



Sherburne County  
**PLANNING & ZONING ADMINISTRATION**

13880 Highway 10 West  
13880 Business Center Drive  
Elk River, MN 55330  
(763) 241-2900 • (800) 438-0578

TO: Haven Township Board  
FROM: Nancy Riddle *NR*  
Planning & Zoning Administrator  
DATE: January 26, 2010  
RE: Zoning Options for Haven

I met with Eric Meyer along with Brian Bensen and Felix Schmiesing on Tuesday to discuss scenarios that Haven Township is considering regarding the future of planning & zoning for the township. Eric asked that I respond in writing with my opinion regarding the options that are being considered by the Board.

The options presented at the meeting included:

1. Haven doing their own plan –like Becker Township and the City of Becker
2. Keep current plan and try to get limited annexation agreement (Small Board)
3. New Hybrid plan-designed by all parties with joint powers weight toward Haven  
(1-city, 1-County, 3-Haven)

**1. Haven doing their own plan -Becker Township and the City of Becker model**

If Haven were to engage in an agreement with the City of St. Cloud as Becker Township has with the City of Becker, the township would need to first develop and adopt its own comprehensive land use plan, zoning and subdivision ordinances. The County Board would then remove Haven from the County Zoning Ordinance. There are some sections of the County ordinance that are mandated by State Statute which the township would need to be as restrictive in their own ordinances, specifically floodplain, shoreland, Scenic Mississippi River District and Subsurface Sewage Treatment Systems.

Up until the time that the township has approved ordinances from the DNR and MPCA for these items, the County Zoning office would have to require a land use permit in addition to any building permit that would be issued by the Township or City. (This is assuming that the City of St. Cloud is issuing the building permits for the township.) This would be necessary to ensure that any building permits issued are also in compliance with these rules. This would require the landowner making application with the County in addition to making applications to the City of St. Cloud. This may require the landowner traveling to the County office and the City offices.

The township would now bear the costs of doing planning & zoning. The Township bears the liability that goes with approving and denying permits, including enforcement of its ordinance.

**2. Keep current plan and try to get limited annexation agreement (Small Board)**

This scenario would essentially keep zoning and permit procedures the same for the township and its residents. The County is the zoning authority and therefore bears the responsibility and liability. The County continues to enforce its ordinances. The Town Board and the City of St. Cloud could work out a future annexation plan and timeline. There are no additional costs to the township residents from what currently exists.

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**3. New Hybrid plan-designed by all parties with joint powers weight toward Haven**

I'm not exactly sure how this would work or what has been discussed. It sounds like there would be a joint board, but who the township has administer the zoning ordinance would need to be determined. This would still require the Township to develop its own comprehensive plan and zoning and subdivision ordinance prior to enactment, hiring staff to administer the new ordinance, and be responsible for decisions made by the joint board. Enforcement of the ordinance would be the responsibility of the township.

I would not recommend that the County Board consider involving County zoning staff in the administration of this type of arrangement, since it would involve a completely different ordinance than the County.

**4. Township adopts Zoning with a joint agreement with County Planning & Zoning Office**

There is also a fourth possible scenario. Approximately 4 years ago the County entered into joint agreements with three of the townships in our County (Livonia, Baldwin, & Big Lake). All three have adopted their own zoning, but they have an agreement with the County Planning & Zoning Office to administer and enforce the ordinance for them.

Applicants apply through our office and the paperwork is handled the same as before. All three townships have adopted the County Zoning and Subdivision Ordinances verbatim. The agreement requires the townships to adopt amendments at the same time that the County adopts changes. The County Planning Commission serves as the Township's planning commission. The Town Board must also approve or deny all requests. They are no longer just a recommending board. There is essentially dual zoning, but with identical ordinances and each applicant must receive approval from the County and the Township. If one of the entities denies a project, that entity is responsible for their own representation in the event of a legal challenge.

As it is unclear to me what the real goal is for considering alternative zoning options, I can't really recommend one over the other. Certainly in researching these options, I would assume that it is evident to the Board that the more independent the Township is in administering and enforcing your own ordinance, the higher the price tag. Currently the County Planning & Zoning Office provides the services at no cost to townships, but if the township opts out of County zoning, it does not lower the County taxes that your residents pay. But as you hire staff or contract out for services, this will certainly increase township taxes as you will need to pay for the services that go along with planning & zoning. Fees do not cover the costs of operation.

I hope this is helpful in exploring your options. If there are particular issues or concerns that you would like to discuss, please feel free to give me a call.

Sincerely,

Nancy Riddle  
Planning & Zoning Administrator

Cc: Felix Schmiesing, County Commissioner  
Brian Bensen, County Administrator  
Kathleen Heaney, County Attorney



## Lynn Waytashek

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**From:** E Meyer <aero6530@gmail.com>  
**Sent:** Monday, January 3, 2011 5:48 PM  
**To:** Lynn Waytashek  
**Subject:** Re: Haven MOU

Hi Lynn,

We will be talking about the MOU at the Jan meeting. I have not read it but will in the next 10 days.

I will be looking to set-up a meeting before meeting to review a process.

Talk to you soon.

Eric Meyer  
Key Choice, LLC  
6530-46th Ave SE  
St. Cloud, MN 56304  
320-558-7615

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On Mon, Jan 3, 2011 at 4:24 PM, Lynn Waytashek <[Lynn.Waytashek@co.sherburne.mn.us](mailto:Lynn.Waytashek@co.sherburne.mn.us)> wrote:

Hello,

Just wondering the status of your review of the Memorandum of Understanding that the County proposed. Please let me or Tim Sime know.

Thanks

Lynn Waytashek

Sherburne County

Assistant Zoning Administrator

763-241-2933