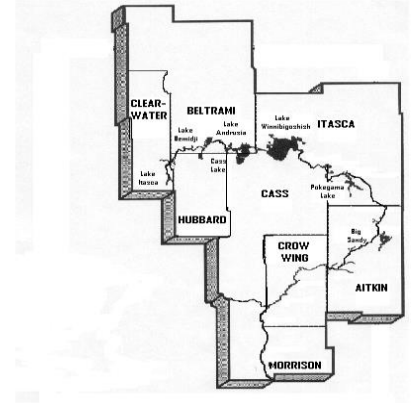




**Mississippi Headwaters Board
Meeting Agenda
Cass County Courthouse
Walker, MN
September 27, 2019
10:00 am**



10:00 AM

- Call to Order/Pledge of Allegiance

10:05 AM Approve/Amend

- Agenda
- Consent Agenda – August'19 Minutes & Expenses

Planning and Zoning (Actions)

- GBA9a19 Matthew and Dina Lee
- GBA9b19 Steven and Cheryl Kroeger
- GBA9c19 Richard and Laura Block
- GBA9d19 Don and Diane Jelinek

Action / Discussion Items:

- Beltrami SWCD CWL grant application
- Crow Wing SWCD CWL grant application
- Wild Rice mapping discussion
- MHB Regional Contribution
- Miss. River Signage update
- Executive Director's Report

Misc: ☀ Legislature Update (if any) ☀ County Updates

Meeting Adjourned - Thank you

Mtgs:

October 25, '19, 10:00 AM – MHB Board Meeting- Walker, MN

November 1, '19- 9:00 AM- Biennial Conference- Chase on the Lake, Walker, MN

Attachment 1 & 2

Draft Minutes

Monthly Expenses

Mississippi Headwaters Board
August 23, 2019
Cass County Courthouse
Walker, MN 56484

MEETING
MINUTES

Members present: Craig Gaasvig (Beltrami), Ted Van Kempen (Hubbard), Davin Tinquist (Itasca), Steve Barrows (Crow Wing), Neal Gaalswyk (Cass), Anne Marcotte (Aitkin) and Tim Terrill (Executive Director).

Others Present: Marcel Noyes (Hubbard Supervisor).

Commissioner Gaalswyk Chaired the meeting due to absence of Comm. Wilson and led the pledge of allegiance.

M/S (Tinquist/Barrows) to approve of the agenda. Motion Carried.

M/S (Barrows/Van Kempen) to approve of the consent agenda. Motion Carried.

Planning & Zoning

None

Action/Discussion Items

1. LCCMR Workplan and Budget- Tim presented the completed MHB workplan and budget to the board and outlined the responsibilities of each partner. He explained that the MHB is the applicant, and that the grant will cover the cost of the administration and time required to implement the acquisition steps and requirements.
2. Draft Bemidji CWL Grant Application- Tim presented the draft Request for Proposal for a Clean Water Legacy grant to help fund PMA 25 in Bemidji. Tim gave the background of how and what led to the application and explained that he will be meeting with Beltrami SWCD, HR Green, City Engineer, and other stakeholders next week to review the RFP proposal and finalize it. It was asked if MHB was the applicant, and Tim replied that we are not on this particular request. Tim stated that we are involved in the planning and preparation of grants and that is paid for by our legislative appropriation from the Governor.
3. Wild Rice Mapping Discussing- Tim stated that this is something that he is working on and it is only at the conversation level right now. He said that he had a teleconference with the DNR and Enbridge to discuss how MHB might be able to use funds to determine where wild rice is located on the Miss. River and Headwaters lakes and develop GIS shapefiles to map the location. Tim said that DNR has a database of wild rice lakes, but nothing on the Miss. River. Tim said the DNR was very helpful in providing a method that would accomplish the task at the scale that was presented. It was asked how this would benefit the partners and he stated that it would help the MHB by developing a decision support tool which could be used to implement a protection program. He said it would help Enbridge and cities during the planning stage of a project so that they could be aware of it's existence, and that Native Americans would know the size and distribution of wild rice. The next steps will be for the DNR

to establish a scope, methodology, and estimated cost for such a project. When asked by Comm. Gaalswyk if there were any concerns about Tim pursuing further information towards this project, Comm. Marcotte stated that he should be aware of the dialogue surrounding the regulation of sulfide pertaining to Wild Rice. Having this information could be used by regulatory agencies for other purposes. Tim noted this as a concern.

4. Funding Talking Points- Tim stated that with the MHB biennial conference coming up in November, he believes there will be a few legislators in attendance and a big turnout of agencies people. He said that John Jaschke (BWSR) and Sarah Strommen (DNR) will be in attendance and provide an opening and closing speech. With that in mind, this presents a great opportunity for MHB Commissioners to have a conversation with legislators about the need to increase our base funding so we can do more. Comm. Gaalswyk said that the message should be more precise and state that we need more funding to help implement our statutory mandate, and that today's examples help prove that point. The board agreed. Comm. Marcotte asked if the Comprehensive Plan will be there to hand out and Tim asked if the board wanted it printed since ESD's mostly utilize it rather than the audience. Tim asked how many copies should be there and said that we range from 30 to 65 people in attendance. Comm. Marcotte asked that Tim bring an example of printing costs to the next meeting so the board could make a decision.
5. Executive Director's Report
 - a. Tim said that Canoe Day went well this year with around 20 people in attendance. Comm. Gaalswyk asked if Crow Wing State Park is still involved with it, and Tim said that they are very much involved with marking the exit point, transport of canoes to a landing area, and having the fur traders encampment set up.
 - b. Tim reminded the board that he sent a letter to the Greater Bemidji Area JPB to remind them of the statute change and they responded favorably.
 - c. Tim provided an update that Aitkin county put up the signage on the Miss. River. Comm. Marcotte said it looks really good! Tim said that he has had some discussion in Morrison county and they said they are interested in the idea. Chuck Parins said that it's a good opportunity for non-profits to use it as infrastructure for a fundraiser. Tim said that he is meeting September 4th with the land commissioners to present them with the idea in hopes that they will want to implement at least one project in their county.
 - d. Tim met with the Brainerd city engineer, HR Green, WSN, and Crow Wing SWCD to discuss potential areas and issue that could be addressed in the stormwater retrofit analysis. There are 5 areas that will be investigated to determine if enhancement or protection BMP's could be implemented to intercept stormwater entering the Miss. River.
 - e. The 2019 MHB Comprehensive Plan is updated and will take effect September 1, 2019.

Legislative & County Updates- Comm. Tinquist told the board that Itasca county is looking at requests and moving them into a portion of the levy rather than an outside services request. He said that the partners are not sending in requests and that it should still be done if they want to receive funding. On another topic, Davin is working with the board to explain 1W1P and how it is beneficial to Itasca county and everyone. Comm. Marcotte stated that Northwoods ATV club published in the paper a map of their ATV trails. She feels that it will be beneficial for people to know the resources are available. She also discussed how the riprap on the Jacobson bridge is deteriorating and causing an erosion and safety issue and wondered if the MHB could help provide a letter to draw attention to the project. Tim said he would draft a letter and have it available at the next board meeting.

Vice-ChairComm. Gaalswyk adjourned the meeting due to coverage of all agenda items.

Chairman Mike Wilson

Executive Director Tim Terrill

April Budget Summary

<u>Expenses:</u>	<u>Amount</u>	<u>Explanation</u>
Salaries/Benefits	\$10,607.44	reimbursed by Gov. grant
MHB board Per Diem	\$400.00	reimbursed by Gov. grant
Hotel/Meals/travel exp.	\$11.52	reimbursed by Gov. grant
MHB Mileage	\$491.26	reimbursed by Gov. grant
Employee Mileage	\$469.68	reimbursed by Gov. grant
Professional Services	\$4,013.01	everything in this line item is reimbursed by the grants below except \$675
Office supplies/operations	\$82.57	reimbursed by Gov. grant
Total	\$16,075.48	

<u>Revenues:</u>	<u>Amount</u>	<u>Explanation</u>
Governor's DNR grant	\$55,009.41	non competitive quarterly reimbursement
MPCA water testing		competitive monthly reimbursement
LSOHC grant	\$7,036.14	competitive quarterly reimbursement \$1,541.14 went to MHB.
Miscell. other revenue		competitive reimbursed for Guidebook sales
County Support		non competitive annual reimbursement
Total	\$62,045.55	

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Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2019 08 TO 2019 08

P 1
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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74	10001	Cash & Pooled Investments							
						SOY BALANCE		328,985.03	
						PER 01	-1,932.67	327,052.36	
						PER 02	34,775.58	361,827.94	
						PER 03	-3,813.66	358,014.28	
						PER 04	-43,929.80	314,084.48	
						PER 05	21,666.47	335,750.95	
						PER 06	-26,775.75	308,975.20	
						PER 07	-15,655.39	293,319.81	
19/08	124 08/02/19	PRJ					-3,814.35	289,505.46	
19/08	224 08/06/19	APP A0806					-150.00	289,355.46	
	A080619								
19/08	225 08/06/19	APP C0806					-465.64	288,889.82	
	C080619								
19/08	664 08/05/19	GEN					55,009.41	343,899.23	
	ST OF MN	SYSTEM GENERATED DUE TO LINE							
19/08	767 08/06/19	GNI					7,036.14	350,935.37	
	ST OF MN	SYSTEM GENERATED DUE TO LINE							
19/08	794 08/13/19	APP A0813					-2,777.51	348,157.86	
	A081319								
19/08	1024 08/16/19	PRJ					-3,846.19	344,311.67	
19/08	1352 08/20/19	APP C0820					-3.72	344,307.95	
	C082019								
19/08	1353 08/20/19	APP A0820					-560.50	343,747.45	
	A082019								
19/08	1635 08/26/19	GNI JUL					-505.05	343,242.40	
	WF PCARD	SYSTEM GENERATED DUE TO LINE							
19/08	1940 08/30/19	PRJ					-3,001.90	340,240.50	
19/08	2173 08/31/19	GEN					-525.00	339,715.50	
	RECURRING DUE TO / DUE FROM								
	LEDGER BALANCES --- DEBITS:		118,487.60		CREDITS:	-107,757.13	NET:	10,730.47	

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Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2019 08 TO 2019 08

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74	20050	Vouchers Payable							
						SOY BALANCE		-305.25	
						PER 01	305.25	.00	
						PER 02	-547.34	-547.34	
						PER 03	547.34	.00	
						PER 05	-581.18	-581.18	
						PER 06	581.18	.00	
19/08	141 08/06/19	API B	3864				-465.64	-465.64	
	W C080619								
19/08	220 08/06/19	API B	3872				-150.00	-615.64	
	W A080619								
19/08	224 08/06/19	APP A0806					150.00	-465.64	
	A080619	AP CASH DISBURSEMENTS JOURNAL							
19/08	225 08/06/19	APP C0806					465.64	.00	
	C080619	AP CASH DISBURSEMENTS JOURNAL							
19/08	792 08/13/19	API B	3888				-2,777.51	-2,777.51	
	W A081319								
19/08	794 08/13/19	APP A0813					2,777.51	.00	
	A081319	AP CASH DISBURSEMENTS JOURNAL							
19/08	1039 08/20/19	API B	3899				-3.72	-3.72	
	W C082019								
19/08	1324 08/19/19	API B	3906				-560.50	-564.22	
	W A082019								
19/08	1352 08/20/19	APP C0820					3.72	-560.50	
	C082019	AP CASH DISBURSEMENTS JOURNAL							
19/08	1353 08/20/19	APP A0820					560.50	.00	
	A082019	AP CASH DISBURSEMENTS JOURNAL							
19/08	1946 08/29/19	API B	3945				-425.62	-425.62	
	W C090319								
	LEDGER BALANCES	---	DEBITS:	5,696.39	CREDITS:	-5,816.76	NET:	-120.37	
74	38400	Expenditures							
						SOY BALANCE		.00	
						PER 01	21,612.53	21,612.53	
						PER 02	9,986.30	31,598.83	
						PER 03	13,319.31	44,918.14	
						PER 04	76,535.09	121,453.23	
						PER 05	14,262.38	135,715.61	
						PER 06	33,831.70	169,547.31	

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Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2019 08 TO 2019 08

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
	LEDGER BALANCES --- DEBITS:			.00	CREDITS:	-215,224.47	NET:	-215,224.47	
74830	53290	Natural Resources							
					REVISED BUDGET				.00
					PER 01		-9,125.86	-9,125.86	
					PER 02		-34,688.88	-43,814.74	
					PER 04		-8,137.29	-51,952.03	
					PER 05		-33,847.67	-85,799.70	
19/08	664 08/05/19 GEN						-55,009.41	-140,809.11	
	ST OF MN DNR4Q-19								
19/08	767 08/06/19 GNI						-1,541.14	-142,350.25	
	ST OF MN LSOHC INV #2								
19/08	767 08/06/19 GNI						-5,495.00	-147,845.25	
	ST OF MN LSOHC INV #12								
	LEDGER BALANCES --- DEBITS:			.00	CREDITS:	-147,845.25	NET:	-147,845.25	
74830	61000	Salaries & Wages - Regular							
					REVISED BUDGET				.00
					PER 01		5,136.04	5,136.04	
					PER 02		5,205.92	10,341.96	
					PER 03		7,808.88	18,150.84	
					PER 04		5,205.91	23,356.75	
					PER 05		5,205.92	28,562.67	
					PER 06		5,205.92	33,768.59	
					PER 07		5,205.92	38,974.51	
19/08	124 08/02/19 PRJ PR0802 1190802 1190802						2,602.96	41,577.47	
	PAY080219 WARRANT=190802 RUN=1 BI-WEEKL								
19/08	1024 08/16/19 PRJ PR0816 1190816 1190816						2,602.96	44,180.43	
	PAY081619 WARRANT=190816 RUN=1 BI-WEEKL								
19/08	1940 08/30/19 PRJ PR0830 1190830 1190830						2,602.96	46,783.39	
	PAY083019 WARRANT=190830 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS:			46,783.39	CREDITS:	.00	NET:	46,783.39	
74830	61200	Active Insurance							
					REVISED BUDGET				.00
					PER 01		1,647.16	1,647.16	
					PER 02		1,647.16	3,294.32	
					PER 03		1,650.16	4,944.48	
					PER 04		1,648.16	6,592.64	

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Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2019 08 TO 2019 08

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
LEDGER BALANCES --- DEBITS:				467.51	CREDITS:		.00	NET:	467.51	
74830	62680	Non-Employee Per Diems		REVISED BUDGET						.00
					PER 02		500.00	500.00		
					PER 03		50.00	550.00		
					PER 04		250.00	800.00		
					PER 05		550.00	1,350.00		
					PER 07		300.00	1,650.00		
19/08	141 08/06/19	API 003257		105509	19618		50.00	1,700.00		
	W C080619	MHB PER DIEM AND MILEAGE		GAASVIG, CRAIG						
19/08	141 08/06/19	API 100532		105510	1917404		50.00	1,750.00		
	W C080619	MIKE WILSON MHB MEETING PER		DI MORRISON COUNTY AUDI						
19/08	141 08/06/19	API 002809		105512	19648		50.00	1,800.00		
	W C080619	MHB PER DIEM AND MILEAGE		TINQUIST, DAVIN C						
19/08	141 08/06/19	API 003356		105513	19624		50.00	1,850.00		
	W C080619	TED VANKAMPEN MHB PER DIEM AND		HUBBARD COUNTY TREAS						
19/08	1946 08/29/19	API 002809		107299	19947		50.00	1,900.00		
	W C090319	MHB MEETING AND MILEAGE		TINQUIST, DAVIN C						
19/08	1946 08/29/19	API 001099		107300	19927		50.00	1,950.00		
	W C090319	MHB MEETING AND MILEAGE		MARCOTTE, ANNE						
19/08	1946 08/29/19	API 003356		107301	19922		50.00	2,000.00		
	W C090319	MHB MEETING AND MILEAGE		TED VA HUBBARD COUNTY TREAS						
19/08	1946 08/29/19	API 003257		107302	19919		50.00	2,050.00		
	W C090319	MHB MEETING AND MILEAGE		GAASVIG, CRAIG						
LEDGER BALANCES --- DEBITS:				2,050.00	CREDITS:		.00	NET:	2,050.00	
74830	62720	Non-Employee Mileage		REVISED BUDGET						.00
					PER 02		635.48	635.48		
					PER 03		40.60	676.08		
					PER 04		249.40	925.48		
					PER 05		661.20	1,586.68		
					PER 07		330.02	1,916.70		
19/08	141 08/06/19	API 003257		105509	19618		59.16	1,975.86		
	W C080619	MHB PER DIEM AND MILEAGE		GAASVIG, CRAIG						
19/08	141 08/06/19	API 101580		105511	19655		104.40	2,080.26		
	W C080619	MHB MILEAGE		WILSON, MICHAEL						

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Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2019 08 TO 2019 08

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
19/08	141 08/06/19	API 002809		105512	19648		69.60	2,149.86	
	W C080619	MHB PER DIEM AND MILEAGE		TINQUIST, DAVIN C					
19/08	141 08/06/19	API 003356		105513	19624		32.48	2,182.34	
	W C080619	TED VANKAMPEN MHB PER DIEM AND HUBBARD COUNTY TREAS							
19/08	1946 08/29/19	API 002809		107299	19947		69.60	2,251.94	
	W C090319	MHB MEETING AND MILEAGE		TINQUIST, DAVIN C					
19/08	1946 08/29/19	API 001099		107300	19927		64.38	2,316.32	
	W C090319	MHB MEETING AND MILEAGE		MARCOTTE, ANNE					
19/08	1946 08/29/19	API 003356		107301	19922		32.48	2,348.80	
	W C090319	MHB MEETING AND MILEAGE TED VA HUBBARD COUNTY TREAS							
19/08	1946 08/29/19	API 003257		107302	19919		59.16	2,407.96	
	W C090319	MHB MEETING AND MILEAGE		GAASVIG, CRAIG					
	LEDGER BALANCES --- DEBITS:			2,407.96	CREDITS:		.00	NET:	2,407.96
74830	62990	Prof. & Tech. Fee - Other							
					REVISED BUDGET				.00
					PER 01		8,300.66	8,300.66	
					PER 02		882.50	9,183.16	
					PER 03		2,113.49	11,296.65	
					PER 04		67,907.34	79,203.99	
					PER 05		5,192.31	84,396.30	
					PER 06		25,229.00	109,625.30	
					PER 07		10,223.00	119,848.30	
19/08	220 08/06/19	API 102404		105594	1917431		150.00	119,998.30	
	W A080619	BIANNUAL REPORT COPIES		ALLEGRA					
19/08	792 08/13/19	API 002876		106150	19721		251.50	120,249.80	
	W A081319	PACE INVOICE # 38		PACE ANALYTICAL SERV					
19/08	792 08/13/19	API 002876		106151	19721		251.50	120,501.30	
	W A081319	PACE INVOICE # 38		PACE ANALYTICAL SERV					
19/08	792 08/13/19	API 101308		106152	19725		2,274.51	122,775.81	
	W A081319	WSN INVOICE # 38		WIDSETH SMITH NOLTIN					
19/08	1324 08/19/19	API 002876		106708	19827		203.00	122,978.81	
	W A082019	PACE LABS INVOICE #39		PACE ANALYTICAL SERV					
19/08	1324 08/19/19	API 002876		106709	19827		48.50	123,027.31	
	W A082019	PACE LABS INVOICE # 39		PACE ANALYTICAL SERV					
19/08	1324 08/19/19	API 002876		106710	19827		251.50	123,278.81	
	W A082019	PACE LABS INVOICE # 39		PACE ANALYTICAL SERV					

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Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2019 08 TO 2019 08

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
19/08	1324 08/19/19	API 002876		106711	19827		57.50	123,336.31	
	W A082019	PACE LABS INVOICE # 39		PACE ANALYTICAL SERV					
19/08	2173 08/31/19	GEN					525.00	123,861.31	
	RECURRING	FINANCIAL SERVICE							
	LEDGER BALANCES --- DEBITS:		123,861.31	CREDITS:	.00	NET:		123,861.31	
74830	63320	Employee Mileage							.00
				REVISED BUDGET					
				PER 01			342.32	342.32	
				PER 02			290.23	632.55	
				PER 03			381.29	1,013.84	
				PER 04			426.30	1,440.14	
				PER 05			186.64	1,626.78	
				PER 06			390.91	2,017.69	
				PER 07			405.54	2,423.23	
19/08	1635 08/26/19	GNI JUL					36.71	2,459.94	
	WF PCARD	1434 - Aitkin comp plan res ad		TIM TERRILL-OOP					
19/08	1635 08/26/19	GNI JUL					88.74	2,548.68	
	WF PCARD	1434 - Itasca Comp plan res ad		TIM TERRILL-OOP					
19/08	1635 08/26/19	GNI JUL					12.24	2,560.92	
	WF PCARD	1434 - Cass cnty Comp plan res		TIM TERRILL-OOP					
19/08	1635 08/26/19	GNI JUL					28.65	2,589.57	
	WF PCARD	1434 - camp ripley crdntng com		TIM TERRILL-OOP					
19/08	1635 08/26/19	GNI JUL					103.82	2,693.39	
	WF PCARD	1434 - Bemidji 1W1P adv commit		TIM TERRILL-OOP					
19/08	1635 08/26/19	GNI JUL					121.80	2,815.19	
	WF PCARD	1434 - clearwater com plan mtg		TIM TERRILL-OOP					
19/08	1635 08/26/19	GNI JUL					16.24	2,831.43	
	WF PCARD	1434 - Mississ MTG cross lake		TIM TERRILL-OOP					
19/08	1635 08/26/19	GNI JUL					61.48	2,892.91	
	WF PCARD	1434 - MHB monthly MTG		TIM TERRILL-OOP					
	LEDGER BALANCES --- DEBITS:		2,892.91	CREDITS:	.00	NET:		2,892.91	
74830	63340	Hotel & Meals Travel Expense							.00
				REVISED BUDGET					
				PER 01			191.11	191.11	
				PER 02			9.47	200.58	
				PER 03			23.06	223.64	

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Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2019 08 TO 2019 08

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
					PER 04		34.06	257.70	
					PER 06		26.82	284.52	
					PER 07		26.72	311.24	
19/08	1635 08/26/19 GNI JUL						11.52	322.76	
	WF PCARD food for upper miss lwlp								
	TIM TERRILL-SUBWAY			00137208					
	LEDGER BALANCES --- DEBITS:			322.76	CREDITS:	.00	NET:	322.76	
74830	64090 Office Supplies								
						REVISED BUDGET			.00
					PER 01		5.51	5.51	
					PER 03		45.85	51.36	
					PER 04		5.16	56.52	
					PER 05		3.39	59.91	
					PER 06		524.05	583.96	
					PER 07		44.61	628.57	
19/08	1635 08/26/19 GNI JUL						11.00	639.57	
	WF PCARD guidebook mailing								
	TIM TERRILL-USPS PO 2611000401								
19/08	1635 08/26/19 GNI JUL						7.87	647.44	
	WF PCARD board snack								
	TIM TERRILL-SUPER ONE FOODS #45								
19/08	1635 08/26/19 GNI JUL						4.98	652.42	
	WF PCARD board snack								
	TIM TERRILL-SUPER ONE FOODS #45								
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	GRAND TOTAL --- DEBITS:			528,224.73	CREDITS:	-476,643.61	NET:	51,581.12	

87 Records printed

** END OF REPORT - Generated by Korie Bedard **

Planning and Zoning

GBA9a19 Matthew and Dina Lee
GBA9b19 Steven and Cheryl Kroeger
GBA9c19 Richard and Laura Block
GBA9d19 Don and Diane Jelinek



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

NOTICE OF DECISION

Planning Case #: V-19-31.01216.00

Type of Action: Variance

Action was: **Approved** **Denied** **Other**

Per the findings found in the attached resolution

Applicant or Authorized Representative: Matthew & Dina Lee

The above entitled matter was heard before the Greater Bemidji Area Joint

Planning Board on: September 11, 2019



Joint Planning Director



Date

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2019-27

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.01216.00**

WHEREAS, an application was submitted on July 31, 2019 by Matthew and Dina Lee, requesting a variance from Section 1101 of the Ordinance in order to subdivide their parcel of land in order to create two (2) additional lots in Northern Township; and

WHEREAS, the proposed requested variance will be located on parcel 31.01216.00 legally described as Sect-35 Twp-147 Range-033 OAKDALE PARK Lot-001; and

WHEREAS, the Property is zoned (R-3) Suburban Residential Unsewered, within the Shoreland Overlay; and

WHEREAS, the requested variance meets all requirements, standards and specifications of the Greater Bemidji Area Zoning and Subdivision Ordinance; and

WHEREAS, the Joint Planning Commission held a public hearing on August 22, 2019, to review the application for Variance following mailed and published notices as required by law; and

WHEREAS, the Greater Bemidji Area Joint Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Variance application request:

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record. The surrounding area to the north, east and south is all developed land with smaller parcels, similar to what the applicant is seeking. The applicant is seeking an opportunity to divide a portion of his land so it can be developed on for additional housing.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted lot of record; without a variance for the creation of a flag lot or a lot width reduction, this parcel could never be subdivided, creating more than one (1) additional lot.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while still meeting the minimum lot standards per Section 901. Shoreland Regulations of the JPB Zoning & Subdivision Ordinance.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. Since the proposed variance request is to subdivide the parcel for the creation of two (2) additional single family lots, it would fit well within the surrounding area and would not alter the character.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of the variance request to subdivide the parcel of land to create two (2) additional lots with the following conditions:

1. A lot division application shall be submitted for the division of land. A lot division shall not be approved or obtained until the Mississippi Headwaters Board certifies or approves the variance.
2. A land use permit shall be obtained prior to any construction occurring on any of the sites.
3. Prior to any septic being installed on the sites, a septic permit shall be applied for and approved.
4. An erosion control plan shall be submitted and be in place before any construction commences on the properties.
5. The variance shall expire and become void if the lot division and possible recorded easement are not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the recordings are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

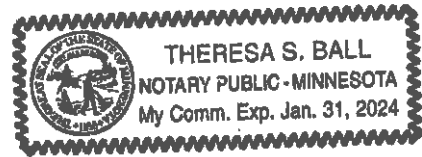
County of Beltrami

This instrument was acknowledged before me on this 11th day of September, 2019 by Micheal Kelly, Joint Planning Board Chair.

Micheal Kelly
Micheal Kelly, Joint Planning Board Chair

Subscribed and sworn to before me
this 11th day of Sept., 2019.

Theresa S. Ball
Notary Public



**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-19-31.01216.00	JPC MEETING DATE: August 22, 2019
APPLICANT: Matthew and Dina Lee 4619 Waville Rd NE	60-DAY RULE DATE: September 29, 2019
PROCEEDING: Variance in lot width and lot size to subdivide land and create a private access easement or a flag lot.	ZONING DISTRICT: (R-3) Suburban Residential Unsewered, Shoreland Overlay
PREPARED BY: Casey Mai, Planning Director	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

JPB MEMORANDUM

I. SUMMARY OF REQUEST

Matthew and Dina Lee are requesting a variance from Section 1101 of the Ordinance in order to subdivide their parcel of land. This would allow for two additional lots to be created in the (R-3) Suburban Residential Unsewered Zoning District within the Shoreland Overlay in Northern Township, parcel 31.01216.00. A variance is needed for either 1.) The creation of a flag lot for the proposed Parcel B, or 2.) For Parcel B not meeting the minimum lot size of two (2) acres or lot width requirement off two hundred and thirty-three (233) feet in order to have a thirty-three (33) foot wide public access easement.

II. PUBLIC COMMENT & DISCUSSION

Matthew Lee described Pier Street NE as an access point, and his goal is to be responsible about the outcome. He intends to develop according to the Comprehensive Plan, and wants the access point to have the least amount of impact. Commissioner Lahn asked if the proposed driveway serves Parcel B, which Lee affirmed, then stated that the existing driveway will serve Parcel C. Commissioner Lemmer stated her concerns with creating sub-standard lots. Matt Murray commented that this will not truly become sub-standard as it exceeds the minimum lot width standards, and states it is not a flag lot, by elements of the definition. Staff stated that applicant would be making the situation worse if he were to follow the legal standards. Murray stressed to the commission that the request is a reasonable use, and stated that the benefits would be better with a private driveway instead of a public road. Commissioner Lemmer asked if there were any land or water issues. Murray stated the land is located on high ground and no further variances are anticipated. Staff stated that front yard of this parcel is defined as being toward the lakeside. Commissioner Heinonen questioned if Parcel B and Parcel C will have private driveways. Staff explained that only Parcel C will have a private driveway, but all three (3) are separate. Commissioner Faver asked about the 90 degree turn on Waville Road, and Murray stated that legal access to Waville is granted, and the applicant owns the land out to the public ROW. Faver questioned the flag lot, and was

told by Murray that Parcel B would be considered a flag lot and would have access without a cul de sac. Lemmer commented that there is not an easement, so the access will be part of the property. Staff stated that the easement will be eliminated, and a good case was made of an odd situation.

III. STAFF RECOMMENDATION

JPB Staff had difficulties coming to a definitive conclusion on this request as its imperative to use best planning practices in the implementation of the ordinance and to ensure it is in keeping with the spirit, purpose and intent of the of the Comprehensive Plan. It's a goal of the Greater Bemidji Area Comprehensive Plan to promote and encourage in-fill development as well as new housing opportunities, and this would allow an owner to subdivide a portion of their vacant land to be developed on for new single-family homes.

The Joint Planning Commission and the Joint Planning Board need to decide whether or not they support the variance request to subdivide the parcel of land to create two (2) additional lots with one (1) lot being a flag lot or if in opposition of the request and feel best planning practices are not being implemented. If the variance for the creation of a flag lot or the reduction in lot width and lot size is approved, the following conditions are recommended based on the findings of fact:

Recommendations for Approval

Conditions

1. A lot division application shall be submitted for the division of land. A lot division shall not be approved or obtained until the Mississippi Headwaters Board certifies or approves the variance.
2. A land use permit shall be obtained prior to any construction occurring on any of the sites.
3. Prior to any septic being installed on the sites, a septic permit shall be applied for and approved.
4. An erosion control plan shall be submitted and be in place before any construction commences on the properties.
5. The variance shall expire and become void if the lot division and possible recorded easement are not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the recordings are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record. The surrounding area to the north, east and south is all developed land with smaller parcels, similar to what the applicant is seeking. The applicant is seeking an opportunity to divide a portion of his land so it can be developed on for additional housing.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted lot of record; without a variance for the creation of a flag lot or a lot width reduction, this parcel could never be subdivided, creating more than one (1) additional lot.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while still meeting the minimum lot standards per Section 901. Shoreland Regulations of the JPB Zoning & Subdivision Ordinance.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. Since the proposed variance request is to subdivide the parcel for the creation of two (2) additional single family lots, it would fit well within the surrounding area and would not alter the character.

Recommendations for Denial

Findings

1. Has the applicant demonstrated a practical difficulty?

No. Although this is an existing lot of record, the lot currently meets all standards within the Zoning Ordinance. The creation of a flag lot is prohibited except when approved through a PUD/CIC process and/or in accordance with other provisions of this Ordinance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

No. This is a previously platted lot of record; however, the owner is planning to subdivide the parcel to allow for development on the vacant portion of the lot.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

No. This request is proposing to subdivide a property with the creation of a flag lot or the creation of an easement to access a back lot that doesn't meet the minimum lot width or lot size per Section 1101 of the JPB Zoning & Subdivision Ordinance. This Section of the Ordinance requires a lot to have a minimum of 200 feet in width plus an additional 33feet for a private access easement. Parcel B that is proposed will be 168 feet in width and 1.24 acres in size, which doesn't meet the 233 foot width or the 2 acre minimum.

4. Can the variance be granted without altering the essential character of the surrounding area?

No. The proposed variance request is to subdivide a piece of land for the creation of two additional lots, with one being considered predominately situated behind another lot, which would alter the essential character of the surrounding area as no other flag lots are existing in the vicinity. This could potentially pose as a problem in the future if and when public utilities are ever extended.

IV. JPC RECOMMENDATION & FINDINGS

The JPC approved the variance request to subdivide the parcel of land to create two (2) additional lots with the following conditions:

Conditions:

1. A lot division application shall be submitted for the division of land. A lot division shall not be approved or obtained until the Mississippi Headwaters Board certifies or approves the variance.
2. A land use permit shall be obtained prior to any construction occurring on any of the sites.
3. Prior to any septic being installed on the sites, a septic permit shall be applied for and approved.
4. An erosion control plan shall be submitted and be in place before any construction commences on the properties.
5. The variance shall expire and become void if the lot division and possible recorded easement are not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the recordings are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact:

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record. The surrounding area to the north, east and south is all developed land with smaller parcels, similar to what the applicant is seeking. The applicant is seeking an opportunity to divide a portion of his land so it can be developed on for additional housing.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted lot of record; without a variance for the creation of a flag lot or a lot width reduction, this parcel could never be subdivided, creating more than one (1) additional lot.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while still meeting the minimum lot standards per Section 901. Shoreland Regulations of the JPB Zoning & Subdivision Ordinance.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. Since the proposed variance request is to subdivide the parcel for the creation of two (2) additional single family lots, it would fit well within the surrounding area and would not alter the character.

Motion carried unanimously.

THE GREATER BEMIDJI AREA JOINT PLANNING BOARD

PLANNING CASE: V-19-31.01216.00	JPC MEETING DATE: August 22, 2019
APPLICANT: Matthew and Dina Lee 4619 Waville Rd NE	60-DAY RULE DATE: September 29, 2019
PROCEEDING: Variance in lot width and lot size to subdivide land and create a private access easement or a flag lot.	ZONING DISTRICT: (R-3) Suburban Residential Unsewered, Shoreland Overlay
PREPARED BY: Casey Mai, Planning Director	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

PLANNING REPORT

I. SUMMARY OF REQUEST

Matthew and Dina Lee are requesting a variance from Section 1101 of the Ordinance in order to subdivide their parcel of land. This would allow for two additional lots to be created in the (R-3) Suburban Residential Unsewered Zoning District within the Shoreland Overlay in Northern Township, parcel 31.01216.00. A variance is needed for either 1.) The creation of a flag lot for the proposed Parcel B, or 2.) For Parcel B not meeting the minimum lot size of two (2) acres or lot width requirement off two hundred and thirty-three (233) feet in order to have a thirty-three (33) foot wide public access easement.

II. BACKGROUND

The applicant is requesting to subdivide his lot of record in to three (3) total parcels. The existing lot is approximately 4.52 acres in size and is located on the east shore of Lake Bemidji within Northern Township. All proposed parcels are projected to be riparian lots that will meet the minimum lot width of one hundred (100) feet and lot size of thirty-thousand (30,000) square feet standards per Section 901 with the Shoreland Ordinance. A variance is needed for the proposed Parcel B as it will either 1.) Create a flag lot, or 2.) Create a private access easement on a property unable to meet the minimum lot size or lot width per Section 1101 of the Zoning Ordinance.

III. DEVELOPMENT SUMMARY

SITE DEVELOPMENT	PROPOSED/EXISTING	REQUIRED/ALLOWED
Existing Parcel		
Section 402 Lot Size	196,891 sq ft or 4.52 acres	45,000 sq ft or 1.03 acres
Section 402 Lot Width	500 ft	150 ft
Section 901 Lot Size	196,891 sq ft or 4.52 acres	30,000 sq ft
Section 901 Lot Width	500 ft	100 ft

Proposed Parcel A		
Section 402 Lot Size	~87,555 sq ft or 2.01 acres	45,000 sq ft or 1.03 acres
Section 402 Lot Width	178 ft	150 ft
Section 601 Lot Size (accessory structure requirement)	~87,555 sq ft or 2.01 acres	87,120 sq ft or 2 acres
Section 901 Lot Size	~87,555 sq ft or 2.01 acres	30,000 sq ft
Section 901 Lot Width	178 ft	100 ft
Proposed Parcel B		
Section 402 Lot Size	~54,014 sq ft or 1.24 acres	45,000 sq ft or 1.03 acres
Section 402 Lot Width	168 ft	150 ft
Section 901 Lot Size	~54,014 sq ft or 1.24 acres	30,000 sq ft
Section 901 Lot Width	168 ft	100 ft
Section 1101 Lot Size	~54,014 sq ft or 1.24 acres	87,120 sq ft or 2 acres
Section 1101 Lot Width	168 ft	233 ft
Proposed Parcel C		
Section 402 Lot Size	~54,014 sq ft or 1.24 acres	45,000 sq ft or 1.03 acres
Section 402 Lot Width	169 ft	150 ft
Section 901 Lot Size	~54,014 sq ft or 1.24 acres	30,000 sq ft
Section 901 Lot Width	169 ft	100 ft

IV. DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations

Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

Per Section 1101 – Subdivisions of Land in the JPB Zoning & Subdivision Ordinance lots shall only be created when they meet the minimum dimensional standards of the encompassing zoning district and any applicable overlay districts. All lots shall have access directly onto an abutting public street, and in this case, onto Lake Avenue NE. An exception of this access requirement may be allowed where the parcel without direct street access, and the adjacent parcel which affords access, both contain a minimum of two (2) acres and a minimum lot width of two hundred (200) feet. In such cases, a permanent minimum thirty-three (33) foot wide private access easement shall be recorded against the adjacent parcel in favor of the restricted access parcel; which shall not be included in the calculation of the minimum lot width requirement (must be over and above minimum). Properties seeking lot division approvals which cannot meet these standards may only be approved by variance.

***Flag Lot:** A lot predominately situated behind another lot and having an access to a public right of way through a portion of the lot which does not satisfy the minimum lot width standards in effect for the district in which the lot is located. The creation of a flag lot is prohibited except when*

approved through a PUD/CIC process and/or in accordance with other provisions of this Ordinance.

Existing Conditions

This is an existing riparian standard lot of record with a principal structure, an accessory dwelling unit and an accessory structure all located throughout the property.

In 2016, the existing lot of record was approved a land use permit (permit #: LU-16-53) to construct forty (40) foot by forty (40) foot or one thousand six hundred (1,600) square foot accessory structure on the property. Per Section 601 of the JPB Zoning & Subdivision Ordinance, in order to build an accessory structure in the (R-3) Suburban Residential Zoning District to that size, a minimum lot size of two (2) acres is required. The existing lot of record is proposed to be reconfigured at 2.01 acres in size, meeting the Section 601 requirement.

