
CROW WING TOWNSHIP
PLANNING AND ZONING COMMISSION

AGENDA

Monday April 7, 2025 6:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to Agenda
4. Public Hearing(s)
5. Open Forum
6. Approval of Minutes
 - a. March 3, 2025
7. Old Business
 - a. Outstanding Complaints
8. New Business
 - a. Ordinance Review for Buffer Requirements
 - b. SSTS Compliance Discussion
 - c. Crow Wing County Ordinance Updates
 - d. AWAIR Training
9. Planning and Zoning 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, March 3, 2025, 6:00 PM

Commission Members Present: Brad Arnold (Chairman), Commissioners David Nelson, Dan Lee, Jon Kolstad, Paul Stephany (Township Board Supervisor), Scott Saeher (Planning and Zoning Consultant) and Sue Kern (Township Clerk). Brad called the meeting to order at 6:00 PM and the Pledge of Allegiance was recited.

Additions or Deletion: Scott added a discussion of property that is for sale at 50th Avenue and Sweet Road.

Public Hearings: Ordinance Amendments: Three residents attended the public hearing. Crow Wing County has been working on the Ordinance Amendments Comprehensive Plan and Land Use Ordinances for almost one year and documents were presented to the Planning and Zoning Commission for review to support, oppose or table and bring to the Township Board. Scott stated that there were a lot of clean up items done, definitions were added, redundancy corrected, shoreland district changes were made, zoning and set back information was covered, effective dates and a formatting process ensued to match the table of contents with the pages of items. The Cannabis resolution was a part of the Ordinance Amendments. The Township is not equipped to handle and enforce those restrictions. The Cannabis topic is a work in progress. The nearly 200-page document was available for the public. There were no comments or questions. Jon made the motion to forward the Ordinances to the Town Board with recommendation for approval and seeking approval to print and bind said Ordinances and attain up to 8 copies for the Township. Dan seconded the motion. Scott will check on prices. Motion carried 5-0.

Open Forum: None.

Approval of Minutes: Dan made the motion to approve February 3, 2025, Planning Commission meeting minutes as written. Paul seconded the motion. No discussion. Passed 5-0.

Old Business: Outstanding Complaints: Brad has been in contact with all but one of the violators. Brad will follow up with the residents. The resident of the Hunter Circle property was present at the meeting. He was very cooperative and forthcoming.

New Business: Ordinance Amendments: Approval and recommendation ensued during the public hearing. **Planning and Zoning Services Review:** The updated 2025 Fee Schedule has already been approved and is on the website. The memorandum for Planning and Zoning Services was reviewed. David made a motion to approve the memorandum of services for Saeher Consulting as presented. Dan seconded the motion. No discussion. Passed 5-0. **Letter and Resolution from Crow Wing County:** The original resolution was approved by the Town Board and Scott will be in communication with Chris to compare the resolution. No action was taken.

P&Z Administrator's Report: The report was reviewed regarding the drainage washout concern on the Mississippi River. The DNR, State Offices, Engineering companies and Soil and Water Departments are involved. Scott will follow up with the County. No action was taken. **50th Avenue & Sweet Property:** There have been numerous calls and inquiries about the property that is up for sale. Requests are being made to re-zone the property, but they appear to not align with the Comprehensive Plan and Zoning District. No action was taken.

Town Board Correspondence: None.

Adjournment: Being there no further business, meeting adjourned at 7:43 pm.

STAFF MEMO: PLANNING COMMISSION

Department: Zoning Administration	Meeting Date: 4/7/25
Agenda Section: New Business	Item: Buffer Requirements

PREVIOUS PLANNING COMMISSION REVIEW OR ACTION: Previous review and plat process for Northland Industrial Park.

TOWN BOARD REVIEW AND/OR ACTION: N/A.

PROPOSED BUDGET/FISCAL IMPACT: N/A.

OPPORTUNITY COST IF APPROVED: N/A.

BACKGROUND:

Planning Chair Arnold had conversations with residents regarding buffer requirements and timelines for installation with new developments. The related ordinance has been attached.

ATTACHMENTS: Current Township ordinance requirements.

