



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

DATE: 16 May 2024

RE: Baldwin Township – Zoning Ordinance; Shoreland Classification

TPC FILE: 269.01

BACKGROUND

The Town administers regulations for protection of public waters through Chapter 90 of the Zoning Ordinance. The provisions of Chapter 90 are based on model language provided by the Department of Natural Resources in accordance with Minnesota Statutes and Minnesota Rules.

The DNR has updated the classifications of public waters within the Baldwin Township, which requires an update of the Town's Shoreland Overlay District provisions. The changes initiated by the DNR adds additional public waters to the protection provisions of the Shoreland Overlay District related to land use and development.

Town staff has drafted a proposed amendment for consideration. The Planning Commission reviewed the proposed changes to the Zoning Ordinance at their meeting on 15 May 2024. A public hearing has been noticed for the Planning Commission meeting on 22 May 2024 to consider the proposed amendments and make recommendations to the Town Board.

Exhibits:

- Draft ordinance amendment
- Map of designated basins
- Zoning Map

RECOMMENDATION

Town staff recommends approval of the proposed Zoning Ordinance amendment related to the Shoreland Overlay District as presented.

POSSIBLE ACTIONS

- A. Motion to recommend **approval** of an amendment of the Zoning Ordinance related to the Shoreland Overlay District, as presented.
- B. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
James Bedell, DNR

ORDINANCE NO.: 2024-XX

BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE ZONING ORDINACE
REGARDING SHORELAND CLASSIFICATION

THE BOARD OF SUPERVISORS OF BALDWIN TOWSHIP DOES HEREBY ORDAIN:

Section 1. Section XX-90-5.B.1 of the Zoning Ordinance (Shoreland Overlay District – Shoreland Classification) is hereby amended to read as follows:

Name	DNR ID#	Classification
Blue (south bay)	30010702	Recreational Development
Unnamed	14416	Natural Environment
Prairie Hill Lake	71003100	Natural Environment
Unnamed	<u>71003200</u>	<u>None</u>
Unnamed	71003300	None
Lake Margritte	<u>71003400</u>	<u>Natural Environment</u>
Goose Lake	<u>71003400</u>	Natural Environment
Unnamed	<u>71003500</u>	<u>Natural Environment</u>
Unnamed	<u>71003700</u>	<u>None</u>
Unnamed	<u>71003800</u>	<u>Natural Environment</u>
Unnamed	<u>71003900</u>	<u>Natural Environment</u>
Sandy Lake	71004000	Recreational Development
Cantlin Lake	71004100	Natural Environment
Unnamed	71004200	Natural Environment
Little Diann Lake	71004400	Natural Environment
Helene Lake	71004500	Natural Environment
Diann Lake	71004600	Natural Environment
Unnamed	<u>71004700</u>	<u>Natural Environment</u>
Unnamed	<u>71004800</u>	<u>Natural Environment</u>
Unnamed	<u>71004900</u>	<u>Natural Environment</u>
Unnamed	<u>71005100</u>	<u>Natural Environment</u>
Unnamed	71005400	Natural Environment
Elk Lake	71005500	General Development
Unnamed	<u>71017300</u>	<u>Natural Environment</u>

<u>Unnamed</u>	<u>71022800</u>	<u>Natural Environment</u>
<u>Unnamed</u>	<u>71024400</u>	<u>Natural Environment</u>
<u>Unnamed</u>	<u>71024500</u>	<u>Natural Environment</u>
<u>Unnamed</u>	<u>71033700</u>	<u>Natural Environment</u>
<u>Unnamed</u>	<u>71033800</u>	<u>Natural Environment</u>
<u>Unnamed</u>	<u>71033900</u>	<u>Natural Environment</u>
<u>Unnamed</u>	<u>71034200</u>	<u>Natural Environment</u>
<u>Unnamed</u>	<u>71034400</u>	<u>Natural Environment</u>
Long Pond	71993600	Natural Environment

Section 2. This Ordinance shall become effective after passage and publication.

ADOPTED by the Board of Supervisors of Baldwin Township this ____ day of ____, 2024.

MOTION BY:

SECONDED BY:

IN FAVOR:

OPPOSED:

BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:

Joan Heinen, Town Clerk/Treasurer

This map displays the Lake Umbagog watershed, showing watercourses and their classifications by the Department of Natural Resources (DNR). The map includes a legend for watercourse types, basins, and WSR districts.

Watercourses with DNR Classifications:

- Transition: Yellow line
- Tributary: Blue line
- Wild Scenic or Recreational: Red line

Basins:

- General Development: Light blue fill
- Natural Environment: Green fill
- None: White fill
- Recreational Development: Pink fill

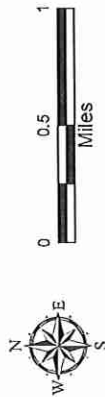
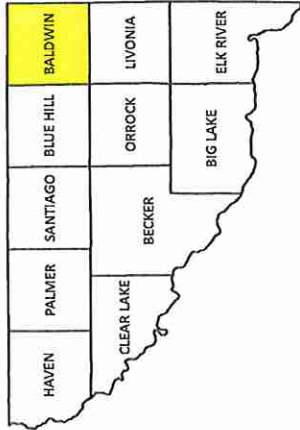
WSR Districts:

- scenic: Light blue fill

The map shows several watercourses, including the main stem of Lake Umbagog and numerous tributaries. Key features include:

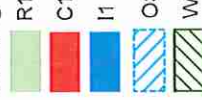
- Watercourses with DNR Classifications:**
 - Transition: 71003400, 71003300, 71003700, 71003800, 71003900, 71004000, 71004100, 71004200, 71004300, 71004400, 71004500, 71004600, 71004700, 71004800, 71004900, 71005000, 71005100, 71005200, 71005300, 71005400, 71005500, 71005600, 71005700, 71005800, 71005900, 71006000, 71006100, 71006200, 71006300, 71006400, 71006500, 71006600, 71006700, 71006800, 71006900, 71007000, 71007100, 71007200, 71007300, 71007400, 71007500, 71007600, 71007700, 71007800, 71007900, 71008000, 71008100, 71008200, 71008300, 71008400, 71008500, 71008600, 71008700, 71008800, 71008900, 71009000, 71009100, 71009200, 71009300, 71009400, 71009500, 71009600, 71009700, 71009800, 71009900, 71010000, 71010100, 71010200, 71010300, 71010400, 71010500, 71010600, 71010700, 71010800, 71010900, 71011000, 71011100, 71011200, 71011300, 71011400, 71011500, 71011600, 71011700, 71011800, 71011900, 71012000, 71012100, 71012200, 71012300, 71012400, 71012500, 71012600, 71012700, 71012800, 71012900, 71013000, 71013100, 71013200, 71013300, 71013400, 71013500, 71013600, 71013700, 71013800, 71013900, 71014000, 71014100, 71014200, 71014300, 71014400, 71014500, 71014600, 71014700, 71014800, 71014900, 71015000, 71015100, 71015200, 71015300, 71015400, 71015500, 71015600, 71015700, 71015800, 71015900, 71016000, 71016100, 71016200, 71016300, 71016400, 71016500, 71016600, 71016700, 71016800, 71016900, 71017000, 71017100, 71017200, 71017300, 71017400, 71017500, 71017600, 71017700, 71017800, 71017900, 71018000, 71018100, 71018200, 71018300, 71018400, 71018500, 71018600, 71018700, 71018800, 71018900, 71019000, 71019100, 71019200, 71019300, 71019400, 71019500, 71019600, 71019700, 71019800, 71019900, 71020000, 71020100, 71020200, 71020300, 71020400, 71020500, 71020600, 71020700, 71020800, 71020900, 71021000, 71021100, 71021200, 71021300, 71021400, 71021500, 71021600, 71021700, 71021800, 71021900, 71022000, 71022100, 71022200, 71022300, 71022400, 71022500, 71022600, 71022700, 71022800, 71022900, 71023000, 71023100, 71023200, 71023300, 71023400, 71023500, 71023600, 71023700, 71023800, 71023900, 71024000, 71024100, 71024200, 71024300, 71024400, 71024500, 71024600, 71024700, 71024800, 71024900, 71025000, 71025100, 71025200, 71025300, 71025400, 71025500, 71025600, 71025700, 71025800, 71025900, 71026000, 71026100, 71026200, 71026300, 71026400, 71026500, 71026600, 71026700, 71026800, 71026900, 71027000, 71027100, 71027200, 71027300, 71027400, 71027500, 71027600, 71027700, 71027800, 71027900, 71028000, 71028100, 71028200, 71028300, 71028400, 71028500, 71028600, 71028700, 71028800, 71028900, 71029000, 71029100, 71029200, 71029300, 71029400, 71029500, 71029600, 71029700, 71029800, 71029900, 71030000, 71030100, 71030200, 71030300, 71030400, 71030500, 71030600, 71030700, 71030800, 71030900, 71031000, 71031100, 71031200, 71031300, 71031400, 71031500, 71031600, 71031700, 71031800, 71031900, 71032000, 71032100, 71032200, 71032300, 71032400, 71032500, 71032600, 71032700, 71032800, 71032900, 71033000, 71033100, 71033200, 71033300, 71033400, 71033500, 71033600, 71033700, 71033800, 71033900, 71034000, 71034100, 71034200, 71034300, 71034400, 71034500, 71034600, 71034700, 71034800, 71034900, 71035000, 71035100, 71035200, 71035300, 71035400, 71035500, 71035600, 71035700, 71035800, 71035900, 71036000, 71036100, 71036200, 71036300, 71036400, 71036500, 71036600, 71036700, 71036800, 71036900, 71037000, 71037100, 71037200, 71037300, 71037400, 71037500, 71037600, 71037700, 71037800, 71037900, 71038000, 71038100, 71038200, 71038300, 71038400, 71038500, 71038600, 71038700, 71038800, 71038900, 71039000, 71039100, 71039200, 71039300, 71039400, 71039500, 71039600, 71039700, 71039800, 71039900, 71040000, 71040100, 71040200, 71040300, 71040400, 71040500, 71040600, 71040700, 71040800, 71040900, 71041000, 71041100, 71041200, 71041300, 71041400, 71041500, 7

