



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 21-33-RZ zoning map amendment and 21-34-PP preliminary plat for Sunrise Pines January 19, 2022

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff present: Steve Grittmann – NAC, Sandy Lathrop, Pam Matti, Natalie Zabrzenski

Residents present: Paul Campbell, Cindy Gruett, Jason Rud, Greg Steele

Public Hearing opened at 7:05pm for both 21-33-RZ and 21-34-PP

Jim Garrison read the Public Notice for 21-33-RZ:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on January 19, 2022 at 7:00 pm at the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079. The purpose of this hearing is to review the application for a zoning map amendment from R-A (Residential-Agricultural District) to R-1 (Single Family Residential) to allow for future residential development.

Applicant: Carrington Development LLC

PID: 35-34-22-41-0001

Property Address: Corner of Ryan Lake Dr NE and Sunrise Rd NE, approx. 40 acres

Jim Garrison read the Public Notice for 21-34-PP:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on January 19, 2022 at 7:00 pm at the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079. The purpose of this hearing is to review the application for a preliminary plat known as "Sunrise Pines" creating eleven lots.

Applicant: Carrington Development LLC

PID: 35-34-22-41-0001

Property located at: Corner of Ryan Lake Dr NE and Sunrise Rd NE

Jason Rud, land surveyor, spoke on behalf of Steve Strandlund of Carrington, the applicant. He has done the survey work, with Steve, on this property and can give a summary of the work. The property is platted to be 11 lots for single family homes. There are 9 lots that are comprised in the southerly block of the plat. Those would have building pads graded as part of the project, as shown. And there are two lots along the north that will be custom graded at the time of construction. The river has some required setbacks, that are shown. There is a FEMA flood zone that joins that river and that has been noted as well.

Greg Steele asked about what the setbacks from the river and road is. Steve G. stated the setback from the road is 40 feet. Jason Rud said the river is considered a tributary river and from the building structures to the west branch of the Sunrise River it is 100 feet and to the septic it is 75 feet.

Cynthia Gruett commented that the land is next to her property. The motorcycles are speeding down the road at 80 miles per hour and with the curve in the road, at the area these new houses are going to go in, it is very dangerous. Stated she was not happy about the development going in, as she has a lot of wildlife in that area.

Jesse Mishler added that he wonders what this will do to his taxes? There is too much development. He also asked what kind of houses are going to be built? What will be the cost of these houses? Are they going to look like projects?

Cynthia Gruett also asked what kind of houses and what are they worth? Is this going to affect my taxes as well?

Jason Rud stated that the types of homes will be custom homes, but he could not speak to the cost of the homes. Traffic and speed on the curve are a concern and this is the reason only two driveways are planned on the county road. The rest of the driveways will front to the north, onto the township road.

Steve G. added that it would be appropriate to continue the hearing. Staff recommendation is to table action on zoning and the plat, because we are waiting for formal comments from both the watershed and the county highway before we take formal action on the plat. This should come back to the commission in February and we should leave the public hearing open until that meeting.

Motion by Nancy Matson, seconded by Tom Searing, to continue the Public Hearing for zoning and the preliminary plat at the February meeting. All ayes, motion carried.

Steve G. noted, that the meeting is continued to Wednesday, February 16, 2022 at 7:00pm.



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Planning and Zoning Commission Minutes

January 19, 2022

Meeting called to order at 7:00 p.m. by Jim Garrison

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff & Consultants present: Steve Grittmann - NAC, Sandy Lathrop, Pam Matti, Natalie Zabrzeński

Residents present: Paul Campbell, Cindy Gruett, Jason Rud, Greg Steele

Approval of Agenda

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

Approval of PZ minutes from December 20, 2021

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

Approval of PH minutes 21-28-VAR from December 20, 2021

Motion by Nancy Matson, seconded by Tom Searing, 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.

Steve Grittmann suggested that it may be most efficient to open both of the public hearings and consider them concurrently, as the comments are going to relate to both aspects of the same property.

Motion by Nancy Matson, seconded by Tom Searing, to recess the regular PZ Meeting to go into the Public Hearing for both 21-33-RZ and 21-34-PP. All ayes, motion carried.

Recessed at 7:05 pm to **Public Hearing to consider both 21-33-RZ and 21-34-PP simultaneously – Separate minutes prepared.**

Motion by Nancy Matson, seconded by Tom Sausen, to reopen the regular PZ Meeting. All ayes, motion carried.

Reconvene meeting at 7:20 pm

NEW BUSINESS

Discuss and Act on Rezoning 35-34-22-41-0001 and Discuss and Act on Preliminary Plat Sunrise Pines

Both items for discussion and action have been tabled until the February 16, 2022 meeting.

OLD BUSINESS

Home Occupation

Nancy M. stated that she likes the shorter version. Sandy L. added that the two versions presented are the same ones that the commission reviewed and discussed last January and February. There are no changes to them, however, it is now time to act on one.

Jim G. added that the very tricky part of home occupation is that nobody cares if someone is in the basement sewing dresses, but everyone cares if it involves five trucks in the driveway and that makes it very difficult. Plus, residential zoned areas don't pay commercial zoned taxes, so it is actually unfair to other businesses. He stated that the short form sounds good to him too.

Nancy M. asked if you need to have a permit to have one of these home occupations? Jim G. responded, not at this time. Sandy added, that there would be different ways of doing it. She suggested that Steve G. talk about the subject.

Steve G. said the way the short version is set up is that the items you see on the first page is the kind of standards that would apply to anybody who is doing a home occupation, regardless of the nature of the business. And then, the second page creates two classes of home occupation. One is permitted home occupation. So, if you are just in the dwelling only. For example, if you are in the basement sewing dresses, you would be a permitted home occupation and you would not need a separate permit. But if you were going to move the business into an outbuilding or have any of the conditions labeled in item 3, you would need to get an interim

use permit, which is a public hearing with the planning commission and then Town Board approval to do that level of a home occupation.

Tom Searing expressed his concern on an issue. In the older version of the ordinance, it talked about hours that a business can be in operation. Specifically, Monday – Saturday, 7:00am-9:00pm and Sunday 8:00am-8:00pm. In the newer version, it just says hours reasonable for the neighborhood. He wonders if that is vague enough that it is going to cause issues.

Steve G. added that from a staff stand point and having been involved with home occupation enforcement in some communities, having clear standards in your code is always to your advantage. Because anytime you have to make judgement calls, you can be put in a difficult position. If you were to put specific hours in your code and someone required an interim use permit from you because of the nature of their business, you will still have the authority to limit the hours more. Steve G. agreed with Tom Searing that having hours of operation in your code is a good idea. Jim G. commented that he too liked the new version and listing specific hours of operation.

Jim G. asked if the commission is wishing to put hours into the ordinance, or leave it the way it is and work on the hours when we get an interim request. Nancy M. asked, is it possible to put a statement in that each business needs to request specific hours? Steve G. responded that you can create a line item that says the applicant needs to identify their hours of operation and have them propose something that you can react to, if you wish. Joe D. wasn't sure that this was necessary. Joe also added that he too was OK with the short version.

Steve G. commented that the commission will need to hold a public hearing to amend the zoning ordinance. Your appropriate action would be to call for a public hearing to adopt language based on the short version. Steve will have that prepared in a formal ordinance form for you to consider at your February meeting, if you find that timing to work.

Motion by Nancy Matson, seconded by Tom Sausen to present the new definition proposal for the Home Occupations to a Public Hearing. All ayes, motion carried.

Joe D. asked if there would be any grandfathering in or could that be considered at the time of the public hearing? That's the question people are going to ask. Jim G. commented that he believed we would have to grandfather in. Steve G. commented that is actually the way the law would work on this. Anybody who is in business now, presuming that they have been operating in a legal manner, they are grandfathered in as they are. This is as long as they do not have any complaints against them. At the time you do receive complaints against them, or there is some change in the nature of their business, then you might have a reason to require them to apply for an interim use permit. Nancy M. asked if the grandfathering in needs to be put into this proposal. Steve G. said it does not.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Steve G. informed the commission that he had very few comments to make. The Town Board did not act on the cul-de-sac length variance at this time. They are waiting on the Road and Bridge and Fire Department to weigh-in on that before Town Board takes that up again.

Sunrise Pines should come back to us in February, as well as Cliff's Boettcher Estates.

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

Meeting adjourned at 7:38 pm.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: February 16, 2022

Chairman: _____
Joe Dolphy

(PH continued from Jan 19, 2022)

Public Hearing Minutes Continued
21-33-RZ zoning map amendment and 21-34-PP preliminary plat for Sunrise Pines
February 16, 2022

Commission members present:	Joe Dolphy, Gary Gustafson, Nancy Matson, Tom Sausen, Tom Searing
Commission members absent:	Jim Garrison, Tom Pilla
Town Board members present:	Carol Searing
Staff present:	Logan Brown – NAC, Steve Grittman – NAC, Sandy Lathrop, Pam Matti, Natalie Zabrzenski
Residents present:	Steve Strandlund

Reconvene Public Hearing at 7:05 pm for 21-33-RZ held on 01-19-2022

The purpose of this hearing is to reconvene the Public Hearing held on January 19, 2022 to review the application for a zoning map amendment from R-A (Residential-Agricultural District) to R-1 (Single Family Residential) to allow for future residential development.

Applicant: Carrington Development LLC

PID: 35-34-22-41-0001

Property Address: Corner of Ryan Lake Dr NE and Sunrise Rd NE, approx. 40 acres

Steve G. stated that he received comments and reports from Road & Bridge, Parks, and Watershed. However, he just received the report from the Township Engineer yesterday and there was not time to get a formal report written and into the meeting packet. He said that he does have copies available, if anyone wishes to review. Essentially, the plat is consistent with the sketch plan. There are, as indicated, a series of conditions from the various agencies and the Town Engineer related to final details related to some storm water management and other aspects of the engineering details of the plat, but otherwise, all the lots do meet zoning requirements, presuming that you rezone it to the R-1 district. It appears to be in order and consistent with town code.

Joe D. stated that P&Z can go forward with the rezoning at this time. Since the rezoning really was not an issue. There were no comments from the public. And, no further comments from the PZ members.

Motion by Gary G., seconded by Nancy M. to close the public hearing on rezoning. All ayes, motion carried.

Reconvene Public Hearing at 7:10 pm for 21-34-PP held on 01-19-2022

PH Minutes for 21-33-RZ and 21-34-PP Sunrise Pines 01/19/2022 and 02/16/2022

The purpose of this hearing is to reconvene the Public Hearing held on January 19, 2022 to review the application for a preliminary plat known as "Sunrise Pines" creating eleven lots.

Applicant: Carrington Development LLC

PID: 35-34-22-41-0001

Property located at: Corner of Ryan Lake Dr NE and Sunrise Rd NE

Joe D. asked Steve Strandlund whether the design plan takes into account all of the recommendations from the engineer and did it comply? Steve S. replied that there was a comment on the letter from Jamie that said the set-backs were not on the plan, however there is a building set-back line on the plan. The building set-back lines from the river are 100 feet for the building and 75 feet for the septic. The proposed septic areas are placed but that doesn't mean that's where they will end up. So, there is no set-back lines drawn for the septic areas on the plans, but the building set-back line is. The set-back for the septic systems gets addressed when the septic system is applied for in its specific location.

Steve G. added that everything on the plat has been verified. He has reviewed the other agencies comments and everything appears to be in order.

No further comment from the public or members.

Motion by Nancy M., seconded by Gary G. to close the public hearing on the preliminary plat. All ayes, motion carried.

Public Hearing closed at 7:14 pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: March 21, 2022

Chairman: _____
Joe Dolphy



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Public Hearing Minutes Ordinance Adopting New Zoning Map February 16, 2022

Commission members present: Joe Dolphy, Gary Gustafson, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Jim Garrison, Tom Pilla

Town Board members present: Carol Searing

Staff present: Logan Brown – NAC, Steve Grittman – NAC, Sandy Lathrop, Pam Matti, Natalie Zabrzenski

Residents present: Steve Strandlund

Public Hearing opened at 7:16pm

Chairman Dolphy read the Public Notice:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing at the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079 on February 16, 2022 at 7:00 pm or shortly thereafter. The purpose of this hearing is to consider approval of an ordinance adopting a new zoning map for Linwood Township, in accordance with the requirements for such amendments and required public hearing in MN Stat. Chapter 462.357 Subd. (3).

Applicant: Linwood Township

There was no public comment.

Tom Searing commented that as of tonight, the zoning map will be inaccurate because of changes just made from RA to R-1. And, as time goes on, it will always be more and more out-of-date.

Steve G. said that in his experience, we would routinely update the map as you approve rezoning's and as the Town Board adopts rezoning ordinances for plats for whatever purpose. It has become common in other places he has worked to re-adopt the maps each January to

make sure we've pulled all the approved rezonings into the adopted map each year. Just to make sure we haven't missed anything along the way. It is good practice to do this annually.

Question was asked, as you readopt this each year, must a Public Hearing be called? Steve G. replied, yes.

Sandy L. commented, that there is an error she just noticed. Cliff's Westlund is correct, but the property still owned by the Westlunds was rezoned on this map and that is incorrect. Sandy L. noted the older version was right, but the new version is not.

Joe D. also mentioned that down by the Country Store, just north of the trailer court (R-2) there's a little pie shaped piece on the curve of Viking Blvd, there should be a red (business district) right next to the brown zone. It's the two little parcels that the tower sits on. Joe D. also asked about the Dellwood Estates, if the rezoning of the parcels north of County Rd. 74 would be included on this new map? Steve G. replied, yes.