The existing septic system was installed in 2015 and deemed in compliance at this time. No compliance inspection is required at this time as new septic systems are not required to be inspected for five (5) years from the date of installation. The existing septic system would comply with all setback requirements following the lot division, if approved. This system will only serve the existing property or the Proposed Parcel A, as indicated on the site plan.

Neighboring Property Input

At the time of writing report, no neighborhood concerns were obtained.

Mississippi Headwaters Board (MHB)

Tim Terrill, MHB Executive Director had the following to say about the proposed project and the provided site plan:

MHB standards for a minimum lot size are 30,000 square feet, so if the lot was subdivided, the new lot created would need to meet this standard. If any structure were to be placed on the new lot, than it would have to meet the structure setback of 100 feet and ISTS (septic) setback of 75 feet or be connected to municipal sewer. Lot width at OHWM and at building line would need to be 100 feet.

Comprehensive Plan References

A reasonable use of property is in keeping with the spirit, purpose and intent of the Greater Bemidji Area Comprehensive Plan.

Objective 4.1: Preserve the Quality Residential Neighborhoods

Thriving neighborhoods are important to a growing community as well as ensuring that existing neighborhoods are not consistently replaced with multi-family or commercial development that could increase rural sprawl. It is also important to allow existing non-conforming residential areas to be redeveloped.

4. Allow flexibility with site design standards to ensure high-quality development.

Allowing for greater flexibility of zoning ordinances or density requirements for meeting site development criteria, such as increased live landscaping, stormwater retention

areas, active recreation amenities, or park area, can provide a benefit to developers while ensuring a high-quality neighborhood is being designed or redeveloped.

Objective 4.3: Promote Land Use Decisions that Protect the Natural Environment through Smart Growth and Sustainable Practices

When reviewing increases of land uses through subdivisions or large-scale commercial developments, resource conservation measures and sustainable land use practices will be reviewed.

1. **Promote in-fill development with access to public infrastructure.** Supporting projects that can use existing public infrastructure as well as increase density and intensification of land use when appropriate can help limit urban sprawl. However, supporting proposals at a density that strain existing public transportation or utilities is not sustainable and can negatively impact the public.

Objective 8.2 Promote and Encourage Diversity with New Housing Developments

Housing developments that include a diverse amount of housing options can help ensure all residents have housing, diverse housing can and should provide market rate and affordable opportunities.

1. **Promote a variety of housing options based on market and need.** It is important to support all forms of housing developments and to promote diversity and choice of housing for all residents. Market rate housing or workforce housing should be promoted based on market trends, affordable or supportive housing should be promoted based on the needs of the community.

Objective 11.2 Preserve and Enhance Water Quality

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

Zoning Ordinance References

- Section 109: Definitions
- Section 402: Lot Size and Bulk Regulations
- Section 601: Accessory Uses and Structures
- Section 901: Bulk Density and Lot Sizes
- Section 1101: Subdivisions of Land
- Section 1206: Variances, Appeals and Adjustments

V. RECOMMENDATION & FINDINGS

JPB Staff had difficulties coming to a definitive conclusion on this request as its imperative to use best planning practices in the implementation of the ordinance and to ensure it is in keeping with the spirit, purpose and intent of the of the Comprehensive Plan. It's a goal of the Greater Bemidji Area Comprehensive Plan to promote and encourage in-fill development as well as new housing opportunities, and this would allow an owner to subdivide a portion of their vacant land to be developed on for new single-family homes.

The Joint Planning Commission and the Joint Planning Board need to decide whether or not they support the variance request to subdivide the parcel of land to create two (2) additional lots with one (1) lot being a flag lot or if in opposition of the request and feel best planning practices are not being implemented. If the variance for the creation of a flag lot or the reduction in lot width and lot size is approved, the following conditions are recommended based on the findings of fact:

Recommendations for Approval

Conditions

1. A lot division application shall be submitted for the division of land. A lot division shall not be approved or obtained until the Mississippi Headwaters Board certifies or approves the variance.
2. A land use permit shall be obtained prior to any construction occurring on any of the sites.
3. Prior to any septic being installed on the sites, a septic permit shall be applied for and approved.
4. An erosion control plan shall be submitted and be in place before any construction commences on the properties.
5. The variance shall expire and become void if the lot division and possible recorded easement are not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the recordings are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record. The surrounding area to the north, east and south is all developed land with smaller parcels, similar to what the applicant is seeking. The applicant is seeking an opportunity to divide a portion of his land so it can be developed on for additional housing.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted lot of record; without a variance for the creation of a flag lot or a lot width reduction, this parcel could never be subdivided, creating more than one (1) additional lot.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while still meeting the minimum lot standards per Section 901. Shoreland Regulations of the JPB Zoning & Subdivision Ordinance.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. Since the proposed variance request is to subdivide the parcel for the creation of two (2) additional single family lots, it would fit well within the surrounding area and would not alter the character.

Recommendations for Denial

Findings

1. Has the applicant demonstrated a practical difficulty?

No. Although this is an existing lot of record, the lot currently meets all standards within the Zoning Ordinance. The creation of a flag lot is prohibited except when approved through a PUD/CIC process and/or in accordance with other provisions of this Ordinance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

No. This is a previously platted lot of record; however, the owner is planning to subdivide the parcel to allow for development on the vacant portion of the lot.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

No. This request is proposing to subdivide a property with the creation of a flag lot or the creation of an easement to access a back lot that doesn't meet the minimum lot width or lot size per Section 1101 of the JPB Zoning & Subdivision Ordinance. This Section of the Ordinance requires a lot to have a minimum of 200 feet in width plus an additional 33feet for a private access easement. Parcel B that is proposed will be 168 feet in width and 1.24 acres in size, which doesn't meet the 233 foot width or the 2 acre minimum.

4. Can the variance be granted without altering the essential character of the surrounding area?

No. The proposed variance request is to subdivide a piece of land for the creation of two additional lots, with one being considered predominately situated behind another lot, which would alter the essential character of the surrounding area as no other flag lots are existing in the vicinity. This could potentially pose as a problem in the future if and when public utilities are ever extended.

Packet Distribution List

Northern Township: V-19-31.01216.00 – Matthew & Dina Lee

	<u>Contact</u>	<u>E-MAILED</u>	<u>US Mailed</u>
<input checked="" type="checkbox"/>	Applicant / Representative	_____	_____
<input checked="" type="checkbox"/>	JPB Attorney	_____	_____
<input type="checkbox"/>	JPB Engineer: _____	_____	_____
<input type="checkbox"/>	City Building Department	_____	_____
<input type="checkbox"/>	City Attorney	_____	_____
<input type="checkbox"/>	City Engineer	_____	_____
<input type="checkbox"/>	City Manager	_____	_____
<input type="checkbox"/>	City GIS Department	_____	_____
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<input type="checkbox"/>	City Parks Department	_____	_____
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<input type="checkbox"/>	Beltrami County ESD/SWCD	_____	_____
<input checked="" type="checkbox"/>	Beltrami County Recorder	_____	_____
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<input type="checkbox"/>	Beltrami County Sheriff	_____	_____
<input type="checkbox"/>	Beltrami County Engineer / Highway	_____	_____
<input type="checkbox"/>	Beltrami County Natural Resources	_____	_____
<input type="checkbox"/>	MnDNR Trails	_____	_____
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<input type="checkbox"/>	MnDNR District	_____	_____
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<input type="checkbox"/>	Airport	_____	_____
<input checked="" type="checkbox"/>	Mississippi Headwaters Board	_____	_____
<input type="checkbox"/>	Bemidji School District	_____	_____
<input type="checkbox"/>	MPCA Closed Landfill Program	_____	_____
<input type="checkbox"/>	U.S. Army Corps of Engineers	_____	_____
<input type="checkbox"/>	Other: _____.	_____	_____



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 5th, 2019

Northern Township: V-19-31.01216.00 – Matthew and Dina Lee are requesting a variance from Section 1101 of the Ordinance in order to subdivide their parcel of land. This would allow for two additional lots to be created in the (R-3) Suburban Residential Unsewered Zoning District within the Shoreland Overlay in Northern Township, parcel 31.01216.00. A variance is needed for either 1.) The creation of a flag lot for the proposed Parcel B, or 2.) For Parcel B not meeting the minimum lot size of two (2) acres or lot width requirement of two hundred and thirty-three (233) feet in order to have a thirty-three (33) foot wide public access easement.

The parcel legal description is as follows: Sect-35 Twp-147 Range-033 OAKDALE PARK Lot-00I

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, August 22, 2019 at 6:00 p.m.** in the Council Chambers at Bemidji City Hall.

If you have any comments, you may present them to the Commission at that time. Alternatively, you may direct your comments in writing to my attention at the JPB office at 317 4th Street NW, or by email at casey.mai@ci.bemidji.mn.us. If possible, your comments should be submitted by **Wednesday, August 14, 2019** so they may be incorporated into my report to the Joint Planning Commission. Attached is a copy of the application and other supporting documentation.

If you have any questions or need further information, please feel free to contact me at 218-759-3594.

Respectfully,

Casey Mai
Planning Director
Greater Bemidji Area Joint Planning Board



**Greater Bemidji Area
Joint Planning Board**

Application for Variance

Please complete this application carefully and completely. PLEASE PRINT. Failure to fill in all of the required information may result in a delay of processing your application.

A fee of \$ 500 made payable to the **City of Bemidji** must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow of \$ 500 made payable to the **City of Bemidji** must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow account is established as indicated above to cover technical and legal expenses incurred by the Joint Planning Board (JPB) as part of the plan review. The applicant is responsible for all costs incurred by the JPB during plan review. If the escrow amount drops below 10% of the original deposit amount the JPB may require submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon determination by the JPB that the project is complete or expired, the JPB will return the remaining escrow deposit to the applicant.

OFFICE USE ONLY	
Complete Application Rec'd	<u>7/31/19</u>
Payment Rec'd	<u>7/31/19</u>
Field Checked	_____
Zoning District	_____
Date Permitted	_____
Permit Number	<u>2019-35</u>
Comments	_____

APPLICANT DATA

NAME OF APPLICANT:	<u>Matthew and Dina Lee</u>	EMAIL:	<u>matthyaonlee@gmail.com</u>
MAILING ADDRESS:	<u>4619 Waville Rd NW</u>		
SITE ADDRESS:	<u>4619 Waville Rd NW</u>	PARCEL:	<u>310121600</u>
PHONE NUMBER: WORK	<u>218-766-9606</u>	HOME	_____
CONTRACTOR NAME:	<u>Murray Surveying, Inc.</u>	PHONE:	<u>218-251-5898</u>
Does your property contain low areas, wetlands, or areas with standing water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, do you intend to drain, fill or otherwise alter this area for any reason?			
Explain _____			

OFFICE USE ONLY					
Property Dimensions: Width	<u>312ft</u> ft	Depth	<u>500</u> ft	Total area	<u>4.5ft</u> sq ft/ acres
Is there one acre of contiguous land on the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Have there been any Variances/Use Permits granted on this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/> Attach copies					
Is property within 1000 feet of a public water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Is property in an airport zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Septic Data: Year Installed: <u>2015</u> Last Compliance Inspection: _____					
<input type="checkbox"/> Pass Compliance <input type="checkbox"/> Fail Compliance <input type="checkbox"/> Notarized Stipulation <input type="checkbox"/> Other _____					
Municipal Services: Water <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Sewer: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, is hook up possible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

EXPLANATION OF REQUEST FOR VARIANCE

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)? Display on site plan.

Section 401/Section 1101 To permit the creation of PARCEL B shown on the attached site plan which contains a portion of the parcel that is 40 feet wide to provide direct access to a public way.

What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.

Depending on interpretation: The creation of a "Flag Lot"
Depending on interpretation: The creation of a lot that does not meet the minimum lot width requirement at the "Front Lot Line"

Describe the existing use of your property:

4.5 Acres with one single family home.

Will the use of your property change with the variance? [] Yes [X] No We will continue to be single family residential.

Will the granting of a variance impact the character of the surrounding properties? [] Yes [X] No [] Unknown

Explain The character will continue to be that consistent with single family residential.

Are there unavoidable physical or topographical features (wetlands, buildings, roads, etc.) on your property that severely limit your construction site options? [X] Yes [] No Explain The property abuts public roads in two locations; however, the location of these public roads are not conducive to dividing this 4.5 acres without an alternative form of access.

Does the design or floor plan of your building severely limit your construction options? [] Yes [X] No

Are there construction options or alternatives that may eliminate the need for a variance? [] Yes [X] No

Explain If the access area to Parcel B was 150 feet wide, it would negatively encroach into the likely/most practical building location on Parcel C. An easement would also require a variance due to the way the JPB ordinance is written.

Explain the practical difficulty that exists with your request: The proposed 40 feet wide fee title access strip to Parcel B is the most reasonable form of access to Parcel B but may not be allowed without a variance. Creating a short public road or creating a private road would result in the same outcome but would be more intrusive to the neighborhood and ownership interests. Assuming that a practical difficulty is demonstrated, and a variance justified, what measures are you willing to take to mitigate the impact of development on your property (remove other buildings, vegetative screens, etc.)? The area to be developed is undeveloped but would otherwise be developed in accordance with the ordinance.

(Use additional sheets if necessary)

STRUCTURAL/CONSTRUCTION DATA (if applicable)

Proposed Structure/Use: New Single Family Residence _____ Building Alteration _____
 Garage (Attached) _____ Detached Garage _____
 Accessory Building/Multi Family Dwelling _____
 Commercial Building _____ Other (Explain) _____

X Access to create new single family residential parcel.

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____
 Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____
 Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

N/A T.B.D.

Total number of bedrooms after construction: _____
 Will there be any commercial use of this property after construction? Yes No
 Estimated Cost of construction: \$ _____

Submit a complete sketch of your property drawn to scale with this application showing all buildings, proposed and existing, setbacks, wells, septic and accesses.

ALL APPLICANTS MUST SIGN BELOW

I hereby certify that I am the owner or authorized agent of the owner of the above described property and that all uses will conform to the provisions of the Greater Bemidji Area Zoning and Subdivision Regulations. I further certify that I will comply with all conditions placed upon this permit should this application be approved. Intentional or unintentional falsification of this application or any attachments thereto will serve to make this application and any resultant permit invalid. I also authorize Greater Bemidji Area Joint Planning staff to inspect the property during review of this application and subsequent construction during reasonable times of the day.

Applicant: *Martin Y* _____ Applicant _____
 Date: 7/31/2019 _____

OFFICE USE ONLY

Reviewed by *[Signature]* Date 8/1/19 Complete Application Yes No

COMPLETED FORMS CAN BE SUBMITTED AT CITY HALL, 317 4TH STREET NW, LOWER LEVEL



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:4,261

Date: 8/2/2019



This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



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1:4,261

Date: 8/2/2019



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Greater Bemidji Area Joint Planning Board
City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 7th, 2019

Dear Property Owner:

The Greater Bemidji Area Joint Planning Commission will conduct a public hearing to discuss the following application:

Northern Township: V-19-31.01216.00 – Matthew and Dina Lee are requesting a variance from Section 1101 of the Ordinance in order to subdivide their parcel of land. This would allow for two additional lots to be created in the (R-3) Suburban Residential Unsewered Zoning District within the Shoreland Overlay in Northern Township, parcel 31.01216.00. A variance is needed for either 1.) The creation of a flag lot for the proposed Parcel B, or 2.) For Parcel B not meeting the minimum lot size of two (2) acres or lot width requirement of two hundred and thirty-three (233) feet in order to have a thirty-three (33) foot wide public access easement.

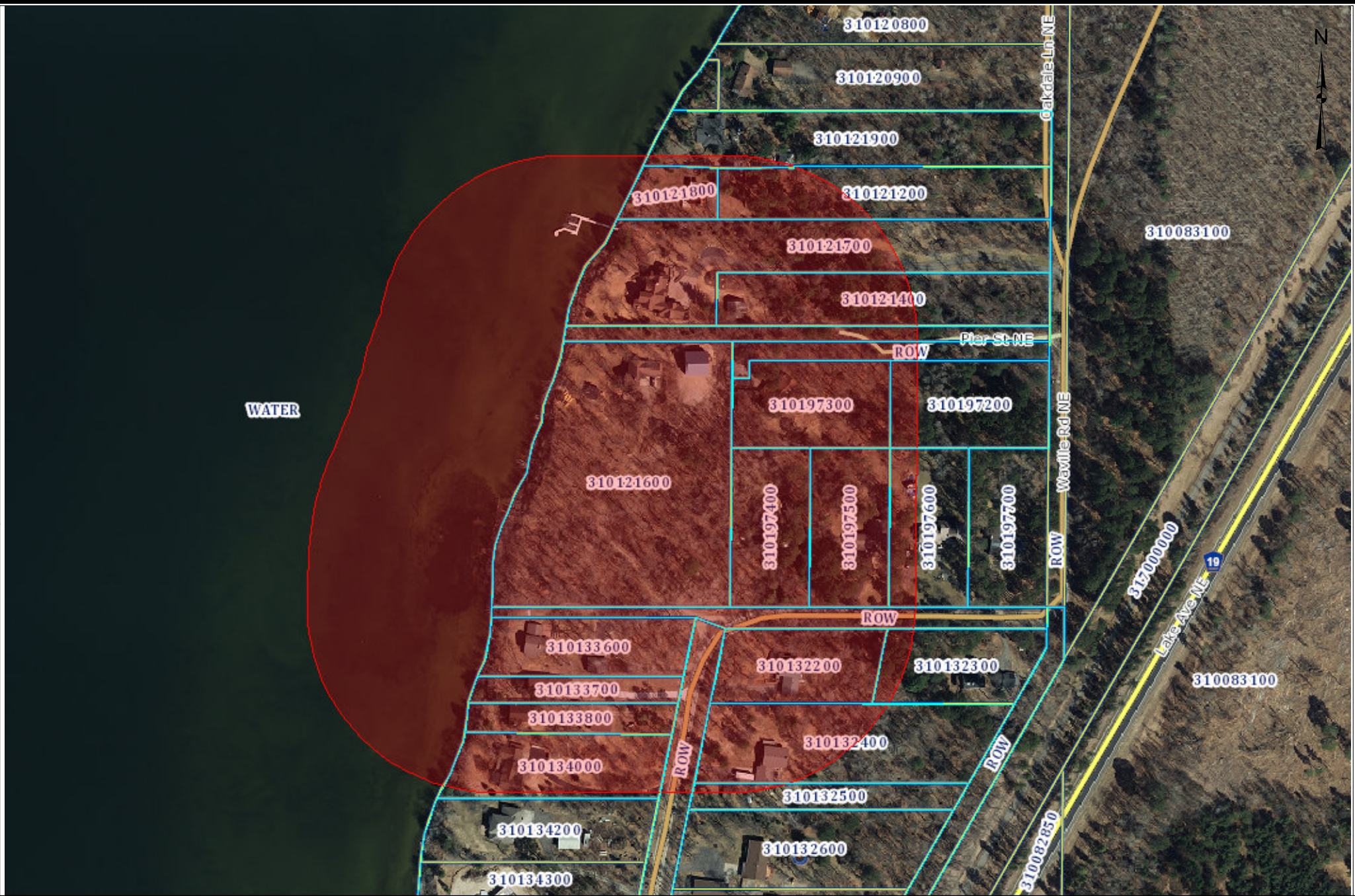
The parcel legal description is as follows: Sect-35 Twp-147 Range-033 OAKDALE PARK Lot-00I

This public hearing will be held on **Thursday, August 22nd, 2019 at 6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4th Street NW. You are invited to attend this hearing, or express your opinions on the proposal by letter to the Greater Bemidji Joint Planning Board.

If you have any questions, please feel free to contact me at (218) 759-3594, or email comments to casey.mai@ci.bemidji.mn.us.

Respectfully,

Casey Mai
Planning Director
Greater Bemidji Area Joint Planning Board



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:4,261

Date: 8/2/2019



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ROBERT J OKERMAN
KATHLEEN H OKERMAN
708 WEST CALSPAR ST
CLAREMONT, CA 91711

CASPER T SPANGRUD
INEZ F SPANGRUD
7321 N CATHEDRAL ROCK RD
TUCSON, AZ 85718-1385

TROY W TORGERSON
KRISTIN J TORGERSON
4801 WAVILLE RD NE
BEMIDJI, MN 56601-8912

LORI J GELEN
3976 PIER ST NE
BEMIDJI, MN 56601

MATTHEW R LEE
DINA L LEE
4619 WAVILLE RD NE
BEMIDJI, MN 56601

CATHERINE J KOSKI
PO BOX 425
BEMIDJI, MN 56619

KENNETH R BRANDT TRUSTEE
BRANDT FAMILY TRUST
4833 OAKDALE LN NE
BEMIDJI, MN 56601

ANDREW J ABELLO
AUBRIE E ABELLO
2855 ROYAL ESTATES RD NE
BEMIDJI, MN 56601

THOMAS J BEECH
4610 WAVILLE RD NE
BEMIDJI, MN 56601

ROBERT L BIEBERDORF
ARDELLE R BIEBERDORF
4635 WAVILLE RD NE
BEMIDJI, MN 56601

WILLIAM M BEHRENS
CYNTHIA BEHRENS
4658 WAVILLE RD NE
BEMIDJI, MN 56601

BRENT KONDZIOLKA
4643 WAVILLE RD NE
BEMIDJI, MN 56601

RONALD J ANDERSON
SUSAN L ANDERSON
4530 WAVILLE RD NE
BEMIDJI, MN 56601

TROY GREEN
DEBRA GREEN
3807 FAIRVIEW DR
GRAND FORKS, ND 58201

DANNY RAMTHUN
4603 WAVILLE RD NE
BEMIDJI, MN 56601

ARLYNN L ANDERSON
JANICE L ANDERSON
4535 WAVILLE RD NE
BEMIDJI, MN 56601

SITE PLAN

Part of
OAKDALE PARK, Beltrami County, Minnesota.

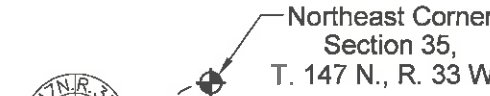
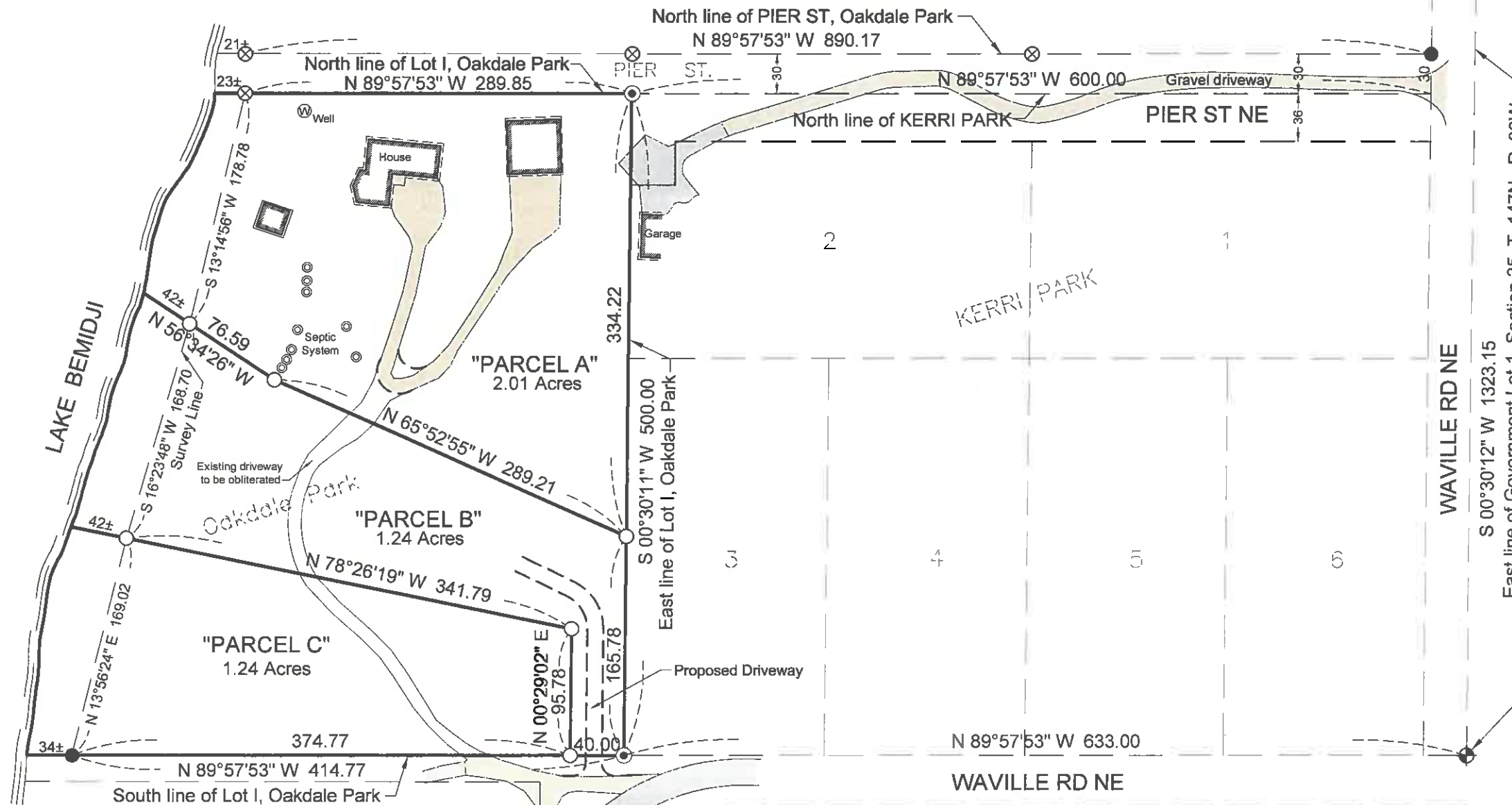
VARIANCE APPLICATION

Comprising Part of:
Lot I, Oakdale Park, Beltrami County,
Minnesota.

Prepared For:
Matthew R. Lee and Dina L. Lee
Parcel Tax ID No. 310121600
Address: 4619 Waville Rd NE

PROPOSED VARIANCE:

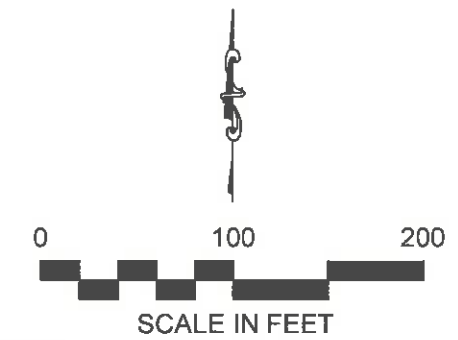
- Section 1101: Subdivisions of Land and/or Section 401: Minimum Lot Size Requirements and Bulk Requirements
The purpose of this variance request is to attain approval to create the Parcels shown on this Site Plan. Specifically, Parcel B, which includes a portion of the parcel having a lot width of 40 feet. The purpose of the 40 ft. wide access is to provide Parcel B with direct access to a public road. Parcel B exceeds the minimum lot size standards under shoreland zoning, which requires a minimum lot width of 100 feet at the OHWM and at the building setback line. Under shoreland zoning, the lot width is silent at the right of way line.
- The Greater Bemidji Area Joint Planning Board Ordinance (the "Ordinance") does not permit a lot predominantly situated behind another lot to have access to a public right of way through a portion of the lot that does not satisfy the minimum lot width standards unless approved in accordance with other provisions of the Ordinance. In the case of shoreland lots abutting water, it is not clear that Parcel B would be considered to be predominately behind Parcel C as the Front Lot Line is the right of way line and the ordinary high water line.
- Section 1101 of the Greater Bemidji Area Joint Planning Board Ordinance provides that a parcel without direct street access can be benefited by a 33 foot wide easement for access so long at the parcel it crosses has a minimum lot width of 200 feet and a minimum lot area of two acres. It is not believed that this was intended to be limited to two acre parcels but rather that it was intended that the easement are not be included in the minimum lot width and area requirements of the parcel subject to the easement. Whether accessed by easement or owning land to the road, the practical nature of the use is the same. Section 1101 provides that properties seeking lot division approvals which cannot meet access requirements may only be approved by variance.
- The proposed parcel configuration is substantially more reasonable than creating a 66 foot wide public road with cul-de-sac to accomplish the same outcome.



PROPERTY ZONING:
R-3 Suburban Residential and Shoreland Overlay
Minimum Lot Width: 100 feet (Shoreland)
Minimum Lot Width: 150 (R-3)
Minimum Lot Area: 30,000 Sq. Ft. (Shoreland)
Minimum Lot Area: 45,000 Sq. Ft. (R-3)
Structure Setback from OHWM: 100 feet

- NOTES TO SURVEY**
- Bearing system based on the Beltrami County Coordinate System, South Zone, NAD 83.
 - This survey has not been prepared with the benefit of any title work.

- LEGEND**
- Denotes iron monument, found
 - ⊗ Denotes 1/2 inch iron pipe, LS No. 12266, found
 - Denotes 1/2 inch iron pipe, LS 15483, to be set
 - ⊕ Denotes cast iron monument, found
 - ⊙ Denotes iron monument, LS No. 11866, found
 - ⊙ Denotes septic system cleanout



Southeast Corner,
Oakdale Park

MURRAY SURVEYING, INC.
P.O. BOX 1038 BEMIDJI, MN 56601
218-751-5898
MURRAY SURVEYING.COM
MMURRAY@PAULBUNYAN.NET

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Murray
ROBERT W. MURRAY LICENSE NO. 15483
DATE: 07-30-19 FILE NO. 19-160



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

NOTICE OF DECISION

Planning Case #: V-19-31.01886.00

Type of Action: Variance

Action was: **Approved** **Denied** **Other**

Per the findings found in the attached resolution

Applicant or Authorized Representative: Steven & Cheryl Kroeger

**The above entitled matter was heard before the Greater Bemidji Area Joint
Planning Board on:** September 11, 2019

Joint Planning Director

Date

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2019-26

RESOLUTION APPROVING VARIANCE FOR PARCEL 31.01886.00

WHEREAS, an application was submitted on July 31, 2019 by Steven Kroeger, requesting a variance to build a storage building on a substandard lot of record, located at 134 Lakewood Dr NW in Northern Township; and

WHEREAS, the proposed requested variance will be located on parcel 31.01886.00 legally described as Sect-21 Twp-147 Range-033 RICHARDSON'S VISTA Lot-004 Block-001 .66 AC; and

WHEREAS, the Property is zoned (B-1) Low Density Commercial, within the Shoreland Overlay; and

WHEREAS, the requested variance meets all requirements, standards and specifications of the Greater Bemidji Area Zoning and Subdivision Ordinance; and

WHEREAS, the Joint Planning Commission held a public hearing on August 22, 2019, to review the application for Variance following mailed and published notices as required by law; and

WHEREAS, the Greater Bemidji Area Joint Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Variance application request:

- 1. Has the applicant demonstrated a practical difficulty?**
Yes. This is an existing lot of record that is currently undeveloped. Without a variance, the lot could not be developed.
- 2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
Yes. This is a previously platted and developed lot of record. No building of structures can be permitted without approval of a variance.
- 3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. Since the proposed variance request is for a storage building, it would fit well within the surrounding area and would not alter the character.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of the variance to construct a new storage building at 134 Lakewood Dr. NE within the shoreland overlay in northern Township, with the following conditions:

1. An erosion control plan shall be submitted and be in place before any construction commences on the property.
2. JPB site verification form and fee shall be submitted prior to construction.
3. A land use permit shall only be issued and obtained after approved certification from the Mississippi Headwaters Board (MHB).
4. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this 11th day of September, 2019 by Micheal Kelly, Joint Planning Board Chair.

Micheal Kelly

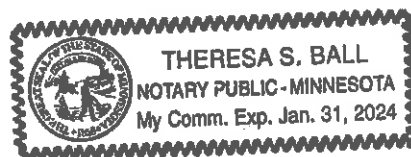
Micheal Kelly, Joint Planning Board Chair

Subscribed and sworn to before me
this 11th day of Sept., 2019.

Theresa S. Ball

Notary Public

Drafted by Greater Bemidji Area Joint Planning Board
Kroeger Variance – Resolution 2019-26
September 11, 2019



**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-19-31.01886.00	JPC MEETING DATE: August 22 nd , 2019
APPLICANT: Steven & Cheryl Kroeger 134 Lakewood Dr. NW	60-DAY RULE DATE: August 29 th , 2019
PROCEEDING: Variance for new storage structure on a substandard lot of record.	ZONING DISTRICT: (B-1) Low Density Commercial Zoning District within the Shoreland Overlay
PREPARED BY: Jamin Carlson Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

JPB MEMORANDUM

I. SUMMARY OF REQUEST

Steven & Cheryl Kroeger are requesting a variance to build a storage building on a substandard lot of record in the (B-1) Low Density Commercial Zoning District and Shoreland Overlay within Northern Township at 134 Lakewood Dr NW. Per Section 402 of the Ordinance, the minimum lot size for a nonriparian B-1 lot is two (2) acres and currently this lot is 28,590 square feet in area. This parcel is part of the 2020 annexation into the City of Bemidji.

II. PUBLIC COMMENT & DISCUSSION

Steve Kroeger stated that the neighbor’s request regarding the security light is not a problem. Marilyn Vietor questioned the location of the parcel. Representative Matt Murray identified it on the overhead map. Vietor commented that there is not much commercial on Lakewood Drive; however, staff explained that several parcels were re-zoned as commercial last year.

III. STAFF RECOMMENDATION

Staff recommends approval of the variance to construct a new storage building at 134 Lakewood Dr. NE within the shoreland overlay in northern Township. Approval recommended with the following conditions:

Conditions

1. An erosion control plan shall be submitted and be in place before any construction commences on the property.
2. JPB site verification form and fee shall be submitted prior to construction.
3. A land use permit shall only be issued and obtained after approved certification from the Mississippi Headwaters Board (MHB).
4. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than

preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

IV. JPC RECOMMENDATION & FINDINGS

The JPC recommend approval of the variance to construct a new storage building at 134 Lakewood Dr. NE within the shoreland overlay in Northern Township, with the following conditions and findings of fact:

Conditions:

1. An erosion control plan shall be submitted and be in place before any construction commences on the property.
2. JPB site verification form and fee shall be submitted prior to construction.
3. A land use permit shall only be issued and obtained after approved certification from the Mississippi Headwaters Board (MHB).
4. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact:

- 1. Has the applicant demonstrated a practical difficulty?**
Yes. This is an existing lot of record that is currently undeveloped. Without a variance, the lot could not be developed.
- 2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
Yes. This is a previously platted and developed lot of record. No building of structures can be permitted without approval of a variance.
- 3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**
Yes. This request is proposing to make use of the property in a reasonable manner while making improvements.
- 4. Can the variance be granted without altering the essential character of the surrounding area?**
Yes. Since the proposed variance request is for a storage building, it would fit well within the surrounding area and would not alter the character.

Motion carried unanimously.

Jamin Carlson

From: Pamela Kelsey <pkelsey4279@gmail.com>
Sent: Wednesday, August 21, 2019 3:55 PM
To: Jamin Carlson
Subject: regarding V-19-31.01886.00 Kroeger

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Jamin,

We appreciate the thorough information we received regarding the proposed structure for Steven and Cheryl Kroeger in Northern Township.

While we are not opposed to the structure we do have a couple of concerns. First we would not mind if a motion detector light were installed on the building however we strongly oppose a dusk to dawn security light as it would impact our home by shining on the front and west side windows. We request this to be part of the final permit so the light could not be changed out in the future.

We will try to be at the meeting but in case we do not return to town on time we want our concerns and requests to be part of the record.

Thank you, Pamela and Michael Kelsey

THE GREATER BEMIDJI AREA JOINT PLANNING BOARD

PLANNING CASE: V-19-31.01886.00	JPC MEETING DATE: August 22 nd , 2019
APPLICANT: Steven & Cheryl Kroeger 134 Lakewood Dr. NW	60-DAY RULE DATE: August 29 th , 2019
PROCEEDING: Variance for new storage structure on a substandard lot of record.	ZONING DISTRICT: (B-1) Low Density Commercial Zoning District within the Shoreland Overlay
PREPARED BY: Jamin Carlson Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

PLANNING REPORT

SUMMARY OF REQUEST

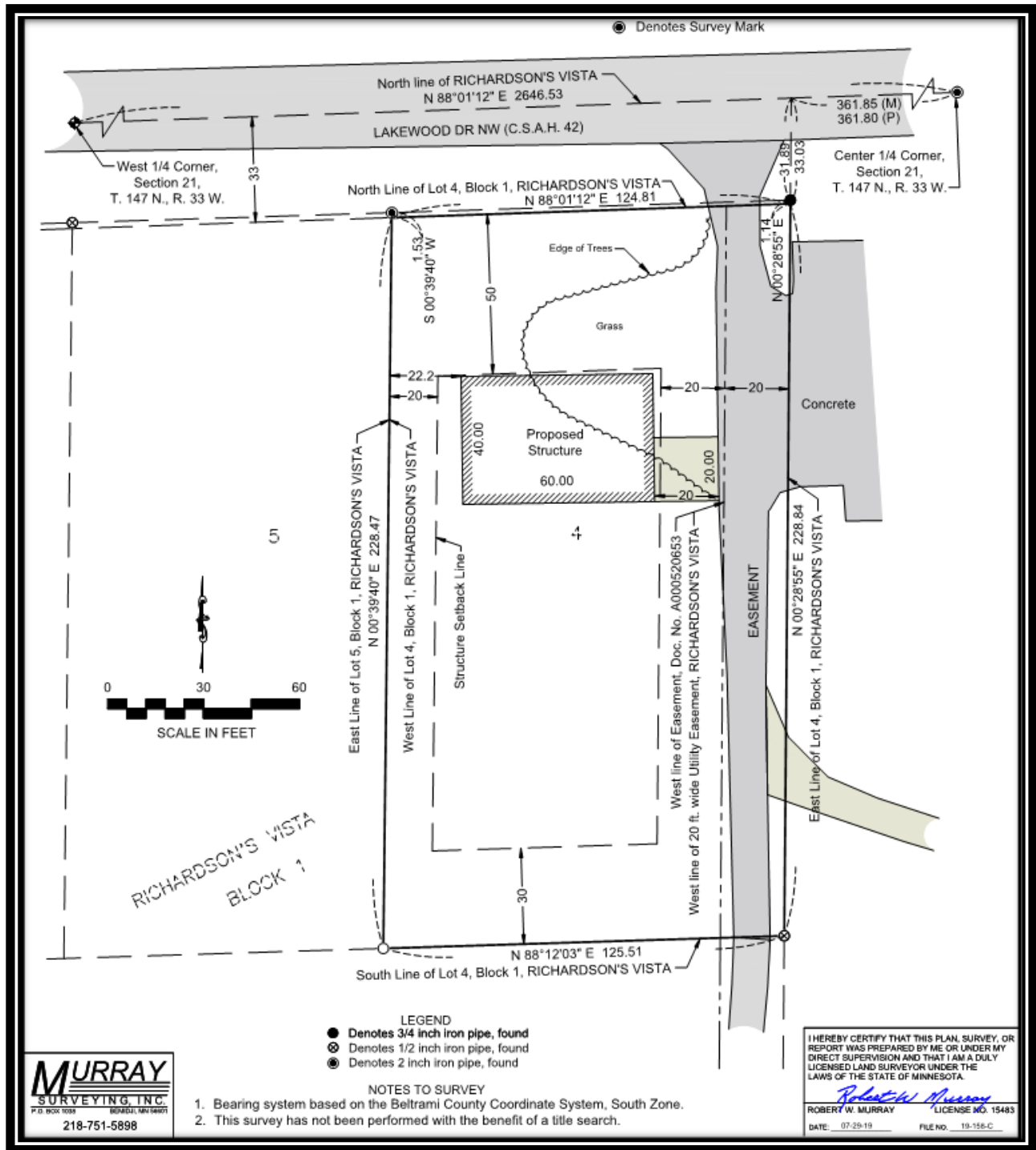
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BACKGROUND

The applicants are requesting approval to construct a 2,400 square foot storage building for personal use. The applicants met with JPB staff to discuss options for building on the lot. The lot is currently undeveloped and has a paved access coming off of Lakewood Dr. NW. This parcel was part of a rezone with six (6) other parcels in 2018 to B-1 Low Density Commercial. The new proposal meets all setbacks and impervious surface requirements. Note: as this is a storage building, there are no plans for a well or septic at this time.

