
CROW WING TOWNSHIP
PLANNING AND ZONING COMMISSION

AGENDA

Monday April 1, 2024 6:00 PM

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 4, 2023
7. Old Business
 - a. Outstanding Complaints
 - b. Complaint Process
8. New Business
 - a. Crow Wing County Ordinance Amendments - Update
 - b. Current Township Ordinance Discussion
 - i. Article 43 Tower Facility Standards
 - ii. Guest Cottage / Dwelling Options
 - c. AWAIR Information
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 5, 2024, 6:00 PM

Commission Members Present: Brad Arnold (Chairman), Commissioners Linda Schuety, David Nelson, Dan Lee, Paul Stephany (Township Board Supervisor), Scott Saehr (Planning & 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: None.

Additions or Deletions to Agenda: Brad and David added items to the agenda for discussion.

Approval of Minutes: The December 4, 2023, meeting minutes were reviewed. David made the motion to approve the minutes as written. Linda seconded. No discussion. Passed 4-0. Dan abstained as he was not present at that meeting. The Commission did not meet in January.

Open Forum: None.

New Business: SD 01-24 Johnson Subdivision: Mr. & Mrs. Andrew Johnson were present, so their matter was discussed first. The Johnson's have been in communication with Scott regarding a minor subdivision for PID 56120515. The 40.11-acre parcel split into two tracts: Tract A 35.11 acres and Tract B 5.00 acres. The proposed lots will continue to be zoned Agricultural/Forestry. When a plan to develop the property is received, the property will then be considered for a rezone. Subdividing the property and rezoning to residential is in line with the comp plan and future land use. Survey has been completed. Scott has put together a Certificate of Compliance. The 5-acre piece is high ground and would compare with surrounding properties. Paperwork was notarized and signed by Chairman Arnold and the Johnson's paid the appropriate fees.

Old Business: Outstanding Complaints: Juairé and Niesen complaints were discussed. Niesen brought in a dumpster and is working on the complaint and is cooperative. Juairé's had no measurable progress. Brad thought a letter should be sent and a timeline should be put in place for May and a date will be set for an inspection. The letter would indicate that legal action may be needed. **Jackson property:** Sheriff Klang, Supervisor Doug Kern and Chairman Brad Arnold inspected the property, and a follow up letter has been sent to the Jackson's. There was a small collapsed shack, a camper, a fish house and there appeared to be no activity other than coming and going. Other debris and rubble such as a water heater and barrel have been dumped there. The gate has not been locked. The letter indicated clean up should take place by April 15th and to lock the gate. Law enforcement will continue to monitor the property. **Gerhardt property:** Brad has inspected this property and there does not really seem to be a violation. Other property violations will be monitored as needed.

New Business: 2023 Annual Community Development Report was reviewed and approved. The report was very detailed and informative. The Commission thanked Scott for the report. The town board treasurer report was reviewed, and the P&Z financials are consistent and balanced. The **2024 Calendar** was reviewed. The **2024 Fee Schedule** was reviewed and approved. Violation complaints and fees were discussed at length. Complaints require inspections and clerical time of letters. Fees may need to be put in place for time of the P&Z Administrator, the Chairman, the Commission, and the Clerk. An action plan was discussed and planned to be put in place by this Spring. No action was taken at this meeting,

but the matter will be brought forward to the next meeting. **SD 02-24 Hatch Subdivision:** The matter was reviewed, and it was noted the property would be land locked and a deeded access would be needed. No action was taken.

P&Z Administrator's Report: The policy/procedure of election of officers was reviewed. Dan nominated Brad to be the Chair. David seconded that nomination. Linda nominated David to be Vice Chair. Dan seconded that nomination. There were no other nominations. Brad was accepted as Chair and David was accepted as Vice Chair by the Commission.

The ordinance language regarding parking in the right of way was reviewed.

Town Board Correspondence: None.

Adjournment: Dan made a motion to adjourn. Linda seconded. No discussion. Motion carried 5-0. The meeting adjourned at 7:16 pm.

Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency (MPCA).

ARTICLE 42--TIMBER CUTTING/ REFUSE DISPOSAL

The standards in this Article shall apply to timber cutting and refuse disposal in all land use districts.

