IV. Land Use

A. EXISTING LAND USE

The Metropolitan Council provided maps of existing land use in the Township and tables that estimate the area of use by land use classification in 2005 and 2010. The Council’s data is shown on the Existing Land Use Map (Exhibit 8) and the table below indicates the distribution of land uses by acreage in Baytown Township.

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>2005 Acres</th>
<th>2010 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Undeveloped</td>
<td>3,529</td>
<td>3,182</td>
</tr>
<tr>
<td>Residential</td>
<td>1,035</td>
<td>1,115</td>
</tr>
<tr>
<td>Industrial and Utility</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>Extractive (mining)</td>
<td>84</td>
<td>100</td>
</tr>
<tr>
<td>Institutional</td>
<td>108</td>
<td>138</td>
</tr>
<tr>
<td>Commercial/Mixed use</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Park, Recreation, Open Space</td>
<td>149</td>
<td>356</td>
</tr>
<tr>
<td>Major Roadways</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Airport</td>
<td>271</td>
<td>271</td>
</tr>
<tr>
<td>Open Water</td>
<td>691</td>
<td>691</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,870</strong></td>
<td><strong>5,870</strong></td>
</tr>
</tbody>
</table>

*Metropolitan Council (2005 and 2010 land use data)*

The following sections discuss the major land use areas within the Township that are identified on the Existing Land Use Map (Exhibit 8) and 2040 Land Use Plan (Exhibit 9).

1. Agriculture

Agriculture lands make up approximately one quarter of the Township’s area, and are particularly concentrated in the areas near the Lake Elmo Airport and in the eastern portion of the Township.

Prior to 1960, Baytown Township was almost entirely agricultural, but since then a significant amount of residential development has occurred in the Township. Baytown Township has been steadily losing agricultural land over the past years.

One significant area of the Township is enrolled in the Agriculture Preserves program, as shown on the 2040 Land Use Plan. The remaining areas designated for Agricultural land use include farms and
aggregate mining operations, which are permitted only within areas zoned for Agricultural use.

a. **Agricultural Preserves**

In April 1980, the State Legislature passed and the Governor signed the Metropolitan Agricultural Preserves Act. This act provides a package of benefits to enable farmers near urban areas who want to continue farming to do so on an equal footing with farmers not affected by urban pressures. The intent is to allow farmers to make long-term agricultural investments with the assurance that their land would continue in farm use.

Farmland in Agricultural Preserves is taxed according to its agricultural use rather than market value, and mill rates are reduced to a level comparable to outstate agricultural areas. The act limits property taxes in two ways: first land in agricultural use is valued solely according to its agricultural use value; second, a maximum rate of tax is set, based on 105 percent of the statewide average for Township gross mill rates. Any revenue shortfall resulting from limiting the mill rate is reimbursed by the state.

The Township includes any parcels participating in the Agricultural Preserves program in the Agricultural Preserves (AF) Zoning District, which has a minimum lot size of 40 acres and limited allowed and permitted uses based on the Agricultural Preserves Act.

2. **Residential Development—Single Family Estates Land Use areas and Zoning District**

Land use in Baytown Township consists primarily of large lot single family residential land uses. The Metropolitan Council forecasts that the number of households within the Township will increase from 573 households in 2010, to 670 in 2020, to 720 in 2030 and 760 in 2040. This is a 17% increase from 2010 to 2020, and a 13% increase from 2020 to 2040. This growth in households and the corresponding growth in population will be concentrated in the Residential areas. Future development is likely to occur at similar patterns and densities to past development.

The Township permits some options for creative subdivisions within the Single-Family Estates areas:
a. Lot Averaging and Cluster Developments

The Township’s Zoning Ordinance currently permits lot averaging and cluster developments (also called Open Space Subdivisions) as a subdivision option.

Lot averaging permits variable lot sizes within a subdivision as long as the overall density of the subdivision is consistent with the Comprehensive Plan and Zoning Ordinance. Cluster development is defined as residential development in which a number of single family dwelling units are grouped on lots that are smaller than permitted in the zoning district if a significant portion of the subdivision is preserved for open space through a perpetual conservation easement. Cluster developments may “earn” bonus units if they help to implement the Township’s land use goals.

