



GOODHUE COUNTY MINNESOTA

TO EFFECTIVELY PROMOTE THE SAFETY, HEALTH, AND WELL-BEING OF OUR RESIDENTS

Committee of the Whole Agenda

County Board Room
Government Center
Red Wing, MN

March 20, 2018
8:00 a.m.

1. Zoning application and process discussion

Documents:

[DualAuthority2.pdf](#)

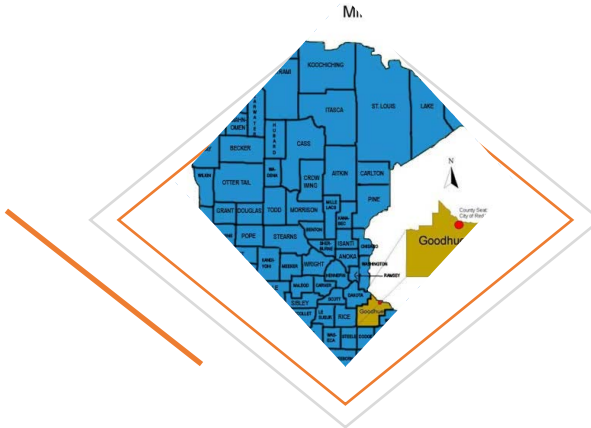


DUAL ZONING AUTHORITY
GOODHUE COUNTY

The property owner has the burden of having to seek dual authorization.

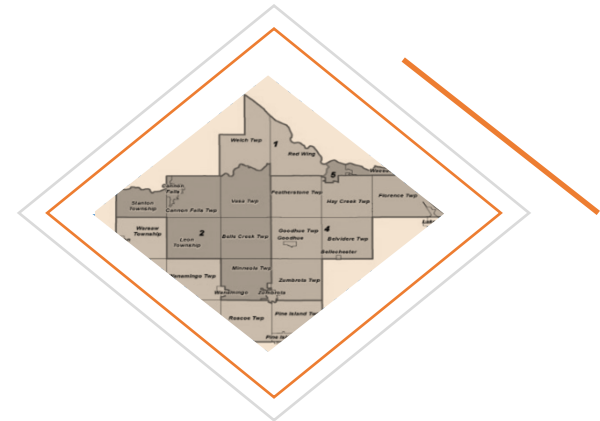
DUAL AUTHORITY

The regulatory authority among the various levels of government regulations can only become stricter as they become more localized.



COUNTY

Goodhue County Administers Zoning Control outside the municipalities. The County is divided into various land use zoning districts. In each zoning district there are regulations for permitted uses of land and the placement of all structures.



TOWNSHIPS

Administration of Township Zoning is done by Town Boards (if they have adopted regulations) Once a Township adopts regulations, they becomes fully responsible for enforcing what they have adopted.

STATUTORY REQUIREMENTS

394.33 TOWN POWERS.

(highlights for emphasis)

Subdivision 1. Not inconsistent.

The governing body of any town including any town with the powers of a statutory city pursuant to law may continue to exercise the authority to plan and zone as provided by law, but **after the adoption of official controls for a county or portion thereof by the board of county commissioners no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official controls adopted by the board.** Nothing in this section shall limit any town's power to adopt official controls, including shoreland regulations which are more restrictive than provided in the controls adopted by the county. **Upon the adoption or amendment of any official controls the governing body of the town shall record a certified copy thereof with the county recorder or registrar of titles.** A certified copy of any official controls of any town which are in effect on August 1, 1974, shall also be filed by the governing body of the town with the county recorder or registrar of titles for record within one year from August 1, 1974.

Subd. 2. Like municipality.

The board of supervisors of any town which has adopted or desires to adopt zoning regulations and restrictions pursuant to law shall have the authority granted the governing body of any municipality as provided in section [394.32](#).

For example, a township's minimum lot size may be 5 acres, but in the County's A3 District the minimum lot size is 35 acres. Such a designation would be inconsistent with and less restrictive than the County ordinance and therefore invalid.

15.99 TIME DEADLINE FOR AGENCY ACTION.

Subdivision 1. Definitions.