42.1 TIMBER CUTTING AND/OR CLEARING REFUSE DISPOSAL

Timber cutting and clearing is allowed with the following areas:

- A. A Commercial or Commercial/Industrial District;
- B. The right of way of a public Utility;
- C. 200 feet from the right-of-way line of State Highway or of a County Road or Highway;
- D. Within 100 feet of a maintained township road or of a County-maintained First or Second Assessment District Road, timber cutting shall be subject to the following requirements:
 - 1. All refuse from land clearing or timber harvesting operations therein shall be removed there from within eight months after such refuse is made. Such removal may be by burning, burying, or actual removal or any combination thereof.
 - 2. Such removal must be done in full compliance with all other applicable laws or regulations concerning the method of removal.
 - 3. The landowner and/or the person who makes or generates such refuse shall be equally responsible for compliance herewith.

ARTICLE 43--TOWER FACILITY STANDARDS

The standards in this Article shall apply to Commercial Use towers in all land use districts where such uses are permitted.

43.1 INTENT AND PURPOSE

The unique and diverse landscapes of Crow Wing Township are among its most valuable assets. Destroying these assets risks undermining the very characteristics responsible for our economic vitality and future potential. Protecting these assets will require that location and design of tower facilities be sensitive to, and in scale and harmony with, the aesthetics of Crow Wing Township. This article will provide standards for the proper placement and design of tower facilities in order to ensure their compatibility with surrounding aesthetics and development. The purpose of this article is to provide predictable and balanced standards for the siting and screening of tower facilities on both public and private property within the jurisdiction of Crow Wing Township. These standards will protect the health, safety and general welfare of persons in the area surrounding such tower facilities from possible adverse effects related to the placement, construction or modification of such tower facilities. Leasing of public buildings, publicly owned structures, and/or public rights-of-way for the purposes of locating wireless telecommunication services facilities and/or equipment is encouraged. In cases where a facility is proposed on Township property, specific locations and compensation to the Township shall be negotiated in

lease agreements between the Township and the provider on a case-by-case basis, and would be subject to all of the review criteria contained in this section. Such agreements would not provide exclusive arrangements that could tie up access to the negotiated site(s) or limit competition, and must allow for the possibility of “co-locating” (sharing of facilities) with other providers. Specifically, the Telecommunication Act of 1996, affirms local governments right to control the site, construction and modification of cellular and other wireless telecommunication facilities. The permitting process of this article will not discriminate among providers of functionally equivalent services and will not prohibit the provisions of personal wireless services.

43.2 APPLICABILITY

It shall be unlawful for any person, firm, or corporation to erect, construct in place, or place any tower facility without first receiving permit(s) from Department. Nor may any person, firm, or corporation alter, modify, transform, add to or change in any way an existing tower facility without first receiving permit(s) from Department.

43.3 TOWER FACILITIES GENERALLY ALLOWED

The following tower facilities will be generally allowed within Crow Wing Township without having to make application or meeting the general standards of this article:

- A. Antenna(s) incidental to residential use;
- B. Routine maintenance of existing tower facilities or modification of lighting to meet the standards in Article 43.13; and
- C. The addition of antenna(s) to a tower facility that meets the standards of this article and does not increase the height of the tower facility.

43.4 ADMINISTRATIVE PERMIT

The following tower facilities may be given an administrative permit from the Department after completing the application requirements and meeting the standards of this article:

- A. Tower facilities that are located outside Shoreland and Residential Districts, unlit, camouflaged, monopole tower, and do not extend more than 10 feet above the average height of the tree canopy or 99 feet above the average ground level;
- B. The addition of antenna(s) on existing structures such as but not limited to buildings, flagpoles, church steeples, cupolas, ball field lights, power line support device that does not require modifications to the structure; and
- C. The addition of antenna(s) to existing lighted tower facility if the tower facility is modified to meet the lighting standards of Article 43.13 and do not increase the height of the tower facility.

43.5 CONDITIONAL USE PERMIT

The following tower facilities require a conditional use permit approved by the Planning Commission/Board of Adjustment and may be granted a conditional use permit after completing the application requirements, having conditions placed on the tower facility, and findings of fact that support the tower facility:

- A. Tower facilities that are located inside Shoreland and Residential Districts, unlit, camouflaged, monopole tower, and do not extend more than 10 feet above the average height of the tree canopy or 99 feet above the average ground level, whichever is less;
- B. Tower facilities that are located outside Shoreland and Residential Districts, unlit, from 100 feet 199 feet in height and are designed to accommodate several levels of antennae.