Baldwin Township Zoning Map



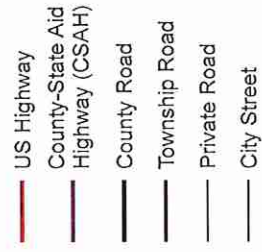
Township Boundary

Zoning

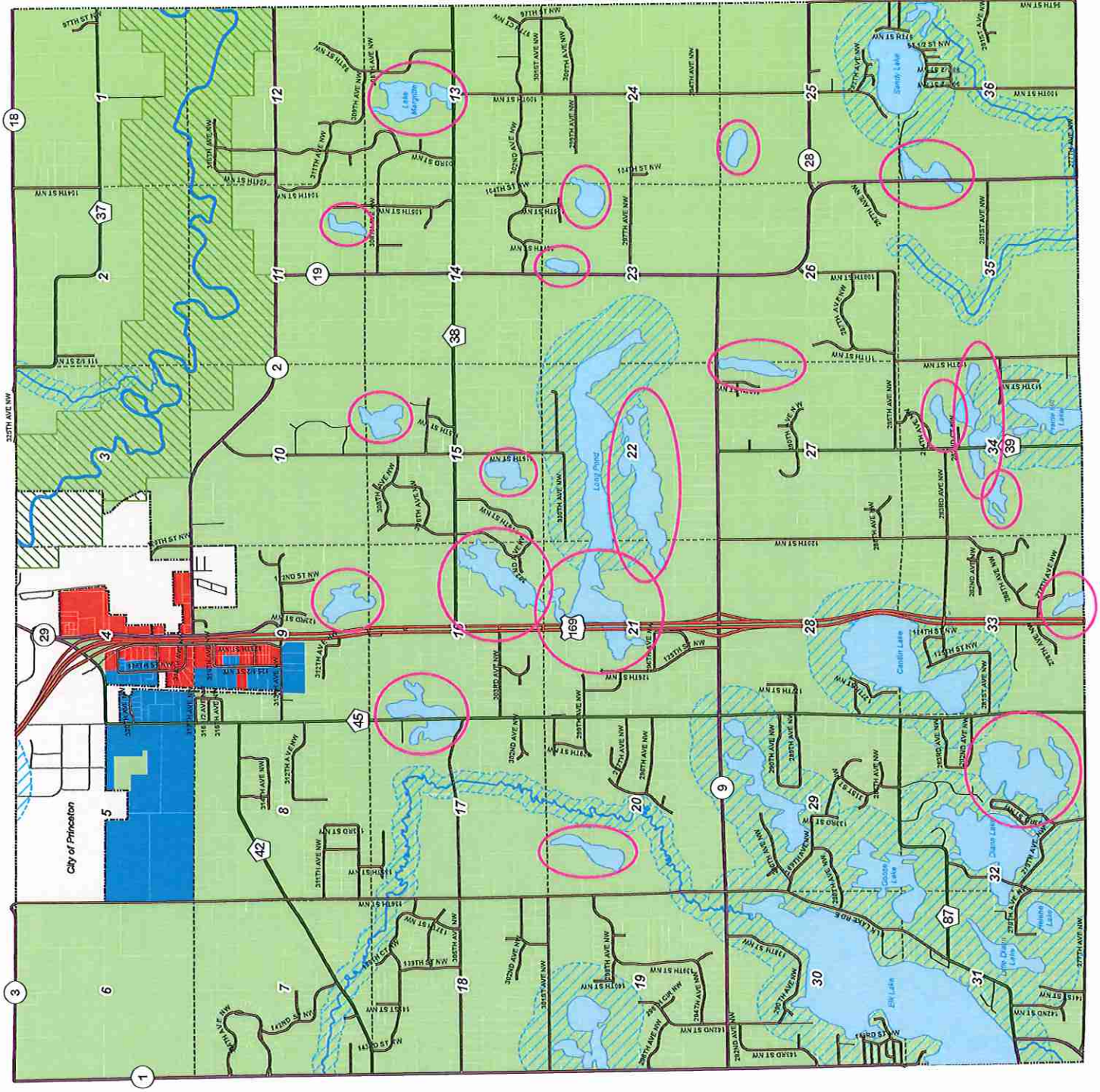


City Limits

Roads



DISCLAIMER: Baldwin Township does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed.





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PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 16 May 2024

60-DAY DATE: 29 June 2024

RE: Baldwin Township – DuBois (PID 01-00405-0140); Variance

TPC FILE: 269.02

BACKGROUND

Robert and Molly DuBois own the property at 28517 100th Street, which is developed with a 1,020 square foot single family dwelling built in 1952, a 960 square foot detached garage, and a 128 square foot detached storage shed. Mr. and Ms. DuBois are proposing to demolish the existing single family dwelling and detached garage and construct a new home upon the property. The proposed construction encroaches within the required setback from 100th Street and one side yard as required by Section XX-51-8.A of the Zoning Ordinance and the impervious surface limits established by Section XX-90-10.B.1 of the Zoning Ordinance, and redevelopment of a non-conforming lot within the Shoreland Overlay District as required by Section XX-90-8.A of the Zoning Ordinance. Mr. and Ms. DuBois have applied for a variance to allow construction of the proposed single family dwelling, which is to be processed in accordance with Section XX-6-4 of the Zoning Ordinance subject to review by the Planning Commission and approval of the Town Board. A public hearing to consider the application has been noticed for the Planning Commission meeting on 29 November 2023 at 7:00PM.

Exhibits:

- Site Location Map
- Certificate of Survey
- Building Elevations
- Findings of Fact

ANALYSIS

Comprehensive Plan. The Baldwin Township Comprehensive Plan guides development of land use patterns that provide connections to existing public amenities and the natural landscape. The subject site is lot within the Shady Oaks subdivision platted in 1952 along the shoreline of Sandy Lake to provide for residential use and enjoyment of the waterbody. The continued use of the property for a single family dwelling is consistent with the Comprehensive Plan.

Zoning. The subject site is zoned R1, General Rural District and single family dwellings are allowed as a permitted use. Sandy Lake is a designated Recreational Development Lake and adjacent properties are subject to the standards of the Shoreland Overlay District. Single family dwellings are also a permitted use within the Shoreland Overlay District.

Surrounding Uses. There are similar single family dwellings to the north and south of the property along the shoreline of Sandy Lake developed with single family dwellings. There are also residential parcels to the west across 100^h Street on larger rural parcels. The proposed construction of a new single family dwelling upon the property will be compatible with the surrounding area.

Lot Requirements. Lots within the R1 District are required by Section XX-51-7 of the Zoning Ordinance to be 2.5 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth (the minimum lot requirements of the R1 District are greater than those of the Shoreland Overlay District). The parcel is 8,855 square feet (0.203 acres) in area, 112 feet in width, and approximately 155 feet in depth to the Ordinary High Water Level and is, therefore, a legal non-conforming lot of record.

Setbacks. The table below summarizes the setback requirements of the R1 District established by Section XX-51-8 of the Zoning Ordinance and Shoreland Overlay District established by Section XX-90-7.B.1 of the Zoning Ordinance:

	R1 District Setbacks		
	100 th St.	Side	OHWL
Required	50ft.	10'	150'
Proposed	25.0ft.	11.6ft. 5.8ft	23.4ft

The proposed single family dwelling encroaches into both the required setback from 100th Street and the Ordinary High Water Level due to the non-conforming depth of the lot. The balance between the front yard setback and Ordinary High Water Level provides for a 25 foot setback between the front property line and door to the attached garage, which allows for minimum space within the driveway to park outside garage while avoiding any congestion on the public road.

