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

**Tuesday October 2, 2023 6:00 PM**

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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. August 7, 2023
7. Old Business
  - a. Outstanding Complaints
    - i. Heron Street
    - ii. Forest Heights Drive
8. New Business
  - a. Violation Terms and Fees
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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## **Crow Wing Township Planning Commission Meeting August 7, 2023, 6:00 PM**

**Commission Members Present:** Brad Arnold (Chair), and Commissioners Dan Lee, Linda Schuety, David Nelson, Nathan Hulinsky (Township Board Supervisor subbing in for Paul Stephany), & Sue Kern (Township Clerk). Brad called the meeting to order at 6:00 PM and the Pledge of Allegiance was recited.

**Public Hearings:** None.

**Additions or Deletions to Agenda:** None.

**Approval of Minutes:** The June 5, 2023, meeting minutes were reviewed. Dan made the motion to approve the minutes as written. Linda seconded the motion. No discussion. Motion passed 4-0. Nathan was not present at that meeting and did not vote. P&Z did not meet in July due to the holiday.

**Open Forum:** None.

**New Business:** A written complaint for 9507 Forest Heights Drive was filed. Scott had sent a letter to the owners. The letter listed the P&Z meeting to be on August 6<sup>th</sup>, instead of August 7<sup>th</sup>. Considering the error with the date, it was decided to have the Planning and Zoning Administrator resend a letter with the proper date and give an extension of time.

**Old Business:** Brad will be checking on the replanting of the trees on the Deason property. There were two verbal complaint calls that did not follow up with a written complaint. Complaints are anonymous. Brad explained the Ordinance complaint process. The Gerhardt property complaint on the Strong/Heron Avenue was discussed. Brad will follow up. The remainder of the On-Going Work violation list was reviewed. No action was taken.

Brad will follow up with Scott regarding Short Term Rentals.

The minor subdivision fee schedule will be discussed later when another hearing is needed.

**P&Z Administrator's Report:** The font/format was discussed. The permit list was reviewed. There have been 5-6 applications in the last week.

Nathan reported the results of the county fair.

**Town Board Correspondence:** None.

**Adjournment:** Linda made the motion to adjourn. David seconded the motion. No discussion. Motion carried 5-0. The meeting adjourned at 6:42 pm.

- E. No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet all minimum requirements established by this ordinance.
- F. The planting and harvesting of farm crops and trees shall not be considered a land use subject to the provisions of this ordinance.

## **2.3 CONFLICTING REGULATIONS**

- A. For the purpose of determining land use district designation, where a parcel lies in two land use districts as outlined in Article 10 of this ordinance, the parcel shall be classified in the land use district which encompasses the larger percentage of the lot area.
- B. Where a lot in the shoreland district lies in an area where two different lake or river classifications overlap, lot standards shall be determined as follows:
  - 1. In situations where shorelands with different lake classifications overlap due to close proximity of public waters, the lake classification of the public water receiving more than 50% of the water flow from the parcel based on topography shall be used to determine the appropriate shoreland regulations according to this ordinance.

## **2.4 CONTRACTOR RESPONSIBILITY**

Each contractor shall ascertain that all work done on the property of another person must have the proper permit to do such work. Failure of any such contractor to comply herewith shall be considered a violation of this ordinance and subject to the enforcement provisions of Article 3.5.

## **2.5 APPLICANT RESPONSIBILITY**

Actions taken pursuant to permits granted under this ordinance are the sole responsibility of the property owner or his/her agents. Crow Wing Township assumes no liability for any adverse effects to the property owner, or to third parties, caused by any actions taken pursuant to permits granted under this Ordinance.

# **ARTICLE 3—ADMINISTRATION**

## **3.1 ADMINISTRATION**

The Ordinance shall be administered by the Zoning Department Supervisor for Environmental Services, hereinafter referred to as "Administrator," appointed by and responsible to the Zoning Administrator and the Crow Wing Town Board. The Administrator shall issue all approved permits and certificates under this ordinance, either as authorized or as directed by the Planning Commission/Board of Adjustment. The Administrator shall interpret this ordinance, subject to appeal. The Administrator may delegate responsibilities as appropriate.

## **3.2 APPLICATION FOR PERMIT**

- A. **Scope of work subject to permitting.** Prior to engaging in any land use activity regulated under the provision of this ordinance, the owner of the property shall make application for the necessary permit or permits required by this ordinance. A permit or fee is not required for inside or outside residential maintenance provided the exterior dimensions of the structure remain the same.

