



GOODHUE COUNTY MINNESOTA

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

Goodhue County Planning Commission
Government Center - Board Room
509 West 5th St, Red Wing MN 55066

Planning Advisory Commission

Virtual Meeting Notice:

The Goodhue County Planning Advisory Commission will be conducting a meeting on May 18, 2020 at 6:00 p.m. Due to concerns surrounding the spread of COVID-19, the meeting and all public hearings will be conducted by telephone or other electronic means.

The public may monitor the meeting from a remote site by logging into <https://global.gotomeeting.com/join/293796101> or calling 1 866 899 4679 beginning at 5:50 PM or any time during the meeting. Access Code: 293-796-101

Public Comments:

Interested persons must submit comments by phone, in writing, or via email until noon on Monday, May 18, 2020. To submit your comments please email them to ryan.bechel@co.goodhue.mn.us or mail them to the Land Use Management Department at 509 West 5th Street, Red Wing, MN 55066. Comments received by this deadline will be read into the record during the public hearing for that item, including name and address.

Staff reports can be viewed online 5-days prior to the meeting. Agenda items may be subject to change. Please contact Land Use Management at (651)385-3104, or visit us on the web at www.co.goodhue.mn.us for more information.

6:00 PM Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. March 16, 2020 DRAFT Planning Commission Meeting Minutes

Documents:

[MINUTES_MARCH2020_PAC_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

Public Hearings:

1. PUBLIC HEARING: "DL BTF Addition" Preliminary/Final Plat Review
Request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner) for Preliminary and Final Plat review of the proposed "DL BTF Addition" as part of a multi-party common property line adjustment request. Parcels 28.019.5901, 28.019.6001, 28.019.6300, and 28.019.6900. 31734 and 31924 Willow Trail, Cannon Falls, MN 55009. Part of the W ½ of the SW ¼ of Sect 19 TWP 112 R17 in Cannon Falls Township. B2 and A3 Zoned District.

Documents:

[PACPACKET_PLAT_MONCHEVAL_REDACTED.PDF](#)

2. PUBLIC HEARING: Request For Map Amendment (Rezone) – High-Power Farms LLC/Mon Cheval Training Center LLC

Request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner) to rezone two "slivers" of property totaling less than 1-acre from A3 (Urban Fringe District) to B2 (Highway Business District) and one "sliver" of property totaling less than 1-acre from B2 to A3 in conjunction with a multi-party common property line adjustment request. Parcels 28.019.5901, 28.019.6001, 28.019.6300, and 28.019.6900. 31734 and 31924 Willow Trail, Cannon Falls, MN 55009. Part of the W ½ of the SW ¼ of Sect 19 TWP 112 R17 in Cannon Falls Township. B2 and A3 Zoned District.

Documents:

[PACPACKET_REZONE_MONCHEVAL_REDACTED.PDF](#)

3. PUBLIC HEARING: Request For Text Amendments To Articles 10 (Definitions), 11 (Performance Standards), 20 (Table Of Uses), 22 (A2 Zoning District), 25 (B1 Zoning District), 27 (B2 Zoning District), And 28 (Industrial Zoning District)

Request submitted by Kevin Simanski (Applicant), to consider proposed text amendments to Goodhue County Zoning Ordinance to allow "outdoor storage" as a permitted use in the B2 (Highway Business) and A2 (General Agriculture) Districts. Land Use Management staff have prepared a definition and associated performance standards for "Exterior Storage Yards" for the Planning Commission to alternatively consider.

Documents:

[PACPACKET_SIMANSKI_REDACTED.PDF](#)

Other-Discussion

Adjourn

Anyone interested is invited to attend. Agenda items may be subject to change.

Goodhue County Land Use Management

◆ Goodhue County Government Center ◆ 509 West Fifth Street ◆ Red Wing ◆ Minnesota ◆ 55066 ◆
◆ Building ◆ Planning ◆ Zoning ◆ Telephone: 651/385-3104 ◆ Fax: 651/385-3106 ◆

**PLANNING COMMISSION
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The meeting of the Goodhue County Planning Advisory Commission was called to order at 7:00 PM by Chair Tom Gale at the Goodhue County Government Center 3rd Floor Court Room in Red Wing, Minnesota.

Roll Call

Commissioners Present: Richard (Dick) Nystuen, Tom Gale, Barney Nesseth (Arrived 7:06 PM), Richard Miller, Howard Stenerson, Sarah Pettit, Marc Huneke (Arrived at 7:01 PM), Darwin Fox and Tom Drazkowski

Commissioners Absent: None

Staff Present: Zoning Assistants Ryan Bechel and Samantha Pierret

1. Approval of Agenda

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

Motion carried 7:0.

2. Approval of Minutes

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

Motion carried 8:0.

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings

PUBLIC HEARING: Request for CUP for a Utility-Scale Solar Energy

Request for CUP, submitted by Novel Energy Solutions (Applicant) and Dennis and Karen Heimer (Owner), for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System occupying approximately 6.5 acres. Parcel 39.011.0100. TBD HWY 60 BLVD, Mazeppa, MN 55956. NW ¼ of the NE ¼ of Section 11 TWP 109 Range 15 of Pine Island Township. A1 Zoned District.

Pierret presented the staff report and attachments.

Sam Falk (Novel Energy) commented that the project will be less than 1 MW in size, it will be closer to ¾ MW.

Commissioner Stenerson questioned whether the tracking panels will move north to south or east to west.

Falk stated they would move east to west and the noise created by their movement would be no more than a refrigerator hum.

Chair Gale opened the Public Hearing.

No one spoke for or against the request.

³**After Chair Gale called three times for comments it was moved by Commissioner**

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Stenerson and seconded by Commissioner Huneke to close the Public Hearing.

Motion carried 9:0

Commissioner Drazkowski questioned how far the Lexvold home was from the proposed project area and whether the Lexvolds were notified of the project.

Falk noted that the staff report showed the Lexvold home approximately 550 feet from the project area. He stated that he sent the Lexvolds a letter regarding the proposal and they would have received the public notice for the Planning Commission meeting as well.

Commissioner Drazkowski questioned whether this site had been proposed as a solar garden site in the past.

Staff stated it had not.

Commissioner Drazkowski requested clarification on the screening proposal from the Applicant.

Falk stated that they propose a staggered row of evergreen trees (Black Hills Spruce or Norweigan Pines) and shrubs if necessary the full length of the array on the north, south and east sides.

Commissioner Fox commented on a site visit with staff to the site and that the topography of the site near the road with existing vegetation will provide an adequate visual buffer.

Commissioner Miller stated that Pine Island Township was satisfied with the screening proposal.

4It 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 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 for a CUP submitted by Novel Energy Solutions (Applicant) and Dennis and Karen Heimer (Owners) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 6.5 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 CUP;
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 Novel Energy Solutions 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 communicate with Beau Kennedy, Wetlands Coordinator with the Goodhue SWCD to ensure compliance with applicable Wetlands Rules prior to completion of any site grading/construction and/or submittal of the Building Permit Application;

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6. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
7. Applicants shall work with the Goodhue County 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;
8. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
9. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy Systems (SES) and Article 21 (Agricultural Protection District). The applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
10. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
11. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.

Motion carried 9:0.

PUBLIC HEARING: CUP Request to Establish a Greater than 500 Animal Unit Feedlot Outside of a Farmyard and a Liquid Manure Storage Basin Exceeding 500,000 Gallons

Request for a CUP, submitted by Bryan and Brandon Billman (Applicants) and Kent Billman (Owner), to establish a hog finishing Feedlot for up to 2,400 head (720 Animal Units) outside of a Farmyard and construction of an animal waste storage pit exceeding 500,000 gallons. Parcel 40.003.0500. TBD 460th Ave, Zumbrota, MN 55992. NE ¼ of the NW ¼ Sect 03 TWP 109 R16 in Roscoe Township. A1 Zoned District.

Bechel presented the staff report and attachments.

Commissioner Draskowski questioned whether there was an existing well on the property.

Bechel stated there would be a new well.

Commissioner Stenerson questioned whether security cameras would be utilized at the facility.

Bryan Billman (Applicant) stated they would like to use cameras for biosecurity purposes and to monitor the facility.

Chair Gale opened the Public Hearing

John Sheets (46505 160th AVE Zumbrota) questioned the process of composting dead animals.

Bryan Billman stated they plan to compost by removing dead animals to a location yet to be determined near the site. They will lay the deads in the pile and cover using mulch or fiber so the material gets hot and will break down. Then they will use a manure spreader to remove the broken down material.

Mr. Sheets questioned how long that process would take.

Bryan stated the process is weather dependent.

John Mayer (46570 150th AVE, Zumbrota) questioned possible seepage into the water table and wells.

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Kelsey Petit (Feedlot Officer) stated as the project was checked for setbacks for the barn the water table region and soil types were evaluated as well. She noted that the soils are adequate for the proposal.

Commissioner Fox questioned how the pit is monitored for leaks.

Kelsey stated that each year the operator has to check the pit for cracks or leakage and there is a maintenance plan specifying that the operators will take care of inspections themselves. Any leaks would be reported to the Feedlot Officer and to the engineer that designed the pit. She added that a 12-foot deep pit will have a tile line in case of any spills.

Commissioner Fox noted that with the tiling, leaks will go around the pit and not down into the groundwater.

Commissioner Stenerson questioned whether the inspections by the operators are monitored or recorded by the PCA.

Kelsey stated that statutes require pits to be at least 12 feet deep and engineers and operators have to follow these statutes. She added that Feedlot Officers work with the engineers on the plans.

Commissioner Stenerson questioned whether cracks are monitored and recorded with the Feedlot Officer.

Kelsey stated that state-monitored pits are recorded but County pits do not submit records to her office.

Commissioner Stenerson questioned whether the operators keep records of inspections.

Kelsey stated that operators keep records on inspections to comply with the Minnesota Department of Health requirements for wells.

Commissioner Drazkowski questioned whether there are state guidelines for composting deceased animals.

Kelsey stated MPCA does not have requirements for composting, operators need to make sure their processes are working properly. She added that they have been looking into funding for this site for a cement compost facility so leaching would go out and not down into the ground.

John Mayer questioned whether the manure pit was below the facility and he requested more information on composting procedures.

Kelsey stated manure pits are below the facility.

Bryan Billman explained the composting process. He noted that operators have to measure the pits and check the tiles every week and send those records to the MPCA.

Mayer questioned how the pit is monitored.

Bryan stated cracks will be evident if they occur in the pit.

Mayer questioned whether monitoring would be done electronically with equipment.

Commissioner Stenerson stated that visual monitoring would be done with tubes under the pit to verify moisture.

Bryan verified that there would be no electronic equipment used for monitoring.

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Chair Gale stated visual monitoring is done by looking into the tile and measuring pit depth. He noted that pit depth should be increasing and if it decreases then a leak is present.

Mayer questioned how below ground tanks are checked for cracks.

Kelsey stated that the Feedlot Officer goes to inspect the pit 3 weeks after pouring to check for cracks, balls of cement or other issues. The Feedlot Officer takes photos and speaks with the engineers. Any cracks larger than a credit card have to be reported.

Mayer questioned how pits are monitored once they are being used.

Kelsey stated that the tiling system will catch any leaks and that if the pit hasn't been pumped that year and the levels are lowering then a leak is present. Discoloration of the pit can also indicate a leak is present.

Mayer questioned how often these inspections are done.

Kelsey stated that the County requires a yearly inspection and operators check weekly but weekly inspections are not mandated by the County.

Commissioner Nystuen questioned the proposal to empty the pit once a year and if that corresponds with a corn/soy diet or newer feed ingredients.

Kelsey stated that pits are going to 12-month storage capacity because of weather changes dictating when spreading can occur, diet isn't really a factor in sizing.

Mayer questioned the tiling and inspections of the tiling. He questioned how often these inspections take place and whether there are any ordinances requiring checks of the tile.

Kelsey stated that the County does not have rules on monitoring the tile but the state does.

Bryan Billman added that the operators do not want the pit to leak. Contractors have sheets to check off each week.

Mark David (46300 145th AVE, Zumbrota) questioned how odors would affect nearby property owners. He noted that he will be able to see the new facility from his home and that there are multiple homes in the area.

Chair Gale noted that the odor offset requirements are being met for this project.

Bechel added that the facility has to meet a 94% odor offset which is 1,034 feet which is less than the distance from the facility to the Davids' home.

Commissioner Pettit questioned whether any type of ventilation is proposed for the facility.

Bryan Billman stated that this will be a tunnel barn and there will be wall fans to the west and 8 pit fans on the north and south sides of the barn angled to the east.

Commissioner Pettit questioned whether any curtains would be installed.

Bryan said there would be curtains but they would not be opened much.

Commissioner Pettit questioned whether the fans would have any buffers either equipment or vegetative.

Bryan stated there are no plans for buffers for the fans at this time. He added that the barn would be kept clean and dry which does a lot to combat odors.