The proposed single family dwelling encroaches into the required setback from the north lot line due to the narrow width of the lot.

The proposed building is not closer to the Ordinary High Water Level than a line drawn between the existing structures on the lots to the north and south of the subject site as an alternative setback measurement allowed by Section XX-90-7.B.2.C of the Zoning Ordinance.

Impervious Surface. Section XX-90-10.B.1 of the Zoning Ordinance limits impervious surface within a lot subject to Shoreland Overlay District standards to 25 percent. The existing impervious surfaces within the lot are identified as 38.31 percent of the lot area on the Certificate of Survey, which does not comply with the Zoning Ordinance. The site plan for the proposed redevelopment of the property indicates an increase in impervious surface to 55.12 of the lot area. Based on the extent to which the area of the lot is non-conforming, the proposed impervious surface is reasonable.

Access. The property has one access to 100st Street. The driveway be reconstructed as part of the redevelopment of the lot to provide access to the attached garage and a large parking area between the house and public road.

The existing driveways along 100th Street do not comply with the minimum of 75 feet between driveways required by Section 1.08.3(b) of the right-of-way ordinance, which is due to the non-conforming width of the lots. The proposed driveway is setback more than 10 feet from side lot lines as required by Section 1.08.3(b) of the Right-of-Way Ordinance.

Section 1.08.4(a) limits the width of residential driveways to 24 feet. The proposed driveway is extends the full width of the attached four-stall garage and measures 38 feet. The Planning Commission may consider the narrow depth of the lot as a factor justifying the additional driveway width as there is not space between the house and front lot line to taper the driveway to 24 feet and still allow for maneuverability.

Construction of the proposed accesses is to be subject to review and approval of the Town Engineer with application for a driveway permit.

Wetlands. Development review pertaining to potential wetland impacts remain subject to approval of Sherburne County in accordance with Section XX-16-4.A of the Zoning Ordinance. The proposed development will not impact wetlands and no County Wetland Conservation Act Land Use Permit is required.

Utilities. The proposed single family dwelling is to be served by an on-site septic system and well. All SSTS issues are subject to review and approval of the Building Official at the time a building permit is applied for.

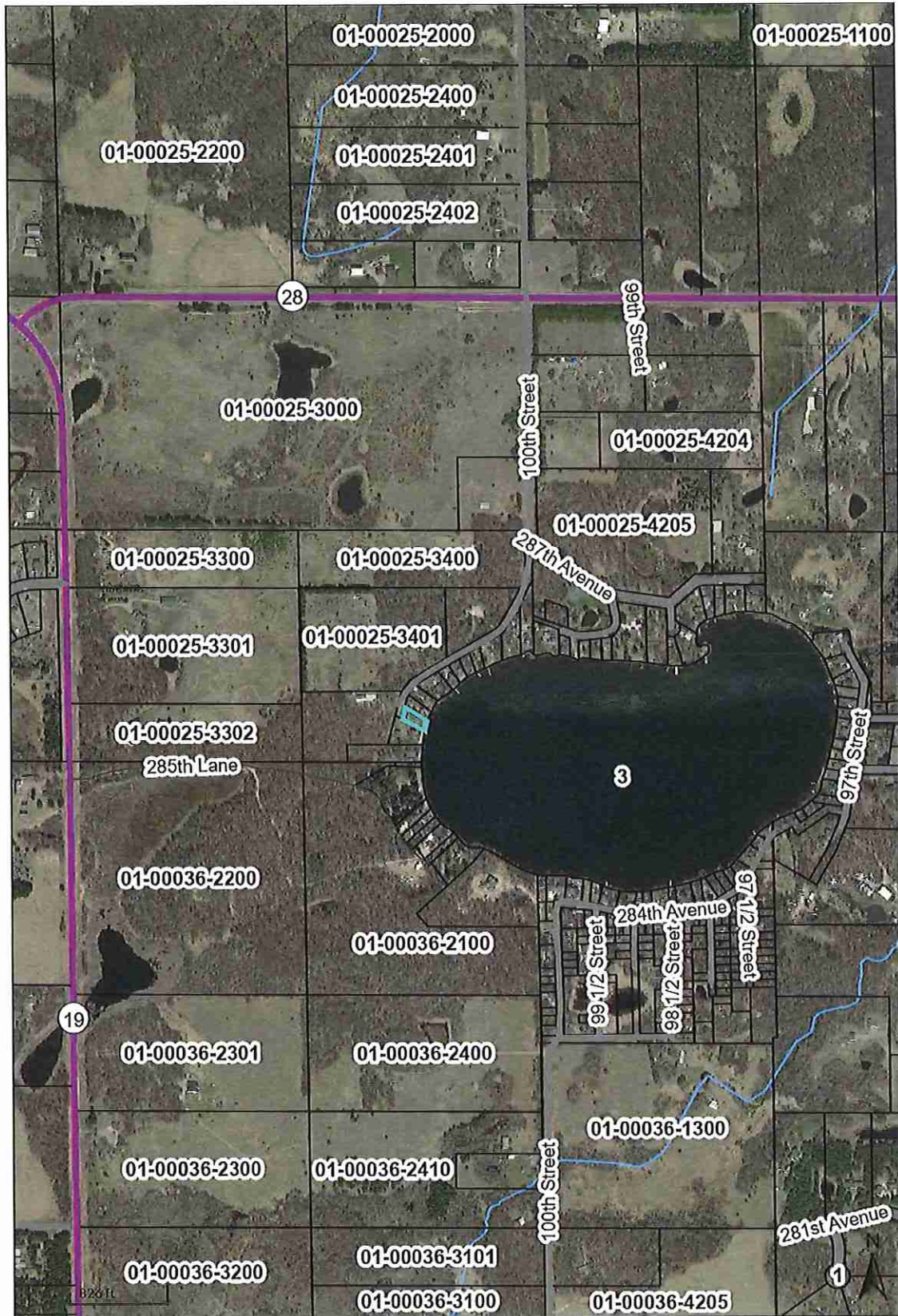
RECOMMENDATION

Our office recommends approval a variance from front yard, side yard, and impervious surface limits to allow for redevelopment of the property at 28517 100th Street. Findings of Fact supporting Town staff's recommendation have been prepared for consideration by the Planning Commission, which includes the conditions outlined below.

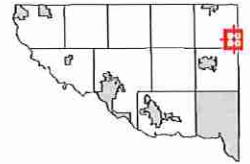
POSSIBLE ACTIONS

- A. Motion to **adopt** Findings of Fact as presented and recommend **approval** of a variance for 28517 100th Street (01-00405-0140), subject to the following conditions:
 - 1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
 - 2. Access to 100th Street shall be subject to review and approval of the Town Engineer for compliance with the Right-of-Way Ordinance, except as may be approved by the Town Board regarding driveway width.
 - 3. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.
- B. Motion to recommend the application be **denied** based on a finding that the request is inconsistent with the Comprehensive Plan and criteria established by the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
Andy Schreder, Town Building Official
Matt Kind, Town Engineer

Site Location Map



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

Site Plan ~ for ~ Jorgenson Homes, Inc.

Lot 14,
SHADY OAKS,
Sherburne County,
Minnesota



[Handwritten signature]

FILE NO	FILE NO
DATE	DATE
SCALE	SCALE
FACE	FACE
BOOK	BOOK
OFFICER BY	OFFICER BY
SIGNATURE	SIGNATURE
DATE	DATE

DESCRIPTION OF PROPERTY SURVEYED:
(PID NO. 01-405-0140) - PER DOC. NO. 304909

NOTES:

- [illegible]

IMPERVIOUS SURFACE CALCULATIONS

Overall Area of Property = 8,855 Sq.Ft. (to OHW Line)

Existing Impervious Surface (Roofs/Driveways/Pavement)	= 2,807 Sq.Ft.
Existing Impervious Surface (Rock/Gravel/Grass/Soil)	= 240 Sq.Ft.
Existing TOTAL IMPERVIOUS SURFACE	= 3,047 Sq.Ft. or 34.31%
Proposed Impervious Surface (Roofs)	= 3,034 Sq.Ft.
Proposed Impervious Surface (Driv./Gravel/Grass/Soil/Gravel)	= 1,947 Sq.Ft.
Proposed TOTAL IMPERVIOUS SURFACE	= 4,981 Sq.Ft. or 56.25%

