



GOODHUE COUNTY MINNESOTA

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

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

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. October 19, 2020 MEETING MINUTES

Documents:

[MINUTES_OCTOBER2020_PAC_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

Public Hearings:

1. TABLED: Conservation Subdivision Plat

Request, submitted by Paul Novak (Owner), for Preliminary and Final Plat approval of the proposed "Novak Addition" to rezone 46.21 acres and create a one lot Conservation Subdivision District on property currently zoned A2 (General Agriculture District). Parcel 37.018.1500. TBD Shady Lane Trail, Cannon Falls, MN 55009. The N ½ of the SE ¼ of Section 18 TWP 111 Range 17 in Leon Township. A-2 Zoned District.

Documents:

[PACPACKET_NOVAK_UPDATE_REDACTED.PDF](#)

2. PUBLIC HEARING: CUP Request For Kennel

Request for a CUP submitted by Dan Williams (owner) to establish a kennel for up to 5 adult dogs. Parcel 31.002.1300. 28051 CTY 1 BLVD, Red Wing, MN 55066. Part of the NW ¼ of the NE ¼ of Section 2 TWP 112 Range 15 in Featherstone Township. A3 Zoned District.

Documents:

[PACPACKET_WILLIAMSKENNEL_REDACTED.PDF](#)

3. PUBLIC HEARING: CUP Request For A Utility-Scale Solar Energy System (SES)

Request, submitted by ReneSola Power (Applicant) and Shirley Thomforde (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres. Parcel 33.026.0302. TBD County 9 BLVD, Goodhue, MN 55027. Part of the NE ¼ and part of the NW ¼ of Section 26 TWP 111 Range 15 in Goodhue Township. A1 Zoned District.

Documents:

[PACPACKET_THOMFORDE_REDACTED.PDF](#)

4. PUBLIC HEARING: CUP Request For A Utility-Scale Solar Energy System (SES)

Request, submitted by ReneSola Power (Applicant) and Michael Stehr (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres. Parcel 33.028.0100. TBD County 9 BLVD, Goodhue, MN 55027. Part of the NE ¼ of Section 28 TWP 111 Range 15 in Goodhue Township. A3 Zoned District.

Documents:

[PACPACKET_STEHR_REDACTED.PDF](#)

5. PUBLIC HEARING: Consider Goodhue County Ordinance Amendments
Proposed amendments to Article 10 (Definitions), Article 11 (Performance Standards), Article 20 (Table of Uses), Article 25 (B-1 General Business District), Article 27 (B-2 Highway Business District), Article 28 (Industry District) and Article 30 (CR Commercial Recreational District) to add Exterior Storage Yards as a Conditional Use with associated Performance Standards.

Documents:

[PACPACKET_EXTERIORSTORAGEYARDSNOVEMBER.PDF](#)

6. Commercial And Industrial Businesses Primarily Intended To Serve The Agricultural Community

Documents:

[PACPACKET_AGBIZ_NOVEMBER.PDF](#)

Other-Discussion

Adjourn

Staff Updates

Anyone interested is invited to attend. Agenda items may be subject to change.

Goodhue County Land Use Management

◆ Goodhue County Government Center ◆ 509 West Fifth Street ◆ Red Wing ◆ Minnesota ◆ 55066 ◆
◆ Building ◆ Planning ◆ Zoning ◆ Telephone: 651/385-3104 ◆ Fax: 651/385-3106 ◆

**PLANNING COMMISSION
GOODHUE COUNTY, MN
October 19, 2020 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Planning Advisory Commission was called to order at 6:00 PM by Chair Tom Gale in the Basement IT Conference Room at the Government Center in Red Wing.

Roll Call

Commissioners Present virtually via GoToMeeting: Tom Gale, Barney Nesseth, Richard Miller, Darwin Fox, Richard Nystuen and Chris Buck

Commissioners Absent: Howard Stenerson, Tom Drazkowski and Marc Huneke

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Ryan Bechel, and Zoning Assistant Samantha Pierret

1. Approval of Agenda

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

Motion carried 6:0.

2. Approval of Minutes

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

Motion carried 6:0.

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings

PUBLIC HEARING: Conservation Subdivision Plat

Request, submitted by Paul Novak (Owner), for Preliminary and Final Plat approval of the proposed "Novak Addition" to rezone 46.21 acres and create a one lot Conservation Subdivision District on property currently zoned A2 (General Agriculture District). Parcel 37.018.1500. TBD Shady Lane Trail, Cannon Falls, MN 55009. The N 1/2 of the SE 1/4 of Section 18 TWP 111 Range 17 in Leon Township. A-2 Zoned District.

Bechel presented the staff report and attachments.

Commissioner Nystuen questioned how many dwellings were proposed for this Conservation Subdivision.

Bechel confirmed that one dwelling was proposed for the Conservation Subdivision and he clarified that any additional dwellings proposed in the future would need to be approved through the public hearing process.

Commissioner Nystuen questioned whether this site could have 6 dwellings.

Bechel stated that given the existing wetlands and accessibility difficulties in some areas of the property, siting 6 dwellings on the property would be challenging.

Hanni added that 6 dwellings would need to share a single septic system.

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Chair Gale questioned whether the septic could be located within the easement area.

Bechel confirmed that septic may be located within the Conservation Easement area however this particular easement mostly consists of wetlands and installing a septic system there would be difficult.

Steve Wareham (37160 Shady Lane Trail, Cannon Falls) questioned whether the comments received by staff would be read into the record.

Staff confirmed comments would be read upon opening the Public Hearing.

Chair Gale opened the Public Hearing.

Pierret read comments received by staff prior to the meeting.

Conrad Johnson (7539 Maple Way, Cannon Falls) emailed his opposition to the proposal due to the existing wildlife and wetlands on and around the site.

Rod Johnson (7724 365th Street Way, Cannon Falls) emailed his opposition to the proposal due to the existing wetlands and streams and the possibility of additional landowners in the area pursuing similar requests for dwellings.

Steve and Holly Wareham (37160 Shady Lane Trail, Cannon Falls) emailed their opposition to the request due to the existing wildlife, wetlands, streams and agricultural land on their property which abuts Mr. Novak's property.

Patricia and Clyde Hinrichs (819 5th Street, Zumbrota) emailed their opposition to the request due to wetlands and forests on the property and the possibility for additional dwelling sites in the future.

Judy Meyer-Larson and Jerome D Larson (Trustees of 36244 Shady Lane Trail, Cannon Falls) emailed their opposition to the request due to the soil types in the area, watershed impacts and existing road configuration.

Marshall and Jeanne Sachs (37836 Shady Lane Trail, Cannon Falls) emailed their opposition to the request given the presence of springs on the property and the possibility that the property does not have a suitable building site.

Dan Smith (36745 Shady Lane Trail, Cannon Falls) emailed his opposition to the request given the impact on wildlife in the area and the Applicant's actions on his property without proper permits or approvals.

Dan Johnson (21510 Darsow Ave, Hampton) emailed his opposition to the request given the existing streams and wetlands on the property that may be affected by building on the site.

Mark and Margaret Wysocki (6885 CTY 9 BLVD, Cannon Falls) emailed their opposition to the request given existing density over the minimum density allowed in Section 18 of Leon Township and the possibility for more dwellings in the future if approved.

Steve Wareham added that this is the first time the Conservation Subdivision has been used in Goodhue County and he hoped the first Conservation Subdivision could be located somewhere with less neighborhood opposition. He detailed the springs located on his property and the difficulty farming the land due to the wet soils.

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

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Motion carried 6:0

Bechel added that staff received a copy of the Trust Agreement and was requesting the Applicant remove Article 5.5 from the document which allows for Discretionary Termination of the trust and vacation of the easement.

Hanni concurred with Bechel's comments and added that the Applicant does not have a third party identified to take over the Trust.

Chair Gale questioned whether Leon Township was okay with this proposal.

Bechel stated that Leon Township has not adopted the Conservation Subdivision Ordinance however he had been in conversations with the Clerk multiple times and that the Township was okay with construction of a single dwelling on this parcel. He added that the driveway which was recently constructed was permitted administratively by staff and was reviewed by Beau Kennedy with the SWCD and the Township. He noted Beau has been to the site many times and that the creek crossings were upgraded approximately 5 years ago.

Commissioner Nesselth questioned why the Township hadn't given its written approval as his understanding was Township approval would be a requirement for Conservation Subdivision reviews.

Bechel stated that the Leon Township clerk had stated that the Township would sign the plat when it was prepared for recording. He noted that the Township determined they would allow another dwelling using their variance standards.

Chair Gale questioned whether the Conservation Subdivision was going to become a way to get around density requirements.

Hanni stated that the most difficult thing with the Conservation Subdivision is finding a third party to oversee the easement and that applying for a Conservation Subdivision was not a task to undertake lightly as it is difficult and time-consuming.

Bechel added that the Planning Commissioners and staff discussed the one lot Conservation Subdivisions prior to approving the Ordinance and at that time the Commission did not have any issues.

Commissioner Nesselth stated that given the language in the Trust document he could not support the Conservation Subdivision proposal at this time.

Staff noted that consideration of the item could be tabled.

Commissioner Fox stated that he would like to see a complete application with everything in place including the Trustee, Trust Document and Township approval before coming back to the Planning Commission. He added that he did not want to approve an item with the proposed conditions to clean everything up at a later time. He also questioned whether the Township had approved of this project.

Commissioner Miller stated that this proposal was not how he had envisioned Conservation Subdivision proposals when the Ordinance was approved. He stated he does not want to approve an application that is half put together and he thought the project would need to be approved by the Township prior to coming to the Planning Commission.

Sheila Novak (Applicant's representative) stated she would prefer to see the item tabled until the additional information is available. She stated the applicant has been working on this project since 2018.

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

TABLE consideration of the Conservation Subdivision for Paul Novak to allow time for the Applicant to find a suitable Trustee, remove Article 5.5 Discretionary Termination from the Trust Document and obtain written approval from the Leon Township Board.

Motion carried 6:0.

Hanni questioned whether the Commissioners would like the Applicant to address concerns from the neighbors prior to bringing the item back for consideration.

Commissioner Nystuen stated that staff should double check that the proposed structures and septic facilities are not in wetland areas.

Bechel stated that Beau Kennedy with the SWCD has been to the site several times and has performed a desktop review of the wetlands on site. Beau recommended moving the site further south and uphill from the Applicant's original proposed location to avoid wetlands, which the Applicant has done.

Commissioner Nystuen questioned when a wetland delineation is required.

Bechel stated that staff relies on Beau Kennedy to make that determination based upon his reviews.

Chair Gale questioned whether Article 5.5 will be addressed prior to the next meeting.

Hanni stated Article 5.5 would be addressed prior to re-consideration of the request.

Other-Discussion

Commissioner Nesseth initiated discussion on the Siems solar project in Pine Island Township. He stated that the project has been sold and that an extra 100 feet of trees had not been planted per an agreement between the former property owners and the neighbor.

Hanni stated that the Planning Commission recommended approval of the project and the Board approved the project as presented. She stated that private agreements between property owners cannot be enforced by the County.

Commissioner Nesseth questioned why all of the conditions for the project were not met including fencing.

Bechel stated that the fence type was not a specific condition for the CUP and that staff addressed the change from chain link to woven wire administratively.

Commissioner Miller stated that the Township was specific on the type of fencing and screening requirements. He noted that the Township was not asked about these requirements.

Hanni noted that changes were made to the landscaping at the Planning Commission meeting to appease the neighbors and the Board approved the amended site plan. She stated that staff could bring back every change to solar projects for consideration by the Planning Commission.

Commissioner Nystuen questioned whether the company had been contacted by the Township.

Commissioner Miller stated that the original company was aware of the requirements however they sold the project and the buyers were not aware. He stated that if the neighbor were to come to the Township with his concerns the Township would work with the property

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owners to address concerns.

5ADJOURN: Motion by Commissioner Miller and seconded by Commissioner Nystuen to adjourn the Planning Commission Meeting at 7:06 PM.

Motion carried 6:0

Respectfully Submitted,

Samantha Pierret; Zoning Assistant

¹ APPROVE the PAC meeting agenda.

Motion carried 6:0.

² APPROVE the previous month's meeting minutes.

Motion carried 6:0.

³ Motion to close the Public Hearing

Motion carried 6:0

⁴ Motion to **TABLE** the request for a Conservation Subdivision

Motion carried 6:0

⁵ ADJOURN. Motion to adjourn the meeting.

Motion carried 6:0

UNOFFICIAL UNTIL APPROVED BY THE PAC

Pierret, Samantha

From: Rod Johnson <wolvespaguy@citlink.net>
Sent: Monday, October 12, 2020 10:35 AM
To: Pierret, Samantha
Subject: Public Hearing comments on Novak Addition for Oct. 19

Monday, October 12, 2020

SUBJECT: "Novak Addition" Rezoning

As an adjacent land owner, I am vehemently opposed to the rezoning of 46.21 acres for the Novak Addition. I was under the impression that there were NO building permits available for this area and this should remain so. This is a great wildlife area and I believe to achieve access, they would have to cross two creeks. In spite of what you might have been told, these creeks run year round! I've lived here for over 50 years and can attest to that. We do not need more houses in this area and I urge you to deny the rezoning. Please have this property remain as A-2, General Agriculture District. If you approve of this rezoning, it will open the door for additional landowners to pursue this route which would be devastating to this rural area.

Conrad F. Johnson
7539 Maple Way
Cannon Falls, MN 55009

Parcel 37.017.2800

Pierret, Samantha

From: Rod Johnson <rod@theprovoiceoverguy.com>
Sent: Monday, October 12, 2020 10:30 AM
To: Pierret, Samantha
Subject: Novak Rezoning comments-Oct. 19th Hearing

TO: Goodhue County Land Use Management

SUBJECT: Public Hearing on Paul Novak's proposed "Novak Addition"

DATE: October 12, 2020

FROM: Rodney L. Johnson
7724 365th Street Way
Cannon Falls, MN 55009

I urge you to please deny this request! Mr. Novak was fully aware that this property was not buildable when he purchased it. It was my understanding that there were no more building permits left for this area. This is in a prime wildlife area, with streams that run year round. It also seems that this would be very close to Steve Warham's property line.

If this request is granted, there will be many more residents asking to "rezone" so they can also obtain a building permit. If this is granted...will all the other proposals be granted as well?

Please do what's right and deny this request to rezone 46.21 acres.

Thank you,

Rod Johnson

Parcel 37.017.5000

RECEIVED

OCT 14 2020

Land Use Management

To: Goodhue County Planning Advisory Commission

From: Steve and Holly Wareham

Date: October 14, 2020

Subject: Public Comments on the "Novak Addition" and request for a one-lot Conservation Subdivision District on Shady Lane Trail, Cannon Falls, MN 55009

Holly and I live at 37160 Shady Lane Trail just to the south of this property in question. We have enjoyed the large areas of unbroken woods, fields, wetlands, streams and generally undeveloped land that is also a great home for wildlife in this larger area. In the 37 years we have lived here, we have seen three new homes built on the 3-mile long Shady Lane Trail (two in Section 18).

The planned building site appears to be very close to our property line and will change the use of our adjacent land that we now use for hunting and crop land. It would no longer be safe to hunt this property with a home and its inhabitants so close to the property line. We believe the best natural resource conservation approach for this land is to keep it preserved in its undeveloped state.

As noted in your report, Leon Township Section 18 is zoned A2 (General Agricultural District) allowing a maximum of 12 dwellings in this district and in fact there are already 18 dwellings in this district. We believe that is more than enough. It is our request that this re-designation of the land into a one-lot Conservation Subdivision District and subsequent plan to build another home in Section 18 not be granted.

Question and Comment on this Report:

- On page 7 of this report it mentions an "intermittent stream" that flows along the south end of the Novak property. A portion of this stream flows from our property into the Novak land and it is not intermittent. In the 37 years we have lived here it has flowed with water year-round. Do Goodhue County Shoreline Regulations apply for this stream as well as the one on the west end of the property?
- Under Conservation Subdivision District Section 5 Subd. 4 it notes a greater buffer zone (100 feet) for dwellings and accessory structures from agricultural areas. Our land bordering the Novak Property is agricultural and is currently rented to a neighboring farmer. It appears from the map of the proposed homesite on page 13 of this report that the proposed location of the dwelling is less than 100 feet from this agricultural area.

Thank you for the opportunity to add input into this process and for your consideration of our concerns.

Pierret, Samantha

From: Pat Hinrichs <pjhinrichs@earthlink.net>
Sent: Friday, October 16, 2020 10:37 AM
To: Pierret, Samantha
Subject: Novak addition rezoning

We are very against turning this property into a platted land for housing. We realize Novak wants to zone part of it into Conservation, which is all the land is good for and all of it should be zoned as Conservation since it is wetland. Leon township is against any more "housing" units and if Novak rezones now as a one house unit, what's going to keep him from asking for rezoning in future years. Minnesota needs to keep its wetland, forestry and Conservation districts. We don't need any more destroying of woodland and hunting "recreational" land. Please deny this request..It will also threaten the adjoining properties.Consider that.

Patricia and Clyde Hinrichs

Owners of parcel
37. 017. 3300

819 5th ST
Zumbrota MN 55992

Pierret, Samantha

From: Judy Meyer-Larson <jmeyerlarson@yahoo.com>
Sent: Saturday, October 17, 2020 11:18 AM
To: Pierret, Samantha
Subject: Paul Novak petition for Land Subdivision, meeting Monday October 19, 2020
Attachments: 2012 Flood Event- effects on downstream neighbors.pdf

External Email - Use caution opening links or attachments!

Greetings!

This is an updated response to the proposed rezoning of the 46.21 acres belonging to Paul Novak.

Our primary concerns are:

Population density will increase the human impact on the rural / wilderness area affecting, and being affected by a sensitive watershed area.

The land itself is currently coded as “HEL,” Highly Erodible Land.”

The land slopes from its highest point at the eastern edge, down to the watershed, which runs alongside Shady Lane Trail itself.

Any farming activities in the past have been influenced by that land classification.

Earlier cropping activities had been abandoned because the crops had been destroyed due to flooding.

The land had subsequently been put into the Conservation- Set-Aside Program, due to the erodible nature of the land.

The most recent agricultural use of the land had been (in the last 15 years), has been for the grazing of a few head of cattle, which kept the weeds down, had minimal impact on the land.

