



LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

Stacy, Minnesota 55079

(651) 462-2812 • Fax (651) 462-0500

E-Mail: info@linwoodtownship.org

Website: <http://linwoodtownship.org>

Planning and Zoning Commission Minutes

January 17, 2023

Meeting called to order at 7:01 pm by Tom Searing

Pledge to the Flag was recited.

Commission members present: Jim Garrison, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Sausen, Tom Searing

Commission members absent: Joe Dolphy, Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff & Consultants present: Claire Michelson – MSA, Pam Matti

Residents present: Steve Strandlund

Oath of Office Rory Paggen took the oath of office. Rory will serve as Alternate 2 on the Planning & Zoning Commission.

Approval of Agenda

Motion by Jim Garrison, seconded by Nancy Matson, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from December 20, 2022

Motion by Nancy Matson, seconded by Tom Sausen, to approve the minutes. All ayes, motion carried.

Approval of Public Hearing minutes – After the Fact Variance Application - from December 20, 2022

Motion by Jim Garrison, seconded by Nancy Matson, to approve the minutes. All ayes, motion carried.

Motion by Nancy Matson, seconded by Tom Sausen, to recess the regular PZ meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:04 pm to **Public Hearing to consider a Maximum Square Footage Variance Application – Separate minutes prepared.**

Reconvene meeting at 7:08 pm

Discuss and Act on a Maximum Square Footage Variance Application for 8921 Ryan Lake Dr NE

No comments from P&Z members.

Staff recommends that Linwood Township Planning Commission adopt the staff report into the record; accept the application, testimony, exhibits, and other evidence presented into the record; and recommend approval of the 368-foot variance for the oversized attached garage.

Findings of Fact:

- Based on the submitted survey, there does not appear to be much buildable land for an accessory structure that could house the applicant's mechanical hobbies due to the flow of the Sunrise River, adjacent wetlands, and required 75-foot setback from the water. Since other parcels in the R-1 district have more acreage and fewer natural obstructions, requiring a smaller garage would restrict how the applicant can use his land and deprive him of rights enjoyed by other properties in the same district.
- The proposed garage would extend closer to Ryan Lake Dr NE, rather than the Sunrise River and adjacent wetlands.
- The proposed oversized garage would not alter the essential character of the locality; its exterior will match the architectural character of the rest of the home.
- The proposed structure does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor does it substantially diminish and impair property values in the immediate vicinity. The use appears harmonious with the established agricultural uses in the vicinity, since many of those properties are permitted larger accessory structures.
- The structure does not impede the normal and orderly development and improvement of surrounding property for uses predominant to the area. The proposed project will not impact public welfare or safety.
- The proposed structure does not impair an adequate supply of light and air to adjacent properties, increase the congestion in the public rights-of-way, increase the danger of fire or endanger the public safety, cause an unreasonable strain upon existing City facilities and services, or have a negative direct and indirect fiscal impact on the City, County, or School District.
- The property is adequately screened by trees between Ryan Lake Dr and the proposed single-family structure. The garage will predominantly be hidden from sight by neighbors and passersby.

- The applicant has indicated that there is no intention to build an accessory structure on the property. A portion of the square footage allotted to accessory structures (up to 2,400 square feet for this property, as outlined in Section 30-672 of the Town Code) could be reallocated to a larger garage, thus decreasing the number of structures on the parcel and minimizing disruption of the river ecosystem.
- Linwood Township's 2040 Comprehensive Plan prioritizes rural character and development that is attractive to residents. The applicant may have bought this land because the ability to construct a larger garage for his hobbies may have been attractive; denying this variance prohibits the realization of this resident's vision for his property.

Motion by Tom Sausen, seconded by Nancy Matson, to recommend approval of the variance request. All ayes, motion carried.

OLD BUSINESS

None

NEW BUSINESS

None

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire M. reported the following:

Subdivision Reviews

- Still waiting on submittal of preliminary plat from Dellwood Estates.

Rum River Zoning Reviews of Building Permits

- Building permits are slowing down with the winter season. Roof solar panels and movement of a manufactured home have come through zoning review.

Variance Application

- 8921 Ryan Lake Drive public hearing and recommendation for a variance from the maximum square footage of an accessory structure. This is a new build home and garage. The applicant has an alleged practical difficulty with the location of the Sunrise River running through their property and the ability to build a secondary accessory structure therefore would like to increase the size of the garage. Public Hearing was held this evening.
- There has been inquiry from a property owner on a variance from the 50-foot wetland setback to build a detached accessory structure. A pre-application meeting was held. An official application had not yet been submitted.
- An application for a Septic System located at 23051 W Martin Lake Dr NE was not submitted in time for the January meeting, but will be on February's agenda.

Zoning Ordinance Updates

- Staff have been requested to look into ATV & UTV language. MSA is still looking into that and looking at what the surrounding communities are defining those as and using. Suggestions will be included in next month's report.
- MSA is working on updated definitions and suggested changes to ordinances associated to Kennels. MSA will plan to include suggestions in next month's report.
- MSA is working on updated variance ordinance Section 30-56. Much of the existing ordinance utilizes out of date language that is no longer compliant with State Statute. Hardship should be replaced with "practical difficulties". The proposed changes need to be reviewed by the Township Attorney.

Commercial Areas

- MSA is working on next steps as discussed in the December meeting. There are no updated materials for January's meeting.

Motion by Nancy Matson, seconded by Tom Sausen, to adjourn. All ayes, motion carried.

Meeting adjourned at 7:22 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: February 21, 2023

Vice Chairman:

Tom Searing



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Public Hearing Minutes Maximum Square Footage Variance Application January 17, 2023

Commission members present: Jim Garrison, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Sausen, Tom Searing

Commission members absent: Joe Dolphy, Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti

Residents present: Steve Strandlund

Public Hearing opened at 7:04 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday, January 17, 2023 at 7:00 PM at Linwood Township Town Hall located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Eric and Teresa Roy at 8921 Ryan Lake Dr NE for a variance from the maximum square footage of an attached garage, Section 30-672 of the Linwood Township Zoning Ordinance.

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

No comments from the public.

Tom Searing asked, is the homeowner planning to have a business or is the homeowner planning to just work on his own stuff, based on the proposal to work on classic cars, snowmobiles and ATVs? Steve Strandlund, the developer and representing the homeowners, responded no, it is his own stuff.

Tom Sausen asked, can you see the house from Ryan Lake Drive? Steve Strandlund responded, you can see a lot more of the house, than the garage with the way it is designed. And, once the leaves are on the trees, you don't see as much.

Motion by Nancy Matson, seconded by Tom Sausen, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:08 PM.

Respectfully submitted,

Pam Matti
Deputy Clerk

Minutes Approved: February 21, 2023

Vice Chairman: _____
Tom Searing



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Planning and Zoning Commission Minutes February 21, 2023

Meeting called to order at 7:01 pm by Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Lloyd Horton, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson, Nancy Matson, Rory Paggen, Tom Pilla

Town Board members present: Jonn Olson

Staff & Consultants present: Claire Michelson – MSA, Pam Matti

Residents present: none

Approval of Agenda

Motion by Tom Searing, seconded by Lloyd Horton, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from January 17, 2023

Motion by Tom Searing, seconded by Jim Garrison, to approve the minutes. All ayes, motion carried.

Approval of Public Hearing minutes – Maximum Square Footage Variance Application - from January 17, 2023

Motion by Tom Searing, seconded by Lloyd Horton, to approve the minutes. All ayes, motion carried.

OLD BUSINESS

none

NEW BUSINESS

Proposed Ordinance Amendments

Nonconforming Uses and Structure (Article II Section 30-298-30-30)

Claire M. stated, that the Linwood Township ordinance reads a lot stricter than what the State or County would allow. She stated that the township is allowed to be stricter. However, there have been inconsistencies, through zoning staff over the years, and how some of these permits have been administered because of the different interpretations of three laws that can be incorporated.

- a. Bulk definition – if bulk is defined, this would help to make it clearer.
- b. Septic viability must be met for it to be considered buildable.
- c. Increasing nonconformity. Joe D. asked Claire about this. She stated it would be allowing for an increase in the structure, as long as it does not increase what is nonconforming about it.

P&Z members agreed that keeping the nonconforming uses and structures as is, is for the best.

Shoreland Ordinance Wording for Consistency

Section 30-575 Regulations adopted by reference:

The Anoka County Shoreland Management Ordinance (Number 2019-06, to be deleted) printed herein as Appendix 1 to this chapter, and any amendment **or replacement** to thereto which apply to the town are hereby adopted by reference and incorporated in and made a part of hereof as if set out in full in the section.

P&Z members agreed on this as presented.

Accessory Uses, Buildings and Structures

(3)(b) The owner has provided proof that the parcels will not be conveyed separately from one another by a fully executed (and recorded conduit deeds with an, will be deleted) appropriate restrictive covenant.

P&Z members agreed on this correction.

b. 30-667 Portable Storage Structure

Claire M. asked, what P&Z members think on the size of a portable structure? A portable storage structure is defined as a structure, that is not on permanent footings and can be moved easily.

It was decided by P&Z members that a portable storage structure shall be no more than 250 square feet in size.

Section 30-668 Accessory Buildings and Structures in the R-1 District

Typo is to be corrected. Remove the word “Sidewalk” and replace with “Sidewall”.

P&Z agreed with the correction.

Section 30-675 Exemption for Land Parcels in R-A

Claire M. asked P&Z members if they feel this section is necessary? Staff had noticed that the regulations kind of had to do with R-A, but they mention R-1, which doesn't really apply. Claire wasn't sure if something had gotten misaligned or mislabeled in the past. Claire was asking to get rid of the whole Section 30-675. This section is deemed unnecessary.

P&Z members agreed to eliminate this section.

Section 30-677 Location of Detached Garages and Accessory Buildings

Per Claire M., a definition of a pole building and a stick building will be added. Front yard and rear yard, especially for lake front property must be defined. Jim G. stated that after discussion, we do not want to allow item e. to be eliminated. Claire M. comment, or you can say that this ordinance is only for stick built and that pole buildings can not be placed in front of a structure, due to the fact that it is very difficult to meet the requirements of item e. Claire suggested that we could also request to see the product that is going to be used on the accessory building or proof of what is going to be used. It wouldn't need to be in the ordinance, but as a policy it could be requested. Tom Searing mentioned a typo in item e. the second line: the word 'that', should be changed to 'than'. Members agreed.

P&Z agreed to keep the following item, as is:

- e. Any accessory building in front of the rear line of the dwelling unit or nearer to the road than the dwelling unit, shall have the façade facing the adjacent road match the materials and colors of the dwelling unit. This includes stone and brick, which may be closely matching lightweight hang on type products.

Accessory Structures and Chicken Coops

Claire M. said some of the questions on chickens and structures and temporary structures have come up, particularly with violations. She said we need more clarity, if we are going to allow chickens; we need to have better regulations on what they are allowed to live in, if there is a limit on coops. There are certain regulations right now that they have to be in an enclosure and they have to be in a fence of a certain height and things like that.

Claire M. posed the question to P&Z members, is there a need for a separate section on chicken coops or not? Should chicken coops be listed differently with their own requirements rather than live in the accessory structure's ordinance?

Jim G. asked, do other communities have written requirements for chicken coops? Claire said, yes, in a denser community they would have regulations about how close the chicken structure could be to another primary structure and how many structures you can have on the property. Joe D. commented that he doesn't see a need to define chicken coops, but instead they should be regulated as accessory buildings. Members agreed to regulate this as accessory buildings.

P&Z members felt there is a need to put in writing what the total number of portable structures allowed for R-1 and R-A is. Claire commented that currently, both R-A and R-1 allow only one portable structure.

P&Z members agreed that chickens will fall under the accessory structures heading.

Kennel Definition

Claire M. reminded members that if you have more than two dogs, you have to apply for a kennel license. Currently the township just has an ordinance about kennels, whether it is residential or commercial. Claire stated that the current definition is not a great, specific definition. Claire stated, a lot of communities break out the definition of kennels into two separate definitions. One definition for commercial kennels and one definition for private kennels.

P&Z members were in support of separate definitions for commercial kennels and private kennels. Jim G. and Tom Searing also asked Claire M. to add the breeding and sale of dogs to the commercial kennel definition.

Section 30-56 – Variance edits for state statute consistency

Changes are to delete the word "hardship" and replace with "practical difficulty".

P&Z members agreed with these changes.

Linwood Zoning Map and Staff Report

Claire M. commented that the suggested new districts, she believes, came from Anoka County. Claire said this report is coming from Sandy Lathrop and Anoka County.