(a) For purposes of this section, the following terms shall have the meanings given.

(b) **"Agency"** means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, **county, town,** or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

(c) **"Request"** means **a written application related to zoning, septic systems,** watershed district review, soil and water conservation district review, or the expansion of the metropolitan urban service area, **for a permit, license, or other governmental approval of an action.** A request must be submitted in writing to the agency on an application form provided by the agency, if one exists. **The agency may reject as incomplete a request not on a form of the agency if the request does not include information required by the agency.** A request not on a form of the agency must clearly identify on the first page the specific permit, license, or other governmental approval being sought. **No request shall be deemed made if not in compliance with this paragraph.**

Subd. 2. Deadline for response.

- (a) Except as otherwise provided in this section, section [462.358, subdivision 3b](#), or [473.175](#), or chapter 505, and notwithstanding any other law to the contrary, **an agency must approve or deny within 60 days a written request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.**

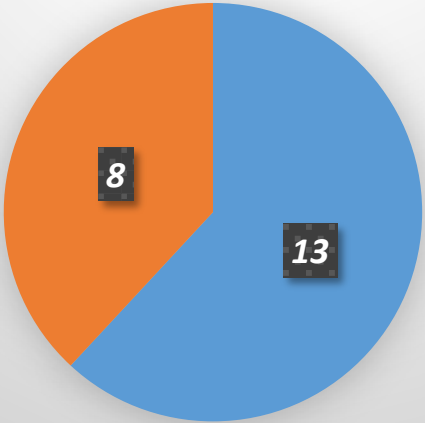
Subd. 3. Application; extensions.

- (a) The time limit in subdivision 2 begins upon the agency's **receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee.** If an agency receives a written request that does not contain all required information, **the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.**

Township Questionnaire

Does Your Township have it's own Planning Commission?

No
 Belle Creek
 Belvidere
 Holden
 Minneola
 Pine Island
 Roscoe
 Vasa
 Zumbrota



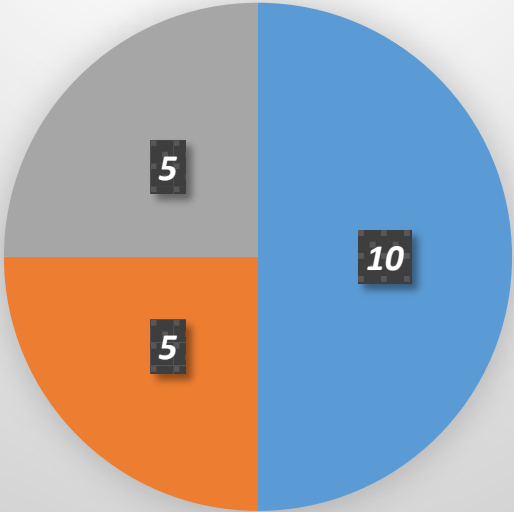
■ Yes
 ■ No

Yes
 Cannon Falls
 Cherry Grove
 Featherstone
 Florence
 Hay Creek
 Holden
 Kenyon
 Leon
 Stanton
 Wacouta
 Wanamingo
 Warsaw
 Welch

Which statement best describes your Township Zoning Ordinance?

Has separate Ord
 Holden
 Kenyon
 Stanton
 Wacouta
 Welch

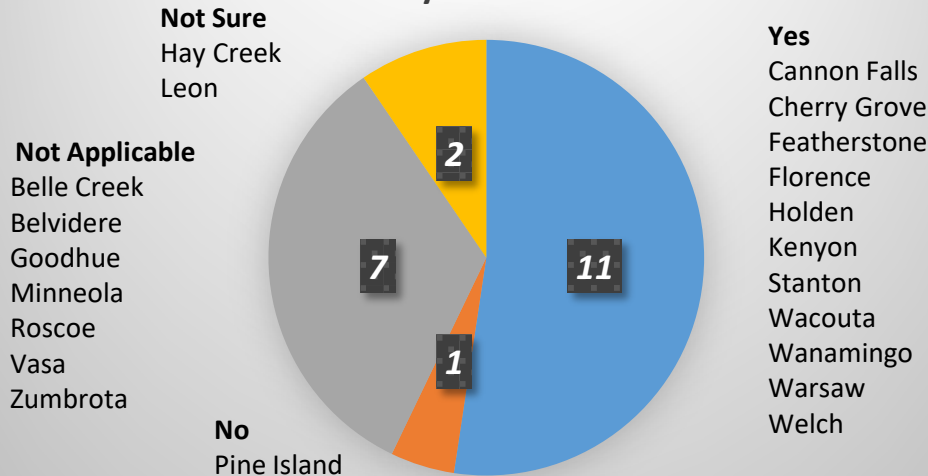
Not Applicable
 Belle Creek
 Belvidere
 Goodhue
 Vasa
 Zumbrota



