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**CROW WING TOWNSHIP**  
**PLANNING AND ZONING COMMISSION**

**AGENDA**

January 10, 2022

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1. Call to Order
2. Roll Call
3. Public Hearing(s)
  - a. Land Use Ordinance Amendment 01-22 – Agri-Business
  - b. Land Use Ordinance Amendment 02-22 – Solar Energy Systems
4. Additions or Deletions to Agenda
5. Open Forum
6. Approval of Minutes
  - a. December 13, 2021
7. New Business
  - a. Proposed enforcement policy and nuisance ordinance
  - b. Schuety/Anderson septic system
8. Old Business
  - a. Ream complaint
  - b. Jillson complaint
9. P&Z Administrator’s Report
10. Town Board Correspondence
11. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

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(Published in the Brainerd Dispatch,  
December 19, 2021, 1t.)

**CROW WING TOWNSHIP  
NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:** Notice is hereby given that the Crow Wing Township Planning Commission will convene for their regularly scheduled meeting on Monday, January 10th, 2022, beginning at 6 PM at Township Hall to conduct the following public hearings:

Ordinance Amendment 01-22 regarding agri-business land use. The proposed amendment modifies "Section 10.3 Land Use Tables" and "Section 46.2 Definitions" of the Crow Wing Township Land Use Ordinance to define "Agri-Business" and allow the use with a conditional use permit in the "Agricultural Forestry" zone. Applicant: Crow Wing Township.

Ordinance Amendment 02-22 regarding solar energy systems. The proposed amendment modifies the Crow Wing Township Land Use Ordinance by adding "Article 24 Solar Energy Systems", amending "Section 10.3 Land Use Tables" current allowable energy system uses, and amending "Section 46.2 Definitions" to define "Solar Energy System" and "Solar Energy System, Accessory." Residential energy systems will be permitted in all zones, and commercial energy systems will be allowed with a conditional use permit in limited zones. Applicant: Crow Wing Township

Copies of the proposed ordinance amendments are available upon request by emailing [amanda.peterson@sourcewell-mn.gov](mailto:amanda.peterson@sourcewell-mn.gov) or calling (218) 895-4138. All interested persons can be heard or send written comments to the email address listed above. A staff report is made available at Township Hall, typically one week before the scheduled meeting. Amanda Peterson,  
Community Development Administrator  
Crow Wing Township

**ORDINANCE NO. 01-22,  
AN ORDINANCE AMENDING THE CROW WING TOWNSHIP LAND USE  
ORDINANCE REGARDING THE ADDITION OF AGRI-BUSINESS TO THE  
LAND USE TABLE AND AMENDMENTS  
CROW WING TOWNSHIP  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

The Town Board of Crow Wing Township does ordain as follows:

**Purpose and Intent:** The purpose of this ordinance amendment is to add “Agri-Business,” to Section 10.3 “Land Use Tables,” and Section 46.2, “Definitions” to define “Agri-Business” and allow the use with a conditional use permit in the “Agricultural Forestry” zone.

**Amendment:** Section 10.3 “Land Use Tables,” and Section 46.2, “Definitions” are hereby amended as follows:

**10.3 LAND USE TABLES**

<b>LAND USE TABLES</b>	<b>AGF</b>	
A. Agricultural Uses		
<u>Agri-Business</u>	<u>CUP</u>	

**46.2 DEFINITIONS**

**AGRI-BUSINESS**

Any agricultural, horticultural, or agricultural-related business activity that allows organizations or members of the general public for the purpose of recreational entertainment, education, or active involvement to view, enjoy, or participate in rural activities of a farm or farm-related operation. An activity is an agri-business activity whether or not the individual pays to participate in the activity.

**Effective Date:** This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

**Repeal:** This ordinance shall repeal all ordinances inconsistent herewith.

\_\_\_\_\_  
Tucker Schuety, Town Board Chair

ATTEST:

\_\_\_\_\_  
Sue Kern, Township Clerk

**ORDINANCE NO. 02-22,  
AN ORDINANCE AMENDING THE CROW WING TOWNSHIP LAND USE  
ORDINANCE REGARDING THE ADDITION AND AMENDMENTS TO  
ENERGY SYSTEMS USE  
CROW WING TOWNSHIP  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

The Town Board of Crow Wing Township does ordain as follows:

**Purpose and Intent:** The purpose of this ordinance amendment is to add “Article 24 Solar Energy Systems”, amend Section 10.3 “Land Use Tables,” current allowable energy system uses, and amend Section 46.2, “Definitions” to define “Solar Energy System” and “Solar Energy System, Accessory”. Residential energy systems will be permitted in all zones, and commercial energy systems will be allowed with a conditional use permit in limited zones.

**ARTICLE 24--SOLAR ENERGY SYSTEMS**

**24.1 STANDARDS FOR SOLAR ENERGY SYSTEMS, ACCESSORY**

Solar energy systems are a permitted accessory use in all zoning districts, subject to the administrative requirements of Article 3.2 and the following standards.