43.6 GENERAL STANDARDS

- A. **SETBACK.** The tower facility shall have a minimum distance to the parcel and or recorded easement boundary, equal to the height of the tower plus 10 feet.
- B. **FENCING.** The tower facility shall be protected by a security fence a minimum of six feet in height to prohibit access by unauthorized persons.
- C. **SIGNAGE.** The owner's name, telephone number and site ID number shall be posted on the gate of a perimeter fence. No other advertising or identification sign of any kind is permitted on the tower facility, except applicable warning and equipment information as required by the manufacturer or by Federal, State, or local authorities.
- D. **LIGHTING.** The light source for any necessary security lighting shall feature down-directional, sharp cut-off luminaries that ensure there is no spillage of illumination off the parcel or easement boundary.

43.7 PERMIT APPLICATION REQUIREMENTS

- A. The Department may contract with an independent technical expert to review technical materials submitted by the applicant, and/or to determine if additional information is necessary. The tower facility applicant shall pay the cost of such review and/or independent analysis.
- B. Name and address of the tower facility owner, record landowner of parcel and any duly appointed agents of the parties.
- C. A visual study depicting where within a one mile radius any portion of the proposed tower facility will be visible.
- D. Site plan(s) drawn to a scale of one inch equals 20 feet or less, specifying the location of tower facility, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, and all adjacent land uses within 240 feet of the base.
- E. Elevation drawings of "before" and "after" simulating and specifying ground levels, the location and height of antenna(s), support structures, equipment buildings and/or other accessory uses, fences and signs of the tower facility.
- F. Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing tower facilities, and identifying all other structures that may be potential co-location sites. In addition, the applicant must demonstrate that the selected site will meet gaps in service that

cannot be addressed by existing sites and that the service gaps exist due to unique topographic, land ownership or other environmental issues that can only be resolved by construction of a higher tower. In addition, the applicant shall demonstrate whether there will be a reduction of the number of towers required to gap service if a higher tower is approved.

- G. A letter that requires the tower facility owner and successors to allow co-location of antenna on the tower facility if an additional user(s) agrees in writing to meet reasonable industry terms and conditions for shared use.
- H. A copy of the FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons therefore.
- I. A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefore.
- J. Tower design and their antennas shall be certified by a licensed professional engineer to ensure that they conform to applicable state structural building standards.
- K. The applicant shall submit proof, in the form of a signed affidavit, demonstrating a good faith effort to lease or purchase space on an adjacent existing tower facility. The affidavit shall state why space is not available such as:
 - 1. The planned tower facility would exceed the structural capacity of the tower facility and the structural capacity cannot reasonably be increased;
 - 2. The planned tower facility would cause interference with the usability of other existing or planned equipment at the tower facility; and/or
 - 3. Existing tower facility cannot accommodate the planned antenna at a height necessary to function reasonably.
- L. The owner of the tower facility shall provide performance security as specified on Article 3.6 to the Township in an amount equal to one and one-half times the cost to remove the tower facility and restore the site. This amount shall be determined by the Crow Wing Township Planning Commission/Board of Adjustment based on input from an independent technical expert.
- M. All wetlands within 50 feet of the proposed infrastructure related to tower construction and access shall be delineated. A letter or report shall be submitted to Crow Wing Township by the wetland professional performing the work which describes the presence or absence of wetlands.

43.8 FACTORS CONSIDERED IN GRANTING A CONDITIONAL USE PERMIT

The Crow Wing Township Planning Commission/Board of Adjustment shall consider the following factors in determining whether to issue a Conditional Use Permit.

- A. Height of the proposed tower facility;

- B. Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment;
- C. Proximity of the tower to residential structures and residential land use district boundaries;
- D. Nature of uses on adjacent and nearby properties;
- E. Surrounding topography;
- F. Surrounding tree coverage and foliage;
- G. Design and siting of the tower with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness;
- H. Proposed ingress and egress;
- I. Availability of suitable existing towers and other structures as discussed in Article 43.7 G;
- J. Impact to the existing aesthetics and character of the surrounding area; and
- K. Level of adherence to the provisions set forth in 43.1 of this article.

