

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
317 4th Street NW

Wednesday, January 11, 2017 REGULAR MEETING – 6:00 p.m.

- **Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approval of the Agenda**

A. MINUTES **Chair**
Approval of December 14, 2016 Minutes

B. CONSENT AGENDA

Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

- 1. Approve/Pay Bills (see attached list of bills) **Chair**
- 2. Approve 2017 Budget – **Resolution No. 2017-01** **Chair**
- 3. 2017 Fee Schedule – Approve **Ordinance No. 2017-01** **Chair**

C. NEW BUSINESS

- 1. **Northern Township** – **Resolution No. 2017-02** - V-16-31.00682.00 - Northwoods Lumber **CM**
- 2. **Northern Township** – **Resolution No. 2017-03** - PUD/CUP-16-31.00448.00 – Great Western Properties, LLC **CB**

D. OTHER BUSINESS

- 1. **Election of 2017 Officers (New officers will be seated at the February meeting)**
Chair (Northern Township) / Vice Chair / Treasurer

E. VISITORS **Chair**

F. ADMINISTRATOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

- 1. January 26, 2017 6:00 pm JPC Regular Meeting
- 2. February 8, 2017 6:00 pm JPB Regular Meeting
- 3. February 23, 2017 6:00 pm JPC Regular Meeting
- 4. March 8, 2017 6:00 pm JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
January 11, 2017

Pursuant to due call and notice a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, January 11, 2017, at 6:00 p.m. in City Hall. Vice Chair Albrecht presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Albrecht, Kelly, Johnson, Frenzel, Meehlhause, Erickson

Members absent: Heuer, Merschman

Staff present: Casey Mai, Cory Boushee, Josh Stearns, Terri Ball

Others in attendance: Daryl Lundberg, Mike McFarlane

Pledge of Allegiance was performed.

AGENDA

Suggestion by Albrecht to add Employee Handbook to Other Business. Kelly requested removal of item 2 (Approve 2017 Budget) from Consent Agenda. Proposed to add it to Other Business.

Motion by Johnson, second by Kelly to approve the agenda as amended.

Motion carried unanimously.

MINUTES

Motion by Kelly, second by Johnson to approve the December 14, 2016 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$6717.52 (Check No. 2056 - 2062) were presented for payment.
- 2) Approve Ordinance No. 2017-01, 2017 Fee Schedule

Motion by Meehlhause, second by Johnson to approve amended consent agenda.

Motion passed unanimously.

NEW BUSINESS

RESOLUTION NO. 2017-02 – V-16-31.00682.00 – NORTHWOODS LUMBER

Applicant is requesting two (2) variances. The first variance being requested is a five (5) foot setback variance for an after-the-fact installation of a septic drain field placed fifteen (15) feet from a structure, as well as a variance for a sixty-five (65) foot setback for the after-the-fact installation of a septic drain field placed ten (10) feet from a wetland in a sensitive overlay area. Northwoods Lumber is located at 5102 HWY 71 N in a General Commercial District (B2) in Northern Township.

BACKGROUND

The applicant does have 34.9 acres of property that does provide other options for the new septic mound system, but none the applicant feels would be practical or feasible. Per conditions in the CUP that was obtained in December of 2015, a compliance inspection was to be performed indicating whether the system was in satisfactory condition and compliant or a new septic system shall be installed. A stipulation agreement was signed between Northwoods Lumber and the JPB on December 10, 2015 regarding the subsurface septic treatment system. Per the signed stipulation agreement, a certificate of compliance or a new system was to be installed by no later than December 9th, 2016.

PLANNING CONSIDERATIONS

In regulating locations for septic system drain fields or a mound system, there are concerns that need to be addressed. Including increased run-off draining towards the drain field and protecting the system during construction. Over the course of the past two years, JPB Staff has hired Dave Larson, a licensed septic consultant to review all septic permits and to provide recommendations for approval of installation. Staff generally takes Larson's recommendations as long as it is consistent with the GBAJPB Zoning and Subdivision Ordinance.

