
CITY OF EMILY

PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

Tuesday, July 2, 2024, 6:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions or Deletions to Agenda (*Commission Action-Motion*)
5. Open Forum- *This is a time to provide comments to the Planning Commissioners about items **not** on the agenda. No action will be taken on these items. If you're speaking, please come to the podium, state your name and address for the record.*
6. Public Hearings
7. Approval of Minutes
 - a. June 4, 2024, regular meeting (*Commission Action-Motion*)
8. New Business
9. Old Business
10. Land Use Ordinance Subcommittee Meeting update
11. P&Z Administrator's Report
 - a. Introduction of Zoning Administrator and transition timeline.
12. Adjourn (*Commission Action-Motion*)

This agenda is not exclusive. Other business may be discussed as deemed necessary.

1 **MINUTES**
2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **REGULAR MEETING**
4 **June 4, 2024**

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6 **1. CALL TO ORDER**

7 The meeting was called to order by Commissioner Johnson at 6:00 pm.

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9 **2. Pledge of allegiance was recited.**

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11 **3. ROLL CALL**

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13 PRESENT: Dave Johnson, Chairman, Lynn Bartel, Denise Vukelich, Patrick Rheaume, Mark
14 Mosman, and Faye Hughes

15 Council: Tracy Jones (Mayor), Greg Koch (Liaison) Gary Hanson, (Council)

16 Staff: Kayode Adiatu, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Zoning Clerk
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18 **4. ADDITIONS OR DELETIONS TO AGENDA**

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20 None

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22 **MOTION MADE BY COMMISSIONER RHEAUME TO ADOPT THE AGENDA AS**
23 **PRESENTED. SECONDED BY COMMISSIONER MOSMAN. ALL VOTED IN**
24 **FAVOR. MOTION CARRIED 5-0.**

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26 **5. OPEN FORUM**

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30 **6. PUBLIC HEARINGS**

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35 **7. APPROVAL OF MINUTES**

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37 a. May 7, 2024 Regular Meeting Minutes.

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39 **MOTION BY COMMISSIONER BARTEL TO APPROVE MAY 7, 2024 MINUTES AS**
40 **PRESENTED. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN**
41 **FAVOR. MOTION CARRIED 5-0.**

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8. NEW BUSINESS

a. Vetrone Metes and Bounds

Adiatu provided a brief background:

Application: Metes and Bounds Subdivision
Applicant: Adolph and Rosemary Vetrone

Property Address: TBD - Parcel ID 21080577; along Crooked Creek Rd, Emily MN

Background Information

The applicants are requesting to subdivide an existing 18.21-acre parcel into two parcels. They are proposing 10.44 acres to the west (Tract A) and 7.77 acres to the east (Tract B). The subject property is vacant land located within the Shoreline Residential (SR) zoning district. This subdivision would not create any nonconformities on either lot created. Both proposed lots abut Pug Hole lake which falls within the Natural Environment Classification. The minimum buildable lot requirement for a dwelling or single family home in the Natural Environment is 80,000 square feet. Tract A and Tract B after subdivision would be 454, 797 Sq. Ft. and 338,273 Sq. Ft. respectively, both exceeding the minimum buildable lot size requirement in the Shoreline Residential zoning district.

Staff Findings

1. The property is located along Crooked Creek Rd, and it abuts Pug Hole lake.
2. The site is currently vacant and undeveloped.
3. The lot features wooded and delineated wetland areas.
4. The total buildable lot area excluding wetlands, ROW, and easements for Tract A is 6.72 acres.
5. The total buildable lot area excluding wetlands, ROW, and easements for Tract B is 4.06 acres.
6. There is no established Ordinary High Water Mark (OHWM).
7. There is an existing power pole from west to east of the property.
8. There is an existing drive path on the west line of the subdivision (Tract A).
9. Structure setback lines are marked on the survey.
10. The applicant is proposing an easement from Crooked Rd with 33 ft in width.
11. The proposed subdivision meets both zoning and setback (both structure and wetland) requirements.
12. The proposed subdivision layout respects the wetland boundaries and includes appropriate buffer zones.
13. Copies of Crow Wing County Site Suitability Assessments for both Tracts A and B have been submitted by the applicants.

