

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
July 18, 2022 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Planning Advisory Commission was called to order at 6:00 PM by Chair Carli Stark at the Goodhue County Government Center in Red Wing.

Roll Call

Commissioners Present: Carli Stark, Marc Huneke (arrived at 6:07PM), Richard Nystuen, Tom Gale, Richard Miller, Chris Buck, Darwin Fox, Howard Stenerson (arrived at 6:01PM) and Todd Greseth.

Commissioners Absent: None.

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Patty Field.

1. Approval of Agenda

¹Motion by Commissioner Miller; seconded by Commissioner Fox to approve the meeting agenda.

Motion carried 7:0

2. Approval of Minutes

²Motion by Commissioner Greseth; seconded by Commissioner Gale to approve the previous month's meeting minutes.

Motion carried 8:0

3. Conflict/Disclosure of Interest

Commissioner Buck stated that he will not be partaking in the third hearing (Ann Buck) as this is his family's farm. Commissioner Stenerson stated he received a letter on one of the rezonings but sees no conflict.

4. Public Hearings

PUBLIC HEARING: Request for CUP for a Retreat Center

Request, submitted by Trisha Studer (Applicant) on behalf of Catching Fireflies Inc. (Owner), to establish a retreat center in an existing structure. Parcel 39.034.1001. 51506 210th AVE Pine Island, MN 55963. Part of the NW ¼ of the SW ¼ of Section 34 TWP 109 Range 15 in Pine Island Township. A-2 Zoned District.

Pierret presented the staff report and attachments.

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Chair Stark Opened the Public Hearing

Commissioner Miller (Pine Island Township Supervisor) stated the Township is in support of the proposal and they look forward to its completion.

After Chair Stark called three times for comments it was moved by Commissioner Stenerson and seconded by Commissioner Fox to close the Public Hearing.

Motion carried 9:0

Commissioner Stenerson stated he has a concern with any business or public facility establishing operations in agricultural districts. He noted there may be conflicting uses here if, for example, a farmer is spreading manure on the same day as a retreat. That's why these are not permitted in A-1 zones because there are a lot of farms, a lot of manure spraying, and dust. He is not opposed to this proposal, but he wondered whether there would be a practical way to state in the CUP or add a condition noting that the facility is within an agricultural area and the sites, smells, and sounds of agricultural operations may be present on the property during events.

Chair Stark stated they could make a motion to add that as a condition but she would not be in favor of that because it could cause future conflicts for landowners regarding who was there first and who has the right to operate their business or farm.

Commissioner Miller stated that in this instance, the section is going to eventually be annexed by the city of Pine Island, including the proposed housing development to be built once the sand pit is closed. He does not see that there is any conflict or even a possibility of a conflict with the activity in this area.

Commissioner Stenerson asked Commissioner Miller if there are any farmers or agricultural activities that could lead to complaints from guests or the owner.

Commissioner Miller stated he did not know how you could prevent a farmer from spreading manure in an agricultural district.

Commissioner Stenerson stated that is why he would rather address potential issues now so the owner knows agricultural activities can occur nearby. He added that these types of discussions about incompatible uses rarely happen before a permit comes to the Planning Commission.

Commissioner Greseth asked where they would start and stop with the list of agricultural activities and incompatible uses. They are going to an A-2 Agricultural District so they know

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that they are not in the city. He stated that he has no problem with the way staff has drafted this report.

Hanni stated she understands what they are saying, but it is up to the owner/operator to let her guests know the characteristics of the area. She doesn't feel the County should be imposing rules dictating what they must share with their customers.

Trisha Studer (Applicant) stated she has owned the property adjacent to this one for six years and ran it as a business six days a week. Her customers know they are coming to an agricultural area and this is not an issue. They are coming to be inside. She has hosted 70 plus retreats in 10 years. Including Good Earth Village in southern Minnesota, which is also agricultural. The customers are coming to look at trees and farms. She is not concerned about agricultural operations being nearby. She wouldn't have put this much money into the project if she thought any of those things would be a factor. She understands what their point is but she is not worried about it at all.

Commissioner Stenerson asked if she was keeping the current business in its current location.

Ms. Studer stated that the retail operation will remain in its current location. The goal is for the guests at the retreat center to be shopping at the store.