In this case, Mr. Larson contacted JPB staff in early November asking if staff had authority to administratively approve a variance. It was noted that JPB staff does not have authority to administratively approve a variance and that the applicant would need to complete a variance application and come before the JPC and the JPB for approval. That information was then relayed back to the septic installer; however, a septic permit and a variance application was submitted after the mound system was installed.

Mr. Larson recommended to JPB staff that the septic mound system be installed in this location and that it shouldn't move. His reasoning's are as follows: best location to

protect the water table, not cross contaminating with the well, no impact to a wetland and not dealing with compacted soils. Other options were explored and were not applicable nor were they feasible.

JPB staff felt that the mound system could be installed just east of the primary lumberyard building; however, Larson stated with all the heavy traffic, the soils have been heavily compacted and would cause a problem for the septic system to function at its capability. Larson's decision to put the system where it was installed was simply based on the fact to eliminate wetland impacts. If the septic mound system was to be installed just northwest of the primary lumberyard building, Larson felt there was a chance that the well could get cross contaminated with the septic.

Based on Larson's inspection, the system that was installed appears to be properly installed and is in compliance with the guidelines found in chapter 7080. For an after-the-fact violation, the JPB has collected twice the amount of the fee cost.

Fire Marshal

The fire department had no concerns with the location of the septic system in regards to fire protection.

Comprehensive Plan References

In regards to the comprehensive plan, the goals of the plan are to protect the safety, health and welfare of the community population and environment. The proper construction steps for mitigating potential impacts was not followed due to installation occurring prior to obtaining information and permits from the GBAJPB. In keeping with the goals and policies of the comprehensive plan, all procedures would have been followed prior to installation. Keeping the septic mound system near the business structure and not having it placed in a wetland is in keeping with the ordinance

Agency Comment

Brent Rud, Environmental Services Director for Beltrami County sent over some information in an e-mail.

"Beltrami County has no concerns with this request since these are locally adopted rules that are a above and beyond State and County Rules and minimum standards. MN Rules Chapter 7080 does not have a required setback for a lumberyard business structure from a drainfield unless the LGU determines otherwise. Beltrami County typically does not require a setback for structures other than dwellings from drainfields. We do often put conditions on land use permits for buildings placed close to drainfields or vice versa such as requiring runoff to be directed away from the drainfield. "

Neighborhood Comment

No neighborhood comments were received regarding the installation of the septic system.

RECOMMENDATION

Staff recommends approval based on JPB's hired license consultant, Dave Larson's recommendations although staff is not in agreement with the location of the septic system in a wetland sensitive overlay area and the obtaining of permits after-the-fact. The approval is for two variances to allow for a five (5) foot setback variance for an after-the-fact installation of a septic mound system placed fifteen (15) feet from a structure, as well as a variance for a sixty-five (65) foot setback for the after-the-fact installation of a septic mound system placed ten (10) feet from a wetland located in a sensitive overlay area.

Board members had the following concerns:

- Erickson asked if applicant was aware of need for variance when CUP was granted. Staff explained they did not, as only a septic compliance was a condition. When applicant's septic failed the inspection, a stipulation agreement was put into place to allow for appropriate time for installation of new system.
- Albrecht questioned when septic was installed. Staff estimated November 2 or 3, however a permit was not obtained until November 7. Albrecht further commented about CUP condition requiring grading and drainage plans prior to obtaining land use permits, and asked if applicant had applied for any permits since that time. Staff/applicant stated one land use permit was granted and grading/drainage plans were submitted and approved.
- Kelly commented that overall site plan with its future development showed septic location made sense. Gave support to septic inspector, Dave Larson, and his recommendation.
- Albrecht asked Larson how wetland impact is tested. Larson described measurements as per septic report provided. All results exceeded MPCA's standards. Erickson questioned how testing will be done in one year's time. Larson stated same process would take place.
- Johnson questioned why GBAJPB's restrictions are greater than the state's. Staff explained this location is in a sensitive overlay area, but also originating writers factored in the possibility of a structure being habitable. Larson described an incident on Marquette Lake and how that prompted these requirements.