I. DEVELOPMENT SUMMARY

SITE DEVELOPMENT	EXISTING/PROPOSED	REQUIRED/ALLOWED
Section 402 Lot Size	28,590 sq. ft.	2 acres
Section 402 Lot Width	125 ft.	150 ft.
Section 901 Lot Size	28,590 sq. ft.	40,000 sq. ft.
Existing Impervious Surface	3,580 sq. ft.	7,147 sq. ft.
Existing Impervious Surface %	12.5%	25.0%
Proposed Impervious Surface	6,400 sq. ft.	7,147 sq. ft.
Proposed Impervious Surface %	22.3%	25%



II. DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations

Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

This lot does not meet any of the allowances for substandard lot construction in the Ordinance, per Sections 502 & 903, and nothing can be constructed without the approval of a variance.



Existing Conditions

This is an existing non-riparian, substandard lot of record within the shoreland overlay. This is currently a vacant undeveloped lot.

Setbacks

The proposed new accessory/storage structure will comply with all setbacks per Sections 402 & 901 of the JPB Ordinance.

Neighborhood Comment

No input was given to the JPB at the time of writing this report.

Comprehensive Plan References:

Vacant

Vacant land use consists of developed lots that do not have a principal building or are developable areas that are not currently developed. Roughly 14.7% of the land in the Greater Bemidji Area is undeveloped or classified as vacant.

Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

Zoning Ordinance References

Section 402: Lot Size and Bulk Regulations

Section 502: Substandard Lots of Record
Section 901: Bulk Density and Lot Sizes

III. RECOMMENDATION & FINDINGS

Staff recommends approval of the variance to construct a new storage building at 134 Lakewood Dr. NE within the shoreland overlay in northern Township.

Approval recommended with the following findings of fact and conditions:

Conditions

1. An erosion control plan shall be submitted and be in place before any construction commences on the property.
2. JPB site verification form and fee shall be submitted prior to construction.
3. A land use permit shall only be issued and obtained after approved certification from the Mississippi Headwaters Board (MHB).
4. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently undeveloped. Without a variance, the lot could not be developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No building of structures can be permitted without approval of a variance.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. Since the proposed variance request is for a storage building, it would fit well within the surrounding area and would not alter the character.

Packet Distribution List

Northern Township: V-19-31.01886.00 – Steven & Cheryl Kroeger

	<u>Contact</u>	<u>E-MAILED</u>	<u>US Mailed</u>
<input checked="" type="checkbox"/>	Applicant / Representative	_____	_____
<input checked="" type="checkbox"/>	JPB Attorney	_____	_____
<input type="checkbox"/>	JPB Engineer: _____	_____	_____
<input type="checkbox"/>	City Building Department	_____	_____
<input type="checkbox"/>	City Attorney	_____	_____
<input type="checkbox"/>	City Engineer	_____	_____
<input type="checkbox"/>	City Community Development Director	_____	_____
<input type="checkbox"/>	City Manager	_____	_____
<input type="checkbox"/>	City GIS Department	_____	_____
<input type="checkbox"/>	City Police Department	_____	_____
<input checked="" type="checkbox"/>	City Fire Department	_____	_____
<input type="checkbox"/>	City Parks Department	_____	_____
<input checked="" type="checkbox"/>	Northern Township	_____	_____
<input type="checkbox"/>	Beltrami County ESD/SWCD	_____	_____
<input type="checkbox"/>	Beltrami County Recorder	_____	_____
<input type="checkbox"/>	Beltrami County GIS Department	_____	_____
<input type="checkbox"/>	Beltrami County Sheriff	_____	_____
<input checked="" type="checkbox"/>	Beltrami County Engineer / Highway	_____	_____
<input type="checkbox"/>	Beltrami County Natural Resources	_____	_____
<input type="checkbox"/>	MnDNR Trails	_____	_____
<input type="checkbox"/>	MnDNR Waters	_____	_____
<input type="checkbox"/>	MnDNR District	_____	_____
<input type="checkbox"/>	MnDOT	_____	_____
<input type="checkbox"/>	Airport	_____	_____
<input checked="" type="checkbox"/>	Mississippi Headwaters Board	_____	_____
<input type="checkbox"/>	Bemidji School District	_____	_____
<input type="checkbox"/>	MPCA Closed Landfill Program	_____	_____
<input type="checkbox"/>	U.S. Army Corps of Engineers	_____	_____
<input type="checkbox"/>	Other: _____.	_____	_____



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 5th, 2019

Northern Township: V-19-31.01886.00 – Steven and Cheryl Kroeger are requesting a variance to build an accessory structure/storage building on a substandard lot of record in the (B-1) Low Density Commercial Zoning District and Shoreland Overlay of Northern Township at 134 Lakewood Dr NW. Per Section 402 of the Ordinance, the minimum lot size for a nonriparian B-1 lot is two (2) acres and currently this lot is 28,590 square foot in area. This parcel is part of the 2020 annexation into the City of Bemidji.

The parcel legal description is as follows: Sect-21 Twp-147 Range-033 RICHARDSON'S VISTA Lot-004 Block-001 .66 AC

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, August 22, 2019 at 6:00 p.m.** in the Council Chambers at Bemidji City Hall.

If you have any comments, you may present them to the Commission at that time. Alternatively, you may direct your comments in writing to my attention at the JPB office at 317 4th Street NW, or by email at jamin.carlson@ci.bemidji.mn.us. If possible, your comments should be submitted by **Wednesday, August 14, 2019** so they may be incorporated into my report to the Joint Planning Commission. Attached is a copy of the application and other supporting documentation.

If you have any questions or need further information, please feel free to contact me at 218-759-3582.

Respectfully,

Jamin Carlson
Assistant Planner
Greater Bemidji Area Joint Planning Board



**Greater Bemidji Area
Joint Planning Board**

Application for Variance

Please complete this application carefully and completely. PLEASE PRINT. Failure to fill in all of the required information may result in a delay of processing your application.

A fee of \$ 500.⁰⁰ made payable to the **City of Bemidji** must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow of \$ 500.⁰⁰ made payable to the **City of Bemidji** must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow account is established as indicated above to cover technical and legal expenses incurred by the Joint Planning Board (JPB) as part of the plan review. The applicant is responsible for all costs incurred by the JPB during plan review. If the escrow amount drops below 10% of the original deposit amount the JPB may require submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon determination by the JPB that the project is complete or expired, the JPB will return the remaining escrow deposit to the applicant.

OFFICE USE ONLY	
Complete Application Rec'd	<u>7/31/19</u>
Payment Rec'd	<u>7/31/19</u>
Field Checked	<u>7-11-19</u>
Zoning District	<u>B-1 (Shoreland)</u>
Date Permitted	_____
Permit Number	<u>V-19-31.01886.00</u>
Comments	<u>2019-33</u>

APPLICANT DATA

NAME OF APPLICANT:	<u>Steven Kroeger</u>	EMAIL:	<u>skbemidji@gmail.com</u>
MAILING ADDRESS:	<u>3880 Birchmont Dr NE, Bemidji MN 56601</u>		
SITE ADDRESS:	<u>134 Lakewood Dr NW, Bemidji</u>	PARCEL:	<u>31.01886.00</u>
PHONE NUMBER: WORK	<u>218 760 2265</u>	HOME	<u>218 760 2265</u>
CONTRACTOR NAME:	<u>Northwoods</u>	PHONE:	<u>218 759 0633</u>

Does your property contain low areas, wetlands, or areas with standing water? Yes No If Yes, do you intend to drain, fill or otherwise alter this area for any reason?
 Explain _____

OFFICE USE ONLY					
Property Dimensions: Width	<u>125</u> ft	Depth	<u>230</u> ft	Total area	<u>0.66</u> sq ft (acres)
Is there one acre of contiguous land on the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Have there been any Variances/Use Permits granted on this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/> Attach copies					
Is property within 1000 feet of a public water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Is property in an airport zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Septic Data: Year Installed: _____ Last Compliance Inspection: _____					
<input type="checkbox"/> Pass Compliance <input type="checkbox"/> Fail Compliance <input type="checkbox"/> Notarized Stipulation <input checked="" type="checkbox"/> Other <u>no septic</u>					
Municipal Services: Water <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Sewer: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, is hook up possible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

EXPLANATION OF REQUEST FOR VARIANCE

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)? Display on site plan.

The lot size is less than standard.

What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.

lot should be 2 acres and I am short 1.4 acres.

Minimum lot width should be 150 and this lot is 125.

Describe the existing use of your property:

This is an empty lot.

Will the use of your property change with the variance? Yes No

Will the granting of a variance impact the character of the surrounding properties? Yes No Unknown

Explain

Are there unavoidable physical or topographical features (wetlands, buildings, roads, etc.) on your property that severely limit your construction site options? Yes No Explain

There is a road (cement) in place and I would rather not remove it as it is used by others in community.

Does the design or floor plan of your building severely limit your construction options? Yes No

Are there construction options or alternatives that may eliminate the need for a variance? Yes No

Explain

Explain the practical difficulty that exists with your request:

Without a variance we could not build a structure on this lot.

Assuming that a practical difficulty is demonstrated, and a variance justified, what measures are you willing to take to mitigate the impact of development on your property (remove other buildings, vegetative screens, etc.)?

I would keep most trees and forest area as natural as possible.

(Use additional sheets if necessary)

STRUCTURAL/CONSTRUCTION DATA (if applicable)

Proposed Structure/Use:	New Single Family Residence <input type="checkbox"/>	Building Alteration <input type="checkbox"/>
	Garage (Attached) <input type="checkbox"/>	Detached Garage <input type="checkbox"/>
	Accessory Building/Multi Family Dwelling <input type="checkbox"/>	Other (Explain) <input checked="" type="checkbox"/>
	Commercial Building <input type="checkbox"/>	
Structure Dimension(s): Width <u>40</u> ft. Length <u>60</u> ft. Height (to roof peak) <u>14</u> ft. Total S.F. <u>2400</u>		
Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____		
Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____		
Total number of bedrooms after construction: <u>0</u>		
Will there be any commercial use of this property after construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Estimated Cost of construction: \$ <u>28,000</u>		
Submit a complete sketch of your property drawn to scale with this application showing all buildings, proposed and existing, setbacks, wells, septic and accesses.		

ALL APPLICANTS MUST SIGN BELOW

I hereby certify that I am the owner or authorized agent of the owner of the above described property and that all uses will conform to the provisions of the Greater Bemidji Area Zoning and Subdivision Regulations. I further certify that I will comply with all conditions placed upon this permit should this application be approved. Intentional or unintentional falsification of this application or any attachments thereto will serve to make this application and any resultant permit invalid. I also authorize Greater Bemidji Area Joint Planning staff to inspect the property during review of this application and subsequent construction during reasonable times of the day.

Applicant: *Steve For* Applicant: *Cheryl Kraeger*
 Date: 07/29/19

OFFICE USE ONLY		
Reviewed by <u><i>Ly m</i></u>	Date <u>8/2/19</u>	Complete Application <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

COMPLETED FORMS CAN BE SUBMITTED AT CITY HALL, 317 4TH STREET NW, LOWER LEVEL



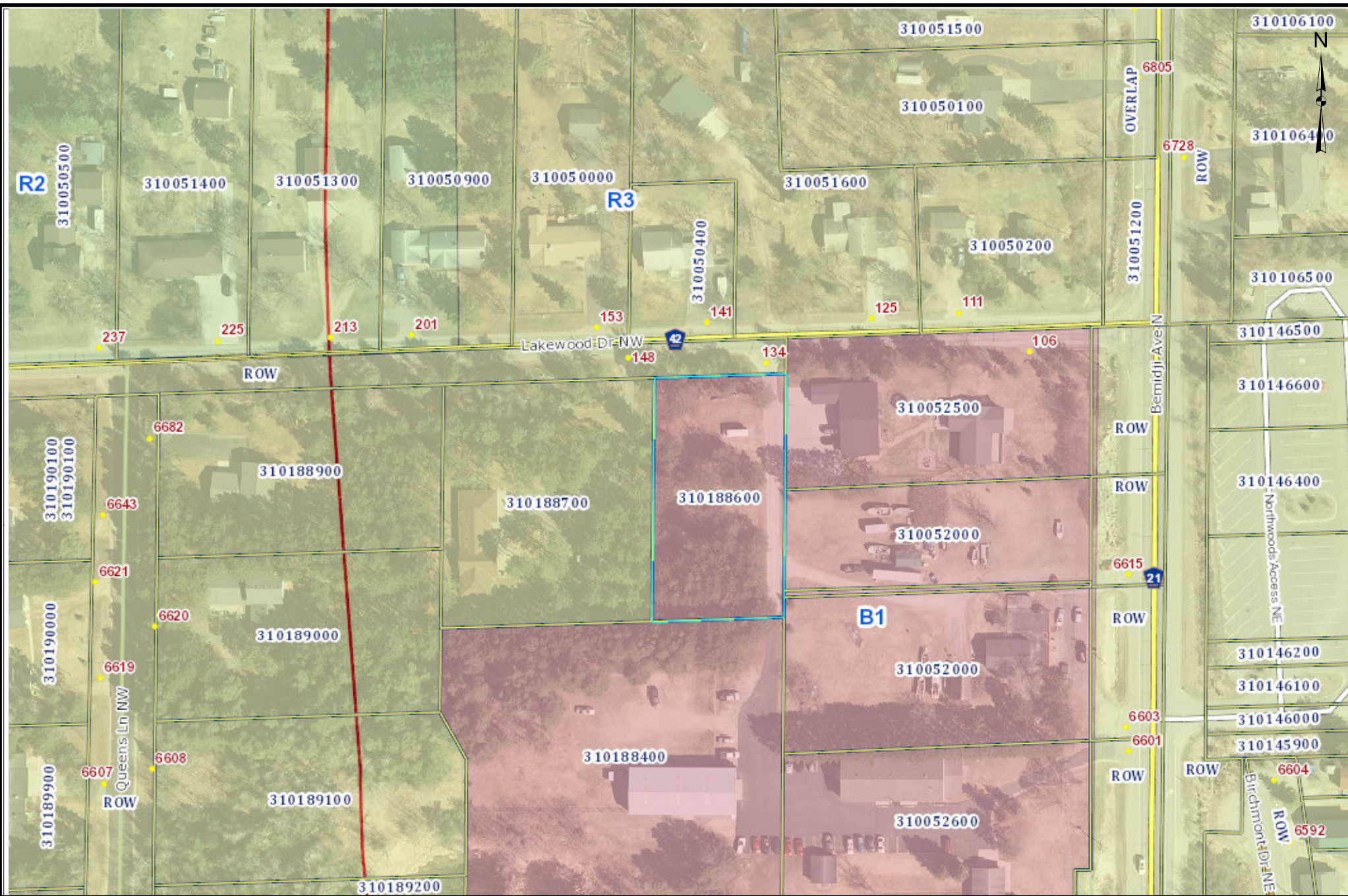
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:2,130

Date: 8/2/2019



This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



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1:2,130

Date: 8/2/2019



This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 7th, 2019

Dear Property Owner:

The Greater Bemidji Area Joint Planning Commission will conduct a public hearing to discuss the following application:

Northern Township: V-19-31.01886.00 – Steven and Cheryl Kroeger are requesting a variance to build an accessory structure/storage building on a substandard lot of record in the (B-1) Low Density Commercial Zoning District and Shoreland Overlay of Northern Township at 134 Lakewood Dr NW. Per Section 402 of the Ordinance, the minimum lot size for a nonriparian B-1 lot is two (2) acres and currently this lot is 28,590 square foot in area. This parcel is part of the 2020 annexation into the City of Bemidji.

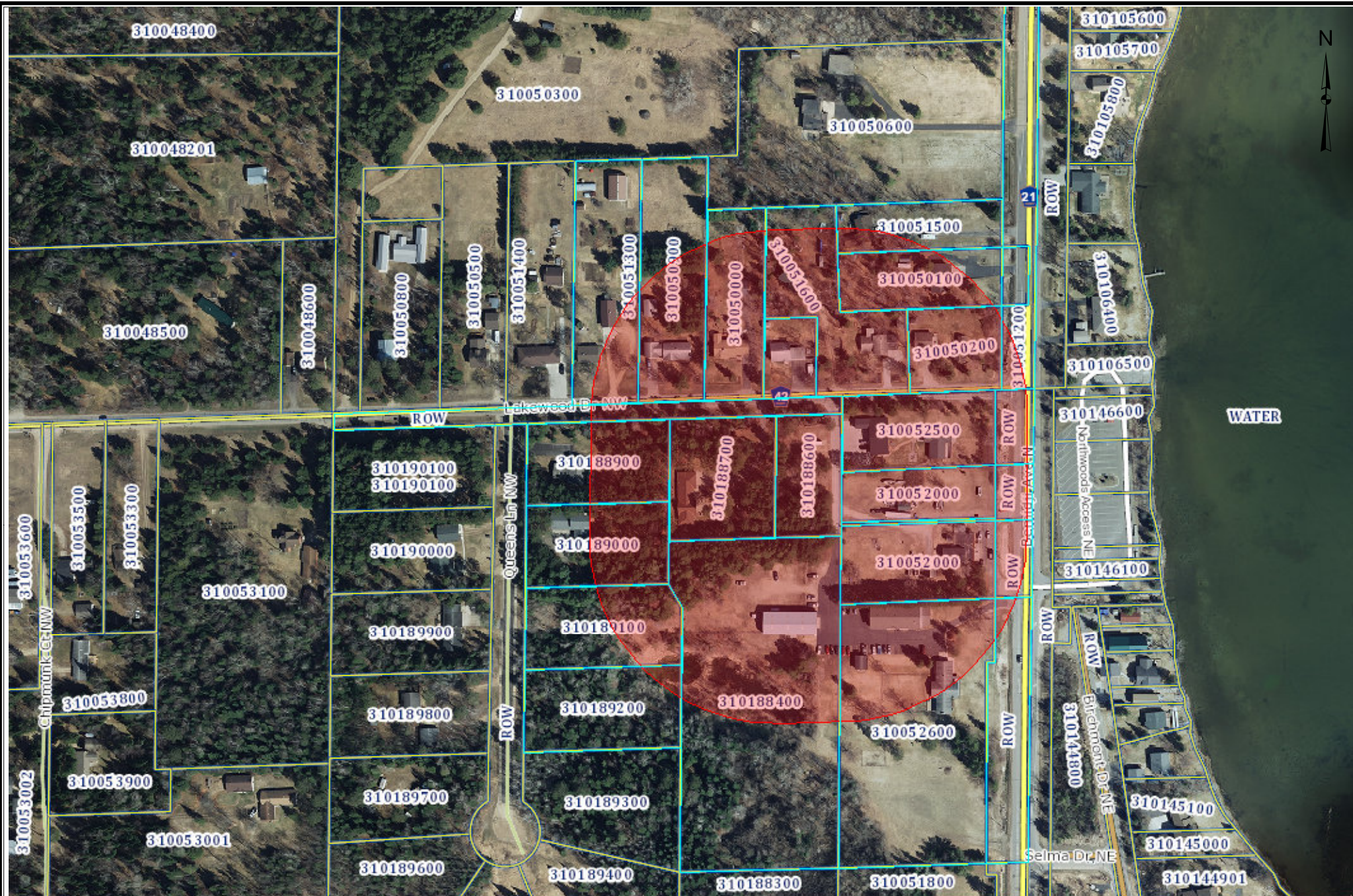
The parcel legal description is as follows: Sect-21 Twp-147 Range-033 RICHARDSON'S VISTA
Lot-004 Block-001 .66 AC

This public hearing will be held on **Thursday, August 22, 2019 at 6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4th Street NW. You are invited to attend this hearing, or express your opinions on the proposal by letter to the Greater Bemidji Joint Planning Board.

If you have any questions, please feel free to contact me at (218) 759-3582, or email comments to jamin.carlson@ci.bemidji.mn.us.

Respectfully,

Jamin Carlson
Assistant Planner
Greater Bemidji Area Joint Planning Board



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:4,261

Date: 8/2/2019



This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

JOHN G WINTERMUTE
NANCY K WINTERMUTE
153 LAKEWOOD DR NW
BEMIDJI, MN 56601

SHAWN P DUDLEY
SHAINA J DUDLEY
2200 RED OAK CT NE
BEMIDJI, MN 56601

ALVIN DEAN SMITH
JACQUELYN SMITH
6805 BEMIDJI AVE N
BEMIDJI, MN 56601

BI-COUNTY C A P INC
PO BOX 579
BEMIDJI, MN 56619-0579

NAIWON C SJULSON
207 MCKINLEY CIRCLE
VACAVILLE, CA 95687-3303

STEVEN M KROEGER TRUSTEE
KROEGER FAMILY TRUST
3880 BIRCHMONT DR NE
BEMIDJI, MN 56601

SUSAN M BRULE
141 LAKEWOOD DR NW
BEMIDJI, MN 56601

TERRY D SCHMIDT
PO BOX 942
BEMIDJI, MN 56619-0942

KENNETH D WEEKS
CAROL R WEEKS
201 LAKEWOOD DR NW
BEMIDJI, MN 56601

AARON D JOHNSON
HEATHER R JOHNSON
6682 QUEENS LANE NW
BEMIDJI, MN 56601

STATE - IN TRUST
,

DEREK L KRINGEN
6620 QUEENS LN NW
BEMIDJI, MN 56601

RONALD VIETOR
MARILYN VIETOR
213 LAKEWOOD DR NW
BEMIDJI, MN 56601

JOE SCHMITZ CONSTRUCTION INC
16940 BRUNE RD NE
BEMIDJI, MN 56601

DANIEL FAIRCHILD
CADIE FAIRCHILD
6809 BEMIDJI AVE N
BEMIDJI, MN 56601

SCOTT L PEMBERTON
TAMMY A CARTWRIGHT
6522 QUEENS LN NW
BEMIDJI, MN 56601

MICHAEL S KELSEY
PAMELA L KELSEY
125 LAKEWOOD DR NW
BEMIDJI, MN 56601

PEANUT ROOM PROPERTIES LLC
6405 BEMIDJI AVE N
BEMIDJI, MN 56601

SITE PLAN

Part of
 Lot 4, RICHARDSON'S VISTA, Beltrami County, Minnesota.

VARIANCE APPLICATION

Prepared For:
 Steven M. Kroeger and Cheryl L. Kroeger, as Trustees
 of the Kroeger Family Trust Dated July 20, 2011

Parcel Tax ID No. 310188600
 Address: 134 Lakewood Dr NW

PROPOSED VARIANCE:

1. Seeking variance to build on a substandard lot of record.

CURRENT ZONING: B1 (Shoreland Overlay)

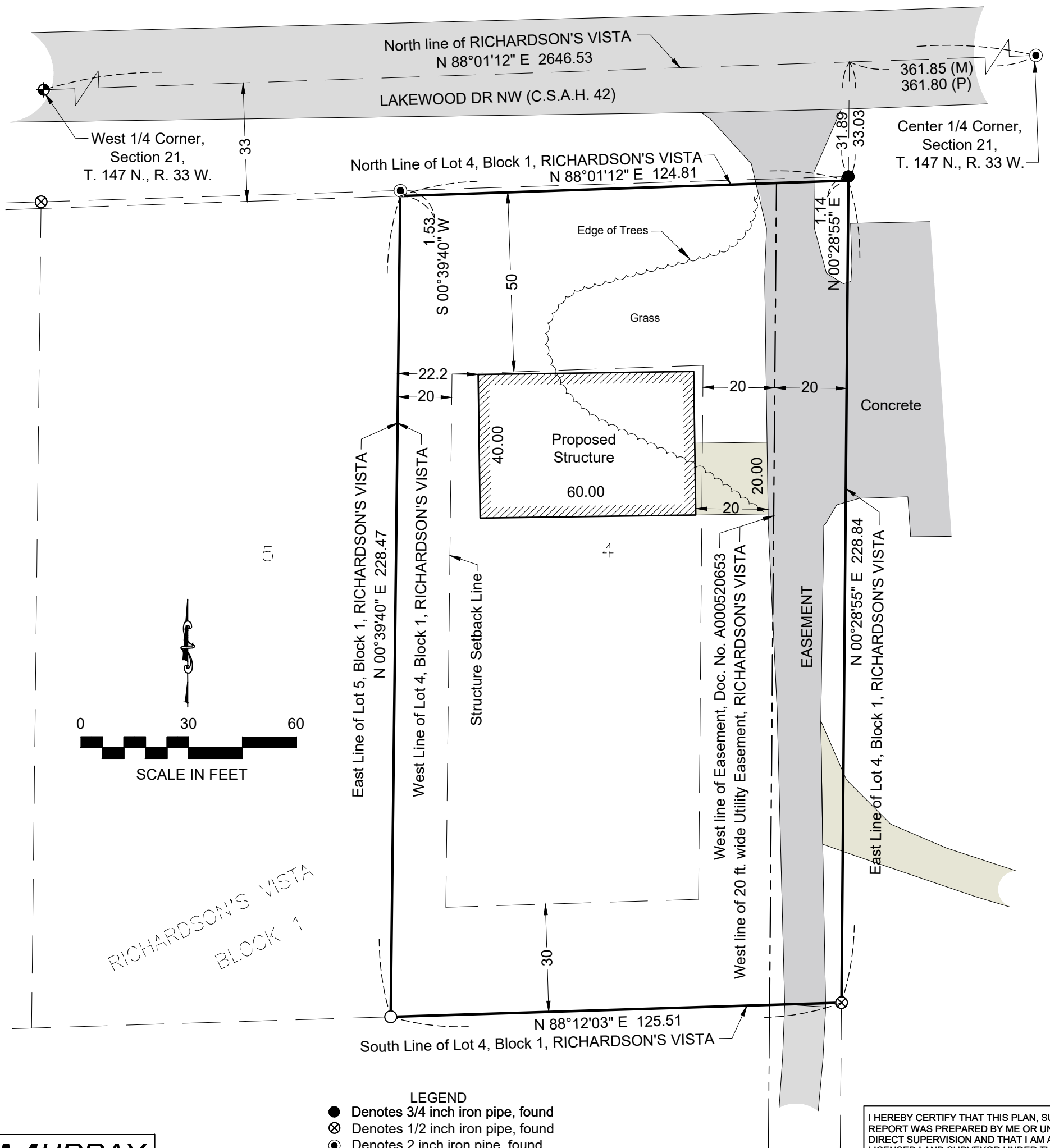
Minimum lot area: 2 acres
 Minimum lot width: 150 feet
 Minimum lot depth: 200 feet
 Setbacks, Height, Impervious:
 Front yard: 50 feet
 Side yard: 15 feet
 Rear yard: 30 feet

SITE CALCULATIONS

Total Lot Size = 28,590 ± Sq. Ft.
 Allowable Impervious Surface Coverage = 25% (per Shoreland)
 = 7,147 Sq. Ft. (.25 x 28,590 = 7,147)
 Proposed Impervious Surface = 6,400 Sq. Ft. (22.3%)
 Existing Impervious Surface 3,580 Sq. Ft.

LEGEND

- Denotes 3/4 inch iron pipe, found
- ⊙ Denotes 2 inch iron pipe, found
- Denotes 1/2 inch iron pipe, LS 15483, to be set
- ⊗ Denotes 1/2 inch iron pipe, found
- ⊕ Denotes cast iron monument, found
- ⊙ Denotes Survey Mark



- ### LEGEND
- Denotes 3/4 inch iron pipe, found
 - ⊗ Denotes 1/2 inch iron pipe, found
 - ⊙ Denotes 2 inch iron pipe, found

NOTES TO SURVEY

1. Bearing system based on the Beltrami County Coordinate System, South Zone.
2. This survey has not been performed with the benefit of a title search.

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Murray
 ROBERT W. MURRAY LICENSE NO. 15483
 DATE: 07-29-19 FILE NO. 19-158-C

MURRAY
 SURVEYING, INC.
 P.O. BOX 1038 BEMIDJI, MN 56601
 218-751-5898



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

NOTICE OF DECISION

Planning Case #: V-19-31.01266.00

Type of Action: Variance

Action was: Approved Denied Other

Per the findings found in the attached resolution

Applicant or Authorized Representative: Richard & Laura Block

**The above entitled matter was heard before the Greater Bemidji Area Joint
Planning Board on:** September 11, 2019



Joint Planning Director



Date

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2019-28

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.01266.00**

WHEREAS, an application was submitted on July 31, 2019 by Richard and Laura Block, requesting multiple variances in order to rebuild a new single-family structure and to install a new compliant septic system on their substandard lot of record located at 6315 Lavinia Rd NE in Northern Township. The following variances are as follows:

1. A reduction of 15,007 square feet in lot size per Section 901 requirement of 30,000 square feet;
2. An ordinary high water setback reduction of twenty-five (25) feet from the required one-hundred (100) feet per Section 901;
3. An additional five and six-tenths (5.6) percent or eight hundred and forty-two (842) square feet of impervious surface coverage throughout the property per Section 901;
4. A forty-six (46) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
5. A reduction in septic setbacks from the principal structure, the side yard lot line and the public right-of-way per Section 801:
 - a. A four (4) foot reduction from the required ten (10) feet for the septic tank from the principal structure;
 - b. A ten (10) foot reduction from the required twenty (20) feet for the mound system from the principal structure;
 - c. A six (6) foot reduction from the required ten (10) feet for the mound system from the east lot line/public right-of-way; and
 - d. A nine (9) foot reduction from the required ten (10) feet for the mound system from the south side yard lot line; and

WHEREAS, the proposed requested variance will be located on parcel 31.01266.00 legally described as Sect-25 Twp-147 Range-033 PINE BEACH PARK Lot-003 Block-002 .34 AC & LOT; and

WHEREAS, the Property is zoned (R-3) Suburban Residential Unsewered, within the Shoreland Overlay; and

WHEREAS, the requested variance meets all requirements, standards and specifications of the Greater Bemidji Area Zoning and Subdivision Ordinance; and

WHEREAS, the Joint Planning Commission held a public hearing on August 22, 2019, to review the application for Variance following mailed and published notices as required by law; and

WHEREAS, the Greater Bemidji Area Joint Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Variance application request:

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance, this includes the existing structure and the septic system.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements on existing nonconformities and improving environmental quality. This proposal will reduce impervious surface and replace the failing septic system along with setting it back away from the OHWL of Lake Bemidji.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of five (5) variances in order to construct a new single family structure along with a new compliant septic system, with the following conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
4. JPB site verification form and fee shall be submitted prior to construction.
5. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).

6. A septic permit shall be obtained prior to installing new system. The existing septic system shall be removed and a SSTS abandonment reporting form shall be completed.
7. Applicant shall obtain approval from Northern Township for driveway widening off of Lavinia Rd. NE.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

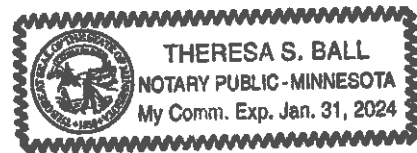
County of Beltrami

This instrument was acknowledged before me on this 11th day of September, 2019 by Micheal Kelly, Joint Planning Board Chair.

Micheal Kelly
Micheal Kelly, Joint Planning Board Chair

Subscribed and sworn to before me
this 11th day of Sept., 2019.

Theresa S. Ball
Notary Public



**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-19-31.01266.00	JPC MEETING DATE: August 22 nd , 2019
APPLICANT: Richard & Laura Block 6315 Lavinia Rd NE	60-DAY RULE DATE: September 29 th , 2019
PROCEEDING: Variances for OHWL setback for principal structure, multiple setbacks reductions for the SSTS system, and to build on a substandard lot of record.	ZONING DISTRICT: (R-3) Suburban Residential and Shoreland Overlay
PREPARED BY: Jamin Carlson Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

JPB MEMORANDUM

I. SUMMARY OF REQUEST

Richard and Laura Block are requesting multiple variances in order to rebuild a new single-family structure and to install a new compliant septic system on their substandard lot of record located at 6315 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 15,007 square feet in lot size per Section 901 requirement of 30,000 square feet;
2. An ordinary high water setback reduction of twenty-five (25) feet from the required one-hundred (100) feet per Section 901;
3. An additional five and six-tenths (5.6) percent or eight hundred and forty-two (842) square feet of impervious surface coverage throughout the property per Section 901;
4. A forty-six (46) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
5. A reduction in septic setbacks from the principal structure, the side yard lot line and the public right-of-way per Section 801:
 - a. A four (4) foot reduction from the required ten (10) feet for the septic tank from the principal structure;
 - b. A ten (10) foot reduction from the required twenty (20) feet for the mound system from the principal structure;
 - c. A six (6) foot reduction from the required ten (10) feet for the mound system from the east lot line/public right-of-way; and
 - d. A nine (9) foot reduction from the required ten (10) feet for the mound system from the south side yard lot line.

II. PUBLIC COMMENT & DISCUSSION

Laura Block asks for the variances and will attempt to reduce the amount of impervious surface. Matt Murray stated that several improvements will be made with this proposal including a compliant septic system. He asked the MHB if they preferred a structure or septic closer to the lake, and they agreed the structure would be better. Murray also stated that this design by Dave Larson results in the least use of land of any possible configuration. Les Klevay is a neighbor to the south and asked that the five (5) structures on the north part of applicant's parcel be removed, and stated that the letter received does not agree with the plan presented, and looks too close to his land. Murray clarified the request for a nine (9) foot reduction for the mound system by describing the site plan in detail. Commissioner Lemmer questioned parking which Murray stated room for four (4) vehicles, but staff clarified ordinance standards which would result in only three (3) parking spaces. Commissioner Smith asked if paver stones currently stored on neighbor's lot will be removed. Murray stated that they will be.

Les Klevay and Matt Murray discussed specifics of the variance requests. Murray clarified that the road ROW is a four (4) foot setback from Lavinia Road. Staff clarified the toe of the mound to be one (1) foot from the setback, and Klevay stated that he objects to that. Martha Klevay asked if the paver stones will be removed. Les Klevay commented that the items placed over his property line devalues his property and asked if the five (5) structures – specifically two (2) pieces of fence, a drain pipe, paver stones, and an irrigation pipe down by the water – will be removed. Murray assured the Klevay's that all items belonging to the applicants will be removed from the Klevay's parcel.

III. STAFF RECOMMENDATION

Approval recommended with the following conditions:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
4. JPB site verification form and fee shall be submitted prior to construction.
5. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
6. A septic permit shall be obtained prior to installing new system. The existing septic system shall be removed and a SSTS abandonment reporting form shall be completed.
7. Applicant shall obtain approval from Northern Township for driveway widening off of Lavinia Rd. NE.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

IV. JPC RECOMMENDATION & FINDINGS

JPC recommended approval of five (5) variances in order to construct a new single family structure along with a new compliant septic system, with the following conditions and findings of fact:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
4. JPB site verification form and fee shall be submitted prior to construction.
5. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
6. A septic permit shall be obtained prior to installing new system. The existing septic system shall be removed and a SSTS abandonment reporting form shall be completed.
7. Applicant shall obtain approval from Northern Township for driveway widening off of Lavinia Rd. NE.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact:

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance, this includes the existing structure and the septic system.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements on existing nonconformities and improving environmental quality. This proposal will reduce impervious surface and replace the failing septic system along with setting it back away from the OHWL of Lake Bemidji.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

Roll call vote:

Ayes: Smith, Lemmer, Lahn, David, Steffen, Faver, Berg

Nays: Heinonen

Absent: Miller

Abstain: None

Motion carried.

