

Goodhue County

Minnesota

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

6:00 PM Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. November 13, 2023 DRAFT Meeting Minutes

Documents:

[MINUTES_DRAFT_NOVEMBER_2023.PDF](#)

Conflict/Disclosure Of Interests

Public Hearings:

1. PUBLIC HEARING: Request For IUP For A Retreat Center
Request submitted by Ethan Bleifuss and Sherry Kempf (Belvidere Hills LLC, Owners) to establish a retreat center in an existing structure. Parcel 26.003.1503. 34965 Betcher Trail Goodhue, MN 55027. Part of the S ½ of the SW ¼ of Section 03 TWP 111 Range 14 in Belvidere Township. A-2 Zoned District.

Documents:

[PACPACKET_BLEIFUSS.PDF](#)

2. PUBLIC HEARING: Consider Goodhue County Zoning Ordinance Updates - Solid Waste Transfer Facilities And Floodplain Repetitive Loss Ordinance
Proposed amendments to Article 10 (Definitions), Article 11 (Performance Standards), and Article 20 (Table of Uses) to allow Solid Waste Transfer Facilities. Proposed amendments to Article 32 (Floodplain District) to add Repetitive Loss language.

Documents:

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 ADVISORY COMMISSION
GOODHUE COUNTY, MN
November 13, 2023 MEETING MINUTES
DRAFT

The meeting of the Goodhue County Planning Advisory Commission was called to order at 5:48 PM by Chair Chris Buck at the Goodhue County Government Center in Red Wing.

Roll Call

Commissioners Present: Tom Gale, Richard Miller, Darwin Fox, Howard Stenerson, Richard Nystuen, Chris Buck, and Todd Greseth

Commissioners Absent: Marc Huneke

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Samantha Pierret, Zoning Assistant William Lenzen

1. Approval of Agenda

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

Motion carried 7:0

2. Approval of Minutes

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

Motion carried 7:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings

PUBLIC HEARING: "Olson Addition" Preliminary and Final Plat Review

Request, submitted by Dave Rapp (Authorized Agent) on behalf of David Olson (Owner) for Preliminary and Final Plat review of the proposed Olson Addition plat comprising approximately 126.49 acres. Parcels 35.002.0901, 35.002.1300, 35.002.1500, and 35.003.0800. 40783 Bow Trail Nerstrand, MN 55053. Part of the SW ¼ and Part of the NW ¼ of Section 02 and Part of the E ½ of the NE ¼ of the SE ¼ of Section 03 all in TWP 110 Range 18 in Holden Township. A1 Zoned District.

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Pierret presented the staff report and attachments including a letter from the properties' estate representative David Olson.

Commissioner Greseth questioned the rationale for squaring off the Anglestad property using this plat.

Pierret stated the Anglestad parcel is also landlocked and if they purchased proposed Lot 4 the proposed access to Bow Trail would give them legal access as required by the Subdivision Ordinance.

Commissioner Stenerson stated he did not see any Township approval.

Pierret stated the Township must sign off on the plat after County Board approval. She had spoken with both clerks prior to this meeting but after packets had been mailed.

Commissioner Stenerson asked will there be a township meeting on this.

Pierret stated that she doesn't know if it will be presented at the next Township meeting because one of the Township Clerks informed her that the Holden Township Planning Commission had already reviewed the proposal and that is the group that initially determined that Lot 4 is not buildable under Township rules.

Commissioner Nystuen stated the Township has verbally acknowledged this plat but could the Olsons apply for a variance at the township level to make Lot 4 buildable?

Pierret stated that they could but the Township has their own minimum lot size and access standards that are more restrictive than the County's. She cannot speak to whether the Township would or would not approve variances for this property.

Commissioner Stenerson confirmed that at the County level, it is a buildable site. Are they thinking about meeting the Township's standards for a building site by possibly adding the Angelstad land to Lot 4 to meet Township standards?

Pierret stated that they would have to come back to the board for a replat if they wanted to combine platted land with unplatted land.

Commissioner Stenerson asked whether the Applicants were aware of that fact.

Pierret noted that the Applicant has been told by County staff and the Township that Lot 4 is not buildable under Holden Township standards.

Hanni stated when it comes through the Surveyor's office they have 180 days to get everything signed and recorded otherwise the Applicant would need to reapply for plat approval through the Planning Commission and County Board.

Chair Buck Opened the Public Hearing

Pierret read a letter from Jacob and Breanna Kohn (40580 Bow Trail Nerstrand, MN 55053). They were concerned with the proposed easement that would go around two sides of their property for Lot 4 to access Bow Trail. Their concerns include a reduction in privacy if another dwelling were established and used that access, reduced natural features for hunting and outdoor enjoyment, and a disturbance to their private enjoyment of their property. They requested that a new route be established for the easement.

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Discussion continued among the Board and staff about the “easement” referenced in the letter. Staff noted that the access in Section 02 is not an easement, it is land that will be connected to the property in Section 03 to serve as legal access to a public road as required by the County Subdivision Ordinance.

Heath Glassburn (4875 County 49 Blvd Dennison, MN 55018) noted that he was here representing the Kohns as they were unable to attend. He stated that currently, Lot 4 would not be a buildable site until Angelstads bought it then it would be buildable. He also asked about the proposed easement.

Hanni stated that the access is not an “easement”, it is part of Lot 4.

Mr. Glassburn stated that the Kohns’ concerns were the potential for Lot 4 to be sold to Mr. Angelstad thus making the Angelstad’s existing 16 acres plus new Lot 4 a 20-acre buildable site which is what they didn’t want to happen.

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

Motion carried 7:0

Commissioner Nystuen informed the board of the familial connections between the Olsons, Angelstads, and Luebkes (who live across the street). This is a familial and estate property division.

Commissioner Greseth asked for confirmation that Mr. Olson is the executor of the estate.

Pierret confirmed and stated Mr. Olson provided a copy of the court document to staff for verification of his authority.

Commissioner Stenerson added that the Planning Commission is not deciding what can or cannot be done with Lot 4 or the Angelstad property tonight. The Planning Commission is tasked with determining whether the plat fits the Zoning and Subdivision Ordinances and he does not see any conflicts with the proposal under those rules.

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

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

Recommend the County Board of Commissioners **APPROVE** the request submitted by Dave Rapp (Authorized Agent) on behalf of David Olson (Owner) for the Preliminary and Final Plat of the proposed “Olson Addition” comprising approximately 126.49 acres.

Motion carried 7:0

PUBLIC HEARING: Request for Map Amendment (Rezone)

Request, submitted by Dale and Diane Olson (Owners) to rezone 13.92 acres from A-1 (Agriculture Protection District) to R-1 (Suburban Residence District) to establish one dwelling site. Parcel

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39.008.3200. 480th Street Zumbrota, MN 55992. Part of the SW ¼ of the SW ¼ of Section 08 TWP 109 Range 15 in Pine Island Township.

Pierret presented the staff report and attachments.

Commissioner Miller noted that the Applicants did not formally come to the Township for approval of the map amendment. He noted the Town Board discussed this property at their last meeting with regard to the potential for “farmette” districts. He added the Town Board would approve this request for rezoning if brought to the Board. He also noted the presence of small wooded lots in this section that could lend themselves to residential development.

Commissioner Stenerson questioned whether the Hinrich’s property to the east was the same property that was dealt with last year for a Conservation Subdivision.

Commissioner Miller confirmed the property to the east is the same Hinrichs property that is now in a Conservation Subdivision.

Chair Buck Opened the Public Hearing

No one spoke for or against the request.

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

Commissioner Stenerson stated that these tiny spot zoning requests can cause issues and there is a mix of agricultural land and woodlands in the area. Commissioner Stenerson asked Commissioner Miller whether Pine Island Township would prefer to do a complete rezoning of this section or the ¼ ¼ in the future instead of just this one parcel tonight.

Commissioner Miller stated that the Board should look at the request in front of them tonight but consider looking at larger portions of this section soon. The City of Zumbrota and the City of Pine Island will be connected along Highway 52 in the future. He noted that the land north of the Olsons has had proposals for development and annexation by the City of Zumbrota.

Hanni stated that the whole section could not be zoned Residential because we have a Conservation Subdivision within the section, so maybe just the ¼ ¼ would be better suited to begin with. She added that it would help the owners along 191st Avenue Way to meet setback standards if they were zoned R1 with how small the parcels are for an A1 District. She added that during the Hinrich’s Conservation Subdivision consideration, there was discussion about including the Olson property in that request however that was not pursued.

Commissioner Stenerson asked the Olsons how soon they are thinking about building their home.

The Olsons stated they would be ready in a year.

Commissioner Stenerson stated it could be best to send this back to the Township to discuss with residents to fix this corner and rezoning the entire section or part of the section to a Residential District.

Hanni stated that it may be best at this time to focus on the Olson’s request since they have come forward now and make changes at a later date on cleaning up the rest of the area as seen in staff’s recommendation. She prefers that zoning ordinances not single out certain Townships for certain

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zoning districts or uses. Every Township should have the opportunity to allow a zone or use at their discretion.

Commissioner Miller agreed with staff's recommendation.

6It was moved by Commissioner Miller and seconded by Commissioner Nystuen for the Planning Advisory Commission to:

- adopt the staff report into the record;
- adopt the finding 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 Dale and Diane Olson (Owners) to rezone 13.92 acres from A-1 (Agriculture Protection District) to R-1 (Suburban Residence District) and direct staff to begin the process of rezoning existing properties along 191st Avenue Way and 480th Street in Section 08 to R-1 by working with residents and Pine Island Township.

Motion carried 6:1 (Stenerson dissented)

Other Discussion

Commissioner Miller stated that Pine Island Township wants to see more discussion to increase dwelling density per section.

7ADJOURN: Motion by Commissioner Fox and seconded by Commissioner Greseth to adjourn the Planning Commission Meeting at 6:36 p.m.

Motion carried 7:0

Respectfully Submitted,

William Lenzen Zoning Assistant

MOTIONS

¹ APPROVE the PAC meeting agenda

Motion carried 7:0

² APPROVE the previous month's meeting minutes

Motion carried 7:0

³ Motion to close the Public Hearing

Motion carried 7:0

⁴ APPROVE the request for Preliminary and Final plat

Motion carried 7:0

⁵ Motion to close the Public Hearing

Motion carried 7:0

⁶ APPROVE the request for Map Amendment (rezone)

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Motion carried 6:1

⁷ADJOURN. Motion to adjourn the meeting

Motion carried 7:0

UNOFFICIAL UNTIL APPROVED BY THE PAC

Jacobo and Breanna Kohn
40580 Bow Trail
Newstrand, MN 55053

RECEIVED

NOV 13 2023

Subject: Concerns Regarding Proposed Easement Around Our Property

Dear Members of the Goodhue County Planning and Zoning Commission,

I hope this letter finds you well. I am writing to express my concerns and objections regarding the proposed easement that would encircle approximately one-fourth of our property. I believe this particular easement to the adjacent land poses significant challenges and drawbacks that need careful consideration.

Our property, particularly the pasture and wooded area, holds significant sentimental value to us. The proposal to establish an easement in close proximity to these areas raises several concerns that I would like to bring to your attention. Firstly, the encroachment of an easement around a substantial portion of our property would inevitably impact our privacy and tranquility. Our home is not just a structure; it is a haven where we seek solace and respite from the demands of daily life. The imposition of an easement could compromise the peaceful enjoyment of our property and diminish the quality of life we have worked hard to establish. We already have a road cutting through middle of our property (bow trail) splitting our shed, chicken house, pasture with livestock from our house.

The establishment of an easement through our hunting grounds will inevitably significantly impact our ability to enjoy this recreational activity. The woods have been a place of family bonding and tradition, and the introduction of an easement could disrupt the serenity and seclusion that is essential for a successful and enjoyable hunting experience.

Next, the construction and maintenance of an easement through the woods and next to our pasture would significantly disrupt the natural environment and the habitat within. Our family has enjoyed the beauty of this wooded area for years, and it serves as a vital part of the local ecosystem. The proposed easement would not only compromise the aesthetic value of the land but could also have adverse effects on the flora and fauna that call this area home. We use the back of our pasture for hunting within our property, we have deer stands and food plots established. The establishment of an easement through our hunting grounds will inevitably significantly impact our ability to enjoy this recreational activity. The woods have been a place of family bonding and tradition, and the introduction of an easement will without a doubt disrupt the serenity and seclusion that is essential for a successful and enjoyable hunting experience.

We have young children and I would not be comfortable with more traffic around our property. It's known that an easement is the limited right to use land for a specific purpose- we have not been notified yet of the specific purpose that the adjacent land owner intends to use the easement for; if it is for a logging road, potentially to try to make the land buildable and it would turn into a driveway with plenty of traffic; or other- we are not certain, no scenario we've thought of respects the enjoyment of our land as it disturbs the original condition we purchased in and would create more challenges for our family and our property.

Moreover, the proposed easement may have adverse effects on the property value. Potential buyers could be discouraged by the encumbrance of an easement, leading to a decrease in market appeal and overall property valuation. This concern is not only personal but also extends to the broader community

as property values are interconnected, and a decline in one area may have a ripple effect on the entire neighborhood.

Additionally, there may be alternative routes or configurations that may achieve the intended purpose of the easement without encircling our property. I urge the Planning and Zoning Commission to explore alternative options that balance the neighboring land owners desire with the rights and concerns of our individual property. I would also like it noted that the adjacent property owner purchased his land as a land locked parcel; and is now trying to adjust their access.

I understand the importance of balanced development and fair access to land, but I would like to propose a thorough examination of alternative routes for the easement that may exist without infringing on our property. It is crucial to consider solutions that respect the rights of both property owners and promote equitable access without unduly burdening any individual. It is my hope that, through open dialogue and careful consideration, we can arrive at a solution that addresses the neighboring land owners goals while minimizing the negative consequences for our property and the community.

