

**GREATER BEMIDJI AREA
REGULAR JOINT PLANNING COMMISSION MEETING**

**Thursday, July 28, 2016
6:00 P.M.**

**Council Chambers, City Hall
317 4th ST NW
Bemidji, MN 56601**

AGENDA

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
 - **Thursday, June 23, 2016 Regular Meeting**

NEW BUSINESS

Public Hearings

1. **Bemidji Township** – Z/IUP/V-16-03.00025.00, 03.00026.00, 03.00027.00 – Baker Property **CB**
2. **City of Bemidji** – CUP-16-80.03031.00 - Naylor Property Management /Trek North **CB**
3. **Northern Township** – Plat-16-31.00254.01- Tiffany Falk **CB**
4. **Northern Township** – V-16-31.02946.00 - Jason and Michelle Lindom **CB**

OTHER BUSINESS

1. **Visitors** **Chair**

2. **Upcoming Meetings** **Chair**
 - August 10, 2016 6:00 pm JPB Regular Meeting
 - August 25, 2016 6:00 pm JPC Regular Meeting
 - September 14, 2016 6:00 pm JPB Regular Meeting
 - September 22, 2016 6:00 pm JPC Regular Meeting

3. **Adjourn** **Chair**

**MINUTES
GREATER BEMIDJI AREA
REGULAR PLANNING COMMISSION MEETING**

July 28 2016
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: Chair, Jess Frenzel called the regular meeting of the Greater Bemidji Area Joint Planning Commission to order at 6:00 p.m. Roll call was taken and the pledge of allegiance was recited

MEMBERS PRESENT: David, Hendricks, Frenzel, Lemmer, Miller, Smith

MEMBERS ABSENT: Berg, Kramka, Steffen

STAFF PRESENT: Casey Mai, Cory Boushee, Josh Stearns, Terri Ball

OTHERS: Tiffany Falk, Matt Murray

APPROVAL OF AGENDA:

Chair Frenzel offered changes to New Business on Agenda.
Motion by Lemmer, second by Smith, to approve the amended Agenda.

Motion carried unanimously

APPROVAL OF MINUTES:

Motion by Lemmer, second by David, to approve minutes from the June 23, 2016 Greater Bemidji Area Regular Joint Planning Commission as written.

Motion carried unanimously

NEW BUSINESS:

Public Hearing:

Mai discussed the first case as follows:

PLANNING CASE – Z/IUP/V-16-03.00025.00,03.00026.00,03.00027.00 – Baker Property

The Joint Planning Board voted to approve a Moratorium on Re-Zoning at the July 13 meeting. Ordinance No. 2016-06 approving Resolution No. 2016-23, and Ordinance No. 2016-07 passed unanimously. The moratorium does not allow for any rezoning of parcels for the next 12 months, as the GBAJPB Comprehensive Plan is in process, though not complete.

Because of this, the Baker Property case became ineligible. All monies for fees will be returned after the next JPB meeting.

Public Hearing opened at 6:03 p.m.

Public Hearing closed at 6:03 p.m.

Boushee presented the second case as follows:

PLANNING CASE – IUP-16-80.03031.00 - Naylor Property Management /Trek North

Applicant sent a written request to extend the 60-day rule. Both applicant and staff feel more time is needed to better prepare for the type of permit necessary. Applicant's case will be presented at the August 25 JPC meeting.

Motion by Lemmer, second by David to extend the 60-day rule for the Naylor Property Management/Trek North planning case.

Motion carried unanimously.

Boushee presented the third case as follows:

PLANNING CASE – Plat-16-31.00254.01- Tiffany Falk

Applicant is requesting a Minor Subdivision of land in order to create the Autumn Oaks Plat.

BACKGROUND

The applicant would like to divide 33.1± Acres into eight (8) lots in compliance with the Suburban Residential (R-2) zoning district. The property is to the northwest of the intersection of Sumac Rd NE a Beltrami County road and Wildwood Rd NW a Northern Planning Commission Meeting, July 28, 2016

Township road. One (1) large 16.8± acre lot is being created as a flag lot, the other seven (7) will be two (2) acres or greater. The general topography of the land is relatively flat with some small elevation changes to the south. Besides the two (2) western most lots, the lots are heavily wooded deciduous forest. An 80' wide powerline easement also exists along Sumac Rd NE. This parcel was rezoned from Low Density Commercial (B1) to Suburban Residential (R-2) with two other parcels in 2015.

