



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 18 April 2024

60-DAY DATE: 21 May 2024

RE: Baldwin Township – Haugen (PID 01-00404-0365); Variance

TPC FILE: 269.02

BACKGROUND

Ms. Stacy Haugen owns the property at 14331 285th Avenue on the west side of Elk Lake, which has a 497.8 square foot single family dwelling, a 152.7 square foot detached building, and a 67.2 square foot detached building upon it. Ms. Haugen is proposing to expand the single family dwelling to 1,089.7 square feet and build a new 480.0 square foot detached garage.

The proposed construction requires considerations of a variance due to the non-conforming area and width of the lot within a Shoreland Overlay District, as well as a variance for front setback requirements and detached accessory building area. Variance applications are processed in accordance with Section XX-6-4 of the Zoning Ordinance subject to review by the Planning Commission and approval of the Town Board. A public hearing to consider the application has been noticed for the Planning Commission meeting on 24 April 2024 at 7:00PM.

Exhibits:

- Site Location Map
- Certificate of Survey
- Findings of Fact

ANALYSIS

Comprehensive Plan. The Town Comprehensive Plan guides development of land use patterns that provide connections to existing public amenities and the natural landscape. Existing rural residential character is to be expanded without spoiling scenery or open spaces. The expansion of the existing single family dwelling on the property to provide additional living space and an accessory detached garage is consistent with the Comprehensive Plan.

Zoning. The subject site is zoned R1, General Rural District. The subject site is also within the Shoreland Overlay District of Elk Lake, which is a General Development Lake. Single family dwellings are allowed as a permitted use within the R1 District and Shoreland Overlay District.

Surrounding Uses. There are similarly sized lots surrounding the property also developed with single family dwellings. Use of the subject site for a single family residential use is consistent with the character of the area and will be compatible.

Lot Requirements. Lots within the R1 District are required by Section XX-51-7 of the Zoning Ordinance to be 2.5 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth. Non-riparian lots within the Shoreland Overlay District General Development Lake are required by Section XX-90-7.A.1 of the Zoning Ordinance to be a minimum of 40,000 square feet in area and 150 feet in width measured at the Ordinary High Water Level (OHWL).

The subject site is 0.37 acres (16,129 square feet) in area, 180 feet in width, and 90 feet in depth. The property legal non-conforming lot of record governed by Section XX-15-3.C of the Zoning Ordinance and Section XX-90-8.A of the Zoning Ordinance specific to non-conforming lots within the Shoreland Overlay District.

The property existing as three lots of record. Ms. Haugen has submitted a separate application to combine the three lots into a single lot as required by Section XX-90-8.A.3 of the Zoning Ordinance. The combination of the existing lots into one lot is subject to administrative review and approval of the Zoning Administrator.

Building Setbacks. The table below summarizes the setback requirements of the R1 District established by Section XX-51-8 of the Zoning Ordinance and Shoreland Overlay District established by Section XX-90-7.B.1 of the Zoning Ordinance applicable to buildings within the subject site:

	285 th Ave.	Side	Rear
Required	50ft.	10ft.	10ft.
House	15ft.	46ft.	43ft.
Detached Garage	15ft.	59ft.	53ft.

The existing house does not comply with the required 50 foot setback from 285th Avenue. However, the proposed expansion is not proposed to be closer to the front property line than the existing house not increasing the degree of the non-conforming condition.

The proposed detached garage is also setback 15 feet from the front lot line at its closest point. We would recommend that the setback be increased to 20 feet to allow sufficient space to park a vehicle upon the driveway apron without encroaching into the public right-of-way.

All other setback measurements comply with the requirements of the Zoning Ordinance.

Impervious Surface. Section XX-90-10.B.1 of the Zoning Ordinance limits impervious surface coverage within a lot to 25 percent of the lot area. The area of the lot is 16,129 square feet (0.37 acres) in area. The Certificate of Survey identifies the existing impervious surface as 6.66 percent of the lot area. The expansion of the existing house, construction of the new detached garage, and additional pavement will increase impervious surface to 14.42 percent of the lot area. The impervious surface within the lot complies with the Zoning Ordinance.

Detached Accessory Building Area. Section XX-18-2.F of the Zoning Ordinance limits the area of detached accessory buildings on platted lots less than 2.5 acres in area to three percent of the lot area and not more than 1,200 square feet for any one building.

Based on the 16,129 square foot area of the lot, the total allowed area for all detached accessory buildings is 489 square feet. The cumulative area of the proposed detached garage and two existing detached garages is 699.7 square feet or 210 square feet more than the total area allowed by the Zoning Ordinance. The area of the individual buildings is within the allowances established by the Zoning Ordinance.

Compliance with the total detached accessory building area allowed Zoning Ordinance could be achieved by removal of the two detached accessory buildings concurrent with construction of the detached garage. However, the establishing the limit for detached accessory building area as a percentage of lot area when the area of the lot is non-conforming creates a practical difficulty for the property owner to have accessory building space typical of a single family dwelling.

Utilities. Expansion of the single family home upon the property will require certification of the existing septic system or replacement with a new system sized to serve the proposed dwelling. All SSTS issues and permit applications are subject to review and approval of the Building Official.

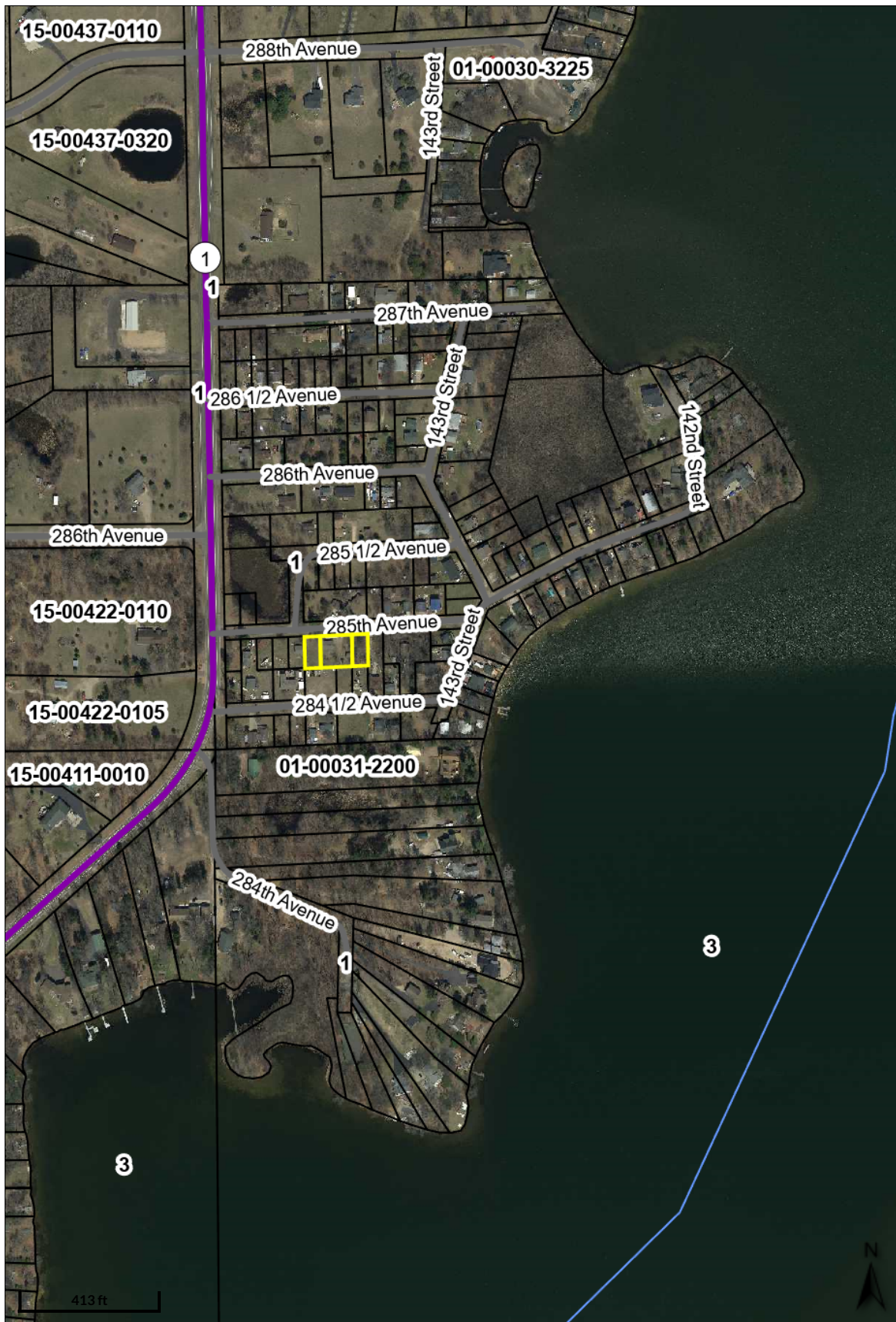
RECOMMENDATION

Our office recommends approval of variances to allow for expansion of the existing single family dwelling and construction of a new detached garage subject to the conditions outlined below. Findings of Fact supporting this recommendation have been prepared for consideration by the Planning Commission.

