

**Town of Gnesen Planning Commission
December 20, 2023 Minutes**

Members Present: Carter Williams, Pete Bergman, Sherri Underthun, Carol Jacobson, Matt Thibodeau and Kevin Middleton and; Rick Hogenson, Zoning Officer, Mike Polzin, Zoning Officer and Hannah Jurek, Planning and Zoning Secretary.

Members Absent: Joe Ferguson and Dick DeLano

Others Present: AJ Jensen, Marcia and Jay Haller

APPROVAL OF AGENDA: Carter asked to add MN Power to the agenda under Old Business, with that addition Kevin made the motion to the agenda, seconded by Kathy. All vote in favor

APPROVAL OF THE Montague Variance Public Hearing MINUTES: A motion was made by Sherri to approve the Montague Variance Public Hearing minutes, second by Kevin. All vote in favor

APPROVAL OF THE Johnson Variance Public hearing MINUTES: A motion was made by Sherri to approve the Johnson Variance Public Hearing minutes, second by Pete. All vote in favor

APPROVAL OF THE November 15, 2023 MINUTES: A motion was made by Sherri to approve the November 15, 2023 minutes, second by Kathy. All vote in favor

CONTINUING BUSINESS:

MN Power Update: The most recent plat is still at the County level. There are 3 other MN Power Plat before Hidden Falls, but with it being the end of the year, and understaffing the County is still working through the Plats presented.

Land Use Training Recap: After the Land Use Training held on November 30, 2023, the Town Board recapped and had sent action items for the Planning Commission to discuss during the meeting recap, one of the items discussed was Variance Appeals, currently in the ordinance, if a person was denied a variance they have the option to appeal to the Town Board, the trainer from the Land Use session suggested that the Board of Adjustments and Appeals should have final say. After some discussion, it was agreed that the Commission will continue its practice of any appeals denied have the right to appeal to the Town Board, giving a fresh pair of eyes to the variance in question. Some additional discussion followed regarding the appeals process with the Administrative Ordinance. It was explained that the Administrative Ordinance coincides with the Nuisance Ordinance. The Commission will discuss that matter further and the next meeting. The next item the Town Board wanted the Commission to discuss further was the Environmental criteria language; changing the word "may" to "shall". Another option was to remove the language all together. After some discussion, it was concluded that majority felt that changing the verbiage from 'may' to 'shall' is the best option. And to look further into the ordinance to find other verbiage similar that need to be changed. It will be added on to the list of changes for the next ordinance update. The next item for discussion was establishing a yearly ordinance review. It was discuss that a system should be in place to make the process run smoother. It was decided that Hannah will keep the running list of Ordinance changes found. Sherri made the motion to establish January meeting be the time to make the changes to the ordinance in time for the Annual Meeting in March, so its to be an agenda item at the meeting. Seconded by Carter. Further discussion; Carol questioned the process, asking when the public hearing will be. Carter clarified by say that January's meeting will deal with change request, anything that is on the 'list, then we would review it in February, and then at the Annual Meeting in March, it would just be discussed that there will be changes. Carol reiterated that the Annual Meeting is not an "official" meeting, asking again when the public hearing would be. Carter stated that the public hearing would be its own meeting, after the Annual Meeting. Having the discussion at the Annual Meeting gives community members notice on the changes being made and to keep an eye out for future public hearings. After discussion, all vote in favor. The

next item for further discussion was clarifying when it is necessary to use a CUP vs. IUP. Carol mentioned that in the ordinance there is a chart, the Zone District Land Use Regulations chart, and on that chart under gravel pits it is written either a CUP or an IUP is needed, the trainer said to pick one, to not have both. That will be further discussed at January's meeting regarding ordinance changes. The final topic of discussion to recap the Land Use Training is cartways- currently the ordinance doesn't have a definition for cartway, but Gary Juten provided a definition that Kathy read aloud," While cartways are included in the genetic definition of roads, they are a special creation established under MN Statue 164.08, the term cartways actually never defined in statue but refers to a means of access to a parcel of land, most commonly at least 5 acers or more in size that would otherwise be land locked. While created by order of Town Board, cartways are generally intended for the benefit of the owners of one parcel of land and general must be paid for and maintained by the benefiting party. Unless they expressly converting into a private driveway however, they do constitute a public right of way." There has been activity off of a cartway in the Township that will require further discussion with the Commission on what to recommended to the Board. It was suggested to look at Lakewood's ordinance involving subdivisions for guidance, Rick will get that information to Hannah to forward to the Commission for next months meeting.

Bylaws for Planning Commission: It was discussed at last months meeting to create a subcommittee to merge the information collected to create bylaws for the Planning Commission as stated in the ordinance, the suggestion of a subcommittee was denied and was asked to be discussed in person. Carter decided at tonight's meeting that the subcommittee will be created, they will meet, and submit something to the Commission prior to the January meeting and it will be discussed at the meeting. Sherri, Kathy, and Carol volunteered their time to merge the information and present something to the Commission in January.

Signs: The Zoning Officers looked in to the sign issue, the most recent ones seen are the smaller signs, and will treat like real estate signs.

Stewart Camp: Mike gave an update on his findings, he took current pictures of the property and shared them with the Commission. It looks to be only summertime activity, for he went after fresh snow and the only tracks there were his. Looking through the file at the Township Office, there have been correspondence with the owners with the current being sent in 2016. There has been talk of new ownership, and with that ownership change does the verbal agreement now be voided. There was an apparent verbal agreement between prior owner and a former Zoning Officer. Carter suggested that the Commission give the violation letter back to the Board for enforcement.

Original CUP research update: Hannah and Sarah went down to the County Recorder's office to look for the original CUP's. Turns out, none of them have been recorded at the County level. With that, Hannah will be looking through the filing system here at the Town Hall to get the originals and get them recorded, as suggested by the trainer from last months Land Use Training.

NEW BUSINESS:

Township's Building Permit: When doing the seconded site Rick came across an issue where there were two different building permits, one with a deadline of a year, and one without any deadline. So he encouraged we look at the current building permit and put in some verbiage including the year deadline, since it is in the ordinance, the application should read that way as well, to avoid confusion. It was suggested that Mike, Rick, and Hannah will work on updating it and present it to the Commission at the next meeting.

ZONING OFFICERS REPORT: Mike reported to the Commission that he is working on the complaints that have come in on Hemlock Drive. He was asked by the Town Board to draft a letter, and send it to the Town Lawyer for proof. Rick is working on Normanna Road, a letter was sent to the person residing on the property that they need to move their stuff out. After December 27th, the Township can go in and start cleanup. There will be a meeting held on December 21, 2023 to discuss Normanna Road further. Attendance is encouraged.

BOARD MEMBERS REPORT: Nancy Poppenberg had nothing to add, stating everything she wanted to discuss was already talked about.

Next P&Z Meeting will be held on Wednesday, January 17, 2024 at 7:00 pm.

A motion was made by Sherri to adjourn, with a second by Pete. Motion passed. Meeting adjourned at 8:44 pm.

Respectfully submitted,

Hannah Jurek, Planning and Zoning Secretary

Carter Williams, Acting Planning Commission Chair

Date

Date