

**Greenvale Township Planning Commission  
Meeting Minutes  
Thursday, August 10, 2023**

**Present:** Ken Malecha (Chair); Commissioners Steve Wickelgren, Scott Norkunas; and Jane Dilley, Town Clerk

**Absent:** Joyce Moore, Victor Volkert

**Others Present:** Andy Anderson, Charles Anderson, Gregory Langer, Linus Langer, Terry Mulligan, Mary Collins, Perry Collins, Mike and Becky McNamara, Ryan Wilson, Tom Wirtzfeld, Darrin Larson, Cindy and Duane Larson, Eric Christianson

**Guests:** Kathy Kalow, Edina Realty; Harry Davis, Bolton & Menk

Chairman Malecha asked the audience to join in the Pledge of Allegiance at 7:00pm.

**Opening Statement:** Malecha stated the Planning Commission (“PC”) is an appointed body that makes recommendations on planning and zoning issues to the Town Board. These recommendations are advisory only. The elected Town Board members make the final decisions on matters brought before the PC. The PC will act tonight on matters received by the Zoning Administrator by noon ten (10) business days before the meeting tonight. Questions on submissions after the deadline can be addressed under New Business; they will be placed on the following month’s agenda. The audience was reminded this is a public meeting, not a Public Hearing. Meetings are open to the public to observe. Audience comments are limited to topics being discussed. Malecha reminded the audience to sign the attendance sheet and silence their electronic devices.

Two members of the PC are absent tonight, and both notified the Clerk and Chairman of the absences. As there are three PC members present, there is a quorum.

**Agenda:** Malecha asked if there were any changes to the agenda. There were none. Norkunas made a motion to approve the agenda, Wickelgren seconded. Motion carried 3– 0.

**Minutes:** Chairman Malecha asked if there were comments on the minutes. There were none. Malecha made a motion to approve the minutes, seconded by Wickelgren. Motion carried 3 – 0.

Prior to Citizens Comments, Malecha reminded the audience that August 17 is the last day for public input for the City of Northfield and Xcel Energy joint study on Alternative Urban Areawide Review (AUAR).

**Citizen Comments:** There were no citizen comments.

**Board Liaison Report:** No report. Rowan was not present, just got in from out of town, but is listening in via phone.

**Building Permits:** Mike and Becky McNamara presented a building permit for a new house at 10548 330<sup>th</sup> St W. There are two building entitlements on the parcel as noted by a letter from the township. However, the letter is unsigned. The McNamaras will provide documentation about the second building entitlement at a future date. They talked with Paul Blesner who has copies of the certified subdivision and cluster agreement that was filed with Dakota County. There is no indication of two building entitlements in the Building Rights Study (the “green book”), so it will be updated when we get a copy of the subdivision and cluster agreement. The permit application was very thorough. The McNamaras have been in touch with Dakota County Soil and Water. Brian Watson will come out and walk the property with them to help guide the placement of this house and any future house along with their respective septic system requirements. Norkunas commented that a second septic location will need to be identified. Malecha referenced the shoreland and wetland map the township has hanging on its wall. The property as shown on this map is not covered by shoreland or wetland areas. However, Dakota County Soil and Water has a shoreland and wetland map that does show portions of the parcel being impacted. Malecha will get a copy of the map being used by Dakota County Soil and Water. Malecha made a motion to approve the building permit application and to forward it to the Board of Supervisors for their approval. Norkunas seconded the motion. Motion carried 3 – 0. An email from Victor Volkert supported the building plans and suggested a consultation with Dakota County Soil and Water.

**Zoning and Other Land Use:** Darrin Larson submitted a subdivision agreement. Malecha recused himself from the discussion because he's been involved in some aspects of the transaction. Malecha asked Norkunas to take over the discussion. The township's subdivision agreement was altered to eliminate some existing provisions in the agreement. There are no additional building rights being granted, nor is the current building right moving. This transaction is moving 2.5 acres from one parcel to the owner of an adjacent parcel. This is also known as a lot line adjustment, but we do not currently have a form that addresses this. A new form will be created with the ordinance manual update. Wickelgren made a motion to approve the subdivision agreement as altered and to forward it to the Board of Supervisors. Norkunas seconded. Motion carried 2 – 0 with Malecha abstaining.