Staff Recommendation

There doesn't appear to be any issues with the split. The proposed subdivision meets the minimum requirements of the Ordinance. Both of the proposed parcels will be severed access by Crooked Creek Rd. The Planning Commission can approve, deny, or table the request.

Exhibits

- A. Metes and Bounds Subdivision Application
- B. Survey
- C. Map showing delineated wetland areas
- D. Ordinance section citing requested application
- E. Crow Wing County Site Suitability Assessment Forms

100 Planning Commissioners discussed driveway access and proposed building. Adiatu stated there
 101 is an easement on the survey showing access to the property, so the any driveway access will not
 102 be through the wetland, and at this time no building permits have been submitted.
 103

104 **MOTION BY COMMISSIONER RHEAUME TO ACCEPT THE APPLICATION TO**
 105 **SPLIT PARCEL ID 21080577 INTO TWO LOTS AND INCLUDE THE 13**
 106 **FINDING OF FACTS THAT HAVE BEEN PRESENTED. SECONDED BY**
 107 **COMMISSIONER VUKELICH. ALL VOTED IN FAVOR.**
 108 **MOTION CARRIED 5-0.**
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111 **9. OLD BUSINESS**

112 a. Outdoor Market Food Truck-Section 152.115 (Discussion).

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 115 Fahrendorff provided background information. A question came up from a vender asking if
 116 their food truck would be allowed at the Wesleyan Church's Outdoor Market during the
 117 Spring Fling Community event May 18, 2024. Per the Outdoor Market Ordinance, no
 118 licensed commercial food vendors are allowed, however, civic events or auxiliary events
 119 hosted by businesses are exempt from the Outdoor Market Permit process. After discussion
 120 with the prior Zoning Administrator, Justin Burslie, his interpretation of the code was to
 121 allow the food truck during the Spring Fling weekend and bring this issue before the
 122 Planning Commission for discussion and clarification for future events.
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 125 Planning Commissioners discussed the Outdoor Market permit process and ordinance
 126 requirements regarding when food trucks would be allowed within the city. Per our
 127 ordinance, food trucks fall under the trailer ordinance, therefore would be allowed up to 3
 128 days without a permit at a business or on private property. The Planning Commissioners
 129 agreed per the ordinance, food trucks are not allowed during Outdoor Markets, regardless if
 130 a community event was taking place. The Planning Commissioners will bring the discussion
 131 to the City Council at their June 11, 2024 meeting for their input and interpretation of the
 132 ordinance and if further discussion is needed.
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134 **10. LAND USE ORDINANCE SUBCOMMITTEE MEETING UPDATE**

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 136 Commissioner Johnson stated the subcommittee discussed the Animal Ordinance and Animal
 137 Husbandry Ordinance specifically regarding the keeping of chickens. The two ordinances are not
 138 aligned with each other and are confusing. The subcommittee will work to consolidate these two
 139 ordinances into one.

140 The subcommittee also discussed the cultivation of Cannabis and the impact that will have on
 141 our city. Currently the City of Emily does not have anything in their ordinance regarding
 142 cultivation of Cannabis. The subcommittee will focus on creating an ordinance regarding
 143 cultivation of Cannabis along with the recommendations from the League of Minnesota Cities
 144 and Zoning Administrator.
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11. P & Z ADMINISTRATOR’S REPORT

Adiatu formally introduced himself as the interim Zoning Administrator. Adiatu stated there are three or four members joining the Sourcewell team and updates will be coming within the next few weeks. He will remain in place as a resource for the city during this transition.

