

Applicants are requesting a variance from the county Shoreland Management Ordinance [SMO] #6 to remove a 640 square foot cabin and reconstruct a new residential structure 28 feet from the Ordinary High Water Mark [OHWM] of Lake Beltrami. The new structure would total about 1,100 square feet in size. Applicants also propose to increase the current wall height and roof pitch. The county SMO classifies Lake Beltrami as a Recreational Development [RD] lake that requires a minimum structure setback of 100 feet from the OHWM.

Legal Description:

Lot 5, Hart's Subdivision, Section 35, Township 148 N, Range 33 West.

Bill Best gave a staff report on the variance request including photos and maps, citizen letters that were submitted for public comment, a letter from the Department of Natural Resources and recommendation.

Applicants Ted & Carole Sexton stated that the cabin was built in about 1961 with 2 x 4 studs, 24" on center and placed on blocks and spoke of the struggle to maintain it. The cabin has been maintained to the best of their ability but a new cabin is necessary to leave a lasting legacy for their family. They spoke about many details of the application including lot size, restrictions, the possible vacation of the road right of way, and many other details.

Discussion on details of the application and the change in roof pitch from 4:12 pitch to a 8:12 pitch. Board of Adjustment discussed the lack of details in regard to the application and the possible need to table the application for more information to be brought to them.

Chair opened it up for public comment. Neighbor discussed the limits of the property.

Joe Vene moved to table the variance request until the April 23, 2018 Meeting. The motion was seconded by Wally Byklum. Motion carried and was approved.

Chair then closed the Board of Adjustment Public Hearing on the Variance Request of Ted & Carole Sexton.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn the meeting. **Doug Underthun moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting. Motion seconded by Wally Byklum. Motion carried and approved.**

Chair called the meeting for February 26, 2018 officially adjourned. The next meeting will be on March 26, 2018 at 6:00 PM with a work session to begin at 5:30 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, April 23, 2018
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
 Wally Byklum
 Doug Underthun
 Joe Vene
 Don Hazeman
 Keith Winger
 John Simmons

Others Present: Brent Rud, Beltrami County Environmental Services Department
 Shane Foley, Beltrami County Environmental Services Department
 Matt Murray, Murray Surveying, 304 Third St NW, Bemidji, MN 56601
 Cole Beckel, Minnkota Power, 5301 32nd Ave. S. Grand Forks, ND 58201
 Eric Bergman, Minnkota Power, 5301 32nd Ave. S. Grand Forks, ND 58201
 Richard Anderson, 7278 Lammers Rd NW, Solway, MN 56678

Planning Commission met at 3:00 PM to discuss the draft Shoreland Management Ordinance.

Chair, Ed Fussy, called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. Board and staff introduced themselves to members of the audience. Brent Rud gave an overview of the proceedings for the meeting.

The meeting minutes for February 26, 2018 were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of February 26, 2018. Motion was seconded by Don Hazeman. Motion carried and approved.**

Board of Adjustment

OLD BUSINESS

Ted Sexton variance – with the late spring, no new information was brought forward by the applicant. The Board of Adjustment will go to the site at the next meeting in May to conduct a site visit and make a decision.

NEW BUSINESS

None

Planning Commission

Proposed Preliminary Plat Request of: **Westlie Place**
 Owner, Theresa Westlie
 417 America Avenue NW
 Bemidji, MN 56601

Township: Lammers

For the Purpose of:
Applicant proposed to divide 15.54 acres into 4 lots. The land has previously been developed and currently accommodates 4 residential structures. Each proposed lot will encompass one of the existing residential structures.

Legal Description:
The East Half of the Southeast Quarter of the Northeast Quarter less the North 330 feet thereof, Section 1, Township 147 North, Range 35 West.

Chairman opened the Planning Commission Public Hearing on the Proposed Preliminary Plat Request of Theresa Westlie.