- B. At a point 100 feet from the center line of the closest railroad track, an open line of sight extend at least 250 feet in either direction down the railroad track.

35.4 RAILROAD CROSSING SIGNAGE

All railroad crossings shall be marked by appropriate warning signs.

35.5 DRIVEWAY ENTRANCES

Driveway access to private property from a public road or highway shall be by roadways not less than 20 feet nor more than 40 feet in driving surface width. Where no regulations exist governing number of driveways allowed onto a public road or highway, one driveway shall serve not more than two lots; large lots or parcels shall not have more than one driveway for each 100 feet of frontage; but from expressways or thoroughfares, driveways leading to service roads shall be at least 300 feet apart.

35.6 ROAD RIGHT-OF-WAY WIDTHS

The right of way width of all public roads, streets, or highways shall be pursuant to accepted industry standards which establish the right of way widths for roads or highways at not less than 66 feet and for streets at not less than 60 feet. Such widths shall be considered minimum requirements and shall not preclude greater widths that are required due to topography, drainage, or other related engineering concerns in satisfying industry standards and good engineering practice.

35.7 SHORELAND DISTRICT ROAD STANDARDS

- A. Private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters. They must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.
- B. Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones.
- C. Water-oriented parking areas and approach roads must not be placed within bluff and shore impact zones when other reasonable and prudent placement alternatives exist. Water-oriented facilities, ramp approach roads and access paths may be placed within bluff and shore impact zones but must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.
- D. Trails providing access to or vistas of the water may be placed within the bluff and shore impact zone but must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.

ARTICLE 36--SCREENING AND FENCING STANDARDS

The standards in this Article shall apply to screening and fencing in all land use districts.

36.1 POLICY

It shall be the policy of the Township to encourage the use of the screening and fencing practices to aid in the visual and audio separation of one land use district from another as well as to aid the separation of one facility from another within a land use district; it being recognized that each

such concerned premises does thereby obtain, to the degree such screening or fencing is accomplished, the improved opportunity of use without being affected by the uses on adjoining properties.

36.2 SCREENING PERFORMANCE STANDARDS

- A. **Vegetative screening.** When screening is done by means of trees, bushes, shrubbery, or other plantings, the following guide lines will be used as a minimum:

Table 36.1 Vegetative Screening Types and Coverages

Screening Type	Feet in Width	Percent Effective	Or	Feet in Width	Percent Effective	Or	Feet in Width	Percent Effective	Or	Feet in Width	Percent Effective
Minimal	10 feet	20%	Or	25 feet	10%	Or	N/A	N/A	Or	N/A	N/A
Minor	10 feet	40%	Or	25 feet	20%	Or	50 feet	10%	Or	N/A	N/A
Medium	25 feet	75%	Or	50 feet	40%	Or	75 feet	20%	Or	100 feet	10%
Heavy Screening	50 feet	75%	Or	75 feet	40%	Or	100 feet	20%	Or	150 feet	10%
Extra Heavy Screening	Shall be in excess of heavy screening or such degree as shall be determined by the Planning Commission/Board of Adjustment for the individual situation.										
Effective Screening	When a phrase is used saying that screening shall be "40% Effective" it shall mean that a person standing on one side of such screen can see through such screen to an extent of 60% or less of the cross section view of that part of such screening between the ground and 8 feet above the ground at those times of the year when screening vegetation is fully leafed out. Thus "20% Effective" means an ability to see through 80% or less of the cross section of view.										

- B. **Vegetation.** When screening is required and must be planted and grown to meet the requirements of this Standard, five years shall be allowed to meet such requirements if the necessary vegetation is planted within one year of when a permit is issued, but if the required screening is Medium, Heavy, or Extra Heavy, temporary fencing shall also be used over the five year period of time.

36.3 WHEN REQUIRED

In addition to requirements for screening found elsewhere in this Ordinance, screening shall be installed in the following locations by the landowner of the use that comes latest in time:

- A. **When required by permit.** Screening shall be provided on premises where required and to the degree required when so made as a condition of the issuance of any permit.
- B. **Specifically required for certain activities and districts.** Screening shall be provided on the premises for which a permit is applied for the following listed activities and districts; for such activities and districts the screening shall at least meet the following requirements:
1. **Roads.** Along roadways - as required under Article 35.
 2. **Shoreland areas.** Along shorelands - as required under Article 39 or 10 percent effective, whichever is the more stringent requirement.