Sandy L. commented that Pam Matti had pointed out today that there were no streets or addresses listed on the map. We will probably reach out to the county to get new maps showing the streets and addresses, because staff get questions just about everyday where we need to refer to the map and we need to reference streets and addresses. Steve G. interjected that they prepared the zoning map for the purposes of rezoning, but his associate Logan, can add that missing information to the map.

Motion by Gary Gustafson, seconded by Nancy Matson, to close the Public Hearing. All ayes, motion carried. Public Hearing closed at 7:33 pm.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: March 21, 2022

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes

February 16, 2022

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

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Gary Gustafson, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Jim Garrison, Tom Pilla

Town Board members present: Carol Searing

Staff & Consultants present: Logan Brown – NAC, Steve Grittman - NAC, Sandy Lathrop, Pam Matti, Natalie Zabrzeński

Residents present: Steve Strandlund

Approval of Agenda

Motion by Gary G., seconded by Nancy M., to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from January 19, 2022

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

Motion by Nancy M., seconded by Tom Sausen, to recess the regular PZ Meeting to go into the Public Hearings for 21-33-RZ and 21-34-PP being continued from January 19, 2022. All ayes, motion carried.

Recessed at 7:04 pm to **continue Public Hearing from 01-19-2022 to consider 21-33-RZ – Separate minutes prepared.**

Reconvened P&Z regular meeting at 7:09 pm

Discuss and Act on Rezoning proposed Sunrise Pines 21-33-RZ

Motion by Tom Searing, seconded by Gary G., to recommend to the Town Board to rezone this property from RA to R-1 for the proposed Sunrise Pines 21-33-RZ. All ayes, motion carried.

Recessed at 7:11 pm to **continue Public Hearing from 01-19-2022 to consider 21-34-PP – Separate minutes prepared.**

Reconvened P&Z regular meeting at 7:14 pm

Discuss and Act on Recommendation for Proposed Preliminary Plat Sunrise Pines 21-34-PP

Motion by Nancy M., seconded by Tom Sausen, to accept the preliminary plat for Sunrise Pines.

Steve G. suggested an amendment to the motion in reference to the various staff and agency reports as conditions for that recommendation.

Motion amended by Nancy M., seconded by Tom Sausen, to approve the Sunrise Pines Plat, conditional upon the reports and requirements of Staff, Township Engineer and other agencies. All ayes, motion carried.

Recessed at 7:16 pm to **Public Hearing to consider approval of an ordinance adopting a new zoning map for Linwood Township – Separate minutes prepared.**

Reconvened P&Z regular meeting at 7:33 pm

Discuss and Act on Zoning Map Amendment

Motion by Nancy M., seconded by Tom Sausen, to approve the new zoning map with the conditions of adding the couple business zones and the current Dellwood Estates. All ayes, motion carried.

Recessed at 7:34 pm to **Public Hearing to consider approval of an ordinance amendment to update home occupation regulations – Separate minutes prepared.**

Reconvened P&Z regular meeting at 7:36 pm

Discuss and Act on Home Occupation Amendment

Sandy L. offered information from February and March of 2021. She suggested that members might want to read over and consider comments from March 2021.

Nancy M. asked, if we delay, do we need to hold another Public Hearing? Steve G. responded, if the changes are in the scope of your discussion, you would not need to hold another Public Hearing. Sandy L. asked if you would need to reconvene? Steve G. said, yes, you would need to reconvene on the item, but not reopen the hearing, unless the scope moves outside of what your discussion has been.

Question is, whether we should table this for tonight? Tom Searing read a couple comments from minutes of the March 2021 meeting. It was noted that P&Z committee task should be to protect neighbors from being bothered by an at home business. Sandy L. offered to print those comments from March 2021 and email them out to the P&Z members tomorrow.

Steve G. stated, he would advocate for the township to add some regulations around what rules will apply to the home occupation regulations. He states that the current ordinance is set up as something that would be for an in-home business and not be a bother to the neighbors. However, other types of businesses such as in an accessory building, would need to apply for an Interim Use Permit. Gary G. asked staff if there have been complaints in the last 12 months? Sandy L. replied, yes there have been. The office staff have received complaints from neighbors of some of these businesses concerning noise too early or too late in the day, too many pieces of equipment sitting outside, large pieces of equipment sitting on the road and blocking the road or preventing safe passage.

Joe D. stated that the Interim Use Permit can be used for those businesses in an accessory building. Sandy L. stated, that once you state that home occupations not located in the residence are allowed as an interim permitted use, you cannot deny different types of businesses, unless it is stipulated or defined as allowed or disallowed. There was disagreement amongst the members over the Interim Use Permit and how it is granted or not granted.

Steve G. said the language of the proposed code would suggest that the only outside parking of vehicles would be basically a sixteen-thousand-pound truck and trailer and that would be the only allowed outside parking. The code has a series of performance standards that anybody who wants a home business would have to comply with.

Question was raised, why are we proposing ordinances when we don't enforce them? Joe D. stated that the Township is working on strengthening the enforcement of town ordinances.

Gary G. asked if he wished to make cabinets in his home, would that be, OK? Joe D. said yes, if it is only done in the home. However, if it is going to be in an accessory building on the property, then people will need to apply for an Interim Use Permit. At that point, conditions can be applied upon issuance of the Interim Use Permit.

Steve G. stated, if a resident is out of compliance with the zoning permit, there is a misdemeanor clause, which he believes is a \$700 penalty. It does need to be litigated. So, you will need to charge them with a violation. Committee members were reminded that enforcement is not free and can be expensive.

Tom Searing brought up one item that seems to have fallen through the cracks and that involves setting specific hours to home occupations. He suggests that the committee set specific hours. For example, 7am to 9pm Monday – Saturday and noon to 8pm on Sundays or something specific.

Steve G. noted that if a business is currently in operation and not in violation and have not changed the nature of the business; they can continue to operate (grandfathered in). Carol Searing asked, what if they were in violation of the code from the beginning? Steve G. responded, that if they were not legal when established then they do not have those 'grandfather in' rights. You could then take enforcement action on those if they were illegal to begin with. Sandy L. added that this would be pretty much all of them. The committee was reminded that most of the currently operating businesses are out-of-compliance, because they are not in the home.

Motion by Nancy M., seconded by Gary G. to table the discussion and action on the home occupation amendment pending further information from last year's meeting minutes. All ayes, motion carried.

NEW BUSINESS

None

OLD BUSINESS

None

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Steve G. informed the commission that there has been a handful of building permits over the last month. The Town Board has on their agenda to consider the Dellwood Estates cul-de-sac variance for next week. Sandy L. added that the Fire Department does want the emergency access paved and maintained. This will be addressed at the Town Board meeting next week, per Carol Searing. Road & Bridge recommended the 2000-foot road and no emergency road.

Motion by Gary G., seconded by Tom Sausen, to adjourn. All ayes, motion carried.

Meeting adjourned at 8:20 pm.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: March 21, 2022

Chairman: _____
Joe Dolphy



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Public Hearing Minutes

22-03-RZ zoning map amendment and 22-02-PP preliminary plat for Cliffs Boettcher Estates March 21, 2022

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Pilla, Tom Searing

Commission members absent: Gary Gustafson, Tom Sausen,

Town Board members present: Carol Searing

Staff present: Steve Grittmann – NAC, Sandy Lathrop, Pam Matti

Residents present: Crystal Meier, Brian Meier, Christopher Osterhus, Tom Carlisle, Lloyd S. Horton, Brian Johnson, David Walter, Jeff Schafer, Craig Pudas, Cheryl Pudas, Mike Wolf, Steve Strandlund

Public Hearing opened at 7:04pm for both 22-03-RZ and 22-02-PP

Joe Dolphy read the Public Notice for 22-03-RZ and 22-02-PP:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on March 21, 2022 at 7:00 pm at Linwood Town Hall, 22817 Typo Creek Dr NE, Stacy MN 55079. The hearing is to consider the request for rezoning a property from Residential-Agricultural (RA) District to Single Family Residential (R-1) District for the purpose of platting and to review the request for a preliminary plat known as "Cliffs Boettcher Estates" creating eight lots.

Applicant: Sherco Construction, Inc.
PID: 29-34-22-42-0011
Property located at: 6222 Fawn Lake Drive NE
(SW corner of Fawn Lake Dr NE and Taurus St NE)

A copy of the area to be rezoned and proposed preliminary plat is available at the Town Hall during regular hours for the public's review.

Public Comments:

Resident commented, that he is opposed to the development, as it was supposed to be a property to be left as it is. He asked who is responsible to repair the road when construction is complete? Residents do not want to get an assessment in a year to repair that road. Joe D. responded that normally it is the Township's responsibility if damage is done by a contractor or it will revert back to the contractor for the damage. That goes for any damage to the Township roads. The contractor is responsible to repair damage done by them. Joe D. stated there is a Developer's Agreement that will go into place in the process of this whole deal. Joe D. asked Steve G. to respond to the question. Steve G. stated, there is a development contract and the developer must enter the agreement with the town to construct the improvements and do the work according to plan and they also have to provide securities for insurance or bonds to cover their work and/or damage. That is part of the standard plat review requirements. Contractors bonding and insurance will be relied upon, per Steve G. Resident also asked about what hours the crews will be working?

Tom Carlisle, the developer and builder, responded that hours would be whatever the city allows. He thinks it is 7:00am-4:00 or 5:00pm certain days of the week. The resident stated that there are neighbors who work nights and they don't need guys in there at 6am starting up their saws. Tom C. responded that the township has a policy and that they will follow the policy of the township.

Resident also asked if rezoning has already been done? It was explained to the residents that the rezoning is what was taking place at this evening's meeting. Joe D. stated there is nothing that can be done to stop people from developing their land. As long as they can follow our guidelines for platting. And that they can meet all of the agency's guidelines. There is nothing we can do to stop people from developing land. The development is in compliance with all codes. Resident also asked what the values of these new homes would be?

Tom C. responded, he expected \$500,000 and up, since you cannot build anything for less than that today.

Tom Pilla commented that the land the residents live on now, was also once 700 acres of open land. And, he did not want to see the development that the residents at the meeting now live on. The P & Z Commission is going to make a recommendation to the Town Board. If a recommendation is made to deny it, the Town Board is probably going to pass it, because if they don't there is going to be a lawsuit. The builder is going to sue the Township, because they are in compliance of all the ordinances. They have a right to develop the land.

Another resident commented, that while he is not opposed to the development, he is concerned about the roads and would like to make sure the dirt contractor will use the old farm driveway from the county road to access the lots. Joe D. stated, he did not think it was possible to demand that the dirt moving equipment use only the driveway off of the county road. Joe asked the Township Planner to speak to that. Steve G. commented that there is a grading plan for the development for some storm water ponds and thinks it might be feasible for the grading to be done, prior to house construction, using the driveway off of the county road. Steve G. stated that he would need to talk with the Town Engineer and County Engineer to verify that.

Resident also asked about the insurance and bonding. What is the life time of the bond for any road destruction or whatever? Is there going to be a pre-survey and then a post-survey? Steve G. commented that he did not know the details of the engineers monitoring of the construction of this, but he is taking notes and would relay those concerns. Steve G. reminded the residents that the developer pays for the engineers monitoring and inspections.

A resident asked if there is going to be access to the development via the cul-de-sac? Steve G. commented that he's not sure we can be definitive, but the lot that backs up to the cul-de-sac, is separated from the cul-de-sac by a catch basin, which is 8-10 feet deep. It would not be easily accessible via the back of the lot onto the cul-de-sac.

Sandy L. asked, is the white fencing going to stay? She has had questions about that. Tom C. replied, 'yes'.

A resident asked about the fence on the south end of the development and if that was going to stay? Tom C. stated that he would like to keep the fence, except as needed for the driveways, because it looks nice. Joe D. agreed that it does look nicer with the white fence.

No further comment from the public or members.

Motion by Tom Pilla, seconded by Tom Searing to close the public hearing on the rezoning and preliminary plat. All ayes, motion carried.

Public Hearing closed at 7:27pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: April 18, 2022

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes March 21, 2022

Meeting called to order at 6:59pm by Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Pilla, Tom Searing

Commission members absent: Gary Gustafson, Tom Sausen

Town Board members present: Carol Searing

Staff & Consultants present: Steve Grittmann - NAC, Sandy Lathrop, Pam Matti

Residents present: Crystal Meier, Brian Meier, Christopher Osterhus, Tom Carlisle, Lloyd S. Horton, Brian Johnson, David Walter, Jeff Schafer, Craig Pudas, Cheryl Pudas, Mike Wolf, Steve Strandlund

Approval of Agenda

Motion by Jim G., seconded by Nancy M., to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from February 16, 2022

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

Approval of PH minutes for 21-33-RZ and 21-34-PP from January 19, 2022 and February 16, 2022

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

Approval of PH minutes for Ordinance Adopting a New Zoning Map from February 16, 2022

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

Approval of PH minutes for Ordinance Amendment to Update Home Occupation Regulations from February 16, 2022

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

Recessed at 7:04 pm to **Public Hearing to consider 22-03-RZ and 22-02-PP – Separate minutes prepared.**

Reconvened P&Z regular meeting at 7:28 pm

NEW BUSINESS

Discuss and Act on 22-03-RZ Application for Rezoning proposed Cliffs Boettcher Estates

Report from Steve Grittmann and Logan Brown from Northwest Associated Consultants, Inc. recommends approval of the rezoning of the subject site from R-A, Residential Agriculture to R-1, Single Family Residential.

