



---

# BALDWIN TOWNSHIP

---

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

## PLANNING COMMISSION SPECIAL MEEING

November 20, 2019

### **Call to Order:**

On this 20<sup>th</sup> day of November 2019 the special meeting of the Baldwin Planning Commission was called to order by Chairman Richard Marshall at 7:08p.m.

### **Pledge of Allegiance:**

The Pledge of Allegiance was recited.

### **Roll Call:**

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

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

*A motion was made by Commissioner Newman which was seconded by Commissioner Mattson to approve the Baldwin Township Planning Commission Special Meeting Agenda of November 20, 2019. All in favor; motion carried.*

### **Discuss Land Use:**

Progress is being made to combine research in bringing clarification to the Land Use section of the Baldwin Township Comprehensive Plan.

Commissioner Newman presented clarification regarding references needed to the document containing the definitions for Variance, IUP, R-PUD and CUP's that she and Commissioner Mattson have been working on. Added to Section 4.0 Residential Planned Unit Developments (R-PUD) is 4.1.1 referencing the Sherburne County Comprehensive Land Use Plan 2010-2030; Chapter 4, Page 52. This reference will be reflected in the draft Land Use section of the Baldwin Township Comprehensive Plan which is attached to these minutes and presented as Document 1.

Commissioner Harris presented an Introduction as well as minor changes to the draft Land Use section of the Baldwin Township Comprehensive Plan which is also attached to these minutes and presented as Document 1.

The major objective is to make the final document accurately describe *what land use is* and *how to get the most out of land use*.

A Baldwin Planning Commission Special Meeting is scheduled for January 15, 2020 which will concentrate on discussing the commonality between the various Findings of Facts as well as discuss the mission statement and discuss Phase II of Land Use.

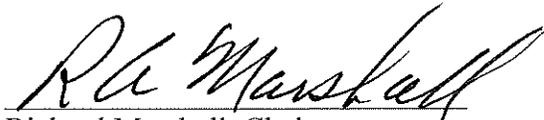
The next scheduled regular meeting of the Baldwin Planning Commission is January 22, 2020 which will also include the annual election of officers.

**Adjourn:**

*A motion was made by Commissioner Harris which was seconded by Commissioner Newman to adjourn at 8:30 p.m. Motion carried. Meeting adjourned.*



Respectfully submitted:  
Cheryl Goetz Dobson  
Deputy Clerk



Richard Marshall, Chairman

1-22-20

Date

Attendees:

# LAND USES



## Introduction

The Land Use section of the Baldwin Township Comprehensive Plan consists of two phases. Phase I is a description of the land use ordinances currently in force together with procedural guidelines for compliance. These ordinances are found in the Sherburne County Zoning Ordinance and Official Zoning Map and the body of the Baldwin Township Land Use Ordinances.

Phase II (**yet to be written**) is a prescription for additions, deletions or changes to land use ordinances for the purpose of implementing the principles embodied in the Baldwin Township Planning Commission Mission Statement.

### Mission Statement

To make Baldwin Township a proud place to live by safeguarding property rights,  
Encouraging agriculture, commercial communities and residential growth.

## Phase I

The Land Use Phase I is composed of two parts. Part I deals with land use regulations, maps and ordinances as they currently exist and, it is an attempt to facilitate the landowner's movement through the governmental system in his desire to use his property. Plainly stated, the use of property is either within the existing regulations or it is not. This part of the Land Use section will attempt to guide the owner through your options. The most generally used ordinances and regulations start on **page \_\_\_\_**. They should give you an idea of the process and any obstacles you may face.

Whether or not your desired land use is within those acceptable, based on your zoning, all begin at the Sherburne County Zoning administrator's office.

The different types of land use in Baldwin Township are identified in **Part I** of **Phase I**. Your options and the process to achieve them are in **Part II** of this **Phase I**.