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Kelsey Petit stated the MPCA has an HS2 monitor that can track odors and winds and show if the barn is not ventilating well or if the owners need to install biofilters. She stated neighbors or the Applicants can contact her before the summer for the MPCA to come out every week to monitor the system.

Herschel Bauer (45215 135th AVE, Zumbrota) questioned where the tile outlet would be and whether the tile will be perforated. He added that he saw there were 25 feet of sand under the proposed building.

Bryan Billman said the outlet will be towards the southwest of the facility in a wetlands/meadow area and that is where the water will be checked for discoloration. He added that the tile will be around the foundation. Tile around the building will be perforated with a sock and out from there, the tile will be unperforated so no water can enter it and dilute the output.

Collins Voxland (46148 145th AVE, Zumbrota) questioned leaks into pure sand and he wondered whether the engineers would be okay with sand under the tiling and the pit for leaks. He added that leaks won't be detected until the output is brown and going into wells and affecting wildlife. Sand won't stop leaks from going into well water.

Bechel stated that if there were a leak, it could go straight down and monitoring should detect that. He noted that this will be a self-contained pit and if there is a lowering of the levels the operators will know.

Voxland questioned what happens to the 500,000 gallons if there is a leak.

Bryan stated that the material will have to be moved and spread if there is a leak, even in the middle of July, the state will make them move the material. He reiterated that the engineers will do extensive tests during the pouring of the pit.

Commissioner Nystuen questioned whether soil borings were done.

Kelsey Petit stated that borings were done and after the layer of sand, clay is present. The borings were 1,059 feet in depth.

Chair Gale noted that the engineer is not present at this meeting and that if something were to happen MPCA and the Feedlot Officer would help in that situation.

Bechel stated that ProAg Engineering is a reputable design and engineering firm in Minnesota, Iowa, and Wisconsin. He noted that they have worked with all different soil types and sand shouldn't be an issue for them.

John Sheets questioned what the lifetime of a pit is.

Bryan Billman stated they plan to use the pit as long as they can. He added that he has seen barns go over 40 years with their pits and if maintained correctly a pit can be used for a long time.

Kelsey Petit added that if the facility were to sit vacant for 5 years and someone wanted to start using it again, an engineer would have to inspect the facility for cracks or issues.

⁵After Chair Gale 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

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Commissioner Nesseth questioned Roscoe Township's position on the facility.

Chair Gale stated the Township had indicated they were okay with the project.

Commissioner Stenerson questioned the need for a variance for this project and whether the PAC decision would be forwarded to the BOA.

Bechel stated the PAC recommendation would be conveyed to the BOA at their meeting.

It was moved by Commissioner Stenerson and seconded by Commissioner Huneke 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 the County Board of Commissioners **APPROVE** the CUP requests, submitted by Bryan and Brandon Billman (Applicants) and Kent Billman (Owner), to establish a hog finishing Feedlot Outside of a Farmyard for up to 720 Animal Units and construction of an animal waste storage pit of up to 1,112,735 gallons.

Subject to the following conditions:

1. The Feedlot shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
3. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
4. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agriculture Protection District) and Article 13 (Confined Feedlot Regulations);
5. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

Motion Carried 9:0

PUBLIC HEARING: Consider Goodhue County Ordinance Updates

Proposed amendments to Articles 21 (A-1, Agricultural Protection District), 22 (A-2, Agriculture District), 23 (A-3, Urban Fringe District), 24 (R-1, Suburban Residence District) and 35 (CS, Conservation Subdivision District) to modify language relating to access and frontage requirements to match recently amended standards in the Subdivision Controls Ordinance. Request to modify Article 20 "Table of Uses" to include Agricultural Tourism Accessory Uses.

Bechel presented the staff report and attachments.

Chair Gale opened the Public Hearing.

No one spoke for or against the request.

After Chair Gale asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Drazkowski to close the Public Hearing.

Motion carried 9:0.

Bechel updated the Planning Commission on the departure of Michael Wozniak, Zoning

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Administrator and started a discussion about a request for a text amendment for storage businesses in rural areas.

Commissioner Miller questioned whether a change of zone would be required for a storage use.

Bechel noted that it could be a use that would require a zone change, currently, the Ordinance does not address storage as a use.

Commissioner Stenerson questioned whether agricultural buildings were exempt from building code.

Bechel noted that agricultural buildings are exempt from building code in some cases however they are not exempt from zoning ordinances.

It was moved by Commissioner Pettit and seconded by Commissioner Miller to:

- Adopt the staff report into the record; and

Recommend the County Board of Commissioners **APPROVE** the amendments to Articles 21 (A-1, Agricultural Protection District), 22 (A-2, Agriculture District), 23 (A-3, Urban Fringe District), 24 (R-1, Suburban Residence District) and 35 (CS, Conservation Subdivision District) and Article 20 "Table of Uses".

Motion carried 9:0

Other-Discussion

Chair Gale questioned why staff was bringing up storage uses at this time.

Bechel stated that someone has applied for a text amendment to be considered addressing storage as a use.

Commissioner Gale questioned if storage would be a Home Business use.

Bechel stated that the County has allowed storage in accessory buildings in the past when a home is also located on the property however storage is not a permitted use in Business Districts.

Commissioner Pettit noted that this question was brought up many years ago and the Commission at that time felt agricultural buildings should not be used as commercial storage structures. She added that the Commission knew that the use of agricultural buildings for storage was occurring and the question is now if that use should be allowed. She noted that this becomes another type of business and could bring commercial business into the agricultural districts. She noted that bringing businesses into rural areas will put pressure on Township roads with additional trips and heavier vehicles making those trips.

Bechel stated that the Highway Business District could be an area where storage could be a permitted use and the use could be limited to Business Districts, it could be a conditional use in agricultural districts and there could be performance standards added to the Ordinance regarding storage businesses. The Applicants are proposing to add storage as a permitted use without performance standards.

Chair Gale questioned what happens if a building goes from being a farm building to being a commercial storage building.

Bechel stated that if storage was an allowed use, the owner would have to obtain a building

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permit from the County. This building permit requirement would be beneficial because the uses would be reviewed when right now they are not being reviewed.

Commissioner Miller commented on the taxing differences between commercial and agricultural buildings. He added he is not in favor of bringing businesses into agricultural districts as it is difficult to write an ordinance for all business possibilities. He stated it would be reasonable to require a change in zone for commercial storage.

Commissioner Drazkowski noted he would like to see some guidelines for storage uses.

Bechel stated there is a demand for these types of uses in the County.

Commissioner Nesseth commented that Townships should take care of these issues and by writing an ordinance for storage uses problems may be created.

Chair Gale questioned where these uses are proposed.

Bechel stated they are proposed in agricultural and business districts. He noted some of the permitted uses in Business Districts and contrasted their impacts on neighboring properties versus a storage lot.

Commissioner Nystuen commented that storage uses typically see one or two trips per month by users.

Discussion continued on the number of trips generated by different types of storage facilities.

Commissioner Fox noted he would like to know the definition of storage and what types of materials can be stored in these facilities.

Commissioner Stenerson commented he would like to see a discussion on controls and restrictions for these facilities.

The Planning Commission agreed to have staff prepare alternatives and guidelines/performance standards for consideration when the text amendment is brought forward.

Commissioner Pettit noted the use could work in Business Districts.

Commissioner Miller added R₁ could be a possibility.

Commissioner Nystuen commented on the people already using their barns as storage facilities.

Commissioner Huneke noted that with the consideration of a storage ordinance change, people already using their property for storage may realize they are doing something on their property that is not allowed.

9ADJOURN: Motion by Commissioner Huneke and seconded by Commissioner Stenerson to adjourn the Planning Commission Meeting at 8:14 PM.

Motion carried 9:0

Respectfully Submitted,

Samantha Pierret; Zoning Assistant

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¹ APPROVE the PAC meeting agenda.

Motion carried 7:0.

² APPROVE the previous month's meeting minutes.

Motion carried 8:0.

³ Motion to close the Public Hearing

Motion carried 9:0

⁴ Recommend the County Board of Commissioners **APPROVE** the request for a SES

Motion carried 9:0

⁵ Motion to close the Public Hearing

Motion carried 9:0

⁶ Recommend the County Board of Commissioners **APPROVE** the request for a Feedlot

Motion carried 9:0

⁷ Motion to close the Public Hearing

Motion carried 9:0

⁸ Recommend the County Board of Commissioners **APPROVE** the Zoning Ordinance Amendments

Motion carried 9:0

⁹ ADJOURN. Motion to adjourn the Planning Commission Meeting

Motion carried 9:0

UNOFFICIAL UNTIL APPROVED BY THE PAC

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
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County Surveyor / Recorder

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: May 18, 2020
Report date: May 7, 2020

PUBLIC HEARING: “DL BTF Addition” Preliminary/Final Plat Review

Request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner) for Preliminary and Final Plat review of the proposed “DL BTF Addition” as part of a multi-party common property line adjustment request.

Application Information:

Applicant: Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner)
Address of zoning request: 31734 and 31924 Willow Trail, Cannon Falls, MN 55009
Parcel(s): 28.019.5901, 28.019.6001, 28.019.6300, and 28.019.6900
Abbreviated Legal Description: Part of the W 1/2 of the SW 1/4 of Sect 19 TWP 112 R17 in Cannon Falls Township
Zoning Districts: B2 (Highway Business); A3 (Urban Fringe)

Attachments and links:

Application and submitted project summary (excerpt of materials, full submittal available upon request)
Site Map(s)
Survey
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Summary:

The Applicants have submitted an application for preliminary and final plat approval of the proposed “DL BTF Addition” plat. The plat facilitates property boundary adjustments in 3 locations along the common boundary between the two subject properties as part of clearing up conflicting property descriptions and resolving property line locations.

The 3 “slivers” of property (approximately 0.18 acres total) that are being exchanged between the two parties require platting because they do not contain the minimum lot area or right-of-way frontage to exist as standalone parcels. An Administrative Plat review is not possible in this case either as the property includes part of Willow Trail, which has not been dedicated to the public through any recorded document.

The Applicants have also submitted an application requesting to rezone the 3 “slivers” to maintain uniform zoning districts in each parcel after the property line adjustments are completed through the platting process.

Project Summary:

Property Information:

- High-Power Farms LLC owns the southerly property (PID 28.019.6001) and Mon Cheval Training Center LLC owns the northerly properties (PID's 28.019.5901, 28.019.6300, and 28.019.6900).

The subject parcels comprise 60.18-acres. The 3 "slivers" of property to be exchanged between the parties total approximately 0.18 acres.

The plat would result in a total of 2 lots. Lot 1 (north) would comprise 40.93 acres. Lot 2 (south) would comprise 20.87 acres.

- The northerly property is currently an equine training center and pasture land. The southern property is currently a residential homestead with some agricultural outbuildings and pasture land. No changes in use are anticipated on either property as a result of the plat.
- The northerly properties are zoned B2; the southerly property is zoned A3. As part of the property exchange, the northerly parcel would receive two slivers of A3 zoned property to the east, and the southerly parcel would receive one sliver of B2 zoned property to the west.

The Applicants have submitted an application to rezone the slivers of property to match the zoning district for the property they would be combined with.

- Adjacent zoning districts include A3 to the north and south, B2 to the east, and R1 to the west. The Cannon Falls city limits are 500 feet east of the parcels.
- No portion of either parcel is mapped Shoreland, Floodplain, Wetland, or Bluffland.

The property is not located within a Historic Preservation District.

- Neither property contains a Registered Feedlot. Portions of both properties are used for pasturing of horses and similar low-intensity agricultural activities. Higher intensity agricultural activities are limited at the properties due to the existing residences in the surrounding vicinity as well as the proximity to the city of Cannon Falls.
- No additional dwelling sites would be created or lost as a result of the proposed rezones. The housing density for the section would not be affected.

No development is proposed or anticipated as a result of the plat. Any future subdivisions of these properties would be required to come back through the platting process for consideration.

Access/Traffic:

- Both properties are currently accessed via Willow Trail. No property access changes are planned as part of the proposed plat.

Water/Wastewater:

- Both properties are served by individual private well and septic systems. Both septic systems have current certificates of compliance (2018). No additional sanitary facilities are needed for the plat as proposed.

Cannon Falls Township/City of Cannon Falls:

- Cannon Falls Township is aware of the request and the Applicant is scheduled on the Township's May 13th, 2020 meeting agenda for consideration/approval.
- LUM Staff contacted the city of Cannon Falls regarding the request and will update the Planning Commission with any comments received.