The Township has noted that it is becoming difficult to identify organizations that are willing to accept and monitor the conservation easements that are required for Cluster Subdivision. The Minnesota Land Trust and MnDNR are not interested in monitoring easements on smaller parcels or those that do not have high-quality natural communities. Washington County will not accept or monitor these easements.

The Township reviewed the existing cluster subdivisions and noted a number of issues: 1) the subdivisions have not always contributed to meeting the Township’s land use goals as the open space areas have not preserved significant natural resources or meaningful open space areas, and 2) residents often encroach on the open space areas, and this activity becomes difficult to discourage when Homeowners’ Associations are no longer active, or with changes in home ownership. The Township will study this issue in the near future, and may update its Zoning Ordinance to include changes to Lot Averaging and Open Space Subdivisions. The Town has included a goal to review these development options in the land use goals for this plan.

3. Public Lands

Public lands in the Township include the Washington County Fairgrounds, Lake Elmo Airport, and Bayport Wildlife Management Area.

The use of the Fairgrounds is governed by a Conditional Use Permit issued by Washington County. The County’s land use and zoning authority for areas outside of Shoreland areas, the St. Croix River District, and Mining uses will transition to the Township in 2016. The
Fairgrounds proposed uses of the property for large-scale events have met opposition from Township residents, and generated concern about the long-term use of the property and permit. The Township has included a future land use study for the Fairgrounds area in its land use goals for this Comprehensive Plan, and noted this on the 2040 Land Use Plan.

The Lake Elmo Airport is mostly located within the boundaries of Baytown Township. This facility consists of approximately 530 acres in the southwestern corner of the Township owned by the Metropolitan Airports Commission. The Airport is currently completing its Comprehensive Plan, which includes some safety improvements and a runway extension to the south. The changes have no impact on Baytown Township.

The State of Minnesota owns approximately 337 acres in the Township—the Bayport Wildlife Management Area. The area in the north-central portion of the town on the west side of Osgood Avenue, and is used as a game management area managed by the Minnesota Department of Natural Resources.

The State also owns property on the west side of the Union Pacific Railroad tracks, south of the City of Bayport and up to the St. Croix River, called the St. Croix Savanna Scientific and Natural Area. The southernmost part of this area is managed by the Minnesota Department of Natural Resources, a portion north of that is managed by the Minnesota Department of Transportation, and the remaining northernmost portions are used by the Minnesota Department of Corrections. These properties and the Wildlife Management Area are public lands and valued by Township residents for the recreational opportunities that they provide.

4. **Institutional Use**

The area identified on the Land Use Map as “institutional” use is the property occupied by the St. Croix Preparatory Academy. This area occupied by this use is expected to remain unchanged through 2040.

5. **Mining Uses**

Aggregate resources within the Township are included in the Agriculture land use area on the eastern boundary of the Township. There are two active mining areas in the southeast portion of the Township.

Exhibit 8 identifies the areas within the Township that include significant aggregate resources.
B. FUTURE LAND USE

Baytown Township has made changes to its future land use plan in this Comprehensive Plan Update from the plan that was approved in the 2030 Plan. The proposed 2040 Land Use Plan is shown on Exhibit 9.

The Township is a rural residential community and wishes to preserve its character, sense of community, and existing Township borders. In order to preserve the Township’s goals and policies which reinforce these values, the Township does not plan to provide municipal waste water services within the Township. The Township’s land use plan proposes that most of the Township be developed as single-family estates and agricultural uses. Other smaller areas of public and institutional uses are included in the plan.

