

**Greenvale Township Planning Commission
Meeting Minutes
Thursday, July 13, 2023**

Present: Ken Malecha (Chair); Commissioners Steve Wickelgren, Scott Norkunas, Joyce Moore, Victor Volkert; and Jane Dilley, Town Clerk

Others Present: Charles Anderson, Bruce Paulson, Gregory Langer, Linus Langer, Terry Mulligan, Mary Collins, Perry Collins, Duane Fredrickson, Tom Wirtzfeld, Cindy Roehl, Richard Moore, Andy Anderson, Eric Christianson, Dave Roehl, Tony Rowan

Guest: 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. Audience comments are limited to topics being discussed. Malecha reminded the audience to sign the attendance sheet and silence their electronic devices.

Prior to going through tonight’s business, Chairman Malecha reminded the audience of the township’s Clean Up Day scheduled on Saturday, July 15 from 10:00am to 4:00pm.

Agenda: Malecha asked if there were any changes to the agenda. There were none. Malecha made a motion to approve the agenda, Moore seconded. Motion carried 5 – 0.

Minutes: Chairman Malecha asked Volkert if his comments submitted for the June meeting were correct. Volkert had no changes. The June 15, 2023 meeting minutes were approved via a motion from Norkunas, seconded by Wickelgren. Motion carried 4 – 0, with Volkert abstaining as he was not at the meeting.

Citizen Comments: There were no citizen comments.

Board Liaison Report: Rowan suggested if there were going to be meetings for citizen input on the ordinances that a letter be sent to residents about this. Dilley asked if Rowan would work with her on wording. Malecha said he would bring this up at the Board meeting.

Building Permits: None.

Zoning and Other Land Use: The final application for consideration under the Nonconforming Land Use Ordinance was reviewed:

Duane, Anne & Eric Fredrickson for PID 16-00300-77-013 listed the following uses: billboard construction and truck and equipment storage. Duane Fredrickson was present. A list of equipment and buildings was provided. Employees are all family members. Malecha distributed a GIS map of the property on which Fredrickson indicated the storage area. Malecha asked if there were questions from the audience. Linus Langer asked about the status of billboards being built by Fredrickson. Malecha declined to entertain the question as this opportunity is to ask questions about the contents of the application, not projects underway. Norkunas moved to recommend PID 16-00300-77-013 as a legal nonconforming land use and to forward it to the Board of Supervisors. The motion was seconded by Malecha. The motion carried 5 – 0.

New Business:

Clerk Dilley prepared a report of permits processed during the quarter of April 1 – June 30, 2023 for information purposes for the Planning Commission.

Old Business:

Planner Harry Davis with Bolton & Menk was present to discuss the township's ordinance manual. Davis stated Bolton & Menk is underway bringing the township's ordinance manual into line with the provisions of the 2040 Comprehensive Manual. Malecha started the discussion of topics being worked on currently. Norkunas and Wickelgren are working on the Definitions section.

Davis provided to the PC a compendium of ordinance definitions he has collected over the years. He also provided the definitions sections of Marshan Township, Castle Rock Township and Empire Township (which is now a city). Norkunas stated that as the PC gets into discussions about certain aspects of the ordinances, examples involving residents may become part of the discussion and doesn't want anyone to feel singled out. This would be done so the group can come to a consensus when approaching topics where changes may be needed. Malecha encouraged PC members to share their opinions even if they do not appear to be in line with what others are saying. In the end, we need to focus on improving our ordinances. Respectful discourse can generate new ideas.

Norkunas asked about the logistics of getting changes to Bolton & Menk. Davis suggested using the Microsoft Word version of the ordinance manual. Dilley and Malecha said no Word document was provided in the 2022 change in Board members and the Clerk position. Dilley suggested with the right software the Adobe Acrobat (.pdf version) of the ordinance manual could be converted to Word. Davis will work on this. Microsoft Word has a feature to track changes where the original text remains, but comments from various users can be added to the document.

Malecha noted Greenvale has a definition of agriculture. Marshan has several definitions relating to agriculture with subsections for buildings, use, operations, land, crops and animals. The Minnesota Department of Agriculture has a definition of agriculture that includes aquaculture and aquaponics.

Newly legalized marijuana was briefly discussed. As it is agriculture, it cannot be denied on that basis. Davis pointed out the State of Minnesota does not yet have an office set up to provide guidance.

Norkunas asked about how getting materials for meetings with the public would work. Meetings for public input could take place in September. Malecha suggested perhaps there could be tables set up by topic(s) so the public could visit with PC members about that specific topic of interest.

Davis recommends that as this project nears its conclusion, the township attorney become involved before the revised ordinance is presented to the Board of Supervisors for adoption.

Malecha and Moore worked together on the General Provisions section. Malecha noted in previous discussions our township attorney observed that the language “unless specifically allowed or specially permitted, it is prohibited” is very difficult to work with. Davis suggested we have the attorney provide alternate wording. The Lot of Record ordinance was amended in 2019.

Malecha noted some redundancies in the Home Occupations section. There is language about visual and audible limitations. Norkunas reminded the group the topic of noise/sound was researched during the review of applications for Nonconforming Land Use. The MPCA is the authority on noise pollution and their materials state that no entity can place tighter restrictions on noise than those listed by the MPCA. This section also describes “limited retail sales.” How is “limited” measured?