PLANNING CONSIDERATIONS

The proposed lots exceed the required lot size for the zoning district. The proposed lots are not foreseen to have issues being developed in compliance with the GBAJPB zoning ordinance.

The basic criteria for the creation of a minor subdivision are as follows:

1. Subdivision complies with simple or minor subdivision procedures.
2. Does not create any new public ways, is approved by appropriate road authorities.
3. Drainage or utility easements are provided if necessary.
4. Properly zoned, properly sized lots and suitable for development.
5. Compatible with existing properties.
6. Legal access to a public way in accordance with GBAJPB zoning ordinance.
7. Final Plat is approved by Beltrami County Surveyor.

The proposed subdivision is meeting all of the above stated requirements, Per the GBAJPB zoning ordinance. By leaving 66' foot wide easements attached to Lot One (1), the opportunity for this lot to be further subdivided is still an option.

Transportation / Road Authority

Northern Township has approved the use of Wildwood Rd NE to provide access to the lots adjacent to it.

The Beltrami County Highway Department has approved shared access to Sumac Rd NE. Lot Eight (8) in the subdivision will need to share an access with Lot One (1) or Lot Seven (7) to reduce the number of access points and increase safety. The county does want to eliminate creating more accesses off of county roads. In most cases only one access per parcel would be allowed, however an existing approach exists on Lot Eight (8). This approach could be moved to access Lot Seven (7) and share with Eight (8) as shown. Lot Eight (8) may also share with Lot One (1) as shown. An existing access to Lot One (1) is also located off of Sumac Rd NE, this access needs to be removed and reestablished with black dirt and vegetation. This will need to be done before any land
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use permits can be granted for Lot One (1). Lots Two (2) through Six (6) also must be accessed off of Wildwood Rd NE.

GIS/E911

Beltrami County GIS Department has no concerns with the subdivision is not creating any new roads, and all new parcels will have direct access to a public way.

Engineering/ Stormwater/ Utilities

A fifteen (15) foot easement has been provided along Sumac Rd NE and Wildwood Rd NE for drainage and utilities. A larger subdivision or one with an increased density may require some topographic alterations for stormwater. Staff feels that the large two (2) acre lots and the 25% impervious limitations of the (R-2) zoning district will allow plenty of space for stormwater to be handled on each individual parcel.

Surrounding Land Use

The surrounding land uses are a mixture of residential, commercial, and conservation. As this property was already rezoned from commercial to residential in the past year, staff still feels that residential development is suitable for this site.

North: Residential/Commercial

East: Conservation

South: Residential

West: Residential/Commercial

Tree Preservation

Single family homes usually do not need to meet tree preservation requirements. However, new subdivisions, plats, and homes on vacant lots are required to meet the tree preservation standards for new development. A tree permit will need to be issued to any landowner at the same time as a land use permit. No clearing and grubbing will be allowed without first obtaining a tree permit as well as a land use permit. If more than 60% tree removal is desired, a conditional use permit will need to be approved with conditions to mitigate the loss of trees.

As stated before the proposed subdivision is directly adjacent to a conservation district, it is important to ensure the Northwood's character remains with this subdivision.

Signage

No signage plans were received with this request. Any request for signage with the development shall comply with the JPB Zoning Ordinance for residential districts.

Neighboring Property Owner Input

At the time of this writing, staff have received no complaints/concerns from neighbors.

Comprehensive Plan References

The request meets the goals of the Greater Bemidji Area Land Use and Transportation Plans.