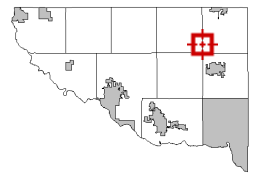
POSSIBLE ACTIONS

- A. Motion to **adopt** Findings of Fact as presented and recommend **approval** of a variance for PID 01-00404-0365, subject to the following conditions:
 - 1. The property 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-9-5 of the Zoning Ordinance.
 - 2. The proposed detached garage shall be setback a minimum of 20 feet from the front lot line.
 - 3. All SSTs issues and permit applications shall be subject to review and approval of the Building Official.
- B. Motion to recommend the application be **denied** based on a finding that the request is inconsistent with the Comprehensive Plan and criteria established by the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
Andy Schreder, Town Building Official
James Bedell, DNR

Site Location Map



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

SHEET NUMBER
1

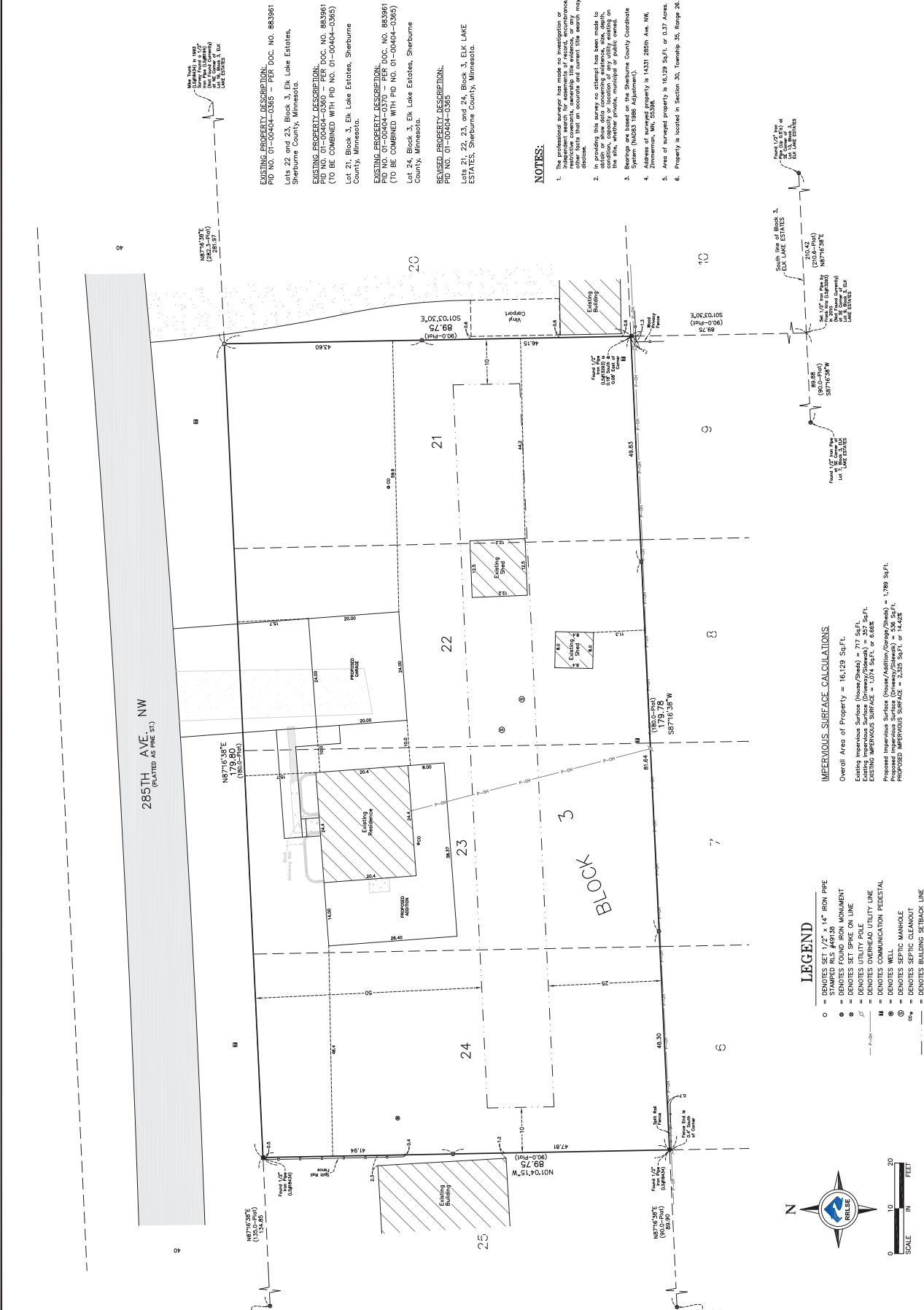
Certificate of Survey ~ for ~ Stacey Haugen

Lots 21 - 24, Block 3,
ELK LAKE ESTATES,
Sherburne County,
Minnesota



DATE 04/05/24
Data 04/05/24
NIN License No. 49732
Brian Peterson, PLS

DESIGNED BY	SYM
DRAWN BY	SYM
CHECKED BY	BP
BOOK	
SCALE	1"=10'
FILE NO.	P-5026.01



- ### NOTES:
- The professional surveyor has made no investigation or independent search for easements of record, encumbrances, or other facts that an accurate and current title search may disclose.
 - The surveyor has made no investigation or independent search for the location of any utility existing on the site, or for the location of any utility easement on the site, or for the location of any utility easement on the site.
 - Surveying was based on the Sherburne County Coordinate System (NAD83 1988 Adjustment).
 - Address of surveyed property is 14331 285th Ave. NW, Zimmerman, MN, 55386.
 - Area of surveyed property is 16,129 Sq. Ft. or 0.37 Acres.
 - Property is located in Section 30, Township 35, Range 26.

EXISTING PROPERTY DESCRIPTION:
PID NO. 01-00404-0365 - PER DOC. NO. 863961
Lots 22 and 23, Block 3, Elk Lake Estates,
Sherburne County, Minnesota.

EXISTING PROPERTY DESCRIPTION:
PID NO. 01-00404-0365 - PER DOC. NO. 863961
Lot 21, Block 3, Elk Lake Estates, Sherburne
County, Minnesota.

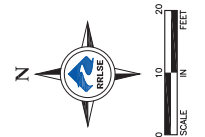
EXISTING PROPERTY DESCRIPTION:
PID NO. 01-00404-0365 - PER DOC. NO. 863961
Lot 24, Block 3, Elk Lake Estates, Sherburne
County, Minnesota.

REMOVED PROPERTY DESCRIPTION:
PID NO. 01-00404-0365
Lots 21, 22, 23, and 24, Block 3, ELK LAKE
ESTATES, Sherburne County, Minnesota.

IMPERVIOUS SURFACE CALCULATIONS

Overall Area of Property = 16,129 Sq. Ft.
Existing Impervious Surface (House/Shop) = 717 Sq. Ft.
Existing Impervious Surface (Driveway/Shop) = 262 Sq. Ft.
Proposed Impervious Surface (House Addition/Driveway/Shop) = 1,799 Sq. Ft.
Proposed Impervious Surface (Driveway/Shop) = 506 Sq. Ft.
PROPOSED IMPERVIOUS SURFACE = 2,305 Sq. Ft. or 14.26%

- ### LEGEND
- = DENOTES SET 1/2" x 1/4" IRON PIPE STAMPED RLS #49135
 - = DENOTES FOUND IRON MONUMENT
 - = DENOTES PROPERTY LINE
 - = DENOTES UTILITY POLE
 - = DENOTES OVERHEAD UTILITY LINE
 - = DENOTES COMMUNICATION FEDESTAL
 - ⊙ = DENOTES WELL
 - ⊙ = DENOTES SEPTIC MANHOLE
 - ⊙ = DENOTES SEPTIC CLEANOUT
 - = DENOTES BUILDING SETBACK LINE



**BALDWIN TOWNSHIP
PLANNING COMMISSION
VARIANCE
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Stacy Haugen

APPLICATION: Request for variance to allow construction for expansion of a single family dwelling and construction of a detached garage at 14331 285th Avenue.

PLANNING COMMISSION MEETING: 24 April 2024

FINDINGS: Based upon review of the application and evidence received, the Baldwin Township Planning Commission now makes the following findings of fact:

1. The property identified as PID 01-00404-0365.
2. The property is guided for rural land uses by the Comprehensive Plan.
3. The property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of Elk Lake.
4. The applicant is requesting variance to allow Expansion of a single family dwelling and construction a new detached garage:
 - a. On a legal non-conforming lot of record as required by Section XX-90-8.A of the Zoning Ordinance.
 - b. Within the front yard setback required by Section XX-51-7.A of the Zoning Ordinance.
 - c. For total detached accessory building area greater than three percent of the lot area.
5. The Planning Commission 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-6-3 of the Zoning Ordinance:
 - A. That the variance would be consistent with the comprehensive plan.

Finding: The single family residential use of the legal non-conforming lot of record is consistent with the Comprehensive plan.
 - B. That the variance would be in harmony with the general purposes and intent of [the Zoning Ordinance].

Finding: The need for variance is due to the non-conforming area and depth of the property. The proposed site plan complies or does not increase the degree of non-conformity with applicable setback requirements. Approval of the requested variance is consistent with the intent of the Zoning Ordinance to allow for a reasonable use of the property as enjoyed by other properties with the same circumstances.

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

Finding: The property was established as a lot of record prior to adoption of the current Zoning Ordinance standards, which makes the property non-conforming.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is due to the legal non-conforming area and depth of the property, which is not an economic consideration.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The lots surrounding the property are similar in character developed with single family dwellings such that approval of the variance will not alter the character of the area.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed site plan provides for reasonable use of the property in compliance with applicable setback requirements or by not increasing the degree of non-conformity in consideration of the non-conforming area and depth of the lot of record.

- G. The potential for the variance 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: Approval of the requested variance will not cause potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by [the Zoning Ordinance].

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: A single family dwelling and accessory uses of the property are permitted uses and the request is not to allow a use of the property prohibited by the Zoning Ordinance.

6. The planning report dated 18 April 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

7. The Planning Commission conducted a public hearing at their meeting on 24 April 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to recommend that the Town Board approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **APPROVED**, subject to the following conditions:

1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
2. The proposed detached garage shall be setback a minimum of 20 feet from the front lot line.
3. All SSTs issues and permit applications shall be subject to review and approval of the Building Official.