# LAND USES

## Part I

### Existing Land Use Zones

- A. Agricultural
- B. General Rural
- C. Urban Expansion
- D. Commercial
- E. Industrial
- F. Residential Planned Unit Development
- G. Scenic River

## Part II

### Land Use Options

- A. Variance
  - 1. Section 18; Subdivision 3.5
- B. Conditional Use Permit vs. Interim Use Permit
- C. Conditional Use Permit (CUP)
  - 1. Section 16 and Section 18; Subdivision 5
- D. Residential Planned Unit Development (R-PUD)
  - 1. Section 12.1
- E. Interim Use Permit (IUP)
  - 1. Section 16.2 and Section 18; Subdivision 6

### Pertinent Maps and Tables

# LAND USES

**Phase II**

(to be written)

# LAND USES

## Land Use

Parenthetical citations are from Sherburne County Zoning Ordinance

1. **Agricultural District** (Section 7)
  - 1.1. Purpose: The purpose of the Agricultural District is to preserve farming for those locations that have soils which, when properly managed, are capable of high crop yields, to prevent scattered non-farm growth, and to protect from deleterious influences those farm locations that have high investment in buildings, equipment or irrigation, and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.
  - 1.2. All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Agricultural Zoning District.
2. **General Rural** (Section 8)
  - 2.1. Purpose: The purpose of the General Rural District is to provide locations for agriculture, agriculturally related development, and housing on lots without public sewer or water services.
  - 2.2. All uses not listed as Permitted Uses, Conditional Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the General Rural Zoning District.
3. **Urban Expansion** (Section 9)
  - 3.1. Purpose: The purpose of the Urban Expansion District is to provide locations on the fringes of incorporated cities for unsewered residential, commercial or industrial development. This development is intended to be located so as to facilitate possible future service by public sewer and/or water systems while, in the meantime, allowing a semi-rural development pattern with room for safe on-site sewage systems and wells.
  - 3.2. It is the intention of Sherburne County to involve the applicable City and Township to the greatest degree possible in establishing zoning regulations and reviewing site plans and land subdivisions in this District so that orderly, compact municipal expansion is not unduly hindered. The boundaries of the Urban Expansion Districts shall be determined by joint agreement of the affected City and Townships, otherwise, the County shall set them.
  - 3.3. The County shall administer zoning regulations in the Urban Expansion District and orderly annexation areas unless the applicable City and Township agree upon a zoning map and regulations and have a joint powers agreement to handle zoning, land use decisions and building permits for the district. Those regulations and map may replace this district and may be administered by a joint City-Township commission without involving Sherburne County.

## LAND USES

- 3.4. All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Urban Expansion Zoning District.
4. **Commercial** (Section 10)
- 4.1. Purpose: The purpose of the Commercial District is to provide locations for retail and service businesses. This District is intended to be located along a State or Federal Highway, County Road or County State-Aid Highway.
- 4.2. All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Commercial Zoning District.
5. **Industrial** (Section 11)
- 5.1. Purpose: The purpose of the Industrial District is to provide locations for industrial development adjacent to existing industrial development and along federal, state, county or local road or in locations consistent with a City land use plan as established in the Urban Expansion Zone.
- 5.2. All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Industrial Zoning District.
6. **Residential Planned Unit Development Overlay District** (Section 12.1)
- 6.1. Purpose: The Residential Planned Unit Development (R-PUD) Overlay District is a predetermined area of land, designated on the official zoning map, where an R-PUD is allowed for the purpose of allowing an alternative method of developing residential housing communities within a township's boundaries. It is intended to encourage innovative designs and desirable characteristics while allowing for increased density.
- 6.2. Permitted Areas: The boundaries of an R-PUD Overlay District are predetermined and approved by each individual Town board. The Town Board must petition the County to zone an area as "R-PUD Overlay District". The County must publish notification of the change to the Zoning Map and hold a public hearing. Approval for designation is granted by the Sherburne County Board of Commissioners. Areas of no less than thirty (30) acres may be designed "R-PUD Overlay District".
- 6.3. General Regulations: Development within an R-PUD Overlay District shall meet all requirements of the Sherburne County Subdivision Ordinance, section 10.1. All Zoning regulations of the underlying district shall apply unless otherwise specified as part of the approval of the R-PUD Conditional Use Permit.
7. **Scenic River** (Section 15: Mississippi and Rum Scenic and Recreational River Ordinance)
- 7.1. Policy and Authorization: An ordinance for the controlling of bluffland and riverland development, in order to protect and preserve the outstanding scenic, recreational natural, historical and scientific values of the Mississippi and Rum River in Sherburne County, Minnesota as required by Minnesota Statutes Section 104.31-40,

