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# BALDWIN TOWNSHIP

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30239 128<sup>th</sup> Street, Princeton MN 55371

## PLANNING COMMISSION MEETING

September 25, 2019

### **Call to Order:**

On this 25th day of September 2019 the regular monthly meeting of the Baldwin Planning Commission was called to order by Chairman Richard Marshall at 7:00 p.m.

### **Pledge of Allegiance:**

The Pledge of Allegiance was recited.

### **Roll Call:**

Commissioners present were Richard Marshall, Richard Harris, Clarence Mattson and Sherry Newman. Baldwin Town Board Liaison Bryan Lawrence was present. The Claim Forms were filled out and returned.

### **Approve / Disapprove Agenda:**

*A motion was made by Commissioner Newman to approve the regular meeting agenda as presented which was seconded by Commissioner Mattson; all in favor; motion carried.*

### **Secretary's Report:**

#### **Planning Commission Meeting Minutes of August 28, 2019:**

There was discussion among the commissioners regarding the possibility that a set of minutes may prove to contain inaccurate information. Even though this may happen, the meeting minutes must still reflect what was said. The Adjournment on page 4 of the minutes should say '*A motion was made by Commissioner Newman which was seconded by Commissioner Harris to adjourn at 8:45 p.m. with a special Planning Commission meeting to be held on Wednesday, September 18, 2019. Motion carried. Meeting adjourned.*

*A motion was made by Commissioner Newman to approve the Planning Commission Meeting minutes of August 28, 2019 as amended which was seconded by Commissioner Harris; all in favor; motion carried.*

#### **Planning Commission Meeting Minutes of July 31, 2019:**

The approved Planning Commission special meeting minutes of July 31, 2019 were handed out and are to be filed in the commission books.

#### **Planning Commission Special Meeting Minutes of August 21, 2019:**

The approved Planning Commission special meeting minutes of August 21, 2019 were handed out and are to be filed in the commission books.

Chairman Richard Marshall welcomed the guests present reminding them that the Baldwin Township Planning Commission serves at the pleasure of the Baldwin Township Town Board. The Planning Commission is an advisory board that makes recommendations to the Town Board. It was stressed that the final decisions are made by the Baldwin Township Board of Supervisors.

**Reminder:** All guests please sign the Sign-In Sheet.

**Land Use Requests:**

**Applicant for Second Access / Philip Onstad:**

Applicant Philip Onstad is requesting a second driveway access off a township road in Quarter 33 of Baldwin Township located in Wilderness Shores; PUD #01-475-0205 in order to access property north of his dwelling for the construction of a future pole barn. *A motion was made by Commissioner Harris to recommend to the Baldwin Town Board to approve the applicant's request for a second access to a township road which was seconded by Commissioner Mattson; all in favor; motion carried.*

**Communications:**

Liaison Lawrence reported that the Vincent Cruz request for variance and CUP will be before the Sherburne County Board of Adjustment and the Planning and Zoning on October 17, 2019 beginning at 5:00 p.m. at the Sherburne County Board Room.

Lawrence spoke with Marc Schneider regarding the confusion over the various Findings of Facts that are in existence. Schneider thought the verbiage in the current Findings of Facts had been penned by an attorney. According to Schneider the verbiage is not statute although having a Findings of Fact is required.

There was also discussion regarding the Joint Powers Agreement between Baldwin Township and the County and 'whether it is valid to the Baldwin Township of today?' The commission agreed that Baldwin Township has to be more vigilant for its residents.

**Old Business:**

**Discuss / Update 'Land Uses' of Comprehensive Plan:**

*By updating the Baldwin Township Comprehensive Plan, the commissioners feel that they are in the second step of the process of having Baldwin Township become independent. They are striving to cohesively bring the comprehensive plan together so that it is easier for the residents to understand as well as have a step-by-step format on what to follow when an issue arises. It seems like the more the commissioners research, the more confusion is created especially since there are so many versions of the Findings of Fact.*

Submitted to these minutes is the unedited version of 'Draft 2' which is information compiled to help an applicant of a variance, CUP, R-IUP or IUP understand the steps needed to take place to acquire a successful application. Commissioner Newman did not have time to confirm the 'reference section' of each procedure, and with minimal changes each procedure was verified in its accuracy. Commissioner Harris agreed to do research and help with the Reference Section of each section.