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ADOPTED by the Planning Commission of Baldwin Township this 24th day of April, 2024.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

BALDWIN TOWNSHIP PLANNING COMMISSION

BY: _____
Sherry Newman, Vice Chair

ATTEST: _____
Marlene Nelson, Administrative Assistant



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Anoka, MN 55303
763.231.5840
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PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 18 April 2024

60-DAY DATE: May 11 2024

RE: Baldwin Township – Tegg (PID 01-00035-4104); Conditional Use Permit

TPC FILE: 269.02

BACKGROUND

Troy Tegg is proposing to build a single family dwelling on PID 01-00035-4104 located on the west side of 104th Street (CSAH 19) south of 281st Avenue. The property is 2.5 acres in area and undeveloped. Section XX-15-3.B of the Zoning Ordinance requires approval of a Conditional Use Permit to allow the construction of a single family dwelling on the property requires as the area and width of the parcel is non-conforming. Conditional Use Permit applications are processed in accordance with Section XX-4-5 of the Zoning Ordinance subject to review by the Planning Commission and approval of the Town Board. A public hearing to consider the application has been noticed for the Planning Commission meeting on 24 April 2024 at 7:00PM.

Exhibits:

- Site Location Map
- Findings of Fact

ANALYSIS

Comprehensive Plan. The Baldwin Township Comprehensive Plan guides development of land use patterns that maintain the existing rural character of the area. Construction of a single family dwelling upon the property is consistent with the Comprehensive Plan.

Zoning. The subject site is zoned R1, General Rural District. Single family dwellings are allowed as a permitted use within the R1 District.

Surrounding Uses. The property abuts similarly rural single family parcels to the west and south. Across 104th Street (CSAH 19) from the subject site are larger tracts used for agricultural purposes. Use of the property for a single family residential use will be compatible with the character of the area.

Lot Requirements. Unplatted parcels within the R1 District are required by Section XX-51-7 of the Zoning Ordinance to be 20 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth. The subject site is 2.5 acres in area, 166 feet in width, and 655 feet in depth. The property legal non-conforming lot of record governed by Section XX-15-3.B of the Zoning Ordinance based on the area and width of the parcel being less than required by the R1 District. Construction of a single family dwelling upon the lot requires approval of a Conditional Use Permit subject to the following conditions:

1. Legally Established: The lot of record in question was legally established in accordance with requirements of this ordinance.

Comment: The parcel was legally established.

2. Allowed Use: Single-family residential dwellings are an allowed use within the zoning district in which the lot is located.

Comment: Single family dwellings are a permitted use of the parcel.

3. Setbacks: The setback requirements of the zoning district in which the lot of record is located shall be complied with.

Comment: There is an adequate envelope within the parcel to allow for construction of a single family dwelling in accordance with setback requirements.

4. Shoreland Overlay District: The lot shall not have more than 25 percent impervious surface if located within the Shoreland Overlay District.

Comment: The parcel is not within a Shoreland Overlay District.

5. Access: The lot of record has frontage on and will directly access an improved public road.

Comment: The parcel has frontage and will access to 104th Street (CSAH 19).

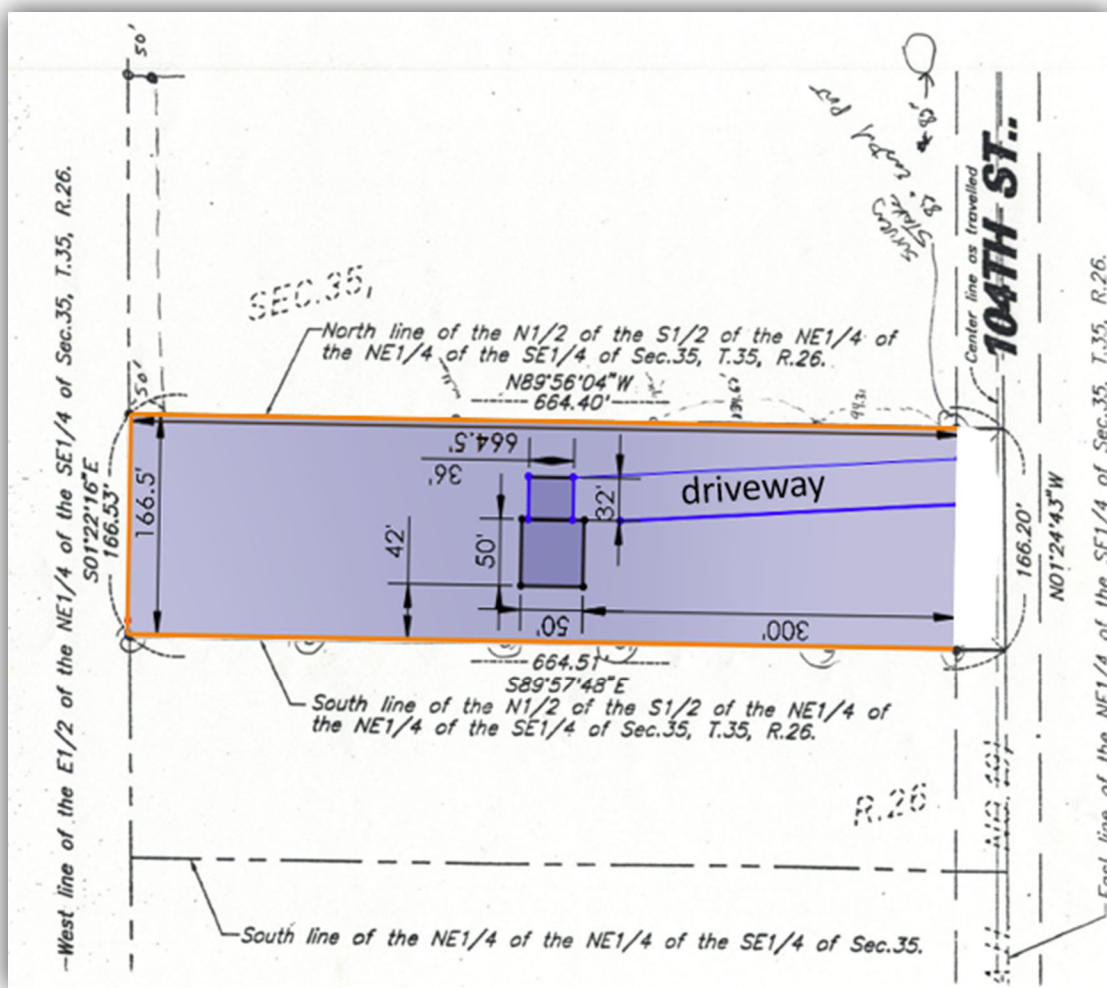
6. Septic System: An on-site septic system can be installed upon the lot to provide sewage treatment for the use as required by section XX-16-6 of this ordinance.

Comment: The proposed single family dwelling will be required to be served by a Subsurface Sewage Treatment System.

Building Setbacks. The table below summarizes the setback requirements of the R1 District established by Section XX-51-8 of the Zoning Ordinance

104 th St. (CSAH 19)	North	South	Rear
130ft.	10ft.	10ft.	25ft.

The applicant has provided a site plan illustrating the proposed location of a single family dwelling to be constructed upon the property, shown below. The proposed house location complies with applicable setback requirements.



Access. The property has frontage to 104th Street (CSAH 19). Construction of a driveway to access the proposed single family dwelling will be subject to review and approval of Sherburne County. As the property is not platted, the only the portion of the driveway within the public right-of-way is required to be paved with concrete or asphalt in accordance with Section XX-21-6.B.2.b of the Zoning Ordinance.

Utilities. Construction of a new single family home upon the property will require installation of a private Subsurface Sewage Treatment System and well for sewer and water services, respectively. All Subsurface Sewage Treatment System and well design and permit applications are subject to review and approval of the Building Official.