4It was moved by Commissioner Stenerson and seconded by Commissioner Miller for the Planning Advisory Commission to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

Recommend that the County Board of Commissioners **APPROVE** the request from Trisha Studer (Applicant) on behalf of Catching Fireflies Inc. (Owner) to establish a Retreat Center within an existing structure. Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Retreat Center occupancy shall not exceed 50 guests;
3. On-street parking/loading shall be prohibited;
4. All exterior signage located on the property must follow Goodhue County Zoning Ordinance Article 11 section 17 (Sign Regulations). The applicant shall consult the appropriate road authority prior to placing signs within road Right-of-Way;
5. Applicant shall obtain Building Permit approvals for a change of use to the existing structure from the Goodhue County Building Permits Department prior to establishing the use;

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6. Applicant shall work with Goodhue County Environmental Health to provide documentation on septic system compliance and obtain appropriate permits for future septic construction or capacity increases;
7. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, section 25 Retreat Centers and Article 22 A2, General Agriculture District.

Motion carried 9:0

PUBLIC HEARING: Request for IUP for a Utility-Scale Solar Energy System (SES)

Request, submitted by Brian Keenan (IPS Solar, Applicant) and Mark Dykes (owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System occupying approximately 11-acres. Parcel 39.012.0600. TBD 240th Avenue Mazeppa, MN 55956. Part of the SE ¼ of the NE ¼ of Section 12 TWP 109 Range 15 in Pine Island Township. A-2 Zoned District.

Koberoski presented the staff report and attachments.

Brian Keenan (Applicant) with Impact Power Solutions gave a brief history of the company. He noted that solar is generally noise-free, dust free, and there is very little traffic. You have to be within ten feet of the arrays moving to hear them. This particular site has steep terrain, especially in the northeast corner. It is a very hard parcel to farm. There is a lot of soil erosion with water runoff. They worked with the land owners to place the solar array here to stay out of the prime farmland. The eastern group of panels in the array are fixed and face to the south. The western rows run north and south and rotate east to west during the day. The fixed panels are set in place and there are fewer issues with glare.

Commissioner Stenerson asked why they are using a mix of fixed and rotating panels. His understanding is that rotating panel installation tends to do more damage to the farm fields.

Mr. Keenan stated that there is not a big difference in soil impacts between fixed and rotating systems. He noted the posts are the same C channel steel posts hydraulically driven with no concrete footings. There is one motor that drives that whole row. And that whole row needs to be within a certain plane so they can't have big undulations in the terrain. They can meet these requirements on the western part of this parcel but they cannot do that on the eastern side because of the hill.

Commissioner Stenerson questioned the use of Black Hills Spruce for screening and at what point the trees will grow so large they block the panels from getting sunlight.

Mr. Keenan stated the trees here are on the north side so they will never block the panels. He noted the spruce trees generally grow as wide as they do tall and are dense trees so they do a good job at screening. They are very hearty in different types of soils.

Chair Stark Opened the Public Hearing

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Henry Schultz (47471 240th Avenue Mazeppa, MN) stated his house is 106 feet from the north property line of the project. He questioned the requirement for a visual impact analysis in the Ordinance. He would ask the Commission to consider the distance of his dwelling from the proposed solar garden. He noted his daughter is a forester and says the Black Hills Spruce are a very hearty but slow-growing tree. It is going to take a while for them to cover up anything that is 10 feet tall that they can see from their home. Especially views between the trees if they are 16 feet on center. He would request they install two staggered rows of trees with some low bushes in front of them. He would also like the first two rows on the north side of the project area, closest to their home, to be eliminated. That would mediate the visual impact.

Ann and Vince Steffen (47418 240th Avenue Mazeppa, MN) stated they live across the street and their west windows and deck face the proposed utility solar project. Their home is at a higher elevation and they will be looking down at the solar array. They are requesting a 600-foot, well-maintained setback on the east boundary of this project. This will help maintain the neighborhood's rural atmosphere, property values, and hopefully blend this project into their rural neighborhood. They would also request a well-maintained, 4-foot tall berm be established along the roadway to screen the project area. Their third request would be evergreens, at least 8 feet tall, planted twelve feet on center along the eastern property boundary. This will also help lessen glare to improve safety, help reduce noise, and maintain a comfortable rural feel for their neighborhood and neighbors. They added that the spacing of the Black Hills Spruce, because of their growth rate, will take 15 to 18 years to fill that space.

