



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

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. Meeting Minutes: August 17, 2020

Documents:

[MINUTES_AUGUST2020_PAC_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

Public Hearings:

1. PUBLIC HEARING: CUP Request For Bed And Breakfast Inn

Request for CUP, submitted by Anthony Verch (Owner), to operate a three-unit Bed and Breakfast Inn within an existing six-unit apartment building. Parcel 46.028.1500. 26370 County 7 BLVD, Welch, MN 55089. Part of the NE ¼ of Section 28 TWP 113 Range 16 in Welch Township. MXH Zoned District.

Documents:

[PACPACKET_VERCH_REDACTED.PDF](#)

Other-Discussion

1. DISCUSSION: "Businesses Primarily Intended To Serve The Agricultural Community"

Planning Advisory Commission discussion on Businesses Primarily Intended to Serve the Agricultural Community. Topics to include Zoning Ordinance definitions and review of taxation and building permit procedures.

Documents:

[PACPACKET_AGBIZ.PDF](#)

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
GOODHUE COUNTY, MN
August 17, 2020 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Planning Advisory Commission was called to order at 6:00 PM by Chair Tom Gale in the Basement IT Conference Room at the Government Center in Red Wing.

Roll Call

Commissioners Present virtually via GoToMeeting: Tom Gale, Barney Nesseth, Richard Miller (arrived 6:03 PM), Sarah Pettit, Darwin Fox, Tom Drazkowski, Richard Nystuen, Marc Huneke (arrived 6:04 PM) and Howard Stenerson (arrived 6:03 PM)

Commissioners Absent: None

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Ryan Bechel, and Zoning Assistant Samantha Pierret

1. Approval of Agenda

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

Motion carried 6:0.

2. Approval of Minutes

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

Motion carried 6:0.

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings

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

Request for CUP submitted by Sunrise Energy (Applicant) and Lomen Properties LLC (Owners) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres. Parcel 38.026.0700. TBD CTY 168 BLVD, Zumbrota, MN 55992. Part of the E 1/2 of the SE 1/4 of Section 26 TWP 110 Range 16 in Minneola Township. A3 Zoned District.

Pierret presented the staff report and attachments. She added that the City of Zumbrota had sent an email to staff regarding proposed future development on the Lomen property Friday August 14th. The Applicant had sent a different version of the future development plan to staff on Monday August 17th. She stated that the Commission would need to determine whether they wanted to recommend approval of the proposal as presented or table the proposal to September to give the Applicant, landowner and City time to discuss future development proposals.

Chuck Beisner (Sunrise Energy, Applicant) stated that he would prefer to move forward with the application as presented.

Brian Grudem (City of Zumbrota) commented on the proposed development plans for the Lomen property, noting that there are no plans to begin the project in the near future. He stated that the City would prefer for the proposal to be tabled so discussion on the future site

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layout can take place prior to approval of the solar facility.

Mr. Lomen (Lomen Properties, landowner) stated that the City of Zumbrota's proposed industrial park layout on his property encroaches on the already approved solar site to the west of the proposed site presented tonight. He added that he would like to proceed with consideration of this proposal and work with the City of Zumbrota in the future on planning future development.

Commissioner Pettit commented on the Minneola Township meeting held August 14, 2020. She noted that the Township was shown both maps of the proposed industrial development that were sent to staff and the Planning Commission members. The Township was not in favor of recommending this solar site be moved 80 feet east as the topography becomes more challenging and that area has better quality agricultural land. She stated the Township recommended approval of the CUP as presented.

Chair Gale opened the Public Hearing.

No one spoke for or against the request.

3After Chair Gale called three times for comments it was moved by Commissioner Fox and seconded by Commissioner Stenerson to close the Public Hearing.

Motion carried 9:0

Commissioner Stenerson commented on the proposed timelines for the solar project versus the City industrial development project. He noted that the landowner and applicant wish to proceed with the CUP Application at this meeting and the Township has given their approval to this project.

4It was moved by Commissioner Stenerson and seconded by Commissioner Pettit 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 Sunrise Energy (applicant) and Lomen Properties LLC (owners) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 8.0 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 Sunrise Energy 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. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;

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6. Applicants shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix to establish on disturbed areas of the site and should submit "seed tags" to the Land Use Management Department prior to final inspection;
7. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy Systems (SES) and Article 23 (Urban Fringe District). The applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
10. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.

Motion carried 9:0.

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

Request for CUP submitted by Novel Energy Solutions (Applicant) and Andrew and Kim Huneke (Owners) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.6 acres. Parcel 39.007.0301. TBD 180th Avenue, Zumbrota, MN 55992. NW 1/4 of Section 07 TWP 109 Range 15 of Pine Island Township. A1 Zoned District.

Bechel presented the staff report and attachments.

Paula Fitzgerald (Applicant, Novel Energy) was online.

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

Motion carried 9:0

Pierret commented on a site visit she took to the site prior to the meeting.

Commissioner Miller commented on Pine Island Township's position that the proposed solar site is in a good location for the area.

It was moved by Commissioner Miller and seconded by Commissioner Drazkowski 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 Andrew and Kim Huneke (Owners), for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System occupying approximately 8.6 acres.

Subject to the following conditions:

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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. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
6. 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;
7. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy 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;
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
10. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.

Motion carried 9:0

PUBLIC HEARING: CUP Amendment – Sjoquist Hay & Straw Inc.

Request submitted by Clinton Sjoquist (owner/operator) to amend CUP 14-CU01 to allow an existing Hay and Straw sales business to construct two additional commodity storage buildings and expand shop space. Parcel 37.001.0401. 11780 CTY 1 BLVD, Goodhue, MN 55027. Part of the West ½ of the NE ¼ of the SE ¼ of Section 01 TWP 111 Range 17 in Leon Township. A1 Zoned District.

Bechel presented the staff report and attachments.

Commissioner Pettit commented that she had been in contact with staff prior to the meeting regarding questions on the need for a Conditional Use Permit for the operation. She stated that this appears to be an agricultural business and questioned why a business of this type would require a Conditional Use Permit.

Commissioner Stenerson agreed with Commissioner Pettit’s questioning of the requirement for a CUP for this particular use. He questioned whether the driveway on Mr. Sjoquist’s property was encroaching on his neighbor’s property.

Clinton Sjoquist (Applicant) stated that there has been an agreement in place with the neighboring landowners regarding the driveway and farmland. He stated this agreement has not been formally recorded yet.

Commissioner Stenerson questioned whether there were any issues with setbacks for the proposed structures.

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Mr. Sjoquist stated that the existing structures meet all setback requirements and the proposed structures will meet the required setbacks.

Commissioner Stenerson questioned whether the area to be acquired will act as a “buffer zone” between Sjoquists and the farmland.

Mr. Sjoquist agreed with that statement and added that he needs additional room for drainage and to keep his operation far enough away from the farmland to keep the farm field intact.

Commissioner Fox agreed with comments from Commissioners Pettit and Stenerson. He stated that he was concerned that other operators in the rural area will be required to get a Conditional Use Permit to operate a traditional farm operation buying and selling products.

Mr. Sjoquist stated that he is aware of other competing businesses in other counties and states that do not have to go through a conditional use permitting process. He commented on the taxes assessed to his property as a “commercial business” and likened the tax rate to big-box stores. He questioned what percent of the population his business appeals to versus a big-box store for taxing purposes. He acknowledged that in 2014 when a CUP was required he was unaware of how being classified as a “commercial business” would affect his taxes. He added that the shop was required to be handicap accessible when that was constructed at an additional cost to him.

Chair Gale opened the Public Hearing.

Bechel read an email received by staff from Sue Rasmussen (11995 350th Street, Cannon Falls) supporting Mr. Sjoquist’s application to expand his business.

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

Motion carried 9:0

Hanni commented on the project, noting that zoning sees the property as a Business Serving the Ag Community because it is on a small parcel used solely for storage sheds to buy and sell hay. The Assessors office and taxing is based upon what the actual operation is and the Building classification is determined based upon use of the actual structures. She stated that the Planning Commission could recommend Mr. Sjoquist’s project for approval so as not to slow down his progress then Zoning staff can meet with the Assessors office and Building Department staff to show the Planning Commission next month how these three departments look at these types of uses/properties. She added that staff has been struggling for several years to determine what qualifies as a “Business serving the Ag. Community” and a more in-depth discussion may need to be held with the Planning Commission to better define this use.

Commissioner Pettit questioned why, if the CUP can be removed from the property, can’t the property owner move forward with a building permit immediately.

Hanni stated that because there is already a CUP for a Business in the Ag Community it must be amended to construct new buildings. She added that staff can work through the classification and definition process with the Assessors and Building Department staff and the Planning Commission. After those meetings, staff can record a document stating that Mr. Sjoquist no longer needs a CUP.

Commissioner Pettit stated that she has issues with all sides of the issues. First being considered an ag. business requiring a CUP and second being taxed as commercial.

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Bechel stated that Mr. Sjoquist's request could be tabled to September to allow time for staff to research ag. business uses.

Hanni noted that the County Board would not make a decision on the application until October if it were delayed a month.

Commissioner Fox stated that he would like to see more clarification on ag. businesses however he did not want to slow down the process for Mr. Sjoquist.