B. **Issuing authority/Applicant responsibility.** A permit shall be issued by the Administrator only when the applicant has met all applicable requirements of this ordinance. An authorized agent of the owner may make application for the permit or permits. Conditional Uses, variances, or permits will be processed by the Department pursuant to procedures established within this ordinance. The accuracy and completeness of all permit applications and accompanying documents are solely the responsibility of the applicant. No permit application will be approved on for property on which there are unresolved violations, unless the permit will resolve the violation.

C. **Other Permits.** The granting of any permit or variance under provisions of this ordinance shall in no way affect the landowner's responsibility to obtain the approval required under any federal or state statute, ordinance or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for, but no approval shall be implied from the granting of any Crow Wing Township permits nor from the necessity to apply for a permit described in this ordinance.

D. **Application information requirements.** The application for any permit, including public hearing requests, required under this Ordinance shall include:

1. The legal description of the property.
2. Property identification number.
3. Current and proposed land use.
4. A description of the type and scope of construction, use, development, or alteration proposed.
5. A sketch plan showing the location of public waters, wetlands, existing and proposed structures, road rights of way, driveways, parking spaces, water and sanitary facilities, utility lines.
6. Topographic features including but not limited to wetlands, bluffs, ordinary high water level designations, or steep slopes.
7. Additional information as may be required by the Department in order to determine compliance with this and other ordinances.

E. **Certificate of Survey.** The Administrator may require a certificate of survey with any permit application required by this Ordinance, including variance, land use reclassification, and conditional use permit applications, upon a determination by the Administrator that such a survey will assist in achieving the purposes of this Ordinance

F. **Site suitability / Sewage treatment.** The application shall also include a compliance inspection or field evaluation conducted by a State-licensed inspector indicating the condition of any existing subsurface sewage treatment systems or the-site's suitability for a compliant sewage treatment system.

G. **Fee.** The application shall be accompanied by a remittance, payable to the Crow Wing Township Treasurer. A current Fee Schedule is on file in the Department as approved by the Town Board.

H. **Permits for activities in Flood Plain.** Land use permits for activities within any flood plain zone shall meet the standards in Article 21 of this Ordinance relating to Flood Plain Management.

I. **Checklist.** An application check list shall be available at the Department.

### **3.3 PERMIT CARD**

The Administrator shall issue a permit card upon approval of a permit. Such permit card shall be continuously posted in a conspicuous location on the premises concerned, from the time the authorized work is commenced until it is completed.

### **3.4 EXPIRATION OF PERMITS**

All permits are valid for a period of two years from the date of approval, unless otherwise specified.

### **3.5 ENFORCEMENT**

A. **Responsibility for enforcement.** The Crow Wing Township Board of Supervisors shall be responsible to enforce this Ordinance.

B. **Civil and criminal enforcement.** Any violations of the provisions of this Ordinance or failure to comply with any of its requirements by a landowner or authorized agent, including violations of or failure to comply with the conditions and safeguards established in connection with the granting of a structure, land use, or shoreland alteration permit, or contained within variances or conditional uses, shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes 609.03. The provisions of this Ordinance may be enforced through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

C. **Township's costs and expenses of enforcement.**<sup>2</sup> In all cases where the Township incurs any costs reviewing, investigating, enforcing, or administering any of its ordinances, rules, regulations, land or use application, or permit, then any party(ies), contractor(s), real estate owner(s), and/or permit holder(s) who is or are found to be in violation of any such ordinance, rule, regulation, land or use application, or permit shall be required, jointly and severally, to reimburse the Township for all of the reasonable fees and costs the Township incurs in enforcing compliance with its ordinances, rules, regulations, land or use applications, or permits. Fees and costs include, but are not limited to, attorney's fees, engineering fees and costs, consultant fees, survey costs, and other professional services deemed necessary by the Township.

D. **Permit does not protect permit holder.** Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Sec 3.2 A. of this Ordinance.