A. Permitting Requirement.

1. Roof-mounted solar energy systems shall not require a permit but shall adhere to the standards of this section.
2. Ground-mounted solar energy systems shall require a permit and adhere to the standards of this section.

B. Height. Accessory solar energy systems are subject to the following height requirements:

1. Building or roof-mounted solar energy systems shall not exceed the maximum allowed structure height in the zoning district where it is located. For purposes

of height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.

2. Ground or pole-mounted solar energy systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt.

C. Location within Lot. Solar energy systems must meet the accessory structure setback for the zoning district.

1. Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
2. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

**Amendment:** Section 10.3 “Land Use Tables,” and Section 46.2, “Definitions” are hereby amended as follows:

**10.3 LAND USE TABLES**

<b>LAND USE TABLES</b>	<b>S D</b>	<b>A G F</b>	<b>U G</b>	<b>RR 1</b>	<b>RR 2.5</b>	<b>RR 5, 10, 20</b>	<b>S S</b>	<b>C 1</b>	<b>C 2</b>	<b>W C</b>	<b>C/LI</b>	<b>C/HI</b>	<b>R E S</b>
<b>B. Residential and Related Uses</b>													
<del>Energy systems assoc. with a principal use (i.e. solar collectors and wind generators under 50KW)</del> Non-commercial Solar and Wind Energy System associated with a principal use (i.e. accessory solar and wind energy systems)	<del>P/CU*</del> <b>P*</b> <b>(solar only)</b>	P	P	P	P	P		P	P	<del>P/CU*</del> <b>P*</b> <b>(solar only)</b>	P	P	P
<b>F. Public Service and Utility Uses</b>													
Commercial Solar and Wind Energy Systems		CU			CU	CU		CU	CU		CU	CU	

**46.2 DEFINITIONS**

**SOLAR ENERGY SYSTEM** - A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means

**SOLAR ENERGY SYSTEM, ACCESSORY** - A solar panel or array mounted on a building, pole or rack which is directly connected to or designed to serve the energy needs of the primary use within that building or on the same property

**Effective Date:** This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

**Repeal:** This ordinance shall repeal all ordinances inconsistent herewith.

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Tucker Schuety, Town Board Chair

ATTEST:

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Sue Kern, Township Clerk

**ORDINANCE AMENDMENT SUMMARY  
CROW WING TOWNSHIP**

On January 11, 2022, Crow Wing Township adopted Ordinance Numbers 01-22 and 02-22. Ordinance Amendment 01-22 modifies “Section 10.3 Land Use Tables” and “Section 46.2 Definitions” of the Crow Wing Township Land Use Ordinance to define “Agri-Business” and allow the use with a conditional use permit in the “Agricultural Forestry” zone. Ordinance Amendment 02-22 modifies the Crow Wing Township Land Use Ordinance by adding “Article 24 Solar Energy Systems”, amending “Section 10.3 Land Use Tables” current allowable energy system uses, and amending “Section 46.2 Definitions” to define “Solar Energy System” and “Solar Energy System, Accessory.” Residential energy systems will be permitted in all zones, and commercial energy systems will be allowed with a conditional use permit in limited zones.

This notice is a summary of the ordinance amendments that were adopted by the Township. A full copy the amendment and the Land Use Ordinance are available upon request. This amendment goes into effect upon publication.

Crow Wing Township  
Amanda Peterson  
Community Development Administrator

# Crow Wing Township Planning Commission Meeting

## December 13, 2021 6:00 PM

Commission Members Present: Brad Arnold (Chair), Dan Lee, Linda Schuety , Amanda Peterson (Planning and Zoning Administrator), Justin Burslie (Planning and Zoning Administrator), Tucker Schuety (Township Supervisor) & Sue Kern (Township clerk).

Brad called the meeting to order at 6:00 PM and the Pledge of Allegiance was recited.

Public Hearing for preliminary plat application 01-21 and conditional use application 01-21 for the subdivision of a planned unit development Battalion Holdings, LLC, Owned Storage 371. Amanda presented, the applicant is proposing to subdivide a 7-acre tract for a planned unit development that will include 32 individually owned storage units and 1 common area. The proposed use as a planned unit development is permitted as a "conditional use", and the subject property will be subdivided with a plat. The subject property is located on the north side of State Highway 371 and the east side of 50<sup>th</sup> Avenue and is zoned Commercial 2. The property is adjacent to property zoned "Rural Residential 2.5" (east), "Agricultural/Forestry" (west and north). The proposed lots are intended for individually owned residential storage buildings. No lots will contain a septic system or well. The property is mostly wooded and does contain approximately 3,500 sq. ft. of delineated wetland that the applicants plan on filling with a de minimis permit from Crow Wing County. The property does not contain any area designated as floodplain. The proposed development will be accessed via 50<sup>th</sup> Avenue (Township Road), and 20-foot gravel drives will be used for access to each individual lot. Each of the 32 proposed lots are 30' X 48'. The proposed buildings will take up the entirety of the lot.