I respectfully request that the Planning and Zoning Commission reconsider the necessity and placement of the proposed easement, taking into account the direct impact on our property and explore alternative routes that minimize the impact on our property, especially the wooded and pasture areas. I kindly urge the county board to take into account the historical use of our property for recreational purposes and the unique circumstances surrounding the adjacent land which will preserve the integrity of individual properties while minimizing the negative impact on our property and the adjacent landowner. If no alternative routes can be optimized then I respectfully ask that the board rejects the easement and the adjacent land owners land locked land continue to be as it was purchased- land locked.

Thank you for your time and attention to this matter. I am open to further discussion and collaboration to find a resolution respects the interests of all parties involved.

Sincerely,

Jake and Breanna Kohn

Contact: 507-259-8116, kohn.breanna@gmail.com

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: December 18, 2023
Report date: December 8, 2023

PUBLIC HEARING: Request for IUP for a Retreat Center

Request submitted by Ethan Bleifuss and Sherry Kempf (Belvidere Hills LLC, Owners) to establish a retreat center in an existing structure.

Application Information:

Applicant(s): Ethan Bleifuss and Sherry Kempf (Belvidere Hills LLC, Owners)

Address of zoning request: 34965 Betcher Trail Goodhue, MN 55027

Parcel(s): 26.003.1503

Abbreviated Legal Description: Part of the S ½ of the SW ¼ of Section 03 TWP 111 Range 14 in Belvidere Township

Township Information: Belvidere Township signed acknowledgement of the proposed use with no additional comments on November 14, 2023

Zoning District: A2 (General Agriculture District)

Attachments and links:

Application and submitted Project Summary

Site Map(s)

Article 11 Section 25 Retreat Centers

Article 11 Section 30 Rural Tourism

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

Background:

The Applicants currently own two parcels comprising approximately 30 acres in sections 03 and 04 in Belvidere Township. They are proposing to operate a small retreat center within the existing dwelling on their 7 acre parcel in Section 03.

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 approximately 7.22 acres. Apart from the existing dwelling, the property consists mostly of woodlands, bluffs, and natural areas. The Applicants have not indicated a desire to use their 22 acre parcel in Section 04 as part of the retreat center operations.

- The property is zoned A2 (General Agriculture District) and is bordered by A2 zoned properties on all sides. Adjacent land uses include row crop agriculture and low-density residential among blufflands and woodlands.
- The property is located within the A2 Zoning District where a maximum of 12 dwellings are permitted, one per original ¼ ¼ section. Section 03 currently has 8 dwellings.
- Access to the site is located off of Betcher Trail (gravel surface) on the east side of the property. 210th AVE connects to County 2 BLVD (blacktop surface) approximately 1 mile northeast of the property.
- The dwelling is screened from the road by wooded areas and hillsides and is setback over 800 feet from the road.

Retreat Center Operations:

- The Applicants are proposing to utilize the existing 2,000-square-foot dwelling to host small retreats throughout the year for up to 10 guests.
- Retreat bookings would be offered year-round 7-days a week with day activities mainly taking place between 8 AM and 6 PM with occasional overnight use.
- The Applicants are aware that the structure will need to be reviewed by the Goodhue County Building Permits Department to ensure compliance with the Minnesota State Building Code for a change of use before opening to the public.
- The Applicant intends to install a sign at the driveway entrance to the property. Per GCZO Article 11 Section 17, the use is limited to 32 square feet of signage for each of two allowed sign faces. No signage should be placed within the public right-of-way without permission from the road authority (Belvidere Township).
- The Applicant will be required to obtain all appropriate permits from the Minnesota Department of Health.
- The existing dwelling has exterior lighting and no additional lighting is proposed.
- The Applicants have indicated there will be limited potential for noise due to the limited number of guests and the distance of the structure to other dwellings in the area (over 800 feet).
- Guests would be responsible for providing their own food and beverages.

Accessibility/Parking:

- The existing road system appears adequate to accommodate traffic for the proposed use. Adequate emergency service vehicle access appears available to support the site.
- 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. A minimum of 2 off-street parking spaces are required for this facility with the two sleeping rooms.
- The Applicant has a designated gravel parking area west of the dwelling capable of holding 6 vehicles.

Utilities:

- The existing dwelling is served by an individual Subsurface Sewage Treatment System (SSTS). The septic system received a certificate of compliance in November 2023. Depending on the scale of future use/number of events and participants the Applicants may want to consider working with the County Environmental Health Department to avoid septic failure.
- Solid waste disposal services will be provided locally. Any hazardous materials or fluids generated shall be properly disposed of.

DRAFT Findings of Fact:

1. The proposed Retreat Center 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. A maximum of 10 guests are proposed and the site is isolated from neighboring dwellings by distance, topography, and vegetative cover.

2. The Retreat Center 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. 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 submitted plans identify means to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance's parking requirements.
5. Due to the limited capacity and distance from other dwellings, the use is unlikely to result in offensive odor, fumes, dust, noise, and vibration so the use will not constitute a nuisance. The applicant's lighting plans appear capable of controlling lights in such a manner that no disturbance to neighboring properties will result.

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 the County Board of Commissioners **APPROVE** the request from Ethan Bleifuss and Sherry Kempf (Belvidere Hills LLC, Owners) to establish a Retreat Center within an existing structure.

Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP.
2. Retreat Center occupancy shall not exceed 10 guests;
3. On-street parking/loading shall be prohibited;
4. All exterior signage located on the property must follow Goodhue County Zoning Ordinance Article 11 Section 17 (Sign Regulations). The applicant shall consult the appropriate road authority prior to placing signs within the road Right-of-Way;
5. Applicant shall obtain Building Permit approvals for a change of use to the existing structure from the Goodhue County Building Permits Department prior to establishing the use;
6. Applicant shall work with Goodhue County Environmental Health to obtain appropriate permits for future septic construction or capacity increases as needed;
7. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 25 Retreat Centers, Article 11 Section 30 Rural Tourism, and Article 22 A2, General Agriculture District; and
9. The Interim Use Permit shall expire upon the sale of the property.



GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 26.003.1503

Permit# 223-0053

PROPERTY OWNER INFORMATION

Last Name Bleifuss/Kempf

First Ethan/Sherry

Email:

Street Address 2304 28th Ave South

Phone

City Minneapolis

State MN Zip 55406

Attach Legal Description as Exhibit "A"

Authorized Agent None

Phone

Mailing Address of Landowner:

RECEIVED

Mailing Address of Agent:

NOV 20 2023

PROJECT INFORMATION

Site Address (if different than above): 34965 Betcher Trail

Lot Size 30 acres

Structure Dimensions (if applicable) 40' x 36'

Land Use Management

What is the conditional/interim use permit request for? Using our property and house as a small retreat center

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized
The existing house is small (2000 square feet) with only 2 bedrooms, and not visible from any of our neighbors or the road. The nearest neighbor is approximately 1000 feet from our house. We anticipate that the retreat center will be used primarily during the day and by small groups that are engaged in quiet activities such as meetings, writing and art.

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:

Ethan Bleifuss Sherry Kempf

Date 11/19/2023

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 # 8319

DATE PAID 11-20-23

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

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).

A small retreat center for groups of 4-10. Most activities day use only. Occasional overnights limited by number of bedrooms (2).

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

Existing house will be used as a meeting space.

No new structures proposed

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.

Most activities during the day (8AM - 6PM), on any day of week, any month of the year

5. Planned maximum capacity/occupancy.

10 day use

6 overnight

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

The small numbers of people will result in little or no additional traffic, congestion or loading issues

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

parking provided on property next to house, existing lot holds 6 cars and is covered in compacted gravel

8. Proposed solid waste disposal provisions.

Lake City Disposal

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

on-site well and septic system. Septic compliance check completed + submitted by Bruce's Backhoe Service

house is accessed by a 900 ft existing gravel driveway off Betcher trail. The house and parking area is not visible from the road.

10. Existing and proposed exterior lighting.

There are existing lights next to the main door and under the soffits providing adequate lighting

11. Existing and proposed exterior signage.

We propose to have a small sign next to our driveway gate

12. Existing and proposed exterior storage.

There is existing storage under the screened porch

13. Proposed safety and security measures.

Smoke alarms, CO detectors and fire extinguishers on site

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

Driveway from Betcher Trail goes directly to house

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

No potential for noise, odor or dust. Activities will be quiet - meetings, writing, art

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

none anticipated

17. Existing and proposed surface-water drainage provisions.

existing landscaping and drain tile adequately handle surface water runoff

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

none. participants will provide their own food.

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

please see letter that we gave to our neighbors that explains the project

Exhibit B

Exhibit B

Hello,

We are a married couple, and have owned the property at 34965 Betcher Trail since 2002. We have 30 acres and a small home. We live in the Twin Cities and currently use this property for ourselves, friends and family who want to escape city life for a few days.

We would like to make it available to others, and have decided that the best way to do this is by starting a small business. We are retired teachers, and Sherry is a writer, and we think that small groups of writers, artists, educators or others would like a quiet place to go for a day-long retreat or workshop.

We are applying for a small business permit with the township and county board. The name of our business is Belvidere Hills. The county will be sending a letter to our ten closest neighbors about this in the next few weeks. We wanted to give you the background and details of our plans, so you're not surprised when the letter from the county arrives.

Belvidere Hills

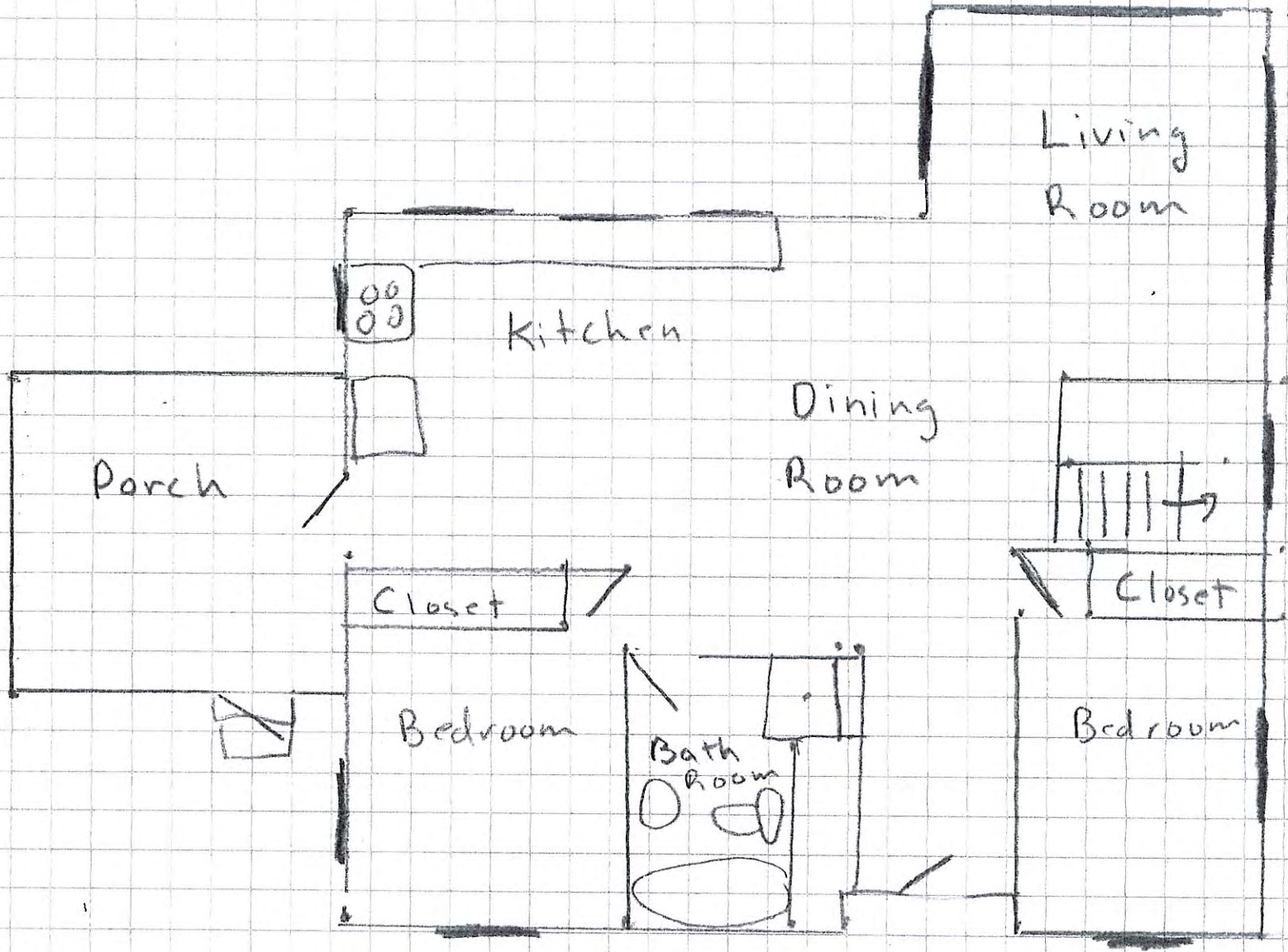
- Our house is 2000 square feet, part of which is storage in the basement. It could comfortably hold small groups of 4 to 10 people for the day
- Our intended visitors are writers, artists, educators and other organizations, such as small businesses or non-profits, that want to have a day-long retreat or workshop
- Occasionally a few people may spend the night - there are 2 small bedrooms, so overnight accommodations are limited by that
- We intend to advertise by word of mouth, and contacts we already have with artist groups, educators and small businesses.
- This is NOT an Airbnb or VRBO
- We will NOT be adding on additional square footage to the house
- The groups will NOT be having loud music or making lots of noise
- There will NOT be any parking on Betcher Trail
- We intend for this business to be small enough that it will not affect our neighbors in any way. If you have any concerns or questions, please contact us.