Motion by Nancy M., seconded by Tom Searing, to recommend to the Town Board that the zoning be changed from R-A to R-1. All ayes, motion carried.

Discuss and Act on 22-02-PP Application for Preliminary Plat request for Cliffs Boettcher Estates

Steve G. commented that primary and alternative septic placement is required on the proposed plat, as per town ordinance. The County Engineer's recommendation is that there be a 60-foot dedication of right-of-way from center line of County Road 76 and it appears from the plat, that is the proposed dedication. We'll be sure to tighten up all those concerns, to be sure there are no discrepancies before this goes to final plat. It does appear that the plat is drawn to include that 60-foot dedication of right-of-away. Staff believes the plat is consistent with codes, with conditions as set forth. Joe D. asked to confirm that the lot sizes are at least 2.5 acres. Steve G. responded, yes, they are.

Formal report was submitted and reviewed in person by Steve Grittmann, Township Planner, from Northwest Associated Consultants, Inc. Steve G. and staff recommends approval of the Cliffs Boettcher Estates Preliminary Plat subject to the following conditions:

1. The Township adopts the necessary zoning map amendment ordinance, rezoning the site from R-A, Residential Agriculture to R-1, Single Family Residential.

2. Driveway access to Lot 1, Block 1 shall be moved farther south within the lot to pull it farther away from the intersection of Fawn Lake Dr. and Taurus St.
3. All easements and other engineering requirements shall be subject to review and approval by the Township Engineer.
4. The applicant shall satisfy the Township's Park dedication requirements as recommended.
5. The applicant shall address the septic location proposal on Lot 7, to keep it completely contained within Lot 7, and other requirements of the Town's septic code related to alternative locations and requirements.
6. The existing driveway to the old farm buildings that cuts across Lot 1 into Lot 2 shall be removed, and the buildings removed from the site consistent with plan notes.
7. Comments of Township Staff and other agencies, including the County Engineer.

Motion by Nancy M., seconded by Tom Searing, to recommend to the Town Board to accept the preliminary plat, with the conditions, as stated by the Planner and along with a \$2000 park dedication fee per lot. All ayes, motion carried.

Sunrise Pines Pine Grove Development Discussion

Joe D. asked Steve Strandland if he could develop the lots and stay within the ordinance, we currently have on the books concerning pine groves? Steve S. replied, parts of it. Joe D. said he doesn't know if the pine grove ordinance has ever been enforced. Joe D. commented that the Fire Wise program going by the DNR guidelines is a pretty universal way of keeping the structures safe from a wild fire. Joe thinks if we were to follow those guidelines, maybe verses our Township ordinance, it would work. He stated our Township ordinance did seem kind of unrealistic. Tom P. commented that the attractiveness of the Sunrise Pines development is the pine trees. Carol Searing asked how many feet clearance will there be around the house? Steve S. responded 20-25 feet is usual. Steve S. said, by creating a pad you must cut trees back to make the grading work. Joe D. commented that the 20-25 foot out from the house should not be a problem because of the grading. Carol S. stated that the double driveways are not as much a concern, but really fire is a concern. Joe D. said he would recommend deleting section 22-421, the paragraph about the driveway. Steve G. stated that P&Z would need to hold a public hearing to get that changed.

Discuss and Act on 22-05-FP Application for Final Plat of Sunrise Pines

Steve G. reported the following conditions:

Condition #1 – *The Township approve the necessary rezoning of the site from R-A, Residential Agriculture to R-1, Single Family Residential.* Staff Comment: The Town Board approved the rezoning of the area of the site which comprises the 11 single family lots within the subdivision from Residential Agricultural (R-A) to R-1, Single Family Residential.

Condition #2 – *The applicant and subsequent builders shall comply with all applicable floodplain regulations for building, access, and for septic/well installations.* Staff

Comment: This will be an ongoing requirement which will impact building permitting. The preceding condition remains applicable to future development upon the subject site.

Condition #3 – *Access to Lot 1, Block 2, located south of Ryan Lake Drive, and potential bridge guardrail conflicts shall be resolved approved by the roadway authority, per their review of this plat.* Staff Comment: According to the City Engineer's memorandum dated March 10, 2022, a description has been submitted for the proposed easement for Lot 1, Block 2 across Lot 2, Block 2. The City Engineer has recommended, as a condition of final plat approval, that a recordable easement document be prepared and recorded with the final plat. That condition is attached to this memorandum as a condition of Final Plat approval.

Condition #4 – *All easements shall be subject to review and approval by the Township Engineer.* Staff Comment: All easements shown on the final plat drawing have been found to be acceptable by the City Engineer.

Condition #5 – *The applicant satisfy the Township's Park dedication requirements as recommended by the Parks and Recreation Committee.* Staff Comment: The Parks and Recreation Committee has recommended that cash, rather than land, be provided in satisfaction of the Township's Park dedication requirements. The required cash contribution must be paid at the time of final plat recording, unless the Town Board approves an alternate payment schedule.

Condition #6 -*Comments of Township Staff and other agencies.* Staff Comment: The Sunrise River Water Management Organization provided comments as part of the preliminary plat review and indicated that vegetative buffers, measuring 16.5 feet in width must be provided along wetland buffer boundaries. This requirement remains applicable.

Based on the preceding review, Planning Staff recommends approval of the Sunrise Pines final plat subject to the following conditions:

1. The applicant and subsequent builders shall comply with all applicable floodplain regulations for building, access, and for septic/well installations.
2. To accommodate access to Lot 1, Block 2 (across Lot 2, Block 2), a recordable easement document shall be prepared and recorded with the final plat.
3. Vegetative buffers, measuring 16.5 feet in width shall be provided along wetland buffer boundaries.
4. Comments of Township staff and other agencies. Township Engineer requirements:
 - a. Provide a stable overflow for the three infiltration basins. Acceptable materials would be class 2 riprap, cable concrete, etc.
 - b. The Final Plat needs to be checked by the Anoka County Surveyor and recorded.
5. Approval of the Preliminary Plat approval from Anoka County Board of Commissioners.
6. The Applicant shall enter into a development agreement that is satisfactory to the Town Attorney.

7. Opinion of title by Township Attorney, all requirements of said opinion shall be satisfied before final approval.

Motion by Tom Pilla, seconded by Tom Searing, to recommend to the Town Board approval of the Final Plat with conditions #1-7 as stated in Northwest Associated Consultants, Inc. report and a park dedication fee of \$2000 per lot also be included for a total of \$22,000. All ayes, motion carried.

Short Term Vacation Rentals

Tom Searing commented that it has come to his attention that there is an increase in this part of the country of short-term rentals, specifically Airbnb's and VRBO's. Only one, so far, in Linwood Township on Linwood Lake is known. However, there are a lot of these rentals in the Chisago Lakes Area. Tom stated it would be good to discuss and get ahead of this by writing an ordinance. Sandy L. provided a copy of what Chisago Lakes wrote back in 2020. Sandy L. said it's OK to have an ordinance even if we don't currently have a way to enforce it. Then it is there and if there is a complaint, we would already have something in place. Tom Searing volunteered to write a draft to present to the group.

OLD BUSINESS

Home Occupation

We've talked about business property verses residential property. We would like to encourage business development. There is revenue in the way of taxes that the Township can receive from a business. If we allow a bunch of home occupation, we would not be addressing business development in the Township. Joe D. stated that he and Sandy L. have talked about the fact that maybe having the county assessor come out and see where they would stand. Could they put an assessment on a home occupation? Jim Garrison asked, what do you want from us tonight? Joe D. said, discussion is what is needed. Tom P. said he believes we need to spell out what defines a home occupation and be very clear. Also, there is no way someone with industrial equipment should be allowed to keep it on their property and there should be no grandfathering in. If someone is in violation of the code, then they must be brought into compliance.

Sandy L. stated our current ordinance is very, very short and it basically says you can have a business in your home, as long as you don't have other employees and you have enough parking spots or something. It's very specific and pertains to business in the home. It doesn't say on your property. If you're talking about renting equipment out, this is not in the home. That is not current to our code. Therefore, they should not be grandfathered in, because our code does not allow that at this time.

Jim G. suggested, any business in R-1 or R-2 should have a conditional use or interim use permit and all would be required to have that. Tom Searing clarified; it should be an interim use permit.

Steve G. stated, there appears to be agreement on home occupation, as long as the business is strictly taking place in the home. But, once there's a business in an outbuilding or a business that requires employees, it needs to be decided if it will be an interim use permit or conditional use permit. Steve G. commented, it sounds as if there is consensus on business that is taking place in someone's home and with no employees. We could consider that permitted home occupation. Then, when someone wants to start having employees reporting to the site or working out of an accessory building, they would be required to have an interim use permit under that code language. Steve asked if there is a consensus that the group wants to allow some amount of in-the-home stuff and there's maybe a mix of opinions about businesses that are maybe so intense that they require heavy machinery or other things that are essentially non-residential, however that is defined. Anything outside of the home itself, would require an interim use permit, if you are going to allow them at all.

Joe D. said that he agrees with Steve's comments on the home occupation, as long as it is in the home only. If an outbuilding is going to be used or the yard area outside, there will be an interim use permit required.

Carol Searing asked Steve if he could take what we have, and after hearing our conversations, write up an ordinance based on everything that has been discussed. Steve said, he could certainly take a shot at it. Tom Searing asked, can it be written in that no home businesses are allowed without an interim use permit? Steve G. said, if you don't have any standards in your ordinance, then you, as a local government, have a heavy burden to identify what all of the problems or nuisances might be, in order to say no.

Motion by Tom Pilla, seconded by Tom Searing to table the home occupation discussion to the April P&Z meeting. All ayes, motion carried.

Sandy L. asked, what does this mean? Do they still want Steve G. to work on a proposal, per Carol Searing's suggestion? Tom P. asked, if it would be feasible for Steve to write up something and get it to the P&Z members prior to next month's meeting? Steve offered to re-work it into an ordinance and get it to Sandy by the end of the week (March 26) for distribution to the P&Z members.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Barndominium/Shouse

Steve G. reported, the issue that has arisen and it apparently comes up routinely, is interest in constructing basically a pole building type construction and modifying it into a house. This is

basically using pole construction for residential structures. There are various names for these structures. There is an active questioner right now who is looking to do that and there is a little bit of confusion about what our treatment of that type of request would be. Steve said it was his general understanding that if they can meet building code and energy code, the pole construction is not prohibited for residential structures. However, you can adopt zoning regulations that affect the style of home. And you have a few in your code right now. The one that sort of applies is a requirement for permanent perimeter concrete or treated wood foundations, which would imply that is not a pole building, although it doesn't actually say that. Steve suggested that if members are bothered by the idea of pole type buildings being used for housing, we probably need to tune up our code a little bit. He also stated, we would need to have some conversations with the local building official, just to be sure we are clear on building code application. Steve G. commented that there are plenty of communities that would not allow pole buildings to be used for residential structure. But you would have to adopt a zoning ordinance that regulates that. Joe D. and others agreed that Steve G. must stick with the current full foundation requirements for homes.

Motion by Jim G., seconded by Tom P., to adjourn. All ayes, motion carried.

Meeting adjourned at 9:11 pm.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: April 18, 2022

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes April 18, 2022

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, Tom Pilla, Tom Sausen, Jeff Schafer, Tom Searing

Commission members absent: Nancy Matson

Town Board members present: Carol Searing

Staff & Consultants present: Steve Grittmann - NAC, Sandy Lathrop, Pam Matti

Residents present: None

Oath of Office Lloyd Horton and Jeff Schafer took their oath of office. Jeff will serve as Alternate 1 and Lloyd will serve as Alternate 2.

Approval of Agenda

Motion by Tom P., seconded by Gary G., to approve the agenda. All ayes, motion carried.

Approval of PZ minutes from March 21, 2022

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

Approval of PH minutes for 22-03-RZ and 22-02-PP from March 21, 2022

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

NEW BUSINESS

Short Term Rentals

Tom Searing presented a draft of a proposed short term rental ordinance, based off of Chisago Lakes Area ordinance. He noted, currently there are many short-term rentals in the Chisago Lakes area. He found only one, so far, in the Linwood Lake area. He believes we should get something in writing about this and get out front of the situation. Tom Pilla agreed and thinks this is a good thing to do. Jeff Schafer said there are actually more short-term rentals here in the area of Martin Lake, Linwood Lake and Coon Lake. Joe D. added there would need to be a public hearing on this ordinance before it can be adopted. Joe D. asked Steve G. for his thoughts on the matter. Steve G. said there would be a licensing aspect to this, which would be general town code and there would also be a change to the zoning ordinance, because you have to add short term rental language into your zoning ordinance to make it an allowed use in the zoning district. You would need to have a public hearing, as Joe had indicated.

Tom Searing stated, that his personal goal is to get something that we can all agree on, so that we can hold a public hearing at our May meeting. And then, send it to the Town Board the following week. Sandy L. suggested running this by the Town Board Supervisors prior to moving forward to a public hearing, to get their blessing on this.

There was concern, as to the number of people per bedroom on the draft and concern about the septic system. Jim G. stated, is it really our concern, if someone wants to ruin their septic system? Steve G. stated that may be true, but there is a public health aspect to this, that we would want to try and avoid. He went on to say, he believes there is a building code standard and that could be checked on. Joe D. asked who is going to regulate this and enforce it? The Township will need to decide that and put something in place.