Joe D. commented that we don't have a DNR/WMA and Twp Parks district on our current zoning map, in the Township. Claire M. said, we would have to make new districts for all these parks. Joe D. asked, should they be? Should the parks be designated as a zoning district or is it a land use type of thing?

Claire said, if it is on your map as a district, then it should be in your ordinance. Claire stated she was not directly involved in the map making process, so she cannot speak to it a ton. But Claire assumed those involved in making the map labeled it DNR/WMA because it is not likely to ever

change. Joe D. commented that this would basically be an ordinance to establish a zoning district, via a Public Hearing to get it officially recognized as a zoned district. Joe noted that the notes in the written report, did not identify the Gordie Mikkelsen area. Claire stated she did not write the report, but if there are any missing, they can make sure everything is in line for the Public Hearing.

Tom Sausen stated he would really like to see the Carlos Avery changed from R-A to DNR wildlife management, because that is not agricultural land. And, the same with the Wildlife Science Center. Joe D. commented that he doesn't know if the Wildlife Science Center is a permanent fixture, as that could change in ten years too. It's a business and not government owned. Joe D. said he has no problem rezoning the Carlos Avery and getting it out of the R-A zoning area. Tom Sausen commented that it just seems a little more appropriate.

P & Z members liked the idea of having all the designations on the zoning map.

Joe D. asked, will the changes talked about tonight need to go to public hearing? Claire replied, yes.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire M. reported the following:

Subdivision Reviews

- Still waiting on submittal of preliminary plat from Dellwood Estates.
- Review was completed, waiting on submittal for preliminary plat (3 lot subdivision) for 20410 Viking Blvd. However, this will need to be rezoned from R-A. Sketch plat has been reviewed, but the recommendation is, in order to move ahead with the preliminary plat, they will need to rezone to R-1.

Rum River Zoning Reviews of Building Permits

- Building permits are slowing down with the winter season. There was one addition application and some questions on garages/accessory buildings on properties.

Variance Application

- There has been inquiry from a property owner on a variance from the 50-foot wetland setback to build a detached accessory structure. A pre-application meeting was held. An official application was submitted on 2.14.2023 so expect that for March's meeting.
- An application for a Septic System located at 23051 W Martin Lake Dr NE was not submitted and needed additional information so it will be on March's agenda.

Zoning Ordinance Updates

- MSA is working on updated definitions and suggested changes to ordinances from discussions with staff. These updates are provided in another packet material.

Commercial Areas

- MSA is working on next steps as discussed in the December meeting. There are no updated materials for February's meeting.

Comments

Lloyd Horton made a request to P & Z concerning the 3rd Tuesday meeting time. It conflicts with another meeting he has on the same date and time. He is wondering if the P & Z meeting could be changed? Joe D. stated, it was Monday a year ago due to the Planner's schedule at that time. Then when the Township switched Planners, P & Z members requested to go back to the 3rd Tuesday of the month meetings. Tom Searing mentioned the reason we changed away from Monday, was because so many holidays fell on that Monday. Joe D. also commented that the P & Z meeting needs to hit before the Town Board meeting and that Town Board meets on the second and forth Tuesday of the month. Joe D. commented that this is something to look at in the future.

Motion by Jim Garrison, seconded by Tom Sausen, to adjourn. All ayes, motion carried.

Meeting adjourned at 8:55pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: March 21, 2023

Chairman: _____
Joe Dolphy



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Town Board and Planning & Zoning Joint Meeting Minutes March 2, 2023

Board Members Present: Supervisors Bob Millerbernd, Jonn Olson, Mike Parker, Carol Searing

P & Z Members Present: Joe Dolphy, Jim Garrison, Gary Gustafson, Nancy Matson, Rory Paggen, Tom Searing

Board Members Absent: none

P & Z Members Absent: Lloyd Horton, Tom Pilla, Tom Sausen

Others Present: Jason Hill – Attorney, Claire Michelson – Planner, Pam Olson – Clerk, Pam Matti – Deputy Clerk, Andy Luedtke – Fire Marshal

Town Board Call to Order and Approval of the Agenda: Chairman Millerbernd called the Linwood Town Board meeting to order at 6:00 p.m. in the Town Hall at 22817 Typo Creek Drive NE, Stacy, on Thursday, March 2, 2023. The clerk performed the roll call. Vice Chairman Parker moved to approve the agenda as presented; seconded by Supervisor Olson. The motion passed unanimously.

Planning & Zoning Call to Order: Chairman Dolphy called the Planning and Zoning Committee meeting to order at 6:00 p.m. The deputy clerk performed the roll call.

Purpose of the meeting: Is to learn about and discuss the adoption of the International Property Maintenance Code (IPMC).

Introductions of Jason Hill, Town Attorney and Claire Michelson, Planner

Overview of the IPMC: Attorney Hill presented the overview and explained that the International Property Maintenance Code (IPMC) applies to existing structures. It is different from the Building Code, in that the building code applies to new construction and remodeling.

Attorney Hill explained, municipalities adopt the IPMC. There is a process to do that. But there is not a whole lot to adopting the IPMC. You can choose to adopt parts of the IPMC or all of it. Attorney Hill stated, if you adopt the IPMC and start to enforce it, you must be consistent with your enforcements. Attorney Hill said, the benefit he sees to the IPMC in municipalities is that it provides the township additional authority to rely upon and for different types of enforcement actions.

Attorney Hill said, there is work to be done. You will need to look at all the specific provisions. Make sure you are not conflicting with anything in your current code. Know what your goals are. Know what you want to enforce and not enforce. Make sure you are sure about what you wish to enforce.

Enforcement issues: Pam O. stated that we are in the middle of an enforcement right now and we cannot tell people that they need electricity or a working septic system, in the house they live in. The intention is to pull some things out of the IPMC, but not adopt all parts of it so that we can move forward with enforcements. This code gives specifics as to what constitutes for example, garbage or trash. Pam O. stated, Rum River CC and Attorney Hill have both worked with this code and have experience with it.

Andy Luedtke, Fire Marshal addressed the group. He gave examples of where this code would help with enforcements, whereby our current code does not address or make enforceable.

Joe D. added, in the past letters have been sent out and things have gone to court and then ended up getting thrown out, because the Township was not being consistent with their enforcements.

Attorney Hill stated, if you have some of the rules from the IPMC, you can then cite to all the infractions and it will make it easier for you to enforce. Again, Attorney Hill warned, the Township must be consistent with enforcements. The system can still be complaint-based and the Township will enforce when a complaint has been received. Attorney Hill pointed out, that the general public nuisance language is a challenge for him, if he's just bringing a case on a public nuisance. There is no clear definition of that.

Discussion: Chairman Millerbernd reminded the group that we are only looking at what fits for us. Pam O. said, Chapter 3, is what the Clerk would be looking at the most. The one area that is always paid attention to and will always take front-row is the safety aspect. The question of what you can do on a piece of vacant land, is big for us in the Township, for example, with people storing stuff on vacant land.

Joe D. asked, is this for the health and safety of the resident or for the health and safety of the neighbors? Andy L. said, it is for the health and safety of both the resident, the neighborhood, and fire fighters, as employees of the Township etc.

Attorney Hill stated, this just gives you another tool for enforcement. If there is broken windows, open doors, broken doors, etc. that you can see visually from the road, then you have grounds for hazardous conditions. The IPMC gives you a bit more leverage to get into a house with an administrative search warrant. And, if you need to go to a judge, you can site to the IPMC.

Attorney Hill stated, when an administrative search warrant is served, both a Deputy and Building Inspector are typically sent. But every case is different and is determined at the time.

Supervisor Olson commented, that we should look at this as a tool in their toolbox for the staff. You cannot expect staff to do these enforcements, if you do not give them the right tools.

Options for Property Maintenance: The question was asked, is there support for this? The Township Supervisors all indicated their support for moving forward with review of the IPMC. Joe D. asked Claire M., if we have all our ducks in a row, will this help? Claire M. replied, yes, this would help with enforcement of the full township code.

Attorney Hill stated, the goal is not court, but to try and work with property owners to rectify the situation by a deadline date. This is always the first goal, before court. And, often this works.

Pam O. said, we ask for the complaint to be in writing and complainants name must be on the complaint. Names are redacted from complaint letters. The only time it can not be redacted is if it goes to court. Both the Township Board of Supervisors and the Planning and Zoning Committee are part of this process.

Process/timeline for review, public hearing, and ordinance adoption: *Motion* by Chairman Millerbernd, seconded by Vice Chairman Parker, to recommend that the Planning & Zoning Committee move forward with consideration of the IPMC and review what parts of it should be used. All ayes, motion carried.

Joe D. commented, P & Z will need to work on this with Claire M. very closely. It will take several months. Jim G. asked, what are we needing to do specifically? Claire M. stated, she would like P & Z to take a look at what other communities are doing.

Andy L. offered to work with the P & Z on this, both as a resident of the Township and as someone with professional experience as a Fire Marshal.

Adjournment:

Motion by Tom Searing, seconded by Nancy Matson, to adjourn. All ayes from P & Z, motion carried.

Motion by Vice Chairman Parker, seconded by Supervisor Olson, to adjourn. All ayes from Town Board, motion carried.

Meeting adjourned at 7:22 p.m.

Respectfully Submitted,
Pam Matti
Deputy Clerk

Approved on March 14, 2023

Attested:

Robert Millerbernd, Chairman

Pamela Olson, Clerk

Approved on March 21, 2023

Joe Dolphy, Planning & Zoning Chairman



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Planning and Zoning Commission Minutes

March 21, 2023

Meeting called to order at 7:01 pm by Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

Staff & Consultants present: Claire Michelson – MSA, Pam Matti

Residents present: Glenn Wick, Ed Kramer, Andrew Johnson, Dan Darwitz, Wally Hupala, Andy Luedtke, two signatures that were not readable

Approval of Agenda

Motion by Tom Searing, seconded by Jim Garrison, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from February 21, 2023

Motion by Tom Searing, seconded by Jim Garrison, to approve the minutes. All ayes, motion carried.

Approval of Joint TB and PZ Meeting minutes from March 2, 2023

Motion by Tom Searing, seconded by Tom Pilla, to approve the minutes. All ayes, motion carried.

Motion by Nancy Matson, seconded by Tom Pilla, to recess the regular PZ meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:04 pm to **Public Hearing for Zoning Ordinance Amendments – Separate minutes prepared.**

Reconvene meeting at 7:06 pm

Discuss and Act on a Zoning Ordinance Amendment

No further discussion.

Motion by Tom Searing, seconded by Nancy Matson, to recommend approval of the zoning ordinance amendments as presented. All ayes, motion carried.

Motion by Tom Searing, seconded by Gary Gustafson, to recess the regular PZ meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:08 pm to **Public Hearing to consider a variance application to the wetland buffer setback at 6845 231st Lane NE – Separate minutes prepared.**

Reconvene meeting at 7:10 pm

Discuss and Act on a Variance Application from the wetland buffer setback at 6845 231st Lane NE

Motion by Tom Pilla, seconded by Jim Garrison, to recommend approval of the variance based on the recommendation of our Planner.

Findings of Fact from the Planner:

- a. The variance request is in harmony with the intent and purpose of the ordinance. Linwood Township's 2040 Comprehensive Plan does not directly address the applicant's situation, but it appears that the proposed detached accessory structure will not interrupt the residential character of the residential area, which is supported by the Comprehensive Plan.
- b. The proposed footprint of the accessory structure is reasonable and comparable to what is present on nearby similarly sized lots. The applicant does not have the ability to construct a reasonably sized accessory structure on the parcel without setback variances due to the wetland in the back of the parcel.
Since other parcels in the R-1 district have similar acreage and fewer natural obstructions, not allowing the accessory structure could restrict how the applicant can use his land and deprive him of rights enjoyed by other properties in the same district.

- c. The property has unique physical characteristics, including the presence of the wetland which was not created by the landowner.
- d. The proposed structure does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor does it substantially diminish and impair property values in the immediate vicinity. The use appears harmonious with the established residential uses in the vicinity, since many of those properties are permitted larger accessory structures.

The structure does not impede the normal and orderly development and improvement of surrounding property for uses predominant to the area. The proposed project will not impact public welfare or safety.

The proposed structure does not impair an adequate supply of light and air to adjacent properties, increase the congestion in the public rights-of-way, increase the danger of fire or endanger the public safety, cause an unreasonable strain upon existing Township facilities and services, or have a negative direct and indirect fiscal impact on the Township, County, or School District.

