**Town of Gnesen Planning Commission**

**December 21, 2022 Minutes**

**Members Present:** Carter Williams, Pete Bergman, Dick Delano, Carol Jacobson, Joe Ferguson, Sherri Underthun, Kathy Buran; Nathan Horyza, Zoning Officer, and Sarah Blix, Planning and Zoning Secretary.

**Members Absent:** Matt Thibodeau, Kevin Middleton

**Others Present:** Dan DeArmond, Gary Juten, Jenny Carey, Chris Larsen, Becky Nordskog

**APPROVAL OF AGENDA:** A motion was made by Joe to approve the agenda with the addition of how to handle building permit violations done by contractors, STR updates, Communication Tower Ordinance update, and removing gravel pit inspection sheets review, second by Carol. All vote in favor.

**APPROVAL OF MINUTES**: A motion was made by Sherri to approve the November 16, 2022 minutes, second by Dick. All vote in favor.

**PUBLIC DISCUSSION:** Carter asked Sarah if ordinance changes could be put on the January agenda.

**CONTINUING BUSINESS:**

**MN Power Unnamed Plat 11:** Jenny Carey stated that they have already submitted their application to the Township and a copy of preliminary plat 11 to St. Louis County Planning Department for comments. Jenny said they have provided information regarding the lots and acreage and would like to know if the Planning Commission has any question or concerns so they can be addressed. Jenny reminded the Commission that the lots are already lots of record so that creates a different situation than just going through the normal subdivision process. Carter reminded MN Power that they are required to get a preliminary plat approval from Gnesen Township prior to bringing it to the County. Jenny explained that Nathan had told her he wanted St. Louis County’s approval prior to Gnesen holding a public hearing. Nathan stated that he reached out to St. Louis County because they had told MN Power they were not required to complete a subdivision application prior to speaking with Gnesen Township. Nathan said the representative from the County agreed they should have communicated better with the Township. Nathan said the Township relies on the County’s subdivision application as we do not have our own. Once the applicant fills out the County subdivision application it needs to be approved by the Township prior to being brought to St. Louis County. Nathan said he is unsure why MN Power was only required to complete a Land Alteration permit for Plats 7 and 8 but believes a subdivision permit should be required instead and asked MN Power to fill out the permit and submit it to the office for our records. Jenny said they would complete the permit and submit it to the office but would like to state that they had been requesting this information from Nathan for several weeks and wished he had communicated this with them earlier. Jenny said for a few of the lots there have been issues noted with moveable structures, however those issues have already been taken care of. There are also some issues with non-movable structures. Maps showing distances were provided to the Commission that showed the structures that encroach on setbacks. Joe questioned when leased lots are sold to owners and there is a non-conforming structure what that does to the title. Jenny responded if the owner tries to get a building permit with a structure that encroaches on setbacks, then the Township would likely not allow it, but it would not create a title defect. Nathan said the goal would be to try to reduce the non-conformities when possible. There was a lot of discussion on the non-conforming lots noted on the map MN Power provided. Nathan also questioned some of the smaller outlots that were shown on the map. Nathan said that he would like to see reassurance that they would not be allowed to be sold in the future. Jenny explained that on the map outlots E and F look small however that is because the map only shows Gnesen Township and the other part of the outlot is in Fredenberg Township. Jenny said that St. Louis County is requiring that each outlot section, if in separate townships, be created as separate parcels. Jenny said outlot B, C, and D show outlots that are covered by water, and they are part of the FERC requirement that MN Power is required to retain. Outlot G is an access lease to the lake for another parcel. Nathan said it would be best if that outlot was absorbed into an existing parcel so that it can’t be sold off in the future. Jenny questioned what if they put a restriction on it stating that it needs to be used for access purposes only, to which all Commission members were ok with. Joe made a motion to approve what MN Power provided tonight as a preliminary plat with the conditions talked about, including MN Power completing a subdivision application, second by Kathy. All vote in favor.

**Contractors Building Without a Building Permit:** Joe voiced concerns with contractor who build in Gnesen Township without applying for an application. Joe suggested writing a letter to the contractor of the DeGuzman property, 7049 Van Road, explaining the ramifications of his actions. Carter said this issue came up a year ago and it was discussed to fine contractors who start construction without a permit, however the Commission at that time decided to not go forward with it. Joe made a motion to have Nathan write a letter and send it to the contractor of the DeGuzman property, second by Carter. Nathan said he was not sure if a letter would make a difference. Sherri agreed that she thought it might be a waste of Nathan’s time. Pete said he agrees it may not make a change but at least it will be on record that Gnesen does not approve it and he would be in support of sending a letter. Sherri said she would like to make a motion to put something in the newsletter instead. Carter reminded Sherri that there was already a motion on the table. As for the motion that Joe made in regard to sending the letter Carter asked for the vote. Pete – yay, Joe – yay, Dick – yay, Kathy- yay, Carter- yay, Sherri – nay, and Carol – abstaining. Motion passes.

