

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: April 19, 2021
Report date: April 9, 2021

PUBLIC HEARING: Request for Text Amendment to Article 20 Section 7 (Table of Uses) and Article 21 (Agriculture Protection District)

Request, submitted by Trisha Studer (Applicant), to consider proposed text amendment to the Goodhue County Zoning Ordinance to allow “Retreat Centers” as a Conditional/Interim Use in the A1 (Agriculture Protection) District.

Attachments and links:

Application and Submitted Narrative

Table of Uses

A-1 District and Retreat Center Zoning Ordinance Language

Goodhue County Zoning Ordinance (GCZO):

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

Summary:

The Applicant, Trisha Studer, has submitted a Zoning Ordinance Text Amendment request to modify Goodhue County Zoning Ordinance language to allow “Retreat Centers” as a Conditional/Interim Use in the A1 District. “Retreat Centers” are a defined use within the Zoning Ordinance and are identified as a Conditional/Interim use within the A2 (General Agriculture) and A3 (Urban Fringe) Districts.

Retreat Centers were added to the Goodhue County Zoning Ordinance as a Conditional/Interim use in the A2 and A3 Districts in 2006. At that time, the County Board and Planning Commission held extensive discussions and public hearings on Retreat Centers’ Performance Standards and permitting procedures. In 2006 it was noted by staff that Retreat Centers were not proposed as a use in the A1 District to maintain the District for “...more intensive agricultural uses”.

In 2017 the Planning Commission and County Board reviewed and revised Retreat Centers’ Performance Standards and added a definition for Retreat Centers to the Zoning Ordinance. There was no discussion at that time regarding permitting the use in the A1 District.

All CUPs/IUPs require Township acknowledgement, Planning Commission review/recommendation and County Board approval. Staff reviews each CUP/IUP request and prepares a report evaluating each proposal, including an assessment of surrounding land uses and the transportation network. The Text Amendment request appears reasonable and in harmony with the Goodhue County Comprehensive Plan objectives to preserve and maintain agricultural land and uses while also supporting a diverse economy that allows for tourism-related businesses.

Staff Recommendations:

LUM Staff recommends the Planning Advisory Commission

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

recommend that the County Board of Commissioners **APPROVE** the Applicant’s text amendment request for Retreat Centers to be included in the A1, Agriculture Protection District, as a Conditional/Interim Use.

RECEIVED

MAR 23 2021

Z21-0011

Zoning Ordinance Amendment

SSCO RECEIPT# 17855 DATE 3/23/21

APPLICATION FOR Land Use Management Text Amendment

APPLICANT OR AUTHORIZED AGENT'S NAME:

Trisha Studer

APPLICANT'S ADDRESS:

51506 210th Avenue
Pine Island, MN 55963

TELEPHONE:

EMAIL:

CONTACT FOR PROJECT INFORMATION:

Same as Above

ADDRESS:

TELEPHONE:

()

EMAIL:

- Amendment to Subdivision Ordinance Article: _____, Section: _____
- Amendment to Zoning Ordinance Article: 00, Section: 7, table of uses
- Amendment to Zoning Ordinance Article: _____, Section: _____
- Other: _____

* emailed as a pdf 3/23/2021

1. Stated reason for amendment(s) requested:
2. Compatibility of proposed ordinance amendment(s) with the Goodhue County Comprehensive Plan:
3. Provide proposed amended text and statements outlining any perceived effects the proposed amendment(s) may have on other areas of the Ordinance:
4. Provide any additional information that will assist the Planning Advisory Commission and the County Board in reviewing your request:

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: Trisha Studer

Date: 3-23-2021

Print name: Trisha Studer owner or authorized agent

Application for Text Amendment

Applicant's Name: Trisha Studer

Address: 51506 210th Avenue, Pine Island MN 55963

Phone Number: 507.513.0731

Email: trishafireflyfarm@gmail.com

- 1. Stated reason for amendment requested:** We would like the Zoning Ordinance Table of Uses (Article 20 Section 7) to allow Retreat Centers as a Conditional Use in the A-1 Zoning District. This would give us the option of applying for a C.U.P. for a Retreat Center in the existing house on the property.
- 2. Compatibility of proposed ordinance amendment with the Goodhue County Comprehensive Plan:** It is our understanding that the current zoning not allowing Retreat Centers is to protect the agricultural land. This property has no agricultural potential as it consists of woods and a building site. We plan on preserving the woods by leaving them in their natural habitat. Our proposed retreat center would only affect the actual house that is on the property.
- 3. Provide proposed amended text and statements outlining any perceived effects of the proposed amendment may have on other areas of the Ordinance:** When considering the reasoning behind the current Zoning that does not allow for Retreat Centers, it is likely to protect agricultural land. We feel that in this situation, the property does not lend itself to any agricultural potential and we are confident that by allowing us to use the existing home for a Retreat Center, we will not be interfering with the original goal of the Ordinance. I have hosted over 65 retreats for paper crafters (scrapbookers and card-makers) in the last 10 years and can assure the board that the majority of guests will arrive to the retreat center on a Thursday/Friday where their vehicle will remain parked until they leave on Sunday/Monday. We do not anticipate an increase in traffic around the property with the exception of a few vehicles leaving the property during their stay to go to Pine Island for groceries and/or a restaurant visit. Guests will use the driveway on the property to arrive and leave and perhaps for a few errands in Pine Island. We would also anticipate that guests may walk around the property for exercise/fresh air, but feel very confident that none of this will effect any agricultural areas that border our property.
- 4. Provide any additional information that will assist the Planning Advisory Commission and the County Board in reviewing your request:** In 2017, we (my husband and I) purchased the property at 51525 210th Avenue, which is directly across from the 51506 property. In June of 2017, we opened a retail space in the existing house that focuses on paper-crafting, DIY crafts, and seasonal gifts. We also host classes and events. We have had no issues with our business and have the support of our neighbors and community. We have also provided additional