Discussion: When asked, the applicant stated that the septic system is located to the west of the house and the garage will be on the east side. Also when asked, applicant stated they will not be planning a driveway to the accessory structure, as the driveway permit request was turned down. The structure will only be for storage. Applicant has had conversations with the DNR wetlands conservationist. And, once the snow melts, applicant will have the DNR out to see exactly where the wetlands are. Joe D. stated one condition he wants to see, is that the wetlands have been delineated

Joe D. asked for the ***motion to be amended to include, a survey delineating the wetlands and the façade must match the front of the house. Tom Pilla and Jim Garrison agreed to the amendment.*** All ayes, motion carried.

Motion by Nancy Matson, seconded by Tom Pilla, to recess the regular PZ meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:18 pm to **Public Hearing to consider a variance application from the front yard setback and from the side yard setback at 23051 West Martin Lake Dr NE – Separate minutes prepared.**

Reconvene meeting at 7:21 pm

Discuss and Act on a variance application from the front yard setback and from the side yard setback at 23051 West Martin Lake Dr NE

Findings of Fact from the Planner:

PZ Minutes 03-21-2023

- a. The Township code requires that all sewage generated in unsewered areas shall be treated and dispersed by an approved subsurface sewage treatment system of system permitted by the state pollution control agency, this property does not currently have an approved system and this variance will bring closer to compliance with Township Code.

Linwood Township's 2040 Comprehensive Plan does not directly address the applicant's situation, but it appears that the proposed septic system location will not interrupt the residential character of the W Martin Lake Drive area, which is supported by the Comprehensive Plan.

Section 28-92 (o) of Linwood's Code of Ordinances states, "Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system, or the placement of new structures, on an existing developed parcel of real property, the department may reduce property line and building setbacks and system sizing requirements provided said reduction does not endanger or unreasonably infringe on adjacent properties and with the concurrence of the affected properties." Under this provision, property line setbacks may be reduced to enable a septic system to be installed in the most appropriate location.

- b. The proposed individual sewage treatment system is a reasonable request as the residential home does not currently have indoor restroom capabilities and the proposed system is comparable to what is present and included on nearby lots.
- c. The parcel's topography and adjacency to Martin Lake has created alleged practical difficulty. The applicant has not created the practical difficulty. Linwood Township has no centralized sewer system; therefore, an adequately-sized, compliant individual sewage treatment system is necessary for the full use of the property. The proposed septic system has been designed to accommodate the property's residential use and comply with all other Township and State regulation.
- d. The proposed septic system location within the front/side yard setbacks does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. It appears that a strip of trees separates the applicant's property from the neighbor directly to the south, blocking potential interaction and sightlines to the septic system location along the south property line.

The septic system location is not anticipated to impede the normal and orderly development and improvement of surrounding property for uses predominant to the area. The proposed project will not impact public welfare or safety.

The use proposed appears to meet all other development standards of Linwood Township and does not appear incompatible with adjacent land uses.

Tom P. asked for confirmation that the property has no septic system currently. Claire M. confirmed that it does not. Joe D. stated, he does not support O setbacks and would rather see the septic be placed across the road on property owned by the applicant. Applicant stated, it would be nice to have the septic system on the same lot as the house. He would like it this way,

in case the septic system was to fail in the future, he would still have the option for putting a new system across the road.

Joe D. added, the applicant can put in a sealed tank and have it pumped. This is another option to consider.

Motion by Gary Gustafson, seconded by Nancy Matson, to recommend approval of the variance as requested. Roll-call vote was taken, 4 ayes and 3 nays. Motion carried.

OLD BUSINESS

none

NEW BUSINESS

none

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire M. reported the following:

Most of the MSA report was taken care of at tonight's meeting.

Subdivision Reviews

- Dellwood Estates just yesterday submitted their preliminary plat for a 21-lot subdivision, with new roads. This is likely to come to Public Hearing in April.
- 20410 Viking Blvd Cliffs Peterson Ridge Preliminary Plat – Application was received for this subdivision on 3/8/2023, along with a re-zone application to change it from R-A to R-1. It is a 3-lot subdivision. Both applications will be on the April agenda.

Rum River Zoning Reviews of Building Permits

- Building permits are speeding up with the summer season approaching. There have been some additions, and new single-family builds that have come through.

Claire M. asked if P&Z would like to talk about moving forward on the IPMC, following the Joint TB and P&Z meeting? Andy Luedtke commented, that information was emailed to the members with details about what the surrounding communities are doing. Tom P. asked, would it make sense to have a subcommittee from P&Z work on this? Joe D. didn't think a subcommittee would be necessary. Joe D. asked members to read through the IPMC and refer comments and input back to Claire M. Members were told to look at this, as a necessary step to helping with enforcements. Joe D. stated, that after members have had a chance to read through the materials, if members felt it necessary, then a subcommittee could be formed.

Members should feel free to submit their feedback to either Claire M. or Pam M. and they will compile the comments.

Motion by Gary Gustafson, seconded by Nancy Matson, to adjourn. All ayes, motion carried.

Meeting adjourned at 7:54pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: April 18, 2023

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

Stacy, Minnesota 55079

(651) 462-2812 • Fax (651) 462-0500

Website: <http://linwoodtownship.org>

Public Hearing Minutes

Variance Application from Front Yard and Side Yard Setbacks at 23051 W Martin Lake Dr NE March 21, 2023

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: None

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti

Residents present: Glenn Wick, Ed Kramer, Andrew Johnson, Dan Darwitz, Wally Hupala, Andy Luedtke, two signatures that were not readable

Public Hearing opened at 7:18 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday March 21st 2023 at 7:00 PM at Linwood Township Town Hall located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Glenn Wick for an estimated 40-foot variance from the front yard setback and a 10-foot variance from the side yard setback to allow the installation of a septic system at 23051 West Martin Lake Dr NE, Sections 30-904 and 30-905 of the Linwood Township Zoning Ordinance respectively.

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

No comments from the public.

Motion by Gary Gustafson, seconded by Tom Searing, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:21 PM.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: April 18, 2023

Chairman:

Joe Dolphy



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Public Hearing Minutes

Variance Application to the Wetland Buffer Setback at 6845 231st Lane NE

March 21, 2023

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: None

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti

Residents present: Glenn Wick, Ed Kramer, Andrew Johnson, Dan Darwitz, Wally Hupala, Andy Luedtke, two signatures that were not readable

Public Hearing opened at 7:08 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday March 21st 2023 at 7:00 PM at Linwood Township Town Hall located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Andrew Johnson for a 24-foot variance from the wetland buffer setback to allow the building of an accessory building 6845 231st Lane NE (PID 33-34-22-31-0046), Section 30-547 of the Linwood Township Zoning Ordinance respectively.

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

No comments from the public.

Applicant addressed the P&Z commission to let them know he had, to the best of his knowledge measured off approximately where the garage would be located adjacent to the wetland and got approximately 35 feet. He acknowledged, no one has actually been on the property to measure anything. So, he wasn't sure where the 24-foot variance had come from.

Motion by Nancy Matson, seconded by Gary Gustafson, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:10 PM.

Respectfully submitted,

Pam Matti
Deputy Clerk

Minutes Approved: April 18, 2023

Chairman: _____
Joe Dolphy



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Public Hearing Minutes Zoning Ordinance Amendment March 21, 2023

Commission members present: Joe Dolphy, Gary Gustafson, Jim Garrison, Lloyd Horton, Nancy Matson, Tom Pilla, Rory Paggen, Tom Sausen, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti

Residents present: Glenn Wick, Ed Kramer, Andrew Johnson, Dan Darwitz, Wally Hupala, Andy Luedtke, two signatures that were not readable

Public Hearing opened at 7:04 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday March 21st, 2023 at 7:00 PM at Linwood Township Town Hall, regarding the following matters:

Amendments to the Township Code regarding Chapter 30 Zoning, including subsection, 30-7, 30-56, 30-575, 30-675, 30-666, 30-667, and 30-668, regarding kennels, variances, definitions, accessory buildings, Shoreland, and exemptions.

Amendments to the Township Code regarding Chapter 4 – Animals changes including subsection 4-68 regarding kennels and definitions.

As such both written and oral comments will be heard and the Township Board of Supervisors will act on this request at the March 28th regular meeting. Contact Linwood Township at 651-462-2812 with any questions or concerns.

A copy of the proposed ordinance amendments is available in the Town Clerk's office.

Public Comments

No comments from the public.

Motion by Gary Gustafson, seconded by Tom Searing, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:06 PM.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: April 18, 2023

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes

April 18, 2023

Meeting called to order at 7:02 pm by Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

Staff & Consultants present: Claire Michelson – MSA, Pam Matti

Residents present: Michael Welle, Bob Walberg, Nikki Sandberg, Andy Luedtke, Bev Fitzgerald, Patty Theabald, Steve Reedy, Darryl Ballman, Lyle Reynolds, Tom Carlisle, Jim Slecky, Kristi DeKart

Approval of Agenda

Motion by Tom Pilla, seconded by Tom Searing, to approve the agenda. Claire M. asked to make an amendment to the agenda. Staff received the engineer's report Friday afternoon, after the packets had gone out, for Dellwood Country Estates. The report is being handed to each Planning Commission member and a copy put in the public binder, as part of the public hearing packet for this evening. All ayes, motion carried.

Approval of PZ minutes from March 21, 2023

Motion by Tom Searing, seconded by Nancy Matson, to approve the minutes. All ayes, motion carried.

Approval of PH Meeting minutes – Zoning Ordinance Amendment - March 21, 2023

Motion by Tom Searing, seconded by Nancy Matson, to approve the minutes. All ayes, motion carried.

Approval of PH Meeting minutes – Variance Application to Wetland Buffer Setback – March 21, 2023

Motion by Tom Searing, seconded by Tom Pilla, to approve the minutes. All ayes, motion carried.

Approval of PH Meeting minutes – Variance Application from Front & Side Yard Setbacks – March 21, 2023

Motion by Tom Searing, seconded by Nancy Matson, to approve the minutes. All ayes, motion carried.

Motion by Nancy Matson, seconded by Tom Pilla, to recess the regular PZ meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:06 pm to **Public Hearing for Application to Rezone 20410 Viking Blvd NE – Separate minutes prepared.**

Reconvene meeting at 7:15 pm

Discuss and Act on an Application to Rezone 20410 Viking Blvd NE

No further discussion from P & Z members

Findings of Fact from the Planner:

- a. The Comprehensive Plan does not directly address the applicant's situation, but it does appear that the proposal would maintain the existing rural-residential character of the Township, which is supported by the Comprehensive Plan.
- b. The parcel is located in the R-A district and would be changed to the R-1 district. The purpose of R-1 is to provide a district intended to preserve a residential atmosphere in the existing residential areas of the town which are currently developing or are almost fully developed. The existing use of the property is residential and the proposed use with the zoning change would be residential.
- c. The conditions for which the change of zone is based are unique to the applicant's parcel and situation.
- d. The proposed change of zone does not appear to be injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted. The proposed change appears harmonious with the established uses in the vicinity.

- e. The change of zone is not anticipated to impede the normal and orderly development and improvement of surrounding property for uses predominant to the area.
- f. The proposed use appears to meet all development standards of Linwood Township and does not appear incompatible with adjacent land uses.
- g. It has been demonstrated that the granting of the change of zone will keep with the spirit and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan.

Motion by Tom Pilla, seconded by Tom Searing, to recommend approval to the Town Board to rezone 20410 Viking Blvd NE from R-A to R-1. All ayes, motion carried.

Recessed at 7:17 pm to **Public Hearing to consider an application for a Preliminary Plat for Cliffs Peterson Ridge – Separate minutes prepared.**

Reconvene meeting at 7:18 pm

Discuss and Act on an Application for a Preliminary Plat for Cliffs Peterson Ridge
No further discussion from P & Z members. Joe D. asked Claire M. for comment.

Claire M. stated there are a couple outstanding items missing; comments from the Anoka County Highway Department and the Township Engineer's comments.

Claire M. stated that staff are recommending approval of the proposed preliminary plat with the following conditions:

- a. The changes provided from Anoka County Highway Department concerning access and right-of-way width are to be addressed and an updated plan set with the changes will be provided to Township Staff for final review prior to the applicant filing for Final Plat.
- b. Park dedication fee shall be paid prior to filing for Final Plat.
- c. All comments from Township Engineer, Anoka County and Anoka County SWCD shall be addressed.

Motion by Gary Gustafson, seconded by Tom Searing, to recommend approval of the Preliminary Plat to the Town Board, subject to staff recommendation. All ayes, motion carried.

