

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, April 28, 2025
County Administration Building – County Board Room
701 Minnesota Ave NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
 Don Hazeman
 Bruce Poppel
 Bill Best
 Doug Underthun
 Todd Stanley
 Craig Gaasvig

Members absent: None

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
 Alec Wilcox, Beltrami County Environmental Services Department
 Greg Larson, Beltrami County Environmental Services Department
 Shannon Schmidt, Beltrami County Environmental Services Department
 Monte Sharbono, 18882 N Blackduck Lake Rd NE, Hines, MN 56647
 Jeff Hill, 5921 Lavinia Rd NE, Bemidji, MN 56601
 Janelle Hill, 5921 Lavinia Rd NE, Bemidji, MN 56601
 Patrick Kovar, 16676 N Blackduck Lake Rd NE, Hines, MN 56647
 Matt Murray, 304 3rd St NW, Bemidji, MN 56601
 Jim Joy, 16612 N Blackduck Lake Rd NE, Hines, MN 56647

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for April 07, 2025, were brought forward for approval. **Todd Stanley moved to approve the meeting minutes of April 07, 2025. Motion seconded by Bruce Poppel.**

Motion carried and approved.

Board of Adjustment

New Business - None

Old Business – None

Planning Commission

New Business

Proposed Plat Request of:

**White Birch Resort LLC -
Monte Sharbono
18882 N Blackduck Lake RD NE
Hines, MN 56647**

Township:

Hines

Body of Water:

Blackduck Lake (4-069) RD

The Purpose of:

Applicant is proposing a Common Interest Community (CIC) on Blackduck Lake and Blackduck River consisting of 8 residential units on 6.88 acres of land. No new roads are proposed as all lots have access to a county highway and township road. Proposed CIC meets the requirements found in the Subdivision Controls Ordinance # 5.

Legal Description:

Tax Parcel: 18.00063.00 and 18.00707.00

A tract of land in Government Lot Five (5), Section Three (3), and Government Lot Seven (7), Section Four (4), Township One Hundred Forty-nine (149), Range Thirty-one (31), described as follows: Commencing at the Northeast corner of said Lot Seven (7) and thence running South along the East line of said Lot Seven (7), a distance of 522' to a point which shall hereinafter be designated as Point "A"; thence to the right at a deflection angle of 127°04', and running Northwesterly to the point of intersection with the Southeasterly shoreline (low water mark) of Blackduck River, which point is the point of beginning of the tract to be described; thence running along a straight line to Point "A"; thence continuing on the same course a distance of 179' to a point; thence to the right at deflection angle of 98°29' and running Southwesterly a distance of 257' to a point; thence to the right at a deflection angle of 30°12' and running Southwesterly to the shoreline (low water mark) of Blackduck Lake; thence running Northwesterly along the shoreline (low water mark) of Blackduck Lake to the point of intersection of said shoreline with the Southeasterly shoreline (low water mark) of Blackduck River; thence running Northeasterly along the Southeasterly shoreline (low water mark) of Blackduck River to the point of beginning; and that vacated part of existing right-of-way of

County State Aid Highway 30 located within Government Lot Five (5), Section Three (3), and Government Lot Seven (7), Section Four (4), Township One Hundred Forty-nine (149) North, Range Thirty-one (31) West that is located between Engineers Stations 112+90 and 120+65, and lies Southwesterly of a line 66' Southwesterly of and parallel to the centerline of County State Aid Highway 30;

AND

Lot Five (5), Block One (1), Albie Estates.

Greg Larson gave the staff report for White Birch Resort CIC # 53 which will cover 6.88 acres and span across two parcels that adjoin the Blackduck River and Blackduck Lake. CIC # 53 will consist of eight housing units, each with their own parcel number. GIS maps of the parcels were viewed, survey site plans were discussed, and photos of the current resort were viewed. This first Plat request will include five housing units – Phase 1. The Amended Plat, to be filed at a later date, will include the additional three housing units – Phase 2. No new roads are proposed, all units will be accessible from either N Blackduck Lake Rd NE or N Point Ln NE. The resort will remain operational until all CIC units are sold, or 10 years has passed. Staff recommends approval of the plat as proposed **with easement language for the dam shown on the final plat drawing.**

Monte Sharbono, applicant, and Matt Murray, surveyor, approached the Board. Matt Murray explained that units 1, 2, 3, 4, and 8 are ready to be sold in Phase 1. Monte Sharbono stated that the existing pool may not be replaced with a new pool if new members don't want to pay for it. Buildings currently inside setbacks will be removed within the next 10 years. Parcel 18.00707.00 will be part of CIC # 53, even if it never gets built on.