E. **Separate offenses.** Each day that a violation of this Ordinance continues shall constitute a separate offense.

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<sup>2</sup> Amended 9/19/2022

- F. **Citations.** The Department shall have the power to enforce this Ordinance by issuing citations for criminal violations of this Ordinance upon the owner of a property and/or their authorized agent.
- G. **Cease and desist order.** The Administrator, or duly authorized representative, may issue cease and desist orders to halt the progress of any property modification, based upon probable cause that a violation of this Ordinance has been committed. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.
- H. **Injunctive relief allowed.** The Crow Wing Township Attorney, in cooperation with the Department may sue for injunctive relief on any violation, including restoration of the premises to its existing condition prior to the violation.
- I. **Administrative fee for enforcement.** The Administrator shall charge an administrative fee, according to a schedule established by the Town Board of Commissioners, to compensate for staff time and other expenses incurred during the investigation and prosecution of violations.
- J. **After the fact applications and fees.** Any person making application for a permit after the commencement of work requiring a permit may be charged an administrative fee. In the event the application for a permit is denied or the activity permitted does not include all of the work commenced prior to approval of said permit, the Planning Commission/Board of Adjustment or the Administrator may require restoration of the subject property to its condition before such work commenced, including removal of structures or improvements not approved.
- K. **Certificate of Survey.** The Administrator or duly authorized representative may require a certificate of survey when it is determined that said survey will or may assist with the resolution of a violation.

### 3.6 PERFORMANCE SECURITY

Upon approval of a conditional use, variance, or other permit application, the Planning Commission/Board of Adjustment, Town Board or the Administrator may, if reasonably necessary to achieve the purposes of this ordinance, require a surety bond, cash escrow, or cash deposit prior to issuing a land use permit or initiation of work on a proposed improvement or development. Said security shall be irrevocable and shall guarantee conformance and compliance with the conditions of the permit, conditional use, or variance. The amount of the security may be set at up to 150% of the estimated cost of compliance with the conditions including but not limited to vegetation establishment, stormwater plan implementation, soil stabilization, water quality protection, or pollution control measures.

### 3.7 RIGHT OF INSPECTION

An applicant for any permit under this Ordinance does thereby give the Administrator and/or his/her agent right of access to the premises concerned for inspection, and enforcement of this Ordinance. Additionally, the Administrator and/or his/her agent is authorized to enter upon lands within the unincorporated area of the Township for the purpose of carrying out the duties and functions imposed under this Ordinance, and/or make investigations of any violations of this Ordinance and/or cause proceedings to be instituted when warranted.

### 3.8 GENERAL REVIEW PROCEEDINGS



A. **Timeline for review.** Pursuant to MN Statutes, Chapter 15.99, the Administrator, Planning Commission/Board of Adjustment or Town Board of Commissioners must approve or deny a completed application within 60 days of a written request relating to zoning, septic system, expansions, permit, license or other approval action. Failure of the Administrator, Planning Commission/Board of Adjustment or Town Board to deny a request within 60 days shall constitute approval of the request. If the Administrator, Planning Commission/Board of Adjustment, or Town Board denies the request, it must state in writing the reasons for denial at the time that it denies the request.

1. **Completed application.** The timeline for review in Article 3.8 A. begins upon the receipt of a completed application by the Department. An application shall be deemed complete when a written request containing all information required by this Ordinance is submitted to the Department. If the Department receives a written request that does not contain all required information, the 60 day limit shall not start if the Department sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

2. **Extension of time line for review by multiple agencies.** The time limit in Article 3.8 A. is automatically extended if:

- a. A completed application submitted to a State agency requires prior approval of a Federal agency.
- b. A completed application submitted to a city, Township, town, school district, metropolitan, or regional entity, or other political subdivision requires prior approval of a State or Federal agency.
- c. In cases described in this paragraph, the deadline for action by the Department is extended for 60 days after the required approval is granted.

3. **Township extension of time line.** The Administrator may extend the time line before the end of the initial 60 day period described in Article 3.8 A. by providing written notice of the extension to the applicant. The notice must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

4. **Extension of time line by applicant.** The applicant may, in writing, waive the 60 day time deadline.

### 3.9 FEES

A. **Schedule of fees.** The schedule of fees for all land use and zoning-related activities and permits shall be posted in the Department Office and may be altered or amended only by resolution of the Town Board.

B. **Collection of fees.** The Administrator shall collect all required fees in full in conjunction with any application.

C. **Administrative fees.** When work has commenced before approval of a permit, or a variance, a conditional use, or other approval requiring a public hearing, the applicant may be charged an administrative fee in conjunction with a late application according to the schedule established by the Board of Commissioners.