Thank you!

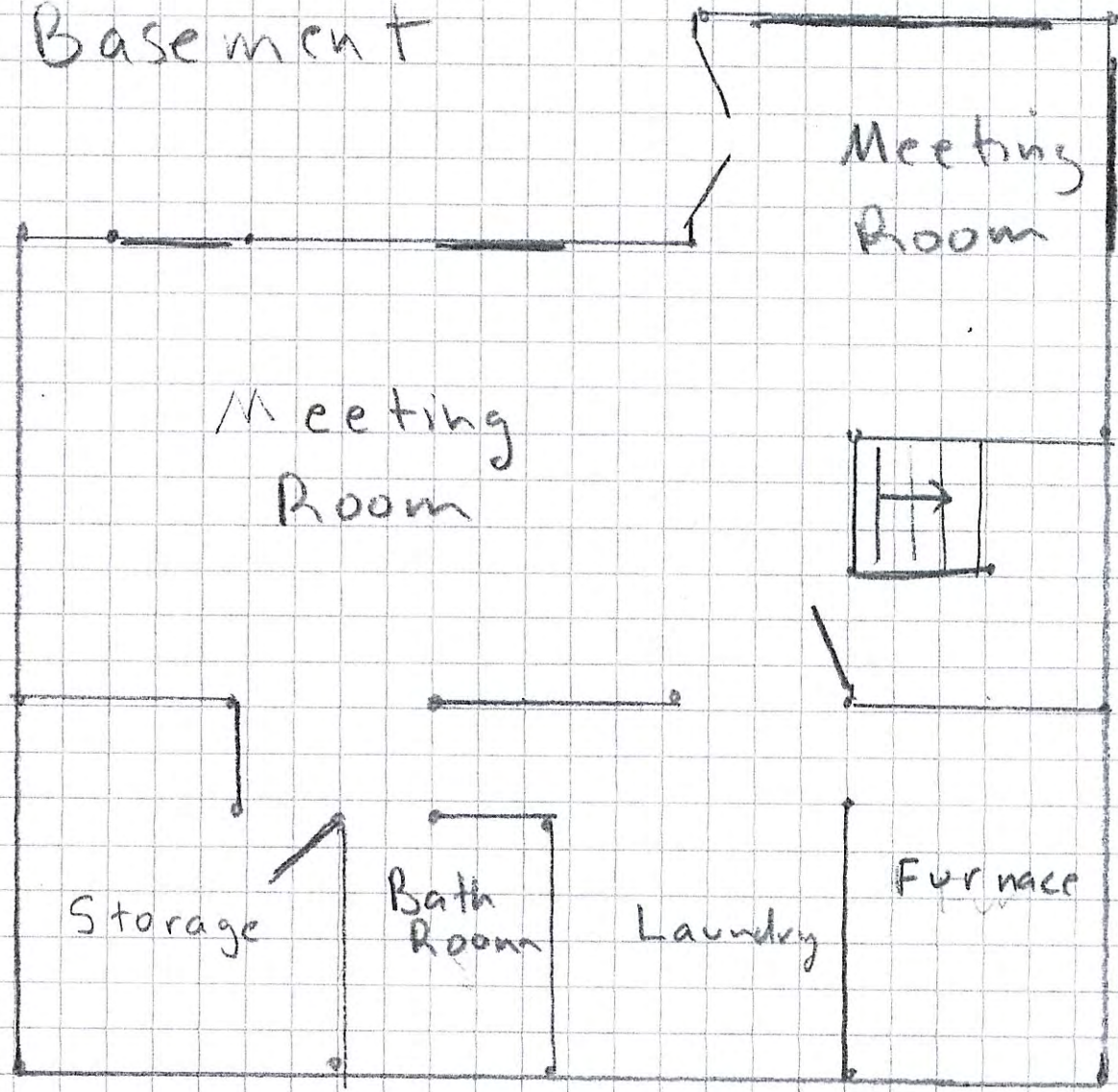
Ethan Bleifuss,

Sherry Kempf,

Main Level

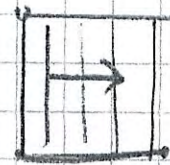


Walk out
Basement



Meeting
Room

Meeting
Room



Storage

Bath
Room

Laundry

Furnace

TOWNSHIP ZONING APPLICATION

Goodhue County

TOWNSHIP NAME Belvidere

Parcel # R26.003.1503

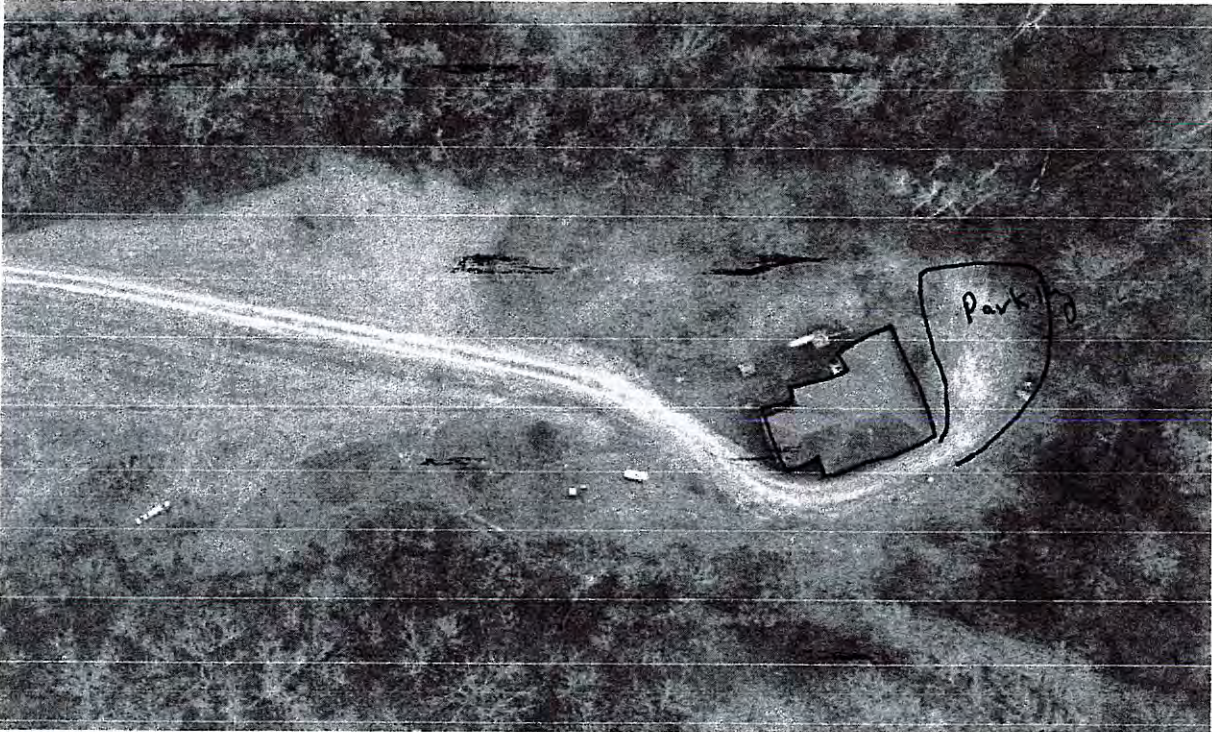
APPLICANT INFORMATION		
Last Name <u>Bleifuss</u>	First <u>Ethan</u>	M.I. <u>E</u>
Street Address <u>2304 28th Ave. So.</u>		Phone
City <u>Minneapolis</u>	State <u>MN</u>	ZIP <u>55406</u>
Email Address		
Township <u>111</u>	Range <u>014</u>	Section <u>03</u>
PROJECT INFORMATION		
Site Address <u>34965 Betcher Trail, Goodhue, MN 55027</u>		
Property Owner: <u>Belvidere Hills, LLC</u>		
Type of Project	Proposed Use <u>Small group retreat center</u>	
Structure Type	Replacement YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Variance # _____	Conditional Use Permit # _____	
Zoning District:	Lot size	Structure dimensions
DISCLAIMER AND SIGNATURE		
<p><i>I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.</i></p>		
Signature <u>Ethan Bleifuss</u>	Date <u>11-14-23</u>	
TOWNSHIP APPROVALS		
<p><i>I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.</i></p>		
Signature <u>Craig Br...</u>	Title <u>Chair</u>	Date <u>11-14-23</u>
Signature <u>Mic Br...</u>	Title <u>clerk</u>	Date <u>11-14-23</u>
Application fee _____	Receipt Number _____	Expiration Date _____

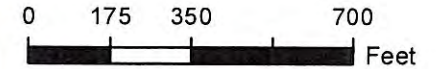
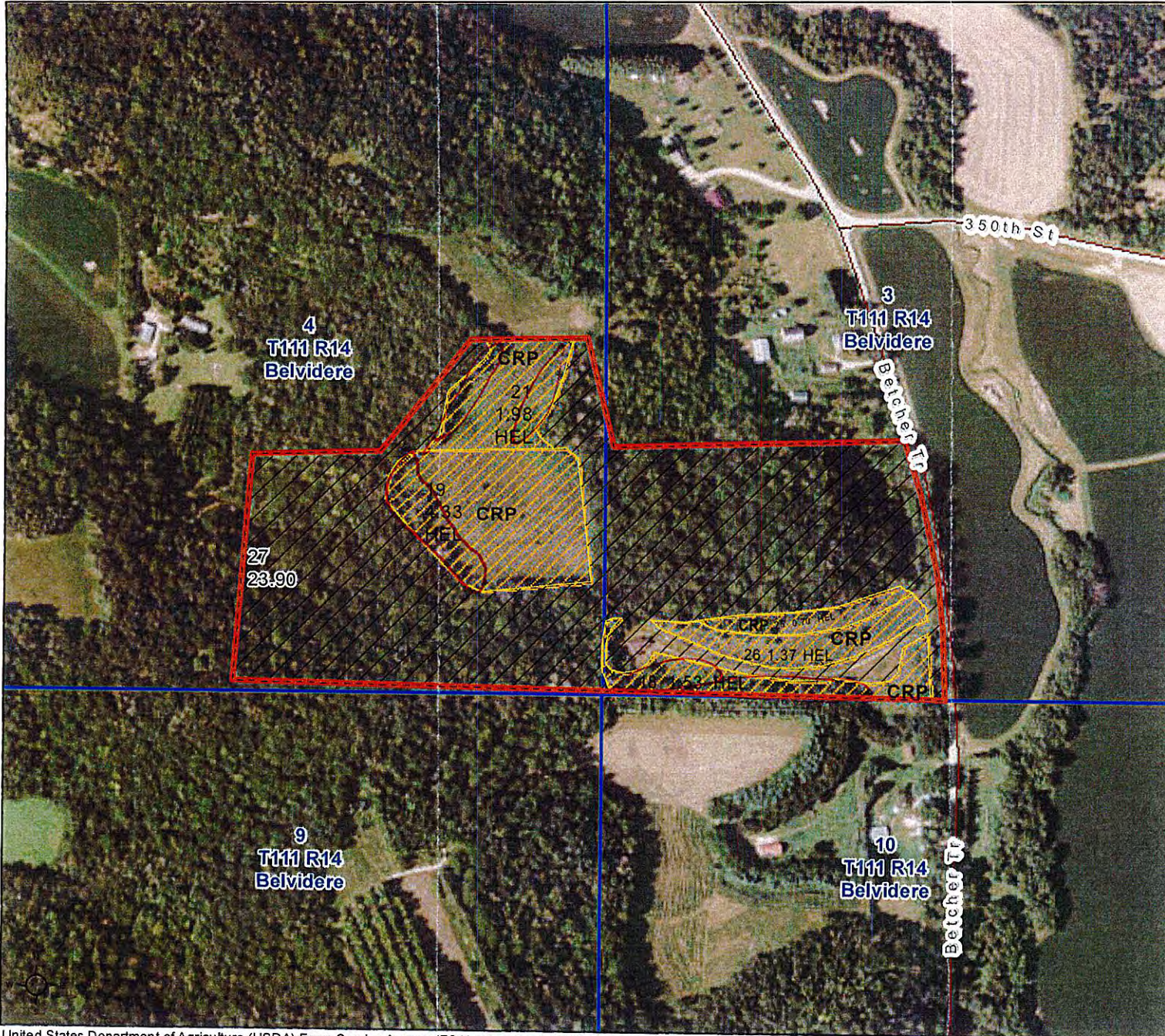
The granting of this permit does not exempt the permittee from having to secure other permits from other Local (Goodhue County), State, or Federal units of government which may have jurisdiction over portions of the authorized project.