Commissioner Huneke asked if the 600-foot buffer they are asking for is starting from their residence or the property line.

Ann Steffen stated from their property line.

5After Chair Stark called three times for additional comments it was moved by Commissioner Stenerson and seconded by Commissioner Huneke to close the Public Hearing.

Motion carried 9:0

Brian Keenan stated that part of their business model is to always try to be good neighbors and work with the project's adjacent landowners. The screening and the trees that they proposed in their application are above what is required in the Ordinance. They are trying to break up the view without putting a big solid fence up. The particular species of tree was chosen because they are full and dense and do a good job of blocking the view. A 4-foot berm and trees every twelve feet could become cost prohibitive. When you look at the terrain of the site, they don't believe adding screening on the east side would provide much coverage because of the terrain difference between the project site and the house across the street. A 600-foot setback would push the panels into prime farmland, which they are trying to avoid.

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Commissioner Stenerson asked if there were any of these proposals or concerns from the public that the Applicant feels he could achieve within budget. For example, removing two rows of panels may reduce revenue without reducing costs. Would adding additional trees and bushes for screening be feasible?

Mr. Keenan stated they would be willing to add a second row of trees and a row of bushes on the north side of the project. They would plant offset rows that are staggered so the view is obscured from different angles. They could extend plantings halfway down the eastern border. The eastern terrain is so variable that the addition of trees may not make a difference in the view from the property across the street.

Commissioner Stenerson clarified the trees would have 16 feet of clearance on all sides.

Mr. Keenan stated they do plant their pollinated friendly seed mix between the trees and will need to maintain that spacing for equipment clearance. The trees are generally 16 feet apart and in staggered rows.

Commissioner Greseth stated this is proposed on 11 acres but it seems like a lot of these 1.0 Megawatt sites are put on 8 or 9 acres. Does the design or layout require more acres here?

Mr. Keenan stated they have some dead space between the tracker systems and fixed systems. Discussion continued regarding the number of panels needed to create 1 Megawatt of electricity using new technologies.

Commissioner Greseth questioned whether Pine Island Township would still be okay with the proposal after hearing the public comments from tonight's meeting.

Commissioner Miller stated that the comments tonight might have affected whether or not the Town Board would have approved the project.

Chair Stark asked staff whether the item could be tabled.

Hanni stated that the PAC would have to give a reason to table it. Options have been offered for screening. It sounds like moving the array 600 feet west would kill the project. The PAC can require they add more trees where they were suggested or if there are other conditions the Commission would like to add wording can be crafted for those conditions. If it is tabled staff would need direction on what to review before the next meeting.

Commissioner Stenerson stated that he agrees that adding more screening seems feasible. He is not sure that tabling it is going to change anything because the Applicant has already offered to add screening and he has already told us that if he has to set it back 600 feet he won't be able to go forward with the project. He believes a decision should be made tonight on the issue.

Commissioner Greseth questioned whether tabling would allow the Applicant to look at an increased setback and time for the Township to reconsider.

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Discussion continued on whether Pine Island Township could rescind its approval of the project and whether the item should be tabled.

Chair Stark stated she would like to hear from the applicant what delaying this decision would do to his plans.

Brian Keenan stated there are a couple of different entities that need to be satisfied with a solar project. The primary one is Xcel Energy. There is a set calendar for how these projects move through and they have a set window to build once they get approval. Getting the CUP approved is important for them to have Xcel Energy approve the project and begin construction as soon as possible. They are amenable to adding more screening if a condition is added to that effect. Doing two rows of trees and bushes on the north side is doable, moving rows of panels would be more challenging.

Commissioner Stenerson said he feels like the board is in the opposite situation they typically find themselves in for solar projects. Many projects have been located in areas with prime farmland and the board is concerned with taking away prime farmland. This proposal has been specifically sited to stay off of prime farmland in an area with steeper slopes and he would not want the board to say the project should go back into prime farmland. There has never been evidence to show that utility-scale solar facilities decrease property values. The Applicant already said they would install the extra trees and shrubs on the north side.

It was moved by Commissioner Stenerson and seconded by Commissioner Fox for the Planning Advisory Commission to:

- adopt the staff report into the record;
 - adopt the findings and fact;
 - accept the application, testimony, exhibits, and other evidence presented into the record;
- and

recommend that the County Board of Commissioners **APPROVE** the request for an IUP, submitted by Brian Keenan (IPS Solar, Applicant) and Mark Dykes (Owner) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 11 acres. Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this IUP;
2. The project shall be decommissioned according to Article 19 Section 6 of the Goodhue County Zoning Ordinance and submitted plans;
3. A decommissioning agreement between the landowner and IPS Solar shall be maintained to ensure reclamation of the area;
4. LUM staff shall be notified by the landowner or solar company 30 days prior to ownership transfer or operator changes;
5. Applicants shall work with the Goodhue Soil and Water Conservation District to determine an appropriate seed mix for disturbed areas of the site and should submit "seed tags" to the Land Use Management department prior to final inspection;
6. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;

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7. Applicants shall obtain Building Permit approvals from Goodhue County Land Use Management Department prior to establishing the use;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy System (SES) and Article 22 (General Agriculture District) and Article 12 (Bluffland Protection). The Applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
10. This IUP shall expire 35 years from the date of approval unless terminated prior to that date; and
11. A second row of evergreen trees shall be added on the north side of the solar array and a row of bushes shall be installed north of the proposed trees along the north property line.

Chair Stark stated that she doesn't see a difference between this request and when they approve feedlots with all of the public comments received. It follows the ordinance and she supports the motion.

Motion carried 8:1 (Commissioner Miller against)

PUBLIC HEARING: Request for CUP to Establish a Liquid Manure Storage Basin Exceeding 500,000 Gallons

Request, submitted by Ann Buck (Owner) to construct a concrete liquid manure storage basin capable of holding up to 963,262 gallons at a 280 animal unit dairy heifer facility with confinement barns and open lots that are without runoff controls. Parcel 25.024.0401. 37609 180th AVE Goodhue, MN 55027. Part of the SE 1/4 of Section 24 TWP 111 Range 16 in Belle Creek Township. A-1 Zoned District.

Commissioner Buck and Commissioner Huneke will recuse themselves from this request.

Pierret presented the staff report and attachments.

Chair Stark Opened the Public Hearing

No one spoke for or against the request.

After Chair Stark called three times for comments it was moved by Commissioner Stenerson and seconded by Commissioner Miller to close the Public Hearing.

Motion carried 7:0

It was moved by Commissioner Gale and seconded by Commissioner Nystuen for the Planning Advisory Commission to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

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recommend the County Board of Commissioners **APPROVE** the request for CUP, submitted by Ann Buck (Owner), to construct a concrete liquid manure storage basin capable of holding up to 963,262 gallons at a 280 animal unit dairy heifer facility with confinement barns and open lots that are without runoff controls. Subject to the following conditions:

1. The manure storage basin shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agriculture Protection District) and Article 13 (Confined Feedlot Regulations);
3. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

Motion carried 7:0

Commissioner Huneke and Commissioner Buck are back at the table.

PUBLIC HEARING: Request for Map Amendment (Rezone)

Administrative request to rezone 1.78 acres from B-1 (General Business District) to B-2 (Highway Business District). Parcel 43.134.0020. 27837 271st Street Red Wing, MN 55066. Part of the NE ¼ of the NE ¼ of Section 34 TWP 113 Range 14 in Wacouta Township.

Koberoski presented the staff report and attachments.

Commissioner Stenerson questioned whether the PAC should consider the ordinance changes first. He questioned whether the B-1 zoned parcels would automatically be rezoned to the new Business District if the Ordinance amendments are approved. He questioned whether this request could be tabled and reconsidered later in the meeting.

Pierret stated they could bring this item back at the end of the meeting. Staff's idea with the order tonight was that the B-1 District will be eliminated after the Ordinance amendments are approved and all B-2 zoned properties will become just B General Business District.

Discussion continued on whether to continue discussing the rezoning requests or move on to the Ordinance amendments and return to the rezonings later.

Commissioner Stenerson asked if this is a staff request and not a request by the landowner.

Pierret stated yes.

Discussion continued on the order of items for consideration at this meeting.

Chair Stark Opened the Public Hearing

Heather Ogden (29607 Hillside Drive, Red Wing) stated she agrees with Commissioner Stenerson in regards to going through the Ordinance changes first. Since this was initiated by staff, and not the landowners, the biggest thing to note is there are substantial differences in the zoning between the B-1 and the B-2 Districts. B-2 is much more restrictive over the businesses that are allowed versus B-1. She is asking that they go through and reviewed the

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proposed uses before the rezonings. How is that fair to have more restrictive covenants on the B-1 property that has been zoned that way for decades and then say it is now B-2?