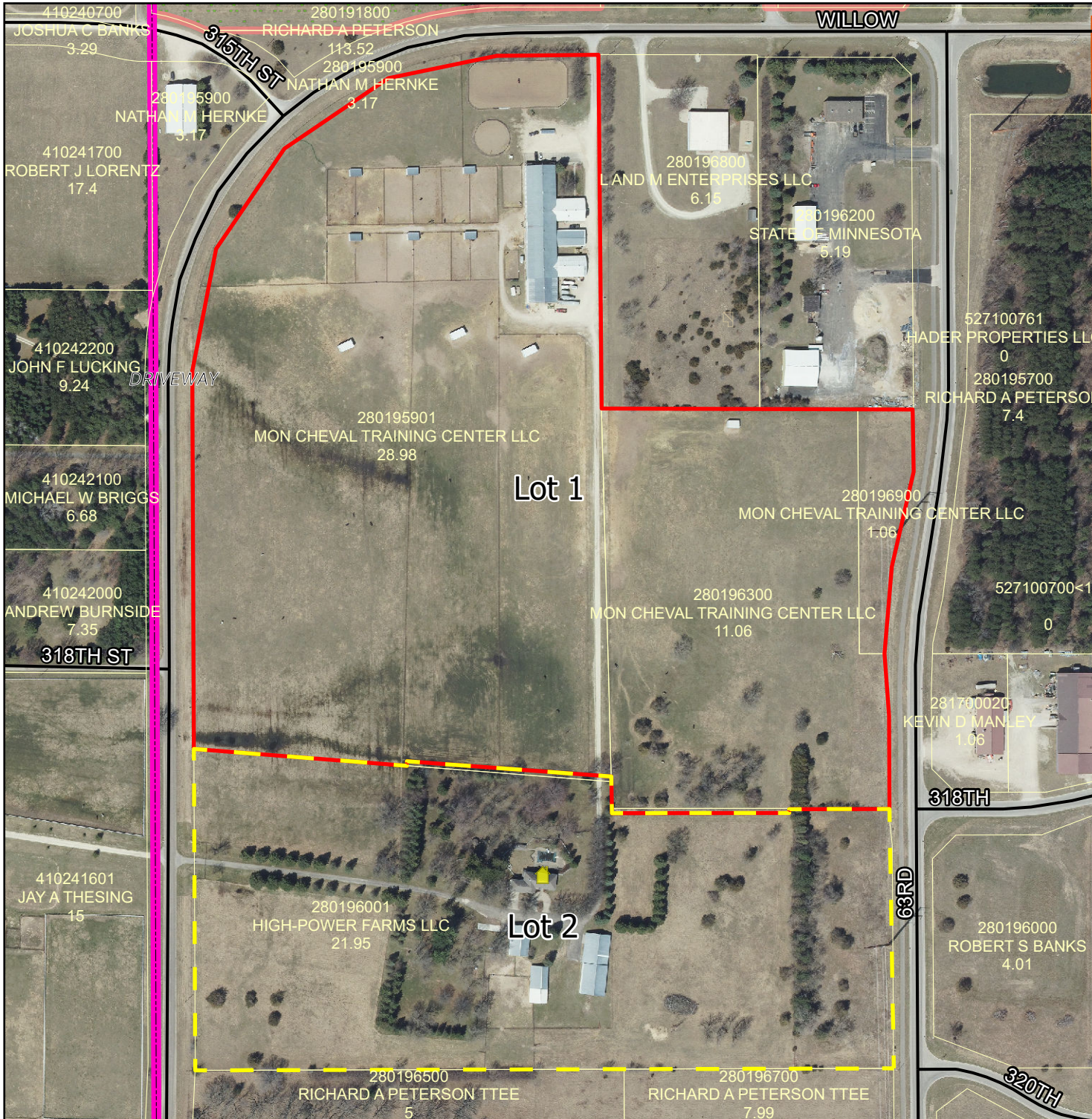
Staff Recommendation:

LUM Staff recommends the Planning Advisory Commission

- 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 request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner) for Preliminary and Final Plat review of the proposed "DL BTF Addition."

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
May 18, 2020

Northern States Power Company, High-Power Farms LLC, and Mon Cheval Training Center LLC

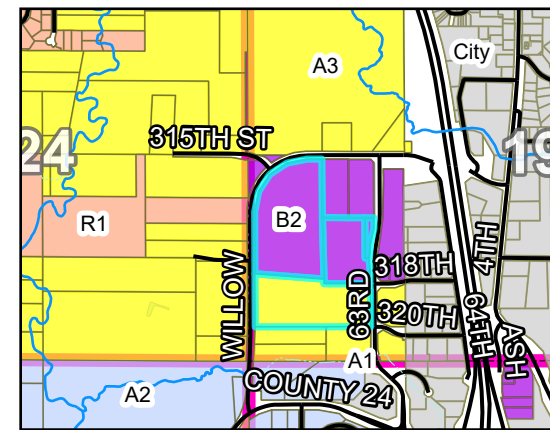
A3/B2 Zoned District

Part of the W 1/2 of the SW 1/4 of Sect 19
TWP 112 R17 in Cannon Falls Township

Preliminary/Final Plat review of "DL BTF Addition" & request to rezone B2 to A3 and A3 to B2 to address slivers created by plat

Legend

Intermittent Streams	Bluff Impact Zones (% slope) 20
Protected Streams	Bluff Impact Zones (% slope) 30
Lakes & Other Water Bodies	FEMA Flood Zones 2% Annual Chance
Shoreland	FEMA Flood Zones A
Historic Districts	FEMA Flood Zones AE
Parcels	FEMA Flood Zones AO
Registered Feedlots	FEMA Flood Zones X
Dwellings	
Municipalities	



0 115 230 460 690 US Feet

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MAP 01: PROPERTY OVERVIEW

PLANNING COMMISSION

Public Hearing

May 18, 2020

Northern States Power Company, High-Power Farms LLC, and Mon Cheval Training Center LLC

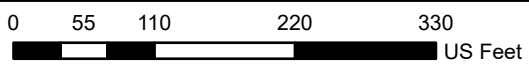
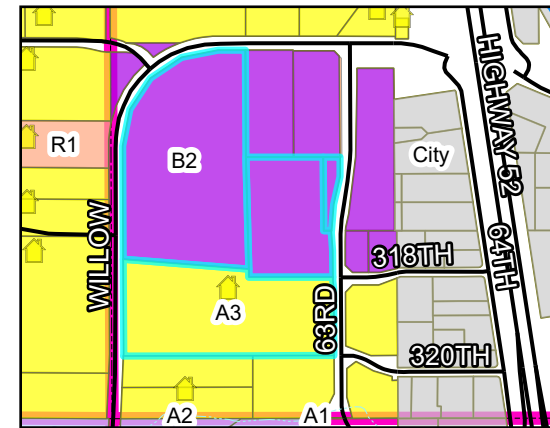
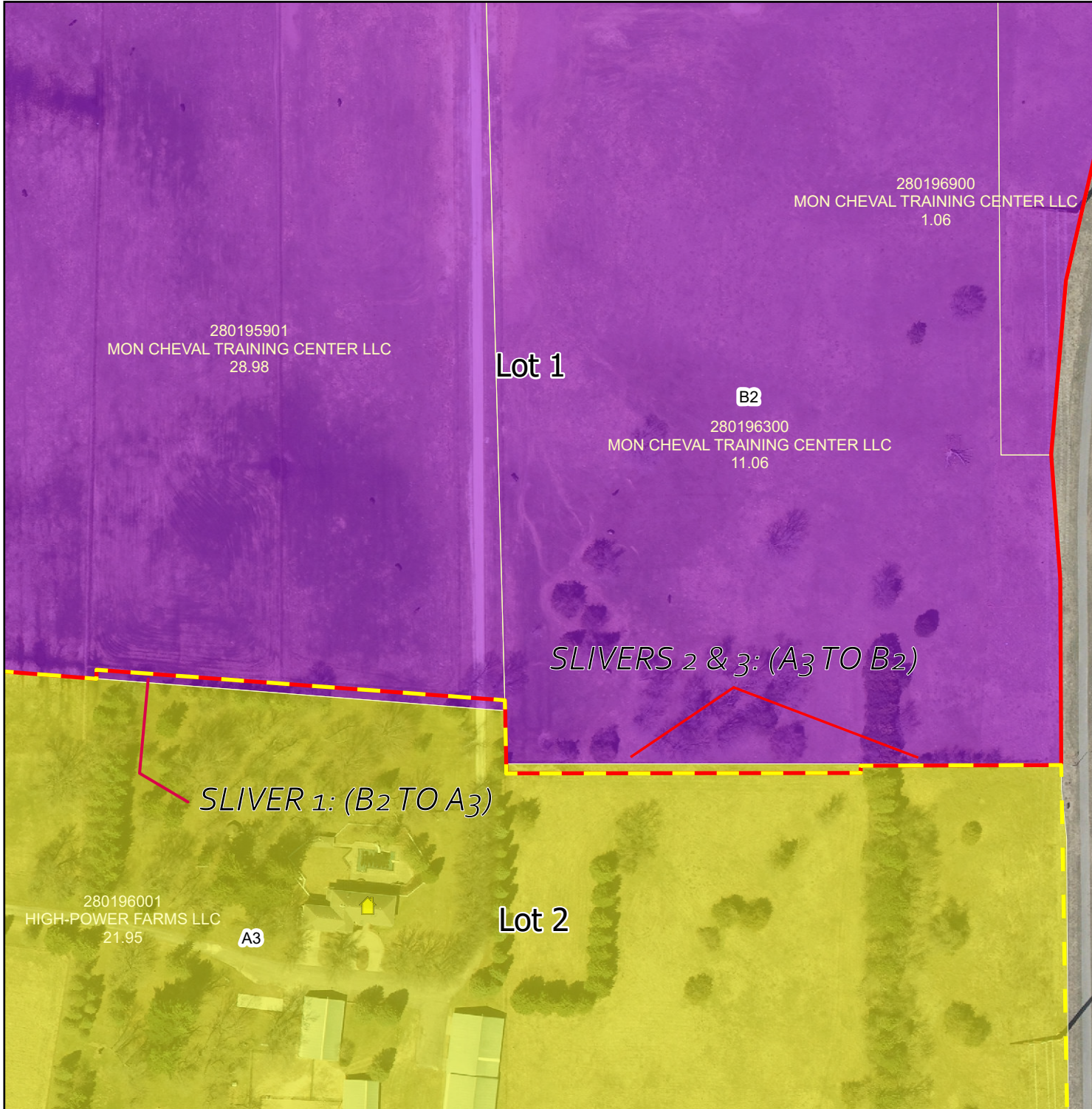
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Protected Streams	Bluff Impact Zones (% slope) 30
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Shoreland	2% Annual Chance
Historic Districts	A
Parcels	AE
Registered Feedlots	AO
Dwellings	X
Municipalities	

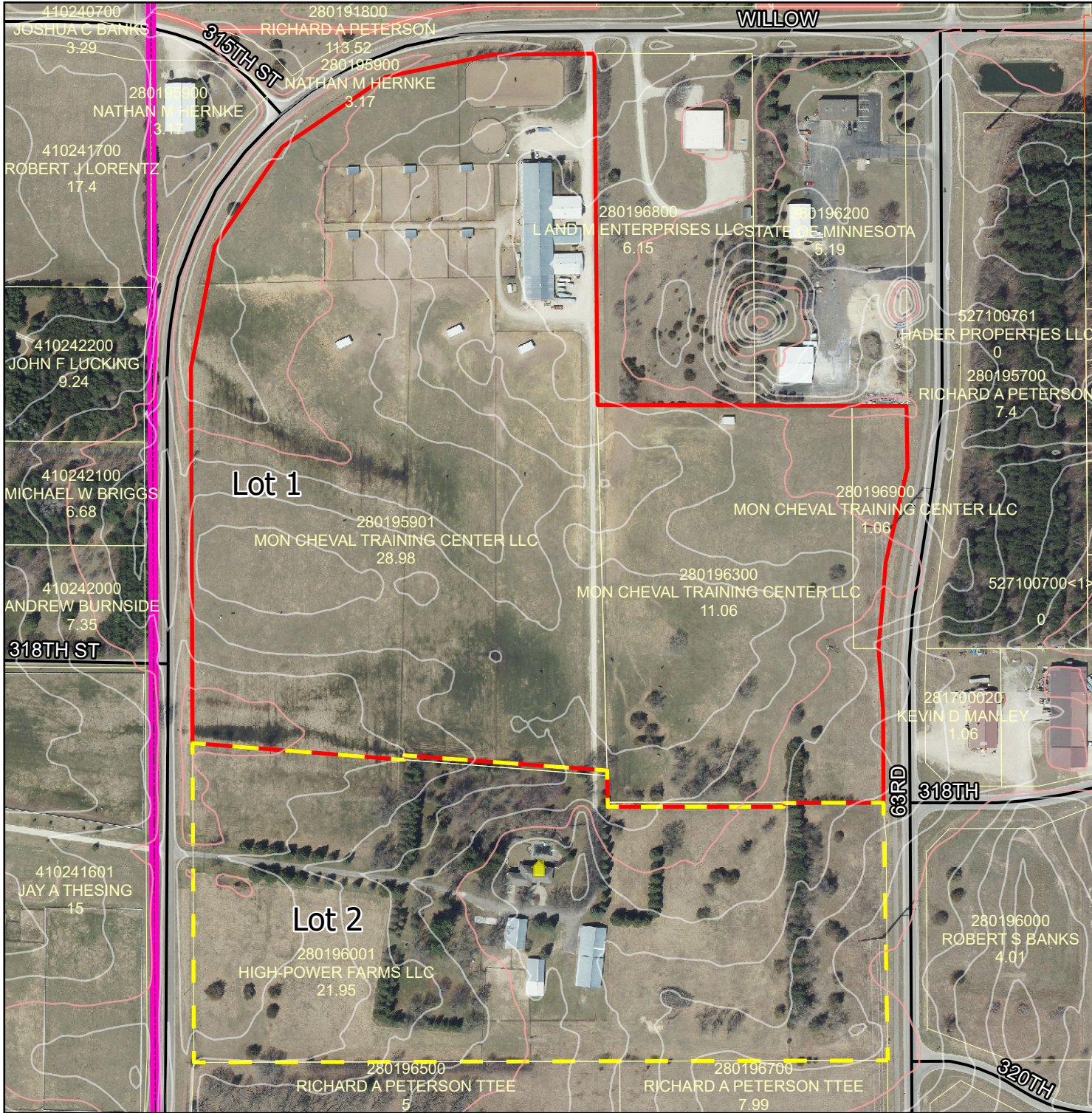


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MAP 03: ELEVATIONS



PLANNING COMMISSION

Public Hearing
May 18, 2020

Northern States Power Company, High-Power Farms LLC, and Mon Cheval Training Center LLC