Recessed at 7:23 pm to **Public Hearing to consider an Application for a Preliminary Plat for Dellwood Country Estates – Separate minutes prepared.**

Reconvene meeting at 7:34 pm

Discuss and Act on an Application for a Preliminary Plat for Dellwood Country Estates
Tom Searing stated that a note was received from Jamie Schurbon, from the Conservation District. Jamie had pointed out that the wetland buffer is required to be a drainage and utility

easement. The developer replied that it did show up on the drawing and Jamie S. just did not see it. However, the developer has talked with Jamie S., explained and also shown Jamie where the label was on the drawing.

Motion by Nancy Matson, seconded by Tom Pilla, to recommend approval of the preliminary plat for Dellwood Country Estates as presented. Claire M. asked for an amendment to the motion, to include, the applicant is to address the comments from Anoka County Highway Department and the Township Engineer prior to filing for final Plat. Both Nancy M. and Tom P. agreed with the amendment to the motion. All ayes, motion carried.

OLD BUSINESS

International Property Maintenance Code – Claire M. asked where P & Z folks are on this topic? Claire stated, that May's P & Z meeting looks to be light and that may be a good time to have a discussion. Joe D. agreed and stated it would be good to get this done this summer. P & Z members asked that staff come up with the most concerning enforcement issues and bring something back to P & Z. Claire M. stated, she would work on getting a common problems list and distribute to the P & Z members.

NEW BUSINESS

5G Ordinances and Moratorium – Claire M. stated, the Town Board put a moratorium on the current ordinance for cell towers for six-months. So, we need to have something in place by the end of the six-month moratorium (September 13, 2023). Claire will be consulting with the Township Attorney concerning this issue. Claire stated, the prep work which happened prior to this meeting, revealed very little about communities in Minnesota, as far as limiting these towers.

There were questions from P & Z members as to what is expected and exactly what P & Z needs to do. Carol Searing stated that it is up to P & Z to decide where are the best spots for the towers. Where do we want the towers placed? Joe D. responded, it requires professionals to tell us where the towers need to go, in order to work as needed. It was questioned, without some professional input, how is P & Z to define where these towers go in the Township? Carol S. asked the members, do you want the towers on private properties or in our business/commercial zoned areas?

Joe D. commented, the current Township ordinance states it can be on an R-A zoned property and a business zoned property. Jim Garrison said, we need to find out more about these towers. Andy Luedtke suggested that members refer to the Minnesota League of Cities for more information. They have provided more information and guidance on cell towers.

Some members expressed a desire to see the towers only in our business zones, so that the Township will benefit from collection of taxes. If this is not resolved by the end of the six-month moratorium, it will revert back to our current ordinance.

Motion by Gary Gustafson, seconded by Tom Pilla, to table the discussion until P & Z can find out how many towers are needed to service the Township. All ayes, motion carried.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire M. reported the following:

Subdivision Reviews

- Dellwood Estates - preliminary plat for a 21-lot subdivision, with new roads. Came to Public Hearing during tonight's P & Z meeting.
- 20410 Viking Blvd Cliffs Peterson Ridge - preliminary plat for this 3-lot subdivision and a rezoning request from R-A to R-1 came to Public Hearing during tonight's P & Z meeting.

Rum River Zoning Reviews of Building Permits

- Building permits are speeding up with the summer season approaching. There have been some additions, and new single-family builds that have come through.

Variance Application Updates

- The Town Board of Supervisors voted to approve the variance application request for wetland setback requirements to build a detached accessory structure at 6845 231st Avenue NE, with conditions.
- The Town Board of Supervisors voted to table the variance application request for 23051 W Martin Lake Drive NE concerning septic system location. Town Board voted to table this variance until soil borings are performed on the other lot owned by Mr. Wick.

Ordinance Updates

- The Township Board of Supervisors voted to approve the proposed ordinance updates that were discussed last month.

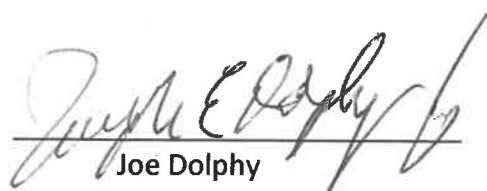
Motion by Tom Pilla, seconded by Nancy Matson, to adjourn. All ayes, motion carried.

Meeting adjourned at 8:24 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: May 16, 2023

Chairman:


Joe Dolphy



LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

Stacy, Minnesota 55079

(651) 462-2812 • Fax (651) 462-0500

Website: <http://linwoodtownship.org>

Public Hearing Minutes Application to Rezone 20410 Viking Blvd NE April 18, 2023

Commission members present: Joe Dolphy, Gary Gustafson, Jim Garrison, Lloyd Horton, Nancy Matson, Tom Pilla, Rory Paggen, Tom Sausen, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti

Residents present: Michael Welle, Bob Walberg, Nikki Sandberg, Andy Luedtke, Bev Fitzgerald, Patty Theabald, Steve Reedy, Darryl Ballman, Lyle Reynolds, Tom Carlisle, Jim Sleekty, Kristi DeKart

Public Hearing opened at 7:06 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday April 18th 2023 at 7:00 PM at Linwood Township Town Hall located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Sherco Construction for a proposed rezoning of 20410 Viking Blvd NE (PID 19-33-22-21-0008) from Residential-Agriculture (R-A) to Single-Family Residential (R-1).

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

Resident asked, how will this effect the traffic on Viking Blvd? How will this effect taxes? Resident was concerned about more car/deer accidents on the road. Another resident had concerns about school bus pick-up and how that would be affected on the curve.

Joe D. stated, the development will only add two more driveways/houses. Also, stated that it shouldn't affect the taxes. It amounts to a minor subdivision. The development meets all requirements necessary, as proposed.

A third resident expressed concern and questioned, if the development can eventually go from single-family to multi-family housing? Resident was informed the Township currently has no provisions on the books for multi-family zoning. Claire M. clarified that multi-family housing is only allowed with an Interim Use Permit. And an Interim Use Permit would require another Public Hearing and notification to the neighbors.

Motion by Gary Gustafson, seconded by Tom Searing, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:15 PM.

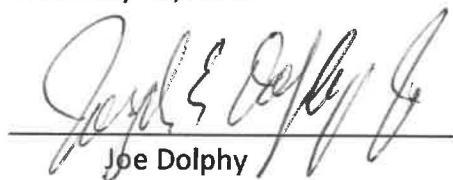
Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: May 16, 2023

Chairman:


Joe Dolphy



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Website: <http://linwoodtownship.org>

Public Hearing Minutes Application for Preliminary Plat Cliffs Peterson Ridge April 18, 2023

Commission members present: Joe Dolphy, Gary Gustafson, Jim Garrison, Lloyd Horton, Nancy Matson, Tom Pilla, Rory Paggen, Tom Sausen, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti

Residents present: Michael Welle, Bob Walberg, Nikki Sandberg, Andy Luedtke, Bev Fitzgerald, Patty Theabald, Steve Reedy, Darryl Ballman, Lyle Reynolds, Tom Carlisle, Jim Sleckty, Kristi DeKart

Public Hearing opened at 7:17 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday April 18th 2023 at 7:00 PM at Linwood Township Town Hall located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Sherco Construction for a proposed preliminary plat Cliffs Peterson Ridge creating three new lots located at 20410 Viking Blvd NE (PID 19-33-22-21-0008)

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

No comments from the public.

Motion by Gary Gustafson, seconded by Tom Searing, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:18 PM.

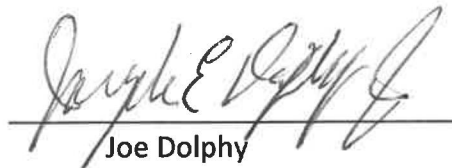
Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: May 16, 2023

Chairman:


Joe Dolphy



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Stacy, Minnesota 55079
(651) 462-2812 • Fax (651) 462-0500
Website: <http://linwoodtownship.org>

Public Hearing Minutes Application for Preliminary Plat Dellwood Country Estates April 18, 2023

Commission members present: Joe Dolphy, Gary Gustafson, Jim Garrison, Lloyd Horton, Nancy Matson, Tom Pilla, Rory Paggen, Tom Sausen, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti

Residents present: Michael Welle, Bob Walberg, Nikki Sandberg, Andy Luedtke, Bev Fitzgerald, Patty Theabald, Steve Reedy, Darryl Ballman, Lyle Reynolds, Tom Carlisle, Jim Sleckty, Kristi DeKart

Public Hearing opened at 7:23 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday April 18th 2023 at 7:00 PM at Linwood Township Town Hall located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Lee Hennen for a proposed preliminary plat Dellwood Country Estates creating twenty-one new lots located at 50xx 215th Ave NE (PID 07-33-22-23-0003)

As such both written and oral comments will be heard. The Planning Commission will make recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

No comments from the public.

Darryl Ballman, Linwood Fire Chief asked for clarification on the name of the street, it is Unser Street? The developer stated it is Unser and it is a full maintenance road. Both accesses (Willy's and Unser) to the development are full maintenance roads.

Motion by Nancy Matson, seconded by Gary Gustafson, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:34 PM.

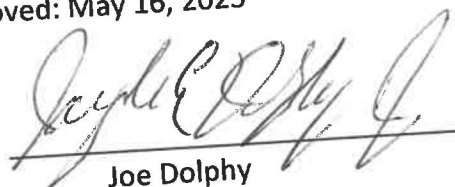
Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: May 16, 2023

Chairman:


Joe Dolphy



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Planning and Zoning Commission Minutes

May 16, 2023

Meeting called to order at 7:00 pm by Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

Staff & Consultants present: Emily Herold – MSA, Pam Matti

Residents present: Andy Luedtke

Approval of Agenda

Motion by Gary Gustafson, seconded by Nancy Matson, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from April 18, 2023

Motion by Tom Searing, seconded by Tom Pilla, to approve the minutes. All ayes, motion carried.

Approval of PH Meeting minutes – Rezoning of 20410 Viking Blvd NE – April 18, 2023

Motion by Tom Searing, seconded by Tom Pilla, to approve the minutes. All ayes, motion carried.

Approval of PH Meeting minutes – Preliminary Plat Cliffs Peterson Ridge – April 18, 2023

Motion by Nancy Matson, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

Approval of PH Meeting minutes – Preliminary Plat Dellwood Country Estates – April 18, 2023

Motion by Tom Searing, seconded by Nancy Matson, to approve the minutes. All ayes, motion carried.

OLD BUSINESS

International Property Maintenance Code – Emily H. reviewed the Planners recommended areas of the IPMC to incorporate. Those areas are: Chapter 1 Scope and Administration, Chapter 3 General Requirements, specifically sections 301, 302, 304, 305, 306, 308, and 309, and Chapter 7 Fire Safety Requirements.

Tom Searing stated, he spent a great deal of time reading over the IPMC and would recommend adopting all of Chapters 1, 3, and 7 as recommended by Claire M.

Andy L. stated that Chapters 1, 3, and 7 do not address habitability. He feels that Chapters 5 and 6 also need to be included, especially certain sections of those chapters. Chapters 5 and 6 pertain to Plumbing Facilities & Fixture Requirements and Mechanical and Electrical Requirements. It was expressed to P & Z members that the IPMC addresses existing homes. And, that incorporating the IPMC into the township ordinances, the hope is to prevent and to assist in enforcements of the dilapidated structures in the township.

Tom Pilla inquired about rewording Section 105 since it seems a bit heavy-handed. Members agreed that could be done.

Andy L. suggested that the group not even touch Chapter 7 Fire Safety Requirements, because the township has already got that covered.

Motion by Nancy Matson, seconded by Tom Pilla, to form a sub-committee to work on the IPMC and incorporating it into the Township Ordinance.

Discussion and amendment: Jim Garrison stated, he would like to see two separate sub-committees split up the chapters of the IPMC, so it is less burdensome. Nancy M. and Tom Pilla agreed to the friendly amendment of the motion to form two sub-committees to work on different Chapters of the IPMC and incorporating it into the Township Ordinance. All ayes, motion carried.

5G Ordinances and Moratorium – Joe D. asked, does the commission want towers on R-1 properties? In reference to the Planners notes and reported by Emily H., Chapter 24 section 484 notes the matrix provides allowable height and lot size for vacant land in three zoning districts R-1, R-2, and General Business. It does not list R-A, but it is listed as an interim use in Chapter

30 of the zoning ordinance. With these uses listed in the table it inherently allows a cellphone tower on that zoning district on vacant land. Planners notes also included an important note concerning Chapter 24 which references that antennas can be primary or accessory uses depending on if there is an existing use or the land is vacant at the time of antenna construction. The zoning ordinance which dictates what use is allowed in each district only mentions wireless communication towers in R-A as an interim use. It is not mentioned in R-1, R-2 or General Business as an interim use. This should be updated to be consistent. Staff recommends the planning commission determine the necessary amendments and provide that to staff for review and incorporation into the code and public hearing materials.