RECOMMENDATION

Staff recommends approval of this minor subdivision of parcel 31.00254.01 based upon the following findings:

Findings

1. The development is permitted in the Suburban Residential (R-2) district.
2. A total of eight (8) new residential lots will be created in accordance with the minor subdivision standards of the GBAJPB zoning ordinance.
3. The proposed lots meet the minimum lot requirements of the Suburban Residential (R-2) district.
4. Lots can be developed in accordance with the standards for the Suburban Residential (R-2) zoning district.
5. No adverse impacts to traffic in this location are expected.
6. Two (2) acre lots an allowed impervious surface of only 25% will provide adequate area for stormwater, as well as septic system placement.
7. Loss of significant high quality trees will be mitigated.

Staff recommends approval based on the following conditions:

Conditions

1. Approved final plat is submitted to the JPB.
2. Trail access to Lot One (1) is removed before any access can be granted to Lot One (1).
3. A tree permit is issued at the same time as a land use permit before any clearing and grubbing or other construction type activities may occur on a parcel.
4. The recorded document for the powerline easement must be submitted to JPB for reviewing when granting land use permits.

Public Hearing opened at 6:24 p.m.

Representative Matt Murray asked if staff and JPC would be open to amending condition #2 to become, "Upon construction of an access to Lot 1 (1) the trail access on Loch property shall be removed in accordance with the access easement agreement." Commissioner Miller asked about the 66' access off Wildwood. Murray answered that it

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does not exist yet, but would be added later if developed. Smith questioned wording of condition #2. Murray said an agreement with the county would allow Lot 8 access through Lot 1, or Lot 8 would share access with Lot 7. Lemmer asked if along the 66' strip, an occupant would go in 20' and create a driveway off that. Murray affirmed that. Hendicks further clarified applicant would remove the existing approach, and the new approach would be the common approach. Miller questioned if neighboring Loch's use the driveway. Murray said they use the 66' because of the benefit of the easement.

Public Hearing closed at 6:29 p.m.

Motion by Lemmer, second by Smith to approve Plat for parcel 31.00254.01 with corrections to condition 2 and removal of conditions 3 and 4:

1. Approved final plat is submitted to the JPB.
2. Upon construction of an access to Lot 1 (1) the trail access on Loch property shall be removed in accordance with the access easement agreement.

And with the findings:

1. The development is permitted in the Suburban Residential (R-2) district.
2. A total of eight (8) new residential lots will be created in accordance with the minor subdivision standards of the GBAJPB zoning ordinance.
3. The proposed lots meet the minimum lot requirements of the Suburban Residential (R-2) district.
4. Lots can be developed in accordance with the standards for the Suburban Residential (R-2) zoning district.
5. No adverse impacts to traffic in this location are expected.
6. Two (2) acre lots an allowed impervious surface of only 25% will provide adequate area for stormwater, as well as septic system placement.
7. Loss of significant high quality trees will be mitigated.

Motion carried unanimously.

Boushee presented the fourth case as follows:

PLANNING CASE V-16-31.02946.00 - Jason and Michelle Lindom

Applicants are requesting a setback variance of fifteen (15) feet from a septic drain field located on their property in order to construct a detached garage. Per Section 801. Sewage Treatment Standards, any part of a drain field or mound system shall be set back a minimum of twenty (20) feet from any building.

BACKGROUND

The JPB Ordinance is the regulating authority for the permitting of new septic systems as well as maintaining septic system compliance within the city and townships. This is
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granted through the Minnesota Rules Chapters 7080 through 7083, Subsurface Sewage Treatment Systems Program. The state requires counties to regulate individual and minor septic system permits as well as compliance. LGU's are allowed to adopt an ordinance, if it is as strict as the counties. In this case the Section 800 Sanitation Standards in JPB Ordinance would be stricter than the county ordinance.

In regards to septic systems MN Rules Chapter 7080 would not consider a detached garage a structure, this varies from the JPB definition.

The applicant is requesting a variance of fifteen (15) feet from the required twenty (20) foot structure setback to a drain field in order to construct an accessory structure on their property. The applicant does have two acres of property that does provide other options for the structure, but none the applicant feels would be practical or would be in keeping of the style of his neighborhood. The structure would need to be located approximately one-hundred (100) feet from the principle structure. The existing home was purchased by the applicant, the septic system was installed prior to purchase. A compliance inspection was performed in May of 2012 indicating the system to still be in satisfactory condition and compliant.