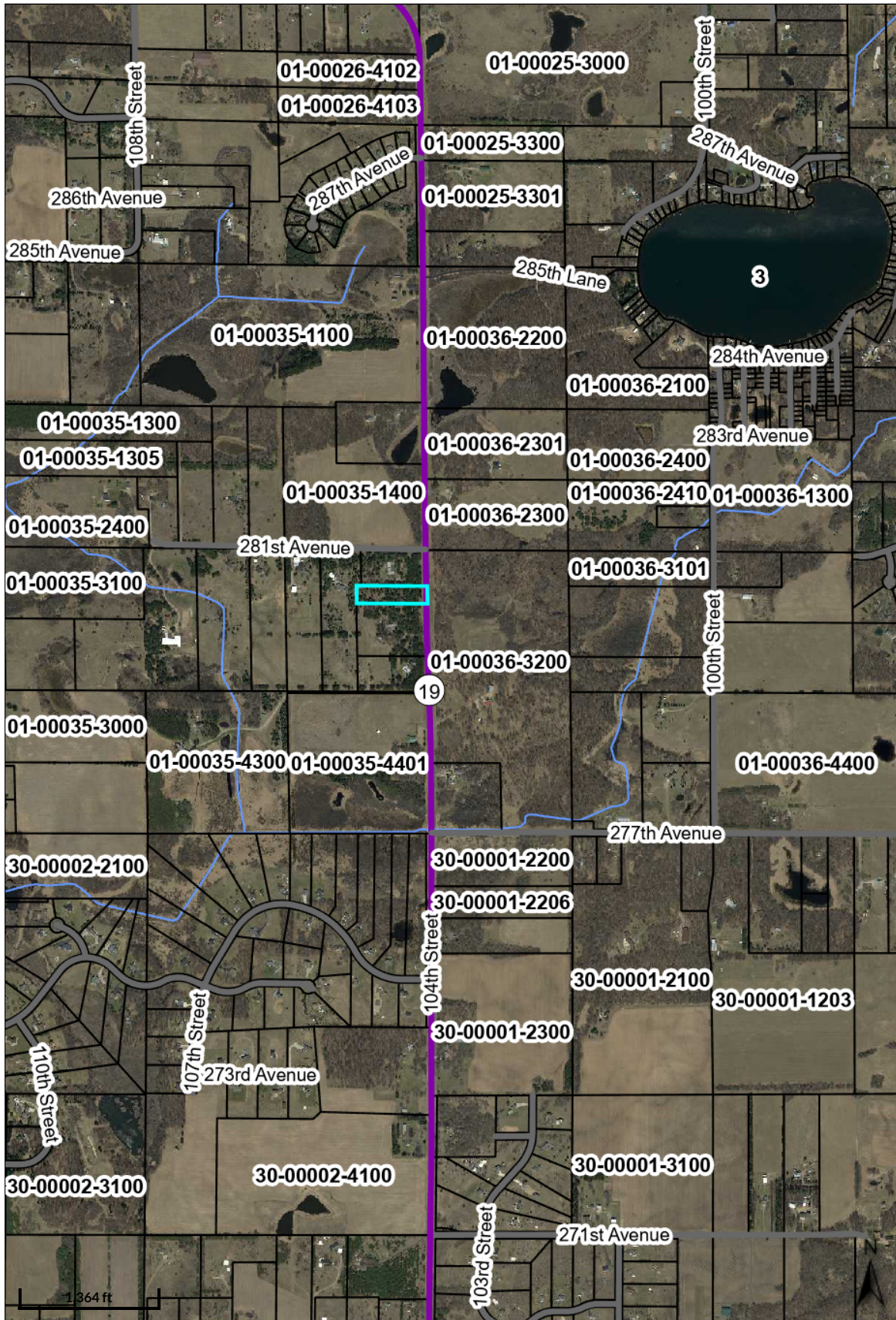
RECOMMENDATION

Our office recommends approval of a Conditional Use Permit to allow for construction of single family dwelling on a non-conforming lot of record based on the proposed site plan complying with applicable conditions set forth by the Zoning Ordinance. Findings of Fact supporting this recommendation have been prepared for consideration by the Planning Commission. This recommendation includes the conditions outlined below.

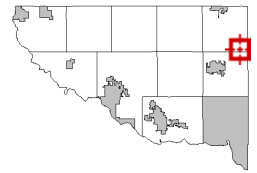
POSSIBLE ACTIONS

- A. Motion to **adopt** Findings of Fact as presented and recommend **approval** of a Conditional Use Permit for PID 01-00035-4104, subject to the following conditions:
 - 1. The property shall be developed in accordance with the site plans submitted to the town subject to the stipulations, limitations, and conditions as approved by the Town Board in accordance with Section XX-9-5 of the Zoning Ordinance.
 - 2. All SSTS issues and permit applications shall be subject to review and approval of the Building Official.
- B. Motion to recommend the application be **denied** based on a finding that the request is inconsistent with the Comprehensive Plan and criteria established by the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
Andy Schreder, Town Building Official

Site Location Map



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

**BALDWIN TOWNSHIP
PLANNING COMMISSION
CONDITIONAL USE PERMIT
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Troy Tegg

APPLICATION: Request for approval of a Conditional Use Permit to allow construction of a single family dwelling upon a non-conforming parcel.

PLANNING COMMISSION MEETING: 24 April 2024

FINDINGS: Based upon review of the application and evidence received, the Baldwin Township Planning Commission now makes the following findings of fact:

1. The property identified as PID 01-00035-4104.
2. The property is guided for rural land uses by the Comprehensive Plan.
3. The property is zoned R1, General Rural District.
4. The applicant is requesting approval of a Conditional Use Permit to allow construction of a single family dwelling upon legal non-conforming lot of record as required by Section XX-15-3.B of the Zoning Ordinance.
5. The Planning Commission 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-4-3 of the Zoning Ordinance:

- A. The proposed action's consistency with the specific policies and provisions of the Town Comprehensive Plan.

Finding: Construction of a single family dwelling upon the property is consistent with the Comprehensive Plan.

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

Finding: The property abuts lots with similar residential uses to the north, west, and south with larger tracts used for agriculture to the east. The proposed use of the property will be compatible within the area.

- 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 single family dwelling will not impact existing natural resources within the property.

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

Finding: The proposed single family dwelling will comply with the requirements of the Zoning Ordinance, including criteria for development of non-conforming lots of record, and other ordinances adopted by the Town.

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

Finding: The traffic generated by a single family dwelling is within the capacity of roads serving the property.

6. The planning report dated 18 April 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.
7. The Planning Commission conducted a public hearing at their meeting on 24 April 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to recommend that the Town Board approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **APPROVED**, subject to the following conditions:

1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-4-6 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
2. All SSTs issues and permit applications shall be subject to review and approval of the Building Official.

(Remainder of this page intentionally blank)

ADOPTED by the Planning Commission of Baldwin Township this 24th day of April, 2024.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

BALDWIN TOWNSHIP PLANNING COMMISSION

BY: _____
Sherry Newman, Vice Chair

ATTEST: _____
Marlene Nelson, Administrative Assistant



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PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

DATE: 18 April 2024

RE: Baldwin Township – Mason Commercial Kennel IUP

TPC FILE: 269.02

BACKGROUND

Mark and Samantha Mason own the property at 30209 116th Street (PIDs 01-00015-4300 and 01-00015-4401). The 34.93 property is developed with a single family dwelling and detached accessory buildings. The property owners are proposing to construct an 8,000 square foot building to for a commercial kennel that includes boarding, daycare, grooming, and a self-care dog wash as a secondary use of the property.

Commercial animal kennels are allowed with approval of an Interim Use Permit. Applications for approval of an interim use permit are processed in accordance with Section XX-5-4 of the Zoning Ordinance subject to review by the Planning Commission and approval of the Town Board. A public hearing to consider the proposed use has been noticed for the Planning Commission meeting on 24 April 2024 at 7:00PM.

Exhibits:

- Site Location Map
- Applicant Narrative
- Building Floor Plan
- Site Plan

ANALYSIS

Comprehensive Plan. The Baldwin Township Comprehensive Plan guides development of land uses that provides for continuation of rural character. The Planning Commission recommended and the Town Board approved in September 2023 amendments of the Town's Animal Ordinance and Zoning Ordinance related to kennels to ensure that allowance of this type of use is allowed as it is consistent with the character of rural areas.

Zoning. The subject site is zoned R1, General Rural District. The existing single family dwelling and detached accessory buildings upon the property are permitted uses. Development of the proposed commercial kennel is allowed as an interim use. Section XX-5-4.H of the Zoning Ordinance establishes conditions for approval of an interim use permit to allow the proposed use, which are reviewed in subsequent paragraphs.

Surrounding Uses. The property is surrounded by large rural tracts with none less than 5 acres in area and most are larger than 10 acres up to 40 acres in area. The area of the surrounding parcels and the subject site will separate the proposed commercial kennel from surrounding residential dwellings mitigating potential compatibility issues. The proposed kennel is to be located within an existing clearing on the property surrounded by existing mature trees, which will further mitigate any potential compatibility issues.

Building. The applicant has provided a floor plan for the proposed building, but not elevations. The exterior finish of the proposed building is to comply with the requirements for residential structures required by Section 11-17-10.B of the Zoning Ordinance.

The height of the proposed building is limited to Section XX-51-9 of the Zoning Ordinance to 35 feet measured to the mid-point of a pitched roof.

The exterior finish and height of the proposed building is to be subject to review and approval of the Zoning Administrator.

Number of Dogs. Section XX-5-4.H.2 of the Zoning Ordinance limits the number of dogs that may be kept to no more than 40 dogs over six months of age, including no more than 10 unsterilized female dogs over six months of age, unless approved by the Town Board. The applicants are proposing 44 kennel spaces within the proposed building. Town staff recommends that 44 dogs over six months in age, including not more than 11 unsterilized female dogs over six months of age, be set as a limit on the number of animals be a condition of approval. The limit on the number of dogs over six months in age would not apply to those present on the premises for grooming (either commercial or self-serve).

Confinement. Section XX-5-4.H.3 of the Zoning Ordinance requires that dogs be confined or under control of the operator and/or staff at all times.

The commercial kennel is to be operated by the applicants, who reside in Baldwin Township approximately one mile from the property. Their intent is to rent the existing single family dwelling separate from operation of the kennel. The applicants expect to have 15-20 employees ensuring that oversight of the kennel will be on-site continuously to address any issues, including those that cause a nuisance for adjacent properties.

Outdoor kennel areas are not clearly defined on the site plan. Section XX-5-4.H.5 of the Zoning Ordinance requires that outdoor exercise areas be fenced with a minimum height of six feet and constructed with durable materials to keep dogs from escaping over, under, or through the fence. Outdoor kennel areas, including required fencing, is to be subject to review and approval of the Zoning Administrator.

Section XX-5-4.H.6.a of the Zoning Ordinance requires provision of adequate shelter for dogs boarded at the kennel. The proposed building has 44 kennel stalls, as well as an inside play area and quarantine room for the dogs. Spaces inside the proposed building are also allocated for animal intake, commercial wash and dry grooming and a self-service dog wash, which are each accessible from separate exterior entrances.

Waste. Section XX-5-4.H.7 of the Zoning Ordinance requires the operator to submit a waste management plan for proper disposal of animal feces. Animal waste is to be disposed of at least once each day either via a Subsurface Sewage Treatment System or enclosed in a container of sufficient construction to eliminate odors and organisms. The waste management plan is to be subject to review and approval of the Zoning Administrator (and Building Official as may be applicable).

Lot Requirements. Section XX-5-4.H.8.a of the Zoning Ordinance requires that the kennel be located on a parcel that complies with the minimum lot requirements of the Zoning Ordinance. Lots within the R1 District are required by Section XX-51-7 of the Zoning Ordinance to be 2.5 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth.

The subject site is 0.37 acres (16,129 square feet) in area, 180 feet in width, and 90 feet in depth. The property legal non-conforming lot of record governed by Section XX-15-3.C of the Zoning Ordinance and Section XX-90-8.A of the Zoning Ordinance specific to non-conforming lots within the Shoreland Overlay District.

The property existing as two parcels of record. Town staff recommends that the two parcels be combined. The combination of the existing parcels into one may be processed administratively subject to review and approval of the Zoning Administrator.

