

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, February 25, 2019
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
 Craig Gaasvig
 Joe Vene

Members absent: John Simmons

Others Present: Brent Rud, Beltrami County Environmental Services Department
 Bill Best, Beltrami County Environmental Services Department
 Shane Foley, Beltrami County Environmental Services Department
 James & Colleen Nelson, PO Box 76, Cokato, MN 55321
 Jane & David Wilcox, 12001 E. Movil Lake Rd NE, Bemidji, MN 56601
 Tom & Mary Ann Gray, 12060 Cabinway Ln NE, 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 October 15, 2018 were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of October 15, 2018. Motion was seconded by Wally Byklum. Motion carried and approved.**

Board of Adjustment

Chairman opened the Board of Adjustment Public Hearing on the Variance Request of James & Colleen Nelson.

Variance Request of: **James & Colleen Nelson**
 12061 Cabinway Ln.
 Bemidji, MN 56601

Township: Turtle Lake
Lake: Movil (4-152)

For the Purpose of:

Applicants are requesting a variance to construct a new residential structure at approximately 80.5 feet from the Ordinary High Water Level [OHWL] of Movil Lake. Existing seasonal log cabin located at about 48 feet from the OHWL to be removed. Structure proposed is with a lakeside walkout basement and a proposed height approximately 33 feet from the lowest ground level of the structure. Movil Lake [4-152] is classified as a

Recreational Development [RD] lake in the Beltrami County Shoreland Management Ordinance #6 with a required structure setback of 100 feet from the OHWL.

Legal Description:

Tax Parcel 47.00625.00

Part of Government Lot 6, Section 34, Township 148 North, Range 33 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report. Existing structures and SSTS to be removed and replaced. Read one public comment received prior to the meeting from neighbor, Wilcox. James Nelson, applicant, spoke about application and answered questions. Staff discussed the merits of restoring the hillside and utilizing the existing excavated area for walkout.

David Wilcox spoke regarding the application and asked questions about retaining walls.

Motion by Don Hazeman to approve the Variance as submitted with the following conditions:

- 1. Submit a shoreline vegetation management plan to ESD for approval.**
- 2. Meet all other requirements of the ordinance.**

Joe Vene 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? This variance allows the existing cabin to be removed and relocated as far back as possible on this property.

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

Yes (x) No ()

Why? It is a reasonable request to be able to rebuild a residential structure on a lot like this with and existing residential structure.

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

Yes (x) No ()

Why? The terrain, hills, and low areas with the driveway to the neighbor's property running through the property places severe limitations on where the house can go.

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? This development will be similar to the character of the area.

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 James & Colleen Nelson.

Planning Commission

Chairman opened the Planning Commission Public Hearing on the Conditional Use Request of AT&T.

Conditional Use Request of: AT&T
35818 Corlan Rd NE
Blackduck, MN 56630
Township: Cormant

Legal Description:

Tax Parcel 10.00255.00

The North half of the North half of Section 23 and Southwest quarter of the Southeast quarter of Section 14, Township 151 North, Range 31 West.

For the Purpose of:

Applicant is requesting a conditional use permit to build a 400' guyed tower and associated ground equipment inside a new 100' x 100' lease area obtained from the land owner. There will be 3 guyed anchor locations that will consist of an area of approximately 60 square feet each. A conditional use permit is required by the Tower and Wind Energy Conversion System Ordinance #35.

No representative for this application was present to answer questions. Motion by Doug Underthun to table the conditional use request of AT&T. Joe Vene seconded motion. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the Conditional Use Request of AT&T.

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 February 25, 2019. Motion seconded by Don Hazeman. Motion carried and approved.**

Chair called the meeting for February 25, 2019 officially adjourned. The next meeting will be on March 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, March 25, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
 Doug Underthun
 Don Hazeman
 John Simmons
 Craig Gaasvig
 Joe Vene

Members absent: Wally Byklum

Others Present: Brent Rud, Beltrami County Environmental Services Department
 Bill Best, Beltrami County Environmental Services Department
 Shane Foley, Beltrami County Environmental Services Department
 Tony Palcich, 131 Circle Pine Dr. NW, Bemidji, MN 56601
 Glenda Duhamel, 2923 Buchanan Ave SW, Bemidji, MN 56601
 Pat Kramer, 9973 Pony Lake Rd NW, Bemidji, MN 56601
 Nancy Sandberg, 9973 Pony Lake Rd NW, Bemidji, MN 56601
 Maria Swenson, 3311 Windy Hill Ln SW, 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 February 25, 2019 were brought forward for approval. **Doug Underthun moved to approve the amended meeting minutes of February 25, 2019. Motion seconded by Don Hazeman. Motion carried and approved.**

Board of Adjustment

There was no business before the Board of Adjustment.

Planning Commission

The Conditional Use Request of AT&T was moved to the end of agenda due to no one here to represent the request.

Chair opened the Planning Commission with the proposed Preliminary & Final Plat request of Windy Hill Place.

Proposed Preliminary Plat Request of: **Windy Hill Place**
 Owner, Pat Kramer
 3311 Windy Hill Lane SW
 Bemidji, MN 56601
Township: Grant Valley

For the Purpose of:

Applicants propose to divide two parcels totaling approximately 15.01 acres into five lots. The property currently accommodates residential structures and four rental structures. One of the proposed lots will encompass the existing residential structures, another lot will encompass the rental structures and the remaining lots are currently vacant and contain no structures.

Legal Description:

Tax Parcels 15.00445.00, 15.00442.02

East 660 Feet of the South 330 Feet of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), Section 25, Township 146 North, Range 34 West and the East 660 Feet of the North 660 feet of the Southeast Quarter of the Northeast Quarter (SE ¼ NE ¼), Section 25, Township 146 North, Range 34 West.

Staff reported to the Planning Commission: Two existing parcels are proposed to be split into five lots in the plat. Staff recommends plat approval to the County Board. Audience member, Glenda Duhamel, spoke about driveways and access. **Motion by Joe Vene to approve plat, Windy Hill Place, with conditions as recommended.**

1. **Surveyor approval of final edits**
2. **Approval of title insurance**
3. **County Attorney review prior to Board action**

Motion seconded by John Simmons. Motion carried and approved.

Chairman closed the Planning Commission Public Hearing on the preliminary and final plat, Windy Hill Place.

Chairman opened the Planning Commission Public Hearing on the Conditional Use Request of AT&T.

Conditional Use Request of: **AT&T**
 35818 Corlan Rd NE
 Blackduck, MN 56630
Township: Cormant

Legal Description:

Tax Parcel 10.00255.00

The North half of the North half of Section 23 and Southwest quarter of the Southeast quarter of Section 14, Township 151 North, Range 31 West.

For the Purpose of:

Applicant is requesting a conditional use permit to build a 400' guyed tower and associated ground equipment inside a new 100' x 100' lease area obtained from the land owner. There will be 3 guyed anchor locations that will consist of an area of approximately 60 square feet each. A conditional use permit is required by the Tower and Wind Energy Conversion System Ordinance #35.