Tom P. asked that the SSTS be spelled out and then put the abbreviation in brackets. On the same section, on page four it says that all garbage shall be removed from the premises frequently. Tom P. asked, what does frequently mean? Should it be more specific or leave it vague? The next page under noise, it refers to section H, it is actually section G.

Lloyd H. asked for clarification on the disposal information on page four. Sandy L. stated that it should not say Anoka County Solid Waste ordinance, but should instead say Linwood Township Ordinance. Tom Searing agreed to modify, as suggested.

Tom Sausen asked what good is this if we can't enforce it? Carol Searing stated, the Township will have more enforcements. The Anoka County Sheriff's Office has said we can use the deputies, as they are already here in Linwood. We should be able to use our Fire Marshal, for

things like smoke detectors. And, we should be able to use our planners for some of this and our office staff for the clerical part. The Township is working to strengthen enforcements.

Steve G. commented that the discussion was that the Town Board would want to have a comment about this prior to the Planning Commission going further. If the Town Board decides they don't want to have the short-term rental ordinance in place, then it would be a useful thing to actually state that in your code. Right now, there is probably some ambiguity. Since we do have several short-term rentals in the area, but we have nothing that regulates them. It would be good to include an amendment in the code that short-term rentals are not permitted. And, define residential use as being 30 days or more of continuous residential use.

Tom Searing agreed to check with the building inspector as to the number of bedrooms versus number of people.

Motion by Tom Searing, seconded by Tom Pilla, to clean up the proposed ordinance, including all comments made by members and take to the Town Board at next Tuesday's meeting for their reaction. All ayes, motion carried.

OLD BUSINESS

Home Occupation

Steve G. commented that he had put together a table, hoping to help clarify the home occupation ordinance and to help the Planning Commission as you think about how we are addressing this issue. He explained he had created a hierarchy of potential home occupations from benign to potentially a problem.

Tom P. said he likes the way this is written. It seems pretty clear. We don't allow businesses in a residential neighborhood that is going to change the complexion of the residential neighborhood. That is spelled out very clear. Anything else would need a conditional or interim use permit. This makes sense, because then the neighbors get a say in the matter. Tom P. said he did have one problem and that is with the outdoor lighting. As we all know, lighting out here is something you can see for miles around. Tom P. suggested that the statement say, exterior lighting shall not be allowed for the purpose of the business. He also noted some typos on the document, for example, page 3.

Sandy L. commented that it should be listed in the ordinance that screening would need to be added to the ordinance, if business equipment is going to be stored in a yard or sitting outside. She added, you would need to add that screening must be provided on all sides from the neighbors. If this is members' choice to allow equipment to be stored outside, you may need to consider this.

Joe D. commented that most business activities, if you look around, are screened by a 12-foot-high fence. That is how they keep business activities away from residential. Screening should be a factor, when considering this.

It was stated again, that home occupation is to ideally be held within the home itself.

Jim G. stated we've been at this for one year and four months. And this is extremely difficult. Jim G. states he would prefer to pass this and then move on. He was in agreement with Sandy L. Sandy L. suggested maybe you pass it, as it is and move on from there.

Joe D. said we just can not spell out every use or every disallowed use. He too agreed with Jim G. and Sandy L. Steve G. agreed to clean up his draft.

Motion by Jim G., seconded by Tom Sausen, to accept the ordinance, to include the clerical changes as discussed, and pass it on to the Town Board. All ayes, motion carried.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Steve G. reported that the Town Board approved the building of the solar array, but is requiring screening of the equipment, per town code. Town Board also approved the final plat for Sunrise Pines. Cliff's Boettcher Estates, was also approved by the Town Board for rezoning. The preliminary plat will have to come back, along with presumably the final plat at a future meeting. There were still some outstanding engineering comments and details to be finalized. The plats are expected to go to the Town Board in May.

Motion by Gary G., seconded by Jim G., to adjourn. All ayes, motion carried.

Meeting adjourned at 8:25 pm.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: May 16, 2022

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes May 16, 2022

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

Pledge to the Flag was recited.

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

Commission members absent: Jim Garrison, Tom Sausen

Town Board members present: Carol Searing

Staff & Consultants present: Steve Grittmann - NAC, Sandy Lathrop, Pam Matti

Residents present: John Beard, Sharon Mojsiej, Michelle Weck

Approval of Agenda

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

Approval of PZ minutes from April 18, 2022

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

NEW BUSINESS

Oath of Office

Tom Pilla took his oath of office, to serve on the Planning and Zoning Commission for the Town of Linwood, beginning July 2022 – June 2025.

Chickens and Chicken Coops

A Linwood resident addressed P&Z stating concern over more and more people moving into her neighborhood, within ear shot of her neighborhood, and these people have chickens. And now, they have more and more chickens. And now there are geese, peacocks, and roosters that are being allowed on small acreage lots. Resident stated there are more and more moving into developments and it is becoming a problem. For example, there are peacocks visiting the backyard and up on the deck and these birds are destroying the plants. Resident would like to see some ordinance on the books concerning the number of fowl allowed on 2.5 acre lots. Resident would like to see restrictions on the size and number of chicken coops. She stated that when she moved into Linwood Township 25 years ago, there was a private convenience for the development that said no farm animals allowed. The private convenience has now expired.

Joe D. stated that restricting chickens could be a problem, because we are a rural/urban type community. He then referred to Steve G. for comment. Steve G. said that other communities and codes are all over the board. Currently, in our R-1 district, we allow domestic animals, which are typical pets, and non-domestic pets, which are limited to deer, racoons, chickens and ducks. The way the code reads, would mean that peacocks are not allowed. In addition, if they are wandering off property then they would also be in violation. There is also a code that restricts the number of buildings on the property. When in a more rural community, such as Linwood, there really is a wide variety of codes amongst the various communities.

Joe D. commented that he wonders if this situation falls under the nuisance ordinance. He went on to state, that zoning and acreage is something we could look at concerning this issue, which is becoming more and more prevalent. He also said that the P&Z can take a look at other community ordinances and see how Linwood Township compares. However, currently we do not have anyone to go out and enforce these ordinances. Nancy M. stated, she would be supportive of looking into this and see if we can merge our ordinance with those of other local communities.

Resident said her main request is for no roosters allowed, limit the size of pens and require that pens must be put in the backyard.

Motion by Gary G., seconded by Lloyd H., to have the staff work on and come up with an ordinance as to the number of animals and size of property. Six ayes and one nay. Motion carried.

The nay asked that the reason be recorded. Member believes that the P & Z members should be the ones to work on the wording for amending the ordinance. Member was taking into

account the number of staff and said they did not believe the staff could do it. Member felt that the P & Z commission needed to take responsibility for working on the amendment. Joe D. said that the motion has already passed. He does not expect the staff to put a whole lot of time into it and the commission will need to have some time to consider it.

Joe D. clarified that this would involve amending the current ordinance. Staff can start it, but P & Z needs to come up with a reasonable amendment to the ordinance. Tom Searing added that the issue of grandfathering, he believes, is a really bad idea and should not be allowed.

OLD BUSINESS

Home Occupation Ordinance

Carol Searing addressed the Commission explaining that this ordinance went to the Town Board in April, but was not in the right format, so it got sent back. Then it went to the Board in May, and the Interim Use Permit came up, as to what we could and could not do for conditions. Therefore, Steve G. was asked to come tonight and talk about IUPs. It is all ready to go to the Board and the format is fine. We just need to know if we can restrict people somehow or someway.

Steve G. addressed the commission. He said the concern was, what kind of authority does the Township have if your code allows a certain use. How much authority does the town have to add conditions to permit requests as part of your review and authorization of a permit? The rules are basically that you can place restrictions on the permit that are reasonably related to the potential problems that you foresee as part of that particular permit request.

For example, if someone wanted a permit for a home occupation that would create noise, you can set restrictions. The same for traffic, if it's going to create traffic, you can set restrictions for traffic. You can do that proactively and not have to sit around and wait for problems to arise. It has to be related to that particular permit request. You can make a reasonable restriction.

Joe D. asked about clarifying Section 2, where it reads:

Division 10, Home Occupations, Sections 30-877 – 30-902 is hereby amended by deleting: 30-877. Interim use permit required: Home occupations, which create a need for more than two (2) parking spaces at any given time in addition to the parking spaces required by the occupants shall require an interim use permit.

Question was asked, what is being deleted and is something being added? Answer was yes. The proposed amended ordinance should read:

*Division 10. HOME OCCUPATIONS. **Sec. 30-877. – Purpose.** The purpose of this section is to provide for the use of the home as a place for the operation of a business or profession provided*

the occupation is clearly secondary to the principal use of the home as a residence, and does not alter the character or appearance of the home or neighborhood. Home occupations are allowed in the R-1 (Single Family Residential) and R-A (Residential-Agriculture) zoning districts, but not in the R-2 (Manufactured Home Park District). Proposed home occupations that cannot comply with, or are found to be in violation of, the terms of this section shall be prohibited on residential property. Conduct of such business activities shall only occur on properly zoned commercial property in accordance with the standards of that zoning district.

Steve G. said he would make the corrections necessary and send it back to the Town Board for consideration.

A resident comment that he has lived here since 2005, and technically runs a business out of his home. He currently stores trailers at his property. These trailers go out to job sites and then they occasionally come back. During the summer, they are usually all gone. But in the winter, they are all on the property. He occasionally has drivers come in to pick up the trailers or he takes the trailers in and out of the property himself. Resident stated he has an outbuilding and then a lot behind the outbuilding for storage. He has fourteen such trailers, minimum, stored in both an outbuilding and outside on the property. He is concerned about what this is going to mean for him and his livelihood.

Sandy L. commented that P & Z members really need to look at number six under performance standards, where it specifically states, "There shall be no exterior storage of any materials including business equipment, merchandise, inventory, business-related vehicles, or heavy equipment, with the exception that one light commercial, home business related vehicle and associated trailer may be parked on the site. For the purposes of this section, the term "light commercial vehicle" is a vehicle that does not exceed 28 feet in length or a gross vehicle weight rating of 16,000 pounds. One business-related trailer shall be allowed, provided that the trailer is attached to a vehicle and the combined length of the vehicle and trailer does not exceed 46 feet. No other materials may be stored".

Joe D. stated that the next best option for the resident would be to apply for a variance, if the ordinance does get passed.

Tom Searing asked Steve G. to explain what this would mean to the resident's situation. Steve G. explained that Sandy's interpretation is correct, according to the code as currently written and if you adopt it. The gentleman would need to apply for a variance if the ordinance is adopted as written.

Short Term Rentals and Rental Ordinance

This was also kicked back to P & Z from the Town Board. Tom Searing stated that this did not go over very well with the Town Board. Major criticism from the Board, were they felt it was too restrictive. Complaints were about too much information being requested of the guests, the

off-street parking and who is going to enforce this, if passed. Tom Searing asked P & Z members if this is something to pursue or can we just use our current rental ordinance? Tom P. stated, maybe this just needs to be tweaked a little bit. Tom P. mentioned that at the last meeting, commission members had questions about the two person per bedroom limit, being purposed. Tom Searing said that he had contacted Rum River, but never heard back from them. No further information was available about the occupancy rate.

Tom P. commented that the proposed ordinance could be shortened up and still be effective. Tom Searing said he had reviewed the differences and also those things in common between Linwood's current rental ordinance and the proposed short term rental ordinance. He summarized those items for the members. He offered to send to the members the comparisons between short-term and long-term rentals. The P & Z group agreed to take a look and see if they can possibly merge the short-term rentals with our current rental ordinance.

Housekeeping items, accessory buildings

Carol Searing had a suggestion for the Planning Commission. She stated, we have a number of ordinances that are not ready to be enforced, because they do not have procedures or applications or the necessary steps needed. We took the steps to create an ordinance, but it did not go any further than that.

Jaime from the Sunrise Watershed District has an ordinance that he really needs us to do, which should have been done a couple of years ago. Carol stated she would really like to see the Planning Commission stop with creating more ordinances. And instead, take each ordinance, like the rental ordinance or another ordinance, and look at it to see what needs to be done, so that we can begin to enforce it. We have not followed through on developing policies and procedures, applications, or licenses. These all must be done, in order to start enforcing an ordinance.

Joe D. asked if it is the staff's job or the P & Z Commission's job to put together the applications and procedures to address these ordinances? Carol, commented that she believes it is the Planning Commissions job to put together the policies and procedures. There was some disagreement over whose job it is to put together the policies and procedures. Carol stated, the staff does not have time to put together policies and procedures. She went on to state, that if the Planning Commission would take time to look at this and put together some policies and procedures, we could then look at enforcing these ordinances.

Carol S. also stated there are a whole lot of ordinances that need to be tweaked and time would be best spent doing this, instead of coming up with more ordinances. Sandy L. provided two pages of samples of issues we are currently dealing with.

Nancy M. suggested that staff come up with a top ten list of ordinances that need to be looked at and then the Planning Commission can start reviewing them. Per Sandy, the building

inspector and Steve G. have ideas and certain ordinances that need tweaking, which can be added to the list.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Steve G. reported that the Home Occupations Ordinance will go back to the Town Board at an upcoming meeting, following tonight's discussion. There are a small handful of development applications. Cliff's Boettcher Estates is pending and will be at Town Board for preliminary. They are also preparing to seek final plat approval as well. So that will be working its way through the final processes. Final comments were slow to arrive from some of the agencies for Cliff's Boettcher Estates.