Setbacks. The table below summarizes the setback requirements of the R1 District established by Section XX-51-8 of the Zoning Ordinance applicable to buildings within the subject site. The proposed kennel complies with the setback requirements of the R1 District (upon combination of the parcels).

116 th St.	Side	Rear
50ft.	10ft.	25ft.

Section XX-5-4.H.8.b of the Zoning Ordinance further requires that the kennel building and any outdoor runs shall be setback a minimum of 500 feet from any existing residence except that of the kennel owner. The proposed kennel is approximately 515 feet from the existing house to the south east and 560 feet to the house to the north. The location of the proposed building complies with the additional setback requirements for kennel uses.

Utilities. The existing single family dwelling within property is served by a Subsurface Sewage Treatment Systems and private wells.

Issuance of a building permit for the proposed kennel will require a certificate of compliance for the existing Subsurface Sewage Treatment System to be provided as required by Section 11-4-2.C of the Building Ordinance. The applicants closed on the sale of the property in February 2024, which also required certification of the Subsurface Sewage Treatment System so this requirement will not present an obstacle to development of the kennel.

The proposed kennel will also be served by a Subsurface Sewage Treatment System and well. The design and location of the Subsurface Sewage Treatment System and well for the kennel building are subject to review and approval of the Building Official.

Access. The property is currently accessed from 116th Street. The site plan proposes that the existing single family dwelling and proposed kennel will share use of the single driveway to 116th Street. Any modification of the existing driveway within the public right-of-way requires a driveway permit subject to review and approval of the Town Engineer.

Wetlands. Development review pertaining to potential wetland impacts remains subject to approval of Sherburne County in accordance with Section XX-16-4.A of the Zoning Ordinance. The applicants will need to submit an application for a Sherburne County Wetland Conservation Act Land Use Permit to Sherburne County for their approval that no wetlands are being impacted by the proposed construction. Sherburne County review of wetland impacts must be submitted to the Town prior to approval of a building permit.

Termination. Section XX-5-6 of the Zoning Ordinance outlines the events that terminate allowance of the commercial kennel use. Town staff recommends that these conditions be included as a condition of approval for the Interim Use Permit.

RECOMMENDATION

Our office recommends approval of an Interim Use Permit allowing a commercial kennel subject to the conditions outlined below. Findings of fact consistent with this recommendation are provided for consideration by the Planning Commission.

POSSIBLE ACTIONS

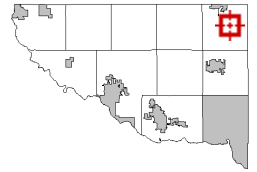
- A. Motion to recommend **approval** of an Interim Use Permit for a commercial kennel upon 30209 116th Street, subject to the following conditions:
1. The property shall be developed in accordance with the plans on file with the Town as provided for by Section XX-5-7 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
 2. The exterior finish and height of the proposed building is to be subject to review and approval of the Zoning Administrator.
 3. Dogs be confined or under control of the operator and/or staff at all times; at minimum of one employee shall be present 24 hours each day.
 4. The number of dogs that may be kept at the kennel shall be limited to not more than boarding for 40 dogs over six months of age, including no more than 10 unsterilized female dogs over six months of age and daycare for not more than 20 dogs; Said limits shall not apply to dogs on the premises for grooming purposes only.
 5. Outdoor exercise areas shall be subject to review and approval of the Zoning Administrator, and:
 - a. Fenced with a minimum height of six feet and constructed with durable materials to keep dogs from escaping over, under, or through the fence.
 - b. Setback a minimum of 500 feet from any single family dwelling not that of the property owner.
 6. Waste management shall provide for proper disposal of animal feces at least once each day via a Subsurface Sewage Treatment System, subject to review and approval of the Zoning Administrator.
 7. The kennel Subsurface Sewage Treatment System and well design and location of the Subsurface Sewage Treatment System shall be subject to review and approval of the Building Official.
 8. A driveway permit shall be required for any modification of the existing driveway within the public right-of-way, subject to review and approval of the Town Engineer.
 9. All wetland issues are subject to review and approval of Sherburne County in accordance with Section XX-16-4.A of the Zoning Ordinance.

10. The two parcels comprising the property shall be combined in accordance with Chapter 5 of the Subdivision subject to review and approval of the Zoning Administrator.
11. The Interim Use Permit shall terminate upon any of the following events, whichever occurs first:
 - a. Upon violation of conditions under which the interim use permit was issued.
 - b. Upon change in the town's zoning regulations that renders the use nonconforming.
 - c. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
 - d. Upon a change in ownership, whether pursuant to move, sale, transfer, assignment, or otherwise, the interim use permit is terminated and the proposed new owner is required to apply for a new Interim Use Permit in accordance with the provisions of the Zoning Ordinance.
 - e. The approved use is inactive for one year or longer as determined by the zoning administrator.
- B. Motion to recommend the application be **denied** based on a finding that the request is inconsistent with the Comprehensive Plan and does not comply with the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer

Site Location Map



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

APPLICANT NARRATIVE

We are wanting to build a state-of-the-art commercial dog boarding facility. We will have boarding capacity for 40 dogs. Daycare capacity for 20 dogs. Extra Kennels for if there is a need to move a dog for cleaning purposes.

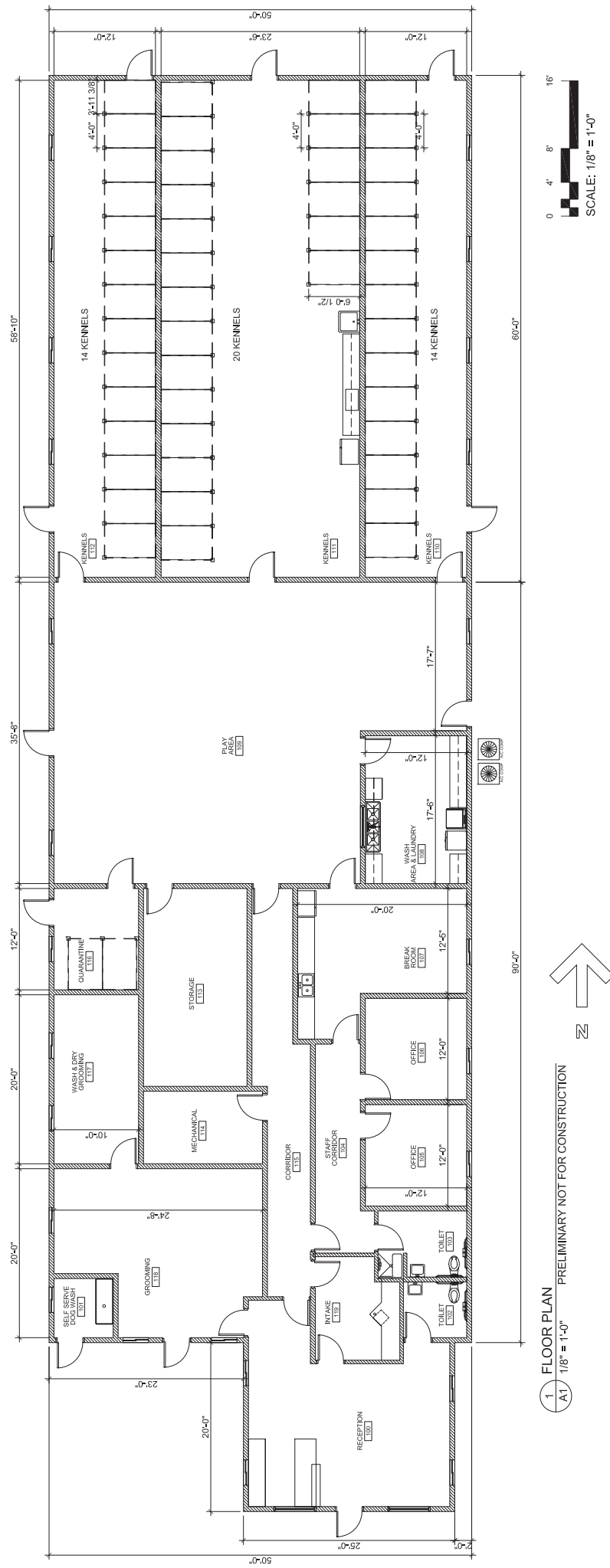
Every Kennel will have floor drains to make it easy to clean & maintain properly daily. Cameras will be in every kennel for the boarding dogs' owners to see them.

Rotating play groups so dogs are in there kennels as minimum as possible during the day.

Large outdoor play areas with 6' Fences that meet the setbacks.

We will also have Grooming and a self-care dog wash. There will be a small store front in the Receptionist area.

The facility will be staffed 24/7 so someone will always be in the building. We are looking at employing 15-20 people.



Certificate of Survey

for

Mark Mason

Part of Section 15, Township 35, Range 26
Baldwin Township, Sherburne County, Minnesota

NO EXCAVATION OR CONSTRUCTION CAN BEGIN UNTIL THIS PLAN IS APPROVED
BY THE LOCAL BUILDING INSPECTOR

LOWEST FLOOR ELEVATION IS SUBJECT TO SOIL AND WATER TABLE CONDITIONS.
PRIOR TO ANY EXCAVATION, EXCAVATOR MUST COMPARE SURVEY WITH BUILDING PLAN AND BULIDER TO VERIFY TYPE OF
BUILDING, DIMENSIONS AND FINAL ELEVATION(S).

Property Description (Quit Claim Deed — Doc. No. 920421):
The Southwest Quarter of the Southeast Quarter of Section 15, Township 35 North, Range 26 West,
Southwest Quarter of the Southeast Quarter of Section 15, Township 35 North, Range 26 West,

And

The North 110 feet of the South Half of the Southwest Quarter of the Southeast Quarter and the North
110 feet of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter all in Section 15,
Township 35 North, Range 26 West, Sherburne County, Minnesota.

