

RESOLUTION NO: 23-20

TOWN OF BALDWIN  
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A CONDITIONAL USE PERMIT  
28829 104<sup>th</sup> STREET

WHEREAS, Powder River Development Services, LLC (on behalf of AT&T Mobility) has submitted application for a conditional use permit to allow construction of a communications tower upon the property identified as PID 01-025-3000; and

WHEREAS, applications for a conditional use permit are processed in accordance with the provisions of Section XX-4-5 of the Zoning Ordinance, subject to review by the Planning Commission and approval of the Town Board; and

WHEREAS, the Town Board must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-4-2 of the Zoning Ordinance:

- A. The proposed action's consistency with the specific policies and provisions of the town comprehensive plan.

*Finding: The proposed tower will improve communication services within the area benefiting local users, as well as transient users on US Highway 169, essential and incidental to human activity.*

- B. The proposed use's compatibility with present and future land uses of the area.

*Finding: The proposed tower complies with the design standards established by the Zoning Ordinance to mitigate compatibility issues with existing and planned land uses in the area surrounding the subject site.*

- C. The proposed use's potential to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

*Finding: The proposed construction of the proposed tower will not impact existing natural resources within the subject site.*

- D. The proposed use's conformity with all performance standards contained within this ordinance and other town ordinances.

*Finding: The proposed tower complies with the requirements of the Zoning Ordinance.*

- E. Traffic generation of the proposed use in relation to capabilities of roads serving the property.

*Finding: The traffic generated by the proposed tower can be accommodate by existing roads serving the subject site.*

WHEREAS, the planning report dated 20 April 2023 prepared by the Town Planner, The Planning Company LLC, is incorporated herein; and

WHEREAS, the Planning Commission conducted a public hearing at their meeting on 26 April 2023 to consider the application, preceded by published and mailed notice; the public hearing was closed after hearing from all persons wishing to speak; and

WHEREAS, based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be approved by the Town Board; and

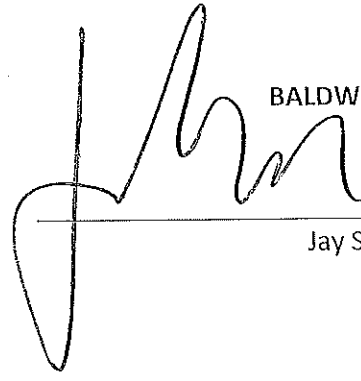
WHEREAS, the Town Board considered the application at their meeting on 15 May 2023.


**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF BALDWIN TOWNSHIP, MINNESOTA THAT** the requested conditional use permit is hereby approved, subject to the following stipulations:

1. The subject site shall be developed in accordance with the site and building plans submitted to the Town subject to the stipulations, limitations, and conditions as approved by the Town Board in accordance with Section XX-9-6 of the Zoning Ordinance.
2. The landscape plan shall be revised to provide for evergreen trees eight feet in height at not more than 25 feet on center subject to review and approval of the Zoning Administrator.
3. All new plants shall be guaranteed for 12 months from the time planting has been completed and be alive, in good health, of good quality and structural condition, and insect and disease free at the end of the warranty period or be replaced, subject to review and approval of the Zoning Administrator.
4. Access to 289<sup>th</sup> Avenue (CSAH 28) shall be subject to review and approval of Sherburne County.
5. All signs shall comply with Section XX-27-2.B of the Zoning Ordinance.
6. The tower owner shall maintain the insurance for \$1,000,000.00 of coverage for personal property damage and provide evidence of such coverage to the Zoning Administrator annually.
7. The applicant shall provide documentation to the Zoning Administrator that the lease for the communication facility location, including revisions or renewals, provides that any unused equipment must be removed within 12 months after operations cease.
8. The plans for the proposed tower shall be revised to incorporate installation of First Net to support public safety.

ADOPTED by the Town Board of Supervisors of Baldwin Township this 15<sup>th</sup> day of May, 2023.

MOTION BY: *Lawrence*  
SECONDED BY: *Case*  
IN FAVOR: *All*  
OPPOSED: *None*

  
BALDWIN TOWNSHIP  
\_\_\_\_\_  
Jay Swanson, Chair

ATTEST:  
  
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Joan Heinen, Town Clerk/Treasurer