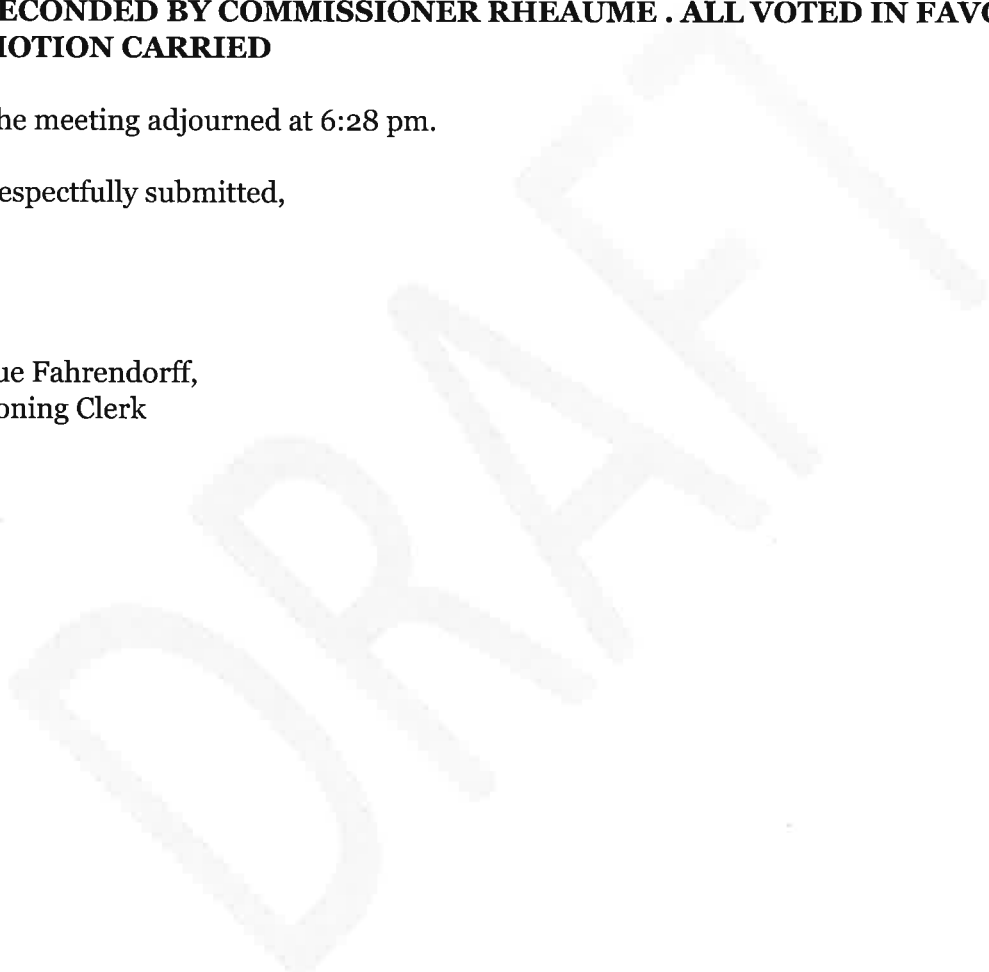
12. ADJOURNMENT

**MOTION BY COMMISSIONER BARTEL TO ADJOURN THE MEETING,
SECONDED BY COMMISSIONER RHEAUME . ALL VOTED IN FAVOR 5-0.
MOTION CARRIED**

The meeting adjourned at 6:28 pm.

Respectfully submitted,

Sue Fahrendorff,
Zoning Clerk



Land Use Ordinance (LUO) Subcommittee Meeting Notes

Date: June 4, 2024

Attended: Dave Johnson, Faye Hughes, Greg Koch,
Kayode Adiatu, Sue Fahrendorff
Gary Hanson was absent

- Deep discussion surrounding the cultivation of cannabis and various regulations that will be going into effect July 24, 2024. Committee will begin drafting an ordinance, for review, around cultivation of cannabis at their next LUO. This will be a priority for the subcommittee. (additional note: City of Emily does NOT have in place a moratorium related to cannabis business). Per the LMC email sent May 28, 2024, if a city has adopted a moratorium related to cannabis business, the city will not be obligated to accept a business's request.
 - LUO Subcommittee agrees an ordinance related to cannabis should be a priority and it's in the city's best interest to get in front of the situation rather than wait until an application is submitted. Even though the state allows cultivation of cannabis, the city still can make zoning ordinances regulating zoning districts.
 - Kay provided an example from the City of Brainerd ordinance and stated this example would be a good starting point for the subcommittee to use as they begin drafting their own ordinance. Kay also stated the ordinance should not be exclusive to just the cultivation of cannabis, but should also include other aspects surrounding the cannabis industry.
 - Dave recommends reviewing Brainerd's ordinance with the subcommittee first, draft verbiage for our ordinance, and then bring a draft to the Planning Commission for further discussion and follow up with a recommendation to the City Council.
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- Animal Husbandry discussion. Animal husbandry is in 2 separate areas of our existing ordinance. (Ordinance 152.06 and 92.01) The goal is to combine these 2 sections into one ordinance.
 - Kay stated in the cities he has worked in; the section is under Animals with subsection within the Animal Ordinance.
 - Dave stated the ordinance goes into too much detail regarding chickens and chicken coops.
 - Kay stated if we change key words within the ordinance, the definitions will need to be changed or updated to correspond with the ordinance. Greg stated definitions are typically first when describing the chapter. Greg is fine with leaving the definition and moving a section to only chickens or farm animals.

