

**Greenvale Township Planning Commission
Public Hearing Meeting Minutes
Amending the Township's Ordinance Manual to comply
with the 2040 Comprehensive Plan
Monday, January 8, 2024**

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

Others Present: Duane Fredrickson, Richard Moore, Gregory Langer, Victoria Langer, Chris Castro, Jack Stanton, Jason Flaa, Tom Wirtzfeld, Bev Wirtzfeld, Sara Berry, Dean Odette, Patti Christianson, Eric Christianson, Stu Berg, Linda Wasner, Tate Stanton, Dan Stanton, Wayne Peterson, Steve Hansen, Judi Malecha, Vickie Tyler, Kimberly Anderson, Andy Anderson, Cameron Anderson, Linus Langer, Mary Langer, Robert Kluver, Steve Hanks, Mary Collins, Perry Collins, Jenn Welbaum, Ron Welbaum, Mike McNamara, Megan McNamara, Kurt Hembd, Jeff Damm, Steve Olin, Tom & Lori Robey, Donita Anerson, Dave & Cindy Roehl, Charles Anderson, Tony Rowan and two illegible signatures

The Pledge of Allegiance was recited.

Opening of the Meeting: Chairman Malecha called the meeting to order at 6:00pm. The only item on tonight's agenda is to take public testimony in regards to the adoption of Greenvale Township Zoning and Subdivision Ordinance #2024-1. Please silence electronic devices. Please step outside the meeting room to take a phone call or have a conversation. The Planning Commission (PC) is appointed by the Town Board to make recommendations to the Board on planning and zoning issues, recommendations are advisory only. The Board makes the final decision. With certain types of ordinance changes such as this one, it is our responsibility to conduct a public hearing. The purpose of the hearing is to ensure everyone with an interest in this matter has an opportunity to present testimony and evidence in support of their position.

Agenda: Malecha asked for a motion to approve the agenda. Moore moved for approval, seconded by Volkert. Motion carried 5 – 0.

Introductions: Malecha asked if there was anyone in the audience who wanted to be introduced. None. Malecha then introduced the members of the PC.

Procedures for tonight's hearing. Be aware the PC's job is to review these ordinance changes based on regulations that exist, our current Comprehensive Plan, our current ordinances, and the laws of the State of Minnesota. The PC does not have the discretion to change or ignore these rules as part of the review process. In this case, the PC is charged with the review and update of our current zoning and subdivision ordinance and to ensure that necessary changes are made to comply with the 2040 Comprehensive Plan.

The public hearing will be conducted using a fair and open process and provide everyone with an opportunity to be heard. Everyone needs to participate in an atmosphere of civility and mutual respect.

One person will have the floor at a time. The chair will call you to come up and speak. Persons wishing to make comment should come to the front of the room to the podium and microphone and state their name/address. There will be a three (3) minute limit on testimony. The testimony is to be directed to the Chair of the Planning Commission. After all interested parties have given testimony, a person may speak a second time at the discretion of the Chairman. The Public Hearing is to collect testimony, not to conduct a debate. All who attend shall conduct themselves in a professional manner. Do not disrupt the proceedings, or speak beyond the allotted time, or speak about matters outside the current matter, or engage in any behavior that disturbs the meeting. Persons doing so may be asked to leave the meeting, voluntarily or with the assistance of law enforcement.

Background: Malecha offered background and history on the ordinance amendment. In September 2019, the Town Board with Greg Langer as Chairman, passed a resolution adopting the Dakota County Rural Collaborative 2040 Comprehensive Plan; Greenvale Township was part of the collaborative. The resolution called for Greenvale Township to review its fiscal devices and official controls – i.e. review the township zoning and subdivision ordinance manual. This review is mandated to be completed within nine (9) months of the adoption of the Comprehensive Plan. The Town Board either refused or failed to do this review.

The current Board of Supervisors gave the current Planning Commission the charge of this review. Township Attorney Mike Couri agreed this process was required by law. Supervisor Tony Rowan worked to and secured a grant from Dakota County Community Development Agency (CDA) to cover the majority of the costs. In June 2023 the PC started the review of the Comprehensive Plan and the township's ordinance manual. Dakota County CDA sent Requests for Proposals to professional planners to submit planning services to Greenvale Township. Along with our approval, the CDA awarded

this endeavor to the firm of Bolton & Menk, with Jenni Faulkner, Senior Planner, as the lead and Harry Davis, Planner, was assigned as the direct contact person.