Tom P. asked why does it say 5G Ordinances & Moratorium, shouldn't it be communication towers? Thought is, it should say communication towers, since there is already talk about 10G coming. Emily H. responded that is just how it was labeled. Emily thinks originally it started as a conversation about 5G, but has moved to include all communications towers.

Members commented that Chapter 24 of our ordinance already lays out the fall zone, height, etc. Suggestion is to take information from Chapter 24 and put it into the tower ordinance. Joe D. suggested removing R-1 and R-2 districts from Chapter 24 and then address the R-A and Business districts only.

Tom Sausen reminded the group, that this is to serve the people of Linwood. Just like when the township was able to help get internet out to the residents of Linwood, who didn't have internet. We should not be making it difficult for the people of Linwood to get these needed services.

Andy L. stated, that for R-A in Chapter 30, the IUP has no stipulations. Nancy M. commented, if an applicant meets all the requirements for an IUP, then it must be issued, even if other residents/neighbors do not want it.

Members commented that they would like to hear from a tower company. It was decided that if Joe D. could get some facts directly from a tower company representative and bring those to the next meeting, it would be helpful.

The topic is moved to the June agenda.

Zoning Map Update - Joe D. asked, is there a problem with having DNR/WMA on the legend of the proposed map, if we do not reference it in our ordinance? Emily H. replied, the map is flexible and if you choose to keep the DNR/WMA, you would just need to reflect that in your ordinance. Emily H. will clarify questions with Claire M. Carol Searing commented that the proposed map needs to go to public hearing. Joe D. asked about a public hearing for the June meeting to adopt the proposed Linwood map.

Motion by Nancy Matson, seconded by Tom Searing, to set a public hearing for the month of June in order to adopt the new zoning map. All ayes, motion carried.

NEW BUSINESS

None

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Emily reported there have been a couple building permits in the past month. All were approved. MSA is waiting on Final Plats for Cliffs Peterson Ridge and Dellwood Country Estates.

Motion by Tom Pilla, seconded by Nancy Matson, to adjourn. All ayes, motion carried.

Meeting adjourned at 8:54 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: June 20, 2023

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

ANOKA COUNTY
22817 Typo Creek Drive N.E.
Stacy, Minnesota 55079
(651) 462-2812 • Fax (651) 462-0500
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Planning and Zoning Commission Minutes June 20, 2023

Meeting called to order at 7:00 pm by Joe Dolphy

Pledge to the Flag was recited.

Roll Call

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Nancy Matson, Rory Paggen, Tom Pilla, Tom Searing

Commission members absent: Lloyd Horton, Tom Sausen

Town Board members present: Carol Searing

Staff & Consultants present: Claire Michelson – MSA, Pam Matti, Pam Olson

Residents present: Ed Kramer, Andy Luedtke, John Mattila, Michele Mattila

Approval of Agenda

Motion by Tom Searing, seconded by Nancy Matson, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from May 16, 2023

Motion by Tom Searing, seconded by Gary Gustafson, to approve the minutes. All ayes, motion carried.

Oath of Office

Joe Dolphy, Jr. and Tom Searing took their oath of office and renewed their terms on the P&Z Commission for years 2023-2026.

Motion by Nancy Matson, seconded by Tom Pilla, to recess the regular PZ meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:04 pm to **Public Hearing for Variance from Property Line Setbacks for 23130 East Martin Lake Drive NE – Separate minutes prepared.**

Reconvene meeting at 7:08 pm

Discuss and Act on Variance from Property Line Setbacks for 23130 East Martin Lake Drive NE
Jim G. and Tom P. stated they could see no reason to deny the variance request.

Pam O. commented, that when the application came, there was a question if this requires a variance. On the advice of the Township Attorney, the variance should be done. This is a non-conformity and it will remain a non-conformity. By having the variance and the encroachment agreement, will actually make it a legal non-conforming one. With this in place, there should not be any pushback in the future. Pam O. stated, since this posed an imminent health risk, approval to install the septic system was given.

Findings of Fact from Staff:

- The use remains a parcel with a single-family dwelling and a septic system.
- The use of the property will not change. It is reasonable and necessary to have a functioning septic system.
- Replacement of an existing septic system is in harmony with the ordinances.
- The Comprehensive Plan requires protection of natural resources and placing the septic system as far away from the shoreline as feasibly possible would have the least impact on the shoreland.
- The plat was designed with lots that do not meet current Shoreland regulations. A factor that makes this property peculiar or unique is that the septic system was placed in its current location in the road right-of-way when neither the current homeowner nor the Township were involved in the septic permitting process. Permits in the past were issued by Anoka County on shoreland properties.
- Homes in the same District have the common rights of having a functioning septic system. It is in the best interest of the Township to allow the failing septic system to be replaced with a functioning septic system.
- The failing system which needs to be replaced and the fact that the failed system being located in the road right-of-way are not the fault of the owner. Proof of a legal non-conformity has not been received.
- The character of the locality will not be altered by replacing the septic system in its existing location.

Motion by Gary Gustafson, seconded by Tom Searing, to recommend approval of the variance for property line setbacks for 23130 East Martin Lake Drive NE. All ayes, motion carried.

Motion by Nancy Matson, seconded by Tom Pilla, to recess the regular PZ meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:17 pm to **Public Hearing to consider amending Linwood Township's official zoning map – Separate minutes prepared.**

Reconvene meeting at 7:19 pm

Discuss and Act on the Linwood Township Official Zoning Map amendment

Pam O. commented, in reference to the Carlos Avery and Gordie Mikkelson WMA/DNR areas, she looked at what other communities have done and found some use the terms Natural Area, Conservancy, or Natural Resources Preservation.

Joe D. stated, that we do not have ordinances or a zoning district for the WMA/DNR designated areas. These are open spaces. But R-1, R-A, and Business district do have ordinances that apply.

Pam O. stated, she believes what P&Z has, is a cross of a zoning map and a use map. The danger in leaving the Carlos Avery and Gordie Mikkelson zoned as R-A or R-1, would mean that a house could potentially be built there.

Claire commented that P&Z can label these areas as open spaces or natural protection. The intended use is what P&Z is wanting to establish. All current zoning will be updated on the new map and all changes since 2015 will be included.

Motion by Gary Gustafson, seconded by Nancy Matson, to recommend adoption of the zoning map as the official zoning map for Linwood Township. All ayes, motion carried.

OLD BUSINESS

5G Ordinances and Moratorium

Joe D. commented, at last month's P&Z meeting he believes the discussion came down to recommending tower construction on R-A and Business zoned districts. And, not on R-1. Beyond that, it came down to engineering type stuff that P&Z does not have a lot of control over. As to the number of towers and height etc. that is an engineering thing that P&Z can not control. It is controlled by the tower companies.

Joe D. also found out, that years ago tower companies would not allow leasing space on their towers to other companies, but that appears to have now gone by the wayside in today's market.

What P&Z made a recommendation for last month, was for R-A and Business zoned districts with an Interim Use Permit (IUP) or could be Conditional Use Permit (CUP) because of the long-

term investment the tower company has to make. Not sure what the proper procedure would be.

Motion by Nancy Matson, seconded by Tom Pilla, to recommend that cell towers not be allowed on R-1 zoned properties. And, cell towers are allowed to be built on RA and Commercial properties only.

Discussion: What about a 10-acre, R-1 zoned property? Rory P. commented, that someone with a 10-acre lot on a R-1 zoned property could apply to be rezoned, for the purpose of cell tower construction. Tom Searing agreed. Joe D. said, that would be an option. Andy L. reminded members that for R-A zoned properties, you need to see Section 30-351 (5) which contains an Interim Use Permit requirement. Whereby, one could have an R-A 3-acre lot and put up a cell tower with an Interim Use Permit, with no other conditions behind it.

Pam O. asked about fall zones. Joe D. responded, when it comes to the Interim Use Permit application, the questions of fall zone, heights, etc. will be determined at that time. Fall zones are determined by the design of the tower. The designer that designs the tower will determine the height, fall zone, etc., as per information gathered by Joe D. and Ed K.

Following much discussion, Nancy Matson **amended the previous motion** to add RA zoned property in the telecommunications code, in addition to the interim use permit code; combining and updating both Chapters 24 and 30 of the Township Ordinances. Motion passed with five ayes and one nay.

Claire M. will bring the draft language to the July P&Z meeting. The August P&Z meeting, should then have the Public Hearing.

International Property Maintenance Code

Tom Pilla reported that P&Z members met. They split into two groups and divided the IPMC Chapters 1-7 in half and each group worked through their Chapters. Tom P. reported, as the group worked their way through the Chapters, there were actually very few changes.

Following the group meetings; Tom P., Jim G. and Andy L. met and took the IPMC changes and put them into the Ordinance. As a group, it was decided to recommend adoption of Chapters 1-6 of the IPMC and not Chapter 7, which deals with the fire code. We already have those State fire codes in our Town Code.

Motion by Nancy Matson, seconded by Tom Pilla, to recommend adoption to the Town Board of Chapters 1-6 of the International Property Maintenance Code, with changes and updates from the Planning and Zoning Commission, to the Linwood Township Ordinances. All ayes, motion carried.

Discussion: Tom Searing stated, he thinks the group should see the changes that were made. Andy L. stated, he had sent those to Pam O. and that there were only three words that got changed. Joe D. commented, that the IPMC will be a separate code in the Town Ordinances. Tom Searing had one change to make and that was regarding getting rid of trash. That was Section 308.3.1, in which the IPMC allowed three different ways to get rid of trash. The committee that Tom Searing was on, agreed that the only allowable way to get rid of trash is trash cans and having a trash service. Andy L. confirmed the change to the IPMC. Pam O. commented that the Township will need to have somebody, Claire M. or the Attorney, work through this because we already have in the ordinance book how we handle enforcements and complaints. Our legal people will need to make sure there isn't a conflict between our current code and the IPMC.

NEW BUSINESS

Tom Pilla requested a roster of P&Z members with both emails and phone numbers.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire M. reported the following:

Subdivision Reviews

- Dellwood Country Estates and Cliffs Peterson Ridge are still working through Engineer and county comments before applying for Final Plats.

Rum River Zoning Reviews of Building Permits

- There have been some additions and decks that have come through.

Variance Application Updates

- 23051 W Martin Lake Dr NE was approved for a septic system install by the Town Board of Supervisors.

Motion by Tom Searing, seconded by Nancy Matson, to adjourn. All ayes, motion carried.

Meeting adjourned at 8:17 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: July 18, 2023

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

Stacy, Minnesota 55079

(651) 462-2812 • Fax (651) 462-0500

Website: <http://linwoodtownship.org>

Public Hearing Minutes To Consider Amending Linwood Township's Official Zoning Map June 20, 2023

Commission members present: Joe Dolphy, Gary Gustafson, Jim Garrison, Nancy Matson, Tom Pilla, Rory Paggen, Tom Searing

Commission members absent: Lloyd Horton, Tom Sausen

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti, Pam Olson

Residents present: Ed Kramer, Andy Luedtke, John Mattila, Michele Mattila

Public Hearing opened at 7:17 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday June 20th, 2023 at 7:00 PM at Linwood Township Town Hall regarding the following matter:

Linwood Township Official Zoning Map Amendment

To consider amending Linwood Township's official zoning map in accordance with section 30-329 of the township code.

As such both written and oral comments will be heard at the Planning Commission meeting and the Township Board of Supervisors will act on this item at the June 27th regular meeting. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

No comments from the public.

Claire M. stated, nothing has changed on the map since last time. Pam O. commented, just today, she assigned another address. But asked, is P&Z approving actual addresses or just the zones? Joe D. stated, it's to approve the actual zones of the township.

Motion by Nancy Matson, seconded by Tom Pilla, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:19 PM.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: July 18, 2023

Chairman: _____
Joe Dolphy



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Public Hearing Minutes

Application for Variance from Property Line Setbacks for 23130 East Martin Lake Dr NE

June 20, 2023

Commission members present: Joe Dolphy, Gary Gustafson, Jim Garrison, Nancy Matson, Tom Pilla, Rory Paggen, Tom Searing

Commission members absent: Lloyd Horton, Tom Sausen

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti, Pam Olson

Residents present: Ed Kramer, Andy Luedtke, John Mattila, Michele Mattila

Public Hearing opened at 7:04 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday June 20, 2023 at 7:00 PM at Linwood Town Hall located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Sherco Construction, Inc. to allow replacement of the septic system currently located in the road right-of-way; applicant is requesting variances from property line setbacks at 23130 East Martin Lake Dr NE, Sections 30-904 and 30-905 of the Linwood Township Zoning Ordinance respectively.

