
CITY OF EMILY

PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

Wednesday, February 7, 2023, 6:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Election Chairperson and Vice-Chairperson
5. Additions or Deletions to Agenda
6. Public Hearings
 - a. Ordinance Amendment Application 23-01 to amend section 152.152 "Planning and Zoning Commission".
Applicant: City of Emily.
 - b. Ordinance Amendment Application 23-02 to amend section 152.075 "Sanitary and Subsurface Sewage Treatment Systems- Technical Standards and Criteria" Applicant: City of Emily
7. Open Forum
8. Approval of Minutes
 - a. December 6, 2022, regular meeting
9. New Business
 - a. 2023 Planning Commission Regular Meeting Dates
 - b. Subcommittee Discussion
10. Old Business
11. P&Z Administrator's Report
12. Adjourn

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

CITY OF EMILY
NOTICE OF PUBLIC HEARINGS

TO WHOM IT MAY CONCERN: The following will be the subject of a public hearings at the City of Emily Planning Commission/Board of Adjustment meeting on Tuesday, February 7, 2023, beginning at 6:00 P.M at Emily City Hall.

Ordinance Amendment 23-01 modifying Section 152.152 “Planning and Zoning Commission”. Applicant: City of Emily.

Ordinance Amendment 23-02 modifying Section 152.075 “Sanitary and Subsurface Sewage Treatment Systems- Technical Standards and Criteria”. Applicant: City of Emily.

The proposed ordinance amendments will be available online approximately one week prior to the meeting or upon request. If you wish to provide written comments, please email to zoning@emily.net or mail to PO Box 68, Emily, MN 56447. A staff report will be available at city hall typically one week before the scheduled meeting.

Brittney Cotner, Zoning Administrator
City of Emily

ORDINANCE NO. _____, _____ SERIES
AN ORDINANCE AMENDING THE LAND USE ORDINANCE
AS IT RELATES TO THE PLANNING AND ZONING COMMISSION
CITY OF EMILY
COUNTY OF CROW WING, STATE OF MINNESOTA

The City Council of the City of Emily does ordain as follows:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to amend the Emily Land Use Ordinance by modifying Section 152.152 “Planning and Zoning Commission” to modify meeting schedule regulations for the Planning Commission.

Section 2. Amendments. Section 152.152 “Planning and Zoning Commission” shall be amended to include the following **highlighted language** and remove the following strikethrough language:

§ 152.152 PLANNING AND ZONING COMMISSION.

(A) *Organization of the Planning Commission.*

(3) The Commission shall meet **the first Tuesday of each month** ~~a minimum of 11 times a year, once each month except January,~~ at a regular meeting unless the docket is empty in which case the ~~Mayor and/or~~ **Zoning Administrator or** Chairperson can approve suspension of a meeting. Special meetings shall be advertised in the official newspaper and posted in the City Hall at least ten days in advance of the meeting.

Section 19. Repeal. This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section 20. Effective Date. This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City of Emily Council this _____ day of _____, 20__, by a ___/5ths vote.

Tracy Jones, Mayor

Attest: _____

Cari Johnson, City Clerk/Treasurer

ORDINANCE NO. _____, _____ SERIES
AN ORDINANCE AMENDING THE LAND USE ORDINANCE
AS IT RELATES TO THE PLANNING AND ZONING COMMISSION
CITY OF EMILY
COUNTY OF CROW WING, STATE OF MINNESOTA

The City Council of the City of Emily does ordain as follows:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to amend the Emily Land Use Ordinance by modifying Section 152.075 “Sanitary and Subsurface Sewage Treatment Systems – Technical Standards and Criteria” to modify inspection requirements to meet state standards.

Section 2. Amendments. 152.075 “Sanitary and Subsurface Sewage Treatment Systems – Technical Standards and Criteria” shall be amended to include the following **highlighted language** and remove the following strikethrough language:

§ 152.075 SANITARY AND SUBSURFACE SEWAGE TREATMENT SYSTEMS - TECHNICAL STANDARDS AND CRITERIA.

(X) *Compliance inspection program.*

(1) Compliance inspections shall be required when any of the following conditions occur:

- (a) When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use map amendment, conditional use permit or variance and the certificate of installation is more than five years old or the certificate of compliance is more than three years old.
- (b) Within 90 days of conveyance of any real property and the certificate of installation is more than five years old or the certificate of compliance is more than three years old.
- (c) Any time there is a change in use of the property being served by an existing SSTS, which may impact the performance of the system.
- (d) At any time as required by this section or the Zoning Administrator deems appropriate, such as, upon receipt of a complaint or other notice of a system malfunction.
- (e) All owners of sewage treatment systems shall have the system inspected, consistent with state guidelines, once each ~~five~~ **three** years by a certified sewage system inspector.