revenue/taxes for our community over the last 4 years in amounts that I am very proud of. In the Fall of 2018 we were granted a CUP to build a retreat center on the 51525 property with complete support from the Pine Island Township. We had hoped to build our retreat center in 2020, but Covid put a halt to those plans. The property at 51506 went on the market in November of 2020 and we soon realized that this would be a perfect location for our retreat center as the amount of square footage we need is already existing and we would not need to build on the 51525 property. With the cost of building materials in the current economy, it makes much more sense to use the 51506 property (which we have owned since early March) and we feel confident that the Township would support our retreat center there as well. The proposed Retreat Center will not interfere with any of the agricultural land that borders the property. Thank you for your time and consideration.

GOODHUE COUNTY ZONING ORDINANCE

Table of Uses

Use	A-1	A-2	A-3	R-1	CS
Residential					
Single-Family Dwelling	P	P	P	P	P
Two, Three, Or Four Family Dwellings	NP	NP	NP	P	NP
Accessory Dwelling Unit (ADU) (Art. 11 § 31)	P	P	P	P	P
Residential Accessory Buildings $\geq 7,200\text{ft}^2$ (Art. 11 § 6)	C/I	C/I	C/I	NP	C/I
Mobile Home Park (Art. 16)	NP	NP	NP	C/I	NP
Agricultural					
Feedlots (Art.13)					
New Feedlot (Art.13)	P	P	NP	NP	NP
New Feedlot outside of Farmyard (Art.13)	C/I	C/I	NP	NP	NP
Feedlot expansion up to ≤ 100 Animal Units (Art.13)	P	P	P	NP	NP
Feedlot expansion to ≥ 300 Animal Units (Art.13)	P	C/I	NP	NP	NP
Feedlot expansion to ≥ 500 Animal Units (Art.13)	C/I	C/I	NP	NP	NP
Animal waste storage structure $\geq 500,000$ gallons (lagoon system, earthen basin, or associated structure [pit]) (Art.13)	C/I	C/I	C/I	NP	NP
Agricultural Operations (including tree farms) (Art.11 § 24)	P	P	P	NP	P
Farm Market/On-farm market/Roadside Stand $< 2400\text{ft}^2$ (Art. 11 § 29)	P	P	P	NP	NP
Farm Market/On-farm market/Roadside Stand $> 2400\text{ft}^2$ (Art. 11 § 29)	C/I	C/I	C/I	NP	NP
Plant Nurseries & Sales	P	P	P	NP	NP
Farm Wineries $< 10,000\text{ft}^2$ (Art. 11 § 27)	P	P	P	NP	NP
Farm Wineries $> 10,000\text{ft}^2$ (Art. 11 § 27)	C/I	C/I	C/I	NP	NP
Temporary/Seasonal Off-Site Roadside Produce Stands	C/I	C/I	NP	NP	C/I
Education Farm Retreat (Art. 11 § 14)	C/I	C/I	C/I	NP	NP
Non-Agricultural Uses Associated W/Agritourism (Art. 11 § 30)	C/I	C/I	C/I	NP	NP
1 Animal Unit per acre on a minimum 1-acre parcel				I	
Agricultural Tourism Accessory Uses (Art. 11 § 28) (including, but not limited to, barn dances, corn mazes, gift shops, petting farms, sleigh/hay rides, vineyard harvest festivals)	P	P	P	NP	NP
Commercial					
Home Businesses - Tier 1 (Art.11 § 12)	P	P	P	P	P
Home Businesses - Tier 2 (Art.11 § 12)	P	P	P	I	I
Home Businesses - Tier 3 (Art.11 § 12)	I	I	I	NP	NP
Commercial Kennel/Raising of fur-bearing animals (Art.11 § 26)	C/I	C/I	C/I ^{bc}	NP	NP
Commercial/Industrial Uses primarily intended to serve Ag. Community	C/I	C/I	C/I ^{bc}	NP	NP
Boarding or Rooming Houses as an accessory use	C/I	C/I	C/I ^{bc}	C/I	NP
Bed and Breakfast Inn (Art.11 § 13)	C/I	C/I	C/I ^{bc}	C/I	NP
Contractors Yard (Art.11 § 33)	C/I	C/I	C/I	NP	NP
Veterinary Clinic	C/I	C/I	NP	NP	NP
Industrial					
Mining, Quarrying, Excavating/Filling (Art.14)	P	P	NP	NP	NP
Junk/Salvage Reclamation Yard (Art.11 § 10)	C/I	C/I	NP	NP	NP

a. Accessory buildings $> 500\text{ft}^2$ shall be $\geq 100\text{ft}$ from any lot line and $\geq 200\text{ft}$ from the nearest dwelling (Art.23 § 3 subd. 1)