Site plan

R 26.003.1503 with house 7.22 AC

Sect-03 Twp-111 Range-014 7.22 AC
PT OF S1/2 OF SW1/4 SEC 3 111
14 BEG AT SW COR N TO A PT
1108.24FT N OF SW COR
S56DG55MN59SC E594.85FT
N83DG16MN50SC E115.30FT
N74DG54MN56SC E355.99FT TO





- Unless otherwise noted:
 Shares are 100% operator
 Crops are non-irrigated
 Corn = yellow for grain
 Soybeans = common soybeans for grain
 Wheat = HRS, HRW = Grain
 Sunflower = Oil, Non-Oil = Grain
 Oats and Barley = Spring for grain
 Rye = for grain
 Peas = process
 Alfalfa, Mixed Forage AGM, GMA, IGS = for forage
 Beans = Dry Edible
 NAG = for GZ
 Canola = Spring for seed

Common Land Unit

- Non-Cropland
- Cropland
- CRP
- Tract Boundary

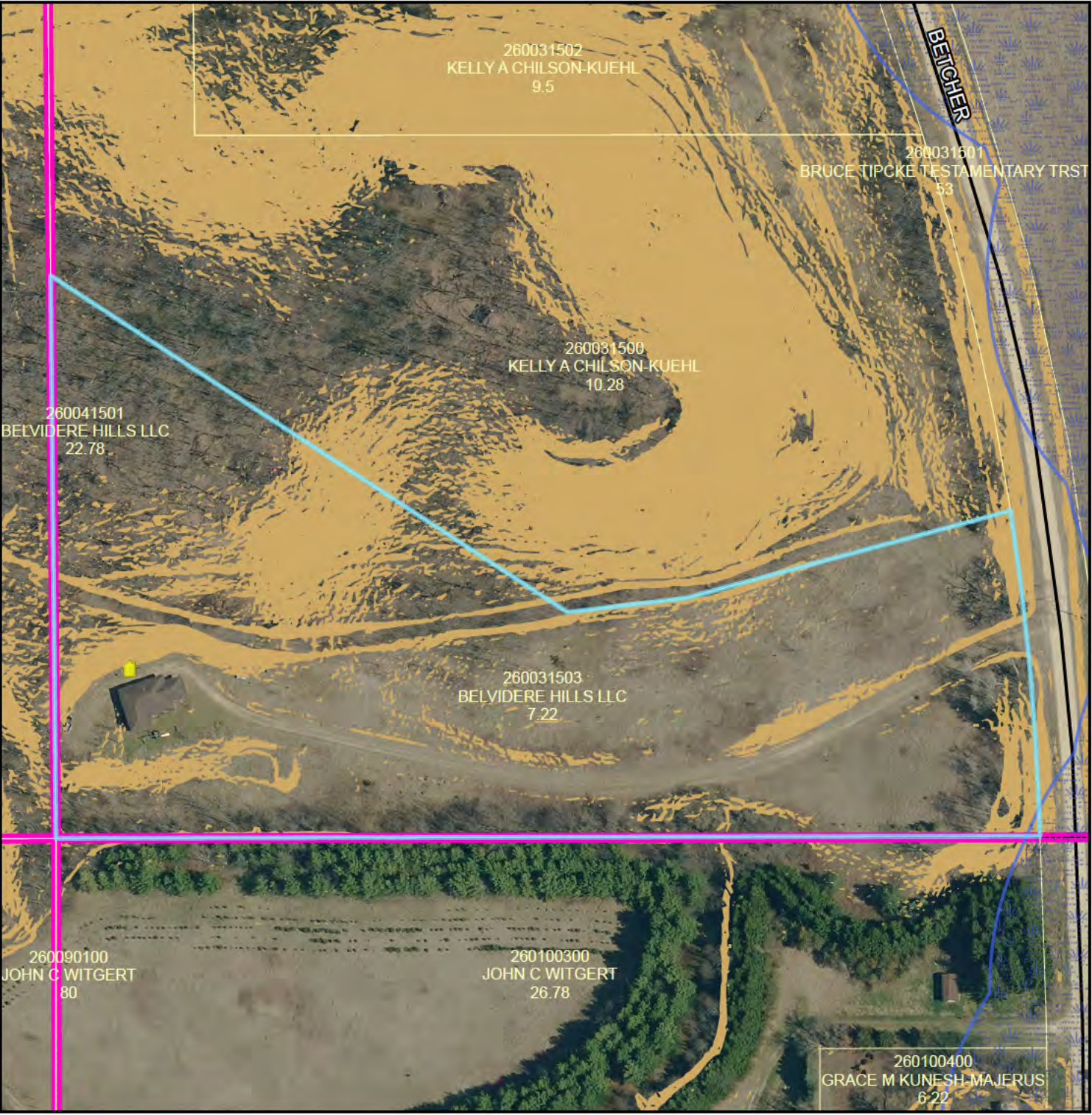
Wetland Determination Identifiers

- Restricted
- Limited
- Exempt from Conservation Compliance Provisions

Tract Cropland Total: 9.91 acres

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). This map displays the 2019 NAIP imagery.

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

PAC Meeting
December 18, 2023

Ethan Bleifuss & Sherry Kempf
(Belvidere Hills LLC, Owners)

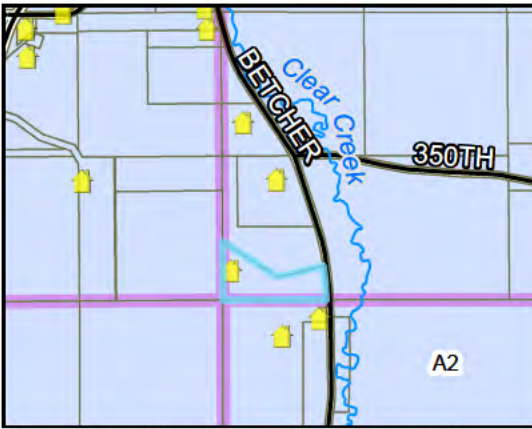
A2 Zoned District

Part of the S 1/2 of the SW 1/4 of Section
03 TWP 111 Range 14 in Belvidere Township

IUP request to establish a retreat center
in an existing structure

Legend

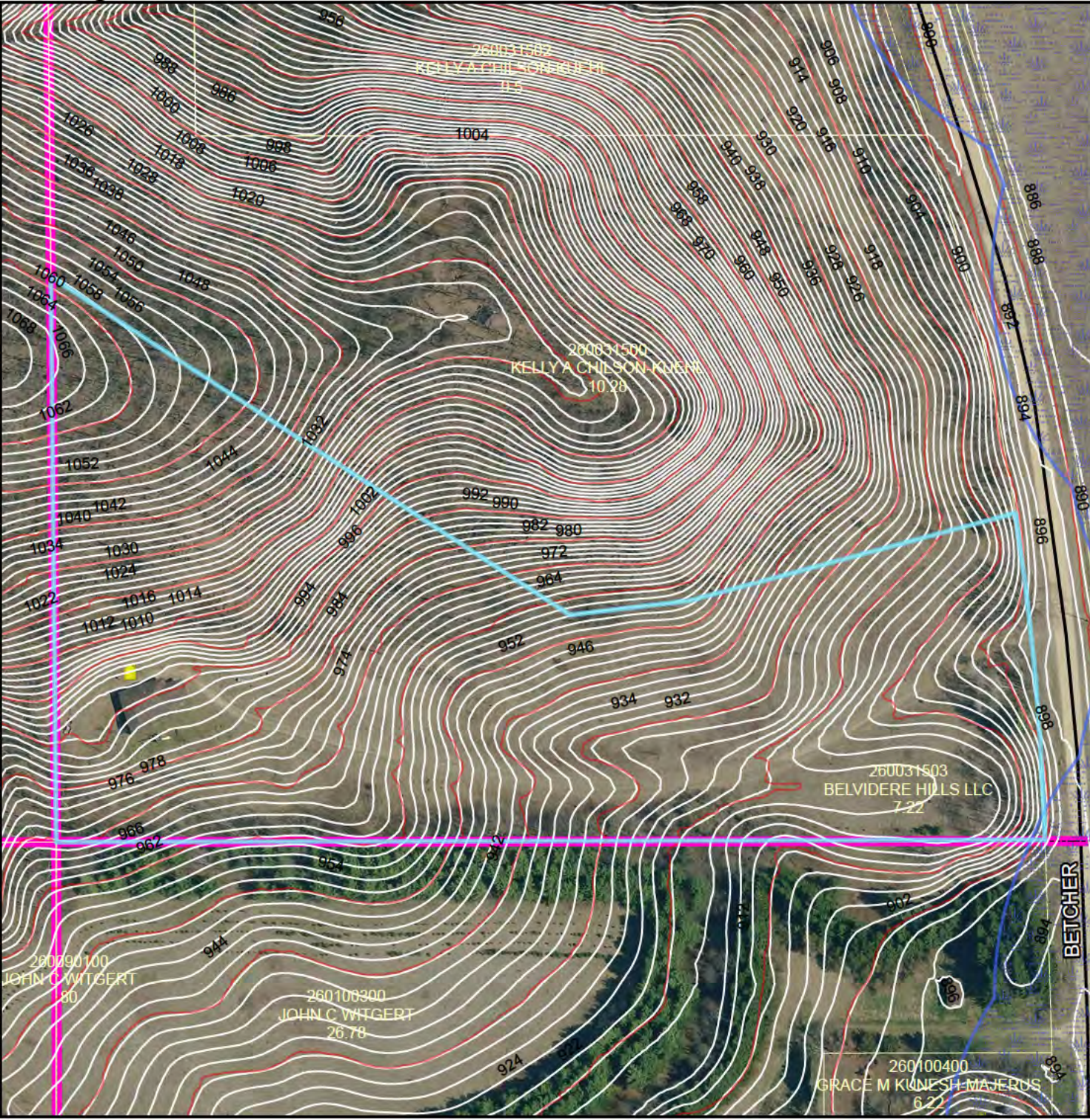
- | | | | |
|--|----------------------------|--|------------------------------|
| | Intermittent Streams | | Bluff Impact Zones (% slope) |
| | Protected Streams | | 20 |
| | Lakes & Other Water Bodies | | 30 |
| | Shoreland | | FEMA Flood Zones |
| | Historic Districts | | 2% Annual Chance |
| | Parcels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



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2022 Aerial Imagery
Map Created November, 2023 by LUM





PLANNING COMMISSION

PAC Meeting
December 18, 2023

Ethan Bleifuss & Sherry Kempf
(Belvidere Hills LLC, Owners)

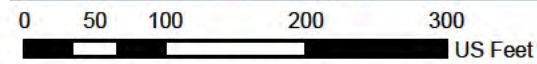
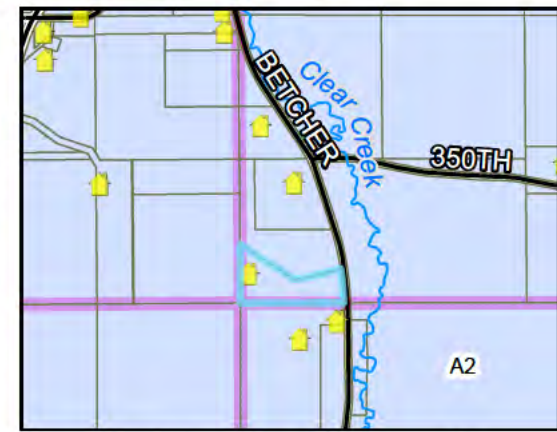
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IUP request to establish a retreat center
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Legend

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

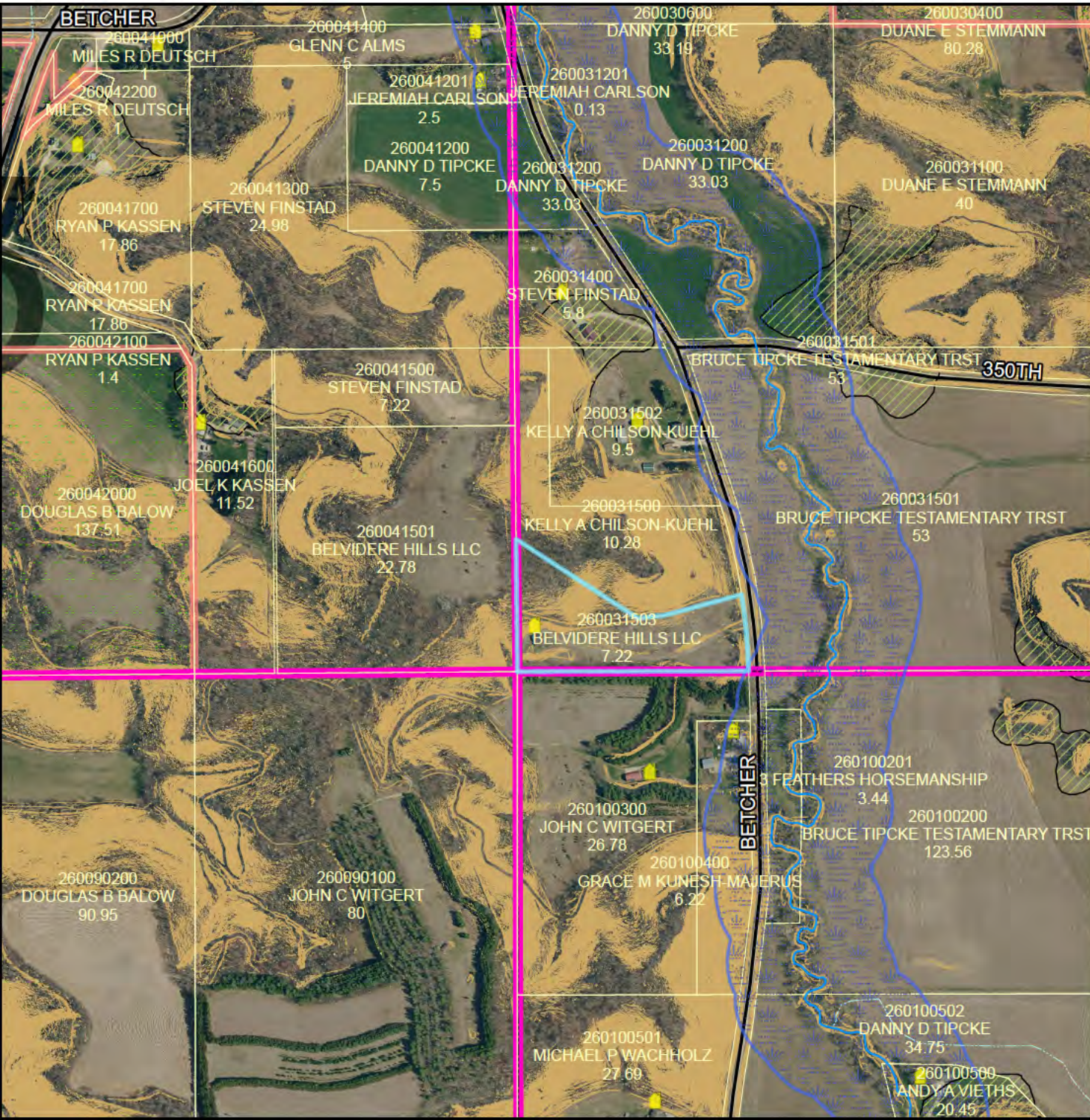


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MAP 02: VICINITY MAP



PLANNING COMMISSION

PAC Meeting
December 18, 2023

Ethan Bleifuss & Sherry Kempf
(Belvidere Hills LLC, Owners)

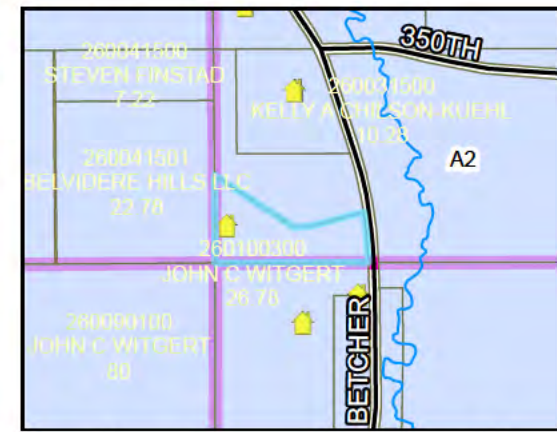
A2 Zoned District

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03 TWP 111 Range 14 in Belvidere Township

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Legend

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



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2022 Aerial Imagery
Map Created November, 2023 by LUM



PAC Meeting
December 18, 2023

Ethan Bleifuss & Sherry Kempf
(Belvidere Hills LLC, Owners)

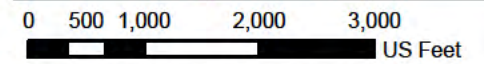
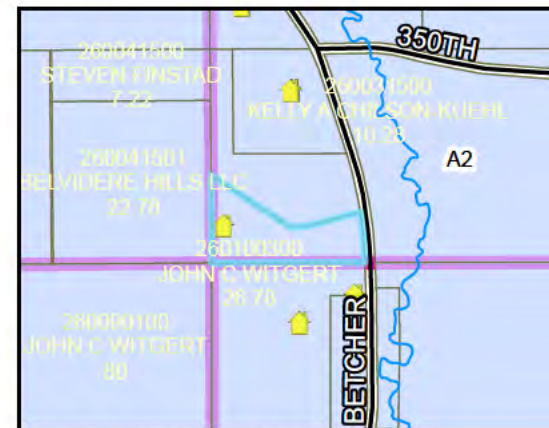
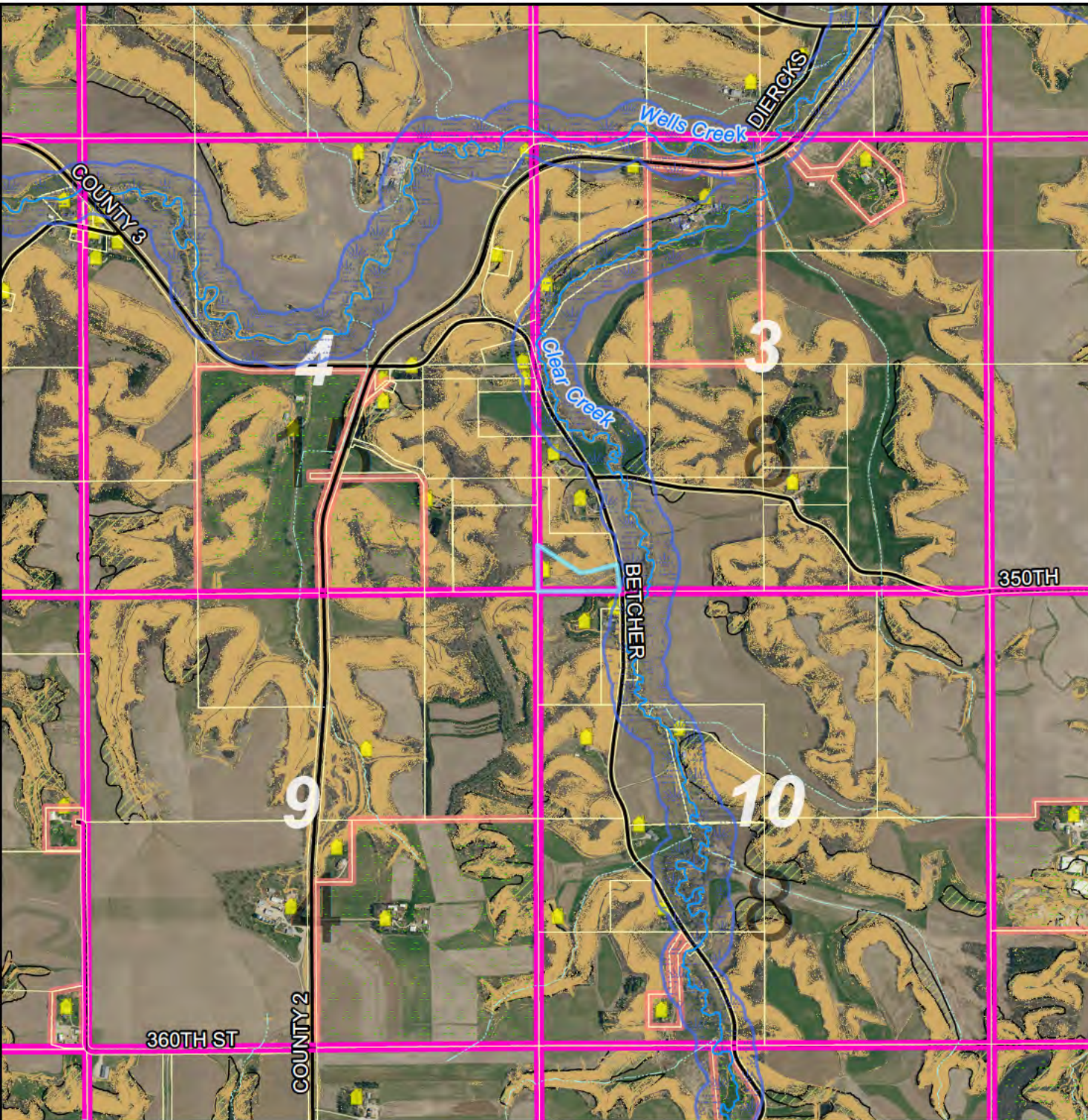
A2 Zoned District

Part of the S 1/2 of the SW 1/4 of Section
03 TWP 111 Range 14 in Belvidere Township

IUP request to establish a retreat center
in an existing structure

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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list and map of protected waters shall be filed in the Office of the County Auditor and the Zoning Administrator.

PUBLIC CONSERVATION LANDS. See Article 18 (WECS)

PUBLIC DRAINAGE SYSTEM. Has the meaning given to drainage system in Minn. Stat. §103E.005, subd. 12.

QUALIFIED INDEPENDENT ACOUSTICAL CONSULTANT. See Article 18 (WECS)

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

RECLAMATION. See Article 14 (Mineral Extraction)

RECREATION VEHICLE. See Article 32 (Floodplain District)

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 years recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION. A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increase in flood heights contributable to encroachment on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.

RETREAT CENTER. A private facility or facilities oriented to using the natural features and outdoor character of the area to offer professional, educational, recreational or religious meetings, seminars, workshops, or gatherings which may provide meals, temporary lodging, and passive recreation for visitors and may include multiple related uses managed as one operation.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, and other similar uses.

RIGHT-OF-WAY LINES. The lines that form the boundaries of a right-of-way.

ROTOR. See Article 18 (WECS)

ROTOR BLADES. See Article 18 (WECS)

ROTOR DIAMETER. See Article 18 (WECS)

RURAL TOURISM. Business which attracts visitors to rural areas of Goodhue County using the rural outdoor environment for attractions that include, but are not limited to, retreats, weddings, receptions, bed and breakfasts, educational events, and holiday celebrations.

SCREENED. When a structure is built or placed on a lot or vegetation is planted such that when the structure is built, it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months as viewed from the river.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing secure outdoor storage space and/or self-contained

Agricultural production that complied with all Goodhue County Ordinances, shall not be considered by this County as constituting a nuisance.

This Ordinance is not to be construed as in any way modifying or abridging the State law, rather, it is only to be utilized in the interpretation and enforcement of the provisions of this code and County regulations.

- Subd. 1. **AGRICULTURAL OPERATION.** Property primarily used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, and associated processing of agricultural products produced by the operation. 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.
- Subd. 2. **ESTABLISHED DATE OF OPERATION.** For the purposes of this section, the established date of operation shall be the date on which the agricultural operation commenced.
- Subd. 3. **AGRICULTURAL OPERATION NOT A NUISANCE.** An agricultural operation which continues without interruption or change shall not become a private nuisance if the operation was not a nuisance at its established date of operation. The provisions of this subdivision do not apply:
- A. To a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices.
 - B. To applicable State or local laws, ordinances, rules or permits.
 - C. When an agricultural operation causes injury or direct threat or injury to the health or safety of any person.
 - D. To the pollution of, or change in the condition of, waters of the State or the water flow of waters on the lands of any person;
 - E. To an animal feedlot facility of one thousand (1,000) or more animal units.

SECTION 25. RETREAT CENTERS

- Subd. 1. The following standards shall apply to all Retreat Centers:
- A. A proposed schedule of events and any proposed special events, which consist of any events not part of the normal operating schedule.
 - B. Contact information for caretaker(s) on duty and on site and the times they are present.
 - C. Provide a general floor plan indicating the units to be used for the retreat center (in which the public may have access).
 - D. Maps identifying property limits shall be provided to guests.
 - E. The PAC may require installation of property boundary indicator signs along property boundary lines in accordance with Goodhue County Ordinance Sign regulations.

- F. Retreat units shall not be converted into permanent dwelling units, unless an application is approved showing that the units meet the requirements of the Zoning Ordinance, Building Code, and Environmental Health regulations.
- G. The maximum stay of the occupants shall not exceed two weeks, unless otherwise established by the IUP/CUP.
- H. Allow periodic inspections by the Land Use Management Department, Environmental Health Department, and Fire Marshall.
- I. Any existing buildings in which the public may have access shall obtain all applicable Building Code approvals prior to being utilized as part of a Retreat Center.
- J. Proof of liability insurance for the structures, property, occupants, visitors, and events shall be maintained.
- K. Maximum capacity shall not exceed 50 guests.

SECTION 26. KENNELS

Subd. 1. Application and standards. In addition to the other requirements, the application for conditional use permit shall be accompanied by 25 copies of the plans, which indicate or address the following:

- A. The stated purpose for the kennel;
- B. The species and maximum number of animals that will be at the site (include all animals over the age of 28 weeks on the property);
- C. All animals at the property must have current vaccinations. Records need to be kept on-site, or at an identified veterinarian office, and produced immediately upon request;
- D. Location and size of all existing and proposed physical improvements such as buildings, landscaping, parking areas, etc.;
- E. Location of existing or proposed indoor/outdoor runs;
- F. Plans for sanitary sewage disposal, water systems (natural or manmade), and utilities servicing the site;
- G. Show the existing and proposed surface drainage;
- H. Existing or proposed location for overhead lighting;
- I. Location and width of all streets abutting the site;
- J. The kennel facility must have proper heating, cooling, ventilation and lighting:
 - 1. Confinement areas must be maintained at a temperature suitable for the animal involved.
 - 2. An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.

adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.

- G. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.

SECTION 30. RURAL TOURISM

Subd. 1. Rural Tourism events may be permitted in the A-1, A-2, or A-3 Zone Districts with an approved zoning permit at the discretion of the Zoning Administrator for up to two (2) events/activities per calendar year. The right to utilize property for more than two events/activities per calendar year is subject to approval of a conditional use permit or an interim use permit by the Board of County Commissioners. In addition to submittal requirements set forth Article 4 (Conditional and Interim Uses), the following information must be provided with a conditional use permit or interim use permit application.

- A. Plan drawn to an appropriate scale for effective interpretation.
- B. Property boundaries, onsite parking areas and access roads.
- C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
- D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.
- E. Location of temporary toilet facilities, which may be required.
- F. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS).
- G. A written description of the planned activities providing including maximum number of guests/visitors.
- H. Frequency and number of activities proposed in a calendar year.
- I. Hours of Operation/Activity including set-up/clean-up for activities and events.
- J. Proposed site lighting or landscaping.
- K. Anticipated maximum number of vehicle trips per day.

Subd. 2 Performance Standards.

In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria (findings) included in Article 4, Section 5, the following items shall be considered by the Planning Advisory Commission and County Board when reviewing a Conditional Use Permit or Interim Use Permit Application for various Rural Tourism uses. Bed and Breakfasts and Retreat Centers shall also meet the standards found in Article 11 Section 13 and Article 11 Section 25 respectively.

- A. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate

that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.

- B. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas for facilities with greater than 50 guest capacity must be a minimum of 40 feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- C. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.
- D. All State of Minnesota and Goodhue County requirements related to Water and Subsurface Wastewater Treatment Systems must be met.
- E. Outside activities shall be completed during daylight hours. Inside activities for facilities with greater than 50 guest capacity shall be completed by 10:00 PM unless approved through the CUP/IUP process to conclude no later than 12:00 AM (midnight).
- F. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.
- G. The owner/operator will maintain a log of the activities occurring at the included activity/event dates, group identity, times and number of guests.
- H. The site plan with the above written descriptions along with any condition added during Planning Advisory Commission and/or County Board review will become a part of any approved conditional use permit or interim use permit.
- I. The main event area for facilities with greater than 50 guest capacity shall be at least 500 feet from neighboring dwellings.
- J. Rural Tourism uses for facilities with greater than 50 guest capacity shall be located on a parcel at least 3 acres in size.

Section 31. ACCESSORY DWELLING UNITS (ADUS)

Subd. 1. Accessory Dwelling Units (ADUs) are dwelling units that are accessory to a primary dwelling unit and are on the same tax parcel of land as the primary dwelling unit.

- A. An ADU can be either:
 - 1. Attached to, or within the primary dwelling unit; or
 - 2. Located within 100 feet of the primary dwelling unit on the same tax parcel as the primary dwelling unit.
- B. ADU's must have separate kitchen and bathroom facilities
- C. Only one (1) ADU is permitted per primary dwelling site tax parcel
- D. The ADU cannot be separated from the primary dwelling tax parcel

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: December 18, 2023
Report date: December 8, 2023

PUBLIC HEARING: Consider Goodhue County Ordinance Updates

Proposed amendments to Article 10 (Definitions), Article 11 (Performance Standards), and Article 20 (Table of Uses) to allow Solid Waste Transfer Facilities. Proposed amendments to Article 32 (Floodplain District) to add Repetitive Loss language.

Attachments:

Proposed Amendments
Goodhue County Waste Management Ordinance
[Goodhue County Zoning Ordinance](#)

Solid Waste Transfer Facilities:

The County Board began a process with the MPCA to close the Wanamingo demolition landfill in September 2023 (44284 135th AVE, Zumbrota in Minneola Township). With this closure, there is a desire from the County Board, staff, and residents to have a solid waste disposal option in the rural area of Goodhue County.

For the past several years, the Wanamingo landfill used dumpsters to dispose of materials that were not allowed to be disposed of in the ground. After discussions with the MPCA and extensive research, it was determined the use of a property to dispose of solid waste that is brought to the site, stored in dumpsters, and removed once the dumpster reaches capacity would be considered a "Transfer Facility". This type of operation is not a permissible use in the County Zoning Ordinance.

Staff has researched other Minnesota Counties' zoning rules and State of Minnesota statutes for solid waste transfer facilities. Many aspects of the state statutes are incorporated into the proposed performance standards. Goodhue County has a Waste Management Ordinance from 1990 that defines "Transfer Facilities" and has a few performance standards. Several Counties permit transfer facility operations in Agricultural, Industrial, and Business districts. Some Counties permit these facilities under performance standards found in their Solid Waste Ordinance while others have performance standards within their Zoning Ordinance.

It is important to note that the current landowner of the Wanamingo demolition landfill, Glen Steberg, was in contract with Goodhue County regarding the use of his property and staffing the landfill for many years. With the closure of the landfill, Mr. Steberg has shown interest in continuing to operate a Transfer Facility if allowed by the County Zoning Ordinance. Mr. Steberg would need to obtain all proper County Zoning and Waste Management permits as well as any MPCA permits as needed. This Ordinance amendment would not be limited to Mr. Steberg's property. Anyone could apply for a CUP/IUP for a Transfer Facility in an appropriate zoning district with Township approval.

Article 10:

Add a definition for Transfer Facility:

TRANSFER FACILITY A fixed facility in which waste collected from any source is temporarily

deposited, compacted, or rearranged for transportation to another waste management facility in quantities up to 120 cubic yards or stored for more than 48 hours.

Table of uses:

- Add Transfer Facilities as a Conditional/Interim Use in A-1, Agricultural Protection, A-2, General Agriculture, and A-3, Urban Fringe Districts.

Table of Uses – Business & Industrial Districts:

- Add Transfer Facilities as a Conditional/Interim Use in Business and Industrial Districts.

Article 11:

- Add performance standards for Transfer Facilities

Staff Recommendation:

Land Use Management staff recommends the Planning Advisory Commission adopt the staff report into the record and recommend the County Board of Commissioners **APPROVE** the amendments to Articles 10 (Definitions), 11 (Performance Standards), and 20 (Table of Uses) regarding Transfer Facilities.

Floodplain Repetitive Loss Ordinance:

Goodhue County Zoning is responsible for enforcing the FEMA Floodplain Ordinance as part of the National Flood Insurance Program (NFIP). These rules are found in Article 32 of the County Zoning Ordinance. This responsibility includes working with property owners who suffer property losses due to flooding. FEMA rules require any nonconforming structure that is damaged more than 50% of its value to meet floodplain elevation/floodproofing standards if the structure will be reconstructed (substantial damage). FEMA includes a provision in its rules for “Repetitive Loss”: “If a structure is damaged by flooding on two separate occasions during a 10 year period equal to or exceeding 25% of its market value it shall be considered “substantially damaged”. Under the Repetitive Loss provision a structure may suffer flood losses over time and be considered “substantially damaged” which means the property owner may apply for funds under the NFIP to properly elevate or floodproof their structure. For property owners to apply for these funds, the County Zoning Ordinance must contain Repetitive Loss language.

Additional minor changes have been proposed to Article 32 as recommended by the DNR’s Floodplain and Shoreland Planner. Adopting this language now means property owners may use 2023 flood events and damages towards the “2 events in 10 years” provision.

Staff Recommendation:

Land Use Management staff recommends the Planning Advisory Commission adopt the staff report into the record and recommend the County Board of Commissioners **APPROVE** the amendments to Article 32 (Floodplain District).

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

STREET. Any thoroughfare or way other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or any other similar designation, or a private street open to restricted travel, at least thirty (30) feet in width.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Article 32, Section 9, Subd. 3.A. of the Ordinance and other similar items.

STRUCTURAL ALTERATION. Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.

SUBSTANTIAL DAMAGE. See Article 32 (Floodplain District)

SUBSTANTIAL IMPROVEMENT. See Article 32 (Floodplain District)

SUBSTATION, SES. See Article 18 (WECS)

SUBSTATION, WECS. See Article 19 (SES)

SWCD. Soil and Water Conservation District.

TASTING ROOM. See Article 11 (Farm Wineries)

TIMBER. Standing trees which because of their size, quality and number are marketable.

TIMBER HARVESTING AND LOGGING. The cutting of trees over four (4) inches in diameter measured at breast height, skidding, on-site processing, and loading of trees to be removed from a parcel.

TOWER ACCESSORY STRUCTURE. See Article 17 (WCF)

TOWER, HEIGHT. See Article 17 (WCF)

TOWER, METEOROLOGICAL. See Article 18 (WECS)

TOWER, WECS. See Article 18 (WECS)

TOWER, WCF. See Article 17 (WCF)

TRANSFER FACILITY A fixed facility in which waste collected from any source is temporarily deposited, compacted, or rearranged for transportation to another waste management facility in quantities up to 120 cubic yards or stored more than 48 hours.

TRANSMISSION LINE. See Article 18 (WECS)

TREE CUTTING. Selective removal of trees over four (4) inches in diameter measured at breast height, for the purpose of forest or site management.

USE. The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained.

- G. The routes and conditions of local transportation networks will be part of the review process to determine if they are capable of supporting the proposed use without appreciably diminishing traffic safety along primary access routes. When appropriate, the applicant shall bear the costs of required dust mitigation measures.

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

	A-1	A-2	A-3	R-1	B	I	CR	MXH
Contractors Yard	C/I	C/I	C/I	NP	C/I	P	NP	NP

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

Section 34. Self-Service Storage Facilities

Subd. 1. Self-Service Storage Facilities shall comply with the following standards:

- A. Storage units/facilities may only be used for storage. Storage units/facilities may not be used for retail sales (including garage sales), industrial uses, vehicle repair, human habitation, or storing any living animal or organism.
- B. Storage of hazardous, flammable, or explosive materials as defined in MN Statute 182.651 is prohibited.
- C. Water service to storage units is prohibited except for a fire suppression system.
- D. The site shall not be located within any wetland, floodplain, or blufflands.
- E. All lighting shall be downward projecting or shielded to prevent light from being directed off the premises.
- F. The facility shall be secured by fencing.
- G. Exterior storage of materials, vehicles, and equipment may require screening from public view.
- H. Areas for exterior storage and access lanes for storage structures shall be surfaced with aggregate, asphalt, or similar material.
- I. Driving lanes between structures must be a minimum of 18 feet between the nearest points of buildings.
- J. A landscaping and drainage plan detailing adequate provisions for stormwater control and erosion prevention shall be provided.

Section 35. Transfer Facilities

Subd. 1. Transfer Facilities shall comply with the following standards:

- A. No more than 120 cubic yards of waste shall be stored on-site at any given time and no more than 120 cubic yards of waste shall be managed on-site per day.
- B. The site shall be located at least 1,000 feet from any existing dwelling, except dwellings on the same parcel as the Transfer Facility.

- C. Transfer Facilities shall be located at least 1,000 feet from any Residential district (R1).
- D. Transfer Facilities shall comply with the Goodhue County Waste Management Ordinance, Minnesota Pollution Control Agency requirements, state, and federal laws. Documents required for submittal under the Goodhue County Waste Management Ordinance for Transfer Facilities shall be submitted to the Zoning Administrator with the conditional use permit application. A copy of the MPCA permit (if required) shall be submitted to the Zoning Administrator prior to opening.
- E. The owner or operator shall submit information regarding the surrounding property uses, any potential environmental hazards, sanitary facilities and waste disposal, and lighting.
- F. Exterior storage, loading, and unloading areas shall comply with setback requirements of the underlying zoning district and be adequately screened from view from all public roadways and adjacent residential uses except those uses on the same parcel as the Transfer Facility.
- G. Outdoor storage and parking areas shall have durable, all-weather, impervious surfacing.
- H. The site shall be fenced on all sides to prevent unlawful dumping and entrance.
- I. At each entrance to the facility, the owner or operator shall install and maintain a sign that lists the wastes that are or are not accepted at the facility, its hours of operation, a number to call for assistance with disposal of items that are not accepted at the facility, the MPCA assigned permit number, name of the facility, and prices for use of the facility.
- J. The owner or operator shall be responsible for ensuring the public access road that the facility is located on is not blocked or made impassable by hauled materials and that ditches are free of materials. The owner or operator shall be responsible for dust control on aggregate surfaced roads if requested by the road authority.
- K. All materials shall be confined to the designated processing and storage areas. The property shall be maintained so as to prevent wind dispersion of materials. The facility grounds and immediately adjacent property shall be free of litter stemming from facility operations.
- L. Mixed municipal solid waste, industrial waste, hazardous waste, and liquid waste shall not be accepted on-site, including oil.
- M. Transfer Facilities shall not be located within a floodplain, shoreland, wetland, sinkhole, bluffland, or wild and scenic river district.

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 (Art.16 § 7)	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 (Art.11 § 25)	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) (Art. 18)	P	P	P	P	P
WECS (Non-Commercial) (Art. 18)	P	P	C/I	NP	NP
WECS (Commercial) (Art. 18)	C/I	C/I	NP	NP	NP
WECS (Meteorological Tower) (Art. 18)	P	P	C/I	NP	NP
SES (Utility Scale) (Art. 19)	C/I	C/I	C/I	NP	NP
SES (Commercial Scale) (Art. 19)	P	P	P	P	P
SES (Residential Scale) (Art. 19)	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
Solid Waste Transfer Facilities	C/I	C/I	C/I	NP	NP
KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT					

GOODHUE COUNTY ZONING ORDINANCE
Business and Industrial Districts Table of Uses

Use	B	I
Wholesale establishment: warehousing, storage buildings, commercial laundries or dry cleaning plants	NP	P
Manufacture, compounding or treatment of materials	NP	P
Manufacturing process or treatment of products using light machinery; such as tool and die shops or metal fabricating plants	NP	P
Manufacturing of cement, lime, gypsum or plaster	NP	C/I
Distillation of bone, coal, tar petroleum, refuse, grain or wood	NP	C/I
Essential services building or storage yards	P	P
Explosives manufacture or storage	NP	C/I
Fertilizer manufacture, compost or storage	NP	C/I
Refining or recovery of products from animal refuse or offal	NP	C/I
Junkyard	NP	C/I
Livestock feeding yards, slaughtering of animals or stock yards	NP	C/I
Petroleum or asphalt refining or manufacturing	NP	C/I
Smelting or refining of metals from ores	NP	C/I
Steam board hammers or forging presses	NP	C/I
Storing, curing, or tanning of raw, green or salted hides or skins	NP	C/I
Institutional		
Church	C/I	C/I
Miscellaneous		
WECS (Non-Commercial Micro) (<i>Art. 18</i>)	P	P
WECS (Non-Commercial) (<i>Art. 18</i>)	C/I	P
WECS (Commercial) (<i>Art. 18</i>)	NP	C/I
WECS (Meteorological Tower) (<i>Art. 18</i>)	NP	P
SES (Utility Scale) (<i>Art. 19</i>)	C/I	C/I
SES (Commercial Scale) (<i>Art. 19</i>)	P	P
SES (Residential Scale) (<i>Art. 19</i>)	P	P
Commercial Radio Towers/TV Towers/Transmitters	C/I	C/I
Residence when included as part of the principal building occupied by owner or their employee	P	P
Self service storage facility	C/I	C/I
Solid waste transfer facility	C/I	C/I
KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT		

Subd.49. "Shoreland" means land located within the following distances from public water:

- A. 1 ,000 feet from the ordinary high water mark of a lake, pond, or flowage; and
- B. 300 feet from a river or stream, or the landward extent of a floodplain designed by ordinance on such a river or stream, whichever is greater.

Subd.50. "Solid Waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, or other discarded waste materials and sludges, in solid, semi-solid, or contained gaseous form, resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include hazardous waste, animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under

Section 402 of the Federal Water Pollution Control Act; as amended, dissolved materials in irrigation return flows; or source material, special nuclear material, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

Subd.51. "Transfer Facility" means a fixed or mobile facility in which waste collected from any source is temporarily deposited, compacted, or rearranged for transportation to another waste management facility in quantities greater than 10 cubic yards or stored more than 48 hours. Trucks and semi-trailers used solely to deliver waste from one facility to another are not considered to be transfer facilities.

Subd.52. "Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

Subd.53. "Waste Management" means the storage, collection, processing or removal of waste from or on public or private property, its transportation to intermediate storage facilities or its final disposal or processing by methods approved by the Agency.

Subd.54. "Waste Collection Service" means a public or private operation engaged in waste collection and transportation.

Subd.55. "Waste Materials" means all wastes defined as a hazardous waste or solid waste in their processed or unprocessed state. Waste materials include source-separated wastes, refuse-derived fuel, recyclables, compost, ash, etc.

Subd.56. "Water Pollution" means the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses; or to livestock, animals, birds, fish or other aquatic life; or the man made or man-induced alteration of the chemical, physical, biological, or radiological integrity of waters of the state.

- G. A plan must exist for the routing of materials, if particular markets disappear or if the facility must close for a period of time - either scheduled or unscheduled shutdowns.
- H. If the facility is open for use by individuals, a separate unloading area must be provided or traffic controlled to prevent collisions between commercial and individual vehicles. This provision may be waived by the Administrator for facilities with fewer than 10 vehicles entering per day.
- I. When the facility is permanently closed, all materials must be removed and properly managed.

SECTION IX. TRANSFER FACILITIES.

Subd. 1. No person shall construct or operate a waste transfer facility without first obtaining a license issued by Goodhue County. The license shall be obtained in accordance with Sections II, V, and XX, and the facility must comply with Agency permit requirements.

Subd.2. The applicant must provide the following information when applying for a license to construct and/or operate a transfer facility:

- A. the facility design and layout;
- B. the types and number of vehicles expected to use the facility;
- C. the types of waste to be accepted;
- D. the hours of operation;
- E. the storage capacity of the facility;
- F. final location of waste;
- G. on-site traffic operations;
- H. operating plans;
- I. recycling and composting activities to be conducted, if any; and
- J. a copy of all permit materials submitted to the Agency.

Subd.3. All facility structures must be at least 20 feet from any property line and conform with all building and zoning ordinances.

Subd. 4. The design and operation of a transfer facility must meet the following standards:

- A. The facility must be secured.

- B. The facility must have all-weather roads that are negotiable by loaded collection vehicles.
- C. Tie downs or wheel curbs must be provided at elevated unloading areas.
- D. Tipping areas must be cleaned on a routine basis and capable of containing free moisture.
- E. All loading and unloading must be completed on an impervious surface.
- F. Special storage areas, Le. tires, appliances, etc., must be designed to prevent nuisance conditions, fire hazards, or other safety or health hazard.
- G. All putrescible waste must be removed at least twice per week and all stored materials at least monthly, unless otherwise approved.

Subd. 5. At closure, all materials must be removed from the facility and properly stored.

SECTION X. COMPOST SITES AND FACILITIES.

Subd. 1. A person operating a backyard compost site shall not be required to obtain a license under this Ordinance.

Subd.2. Backyard compost sites must be operated in a nuisance-free condition. No meat scraps or other uncompostable material may be deposited in the site. The pile must be turned regularly.

Subd. 3. All community yard waste compost sites must be licensed in accordance with Section II, unless publicly-owned and operated. All sites must receive a permit-by-rule from the Agency.

Subd.4. All yard waste compost sites must be constructed and operated in accordance with the following standards:

- A. Surface water drainage must be diverted from the compost area.
- B. The compost site must have controlled access and open only during posted hours.
- C. During the active lawn-cutting months when large amounts of grass are entering the site, the compost piles must be turned at least weekly with alternating days preferred. During the winter months, turning will not be required at a rate more frequent than monthly.
- D. Odors must be controlled.
- E. Non-compostables must be removed from the site at least weekly.

Subd.57. "Water Table" means the surface of the ground water at which the pressure is atmosphere. Generally this is the top of the saturated zone.

Subd.58. "Waters of the State" means any waters, surface or underground, except those surface waters which are not confined but are spread and diffused over the land. "Waters of the State" includes all boundary and inland waters.

Subd.59. "Wetland" means a surface water feature classified as a wetland in the publication entitled "Classification of Wetlands and Deep Water Habitats of the United States," written and published by the United States Fish and Wildlife Service Biological Services Program, FWS 035-71/31, December 1979.

Subd.60. "Yard Waste" means the garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.

SECTION II. GENERAL PROVISIONS.

Subd. 1. No person shall cause, permit, or allow land or property under his control to be used for waste management purposes, except at an operation for which a license has been granted by the County Board, unless otherwise provided by this Ordinance.

The Administrator may take action as allowed under Section VI, subdivisions 2 through 4 for actions violating this subdivision.

Subd. 2. Any operation to be used for any method of waste management not otherwise provided for in this Ordinance must be licensed by the County Board before operation may commence. The license application shall include three sets of complete plans, specifications, design data and ultimate land use plans. Proposed operating procedures for a waste management facility must be prepared by a professional engineer registered in Minnesota. The applicant shall procure a proper zoning permit to accompany the application if required by a local governmental unit's Zoning Ordinance.

No license shall be issued for a waste facility unless the applicant has demonstrated to the satisfaction of the County Board the availability of revenues necessary to operate the facility in accordance with applicable Federal, State and local laws, ordinances and rules.

Subd.3. After receiving an application for an operation, the County Board shall refer such applications to the Administrator who shall give a recommendation to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, such applicant shall be notified in writing of the reasons therefor by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicants right to file a further application after revisions are made to satisfy objections specified as reasons for the denial. All applicant's shall receive a preliminary response within 60 days of submittal and a final response within 120 days. Response times may be extended to obtain more information and/or to hold required public hearings.

Subd.4. The County Board shall refuse to issue a license for any operation that does not comply with this Ordinance, Agency rules and the County's Solid Waste Management Plan.

Subd. 5. Issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board. This bond shall name the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that, if the licensee fails to comply with any requirements or fails to perform any of the acts required of an operation or ceases to operate any monies or expend any labor or material to restore the operation to a condition in compliance with this Ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all expenses incurred by the County to remedy failure of the licensee to comply with the terms of this Ordinance, and the bond holder and its sureties shall indemnify and save the County harmless from all losses, costs, and charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of the bond terms to operate in compliance with the terms of the ordinances of the County.

Subd.6. In addition to the bond referred to in subdivision 5, issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant securing insurance, and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee by insurers duly licensed within the State of Minnesota and in amounts to be set by County Board; general liability including, but not limited to, bodily injury, property damage, motor vehicle, or other insurance such as Worker's Compensation, required by State or County Law.

Subd.7. Any license granted by the County Board under the provisions of this Ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this Ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Administrator or by an authorized representative of the Agency that the continued use of the operation endangers the health, welfare or safety of the public or that the continued use pollutes or impairs the environment.

The notice of suspension shall be deemed adequately served whenever it is served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof or by registered mail. A copy of the notice of suspension shall be provided to the County Board. The County Board shall remove the license suspension only upon presentation of evidence acceptable to the County Board that the conditions that were cited as cause for suspension have been fully corrected.

A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than thirty days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of

evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique.

If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this Ordinance, State laws or State rules, the County Board may revoke the license or continue such suspension until the licensee has demonstrated that full compliance with the rules has been attained and that such compliance will be continued in the foreseeable future.

Subd. 8. Routine inspection and evaluation of an operation shall be made by the Administrator at such frequency as to ensure consistent compliance by the operation with the provisions of this Ordinance. The licensee shall be provided with a written inspection report containing a precise description of any deficiencies, recommendations for the correction thereof and the date when the corrections shall be accomplished. Copies of said report(s) shall be furnished to the Agency. The licensee shall allow to authorized representatives of the County or the Agency access to the facility at any time for purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, and any other applicable statute, ordinance, or rule.

Subd. 9. Where the conditions imposed by any provision of this Ordinance differ with conditions imposed by other provision of this Ordinance, or any other applicable law, ordinance or rule, the provision that establishes the higher standards for the promotion of the public health, safety, and general welfare shall prevail.

Subd.10. Every license issued under this Ordinance for a waste management shall be registered with the office of the Administrator.

Subd.11. All unpaid bills related to waste management may be certified on the tax rolls for the next year.

SECTION III. SOLID WASTE ADMINISTRATOR.

Subd. 1. The Solid Waste Administrator shall have all necessary authority to implement and carry out the provisions of this Ordinance including, but not limited to, the following:

- A. To review and consider all license applications and supporting materials referred to the Administrator for waste management within the County, and after such review and consideration, to recommend in writing with documentation to the County Board whether a license should be granted or denied;
- B. To inspect operations to determine compliance and to investigate complaints about violations of this Ordinance;
- C. To recommend to the County Attorney that legal proceedings be initiated against a person or group of persons to compel compliance with the provisions of this Ordinance or to terminate or control an operation not in compliance with this Ordinance;

create a nuisance, safety concerns or health hazard. Approval may be granted for longer storage at the time of licensure for a commercial hauler based on the service provided.

SECTION V. COLLECTION AND TRANSPORTATION OF WASTE.

Subd. 1. The collection and transportation of waste materials shall be performed in accordance with State rules administered by the Agency.

Subd.2. Toxic or hazardous wastes shall be transported in a manner consistent with State rules administered by the Agency.

Subd. 3. No person may collect or transport waste materials for hire without first obtaining a license from the County Board. The County Board shall not issue a license until the applicant complies with all of the following requirements:

- A. The applicant shall submit a completed application form provided by the County for a waste collection and transportation license.
- B. The applicant shall submit for inspection to the County, when requested but no more than once per year except when are detected as not meeting Ordinance standards, all vehicles to be used for waste collection and transportation. An annual Minnesota Department of Transportation inspection shall be conducted prior to license issuance. The Minnesota Department of Transportation inspection results may be used in replacement of a County inspection.

Such vehicles shall have leak-resistant bodies of easily cleanable construction, completely covered with metal, heavy canvas or other suitable covering, and shall be subject to approval and periodic inspection by the Administrator or the Administrator's designee.

- C. The applicant shall meet all of the applicable requirements for obtaining a license that are specified in Section II of this Ordinance.
- D. The applicant shall establish a fee for collection and transportation of waste materials on a volume-based system, to the extent possible.

SECTION VI. LITTER.

Subd. 1. It shall be unlawful to place any portion of waste in or on public or private lands, shorelands, roadways, or waters. Such placement will be considered littering under this Ordinance.

Subd. 2. A person in violation of Subdivision 1 shall be subject to a civil penalty of not less than twice or more than five times the amount of cost incurred by the County to remove, process, and dispose of the waste.

the Ordinance. Prior to any public hearing held by the County Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice to said public hearing. Publication of a notice of hearing in appropriate newspapers shall be considered adequate notice.

SECTION XIX. NONCONFORMING SITES AND FACILITIES.

Waste management facilities in existence on the effective date of this Ordinance shall conform to the provisions of this Ordinance or terminate operations no later than 240 days from that date unless a variance application is submitted to the County Board within 180 days period following the effective date of this Ordinance. If the variance request is denied, the waste management facility must be properly closed.

SECTION XX. ADDITIONAL REQUIREMENTS.

For the purpose of protecting the public health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this Ordinance for the operation of waste management sites or facilities.

SECTION XXI. SEVERABILITY.

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

Subd. 1. If any Court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provision of this Ordinance not specifically included in said judgement.

Subd. 2. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular structure, site, facility, or operation not specifically included said judgement.

SECTION XXII. PROVISIONS ARE CUMULATIVE

The provisions of this Ordinance are cumulative limitation upon all other laws and ordinances heretofore passed or that may be passed hereafter, covering any subject matter of this Ordinance.

SECTION XXIII. NO CONSENT.

Nothing contained in this Ordinance shall be deemed to be consent, license or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.

SECTION XXIV. VIOLATIONS.

Subd. 1. Any person who violates or fails, neglects or refuses to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof

ARTICLE 32 FP, FLOODPLAIN DISTRICT

SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- Subd 1. Statutory Authorization. The Legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 104 and 394.21, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.
- Subd 2. Findings of Fact.
- A. The flood hazard areas of Goodhue County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - B. Methods Used to Analyze Flood Hazards. The regulations of this Article are based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
 - C. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- Subd. 3. Statement of Purpose. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize those losses described in Section 1, Subd. 2.A by provisions contained herein.

SECTION 2. GENERAL PROVISIONS

- Subd 1. Lands to Which Article Applies. This Ordinance shall apply to all lands within the jurisdiction of Goodhue County shown on the Official Zoning Map as being located within the boundaries of the FP, Floodplain District.
- Subd 2. Establishment of Official Zoning Map. The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the *Flood Insurance Study, Goodhue County, Minnesota and Incorporated Areas* and the Flood Insurance Rate Map Index panel number 27049CINDoA therein, all dated September 25, 2009, as developed by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the office of Goodhue County Land Use Management and recorded with the Goodhue County Recorder's office.
- Subd 3. Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

- Subd 4. Warning and Disclaimer of Liability. This Article does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of Goodhue County or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.
- Subd 5. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, *the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area in the floodplain if earlier*, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.
- Subd 6. **ANNEXATIONS:** The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the Goodhue County at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the County after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the County.
- Subd. 7 **DEFINITIONS:**
- A. **FLOOD.** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
 - B. **FLOOD FREQUENCY.** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
 - C. **FLOOD FRINGE.** That portion of the floodplain outside of the floodway.
 - D. **FLOODPLAIN.** The areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
 - E. **FLOOD-PROOFING.** The combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
 - F. **FLOODWAY.** The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
 - G. **FLOOR AREA, GROUND.** The area within the exterior walls of the main building or structure as measured from the outside walls at the ground floor level, not including garages, or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.
 - H. **LOWEST FLOOR** – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

- I. **MANUFACTURED HOME** – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- J. **RECREATIONAL VEHICLE** – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- ~~J.K.~~ **REPETITIVE LOSS** – flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- ~~K.L.~~ **SUBSTANTIAL DAMAGE** – means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (The language in Article 6, Section 1, Subd. 1 will suffice as long as the word “market” is placed in front of the word “value” in the second line).
- ~~L.M.~~ **SUBSTANTIAL IMPROVEMENT** – within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- i. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - ii. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

SECTION 3. ESTABLISHMENT OF ZONING DISTRICT

Subd. 1. Floodplain Areas.

- A. Floodway District. The Floodway District shall include those areas designated as Zone AE and are delineated within the floodway on the Flood Insurance Rate Map adopted in Section 2 Subd. 2 of this article.
- B. Flood Fringe District. The Flood Fringe area shall include those areas designated as Zone AE and are located outside of the delineated floodway ~~floodway fringe on the Flood Fringe District shall include those areas shown~~ on the Flood Insurance

Rate Map as adopted in Section 2 Subd 2 ~~as being within Zones AE, AO, or AH but being located outside of the floodway.~~

- C. General Flood Plain District. The General Floodplain area shall include those areas designated as Zone A or ~~Zones AE, AO, or AH without~~ that do not have a floodway delineated on the Flood Insurance Rate Map adopted in Section 2, Subd. 2 of this Article.

- Subd. 2. Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of the Ordinance. Within the Floodway, Flood Fringe and General Floodplain areas, all uses not listed as permitted uses or conditional uses in Sections 4, 5, and 6, that follow, respectively, shall be prohibited. In addition, a caution is provided here that:
 - A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 9 of this Article.
 - B. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by Article 6, and the General Provisions of this Ordinance.
 - C. As-built elevations for elevated or flood-proofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in Section 6, Subd. 2.B of this Article and the General Provisions of this Ordinance.

SECTION 4. FLOODWAY AREA (FW)

- Subd. 1. Permitted Uses.
 - A. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - B. Industrial-commercial loading areas, parking areas, and airport landing strips.
 - C. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
 - D. Residential lawns, gardens parking areas, and play areas.
- Subd. 2. Standards for Floodway Permitted Uses.
 - A. The use shall have a low flood damage potential.
 - B. The use shall be permissible in the underlying zoning district if one exists.

- C. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.

Subd. 3. Conditional Uses.

- A. Structures accessory to the uses listed in Section 4, Subd. 1 above and the uses listed in B through H.
- B. Extraction and storage of sand, gravel, and other materials.
- C. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- D. Railroads, streets, bridges, utility transmission lines, and pipelines.
- E. Storage yards for equipment, machinery or materials.
- F. Placement of fill.
- G. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9, Subd. 3 of this Article.
- H. Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten year frequency flood event.

Subd. 4. Standards for Floodway Conditional Uses.

- A. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100 year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- B. All floodway conditional uses shall be subject to the procedures and standards contained in Article 4 of this Ordinance.
- C. The conditional use shall be permissible in the underlying zoning district is one exists.
- D. Fill.
 - 1. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - 2. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term side development plan is submitted which includes an erosion/ sedimentation prevention element to the plan.
 - 3. As an alternative, and consistent with Sub-section 2 above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which could have caused an increase to the stage of the 100 year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available.

The conditional use permit must be title registered with the property in the Office of the County Recorder.

E. Accessory Structures.

1. Accessory structures shall not be designed for human habitation.
2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.
 - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
3. Accessory structures shall be elevated on fill or structurally dry flood-proofed in accordance with the FP-1 or FP-2 flood-proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 flood-proofing classifications in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood-proofed accessory structures must meet the following additional standards, as appropriate:
 - a. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls.
 - b. Any mechanical and utility equipment in a structure must be elevated to or above the RFPE or properly flood-proofed.
 - c. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

F. Storage of Materials and Equipment.

1. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal, or plant life is prohibited.
2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

G. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 105. Community-wide structural works for flood

control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

- H. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100 year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SECTION 5. FLOOD FRINGE AREA (FF)

- Subd 1. Permitted Uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing underlying zoning use district exists, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe "permitted uses" listed in Section 5, Subd. 2 and the standards for all Flood Fringe uses listed in Section 5, Subd. 5.
- Subd 2. Standards for Flood Fringe Permitted Uses.
 - A. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the RFPE. The finished fill elevation for structures shall be no lower than one (1) foot below the RFPE and the fill shall extend at such elevation at least fifteen (15) beyond the outside limits of the structure erected thereon.
 - B. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet for the outside dimension at ground level may be internally flood-proofed in accordance with Subd. 4.A of this Section.
 - C. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5 Subd 2 A of this Article.
 - D. The storage of any materials or equipment shall be elevated on fill to the RFPE.
 - E. The provisions of Section 5, Subd. 3 of this Article shall apply.
- Subd 3. Conditional Uses. Any structure that is not elevated on fill or flood-proofed in accordance with Section 5, Subd. 2.A; Section 5, Subd. 2.B; or any use of land that does not comply with the standards in Section 5, Subd. 2.C and Section 5, Subd. 2.D shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Section 5, Subd. 4.A and B and Article 4 of this Ordinance.
- Subd 4. Standards for Flood Fringe Conditional Use.
 - A. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the RFPE. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above grade enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if:

1. If the enclosed area is above grade on at least one side of the structure.
2. Is designed to internally flood and is constructed with flood-resistant materials.
3. Is used solely for parking of vehicles, building access or storage.

The above noted alternative elevation methods are subject to the following additional standards:

- a. Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the RFPE or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
- b. Specific Standards for Above Grade, Enclosed Areas. Above grade fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - i. A minimum area of "automatic" openings in the walls where internal flooding is to be used as a flood-proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention.
 - ii. That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles, or storage.
- B. Basements, as defined by Article 10 of this Ordinance, shall be subject to the following:
 1. Residential basement construction shall not be allowed below the RFPE.
 2. Non-residential basements may be allowed below the RFPE provided the basement is structurally dry flood-proofed in accordance with Section 5, Subd. 4.C of this Article.
- C. All areas of non-residential structures including basements to be placed below the RFPE shall be flood-proofed in accordance with the structurally dry flood-proofing classifications in the State Building Code. Structurally dry flood-proofing must meet the FP-1 or FP-2 flood-proofing classification in the State

Building Code and this shall require making the structure water tight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood-proofed to the FP-3 or FP-4 classification shall not be permitted.

- D. When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/ sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100 year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- E. Storage of Materials and Equipment.
 - 1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - 2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.
- F. The provisions of Section 5, Subd. 5 of this Article shall also apply.

Subd 5. Standards for All Flood Fringe Uses.

- A. Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the RFPE. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood.
- B. Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5, Subd. 5.B above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
- C. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation - FEMA's requirements incorporate

specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

- D. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified in the Official Zoning Map.
- E. Standards for travel trailers and travel vehicles are contained in Section 9, Subd 3.
- F. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

SECTION 6. GENERAL FLOODPLAIN AREA

Subd 1. Permissible Uses.

- A. The uses listed in Section 4, Subd. 1 of this Article shall be permitted uses.
- B. All other uses shall be subject to the floodway/ flood fringe evaluation criteria pursuant to Section 6, Subd. 2. Section 4 shall apply if the proposed use is in the Floodway area and Section 5 shall apply if the proposed use is in the Flood Fringe area.

Subd 2. Procedures for Floodway and Flood Fringe Determinations Within the General Floodplain Area.

- A. Upon receipt of an application for a conditional use permit for a use within the General Floodplain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the RFPE and whether the proposed use is within the Floodway or Flood Fringe area.
 - 1. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
 - 2. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill or storage elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
 - 3. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
- B. The applicant shall be responsible to submit one (1) copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe area and to determine the RFPE. Procedures

consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective DNR area hydrologist prior to commencing the analysis. The designated engineer or expert shall:

1. Estimate the peak discharge of the regional flood.
 2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- C. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the governing body. The governing body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe area boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analysis to FEMA, the DNR, or the Planning Commission for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the governing body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4 and 5 of this Article.

SECTION 7. SUBDIVISIONS

- Subd 1. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the RFPE. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and the individual building sites no lower than two feet below the RFPE. For all subdivisions in the Floodplain, the Floodway and Flood Fringe boundaries, the RFPE and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- Subd 2. Floodway/Flood Fringe Determinations in the General Floodplain Area. In the General Floodplain area, applicants shall provide the information required in Section 6, Subd. 2 of this Article to determine the 100 year flood elevation, the Floodway and Flood Fringe area boundaries, and the RFPE for the subdivision site.
- Subd 3. Removal of Special Flood Hazard Area Designation. FEMA has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

SECTION 8. PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES

- Subd 1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood-proofed in accordance with the State Building Code or elevated to above the RFPE.
- Subd 2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 4 and 5 of this Article. Elevation to the RFPE shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- Subd 3. On-Site Sewage Treatment and Water Supply Systems. Where public utilities are not provided:
- A. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - B. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current state-wide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SECTION 9. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES

- Subd 1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7 of this Article.
- Subd 2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain areas will be treated as a new structure and may be placed only if elevated in compliance with Section 5 of this Article. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5, Subd. 5.A, then replacement manufactured homes will not be allowed until the property owner develops flood warning emergency plan acceptable to the governing body.
- A. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subd 3. Recreational vehicles that do not meet the exemption criteria specified in Section 9, Subd. 3.A below shall be subject to the provisions of this Article and as specifically spelled out in Sections 9, Subd. 3.B and C below.

- A. Exemption. Recreational vehicles are exempt from the provisions of this Article if they placed in any of the areas listed in Section 9, Subd. 3.B, 1-3 below and further they meet the following criteria:
 - 1. Have current licenses required for highway use.
 - 2. Are highway-ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used on campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - 3. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- B. Areas Exempted for Placement of Recreational Vehicles.
 - 1. Individual lots or parcels of record.
 - 2. Existing commercial recreational vehicle parks or campgrounds.
 - 3. Existing condominium type associations.
- C. Recreational vehicles exempted in Section 9, Subd. 3.A lose this exemption when development occurs on the parcel exceeding five hundred (500) dollars for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and all accessory structures will then be treated as a new structure and shall be subject to the elevation/flood-proofing requirements and the use of land restrictions specified in Sections 4 and 5 of this Article. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
- D. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
 - 1. Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe area provided said recreational vehicle and its contents are placed on fill above the RFPE and proper elevated road access to the site exists in accordance with Section 5, Subd. 5.A of this Article. No fill placed in the Floodway to meet the requirements of this Section shall increase flood stages of the 100 year flood.
 - 2. All new or replacement recreational vehicles not meeting the criteria of (1) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Article 4 of this Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified

individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 9 Subd 3-A 1 & 2 of this Article will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8, Subd. 3 of this Article.

- E. Conditional Uses. The Planning Commission shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning Commission for consideration.

SECTION 10 ADMINISTRATION

- Subd 1. **ZONING ADMINISTRATOR:** A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12 of the Article.
- Subd 2. **PERMIT REQUIREMENTS.** Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- Subd 3. **NOTIFICATIONS FOR WATERCOURSE ALTERATIONS.** The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- Subd 4. **NOTIFICATION TO FEMA.** When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.
- Subd 5. **VARIANCES.** The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria

specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district; permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area; or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- A. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall only be issued by a community upon
 - 1. a showing of good and sufficient cause,
 - 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

SECTION 11. NONCONFORMING USES

Subd 1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2 Subd 7 (b) of this Ordinance, shall be subject to the provisions of Sections 11 A – E of this Ordinance.

- A. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- B. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e. , FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Section 11 Subd 1-C and F below.
- C. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure

must meet the standards of Section 4 or 5 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

- D. If any nonconforming use is discontinued for 1½ consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 1½ months.
- E. If any nonconforming use or structure is substantially damaged, as defined in Section 2 Subd 7 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Additionally, any nonconforming structure experiencing a repetitive loss, as defined, shall be considered substantially damaged. The applicable provisions for establishing new uses or new structures in Sections 4, 5 or 6 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
- F. If a substantial improvement occurs, as defined in Section 2 Subdivision 7 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required by Section 11 Subd. B above) and the existing nonconforming building must meet the requirements of Section 4 or 5 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

SECTION 12. VIOLATIONS IN A FLOODPLAIN DISTRICT

- Subd 1. In responding to a suspected Floodplain area violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures of a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party.
- Subd 2. When a violation in a Floodplain area is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as reasonably possible, this information will be submitted to the appropriate DNR and FEMA regional office along with the County's plan of action to correct the violation to the degree possible.
- Subd 3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either: 1) issue an order identifying the corrective action that must be made within a specified time period to bring the use or structure into compliance with the

official controls, or 2) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed thirty (30) days.

- Subd 4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SECTION 13. AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.