Staff provided a report of the proposed plat. Staff read the citizen comment received. Matt Murray (surveyor) presented information on why this plat is being proposed. The Board had conversations about the details of the proposal including wells, septic systems, future buildings, and future plans. **Don Hazeman moved to give preliminary approval and recommend final approval to the County Board with recommendation that SSTS compliance inspections are required before recording the plat. Motion was seconded by Joe Vene. Motion carried and approved.**

Chairman closed the Planning Commission Public Hearing on the Proposed Preliminary Plat Request of Theresa Westlie.

Conditional Use Request of: **Minnkota Power Cooperative, Inc**
 Brian Hoffart, Representative
 5301 32nd Avenue South
 Grand Forks, ND 58201

Township: Grant Valley

For the Purpose of:
Applicant is proposing to construct a 95 foot tower to support high speed communications to the Wilton substation. The tower will be constructed on a site that has been in use as an electrical substation since the 1970's and will result in the movement of approximately 80 cubic yards of soil material.

Legal Description:
Part of the east half of the southeast quarter lying south of the BNSF railroad of Section 2, Township 146 North, Range 34 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Chairman opened the Planning Commission Public Hearing on the Proposed Conditional Use Request of Minnkota Power Cooperative, Inc.

Staff provided a report on the application for the new tower. Cole Beckel and Eric Bergman (Minnkota Power representatives) gave an overview of the application and answered questions. There was discussion about the height of the tower, adjacent power poles (100' tall) and why the tower needs to be 95' tall. Planning Commission members went through the 10 factors to consider for tower applications. All factors were considered and there was discussion on each factor. **John Simmons moved to approve the application with the condition that the tower must meet all requirements in the County Ordinance and all State and Federal requirements for towers. Motion was seconded by Wally Byklum. Motion carried and approved.**

Chairman closed the Planning Commission Public Hearing on the Proposed Conditional Use Request of Minnkota Power Cooperative, Inc.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn the meeting. **John Simmons moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting. Motion seconded by Wally Byklum. Motion carried and approved.**

Chair called the meeting for April 23, 2018 officially adjourned. The next meeting will be on May 21, 2018 at 3:00 PM to discuss the Shoreland Ordinance and a work session to begin at 5:30 PM with the regular meeting to begin at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, May 29, 2018
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Wally Byklum
Doug Underthun
Joe Vene
Don Hazeman
Keith Winger
John Simmons

Others Present: Brent Rud, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Kurt & Roxy Lindquist, 22802 Jenson Court NE, Tenstrike, MN 56683
Ted Sexton, 6093 Taft RD, Duluth, MN 55803

Planning Commission met at 3:00 PM to discuss the draft Shoreland Management Ordinance.

- 1. 3:00 – 4:30 Shoreland Ordinance Discussion**
- 2. 4:30 – 5:30 Onsite review of Ted Sexton Variance Request (Lake Beltrami)**

Chair, Ed Fussy, called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. Board and staff introduced themselves to members of the audience. Brent Rud gave an overview of the proceedings for the meeting.

The meeting minutes for April 23, 2018 were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of April 23, 2018. Motion was seconded by Don Hazeman. Motion carried and approved.**

Board of Adjustment

Old Business

Chairman opened the Board of Adjustment Public Hearing on the Variance Request of Ted & Carole Sexton.

Tabled Variance Request of: **Ted & Carole Sexton**
3707 Lindseth Drive NE
Bemidji, MN 56601

Township: Turtle Lake
Lake: Beltrami (4-135)

For the Purpose of:

Applicants are requesting a variance from the county Shoreland Management Ordinance [SMO] #6 to remove a 640 square foot cabin and reconstruct a new residential structure 28 feet from the Ordinary High Water Mark

[OHWM] of Lake Beltrami. The new structure would total about 1,100 square feet in size. Applicants also propose to increase the current wall height and roof pitch. The county SMO classifies Lake Beltrami as a Recreational Development [RD] lake that requires a minimum structure setback of 100 feet from the OHWM.