## LAND USES

Minnesota Regulations NR 78-81, the Management Plans for the Mississippi (NR 23400) and Rum (NR 2700) Rivers.

- 7.2. Purpose: This ordinance is adopted to achieve the policy of Subdivision 1 and to:
- 7.2.1. Designate land uses along the bluffland and shoreline of the Mississippi and Rum Rivers.
  - 7.2.2. Regulate the area of a lot, and the length of the bluffland and water frontage suitable for building sites.
  - 7.2.3. Regulate the setback of structures and sanitary waste treatment facilities from blufflines and shorelines to protect the existing and/or natural scenic values, vegetation, soils, water quality, floodplain areas, and bedrock from disruption by manmade structures or facilities.
  - 7.2.4. Regulate alterations of the natural vegetation and topography.
  - 7.2.5. Maintain property values and prevent poorly planned development.
  - 7.2.6. Conserve and protect the natural scenic values and resources of the Mississippi and Rum Rivers and maintain a high standard of environmental quality.
8. **Selected Definitions** (Section 5)
- 8.1. Agriculture: May also include animal husbandry, tree nurseries, and orchards. The cultivation of soil for crops with the intention of making a profit.
  - 8.2. Commercial use: The principal use of land or buildings for the sale, lease rental, or trade of products, goods, and services.
  - 8.3. Industrial use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
  - 8.4. Light Industry: The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.
  - 8.5. Planned Unit Development: (Highway) A type of development, or redevelopment to allow, or preserve appropriate land uses adjacent to a major county, state, federal intersections in order to help meet the goals and objectives of the Sherburne County Comprehensive Land Use Plan, Transportation Plan, and related Ordinances. These developments may be accomplished by incorporating a mixture of dimensional regulations, and or uses as regulated by an Interim Use Permit.

# LAND USES

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. 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. 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 where a public hearing will be held 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 circumstances 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: Sherburne County Zoning Ordinance

# LAND USES

## SECTION 18 – Administration and Enforcement Subdivision 3; Section 5

- 1.5. Reference: Sherburne County Subdivision Ordinance  
SECTION 18; Subdivision 3  
Pages 3 and 4

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. Conditional vs. Interim Uses

- 2.1. Purpose: The Conditionals 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: Sherburne County Zoning Ordinance  
SECTION 18 – Administration and Enforcement  
Subdivision 5; Item 3  
Subdivision 6; Item 4

### 3. 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,

## LAND USES

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: Sherburne County Zoning Ordinance  
SECTION 18 – Administration and Enforcement  
Subdivision 5; Conditional Use Permits (page 8)
- 3.3.7. Reference: Sherburne County Zoning Ordinance  
SECTION 16; Conditional Use Permits

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. Residential Planned Unit Developments (R-PUD)

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 ½ 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.

4.1.1. Reference: Sherburne County Comprehensive Land Use Plan 2010-2030; Chapter 4, Page 52

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

## LAND USES

- 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: Sherburne County Subdivision Ordinance  
SECTION 18 – Administration and Enforcement  
Subdivision 5; Section 3 Findings of Fact

- 4.4. Reference: Sherburne County Zoning Ordinance  
Section 12.1 Residential Planned Unit Development Overlay District

## LAND USES

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. 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 Permit 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.

## LAND USES

- 5.3.6. Reference: Sherburne County Zoning Ordinance  
Subdivision 6: Interim Use Permits  
Administration and Enforcement
- 5.4. Reference: Sherburne County Zoning Ordinance  
Subdivision 6: Interim Use Permits  
Section 16.2 - Interim Use Permits