3. **Commercial uses.**

- a. Between parcels where one parcel contains a residential use and the other parcel contains a Commercial 1 or Waterfront Commercial use - Minor Screening.
- b. Between parcels where one parcel contains a residential use and the other parcel contains a Commercial 2 - Medium Screening.
- c. Between parcels where one parcel contains a Waterfront Commercial use and the other parcel contains a Commercial 1 or 2 use - Minor Screening.

4. **Industrial uses.** Between parcels where one parcel contains a residential use and the other parcel contains an Industrial use - Heavy Screening.

5. **Waste disposal uses.** Between parcels where one parcel contains any use and the other parcel contains a waste disposal use - Extra Heavy Screening.

6. **Outdoor assembly uses.** When use of premises is such that over 100 people may at any time be within the unenclosed part of the premises for any activity except ingress or egress to the enclosure thereon, or when the use of a premises is such that over 400 people may at any time be within the unenclosed part of the premises, noise levels are of concern and the screening that should be provided thereon shall be as determined by the Planning Commission/Board of Adjustment.

36.4 FENCES

Partition fences in all land use districts shall not require a Permit but shall meet the following standards:

- A. Construction and maintenance of partition fences shall comply with the requirements of Minnesota Statutes, Chapter 344.01-344.20
- B. All fences shall meet structure setbacks from public waters.
- C. Fences shall not exceed 6 ½ feet in height.
- D. No fence or wall shall be constructed so as to obstruct the view for drivers exiting a driveway
- E. If one side of a fence is unfinished, the finished side of the fence shall face away from the applicant's property.

ARTICLE 37--SUBSURFACE SEWAGE TREATMENT SYSTEMS-TECHNICAL STANDARDS AND CRITERIA

37.1 PURPOSE AND AUTHORITY

The purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05 through 145A.08, and Minnesota Rules, chapters 7080, 7081, and 7082, which are hereby

STAFF MEMO: PLANNING COMMISSION

Department: Zoning Administration	Meeting Date: 4/7/25
Agenda Section: New Business	Item: SSTS Compliance

PREVIOUS PLANNING COMMISSION REVIEW OR ACTION: Previous action taken for prior administration and current administration requires an SSTS Compliance Inspection for all permitting activity.

TOWN BOARD REVIEW AND/OR ACTION: N/A.

PROPOSED BUDGET/FISCAL IMPACT: Zoning Administration cost for amendments.

OPPORTUNITY COST IF APPROVED: N/A.

BACKGROUND:

Currently, all zoning permits for the township require an SSTS Compliance Inspection (COI). This has been set by Crow Wing County as well as MPCA to reduce the number of non-compliance SSTS systems throughout the County and Township. Previous action has been taken by Crow Wing County that does not require all permit applications to include a COI. Planning Chair Arnold had conversations with an applicant and individuals at the County. Zoning Administration spoke with the County as well as other communities regarding process.

ATTACHMENTS: Current Township ordinance requirements and Crow Wing County ordinance requirements.

37.26 COMPLIANCE INSPECTION PROGRAM

- A. **Department Responsibility.** It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.
1. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
 2. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, “property” does not include a residence or private building.
 3. No person shall hinder or otherwise interfere with the Department’s employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
 4. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the Department between November 1 and April 30, at the Department’s sole discretion, provided the required information is submitted to the Department by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.
- B. **New Construction or Replacement**
1. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department’s requirements.
 2. It is the responsibility of the SSTS owner or the owner’s agent to notify the Department 24 hours prior to the installation inspection.
 3. If the installer provides proper notice and the department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
 4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Department within 30 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
 5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.

6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.

C. Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur:
 - a. When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use map amendment, conditional use permit or variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - b. Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - c. Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.
 - d. At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:
 - a. Watertightness assessment of all treatment tanks including a leakage report;
 - b. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical soils separation verification report unless soils have been verified according to Minnesota Rule7082.0700, Subpart 4B.
 - c. Sewage backup, surface seepage or surface discharge including a hydraulic function report.
3. The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
4. The Certificate of Compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed.
5. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

D. Transfer of Property

1. Any property on which a SSTS is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:

- a. A current Certificate of Compliance, as provided by Section 37.26 C
- b. A winter agreement, as provided by Section 37.26 A.
- c. In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Ordinance.
- d. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Section 37.26 (D)(1)(b), the buyer shall be responsible for the necessary upgrading of said SSTS.

E. Commercial SSTS

1. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil / grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.
2. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Ordinance is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.
3. An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subpart 3(K) shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Ordinance.

F. Vertical Separation Reduction

Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Section 37.20.

37.27 ENFORCEMENT

Enforcement of this Article shall follow the standards in Article 3 of this Ordinance.

37.28 STATE NOTIFICATION OF VIOLATION

The Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Ordinance. The department shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

37.29 RECORD KEEPING

The Township shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the Township sorted by licensed installation businesses, and other records the Township deems relevant to a particular system.

- F. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Article 37.13(E).
- G. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Article 37.25. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- H. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
- I. The Department may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- J. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- K. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

37.26 COMPLIANCE INSPECTION PROGRAM

- A. Department Responsibility
- B. It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTs or upgrades of SSTs to assure that the requirements of this Ordinance are met.
 - 1. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
 - 2. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTs system. As used in this paragraph, "property" does not include a residence or private building.
 - 3. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
 - 4. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs by the Department generally between November 1 and April 30, at the Department's sole discretion, provided the required information is submitted to the Department by June 1. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.
- C. New Construction or Replacement
 - 1. New installation inspections must be performed on new or replacement SSTs to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section.

SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.

2. It is the responsibility of the SSTS owner or the owner's agent to notify the Department 24 hours prior to the installation inspection.
3. If the installer provides proper notice and the department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Department within 30 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.

D. Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur:
 - a. In all land use districts:
 - (1) For all public hearing applications, not including Land Use Map Amendments;
 - (2) For all property transfers;
 - (3) For administrative subdivisions – one certificate for all systems involved in the subdivision.
 - (4) For living space additions to a dwelling; (Bedroom Addition/conversion/net increase)
 - (5) For accessory structures which contain sewage-generating fixtures; and
 - (6) For the construction or placement of a dwelling unit for periods of longer than 14 cumulative days.
 - b. In shoreland district:
 - (1) For any permit application
 - c. Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - d. Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.

- e. At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:
 - a. Watertightness assessment of all treatment tanks including a leakage report;
 - b. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical soils separation verification report unless soils have been verified according to Minnesota Rule 7082.0700, Subpart 4B; and
 - c. Sewage backup, surface seepage or surface discharge including a hydraulic function report.
3. The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
4. The Certificate of Compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed.
5. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

E. Transfer of Property

1. Any property on which a SSTS is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:
 - a. A current Certificate of Compliance, as provided by Article 37.26 C
 - b. A winter agreement, as provided by Article 37.26 A.
 - c. In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Ordinance.
 - d. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Article 37.26 (D)(1)(b), the buyer shall be responsible for the necessary upgrading of said SSTS.

F. Commercial SSTS

1. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil / grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.
2. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Ordinance is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.

3. An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subpart 3(K) shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Ordinance.

G. Vertical Separation Reduction

- H. Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Article 37.20.

37.27 ENFORCEMENT

Enforcement of this Article shall follow the standards in Article 3 of this Ordinance.

37.28 STATE NOTIFICATION OF VIOLATION

The Department shall notify the MPCA of any inspection, installation, design, construction, alteration, or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Ordinance. The department shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

37.29 RECORD KEEPING

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the County sorted by licensed installation businesses, and other records the County deems relevant to a particular system.

37.30 ANNUAL REPORT

The Department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

37.31 FEES

From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

37.32 DISPUTE RESOLUTION

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

ARTICLE 38--SHOOTING RANGE STANDARDS

The standards in this Article shall apply to shooting range uses in all land use districts where such uses are allowed.