As the PC members moved forward the process was a complete review and analysis of what should be changed, added or deleted. The PC broke off into groups of two and started reviewing the Ordinance Manual from beginning to end with the help of Harry Davis. Bolton & Menk took the responsibility of reviewing and making changes to the Ordinance Manual to incorporate provisions from the Comprehensive Plan.

The PC held 3 public open house type meetings. Letters of invitation were sent August 11, 2023 to all citizens and landowners for these events to provide input and thoughts on this process. This information on the open houses was also published on the township website and the message board at the Town Hall.

The PC held over a dozen meetings, all with proper notice and open to the public. These meetings involved input and review of this project. Small groups of PC members (never more than two) had a series of meetings with Harry Davis. When Harry Davis accepted a new position outside of Bolton & Menk, Senior Planner Jenni Faulker took over the project. As drafting of the new document proceeded, and in between PC meetings, PC members met with Jenni Faulker at the Bolton & Menk offices in Burnsville.

On December 20, 2023 official notice of this Public Hearing was published in the Northfield News in print editions and online. This notice was published from December 20, 2023 through and including January 9, 2024. The Public Hearing notice as posted on the township website and the message board at the Town Hall. Draft versions of the proposed ordinance changes were available on the township website. Members of the PC took time and met with citizens to listen to comments, concerns, and wants.

Some of the changes that are in this document are:

- Clarified language of our zoning districts. We had and still have one zoning district with overlay districts for Shoreland and Floodplain.
- The word preservation was removed from the zoning district description to prevent confusion with the taxing benefit of placing agricultural land in the State agricultural preserve program. This change was recommended by Bolton & Menk. It is consistent with other townships in our area. The Purpose section of the ordinance manual reads:
 - Protect and promote public health, safety, and general welfare
 - Protect the natural resources in the Township
 - Promote agricultural preservation
 - Prevent the premature demand of public services

- To be consistent with current Comprehensive Plan (this is an addition)
- Solar installations of more than 40 kilowatts of generation can be applied for which require a Conditional Use Permit (often referred to as a “CUP”). This language is consistent with the language in the Comprehensive Plan.
- Transfer of Development Rights. This originated at the 2018 Annual Meeting when a resolution was passed that directed the Board of Supervisors to adopt an ordinance of this nature. It was brought up again at the open houses and in discussions with citizens and landowners.
- Allow temporary health care dwellings allowed by State Statute.
- Minimum lot size changed from 2.0 to 2.5 acres

What has not changed is the density of housing. The township’s residential density is controlled by the Metropolitan Council. Our current density allows for one dwelling per quarter/quarter of land, which is approximately 40 acres. Language was added that aligns our allowance of residences to the Comprehensive Plan: no more than 4 residences are allowed in a quarter/quarter.

Public Testimony:

Bruce Paulson gave Clerk Dilley a letter to be read at the Public Hearing.

- Suggests changing the date in 4.04.B.1 to June 1, 2023 (from October 31, 2023) so it is consistent with the deadline for nonconforming land use registration.
- Not in favor of transfer of residential development rights; only a few benefit; contrary to maintaining rural character.
- Leave the description of the zoning district as Agricultural Preservation.
- Retain original language in 5.04.E Prohibited Uses.

Richard Moore:

- Lived in Greenvale Township his entire life, was on the Board of Supervisors for many years.
- Last time updates were done, it hadn’t been done in 20 years; it’s been many years since then.
- Times change, didn’t believe development rights should be transferrable; used to be a lot of family farms, not any more. Now favors transfer of residential development rights. Has three development rights on his farm, and has all good cropland, and wouldn’t want three houses on his farmland.
- Observed the unbelievable number of hours put into this project by PC members, reading, re-reading, discussions back and forth on what’s right and what’s not right; should back the PC 100%.

- Believes this ordinance should be for our future, not just for now.