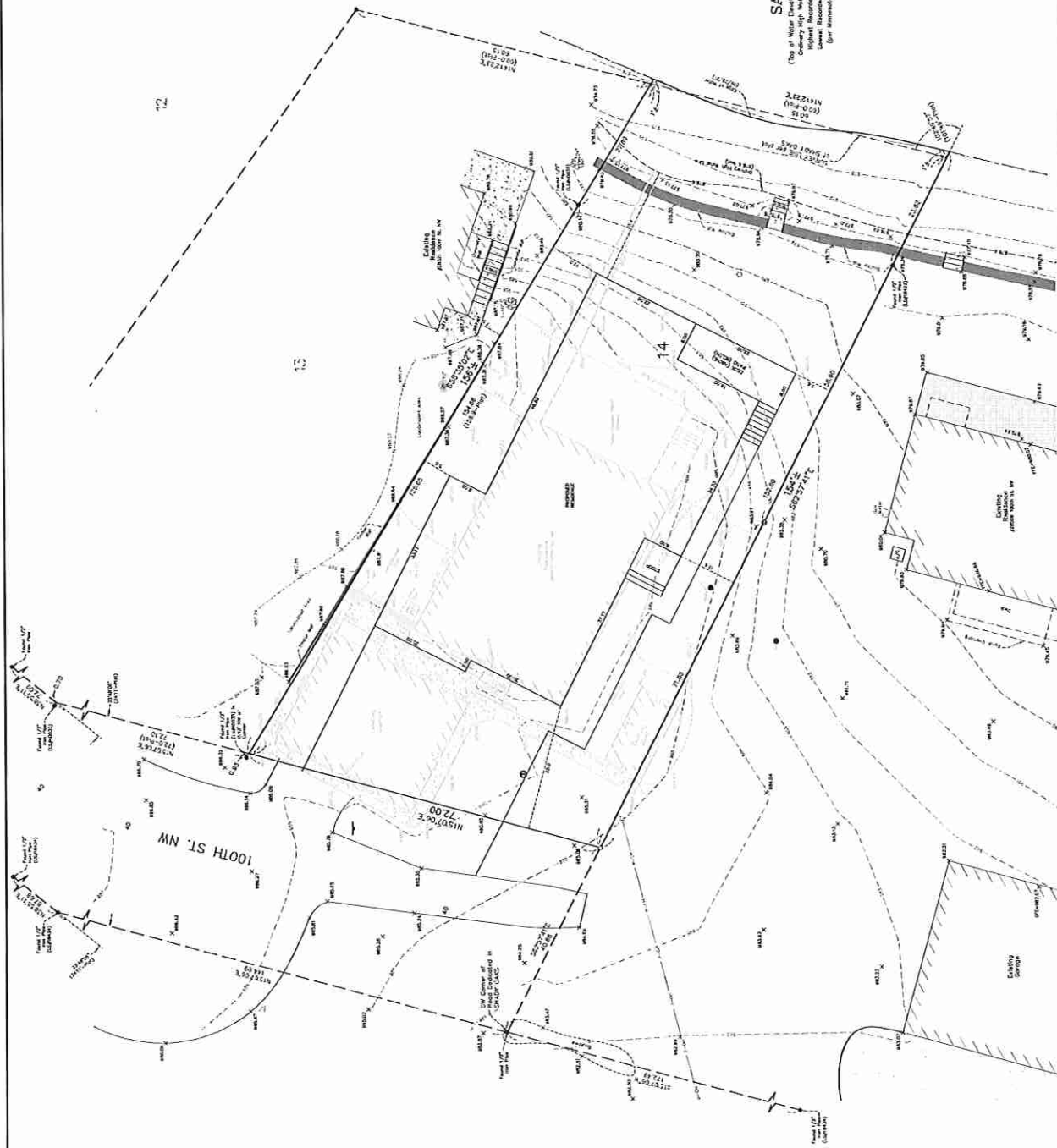


LEGEND

- [illegible]

SANDY LAKE

SANDY LAKE
Top of Water Elevation = 974.0 feet-NVD 1929 (09/29/21)
Ordinary High Water Elevation = 975.4 feet (NOV 1920)
Highest Recorded Elevation = 976.0 feet (04/01/80)
Lowest Recorded Elevation = 971.65 feet (11/14/89)
(See Minnesota Department of Natural Resources)



JORGENSEN HOMES

P.O. Box 626
Alexandria, MN 56308
(763) 856-0348

Design Manager:

Allie Laurent
allie@jorgenson-homes.com
763-856-0348

Project Manager:

Jill Jorgenson
jill@jorgenson-homes.com
763-856-0348

Construction Manager:

Adam Jorgenson
adam@jorgenson-homes.com
763-856-0348

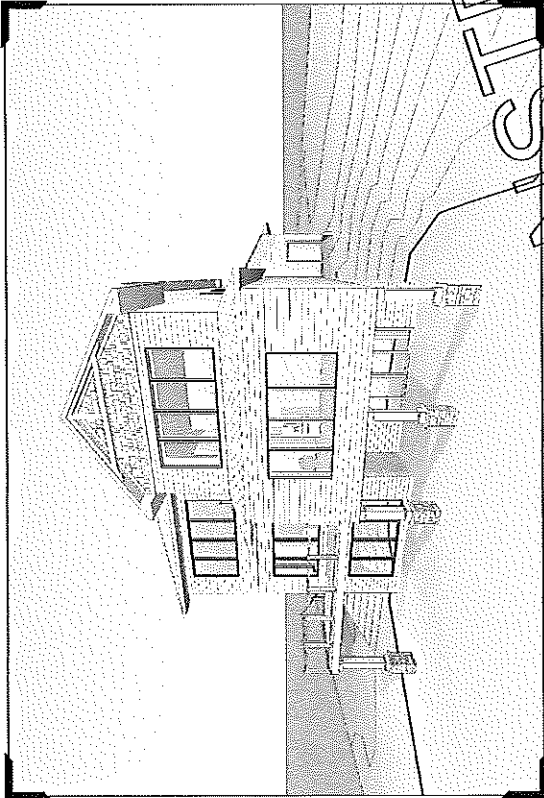
GENERAL

SURVEYING / MAPPING

ARCHITECTURAL

- A-001 COVER SHEET
- A-101 FOUNDATION PLAN
- A-111 LOWER LEVEL PLAN
- A-121 FIRST LEVEL PLAN
- A-131 SECOND LEVEL PLAN
- A-141 ROOF PLAN
- A-201 EXTERIOR ELEVATIONS
- A-301 EXTERIOR ELEVATIONS
- A-301 BUILDING SECTIONS
- A-302 BUILDING SECTIONS
- A-303 BUILDING SECTIONS
- A-301 DETAILS

ELECTRICAL



Dubois Residence
28517 100th St. NW
Zimmerman, MN 55398

Dubois Residence

28517 100th St. NW
Zimmerman, MN 55398

Alle Laurent

Sheet Name

COVER SHEET

Sheet Number
A-001

General Notes

Drawing Index



P.O. Box 628
Rockledge, FL 32953
(781) 555-0349

28517 100th St. NE, NE 28th Ave, NE 55th St
Rockledge, FL 32953

Dubois Residence

Alto Landscaping

Sheet Name

FIRST LEVEL PLAN

Sheet Number

A-121

NOTES

1. WINDOW FALL PROTECTION
ALL EXTERIOR WINDOWS THAT ARE 20" ABOVE FINISH FLOOR SHALL NOT HAVE OPENINGS THAT ALLOW PASSAGE OF A 4" SPHERE.
ALL EXTERIOR WINDOWS THAT ARE 20" ABOVE FINISH FLOOR AND LESS THAN 36" ABOVE FINISH FLOOR MUST HAVE WINDOW FALL PROTECTION DEVICES PER ASTM 1300 AND THE CODE SECTION (R702.2).

ALL CHANGES AND MODIFICATIONS MUST BE NOTED AT MAXIMUM 1/8" OF 1/8".

2. INDICATED ROOMS TO FOUNDATION

3. LAMINATED GLASS

ALLOW 4" AT ALL DOOR AND WINDOW OPENINGS FOR WIND CLOSING.

ALL INTERIOR DOORS ARE 6-8" TALL UNLESS NOTED.

ALL DIMENSIONS TAKEN FROM EXTERIOR OF JOISTING TO CENTER OF FRAMING.