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

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

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

GOODHUE COUNTY ZONING ORDINANCE

Table of Uses

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

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

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

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

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

ROTOR. See Article 18 (WECS)

ROTOR BLADES. See Article 18 (WECS)

ROTOR DIAMETER. See Article 18 (WECS)

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

SENSITIVE AREAS. Shoreland, Floodplains, wetlands, bluff impact zones, bluff protection areas, and the Cannon River Recreational and Scenic Districts.

SETBACK. The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level or between a structure or sewage treatment system, toe or top of a bluff, bluffline, road, highway or property line.

SES (SOLAR ENERGY SYSTEM). See Article 19 (SES)

SES, GRID-INERTIE. See Article 19 (SES)

SES, GROUND MOUNTED. See Article 19 (SES)

SES, COMMERCIAL. See Article 19 (SES)

SES, OFF-GRID. See Article 19 (SES)

SES, RESIDENTIAL. See Article 19 (SES)

SES, UTILITY SCALE. See Article 19 (SES)

SES, UTILITY-SCALED. See Article 19 (SES)

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 5.8 of this Ordinance.

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHORELAND. Land located within the following distances from public waters: 1) One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and 2) three hundred (300) feet from a river or stream or the landward extension of a floodplain designated by this Ordinance on such a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by natural topographic divides which may extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources, and the County Commissioners.

Subd. 3. **AGRICULTURAL OPERATION NOT A NUISANCE.** An agricultural operation which continues without interruption or change shall not become a private nuisance if the operation was not a nuisance at its established date of operation. The provisions of this subdivision do not apply:

- A. To a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices.
- B. To applicable State or local laws, ordinances, rules or permits.
- C. When an agricultural operation causes injury or direct threat or injury to the health or safety of any person.
- D. To the pollution of, or change in the condition of, waters of the State or the water flow of waters on the lands of any person;
- E. To an animal feedlot facility of one thousand (1,000) or more animal units.

SECTION 25. RETREAT CENTERS

Subd. 1. The following standards shall apply to all Retreat Centers:

- A. A proposed schedule of events and any proposed special events, which consist of any events not part of the normal operating schedule.
- B. Contact information for caretaker(s) on duty and on site and the times they are present.
- C. Provide a general floor plan indicating the units to be used for the retreat center (in which the public may have access).
- D. Maps identifying property limits shall be provided to guests.
- E. The PAC may require installation of property boundary indicator signs along property boundary lines in accordance with Goodhue County Ordinance Sign regulations.
- F. Retreat units shall not be converted into permanent dwelling units, unless an application is approved showing that the units meet the requirements of the Zoning Ordinance, Building Code, and Environmental Health regulations.
- G. The maximum stay of the occupants shall not exceed two weeks, unless otherwise established by the IUP/CUP.
- H. Allow periodic inspections by the Land Use Management Department, Environmental Health Department, and Fire Marshall.
- I. Any existing buildings in which the public may have access shall obtain all applicable Building Code approvals prior to being utilized as part of a Retreat Center.
- J. Proof of liability insurance for the structures, property, occupants, visitors, and events shall be maintained.
- K. Adequate off-street parking shall be provided.
- L. Maximum capacity shall not exceed 50 guests.

- M. Proof of a compliant septic system shall be required as part of the application.

SECTION 26. KENNELS

- Subd. 1. Application and standards. In addition to the other requirements, the application for conditional use permit shall be accompanied by 25 copies of the plans, which indicate or address the following:
- A. The stated purpose for the kennel;
 - B. The species and maximum number of animals that will be at the site (include all animals over the age of 28 weeks on the property);
 - C. All animals at the property must have current vaccinations. Records need to be kept on-site, or at an identified veterinarian office, and produced immediately upon request;
 - D. Location and size of all existing and proposed physical improvements such as buildings, landscaping, parking areas, etc.;
 - E. Location of existing or proposed indoor/outdoor runs;
 - F. Plans for sanitary sewage disposal, water systems (natural or manmade), and utilities servicing the site;
 - G. Show the existing and proposed surface drainage;
 - H. Existing or proposed location for overhead lighting;
 - I. Location and width of all streets abutting the site;
 - J. The kennel facility must have proper heating, cooling, ventilation and lighting:
 - 1. Confinement areas must be maintained at a temperature suitable for the animal involved.
 - 2. An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.
 - 3. An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.
 - K. The kennel construction material must be impervious to water and odor and easily cleanable;
 - L. A manure management plan describing manure pick up and disposal;
 - M. All structures shall require a building permit;
 - N. 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;
 - O. Any licenses or permits required by Environmental Health including but not limited to: water supply and septic systems.