⁸It was moved by Commissioner Fox and seconded by Commissioner Miller 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 Request submitted by Clinton Sjoquist (owner/operator) to amend CUP 14-CU01 to allow an existing Hay and Straw sales business to construct two 80-foot x 200-foot x 20-foot commodity storage buildings and expand shop space. This amendment shall revoke and replace CUP 14-CU01.

Subject to the following conditions:

1. The expansion shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to constructing the new buildings;
3. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agriculture Protection District);
4. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

Commissioner Stenerson commented on the use being classified as commercial. He questioned whether a discussion could be held regarding businesses serving the ag. community.

Commissioner Pettit stated she would like staff to specifically present the Sjoquist property's classifications to the Commission next month.

Commissioner Stenerson questioned if the Ordinance were changed so that the type of use Mr. Sjoquist has no longer requires a CUP, would Mr. Sjoquist still be regulated by his CUP or would that permit become null and void.

Hanni stated that Mr. Sjoquist's CUP would still be valid unless it were rescinded by staff. She stated that there are ways staff can rescind a CUP, the first being if an owner does not follow through with conditions of their CUP and the second being a request from the owner to rescind the CUP. She added that many insurance companies call staff asking whether businesses or property owners have proper permits for their operations from the County.

Mr. Sjoquist stated that he is insured as a farm policy.

Commissioner Drazkowski stated he would like staff to bring this CUP back in September to cancel the CUP for Mr. Sjoquist.

Hanni stated that Ordinance changes take several weeks and bringing the CUP back next month would not work if the Ordinance is not changed.

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Commissioner Drazkowski questioned whether there is a method to rescind a CUP because it was issued in error and wondered whether that could be the route Mr. Sjoquist's CUP takes next month.

Commissioner Fox called the original motion to question.

Motion carried 9:0

Bechel stated that there is no definition in the Ordinance for "Businesses Serving the Ag. Community".

Commissioner Pettit questioned whether an Ordinance change was required for this use.

Bechel stated that an Ordinance change may not be required however a formal policy or direction to staff for Businesses Serving the Ag. Community would be helpful. He noted that a Zoning Subcommittee meeting is being held in September to discuss Exterior Storage Yards and this could be added to their agenda.

Hanni commented that the Ordinance states that to revoke a CUP the applicant would have not fulfilled the conditions or commenced work on the project within one year. She added that a discussion regarding an Ordinance change should be held so there is clarification on the use for future projects.

9th Motion by Commissioner Stenerson and seconded by Commissioner Nesseth to direct staff to present to the Planning Commission in September research prepared after reassessing the Ordinance to clarify the difference between ag businesses versus a business that may benefit ag. Research should include an assessment on taxing, building codes and zoning requirements.

Motion carried 9:0

Other-Discussion

Bechel discussed the Solar Site chart included in the packets for informational purposes.

Hanni noted that Commissioner Pettit is retiring from the Planning Advisory Commission and her last meeting will be in September. Her replacement will be Chris Buck who has been appointed by Commissioner Anderson and was approved by the County Board earlier this month.

Commissioner Stenerson questioned whether staff could include solar site acreages on the chart for future reference.

Bechel stated staff would add the acreages for solar sites to the chart.

10th ADJOURN: Motion by Commissioner Fox and seconded by Commissioner Huneke to adjourn the Planning Commission Meeting at 7:18 PM.

Motion carried 9:0

Respectfully Submitted,

Samantha Pierret; Zoning Assistant

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¹ APPROVE the PAC meeting agenda.

Motion carried 6:0.

² APPROVE the previous month's meeting minutes.

Motion carried 6:0.

³ Motion to close the Public Hearing

Motion carried 9:0

⁴ Recommend the County Board of Commissioners **APPROVE** the request for a 1 MW SES facility on property owned by Lomen Properties LLC

Motion carried 9:0

⁵ Motion to close the Public Hearing

Motion carried 9:0

⁶ Motion to recommend the County Board of Commissioners **APPROVE** the request for a 1 MW SES facility on property owned by Andrew Huneke

Motion carried 9:0

⁷ Motion to close the Public Hearing

Motion carried 9:0

⁸ Motion to recommend the County Board of Commissioners **APPROVE** the request to amend CUP 14-CU01 for Clinton Sjoquist

Motion carried 9:0

⁹ Motion to direct staff to research Businesses Serving the Ag. Community and bring back language and specific information on the Sjoquist property classifications.

Motion carried 9:0

¹⁰ ADJOURN. Motion to adjourn the meeting.

Motion carried 9:0

UNOFFICIAL UNTIL APPROVED BY THE PAC



August 14, 2020

Goodhue County Land Use Management

The City of Zumbrota has received the notice of public hearing for a Conditional Use Permit for a solar energy project on parcel # 38.026.0700, property owner Lomen Properties LLC. The City of Zumbrota has historically opposed development in the Urban Fringe that may negatively impact the orderly growth of the city.

Within the past year, the City has been working with the landowner on concept plans to bring services, streets, and open the land for development. Please see attached for the current development concept plan. The first step in this planning is to loop a water main across US HWY 52 and up to 445th St. The placement of the water main will reflect the placement of future streets. The proposed solar project conflicts with this concept plan, interfering with future street and water tower placement, and the future land use/transportation plan (also attached) approved by MnDOT.

The City of Zumbrota is not opposed to solar projects wholesale. However, the City is opposed to those projects and developments which may negatively impact the orderly growth of the City. Therefore, the City proposes that the landowner and contractor reconfigure the panels to be contained within proposed parcels. This solution will then allow the future development of streets and services without interference and still allow the landowner to move forward with the project. The added benefit of such a configuration is that upon decommissioning, the landowner can more easily repurpose the land to urban uses should it be so desired.

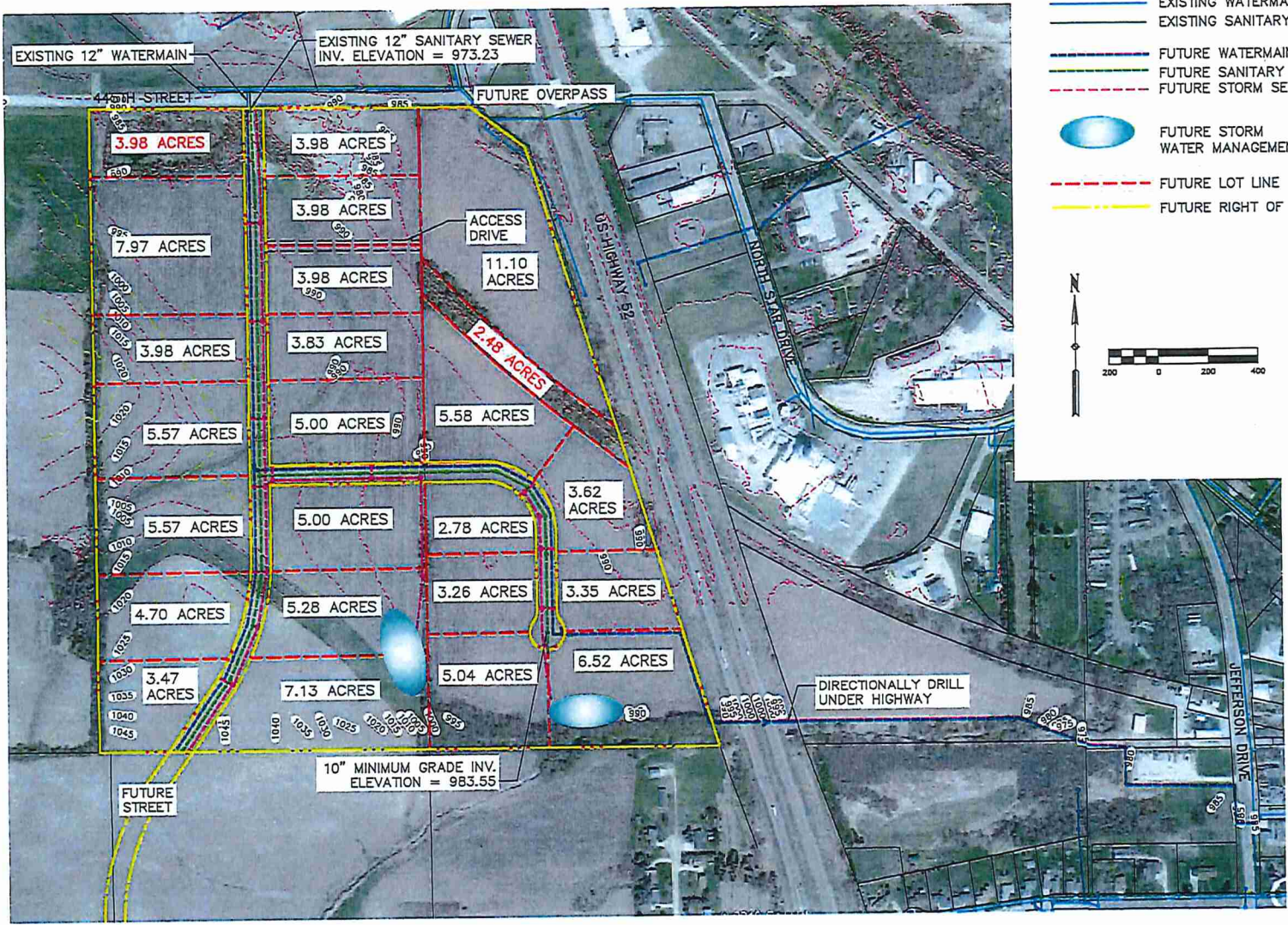
Since the current proposed project conflicts with the City's plans for orderly growth, the City of Zumbrota therefore opposes granting a CUP.