**Dan DeArmond- Boondocks Proposal:** Dan DeArmond turned in a rezone application to get both lots that the old Boondocks Restaurant and Porky’s gas station are on be fully zoned as shoreland commercial. Carter said the process to move forward is for the Commission to send a recommendation to the Town Board and then they hold the public hearing. Gary questioned how many neighbors get notified to which Sarah said she thought it was all neighbors within 300 feet. Joe made a motion to send a recommendation to the Town Board that the parcels get rezoned as shoreland commercial as requested, second by Carter. All vote in favor.

**Nuisance Ordinance and Administrative Fine Ordinance:** The subcommittee presented a draft to the Commission to discuss. Concerns were brought up regarding in Section 3 – “*Public Nuisance Affecting Health, Letter A. All animals running at large.”* Carol stated she feels it should be removed and thought it was decided during a subcommittee meeting that it would be removed. Nathan said he agreed that it was going to be removed as well. Kathy said she will get it removed and send out a revised version. Another concern was with Section 5 – *“Public Nuisance Affecting Peace and Safety, Letter I.* *Accumulations in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluded building materials awaiting use and stored for a reasonable period of time for an improvement presently in progress on the same premises), discarded or unused machinery, household appliances, automobile bodies, trash, debris, rubbish or other material so accumulated, or items accumulated in a manner creating fire, health, or safety hazards.”* Joe said that is important to leave in the section that states, “*in a manner creating fire, health, or safety hazards*.” Nathan said the intent is for this section to deal with issue properties that have continued to accumulate piles of junk on their property and create either a fire, health, or safety hazard. Carol stated she believes that although this is Nathan’s interpretation, someone else could interpret it a different way. Section 5 - *“Public Nuisance Affecting Peace and Safety, Letter L. The outdoor keeping of non-farm animals which make habitual or excessive barking, howling, crying, whining, baying, or other detectable sounds which disturb the peace and quiet of adjacent or nearby properties or can audibly be heard from the property line. Habitual or excessive animal noises are those which occur repeatedly for a period of five minutes or more with a time lapse of 30 seconds or less between such noises.”* Carol said she thought the subcommittee agreed on a timeframe such as between 10pm – 6am. Joe said it was discussed but there was not agreement. Gary questioned what about people who own sled dogs, during feeding time they are non-stop noise. Sarah said she believed there are sled dogs on Datka Road and that this will create issues for that business. Dick made a motion to accept the draft as adjusted and send to Town Board, second by Carter. All vote in favor. Kathy will make the changes that were discussed and send the revised copy to Sarah. The Administrative Fine Process was not included in tonight’s packet, so it was tabled until January.

**IUP vs CUP:** Discussion regarding chart in the ordinance and whether to keep land uses and needing a CUP or to change it to an IUP. It was discussed to change *Group and Foster Home - 16+ Persons* from PS to CUP, *Agricultural Sales and Services – Kennel* change from CUP to IUP, *Other Uses – Contaminated Soil Treatment* change both from CUP to IUP, *Other Uses – Any other use which as determined by the Planning Commission is clearly within the intent and purpose of the zone district and which is consistent with the Gnesen Comprehensive Plan* change it from CUP to read, allowable with either a CUP or an IUP. Joe made a motion to approve the changes that were discussed and include them with ordinance changes, second by Kathy. All vote in favor.

**Update Regarding Ulland’s Gravel Pit**: Discussion regarding aggregate washing in Ullands Pit. Ulland was asked to provide the Township with a letter from the DNR approving the use of groundwater to wash aggregates. Sarah stated that out ordinance states, “*No surface or ground water may be used in borrow pit operations unless specifically authorized by the Department of Natural Resources. The Town shall receive proof of such authorization”* which does not match what the DNR requests that “*a****water use (appropriation) permit****from the DNR is required for all users withdrawing more than 10,000 gallons of water per day or 1 million gallons per year*.” Carter made a recommendation to change the verbiage in our ordinance to match what is requested by the DNR and include it with the ordinance changes that still need to go to a public hearing.

**Communication Tower:** Sarah had sent out the newly drafted Communication Tower ordinance verbiage to all the Commission members and has been waiting for feedback but hasn’t received any yet. Sarah stated she integrated the new ordinance verbiage into the existing section of the ordinance regarding Communication Towers but would like others to proofread it and make sure that everything was put in the right spots. Sherri said she will look for the email and proofread it and send Sarah feedback.

**Subdivision Application Form:** Carter stated that Nathan had brought up the need to create a subdivision form for Gnesen Township. Sherri volunteered to work with Nathan to draft up a form to present to the Planning Commission at their January meeting.

**STR’s:** Carter asked if the short-term rental ordinance draft was being reviewed by the attorney yet. Sarah said it has not because she is waiting to get the green light from the Supervisors prior to sending it to the attorney. Carter mentioned that no fees have been established yet. Gary said that it was decided at the public hearing that fees would be established by the Town Board and asked that it be put on the January Town Board agenda.

**NEW BUSINESS:** None

**ZONING OFFICERS REPORT:** None

**BOARD MEMBERS REPORT:** None

Next P&Z Meeting will be held on Wednesday, January 18, 2023 at 7:30 pm.

A motion was made by Pete to adjourn, with a second by Carter. All voted in favor. Meeting adjourned at 9:37 pm.

Respectfully submitted,

Sarah Blix, Planning and Zoning Secretary Carter Williams, Acting as Planning Commission Chair

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Date Date