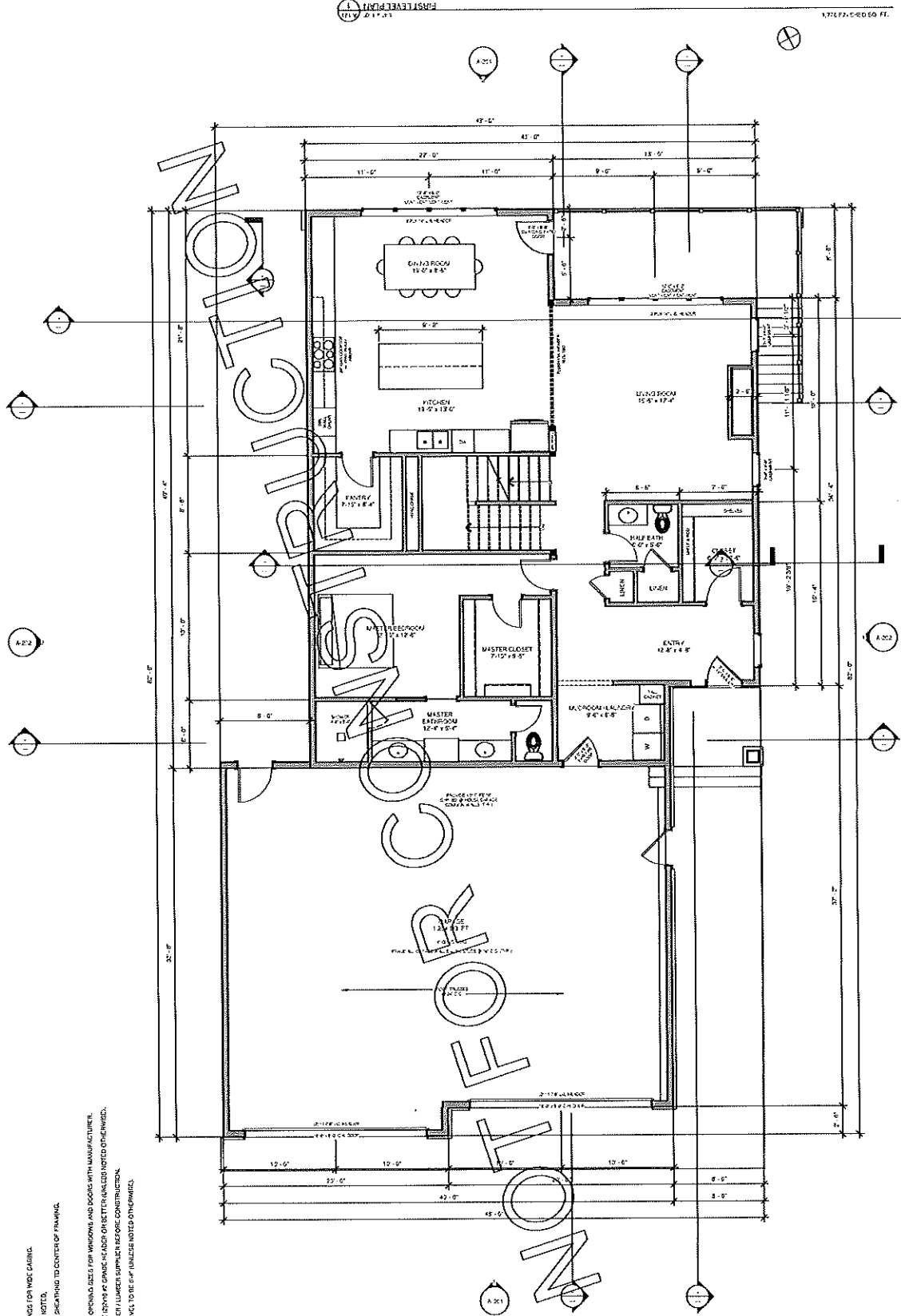
DOOR AND WINDOW SIZES

ALL WINDOWS SPECIFIED, VERIFY TOUGH OPENING SIZES FOR WINDOWS AND DOORS WITH MANUFACTURER.

ALL WINDOWS AND DOOR OPENINGS TO HAVE 20" MIN. CLEARANCE ABOVE OR BETTER UNLESS NOTED OTHERWISE.

ALL HEADS TO BE VERIFIED BY SUBMITTER (LUMBER SUPPLIER) BEFORE CONSTRUCTION.

TOP OF FLD. FOR ALL WINDOWS ON FIRST LEVEL TO BE 5'6" UNLESS NOTED OTHERWISE.





1231 625-0319
P.O. Box 628
Middletown, NJ 07940

Not to be used for construction without the written consent of the architect. This drawing is the property of the architect and is to be used only for the project and location specified. Any other use without the written consent of the architect is strictly prohibited.

28517 100th St. NW Zephyrus, WA 98593

Dubois Residence

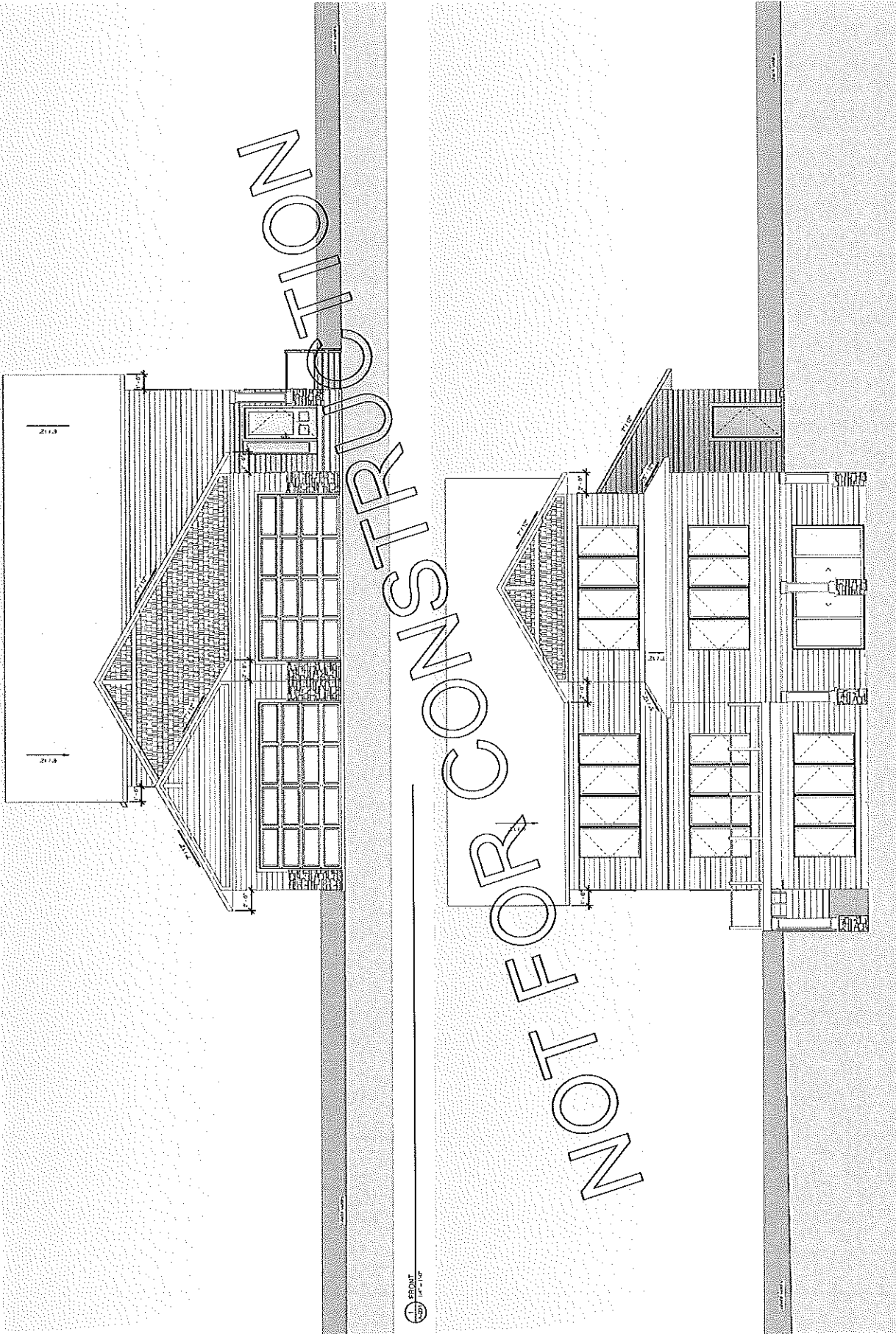
Allen, Lauren

Shed Name

EXTERIOR
ELEVATIONS

Sheet Number

A-201





P.O. Box 628
Arkand, WI 53503
(608) 655-0349

These drawings are the property of Jorgensen Homes, Inc. and are to be used only for the project and location specified. No part of these drawings may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without prior written permission from Jorgensen Homes, Inc.