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

Meeting adjourned at 8:48 pm.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: June 20, 2022

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

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Planning and Zoning Commission Minutes June 20, 2022

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, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: Jeff Schafer

Town Board members present: Carol Searing

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

Residents present: one resident present and not signed in

Oath of Office

Jim Garrison and Tom Sausen took their oath of office, to serve on the Planning and Zoning Commission for the Town of Linwood, July 2022 – June 2025.

Approval of Agenda

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

Approval of PZ minutes from May 16, 2022

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

Tom P. asked if staff had been able to put together a top 10 list of ordinances needing attention, as per Nancy M.'s motion from last meeting? Joe D. answered, he didn't think so.

Tom P. also asked about the ordinance on home occupations. Carol S. responded; it is in limbo. Joe D. commented the issue would come up in staff reports, later in the meeting.

NEW BUSINESS

Introduction of New Zoning Administrator

Claire Michelson from MSA Professional Services, introduced herself as the new planner for Linwood Township. She reported that over the last few weeks, she and her team have met with Pam O. and Carol S. and she has been busy getting up to speed on her responsibilities with the township. The contract was officially signed as of last Wednesday. Claire will be publishing public hearings, attending Planning and Zoning Commission meetings, doing all of the subdivision reviews, and any zoning reviews and ordinance work.

Final Plat Cliffs Boettcher Estates

Staff recommends the P&Z Commission recommend that the Town Board grant approval of the final plat of Cliffs Boettcher Estates with the following conditions:

1. The Applicant shall enter into a development agreement ("Development Agreement") with the Township that is satisfactory to the Town Attorney. The Development Agreement shall include provisions related to, but not limited to, constructing the planned public improvements in accordance with the approved plans, providing the Town financial security for the construction of such improvements, payment of the park dedication fee, required covenants, and such other provisions as the Town Attorney determines are appropriate. Such Agreement must be fully executed within 60 days of this approval and before the Plat may be recorded with the County.
2. The Applicant shall submit payment to the Town in the amount of \$14,000.00 for a parkland dedication fee in accordance with Sec. 22-479.
3. Subject to a signed and fully executed Mortgage Consent to Easement from Wings Financial Credit Union and a signed and fully executed Permanent Right of Way Easement from Lloyd and Patricia Horton regarding Lot 1, Block 2 Boettcher Farm Preserve Second Addition, Anoka County, Minnesota.
4. Approval by Anoka County Board of Commissioners.
5. Compliance with any further recommendations of the Township Attorney and Township Engineer.

Motion by Tom Pilla, seconded by Tom Searing, to recommend to the Town Board that they grant approval of the final plat for Cliffs Boettcher Estates, with the five conditions as listed. All ayes, motion carried.

Centralized Mail Delivery for new developments

Claire M. stated, this requirement can be placed fully on the developer. She went on to state, we can add that as we are taking in applications for preliminary plats. We can require that they put the location on their site plans that are provided to us. This should not be on the township. Joe D. asked if we need to officially adopt this postal standard in our ordinance? Claire M.

replied yes. There is a spot in our ordinance that has a section of supplementary information required when applying for a subdivision. We could add a provision in that spot. Joe D. said if it is in our ordinance, then developers would realize that this is not only a part of the postal department, but also our requirement. Tom P. asked, do we have any control over this? Answer was no. The Post Office requires it, in all new developments.

OLD BUSINESS

Short Term Rentals

Tom Searing reported, that he had made the revisions to the proposed ordinance. Unfortunately, a clerical error happened and what was sent to P&Z members, as part of the meeting packet, was the old one. He offered a couple options. Either it gets tabled until the next meeting or he could talk through the changes tonight.

Joe D. asked, does the Town Board intend on enforcing a short-term rental ordinance? Carol S. said that Claire M. will be asked to help on these ordinances. Tom Sausen asked, who is going to decide which ordinances are going to be enforced and which ones are not? Carol S. said, the question should be, how are we going to enforce all of the ordinances? Nancy M. commented that this must be simple, concise, and easy to enforce. Tom P. stated, typically the initial letter to the home owner gets things moving. They are informed of the violation and what the penalties are. This usually takes care of the violation. These are to be complaint driven, so enforcement does not need to happen until there is a complaint.

Joe D. commented that this isn't just about rentals and short-term rentals, all of our ordinances should have procedures. There should be a written notification, with 30-days to respond to the complaint, and then people can come and voice their case to the Town Board or whatever.

Joe D. asked Claire M. to keep in mind, as she works through some of our ordinance issues, to put something like that into the ordinance with some kind of general procedure. Joe D. asked the members if they wanted to do anything about it tonight or put it off until next month? Nancy M. asked if we can have Claire M. take a look at this and get up to speed on things? That way she can come back to us next month with her thoughts. Members felt it best to put this off until the July meeting.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Question was asked from a member if we could now go back to meeting on Tuesday evenings? Claire M. was asked if she had a preference as to what nights work best for her? Claire stated, that her schedule is open for either the 3rd Monday or 3rd Tuesday of the month. Commission members were asked how they felt about going back to the 3rd Tuesday of the month. Comments from members were that they liked Tuesday and that Tuesday would be good.

Motion by Jim Garrison, seconded by Tom Searing, to move the Planning & Zoning Commission meetings back to the 3rd Tuesday of the month. All ayes, motion carried.

Claire M. reported that there are administrative subdivisions in the works, which came in during the transition period between planners.

Joe D. asked Carol S. about the home occupation situation. Carol S. stated that it has been a while since she has seen that. Members were reminded that the previous planner had found one error and he was going to correct it. That may not have been taken care of prior to his leaving. Carol S. commented that we will need to give it to MSA and they will visit the ordinance, make the correction and get it back to P&Z.

Joe D. asked Carol S. if he is allowed to talk with Claire M. or does he need to go through a Board member? Carol S. said, yes, he definitely can. Joe D. said he would communicate with Claire M. about the correction to the ordinance. Tom P. requested that we make this ordinance a priority, as we have been kicking it around for a long time. Once P&Z has the final draft, it can go to the Town Board. P&Z has already had the public hearing on the home ordinance.

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

Meeting adjourned at 7:48 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: July 19, 2022

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes July 19, 2022

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, Tom Pilla, Tom Sausen, Jeff Schafer, Tom Searing

Commission members absent: none

Town Board members present: Carol Searing

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

Residents present: Sharon Mojsiej, Michelle Weck

Approval of Agenda

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

Approval of PZ minutes from June 20, 2022

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

NEW BUSINESS

Code Complaint Policy & Enforcement Process

Pam Olson, Town Clerk, addressed the PZ Commission and explained the code complaint policy & enforcement process. Members received a copy of the code complaint in their meeting

packet. Staff has worked on taking what is currently in our ordinance, in Chapter 2, about how we enforce the ordinances. It's taking that and putting the process into a little simpler process for both staff and residents. It also gives the authority to say the complaints must be written.

Staff and the Town Board are committed to seeing the ordinance process through. The policy/process states that a complaint must be in writing, it must be submitted to the office, and it must have the name of the complainant. Once the complaint comes in to the office, by law, the person's name must be kept confidential. If there is a violation, we must go through the proper steps.

At the moment, we do not have a regular deputy. The process with the deputy was working very well, prior to one of the deputies leaving and the other deputy going on medical leave.

Pam O. assured the PZ members that the pieces are coming together. The policy will be on the website and residents who wish to file a written complaint can do so by email, regular mail, or in person at Town Hall. As complaints come in, each will get a file in the office. We have a spreadsheet and an entire process in place.

Pam O. asked if a monthly report or something like that would be desired? Joe D. said he was not sure that PZ needs to be notified of every step in the process or even getting a monthly report. Members agreed that a report is not necessary, as long as the Township is following through on enforcement. Jeff S. said, maybe on a yearly basis it would be good to review, if there are items that keep coming up.

Pam O. had a question for the PZ Commission. She was wondering what the intention was on the Home Occupations Ordinance? She has received several complaints lately. Joe D. stated, he thought some of these complaints can be handled via a written complaint. A letter is sent to the resident the complaint is against. And possibly, some of these will end with an interim-use-permit.

A letter of notification would be a first step in that process. If their business address is listed as their home address, then they are likely running a business out of their home. All complaints will come directly to Pam Olson at the Township Hall.

Zoning Ordinance Updates

- **Wetlands** – Claire reported that currently this is a resolution and is not codified in the ordinance. She is recommending this resolution be codified into the zoning code.

Staff recommend the following changes within the ordinance to reflect the resolution:

Sec. 30-546 Permitted uses. The following operations and uses are permitted within 50 feet of a delineated wetland areas as a matter of right, subject to any other applicable code, ordinance or law:

Sec. 30-547 Prohibited uses. Except as may hereinafter be conditionally permitted, it shall be unlawful for any person to perform the below activities within 50 feet of a delineated wetland...

Sec. 30-548 Development regulations. (a.) *Conditional use permit application.* Landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within 50 feet of any wetlands that are within the town shall first submit a conditional use permit application as regulated in article II, divisions 3 through 6, of this chapter and a plan of development, hereinafter referred to as a “wetlands systems impact plan,” which shall set forth proposed provision for sediment control, water management, maintenance of landscaped features and any additional matters intended to improve or maintain the quality of the environment.

Motion by Tom Searing, seconded by Jim Garrison, to recommend to the Town Board to adopt the recommended changes, as suggested by staff. All ayes, motion carried.

- **Impervious Surface Coverage** – Claire has had a couple development reviews that have come through, where permeable pavers have been used to try and decrease the impervious surface. If the Town Board was to accept the use of pervious pavers, it would mean the Township would need to have a process in place to monitor and be sure these pavers are being cleaned on a regular basis. The Town Board is not interested in this. Claire stated, the Township does not accept pervious concrete or pavers to decrease the amount of impervious surface on a lot. This should be clarified in the ordinance.

Staff recommend the following addition to Sec 30-674:

- A) Permeable pavers of any type are not permitted to be included in the pervious surface calculation and must be included in impervious surface totals.
2. A definition of permeable concrete and pavers should be defined in the definitions section of Chapter 30. Suggested definition from the United States Geological Survey: Permeable pavement -pavement type with a porous surface that is composed of concrete, open pore paves or asphalt with an underlying stone reservoir.

Motion by Tom Pilla, seconded by Tom Searing, to add the verbiage to Sec 30-674 of the Town Code. All ayes, motion carried.

- **Ordinance Violations Fines** – Claire reported that there are three areas in Chapter 2 that need addressing. Ordinance violations fines are difficult to administer and inconsistent in the ordinance.

Staff recommend the following updates:

- 1) Staff proposes one fee schedule for all types of violations, \$50 for the first offense, \$100 for the second offense within 24 months, \$150 for the third offense within 24 months, and \$200 for the fourth offense within 24 months.
- 2) Staff recommends consistent language throughout the Chapter 2, and proposed textual changes to match the matrix changes. ***Sec 2-108 – Subsequent Violations*** If a second citation for an ordinance offense is issued by the town to the alleged violator and/or owner of the property upon which the violation has occurred within 24 months of the issuance of a previous citation for the same ordinance offense, the civil penalty shall be \$100 dollars. If a third citation for an ordinance offense is issued by the town to the alleged violator and/or the owner of the property upon which the violation has occurred within 24 months of the issuance of a previous citation for the same ordinance offense, the civil penalty shall be \$150.00 dollars. For the fourth and all subsequent ordinance offenses issued by the town to the alleged violator and/or the owner of the property upon which the violation has occurred within 24 months of the issuance of a previous citation for the same ordinance offense, the civil penalty shall be \$200.00 dollars.
- 3) The number of days for corrective action on an ordinance violation is inconsistent throughout Chapter 2, staff proposes changes to section 2-307 and 2-308 to be consistent with other areas in the document. ***Sec 2-307 – Action upon notification*** – An ordinance violation shall be corrected and/or removed within fifteen days of notification. Failure to comply may subject the resident/property owner to court action. ***Sec 2-308 – Notification to the zoning administrator*** – The zoning administrator must be notified in writing within fifteen days to contest the issuance of citation.

Motion by Tom Pilla, seconded by Nancy Matson, to adopt the verbiage as laid out by staff in the ordinance violations fines. All ayes, motion carried.

- **Accessory Structures Lot Acreage; Building Site Elevation** – Claire reported, the current ordinance that states “if more than 60 percent of the lot is wetlands, no accessory structure is allowed to be built”. This is inconsistent with other areas of the town code.

Staff recommends the following updates:

Delete “All lot acreages for accessory building size must by 60 percent non wetland that is one foot above mottled soil”.

Update Sec 30-673 to read “Building site itself must be at least two feet above mottled soil. This shall be considered high ground for accessory building purposes”.

Motion by Tom Searing, seconded by Jim Garrison, to accept the recommendations that Claire has made about accessory structures and site elevation. All ayes, motion carried.

- **Buildable Area and Site Requirements** – Claire stated the current ordinance (Sec 30-1045) is inconsistent and needs to be modified. Suggestion is to change what currently reads as ...with a vertical separation at least one foot from natural grade to mottled soil... to the staff recommendation below.

Staff recommend the following verbiage:

(a) 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 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.

Motion by Nancy Matson, seconded by Tom Searing, to accept the proposed changes from one foot to two feet in Sec 30-1045. All ayes, motion carried.

