
CROW WING TOWNSHIP
PLANNING AND ZONING COMMISSION

AGENDA

March 14, 2022

1. Call to Order
2. Roll Call
3. Public Hearing(s)
4. Additions or Deletions to Agenda
5. Open Forum
6. Approval of Minutes
 - a. February 14, 2022
7. New Business
 - a. Eric Stangler – 371 Bypass parcels and discussion on extractive use
 - b. Town Board feedback on draft enforcement policy and nuisance ordinance
8. Old Business
 - a. Ream complaint
 - b. Jillson complaint
 - c. Anderson/Schuety septic noncompliance
 - d. Deason shoreland violation
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.

Crow Wing Township Planning Commission Meeting February 14, 2022, 6:00 PM

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

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

Public Hearings: The Conditional Use Permit 01-22 – Brenda & Mike Ittner was discussed first. The applicants are requesting a permit for a dog training facility on parcel 561710622 which is directly East to their residence. The property is 5 acres and located adjacent to Sweet Road. Previously the applicant had applied for a Re-zone on the property and the Re-zone was approved by the Town Board. The land use table does not specifically address dog training facilities, however, breeding and boarding animals and a home business requires a conditional use permit in the zoning district. The property has been surveyed and does not contain wetland or any area designated as a floodplain. The subject property will be accessed via Sweet Road. The proposed improvement includes a 40' by 50' garage and trees along the south property line. The Staff findings and recommendations were reviewed. The Planning Commission can approve, deny or table the application. It does not need to go to the Town Board. Notices were sent out to ¼ mile away and there has been no comment for or against. The applicant is not planning to consolidate with a neighboring property at this time. There is no plan for rest rooms, no overnight lodging and dogs will be always on a leash. If needed, a porta-potty will be added. Water use will be from the residence. Training classes would be private or small classes. Discussion of driveway and two parcels was discussed. It was decided to add a condition of access easement or driveway permit would be needed down the road as necessary. Dan made a motion to accept based on staff findings and recommendations listed and adding a 12th condition of access easement or driveway permit in the future as deemed necessary. Tucker seconded. No further discussion. Motion passed 5-0. Amanda to do follow up.

The second public hearing was for Conditional Use Permit 02-22 – Angela & Trever Litchy was discussed for agri-business on parcel 56300513. The subject property is accessed from North Koering Road with an easement of adjacent property and is located adjacent to State Highway 371. The proposed agri-business will include an apple orchard, pick-your-own produce and flowers, farm-based entertainment, Christmas tree sales, retail sales, food and beverage sales, e-bike rentals, and events. The business will be implemented over several years in 3 phases. The subject property is zoned Agri-Forestry and requires a CUP. Property is 35 acres and does not contain floodplain. The proposed improvements to the property include a 13,682 sq foot parking area, a multi-purpose retail/workshop with an attached greenhouse, 2 detached greenhouses and a storage building. Approximately 20 acres will be used for orchards, a corn maze, pumpkin patch, sunflower field, and flowers. The Planning Commission can approve, deny or table the decision. This does not go before the Town Board. Notices were sent out to ¼ mile away. Only response was from the Department of Transportation stating all signs must be out of the right of way but felt the right turn lane would be adequate. Staff Findings and Recommendations were reviewed. The applicants have also talked with Ft. Ripley town board and neighboring landowners regarding easement and documentation; that aspect will be with them and their attorney. The applicant has done a lot of leg work on the business plan strategy with objectives and goals. Linda made a motion to approve based on Staff Findings and Fact and Recommendations and to keep item #11,

modify item #12 to say 'excessive' storage and remove item #13 of the additional conditions for consideration. David seconded. No further discussion. Motion passed 5-0.

Additions or Deletions to Agenda & Open Forum: Appointments of President and Vice President was added to the discussion later in the meeting. There was no open forum.

Approval of Minutes: Dan made a motion to approve the minutes from the January 10, 2022, meeting as written. Tucker seconded. No discussion. Motion approved 5-0.