Through the Nonconforming Land Use ordinance, the township provided a time frame for businesses not authorized under existing ordinance provisions to come forward and seek legal nonconforming status. Some 47 +/- businesses applied for and received that status. Our ordinances need to address enforcement provisions should there be a complaint against a business that did not seek legal nonconforming status.

The provision “home occupations shall be conducted solely by persons residing in the residence” should be discussed. Does this rule out non-resident owners? Suppose a renter has a home occupation, but it is not approved by the landowner.

There are rental homes in the township, but they are not specifically authorized in the ordinances. Need to address.

Vehicles used in home occupations are to be completely enclosed in an accessory structure. Interpretations are this applies to business owners. However, a non-owner employee may park vehicles used in a business without regulation. Needs discussion.

The size of an accessory structure used in a home occupation is quite limited under our current ordinances. Consider other options? Example: Eureka Township uses a sliding scale based on the size of the parcel.

Current ordinances prohibit “metal siding, with exposed panels exceeding sixteen (16) inches in width.” The township adopted the Minnesota State Building Code – which has no such prohibition. Consider eliminating this.

Need to address “temporary dwellings” parameters. The township’s ordinances also address “dwelling units prohibited” which also needs to be reviewed. There are multiple dwellings in the township that do not meet the criteria in the ordinance. The township addressed nonconforming land uses, and it is time to find a workable solution for nonconforming dwellings.

The aging population has created the need for living situations that do not meet our ordinances – temporary dwellings, “Granny-pods” or other accessory structures are things that require consideration.

Ordinance language limits one single family residence per parcel, yet there are instances where more than one home exists on a parcel. Change the language or require a parcel split? Is building a duplex permitted? The 2040 Comp Plan indicates the township has duplexes and townhomes. Locations unknown.

Lot size – our minimum lot size is two acres. Marshan Township has a minimum of 40,000 square feet (less than an acre). Castle Rock Township recently set the minimum lot size as two and a half acres. Volkert said the State of Minnesota recommends two and a half acres.

Abandoned vehicles vs. semis with quarterly licensing. Are we consistent where we need to be?

Malecha and Wickelgren reviewed Zoning Districts/Use Regulations. In the Agricultural Preservation District, the phrase “include(s) the conduct of commonly-accepted agricultural practices...considered a priority permitted use.” Davis observed the phrase “commonly-accepted” is very vague. The ag district is “established to promote, maintain and enhance...commercial agricultural purposes.” What is commercial agriculture?

Feedlots are listed as being administered by Dakota County Soil and Water District. The MPCA has taken over this administration. Dakota County does not issue feedlot permits. Davis said some townships want to be involved in feedlot issues, but it is not a requirement.

This is our opportunity to address the transfer, purchase or sale of building rights. It was brought up at the township's last annual meeting and holds interest by many residents. Malecha said if we want to preserve good farmland, this needs to be an option. Eureka Township allows building right transfers anywhere within their township. Davis stated both the township and the County need to have record of building right transfers.

Norkunas and Moore worked on **Permitted and Conditional Uses**. The townships we are using as reference points have Conditional and Interim Use Permits. As noted above, Greenvale has permitted uses and interim uses. Interim uses are for a specific time frame. If the property is sold, the allowed use goes away. Conditional use permits are attached to the property and survive changes of ownership.

Marshan Township has the following uses under Conditional Uses: public utility buildings, ag related commercial or industrial operations that demonstrate a direct relationship to ag production and services and are compatible with the rural character of the area and adjacent land. Churches, schools, cemeteries and police and fire stations are also listed. Castle Rock Township lists conditional uses to include parks, schools, outdoor recreation areas and then lists horticultural activities such as crop dusting, fruit picking and grain cleaning. They also list kennels, communication towers and antennas.

Greenvale's ordinances indicate a kennel license is required for more than three dogs. Kennels must be five acres, are to be registered with the township and the owner must annually provide at their expense a report from a veterinarian about the condition of the animals and facilities, medical treatments for the animals and improvements that should be made to the facility. A plan for waste disposal must be approved by the township. Three dogs seems like a small number of animals to be concerned with a waste management plan. Volkert commented that kennel businesses provide a needed service as noted by law enforcement for housing found animals waiting to be reunited with owners.

Malecha said it is commonplace to have Permitted Uses, Conditional Uses and Interim Uses. He suggested we get some input from the township attorney about the firm's experiences with their other township clients and these classifications.

Malecha noted Section 5.04 E on page 31 contains this language: “Prohibited Uses. All uses not specifically listed as permitted, accessory or permitted with an interim use permit shall be considered prohibited.” Get alternative wording from the attorney.

The next sections of the ordinances to be addressed: Norkunas and Moore will review Dimensional Standards and Subdivision Regulations; Volkert and Wickelgren will work on Performance Standards. Malecha will work on Administration and Enforcement with input from PC members individually.

Malecha asked Davis if he had found information about how zoning classifications changed from the prior Comp Plan to the current Comp Plan. Malecha and Davis will look at both sets of maps.

Malecha reported he was asked about Greenvale’s minimum parcel size. He posed the question to Bolton & Menk for their advice, which makes a minimum parcel size no smaller than the dimensional standards for a buildable lot.

Moore made a motion to adjourn, Volkert seconded. Motion carried 5 – 0.

APPROVED – August 10, 2023

Prepared by:



Ken Malecha, Chair



Jane Dilley, Town Clerk