Survey Notes:

- This survey was performed without the benefit of a title report. No search
indications were made of this survey and the surveyor reserves the
right to update this survey and report of title documentation.
- Portions of low land and woods edge were digitized from Autodesk Civil 3D
2020 online aerial imagery and are for reference purposes only.
- Road right of way is shown for reference purposes only. Actual widths and
dehllings for the proposed use of this building, per Baldwin Township Zoning
Administration.
- A wetland delineation was not requested or performed for this survey.

REFERENCE BENCHMARK

MNDOT Geodetic Monument #7106 AR*
Elevation = 972.16 feet (NAVD 88)

PROJECT BENCHMARK

Top of hub w/ack at most Mly building
100' From Twp. Rd.
25' Rear
Elevation = 966.42 feet (NAVD 88)

PROPOSED BUILDING ELEVATIONS

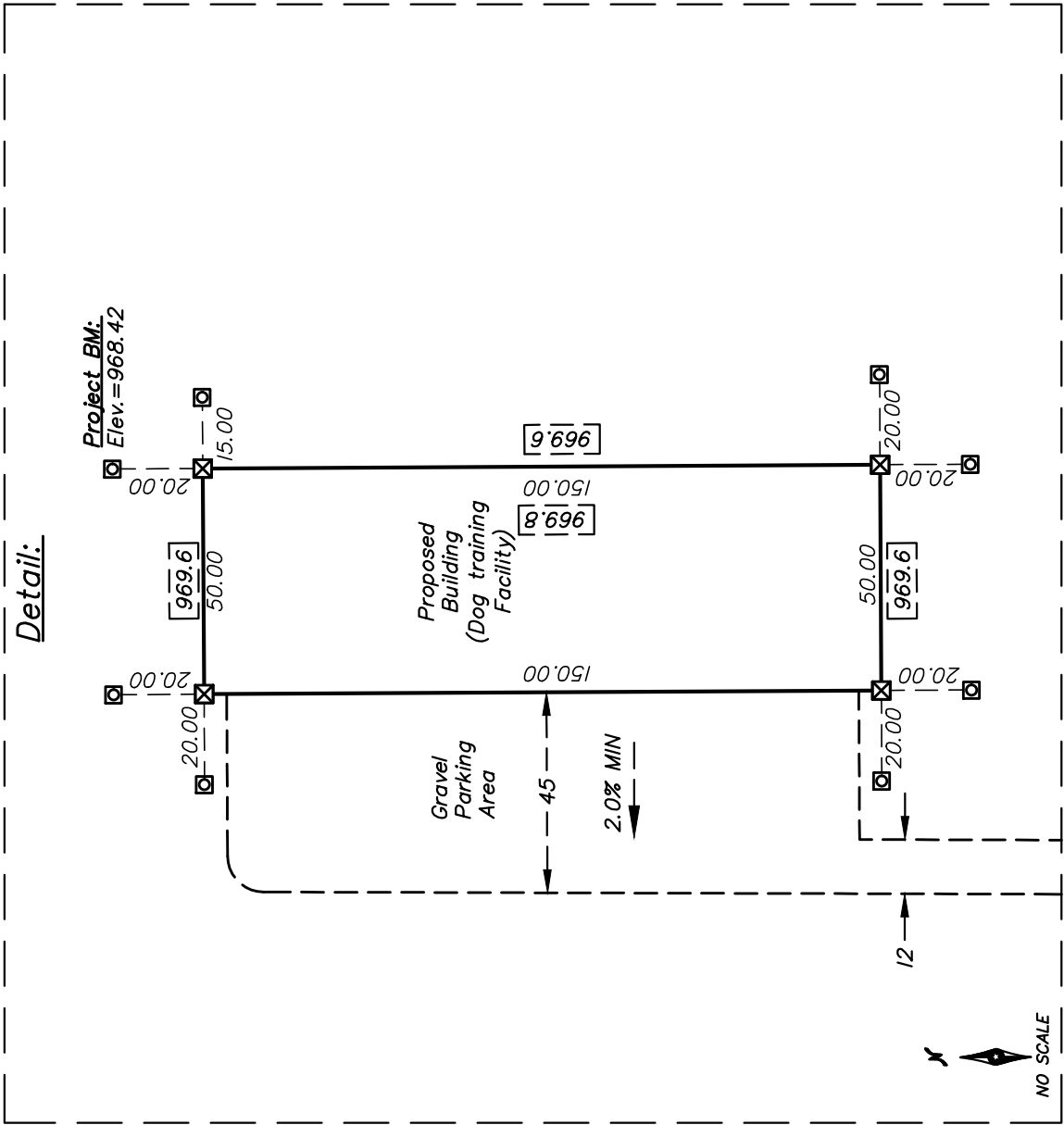
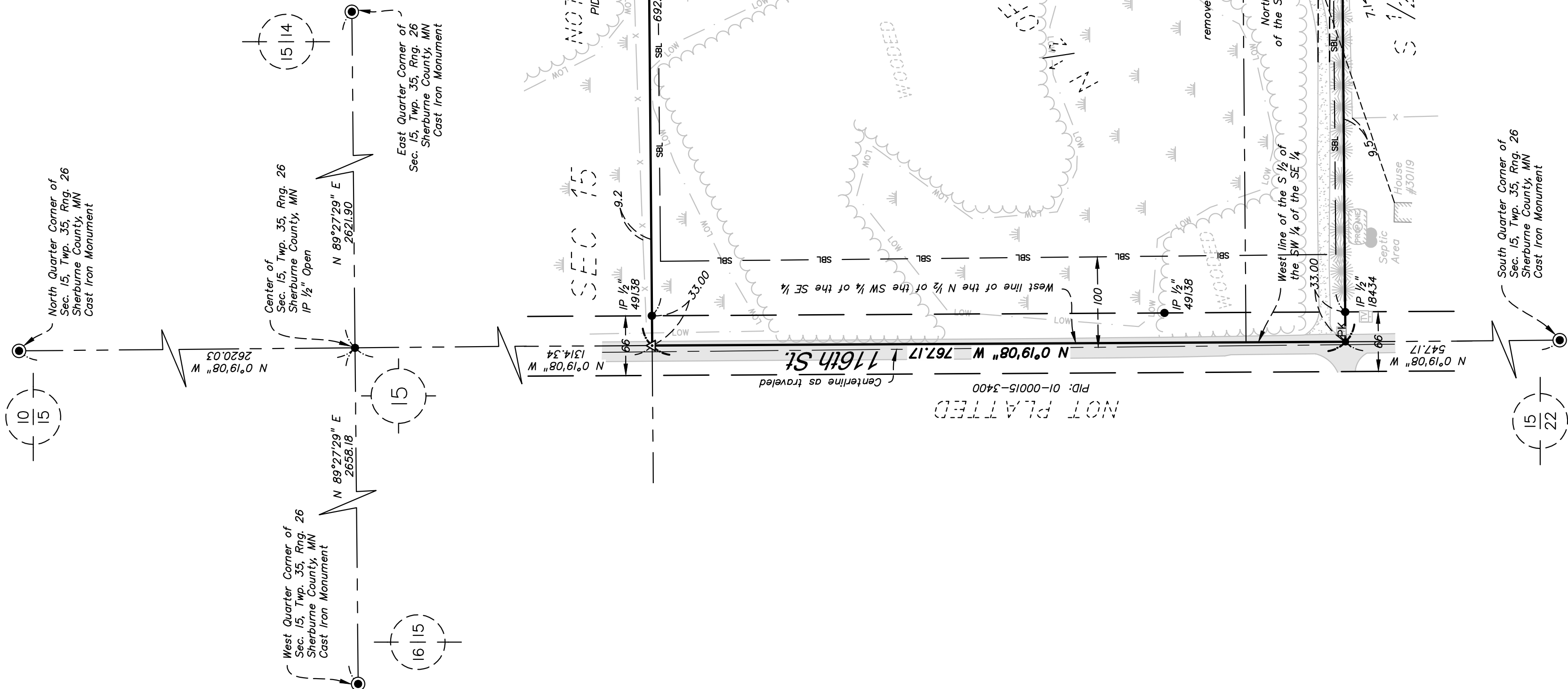
Top of Block (Siab) Elev = 969.8

SETBACKS

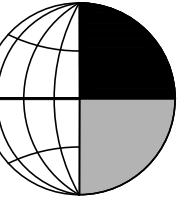
100' From Twp. Rd.
25' Rear
10' Side

ZONING

RI, General Rural



BOGART, PEDERSON & ASSOCIATES, INC.



LAND SURVEYING
ENGINEERING
1076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

Signed: *Craig A. Wensmann*
Date: 3/15/24 Lic. No. 47466

I hereby certify that this survey, plan, or
report was prepared by me or under my
direct supervision, and that I am a duly
licensed Land Surveyor under the laws
of the State of Minnesota.

DATE: 3/11/24
DESIGN BY: CK
CHECKED BY: CEG/CAW
DWG FILE: 24-0099C0S
FILE NO.: 24-0099.00

DESCRIPTION

DATE

REV

NO.

SHEET NO.

Mark Mason
Sec. 15, Twp. 35, Rng. 26
30209 116th St. NW, Princeton, MN 55371
Baldwin Twp, Sherburne County, Minnesota

Certificate of Survey

- LEGEND:**
- Denotes found iron monument
 - Denotes set hub
 - Denotes set lath
 - Denotes existing ground elevation
 - Denotes proposed drainage flow
 - Denotes proposed drainage flow
 - Denotes found cast iron monument
 - Denotes found PK nail
 - Denotes set nail
 - Denotes electrical cabinet
 - Denotes mailbox
 - Denotes septic cleanout
 - Denotes septic manhole
 - Denotes telephone pedestal
 - Denotes cable television box
 - Denotes well
 - Denotes propane tank
 - Denotes low wet area
 - Denotes tree, coniferous
 - Denotes Michael Trunk, LS
 - Denotes Brian Person, LS
 - Denotes bituminous surface
 - Denotes concrete surface
 - Denotes gravel surface
 - Denotes barbed wire fence
 - Denotes tree line
 - Denotes right of way
 - Denotes existing adjacers
 - Denotes low land
 - Denotes building setback line



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

DATE: 18 April 2024

RE: Baldwin Township – Zoning Ordinance; Private Motor Sport Vehicles

TPC FILE: 169.01

BACKGROUND

The Planning Commission at their meetings on 21 February 2024, 20 March 2024 and 1517 April 2024 discussed operation of all-terrain vehicles, golf carts, motorcycles, utility task vehicles, snowmobiles and other recreational vehicles for use both on public roads and private properties. The purpose of this discussion was to considered allowing use of such vehicles on public roads and what, if any amendments to Chapter 31 regulating use of these vehicles on private property should be considered. The Planning Commission will consider a formal recommendation on the proposed ordnances to the Town Board at their meeting on 27 April 2024.