**New Business:**

None.

**Commissioner's Corner:**

- A Planning Commission Special Meeting is called for October 16, 2019.
- The next regular meeting of the Planning Commission is October 23, 2019.
- Commissioner Mattson wished to thank Commissioner Harris for his research and hard work in helping with the Variance sections of the Land Use Plan.
- Supervisor Lawrence will contact MAT or the township attorney regarding different questions raised concerning the Findings of Facts.

**Adjourn:**

*A motion was made by Commissioner Harris which was seconded by Commissioner Mattson to adjourn at 8:58 p.m. with a special Planning Commission meeting to be held on Wednesday, October 16, 2019. Motion carried. Meeting adjourned.*



Respectfully submitted:  
Cheryl Goetz Dobson  
Deputy Clerk



Richard Marshall, Chairman

10-23-19  
Date

Attendees: Philip Onstad

THE information contained here-in was compiled to help an applicant of a Variance, CUP, R-PUD or IUP understand the steps needed to take place in order to acquire a successful application outcome. However, when applying for a Variance, CUP, R-PUD or IUP, it is the sole responsibility of the applicant to review Section 18-Administration and Enforcement of the Sherburne County Zoning Ordinance, to ensure that all of the necessary steps for the requested Land Use are taken.

## DEFINITIONS

### 1.0 Variance

- 1.1 Purpose: Typically, variances are granted when the property owner can demonstrate that existing zoning regulations present a practical difficulty in making use of the property. Usually, the landowner seeking the variance files a request or written application for a variance and pays a fee.
  - 1.2 Process: Initial application is to the County Zoning Administration
    - 1.2.1 Once an application has been received and all required information has been submitted, your request will be scheduled for a review in front of the Township Planning Commission. A public hearing will be held and the Township Planning Commission will make a recommendation that will be forwarded to the Township Board for review.
    - 1.2.2 The Township Board will make the decision to approve or deny the request who will then make a recommendation to the County Board of Adjustment for the final decision.
    - 1.2.3 The final action will be recorded with the County Recorder's Office.
    - 1.2.4 Variances are valid only if acted upon within one year of approval.
  - 1.3 Finding of Fact:
    - 1.3.1 Is the variance in harmony with the intent of the Baldwin Township Comprehensive Plan?
    - 1.3.2 Without the variance, is the property owner deprived of a reasonable use of the property?
    - 1.3.3 Is the practical difficulty due to circumstance unique to this property?
    - 1.3.4 Were the circumstances causing the practical difficulty created by someone or something other than the landowner?
    - 1.3.5 Will issuance of the variance maintain the essential character of the locality?
  - 1.4 Reference: SECTION 18 – Administration and Enforcement
    - Subdivision 3, Section 5
    - Sherburne County Zoning Ordinance
- 2.0 Reference: SECTION 18 Subdivision 3  
Pages 3 & 4-Sherburne Co. Subdivision Ordinance

Note: The boards and commissions may have full discretion to require additional information, as needed, to make a decision on a variance, and may impose conditions in the granting of the variance to ensure compliance and to protect adjacent properties and the public interest.

**2.0 Conditional vs. Interim Uses**

2.1 Purpose: The Conditional Use and interim Use permit process allows property owners to apply for certain land uses which, while not automatically allowed in a particular zoning district, may under some circumstances be allowed if conditions are attached to the approval.

2.2 Reference: SECTION 18 – Administration and Enforcement  
Subdivision 5, Item 3 and Subdivision 6, Item 4  
Sherburne County Zoning Ordinance.