No representative for this application was present to answer questions. Staff described contacts with representative requesting additional information and the lack of response. **Motion by Don Hazeman to deny the conditional use request of AT&T due to lack of response to request for additional information and lack of being here to present information. Motion seconded by Doug Underthun. Motion carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the Conditional Use Request of AT&T.

May Planning Commission/Board of Adjustment Public Hearing will be held May 20, 2019.

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 for March 25, 2019. Motion seconded by Joe Vene. Motion carried and approved.**

Chair called the meeting for March 25, 2019 officially adjourned. The next meeting will be on April 22, 2019 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 20, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Doug Underthun
Wally Byklum
John Simmons
Craig Gaasvig

Members absent: Don Hazeman
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
Chris & Betsy Tower, 166 Woods Bluff Rd NW, Bemidji, MN 56601
Patrick Bradley, 2551 Parkers Lake Rd, Bemidji, MN 56601
Kerry Allen, 937 Island View Dr. NE, Bemidji, MN 56601
Muriel Gilman, 11535 E. Movil Lake Rd NE, Bemidji, MN 56601
Warren Schulze, 8659 Thorsonveien Rd NE, 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 March 25, 2019 were brought forward for approval. **Doug Underthun moved to approve the amended meeting minutes of March 25, 2019. Motion seconded by Craig Gaasvig. Motion carried and approved.**

There was a change made to the agenda to have Concordia Language Village first on the agenda.

Planning Commission

Chair opened the Planning Commission Public Hearing on the proposed Conditional Use Request of Concordia Language Village.

Conditional Use Request of: **Concordia Language Village**
8659 Thorsonveien NE
Bemidji, MN 56601

Township: Turtle River

Lake: Turtle River Lake (4-111)

For the Purpose of:

Applicant is requesting a Conditional Use Permit for a Commercial Planned Unit Development of more than ten units. The new proposed development will consist of 2 residential cabins with 72 total beds, an office building with staff housing and a dining hall along with a parking lot to accommodate guests. The proposed development will be within the shoreland zone of Turtle River Lake which is a recreational development lake. The proposed development will be adjacent to other similar language village developments. All proposed work will be outside of the 100 foot building setback.

Legal Description:

Tax Parcel 48.00141.00, 48.00055.00

Lots 1 & 2 and the S 1/2 of NE 1/4, Section 10, Township 147, Range 32 and Lot 4, Section 3, Township 147, Range 32.

Presentation by staff on the five existing built villages and one partially completed village. Proposed are two new villages. Proposed development is very similar to existing villages. Staff recommends approval with the condition that that applicant must obtain permits prior to all buildings or earth moving construction.

Representative spoke briefly and answered a few questions. Board reviewed requirements in the Shoreland Management Ordinance. **Motion by John Simmons to approve the Conditional Use Request of Concordia Language Village as submitted. Motion seconded by Wally Byklum. Motion carried and approved.**

Chair then closed the Planning Commission Public Hearing on the proposed Conditional Use Request of Concordia Language Village.

Board of Adjustment

Chair opened the Board of Adjustment Public Hearing on the Variance request of Chris and Elizabeth Tower.

Variance Request of:

Chris & Elizabeth Tower

166 Woods Bluff Rd NW

Bemidji, MN 56601

Township:

Turtle Lake

Lake:

Movil (4-152) RD

For the Purpose of:

Purpose of: Applicants are requesting an after-the-fact variance from the required minimum lot size for two [2] residential structures on Movil Lake. The property is 100 feet in width, 265 feet in depth, and is approximately 0.67 acres [29,185 square feet] in size. Movil Lake [4-152] is classified as a Recreational Development [RD] lake in the Beltrami County Shoreland Management Ordinance [SMO] #6. Sections 501 and 502 of the SMO require a minimum lot width of 225 feet and a minimum lot size of 90,000 square feet to place a residential structure and a guest cottage.

Legal Description:

Tax Parcel 47.00783.00, 47.00782.00

Lots 11 and 12, Block 1, Movil Woods Bluff and part of Government Lot 1, Section 33, Township 148, Range 33. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Staff presentation: Bill Best discussed size of the existing and proposed structures, history of property, and details of the application and landowner requests. Recommended denial based on property being one-third of the size required and 40% of lot width and the landowner's ability to build their new house if they remove the other existing old cabin. Applicant spoke about the property and what decisions were made to get to the point they are at. Cabin is nice in summer but water is turned off in winter as cabin is not winterized. Also, cannot move cabin back because there are too many trees in the way. Garage seemed like the most logical living situation and now an addition is needed for the garage to make it the house. The plan is not to rent the old cabin out or have guests.

Public Comment: Howie Zetah stated Chris really thought all the permitting process was done correctly and the issue is a result of a misunderstanding. Chris Tower spoke about a variance that had been issued in the past on this property and answered some questions about the property and the application.

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?

Lots are way too small for guest quarters to be allowed.

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

Yes () No (X)

Why?

A new residential structure exists in the garage that was just built. The owner could remove the existing cabin and add on to the garage as desired to make the house that they really want.

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

Yes () No (X)

Why?

There are a lot of small lots out there with old cabins just like this one. The need for a guest cabin isn't tied to the circumstances of the property.

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

Yes () No (X)

Why?

Landowner created the situation by applying and receiving a building permit for a garage and building a residential structure within the garage in violation of the Shoreland Management Ordinance.

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

Why?

Residential use will stay.

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

Why?

Not considered

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

Additional Questions for After-the-Fact Variance Request

To be used in addition to currently used Findings of Fact.

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable Official controls?
Yes (X) No ()

Landowner didn't realize their permit wasn't for what they wanted.

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?
Yes (X) No ()

New well, septic and structure already built.

3. Did the applicant complete the work before being informed of the violation of applicable official controls?
Yes (X) No ()

Apartment already exists.

4. Are there similar structures in the area?
Yes (X) No ()

Lake Country has many buildings similar to both of these.

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?
Yes (X) No ()

Permits were historically obtained.

6. Would the benefit to the County appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?
Yes () No (X)

The landowner already has an existing structure to live in with plans to add on. Existing guest cabin could either be removed or converted to remove the living quarters.

The answers to the questions above, together with the Facts supporting the answers and those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment.

Approved () Denied (X)

Motion by John Simmons to accept recommendation to deny the Variance request of Chris & Elizabeth Tower. Motion seconded by Wally Byklum. Motion carried and approved.

Chair then closed the Board of Adjustment Public Hearing on the Variance request of Chris & Elizabeth Tower.

Chair opened the Board of Adjustment Public Hearing on the Variance request of Kerry & Rebecca Allen.

Variance Request of:	Kerry & Rebecca Allen
	937 Island View Drive NE
	Bemidji, MN 56601
Township:	Turtle Lake
Lake:	Big Turtle (4-159) RD

For the Purpose of:

Applicants are requesting a variance from the structure set-back of Big Turtle Lake and the structure set-back from the Right-Of-Way [ROW] of CSAH 22 for two additions totaling approximately 1,584 square feet to the existing residential structure. The additions include a 1,296 square foot garage and a 288 square foot area for a furnace, water-softener, and laundry. Applicant is also requesting a variance from the structure setback from the road right of way and Turtle Lake for a 30' x 40' accessory building. Big Turtle Lake [4-159] is classified as a Recreational Development [RD] lake in the Beltrami County Shoreland Management Ordinance #6 with a required structure setback of 100 feet from the OHWL and a required 50 foot structure set-back from the county road ROW.