28317 10th St. NW Zephyrus, WI 53534

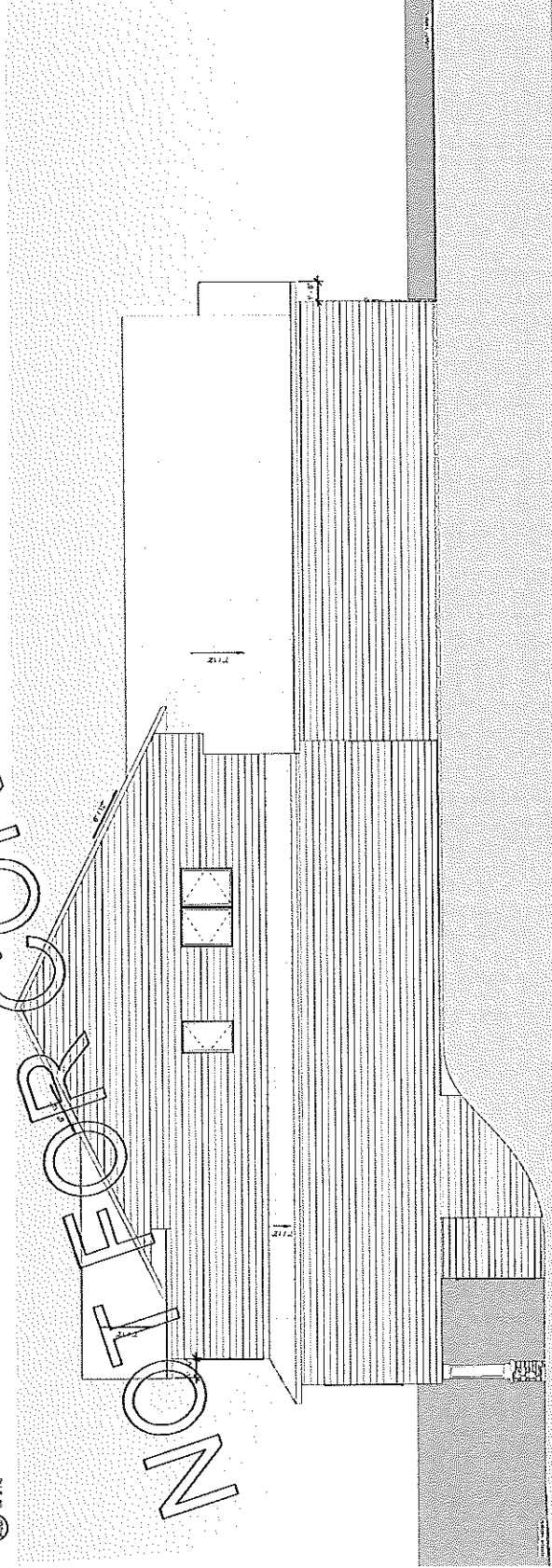
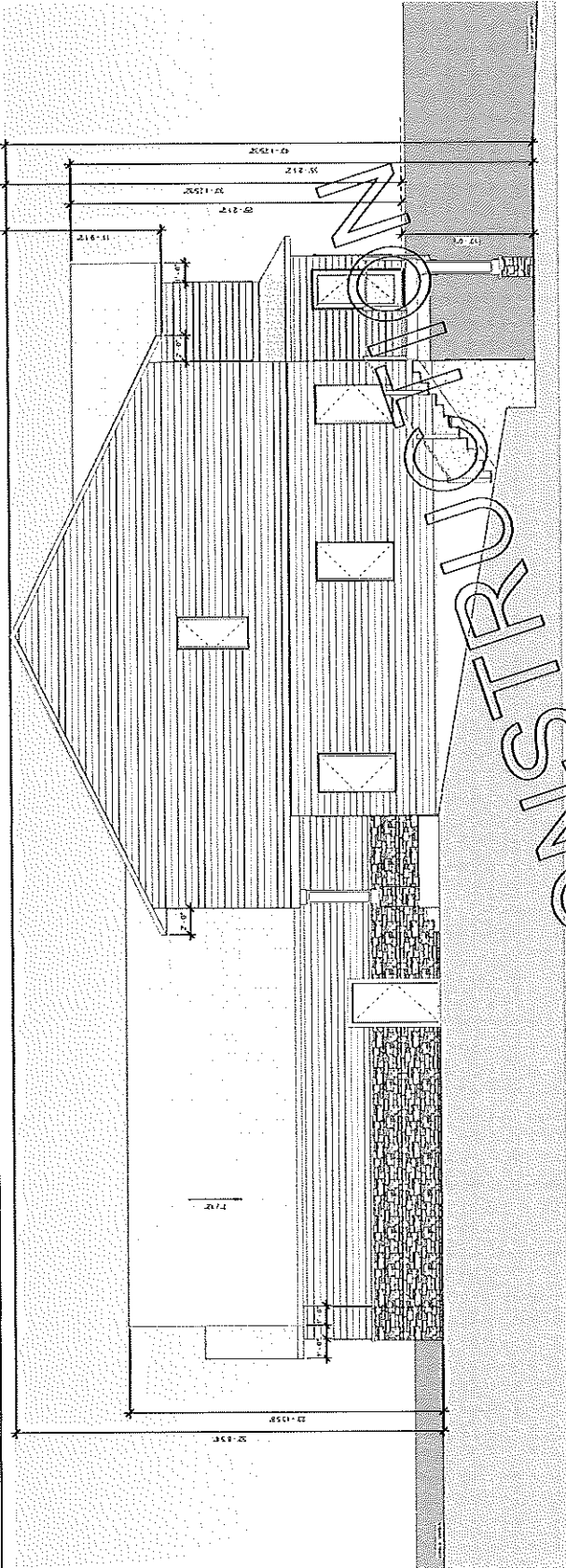
Dubois Residence

Architect
Jorgensen Homes

Sheet Name

EXTERIOR
ELEVATIONS

Sheet Number
A-202



**BALDWIN TOWNSHIP
PLANNING COMMISSION
VARIANCE
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Robert and Molly DuBois

APPLICATION: Request for variance to allow construction of a single family dwelling at 28517 100th Street.

PLANNING COMMISSION MEETING: 22 May 2024

FINDINGS: Based upon review of the application and evidence received, the Baldwin Township Planning Commission now makes the following findings of fact:

1. The property identified as PID 01-00405-0140.
2. The property is guided for rural land uses by the Comprehensive Plan.
3. The property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of Sandy Lake.
4. The applicant is requesting a variance to allow construction of a single family dwelling:
 - A. Within the 50 foot setback required from the 100th Street right-of-way required by Section XX-51-8.A of the Zoning Ordinance;
 - B. Within the 10 foot setback of the side lot line required by Section XX-51-8.A of the Zoning Ordinance;
 - C. Impervious surface greater than 25 percent as required by Section XX-90-10.B.1 of the Zoning Ordinance;
 - D. Construction on a non-conforming lot of record as required by Section XX-90-8 of the Zoning Ordinance
5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: The redevelopment of the existing residential use with a new single family dwelling upon the legal non-conforming lot is consistent with the Comprehensive plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The proposed single family dwelling is to located to provide the greatest balance between the setback from 100th Street and Ordinary High Water Level of Sandy Lake consistent with the intent of the Zoning Ordinance.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The property was established as a lot of record prior to adoption of the current lot and setback requirements applicable to the lot that make redevelopment of a single family dwelling in compliance with these requirements not practical.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is only due to the legal non-conforming area, width, and depth of the property that make it not possible to comply with the applicable setback requirements.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The properties to the north and south of the subject site are similar in dimension to the subject site and developed with single family dwellings such that approval of the variance will not alter the character of the area.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed location of the single family dwelling provides the maximum off-setting setbacks from OHWL of Sandy Lake and 100th Street and side lots lines minimizing the extent of the requested variance within the available building envelope an impervious surfaces.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the single family dwelling is setback the greatest distance possible from the OHWL to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not for a use not allowed by the Zoning Ordinance.

6. The planning report dated 16 May 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.
7. The Planning Commission conducted a public hearing at their meeting on 22 May 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to recommend that the Town Board approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **APPROVED**, subject to the following conditions:

1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
2. Access to 100th Street shall be subject to review and approval of the Town Engineer for compliance with the Right-of-Way Ordinance, except as may be approved by the Town Board regarding driveway width.
3. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.

ADOPTED by the Planning Commission of Baldwin Township this 22nd day of May, 2024.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

BALDWIN TOWNSHIP PLANNING COMMISSION

BY: _____
Clarence Mattson, Chair

ATTEST: _____
Marlene Nelson, Administrative Assistant



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Planning Commission

FROM: D. Daniel Licht

DATE: 15 April 2024

RE: Baldwin Township – Code Enforcement

TPC FILE: 269.01

BACKGROUND

Baldwin Township assumed responsibility for administration and enforcement of the Zoning Ordinance, Subdivision Ordinance, and Building Ordinance on 20 June 2022. The Town is also responsible for enforcement of other various ordinances and regulations that have been adopted from time-to-time. The Sherburne County Sheriff's Office and County Attorney work with the Town on enforcement of Statutory laws.