Charles Anderson:

- Lived in the township since 1974, seen a lot of changes, some he liked, some he didn't.
- Thank you to the Planning Commission members for all their work; they've spent hours and hours; a lot has been asked of them.
- Thank you to Tony Rowan for working to get the grant for the township from Dakota County and being open to items being considered by the PC.
- Favors transfer of residential development rights. Example of what has happened without this option: two new development sites just north of the Town Hall, right in the middle of farmland. Asked the property owner if they would have sold those development rights to be used in another location if allowed – yes.

Vickie Tyler:

- Likes what Charles Anderson said, being able to transfer development rights; would like more clarity, a clause repeating the purpose to be agricultural preservation.
- Asked if transfer of development rights had to be recorded with the County, if so, should such language be included in the ordinance.
- Retain original language in 5.04.E Prohibited Uses; prevent unanticipated detrimental uses, language serves to slow down the process to allow time for review.

Vickie Tyler on behalf of Alison Bartlett, who could not attend:

- Families being able to have homes together and sharing property makes sense.
- Would be remiss if we allowed the complexion of our township to resemble Credit River or Spring Lake (both in Scott County), once primarily farmland, now filled with large homes.
- Ownership of farms by corporations perceived by many as a land-grab to build more homes in the township.
- Can appreciate the desire to make money but comes at a non-monetary cost to the township – quiet, privacy and loss of farmland; monetary cost – roads and reduced ability to farm.
- Add language to ease development rights transfers for living arrangements for families; add language preventing overdevelopment into neighborhoods or higher housing density by limiting the number and frequency of development right transfers.

- Add language to protect premium cropland, waterways and wooded areas.

Gregory Langer

- Has read ordinance drafts, notes a lot of time has gone into the project.
- Opposes transfer of development rights from one owner to another owner and from one parcel to another; insist the Board of Supervisors retain original provisions.
- Zoning has been Agricultural Preservation for 40 years, propose changing it to merely Agricultural, could lead to surprises; insist the Board of Supervisors retain original description.
- Allowances are being made for wholesale solar which could be read to allow large acreage installations and supporting equipment including large power poles.
- Retain current language 5.04.E prohibited uses, provides an emergency brake; insist we keep it so in the event of an unusual project it will slow things down.
- Statement to the Chairman, notes that only his name – of all previous board members and planning commission members involved – is mentioned as a negligent person. The Board had guidance from attorneys John Ophaug and Ryan Blumhoefer, assistance from planner Dean Johnson; the Comprehensive Plan was reviewed by the Metropolitan Council.

Tom Wirtzfeld

- Interesting to hear all the comments, this has been a long process and he is grateful we are where we are.
- Has worked with a lot of jurisdictions, most allow transfer of development rights, believes it is the right thing to do. His own house is in a treed lot, would like to be able buy development rights to transfer to his property to build houses for two children.
- Believes in the rights of property owners.
- Endorses the change in 5.04 – uses being permitted unless prohibited, has confidence the Board will do the right thing.
- As new statues are created and handed down from the state to regulating agencies or counties, and then to the local municipality - he has confidence in the officials - good people elected to the Board, who appoint good people to the PC - trust them to keep up with mandates from higher authorities. Applaud the efforts of the PC. Appreciates Tony Rowan's contribution for getting the grant.
- Down the road a use may be proposed that we haven't thought of that would be good for the township, if not already listed, would be prohibited. Wants an

applicant to be able to apply for and make a case for their proposed use. PC and Board can place limitations using conditional or interim use permits.

Sara Berry

- Her family made Greenvale Township their home in September 2023, they currently live with her father who can no longer live alone, is in end state renal failure.
- Would like to be able buy a development right to create a space for her family of five and her father.
- One child is Down Syndrome, 20 years old with Type 1 diabetes, who will never be able to live on his own. Would like to buy a development right so down the road they can provide a safe home for him on their property.


After three calls for additional testimony there were no more comments to be heard. Malecha stated that the Public Hearing was now closed. Moore made a motion to adjourn, Wickelgren seconded. Motion carried 5 – 0.

APPROVED – January 11, 2024

Prepared by:



Ken Malecha, Chair



Jane Dilley, Town Clerk