Legal Description:

Tax Parcel 47.00670.00

Lot A & Lot B, Angler's Paradise, Section 34, Township 147, Range 33.

Bill Best provided a staff report that discussed details and history of the property. This parcel was operated as Portage Bay Resort until approximately 1999. Mr. Allen purchased the property in 2005 and has operated as a resort since he purchased. Staff reviewed the details of proposed addition to house and also the additional storage building. Applicant clarified details of application. One public comment received prior to the meeting. Nancy and James Benson wrote letter of support.

Staff recommend approval of house addition and denial of additional storage structure. Conditions recommended include:

- 1) Restoring pervious surface where existing garage will be removed
- 2) Comply with Minnesota Department of Health requirements
- 3) Submit storm water plan and vegetation management plan
- 4) SSTS Certificate of Compliance submitted

Applicant discussed size of structure – 24’ x 40’ is existing frame size. Muriel Gilman inquired about removal of impervious surfaces and what is the current impervious surface.

Findings of Fact – House Addition

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 application to remove the existing structure from the road right of way & impervious surfaces and add to the house is consistent with development standards adopted in plans.

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

Yes (X) No ()

Why?

The current garage is flooding because it is located in the lowest area of the property.

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

Yes (X) No ()

Why?

The building setbacks from the lake and the road right of way overlap and the property was developed 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?

The property was developed prior to shoreland rules

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

Yes (X) No ()

Why?

The area between Movil and Big Turtle where this property is located is all very similar.

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

Economics were not considered. The decision was based on topographic conditions and other factors.

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

Findings of Fact – Storage Building

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?

A building for wood storage within the building setback is not a necessity.

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

Yes () No (X)

Why?

The proposed storage building is for storing wood only and that still can be done outside

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

Yes () No (X)

Why?

Wood storage not necessary

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

Yes () No (X)

Why?

Storing of wood necessary because landowner added wood stove in that location

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

Yes () No (X)

Why?

Within the setback, storage buildings of this size are not common

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

Why?

The wood shed isn't economics.

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

Motion by John Simmons to approve application as presented for the residence with conditions as recommended by staff. Wally Byklum seconded the motion. Motion carried and approved.

Motion by Doug Underthun to deny application for the storage building. Wally Byklum seconded the motion. Motion carried and approved.

Chair then closed the Board of Adjustment Public Hearing on the Variance request of Kerry & Rebecca Allen.

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 May 20, 2019. Motion seconded by John Simmons. Motion carried and approved.**

Chair called the meeting for May 20, 2019 officially adjourned. The next meeting will be on June 24, 2019 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, June 24, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Doug Underthun
Don Hazeman
John Simmons
Craig Gaasvig
Joe Vene

Members absent: Wally Byklum

Others Present: Brent Rud, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Brandon Peterson, 4332 Park Ave. Gilbert, AZ
James & Helen Lahr, 35818 Corland Rd NE, Blackduck, MN 56630

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 20, 2019 were brought forward for approval. **Doug Underthun moved to approve the meeting minutes of May 20, 2019. Motion seconded by Joe Vene. Motion carried and approved.**

Planning Commission

Chair opened the Planning Commission Public Hearing on the proposed Conditional Use Request of AT&T.

Conditional Use Request of: AT&T
901 Marquette Avenue
Minneapolis, MN 55402
Site Location: 35818 Corlan Rd NE
Blackduck, MN 56630
Township: Cormant

Legal Description:

Tax Parcel 10.00255.00

The North half of the North half of Section 23 and Southwest quarter of the Southeast quarter of Section 14, Township 151 North, Range 31 West.

For the Purpose of:

Applicant is resubmitting a request for a conditional use permit to build a 400' guyed tower and associated ground equipment inside a new 100' x 100' lease area obtained from the land owner. There will be 3 guyed anchor locations that will consist of an area of approximately 60 square feet each. A conditional use permit is required by the Tower and Wind Energy Conversion System Ordinance #35.

Staff report by Shane Foley. Shane described the application, location and went through the questions that were remaining from the conversations regarding the application. Staff recommends approval with the condition of meeting inspection requirements.

Brandon Peterson, applicant, spoke about the details of the plans. Planning Commission asked questions and had conversation with Brandon about the application. First Net was discussed at length as this tower is an integral component of the new emergency response system through AT&T. Planning Commission went through the Factors Considered in Granting Condition Use Permits for Towers. **Motion by John Simmons to approve the tower as recommended with the condition that the inspection requirements of Section 15 are met along with all other requirements of the Beltrami County Tower Ordinance #35. Motion seconded by Doug Underthun. Motion carried and approved.**

Chair then closed the Planning Commission Public Hearing on the proposed Conditional Use Request of AT&T.

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 for June 24, 2019. Motion seconded by Doug Underthun. Motion carried and approved.**

Chair called the meeting for June 24, 2019 officially adjourned. The next meeting will be on July 22, 2019 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 8, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Doug Underthun
John Simmons
Craig Gaasvig
Joe Vene

Members absent: Wally Byklum
Don Hazeman

Others Present: Brent Rud, Beltrami County Environmental Services Department
Michael & Ruth Schneider, 6751 Balsam Rd NW, Bemidji, MN 56601

Chair, Ed Fussy, called the Planning Commission/Board of Adjustment Meeting to order at 5:30 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 June 24, 2019 were brought forward for approval. **Doug Underthun moved to approve the meeting minutes of June 24, 2019. Motion seconded by John Simmons. Motion carried and approved.**

Board of Adjustment

Chair opened the Board of Adjustment Public Hearing on the proposed Variance Request Michael Schneider.

Variance Request of: **Michael Schneider**
6751 Balsam Rd NW
Bemidji, MN 56601

Township: Eckles
Lake: Unnamed (4-223) NE

For the Purpose of:

Applicants are requesting an after-the-fact variance to construct a 1,216 square foot single family home at approximately 65 feet from the Ordinary High Water Level (OHWL). The Unnamed Lake (4-223) is classified in the County Shoreland Management Ordinance as Natural Environment (NE) with a structure setback of 150 feet from the OHWL.

Legal Description:

Tax Parcel 12.00255.01

East Half of the East Half of the West Half of the Southeast Quarter (E1/2 of E1/2 of W1/2 of SE1/4) and the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (W1/2 of SE ¼ of SW ¼ of SE ¼), Section Twenty-two (22), Township One Hundred Forty-seven (147), Range Thirty-four (34).

Bill Best gave a staff report about the application. The staff report included information from the application that explains why the owners didn't apply for a building permit from Environmental Services and why the building is located within the building setback. The report included photos of the building site and the lake, the SSTS design drawing, and information about the unnamed lake.

There were 2 public comments received; County Highway Department responded that they had no concerns with the request, and Mel Milender (Eckles Township Supervisor) wrote a letter expressing his support for the request and corroborated the information provided by the applicants.