- Erickson asked if Larson recommended any change to the requirements. He stated that Beltrami, Hubbard and Cass counties do not have these requirements, which is fine as long as septic systems do not affect the wetlands.
- Frenzel questioned if a conversation with the contractor about the violation will take place. No action has taken place, nor did the board direct staff.

Motion by Kelly, second by Erickson to approve Resolution No. 2017-02 for two variances at 5102 HWY 71 N with the including findings:

1. Has the applicant demonstrated a practical difficulty?

Yes. The site is located on a parcel with significant topographic features presenting a difficulty for suitable locations for a septic mound system. Several options were explored by the JPB hired licensed consultant and deemed the installation location the best option.

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

Yes. The septic system was placed in a location where the former septic holding tank was installed. The existing site is located in a wetland within a sensitive overlay area not leaving many alternative options.

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. Keeping the septic mound system near the business structure and not having it to be placed in a wetland is in keeping with the ordinance.

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

Yes. Other possible locations for the septic mound system could be approved without a variance, but could alter the character of the area, such as the wetland.

And with the condition:

1. Septic compliance inspection shall be conducted in October of 2017 to make sure septic system is complying with standards and is not impacting a wetland.

Motion carried unanimously.

RESOLUTION NO. 2017-03 – PUD/CUP-16-31.00448.00 – GREAT WESTERN PROPERTIES LLC

Applicant is requesting **Preliminary / Final** approval of a Planned Unit Development (PUD) located in an *(R-5) High Density Residential District* for the purpose of multi-family development composed of townhome duplexes. Including a mix of rental properties and owner-occupied properties in Northern Township.

BACKGROUND

Applicant still plans to have a mix of rental and owner occupied units, as well as a diverse mixture of occupants from young professional to retirement age. It is still anticipated that this development will be completed in the next three (3) to five (5) years, but that is not guaranteed. This development was being proposed in two phases only Phase I is currently being platted. The applicant is not completely sure how Phase II will connect into the development. Therefore, the applicant is choosing not to include Phase II at this time, understanding it will take an amendment to the PUD and CUP for approval.

PLANNING CONSIDERATIONS

Septic System

Beltrami County Environmental Services request that a condition is put in place that requires MPCA approval of any additional septic systems beyond Phase I.

GIS/911 Addressing

The following comments were provided by Beltrami County GIS/911 services:

1. Northern Twp appears to have a legitimate road agreement with Mr. Hamilton that they intend to honor even with the development of this area into a CIC/PUD now. According to information received from them, the proposed roadway throughout the entire complex will become a public township road.
2. The intersection sign of Hamilton Park NW & Lakewood Dr NW will remain in its current location as installed.
3. The entire complex will be assigned one 911 address from the location where the entrance road meets with the loop (see attached drawing). This location will have the blue and white house number installed as well as the required location map of all units within the complex.
4. Those two structures already under construction and previously assigned addresses of 6857 Hamilton Park NW and 6873 Hamilton Park NW will be reassigned new addresses in compliance with the 911 Ordinance requirements for this type of complex once the CIC/PUD is finalized.
5. While the County will assign the new single 911 address for the entire complex, it will be up to the owner of the development to assign individual unit numbers to each structure itself within the complex. Signs denoting the assigned unit numbers must be installed uniformly throughout the complex. The overall complex map and the unit signage are the financial responsibility of the developer.

6. Mail box locations for those wishing to receive mail via rural mail carrier to this area will be determined by the Bemidji Post Office. Residents will use the single assigned address for the complex along with their assigned unit numbers as their unique mailing addresses (i.e. John Doe, 12345 Hamilton Park NW, Unit 3, Bemidji, MN 56601).
7. No changes in addressing will take place in this area until such time as the CIC/PUD is finalized.