- Deep discussion regarding allowing only chickens and no roosters or Capon (neutered rooster). Discussion that roosters might be allowed in certain zoning districts with acreage. PZ does not give permits for chickens, but we do require a permit for a chicken coop, which would be an accessory structure. PZ has received a few questions on what areas chickens are allowed within the city. Faye stated that the specification of what type of structure is allowed for chickens is too detailed and since the ordinance doesn't address any other animal structures, it should be removed.
- Discussion by subcommittee members regarding the specifications of the chicken coops is too defined and detailed and should be modified.
- Permits have only been issued for the accessory structure that house the chickens, not for the actual chickens. The fee schedule does not charge a permit fee for chickens, yet the ordinance does specify a permit is required for chickens within certain zoning districts. The subcommittee will need to discuss further if a permit is necessary for chickens and if a fee should be added to the fee schedule.
- The subcommittee wrapped up by stating they are in agreement to combine the two sections into one ordinance called Animal Husbandry, keeping parts of the chicken references intact, but changing other parts. Members of the subcommittee will review the current ordinance; redline items they wish to omit or change and bring them to the next meeting July 2nd for further discussion.

2024 Permits--Emily Planning and Zoning

<u>NUMBER</u>	<u>Recd</u>	<u>Appvrd</u>	<u>RE CODE</u>	<u>LAST</u>	<u>FIRST</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>DESCRIPTION</u>	<u>FEE</u>	<u>DISTRICT</u>	<u>Project Completed Y/N</u>
24-01	1/3/2024	2/13/2023	21090613	Red's Storage LLC		42823 State HWY 6	CUP	Six Total Storage Buildings	\$500.00	HMU	CUP Completed
24-02	1/10/2024	3/6/2024	21270656	Emily Wesleyan Chruh	Jason Gressman	40141 State HWY 6	Outdoor Market	Outdoor Market May-September 2024; Saturdays only- Various dates	\$75.00	DMU	NA/Outdoor Market
24-03	1/22/2024	1/23/2024	21030519	Proctor	Todd	21438 Evening Star Lane	Camper Permit	Annual Camper Permit	\$25.00	RP	
24-04	2/5/2024	2/6/2024	21270771	Keilogg	James	21498 Ruth Lake Drive	Land Use Permit	Construct a 16'X25' (400 SqFt) addition to dwelling	\$150.00	SR	
24-05	2/12/2024	2/12/2024	21170564	Kloss Homes	James Field	19478 Blue Ln E	Land Use Permit	Construct a 40'X30' (1,200 SqFt) New Dwelling	\$450.00	SR	
24-06	2/12/2024	3/6/2024	21150522	Bute	Jeffrey	42144 State HWY 6	Land Use Permit	Construct a 52'X62' (3,224 SqFt) New Dwelling with 60'X60' (3,600 SqFt) Attached garage	\$550.00	HMU	
24-07	2/20/2024	2/20/2024	21170564	Kloss Homes	James Field	19478 Blue Ln E	SSTS	Install a Pressure Bed/Trench Septic System; Type 1, 600 GPD, 2250 Gallon Tank	\$260.00	SR	
24-08	2/20/2024	2/20/2024	21250500	Swinehart	Michael	23372 North Shore Drive	Land Use Permit	Construct a 30'X60' (1,800 SqFt) Addition to existing accessory structure	\$400.00	NR	
24-09	2/20/2024	2/20/2024	21090613	Red's Storage LLC		43823 State Hwy 6	Land Use Permit	Construct a 48'X150' (7,200 SqFt) Commerical Storage Building	\$600.00	HMU	Project Completed Y/N

