

**Town of Gnesen Planning Commission
June 19, 2024 Minutes**

Members Present: Matt Thibodeau, Carter Williams, Pete Bergman, Sherri Underthun, Kathy Buran, Carol Jacobson, and Dick DeLano (arrived late), Rick Hogenson, Zoning Officer, Mike Polzin, Zoning Officer and; Sarah Blix, acting as Planning and Zoning Secretary.

Members Absent: Joe Ferguson, Kevin Middleton, Hannah Jurek

Others Present: Nancy Poppenburg, Town Board Liaison; Jay and Marcia Haller, AJ Jensen

Approval of agenda: Carol asked to add update to the Jeremy Stolp issue to the agenda. A motion was made by Matt to approve the agenda, seconded by Kathy. All voted in favor.

Approval of the May 15, 2024 minutes: It was suggested to rewrite a sentence in the minutes regarding the South Church Road section so that they read more clearly. A motion was made by Matt to approve the May 15, 2024 minutes with those changes, seconded by Kathy. All voted in favor.

Public Comment: A public hearing for the MN Power Tomahawk Point subdivision/platting was scheduled for Wednesday, July 17, 2024 at 6:30pm. Becky from Mn Power will be notified of this meeting as well as residents who reside nearby.

CONTINUING BUSINESS:

Storage Containers: The subcommittee presented what they have been working on regarding storage containers. The following ordinance verbiage/changes were proposed.

*“Page 7 – Definition of Accessory Structure/Building or use - Any subordinate building, improvement, or **Pre-Constructed Storage/Shipping Containers** on the same lot with the principal structure or use that is customarily incidental and subordinate to the principal structure or use.*

*Page 20 – Definition of Storage Structure – **ADD: The term Storage Structure shall include any modular constructed item designed and built for the primary purpose of the shipping, movement, or storage of commercially sold products or produce.** A preconstructed storage/shipping container shall be considered an accessory structure.*

Under Performance Standards – 10.101 - Page 58 – A. Accessory Buildings. No accessory building or structure, including **preconstructed storage/shipping containers**, shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory. **All storage/shipping containers shall be placed in either the side or rear yard and must meet accessory structure setbacks for all applicable land use districts** with the following exceptions:

*Tool sheds, **preconstructed storage/shipping containers** and other similar buildings for the storage of domestic supplies shall not require a zoning permit if the following standards are met: only one (1) such structure is on the lot; the area of the structure does not exceed one hundred fifty (150) square feet; and the height of the structure does not exceed twelve (12) feet and must have required setbacks. **Preconstructed storage/shipping containers** and trailers, enclosed or open and attached or detached from a vehicle, that are not in active use by a permitted business, home occupation or home business **may be permitted in residential or waterfront districts if located away from the lake.***

Non-Conforming Uses – 10.122 - Page 88 – Add a Letter E. **Multiple preconstructed storage/shipping containers may be used to construct any structure. Preconstructed storage/shipping containers forming an accessory structure, currently in place, may be grandfathered in if a zoning permit is applied for/received within one year of passage of this ordinance.**

There was discussion about what the term “active use” meant as Sherri said it seemed very vague and needed to be more specific. Nancy also questioned the line that read, *“Preconstructed storage/shipping containers forming an accessory structure, currently in place, may be grandfathered in if a zoning permit is applied for/received within one year of passage of this ordinance.”* Nancy said that one year seems like a long time and maybe should be reconsidered. Rick discussed increasing the 150 sq ft to 160 sq ft as most storage containers are 8ft x 20ft. Rick’s argument for this change was that there are a lot of storage containers already in our township even though they are not allowed per the ordinance and by increasing the size allowed without a permit (currently each parcel is allowed one accessory structure 150 sq ft or less without a permit), it would ease the burden on administration. Carter said he would like to see a limit of 1 per residential lot. Sherri said limiting it to 1 would make the non-conforming verbiage a moot point then. The committee will take what was discussed at tonight’s meeting and refine the proposed verbiage then present it again at the July 17, 2024 P&Z meeting.

Roads: It was suggested by the Town Board to add the verbiage, *“Any new unplatted roads serving three or more resident units must be platted.”* This proposal will be added to the list of ordinance changes to be discussed further when that process begins.