- **Location of Detached Garages and Accessory Building** – Claire reported that this is a small change, but does need clarification. The current wording in item (c) reads, “A private garage or accessory building must not be placed within the front or side yard setbacks”.

Staff recommend the following changes to wording in item (c):

(c) A private garage or accessory building must not be placed within all yard setbacks to an existing garage or accessory structure.

Motion by Tom Searing, seconded by Nancy Matson, to accept Claire’s recommendation, with the discussed alterations. All ayes, motion carried.

- **Escrows** – Claire stated that the suggested changes are for clarification and to be consistent throughout.

Staff recommend that Sec 2-278, 2-279 and 22-60 read as follows:

Sec. 2-278. Fees, expenses due despite approval or denial; additional escrow monies.

All fees and expenses are due whether the application is approved or denied. If the escrow amount is depleted, the applicant and/or property owner shall furnish additional monies as requested by the town within 30 days of such request. Any amounts not utilized from this escrow fund shall be returned to the applicant and/or property owner, without interest, when all financial obligations to the town have been satisfied.

Sec. 2-279. Deposit to escrow. When a land use application has been submitted, the applicant and/or property owner shall deposit funds in an escrow account with the town from time to time an amount determined by the zoning administrator to be necessary to cover such costs prior to commencement of the review stage of the application. The applicant shall reimburse the escrow account for any deficits caused if the amount

actually expended or billed to the town by the consultants exceeds the fund balance. The town shall refund any amount deposited in the escrow account not expended within 30 calendar days after final action on the application. The town shall not pay interest on such escrow fund deposits.

Sec. 22-60. Filing fee. A cash filing fee as provided in section 2-249 for each lot shall be paid at the time the preliminary plat is submitted to cover town expenses incurred in processing, reviewing and approving or disapproving the proposed plat; the subdivider shall be responsible for all town expenses in excess of those covered by the initial filing fee, and such excess expenses shall be estimated and placed in escrow with the town. Any balance after final plat approval shall be refunded too the subdivider 90 days after such approval.

Motion by Tom Pilla, seconded by Nancy Matson, to accept the verbiage recommended to Sec 2-277, 2-278, 2-279, and 22-60. All ayes, motion carried.

- **Fee Schedule** – Claire explained that proposed changes to the fee schedule are to set a flat escrow fee of \$1,000.

Staff recommend the following zoning fees carry a \$1,000 escrow fee:

1. Administrative subdivision application
2. Amendment application for conditional or interim use permit
3. Amendment to zoning plan/map
4. Text amendment to Town Code
5. Conditional use permit
6. Development final plat
7. Easement vacation
8. Interim use permit
9. Variance application

Motion by Tom Pilla, seconded by Tom Searing, to adopt the changes as recommended. All ayes, motion carried.

OLD BUSINESS

Short Term Rentals

Tom Searing reported, he had received a negative response from the Town Board, as they felt the proposed short term rental ordinance was too restrictive. He then went back and re-wrote the proposed ordinance to make it less restrictive. Tom Sausen asked if the nuisance ordinance would cover loud parties? PZ Commission members felt that the nuisance ordinance would cover loud parties.

Joe D. asked Carol Searing if the Town Board is doing anything in the township to regulate regular rentals? The answer was, not right now. We are complaint based and we have not had

any complaints. Members asked if rentals are required to be licensed in the township? No one knew if any rental is currently licensed within the township.

Joe D. said he personally has a problem with adding another ordinance, when we do not regulate our current rental ordinance. Carol S. said Town Board is committed to getting the township ordinances enforced.

Joe D. asked the members where do we go with this? Nancy M. commented that she felt a lot of the proposed short term rental ordinance, does fall under the normal rental policy or the nuisance ordinance.

Motion by Tom Pilla, seconded by Gary Gustafson, to table the proposed short term rental ordinance until future needs arise. All ayes, motion carried.

Claire said that we can look at the current rental ordinance and see if we can include some of the proposed short term rental language within the current rental ordinance or maybe even add a few items into the home occupations ordinance.

Resident Comments

A concerned resident asked Joe D. if anything had been done about the chicken situation from May? The neighbors now have four structures in the front yard and sixty some breeding birds. Joe D. said, PZ Commission decided at the June meeting, there was no reason to go further with this issue. Carol S. stated that the Town Board had made a decision at their last meeting not to do anything about roosters or chickens. Joe D. suggested to the resident, that they submit a written complaint to the Township Office.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire provided a quick written update to PZ members. There is an Administrative Subdivision that is currently pending. Dellwood Estates has re-submitted a new sketch plan and has been approved. She expects a preliminary plat for public hearing in August or September.

Claire reported that we can expect a Public Hearing in August, on the ordinance changes we discussed tonight.

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

Meeting adjourned at 8:43 pm.

Respectfully submitted,
Pam Matti

Deputy Clerk

Minutes Approved: September 20, 2022

Chairman: _____
Joe Dolphy

PZ_Minutes_08-16-2022

No business on the agenda. Meeting was canceled.



LINWOOD TOWNSHIP

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Planning and Zoning Commission Minutes September 20, 2022

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

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Pilla, Tom Sausen, Jeff Schafer, Tom Searing

Commission members absent: Gary Gustafson, Lloyd Horton

Town Board members present: Carol Searing

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

Residents present: Sharon Mojsiej

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 19, 2022

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

Motion by Nancy Matson, seconded by Jeff Schafer, to recess the regular PZ Meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:03 pm to **Public Hearing to consider Zoning Ordinance Amendment – Separate minutes prepared.**

Reconvene meeting at 7:15 pm

OLD BUSINESS

Discuss and Recommend Amendments to the Township Code

Motion by Tom Pilla, seconded by Nancy Matson, to recommend passage of the amendments to the Town Code, Chapter 30 and Chapter 2 as posted. All ayes, motion carried.

No further discussion.

NEW BUSINESS

Variance Extension Request for 23942 W Fawn Road NE

Motion by Tom Pilla, seconded by Tom Searing, to recommend approval of the variance extension. All ayes, motion carried.

Joe D. asked if this is something that Planning and Zoning should deal with or is this administrative stuff? Claire said, because the Planning Commission recommended approval for the initial variance in 2021, it is written in the code that Planning and Zoning should have the opportunity to lend their support for an extension.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire provided a written update to P&Z members. There is nothing much to report for this month. She has been working on an administrative subdivision, the applicant is now filing with Anoka County on that. And, she has not heard back yet from Dellwood Estates.

Claire is currently working on two rezoning applications, requesting to rezone from R-1 to RA. A public hearing for those requests will be scheduled for the October Planning and Zoning Commission Meeting.

Motion by Jeff Schafer, seconded by Nancy Matson, to adjourn. All ayes, motion carried.

Meeting adjourned at 7:26 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: October 18, 2022

Chairman: _____
Joe Dolphy



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ANOKA COUNTY

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Public Hearing Minutes Zoning Ordinance Amendment September 20, 2022

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Pilla, Tom Sausen, Jeff Schafer, Tom Searing

Commission members absent: Gary Gustafson, Lloyd Horton

Town Board members present: Carol Searing

Staff present: Claire Michelson - MSA, Pam Matti

Residents present: Sharon Mojsiej

Public Hearing opened at 7:03 pm

Commission Member 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, September 20th, 2022 at 7:00 PM at Linwood Township Hall, regarding the following matters:

Amendments to the Township Code regarding Chapter 30 zoning ordinance changes including subsection 30-545, 30-673, 30-674, 30-677, and 30-1045 regarding wetland buffers, impervious surface material requirements, building site elevation standards, building area requirements, and location of garages and accessory building standards.

Amendments to the Township Code regarding Chapter 2 – Administration changes including subsection 2-180 and 2-309 regarding ordinance violations fines.

As such both written and oral comments will be heard and the Township Board of Supervisors will act on this request at the September 27th 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.

Discussion

Joe D. asked, is there any comments from the floor? No comments.

Joe D. said, for the Planning and Zoning members, this stuff was discussed a month ago. Tom Sausen questioned the amount of fill on a recent development. Joe D. responded that the engineer is monitoring that development. It was approved as part of the plat and was approved by the engineer to make those buildable lots.

Resident asked what the changes are about the garages? Claire read the proposed amendment to the group. It reads, a private garage or accessory building must not be placed within front or side yard setbacks of an existing garage or accessory structure.

Claire stated, these changes should help, so that applications are coming in with more information, so that staff time isn't taken up asking questions or asking for updated site plans and things like that.

No further comments or discussion.

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

Public Hearing closed at 7:15 pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: October 18, 2022

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes

October 18, 2022

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, Nancy Matson, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: Lloyd Horton, Jeff Schafer

Town Board members present: Carol Searing

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

Residents present: Christopher Burns, Michael Dean, Danny Jackle, Andy Luedtke, Jonn Olson, Randy Paggen, Rory Paggen, Shannon Paggen, Ronald Schelly

Approval of Agenda

Motion by Gary Gustafson, seconded by Nancy Matson, to approve the agenda.

Joe D. requested the addition of one item to the agenda concerning future planning of the township. This is something the planning commission discussed two years ago. It is about potential commercial zoned areas. All ayes, motion carried.

Approval of PZ minutes from September 20, 2022

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

Approval of Public Hearing minutes from September 20, 2022

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

Motion by Nancy Matson, seconded by Tom Searing, 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 Rezoning Application – Separate minutes prepared.**

Reconvene meeting at 7:09 pm

Discuss and Act on the Rezoning Request for 23500 Japura St NE

Claire Michelson reported, staff is recommending that Linwood Township adopt the staff report into the record; and accept the application, testimony, exhibits, and other evidence presented into the record; and recommend the Township Board of Supervisors approve the Map Amendment Change of Zone from R-1 to R-A.

Findings of Fact:

- The Comprehensive Plan does not directly address the applicant's situation, but it does appear that the proposal would maintain the existing rural character of the Township, which is supported by the Comprehensive Plan.
- The parcel is located in the R-1 and would be changed to R-A zoning district. The purpose of R-A is to provide a district which will define and protect areas suitable for rural low-density housing, and preservation of land for agriculture use. The existing use of the property is residential and agriculture.
- The conditions for which the change of zone is based are unique to the applicant's parcel and situation.
- The proposed change of zone does not appear 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.
- 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.
- The proposed use appears to meet all development standards of Linwood Township and does not appear incompatible with adjacent land uses.
- It has been demonstrated that the granting on the change of zone will be keeping 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 grant the zoning change, as recommended by the staff. And, as per item #7 in the staff report which reads; it has been demonstrated that the granting on the change of zone will be keeping with the spirit and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. All ayes, motion carried.

OLD BUSINESS

Potential Business Zoning

PZ Minutes 10-18-2022

Joe D. stated this is something that was worked on a couple of years ago around potential commercial properties in the township. With the change in zoning administrators and planning & zoning commission members he'd like to get that back to where the zoning administrator could look into it, for long-term planning for potential commercial zoning within the Township. This also comes into play, along with the home occupation ordinance. He would like to see the P&Z Commission pick this up again and start to move forward.

Joe D. will email the list of addresses the commission discussed several years ago to Claire M., but would like the support of the planning commission before he does so. It is part of the responsibilities of the Planning & Zoning Commission to be looking at not only today, but to be looking ahead to the future.

NEW BUSINESS

House Addresses

Andy Luedtke from LFD came to address the need for house addresses to be more visible. The problem is stemming from emergency calls and houses are not being properly marked with visible addresses. With many of the responses being at night, it is a challenge to locate a house. If the driveway was to be appropriately marked, it would make getting to the emergency much quicker and easier. Andy L. is wondering if this is something that can be added on when people are applying for a building permit? Whether it's a new build or re-roofing etc., could that become part of the permitting process? Even if there are a couple new address markers on a street, it will really help to locate houses in an emergency.

It was noted that the ordinance is there, but has no specifications as to size, color, reflectivity etc. Tom Searing asked about location of these address markers. Andy L. responded that they would like to see them at the end of the driveway, on the side of the property. Question was asked, what the cost would be to the homeowner? Andy L. replied, approximately \$40-\$50.

Joe D. commented the only way he sees this being effective is if the township foots the entire cost of doing this and it goes on the taxes. And the only way it's going to get done, is if there is an ordinance that requires it being done. He went on to state, he does not see compliance happening by residents voluntarily. Gary G. agreed with Joe D. and stated this is important. There are currently 2000 homes in the township.

Motion by Gary Gustafson, seconded by Tom Searing, to have the staff and the fire department get together and decide on the cost per house. Then come back and make a recommendation that P&Z would ultimately ask the Town Board to invoke such an ordinance and assess the cost to the individual homeowners. All ayes, motion carried.

Discussion: Carol S. asked, can we even assess individual homeowners? Gary G. added that it's not a final recommendation, until we know the cost per house. Joe D. added that this should involve the materials and installation. Carol S. was asked to find out if the charges can be assessed to the home owners. Tom P. asked who is going to install of these? Installation is especially needed for the elderly. Gary G. asked if other communities have done this? Andy L. responded, yes, all of the other surrounding communities have done this.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Claire M. provided a written update to P&Z members. There is nothing much to report for this month. She is waiting on submittal of a preliminary plat for Dellwood Estates. From Rum River Zoning reviews of building permits, there have been a few accessory structures permits since our last meeting. All of those were allowed within the ordinance and did not require additional permitting.

The Town Board approved of all updates to the Zoning Ordinance that were recommended for approval by the Planning Commission last month.

For next month, there may be at least two public hearings. One for interim use permit and one for rezoning.