43.9 EXISTING TOWER FACILITIES

Existing tower facilities may continue in use and perform routine maintenance for the purpose now used and may not alter, convert, modify, transform, vary, add to or change in any way the approved use or form of the tower. Existing tower facilities shall be considered for the co-location of other antenna(s). The owner of an existing tower facility shall file an annual notification in writing to the Department as to the continuing operation of every tower facility constructed. Failure to do so shall be determined to mean that the tower facility is no longer in use and considered abandoned.

43.10 ROUTINE MAINTENANCE

All tower facilities shall be maintained in a safe and clean manner. The tower facility owner shall be responsible for maintaining a graffiti, debris and litter free site. The landscape plan shall be maintained for the life of the tower facility. Trimming the tops of trees on site shall be allowed, only to maintain the average height of the canopy used to establish tower facility height. All tower facilities shall be subject to periodic inspection to ensure continuing compliance with all conditions of the application submitted and approval requirements.

43.11 TIME LIMIT ON TOWER FACILITY CONSTRUCTION

Construction of an approved tower facility must be completed within two years following the date of the approval. Landscaping must be installed within the first growing season immediately following construction.

43.12 ABANDONMENT AND REMOVAL

Tower facilities that are not in use for 180 consecutive days shall be considered abandoned and shall be removed by the owner within 180 days. Removal includes the complete tower facility including related infrastructures, footings and other underground improvements to a depth of 36 inches below existing grade, and restoration to pre-existing vegetative cover. Failure to do so

shall be just cause for Crow Wing Township to seek legal avenues that will remove the tower facility and restore the site.

43.13 LIGHTING STANDARDS FOR TOWER FACILITIES

- A. The tower facility owner shall provide a lighting plan and photometric study indicating the size, height, location and wattage of all tower facility lighting sources. This study must also include a graphic indicating the spread and degree/intensity of light from each source/fixture.
- B. Tower facility owner shall reduce the impact of current and future obstruction lighting requirements, as much as technology and FAA and FCC rule will allow. Visual impact shall be reduced by the use of techniques such as, but not limited to, directional lighting, tilting, shields, etc. Maximum intensity of lighting, if necessary, shall be the minimum required by FAA and/or FCC in order of preference, a tower facility shall have:
 - 1. Only incandescent red lighting at night, both side and beacon lights;
 - 2. Minimum required intensity white strobe lighting daytime; red incandescent nighttime lighting;
 - 3. Minimum required intensity white strobe lighting daytime; minimum required intensity red strobe nighttime lighting; then
 - 4. Minimum required intensity white strobe daytime lighting; minimum required intensity white strobe nighttime lighting.
- C. The light source for any necessary security lighting shall feature down-directional, sharp cut-off luminaires to direct, control, screen or shade in such a manner as to ensure that there is no spillage of illumination off-site.

43.14 SEVERANCE CLAUSE

If any part of this Article is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Article unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Article.

ARTICLE 44--SWIMMING POOL STANDARDS

44.1 POLICY

The purpose of this ordinance is to regulate the construction and location of private swimming pools and to provide for certain safety features related thereto. For the purposes of this ordinance, private swimming pools are defined as any enclosure, designed, intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by the owner's or tenant's family or invited guests without payment of a fee.

LAND USE TABLES	S D	A G E	U G	R R 1	R R 2.5	R R 5, 10, 20	S S	C 1	C 2	W C	C L	C H	R E S
A. Agricultural Uses													
Agri-Business ⁷		CU											
Farm buildings (barns, silo, hay shed, etc.)	P	P	P	P	P	P	P	P	P		P		P
Farmland: Crop growing and harvesting	A	A	A	A	A	A	A	A	A	A	A	A	A
Farmland: Livestock, poultry use, including related buildings	A	A	A	A	A	A	A	A	A				A
Feedlot, Agricultural, including buildings		A			A	A							A
Forest land: growth, harvest	A	A	A	A	A	A	A	A	A	A	A	A	A
B. Residential and Related Uses													
Single-family dwelling	P	P	P	P	P	P	P	P	P	P	CU	CU	P
Two-family dwelling			P	P	P	P	P	P	P	P	P	P	P
Multi-family dwelling	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Guest Cottage	P	P	P	P	P	P	P	P	P				P
Child Care, Family Home ¹⁰	A	A	A	A	A	A	A	A	A	A	A	A	A
Camping ¹⁰	P	P		P	P	P							P
Family care home	P	P	P	P	P	P							
Mobile home park		CU	CU	CU	CU	CU		CU		CU			CU
Mobile home development		CU	CU	CU	CU	CU		CU					CU
Home: old age, nursing, maternity, children's		CU	CU	CU	CU	CU		CU	CU				CU
Non-commercial Solar and Wind Energy System associated with a principal use (i.e., accessory solar and wind energy systems) ³	P* (Solar only)	P	P	P	P	P		P	P	P* (Solar only)	P	P	P
Accessory structure	P	P	P	P	P	P	P	P	P	P			P
Home business	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Home occupation	A	A	A	A	A	A	A	A	A	A			A
Sign – on site	P	P	P	P	P	P		P	P	P	P	P	P
Temporary Structure	A	A	A	A	A	A	A	A	A	A	A	A	A
Swimming pool	A	A	A	A	A	A	A	P	P	P			A
C. Recreational Uses, Public and Private													
Campground, public or private	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Outdoor recreation facility Park/playground	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Golf Course	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Race track: horse, auto, motorcycle, go cart		CU				CU		CU	CU				
Shooting range, fire arms, archery, public or private		CU				CU		CU	CU	CU			