Chair Stark asked if the change would affect any of her business operations.

Ms. Ogden stated as far as her property, no. But she is a resident within that Township and she is concerned if the property were to sell, people are going to have to go back through the Planning Commission for Conditional Use Permits because it is different between the B-1 and B-2 zoning.

Commissioner Stenerson asked Ms. Ogden if she is saying that it may not affect a current business's operations, but she is concerned that if they change the zoning district and the property is sold, someone may not be able to operate a business that is currently allowed there.

Ms. Ogden agreed.

Discussion continued regarding whether the Ordinance amendments should be considered before deciding on the rezonings and whether the properties would be automatically rezoned to B General Business upon adoption of the new ordinance by the County Board.

Jim Plehal (owner of 29665 Hillside Drive) gave a history of his property which is proposed to be rezoned to R-1. He believes the B-1 District was the right district for the historical use of the property. He noted he would discuss his property during the appropriate public hearing time.

9After Chair Stark called three times for additional comments it was moved by Commissioner Miller and seconded by Commissioner Nystuen to close the Public Hearing.

Motion carried 9:0

Discussion continued on the order of the agenda and the procedure for amending the agenda order.

10It was moved by Commissioner Stenerson and seconded by Commissioner Greseth to table the map amendment request until later in the meeting.

Motion carried 9:0

11It was moved by Commissioner Stenerson and seconded by Commissioner Huneke to bring the Ordinance Amendments above consideration of the next rezoning item on the agenda.

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Motion carried 9:0

PUBLIC HEARING: Consider Goodhue County Ordinance Updates

Proposed amendments to Articles 27 (B-2, Highway Business District), 28 (I, Industrial District), and 20 (Table of Uses) to create a Table of Uses for Business and Industrial District uses and remove Article 25 the B-1 (General Business District) to consolidate commercial uses into a single B (Business District). Proposal to amend Article 11 (Performance Standards) to include Self-Service Storage Facilities.

Pierret presented the staff report and attachments. She noted that the Table of Uses was created by consolidating the two Business Districts' uses and only one use changed from permitted to conditional and that was motor fuel stations. All of the uses remained the same they are just now in a table.

Chair Stark Opened the Public Hearing

No one spoke for or against the request.

¹²After Chair Stark called three times for comments it was moved by Commissioner Buck and seconded by Commissioner Miller to close the Public Hearing.

Motion carried 9:0

Commissioner Stenerson said these aren't drastic Ordinance changes. We are just getting rid of one Business zone and consolidating them into a single General Business District, we are not taking away anyone's ability to operate a business in the County. The one thing that is changing is adding storage. There's been a lot of discussion about that topic over the years and now if someone wants to rezone to B or I district, it's a possible use. Mostly we are simplifying language. A property is either zoned for business or they are not. They don't have to worry about what type of business uses and all of that.

Chair Stark stated she also supports this.

Hanni noted an error on the second page of the Table of Uses the title should be Business and Industrial Districts, not Building and Industrial Districts.

Pierret noted that would be corrected for the County Board report.

¹³It was moved by Commissioner Miller and seconded by Commissioner Fox for the Planning Advisory Commission to:

- adopt the staff report into the record; and

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recommend the County Board of Commissioners **APPROVE** the amendments to Articles 27 (B-2, Highway Business District), 28 (I, Industrial District), 20 (Table of Uses), 11 (Performance Standards) and 10 (Definitions) and remove all of Article 25 (B-1, General Business District).

Chair Stark asked if that motion includes the change of the title from building to business.

Commissioner Miller stated yes.

Motion carried 9:0

Chair Stark asked staff whether the PAC should still discuss the rezonings at this meeting because the Ordinance has not been officially changed.

Hanni stated when they go to the board meeting, staff will present the Ordinance Amendments first and follow up with the rezonings. It is helpful for the PAC to make a decision tonight so the items can be at the next board meetings.

Pierret stated that only the request to go from B-1 to B-2 is questionable as to whether it is necessary or whether it automatically changes from B-1 to General Business (B) upon Ordinance adoption. The other request is going to a residential district so she would recommend that they take action on that one tonight.