THE GREATER BEMIDJI AREA JOINT PLANNING BOARD

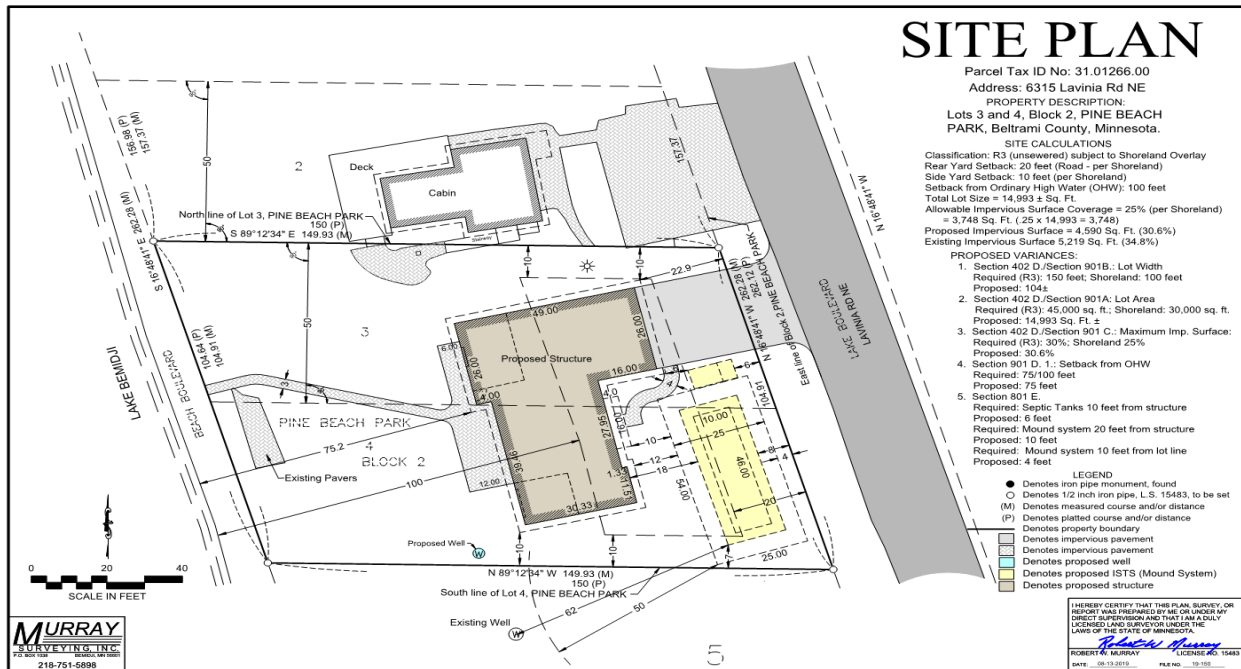
PLANNING CASE: V-19-31.01266.00	JPC MEETING DATE: August 22 nd , 2019
APPLICANT: Richard & Laura Block 6315 Lavinia Rd NE	60-DAY RULE DATE: September 29 th , 2019
PROCEEDING: Variances for OHWL setback for principal structure, multiple setbacks reductions for the SSTS system, and to build on a substandard lot of record.	ZONING DISTRICT: (R-3) Suburban Residential and Shoreland Overlay
PREPARED BY: Jamin Carlson Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

PLANNING REPORT

I. SUMMARY OF REQUEST

Richard and Laura Block are requesting multiple variances in order to rebuild a new single-family structure and to install a new compliant septic system on their substandard lot of record located at 6315 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 15,007 square feet in lot size per Section 901 requirement of 30,000 square feet;
2. An ordinary high water setback reduction of twenty-five (25) feet from the required one-hundred (100) feet per Section 901;
3. An additional five and six-tenths (5.6) percent or eight hundred and forty-two (842) square feet of impervious surface coverage throughout the property per Section 901;
4. A forty-six (46) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
5. A reduction in septic setbacks from the principal structure, the side yard lot line and the public right-of-way per Section 801:
 - a. A four (4) foot reduction from the required ten (10) feet for the septic tank from the principal structure;
 - b. A ten (10) foot reduction from the required twenty (20) feet for the mound system from the principal structure;
 - c. A six (6) foot reduction from the required ten (10) feet for the mound system from the east lot line/public right-of-way; and
 - d. A nine (9) foot reduction from the required ten (10) feet for the mound system from the south side yard lot line.



II. BACKGROUND

The applicant’s representative met with staff for a proposal to redevelop his client’s lake lot on Lake Bemidji. The legal non-conforming lot is currently developed with a nonconforming structure that has a failing septic system. The existing cabin sits approximately ninety-one (91) feet from the ordinary high water level (OHWL). As shown on the site plan, the septic system will be moved to the southeast corner of the lot and the proposed house will be moved closer to the OHWL to make room for the septic. It is also worth noting that the overall impervious will be reduced by four and two-tenths percent (4.2%) or six-hundred and thirty (630) square feet. The applicants plan to build a new home on the property as well as install a new septic system.

III. DEVELOPMENT SUMMARY

SITE DEVELOPMENT	PROPOSED	REQUIRED/ALLOWED
Section 402 Lot Size	14,993 sq. ft.	45,000 sq. ft.
Section 402 Lot Width	104 ft.	150 ft.
Section 901 Lot Size	14,993 sq. ft.	30,000 sq. ft.
Section 901 Lot Width	104 ft.	100 ft.
Proposed Impervious Surface	30.6%	25%
Existing Impervious Surface	34.8%	25%
Front Yard/OHWL Setback	75 ft.	100 ft.
SSTS Tank Setback from Principal	6 ft.	10 ft.
Mound Setback from Principal	10 ft.	20 ft.
Mound Setback from East Lot Line	4 ft.	10 ft.
Mound Setback from South Lot Line	1 ft.	10 ft.

IV. DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations

Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

This lot does not meet any of the allowances for substandard lot construction in the ordinance Section 502 or Section 903, and nothing can be constructed or expanded without a variance.

Existing Conditions

This is an existing substandard lot of record consisting of a house, patios, and walkways along with a brick driveway. The current single-family house is 2,447 square feet.



Proposed Improvements

The proposal would correct some side yard encroachment issues and the failing septic. The new proposed home will be pushed back from the south side yard lot line and the new proposed septic system will be setback approximately one hundred and twenty-five (125) feet from the OHWL. This proposal would be a benefit to Lake Bemidji and surrounding properties.

An alternative option would be to rebuild a new structure in the same footprint of the existing house; however, then the septic system would be installed in closer proximity to Lake Bemidji and would most likely require a variance as the septic would be placed within the seventy-five (75) foot setback from the OHWL.

Septic System

The existing system will need to be removed and a SSTS abandonment reporting form will need to be completed. A SSTS permit will need to be obtained prior to installation and shall comply with Section 801 of the JPB Zoning & Subdivision Ordinance.

Stormwater Mitigation

Staff would recommend that the applicant install a gutter system on the new structure to direct stormwater towards a mitigation system such as raingardens or even a pervious pavement system in lieu of concrete or bituminous surface. This will prevent runoff from entering Lake Bemidji. A

stormwater mitigation plan shall be submitted to JPB staff for review and approval prior to land use permit being issued.

Landscaping Requirements

A landscaping plan would need to be submitted if any trees, shrubs, or vegetation are to be removed within the shoreland protection zone. Erosion control would have to be in place before any construction or demolition begins and remain intact until suitable vegetation is established and in place.

Neighborhood Comment

A phone call was received from a neighbor across the road that had concerns about septic system distance from their well. Also, the same individual wanted to know if any of the materials from the house will be reused or given to Habitat for Humanity and if proper steps would be taken for any toxic air born materials getting out into the air or lake during demolition. He stated that he would like to see a fence around the mound system. The same neighbor had sent a letter in objection to the variance proposal as well.

A phone call was received from the neighbor to the south about the proposed septic system distance from their well.



Comprehensive Plan References:

The newly adopted Greater Bemidji Area Comprehensive Plan has identified a few objectives and strategies that supports the variance request and is in keeping with the spirit, purpose and intent of the Plan.

Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

Natural Resources Objective 11.2 Preserve and Enhance Water Quality

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

Strategy #2: Use shoreland restoration incentives and demonstrate success on public and private property to increase natural shoreland. Encourage shoreland restoration projects through incentives or flexibility could potentially reduce shoreland variances. Displaying the benefits of shoreland restoration can increase awareness and understanding of the process that could result in a positive impact on shoreland.

Zoning Ordinance References

Section 402: Lot Size and Bulk Regulations

Section 502: Substandard Lots of Record

Section 801: Sewage Treatment Standards

Section 803: Noncompliant Sewage Treatment Systems

Section 805: Sewage Treatment Permit Requirements

Section 901: Bulk Density and Lot Sizes

Section 903: Nonconforming Structures Substandard in Shoreland Overlay

Section 1206: Variances, Appeals and Adjustments

V. RECOMMENDATION & FINDINGS

Staff recommends approval of five (5) variances in order to construct a new single family structure along with a new compliant septic system at 6315 Lavinia Rd NE. The variances are as follows:

1. A reduction of 15,007 square feet in lot size per Section 901 requirement of 30,000 square feet;
2. An ordinary high water setback reduction of twenty-five (25) feet from the required one-hundred (100) feet per Section 901;
3. An additional five and six-tenths (5.6) percent or eight hundred and forty-two (842) square feet of impervious surface coverage throughout the property per Section 901;
4. A forty-six (46) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;

5. A reduction in septic setbacks from the principal structure, the side yard lot line and the public right-of-way per Section 801:
 - a. A four (4) foot reduction from the required ten (10) feet for the septic tank from the principal structure;
 - b. A ten (10) foot reduction from the required twenty (20) feet for the mound system from the principal structure;
 - c. A six (6) foot reduction from the required ten (10) feet for the mound system from the east lot line/public right-of-way; and
 - d. A nine (9) foot reduction from the required ten (10) feet for the mound system from the south side yard lot line.

Approval recommended with the following findings of fact and conditions:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
4. JPB site verification form and fee shall be submitted prior to construction.
5. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
6. A septic permit shall be obtained prior to installing new system. The existing septic system shall be removed and a SSTS abandonment reporting form shall be completed.
7. Applicant shall obtain approval from Northern Township for driveway widening off of Lavinia Rd. NE.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance, this includes the existing structure and the septic system.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements on existing nonconformities and improving environmental quality. This proposal will reduce impervious surface and replace the failing septic system along with setting it back away from the OHWL of Lake Bemidji.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

Packet Distribution List

Northern Township: V-19-31.01266.00 – Richard and Laura Block

	<u>Contact</u>	<u>E-MAILED</u>	<u>US Mailed</u>
<input checked="" type="checkbox"/>	Applicant / Representative	_____	_____
<input checked="" type="checkbox"/>	JPB Attorney	_____	_____
<input type="checkbox"/>	JPB Engineer: _____	_____	_____
<input type="checkbox"/>	City Building Department	_____	_____
<input type="checkbox"/>	City Attorney	_____	_____
<input type="checkbox"/>	City Engineer	_____	_____
<input type="checkbox"/>	City Manager	_____	_____
<input type="checkbox"/>	City Community Development	_____	_____
<input type="checkbox"/>	City GIS Department	_____	_____
<input type="checkbox"/>	City Police Department	_____	_____
<input checked="" type="checkbox"/>	City Fire Department	_____	_____
<input type="checkbox"/>	City Parks Department	_____	_____
<input checked="" type="checkbox"/>	Northern Township	_____	_____
<input type="checkbox"/>	Beltrami County ESD/SWCD	_____	_____
<input type="checkbox"/>	Beltrami County Recorder	_____	_____
<input type="checkbox"/>	Beltrami County GIS Department	_____	_____
<input type="checkbox"/>	Beltrami County Sheriff	_____	_____
<input type="checkbox"/>	Beltrami County Engineer / Highway	_____	_____
<input type="checkbox"/>	Beltrami County Natural Resources	_____	_____
<input type="checkbox"/>	MnDNR Trails	_____	_____
<input checked="" type="checkbox"/>	MnDNR Waters	_____	_____
<input type="checkbox"/>	MnDNR District	_____	_____
<input type="checkbox"/>	MnDOT	_____	_____
<input type="checkbox"/>	Airport	_____	_____
<input checked="" type="checkbox"/>	Mississippi Headwaters Board	_____	_____
<input type="checkbox"/>	Bemidji School District	_____	_____
<input type="checkbox"/>	MPCA Closed Landfill Program	_____	_____
<input type="checkbox"/>	U.S. Army Corps of Engineers	_____	_____
<input type="checkbox"/>	Other: _____.	_____	_____



Greater Bemidji Area Joint Planning Board
City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 5th, 2019

Northern Township: V-19-31.01266.00 – Richard and Laura Block are requesting multiple variances in order to rebuild a new single-family structure and to install a new compliant septic system on their substandard lot of record located at 6315 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 15,007 square feet in lot size per the Section 901 requirement of 30,000 square feet;
2. An ordinary high water setback reduction of twenty-five (25) feet of the required one-hundred (100) feet per Section 901;
3. An additional five and six-tenths (5.6) percent or eight hundred and forty-two (842) square feet of impervious surface coverage throughout the property per Section 901;
4. A forty-six (46) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
5. A reduction in septic setbacks from the principal structure, the side yard lot line and the public right-of-way per Section 801:
 - a. A four (4) foot reduction from the required ten (10) feet for the septic tank from the principal structure;
 - b. A ten (10) foot reduction from the required twenty (20) feet for the mound system from the principal structure;
 - c. A six (6) foot reduction from the required ten (10) feet for the mound system from the east lot line/public right-of-way; and
 - d. A nine (9) foot reduction from the required ten (10) feet for the mound system from the south side yard lot line.

The parcel legal description is as follows: Sect-25 Twp-147 Range-033 PINE BEACH PARK Lot-003 Block-002 .34 AC & LOT 4

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, August 22, 2019 at 6:00 p.m.** in the Council Chambers at Bemidji City Hall.

If you have any comments, you may present them to the Commission at that time. Alternatively, you may direct your comments in writing to my attention at the JPB office at 317 4th Street NW, or by email at jamin.carlson@ci.bemidji.mn.us. If possible, your comments should be submitted by **Wednesday, August 14, 2019** so they may be incorporated into my report to the Joint Planning Commission. Attached is a copy of the application and other supporting documentation.

If you have any questions or need further information, please feel free to contact me at 218-759-3582.

Respectfully,

Jamin Carlson
Assistant Planner
Greater Bemidji Area Joint Planning Board



**Greater Bemidji Area
Joint Planning Board**

Application for Variance

Please complete this application carefully and completely. PLEASE PRINT. Failure to fill in all of the required information may result in a delay of processing your application.

A fee of \$ 500 made payable to the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow of \$ 500 made payable to the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow account is established as indicated above to cover technical and legal expenses incurred by the Joint Planning Board (JPB) as part of the plan review. The applicant is responsible for all costs incurred by the JPB during plan review. If the escrow amount drops below 10% of the original deposit amount the JPB may require submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon determination by the JPB that the project is complete or expired, the JPB will return the remaining escrow deposit to the applicant.

OFFICE USE ONLY	
Complete Application Rec'd	<u>7/31/19</u>
Payment Rec'd	<u>7/31/19</u>
Field Checked	_____
Zoning District	_____
Date Permitted	_____
Permit Number	<u>2019-32</u>
Comments	_____

APPLICANT DATA

NAME OF APPLICANT: Richard and Laura Block EMAIL: lblock78@gmail.com
 MAILING ADDRESS: 3241 Longbow Ct, Grand Forks, ND 58203
 SITE ADDRESS: 6315 Lavinia Rd NE PARCEL: 310126600
 PHONE NUMBER: WORK 701-740-9940 HOME _____
 CONTRACTOR NAME: Munny Surveying, Inc PHONE: 218-751-5898

Does your property contain low areas, wetlands, or areas with standing water? Yes No If Yes, do you intend to drain, fill or otherwise alter this area for any reason?
 Explain _____

OFFICE USE ONLY		
Property Dimensions: Width <u>104 +/-</u> ft	Depth <u>149 +/-</u> ft	Total area <u>14,993</u> sq ft/acres
Is there one acre of contiguous land on the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Have there been any Variances/Use Permits granted on this property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/> Attach copies		
Is property within 1000 feet of a public water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Is property in an airport zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Septic Data: Year Installed: _____ Last Compliance Inspection: _____		
<input type="checkbox"/> Pass Compliance <input type="checkbox"/> Fail Compliance <input type="checkbox"/> Notarized Stipulation <input type="checkbox"/> Other _____ <u>A new septic system and well will need to be installed.</u>		
Municipal Services: Water <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Sewer: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, is hook up possible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

EXPLANATION OF REQUEST FOR VARIANCE

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)? Display on site plan.

Lot Width, Lot area, Maximum impervious surface coverage, setback from septic tank and mound system to structure and lot line. Setback from oHW.

What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.

A) 75 foot setback from oHWM; B) 30.6% impervious surface coverage; C) 6 foot setback from septic tank to lot line and structure; D) 4 foot setback from mound system to lot line; E) 10 foot setback from mound system to structure.

Describe the existing use of your property:

Single family home

Will the use of your property change with the variance? Yes No

Will the granting of a variance impact the character of the surrounding properties? Yes No Unknown

Explain The new structure will be similar to existing and is not expected to negatively impact the character of the surrounding properties

Are there unavoidable physical or topographical features (wetlands, buildings, roads, etc.) on your property that severely limit your construction site options? Yes No Explain

The location of Lake Bemidji and Louisa Rd NE limit the amount of buildable area and space for septic system.

Does the design or floor plan of your building severely limit your construction options? Yes No

Are there construction options or alternatives that may eliminate the need for a variance? Yes No

Explain The current septic system is failing. It would need to be constructed in the front yard, requiring the need for a variance for setback from Lake Bemidji. Given the likelihood of mold in the existing structure, the goal is to redevelop the property with the least amount of impact.

Explain the practical difficulty that exists with your request: The parcel does not have sufficient depth to permit a structure and septic system to be installed that will meet all setback requirements.

Assuming that a practical difficulty is demonstrated, and a variance justified, what measures are you willing to take to mitigate the impact of development on your property (remove other buildings, vegetative screens, etc.)?

The overall site impervious surface is proposed to be reduced from 34.8% to 30.6%

(Use additional sheets if necessary)

STRUCTURAL/CONSTRUCTION DATA (if applicable)

Proposed Structure/Use:	New Single Family Residence <input checked="" type="checkbox"/>	Building Alteration	_____
	Garage (Attached) _____	Detached Garage	_____
	Accessory Building/Multi Family Dwelling _____	Other (Explain)	_____
	Commercial Building _____		

Structure Dimension(s): Width 31-49 ft. Length 65.5 ft. Height (to roof peak) 28 ft. Total S.F. 2434 including garage

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Total number of bedrooms after construction: 3

Will there be any commercial use of this property after construction? Yes No

Estimated Cost of construction: \$ TBD.

Submit a complete sketch of your property drawn to scale with this application showing all buildings, proposed and existing, setbacks, wells, septic and accesses.

ALL APPLICANTS MUST SIGN BELOW

I hereby certify that I am the owner or authorized agent of the owner of the above described property and that all uses will conform to the provisions of the Greater Bemidji Area Zoning and Subdivision Regulations. I further certify that I will comply with all conditions placed upon this permit should this application be approved. Intentional or unintentional falsification of this application or any attachments thereto will serve to make this application and any resultant permit invalid. I also authorize Greater Bemidji Area Joint Planning staff to inspect the property during review of this application and subsequent construction during reasonable times of the day.

Applicant: [Signature] Applicant [Signature]

Date: _____

OFFICE USE ONLY	
Reviewed by <u>[Signature]</u>	Date <u>8/2/19</u> Complete Application <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

COMPLETED FORMS CAN BE SUBMITTED AT CITY HALL, 317 4TH STREET NW, LOWER LEVEL

**PLANNING AND ZONING OFFICE
BELTRAMI COUNTY, MINNESOTA**

Tel. 751-4412

PERMIT FOR VARIANCE

Pursuant to application, Donald Peta
(NAME)
of Route #1, Cass Lake, MN 56633
(ADDRESS)

is hereby granted a Variance Permit as authorized by Sec. 7.3 of Beltrami County Ordinance No. 6 for the following purposes:

To allow him to construct an attached garage thirty-three feet (33')
from the right-of-way line of County Road #19.

upon the premises in Beltrami County, Minnesota, described as follows:

Lot 3, Block 2, Pine Beach Park, Section 25, Township 147N, Range 33W.

This permit is granted subject to any and all special conditions herein stated and also subject to any and all applicable regulations, standards and criteria set forth in Beltrami County Ordinance No. 6.

Dated: November 9, 1976


Chairman, Beltrami County
Board of Adjustment

31.0 1266-0

BELTRAMI COUNTY BOARD OF ADJUSTMENT
Beltrami County, Minnesota

Whereas on the 10th day of October, 1975, the Beltrami County Board of Adjustment reviewed the application of Donald D. Peta for a VARIANCE PERMIT.

Therefore upon motion by Mr. Claude Wilber . Seconded by Mr. Walt Jergens , and duly passed, it was resolved

To approve the variance for Donald D. Peta permitting him to place a mobile sauna on his property with the stipulation that the sauna be removed during the fall and winter.

LEGAL DESCRIPTION: Pine Beach Park, 3 & 4 Block 2.

STATE OF MINNESOTA) I, William J. Patnaude, Zoning Administrator of
County of Beltrami)ss Beltrami County, Minnesota, do hereby certify
that the foregoing is a true and correct copy
of a resolution allowing a variance adopted by the Beltrami County Board
of Adjustment at their meeting held October 10, 19 75.
Notice of said meeting was published _____ 19 ____, and served
by mail on _____ 19 ____.

Zoning Administrator
Beltrami County, Minnesota

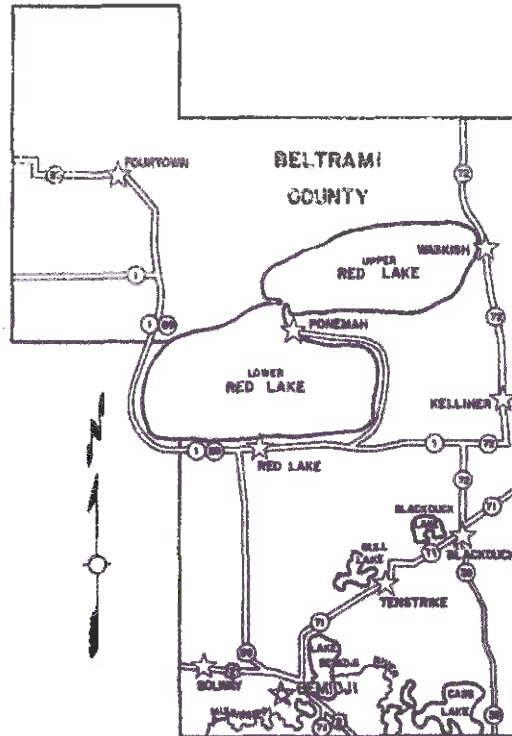
WILLIAM J. PATNAUDE

- ZONING ADMINISTRATOR
- COUNTY PLANNER
- ASST. SOLID WASTE OFFICER
- PARKS SUPERINTENDENT

PLANNING AND ZONING DEPARTMENT

P. O. BOX 248
BEMIDJI, MINNESOTA 56601

TELEPHONE 218-751-4412



August 22, 1975

Donald David Peta
Route #5
Bemidji, Minnesota 56601

Dear Mr. Peta:

I would like for you to submit a sketch showing the location on the lot where this is going to be placed.

Thank you for your cooperation in this matter.

Sincerely yours,

William J. Patnaude
 William J. Patnaude
 Beltrami County Zoning Administrator

WJP:de
Enc.



Dear Bill,
enclosed on the sketch paper
is the location of the Scurax we are trying
to move this this fall to our home on Cass Lake.

Sincerely yours,
Don Peta



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:944

Date: 8/2/2019



This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



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1:944

Date: 8/2/2019



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Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 7th, 2019

Dear Property Owner:

The Greater Bemidji Area Joint Planning Commission will conduct a public hearing to discuss the following application:

Northern Township: V-19-31.01266.00 – Richard and Laura Block are requesting multiple variances in order to rebuild a new single-family structure and to install a new compliant septic system on their substandard lot of record located at 6315 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 15,007 square feet in lot size per Section 901 requirement of 30,000 square feet;
2. An ordinary high water setback reduction of twenty-five (25) feet of the required one-hundred (100) feet per Section 901;
3. An additional five and six-tenths (5.6) percent or eight hundred and forty-two (842) square feet of impervious surface coverage throughout the property per Section 901;
4. A forty-six (46) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
5. A reduction in septic setbacks from the principal structure, the side yard lot line and the public right-of-way per Section 801:
 - a. A four (4) foot reduction from the required ten (10) feet for the septic tank from the principal structure;
 - b. A ten (10) foot reduction from the required twenty (20) feet for the mound system from the principal structure;
 - c. A six (6) foot reduction from the required ten (10) feet for the mound system from the east lot line/public right-of-way; and
 - d. A nine (9) foot reduction from the required ten (10) feet for the mound system from the south side yard lot line.

The parcel legal description is as follows: Sect-25 Twp-147 Range-033 PINE BEACH PARK Lot-003 Block-002 .34 AC & LOT 4

This public hearing will be held on **Thursday, August 22nd, 2019 at 6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4th Street NW. You are invited to attend this hearing, or express your opinions on the proposal by letter to the Greater Bemidji Joint Planning Board.

If you have any questions, please feel free to contact me at (218) 759-3594, or email comments to jamin.carlson@ci.bemidji.mn.us.

Respectfully,

Jamin Carlson
Assistant Planner
Greater Bemidji Area Joint Planning Board



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:4,261

Date: 8/2/2019



This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

STATE OF MINNESOTA
500 LAFAYETTE RD
ST PAUL, MN 51155-4045

CARRIE Y INWARDS
1331 19TH AVE SW
ROCHESTER, MN 55902

STEPHEN W HANSON
BUNNY D HANSON
1404 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

MARLAN C SHULL
PO BOX 14251
GRAND FORKS, ND 58208

REINHOLD O GOEHL TRUSTEE
JOAN GOEHL TRUSTEE
5934 BREN CIRCLE
MINNETONKA, MN 55343

JOHN FYLPAA*
CAROLINE K FYLPAA
4326 TRILLIUM CT NE
BEMIDJI, MN 56601

RICK W KIEFFER
KELLY A KIEFFER
3117 OLSON DR
GRAND FORKS, ND 58201

LISA BOULAY
PO BOX 1502
BEMIDJI, MN 56619-1502

LARRY R KETELSEN
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

WILLIAM R DITTON
VIRGINIA A DITTON
10958 W TONOPAH DR
SUN CITY, AZ 85373

SONJA J UPTON
JOHN M UPTON
2145 NEWTON ST
DENVER, CO 80211

RICHARD L BLOCK
LAURA J BLOCK
3241 LONGBOW CT
GRAND FORKS, ND 58203-2191

MARTHA N KLEVAY TRUSTEE
MARTHA N KLEVAY TRUST
223 27TH AVE S
GRAND FORKS, ND 58201

LOYLAND VACATION HOLDINGS LLC
738 7TH AVE NE
THOMPSON, ND 58278

CERTIFICATE OF SURVEY

Part of
 Lots 3 and 4, Block 2, PINE BEACH PARK, Beltrami County, Minnesota.
EXISTING CONDITIONS

N:141393.99
 E:508036.53

N:141388.52
 E:508432.67

North line of PINE BEACH PARK, as monumented in 1906
 S 89°12'34" E 396.18
 136.95

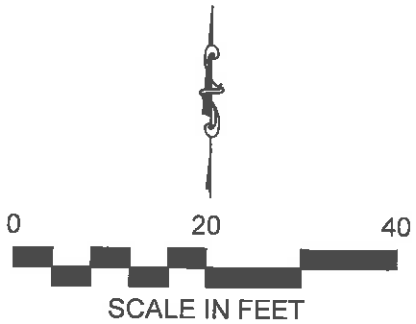
246.25

PROPERTY DESCRIPTION
 Lots 3 and 4, Block 2, PINE BEACH PARK,
 Beltrami County, Minnesota.

PARCEL TAX ID NO.: 31.01266.00
 PARCEL AREA: 14,993 ± Sq. Feet
 IMPERVIOUS SURFACE: 5273 ± Sq. Feet (35%)

- LEGEND**
- Denotes iron pipe, found
 - Denotes iron railroad bar, found
 - Denotes 1/2 inch iron pipe, R.L.S. 15483, set
 - ⊕ Denotes former location of railroad bar (2015)
- N:141393.99
E:508036.53 Denotes coordinate based on Beltrami County
 Coordinate System, South Zone, NAD 83 (1996).

- NOTES TO SURVEY**
1. Bearing system based on the Beltrami County Coordinate System, South Zone.
 2. This survey has not been prepared with the benefit of any title work.

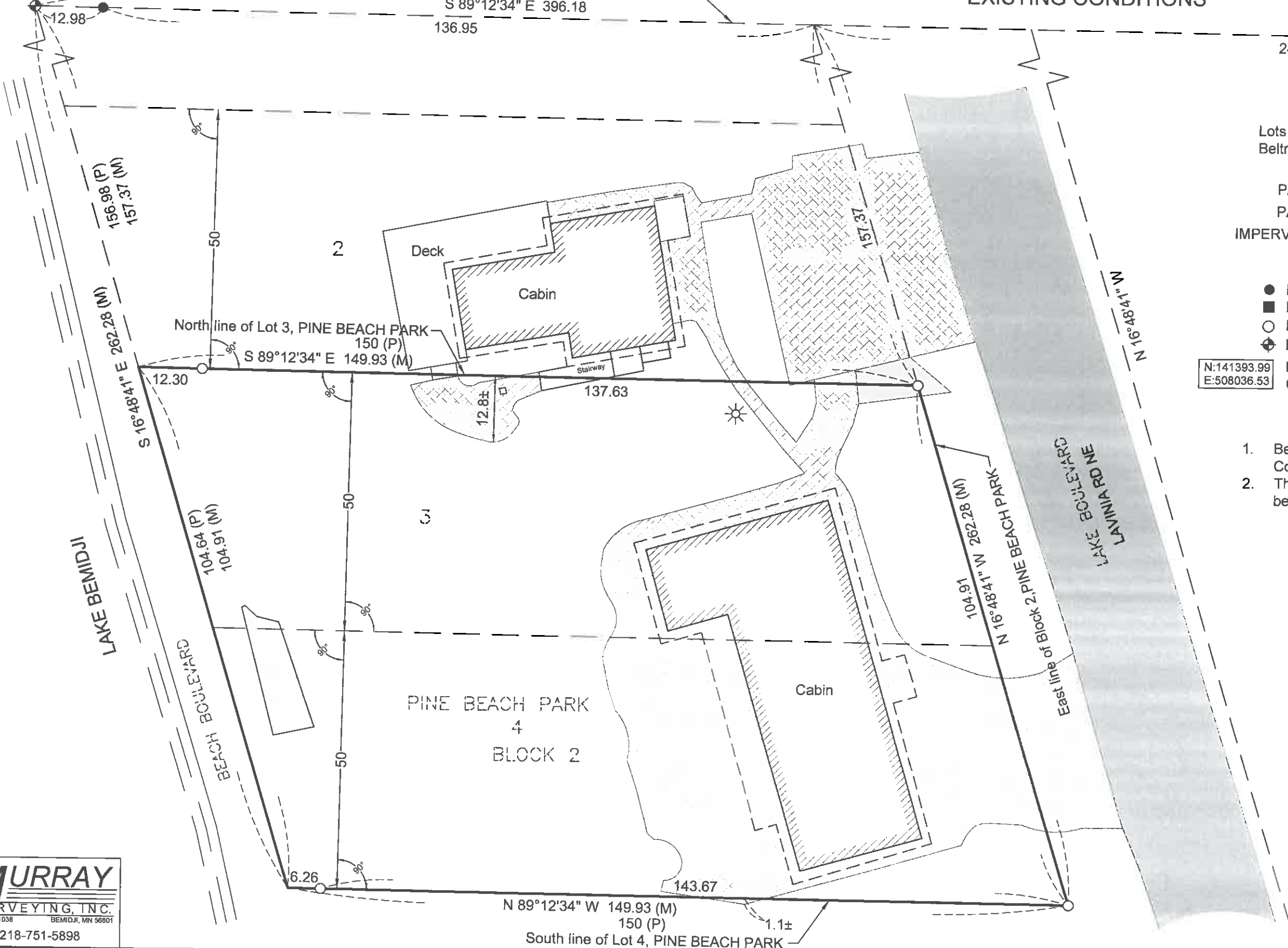


MURRAY
 SURVEYING, INC.
P.O. BOX 1036 BEMIDJI, MN 56601
 218-751-5898

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Murray
 ROBERT W. MURRAY LICENSE NO. 15483

DATE: 08-07-2019 FILE NO. 18-150-C



August 11,2019

Greater Bemidji Joint Planning Board
317 4th St. N.W.
Bemidji, Mn. 56601

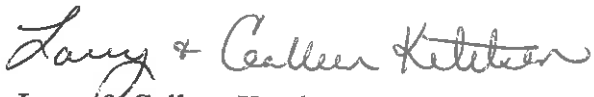
Dear Commission Members,

We are writing to object to the proposed multiple variances Richard and Laura Block are requesting at the address of 6315 Lavinia Rd. N.E. N Northern Township. They are requesting five variances to install a new single-family structure and to install a new compliant septic system on their substandard lot. Our objects are:

1. How far away is their proposed septic system from our well? Their proposal would put two septic systems in close proximity to our well. When looking at the diagram provided perhaps the septic system could be moved closer to their house than ours.
2. Their proposal would obstruct our view of the lake.
3. Their proposal does not allow for more than two cars to park. Visitors will have to park on the road they don't have room on their side and the right-away on our side of the road is only about four feet.
4. How many tree will need to be taken down. We have watched eagles roost in one of the trees 2-3 times per day for years now.

Unfortunately we will be out of town on August 22nd and will not be able to attend the public hearing.

Respectfully,



Larry & Colleen Ketelsen
6318 Lavinia Rd. N.E.
Bemidji, Mn. 56601
218-766-5146



#2
↙



#1
↙



#3
↙



#4
↙

Jamin Carlson

From: Martha Klevay <marthaklevay@hotmail.com>
Sent: Monday, August 19, 2019 11:17 AM
To: Jamin Carlson
Subject: Pipes on our property
Attachments: IMG_3827.jpg; ATT00001.txt

1

Note the property line mid way stake just to right of the one at lake. These pipes could possibly be with their lawn sprinkling system

Jamin Carlson

From: Martha klevay <marthaklevay@hotmail.com>
Sent: Monday, August 19, 2019 11:20 AM
To: Jamin Carlson
Subject: Fence and pavers
Attachments: IMG_3826.jpg; ATT00001.txt

2

Fence and pavers are on our property to left of yellow measuring tape

Jamin Carlson

From: Martha klevay <marthaklevay@hotmail.com>
Sent: Monday, August 19, 2019 11:22 AM
To: Jamin Carlson
Subject: Property line
Attachments: IMG_3824.jpg; ATT00001.txt

3

Measuring tape going under fence to indicate lot line

Jamin Carlson

From: Martha klevay <marthaklevay@hotmail.com>
Sent: Monday, August 19, 2019 11:36 AM
To: Jamin Carlson
Subject: View from Lavinia rd.
Attachments: IMG_3829.jpg; ATT00001.txt

4

Note iron stake also at r of w stake. View looking west

Mr. Jamin Carlson
GBAJPB
317 4th Street NW
Bemidji, MN 56601

August 22, 2019

Dear Mr. Carlson:

According to the definition of our northern lot-line, five structures from the Block property are on our land: part of the east fence, part of the west fence, a drain pipe in between them, numerous patio bricks near the west fence and some irrigation pipe near the lake. These all should be removed during the planned demolition. We have sent some pictures of these to you with the lot-line shown in yellow.

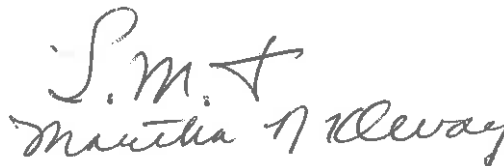
Perhaps the planned well on the Block property should be moved further north.

We protest the reduction mentioned in section 5d of your letter of August 7. The plan and the letter do not seem to agree on this point, as the plan seems to show about one foot, but mentions 4 feet. In any case this location will have a negative impact on the value of our property.

Please clarify the nature of the rusty iron pipes a couple of feet inside our north lot-line. We had assumed these defined the line.

Please advise re keeping construction equipment and materials off our property during the planned construction.

Sincerely,
Leslie M. and Martha N. Klevay
6303 Lavinia Rd.
Bemidji, MN 56601
And 223 27th Ave. S.
Grand Forks, ND, 58201

A handwritten signature in black ink that reads "S.M.K." on the top line and "Martha N. Klevay" on the bottom line.

Copy to:
Mr. and Mrs. Richard L. Block
3241 Longbow Ct.
Grand Forks, ND 58203



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

NOTICE OF DECISION

Planning Case #: V-19-31.01379.00

Type of Action: Variance

Action was: **Approved** **Denied** **Other**

Per the findings found in the attached resolution

Applicant or Authorized Representative: Donald & Diane Jelinek

**The above entitled matter was heard before the Greater Bemidji Area Joint
Planning Board on: September 11, 2019**



Joint Planning Director

9/12/19

Date

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2019-25

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.01379.00**

WHEREAS, an application was submitted on July 31, 2019 by Donald and Diane Jelinek, requesting multiple variances in order to rebuild a new single-family structure on their substandard lot of record located at 4029 Waville Rd NE in Northern Township. The following variances requested are:

1. A reduction of 22,552 square feet in lot size per the Section 901 requirement of 30,000 square feet;
2. An additional thirteen and nine-tenths (13.9) percent or one thousand and twenty-eight (1,028) square feet of impervious surface coverage throughout the property per Section 901;
3. A fifty and four/one-hundredths (50.04) foot reduction in lot width from the one-hundred (100) foot wide lot requirement per Section 901;
4. A side yard setback reduction of one and one/tenth (1.1) feet from the north lot line from the required ten (10) foot setback per Section 901;
5. A side yard setback reduction of one and one/tenth (1.1) feet from the south lot line from the required ten (10) foot setback per Section 901; and
6. A rear yard reduction of ten (10) feet from the required twenty (20) foot setback per Section 901.