Exhibits:

- Chapter 31 – Private Motor Sport Vehicles (Existing Regulations)
- Ordinance 120 – Special Vehicles (Draft)
- Draft Zoning Ordinance amendment

ANALYSIS

- The proposed special vehicle ordinance is to be separate from the Zoning Ordinance based on operation of motor vehicles in reference to State Statues and not as a land use.
- A definition section is included outlining terms derived from State Statutes for motor vehicle or other terms necessary for the application of the regulations.

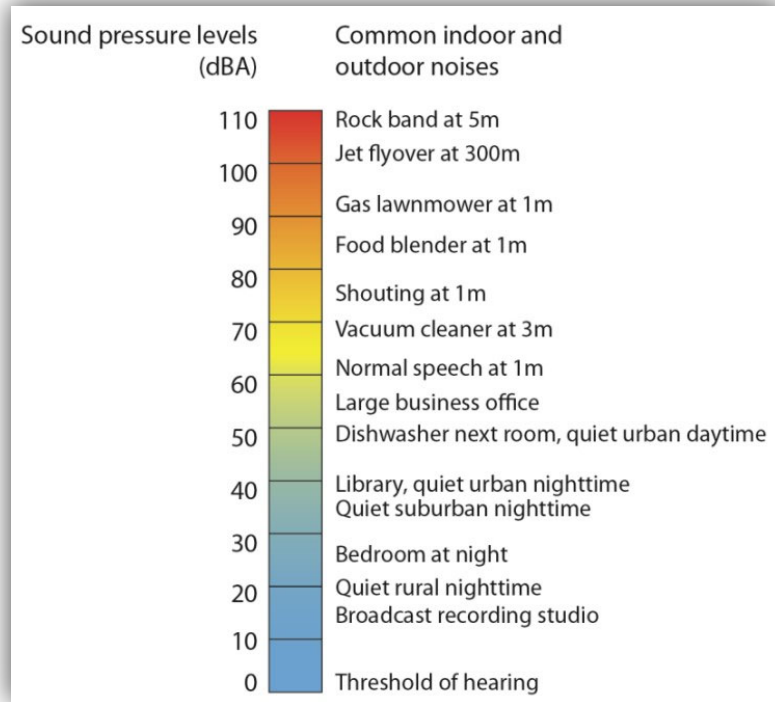
▪ Public Rights-of-Way:

- The proposed regulations allow for operation of defined special vehicles, which includes all terrain vehicles, golf carts, and utility task vehicles upon Town roads.
- State Statutes require that the Town issue a permit for operation of such vehicles upon Town roads:
 - An application process is outlined along with a list of required information to be provided.
 - The Town may establish a fee for issuance of the permit.
 - The Permit can be made valid for up to three years.
- A Class D drivers license and motor vehicle insurance is required by State Statute to operate a special vehicle upon Town roads.
- Special vehicles may only operate on Town roads from sunrise to sunset.
- Specific provisions including application of traffic laws, crossing non-Town roadways, and prohibiting operation on trails and in areas not designated for such vehicles in parks are also included in the operations section of the proposed ordinance.
- Equipment required by State Statute for operation on Town roads is limited to a slow moving vehicle triangle. We recommend the proposed ordinance also require front and rear running lights, brakes, a rearview mirror and mufflers.
- All-terrain vehicles have specific allowances provided for by State Statute regarding operation on public roads, which are included so as not to exclude any existing allowed uses.
- Snowmobiles will be limited to only that use upon public roads allowed by Minnesota Rules so as to avoid conflicts with these regulations, minimize traffic hazards, and preserve the condition of Town roads.

▪ Private Properties:

- Use of recreational vehicles is allowed on all properties subject to the following provisions:
 - Limits on hours of operation between 9:00AM and 7:00PM each day.

- Required installation of mufflers and a specific limit of 94 decibels for noise emissions:



- Avoidance of operating upon subsurface sewage treatment drain field areas.
- Established Tracks:
 - Defined by proposed ordinance.
 - Planning Commission may consider a minimum lot area requirement that is greater than the minimum lot area requirement for lots within the R1, General Rural District generally. A larger minimum lot area requirement provides more space for the established track within the lot and potential greater separation from surrounding uses.
 - Chapter 31 of the Zoning Ordinance already includes setbacks of 20 feet from property lines and 500 feet from residences other than that of the owner.
 - Erosion control would be required only as necessary to comply with stormwater management ordinances.

- Not more than four riders could operate at any one time.
 - One our quiet time is required for each two hours of operation.
- Violation of the provisions of the ordinance could be enforced by administrative citation or via criminal prosecution of a misdemeanor.
- A standard separability clause is included in the proposed ordinance.
- Zoning Ordinance: Section 31 of the Zoning Ordinance is to be amended to specify that the current regulations requiring a established track to obtain an interim use permit is to be applied only to commercial uses.

CONCLUSION

A public hearing to consider the proposed amendments and make recommendations to the Town Board has been noticed for the Planning Commission meeting on 24 April 2024. Our office recommends approval of the proposed ordinances as presented.

c. Joan Heinen, Town Clerk

Chapter 31
PRIVATE MOTOR SPORT VEHICLES

SECTION:

XX-31-1: Purpose

XX-31-2: Allowed Uses

XX-31-3: Performance Standards

XX-31-1: PURPOSE: The purpose of this chapter is to address motor sport activities, which include operation of dirt bikes, all-terrain vehicles, mud trucks, and racecars used for recreation on private property. (Ord. 900, 18 Apr 22)

XX-31-2: ALLOWED USE:

- A. Sites that meet the requirements of this chapter are permitted uses within all zoning districts established by chapter 45 of this ordinance.
- B. Landowners wishing to hold a single day or week-end motor sport event shall apply for a special occasional event interim use permit in accordance with chapter 5 of this ordinance. (Ord. 900, 18 Apr 22)

XX-31-3: PERFORMANCE STANDARDS:

- A. The parcel of land is not in a residential subdivision.
- B. The track shall be located a minimum of 1,000 feet from any residence, except that of the owner.
- C. The track shall be located a minimum of 1,000 feet from a livestock shelter and/or arena, except that of the owner.
- D. The track shall be setback a minimum of 50 feet from any property line. (Ord. 900, 18 Apr 22)

ORDINANCE NO.: 2024-XX

**BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA**

AN ORDINANCE REGULATING SPECIAL VEHICLES

THE BOARD OF SUPERVISORS OF BALDWIN TOWNSHIP DOES HEREBY ORDAIN:

Section 1. The Ordinance 120 - Special Vehicles shall read as follows:

**Ordinance 120
SPECIAL VEHICLES**

SECTION:

- 120-1: Purpose:
- 120-2: Definitions
- 120-3: Public Rights-of-Way
- 120-4: Private Motorsports
- 120-5: Penalty
- 120-6: Severability

120-1: PURPOSE: The purpose of this chapter is to address use of special vehicles including all-terrain vehicles, go-carts, golf carts, mini trucks, motorcycles, mini trucks, neighborhood electric vehicles, snowmobiles, utility task vehicles, or other recreation vehicles upon public roads or for recreation on private property.

120-2: DEFINITIONS: the following terms shall have the meanings given them herein for the purpose of this Ordinance:

All Terrain Vehicle: A motorized vehicle, includes a class 1 all-terrain vehicle defined by Minnesota Statutes 84.92, Subd. 9 and class 2 all-terrain vehicle defined by Minnesota Statutes 84.92 Subd. 10, but not including a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes, with

- A. Not less than three, but not more than six, low pressure or non-pneumatic tires;
- B. A total dry weight of 2,000 pounds or less; and
- C. A total width from outside of tire rim to outside of tire rim that is 65 inches or less.

Boulevard: The portion of the road right-of-way between the curb line or edge of the roadway and the property line.

Established Track: A dirt or gravel course built through alteration of the land by grading, fill, and/or excavation for motorized off-road recreational vehicles, including but not limited to, all terrain vehicles and off-road motorcycles that operate in a repetitive, continuous manner, or an area where recreational motorized vehicles, through their repetitive use have altered or changed the natural contour of the landscape and created a clearly identifiable track, not including trails used generally for property access or agriculture purposes that are the width of a single passenger vehicle or agriculture equipment.

Go-Cart: A motorized miniature vehicle capable of achieving speeds in excess of 10 miles per hour and commonly used on courses or racetracks specifically designed for such vehicles.

Mini Truck: A motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements, but not including a neighborhood electric vehicle or a medium-speed electric vehicle, or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Motor Vehicle (or vehicle): Any device in or upon or by which any person or property is or may be transported or drawn upon a road, highway, alley, or trail and does include trailers, motorcycles, snowmobiles, bicycles, all-terrain vehicles, golf carts, and all vehicles required to be licensed.

Motorized Golf Cart: A vehicle with an electric or gasoline powered engine typically used for carrying golfers and their equipment over a golf course or used to carry passengers, but not including a utility task vehicle or neighborhood electric vehicle.