Staff findings: The following findings of fact have been prepared for consideration by the Planning Commission:

### Preliminary Plat

1. Owned Storage 371 is a proposed planned unit development consisting of 32 individually owned lots for residential storage structures with one common area.
2. The subject property is approximately 7 acres and located adjacent to State Highway 371 North and 50<sup>th</sup> Avenue.
3. The subject property is in the "Commercial 2" zone.
4. The property is adjacent to property zones "Rural Residential 2.5" (east and "Agricultural/Forestry" (north and west).
5. The proposed lots are intended for individually owned residential storage buildings.
6. No subsurface sewage treatment systems or wells are proposed.
7. The property is mostly wooded and contains approximately 3,500 sq. ft. of delineated wetland that will be filled with a de minimis permit from Crow Wing County.
8. The property does not contain any area designated as a floodplain.
9. The proposed development will be accessed off 50<sup>th</sup> Avenue, and 20-foot gravel drives will be used for access to each individual lot.
10. Each of the 32 proposed lots are 30' X 48' with the proposed buildings using the entirety of the lot.
11. Covenants for the development have not been submitted.

12. A grading plan for the subdivision has been submitted.
13. A stormwater management plan for the development has been submitted.

#### Conditional Use Permit

1. The proposed use will not impact the health, safety, or general welfare of the occupants in the surrounding neighborhood. The use, with conditions, will not generate offensive noise, odors, or pose any detrimental impacts to the safety of the surrounding neighborhood.
2. The proposed use will meet all Crow Wing Township Zoning regulations and conditions outlined in this conditional use permit. Final approval and review of conditions will be given at time of land use permit. Final approval and review of conditions will be given at time of land use permit and before approval of the final plat.
3. The proposed use meets the following goals and policies listed in the Comprehensive Plan:  
Goal 3: Ensure that new subdivisions and developments are designed to maintain privacy for adjacent properties: The proposed planned unit development will have substantial screening in the areas adjacent to residentially zoned property.  
Goal 7: All properties in the township should maintain a basic level of appearance that is neat and non-offensive.
4. The proposed use will not impact nor prevent any potential future development in the surrounding area. The south side of the parcel is adjacent to State Highway 371, and the subject property is located within the "Commercial" zone on the future land use map. The Commercial zone is a designation for property that is best suited for commercial development. Parcels should be adjacent to and have direct access to a state highway.
5. The proposed use will not impact any groundwater, surface, or air quality. Proposed improvements will include a detailed stormwater management plan to retain water onsite per the MPCA. The nature of the use will not generate any kind of odors nor impact the air.
6. No water is needed to service the proposed use so no impacts to the water supply will occur. The use does not propose any subsurface sewage treatment systems so no impacts will occur. Proper stormwater management techniques and best practices will be strictly followed. All proposed stormwater improvements will adhere to state, and local regulations. During construction all erosion and sediment control best practices will be strictly adhered to and checked.

The Planning Commission can recommend approval/denial to the Town Board or table the application for further review. If the decision is to approve or deny, findings of fact should be cited.

Staff Recommendation: If the Planning Commission wished to approve the applications, staff recommends the following conditions of approval:

#### Preliminary Plat

1. Prior to final plat approval the applicant shall submit a vegetation/landscaping/screening plan acceptable to the planning commission which includes three staggered rows of 6'-8' tall, planted height evergreen trees located on the east and north property lines. The trees shall be properly maintained. Any tree that dies shall be replaced with a new 6'-8' planted height evergreen tree. One row of evergreens shall also be planted along the west property line.
  - a. The approved vegetation/landscape/screening plan shall be implemented in full prior to land use permit approval OR the property owner shall enter into a

development contract including a cash deposit or bond in the amount of 125% of the cost of implementation of the plan prior to final plat approval.

2. Private covenants for the development describing ownership and maintenance responsibilities of individual lots and the common area shall be reviewed and approved by the planning commission prior to final plat approval.
3. The final plat application shall not be approved until all conditions of the preliminary plat approval are fulfilled.

#### Planned Unit Development

4. The applicant shall submit a lighting plan showing all exterior lighting.
5. The applicant shall submit elevation drawings of the proposed storage buildings, and the color shall be approved by the Planning Commission prior to application of land use permits.
6. The planned unit development shall zero lot line setbacks for all interior lots (1-32); however, overhang of roofs will be prohibited.
7. Prior to land use permit approval, landscaping, grading, and driveways shall be approved by the township.
8. No exterior storage of materials or equipment shall be allowed.
9. The structures within the development may only be utilized for personal (non-commercial) storage.
10. There shall be no habitation of the storage units.
11. Subsurface sewage treatment systems and water well (other than for irrigation) shall not be allowed on the subject property.
12. There shall be no encroachments on State Highway 371 ROW, and any work in the ROW will require a permit from the State of Minnesota Department of Transportation.
13. The approved stormwater management plan will include the use of sedimentation ponds or comparable, and there will be no stormwater runoff to Highway 371 ROW.