Staff gave an overview of the application. There was discussion about the required setbacks for the SSTS and how much farther the cabin could be moved back from the lake. Ted Sexton spoke about the application and stated that he doesn't want the well house to stand alone in front of the cabin and he could go with a 6:12 pitch roof instead of an 8:12 roof so the height wouldn't be increased quite as much. There was lengthy discussion about how far back the cabin could really be moved away from the lake with the proposed SSTS, existing structures, road setbacks, wetlands, etc. Landowner didn't appear willing to move the cabin back from the lake any further than the existing cabin location.

Don Hazeman made a motion to deny the variance application. Motion was seconded by John Simmons. Motion carried and was approved.

Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?
Yes () No (x)
Why?
There is room to move the building back farther from the lake but the landowner not willing to move it back.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes () No (x)
Why?
Landowner could rebuild the cabin in the same location or move the cabin farther from the lake.
3. Is the alleged hardship due to circumstances unique to this property?
Yes () No (x)
Why?
There is room to build the cabin back farther from the lake.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
Why?
The cabin was built prior to the shoreland rules
5. Will the issuance of the variance maintain the essential character of the locality?
Yes (x) No ()
Why?
There are similar structures nearby
6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()
Why?
Economic consideration was not discussed.

If all answers are "yes" the criteria for granting the variance request have been met.

Chairman then closed the Board of Adjustment Public Hearing on the Variance Request of Ted & Carole Sexton.

New Business

Chairman opened the Board of Adjustment Public Hearing on the Variance Request of Kurtiss & Roxanne Lindquist.

Variance Request of: **Kurtiss & Roxanne Lindquist**
22802 Jenson Ct.
Tenstrike, MN 56683
Township: Hagali
Lake: Sandy (4-124)

For the Purpose of:

Applicants are requesting a variance to construct a 48' x 26' addition to existing cabin located 48 feet from the Ordinary High Water Mark (OHWM) of Sandy Lake. Addition will be on the back side of the cabin away from the lake. The county Shoreland Management Ordinance No. 6 classifies Sandy Lake as a Sensitive Area (SA) lake that requires a minimum structure setback of 150 feet from the OHWM.

Legal Description:

Part of Government Lot 2, Section 30, Township 149, Range 32. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Staff gave an overview of the application. There was discussion regarding the deck, hot tub, setbacks to everything. The applicant spoke in regard to the application. The owners want to add closets and storage as well as the attached garage for health issues. The owners purchased this property in April of this year and have since realized that they need an attached garage. There was conversation about the existing hot tub location. The hot tub should never have been placed at this location. There was discussion regarding stormwater issues and potentials to deal with that. Owner stated that they would be willing to remove the hot tub from its current nonconforming location and move it towards the rear of the house.

Don Hazeman made a motion to approve the variance for a 40' x 26' addition to the non-lakeside of the house with the following conditions: A shoreland vegetation management plan and stormwater management plan are submitted to ESD and approved prior to construction and the existing hot tub is moved at least 75' from the OHW of the lake. Motion seconded by Joe Vene.

Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (x) No ()

Why?

The addition is to the rear of the structure and will improve the quality of living space that the owners need.

2. Without the variance is the owner deprived of a reasonable use of the property?

Yes (x) No ()

Why?

Medical issues necessitate a garage addition to make the property usable for the current owner.

3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()

Why?

House was built prior to shoreland rules.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?

Yes (x) No ()

Why?

House was built prior to shoreland rules.

5. Will the issuance of the variance maintain the essential character of the locality?
Yes (x) No ()

Why?

Rural residential lakeshore development is typical of this area.

6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()

Why?

Medical considerations were discussed. Economic consideration not discussed.

If all answers are “yes” the criteria for granting the variance request have been met.

Motion carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the Variance Request of Kurtiss & Roxanne Lindquist.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn the meeting. **Joe Vene moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting. Motion seconded by Wally Byklum. Motion carried and approved.**

Chair called the meeting for May 29, 2018 officially adjourned. The next meeting will be on June 25, 2018 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, July 23, 2018
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Wally Byklum
Joe Vene
Don Hazeman
Keith Winger
John Simmons

Members absent: Doug Underthun

Others Present: Brent Rud, Beltrami County Environmental Services Department
Jon Rutten, 23802 Nearlya Rd, NE, Cass Lake, MN 56633
John Westphall, 57153 Hudec Resort Rd NE, Waskish, MN 56685
Cole Beckal, 5301 32nd Ave. S. Grand Forks, ND
Eric Bergman, 5301 32nd Ave. S. Grand Forks, ND

Chair, Ed Fussy, called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. Board and staff introduced themselves to members of the audience. Brent Rud gave an overview of the proceedings for the meeting.

The meeting minutes for May 29, 2018 were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of May 29, 2018. Motion was seconded by John Simmons. Motion carried and approved.**

Board of Adjustment

New Business

Chairman opened the Board of Adjustment Public Hearing on the Variance Request of Jon Rutten.

Variance Request of: **Jon Rutten**
23802 Nearlya Rd NE
Cass Lake, MN 56633

Township: Brook Lake
Lake: Kitchi (4-7)

For the Purpose of:

Applicant is requesting a variance from the Shoreland Management Ordinance (SMO) #6 in order to add 832 square feet of living space and 520 square feet of attached garage to his existing legal, but non-conforming structure that is currently 41 feet from the Ordinary High Water Mark of Kitchi Lake. The additions would

change the height of the structure from 29.5 feet to 33 feet but would not encroach closer to the lake. The additional living space is split between the 1st and 2nd stories of the house and will increase the footprint by 312 square feet. Kitchi Lake is classified as a Recreational Development lake that requires a minimum structure setback of 100 feet from the ordinary high water mark.

Legal Description:

Part of Lot 10, Section 6, Township 146 North, Range 30 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Staff report regarding the application was given and there was discussion about the details of the proposal including location of additions, setbacks, existing structure details, and the hot tub and patio. The applicant presented some additional information about the application and answered questions from the Board of Adjustment regarding the existing garage, stormwater, proposed additions, the second story addition, the new height of the building, etc... The applicant informed the Board that he will likely need to remove the existing garage due to its current condition anyways so he offered to remove it if the application is approved with the new attached garage as proposed.

John Simmons made a motion to approve the application as submitted with the following conditions:

- 1. Shoreline vegetation plan is submitted and approved by ESD prior to construction. Plan must include restoration of native vegetation along the lake south of the house and a 10' minimum no mow area adjacent to the OHW with the exception of the access to the dock.**
- 2. All exposed soil areas between the house and the lake must be vegetated or contained and must be included in vegetation plan.**
- 3. Existing trees and native vegetation within the building setback is maintained.**
- 4. A stormwater plan is submitted and approved prior to construction**
- 5. The hot tub and patio are moved or removed in accordance with ESD requirements.**
- 6. Existing garage is removed as indicated by the landowner within 30 days of completion of the project or within 2 years of approval, whichever is first.**

Motion was seconded by Wally Byklum.

Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (X) No ()

Why?

It is a single family residential dwelling and in harmony with the intent of comprehensive plan and Shoreland Management Ordinance.

2. Without the variance is the owner deprived of a reasonable use of the property?

Yes (X) No ()

Why?

The existing structure needs major repairs and updates. The additions will make the whole residential structure be more useful for year round living.

3. Is the alleged hardship due to circumstances unique to this property?

Yes (X) No ()

Why?

The structure was built before shoreland rules were in place.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?

Yes (X) No ()

Why?

The structure was built before shoreland rules were in place.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why?

It is typical of lakeshore development and removing the existing garage as part of the proposal will reduce the visual impact of the development.