24-10	3/4/2024	3/6/2024	21090551	St. Martin	Mike & Amy	20152 Clearwater Dr.	Land Use Permit	Construct a 36'X36' (1,296 SqFt) Dwelling with 36'X36'(1,296 SqFt)attached garage.	\$550.00	SR	
24-11	3/12/2024	3/19/2024	21340895	Bemis	Richard	39892 Lake St	Land Use Permit	Paver Patio with Firepit 452 SqFt	\$150.00	SR	
24-12	3/13/2024	3/19/2024	21170537	Rief	Mike & Bridget	19289 Blue Lane E	Land Use Permit	Construct a 40'X60' (2,400 SqFt) Accessory Structure	\$400.00	NR	
24-13	3/13/2024	3/19/2024	21170585	Sive	Brad & Sharon	42887 Blue Lane W	Land Use Permit	Construct a 60'X104' (6,240 SqFt) Accessory Structure	\$400.00	NR	
24-14	3/18/2024	3/19/2024	21250526	Adamsheck	Jeff	23252 South Shore Drive	Land Use Permit	Construct a 14'X24' (336 SqFt) Patio	\$150.00	SR	
24-15	3/15/2024	3/19/2024	21150522	Bute	Jeffrey	42144 State HWY 6	SSTS Permit	Install a Pressure Bed/Trench Septic System; Type 1, 600 GPD, 1500 Gallon Tank	\$260.00	HMU	Denied over the 50' limit.
24-16	4/4/2024	4/9/2024	21080563	Rief	Mike	19632 Blue Lake Road	Land Use Permit	Ice Ridge Repair	\$60.00	SR	
24-18	04/08/24	4/9/2024	21260526	DiGiovanni	Nathan	40340 E Emily Dr.	Land Use Permit	(288 SqFt) deck attached to existing home	\$150.00	NR	
24-19	4/9/2024	4/9/2024	21270692	Barrett	Dan	20962 County Rd 1	Land Use Permit	Install a wooden privacy fence	\$60.00	DMU	
24-20	4/9/2024	4/9/2024	21280505	Roden	Pam	40025 Evergreen Dr.	Land Use Permit	Construct a 10'X12' (120 SqFt) Accessory Structure	\$75.00	NR	
24-21	4/11/2024	4/15/2024	21250531	ABRA Landscaping Corey Ledin	Carlson, Peter & Patricia	23122 S Shore Drive	Land Use Permit	Patio 12'X45' & Retaining Wall repair	\$60.00	SR	
24-22	4/11/2024	4/12/2024	21080567	Patnode	Loren	19590 Blue Lake Rd	Land Use Permit	Ice Ridge Repair	\$60.00	SR	
24-23	4/22/2024	4/22/2024	21260571	Ronayne	Brian	40107 E Emily Dr	Camper Land Use Permit	Annual Camper Permit	\$25.00	SR	
24-24	4/29/2024	4/30/2024	21340894	Anderson	Mike & Robyn	39870 Lake St	Land Use Permit	Installing stairs to the lake	\$60.00	SR	
24-25	5/6/2024	5/14/2024	21220538	Carlton Construction	Brosch Family Cabin	41987 Birchwood Dr	Land Use Permit	Construct a 30'X30' (900 SqFt) Accessory Structure	\$250.00	SR	