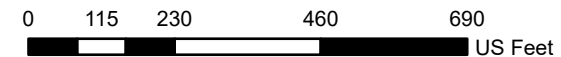
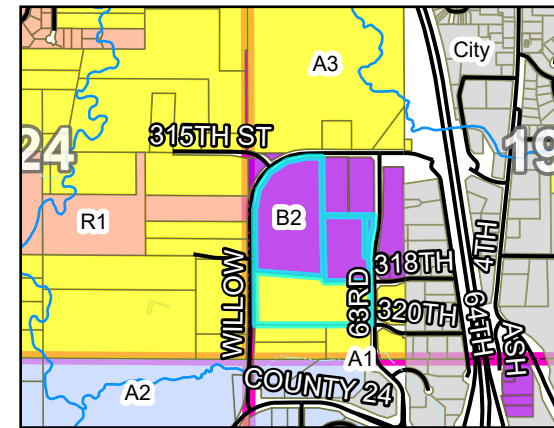
A3/B2 Zoned District

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TWP 112 R17 in Cannon Falls Township

Preliminary/Final Plat review of "DL BTF Addition" & request to rezone B2 to A3 and A3 to B2 to address slivers created by plat

Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		20
	Lakes & Other Water Bodies		30
	Shoreland		
	Historic Districts		FEMA Flood Zones
	Parcels		2% Annual Chance
	Registered Feedlots		A
	Dwellings		AE
	Municipalities		AO
			X

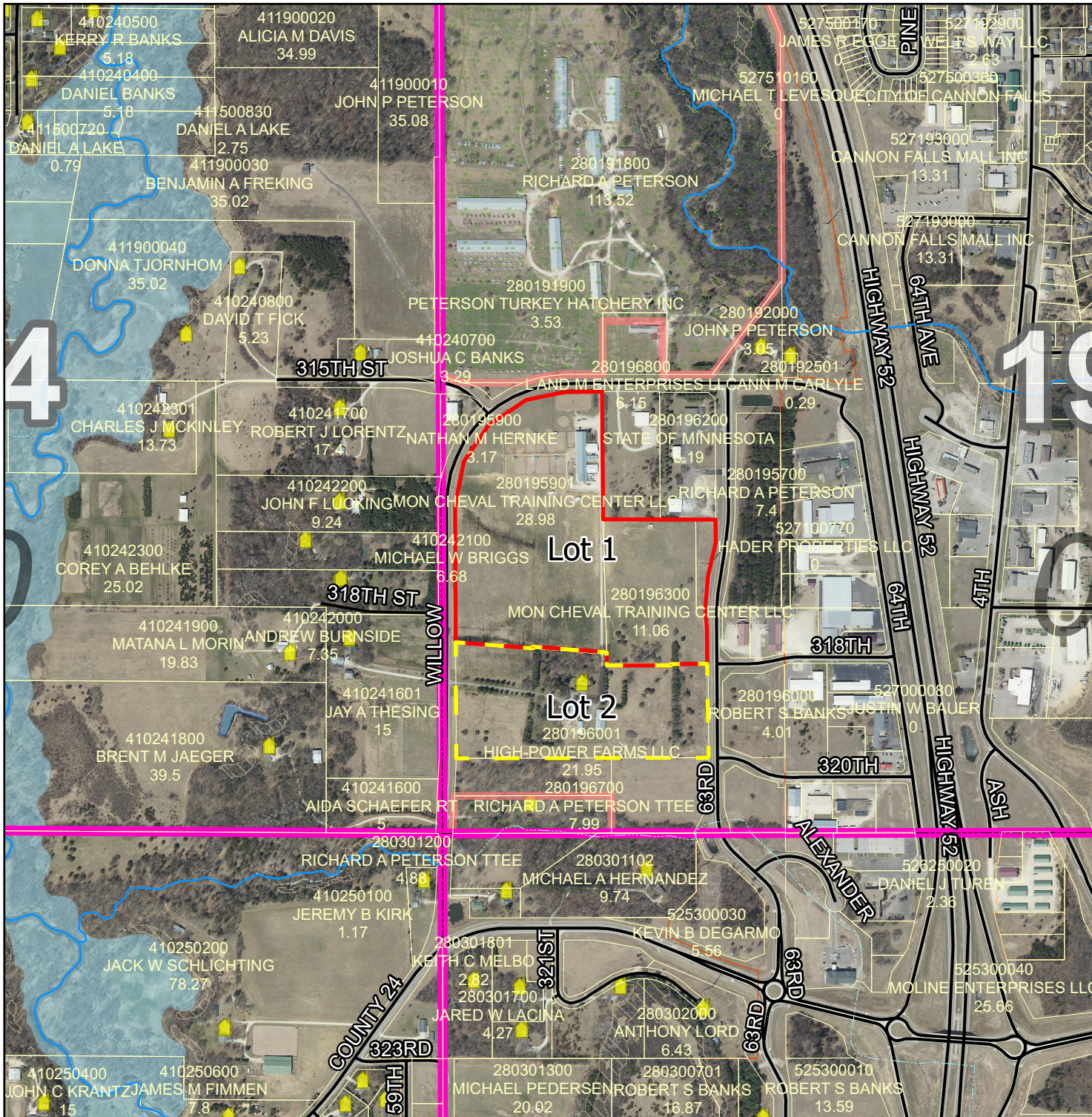


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MAP 02: VICINITY MAP



PLANNING COMMISSION

Public Hearing
May 18, 2020

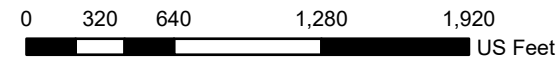
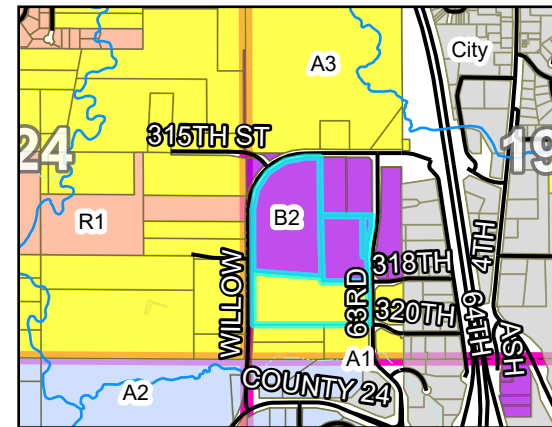
Northern States Power Company, High-Power Farms LLC, and Mon Cheval Training Center LLC

A3/B2 Zoned District

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TWP 112 R17 in Cannon Falls Township

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Legend

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	Registered Feedlots		X
	Dwellings		
	Municipalities		



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FILE #	220.0020
PARCEL #	

505 Plat Application

A. A Minnesota Statute Chapter 505 plat* is required under the following circumstances:

- 1) The creation of three or more tax parcels from one tax parcel, except when the tax parcels created can be described by an aliquot part of the Public Land Survey. The minimum division shall be a Quarter Quarter of the Section (i.e. SE 1/4 of the NW 1/4). Non-contiguous land must be separate tax parcels. The parcels shown on the plat provide for road access for each new division or reconfiguration of land;
- 2) If a subdivision of a platted lot or outlot can result in one or more potential dwelling sites, the subdivision must be platted.

***Requires approval and public hearings from the Planning Commission and County Board**

Landowner Information			
Landowner Name	High-Power Farm, LLC MonCheval Training Center, LLC	Email	[REDACTED]
Mailing Address	29657 Hawkins Court, Cannon Falls, MN 55009 31734 Willow Trail, Cannon Falls, MN 55009		
Daytime Phone			
Applicant Information (if different than above)			
Applicant Name	Northern States Power Company	Email	[REDACTED]
Mailing Address	c/o Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, MN 55402		
Daytime Phone	612.492.7093		
Township Information			
Township position		Date	
Signature			
County Use			
Application Fee	\$350	Receipt Number	Received Date
Initial Reviewed by			
Plat Name	DL BTF Addition		
Request complies with Goodhue County Zoning and Subdivision requirements as attested by me			
_____ the Goodhue County Planner/Zoning Administrator on			
this day _____			



NORTHERN STATES POWER
MINNESOTA

PROPOSED CONVEYANCE EXHIBIT



Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: May 18, 2020
Report date: May 7, 2020

PUBLIC HEARING: Request for Map Amendment (Rezone) – High-Power Farms LLC/Mon Cheval Training Center LLC

Request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner) to rezone two “slivers” of property totaling less than 1-acre from A3 (Urban Fringe District) to B2 (Highway Business District) and one “sliver” of property totaling less than 1-acre from B2 to A3 in conjunction with a multi-party common property line adjustment request.

Application Information:

Applicant: Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner)

Address of zoning request: 31734 and 31924 Willow Trail, Cannon Falls, MN 55009

Parcel(s): 28.019.5901, 28.019.6001, 28.019.6300, and 28.019.6900

Abbreviated Legal Description: Part of the W ½ of the SW ¼ of Sect 19 TWP 112 R17 in Cannon Falls Township

Zoning Districts: B2 (Highway Business); A3 (Urban Fringe)

Attachments and links:

Application and submitted project summary

Site Map(s)

Project Review (Rezone)

Goodhue County Zoning Ordinance (GCZO):

<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Summary:

High-Power Farms LLC owns the southerly property (PID 28.019.6001) which is zoned A3 (Urban Fringe District) and Mon Cheval Training Center LLC owns the northerly properties (PID's 28.019.5901, 28.019.6300, and 28.019.6900) which are zoned B2 (Highway Business District). The property boundaries are being slightly altered in 3 locations along the common boundary between the two properties as part of clearing up conflicting property descriptions and resolving property line locations.

The 3 “slivers” of property (approximately 0.18 acres total) that are being exchanged between the two parties would be in different zoning districts than the parcels they are being added to. The Applicants are requesting the rezones to maintain uniform zoning districts in each parcel after the property line adjustments are completed through the platting process.

The Applicants have also submitted an application for preliminary and final plat approval of the proposed “DL BTF Addition” plat in conjunction with this request.

Project Summary:

Property Information:

- The subject parcels comprise 60.18-acres. The 3 “slivers” of property to be rezoned total approximately 0.18 acres.
- The northerly properties (PID's 28.019.5901, 28.019.6300, and 28.019.6900) are zoned B2; the

southerly property (PID 28.019.6001) is zoned A3. As part of the property exchange, the northerly parcel would receive two slivers of A3 zoned property to the east, and the southerly parcel would receive one sliver of B2 zoned property to the west.

- Adjacent zoning districts include A3 to the north and south, B2 to the east, and R1 to the west. The Cannon Falls city limits are 500 feet east of the parcels.
- Both properties are currently accessed via Willow Trail. No property access changes are planned as part of the rezone.
- The area is composed of a mix of commercial, agricultural, and low-density residential uses. There are numerous commercial and light industrial uses to the east fronting along US Highway 52 (4-lane highway).

Rezoning the 3 slivers of property would not appear to have any substantial negative impacts on the existing or potential future uses of the surrounding zoning districts.

- The property is not located within a Historic Preservation District. It is not anticipated that any scenic or historic amenities will be negatively impacted as a result of the proposed rezone.
- No portion of either parcel is mapped Shoreland, Floodplain, or Bluffland.

Existing/Proposed Uses:

- The northern property is currently an equine training center and pasture land. The southern property is currently a residential homestead with some agricultural outbuildings and pasture land. No changes in use are anticipated on either property as a result of the proposed rezone.