Greg Larson read the emails and letters that were received for Public Comments.

- **Robert Murray – Beltrami County Surveyor:** sent a letter letting us know that “The boundary of CIC # 53...has been checked and found to meet the mathematical closure tolerance as defined in Beltrami County Subdivision Controls Ordinance No. 5, Section 5, Subd. 5.01, Subsection 3.”
- **Kevin Trappe – Beltrami County GIS:** sent an email explaining that the current main address for the resort will be retained and that each unit will just add their unit number behind the 18882 N Blackduck Lake Rd NE (Unit 1, etc) address. If any units get built on the secondary parcel included in the CIC, a separate address will need to be applied for on that parcel at that time.
- **Bruce Hasbargen – Beltrami County Highway Department:** sent an email stating that they do not have any issues nor concerns with this request. “The County will need to address the proper transfer of right-of-way along CSAH 30 and N Point Ln NE, at some point in the future.”
- **James Joy – Hines resident:** sent an email asking several questions that were answered via return email to Mr. Joy.
 - Is the project limited to the land on the north shore of Blackduck Lake and south of County 30? Can any more be added?
 - Is there more intended to be added?

- Will the western most cabin that is slated for removal be replaced? If so, will the new building meet the County setbacks?
- What is the process if all the units in the proposed CIC do not sell in the timeline stated in the proposal?
- What provisions will be in place for Hines Township to access and maintain the dam structure on Blackduck River?
- “Currently, there is an easement between the Township and the current owner. I am highly concerned that when the easement expands to 6 or more owners that this could lead to property disputes.”
- **Pat Kovar – representing the Hines Town Board:** came forward to address the Board. The Hines Town Board would approve, and is in favor of, CIC # 53. The Board has been working on this project for over two months and the process has been very negative and contentious. The Town Board is concerned that the expansion will move to the properties to the north and east of the current resort that are also owned by the same owner. The Township wants the right-of-way that was turned over to them in 1987 deeded to the Township by Beltrami County. The applicant would then need to work with the Township to purchase any right-of-way land.
- **Jim Joy – Hines Resident:** sent an earlier email and also approached the podium. Jim feels that access to the dam should be deeded to the Township. Jim wanted to know if there would be a new plat for the river side of the road, and not an addition to the current plat.

Monte Sharbono and Matt Murray approached the Board again to answer questions and concerns. Matt explained that no new land can be added to a CIC, any new land would have to be a separate new CIC. Adding new land is prohibited by the Conditional Use Permit and the Plat. Matt also explained why the Beltrami County right-of-way on the north side of N Point Ln NE is much larger than it needs to be and oddly shaped. The Highway Department could not leave an “unusable” remnant of property (too small to be sold or used for anything) when they were purchasing right-of-way land beside N Point Ln NE. There needs to be some “Fee Title” cleanup done with the right-of-way property. The Plat lists this right-of-way as “additional real estate” even though the resort does not currently own this land. If there is ever the possibility that some of the right-of-way land could be purchased by the CIC, it would need to be included in the Plat and disclosed right now. The 1987 Resolution to vacate the old highway allows an easement to access the dam. Matt will indicate and designate the easement to the dam on the final plat. The Red Lake Watershed rebuilt the entire dam five years ago. They accessed the dam through the middle of the resort. An easement to the dam from either side of Blackduck River is not possible, due to challenging terrain.

Motion by Bruce Poppel to approve the proposed Plat request of White Birch Resort LLC – Monte Sharbono, with a condition to include easement language to the dam on the final plat and forward this recommendation on to the County Board. Motion seconded by Bill Best.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Plat request of White Birch Resort LLC – Monte Sharbono.