Natural Terrain: Areas other than roadways, driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

Neighborhood Electric Vehicle: An electrically powered motor vehicle that has three or four wheels, and has a speed attainable in one mile of at least 20 miles per hour but not more than 25 miles per hour on a paved level surface.

Off-Highway Motorcycle: A motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, not including a vehicle that is registered under Minnesota Statutes Chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

Off-Road Vehicles: A motorized recreational vehicle capable of cross-country travel on natural terrain, such as four-wheel-drive trucks, not including vehicles such as snowmobiles, all terrain vehicles, motorcycles, watercraft, or aircraft; farm, logging, military, emergency, law enforcement, utility, trail grooming, and construction vehicles are not considered to be ORVs when used for their intended purpose.

Owner: A person, other than a lien holder, having the property in or title to an all terrain vehicle, off-highway motorcycle or off- road vehicle entitled to the use or possession thereof.

Operate: To ride in or on and have control of the operation of the motorized all terrain vehicle, off-highway motorcycle or off- road vehicle.

Operator: Every person who operates or is in actual physical control of an all terrain vehicle, off-highway motorcycle or off- road vehicle.

Right-of-way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a road, sidewalk, trail, pedestrianway, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer, or other similar uses.

Road: A public roadway providing access by pedestrians and vehicles to abutting properties, whether designated as an avenue, street, highway, road, circle, court, place, lane, boulevard, or parkway, or however otherwise designated.

Roadway: The portion of road right-of-way improved for vehicular travel.

Sidewalk (also trail): A paved path for pedestrians and/or bicycles and similar non-motorized recreational equipment at the side of a roadway.

Special Vehicles: All-terrain vehicles, utility task vehicles, and mini-trucks as defined by Minnesota Statutes 169.045, Subd. 1.; also includes motorized golf carts as defined by this Section.

Snowmobile: A self-propelled vehicle designated for travel on snow or ice steered by skis or runners.

Town or Township: Baldwin Township, Minnesota.

Utility Task Vehicle: A side-by-side, four-wheel drive, off-road vehicle that has four or six wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 pounds but less than 2,600 pounds.

120-3: PUBLIC RIGHTS-OF-WAY: All terrain vehicles, snowmobiles, and special vehicles may operate upon Town roads subject to the following provisions:

A. Application:

1. This section shall apply to use of special vehicles as defined by this Chapter, including all-terrain vehicles, motorized golf carts, snowmobiles, and utility task vehicles.
2. Neighborhood and medium-speed electric vehicles shall be allowed to operate upon all Town roads as provided for by Minnesota Statutes 169.244.

B. Special Vehicles:

1. A permit issued by the Town Clerk shall be required to be issued for operation of a special vehicle, including a motorized golf cart, upon Town roads.
 - a. A request for a special vehicle permit shall be filed with the Town on an official application form and processed in accordance with this Section:

- (1) The application shall be submitted by the owner of the special vehicle.
 - (2) The owner shall submit documentation of State licenses for the vehicle as may be required.
 - (3) The owner shall submit evidence of insurance complying with the provisions of Minnesota Statutes 65B.48, Subd. 5.
 - (4) Fee:
 - (a) The fee for the permit set forth by the Town Fee Schedule shall be paid at the time of application.
 - (b) The licensee shall not be entitled to a refund of any permit fee or portion thereof, upon revocation or suspension of the permit or for the sale or transfer of the special vehicle out of the Town.
 - (c) A request for a special vehicle permit shall be approved or denied within 30 days from the date of receipt of a complete application.
 - (5) The permit shall be valid for a period of three years and may be renewed in accordance with the process for issuance of the initial permit.
3. License Required. Persons operating a special vehicle with a permit issued in accordance with this Chapter shall possess a valid Minnesota Class D drivers license.
4. Hours: Special vehicles may be operated upon town roads as allowed by this section from sunrise to sunset.
5. Operation:
 - a. Every person operating a special vehicle with a permit issued in accordance with this Ordinance on Town roads has all the rights and duties applicable to the driver of any other vehicle under the provisions Minnesota Statutes 169, except when those provisions cannot reasonably be applied as determined by law enforcement.
 - b. Vehicles, when allowed to be driven with travelled portion of public roads, shall do so in single file, in the most right-hand lane when available for traffic or as close as practical to the right hand curb or edge of the roadway, except when passing another vehicle stopped in that lane.
 - c. Special vehicles may cross any County Road, County State Aid Highway, or State Highway intersecting a Town Road.
 - d. Special vehicles shall not be operated on or within:

- (1) Public sidewalks or trails.
 - (2) Town parks, except those drive aisles and parking areas designated for motorized vehicles.
- C. All-terrain vehicles may also be operated upon public rights-of-way in accordance with Minnesota Statutes 84.928.
- D. Snowmobiles may only be operated upon public rights-of-way in accordance with Minnesota _____ rules and the following provisions:
 1. In the bottom or outside slope of a ditch of a Town road, County Road or State Highway.
 2. On iced-over waters that have legal access.
 3. On public lands that are open to motorized vehicles.
- E. Required Equipment:
 1. Operation of special vehicles upon Town Roads as allowed by this Ordinance shall display a slow moving vehicle emblem as required by Minnesota Statutes 169.045, Subd. 4, and the following:
 - a. At least one white forward-facing running light (headlamp).
 - b. At least one red rear-facing running light (taillamp).
 - c. Brakes adequate to control the movement of and to stop and hold the special vehicle.
 - d. Mufflers:
 - (1) Standard mufflers that are properly attached and in constant operation that reduce the noise of operation of in internal combustion engine to the minimum necessary.
 - (2) Use of a muffler cutout, bypass, straight pipe or similar device for a special vehicle with an internal combustion engine shall be prohibited.
 - (3) The exhaust system shall not emit or produce sharp popping or crackling sounds.
 - e. A least one rearview mirror.
 2. All-terrain vehicles operated within public rights-of-way shall have equipment as required by Minnesota Statutes 84.928, Subd. 2.

3. Snowmobiles operated within public rights-of-way shall have equipment as required by Minnesota Rule 6100.5700.

120-4: PRIVATE MOTORSPORTS: Operation of all-terrain vehicles, go-carts, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall be subject to the following provisions:

- A. Private Property: All recreational, special vehicles, motorized golf carts, and off-road motorcycles may be operated upon private property by the owner or with the written permission of the owner carried on the operator's person.
- B. Hours. Operation of all-terrain vehicles, motorcycles, off-road vehicles, snowmobiles and other motorized recreational vehicles on private properties for recreational purposes shall be limited to occur within the hours of 9:00 a.m. to 7:00 p.m. each day, subject to additional provisions of Section 120-4.D of this Ordinance.
- C. Noise:
 1. All all-terrain vehicles, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall have a factory approved exhaust and mufflers may not be altered to increase motor noise, or have a cut out bypass, or similar device.
 2. Noise emissions shall not exceed 94 decibels at a distance of three feet during operation.
- D. Subsurface Sewage Treatment Systems. Operation of all-terrain vehicles, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall not be allowed on either primary or secondary septic drain field sites.
- E. Established Tracks. Establishment of a track as defined by this Ordinance shall be subject to the following requirements:
 1. An administrative permit shall be required as provided for by Chapter 8 of the Zoning Ordinance.
 2. The property upon which the established track is located shall be a minimum of five acres in area.
 3. The established track shall be located in compliance with the following minimum setbacks:
 - a. 20 feet from any property line.
 - b. 500 feet from any residence, except that of the owner.
 4. Erosion control measures shall be implemented as necessary to comply with applicable ordinances.
 5. Operation:

- a. No more than four operators may operate an all-terrain vehicle, go-cart, motorcycle or other recreational vehicle on the property at any one time.
- b. Operation of all recreational vehicles using an established track must cease for a minimum of one hour after every two hours of operation.

120-5: PENALTY: Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor punishable by up to the maximum sentence allowed by law for such offense.

120-6: SEPARABILITY: If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

Section 2. This Ordinance shall become effective after passage and publication.

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ADOPTED by the Baldwin Township Board of Supervisors this ____ day of _____, 2024.

MOTION BY:

SECONDED BY:

IN FAVOR:

OPPOSED:

BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:

Joan Heinen, Town Clerk/Treasurer

ORDINANCE NO.: 2024-XX

BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE ZONING ORDINANCE
REGARDING PRIVATE MOTOR SPORTS VEHICLES

THE BOARD OF SUPERVISORS OF BALDWIN TOWNSHIP DOES HEREBY ORDAIN:

Section 1. Chapter 31 of Ordinance 900 (Zoning Ordinance – Private Motor Sports Vehicles) is hereby amended to read as follows:

Chapter 31
~~PRIVATE~~ MOTOR SPORT VEHICLES

SECTION:

XX-31-1: Purpose

XX-31-2: Allowed Uses

XX-31-3: Performance Standards

XX-31-1: PURPOSE: The purpose of this chapter is to address motor sport vehicle activities, which include operation of dirt bikes, all-terrain vehicles, mud trucks, and racecars used for recreation on private property.

XX-31-2: ALLOWED USE:

- A. Sites that meet the requirements of this chapter are permitted uses within all zoning districts established by chapter 45 of this ordinance subject to compliance with Ordinance 610.
- B. ~~Landowners wishing to hold a single day or week end~~ Commercial motor sports events shall apply for a special occasional event interim use permit in accordance with chapter 5 of this ordinance and subject to the standards established by this chapter.

XX-31-3: COMMERCIAL USE PERFORMANCE STANDARDS:

- A. The parcel of land is not in a residential subdivision.

- B. The track shall be located a minimum of 1,000 feet from any residence, except that of the owner.
- C. The track shall be located a minimum of 1,000 feet from a livestock shelter and/or or arena, except that of the owner.
- D. The track shall be setback a minimum of 50 feet from any property line.

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ADOPTED by the Board of Supervisors of Baldwin Township this ____ day of _____, 2024.

MOTION BY:

SECONDED BY:

IN FAVOR:

OPPOSED:

BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:

Joan Heinen, Town Clerk/Treasurer