## **2023 Fee Schedule Crow Wing Township Planning and Zoning Department**

**\*\*\*AFTER-THE-FACT LAND USE PERMIT APPLICATION FEES CAN BE FIVE TIMES THE ORIGINAL FEE\*\*\***

### **ZONING PERMITS**

#### **New Construction:**

##### **Residential:**

Up to 1000 s.f. of Ground Cover: \$250  
1001 s.f. to 2000 s.f. Ground Cover: \$500  
2001 s.f. to 3000 s.f. Ground Cover: \$750  
3001 s.f. to 4000 s.f. Ground Cover: \$1000  
Each additional 1000 s.f. Ground Cover: \$250

##### **Commercial (including plan review fee)**

Up to 1000 s.f. Ground Cover: \$400  
1001 s.f. to 2000 s.f. Ground Cover: \$500  
2001 s.f. to 5,000 s.f. Ground Cover: \$750  
5001 to 10,000 s.f. Ground Cover: \$1000  
10,001 s.f. and greater Ground Cover: \$1250  
Commercial Storage Building (no Sewer or Water) per building: \$400

#### **Additions/Accessory Structures**

##### **Residential Accessory Structure or Addition**

200s.f. - 400 s.f. Ground Cover: \$125  
401s.f. - 600 s.f. Ground Cover: \$175  
601 s.f. to 1000 s.f. Ground Cover: \$250  
1001 to 2000 s.f. Ground Cover: \$300  
Greater than 2000 s.f. Ground Cover: \$500

##### **Commercial Accessory Structure or Addition includes plan review fee**

Up to 1000 s.f. Ground Cover: \$300  
1001 to 2000 s.f. Ground Cover: \$400  
2001 to 5,000 s.f. ground cover: \$500  
5001 to 10,000 s.f. Ground Cover: \$750  
10,001 s.f. and greater: \$1000  
Commercial multi-storage buildings-no water or sewer-(Per Building): \$400  
Agricultural Accessory Structures: \$100  
Seasonal Travel Trailer Placement: \$100  
Signs \$1.00 per s.f. up to 200 s.f.: \$200



**Sewage Treatment Systems:****These Costs Are in Addition to Septic System Permit Fees:**

Residential (Includes review, approval of design, and inspection): \$200

Commercial (Prior Plan Approval Required)

Small Flow Systems (Less than 1000 gal/day): \$350

Large Flow Systems (1000 1001-3999 gal. /day or larger): \$600

Large Flow Systems (4000-6999 gal./day): \$680

Large Flow Systems (7000-9999 gal/day): \$840

All SSTs permit fees Includes review, approval of design, and inspection

Re-inspection Fee: \$100

**Dirt Moving in Shoreland Area**

Sand Blanket in Shore Impact Zone\* \$150

**Licenses/ Special Fees:**

Gravel Pit Operation: \$500

Plus Re-inspection Fee: \$100

Plus Minimum: \$5,000 Bond

Zoning Ordinance: \$15

Comprehensive Plan: \$25

Subdivision Ordinance: \$5

Misc. Copies \$.25 per page

**ADMINISTRATIVE FEE** \$100 per hour plus mileage

**Land Use Applications:****Variance\*\***

Residential/Commercial Uses: \$500

Plus Recording Fee: \$46

**Conditional Use\*\***

Residential/Commercial Uses: \$500

Plus Recording Fee: \$46

Amendment to Existing Conditional Use Permit\*\* \$500

**\*\*The above land use applications may be subject to construction permit costs previously listed**

Zoning Map Amendment (Rezoning): \$500

Dirt Moving/Fill Excavation (Variance): \$500

Plus Recording Fee: \$46

Plus Re-Inspection Fee: \$100

Appeal to Board of Adjustment: \$500

Plus Recording Fee: \$46

Zoning Ordinance Amendment: \$500+ Printing Costs

**Subdivision Applications:**

**Metes and Bounds:** \$100 + \$25 per parcel

**\*\* Additional Fees include pass through cost of County Surveyor Review and Legal Review.**

**Plat or Planned Unit Development\*\***

Initial Review by County Board: \$250

Preliminary Plat: \$500 + \$25.00 per parcel

Final Plat: \$500 + \$25.00 per parcel

+Surveyors Fees

**TOWERS (Commercial Use)**

Tower Base up to 1000 sq. ft.: \$400

Tower Base 1001 sq. ft. to 2000 sq. ft.: \$500

Antenna co-location: \$300 per antenna

Equipment structures up to 1000 sq. ft.: \$300

1001 to 2000 sq. ft.: \$400

**\*\* Land Use Permits are required after approval.**

**\*\* All new construction must have an E911 Address to obtain utility permits.**

**\*\* Commercial Land Use Application, Plat/Planned Unit Development Review Costs**

**\*\* The applicant shall reimburse the Township for all related miscellaneous costs that exceed the amount of the original application fee.**