Fire Marshal / Police Considerations

No concerns were brought to the attention of staff from fire or police.

Neighborhood Comment

At the time of writing this report, no neighborhood comment or concern was addressed to staff.

Comprehensive Plan References

This development is in conformity with the goals and policies for rural development in accordance with the Greater Bemidji Area Land Use Plan. Planned Unit Development is encouraged in these areas to help preserve open space, by promoting compact design.

RECOMMENDATION

JPB staff recommends approval for a Planned Unit Development Preliminary and Final Plat and Conditional Use Permit for the construction of 42 units on an 11.72 acre platted area a part of Parcel 31.00448.00 in the (R-5) High Density Residential district, with the following findings and conditions:

PUD Conditions:

1. The final plat shall be recorded with Beltrami County within six months of approval by the JPB.
2. Any changes to roads or infrastructure must be approved by Northern Township and the Joint Planning Board.
3. Any changes to the final engineering plan must be reviewed and approved by JPB engineer and JPB.
4. Any additional septic systems must be confirmed to be allowed with MPCA.
5. Any additional tree removal beyond what is currently approved under tree permit TR-02-16 must be approved by JPB.
6. Any additional units or change to the current plat by more than 20% will require a major review of the PUD.

CUP Conditions:

1. The community garden shall be constructed before a land use permit can be granted for the seventeenth townhouse unit. The community garden shall be at least the proposed 5,000 S.F. of fenced in area. Soil, watering system, secured storage for tools, solar access, and pedestrian access as applicable in accordance with Section 1105 D. of the zoning and subdivision ordinance shall be provided.
2. The dog park shall be constructed before a land use permit can be granted for the seventeenth townhouse unit. The dog park shall be built with best management practices. It shall be at least the proposed 0.62 acres in size as provided on the site plan. It shall have a minimum of six foot high fence, an area to separate small dogs from large dogs, and a dual gate system to allow for leashing and unleashing dogs.
3. The temporary path shall be provided before a land use permit can be granted for the seventh (7) townhouse unit. This is to be a mowed path on the east side of the development, where future amenities are to be provided.
4. The north path to the amenities shall become a permanent path at the completion of Phase I. It shall be of a durable surface such as bituminous or concrete at least six feet in width. The trail shall be designed to not have a grade steeper than 10%. A grading plan for the trail and escrow in the amount of \$10,000 shall be submitted to the JPB before a land use permit can be issued for the townhouse units to the north and south (Units 37, 38, 39, 40) of the trail. The escrow will be returned upon completion of the trail. A mowed connection from the south shall remain maintained.
5. A recreational amenity for children shall be provided before Phase I can be completed. A plan and escrow amount of \$2,500 shall be submitted to JPB prior to the last land use permit being issued for Phase I.
6. A sign permit will need to be applied for with fee for the Hamilton Parsignage.
7. All lighting shall remain in compliance with the JPB Zoning Ordinance.
8. Any additional units or change to the current plat by more than 20% will require a major review of the CUP.
9. Final declaration of common interest community and plat shall be reviewed and approved by JPB attorney to ensure the required amenities are required to be built by the CIC or developer.

Board members had the following concerns:

- Kelly asked what type of septic the two units have, and location of well. He further asked about shared ownership as it relates to CIC and who pays/maintains systems. Dave Larson, contracted septic inspector, stated that both septics are Pressure Bed systems, and one well is southeast of the northern most septic while the other well is south of southern most septic. Both wells are 4" and approximately 80 feet deep.