Discussion continued on the order of items for the County Board and whether staff will request the Board rezone the property from B-1 to B General Business.

¹⁴It was moved by Commissioner Huneke and seconded by Commissioner Miller to take the request for the Map Amendment off the table.

Motion carried 9:0

CONSIDER: Request for Map Amendment (Rezone)

Administrative request to rezone 1.78 acres from B-1 (General Business District) to B-2 (Highway Business District). Parcel 43.134.0020. 27837 271st Street Red Wing, MN 55066. Part of the NE ¼ of the NE ¼ of Section 34 TWP 113 Range 14 in Wacouta Township.

¹⁵It was moved by Commissioner Stenerson and seconded by Chair Stark to:

- adopt the staff report into the record;
- accept the application, testimony, exhibits, and other evidence presented into the record;
- and

Recommend that the County Board of Commissioners **APPROVE** the administrative request to rezone parcel 43.134.0020 from B-1 (General Business District) to B (Business District).

Motion carried 9:0

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PUBLIC HEARING: Request for Map Amendment (Rezone)

Administrative request to rezone 1.68 acres from B-1 (General Business District) to R-1 (Suburban Residence District). Parcel 43.136.0200. 29665 Hillside Drive Red Wing, MN 55066. Part of the SW ¼ of the SE ¼ of Section 36 TWP 113 Range 14 in Wacouta Township.

Pierret presented the staff report and attachments.

Chair Stark Opened the Public Hearing

Jim Plehal (owner) stated he owns the parcel and 3 surrounding parcels with his brothers. The other 3 parcels they own are zoned A-2 General Agriculture District. They are not against the proposal but B-1 seemed to fit how this property had been used for many years including museums, shops, and hotels. He noted a conversation with staff about the potential uses in the R-1 District and it seems they can do what they may want to do residentially. He added that a future buyer may want the building to become a store again and he hoped the rezoning wouldn't negatively impact that possibility. They may prefer for the property to be zoned Business until they know whether someone would want to open a business there.

Commissioner Stenerson asked if it is currently being used as a rental property.

Mr. Plehal stated it has been used as a rental on and off for about 15 years.

Commissioner Stenerson asked if Mr. Plehal's major concern is that the residential district will restrict their options.

Mr. Plehal agreed. If they were to sell it or develop the property, they don't know what someone may want to do here.

Commissioner Greseth asked if it is currently a residential rental.

Mr. Plehal stated yes, it is a residential rental.

Commissioner Greseth asked if it has been a residential rental for 14 years.

Mr. Plehal confirmed.

Commissioner Greseth asked staff if the owners had a small corner where they had a business could it stay zoned business then, or are we looking at the current use of the property?

Pierret stated she discussed with Mr. Plehal that if the property is rezoned to residential they could have a home occupation where someone who lives on the property has a small store or business operation on site. She explained the tiered Home Business language in the Ordinance.

Commissioner Gale stated they are using it as residential now, but they could come back at some point and rezone it to a business district.

Chair Stark asked if you can have residences on the business-zoned property.

Pierret stated only if it is contained within the business building and is occupied by the owner or the owner's employee.

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Chair Stark stated it sounds like it is easier to rezone to residential and apply for a Conditional Use Permit for a home business.

Pierret agreed, stating if this were to remain zoned as business, based on how it is assessed (residential) and the current use, a residence would be a non-conforming use. If they wanted to expand the building or if the building is destroyed they can no longer use it as a residence in the business district.

Commissioner Stenerson asked if they want to remodel the building as a residence, at what point under a non-conforming use would we say they cannot remodel or do renovations.

Hanni stated he wouldn't be able to make any structural alterations.

Commissioner Stenerson noted the record reflects that this has been a business for many years. As they move forward with their plans they would just have to come back and obtain a zoning change or conditional use permit. They will not have an issue obtaining permits for the current use if it is zoned R-1.

Heather Ogden stated if you look at the current zoning map, you will see that Plehal's property is multi-zoned. It is a B-1 as well as an A-2. She noted the history of the property is business related and changing it to a residential district is going to eliminate that potential unless someone goes through the hoops to go through to rezone it back to a Business District. She knows that the adjacent property is zoned R-1. Her property is zoned A-2 and the adjoining property currently zoned R-1 used to be part of Mr. Plehal's parcel and was split off in 1997. Only within the last 6 years was the neighboring property zoned R-1.