Amanda stated she did send notice to all owners in a half mile radius and there was one response by mail. The letter was in the packet. The resident was concerned about the possibility of an unmarked grave at the location. Amanda did contact the state archeology department and they did not have record of any unmarked graves in their system. They did have one on the property directly to the west. She contacted the individual who wrote the letter and gave her information for the state archeology department. I asked the state archeology department how we should proceed, and they said they have nothing to hold us up and they have no record of it. She also reached out to the owner and asked if they were aware of any unmarked graves, and they did not know of this. She did reach out to the Department of Transportation and those recommendations are in the staff findings above. The applicant has a copy of the staff findings.

Brad stated the township has struggled with commercial development as it has stated it is rural residential overall. However, this property is on the 371 corridor and has a certain amount of commercial and this is suitable for that. The previous owner presented a substantially different proposal of commercial, but this proposal is significantly different than in the past. There is a big emphasis on the buffer around the property to maintain a harmonious atmosphere between commercial and residential. Clearly, the applicant has put a lot of time, money and planning into this proposal, and they appear to be doing things the right way. Regarding the comment about the burial, Brad stated that he had heard about that, and we don't know if that is rumor handed down from the generations or what. If someone is unearthed or discovered, the matter needs to be disclosed and

treated with utmost care. The applicant stated that the excavator has been notified and he will keep an eye out and observe concern. There was considerable discussion regarding the completion of the 6'-8' evergreen vegetation (3 rows) and the contract agreement. The applicant is aware of the extensive border of trees, and it is to be completed at the time of structure permit and there will be writing in a contract form regarding these details.

The questions of how the applicant will address snow removal and plowing were discussed. Initially the owners will be responsible. Then as sections are sold to others, they will have to form a committee which will then, in turn manage the property including the snow aspects. There will not be a large area for snow storage and snow will have to be removed via trucks, etc. by the new storage unit owners. They will be made aware of this ahead of time and owners will pay dues toward that end. Dan commented they need to keep in mind the snow that comes off the buildings as well will need to be taken care of. The applicant mentioned they would use snow clips on the buildings. Regarding the zero set back from the building and overhangs of roofs will be prohibited and there was discussion regarding the roof drip line. Then Justin asked about who owns the common area and the applicant replied each one of the 32 overall will own it. With that, there will be a pre-existing covenant and understanding in advance where these details will be spelled out. Their attorney is working on the verbiage for that. The entrances will have a gate that goes up versus a sliding one.

Dan questioned if there would be a type of heat. The applicant replied that there would be electricity and that would be an option for that. They hadn't yet talked about propane possibilities but would make a consistent idea for that each to have the same. There would be more discussion about this. Regarding coloration, it was to be a soft pallet of tans, browns, gray or green. Nothing aggressive. Linda questioned about the snow plowing will not be allowed to go across 50<sup>th</sup> Avenue. Tucker questioned the pervious impervious on the site. Only 60% is allowed and they are not even close to that. The applicants stated they were a part of a similar project elsewhere and are aware of the concepts involved. They also stated the owners themselves do their own self-policing of the area as they have a vested interest in it. Brad also mentioned that they would need to see the lighting plan proposal and use of down lighting and to make sure lighting is not projected on the highway or towards neighboring properties. Brad mentioned that owners will have 24/7 hours of access, but he just didn't see owners coming and going in the middle of the night. The conditions will be transferrable to owners. The planned unit development will be recorded at the county and there will be no changing that without a big process and conditions are listed on the PUD. There will be no exterior storage. Dan suggested they consider having internet with cams to watch property that owners may want that feature. The applicant will maintain the property until a possibly 5-person board of new owners take that over and they will be responsible for maintenance. The township will never be taking over the maintenance. A resident questioned the size of the buildings, and the answer was they are 16' high with 14' X 14' doors. The Planning Commission does not have the final ruling on this but are here tonight to make a recommendation to approve/deny or table the proposal to the town board for a final ruling. Once the preliminary plat is approved by the board, they will submit a final plat. There are no changes to dimensions once approved by the Town Board. Brad stated he supports the proposal because they have done all the legal work and have proper storm water plan and presenting a respectable development. Dan made a motion to approve the proposal with the stated finding of facts and conditions that were listed and noted in the proposal to send to the Town Board. Linda seconded. Brad added that the owners would be cooperative and respectful regarding possible remains on the property. Motion passed 4-0. Amanda and Justin will send list of findings and conditions to the owners once the Town Board approves and then they will do the final plat with the vegetation, lighting, storm water and color proposal. A plat check by a 3<sup>rd</sup> party surveyor will be needed. The third thing would be to make sure all

the conditions have been met. They will need to again go through a public hearing process again but that is more of a formality at that time. The owners plan to attend the regular board meeting tomorrow.

Additions or Deletions to the Agenda: Will be added to the Old Business.

Approval of Minutes for November 8, 2021, meeting. Linda made a motion to approve the minutes as written. Dan seconded. Motion passed 4-0.

New Business: Ordinance amendments.

1. Agribusiness definition and land use.
2. Energy systems language

Brad stated a lot is changing in our world regarding solar energy.

Amanda brought in information regarding the above. She stated that agribusiness would address the Litchy situation as well as a couple more businesses and it really should be reflected in the ordinance. The ordinance adds agri-business to the land use table and amendments and allows conditional use permit in the agricultural forestry and rural residential zones. The ordinance encompasses solar energy systems. Residents will not require a permit for a solar panel on top of a roof but require a permit if they want to set it up in a field. If it was a commercial solar panel, they would need a permit for that as well. Litchy's do plan to apply for the permit in February. A conditional use permit will be needed. This will be on the January agenda for a public hearing.

Current enforcement policy & violation ordinance language: Amanda presented a significant amount of language possible additions from surrounding areas. She included the current policy of complaint driven and the township to take care of the violation after that. Her recommendation is to add a space for letters to be written. Currently that is not in the policy. She recommended two letters of violation and a deadline of 30 days for each, for a total of 60 days. She stated that the Township needs to contract with an attorney for unresolved violations. Amanda stated the need to add the whole nuisance section to the ordinance between article 17-20. This would make it easier to reference back to the ordinance when writing letters. Brad intends to recommend to the Township Board to get a local attorney at tomorrow's meeting. Brad said our junk/salvage #45.9 is not lengthy enough and needs more detailed verbiage. There was discussion on the whether there is the right to go on to someone's property and whether permission is needed to do so. They have always requested permission in the past. Justin said if you send a letter and there is no response, you don't go there. The general approach needs to be cordial otherwise law enforcement needs to be present. Currently, whatever you see from the right of way and can take pictures, or go directly to the door, knock, introduce self but that you can not just go looking around without a warrant. If there are no trespass signs, Justin encouraged to stop right there and not go further. Brad is asking for a suggested do's and don'ts for the Commission to follow. Justin also suggested the Commissioners wear a badge to be more official looking and possibly in a township vehicle. Brad stated that for the most part there is an open dialect between the resident and the Commissioner. Brad stated that one of our shortcomings has been timelines are not even documented. Tucker suggested we have written amount of time to give to people and then check back on progress for certain items. Thereafter, an attorney needs to be contacted. The citizen complaint needs to be updated as well. A resident commented that there needs to be some provision keeping in mind that some of the 'problem areas' have been there for decades and over an 80-acre property and not just a 25' lot in a town. Brad stated a line of communication needs to be started and to establish a plan. Brad stated that some residents have the willingness to comply but not always the means to fulfill a plan. Tucker suggested that after a complaint, that within 30 days there needs to be a plan in place to proceed,

regardless of the size of the property. Each situation is different, but a process needs to be in the ordinance. Brad discussed a few examples and possible timelines for these situations. There was discussion about abandoned vehicles and what is and isn't an abandoned vehicle. The language in the ordinance needs to be updated. Some of our current language is too vague. Amanda and Justin will work on the ordinance and nuisance language and bring back language which will work for our township and if the Commissioners have suggestions, they will email them. Amanda said the Town Board really needs to get an attorney. Brad stated the penalties need to be stiffer and more enforced by an attorney. Some of the language will be land use driven and some will not.

Finally, Brad said we need to tidy up our violation forms, addresses, get policy in alignment, develop a relationship with an attorney, expand on what is concern for violation material and internally have guidelines of dos and don'ts of what we are legally responsible to do, what we can't do and to always act professional, courteously and respect the landowner. Tucker added we should bear in mind how many drivers are in a household before putting a number on how many vehicles than can have, etc. Brad added we should determine what is a junk vehicle and have that as part of the language. Justin and Amanda will send out a draft to the board that they may read before the next meeting.

There was a discussion about plat books and Brad will ask the town board to see if they have copies to return. He also wanted to talk to them about a new scanner.

Old Business: A current permit and fee schedule will be updated at the town board meeting tomorrow. Brad will talk to the Town Board about considering David Nelson to be on the Planning and Zoning Commission at the regular meeting tomorrow. They will look into training for him. Amanda will email him some information.

Regarding the Ream complaint, Brad has met with Mary and Becky along with Amanda. The violator has rented a skid steer and moved everything into a pile. There has been a follow-up complaint. In Brad's opinion, the initial complaint has been dealt with. The debris is not on the neighbor's property. If there is, it isn't much. The Ream family is trying, and Brad is working with them. The immediate complaint has been addressed. There is a collapsed garage, chicken coop is falling, there is a camper and the pile. They are being very cooperative and doing as much as they can. Brad is going to put her in contact with a few folks who may be able to help. Brad will follow up,

The Jillson complaint is in a holding pattern. It is a legal matter and should be dealt with in the next 1-2 months. There is someone living in the 5<sup>th</sup> wheel that is on probation. Legal dates are coming up.

Planning and Zoning Administrators report was presented. It has been busy. Plus, Amanda has two more to add to the list.

Town Board Correspondence: The Town Board will adopt the current fee schedule. We don't want to make money, but we don't want to lose money.

A resident made the comment that there is a mistake on the website making mention of Bay Lake Township and Brad M. will be contacted to change that mistake.

There was no other business. Dan made a motion to adjourn. Linda seconded the motion. No discussion. Motion passed 4-0. Meeting adjourned at 8:18 pm.

## NEW BUSINESS ITEMS

---

The planning commission should review, discuss and/or provide direction for

- a) Proposed enforcement policy and nuisance ordinance.

**Enforcement policy:**

**Policy on Violation and  
Enforcement Actions**

**Goal: To develop a clear procedure for dealing with violation situations so that people are treated fairly, actions of the Township are well-thought out and defensible and the provisions of the Ordinance are consistently upheld.**

Steps in the Process:

1. Identifying violations.

Investigating and determining the extent of violations. The violation process begins when the Township receives a report of a violation. The name of the individual/organization making a report is not required. If a name is provided by the person filing the report, it will not be made public in accordance with MN Statute 13.44, Subdivision 1 and MN Statute 13.02, Subdivision 3. All reports of violation are documented in the property file including a statement on whether or not it was determined to be a violation. Where possible, pictures should be taken of every violation. The Planning Commissioner is responsible for making the preliminary decision on whether or not something is a violation. The Planning and Zoning Administrator is to report all violation complaints and administrative decisions to the Planning Commission for review and to the Township Board for their oversight.

2. Notifying property owners of violations.

The Zoning Administrator or member of the Planning Commission is to attempt to contact the property owner and contractor, where known, to verbally notify them of the violation. After making verbal contact or attempting to make verbal contact, the Zoning Administrator shall notify the property owner and, where known, the contractor in writing. In the certified letter of violation, the property owner shall be directed to provide a written plan (and site plan if applicable) within 14 days to remedy the violation. The letter of violation should cite both the local ordinance violation and any state statute violation. The letter of violation should indicate that the property owner could appeal to the Planning Commission the Staff interpretation of the Ordinance. All interaction with property owners is to be handled in a friendly manner.

3. Discussion with property owner/ seeking a resolution.

For unresolved violations, the Township Clerk is to issue a certified letter to the property owner requesting they meet with members of the Planning Commission to discuss the violation. This meeting is **mandatory**; the meeting will be set on the date of the next Planning Commission meeting at a specified time at Town Hall. If the owner or a representative cannot attend, **they must schedule an alternative time to meet** or further enforcement action will take place.

4. The Planning and Zoning Administrator is to report to the Planning Commission monthly on the deliberation and ongoing discussions for each violation.

Violations are expected to be resolved within 90 days from the first meeting (or within 100 days after the letter of violation letter is sent).

5. Moving beyond negotiations

For unresolved violations, the Planning Commission is to recommend a course of action to the Township Board. The Planning Commission should consider testimony from the Planning and Zoning Administrator and the Township Attorney when making a recommendation.

The Commission's recommendation must include findings and shall recommend a course of action that could include:

- a. Criminal prosecution
- b. Civil litigation
- c. Placing a hold on a property owner's file (not allowing any permits for the property until the matter is resolved)

The Township Board is to receive the recommendation from the Commission and make decision on how to proceed. The Board should receive all correspondence and other pertinent information to support the Commission's recommendation. The property owner should be notified in writing of the decision of the Township Board.

Key Participants and Decision Makers:

Township Board (ultimate decision makers)  
Planning Commission (advisory board)  
Township Attorney  
Planning and Zoning Administrator  
Property Owner and representatives

Policy Adopted on \_\_\_\_\_.

\_\_\_\_\_  
Tucker Schuety, Town Board Chair

\_\_\_\_\_  
Brad Arnold, Planning Commission Chair

## Proposed Nuisance Ordinance

# ORDINANCE #2022-01 CROW WING TOWNSHIP NUISANCE ORDINANCE DRAFT- JANUARY 10, 2022

## **NUISANCES**

### 1.1 PUBLIC NUISANCE.

Whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (A) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public;
- (B) Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or
- (C) Is guilty of any other act or omission declared by law or the Crow Wing Township Land Use Ordinance, or any other part of this ordinance to be a public nuisance and for which no sentence is specifically provided.

### 1.2 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

- (A) All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- (B) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- (C) All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code;
- (D) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- (E) All other conditions or things which are likely to cause injury to the person or property of anyone.

### 1.3 NUISANCE PARKING AND STORAGE.

- (A) *Declaration of nuisance.* The outside parking and storage on residentially-zoned property of large numbers of vehicles and vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be

a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

*(B) Unlawful parking and storage.*

(1) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(2) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) No more than four vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the township because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front-yard area must be on a paved or graveled parking or driveway area.

(c) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(d) Storage Containers. The use of semitrailers, shipping containers, and other similar structures or containers for storage on a lot for more than 180 days in any one-year period is prohibited. This prohibition shall not apply to construction storage trailers used on site during a construction project provided all required permits are obtained for the project, the project remains in compliance, and the trailer is removed from the lot upon completion of the project.

## 1.4 INOPERABLE MOTOR VEHICLES.

(A) It shall be unlawful to keep, park, store or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of anykind, or which is not properly licensed for operation with the state, pursuant to M.S. §168B.011, Subd. 3, as it may be amended from time to time.

(B) This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road or alley or adjacent property and which does not foster complaint from a resident of the township. A privacy fence is permissible.

(C) Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that such vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.

- b) Schuety/Anderson Septic violation – Jacob Anderson applied for a septic permit in response to a land use violation in which a mobile home was placed on a property without a land use permit or adequate septic information. To date, no septic has been installed. Two letters have been sent, one in November and one in January. Mr. Anderson's original goal was to have the septic installed in May. Since it is now winter, compliance will need to wait for spring. In the meantime, I have also attempted to email Mr. Anderson.

# **Crow Wing Township Citizen Complaint Policy**

## **POLICY:**

When a citizen has a complaint about anything related to activities and responsibilities of the Township, they shall file a complaint in writing. This form will be provided by the Township and may be requested at the Township Clerk's Office. The form can be dropped off at the Town Hall, sent by US Mail, or by e-mail. The complainant's name is not considered public data and will not be publicly noted.

## **PROCEDURE:**

1. The Township will forward a completed form to the proper Township personnel or to the Town Board for determination of what, if any, action shall be taken.
2. Telephone complaints will not be accepted.
3. The Township will conduct an investigation. Appropriate action will be taken and then documented on the concern log.
4. The actions or steps taken in step (3) above shall be considered to be final; however, they may be appealed to the Town Board for review and consideration.
5. Once action has been taken, the Town Board may decline to address the same complaint more than once during a three month period of time.
6. Upon the completion of any said action, the complainant will be notified of action taken.
7. It is the policy of the Township to work with citizens to properly remedy and resolve all concerns in a courteous manner. The Township may request a meeting with the parties involved to review the actions or steps to be taken to remedy or resolve the matter. Staff may request a member of the Town Board to be present at such a meeting.

## **Policy Approval:**

**Town Board Chair: Mark Platta**

**Date: October 11, 2016**

**Crow Wing Township  
Citizen Complaint Form**

*Notice under the Minnesota Government Data Practices Act: Crow Wing Township collects your personal information on this form to help investigate the complaint and inform you of the results. The data from this form will be used by the Township clerk or the person who is investigating the complaint on behalf of the Township. You are not required to provide any personal information including your name, phone number and/or address, but this may prevent the Township from informing you of the results. Your name and personal information are classified as "confidential data" and will not be made public in accordance with MN Statute 13.44, subdivision 1 and MN Statute 13.02, subdivision 3.*

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Please indicate below your complaint or concern:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

*I understand the complaint and my name is public data unless it concerns a violation of law relating to the use of real property or is otherwise protected by the Minnesota Data Practices Act.*

.....  
**Office Use Only**

Date Received: \_\_\_\_\_ Resolved: YES NO Pending: YES NO

Action Taken:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Response to Complainant: \_\_\_\_\_

Date Given to Township Board: \_\_\_\_\_

- THIS FORM MAY BE SUBMITTED TO THE TOWNSHIP BY:**
- Mail: Town Clerk, 10069 South Oaks Rd., Brainerd, MN 56401
    - Email: [crowwingtownship@gmail.com](mailto:crowwingtownship@gmail.com)
  - Fax: Attn- Amanda Peterson, (218) 894-3045
  - Delivery by hand: Crow Wing Town Hall- 6930 Cuyuna Ave
  - Delivery to any Town Board or Planning Commission Member

## 2021 PERMITS

NUMBER	Rec'd	Approved	PID CODE	LAST	FIRST	ADDRESS	DESCRIPTION	FEE	ZONE
LU1-21	2/5	2/12	56110606	Lively	Steve	10876 Bear Path	48' x 68' (3,168 sf) accessory structure	\$500.00	Ag
2-21	2/26/2021	3/11/2021	56150564	Diemer	Michael	9719 Ravenswood Rd	30' x 40' (1,200 sf) accessory structure	\$300	RR 2.5
3-21	03/11/21	3/17/2021	56340513	Tautges	Jayne	6755 St. Mathias Rd	44' x 130' (5,720 sf) dwelling/attached storage building and 20' x 30' (600 sf) accessory structure	\$1,000	Ag
4-21	03/15/21	3/24/2021	56150579	Anderson	Richard	7808 Lone Oak Rd	30' x 40' (1,200 sf) accessory structure	\$300	RR 2.5
5-21	04/01/21	4/1/2021	56090664	Hanson	Troy & Audrey	6818 Wels Ave	Placement of 8' x 32' (256 sf) recreational vehicle and 8' x 24' (192 sf) recreational vehicle for storage per planning commission approval 3/8/21	\$225	Res
6-21	03/01/21	4/4/2021	56360518	Cosert	Tony & Ranae	6749 Co Rd 45	Construct 3,352 sf single family dwelling, 24' x 28' (672 sf) accessory struture (garage) and 12' x 28' (336 sf) accessory structure (carport)	\$1,000	Ag
7-21	04/06/21	4/7/2021	56170560	Butzloff	Brian	5688 Erin Rd	Construct a 24' x 24' (576 sf) deck	\$175	RR 2.5
8-21	03/24/21	4/7/2021	56190507	Vogel	Kevin	8493 Hwy 371	Construct 26' x 34' (884 sf) and 26' x 48' (1,248 sf) accessory structures- animal barns at wildlife oark.	\$200	C-2
9-21	04/16/21	4/22/2021	56320501	Lee	Dylan	6001 Wetherbee Rd	Construct 3,888 sf single family dwelling	\$1,000	Ag
10-21	04/29/21	5/3/2021	56110574	Jenkins	Colter	8111 County Road 123	Construct a 36' x 56' pole shed with 8x24 entry	500.00	RR 2.5
11-21	04/12/21	5/5/2021	56090670	Anderson	Jacob	6850 Wels Avenue	Move in a 16' x 70' manufactured home with SSTS	300.00	Res
12-21	05/05/21	5/5/2021	56110579	Prettyman	Linda	8101 Lucky Lane	Construct a 24' x 36' residence	250.00	RR 2.5
13-21	05/17/21	5/18/2021	56180504	Woznick	Dan & Anita	XXX Golden Oak Drive	Construct a 1,664 sq ft home with a 280 sq ft covered porch and a 928 sq ft attached garage	750.00	RR 2.5
14-21	05/19/21	5/19/2021	56130505	Johnson	Bennett	9154 Forest Heights Drive	Construct a 30'x48' pole shed	300.00	RR 2.5
15-21	05/19/21	5/19/2021	56200539	Steininger	Cory	8859 Wetherbee Rd	Construct a 40'x64' pole shed	500.00	Ag Forestry
16-21	05/19/21	5/19/2021	56160522	Juaire	Westly	6084 Estate Circle Dr	Construct a 16'x24' detached gara	125.00	Res
17-21	05/21/21	5/25/2021	56110533	Krahn	James	XXX Buffalo Creek Circle	Construct a 40'x64' pole shed	500.00	RR 2.5
18-21	05/15/21	5/25/2021	200506 & 56205	Kubesh	Joel	8926 Sophies Way	Construct a 36' x 48' accessory structure (detached garage)	300.00	RR 2.5
19-21	05/26/21	5/26/2021	56170610	Logelin	Joe	5703 Brandon Way	Construct a 1834 sq ft home with 2 decks totalling 420 sq ft as well as a 2160 sq ft attached garage and a 150 sq ft shed with a 60 sq ft deck attached	1,000.00	RR 2.5
20-21	06/02/21	6/2/2021	56170597	Williams	Ben	5075 Brandon Way	Construct a 440 sq ft deck on the home and a 14'x16' shed	250.00	RR 2.5
21-21	06/02/21	6/2/21	56170507	Riles	Richard	9870 50th Ave	Construct a 30'x30' attached garage	250.00	RR 2.5
22-21	06/23/21	6/28/2021	56150611	Nibbe	Robert	9925 St. Mathias Road	Construct a 39.95 kW AC photovoltaic ground-mount solar array consisting of four (4) 620 square foot solar sub-arrays	500.00	Agricultural/Forestry
23-21	08/04/21	08/04/2021	56110527	Oldakowski	Derek	8325 Maple Leaf Circle	Construct a 12' x 18' accessory structure and a 10' x 12' patio	125.00	RR 2.5
24-21	08/30/21	09/08/2021	5610533	Krahn	James	8395 Buffalo Creek Circle	Construct a 28'x50' home	500.00	RR 2.5
25-21	10/18/21	10/21/2021	56170550	Munsch	James	9810 Home Place Drive	Construct a 30' x 64' home with a 740 square foot attached garage for a total of 2660 square feet	750.00	RR 2.5
26-21	10/27/21	10/29/2021	56280500	Sawyer	Craig & Janice	6853 Craig Road	Construct a 20' x 24' accessory structure	175.00	Agricultural/Forestry
27-21	11/03/21	11/5/2021	56090541	Engholm	Steve	7193 Barrows Ave	Construct a 24' x 42' garage with no living quarters	300.00	Res
28-21	11/10/21	11/12/2021	56120509	Gallant	Merle & Marcella	9766 100th Street	Construct 30' x 30' living quarters within an existing building.	250.00	C-1
29-21	10/25/21	12/2/2021	56010537	DM Storage		XXX Greenwood Street	Construct a 34' x 56' commerial storage building	400.00	C-1
30-21	12/08/21	12/13/2021	56090561	Ruckdasche	Brock & Kallie	6982 Holmes Ave	Placement of a 14' x 70' mobile home	250.00	Res
31-21	12/13/21	12/13/2021	56300515	Reikofski	Craig	7122 N Koering Road	Construct a 30' x 85' accessory structure meeting all setbacks	500.00	Ag/Forestry
32-21	12/16/21	12/20/2021	56170585	Penoyer	James & Lori	5318 Erin Road	Construct a 14'x20' accessory structure meeting all setbacks	125.00	RR 2.5

