

**WALKER PLANNING COMMISSION  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES**

**June 27, 2016**

**6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

- 1. Call to Order** 6:00 p.m. by Chair Wilkening.

**Roll Call-**

Members Present: Anne McMurrin, Rich Hansen, Gary Wilkening

Public: Terry Freeman, Jaymes Littlejohn

Staff: Terri Bjorklund, Pamela Smith

Absent: Char Moore

- 2. Additions or deletions to agenda.**

None

- 3. Announcements by Chair.**

Chair Wilkening explains to the board that there will be a change in zoning administration. Charolette Hines will be stepping down as Zoning Administrator and pending Council approval Pamela Smith will be filling that position.

- 4. M/S McMurrin/Hansen to recommend approval of Minutes for May 23<sup>rd</sup>, 2016.**

Motion passed (3-0)

- 5. Planning/Zoning –Report for May 2016.**

Terri Bjorklund reviewed planning/zoning report and noted the correction needed for Temporary Sign applicant for the Burger Battle, to strike out Rotary/Chamber and replace with the correct applicant; Jeff Holly.

- 6. M/S Hansen/McMurrin to recommend the approval of the LU-2016-06 Final Plat No.2 Cass County Land Exchange for a County State Aid Highway System within Walker City limits.**

Wilkening reminded the board that this discussion has been going on since 2011. He states that this bypass road would minimize the potential exposure of hazardous materials to our sewer ponds.

Terry Freeman explained the steps involved that would lead up to the land exchange. At the July meeting City Council would approve the Cass County Highway Right of Way Plat No. 2. Freeman noted the plat is recorded as a Torrens and not Abstract. Terry and Mr. Emblom would work together to complete a registered land survey for the land exchange and return to the planning commission for recommendation after that point.

Motion passed (3-0)

**7. Reviewed Small Cell Ordinance Draft.**

Mr. Littlejohn an Attorney with Moss & Barnett whom is working with Verizon Wireless states that he has looked through our proposed draft for Small Cells and would like to provide some clarification of the 'red-line' document of his suggested changes to the proposed Ordinance. Littlejohn explained the difference of stealth verses enclosed; he noted that they have found that this requirement results in a pole that is of unusually large diameter, especially when compared with other light poles, power distribution poles and the like. He noted the attached photographs that show just how big the resulting pole would need to be in order for the antennas to be entirely enclosed.

As an alternative to fully enclosing the antennas inside the pole, the City may decide that the best way to minimize the visual impact is to paint the antennas to match the pole.

The Board discusses the height of the tower in section 4, Part B. that reads:

*All towers taller than 100 feet must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three (3) separate users on a single pole. Towers that are from 65 to 100 feet must allow for collocation of at least two (2) separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for this.*

The Board was apprehensive about the height notation of towers taller than 100 feet. Littlejohn stated that it has to do with co-location of up to 3 providers. He notes that you have to consider all of the hardware that is enclosed inside each pole needs to have enough room to accommodate all 3 potential providers.

The Board suggested that staff review the height restrictions specified in Section 4, Part B and bring back to the Board for review.

**8. M/S Hansen/McMurrin to recommend approval to send the Comprehensive Plan from Hometown Planning back to Ben with the recommended changes including the addition to 'POPULATION AND HOUSEHOLD GROWTH' addressing affordable housing and increasing population density; the addition to 'HOUSING AND LAND USE' adding the Cities Wellhead Protection Plan efforts, and the change of the implementation year from 2016-2017 to 2017-2018 and the following years to reflect this change.**

Wilkening noted that he would like to see something written under 'Population and Household Growth' that speaks to implementing affordable housing and increasing density. The possibility of adding starter homes to certain areas would include Cochran's property behind the Cemetery and the Industrial Park.

Smith requests that a notation regarding Wellhead Protection be written in the comprehensive plan to reflect protection efforts of the Wellhead Team. The board feels it would fit best under 'Housing and Land Use' the language for Wellhead:

*City of Walker supports local state and federal efforts to protect drinking water supplies. City of Walker will recognize and support state-endorsed wellhead protection plans through land use and facilities plans, zoning and other appropriate methods. The City of Walker will support communication and coordination efforts to protect and preserve groundwater resources and facilities.*

*It is a paramount policy of the City to protect the purity of present and future drinking water supply areas by recognizing the goals of the wellhead protection program.*

Bjorklund suggests changing the 'Implementation' years amending 2016-2017 to read 2017-2018 and the following years to change the same. She noted that because we are looking at 2016 already being half over it would make more sense the change the years to better coordinate implementation.

Motion passed (3-0)

**9. M/S Hansen/McMurrin to recommend approval to call for a public hearing to receive public comments of the proposed Shooting Range Ordinance with the recommended changes; to omit section 3 entirely and omit the last sentence on section 4 and change the Land Usage to Permit it in the Industrial Zone only.**

The board recommends omitting section 3 entirely; they agree that language in Minnesota Statute 471.633 FIREARMS clearly states that it must be identical to state law.

*The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that: part (a) a government subdivision may regulate the discharge of firearms; and (b) a governmental subdivision may adopt regulations identical to state law.*

The board requested removing the language in section 4 that reads 'All other zoning districts will prohibit the discharge of firearms.'

Bjorklund questioned the board if this Land Usage was permissible conditionally what would their basis of findings of fact be? The Board agreed that it would be difficult to regulate this conditionally; they agree this Land Usage be permitted in the Industrial Park and Prohibited it in all other zones. Bjorklund explains that if the Council approved the request to hold a public hearing regarding the approval of Shooting Range Ordinance that there would be a public hearing scheduled for the next zoning meeting.

**10. Reviewed Solar Power Ordinance Draft.**

The Board discussed section C. Placement and Design, and questioned what the accessory structure setback is. Bjorklund stated that the Code reads as:

*Accessory structures. One water oriented accessory structure or one boathouse is allowed by conditional use permit providing the following requirements are met:*

*(1) The structure or facility must not exceed ten feet in height (one story maximum, 14 feet maximum from lowest ground elevation, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.*

*(2) The setback of the structure or facility from the ordinary high water level must be at least ten feet.*

*(3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local units of government, assuming summer leaf-on conditions.*

McMurrin stated that this may need to be more restrictive so that solar panels are not seen all over the place; in the yard, on the house and on the roof.

Hansen believes that the roof or building mounted reads so it wouldn't exceed the height limits allowed in the zoning district. He questioned the accessory structure setback. The board discussed the possibility of limiting the size of the solar panel. Wilkening stated that he would like to take this draft to a colleague for review. Wilkening noted that he is familiar with Solar Energy and would like his input on this draft and revisit it at the next scheduled Planning and Zoning meeting.

**11. M/S Hansen/McMurrin to adjourn meeting at 7:47 p.m.**

Motion passed (3-0)