Increased construction / habitation on this land would need to be very sensitive to those concerns, as the entire watershed is affected by any and all activities, as are the other downstream residents along the watershed.

The watershed.***

In the 19 years that we have been living down here, we have had a few flood issues, due to excessive snow melt and rainfall.

Two of these events have been severe enough to completely take out our “Missouri Crossing bridge”, requiring complete reconstruction.

Allowing more development on these HEL acres will require more intervention through an already active flood area, thus affecting the rest of the watershed, and downstream neighbors.

The increased hard surfaces that support more residents and access will have a negative impact on the drainage in the watershed area, as well as the impact from increased human activity on the watershed itself.

The watershed area is not developed as a “park,” for increased human recreational activity, nor should it be.

It is a wild area and should be kept as such.

***included is a packet illustrating the effects of the 2012 flood which occurred after a rainstorm in the area. It completely destroyed the bridge crossings on Shady Lane Trail. One crossing leads to the southern (upper end) of Shady Lane, but the other crossing is the one and only access to two residences 36212 and 36244 Shady Lane Trail. The destruction of the bridge required the two neighbors to split the cost of over \$6000.00 to rebuild the bridge. This was after ONE rainstorm. We have had 3 such (serious) events since moving here in 2001, each requiring personal out-of-pocket expenses to repair / reconstruct the crossing. These events, to varying degrees, are becoming more frequent with the changing weather (rain and snow melt) patterns, and will undoubtedly increase with the addition of hard surfaces that would be associated with additional residences in the Paul Novak's subdivision petition. The downstream neighbors should not be burdened with these associated costs.

The roads.

The current roadway is a "minus lane gravel road." It is wide enough for 1 vehicle only. There is no shoulder.

It is situated between the steep hills on the west, and the watershed on the east.

Due to the nature of the hills of the Sogn Valley, there is no room to support a widening or improvement of the road surface.

Such improvements would be necessary to support the large trucks / machines needed for hauling materials and constructing an increasing number of dwellings, as well as the increase in human traffic.

There will be increased costs associated with an increase of maintenance / service of a roadway which will have greater human traffic.

Human activity.

As noted above, this is a rural area. It is not a park. It is not a subdivision designed to support increased human recreational activities.

There will inevitably be unexpected and unintended consequences associated with increased human habitat and usage. Those unintended consequences will require responses, which in turn, will require time, energy and resources.

Attention will also need to be paid, and monitored, as to the Federal, State, and County Guidelines for Highly Erodible Land Conservation and Wetland Conservation.

This will result in more associated costs, including any remediation of effects on habitat and/or wetlands, all of which should be borne only by the petitioner; not by the surrounding neighbors.

We do NOT support the Rezoning for Paul Novak.

We request that the Zoning Board deny Mr. Novak's request.

For any questions, please feel free to call me at 507-298-1650.

Yours respectfully,

Judith A Meyer-Larson, Trustee and

Jerome D Larson, Trustee

Jerome D Larson Trust

36244 Shady Lane Trail

Cannon Falls, MN 55009

Pierret, Samantha

From: msachs@frontiernet.net
Sent: Sunday, October 18, 2020 6:22 PM
To: Pierret, Samantha
Subject: Novak Public hearing Oct.19

To whom it may concern. It has been brought to my attention by several concerned neighbors about the plans of the party in question Paul Novak (owner) to rezone their property into a conservation district. Which would allow them to construct a home on said property, Although We understand this may be legal it does not appear to be in the best interest of anyone involved including the Owners ,Neighbors, Township and County. I have farmed the property directly to the South and know from experience that area is saturated with springs, There does not appear to be a usable building site on the property and should be left that way,

Respectfully Marshall and Jeanne Sachs
37836 Shady Lane Trail
Cannon Falls Mn.
55009

Pierret, Samantha

From: Dan Smith <dtksmith@yahoo.com>
Sent: Monday, October 19, 2020 10:58 AM
To: Pierret, Samantha
Subject: Paul Novak Preliminary and Final Flat approval of proposed Novak Addition

Good morning,

I am writing to oppose the proposed rezoning of the 46.21 acres belonging to Paul Novak and request that the Zoning Board deny Mr. Novak's request.

My family and I have lived on Shady Lane Trail for over 26 years. We purchased our home based on the seclusion of the property and the natural habitat for wildlife. Adding an additional property so close to our home will negatively impact that seclusion and the wildlife. Additionally, I've become aware of recent construction activities, i.e. cement structure, bridges to cross waterway and a driveway – all activities conducted without proper permits. I am concerned with the land owner's lack of respect for the building requirements, the property and his neighbors.

Respectfully,

Dan Smith

36745 Shady Lane Trail

Cannon Falls, MN 55009

651-212-8846

Pierret, Samantha

From: Dan Johnson <jlogging@msn.com>
Sent: Monday, October 19, 2020 9:56 AM
To: Pierret, Samantha
Subject: Paul Novak

I would vote NO to any building on the property, the streams classified intermittent are not they run year around and have for as long as I've known and are subject to move with heavy snow melt and rain fall. With the amount of wetlands there could also be affected. From Dan Johnson neighboring land owners.

Sent from my iPhone

owner of parcels: 37.017.4000, 37.017.3900, 37.017.3800, 37.017.4100

Address: 21510 Darlow Ave
Hampton MN 55031

Pierret, Samantha

From: Mark D Wysocki <wysocki4@frontiernet.net>
Sent: Monday, October 19, 2020 3:45 PM
To: Pierret, Samantha
Subject: zoning change for Paul Novak

Sent: Monday, October 19, 2020, 11:31:31 AM CDT
Subject: zoning change for Paul Novak

We are sending our objection to the zoning change of Paul Novak.
Our density in Leon Township is already exceeding the limit for dwellings.
Currently @ 18, when it should be 12.
This change of zoning will affect future land sales in Leon Township by setting a new precedent.
If this is allowed to become a Conservation Plat, in the future they can ask for more permits for more dwellings.
We are opposed to this action.

Sincerely,
Mark and Margaret Wysocki
6885 County 9 Blvd
Cannon Falls, MN 55009

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: November 16, 2020
Report date: November 06, 2020

TABLED: Conservation Subdivision Plat – Novak

Request, submitted by Paul Novak (Owner), for Preliminary and Final Plat approval of the proposed “Novak Addition” to rezone 46.21 acres and create a one lot Conservation Subdivision District on property currently zoned A2 (General Agriculture District).

Application Information:

Applicant: Paul Novak (Owner)

Address of zoning request: TBD Shady Lane Trail, Cannon Falls, MN 55009

Parcel: 37.018.1500

Legal Description: Part of the N 1/2 of the SE 1/4 of Section 18 TWP 111 Range 17 in Leon Township

Zoning District: A2 (General Agriculture District)

Attachments and links:

Updated Conservation Easement

Updated Trust Documentation

E-mails from Paul Novak (Applicant)/Craig Empey (Attorney)

LUM staff e-mails with Leon Township

October 19, 2020 LUM staff report

UPDATE:

Paul Novak’s Preliminary and Final Plat approval request for the proposed “Novak Addition” Conservation Subdivision was tabled by the Planning Commission at their October 19, 2020 meeting to allow Mr. Novak additional time to address the three following items:

1. *The Charitable Trust “Trustee” should be identified and added to the Charitable Trust Documentation and Conservation Easement agreements*
2. *Article 5.5 (Discretionary Termination) of the Charitable Trust should be removed from the document*
3. *Leon Township should provide written and signed support for this request*

Mr. Novak’s attorney (Craig Empey) has identified Brandon Smith as the Trustee of the Shady Lane Open Spaces charitable trust. Mr. Empey noted that Mr. Smith “has no legal relation to the Applicant, or is Mr. Smith a subordinate of the Applicant”. No additional information regarding the trustee was provided.

As requested by the PAC, Mr. Empey has modified the Shady Lane Open Spaces charitable trust documentation to remove section 5.5 (*Discretionary Termination*). A copy of the updated Trust documentation and Conservation Easement agreement is attached to this report.

Both LUM staff and Mr. Novak have been in contact with Leon Township regarding the Planning Commission’s request for additional verification of the Township’s position. LUM Staff has received multiple email verifications from Leon Township clerk Sandy Hanson stating the Township has approved Mr. Novak to build one home on the property in accordance with Township zoning provisions. A copy of those email communications is attached to this report for reference. Mr. Novak

has noted he is working on getting a formal signature on his County Plat application from Leon Township and will be attending a Township meeting on 11/10/20. LUM staff will provide an update of any additional information we receive from the Township during the re-consideration of this item.

Staff investigated the concerns of an unpermitted structure on the property that were raised during the public hearing for Mr. Novak's request at the October Planning Commission meeting. Mr. Novak did construct a building that exceeded the permit exemption threshold (200 square feet) for minor accessory structures. Staff would note that this zoning violation must be remedied before any future structures can be permitted on the property, however, it does not prevent Mr. Novak from pursuing his request for Conservation Subdivision approval. Mr. Novak has cooperated with staff and is in the process of obtaining the necessary permits and approvals for the structure.

DRAFT

CONSERVATION EASEMENT

This is a CONSERVATION EASEMENT granted by PAUL R. NOVAK AND REBECCA NOVAK, husband and wife, (“Grantor”) to the BRANDON SMITH, as trustee of THE SHADY LANE OPEN SPACES TRUST (“GRANTEE”).

- A. GRANTOR. The Grantor is the current owner of approximately 46.21 acres of real property (“Real Property”) located in Goodhue County, Minnesota whereby this conservation easement shall be granted on 23.25 acres of such Real Property (“Protected Property”).
- B. GRANTEE. The Shady Lane Open Spaces Trust is a Minnesota charitable trust created pursuant to Minnesota Statutes Chapter 501B for the purposes of holding this easement’s real property interests.
- C. REAL PROPERTY AND PROTECTED PROPERTY AREAS. The Real Property’s and Protected Property’s respective legal descriptions are provided in the attached preliminary plat as Exhibit A.
- D. PROTECTED PROPERTY DESCRIPTION AND PURPOSE. The Protected Property consists of open fields, forests, wetlands, and two small bridges, and is currently used for hunting purposes.

The Protected Property is important as such promotes conservation and an open environment, and farm land to provide food safety and security.

- E. CONSERVATION VALUES. The Protected Property, as outlined above, has significant natural, scenic, aesthetic, and agricultural values (individually and collectively, “Conservation Values”), that provides habitat and food for wildlife. Additionally the use of the property as farmland serves to provide local and safe food sources for residents and animals.

These Conservation Values are not likely to be significantly impaired by the continued use of the Protected Property as described above or as authorized in this Easement; or by

the use, maintenance of any structures and improvements that presently exist on the Protected Property; or that are authorized below. Preservation and protection of these Conservation Values will provide significant benefit to the public. Grantor and Grantee are committed to protecting and preserving the Conservation Values of the Protected Property in perpetuity for the benefit of this and future generations. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the current landowner and all future owners of the Protected Property.

- F. CONSERVATION POLICY AND INTENT. Protection of the Conservation Values of the Protected Property is consistent with and will further governmental policies, including those established by the following:
1. Minnesota Statutes Chapter 103A, which promotes protection of the state's waters and their adjacent lands and Section.103A.206, in particular, which recognizes the economic and environmental importance of maintaining and enhancing the soil and water resources of the state and the role of private lands in these conservation efforts, to among other reasons, preserve natural resources, protect water quality, preserve wildlife, and protect public lands and waters.
 2. Minnesota Statutes Section 103A.201, which specifically promotes the protection of wetlands and Minnesota Statutes Section 103A.202, which specifically declares that it is in the public interest to preserve wetlands of the state in order to conserve surface waters, maintain and improve water quality, preserve wildlife habitat, reduce runoff, provide for floodwater retention, reduce stream sedimentation, contribute to improved sub-surface soil moisture and enhance the natural beauty of the landscape.
 3. Minnesota Statutes Chapter 84C, which recognizes the importance of private conservation efforts by authorizing conservation easements for the protection of natural, scenic, or open space values of real property, assuring its availability for agriculture, forest, recreational or open space use, protecting natural resources and maintaining or enhancing air or water quality.
 4. Goodhue County has adopted a comprehensive and long-term land conservation vision and implementation programs to protect and improve natural areas; productive farmland; shoreland along all rivers, streams and undeveloped lakeshore; regional parks; and multi-purpose regional greenways throughout the County.
 5. Grantor and Grantee are committed to protecting and preserving the Conservation Values of the Protected Property in perpetuity for the benefit of this and future generations. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the current landowner and all future owners of the Protected Property.

G. GRANT OF CONSERVATION EASEMENT.

Pursuant to the laws of the State of Minnesota, and in particular Minnesota Statutes Chapter 84C, and in consideration of the facts recited above and the mutual covenants contained herein, for \$500 or less of consideration, the Grantor hereby conveys and warrants to the Grantee and its successors and assigns a perpetual conservation easement ("Easement") over the Protected Property subject to building and zoning laws, federal, state, and local laws, and encumbrances, easements, or like of records, if any.

H. EASEMENT PURPOSE.

It is the purpose of this Easement to ensure that the Protected Property will be retained forever substantially unchanged from its present condition as natural open space, to protect water quality and farmland to prevent any use that will significantly impair or interfere with the Conservation Values of the Protected Property. Grantor intends that this Easement will confine the use of the Protected Property to activities that are consistent with the purpose of this Easement.

I. COVENANTS AND RESTRICTIONS.

All activities on or uses of the Protected Property must be consistent with the purpose of this Easement. The following activities and uses are expressly prohibited.

1. Prohibited Uses. No industrial, commercial, residential use or developments are permitted.

Agriculture or like uses are permissible.

2. Building, Structures, and Improvements.

Utility services and septic systems, roads, parking areas, paths and trails, or like improvements are permissible so long as such improvements are consistent with the Easement's Conservation Values.

- J. GRANTOR'S RESERVED RIGHTS. Grantor reserves for itself, its heirs, successors and assigns *any and all rights* to use the Protected Property for all purposes that are not expressly restricted or prohibited herein and are not inconsistent with this Easement's Conservation Values.

- K. PUBLIC ACCESS. Although the public benefits from this Easement through the preservation and protection of the Conservation Values of the Protected Property, nothing in this Easement gives the public a right to enter upon or use the Protected Property where no such right existed prior to the conveyance of this Easement.

The Owner retains the right to permit any public use of the Protected Property consistent with the preservation and protection of the Conservation Values of the Protected Property.

L. MISCELLANEOUS PROVISIONS.

1. Easement Standards. The Grantee is to maintain the Protected Property with the customary standards for open spaces in Minnesota and consistent with the Conservation Values.
2. Real Estate Taxes. Grantor agrees to pay any and all real estate taxes due and payable for the Protected Property in the year 2020, for all prior years and thereafter so long as the Grantor is the fee owner of the Protected Property and will pay all assessments levied by competent authority on the Protected Property.
3. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantee shall have no duty or responsibility to manage or maintain the Protected Property. If, however, the Protected Property is damaged by causes beyond Grantor's control, such as changes caused by fire, flood, storm, infestations, natural deterioration, the acts of third parties legally authorized to act by recorded document or other legally established rights or the unauthorized wrongful acts of third persons, Grantor and Grantee will meet and seek to arrive at an equitable solution to restore the Protected Property.
4. Grantee Access To Ensure Compliance. Grantee shall have access to the Protected Property at least annually to ensure that Grantor is acting consistent with this easement's terms.
5. Grantee's Enforcement's Rights. Grantee shall have all the rights at law or equity to enforce its property rights granted to it via this easement.
6. Easement Runs With The Land. This easement's terms shall run with the land and be binding on the grantor's and grantee's successors.

(remainder of this page is left intentionally blank)

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed the _____ day of _____ 2020.

DRAFT

Paul R. Novak

Rebecca Novak

State of Minnesota, County of _____

This instrument was acknowledged before me on _____, by PAUL R. NOVAK AND REBECCA NOVAK, husband and wife.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Empey Law Office, PLLC
Craig A. Empey (license #0349902)
7760 France Ave. S. #1100
Edina, MN 55435

**THE SHADY LANE OPEN SPACES
CHARITABLE TRUST**

This trust agreement is made on _____, 2020, between PAUL NOVAK of RAMSEY County, Minnesota ("settlor") and _____ of _____ County, Minnesota ("trustee").

RECITALS

- 1. The settlor has established this trust for charitable purposes consistent with Minnesota Statutes Chapter 501B Charitable Trusts.
- 2. The trust intends to be a grantee of a conservation easement in the furtherance of open spaces in agriculture areas.

**ARTICLE ONE
IRREVOCABLE**

This trust shall be irrevocable, and the settlor retains no rights herein.

**ARTICLE TWO
ADMINISTRATION OF TRUST ASSETS**

2. The trustees shall administer the trust consistent with the conservation easement’s rights granted thereto, and may exercise any other rights, elections, remedies, or like granted to it by federal, state, or legal laws.

In the event that this trust is terminated, any remaining trust assets shall be distributed to a charitable entity that the then trustee shall solely determine.

**ARTICLE FOUR
TRUSTEE SELECTION**

- 4. Trustees shall be appointed, removed and replaced as follows:
 - 4.1 All trustees and successor trustees shall have the power to appoint successor or additional trustees.
 - 4.2 In the event that the initial trustee is unable or unwilling to act, and fails to name a successor trustee, _____ shall be nominated as trustee.
 - 4.3 In the event that the trust fails to have a trustee, such shall be determined consistent with Minn. Stat. 501C.0704 or amendments thereto.

**ARTICLE FIVE
FIDUCIARY PROVISIONS**

5. My trustees may exercise the powers given to them during the term of any trust, and during such time after the termination of any trust as is reasonably necessary to distribute the trust assets.

5.1. Powers. I give to my trustees the following administrative powers, to be exercised as they would be exercised by an ordinarily prudent person in managing charitable trust property.

5.3.1 To retain any assets, however acquired, for as long as they deem advisable, even if their retention results in a lack of diversification.

5.3.2 To sell, exchange, mortgage, lease, convey, encumber, pledge or otherwise dispose of any real, personal or other property for any period, upon any terms and conditions, to any person, entity, beneficiary, or agent hereunder or to a trust or estate of which any of my trustees is also a fiduciary.