We have been working with the landowner to come to a mutually beneficial solution. From Zumbrota's perspective we would like to see an 80 foot right of way between the arrays for the proposed future road. The landowner would like to see the road pushed to the east which presents several potential issues and may not reflect the intent of the future land use/transportation plan. We will continue to work with the landowner to come to a solution however until a solution is achieved Zumbrota opposes granting a CUP.

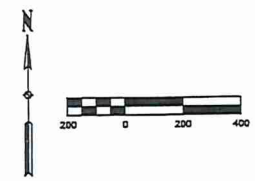
Very respectfully,

A handwritten signature in black ink that reads "Brian Grudem".

Brian Grudem
City Administrator
City of Zumbrota



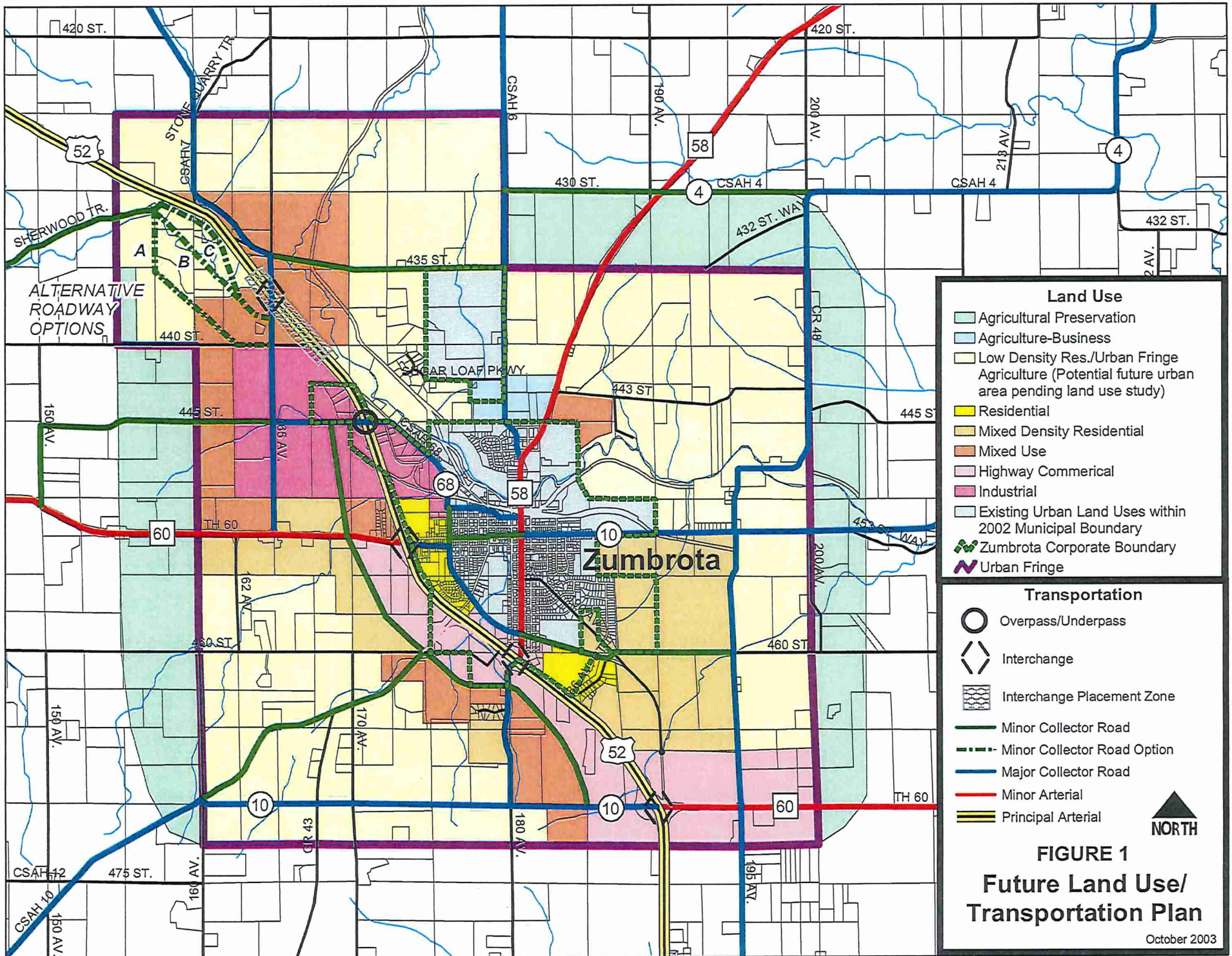
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- FUTURE WATERMAIN
- FUTURE SANITARY SEWER
- - - FUTURE STORM SEWER
- FUTURE STORM WATER MANAGEMENT
- - - FUTURE LOT LINE
- - - FUTURE RIGHT OF WAY

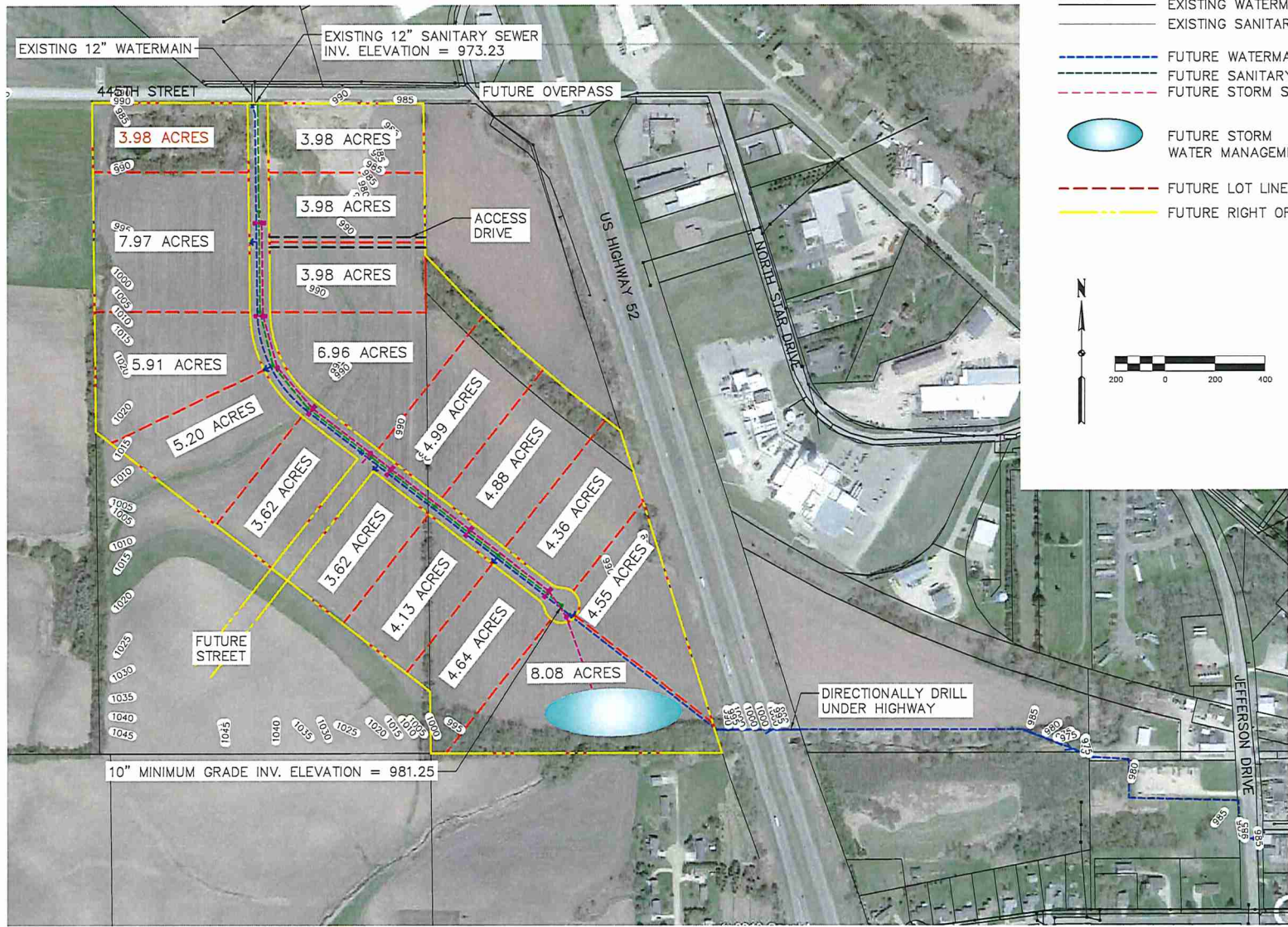


REVISIONS	
NO.	DATE

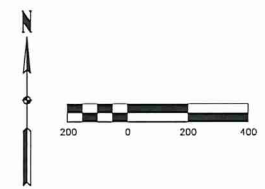
LOMEN, NORD, & THOMFORDE PROPERTY CONCEPT 2a
 NW WATERMAIN LOOPING
 ZUMBROTA, MINNESOTA

