

BALDWIN TOWNSHIP

30239 128th Street, Princeton MN 55371

PLANNING COMMISSION SPECIAL MEETING

September 18, 2019

Call to Order:

On this 18th day of September 2019 the special 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, 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 Harris to approve the Baldwin Township Planning Commission Special Meeting Agenda of September 18, 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.

Commissioners Mattson and Newman met to put together draft versions of the four separate Findings of Fact (Variance, IUP, R-PUD and CUP) into a format that would be easy to read and follow to present at the special meeting of the Baldwin Township Planning Commission held on September 18, 2019. Commissioners Mattson and Newman explained that their goal was to compile information to help an applicant understand the steps needed to take in order to acquire a successful application outcome. With that in mind they divided the steps for a Variance, a CUP, an IUP and an R-PUD into four (4) categories namely *Purpose, Process, Findings of Fact and Reference*. Along with each subsection is a Note clarifying that *'The Board 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.'*

As discussed at previous meetings, under scrutiny were the questions provided in the currently used Findings of Facts worksheet. The Commissioners felt the questions were confusing and unclear within the content of their purpose as well it is believed that these different versions caused further misunderstandings. Commissioners Newman and Mattson decided to take the

most general questions to put together a combined list of Findings of Facts that would be easier to understand as well as concentrate on the positive connotation of the questions.

Submitted to these minutes as Attachment 1 are the unedited works of Commissioners Mattson and Newman.

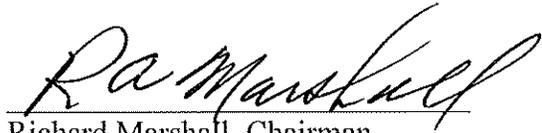
The Commission proceeded to fine tune Attachment 1 with additional clarification in order to prevent misunderstandings of the procedure that would need to be taken when applying for any Land Use Application. Commissioners Newman and Mattson will provide a revise document at the next Planning Commission meeting.

Adjourn:

A motion was made by Commissioner Harris which was seconded by Commissioner Newman to adjourn at 8:55 p.m. Motion carried. Meeting adjourned.



Respectfully submitted:
Cheryl Goetz Dobson
Deputy Clerk



Richard Marshall, Chairman

10-23-19.

Date

Attendees:

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 contact should be with the Baldwin Township Planning Commission.
 - 1.2.1 Once a recommendation has been received from the township and all required information has been submitted, your request will be scheduled for a public hearing in front of the County Planning Commission. Property owners within ¼ mile of the project site will be notified by mail of the request, the hearing date, location and time.
 - 1.2.2 The public hearing will be held before the Planning Commission and they will make a recommendation to be forwarded to the County Board.
 - 1.2.3 The County Board will make the final decision to approve or deny the request. For proposals in Big Lake, Baldwin, or Livonia Townships, final approval is also required from those Town Boards after the public hearing is held in front of the County Planning Commission.
 - 1.2.4 The final action will be recorded with the County Recorder's Office
 - 1.2.5 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 Sherburne County Comprehensive Plan and Zoning Ordinance?
 - 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?
 - 1.3.6 Does the practical difficulty involve more than economic considerations?
- 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 Board 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 Baldwin Township Planning Commission. After satisfying initial requirements, your request will be sent to the Township Planning Board. After passing the requirements of the Board, your request will be forwarded to the Sherburne County Planning Commission. Once approved, your request then goes to the Sherburne County Commissioner for final approval.

3.3 Findings of Fact:

No Conditional Use Permit shall be approved or recommended for approval by the 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

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

Note: The Board 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)

5.1 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 Baldwin Township Planning Commission. After satisfying initial requirements, your request will be sent to the Township Planning Board. After passing the requirements of the Board, your request will be forwarded to the Sherburne County Planning Commission. Once approved, your request then goes to the Sherburne County Commissioner for final approval.

4.3 Findings of Fact:

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

4.3.1. 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.

4.3.2 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.

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 18 – Administration and Enforcement
Sherburne County Zoning Ordinance:
Subdivision 5: Conditional Use Permits

Note: The Board 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 Baldwin Township Planning Commission. After satisfying initial requirements, your request will be sent to the Township Planning Board. After passing the requirements of the Board, your request will be forwarded to the Sherburne County Planning Commission. Once approved, your request then goes to the Sherburne County Commissioner for final approval.

5.3 Findings of Fact:

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

5.3.1. 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.

5.3.2 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.

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
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

Note: The Board 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.

For our meeting on 9/18, ask Cathy for a copy for each type of variance to include in the binder as an example.