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

Meeting adjourned at 7:37 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: November 15, 2022

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 Request to Rezone Property October 18, 2022

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

Commission members absent: Lloyd Horton, Jeff Schafer

Town Board members present: Carol Searing

Staff present: Claire Michelson - MSA, Pam Matti

Residents present: Andy Luedtke, Michael Dean, Rory Paggen, Shannon Paggen, Randy Paggen, Jonn Olson, Christopher Burns, Danny Jackle, Ronald Schelly

Public Hearing opened at 7:04pm

Commission Member 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, October 18th, 2022 at 7:00 PM at Linwood Township Hall located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Rory Paggen at 23500 Japura St NE to rezone his property from Single-Family Residential (R-1) to Residential-Agricultural (RA).

As such both written and oral comments will be heard and the Township Board of Supervisors will act on this request at the October 25th regular meeting. Contact Linwood Township at 651-462-2812 with any questions or concerns.

Discussion

Joe D. asked, is there anyone in the audience who wish to speak to this issue?

Resident asked a question about what the intended use of the property is? Property owner responded, that only long horn cattle will be there. He does not intend to have chickens or

anything other than the cattle. Property owner said, he has 26 total acres with approximately 9.5 acres in the front. Claire M. verified that the front acreage is 9.8. Property owner stated he plans to have 6-8 long horns tops.

Another resident spoke and stated he believes the property was originally agricultural and it inadvertently got changed to R-1. He stated he is in favor of the property returning to its original R-A designation.

No further comments or discussion.

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

Public Hearing closed at 7:09pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: November 15, 2022

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

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Website: <http://linwoodtownship.org>

Planning and Zoning Commission Minutes November 15, 2022

Meeting called to order at 7:00 pm by Tom Searing

Pledge to the Flag was recited.

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

Commission members absent: Joe Dolphy, Jeff Schafer

Town Board members present: Carol Searing

Staff & Consultants present: Emily Herold - MSA, Pam Matti, Craig Jochum - Engineer

Residents present: Garry Budolfson, Jose Ramirez, Sujey Maya, Barb & Bob Ridge, Jen & Jim Janssen, Tammy Gimpl, Stephen Gross, Chris Wunderlich, Carol Pope, Roy Pope, Dan Jackle, resident signature not readable

Approval of Agenda

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

Approval of PZ minutes from October 18, 2022

Motion by Nancy Matson, seconded by Jim Garrison, to approve the minutes. Tom Searing asked that one correction be made on page 4, the second paragraph to correct the word accessed to assessed. All ayes, motion carried.

Approval of Public Hearing minutes from October 18, 2022

Motion by Gary Gustafson, 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 Rezoning Application – Separate minutes prepared.**

Reconvene meeting at 7:08 pm

Discuss and Act on the Rezoning Request for 7024 237th Ave NE

Tom Searing commented that this is a property that is right on the edge of R-1 and R-A zoned land. He said he really doesn't see any reason not to approve the request. Tom Searing asked others what their thoughts were. Jim Garrison said, he also sees no reason not to approve the request.

Emily Herold reported, staff is recommending that Linwood Township adopt the staff report into the record; and accept the application, testimony, exhibits, and other evidence presented into the record; and recommend the Planning Commission recommend approval of the Change of Zone Map Amendment at 7024 237th Ave NE from R-1 to R-A.

Findings of Fact:

- The Comprehensive Plan does not directly address the applicant's situation, but it does appear that the proposal would maintain the existing rural character of the Township, which is supported by the Comprehensive Plan.
- The parcel is located in the R-1 and would be changed to R-A zoning district. The purpose of R-A is to provide a district which will define and protect areas suitable for rural low-density housing, and preservation of land for agriculture use. The existing use of the property is agriculture residential.
- The conditions for which the change of zone is based are unique to the applicant's parcel and situation.
- The proposed change of zone does not appear 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.
- 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.
- The proposed use appears to meet all development standards of Linwood Township and does not appear incompatible with adjacent land uses.
- It has been demonstrated that the granting on the change of zone will be keeping with the spirit and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan.

Motion by Tom Pilla, seconded by Nancy Matson, to pass the request based on MSA's recommendations. 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 7:11 pm to **Public Hearing to consider an Application for Interim Use Permit – Separate minutes prepared.**

Discuss and Act on application for Interim Use Permit

Tom Searing stated that he believes this permit should have a time period/end date attached to it. Tom Sausen asked, is this within the scope of our home occupation ordinance? Tom Pilla agreed with Tom Searing, that the permit does need a time limit attached to it.

Tom Pilla said, we need to add a time period condition, which would be condition #12. Gary Gustafson asked the applicant if he could live with the conditions, as they are laid out? Applicant said, the only question he has is about the cars. He has four kids with cars, so the limit mentioned on the cars would be hard. P&Z Commission members clarified with the applicant that condition #10 is referring to visitors to the kennel or business.

Findings of Fact:

- The kennel does not appear to be injurious to the use and enjoyment of other properties in the immediate vicinity, nor substantially diminish and impair property values within the immediate vicinity.
- The kennel does not appear to impede the normal and orderly development and improvement of the surrounding properties.
- The existing facilities seem sufficient in hosting this kennel; no new driveways, accessory structures, or fenced-in areas appear to require construction to support this use.
- The existing vegetation and location of existing structures appear to provide an adequate buffer for sight and sound from the street and adjacent properties. The parcel is over 3.5 acres and thus offers sufficient space between the fenced-in boarding/training area and adjacent property lines. The rear boundary of the property is wooded, separating the kennel from the rear neighbors.

Staff recommends that the Planning Commission adopts the staff report into the record; adopt the findings of fact; accept the application, testimony, exhibits, and other evidence presented into the record; and recommend approval to the Township Board of Supervisors for the Interim Use Permit for the Dog Kennel on the parcel 10-33-22-42-0015, subject to the following conditions.

1. No more than 10 adult dogs may be kept and boarded on this property at one time.

2. The kennel is for the purpose of training and boarding of the owner's dogs. The applicant shall not conduct boarding of non-owners' dogs for more than 10 days.
3. Dogs may not be sold from this property.
4. Indoor/outdoor facilities must be maintained. Outdoor fencing must also be maintained and regularly inspected for adequacy in containing the dogs (no holes, weak spots, etc.).
5. Dog waste must properly be disposed of in appropriate closed containers and collected consistently when refuse pick up is scheduled.
6. The property should be kept free of refuse and waste. No burning of dog waste.
7. A permanent water line must be maintained in the pole building for drinking water and for cleaning the kennels.
8. The property owner will cooperate with annual inspections of the facility in coordination with Town staff.
9. Appropriate precautions will be taken to prevent dogs from leaving the property. Any dog found at-large (roaming outside of the property without being under the physical control of the owner) may be subject to impound as outlined in Section 4-136 of the Town Ordinance.
10. No more than two cars may visit the property at one time for the purpose of visiting the kennel.
11. No activity from outside visitors in relation to the Kennel may happen after 8PM, 7 days a week.

Motion by Gary Gustafson, seconded by Nancy Matson, to approve the Interim Use Permit subject to the conditions prepared by staff #1–11, with the addition of item #12 being a timeline of November 2024. All ayes, motion carried.

Discussion: There are concerns that the 4-foot section of fencing is not adequate to contain the dogs. The next-door neighbor is very concerned, as one of the dogs has come close to jumping over the fence already. Resident would like to see a 6-foot fence installed. Applicant stated when he fixes the fence, he would be installing a 6-foot private fence. Nancy Matson suggested that it should be one of the conditions. Tom Searing agreed. P&Z members agreed that this is covered in condition #4.

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

Recessed at 7:55 pm to **Public Hearing to consider Zoning Ordinance Amendment – Separate minutes prepared.**

Discuss and Act on Zoning Ordinance Amendment

Tom Searing stated he had read this and it makes good sense to him. Craig Jochum, Engineer explained that this is basically everything the Township has already been doing. And, this is just to put this into an ordinance. Making sure if it is contested, it is enforceable. Question was asked, if this fits the Anoka County storm water plans? Craig J. explained that every city in

Anoka County is required to do their own local storm water management plan. However, since the Township is a township, they don't necessarily have to do one. The Township adopts the Watershed Districts plan. This is based on the Sunrise River WMO plan.

Motion by Tom Pilla, seconded by Nancy Matson, to recommend to the Town Board adoption of the ordinance as written. All ayes, motion carried.

OLD BUSINESS

None

NEW BUSINESS

2023 Schedule of Meetings

Motion by Gary Gustafson, seconded by Tom Pilla, to approve the 2023 Meeting Schedule. All ayes, motion carried.

Discussion: Emily Herold requested, on behalf of MSA, to move the P & Z meetings to Monday evenings, due to a time factor for the planner to get information ready for the Town Board Meeting. Further discussion ensued, with Commission members preferring to keep the meetings on Tuesday evenings. Emily did state that MSA can still get the materials together for the TB meeting even if P&Z stays with the Tuesday evening meeting time.

Invitation for Historical Comment on proposed cell tower at 7860 Fawn LK Dr NE

Tom Searing said there is some discussion about another cell tower being put on Ed Kramer's property. Nancy M. asked if this property is historical?

Pam M., deputy clerk and minute taker for P&Z commented that commission members are being asked for historical comments only. It has been brought forward that there is an old stagecoach trail through the property. EBI Consulting, at this time, is only looking for comments related to the proposed project's potential effect to historic properties, as per their letter in the meeting packet.

Following discussion with P&Z commission members, Tom Searing reported that P&Z does not have any comment.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Emily H. reported the following:

- MSA is still waiting on submittal of preliminary plat from Dellwood Estates Sketch Plan.

- Rum River Zoning reviews of building permits: There have been a few accessory structures permits since our last meeting. All of those were allowed within the ordinance and did not require additional permitting. One pending retaining wall permit as well.
- Rezoning Application: 7024 237th Ave NE Rezone from R-1 to R-A to bring property into better conformance with the zoning ordinance as the existing use is agriculture activities.
- Interim Use Permit Application: 7940 217th Ave NE Interim Use Permit to obtain a kennel license as the property has more than two dogs which is the limit allowed without a license.
- 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 is being scheduled.
- Zoning Ordinance Updates: An update to the Township's Stormwater Ordinance was written by the Township Engineer, reviewed by the Township Attorney and Zoning Administrator to ensure compatibility of the new ordinance with any existing. Based on the review it does not appear that this ordinance conflicts and will be a benefit to the Township's efforts to preserve land and natural resources. This ordinance is being proposed in order to comply with the Sunrise River Watershed Management Organization agreement.
- Commercial Areas: Chair Dolphy sent MSA a list of Possible Future Commercial Zoned Properties, Current Commercially Zoned Properties and exempt properties. MSA is in the process of formulating a report for this, as well as some data and land use analysis. MSA will have further information at the December meeting.

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

Meeting adjourned at 8:14 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: December 20, 2022

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 for an Interim Use Permit November 15, 2022

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

Commission members absent: Joe Dolphy, Jeff Schafer

Town Board members present: Carol Searing

Staff present: Emily Herold - MSA, Pam Matti, Craig Jochum - Engineer

Residents present: Garry Budolfson, Jose Ramirez, Sujey Maya, Barb & Bob Ridge, Jen & Jim Janssen, Tammy Gimpl, Stephen Gross, Chris Wunderlich, Carol Pope, Roy Pope, Dan Jackle, resident signature not readable

Public Hearing opened at 7:10pm

Tom Searing 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, November 15th, 2022 at 7:00 PM at Linwood Town Hall, located 22817 Typo Creek Dr NE, Stacy, MN, regarding the following matter:

An application for an Interim Use Permit for a Kennel License at 7940 217th Ave NE, Stacy, MN, Property ID Number 10-33-22-42-0015.

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

Public Comments

Resident with property next to 7940 217th Ave NE commented that he believes the most important responsibility of the Town Board and Planning & Zoning is helping the residents maintain their property values. And in his 23 years of living in Linwood, he has never heard of a

kennel in his area. The issue with this property has been ongoing for a year and a half. The people moved in and said they had 2 dogs. There have been at least 7-8 dogs outside on the property all the time. The amount of fencing has been tripled and they have taken two-thirds of their pole building as a kennel operation. The resident's concern is with his property values and the problem with having a dog breeding operation going on next door. Resident states that there is a section of fencing that is 4 foot high and a couple of times he has gone back to his garden, the big male Pitbull has almost made it over that fence. The rest of the newly added fencing is 6 foot high.

Tom Searing asked if the applicant for the Interim Use Permit is selling dogs? Applicant/owner of the property addressed the questions. He stated that he does have 4 dogs that he brings to shows and they are American Bullies. He stated they have installed additional fencing and have lived here for a year and a half. He said he does board other dogs that he brings to shows. When asked, applicant stated he has 3.5 acres. He also stated that they have 4 permanent dogs that are show dogs and the other 4 dogs go back and forth with their owners as he trains them. He stated they go everywhere in the United States, Mexico, and Canada. Applicant went on to state that the maximum number of dogs at any one time is 8. Applicant was asked if he sells dogs? He stated, yes, when he has puppies.

Tom Searing asked if he was boarding other people's dogs for more than 10 days at a time and owner responded, yes. Applicant stated, it depends on the show. Sometimes he can be boarding a dog for a month to a month and a half to get the dog ready for a show. Carol S. asked, so you train the dogs? Applicant said, yes.

