

RESOLUTION NO: 24-22

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF AN INTERIM USE PERMIT
FOR PIDs 01-00015-4300 and 01-00015-4401

WHEREAS, Mark and Samantha Mason have submitted as request for approval of an Interim Use Permit to allow a commercial kennel at 30209 116th Street; and

WHEREAS, the property identified as PIDs 01-00015-4300 and 01-00015-4401; and

WHEREAS, the property is guided for rural land uses by the Comprehensive Plan; and

WHEREAS, the property is zoned R1, General Rural District; and

WHEREAS, the applicant is requesting approval of an Interim Use Permit to allow a commercial kennel; 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-5-3 of the Zoning Ordinance:

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

Finding: The Comprehensive Plan promotes continuation and development of rural character. Operation of a commercial kennel is a use common in rural areas and consistent with the policies of the Comprehensive Plan.

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

Finding: The +/-35 acre property is surrounded by large rural tracts such that the area of the surrounding parcels and the subject site will separate the proposed commercial kennel from surrounding residential dwellings mitigating potential compatibility issues. Furthermore, 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.

- 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 commercial kennel 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 commercial kennel complies with the requirements of the Zoning Ordinance 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 the proposed commercial kennel is within the capacity of 116th Street and other roads serving the property.

WHEREAS, 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.

WHEREAS, the planning report dated 3 May 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

NOW THEREFORE BE IT RESOLVED THAT based on the foregoing information and applicable ordinances, the application is **APPROVED**, 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.

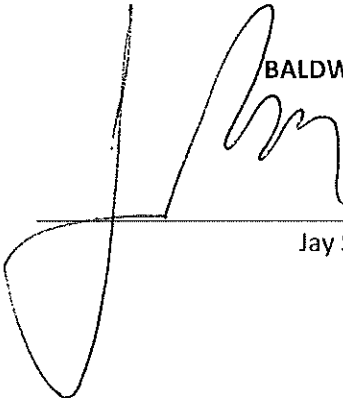
9. All wetland issues are subject to review and approval of Sherburne County in accordance with Section XX-16-4.A of the Zoning Ordinance.
10. The two parcels comprising the property shall be combined in accordance with Chapter 5 of the Subdivision subject to review and approval of the Zoning Administrator.
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.

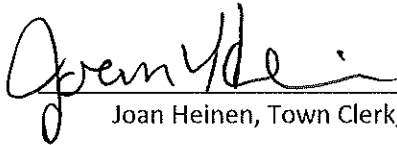
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ADOPTED by the Board of Supervisors of Baldwin Township this 3rd day of May, 2024.

MOTION BY: Walker
SECOND BY: case
ALL IN FAVOR: All
THOSE OPPOSED: None

Jeff Holm Absent


BALDWIN TOWNSHIP
Jay Swanson, Chair

ATTEST:

Joan Heinen, Town Clerk/Treasurer