⁷ Amended 1/11/2022

¹⁰ Amended 9/19/2022

- I. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
 - 1. The department determines that there is no other reasonable way to achieve access, and;
 - 2. The dimensional and performance standards of this section are met, and;
 - 3. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

11.10 GUEST COTTAGES

A guest cottage may be permitted on a residential lot in the Shoreland District provided that:

- A. It meets all required setbacks.
- B. The maximum impervious surface limits for the lot shall not be exceeded.
- C. The maximum building footprint does not exceed 700 square feet.
- D. Construction complies with all provisions of Articles 28 and 41 of this ordinance.
- E. It does not exceed 15 feet in building height.
- F. It is located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

11.11 DUPLEX DWELLINGS

A duplex dwelling may be permitted on a residential lot in the Shoreland District provided it meets the following standards:

- A. The lot meets the duplex lot standards in Table 11.1
- B. Each building shall have a conforming sewage treatment and water systems.
- C. Watercraft docking facilities shall be centralized in one location and serve both dwelling units in the building.
- D. The maximum impervious surface limits for the lot are not exceeded.
- E. Construction complies with all provisions of Articles 28 and 41 of this ordinance.

11.12 ACCESSORY STRUCTURES – RESIDENTIAL

- A. The total cumulative area that all residential accessory structures may occupy on a lot and maximum building height shall be as follows:

FOREST LAND CONVERSION

The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

FRONTAGE/BACKAGE ROAD

A local road parallel to and adjacent to a principal or minor arterial, designed to provide direct access to land in lieu of direct access from a principal or minor arterial.

GARBAGE

Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

GROUND WATER

The water contained below the surface of the earth in the saturated zone including and without limitation all waters whether under confined, unconfined or perched conditions in near surface unconsolidated sediment or region or in rock formations deeper underground. The term ground water shall be synonymous with underground water.

GROUP HOUSING

A housing project consisting of a group of three or more buildings or family unit spaces constructed on a parcel of ground of one acre or more in size.

GUEST COTTAGE

A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HAULER

Any person who owns, operates or leases vehicles for the purpose of collection and transportation of junk, salvageable material, appliances, snowmobiles, four-wheelers, garden tractors, automobile parts or automobiles.

HAZARDOUS WASTE

Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semi solid, liquid or contained gaseous form which because of its quantity, concentration or chemical, physical or infectious characteristics may: a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Categories of hazardous waste materials include but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 as amended.

HEIGHT OF BUILDING

The vertical distance between the mean natural grade at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel, or other pitched or hipped roofs.

HOME BUSINESS

A use of a residential property for commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence and shall comply with standards listed in Article 30.2.

CROW WING TOWNSHIP

11039 Greenwood Street

Brainerd MN 56401

April 1, 2024

Dear Crow Wing Township Board Member or Employee,

The annual Workplace Accident & Injury Reduction Safety Meeting (AWAIR) will be held before the Tuesday evening May 14th town board meeting beginning at 5:30 pm. The meeting should not take long and you will be compensated for your time to attend. We ask that all town board, planning commission members, and township workers be present for the AWAIR meeting.

Following the AWAIR safety review the town board will then proceed forth with the normal town board meeting agenda.

We look forward to seeing you there.

Sue Kern

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