Carol Searing asked how many puppies do you have? Owner stated, currently we have 6 puppies (4 weeks old). Applicant said that currently he has 4 permanent dogs, 6 puppies, and 4 dogs he is boarding. Carol S. clarified that is a total of 14 dogs. Carol S. asked if animal control has been to his house? Owner said, yes.

Tammy Gimpl, Animal Control was asked to speak. She stated, she has been to the property and the owner did openly show her his kennel. He walked her through everything and has told her about what he is adding on. Tammy G. commented, he has a very nice set up. She stated his place is extremely clean and would have absolutely no issue with boarding her own dogs with him.

Another resident commented that the owner, when first asked he said he had 4 dogs and when you kept asking, he said he had 8 and then it ended up with 14 dogs. She commented that he's been doing all that already for a year and a half without a kennel license. Resident stated, the owner is boarding and breeding dogs. Is Animal Control the only people looking over it? And, Animal Control is in the same business as he is. Resident stated she is also concerned with how he is disposing of feces? What's the method of disposal and where is it being put? Her other

concern is that this has been going on already for a year and half with no one monitoring the situation. She is wondering who is going to monitor the situation going forward?

Another resident asked if the township has any insurance requirements for this type of operation? There were none that anyone was aware of.

Applicant/owner commented, that he has home owners' insurance and is covered. He also stated, he does not like having people on his property. So, when it is time to sell the puppies, he meets people at his hair salon in Minneapolis. He said the only people that come to his property are those who are in the same dog club as he is and they are there for dog boarding. He went on to say, that they have one litter a year. He clarified that he has 1 female and 3 males that he shows. He also said, if needed, he will put up a 6-foot fence to replace the old 4 foot one. Applicant stated that he buries the dog feces on his property.

Resident spoke and said the biggest problem he has with this, is who is following through on all this as far as the Township is concerned? A year from now, who is going to be responsible for checking on this and making sure the resident is complying with all the stipulations? Tom Pilla stated that is covered in condition #8.

Another resident asked, is the applicant a professional breeder, how long he's been doing this, and does he have a professional breeders license?

Applicant/owner replied, that they do DNA testing on their dogs and they are trying to get more involved in the shows. He's been doing this for about 6 years and would like to get his professional license.

Resident questioned the applicant about why he's been doing this for the last year and a half and now he states he wants to comply? She asked why didn't you comply when you first moved here? Applicant stated that when he lived in Blaine and Fridley, he didn't have to get a license. And, when he moved here, he didn't know he had to get a license.

No further comments or discussion.

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

Public Hearing closed at 7:45pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: December 20, 2022

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

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Website: <http://linwoodtownship.org>

Public Hearing Minutes Request to Rezone Property November 15, 2022

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

Commission members absent: Joe Dolphy, Jeff Schafer

Town Board members present: Carol Searing

Staff present: Emily Herold - MSA, Pam Matti, Craig Jochum - Engineer

Residents present: Garry Budolfson, Jose Ramirez, Sujey Maya, Barb & Bob Ridge, Jen & Jim Janssen, Tammy Gimpl, Stephen Gross, Chris Wunderlich, Carol Pope, Roy Pope, Dan Jackle, resident signature not readable

Public Hearing opened at 7:05pm

Tom Searing 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, November 15th, 2022 at 7:00 PM at the Linwood Town Hall, located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an application by Randy Paggen at 7024 237th Ave NE, Property ID Number 33-34-22-12-0007, to rezone his property from Single-Family Residential (R-1) to Residential-Agricultural (R-A).

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

Public Comments

No comments or discussion.

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

Public Hearing closed at 7:08pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: December 20, 2022

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 Zoning Ordinance Amendment November 15, 2022

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

Commission members absent: Joe Dolphy, Jeff Schafer

Town Board members present: Carol Searing

Staff present: Emily Herold - MSA, Pam Matti, Craig Jochum - Engineer

Residents present: Garry Budolfson, Jose Ramirez, Sujey Maya, Barb & Bob Ridge, Jen & Jim Janssen, Tammy Gimpl, Stephen Gross, Chris Wunderlich, Carol Pope, Roy Pope, Dan Jackle, resident signature not readable

Public Hearing opened at 7:55pm

Tom Searing 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, November 15th, 2022 at 7:00 PM at Linwood Town Hall, located at 22817 Typo Creek Dr NE, Stacy, MN, regarding the following matter:

Amendments to the Township Code regarding Chapter 30 zoning ordinance changes including additions to subsection 30-548 regarding identification of wetland buffers and variance standards in the environmental protection district, and then addition of Article IX, establishing standards and requiring approvals for stormwater protections.

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

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

Public Comments

Craig Jochum said, in general this is taking the Sunrise Water Management standards and putting it into an ordinance. He stated it's necessary to put this into an ordinance so that it is actually enforceable. Craig said there were some things added too, to cover us. Requiring letter of credits to make sure people follow through, this will make sure the Township doesn't get stuck with undue burdens and cost from a developer or some other individual. Craig J. said that Pam Olson has already run this by Jaime S. from SRWMO.

No further comments or discussion.

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

Public Hearing closed at 8:00 pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: December 20, 2022

Chairman: _____
Joe Dolphy



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Planning and Zoning Commission Minutes December 20, 2022

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, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Tom Pilla, Lloyd Horton

Town Board members present: Carol Searing

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

Residents present: William Becklin, Mike Swedeen, Rory Paggen

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 15, 2022

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

Approval of Public Hearing minutes – Request to Rezone - from November 15, 2022

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

Approval of Public Hearing minutes – Interim Use Permit - from November 15, 2022

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

Approval of Public Hearing minutes – Zoning Ordinance Amendment - from November 15, 2022

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

Motion by Nancy Matson, seconded by Tom Searing, 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 an After-the-Fact Variance Application – Separate minutes prepared.**

Reconvene meeting at 7:07 pm

Discuss and Act on an After-the-Fact Variance Application for 5431 Fawn Lake Dr. NE

Joe D. asked Claire M. to add her comments to the request. Claire reported that everything Carol S. mentioned in the Public Hearing, concerning this is for an accessory building and for the purpose of non-agricultural use, is relevant and that is what is in the background information and description on the written staff report in the P&Z packet.

Claire added that the hardship, that has created the need for this variance, was that it was built under the intention of agri. use, which would have been exempt from those size requirements and it is no longer being used for that. The Township Attorney requested that the property owner apply for the variance application with the after-the-fact, to ensure that the continued use of the building is in conformance and if the variance is approved, so that it can continue to be used as a multi-use accessory structure.

Findings of Fact:

- The building was initially built under the intention of an agriculture use which is exempt from the size requirements. As it is not being used for agricultural use there is a hardship from the existing size regulations for the continued use of the building.
- The size of the property and the character around is conforming to the character of the surrounding neighborhood.
- Special circumstances result from the actions of the applicant; the need for a variance is required as the use has changed from agriculture to non-agriculture.
- 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 property is nearly 80 acres – one of the largest parcels in the area – but must abide by the same dimensional restrictions as 4+ acre parcels in the R-A District. The size of the pole shed, despite exceeding the maximum square footage and sidewall sizes, is still proportional to the size of the property.
- 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.

Joe D. and Claire M. did clarify, that if the variance is approved and if the owner in the future decided to subdivide his land; this variance would supersede that and he would be allowed, via the variance, to have the oversized building on a much smaller piece of land.

Jim G. asked if they can put conditions on the variance? Claire said, yes you can. Jim G. asked, can we say the variance applies as to the current property? Again, Claire said, yes you can. The Planning Commission can recommend this to the Town Board.

Motion by Gary Gustafson, seconded by Tom Sausen, to recommend approval of the variance.

Discussion – Jim Garrison asked if we are recommending approval without the conditions? Joe D. said, no, the conditions should be mentioned in the approval of the variance. Gary G. agreed with the added condition, that the variance applies as to the current property.

Tom Searing commented that our current town code says, accessory buildings are allowed to have a half bath or a utility room, but no provisions for kitchens, tubs or showers. Tom Searing asked the applicant, have those items all been removed? The applicant said, it has all been taken out. Tom Searing stated that this should also be a condition too. The only thing the applicant can have is a half bath or a utility room.

The following conditions were added to the motion to recommend approval of the variance. Conditions being, the variance applies to the current property and it shall not be subdivided. And, the accessory structure may only contain a half bathroom or utility room and no kitchen. All ayes, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Commercial Land and Areas

Claire M. reported that she had been asked to look into commercial land and areas within the township. Emily H. presented the information that she has compiled thus far, in her report. Emily reported that she had gone through and looked at each parcel, which she had received PID numbers for. On her report she noted those properties that should be considered for commercial development and those that should not. She also presented a commercial acreage comparison chart, which compares population and commercial acreage with surrounding communities. Compared to neighboring communities, Linwood Township currently has the lowest percentage of commercial acreage. Despite being roughly the same size as Columbus, Linwood has significantly less land allotted for commercial activity.

Tom Searing commended Emily on all her work on this project. Gary G. stated that during all the years he has been on P & Z there has been no commercial development. He went on to state, there isn't going to be any commercial development in Linwood Township. He questioned what type of commercial development could be put up and be profitable out here? Emily H. said, if she had a couple weeks, she could get an answer to Gary.

Jim G. commented, that Gary's points are probably pretty valid, but we must still prepare for the future. And, you still must have some land that would be applicable for commercial use. Maybe it won't ever happen, but you always have to prepare.

Joe D. reminded members, that their job is to look to the future and plan for the future. And, before we plot all of our land into housing, we need to have support facilities for our residents who move into the community and plan to live here. Part of that is retail development. If we don't plan for the space for that and incorporate that into our residential stuff, pretty soon we're not going to have any place to put these commercial properties. Joe D. went on to state, that this may not be within our lifetimes, but again, we need to plan for the future.

Joe D. stated, that P & Z has worked like heck to get the home occupations ordinance in place. We have very little commercial base in this community, because we have allowed home businesses to operate, without paying any type of commercial business taxes. If we are going to have organized business development, we need to plan for it.

Nancy M. agreed, that it is not up to P & Z to bring in the businesses, but we must plan to have space available for potential business.

A resident commented, that Linwood just missed the Dollar General, because they were looking and that is a commercial business. Dollar General ended up going just over the border to East Bethel. Resident went on to say, you need to plan for this, as Linwood is the only community in

the area that doesn't have anything commercial going for it. Resident said, he knows this, as he has looked for property in the Township.

Joe D. added, that he knows the Township Office gets requests about what is out here for commercial business zoned property. We don't have anything designated as that. Joe D. asked the members if they want the planner to continue looking at this concept or wait until somebody comes in and throws it in our laps?

Tom Searing asked Emily to explain what the next steps would be. Emily responded that based on tonight's discussion, she believes the next step will be to look at the gaps and surpluses and see what businesses could be needed here. Claire added an addition to next steps. It would be to talk about the future land use map and an analysis of what is currently in your Comp Plan and then maybe based on the research from this report tonight, look at what seems feasible based on location in comparison to your existing future land use. Then maybe some suggested changes that may come with that. Claire stated that our Comp Plan is the guiding tool in any sort of development plan. It can be amended as often as needed and should be amended as different things change in the Township and as priorities change.

Tom Sausen suggested that Claire and Emily may want to contact Anoka County and see what they can find out from the County.

STAFF AND ZONING ADMINISTRATOR REPORTS AND COMMENTS

Emily H. 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. One after-the-fact building permit for an accessory structure has gone through review.
- Variance Application -5431 Fawn Lake Rd. public hearing and recommendation for an after-the-fact variance from the maximum square footage of an accessory structure and side-wall height. This property has been working through violations of Township Code. As part of coming into compliance a request made by the Township Attorney that the property owner apply for a variance from size requirements. This was the public hearing held tonight.
- 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.
- Following last month's meeting and the IUP request, MSA has had a follow-up meeting with the applicant. They discussed the kennel license and the need to amend the definitions of some things on the ordinance to be a bit more specific. Particularly, what defines a puppy verses a dog? Some clarity on these definitions will be important. Also, defining commercial boarding from residential boarding.

- Commercial Areas – Chair Dolphy sent MSA a list of possible future commercial zoned properties, current commercially zoned properties and exempt properties. Attached report was discussed tonight.

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

Meeting adjourned at 7:54 pm.

Respectfully submitted,
Pam Matti
Deputy Clerk

Minutes Approved: January 17, 2023

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

ANOKA COUNTY

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Public Hearing Minutes After-the-Fact Variance Application December 20, 2022

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

Commission members absent: Lloyd Horton, Tom Pilla

Town Board members present: Carol Searing

Staff present: Claire Michelson – MSA, Emily Herold - MSA, Pam Matti

Residents present: William Becklin, Mike Swedeen, Rory Paggen

Public Hearing opened at 7:04pm

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, December 20th, 2022 at 7:00 PM at the Linwood Township Town Hall, located at 22817 Typo Creek Dr NE, regarding the following matter:

To consider an after-the-fact application by Michael Swedeen at 5431 Fawn Lake Dr. NE for a variance from the maximum square footage and maximum side wall height requirement for accessory structures, 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.

Carol Searing commented that this building must be considered an accessory building and not an agricultural building. To be considered an agricultural building, it cannot be used for any other purpose than agricultural and if you look at the pictures, it's got a refrigerator and

kitchen. The building is much larger than the 3600 square feet allowed by Township Ordinance. That's why it needs a variance.

No further comments.

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

Public Hearing closed at 7:07pm.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: January 17, 2023

Chairman: _____
Joe Dolphy