SCALE:	AS SHOWN
PROJECT NO.:	0737.1B
DRAWN BY:	SDH
CHECKED BY:	HKA
SHEET:	1 OF 1





- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- FUTURE WATERMAIN
- FUTURE SANITARY SEWER
- FUTURE STORM SEWER
- FUTURE STORM WATER MANAGEMENT
- - - FUTURE LOT LINE
- - - FUTURE RIGHT OF WAY



REVISIONS	
NO.	DESCRIPTION

LOMEN & NORD PROPERTY CONCEPT
 NW WATERMAIN LOOPING
 ZUMBROTA, MINNESOTA

SCALE:	AS SHOWN
PROJECT NO.	6737-19
DRAWN BY:	SGH
CHECKED BY:	WKA
SHEET	1 OF 1

Pierret, Samantha

From: Sue Rasmussen <suer11995@nutelecom.net>
Sent: Monday, August 17, 2020 10:36 AM
To: Pierret, Samantha
Subject: Comment to Clinton Sjoquist request to amend CUP 14-CU01

Hello Samantha,

We would like to have this comment added to the meeting record of the Planning Advisory Commission, August 17, 2020:

Our property is approximately 2100 feet southeast of the Sjoquist Hay and Straw sales business. During the five years we have lived here we have had no concerns with the lights or sound coming from the business. From reading the expansion plan it appears there will continue to be no issues with stray lighting and any trucking or backup beeping sounds at night. We support Mr. Sjoquist's request to expand his business and wish him well.

Sue and Greg Rasmussen
11995 350th Street Way
Cannon Falls, MN 55009

Sue Rasmussen
651.253.2935

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 Commission
From: Land Use Management
Meeting Date: September 21, 2020
Report date: September 11, 2020

PUBLIC HEARINGS: CUP Request for Bed and Breakfast Inn

Request for CUP, submitted by Anthony Verch (Owner), to operate a three-unit Bed and Breakfast Inn within an existing six-unit apartment building. Parcel 46.028.1500. 26370 County 7 BLVD, Welch, MN 55089. Part of the NE ¼ of Section 28 TWP 113 Range 16 in Welch Township. MXH Zoned District.

Application Information:

Applicant(s): Anthony Verch (Owner)

Address of zoning request: 26370 County 7 BLVD, Welch, MN 55089

Parcel(s): 46.028.1500

Abbreviated Legal Description: Part of the NE ¼ of Section 28 TWP 113 Range 16 in Welch Township.

Township Information: Welch Township approved a Township Conditional Use Permit for the proposal at their August 6th, 2020 meeting.

Zoning District: MXH (Mixed Use Hamlet District)

Attachments and links:

Application and submitted Project Summary

Excerpt from Welch Hamlet MXH Rezone Project (2017)

Welch Township Board Meeting Minutes

Site Map(s)

Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant (Anthony Verch, BLVD 7 LLC) proposes to renovate three units in an existing six-unit apartment building in the Village of Welch to be used as Bed and Breakfast units. Historically, this building has been used as a six-unit long-term rental apartment building.

Goodhue County zoning standards require a Conditional Use Permit (CUP) be obtained prior to the establishment of any new uses or changes to existing uses within the Mixed Use Hamlet District.

Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses

No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage, and other necessary facilities, to provide sufficient off-street parking and loading space, to control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Project Summary:

Property Information:

- The subject parcel comprises 0.15 acres. The property contains an existing six-unit apartment building with a paved parking area along the northern side.

The Mixed Use Hamlet District does not have a minimum parcel size requirement. Lot size, depth, and width requirements are determined during the conditional use permit process.

- Of the six existing apartment units, only one unit is currently occupied by a long-term tenant.
- The property is zoned MXH (Mixed Use Hamlet District) and is bordered by MXH zoned properties on all sides. There is one property zoned R-1 (Suburban Residential District) to the east of the parcel. Adjacent land uses include a single-family dwelling, bar/restaurant, and various commercial businesses on the west side of County 7 BLVD.
- Access to the site is located off of County 7 BLVD (asphalt surface) on the west side of the property.
- The parcel is also within the Cannon River Scenic District overlay. This proposal will meet requirements for the Cannon River Scenic District per Article 29 Section 3 which allows existing development in the Village of Welch north of the Cannon River to continue.
- This parcel is also in the Shoreland Overlay District. This will not affect this CUP request as no changes are proposed to the exterior structural dimensions or impervious surfaces.

Operations:

- The existing building has six apartment units. Three units are on the upper level and three units are on the lower level. Each unit has its own kitchen and bathroom facilities.
- The Applicant proposes to convert the three lower units into a Bed and Breakfast Inn. Two of the units have two bedrooms and one of the units has one bedroom. The maximum occupancy per sleeping room is 3 therefore the two-bedroom units could host up to 6 guests and the one-bedroom unit could host up to 3 guests for a total of 15 guests in the short-term units at any one time.
- The renovation of the existing facility will require Building Permit approval from the Goodhue County Building Permits Department.
- Hours of operation are proposed to be year-round, 7 days per week. The minimum stay would be 2 nights.
- Pursuant to GCZO Article 11, section 16, the Zoning Administrator has determined minimum off-street parking provisions shall be one parking space per guest room plus 2 additional parking spaces for management/service personnel. Apartment houses are required to have 1 1/2 parking spaces per unit. A total of 12 off-street parking spaces must be provided for the building.

The property owner has provided a signed agreement with Ross Nelson (Welch Mill PID 46.028.1700) to provide 10 parking stalls for the guests/tenants of the building. These spaces will be located near the Cannon River Inn during summer months when Welch Mill is open. During winter months the parking spaces will be located in the Welch Mill parking lot. These areas are shown on the attached site plan.

Goodhue County Public Works Director Greg Isakson reviewed the proposed parking and access plan and stated that he does not see an issue with the proposal so long as parking is not allowed on the west side of the apartment building along County 7 BLVD (there are posted "No Parking" signs in this area).

- The Village of Welch Community Sewer System serves the property. Welch Township is the authority for this system. The Township noted that the proposed change in use should not negatively affect the sewer system and approved their CUP request.

A compliant water test was provided by the Applicants.

- Dumpster and waste removal services will be provided by a local professional business.
- No signage is proposed with this request.

- The building will have exterior floodlights at each entrance as well as security cameras. A hand railing is proposed to be installed along the drainage ditch to the east of the building for guest safety.
- All guests would be responsible to supply their own food and beverages.
- The Bed and Breakfast units are required to be licensed by the Minnesota Department of Health. The Applicant has been in contact with MDH and proof of licensure must be submitted to the County prior to commencing operations.

Draft Findings of Fact:

The following staff findings shall be amended to reflect concerns conveyed during the PAC meeting and public hearing.

1. The proposed Bed and Breakfast operation does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The use is not a substantial departure from the historical use of the property as apartment units.
2. The Bed and Breakfast facility is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use is proposed to meet all development standards of the Goodhue County Zoning Ordinance and the majority of the operations will be confined within the existing structure. The use, as proposed, appears compatible with existing adjacent land uses.
3. A review of the Applicant’s submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available to accommodate the proposed use.
4. The applicant has worked out an agreement with a neighboring landowner to fulfill off-street parking and loading space requirements for the proposed use.
5. The Bed and Breakfast facility will be conducted primarily within the existing structure to prevent and control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance. Furthermore, the Applicant’s lighting plans appear capable of controlling lights in such a manner that no disturbance to neighboring properties will result.

Staff recommendation is based on the review of the submitted application and project area prior to the public hearing.

Staff Recommendation:

LUM Staff recommends the Planning Advisory Commission

- 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 to the County Board of Commissioners to **APPROVE** the request from Anthony Verch (BLVD 7, LLC) for a CUP to establish a three-unit Bed and Breakfast facility with a proposed maximum occupancy of 15 guests. 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. Maximum occupancy shall be limited to 15 guests per night;
3. On-street parking, loading, or off-loading shall be prohibited;
4. Applicant shall obtain Building Permit approval from the Goodhue County Building Permits Department prior to performing renovations;
5. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, section 13 (Bed and Breakfast Inns); and Article 26 (MXH, Mixed Use Hamlet District);
6. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

RECEIVED

AUG 28 2020

Land Use Management

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 46-028-1520

Permit# _____

PROPERTY OWNER INFORMATION

Last Name <u>BLVD 7, LLC</u>	First	Ema...
Street Address <u>1301 Southview Drive</u>	Phone	
City <u>Hastings</u>	State <u>MN</u> Zip <u>55033</u>	Attach Legal Description as Exhibit "A" <input checked="" type="checkbox"/>
Authorized Agent <u>Anthony Verch</u>	Phone	
Mailing Address of Landowner: <u>1301 Southview Drive Hastings, MN 55033</u>		
Mailing Address of Agent: <u>4781 Aspen St Hampton, MN 55031</u>		

PROJECT INFORMATION

Site Address (if different than above): 26370 County 7 BLVD, Welch, MN 55089

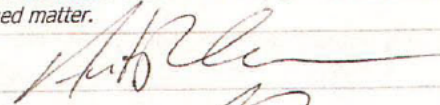
Lot Size 0.15 Acres Structure Dimensions (if applicable) 48' X 50'

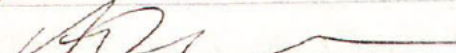
What is the conditional/interim use permit request for? To have the option to use 50% of the Building as a short term rental

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized
we are not changing the footprint of the existing Building. Parking was the number one issue, we spoke with Ross Nelson and he is willing to designate the necessary parking stalls needed.