Enforcement actions are typically only initiated when there is a complaint made to the Town that requires a response be made by the Town. Enforcement of the ordinances that are the responsibility of the Town can be carried out via administrative procedures, civil litigation, and/or criminal prosecution. An administrative enforcement process is intended to be more informal and cooperative in working with property owners when violations are identified. The nature of administrative code enforcement has been found to be more successful in achieving the primary goal of compliance. Administrative code enforcement processes are also more often less costly for the Town than either civil litigation or criminal prosecution. Establishment or use of administrative code enforcement as a tool to address code violations does not preclude any other available remedy that the Town may utilize to abate a condition.

The Town Board directed Town staff to prepare a draft ordinance establishing administrative code enforcement procedures. The draft ordinance attached defines the purpose, process, and procedures for Town staff to administer and enforce Town regulations. Included as part of these procedures are ample notices to property owners regarding potential violations, the ability to issue citations imposing a civil fine for unabated violations and due process for property owners to appeal Town staff decisions.

The Planning Commission reviewed the draft administrative code enforcement ordinances at their meeting on 17 April 2024. Town staff has finalized the proposed ordinance based on this discussion. We have also prepared templates for a first contact letter, Administrative Notice, and Administrative Citation that were reviewed by the Planning Commission at their meeting on 15 May 2024.

The Planning Commission will consider recommendations to the Town Board regarding the administrative code enforcement procedures, ordinance, and form at their meeting on 22 May 2024.

Exhibits:

- Draft Ordinance 610
- Draft First Contact Letter
- Draft Administrative Notice
- Draft Administrative Citation

RECOMMENDATION

Town staff recommends approval of the proposed ordinance establishing Administrative Code Enforcement procedures as presented.

POSSIBLE ACTIONS

- A. Motion to recommend **approval** of Ordinance 610 as presented.
- B. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer

ORDINANCE NO.: 24-XX

BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE ADOPTING THE ADMINISTRATIVE CODE ENFORCEMENT.

THE BOARD OF SUPERVISORS OF BALDWIN TOWNSHIP DOES HEREBY ORDAIN:

Section 1. Ordinance 610 Administrative Code Enforcement is hereby adopted as follows:

Ordinance 610
ADMINISTRATIVE CODE ENFORCEMENT

Section

- 610-1: Purpose
- 610-2: Definitions
- 610-3: Enforcement
- 610-4: Procedure
- 610-5: Appeals
- 610-6: Payment
- 610-7: Separability

610-1: PURPOSE:

- A. The administrative enforcement procedures established within this Ordinance are intended to provide Baldwin Township with an informal, cost-effective, and more efficient alternative to criminal prosecution or civil litigation for certain violations of adopted Town ordinances, codes, and regulations.
- B. The Town retains the right, at its sole discretion, to enforce provisions of ordinances, codes, and regulations adopted by the Town Board by bringing criminal charges or commencing civil litigation in any case where the Town determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the Town to protect public health, safety, and welfare.
- C. The Town and further finds that that such a process is a legitimate and necessary alternative method of enforcing code violations.

610-2: DEFINITIONS:

Action Plan: A list which outlines the specific infractions (after the Code Enforcement Officer has verified the suspected violations), defines how they will be resolved and specifies an agreed-upon completion date.

Code: Any law, ordinance, regulation, or code adopted by the Town Board in effect within the Town.

Code Enforcement Officer(s): Is any officer of the Sherburne County Sheriff's Department, any employee of the Baldwin Township, or any person or company contracted to provide code enforcement services who is designated by the Town Board to enforce Town Ordinances; there may be more than one person designated as Code Enforcement Officer at any given time.

Code Violation: A breach of law or infraction as it pertains to violation of any section, subdivision, paragraph or provision of Baldwin Township Ordinances and is subject to an administrative enforcement action.

Owner: Is an individual, association, syndicate, partnership, corporation, limited liability company, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

Person: Means a natural person of either sex, a firm, partnership, corporation, limited liability company, any other association of people, and includes the manager or agent of that person or organization.

Town: Baldwin Township, Minnesota.

Town Board: The Baldwin Township Board of Supervisors.

610-3: ENFORCEMENT:

- A. A Code Enforcement Officer may institute in the name of the town any appropriate actions or proceedings against a violator as provided by statute, charter, or ordinance, including the administrative procedures established by this Ordinance.
- B. The imposition of any penalty shall not exempt the offender from compliance with the requirements of the law, ordinance, Code, or regulation and the Town may pursue, by appropriate actions or proceedings, any additional remedies.
- C. Nothing in this section shall prevent the town from taking such other actions as are permitted under law, and the penalties provided here shall be cumulative.
- D. Each day a code violation exists constitutes a separate code violation.
- E. The Town may suspend or revoke a license or permit or other approval associated with a code violation if the code violation is not abated or the civil penalty and any accrued late charges are not timely paid.

610-4: PROCEDURE:

- A. **Code Enforcement Letter.** Upon receipt of a complaint by the Town, a Code Enforcement Officer may issue, either in person or by United States first class mail, a preliminary notification of a potential code violation and outlining the means to avoid formal enforcement action to a person suspected or known to have committed a code violation and/or to be the owner of property upon which a code violation is being committed.
1. The letter shall request a response from the property owner within 15 calendar days from the date of the letter.
 2. A site inspection shall be scheduled to identify or validate any specific ordinance violations and the infractions shall be discussed by the Code Enforcement Officer and the person having committed a code violation and/or property owner.
 3. An action plan shall be created that outlines specific code violations and how they will be resolved with an agreed-upon completion date approved by a Code Enforcement Officers.
- B. **Administrative Notice.** A Code Enforcement Officer may issue, either in person or by United States first class mail, an Administrative Notice to a person suspected or known to have committed a code violation and/or to be the owner of property upon which a code violation is being committed.
1. The Administrative Notice shall identify the code violation, the location upon which the code violation occurred or is occurring, and the recommended corrective action for the code violation.
 2. The Administrative Notice shall state that the alleged violator has, at the discretion of the Code Enforcement Officer, up to 15 days to correct or abate the Code Violation.
 3. If the alleged violator and/or property owner upon which a code violation is being committed is unable to correct or abate the Code Violation within the prescribed time, that person may request in writing an extension from the Code Enforcement Officer.
 4. Any extension granted at the discretion of the Code Enforcement Officer shall be in writing and shall specifically state the date of expiration.
 5. If the code violation is not corrected or abated as outlined in the Administrative Notice within the prescribed time or any extension thereto, the Code Enforcement Officer may issue a citation, as provided below.
- C. **Citation.** A Code Enforcement Officer is authorized to issue a citation upon the belief that a Code Violation has occurred, whether or not a Code Enforcement Letter or Administrative Notice has first been issued in regard to said code violation.
1. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the code violation has occurred, either by personal service or by United States first class mail.

2. The citation shall state the nature of the code violation, the time and date said Code Violation occurred, the civil penalty applicable to that code violation as set forth in the Town Fee Schedule Ordinance, and the manner for paying the civil penalty or requesting a hearing to appeal the citation.
 3. After a citation is issued, the alleged violator and/or the owner of the property upon which the code violation has occurred shall, within 15 days of the date of issuance of the citation, either pay the civil penalty set forth in the citation or request an appeal in writing according to the procedure set forth in Section 610-6 of this Ordinance.
- D. **Continued or Subsequent Violations.** The Code Enforcement Officer may immediately issue an additional citation for continuation or reoccurrence of a code violation for which a citation has been issued to the alleged violator and/or owner of the property upon which the violation has occurred within 18 months of the issuance of a previous citation for the same code violation.

610-5: APPEAL:

A. **Requesting an Appeal:**

1. Any person appealing a citation issued pursuant to this Chapter may, within 15 days of the time of issuance of the citation, request a hearing before a Board of Appeals.
2. Any request for a hearing shall be made in writing on a form provided by the Town for such a request and either delivered to the Town, either in person at the Town Hall or mailed to the Town by United States first class mail, postage prepaid, and postmarked within said prescribed 15 days.
3. Failure to attend a hearing as provided for by this section constitutes a waiver of the violator's rights to such hearing and is an admission of the violation unless waived by the Board of Appeals upon good cause being demonstrated.
4. Enforcement of code violations subject to appeal shall be suspended until a decision is issued by the Board of Appeals.

B. **Board of Appeals:**

1. The Town Board shall by resolution appoint a list of hearing officers authorized to act as a Board of Appeals to be constituted of an odd number of appointees of one or more persons.
2. The hearing officers may be compensated by the Town for such hearings and related findings.
3. The Board of Appeals shall have the authority to uphold or dismiss the citation or reduce, stay, or waive the civil penalty imposed upon such terms and conditions as the Hearing Officer shall determine.