6. Does the alleged hardship involve more than economic consideration?

Yes (X) No ()

Why?

Economics weren't considered at all.

If all answers are "yes" the criteria for granting the variance request have been met.

Motion carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the Variance Request of Jon Rutten.

Planning Commission

Chairman opened the Planning Commission Public Hearing on the Conditional Use Request of John & Andrea Westphall.

Conditional Use Request of: John & Andrea Westphall

55155 Hwy 72 NE
Waskish, MN 56685

Township: Waskish

Lake: Upper Red (4-135)

For the Purpose of:

Applicants are requesting a conditional use permit as required by the Shoreland Management Ordinance (SMO) #6 in order to put in 20 RV sites along with one caretaker's mobile home on their Upper Red Lake property and operate it as a commercial business. Upper Red Lake is classified as a General Development Lake and the proposed project falls within the density allowed for that lake classification.

Legal Description:

Part of Government Lot 4, Section 8, Township 154 North, Range 30 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Staff gave a report to the Planning Commission with the details of the application as submitted including history of this property, existing setbacks, allowable density, existing septic system information, drinking water plans, dock and boat slip options, wetlands, and the issue of winter use. Applicant addressed the Planning Commission and indicated that there won't be any winter use of this property as there are already 2 ice roads in this area that would make it troublesome and they already maintain an ice road at Beacon Harbor Resort just north of here. The owner also discussed the plans for using lake water as a water source, not looking at building a harbor and likely using the public access for boats, and removing the existing fish houses that are stored there. The Planning Commission discussed the details of density, future options to add RV sites, and winter use issues. The Planning Commission and staff reviewed the list of factors to be considered before granting a conditional use permit and acknowledged that all factors have been considered.

Motion by Joe Vene to approve the Conditional Use Request of John & Andrea Westphall with the following conditions:

- 1. all other required permits are received**
- 2. adequate water can be procured**
- 3. septic system is sized to meet code and is compliant**
- 4. Winter access to the lake on this property is not allowed.**

Motion was seconded by Don Hazeman. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the Conditional Use Request of John & Andrea Westphall.

Chairman opened the Planning Commission Public Hearing on the Conditional Use Request of Minnkota Power Cooperative, Inc.

Conditional Use Request of: **Minnkota Power Cooperative, Inc.**
24156 Highway 1
Blackduck, MN 56630
Township: Shooks

Legal Description:

NE ¼ of the NW ¼ of Section 30, Township 151 North, Range 30 West.

For the Purpose of:

Applicants are requesting a conditional use permit to build a 390 foot tower to support high speed communications within their internal communication network. The new tower will replace an existing tower of the same height which is currently located 50 feet from the new tower's proposed site. A conditional use permit is required by the Tower and Wind Energy Conversion System Ordinance #35.

Staff gave a report on the application including details of new proposed location, history of this site as a tower location, FAA approval, and tower design. Eric Bergman and Cole Beckel spoke as representatives of Minnkota Power and answered questions about the location, use, design, colocation abilities, and need at this exact site. Staff and Planning Commission reviewed Section 14 of the Tower Ordinance and acknowledged that the required factors to be considered before approval have been considered.

Motion by Don Hazeman to approve the Conditional Use Permit of Minnkota Power Cooperative, Inc. with the following recommendations:

- 1. Inspection reporting requirements of Section 15 are met**

2. All other requirements of the Beltrami County Tower Ordinance #35 are complied with.

Motion seconded by Wally Byklum. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the Conditional Use Request of Minnkota Power Cooperative, Inc.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn the meeting. **John Simmons moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting. Motion seconded by Joe Vene. Motion carried and approved.**

Chair called the meeting for July 24, 2018 officially adjourned. The next meeting will be on August 27, 2018 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, August 27, 2018
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Wally Byklum
Joe Vene
Doug Underthun
Don Hazeman
Keith Winger

Members absent: John Simmons

Others Present: Brent Rud, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Rick Adams, Verizon Wireless, 1635 East Ponto Lake Rd, Backus, MN 56435
Rod Pickett, 701 Pollox Ln NW, Bemidji, MN 56601
Denise Klein, 16431 Carter Lake Rd, Hines, MN 56647
Anthony Evans, 501 Adams Ave. NW, Bemidji, MN 56601

Chair, Ed Fussy, called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. Board and staff introduced themselves to members of the audience. Brent Rud gave an overview of the proceedings for the meeting.