**3.0 Conditional Use Permit**

3.1 Purpose: Conditional Use Permits (CUP) are permanent unless revoked by the County Board.

3.2 Process: Initial contact should be with the County Zoning Administration.

3.2.1 After satisfying initial requirements, your request will be sent to the Baldwin Township Planning Commission.

3.2.2 After passing the requirements of the Commission, your request will be forwarded for review, to the Baldwin Township Board.

3.2.3 At that point, the County Planning and Zoning Commission will make a recommendation for approval or denial and send the request on to the Sherburne County Board of Commissioners for a final determination.

3.3 Findings of Fact:

No Conditional Use Permit shall be approved or recommended for approval by the Sherburne County Planning Commission unless said Commission shall find:

3.3.1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

3.3.2 That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

3.3.3 That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

3.3.4 That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

3.3.5 That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

3.3.6 Reference: SECTION 18 – Administration and Enforcement  
Sherburne County Zoning Ordinance:  
Subdivision 5: Conditional Use Permits (Page 8)

3.4 Reference: SECTION 16-Conditional Use Permits  
Sherburne County Zoning Ordinance

Note: The boards and commissions may have full discretion to require additional information, as needed, to make a decision on a variance, and may impose conditions in the granting of the variance to ensure compliance and to protect adjacent properties and the public interest.

**4.0 Residential Planned Unit Developments (R-PUD) (review on-line section 16.1 for reference)**

4.1 Purpose: R-PUD's are a conditional use (CUP) in the Agricultural, General Rural, and Urban Expansion zoning districts as an overlay zoning district. There are two types of R-PUD's. (A) requires a minimum lot size of 1.5-acres with each lot using an individual septic system, and requires no open space; and (B) requires a minimum lot size of 1/2-acre with each lot using a common septic system, and requires that at least half the development be conserved as open space. In both cases, additional lots (a.k.a. density bonus) may be permitted if certain amenities are required beyond those required in a Standard Plat.

4.2 Process: Initial contact should be with the County Zoning Administration.

4.2.1 After satisfying initial requirements, your request will be sent to the Baldwin Township Planning Commission.

4.2.2 After passing the requirements of the Commission, your request will be forwarded for review, to the Baldwin Township Board.

4.2.3 At that point, the County Planning and Zoning Commission will make a recommendation for approval or denial and send the request on to the Sherburne County Board of Commissioners for a final determination.

4.3 Findings of Fact:

No R-PUD Permit shall be approved or recommended for approval by the Baldwin Township Planning Commission unless said Commission shall find:

4.3.1. That the R-PUD will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

4.3.2 That the establishment of the R-PUD will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

4.3.3 That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

4.3.4 That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

4.3.5 That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

4.3.6 Reference: SECTION 10.1 – Find Online Reference-see above

Note: The boards and commissions may have full discretion to require additional information, as needed, to make a decision on a variance, and may impose conditions in the granting of the variance to ensure compliance and to protect adjacent properties and the public interest.

## 5.0 Interim Use Permit

5.1 Purpose: Interim Use Permits (IUP) are temporary. An IUP may expire on a specific date or event, or when the property is sold. The expiration is defined when the IUP is approved

5.2 Process: Initial contact should be with the County Zoning Administration.

5.2.1 After satisfying initial requirements, your request will be sent to the Baldwin Township Planning Commission.

5.2.2 After passing the requirements of the Commission, your request will be forwarded for review, to the Baldwin Township Board.

5.2.3 At that point, the County Planning and Zoning Commission will make a recommendation for approval or denial and send the request on to the Sherburne County Board of Commissioners for a final determination.

5.3 Findings of Fact:

No Interim Use Permit shall be recommended for approval by the Baldwin Township Planning Commission unless said Commission shall find:

5.3.1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

5.3.2 That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

5.3.3 That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

5.3.4 That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

5.3.5 That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

5.3.6 Reference: SECTION 18 – Administration and Enforcement (check References)

Sherburne County Zoning Ordinance:

Subdivision 6: Interim Use Permits

5.4 Reference: SECTION 16.2-Interim Use Permits  
Sherburne County Zoning Ordinance  
Subdivision 6: Interim Use Permits