Board of Adjustment member Don Hazeman couldn't be at the meeting tonight but shared the fact that he went to the site last week and looked at the building site and spoke with the owners. He reported that the applicant did everything possible to follow the rules and she couldn't have been expected to do anything more. Through no fault of their own they are in this predicament and he agreed with the staff recommendation to approve the request.

The applicant, Ruth Schneider, spoke about the process she went through to determine if she needed a permit to build her house on that property and was told that she didn't need a permit from everyone including someone from Environmental Services

The Board of Adjustment asked questions to the applicant and staff regarding elevations, soils, drainage, and distances to the lake and the about the general area.

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 development is consistent with the residential area that this property is located in.

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

Yes (x) No ()

Why?

The foundation is already in place because the County told them that no permit was required. To not allow them to use the foundation that they already poured would be depriving the owner of reasonable use.

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

Yes (x) No ()

Why?

The foundation is already in place because the County told them that no permit was required. The unnamed lake does not look like a lake and nobody told them that it was a lake so nobody that they talked to informed them that they needed a permit or needed to meet the setbacks. The unique properties of this lake make it easy for everyone to misidentify this as not being a protected waters.

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

Yes (x) No ()

Why?

The County told them that no permit was required which created the practical difficulty.

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

Yes (x) No ()

Why?

The residential area will be unchanged

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

Yes (x) No ()

Why?

The time and stress to rebuild a foundation in a farther away location was taken into consideration.

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

Additional Questions for After-the-Fact Variance Request

To be used in addition to currently used Findings of Fact.

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable Official controls?

Yes (x) No ()

They asked and were told that no permits are required to build a house on this property.

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?

Yes (x) No ()

The foundation, in-floor heat, plumbing, landscaping, septic designs, and house plans are already completed at this location before they were informed that a permit was required and they didn't meet the required setback.

3. Did the applicant complete the work before being informed of the violation of applicable official controls?

Yes (x) No ()

The foundation, in-floor heat, plumbing, landscaping, septic designs, and house plans are already completed at this location before they were informed that a permit was required and they didn't meet the required setback.

4. Are there similar structures in the area?

Yes () No (x)

Most of the structures in the area meet the lake setback

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith? Yes (x) No ()

The applicant, County, and Township all have verified that the applicant acted in good faith and inquired about the necessity of a permit and was told no by everyone she talked to.

6. Would the benefit to the County appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure? Yes (x) No ()

There doesn't appear to be a benefit to the County to force the landowners to move their building location and rebuild everything that they have completed thus far as the general public doesn't consider this a lake and nobody would really know that anything happened here.

The answers to the questions above, together with the Facts supporting the answers and those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment.

John Simmons made the motion to approve the application with the staff recommendations. Joe Vene seconded the motion.

Staff recommendations are;

- 1. Submittal of Building Permit Application plus required fee**
- 2. Submittal of SSTS Permit Application plus required fee**

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. **Doug Underthun moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for July 8, 2019. Motion seconded by John Simmons. Motion carried and approved.**

Chair called the meeting for July 8, 2019 officially adjourned. The next meeting will be on July 29, 2019 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 29, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

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

Members absent: None

Others Present: Brent Rud, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Tim Swalboski, PO Box 172, Northome, MN 56661
Larry Shull, Northome, MN 56661
Chet & Maureen Saunders, 1417 Norrona Ct., Bemidji, MN 56601
Rebecca Heltzer, 1425 Norrona Ct. Bemidji, MN 56601
Nancy & Ronald Gladen, 1475 Norrona Ct. Bemidji, MN 56601
Karen & Rodd Wagner, 2412 Kingston Ln SW, Bemidji, MN56601
Lorna Fillipi, 36552 State Hwy 1, Warren MN
Mary Fredrickson, 3702 Cottage Ln SW, Bemidji, MN 56601
Sherry Balcer, 2111 Division St W. Apt. B, Bemidji, MN 56601
Roger Jarvi, 1882 Monroe Ave. SW, Bemidji, MN 56601
Michael Balcer, 1404 Clairmonte Cir., Franklin TN 37064

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 8, 2019 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of July 8, 2019. Motion seconded by John Simmons. Motion carried and approved.**

Board of Adjustment

Chair opened the Board of Adjustment Public Hearing on the proposed Variance request of Shulboski LLC.

Variance Request of: **Shulboski LLC**
54144 Flying Squirrel LN NE
Waskish, MN 56685

Township: Waskish
Lake: Upper Red (4-35)

For the Purpose of:

Applicants are requesting a variance from the 75 foot building setback requirement of Upper Red Lake, a General Development Lake. The applicants own three legal non-conforming lots and would like to place a total of 3 RVs at this location. One RV would be placed under a proposed 20' x 40' shed at 45' feet from the harbor and the other 2 RVs would be placed at a distance of 45' from the harbor. The applicant is proposing that 2 of the RVs would be placed on one lot to maximize the setbacks which would also require a variance from the duplex lot size requirements.

Legal Description:

Tax Parcels 49.00412.00, 49.00409.00, 49.00420.00

Lot 1 and the North 25' of Lot 2, Lot 3 and Lot 11 of Block 1, 2nd Addition to Lou-Rayne Beach Subdivision, Section 17, Township 154 North, Range 30 West.

ESD Staff provided a report to the Board of Adjustment outlining the details of the application and the properties owned by the applicant. The report went into detail regarding the setbacks, ordinance requirements, and possible conditions if approved.

The applicant spoke about the application and explained the proposed use of the property. It is a shared property with several owners but the RV's won't be left there permanently like others in the area. The Board of Adjustment discussed the potential conditions with the applicant, and the applicant acknowledged that those proposed conditions would be fine with him.

ESD staff discussed the comments received prior to the meeting. One comment was received in opposition to the application and the Beltrami County Highway Department had no objections. Board discussed the area and how this application would fit in with the current development that exists in this area.

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? Structures would meet the setback in the proposed shoreland management ordinance revision

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

Yes (x) No ()

Why? Setbacks are impossible to meet on these lots in this development as they were created prior to the shoreland management program

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

Yes (x) No ()

Why? Setbacks are impossible to meet on these lots in this development as they were created prior to the shoreland management program

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

Yes (x) No ()

Why? The lots were created prior to the shoreland management program and the canal/harbor goes through the lots.

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

Why? The area has several properties developed similar to this proposal already.

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

Why? Economic situations were not discussed.

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

Don Hazeman made the motion to approve the application with the staff recommendations. Doug Underthun seconded the motion.

Staff recommendations are;

- 1. Only one holding tank allowed to service the property
- 2. Vegetation management plan is approved by ESD
- 3. Approval only applies to RV’s and does not grant any rights to future alternate living structures
- 4. The 2 northern most parcels must be combined
- 5. All structures must be at least 1/2 the building setback (37.5 feet) from the OHW

Motion carried and approved.

Chairman then closed the Public Hearing on the Variance request of Schulboski LLC.

Chairman opened the Public Hearing on the Variance request of Michael Balcer.

