



Goodhue County Land Use Management

Goodhue County Government Center

509 West Fifth Street • Red Wing • Minnesota • 55066

Planning • Zoning • Building Code

Land Surveying • GIS

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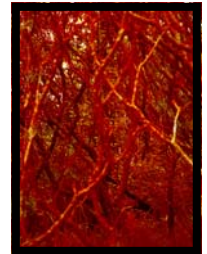
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Goodhue County Planning Advisory Commission 2005 Goals Workshop February 14, 2005 6:00 PM

1. Introductions



Hand outs – 1964 Planning Commission
Karst
Bluff Land Brochure



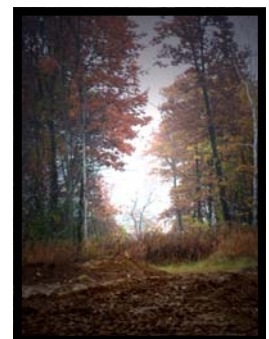
2. Projects Already in the Works

Wind Generation
Subdivision Ordinance
Bluffland Ordinance
Growth Zones
Communication Towers



3. Goals for 2005

Brain storming issues for 2005
Prioritize issues
Kraft goals from prioritized list



Planning Advisory Commission

Agenda

**Monday
February 14, 2005
7:30 p.m.**

**Goodhue County Justice Center - Jury Assembly Room
454 West Sixth Street
Red Wing MN 55066**

- 7:30 Approve February 14, 2005 agenda.
Approve minutes of January 10, 2004 meeting.
Staff Updates
Conflict / Disclosure of Interest
Appoint Planning Advisory Commission member to sit on the Board of Adjustment.
- 7:30 **Article 24 Zoning Amendments/Rezoning/Official Mapping** A public hearing will be held by the Planning Advisory Commission pertaining to amending Article 24 - Zoning Amendments/Rezoning/Official Mapping **Section 2 - Application** and **Section 4 - Action and Authorization** to reflect the goals and policies of the Comprehensive Plan.

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The Goodhue County Planning Advisory Commission was called to order at 7:30 p.m. by Chairman Howard Stenerson in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Mike Patterson Howard Stenerson Sam Michels Jon Huseth Sarah Pettit
Randy Juliar Richard Samuelson Suzanne Blue Lisa Hanni
Nancy Spooner-Mueller

Absent: Conrad Rapp

¹*Motioned by S Michels seconded by R Juliar to approve the January 10, 2005 agenda. Motion carries 8:0.*

²*Motioned by J Huseth and seconded by S Michels to approve the November 22, minutes. Motion carries 8:0.*

Staff Updates: Joanne Wood is no longer with the county. Tomorrow staff will go to the personnel committee to see if we can hire a new employee.

The jury assembly room is going to have a projector so the public can see the maps and other information staff is presenting to the Commission.

In our packet we included a copy of Roberts Rules/How to Run a Meeting

There is also a calendar to show our deadlines so that we don't go over our 60 day limitation. That is a reference for you.

Staff was wondering if the Planning Advisory Commission would be interested in a workshop to setup goals and policies.

C/H Stenerson asks if it would be a possibility to start before the February Planning Advisory Commission meeting or if that would make too long of a night.

L Hanni says that would be a possibility if people would be interested.

R Samuelson said sometimes those workshops can last for hours.

C/H Stenerson said this way they know they only have until 7:30 to get things accomplished.

The consensus sounded positive. Staff will make up an agenda for the workshop to begin at 6 on February 14, 2005.

Staff included an update regarding what is being accomplished for the 58 Sections moratorium.

L Hanni also says that the per diem and mileage have gone up. The per diem is now \$45 and mileage is .405 cents per mile.

N Spooner-Mueller clarifies that the per diem is per day, not per meeting.

Conflict/Disclosure of Interest: S Blue will abstain from the Blue zoning district change request.

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C/H Stenerson states that his family owns property in the general area of the Blue application but the proposal wouldn't affect him financially or otherwise.

Bylaws

L Hanni asks that if the Planning Advisory Commission would like to continue the Vice-Chair being a member of the Board of Adjustment, perhaps they would like to include that in the bylaws. The second proposal to change in the bylaws is the order of the public hearing. Would the Planning Commission like to change those items tonight?

J Huseth asks C/H Stenerson how his learning curve was on the Board of Adjustment.

C/H Stenerson says that it is a little different as far as the rationale. Knowing the Comprehensive Plan was a huge advantage and didn't see it as a problem. He doesn't see why anyone here couldn't step in to comfortably do that job.

J Huseth asks if one year was enough or do you feel that you would like to keep going.

C/H Stenerson says that it would depend on the personality of the person that did it. It is nice to get new blood and new view points on that board. He would not complain about serving multiple years. However, are there people who are willing to serve at that extra meeting and be Vice-Chair? That is the biggest concern. He says he wouldn't want to tie the appointment to the Vice-Chair position if it would discourage anyone from accepting a nomination for Vice-Chair.

S Pettit asks what time those meetings begin.

C/H Stenerson says 7 pm but they last about the same of time. The Board of Adjustment seems to go through items a little quicker, but they have more requests.

J Huseth says it would be good exposure for the Vice-Chair.

R Samuelson that it would be helpful for the Vice-Chair to serve on both.

C/H Stenerson says that could be practice without making it a Bylaw.

L Hanni says that they don't have to change their Bylaws.

C/H Stenerson says that it is nice to have that yearly rotation.

N Spooner-Mueller says that it is a good thing because the new member can ask why a decision is being made the way it is.

C/H Stenerson says that he really sees an advantage to the yearly change whether or not it is tied to the Vice-Chair. If we are going to tie it to the Vice-Chair we need to make that decision tonight.

J Huseth says that last year he suggested tying the appointment to the Vice-Chair and everybody's in agreement that the turnover is good, but would he hate to see somebody who would be a good Vice-Chair not take the position because of the added responsibility of the appointment. He says he would like to see at the rotating appointment every March for the term that runs April to April maybe do that in February.

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³*Motioned by R Juliar seconded by S Blue to make the Vice-Chair the Board of Adjustment appointment annually in February or March for the April to April term but not tied to the Vice-Chair.*

M Patterson asks if we need a motion since it is not tied to the Bylaws currently.

N Spooner-Mueller says that the motion made last year was that it would be tied to the Vice-Chair.

⁴*R Juliar withdrew his motion.*

S Blue withdrew her second.

⁵*Motioned by J Huseth to strike appointing the Vice-Chair to the Board of Adjustment annually starting in January and replace that with the Planning Advisory Commission will appoint one member to the Board of Adjustment at its February meeting annually, seconded by M Patterson.*

M Patterson says that right now the Bylaws do not state that it is the Vice-Chair's duty.

L Hanni says that the motion can stand because the only way it could stay was if it was in the Bylaws.

N Spooner-Mueller reads back the motion made last year.

C/H Stenerson asks where in the Bylaws it talks about the appointment.

L Hanni says that it is in the Ordinance

C/H Stenerson asks if it is an ordinance change then.

N Spooner-Mueller says that it is not. Last year there was a motion to have the Vice-Chair be the Board of Adjustment appointment annually. If you want that to remain you should put it in the Bylaws.

L Hanni reads the ordinance.

C/H Stenerson says that maybe we should continue with the practice the way it is without it being in the Bylaws until the time where we do not find a Vice-Chair that is willing to do both.

L Hanni says you do not have to change the Bylaws.

J Huseth calls the question.

Motion Carries 8:0

Bylaws: Public Hearing Language in

C/H Stenerson asks if anyone would like to address the issue of the procedure of the public hearing.

M Patterson asks if the Bylaws state we are following Robert's Rules of Order and this is part of that process or is this an independent body.

L Hanni says that it is not Robert's Rules to hold a public hearing in that way.

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⁶Motioned by J Huseth seconded by C/H Stenerson to eliminate points E-I of Article 3 Section 8 of the Bylaws. Motion carries 8:0.

Elect Vice Chair

C/H Stenerson asked for nominations for Vice-Chair. J Huseth nominated S Pettit. C/H Stenerson asked twice for any other nominations.

⁷M Patterson motioned to cease nominations and cast a unanimous ballot for S Pettit for Vice-Chair. Seconded by S Blue. Motion carries 8:0.

Conditional Use Permit – Manes & Tails/Lori Carey-Pt of NW ¼ of NE ¼ Pt of SW ¼ of NE ¼ & Pt of NW ¼ Lying NELY of Hwy All Section 1 T111N R18W Warsaw Twp. The request is for a conditional use permit to operate a kennel for purposes of boarding dogs and possibly cats in an A-2 Agricultural District under Article 11 Section 3 Subdivision 8 of the Goodhue County Zoning Ordinance.

Manes & Tails/Lori Carey is requesting a conditional use permit to operate a kennel in an A-2 district under Article 10, Section 2:

In the A-2, Agricultural District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of Article 25 of this Ordinance.

Subd. 8. Any raising of fur bearing animals or commercial kennel.

Lori Carey is proposing to operate a commercial kennel for the purposes of boarding dogs and possibly cats. Ms. Carey is proposing to build an accessory building with the capacity to house 28 dogs in 4x4 kennels. In her request she addressed ventilation, heating and cooling, feces disposal, cleaning, and installing a permanent water line. The nearest neighbors are 900-1000 feet from the kennel area.

Staff has received a phone call from a neighbor with concerns to the noise level of barking dogs. Ms. Carey has addressed a number of ways to mitigate those concerns in her application such as landscaping the outside kennel runs with evergreens and trees to create a sound and visual barrier. She also would construct the kennel in a way to keep chronic barking dogs inside or the use of bark collars with the owner's permission.

To keep the dogs from escaping there would be an interior and exterior fence boundary around the perimeter of the outside kennel runs. The interior fence will be a six foot high chain link fence with an angled fence lining the top to prevent dogs from scaling the fence. The exterior fence will be a six foot high wood fence that will create a visual barrier for dogs that have a tendency to bark when they see things outside of their boundaries. Wood fences on outside runs will also create a sound barrier for dogs that may bark when they play outside.

According to Article 25, Section 5, we submit the following Findings of Fact:

Subd. 1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity. **This property is located in an A-2 District where a kennel may be permitted by conditional use. The neighbors have raised concerns with the noise level, however if the proposed building is built and maintained those noise levels should be mitigated.**



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- Subd. 2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. **A kennel is a permitted conditional use in this vicinity.**
- Subd. 3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **There are adequate utilities, access roads and drainage. Ms. Carey is proposing to build an accessory building for the kennel.**
- Subd. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **We have no issue with this subdivision. Minimal parking will be needed since it will be a pick up and drop off kennel.**
- Subd. 5. That adequate measures have been or will be taken to prevent or 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. **Ms. Carey is proposing numerous measures to keep the noise levels minimal.**

Ms. Carey has submitted information outlining their current operation and proposed plans. After discussions with staff, we recommend approval of this request with the following conditions:

1. Construction of the accessory building to be completed before the kennel operations begin.
2. The accessory building to be constructed as proposed in the Conditional Use Permit application.
3. All animals at the property need to be vaccinated with records ready to be produced upon request.

Lori Carey introduces her husband Donavan, her father in-law Jonathan and Kris Petrini who works for the State of Minnesota Animal Boarder of Health. She is not here in that capacity but she uses their kennel services. Mrs. Carey states that she is zoned A-2 and has been pursuing this idea for 4 years. In August of 2001 (3 ½ years ago) they began their kennel operations. She says she took in no more than 6 or 7 dogs at the time presently they have grown to the point where they can accept up to 12 dogs at a time. She apologizes 3 ½ years ago they overlooked the fact that they needed a CUP to have a kennel. They mean no harm to their neighbors. They are looking to expand from a 12 dog capacity to a 28 dog capacity. The average stay is 5-7 days. Historically over the holidays is when they would meet their capacity. Historically over Thanksgiving and the Christmas holiday is when they will reach maximum capacity. The two concerns the neighbors have is the noise of the barking dogs and some traffic. They cannot totally eliminate the noise but they will do everything they can to minimize and abate the noise. They will succeed in doing this. There is going to be little to no traffic. They offer a canine taxi service. A lot of the time they are picking up the dogs and bringing them back to their property.

Kris Petrini says that she wants to be a voice of support to the business the Carey's have. It is a valuable service when they go on vacation where they know their dog is well cared for. She has been very pleased with the service they have. It is a very clean facility and is well managed. The neighbors might be a little concerned that this will interfere with their quality of life. As a veterinarian she knows one of the major reasons dogs bark is due to boredom and they are frustrated. One of the unique things that they have is the animals are socialized and the dogs are turned out in groups so they can play. They can go and be exercised and be dogs. Dogs that are socialized don't bark. The dogs that bark are usually held in small kennels or runs. The Carey's have been very accommodating to the pets and their customers. They will extend the same type of accommodations to the neighbors. She urges the members of the Planning Advisory Commission to allow them to have their conditional use permit.

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Mrs. Carey says that they are asking for this permit because it will help them economically and personally. It will help them pay for their mortgage and hopefully she will be able to be a stay at home mom. Without this business they will have a difficulty time holding on to their property. They love this property and plan to live there a long time. They are willing to work with the County and their neighbors.

R. Juliar asks if the 4x4 kennels are inside or are they outside.

Mrs. Carey says on either side there will be two rows of 4x4 kennels, the center is going to be an inside play area so they can pull the chronic barking dogs inside. Outside there will be two leans for shade.

C/H Stenerson clarifies that she has been in operation about 3 years and that they can have up to 12 dogs. What is their average?

Mrs. Carey says at Christmas they had 12. Right now they have none. The average is probably in the mid range of 6 or so.

C/H Stenerson asks if they will have an escape plan. Is someone on site at all times?

Mrs. Carey said that someone is always on site to supervise. Part of the plan is to put a 6' high wood fence around the kennel to keep dogs from scaling the fence.

R Juliar asks if at night the dogs would be inside.

Mrs. Carey says absolutely.

R Juliar says as far as the noise and barking that would be only when the dogs are outside.

Mrs. Carey says that the dogs would be outside to run and bathroom breaks.

R Samuelson asks if they do grooming now.

Mrs. Carey says that is something they could promote heavily in the future if they get the conditional use permit.

C/H Stenerson tells the public the standard protocol for the public hearing.

C/H Stenerson opens public hearing.

Don Crook says he is the nearest neighbor on the north side of the property in question. He says he is representing literally every one of the neighbors. He says they are all adamantly opposed to a conditional use permit in the "Echo Valley." They live in a natural area that is a u shaped valley. Warsaw trail was called Echo Valley which reflects what happens in this area because literally all sounds are amplified. He states that they have been operating without a license for 3 years. What is going to happen in the future? What kind of business doesn't look into local licensing? He quotes Article 25 Section 5 of the Goodhue County Zoning Ordinance that "That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity." How many people on this Commission would want to have a dog kennel next to their property? This conditional use permit will be detrimental to his property value. He would have never moved out there if there was a kennel there.

Ken Hedeem says he is opposed for the same reasons Mr. Crook had said and presents a letter to the Board from George Duncan another neighbor that couldn't make it to the meeting.

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Mary Crook, Don's wife, says they all live in this beautiful quiet valley. They moved there for peace and serenity. She says she is disheartened that the Carey's have not taken into account the neighbors with this proposal. She says that some days she can say her name in the valley and the echo comes back at her at the same velocity as if she said it again. This is not a business district. This would not be a credit to our property value.

Audrey Anderson says that she lives the furthest from the Carey's. She is also opposed to the dog kennel. They are about a mile and can hear the dogs barking at their house. She feels that they haven't addressed all of the environmental issues. The 28 dogs and grooming will have a lot of insecticides and pesticides. The DNR has shown that they have an endangered flower on their land, the Dwarf Trout Lily. They are one of the few areas in the state of Minnesota that has this flower. Any further use of pesticides and herbicides could endanger this flower even more. They also have a large assortment of deer, beaver, long-horned owls, and other assortment of birds and she is worried what impact the use of pesticides and herbicides would have on their future well being.

J Huseth asks Ms. Anderson how far she lives from the Carey's.

Ms. Anderson says she lives about a mile up stream near the Leon Township line.

J Huseth asks Ms. Anderson how she knows it is their dogs barking a mile away.

Ms. Anderson sates that it echoes right through the hills. She says she has a beagle and you can hear him bark and bay from quite a ways away too.

Dan Holien says he is one of the farthest from this property. He was up the hill the other day close to his neighbor's property and he heard a dog barking. He says he lined himself up with what he calls the "fleeing place," that is their place there. He says the dog literally sounded like it was in his back yard so he if very concerned. His family has been there for many years. He says it sounded very close and he is at least 2000 ft away

Mike Neibur has been there since 1976. They have had issues with neighbors before and had to grow accustomed to adjusting to different lifestyles. He says he is totally against this too. The valley is an echo chamber. The kennel will be more of a problem than it will be a benefit.

Dan Lundell says that he lives the closest to the Carey's and his wife and he have called them and they have slammed the phone down on him. He passes out a packet from the Warsaw Township Supervisor Larry Beckman. There is a letter also from his wife who was unable to be here tonight. Article 25 Section 5 Sub 1 talks about property values. There is another letter there from a real estate agent that there is a new MN law 513.60 that states if he wants to sell his property he has to disclose there is a kennel next door. The noise has been unbearable. He asks what a nuisance is. He says they will be 900-1000 feet from the neighbor's property. He asks to see a site plan. He says with the past history and matter of law that property values would be affected, he is asking the Board to deny this request.

Mr. Crook says there is a large collection of neighbors that are adamantly opposed to this. He respectfully asks the Board to take into consideration their viewpoint versus one landowner of the valley.

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John Whitman says that he is opposed to it. He likes the Carey's they are good people. He says he knows they it is going to affect their property values. There will be 30 dogs. They own two dogs in addition to the 28 they would like to board. He says these neighbors have all lived there a long time.

Sarah Dewanz says that she doesn't agree with the rest of the neighbors. She says that she doesn't believe 100% that it shouldn't be passed because she feels it should be. We live in the country for a reason that we should be allowed to have a little bit more flexibility of what to do with their property, within limits. She says that they live on top of the bluff, noise carries upwards. She hears maybe one dog bark about once a day, but she cannot pin point where the dog is. There are a lot of dogs in the area. She did not even know that there was a dog kennel in the area. She is in favor of this passing.

John Carey says that he was on the State Municipal Civil Board for 12 years. One of the factors they used was the best use of the land. The neighbors say they live in "Echo Valley," they bought "Echo Valley" that cannot be helped. Does that mean that when he gets on his Yamaha 2000 he cannot see his son and daughter in-law because of the noise it would cause coming down the road? He asks the Board to make their decision tonight not on speculation conjecture but on facts. When the neighbors bought their property they knew it was Echo Cannon. He says he doesn't think their horses whisper or that their cows are very quiet. The tractors they use in Echo Cannon are not very silent. Everybody has to live with that problem if it is a problem. The Carey's are not asking for a feedlot. They could have a gravel pit. There are a lot of things that can have a salvage yard for instance. He sees no proof tonight that having a commercial kennel would reflect on the property values. Mr. Crooks said that they were operating illegally and that is what they are going to do in the future. That was improper and that was insulting. Mr. Crooks and his wife have used this facility for their own dog.

Mr. Lundell says that he has listened to barking dogs for 6 consecutive hours. He has never heard of a motorcycle revving its engine for 6 hours.

With no further public comment J Huseth makes a motion to close public hearing. Seconded by M Patterson motion carries 8:0.

C/H Stenerson asks if the building is going to be insulated.

Mrs. Carey says they have identified a builder, Randy Rehtzigel, who builds his buildings 2x6 so it will have more insulation than a standard 2x4 type construction.

J Huseth asks if the township reviewed the application at their December 4 meeting or did Joel Stenhaug (township clerk) sign off on it December 4.

Mrs. Carey says Joel signed off on the application December 4.

S Michels asks how the feces are disposed of.

Mrs. Carey says that right now their garbage carrier removes it. As we grow if their carrier has a conflict with that they will seek other options, but it will be removed from the site.

R Samuelson asks about insulation how are they going to insulate it to deter the noise.

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Mrs. Carey says her builder's intention was to blow insulation and line it with the sheet steel and have it insulated all the way around.

R Samuelson asks if they have insulation right now.

Mrs. Carey says they do not have an accessory structure right now.

R Samuelson says that insulation is rather cheap.

Mrs. Carey says she will err on the side of more insulation.

R Samuelson says that it would make a difference.

S Blue asks if the dogs are outside now when the people hear them bark.

Mrs. Carey says that the dogs are outside at various times throughout the day for exercise, play and bathroom breaks and occasionally dogs will bark.

S Blue clarifies that the dogs are not outside all the time.

Mrs. Carey says if you would look at a 24 hour day the dogs are in more than they are out.

S Blue asks her to address the noise complaints.

Mrs. Carey says that the most consistent complaint she heard was living in Echo Valley. She cannot change that, however there are some things they can do to minimize that which are outlined in their application. Not all dogs bark. As they get familiar with customer's dogs they will pull chronic barking dogs inside. They are going to build a wooden fence around the perimeter to help block out the noise. She says they will also landscape with evergreen trees. She says they are going to be proactive on how they are going to handle this.

C/H Stenerson asks how often the feces are being removed from the facility.

Mrs. Carey says right now it is once a week, but there are businesses out there that pick up dog feces. They can contract with one of those places if they determine it needs to be removed more frequently.

R Juliar asks if the runs would slope to drain to a gutter.

Mrs. Carey says their design is to have a trench channel.

R Juliar commends her on her plans and says that these are probably one of the better plans he has seen in the past. He clarifies that she states in her application that there will be an employee on site to supervise the outside noise level.

Mrs. Carey says there will be an employee outside to monitor the outside noise level.

R Juliar clarifies that she states she would have wood fences outside to create a sound barrier. He says he doesn't think evergreen are going to any good unless she plants huge evergreens. He says he has been bow hunting in the woods by two kennels and the sound carries. Dogs do bark. The wood fence may do some good. To control the barking is it going to be controlled by what she thinks is the wood fencing, the trees and

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the person outside? Or would it get to the point where they would keep the dogs inside where you would only run them outside to do their business and let them back in. Would the 4x4 kennel be adequate to keep the dogs in most of the time?

Mrs. Carey says that for those instances where a dog is identified as a chronic barker it will be let out in the inside run.

R Juliar asks about the 4x4 run.

Mrs. Carey says that will be just their sleeping quarters. She says they encourage their customers to bring in their own beds. One of the plans is to put radiant floor heat so that it is not cold in the winter.

R Juliar asks what the average length of time a stay is.

Mrs. Carey says about 5-7 days typically.

R Juliar asks about ventilation do you have any measurements for the size of windows.

Mrs. Carey says that in working with Randy they are still working through some of those details. He says there is a design firm in the cities that has designed some type of air flow ventilation. She says ventilation is a huge issue and would like to keep it as sweet smelling as possible.

M Patterson asks when they would build.

Mrs. Carey says they would like to start building in the spring.

S Pettit asks when they had 12 dogs.

Mrs. Carey says during the Christmas holiday for about two or three days they had 12 dogs.

S Pettit asks about the previous Christmas.

Mrs. Carey says about 6 or 7 dogs.

R Juliar asks what the county's control over noise nuisances are.

N Spooner says that the sheriff would be called.

J Huseth says that they live in an A2 area. From a noise nuisance standpoint there are a lot of things that they could call the sheriff for like a tractor running at 3 in the morning. He says he could call the sheriff on the coyotes that bellow all night long. They can be mind blowing. He could see in an R-1 Subdivision looking at a noise ordinance, but to put a noise restriction on an A-2 is not feasible.

R Juliar says that tractors and cars are one thing but when you have something like dogs barking continuously it is way different than the average farm noise. He asks if we approve this and it injurious to their land we have to consider that.

N Spooner-Mueller usually when you talk about noise you talk about decibels. How loud it is and how long it lasts.

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S Pettit says that she understands the concern but would like to say that when the people bought into the area they should have known that this is permitted by a conditional use permit. She says she has 300 cows on her farm that are allowed without a conditional use permit. Everyday at least one of her cows is in heat. They are obnoxious. They bawl all day long. She is in A2 and A3. Is that something she needs to be concerned about one of her animals?

C/H Stenerson says that we have looked at more dog kennels in the last 6 months than they have feedlots in the last year.

R Juliar says that we should stick to this situation that is right now. Not what it could do. This decision shouldn't be made based on what would happen to my operation if we look at noise levels. We should look at dogs and dog kennels not cattle.

S Blue would be interested in seeing more information on what the noise levels are. She says we can approve this with conditions to address the noise. She asks staff what we could do to address the noise problem.

J Huseth says that the only condition you could put on it is rather than having windows for ventilation they need an exhaust fan. In an A2 area that is the only requirement you can put on for noise monitoring. In his opinion we cannot condition noise in an A1 or A2 area.

S Blue says that because this is called Echo Canyon and that we've heard testimony that noise carries more in this area and the fact that C/H Stenerson said that we are seeing so many more kennels that we could take a look at this and add or modify the plans to address noise.

M Patterson says that fans run all the time too and they are also noisy.

N Spooner Mueller says that she during her career she worked at MNDOT and she went out and measured noise levels. Something like the wood fencing that is a hard area is something MNDOT uses. Berms and also the evergreen trees are also things that we could ask to take care of the noise.

M Patterson says that they have addressed a lot of the issues about noise. Obviously the trees are going to take some time, but they have made a reasonable effort to address those issues. We cannot ask for things that are completely unreasonable.

R Juliar says it comes down to how you are going to run the kennel. We can say all we want about insulation but it comes down to how the kennel is run. These are the best plans and best setup he has seen in a long time for a kennel. He is in favor of the wood fence and berms. Berms can do a lot.

Mrs. Carey says she is willing to work with the County and the township.

C/H Stenerson says that we have feedlot officers that monitor feedlots. Can we justify having County staff out there monitoring that the dogs are only out so many hours during the day.

M Patterson says that staff has done a good job putting together their recommendations and he agreed with the woman's comment that people should have a right to do what they want on their property within reason.

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⁸*Moved by M Patterson and seconded by S Michels to recommend approval to the Goodhue County Board of Commissioners the request for a conditional use permit to operate a kennel for purposes of boarding dogs and possibly cats in an A-2 Agricultural District under Article 11 Section 3 Subdivision 8 of the Goodhue County Zoning Ordinance with the following conditions 1) Construction of the accessory building to be completed before the kennel operations begin. 2) The accessory building to be constructed as proposed in the Conditional Use Permit application. 3) All animals at the property need to be vaccinated with records ready to be produced upon request.*

R Juliar says he would like to see M Patterson offer up, or he will make a motion to state that the wooden fence and landscaping be completed as proposed.

M Patterson says that he was assuming that is what was meant by “The accessory building to be constructed as proposed.”

R Juliar says that wasn't stated clearly though. He says we should clarify the wood fence. Would the applicant consider doing a berm?

Mrs. Carey says she doesn't know what that costs are if it would be cost prohibitive of the business.

R Juliar says he's not looking for anything major.

Mrs. Carey clarifies that he is talking about a soil berm. They could look into that.

⁹*R Juliar makes a motion to add an amendment to the motion to state to have a wooden fence and berms completed. S. Blue seconds.*

R Samuelson asks if a 6' fence would be adequate.

N Spooner-Mueller says that her suggestion would be an 8' fence and a berm with trees on top.

C/H Stenerson says that if there is a motion to add a berm he should define how tall it needs to be. We should have some perimeters on there.

J Huseth says that he would be in favor of a wood fence but not a soil berm.

K Gross clarifies the intention of staff's recommendation that the accessory building be built according to the plans in the application was to include the two fences and the trees around the perimeter.

S Blue states that it is best that everyone know that this is a conditional use permit and if the conditions are not met the permit can be pulled. If the noise levels get out of control they would jeopardize their permit. She also stands by the amendment.

J Huseth asks if we really need the amendment.

R Juliar says that the way the motion is worded as far as accessory building doesn't imply the fencing and wouldn't hold up to the fact the fencing is needed.

L Hanni says the way she would look at it is that staff would review this permit so that it would meet the plans that they have laid out in their application.



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R Juliar says that the motion didn't state that though. The motion stated these three items specifically.

M Patterson says that a lot of that would be the interpretation of the staff carrying out the inspections.

S Michels says that the application states there would be an interior and exterior fence boundary around the exterior of the kennel runs. He says he would understand that would be part of the plans to build the kennel.

N Spooner Mueller states that if they would feel more comfortable with stating that there needs to be fencing they could say that the fencing be erected as proposed in the conditional use permit application.

S Pettit says all she wants to hear in the motion is that the plans are done before operations begin. That doesn't mean just the fence or just the accessory building the plan is done before the dogs go in.

R Samuelson says that if we address the noise to make it better let's do it. Would you agree to an 8' fence?

Ms Carey says they can look into it but it would add a significant cost.

J Huseth calls the question on the amendment.

Amendment 3:5 fails S. Pettit, S. Michels, M. Patterson, J. Huseth, and C/H. Stenerson dissenting.

¹⁰M. Patterson amends his motion to include the wooden perimeter fence as proposed J Huseth seconds. Motion on amendment carries 8:0.

S Pettit says that this is the minimum and it is in their best interest to do what they need to do.

K. Gross reads the motion back in its entirety: recommend approval to the Goodhue County Board of Commissioners the request for a conditional use permit to operate a kennel for purposes of boarding dogs and possibly cats in an A-2 Agricultural District under Article 11 Section 3 Subdivision 8 of the Goodhue County Zoning Ordinance with the following conditions 1) Construction of the accessory building to be completed before the kennel operations begin. 2) The accessory building to be constructed as proposed in the Conditional Use Permit application. 3) All animals at the property need to be vaccinated with records ready to be produced upon request. 4) The construction of the wood perimeter fence as proposed.

Motion on 7:1 C/H Stenerson dissenting.

S. Blue has stepped down from the Planning Advisory Commission for the next agenda item due to conflict of interest.

Zoning District Change: Flower Valley Orchard/Sam Blue Commencing at SE Corner Section 35 T113N R14W Wacouta Township. The request is for a zoning district change from B2 Highway Business District to B2 and A2 Agricultural District.

Sam Blue and Gary George are requesting a change of zone from (B-2) Highway Business District to (A-2) Agricultural with the intention of conveying a portion of Sam Blue's property zoned (B-2) Highway Business District to the adjacent landowner, Gary George, whose property is zoned (A-2) Agricultural.

The intent of this request is to avoid more than one zoning designation on the George property after the conveyance of the land from Sam Blue. Gary George's property after the conveyance will be approximately 2 acres.

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The rezone would be from a zone (B2) that allows for a more intense density and use to a zone (A2) of lesser density and use. The Comprehensive Plans Update allows for cities and communities to “develop and maintain a clear visual demarcation of community boarders” by avoiding strip development of commercial districts along major roads outside of city boarders. The Comprehensive Plan Update also discourages the development of “irregular and piecemeal land divisions”. The request would result in tracking only *one* zone on this parcel, eliminating confusion in the future on allowed uses. Staff feels that the request supports these policies (Element #1 goal #3, Policy 7&10). Staff recommends approval based on the above comments.

Mr. Blue states that the purpose of the proposal is to they always believed the property line was in line with the waterway. Upon a survey they found the property line was actually only several feet within their residence. What they did was to transfer the part of the property on the other side of the waterway to the Georges. The 6+ acres is zoned B2 and the George’s property is zoned A2. In doing the platting we ask that the sliver of land being given to the Georges be changed from B2 to A2.

C/H Stenerson asks how many acres they would be rezoning.

Mr. Blue says it is less than one.

L Hanni asks about the property description for the piece being conveyed to the neighbor.

C/H Stenerson opened public hearing

Gary George says that they are in favor of the proposition.

Moved by J Huseth seconded by S Michels to close the public hearing. Motion carried 8:0.

J Huseth asks if L Hanni was satisfied with the description.

L Hanni says that the description that is on the survey is for the George property not for the piece being conveyed, but staff can get that before the County Board meeting.

C/H Stenerson asks if she would like that as a condition in the motion if we decide to approve this.

L Hanni says yes to provide staff with the legal description of the piece being conveyed to the Georges.

N Spooner-Mueller says that changing the zone neatens it up for staff so we don’t have mixed zoning on one parcel.

C/H Stenerson says that within a mile there is a mix of commercial and residential.

J Huseth says that since this is a change of zone so we can’t put a condition on it. Will that cause a problem for staff to get that?

L Hanni says no we can work with them to get that description. Originally they wanted to plat this which would make it a lot neater but it invokes another process so if we can get the description for this area we won’t have a problem with this change of zone.

¹¹Moved by J Huseth and seconded by M Patterson to recommend approval to the Goodhue County Board of Commissioners the request for a zoning district change from B2 Highway Business District to B2 and A2 Agricultural District based on staff’s recommendation. Motion carries 7:1:0 Blue Abstaining.

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Discussion: Bluffland Committee

In March we will begin reviewing our bluffland ordinances. The committee will meet twice a month during the day at a time most convenient for the committee members. LUM Staff is estimating this to be a three month process. Technical support will be provided by LUM Staff. The committee will consist of one member appointed by each township, and city and one Goodhue County Planning Commissioner. An appointment from the Goodhue County Planning Commission is requested at this time.

L Hanni says that the townships have come to us to have us revisit our ordinance. It will still come to the Planning Commission as an ordinance change and before the county board

¹²J Huseth nominated R Juliar and S Blue to the Bluffland Committee. Both accept. Seconded by M Patterson that we cease nominations and cast a unanimous ballot for R Juliar and S Blue to the Bluffland Committee. Motion carries 8:0.

Discussion: Zoning Ordinance amendment

The Planning Advisory Commission discussed some language to Article 24 of the Goodhue County Zoning Ordinance.

L Hanni says that the proposed changes are based on goals and policies as outlined in the Comprehensive Plan, Element 1 Goal 2. The County Attorney's office is currently reviewing the information. We wanted to present to you some proposed wording and give you an opportunity to discuss the information prior to the public hearing at your February meeting and to the County Board in March. The county attorney added Subd 3 and 4 under Section 4.

¹³Moved by J Huseth and seconded by M Patterson to adjourn the January 10, 2005 meeting. Motion carries 8:0. (Adjourned 10:00 pm.)

Respectfully Submitted,

Kristi Gross
Zoning Technician, Recording Secretary

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Minutes

¹ *APPROVE* the January 10, agenda (Motion carried 8:0)

² *APPROVE* the November 22, minutes (Motion carried 8:0)

³ *APPOINT* the Vice-Chair of the Planning Commission is the representative on the Board of Adjustment. But not tied in the Bylaws.

⁴ *WITHDREW* previous motion.

⁵ *STRIKE* appointing the vice chair to the Board of Adjustment and replace that with the Planning Advisory Commission will appoint a member to the Board of Adjustment as the meeting beginning in February. Motion carries 8:0.

⁶ *AMEND* Article 3 of the Bylaws to eliminate E-I of Section 8. (Motion carries 8:0)

⁷ *ELECT* S Pettit as Vice-Chair. (Motion carries 8:0).

⁸ Recommend *APPROVAL* to the Goodhue County Board of Commissioners the request for a conditional use permit to operate a kennel for purposes of boarding dogs and possibly cats in an A-2 Agricultural District under Article 11 Section 3 Subdivision 8 of the Goodhue County Zoning Ordinance with the following conditions: 1) Construction of the accessory building to be completed before the kennel operations begin. 2) The accessory building to be constructed as proposed in the Conditional Use Permit application. 3) All animals at the property need to be vaccinated with records ready to be produced upon request. Motion carries 7:1 H Stenerson dissenting.

⁹ *AMEND* the motion to include state to have a wooden fence and berms completed. Motion fails 3:5 S. Pettit, S. Michels, M. Patterson, J. Huseth, and C/H. Stenerson dissenting

¹⁰ *AMENDS* the motion to include the wooden perimeter fence as proposed. Motion carries 8:0.

¹¹ Recommend *APPROVAL* to the Goodhue County Board of Commissioners the request for a zoning district change from B2 Highway Business District to B2 and A2 Agricultural District. Motion carries 7:1:0 Blue abstaining.

¹² *ELECT* R Juliar and S Blue to the Bluffland Committee. Motion carries 8:0

¹³ *Meeting Adjourned.*



Goodhue County Land Use Management

Lisa M. Hanni, L.S. Director / County Surveyor

509 West Fifth Street ♦ Red Wing ♦ Minnesota ♦ 55066

Building Code • Planning • Zoning

Land Surveying • GIS

Phone: 651-385-3104 Fax: 651-385-3106

Phone: 651-385-3188 Fax: 651-385-3022

TO: Planning Advisory Commission

FROM: Land Use Management

DATE: February 9, 2005

RE: Proposed changes for Article 24, Goodhue County Zoning Ordinance

SUMMARY:

We presented to you proposed wording for review at your January meeting. The proposed changes are based on goals and policies as outlined in the Comprehensive Plan, Element 1, Goal 2.

BACKGROUND:

The County Attorney's office has reviewed the information. At our January meeting, PAC members discussed some concerns about requiring a boundary survey for zoning change requests. Below may provide a solution for those parcels that are larger and whose description is based on the Public Land Survey divisions:

B. If the parcel(s) requesting zoning change cannot be described as an aliquot part of the Public Land Survey Section, (the minimum division being described as a Quarter Quarter of a Section), a Certificate of Survey prepared and signed by a Minnesota Licensed Surveyor shall contain the following information:

STAFF RECOMMENDATION:

Staff recommendation is to approve the proposed wording as presented, with the changed wording for item B as listed above.

GOAL 2: PRESERVATION OF AGRICULTURAL LAND

To preserve and protect agricultural land for sustained, long term use.



SUMMARY

Agricultural zoning districts have been established by the County to maintain and conserve agricultural interests and agricultural lands. Agricultural lands can be classified into two general categories: animal agriculture and crop production. An adequate supply of healthy livestock, poultry, and other animals along with the maintenance, conservation, and enhancement of crop production, pasture land, and natural habitat for plant and animal life have been identified through this process as a high priority.

Policy

1. Promote and preserve agricultural industries or uses in the agricultural lands of the County.
2. Promote sustained, long term, agricultural industry or use as the desired use on agricultural lands.
3. Lands outside the cities growth zones will be considered rural and shall be managed to preserve the rural character and the continued operation of agricultural uses, their inherent activities, and lifestyle.
4. Encourage farmers to adopt and maintain sound environmental practices to aid in soil erosion prevention practices, chemical application procedures, manure spreading, irrigation, odor control, to ensure a sustained agricultural use of the land.
5. Encourage cities to recognize the surrounding agricultural needs in their comprehensive plans.
6. Requests for land use changes or zoning changes in agricultural zone(s) will be based upon the relevant goals and policies of the Comprehensive Plan Update. These decisions will take into account but not be limited to: the appropriateness of the requested change; soil type; Crop Equivalency Ratings, environmental impacts such as the impact on ground water; compatibility with surrounding land use; adjacent scenic values and landscape; surrounding housing density; preservation of agricultural lands; preservation of natural plant and animal communities; impact on existing infrastructure, including transportation; impact on agricultural practices and cumulative effects in a designated area.



ARTICLE 24 ZONING AMENDMENTS/REZONINGS/OFFICIAL MAPPING

SECTION 1. ZONING AMENDMENTS

The County Board may issue an amendment to the Zoning Ordinance or Zoning Map to reflect changes in conditions in the County or to correct mistakes in the ordinance or map.

The Floodplain designation on the Official Zoning Map shall not be removed from Floodplain 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 and is contiguous to lands outside the Floodplain. 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 ten (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.

SECTION 2. APPLICATION

- Subd. 1. An application for amendment, extension or addition to the regulations of this Ordinance shall be filed with the Zoning Administrator by one of the following:
- A. A petition from a resident or residents living within the jurisdiction of this Ordinance.
 - B. A recommendation of the Planning Commission.
 - C. Action by the County Board.
- Subd. 2. Said application shall be filed at least twenty (20) days prior to the hearing thereof.
- Subd. 3. An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board until it has received the recommendations of the Planning Commission.
- Subd. 4. Required information accompanying application to change the wording of this Ordinance shall contain the following:
- A. Stated reason for change requested.
 - B. Statement on compatibility with the County Comprehensive Plan.
 - C. Text of portion of the existing ordinance to be amended.
 - D. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
 - E. Additional information as may be requested by the Planning Commission.
- Subd. 5. Required information accompanying applications to change district boundaries shall contain the following:
- A. The names and addresses of the petitioner or petitioners and their signatures to the petition.

- B. A Certificate of Survey prepared and signed by a Minnesota Licensed Surveyor containing the following information:
 - 1. A boundary survey (drawn to scale) and the description of the area proposed to be rezoned
 - 2. A statement indicating the parcel identification numbers which are affected by rezoning request; indicate if the proposed area is a split or combination of parcels; (any splits must be accompanied by a description of the remainder)
 - 3. Any improvements such as buildings, fences, roads, driveways, etc. within 200 feet of the proposed boundary of the area to be rezoned
 - 4. Vicinity map
- C. The current district classification of the area and the proposed district classifications.
- D. The current use and the proposed use of the land (a statement of the type, extent, area, etc.).
- E. The reason for the requested change of zoning district.
- F. A copy of the soil map showing the soil types within the proposed boundary and the surrounding area.
- G. The Crop Equivalent Ratings (CER) of the soil types in F.
- H. A statement of how the requested change is compatible with the Goodhue County Comprehensive Plan including but not limited to the following:
 - 1. The environmental impacts of the proposed use of land on the:
 - a. groundwater
 - b. natural plant and animal communities
 - c. existing trees and vegetation
 - d. bluffland stability
 - e. shoreland stability
 - 2. The compatibility with surrounding land uses
 - 3. The physical and visual impacts on any scenic or historic amenities within or surrounding the proposed parcel.
 - 4. The housing density of the affected Section
 - 5. The impact on any surrounding agricultural uses
 - 6. The impact on the existing transportation infrastructure
 - 7. The impact on surrounding zoning districts
- I. A statement concerning the cumulative effect and compatibility of the requested zoning change on the affected Township and any cities located within 2 miles of the proposed parcel.
- J. Additional information as may be requested by the Planning Commission or zoning staff.

SECTION 3. PROCEDURE

- Subd. 1. Upon receipt of the proper application and other requested material for amendment or rezoning, the Planning Commission shall hold a public hearing in a location to be prescribed. Such public hearings may be continued from time to time and additional hearings may be held.
- Subd. 2. Notice of the time, place and purpose of any public hearings shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the County, at least ten (10) days before the hearing.
- Subd. 3. For district boundary changes or zoning use changes, Subdivision 1 and 2 of this Section shall apply, plus written notice of public hearings shall be sent by letter to all property owners of record within five hundred (500) feet of the affected property in incorporated areas, and one-half (½) mile in unincorporated areas, the affected Board of Town Supervisors and the Municipal Council of any municipality within two (2) miles of the affected property.
- Subd. 4. The failure to give mailed notice to the individual owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this Subdivision has been made.
- Subd. 5. In areas where joint planning review processes are authorized the Planning Commission may refer the proposed amendment request for review, comments, and recommendations prior to the public hearing.

SECTION 4. ACTION AND AUTHORIZATION

- Subd. 1. Following the closing of the public hearing, the Planning Commission shall request a representative of the Zoning Office to report its findings and recommendations on the proposed amendment or rezoning to the County Board at their next regularly scheduled Board meeting.
- Subd. 2. Upon the filing of such report or recommendation, the County Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the County Board may adopt the amendment of any part thereof in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the Board concur in its passage.
- Subd. 3. The Planning Commission shall base its recommendation to the County Board upon consideration of the elements contained in Section 2, subdivision 5 of this Article, information provided with the application, information gathered from the public hearing, and any additional information provided by staff. The recommendation shall be supported by findings and reasons contemporaneously adopted by the Planning Commission.
- Subd. 4. The County Board shall base its decision on consideration of the elements contained in Section 2, subdivision 5 of this Article, information provided with the application, information gathered from the public hearing, and any additional information provided by the public, the proponents or staff which is made a part of the record by the Board. The recommendation shall be supported by findings and reasons contemporaneously adopted by the County Board.

SECTION 5. FEES

All applications for a zoning district boundary change or amendment to this Ordinance shall be accompanied by a fee set by resolution of the County Board.

Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

SECTION 6. RECORDING

Upon the adoption of any ordinance or other official control including any maps and charts supplemented to or as a part thereof, the County Auditor shall file a certified copy thereof with the County Recorder for record. Ordinances, resolutions, maps or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

SECTION 7. EFFECTIVE DATE

The amended Ordinance shall become effective after adoption by the County Board and due publication thereof.

SECTION 8. OFFICIAL MAPPING

Land that is needed for future street and highway purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish.

SECTION 9. ADOPTION BY STATUTE

All Official Maps within the unincorporated areas of Goodhue County shall comply with the minimum standards as set forth in Minnesota Statutes 394.361, and the following requirements:

- A. The Planning Commission shall recommend for adoption by the County Board Official Maps and amendments thereto covering all or any portion of the unincorporated area of the County.
- B. The County Board Chair shall sign, with the County Administrator attesting, all Official Maps within the unincorporated areas of the County.
- C. Preliminary and Final Subdivision plats shall be consistent with the County's Official Maps.
- D. If a building or structure is proposed on property adjacent to an Official Map, the yard setback shall be measured from the right of way line as designated on the Official Map.