WHEREAS, the proposed requested variance will be located on parcel 31.01379.00 legally described as Sect-35 Twp-147 Range-033 WA.VILLE Lot-002 Block-006 .18AC; and

WHEREAS, the Property is zoned (R-3) Suburban Residential Sewered Zoning District and within the Shoreland Overlay; and

WHEREAS, the requested variance meets all requirements, standards and specifications of the Greater Bemidji Area Zoning and Subdivision Ordinance; and

WHEREAS, the Joint Planning Commission held a public hearing on August 22, 2019, to review the application for Variance following mailed and published notices as required by law; and

WHEREAS, the Greater Bemidji Area Joint Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Variance application request:

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing small lot of record that is currently developed, the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed small lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements. Both the Ordinance as well as the Comprehensive Plan encourage development or redevelopment while preserving or maintaining the character of neighborhoods.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years. The majority of these properties have transitioned from seasonal cabins to year around homes.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of five (5) variances in order to construct a new single family structure along with a new compliant septic system with the following conditions:

1. Buildings shall be staked by professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
4. JPB site verification form and fee shall be submitted prior to construction.
5. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
6. Applicant shall obtain approval from Northern Township for driveway widening off of Waville Rd. NE.
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

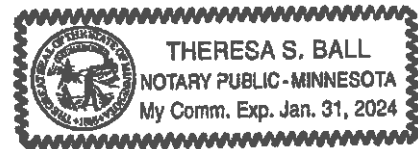
County of Beltrami

This instrument was acknowledged before me on this 11th day of September, 2019 by Micheal Kelly, Joint Planning Board Chair.

Micheal Kelly
Micheal Kelly, Joint Planning Board Chair

Subscribed and sworn to before me
this 11th day of Sept., 2019.

Theresa S. Ball
Notary Public



THE GREATER BEMIDJI AREA JOINT PLANNING BOARD

PLANNING CASE: V-19-31.01379.00	JPC MEETING DATE: August 22 nd , 2019
APPLICANT: Donald & Diane Jelinek 4029 Waville Rd. NE	60-DAY RULE DATE: September 29 th , 2019
PROCEEDING: Six variances to build on a substandard lot of record, increase in impervious surface coverage, lot width reduction, both side yard setbacks, and rear yard setback reduction.	ZONING DISTRICT: (R-3) Suburban Residential (Sewered) and Shoreland Overlay
PREPARED BY: Jamin Carlson Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

JPB MEMORANDUM

I. SUMMARY OF REQUEST

Donald and Diane Jelinek are requesting multiple variances in order to rebuild a new single-family structure on their substandard lot of record located at 4029 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,552 square feet in lot size per the Section 901 requirement of 30,000 square feet;
2. An additional thirteen and nine-tenths (13.9) percent or one thousand and twenty-eight (1,028) square feet of impervious surface coverage throughout the property per Section 901;
3. A fifty and four/one-hundredths (50.04) foot reduction in lot width from the one-hundred (100) foot wide lot requirement per Section 901;
4. A side yard setback reduction of one and one/tenth (1.1) feet from the north lot line from the required ten (10) foot setback per Section 901;
5. A side yard setback reduction of one and one/tenth (1.1) feet from the south lot line from the required ten (10) foot setback per Section 901; and
6. A rear yard reduction of ten (10) feet from the required twenty (20) foot setback per Section 901.

II. PUBLIC COMMENT & DISCUSSION

Cathy Williams lives one (1) block north of the applicant and asked for clarification because Mr. Carlson stated the setback request was 1.1 feet, yet his letter stated it was 4.1 feet. Staff explained that the letter contained the original request, but the report was based on updated plans, so the applicant is seeking a side yard setback reduction of only 1.1 feet. Williams also asked why the project is good for the community. Staff explained that the house will be farther from the lake and has wider side yard setbacks. Donald Jelinek and Matt Murray,

representative, summarized that the recent variance was requested because the 2008 variance did not account for impervious surfaces of a driveway, sidewalks or patio. Murray stated that the updated plans are a big improvement because of the reduced size of the structure. He stated that the area's average impervious surface is 3,400 square feet, and this home will be below that average. Commissioner Smith described the two (2) water retention areas on the site plan and Murray explained that they are designed to handle an instantaneous one (1) inch of rainfall, and anything more will go to the overflow. Murray also explained that the home is three (3) feet above the OHW with a rock trench on top of the ground which holds and infiltrates the water. Smith commented that it is a good plan. Williams asked if this water retention means that no increased water will go into neighboring areas. Murray explained that if the retention area fill up, it will drain towards the lake.

III. STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

Conditions

1. Buildings shall be staked by professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
4. JPB site verification form and fee shall be submitted prior to construction.
5. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
6. Applicant shall obtain approval from Northern Township for driveway widening off of Waville Rd. NE.
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

IV. JPC RECOMMENDATION & FINDINGS

JPC recommended approval of six (6) variances in order to construct a new single family structure along with a new compliant septic system with the following conditions and findings of fact:

Conditions:

1. Buildings shall be staked by professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
4. JPB site verification form and fee shall be submitted prior to construction.

5. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
6. Applicant shall obtain approval from Northern Township for driveway widening off of Waville Rd. NE.
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact:

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing small lot of record that is currently developed, the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed small lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements. Both the Ordinance as well as the Comprehensive Plan encourage development or redevelopment while preserving or maintaining the character of neighborhoods.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years. The majority of these properties have transitioned from seasonal cabins to year around homes.

Motion carried unanimously.

**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-19-31.01379.00	JPC MEETING DATE: August 22 nd , 2019
APPLICANT: Donald & Diane Jelinek 4029 Waville Rd. NE	60-DAY RULE DATE: September 29 th , 2019
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PREPARED BY: Jamin Carlson Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

PLANNING REPORT

I. SUMMARY OF REQUEST

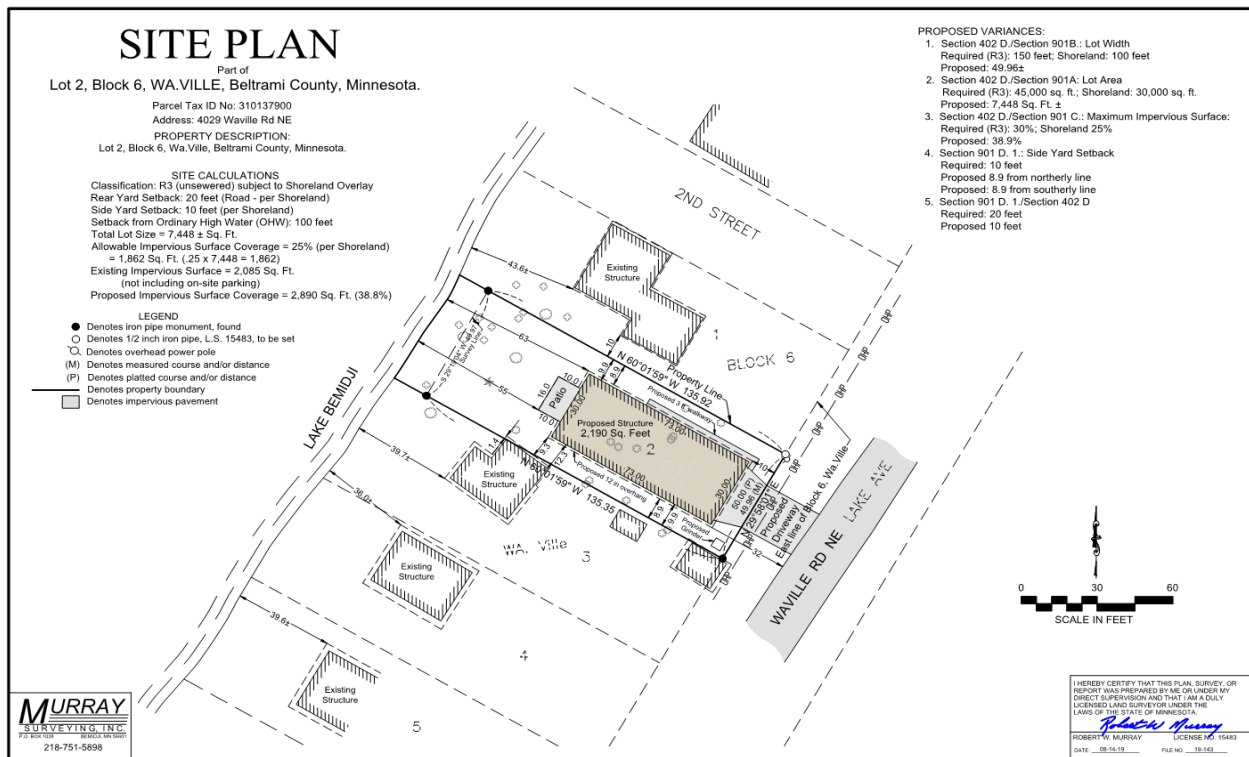
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5. A side yard setback reduction of one and one/tenth (1.1) feet from the south lot line from the required ten (10) foot setback per Section 901; and
6. A rear yard reduction of ten (10) feet from the required twenty (20) foot setback per Section 901.

II. BACKGROUND

The applicant's representative met with staff for a proposal to redevelop his client's lake lot on Lake Bemidji. This parcel had an approved variance along with MHB certification back in 2008 that was never acted upon and thus, a need for a new variance as the time limits have long expired. The 2008 variance was approved by both the JPB and MHB without all the impervious coverage calculated into the approved variance as only the structure was included in the

calculation and not the driveway, sidewalk or patio. The new proposal would decrease the structure width from the 2008 proposal from forty (40) feet down to thirty-three (33) feet. Also, the impervious surface coverage would decrease from roughly 48% down to 38.9% from the previous approved plans, based on the additional impervious coverage not included on the variance. This legal non-conforming lot is currently developed with a legal nonconforming structure. The existing cabin sits approximately forty (40) feet from the ordinary high water level (OHWL) and the new proposed structure would be pushed back to the fifty-five (55) OHWL setback. Additionally, the current cabin has a setback from the south side yard setback of four and seven-tenths (4.7) feet to eight and nine-tenths (8.9) and the north yard setback from five and two-tenths (5.2) feet to eight and nine-tenths (8.9) feet. The applicants would like to build a new home on the property as shown on the site plans.



III. DEVELOPMENT SUMMARY

SITE DEVELOPMENT	PROPOSED	REQUIRED/ALLOWED
Section 402 Lot Size	7,448 sq. ft.	45,000 sq. ft.
Section 402 Lot Width	49.96 ft.	150 ft.
Section 901 Lot Size	7,448 sq. ft.	30,000 sq. ft.
Section 901 Lot Width	49.96 ft.	100 ft.
Proposed Impervious Surface	38.9%	25%
Existing Impervious Surface	28%	25%
Front Yard/OHWL Setback	55 ft.	50 ft.
Side yard setback (north lot line)	8.9 ft.	10 ft.
Side yard setback (south lot line)	8.9 ft.	10 ft.
Other road/rear yard setback (east line)	10 ft.	20 ft.

IV. DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations

Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

This lot does not meet any of the allowances for substandard lot construction in the ordinance Section 502 or Section 903, and nothing can be constructed or expanded without a variance.

Existing Conditions

This is an existing substandard lot of record consisting of a seasonal cabin, a detached garage, decks and walkways along with a dirt driveway. The current house is a single-family home along with a detached garage totaling 2,085 square feet of impervious surface coverage.



Proposed Improvements

The proposal would correct some encroachment and setback issues by bringing the new structure closer to conformity. The new proposed home will be pushed back from OHWL and the north side yard lot line and the existing attached garage that currently sits on the neighbor's property and in the right-of-way would be demolished. This proposal would be a benefit to Lake Bemidji and surrounding properties.

Landscaping Requirements

A landscaping plan would need to be submitted if any trees, shrubs, or vegetation would need to be removed within the shoreland protection zone. Erosion control would have to be in place before any construction or demolition begins and remain intact until suitable vegetation is established and in place.

Stormwater Mitigation

Staff would recommend that the applicant install a gutter system on the new structure to direct stormwater towards a mitigation system such as raingardens, swales, or even a pervious pavement system in lieu of concrete or bituminous surface. This will prevent runoff from entering Lake Bemidji or onto an adjacent property. Applicants have submitted a stormwater mitigation plan showing two (2) underground storage and infiltration catch basins. Total required retention volume for stormwater run-off for this property is eighty-six (86) cubic feet and applicants have proposed a retention volume of one-hundred and eight (108) cubic feet.



Neighborhood Comment

No comments at the writing of the report.

Mississippi Headwaters Board (MHB)

A phone meeting was held with Tim Terrell (MHB Director) and Craig Gaasvig (MHB board member) about the planning case to acquire their feedback.

Both individuals stated that this lot, along with several other lots around Lake Bemidji are difficult to develop or redevelop on due to their small lot sizes and lot widths. Both are in favor of pushing structures and impervious surface coverage away from the OHWL. Updated plans have been submitted and both the MHB representatives stated they could support a project with an impervious surface coverage of around 38% down from the original submitted plans of 46%.

Comprehensive Plan References:

The newly adopted Greater Bemidji Area Comprehensive Plan has identified a few objectives and strategies that supports the variance request and is in keeping with the spirit, purpose and intent of the Plan.

Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

Natural Resources Objective 11.2 Preserve and Enhance Water Quality

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

Strategy #2: Use shoreland restoration incentives and demonstrate success on public and private property to increase natural shoreland. Encourage shoreland restoration projects through incentives or flexibility could potentially reduce shoreland variances. Displaying the benefits of shoreland restoration can increase awareness and understanding of the process that could result in a positive impact on shoreland.

Zoning Ordinance References

Section 402: Lot Size and Bulk Regulations

Section 502: Substandard Lots of Record

Section 901: Bulk Density and Lot Sizes

Section 903: Nonconforming Structures Substandard in Shoreland Overlay

Section 1206: Variances, Appeals and Adjustments

V. RECOMMENDATION & FINDINGS

Staff recommends approval of five (5) variances in order to construct a new single family structure along with a new compliant septic system at 6315 Lavinia Rd NE. The variances are as follows:

1. A reduction of 22,552 square feet in lot size per the Section 901 requirement of 30,000 square feet;
2. An additional thirteen and nine-tenths (13.9) percent or one thousand and twenty-eight (1,028) square feet of impervious surface coverage throughout the property per Section 901;
3. A fifty and four/one-hundredths (50.04) foot reduction in lot width from the one-hundred (100) foot wide lot requirement per Section 901;
4. A side yard setback reduction of one and one/tenth (1.1) feet from the north lot line from the required ten (10) foot setback per Section 901; and
5. A side yard setback reduction of one and one/tenth (1.1) feet from the south lot line from the required ten (10) foot setback per Section 901.

6. A rear yard/other road setback reduction of ten (10) feet from the required twenty (20) foot setback per Section 901.

Approval recommended with the following findings of fact and conditions:

Conditions

1. Buildings shall be staked by professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
4. JPB site verification form and fee shall be submitted prior to construction.
5. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
6. Applicant shall obtain approval from Northern Township for driveway widening off of Waville Rd. NE.
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing small lot of record that is currently developed, the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed small lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements. Both the Ordinance as well as the Comprehensive Plan encourage development or redevelopment while preserving or maintaining the character of neighborhoods.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years. The majority of these properties have transitioned from seasonal cabins to year around homes.

SITE PLAN

Part of
 Lot 2, Block 6, WA.VILLE, Beltrami County, Minnesota.

Parcel Tax ID No: 310137900

Address: 4029 Waville Rd NE

PROPERTY DESCRIPTION:

Lot 2, Block 6, Wa.Ville, Beltrami County, Minnesota.

SITE CALCULATIONS

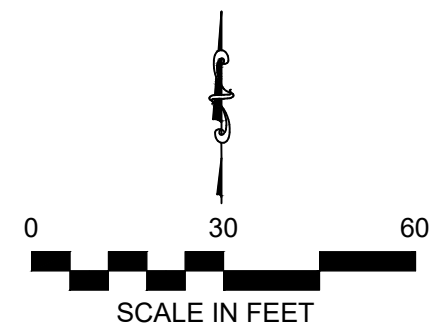
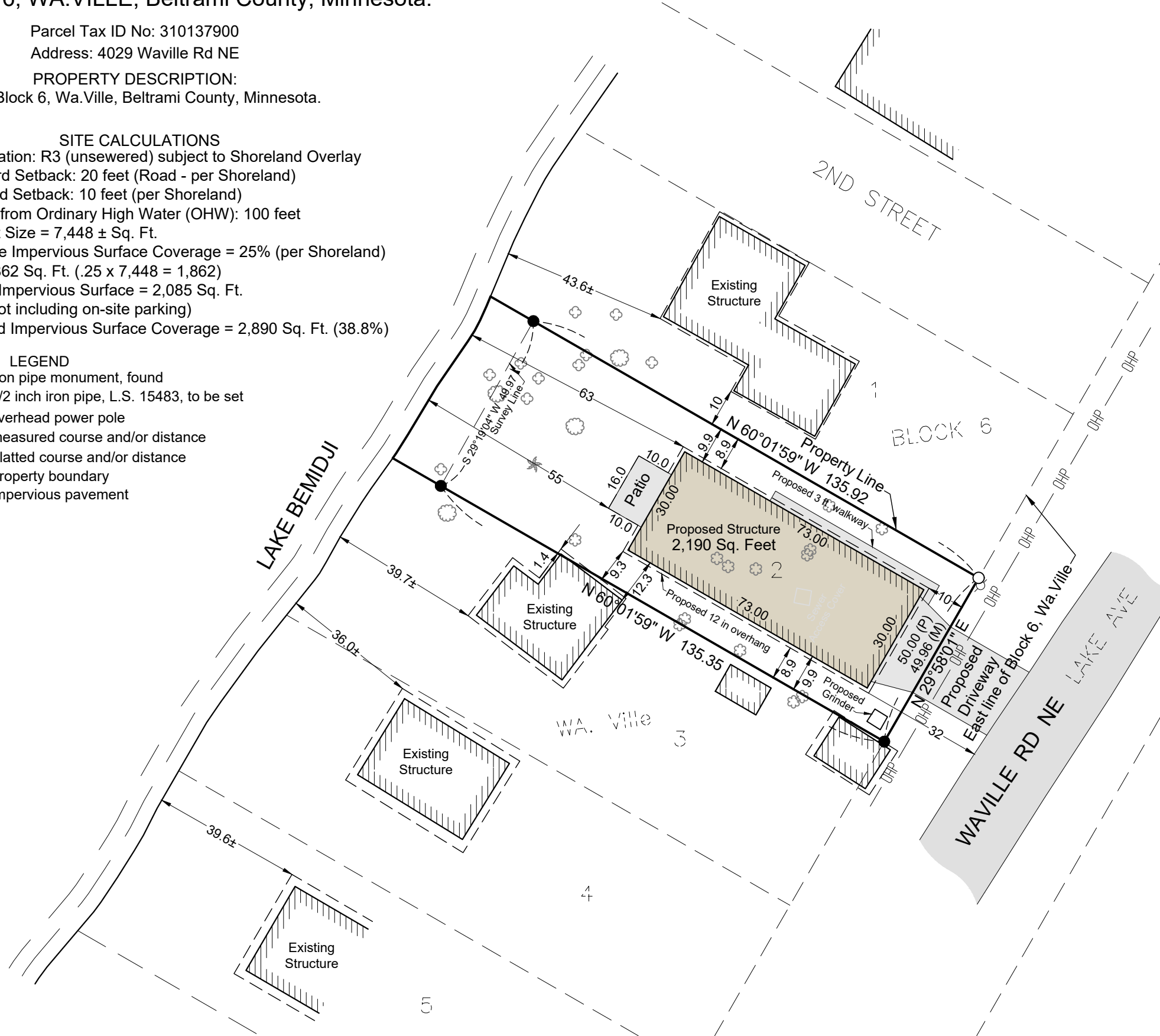
Classification: R3 (unsewered) subject to Shoreland Overlay
 Rear Yard Setback: 20 feet (Road - per Shoreland)
 Side Yard Setback: 10 feet (per Shoreland)
 Setback from Ordinary High Water (OHW): 100 feet
 Total Lot Size = 7,448 ± Sq. Ft.
 Allowable Impervious Surface Coverage = 25% (per Shoreland)
 = 1,862 Sq. Ft. (.25 x 7,448 = 1,862)
 Existing Impervious Surface = 2,085 Sq. Ft.
 (not including on-site parking)
 Proposed Impervious Surface Coverage = 2,890 Sq. Ft. (38.8%)

LEGEND

- Denotes iron pipe monument, found
- Denotes 1/2 inch iron pipe, L.S. 15483, to be set
- Denotes overhead power pole
- (M) Denotes measured course and/or distance
- (P) Denotes platted course and/or distance
- Denotes property boundary
- Denotes impervious pavement

PROPOSED VARIANCES:

1. Section 402 D./Section 901B.: Lot Width
 Required (R3): 150 feet; Shoreland: 100 feet
 Proposed: 49.96±
2. Section 402 D./Section 901A: Lot Area
 Required (R3): 45,000 sq. ft.; Shoreland: 30,000 sq. ft.
 Proposed: 7,448 Sq. Ft. ±
3. Section 402 D./Section 901 C.: Maximum Impervious Surface:
 Required (R3): 30%; Shoreland 25%
 Proposed: 38.9%
4. Section 901 D. 1.: Side Yard Setback
 Required: 10 feet
 Proposed 8.9 from northerly line
 Proposed: 8.9 from southerly line
5. Section 901 D. 1./Section 402 D
 Required: 20 feet
 Proposed 10 feet

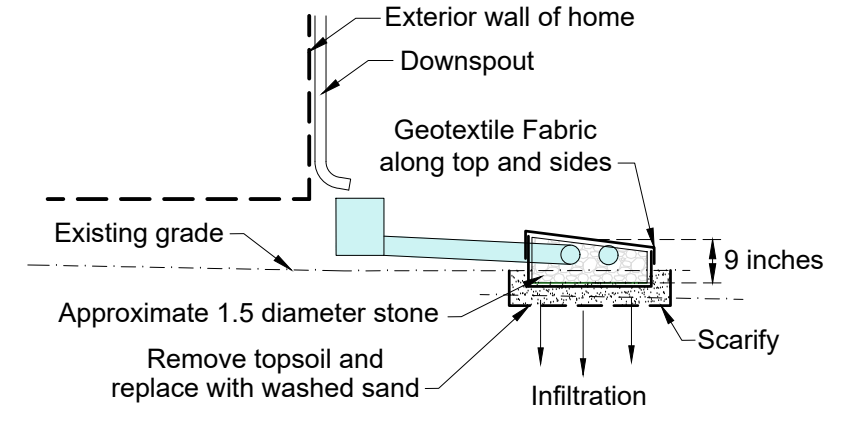
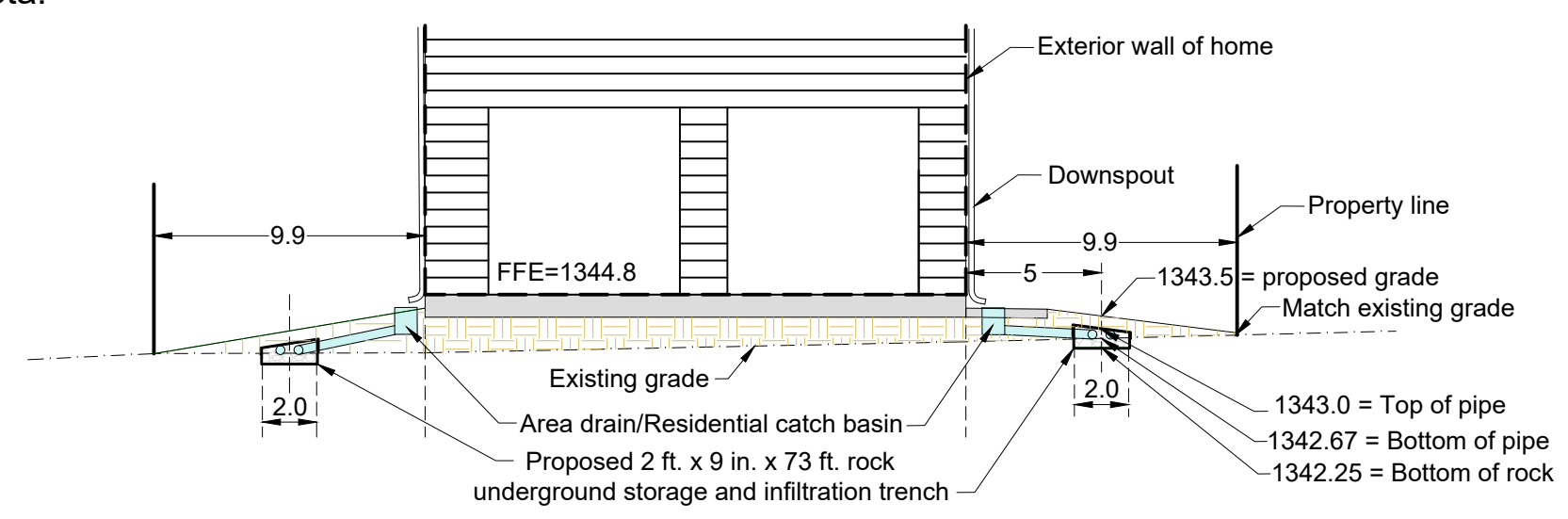
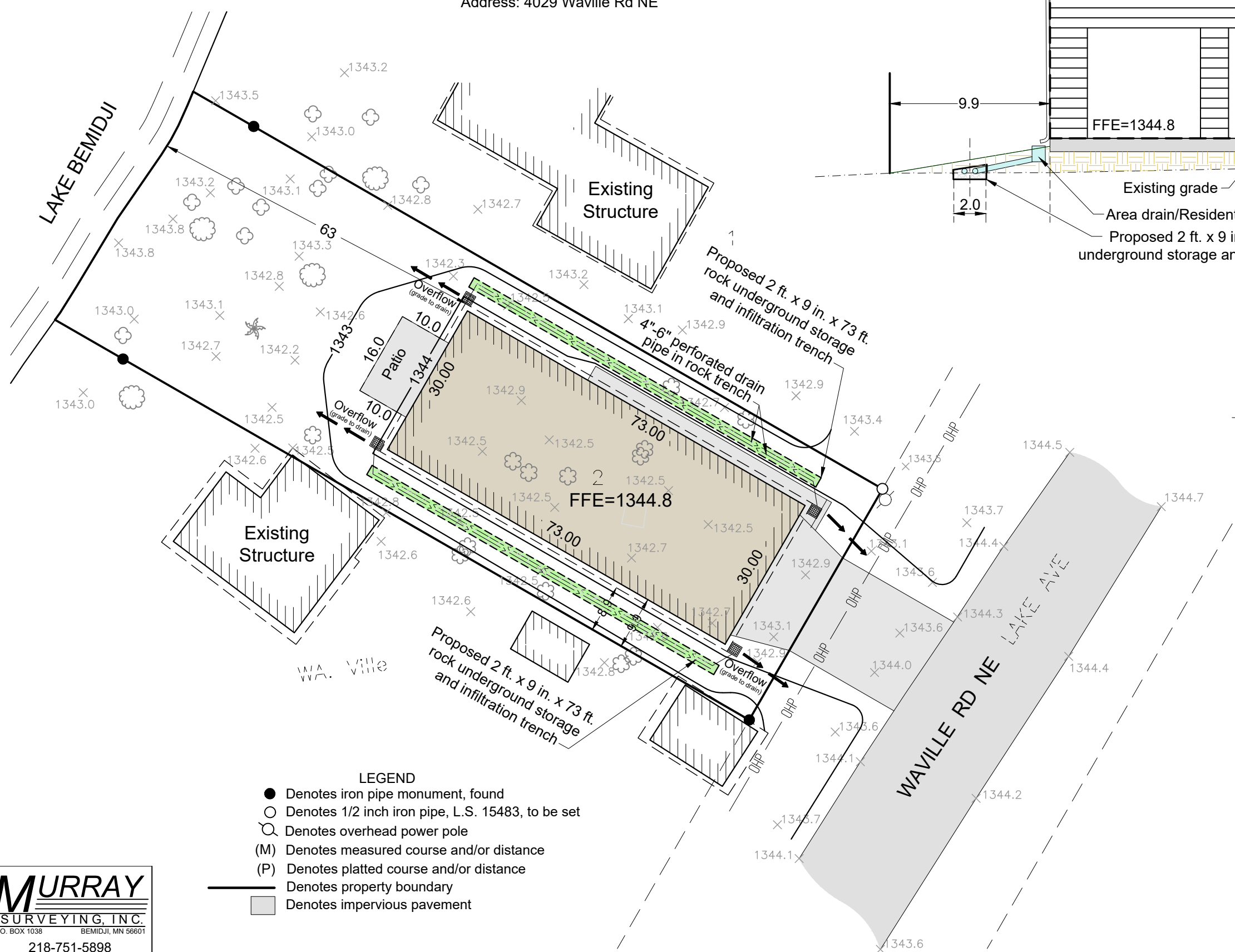


MURRAY
 SURVEYING, INC.
 P.O. BOX 1038 BEMIDJI, MN 56601
 218-751-5898

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Robert W. Murray
 ROBERT W. MURRAY LICENSE NO. 15483
 DATE: 08-14-19 FILE NO. 19-143

STORMWATER MITIGATION PLAN

Part of
 Lot 2, Block 6, WA.VILLE, Beltrami County, Minnesota.
 Parcel Tax ID No: 310137900
 Address: 4029 Waville Rd NE



WATER QUALITY VOLUME
 The post development increase (above and beyond 25%) in impervious surface is documented as follows:
 Net increase in Impervious Surface above and beyond 25% of the parcel area: 1,028 sq. ft. (2,890 sq. ft. - 1,862 sq. ft. = 1,028 sq. ft.).
 Proposed Retention Volume: One inch (calculated as an instantaneous volume) over the increase in impervious surface resulting in a water quality storage volume to meet or exceed the standards specified by the Minnesota Pollution Control Agency General Permit No: MN RI00001.
 Calculations: One inch/12 inches per foot = 0.083 ft. x 1,028 sq. ft. = 86 cubic feet of storage volume.
 Storage Volume for 73.0 ft. long rock underground infiltration trenches: (2 x 0.75 x 73) / 2 = 54 cubic feet x two infiltration trenches = 109.
 Total required retention volume: 86 cubic feet
 Total proposed retention volume: 108 cubic feet

- LEGEND**
- Denotes iron pipe monument, found
 - Denotes 1/2 inch iron pipe, L.S. 15483, to be set
 - Denotes overhead power pole
 - (M) Denotes measured course and/or distance
 - (P) Denotes platted course and/or distance
 - Denotes property boundary
 - Denotes impervious pavement

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 draft
 ROBERT W. MURRAY LICENSE NO. 15483
 DATE: 08-14-19 FILE NO. 19-143

CONCEPT SKETCH

Sketch of estimated impervious surface coverage based on variance approved December 10, 2008.

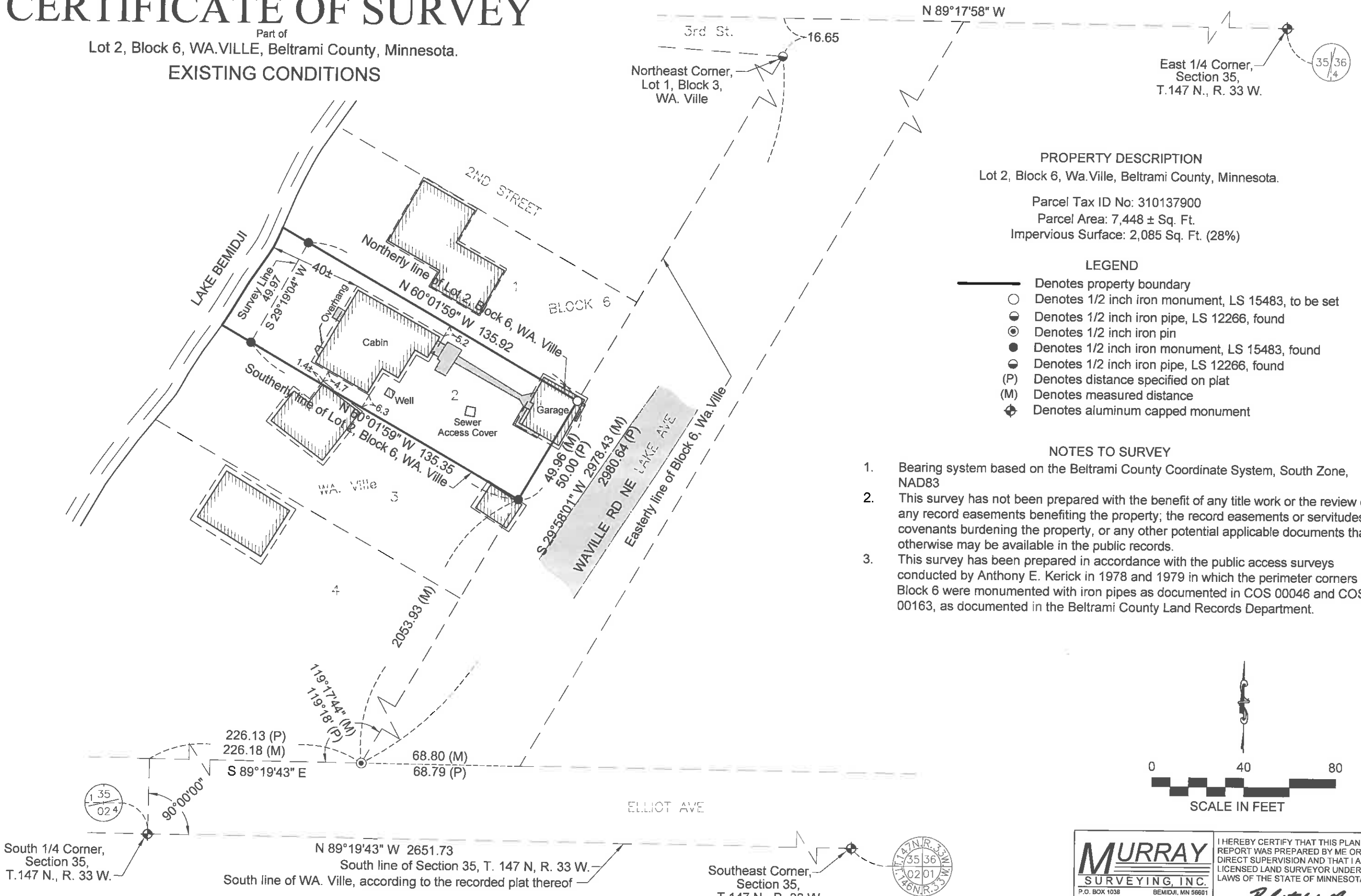
Estimated impervious surface coverage = 3,595 Sq. Feet (48%)



CERTIFICATE OF SURVEY

Part of
Lot 2, Block 6, WA.VILLE, Beltrami County, Minnesota.

EXISTING CONDITIONS



PROPERTY DESCRIPTION
Lot 2, Block 6, Wa. Ville, Beltrami County, Minnesota.

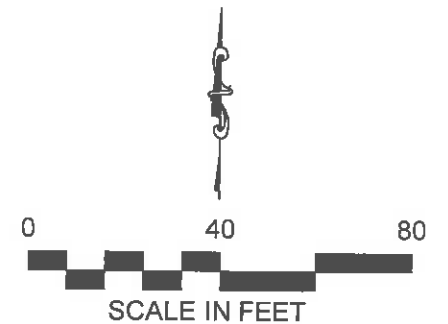
Parcel Tax ID No: 310137900
Parcel Area: 7,448 ± Sq. Ft.
Impervious Surface: 2,085 Sq. Ft. (28%)

LEGEND

- Denotes property boundary
- Denotes 1/2 inch iron monument, LS 15483, to be set
- ◐ Denotes 1/2 inch iron pipe, LS 12266, found
- Denotes 1/2 inch iron pin
- Denotes 1/2 inch iron monument, LS 15483, found
- ◐ Denotes 1/2 inch iron pipe, LS 12266, found
- (P) Denotes distance specified on plat
- (M) Denotes measured distance
- ⊕ Denotes aluminum capped monument

NOTES TO SURVEY

1. Bearing system based on the Beltrami County Coordinate System, South Zone, NAD83
2. This survey has not been prepared with the benefit of any title work or the review of any record easements benefiting the property; the record easements or servitudes and covenants burdening the property, or any other potential applicable documents that otherwise may be available in the public records.
3. This survey has been prepared in accordance with the public access surveys conducted by Anthony E. Kerick in 1978 and 1979 in which the perimeter corners of Block 6 were monumented with iron pipes as documented in COS 00046 and COS 00163, as documented in the Beltrami County Land Records Department.



South 1/4 Corner, Section 35, T.147 N., R. 33 W.
N 89°19'43" W 2651.73
South line of Section 35, T. 147 N, R. 33 W.
South line of WA. Ville, according to the recorded plat thereof

Southeast Corner, Section 35, T.147 N., R. 33 W.



MURRAY
SURVEYING, INC.
P.O. BOX 1038 BEMIDJI, MN 56601
218-751-5898

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Robert W. Murray
ROBERT W. MURRAY LICENSE NO. 15483
DATE: 08-07-2019 FILE NO. 19-143 C

Packet Distribution List

Northern Township: V-19-31.01379.00 – Donald and Diane Jelinek

	<u>Contact</u>	<u>E-MAILED</u>	<u>US Mailed</u>
<input checked="" type="checkbox"/>	Applicant / Representative	_____	_____
<input checked="" type="checkbox"/>	JPB Attorney	_____	_____
<input type="checkbox"/>	JPB Engineer: _____	_____	_____
<input type="checkbox"/>	City Building Department	_____	_____
<input type="checkbox"/>	City Attorney	_____	_____
<input type="checkbox"/>	City Engineer	_____	_____
<input type="checkbox"/>	City Manager	_____	_____
<input type="checkbox"/>	City Community Development Director	_____	_____
<input type="checkbox"/>	City GIS Department	_____	_____
<input type="checkbox"/>	City Police Department	_____	_____
<input checked="" type="checkbox"/>	City Fire Department	_____	_____
<input type="checkbox"/>	City Parks Department	_____	_____
<input checked="" type="checkbox"/>	Northern Township	_____	_____
<input type="checkbox"/>	Beltrami County ESD/SWCD	_____	_____
<input type="checkbox"/>	Beltrami County Recorder	_____	_____
<input type="checkbox"/>	Beltrami County GIS Department	_____	_____
<input type="checkbox"/>	Beltrami County Sheriff	_____	_____
<input type="checkbox"/>	Beltrami County Engineer / Highway	_____	_____
<input type="checkbox"/>	Beltrami County Natural Resources	_____	_____
<input type="checkbox"/>	MnDNR Trails	_____	_____
<input checked="" type="checkbox"/>	MnDNR Waters	_____	_____
<input type="checkbox"/>	MnDNR District	_____	_____
<input type="checkbox"/>	MnDOT	_____	_____
<input type="checkbox"/>	Airport	_____	_____
<input checked="" type="checkbox"/>	Mississippi Headwaters Board	_____	_____
<input type="checkbox"/>	Bemidji School District	_____	_____
<input type="checkbox"/>	MPCA Closed Landfill Program	_____	_____
<input type="checkbox"/>	U.S. Army Corps of Engineers	_____	_____
<input type="checkbox"/>	Other: _____.	_____	_____



Greater Bemidji Area Joint Planning Board
City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 5th, 2019

Northern Township: V-19-31.01379.00 – Donald and Diane Jelinek are requesting multiple variances in order to rebuild a new single-family structure on their substandard lot of record located at 4029 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,552 square feet in lot size per the Section 901 requirement of 30,000 square feet;
2. An additional twenty-one (21) percent or one thousand five hundred and eighty (1,580) square feet of impervious surface coverage throughout the property per Section 901;
3. A fifty and four/one-hundredths (50.04) foot reduction in lot width from the one-hundred (100) foot wide lot requirement per Section 901;
4. A side yard setback reduction of four and one/tenth (4.1) feet from the north lot line from the required ten (10) foot setback per Section 901; and
5. A side yard setback reduction of one and one/tenth (1.1) feet from the south lot line from the required ten (10) foot setback per Section 901.