Variance Request of: Michael Balcer
1547 Norrona CT SW
Bemidji, MN 56601
Township: Bemidji
Lake: Marquette (4-142)

For the Purpose of:
Applicant proposing to remove existing cabin located about 34 feet from the Ordinary High Water Level [OWHL] to construct a 1,344 square foot single family home at 50 feet from the OHWL and 5 feet from a property line. Septic system to be installed about 82 feet from the OHWL and less than the required 20 foot setback from an occupied structure. Marquette Lake [4-142] is classified in the county Shoreland Management Ordinance as Recreational Development [RD] with a structure set-back of 100 feet from the OHWL.

Legal Description:
Tax Parcel: 03.00841.00
Lot 15, Norrona Beach, Section 29, Township 146 North, Range 33 West

ESD Staff provided a report to the Board discussing details of the application and background of the property. Staff provided summaries of public comments received prior to the meeting and also provided the full written comments prior to the meeting.

The applicant spoke about the agreement he worked out with the neighbors over the weekend. The Idland's would agree to the building being 7' from the dripline to the property and 8' to the actual wall of the building. The applicant would also pay to have a new shallow well installed for the Idland's so the SSTS could be installed. Applicant spoke about conversations with the Bemidji JPB (while they were the zoning authority) and planning a building project. There appears to be some miscommunication regarding the lowland/wetland on this property with the JPB and that is why the property has a wetland violation on it. The applicant discussed why he bought this particular property when he was looking and details of the application.

Public Comments at the meeting;

Ron Gladen – discussed how he built his own cabin in compliance with the rules and also discussed why the Idland's don't want a new deep well.

Rebecca Heltzer – Discussed the approximately 70 trucks of fill that were hauled in and wrecked the road. Now more water stays on other lots that didn't before the fill was placed in the wetland. SSTS failure on this property would be detrimental to water quality. Don't allow them to do now and ask for forgiveness later.

Roger Jarvi – Bemidji Township Supervisor – informed the Board that Bemidji Township has an Ordinance with more restrictive setbacks required and asked that the Township be included in the process before approving. The Township hasn't had any contact with the applicant previous to this meeting. Personally not in favor of the variance request.

Mary Fredrickson – neighbor to the south – showed her SSTS location and talked about how fill was placed in the wetland to build it without problems. She is in support of the application.

The applicant will discuss this request with Bemidji Township and isn't trying to circumvent any rules.

The Board of Adjustment discussed the Township role in this application and talked about the property lines being a concern, practical difficulty is a concern here, neighbor's well is a concern, and the Township needs to weigh in before a decision is made.

Joe Vene made a motion to table the application in order to get more information and allow the Township to review the application and provide input. Motion seconded by Wally Byklum. Motion carried and approved.

Chairman then closed the Public Hearing on the Variance request of Michael Balcer.

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 for July 29, 2019. Motion seconded by Wally Byklum. Motion carried and approved.**

Chair called the meeting for July 29, 2019 officially adjourned. The next meeting will be on August 26, 2019 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 26, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Joe Vene
Wally Byklum
Don Hazeman
Craig Gaasvig

Members absent: Doug Underthun
John Simmons

Others Present: Brent Rud, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Douglas Rand, 40286 235th St. SW, Fisher, MN 56723
Tom Dahl, 1401 2nd Ave, Proctor, MN 55810
Carl Isaacson, 17248 Skyview Dr, 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 29, 2019 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of July 29, 2019. Motion seconded by Wally Byklum. Motion carried and approved.**

Board of Adjustment

Chair opened the Board of Adjustment Public Hearing on the proposed Variance request of Thomas Dahl.

After the Fact Variance Request of: **Thomas Dahl**
27019 Steel Bridge Rd NE
Waskish, MN 56685
Township: Waskish
Lake: Tamarac River

For the Purpose of:

An applicant is requesting an after-the-fact variance from the setback requirement of Steel Bridge Road near the town of Waskish. The proposed 20' x 36' structure is within the shoreland zone of the Tamarac River. Steel Bridge Road is a township administered roadway with a 20 foot setback requirement from the road right-of-way. The proposed structure is approximately 2 feet from the road right-of-way.

Legal Description:

Tax Parcel 49.00497.00

Lot 1, Block 1, Great Northern Shores, Section 16, Township 154 North, Range 30 West.

ESD Staff, Shane Foley, discussed why it was an after the fact Variance and provided a report to the Board of Adjustment outlining the details of the application. Applicant was available for questions. Staff reviewed five public comments received in support of the application. **Motion by Don Hazeman to approve the Variance request of Thomas Dahl. Motion seconded by Wally Byklum. Motion was carried and 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 (X) No ()

Why?

There is no other place for applicant to put the structure.

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

Yes (X) No ()

Why?

There is no other place to put the structure.

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

Yes (X) No ()

Why?

The shape of the lot that was platted years ago.

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

Yes (X) No ()

Why?

The lot shape and large irregular road right of way.

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

Yes (X) No ()

Why?

The neighborhood is okay with this.

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

Why?

Economic consideration was not discussed.

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

Additional Questions for After-the-Fact Variance Request

To be used in addition to currently used Findings of Fact.

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable Official controls? Yes (X) No ()

Applicant received previous approval from the township.

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls? Yes (X) No ()

Project was half completed.

3. Did the applicant complete the work before being informed of the violation of applicable official controls? Yes () No (X)

Project was half completed.

4. Are there similar structures in the area? Yes (X) No ()

There are similar structures in the area very close to or in the road right of way.

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith? Yes (X) No ()

The applicant asked for and received approval from the Township and discussed the project with the County Highway Department.

6. Would the benefit to the County appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure? Yes (X) No ()

The applicant spent the money on the structure after receiving approval from the Township and the Township and neighborhood is in support of the project. The benefit to the County would be minimal in this situation.

Chairman then closed the Public Hearing on the Variance request of Thomas Dahl.

Chairman opened the Public Hearing on the Variance request of Douglas Rand.

Variance Request of: **Douglas Rand**
 12419 Idlewild Dr. NE
 Bemidji, MN 56601
 Township: Bemidji
 Lake: Movil (4-152)

For the Purpose of:

Applicant is proposing to remove and rebuild a portion of an existing cabin within the structure set-back of Movil Lake. That portion of the cabin to be rebuilt is about 47 feet from the lake’s Ordinary High Water Level [OHWL]. The rebuilt addition will be 4 feet more in length and 2 feet wider than the existing cabin foot-print and add a basement. Neither expansion will go closer towards the OHWL of the lake. Movil Lake is a Recreational Development [RD] lake in the county Shoreland Management Ordinance #6 with a structure set-back of 100 feet from the OHWL.

Legal Description:

Tax Parcel: 47.00724.00
Lot 26, Anglers Paradise, Section 33, Township 148 North, Range 33 West

ESD staff, Bill Best, discussed details of the application and existing conditions. Applicant spoke about the application and answered questions from the Board of Adjustment. Board of Adjustment discussed the details of the application and how it would be a change from the current structure existing on the property.

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 very small addition and will be built no closer to the lake.

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

Yes (X) No ()

Why?

There is excessive heat loss in the structure and needs to be rebuilt with better insulation and design.

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

Yes (X) No ()

Why?