5.3.3 To invest and reinvest in any assets they deem advisable, without limitation by any statute, rule of law or regulation limiting the investment of funds by corporate or individual fiduciaries in or to certain kinds of investments, requiring diversification or prohibiting fiduciaries from delegating investment functions or commingling assets. To purchase and hold securities, stocks and bonds, taking both a long and short position, to purchase options and to purchase on margin.

5.3.4 To deposit cash in the commercial or savings departments of any corporate fiduciary or of any other bank or trust company or in any other depository.

5.3.5 To borrow money for any purpose they deem advisable from any source.

5.3.6 To settle, contest, compromise, submit to arbitration or litigate claims in favor of or against the trust and all tax matters.

5.3.7 To employ agents, lawyers, investment counsel, accountants and others, and to delegate both ministerial and discretionary powers and duties to such persons with liability only for reasonable care in their selection, and to place assets in an account with a trust department of a bank they select, under any agency or such other type of agreement, to rely on information and advice furnished by them without the duty of independent investigations, and to pay them reasonable compensation.

5.3.8 To accept additions to the trust from any source.

5.3.9 To execute and deliver all instruments that will accomplish or facilitate the exercise of the above powers and duties and to perform all other acts necessary or advisable to administer the trust.

5.3.10 Any other powers that are reasonable necessary to carry out the purposes of this trust.

5.4 Administrative Provisions.

5.4.1 Waiver of Bonds. No bond or other indemnity shall be required of any trustee nominated or appointed hereunder.

5.4.2 Waiver of Court Jurisdiction. I expressly waive any requirement that any trust be submitted to the jurisdiction of any court, that the trustees be appointed or confirmed, that their actions be authorized or their accounts be allowed by any court. This waiver shall not prevent any trustee or beneficiary from requesting any of those procedures.

5.4.3 Trustee Succession, Appointment and Removal Procedures. The following provisions shall apply to the appointment, removal and succession of trustees:

5.4.3.1 Exercise of Power to Appoint. Any power to appoint a cotrustee or successor trustee under this agreement shall be exercised by written instrument delivered to the person or entity appointed.

5.4.3.2 Removal of Trustee. To effect the removal of a trustee, the person entitled to remove the trustee shall either deliver to such trustee a written instrument stating that such removal is made, or mail such instrument to such trustee's last known business address by registered or certified mail, return receipt requested. After such delivery or mailing, a removed trustee shall have no further duties, other than to account, and shall not be liable or responsible for the acts of any successor trustee.

5.4.3.3 Acceptance of Trusteeship. The appointment of any person or entity eligible to act as a cotrustee or successor trustee shall become effective only if the appointee's written acceptance of the appointment. A successor trustee shall, upon acceptance, succeed to the preceding trustee's title to the trust assets.

5.4.4 Resignation Right. Any trustee may resign at any time by delivering a written resignation to those entitled to appoint a trustee. The resignation shall be effective sixty days after the date of delivery of the resignation, or upon the earlier appointment of a successor trustee. After the resignation becomes effective, the trustee shall have no further duties, other than to account, and shall not be liable for the acts of any successor trustee.

5.4.6 Majority Vote and Delegation. If more than one trustee is authorized to exercise a power, such power shall be exercisable by a majority of the trustees authorized to act. A nonconsenting trustee who has acted in good faith shall not be liable for the acts of the majority. I authorize any trustee to delegate for any period of time to any other trustee authorized to exercise such power, the power to act on behalf of the delegating trustee.

5.4.7 Custody of Assets. If a corporate fiduciary is serving, it may have custody of all assets, handle receipts and disbursements and prepare accountings.

5.6 Trustee Liability. Any trustee acting in good faith with reasonable due diligence shall hold the trustee harmless for its actions, lack of actions, or omissions, and in the event that such trustee is held liable or alleged to be at fault, the trust agrees to indemnify the trustee for any and all costs related to such breach or purported breach.

ARTICLE SIX GENERAL GOVERNING PROVISIONS

6. In applying the provisions of this document, the following shall govern:

6.1 Definitions.

6.1.1 "Trustee" means an original or successor trustee of any trust whether an individual or a corporation.

6.1.2 "Corporate Trustee" means a trust company or national or state banking institution having trust or fiduciary powers.

6.2 Rules of Construction.

6.2.1 Governing Law. Except as altered by this agreement, the law of Minnesota shall govern the meaning of this document and the validity, legal effect and administration of my trust. Except as otherwise provided, all references to applicable law and Minnesota Statutes mean those in force on the date of this agreement and shall incorporate any amendments and successor provisions.

6.2.2 Captions. Captions are for convenience only and are not intended to alter any of the provisions of this document.

6.2.3 Gender. Where appropriate, the masculine includes the feminine, the singular includes the plural, and vice versa.

6.2.4 Writing. The requirement that a person act in "writing" requires a dated written document signed by such person.

(the remainder of this page has been intentionally left blank)

DRAFT

The settlor and the trustees have signed this agreement on or as of the date appearing at the beginning of this agreement and such trustees accept their appointment by signing this agreement.

In the presence of:

(witness)

PAUL NOVAK
as Settlor

(witness)

(witness)

as Trustee

(witness)

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this _____ day of _____, 2020, before me, a Notary Public within and for said County, personally appeared PAUL NOVAK to me known to be the person described in and who executed the foregoing instrument as settlor and trustee, and acknowledged that said person executed the same as the person’s free act and deed.

Notary Stamp or Seal (or Other Title or Rank)

Signature of Notary Public or Other Official

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this _____ day of _____, 2020, before me, a Notary Public within and for said County, personally appeared PAUL NOVAK to me known to be the person described in and who executed the foregoing instrument as trustee, and acknowledged that said person executed the same as the person’s free act and deed.

Notary Stamp or Seal (or Other Title or Rank)

Signature of Notary Public or Other Official

From: craigempey@empeylawoffice.com
To: [Bechel, Ryan](#)
Cc: ["Paul Novak"](#)
Subject: RE: Novak ("Applicant") Matter
Date: Thursday, October 29, 2020 11:44:57 AM

Hello Ryan,

The contact information for Brandon Smith is below.

Brandon Smith
8720 Jeffrey Ave N
Stillwater MN 55082
(651)261-4827

Mr. Smith has no legal relation to the Applicant, or is Mr. Smith a subordinate of the Applicant.

As for the below described existing improvement, the Applicant is working with county officials on such matter.

Thank you.

Regards,

Craig

From: Bechel, Ryan [mailto:ryan.bechel@co.goodhue.mn.us]
Sent: Friday, October 23, 2020 11:08 AM
To: craigempey@empeylawoffice.com
Cc: 'Paul Novak'
Subject: RE: Novak ("Applicant") Matter

Craig,

I received your attachments. Thank you for removing item 5.5 from the charitable trust documentation. Regarding the trustee, Brandon Smith, are you able to provide any information on the qualifications/association of Mr. Smith as the trustee? The Planning Commission will want to know this information, and it would be best to provide it ahead of time in the updated Planning Commission packet.

Your points regarding Leon Township's involvement/responsibility in the County's Plat/Rezone process are well-received and LUM staff agrees. I would note, that staff noted similar sentiments to the Planning Commission during the public hearing for Mr. Novak's request. Ultimately, the Planning Commission desires more tangible re-assurance that Leon Township is not opposed to Mr. Novak's proposal. I had reached out to the Township Clerk (Sandy Hanson) via phone to re-affirm this on 10/18/20 and she did so. She also followed up with an email on 10/19/20 again stating the Leon Township "Planning Commission approved only 1 home on his parcel provided that he meets all

setback for the Township". I spoke with our LUM Director Lisa Hanni regarding this issue. She stated the best path to move forward would be to have a Township Official (likely Sandy Hanson) endorse Mr. Novak's plat application (attached) to remove any doubt as to the Township's awareness of this process and Mr. Novak's proposal.

To your final point, you are correct, the Township's responsibility in the County platting process is primarily as a final signatory of the completed plat. We strongly encourage applicants to make sure a township is fully aware of their proposal and will not be opposed to signing the plat once it has completed the County's review process. My understanding in talking with Mr. Novak and Sandy Hanson on several occasions is that the Township is fully aware of his request and is not opposed to signing the final plat should it be approved through the County review process.

Please note, we have not received a response regarding the building constructed on Mr. Novak's property noted in my letter sent to you 10/20/20 which was purported to have plumbing and may have been constructed in excess of 200 square feet. We request that you or Mr. Novak contact us to review this matter as soon as possible to avoid issuance of a cease and desist order which may halt future zoning approvals.

Thank you,

-Ryan

Ryan Bechel, AICP

County Planner / Zoning Administrator
Goodhue County Land Use Management Department
509 West 5th Street, Red Wing, MN 55066
651-385-3112 (phone)
ryan.bechel@co.goodhue.mn.us

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From: craigempey@empeylawoffice.com <craigempey@empeylawoffice.com>
Sent: Thursday, October 22, 2020 10:32 AM
To: Bechel, Ryan <ryan.bechel@co.goodhue.mn.us>
Cc: 'Paul Novak' <paulnovak651@gmail.com>
Subject: Novak ("Applicant") Matter

External Email - Use caution opening links or attachments!

Hello Ryan,

I am following up to your letter dated 10/20/20 ("Letter")(attached).

The Letter states that the Planning Advisory Commission requests the Paul Novak completes the following actions:

1. Identify the conservation easement's trustee;
2. Deletion of section 5.5 discretion termination in The Shady Lane Open Spaces Charitable Trust; and
3. Submission of Letter provided subdivision application executed by Leon Township.

Attached are items 1 and 2 meeting such requests.

I was under the belief that the Leon Township supported the zoning change.

Further, may you please clarify where in the Goodhue County zoning laws that township approval is required?

My understanding is that the Applicant is requesting a Goodhue County zoning change whereby the Applicant meets all the statutory conditions that Goodhue County has proscribed.

I did not find a requirement that the respective township must provide its imprimatur to approve a county conditional zoning change.

Please let me know.

Once I receive your response, I'll act timely, as necessary.

Thank you.

Regards,

Craig

Craig A. Empey

Empey Law Office, PLLC
7760 France Ave. S.
Suite 1100
Edina, MN 55435
Phone: 651-329-2205
Fax: 1-866-782-7183
email: craigempey@empeylawoffice.com
website: www.empeylawoffice.com

From: [S Hanson](#)
To: [Bechel, Ryan](#)
Subject: Paul Novak home / Shady Ln/ Leon Twp
Date: Monday, October 19, 2020 5:37:46 PM

Ryan,

I confirmed that the Planning Commission approved only 1 home on his parcel provided that he meets all setbacks for the Township.

Leon Townshio

--

Sandy Hanson

Clerk, Leon Township

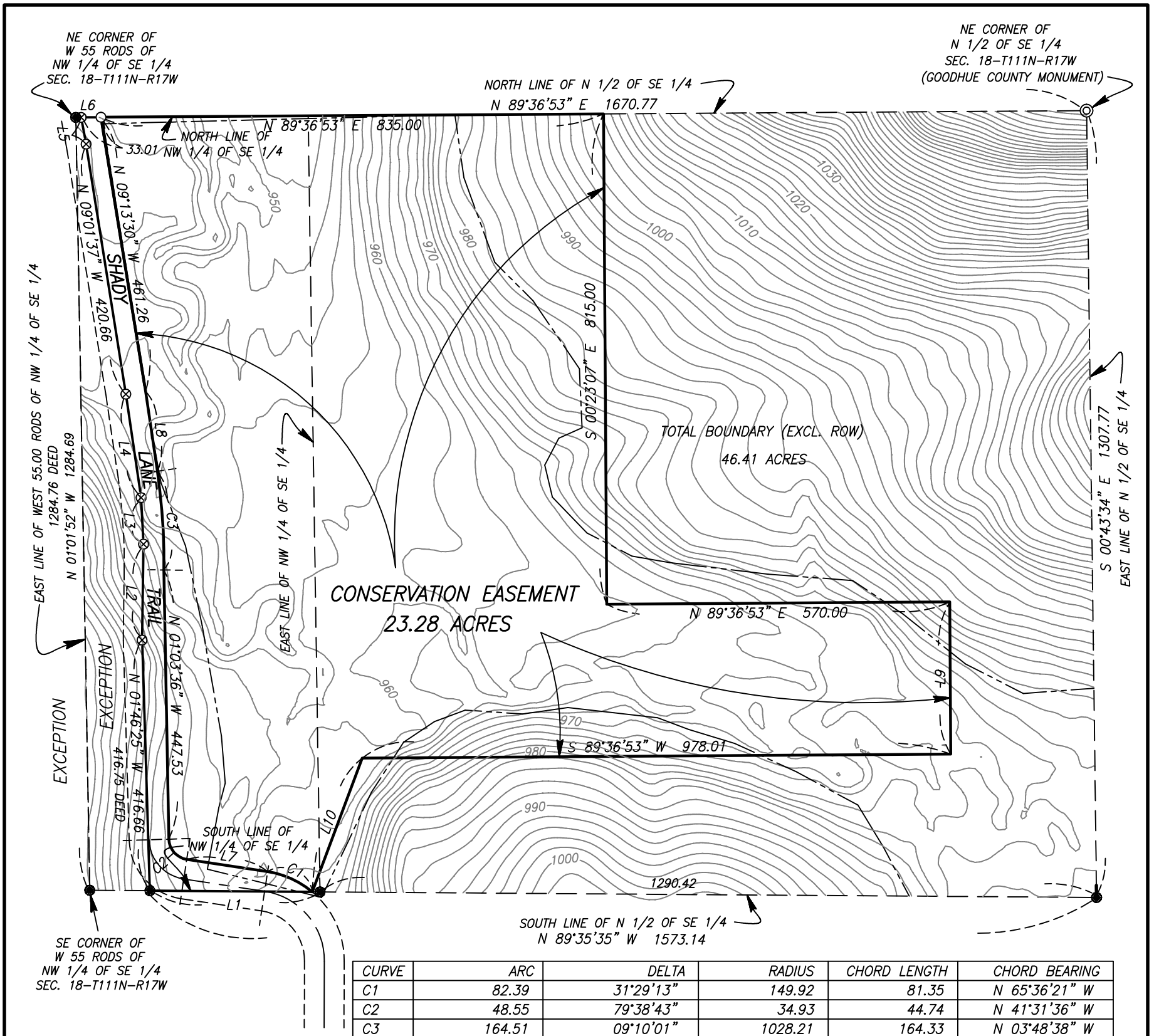
11655-367th St #B

Cannon Falls, MN 55009

c 612.309.2856

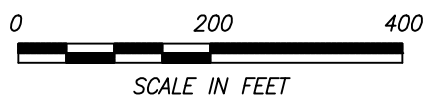
hm 651.258.4114

fax 651.258.4114

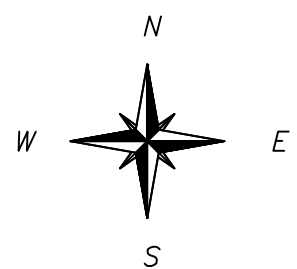


CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	82.39	31°29'13"	149.92	81.35	N 65°36'21" W
C2	48.55	79°38'43"	34.93	44.74	N 41°31'36" W
C3	164.51	09°10'01"	1028.21	164.33	N 03°48'38" W

LINE	BEARING	DISTANCE
L1	N 89°35'35" W	269.76
L2	N 00°50'52" E	159.55
L3	N 02°56'26" W	77.39
L4	N 08°23'38" W	173.94
L5	N 10°35'02" W	45.21
L6	N 89°36'53" E	41.85
L7	N 81°20'58" W	135.96
L8	N 08°23'38" W	134.57
L9	S 00°23'07" E	253.00
L10	S 20°31'23" W	237.35



- DENOTES FOUND IRON MONUMENT
- DENOTES SET IRON MONUMENT W/PLASTIC CAP "RLS 22044"
- ⊗ DENOTES SET "MAGHUB" IN ROAD
- DENOTES APPROX. WETLAND BOUNDARY



CERTIFICATE FOR:
 PAUL NOVAK
 1443 HAGUE AVENUE
 ST. PAUL, MN 55104

LEGAL DESCRIPTION OF CONSERVATION EASEMENT:

That part of North Half of the Southeast Quarter of Section 18, Township 111 North, Range 17 West, Goodhue County, Minnesota, described as follows: Commencing at northeast corner of the West 55 rods of the Northwest Quarter of the Southeast Quarter of said Section 18; thence North 89 degrees 36 minutes 53 seconds (assumed bearing) along the north line of said North Half of the Southeast Quarter 41.85 feet to the easterly right of way line of Shady Lane Trail and the point of beginning; thence continuing North 89 degrees 36 minutes 53 seconds East along said north line 835.00 feet; thence South 00 degrees 23 minutes 07 seconds East 815.00 feet; thence North 89 degrees 36 minutes 53 seconds East 570.00 feet; thence South 00 degrees 23 minutes 07 seconds East 253.00 feet; thence South 89 degrees 36 minutes 53 seconds West 978.01 feet; thence South 20 degrees 31 minutes 23 seconds West 237.35 feet to the northerly right of way line of Shady Lane; thence westerly and northerly along the northerly and easterly right of way line of said Shady Lane Trail to the point of beginning. Containing 23.28 acres, more or less.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

OCTOBER 9, 2020

David G. Rapp

Dated:

David G. Rapp
 Minnesota Registration No. 22044

RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD
 KENYON, MN 55946
 612-532-1263

DRAWN BY: DGR	DATE: 10-9-20	PROJECT NO. D18182CE
SCALE: 1"=200'	SHEET 1 of 1 sheet	BOOK/PAGE 42/61

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: October 19, 2020
Report date: October 9, 2020

PUBLIC HEARING: Conservation Subdivision Plat – Novak

Request, submitted by Paul Novak (Owner), for Preliminary and Final Plat approval of the proposed “Novak Addition” to rezone 46.21 acres and create a one lot Conservation Subdivision District on property currently zoned A2 (General Agriculture District).