- Erickson questioned if a pressure bed is a common type of system, who inspects them, and which systems are anticipated for future units. Larson stated that pressure beds are quite common, he is our licensed contractor who inspects all installations, and assumes the systems would be the same for future units although he has not seen any plans or designs yet.
- Erickson described experience with a Home Owners Association, and her confidence in them for this septic maintenance arrangement. Frenzel clarified his concern about combining rental and homeowner responsibilities. Larson stated that ownership dictates septic maintenance and is a statewide policy. The developer could design his contracts accordingly.
- Albrecht commented on parcel streets being 66 '. Questioned the wide roads for a residential area. Engineering representative Mike McFarlane explained it as rural roads with ditches.
- Albrecht asked when roads will be completed. McFarlane stated class 5 is already in place and paving will be done in 2017. Discussion about grading plan and off site drainage meeting ordinance requirements.
- Albrecht questioned timeline for Phase II construction. McFarlane stated no plans are in place yet, but ideally it would begin at the completion of Phase I.
- Albrecht asked about outlots C and D being set aside on plan. McFarlane explained these are additional real estate sites planned for future development within PUD.

Motion by Kelly, second by Frenzel to approve Resolution No. 2017-03 issuing a CUP and Preliminary and Final PUD for parcel 31.00448.00 with conditions:

PUD Conditions:

1. The final plat shall be recorded with Beltrami County within six months of approval by the JPB.
2. Any changes to roads or infrastructure must be approved by Northern Township and the Joint Planning Board.
3. Any changes to the final engineering plan must be reviewed and approved by JPB engineer and JPB.
4. Any additional septic systems must be confirmed to be allowed with MPCA.
5. Any additional tree removal beyond what is currently approved under tree permit TR-02-16 must be approved by JPB.
6. Any additional units or change to the current plat by more than 20% will require a major review of the PUD.

CUP Conditions:

1. The community garden shall be constructed before a land use permit can be granted for the seventeenth townhouse unit. The community garden shall be

at least the proposed 5,000 S.F. of fenced in area. Soil, watering system, secured storage for tools, solar access, and pedestrian access as applicable in accordance with Section 1105 D. of the zoning and subdivision ordinance shall be provided.

2. The dog park shall be constructed before a land use permit can be granted for the seventeenth townhouse unit. The dog park shall be built with best management practices. It shall be at least the proposed 0.62 acres in size as provided on the site plan. It shall have a minimum of six foot high fence, an area to separate small dogs from large dogs, and a dual gate system to allow for leashing and unleashing dogs.
3. The temporary path shall be provided before a land use permit can be granted for the seventh (7) townhouse unit. This is to be a mowed path on the east side of the development, where future amenities are to be provided.
4. The north path to the amenities shall become a permanent path at the completion of Phase I. It shall be of a durable surface such as bituminous or concrete at least six feet in width. The trail shall be designed to not have a grade steeper than 10%. A grading plan for the trail and escrow in the amount of \$10,000 shall be submitted to the JPB before a land use permit can be issued for the townhouse units to the north and south (Units 37, 38, 39, 40) of the trail. The escrow will be returned upon completion of the trail. A mowed connection from the south shall remain maintained.
5. A recreational amenity for children shall be provided before Phase I can be completed. A plan and escrow amount of \$2,500 shall be submitted to JPB prior to the last land use permit being issued for Phase I.
6. A sign permit will need to be applied for with fee for the Hamilton Parsignage.
7. All lighting shall remain in compliance with the JPB Zoning Ordinance.
8. Any additional units or change to the current plat by more than 20% will require a major review of the CUP.
9. Final declaration of common interest community and plat shall be reviewed and approved by JPB attorney to ensure the required amenities are required to be built by the CIC or developer.

And with PUD findings:

1. The Plat and Declaration of CIC can be properly recorded with Beltrami County.
2. A development agreement for the road improvements in Phase I has been executed between Great Western Properties and Northern Township.
3. The lot sizes meet the requirements of the (R-5) zoning district.
4. The density of this development is well under what could be allowed within a (R-5) High Density Residential zone. The cluster design of this planned unit development creates an acceptable use of the property. Increased density in

a rural environment accompanied by conservation of open space and amenities is acceptable. The current layout provides the best use of space, while still providing a rural open space development.