Original structure was built before setback requirements.

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

Yes (X) No ()

Why?

There is deterioration of the cabin and excessive heat loss as a result of construction without proper insulation.

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

Yes (X) No ()

Why?

This cabin/house is similar to many other structures in the area.

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

Yes () No ()

Why?

Economic consideration was not discussed.

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

Motion by Wally Byklum to approve the variance request of Douglas Rand. Motion seconded by Joe Vene. Motion carried and approved.

Chairman then closed the Public Hearing on the Variance request of Douglas Rand.

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 for August 26, 2019. Motion seconded by Joe Vene. Motion carried and approved.**

Chair called the meeting for August 26, 2019 officially adjourned. The next meeting will be on September 23, 2019 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 23, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Joe Vene
Don Hazeman
Doug Underthun
John Simmons
Craig Gaasvig

Members absent: Wally Byklum

Others Present: Brent Rud, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Dwight Duhamel, 16943 Shotley Rd, Kelliher, MN 56650
Ronald & Nancy Gladen, 1475 Norrona Ct SW, Bemidji, MN 56601
Maureen & Chet Saunders, 1417 Norrona Ct SW, Bemidji, MN 56601
Michael Balcer, 1547 Norrona Ct. SW, Bemidji, MN 56601
Sherry Balcer, 2111 Division St. W., Apt. B, Bemidji, MN 56601
Evan White, 31350 480th St., Cass Lake, MN 56633
Brian & Kelly Wolf, 1980 Chippewa Dr. NE, Bemidji, MN 56601
Carson & Amanda Budenheimer, 47300 229th Ave, Bemidji, MN 56601
Rebecca Heltzer, 1425 Norrona Ct SW, Bemidji, MN 56601
Kiah Wolf, 1021 Birchmont Dr. NE, Bemidji, MN 56601
Strain, 1717 Sundown Rd NW, Solway, MN 56678
Dean Dahlheimer, 15939 Woodhaven Ln NE, Bemidji, MN 56601
Mary Fredrickson, 3702 Cottage Ln SW, 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 26, 2019 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of August 26, 2019. Motion seconded by Don Hazeman. Motion carried and approved.**

Board of Adjustment

Chair opened the Board of Adjustment Public Hearing on the proposed Variance request of Michael Balcer.

Variance Request of: **Michael Balcer**
1547 Norrona CT SW

Township: Bemidji, MN 56601
Lake: Bemidji
Marquette (4-142)

For the Purpose of:

Applicant proposing to remove existing cabin located about 34 feet from the Ordinary High Water Level [OWHL] to construct a 1,344 square foot single family home at 50 feet from the OHWL and 5 feet from a property line. Septic system to be installed about 82 feet from the OHWL and less than the required 20 foot setback from an occupied structure. Marquette Lake [4-142] is classified in the county Shoreland Management Ordinance as Recreational Development [RD] with a structure set-back of 100 feet from the OHWL.

Legal Description:

Tax Parcel: 03.00841.00
Lot 15, Norrona Beach, Section 29, Township 146 North, Range 33 West

Staff report was given by Bill Best with discussion on application details. Staff discussed previous public comments, new public comments and neighborhood concerns. Board of Adjustment asked for clarification regarding well location. Applicant spoke briefly about details of the revised plans. Chair opened the meeting for public comments.

Ron Gladen spoke about the Idland property and location of existing cabin being 2 feet from property line as a reason as to why the new house shouldn't be allowed closer than 15 feet to property line. He doesn't want to set precedent for future redevelopment.

Rebecca Heltzer spoke of her concerns regarding the recommendation of staff. She doesn't think he should be able to fill in a wetland and ask for forgiveness afterwards. She is concerned with lack of enforcement of the Wetland Conservation Act. She wanted clarification that if Idland's don't allow the well to be moved, a mound will not be allowed as she expressed concern for the water quality impacts if the SSTS is constructed in the wetland fill.

Applicant clarified the shallow well issue and the discussions he has had with the Idlands.

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? Setbacks proposed are similar to other properties here but the Township approval is not completed at this time so other requirements in place need to be addressed before approval can be granted.

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

Yes (x) No ()

Why? Property owner wouldn't be able to make a larger home and would be limited to a small, seasonal cabin.

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

Why? Because of the topography, wetland, lot size and setbacks.

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

Yes (x) No ()

Why? Lot was created and developed before shoreland rules on a property that has severe limitations due to the wetland basin and the small lot.

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

Yes (x) No ()

Why? It is very similar to the neighboring properties.

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

Yes (x) No ()

Why? Topography, wetland, lot size, etc. Economic consideration was not discussed.

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

There was discussion about question #1, Township approval and SSTS plan not complete yet. **Motion by Don Hazeman to table the Variance request by Michael Balcer. Motion seconded by Doug Underthun. Motion carried and approved.**

Chair then closed the Board of Adjustment Public Hearing on the proposed Variance request of Michael Balcer.

Chair opened the Board of Adjustment Public Hearing on the proposed Variance request of Dean Dahlheimer.

Variance Request of:

Dean Dahlheimer

15939 Woodhaven Lane NE

Bemidji, MN 56601

Township:

Port Hope

Lake:

Three Island (4-134)

For the Purpose of:

Applicant is proposing to construct a 30.5’ x 10’ attached deck to existing home on Three Island Lake. The existing home is 120’ from the OHWL of Three Island Lake. The new deck will be 110’ from the lake. Three Island Lake is a Special Protection [SP] Lake in the county Shoreland Management Ordinance #6 with a structure set-back of 150 feet from the OHWL.

Legal Description:

Tax Parcel: 34.00190.00

Part of Government Lot 3 Section 19, Township 148 North, Range 32 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Staff report was given with details of application and property. Discussion from the Board regarding the deck and lack of conditions. There were questions regarding the actual setback to the lake from the deck that were answered by the applicant and staff.

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 deck doesn't change anything or go against any plans for orderly development.

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

Yes (x) No ()

Why? A deck is a reasonable use request.

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

Yes (x) No ()

Why? The cabin/home was built at a location that makes it impossible to add the deck here for the second story without a variance. The setback requirements and the location of the existing home are unique to this property.

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

Yes (x) No ()

Why? Shoreland Management Ordinance requirements were changed since the construction of this home.

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

Yes (x) No ()

Why? Deck will blend in and not change the character.

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

Yes (c) No ()

Why? Economics were not considered.

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

Motion by Don Hazeman to approve the Variance request of Dean Dahlheimer. Motion seconded by Joe Vene. Motion carried and approved.

Chair then closed the Board of Adjustment Public Hearing on the Variance request of Dean Dahlheimer.

Planning Commission

Chair opened the Planning Commission Public Hearing on the Conditional Use request of NTP Wireless.

Conditional Use Request of: **NTP Wireless**
Brandon Haggerty agent for Verizon Wireless
46515 Sunflower Rd NE
Kelliher, MN 56650
Township Shotley

For the Purpose of:

Verizon is proposing to erect a 300' self-support lattice tower with nine panel antennas; a 9'.4" x 14' ground platform with cabinets for ancillary equipment. The tower will be located within a 100' x 100' leased area. A conditional use permit is required by the Tower and Wind Energy Conversion System Ordinance #35.