Application Information:

Applicant: Paul Novak (Owner)

Address of zoning request: TBD Shady Lane Trail, Cannon Falls, MN 55009

Parcel: 37.018.1500

Legal Description: Part of the N 1/2 of the SE 1/4 of Section 18 TWP 111 Range 17 in Leon Township

Zoning District: A2 (General Agriculture District)

Attachments and links:

Application, Plat, and submitted project summary

Attorney Letter

Applicant Letter

Proposed Conservation Easement

CS District (Article 35)

MN Statute Chapter 84C

Site Map(s)

Goodhue County Zoning Ordinance (GCZO):

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

Overview:

The Applicant (Paul Novak) is requesting Preliminary and Final Plat approval for the proposed “Novak Addition” as a Conservation Subdivision in Leon Township. The proposal is to plat 46.21-acres of land into a single-lot Conservation Subdivision to allow Mr. Novak to construct a home on the property. The property is located in section 18 of Leon Township which is zoned A2 (General Agriculture District) allowing a maximum of 12 dwellings in the section. The section currently has 18 dwellings therefore there is no density remaining to establish any more dwellings at this time.

In 2017 Goodhue County amended the zoning ordinance adding language requiring requests for increased dwelling density to be pursued through the change of zone process and not through the variance process. The Conservation Subdivision (CS) District was approved by the County Board in August 2019 as a new option for increasing density in the rural areas with a focus on conservation and natural resource preservation. The CS District requires a potential Applicant to Plat the property in conformance with the Goodhue County Subdivision Controls Ordinance and place a minimum of 50% of the total acreage under a permanent Conservation Easement conforming to Minnesota Statute Chapter 84C. The CS District is a separate zone that would replace the existing A2 zoning designation. The allowable building density within the Conservation Subdivision is determined through the review process (maximum of 6).

It should be noted the dwelling density within a CS District does not count against the overall section density for A1 or A2 districts.

Project Summary:

Property Information:

- The subject property consists of a single 50.25-acre (approximate) parcel that was purchased by the Applicant in September 2018.
- The parcel and all adjacent properties are zoned A2 (General Agriculture District). Surrounding land uses are a mix of undeveloped woodlands, wetlands, and shoreland among row-crop agriculture and low-density residential uses.
- An unnamed creek traverses the western edge of the property. The creek is a “public water” and the lands within 300 feet of the creek are subject to Goodhue County Shoreland Regulations. A second intermittent stream travels along the south half of the property and empties into the unnamed creek. This intermittent stream is not a public water and therefore not subject to Shoreland regulations.
- The property has a wide range of topography including some steeper (12%-20%) slopes. There are no Blufflands (>30% slopes) identified on the parcel.
- Wetlands are present on a large portion of the property primarily adjacent to the unnamed creek and intermittent stream in the lowlands. Goodhue County Wetlands Coordinator Beau Kennedy has reviewed the site and Mr. Novak’s proposal. Mr. Kennedy has provided a desktop identification of wetland areas based on hydric soil mapping of the property.

Given the proposed location of the driveway and dwelling on the high ground at the south end of the property, Mr. Kennedy noted that the areas to be developed appear far enough in distance and elevation from wetlands that a formal wetland delineation is not required at this time to ensure protected wetland features are not disturbed. Any potential future building or grading and filling activities north of the proposed home site, and especially near the unnamed creek or intermittent stream would necessitate a formal wetland delineation.

Existing/Proposed Uses:

- The Applicant proposes to plat the property into a single lot. The lot would comprise 46.21-acres after accounting for public dedication of Right-Of-Way easement along Shady Lane Trail.

The minimum lot size for lots served by an individual Subsurface Sewage Treatment System (SSTS) is 3 acres in the CS District. A minimum of 40 contiguous acres is required for a CS District.

- Section density for one additional primary dwelling site would be created by the plat. The Applicant is proposing to locate the dwelling in the high ground in the south-central portion of the property.

No additional buildable lots (dwelling density) could be created in the future without being reviewed through the formal platting process.

The Applicant would need to obtain a Building Permit from the Goodhue County Building Permits Department before commencing construction of any structures.

- The remainder of the property consists of undeveloped woodlands and fields that have historically been used for row-crop agricultural uses. The Applicant intends to farm the tillable portions of the property and the majority of the undeveloped woodlands and stream areas would remain in the current state.

Access/Traffic:

- Primary property access is currently located off Shady Lane Trail in the southwest corner of the property. Mr. Novak has received a Land Alteration Permit from the LUM Department to establish a new access drive immediately east of the unnamed creek bridge crossing for Shady Lane Trail. The access drive area has been reviewed by Beau Kennedy and was found to be outside of wetland features. The access drive is within Shoreland and erosion control and prevention measures have been required to prevent sediment erosion along the streambank during the construction.
- No new public roadway is proposed within the plat. The plat does dedicate existing Township

Right-of-Way easement to the public along Shady Lane Trail.

- The Applicant will need to work with Leon Township to obtain any necessary approvals prior to establishing the new access drive.
- Shady Lane Trail is an aggregate surface road. The half-mile (approximate) stretch of the road heading south after the bridge crossing is a “minimum maintenance” roadway with a narrow driving surface, steep grade, and tight turns.
- The proposed plat is not anticipated to generate traffic uncharacteristic to the area. Given the plat would create only one additional development site, the potential additional traffic volume is not anticipated to exceed the capacity of the existing road infrastructure or substantially impact existing traffic circulation or safety.

Leon Township has approved a variance to Mr. Novak allowing the establishment of one dwelling on the property.

Utilities:

- The proposed dwelling would be served by an individual well and septic system upon development. There are no existing wells or septic systems on the property.

The parcel was evaluated by a licensed septic professional and Goodhue County Sanitarian Benjamin Hoyt to confirm the parcel could support two (initial and replacement) septic systems. Mr. Hoyt offered the following comments regarding the proposal:

I was at the parcel on May 21st, 2020 to verify the evaluation of the soil for a septic system. The soil was very wet, but it was acceptable for a Type 1 mound soil treatment system. A Type 1 system is a typical system for adequate treatment of septic effluent from residential sources.

Drainage/Landscaping:

- Stormwater drainage is directed downslope and collected by the existing creek and stream channels which then flow north eventually emptying into the Little Cannon River a mile northwest of the property.

The Applicant is not proposing to change the existing site grades. Some grading of the property is anticipated as a result of the proposed future development of a homestead, however, the limited scale of development is not likely to produce on-going erosion and sediment control issues off-site provided construction Best Management Practices and erosion control devices are implemented as necessary during the construction phase.

Leon Township:

- Leon Township (clerk Sandy Hanson) confirmed acknowledgment of the request. Staff understands Leon Township has not adopted the Conservation Subdivision provisions locally but granted a Township density variance to Mr. Novak in April 2020 allowing him to establish one dwelling on the property.

Townships are a required signatory of Plats in the State of Minnesota. The Township has verbally acknowledged they would not object to signing Mr. Novak's plat if approved by Goodhue County.

- LUM staff discussed the bridge crossing the unnamed creek with the Township. The township noted the bridge has been recently improved with a new box culvert and the crossing should be adequate to support construction traffic and septic maintenance vehicles.

Open Space/Conservation Easement:

- The CS District requires a minimum of 50% of the total acreage in the Conservation Subdivision be designated as Open Space which shall identify a “conservation theme” that guides the location and use of the designated Open Space.
- A permanent Conservation Easement, governed by Minnesota Statute 84C.01-84C.05 encompassing the entirety of the Open Space is required to be recorded prior to, or at the time of platting.
- Mr. Novak has provided an Open Space Conservation Easement for PAC consideration. The easement encompasses 23.28-acres and identifies the protection of the natural, scenic, aesthetic,

and agricultural values that provide habitat and food and for wildlife as well as conserving farmland that provides local and safe food sources as the “theme”. The easement states the protected property will be “retained forever substantially unchanged from its present condition as natural open space, to protect water quality and farmland to prevent any use that will significantly impair or interfere with the Conservation Values of the protected property”.

Use of the designated conservation easement area for industrial, commercial, and residential uses or development is exclusively prohibited. The easement does provide for continued agricultural use of the Open Space consistent with the stated conservation values. Improvement such as utility services and septic systems, roads, parking areas, paths, and trails or like improvements are permissible within the conserved area so long as they are installed consistent with the purpose of the easement.

The agreement also includes customary provisions for annual inspection access and rights of enforcement for any violations of the agreement by the easement holder (trustee) and appears generally in conformance with the requirements of the CS District Regulations and the requirements of Minnesota Statute 84C.

LUM Staff Conservation Easement Comments:

- LUM Staff have evaluated Mr. Novak’s proposed Conservation Subdivision plat in accordance with the associated performance standards and purpose and intent of the CS District. Staff agrees that Mr. Novak’s proposal to establish one additional dwelling on the property is both a reasonable use of the property and largely aligns with the purpose and intent of the CS District.

As the first Applicant for a Conservation Subdivision District following the Ordinance Amendment, Mr. Novak has worked hard with staff to modify his proposal to meet the standards provided. Mr. Novak has provided a letter noting the challenges he encountered in obtaining a third party or non-profit organization to hold his easement. LUM Staff brought the issue before the Planning Advisory Commission at the July 20, 2020 meeting to discuss whether the Commission was interested in having Staff allocate time to develop a county easement option for the CS District. The Planning Commission strongly felt the easement should be held by a third party charity or trust and should not become a financial liability or responsibility of Goodhue County.

Mr. Novak has worked with his attorney (Craig Empey, Empey Law Office, PLLC) to create a Minnesota Statute Chapter 501B Charitable Trust to hold his easement. The “Shady Lane Open Spaces Trust” is proposed to be the designated holder of Mr. Novak’s conservation easement. The “Trustee” has not yet been designated, however, Mr. Empey has noted he and Mr. Novak have identified a few potential options and they anticipate having a suitable Trustee soon. Mr. Empey further noted the Trustee will be an independent third party and will not be the landowner, nor the landowner’s family. Charitable trusts are identified as a qualifying easement holder by MN Statute 84C.

- Staff conveyed concerns to Mr. Novak regarding his initial proposed conservation easement boundaries as they did not appear adjacent to nor contiguous with any natural boundaries or corridors such as shoreland and wetland features which is required by ordinance wherever “practical” (Article 35 Section 5 Subd. 6.B). Following this feedback, Mr. Novak has worked with his surveyor (Dave Rapp) to modify the easement boundary to improve contiguity with the shoreland, wetland, and farmland of the property.

Please note, the “dashed” conservation easement boundary shown on the provided “Novak Addition” plat is no longer applicable. The surveyor was unable to update the Plat to show the modified conservation easement boundary in time for print. A survey depicting the easement has been provided and staff will provide the Planning Commission with the revised Plat once it becomes available.

- The proposed conservation easement agreement was provided to the Goodhue County Attorneys Office (Stephen O’keefe) for review and comment. Staff will update the Planning Commission during the public hearing with any feedback we receive from the County Attorney.

Staff Recommendation:

LUM Staff recommends the Planning Advisory Commission

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

recommend the County Board of Commissioners **APPROVE** the request submitted by Paul Novak (Owner), for Preliminary and Final Plat approval of the proposed “Novak Addition” to rezone 46.21 acres and create a one lot Conservation Subdivision District on property currently zoned A2 (General Agriculture District).

Subject to the following conditions:

1. The change of zone shall not occur until the Conservation Easement and Plat have been recorded with the Goodhue County Recorder’s Office.
2. The designated trustee of the “Shady Lande Open Spaces Trust” shall be an appropriate third-party entity suited to oversee the Conservation Values of the Open Space Conservation Easement and shall not be the landowner or the landowner’s heirs, successors, or assigns.
3. The “Novak Addition” Plat shall be revised to depict the modified Open Spaces Conservation Easement boundary provided on David Rapp’s survey dated October 9, 2020.

Exhibit A

PRELIMINARY PLAT: NOVAK ADDITION

Exhibit A-1

KNOW ALL PERSONS BY THESE PRESENTS: That Paul R. Novak and Rebecca J. Novak, husband and wife, owners of the following described property situated in the County of Goodhue, State of Minnesota to wit:

The North Half of the Southeast Quarter of Section 18, Township 111 North, Range 17 West, Goodhue County, Minnesota.

EXCEPT the West 55 rods thereof.

Also EXCEPT that part of the Northwest Quarter of the Southeast Quarter of Section 18, Township 111 North, Range 17 West, Goodhue County, Minnesota, described as follows: Beginning at the southeast corner of the West 55 rods of said Northwest Quarter of the Southeast Quarter; thence North 01 degree 01 minute 52 seconds West (assumed bearing) along the east line of said West 55 rods of the Northwest Quarter of the Southeast Quarter, a distance of 1284.76 feet to the northeast corner of said West 55 rods of the Northwest Quarter of the Southeast Quarter; thence North 89 degrees 36 minutes 53 seconds East, along the north line of said Northwest Quarter of the Southeast Quarter, 8.84 feet; thence South 10 degrees 35 minutes 02 seconds East, 45.21 feet; thence South 09 degrees 01 minute 37 seconds East, 420.66 feet; thence South 08 degrees 23 minutes 38 seconds East, 173.94 feet; thence South 02 degrees 56 minutes 26 seconds East, 77.39 feet; thence South 00 degrees 50 minutes 52 seconds West, 159.55 feet; thence South 01 degree 46 minutes 25 seconds East, 416.75 feet to the south line of said Northwest Quarter of the Southeast Quarter; thence North 89 degrees 35 minutes 35 seconds West, along said south line, 99.92 feet to the point of beginning.

Have caused the same to be surveyed and platted as NOVAK ADDITION and do hereby dedicate to the public for public use the public way as created by this plat.

In witness whereof said Paul R. Novak and Rebecca J. Novak, husband and wife, have hereunto set their hands this ____ day of _____, 20__.

Paul R. Novak _____ Rebecca J. Novak _____

State of Minnesota
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Paul R. Novak and Rebecca J. Novak.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I hereby certify that I have surveyed or directly supervised the survey of the property described on this plat; that I prepared or directly supervised the preparation of this plat as WAGNER ADDITION; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been correctly set; that as of the date of this certificate, all water boundaries and wetlands, as defined in Minnesota Statutes 505.01, Subd.3, are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

David G. Rapp, Land Surveyor
Minnesota License Number 22044

STATE OF MINNESOTA
COUNTY OF GOODHUE

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 20__, by David G. Rapp, Land Surveyor.

Notary Public, Goodhue County, Minnesota
My Commission expires _____

Approved by the Leon Township Board, this ____ day of _____, 20__.

Signed _____
Chairperson

Taxes payable in the year 20__ on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this ____ day of _____, 20__.

Goodhue County Auditor/Treasurer

By _____, Deputy

Pursuant to Chapter 389.09, laws of Minnesota, and Goodhue County Ordinance No. 2-78, this plat has been approved this ____ day of _____, 20__.

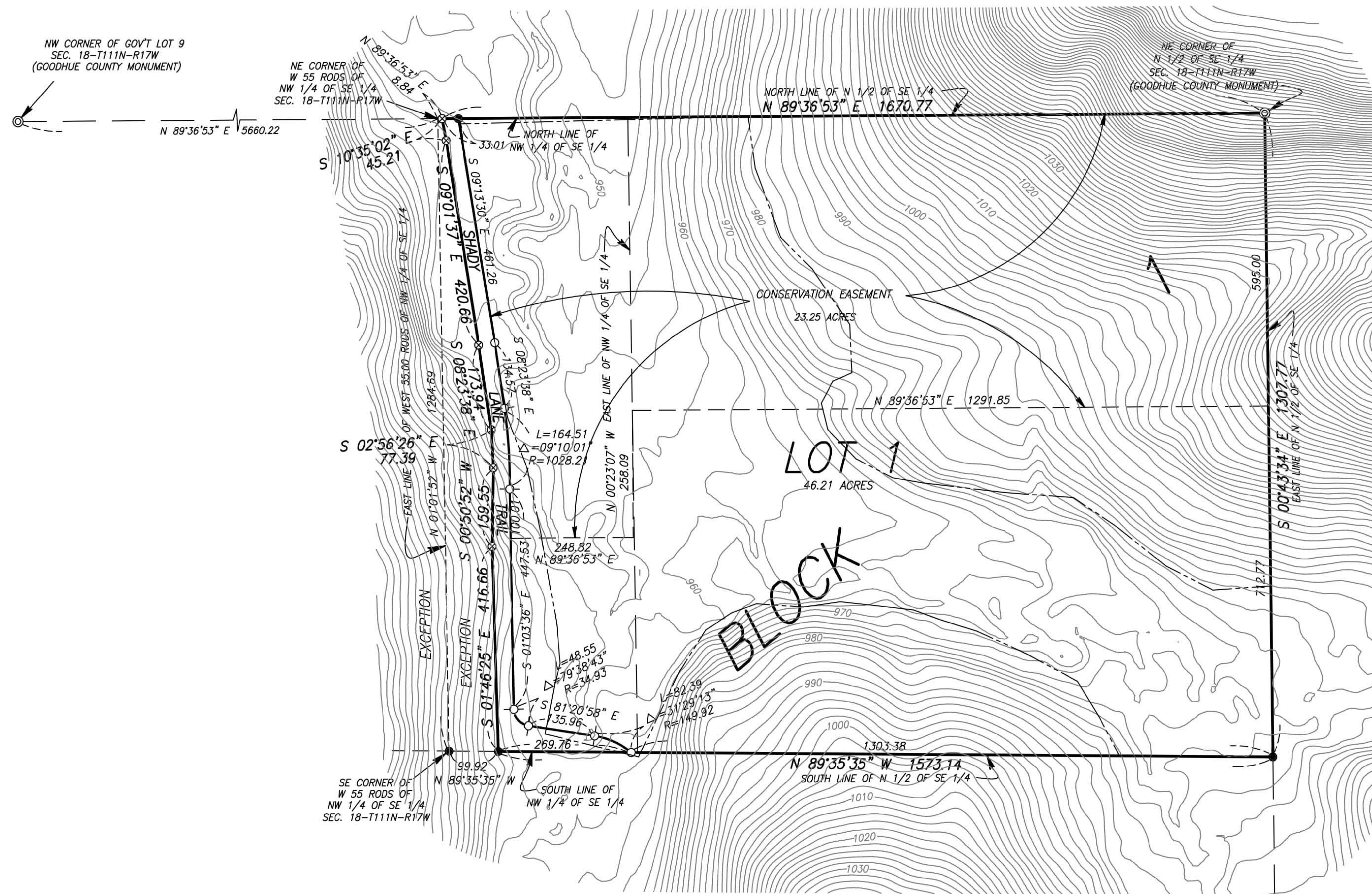
Goodhue County Surveyor

I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and execution.