Hearing Officer: Carol mentioned that the ad to find a hearing officer has run in the Gnesen Newsletter for two months now and no one has shown interest in applying. Carol was wondering what the next step would be. Carter suggested to pass this information along to the Town Board to discuss.

Jeremy Stolp Update: Rick said that although he has not received anything in writing from St. Louis County, he did look at a GIS map for 3568 Emerson Road and it is showing that the land split has occurred. Rick said with that confirmation, he has closed this issue.

NEW BUSINESS:

CUP Review Application: Hannah has asked for this to be reviewed as the application leads applicants to believe that they are filling out an entirely new application rather than just completing a yearly review and it is causing confusion. It was discussed to change the title on the form to read, *“CUP Annual Review Form,”* rather than *“Application for Conditional Use Permit.”* Sarah mentioned to the Commission that Hannah was asking to alter several things on the existing form so that it was relevant for a review and not an initial application. Carter said that Hannah could make the changes and provide at the next P&Z meeting for approval. There was discussion about what happens when a permit holder passes away, how do we notify someone about the annual review especially if it had been added as a condition of their permit and needs to be completed. It was discussed and decided that sending a letter to the applicable address was all we can do and that it is up to the new landowner to do their due diligence. There was also discussion about the gravel pit CUP’s. Hannah has been working on sorting them out and reorganizing the folders prior to the upcoming reviews. Carol and Kathy both offered to assist Hannah with this task if she needed help. Sarah will let Hannah know to reach out for help if she wishes and that the Commission would like to see the original CUP’s at the July P&Z meeting.

ZONING OFFICERS REPORT: Rick reported that he is hoping for the Normanna Road issue to be closed by the end of July. Rick said what is left on the property will now be the Biskey’s responsibility to finish cleaning up. Rick asked how he should proceed with this issue, if a formal letter should be sent to Corey and the landowners to finalize the abatement. Sherri agreed that there needs to be some legal closure. It was recommended to ask the Town Board at their next meeting what the process should be. Carter questioned what the terms of the final abatement are and if the landowners will be forced to remove the remaining garbage. Rick said the landowners have been informed they need to continue clean up. Carter suggested that Rick remain working with the landowners until all clean up is completed rather than closing the issue. Sherri said the parameters of the abatement should all be listed out in their original abatement letter. Sarah will send out the original abatement letter to all P&Z members to review. Rick said he spoke with David Humes about the oil collection tanks that are located on his property. The MPCA will oversee setting regulations regarding these. Rick will be meeting with past zoning officer, Gil Kjørstad to obtain history of the property and past “junk” complaints. Carter made a motion to have Rick continue working on the Humes issue, second by Pete. Six votes yay, one vote nay. Carter asked Rick to provide a list of current zoning violations to the commission as

quickly as possible. Rick reported on 4063 Turner Road. Rick said he passed this property while traveling to another property and noted many zoning violations that need to be addressed. Rick has been in contact with the property owner and will provide more information at the July meeting.

Mike said he stopped by the Hemlock Drive property on Saturday. The deadline for the first violation letter is coming up on the 23rd, after that a second violation letter will be sent. Mike met with the residents from Berg Road, Stewart Camp. Mike said he walked the property with the landowners, took pictures, vin #'s, and inventory of everything that was on the property. Mike will create a document listing everything and provide to the commission members.

BOARD MEMBERS REPORT: Nancy gave a summary of what she learned at the MAT Town Law Review training regarding enforcement of ordinances, MN Statute 462.351. This statute deals with civil lawsuits vs. criminal lawsuits to enforce town nuisance ordinances. Nancy received a training document from the training which Sarah will provide to all commission members.

Next P&Z Meeting will be held on Wednesday, July 17, 2024 at 7:00pm preceded by a public hearing for MN Power Tomahawk Point at 6:30pm.

A motion was made by Pete to adjourn, with a second by Matt. Motion passed. Meeting adjourned at 8:30pm.

Respectfully submitted,

Sarah Blix, acting as Planning and Zoning Secretary

Carter Williams, Planning Commission Chair

Date

Date