Legal Description:

Tax Parcel 40.00196.00
SE ¼ of NE ¼, Section 29, Township 153 North, Range 31 West.

Staff discussed application and gave report on details. This is a new application for a tower that has been previously approved but the conditional use has expired as the tower has not been constructed yet. Chair opened the meeting for public comment.

Dwight Duhamel stated this was the 4th time NTP Wireless has applied for a permit. He spoke with them the last time and they said it would be built within a few months but it keeps getting pushed off. Discussed reasons why tower is needed and he wants to make sure something is built as there is a need for public safety in this underserved area of the County.

Don Hazeman requested a letter be sent encouraging construction of the tower as soon as possible. Planning Commission reviewed factors to approve towers. **Motion by Craig Gaasvig to approve the Conditional Use request of NTP Wireless. Motion seconded by Doug Underthun. Motion carried and approved.**

Chair then closed the Planning Commission Public Hearing on the Conditional Use request of NTP Wireless.

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 for September 23, 2019. Motion seconded by Doug Underthun. Motion carried and approved.**

Chair called the meeting for September 23, 2019 officially adjourned. The next meeting will be on October 28, 2019 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, November 25, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

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

Members absent: None

Others Present: Brent Rud, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Mel Milender, Eckles Township, 11820 Coyote Rd NW, Bemidji, MN 56601
Janet Larson, Windsong
Loren Larson, 9861 Ironwood Lane NW, Bemidji, MN 56601
Paul & Judy Iwerts, 6185 Winding DR NW, Bemidji, MN 56601
Wayne Coulthart, 125 Manvel Circle, Grafton, ND 58237
Matt Murray, Murray Surveying, 304 Third Street NW, Bemidji, MN 56601
Darwin Wiebolt

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience.** The meeting minutes for October 28, 2019 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of October 28, 2019. Motion seconded by Wally Byklum. Motion carried and approved. Brent Reviewed the Agenda and removed Verizon Wireless' Application at the request of the applicant. Brent then reviewed the meeting procedures and process for those in attendance.**

Board of Adjustment

Chair opened the Board of Adjustment Public Hearing on the Variance request of Wayne & Rebecca Coulthart.

Variance Request of: Wayne & Rebecca Coulthart
27460 Chippewa Paws LN SE
Pennington, MN 56663

Township: Brook Lake
Lake: Cass (4-30) GD

For the Purpose

The applicants are requesting a variance from the structure setback of Cass Lake and a lot line setback requirement to build an addition onto their existing legal, non-conforming cabin. The current 26' x 42' structure is 36' from the lake and 23' from the property line. The proposed 14' x 22' addition would not encroach any closer to the lake but would result in the structure being 9' from the property line. Cass Lake is General Development Lake for which the Mississippi Headwaters Board has a 100 feet setback requirement. The lot line setback requirement is 10 feet.

Legal Description:

Tax Parcel 08.00175.00

Part of Government Lot Two, Section Sixteen, Township One Hundred Forty-six, Range 30. , Section 31, 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 reported on application and history of property. Property addition would bring the impervious surface up to about 25% of the lot. Board asked questions about the details of the existing development on the property. Staff recommendation was to deny the application as submitted.

Applicant spoke about existing cabin and proposal and why the proposed addition is located where it is. Stormwater runoff goes away from the lake and from the cabin. Applicant provided sketch of interior of cabin and photos showing the proposed addition. Dock installation would be difficult, if not impossible, if addition was on the other side of the cabin. Three public comments received prior to the meeting were read aloud. Two comments were from one individual and opposed to the request. One comment was in support of the application. No public comments were provided at the meeting. Board and Applicant had conversation about other possible options for the location of the addition.

Board started to review the Findings of Fact but didn't answer any of the questions. The conversation centered around the options of the Applicant to come back to the Board of Adjustment with a revised concept for the addition at the next meeting if he would like.

Motion by Doug Underthun to table the Variance request of Wayne & Rebecca Coulthart. Motion seconded by Joe Vene. Motion to table the request was carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the Variance request of Wayne & Rebecca Coulthart.

Planning Commission

Chairman opened the Planning Commission Public Hearing on the Proposed Plat Request, Wood Crest Estates First Addition.

Proposed Plat Request:

Darwin & Debra Wiebolt

5317 Swan Lane NE

Bemidji, MN 56601

Township

Eckles

Proposed Plat Name

Wood Crest Estates First Addition

The Purpose of:

Applicant is requesting preliminary approval for a new subdivision plat named “Wood Crest Estates First Addition.” This project proposes to subdivide approximately 54.3 acres into thirty-two residential lots and the Road Corridor. The proposed subdivision is located in section 23 of Eckles Township.

Legal Description:

Tax Parcel 12.00261.00

Part of the NW ¼, Section 23, Township 147 North, Range 34 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Staff reported on proposed plat with a recommendation to approve the preliminary plat. Matt Murray spoke on behalf of the developer, Darwin Wiebolt. Concerns are centered on stormwater and drainage. Matt talked about soils and lack of mottling and the elevation of 1385’. Each lot meets the minimum requirements of the subdivision ordinance. Loren Larson spoke in opposition to this development. Taxes and trespassing are concerns. He stated they maintain the forest by planting and they hunt next to this property and it will all be ruined if approved. Other public comment by Paul Iwerts who was concerned about existing road being deteriorated and costly to improve to the township and questioned who would be building. Mel Milender spoke about groundwater problems and flooding. The plat is a natural bowl contoured property. The drainage is to the middle of the property. He has spoken to three engineers about the proposal and there are concerns. Mel asked to table the application until the December meeting.

Matt Murray stated the area to the south is higher than the plat and discussed the details of the stormwater management plan.

Planning Commission had discussion regarding the timing of preliminary approval and township concerns being resolved. Mel Milender added that the water issues drive the lot size, road design and may drive other decisions.

Motion by Don Hazeman to table the Proposed Plat application until the December Planning Commission meeting. Motion seconded by Joe Vene. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed plat request of Wood Crest Plat First Addition.

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. **Joe Vene moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for November 25, 2019. Motion seconded by John Simmons. Motion carried and approved.**

Chair called the meeting for November 25, 2019 officially adjourned. The next meeting will be on Monday, December 16, 2019 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, November 25, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

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

Members absent: None

Others Present: Brent Rud, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Mel Milender, Eckles Township, 11820 Coyote Rd NW, Bemidji, MN 56601
Janet Larson, Windsong
Loren Larson, 9861 Ironwood Lane NW, Bemidji, MN 56601
Paul & Judy Iwerts, 6185 Winding DR NW, Bemidji, MN 56601
Wayne Coulthart, 125 Manvel Circle, Grafton, ND 58237
Matt Murray, Murray Surveying, 304 Third Street NW, Bemidji, MN 56601
Darwin Wiebolt

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience.** The meeting minutes for October 28, 2019 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of October 28, 2019. Motion seconded by Wally Byklum. Motion carried and approved. Brent Reviewed the Agenda and removed Verizon Wireless' Application at the request of the applicant. Brent then reviewed the meeting procedures and process for those in attendance.**

Board of Adjustment

Chair opened the Board of Adjustment Public Hearing on the Variance request of Wayne & Rebecca Coulthart.