Attorney for Goodhue County _____ Date _____

I hereby certify that the within instrument was filed in this office for record this ____ day of _____, 20__, at ____ o'clock ____ M. and was duly recorded as document number _____.

Goodhue County Recorder



○ DENOTES SET 1/2 INCH X 15 INCH IRON REBAR MONUMENT WITH PLASTIC CAP MARKED RLS 22044 UNLESS OTHERWISE INDICATED

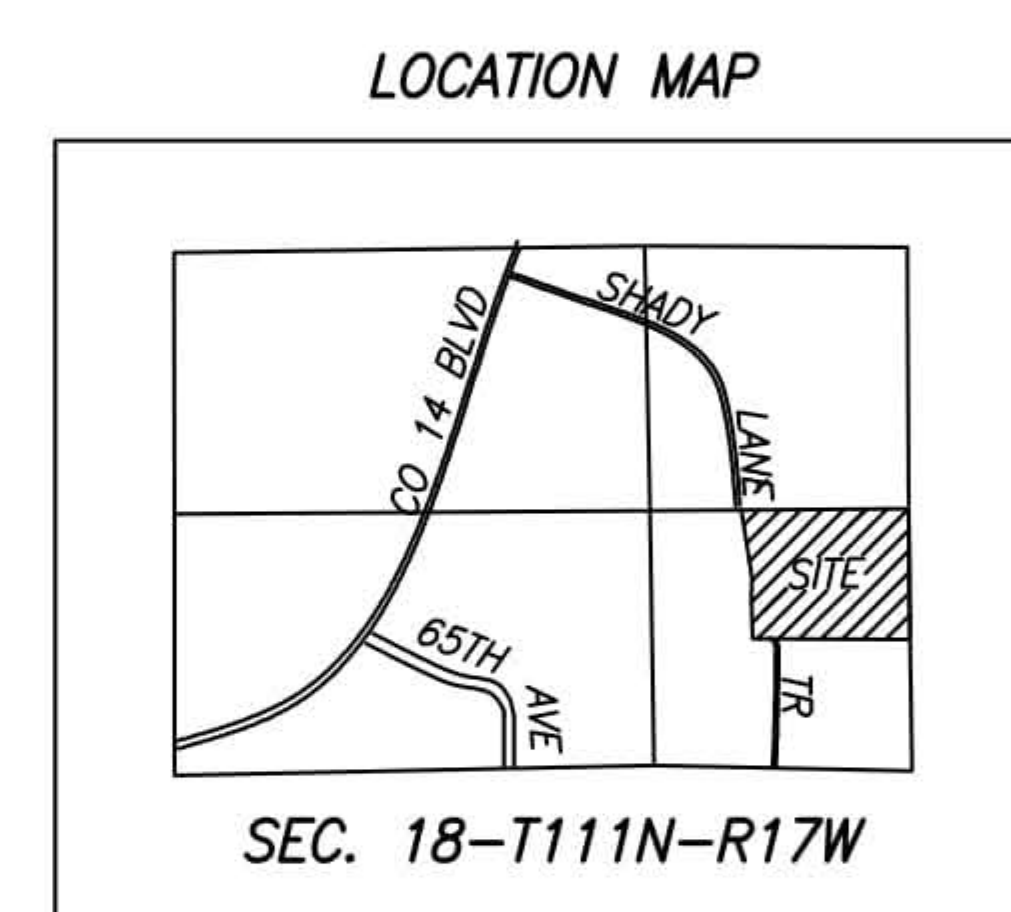
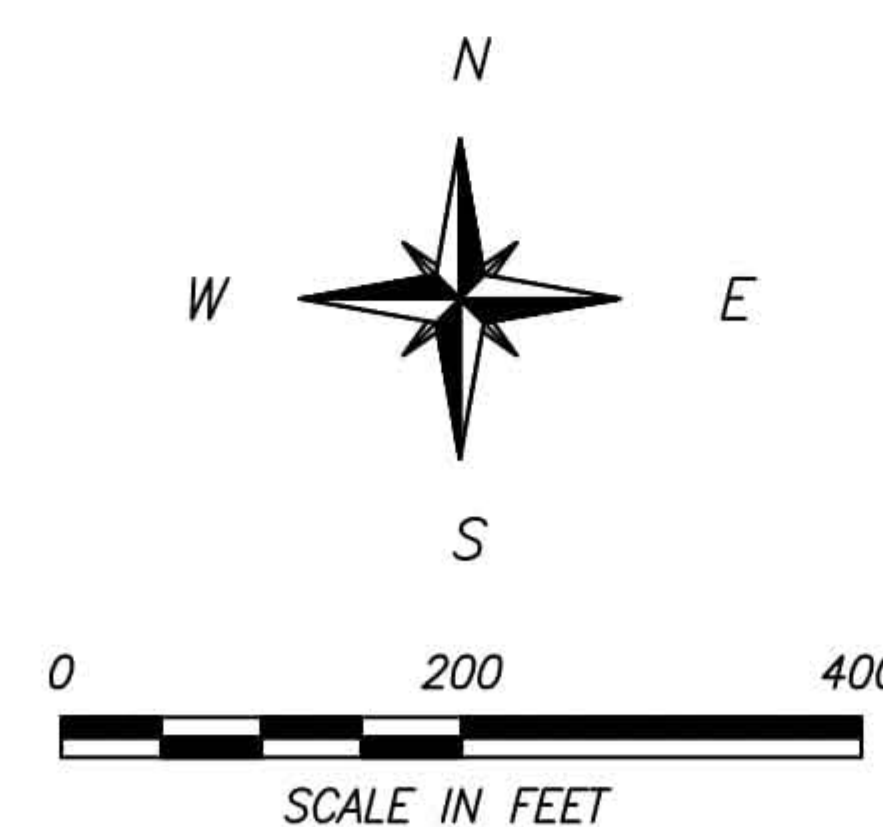
● DENOTES FOUND IRON MONUMENT

⊗ DENOTES SET MAGHUB IN ROAD

--- DENOTES APPROXIMATE WETLAND LOCATION PER BEAU KENNEDY, WATER PLANNER, GOODHUE COUNTY SOIL AND WATER CONSERVATION DISTRICT

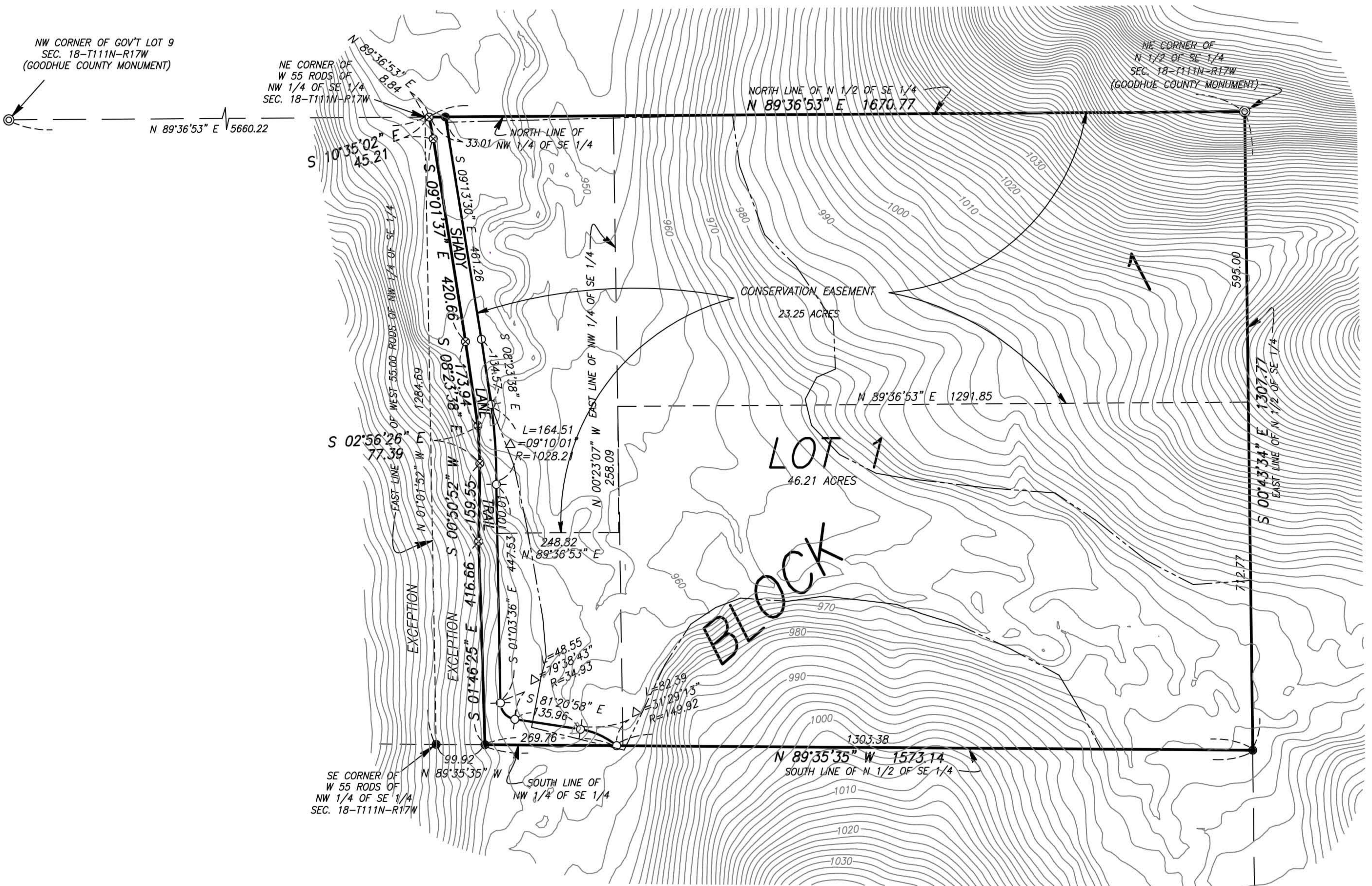
~ DENOTES 2 FOOT CONTOUR PER ALAN LAUMEYER GOODHUE COUNTY GIS SPECIALIST

EAST LINE OF WEST 55.00 RODS OF NW 1/4 OF SE 1/4 OF SEC. 18-T111N-R17W ASSUMES A BEARING OF N 01°01'52\" W



SE CORNER OF SE 1/4 SEC. 18-T111N-R17W (GOODHUE COUNTY MONUMENT)

Exhibit A-1



○ DENOTES SET 1/2 INCH X 15 INCH IRON REBAR MONUMENT WITH PLASTIC CAP MARKED RLS 22044 UNLESS OTHERWISE INDICATED

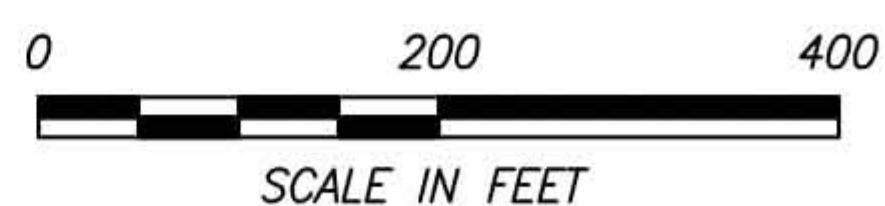
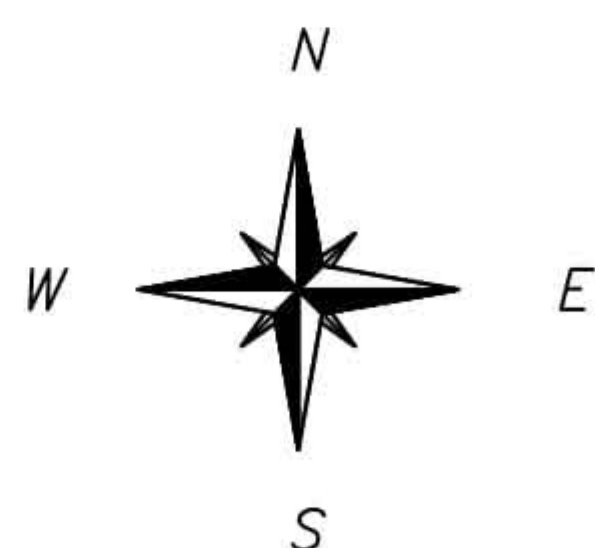
● DENOTES FOUND IRON MONUMENT

⊗ DENOTES SET MAGHUB IN ROAD

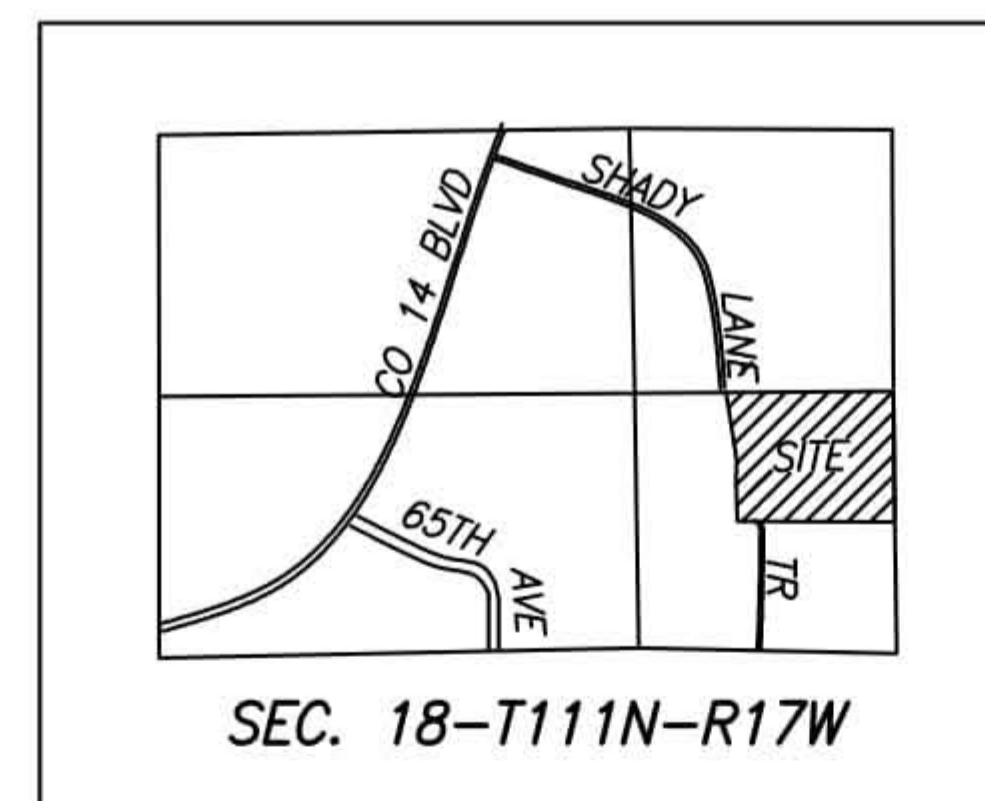
----- DENOTES APPROXIMATE WETLAND LOCATION PER BEAU KENNEDY, WATER PLANNER, GOODHUE COUNTY SOIL AND WATER CONSERVATION DISTRICT

~~~~~ DENOTES 2 FOOT CONTOUR PER ALAN LAUMEYER GOODHUE COUNTY GIS SPECIALIST

EAST LINE OF WEST 55.00 RODS OF NW 1/4 OF SE 1/4 OF SEC. 18-T111N-R17W ASSUMES A BEARING OF N 01°01'52" W

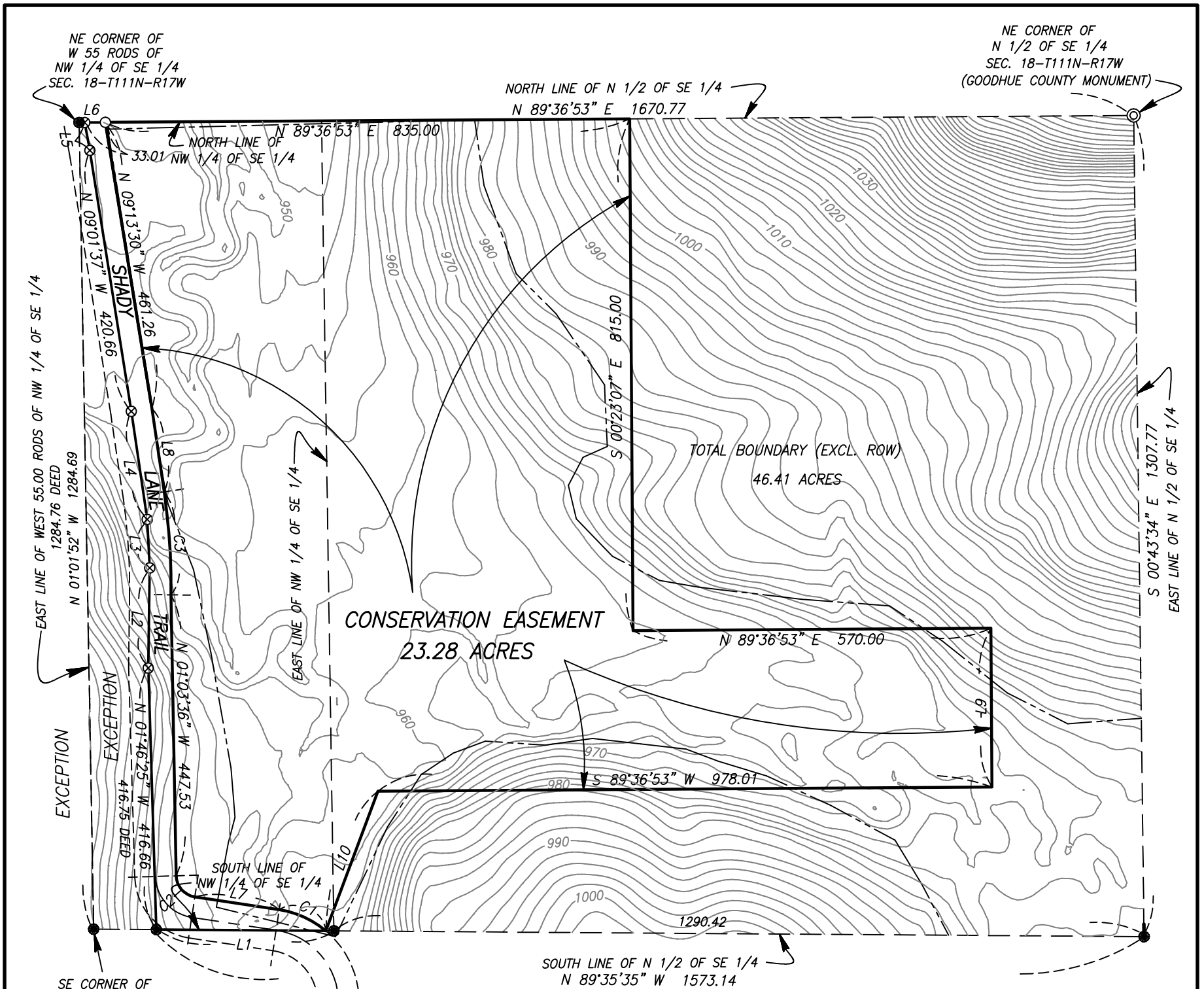


LOCATION MAP



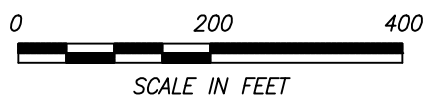
SE CORNER OF SE 1/4 SEC. 18-T111N-R17W (GOODHUE COUNTY MONUMENT)

S 00°43'34" E 1307.77



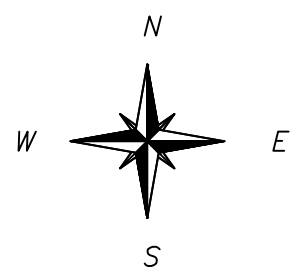
| CURVE | ARC    | DELTA     | RADIUS  | CHORD LENGTH | CHORD BEARING |
|-------|--------|-----------|---------|--------------|---------------|
| C1    | 82.39  | 31°29'13" | 149.92  | 81.35        | N 65°36'21" W |
| C2    | 48.55  | 79°38'43" | 34.93   | 44.74        | N 41°31'36" W |
| C3    | 164.51 | 09°10'01" | 1028.21 | 164.33       | N 03°48'38" W |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 89°35'35" W | 269.76   |
| L2   | N 00°50'52" E | 159.55   |
| L3   | N 02°56'26" W | 77.39    |
| L4   | N 08°23'38" W | 173.94   |
| L5   | N 10°35'02" W | 45.21    |
| L6   | N 89°36'53" E | 41.85    |
| L7   | N 81°20'58" W | 135.96   |
| L8   | N 08°23'38" W | 134.57   |
| L9   | S 00°23'07" E | 253.00   |
| L10  | S 20°31'23" W | 237.35   |



SCALE IN FEET

- DENOTES FOUND IRON MONUMENT
- DENOTES SET IRON MONUMENT W/PLASTIC CAP "RLS 22044"
- ⊗ DENOTES SET "MAGHUB" IN ROAD
- DENOTES APPROX. WETLAND BOUNDARY



CERTIFICATE FOR:  
 PAUL NOVAK  
 1443 HAGUE AVENUE  
 ST. PAUL, MN 55104

**LEGAL DESCRIPTION OF CONSERVATION EASEMENT:**

That part of North Half of the Southeast Quarter of Section 18, Township 111 North, Range 17 West, Goodhue County, Minnesota, described as follows: Commencing at northeast corner of the West 55 rods of the Northwest Quarter of the Southeast Quarter of said Section 18; thence North 89 degrees 36 minutes 53 seconds (assumed bearing) along the north line of said North Half of the Southeast Quarter 41.85 feet to the easterly right of way line of Shady Lane Trail and the point of beginning; thence continuing North 89 degrees 36 minutes 53 seconds East along said north line 835.00 feet; thence South 00 degrees 23 minutes 07 seconds East 815.00 feet; thence North 89 degrees 36 minutes 53 seconds East 570.00 feet; thence South 00 degrees 23 minutes 07 seconds East 253.00 feet; thence South 89 degrees 36 minutes 53 seconds West 978.01 feet; thence South 20 degrees 31 minutes 23 seconds West 237.35 feet to the northerly right of way line of Shady Lane; thence westerly and northerly along the northerly and easterly right of way line of said Shady Lane Trail to the point of beginning. Containing 23.28 acres, more or less.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

OCTOBER 9, 2020

*David G. Rapp*

Dated:

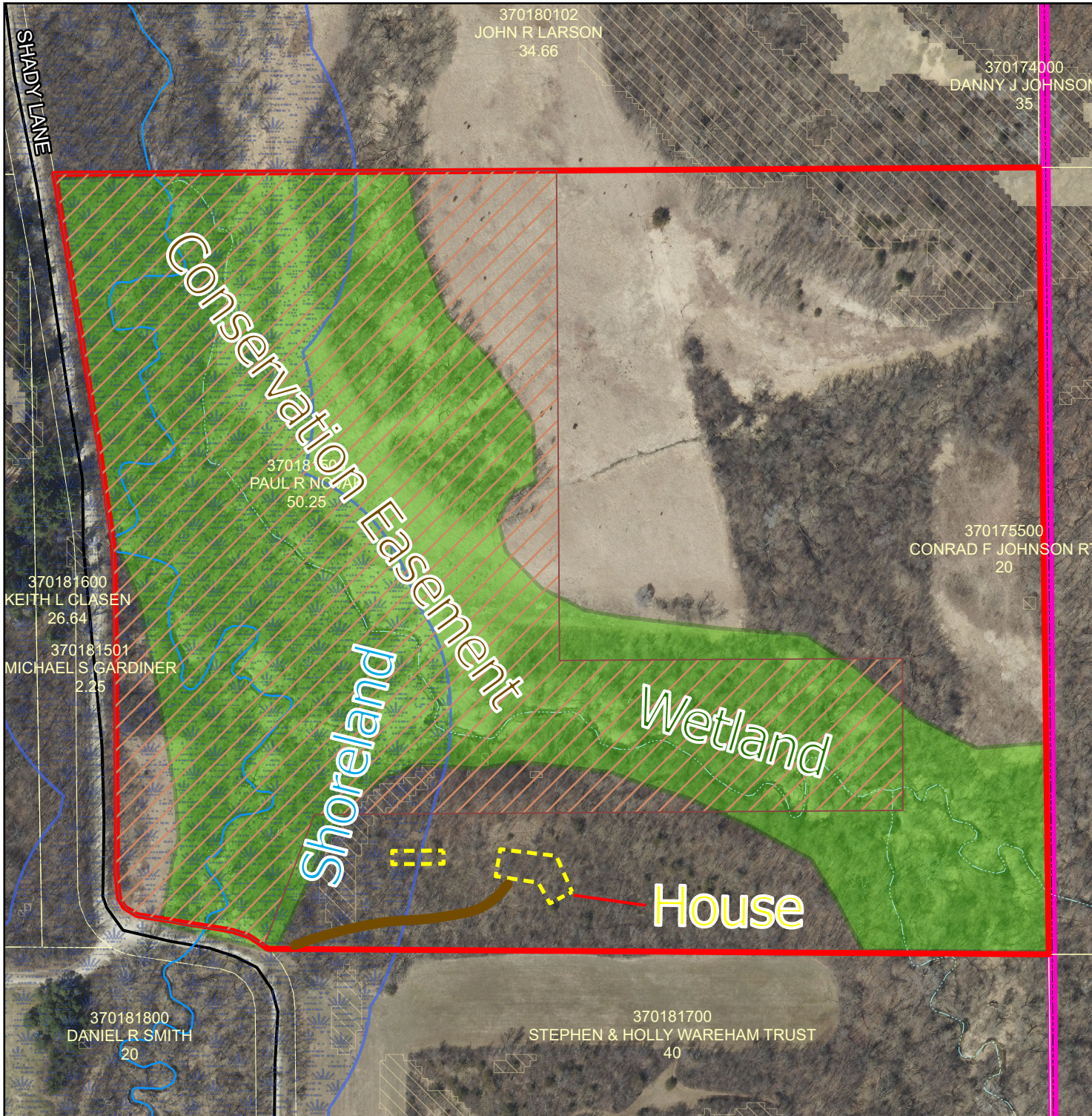
David G. Rapp  
 Minnesota Registration No. 22044

**RAPP LAND SURVEYING, INC.**

45967 HIGHWAY 56 BLVD  
 KENYON, MN 55946  
 612-532-1263

|                   |                       |                         |
|-------------------|-----------------------|-------------------------|
| DRAWN BY:<br>DGR  | DATE:<br>10-9-20      | PROJECT NO.<br>D18182CE |
| SCALE:<br>1"=200' | SHEET<br>1 of 1 sheet | BOOK/PAGE<br>42/61      |

# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
October 19, 2020

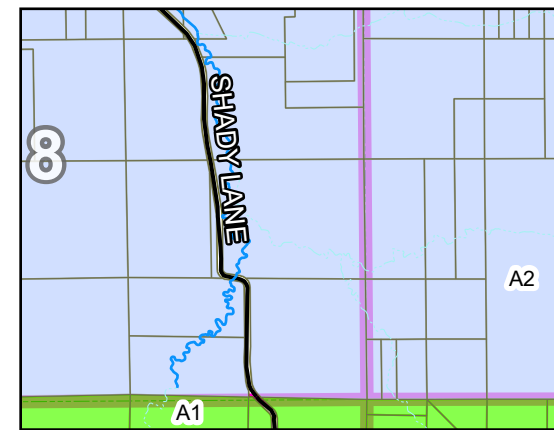
Paul Novak (Owner)  
A2 Zoned District

The N 1/2 of the SE 1/4 of Section 18  
TWP 111 Range 17 in Leon Township

Request for Preliminary and Final Plat  
approval of proposed "Novak Addition"  
to rezone 46.21 acres and create a one lot  
Conservation Subdivision District.

### Legend

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



0 90 180 360 540  
US Feet

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2018 Aerial Imagery  
Map Created October, 2020 by LUM



# MAP 02: VICINITY MAP

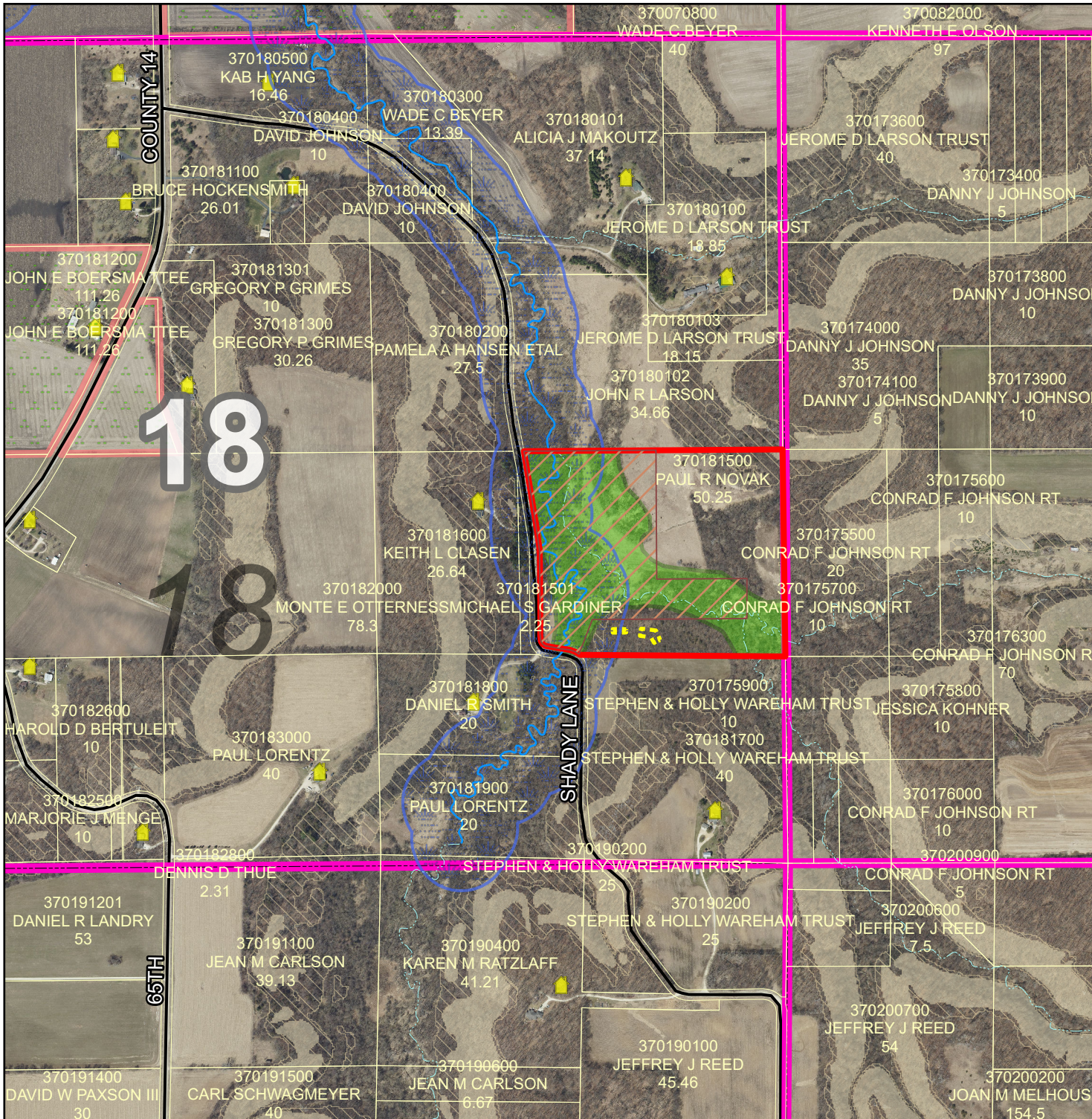
## PLANNING COMMISSION

Public Hearing  
October 19, 2020

Paul Novak (Owner)  
A2 Zoned District

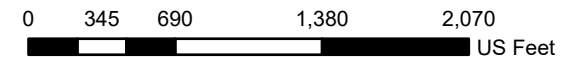
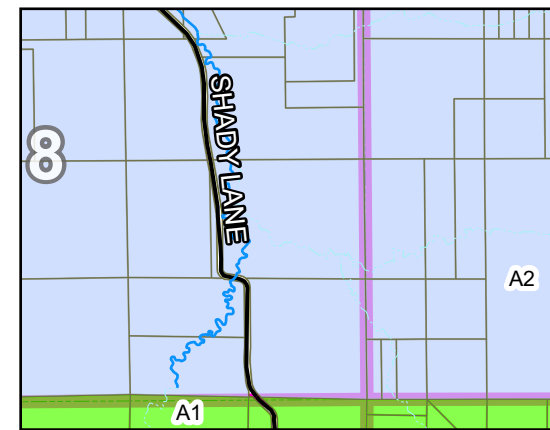
The N 1/2 of the SE 1/4 of Section 18  
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Request for Preliminary and Final Plat  
approval of proposed "Novak Addition"  
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Conservation Subdivision District.



### Legend

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



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2018 Aerial Imagery  
Map Created October, 2020 by LUM



# MAP 03: ELEVATIONS

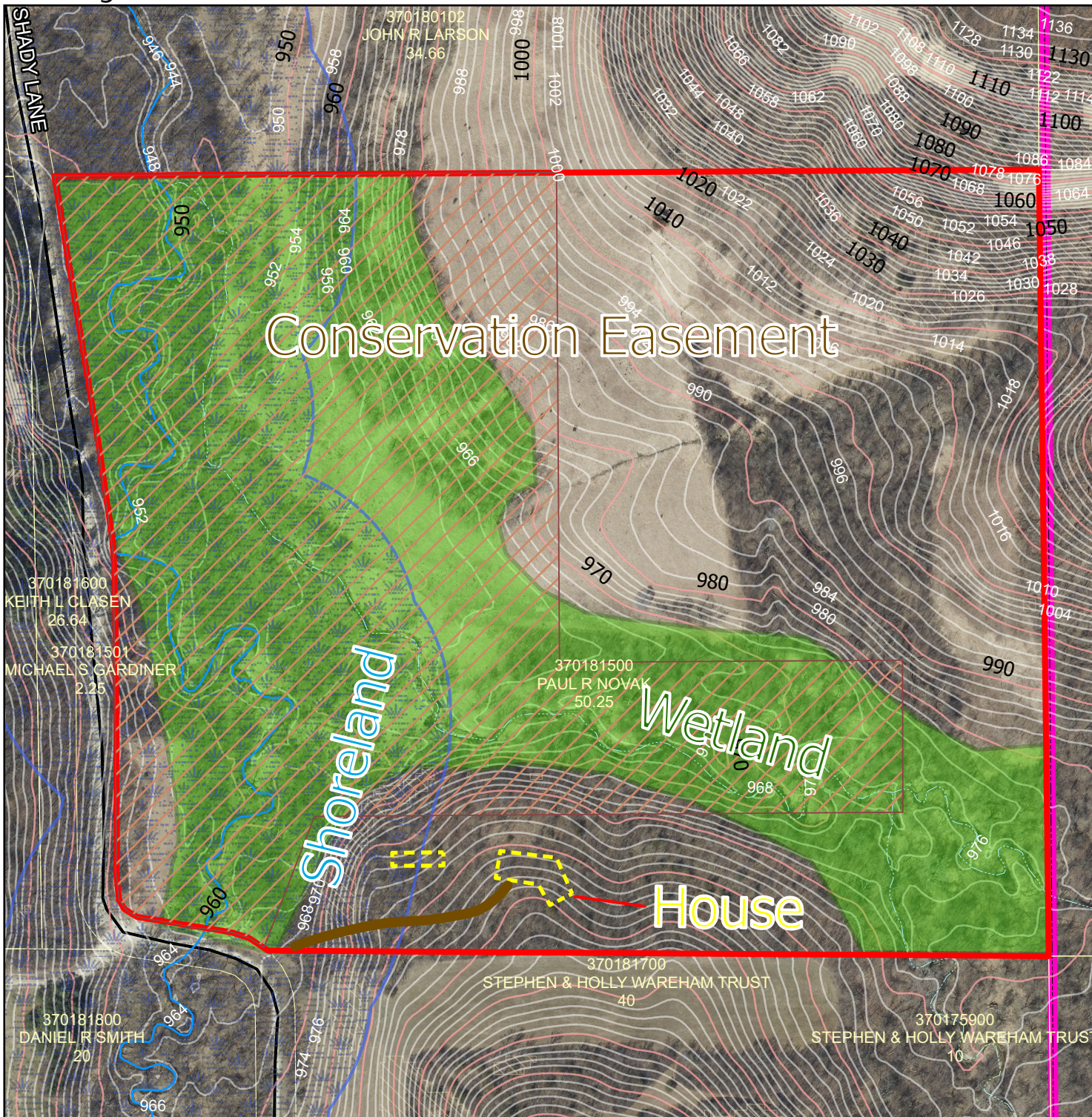
## PLANNING COMMISSION

Public Hearing  
October 19, 2020

Paul Novak (Owner)  
A2 Zoned District

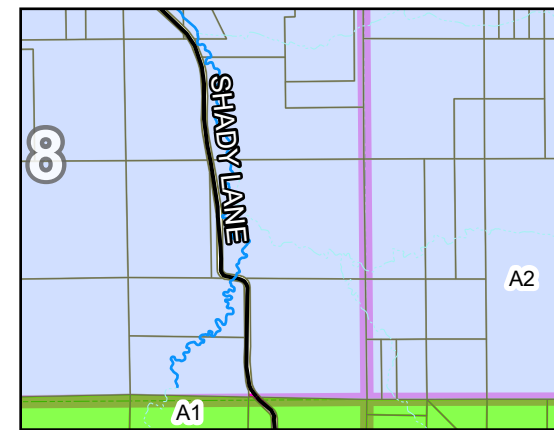
The N 1/2 of the SE 1/4 of Section 18  
TWP 111 Range 17 in Leon Township

Request for Preliminary and Final Plat approval of proposed "Novak Addition" to rezone 46.21 acres and create a one lot Conservation Subdivision District.



### Legend

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



0 90 180 360 540 US Feet

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2018 Aerial Imagery  
Map Created October, 2020 by LUM





September 23, 2020

Goodhue County Board  
Goodhue County Planning Commission  
509 W. 5<sup>th</sup> St.  
Red Wing, MN 55066

**Subject:** Application for Conversation Subdivision District Change of Zoning Request – Paul Novak and Rebecca Novak (collectively, “Applicant”) - Goodhue County Parcel 37.015.1500 (“Property”)

Dear Respective County Representatives;

We, the Applicant, are submitting this letter to request that Goodhue County (“County”) changes the Property’s current A-2 zoning to be characterized as a Conservation Subdivision District (“District”) pursuant to Article 35 of the County’s zoning ordinances (“Article 35”).

A copy of Article 35 and Article 10 “Open Space” zoning sections are attached as Exhibit A.

Please find a copy of the Applicant’s plat attached as Exhibit B (“Plat”).

The Article 35 requirements are itemized below, and are followed by why the Applicants satisfy its conditions:

1. District must be at least 40 contiguous acres (section 5 subd. (1)).

The Property consists of 46.21 acres.

See Plat.

2. 50% of the District must be “Open Space” (as defined in County zoning ordinance section 10).

Here, the Open Space is 23.25 acres, as outlined in the Plat.

3. The Open Space ownership and management must be through a permanent conservation easement and include the following (section 6, subd. (2) (B))(1-7):

A draft of the conservation easement is attached as Exhibit C (“Easement”).

1. Entity to maintain the Open Space.

The Easement’s grantee is The Goodhue Open Spaces Charitable Trust (see Easement).

2. Purposes of the conservation easement.

The Easement's purpose is to promote conservation and an open space environment, and farm land to provide for food safety and security.

See part D of the Easement.

3. Legal description of the land within the easement.

See the Easement's Exhibit A.

4. Restrictions on use of the land.

No industrial, commercial, or residential uses are permitted.

See Part I, section 1 of Easement.

5. Restriction from future dwelling development of the easement.

No industrial, commercial, or residential uses are permitted.

See Part I, section 1 of Easement.

6. The standards under which the Open Space will be maintained.

The Easement provides that customary Minnesota standards for open spaces and consistent with Easement's "Conservation Values" (Part K, section 1, and part E).

7. Who will have access to the Open Space.

No public access is permitted.

See part K of Easement.

Accordingly, since the Applicant meets all the County's District zoning requirements, the Applicant is requesting that you designate the Property as Conservation Subdivision District upon the condition that the Applicant timely delivers you an executed and recorded Easement.

Very Truly Yours,

Paul Novak and Rebecca Novak  
1443 Hague Ave.  
St. Paul, MN 55104  
651-587-0894  
paulnovak651@gmail.com

# EXHIBIT A

- 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.

**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.

**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.

**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.

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

**OPEN SPACE.** Land that is permanently protected from future dwelling development. Land that is designated as Open Space may be used for such purposes as agricultural, forest, recreational uses, or demonstrate the use is protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of the real property.

**OPERATOR.** See Article 14 (Mineral Extraction)

**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.

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

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

**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

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## CONSERVATION EASEMENT

This is a CONSERVATION EASEMENT granted by PAUL R. NOVAK AND REBECCA NOVAK, husband and wife, (“Grantor”) to the \_\_\_\_\_, as trustee of THE SHADY LANE OPEN SPACES TRUST (“GRANTEE”).

- A. GRANTOR. The Grantor is the current owner of approximately 46.21 acres of real property (“Real Property”) located in Goodhue County, Minnesota whereby this conservation easement shall be granted on 23.25 acres of such Real Property (“Protected Property”).
- B. GRANTEE. The Shady Lane Open Spaces Trust is a Minnesota charitable trust created pursuant to Minnesota Statutes Chapter 501B for the purposes of holding this easement’s real property interests.
- C. REAL PROPERTY AND PROTECTED PROPERTY AREAS. The Real Property’s and Protected Property’s respective legal descriptions are provided in the attached preliminary plat as Exhibit A.
- D. PROTECTED PROPERTY DESCRIPTION AND PURPOSE. The Protected Property consists of open fields, forests, wetlands, and two small bridges, and is currently used for hunting purposes.

The Protected Property is important as such promotes conservation and an open environment, and farm land to provide food safety and security.

- E. CONSERVATION VALUES. The Protected Property, as outlined above, has significant natural, scenic, aesthetic, and agricultural values (individually and collectively, “Conservation Values”), that provides habitat and food for wildlife. Additionally the use of the property as farmland serves to provide local and safe food sources for residents and animals.

These Conservation Values are not likely to be significantly impaired by the continued use of the Protected Property as described above or as authorized in this Easement; or by

the use, maintenance of any structures and improvements that presently exist on the Protected Property; or that are authorized below. Preservation and protection of these Conservation Values will provide significant benefit to the public. Grantor and Grantee are committed to protecting and preserving the Conservation Values of the Protected Property in perpetuity for the benefit of this and future generations. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the current landowner and all future owners of the Protected Property.

- F. CONSERVATION POLICY AND INTENT. Protection of the Conservation Values of the Protected Property is consistent with and will further governmental policies, including those established by the following:
1. Minnesota Statutes Chapter 103A, which promotes protection of the state's waters and their adjacent lands and Section.103A.206, in particular, which recognizes the economic and environmental importance of maintaining and enhancing the soil and water resources of the state and the role of private lands in these conservation efforts, to among other reasons, preserve natural resources, protect water quality, preserve wildlife, and protect public lands and waters.
  2. Minnesota Statutes Section 103A.201, which specifically promotes the protection of wetlands and Minnesota Statutes Section 103A.202, which specifically declares that it is in the public interest to preserve wetlands of the state in order to conserve surface waters, maintain and improve water quality, preserve wildlife habitat, reduce runoff, provide for floodwater retention, reduce stream sedimentation, contribute to improved sub-surface soil moisture and enhance the natural beauty of the landscape.
  3. Minnesota Statutes Chapter 84C, which recognizes the importance of private conservation efforts by authorizing conservation easements for the protection of natural, scenic, or open space values of real property, assuring its availability for agriculture, forest, recreational or open space use, protecting natural resources and maintaining or enhancing air or water quality.
  4. Goodhue County has adopted a comprehensive and long-term land conservation vision and implementation programs to protect and improve natural areas; productive farmland; shoreland along all rivers, streams and undeveloped lakeshore; regional parks; and multi-purpose regional greenways throughout the County.
  5. Grantor and Grantee are committed to protecting and preserving the Conservation Values of the Protected Property in perpetuity for the benefit of this and future generations. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the current landowner and all future owners of the Protected Property.

G. GRANT OF CONSERVATION EASEMENT.

Pursuant to the laws of the State of Minnesota, and in particular Minnesota Statutes Chapter 84C, and in consideration of the facts recited above and the mutual covenants contained herein, for \$500 or less of consideration, the Grantor hereby conveys and warrants to the Grantee and its successors and assigns a perpetual conservation easement ("Easement") over the Protected Property subject to building and zoning laws, federal, state, and local laws, and encumbrances, easements, or like of records, if any.

H. EASEMENT PURPOSE.

It is the purpose of this Easement to ensure that the Protected Property will be retained forever substantially unchanged from its present condition as natural open space, to protect water quality and farmland to prevent any use that will significantly impair or interfere with the Conservation Values of the Protected Property. Grantor intends that this Easement will confine the use of the Protected Property to activities that are consistent with the purpose of this Easement.

I. COVENANTS AND RESTRICTIONS.

All activities on or uses of the Protected Property must be consistent with the purpose of this Easement. The following activities and uses are expressly prohibited.

1. Prohibited Uses. No industrial, commercial, residential use or developments are permitted.

Agriculture or like uses are permissible.

2. Building, Structures, and Improvements.

Utility services and septic systems, roads, parking areas, paths and trails, or like improvements are permissible so long as such improvements are consistent with the Easement's Conservation Values.

- J. GRANTOR'S RESERVED RIGHTS. Grantor reserves for itself, its heirs, successors and assigns *any and all rights* to use the Protected Property for all purposes that are not expressly restricted or prohibited herein and are not inconsistent with this Easement's Conservation Values.

- K. PUBLIC ACCESS. Although the public benefits from this Easement through the preservation and protection of the Conservation Values of the Protected Property, nothing in this Easement gives the public a right to enter upon or use the Protected Property where no such right existed prior to the conveyance of this Easement.