The meeting minutes for July 23, 2018 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of July 23, 2018. Motion was seconded by Wally Byklum. Motion carried and approved.**

Board of Adjustment

No Business before the Board of Adjustment.

Planning Commission

Conditional Use Request of: **Leroy Anderson**
8735 Division Street W
Bemidji, MN 56601

Township: Grant Valley
Lake: Twin Lake (4-204)

For the Purpose of:

Applicant proposing the construction of a new road for truck access to an existing sand and gravel pit. Roads may be constructed in designated shoreland zones with a Conditional Use Permit. They must be designed to minimize & control erosion and to achieve maximum vegetation screening from public waters. Twin Lake is a

Sensitive Area [SA] lake and has a required setback of 150 feet from the Ordinary High Water Level as required in the Beltrami County Shoreland Management Ordinance #6.

Legal Description:

The SE ¼ NW ¼ and the E ½ SW1/4, Section Nine (9), Township One Hundred Forty-six (146), Range Thirty-four (34).

Staff discussed the status of the applicant and the need for more time for the applicant to resolve some concerns. Recommendation was to table the application until the September Planning Commission Meeting. **Motion by Don Hazeman to table the Leroy Anderson Conditional Use Permit Application until the September 24, 2018 Meeting. Motion seconded by Joe Vene. Motion carried and approved.**

Chairman opened the Planning Commission Public Hearing on the Conditional Use Request of Verizon Wireless LLC.

Conditional Use Request of: Verizon Wireless LLC
Landowners: Stuart & Denise Michalicek
221 Adams Avenue NW
Bemidji, MN 56601
Township: Grant Valley

For the Purpose of:

Applicant is requesting a Conditional Use Permit to construct a 189 foot antenna support structure and related communications facility. Tower to be erected in the northwest corner of the intersection of Division Street NW and Adams Avenue NW. Tower is designed to accommodate not less than three [3] users including the tower owner. The Tower and Wind Energy Conversion System Ordinance #35 require a conditional use permit.

Legal Description:

Lot 9, Block 1, D & R Subdivision, Section 12, Township 146, Range 34

Staff report given by Bill Best. Discussion about ongoing reporting requirements. Applicant, Rick Adams, Verizon agent, spoke about the application and reasons why the location was chosen and why there is a need for additional sites. He discussed capacity, data speeds, 5g, video streaming, webinars, etc. Discussed viewsheds from neighboring areas. Discussed RF concerns that are often brought up as a concern and the design is 1000 times below the safety limit.

Chair opened it up for public comment.

Rod Pickett wanted to speak about Leroy Anderson application. Staff will connect with Rod to make sure his concerns are noted.

Anthony Evans, resident of the area, spoke in opposition to the tower based on tax value. He was concerned about lighting but was pleased to hear this one won't be lit. Doesn't want to see it in the yard but... Rick again spoke about the difference between 4g & 5g and no increase in impact to humans. Rick discussed a Verizon study looking at property values.