MEMORANDUM

Land Services Department

TO: County Commissioners
Crow Wing County Administrator
Crow Wing County Senior Management
Crow Wing County Planning Commission/Board of Adjustment
Townships, Crow Wing County
Municipalities, Crow Wing County
Cass County Environmental Services
Aitkin County Planning and Zoning
Morrison County Planning and Zoning
MN Department of Natural Resources
Minnesota Pollution Control Agency
Mississippi Headwaters Board
Crow Wing Soil & Water Conservation District
Lake Associations and Lake Improvement Districts
Land Services Staff
County Attorney

FROM: Chris Pence, Environmental Services Manager – Crow Wing County Land Services Department

DATE: April 1, 2025

SUBJECT: Proposed Revisions to the Crow Wing County Land Use and Solid Waste Ordinance

Attached for your consideration and comment are proposed revisions to the Crow Wing County Land Use Ordinance.

Please see the attached documents:

- Press release
- Summary of proposed Ordinance Revisions
- Full proposed ordinance revisions

Land Services will be accepting comments on the proposed revisions until April 30, 2025. Please submit comments to landservices@crowwing.us or mail them to 322 Laurel Street, Suite 15, Brainerd, MN 56401. Land Services can also be reached at (218) 824-1010 with any questions. The information regarding revisions to the ordinance is available at the Crow Wing County Website at www.crowwing.gov/214/Ordinance-Policy.

Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.



MEMO

TO: County Board of Commissioners
FR: Gary Griffin, Land Services Director
Chris Pence, Environmental Services Manager
DT: April 1, 2025
RE: Land Use Ordinance Updates

Article 3.2 2 B & E – Clarify that interim use application requirements

Article 3.5 B – Clarify that interim uses are subject to civil and criminal enforcement

Article 3.6 - Clarify that performance security can apply to interim use permits

Article 3.9 – Clarify administrative fees can apply to interim use permits

Article 6.1 A 2 – Clarify the PCBOA makes final decisions on interim use permits

Article 6.3 A – Change that a PCBOA member must be appointed by each Commissioner

Article 7.11 – Clarify that an interim use permit can be revoked by the PCBOA

Article 10.2 – Include interim uses in the land use district definitions

Article 10.3 – Add interim uses

Article 10.3 E – Change adult use from conditional use to interim use in land use tables

Article 10.3 E – Change event center from conditional use permit to interim use permit in land use tables

Article 10.3 F – Change Commercial and Industrial Land Use District headings in land use tables

Article 12.1 – Remove outdated comprehensive plan reference and include interim use permits

Article 12.3 – Delete regulation of agricultural uses on steep slopes

Article 12.3 – Add Inoperable Motor Vehicle Requirements

Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.

Article 12.4 -Delete notification of agricultural production areas adjacent to new dwellings

Article 14.1 A-C – Add conditional/interim uses

Article 14.4 – Add Inoperable Motor Vehicles Requirements

Article 16 - Update C1/C2 and C/LI C/HI

Article 16.10 - Add Inoperable Motor Vehicles Requirements

Article 17.1 A 10 – Clarify that commercial storage buildings may not be used as a residential dwelling

Article 17.1 B 1 – Change property line setback to 100-feet for residential property and 10 feet for commercial

Article 23 – Change adult use from conditional use to interim use

Article 29 – Change extractive use from CUP to IUP

Article 32.2 – Update C1/C2

Article 37.1 – Remove reference to State Statute 471.82

Article 40 – Update the land use districts related to sign permits

Article 45.1 – Update Land Services has authority to enforce ordinance

Article 45.2 – Update where the ordinance has jurisdiction

Article 45.4 – Update Commercial and Commercial-Industrial Land Use Districts

Article 45.5 – Update that Land Services as the ability to perform inspections

Article 45.6 – Update requirements and regulations

Article 46 – Definitions

- Commercial 1 and Commercial 2 – Combine into Commercial
- Commercial/Industrial -Add
- Industrial District Commercial Light – Delete
- Industrial Use, Light - Delete
- Industrial District, Commercial Heavy – Delete
- Inoperable Motor Vehicle – Add
- Junk Salvage Yard – Modify
- Suitable area – New definition

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