

SAN FRANCISCO TOWNSHIP  
CARVER COUNTY, MINNESOTA  
Ordinance No. 6

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION AND  
A BOARD OF APPEALS AND ADJUSTMENTS FOR THE TOWNSHIP

The board of supervisors of the Town of San Francisco ordains:

ARTICLE I. San Francisco Township Planning Commission.

Section 1. Establishment. A planning commission is hereby established for San Francisco Township ("Town") pursuant to Minnesota Statute, section 462.354. The planning commission shall serve as the Town's planning agency and shall be known as the San Francisco Township Planning Commission ("Commission"). The Commission shall serve in an advisory capacity to the Town Board.

Section 2. Composition. The Commission shall consist of up to five voting members, which may include one or more Town officers and may be comprised entirely of Town officers. A majority of members constitutes a quorum to conduct the Commission's business. Each Commission member, including the Chair and Vice-Chair, shall have one vote on all matters acted upon by the Commission. A member must be present at a meeting to vote.

Section 3. Appointment, Vacancies and Removal. The Town Board shall appoint the Commission members. Vacancies occurring on the Commission shall be filled by Town Board appointment for the remainder of the term of the position.

Section 4. Term. Commission members are appointed for a term of 3 years and until a successor is appointed and qualifies. Terms expire on April 1st. Commission members serve at the pleasure of the Town Board and may be removed by the Town Board at any time. The Town Board shall stagger the terms of Commission members as it determines is appropriate to minimize the number of Commission positions expiring in the same year.

Section 5. Officers and Duties. The Commission shall appoint from among its members a Chair and Vice-Chair. The Chair shall be the presiding officer for Commission meetings and shall sign documents on behalf of the Commission as needed. The Vice-Chair shall conduct the duties of the Chair in the Chair's absence. The Commission shall also appoint a Secretary, which may be the Town Clerk. The Secretary shall provide notices, keep records of the Commission's proceedings, and countersign the Chair's signature on Commission documents. The Secretary does not have a vote on the Commission.

Section 6. Compensation. The Town Board shall determine if members will be compensated for their service on the Commission, determine the amount of compensation if provided, and the policy for reimbursing expenses incurred in carrying out the Commission's duties.

Section 7. Rules and Procedures. The Commission may adopt rules and procedures related to how it conducts its meetings and hearings.

Section 8. Meetings. The Commission shall hold regular meetings as needed. The Chair, or any two members, may call a special meeting of the Commission.

Section 9. Commission Powers and Duties. The Commission shall have the powers and duties provided it by Minnesota Statutes, chapter 462 and such other powers and duties as the Town Board may delegate to it. Unless directed otherwise by the Town Board, the Commission shall be responsible for conducting such hearings as may be required by law or by ordinance to implement and administer the Town's official controls. The Commission does not have the authority to hire consultants or to otherwise contract on the Town's behalf.

## ARTICLE II. San Francisco Township Board of Appeals and Adjustments.

Section 1. Establishment. A board of appeals and adjustments is hereby established for the Town pursuant to Minnesota Statute, section 462.354. The board shall be known as the San Francisco Township Board of Appeals and Adjustments ("Board of Appeals and Adjustments").

Section 2. Composition. The Town Board of Supervisors shall serve as the Board of Appeals and Adjustments and the Town Clerk shall serve as its Secretary. The Secretary shall not have a vote on the Board of Appeals and Adjustments. The Town Board Chair shall serve as the Chair of the Board of Appeals and Adjustments. The Town Board may conduct the business of the Board of Appeals and Adjustments at any regular or special meeting of the Town Board or hold separate special meetings as needed to conduct the business of the Board of Appeals and Adjustments. The rules regarding a quorum, voting, and related procedural rules, procedures, and practices for the Board of Appeals and Adjustments shall be the same as those used by the Town Board to conduct the Town's business.

Section 3. Term. The term of members of the Board of Appeals and Adjustments shall be the same as their term on the Town Board. Once a person takes and files the oath of office for their position as Town Supervisor, he or she shall automatically become a member of the Board of Appeals and Adjustments.

Section 4. Compensation. The Town Board shall determine if and under what circumstances the members of Board of Appeals and Adjustments will be compensated for their service and the amount of such compensation if provided. The Town Board will also determine the policy for reimbursing members for their actual expenses incurred in their service on the Board of Appeals and Adjustments.

Section 5. Rules and Procedures. The Commission may adopt specific rules and procedures related to how it conducts its meetings and hearings, but shall otherwise follow the Town Board's usual procedures in conducting its business.

Section 6. Meetings. The Board of Appeals and Adjustments shall meet as needed upon the call of the Chair or upon the request of two members.

Section 7. Commission Powers and Duties. The Commission shall have the powers and duties provided it by Minnesota Statutes, sections 462.354, subd. 2; 462.357, subd. 6; and 462.359, subd. 4, as well as such other powers and duties as the Town Board may determine.

Section 8. Appeals. The Board of Appeals and Adjustment will only hear appeals where it is alleged the Town's administrative officer (zoning administrator) is alleged to have made an error in any order, requirement, decision, or determination in the enforcement of the Town's zoning ordinance. In such cases, the aggrieved owner shall file a written request for an appeal with the Town Clerk within 14 days of the action or decision being appealed together with the applicable fee. The Town Board shall act in its capacity as the Board of Appeals and Adjustments to set a hearing, provide at least 10 days published notice and mailed notice to the aggrieved owner, conduct the hearing, decide the appeal, and issue a written notice of its decision to the aggrieved owner. Decisions of the Board of Appeals and Adjustments on appeals and variance requests are final. Decisions of the Planning Commission and of the Town Board are not appealable to the Board of Appeals and Adjustments

ARTICLE III. Effective Date. This ordinance shall be effective upon the first day of publication after adoption.

Adopted this 21st day of March, 2011.

BY THE TOWN BOARD

Maidie Felton  
Chairperson

Attest: Sandy Johnson  
Clerk