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# BALDWIN TOWNSHIP

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

## PLANNING COMMISSION MEETING

August 28, 2019

### **Call to Order:**

On this 28th day of August 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, and Sherry Newman. Commissioner Clarence Mattson was absent. 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 Harris to approve the regular meeting agenda as presented which was seconded by Commissioner Newman; all in favor; motion carried.*

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

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

*A motion was made by Commissioner Newman to approve the Planning Commission Meeting minutes of July 31, 2019 which was seconded by Commissioner Harris; all in favor; motion carried.*

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

*A motion was made by Commissioner Harris to approve the Planning Commission Special Meeting minutes of August 21, 2019 which was seconded by Commissioner Newman; all in favor; motion carried.*

#### **Planning Commission Special Meeting Minutes of June 12, 2019:**

The approved Planning Commission special meeting minutes of June 12, 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:**

**Variance Road Setback / Vincent Robert Cruz:**

Applicant Vincent Cruz is requesting a 32' variance in setback from the right of way off 99 ½ Street for a detached garage. The required setback is 67'. The personal storage structure will be a 30' by 40' building on Lots 8, 9, 10 and 11; Block 3 of Birch Acres in Baldwin Township; PID 01-407-0320 which is zoned General Rural. To complete the project, a CUP and a 32-foot variance to the setback to the right of way of 99 ½ Street will be needed.

In accordance with the Sherburne County Zoning Ordinance Section 18; Subdivision 3.5 variances shall only be permitted if all the following criteria are met; and in supporting the variance the Baldwin Planning Commission determined:

- The criteria are met that granting the variance will not be in conflict with the comprehensive plan.
- The criteria are met that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant ordinance have had no control.
- The criteria are met that the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- The criteria are met that the exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law.
- The criteria are met that the variance requested is the minimum variance which would alleviate practical difficulty.
- The criteria are met that the variance will not alter the essential character of the locality and there would be no significant effect on the surrounding properties.
- The criteria are met that adequate sewage treatment systems can be provided although no plumbing nor living quarters are allowed.
- The criteria are met that the granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width.
- A shoreland variance is not applicable.
- The criteria are met that the variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure.
- The criteria are met that the economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance.

*A motion was made by Commissioner Harris to recommend to the Baldwin Town Board to approve the applicant's request for a 32' variance in setback from the right of way off 99 ½ Street for a detached garage. The required setback is 67'. The personal storage structure will be a 30'*

*by 40' building on Lots 8, 9, 10 and 11; Block 3 of Birch Acres in Baldwin Township; PID 01-407-0320 as long as the application is in compliance with Sherburne County which was seconded by Commissioner Newman; all in favor; motion carried.*

**CUP Personal Storage Structure / Vincent Cruz:**

Applicant Vincent Cruz is requesting is requesting a Conditional Use Permit for a personal storage structure on PID #01-407-0320 in Birch Acres, Baldwin Township.

In accordance with the Sherburne County Zoning Ordinance Section 18; Subdivision 3 no Conditional Use Permit shall be approved or recommended for approval unless the following findings can be met; and in supporting the findings the Baldwin Planning Commission determined:

- The criteria are met 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.
- The criteria are met 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.
- The criteria are met that the adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- The criteria are met that adequate measures have been or will be taken to provide sufficient off-street and loading space to serve the proposed use.
- The criteria are met 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.

*A motion was made by Commissioner Harris to recommend to the Baldwin Town Board to approve the applicant's request for a Conditional Use Permit for a personal storage structure on PID #01-407-0320 in Birch Acres, Baldwin Township located at Lots 8, 9, 10 and 11; Block 3 which was seconded by Commissioner Newman; all in favor; motion carried.*

**Communications:**

Liaison Lawrence attended the Big Lake Pollinator Celebration offered by US Solar on August 21. He said it was quite a learning experience; and apropos since Prairie Restorations is leaning towards having a solar farm located on their property.

Lawrence said that the county has been in the process of rewriting their bylaws. He informed the Baldwin Township commissioners that the procedure for applications of variances start at the planning commission meeting which then sends its recommendations to the Baldwin Township supervisors for review. The town board recommendations are then sent to the County Board of Adjustment for approval or disapproval.

The procedure for applications for a Conditional Use Permit again starts with the planning commission who sends their recommendations to the town board for review. The recommendations

are then sent to the county planning and zoning with the final decision made by the county board of commissioners.

Lawrence also stated that it was his understanding that the 'findings of fact' come from state statute.

**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. Commissioner Harris was particularly concerned with overbearing bureaucracy and feels there is a need to speak against it. He feels that there is a nonchalant attitude about sensible government, and that it seems like its 'bureaucracy for its own sake'.

**New Business:**

None.

**Commissioner's Corner:**

- Liaison Lawrence commented that the land use portion of the comprehensive plan needs to be done right; and that once the comprehensive plan is done its another step forward for Baldwin Township to do its own planning and zoning.
- Commissioner Newman said that Baldwin Township needs to have a clear vision and a good plan of action on where it wants to go and what it wants to accomplish.
- Commissioner Marshall stated that he has tremendous confidence that this commission will produce the best document possible. He commended the commissioners on the excellent job they are doing. He also acknowledged that Liaison Lawrence is extremely beneficial because of his knowledge and expertise.

**Adjourn:**

*A motion was made by Commissioner Newman which was seconded by Commissioner Marshall 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.*

HARRIS 9/25/19  
cg

Respectfully submitted:  
Cheryl Goetz Dobson  
Deputy Clerk

Richard Marshall, Chairman

9-25-19  
Date

Attendees: