



GOODHUE COUNTY MINNESOTA

TO EFFECTIVELY PROMOTE THE SAFETY, HEALTH, AND WELL-BEING OF OUR RESIDENTS

BOARD OF COMMISSIONERS AGENDA

County Board Room
Government Center, Red Wing

January 2, 2018
9:00 a.m.

STATUTORY MEETING

M.S. 375.07 "The Board shall meet at the county seat for the transaction of business on the first Tuesday after the first Monday in January."

COUNTY ADMINISTRATOR- TO CALL STATUTORY MEETING TO ORDER

PLEDGE OF ALLEGIANCE

COUNTY ADMINISTRATOR- TO REQUEST NOMINATIONS FOR 2018 CHAIR OF THE COUNTY BOARD

NEWLY ELECTED CHAIR- TO REQUEST NOMINATIONS FOR THE 2018 VICE CHAIR OF THE COUNTY BOARD

DISCLOSURES OF INTEREST

REVIEW AND APPROVE THE PREVIOUS BOARD MEETING MINUTES.

Documents:

[Dec 19, 2017.pdf](#)

REVIEW AND APPROVE THE COUNTY BOARD AGENDA

REVIEW AND APPROVE THE FOLLOWING ITEMS ON THE CONSENT AGENDA:

Consent Agenda

1. Approve 2018 - 2019 Ballot Board.

Documents:

[1-2-18 Ballot Board 2018-2019 Elections.pdf](#)

2. Approve 2017 Prairie Island Nuclear Response Plan

Documents:

[2017 PING_ResponsePlan.pdf](#)

3. Approve the Frontenac State Park Boundary Changes

Documents:

[FronStatePark_BoundaryChange.pdf](#)

4. Approve Website as Official Means to Disseminate Solicitations of Bids and Proposals.

Documents:

[Website Publication.pdf](#)

5. Approve Authorization to Set Bid Dates.

Documents:

[2018 Bid Date Authorization.pdf](#)

6. Approve 2018 Mileage Reimbursement Rate.

Documents:

[2018 Mileage Reimbursement Rate.pdf](#)

7. Approve MnDOT DCP Agreement No. 1030025.

Documents:

[MnDOT DCP Agreement.pdf](#)

8. Approve the Safety and Maintenance Equipment Resolution for the Cannon Valley Trail.

Documents:

[Goodhue County Safety and Maintenance Equipment Resolution.pdf](#)

9. Approve Tuition Reimbursement for Katie Tang, HHS.

Documents:

[2018 Tang Tuition Reimbursement.pdf](#)

10. Approve Tuition Reimbursement for Joshua Kurtti, ADC.

Documents:

[2018 Kurtti Tuition Reimbursement.pdf](#)

11. Approve 2017 Personnel Policy Updates.

Documents:

[Personnel Policy Updates.pdf](#)

REGULAR AGENDA

County Administrator's Report

1. 2018 Official Publication.

Documents:

[2018 Official Publications.pdf](#)

2. 2018 County Board Meeting Dates.

Documents:

[2018 Meeting Dates.pdf](#)

Human Resource Director's Report

1. 2018 Elected Salary.

Documents:

[2018 Elected Salary.pdf](#)

Land Use Management Director's Report

1. PUBLIC HEARING: to consider Goodhue County Ordinance updates
Proposed amendments to Article 4, Article 10, Article 11, Articles 21-24, Article 26, and Article 31 in reference to:
 - a. Shoreland Buffers
 - b. Conditional/Interim Use Permit Standards
 - c. Mixed Use Hamlet (MXH) zoning
 - d. Vegetative, Tree, and Woodland Alterations
 - e. Definitions

Documents:

[CBreport_OrdinanceRevisions_Dec2017.pdf](#)
[Appendix 1A-ARTICLE-31_SHORELAND REGULATIONS update.pdf](#)
[Appendix 1B-BufferAdministrativeProcedures_final.pdf](#)
[Appendix 2-ARTICLE-04_CONDITIONAL USES AND INTERIM USES Revisions.pdf](#)
[Appendix 3-ARTICLE-26_MIXED USE HAMLET ZONE Revisions.pdf](#)
[Appendix 4-ARTICLE-11 Sect 7 TimberHarvestingRevisions.pdf](#)
[Appendix 5-TimberHarvestingCurrentOrdinance2017.pdf](#)
[Appendix 6-ARTICLE-10_DEFINITIONS Revisions.pdf](#)

2. Conditional Use Permit John Frawley–
26273 County 7 Blvd Welch MN 55089, MXH Mixed Use Hamlet Zoned District, Parcel 46.028.0300; Part of the NW1/4 of NE ¼ Sect 28 Twp 113 Range 16 in Welch Township. Request for CUP for a change in land use from those documented in the initial establishment of the MXH District.

Documents:

[CBPacket_Frawley.pdf](#)

COUNTY BOARD COMMITTEE REPORTS

NEW AND OLD BUSINESS

ADJOURN

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
DECEMBER 19, 2017**

The Goodhue County Board of Commissioners met on Tuesday, December 19, 2017, at 9:00 a.m. in the County Board Room, Government Center, Red Wing, MN with Commissioners Allen, Anderson, Majerus, Nesseth, and Drotos were present.

C/Allen asked if there were any disclosures of interest. There were none.

¹ Moved by C/Majerus, seconded by C/Drotos, and carried to approve the December 7, 2017, County Board Minutes.

² Moved by C/Anderson, seconded by C/Majerus, and carried to approve the December 19, 2017, County Board Agenda.

³ Moved by C/Nesseth, seconded by C/Majerus, and carried to approve the following items on the consent agenda as amended:

C/Nesseth requested to move the following items to regular agenda for discussion:

- Elected Officials Minimum Salary
- Vehicle Allowance
- Leave Without Pay Policy

C/Allen requested to pull the Attorney Contract with Karen England

1. Approve Final of 2017 Aggregate Surfacing Contract.
2. Approve the 2018 Building Contracts.
3. Approve the 2017 Donations.
4. Approve the sale of 2003 Western 8' Pro Plow on Public Surplus Website.
5. Approve the sale of Crosley Household Refrigerator on Public Surplus Auction.
6. Approve Non-union Wages - 2018.
7. Approve change in value of forfeited properties.
8. Approve Designation of Depositories.
9. Approve the Tobacco License for 61 Express Frontenac.
10. Approve the reappointment of Steve McNamara to the Belle Creek Watershed District.
11. Approve Procurement Policy when using Federal Funds.

Approve Elected Official Minimum Salary- C/Nesseth was concerned with setting elected official's salaries and increasing costs for future boards. Ms. Cushing explained that when there is an election for the following year, state statute requires the county to post the minimum salary of the elected positions. This is so that if someone was interested in running for the position, they would know the minimum salary.

⁴ Moved by C/Anderson, seconded by C/Drotos, and carried (4-1-0) with C/Nesseth dissenting to approve the Elected Official Minimum Salary.

Approve the Vehicle Allowance- C/Nesseth questioned the vehicle allowance to the County Administrator and if the amount had increased. Ms. Cushing stated that the amount was the same. C/Allen pointed out that it was part of the Administrator's contract. The Personnel Policy required the board to approve the amount each year.

⁵ Moved by C/Anderson, seconded by C/Drotos, and carried (4-1-0) with C/Nesseth dissenting to approve the Vehicle Allowance for the County Administrator.

Approve the Leave Without Pay Policy- C/Nesseth questioned what the maximum amount someone could take off and still keep their position. Ms. Cushing stated that there were no changes to the policy, however, it sunsets each year unless the board approves it. There was no maximum, however, leave time needed to be approved by the department head.

⁶ Moved by C/Nesseth, seconded by C/Anderson, and carried to approve the following items on the Leave without

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
DECEMBER 19, 2017**

Pay Policy.

Approve the 2018 Attorney Contract with Karen England- C/Allen pointed out that this was another example of the state passing down their expenses to the county. Ms. Benck agreed and noted that this shift in costs began in 2009.

⁷ Moved by C/Majerus, seconded by C/Allen, and carried to approve the 2018 Attorney Contract with Karen England.

LAND USE MANAGEMENT DIRECTORS'S REPORT

Planning Advisory Commission and Board of Adjustment Appointments. Staff recommended the board approve to appoint members to the Planning Advisory Commission and Board of Adjustment to fill the positions which expire on January 1, 2018.

⁸ Moved by C/Anderson, seconded by C/Allen, and carried to approve the following appointments:

Bob Benson, Board of Adjustment, January 1, 2018- December 31, 2020

Richard Nystuen, Planning Advisory Commission, January 1, 2018- December 31, 2020

Tom Draskowski, Planning Advisory Commission, January 1, 2018- December 31, 2020

C/Majerus noted that he is in the process of filling the vacant Planning Advisory position from district as well.

FINANCE DIRECTOR'S REPORT

Fund Balance Report. Staff recommended the board approve the list of 2018 fund balance commitments as presented. Ms. Holmsten noted that there was an adjustment made to the building contingency fund. The yearend balance in the building contingency would be approximately \$92,000. The revised report would be posted to the board packet on line.

⁹ Moved by C/Anderson, seconded by C/Drotos, and carried to approve the 2018 fund balance commitments as presented.

C/Nesseth questioned the fund for the gun permits and the local correctional service fees and if any of those dollars could be used to fund a drug court. Ms. Holmsten noted that those funds did have statutory requirements associated with them but she could look into the option of using some of those dollars to assist with a drug court.

C/Nesseth questioned the compensated absences fund. Ms. Holmsten explained that the county did receive a refund from MCIT and in addition, it included the levy increase of \$250,000.

C/Nesseth questioned the park fund balance and if that could be used to fix the Public Works roof. Ms. Holmsten explained that the park fund also had statutory requirements and needed to be spent on parks and trails.

PUBLIC WORKS DIRECTOR'S REPORT

CSAH 24 Roundabout Jurisdiction Transition. Staff recommended the board approve the proposed agreement with Cannon Falls Township concerning the transition of Road jurisdiction at the Roundabouts on CSAH 24 near TH52.

¹⁰ Moved by C/Anderson, seconded by C/Majerus, and carried to approve the proposed agreement with Cannon Falls Township for road jurisdiction at the Roundabouts on CSAH 24 near TH52.

SHERIFF'S REPORT

2018 Advanced Correctional Healthcare (ACH) Medical Contract Renewal. Staff recommended the board approve the contract renewal with Advanced Correctional Healthcare (ACH) for medical Services effective 1/1/18.

¹¹ Moved by C/Anderson, seconded by C/Drotos, and carried to approve the 2018 Advanced Correctional Healthcare Contract.

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
DECEMBER 19, 2017**

HUMAN RESOURCE DIRECTOR'S REPORT

December 19, 2017 Personnel Committee Report. The Personnel Committee met on Tuesday, December 19 with the following item on the agenda:

GIS Specialist. The Personnel Committee recommended the board approve to hire to replace the GIS Systems Specialist position that would become vacant December 27, 2017. This is a contracted position with Dodge County.

¹² Moved by C/Anderson, seconded by C/Drotos, and carried to approve to replace the vacant GIS Specialist position.

C/Majerus requested a future Committee of the Whole meeting on the GIS System.

2018 Commissioner Wages. Per Minnesota Statute 375.055, the County Board shall, by resolution, set the annual salary for Board members to be effective January 1 of the next year. The resolution shall contain a statement of the new salary on an annual basis. Staff recommended the board set the 2018 commissioner salaries.

C/Majerus made a motion to move all commissioner's wages to \$20,000 for 2018. C/Nesseth seconded the motion. Motion failed (2-3-0) with C/Allen, C/Anderson, and C/Drotos dissenting to approve to approve to set the 2018 commissioner salary at \$20,000

¹³ Moved by C/Anderson, seconded by C/Drotos, and carried (3-2-0) with C/Nesseth and C/Majerus dissenting to approve the following 2018 commissioner wages:

Commissioner	2018 Hourly Rate	2018 Annual Salary
Allen, Ronald	\$10.91	\$22,692.80
Anderson, Brad	\$10.63	\$22,110.40
Majerus, Jason	\$10.63	\$22,110.40
Nesseth, Byron	\$10.63	\$22,110.40
Drotos, Paul	\$10.63	\$22,110.40

2018 Per Diem Rates. Staff recommended the board set the 2018 per diem rate at \$50.

C/Majerus questioned when commissioners could claim a per diem. He requested a Committee of the Whole meeting to discuss the topic.

¹⁴ Moved by C/Anderson, seconded by C/Drotos, and carried to approve the 2018 per diem rate at \$50.

COUNTY ADMINISTRATOR'S REPORT

Budget Committee Report. The Budget Committee met on Tuesday, December 19 with the following items on the agenda:

Recorder's Compliance/Technology Fund. Lisa Hanni reviewed the annual Recorder Compliance and Technology fund with the committee and the approved projects utilizing these funds. The Budget Committee recommended approval.

¹⁵ Moved by C/Anderson, seconded by C/Drotos, and carried to approve the annual list of projects and expenses for the Recorder Compliance and Technology fund.

2018 Out of State Travel Requests. The Budget Committee recommended approval of the 2018 Out of State Travel Requests with the exception of the Washington fly in. C/Majerus was not in favor of staff attending the fly in and C/Allen was in favor of staff attending.

¹⁶ Moved by C/Drotos, seconded by C/Allen, and carried to approve the following 2018 Out of State Travel Requests:

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
DECEMBER 19, 2017**

Administration.

- National Association of Counties (NACO) Annual Conference, July 13-16 in Nashville, Tennessee
- International City/County Management Association (ICMA) Annual Conference, September 23-26 in Baltimore, Maryland

Public Works.

- NACE Annual Meeting- (County Engineer) April 22-26 in Wisconsin Dells, Wisconsin

Sheriff's Office.

- National Radiological Emergency Preparedness Conference (OEM Director) April 16-19 in Renton, Washington

Survey.

- National Council of Examiners for Engineering and Surveying (NCEES) Examination Policy and Procedures Charleston, South Carolina, January 8-9
- National Council of Examiners for Engineering and Surveying (NCEES) Examination Professional Surveyors (write test questions for national surveying exams) Clemson, South Carolina, January 18-19
- National Council of Examiners for Engineering and Surveying (NCEES) Examination Professional Surveyors (write test questions for national surveying exams) Clemson, South Carolina, June 22 -24
- National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting Scottsdale, Arizona, August 15-17

GIS

- 2018 ESRI Developer's Conference-Palm Springs, California, March 6-9.
- 2018 ESRI Users Conference is being held in San Diego, California July 9-13.

¹⁷ Moved by C/Drotos, seconded by C/Anderson, and carried (4-1-0) with C/Majerus dissenting to approve the following 2018 Out of State Travel Requests:

Public Works.

- Washington Fly In- Washington DC (County Engineer and 3 County staff) June 4-6

2018 Budget and Levy. Staff recommended the County Board approve the proposed resolutions adopting the 2018 Budget and Levy and proposed capital plan as presented. This represents a levy increase of \$2,031,381 (6.56%) over the 2017 approved Levy.

¹⁸ Moved by C/Anderson, seconded by C/Drotos, and carried (3-2-0) with C/Neseth and C/Majerus dissenting to approve the following 2018 Budget and Levy and proposed capital plan as presented:

Budget Resolution

WHEREAS, The Goodhue County Board and Department Heads have conducted a lengthy, detailed budget planning process, and;

WHEREAS, The County Board has considered all correspondence regarding the same, and has again reviewed said proposed budget to determine that it does in fact represent fiscally responsible county government;

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
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Budget		
FUND	2018 Expenditures	2018 Revenues
General Fund	\$ 27,787,343	\$ 9,587,525
Public Works	\$ 12,831,978	\$ 8,705,909
Health and Human Services	\$ 16,246,035	\$ 9,201,349
ISTS & Well Loan Program	\$ 17,568	\$ 17,568
EDA	\$ 81,413	\$ 59,419
Capital Plan	\$ 1,263,021	\$ 8,500
Debt Services	\$ 2,025,491	\$ 46,871
Waste Management	\$ 710,022	\$ 335,730
2018 Levy		\$ 33,000,000
Total	\$ 60,962,871	\$ 60,962,871

NOW, THEREFORE, BE IT RESOLVED, that the proposed 2018 Goodhue County Budget be approved as presented.

Levy Resolution

WHEREAS, Goodhue County Department Heads have submitted 2018 proposed department budgets which include anticipated revenues and expenditures; and

WHEREAS, The County Administrator has compiled all 2018 funding requests, revised and presented said requests to the County Board; and

NOW, THEREFORE, BE IT RESOLVED, that the Goodhue County Board of Commissioners does hereby certify to the State of Minnesota the following proposed property tax levy:

Levy	
Fund	2018 Final Levy
General Fund	\$ 18,199,818
Public Works	\$ 4,126,069
Health and Human Services	\$ 7,044,686
ISTS & Well Loan Program	\$ -
EDA	\$ 21,994
Capital Plan	\$ 1,254,521
Debt Services	\$ 1,978,620
Waste Management	\$ 374,292
Total	\$ 33,000,000

BE IT FURTHER RESOLVED, that the County Auditor-Treasurer hereby certify the above-referenced levy to the Minnesota Department of Revenue.

1st County Board Meeting of 2018. Staff recommended the County Board approve January 2, 2018, at 9:00 a.m., as the first official County Board meeting of 2018. The location of the meeting will be the County Board Room, Government Center, Red Wing. At that meeting, staff will ask the board to set the time and location for all of its regularly scheduled meetings for 2018.

¹⁹ Moved by C/Anderson, seconded by C/Drotos, and carried (4-1-0) with C/Allen dissenting to approve to conduct the first county board meeting of 2018 on January 2, 2018, at 9:00 a.m. in the County Board Room, Government Center, Red Wing.

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
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SOUTH EASTERN MINNESOTA MULTI COUNTY HOUSING & REDEVELOPEMENT AUTHORITY (SEMMCHRA)

2018 Levy Request. Southeastern Minnesota Multi County Housing & Redevelopment Authority requested the board approve the proposed 2018 levy request.

C/Nesseth has some concerns with some properties involved in SEMMCHRA. Mr. Arneson suggested C/Nesseth address his concerns with Joe Wheeler following the meeting.

²⁰ Moved by C/Anderson, seconded by C/Majerus, and carried to approve the following resolution approve the following resolution approving final special benefit tax levy of Southeastern Minnesota Multi-County Housing and Redevelopment Authority Pursuant to Minnesota Statutes, Section 469.033, SUBD.6, and approving a budget for fiscal year 2018:

WHEREAS, the Southeastern Minnesota Multi-County Housing and Redevelopment Authority (the "Authority") was created by action of the Boards of Commissioners of Dodge, Goodhue, Wabasha and Winona Counties (collectively referred to as the "Counties") pursuant to Minnesota Statutes, Section 469.004; and

WHEREAS, pursuant to such action on the part of the Counties and Minnesota Statutes, Sections 469.001 to 469.047 (the "Act"), the Authority was granted all of the same functions, rights, powers, duties, privileges, immunities and limitations as are provided for housing and redevelopment authorities created for cities under the Act; and

WHEREAS, Section 469.033, subd. 6, of the Act permits the Authority to levy and collect a special benefit tax of up to .0144% of taxable market value upon all taxable property, both real and personal, within the Authority's area of operation; and

WHEREAS, the Authority has requested that the Board of Commissioners of Goodhue County approve the final levy of such a special benefit tax in the amount of \$376,100.00 to be levied upon all taxable market value of taxable property within the Authority's area of operation contained within Goodhue County; and

WHEREAS, the Board of Commissioners of Goodhue County has considered such request by the Authority and believes that consenting to such a final special benefit tax levy by the Authority is in the best interests of Goodhue County and its residents; and

WHEREAS, the Authority is also required pursuant to Section 469.033, subd. 6, of the Act to, in connection with the levy of such a special benefit tax, formulate and file a budget in accordance with the budget procedures of the Counties in the same manner as required of executive departments of the Counties and the amount of the tax levy for the following year shall be based upon that budget and approved by the Counties; and

WHEREAS, the Authority has presented to the Board of Commissioners of Goodhue County a copy of a proposed budget for its operations for fiscal year 2018.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Goodhue County as follows:

- Section 1. That the budget for fiscal year 2018 for the operations of the Authority as presented for consideration by the Board of Commissioners of Goodhue County is hereby in all respects approved.
- Section 2. That the levy of a final special benefit tax pursuant to Minnesota Statutes, Section 469.033, subd. 6, is hereby consented to with respect to taxes payable in calendar year 2018 in the amount of \$376,100.00 to be levied upon all taxable market value of taxable property within the Authority's area of operation within Goodhue County.

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
DECEMBER 19, 2017**

Future meeting dates:

1. January 2, at 9:00 a.m.- County Board Meeting: County Board Room, Government Center, Red Wing.

COMMITTEE REPORTS:

C/Drotos	• Elected to the South Community Health Advisory Committee for the South East Region.
C/Nesseth	•
C/Anderson	•
C/Majerus	•
C/Allen	•
Administrator Arneson	•

Review and approve county claims.

- 21 Moved by C/Anderson, seconded by C/Majerus, and carried to approve to pay the County claims in the amount of 01-General Revenue \$353,772.73, 03-Public Works \$103,980.66, 11- Human Service Fund \$94,921.93, 21-ISTS \$00, 25- EDA \$488.16, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$340,453.17, 35-Debt Services \$2,047.29, 40-County Ditch \$00, 61-Waste Management \$18,914.05, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$138,556.70, 81-Settlement \$1,470.95, in the total amount of \$1,054,605.64.
- 22 Moved by C/Majerus, seconded by C/Anderson, and carried to approve to adjourn the December 19, 2017, County Board Meeting.

SCOTT O. ARNESON
COUNTY ADMINISTRATOR

RON ALLEN, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

MINUTE

1. Approved the December 7, 2017 County Board Meeting Minutes. (Motion carried 5-0)
2. Approved the December 19, 2017 County Board Meeting Agenda. (Motion carried 5-0)
3. Approved the amended Consent Agenda. (Motion carried 5-0)
4. Approved the Elected Officials Salary Report. (Motion carried 4-1-0)
5. Approved the 2018 Vehicle Allowance. (Motion carried 4-1-0)
6. Approved the Leave without Pay Policy. (Motion carried 5-0)

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
DECEMBER 19, 2017**

7. Approved the 2018 Attorney Contract with Karen England. (Motion carried 5-0)
8. Approved the Planning Advisory Commissioner and Board of Adjustment Appointments. (Motion carried 5-0)
9. Approved the 2018 Fund Balance Report. (Motion carried 5-0)
10. Approved the agreement with Cannon Falls Township for Roundabouts on CSAH 24 near TH 52 . (Motion carried 5-0)
11. Approved the 2018 Advanced Correctional Healthcare (ACH) Medical Contract Renewal. (Motion carried 5-0)
12. Approved to hire a replacement GIS Specialist Position. (Motion carried 5-0)
13. Approved the 2018 Commissioner wages. (Motion carried 3-2-0)
14. Approved the 2018 Per Diem rate. (Motion carried 5-0)
15. Approved the 2018 Out of State Travel Requests. (Motion carried 5-0)
16. Approved the 2018 Out of State Travel Request to attend the Washington Fly In. (Motion carried 4-1-0)
17. Approved the 2018 Budget, Levy and Capital Plan. (Motion carried 3-2-0)
18. Approved the first board meeting of 2018. (Motion carried 4-1-0)
19. Approved the 2018 SEMMCHRA Levy. (Motion carried 5-0)
20. Approved the County Claims. (Motion carried 5-0)
21. Approved to adjourn the December 19, 2017, County Board Meeting. (Motion carried 5-0)

DRAFT



Carolyn Holmsten
Finance Director
Goodhue County

Carolyn.Holmsten@co.goodhue.mn.us
509 W. Fifth St.
Red Wing, MN 55066
Office: (651) 385-3021
Fax: (651) 267-4878

TO: Goodhue County Board Members

FROM: Carolyn Holmsten, Finance Director

DATE: January 2, 2018

RE: Appointment of Absentee, Mail and UOCAVA Ballot Board Members

Minnesota Statute 204B.19 to 204B.22 requires that election judges or persons training in absentee ballot administration performing election related duties assigned by the county auditor shall be appointed by the County Board at least 45 days before the election(s). The following employees should be appointed election officials for the Absentee Ballot Boards for all elections held in 2018 and 2019:

Jillian Anderson
Carolyn Holmsten
Cyndee Marcus
Micki O'Keefe
Erin Poncelet
Terri Swanson

Recommendation: The County Board appoints the above listed individuals as 2018 and 2019 UOCAVA Absentee Ballot Board members, Regular Absentee Ballot Board members and Mail Balloting Ballot Board members.

GOODHUE COUNTY BOARD OF COMMISSIONERS

RONALD ALLEN
1st District
1713 Siewert Street
Red Wing, MN 55066

BRAD ANDERSON
2nd District
10679 375TH St. Way
Cannon Falls, MN 55009

BARNEY NESSETH
3rd District
41595 Co. 8 Blvd
Zumbrota, MN 55992

JASON MAJERUS
4th District
39111 Co. 2 Blvd
Goodhue, MN 55027

PAUL DROTOS
5th District
1825 Twin Bluff Rd
Red Wing, MN 55066

An Equal Opportunity Employer



**GOODHUE COUNTY
OFFICE OF EMERGENCY MANAGEMENT**

430 WEST SIXTH STREET
RED WING, MN 55066

December 26, 2017

To: Goodhue County Board

From: Diane Richter-Biwer, Director

DRB

**Subject: 2017 Prairie Island Nuclear Generating Plant Response Plan
Verification of Plan Approval**

Background:

Annually the city of Red Wing and Goodhue County Emergency Management Directors review the joint Emergency Response Plan for Prairie Island Nuclear Generating Plant. Together they make any necessary changes to the plan and review contact information and update as necessary.

Current:


The Federal Emergency Management Agency (FEMA) developed a Planning Standard Review form for emergency response plans for nuclear power plants. There were no changes or additions that they felt were necessary for our plan. The review for the Goodhue County/City of Red Wing Emergency Response Plan for PINGP has been completed. Only minor changes and updates have been made within the plan. I have emailed you a copy of the plan for you to review at your leisure.

Recommendation:

I recommend that the Goodhue County Board of Commissioners review the PINGP Emergency Response Plan. Sign on the Verification of Plan Approval and return to the Office of Emergency Management. If you have any questions, please let me know and I will discuss them with you.

VERIFICATION OF PLAN APPROVAL

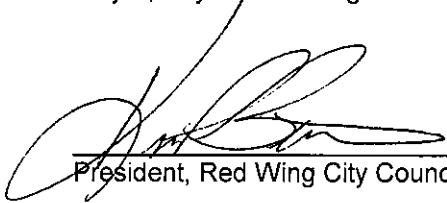
The City of Red Wing/Goodhue County Emergency Response Plan for the Prairie Island Nuclear Generating Plant has been reviewed and approved by the City of Red Wing Mayor, the Red Wing City Council, and the City of Red Wing Emergency Management Director, the Goodhue County Board of Commissioners, and the Goodhue County Emergency Management Director.



Mayor, City of Red Wing

12/11/12

Date



President, Red Wing City Council

Date

Chairman, Goodhue County Board of Commissioners

Date

Emergency Management Director, City of Red Wing

Date

Director, Goodhue County Emergency Management

Date

Goodhue County Land Use Management

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



Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

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

TO: Goodhue County Commissioners
FROM: Lisa M. Hanni, LUM Director / County Surveyor / County Recorder
DATE: January 2, 2018 County Board Meeting
RE: Frontenac State Park – County Board Support of Park Boundary Change

CONSENT AGENDA

Summary:

The Frontenac State Park wishes to adjust their Park Boundary and requests support from the County Board for these Park Boundary Changes.

Background:

Caleb Jensen, Frontenac State Park Manager, contacted me in December 2017 about obtaining support from the County Board for the Frontenac Park Boundary Changes.

Map 1 indicates that the affected parcels are already owned by the State of Minnesota-DNR and would merely be transferred to the Park authority and be included within the Park boundary. These parcels are listed within our County system as parcel numbers:

43-031-0700
43-210-0890
43-210-0900
32-006-1104
32-006-0200

Map 2 indicates property purchased by the Parks & Trails Council of Minnesota, which then will be purchased by the DNR to be included with the Park Boundary. These parcels are listed within our County system as parcel numbers:

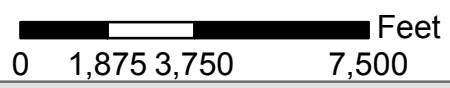
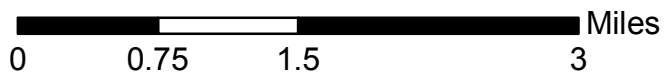
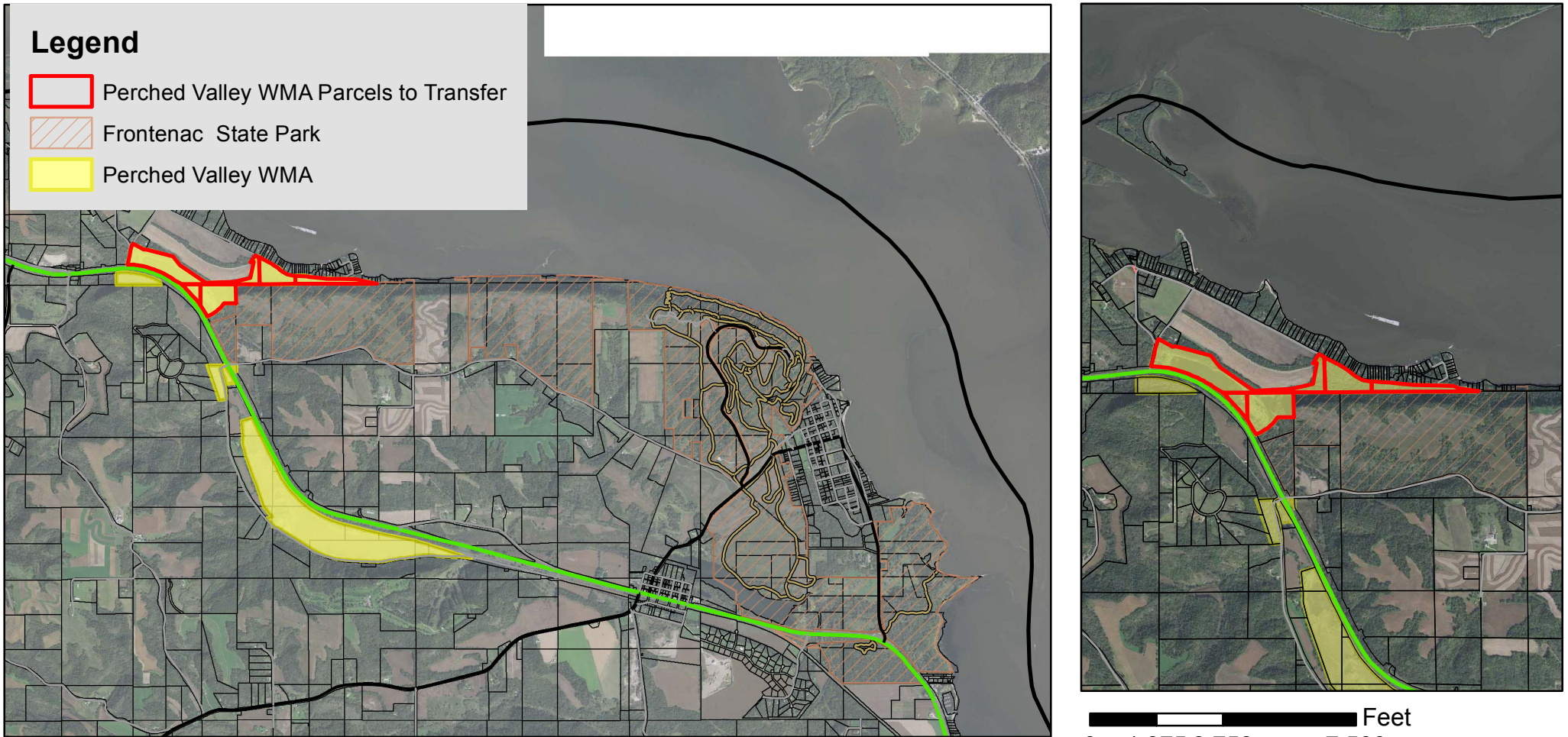
32-100-0090 (2017: taxable market total = \$438,400; Taxes = \$3376)
32-011-0300 (2017: taxable market total = \$100,800; Taxes = \$776.00)
32-011-0800 (2017: taxable market total = \$600; Taxes = \$8.00)

The County would receive Payment in Lieu of Tax (PILT) from the DNR for the parcels.

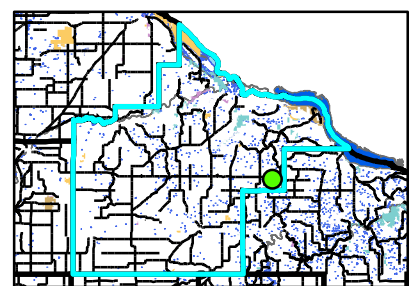
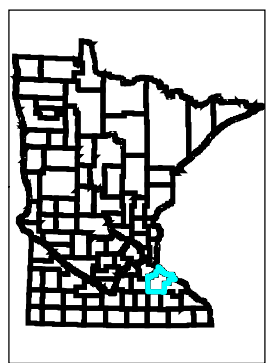
Recommendation:

Staff recommends supporting the Frontenac Park Boundary Changes as proposed.

Possible Transfer of Control-Perched Valley WMA- Frontenac State Park

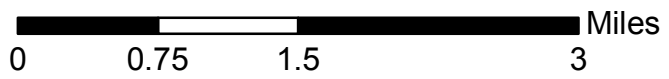
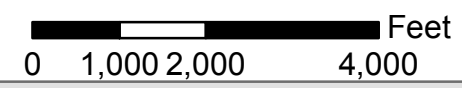
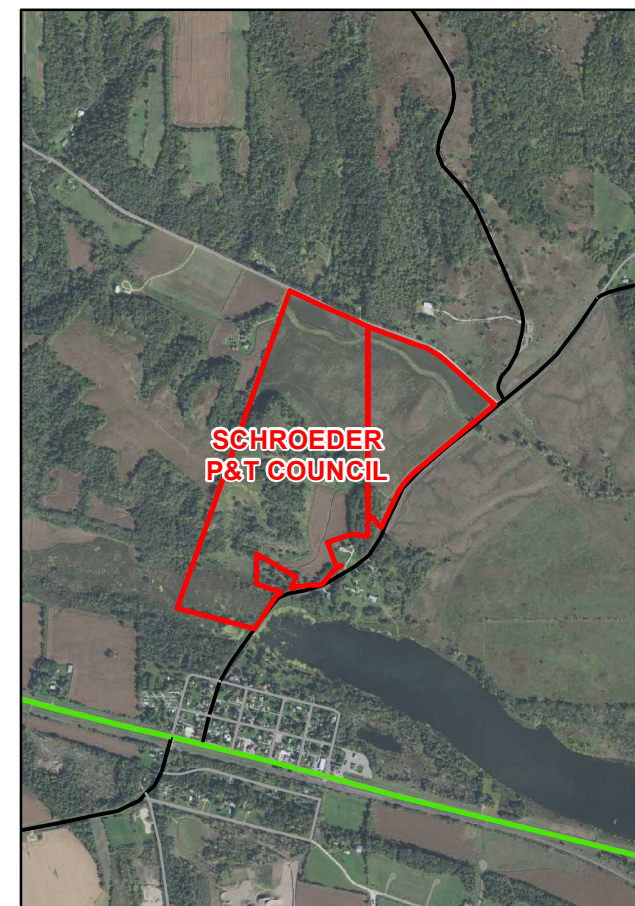
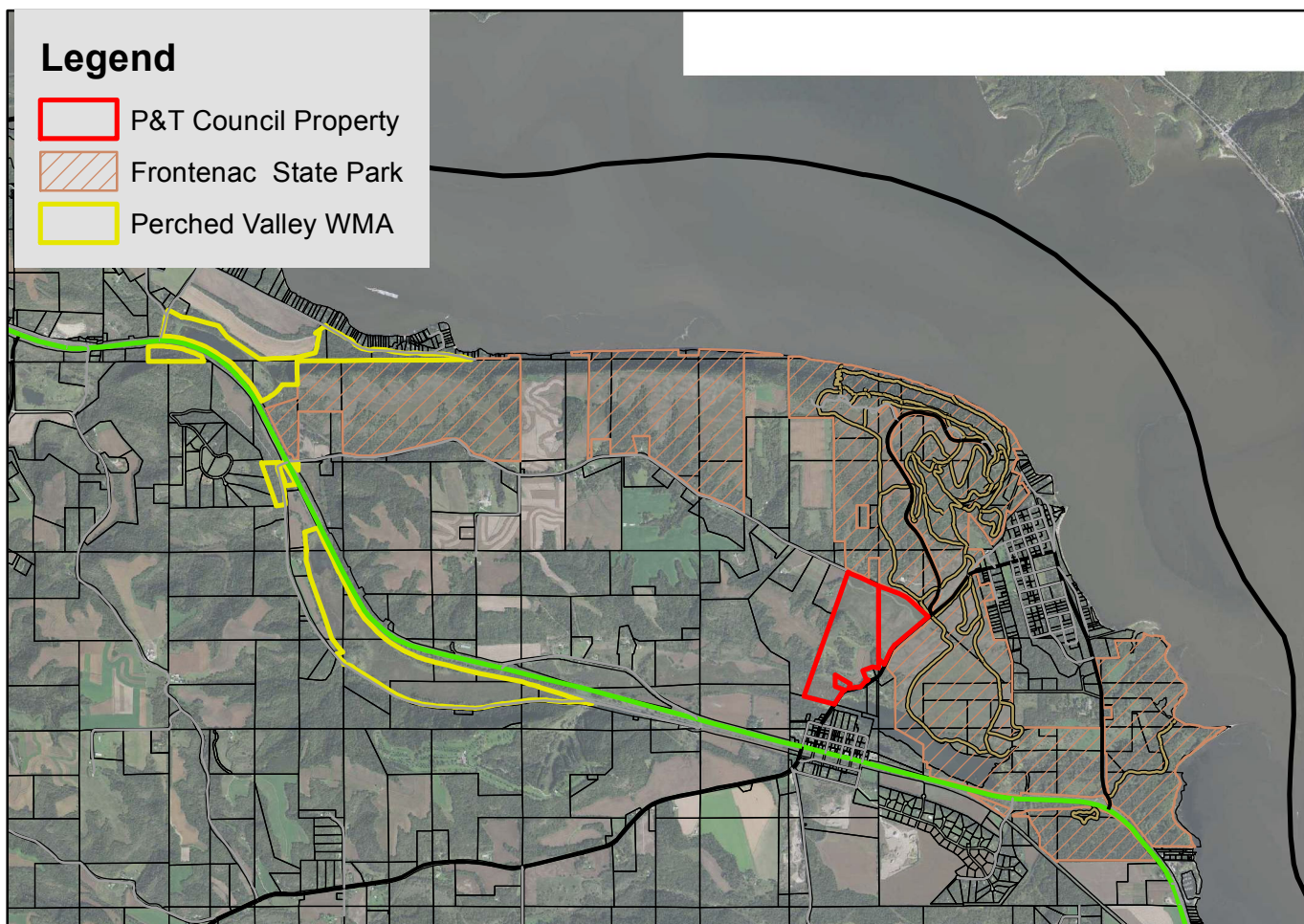


Parcel Information: Owner - MN DNR-Fish and Wildlife
 Deeded Acres - 103
 Section 06, Township 112 North, Range 13 West
 Estimated Land Value \$232,500

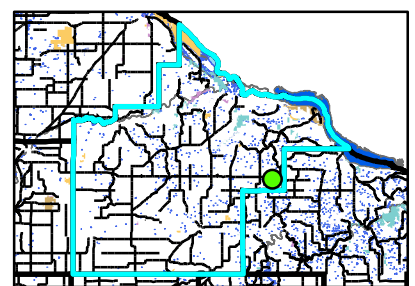
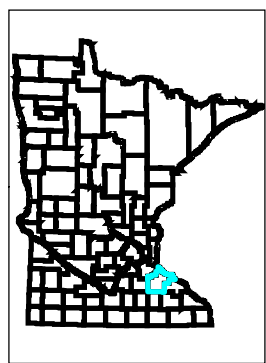


The Frontenac Park Manager has been in discussion with the area wildlife manager for the past 5 or so years. This Northeast portion of this WMA is unique in that it is a non-hunttable WMA and causes some trouble with the public for this reason. It shares an extensive boundary with Frontenac State Park, and makes sense to be under the parks and trails custodial control. This property borders the western edge of the existing park boundary

Possible Acquisition - P&T Council of MN - Frontenac State Park



Parcel Information: Owner - Minnesota Parks and Trails Council
Deeded Acres - 158
Section 11, Township 112 North, Range 13 West
Estimated Land Value \$535,700



The Frontenac Park Manager was approached by the previous landowner in 2012 and he was interested in selling to the park. The discussion has been happening for several years and in the spring of 2017 the Minnesota Parks and Trails Council came to an agreement and purchased the property. The parcel is located on the southern boundary of the park and has been restored to park-like conditions.

December 18th, 2017

We, the Florence Township board supervisors, are in support of the DNR's 2018 Lands Bill in regards to the proposed change to the statutory boundary of Frontenac State Park to include a portion of the Perched Valley WMA and the former Robert Schroeder property. The parcel numbers are as follows:

320060200

320061104

321000090

320110800


320110300

to include MHP

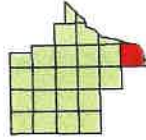
These parcels will be a valuable addition to the park.

Name Mike Blaw Signature  Date 12/18/2017


Name J.C. McILRATH Signature  Date 12/18/2017

Name Janet Beve Signature  Date 12/18/2017

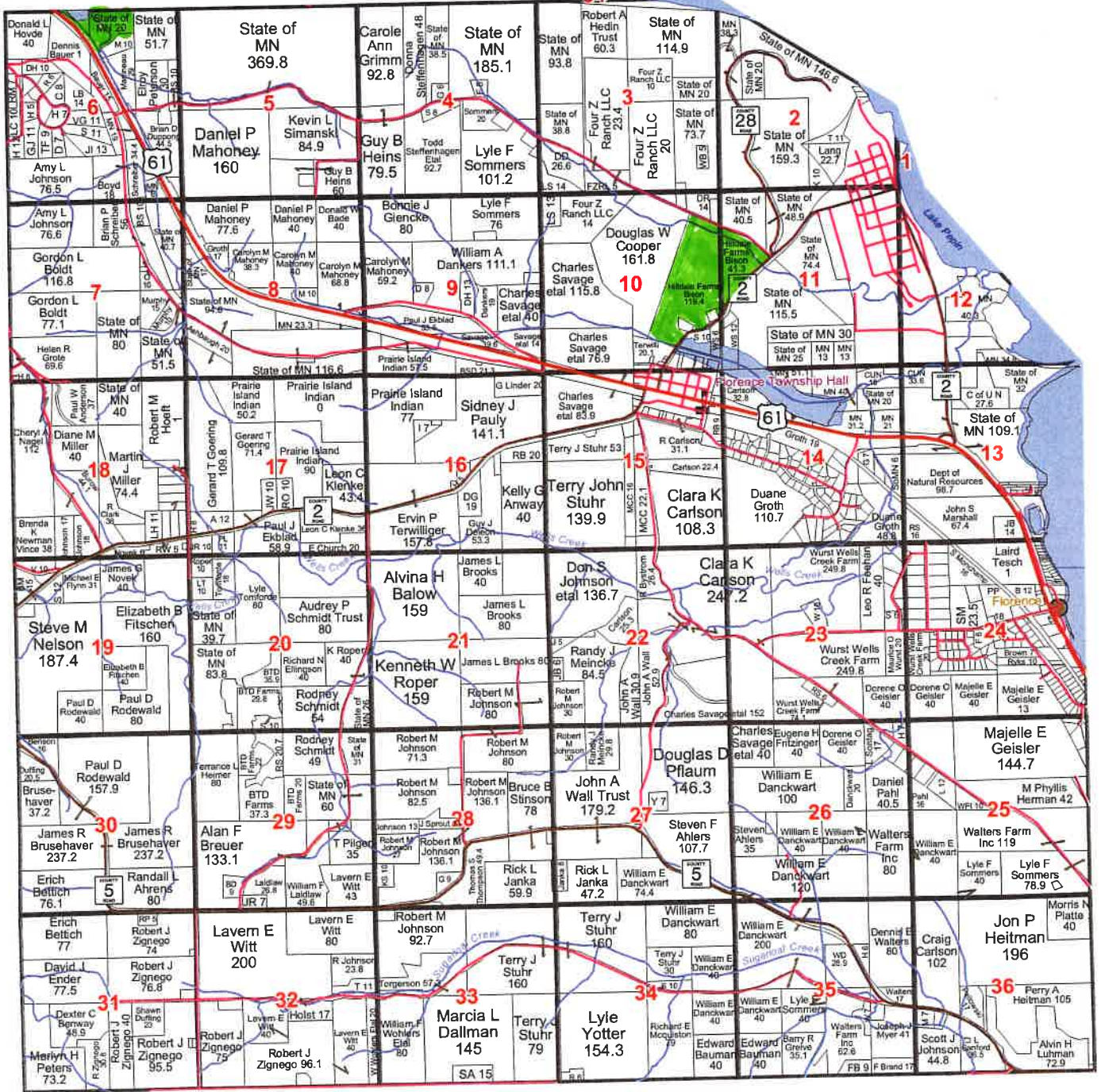
FLORENCE



T.112N.- R.13W.

 - Parcels

See Wacouta Page 52



See Hay Creek Page 40

See Florence (SE) Page 44

County Line

GOODHUE COUNTY DEPARTMENT OF PUBLIC WORKS



Gregory Isakson, P.E.
Public Works Director/County Engineer

2140 Pioneer Road
Red Wing, MN 55066
PHONE 651.385.3025
FAX 651.267.4883
www.co.goodhue.mn.us

HIGHWAYS ♦ PARKS ♦ SOLID WASTE

TO: Honorable County Commissioners
Scott Arneson, County Administrator

FROM: Greg Isakson, Public Works Director

RE: 02 Jan 18 County Board Meeting - CONSENT AGENDA ITEM
Establish the County web site as the official advertisement site

Date: 21 Dec 17

Summary

It is requested that the County Board approve the attached resolution authorizing the use of the county web site as the designated official publication method to disseminate solicitations of bids, requests for information, and requests for proposals for transportation related construction and maintenance projects.

Background

Minnesota Statue 331A.03 Subd. 3(b) allows a county to use its web site as an alternative to disseminate solicitations of bids, requests for information, and requests for proposals. Minnesota Statue 331A.03 Subd. 3(c) further states that during the first six months after the designation of the county web site the county shall publish in the official newspaper a notice indicating where to find the designated alternative method. After the expiration of the six-month period, an alternative means of dissemination satisfies the publication requirements. Information must be in substantially the same format and for the same time period as required under Minnesota Statue 331A.03 Subd. 3(b).

Alternatives

- Approve the resolution as written which authorizes the use of the county web site as our official site to disseminate solicitations of bids, requests for information, and requests for proposals.
- Deny approval of resolution and revert to publishing only in the official newspaper

Recommendations

- It is the recommendation of staff that the County Board approve the resolution as written which authorizes the use of the county web site as our official site to disseminate solicitations of bids, requests for information and requests for proposals.

**BOARD OF COUNTY COMMISSIONERS
GOODHUE COUNTY, MINNESOTA**

Date: 02 Jan 2018

To Use Alternative Method To Disseminate Bids And Requests

WHEREAS, Minn. Statute § 331A.03 Subd. 3(b), allows a county to use its web site or recognized industry trade journals as an alternative to disseminate solicitations of bids, requests for information, and requests for proposals;

NOW THEREFORE, the Goodhue County Board of Commissioners hereby resolves:

BE IT RESOLVED, that from this day forward, the County of Goodhue will use the Goodhue County website, www.co.goodhue.mn.us, as the official means to disseminate solicitations of bids, requests for information, and requests for proposals for transportation related construction and maintenance projects.

BE IT FURTHER RESOLVED, that for the first six (6) months after this designation of an alternative means of dissemination, the county shall continue to publish solicitations of bids, requests for information and request for proposals, in the same official newspaper of the county in addition to the alternative method and that the publication in the official newspaper must indicate where to find the designated alternative method.

BE IT FURTHER RESOLVED, that the county will publish a description of all solicitations or requests, along with the means by which the dissemination occurred, in the minutes of a regular County Board meeting, in accordance with Minn. Statute § 331A.03 Subd. 3(a).

BE IT FURTHER RESOLVED, that any dissemination by alternative means must be in substantially the same format and for the same period of time as a publication would otherwise be required under Minn. Statute § 331A.03 Subd. 3.

State of Minnesota
County of Goodhue

Allen	Yes	___	No	___
Anderson	Yes	___	No	___
Drotos	Yes	___	No	___
Majerus	Yes	___	No	___
Nesett	Yes	___	No	___

I, Scott Arneson, duly appointed, qualified and County Administrator of the County of Goodhue, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Goodhue County, Minnesota at their session held on the 2nd day of January 2018, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Red Wing, Minnesota, this 2nd day of January 2018.

Scott Arneson
County Administrator



For Compliance with Minnesota Statute 160.17 Subd. 2:

STATE OF MINNESOTA)
)ss. **AFFIDAVIT OF PUBLICATION**
COUNTY OF GOODHUE)

Jennifer Ziemer, being first duly sworn on oath states, or affirms, that she is the website administrator for the Goodhue County Highway Department website, or the website administrator’s agent, and has full knowledge of the facts stated below:

- A. The website has complied with all the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. 331A.07, 331A.12, and other applicable laws, as amended.
- B. The printed public notice that is attached was published on the web site beginning on the following date: _____

By _____
Website Administrator or Website Administrator’s Designated Agent

Subscribed and sworn to or affirmed before me
On this ____ day of _____, 20__

Notary Public

A public notice similar to the following should be published each year:

PUBLIC NOTICE

Goodhue County has designated its official website as www.co.goodhue.mn.us. Official publication of bids, requests for information, and requests for proposals will be done on the official website as an alternative means to disseminate solicitations of transportation construction and maintenance projects.

GOODHUE COUNTY DEPARTMENT OF PUBLIC WORKS



Gregory Isakson, P.E.
Public Works Director/County Engineer

HIGHWAYS ♦ PARKS ♦ SOLID WASTE

2140 Pioneer Road
Red Wing, MN 55066
PHONE 651.385.3025
FAX 651.267.4883
www.co.goodhue.mn.us

TO: Honorable County Commissioners
Scott Arneson, County Administrator

FROM: Greg Isakson, Public Works Director

RE: 02 Jan 18 County Board Meeting – **CONSENT AGENDA**
2018 Set Bid Date Authorization

Date: 21 Dec 17

Summary

It is requested that the County Board authorize Public Works to set bid opening dates for the 2018 highway contracts as each project is ready for bidding.

Background

The last several years the County Board authorized the Public Works Department to set bid opening dates for the highway projects as the plans and bid packages became ready for advertisement. This advanced authorization has enabled us to prevent the loss of valuable construction time. Along with this advanced approval process, Public Works will keep the board informed of bid dates as they are set throughout the year.

Recommendation

It is the recommendation of staff that the County Board authorize Public Works to set bid opening dates for the 2018 highway projects as each project is ready to bid and keep the County Board informed of bid dates.



Carolyn Holmsten

Finance Director
Goodhue County Finance & Taxpayer Services

carolyn.holmsten@co.goodhue.mn.us
509 W. Fifth St.
Red Wing, MN 55066
Phone (651) 385-3032
Fax (651) 267-4878

TO: Board of Commissioners

FROM: Carolyn Holmsten, Finance Director

DATE: December 20, 2017

RE: 2018 Mileage Reimbursement

The current vehicle policy adopted by the board reimburses employees when they use their personal car rather than a count provided car at the standard IRS mileage rate. We encourage staff to use county vehicles; however there are times when they do use a personal one.

The rate was \$.535/mile for 2017. The IRS just released the 2018 rate at \$.545/mile.

Approval for using the newly established rate for 2018 is requested.

GOODHUE COUNTY BOARD OF COMMISSIONERS

RONALD ALLEN
1st District
1713 Siewert Street
Red Wing, MN 55066

BRAD ANDERSON
2nd District
10679 375TH St. Way
Cannon Falls, MN 55009

BARNEY NESSETH
3rd District
41595 County 8 Blvd
Zumbrota, MN 55992

JASON MAJERUS
4th District
39111 County 2 Blvd.
Goodhue, MN 55027

PAUL DROTOS
5th District
1825 Twin Bluff Rd
Red Wing, MN 55066

An Equal Opportunity Employer

GOODHUE COUNTY DEPARTMENT OF PUBLIC WORKS



Gregory Isakson, P.E.
Public Works Director/County Engineer

2140 Pioneer Road
Red Wing, MN 55066
PHONE 651.385.3025
FAX 651.267.4883
www.co.goodhue.mn.us

HIGHWAYS ♦ PARKS ♦ SOLID WASTE

TO: Honorable County Commissioners
Scott Arneson, County Administrator

FROM: Greg Isakson, Public Works Director

RE: 02 Jan 18 County Board Meeting – CONSENT AGENDA
MnDOT Agreement No. 1030025
Agency Delegated Contracting Process Agreement

Date: 27 Dec 17

Summary

It is requested that the County Board approve the attached agreement with MnDOT and approve the attached resolution authorizing the County Board Chair and the County Administrator to sign the documents.

Background

The Federal Highway Administration (FHWA) does not transfer Federal Highway funds directly to local governments such as Counties. They have an agreement with the Minnesota Department of Transportation (MnDOT) who then administers the FHWA programs and passes the Federal funds to the local governments. The attached agreement from MnDOT details the process for MnDOT administering the FHWA program. The agreement also details the terms and conditions for the County and the State for the County to access Federal Highway funding. Without this agreement, the County cannot receive Federal Highway funding. A Similar agreement will be sent to the other Counties in the state. This agreement updates Agreement No. 00025 approved by the Board on 15 Nov 11.

Alternatives

- Approve the agreement as presented.
- Request MnDOT to revise the agreement.
- Take no action and lose eligibility to receive Federal Highway funds.

Recommendations

It is the recommendation of staff to approve the attached agreement with MnDOT and approve the resolution that authorizes the Board Chair and the County Administrator to sign the documents.

**BOARD OF COUNTY COMMISSIONERS
GOODHUE COUNTY, MINNESOTA**

Date: 02 Jan 2018

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Goodhue County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the County Board Chair and the County Administrator are hereby authorized and directed for and on behalf of the County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1030025", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

State of Minnesota
County of Goodhue

Allen	Yes	___	No	___
Anderson	Yes	___	No	___
Nesseth	Yes	___	No	___
Majerus	Yes	___	No	___
Drotos	Yes	___	No	___

I, Scott Arneson, duly appointed, qualified and County Administrator of the County of Goodhue, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Goodhue County, Minnesota at their session held on the 2nd day of January 2018, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Red Wing, Minnesota, this 2nd day of January 2018.

Scott Arneson
County Administrator



STATE OF MINNESOTA

AGENCY AGREEMENT

for

FEDERAL PARTICIPATION IN CONSTRUCTION

This agreement is entered into by and between Goodhue County ("Local Government") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT").

RECITALS

1. Pursuant to Minnesota Statutes Section 161.36, the Local Government desires MnDOT to act as the Local Government's agent in accepting federal funds on the Local Government's behalf for the construction, improvement, or enhancement of transportation financed either in whole or in part by Federal Highway Administration ("FHWA") federal funds, hereinafter referred to as the "Project(s)"; and
2. This agreement is intended to cover all federal aid projects initiated by the Local Government and therefore has no specific State Project number associated with it, and
 - 2.1. The Catalog of Federal Domestic Assistance number or CFDA number is 20.205, and
 - 2.2. This agreement supersedes agreement number old (00025)
 - 2.3. This project is for construction not research and development.
 - 2.4. MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

AGREEMENT TERMS

1. Term of Agreement

- 1.1. **Effective Date.** This agreement will be effective on the date the MnDOT obtains all required signatures under Minn. Stat. §16C.05, Subd. 2. Upon the effective date, this agreement will supersede agreement 00025.

2. Local Government's Duties

- 2.1. **Designation.** The Local Government designates MnDOT to act as its agent in accepting federal funds in its behalf made available for the Project(s). Details on the required processes and procedures are available on the State Aid Website
- 2.2. **Staffing.**
 - 2.2.1. The Local Government will furnish and assign a publicly employed licensed engineer, ("Project Engineer"), to be in responsible charge of the Project(s) and to supervise and direct the work to be performed under any construction contract let for the Project(s). In the alternative where the Local Government elects to use a private consultant for construction engineering services, the Local Government will provide a qualified, full-time public employee of the Local Government, to be in responsible charge of the Project(s). The services of the Local Government to be performed hereunder may not be assigned, sublet, or transferred unless the Local Government is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the Local Government from its primary responsibility for performance of the work.

- 2.2.2. During the progress of the work on the Project(s), the Local Government authorizes its Project Engineer to request in writing specific engineering and/or technical services from MnDOT, pursuant to Minnesota Statutes Section 161.39. Such services may be covered by other technical service agreements. If MnDOT furnishes the services requested, and if MnDOT requests reimbursement, then the Local Government will promptly pay MnDOT to reimburse the state trunk highway fund for the full cost and expense of furnishing such services. The costs and expenses will include the current MnDOT labor additives and overhead rates, subject to adjustment based on actual direct costs that have been verified by audit. Provision of such services will not be deemed to make MnDOT a principal or co-principal with respect to the Project(s).
- 2.3. **Pre-letting.** The Local Government will prepare construction contracts in accordance with Minnesota law and applicable Federal laws and regulations.
- 2.3.1. The Local Government will solicit bids after obtaining written notification from MnDOT that the FHWA has authorized the Project(s). Any Project(s) advertised prior to authorization **without permission** will not be eligible for federal reimbursement.
- 2.3.2. The Local Government will prepare the Proposal for Highway Construction for the construction contract, which will include all of the federal-aid provisions supplied by MnDOT.
- 2.3.3. The Local Government will prepare and publish the bid solicitation for the Project(s) as required by state and federal laws. The Local Government will include in the solicitation the required language for federal-aid construction contracts as supplied by MnDOT. The solicitation will state where the proposals, plans, and specifications are available for the inspection of prospective bidders, and where the Local Government will receive the sealed bids.
- 2.3.4. The Local Government may not include other work in the construction contract for the authorized Project(s) without obtaining prior notification from MnDOT that such work is allowed by FHWA. Failure to obtain such notification may result in the loss of some or all of the federal funds for the Project(s). All work included in a federal contract is subject to the same federal requirements as the federal project.
- 2.3.5. The Local Government will prepare and sell the plan and proposal packages and prepare and distribute any addenda, if needed.
- 2.3.6. The Local Government will receive and open bids.
- 2.3.7. After the bids are opened, the Local Government will consider the bids and will award the bid to the lowest responsible bidder, or reject all bids. If the construction contract contains a goal for Disadvantaged Business Enterprises, the Local Government will not award the bid until it has received certification of the Disadvantaged Business Enterprise participation from the MnDOT Office of Civil Rights.
- 2.3.8. The Local Government entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass through entity in accordance with applicable Federal awarding agency policy.
- 2.4. **Contract Administration.**
- 2.4.1. The Local Government will prepare and execute a construction contract with the lowest responsible bidder, hereinafter referred to as the "Contractor," in accordance with the special provisions and the latest edition of MnDOT's Standard Specifications for Construction and all amendments thereto. All contracts between the Local Government and third parties or subcontractors must contain all applicable provisions of this Agreement, including the applicable federal contract clauses, which are identified in Appendix II of 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and as provided in Section 18 of this agreement.

- 2.4.2. The Project(s) will be constructed in accordance with plans, special provisions, and standard specifications of each Project. The standard specifications will be the latest edition of MnDOT Standard Specifications for Highway Construction, and all amendments thereto. The plans, special provisions, and standard specifications will be on file at the Local Government Engineer's Office. The plans, special provisions, and specifications are incorporated into this agreement by reference as though fully set forth herein.
- 2.4.3. The Local Government will furnish the personnel, services, supplies, and equipment necessary to properly supervise, inspect, and document the work for the Project(s). The services of the Local Government to be performed hereunder may not be assigned, sublet, or transferred unless the Local Government is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the Local Government from its primary responsibility for performance of the work.
- 2.4.4. The Local Government will document quantities in accordance with the guidelines set forth in the Construction Section of the Electronic State Aid Manual that were in effect at the time the work was performed.
- 2.4.5. The Local Government will test materials in accordance with the Schedule of Materials Control in effect at the time each Project was let. The Local Government will notify MnDOT when work is in progress on the Project(s) that requires observation by the Independent Assurance Inspector as required by the Independent Assurance Schedule.
- 2.4.6. The Local Government may make changes in the plans or the character of the work, as may be necessary to complete the Project(s), and may enter into Change Order(s) with the Contractor. The Local Government will not be reimbursed for any costs of any work performed under a change order unless MnDOT has notified the Local Government that the subject work is eligible for federal funds and sufficient federal funds are available.
- 2.4.7. The Local Government will request approval from MnDOT for all costs in excess of the amount of federal funds previously approved for the Project(s) prior to incurring such costs. Failure to obtain such approval may result in such costs being disallowed for reimbursement.
- 2.4.8. The Local Government will prepare reports, keep records, and perform work so as to meet federal requirements and to enable MnDOT to collect the federal aid sought by the Local Government. Required reports are listed in the MnDOT State Aid Manual, Delegated Contract Process Checklist, available from MnDOT's authorized representative. The Local Government will retain all records and reports and allow MnDOT or the FHWA access to such records and reports for six years.
- 2.4.9. Upon completion of the Project(s), the Project Engineer will determine whether the work will be accepted.
- 2.5. Limitations.**
- 2.5.1. The Local Government will comply with all applicable Federal, State, and local laws, ordinances, and regulations.
- 2.5.2. Nondiscrimination. It is the policy of the Federal Highway Administration and the State of Minnesota that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. 2000d). Through expansion of the mandate for nondiscrimination in Title VI and through parallel legislation, the proscribed bases of discrimination include race, color, sex, national origin, age, and disability. In addition, the Title VI program has been extended to cover all programs, activities and services of an entity receiving Federal financial

assistance, whether such programs and activities are Federally assisted or not. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in, or is denied the benefits of, the program or activity on the grounds of race, color, national origin, sex, age, or disability. It is the responsibility of the Local Government to carry out the above requirements.

2.5.3. **Utilities.** The Local Government will treat all public, private or cooperatively owned utility facilities which directly or indirectly serve the public and which occupy highway rights of way in conformance with 23 CFR 645 "Utilities" which is incorporated herein by reference.

2.6. **Maintenance.** The Local Government assumes full responsibility for the operation and maintenance of any facility constructed or improved under this Agreement.

3. MnDOT's Duties

3.1. **Acceptance.** MnDOT accepts designation as Agent of the Local Government for the receipt and disbursement of federal funds and will act in accordance herewith.

3.2. Project Activities.

3.2.1. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project(s), and for reimbursement of eligible costs pursuant to the terms of this agreement.

3.2.2. MnDOT will provide to the Local Government copies of the required Federal-aid clauses to be included in the bid solicitation and will provide the required Federal-aid provisions to be included in the Proposal for Highway Construction.

3.2.3. MnDOT will review and certify the DBE participation and notify the Local Government when certification is complete. If certification of DBE participation (or good faith efforts to achieve such participation) cannot be obtained, then Local Government must decide whether to proceed with awarding the contract. Failure to obtain such certification will result in the project becoming ineligible for federal assistance, and the Local Government must make up any shortfall.

3.2.4. MnDOT will provide the required labor postings.

3.3. **Authority.** MnDOT may withhold federal funds, where MnDOT or the FHWA determines that the Project(s) was not completed in compliance with federal requirements.

3.4. **Inspection.** MnDOT, the FHWA, or duly authorized representatives of the state and federal government will have the right to audit, evaluate and monitor the work performed under this agreement. The Local Government will make available all books, records, and documents pertaining to the work hereunder, for a minimum of six years following the closing of the construction contract.

4. Time

4.1. The Local Government must comply with all the time requirements described in this agreement. In the performance of this agreement, time is of the essence

4.2. The period of performance is defined as beginning on the date of federal authorization and ending on the date defined in the federal financial system or federal agreement ("end date"). **No work completed** after the **end date** will be eligible for federal funding. Local Government must submit all contract close out paperwork to MnDOT, twenty four months prior to the **end date**.

5. Payment

5.1. **Cost.** The entire cost of the Project(s) is to be paid from federal funds made available by the FHWA and by other funds provided by the Local Government. The Local Government will pay any part of the cost or

expense of the Project(s) that is not paid by federal funds. MnDOT will receive the federal funds to be paid by the FHWA for the Project(s), pursuant to Minnesota Statutes § 161.36, Subdivision 2. MnDOT will reimburse the Local Government, from said federal funds made available to each Project, for each partial payment request, subject to the availability and limits of those funds.

- 5.2. **Indirect Cost Rate Proposal/Cost Allocation Plan.** If the Local Government seeks reimbursement for indirect costs and has submitted to MnDOT an indirect cost rate proposal or a cost allocation plan, the rate proposed will be used on a provisional basis. At any time during the period of performance or the final audit of a project, MnDOT may audit and adjust the indirect cost rate according to the cost principles in 2 CFR Part 200. MnDOT may adjust associated reimbursements accordingly.
- 5.3. **Reimbursement.** The Local Government will prepare partial estimates in accordance with the terms of the construction contract for the Project(s). The Project Engineer will certify each partial estimate. Following certification of the partial estimate, the Local Government will make partial payments to the Contractor in accordance with the terms of the construction contract for the Project(s).
- 5.3.1. Following certification of the partial estimate, the Local Government may request reimbursement for costs eligible for federal funds. The Local Government's request will be made to MnDOT and will include a copy of the certified partial estimate.
- 5.3.2. Upon completion of the Project(s), the Local Government will prepare a final estimate in accordance with the terms of the construction contract for the Project(s). The Project Engineer will certify the final estimate. Following certification of the final estimate, the Local Government will make the final payment to the Contractor in accordance with the terms of the construction contract for the Project(s).
- 5.3.3. Following certification of the final estimate, the Local Government may request reimbursement for costs eligible for federal funds. The Local Government's request will be made to MnDOT and will include a copy of the certified final estimate along with the required records.
- 5.3.4. Upon completion of the Project(s), MnDOT will perform a final inspection and verify the federal and state eligibility of all the payment requests. If the Project is found to have been completed in accordance with the plans and specifications, MnDOT will promptly release any remaining federal funds due the Local Government for the Project(s). If MnDOT finds that the Local Government has been overpaid, the Local Government must promptly return any excess funds.
- 5.3.5. In the event MnDOT does not obtain funding from the Minnesota Legislature or other funding source, or funding cannot be continued at a sufficient level to allow for the processing of the federal aid reimbursement requests, the Local Government may continue the work with local funds only, until such time as MnDOT is able to process the federal aid reimbursement requests.
- 5.4. **Matching Funds.** Any cost sharing or matching funds required of the Local Government in this agreement must comply with 2 CFR 200.306.
- 5.5. **Federal Funds.** Payments under this Agreement will be made from federal funds. The Local Government is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for any requirements including, but not limited to, 2 CFR Part 200 imposed by the Local Government's failure to comply with federal requirements. If, for any reason, the federal government fails to pay part of the cost or expense incurred by the Local Government, or in the event the total amount of federal funds is not available, the Local Government will be responsible for any and all costs or expenses incurred under this Agreement. The Local Government further agrees to pay any and all lawful claims arising out of or incidental to the performance of the work covered by this Agreement in the event the federal government does not pay the same.

5.6. **Closeout.** The Local Government must liquidate all obligations incurred under this Agreement for each project and submit all financial, performance, and other reports as required by the terms of this Agreement and the Federal award, twenty four months prior to the **end date** of the period of performance for each project. MnDOT will determine, at its sole discretion, whether a closeout audit is required prior to final payment approval. If a closeout audit is required, final payment will be held until the audit has been completed. Monitoring of any capital assets acquired with funds will continue following project closeout.

6. **Conditions of Payment.** All services provided by Local Government under this agreement must be performed to MnDOT's satisfaction, as determined at the sole discretion of MnDOT's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Local Government will not receive payment for work found by MnDOT to be unsatisfactory or performed in violation of federal, state, or local law.

7. **Authorized Representatives**

7.1. MnDOT's Authorized Representative is:

Name: Mitchell Rasmussen, or his successor.

Title: State Aid Engineer

Phone: 651-366-4831

Email: Mitch.rasmussen@state.mn.us

MnDOT's Authorized Representative has the responsibility to monitor Local Government's performance and the authority to accept the services provided under this agreement. If the services are satisfactory, MnDOT's Authorized Representative will certify acceptance on each invoice submitted for payment.

7.2. The Local Government's Authorized Representative is:

Name: Gregory Isakson or his/her successor.

Title: Goodhue County Engineer

Phone: 651-385-3025

Email: greg.isakson@co.goodhue.mn.us

If the Local Government's Authorized Representative changes at any time during this agreement, the Local Government will immediately notify MnDOT.

8. **Assignment Amendments, Waiver, and Agreement Complete**

8.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.

8.2. **Amendments.** Any amendments to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

8.3. **Waiver.** If MnDOT fails to enforce any provision of this agreement, that failure does not waive the provision or MnDOT's right to subsequently enforce it.

8.4. **Agreement Complete.** This agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

- 8.5. **Severability.** If any provision of this Agreement or the application thereof is found invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.

9. Liability and Claims

- 9.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- 9.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The Local Government will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any *ultra vires* acts. The Local Government will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project(s), including reasonable attorney fees incurred by MnDOT. The Local Government's indemnification obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.

10. Audits

- 10.1. Under Minn. Stat. § 16C.05, Subd.5, the Local Government's books, records, documents, and accounting procedures and practices of the Local Government, or other party relevant to this agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.
- 10.2. All requests for reimbursement are subject to audit, at MnDOT's discretion. The cost principles outlined in 2 CFR 200.400-.475 will be used to determine whether costs are eligible for reimbursement under this agreement.
- 10.3. If Local Government expends \$750,000 or more in Federal Funds during the Local Government's fiscal year, the Local Government must have a single audit or program specific audit conducted in accordance with 2 CFR Part 200.

11. **Government Data Practices.** The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, [Minn. Stat. Ch. 13](#), as it applies to all data provided by MnDOT under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this agreement. The civil remedies of [Minn. Stat. §13.08](#) apply to the release of the data referred to in this clause by either the Local Government or MnDOT.

12. **Workers Compensation.** The Local Government certifies that it is in compliance with [Minn. Stat. §176.181](#), Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MnDOT's obligation or responsibility.

13. **Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this agreement. Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14. Termination; Suspension

- 14.1. **Termination by MnDOT.** MnDOT may terminate this agreement with or without cause, upon 30 days written notice to the Local Government. Upon termination, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 14.2. **Termination for Cause.** MnDOT may immediately terminate this agreement if MnDOT finds that there has been a failure to comply with the provisions of this agreement, that reasonable progress has not been made, that fraudulent or wasteful activity has occurred, that the Local Government has been convicted of a criminal offense relating to a state agreement, or that the purposes for which the funds were granted have not been or will not be fulfilled. MnDOT may take action to protect the interests of MnDOT of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.
- 14.3. **Termination for Insufficient Funding.** MnDOT may immediately terminate this agreement if:
- 14.3.1. It does not obtain funding from the Minnesota Legislature; or
- 14.3.2. If funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Local Government. MnDOT is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. MnDOT will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. MnDOT will provide the Local Government notice of the lack of funding within a reasonable time of MnDOT's receiving that notice.
- 14.4. **Suspension.** MnDOT may immediately suspend this agreement in the event of a total or partial government shutdown due to the failure to have an approved budget by the legal deadline. Work performed by the Local Government during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.
15. **Data Disclosure.** Under [Minn. Stat. § 270C.65](#), Subd. 3, and other applicable law, the Local Government consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
16. **Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this Project.
17. **Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or

intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.

- 18. Appendix II 2 CFR Part 200 Federal Contract Clauses.** The Local Government agrees to comply with the following federal requirements as identified in 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and agrees to pass through these requirements to its subcontractors and third party contractors, as applicable. In addition, the Local Government shall have the same meaning as “Contractor” in the federal requirements listed below.
- 18.1. Remedies.** Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- 18.2. Termination.** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- 18.3. Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- 18.4. Davis-Bacon Act, as amended.** (40 U.S.C. 3141-3148) When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- 18.5. Contract Work Hours and Safety Standards Act.** (40 U.S.C. 3701-3708) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for

compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- 18.6. **Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- 18.7. **Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended.** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued under the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 18.8. **Debarment and Suspension.** (Executive Orders 12549 and 12689) A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 18.9. **Byrd Anti-Lobbying Amendment.** (31 U.S.C. 1352) Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 18.10. **Procurement of Recovered Materials.** See 2 CFR 200.322 Procurement of Recovered Materials.
- 18.11. **Drug-Free Workplace.** In accordance with 2 C.F.R. § 32.400, the Local Government will comply with the Drug-Free Workplace requirements under subpart B of 49 C.F.R. Part 32.
- 18.12. **Nondiscrimination.** The Local Government hereby agrees that, as a condition of receiving any Federal financial assistance under this agreement, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d), related nondiscrimination statutes (i.e., 23 U.S.C. § 324, Section 504 of the Rehabilitation Act of 1973 as amended, and the Age Discrimination Act of 1975), and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap, or age be excluded from participation in, be denied the benefits of, or otherwise be

subjected to discrimination under any program or activity for which the Local Government receives Federal financial assistance. The specific requirements of the Department of Transportation Civil Rights assurances (required by 49 C.F.R. §§ 21.7 and 27.9) are incorporated in the agreement.

18.13. Federal Funding Accountability and Transparency Act (FFATA).

18.13.1. This Agreement requires the Local Government to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The Local Government is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the Local Government provides information to the MnDOT as required.

- a. Reporting of Total Compensation of the Local Government's Executives.
- b. The Local Government shall report the names and total compensation of each of its five most highly compensated executives for the Local Government's preceding completed fiscal year, if in the Local Government's preceding fiscal year it received:
 - i. 80 percent or more of the Local Government's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

Executive means officers, managing partners, or any other employees in management positions.

- c. Total compensation means the cash and noncash dollar value earned by the executive during the Local Government's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax qualified.

- 18.13.2. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.
- 18.13.3. The Local Government must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.
- 18.13.4. The Local Government will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>
- 18.13.5. The Local Government's failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be obligated to pay any outstanding invoice received from the Local Government unless and until the Local Government is in full compliance with the above requirements.

[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK.]

Goodhue County

Local Government certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable articles, bylaws, resolutions or ordinances

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

Regular Board

December, 2017

To: The Honorable Goodhue County Commissioners

From: Paul Korkowski, Chairman of the Cannon Valley Trail Joint Powers Board
Scott Roepke, Trail Manager of the Cannon Valley Trail

Re: Cannon Valley Trail (CVT) is requesting a **revised** resolution be approved by the Goodhue County Board of Commissioners to fulfill requirements of a Minnesota Department of Natural Resources – Federal Recreational Trail Equipment Grant application – CVT Maintenance Equipment.

REPORT SUMMARY

The Cannon Valley Trail Joint Powers Board is requesting that the Goodhue County Board of Commissioners pass a **revised** resolution to be the sponsoring unit of government for the Federal Recreational Trail grant application. The Cannon Valley Trail is applying for grant dollars to purchase maintenance equipment to provide a safe trail. Grant approval does require a local match for the project and the CVT plans to match the 25% of the total grant project cost. The Cannon Valley Trail has allocated funds to cover up to a 25% local match.

In February 2017, Goodhue County Board of Commissioners passed a resolution for the above mentioned Federal Recreational Trail grant application prepared by the Cannon Valley Trail. The resolution that was approved in February 2017 named the Cannon Valley Trail as the ‘fiscal agent’. The Cannon Valley Trail has learned the grant requires the ‘fiscal agent’ to be a local unit of government. The revised resolution names Goodhue County as the ‘fiscal agent’.

BACK GROUND

Goodhue County has been the sponsoring unit of government in past grant applications that have been submitted by the Cannon Valley Trail. In order to apply for and receive a Federal Recreational Trail grant, a local unit of government must sponsor the grant application.

ALTERNATIVE SOLUTIONS/IMPACT

Requested Action: The Cannon Valley Trail Joint Powers Board requests that the Goodhue County Board of Commissioners pass a resolution to be the local unit of government sponsor for the Federal Recreational Trail grant.

RECOMMENDATION

The Cannon Valley Trail Joint Powers Board is requesting that Goodhue County pass a resolution to be the local unit of government sponsor for the Federal Recreational Trail Grant Program. **Please see draft resolution attached.**

RESOLUTION

WHEREAS, Goodhue County supports the grant application made to the Minnesota Department of Natural Resources for the Federal Recreational Trail Program. The application is to purchase needed maintenance equipment which will be called the 'Cannon Valley Trail Safety and Maintenance Equipment', and

WHEREAS, the Cannon Valley Trail recognizes that it has secured \$2,425 in local cash matching funds and in-kind-services for this project and must provide a twenty-five percent (25%) cash match

NOW, THEREFORE, BE IT RESOLVED, if Goodhue County is awarded a grant by the Minnesota Department of Natural resources, Goodhue County agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. Goodhue County will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED, Goodhue County will act as the fiscal agent for this project:

Scott Arneson
Goodhue County - Administrator
509 West 5th Street
Red Wing, MN 55066

BE IT FURTHER RESOLVED, Goodhue County hereby assures the Cannon Valley Trail Safety and Maintenance Equipment will be maintained for a period of no less than 20 years.

PASSED AND ADOPTED BY THE GOODHUE COUNTY BOARD OF COMMISSIONERS
THIS ____ DAY OF _____, 2017.

CHAIRMAN OF THE GOODHUE COUNTY BOARD OF COMMISSIONERS

ATTEST:

SCOTT ARNESON – GOODHUE COUNTY ADMINISTRATOR

**BOARD OF COUNTY COMMISSIONERS
GOODHUE COUNTY, MINNESOTA**

February 21, 2017

Moved by C/Nesseth, seconded by C/Allen, and carried to approve the following resolution on the consent agenda:

WHEREAS, Goodhue County supports the grant application made to the Minnesota Department of Natural Resources for the Federal Recreational Trail Program. The application is to purchase needed maintenance equipment which will be called the 'Cannon Valley Trail Safety and Maintenance Equipment', and

WHEREAS, the Cannon Valley Trail recognizes that it has secured \$2,425 in local cash matching funds and in-kind-services for this project and must provide a twenty-five percent (25%) cash match

NOW, THEREFORE, BE IT RESOLVED, if Goodhue County is awarded a grant by the Minnesota Department of Natural resources, Goodhue County agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. Goodhue County will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED, Goodhue County names the fiscal agent for Goodhue County for this project as:

Scott Roepke
Trail Manager
Cannon Valley Trail
825 Cannon River Ave.
Cannon Falls, MN 55009

BE IT FURTHER RESOLVED, Goodhue County hereby assures the Cannon Valley Trail Safety and Maintenance Equipment will be maintained for a period of no less than 20 years.

State of Minnesota
County of Goodhue

Majerus	Yes	<u>X</u>	No	___
Allen	Yes	<u>X</u>	No	___
Drotos	Yes	<u>X</u>	No	___
Nesseth	Yes	<u>X</u>	No	___
Anderson	Yes	<u>X</u>	No	___

I, Scott O. Arneson, duly appointed, County Administrator of the County of Goodhue, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Goodhue County, Minnesota at their session held on the 21st day of February, 2017, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Red Wing, Minnesota, this 21st day of February, 2017.



Scott O. Arneson
County Administrator



GOODHUE COUNTY

APPLICATION FOR TUITION REIMBURSEMENT

(completed by employee)

This application must be filed with your Department Head prior to the start of the class.

Name

Address

City State Zip Code

Department

Job Title Course Title

School Course begins ends

Tuition Cost \$

Explain nature or content of course:

This is a graduate level social work course working toward my masters degree. Advanced Generalist Practice with Communities equips students with theoretical frameworks and models for community and policy practice, and prepares students to be effective change agents and leaders in community contexts. Students develop a deeper social and economic development orientation, and gain a greater understanding of the changing socio-political contexts of practice, including globalization and the human rights movement.

This application is submitted for approval of tuition reimbursement for the above in accordance with the provisions and conditions of the Tuition Reimbursement Policy. My enrollment in this course is voluntary and I understand that my time spent taking the course will not be considered as time worked for Goodhue County. I understand the required vesting period as stated in the Tuition Reimbursement Policy and elect to reimburse the County if the vesting period requirement is not met.

Employee Signature: *Katie Tang*

DEPARTMENT HEAD/SUPERVISOR APPROVAL

I believe this course Will Will not benefit this employee in his/her present capacity.

Department Head Signature: *[Signature]* Date

NOTICE OF COMPLETION AND APPLICATION FOR REFUND

The employee named on this application has satisfactorily completed the course described in this application. The completed records of completion and the receipt of payment are attached.

Please refund employee \$ in accordance with the provisions of the Tuition Reimbursement Program.

Department of Human Resources Signature: _____ Date



Print Form

GOODHUE COUNTY

APPLICATION FOR TUITION REIMBURSEMENT

(completed by employee)

This application must be filed with your Department Head prior to the start of the class.

Name

Address

City State Zip Code

Department

Job Title Course Title

School Course begins ends

Tuition Cost \$

Explain nature or content of course:

This is a graduate level social work course working toward my masters degree. Advanced Generalist Practice with Organizations develops practice behaviors related to organizational leadership, managing various organizational systems, and developing an integrated practice approach for the purpose of promoting effective service delivery.

This application is submitted for approval of tuition reimbursement for the above in accordance with the provisions and conditions of the Tuition Reimbursement Policy. My enrollment in this course is voluntary and I understand that my time spent taking the course will not be considered as time worked for Goodhue County. I understand the required vesting period as stated in the Tuition Reimbursement Policy and elect to reimburse the County if the vesting period requirement is not met.

Employee Signature: *Katie Tang*

DEPARTMENT HEAD/SUPERVISOR APPROVAL

I believe this course Will Will not benefit this employee in his/her present capacity.

Department Head Signature: *[Signature]* Date

NOTICE OF COMPLETION AND APPLICATION FOR REFUND

The employee named on this application has satisfactorily completed the course described in this application. The completed records of completion and the receipt of payment are attached.

Please refund employee \$ in accordance with the provisions of the Tuition Reimbursement Program.

Department of Human Resources Signature: _____ Date



GOODHUE COUNTY APPLICATION FOR TUITION REIMBURSEMENT

(completed by employee)

This application must be filed with your Department Head prior to the start of the class.

Name

Address

City State Zip Code

Department

Job Title Course Title

School Course begins ends

Tuition Cost \$

Explain nature or content of course:

This is a graduate level social work course working toward my masters degree. Clinical Diagnosis focuses on individual client practice and instruction on the use of the DSM 5 to diagnose.

This application is submitted for approval of tuition reimbursement for the above in accordance with the provisions and conditions of the Tuition Reimbursement Policy. My enrollment in this course is voluntary and I understand that my time spent taking the course will not be considered as time worked for Goodhue County. I understand the required vesting period as stated in the Tuition Reimbursement Policy and elect to reimburse the County if the vesting period requirement is not met.

Employee Signature: *Katie Tang, LSW*

DEPARTMENT HEAD/SUPERVISOR APPROVAL

I believe this course Will Will not benefit this employee in his/her present capacity.

Department Head Signature: *[Signature]* Date

NOTICE OF COMPLETION AND APPLICATION FOR REFUND

The employee named on this application has satisfactorily completed the course described in this application. The completed records of completion and the receipt of payment are attached.

Please refund employee \$ in accordance with the provisions of the Tuition Reimbursement Program.

Department of Human Resources Signature: _____ Date



Print Form

GOODHUE COUNTY

APPLICATION FOR TUITION REIMBURSEMENT

(completed by employee)

This application must be filed with your Department Head prior to the start of the class.

Name

Address

City State Zip Code

Department

Job Title Course Title

School Course begins ends

Tuition Cost \$

Explain nature or content of course:

This application is submitted for approval of tuition reimbursement for the above in accordance with the provisions and conditions of the Tuition Reimbursement Policy. My enrollment in this course is voluntary and I understand that my time spent taking the course will not be considered as time worked for Goodhue County. I understand the required vesting period as stated in the Tuition Reimbursement Policy and elect to reimburse the County if the vesting period requirement is not met.

Employee Signature: *Joshua Kurtti*

DEPARTMENT HEAD/SUPERVISOR APPROVAL

I believe this course Will Will not benefit this employee in his/her present capacity.

Department Head Signature: *Scott T. McFarlin* Date

NOTICE OF COMPLETION AND APPLICATION FOR REFUND

The employee named on this application has satisfactorily completed the course described in this application. The completed records of completion and the receipt of payment are attached.

Please refund employee \$ in accordance with the provisions of the Tuition Reimbursement Program.

Department of Human Resources Signature: Date



Melissa Cushing
Goodhue County Human Resource Director
Goodhue County

Melissa.cushing@co.goodhue.mn.us
509 W. Fifth St.
Red Wing, MN 55066
Office (651) 385.3031
Fax -- (651) 267.4872

TO: Goodhue County Commissioners
FROM: Melissa Cushing, Human Resource Director
DATE: January 2, 2018
RE: Personnel Policy Updates

Attached are the most recent personnel policy updates as listed below. The policies were updated by the Personnel Policy Committee, the Management Team and the Labor/Management Committee. When reviewing each policy, the new language is highlighted in yellow and the old language is crossed out. The policies are in front of the Board for final approval.

2017 Personnel Policy Updates –

- Dress Code
- Employee Recognition
- Family Medical Leave Act
- Funeral Leave
- Definitions – Immediate Family
- ID Badges
- Minnesota Parenting Leave
- Post Accident (Located in the 8.5 Employee Drug and Alcohol policy)
- Definitions - Probationary Period
- School Conference and Activity Leave
- Serious Illness
- Notice of Intent to Collect Private Data From Employees
- Sick Leave Conversation Program
- Workers' Compensation
- Voting

11.2 DRESS CODE

Goodhue County requires all employees to maintain appropriate and professional dress and appearance. It is expected that all County employees will maintain appropriate and professional standards of dress. An employee's position and the requirements of contact with the public should guide the employee on appropriate appearance.

Employees should consult with their supervisors on individual department expectations. Failure to comply with department expectations may be subject to disciplinary actions.

6.6 EMPLOYEE RECOGNITION

In an effort to maintain and recognize quality staff, the County is implementing a recognition program. The County Employees Committee coordinates the employee recognition program and sponsors semi-annual award ceremonies. Minimal County resources are utilized by the Employees Committee for a recognition luncheon.

Pursuant to the schedule adopted by the County Board, employees shall be presented service awards for ten years and at 5 year intervals thereafter. Employees will receive an award based on the following schedule:

10 years	\$75.00
15 years	\$100.00
20 years	\$125.00
25 years	\$150.00
30 years	\$175.00
35 years	\$200.00
40 years	\$200.00

~~Public Health Service employees hired prior to the effective date of this policy will still be eligible for a \$60 5-year service award according to the prior Goodhue County Public Health policy #1800.00.~~

Employees may be awarded letters or certificates for outstanding service. Department heads are encouraged to write letters of commendation to employees whose performance is clearly outstanding, and to have a copy placed in the employee's personnel file.

From time to time, employees give recognition to their co-workers at their own expense through Sunshine Committees. For further information regarding the respective Sunshine Committees, contact the respective Department Head.

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The Sheriff's department has an employee recognition program. For further details, refer to the Goodhue County Sheriff's Office Policy and Procedure Manual.

Gift certificates and cash equivalents will be awarded subject to applicable tax withholding.

7.8 FAMILY MEDICAL LEAVE ACT

Definitions

Eligible Employee – An employee who has: (1) been employed by Goodhue County for at least 12 months; and (2) worked at least 1,250 hours in the 12 months immediately preceding the start date of the requested family and medical leave.

For the purposes of FMLA, hours worked include regular hours worked, overtime, compensatory time earned and hours the employee would have worked if not on military leave. Hours paid but not worked are not included in the 1,250 hour calculation. Hours paid, but not worked includes vacation, sick leave time, worker's compensation time, holiday hours and compensatory leave time taken.

Family and/or Medical Leave of Absence - An approved absence available to eligible employees for up to twelve weeks of leave in any eligible 12-month period (measured **forward backward** from the first date leave is used) under certain circumstances that are critical to the employee's health or the health of the employee's family.

Family Care Leave - A leave for reason of (a) the birth of a child of the employee; (b) the placement of a child with an employee in connection with the adoption or (state-approved) foster care of the child by the employee; or (c) the serious health condition of a child, parent, or spouse. An employee entitlement to a leave for a birth or placement of a child shall expire at the end of the 12-month period beginning on the date of such birth or placement.

Parental Leave – see article 7.9 Minnesota Parenting Leave

FMLA Eligible Family Members:

Child - A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult "son or daughter" under the FMLA.

In order for a parent to take FMLA leave for a child who is 18 or over, the son or daughter must:

- *Have a disability as defined by the Americans with Disabilities Act (ADA) at the time the leave is to commence*
- *Be incapable of self-care because of the disability*
- *Have a serious health condition, and*
- *Need care because of the serious health condition*

Parent - A biological, foster, adoptive parent or stepparent, or any other individual who stood in loco parentis to the employee when the employee was a child as defined above. This term does not include a parent-in-law.

Spouse - Husband or wife as defined or recognized under state law for purposes of marriage.

Serious Health Condition - An illness, injury, impairment or physical or mental condition that involves inpatient care as defined in Section 825.114 of the federal FMLA regulations or continuing treatment by a health care provider as defined in Section 825.115 of the federal FMLA regulations.

Qualifying Exigency Leave - Leave arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

Military Caregiver Leave - An eligible employee who is the spouse, son, daughter, parent or next-of-kin of a covered servicemember with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to provide care for the servicemember. For a current servicemember, a serious injury or illness is one that may render the servicemember medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

Covered Servicemember - is a current servicemember or a veteran.

Current Servicemember - A covered servicemember means a current member of the Armed Forces, including a member of the U.S. National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Veteran - a covered servicemember means a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who was discharged within the previous five years before the employee takes military caregiver leave to care for the veteran.

Next-of-Kin - this is the servicemember's nearest blood relative, other than the servicemember's spouse, parent, son, or daughter, in the following order of priority:

1. One designated blood relative (in writing)
2. All blood relatives with legal custody
3. All brothers and sisters
4. All grandparents
5. All aunts and uncles
6. All first cousins

Medical Care Leave - A leave taken when the employee is unable to perform the functions of the employee's job because of a serious health condition, and the leave is supported by a health care provider's statement.

Health Care Provider:

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices.

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- Others capable of providing health care services, as determined by the Secretary of Labor, include only:
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in the state.
- Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under state law.
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts.
- Any health care provider from whom the employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
- A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

Substitution of Other Paid Leave

An eligible employee must use vacation, compensatory time or sick leave, with the exception of 7 days, as part of the 12 weeks of leave to which the employee may be entitled under this policy. An employee who is receiving temporary disability benefits, such as workers' compensation weekly wage loss benefits, is not required to use vacation, compensatory time or sick leave, but may choose to do so. However, the county will not provide paid leave in any situation that it does not normally provide such leave for the purpose requested.

When Spouses Work for the County

Spouses who both work for the County are entitled to a combined total of 12 weeks leave in a 12 month period care for a parent with a serious health condition. Both parents are entitled to take 12 workweeks of leave to care for a seriously ill child. *For leave due to birth or adoption, see Article 7.9 Minnesota Parenting Leave.*

Eligibility

To be eligible for leave, an employee must have worked for the county for at least twelve months in total, and must have worked at least 1,250 regular pay hours (excluding overtime, compensatory time, and other premium pay) during the twelve-month period immediately prior to the request for leave. A twelve-month period is determined by the date of hire.

Worker's Compensation

For eligible employees, FMLA will run concurrent with a worker's compensation injury.

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Employment Restoration

As a general rule, any eligible employee who takes a leave for a purpose authorized by this policy is entitled upon return from such leave to be restored to the same position of employment as held when the leave began, or to be restored to an equivalent position with equivalent employment benefits, pay, and working conditions.

An exception to the employment restoration provisions of this policy may be made if the employee on leave is a salaried employee and is among the highest paid ten percent of the county's employees, and restoring employment of the employee would result in substantial and grievous economic injury to the operations of the county. In this situation the employee will be notified of the county's intent to deny restoration and the employee will be given an opportunity to return to work. Other exceptions provided by law may apply.

~~A health care provider's release may be required if the employee is returning from a medical leave of three or more days.~~

In the event of a layoff during the employee's leave, the employee shall be treated as a regular employee of record during the leave and shall be afforded all of the rights as governed by the appropriate bargaining agreement or County personnel policy governing matters involved with a layoff.

Basic Conditions of Leave

- The county will require medical certification from a health care provider to support a request for leave for an employee's own serious health condition, or to care for a seriously ill child, spouse, or parent.
- At its discretion, the county may require a second medical opinion at its own expense and periodic recertification at the employee's expense. If the first and second medical opinions differ, the county, at its own expense, may require the opinion of a third health care provider. If the employee unreasonably, in the opinion of the county, refuses to agree on a third health care provider, the county may designate the provider. This third opinion is binding on the county and the employee for purposes of this policy.
- If medically necessary for a serious health condition or chronic illness of the employee or the employee's spouse, child, or parent, leave may be taken on an intermittent or reduced work schedule. If leave is required on this basis, however, the county may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided the position has equivalent hourly pay and benefits.

Notification and Reporting Requirements

When the need for leave can be planned, such as the birth or placement of a child, or scheduled medical treatment, the employee must provide 30 days prior notice, and make efforts to schedule the leave to minimize disruption to county and/or departmental operations. In cases of illness, the employee may be required to report bi-weekly on leave status and intention to return to work.

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If the need for the leave was not foreseeable, the employee must provide certification within 15 days of the request for leave or as soon as reasonably possible under the circumstances. In this case, the county will require the use of Family and Medical Leave **other** paid leave until proper documentation is received and Human Resource determines eligibility for leave status under this Policy. **A separate medical certification will be requested for each serious health condition where leave is requested.**

If the Family Medical Leave of Absence is not approved, refer to the Personal Leave without Pay policy for information on how the 15 days will be treated and the procedure for requesting additional time off.

If the employee has documented time off for a Family Medical Leave of Absence qualifying event prior to the formal request **designation**, the county will include, wherever appropriate, the previous time taken as part of the 12 weeks available through this policy.

Recertification

An employee may be asked to re-certify a serious health condition every 6 months or every 30 days (if the employee is absent during that period) for chronic/ long-term illness that extends beyond the anticipated timeframe or pregnancy. A re-certification may be requested in less than 30 days if:

- **The employee asks for extension of leave;**
- **Circumstances have changed; or**
- **The County has doubts about the employees FMLA status (e.g. Monday/ Friday absence)**

Employees will be required to have annual medical certifications for their own serious health conditions lasting more than one year, including chronic/ lifelong ailments. A separate certification will be required for each serious health condition.

Status of Employee Benefits During Leave of Absence

Employees who are granted an approved leave of absence under this policy may continue their health insurance coverage by arranging to pay their portion of the premium contributions during the period of unpaid absence. Other insurance will continue to be in force only if employees pay the full amount of the premium during the leave.

If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the county may recover from the employee the cost of any premiums paid to maintain the employee's coverage.

Sick leave, vacation and paid time off leave accruals will not accumulate during any unpaid leave of absence; accrued amounts of leave shall remain on the record at the inception of the leave of absence and shall continue upon the return of the employee. **Employees on FMLA are eligible for holiday pay only if they are on a paid leave at the time the holiday is observed.**

For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week,

the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

Cancellation of Leave of Absence

The county may cancel a leave of absence at any time the employee utilizes the leave for purposes other than stated when the leave was granted. An employee may cancel an approved leave of absence and return to work with the approval of the department head. If the leave was for a serious health condition of the employee, the employee may return to work upon written approval of the treating health care provider.

Procedures

Employee Requests Leave

- The employee must complete the request for Family and Medical Leave of Absence Form, sign it, and submit to the department head or supervisor. If possible, the form should be submitted thirty (30) days in advance of the effective date of the leave.
- The department head or supervisor shall sign and submit the request form to the Human Resources Department for determination of initial eligibility.
- A Human Resources Department representative will contact the employee for submission of additional required documentation and inform the employee of appropriate procedures under this policy.
- The Human Resources Department will communicate with the employee's department head or supervisor regarding the status of the employee requesting this leave.
- When appropriate, the Human Resources Department will notify the employee regarding continuation of related benefit payments.

County Designates Leave

- Where the county has constructive knowledge of a Family Medical Leave triggering event as defined by the Federal Family and Medical Leave Act, Human Resources will place the individual on a Family and Medical Leave of Absence and notify the department head or supervisor of this action.
- A Human Resources Department representative will contact the employee for submission of additional required documentation and inform the employee of appropriate procedures under this policy.
- Human Resources will issue a formal designation which will include
 - a. The amount of estimated time the employee will be absent from work
 - b. The requirement to use paid leave time

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c. A requirement for the treating physician's release to return to work

- The Human Resources Department will communicate with the employee's department head or supervisor regarding the status of the employee on leave.
- When appropriate, the Human Resources Department will notify the employee regarding continuation of related benefit payments.

It is the policy of the county not to discharge or discriminate against any employee exercising their rights under the federal Family and Medical Leave Act or applicable state statutes. If you think you have been treated in violation of this policy or the law, please contact the Human Resources Director or US Secretary of Labor.

7.11 FUNERAL LEAVE

An employee may be allowed up to three working days or 24 hours, whichever is less, per year, with pay, as funeral leave. This time is not to be deducted from sick leave or vacation time for death in the immediate family as defined.

Employees will be granted up to a maximum of eight hours per year of sick leave for the purpose of service as a pallbearer, lector, or server, for persons other than immediate family, based on the approval of the Department Head or County Administrator

If additional funeral leave time is requested, a maximum of two days sick leave may be taken. If more time is needed, vacation, sick or compensatory time ~~must~~ may be taken based on the approval of the Department Head or County Administrator.

8.1 ID BADGES

Identification (ID) badges are issued to every employee. They are intended to be worn prominently to provide a means of identification to other employees and the public. These badges are to be worn at all times while working at the county. ID badges can be obtained from the IT Dept. For security reasons, some ID badges may list only the employee's first name. Under certain circumstances, employees may wear uniforms or safety vests bearing the County logo in lieu of an ID badge with Department Head approval.

1.7 Definitions

Immediate Family

Immediate family is defined as parents, spouse or children of the employee, the employee's siblings, parents-in-law, grandparents, grandchildren, or any relative or ward of the employee who has

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resided in the employee's household. This definition for immediate family does not apply to Policy 7.8 Family Medical Leave Act.

7.09 MINNESOTA PARENTING LEAVE

To be eligible for Minnesota parenting leave of absence, an employee must have worked for the county for at least 12 consecutive months immediately preceding the request for the leave, and must have worked an average of at least 20 hours per week during those 12 months.

The county will grant a leave of absence to an eligible employee who is a natural or adoptive parent in conjunction with the birth or adoption of a child. For purposes of the Minnesota parenting leave, "child" means an individual under 18 years of age or an individual under age 20 who is still attending secondary school.

The length of the leave may not exceed ~~six (6)~~ twelve (12) weeks. ~~The leave may begin not more than six (6) weeks after the birth or adoption, except that in the case where the child must remain in the hospital longer than the mother, the leave may not begin more than six (6) weeks after the child leaves the hospital.~~ The leave must be taken within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

When Spouses Work for the County

Spouses who both work for the County are entitled to a combined total of 12 weeks leave in a 12 month period for the birth, adoption, or foster care placement of their child.

Substitution of Other Paid Leave

During the leave, the employee must use vacation, compensatory time or sick leave, with the exception of 7 days, as part of the ~~six (6) weeks~~ twelve (12) weeks of leave to which the employee may be entitled under this policy. However, the county will not provide paid leave in any situation that it does not normally provide such leave for the purpose requested.

Status of Employee Benefits During Leave of Absence

Employees who are granted an approved leave of absence under this policy may continue their health insurance coverage by arranging to pay their portion of the premium contributions during the period of unpaid absence. Other insurance will continue to be in force only if employees pay the full amount of the premium during the leave.

If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the county may recover from the employee the cost of any premiums paid to maintain the employee's coverage.

Sick leave, vacation and paid time off leave accruals will not accumulate during any unpaid leave of absence; accrued amounts of leave shall remain on the record at the inception of the leave of absence and shall continue upon the return of the employee. Employees on MN Parenting Leave are eligible for holiday pay only if they are on a paid leave at the time the holiday is observed.

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For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as Minnesota parenting leave has no effect; the week is counted as a week of Minnesota parenting leave.

Reinstatement

An employee returning from a Minnesota parenting leave is entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and at the rate of pay the employee had been receiving when the leave commenced plus any automatic adjustments in the employee's pay scale that occurred during the leave period. Employees may continue group insurance coverage during their leave at the employee's expense. By agreement with the county, an employee may return to work part-time during the leave period without forfeiting the right to return to employment at the end of the leave period.

If a layoff occurs during the leave and the employee would have been laid off had the employee not been on leave, the employee is not entitled to reinstatement in the former or comparable position. The employee shall retain all rights under the layoff and recall system as if the employee had not taken the leave.

Relationship with the Family & Medical Leave Act

The Minnesota Parenting Leave and Family Medical Leave will run concurrently for employees who are eligible for both types of leave of absence.

8.5 Employee Drug and Alcohol

Post Accident

A post-accident alcohol and drug test is required if an employee has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicle involved in a work related accident, that results in:

- The death of a person or persons regardless of the amount of vehicle or property damage; or
- The employee receives a citation for a moving traffic violation arising from the accident, if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; ~~or one or more motor vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.~~
- Has sustained or caused another person to sustain a work related personal injury.

The employee must provide an alcohol test sample as soon as practicable after the occurrence of the accident. If the employee does not receive the test within 2 hours of the accident, the reasons shall be documented. After 8 hours, all attempts to conduct the alcohol test shall cease and the reasons shall be documented.

The employee must provide a urine sample for controlled substances testing as soon as practicable after the accident. After 32 hours, all attempts to conduct the test shall cease and the reasons shall be documented.

An employee subject to post-accident testing must remain available or the employee shall be considered to have refused to submit to testing (section twenty). An employee who refuses to submit to testing may be subject to disciplinary action. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The employee is prohibited from using alcohol for 8 hours following the accident or until the employee has undergone a post-accident alcohol test, whichever comes first.

The results of a breath or blood test for the use of alcohol or a urine test for controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided that such tests conform to the applicable Federal, State or local testing requirements, and that results of the tests are obtained by the Employer.

1.7 Definitions

Probationary Period

The working trial period during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position. Probationary periods will be one year after hire for new, rehired, promoted or transferred employees unless specifically designated by contract or Minnesota Statutes. During the period of probation, a new employee may not utilize vacation for the first six months of their employment. All intermittent, seasonal or temporary employees are considered to be on probation for the length of employment and not eligible for County benefits. New employees may be dismissed at any time during the probationary period with/without cause.

13.5 SCHOOL CONFERENCE AND ACTIVITY LEAVE

This section requires the employer to grant up to 16 hours, during the school year, to an employee to attend school conferences or classroom activities related to the employee's child. ~~provided the conference or~~ If the activity cannot be scheduled during non-work hours ~~Leave need not be paid;~~ however, the employee may use vacation or compensatory time. The employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the County.

7.6 SERIOUS ILLNESS.

An employee may be allowed up to three working days or 24 hours whichever is less per year, with pay, for absence due to serious illness in the employee's immediate family requiring the employee's attendance. Said time may not be deducted from sick leave unless required time extends beyond three days or 24 hours. This leave is only for extreme illness and final determination of whether or not the employee's attendance is required shall be made by the Department Head and reviewed by County Administration.

Any amount of time used during a work day will count as one of the three working days per year that is allowed under this policy.

These leave days may not be carried over into the next calendar year.

NOTICE OF INTENT TO COLLECT PRIVATE DATA FROM EMPLOYEES

Tennessean Warning Notice

All Goodhue County employees are asked to provide the private data listed below for the purposes noted. The County is required to provide this information to local, state and federal governmental agencies and benefit providers in order to provide you with services and benefits accorded to County employees. County employees who perform personnel or payroll functions may have access to the data, provided their work reasonably requires access. Others who have legal access to the data: State Auditor, State Attorney General, entities specifically designated below, enforcement agencies with statutory authority, and any other person or entity authorized by law or court order.

Home Address and Telephone Number: Needed to contact you for work-related matters and to send you important documents. Home address is also required for completion of the Federal Employment Eligibility Verification form (I-9); as the County is legally obligated to provide home address to the Social Security Administration, Internal Revenue Service, applicable State Department of Revenue, applicable State retirement system, and Department of Human Services. Additionally, if your position is eligible for insurance coverage or represented by a labor organization, applicable insurance carriers and the labor organization representing you have a legal right to this information. You are not legally required to provide this data, however, if you do not provide a home address, you may not receive important documents, the County cannot fulfill its legal obligations and your eligibility for employment may be affected. If you do not provide a home telephone number, your agency may not be able to contact you when necessary.

Social Security Number (SSN): Needed for reporting earnings and taking deductions, as required by law. It is also required for completion of the Federal Employment Eligibility Verification form (I-9). You are legally required to provide your SSN so that we may employ you. Per Federal Internal Revenue Laws, the County is legally obligated to provide your SSN to the Social Security Administration, Internal Revenue Service, and applicable state department of revenue. The following State agencies also have a legal right to employee SSN's: applicable State retirement system (MN. Statutes, Chapters 352-356), Department of Human Services (MN Statutes, section 256.998), and Department of Economic Security (Mn Statutes, section 268.044). Also, if your position is eligible for insurance coverage, applicable insurance carriers may have access to this information, in accordance with Mn. Statutes, section 43A.23, 62J.54, and 13.05.

Birth Date: Needed to ascertain your retirement status, to determine your cost for certain optional insurance coverage, and to determine actuarial rates. It is also required for completion of the Federal Employment Eligibility Verification form (I-9). You are not legally required to provide your birth date; however, your eligibility for employment may be affected if you do not provide it. Additionally, it would not be possible to determine your eligibility for retirement, severance pay, and certain optional insurance coverage. The Minnesota Department of human services, applicable insurance carriers and applicable State retirement systems has a legal right to this information.

Ethnic Group, Disability Status, Gender: Needed to determine if the County has a diverse workforce, that is representative of all Minnesotans. You are not legally required to provide this data. However, without this information, the County may not be able to effectively carry out state and federal equal opportunity and affirmative action mandates. Applicable insurance carriers and State retirement system have a legal right to obtain your gender.

Marital Status: Needed to determine eligibility for insurance and death benefit payments. You are not legally required to provide your marital status. However, without this information, certain insurance eligibility determinations and death benefit payments may not be possible. Applicable insurance carriers and State retirement system have a legal right to this information. This information is not needed if your position is not eligible for insurance or retirement benefits.

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Emergency Contact Information: Needed so that someone may be contacted if an emergency occurs and you need assistance. You are not legally required to provide this information. However, if you do not provide it, we will not be able to contact anyone if an emergency occurs.

Questions: If you have any questions about the information asked of you on any of the Goodhue County benefits, employment or other personnel forms, please contact the Goodhue County Human Resources Department, Government Center, 509 W. 5th Street, Red Wing, MN 55066.

By signing below you acknowledge that you have been given an opportunity to read this notice and understand the intended use of private data provided.

_____ Employee Signature	_____ Employee#	_____ Date
-----------------------------	--------------------	---------------

7.5 SICK LEAVE CONVERSION PROGRAM

Sick leave may be converted into vacation time for employees with the following criteria established for the program:

- Employees must have a balance of 400 hours of sick leave before they can convert any sick leave hours into vacation.
- The requests for conversion need to be turned into the Human Resources Department and appropriate Department Head by January 15 and July 15 of each year.
- A maximum of 40 hours of vacation can be earned each year as a result of this conversion plan.
- The limits of ~~200~~ 240 hours of vacation and 80 hours of compensatory time will not change.
- The ration of sick leave to vacations hours will be set a 3:1, so a maximum of 120 hours of sick leave can be converted to 40 hours of vacation each year.
- This is an optional program for employees.

9.4 WORKERS' COMPENSATION

OSHA standards of safety and common sense safety rules will be followed by all employees. When an employee is injured on the job, they shall report the injury to their supervisor immediately, if not injured too seriously to do so. The supervisor will then secure medical help or send the employee to a medical facility for treatment as necessary.

Within 72 hours, the employee shall file an accident report (*Workers' Compensation First Report of Injury*) with their Department Head or Supervisor and submit it to the Human Resource Department. ~~A Worker's Compensation First Report of Injury form may be printed from the County's internal~~

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website at <http://internal.co.goodhue.mn.us>. Employees are urged to make every effort to expedite this reporting process, as the late receipt of a report could result in a delay of benefits to the injured employee. In the case of vehicle accidents, employees should also refer to the drug and alcohol policy for testing requirements.

Compensation Coverage

Workers' compensation is governed by the State of Minnesota Department of Labor and Industry. Information can be obtained from the Human Resource Department or from the Minnesota Department of Labor and Industry website.

For eligible employees, worker's compensation benefits will run concurrent with leave for Family Medical and Leave Act (FMLA).

An employee who is receiving weekly workers compensation wage loss benefits may, at the employee's option, take sufficient accrued sick leave, vacation time or compensatory time to make up the difference between workers' compensation and the employees regular pay. When the employee sick leave and vacation time are exhausted, the employee will receive workers' compensation only.

7.13 VOTING

Every employee who is eligible to vote in an election has the right to be absent from work for a reasonable amount of time for the purpose of voting without penalty or deduction from salary or wages. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee. Election means a regularly scheduled state primary or general election, an election to fill a vacancy in the office of United States Senator or United States Representative, or an election to fill a vacancy in the office of State Senator or State Representative. (Minnesota Statute 204C.04)

Employees are required to ~~notify~~ **coordinate with** their immediate supervisor prior to leaving work to vote. Employee may coordinate other time to be absent for voting with their department head or supervisor.



Scott O. Arneson
County Administrator
Goodhue County

509 W. Fifth St.
Red Wing, MN 55066
Office (651) 385.3001
Fax (651) 385.3004

To: Board of Commissioners

From: Scott O. Arneson

Date: December 19, 2017

Re: 2018 Official Publication

Report Summary

Request the County Board to designate a newspaper for official publications.

Background

Minnesota Statute 375.12 requires County Boards to let an annual contract to a qualified newspaper for publication of its official proceedings. This must be approved at the first regular session of the board in January each year. The newspaper will also be designated as the official newspaper for the County's other public notices.

We have received one bid from the Red Wing Republican Eagle. We have been notified that it is a joint bid which is allowable under MS 331A.04, Subd. 7. We anticipate that the bid will be similar to last year which continues the joint arrangement that includes The Cannon Falls Beacon, The Kenyon Leader, The Republican Eagle and the Zumbrota News Record.

The Statute requires that we open the bid at the meeting, so it is not included with the report.

Recommendation

We recommend that the County Board open the sealed bid from the Republican Eagle. Upon inspection and approval, we recommend the designation of the Republican Eagle as the County's Official Publication for 2018.

GOODHUE COUNTY BOARD OF COMMISSIONERS

RONALD ALLEN
1st District
1713 Siewert Street
Red Wing, MN 55066

BRAD ANDERSON
2nd District
10679 375TH St. Way
Cannon Falls, MN 55009

BARNEY NESSETH
3rd District
41595 Co. 8 Blvd
Zumbrota, MN 55992

JASON MAJERUS
4th District
39111 Co. 2 Blvd
Goodhue, MN 55027

PAUL DROTOS
5th District
1825 Twin Bluff Rd
Red Wing, MN 55066



Scott O. Arneson
County Administrator
Goodhue County

509 W. Fifth St.
Red Wing, MN 55066
Office (651) 385.3001
Fax (651) 385.3004

To: Board of Commissioners

From: Scott O. Arneson

Date: December 19, 2017

Re: 2018 County Board Meeting Times/Locations

Minnesota Statutes 13D.04 outline the requirements for notice of public meetings. This statute requires that “a schedule of the regular meetings of a public body shall be kept on file at its primary offices.”

Staff recommends the Board set the time and location for all of its regularly scheduled meetings at the first County Board meeting in January (January 2, 2018).

In addition, the following meetings have been scheduled:

Tuesday, May 1 at 9:00 a.m. - Kenyon City Hall, Kenyon
Monday, July 2 at 10:00 a.m. – Cannon Valley Fair, Cannon Falls
Thursday, August 9 at 10:00 a.m.- Goodhue County Fair, Zumbrota

2018 County Board Workshop- February 6 immediately following County Board Meeting:
Administrative Conference Room, Government Center, Red Wing. (Tentative)

2018 County Board-Management Team Join Workshop- February 20 immediately following
HHS Board Meeting: IT Conference Room, Government Center, Red Wing. (Tentative)

AMC Legislative Meeting- February 28-March 1
AMC District IX Meeting- June 4
AMC Fall Policy Conference- September 13-14: Arrowwood, Alexandria, MN
AMC District IX Meeting- October 29
AMC Annual Conference- December 2-4: Double Tree, Bloomington, MN

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An Equal Opportunity Employer



Melissa Cushing
Goodhue County Human Resource Director
Goodhue County

Melissa.cushing@co.goodhue.mn.us
509 W. Fifth St.
Red Wing, MN 55066
Office (651) 385.3031
Fax -- (651) 385.3004

TO: Goodhue County Board of Commissioners
FROM: Melissa Cushing, Human Resource Director
DATE: January 2, 2018
RE: Salary for Elected Officials

In 2017, the wages for the County Attorney and Sheriff were \$140,566.40.

The wages for the County Attorney and Sheriff are always established at the first Board meeting of the new year.

According to the current pay study, the Sheriff and County Attorney are on grade 90. In order to remain consistent with the pay study, the Sheriff and County Attorney should remain on the pay grid at grade 90, step 12 or \$144,081.60. This would be a 2.5% wage increase consistent with the wage increase approved by the Board for all non-union employees.

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Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

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

To: County Board
From: Land Use Management
Meeting Date: January 2, 2018
Report date: December 27, 2017

PUBLIC HEARING: to consider Goodhue County Ordinance updates

Proposed amendments to Article 4, Article 10, Article 11, Articles 21-24, Article 26, and Article 31 in reference to:

- a. Shoreland Buffers
- b. Conditional/Interim Use Permit Standards
- c. Mixed Use Hamlet (MXH) zoning
- d. Vegetative, Tree, and Woodland Alterations
- e. Definitions

Shoreland Buffers:

In 2015 the state enacted buffer legislation regulating land uses adjacent to specific public waters and public drainage ditch system to protect public waters from erosion and runoff pollution, and to stabilize soils and banks. The law established minimum vegetative buffer widths along public waters (50 ft average) and ditches (16 ft) to improve phosphorus, nitrogen, and sediment filtration. Goodhue County's Shoreland buffer regulations have been in existence since 1991. In November 2016 Goodhue County Land Use Management staff prepared ordinance amendments to Article 31 (Shoreland District) to address the enacted state statutes which were subsequently adopted by the Goodhue County Board of Commissioners.

The Minnesota state Board of Water and Soil Resources (BWSR) is responsible for reviewing and approving ordinance language adopted to address the state buffer law requirements. Following their review of the County's adopted buffer ordinance, BWSR prepared a summary of concerns and required modifications. The ordinance amendments proposed here address the concerns raised provided by BWSR.

The following list is a summary of the primary components of the proposed amendments.

- Adds language refernecing statutory authorization under Minn. Stat. § 103F
- Updates "alternative conservation practices" provisions
- Clarifies lands subject to buffer rules
- Address issues concerning conflicting non-conformity standards between shoreland rules and buffer requirements
- Adds ordinance reference to local enforcement procedures
- Created Administrative Procedures for enforcement as prescribed by BWSR
- Adds definitions

Attachments:

Appendix 1-A: Draft Text Amendments

Appendix 1-B: Buffer Compliance Administrative Procedures

Conditional/Interim Use Permits:

The proposed amendments to Article 4 are intended to formalize standard informational items necessary for Conditional/Interim Use permit applications. In addition to clarifying application requirement needs for prospective applicants, the proposed amendments will allow staff to remove these standard application items from the performance standards of uses elsewhere in the ordinance, thereby decreasing redundancies.

The following list is a summary of the primary components of the proposed amendments.

- Adds language detailing standard CUP/IUP application information items.
- Clarifies language regarding discontinuance of CUP/IUP's.

Attachments:

Appendix 2: Draft Text Amendments

Mixed Use Hamlets (MXH):

Staff are proposing revisions to the MXH ordinance language to increase flexibility when siting buildings on these traditionally space challenged lots. The modifications seek to recognize the spatial challenges of these areas and reduce the necessity for variance requests for property owners within the district.

The following list is a summary of the primary components of the proposed amendments.

- Adds language to allow for structure setbacks to be altered based on the established development pattern of the neighborhood.
- Adds language to allow for flexible determinations of appropriate lot coverage limits for a given parcel.
- Adds standard survey requirements for proposals.
- Removes feedlot setback standards which are currently addressed in Article 14.
- Removes redundant parking provisions.

Attachments:

Appendix 3: Draft Text Amendments

Vegetative, Tree, and Woodland Alterations:

The standards herein are intended to ensure that all vegetative alterations carried out in the County will be completed using sound and sustainable forest management practices. Ordinance text prior to 2008 was considered, Forest Management Activities were defined, and regulations were clarified.

The following list is a summary of the primary components of the proposed amendments.

- Forest Management Activities redefined
- Sensitive Areas and Minnesota Administrative Rules were cross-referenced
CHAPTER 6120, SHORELAND AND FLOODPLAIN MANAGEMENT <https://www.revisor.mn.gov/rules/?id=6120>
CHAPTER 8420, WETLAND CONSERVATION <https://www.revisor.mn.gov/rules/?id=8420>
CHAPTER 6105, WILD, SCENIC, AND RECREATIONAL RIVERS <https://www.revisor.mn.gov/rules/?id=6105>
- Adds Forest Management Performance Standards

Attachments:

Appendix 4: 2017 Draft Text Amendments

Appendix 5: Current Ordinance Text

DEFINITIONS:

Staff is proposing "housekeeping" amendments to Article 10 to add new definitions developed as part of recent text amendments, recognize and inventory existing definitions including within the individual articles of the ordinance, and to alphabetically organize all existing definitions to improve ease of use.

The following list is a summary of the primary components of the proposed amendments.

- Adds definitions proposed within current text amendments
- Reorganizes all definitions alphabetically.
- Adds definitions found within the performance standards of various article within the existing ordinance.

Attachments:

Appendix 6: Draft Text Amendments

PAC Recommendation:

PAC recommends the County Board of Commissioners adopt the staff report, attachments , and testimony into the record, and APPROVE the proposed amendments to Article 4, Article 10, Article 11, Articles 21-24, Article 26, and Article 31 in reference to:

Shoreland Buffers

Conditional/Interim Use Permit Standards

Mixed Use Hamlet (MXH) zoning

Vegetative, Tree, and Woodland Alterations

Definitions

ARTICLE 31 S, SHORELAND REGULATIONS

SECTION 1. PURPOSE

These shoreland standards are adopted for the purpose of:

- Subd. 1. Regulating suitable uses of land surrounding protected waters.
- Subd. 2. Regulating the size of parcels, length of water frontage and alteration of shorelands of protected waters.
- Subd. 3. Regulating the location of sanitary facilities adjacent to protected waters.
- Subd. 4. Preservation of the natural vegetation, natural topography, and other natural resources to insure a high standard of environmental quality.
- Subd. 5. **PUBLIC WATERS.** All water basins, wetlands, and watercourses determined to be protected waters by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Section 103G.005, Subd. 15 and 18, and 103G.201. An official list and map of protected waters shall be filed in the Office of the County Auditor and the Zoning Administrator.
- Subd. 6. **SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

~~Subd. 7. **STEEP SLOPE.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.~~

~~Subd. 8. **TOE OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.~~

~~Subd. 9. **TOP OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.~~

SECTION 2. STATUTORY AUTHORIZATION

This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103, [Chapter 103F](#), Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

SECTION 3. SHORELAND DISTRICTS

The shorelands within Goodhue County are hereby designated as shoreland districts and the requirements set forth in this Section shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration, and development of these areas according to said classification as per Minnesota Regulations Part 6120.3000.

SECTION 4. DISTRICT APPLICATION

The Shoreland District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the Zoning Ordinance text and official Zoning Map. The regulations and requirements imposed by the S District shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

SECTION 5. BOUNDARIES

The boundaries of the Shoreland District are established within the following distances from the ordinary high water mark of the surface water depending on the size of the surface water as indicated on the Goodhue County Shoreland District Map.

SURFACE WATER	DISTANCE (FEET)*
Greater than ten (10) acres	1,000
Rivers and Streams (draining an area greater than two (2) square miles)	300**

* The practical distance may be less whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and prevent flowage toward the surface water.

** The distance requirement shall be increased to the limit of the floodplain when the floodplain is greater than three hundred (300) feet.

SECTION 6. SHORELAND CLASSIFICATION SYSTEM

The surface waters affected by this Section and which require controlled development of their shoreland (Shoreland District) are shown on the map designated as the official "Zoning Map of Goodhue County" which is properly approved and made a part of this Section and filed with the Zoning Administrator. Surface waters generally greater than ten (10) acres and given an identification number by the State of Minnesota are defined in Article 10 of this Ordinance and listed below.

Subd. 1. Lake Classification System

GENERAL DEVELOPMENT LAKES:

<u>DNR Identification Number</u>	<u>Name</u>
25-0001-00	Lake Pepin
25-0017-00	U.S. Lock and Dam No. 3 Pool
25-0017-02	Nelson Lake
25-0017-03	Twin Lake
25-0017-04	North Lake
25-0017-06	Sharp Muskrat Lake
79-0005-00	U.S. Lock and Dam No. 4 Pool

RECREATIONAL DEVELOPMENT LAKES

<u>DNR Identification Number</u>	<u>Name</u>
19-0006-00	Lake Byllesby

NATURAL ENVIRONMENT LAKES:

<u>DNR Identification Number</u>	<u>Name</u>
25-0003-00	Frontenac Lake
25-0004-00	Grotes Pond (aka Wacouta Pond)
25-0005-00	Goose Lake
25-0006-00	Brunner Lake
25-0009-00	Birch Lake
25-0011-00	Spring Creek Lake
25-0012-00	Cannon Lake
25-0016-00	Larson Lake
25-0018-00	Upper Clear Lake
25-0019-00	Clear Lake
25-0021-00	Lower Rattling Springs Lake
19-0001-00	Mud Hen Lake

Subd. 2. River Classification System

TRANSITION:

<u>River</u>	<u>From</u>	<u>To</u>
Vermillion	Border of Goodhue & Dakota Counties	Confluence with Mississippi River in Sec 11, T113N, R15W

AGRICULTURE:

N. Fork Zumbro	Border of Goodhue & Rice Counties	Border of Goodhue & Wabasha Counties
Middle Fork Zumbro	Border of Goodhue & Olmsted Counties	Border of Goodhue & Olmsted Counties
North Branch Middle Fork Zumbro	Confluence with Unnamed tributary in Sec 31, T109N, R17W	Border of Dodge & Goodhue Counties
North Branch Middle Fork Zumbro	Border of Dodge & Goodhue Counties	Confluence with Middle Fork Zumbro River in Sec 32, T109N, R15W

TRIBUTARY:

All other non-classified water courses as shown on the Goodhue County Protected Waters Inventory Map.

SECTION 7. ALLOWABLE LAND USES

The land uses allowable for the Shoreland Overlay District shall follow the permitted, accessory, and conditional use designations as defined and outlined in the base zoning districts, found in Articles 21-28 of this Ordinance, as may be amended, referred to as the Goodhue County Zoning Ordinance and shall be properly delineated on the Official Zoning Map for the shorelands of Goodhue County. These land use districts are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, Subd. 3.

SECTION 8. SHORELAND DEVELOPMENT STANDARDS

The following development standards shall apply for each lake and river designation for lots platted or created by metes and bounds.

Subd. 1. Lot Standards. Subject to other more restrictive limitations which may be imposed by this Ordinance, the following minimum requirements shall be observed in the following zoning districts which are overlaid by the Shoreland District.

A. Agriculture (A-1, A-2, A-3). The minimum lot size and width requirements allowable for the Shoreland District shall follow the base zoning districts.

B. Residential (R-1).

1. Unsewered Lakes.

a.	Natural Environment.					
			Riparian		Non-Riparian	
			<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
	Single	80,000	200	80,000	200	
	Duplex	120,000	300	160,000	400	
	Triplex	160,000	400	240,000	600	
	Quad	200,000	500	320,000	800	
b.	Recreational Development.					
	Single	40,000	150	40,000	150	
	Duplex	80,000	225	80,000	265	
	Triplex	120,000	300	120,000	375	
	Quad	160,000	375	160,000	490	
c.	General Development.					
	Single	20,000	100	40,000	150	
	Duplex	40,000	180	80,000	265	
	Triplex	60,000	260	120,000	375	
	Quad	80,000	340	160,000	490	

2. Sewered Lakes.

a.	Natural Environment.					
	Single	40,000	125	20,000	125	
	Duplex		70,000	225	35,000	220
	Triplex	100,000	325	52,000	315	
	Quad	130,000	425	65,000	410	
b.	Recreational Development.					
	Single	20,000	100	20,000	100	
	Duplex	35,000	135	26,000	135	
	Triplex	50,000	195	38,000	190	
	Quad	65,000	255	49,000	245	

c. General Development.					
Single	20,000	100	20,000	100	
Duplex	26,000	135	20,000	135	
Triplex	38,000	195	25,000	190	
Quad	49,000	255	32,500	245	

3. River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex, and quad residential developments for the six river/stream classifications are:

	Urban and Tributary					
	Remote	Forested	Transitional	Agricultural	No Sewer	Sewer
Single	300	200	250	150	100	75
Duplex	450	300	375	225	150	115
Triplex	600	400	500	300	200	150
Quad	750	500	625	375	250	190

4. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 8, Subd. 1.B.2 can only be used if publicly owned sewer system service is available to the property.

- C. Commercial and Industrial (B-1, B-2, I-1). The minimum lot size and width requirements allowable for the Shoreland District shall follow the base zoning district.

Subd. 2. Setback Standards.

- A. Structure and On-Site Sewage System Setbacks From the Ordinary High Water Mark.

	Structures		Sewage Treatment System
	Unsewered	Sewered	
Lakes:			
Natural Environment	200	200	200
Recreational Development	100	100	100
General Development	75	75	75
Rivers:			
Remote	200	200	150
Forested and Transition	150	150	100
Agriculture, Urban & Tributary	100	75	75

- B. Side Yard Setbacks. (Setbacks subject to individual district requirements.)
 - C. Additional Structure Setbacks.
 - 1. Unplatted cemetery - fifty (50) feet.
 - 2. Federal, state, county local roads from centerline - one hundred (100) feet.
- Subd. 3. All structures in residential districts, except churches and non-residential agricultural structures shall not exceed twenty-five (25) feet in height.
- Subd. 4. The total area of all impervious surface on a lot shall not exceed twenty-five (25) percent of the total lot area.

SECTION 9. DESIGN CRITERIA FOR STRUCTURES

Subd. 1. Placement and Design of Structures.

- A. When more than one setback applies to a site, structures and facilities shall be located to meet all setbacks. Where principal structures exist on adjoining lots on both sides of proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
- B. High Water Elevations. Structures shall be placed in accordance with all floodplain regulations applicable to the site.
- C. Local officials must evaluate possible erosion impacts and development visibility from protected waters before issuing permits for construction of sewage treatment systems, roads, structures or other improvements on steep slopes in shoreland areas.

Subd. 2. Uses Without Water-Oriented Needs.

- A. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Subd. 3. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:

- A. Each building must be set back at least two hundred (200) feet from the ordinary high water level;
- B. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
- C. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

- D. No more than twenty-five (25) percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- E. Water oriented accessory structures allowed - 400 sq. ft. limit.

SECTION 10. SUBSTANDARD LOTS

Subd. 1. Construction on Non-Conforming Lots of Record.

- A. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 8 of this Article, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 8 of this Article as much as possible.
- B. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - 1. The structure was in existence at the time of the adoption of this Ordinance.
 - 2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level of the structure.
 - 3. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive.
 - 4. The deck is constructed primarily of wood, and is not roofed or screened.

SECTION 11. SHORELAND ALTERATIONS

Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

Subd. 1. Vegetation Alterations. Vegetation alteration shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance. For purposes of this provision the controlled vegetation cutting area shall be equal to one-half (1/2) of the structural setback.

Subd. 2. Topographic Alterations/Grading and Filling.

- A. Grading and filling and excavations necessary for the construction of structures and driveways under validly issued construction permits for these facilities shall not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section shall be incorporated into the issuance of permits for construction of structures and driveways.

- B. Public roads and parking areas are regulated by Subd. 3 of this Section.
- C. Notwithstanding Items (a) and (b) above, a grading and filling permit shall be required for:
 - 1. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - 2. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- D. The following considerations and conditions shall be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - 1. Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in accordance with the Minnesota Wetland Conservation Act of 1991, Minnesota Laws, Chapter 354 or Article 33 of the Zoning Ordinance, whichever is more restrictive, and shall be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:
 - a. Sediment and pollutant trapping and retention;
 - b. Storage of surface runoff to prevent or reduce flood damage;
 - c. Fish and wildlife habitat;
 - d. Recreational use;
 - e. Shoreline or bank stabilization; and
 - f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
 - *This evaluation shall require the applicant to provide appropriate documentation of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as the local watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.
 - 2. Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
 - 3. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible;
 - 4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;

5. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
6. Fill or excavated material shall not be placed in a manner that creates an unstable slope;
7. Plans to place fill or excavated material on steep slopes shall be reviewed by qualified professionals for continued slope stability and shall not create finished slopes of thirty (30) percent or greater;
8. Fill or excavated material shall not be placed in bluff impact zones, except for approved erosion control measures and provided for in Article 12, Section 4, Subd. 7.
9. Any alterations below the ordinary high water level of public waters shall first be authorized by the commissioner under Minnesota Statutes, Section 105.42;
10. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

E. **Connections to Public Waters.** Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

Subd. 3. Placement and Design of Roads, Driveways and Parking Areas.

- A. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- B. Roads, driveways, and parking areas shall meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.

- C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this sub-part are met. For private facilities, the grading and filling provisions of Subd. 2 of this Section shall be met.

Subd. 4. Storm Water Management. All development within the Shoreland Overlay District shall be consistent with the following general and specific standards:

A. General Standards.

1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
2. Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible with facilities or methods used to retain sediment on the site.
3. When development density, topography features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. Specific Standards.

1. When constructed facilities are used for storm water management, documentation shall be provided by a qualified registered engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
2. New constructed storm water outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subd. 5. Agriculture Use Standards [in Shoreland Impact Zones and Buffer Areas.](#)

[A. Use of buffer area. Except as provided in subsections D, and E of this subdivision, a buffer as defined in this ordinance may not be put to any use, including but not limited to cultivation farming, which would remove or prevent the permanent growth of perennial vegetation.](#)

[B. Buffer Width. Buffer Widths are measured on a per-parcel, per-side of stream basis. Except as provided in subsections D and E of this Subdivision, a landowner owning property adjacent to a water body identified on the Buffer Protection Map must establish and maintain a buffer area as follows:](#)

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(1) For land within the shore impact zone and waters shown on the Buffer Protection Map requiring a fifty (50) foot width buffer, the buffer width will be fifty (50) foot average and thirty (30) foot minimum width as provided in Minn. Stat. §103F.48, subd. 3 as measured according to subsection C of this subdivision; and

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(2) For waters shown on the Buffer Protection Map requiring a sixteen and a half (16.5) foot minimum width buffer, the buffer width will be sixteen and a half (16.5) feet as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection C of this Subdivision.

Incorporation of approved alternative practices may reduce the overall Buffer Width; however the minimum width cannot be less than 30 feet or 16.5 feet as indicated in (1) and (2) in this section, respectively.

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C. Buffer measurement.

(1) The width of any required buffer on land adjacent to a water requiring a fifty (50) foot average width and a thirty (30) foot minimum Buffer Width shall be measured from the top or crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level as provided in Minn. Stat. §103F.48, subd. 3(c).

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(b) The width of any required buffer on land adjacent to a water requiring a sixteen and a half (16.5) foot minimum Buffer Width shall be measured in the same manner as for measuring the vegetated grass strip under Minn. Stat. §103E.021, subd. 1 as provided in Minn. Stat. §103F.48, subd. 3(c).

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D. Exemptions. The requirement of the Buffer Width does not apply to land that is exempted from the water resources riparian protection requirements under Minn. Stat. §103F.48, subd. 5.

E. Alternative practices. As provided in Minn. Stat. §103F.48, subd. 3(b) a landowner that is using land for cultivation farming may demonstrate compliance with the Buffer Width by establishing and maintaining an alternative riparian water quality practice(s), or combination of structural, vegetative, and management practice(s) which provide water quality protection comparable to the water quality protection provided by a required Buffer, as outlined in this Article. The adequacy of any alternative practice allowed under this section shall be based on:

(1) The Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

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(2) Common alternative practices adopted and published by BWSR;

(3) Practices based on local conditions approved by the SWCD that are consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or

(4) Other practices adopted by BWSR.

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F. Nonconformity. Pre-existing nonconforming uses shall not be allowed with respect to the Buffer requirements outlined in this Subdivision or Minn. Stat. §103F.48,

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G. Use of fertilizer, pesticides, or animal wastes within shoreland must be done in such a way as to minimize impact on the shore impact zone or public water by proper application.

H. For compliance determinations and enforcement, refer to the Goodhue County Administrative Procedures for Buffer Compliance document.

A.—The shore impact zone for parcels with permitted agricultural land uses is an area with a 50-foot average width and a 30-foot minimum width, as measured from the ordinary high water level if identified, or the top or crown of bank, or normal water level as provided in Minnesota Statutes, section 103F.48, subd. 3(c), or as determined by the Goodhue County SWCD technical staff. Buffer widths are measured on a per-parcel, per-side-of-stream basis.

B.—General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Goodhue County Soil and Water Conservation District or the Natural Resource Conservation Service, as provided by a qualified individual or agency. Incorporation of approved alternative practices may reduce the overall buffer width, however the minimum width cannot be less than 30 feet.

C.—Use of fertilizer, pesticides, or animal wastes within shoreland must be done in such a way as to minimize impact on the shore impact zone or public water by proper application.

D.—Standards within this subdivision apply to all shoreland districts as well as streams identified on the Minnesota Department of Natural Resources Buffer Protection Map.

SECTION 12. SANITARY REGULATIONS

In order to insure safe and healthful conditions, to prevent pollution and contamination of public and ground waters, and to guide development compatible with the natural characteristics of shorelands and related water resources, County ordinances shall control individual water supply and waste disposal systems in respect to location, construction, repair, use and maintenance; commercial; agricultural; industrial and municipal waste disposal and solid waste disposal sites for:

- Subd. 1. Low swampy areas or areas subject to recurrent flooding.
- Subd. 2. Areas where the highest known ground water table is within four (4) feet of the bottom of the soil absorption system.
- Subd. 3. Areas of exposed bedrock or shallow bedrock within four (4) feet of the bottom of the soil absorption system or where subsurface conditions significantly restrict percolation or the effluent.

Subd. 4. Areas of ground slope where there is danger of seepage of the effluent into the surface of the ground. Where there is evidence of septic tank effluent percolating from the ground, flowing directly into a lake or stream, or where the disposal system is in the water table, the system must be corrected and conform with these standards within ninety (90) days of written notice.

Subd. 5. Soils where percolation rate is slower than one (1) inch in sixty (60) minutes.

Subd. 6. Water Supply.

- A. Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health Standards and the County Sanitation Standards for water quality.
- B. Private wells must be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood-proofed in accordance with Article 32 of this Ordinance.

Subd. 7. Sewage Treatment.

- A. Any premises used for human occupancy must be provided with an adequate method of sewage treatment.
- B. Public or municipal collection and treatment facilities must be used where available and where feasible.
- C. All private sewage and other sanitary waste disposal systems must conform to applicable standards, criteria, rules and regulations of the Minnesota Pollution Control Agency and any applicable local government standards.
- D. Location and installation of a septic tank and soil absorption system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the safety of any domestic water supply, nor pollute or contaminate any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system.
- E. Septic tank and soil absorption or similar systems shall not be acceptable for disposal of domestic sewage for developments on lots adjacent to public waters when any of the conditions of Subdivisions 1, 2, 3, 4, and 5 of this Section are present.
- F. Sub-Surface Sewage Treatment Systems (SSTS) within the Shoreland District shall be inspected for compliance with Section 12 of this Article as part of all variance, conditional use, and building permit applications. A site map showing the location of the SSTS may be required to verify its location relative to the District. Final determination as to whether an SSTS is located within the Shoreland Area will be made by the Zoning Administrator. As specified in Minnesota Rules 7082.0700 (Inspection Program for Subsurface Sewage Treatment Systems): Certificates of compliance for new construction or a

replacement system remain valid for five years from the date of issuance unless the County finds evidence of noncompliance. In addition, the certificate of compliance is valid for three years from the date of issuance, even if one of the supporting reports expires before the three-year period, unless an inspector finds evidence of noncompliance.

- G. Goodhue County will implement an education program that is oriented toward convincing shoreland property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment system, if non-conforming.

SECTION 13. PLANNED UNIT DEVELOPMENTS (PUD's)

Planned unit developments shall be utilized for developments with densities greater than four (4) units per lot, provided the following requirements are satisfactorily met:

- Subd. 1. Processing of PUDs. Planned unit developments must be processed as a conditional use.
- Subd. 2. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
 - A. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten foot intervals or less. When a PUD is a combined commercial and recreational development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
 - B. A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Subd. 5 of this Section.
 - C. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs and 2) ensure the long term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subd. 5 of this Section.
 - D. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
 - E. Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.
- Subd. 3. Site "Suitable Area" Evaluations. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/ dwelling site density evaluation in Subd. 4.

- A. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.

Shoreland Tier Dimensions	Unsewered (feet)	Sewered (feet)
General Development Lakes- First Tier	200	200
General Development Lakes- Second and Additional Tiers	267	267
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

- B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are the subject to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

Subd. 4. Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and a density increase multipliers as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

A. Residential PUD "Base" Density Evaluation.

1. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Subd. 5.

B. Commercial PUD "Base" Density Evaluation.

1. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
2. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios*
Public waters classes

Sewered general

Second and additional

*Average unit floor area (sq.ft.)	development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments	tiers on unsewered general development lakes, transition and forested river segments	National environment lakes and remote river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

3. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
4. Divide the total floor area by tier computed in Item 3. above by the average inside living area size determined in Item 1. above. This yields a base number of units and sites for each tier.
5. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Subd. 5.

C. Density Increase Multipliers.

1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 8 are met or exceeded and the design criteria in Subd. 5 are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty-five (25) percent greater than the minimum setback.
2. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

<i>Density</i>	<i>Maximum Density Increase</i>
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<u>Evaluation Tiers</u>	<u>Within Each Tier (%)</u>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

Subd. 5. Maintenance and Design Criteria.

A. Maintenance and Administration Requirements.

1. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
2. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - (a) Commercial uses prohibited (for residential PUDs);
 - (b) Vegetation and topographic alterations other than routine maintenance prohibited;
 - (c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - (d) Uncontrolled beaching of watercraft prohibited.
3. Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - (a) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - (b) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - (c) Assessments must be adjustable to accommodate changing conditions; and
 - (d) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

B. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

1. At least fifty (50) percent of the total project area must be preserved as open space;
 2. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
 3. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
 7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 8. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.
- C. Erosion Control and Storm Water Management. Erosion control and storm water management plans must be developed and the PUD must:
1. Be designed, and the construction managed, to minimize the likelihood of serious occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area.

- D. **Centralization and Design of Facilities.** Centralization and design of facilities and structures must be done according to the following standards:
1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 12 of this Article. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient law area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 8 of this Article for developments with density increases;
 3. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
 4. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
 5. Accessory structures and facilities must meet the required principal structure setback and must be centralized.

SECTION 14. CONDITIONAL USES

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses as found in Article 4 of this

Ordinance. The following additional evaluation criteria and conditions shall apply within shoreland areas:

- Subd. 1. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site shall be made to ensure:
- A. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - B. The visibility of structures and other facilities as viewed from public waters is limited;
 - C. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- Subd. 2. Stipulations Attached to Conditional Use Permits. The County Board, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such stipulations to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance and Section. Such stipulations may include, but are not limited to, the following:
- A. Increased setbacks from the ordinary high water level;
 - B. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 - C. Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas.

SECTION 15. VARIANCES

- Subd. 1. Provisions. Variances shall only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable in compliance and with Article 5 of this Ordinance.
- A. A variance may not circumvent the general purposes and intent of this Ordinance.
 - B. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
 - C. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.
 - 1. In considering a variance request, the Board of Adjustment and Appeals shall also consider whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

Subd. 2. Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 17 of this Article shall also include the Board of Adjustment and Appeals' summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

SECTION 16. SUBDIVISION/PLATTING PROVISIONS

Subd. 1. Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 13, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by Goodhue County shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply, near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Subd. 2. Consistency with Other Controls. Subdivisions must conform to all provisions for subdivision, as found in the Goodhue County Subdivision Ordinance. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.

Subd. 3. Information Requirements. Sufficient information must be submitted by the applicant for the County to make a determination of land suitability. The information shall include the provisions as found in the Goodhue County Subdivision Regulations, and the following:

- A. Topographic contours from survey maps showing limiting site characteristics;
- B. The surface water features required in Minnesota Statutes, Section 505.02, Subd. 1, to be shown on plats;
- C. Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities;
- D. Location of 100 year floodplain areas and floodway districts from existing adopted maps or data; and
- E. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

Subd. 4. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

SECTION 17. NOTIFICATION TO THE DEPARTMENT OF NATURAL RESOURCES

Subd. 1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses resulting from controls of Articles 2, 3, 5, and 5 must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plans must include copies of the subdivision/plat.

Subd. 2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under this Shoreland Ordinance must be sent to the Commissioner or the Commissioner's designated representative and postmarked within -ten (10) days of final action.

Goodhue County Administrative Procedures for Buffer Compliance

This Administrative Procedures outlines the process to be used to ensure compliance with the Buffer Law implementation.

Section 1: COMPLIANCE DETERMINATIONS

- Subd. 1. **Compliance with the buffer requirements.** Compliance with the buffer requirements set forth in Goodhue County Zoning Ordinance (herein referred to as the “Ordinance”) will be determined by the SWCD on a parcel by parcel basis. The compliance status of each bank, or edge of a waterbody on an individual parcel will be determined independently.
- Subd. 2. **Parcel Evaluation.** The SWCD will evaluate parcels, including those suggesting alternative practices, through available documentation, such as County-wide aerial photography, Drone photography, GIS analysis, and onsite inspections to determine if a parcel is in compliance with the Ordinance. The SWCD will perform a baseline, overall County wide reviews of parcel compliance every two years in coordination with the County aerial photography.
- Subd. 3. **Compliant Parcel.** Upon completion of the evaluation of a parcel, if the parcel is determined to be compliant, the SWCD may issue a *Validation of Compliance* to the landowner, the County, and BWSR if requested, or if corrective actions have been deemed satisfied.
- Subd. 4. **Non-compliant Parcel.** When the County identifies, or is made aware of a potential non-compliant parcel, it will consult with the SWCD to determine the appropriate course of action.
- a) SWCD will contact the landowner and request an onsite inspection, use other appropriate data collection methods, or request documentation from the landowner, to verify the compliance status of the parcel.
 - b) If the parcel is determined to be non-compliant, the SWCD shall issue a *Notification of Noncompliance* to the landowner, the County, and BWSR.

Section 2: ENFORCEMENT

- Subd. 1. **Corrective Action Notice.** Upon receipt of an SWCD *Notification of Noncompliance*, the County will issue the landowner a *Corrective Action Notice*. The *Notice* shall include:
- a) A list of corrective actions needed to come into compliance with the requirements of Minn. Stat. §103F.48 and the Ordinance;
 - b) A timeline for complying with the *Corrective Action Notice*;
 - c) A compliance standard against which the County will judge the corrective action; and
 - d) A statement that failure to respond to this *Corrective Action Notice* may result in the assessment of criminal, civil or administrative penalties.

A. Notification to Landowner. The County shall transmit the *Corrective Action Notice* by either personal service to the landowner or by depositing the same in the U.S. Mail. If service is made by U.S. mail, the document is deemed received, three business days after the notice was placed in the U.S. mail. Failure of actual receipt of a corrective action notice that has either been

personally served or served by depositing the same in the U.S. Mail shall not be deemed a defense in an enforcement proceeding.

B. Notification to Others. The County shall send a copy of the *Corrective Action Notice* to both SWCD and BWSR.

C. Modifications. The County may modify the corrective actions and timeline for compliance, to extend the compliance timeline for a modification that imposes a substantial new action or significantly accelerates the completion date for an action.

- 1.) The landowner may supply information to the County or the SWCD in support of a request to modify a corrective action or the timeline for compliance. On the basis of any such submittal or at its own discretion, the County may make a written modification to the *Corrective Action Notice* or timeline for compliance.
- 2.) Any such modification of a compliance determination will be served on the landowner in the manner provided for in Subdivision 1, A of this Section. The County shall provide the SWCD and BWSR a written copy of any modification made pursuant to this provision.

D. Compliance with a Corrective Action Notice. Upon notification from the landowner to SWCD that the corrections have been made, SWCD will re-evaluate the parcel to determine compliance. If the parcel is determined to be in compliance, SWCD will issue a *Validation of Compliance* to the landowner, the County, and BWSR. Upon receipt by the County of the *Validation of Compliance*, the *Corrective Action Notice* will be deemed to be closed.

Subd. 2. **Administrative Penalty Order.** The County may issue an *Administrative Penalty Order* as provided for in Minn. Stat. §§103F.48, subd. 7(b) and (c) and 103B.101, subdivision 12a to a landowner who has failed to take the corrective action as set forth in the *Corrective Action Notice*. The *Administrative Penalty Order* shall include:

- a) The facts constituting the violation of the riparian protection and water quality practices requirements set forth in the Ordinance or Minn. Stat. §103F.48;
- b) The specific statute and/or Ordinance section(s) that has/have been violated;
- c) A written description of prior efforts to work with the landowner to resolve the violation;
- d) The amount of the penalty to be imposed;
- e) The date the penalty will begin to accrue;
- f) The date that payment of the penalty is due;
- g) The date by which all or part of the penalty may be forgiven if the landowner has/have complied with the *Corrective Action Notice*;
- h) A statement of the landowner's right to appeal the ADMINISTRATIVE PENALTY ORDER.

A. Notification to Landowner. The County shall transmit the *Administrative Penalty Order* by either personal service to the landowner or by depositing the same in the U.S. Mail. If service is made by U.S. mail, the document is deemed received, three business days after the notice was placed in the U.S. mail. Failure of actual receipt either been personally served or served by

depositing the same in the U.S. Mail shall not be deemed a defense in an enforcement proceeding.

B. Notification to Others. The County shall send a copy of the *Administrative Penalty Order* to both SWCD and BWSR.

C. Compliance with an Administrative Penalty Order. Upon notification from the landowner to SWCD that the corrections have been made, SWCD will re-evaluate the parcel to determine compliance. If the parcel is determined to be in compliance, SWCD will issue a *Validation of Compliance* to the landowner, the County, and BWSR. Upon receipt by the County of the *Validation of Compliance*, the *Administrative Penalty Order* will be deemed to be closed.

D. Right to Appeal. Within 30 days after receipt of the *Administrative Penalty Order*, a landowner may appeal the terms and conditions of an *Administrative Penalty Order* issued by a County to BWSR as provided in Minn. Stat. §103F.48, subd. 9. The appeal must be in writing and must include a copy of the *Administrative Penalty Order* that is being appealed, the basis for the appeal and any supporting evidence. The appeal may be submitted personally, by U.S. mail, or electronically, to the Executive Director of BWSR.

Subd. 3. **Misdemeanor.** Failure to comply with a *Corrective Action Notice* issued constitutes a misdemeanor and shall be punishable as defined by law.

A. Statute of Limitations. Any criminal enforcement action undertaken pursuant to the Ordinance must be undertaken within two years after the alleged violation was discovered or reasonably should have been discovered by the County.

Subd. 4. **Concurrency.** The County may serve a non-compliant parcel landowner a combined *Corrective Action Notice* and an *Administrative Penalty Order*. The County may also pursue a Criminal Prosecution concurrently with an *Administrative Penalty Order*

Section 3: PENALTIES

Subd. 1. **Penalty Fees.** Penalty fees are established by the County Board.

Subd. 2 **Penalty Due.** Unless the landowner appeals the *Administrative Penalty Order* as provided in this Policy, the penalty specified in the *Administrative Penalty Order* becomes immediately due and payable to the County as set forth in the *Administrative Penalty Order*.

A. Corrected violation. If the landowner submits written documentation that the violations have been corrected prior to the time the penalty becomes due and payable, the County shall verify compliance and adjust the penalty to an amount the landowner would have owed had the penalty been paid on the date the landowner submitted written documentation of compliance. Written documentation of compliance may include a written *Validation of Compliance* issued by the SWCD.

B. Incomplete correction of violation. If the County determines the violation was not fully corrected, the County shall notify the landowner by issuing a written letter of determination. The penalty will continue to accrue until the violation is corrected as provided in the *Corrective Action Notice* and *Administrative Penalty Order*.

Subd. 3. **Collection of Penalties.** All penalties and interest assessed under an *Administrative Penalty Order* must be paid by the landowner within the time specified in the Order. All payments shall be made payable to the County. The County Board may assess any unpaid penalties and penalty interest to the non-compliant parcel.

Section 4: Documentation

Subd. 1 **Documentation.** The County shall maintain all records pertaining to the status of the compliance for each buffer parcel and its related documentation.

CONDITIONAL/INTERIM USE PERMITS: PROPOSED ORDINANCE TEXT

AMENDMENTS

(Underlined text identifies proposed additions. Strikethrough text identifies proposed deletions.)

ARTICLE 4 CONDITIONAL USES AND INTERIM USES

SECTION 1. APPLICABILITY ~~CONDITIONAL USES AND INTERIM USES~~

Within the unincorporated areas of the County, a Conditional Use Permit (CUP) or Interim Use Permit (IUP) shall be required for the establishment of each use permitted by ordinance as a CUP or IUP. ~~all uses except permitted or accessory uses shall be required to obtain a conditional use permit or an interim use permit from the County Board. The County Board shall have the Planning Commission hold a public hearing prior to the decision. An IUP interim use permit may be granted used to~~ in lieu of a CUP conditional use permit to regulate various land use activities that the County Board, at its sole discretion, determines should be permitted for a limited duration. ~~Application submittal requirements and review procedures for interim use permits shall be the same as those of conditional use permits unless expressly stated otherwise in this Ordinance. Expansion of a permitted CUP/IUP shall require an amendment to the CUP/IUP, except that minor development activities determined by the zoning administrator to not increase the scale or intensity of the CUP/IUP may be allowed with the issuance of a building permit.~~

SECTION 2. APPLICATION ~~FOR~~ ~~CONDITIONAL/INTERIM USE PERMIT~~

Subd 1. An application for a CUP/IUP Conditional/Interim Use Permit shall be submitted to the Zoning Administrator with the required fees upon forms furnished by the Department.; ~~the application shall be accompanied by a project description, necessary contact information, and a statement addressing whether the use is necessary or desirable and whether such use may negatively impact the surrounding area and whether the project is consistent with the Goodhue County Comprehensive Plan. The application must contain sufficient information for the Planning Commission and County Board to determine whether the proposal proposed conditional/interim use will meet all applicable development standards if the CUP/IUP conditional/interim use is granted. All applications shall address items A through C below to be considered an complete application. In all cases, the application shall include:~~

A. Property Information.

1. The name and address of the applicant(s).
2. The legal description of the parcel(s) property involved in the request.
3. The names and addresses of the fee-title owner(s) of the parcel(s) property or an authorized agent(s).
4. Evidence that property taxes are current on the parcel(s) involved in the request.

B. Graphic Representation.

1. A Site Plan, as defined in Article 10. ~~Section 2 Subd. 95, showing all pertinent dimensions, buildings and significant natural features having an influence on the request.~~
2. Photographs: the application may be accompanied by un-mounted photographs, large enough to show the nature of the property but not larger than 11x17 inches.

C. Proposal Summary.

~~Upon review, projects may require other information concerning the property or adjoining property as determined by the Zoning Administrator that demonstrates compliance with the Goodhue County Zoning Ordinance and consistent Goodhue County Comprehensive Plan. For certain types of conditional or interim uses, the zoning ordinance includes specific provisions and criteria which must be met. An applicant should state in detail how all applicable provisions and criteria will be met.~~

1. Description of purpose and planned scope of operations (including retail/wholesale activities).
2. Description of potential impacts to existing adjacent land uses.
3. Planned use of existing buildings and proposed new structures associated with the proposal.
4. Proposed number of non-resident employees.
5. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.
6. Planned maximum capacity/occupancy.
7. Traffic generation and congestion, loading and unloading areas, and site access.
8. Off-street parking provisions (number of spaces, location, and surface materials).
9. Proposed solid waste disposal provisions.
10. Proposed sanitary sewage disposal systems, potable water systems, and utility services.
11. Existing and proposed exterior lighting.
12. Existing and proposed exterior signage.
13. Existing and proposed exterior storage.
14. Proposed safety and security measures.
15. Adequacy of accessibility for emergency services to the site.
16. Potential for generation of noise, odor, or dust and proposed mitigation measures.
17. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.
18. Existing and proposed surface-water drainage provisions.
19. Description of food and liquor preparation, serving, and handling provisions.
20. ~~Evidence that all necessary state and federal permits have been obtained or submitted for approval and provide~~ Any such other information as necessary and reasonable to adequately review the proposal request.

Subd 2. **FINDINGS.** No CUP or IUP Conditional/Interim Use Permit use shall be recommended by the County Planning Commission unless said Commission specifies in their findings, the facts in each case which shall establish:

1. That the CUP/IUP conditional/interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. That the establishment of the CUP/IUP conditional/interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
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.

SECTION 3. CUP/IUP ~~CONDITIONAL/INTERIM-USE~~ PERMITS WITHIN FLOODPLAINS AND SHORELAND AREAS

- Subd. 1. A copy of a request for a CUP/IUP ~~conditional/interim-use~~ permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator sufficiently in advance so that the Commissioner will receive at least ten (10) days' notice.
- Subd. 2. A copy of all decisions granting any CUP/IUP ~~conditional/interim-use~~ within any designated floodplain or shoreland shall be forwarded to the Department of Natural Resources within ten (10) days after such decision.
- Subd. 3. Procedures to be followed by the Planning Commission in passing on CUP/IUP ~~conditional/interim-use~~ applications within all Floodplain Districts:
- A. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:
 - 1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.
 - 2. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - B. Transmit one copy of the information described in sub-section 1 to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
 - C. Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- Subd. 4. Factors upon which the decision of the Planning Commission shall be based. In passing on a CUP/IUP ~~conditional/interim-use~~ applications for projects in a floodplain or shoreland area, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:
- A. The danger to life and property due to increased flood height or velocities caused by encroachments.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - E. The importance of the services provided by the proposed facility to the County.
 - F. The requirements of the facility for a water front location.
 - G. The availability of alternative locations not subject to flooding for the proposed use.
 - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.
 - J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

L. Such other factors which are relevant to the purposes of this Ordinance.

Subd. 5. Procedures to be followed by the Planning Commission in passing on CUP/IUP conditional/interim use applications for the replacement of wetlands:

- A. Require the applicant to furnish the following information and additional information necessary to determine the suitability of the particular project:
 - 1. Three (3) copies of the replacement plan to the Land Use Management Department. The replacement plan shall contain all plan sheets, drawn to scale; wetland designation; wetland acreage; acreage to be destroyed or diminished; activity description; location of replacement wetland; the acreage of replaced wetland; and a time schedule for completion.
 - 2. Specifications for construction of the wetland replacement project.
 - 3. Items required in Subdivision 3, Item A.
- B. A report from the Goodhue County Wetland Technical Evaluation Panel on the suitability of the replacement plan, including the Technical Panel's recommendation.

Subd. 6. In passing on a CUP/IUP conditional/interim use application for the replacement of a wetland, the Planning Commission shall consider all relevant factors specified in this and other sections of this Ordinance and:

- A. The ratio of replaced wetland acreage to wetland acreage destroyed or diminished.
- B. The location of the destroyed or diminished wetland and the replaced wetland.
- C. The value and type of the destroyed or diminished wetland and the replaced wetland.
- D. The replacement schedule for the constructed wetland.
- E. The availability of alternatives that would avoid or minimize the impact on the wetland to be replaced.
- F. The replacement plan is consistent with the County Local Water Management Plan.
- G. The replacement plan follows the principles listed below in order of priority:
 - 1. Avoid direct or indirect impacts that may destroy or diminish the wetland.
 - 2. Limit the degree or magnitude of the wetland activity and its implementation.
 - 3. Rectify impacts by replacement.
 - 4. Reduce or eliminate long-term impact.
- H. The replacement activities will be conducted consistent with the ecology of the affected landscaped area.
- I. An inspection schedule exists to monitor the success of the replacement plan and correct any inadequacies.

Subd. 7. The Planning Commission shall act on an application in the manner described above within forty-five (45) days from receiving the application, except that where additional information is required pursuant to Subd. 4 of this Article. The Planning Commission shall render a written decision whether forty-five (45) days from the receipt of such additional information.

Subd. 8. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning Commission shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- A. Modification of waste treatment and water supply facilities.
- B. Limitations on period of use, occupancy, and operation.
- C. Imposition of operations controls, sureties, and deed restrictions.
- D. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

- E. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

SECTION 4. NOTIFICATION AND PUBLIC HEARING

- Subd. 1. Upon receipt of a complete application in proper form and other required material submitted to the Zoning Administrator, a public hearing shall be scheduled for, the Planning Commission to hear the request. The Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing and may be continued and additional public hearings may be held.
- Subd. 2. Upon receipt of a completed application in proper form and other required material submitted to the Zoning Administrator, and applicant may request a reconsideration of specific conditions listed in their CUP/IUP conditional/interim use if the request is made within thirty (30) days of the County Board's approval of the permit's issuance or amendment. The public hearing will be held at a County Board meeting in lieu of a Planning Commission hearing.
- Subd. 3. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the County.
- Subd. 4. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional/interim use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional/interim use shall be given proper notice.

SECTION 5. APPROVAL, DISAPPROVAL OR MODIFICATION

The Planning Commission shall make its decision upon the application and forward its recommendations to the County Board. In reporting its recommendations to the County Board, the Planning Commission shall report its with respect to all facts in connection with the request. The Planning Commission may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the County Board shall make a decision on the application for a CUP/IUP conditional/interim use. In the case of CUP/IUP conditional/interim use, the determination of the County Board shall be final except that appeals therefrom may be taken. An appeal from a determination of the County Board relating to actions taken in regards to the Goodhue County Zoning Ordinance shall be filed with the Court of Appeals within thirty (30) days, after receipt of the notice of the decision. An appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life or property.

SECTION 6. COMPLIANCE

Any use permitted under the terms of any CUP/IUP conditional/interim use shall be established and conducted in conformity to the terms of such permit.

SECTION 7. REVIEW

~~The County may A periodically review a CUP/IUP of the permit to ensure and its conditions have been shall be maintained. The permit shall be issued for a particular use on a specific parcel and not for a particular person or firm.~~

SECTION 8. REVOCATION

- Subd. 1. A violation of any condition set forth in a CUP/IUP conditional/interim use shall be a violation of both the permit and this Ordinance.
- Subd. 2. Failure to satisfactorily correct a violation within thirty (30) days of written notice from the Zoning Administrator shall be grounds to revoke a CUP/IUP conditional/interim use through the following procedure:
- A. The Zoning Administrator shall give written notice to the permit holder, advising that the CUP/IUP conditional/interim use may be revoked or modified by the County Board. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.
 - B. The County Board shall hold a public hearing.
 - C. The County Board shall adopt the information, proceedings, findings of fact into the record and may:
 1. revoke the CUP/IUP conditional/interim use;
 2. make a finding that a violation does not exist or;
 3. modify the conditions of the permit so that a violation no longer exists.
 - D. The Zoning Administrator shall provide written notice of the Board's decision to the permit holder.

SECTION 9. DISCONTINUANCE

- Subd. 1. Expiration. A CUP/IUP conditional/interim use shall expire and be considered null and void one (1) year after the County Board's final decision to grant the permit if the use has not begun. One (1) administrative extension of up to one (1) year may be granted by the Zoning Administrator upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the permit.
- Subd. 2. Termination. An established CUP/IUP conditional/interim use shall be considered null and void if discontinued for a period of one (1) year.
- Subd. 3. The Zoning Administrator may record a notice of expiration or termination of a CUP/IUP with the County Recorder.

SECTION 10. RECORDING

- Subd. 1. A certified copy of any CUP/IUP conditional/interim use shall be filed with the County Recorder for record. The CUP/IUP conditional/interim use shall include the legal description of the property involved.
- Subd. 2. The Zoning Administrator shall be responsible for recording with the County Recorder any CUP/IUP conditional/interim use issued by the Board.
- Subd. 3. The Zoning Administrator shall provide to the applicant a copy of the order issued by the County Board stating that it has been filed with the County Recorder's Office.

ARTICLE 26 MXH, MIXED USE HAMLET ZONE DISTRICT

SECTION 1. PURPOSE

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

The following areas that will be considered eligible for this zone are the existing historical communities of: Welch (in Section 28, T113N, R16W); Vasa (in Section 15, T112N R16W); White Rock (in Section 32, T112N R16W); Stanton (in Section 30, T112N R18W); and Frontenac Station (in Section 15, T112N R13W).

SECTION 2. INITIATING ZONING MAP AMENDMENTS TO THE MXH DISTRICT

The ability to implement a more flexible approach in regulating land use as established in this Article will require cooperation between Townships where MXH Districts may be established and Goodhue County. It is essential that Township and County Officials work closely to identify hamlets or portions of hamlets that lend themselves to the establishment of an MXH District.

- Subd. 1. The initial application to consider an amendment to the Goodhue County Zoning Map for a change of zone of property to the MXH District may be initiated only by a Goodhue County Township or by the County.
- Subd. 2. Prior to establishment of an MXH District, existing land use for each parcel of property to be included in the MXH District must be documented. Documentation of existing land use shall include a listing of land use(s) for each tax parcel, which include a description of the use, a map, and photographs which identify existing buildings along with a description of how each building is currently being used. The purpose of documenting existing land use of property and buildings is to ensure there is understanding of how properties within a proposed MXH Zone District are being used at the time of change of zone.
- Subd. 3. Change in the use of land and/or building(s) to a different use as established by Section 3 of this Article shall require a Conditional Use Permit (CUP).

SECTION 3. PERMITTED USES

- Subd. 1. None.

SECTION 4. CONDITIONAL USES AND INTERIM USES

Residential, business and/or public land uses may be permitted on the same parcel of property in separate buildings or in the same building subject to compliance with the State Building Code.

Any change in land use from those documented in the initial establishment of the MXH District shall be required to obtain a Conditional Use Permit (CUP). The intent of requiring issuance of a CUP for any change in land use on a given parcel(s) within the MXH District is to ensure that abutting and nearby property owners have an opportunity to hear about a proposed change in use and to offer comments that may impact conditions for approval or establish a basis for denial.

In the MXH, Mixed Use Hamlet District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with all of the pertinent provisions of this Ordinance.

- Subd. 1. Any boarding and rooming houses or bed & breakfast inn.
- Subd. 2. Any church.
- Subd. 3. Any community building including but not limited to Township Halls, Post Offices, Community Centers and Libraries.
- Subd. 4. Any park or recreational area.
- Subd. 5. Any public school.
- Subd. 6. Entertainment and recreation establishments.
 - A. Any theater, dance hall, bowling alley, pool or billiard hall.
- Subd. 7. Any single, two, three, or four family dwelling, or residential subdivision subject to the provisions of Section 7, of this Article.
- Subd. 8. Retail uses, professional offices, and personal or professional services in buildings. See Section 7 and 8 of this Article for development standards.
- Subd. 9. Any home ~~business. occupation.~~
- Subd. 10. Wind Energy Conversion Systems in accordance with Article 18 of this ordinance.

SECTION 5. COMMERCIAL DEVELOPMENT STANDARDS

Uses established in the MXH (Mixed Use Hamlet) District shall be operated subject to the following conditions:

- Subd. 1. Any store or business shall be conducted entirely within a building.
- Subd. 2. Requirements as listed in Article 11, Section 23.

- Subd. 3. The size of commercial or mixed use buildings shall be determined during the conditional use review process based upon the following criteria:
- A. Amount of available site area;
 - B. Size of structures located on nearby properties;
 - C. Compatibility of design of proposed structure(s) with other structures located within the hamlet.

SECTION 6. ACCESSORY USES

In the MXH, Mixed Use Hamlet District, any following accessory use, building or structure customarily incidental to the conditionally permitted use shall be allowed, provided that such accessory use, building or structure shall be located on the same tax parcel.

- Subd. 1. Any home ~~business-occupation~~.
- Subd. 2. Any private garages either separated or in connected groups, having common unpierced dividing walls between contiguous private garages.
- Subd. 3. Any temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of such construction work.
- Subd. 4. Any other accessory building, structure or use customarily incidental to the conditionally permitted uses of this Article.
- Subd. 5. Any such accessory building or use must not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.

SECTION 7. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

Any lot in an MXH, Mixed Use Hamlet District on which any conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Size, Width and Depth.
- A. Any lot used as a business, residential or for public use shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by standards required by State or County Health Regulations
 - B. Lot size, depth and width requirements for business, residential or public uses shall be determined during the conditional use permit review process and shall be based on the following criteria:
 - 1. Relationship to the size and width of nearby properties.

2. Ability to meet parking, access, open space and storm water management needs.

Subd. 2. Yard Requirements. Every permitted, conditionally permitted, or accessory building shall meet the following yard requirements:

A. Front Yard.

1. There shall be a minimum setback of forty (40) feet from the right-of-way line of any public road or highway; except that, this setback may be reduced to twenty-five (25) feet when such public road is a minor street serving only a residential subdivision. In situations where the setbacks of structures on abutting properties and/or on the same block are less than the above referenced standards, the front yard setback may be determined based upon an average setback distance as determined by the Zoning Administrator.
2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.

B. Side Yard. Every building shall have two (2) side yards, except attached residential dwelling units or attached commercial buildings which may be permitted at zero lot line. Each side yard shall have a minimum width of eight (8) feet.

C. Rear Yard. Every building shall have a rear yard. The rear yard shall have a minimum depth of eight (8) feet.

D. If a parcel has existing structures, yard setbacks will be determined through the CUP process and the building permit process. Determinations will be made based upon site conditions including, but not limited, to the size and shape of the parcel, the distance between the proposed structures and structures on adjacent parcels, and traffic safety issues such as parking, road access, and sight visibility.

Subd. 3. Bluff Impact Zone. For any use or structure in the MXH District, the setback from the bluff impact zone shall be no less than thirty (30) feet.

Subd. 4. Height Requirements. Every conditionally permitted or accessory building shall meet the following height requirements:

A. All permitted or conditionally permitted principal buildings shall not exceed thirty-five (35) feet in height.

~~B. Accessory buildings shall comply with regulations set forth in Article 11, Section 5 of this Ordinance.~~

Subd. 5. Accessory Buildings. No accessory building shall be constructed or developed on a

lot prior to the construction of the principal building.

Subd. 6. Lot Coverage.

- A. No principal building for a residential land use together with its accessory buildings shall occupy more than twenty (20) percent of the total lot area
- B. No principal building together with its accessory buildings for a commercial or public land use shall occupy more than eight (80) percent of the total lot area.

C. If a parcel has existing structures, lot coverage will be determined through the CUP process and the building permit process. Determinations will be made based upon site conditions including, but not limited to, the size and shape of the parcel, the distance between the proposed structures and structures on adjacent parcels, and traffic safety issues such as parking, road access, and sight visibility.

Subd. 7 Survey. All CUP's and any building permits for new structures must be accompanied by a survey from a Minnesota Licensed Surveyor. The survey shall show:

A. The lot lines;

B. All existing structures and improvements including, but not limited to, walls, fences, walks, and parking on the parcel;

C. The proposed locations of new structures and improvements;

D. The location of structures on adjacent parcels ~~lots~~ within ten (10) feet of all the lot lines.

~~Subd. 7. Substandard Lots of Record. When contiguous and under identical ownership, must be combined to meet minimum standards of this Ordinance in order that any permitted or conditionally permitted use is allowed on such lot or lots.~~

~~Subd. 8. Exceptions. Certain uses are exempted from meeting the lot's size, yard and height requirements. These exceptions are listed in Article 11 Section 22.~~

~~Subd. 98. Distance from Confined Feedlots. No residential use including residential subdivisions shall be sited within one quarter (1/4) mile of an existing confined feeding operation of less than three hundred (300) animal units, or within one half (1/2) mile of an existing confined feeding operation of more than three hundred (300) animal units.~~

~~SECTION 8. GENERAL REGULATIONS~~

~~Subd. 1. Additional requirements for parking regulations in the MXH, Mixed Use Hamlet District are set forth in Article 11 of this Ordinance.~~

SECTION 89. ESSENTIAL SERVICES REGULATIONS

Essential service facilities may be allowed in any MXH, Mixed Use Hamlet District in accordance with the provisions of Article 15 of this Ordinance.

2017 Timber Harvesting Revisions

SECTION 7. VEGETATIVE, TREE, AND WOODLAND ALTERATIONS

The standards herein are intended to ensure that all vegetative alterations carried out in the County will be completed using sound and sustainable forest management practices, prevent watershed damage due to unwise logging operations, minimize the amount of woodland debris occurring in streams and waterways, and ensure that depleted forested areas are properly restocked with trees. These provisions are meant to conserve the forested acres of Goodhue County and emphasize the importance of the environmental, social and economic benefits they provide to our area and to encourage proper management of forest resources in environmentally sensitive areas.

Sensitive Areas:

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

Subd. 1 Forest Management Activities:

A. Vegetative Cutting

Selective cutting and pruning of understory vegetation, shrubs, plants, bushes, grasses, suppressed trees or trees less than four (4) inches in diameter measured at breast height.

B. Intensive Vegetative Clearing

The removal of a stand of trees or vegetation in a continuous patch, strip, row or block

C. Tree Cutting

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

D. Timber Harvesting and logging

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

E. Forest land conversion.

The removal of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Subd. 2 Forest Management Performance Standards:

Forest management should be conducted consistent with current best management practices, including but not limited to:

- A. The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary, cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings.
- B. Forest Management Activities shall be conducted only where clear cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
- C. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.
- D. Where feasible, Forest Management Activities shall be conducted between September 15 and May 15.
- E. Forest Management Activities shall maintain site hydrology.
- F. To the best extent possible, rare or unique features (e.g., rare plant communities) should be identified and protected when undertaking Forest Management Activities.

- G. If natural regeneration will not result in adequate vegetation cover, areas where Forest Management Activities are conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area.
- H. Where feasible, replanting shall be performed during the same Spring, or the following Spring.
- I. Restore all cuts, access roads or stripped slopes to a reasonable and useable condition.
- J. Process all slashing or other woody debris resulting from cutting operations in a safe manner as approved by landowner or designee.
- K. Exercise reasonable care and take whatever practical action necessary to prevent and suppress forest fires in the permit area and vicinity.
- L. Use of fertilizer, herbicides, pesticides or animal wastes must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth or vegetation.
- M. Avoid any trespassing on abutting properties unless expressly granted permission from the affected property owner.
- N. Avoid impacting abutting properties during forest management activities such as leaving tree tops or other debris resulting from the operation. Any such impact on abutting properties shall be promptly addressed by removing tree tops or debris with permission of the affected property owner.
- O. The boundaries of the area where the forest management activities will be conducted shall be clearly marked on the site.

Subd. 3. Permits

- A. No permit required
 - 1. The removal of invasive, non-native species as defined in MN Administrative rules 6216.
 - 2. The removal of vegetation, trees, limbs, and branches that are dead, diseased, dying, or hazardous.
 - 3. Selective tree cutting or selective vegetative cutting, unless required by subpart B
 - 4. Restoration and erosion control management activities consistent with a plan approved by the local government or resource agency.
 - 5. Forest Management Activities shall not require issuance of a permit when approved in conjunction with a valid Land Use Management Department permit and limited to areas necessary for the construction of the permitted use, such as roads, driveways, structures, and SSTS.
- B. Permit Required
 - 1. Forest Management Activities subject to the requirements of Subd. 4 shall be permitted according to the requirements of the applicable standard.
 - 2. Within Sensitive Areas. The following Forest Management Activities conducted in Sensitive Areas shall require a permit:
 - a. Intensive Vegetative Clearing
 - b. Timber Harvesting or Logging
 - c. All Forest Land Conversion
 - 3. Outside Sensitive Areas. The following Forest Management Activities conducted outside Sensitive Areas in all zoning districts shall require a permit:
 - a. Timber Harvesting or Logging
 - b. Forest Land Conversion projects over one (1) acre

Subd.4 Additional Regulations. Forest Management Activities shall adhere to the requirements of the following regulations as applicable:

- A. Cannon River Scenic and Recreational Districts. Restrictions and prohibitions as described in MR 6105.0150.
- B. Shoreland. Restrictions and prohibitions as described in MR 6120.3300, subpart 4, Shoreland Alterations.
- C. Goodhue County Zoning Ordinance Article 33 (Wetland Regulations).