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

Home owner commented that their drain field started to fail about seven weeks ago. The drain field and septic are in the right-of-way, as are most of the neighboring houses. The new system will be a mound system going in to replace the old one.

No further comments from the public.

Motion by Nancy Matson, seconded by Tom Searing, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:08 PM.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: July 18, 2023

Chairman:

Joe Dolphy



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Planning and Zoning Commission Minutes July 18, 2023

Meeting called to order at 7:00 pm by Joe Dolphy

Pledge to the Flag was recited.

Roll Call

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Lloyd Horton, Nancy Matson, Tom Pilla, Tom Searing

Commission members absent: Rory Paggen, Tom Sausen

Town Board members present: Carol Searing

Staff & Consultants present: Emily Herold – MSA, Pam Matti

Residents present: Ed Kramer, Andy Luedtke, Lee Hennen, Lyle Reynolds

Approval of Agenda

Motion by Tom Searing, seconded by Nancy Matson, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from June 20, 2023

Motion by Tom Pilla, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

Approval of PH minutes for Variance to Property Line Setbacks for 23130 E Martin Lake Dr NE from June 20, 2023

Motion by Nancy Matson, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

Approval of PH minutes to amend Linwood Township's Official Zoning Map from June 20, 2023

Motion by Nancy Matson, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

OLD BUSINESS

Draft of Language for 5G Ordinances and Moratorium

Emily H. reported on the proposed amendments to the Telecommunications Ordinance. The group agreed they are no longer referring to it as a 5G Ordinance. Proposed amendments are as follows:

Subdivision III Section 24-382 Periodic Submissions – Addition reads:

(10) A report prepared by a registered engineer stating that the configuration of the tower structure complies with applicable Federal or State of Minnesota safety regulations, or, in the case of the addition or replacement of a broadcast tower described in the original Interim Use Permit issued thereunder to the property owner, a report prepared by a registered engineer stating that the design and proposed method of constructing such added or replaced tower complies with applicable Federal and State of Minnesota safety regulations.

Renumber the old item (10) to (11)

1. 24-483 Primary and accessory use – Addition reads:

- a. The use of antenna/antenna support structures may be either a principle or an accessory use of land ***via interim use permit***. If the use is considered a principal use, then the “minimum vacant lot size” requirements of section 24-484 apply. An antenna/support structure may also be considered an accessory use on a parcel of land on which a principal use already exists, thus a smaller parcel of land may be used provided all other standards contained in this article are met. ***If the antenna/antenna support structure is considered a principle use then another use may be added to the property and the antenna becomes an accessory use only if that principal use is allowed in the zoning district and the antenna is still able to meet setback regulations of this chapter.***

2. 24-484 Maximum antenna support structure height and vacant lot size requirements – Changes are as follows:

*Staff noted that the Planning and Zoning Commission determined that best areas for telecommunication towers is in the zoning districts R-A and General Business, ***therefore R-1 and R-2 should be removed.***

The maximum antenna height and lot size table will now read:

General Business zoning district, maximum height 195’ and minimum vacant lot size 2.5 acres

R-A zoning district, maximum height 165' and minimum vacant lot size 5 acres

24-486 Distance from Residences Structures – Change to:

24-486 Distance from Structures

- (a) Antenna support structures of up to 150 feet in height shall not be constructed within 600 feet of any residential structure.
- (b) Antenna support structures of over 150 feet in height shall not be constructed within 1,000 feet of any residential structure.
- (c) Notwithstanding subsections (a) and (b) of this section, if an antenna support structure is located on the same parcel of land as a residential structure that is owned by the same person, the setback to that residential structure may be equal to the height of the antenna support structure plus 30 feet.
- (d) ***No non-residential structure may be located within the radius of the height of the antenna support structure. An exception may be granted at the discretion of the Town Board of Supervisors provided that a professional engineer certifies that the tower is designed with its weakest stress point at the midpoint of the tower such that it will fold on itself in the event of collapse. If the tower is not designed to fold on itself in the event of collapse no exception will be granted.***

Discussion:

Question was asked, in reference to 24-486 Distance from Structures, where do commercial/businesses fit in? This seems to refer to residential only. What are the requirements for commercial property? Joe D. asked for more language to be put into 24-486 in reference to business property.

Andy L. commented that the ordinance actually starts at 24-304 with definitions. To clarify, a tower is the structure and an antenna goes on the tower. Andy wanted to be sure that language is standard throughout and used in the same manner. With that said, Joe D. agreed that we are referring to the tower and not antenna. So, wherever it is mentioning antenna, it should actually be changed to say tower. Emily H. was asked to correct that before the public hearing.

Emily H. was asked to clarify the language throughout, to fix the typos in the proposed language and for MSA to add in general business, along with residential.

Motion by Nancy Matson, seconded by Tom Searing, to accept the proposed amendments to the telecommunications ordinance, Chapter 24, with the stated exceptions and language fixes. All ayes, motion carried.

It was noted that a public hearing for the proposed language changes to the telecommunications ordinance is needed.

Motion by Tom Pilla, seconded by Nancy Matson, to set the public hearing for the proposed amendments to the telecommunications ordinance for Tuesday, August 15, 2023 at 7:00pm. All ayes, motion carried.

International Property Maintenance Code

Carol Searing updated the P & Z Commission following the Town Board of Supervisors meeting last week. Section 602.3 and 602.4 were updated to read a minimum temperature of 65 degrees is needed when a space is occupied.

The IPMC has been sent to the Attorney for review and to make sure it is consistent throughout and not in conflict with any of our other ordinances.

NEW BUSINESS

Final Plat – Cliffs Peterson Ridge

MSA provided written report. The staff recommended that the Planning Commission recommend approval of the proposed final plat to the Town Board of Supervisors.

Motion by Tom Pilla, seconded by Tom Searing, to recommend to the Town Board approval of the final plat for Cliffs Peterson Ridge. All ayes, motion carried.

Final Plat – Dellwood Country Estates

MSA provided written report. The staff recommended that the Planning Commission recommend approval of the proposed final plat to the Town Board of Supervisors with the following conditions:

1. The applicant is to provide the approval letter from Anoka County Highway Department prior to final filing of the final plat.
2. The applicant enters into any appropriate development agreement as required by Township approval.

Motion by Tom Pilla, seconded by Tom Searing, to recommend to the Town Board approval of the final plat for Dellwood Country Estates. All ayes, motion carried.

Fawn Lake Drive – Senior Housing

Ed Kramer approached the P & Z Commission seeking support of and zoning for 55+ housing. Ed stated that many of our senior residents are being forced to leave Linwood Township when they find they can no longer manage their 2+ acres. Seniors have been asking for 55+ housing.

These would be rental units, where all the yard work, snow removal, etc. would be taken care of. The rental units would be built slab-on-grade and would be wheel chair accessible. It would have a central sewer system. Ed stated, in order to move forward, the developer would like to know if there is support for this type of project? The project would be funded via a private enterprise.

The concern is that the Township has nothing in the ordinance for cluster housing, so the developer would like to know what can be done about that? Does the proposed property need to be rezoned? The developer needs to know from the Township what needs to be done to move forward with this. And, if the Planning and Zoning Commission would be willing to work with the developer on this?

Emily H. said that in talking with the planning staff at MSA, they interpreted the development as a multi-family development. In that case, it is allowed in the R-1 zoning district. There would be no special zoning required. The developer would need to apply for an IUP and would need to meet a few requirements, depending on the circumstances of the plot itself.

Tom P. stated his support of this type of development and thinks it is a good thing. Lloyd H. stated, as long as the trees that separate his property from the development stay, he would be OK with it too. Tom Searing also commented that he thinks this is a good idea for the township, because when you get to the point of not being able to take care of your property; what are you going to do? Jim G. stated that he thinks Tom Searing's comment is valid. Because it seems that senior housing is a need and believes it is worth exploring. Joe D. commented, that whatever we do, sets the precedence for the future and what we do going forward.

Emily H. commented that a pre-application meeting is needed with the developer, as a first step. As for zoning, Emily H. doesn't see a need for a PUD (Planned Unit Development) and believes the R-1 zoning would allow this, with an IUP (Interim Use Permit).

Motion by Gary Gustafson, seconded by Tom Searing, to approve the developer moving forward with the concept plan for 55+ housing, as presented tonight. All ayes, motion carried.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Emily H. reported that the Final Plat reviews were approved tonight. Other than that, MSA has worked on roof mounted solar panel request, applications for deck permits, and a single-family home. All have gone smoothly.

Motion by Nancy Matson, seconded by Tom Pilla, to adjourn. All ayes, motion carried.

Meeting adjourned at 8:05 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: August 15, 2023

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes August 15, 2023

Meeting called to order at 7:00 pm by Joe Dolphy

Pledge to the Flag was recited.

Roll Call

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Nancy Matson, Rory Paggen, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: Lloyd Horton

Town Board members present: Carol Searing

Staff & Consultants present: Claire Michelson – MSA, Pam Matti

Residents present: Tom Carlisle, Corey Williams, Andy Luedtke, Tammy Anderson, Gordon Anderson, Maria Johnson, Bob Johnson

Approval of Agenda

Motion by Nancy Matson, seconded by Tom Searing, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from July 18, 2023

Motion by Nancy Matson, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

Recessed at 7:02 pm to **Public Hearing to consider amending Linwood Township's telecommunications pertaining to location of towers, fall zones and uses – Separate minutes prepared.**

Reconvene meeting at 7:08 pm

Discuss and Act on amending Linwood Township's telecommunications pertaining to location of towers, fall zones and uses.

Joe D. stated that the commission is just looking at the location of towers and the height of towers. He said, as far as he was told, the number of towers needed to adequately cover Linwood Township is three to five. Joe D. clarified for all present that towers are the support structure for antennas.

Tom P. reminded everyone that an Interim Use Permit (IUP) would be necessary, if someone were to apply and that a public hearing is part of the IUP process.

Claire M. provided a written report detailing the Chapter 24 Telecommunications proposed amendments. Document is attached.

Claire M. assured the Commission that language in the amendment will be updated prior to the Town Board meeting. Joe D. commented that R-1 and R-2 zoning was removed from the ordinance and towers will not be allowed in these districts.

Claire reminded everyone that the ordinance covers all antennas. We can't specifically mention 5G in the ordinance and we cannot ban it either. That is Federally controlled.

Motion by Gary Gustafson, seconded by Tom Pilla, to approve the purposed amendment to the telecommunications ordinance. All ayes, motion carried.

OLD BUSINESS

55+ Senior Housing Discussion

Claire M. reported that she has checked on the Comprehensive Plan and has been working with the Met Council. Claire stated she does not see anything in the Comp Plan that bars this as an opportunity. In terms of zoning, Claire said she is not seeing anything that bars this from going through, other than it does require an Interim Use Permit. Claire confirmed that multi-family housing is an interim use in our R-1 zoning district. The reason it must be rentals is because of lot density requirements. If they were ownership, it would not meet the lot density requirements. Being rentals, it then stays a minimum lot size and is allowed.

Claire will be looking at the Developer's Agreement, which is a legal document for the development. She stated that if this goes forward, it will require a public hearing, since it will require an Interim Use Permit (IUP).

Tom Sausen commented that he has seen quite a few residents have to move out of Linwood Township and into other communities for senior housing. There is a real need for affordable 55+ housing in Linwood Township. Gary G. commented that 2.5 acre lots are not manageable

for seniors, and he is in support of this concept for 55+ housing. The concept of senior housing is for people to have more contact with others and where an association would take care of the lawn care and snow removal.

Tom Carlisle asked to address the Commission. He stated that this all started a long time ago, before a lot of the commission members were even here. He originally had approval to build senior rental housing by the Country Store and at the time he did not move forward on it. Then when he did come forward again, thinking they were still good to go, he came to a meeting with the Township and got “ripped” and was told the location was a bad place and that senior housing should never go there. It was again dropped. Commission members at that time told Tom, they thought that senior housing should be at Boettcher development, in the north part of the Township. Now that senior housing is being proposed at Boettcher development and in the northern part of the Township; he’s hearing some grumblings. Tom asked the P&Z Commission where is the best place for senior rental housing? Tom stated that he is hoping to get some input from P&Z and Claire and hopefully some positive vibe that this is something we need and something we want. No other developer has been knocking the doors down to do this for the Township. He is, because he loves Linwood, he grew up here. And to make this affordable, he is invested in the project. Tom said he hopes there is a way to work together on this, because we really do need to work together, if we are going to accomplish this. It’s a good location, with good access, a nice park, and close to the Town Hall. He stated he would like to go to the seniors and others and come up with a plan that will work.