The parcel legal description is as follows: Sect-35 Twp-147 Range-033 WA.VILLE Lot-002 Block-006 .18 AC

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, August 22, 2019 at 6:00 p.m.** in the Council Chambers at Bemidji City Hall.

If you have any comments, you may present them to the Commission at that time. Alternatively, you may direct your comments in writing to my attention at the JPB office at 317 4th Street NW, or by email at jamin.carlson@ci.bemidji.mn.us. If possible, your comments should be submitted by **Wednesday, August 14, 2019** so they may be incorporated into my report to the Joint Planning Commission. Attached is a copy of the application and other supporting documentation.

If you have any questions or need further information, please feel free to contact me at 218-759-3582.

Respectfully,

Jamin Carlson
Greater Bemidji Area Joint Planning Board



**Greater Bemidji Area
Joint Planning Board**

Application for Variance

Please complete this application carefully and completely. PLEASE PRINT. Failure to fill in all of the required information may result in a delay of processing your application.

A fee of \$ 500 made payable to the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow of \$ 500 made payable to the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow account is established as indicated above to cover technical and legal expenses incurred by the Joint Planning Board (JPB) as part of the plan review. The applicant is responsible for all costs incurred by the JPB during plan review. If the escrow amount drops below 10% of the original deposit amount the JPB may require submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon determination by the JPB that the project is complete or expired, the JPB will return the remaining escrow deposit to the applicant.

OFFICE USE ONLY	
Complete Application Rec'd	<u>7/31/19</u>
Payment Rec'd	<u>7/31/19</u>
Field Checked	_____
Zoning District	_____
Date Permitted	_____
Permit Number	<u>2018-34</u>
Comments	_____

APPLICANT DATA

NAME OF APPLICANT:	<u>Donald and Diane Jelinek</u>	EMAIL:	<u>donjelinek60@gmail.com</u>
MAILING ADDRESS:	<u>3520 20th St S, Fargo, ND 58104</u>		
SITE ADDRESS:	<u>4029 Waville Rd NE</u>	PARCEL:	<u>310137900</u>
PHONE NUMBER: WORK	_____	HOME	<u>701-850 9744</u>
CONTRACTOR NAME:	<u>Murray Surveying, Inc.</u>	PHONE:	<u>218-757-5898</u>
Does your property contain low areas, wetlands, or areas with standing water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, do you intend to drain, fill or otherwise alter this area for any reason?			
Explain _____			

OFFICE USE ONLY					
Property Dimensions: Width	<u>49.96ft</u>	Depth	<u>150ft</u>	Total area	<u>7,448 sq ft/ acres</u>
Is there one acre of contiguous land on the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Have there been any Variances/Use Permits granted on this property? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know <input type="checkbox"/> Attach copies					
Is property within 1000 feet of a public water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Is property in an airport zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Septic Data: Year Installed: <u>Waville System</u> Last Compliance Inspection: _____					
<input type="checkbox"/> Pass Compliance <input type="checkbox"/> Fail Compliance <input type="checkbox"/> Notarized Stipulation <input type="checkbox"/> Other _____					
Municipal Services: Water <input type="checkbox"/> Yes <input type="checkbox"/> No Sewer: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, is hook up possible? <input type="checkbox"/> Yes <input type="checkbox"/> No					

EXPLANATION OF REQUEST FOR VARIANCE

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)? Display on site plan.

Lot width; lot area; impervious surface coverage,
Side yard setbacks

What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.

Northerly side yard setback 5.9 feet; Southerly side yard
setback 8.9 feet; impervious surface coverage: 46%

Describe the existing use of your property:

Single family residential

Will the use of your property change with the variance? Yes No

Will the granting of a variance impact the character of the surrounding properties? Yes No Unknown

Explain The use and location of structure will be consistent with others
in the area.

Are there unavoidable physical or topographical features (wetlands, buildings, roads, etc.) on your property that severely
limit your construction site options? Yes No Explain

The depth of the lot is defined by the lake and would limiting
building options. An adjacent cabin encroaches onto the parcel.

Does the design or floor plan of your building severely limit your construction options? Yes No

Are there construction options or alternatives that may eliminate the need for a variance? Yes No

Explain Given the narrow width of the lot and the vicinity of the
adjacent structures, the structure width was tailored to make the most
practical use of the property while minimizing side yard setback variance
being sought.

Explain the practical difficulty that exists with your request:

The lot was created in 1913 at a width of 50 feet limiting options
for reasonable use of the property.

Assuming that a practical difficulty is demonstrated, and a variance justified, what measures are you willing to take to
mitigate the impact of development on your property (remove other buildings, vegetative screens, etc.)?

The proposed variance is a substantial improvement from that
granted in 2008. The setback from the ottum now complies
and side yard variances have been reduced by 1 to 5 feet.

(Use additional sheets if necessary)

The 2008 variance did not take into account impervious
surface for a driveway so this application also substantially
reduces the amount of impervious surface that would have
been required under the 2008 variance.

STRUCTURAL/CONSTRUCTION DATA (if applicable)

Proposed Structure/Use:	New Single Family Residence <input checked="" type="checkbox"/>	Building Alteration	<input type="checkbox"/>
	Garage (Attached) <input type="checkbox"/>	Detached Garage	<input type="checkbox"/>
	Accessory Building/Multi Family Dwelling <input type="checkbox"/>	Other (Explain)	<input type="checkbox"/>
	Commercial Building <input type="checkbox"/>		

Structure Dimension(s): Width 30-33 ft. Length 73 ft. Height (to roof peak) 29 ft. Total S.F. 2,268

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Total number of bedrooms after construction: 3

Will there be any commercial use of this property after construction? Yes No

Estimated Cost of construction: \$ TBD

Submit a complete sketch of your property drawn to scale with this application showing all buildings, proposed and existing, setbacks, wells, septic and accesses.

ALL APPLICANTS MUST SIGN BELOW

I hereby certify that I am the owner or authorized agent of the owner of the above described property and that all uses will conform to the provisions of the Greater Bemidji Area Zoning and Subdivision Regulations. I further certify that I will comply with all conditions placed upon this permit should this application be approved. Intentional or unintentional falsification of this application or any attachments thereto will serve to make this application and any resultant permit invalid. I also authorize Greater Bemidji Area Joint Planning staff to inspect the property during review of this application and subsequent construction during reasonable times of the day.

Applicant: DON JELINEK Applicant: [Signature]

Date: 7/21/2019

Reviewed by <u>[Signature]</u>	OFFICE USE ONLY	Date <u>8/1/19</u>	Complete Application <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------------	------------------------	--------------------	--

COMPLETED FORMS CAN BE SUBMITTED AT CITY HALL, 317 4TH STREET NW, LOWER LEVEL

THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 02/04/2009 AT
12:35:51PM BY DOCUMENT NUMBER

2008490096
Josi A. Warr DEPUTY

CHARLENE D. STURK
COUNTY RECORDER

PAGES: 5

Variance

Planning Case # V-08-31.01379.00

Date: December 10, 2008
To: Beltrami County Recorder's Office
From: Greater Bemidji Area Joint Planning Board

On December 10, 2008, the Greater Bemidji Area Joint Planning Board approved the following request for variances:

- Four variances to remove an existing cabin and accessory detached garage from their substandard lot and replace it with a year round residence with an attached garage, which are as follow:
 1. A 6.3% impervious surface variance
 2. A 59ft. front (OHWM) setback
 3. 2x 5ft. side yard setback variances, one on the North side of the property and one on the South side of the property.

Motion by Thompson, Second by Howe to approve the 4 variances with the following conditions:

1. An engineered grading and surface water management plan shall be completed and submitted with any application for a building permit.
2. A tree inventory and subsequent preservation plan shall be prepared and submitted as part of any application for a building permit.
3. Pavers that produce some benefit to runoff shall be used in lieu of asphalt or concrete for any driveway and/or sidewalk surfaces.
4. No additional impervious surfaces, buildings or structures, including decks, may be permitted on the property unless additional property is first acquired and impervious surface restrictions for the entire lot can be met.

Motion carried unanimously.

Property Owner: Richie L & Sandra M Aanderud

Address: 4029 Waville Rd NE, Bemidji, MN 56607

Parcel Number: 31.01379.00

Legal Description: Sect-35 Twp-147 Range-033 WAVILLE Lot-002 Block-006



Mel Milender, Planning Administrator



Roger Hellquist, Chair JPB

BELTRAMI COUNTY FOR INFORMATIONAL PURPOSES ONLY. NOT TO BE RECOPIED.



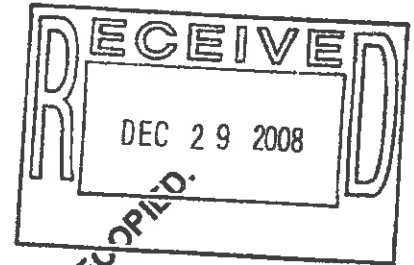
Mississippi Headwaters Board

CASS COUNTY GOVERNMENT BLDG. • PO BOX 5 • BACKUS MN 56435

PHONE 218-947-7524

Email: cass.mhb@co.cass.mn.us

WEB: www.mississippiheadwaters.org



Date: December 22nd, 2008

To: Richie and Sandra Aanderud
3004 Chestnut Street
Grand Forks, ND 58201

Legal: Lot 2, Block 6
Waville
Northern Township
35-147-33
Beltrami County

And: Mel Milender (to attach to parcel record)

From: Mississippi Headwaters Board

RE: NOTIFICATION OF CERTIFICATION

This is to inform you that the Mississippi Headwaters Board had reviewed/discussed your variance requests to rebuild structure @ 59' of OHWM and to include side set-back variances of 5' and 4' on Lake Bemidji; Action# GBA11a08 at their December 19th, 2008 board meeting. Your request was granted based on the following:

- 1) Any/all conditions and requirements as indicated by the Greater Bemidji Area JPB are met
- 2) Require implimentation w/in a time frame to include follow-up inspection
- 3)
- 4)

Your conscientious stewardship and adherence to MHB Management Plan standards ensures the ongoing local-control of our national environmental treasure. Thank you for your efforts.


Pam Kichler -MHB Administrative Assistant

CC: Commissioner Jack Frost, Mel Milender (GBA JPB)



Mississippi Headwaters Board

NOTICE OF DECISION/CERTIFICATION

State of Minnesota -- County of: Beltrami (GBA JPB) Date: 12.19.08 Action #: GBA11a08

Type of Action: Variance Appeal Review

Action was: Certified Denied Tabled: _____ Until: _____

Applicant or Authorized representative:

Name: Richie and Sandra Aanderud
Mailing Address: 3004 Chestnut Street
City, State, Zip: Grand Forks, ND 58201

The above entitled matter came before the Mississippi Headwaters Board on December 19th, 2008 for the following described parcel: Lot 2 Block 6, Waville; 35-147-33, according to the filed plat thereof on file and of record in the office of the Register of Deeds in and for the County of Beltrami, State of Minnesota

It is ordered that the above action was was not certified upon the following conditions:

*For the information provided, this board would approve/certify the actions consistent with conditions as set forth by Northern Township/GBA JPB and those indicated today**

FOF

Findings of Fact or conditions (if any) will be noted or attached for recording →

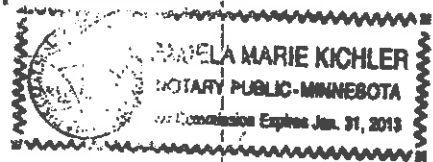
Dated this 19th Day of December, 2008

[Signature]
Chairperson of the MHB/Authorized Representative

[Signature] 12/19/08
Notorized/Date

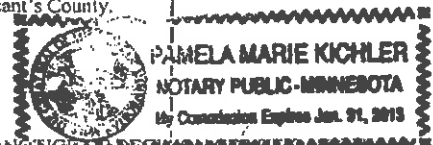
Applicant or Authorized Representative acknowledges receipt of this document

Signature of Applicant or Authorized Representative



A copy of this form will be forwarded to the Planning/Zoning Administration and the MHB Commissioner from the applicant's County.

If you wish to Appeal this decision, send notification to MHB within 30 days after receipt of the Final Notice of Decision



OVER ↓

MINNAPOLIS COUNTY PUBLIC INTERNATIONAL PURPOSES ONLY - NOT TO BE RECORDED COPY

2

More detail if necessary:

Legal description:

as noted previously

Additional conditions:

* require implementation w/in timeframe & follow-up inspection

This document was drafted by the Mississippi Headwaters Board

BELTRAMI COUNTY FOR INFORMATIONAL PURPOSES ONLY NOT TO BE REPRODUCED

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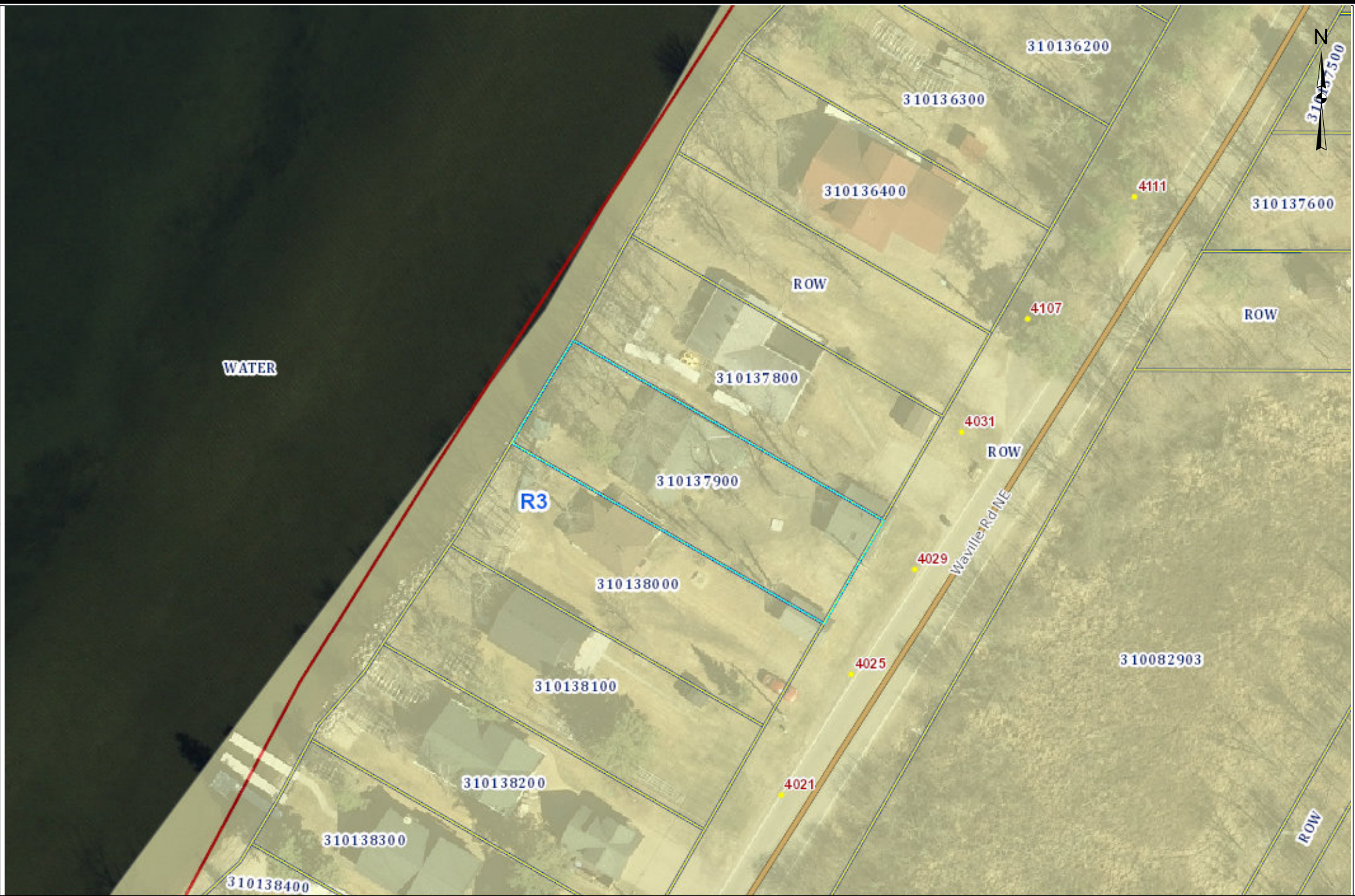
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1:944

Date: 8/2/2019



This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



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1:944

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Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 7th, 2019

Dear Property Owner:

The Greater Bemidji Area Joint Planning Commission will conduct a public hearing to discuss the following application:

Northern Township: V-19-31.01379.00 – Donald and Diane Jelinek are requesting multiple variances in order to rebuild a new single-family structure on their substandard lot of record located at 4029 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,552 square feet in lot size per the Section 901 requirement of 30,000 square feet;
2. An additional twenty-one (21) percent or one thousand five hundred and eighty (1,580) square feet of impervious surface coverage throughout the property per Section 901;
3. A fifty and four/one-hundredths (50.04) foot reduction in lot width from the one-hundred (100) foot wide lot requirement per Section 901;
4. A side yard setback reduction of four and one/tenth (4.1) feet from the north lot line from the required ten (10) foot setback per Section 901; and
5. A side yard setback reduction of one and one/tenth (1.1) feet from the south lot line from the required ten (10) foot setback per Section 901.

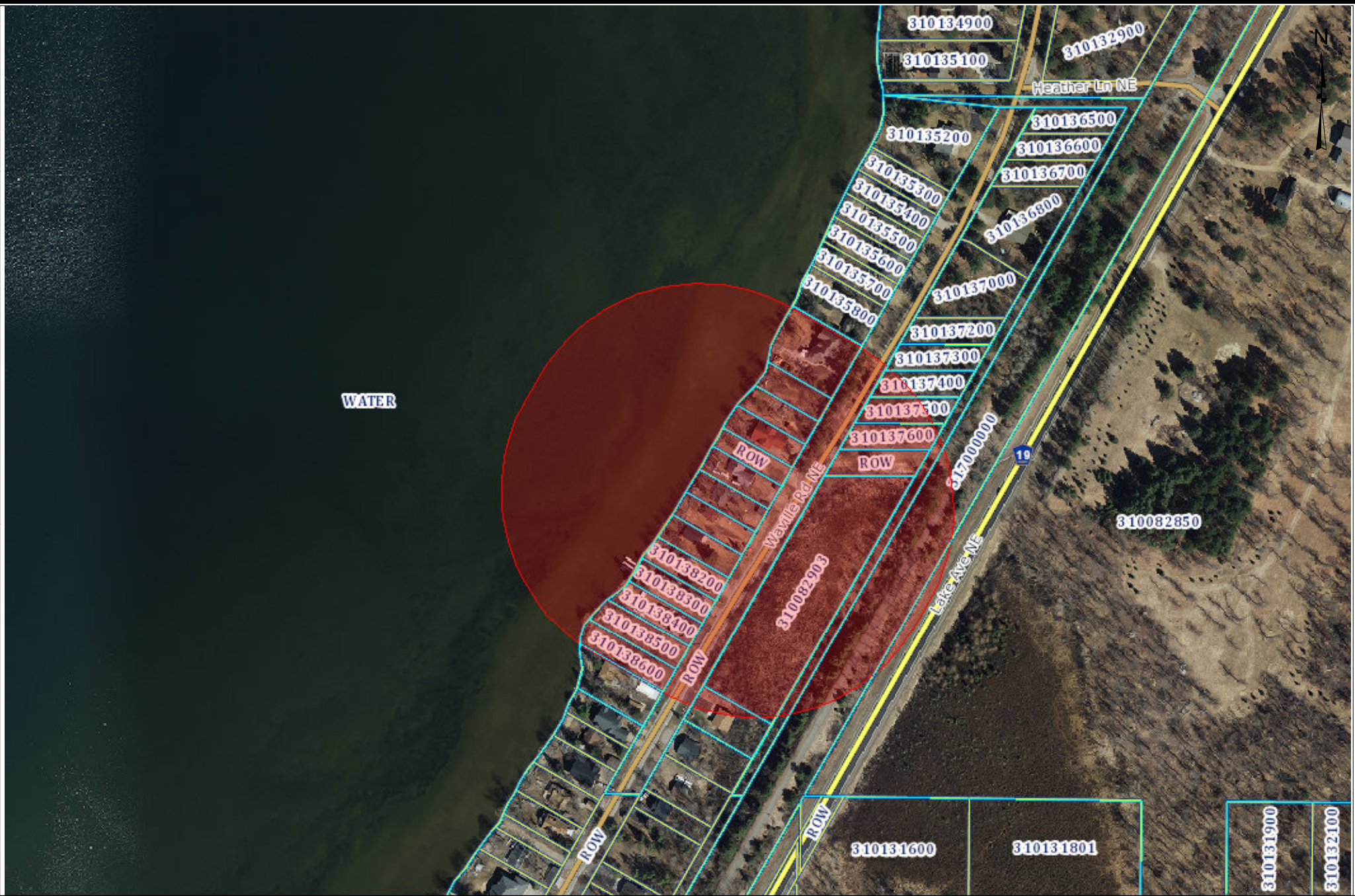
The parcel legal description is as follows: Sect-35 Twp-147 Range-033 WA.VILLE Lot-002 Block-006 .18 AC

This public hearing will be held on **Thursday, August 22nd, 2019 at 6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4th Street NW. You are invited to attend this hearing, or express your opinions on the proposal by letter to the Greater Bemidji Joint Planning Board.

If you have any questions, please feel free to contact me at (218) 759-3582, or email comments to jamin.carlson@ci.bemidji.mn.us.

Respectfully,

Jamin Carlson
Assistant Planner
Greater Bemidji Area Joint Planning Board



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:4,261

Date: 8/2/2019



This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

J & D OLDERMAN FAMILY LLC
2436 CAMBERWELL CT
ST LOUIS, MO 63131

CRAIG A JOHNSON
SHARI L JOHNSON
615 20TH ST NW
EAST GRAND FORKS, MN 56721

JOSEPH MOOSBRUGGER
21724 MOOSE POINT RD
COHASSET, MN 55721

TROY B HENDRICKS
SUZANN M HENDRICKS
23762 470TH ST
LAPORTE, MN 56461

TIMOTHY G HURTT
NAOMI R HURTT
7552 COUNTY RD 12
HOOPLE, ND 58243

MATTHEW F SANFORD
JENNIFER A SANFORD
4001 WAVILLE RD NE
BEMIDJI, MN 56601

TERRIL L BORGESON
ELSIE M BORGESON
6307 HWY 32
PARK RIVER, ND 58270

MN DEPT OF TRANSPORTATION
395 JOHN IRELAND BLVD
MAILSTOP 631 (DP)
ST PAUL, MN 55155

DAVID J HABERMAN
CATHY J WILLIAMS
815 28TH AVE S
GRAND FORKS, ND 58201

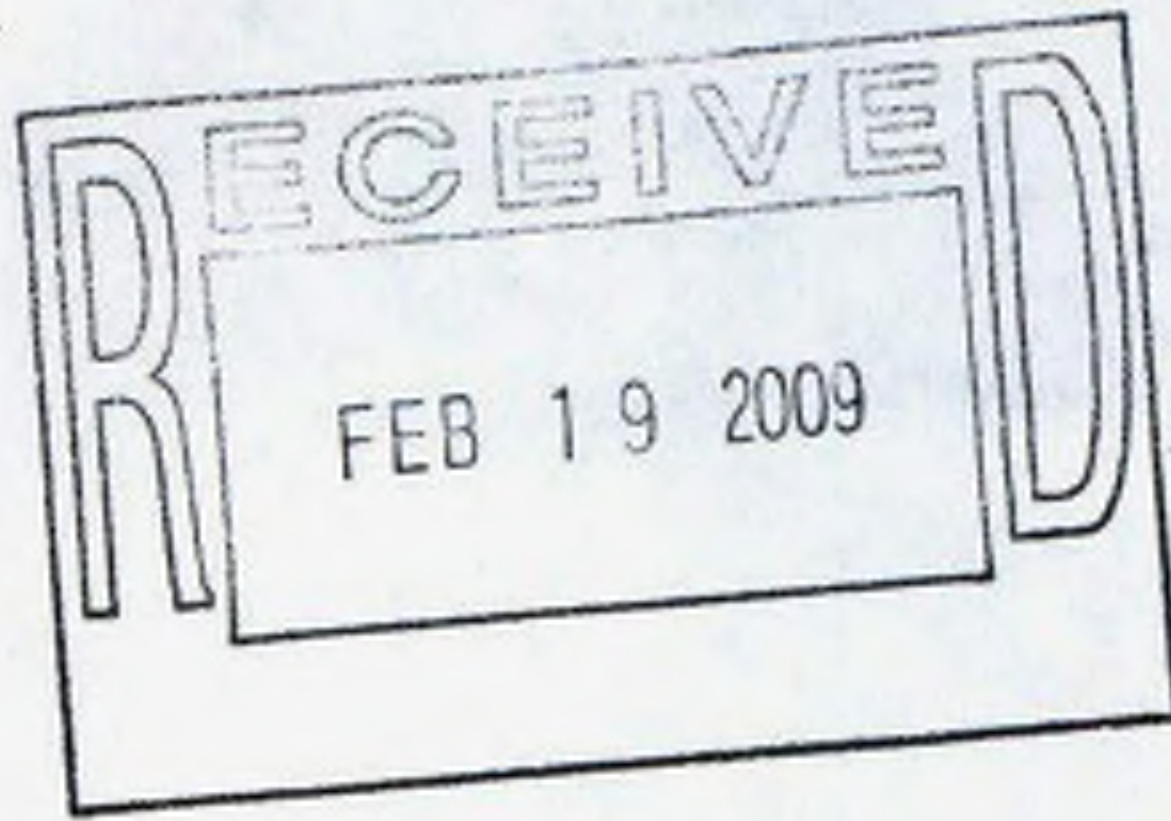
DONALD J JELINEK
DIANE L JELINEK
3520 20TH ST S
FARGO, ND 58104

MICHAEL J ROYSLAND
KIMBERLY ROYSLAND
PO BOX 55
FOSSTON, MN 56542

GARY HILDAHL CARLIN TRUSTEE
FIRST RESTATED CARLIN FMLY TR
PO BOX 2008
BEMIDJI, MN 56619-2008

ALLEN G POTVIN
JUDITH M POTVIN
820 FOSS AVE N
FOSSTON, MN 56542

JOHN CLIFF DODD
12578 E SADDLEHORN TRAIL
SCOTTSDALE, AZ 85259



OFFICE OF COUNTY RECORDER
COUNTY OF BELTRAMI, MINNESOTA

THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 02/04/2009 AT
12:35:51PM BY DOCUMENT NUMBER

12000490096
Lisa A. Warm DEPUTY

CHARLENE D. STURK
COUNTY RECORDER

PAGES: 5

Variance

Planning Case # V-08-31.01379.00

Date: December 10, 2008
To: Beltrami County Recorder's Office
From: Greater Bemidji Area Joint Planning Board

On December 10, 2008, the Greater Bemidji Area Joint Planning Board approved the following request for variances:

- Four variances to remove an existing cabin and accessory detached garage from their substandard lot and replace it with a year round residence with an attached garage, which are as follow:
 1. A 6.3% impervious surface variance
 2. A 59 ft. front (OHWM) setback
 3. 2 - 5ft. side yard setback variances, one on the North side of the property and one on the South side of the property.

Motion by Thompson, Second by Howe to approve the 4 variances with the following conditions:

1. An engineered grading and surface water management plan shall be completed and submitted with any application for a building permit.
2. A tree inventory and subsequent preservation plan shall be prepared and submitted as part of any application for a building permit.
3. Pavers that produce some benefit to runoff shall be used in lieu of asphalt or concrete for any driveway and/or sidewalk surfaces.
4. No additional impervious surfaces, buildings or structures, including decks, may be permitted on the property unless additional property is first acquired and impervious surface restrictions for the entire lot can be met.

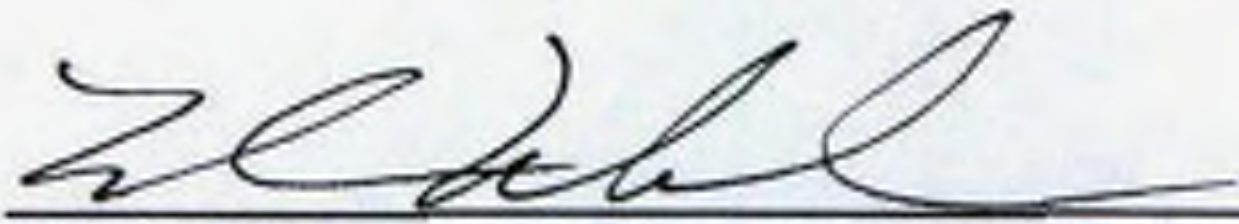
Motion carried unanimously.

Property Owner: Richie L & Sandra M Aanderud

Address: 4029 Waville Rd NE, Bemidji, MN 56601

Parcel Number: 31.01379.00

Legal Description: Sect-35 Twp-147 Range-033 WAVILLE Lot-002 Block-006



Mel Milender, Planning Administrator



Roger Hellquist, Chair JPB



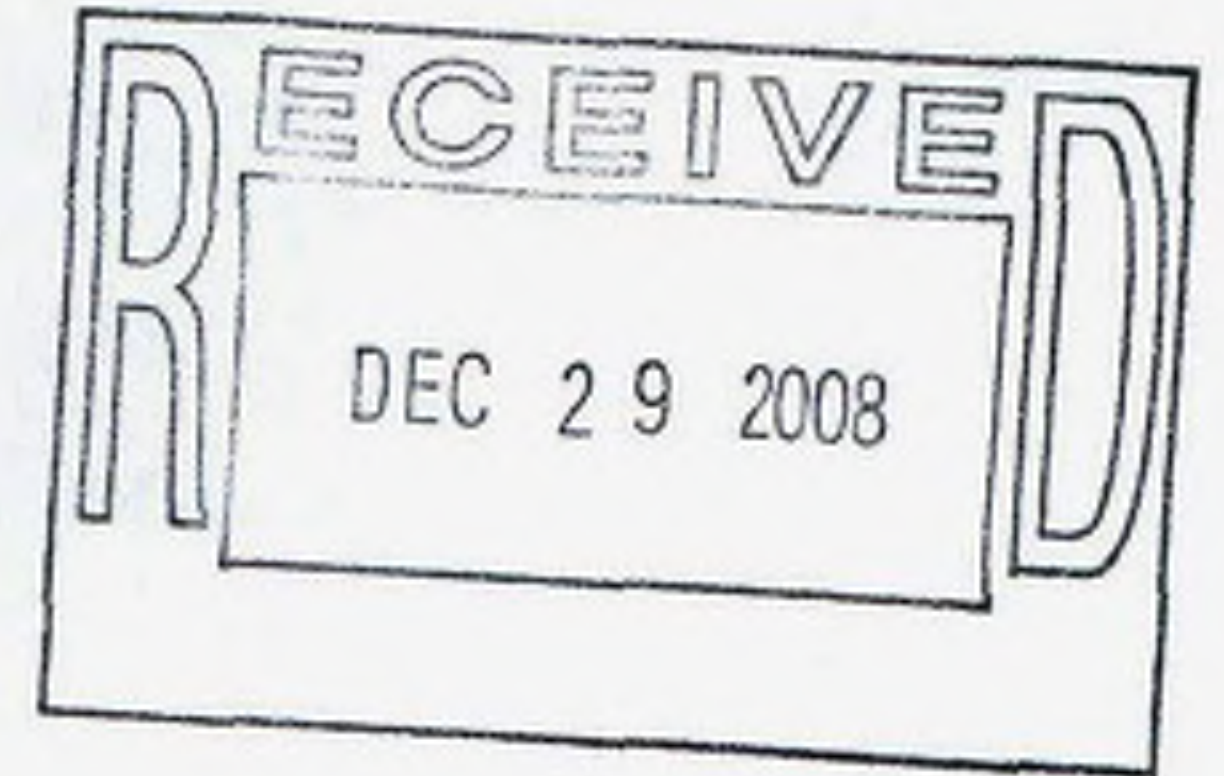
Mississippi Headwaters Board

CASS COUNTY GOVERNMENT BLDG. • PO BOX 5 • BACKUS MN 56435

PHONE 218-947-7524

Email: cass.mhb@co.cass.mn.us

WEB: www.mississippiheadwaters.org



Date: December 22nd, 2008

**To: Richie and Sandra Aanderud
3004 Chestnut Street
Grand Forks, ND 58201**

**Legal: Lot 2, Block 6
Waville
Northern Township
35-147-33
Beltrami County**

And: Mel Milender (to attach to parcel record)

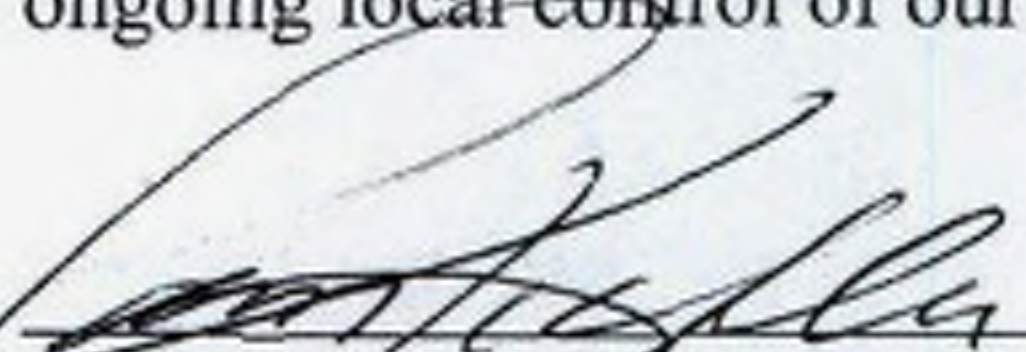
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- 2) Require implimentation w/in a time frame to include follow-up inspection
- 3)
- 4)

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Pam Kichler - MHB Administrative Assistant

CC: Commissioner Jack Frost, Mel Milender (GBA JPB)





Mississippi Headwaters Board

NOTICE OF DECISION/CERTIFICATION

State of Minnesota -- County of: Beltrami (GBA JPB) Date: 12.19.08 Action #: GBA11a08

Type of Action: Variance Appeal Review

Action was: Certified Denied Tabled: _____ Until: _____

Applicant or Authorized representative:

Name: Richie and Sandra Aanderud
Mailing Address: 3004 Chestnut Street
City, State, Zip: Grand Forks, ND 58201

COPY

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It is ordered that the above action was was not certified upon the following conditions:

*For the information provided, this board would approve/certify the actions consistent w/ conditions as set forth by Northern Township/GBA JPB and those indicated today**

FOF

Findings of Fact or conditions (if any) will be noted or attached for recording →

Dated this 19th Day of December, 2008

[Signature]
Chairperson of the MHB/Authorized Representative

[Signature] 12/19/08
Notorized/Date

Applicant or Authorized Representative acknowledges receipt of this document

Signature of Applicant or Authorized Representative



A copy of this form will be forwarded to the Planning/Zoning Administration and the MHB Commissioner from the applicant's County.

If you wish to Appeal this decision, send notification to MHB within 30 days after receipt of the Final Notice of Decision



OVER ↓

More detail if necessary:

Legal description:

as noted previously

Additional conditions:

* *Require implementation w/in timeframe & follow-up inspection*

This document was drafted by the Mississippi Headwaters Board

Scanned	✓
Indexed	✓
Tracked	✓
Verified	✓

Action/Discussion

Beltrami SWCD CWL grant application
Crow Wing SWCD CWL grant application
Wild Rice mapping discussion
MHB Regional Contribution
Miss. River Signage update
Executive Director's Report



Projects and Practices Application

Grant Name - Lake Irving TMDL Stormwater Retrofit and Iron Enhanced Sand Filter

Grant ID - C20-6316

Organization - Beltrami SWCD

Allocation	Projects and Practices 2020	Grant Contact	Zach Gutknecht
Total Grant Amount Requested	\$156,000.00	County(s)	Beltrami
Grant Match Amount	\$39,000	12 Digit HUC(s)	070101010502
Required Match %	25%	Applicant Organization	Beltrami SWCD
Calculated Match %	25%	Application Submitted Date	
Other Amount			
Project Abstract	<p>Lake Irving, located in the City of Bemidji, is the first lake on the Mississippi River it's a shallow, natural lake. Water enters from the Mississippi River and flows through Lake Irving which outlets to Lake Bemidji 800 feet downstream. A portion of the City of Bemidji (866 acres), including city stormwater and industrial park runoff, drain to an unnamed stream which outlets on the southeast side of Lake Irving. Lake Irving was added to the 303d list in 2010 and completed a TMDL in 2018 that found 736.34 pounds of phosphorus per year flowing to Lake Irving directly from the City of Bemidji. Based on the TMDL the goal is to reduce the contribution by 267.50 lb/yr of phosphorus. The project, based on a feasibility technical memorandum, will remove 221 lb/yr of phosphorus. The project has a unique set of circumstances where it has already been developed and restoration of Lake Irving can begin upon receipt of funding. Goals of this project include continued protection of the water quality of Lake Bemidji, increased local stormwater awareness, and collaborate with Enbridge, a new partner who is willing to provide the grant match. Project planning began in 2014, when the Mississippi Headwaters Board completed a Stormwater Water Quality Best Management Practice Retrofit Analysis for Bemidji. The analysis was a tiered approach, starting with a review of existing spatial data and local knowledge identifying areas least likely to be</p>		

	conductive to retrofitting. The remaining catchments were designated Priority Management Areas (PMA) and modeled to estimate existing delivery of phosphorus and sediment. Based on this analysis, PMA 25 was targeted for further investigation and a feasibility technical memorandum was completed through the North Central Minnesota Joint Powers Board. This memorandum determined that the creation of an iron enhanced sand filter along with additional channel storage, culvert replacement, and re-vegetation yielding the greatest return on investment.
Proposed Measurable Outcomes	This project had a feasibility study done in 2018. The project is estimated to prevent 221 pounds of phosphorus and 73,974 pounds of total suspended solids from entering Lake Irving on an annual basis.