Planning Information:

- The B2 District is intended to provide for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. It is the intent of the B2 District regulations that establishments desiring location along major traffic routes be grouped with appropriate and adequate access ways provided.
- The A3 District is intended to provide for urban expansion in close proximity to existing incorporated urban centers within Goodhue County in accordance with the Comprehensive Plan by conserving land for farming and other open space land uses for a period of time until urban services become available.
- Portions of both properties are used for pasturing of horses and similar low-intensity agricultural activities. Higher intensity agricultural activities are limited at the properties due to the existing residences in the surrounding vicinity as well as the proximity to the city of Cannon Falls.
- The Prime Farmland Rating for Agriculture is as follows:

<i>Soil Name</i>	<i>Slope</i>	<i>Amount (acres)</i>	<i>% of Total</i>	<i>Prime Farmland Rating</i>
Sparta Loamy Sand	0-6%	0.18	100%	Not Prime Farmland

- The proposed rezone does not appear inconsistent with the goals and objectives of the Goodhue County Comprehensive Plan.
Goodhue County does not have an official future land use map.
- No additional dwelling sites would be created or lost as a result of the proposed rezones. The housing density for the section would not be affected.

Cannon Falls Township/City of Cannon Falls:

- Cannon Falls Township is aware of the request and the Applicant is scheduled on the Township’s May 13th, 2020 meeting agenda for consideration/approval.
- LUM Staff contacted the city of Cannon Falls regarding the request and will update the Planning Commission with any comments received.

Staff Recommendation:

LUM Staff recommends the Planning Advisory Commission

- 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 map amendment request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner) to rezone two “slivers” of property totaling less than 1-acre from A3 (Urban Fringe District) to B2 (Highway Business District) and one “sliver” of property totaling less than 1-acre from B2 to A3 as indicated on the proposed “DL BTF Addition plat.

Subject to the following condition:

1. The proposed “DL BTF Addition” plat shall be recorded prior to the zoning changes.

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
 Telephone: 651.385.3104
 Fax: 651.385.3106



County Surveyor / Recorder

Environmental Health | Land Surveying | GIS
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Project Review per Article 3, Section 2, Subd. 5-10:

- Subd. 5
- A. The names and addresses of the petitioner or petitioners and their signatures to the petition. **See application**
 - B. Survey information: **See application**
 - C. The current and proposed district: **A3 to B2 (2 slivers); B2 to A3 (1 sliver)**
 - D. The current use and the proposed use of the land.

The northern property (PID's 28.019.5901, 28.019.6300, and 28.019.6900) is currently an equine training center and pasture land. The southern property (PID 28.019.6001) is currently a residential homestead with some agricultural outbuildings and pasture land. No changes in use are anticipated on either property as a result of the proposed rezone.

E. The reason for the requested change of zoning district. **The applicant is requesting the zone change as part of a multi-party common property line adjustment platting process that is intended to clear up conflicting property descriptions and resolving property line locations. The property boundaries are being slightly altered in 3 locations along the common boundary. Because the northern property is zoned B2 and the southern property is zoned A3, the property line adjustment would create slivers of dissimilar zoning districts within each existing parcel if they were not also simultaneously rezoned.**

F. A copy of the soil map showing the soils types within the proposed boundary and the surrounding area. **A soils map for the site has been prepared.**

- G. Prime Farmland Rating of the soil types in F.
 - The Prime Farmland Rating for Agriculture is as follows:

<i>Soil Name</i>	<i>Slope</i>	<i>Amount (acres)</i>	<i>% of Total</i>	<i>Prime Farmland Rating</i>
Sparta Loamy Sand	0-6%	0.18	100%	Not Prime Farmland

H. A statement of how the requested change is compatible with the Goodhue County Comprehensive Plan including but not limited to the following:

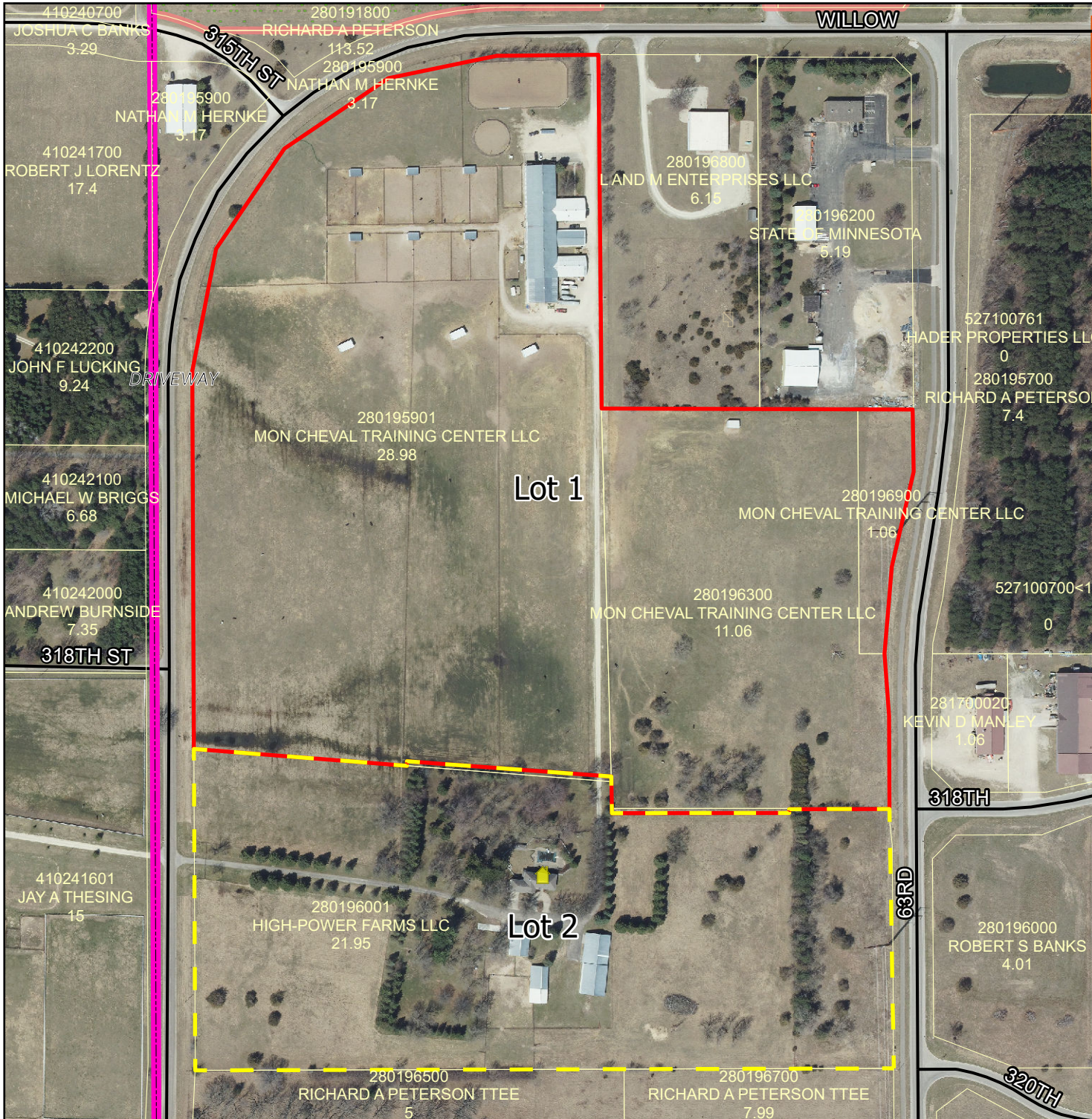
1. The environmental impacts of the proposed use of land on the:
 - a. Groundwater
 - b. natural plant and animal communities
 - c. existing trees and vegetation
 - d. Bluffland stability
 - e. shoreland stability
1. **No portion of either parcel is mapped Shoreland, Floodplain, or Bluffland.**
2. The compatibility with surrounding land uses
The area is composed of a mix of commercial, agricultural, and low-density residential uses. The Cannon Falls city limits abut the parcels to the east. There are numerous commercial and light industrial uses to the east fronting along US HWY 52. Rezoning the 3 slivers of property would not appear to have any substantial negative impacts on the existing or potential future uses of the surrounding zoning districts.
3. The physical and visual impacts on any scenic or historic amenities within or

surrounding the proposed parcel.

It is not anticipated that any scenic or historic amenities will be negatively impacted as a result of the proposed rezones.

- Subd. 6 The housing density of the affected Section
No additional house sites would be created or lost as a result of the proposed rezones. The housing density for the section will not be affected.
- Subd. 7 The impact on any surrounding agricultural uses
Portions of both properties are used for pasturing of horses and similar low-intensity agricultural activities. Intense agricultural activities are limited to the properties due to the existing residences in the surrounding vicinity as well as the proximity to the city of Cannon Falls.
- Subd. 8 The impact on the existing transportation infrastructure
Both properties are currently accessed via Willow Trail. No property access changes are planned as part of the rezone request. The change of zone is not anticipated to negatively impact traffic or existing transportation infrastructure.
- Subd. 9 The impact on surrounding zoning districts
Due to the limited scale of the property to be rezoned (0.18 acres in total), the rezone is not anticipated to impact surrounding zoning districts.
- Subd. 10 A statement concerning the cumulative effect and compatibility of the requested zoning change on the affected Township and any cities located within 2 miles of the proposed parcel.
Rezoning the 3 slivers of property would not appear to have any negative cumulative effects on the immediate surrounding area or the City of Cannon Falls nor would it appear to have any substantial negative impacts on the existing or potential future uses of the surrounding zoning districts.
- Subd. 11. Additional information as may be requested by the Planning Commission or zoning staff.

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

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May 18, 2020

Northern States Power Company, High-Power Farms LLC, and Mon Cheval Training Center LLC

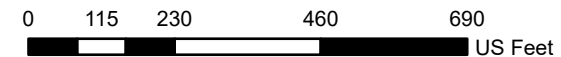
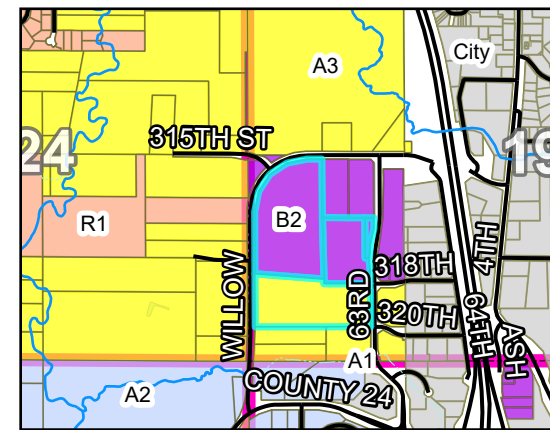
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Registered Feedlots	FEMA Flood Zones X
Dwellings	
Municipalities	



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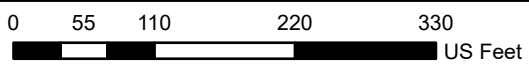
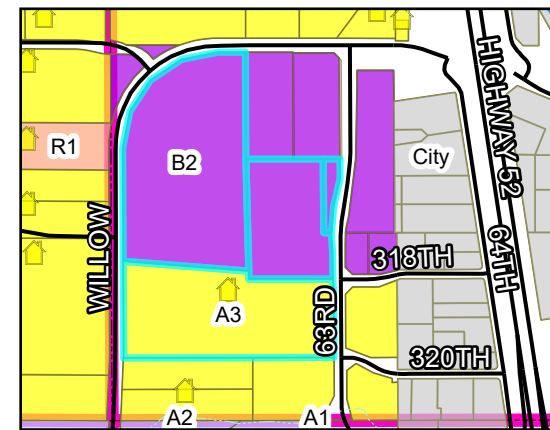
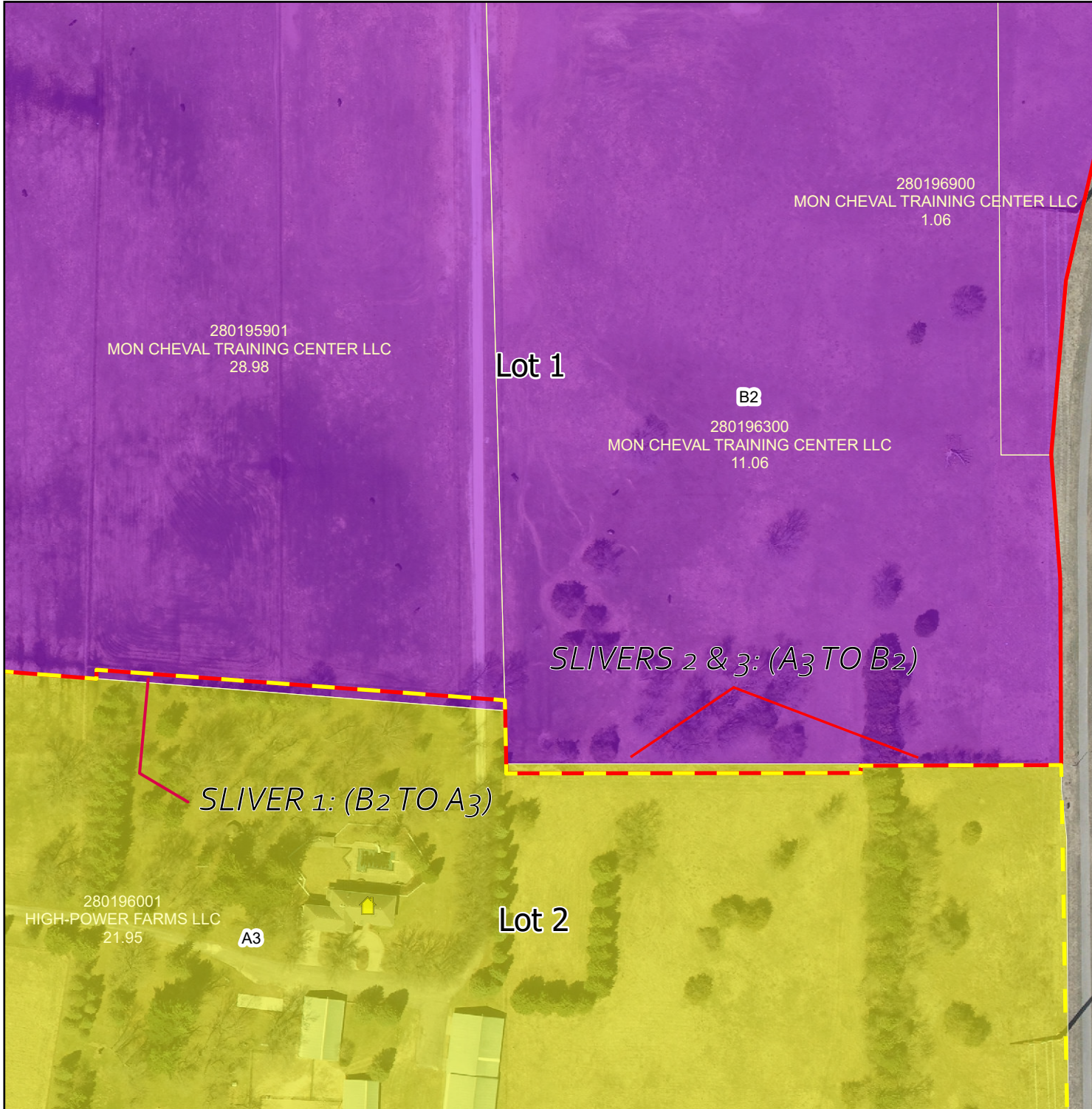
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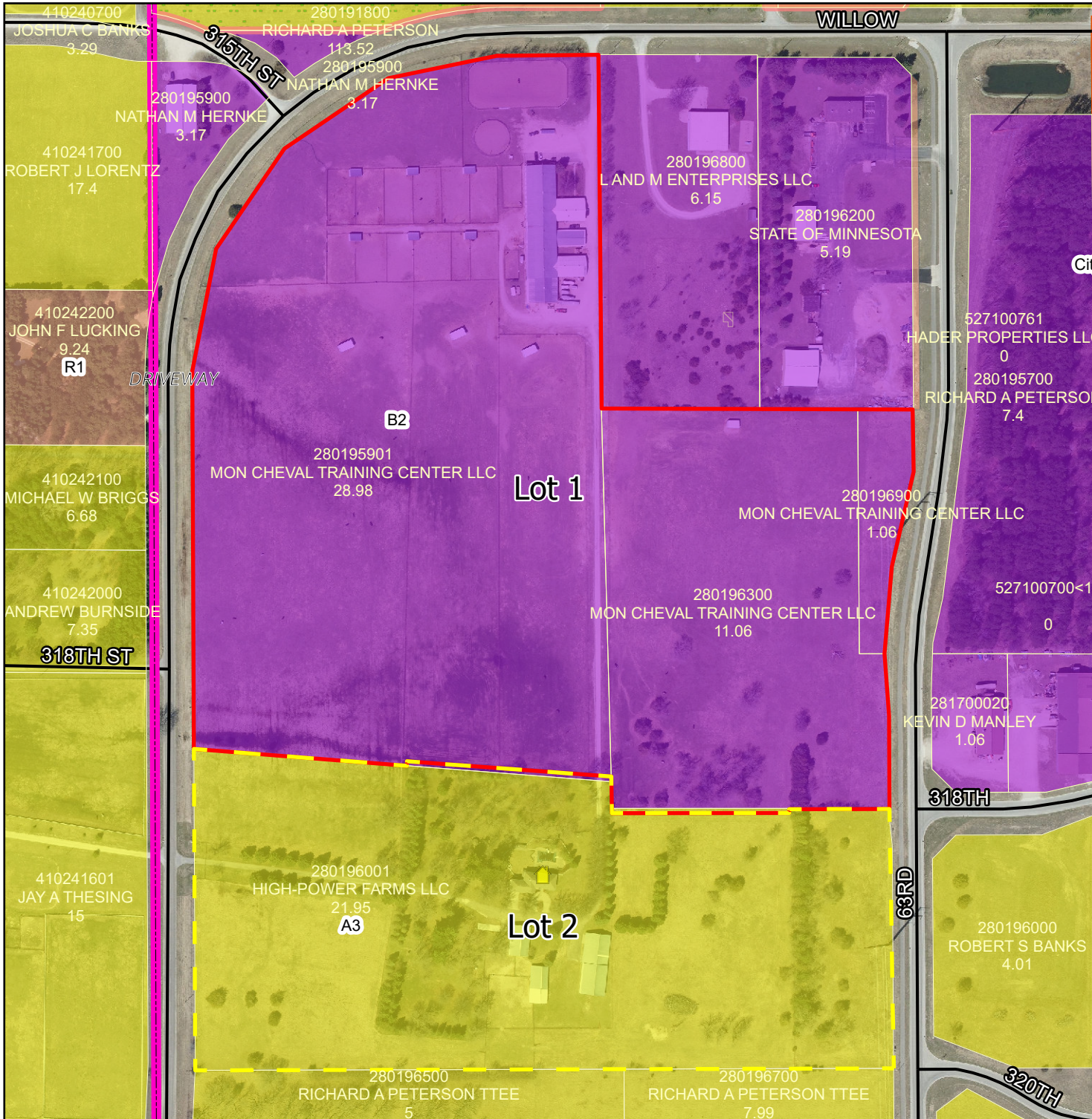


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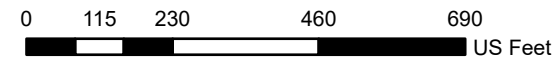
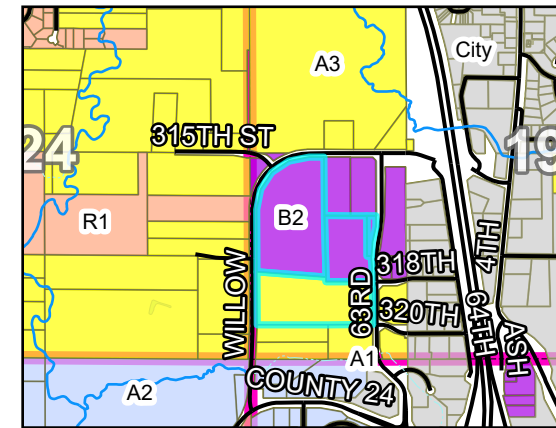
Northern States Power Company, High-Power Farms LLC, and Mon Cheval Training Center LLC

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	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		30
	Lakes & Other Water Bodies		
	Shoreland		
	Historic Districts		
	Parcels		
	Registered Feedlots		
	Dwellings		
	Municipalities		
			FEMA Flood Zones
			2% Annual Chance
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			AE
			AO
			X

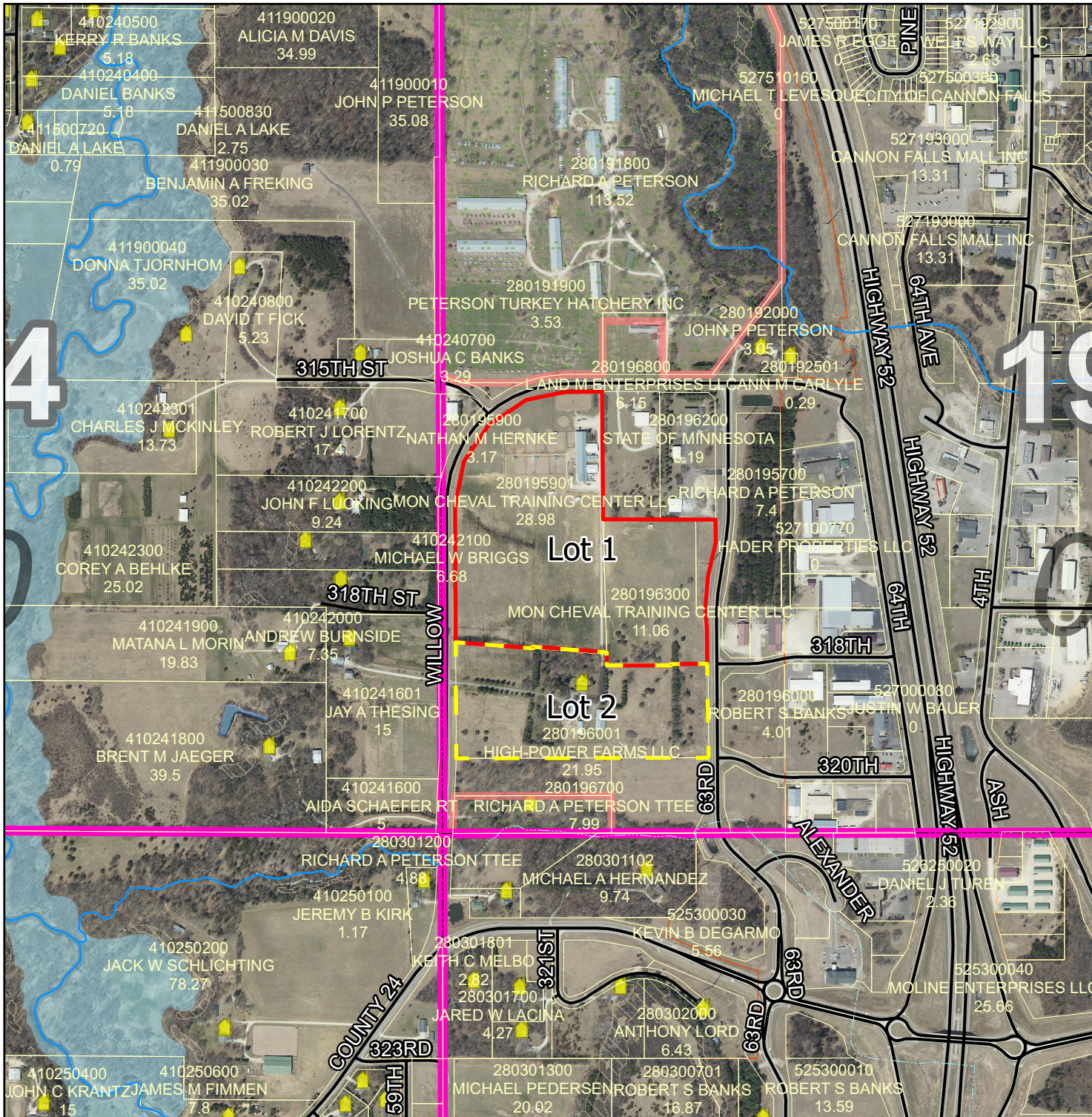


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MAP 02: VICINITY MAP



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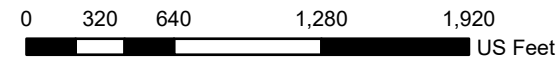
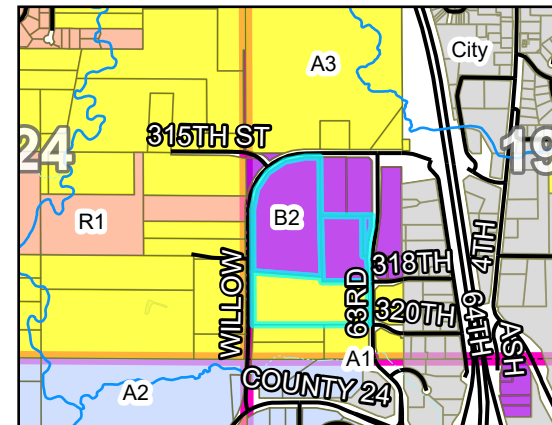
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	Historic Districts		AE
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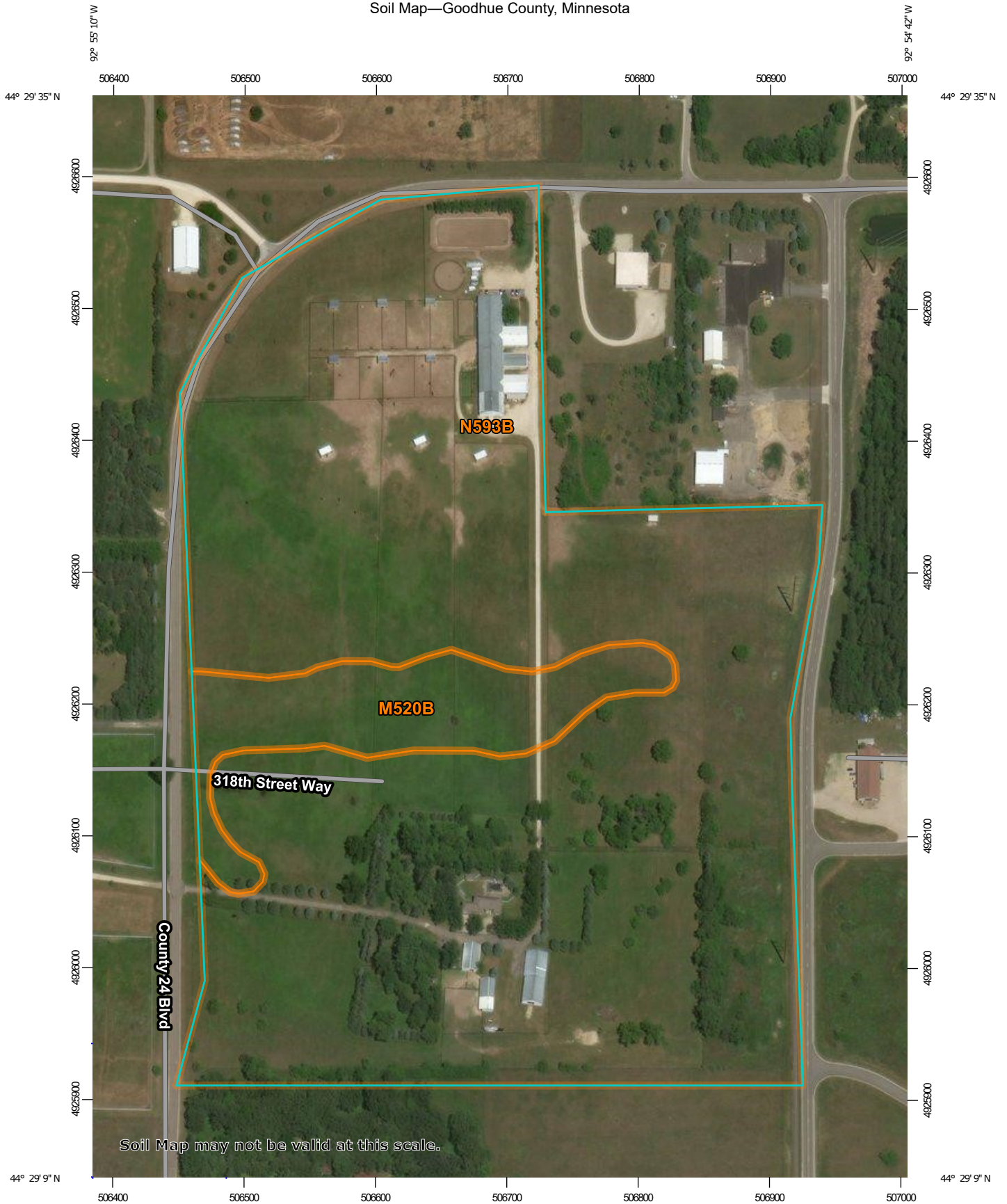


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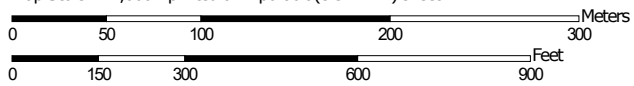
2018 Aerial Imagery
Map Created May, 2020 by LUM



Soil Map—Goodhue County, Minnesota



Map Scale: 1:4,000 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

5/5/2020
Page 1 of 3

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
M520B	Rasset sandy loam, 0 to 6 percent slopes	5.9	9.1%
N593B	Sparta loamy sand, 0 to 6 percent slopes	58.4	90.9%
Totals for Area of Interest		64.3	100.0%

720-0020



APPLICATION FOR

Map Amendment

Applicant Information

APPLICANT OR AUTHORIZED AGENT'S NAME: High-Power Farms, LLC Mon Cheval Training Center, LLC	
APPLICANT'S ADDRESS: c/o Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, MN 55402	TELEPHONE: 

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: ()
	EMAIL:

- Map Amendment - Parcel: part of 280196001 ; Current District: A3 Requested District: B2
- Parcel: part of 280195901 ; Current District: B2 Requested District: A3
- Parcel: part of 280196300 ; Current District: B2 Requested District: A3
- Parcel: _____ ; Current District: _____ Requested District: _____
- Parcel: _____ ; Current District: _____ Requested District: _____

1. Stated reason for map amendment(s) requested:

So that zoning of slivers of land along a disputed boundary being conveyed to adjoiner match primary parcel.

2. Proposed future use(s) of the property to be rezoned:

Same as current.

3. Compatibility of the proposed zoning district with existing land uses in the area:

Same as current.

4. Provide any additional information that will assist the Planning Advisory Commission and the County Board in reviewing your request:

See attached drawing identifying the slivers of land being conveyed.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

1. The information presented is true and correct to the best of my knowledge.
2. If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
3. Other information or applications may be required.

Signature: *Bonnie O'Malley* Date: 4/23/2020

Print name: Bonnie O'Malley owner or authorized agent

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: May 18, 2020
Report date: May 7, 2020

PUBLIC HEARING: Request for Text Amendments to Articles 10 (Definitions), 11 (Performance Standards), 20 (Table of Uses), 22 (A2 Zoning District), 25 (B1 Zoning District), 27 (B2 Zoning District), and 28 (Industrial Zoning District)

Request submitted by Kevin Simanski (Applicant), to consider proposed text amendments to Goodhue County Zoning Ordinance to allow “outdoor storage” as a permitted use in the B2 (Highway Business) and A2 (General Agriculture) Districts. Land Use Management staff have prepared a definition and associated performance standards for “Exterior Storage Yards” for the Planning Commission to alternatively consider.

Attachments and links:

Application
LUM Staff proposed Exterior Storage Yards Definition and Performance Standards
LUM Staff comparison of Exterior Storage Yards/Contractors Yards/Junk-Salvage Yards
Table of Uses
B2 District
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Summary:

The Applicant, Kevin Simanski, has submitted a Zoning Ordinance Text Amendment request to modify existing A2 (General Agriculture) District and B2 (Highway Business) District language to allow “outdoor storage” as a Permitted use. “Outdoor storage” is not currently a defined use within the Zoning Ordinance nor is it (or a reasonably similar use) specified as a Permitted or Conditional/Interim use within the B2 District Regulations or the “*Table of Uses*” for agricultural and residential districts.

Because the submitted Application does not define “outdoor storage,” discuss any relevant performance standards, or consider the use for other similar zoning districts (A1, A3, B1, I) LUM Staff have prepared a definition and associated performance standards for “Exterior Storage Yards” for the Planning Commission to alternatively consider. Staff’s proposed Exterior Storage Yard amendments were developed after extensively researching the adopted language in adjacent counties as well as zoning jurisdictions throughout the country. Staff has also provided a comparison of definitions for Exterior Storage Yards, Contractors Yards, and Junk-Salvage Yards to clarify differences among these uses.

It should be noted that though the text amendment has been proposed by an individual applicant, the review of the language should be focused on its implications throughout the County and not a specific project or site.

Due to the “60-Day Rule,” the PAC must act on the Applicant’s proposed “outdoor storage” amendment and make a recommendation of approval or denial to the County Board. The PAC may go one step further and make a decision regarding Staff’s proposed “Exterior Storage Yard” language.

Staff Recommendations:

LUM Staff recommends the Planning Advisory Commission

- 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 **DENY** the Applicant's text amendment request for "outdoor storage" in the A2 and B2 zoning districts to the extent it is undefined and does not provide adequate detail for the County to interpret the proposed use.

LUM Staff recommends the Planning Advisory Commission

- 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** Staff's recommended proposed "Exterior Storage Yards" text amendments.

Z20-0009

RECEIVED

MAR 13 2020

Zoning Ordinance Amendment

\$500 RECEIPT# 17182

DATE 3-13-2020

APPLICATION FOR

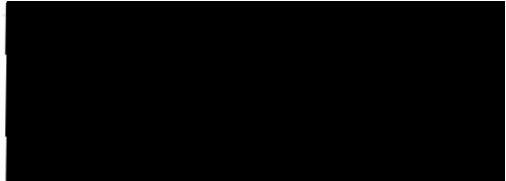
Text Amendment Land Use Management

APPLICANT OR AUTHORIZED AGENT'S NAME:

Kevin Simanski

APPLICANT'S ADDRESS:

28983-320 Avenue Way
Red Wing, MN 55066



CONTACT FOR PROJECT INFORMATION:

ADDRESS:

TELEPHONE:

()

EMAIL:

Same as Above

- Amendment to Subdivision Ordinance Article: _____, Section: _____
- Amendment to Zoning Ordinance Article: 27, Section: 2, Subd. 1 E.
- Amendment to Zoning Ordinance Article: 22, Section: 2, (TABLE of uses)
- Other: _____

1. Stated reason for amendment(s) requested:

There is currently no language for outdoor storage, which there is a need for.

2. Compatibility of proposed ordinance amendment(s) with the Goodhue County Comprehensive Plan:

This addition would enhance already permitted uses.

3. Provide proposed amended text and statements outlining any perceived effects the proposed amendment(s) may have on other areas of the Ordinance:

E. Any open air/outdoor storage

4. Provide any additional information that will assist the Planning Advisory Commission and the County Board in reviewing your request:

We have had multiple inquiries about outdoor storage, and the demand is high.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- 1. The information presented is true and correct to the best of my knowledge.
- 2. If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by USPS mail.
- 3. Other information or applications may be required.

Signature: Kevin Simanski

Date: 3-13-20

Print name: Kevin Simanski

owner or authorized agent

LUM STAFF PROPOSED ALTERNATIVE LANGUAGE

ARTICLE 10 WORD USAGE AND DEFINITIONS

EXTERIOR STORAGE YARDS. An outdoor facility designed and used for the orderly storage of operable recreational vehicles, boats, vehicles, or similar items.

ARTICLE 11 PERFORMANCE STANDARDS

Section 33. EXTERIOR STORAGE YARDS

Subd. 1. Exterior Storage Yards shall comply with the following standards:

- A. The parcel must meet or exceed the minimum size standards for the applicable zone.
- B. The site shall not be located within Wetland, Floodplain, or Blufflands.
- C. All equipment, buildings, and activities associated with Exterior Storage Yards shall be required to meet all setbacks for the applicable zone.
- D. Storage of hazardous wastes or materials is prohibited.
- E. Use of Exterior Storage Yards for equipment servicing or repair, retail sales, processing, or manufacturing is prohibited.
- F. Exterior Storage Yards shall be screened from view of any public street, residence, or adjoining Residential Districts (R, CS, MXH) with landscaping, berming, and/or fencing to a minimum 6 feet in height above original grade.
- G. All lighting shall be downward-projecting or shielded to prevent light from being directed off the premises.
- H. All areas for storage shall be surfaced with aggregate, asphalt, or similar material.
- I. A landscaping and drainage plan detailing adequate provisions for stormwater control and erosion prevention shall be provided.
- J. Daily hours of operation shall be limited to 7:00 AM to 9:00 PM.

Subd. 2. **PERMITTED USES:** Exterior Storage Yards shall be allowed as shown in the table below.

	A-1	A-2	A-3	R-1	B-1	B-2	I	CR	MXH	CS
Exterior Storage Yards	NP	NP	NP	NP	P	P	P	C/I	NP	NP

KEY: P = Permitted Use C = Conditional Use Permit I = Interim Use Permit NP = Use not permitted in the district

Goodhue County Land Use Management

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Lisa M. Hanni, L.S. Director

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Fax: 651.267.4875

DEFINITION COMPARISON

Discussion:

LUM Staff evaluated the potential for definition overlap among the proposed Exterior Storage Yards and the existing similarly defined Contractors Yards and Junk/Salvage Yards. The proposed Exterior Storage Yard definition seeks to prevent the “dual” classification of these similar uses and avoid confusion and interpretation issues in the future.

The key features differentiating these three uses are the type of items/materials that can be stored, what other activities are allowed on site, and the extent to which exterior storage is allowed. Contractors Yards are specifically for professional contractors and tradesmen to store equipment or material on site until it needs to be used as part of the contractor’s work which is performed off-site. Outside storage, in this case, is only allowed as an accessory to the contracting businesses, and the items/materials that are stored there are tied to the specified contracting work. Exterior Storage Yards differ in that the principal activity is commercial storage and no accessory contracting work, processing, or sale is allowed on site and they do not function as a base of operations for off-site work.

A Junk/Salvage yard is for the storage, processing, and/or sale of inoperable, unusable, worn, and other “practically useless” materials and vehicles. Exterior Storage Yard conversely would only be for commercial outdoor storage of operable recreational vehicles, boats, and automobiles. Exterior Storage Yard performance standards do not allow sales, processing, or work on the site and any storage of inoperable, unusable, or otherwise “junk” items would automatically classify a business as a Junk/Salvage Yard, not an Exterior Storage Yard.

Exterior Storage Yards, as written, are intended to cater to the commercial outdoor storage of operable recreational vehicles and equipment for which users often may not have adequate space or sufficient security to store on their property.

Existing Definitions in Goodhue County Zoning Ordinance (Article 10).

CONTRACTORS YARD. A site used for storage, maintenance, and staging of vehicles, equipment, and materials related to contracting work in any of the building trades, landscaping, road building, sewer installation, transport, and hauling, or similar professions in which work is principally conducted off-site.

JUNK/SALVAGE YARD. A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second-hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

Proposed Definition

EXTERIOR STORAGE YARDS. An outdoor facility designed and used for the orderly storage of operable recreational vehicles, boats, vehicles, or similar items.

GOODHUE COUNTY ZONING ORDINANCE

Table of Uses

Use	A-1	A-2	A-3	R-1	CS
Residential					
Single-Family Dwelling	P	P	P	P	P
Two, Three, Or Four Family Dwellings	NP	NP	NP	P	NP
Accessory Dwelling Unit (ADU) (Art. 11 § 31)	P	P	P	P	P
Residential Accessory Buildings ≥ 7,200ft ² (Art. 11 § 6)	C/I	C/I	C/I	NP	C/I
Mobile Home Park (Art. 16)	NP	NP	NP	C/I	NP
Agricultural					
Feedlots (Art.13)					
New Feedlot (Art.13)	P	P	NP	NP	NP
New Feedlot outside of Farmyard (Art.13)	C/I	C/I	NP	NP	NP
Feedlot expansion up to ≤ 100 Animal Units (Art.13)	P	P	P	NP	NP
Feedlot expansion to ≥ 300 Animal Units (Art.13)	P	C/I	NP	NP	NP
Feedlot expansion to ≥ 500 Animal Units (Art.13)	C/I	C/I	NP	NP	NP
Animal waste storage structure ≥ 500,000 gallons (lagoon system, earthen basin, or associated structure [pit]) (Art.13)	C/I	C/I	C/I	NP	NP
Agricultural Operations (including tree farms) (Art.11 § 24)	P	P	P	NP	P
Farm Market/On-farm market/Roadside Stand < 2400ft ² (Art. 11 § 29)	P	P	P	NP	NP
Farm Market/On-farm market/Roadside Stand > 2400ft ² (Art. 11 § 29)	C/I	C/I	C/I	NP	NP
Plant Nurseries & Sales	P	P	P	NP	NP
Farm Wineries < 10,000ft ² (Art. 11 § 27)	P	P	P	NP	NP
Farm Wineries > 10,000ft ² (Art. 11 § 27)	C/I	C/I	C/I	NP	NP
Temporary/Seasonal Off-Site Roadside Produce Stands	C/I	C/I	NP	NP	C/I
Education Farm Retreat (Art. 11 § 14)	C/I	C/I	C/I	NP	NP
Non-Agricultural Uses Associated W/Agritourism (Art. 11 § 30)	C/I	C/I	C/I	NP	NP
1 Animal Unit per acre on a minimum 1-acre parcel				I	
Commercial					
Home Businesses - Tier 1 (Art.11 § 12)	P	P	P	P	P
Home Businesses - Tier 2 (Art.11 § 12)	P	P	P	I	I
Home Businesses - Tier 3 (Art.11 § 12)	I	I	I	NP	NP
Commercial Kennel/Raising of fur-bearing animals (Art.11 § 26)	C/I	C/I	C/I ^{bc}	NP	NP
Commercial/Industrial Uses primarily intended to serve Ag. Community	C/I	C/I	C/I ^{bc}	NP	NP
Boarding or Rooming Houses as an accessory use	C/I	C/I	C/I ^{bc}	C/I	NP
Bed and Breakfast Inn (Art.11 § 13)	C/I	C/I	C/I ^{bc}	C/I	NP
Contractors Yard (Art.11 § 33)	C/I	C/I	C/I	NP	NP
Veterinary Clinic	C/I	C/I	NP	NP	NP
Industrial					
Mining, Quarrying, Excavating/Filling (Art.14)	P	P	NP	NP	NP
Junk/Salvage Reclamation Yard (Art.11 § 10)	C/I	C/I	NP	NP	NP

a. Accessory buildings > 500ft² shall be ≥ 100ft from any lot line and ≥ 200ft from the nearest dwelling (Art.23 § 3 subd. 1)

b. Any mining, excavating, or filling of land for these uses shall be by conditional use (Art.23 § 3 subd. 10)

c. Accessory structures and uses customarily incidental to this use shall be by conditional use (Art.23 § 3 subd. 11)

KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT

GOODHUE COUNTY ZONING ORDINANCE

Table of Uses

Use	A-1	A-2	A-3	R-1	CS
Recreational					
Public Stable	C/I	C/I	C/I	NP	NP
Park/Recreational Area (operated by a governmental agency)	C/I	C/I	C/I ^{bc}	NP	NP
Park/Recreational Area	NP	NP	NP	C/I	C/I
Hunting Club/Shooting Preserve	C/I	C/I	NP	NP	NP
Campground &/or RV Site (<i>Art.16 § 7</i>)	C/I	C/I	C/I	NP	NP
Park Manager's Residence (1 per campground/RV park w/ ≥ 30 campsites)	NP	C/I	C/I	NP	NP
Commercial Outdoor Recreation Facilities (including, but not limited to, Golf Courses/Driving Ranges, Tennis Courts, Skiing, Swimming Pools, Park Facilities)	C/I	C/I	C/I ^{abc}	NP	NP
Commercial Outdoor Recreation Health Facilities	NP	C/I	NP	NP	NP
Commercial Outdoor Recreation Storage Structure (size & location to be approved by the Planning Advisory Commission)	NP	NP	C/I ^{bc}	NP	NP
Retreat Centers (<i>Art.11 § 25</i>)	NP	C/I	C/I	NP	NP
Institutional					
Community Building	C/I	C/I	C/I ^{bc}	C/I	C/I ^{bc}
Church	C/I	C/I	C/I ^{bc}	C/I	C/I ^{bc}
Cemetery	C/I	C/I	C/I ^{bc}	NP	NP
Memorial Garden	C/I	C/I	NP	NP	NP
Public School	C/I	C/I	C/I ^{bc}	C/I	NP
Private School	C/I	C/I	C/I ^{bc}	NP	NP
Nursery School	C/I	C/I	C/I ^{bc}	NP	NP
Funeral Home	NP	NP	C/I ^{bc}	NP	NP
Hospital, Sanitarium, Philanthropic/Eleemosynary Institutions (except correctional institutions, animal hospitals)	NP	NP	C/I ^{bc}	NP	NP
Miscellaneous					
WECS (Non-Commercial Micro) (<i>Art. 18</i>)	P	P	P	P	P
WECS (Non-Commercial) (<i>Art. 18</i>)	P	P	C/I	NP	NP
WECS (Commercial) (<i>Art. 18</i>)	C/I	C/I	NP	NP	NP
WECS (Meteorological Tower) (<i>Art. 18</i>)	P	P	C/I	NP	NP
SES (Utility Scale) (<i>Art. 19</i>)	C/I	C/I	C/I	NP	NP
SES (Commercial Scale) (<i>Art. 19</i>)	P	P	P	P	P
SES (Residential Scale) (<i>Art. 19</i>)	P	P	P	P	P
Aircraft Landing Fields & Facilities	C/I	C/I	NP	NP	NP
Sanitary Landfills/Sewage Disposal Works	C/I	NP	NP	NP	NP
Non-agricultural Lagoons (In accordance w/ MPCA regulations)	C/I	NP	NP	NP	NP
Migratory Labor Camp	C/I	C/I	NP	NP	NP
Commercial Radio Towers/TV Towers/Transmitters	C/I	C/I	C/I	NP	C/I

KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT

ARTICLE 27 B-2, HIGHWAY BUSINESS DISTRICT

SECTION 1. PURPOSE

The B-2, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District. It is the intent of the B-2 District regulations that establishments desiring location along major traffic routes be grouped with appropriate and adequate access ways provided.

SECTION 2. PERMITTED USES

All permitted uses are subject to zoning and building permits.

- Subd. 1. Motor vehicle and implement sales and service.
 - A. Any automobile sales or services, car wash, trailer sales or service, auto repair garage, or automobile rental.
 - B. Any motor fuel station.
 - C. Any agricultural equipment sales or service.
 - D. Any truck sales or service, truck wash or truck repair garage.
- Subd. 2. Entertainment and Recreation Establishments.
 - A. Any theater, dance hall, bowling alley, pool or billiard hall, public swimming pool, roller or ice rink.
- Subd. 3. Drive-In Establishments.
 - A. Any drive-in establishment including banks and restaurants.
- Subd. 4. Retail or Wholesale Establishments.
 - A. Any building supply sales.
 - B. Any boat sales or repair.
 - C. Any eating or drinking establishment.
 - D. Any landscape nursery or commercial greenhouse.
 - E. Any motel.
 - F. Any shopping center.
 - G. Any assembly of previously prepared materials which have been manufactured elsewhere.
- Subd. 5. Any residence when included as an integral part of the principal building to be occupied by the owner or his employee.
- Subd. 6. Wind Energy Conversion Systems.

SECTION 3. CONDITIONAL USES AND INTERIM USES

All conditional and interim uses are subject to zoning and building permits.

- Subd. 1. Any commercial radio and television towers, transmitters, or receivers.
- Subd. 2. Bed & Breakfast Inn.
- Subd. 3. Any Church.
- Subd. 4. Wind Energy Conversion Systems.

SECTION 4. COMMERCIAL DEVELOPMENT STANDARDS

Uses established in the B-2, Highway Business District shall be operated subject to the following conditions:

- Subd. 1. Any business, except motor fuel stations and open automobile or trailer sales, display areas or rental areas shall be conducted entirely within a building.
- Subd. 2. Any public entrance to such store, shop or business shall be from the principal street upon which the property abuts, or within fifty (50) feet thereof, except that a rear entrance from the building to a public parking area may be provided.
- Subd. 3. Any open air display area, open automobile or truck sales lot, trailer sales lot, or farm implement display area shall provide a graveled or aggregate surfaced area, which shall be properly maintained.

SECTION 5. ACCESSORY USE

In the B-2, Highway Business District, any following accessory use, building or structure customarily incidental to any permitted or conditionally permitted use shall be permitted, provided that such accessory use, building or structure shall be located on the same property.

- Subd. 1. Any building or use customarily necessary to any permitted use, which may include the repair, alteration, finishing assembly or storage of goods.
- Subd. 2. Any building or use customarily necessary to any permitted uses, but which will not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.
- Subd. 3. Any temporary building for uses incidental to construction work provided that such building shall be removed upon the completion of the construction work.

SECTION 6. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENT

Any lot in a B-2, Highway Business District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Size and Width. Any lot used as a business shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by standards required by state or County health regulations, but shall not be less than five thousand (5,000) square feet in area and have a frontage of less than fifty (50) feet.

- Subd. 2. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:
- A. Front Yard.
 - 1. A front yard of not less than forty-five (45) feet shall be provided as measured from the street right-of-way line.
 - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
 - B. Side Yard.
 - 1. No side yard shall be required for any interior lot.
 - 2. For corner lot abutting any agricultural or residential district, a minimum side yard of forty-five (45) feet shall be required.
 - C. Rear Yard. A rear yard of not less than twenty (20) feet shall be required; where alleys exist the measurements of the rear yard may include one-half (1/2) the width of the alley.
- Subd. 3. Bluff Impact Zone. For any use or structure in the B-2 District, the setback from the bluff impact zone shall be no less than thirty (30) feet.
- Subd. 4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following requirements:
- A. Any building shall not exceed thirty-five (35) feet in height.
- Subd. 5. Exceptions. Certain uses here exempted from meeting the lot size, yard and height requirements. These exemptions are listed in Article 11, Section 21.

SECTION 7. ESSENTIAL SERVICES REGULATIONS

Essential service facilities may be allowed in any B-2, Highway Business District in accordance with the provisions of Article 15 of this Ordinance.

SECTION 8. GENERAL REGULATIONS

Additional requirements for parking and other regulations in the B-2, Highway Business district are set forth in Article 11 of this Ordinance.