Joe D. commented that at the July P&Z meeting everyone agreed that it is a good concept to have affordable senior housing. Tom C. stated that this is a team effort, and it is not just his projection. This is something for the community and something the 55+ community has been asking for to help keep our elders in Linwood Township. Tom C. commented that there is great screening on the property and more screening can be done. The well and septic can easily be done on the site.

Joe D. asked P&Z members if they are in support? Tom P. commented that he believes there is support from P&Z for this project. Tom Sausen thanked Tom C. for bringing this forward. Claire added, in terms of codes, she sees no amendments needed to move forward.

NEW BUSINESS

None

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire M. reported that the Final Plats for Dellwood Country Estates and Cliffs Peterson Ridge were approved at the last Town Board meeting. The Developer’s agreements are being finalized this week and should be filed with the County soon.

Resignation Announcement

Gary Gustafson announced that this would be his last Planning & Zoning meeting, as he is officially resigning.

Motion by Gary Gustafson, seconded by Tom Pilla, to adjourn. All ayes, motion carried.

Meeting adjourned at 7:45 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: October 17, 2023

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

Stacy, Minnesota 55079

(651) 462-2812 • Fax (651) 462-0500

Website: <http://linwoodtownship.org>

Public Hearing Minutes

To Consider Amending Linwood Township's Telecommunications Pertaining to Location of Towers, Fall Zones and Uses August 15, 2023

Commission members present: Joe Dolphy, Gary Gustafson, Jim Garrison, Nancy Matson, Tom Pilla, Rory Paggen, Tom Sausen, Tom Searing

Commission members absent: Lloyd Horton

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Pam Matti

Residents present: Corey Williams, Andy Luedtke, Tammy Anderson, Gordon Anderson, Maria Johnson, Bob Johnson

Public Hearing opened at 7:02 PM

Nancy Matson read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission at 7:00 p.m. on Tuesday August 15, 2023 at the Linwood Town Hall, located at 22817 Typo Creek Dr NE, Stacy, MN 55079, regarding the following matter:

Chapter 24 Telecommunications

To consider amending Linwood Township's telecommunications pertaining to location of towers, fall zones and uses.

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

Gordon A. commented that he was here to learn more about the tower situation. His concerns were health hazards. He has done some reading on 5G and from what he has read there's not a lot known about it.

Andy L. asked about clarification on the language used and towers vs antennas. Claire M. responded that our ordinance defined it as antenna support structure and not tower. The term tower was removed and replaced with antenna support structure throughout the updated ordinance language.

No further comments.

Motion by Nancy Matson, seconded by Tom Pilla, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:08 PM.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: October 17, 2023

Chairman: _____
Joe Dolphy

PZ_Minutes_09-19-2023

Planning and Zoning meeting was cancelled for lack of agenda items.



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Planning and Zoning Commission Minutes October 17, 2023

Meeting called to order at 7:00 pm by Joe Dolphy

Pledge to the Flag was recited.

Roll Call

Commission members present: Joe Dolphy, Jim Garrison, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Searing

Commission member absent: Tom Sausen

Town Board member present: Carol Searing

Staff & Consultants present: Emily Herold – MSA, Pam Matti

Residents present: Joanne Tichy, Mike Tichy, Robin Kreitz, Chuck Kreitz, Andy Luedtke

Approval of Agenda

Motion by Nancy Matson, seconded by Tom Pilla, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from August 15, 2023

Motion by Tom Searing, seconded by Nancy Matson, to approve the minutes as written. All ayes, motion carried.

Approval of PH minutes from August 15, 2023

Motion by Tom Searing, seconded by Nancy Matson, to approve the minutes as written. All ayes, motion carried.

Presentation by Gregory Frahm-Gilles, Director of the Anoka County Regional Economic Development (ACRED)

Gregory reported, the twenty-one municipalities in Anoka County pay for and participate in the ACRED. The organization's three pillars are: Development Readiness, Regionalization, and Marketing & Promoting the Anoka County region.

Gregory stated the key industries they are looking at in the county are transportation, technology and manufacturing. ACRED provides free business support services, marketing of the region, and they offer a real estate summit in November and an Anoka County Business Summit in the spring. In addition, they look at housing availability/affordability and workforce development.

Earlier this year, Anoka County commissioned a county-wide housing study and within that study, each municipality will have its own individual profile. ACRED will be reaching out, once that study is completed, to come back and visit each municipality. The goal is to have the consultants that were hired to complete the study, to then be available to come out to each of the 21 municipalities and meet with leadership to get a good idea of what are your needs, aspirations, what does the future look like and how can they best support from a regional perspective.

Gregory commented, there are dozens of home-based businesses in Linwood Township already. ACRED can be found on the website under Anoka County Success (anokacountysuccess.org).

Recessed at 7:18 pm **to Public Hearing to consider an application for variances from setbacks for replacement of a noncompliant septic system – Separate minutes prepared.**

Reconvene meeting at 7:24 pm

Discuss and Act on the application for variances from setbacks for replacement of a noncompliant septic system at 8330 242nd Ln NE

Staff recommended approval of the following variance requests with conditions to replace a noncompliant septic system at 8330 242nd Ln NE:

- 95-foot variance from required 150-foot setback from Ordinary High Water Line (OHWL) for sewage treatment systems (Section 6.4.1);
- 5' and 1'7" variances from the 1—foot side yard setback (Section 30-905);
- 8-foot variance from the 20-foot setback from primary structures (MCPA SSTS Regulations)

Recommended Conditions for Approval:

1. The shed in the northern-most corner of the property must be removed prior to installation to avoid encroachment upon the pressure bed.
2. The oak tree at the southeast corner of the pressure bed location must be removed prior to construction (per the recommendation of the MPCA).

Findings of Fact:

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the Comprehensive Plan

Finding: The Township code requires that all sewage generated in unsewered areas shall be treated and dispersed by an approved subsurface sewage treatment system of system permitted by the Minnesota Pollution Control Agency. The property's existing septic system is noncompliant, and this variance will allow for a new system that will bring the property closer to compliance with Township Code. The proposed septic system location will bring the property more into compliance than the previous septic system by placing the soil treatment area further from Fawn Lake.

Linwood Township's 2040 Comprehensive Plan does not directly address the applicant's situation, but it appears that the proposed septic system location will not interrupt the residential character of the Fawn Lake shorefront, which is supported by the Comprehensive Plan.

Section 28-92 (o) of Linwood's Code of Ordinances states, "Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system, or the placement of new structures, on an existing developed parcel of real property, the department may reduce property line and building setbacks and system sizing requirements provided said reduction does not endanger or unreasonably infringe on adjacent properties and with the concurrence of the affected properties."

Under this provision, property line setbacks may be reduced to enable a septic system to be installed in the most appropriate location.

- B. When there are practical difficulties in complying with the zoning ordinance. "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance.

Finding: The proposed individual sewage treatment system is a reasonable request as the proposed system is comparable to what is present and included on nearby lots.

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

Finding: The parcel's size and adjacency to Fawn Lake has created alleged practical difficulty. The applicant has not created the practical difficulty. Linwood Township has

no centralized sewer system; therefore, an adequately-sized, compliant individual sewage treatment system is necessary for the full use of the property. The proposed septic system has been designed to accommodate the property's residential use and comply with all other Township and State regulation.

- D. The variance, if granted will not alter the essential character of the locality.

Finding: The proposed septic system's location within the side yard setback does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The exact proposed placement of the septic system intentionally avoids encroaching upon the 50-foot setbacks from both the neighbor's existing well and the applicant's proposed well location.

The septic system location is not anticipated to impede the normal and orderly development and improvement of surrounding property for uses predominant to the area. The proposed project will not impact public welfare or safety.

The use proposed appears to meet all other development standards of Linwood Township and does not appear incompatible with adjacent land uses.

Motion by Tom Pilla, seconded by Tom Searing, to approve all three variance requests based on the recommendation of the Planner. All ayes, motion carried.

Recessed at 7:27 pm **to Public Hearing to consider amending the Linwood Town Code by adding Chapter 17 - Property Maintenance Code – Separate minutes prepared.**

Reconvene meeting at 7:35 pm

Discuss and Act on amending the Linwood Town Code by adding Chapter 17 – Property Maintenance Code

P&Z Commission members received the Planning Staff Report. Staff suggest that P&Z recommend to the Town Board to adopt the new ordinance.

The Town Board did not intend to directly adopt the IPMC with exceptions, rather to use much of the language to create a new chapter in the Code. The revised document recommended by the P&Z Commission was sent to the Town Attorney for a legal review and corrections. The new Chapter 17 is titled "Property Maintenance Code". The chapter was renumbered to be consistent with Municode numbering.

Emily H. asked about the section on swimming pools, spas, hot tubs, and swimming pool enclosures. Joe D. commented that he felt those sections in question should remain as written. All members of P&Z agreed the swimming pool information and enclosures should remain as written.

Motion by Tom Pilla, seconded by Nancy Matson, to recommend adoption of Chapter 17 – Property Maintenance Code to the Town Code. All ayes, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Review and Approve 2024 Schedule of Planning & Zoning Meetings

Motion by Jim Garrison, seconded by Nancy Matson, to approve the 2024 P & Z meeting schedule. All ayes, motion carried.

Future To Do List – Ordinance Amendments

Emily H. reported that Claire M. had put together the list, at the request of Supervisor Searing. The purpose is to update the Township Ordinance to be more consistent and get rid of contradictory language. This is an ongoing list that can be added to as staff deem necessary.

- Section 30-1045 Buildable area; site length; location – As a condition of issuance of a building permit, in all areas lacking municipal sanitary sewer, all lots or parcels of land must have a contiguous buildable area of at least 20,000 square feet with a vertical separation at least two feet from natural grade to mottled soil, within which there must be a contiguous buildable site of at least 11,000 square feet with a vertical separation of at least three feet from finished grade which can be created to mottled soil.
- Section 670 Garages and Section 30-668 Accessory buildings and structures – These two sections are contradictory on the minimum height for a garage. Section 30-670 regulates it at 9 feet, and Section 30-668 regulates it at 8 feet.
- Section 30-678 Restrictions on bathrooms, kitchens, etc. – This states that accessory buildings may not have provisions for kitchens, but kitchen is not defined and there is no specific language as to what may or may not be allowed.

P & Z Commission Discussion:

- 1) Members all agreed that Section 30-1045 Buildable area; site length; location - shall remain as written.
- 2) Nancy M. suggested a minimum of 8 feet be used in Section 670 Garages and Section 30-668 Accessory buildings and structures. P & Z members agreed to change the wording to 8 feet minimum.
- 3) Jim G. commented, he agreed that a definition of kitchen is needed in Section 30-678 Restrictions on bathrooms, kitchens, etc. P & Z members agreed this will need to be worked on at a future meeting.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Emily H. reported there have been a variety of random building permits come in. MSA recommended approval of all, with no issues.

Motion by Tom Pilla, seconded by Jim Garrison, to adjourn. All ayes, motion carried.

Meeting adjourned at 7:55 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: November 21, 2023

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

Stacy, Minnesota 55079

(651) 462-2812 • Fax (651) 462-0500

Website: <http://linwoodtownship.org>

Public Hearing Minutes

To Consider Amending the Linwood Town Code by adding Chapter 17 – Property Maintenance Code October 17, 2023

Commission members present: Joe Dolphy, Jim Garrison, Lloyd Horton, Nancy Matson, Tom Pilla, Rory Paggen, Tom Searing

Commission members absent: Tom Sausen

Town Board members present: Carol Searing

Staff present: Emily Herold – MSA, Pam Matti

Residents present: Joanne Tichy, Mike Tichy, Robin Kreitz, Chuck Kreitz, Andy Luedtke

Public Hearing opened at 7:27 PM

Tom Pilla read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission at 7:00 p.m. on Tuesday October 17, 2023, at the Linwood Town Hall, located at 22817 Typo Creek Dr NE, Stacy, MN 55079, to consider amending the Linwood Town Code by adding Chapter 17 – Property Maintenance Code.

The purpose of Chapter 17 – Property Maintenance Code, is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare.

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

A resident asked if this also includes properties, like yards, in addition to houses. Joe D. responded yes it includes yards, as well as houses. Resident asked if this is available on-line? The answer from Joe D. was, yes, once it is adopted.