Subd. 5. Permit Application. Application for a Permit shall be filed with the Goodhue County Zoning Administrator who may submit the application to the State Forester for review. The application shall contain the following information:

- a. The applicant's name, address and phone number. Also, if a contractor (commercial logger) will be conducting forest management activities the name, address and phone number of that company or individual shall be provided.
- b. A map or plat of the proposed area of forest management activities showing the confines or limits thereof, together with a plan showing the general vegetative growth pattern.
- c. A full description of the location of the land where the forest management activities are to be undertaken and the volume of timber to be removed.
- d. A statement of the purpose of the forest management activities, intent of replanting, disposal program and program of land restoration.
- e. The highways, roads or other public ways in the county upon and along which the timber is to be hauled.
- f. The estimated time when the forest management activities are to begin and will be completed.
- g. A forest management plan, including method of harvesting, method of reforestation and the location and type of erosion and sediment control measures.

TIMBER HARVESTING CURRENT 2017

ARTICLE 10 RULES AND DEFINITIONS

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

~~**TIMBER HARVESTING.** The removal of timber from a woodland for commercial purposes including, but not limited to, paper or wood products.~~

WOODY VEGETATION. Includes trees that are not timber.

11. PERFORMANCE STANDARDS

SECTION 7. COMMERCIAL TIMBER HARVESTING PERMITS

~~A permit shall be required to cut, fall, harvest or otherwise remove timber for the purpose of profit from property owned or used by a landowner. Specific requirements and application procedures are set forth in this Section.~~

~~Subd 1. Commercial Timber Harvesting Permit Procedures, Requirements and Performance Standards~~

~~A. Purpose~~

- ~~1. To insure the economy of harvesting and processing of the County's woodland natural resources through proper forest management principles.~~
- ~~2. To insure that all timber harvests carried out in the County will be completed using sound and sustainable forest management practices.~~
- ~~3. To prevent watershed damage due to unwise logging operations~~
- ~~4. To minimize the amount of woodland debris occurring in streams and waterways.~~
- ~~5. To ensure that depleted forested areas are properly restocked with trees.~~
- ~~6. To conserve the forested acres of Goodhue County and emphasize the importance of the environmental, social and economic benefits they provide to our area.~~
- ~~7. To properly manage forest resources in environmentally sensitive areas such as flood plains, wetlands, Blufflands, Shoreland management areas, areas populated with rare and endangered plants species or wildlife, and wild and scenic river districts.~~

~~Subd. 2. Commercial Timber Harvesting Permit~~

~~A. No person shall harvest trees on land within the County without first securing a permit.~~

~~B. Application for a Commercial Timber Harvesting Permit shall be filed with the Goodhue County Zoning Administrator who may submit the application to the State Forester for review. The application shall contain the following information:~~

- ~~1. The applicant's name, address and phone number. Also, if a contractor (commercial logger) will be conducting timber harvesting the name, address and phone number of that company or individual shall be provided.~~
- ~~2. A full description of the location of the land where the timber harvesting is to be undertaken and the volume of timber to be removed.~~
- ~~3. A statement of the purpose of the timber harvest, intent of replanting, disposal program and program of land restoration.~~

- ~~4.—The highways, roads or other public ways in the county upon and along which the timber is to be hauled.~~
- ~~5.—The estimated time when the timber harvest is to begin and will be completed.~~
- ~~6.—A map or plat of the proposed area of timber harvest showing the confines or limits thereof, together with a plan showing generally the vegetative growth pattern.~~
- ~~7.—A forest management plan, including method of harvesting, method of reforestation and soil conservation.~~
- ~~8.—The boundaries of the area where the timber harvesting will be conducted shall be clearly marked on the site.~~

~~Subd. 3.—Intensive Vegetation Clearing. Intensive vegetation clearing anywhere in the designated land use district on the Cannon River and in any other district which regulates vegetation alterations is subject to the following standards and criteria:~~

- ~~A.—Intensive vegetation clearing shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Zoning Authority to be fragile and subject to severe erosion and/or sedimentation.~~
- ~~B.—Intensive vegetation clearing shall be conducted only where clear cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.~~
- ~~C.—The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.~~
- ~~D.—Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetation cover, areas in which intensive vegetation clearing is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same Spring, or the following Spring.~~

~~Subd. 4.—Permit Fee. The application for a Commercial Timber Harvesting Permit shall be accompanied by a fee which shall be established by resolution of the Goodhue County Board of Commissioners. A penalty fee shall be applied to Commercial Timber Harvesting Permits applied for and issued after the harvesting operation has begun. The amount of penalty fee shall established by resolution of the Goodhue County Board of Commissioners.~~

- ~~A.—Permits shall be valid for a period of one (1) year from the date of issuance, but may be extended subject to approval of the Goodhue County Land Use Management Department.~~
- ~~B.—When evaluating the Commercial Timber Harvesting Permit, the Goodhue County Land Use Management Department, as a prerequisite to the granting of a permit, may require the applicant to whom such permit is issued or to the owner or user of the property on which the timber harvesting occurs to:
 - ~~1.—Restore all cuts, access roads or stripped slopes to a reasonable and useable condition.~~
 - ~~2.—Process all slashings or other woody debris resulting from cutting operations in a safe manner as approved by landowner or designee, prior to harvesting.~~
 - ~~3.—Exercise reasonable care and take whatever practical action necessary to prevent and suppress forest fires in the permit area and vicinity.~~~~

- ~~4. Perform all cutting operations consistent with the “Voluntary Site Level Forest Management guidelines for Landowners, Loggers and Resource Managers” as described and illustrated in the “Sustaining Minnesota Forest Resources” publication prepared by the Minnesota Forest Resources Council.~~
- ~~5. Apply timber stand improvement practices to the area.~~
- ~~6. Avoid any trespassing on abutting properties unless expressly granted permission from the affected property owner.~~
- ~~7. Avoid impacting abutting properties with timber harvesting practices such as leaving tree tops or other debris resulting from the timber harvesting operation. Any such impact on abutting properties shall be promptly addressed by removing tree tops or debris with permission of the affected property owner.~~

ARTICLE 11. PERFORMANCE STANDARDS

SECTION 11. SOIL EROSION AND SEDIMENT CONTROL

The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling, or exposure of soils.

Subd. 2. Woodland Activities. Land occupiers who use wooded land for pasture must ensure that proper management is used to prevent accelerated erosion or sedimentation due to over-grazing or cattle paths. ~~Clearing woodland to convert the land to another use is prohibited without a permit and approval by the Zoning Administrator.~~ Vegetation alteration shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.

ARTICLE 12 BLUFF LAND PROTECTION

Subd. 9. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.

ARTICLE 31 S, SHORELAND REGULATIONS

SECTION 11. SHORELAND ALTERATIONS

Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

Subd. 1. Vegetation Alterations. Vegetation alteration shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance. For purposes of this provision the controlled vegetation cutting area shall be equal to one-half (1/2) of the structural setback.

- A. Standards within this subdivision apply to all shoreland districts as wells as streams identified on the Minnesota Department of Natural Resources Buffer Protection Map.

ARTICLE 29 WS, WILD AND SCENIC RIVER DISTRICT

Subd. 4. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.

ARTICLE 10 DEFINITIONS: PROPOSED ORDINANCE TEXT

AMENDMENTS

(Underlined text identifies proposed additions. Strikethrough text identifies proposed deletions.
 Highlighted text signifies moved, added, or modified definitions.)

ARTICLE 10 RULES WORD USAGE AND DEFINITIONS

SECTION 1. RULES WORD USAGE

For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- Subd 1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual.
- Subd 2. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.
- Subd 3. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
- Subd 4. The words "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- Subd 5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half ($\frac{1}{2}$) foot or less, the integral foot next below shall be taken.

SECTION 2. DEFINITIONS

~~For the purposes of this Ordinance, certain words and terms are defined as follows: When used in this ordinance, the following terms shall have the meanings herein assigned to them. Words used in this ordinance, but not defined therein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary or its successor volumes.~~

- ABANDONED HOMESTEAD.** A formerly established homestead that has since been abandoned.
- Subd 1. **ACCESSORY BUILDING.** A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.
- ACCESSORY DWELLING UNIT (ADU).** Dwelling units that are accessory to a primary dwelling unit and are on the same tax parcel of land as the primary dwelling unit.
- AGGREGATED PROJECT.** See Article 18 (WECS)

Subd 2. AGRICULTURAL LAND. Land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was set aside to receive price support or other payments under United States Code, Title 7, Sections 1421 to 1469, six of the last ten years prior to January 1, 1991.

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

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

AGRICULTURAL PRODUCT, VALUE-ADDED. This means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

AGRICULTURAL RELATED PRODUCTS. Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, foodstuffs, clothing and other items promoting the farms and agriculture in Goodhue County and value-added agricultural products and production on site.

NON-AGRICULTURAL RELATED PRODUCTS. Means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

AGRICULTURAL TOURISM. “Ag-tourism” and/or “Agri-tourism” means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, vineyard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

Subd 3. AGRICULTURAL USE. The use of land for agricultural purposes, including farming, dairying, pasturage agricultural, forestry horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

~~Subd 4.~~ **AGRICULTURAL RELATED USE.** Means activities that are accessory to the principal use of the property for permissible agriculture use that predominantly use agricultural products, buildings or equipment including activities, events or uses that represent “agricultural tourism” in Goodhue County as defined in this section, including but not limited to:

- A. Bakeries selling baked goods containing produce grown primarily on site
- B. Barn dances
- C. Corn mazes or straw bale mazes
- D. Educational events including but not limited to: activities associated with the promotion of wine usage, viticulture or viniculture classes, historical agricultural exhibits, and farming and food preserving classes.
- E. Gift shops for the sale of agricultural products and agriculturally related products.
- F. Petting farms, animal display, and pony rides
- G. Playgrounds or equipment typical of a school playground
- H. Pumpkin rolling
- I. Sleigh/hay rides
- J. Vineyard harvest festivals

AIR FOIL. See Article 18 (WECS)

Subd. 9 ANIMAL UNIT. means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage are calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. See Table 10-1 for multiplication factors:

Animal Unit Chart		
Description	Animal Units	
Dairy Cattle		
one Mature Cow (whether milked or dry)		
over 1000 lbs	1.4	
under 1000 lbs	1.0	
one Heifer	0.7	
one Calf	0.2	
Beef Cattle		
one slaughter steer or stock cow	1.0	
one feeder Cattle (stocker or backgrounding) or heifer	0.7	
one cow and calf pair	1.2	
one calf	0.2	
One head of swine		
over 300 lbs	0.4	
between 55 lbs and 300 lbs	0.3	
under 55 lbs	0.1	
One horse	1.0	
One sheep or lamb	0.1	
Chickens		
one laying hen or boiler, if the facility has a liquid manure system	0.033	
one chicken if the facility has a dry manure system		
over 5 lbs	0.005	
under 5 lbs	0.003	
One turkey		
Over 5 lbs	0.018	
Uner 5 lbs	0.005	
One duck	0.01	
For animals not listed above the number of animal units is the average weight of the animal in lbs divided by 1000 lbs		

Table 10- 1

ANS/TIA/EIA. See Article 17 (WCF)

ANTENNA. See Article 17 (WCF)

APPLICANT. See Article 17 (WCF)

AZIMUTH. See Article 18 (WECS)

BASEMENT. Any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BASE STATION. See Article 17 (WCF)

~~Subd. 11~~ **BED AND BREAKFAST INN.** An owner, manager, or operator occupied dwelling providing lodging for transient guests for compensation and where breakfast is the only meal offered.

~~Subd. 12.~~ **BEDROCK.** A general term for the rock, usually solid, that underlies soil or other unconsolidated superficial material.

~~Subd. 13.~~ **BLUFF.** A high bank or bold headland with a broad precipitous sometimes rounded cliff-face overlooking a plain or body of water, especially on the outside of a stream or meander-river bluff, that rises or drops twenty-five (25) feet from the horizontal and the slope averages thirty (30) percent or greater.

BLUFF, TOE OF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.

BLUFF, TOP OF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.

~~Subd. 14.~~ **BLUFF IMPACT ZONE.** All of the land lying between the top of the bluff and the toe of the bluff.

~~Subd. 15.~~ **BLUFFLINE.** A line along the top of a slope connecting the points at which the slope becomes greater than twelve (12) percent. This applies to those slopes within the Wild and Scenic River District which are beyond the setback provisions from the ordinary high water level.

~~Subd. 16.~~ **BOARDING OR ROOMING HOUSE.** A boarding or rooming house shall mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without cooking or kitchen accommodations.

Subd 17. **BOARD OF ADJUSTMENT.** A quasi-judicial body, created by this Ordinance, whose responsibility it is to hear appeals from decisions of the Planning and Zoning Administrator and to consider requests for variances permissible under the terms of this Ordinance.

BUFFER. Has the meaning provided in Minn. Stat. §103F.48, subd. 1(c).

BUFFER PROTECTION MAP. Has the meaning provided in Minn. Stat. §103F.48, subd. 1(d) and which are available on the Department of Natural Resources website.

Subd 18. **BUILDING.** Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, chattel, or property of any kind.

Subd 19. **BUILDING, PRINCIPAL.** A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

Subd 20. **BUILDING HEIGHT.** The vertical distance measured from the ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Subd 21. **BUILDING LINE.** The front line of the building or the legally established line which determines the location of the building with respect to the street line or the ordinary high water level.

BWSR. The Board of Water and Soil Resources.

C-BED PROJECT. See Article 18 (WECS)

Subd 22. **CAMPGROUND.** An area accessible by vehicle and containing campsites or camping spurs for tents, trailers and RV camping.

Subd 23. **CARPORIT.** A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.

CO-LOCATION. See Article 17 (WCF)

Subd 24. **COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Subd 25. **COMMISSIONER.** The Commissioner of the Department of Natural Resources.

Subd 26. **COMMUNITY BUILDING.** Any structure intended for use as educational, recreational, social, service or governmental purposes by the general public.

COMPREHENSIVE PLAN. Means the adopted Goodhue County Comprehensive Plan.

Subd 27. **CONDITIONAL USE PERMIT (CUP).** A specific type of structure or land use listed in the official control that may be allowed but only after an in depth review

procedure and with appropriate conditions or restrictions as provided in the official controls. ~~or building codes and upon a finding that: 1) certain conditions as detailed in the Zoning Ordinance exist, and 2) the structure and/or land use conform to the Comprehensive Land Use Plan, if one exists, and 3) the structure and/or land use is compatible with the existing neighborhood.~~

~~Subd 28.~~ **COUNTY BOARD.** Includes the County Commissioners, the Board of County Commissioners, or any other word or words meaning the Goodhue County Board of Commissioners.

~~Subd 29.~~ **CROPLAND.** Land which could be used primarily for the production of adapted, cultivated, close growing crops and trees for harvest, as determined by Appendix "A" of this Ordinance.

CULTIVATION FARMING. Farming practices that disturb root or soil structure or that impair the viability of perennial vegetation due to cutting or harvesting near the soil surface.

DB (A), A-WEIGHTED SOUND LEVEL. See Article 18 (WECS)

DECIBEL. See Article 18 (WECS)

~~Subd 30.~~ **DECK.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

~~Subd 31.~~ **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

DEWATERING. See Article 14 (Mineral Extraction)

DISTILLED SPIRITS. See Article 11 (Farm Wineries)

DRAINAGE AUTHORITY. Has the meaning provided in Minn. Stat. §103E.005, subd. 9.

~~Subd 32.~~ **DUPLEX, TRIPLEX, AND QUAD.** A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

DUST. See Article 14 (Mineral Extraction)

~~Subd 33.~~ **DWELLING.** Two or more rooms within a structure which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed shall be included for each dwelling. A manufactured home with the above accommodations located in areas approved for manufactured homes shall be considered a dwelling unit. A house trailer, camper trailer, camper bus, or tent are not considered dwelling units. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling.

- A. **Dwelling, Farm.** A dwelling located on a farm which the residents of said dwelling either operate or is employed thereon.
- B. **Dwelling, Non-Farm.** A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.
- C. **Dwelling, Single Family.** A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only, together with such domestic help as may be necessary to service and maintain the premises and their occupants.
- D. **Dwelling, Two Family.** A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.
- E. **Dwelling, Multiple.** A building used or intended to be used as a dwelling by three (3) or more families.
- F. **Dwelling, Second Farm.** A temporary dwelling located in the farmyard and with the same tax parcel, to house farm labor. The dwelling shall be removed when the need is terminated. No such dwelling shall be allowed to become permanent, nor shall it give rise to a right to create a separate building site.

~~Subd 34.~~ **DWELLING, REPLACEMENT SITE.** A site currently occupied by a legally established existing dwelling, whether habitable or uninhabitable, that may be continued as a dwelling site, regardless of the maximum density standard of the applicable zoning district.

~~Subd 35.~~ **EDUCATIONAL FARM RETREAT.** An educational farm retreat shall be construed to mean any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family, as herein provided, and occupied as a home or family unit, are rented with cooking facilities, to the public for compensation and catering primarily to the traveling public. The purpose of the Educational Farm Retreat is to provide a lodging experience that provides an opportunity for guests to learn about the operations of a working farm.

~~Subd 36.~~ **EDUCATIONAL FARM RETREAT UNIT.** Educational farm retreat room in a grouping to include not more than two bedrooms, kitchen or kitchenette and bathroom.

~~Subd 37.~~ **EQUAL DEGREE OF ENCROACHMENT.** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

EMPLOYEE, NON-RESIDENT. Persons employed by a home business not residing within the principal dwelling.

ESSENTIAL SERVICES. These uses include poles, towers, telephone booths, wires, cables, conduits, vaults, pipes, mains, pipelines, laterals, stations, substations or other associated or similar transmitting distributing or regulating facilities of a public utility.

EXCAVATION. See Article 14 (Mineral Extraction)

~~Subd 38.~~ **EXTRACTIVE USE.** The use of land for surface or sub-surface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

FAA. See Article 17 (WCF)

FALL ZONE. See Article 18 (WECS)

FCC. See Article 17 (WCF)

~~Subd 39.~~ **FAMILY.** A family is any number of persons living together in a room or rooms comprising of single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.

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

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

~~Subd 41.~~ **FARM MARKET/ON-FARM MARKET/ROADSIDE STAND.** Means the sale of agricultural products or value-added agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

~~Subd 42.~~ **FARMYARD.** The area of a farm immediately around the farm residence where accessory buildings are located and are being used exclusively for agricultural operations.

FARM WINERY. See Article 11 (Farm Wineries)

FEEDER LINE. See Article 18 (WECS)

~~Subd 43.~~ **FEEDLOT.** Lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal

feedlots. Pastures shall not be considered animal feedlots under these rules. Other definitions relating to feedlots are found in Minnesota Pollution Control Agency's Rules 7020 For The Control of Pollution From Animal Feedlots. These rules are adopted by reference in this Ordinance.

FLOOD. See Article 32 (Floodplain District)

FLOOD FREQUENCY. See Article 32 (Floodplain District)

FLOOD FRINGE. See Article 32 (Floodplain District)

FLOODPLAIN. See Article 32 (Floodplain District)

FLOOD-PROOFING. See Article 32 (Floodplain District)

FLOODWAY. See Article 32 (Floodplain District)

FLOOR AREA, GROUND. See Article 32 (Floodplain District)

Subd 44. **FOREST LAND CONVERSION.** The ~~clear-cutting~~ removal of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Subd 45. **FORESTRY.** The use and management, including logging, of a forest, woodland or plantation and related research and educational activities.

Subd 46. **GARAGE, PRIVATE.** An accessory building designed or used for the storage of not more than three (3) motor driven vehicles owned and used by the occupants of the building to which it is accessory.

Subd 47. **GASOLINE SERVICE STATION.** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, repair, or similar servicing thereof.

GENERATOR NAMEPLATE CAPACITY. See Article 18 (WECS)

HIGH POWER TRANSMISSION LINE. See Article 17 (WCF)

HOME BUSINESS. A business, profession, occupation or trade for gain or support conducted by an owner-occupant on the same parcel as the principal dwelling, which is incidental and secondary to the principal use of the premises.

HUB HEIGHT. See Article 18 (WECS)

Subd 48. **HYDRIC SOILS.** Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd 49. **HYDROPHYTIC VEGETATION.** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

- ~~Subd 50.~~ **INDUSTRIAL USE.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- ~~Subd 51.~~ **INTENSIVE VEGETATIVE CLEARING.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- ~~Subd 52.~~ **INTERIM USE PERMIT (IUP).** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. MN Statutes 394.303
- ~~Subd 53.~~ **JUNK/SALVAGE YARD.** A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second-hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.
- 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.
- LANDOWNER.** Means the fee title owner.
- ~~Subd 54.~~ **LIVESTOCK.** Any beef or dairy cattle, swine, sheep, horses and ponies.
- LOCAL WATER MANAGEMENT AUTHORITY.** Has the meaning provided in Minn. Stat. §103F.48, subd. 1(g).
- LOT.** A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having the required frontage upon the street, either shown and identified by lot number on a plat of record or considered as a unit of property and described by metes and bounds.
- LOT, CORNER.** A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angles of the intersection does not exceed one hundred thirty-five (135) degrees.
- ~~Subd 55.~~ **LOT AREA.** The area of a lot on a horizontal plane bounded by the lot lines.
- ~~Subd 56.~~ **LOT COVERAGE.** The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.
- ~~Subd 57.~~ **LOT FRONTAGE.** The lot line separating the lot from the road right-of-way.
- ~~Subd 58.~~ **LOT DEPTH.** The perpendicular distance between the front and rear lot lines, measured along the median between the side lot lines.

~~Subd 59.~~ **LOT WIDTH.** The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

~~Subd 60.~~ **LOT LINES.** The lines bounding a lot as defined in this Ordinance.

LOWEST FLOOR. See Article 32 (Floodplain District)

MANUFACTURED HOME. See Article 32 (Floodplain District)

~~Subd 61.~~ **MANUFACTURED HOUSING.** A manufactured building or portion of a building designed for long-term residential use.

MAXIMUM DENSITY. A density standard establishing the maximum number of dwellings allowed in a Section, ¼ ¼ Section, District, or Subdivision. In order to maintain a balance of compatible uses, when the maximum density has been reached, the only opportunity to increase the density is through a change of zone process that would allow additional housing. Reestablished abandoned homestead sites are not included in the density count until they have been approved and permitted.

~~Subd 62.~~ **MIGRATORY LABOR CAMP.** 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.

MINERAL EXTRACTION, ACCESSORY USE. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION, PRINCIPAL USE. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION FACILITY. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION PERMIT. See Article 14 (Mineral Extraction)

MINERAL RESOURCE. See Article 14 (Mineral Extraction)

MINING TECHNICAL EVALUATION PANEL. See Article 14 (Mineral Extraction)

~~Subd 63.~~ **MINING/EXCAVATION OPERATION.** The removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

~~Subd 64.~~ **MOBILE HOME.** Manufactured housing built on a chassis.

MOBILE/MANUFACTURED HOME PARK. This term applies to any lot or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park.

NACELLE. See Article 18 (WECS)

NON-AGRICULTURAL USES/ACTIVITIES ASSOCIATED WITH AN AGRITOURISM USE. This means activities that are part of an agri-tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include but are not limited to:

- A. Temporary Amusement rides associated with an event
- B. Art or cultural related festivals
- C. Gift shops for the sale of non-agricultural products
- D. Benefit events
- E. Kitchen facilities, processing/cooking items for sale (subject to State of Minnesota, Department of Public Health standards) including eating establishments such as restaurants or café's.
- F. Temporary camping (subject to State of Minnesota Department of Public Health Standards for Recreation Camping)
- G. Wedding ceremonies or receptions
- H. Wine and catered food events
- I. Reunions
- J. Concerts
- K. Social gatherings or similar types of events.

~~Subd 65.~~ **NON-CONFORMING LOT OF RECORD.** Any legal lot of record that at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Zoning Ordinance concerning minimum area or minimum lot width.

~~Subd 66.~~ **NON-CONFORMING STRUCTURE.** A structure the size, dimensions or location of which was lawful prior to the adoption of this Zoning Ordinance, but which fails by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.

NON-PREVAILING WIND. See Article 18 (WECS)

NORMAL WATER LEVEL. The level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

~~Subd 67.~~ **OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard or

change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

~~Subd 68.~~ **ODOR.** The odor of growing vegetation, domestic fertilizers, animal manures, insecticides, and other agricultural odors shall not be considered objectionable.

OPERATOR. See Article 14 (Mineral Extraction)

~~Subd 69.~~ **ORDINARY HIGH WATER LEVEL.** The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

~~Subd 70.~~ **OWNER.** Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

PARCEL. A unit of real property that has been given a tax identification number maintained by the County.

~~Subd 71.~~ **PARKING SPACE.** An area of not less than two hundred (200) square feet, exclusive of drives or aisles giving access thereto, accessible from streets or alleys or private drives or aisles leading to streets or alleys, and to be usable for the storage or parking of motor vehicles.

~~Subd 72.~~ **PLAIN.** Land having an average slope of less than eighteen (18) percent over a distance of fifty (50) feet or more.

PLANNING COMMISSION. The Goodhue County Planning Advisory Commission.

POWER PURCHASE AGREEMENT. See Article 18 (WECS)

PRELIMINARY ACOUSTIC STUDY. See Article 18 (WECS)

~~Subd 73.~~ **PRACTICE DIFFICULTY.** The same as the term is defined in Minnesota Statutes, Chapter 394.

PRIMITIVE CAMPSITES. An area that consists of individual remote campsites accessible only by foot or water.

PROCESSING, MINERALS. See Article 14 (Mineral Extraction)

PUBLIC WATERS. All water basins, wetlands, and watercourses determined to be protected waters by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Section 103G.005, Subd. 15 and 18, and 103G.201. An official list and map of protected waters shall be filed in the Office of the County Auditor and the Zoning Administrator.

PUBLIC CONSERVATION LANDS. See Article 18 (WECS)

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

QUALIFIED INDEPENDENT ACOUSTICAL CONSTULTANT. See Article 18 (WECS)

Subd 74. **REACH.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

RECLAMATION. See Article 14 (Mineral Extraction)

RECREATION VEHICLE. See Article 32 (Floodplain District)

Subd 75. **REGIONAL FLOOD.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 years recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Subd 76. **REGULATORY FLOOD PROTECTION ELEVATION.** A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increase in flood heights contributable to encroachment on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.

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

Subd 77. **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)

Subd 78. **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.

~~Subd 79.~~ **SELECTIVE CUTTING.** ~~The removal of single scattered trees, provided a continuous tree cover is maintained within the structure setback areas.~~

~~Subd 80.~~ **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)

~~Subd 81.~~ **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.

~~Subd 82.~~ **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.

~~Subd 83.~~ **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 84.~~ **SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

~~Subd 85.~~ ~~Removed April 4, 2017~~

SIGN. See Article 11 (Sign Regulations)

SIGN, MONUMENT. See Article 11 (Sign Regulations)

SIGN, OFF-PREMISES. See Article 11 (Sign Regulations)

SIGN, PYLON. See Article 11 (Sign Regulations)

SIGN, SURFACE AREA OF. See Article 11 (Sign Regulations)

SIGN, TEMPORARY. See Article 11 (Sign Regulations)

SIGN, WALL. See Article 11 (Sign Regulations)

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SILICA SAND. See Article 14 (Mineral Extraction)

Subd-95-

SITE PLAN. Contents of Site Plan: A Site Plan, when required, must be drawn to scale and specifications. The following information is required:

- A. Legal description of the property, including any easements;
- B. The entire parcel relating to the application must be shown. If the application or permit involves only a portion of the parcel, a key or vicinity map shall be included showing the entire parcel;
- C. A directional arrow indicating north on the site plan;
- D. Location and widths of adjacent streets (by name), farm roads or other adjacent property;
- E. Property access points, parking, and loading areas;
- F. Location, size and shape of any structures presently on the site and of those proposed for construction, including buildings, retaining walls, patios, decks, porches, and driveways (existing and proposed). Clearly distinguish between existing and proposed features (statements such as "existing wall to remain" are acceptable call-outs for the site plan);
- G. Dimensions showing front, side, and rear distances from structures to property lines, distances between structures, porches and decks (existing and proposed);
- H. The existing and intended use of the property;
- I. All landscape, screening, and fencing plans;
- J. The location of all wells and sanitary sewer systems, including any abandoned systems or wells;
- K. The distance between any wells and sanitary sewer systems and the nearby structures (existing and proposed);
- L. The existing and finished grade elevation of driveway at property line, and at garage entry, if a change to access or parking is proposed;

- M. The location of all surface water bodies including all marine waters, lakes and ponds, rivers, streams, creeks and wetlands, along with their associated shorelines, ordinary high-water lines and their required setbacks;
- N. Indication of all areas of the site to be disturbed by grading and excavation associated with the construction of buildings or other site. The Zoning Administrator may require a grading plan if grading activity will impact environmentally sensitive areas including but not limited to: Floodplain areas, Shoreland areas, Steep Slopes, and Sites with Karst Features. A grading plan shall include:
 - 1) Existing and proposed two-foot contours;
 - 2) An erosion and sediment control plan;
- O. Upon review, projects may require a survey by a Minnesota Licensed Land Surveyor;
- P. Upon review, projects may require other information concerning the property or adjoining property as determined by the Zoning Administrator and/or Building Department that demonstrate compliance with the Goodhue County zoning ordinance and state building code.