Narrative

Questions & Answers	
Does your organization have any active competitive CWF grants? If so, specify FY and percentage spent. Also, explain your organization's capacity (including available FTEs or contracted resources) to effectively implement additional Clean Water Fund grant dollars.	Beltrami SWCD has one active CWF grant, a Community Partners Grant from FY16. This grant is currently 95% encumbered, and was extended due to staff turnover. The SWCD has three FTEs to expand program deliverables, increase the number of BMP practices, and build general capacity. The Mississippi Headwaters Board an equal partner has no active Clean Water Fund grants.
Water Resource: Identify the water resource the application is targeting for water quality protection or restoration.	<p>The proposed project for PMA 25 will benefit Lake Irving, Lake Bemidji, and the Mississippi River. PMA 25 has a drainage area of 866 acres primarily made up of fully-developed residential/commercial lands as well as the Bemidji Industrial Park.</p> <p>Lake Irving Located 1.7 miles south of Bemidji, MN is a round shallow natural lake. Lake Irving has five inlets and one Outlet to Lake Bemidji, which classify it as a drainage lake. Lake Irving was listed on the 303d list in 2010 for nutrients impairments and biological indicators, Lake Irving completed a TMDL in 2018. Water quality of Lake Bemidji, 800 feet from the outlet of Lake Irving, is largely dependent upon the water quality of Lake Irving. BATHTUB modeling of Lake Bemidji reinforces that increases in phosphorous loading from Lake Irving may be expected to increase total phosphorous concentrations in Lake Bemidji. Both lakes are considered to have the highest ranking for biodiversity significance and are the two most important local resources in regards to economic, ecological, and public value.</p> <p>The Upper Mississippi River was the first of the large rivers in the state to have intensive monitoring. Biology and chemistry data were collected in 2013 and 2014 determining the river is meeting state water quality standards. Overall, the biological communities of the Mississippi River are in good shape, as fish and macroinvertebrate index of biotic integrity scores indicate full support for aquatic life use. With natural conditions contributing low dissolved oxygen in some parts of the watershed, it is critical that pollutants that could further decrease DO concentrations do not enter the river. Along the first 132 miles of the Mississippi River, one of the largest threats to water quality are pollutants such as phosphorus, result from untreated stormwater.</p>

Questions & Answers

Question 1 (17 points): (A) Describe why the water resource was identified in the plan as a priority resource. For the proposed project, identify the specific water management plan reference by plan organization (if different from the applicant), plan title, section, and page number. (B) In addition to the plan citation, provide a brief narrative description that explains whether this application fully or partially accomplishes the referenced activity. (C) Provide weblinks to all referenced plans.

As the first lake on the Mississippi River, Lake Irving is an important water quality gateway for the Mississippi River Headwaters Watershed. The lake has a major influence on the water quality of Lake Bemidji, and is trending toward impairment. These two lakes are some of the most important local resources, playing key roles supporting local economies, recreation opportunities, and ecologically dynamic systems. Lake Irving and Lake Bemidji have been designated as priorities by the WRAPS and the Local Water Management Plan based on multiple characteristics including being wild rice and Cisco, ranking at the highest level for lake biological significance, protecting downstream drinking water, and high sensitivity to phosphorus. This application partially accomplishes the referenced activities.

Beltrami SWCD, 2017-2027 Beltrami County Local Water Management Plan

Section 3.1.1. Impaired waters – Goal 1.3: Improve the quality of impaired waters through implementation of defined strategies and BMPs based on TMDLs and WRAPS. Page 29

Section 3.1.2. At-Risk Waters - Goal 1.2: Implement water quality projects on water resources with current impairments, declining trends, or other identified at-risk waters. Page 35

Section 3.2.1. Stormwater management - Goal 1.1: Assist municipalities, townships, and landowners in the installation of stormwater BMPs, using principles of integrated stormwater design either through good stewardship or through various kinds of development in the targeted areas; and Goal 1.2: Address existing erosion problems by conducting and implementing targeted erosion control projects in order to reduce sedimentation and nutrient loading into surface waters and wetlands. Page 50

<https://www.co.beltrami.mn.us/Departments/SWCD/Resources/Local%20Water%20Plan.pdf>

MPCA WRAPS

Lake Bemidji Watershed - Lake Irving - addresses existing stormwater conveyance systems for possible treatment. Page 122

<https://www.pca.state.mn.us/sites/default/files/wq-ws4->

Question 2 (3 points): (A) Describe how the resource of concern aligns with at least one of the statewide priorities referenced in the Nonpoint Priority Funding Plan. (also referenced in the “Projects and Practices” section of the RFP). (B) Describe the public benefits resulting from this proposal from both a local and state perspective.

The proposed PMA 25 project aligns with all three of the statewide priorities from the Nonpoint Priority Funding Plan listed in the RFP. By implementing PMA 25 we will be able to:

- 1) Improve Lake Bemidji's declining water quality trend, which will require efforts to address the phosphorus from Lake Irving. Currently, Lake Irving is not a sink for any phosphorus, but rather a pass-through because the lake does not stratify until late in the year according to the 2018 TMDL. The proposed reductions from this project will reduce 20% of the 5% reduction goal for Lake Bemidji, based on the Lake of Phosphorus Sensitivity Significance information developed by the MN DNR.
- 2) Protect Lake Bemidji from becoming impaired by improving Lake Irving. Lake Bemidji is a high priority lake and critical resource to the area because of its social, ecological, and economic benefits. Lake Bemidji is currently trending toward impairment and one of its major sources of nutrients is Lake Irving, as suggested by BATHTUB modeling.

Questions & Answers

3) Work toward the restoration of Lake Irving for the intended public use as a locally significant waterbody.

4) Protect the drinking water quality of Mississippi River at its first major convergence with a city.

While the restoration of Lake Irving will include many activities including shoreline restoration, private stormwater management, and septic system inspections, it is not very often we are able to capture roughly 80% of the nutrient load goal with one project from a city as we can with this proposed project. Locally, Lake Irving is a priority because it is the most economically important lake of its class, has outstanding biological significance, and is a public recreational lake. The improvements made to Lake Irving will also have an impact on the quality of the Mississippi River as a state water trail and a source of drinking water for millions of people downstream.

Question 3. (15 points) Describe the methods used to identify, inventory, and target the root cause (most critical pollution source(s) or threat(s)). Describe any related additional targeting efforts that will be completed prior to installing the projects or practices identified in this proposal.

In 2014, the Mississippi Headwaters Board funded a stormwater retrofit analysis focusing on twelve cities that impact the Mississippi River. Fifty-nine projects were identified and this project ranked #7 for removal of phosphorus and #3 for present-day value per pounds of total phosphorus removed. This project fully addresses the goals of the Mississippi Headwaters Board 2014 study as related to Lake Irving's urban stormwater treatment. Following this regional study, the North Central Joint Powers Board, Beltrami SWCD, and the City of Bemidji performed a feasibility analysis of design alternatives for the proposed Lake Irving project that investigated many approaches to optimize water quality treatment in relation to cost and maintenance.

The TMDL in 2018 found that 736.34 pounds of phosphorus per year are entering Lake Irving directly from the City of Bemidji; the goal is to reduce this contribution by 267.50 pounds of phosphorus per year. The proposed project for this grant application will result in the greatest return on investment for the state and city and will meet 82% of the TMDL phosphorous loading goal from city stormwater compared to other alternatives investigated.

Link to Feasibility Technical Memorandum - http://mississippiheadwaters.org/grants/stormreports/PMA25_LakeIrvingFeasibility_FINAL.pdf

Question 4. (10 points): How does this proposal fit with complimentary work that you and your partners are implementing to achieve the goal(s) for the priority water resource(s) of concern? Describe the comprehensive management approach to this water resource(s) with examples such as: other financial assistance or incentive programs, easements, regulatory enforcement, or community engagement activities that are directly or indirectly related to this proposal.

Lake Bemidji and surrounding area have been prioritized by multiple partners through various reports and plans, including the local water plan, WRAPS, and the MHB comprehensive planning process. The City of Bemidji is one of Minnesota's early adopters of stormwater BMPs beginning in the early 1990's. In working with the Beltrami SWCD, the city has installed a network of stormwater BMPs such as detention basins and stormwater treatments as seen at Cameron and Diamond Point Parks, the Bemidji State University campus, and the Chamber of Commerce parking lot's grit chambers. This stormwater partnership continues through reducing and mitigating impervious surfaces by MS4 requirements and other retrofits, an educational campaign that includes a stormwater stamping program, and placing rain gardens in highly visible locations including the Boys and Girls Club, Watermark Art Center, and the Food Shelf. The Beltrami SWCD, in working with additional partners such as MPCA, BWSR, and Area 8 TSA, have been able to secure federal funding for the

Questions & Answers

implementation of forestry protection strategies unique to northern Minnesota that will reasonably protect resources within the priority watershed. In addition, the Mississippi Headwaters Board Mississippi River Corridor Easement Program will also be amplified through these forestry protection strategies, with shared the goal of protection of our high water resource quality.

Question 5. (10 points): (A) What is the primary pollutant(s) will this application specifically address? (B) Has a pollutant reduction goal been set (via TMDL or other study) in relation to the pollutant(s) or the water resource that is the subject of this application? If so, please state that goal (as both an annual pollution reduction AND overall percentage reduction, not as an in-stream or in-lake concentration number). (C) If no pollutant reduction goal has been set, describe the water quality trends or risks associated with the water resource or other management goals that have been established. (D) For protection projects, indicate measurable outputs such as acres of protected land, number of potential contaminant sources removed or managed, etc.

The PMA 25 project is likely the single largest shovel-ready load reduction we can accomplish on Lake Irving that also has an impact to Lake Bemidji. Lake Irving was listed on the 303d impaired waterbody list in 2010 for aquatic recreation use impairments from eutrophication due to phosphorus levels. The TMDL completed in 2018 defined the loading capacity and allocated phosphorus loads to sources. Watershed loading was provided from the calibrated Upper Mississippi Headwaters HSPF Model. Mean annual runoff and flow-weighted mean total phosphorus concentrations for watershed loading were provided as input to BATHTUB to determine source loading goals for the lakeshed and the City of Bemidji separately. The existing load from the City of Bemidji to Lake Irving is 736.34 lbs./yr. and has a reduction goal of 267.50 lbs./yr. The existing load from the lakeshed is 686.24 lbs./yr. and has a reduction goal of 300.44 lbs./yr.

The proposed project will remove 221 lbs. of phosphorous and 73,974 lbs. of total suspended solids annually. The project would then remove 82% of phosphorus loading from city stormwater.

The project will remove dissolved phosphorus from stormwater runoff by chemically binding it to particulate iron filings mixed into the sand filter media. Secondly, the project includes the creation of a maintenance forebay and wetland vegetation installation. Wetland vegetation increases channel roughness, reducing stormwater flow through it. This induces additional sediment settling in the water column. Additionally, sediment particles bond to vegetation, further abstracting sediment and its bound phosphorus.

Question 6. (10 points): (A) What portion of the water quality goal will be achieved through this application? Where applicable, identify the annual reduction in pollutant(s) that will be achieved or avoided for the water resource if this project is completed. (B) Describe the effects this application will have on the root cause of the issue it will address (most critical pollution source(s) or threat(s)).

Collectively, the project will remove 221 pounds of phosphorus per year compared to the existing system. The 2018 TMDL reduction goal from the City of Bemidji directly to Lake Irving is 267.50 pounds of phosphorus per year. The projected models indicate that 82% of the phosphorus would be removed from the City of Bemidji stormwater contributions from this one project. In comparison, the total load reduction from Lake Irving's lakeshed not including the City of Bemidji and the City of Bemidji stormwater loading to the Mississippi River and Lake Irving is 300.44 pounds of phosphorus per year.

More critically, this project will start reducing the phosphorus loading threat to Lake Bemidji. As stated by the 2018 TMDL, Lake Irving is a not a sink for phosphorus, thereby if we can reduce the loading to Lake Irving we can reduce the loading to Lake Bemidji due to their close proximity. The potential reductions for Lake Bemidji would be 20% of the 5% reduction goal based on the Lake of Phosphorus Sensitivity Significance information developed by the MN DNR.

Questions & Answers

Question 7. (5 points): If the project will have secondary benefits, specifically describe, (quantify if possible), those benefits. Examples: hydrologic benefits, enhancement of aquatic and terrestrial wildlife species, groundwater protection, enhancement of pollinator populations, or protection of rare and/or native species.

The most important secondary benefit of this project is its contribution toward conservation efforts related to protecting Lake Bemidji and its social, ecological, and economic values to the region and state. Unique to water resources management, this project also provides spill containment services to protect both lakes and the Mississippi River, as it is optimally located down-gradient and in the flowpath of an Enbridge pipeline that transports millions of gallons of oil each year. The project contains three crossing culverts and a controlled outlet to the proposed system that will allow for spill containment and emergency response/cleanup. The planned wetland habitat improvements will encompass approximately 9,000 square feet and enhance habitat for pollinators, amphibians, and reptiles.

Question 8. (15 points): A) Describe why the proposed project(s) in this application are considered to be the most cost effective and feasible means to attain water quality improvement or protection benefits to achieve or maintain water quality goals. Has any analysis been conducted to help substantiate this determination? Discuss why alternative practices were not selected. Factors to consider include, but are not limited to: BMP effectiveness, timing, site feasibility, practicality, and public acceptance. Note: For in-lake projects such as alum treatments or carp management, please refer to the feasibility study or series of studies that accompanies the grant application to assess alternatives and relative cost effectiveness. You will also need to attach a copy of this study within the Attachments tab. (B) If your application is proposing to use incentives above and beyond payments for practice costs, please describe rates, duration of payments and the rationale for the incentives' cost effectiveness. Note: For in-lake projects such as alum treatments or carp management, please refer to the feasibility study or series of studies that accompanies the grant application to assess alternatives and relative cost effectiveness. Please attach feasibility study to your application in eLINK.

The project site is located on city-owned property. The City of Bemidji is a willing partner in establishing the project and maintaining the BMP after installation, and the project will become a part of their MS4 permit. The Feasibility Technical Memorandum identified four alternative scenarios in contrast to the existing conditions.

Alternative 1 - did not have any impact on total phosphorus removal; initial construction cost of \$114,100.00 and an annual maintenance cost of \$320.00.

Alternative 2 - removed 221 pounds of phosphorus and 73,974 pounds of total suspended solids per year; initial construction cost of \$160,000.00 and an annual maintenance cost of \$320.00.

Alternative 3 - removed 230 pounds of phosphorus and 74,676 pounds of total suspended solids per year; initial construction cost of \$359,680.00 and an annual maintenance cost of \$320.00.

Alternative 4 - removed 233 pounds of phosphorus and 75,283 pounds of total suspended solids per year; initial construction cost of \$490,000.00 and an annual maintenance cost of \$320.00.

Given the results of the cost versus treatment capacity of each alternative, Alternative 2 yields the best incremental value per dollar spent and is the recommended project. This alternative includes the creation of a forebay, iron enhanced sand filter, and installation of wetland vegetation. Iron enhanced

Questions & Answers

sand filters are one of the most effective methods for cost-efficiently removing phosphorus as opposed to other chemical treatments such as alum. The creation of the forebay in-line with the unnamed stream provides additional water quality treatment beyond that of the iron enhanced sand filter. This project and its location are prepared for installation and will have continual maintenance through MS4 requirements.

Question 9. (8 points): What steps have been taken or are expected to ensure that project implementation can begin soon after the grant award? Describe general environmental review and permitting needs required by the project (list if needed). Also, describe any discussions with landowners, status of agreements/contracts, contingency plans, and other elements essential to project implementation.

Meetings have already been held to discuss the feasibility study with BWSR, MHB, Enbridge, Beltrami SWCD, and the Bemidji City Engineer. The City Engineer brought it before the Bemidji City Council on 10/1/18 and they gave formal approval for this project to be pursued for funding. The city owns the land around the project area so work could begin immediately, and it is on Bemidji's Capital Improvement (CIP) Plan for 2020. Once completed, the city will develop a 25-year long term maintenance plan based on the feasibility report and will maintain the BMP for the life of the project. The MHB and Beltrami SWCD Boards have been informed of the project and have provided consensus for submittal.

Enbridge has also donated funding to help cover the 25% match needed to support this grant application. HR Green Engineering has been chosen to oversee the project and work with the city on environmental permitting. This project was also presented at the Mississippi Headwaters Board Biennial Conference in October of 2017, and staff and elected officials from cities and counties were informed about this project. A TMDL on Lake Irving was completed on October 19, 2018. Finally, the City of Bemidji has an MS4 and is taking an active role in their part to protect Lake Irving and Lake Bemidji.

Question 10. (2 points): What activities, if any proposed, will accompany your project(s) that will communicate the need, benefits, and long term impacts to your local community? This should go above and beyond the standard newsletters, signs and press releases.

In addition to traditional public outreach efforts like newsletters and articles, signage along the Paul Bunyan State Trail, and social media, the project partners intend to use this project as one example in a long story of work addressing stormwater impacts and as an educational tool for BSU and/or Bemidji High School students. In addition, the project will be showcased at the MHB Biennial Conference.

Question 11. (0 points). All project applications for feedlots must include a work sheet with supplemental questions being answered. This worksheet is found on the BWSR webpage "Apply for Grants." Have you attached this worksheet?

Not applicable

The Constitutional Amendment requires that Amendment funding must not substitute traditional state funding. Briefly describe how this project will provide water quality benefits to the State of Minnesota without substituting existing funding.

The scope and size of this project goes beyond the normal budgeted activities of the existing stormwater program funding, and Clean Water Legacy funds will not substitute or supplement any existing funds. Without significant support, the partners do not have sufficient budgets to support this type of activity.

Application Budget

Activity Name	Activity Description	Category	State Grant \$ Requested	Activity Lifespan (yrs)
Administration/Coordination	This activity includes financial tracking, grant tracking, grant agreement management, and all required grant reporting in elink.	ADMINISTRATION /COORDINATION	\$4,000.00	
Technical & Engineering Assistance	This activity involves working with a private engineer and partnership staff including JPB, MHB, SWCD, and City to complete design plans, survey, and provide construction oversight. This activity includes partner staff time to develop signage, conduct project coordination meetings with partners (City of Bemidji, MHB, JPB, Engineers, Contractors, and Enbridge), and perform construction management (securing permits, bid process, contracts, oversight).	TECHNICAL/ENGINEERING ASSISTANCE	\$45,535.00	
Construction	<p>This activity includes signage, construction site preparation and maintenance, mobilization of equipment, installation of the filter bench and interpretive signage, culvert replacement, traffic control, pool dredging, wetland vegetation, demobilization of equipment, and site restoration.</p> <p>All work will be completed by a qualified contractor selected using a competitive bidding process with oversight from the City of Bemidji and partners.</p> <p>Access, staging, and construction will all occur on land owned by the City of Bemidji.</p>	URBAN STORMWATER MANAGEMENT PRACTICES	\$106,465.00	

Proposed Activity Indicators

Activity Name	Indicator Name	Value & Units	Waterbody	Calculation Tool	Comments
Construction	PHOSPHORUS (EST. REDUCTION)	221 LBS/YR	Lake Bemidji	P8 Urban Catchment Model	Lake Irving is acting as a pass

Activity Name	Indicator Name	Value & Units	Waterbody	Calculation Tool	Comments
					through system to Lake Bemidji based on the 2018 TMDL
Construction	PHOSPHORUS (EST. REDUCTION)	221 LBS/YR	Lake Irving	P8 Urban Catchment Model	
Construction	SEDIMENT (TSS)	73974 TONS/YR	Lake Irving	P8 Urban Catchment Model	

Activity Details

Activity Name	Question	Answer
Administration/Coordination	Dollar amount requested for Ag BMP Loan Program:	0
Administration/Coordination	Dollar amount requested for CWP Loans:	0
Technical & Engineering Assistance	Dollar amount requested for Ag BMP Loan Program:	0
Technical & Engineering Assistance	Dollar amount requested for CWP Loans:	0
Construction	Dollar amount requested for Ag BMP Loan Program:	0
Construction	Dollar amount requested for CWP Loans:	0

Application Image



Lake Irvine PMA 25 Feasibility
 Technical Memorandum
 Project No.: 170503

FIGURE 9. ALTERNATIVE 2.

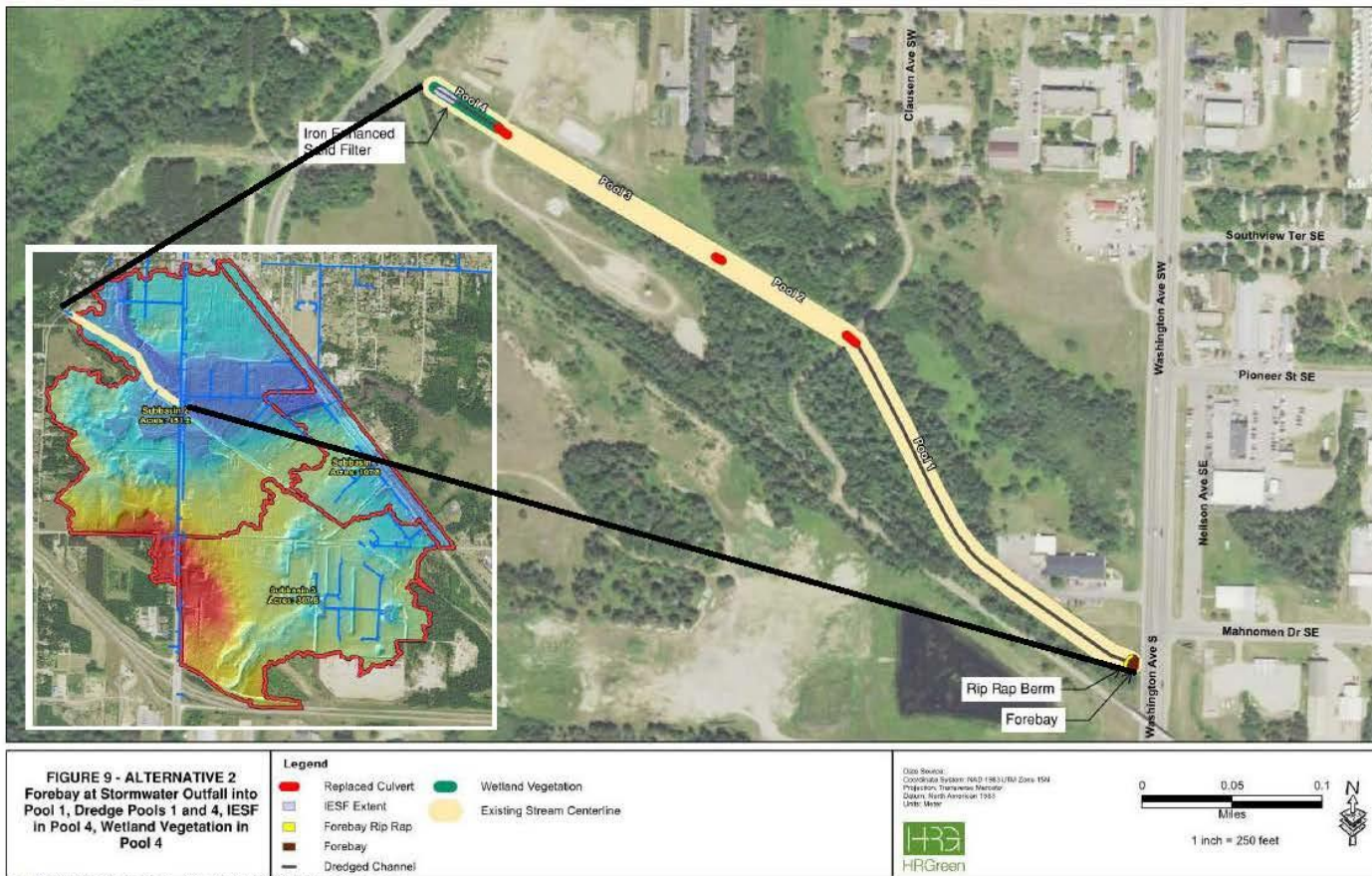


Figure 22 Major Watersheds with Lakes of Phosphorus Sensitivity Significance

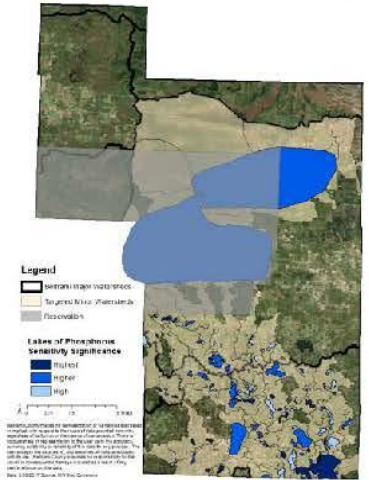
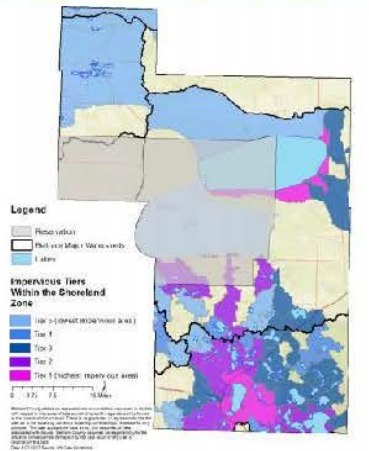


Figure 22 Impervious Surfaces within the Shoreland Zone of Lakes.



Map Image





Projects and Practices Application

Grant Name - The Mississippi River, Tributary Whiskey Creek: Stormwater Project

Grant ID - C20-7284

Organization - Crow Wing SWCD

Allocation	Projects and Practices 2020	Grant Contact	Melissa Barrick
Total Grant Amount Requested	\$986,500.00	County(s)	Crow Wing
Grant Match Amount	\$246,625	12 Digit HUC(s)	070101040506
Required Match %	25%	Applicant Organization	Crow Wing SWCD
Calculated Match %	25%	Application Submitted Date	
Other Amount			
Project Abstract	<p>A total of 20.6 acres will be converted into a stormwater best management practice (BMP) and a green space enhanced with newly planted pollinator species and recreational trail connections. The project will treat polluted runoff from 400-acre highly impervious, Trunk Highway 371 watershed in Baxter, Minnesota adjacent to the Mississippi River. The proposed stormwater BMP will remove 145.6 pounds (LBS) yearly of phosphates, 84,560 LBS yearly of total suspended solids (TSS), and other pollutants from the surface water runoff of the watershed area for Whiskey Creek. Out of the 400 miles along the Mississippi River, this watershed has the highest amount of development, with 50 percent of the land classified as developed and an increase of 208 people per square mile from 2000 to 2013. The 20.6-acre area is the last opportunity to provide these improvements in the 400-acre drainage area. In a study conducted by Mississippi Headwaters Board (MHB), this project was ranked 2nd highest for removal of phosphorus out of 59 projects in region 2. The green space will create corridor connections to the Paul Bunyan State Regional Trail and provide protection and connection to the Northland Arboretum. Restoring the stream banks of Whiskey Creek will mitigate erosion and flood risks. Native vegetation will be planted to</p>		

	increase habitat for fish, bird, and local wildlife. The City will hold the fee title and has adequate funding to complete ongoing operation and maintenance of the stormwater BMP. The City of Baxter engineering staff will manage the design and construction of the project. An open a public comments period for the project will allow citizens to provide input into the project. Crow Wing County Soil and Water Conservation District (SWCD) will be the fiscal agent for this project. The MHB, the City of Baxter, SWCD, MPCA, the City of Brainerd, MNDOT, and the Northland Arboretum will review technical aspects of the project and make suggestions to ensure the project succeeds.
Proposed Measurable Outcomes	The proposed stormwater BMP will remove 145.6 pounds (LBS) yearly of phosphates, 84,560 LBS yearly of total suspended solids (TSS), and other pollutants from the surface water runoff of the watershed area of the Whiskey Creek.

Narrative

Questions & Answers	
Does your organization have any active competitive CWF grants? If so, specify FY and percentage spent. Also, explain your organization's capacity (including available FTEs or contracted resources) to effectively implement additional Clean Water Fund grant dollars.	Yes, the SWCD received Clean Water Fund (CWF) grant dollars in respectively, FY2017-93 percent spent, FY2018-54 percent, and FY2019-2 percent. The SWCD has the organizational capacity to take on additional CWF grant dollars because qualified staff with project management experience and expertise and protocols and procedures to ensure funds are spent correctly. FY2018 CWF One Watershed One Plan (1W1P) is waiting for Board of Water and Soil Resources (BWSR) Board for approval. The SWCD will utilize FY2018 CWF the rest of the funds to develop the implementation plan and finalize the plan. Furthermore, SWCD has consultant contract set up to complete all engineering and construction management of the FY2019 project. The City of Crosslake will BID the FY2019 CWF grant project in fall 2019 or winter 2020 and construction will begin summer 2020. The SWCD will ensure all current CWF dollars are spent and projects are completed with in accordance with current work plan and BWSR CWF procedures.
Water Resource: Identify the water resource the application is targeting for water quality protection or restoration.	Whiskey Creek is an urbanized stream that starts as outfall from Fleet Farm parking lot. The Creek runs through City of Baxter and the Northland Arboretum. The Creek confluence with the Mississippi River north of State Highway 210 Brainerd Bridge.
Question 1 (17 points): (A) Describe why the water resource was identified in the plan as a priority resource. For the proposed project, identify the specific water management plan reference by plan organization (if different from the applicant), plan title, section, and page number. (B) In addition to the plan citation, provide a brief narrative description that explains whether this application fully or partially accomplishes the referenced activity. (C) Provide weblinks to all referenced plans.	Whiskey Creek is an important water quality project for the SWCD and Mississippi River Watershed and a priority waterbody from both the Mississippi River Watershed Restoration and Protection Strategy Report. This project will address Crow Wing County Water Plan Surface Water

Questions & Answers

priority concerns one and two which address 'Stormwater Management and Erosion and Sediment Control (pages 15-16)' and 'Measure Water Quality Data and Assess Trends (pages 22-24),' respectively. This project will address the following CWC Water Plan Action Items:

- Provide technical assistance to landowners to implement stormwater management practices, (Actions 1-5: CWC Water Plan);
- Develop and distribute educational materials on BMPs (Action 2: CWC Water Plan); and
- Encourage and support innovative stormwater management practices and develop public and private demonstration projects that utilize minimal impact design standards (Action 6: CWC Water Plan).

Whiskey Creek has been designated as a priority project by the Retrofit Analysis based on multiple characteristics such as protects downstream drinking water, sensitivity to phosphorus and total suspended sediments. In 2013, the MHB funded a stormwater retrofit analysis focusing on 12 cities that impact the Mississippi River. Fifty-nine projects were identified, and this project ranked number two for removal of Phosphorus and number two for present day value per pounds of Total Phosphorous (TP) removed.

This project fully addresses the goals of the MHB 2014 study as related to Whiskey Creek's urban stormwater treatment. The design recommended from this study, proposed for this grant application, will result in the greatest return on investment (ROI) for the State and City.

CWC Water Plan: <http://mn-crowwingcounty.civicplus.com/DocumentCenter/View/4691>

Whiskey Creek:

<http://mississippiheadwaters.org/grants/bwsrmaps/CM45%20-%20Brainerd%20and%20Baxter.pdf>

<http://mississippiheadwaters.org/grants/stormreports/Whiskey%20Creek%20Report.pdf>

Question 2 (3 points): (A) Describe how the resource of concern aligns with at least one of the statewide priorities referenced in the Nonpoint Priority Funding Plan. (also referenced in the "Projects and Practices" section of the RFP). (B) Describe the public benefits resulting from this proposal from both a local and state perspective.

The proposed project aligns with state-wide priorities from the Non-point Priority Funding Plan listed in the RFP. Implementation of the project will improve water quality efforts needed to address the total suspended sediments. This project helps meet the specific requirements of the projects and practices grant of the Nonpoint Priority Funding Plan by reducing impairments to the Mississippi River, and restoring water resources for public use and public health.

By significantly reducing the TP and TSS in an urban use location of the watershed from entering Whiskey Creek, the City of Baxter and the City of Brainerd can address reduction of direct impacts to Whiskey Creek and the Mississippi River while helping protect their social, ecological and economic benefits to the region.

Question 3. (15 points) Describe the methods used to identify, inventory, and target the root cause (most critical pollution source(s) or threat(s)). Describe any related additional targeting efforts that will be completed prior to installing the projects or practices identified in this proposal.

In 2013, the Crow Wing Soil and Water Conservation District (SWCD) received a \$25,000 University of Minnesota Central Region Partnership (CRSDP) Grant to conduct an analysis (Analysis) of the Whiskey Creek (Creek) watershed for potential locations for effective stormwater water quality best management practices to address nutrient and sediment discharges to the Creek. This project fully addresses the goals of the Mississippi Headwaters Board 2014 study as related to Whiskey Creek urban stormwater treatment. The CRSDP grant requirements and the

Questions & Answers

overarching conservation goals of the SWCD, the expressed overarching goal of the study was summarized as follows:

“Engage local officials, city staff, and the community on a stormwater implementation plan, city ordinances, redevelopment and future development of the Hwy 371 corridor”

Additional target goals for the analysis include:

- Urban locations of specific stormwater water quality best management practices (BMPs) as determined by their annual cost per pound (LB) of treatment over a 30-year period
- Address the expressed needs of local community groups, agencies and the Northland Arboretum in relation to proactive management of Whiskey Creek
- Engage students from the Central Lakes College (CLC) in the analysis
- Enhance relationships between local citizens and the University of Minnesota
- Support environmental, social and economic sustainability

This study spurred the City to include this project in the 2019 Capital Improvement Plan and develop a purchase agreement with The Good Samaritan Society to purchase the property. Additionally, the City paid \$20,000 to HDR Consulting Firm to develop a feasibility study on this project.

Question 4. (10 points): How does this proposal fit with complimentary work that you and your partners are implementing to achieve the goal(s) for the priority water resource(s) of concern? Describe the comprehensive management approach to this water resource(s) with examples such as: other financial assistance or incentive programs, easements, regulatory enforcement, or community engagement activities that are directly or indirectly related to this proposal.

This project is a partnership between MHB and City of Baxter. It is part of a series of regional projects identified via the methods described above or implemented by the MHB. The City of Baxter and Brainerd’s goals of mitigating its stormwater effects on water resources in the region, it has recently implemented a stormwater BMP identified in the 2014 analysis at Whiskey Creek to intercept 400 acres of surface water runoff reducing pollutants from entering Whiskey Creek. This project was funded using city resources and ranked number two out of 59 projects identified in 12 cities for phosphorus removal.

The MHB holds a biennial conference in which examples of these types of projects are presented to elected officials and water resource staff to help encourage adoption of similar planning and implementation. This event also provides context and a road-map for municipalities to work with in relation to the River’s protection.

Understanding the value of comprehensive approaches to watershed and resource management, the MHB also strives to protect the Mississippi River through consistent zoning across its upper 400 miles. In 2019, the Mississippi Headwaters Board updated its 2002 Comprehensive Plan to help provide enhanced protection to the River and its tributary lakes. The Comprehensive Plan has a model zoning

Questions & Answers

ordinance for all zoning authorities to follow.

Question 5. (10 points): (A) What is the primary pollutant(s) will this application specifically address? (B) Has a pollutant reduction goal been set (via TMDL or other study) in relation to the pollutant(s) or the water resource that is the subject of this application? If so, please state that goal (as both an annual pollution reduction AND overall percentage reduction, not as an in-stream or in-lake concentration number). (C) If no pollutant reduction goal has been set, describe the water quality trends or risks associated with the water resource or other management goals that have been established. (D) For protection projects, indicate measurable outputs such as acres of protected land, number of potential contaminant sources removed or managed, etc.

The primary impairment in the Whiskey Creek Watershed is phosphorus. The proposed stormwater BMP will remove phosphates, suspended solids, and other pollutants from the surface water runoff of the watershed area for Whiskey Creek. Out of the 400 miles along the Mississippi River, this watershed has the highest amount of development, with 50 percent of the land classified as developed and an increase of 208 people per square mile from 2000 to 2010. The 20.6-acre area is the last opportunity to provide these improvements in the 400-acre drainage area. In a study conducted by MHB, this project was ranked 2nd highest for removal of phosphorus out of 59 projects in the region. The green space will improve land value, create corridor connections to the Paul Bunyan State Regional Trail, and provide protection and connection to the Northland Arboretum.

The proposed Whiskey Creek project is a highly important opportunity for the City of Baxter, City of Brainerd and Crow Wing SWCD as it treats most the commercial area contributing to the Creek as well as the largest, highest contributing load catchment. The proposed design is estimated to receive over 151,000 lbs of TSS and 560 lbs of TP annually. The proposed design would treat TSS at 56 percent and TP at 26 percent. The suspended sediments would sufficiently be removed with the remaining TP load being dominated by dissolved phosphorus (P). The incremental improvement on TP removal at that point would therefore become much greater given that Iron-Enhanced Sand Filter (IESF) target dissolved-P and do so for a small cost.

Question 6. (10 points): (A) What portion of the water quality goal will be achieved through this application? Where applicable, identify the annual reduction in pollutant(s) that will be achieved or avoided for the water resource if this project is completed. (B) Describe the effects this application will have on the root cause of the issue it will address (most critical pollution source(s) or threat(s)).