¹⁶After Chair Stark called three times for additional comments it was moved by Commissioner Miller and seconded by Commissioner Huneke to close the Public Hearing.

Motion carried 9:0

Chair Stark stated it does seem like it is much easier to do residential now and then go back to a business district if desired. Otherwise, if there are significant improvements to that building that will be difficult to do if it is zoned Business.

Pierret stated as long as it is being used as a residence, yes.

Chair Stark stated unless that is being changed into something that fits within the business district, you basically can't remodel it or anything.

Hanni stated staff looked at the current use and right now it is being used as residential. Residential uses are next to the property. If they want to do a business in part of that building, they can do that if they want to have a home business. There are some opportunities to still have a small business there.

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Commissioner Stenerson questioned what would happen if the parcel were not rezoned but the Ordinance was changed.

Hanni stated the decision can be to change it to R-1 or change it to Business. If you change it to Business it is a non-conforming use.

Commissioner Stenerson clarified a future owner or the current owners could come back to the PAC and request to be rezoned back to a Business District.

Commissioner Greseth stated for the last 14 years the use has not complied with the Ordinance. Rezoning to R-1 is going to correct that and they can rent it out to whoever they choose. And if they sell the property or if they want to add a store, they can come back and can ask for that change.

Commissioner Fox agreed. It has been non-conforming for the last 14 years. We are trying to help them because if it is destroyed tomorrow they may not be able to replace it and use it how it is currently being used. When we looked at this in our sub-committee, we agreed this is the best district for the current use. He agrees that anybody could come back in and apply for a change of zone and go back to B if they want to sell it and put a convenience store there.

¹⁷It was moved by Commissioner Stenerson and seconded by Commissioner Huneke for the Planning Advisory Commission to:

- adopt the staff report into the record;
- accept the application, testimony, exhibits, and other evidence presented into the record; and recommend the County Board of Commissioners **APPROVE** the administrative request to rezone parcel 43.136.0200 consisting of 1.68 acres from B-1 (General Business District) to R-1 (Suburban Residential District).

Motion carried 9:0

¹⁸ADJOURN: Motion by Commissioner Stenerson and seconded by Commissioner Gerseth to adjourn the Planning Commission Meeting at 7:50 p.m.

Motion carried 9:0

Respectfully Submitted,

Patty Field, Zoning Administrative Assistant

MOTIONS

¹APPROVE the PAC meeting agenda.

Motion carried 7:0

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- ²APPROVE the previous month's meeting minutes.
Motion carried 8:0
- ³Motion to close the Public Hearing.
Motion carried 9:0
- ⁴Recommend the County Board of Commissioners APPROVE the Retreat Center request from Trisha Studer.
Motion carried 9:0
- ⁵Motion to close the Public Hearing.
Motion carried 9:0
- ⁶Recommend the County Board of Commissioners APPROVE the IUP for Utility-Scale Solar Energy System request from Brian Keenan.
Motion carried 8:1
- ⁷Motion to close the Public Hearing.
Motion carried 7:0
- ⁸Recommend the County Board of Commissioners APPROVE the liquid manure storage basin request from Ann Buck.
Motion carried 7:0
- ⁹Motion to close the Public Hearing.
Motion carried 9:0
- ¹⁰Motion to table the map amendment until after consideration of the Ordinance Amendments.
Motion carried 9:0
- ¹¹Motion to amend the agenda and bring the Ordinance Amendments above the rezoning item.
Motion carried 9:0
- ¹²Motion to close the Public Hearing.
Motion carried 9:0
- ¹³Recommend the County Board of Commissioners APPROVE the amendments to articles 27, 28, 20, 11, and 25 request.
Motion carried 9:0
- ¹⁴Motion to take the request for the Map Amendment off the table.
Motion carried 9:0
- ¹⁵Recommend the County Board of Commissioners APPROVE rezoning parcel 43.134.0020 from B-1 to B Business District
Motion carried 9:0
- ¹⁶Motion to close the Public Hearing.
Motion carried 9:0
- ¹⁷Recommend the County Board of Commissioners APPROVE the administrative request to rezone parcel 43.136.0200 from B-1 to R-1.
Motion carried 9:0
- ¹⁸ADJOURN. Motion to adjourn the meeting.
Motion carried 9:0