24-26	5/6/2024	5/14/2024	21250524	Porter	Robert & Dionne	23280 S Shore Dr	Land Use Permit	Remove existing boardwalk and replace with a new 5'X85 boardwalk	\$60.00	SR	
24-27	5/8/2024	5/9/2024	21030564	Lerach	Steve	21527 S Smokey Hollow Rd	SSTS Permit	Install a Type I Pressure Bed/Trench Pump Design ; 300 GPD, 1,500 Tank System	\$260.00	SR	YES-6/3/2023 Greg Kossan
24-28	5/6/2024	5/7/2024	21260585	Fahrendorff	Mark & Sue	40449 E Emily Dr	Land Use Permit	Construct a 9'X13' (117 SqFt) addition to existing deck.	\$75.00	SR	
24-29	5/16/2024	5/22/2024	21030530	Christian	Eric	44764 Twilight Ct, Outing, MN 56662	Land Use Permit	Construct a 30'X48' (1,440 SqFt) accessory structure	\$400.00	RP	
NUMBER	Recd	Appvrd	RE CODE	LAST	FIRST	ADDRESS	TYPE	DESCRIPTION	FEE	DISTRICT	Project Completed Y/N
24-30	5/20/2024	5/22/2024	21080566	Diana D. Thomas Trust	Mary T. Hanson	19604 Blue Lake Rd	Land Use Permit	Ice Ridge Repair	\$60.00	SR	
24-31	5/21/2024	5/22/2024	21170518	Krumwiede	Kevin & Valetta	42865 Minnie Lake Dr	Land Use Permit	Construct 3 decks- Covered Deck 8'X26' (208 SqFt); Entry Deck 8'X8' (64 SqFt); Patio Deck 10'X12' (120 SqFt)	\$150.00	NR	
24-32	5/23/2024	5/28/2024	21190537	Shermock	Arno	41153 Woodpecker Point Rd	Land Use Permit	Construct a 50'X40' (2,000 SqFt) Accessory Structure	\$400.00	SR	
24-33	5/29/2024	6/4/2024	21190521	Barfo	Derek and Sarah	41299 Woodpecker Point Rd	Land Use Permit	Construct a 32'X32' (1,024 SqFt) and 48'X30' (1,440 SqFt) Accessory Structures	\$400.00	SR	
24-34	5/30/2024	6/4/2024	21030519	Excelsior Homes West, LLC	Todd Proctor	21438 Evening Star Lane	Land Use Permit	Construct a New Dwelling 27.66'X60' (1,660 SqFt)	\$450.00	RP	
24-35	5/31/2024	6/4/2024	21220560	Backyard Reflections	Michael Smithson	21930 County Rd 1	Land Use Permit	Grade & Fill- Extend Rip Rap '16'	\$100.00	SR	
24-36	6/4/2024	6/25/2024	21090536	Mattsen	Paul	20038 Blue Lake Rd	Land Use Permit	Ice Ridge Repair	\$60.00	SR	
24-37	6/4/2024		21260603	Little Pine Construction	Penny Allen	22760 South Shore Dr	Land Use Permit	Construct a 25'X10' (250 SqFt) 3 season porch	\$150.00	SR	
24-38	6/4/2024	6/18/2024	21260571	Ronayne	Brian	40107 E Emily Dr	Land Use Permit	Construct a 8'X8' (64 SqFt) Accessory Structure	\$75.00	SR	

24-39	6/17/2024	6/8/2024	21260521	Nelson	Devin	22357 S Shore Dr	Land Use Permit	Construct a 8'X14' (112 SqFt) Accessory Structure	\$75.00	NR	
24-40	6/18/2024	6/25/2024	21260550	Frodesen	Linda	21843 Whitetail Dr	SSTS	Install a Type I Trench/Pressure Bed Design system, 375 GPD, 1,500 Gallon Tank with 2 compartments	\$260.00	NR	
24-41	6/18/2024	6/18/2024	21330618	Hagemann	Mark	20203 County Rd 1	SSTS	Install a Type I Trench/Pressure Bed Design system, 450 GPD, 1,500 Gallon Tank with 2 compartments	\$260.00	RP	
24-42	6/21/2024	6/24/2024	21260548	Billmeyer	Brian	21549 Cty Rd 1	Camper Permit	Annual Camper Permit	\$25.00	NR	
24-43	6/24/2024	6/25/2024	21170588	Kovalik	David & Patricia	42779 Blue Lane West	Land Use Permit	Construct a 30'X40' (1,200 SqFt) Accessory Structure	\$400.00	NR	
24-44	6/24/2024	6/25/2024	2170687	Emily Wesleyan Chruich	Bruce Hite	40141 State Hwy 6	Land Use Permit	Construct a 15'X28' (420 SqFt) Accessory Structure	\$150.00	HIMU	
24-45	6/24/2024	6/25/2024	21190516	Becklund	Thomas & JoAnn	17786 Emerald Lane	Land Use Permit	Construct a 748 SqFt Deck. Tear down existing deck and replace	\$250.00	SR	
24-46	6/25/2024	6/25/2024	21170577	Beaman	James	42922 Blue Lane W	Land Use Permit	Construct a 28' X 42' (1,163 SqFt) Attached garage	\$250.00	SR	