Motion by Wally Byklum to approve the Conditional Use Permit for Verizon Wireless with staff recommended conditions; that the inspection reporting requirements of section 15 are met along with all other requirements of state & federal rules/regulations and the Beltrami County Tower Ordinance #35. Doug Underthun seconded the motion. Planning Commission reviewed the Factors to be Considered in

Granting a Conditional Use Permit for Towers. All factors were discussed. Discussed setbacks. **Motion carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the Conditional Use Request of Verizon Wireless LLC.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn the meeting. **Joe Vene moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting. Motion seconded by Doug Underthun. Motion carried and approved.**

Chair called the meeting for August 27, 2018 officially adjourned. The next meeting will be on September 24, 2018 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, September 24, 2018
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Wally Byklum
Joe Vene
Doug Underthun
Don Hazeman
John Simmons

Members absent: Keith Winger

Others Present: Brent Rud, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Steven & Sharon Larson, 6125 Woodberry CT SE, Bemidji, MN 56601 &
54271 Alverayne Ave. NE, Waskish, MN 56685
Jerry & Pam Schoenfelder, 11225 Werner Rd NW, Bemidji, MN 56601

Chair, Ed Fussy, called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. Board and staff introduced themselves to members of the audience. Brent Rud gave an overview of the proceedings for the meeting.

The meeting minutes for August 27, 2018 were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of August 27, 2018. Motion was seconded by Don Hazeman. Motion carried and approved.**

Board of Adjustment

No Business before the Board of Adjustment.

Planning Commission

Conditional Use Request of: **Leroy Anderson**
8735 Division Street W
Bemidji, MN 56601

Township: Grant Valley
Lake: Twin Lake (4-204)

For the Purpose of:

Applicant proposing the construction of a new road for truck access to an existing sand and gravel pit. Roads may be constructed in designated shoreland zones with a Conditional Use Permit. They must be designed to minimize & control erosion and to achieve maximum vegetation screening from public waters. Twin Lake is a

Sensitive Area [SA] lake and has a required setback of 150 feet from the Ordinary High Water Level as required in the Beltrami County Shoreland Management Ordinance #6.

Legal Description:

The SE ¼ NW ¼ and the E ½ SW1/4, Section Nine (9), Township One Hundred Forty-six (146), Range Thirty-four (34).

Staff discussed the status of the applicant and the need for more time for the applicant to resolve some concerns. Recommendation was to table the application until the September Planning Commission Meeting. **Motion by Doug Underthun to table the Leroy Anderson Conditional Use Permit Application. Motion seconded by Don Hazeman. Motion carried and approved.**

Draft Shoreland Management Ordinance No. 6: Public Hearing

Brent Rud gave an overview of the review of this Ordinance at the Planning Commission level to this point and discussed some of the remaining steps to adopt the Ordinance. The Planning Commission has discussed the Ordinance and helped to create language and standards in the Ordinance through the thorough review during the past year at various work sessions.

Brent Rud relayed to the Commission the support from 2 attendees at the meeting. Steven and Sharon Larson were there to support the Ordinance. There is a specific provision in the Ordinance that will alleviate some difficulties in further developing their property near Upper Red Lake. There are several other landowners who also support this provision but were unable to attend this meeting.

Jerry and Pam Schoenfelder stated that they were in attendance to learn more about the Ordinance and were specifically interested in anything that might affect a judicial ditch system that they are concerned about. Staff replied that nothing in this Ordinance will affect the ditch system as the Ordinance doesn't apply in that area outside of the Shoreland Zone.

Brent Rud went through the Ordinance with the Planning Commission to discuss the DNR comments received and also discuss some provisions that have been updated since the last meeting.

Motion by Doug Underthun to recommend approval to the County Board for the Draft Shoreland Management Ordinance No. 6. Motion seconded by Joe Vene. Motion carried and approved.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn the meeting. **Don Hazeman moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting. Motion seconded by Wally Byklum. Motion carried and approved.**

Chair called the meeting for September 24, 2018 officially adjourned. The next meeting will be on October 15, 2018 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, October 15, 2018
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Wally Byklum
Doug Underthun
Don Hazeman
John Simmons
Keith Winger

Members absent: Joe Vene

Others Present: Brent Rud, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Jay Sharpe, 18851 Co. Rd 118, Laporte, MN 56461
Allen & Diane Ungerecht, 11817 Co. Rd. 51, Northome, MN 56661

Chair, Ed Fussy, called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. Board and staff introduced themselves to members of the audience. Brent Rud gave an overview of the proceedings for the meeting.