Chairman opened the Planning Commission Public Hearing on the Conditional Use Request of Jeffrey and Janelle Hill.

Conditional Use Request of: **Jeffrey and Janelle Hill**
13477 Irvine Ave NW
Bemidji, MN 56601

Township: Turtle Lake
Body of Water: N/A

The Purpose of:

Applicant is requesting a Conditional Use Permit to operate a retail Cannabis Business in Turtle Lake Township, located at 13477 Irvine Ave NW in Bemidji, MN. Beltrami County Ordinance No. 53 requires a Conditional Use Permit for operation of all Cannabis Businesses.

Legal Description:

Tax Parcel: 47.00566.03

The North 260.00' of the East 270.00' of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), Section Thirty-two (32), Township One Hundred Forty-eight (148) North, Range Thirty-three (33) West, Beltrami County, Minnesota; Except C.S.A.H. No. 15 right-of-way as described by Microfilm No. 346961.

AND

That part of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), Section Thirty-two (32), Township One Hundred Forty-eight (148) North, Range Thirty-three (33) West, Beltrami County, Minnesota, described as follows: Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼); thence North 89°14'06" West, bearing based on the Beltrami County Coordinate System, South Zone, along the North line of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), a distance of 554.06'; thence South 00°45'54" West a distance of 199.86'; thence South 89°14'06" East a distance of 166.48'; thence South 00°45'54" West a distance of 74.83'; thence South 33°13'47" East a distance of 49.67'; thence North 55°13'04" East a distance of 15.98'; thence Northeasterly a distance of 155.10' along a tangential curve to the intersection with the South line of the North 260.00' of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), said curve being concave to the Southeast having a radius of 250.00', a central angle of 35°32'50", and the chord of said curve bears North 72°59'29" East; thence South 89°14'06" East, tangent to said curve, along said South line of the North 260.00' of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), a distance of 201.73' to the intersection with the East line of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼); thence North 00°42'20" East, along said East line of the

Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), a distance of 260.00' to the point of beginning.

LESS AND EXCEPT, the North 260' of the East 270.00' of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼).

Together with a 55.00' wide appurtenant, nonexclusive, perpetual easement for ingress, egress and utilities over, under and across that part of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), Section Thirty-two (32), described as follows: Commencing at the Northeast corner of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼); thence North 89°14'06" West, bearing based on the Beltrami County Coordinate System, South Zone, along the North line of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), a distance of 554.06'; thence South 00°45'54" West a distance of 199.86'; thence South 89°14'06" East a distance of 166.48'; thence South 00°45'54" West a distance of 74.83'; thence South 33°13'47" East a distance of 49.67'; thence North 55°13'04" East a distance of 15.98'; thence Northeasterly a distance of 77.56' along a tangential curve concave to the Southeast having a radius of 250.00', a central angle of 17°46'32" and the chord of said curve bears North 64°06'20" East to the point of beginning of the easement to be described; thence continue Northeasterly along the prolongation of the last described curve a distance of 77.54' to the intersection with the South line of the North 260.00' of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), said curve being concave to the Southeast, having a radius of 250.00', a central angle of 17°46'18", and the chord of said curve bears North 81°52'45" East; thence South 89°14'06" East, tangent to said curve, along said South line of the North 260.00' of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), a distance of 201.73' to the intersection with the East line of said Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼); thence South 00°42'20" West, along said East line, a distance of 55.00'; thence North 89°14'06" West a distance of 201.79'; thence Southwesterly a distance of 60.48' along a tangential curve concave to the Southeast having a radius of 195.00', a central angle of 17°46'15"; thence North 17°00'36" West, not tangent to the last described curve, a distance of 55.00' to the point of beginning. LESS AND EXCEPT, that part thereof previously conveyed to the County of Beltrami, Department of Highways as described by Warranty Deed, Document No. 346961.