Table 4:
Future Land Use

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Preserves</td>
<td>200</td>
</tr>
<tr>
<td>Agriculture</td>
<td>328</td>
</tr>
<tr>
<td>Single Family Estates</td>
<td>3,659</td>
</tr>
<tr>
<td>Public</td>
<td>948</td>
</tr>
<tr>
<td>Institutional</td>
<td>59</td>
</tr>
<tr>
<td>Water and wetlands</td>
<td>671</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,865</strong></td>
</tr>
</tbody>
</table>

Source: Metropolitan Council, TKDA

The intent and purpose of each land use area is as follows:

i. Agriculture Preserves (1 density unit/40 acres)

The purpose of this designation is to preserve agriculture as a viable permanent land use and significant economic activity within the Township on parcels with a minimum size of 40 acres. Properties currently enrolled in or eligible for the Agricultural Preserves program are included in this land use designation.

ii. Agriculture (4 density units/40 acres)

The purpose of this area is to preserve land which can be utilized for interim agriculture on lots smaller than those required in the Agricultural Preserves designation, and includes aggregate mining operations. This category would allow for rural low density housing and will be developed at a density of 4 density units per 40 acres (1
home per 10 acres). This low density type development will also help preserve the rural character of the Township and keep service costs low.

### iii. Single Family Estate (16 density units/40 acres)

Single Family Estate lands will be developed with single-family residential uses at a minimum density of 16 density units per 40 acres (1 home per 2.5 acres). This is the largest land use designation within the Township.
iv. Public

This classification includes lands that are publicly or privately owned and operated for public purposes. Underlying zoning will be consistent with the adjoining areas.

The Lake Elmo Airport and the Washington County Fairgrounds are included in this designation. The designation also includes the Bayport Wildlife Management Area and the St. Croix Savanna Scientific and Natural area and is managed by the Minnesota Department of Natural Resources.

v. Institutional

There is one area within the Township designated as an Institutional land use. The St. Croix Preparatory Academy in 2007/2008 purchased property west of CSAH 21 and north of the Union Pacific Railroad Tracks. The City of Bayport provides of city sewer and water services to this property through a Joint Powers Agreement, executed in March 2008.
Exhibit 9

Legend
Baytown Township
Municipal Boundaries
Aggregate Resources 1997, 2020, 2040
Parcels
Lakes
Airport
Port 2040 Land Use Study Area

2040 Land Use and Zoning Districts
Agricultural Preserves (1 du/40 ac)
Agriculture (4 du/40 ac)
Single Family Estate (16 du/40 ac)
Public
Institutional

BAYTOWN TOWNSHIP
2040 Land Use Plan

DATE: MAY 2010

Source: Metropolitan Council, Washington County, MDRA

West Lakeland Township
Oak Park Heights
Lake Elmo
Bayport
C. LAND USE GOALS AND POLICIES

i. Goals—the Township will implement its 2040 Comprehensive Plan to address the following goals and policies:

1. Protect and preserve the rural residential character of the Township.

2. Maintain the geographic boundaries of the Township.

3. Encourage development to occur in an orderly manner that makes Baytown more attractive to residents and retains the rural character of the Township.

4. Require future development to be consistent with the adopted Comprehensive Plan.

5. Identify areas for rural and agriculture land uses where maximum densities are not greater than 4 units per 40 acres, and areas for rural residential land uses at maximum densities of 16 units per 40 acres.

6. Encourage the continuation of commercial and/or hobby farming as a viable land use to maintain rural character and as a way to contribute to the economic activity of the Township.

7. Study and implement subdivision options (lot averaging and cluster subdivisions) and environmental protection provisions in the Zoning Ordinance to permit flexible development, and achieve the Township’s land use goals.

8. Promote best management practices for stormwater management, habitat restoration, and natural resource conservation in development plans and projects.

9. Complete a study of the potential long-term use of the Fairgrounds property and compatibility with surrounding land uses.

ii. Policies

1. The Township will update its Zoning Map and Ordinance to be consistent with the land use plan and goals in this Comprehensive Plan.

2. The Township will update its ordinances as needed to meet the natural resource goals in this plan and its Local Surface Water Management Plan.

3. All land development cost will be borne by the developer including but not limited to road construction, drainage improvements,
landscaping, attorney fees, planning fees, and engineering fees associated with each.

4. Developers of new subdivisions must demonstrate that each newly created lot can accommodate, first, two (2) proper subsurface sewage treatment systems and, second, a house meeting all setback requirements in both the zoning ordinance and subsurface sewage treatment system ordinance.

5. Requests for subdivisions of land must meet current Township and County regulations regarding adequate lot frontage, access, provision of septic/water, and other minimum lot requirements.