

**Greenvale Township Planning Commission
Meeting Minutes
Thursday, January 11, 2024**

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

Others Present: David & Cindy Roehl, Bruce Paulson, Charles Anderson, Gregory Langer, Mary Collins, Perry Collins, Andy Anderson, Linus Langer, Stu Berg, Paul Weitz, Mary Huerter, Eric Christianson

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.

Guests: None.

Agenda: The agenda was reviewed and approved with no changes. Malecha made a motion to approve the agenda, Moore seconded. Motion carried 5– 0.

Minutes: The minutes from the December 7, 2023 Special Planning Commission Meeting were reviewed and approved via a motion by Moore, seconded by Volkert. Motion carried 5 – 0. The minutes from the December 14, 2023 Regular Planning Commission meeting were reviewed and approved. Malecha made the motion to approve. Moore seconded. Motion carried 5 – 0. The minutes for the January 4, 2024 Special Planning Commission meeting were reviewed and

approved. Norkunas made the motion to approve. Moore seconded. Motion carried 5 – 0. The minutes from the January 8, 2024 Public Hearing were reviewed and approved. Wickelgren made the motion to approve. Moore seconded. Motion carried 5 – 0.

Citizen Comments: Linus Langer remarked there are provisions for wholesale solar in the updates to the ordinance manual. He urged caution as this interferes with agriculture and our zoning.

Board Liaison Report: Tony Rowan was not able to attend so there was no report.

Building Permits: A permit request was submitted by Ledcor, Inc. to construct a utilities structure for a fiber optic boost station. The property is owned by Patrick McCarthy - PID 16-00300-01-011. The Planning Commission reviewed the building plans, the site map and a long-term lease agreement and documents from the estate of Mr. McCarthy. The building is 36' x 24' x 12' and easements from Dakota County have been received. Malecha made a motion to approve the permit request and recommends approval by the Board of Supervisors. Volkert seconded the motion. Motion carried 5 – 0.

Paul Weitz, DVM presented a permit application, survey and site plan for a 136' x 64' ag building with septic on PID 16-01900-77-016. Jerry Sauber will do the septic. Setbacks have been met for both County Road 96 and Jamaica Ave. Malecha made a motion to approve the permit request and recommends approval by the Board of Supervisors. Seconded by Wickelgren. Motion carried 5 – 0.

Zoning and Other Land Use: None.

Old Business: Malecha reported on the testimony from the Public Hearing held on Monday January 8, 2024. The Public Hearing was well attended. Bruce Paulson was unable to attend the Public Hearing and supplied written comments. He is not in favor of transferring development (building) rights. Wants to preserve the language that states if a use is not listed as permitted, it is prohibited. Richard Moore's remarks at the Public Hearing expressed his support for the transfer of development rights (TDRs) and thanked the Planning Commission for all their hard work. Charles Anderson highlighted the two parcels carved out for new

homes north on Guam Ave. TDRs would have preserved that farmland. Vickie Tyler said it is a positive to have the TDR option, wants emphasis on preserving agricultural land. Wondered if these transfers need to be recorded at the County. Malecha remarked that recording is part of the process. Tyler urged the reinstatement of restrictions on usage and is concerned about corporations like a Costco buying farmland and who might use it to dispose of food waste. Malecha remarked that Minnesota has a corporate farm law that would not permit corporations like Costco to own farmland. Alison Bartlett said she agrees with TDRs with a focus on maintaining agricultural preservation. Greg Langer is not in favor of TDRs. This is not part of our ordinances now and wishes it would remain that way. Also wants to keep the word preservation when describing the agriculture zoning district. Opposed to large scale solar. Wants to keep the prohibited uses language. Tom Wirtzfeld supports TDRs and did not like the prohibited uses language in our current ordinance. He is grateful for all the time invested in this project. Sara Berry described her family situation and portrayed how TDRs would ease those issues.

Malecha said there have been discussions with a number of people with various Planning Commission members, some meetings at restaurants, some at the Town Hall. Have received a lot of feedback.

The Planning Commission then reviewed and discussed the written remarks received from Township Attorney Mike Couri. Couri noted if the township adopts a fee schedule it needs to be passed via ordinance. If the Board wants a fee schedule then we will follow the procedures for a public hearing. Once the fees are set, they remain until changed by another ordinance process.

Malecha asked the Planning Commission members if they were comfortable with changes recommended by the attorney or are there topics where we should devote more time. Planning Commission members then added their comments. Norkunas feels the content of the language in the agriculture district is more important than the heading. Addressing the concerns about solar, Malecha stated the Comprehensive Plan provides for solar so we need to include it in our ordinance. The Board can put restrictions on solar installations through a Conditional Use Permit (CUP).

Norkunas talked about a previous comment from Alison Bartlett, not wanting Greenvale Township to have the housing density of southern Scott County and

Credit River. Dilley commented on the density that is now in Credit River started twenty years ago with the provisions in the Scott County 2020 Comprehensive Plan established by the Metropolitan Council.

Norkunas thanked everyone for the time invested in this project. Moore appreciates the Board can restrict the size of proposed solar projects through a CUP. Malecha said he enjoyed talking to people about their thoughts on the ordinances. As Wicklegren pointed out in a previous meeting, there is a lot of passion in our township. Malecha said we are going to have growth but must do it in measured steps. There's a balancing act between the desire to preserve vs the desire for change. He was very pleased with the work of the Planning Commission members; they were all engaged in the process start to finish. Also very happy with our work from Jenni Faulkner with Bolton & Menk. Hats off to Tony Rowan for getting the ball rolling by initiating the grant for the ordinance work.

Malecha asked if there was a motion to recommend that the Board of Supervisors approve and adopt the 2024-01 Zoning and Ordinance Manual. Norkunas so moved, seconded by Volkert. Motion carried 5 – 0. It is up to the Board to move forward with the new ordinance manual or return the it to the Planning Commission for further work.

New Business: Norkunas said the next things for the Planning Commission to work on is a fee schedule and nonconforming residences. Malecha said these items would be brought up to the Board and will seek their direction for addressing these two items.

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

APPROVED – February 8, 2024

Prepared by:



Ken Malecha, Chair



Jane Dilley, Town Clerk