Variance Request of: **Wayne & Rebecca Coulthart**
27460 Chippewa Paws LN SE
Pennington, MN 56663

Township: Brook Lake
Lake: Cass (4-30) GD

For the Purpose

The applicants are requesting a variance from the structure setback of Cass Lake and a lot line setback requirement to build an addition onto their existing legal, non-conforming cabin. The current 26' x 42' structure is 36' from the lake and 23' from the property line. The proposed 14' x 22' addition would not encroach any closer to the lake but would result in the structure being 9' from the property line. Cass Lake is General Development Lake for which the Mississippi Headwaters Board has a 100 feet setback requirement. The lot line setback requirement is 10 feet.

Legal Description:

Tax Parcel 08.00175.00

Part of Government Lot Two, Section Sixteen, Township One Hundred Forty-six, Range 30. , Section 31, 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 reported on application and history of property. Property addition would bring the impervious surface up to about 25% of the lot. Board asked questions about the details of the existing development on the property. Staff recommendation was to deny the application as submitted.

Applicant spoke about existing cabin and proposal and why the proposed addition is located where it is. Stormwater runoff goes away from the lake and from the cabin. Applicant provided sketch of interior of cabin and photos showing the proposed addition. Dock installation would be difficult, if not impossible, if addition was on the other side of the cabin. Three public comments received prior to the meeting were read aloud. Two comments were from one individual and opposed to the request. One comment was in support of the application. No public comments were provided at the meeting. Board and Applicant had conversation about other possible options for the location of the addition.

Board started to review the Findings of Fact but didn't answer any of the questions. The conversation centered around the options of the Applicant to come back to the Board of Adjustment with a revised concept for the addition at the next meeting if he would like.

Motion by Doug Underthun to table the Variance request of Wayne & Rebecca Coulthart. Motion seconded by Joe Vene. Motion to table the request was carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the Variance request of Wayne & Rebecca Coulthart.

Planning Commission

Chairman opened the Planning Commission Public Hearing on the Proposed Plat Request, Wood Crest Estates First Addition.

Proposed Plat Request:

Darwin & Debra Wiebolt

5317 Swan Lane NE

Bemidji, MN 56601

Township

Eckles

Proposed Plat Name

Wood Crest Estates First Addition

The Purpose of:

Applicant is requesting preliminary approval for a new subdivision plat named “Wood Crest Estates First Addition.” This project proposes to subdivide approximately 54.3 acres into thirty-two residential lots and the Road Corridor. The proposed subdivision is located in section 23 of Eckles Township.

Legal Description:

Tax Parcel 12.00261.00

Part of the NW ¼, Section 23, Township 147 North, Range 34 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Staff reported on proposed plat with a recommendation to approve the preliminary plat. Matt Murray spoke on behalf of the developer, Darwin Wiebolt. Concerns are centered on stormwater and drainage. Matt talked about soils and lack of mottling and the elevation of 1385’. Each lot meets the minimum requirements of the subdivision ordinance. Loren Larson spoke in opposition to this development. Taxes and trespassing are concerns. He stated they maintain the forest by planting and they hunt next to this property and it will all be ruined if approved. Other public comment by Paul Iwerts who was concerned about existing road being deteriorated and costly to improve to the township and questioned who would be building. Mel Milender spoke about groundwater problems and flooding. The plat is a natural bowl contoured property. The drainage is to the middle of the property. He has spoken to three engineers about the proposal and there are concerns. Mel asked to table the application until the December meeting.

Matt Murray stated the area to the south is higher than the plat and discussed the details of the stormwater management plan.

Planning Commission had discussion regarding the timing of preliminary approval and township concerns being resolved. Mel Milender added that the water issues drive the lot size, road design and may drive other decisions.

Motion by Don Hazeman to table the Proposed Plat application until the December Planning Commission meeting. Motion seconded by Joe Vene. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed plat request of Wood Crest Plat First Addition.

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. **Joe Vene moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for November 25, 2019. Motion seconded by John Simmons. Motion carried and approved.**

Chair called the meeting for November 25, 2019 officially adjourned. The next meeting will be on Monday, December 16, 2019 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, December 16, 2019
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

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

Members absent: Craig Gaasvig

Others Present: Brent Rud, Beltrami County Environmental Services Department
Matt Murray, Murray Surveying, 304 Third Street NW, Bemidji, MN 56601
Darwin Wiebolt, 5317 Swan Lane NE, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience.** The meeting minutes for November 25, 2019 were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of November 25, 2019. Motion seconded by John Simmons. Motion carried and approved.** Brent reviewed the meeting procedures and process for those in attendance.

Board of Adjustment

The Variance request of Wayne and Rebecca Coulthart was tabled at the request of the applicant. They are planning bring it back to the Board of Adjustment for March at the earliest, possibly not until summer.

Variance Request of: **Wayne & Rebecca Coulthart**
27460 Chippewa Paws LN SE
Pennington, MN 56663
Township: Brook Lake
Lake: Cass (4-30) GD

For the Purpose

The applicants are requesting a variance from the structure setback of Cass Lake and a lot line setback requirement to build an addition onto their existing legal, non-conforming cabin. The current 26' x 42' structure is 36' from the lake and 23' from the property line. The proposed 14' x 22' addition would not encroach any closer to the lake but would result in the structure being 9' from the property line. Cass Lake is General Development Lake for which the Mississippi Headwaters Board has a 100 feet setback requirement. The lot line setback requirement is 10 feet.

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Planning Commission

Chairman opened the Planning Commission Public Hearing on the Proposed Plat Request, Wood Crest Estates First Addition.

Proposed Plat Request:

Darwin & Debra Wiebolt

5317 Swan Lane NE

Bemidji, MN 56601

Township

Eckles

Proposed Plat Name

Wood Crest Estates First Addition

The Purpose of:

Applicant is requesting preliminary approval for a new subdivision plat named “Wood Crest Estates First Addition.” This project proposes to subdivide approximately 54.3 acres into thirty-two residential lots and the Road Corridor. The proposed subdivision is located in section 23 of Eckles Township.

Legal Description:

Tax Parcel 12.00261.00

Part of the NW ¼, Section 23, Township 147 North, Range 34 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Environmental Services Director, Brent Rud, reviewed the plat application history with the Planning Commission. Planning Commission had questions of who is responsible for maintaining the stormwater features. Discussion regarding how to pay for maintenance. There were questions regarding ownership and names.

Motion by Don Hazeman to approve the Proposed Plat application, Wood Crest Estates First Addition but before final approval can be granted, a road agreement must be signed and culvert sizing noted for all driveways on the Storm Water Protection Plan. Motion seconded by Doug Underthun. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed plat request of Wood Crest Plat First Addition.

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. **Joe Vene moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for December 16, 2019. Motion seconded by Doug Underthun. Motion carried and approved.**

Chair called the meeting for December 16, 2019 officially adjourned. The next meeting will be on Monday, January 26, 2020 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission