

TO: Cannon Falls City Council
FROM: Zach Logelin, License and Permit Technician
SUBJECT: Cannon Valley Fair-Ordinance Text Amendment
DATE: September 3rd, 2024

BACKGROUND

The Cannon Valley Fair is applying for an ordinance text amendment to amend city code to allow a race track for motorized “kart” racing in the UR, Urban Reserve Zone, via a Conditional Use Permit. They are holding off applying for the CUP to accompany this amendment to wait and see if approval is granted.

If approved tonight, the fair will still need to apply for a Conditional Use Permit. The application for a Conditional Use Permit will allow the Planning Commission to put conditions on the use.

If the amendment is approved, Planning Commission will need to consider reasonable conditions to apply to the Conditional Use Permit.

Example Conditions to Consider:

Conditions relating to but not limited to size of races, number of races, lights, noise, exhaust, smell, traffic, hours of operation, etc)

It is important to remember the criteria when approving text amendments. The present and future land uses of the area and the existing Urban Reserve zone, which your decision will affect, should all be taken into account. Please refer to exhibit 3 to see existing UR districts throughout the city.

City Code 152.057 relating to Amendment approval:

The Planning Commission shall consider possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:

- (A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;
- (B) The proposed use is or will be compatible with present and future land uses of the area;
- (C) The proposed use conforms with all performance standards contained in this chapter;
- (D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and
- (E) Traffic generation by the proposed use is within capabilities of streets serving the property.

Noise Ordinance:

See exhibit 5. The City does have an ordinance in place to control loud and unnecessary noise. It may be a good idea to tie some of the conditions to City Code 91.01. The Minnesota Pollution Control Agency has offered their help to assist with keeping noise at a reasonable level.

City of Princeton:

The City of Princeton also has a racetrack in city limits. I have attached resolutions passed in Princeton relating to the track as seen in exhibit 4 for your review. The raceway in Princeton also has to apply for a Conditional Use Permit to be able to operate. Upon talking to the Princeton City Planner, I learned much of their enforcement is tied back to their noise ordinance.

Reference to the Comprehensive Plan:

The City of Cannon Falls Comprehensive Plan helps guide how our City grows. Please refer to exhibit 6, which shows the priority areas for housing and commercial growth. Some of the UR zone falls within these future expansion sites.

Urban Reserve Used (page 8.3 in Comp Plan) -These areas are “expected” to be next in line for development.

In your packet, you will find one ordinance approving and one resolution denying the amendments. Since a resolution can not approve an ordinance text amendment, the resolution granting the amendment has been tweaked in the form of an ordinance and will require two hearings.

If approval is granted, conditions in the ordinance may be added that would apply to all future kart racing in the UR zone. These conditions are in addition to any conditions that Council may require for a specific application in the future. IF the Council decides to approve the text amendment and put conditions in the text, please direct us to amend the draft ordinance for a first reading at the following meeting.

The Following are Attached to Further Describe the Proposal:

1. Amendment Application
2. Aerial Map of Race Track
3. Zoning Map
4. Princeton Resolutions Relating to a CUP Approved for a Racetrack
5. Noise Ordinance
6. Comprehensive Plan page 2.3 Related to Future Urban Expansion
7. Fair Denial Resolution
8. Fair Approval Ordinance

REQUESTED COUNCIL ACTION

I respectfully request the Council discuss the proposed Zoning Text Amendment and choose either to approve or deny the application. If approving, the text amendment requires the adoption of an ordinance and you may consider approving the first reading of the proposed ordinance. If denying, your decision should be memorialized by written findings and you may consider approving the proposed resolution.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota will meet on Monday, August 19th, 2024 beginning at 6:30 p.m. (or as soon thereafter as the matter may be heard) in the City Council Chambers at City Hall, 918 River Road, to conduct a public hearing to consider an application requesting an Ordinance Text Amendment to allow a motorized racing track via a Conditional Use Permit for the Cannon Falls Fair Association. If City Code is amended, the applicant will still need to go through the necessary approval process for Conditional Use Permit approval.

More detailed information relating to the application is available for public inspection at the office of the City Administrator, 918 River Road, Cannon Falls, MN 55099.

Anyone interested in offering comments with regard to the application for the Amendment will be given an opportunity to do so at this hearing.

Zach Logelin

507-263-9308

(Aug. 8, 2024) 243181



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9308

SUBJECT TO STAFF REVIEW

Street Location of Property: 800 9th St. N

Legal Description of Property: _____

Owner of Record: Name: Cannon Valley Fair

Daytime Phone: 507.263.3548 (office)

Address: 800 9th St. N

Cannon Falls MN 55009

Applicant (if other than owner)

Rep. Name: Ferlin Miller Notary Stamp

Daytime Phone: 612.616.7328

Address: 1016 Minnesota St. W
Cannon Falls MN 55009

E-Mail Address: Fmiller@local49.org

Nature of Legal or Equitable Interest of Applicant (Documentation must be attached :)

- | | | | | |
|----------|-------------------------------------|---|-------------------------------------|-----------------------------------|
| Request: | <input checked="" type="checkbox"/> | Conditional Use Permit | <input checked="" type="checkbox"/> | Rezoning/Ordinance Text Amendment |
| | <input type="checkbox"/> | Subdivision | <input type="checkbox"/> | Variance |
| | | <input type="checkbox"/> Concept | <input type="checkbox"/> | Interim Use Permit |
| | | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> | Amendment |
| | | <input type="checkbox"/> Final Plat | <input type="checkbox"/> | CUP/PUD |
| | | <input type="checkbox"/> Administrative | <input type="checkbox"/> | Site Plan Review |
| | <input type="checkbox"/> | Administrative Permit | <input type="checkbox"/> | Special Home Occupation |
| | <input type="checkbox"/> | Vacation | <input type="checkbox"/> | Annexation Petition |
| | <input type="checkbox"/> | Comp Plan Amendment | <input type="checkbox"/> | Appeal |
| | <input type="checkbox"/> | Other | | |

FOR CITY USE ONLY

Date Application Filed: _____

Basic Fees: ~~\$~~ 450.00 _____

Received By: 3C _____

Escrow Deposit: _____

Evidence of Ownership Submitted: Yes No Required
Certified Lot Survey: Yes No Required
Legal Description Adequate: Yes No Required

Date of Planning Commission Meeting: August 19th, 2024 _____

Recommendation of Planning Commission on: _____ Approve Deny

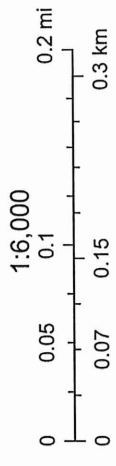
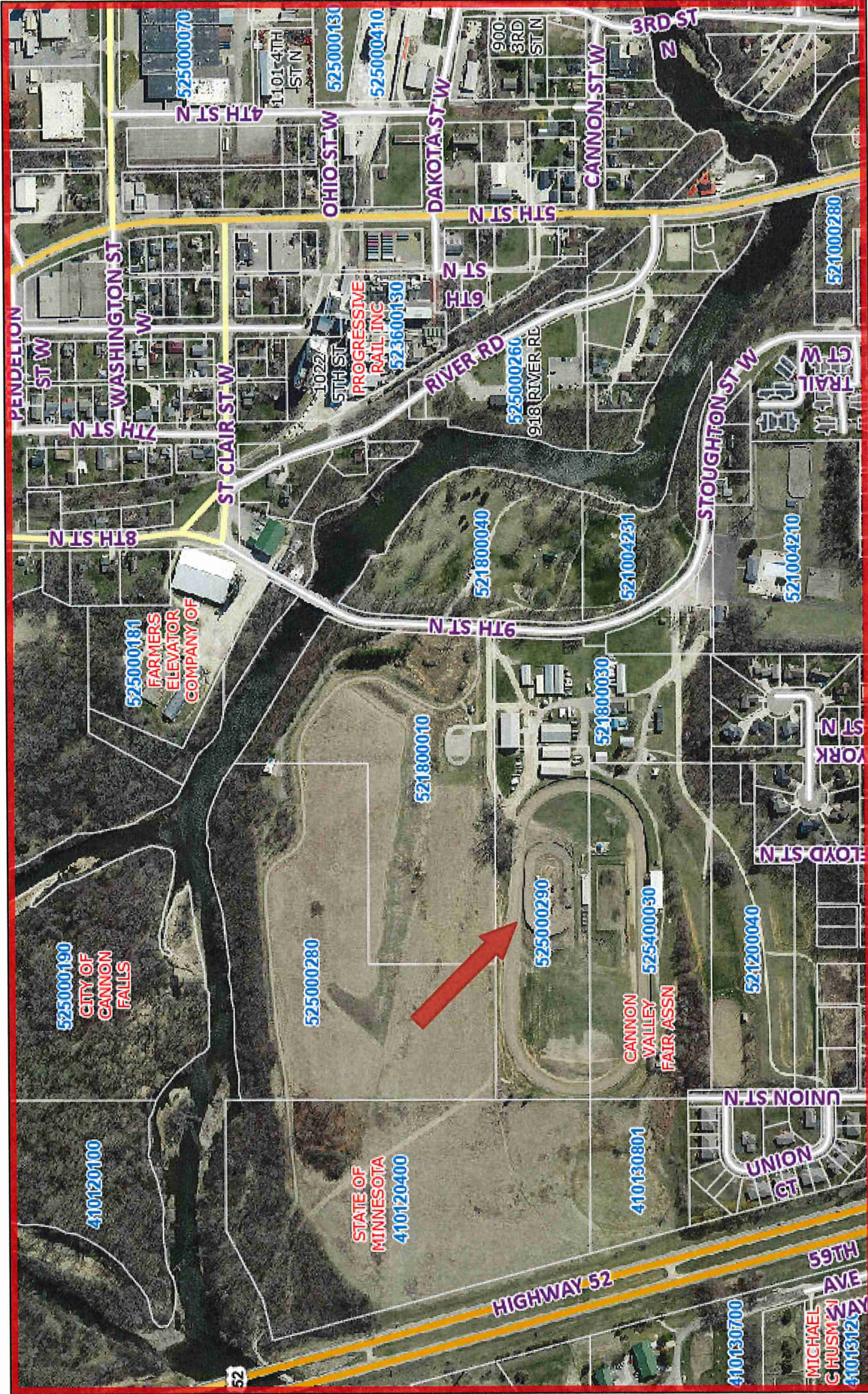
Recommendation of City Council on: _____ Approve Deny

Subject to following conditions: _____

Legal
Description:

UNPLATTED LAND 8.94 AC ID# 2-0260-01400 S 342 FT OF LOT 10 SEC 7 112 17 PT VACATED 9TH
ST

ArcGIS WebMap Ex 2



August 15, 2024

- Goodhue County Roads
- USHWY
- Esri Major Roads
- Full Name
- Parcel
- Full Address
- SHWY
- CSAHP; CRP
- OCTY; OCTRLN; CTRLN
- PIN
- Full Name
- Parcels

Ex 4

Mille Lacs County Minnesota
by Brenda Eklund

Deed tax: 0.00

ECRV

PID:

A440325

Office of the County Recorder
Mille Lacs County Minnesota
Certified, Filed and/or Recorded on:

03-20-2024 8:13:00 AM

Fee: \$46.00

Pages: 2

KS

CITY OF PRINCETON

705 2ND STREET NORTH

PRINCETON, MN 55371

Reserved for Recording Purposes

PC RESOLUTION #24-02

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT AMENDMENT TO PC RESOLUTION #17-01 TO ADD A PRACTICE NIGHT DURING THE WEEK IN MAY WITH THE CURFEW OF 9 P.M. AND AN ADDITIONAL WEEKDAY RACE IN MAY WITH THE CURFEW OF 11 P.M. AND AN EXTRA RACE NIGHT AT THE AUGUST FAIR WEEK WITH THE CURFEW THAT NIGHT TILL 11:30 P.M. AT THE PRINCETON SPEEDWAY IN AN A-2, AGRICULTURAL ZONING DISTRICT AT 1400 THIRD STREET NORTH, (MILLE LACS COUNTY FAIRGROUNDS)

Legal Description: S 295 FT OF SE OF SE, EX E 755 FT, & EX.69A PARCEL #12 TO HY 169, SEC 29, TWP 36, R 26; W 17.1 ACRES OF NE OF NE, EX S 300 OF E 200 FT. & EX 5A PARCEL #11 TO HY 169 (FC), SEC 32, TWP 36, R 26; S 295 FT OF E 748.4 FT OF SE OF SE, SEC 29 & N 835 FT OF E 755 FT OF NE OF NE SEC 32 DES IN BK 69 P 104, & PART OF BLK 14-3RD ADDN TO OAK KNOLL CEME, & PART OF TRS DES IN BK 57 P 594 LYING S'LY OF A LINE DES IN 10/15/96 SKETCH, SEC 29 & 32, TWP 36, R 26; PIDS #24-029-0901, #24-032-2802, AND #24-029-1200.

WHEREAS, Big O Racing, LLC has submitted an application for a Conditional Use Permit amendment to PC Resolution #17-01 to add a practice night during the week in May with the curfew of 9 P.M. and an additional weekday race in May with the curfew of 11 P.M. and an extra race night at the August Mille Lacs County Fair week with the curfew that night till 11:30 P.M.; and

WHEREAS, the conditions for PC Resolution #02-13, PC Resolution #15-04, PC Resolution #16-03, and PC Resolution #17-01 will still be in place with the addition of PC Resolution #24-02; and

WHEREAS, a representative from Mille Lacs County Agricultural Society has signed off on the Conditional Use Permit application; and

WHEREAS, a public hearing was held by the Planning Commission February 26th, after due published and posted notice had been given, and a reasonable attempt was made

Reserved for Recording Purposes

PC RESOLUTION #24-02

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT AMENDMENT TO PC RESOLUTION #17-01 TO ADD A PRACTICE NIGHT DURING THE WEEK IN MAY WITH THE CURFEW OF 9 P.M. AND AN ADDITIONAL WEEKDAY RACE IN MAY WITH THE CURFEW OF 11 P.M. AND AN EXTRA RACE NIGHT AT THE AUGUST FAIR WEEK WITH THE CURFEW THAT NIGHT TILL 11:30 P.M. AT THE PRINCETON SPEEDWAY IN AN A-2, AGRICULTURAL ZONING DISTRICT AT 1400 THIRD STREET NORTH, (MILLE LACS COUNTY FAIRGROUNDS)

Legal Description: S 295 FT OF SE OF SE, EX E 755 FT, & EX.69A PARCEL #12 TO HY 169, SEC 29, TWP 36, R 26; W 17.1 ACRES OF NE OF NE, EX S 300 OF E 200 FT. & EX 5A PARCEL #11 TO HY 169 (FC), SEC 32, TWP 36, R 26; S 295 FT OF E 748.4 FT OF SE OF SE, SEC 29 & N 835 FT OF E 755 FT OF NE OF NE SEC 32 DES IN BK 69 P 104, & PART OF BLK 14-3RD ADDN TO OAK KNOLL CEME, & PART OF TRS DES IN BK 57 P 594 LYING S'LY OF A LINE DES IN 10/15/96 SKETCH, SEC 29 & 32, TWP 36, R 26; PIDS #24-029-0901, #24-032-2802, AND #24-029-1200.

WHEREAS, Big O Racing, LLC has submitted an application for a Conditional Use Permit amendment to PC Resolution #17-01 to add a practice night during the week in May with the curfew of 9 P.M. and an additional weekday race in May with the curfew of 11 P.M. and an extra race night at the August Mille Lacs County Fair week with the curfew that night till 11:30 P.M.; and

WHEREAS, the conditions for PC Resolution #02-13, PC Resolution #15-04, PC Resolution #16-03, and PC Resolution #17-01 will still be in place with the addition of PC Resolution #24-02; and

WHEREAS, a representative from Mille Lacs County Agricultural Society has signed off on the Conditional Use Permit application; and

WHEREAS, a public hearing was held by the Planning Commission February 26th, after due published and posted notice had been given, and a reasonable attempt was made

to give personal notice to all affected property owners, and all persons interested were given an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Conditional Use Permit amendment to add a practice night during the week in May with the curfew of 9 P.M. and an additional weekday race in May with the curfew of 11 P.M. and an extra race night at the August Mille Lacs County Fair week with the curfew that night till 11:30 P.M. at the Princeton Speedway with the following conditions:

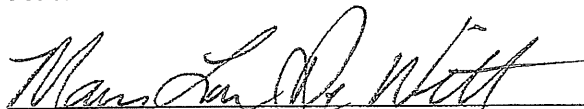
1. All conditions for PC Resolution #02-13, PC Resolution #15-04, PC Resolution #16-03, and PC Resolution #17-01 be followed.
2. The two additions to the May weekday schedule end as timely as possible.

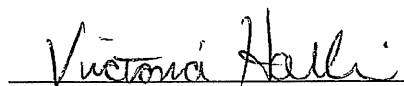
ADOPTED this 26th day of February, 2024

This instrument was drafted by:

City of Princeton
705 2nd Street No.
Princeton, MN 55371

ATTEST:


Mary Lou DeWitt, Comm. Dev. Zoning Specialist


Chairperson



A400351

Office of the County Recorder
Mille Lacs County Minnesota
Certified, Filed and/or Recorded on:
April 26, 2017 9:00 AM
Fees: \$46.00
Pages: 2
Return to:
CITY OF PRINCETON
705 SECOND STREET NORTH
PRINCETON, MN 55371
6 8 5 4 4

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PC RESOLUTION #17-01

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT AMENDMENT TO PC RESOLUTION #16-03 FOR AN EXTENSION OF THE 11:30 P.M. CURFEW TO MIDNIGHT FOR FOUR RACE NIGHTS AT THE PRINCETON SPEEDWAY IN AN A-2 AGRICULTURAL ZONING DISTRICT AT 1400 THIRD STREET NORTH (MILLE LACS COUNTY FAIRGROUNDS)

Legal Description: S 295 FT OF SE OF SE, EX E 755 FT, & EX.69A PARCEL #12 TO HY 169, SEC 29, TWP 36, R 26; W 17.1 ACRES OF NE OF NE, EX S 300 OF E 200 FT, & EX 5A PARCEL #11 TO HY 169 (FC), SEC 32, TWP 36, R 26; S 295 FT OF E 748.4 FT OF SE OF SE, SEC 29 & N 835 FT OF E 755 FT OF NE OF NE SEC 32 DES IN BK 69 P 104, & PART OF BLK 14-3RD ADDN TO OAK KNOLL CEME, & PART OF TRS DES IN BK 57 P 594 LYING S'LY OF A LINE DES IN 10/15/96 SKETCH, SEC 29 & 32, TWP 36, R 26; PIDS #24-029-0901, 24-032-2802, AND 24-029-1200.

WHEREAS, Princeton Speedway has submitted an application for a Conditional Use Permit amendment to PC Resolution #16-03 for an extension of the 11:30 P.M. curfew to midnight for four race nights for automobile racing in an A-2 Agricultural Zoning District at 1400 Third Street North; and

WHEREAS, the conditions for PC Resolution #02-13, PC Resolution #15-04, and PC Resolution #16-03 will still be in place with the addition of the extension to 11:30 P.M. curfew to midnight for four race nights; and

WHEREAS, a representative from Mille Lacs County Agricultural Society has signed off on the Conditional Use Permit application; and

WHEREAS, a public hearing was held by the Planning Commission on March 20, 2017 after due published and posted notice had been given, and a reasonable attempt was made to give personal notice to all affected property owners, and all persons interested were given an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Conditional Use Permit for an extension of the 11:30 P.M. curfew to midnight on four racing nights with the following conditions:

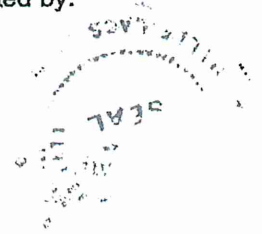
1. Friday night races shall end by 11:00 P.M. except on four nights of the season (May 12th, floating night in June, floating night in July, and August 4th).

2. Traffic will be encouraged to exit through the pits and away from the residential streets.
3. Litter will be picked up within a four block radius by management.

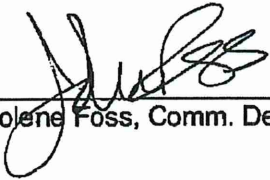
ADOPTED this 20th day of March, 2017

This instrument was drafted by:

City of Princeton
705 2nd Street No.
Princeton, MN 55371



ATTEST:



Jolene Foss, Comm. Dev. Director



Victoria Hallin, Chairperson



Office of the County Recorder
 Mille Lacs County Minnesota
 Certified, Filed and/or Recorded on:
 April 21, 2016 9:30 AM
 Fees \$46.00
 Pages: 2
 Return to:
 CITY OF PRINCETON
 705 SECOND STREET NORTH
 PRINCETON, MN 55371
 G (S) V ()

Reserved for Recording Purposes

PC RESOLUTION #16-03

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT AMENDMENT TO PC RESOLUTION #15-04 TO EXTEND THE CURFEW ON FOUR NIGHTS (IF NEEDED) AND ADD AN ADDITIONAL SATURDAY TO THE SCHEDULE FOR AUTOMOBILE RACING AT PRINCETON SPEEDWAY IN AN A-2 AGRICULTURAL ZONING DISTRICT AT 1400 THIRD STREET NORTH (MILLE LACS COUNTY FAIRGROUNDS)

Legal Description: S 295 FT OF SE OF SE, EX E 755 FT, & EX.69A PARCEL #12 TO HY 169, SEC 29, TWP 36, R 26; W 17.1 ACRES OF NE OF NE, EX S 300 OF E 200 FT, & EX 5A PARCEL #11 TO HY 169 (FC), SEC 32, TWP 36, R 26; S 295 FT OF E 748.4 FT OF SE OF SE, SEC 29 & N 835 FT OF E 755 FT OF NE OF NE SEC 32 DES IN BK 69 P 104, & PART OF BLK 14-3RD ADDN TO OAK KNOLL CEME, & PART OF TRS DES IN BK 57 P 594 LYING S'LY OF A LINE DES IN 10/15/96 SKETCH, SEC 29 & 32, TWP 36, R 26; PIDS #24-029-0901, 24-032-2802, AND 24-029-1200.

WHEREAS, Princeton Speedway has submitted an application for a Conditional Use Permit amendment for an extension of the 11:00 P.M. curfew on four race nights to end at 11:30 P.M. (if needed), and add an additional Saturday to the schedule for automobile racing in an A-2 Agricultural Zoning District at 1400 Third Street North; and

WHEREAS, a representative from Mille Lacs County Agricultural Society has signed off on the Conditional Use Permit application; and

WHEREAS, the conditions for PC Resolution #02-13 and PC Resolution #15-04 will still be in place with the exception of the extended hours of four nights till 11:30 P.M. (if needed) and the additional Saturday added to the schedule; and

WHEREAS, a public hearing was held by the Planning Commission on March 21, 2016 after due published and posted notice had been given, and a reasonable attempt was made to give personal notice to all affected property owners, and all persons interested were given an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Conditional Use Permit for an extension of the 11:00 P.M. curfew on four race nights to end at 11:30 P.M. (if needed), and add an additional Saturday to the schedule for automobile racing with the following conditions:

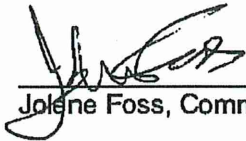
1. A mid-season review will be conducted after the July 3rd, 2016 race week.

ADOPTED this 21st day of March, 2016

This instrument was drafted by:

City of Princeton
705 2nd Street No.
Princeton, MN 55371

ATTEST:



Jolene Foss, Comm. Dev. Director



Jack Edmonds, Chairperson

Section

Vehicular Noise

- 91.01 Declaration
- 91.02 Definitions
- 91.03 Noise prohibited
- 91.04 Vehicular noise control

Noise

- 91.15 Noise amplification
- 91.16 Construction, maintenance and repair activities

VEHICULAR NOISE

§ 91.01 DECLARATION.

There has come into being within the city certain loud, avoidable, unnatural and unnecessary noises, which under certain circumstances and conditions, constitute a serious threat to the health, the welfare, the contentment and the feeling of well-being of the people. Therefore, the Council does declare that the doing of these things in a manner prohibited by, or not in conformity with, the terms of this subchapter constitutes an undesirable noise and shall be punished as hereinafter provided.

(Prior Code, § 8.20, Subd. 1)

§ 91.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBIENT NOISE LEVEL. The sound level which exists at a point of measurement in the absence of the sound the noise emission of which is measured, being the total effect of all other sounds coming from near and far.

AUTHORIZED EMERGENCY VEHICLE. Any of the following vehicles when equipped and identified according to law:

- (1) A vehicle of a Fire Department;
- (2) A publicly owned police vehicle or a privately owned vehicle used by a police officer for police work under agreement, express or implied with the local authority to which he or she is responsible;
- (3) An ambulance, whether publicly or privately owned;
- (4) An emergency vehicle of a municipal department or a public service corporation; and/or
- (5) Any volunteer rescue squad operating pursuant to M.S. § 383C.425.

AUXILIARY DEVICE. An instrument, tool, instrument, appliance, utensil or contrivance.

BACK-UP ALARM DEVICE. A warning device in any truck such as a horn, bell or whistle in the rear thereof, sounded only while the truck is backing up.

CENTERLINE OF A VEHICLE. A line which passes through the geometric center of a vehicle, or, if the vehicle is in motion, that line passing through the geometric center of the vehicle along which the geometric center moves.

DAY. The 24-hour time period starting at local midnight, 12:00 a.m.

DAYTIME. 6:00 a.m. through 6:00 p.m.

dB. Abbreviation for decibel.

dba. A composite abbreviation for decibel and A-weighted sound level.

DECIBEL. Unit of sound level.

EMERGENCY SITUATION. A situation wherein immediate work is necessary to restore property to a safe condition following a public calamity or immediate work is required to protect persons or property from an imminent exposure to danger.

EMIT. The noise emitted by a vehicle shall be construed as the noise level created at a specified distance from the vehicle. It shall not be construed as the maximum noise-generating capability of a vehicle.

EVENING. The time period from 6:00 p.m. to 10:00 p.m.

EXCESSIVE NOISE. Sound which is injurious or which unreasonably interferes with the comfortable enjoyment of life and property. Measured noise levels in excess of those specified as limits in these regulations or those specified in a valid permit are declared to be excessive.

GOOD PROFESSIONAL PRACTICE. The methods and procedures used by a person whose skills have been developed by intensive training and by experience and whose work is accepted by others of similar training and experience as competent.

HEAVY VEHICLE. A vehicle which has a gross weight in excess of 12,000 pounds, or which has a passenger capacity in excess of 15.

HOLIDAY. A day fixed by the United States or by state law for suspension of business in whole or in part.

LIGHT VEHICLE. A vehicle not specifically identified as a heavy vehicle.

MEASUREMENT DISTANCE. The shortest interval of length between a centerline of a vehicle and a point of measurement

NEAREST POINT OF VEHICLE APPROACH. The point along the centerline of vehicle travel which is closest to the point of measurement.

NIGHT. The time period from 10:00 p.m. to 6:00 a.m.

NOISE. Sound of any sort and its environmental interaction.

NOISE LEVEL. The sound level.

OPERATE. Perform any operation with or on a vehicle or auxiliary device at any time or under any condition of grade, load, acceleration or deceleration.

OWNER. The legal owner of a vehicle including lessee (of whatever term) and the purchaser of a vehicle under a conditional sales contract but and not including the holder of a security interest therein.

POINT OF MEASUREMENT. The point in space at which the microphone of the sound measurement equipment is located.

SOUND LEVEL. A quantity measured with a sound level meter and expressed in decibels.

SOUND LEVEL METER. An instrument, or combination of instruments, which meets or exceeds the requirements for a type S1A or S2A sound level meter as specified in American National Standards Institute specification for sound level meters S14-1971, or its most recent revision.

SOUND PRESSURE LEVEL. The value in decibels expressing the relationship between a root-mean-square sound pressure, p , and a reference pressure, P_{ref} , where sound pressure level and $P_{ref} = 0.0002$ microbar. The abbreviation for sound pressure level is SPL.

(SPL) = LOG

$\frac{p}{10^{pref}}$

TRAFFIC WAY. The entire area within the property lines of every way or place, including parking areas, publicly or privately owned or maintained, which is open to the use of the public for purposes of automotive traffic.

VEHICLE. Any device, or combination of devices, used for or capable of being used for transporting persons or property. **VEHICLES** include, but are not limited to, the following: automobiles; trucks; buses, motorcycles; motorized bicycles; scooters; go-carts, midget racers and the like devices; farm machinery; industrial machinery; highway graders; trailers and semitrailers.

(Prior Code, § 8.20, Subd. 2)

§ 91.03 NOISE PROHIBITED.

It is unlawful to make, continue or cause to be made or continued any noise in excess of the noise levels hereinafter set forth unless the noise be reasonably necessary to the preservation of life, health, safety or property.

(Prior Code, § 8.20, Subd. 3) Penalty, see § 10.99

§ 91.04 VEHICULAR NOISE CONTROL.

(A) *Purpose and scope.* It is the purpose of these regulations to state the maximum sound levels that vehicles shall be allowed to emit when used on traffic ways of the city. These regulations are intended to limit maximum sound levels to those consistent with the physical, mental and social well-being of the people.

(B) *Application.*

(1) These regulations shall apply to all vehicles wherever operated on the traffic ways of the city.

(2) These regulations shall apply to sounds of any time duration.

(3) For the purpose of these regulations, those persons who are the vehicle owner(s) or operator(s) may be held responsible separately or jointly for a violation.

(C) *Exemptions.*

(1) All vehicular warning devices authorized for use under the Traffic Code of the city; and

(2) Back-up alarm devices on trucks when installed and operated in accordance with the Society of Automotive Engineers Recommended Practice 1994, *Criteria for Back-up Alarm Devices.*

(D) *Light vehicles.* It is unlawful for any person to operate, nor shall its owner permit the operation of a light vehicle, or any auxiliary device attached to or required for the operation of the vehicle, on any traffic way in a manner that it emits noise at levels in excess of the limits specified in Table A-1.

Table A-1: Noise Level Limits for Light Vehicles Operated in Cannon Falls on or after 1-1-1977			
	Measurement District from Centerline of a Vehicle		
Posted Speed Limit	20 Feet	25 Feet	50 Feet
Table A-1: Noise Level Limits for Light Vehicles Operated in Cannon Falls on or after 1-1-1977			
	Measurement District from Centerline of a Vehicle		
Posted Speed Limit	20 Feet	25 Feet	50 Feet
25 mph or less	69 dBA	67 dBA	61 dBA
30 mph	71 dBA	69 dBA	63 dBA
35 mph	73 dBA	71 dBA	65 dBA
40 mph	75 dBA	73 dBA	67 dBA
45 mph	77 dBA	75 dBA	69 dBA
50 mph	79 dBA	77 dBA	71 dBA
55 mph	81 dBA	79 dBA	73 dBA
60 mph or more	83 dBA	81 dBA	75 dBA

(E) *Heavy vehicles.* It is unlawful for any person to operate nor shall its owner permit the operation of a heavy vehicle or any auxiliary device attached to or required for the operation of the vehicle on any traffic way in a manner that it emits noise at levels in excess of the limits specified in Table B-1.

Table B-1: Noise Level Limits for Heavy Vehicles Operated in Cannon Falls on or after 1-1-1977				
Posted Speed Limit	Time Periods When Applicable	Measurement Distance from Centerline of a Vehicle		
		25 Feet	25 Feet	50 Feet
Table B-1: Noise Level Limits for Heavy Vehicles Operated in Cannon Falls on or after 1-1-1977				
Posted Speed Limit	Time Periods When Applicable	25 Feet	25 Feet	50 Feet
35 mph or less	Daytime	83 dBA	81 dBA	75 dBA
	Evening	75 dBA	73 dBA	67 dBA
	Night	73 dBA	71 dBA	65 dBA
	Holiday	73 dBA	71 dBA	65 dBA
	Sunday	73 dBA	71 dBA	65 dBA

More than 35 mph	All	83 dBA	81 dBA	75 dBA
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(F) *Mufflers.*

(1) It is unlawful for any person to operate, nor shall its owner permit the operation of, a vehicle on a traffic way with a motor the exhaust system of which has been altered, modified or repaired in a way that the noise emitted by the motor's exhaust system is increased above that emitted by the exhaust system with which the motor came originally equipped from the manufacturer.

(2) The burden of proof shall be on the owner and/or operator of a vehicle with an altered, modified, repaired or reconstructed motor exhaust system to submit evidence that the system meets the provisions of division (F)(1) above.

(G) *Measurement of noise levels.*

(1) Persons who measure noise levels for the purpose of enforcing these regulations shall be trained in the techniques of sound measurement and qualified in the use of the instruments required to make the measurements.

(2) A sound level meter shall be used in measuring noise levels, except that:

(a) The B and C weighting networks and the "slow" meter dynamic response characteristic need not be incorporated; and

(b) A "hold" network may be incorporated.

(3) Measurements shall be made in accordance with good professional practice. In particular:

(a) The "A" weighting network shall be used;

(b) The "fast" meter response characteristic shall be used when measuring vehicular noise levels;

(c) Sound level calibrators of the auxiliary closed-coupler type specified in ANSI Standard S1.4-1971, or its most recent revision shall be used;

(d) Windscreens shall be used whenever appropriate;

(e) Where measurements are made of vehicles in motion, the traffic way surface near the point of measurement shall normally be dry, of concrete or asphalt, free of extraneous loose material and free of sharp bumps, chuckholes, wide cracks and patches needing repair;

(f) Measurements shall normally not be used for enforcement unless the noise level at a point of measurement while a vehicle is operated is three or more decibels greater than the ambient noise level; and

(g) The ambient noise level may be estimated from sound levels measured before and/or after the passage of a moving vehicle or by sound levels measured at one or more points near the point of measurement.

(Prior Code, § 8.20, Subd. 4)

NOISE

§ 91.15 NOISE AMPLIFICATION.

(A) No person shall use, operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, tape or disc player, paging system, machine or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet and comfort of any person nearby.

(B) Operation of any device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of a structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section. Operation of any device at any time in a motor vehicle in a manner as to be plainly audible at a distance of 50 feet from the motor vehicle shall be prima facie evidence of a violation of this section.

(C) When sound violating this section is produced or reproduced by any device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person driving the vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production of sound violating this section is guilty of the violation.

(D) Any device alleged to be used in violation of this section may be seized for evidence and held until the final disposition of the court case. Any device is subject to forfeiture if it was used in the commission of a violation of this section which results in a conviction.

(E) This section shall not apply for special events issued a permit by the City Council.

(Prior Code, § 10.26, Subd. 1)

§ 91.16 CONSTRUCTION, MAINTENANCE AND REPAIR ACTIVITIES.

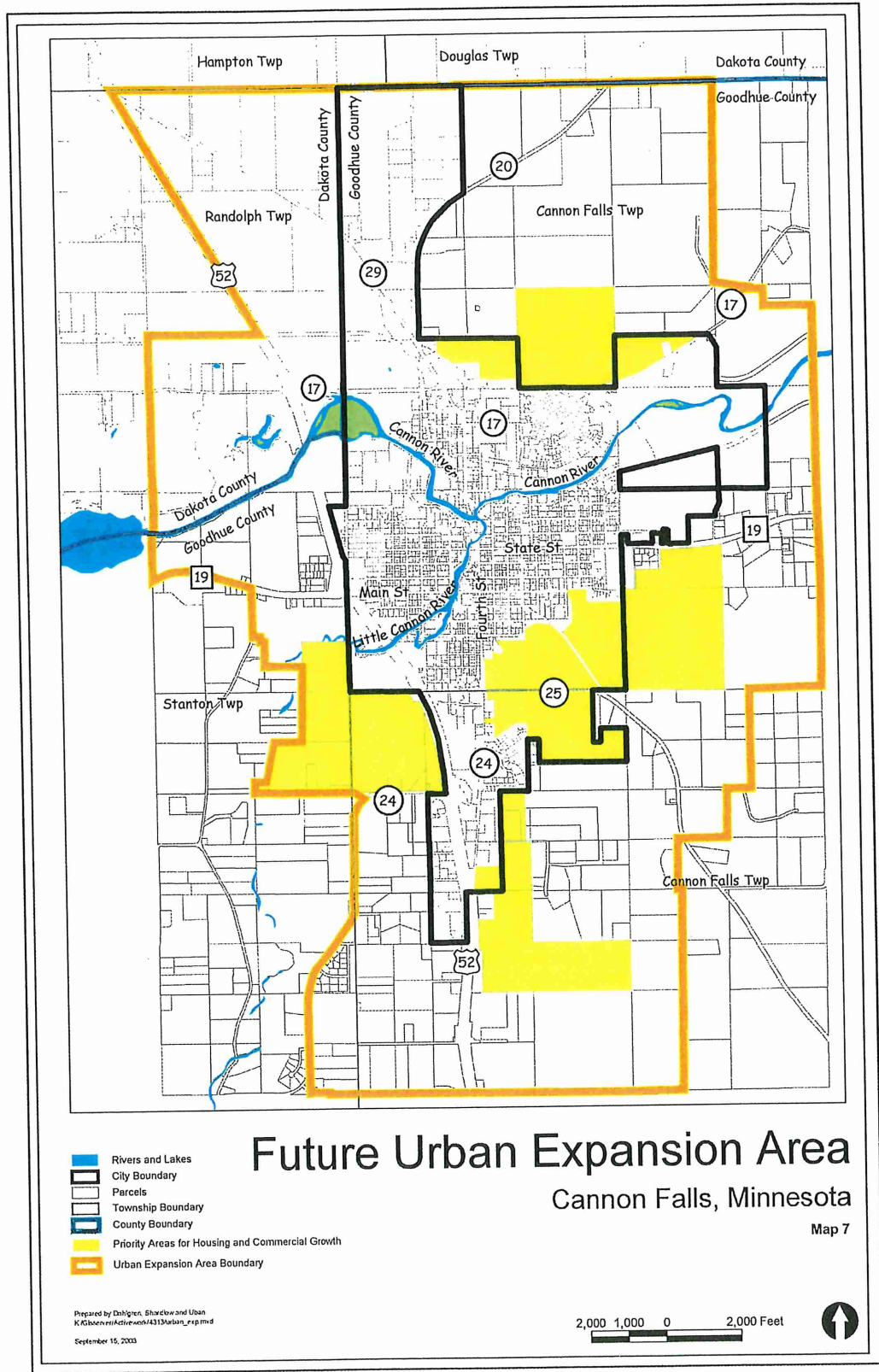
No person shall engage in or permit outdoor construction, maintenance and repair activities involving the use of any kind of electric, diesel or gas-powered motor vehicle or machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. The following are exempt from this section:

(A) Snow removal; and

(B) Excavation and grading operations, if the city has issued a permit in which different hours are specified.

(Ord. 266, passed 9-7-2006)

Ex 6



**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER ____

**RESOLUTION DENYING ORDINANCE TEXT AMENDMENT
FOR THE CANNON VALLEY FAIR ASSOCIATION**

WHEREAS, the Cannon Valley Fair Association (“Applicant”) is the applicant for an Ordinance Text Amendment for property located in the City of Cannon Falls and legally described on the attached Exhibit A (the “Property”);

WHEREAS, the Applicant is applying to amend City Code § 152.463 by adding language allowing race tracks in the UR, Urban Reserve zone as a conditional use (the “Amendment”);

WHEREAS, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council;

WHEREAS, on August 19th, 2024, the Planning Commission held a public hearing and after considering the Applicant’s request for the Amendment, recommended denial; and

WHEREAS, the City Council of the City of Cannon Falls has considered the Planning Commission’s recommendation at its September 3, 2024, City Council meeting.

NOW, THEREFORE, the City Council of the City of Cannon Falls makes the following:

FINDINGS

1. The Applicant is requesting the Amendment to allow race tracks in the UR, Urban Reserve zone as a conditional use, including on the Property (the “Proposed Use”).
2. The Property where the Proposed Use will be located is currently zoned UR, Urban Reserve. The land surrounding the Property is zoned R-2, Single Family Residential and R-B, Residential Business.
3. Minn. Stat. § 462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.
4. The time limit for a decision on the Applicant’s applications will not expire until September 28, 2024.
5. The granting of amendments within the City is governed both by the City Code and State Statutes.

6. Minn. Stat. § 462.357, subd. 4 states an amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency, if there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.

7. City Code § 152.056 states that an “[a]pplication for an amendment of this chapter (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in § [152.037](#) of this chapter.

8. City Code § 152.037(L) states that denial of applications for amendment shall be accompanied by written findings of fact, “including supporting data setting forth the reasons for the denial in terms of the ways in which the proposed use fails to meet the standards and intent of the Comprehensive Plan and/or this chapter and is otherwise injurious to the public health, safety and welfare.”

9. City Code § 152.055 states that “[t]he City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this chapter. The procedural requirements of this section shall not apply to the proposed amendments except to the extent required by state statute. Any person owning real estate within the city may initiate a request to amend the district boundaries or text of this chapter so as to affect the real estate.”

10. City Code § 152.057 states:

The Planning Commission shall consider possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:

(A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;

(B) The proposed use is or will be compatible with present and future land uses of the area;

(C) The proposed use conforms with all performance standards contained in this chapter;

(D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and

(E) Traffic generation by the proposed use is within capabilities of streets serving the property.

11. The Applicant’s requested Amendment would amend City Code § 152.463 by allowing race tracks as a conditional use anywhere within the Urban Reserve zone. The requested Amendment is inconsistent with the Cannon Falls Comprehensive Plan. Allowing race tracks in the UR, Urban Reserve zone as a conditional use is not compatible with present and future land

uses in the area and would generate noise and traffic that will be detrimental to the surrounding property, residents, and general welfare.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cannon Falls and based upon the information received and the above Findings:

1. The City Council does hereby deny the requested Ordinance Text Amendment.

ADOPTED by the City Council this 3rd day of September, 2024.

Matt Montgomery, Mayor

ATTEST: _____
Neil Jensen, City Administrator

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

ORDINANCE NUMBER ____

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING
CITY CODE § 152.463 TO ALLOW KART RACING AS A CONDITIONAL USE IN
THE UR, URBAN RESERVE ZONE**

THE CITY OF CANNON FALLS ORDAINS

WHEREAS, the Cannon Valley Fair Association (“Applicant”) is the applicant for an Ordinance Text Amendment for property located in the City of Cannon Falls and legally described on the attached Exhibit A (the “Property”);

WHEREAS, the Applicant is applying to amend City Code § 152.463 by adding language allowing race tracks in the UR, Urban Reserve zone as a conditional use (the “Amendment”);

WHEREAS, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council;

WHEREAS, on August 19th, 2024, the Planning Commission held a public hearing and after considering the Applicant’s request for the Amendment, recommended denial; and

WHEREAS, the City Council of the City of Cannon Falls has considered the Planning Commission’s recommendation at its September 3, 2024, City Council meeting.

NOW, THEREFORE, the City Council of the City of Cannon Falls makes the following:

FINDINGS

1. The Applicant is requesting the Amendment to allow race tracks in the UR, Urban Reserve zone as a conditional use, including on the Property (the “Proposed Use”).
2. The Property where the Proposed Use will be located is currently zoned UR, Urban Reserve. The land surrounding the Property is zoned R-2, Single Family Residential and R-B, Residential Business.
3. Minn. Stat. § 462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.
4. The time limit for a decision on the Applicant’s applications will not expire until September 28, 2024.

5. The granting of amendments within the City is governed both by the City Code and State Statutes.

6. Minn. Stat. § 462.357, subd. 4 states an amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency, if there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.

7. City Code § 152.056 states that an “[a]pplication for an amendment of this chapter (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in § [152.037](#) of this chapter.

8. City Code § 152.055 states that “[t]he City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this chapter. The procedural requirements of this section shall not apply to the proposed amendments except to the extent required by state statute. Any person owning real estate within the city may initiate a request to amend the district boundaries or text of this chapter so as to affect the real estate.”

9. City Code § 152.057 states:

The Planning Commission shall consider possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:

(A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;

(B) The proposed use is or will be compatible with present and future land uses of the area;

(C) The proposed use conforms with all performance standards contained in this chapter;

(D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and

(E) Traffic generation by the proposed use is within capabilities of streets serving the property.

10. The Applicant’s requested Amendment would amend City Code § 152.463 by allowing race tracks as a conditional use anywhere within the Urban Reserve zone. The requested Amendment is consistent with the Cannon Falls Comprehensive Plan. Allowing race tracks in the UR, Urban Reserve zone as a conditional use is compatible with present and future land uses in the area.

DECISION

Section 1. Amendment. City Code § 152.463 is hereby amended by adding the underlined language, as follows:

§ 152.463 CONDITIONAL USES.

Subject to applicable provisions of this chapter, the following are conditional uses in a UR District and require a conditional use permit based upon procedures set forth in and regulated by §§ 152.070 through 152.074 of this chapter:

* * *

(H) Race tracks.

Section 2. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this _____ day of _____, 2024.

Matt Montgomery, Mayor

ATTEST:

Neil L. Jensen, City Administrator