SOIL. See Article 14 (Mineral Extraction)

SOIL, TOP. See Article 14 (Mineral Extraction)

SOLAR CELL. See Article 19 (SES)

SOLAR COLLECTOR. See Article 19 (SES)

SOLAR EASEMENT. See Article 19 (SES)

SOLAR ENERGY. See Article 19 (SES)

SSTS. Subsurface Sewage Treatment System.

~~Subd 86.~~ **STEEP SLOPE.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

~~Subd 87.~~ **STREET.** Any thoroughfare or way other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or any other similar designation, or a private street open to restricted travel, at least thirty (30) feet in width.

Subd 88. **STRUCTURE.** Anything constructed or erected on the ground or attached to the ground or on site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Article 32, Section 9, Subd. 3.A. of the Ordinance and other similar items.

Subd 89. **STRUCTURAL ALTERATION.** Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.

SUBSTANTIAL DAMAGE. See Article 32 (Floodplain District)

SUBSTANTIAL IMPROVEMENT. See Article 32 (Floodplain District)

SUBSTATION, SES. See Article 18 (WECS)

SUBSTATION, WECS. See Article 19 (SES)

SWCD. Soil and Water Conservation District.

TASTING ROOM. See Article 11 (Farm Wineries)

Subd 90. **TIMBER.** Standing trees which because of their size, quality and number are marketable.

Subd 91. **TIMBER HARVESTING AND LOGGING.** ~~The cutting of trees over four (4) inches in diameter measured at breast height, skidding, on-site processing, and loading of trees to be removed from a parcel. The removal of timber from a woodland for commercial purposes including, but not limited to, paper or wood products.~~

TOWER ACCESSORY STRUCTURE. See Article 17 (WCF)

TOWER, HEIGHT. See Article 17 (WCF)

TOWER, METEOROLOGICAL. See Article 18 (WECS)

TOWER, WECS. See Article 18 (WECS)

TOWER, WCF. See Article 17 (WCF)

TRANSMISSION LINE. See Article 18 (WECS)

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

Subd 92. **USE.** The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained.

A. **CONDITIONAL USE.** A land use or development as is defined by this Ordinance that would be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon the finding that:

1) certain conditions as detailed in this Ordinance exist, and 2) use or development conform to the Comprehensive Plan of the County, and 3) is compatible with the existing neighborhood.

B. **NON-CONFORMING USE.** A use or activity which was lawful prior to the adoption of this Zoning Ordinance but which fails, by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.

C. **PERMITTED USE.** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

D. **PRINCIPAL USE OR STRUCTURE.** All uses or structures that are not accessory uses or structures.

E. **ACCESSORY USE.** A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.

Subd-93. **VARIANCE.** Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship or practical difficulty. A modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstances as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

VEGETATIVE CUTTING. Selective cutting and pruning of understory vegetation, shrubs, plants, bushes, grasses, suppressed trees or trees less than four (4) inches in diameter measured at breast height

Subd-94. **VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.

Subd-95. **WATERSHED MANAGEMENT OR FLOOD CONTROL STRUCTURE.** A dam, flood wall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course at the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of Natural Resources.

WECS (WIND ENERGY CONVERSION SYSTEM). See Article 18 (WECS)

WECS, COMMERCIAL. See Article 18 (WECS)

WECS, LARGE (LWECS). See Article 18 (WECS)

WECS, MICRO. See Article 18 (WECS)

WECS, NAME PLATE CAPACITY. See Article 18 (WECS)

WECS, NON-COMMERCIAL. See Article 18 (WECS)

WECS, SMALL (SWECS). See Article 18 (WECS)

WECS, TOTAL HEIGHT. See Article 18 (WECS)

WECS, TOWER HEIGHT. See Article 18 (WECS)

~~Subd 96-~~ **WETLAND.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have hydric soils, predominantly hydric vegetation, and display wetland hydrology.

WETLAND ON AGRICULTURAL LAND. Wetland where greater than fifty (50) percent of its basin is located on agricultural land.

WIND TURBINE, HELI. See Article 18 (WECS)

WINE, FORTIFIED. See Article 11 (Farm Wineries)

WINE, TABLE OR SPARKLING. See Article 11 (Farm Wineries)

WIRELESS COMMUNICATIONS. See Article 17 (WCF)

~~Subd 97-~~ **WOODED OR WOODLAND.** An area of at least one acre in size with a stand of trees that has a canopy cover, as shown on the most recent aerial photographs, of at least fifty (50) percent, having a minimum width of at least one hundred (100) feet.

~~Subd 98-~~ **WOODY VEGETATION.** Includes trees that are not timber.

~~Subd 99-~~ **YARD.** An open space at the grade line between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward. Yard measurements shall be the minimum horizontal distance between a lot line and the nearest line of the principal building.

A. **Yard, Front.** A yard extending across the full width of the lot between the front line and the nearest line of the principal building.

B. **Yard, Rear.** A yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.

C. **Yard, Side.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.

~~Subd 100-~~ **ZONING ADMINISTRATOR.** The person(s) employed by the Board of County Commissioners to carry out the provisions of this Ordinance.

~~Subd 101.~~ **ZONING DISTRICT.** The sections of the County for which the regulations governing the height, area, use of buildings, and premises are the same as delineated by this Ordinance.

~~Subd 102.~~ **ZONING MAP.** The areas comprising those zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as County of Goodhue Official Zoning Map, with all proper notations, references, and other information shown thereon.

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
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County Surveyor / Recorder

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
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To: Board of County Commissioners
From: Land Use Management
Meeting Date: January 2, 2018
Report date: December 27, 2017

Conditional Use Permit John Frawley– 26273 County 7 Blvd Welch MN 55089, MXH Mixed Use Hamlet Zoned District, Parcel 46.028.0300; Part of the NW1/4 of NE ¼ Sect 28 Twp 113 Range 16 in Welch Township. Request for CUP for a change in land use from those documented in the initial establishment of the MXH District.

Application Information:

Applicant: John Frawley
Address of zoning request: 26274 County 7 Blvd, Welch, MN 55089
Parcel: 46.028.0300
Abbreviated Legal Description: Part of the NW ¼ of the SW ¼ Sect 20 Twp 113 Range 16 Township
Information: Welch Township endorsed acknowledgment of the applicant's request.
Zoning District: MXH (Mixed Use Hamlet District)

Attachments:

Application and submitted project summary
Site Map(s)
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>
December 11, 2017 PAC Packet: <http://www.co.goodhue.mn.us/AgendaCenter/ViewFile/Item/5983?fileID=13351>
December 11, 2017 BOA Packet: <http://www.co.goodhue.mn.us/AgendaCenter/ViewFile/Item/6000?fileID=13359>

Summary:

John Frawley is requesting approval of a Conditional Use Permit to allow construction and operation of residential dwelling unit (apartment) and an Event Center including a kitchen, restroom and a meeting room/assembly space to accommodate groups of up to fifty (50) people. The extensive remodeling and restoration project allows reuse of the Welch Creamery for the proposed uses helps save a landmark local structure within the historic Welch Hamlet District. The proposed residential and Event Center uses are compatible with the purpose of the Mixed Use Hamlet Zone. The Event Center will offer a high quality facility for small groups for meetings and events in the unique setting of the historic Welch Hamlet. The Frawley's have stated it is their intent to conduct cooking classes at the Event Center as some point in the future. Initially they expect to use the apartment and to use the future Event Center space for family functions.

Background:

Improvements to Creamery Building began before establishment of the Welch Village Mixed Use Hamlet Zone District. The Welch Creamery structure dates to the early 1900's and had been vacant or used either for storage in recent years. Significant structural repairs and remodeling improvements to the Creamery Building have been completed. Improvements to the building include aesthetic improvements to all facades as illustrated on photographs of the property included with the CUP Application Submittal.

A building permit was approved which authorized exterior remodeling and improvements for residential use because at that time the property was located within an R-1 (Suburban Residence) Zone District. The Permit did not include a plan for the attached garage that was subsequently constructed.

On December 11, 2107 the Goodhue County Board of Adjustment approved the request for an “after-the-fact” variance to Mixed Use Hamlet District regulations requiring 8-foot minimum side yard structure setback and a 40-foot front yard setback to allow an attached garage addition to the Welch Creamery Building, as constructed, to within 2-feet to the north parcel boundary and to within six 6-feet of the County 7 Blvd Right-of-Way, subject to the following conditions:

1. The Applicant must obtain a “driveway access permit” from the County Engineer prior to start of operations of the Event Center or any use of the attached garage/driveway.
2. No parking shall be allowed between the attached garage and the County Road 7 Right-of-Way.
3. The Applicant must obtain a new building permit for the attached garage including submittal of any required building plans and specifications and payment of the required building permit fee.
4. Approval of the Conditional Use Permit to authorize the proposed residential and business (Event Center) uses in the Mixed Use Hamlet Zone District.

The Welch Hamlet already has other business uses including the Bleu Dog Café, the Cannon River Inn and Welch Mill (Tubing/Canoeing). The Welch Hamlet is a hub of activity for locals and visitors with close proximity to the Cannon Valley Trail and Welch Village Ski Area.

Residential Dwelling Unit: The County previously approved a building permit that included plans to construct an apartment (one dwelling unit) on the second floor of the Creamery Building. The existing apartment plan may be authorized under the CUP required under the MXH Zone District.

Hours of Operation. There are no specific standards for hours of operation for Event Center Facilities within an MXH Zone District. The Applicant requested hours of operation of 7:00 AM to 11:00 PM for the Event Center Facility.

Lighting. Building plans call for some light fixtures at the doors of the structure that are typical of residential lighting found on a dwelling.

Parking. The CUP Applications includes a proposal for use of the Creamery Structure is being redeveloped with a residential apartment on the upper level (one dwelling unit) and an Event Center Space on the lower level. Two parking spaces are required for the dwelling unit. The attached garage includes two parking spaces for the apartment. The Event Center Space including a kitchen, restrooms and a meeting/assembly space is sized to accommodate up to fifty (50) people. The County’s parking standards would require one parking space per four (4) occupants or thirteen (13) parking spaces.

Signage. The Applicant has not proposed any freestanding signs. The Building Plans note an existing wall sign identifying the structure as “Welch Creamery”. This is actually an existing sign that was located on the building when it was used as a creamery. The wall sign is 18 feet x 1.5 feet., which totals twenty-seven (27) square feet in area. The County’s Sign Regulations for the MXH District allow 10% of a wall surface to be used for signage. The existing sign utilizes about 2.5% of the front façade of the structure.

Water/Wastewater. The Creamery Property is currently served by an existing well and by a community wastewater system that serves numerous properties within the Welch Hamlet. The existing water and wastewater services were determined to be sufficient for *residential use* of the structure. See condition 6 for additional uses.

Stormwater Management. The applicant is not proposing any site grading nor is he proposing the establishment of any additional paved surfaces at this time. A major swale and intermittent stream wraps around the perimeter of the site and serves to convey stormwater runoff from the property to the Cannon River. The Frawley’s added an attached garage to the Creamery Building that increased the building footprint size by approximately 450 square feet. No additional structures or paving are being proposed at this time.

Landscaping/Site Improvements. The Board of Adjustment approved a variance to address yard setback requirements for the attached garage addition to the Creamery Building. The attached garage was allowed to extend to within two (2) feet of the Frawley’s north property boundary and to within six (6)

feet of the front property line/County 7 Blvd right-of-way. The County Engineer may stipulate additional site improvements as a condition for issuance of a Driveway Access Permit to County 7 Blvd. The applicant is not proposing any additional landscaping or site improvements at this time.

Building Permit Requirements: Building Permit was issued to remodel the Creamery Building for *residential use*. The Applicant will be required to obtain a new building permit prior to initiating operation of the Event Center.

Planning Advisory Commission – December 11, 2017: Mr. Frawley has indicated that he is contemplating using the Event Center space for a business offering cooking classes sometime in the future. From the County’s perspective, the key issues considered were building setback concerns, parking/access and wastewater treatment. The PAC took action to recommend approval of Mr. Frawley’s CUP subject to seven conditions as noted in this report.

Draft Findings of Fact:

- The proposed use does not appear to be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values within the immediate vicinity.
- The proposed uses of the Welch Creamery property are consistent with the character of the established Welch Hamlet District.

PAC Recommendation:

The Planning Commission recommends that the County Board

- adopt the staff reports into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and **APPROVE** the request of John Frawley for a Conditional Use Permit for a residential dwelling unit (apartment) and an Event Center (Kitchen, Restrooms and Meeting/Assembly Space). Subject to the following conditions:

1. The Applicant must obtain a building permit from the County prior to business use of the Event Center to address building code requirements for public use of the facility.
2. Prior to start of business operation of the Event Center the applicant must provide a site plan and description to provide up to thirteen (13) off-street parking spaces.
3. The Event Center shall be limited to groups not to exceed fifty (50) people.
4. Hours of Operation for the Event Center are limited to 7:00 AM to 11:00 PM.
5. No parking shall be permitted between the attached garage and County 7 Blvd.
6. Prior to the use of the facility as an Event Center or cooking school the applicant must provide an assessment of the facilities wastewater needs to the Welch Sewer Cooperative Association which must be performed by the current Septic System Service Provider of the Welch Community Septic System.
7. The Applicant must obtain a driveway access permit from the County Engineer prior to start of business operations of the Event Center or any use of the attached garage/driveway.

Parcel 46.028.0300; -- 0.38 Acres Part of NW 1/4 of NE 1/4 Sect 28 Twp 113 Range in Welch Township (Doc #23401).

Planning Advisory Commission

Public Hearing
December 11, 2017

John Frawley
26273 CTY 7 BLVD
Welch, MN 55089
MXH Zoned District

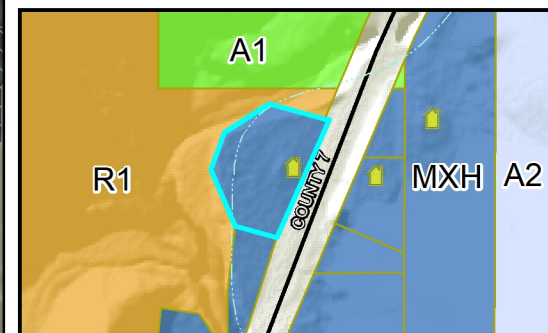
Parcel 46.028.0300
Part of the NW 1/4 of the NE 1/4
S28 Twp113 R16 in Welch Township

CUP request for a change in land use
from those documented in the initial
establishment of the MXH District.



Legend

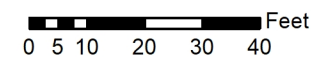
Intermittent Streams	Bluff Impact Zones (% slope)
Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2017.

2016 Aerial Imagery

Map Created November, 2017, Ryan Bechel

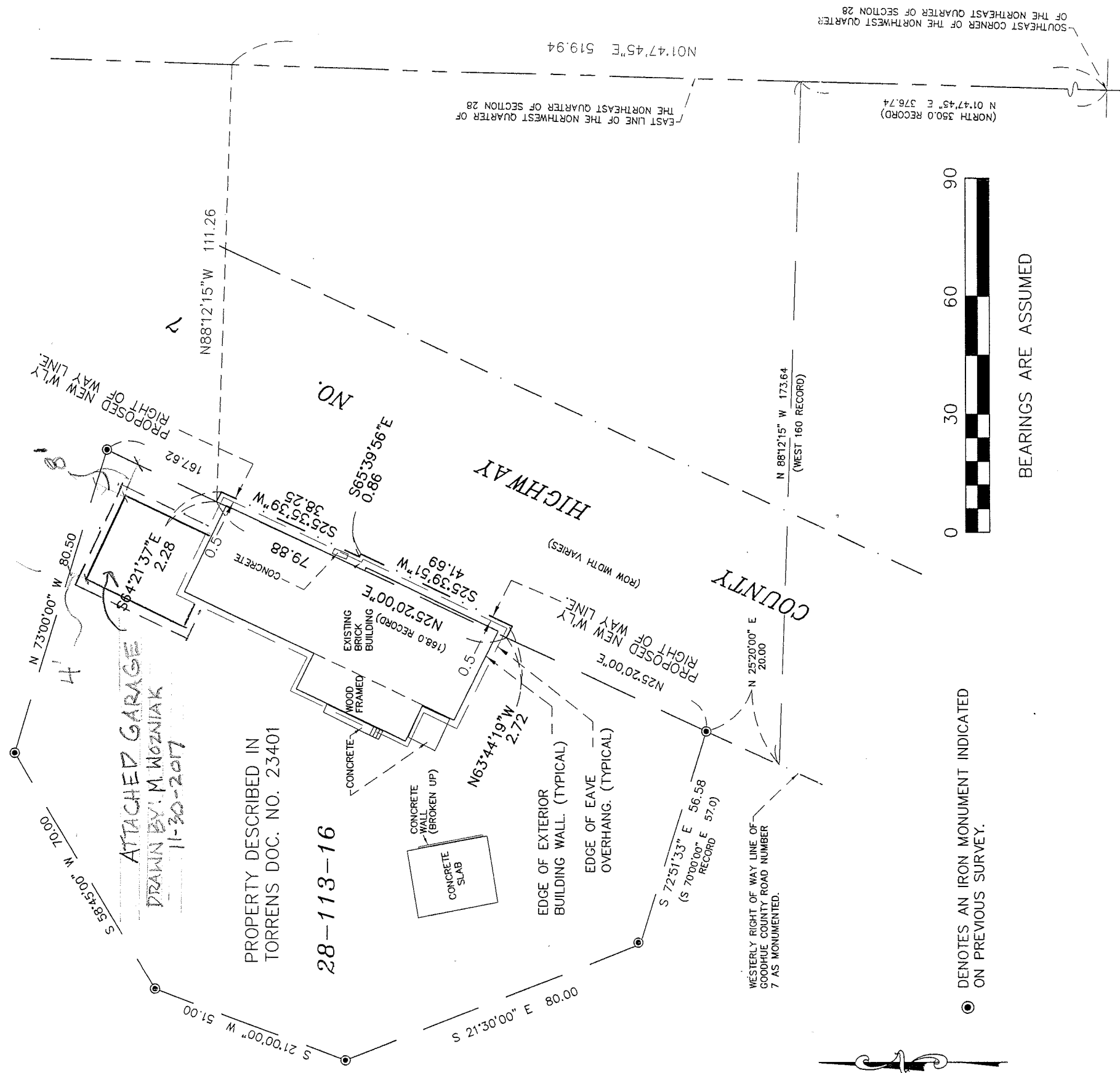






STOP
AHEAD

NOTE: THE E'LY. BUILDING OVERHANG LINE IS 0.5 FEET WESTERLY OF THE PROPOSED NEW W'LY. RIGHT OF WAY LINE.



● DENOTES AN IRON MONUMENT INDICATED ON PREVIOUS SURVEY.



BEARINGS ARE ASSUMED

PROPOSED DESCRIPTION FOR GOODHUE COUNTY HIGHWAY NO. 7 RIGHT OF WAY TO BE RELEASED

That part of Goodhue County Highway Number 7 Right of Way in the Northwest Quarter of the Northeast Quarter of Section 28, Township 113 North, Range 16 West, Goodhue County, Minnesota, described as follows:

Commencing at the southeast corner of said Northwest Quarter of the Northeast Quarter; thence on an assumed bearing of North 01 degrees 47 minutes 45 seconds East, along the east line of said Northwest Quarter of the Northeast Quarter, a distance of 519.94 feet; thence North 88 degrees 12 minutes 15 seconds West, a distance of 111.26 feet to the westerly right of way line of said Goodhue County Highway Number 7, also being the easterly line of the property described in Torrens Document Number 23401, on file if the Goodhue County Registrar of Titles Office, and being the point of beginning of the land to be described; thence South 64 degrees 21 minutes 37 seconds East, a distance of 2.28 feet; thence South 25 degrees 35 minutes 39 seconds West, a distance of 38.25 feet; thence 65 degrees 39 minutes 56 seconds East, a distance of 0.86 feet; thence South 25 degrees 39 minutes 51 seconds West, a distance of 79.88 feet; thence North 63 degrees 44 minutes 19 seconds West, a distance of 2.72 feet to said westerly right of way line of Goodhue County Highway Number 7, also being the easterly line of said property described in Torrens Document Number 23401; thence North 25 degrees 20 minutes 00 seconds East, along said westerly right of way line of Goodhue County Highway Number 7, also being the easterly line of said property described in Torrens Document Number 23401, a distance of 79.88 feet to the point of beginning. Containing 200 square feet, more or less.

CERTIFICATE OF DESCRIPTION FOR:

JOHN & ANITA FRAWLEY



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066
(651) 388-1558

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Alan K. Scofield

Alan K. Scofield
Minnesota License No. 15473
Date: Aug. 27, 2013

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	13-416		S-5240

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 46-028-0300

Permit

217-00007

PROPERTY OWNER INFORMATION

Last Name <u>Frawley</u>	First <u>John</u>	Email:
Street Address <u>Co 7 Blvd</u>		Phone
City <u>Welch</u>	State <u>WV</u>	Zip <u>55029</u>
Authorized Agent		Attach Legal Description as Exhibit "A" <input type="checkbox"/>
Mailing Address of Landowner:		Phone
Mailing Address of Agent:		

PROJECT INFORMATION

Site Address (if different than above): 26273 Co 7 Blvd

Lot Size _____ Structure Dimensions (if applicable) _____

What is the conditional/interim use permit for? _____

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized _____

DISCLAIMER AND PROPERTY OWNER SIGNATURE

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

Signature of Landowner  Date Nov 15, 2017

Signature of Agent Authorized by Agent _____

TOWNSHIP INFORMATION

Township Zoning Permit Attached? If no please have township complete below:

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the variance request.

Signature	Title	Date
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Comments:

COUNTY SECTION COUNTY FEE \$350 RECEIPT # _____ DATE PAID Waived  11/15/2017

Applicant requests a variance from Article _____ Section _____ Subdivision _____ of the Goodhue County Zoning Ordinance

What is the formal wording of the request?

Change from vacant to residential + Event center

Shoreland _____ Lake/Stream Name _____ Zoning District _____

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

Action Taken: Approve Deny Conditions: _____

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

APPLICANT FINDINGS OF FACT AND SUPPORTING INFORMATION REGARDING CONDITIONAL/INTERIM USE PERMIT

1. In the foreseeable future could the use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will the use substantially diminish and impair property values within the immediate vicinity. Please explain why or why not.

no

2. Could the conditional/interim use permit impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area? Why or why not.

no

3. Will adequate utilities, access roads, drainage and other necessary facilities be provided, or are they currently being provided. Please explain.

current

4. Will adequate measures be, or are they currently being, taken to provide sufficient off-street parking and loading space to serve the proposed use. Please describe.

submitted - TBD

5. Will adequate measures be, or are they currently being, taken 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. Please describe.

yes

**PLANNING COMMISSION
GOODHUE COUNTY, MN
DECEMBER 11th, 2017 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Planning Advisory Commission was called to order at 5:55 PM by Chair Tom Drazkowski at the Goodhue County Government Center 3rd Floor Board Room in Red Wing, Minnesota.

Roll Call

Commissioners Present: Ron Allen, Len Feuling, Tom Gale, Tom Drazkowski, Darwin Fox, Sarah Pettit, and Richard (Dick) Nystuen

Commissioners Absent: Marc Huneke and Richard Bauer

Staff Present: Land Use Management Director Lisa Hanni, Zoning Administrator Mike Wozniak, Zoning Assistant Kate Eiyneck, Zoning Assistant Ryan Bechel, SWCD Beau Kennedy: Water Planner, Wetland Administrator

1. Approval of Agenda

¹Motion by Commissioner Fox; seconded by Commissioner Feuling to approve the meeting agenda. Motion carried 7:0

2. Approval of Minutes

²Motion by Commissioner Feuling; seconded by Commissioner Gale to approve the previous month's meeting minutes. Motion carried 7:0

3. Conflict/Disclosure of Interest

Commissioner Gale reported a conflict of interest regarding the John Frawley agenda item and has recused himself from voting on the matter.

4. PUBLIC HEARING:

CUP John Frawley– 26273 County 7 Blvd Welch MN 55089, MXH mixed Use Hamlet Zoned District, Parcel 46.028.0300; Part of the NW1/4 of NE ¼ Sect 28 Twp 113 Range 16 in Welch Township. Request for CUP for a change in land use from those documented in the initial establishment of the MXH District.

Mike Wozniak (Wozniak) presented the staff report and attachments.

Revised staff report (attachment), Hours of Operation from 7:00am-11:00pm, and County Engineer Greg Isakson's recommendation attached garage and access off County 7.

Commissioner Drazkowski inquired about the garage configuration and if there would be parking in the garage.

Mr. Frawley said that there would not be parking in the garage and that it might be used for event space.

Chair Drazkowski opened the Public Hearing.

No one spoke for nor against the request.

³After Chair Drazkowski asked three times for comments. It was moved by Commissioner Feuling and seconded by Commissioner Fox to close the public hearing. Motion carried 7:0.

Commissioner Drazkowski asked if there was any further discussion.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
DECEMBER 11th, 2017 MEETING MINUTES
DRAFT**

Commissioner Fueling asked if the estimated 13 parking spaces would be enough for 50 people.

Wozniak clarified that on street parking is NOT allowed.

Commissioner Fox stated that if they have parking needs that cannot be met onsite they will need to contract with other land owners and there are other public parking spaces within walking distance of the Creamery.

Commissioner Pettit had concerns about a lot of people walking to offsite parking. Offsite parking might be acceptable during the day, but could there be a safety issue at night. The road ways are narrow and there are not designated walkways for pedestrians.

Commissioner Drazkowski asked about speed limit in the area.

Commissioner Fox stated that it is 30 miles per hour in that area.

Commissioner Allen mentioned parking at the post office in the evenings.

Commissioner Fox commented that the proposal was heard by the Welch Township Board and was well received. The Hamlet zoning has not yet been adopted by the Township and they are deferring the CUP decision to the County.

Wozniak commented that this proposal represents the adaptive reuse of a historic building and one of the intents of the Hamlet district zoning.

⁴Motion by Commissioner Feuling seconded by Commissioner Pettit, for the Planning Advisory Commission to:

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

Recommend the County Board of Commissioners **APPROVE** the request of John Frawley for a Conditional Use Permit to allow a residential dwelling unit (apartment) and an Event Center (Kitchen, Restrooms and Meeting/Assembly Space). Subject to the following conditions:

1. The Applicant must obtain a building permit from the County prior to business use of the "Event Center" to address building code requirements for public use of the facility.
2. Prior to start of business operation of the Event Center the applicant must provide a site plan and description to provide up to 13 off-street parking spaces.
3. The Event Center shall be limited to groups not to exceed fifty (50) people.
4. Hours of Operation for the Event Center are limited to 7:00 AM to 11:00 PM.
5. No parking shall be permitted between the attached garage and County 7 Blvd.
6. Prior to the use of the facility as an event center or cooking school the applicant must provide an assessment of the facilities wastewater needs to the Welch Sewer Cooperative Association which must be performed by the current Septic System Service Provider of the Welch Community Septic System.
7. The Applicant must obtain a driveway access permit from the County Engineer prior to start of business operations of the Event Center or any use of the attached garage/driveway.

Parcel 46.028.0300; -- 0.38 Acres Part of NW 1/4 of NE 1/4 Sect 28 Twp 113 Range in Welch Township (Doc #23401).

Motion carried 6:0 (Commissioner Gale abstaining)

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

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

To: Planning Commission
From: Land Use Management
Meeting Date: December 11, 2017
Addendum to Report date: December 11, 2017

PUBLIC HEARING: CUP John Frawley– 26273 County 7 Blvd Welch MN 55089, MXH Mixed Use Hamlet Zoned District, Parcel 46.028.0300; Part of the NW1/4 of NE ¼ Sect 28 Twp 113 Range 16 in Welch Township. Request for CUP for a change in land use from those documented in the initial establishment of the MXH District.

REVISED STAFF RECOMMENDATION

Staff Recommendation:

LUM Staff recommends the Planning Commission

- adopt the staff report into the record (dated November 30, 2017);
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

Recommend the County Board of Commissioners **APPROVE** the request of John Frawley for a Conditional Use Permit to allow a residential dwelling unit (apartment) and an Event Center (Kitchen, Restrooms and Meeting/Assembly Space). Subject to the following conditions:

1. The Applicant must obtain a building permit from the County prior to business use of the “Event Center” to address building code requirements for public use of the facility.
2. Prior to start of business operation of the Event Center the applicant must provide a site plan and description to provide up to 13 off-street parking spaces.
3. The Event Center shall be limited to groups not to exceed fifty (50) people.
4. Hours of Operation for the Event Center are limited to 10:00 AM to 10:00 PM.
5. No parking shall be permitted between the attached garage and County 7 Blvd.
6. Prior to the use of the facility as an event center or cooking school the applicant must provide an assessment of the facilities wastewater needs to the Welch Sewer Cooperative Association which must be performed by the current Septic System Service Provider of the Welch Community Septic System.
7. The Applicant must obtain a driveway access permit from the County Engineer prior to start of business operations of the Event Center or any use of the attached garage/driveway.

Parcel 46.028.0300; -- 0.38 Acres Part of NW 1/4 of NE 1/4 Sect 28 Twp 113 Range in Welch Township (Doc #23401).