The Owner retains the right to permit any public use of the Protected Property consistent with the preservation and protection of the Conservation Values of the Protected Property.

L. MISCELLANEOUS PROVISIONS.

1. Easement Standards. The Grantee is to maintain the Protected Property with the customary standards for open spaces in Minnesota and consistent with the Conservation Values.
2. Real Estate Taxes. Grantor agrees to pay any and all real estate taxes due and payable for the Protected Property in the year 2020, for all prior years and thereafter so long as the Grantor is the fee owner of the Protected Property and will pay all assessments levied by competent authority on the Protected Property.
3. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantee shall have no duty or responsibility to manage or maintain the Protected Property. If, however, the Protected Property is damaged by causes beyond Grantor's control, such as changes caused by fire, flood, storm, infestations, natural deterioration, the acts of third parties legally authorized to act by recorded document or other legally established rights or the unauthorized wrongful acts of third persons, Grantor and Grantee will meet and seek to arrive at an equitable solution to restore the Protected Property.
4. Grantee Access To Ensure Compliance. Grantee shall have access to the Protected Property at least annually to ensure that Grantor is acting consistent with this easement's terms.
5. Grantee's Enforcement's Rights. Grantee shall have all the rights at law or equity to enforce its property rights granted to it via this easement.
6. Easement Runs With The Land. This easement's terms shall run with the land and be binding on the grantor's and grantee's successors.

(remainder of this page is left intentionally blank)



**IN WITNESS WHEREOF**, the undersigned has caused this instrument to be duly executed the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Paul R. Novak

\_\_\_\_\_  
Rebecca Novak

State of Minnesota, County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, by PAUL R. NOVAK AND REBECCA NOVAK, husband and wife.

(Stamp)

\_\_\_\_\_  
*(signature of notarial officer)*

Title (and Rank): \_\_\_\_\_

My commission expires: \_\_\_\_\_  
*(month/day/year)*

THIS INSTRUMENT WAS DRAFTED BY:  
Empey Law Office, PLLC  
Craig A. Empey (license #0349902)  
7760 France Ave. S. #1100  
Edina, MN 55435

# **ARTICLE 35 CS, CONSERVATION SUBDIVISION DISTRICT**

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## **SECTION 1. PURPOSE**

The Conservation Subdivision (CS) District is intended to provide a residential development option that supports the rural character and residential development goals of Goodhue County, while permanently preserving open space, agriculture, and natural resource areas, beyond planned future extension of urban services.

## **Section 2. PERMITTED USES**

All permitted uses are subject to zoning and building permits. Permitted uses allowed in the CS Zoning District shall be as shown in Article 20, Section 7, “Table of Uses”.

## **Section 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and interim uses allowed in the CS Zoning District shall be as shown in Article 20, Section 7, “Table of Uses.”

## **Section 4. ACCESSORY STRUCTURES AND USES**

Accessory buildings in the CS district may be permitted when located on the same parcel as the principal building and shall comply with the following standards:

- Subd. 1. No accessory buildings shall be permitted on a parcel prior to the establishment of the principal building.
- Subd. 2. Detached accessory buildings shall be limited in size to 7,200 square feet in area.
- Subd. 3. Greenhouses, conservatories, swimming pools, tennis courts or similar non-commercial recreational facilities for the private enjoyment and convenience of the residents of the principal use and their guests shall be allowed.
- Subd. 4. Livestock shall be permissible as an accessory use provided no parcel exceeds 9 Animal Units.
- Subd. 5. Any temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of such construction work.

## **Section 5. DIMENSIONAL REQUIREMENTS**

- Subd. 1. Minimum Subdivision Size. The minimum area required for a Conservation Subdivision shall be 40 contiguous acres.
- Subd 2. Density. The maximum density of Conservation Subdivisions without a shared SSTS shall be 4 dwellings. The maximum density of Conservation Subdivisions with a shared SSTS shall be 6 dwellings.

- Subd. 3 Lot Size. Any lot on which a single-family dwelling unit is to be erected shall contain a minimum of 3 acres of Buildable Area. Lots with a shared SSTS shall be a minimum of 2 acres of Buildable Area.
- Subd. 4 Yard Requirements. Every building shall meet the following Yard requirements:
- A. Front Yard.
    1. There shall be a minimum setback of 40 feet from the right-of-way line of any public road or highway.
    2. There shall be a minimum setback of 25 feet from the right-of-way line any private road.
  - B. Side and Rear Yards. Every building shall have a minimum setback of 40 feet.
  - C. Buffer zones. All dwellings and accessory structures shall have a minimum setback of 100 feet from surrounding agricultural uses.
- Subd. 5 Height Requirements. Every building shall have a maximum height of 35 feet.
- Subd. 6 Open Space Requirements. Conservation Subdivisions shall identify a conservation theme. Conservation themes may include, but are not limited to, forest, water quality, farmland, or view-shed preservation. The conservation theme shall guide the location and use of the designated Open Space.
- A. A minimum of 50% of the total acreage in the Conservation Subdivision shall be designated as Open Space.
  - B. Where practical, designated Open Space shall be contiguous with adjacent agriculture, wildlife corridors, forestry, natural habitats, preserves, or trails.

## **SECTION 6. GENERAL DISTRICT REGULATIONS**

- Subd. 1 A proposed Minnesota Statute 505 plat shall accompany all Conservation Subdivision change of zone requests and shall be considered part of the application. The plat must obtain the approval of the Township in which it is located in order to be recorded. No buildings or development may occur on the site until the plat is recorded.
- Subd. 2 Open Space Ownership and Management. All lands and improvements in designated Open Spaces shall be established, managed and maintained in accordance with the following:
- A. Conservation Easement. A permanent Conservation Easement that encompasses the entire Open Space area must be recorded prior to, or at the time of platting.
  - B. Conservation Easements shall be governed by Minnesota Statute 84C.01-84C.05, and include:
    1. The entity to maintain the designated Open Space;
    2. The purposes of the Conservation Easement;

3. The legal description of the land within the easement;
  4. The restrictions on the use of the land;
  5. A restriction from future dwelling development of the easement;
  6. The standards under which the Open Space will be maintained; and
  7. Who will have access to the Open Space.
- C. All structures located within the designated Open Space must obtain appropriate permits. As part of the permit application, structures must demonstrate they are in harmony with the associated Open Space theme. Shared SSTS and shared wells within the Conservation Subdivision may be located within the Open Space designated parcels if allowed by the Conservation Easement restrictions.

Subd. 3. Public Road Frontage or Road Access Easements Standards:

- A. Each Parcel shall include a minimum 33 feet of frontage on a public road right-of-way line extending to the building line. As an alternative, a single parcel that does not front on a public road may be permitted upon the recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- B. Two parcels that do not front on a public road may be permitted upon the recording (with the Goodhue County Recorder) of a shared driveway access easement that is a minimum of 66 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management.
- C. Access for 3 or more parcels shall meet the standards for public roads in the Goodhue County Subdivision Ordinance.

## CHAPTER 84C

### CONSERVATION EASEMENTS

|        |                                                 |        |                   |
|--------|-------------------------------------------------|--------|-------------------|
| 84C.01 | DEFINITIONS.                                    | 84C.03 | JUDICIAL ACTIONS. |
| 84C.02 | CREATION, CONVEYANCE, ACCEPTANCE, AND DURATION. | 84C.04 | VALIDITY.         |
|        |                                                 | 84C.05 | APPLICABILITY.    |

#### 84C.01 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

(1) "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

(2) "Holder" means:

(i) a governmental body empowered to hold an interest in real property under the laws of this state or the United States; or

(ii) a charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open-space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

(3) "Third-party right of enforcement" means a right provided in a conservation easement to enforce any of its terms granted to a governmental body, charitable corporation, charitable association, or charitable trust, which, although eligible to be a holder, is not a holder.

**History:** 1985 c 232 s 1

#### 84C.02 CREATION, CONVEYANCE, ACCEPTANCE, AND DURATION.

(a) Except as otherwise provided in this chapter, a conservation easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements.

(b) No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement before its acceptance by the holder and a recordation of the acceptance.

(c) Except as provided in section 84C.03, clause (b), a conservation easement is unlimited in duration unless the instrument creating it otherwise provides.

(d) An interest in real property in existence at the time a conservation easement is created is not impaired by it unless the owner of the interest is a party to the conservation easement or consents to it.

**History:** 1985 c 232 s 2

**84C.03 JUDICIAL ACTIONS.**

(a) An action affecting a conservation easement may be brought by:

- (1) an owner of an interest in the real property burdened by the easement;
- (2) a holder of the easement;
- (3) a person having a third-party right of enforcement; or
- (4) a person authorized by other law.

(b) This chapter does not affect the power of a court to modify or terminate a conservation easement in accordance with the principles of law and equity.

**History:** 1985 c 232 s 3

**84C.04 VALIDITY.**

A conservation easement is valid even though:

- (1) it is not appurtenant to an interest in real property;
- (2) it can be or has been assigned to another holder;
- (3) it is not of a character that has been recognized traditionally at common law;
- (4) it imposes a negative burden;
- (5) it imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;
- (6) the benefit does not touch or concern real property; or
- (7) there is no privity of estate or of contract.

**History:** 1985 c 232 s 4

**84C.05 APPLICABILITY.**

(a) This chapter applies to any interest created after August 1, 1985, which complies with this chapter, whether designated as a conservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise.

(b) This chapter applies to any interest created before August 1, 1985, if it would have been enforceable had it been created after August 1, 1985, unless retroactive application contravenes the constitution or laws of this state or the United States.

(c) This chapter does not invalidate any interest, whether designated as a conservation or preservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise, that is enforceable under other law of this state.

**History:** 1985 c 232 s 5

|          |             |
|----------|-------------|
| FILE #   | Z20-0032    |
| PARCEL # | 37.018.1500 |

# 505 Plat Application

**A. A Minnesota Statue Chapter 505 plat\* is required under the following circumstances:**

1) The creation of three or more tax parcels from one tax parcel, except when the tax parcels created can be described by an aliquot part of the Public Land Survey. The minimum division shall be a Quarter Quarter of the Section (i.e. SE 1/4 of the NW 1/4 ). Non-contiguous land must be separate tax parcels. The parcels shown on the plat provide for road access for each new division or reconfiguration of land;

2) If a subdivision of a platted lot or outlot can result in one or more potential dwelling sites, the subdivision must be platted.

**\*Requires approval and public hearings from the Planning Commission and County Board**

| Landowner Information                                                                      |                |                |            |
|--------------------------------------------------------------------------------------------|----------------|----------------|------------|
| Landowner Name                                                                             | Paul Novak     | Email          | [REDACTED] |
| Mailing Address                                                                            | [REDACTED]     |                |            |
| Daytime Phone                                                                              | [REDACTED]     |                |            |
| Applicant Information (if different than above)                                            |                |                |            |
| Applicant Name                                                                             | SAME           | Email          |            |
| Mailing Address                                                                            |                |                |            |
| Daytime Phone                                                                              |                |                |            |
| Township Information                                                                       |                |                |            |
| Township position                                                                          |                | Date           |            |
| Signature                                                                                  |                |                |            |
| County Use                                                                                 |                |                |            |
| Application Fee                                                                            | \$350          | Receipt Number | 17339      |
|                                                                                            |                | Received Date  | 6-26-2020  |
| Initial Reviewed by                                                                        | Ryan Bechel    |                |            |
| Plat Name                                                                                  | Novak Addition |                |            |
| Request complies with Goodhue County Zoning and Subdivision requirements as attested by me |                |                |            |
| _____ the Goodhue County Planner/Zoning Administrator on                                   |                |                |            |