# On-Going Work Report

Property Owner	Property Address	On-Going Work	Contact Info and Notes	Status
Carv & Stacy Deason	11171 Town Hall Street	Property has a shoreland violation where trees were removed on a bluff. The trees have been replaced, and semi-annual inspections are needed. The next inspection should happen in December. Emailed Stacy and Cary to schedule an inspection on 6/8/23. Requested to have them contact Brad Arnold to set a time for the inspection.	Carv Deason: 608-222-1100	
Brendan Reese	56005415	This parcel needs follow up on unpermitted structure and possibly people living in a tent. I have been in contact with the property owner, but another letter is needed with a timeline.	56005415: 717-290-0001	
Safari North	8493 State Highway 371	The Vogels attended the September meeting and asked to extend their permitted closing time of 9 pm to 10 pm on Fridays and Saturdays through October, as well as Halloween this year. The PC approved this for one year, and asked that the Vogels attend a Planning Commission after October to discuss whether or not this is going to be a permanent event.	8493 State Highway 371: 608-650-6520	
Jackson, Colleen	6670517	This parcel has a violation of unpermitted structures and people living in campers. The violation was resolved, but there was some movement on the property as of September.	6670517: 715-398-3983	
Ream, Cary	6749 Wetherbee Road	Ongoing violation that has not been resolved. Brad intends on conducting an inspection.		
North Central Suedehway	96160586	There have been multiple complaints about camping, noise, and the possibility of sewage being dumped on this parcel. There is a CUP in place. The PC decided at the September meeting that an annual inspection of the property should be done.		
Jacob Anderson/Jennifer Schuety	6450 Wells Avenue	Ongoing violation of unpermitted structure and a nonconforming septic. The house cannot be habituated until a new septic is installed. There is an approved design and permit for the septic. Jacob Anderson is not an owner on the property but was the occupant of the home.	6450 Wells Avenue: 608-222-1100	
Schlangen septic designs	11454 Greenwood Street	I've got one design from Jamie Doble and one revision from LouAnn Maschier. Both approved. Not sure what's going on there. They already have a septic permit.		
Doug Kross	10414 170500 9152 50th Avenue	Septic Permit questions for a potential remodel/addition. Call #: 320-630-7099.		
Randy Ryan	60th Street	New residential home proposed. Wetlands were reviewed, but need to be confirmed when installing the driveway.		In Progress
Lisa Gerhardt	10207 Heron Street	Refuse and several non-running cars located on property. Neighbor complaint submitted on 4/24/23. Had discussion with full planning commission meeting in June. Brad directed P&Z to send a letter and to include his contact information. Letter included inviting Lisa to attend a meeting. Sent letter with Sue on 6/12/23. Certified letter.	10207 Heron Street: 608-222-1100	In Progress
Lyle Liarre	9507 Forest Heights Dr	Grabage and non-running vehicles on property.		In Progress



## New SSTS Installations

Permit #	Applicant	First Name	Last Name	Commercial Name / Seller Name	How is Acquisition	Type of System	# of Units	Fee	Application Received	Revenue Approval	Location #	Payment	Notes	Installation Date
555001-13	1505 083 Street	Barry	Ryan	N/A	New	Monard	2	5,000.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555002-13	1505 083 Street	Barry	Ryan	N/A	New	Monard	2	5,000.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555003-13	3800 Second Street	William	Loggins	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555004-13	10342 Rogers Street	Robert	Neuman	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555005-13	8884 N. Madison Road	James	Neuman	Dir. of Lake Area	New	Monard	2	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555006-13	7395 Ringier Drive	Robert	Neuman	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555007-13	6996 200 Avenue	William	Loggins	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555008-13	6550 200 Avenue	William	Loggins	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555009-13	6550 200 Avenue	William	Loggins	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555010-13	6550 200 Avenue	William	Loggins	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555011-13	6550 200 Avenue	William	Loggins	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555012-13	7330 Hunter Circle	William	Loggins	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555013-13	10172 Bowers 371	William	Loggins	Chapman Auto Repair	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021
555014-13	8961 51 Mallard Road	William	Loggins	N/A	New	Monard	1	1,500.00	X	X	14381	5,000 (Cash 415962)	Completed by 10/11/2021	10/29/2021

## Compliance Inspections

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