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MEMORANDUM

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

DATE: 15 October 2024

RE: Baldwin Township; Zoning Ordinance

TPC FILE: 269.01

BACKGROUND

Baldwin Township will become the City of Baldwin in November. One of the immediate effects of the change in governance is that the Town Zoning Ordinance will no longer be required to be consistent with the Zoning Ordinance of Sherburne County in accordance with Minnesota Statutes Section 394.33, Subdivision 1. Town staff is seeking to propose amendments to the Zoning Ordinance that will facilitate property development for residents under City jurisdiction. These include requirements for a Land Use Permit for development of property including wetlands identified by the National Wetland Inventory and removal of the limit on the area of individual accessory buildings. Town staff is also bringing forward for discussion by the Planning Commission allowance of shipping containers as detached accessory buildings as to possible expanded use on residential properties.

ANALYSIS

Wetlands. Minnesota Rules Section 8420.0200, Subpart 1.A establishes that outside of the seven-county Twin Cities Metropolitan Area, the Local Government Unit responsible for administration of the Wetland Conservation Act is the County or City in which the activity is located. Section XX-16-4 of the Baldwin Zoning Ordinance establishes performance standards applicable to site development involving wetland impacts or potential wetland impacts administered by Sherburne County. Upon incorporation of Baldwin, these responsibilities will belong to the City. The following amendments of this section are required to effect the change in jurisdiction:

XX-16-4.A. *A land use permit issued by ~~Sherburne County~~ the City Engineer shall be required for all properties with wetlands prior to any site disturbance or issuance of a building permit.*

XX-16-4.B. *Prior to approval of a preliminary plat or recording of any subdivision, a wetland delineation and any proposed wetland impacts shall be approved by ~~Sherburne County~~The City Engineer.*

XX-16-4.C.5. *Administration: ~~Sherburne County~~The City Engineer shall make all necessary wetland decisions pursuant to the requirements of the Minnesota wetland conservation act.*

Accessory Buildings. Section XX-18-2. Of the Zoning Ordinance establishes limits on the area allowed for detached accessory buildings. The Planning Commission and Town Board have taken issue with the current requirement that arbitrarily limits the area of any one detached accessory building allowed to be constructed with in a lot. Limits on the area (and number) of detached buildings are meant to control the bulk and scale of a building(s) relative to the residential dwelling on the property to ensure that the use remains accessory and does not disrupt the intended residential character of an area.

Rural residential areas typically have opportunities for larger detached accessory buildings corresponding to larger parcels and less development density. Establishing allowances for detached accessory buildings in relation to the area of a lot is a common means controlling the bulk and scale of structures on a property. The scale established by the Zoning Ordinance correlates allowed building area to lot area in a reasonable manner. The provision limiting the area of individual buildings does not affect the bulk of detached accessory buildings within a lot as the allowed area can be achieved through multiple buildings. This approach may also lead to a perception of greater crowding of buildings within a lot given multiple structures and the need for separation.

Town staff would propose amending the Zoning ordinance to eliminate the scaled limit on the area of individual detached accessory buildings based on lot area. The Planning Commission should discuss further if there should be an overall maximum area for any detached accessory building. The current maximum allowed 5,500 square foot detached accessory building is allowed on unplatted parcels or platted lots larger than five acres, which is equal to the four percent or three percent total area allowed, respectively. The Planning Commission may also consider allowing detached accessory buildings up to four percent of the lot area instead of the current distinction between unplatted and platted lots.

F. *Area. Residential accessory structures are limited to the following area and no variance may be granted to the building size limitations provided in the section:*

Unplatted Parcel or Lot Area		Maximum Area of Any One Structure	Maximum Lot Coverage for All <u>Detached</u> Accessory Structures
Unplatted Parcels	<i>Less than 2.5 acres</i>	<i>1,200 square feet</i>	4 percent of lot area
	<i>2.5 acres to 5.0 acres</i>	<i>1,800 square feet</i>	
	<i>Greater than 5.0 acres</i>	<i>5,500 square feet</i>	
Platted Lots	<i>Less than 2.5 acres</i>	<i>1,200 square feet</i>	3 percent of lot area
	<i>2.5 acres to 5.0 acres</i>	<i>1,800 square feet</i>	
	<i>Greater than 5.0 acres</i>	<i>5,500 square feet</i>	

Shipping Containers. Section XX-18-2.G of the Zoning Ordinance regulates use of shipping containers on residential properties as follows:

XX-18-2.G. Shipping/Storage Containers and Semi-Trailers: Shipping/storage containers and semi-trailers are prohibited for use as an accessory structure on any platted lot and on non-platted residential lots less than 10 acres in area, except when used for the following purposes:

- 1. As a temporary storage unit for moving purposes for a period of not more than one consecutive month in a 12 month period; or*
- 2. As a temporary construction project container not to exceed three consecutive months.*
- 3. Shipping/storage containers and semi-trailers used for these purposes on platted lots shall comply with the parking requirements for vehicles provided for in chapter 21 of this ordinance.*

Use of shipping containers on platted lots or unplatted residential lots less than 10 acres in area is limited to a temporary basis. Town staff is dealing with use of a shipping container on a platted lot less than 10 acres in area as code enforcement and is aware of other properties where a shipping containers is being used as a detached accessory structure in violation of the current provisions of the Zoning Ordinance.