Alec Wilcox gave the staff report on the Conditional Use Permit request to operate a cannabis business in Beltrami County on the Hills' 2.79-acre lot. The Hill retail cannabis business request meets all buffer requirements. GIS maps were reviewed to determine proper zoning – location is outside of any shoreland zone. Photos of the existing Lakes Market, Lakes Liquor, and the new building addition for the cannabis business were viewed. No further construction will be happening, and the existing addition was constructed based on cannabis retail stores in other states. The Hills' MN Office of Cannabis Management retail license is pending. Staff recommends approval of the Conditional Use Permit request **with the following conditions:**

- 1) **Business must comply with Beltrami County Ordinance # 53 to regulate cannabis businesses, and**
- 2) **Business must comply with all State of Minnesota cannabis laws, regulations, and statutes.**

Jeff Hill approached the Board. The Hills constructed their building addition in anticipation of being licensed to sell cannabis products. The Hills have already been in the business of selling

“adult” products (tobacco and liquor) for over 7 years. The Hills have applied for a “microbusiness” (single location) license, as well as a retail license (multiple locations). They have no interest in allowing onsite events. The State of Minnesota will decide what is allowed and what is not allowed at each location with the license that is issued.

Brent reminded the applicant that our County Ordinance allows a cannabis business to be open between the hours of 10:00am and 10:00pm. Any signage advertising the cannabis business must not exceed 100 square feet.

Alec Wilcox read the public comments.

- **Bruce Hasbargen – Beltrami County Highway Department:** sent an email. The Beltrami County Highway Department does not have any issues nor concerns with this request.
- **Joe Savoie – Resident of Turtle Lake Township,** sent an email stating the following:
 - “I do not want to see it issued.
 - It is a bad idea.
 - It just encourages more drug use, and as a County and Township, why do we want that?
 - Just think about the overall picture. The bad is worse than the good is good.
 - Just because we live in a liberal state controlled by liberal politicians passing their liberal bills does not mean we have to agree to apply their liberal principals in our conservative Township.”

Brent Rud stressed the fact that the State allows these types of businesses, even if our local residents don’t necessarily agree. The Planning Commission does not have any prebuilt standards for a cannabis Conditional Use Permit request like they do for Shoreland Conditional Use Permit requests. The business will be located in an area that is already being used for commercial use. Additional traffic will not be an issue. Public health and safety will not be an issue. Applicants have already planned for heightened security at the location. The septic was moved and upgraded back when Turtle Lake Township issued their permit to build the addition.

Motion by Don Hazeman to approve the Conditional Use Request of Jeffrey and Janelle Hill with the following conditions: 1.) Business must comply with Beltrami County Ordinance # 53 to regulate cannabis businesses, and 2.) Business must comply with all State of Minnesota cannabis laws, regulations, and statutes. Motion seconded by Doug Underthun.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the Conditional Use Request of Jeffrey and Janelle Hill.

Don Hazeman suggested that an election to choose new officers for the Planning Commission/Board of Adjustment should be held. Board members discussed who would be a good candidate for each position.

Motion by Don Hazeman to approve the nomination of Edward Fussy to continue as the Planning Commission/Board of Adjustment Chairperson. Motion seconded by Doug Underthun.

Motion unanimously carried and approved.

Motion by Doug Underthun to approve the nomination of Bruce Poppel as the Vice-Chairperson to the Planning Commission/Board of Adjustment. Motion seconded by Don Hazeman.

Motion unanimously carried and approved.

Old Business

Brent Rud went over the final revisions to the Shoreland Management Ordinance. Brent answered questions regarding the top of bluff and building setbacks. Structure setback is an additional 30' from the top of bluff. The definition of a Controlled Access Lot – no houses, but boat ramp, slips, etc. This would be a shared private lake lot. Beach Blanket has been changed slightly.

Motion by Doug Underthun to approve the final Shoreland Management Ordinance revisions and forward this recommendation on to the County Board. Motion seconded by Todd Stanley.

Motion unanimously carried and approved.

Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for April 28, 2025. Motion was seconded by Doug Underthun. Motion carried and approved. Chair called the meeting for April 28, 2025, officially adjourned. The next meeting will be held on Monday, May 19, 2025, at 6:00 PM. May meeting has been moved up by one week due to Memorial Day holiday.

Respectfully submitted,



Brent Rud
Beltrami County ESD Director



Chairman
Beltrami County Planning Commission