DISCLAIMER AND PROPERTY OWNER SIGNATURE

I hereby swear and affirm that the information supplied to Goodhue County Land Use Management Department is accurate and true. I acknowledge that this application is rendered invalid and void should the County determine that information supplied by me, the applicant in applying for this variance is inaccurate or untrue. I hereby give authorization for the above mentioned agent to represent me and my property in the above mentioned matter.

Signature of Landowner:  Date 6/24/2020

Signature of Agent Authorized by Agent: 

TOWNSHIP INFORMATION

Township Zoning Permit Attached? 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:

COUNTY SECTION COUNTY FEE \$350 RECEIPT # _____ DATE PAID See June 2020

Applicant requests a CUP/IUP pursuant to Article _____ Section _____ Subdivision _____ of the Goodhue County Zoning Ordinance Applicant

What is the formal wording of the request?

Shoreland _____ Lake/Stream Name _____ Zoning District _____

Date Received _____ Date of Public Hearing _____ DNR Notice _____ City Notice _____

Action Taken: Approve Deny Conditions:

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

PROJECT SUMMARY

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).

Have the option to rent out 3 residential units as short term rentals.

2. Planned use of existing buildings and proposed new structures associated with the proposal.

50% of the existing building to be used as a short term rental

3. Proposed number of non-resident employees.

0

4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.

N/A

5. Planned maximum capacity/occupancy.

24 people which is the same as current max occupancy

6. Traffic generation and congestion, loading and unloading areas, and site access.

we have 4 parking stalls on site with on street parking in front of Building. I spoke with Ross Nelson and he said we could designate park spaces on his land next door.

7. Off-street parking provisions (number of spaces, location, and surface materials).

4 off street on site north side of Building on concrete. 10 off street on Ross Nelsons land east of Cannon River in

8. Proposed solid waste disposal provisions.

we have a 2 yard solid waste dumpster

9. Proposed sanitary sewage disposal systems, potable water systems, and utility services.

metah township sewer

10. Existing and proposed exterior lighting.

Flood lights at every exterior entrance

11. Existing and proposed exterior signage.

N/A

12. Existing and proposed exterior storage.

N/A

13. Proposed safety and security measures.

5 foot chain link fence along drainage route.
Exterior cameras located on each corner of building

14. Adequacy of accessibility for emergency services to the site.

3 sides of the building can be accessed by emergency vehicles

15. Potential for generation of noise, odor, or dust and proposed mitigation measures.

N/A

16. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.

No green area, all concrete

17. Existing and proposed surface-water drainage provisions.

Slope concrete towards drainage creek

18. Description of food and liquor preparation, serving, and handling provisions.

N/A

19. Provide any other such information you feel is essential to the review of your proposal.

0

Conditional Use Permit for 26370 County 7 Blvd, Welch, MN

Hi we are BLVD 7 LLC and are a small group of local investors that specialize in renovating and renting single family homes and small multifamily buildings. Our main goals are to renovate to clean up the buildings and find the highest and best use for them. A couple of our properties we rent out as short term rentals(Airbnb, VRBO) and have very good luck with these properties. We are Super Host on the Airbnb platform and Preferred Host on Homeaway(VRBO) which is the highest hosting status one can get after being reviewed buy all of our guest we maintain 4.8+ star rating.

We would like to have the opportunity to use 50% of our 6 unit building for short term rentals. With short term rentals we believe this would attract people to spend more time and money in the Village. With the wide variety of activities that the Welch area has to offer we believe the year round demand would be there. We have spoken to Ross Nelson and he has given permission to have 10 parking spots reserved for this building. We will have 4 off street parking spots on the north side of our property. This is a total of 14 off street parking which is more than the county had requested.


The 3 units used for the short term rental will consist of 2- two bedroom and 1- one bedroom. The max guest is 3 per sleeping room so that would be a total of 15 guest.

Thank you for your time and consideration.

ArcGIS WebMap




May 27, 2020

 Override 1

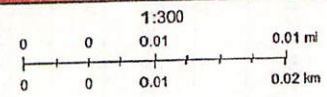
ParcelsAGOLBasemap

Township or Other Roads


Township or Other Roads


 Township or Other Roads

Imagery Mask



ArcGIS WebApp Builder

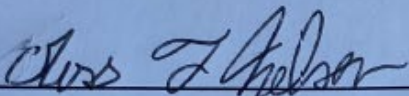
Parking stalls from May through September will be next to sewer system 

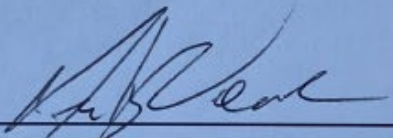
Parking stalls from late September until May can be in the Mill lot 

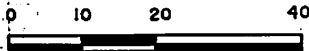


BLVD 7, LLC parking agreement for the 6 unit building located at 26370
CR-7 Welch, MN 55089 PID: 46-028-1500

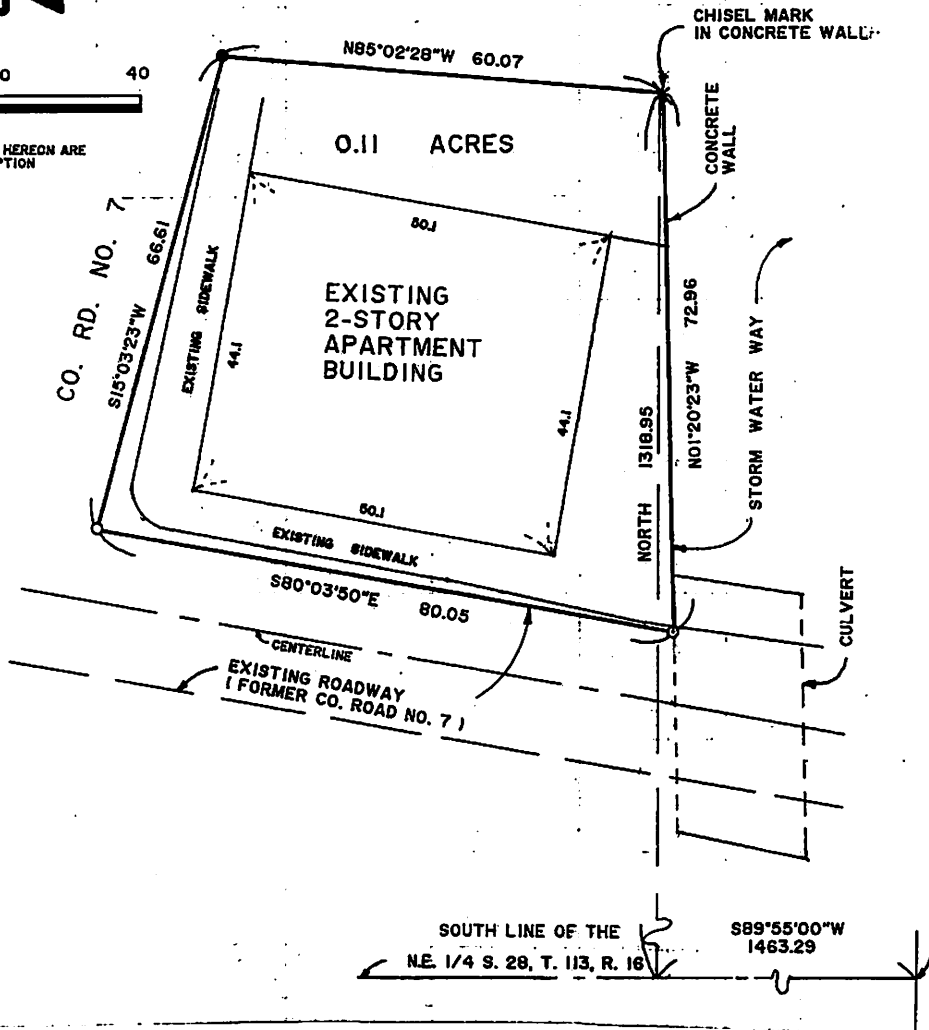
Ross Nelson agrees to allow 10 parking stalls to be used by
guest/tenants of this 6 unit building. During the winter months they will
be allowed to use 10 parking stalls located in Welch Mill parking lot and
during the summer they will be allowed to use 10 parking stalls located
next to Cannon River Inn right next door.

Ross Nelson  Date 8/28/20

Anthony Verch  Date 8/28/20
(BLVD 7, LLC)



THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF THE NE. 1/4 S. 28, T. 113, R. 16 HAS A BEARING OF S89°55'00"W



PROPOSED PROPERTY DESCRIPTION FOR QUIET TITLE OR TORRENS ACTION

That part of the Northeast Quarter of Section 28, Township 113 North, Range 16 West, Goodhue County, Minnesota, described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 28; thence South 89 degrees 55 minutes 00 seconds West, assumed bearing, along the south line of the Northeast Quarter, a distance of 1463.29 feet; thence on a bearing of North, a distance of 1318.95 feet to the point of beginning of the land to be described; thence North 85 degrees 02 minutes 28 seconds West, a distance of 60.07 feet; thence South 15 degrees 03 minutes 23 seconds West, a distance of 66.61 feet; thence South 80 degrees 03 minutes 50 seconds East, a distance of 80.05 feet; thence North 01 degree 20 minutes 23 seconds West, a distance of 72.96 feet to the point of beginning. Containing 0.11 acres, more or less.

- DENOTES PIPED 1 INCH BY 18 INCH IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR REGISTRATION NUMBER - 12788 UNLESS OTHERWISE INDICATED.
- DENOTES FOUND IRON MONUMENT.

*No. 269/
rec'd 6/28/94*

CERTIFICATE OF SURVEY for SIEWERT CONST. CO. INC.
 BOOK 93 PAGE 37, 38
 I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.
David A. Johnson 12788 11 Nov. 1993
 reg. no. date

JOHNSON & SCOFIELD INC.
 LAND SURVEYORS
 1203 MAIN STREET - REDWING - MN 55066 612-388-1558
 Wabasha County Surveyors
 Wabasha County Courthouse - Wabasha - MN 55981
 612-565-3244

S.E. COR. OF THE NE. 1/4 SEC. 28, T. 113, R. 16

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
September 21, 2020

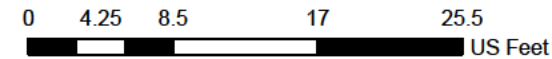
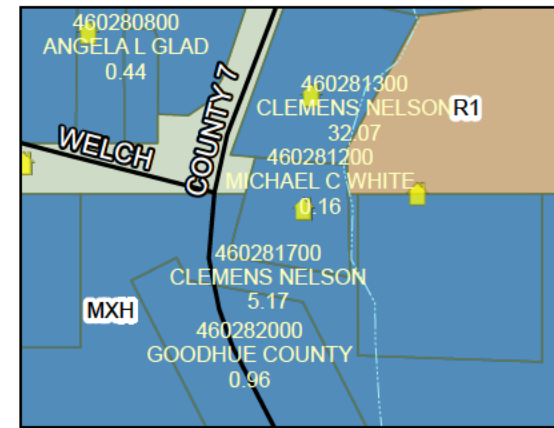
Anthony Verch (Owner)
MXH Zoned District

Part of the NE 1/4 of Section 28
TWP 113 Range 16 in
Welch Township

Request for CUP to operate a three unit
Bed and Breakfast Inn in an
existing six unit apartment building

Legend

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



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2018 Aerial Imagery
Map Created September, 2020 by LUM



MAP 03: ELEVATIONS



PLANNING COMMISSION

Public Hearing
September 21, 2020

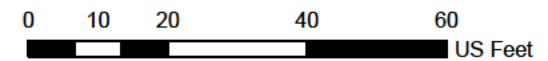
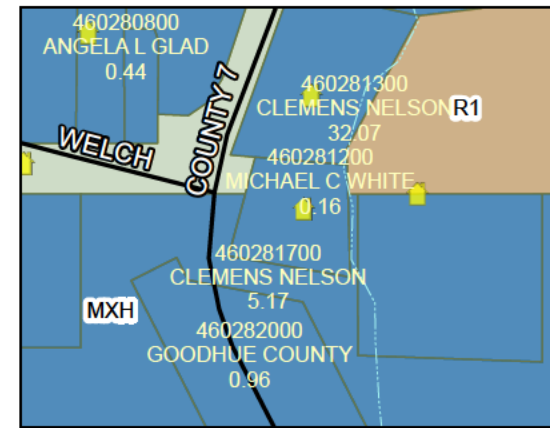
Anthony Verch (Owner)
MXH Zoned District

Part of the NE 1/4 of Section 28
TWP 113 Range 16 in
Welch Township

Request for CUP to operate a three unit
Bed and Breakfast Inn in an
existing six unit apartment building

Legend

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



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MAP 02: VICINITY MAP



PLANNING COMMISSION

Public Hearing
September 21, 2020

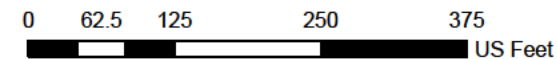
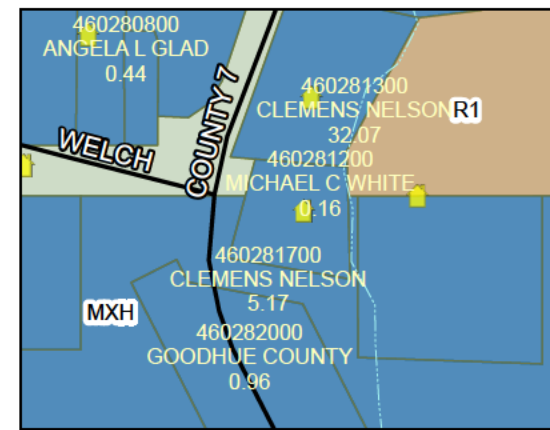
Anthony Verch (Owner)
MXH Zoned District

Part of the NE 1/4 of Section 28
TWP 113 Range 16 in
Welch Township

Request for CUP to operate a three unit
Bed and Breakfast Inn in an
existing six unit apartment building

Legend

	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
			A
			AE
			AO
			X



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MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
September 21, 2020

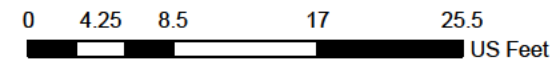
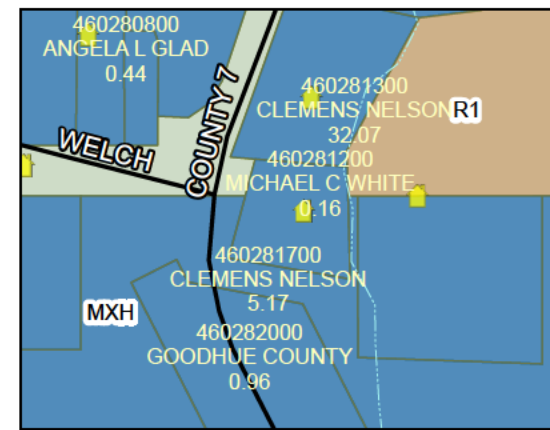
Anthony Verch (Owner)
MXH Zoned District

Part of the NE 1/4 of Section 28
TWP 113 Range 16 in
Welch Township

Request for CUP to operate a three unit
Bed and Breakfast Inn in an
existing six unit apartment building

Legend

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



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2018 Aerial Imagery
Map Created September, 2020 by LUM



Building Site 15:

Address: 26370 County 7 Blvd.

PIN: 46-028-1500

Current owner: Morey

Current Uses:

- A) 6 Residential Apartments

Currently Zoned: Cannon River Scenic



Building Site 16:

Address: 26374 County 7 Blvd.

PIN: 46-028-1600

Current owner: Gustafson

Current Uses:

- A) Cannon River Inn, Bar and Restaurant,
3 Residential Apartments

Currently Zoned: Cannon River Scenic



A: Cannon River Inn

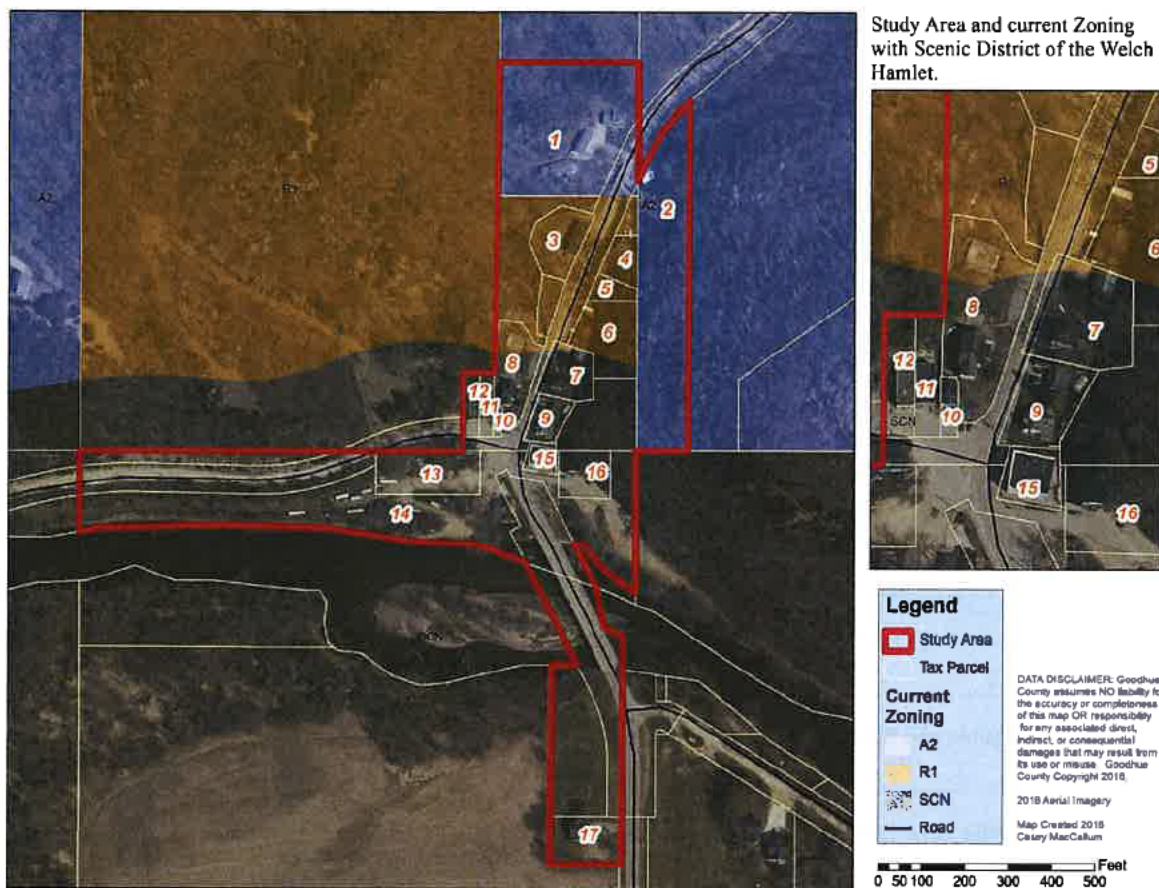
Mixed Use Hamlet Zoning District

Goodhue County's cultural heritage has created numerous enclaves of villages scattered throughout the rural landscape that date back to the 19th century. These hamlets continue to provide social and economic functions for the area.

Goodhue County's intent is to provide these rural enclaves with a zoning criteria that fits their historic value and potential future uses. The Mixed Use Hamlet Zoning District was created to allow a mix of residential, public and commercial land uses to co-exist within the same parcel and zoning district.

The Mixed Use Hamlet District is intended to be applied to "historic" hamlets in the rural areas of Goodhue County where homes, apartments, condominiums, commercial buildings and public land uses are currently present. This District establishes regulations that better recognize the mix of land uses that have historically co-existed in hamlets throughout the County; but it is not the intent of this District to create new areas to be developed as hamlets where a rural settlement does not currently exist.

The study area encompasses all or portions of the parcels containing buildings that are associated with the hamlet. The study area has been redefined to exclude the majority of undeveloped land outside the residential and commercial cluster.



Welch Township Board Minutes of Meeting

August 6, 2020 page 1

The August meeting was held as an in-person meeting in the Town Hall. The chairs were positioned to promote social distancing; masks and hand sanitizer were offered to each person entering the room.

The meeting was called to order by Chairperson Andrew Jenson at 7:05 P.M. Supervisors Aaron Bauer and Dan Bauer were also present. Treasurer Joan Slingsby and Clerk Ken Slingsby were present. The minutes of the July 2020 meeting which were previously sent to the Town Board members were not read. The minutes were approved on a motion made by Aaron Bauer, seconded by Andrew Jenson. Joan Slingsby read the Treasurer's report for the Township and the report for the SSD of the Village of Welch. She noted there had been a mixup with the checks for Dakota Electric as they had transferred part of the \$100 check for the Town Hall to the SSD account. A check from the SSD to the Town Board this month will be issued to correct. Aaron Bauer made a motion to accept the Treasurer's reports as written. Andrew Jenson seconded.

BUILDING PERMIT REQUESTS

Name	Location	Declared Value	Twp. Fee
Mark Vinje Erect storage building	Sect. 5 (460051100)	\$29,000	\$529.00
Anthony Verch Change of use (see below)	Sect 28 (460281500)	N/A	\$500.00

HEARING

Chairperson Andrew Jenson recessed the meeting in favor of two hearings. The first was for Mark Vinje, who wishes to erect a storage building at less than the Ordinance required distance to a property line. Mr. Vinje supplied a sketch of the property showing there would be no other place on the property to site the shed. He had talked to the adjoining neighbor, Nick Ries, who stated he had no problem with the proposed location of the building. Mr. Ries had also called the Clerk and voiced the same opinion. Mr. Ries did not send a letter with the opinion. Dan Bauer asked if the Planning Commission had issues with the setback. Mr. Fox replied they had discussed the matter and compared it to an existing building which is even closer to the property line. MN-DOT had been asked if the private drive could continue to connect to 316. There was no concern voiced at this time. There were no comments from those in attendance. Dan Bauer made a motion to accept the request with an eight foot setback from the property line. Aaron Bauer seconded the motion. All voted in favor of the motion.

Chairperson Jenson then called upon Anthony Verch who has applied for a Conditional Use Permit. This would allow a change of use for the 6-unit apartment house to three long term rentals and three short term rentals. Mr. Verch described the interior of the building was being redecorated following the removal of a few tenants that were disruptive. He stated there would be as many as 10 parking spots that Mr. Ross Nelson would allow South of the building. There would be no parking on the West (Co Rd 7 Blvd) side of the building. When asked about a sign, he did not intend to place a sign on the building, but would probably place one to hide the propane tank. The name of the entity representing the building will be Boulevard 7 Rentals, LLC. (continued)

Welch Township Board Minutes of Meeting

August 6, 2020 page 2

Mr. Verch described that three units in the building would be used for long term rentals; three units would be used for short term rentals. He expects to use AirBnB and/or VRBO. He manages other rental properties and is rated by both associations as a Super Host with at least a four star rating for items such as handling of issues and cleanliness. Through the rental managers they can refuse to rent to people less than 25 years of age. He expects the short term rentals would be for at least two days to cut down on the building being used as a party house.

When asked, Darwin Fox, stated most of the Planning Commission concerns had been answered by Mr. Verch. He stated with the removal of the once proposed laundromat, the water usage would not be significantly changed from before, thus removing the concern for the sewer system. By encouraging two or more days per stay in the short term rental, the usage of the building would not be likened to a hotel. Darwin Fox made a motion to accept the request for the Conditional Use Permit consisting of 50% long term rentals, and 50% short term rentals, with an annual review. Dan Bauer seconded the motion. There were no dissenting votes. He promised to send a copy to the township of the building diagram and papers submitted to Goodhue County. His check came from HC Revolutions.

At this point, Andrew Jenson adjourned the hearings and resumed the regular meeting.

OTHER BUSINESS

The Planning Commission further discussed the County's Conservation Subdivision District ordinance. Mr. Fox believes there is more discussion needed before they can make a proposal to the Town Board. He noted the County had put the ordinance into effect and has already had a legal challenge to it.

Dick Jablonski appeared at the Planning Commission meeting to discuss a proposal to supply internet Wi-Fi access to the Village of Welch. This appeared to be an idea rather than a funded proposal. Per Commissioner Linda Flanders, Nuvera has applied for a grant to provide broadband access to parts of the area. She has not yet confirmed that, however.

Elizabeth Pasch asked if a Stop sign could be erected at the intersection of 230 St and 155 Ave, a Tee intersection. People have not been slowing for the intersection. Darwin Fox agreed. He noted that years ago many stop signs were removed, but in recent years, there is more traffic and people do not seem to want to yield to others at these intersections. He recommended a Stop sign and a Stop Ahead pair be erected. Dan Bauer made a motion to erect a Stop sign and Stop Ahead sign on the intersection of 230 St and 155 Ave. Aaron Bauer seconded.

Dan Bauer mentioned he had gotten a call from a person that frequently travels 155 Ave who had mentioned the weeds and trees in the ditch have grown quite a bit. He asked if Luhman Construction could mow some of the weedy areas prior to the usual Fall mowing. Darwin Fox agreed, saying the rain and temperatures of the Summer have made for ideal growing weather for the weeds and trees.

Andrew Jenson opened a bid for road maintenance from Luhman Construction. The clerk announced this was the only bid received following advertisements in the Republican Eagle newspaper. When asked, Mr. Fox stated the price of crushed rock and gone up a dollar per yard to cover increased costs for blasting, insurance and purchasing trucks. Otherwise, there would be no significant price increases. Dan Bauer made a motion to accept the bid for Township road maintenance for the stated period of 2020 to 2022. Aaron Bauer seconded.

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 Commission
From: Land Use Management
Meeting Date: September 21, 2020
Report date: September 11, 2020

PAC DISCUSSION: “Commercial and Industrial Businesses Primarily Intended to Serve the Agricultural Community”

Planning Advisory Commission discussion on Businesses Primarily Intended to Serve the Agricultural Community. Topics to include Zoning Ordinance definitions and review of taxation and building permit procedures.

Attachments and links:

“Understanding Property Values and Taxation” – Goodhue County Assessors Office
“Agricultural Buildings and the Minnesota State Building Code” – Goodhue County Building Department
“Table of Uses” – GCZO Article 20
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

At the August 17, 2020 meeting, the Planning Advisory Commission had a lengthy discussion regarding the classification of certain uses as “Commercial/Industrial Businesses Primarily Intended to Serve the Agricultural Community” which require a Conditional Use Permit (CUP) in agricultural districts. The Commission approved a motion directing staff to “present to the Planning Commission in September research prepared after reassessing the Ordinance to clarify the difference between ag businesses versus a business that may benefit ag. Research should include an assessment of taxing, building codes, and zoning requirements.”

History:

The use first appeared in the 1990 Goodhue County Zoning Ordinance in two instances:

1. “Commercial uses primarily intended to serve the agricultural uses” as a CUP in the Rural Residence District (R-A)
2. “Commercial and Industrial uses primarily intended to serve the agricultural uses” as a CUP in the Agricultural District (A)

The Zoning Ordinance underwent a significant amendment process in 1993 which resulted in the formation of our current zoning district classification scheme (A1, A2, A3, R1). As a result of this amendment, “Commercial and Industrial Businesses Intended to Serve the Agricultural Community” were allowed as conditionally permitted uses in the A1 (Agriculture Protection), A2 (General Agriculture), and A3 (Urban Fringe) Districts. The use was relocated from the “district regulations” sections of the zoning ordinance in 2018 to the “Table of Uses” found in Article 20.

No definition has ever been provided for the use nor are there any performance standards for it. A review of historical Planning Commission and County Board meeting minutes found that the use appears to have been discussed at the July 17, 1989, Planning Commission meeting prior to its adoption at the September 5th, 1989 County Board meeting. Unfortunately, the meeting minutes did not provide a summary of the discussion. Staff research found the earliest record of any approved “Commercial/Industrial Businesses Primarily Intended to Serve the Agricultural Community” CUP

was in 1989 for a livestock auction business.

Existing CUP's:

The “Commercial/Industrial Businesses Primarily Intended to Serve the Agricultural Community” classification has been used to cover a wide variety of commercial and industrial activities not otherwise permitted by the ordinance. Below is a list of the types of operations that have been permitted with this designation since its adoption.

- Ag machinery repair, sales, and service (both indoor and open-air lots)
- Grain hauling
- Ag Co-ops (feed sales, grain processing, fertilizer/seed products, etc.)
- Electrical Business
- Diesel truck repair
- Hay and straw sales/storage
- Automotive repair
- Seed research facilities
- Trucking/hauling businesses
- Welding
- “Bulk” milk hauling
- Well/plumbing service
- Livestock sales yards
- Seed sales
- Milking equipment sales/services
- Ag produce stand (prior to the adoption of current Farm/Market Stand provisions)

Summary:

Based on the existing definitions of “Agricultural Operation”, “Agricultural Product”, “Farm”, and “Commercial/Industrial Uses” (see below) there appears to be a clear distinction between the primary agricultural activities which produce an agricultural product or commodity and the supporting activities involved in the secondary processing, manufacture, or distribution of agricultural products or commodities. The original “Business Primarily Intended to Serve the Agricultural Community” ordinance amendment would appear to support these findings as it was initiated as a result of a livestock auction business expansion that the 1989 County Planning Commission determined was not a permissible use under the agricultural zoning provisions in place at the time.

Since 1989, the County has expanded the list of permitted and conditionally permitted uses in the Ag Districts to include limited commercial activities (Home Businesses, Farm/Market Stands, Contractors Yards) which may be a more appropriate classification for some of the above businesses (welding, trucking, automotive repair) which may have been permitted as “Businesses Primarily Intended to Serve the Agricultural Community” as it was the only available option at the time of consideration. The present-day absence of a definition for “Businesses Primarily Intended to Serve the Agricultural Community” creates several challenges for administering the ordinance in a fair and even manner and adds confusion for LUM staff, the public, and Commission members as to what activities require CUP review and which do not.

Article 10 of the Goodhue County Zoning Ordinance states when a word or term is undefined by the ordinance, it shall carry the meaning as defined in Webster’s Unabridged Third International Dictionary. The most closely matched term encompassing “Businesses Primarily Intended to Serve the Agricultural Community” found in the dictionary is “Agribusiness” (see below). LUM staff feel the “Agribusiness” definition is a useful foundation for defining what is meant by “Businesses Primarily Intended to Serve the Agricultural Community.” A modified version of this definition is therefore provided below for consideration.

Definitions Review

The following terms are currently defined by Article 10 of the Goodhue County Zoning Ordinance:

AGRICULTURAL OPERATION. A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming

AGRICULTURAL PRODUCT. Includes, but is not limited to, crops (corn, wheat, hay, potatoes, soybeans); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

AGRICULTURAL USE. The use of land for agricultural purposes, including farming, dairying, pasturage, forestry horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

FARM. Real estate consisting of at least forty (40) acres with a minimum of at least twenty (20) acres cropland. Smaller acreage shall qualify as a farm if at least fifty (50) percent of the total net family income of the owner is derived from agricultural production in the preceding two tax years.

- A. A tree farm would qualify if registered with the State of Minnesota and has forty (40) acres of tree coverage.

The following related terms are defined by Minnesota Statute.

Agricultural business enterprise (MN Statute 41C.02)

"Agricultural business enterprise" means a small business, as defined in section 645.445, subdivision 2, which owns or plans to own properties, real or personal, used or useful in connection with the general processing of agricultural products or in the manufacturing, assembly, or fabrication of agricultural or agriculture-related equipment. "Agricultural business enterprise" does not include an operation that involves the breeding or raising of livestock.

Farming (MN Statute 41C.02)

"Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, or the production of forest products.

"Agricultural Commodity" MN Statute 17.692

"Agricultural commodity" includes all agricultural goods produced under contract for marketing as defined by the commissioner of agriculture. It does not include any commodity sold by a producer to another producer for the other's own exclusive use and not for resale. The kinds, types and subtypes of products to be classed together as an agricultural commodity for the purposes of sections 17.691 to

17.701 shall be determined by the commissioner on the basis of common usage and practice.

“Agribusiness” Webster's Third New International Dictionary, Unabridged

Agribusiness means “an industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities”

LUM Staff's modified “Agribusiness” definition for consideration:

“Means the principal use of a parcel for the manufacture and distribution of farm equipment, supplies or services, or the processing, storage, and distribution of agricultural products which is not subordinate or incidental to a Farm or Agricultural Operation”

Understanding Property Values and Taxation

Taxation is not simple. In the State of Minnesota the Assessor's Offices are required by law and constitution to classify and value property based on the market using a mass appraisal process for "ad valorem" tax / property tax. Property tax is a major source of revenue for local units of governments for such things as fire, police, schools, streets, libraries, and more.

A property is classified according to its use. If a property is improved with a structure, the use of the property is typically quite clear – residential, commercial, industrial, or agricultural. For agricultural classifications (MN Statute, section 273.13, subd 23) states the property must have at least 10 contiguous acres used to produce an agricultural product for sale in the preceding year.

The Assessor determines the Estimated Market Value (EMV) using sales from October 1 to September 30 every year. The EMV represents what your property would sell for in an "arms-length" sale on the open market. Appraisers are required to inspect properties in person at least once every five years as well as new construction and demolition. Minnesota Statute 271.06 states the burden of proof is on the taxpayer to prove that the assessor's value is in error.

The final tax amount shown on a property tax bill is the result of numerous calculations and is largely a function of local spending decisions, local government aid, the mix of property types in a jurisdiction, etc. Individual property tax amounts collected are not in direct proportion to an individual property's market value. Local revenues are not raised by increasing market values in a jurisdiction, nor are they decreased by lowering market values. The increasing or decreasing tax revenues can generally only be accomplished via increasing or decreasing the overall levy in a jurisdiction.

Goodhue County | Land Use Management Department Building Code Administration, Permits, and Inspections

Agricultural Buildings and the Minnesota State Building Code

Building Code

The Minnesota Building Code is a statewide standard of **minimum** requirements. The purpose is to safeguard public health, safety, and general welfare. Specific requirements for a structure vary by a Code-determined classification. A classification depends on use, occupancy, and construction type.

Agricultural Buildings and Permits

Construction of an Agricultural Building requires a Permit. Applicants are first responsible for obtaining Township zoning approvals. Permit applications are then submitted to the County Land Use Management Department. County Zoning staff, Environmental Health Department staff, and Building Code staff review submitted applications. Some structures are subsequently approved and issued a permit under the State Building Code, and some are approved and issued a permit under the County Zoning Ordinance.

The Building Code (State Statute) determines the type of permit. Although a project must comply with the Zoning Ordinance, the Zoning designation is not relevant to the Code classification or to whether or not the permit is approved as a building permit or as a zoning permit.

Building Permits

Construction plans are required and are reviewed for Code compliance. Inspections are required of the construction. The permit fee pays for the reviews and for the inspections. Hobby Farm buildings are typically in this category.

Zoning Permits

Zoning permits are issued when a project is *exempted* from the Building Code. Buildings allowed by Zoning permits do not get a County plan review or construction inspections. (Electrical, plumbing, and mechanical installations may need separate and additional permits or inspections.)

Definitions for Building Code Exemption for Ag Buildings

Agricultural Building means a structure on **agricultural land** designed, constructed, and used to house farm implements, livestock, or **agricultural products** used by the owner, lessees, and members of their immediate families, employees, and those picking up or delivering **agricultural products**. (MNSS 326B.103)

Agricultural Land means contiguous acreage of ten acres or more used during the preceding year for **agricultural purposes**. (MNSS 273.13 Subdivision 23) The land must have an agricultural tax classification.

Agricultural Purposes means raising or cultivating **agricultural products**. (MNSS 273.13 Subdivision 23)

Agricultural Products means the production for sale of livestock, dairy animals, dairy products, poultry, poultry products, fur-bearing animals, horticultural and nursery stock, et. al. (MNSS 273.13 Subdivision 23)



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	
Agricultural Tourism Accessory Uses (Art. 11 § 28) (including, but not limited to, barn dances, corn mazes, gift shops, petting farms, sleigh/hay rides, vineyard harvest festivals)	P	P	P	NP	NP
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