Adopts Parts of GC Zoning Ord
 Cannon Falls
 Cherry Grove
 Featherstone
 Florence
 Hay Creek
 Minneola
 Pine Island
 Roscoe
 Wanamingo
 Warsaw

Township Questionnaire

Has your Township Board reviewed their Ordinance to see if it the same or more restrictive than the County's Ordinance?



Cannon Falls: For the most part, we follow the County's ordinances with only a couple more restrictive ordinances of our own.

Hay Creek: We have a subdivision ordinance and a mining zoning ordinance

Kenyon: Although ours is a standalone ordinance, we periodically review sections with the goal of maintaining consistency with the county ordinance. Also, we have chosen not to mention some issues such as solar in our ordinance, deferring to the county for regulation.

Stanton: As Zoning Administrator for Stanton Township, it is my obligation to review Goodhue County's Zoning Ordinance for the possibilities of "meshing" situations; before the township's Planning Commission reviews zoning requests and before property owners make a formal request of the township's Planning Commission, Stanton Township makes every effort to accurately inform applicants if any such "meshing" issues might come into play with their particular request. Adopting appropriate parts of the Goodhue County Zoning Ordinance assists Stanton Township residents regarding their efforts to be compliant. I would conclude that the Stanton Township Zoning Ordinance does "stand alone" in most respects.

Township Meetings

(March 2018 example)

MONDAY	TUESDAY	WEDNESDAY	THURSDAY
26	27	28	Mar 1 Welch 7pm
5	6	7	8
12	13	14	15 Minneola 8pm*** Wanamingo 5:30pm
Kenyon 8pm Roscoe 7pm Wacouta 7pm Warsaw 7pm	Belvidere 1pm* Cherry Grove 8pm Featherstone 7:30pm Holden 7pm Vasa 8pm Zumbrota 7pm	Belle Creek 7:30pm Cannon Falls 8pm	
19	20	21	22
CountyPAC 7pm Florence 6pm Goodhue 7pm**	Leon 7pm Stanton 7pm	Hay Creek 7pm	
26	27	28	29
	Pine Island 8pm		

Twp	BoardMtg	Time
Belle Creek	2nd Wed	7:30pm
Belvidere	2ndTuesday*	1pm*
Cannon Falls	2nd Wed	8pm
Cherry Grove	2ndTuesday	8pm
Featherstone	2ndTuesday	7:30pm
Florence	3rd Monday	6pm
Goodhue	3rd Monday**	7pm
Hay Creek	3rd Wed	7pm
Holden	2ndTuesday	7pm
Kenyon	2nd Monday	8pm
Leon	3rd Tuesday	7pm
Minneola	3rd Thursday***	8pm***
Pine Island	Last Tuesday	8pm
Roscoe	2nd Monday	7pm
Stanton	3rd Tuesday	7pm
Vasa	2nd Tuesday	8pm
Wacouta	2nd Monday****	7pm
Wanamingo	3rd Thursday	5:30pm
Warsaw	2nd Monday	7pm
Welch	1st Thursday	7pm
Zumbrota	2nd Tuesday	7pm
	*Summer TBD	*Summer TBD
	**Oct-Mar TO home	
	***Feb 2nd Wed	***2pm
	****March 2nd Tues	

Board	2018 Meeting Date	Application Acceptance Week	County Board Tentative Date
PAC	Monday Jan 8*	Dec 11-15	Feb 6
	<i>*MLK day 3rd Mon</i>		
BOA	Monday Jan 22	Dec 25-30	NA
PAC	Monday Feb 12*	Jan 15-19	March 6
	<i>* Presidents day 3rd Monday</i>		
BOA	Monday Feb 26	Jan 29-Feb 2	NA
PAC	Monday Mar 19	Feb 19-23	April 3
BOA	Monday Mar 26	Feb 26-Mar 2	NA
PAC	Monday April 16	Mar 19-23	May 1
BOA	Monday April 23	Mar 26-30	NA
PAC	Monday May 14*	April 16-20	June 5
	<i>* Memorial day 4th Monday</i>		
BOA	Monday May 21*	April 23-27	NA
PAC	Monday June 18	May 21-25	TBD
BOA	Monday June 25	May 28-June 1	NA
PAC	Monday July 16	June 18-22	TBD
BOA	Monday July 23	June 25-29	NA
PAC	Monday Aug 20	July 23-27	Sept 4
BOA	Monday Aug 27	July 30-Aug 3	NA
PAC	Monday Sept 17	Aug 20-24	Oct 2
BOA	Monday Sept 24	Aug 27-Aug 31	NA
PAC	Monday Oct 15	Sept 17-21	Nov 6
BOA	Monday Oct 22	Sept 24-28	NA
PAC & BOA Joint Meeting	November 19	Oct 22-26	Dec 4
PAC & BOA Joint meeting	December 17	Nov 19-23	Jan 8

App Week
For Mar 19

February

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

App Week for
BOA Mar 26

March

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Timing Logistics (County)

In order to meet all the statutory deadlines, including the 60 day rule to make a decision, we schedule as follows:

Do site visits, research request, write reports, prepare packets

- PAC application week one month prior to PAC meeting
- 15 days to review if application is complete
- 19 days prior to PAC meeting: Newspaper notice (required 10 days*)
- 12 days prior to PAC meeting: adjoining landowner notice (required 10 days)
- 10 days prior to PAC meeting: packets to PAC members
- 7 days prior to County Board meeting: PAC packets to Admin

May require further research depending on PAC recommendation, prepare County Board reports

After County Board meeting: prepare recording documents, get Chair signature, Record

ADVANTAGES/DISADVANTAGES

The pros and cons of regulating at both levels of government vary depending on the degree of local involvement.

Advantages:

- Township interests are heard at the Township
- Some Townships are more friendly to certain land uses than others and a project could be stopped early on

Disadvantages:

- Townships may want the regulatory authority but may not want to enforce it
- It adds an additional 1-2 months to a request
- Puts applicant in bad spot if it is approved at one level and not at the other

While the concept of Township control of land use decisions is highly regarded, they may not be capable of enforcing them adequately, especially in sensitive natural areas such as shorelands.

The complexity of the regulatory environment contribute to this problem. Most Townships cannot afford planning staff or consultants, leaving land use decisions to a planning commission and town board.

However, one level usually dominates over the other. It is difficult to find the right equilibrium between County and Township control.

It can be time consuming along with being cumbersome for prospective applicants to get a permit issued by both authorities.

A project plan may be approved by one government but later rejected at the other level.



CUP/IUP TOWNSHIP ACKNOWLEDGEMENT

TOWNSHIP INFORMATION		Township Zoning Permit Attached? <input type="checkbox"/> If no please have township complete below:
By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the request.		
Signature	Title	Date
Comments:		

A *Township Acknowledgement* of request for Conditional or Interim Use Permit consideration is required from the applicant at the time of application. The Township's endorsement of the *Township Acknowledgment* form serves to advise the County that an applicant has made the Township aware of their proposal, therein, providing the Township an opportunity to comment on the application and initiate processing of any permits required by the Township for the same use.

It must be noted that the Goodhue County Board of Commissioners is ultimately responsible for decisions regarding the issuance of a conditional and interim use permits and said decisions are appealable by any aggrieved party. Goodhue County, in creating a mechanism through which a Township is able to further the goals and objectives of their local plans and ordinances, did not relinquish its authority or responsibility in making discretionary decisions regarding the issuance of conditional and interim use permits.