The Town Board directed the Planning Commission to consider and make recommendations as to whether the current provisions of the Zoning Ordinance regulating use of shipping containers ought to be amended to allow greater use than currently provided for. Town staff is requesting direction from the Planning Commission as to the following considerations:

- Should shipping containers be allowed to be used as detached accessory buildings on:
 - Platted residential lots?
 - Unplatted residential parcels less than 10 acres in area?
- Should there be a limit on:
 - The number of shipping containers allowed to be used as detached accessory structures on residential properties?
 - A maximum area for any individual shipping container with the most common width being eight feet and typical length being 20 feet (160 square feet) or 40 feet (320 square feet).
- Should there be aesthetic standards required such as:
 - The shipping container must be painted in an earth tone or color matching the principal building; or,

- The shipping container must be “sided” with an exterior finish consistent with that used on the principal building.

CONCLUSION

The information outlined herein is presented for discussion by the Planning Commission at their meeting on 16 October 2024. Town staff is requesting input and direction to proceed with drafting amendments to the Town Zoning Ordinance to implement these changes that are possible based on incorporation as a City. The next step in the process would be for the Planning Commission to conduct a public hearing as soon as its regular meeting in November to consider recommendations to the Town Board regarding these proposed amendments.

- c. Joan Heinen, Town Clerk/Treasurer
Mike Couri/Bob Ruppe, Town Attorney
Shane Nelson/Mathew Kind, Town Engineer
Andy Schreder, Town Building Official



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MEMORANDUM

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

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RE: Baldwin Township – Comprehensive Plan; Visioning

TPC FILE: 269.01

BACKGROUND

The Planning Commission participated in a Strengths/Weaknesses/Opportunities/Threats (SWOT) session at its special meeting on 18 September 2024. This exercise is an initial step in the process of identifying community issues and topics to be addressed as part of an update of the Comprehensive Plan. The attached sheets are verbatim copies of the comments listed for each of the SWOT categories as presented by the Planning Commission members.

At the Special Meeting on 16 October 2024, the Planning Commission will be asked to review and discuss the SWOT responses in more detail with the objective of identifying priorities and providing more depth regarding each response. Town staff will utilize information from this session in preparing a writing summary of the SWOT analysis for additional review and discussion at future meeting to ensure that the views expressed in the summary reflect the opinions of the Planning Commission

Exhibits:

- SWOT Analysis Responses

c. Joan Heinen, Town Clerk/Treasurer

STRENGTHS

- Lot sizes - rural feel (6)
- Financially stable, low property taxes (5)
- Small government with low overhead (5)
- Highway access across entire State (4)
- Emergency services (4)
 - Hospital
 - Air ambulance
- Land use that is diversified (3)
- Natural resources/environment; (2)
 - Lakes, wetlands,
 - Parks (existing and future opportunities)
 - Refuge access
 - Wildlife
- Allowance of home based businesses (2)
- Easy access to all roads (2)
- Frontage road businesses (2)
- Community good for all ages; young>old (2)
- Population (2)
- Strong community facilities (1)
- Privacy; deep woods offers privacy and people mind own business (1)
- Proximity to shopping and cities (1)
- Talented Town officials and staff (1)
- Zoning; accountable-flexible, community owner input (1)
- Government, public input, involvement, methodical
- Community, volunteers, committees (people are willing now and the future)
- Clean environment; no pollution issues, good quality water
- Park and trail access

WEAKNESSES

- Lack of a "downtown" feel (5)
- No schools within Town (4)
- Communication to residents (4)
- Only industrial, no retail; limit temp job opportunities (3)
- Technology generational divide (3)
- Fly by (through) town (3)
- Only two parks (2)
- Limited access to internet providers; consistent service/access (2)
- Social services (2)
- Website challenges (2)
- Lack of community room/space and government center (2)
- Staff growth and city grows; balance (2)
- Lack of property infrastructure for support of large manufacturing development (2)
- Poor cell phone service (1)
- Lack of access to regional trails (1)
- Pollution concerns; fertilizers, farms, yards (1)
- Future need for our school system (1)
- Extra business expenses for sewer and water infrastructure
- Terrible soil quality
- Lack of health fitness center

OPPORTUNITIES

- Hwy 169 corridor business growth (7)
- Eligible for outside funding (MSA, LGA) (5)
- Stability in lot sizes (5)
- Planning and zoning powers (4)
- More and better parks (3)
- Get to chart own course for growth and change (3)
- Land use opportunity for growth (all categories) (3)
- The ability to work from home (2)
- International conflict = population growth = surges to/from City into rural area (2)
- Access to League of Minnesota Cities resources (2)
- Business retention and economic development resources to attract new businesses (1)
- Join Economic Development Authority (1)
- Hospital system (1)
- Home based businesses (1)
- Outdoor activities; hunting, fishing, hiking, bird watching (1)
- People can easily commute for jobs once Hwy. 169 interchanges complete
- Advancement in tech infrastructure
- People wanting [to move here] because of our amenities
- Enhancements to tech
- Text Your Gov system
- _____ to immigrants
- Price of gas
- Baldwin Days/Tractor Day, parade festival
- Arts and crafts shows

THREATS

- Ground water table with fast growth of housing (5)
- Turn over in local government, electing uninformed leaders (4)
- Our rural atmosphere (4)
- Crime increase (3)
- Increase in traffic / narrow roads (3)
- High density housing (3)
- Challenging or lack of access to state and federal government (2)
- Lack of job and local revenue (2)
- Inflation (2)
- Growing pains – growth management; growing too fast (2)
- Land management (2)
- Demographic changes (2)
- Keeping land affordable (2)
- Misuse of tech (1)
- Tech not consistent (1)
- International conflict surge in population (1)
- Cost of homes, gas, land, etc. (economic factors)
- High interest rates
- Shared septic systems
- Miscommunication