The Budin Family also presented a subdivision agreement prepared by Ryan Blumhoefer for approval. Kathy Kalow of Edina Realty is representing the family. This is a request for a parcel split. New parcel A will be 57.68 acres with no building rights. Parcel B retains the building rights and is 43.19 acres. Malecha made a motion to approve the split and to forward it to the Board. Norkunas seconded the motion. Motion carried 3 – 0.

An email from Victor Volkert supported both subdivision agreements and acknowledged a review of building rights in the Building Rights Study (the green book) was needed.

**New Business:** Harry Davis with Bolton & Menk was invited to the table. The township has an inquiry from Paul Weitz, DVM. He is looking into his options for building a facility for his ag-based business, whether it is a new build, or a tear down and re-build, or an add on. He wants to confirm the circumstances under which the building would be considered agricultural rather than commercial. Preliminary review of these hypothetical examples indicates it would qualify as an ag building, provided the parcel is zoned as ag, and would be subject to approval from the Board and ultimately from the township' building inspector, MNSpect.

**Old Business:**

Malecha said since the last meeting that he, Norkunas, Moore and Wickelgren have met (only two PC members per meeting) and gone through the ordinance manual using other townships' manuals as discussion points. Have consulted with Harry Davis and provided input. In September the PC will hold round table

discussions with the public to get their input. The PC is looking at a Tuesday evening and a Saturday morning for the round table meetings. Need to avoid dates coinciding with the Defeat of Jesse James Days festival and the township picnic. A Microsoft Word version of the ordinance manual was created by Davis and forwarded to the township. Norkunas and Moore reviewed the subdivision section. Norkunas mentioned that the new benchmark for minimum parcel size for a house/septic/well is 2.5 acres. Most townships are moving in that direction. We currently have a minimum parcel size of 2.0 acres. In light of possibly moving to a larger parcel minimum for housing, Malecha suggested we re-confirm setback requirements. Norkunas noted there are provisions in the PC's Policy and Procedures Manual that differ from the ordinance manual relating to time standards for approving requests. Need to take into account the meeting schedules for the PC and the Board. Davis indicated we are creating issues if we establish interim time requirements for completion based on certain milestones. The time frame of 60 days from start to finish is the key. Malecha noted the township ordinance manual references specific standards established by the Minnesota Pollution Control Agency (MPCA) for subsurface sewage treatment systems (SSTS) and wells which are governed by Dakota County ordinances 113 and 114. Need to check those are still the correct ordinance numbers. There may be modifications to building dimensions for home-based occupations. Wickelgren had a comment about the provision for explosives. The ordinances do not have a specific citation for the regulating entity for explosives, while most other provisions which describe limitations do reference a citation. Davis will look at this. Norkunas noted that setbacks vary greatly from township to township. Is this something we want to discuss further? Malecha suggests we consider moving away from the concept of a use being prohibited unless it is specifically named as permitted. Malecha said other townships spell out their fee structure and would like Greenvale to do the same. Davis says he often sees a full list of fees in a table by type of fee and then by various zoning definitions. Norkunas sees that other townships classify a land use as conditional or interim or permitted, with no consistency amongst the classifications from one township to another. Malecha asked if it's better to have more variances used with narrower classifications, or fewer variances used with wider classifications. Davis spoke to the myth that one variance sets a precedence. Variances are specific to a property and a set of circumstances. Specific conditions are used with interim uses for a set time period and are tied to the user. Conditional uses are tied to the property. A variance is a quasi-judicial decision and should be well thought out and used prudently. The old standard for variances was "hardship" but it is now "practical

difficulties” which is the language in the township’s ordinances. Our applications would benefit from some changes. Under Minnesota law, parcel splits are defined as subdivisions, so this term will still be used going forward. For the September PC meeting, Malecha asked Davis to highlight anything we may have overlooked as the township ordinance manual is brought into line with the Comprehensive Plan. The biggest topic for discussion relates to density. We start with “one house (or building right) per quarter-quarter” and work from there, remembering to measure the township in the aggregate. Norkunas asked to verify the Board would have to approve the revisions to the ordinance manual no later than its December meeting to comply with the terms and conditions of the grant from Dakota County. Davis thought it wise to have a draft to Dakota County in November. Bolton & Menk has been providing progress reports and progress billings to Dakota County.

Norkunas made a motion to adjourn, Wickelgren seconded. Motion carried 3 – 0.

APPROVED – September 14, 2023

Prepared by:

  
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Ken Malecha, Chair

  
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Jane Dilley, Town Clerk