5. The plat and planned unit development meet the requirements of the GBAJPB Zoning and Subdivision Ordinance.
6. Amenities provided meet the requirements of the zoning ordinance to allow flexibility from the zoning ordinance.
7. A landscaping plan has already been provided and approved for this site.
8. A final engineering plan has been provided and approved by a JPB engineer.

And with CUP Findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of surrounding land;**

The area is zoned (R-5) high density residential, this development meets the density requirements. The development is still providing rural open space with the cluster style development.

2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;**

This intersection off of Lakewood Drive is the second intersection off this road adjacent to an already high traffic bar & grill entrance. It is not anticipated that increased traffic will have a negative effect on the proposed drive. Northern Township has made recent improvements to this drive in anticipation of increased traffic.

3. **Whether the proposed use adversely affects property in the surrounding area;**

Surrounding land use is not expected to be adversely affected as it includes all residential homes, as well as a bar & grill establishment.

4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan; and,**

This development is in conformity with the goals and policies for rural development in accordance with the Greater Bemidji Area Land Use Plan. Planned Unit Development is encouraged in these areas to help preserve open space, by promoting compact design.

5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**

Final engineering and grading plans have been submitted and approved by JPB engineer. The proposed plan for septic system and well is allowed by MPCA and the GBAJPB zoning and subdivision ordinance.

Motion carried unanimously.

OTHER BUSINESS

1. Election of 2016 Officers

Motion by Erickson, second by Johnson to nominate Mike Kelly as Chair by unanimous ballot.

Motion carried.

Motion by Meehlhause, second by Kelly to nominate Ron Johnson as Vice Chair by unanimous ballot.

Motion carried.

Motion by Meehlhause, second by Johnson to nominate Nancy Erickson as Treasurer by unanimous ballot.

Motion carried.

New officers will be seated at the February meeting.

2. Approve 2017 Budget, Resolution No. 2017-01

Board members had the following concerns:

- Kelly described meetings of the Personnel Committee which also handled budget concerns. Another meeting was planned after hearing corrections and proposed budget amendments. He was not expecting to approve the budget tonight.
- Staff clarified and explained corrections.
- Erickson described funding of Comprehensive Plan as per past JPB meetings. New part of budget reflects reserves in Other Income specifically set aside for comp plan.
- Kelly requested more time to consider these updates.

Motion by Meehlhause, second by Kelly to table approval of 2017 budget until February 8 Joint Planning Board meeting.

Motion carried unanimously.

3. Employee Handbook

Staff described Personnel Committee review of current handbook. Due to past large payouts of accrued PTO to employees terminating employment, the committee suggested the following changes:

- Place cap on carry over PTO, from 480 hours to 160 hours.
- Comp time will not carry over throughout a year, it must be used within the current pay period unless approved in writing by the director.

Board members had the following concerns:

- Kelly stated these issues are a fiscal burden, but are not reflected in the budget. New guidelines also encourage employees to take time off, with discretion of the director.
- Frenzel questioned if reflected on balance sheet. Erickson explained which reports are currently presented monthly.
- Albrecht supports changes in bookkeeping practices.

Motion by Erickson, second by Johnson to approve the changes as presented in writing by staff.

Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mai described upcoming planning case, upcoming comp plan Steering Committee meeting January 24, and upcoming CPAW meetings in Bemidji. Detailed each development project and it's progress.

Chair asked for comments from other staff.

Other discussion between members included updates on litigations, considering RFPs for accounting help, consideration of LGU contribution changes, and updates on the Birchmont litigation.

UPCOMING MEETING DATES:


January 26, 2017 -- JPC Regular Meeting @ 6:00 p.m.
February 8, 2017 -- JPB Regular Meeting @ 6:00 p.m.
February 23, 2017 -- JPC Regular Meeting @ 6:00 p.m.
March 8, 2017 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Frenzel, second by Johnson, to adjourn the Joint Planning Board meeting at 8:10 PM.

Motion carried unanimously.

Respectfully submitted,
Terri Ball
Planning Assistant

JPB Minutes Approved and attested by: 
Joint Planning Board Representative