- 1. The person inspecting the system shall determine if the system meets the compliance criteria contained in Minn. Rules, Part 7080.1500.
- 2. The person inspecting the system shall provide the city with a statement that the system is in good working order, or specifying any defects discovered and the date such defects were/will be corrected. The form shall also indicate if and when the septic tank was pumped.

3. The Zoning Administrator shall maintain a file by legal description and shall notify any delinquent property owner when six months have elapsed beyond the required five-year period.

4. The Zoning Administrator, or assistant, shall have the authority to verify the inspections and/or conduct inspections on behalf of the city.

Section 19. Repeal. This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section 20. Effective Date. This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City of Emily Council this _____ day of _____, 20____, by a ___/5ths vote.

Tracy Jones, Mayor

Attest: _____

Cari Johnson, City Clerk/Treasurer

1 **MINUTES**2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**3 **REGULAR MEETING**4 **December 6, 2022**

5

6 **1. CALL TO ORDER**

7 The meeting was called to order by Commissioner Koch at 6 pm.

8 Pledge of allegiance was recited.

9

10 **2. ROLL CALL**

11 PRESENT: Greg Koch (Chairperson), Bill Spiess, Denise Vukelich and David Johnson

12 Council: Gary Hanson (Liaison)

13 Staff: Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Planning &
14 Zoning Clerk

15

16 **3. ADDITIONS OR DELETIONS**

17 None

18

19 **4. OPEN FORUM**

20 None

21

22 **5. PUBLIC HEARINGS**

23 None

24

25 **6. APPROVAL OF MINUTES**

26 a. November 1, 2022, regular meeting

27

28 **MOTION BY COMISSIONER SPIESS TO APPROVE MINUTES AS PRESENTED.**29 **SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 4-0. MOTION**30 **CARRIED**

31

32 **7. NEW BUSINESS**

33 a. Permit extension request for permit 20-31 of an accessory structure.

34 Brian Steele 20705 County Rd 1, Emily

35 Permit was to replace damaged accessory structure with a 14' X 26' accessory
36 structure. Issued 7/21/2020 with a completion date of 7/21/2022. Cotner granted an
37 administrative 6 month extension on 6/28/2022 with a completion date of38 12/31/2022. Property owner requested an additional permit extension due to injuries
39 that have prevented him from meeting the extension deadline. Per the homeowner, he
40 has a few doors and siding left to complete. Cotner recommended the Planning41 Commission allow the additional extension to July 1, 2022. The Planning
42 Commission asked if there have been any complaints regarding the unfinished work.43 Cotner stated there have been no complaints. Cotner stated the first permit extension
44 is allowed administratively by the Zoning Administrator for 6 months; any additional
45 extensions would need to be granted by the Planning Commission and the ordinance
46 does not have any length of time parameters.

47

48

MINUTES

Emily Planning Commission

November 1, 2022

49 **MOTION BY COMMISSIONER SPIESS TO EXTEND PERMIT 20-31 TO JULY 1, 2023;**
50 **SECONDED BY COMMISSIONER JOHNSON. ALL VOTED IN FAVOR 4-0. MOTION**
51 **CARRIED.**

52
53 **8. OLD BUSINESS**

54 a. None

55
56 Prior to the P & Z Administrator's Report, Commissioner Koch stated he will be resigning from the
57 Planning Commission at the end of December 2022 to accept a position on the City Council. This
58 will be his last meeting on the Planning Commission.

59
60 **9. P & Z ADMINISTRATOR'S REPORT**

61
62 Cotner stated Planning and Zoning has slowed down significantly in the last few weeks, therefore she
63 will be monitoring her office hours and adjust when needed. There will not be a meeting in January
64 2023, so the next Planning Commission meeting will be held in February 2023, which at that time a
65 new chair will be elected. The Planning Commission discussed possibly changing the ordinance to
66 allow for a January meeting. Cotner will research and find out what is needed to have this ordinance
67 changed.

68 Discussion regarding Todd Proctor's outstanding SSTS fee. Cotner will include in her Council Report,
69 that payment has not been received.

70 There were 92 permits issued for 2022.

71 Land Use Accessory permits-53; Land Use New Dwelling-5; SSTS-18; Camper/RV-7; Riprap/Ice Ridge-
72 3; Fence-2; After-The-Fact-2; Outdoor Market-1; Solar Panels-1

73
74 **10. ADJOURN**

75
76 **MOTION BY COMMISSIONER JOHNSON SECONDED BY COMMISSIONER VUKELICH**
77 **TO ADJOURN THE MEETING. ALL VOTED IN FAVOR 4-0. MOTION CARRIED**

78
79 Meeting adjourned at 6:32 pm.

80
81 Respectfully submitted,

82
83
84
85 Sue Fahrendorff,
86 Planning & Zoning Clerk

2023 Meeting Dates

January -

February 7

March 7

April 4

May 1

June 6

July 4 needs an alternate date chosen. Recommended to be July 5.

August 1

September 5

October 2

November 7 needs an alternate date chosen. Recommended to be November 8.

December 5