C. Conduct of Hearing:

1. The hearing shall be held at the Town Hall within 45 days of the date the Town received a timely written notice that an appeal has been requested.
2. Audio and/or video of the hearing proceedings shall be recorded
3. The parties will have the opportunity to present testimony, documents and exhibits and question witnesses at the hearing.
4. The Board of Appeals will receive exhibits and testimony without application of strict rules of evidence and shall give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
5. The decision of the Board of Appeals shall be made in writing on a form provided by the City for such purpose.
6. A copy of the Board of Appeals decision shall be served by United States first class mail upon the person requesting the hearing.
7. The Board of Appeals decision is final, except for appeal of the Hearing Officer's decision in limited cases to the City Council, as set forth below.
8. Appeal of Board of Appeals Decision:
 - a. The decision of the Board of Appeals shall be appealable to the Town Board only for the following matters:
 - (1) An alleged failure to obtain a required permit, license, or other approval from the Town as required by ordinance; or
 - (2) An alleged violation of a permit, license, or other approval, or the conditions attached to the permit, license or approval, that was issued by the Town Board; or
 - (3) An alleged violation of regulations governing a person or entity who has received a license issued by the City Council.
 - b. An appeal to the Town Board of the Board of Appeals decision must be made in writing on a form provided by the Town for such an appeal and must be served on the Town Clerk, either in person at the Town Hall or by United States first class mail, postage prepaid, within 15 days after the date of the Board of Appeals decision.
 - c. A timely appeal will be heard by the Town Board after a notice of hearing is served by the Town upon the appellant in person or by certified mail at least 10 days in advance of the date of the hearing.

- d. The parties to the hearing will have an opportunity to present oral or written arguments regarding the Board of Appeals decision.
- e. The Town Board shall consider the record, the Board of Appeals decision, and any additional arguments before making a determination, but shall not be bound by the Board of Appeals decision and may adopt all or part of the Board of Appeals decision.
- f. The Town Boards's decision shall be voted upon and given at the hearing or may be given in writing within 30 days of the hearing.

610-6: PAYMENT:

- A. The civil penalty imposed by issuance of a citation may be paid either in person at the Town Hall or by United States first class mail, postage prepaid and postmarked within said prescribed 15 days.
- B. Payment of the civil penalty shall be deemed to be an admission of the Code Violation.
- C. Failure to Pay:
 - 1. In the event a person issued a citation fails to pay the civil penalty for a code violation within the prescribed time, a late charge of 15 percent shall be imposed thereon for each seven days the civil penalty remains unpaid and the code violation remains uncorrected or unabated beyond the due date.
 - 2. An unpaid civil penalty and accrued late charges will constitute a personal obligation of the person(s) to whom the citation was issued and the Town shall have the right to collect such unpaid civil penalty and accrued late charges, together with the Town's costs and reasonable attorney's fees, in criminal or civil proceedings.
 - 3. Pursuant to Minn. Stat. Chapter 429.101., Minn. Stat. Chapter 514.67, and other applicable law, a lien in the amount of the civil penalty and any accrued late charges may be assessed against the property where the code violation occurred and collected in the same manner as taxes.
 - 4. Assessment of an unpaid civil penalty shall not preclude the Town from issuing additional citations for a continuing code violation, nor shall it preclude the Town from making additional assessments against the same property resulting from a continuing or new code violation.

610-7: SEPARABILITY: If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

Section ____. This Ordinance shall become effective after passage and publication.

ADOPTED by the Board of Supervisors of Baldwin Township this _____ day of _____, 2024.

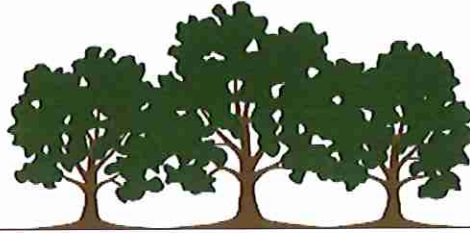
MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:

Joan Heinen, Town Clerk/Treasurer



BALDWIN TOWNSHIP

30239 128th Street, Princeton MN 55371

Telephone: (763) 389-8931

Fax: (763) 389-2751

<DATE>

PROPERTY OWNER: «PO_NAME»
 «PO_STRNO» «PO_STREET»
 «PO_CITY», «PO_STATE» «PO_ZIP»

PARCEL: «PIN» «GEO_STREETNO» «GEO_STREET»

Dear Property Owner:

The Town has been notified of concerns regarding your property and we would like to work with you to address and resolve any potential issues. The following items are possible violations based on the submitted complaint and an initial observation of the property from the road:

«VIOLATION1» «ORDINANCE_NUMBER1» «ORDINANCE_DESCRIPTION1»

«VIOLATION2» «ORDINANCE_NUMBER2» «ORDINANCE_DESCRIPTION2»

As the Code Enforcement Officer for Baldwin Township, my job is to assist you in resolving any problems, and if necessary, create a schedule for cleanup of your property that involves on-going progress toward completion of specific goals. Town staff can verify whether or not the allegations represent a violation of Town ordinances through an on-site meeting with you. Please contact our office to set up an appointment no later than <15 DAYS>.

You can view Town ordinances online at www.baldwintwpmn.com. Please note that if we do not hear from you by the date listed above, the Town may issue an Administrative Notice and/or an Administrative Citation.

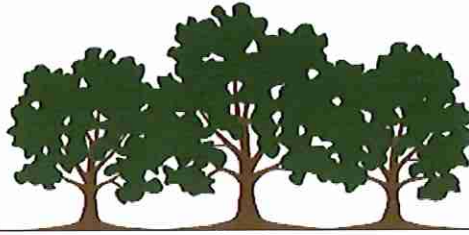
If you have any questions regarding this notice, please do not hesitate to contact me at email address or phone number below.

BALDWIN TOWNSHIP

D. Daniel Licht
Code Enforcement Officer
612.991.2230
DDL@PlanningCo.com

Mission Statement

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



BALDWIN TOWNSHIP

30239 128th Street, Princeton MN 55371

Telephone: (763) 389-8931

Fax: (763) 389-2751

ADMINISTRATIVE NOTICE

<DATE>

PROPERTY OWNER: «PO_NAME»
 «PO_STRNO» «PO_STREET»
 «PO_CITY», «PO_STATE» «PO_ZIP»

PARCEL: «PIN» «GEO_STREETNO» «GEO_STREET»

Dear Property Owner:

Code Enforcement staff has inspected the above referenced property and observed the following violations of Town Ordinances:

«VIOLATION1» «ORDINANCE_NUMBER1» «ORDINANCE_DESCRIPTION1»

«VIOLATION2» «ORDINANCE_NUMBER2» «ORDINANCE_DESCRIPTION2»

You can view Town Ordinances online at www.baldwintwpmn.com.

The above referenced violations must be corrected before <15 DAYS>. If the violations are not corrected, the Town has the ability to fine the property owner \$<0.00> in accordance with the administrative code enforcement procedures set forth by Ordinance 610. The Town further reserves its rights to all administrative, civil, or criminal actions to abate the noticed violation.

If you have any questions regarding this notice, please do not hesitate to contact me at email address or phone number below.

BALDWIN TOWNSHIP

D. Daniel Licht
Code Enforcement Officer
612.991.2230
DDL@PlanningCo.com

Mission Statement

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

This citation charges you with one or more violations of Baldwin Township Ordinances.

Owner(s):	«PO_NAME»	Date Issued:	«ACTION_DATE»
Mailing Address:	«PO_STRNO» «PO_STREET» «PO_ADDRESS» «PO_CITY», «PO_STATE» «PO_ZIP»	Issued By:	D. Daniel Licht
		Parcel ID:	«PIN»
	Location/Address of Violation: «GEO_STREETNO» «GEO_STREET»		

VIOLATION		
Section	Ordinance	Citation Amount
«ORDINANCE_NUMBER1»	«VIOLATION1»	00.00

COMPLIANCE REQUIRED: The violation(s) above exist upon the referenced property and must be corrected immediately to avoid additional citation(s). Every day that a violation continues to exist on a property constitutes a separate offense. The penalty for the current violation has been identified above. The Town reserves its rights to all administrative, civil, or criminal actions to abate the violation.

You have 15 days from the date of this citation to either pay the penalty in full or request an appeal. The purpose of an appeal is to determine whether a violation existed. If you request an appeal and the citation stands, you will be responsible for the appeal costs and fines as determined by the Board of Adjustment, as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the appeal hearing.

If payment is not received within the fifteen (15) day period, and the violation is not corrected, the Town will add a late charge to any penalty as set forth by the Fee Schedule Ordinance. Failure to pay may result in collection action by the City or assessment of unpaid citations and related costs assessed against the affected property.

Payment Due By: «15 DAYS»

Payable to: Baldwin Township, 30239 128th Street, Baldwin, MN 55371 Town Hall Phone – 763.389-8931

Payment may be presented by the due date in person at the Town Hall or via mail in the form of a personal check.