State University.

"This acreage allows you to implement different management plans with a reasonable expectation that you will not over-graze your pastures," he added.

If your stable is relying on turnout to provide full nutritional value, the acreage required will be much greater. "A good rule of thumb is to maintain 70% vegetative cover, or no more than 30% bare ground," said Laura Kenney, Program

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Pasture - How many horses to graze per acre of land?

The maximum number of **horses** and **ponies** who should ideally be kept to graze on any piece of pasture land or acreage varies according to several factors, including:

- Soil type.
- Weather conditions and the time of year.
- How well the pasture has been managed in the past.
- Whether the horses are turned out 24 hours a day.
- How settled the group of horses is - a well settled group won't churn the ground up as much as an unsettled one that gallop around or fight.
- Drainage.



The general rule is to allow at least **one and a half acres** of grazing for the first horse and **one acre** for each horse or pony after that.

Provision also needs to be made for every part of the **pasture** to be **rested** for at least six weeks, twice a year.

KEEPING TOO MANY HORSES IN A SMALL FIELD - OVERGRAZING

Some owners will try to keep horses on less acreage per horse, but, for example even having seven horses on 7 acres would stretch a field's resources to its limits.

With careful grass management, it would technically be possible to cope but it would only take an average wet winter to leave you with a field which is so over-grazed and muddy that it would be of little use for turning out any horses or ponies.

Once pasture has deteriorated, and becomes worthless for grazing, it is a long, hard process to return it to a good condition for grazing your horse or pony on.

RESEEDING GRASS FOR HORSE GRAZING

This might even mean re-seeding the grass, which would put the whole seven acres of pasture out of action for the best part of a year - leaving you without any grass for grazing for your horse or pony.

ADVICE ON GENERAL PASTURE MAINTENANCE

However many horses you keep on your land, a general pasture maintenance programme to keep your pasture at its best should include:

- Every 4 to 6 weeks from spring to autumn, **top the pasture** by cutting the grass down to a length of 8 - 15 centimeters (6 inches) to stop rough areas appearing .
- Roll and chain **harrow** the pasture to level and aerate the soil.