A total of 20.6 acres will be converted into a stormwater best management practice (BMP) and a green space enhanced with newly planted pollinator species and recreational trail connections. The proposed Whiskey Creek Pond is another highly attractive opportunity as it treats the majority of the commercial area contributing to the Creek as well as the largest, highest contributing load catchment in the AOI. The proposed design is estimated to receive over 151,000 lbs of TSS and 560 lbs of TP annually. The proposed design would treat TSS at 56 percent and TP at 26 percent while the addition of increased area for an IESF would slightly improve those results. The incremental improvement on TP removal

Questions & Answers

would therefore become much greater given that IESF's target dissolved-P and do so for a small cost.

The proposed project will complete the following:

- Remove nearly four tons of phosphorus and 512 tons of sediment in water discharging to the Mississippi River over the next 20 years.
- Protect the Mississippi River drinking water supply used by almost 20% of Minnesotans¹.

Question 7. (5 points): If the project will have secondary benefits, specifically describe, (quantify if possible), those benefits. Examples: hydrologic benefits, enhancement of aquatic and terrestrial wildlife species, groundwater protection, enhancement of pollinator populations, or protection of rare and/or native species.

The most important secondary benefit this project will have is its contribution toward conservation efforts related to protecting Whiskey Creek and its social, ecological, and economic values to the region and State. The planned wetland habitat improvements will enhance habitat for pollinators, amphibians and reptiles. Project features include;

- Plant pollinator-friendly native plants that reduce runoff and absorb excess nutrients in stormwater.
- Provide flood control and damage prevention upstream and downstream of the project area.
- Create a public recreational feature with access to the Paul Bunyan Regional Trail.
- Restore stream banks and instream habitat features of Whiskey Creek.
- Reduce pollutants discharged to the Mississippi River from impervious surfaces of TH 371 travel corridor

Question 8. (15 points): A) Describe why the proposed project(s) in this application are considered to be the most cost effective and feasible means to attain water quality improvement or protection benefits to achieve or maintain water quality goals. Has any analysis been conducted to help substantiate this determination? Discuss why alternative practices were not selected. Factors to consider include, but are not limited to: BMP effectiveness, timing, site feasibility, practicality, and public acceptance. Note: For in-lake projects such as alum treatments or carp management, please refer to the feasibility study or series of studies that accompanies the grant application to assess alternatives and relative cost effectiveness. You will also need to attach a copy of this study within the Attachments tab. (B) If your application is proposing to use incentives above and beyond payments for practice costs, please describe rates, duration of payments and the rationale for the incentives' cost effectiveness. Note: For in-lake projects such as alum treatments or carp management, please refer to the feasibility study or series of studies that accompanies the grant application to assess alternatives and relative cost effectiveness. Please attach feasibility study to your application in eLINK.

In 2019, the City of Baxter completed a purchase agreement with The Good Samaritan Society. In 2020, the City is recommended for \$500,000 of Environmental Natural Resource Trust Fund grant to purchase the property from The Good Samaritan Society. The City of Baxter is a partner in establishing the project, maintain the BMP after installation, and will become a part of the MS4 permit.

The proposed stormwater BMP will remove phosphates, suspended solids, and other pollutants from the surface water runoff of the watershed area for Whiskey Creek. Out of the 400 miles along the Mississippi River, this watershed has the highest amount of development, with 50 percent of the land classified as developed and an increase of 208 people per square mile from 2000 to 20103. The 20.6-acre area is the last

Questions & Answers

opportunity to provide these improvements in the 400-acre drainage area. In a study conducted by MHB, this project was ranked 2nd highest for removal of phosphorus out of 59 projects in the region.

Question 9. (8 points): What steps have been taken or are expected to ensure that project implementation can begin soon after the grant award? Describe general environmental review and permitting needs required by the project (list if needed). Also, describe any discussions with landowners, status of agreements/contracts, contingency plans, and other elements essential to project implementation.

The City of Baxter has committed \$225,000 of cash to this project. In 2017, City of Baxter Council placed Whiskey Creek Stormwater Project on the City's Capital improvement Plan and authorize staff to seek funding for the project. In 2018, the City of Baxter installed pipes and infrastructure to connect this Whiskey Creek stormwater project to stormwater pond on the other side of the road. WSB engineering has been chosen to oversee the project and work with the city on environmental permitting. The City has spoke with MN DNR, MPCA, and CWC about any permits needed to complete this project. The MN DNR, CWC, and MPCA support this project and will work with City to obtain the necessary permits. The Whiskey Creek is not a public water. The Creek is under jurisdiction of the Wetland Conservation Act (WCA). According to the Minnesota State Statue 8420.0420 Subp. 2. C, states "impacts resulting from soil and water conservation projects that are certified by soil and water conservation district technical staff after review by the technical evaluation panel, if the project minimizes adverse effects on the hydrologic and biologic characteristics of the wetland." The lead technical evaluation panel (TEP) member supported this project. If funded, City would work with TEP to ensure that WCA procedures are followed properly.

This project will be presented at the MHB conference in November 2019. County staff and elected officials were informed about this project. A draft TMDL will be completed in fall 2019, and the city of Baxter is an MS4 and is taking an active role in their part to protect Whiskey Creek and the Mississippi River.

Question 10. (2 points): What activities, if any proposed, will accompany your project(s) that will communicate the need, benefits, and long term impacts to your local community? This should go above and beyond the standard newsletters, signs and press releases.

Educational kiosks will be constructed at key entry points to highlight the area's natural resources. Since 2017, the SWCD has utilized the following mechanism to engage the public about CWF projects:

- Placed over 300 water quality project inspection report door hanger flyers (with Legacy Logo) on landowner doors.
- Hosted over 10 stakeholder meetings for project partners.
- Attended 20 city council, township, and county board meetings to provide updates to local officials on CWF projects.
- SWCD staff were interviewed 15 times on Lakeland TV and Local Public Access Channel
- Local newspapers completed 10 interview stories.

The SWCD will continue these efforts and create public awareness and involvement in this project and will use social and media resources, including press releases, Facebook, website postings, and radio and public TV interviews which will notify the public about this project. This project is a proactive effort to protect the Mississippi River made by the stakeholders involved. Additionally, the SWCD will host a minimum of four stakeholder meetings to keep partners up to date on the project.

Questions & Answers

Question 11. (0 points). All project applications for feedlots must include a work sheet with supplemental questions being answered. This worksheet is found on the BWSR webpage "Apply for Grants." Have you attached this worksheet?

NA

The Constitutional Amendment requires that Amendment funding must not substitute traditional state funding. Briefly describe how this project will provide water quality benefits to the State of Minnesota without substituting existing funding.

The scope and size of this project goes beyond the normal budgeted activities of the existing stormwater program funding, and Clean Water Legacy funds will not substitute or supplement any existing funds. Without significant support, the partners do not have sufficient budgets to support this type of activity.

Application Budget

Activity Name	Activity Description	Category	State Grant \$ Requested	Activity Lifespan (yrs)
Project Development	MHB will coordinate partners through dialogue and meetings	PROJECT DEVELOPMENT	\$2,000.00	
Whiskey Creek Stormwater Project	These funds will be utilized to pay the contractor to install the Whiskey Creek Stormwater Project. Consultant engineer will oversee, manage, and certify the project. Engineering will be completed by a professional engineer.	URBAN STORMWATER MANAGEMENT PRACTICES	\$970,500.00	25
SWCD Administration	The SWCD will serve as the fiscal agent. The SWCD will complete the following items, Agreement with the city, pay all bills, track staff hours and expenses by project, complete all annual reporting, and BWSR reconciliations. The SWCD will follow CWF Policy and BWSR Grant Manual.	ADMINISTRATION /COORDINATION	\$14,000.00	

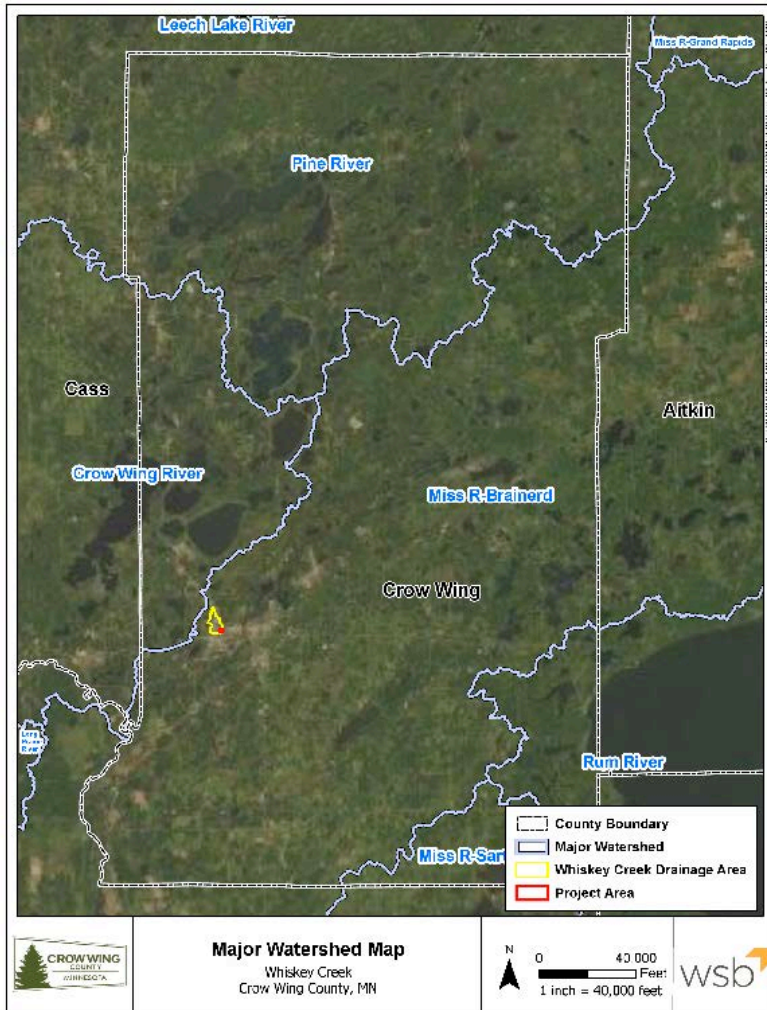
Proposed Activity Indicators

Activity Name	Indicator Name	Value & Units	Waterbody	Calculation Tool	Comments
Whiskey Creek Stormwater Project	PHOSPHORUS (EST. REDUCTION)	145 LBS/YR	Mississippi River	P8 Urban Catchment Model	
Whiskey Creek Stormwater Project	SEDIMENT (TSS)	42 TONS/YR	Mississippi River	P8 Urban Catchment Model	

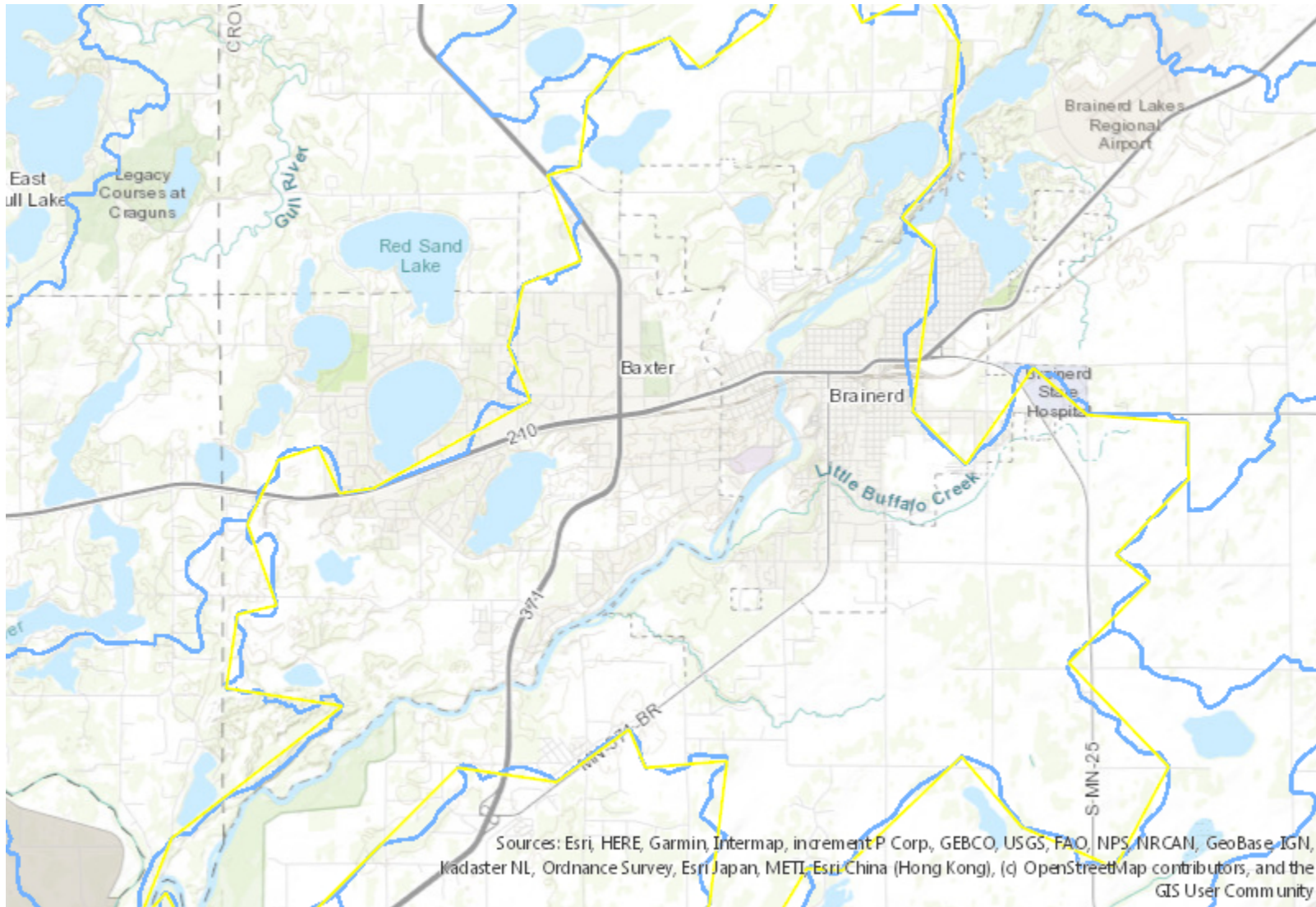
Activity Details

Activity Name	Question	Answer
Whiskey Creek Stormwater Project	Dollar amount requested for Ag BMP Loan Program:	0
Whiskey Creek Stormwater Project	Dollar amount requested for CWP Loans:	0
SWCD Administration	Dollar amount requested for Ag BMP Loan Program:	0
SWCD Administration	Dollar amount requested for CWP Loans:	0
Project Development	Dollar amount requested for Ag BMP Loan Program:	0
Project Development	Dollar amount requested for CWP Loans:	0

Application Image



Map Image



Regional Support to MHB Counties via State or Other Funding Sources

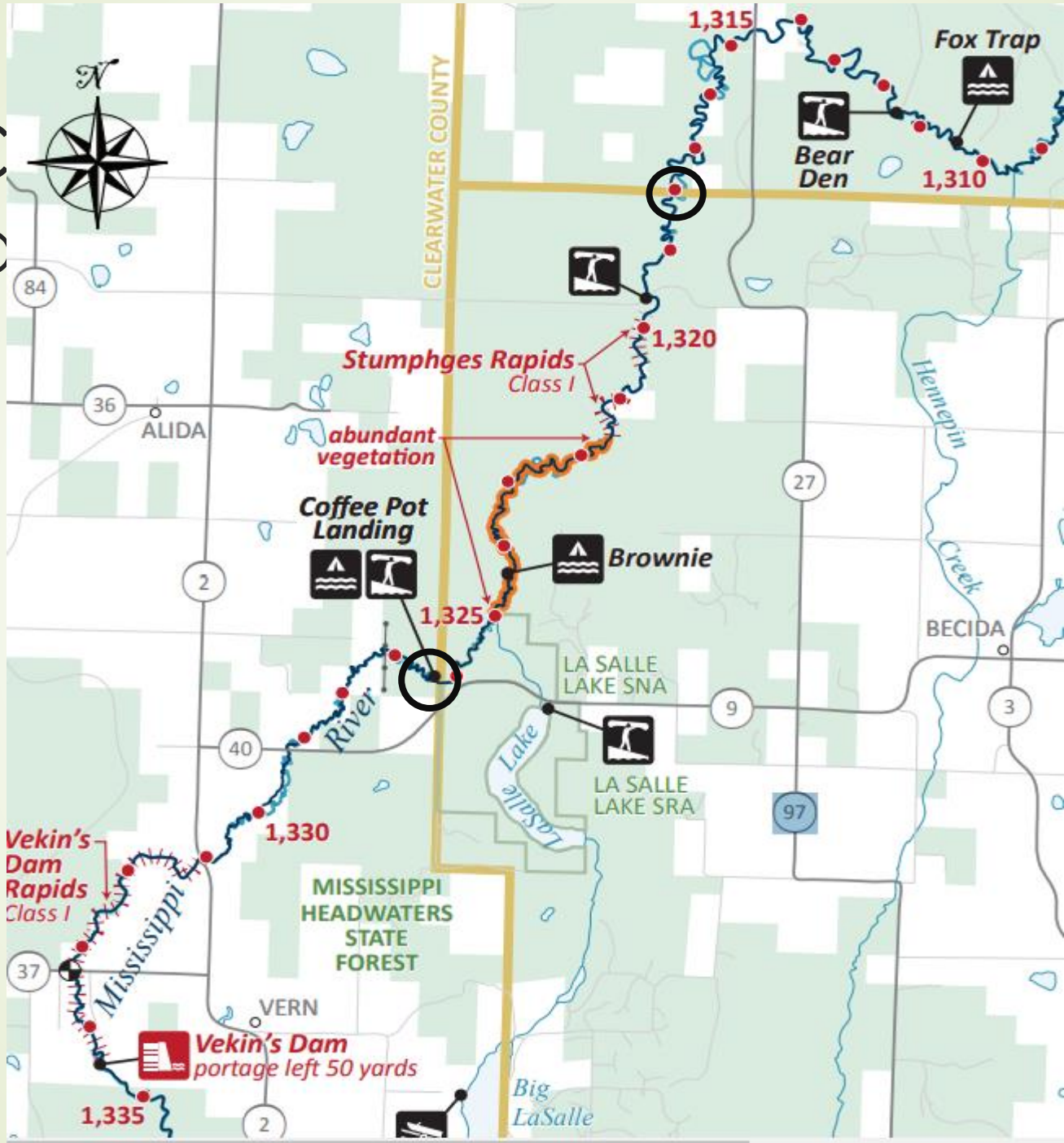
State Fiscal YEAR	Description	Amount	Source
2016	Stormwater implementation project	\$141,000	State grant
2016	produce AIS infomercials and play on Fox Sports North	\$70,000	MN RC&D grant
2016	AIS infomercials and social media awareness campaign	\$83,484	State grant
2016	easement and acquisition	\$3,150,000	State appropriation
2017	Monitor drainage ditch	\$5,000	State
2017	Install rain gardens on newly constructed road.	\$20,000	State
2017	MN Traditions AIS support	\$36,800	State non-county levy
2017	easement and acquisition	\$2,396,000	State appropriation
2018	County Recreational project for counting recreational users	\$32,000	State
2018	MN Traditions AIS support	\$121,344	State non-county levy
2018	easement and acquisition	\$2,980,000	State appropriation
TOTAL		\$9,035,628	

This table does not reflect any in-kind support or projection of what it would cost the county on their own to meet public values.



River Signage Project

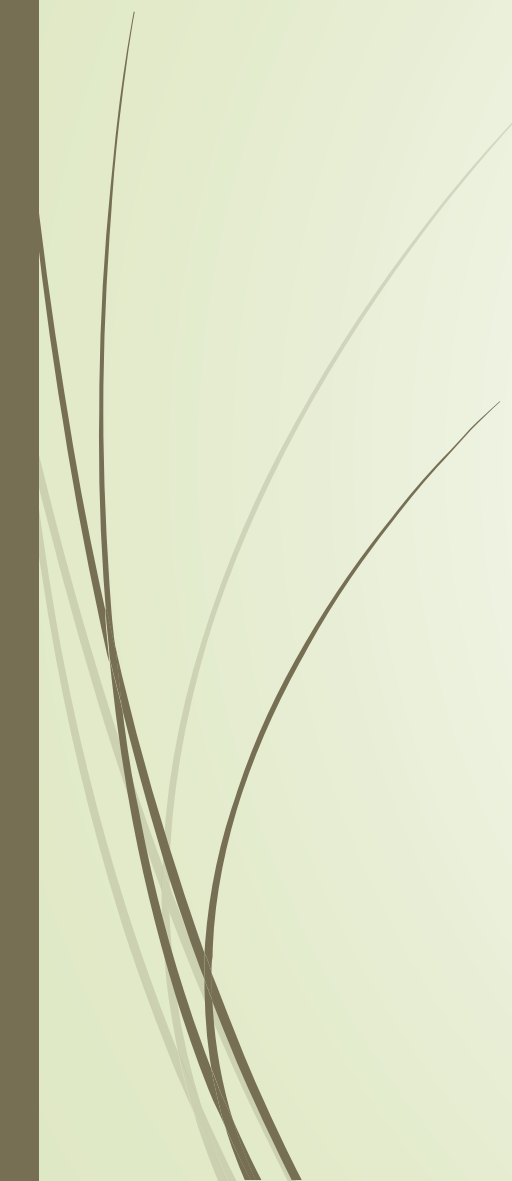
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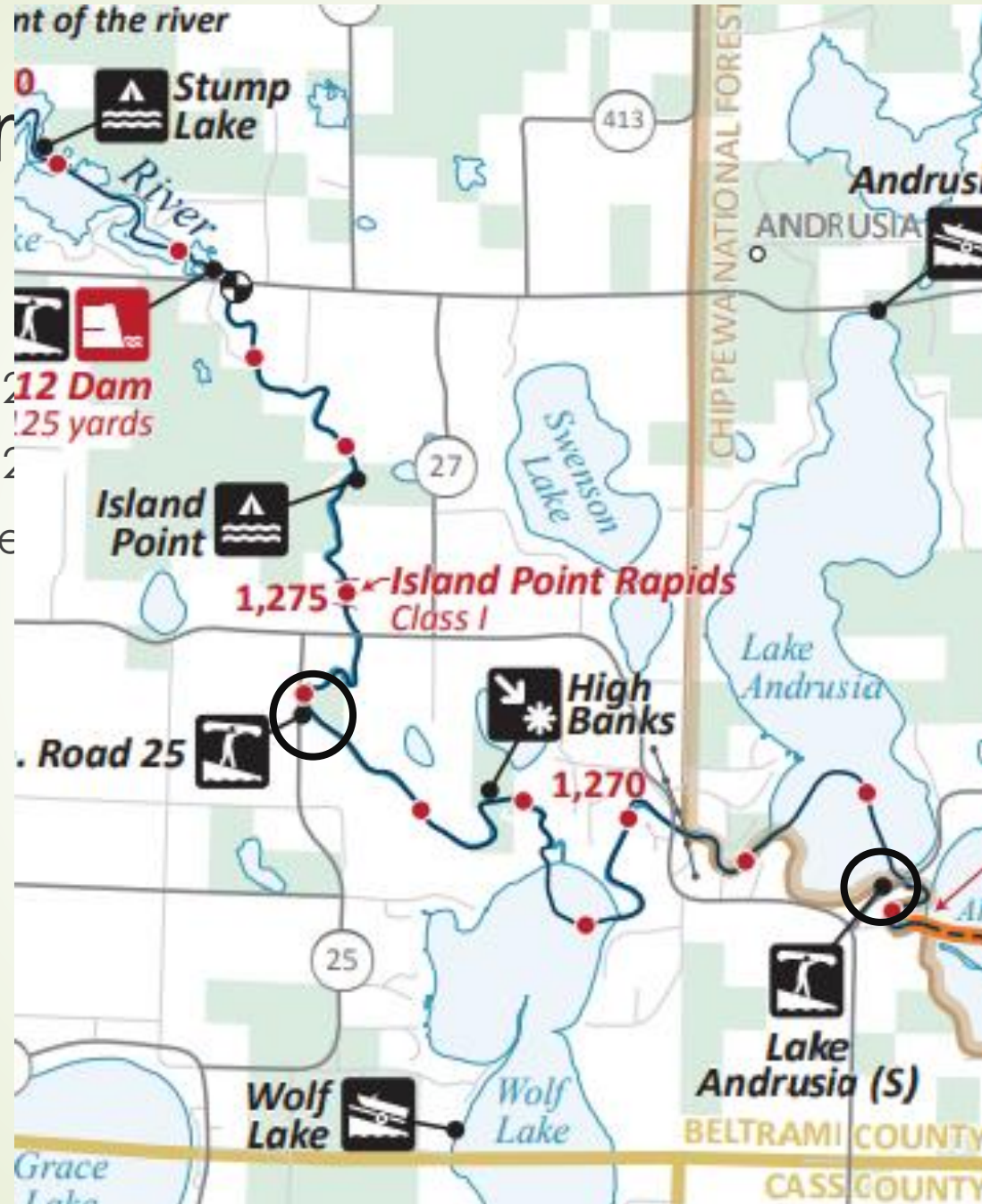


Beltrami

Lake Andrusia

- Hwy 212 Dam 125 yards
- Hwy 27
- 7 mile

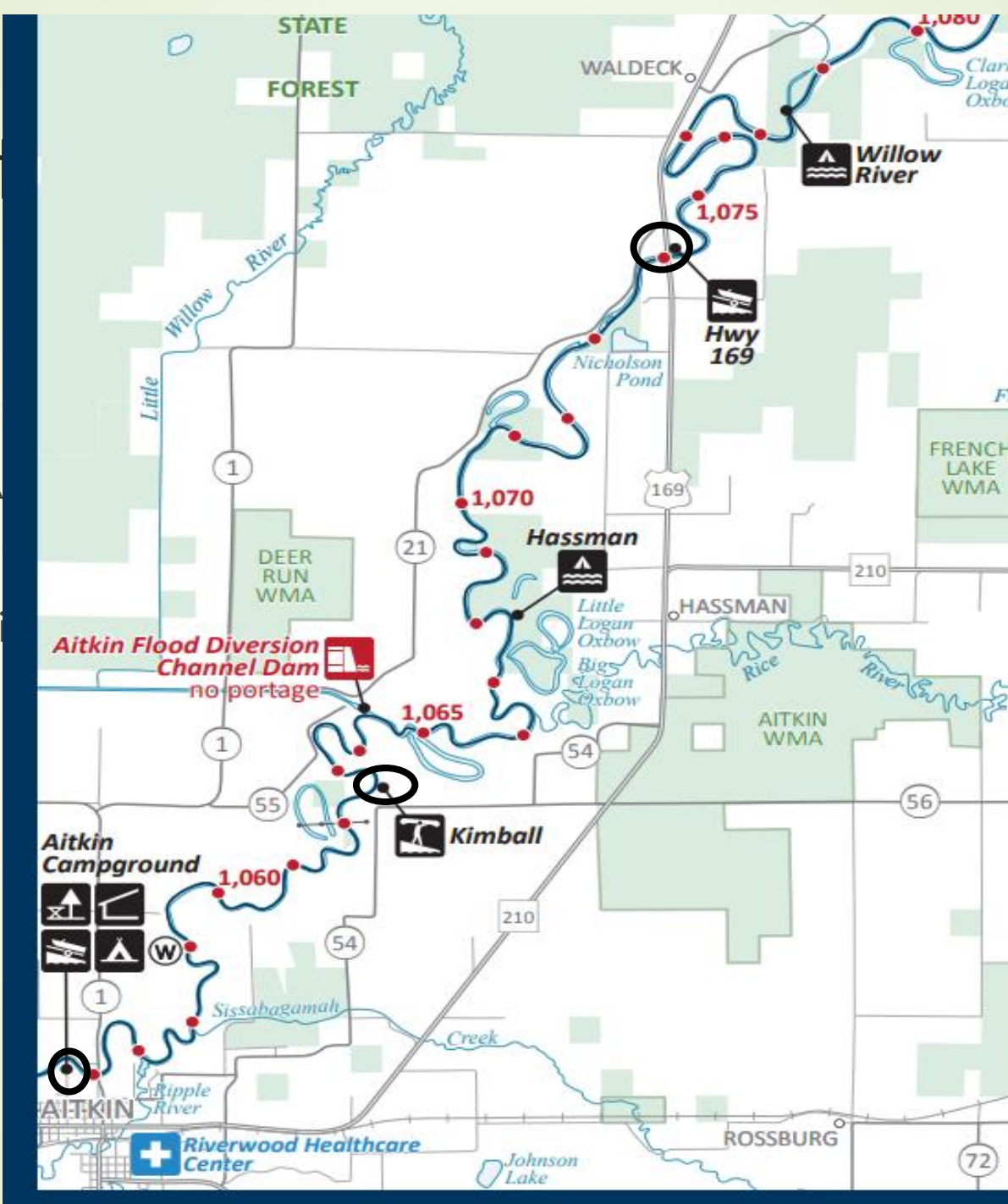
vice land owned.





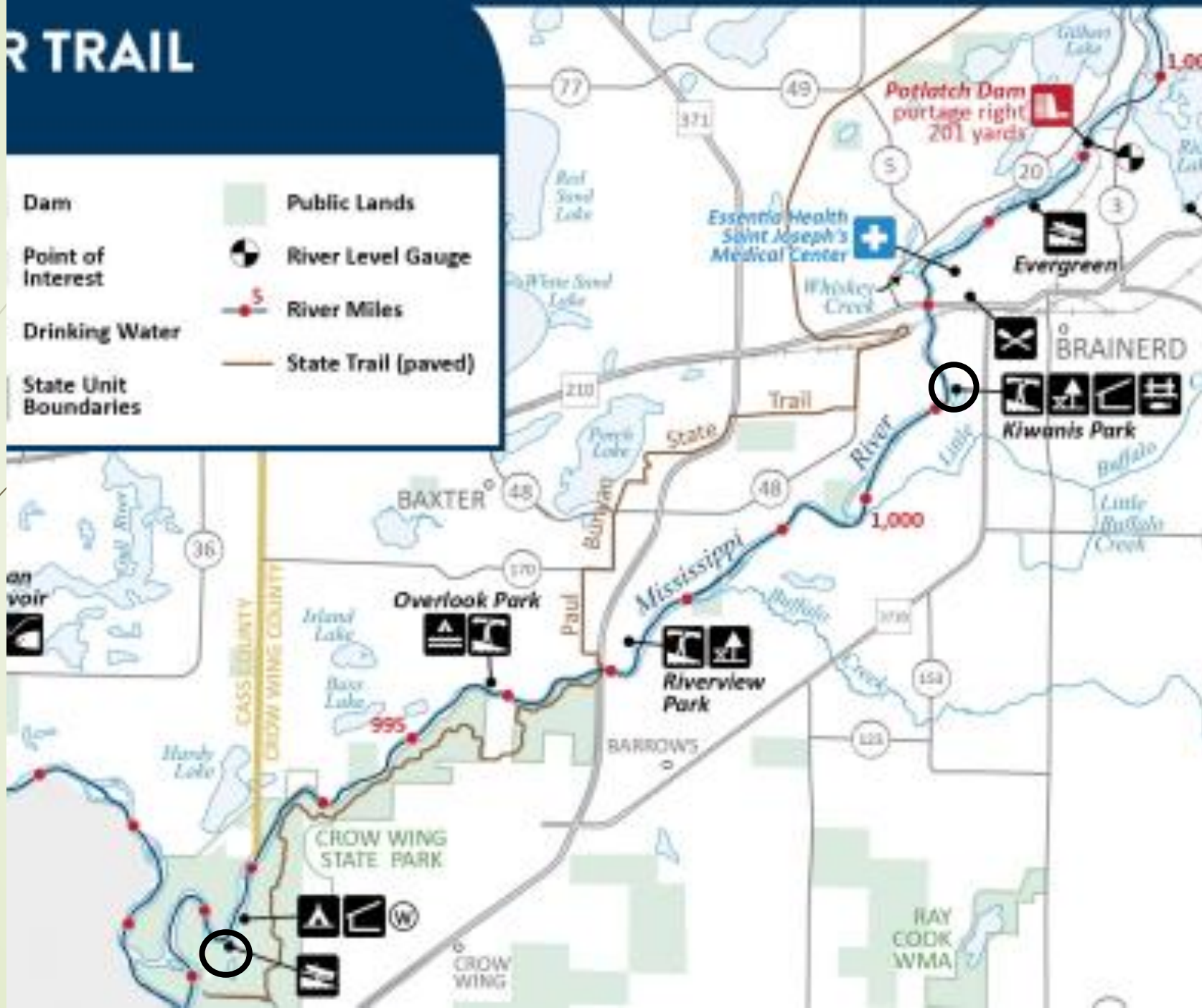
Aitkin

- H
- A
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- K

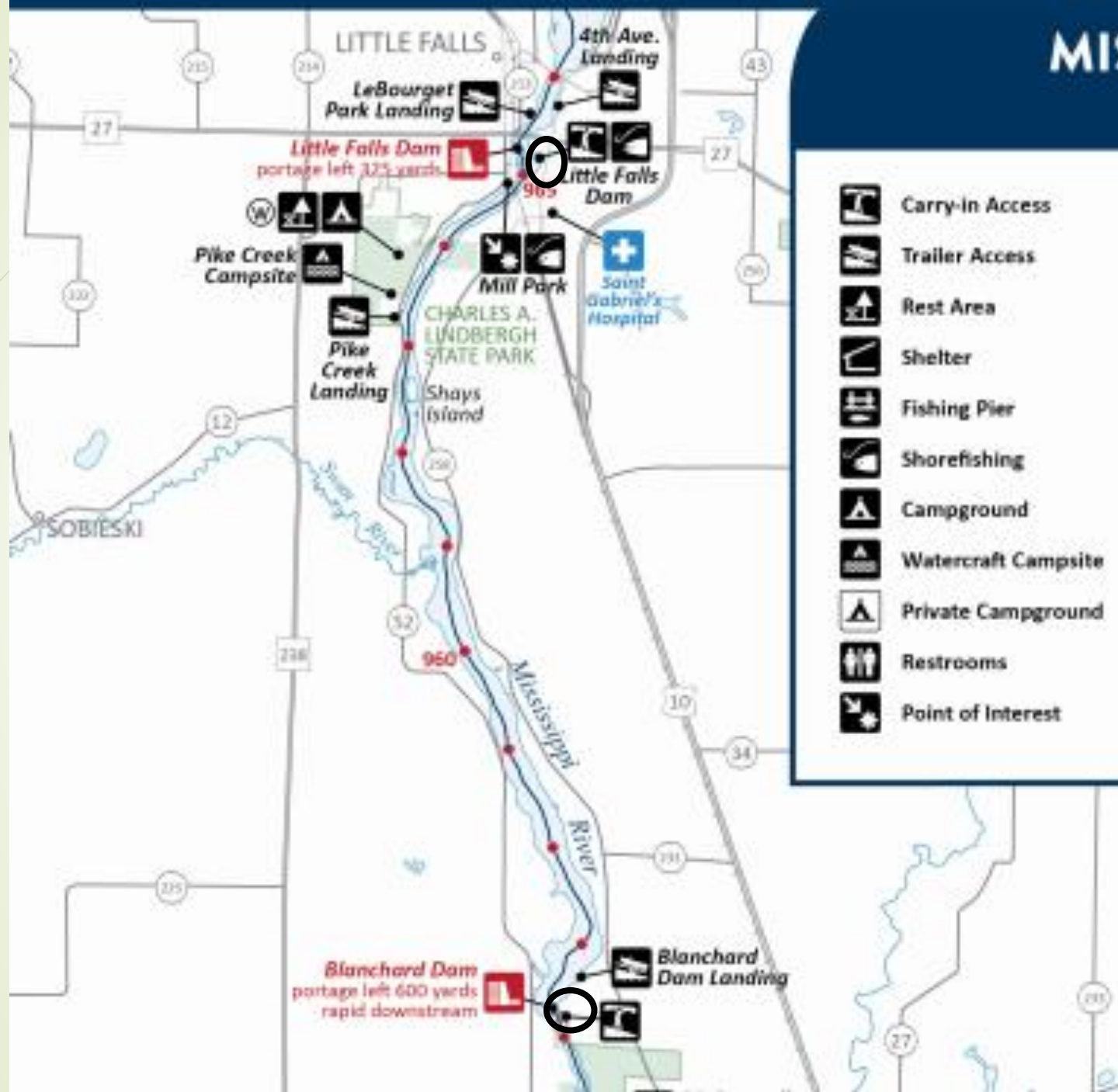


R TRAIL

Dam		Public Lands	
Point of Interest		River Level Gauge	
Drinking Water		River Miles	
State Unit Boundaries		State Trail (paved)	



Wing



Little Falls

Executive Director Report

August-September 2019

Personnel, Budget, Administration, Information & Education, Correspondence

1. Reviewed monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Reviewed potential variances that may be coming before the Board next month.
5. Attended call in meetings with MPCA.
6. The 2019 Comp plan was completed and emailed link on MHB website to Planning and Zoning people.
7. Called MCIT and corrected an error which was causing double coverage on the valuable papers and extra expense line item.
8. Provided maps for the Upper Miss. 1W1P so that the Miss. River will receive a high priority in the plan.
9. Reviewed and provided comment on Lake Irving and Baxter project Clean Water Fund grants.
10. Investigated concern from landowner near Jacobson about bank erosion on the Miss. River.
11. Commented on Bemidji and Baxter Clean Water Fund applications that were submitted by the SWCD's.

Meetings & Networking

1. Sent in LCCMR work plan and budget to LCCMR staff for review. They will review and ask for any updates if needed.
2. Attended webinar conference meeting with WSN and MPCA to discuss budget and remaining funding that needs to be shifted to close out this year.
3. Attended MN Assoc. of Land Comm. meeting and provided them with a ppt. on the Aitkin sign project. It appears that all 8 counties are interested in exploring it further.
4. Attended LSOHC council meeting and testified with partners to request \$9.1 million.
5. Held meeting with Great River Greening coordinator Todd Rexine to educate him of the history and duties of the MHB.
6. Attended the Upper Miss. 1W1P and provided input on Issue prioritization, resource targeting and measurable goals.