New Business: Owned Storage 371 plan review proposal was discussed specifically regarding the condition of vegetation/landscaping requirements not being met. It was stated that evergreens and a privacy fence do a good job of separating the business year-round from neighboring properties. The Planning Commission wants to support but also does not want years of conflict later and want to stick with the ordinance along the North and East property lines. It was mentioned the section in question was 90% oak trees with undergrowth and a few gaps obviously. The applicant has talked with the neighbor, and he stated he wouldn't be able to see through there except for 3-4 months a year and a new row of pine trees would be shorter for the next 10-15 years and not look natural with a row of pine trees. The applicant stated the building would be a beige/brown color of paint which would blend in. There were concerns about clear cutting all the oaks and the deep-rooted system. A state forestry person was consulted as well with discussion of whether conifer trees would grow well in that area. There were also concerns of watering new trees without the support of well water on site. It was decided it was important to maintain the oaks and do supplemental planting of pine trees at a 3-4' height in thin or sparse areas would be a good compromise. Further, the traffic headlight paths are the most sensitive areas and must be buffered with pine trees and the north/south area between the 2 buildings as well. The intent of the ordinance is to have a buffer between the business property and the neighboring property. Clearly the Commission did not want trees removed so there would be a runoff of water in conjunction of the stormwater review. The area should be staked out and to plant in areas where there is a gap. Common sense comes in to play and use of supplementary planting and a walk through would be good. No action taken. Final review will be forthcoming.

There have been complaints of soot and ash blowing from Shawn Fletcher property/business. Mr. Fletcher was present at the meeting for discussion and his annual review. It was determined that it was sawdust that has been blowing in high winds and not soot or a burned by-product. Amanda and Justin viewed the property. Brad read through the Findings of Fact and Conditions of Approval and reviewed. Concerns were diminished as it is sawdust and not soot. Mr. Fletcher has completed improvements as he has been asked to do. He has complied with noise complaints and will continue to make improvements. He will do some adjustments of conveyors to try to cut back any sawdust blowing. Mr. Fletcher and Brad will be in contact.

The proposed enforcement policy and nuisance ordinance language was reviewed. Amanda stated she added language about confidentiality, enforcement actions, and changed some language about vehicles and made storage containers allowable with a permit. The information will be presented to the Town Board to review, discuss or amend by April. Amanda will email the Town Board.

Amanda received a call from a resident regarding the Deason shoreline along the river. She called Mr. Deason and set up a site review. Justin and Amanda viewed the property and 15-20 trees all along the shoreline had been cut down and the stumps and trees were still there. Pictures were taken. She sent a letter to Mr. Deason explaining you can't remove trees in a bluff impact zone and asking them to submit

a replacement plan by March 11th. She will invite them to the meeting as well. The plan should consist of 20 six-foot trees with a mixture of deciduous and evergreen trees. Stumps of the original trees may be cut flush with the ground; however, root systems should remain. The replacement of vegetation is to be complete by June 1, 2022. Mr. Deason did not have a permit of any sorts and the Minnesota Headwater plan is specific. There has been no response.

There was the annual discussion of Chair and Vice Chair. Linda made the motion to have Brad be Chair. Tucker seconded. Motion passed 5-0. Dan made the motion for Linda to be Vice Chair. David seconded. Motion passed 5-0.

Old Business: The Ream complaint will be reviewed in late March or early April. A letter was sent. The initial complaint has been addressed. There will be more tidying up as the weather permits.

Regarding the Jillson complaint, Amanda, Brad and the probation officer are working together. A list of clean up items will be made in March and will need to be accomplished by a deadline made by the judge.

Regarding the Anderson/Schuety septic noncompliance, two letters have been sent. She has had no response. Tiffany is still the landowner. The next step would be an attorney or the MPCA. They had brought in a septic design that was compliant, but it stalled there. It was decided to get a notice delivered by the Sheriff's department. The Commission wants a plan of action to comply with a septic plan.

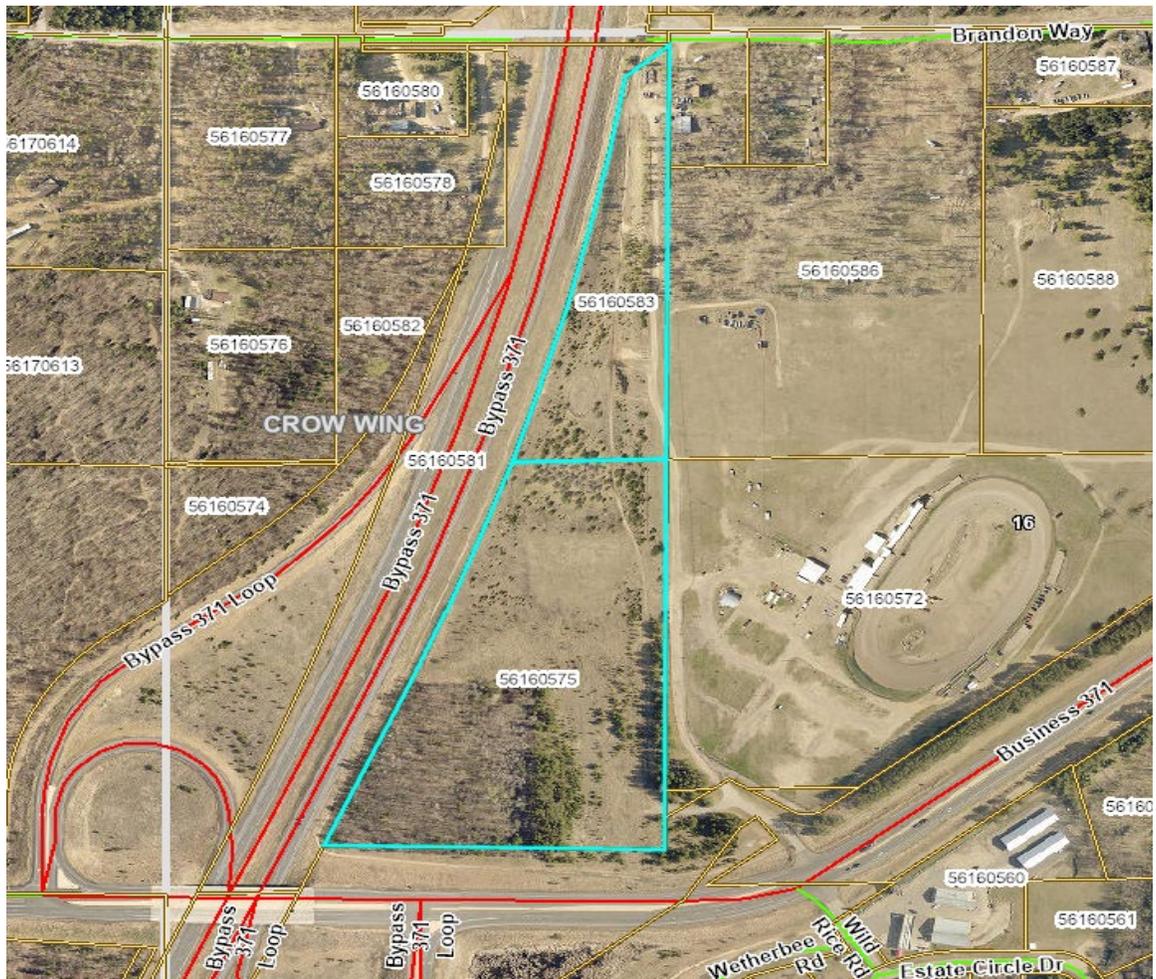
P&Z Administrator's Report: No report. Amanda said she printed off new ordinances. Brad asked Amanda to research the 2.5 contiguous acres requirement for building. David mentioned he attended a video conference training.

Adjournment: There was no other business. Linda made a motion to adjourn. Dan seconded the motion. No discussion. Motion passed 5-0. Meeting adjourned at 8:07 pm.

NEW BUSINESS ITEMS

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

- a. **Eric Stangler** – Mr. Stangler has been approached by Anderson Brothers regarding the possibility of extractive use on parcels 56160583 and 56160575. These parcels were recently rezoned to Commercial 1. Extractive use is not allowed in the Commercial 1 zoning district. A rezone and conditional use permit would be required to move forward with the project. The property owner is seeking a discussion on this proposed use.



- b. **Draft enforcement policy and nuisance ordinance** – Documents attached. Review of Town Board feedback.

Policy on Violation and Enforcement Actions

Goal: To develop a 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 reports 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 attempts to contact the property owner to notify them of the violation verbally. After making verbal contact or attempting to make verbal contact, the Zoning Administrator shall notify the property owner 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 violation letter 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 reports to the Planning Commission monthly on the deliberation and ongoing discussion 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 is sent). Extreme conditions can be reviewed to satisfy the complaint.

5. Moving beyond negotiations.

For unresolved violations, the Planning Commission recommends 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 recommending.

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 from the property until the matter is resolved)
- d. Any enforcement action listed in Section 3.5 of the Crow Wing Township Land Use Ordinance

The Township Board is to receive the recommendation from the Commission and make decisions 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. Confidentiality regarding the complainant will be maintained in all aspects of this process.

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

ORDINANCE #2022-01
CROW WING TOWNSHIP NUISANCE ORDINANCE
DRAFT- FEBRUARY 14, 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 adjacent private property;
- (E) All other conditions or things that 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 residential 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 the 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 large numbers of vehicles on residential property, except as otherwise permitted or required by the township because of nonresidential characteristics of the property.

(3) 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 but still claim the property as their legal residence will be considered residents on the property.

(4) Storage Containers. The use of semitrailers, shipping containers, and other similar structures or containers for storage may require a permit. This shall not apply to construction storage trailers used on-site during a construction project. If 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. No habitation is allowed under any circumstances.

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.