The meeting minutes for September 24, 2018 were brought forward for approval. Wally Byklum **moved to approve the meeting minutes of September 24, 2018. Motion was seconded by John Simmons. Motion carried and approved.**

Board of Adjustment

Chairman opened the Board of Adjustment Public Hearing on the Variance Request of Tammy Bertelson.

Variance Request of	Tammy Bertelson
	2102 Channel Island Dr. NE
	Bemidji, MN 56601
Township:	Turtle Lake
Lake:	Turtle Lake (4-159)

For the Purpose of:

The applicant is proposing two (2) additions to an existing structure. The structure received a variance in 1988 to build partially within the structure setback. Proposed additions include 690 square feet of living space and a 144 square foot bathroom off an existing bedroom. Big Turtle Lake [4-159] is classified as a Recreational

Development Lake in the county Shoreland Management Ordinance #6. The required structure setback on a recreational development lake is 100 feet.

Legal Description: Tax Parcel 47.00321.00

Part of Government Lot Four (4), Section Twenty-two (22), Township One Hundred Forty-eight (148), Range Thirty-three (33). . This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report. Discussed details of the application and history of the property. Jay Sharpe, Contractor representing homeowners was present. Discussion by Board of SSTS capacity and concern with large gatherings.

**Motion by Doug Underthun to approve the Variance with the following recommended conditions:
Wally Byklum seconded the motion.**

Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (x) No ()

Why?

Residential Development is the standard and normal use.

2. Without the variance is the owner deprived of a reasonable use of the property?

Yes (x) No ()

Why?

Existing cabin is small for size of family utilizing the property

3. Is the alleged hardship due to circumstances unique to this property?

Yes (x) No ()

Why?

The existing structure was built in 1988 with a variance.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?

Yes (x) No ()

Why?

Previous landowners and Board of Adjustment negotiated a setback of 70' for this property based on uniqueness of the property.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes (x) No ()

Why?

New construction will be farther away from the lake than the existing cabin.

6. Does the alleged hardship involve more than economic consideration?

Yes (x) No ()

Why?

Economic consideration wasn't discussed as it wasn't a factor.

If all answers are "yes" the criteria for granting the variance request have been met.

Motion carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the Variance Request of Tammy Bertelson.

Planning Commission

Chairman opened the Planning Commission Public Hearing on the Conditional Use Request of Allen Ungerecht.

Conditional Use Request of	Allen Ungerecht
	11817 County Rd 51
	Northome, MN 56661
Township:	Waskish
Lake:	Upper Red (4-35)

For the Purpose of:

Allen Ungerecht is proposing to expand an existing harbor on Red Lake, a general development lake, to create a 20 by 40 foot mooring area. The new mooring area would accommodate 2 new boat slips to be used for personal, non-commercial use. The harbor is adjacent to his parcel PIN 49.10171.00 and is located off Hwy 72 north of Waskish. Excavation where the intended purpose is connection to a public water such as boat slips, are allowed only with a Conditional Use Permit.

Legal Description: Tax Parcel 49.10171.00 Lot 2, Hudec's Subdivision.

Shane Foley gave staff report. Allen Ungerecht gave information regarding the details of proposed construction of slips. Discussion by Board and Staff.

Motion by Don Hazeman to approve the conditional use request of Allen Ungerecht in accordance with DNR Permit and that applicant submits a shoreline vegetative management plan. John Simmons seconded motion. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the Conditional Use Request of Allen Ungerecht.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn the meeting. **Doug Underthun moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for October 15, 2018. Motion seconded by Don Hazeman. Motion carried and approved.**

Chair called the meeting for October 15, 2018 officially adjourned. The next meeting will be on November 26, 2018 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission