

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
SEPTEMBER 19<sup>TH</sup>, 2005**

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Present:   Howard Stenerson   Randy Juliar    Dan Rehtzigel   Sarah Pettit  
              Mike Patterson     Suzanne Blue   Sam Michels     Lisa Hanni

Absent:    Jon Huseth            Heather Sharp

**WORKSHOP – SUBDIVISION ORDINANCE DISCUSSION -**

The Planning Advisory Commission conducted a workshop regarding the subdivision ordinance and possible changes to it.

Discussion took place regarding specifics of the Subdivision Ordinance. L. Hanni stated that one of the major issues is that each issue has been separated from numerous paragraphs. L. Hanni stated that this will only cover the County jurisdiction, not the City's jurisdictions.

Discussion took place regarding Subdivision 7, Natural Features. L. Hanni stated that staff would look into adding a Landscape Plan to one of the requirements to the Subdivision Ordinance. She went on to state that she would keep revising and adding the changes and bring them to the PAC at the next meeting.

The Goodhue County Planning Advisory Commission was called to order at 7:34 p.m. by Chairman Howard Stenerson in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present:   Howard Stenerson   Randy Juliar    Dan Rehtzigel   Mike Patterson  
              Sarah Pettit        Suzanne Blue   Sam Michels     Lisa Hanni

Absent:    Jon Huseth            Heather Sharp

**APPROVE SEPTEMBER 19<sup>TH</sup>, 2005, AGENDA –**

*<sup>1</sup>Motioned by S. Michels and seconded by S. Pettit to approve the September 19<sup>th</sup>, 2005 agenda. Motion carried 7:0.*

**APPROVE MINUTES OF AUGUST 15<sup>TH</sup>, 2005, MEETING –**

*<sup>2</sup>Motioned by D. Rehtzigel and seconded by S. Michels to approve the August 15<sup>th</sup>, 2005 minutes. Motion carried 7:0.*

**STAFF UPDATES** – L. Hanni stated that two people in the office are starting their Public Administration Master's Degree. She went on to state that the federal mileage reimbursement rate has changed, and the County Board will vote to increase to match the federal rate.

**CONFLICT/DISCLOSURE OF INTEREST** – None to be discussed.

**CONDITIONAL USE PERMIT—DAVID LORENTZ** – David Lorentz is requesting a conditional use permit to operate a mini-golf course in an A-2, Agriculture district. David Lorentz is the owner of an existing nursery, known as Spring Garden Nursery. Spring Garden Nursery already contains three existing mini-golf holes, and Mr. Lorentz would like to expand the course. The facility will be utilized as a showcase

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for the nursery's products, including plants, ponds, and water features. The applicant has stated that it will be family entertainment with an aesthetically-pleasing setting, and without the gimmicks used in the past.

The proposed additional holes would be located to the north of the parking area and driveway. The additional holes are not proposed to be located near to Highway 19. The existing waterways, greenhouses, and parking area are located between the proposed holes and Highway 19 (see attached site plan).

There is a handicap-accessible bathroom in the private office. There is another bathroom located in the nursery showroom.

According to the applicant, there are 12-15 parking spaces provided at the nursery. Currently, the County Zoning Ordinance does not address the required parking spaces for a mini-golf course; therefore, other area city ordinances were referenced. The City of Rochester and the City of Red Wing require 1.5 parking stalls per hole for a golf course or miniature golf course. Therefore, utilizing those standards, nine (9) holes would require 14 parking spaces. In addition, the retail store parking regulations are also being required because of the nursery salesroom on-site. The retail store parking regulations in the County Zoning Ordinance require one (1) parking space for each two (2) of the maximum number of employees on duty at any one time. The maximum number of employees on duty is four (4); therefore two (2) additional parking spaces are required. In total, 16 parking spaces are required for the facility. There is an existing gravel area to the north of the nursery salesroom that could accommodate additional parking spaces.

Stanton Township has approved a variance to allow "an adventure golf facility for family entertainment that is aesthetically pleasing" (see attached Township form). The Stanton Township Planning Commission recommended approval to the Township Board with the following stipulations:

- (1) Times of operation;
- (2) Shielding from neighbors;
- (3) Plans presented to the Town Board;
- (4) Appropriate signage for slowing traffic; and
- (5) Pass new roadway access from the State.

The Township Board approved an 18-hole mini-golf course with the following stipulations:

- (1) Proper signage at the driveway;
- (2) No lights; and
- (3) No amplified sound outside of the building.

The County Feedlot Officer and the Soil and Water Conservation District office have reviewed the Conditional Use Permit application and have no immediate concerns with the request. The DNR officials have been notified of the request and no response has been received. The County Engineer is reviewing the permit request.

The Environmental Health Director has reviewed the permit request and has responded with the following comments: *The proposed mini-golf needs to have a compliance inspection done on the 1989 septic system and provide a copy of an acceptable water sample from the well. A monitoring/mitigation plan is required for a non-residential septic system. The site plan does not indicate where the well and septic areas are in relation to the proposed golf course. If the County is going to require public restrooms or satellite toilets they need to submit a plan.*

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The location of the proposed mini-golf course is adjacent to the Lake Byllesby County Park. It is in a great location to encourage use of the County Park. Policy 2, Goal 7, Element 2 of the Comprehensive Plan addresses Parkland and Open Space:

*Support the development of the current County park.*

Therefore, based upon the Comprehensive Plan and the following findings of fact, according to Goodhue County Zoning Ordinance, Article 25, Section 5:

- 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 already being used as a nursery. Adding a mini-golf course does not seem to be injurious to the use and enjoyment of other property and will not diminish and impair the property values in the immediate vicinity. The applicants have stated that the hours of operation will be limited to daylight hours and there will be no amplified sound outside of the building.***
- 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. **The proposed mini-golf course would not impede the development and improvement of the surrounding vacant property. As was stated, hours of operation will be limited, and there will be no amplified sound outside of the building.***
- Subd. 3.*      *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **There is a handicap-accessible bathroom located on the property, and another additional bathroom located in the nursery showroom. The applicants have stated that a water meter could be installed to monitor the use.***
- The access road is off of County Highway 19. Merging with the neighbors' driveway has been improved by eliminating trees and brush to improve the view.**
- No new buildings and no additional cement will be added, so there will be minimal effects on the drainage.**
- 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. **The applicant has stated that there are currently 12-15 parking spaces on-site. Staff would recommend that there be 16 total parking spaces for the entire facility.***
- 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. **The applicants have stated that the hours of operation will be limited to daylight hours so no additional lighting will be used. There will be no amplified lighting outside of the building.***

Staff recommends approval of the Conditional Use Permit with the following conditions:

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- 1) **Limit the hours of operation to 8A.M. to 9P.M.;**
- 2) **Shielding (fence, shrubs, etc.) from the road and neighbors;**
- 3) **Proper signage;**
- 4) **No added lighting;**
- 5) **No amplified sound outside of the building; and**
- 6) **1.5 parking spaces per hole and 1 space for each 2 of the max number of employees on duty at one time (9 holes and 4 maximum employees would require 16 parking spaces.)**
- 7) **Follow the requirements from the Environmental Health Director:**
  - a. The proposed mini-golf needs to have a compliance inspection done on the 1989 septic system and provide a copy of an acceptable water sample from the well.
  - b. A monitoring/mitigation plan is required for a non-residential septic system.
  - c. Indicate on the site plan where the well and septic areas are in relation to the proposed golf course.
  - d. If the County is going to require public restrooms or satellite toilets, they need to submit a plan.

*PAC DISCUSSION*

David Lorentz stated that in April of last year, they opened the Spring Garden Nursery that had been closed for four or five years. They wanted to display some of the plantings, so they placed in three holes of mini-golf. Several people have stopped in and asked if they could play miniature golf, but they had no intentions to have a course. They went through Stanton Township and got the permit. They want to put in a mini-golf course next to the County Park. They thought that they would compliment each other. They are running a nursery, and the nursery is busy in May and June, and when the school gets out, the golf course would be busy.

H. Stenerson asked what the number of holes were that they were asking for.

Mr. Lorentz stated that when he went to the township, he had asked for nine. They encouraged him to get 18, as long as he was going through the process. He stated that he was looking at just nine holes.

D. Rechtzigel asked about the report under the Background section regarding the “gimmicks” phrase.

D. Lorentz stated that we won’t have clowns, windmills, mechanical things, etc. None of the mechanical devices that are usually associated with mini-golf courses.

*C/H Stenerson opened the public hearing.*

Ken Roberts, 4691 Scout Ridge Road, was present. He stated that he actually owns the lane. We have granted access to the county to get to the park. He stated that he is somewhat surprised that Stanton granted a permit. He stated that he attended about a year ago, and he thought that the application was denied. The reason that he came was that he is speaking for his two neighbors. He stated that they have several concerns. He stated that they own that driveway—they are going to come across our property to get to the nursery—we don’t want that. Second of all, he stated that he thinks it will depreciate the property value. They would like to see it stay Agriculture. Third, he stated that they are concerned that they do not know what kind of people will go over there? Will they try and get in there at night? He stated that they are opposed to it.

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H. Stenerson asked if he could show what part of the driveway has been changed.

Mr. Roberts showed the new access to the PAC.

*With no further comment, S. Michels made a motion to close the public hearing and seconded by M. Patterson. Motion carried 7:0.*

D. Rehtzigel asked how far away from the County Park would the mini-golf course be?

Mr. Lorentz stated that the park property comes right up to the driveway to the houses. He stated maybe about 50-75 feet. Of course the driveway separates it also.

Mr. Lorentz showed the proposed layout.

C. Fuhrman showed where the proposed holes were going on the map.

S. Michels asked about the photographs.

C. Fuhrman answered where the driveways go.

R. Juliar questioned where the old fence that was removed was located.

Mr. Lorentz stated that it was on the interior of the lot.

L. Hanni stated that there is a survey in the packet.

S. Pettit asked about a fence along the road.

Mr. Roberts stated that he believes that the fence is on his property. He stated that he intends to have his property surveyed after this meeting. He stated that he thinks that is on his property.

D. Rehtzigel asked how far off of 19 his parking lot was?

Mr. Lorentz stated about 150 to 200 ft.

R. Juliar asked staff if there was a setback.

C. Fuhrman stated that there really is not a specific setback for something like miniature golf holes. The structure setback is 60 ft. from the right of way.

S. Blue referred to the Commercial Recreational (CR) District, Section 4, Subdivision 2.

D. Rehtzigel asked about why they are placing the holes where they are.

Mr. Lorentz stated that it is closer to the lake.

H. Stenerson stated that it would be nice to take a look at the site.

H. Stenerson asked the question regarding the Commercial Recreational District. He read from the Commercial Recreational District. He asked if they can overlap Agriculture District and the Commercial Recreational District?

R. Juliar stated that yes, it can be used as a conditional use. He asked when is this supposed to kick in? He stated that his dilemma is that it is really strong with shoreland areas—when should we use the Commercial Recreational District?

S. Blue stated that she thinks that shoreland was that factor.

H. Stenerson stated that the park is a recreational resource and adding more recreation near the park is not dumb planning. But if you are going to do that—he would be more comfortable to look at the access—if we

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would do that, do we need to add stipulations? He wondered if it would be wise to postpone this so we could go out and take a look at more issues. We also need to make a decision on this zoning issue.

M. Patterson stated that agriculture uses are not permitted in the Commercial Recreational District.

L. Hanni stated that a nursery is already a permitted use in the A-2 District.

M. Patterson asked why they should bring the CR district into it at all?

Mr. Lorentz asked what constitutes shoreland?

C. Fuhrman replied that it is 1,000 ft. from Lake Byllesby.

R. Juliar stated that he was uncomfortable with not knowing where the property lines are. Let's set aside the zoning district issues—he stated that he really couldn't vote on it.

H. Stenerson stated that we could place conditions on the motion. The question is that he doesn't know if he is comfortable with it.

D. Rehtzigel asked Mr. Lorentz if he understood where they were coming from.

L. Hanni replied that we could ask him to sign a Timeline Waiver.

S. Michels stated that my biggest hang-up is the same as R. Juliar, and the property owners don't know where the property lines are.

R. Juliar stated that it may change, say with the fence issue. If we approve this, then it might bring up another issue if we don't really know where it's at.

S. Blue stated that they should add to the conditions to double-check the right of ways.

L. Hanni stated that would be part of the Survey. Concerns are the Survey and have it marked on the grounds.

L. Hanni stated that we can ask for interpretation on the Ordinance. Part of the question would be how long the three holes had been there.

Mr. Lorentz stated that they were put in last summer—for display use.

R. Juliar stated that if we will revisit this, my other question would be about the public restroom would not be offered. He stated that may be a problem.

Mr. Lorentz stated that we do have a handicap accessible restroom there. We will have the septic system checked.

S. Blue stated that she would be interested in what staff knows about the shoreland issue for this—she just has a shadow in understanding in this—it has something to do with buffers in shoreland. What would trigger using that Ordinance (Commercial Recreational)? We didn't actually come up with that until we had several things that didn't work, and this made them work, but made it a long-enough similar list to the A-2 and A-3 uses, that you could re-organize it.

L. Hanni stated that if you think that you are going to have marinas, but you didn't have a Business district right up to the shoreline, then the CR district worked.

S. Blue stated that it was a TW Planner consulting with us.

L. Hanni said that we can clarify that with the Attorney.

R. Juliar asked what affect that would have on agricultural activities?

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Mr. Lorentz stated that he was not planning on placing a fence buffer because of a safety hazard. He stated that it was too dangerous because he tore them off to give visibility.

Mr. Robertson stated that they took it off to show the three holes.

<sup>3</sup>*Moved by D. Rehtzigel and seconded by R. Juliar to table the conditional use permit application to operate a mini-golf course in an A-2, Agriculture District, to allow staff to investigate further into right-of-way issues, Shoreland issues, property line issues, and access issues.. Motion carried 7:0.*

H. Stenerson asked if they would be willing to survey it?

L. Hanni stated yes. You are coming back next meeting to look at a survey. So if he doesn't get a survey, then you can say that you don't have enough information. L. Hanni stated that the Commission is looking for a survey.

Mr. Lorentz stated that he would be surprised if the corners are not already identified.

### DISCUSSION

**Ordinance regarding Retreat Centers-** Staff is presenting proposed wording to address Retreat Centers in the Goodhue County Zoning Ordinance. The Zoning Ordinance does not currently address this topic. The proposed ordinance amendments are being brought forth for discussion only at this time. If the Planning Advisory Commission would like to proceed, a public hearing will be held at the October 17<sup>th</sup>, 2005 Planning Advisory Commission meeting.

Cannon Falls Township requested assistance in addressing Retreat Centers in the Zoning Ordinance. We met with their Representatives on August 18, 2005 to discuss concerns and a possible course of action. Below you will find suggested wording that is a compilation of our discussion.

The proposed wording is currently being reviewed by the County Attorney's office.

Retreat centers may be permitted by conditional use permits in A-2 and A-3 districts.

#### Article 3 Performance Standards SECTION 26: RETREAT CENTERS

- Subd. 1 Application. In addition to the other requirements, the application for a conditional use permit shall be accompanied by 25 copies of the plans which indicate the following:
- A. The stated purpose and type of the retreat center;
  - B. Location and size of all existing and proposed physical improvements such as buildings, landscaping, parking areas, etc.;
  - C. Plans for sanitary sewage disposal, water systems (natural or manmade), and utilities servicing the site;
  - D. Two (2) foot contours showing the existing and proposed surface drainage;

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- E. Existing or proposed location for overhead lighting;
- F. Location and width of all streets abutting the site.

Subd. 2 The Planning Advisory Commission shall take into consideration the following information and performance standards in which to base their recommendation to the County Board for retreat center conditional use permit applications:

- A. The hours of operation;
- B. An annual **schedule of any proposed special events** shall be submitted to the Land Use Management department;
- C. The **maximum stay of the occupants** shall be limited to two weeks;
- D. **Proof of liability insurance for the structures, property, occupants, visitors, and events proposed** shall be submitted to the Land Use Management department on an annual basis;
- E. An adult caretaker must be on duty and on site at all times the retreat center is in operation;
- F. The distance to any surrounding feedlots;
- G. The number and proximity of dwellings within one mile surrounding the proposed retreat center;
- H. The impact on local traffic;
- I. All structures shall require a building permit;
- J. Existing buildings used as any part of the retreat center (in which the public may have access) must pass building code inspections prior to it being utilized by the retreat center;
- K. Retreat units may not be converted into permanent dwelling units;
- L. On-site advertising shall be limited to one (1) sign not to exceed twenty-four (24) square feet. Lighting, height, and location must be described or shown on the site plan;
- M. Property signs will be posted and maintained at the boundary of the property located at all corners and spaced approximately every 500 feet along the perimeter;

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- N. Any licenses or permits required by Environmental Health including but not limited to: kitchen and food facilities, water supply, septic systems, and lodging;
- O. Allow periodic inspections by the Land Use Management department, Environmental Health, and Fire Marshall;
- P. A review of the conditional use permit requirements will be mandatory within 30 days of any ownership change of the retreat center or property.

L. Hanni stated that Cannon Falls township has asked us to work with them to deal with a few retreat centers that are located in the Township. The County Attorney has already reviewed the changes and the handout included his changes.

Discussion took place regarding the definition of Retreat Centers.

L. Hanni stated that we have a definition of an educational farm retreat. Maybe we do not have a definition of an actual retreat in there? We will come back to that.

Discussion ensued regarding the possibility of swimming pools.

L. Hanni stated that issue would fall under Environmental Health Review.

H. Stenerson asked if staff could look into that.

S. Pettit stated that we should look at the existing uses surrounding the proposed retreat center.

L. Hanni stated that we will add the wording to show the adjacent uses of the property.

R. Juliar stated that a lot of this is viewed the same way. We should view each one of them differently—you cannot just put it in a box. He stated that we have the ability to place guidelines on it. It is a conditional use. He stated that we can place restrictions or guidelines, which puts a burden on them. He stated that you cannot put it in a box.

L. Hanni stated that we send them a letter if they are in violation. Most people want to get into compliance. So, if they are doing something different than what's in the CUP, we tell them that they have to stop what they are doing. If you want to continue doing that, we suggest that you go before the PAC to change the conditions. If they do not contact us, we go the other avenue and spend time with the attorneys.

S. Pettit stated that we have also given one that they have a mandatory review, either by staff or the PAC.

L. Hanni stated that is difficult—CUPs actually go with the land. If one of the conditions is to have a review, that is recorded.

Discussion ensued regarding the details of the wording and location of the standards in the Ordinance.

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L. Hanni stated that she will move the wording up and re-write it. She asked if they want to bring it as a public hearing to the October meeting. There are two public hearings required for this issue.

H. Stenerson asked if we want another copy and then bring it to the next meeting.

S. Michels stated that we should have a public hearing next time.

**Ordinance regarding Kennels-** Staff has prepared wording to address kennels in the Goodhue County Zoning Ordinance. This was one of the topics discussed in our workshop in January that the Planning Advisory Commission wanted to address this year. The proposed ordinance amendment is being brought forth for discussion at this time. If the Planning Advisory Commission would like to proceed, a public hearing will be held at the October 17<sup>th</sup>, 2005 Planning Advisory Commission meeting.

Currently, the Zoning Ordinance allows a kennel as a conditional use permit in the A-1 and A-2 zoning districts. The Ordinance provides a definition of a kennel. According to Article 2, Subdivision 59 of the current Zoning Ordinance:

*KENNEL. Animal – Any place where four (4) or more of any type of domestic or exotic pets over four (4) months of age are owned, boarded, bred, or offered for sale.*

The proposed zoning amendments will not affect which zoning districts allow kennels as a conditional use. The proposed changes will provide a standard reference of information required for all kennel requests.

The County Attorney has reviewed the proposed zoning amendments.

### Article 3 Performance Standards

#### SECTION 27. KENNELS

Subd. 1 Application. In addition to the other requirements, the application for conditional use permit shall be accompanied by 25 copies of the plans which indicate 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 four months on the property);
- C. Location and size of all existing and proposed physical improvements such as buildings, landscaping, parking areas, etc.
- D. Location of existing or proposed indoor/outdoor runs;
- E. Plans for sanitary sewage disposal, water systems (natural or manmade), and utilities servicing the site;
- F. Two (2) foot contours showing the existing and proposed surface drainage;

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- G. Existing or proposed location for overhead lighting;
- H. Location and width of all streets abutting the site.

Subd. 2 The Planning Advisory Commission shall take into consideration the following information and performance standards in which to base their recommendation to the County Board for kennel conditional use permit applications:

- A. 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.
- B. The kennel facility must have proper heating, cooling, ventilation and lighting:
  - 1) **MS 346, Subd. 7. Temperature.** Confinement areas must be maintained at a temperature suitable for the animal involved.
  - 2) **MS 346, Subd. 8. Ventilation.**  
An indoor confinement are 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.
  - 3) **MS 346, Subd 9. Lighting.**  
An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.
- C. The kennel construction material must be impervious to water and odor and easily cleanable;
- D. Measures taken to minimize noise from the proposed kennel;
- E. The impact on local traffic;
- F. Permanent water lines and septic systems may be required in the kennel building for drinking water, cleaning the kennels, and disposing of the waste water in an approved manner;
- G. A manure management plan describing manure pick up and disposal;
- H. All structures shall require a building permit;
- I. Existing buildings used as any part of the kennel (in which the public may have access) must pass building code inspections prior to it being utilized by the kennel;

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- J. On-site advertising shall be limited to one (1) sign not to exceed twenty-four (24) square feet. Lighting, height, and location must be described or shown on the site plan;
- K. Any licenses or permits required by Environmental Health including but not limited to: water supply and septic systems;
- L. Allow periodic inspections of the facility in coordination with the Land Use Management department

Discussion ensued regarding the exact wording and the general requirements of the Ordinance.

Discussion ensued regarding referring to quoting the State Statutes. It was decided to take out the references to the State Statutes.

Discussion ensued regarding communication between Departments.

**Ordinance Amendment to Accessory Structures-** The Board of Adjustment has discussed the need to increase accessory structure sizes due to the volume of variance requests received and approved. Staff has researched past variance requests and found the following information. At this time we are bringing the issue to your attention and you may decide to have it as public hearing as a Zoning Ordinance Amendment at your October 17, 2005 meeting.

Between January, 2001 and March, 2005 there were 402 building permits issued for accessory buildings and 42 variances to the size limits of accessory buildings (10%).

The attached sheet shows all the variances requested since 2001 and the percentage of the requests that represent accessory building sizes. Total Accessory Building Size Variances for the last four years made up fourteen percent (14%) of all requests. Of that fourteen percent (14%), six percent (6%) were in R-1 zoning districts, while eight percent (8%) were in A-1, A-2, or A-3 zoning districts. The average size requested on lots less than one acre in R-1 zoning districts was 1,432 square feet, which is 632 square feet over the allowed 800 square feet according to the current ordinance (a 79% increase). On lots greater than one acre the average requested size was 2,064 square feet, which is 864 square feet larger than the allowed 1,200 square feet according to the current ordinance (72% increase). In agricultural districts (A-1, A-2, A-3) the average requested size on lots smaller than two acres is 2,131 square feet, which is 931 square feet larger than the currently allowed 1,200 square feet (78% increase). The average requested size on lots larger than two acres is 3,378 square feet, which is 978 square feet larger than the currently allowed 2,400 square feet (40% increase).

Perhaps with these figures we could more accurately increase the size of our accessory building limitations. During this research it was found that most of the reasons for allowing them in the agricultural areas (A-1, A-2, A-3) was that it conformed to the area and a larger building would not be out of place in these circumstances.

The variances in the R-1 zones did take some thought, but ultimately was decided that one building was better than two and storing things inside are better than leaving them outside.

**Alternate wording of Article 3 Section 5:**

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In Suburban Residential Districts (R-1), a detached accessory building which is accessory to a residential use shall be limited in size to ~~eight hundred (800)~~ one thousand five hundred (1,500) square feet in area on lots twelve thousand (12,000) square feet to one (1) acre and ~~one thousand two hundred (1,200)~~ two thousand one hundred (2,100) square feet on lots in excess of one (1) acre.

In A-1, A-2, A-3 Districts a detached accessory building which is accessory to a residential use shall be limited in size to ~~one thousand two hundred (1,200)~~ two thousand two hundred (2,200) square feet. On lots two (2) acres to twenty (20) acres the size limitation shall be increased to ~~two thousand four hundred (2,400)~~ three thousand four hundred (3,400) square feet.

The Planning Advisory Commission discussed the general requirements of the accessory structure sizes.

H. Stenerson stated that there was conflict in the Board of Adjustment with the accessory size requirements.

It was decided that on any lot over two acres, the size limitation is 3,400 square feet.

It was confirmed that the three prior ordinance amendments will go as public hearings at the October meeting.

**Migratory Labor Camps-** At the August 15<sup>th</sup>, 2005, Planning Advisory Commission meeting, discussion took place regarding farm labor, migratory labor camps, protecting agricultural practices, cooperatives, etc. It was suggested that staff would compile preliminary research regarding this broad topic. This report is for information only.

The current Zoning Ordinance provides a definition of *migratory labor camps*. According to the current Goodhue County Zoning Ordinance, Article 2, Section 2, Subdivision 68, *migratory labor camp* is defined as:

*Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.*

Minnesota State Statute defines many agricultural terms. For your information, a few of the agriculture-related terms are listed below. According to MN Statute 181.85 Migrant labor; definitions:

Subd. 2. ***Agricultural labor.*** “*Agricultural labor*” means field labor associated with the cultivation and harvest of fruits and vegetables and work performed in processing fruits and vegetables for market.

Subd. 3. ***Migrant worker.*** “*Migrant worker*” means an individual at least 17 years of age who travels more than 100 miles to Minnesota from some other state to perform seasonal agricultural labor in Minnesota.

According to MN Statute 268.035:

Subd. 2. ***Agricultural employment.*** “*Agricultural employment*” means services:

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- (1) *on a farm, in the employ of any person or family farm corporation in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, fur-bearing animals, and wildlife;*
- (2) *in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of the farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a tornado-like storm, if the major part of the employment is performed on a farm;*
- (3) *in connection with the production or harvesting of any commodity defined as an agricultural product in United States Code, title 7, section 1626 of the Agricultural Marketing Act, or in connection with cotton ginning, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;*
- (4) *in the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if the operator produced more than one-half of the commodity with respect to which the employment is performed, or in the employ of a group of operators of farms or a cooperative organization of which the operators are members, but only if the operators produced more than one-half of the commodity with respect to which the employment is performed; however, this clause shall not be applicable to employment performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or*
- (5) *on a farm operated for profit if the employment is not in the course of the employer's trade or business.*

*For purposes of this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, orchards, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.*

According to MN Statute 500.24 Farming by business organizations:

Subd.1. **Purpose.** *The legislature finds that it is in the interests of the state to encourage and protect the family farm as a basic economic unit, to insure it as the most socially desirable mode of agricultural production, and to enhance and promote the stability and well-being of rural society in Minnesota and the nuclear family.*

The current Zoning Ordinance does address supporting agricultural operations within the County. According to Article 3, Section 25, Preservation of Farming Practices:

*It is declared policy of this County to enhance and encourage agricultural operations within the County.*

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*Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations may be the subject of private nuisance complaints that would result in the cessation or curtailment of operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the County's agricultural industry as a whole.*

*It is the purpose and intent of this section to reduce the loss to the County of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance.*

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

*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.*

Element 1, Goal 2, *Preservation of Agricultural Land*, of the Comprehensive Plan states: *To preserve and protect agricultural land for sustained, long term use.*

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**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, conservations, 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.*

This report is being provided for information only. If the Planning Advisory Commission wishes to expand the Zoning Ordinance regarding migratory labor camps and/or other agricultural issues, staff would encourage extensive discussion regarding this issue.

Discussion ensued regarding large farming operations with temporary versus permanent workers at the farming operations.

S. Michels stated that it is becoming a permanent issue, and they are no longer migratory.

L. Hanni stated that this was not an issue during the Comprehensive Plan meetings. She stated that we need to look at this if it is a County-wide problem.

It was discussed that this is an issue that is up and coming, where farms are using year-round workers.

It was concluded that we are not going to continue with this issue.

L. Hanni suggested that Wind Generation will be brought for next year. Be ready for a public hearing in January.

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S. Pettit brought up an article that she came across. It summarized that houses generate less money in taxes than agricultural land.

**ADJOURN**

<sup>4</sup> *Moved by M. Patterson and seconded by R. Juliar to adjourn the September 19<sup>th</sup>, 2005 Planning Advisory Commission meeting at 10:30 p.m. Motion carried 7:0.*

Respectfully Submitted,



Carie A. Fuhrman  
Zoning Technician, Recording Secretary

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**MOTIONS**

<sup>1</sup> APPROVE the September 19<sup>th</sup>, 2005, agenda. Motion carried 7:0.

<sup>2</sup> APPROVE the August 15<sup>th</sup>, 2005, minutes. Motion carried 7:0.

<sup>3</sup> TABLE the conditional use permit request to operate a mini-golf course in an A-2, Agriculture District, to allow staff to investigate further into right-of-way issues, property line issues, shoreland issues, and access issues. Motion carried 7:0.

<sup>4</sup> ADJOURN the September 19<sup>th</sup>, 2005, Planning Advisory Commission meeting at 10:30 p.m. Motion carried 7:0.