Planning Considerations

In regulating structure setbacks from septic system drain fields or 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. Staff has had many meetings with the contractor looking at potential other sites for the structure. Through the land use permit process and through the variance verification process, staff feels that these concerns can be address and the potential impacts can be mitigated.

Conditions staff is planning to add if a land use permit were to be approved include:

1. Staff must verify location of proposed accessory structure on-site with contractor.
2. Run-off must be directed away from the drain field through grading or guttering.
3. A certified septic system designer/installer will verify the edge of the drain field boundary. Fencing must be placed around the drain field for increased protection. This will be used as a tool to measure the setback.

Although the accessory structure could be placed closer to the road in regards to the front yard setback, the principle structure must be setback one-hundred feet from the property line for an accessory structure to be placed in front of it.

Existing Conditions/Alternative Sites

The house is currently built up on a hill with a gradual slope to the north and a more extreme slope to the south. When this subdivision was created, this lot was platted longer to the north and south. If the applicant would like to construct on the south side of the house, it would take significant land alterations to grade and fill a suitable location. Or to be placed a significant distance from the principle structure, likely requiring a second driveway. If the proposed accessory structure was built on the north side, a significant enough slope to the northeast exists to provide ample opportunity for drainage away from the drain field.

Fire Marshal

The fire department had no concerns with the proposed accessory structure location in regards to fire protection.

Building Considerations

The proposed structure meets the ten foot setback requirement from other buildings. It also meets the size requirements for the Suburban Residential (R-2) zoning district.

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. With the proper construction steps for mitigating potential impacts, this request is in keeping with the goals and policies of the comprehensive plan.

Agency Comment

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

“MN Rules Chapter 7080 does not have a required setback for detached garages 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

One phone call was received from a property owner to ensure the granting of a variance would not affect his own septic system.

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RECOMMENDATION

Staff recommends approval of a Variance to allow for a fifteen (15) foot setback encroachment on the twenty (20) feet required from a septic system drain field, on the east side of the system. The conditions stated above would be imposed on an approved land use permit, the applicant will also go through the JPB variance verification process and pay the set fee. Approval recommended with the following findings of fact:

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 proposed structure.
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 without regard for future construction of an accessory structure.
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 accessory structure near the house and not having to be placed in front of the principle structure is in keeping with the ordinance.
4. **Can the variance be granted without altering the essential character of the surrounding area?**
Yes. Other suitable locations for the accessory structure could be approved without a variance, but could alter the character of the neighborhood.

Public Hearing opened at 6:50 p.m.

Public Hearing closed at 6:50 p.m.

Motion by Smith, second by Miller to approve a setback variance of fifteen (15) feet from a septic drain field located on parcel 31.02946.00 in order to construct a detached garage, with conditions:

1. Staff must verify location of proposed accessory structure on-site with contractor.
2. Run-off must be directed away from the drain field through grading or guttering.
3. A certified septic system designer/installer will verify the edge of the drain field boundary. Fencing must be placed around the drain field for increased protection. This will be used as a tool to measure the setback.

And with 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 proposed structure.
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 without regard for future construction of an accessory structure.

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 accessory structure near the house and not having to be placed in front of the principle structure is in keeping with the ordinance.

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

Yes. Other suitable locations for the accessory structure could be approved without a variance, but could alter the character of the neighborhood.

Motion carried unanimously.

ADMINISTRATOR REPORT:

Mai summarized current and future planning cases, highlighted efforts to proceed with the Comp Plan process, and encouraged members to attend a GTS training which staff had recently attended.

UPCOMING MEETING DATES:

August 10, 2016	6:00 pm	JPB Regular Meeting
August 25, 2016	6:00 pm	JPC Regular Meeting
September 14, 2016	6:00 pm	JPB Regular Meeting
September 22, 2016	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Lemmer, second by Smith to adjourn the Regular Planning Commission meeting at 6:59 p.m.

Motion carried unanimously.

Respectfully submitted.

Terri Ball
Planning Assistant

Approved and attested by: 
Joint Planning Commission Representative