No further comments.

Motion by Tom Pilla, seconded by Tom Searing, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:35 PM.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: November 21, 2023

Chairman: _____
Joe Dolphy



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Public Hearing Minutes

To Consider an Application for Variances from Setbacks for Replacement of a Noncompliant Septic System October 17, 2023

Commission members present: Joe Dolphy, Jim Garrison, Lloyd Horton, Nancy Matson, Tom Pilla, Rory Paggen, Tom Searing

Commission members absent: Tom Sausen

Town Board members present: Carol Searing

Staff present: Emily Herold – MSA, Pam Matti

Residents present: Joanne Tichy, Mike Tichy, Robin Kreitz, Chuck Kreitz, Andy Luedtke

Public Hearing opened at 7:18 PM

Tom Pilla read the Public Notice:

Notice is hereby given that a public hearing shall be held before the Linwood Township Planning and Zoning Commission on Tuesday October 17th 2023 at 7:00 PM at Linwood Township Town Hall, located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Michael and Joanne Tichy to receive the following variances to allow the replacement of a noncompliant septic system at 8330 242nd Ln NE (PID: 26-34-22-23-0034):

- 95-foot variance from required 150-foot setback from Ordinary High Water Line (OHWL) for sewage treatment systems;
- 5' and 1'7" variances from the 10-foot side yard setback;
- 8-foot variance from the 20-foot setback from primary structures.

As such both written and oral comments will be heard. The Planning Commission will make a recommendation to the Township Board of Supervisors for their consideration. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Public Comments

The applicant addressed the P&Z commission members stating they had three separate septic system installers come out and all agreed there is only one place for the system to go, as there is just no room anywhere else on the property.

No further comments.

Motion by Tom Pilla, seconded by Tom Searing, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:24 PM.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: November 21, 2023

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes November 21, 2023

Meeting called to order at 7:00 pm by Joe Dolphy

Pledge to the Flag was recited.

Roll Call

Commission members present: Joe Dolphy, Jim Garrison, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

Staff & Consultants present: Emily Herold – MSA, Pam Olson--Clerk

Residents present: Steven Kramer, Andrew Johnson, Corey Williams, Susan Bautch, June Cole, 3 unidentified persons

Approval of Agenda

Motion by Nancy Matson, seconded by Tom Searing, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from October 17, 2023

Motion by Nancy Matson, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

Approval of PH minutes to consider an application for variances from setbacks 8330 242nd Ln NE - October 17, 2023

Motion by Tom Pilla, seconded by Nancy Matson, to approve the minutes. All ayes, motion carried.

Approval of PH minutes to consider amending the Linwood Town Code by adding Chapter 17-Property Maintenance Code - October 17, 2023

Motion by Nancy Matson, seconded by Tom Pilla, to approve the minutes. All ayes, motion carried.

Discuss resident possibility of moving his proposed accessory building closer to wetlands.

Resident Andrew Johnson, 6845 231st Lane NE, was present to request an amendment to his variance for a wetlands buffer. In March 2023, the Town Board granted a 15' variance to build an accessory building closer to the wetlands than ordinance allows, with the condition that a wetlands delineation be done to determine the actual border of the wetlands. The results of the delineation showed the wetlands were closer than expected and Mr. Johnson determined that he would need a 30' variance to place his accessory building where it was proposed. Emily Herold pointed out that there is no mechanism to amend a variance and that a new application and public hearing would be necessary. The Commission suggested building a smaller accessory building or moving it closer to the road to eliminate the impact on the wetlands. Mr. Johnson stated that he wasn't willing to build smaller and if it was closer to the road it would need to be at an angle. Tom Searing advised that a survey is required for all building permits on parcels of less than five acres. No survey had been provided with the previous land use application. It was recommended that Mr. Johnson have a survey done to give a better idea of possible options for the owner and the Commission. The survey would show the location of the proposed building in relation to the wetlands, road right-of-way, and setbacks.

Discuss resident splitting lot on Lyons Street. Steve Kramer informed the Commission that he understood his parcel at 23480 Lyons Street NE was 5.03 acres, but the results of the sketch plan review determined that to split the property into two lots, each lot would only be 2.39 acres. The minimum lot size allowed is 2.5 acres. Chairman Dolphy explained that when a lot is platted, the road right-of-way is deducted from the acreage and dedication to the Township. Mr. Kramer was advised that he could request a variance to create lots less than 2.5 acres. Mr. Kramer has already done the wetlands mitigation and the survey, but he couldn't proceed because the sketch plan doesn't meet the code for lot size. A variance can be applied for at the same time as applying for a preliminary plat approval.

OLD BUSINESS

Cell Town Ordinance Discussion. Supervisor Carol Searing questioned whether the Commission would like to revisit the Cell Tower Ordinance since more information has been provided regarding potential health hazards from 5G antennas. Many of the commission members hadn't read the information that was provided. Jim Garrison summarized the data that the radiation emitted by the new 5G antennas has the potential to be harmful because the signal is stronger, thus the signal goes a shorter distance than other antennas. Supervisor Searing also pointed out that the Board had instructed that cell towers should only be placed on properties zoned as Commercial, but the new ordinance allows new towers to be located in Residential Agricultural Districts and Commercial Districts. The Commission chose to leave the ordinance as approved and if the Town Board wants to, they can revisit the topic.

Future To-Do List. Of the three items on the ordinance to-do list, the Commission had previously dealt with two of them. The third item was to create a better definition of a kitchen.

Emily Herold suggested language to describe a kitchen. “A kitchen means a room containing a kitchen sink, a refrigerator and a cooking unit, and having as its primary purpose the preparation of food.” The language will be added to proposed future amendments to ordinances. Emily requested that all the other ordinance amendments suggested by office staff be sent to MSA.

55+ Housing – Emily Herold reported there has been no contact from the developer regarding senior housing.

NEW BUSINESS

None

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

MSA reported that they haven’t been doing many building zoning reviews since the new zoning person was hired by the township.

Motion Nancy Matson moved to adjourn, seconded by Tom Pilla. All ayes, motion carried.

Meeting adjourned at 7:48 pm.

Respectfully submitted by Pamela Olson, Town Clerk

Minutes Approved:

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes December 19, 2023

Meeting called to order at 7:01 pm by Joe Dolphy

Pledge to the Flag was recited.

Roll Call

Commission members present: Joe Dolphy, Jim Garrison, Lloyd Horton, Nancy Matson, Rory Paggen, Tom Pilla, Tom Searing

Commission members absent: Tom Sausen

Town Board members present: Carol Searing

Staff & Consultants present: Emily Herold – MSA, Pam Matti – Deputy Clerk

Residents present: Mitch Niebur, Corey Williams, Andy Luedtke, Theresa & Brian Johnson, Mark Dalske

Approval of Agenda

Motion by Nancy Matson, seconded by Tom Searing, to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from November 21, 2023

Motion by Tom Pilla, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

OLD BUSINESS

Future To Do List – Ordinance Amendments – Emily H. led commission members through the following possible ordinance amendments.

Section 30-678 Restrictions on bathrooms, kitchens, etc. – Emily reported, planning staff and Township staff are in agreement that, rather than focusing on more thorough language for kitchens and bathrooms, the ordinance should emphasize that only one dwelling unit shall be allowed per parcel (therefore prohibiting full-time inhabitation of an accessory structure). The presence of bathrooms and kitchens in accessory structures do not inherently make them dwelling units; therefore, enforcement should instead revolve around permanent “living” provisions, such as beds and strong indicators of long-term inhabitation.

P&Z members agreed that there should be no sleeping quarters in an accessory structure and agreed that verbiage should be incorporated into the ordinance. Emily H. agreed with commission members to draft language for P&Z and bring it back to the next meeting.

Section 30-304 Alterations to structures – Emily reported, planning staff would recommend changing this to allow bulk increases so long as the project receives proper permitting, complies with all other regulations, and does not expand/intensify the nonconformity. P&Z members agreed that it made sense to incorporate planning staff’s recommendation into the ordinance.

Emily H. will do this and bring it back to the next meeting.

Section 2-248 Purpose – Emily reported, this section incorrectly states that the zoning administrator collects fees for processing of zoning requests; this should be changed to correct personnel. P&Z members agreed this should be changed to read, office staff collects fees for processing of zoning requests.

Sections 2-278, 2-279, 30-266, 22-60 - Emily stated, each section gives a different timeline for refunding unused escrow (such as within 30 days or 90 days). P&Z members agreed to change all references to read “when all financial obligations to the town have been satisfied,” as written in Section 2-278.

Section 26-129 Town streets and roads – Linwood’s Code does not differentiate between Class 1 and Class 2 ATVs, all are allowed on township roads. P&Z members agreed to leave this verbiage, as it is currently written.

Section 6-176 Lots – The ordinance currently states that lots that front prospective county roads shall have a front yard setback of 100 feet (or a lesser distance as determined by Town Board following petition and public hearing). Staff have been advising 40 feet setback. P&Z agreed to delete the 100 feet setback and replace it with a 40 feet setback.

Section 30-703 Non-domestic animals only permitted in certain districts – Emily reported that regulations on non-domestic animals were discussed at the May 16, 2022 P&Z meeting, with a motion to have staff draft an ordinance that outlines the number of animals and size of property. One nay, because the member believed P&Z members should draft the language. A

preliminary look into other ordinances shows that many communities require a permit to keep chickens (likely an IUP), and chicken coops/runs are not permitted in the front or side yard. P&Z members agreed to forgo this topic for tonight and will need to conduct further research.

Division 3. Accessory Uses, Buildings, and Structures

Section 30-667 Portable storage structures – Emily reported that a more detailed definition of portable storage structure is needed, including size limitation (i.e. how does one differ from a shed, does a playhouse count, etc.?). P&Z members tended to like the definition that Emily presented, which is used in Norwalk, IA. Emily will draft specific language, making sure the language will align with what we have, and will bring it back to P&Z again.

Sections 30-671 Limitations on accessory building and structures in the R-1 district and 30-674 Maximum combined area – P&Z members agreed to leave this topic for now, as it will be a much larger discussion. P&Z members also agreed that the conversation about whether chicken coops should be defined and regulated separately from other accessory structures, will need to be discussed as a separate topic.

Section 30-675 Exemption for land parcels in R-A district – Emily reported that staff believed this section was redundant and therefore not necessary. There are other subsections, in which this information is covered. 30-668 refers to R-1, 30-669 Harmony, if over 20 acres it doesn't need to be in harmony with the dwelling unit: 30-670 deals with the garage being taller than the house. P&Z members agreed to delete this section.

Section 30-677 Location of detached garages and accessory buildings – Requiring a matching front façade on a pole barn may be problematic; should pole barns be allowed in front of the primary dwelling or should this requirement be waived? P&Z agreed that this section of the ordinance should stay, as currently written. Additionally, clarify the meaning of "A private garage or accessory building must not be placed within the front or side yard setbacks of an existing garage or accessory structure." P&Z members were not positive on what this sentence meant. Stating it was confusing. Emily agreed to further investigate, draft specific language, and bring it back to the group.

Section 30-1296 and 30-1297 – This part of the sign ordinance regulations for a limited/neighborhood business district, shopping center, and industrial district, despite Linwood not having any of those districts. P&Z members agreed to eliminate the verbiage, per staff recommendation, in the appropriate sections from the ordinance.

NEW BUSINESS

List of recommended public works (Sec. 2-80)

Joe D. commented that the Senior Center Coordinator was the only department that submitted a list of recommended public works. In general, this has not been happening, despite it is an ordinance. The question was asked whether this ordinance should be eliminated? Another

question was, is this a law? Emily is going to check into this further. Tom Pilla commented, if this is going to be required, it would be something that someone would need to start asking the departments for in June, then in August, and a final request in October.

Motion by Nancy Matson, seconded by Tom Pilla, to recommend approval of Sarah's suggestion to improve the Senior/Community Center bathrooms to the Town Board. All ayes, motion carried.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Emily reported that they had a variance application come in for a ground mounted solar panel system to be built in a wetland setback. A preapplication meeting is scheduled.

Emily reported on last month's discussion on Lyons Street. There are further discussions to come, with a possible IUP being needed to put up a duplex.

Emily reported a sketch plan application for Fawn Lake Drive will be put off until February.

Motion by Tom Searing, seconded by Nancy Matson, to adjourn . All ayes, motion carried.

Meeting adjourned at 8:20 pm.

Respectfully submitted by Pam Matti, Deputy Clerk

Minutes Approved: January 16, 2024

Vice Chairman:

Tom Searing