| this day _____                                                                             |                |                |            |

**RECEIVED**

JUN 26 2020

To whom it may concern,

Attached is an easement between Paul and Rebecca Novak with the County of Goodhue.

Every effort has been made to find a third-party easement holder however none such exist. This is due in part to the property being relatively small and in an area of the state where funding is either limited or non-existent. There is an assumption that most charities would take an easement for free but this couldn't be further from the truth. The following is an email from the Minnesota Land Trust, which was the only organization even willing to entertain the idea of an easement with us.

“Paul,

I was able to talk through your property with some other staff members. Frankly speaking, your options of pursuing an easement through our organization are limited, and I'm not certain you'll find them feasible given what you'd like to do with the land long-term.

Your first potential option would be to pursue an easement with us by applying through our easement program for SEMN. That is a competitive process where we rank projects and then pursue easements based on the rankings. Our funding for that program also dictates limited ag use within the easement area, no more than 10% of the easement area can be in some form of agricultural production and buffers need to be in place between ag lands and any waterbody. Under this scenario, 1) you'd have to submit an application and rank out high enough, and 2) you'd be limited to ag uses on 2.3 acres of the easement area.

The second potential option is bypassing the SEMN easement program and paying for all easement project development costs (including staff time and the stewardship contribution) which can range from \$24,000 to \$50,000 depending on scope of the project. Even with that option I cannot guarantee we'd necessarily take on the project-it would have to go through a more thorough review internally, and most likely if approved it would be an elongated timeline as we have grant project priorities that would take precedent.

I realize these are not the most favorable options to you. I wish we could be more helpful, however we're constrained by both our grant funding and capacity to complete easement projects at this time. There are other national organizations, such as the American Farmland Trust, that can hold ag easements. Or better yet at your local level in the Goodhue NRCS office there is a federal easement program, ACEP, that you might be able to take advantage. I would contact Beau Kennedy at Goodhue SWCD to have him put you in contact with the correct NRCS person in their office. The office number is 651-923-5286.



Please feel free to give me a call if you'd like to talk about these options or anything else I outlined here. I'm happy to talk through any of this.

With regards,

--

Nick Bancks

Program Manager

Minnesota Land Trust

2356 University Ave W., Suite 240

St. Paul, MN 55114 "

The Minnesota Land Trust was further dissuaded from granting me an easement because I want to continue to use portions of my property for farming.

They were not the only entity which wants to limit my ability to farm my land. Some offices of Goodhue County also want to limit my use of the preserved portions of my property to "hobby farming". I see issues with this. First, how do we define "hobby farming". And more importantly, is this what the County wants? I would argue that it's not. From the June 17th 2019 Goodhue County Land Use Management Office public hearing letter.

"The Conservation Subdivision district is intended to provide a new "tool" for low-density rural residential development with a focus on preservation of **recreational and agricultural resources.** "

Additionally;

"the proposed district is intended to provide a residential development option that supports the rural character and residential development goals of Goodhue County, while permanently preserving open space, **agriculture**, and natural resource areas."

Furthermore, from the zoning ordinance itself, Article 35. Section 1.

"The Conservation Subdivision (CS) District is intended to provide a residential development option that supports the rural character and residential development goals of Goodhue County, while permanently preserving open space, agriculture, and natural resource areas, beyond planned future extension of urban services."

Lastly, and I believe most importantly, from Article 1. Section 2 of the Goodhue County Zoning Ordinance.

#### ARTICLE 1. SECTION 2. PURPOSE

The purpose of this Ordinance is to promote and protect the public health, safety and general welfare of the people of Goodhue County. This Ordinance will protect and **preserve prime agricultural land** by limiting the density of residential development in these areas. This Ordinance will assist in the economic

growth of the County by providing a basis for reasonable and orderly residential, commercial and industrial development. At the same time, this **Ordinance shall encourage farmers, residents and businesses to protect the land from erosion, loss of wetlands, loss of water quality, and loss of woodlands.**

So, my proposal is effectively everything laid out above. Preservation of agricultural land, reasonable and orderly residential development, protection from erosion, loss of wetland, loss of water quality and loss of woodlands.

What is agricultural land? Per Article 10. Section 2 of Goodhue County Zoning ordinance. 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.

The following are aerial photographs from 1981- 1990 of my property.



1981



1982



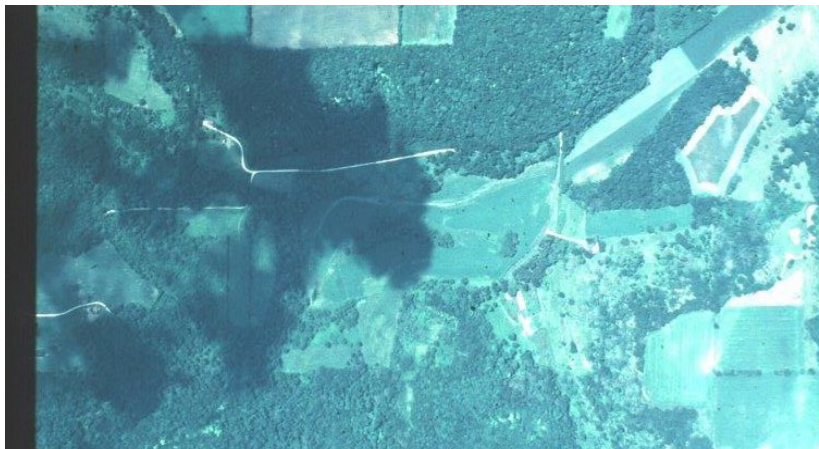
1985



1983



1986



1984



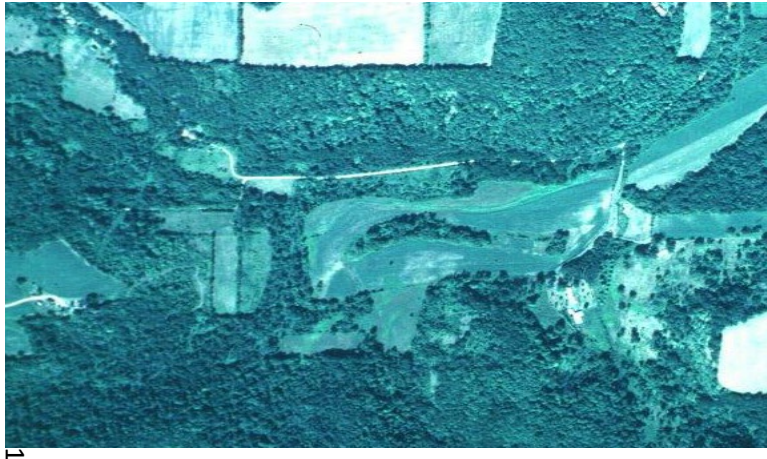
1989



1987



1990



1988

What is depicted is land which was in crop rotation. The margins of the farmland have receded somewhat and have been overtaken by box elders, but non- the- less cropland. This is not a "rice field" as one county official once told me. In fact, I have had two truck farmers approach me wanting to farm my land because they are aware of the deep rich soil present in the area.

Next, I'd like to address the construction of buildings. It has been suggested that I forego all rights to build any structure of any kind within the preserved portions of my property. However, this is not what is described in the ordinance.

Section 6. Subdivision2. (C)

C. All structures located within the designated Open Space must obtain appropriate permits. As part of the permit application, structures must demonstrate they are in harmony with the associated Open Space theme. Shared SSTS and shared wells within the Conservation Subdivision may be located within the Open Space designated parcels if allowed by the Conservation Easement restrictions.

If the intent of the County was to not allow any structures within the open space, then it should have stated that.

Sincerely,

Paul Novak

**From:** [Kennedy, Beau](#)  
**To:** [Paul Novak](#); [Bechel, Ryan](#)  
**Subject:** RE: Novak Home location  
**Date:** Friday, June 12, 2020 10:57:05 AM

---

Paul

I do not think a delineation is necessary if your home is located where you identified in the attachment. That location is several feet higher in elevation than the wetland to the north.

If future plans with the conservation subdivision identify roads, grading, homes, etc, then a delineation should be completed to properly identify the wetland areas on the parcel(s).

Take care

B

**Beau Kennedy**  
**Goodhue SWCD**

---

**From:** Paul Novak [REDACTED]  
**Sent:** Wednesday, June 3, 2020 9:05 AM  
**To:** Bechel, Ryan <[ryan.bechel@co.goodhue.mn.us](mailto:ryan.bechel@co.goodhue.mn.us)>; Kennedy, Beau <[bkennedy@goodhueswcd.org](mailto:bkennedy@goodhueswcd.org)>  
**Subject:** Novak Home location

**External Email - Use caution opening links or attachments!**

Hi Ryan and Beau,

I've attached a rough drawing of the proposed driveway and home location. The brown rectangle is where the septic system will be located. This has been verified in the field by Ben Hoyt.

The issue in question is if I need a wetland delineation. Obviously I'm hoping to avoid that cost but will do whatever is requested.

Thanks

# Goodhue County Land Use Management

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

*Lisa M. Hanni, L.S. Director*

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106



*County Surveyor / Recorder*

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

**To:** Planning Advisory Commission  
**From:** Land Use Management  
**Meeting Date:** November 16, 2020  
**Report date:** November 6, 2020

## **PUBLIC HEARING: CUP request for a Kennel**

Request for a CUP submitted by Dan Williams (owner) to establish a kennel for up to 5 adult dogs.

### **Application Information:**

Applicant: Dan Williams (Owner)

Address of zoning request: 28051 CTY 1 BLVD, Red Wing, MN 55066

Parcel(s): 31.002.1300

Abbreviated Legal Description: Part of the NW ¼ of the NE ¼ of Section 2 TWP 112 Range 15 in Featherstone Township.

Township Information: The Applicant will be attending the Featherstone Township Board meeting on November 10<sup>th</sup>, 2020 for approval and acknowledgment of the request. Featherstone Township is aware of the request.

Zoning District: A3 (Urban Fringe District)

### **Attachments and links:**

Application and submitted project summary

Site Map(s)

Article 11, Section 26 *Kennels*

Goodhue County Zoning Ordinance (GCZO):

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

### **Summary:**

The Applicant (Dan Williams) is requesting a CUP to establish a Kennel for up to 5 adult dogs on his property. The Goodhue County Zoning Ordinance requires property owners with 4 or more adult dogs to obtain a Conditional Use Permit for a Kennel. The Applicant currently has 4 adult dogs (over the age of 28 weeks) residing on his property. The existing dogs are the Applicant's pets and the proposed Kennel would not be open to the general public. Mr. Williams is requesting the Kennel CUP to allow him to maintain his 4 existing dogs on the property and potentially add one more in the future.

### **Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses**

*No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage and other necessary facilities, to provide sufficient off-street parking and loading space, to control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

## **Project Summary:**

### **Property Information:**

- The subject property consists of a single 0.44-acre parcel. The parcel is zoned A3 (Urban Fringe District) and is a non-conforming parcel in the District (35-acre minimum).

There is currently a dwelling and 8-foot by 12-foot shed on the property. The Applicant obtained a setback variance in September 2020 from the Goodhue County Board of Adjustment allowing him to construct a 24-foot x 35-foot garage on the property that has not yet been completed.

No new structures are proposed for the Kennel operation.

- The property is bordered by A3 Zoning District to the south, east (across County 1 BLVD), and west. Property within Red Wing city limits borders to the north. Adjacent land uses include medium-density residential, woodlands and, commercial/light industrial.
- The nearest residence, owned by Calvin and Christine Radtke, is approximately 30 feet from the Kennel area. The next closest residences, owned by John and Jennifer Ziemer in the City of Red Wing and Michael Conroy in Featherstone Township, are both over 250 feet from the Kennel facilities.
- Access to the site is located off of County 1 BLVD on the east side of the property.

### **Kennel Operations:**

- The Kennel will not be open to the general public. Puppies are occasionally raised on-site however they are relocated prior to reaching 28-weeks of age.
- The dogs currently reside in the existing 8-foot by 12-foot shed with an attached 15-foot by 8-foot outdoor run. The outdoor run has a chain-link perimeter fence and is accessed via a dog-door at the west end of the shed.
- The Applicant is proposing to use the existing shed, expand the outdoor run by 10 feet and add a cement slab in the run to improve odor and mud management.
- LUM Staff conducted a site visit on October 2, 2020 to evaluate the existing living conditions for the animals.

The shed appears to have adequate lighting, heat, ventilation, insulation, accessibility to freshwater, and ample space to comfortably accommodate 5 adult dogs as proposed.

The expanded outdoor run and proposed concrete pad will allow more room for exercise and play for the animals and better management of odor and mud during poor weather conditions.

- Vaccination records were provided by the Applicant for the 4 adult dogs on-site. All dogs are currently up-to-date on all vaccinations.
- The Applicant will operate the Kennel. No non-resident employees are proposed.

### **Noise:**

- LUM staff received a noise complaint from a neighboring landowner which prompted a review of Mr. Williams' situation and revealed he had exceeded 3 adult dogs on the property and would need to obtain a CUP to maintain his current number of animals at the property.

*It should be noted that Mr. Williams recently purchased and moved to the property and has stated he was unaware of the regulation.*

- Mr. Williams has acknowledged that barking has been an issue in the past however he is making efforts to control barking and reduce off-site noise impacts. The Applicant has implemented a number of noise reduction measures including the following:
  - The indoor portion of the kennel has been insulated to soften interior noise and provide warmth for the dogs.
  - Bark collars are utilized when the dogs are in the outdoor run to discourage barking
  - The Applicant has installed tarping along the south side of the outdoor run to provide a visual barrier from the neighboring property to reduce the potential of the dogs being



stimulated by activities occurring on the neighboring property.

- The Applicant is proposing to construct a permanent solid-fence visual barrier to replace the temporary tarping.
- The Applicant noted that he has been working on training the animals to reduce barking and that the measures have been working. He added that the dogs have been adjusting to their new home and surroundings which led to barking.
- The Applicant considered re-locating the Kennel area to the north side of the property to provide a greater setback to the nearest residence. Mr. Williams noted relocating the building there would be challenging as there is no direct access from the dwelling to the north side of the property and it would necessitate relocating electrical services and adding outdoor lighting.  
Mr. Williams also noted it the shed is currently accessible from the existing driveway area which would not be the case if it were relocated to the north side of the property.

**Lighting/Signage:**

- An exterior light will be added to the proposed garage upon completion.
- No signage is proposed for the Kennel.

**Traffic and Parking:**

- No additional traffic is anticipated with this request as the Kennel will not be open to the public. There is off-street parking available in the existing driveway.
- *Pursuant to GCZO Article 11, section 16, the Zoning Administrator has determined minimum off-street parking provisions shall be one parking space for each 500 square feet of floor area. A minimum of 1 off-street parking space is required for this facility.*

Ample room exists on the property to fulfill parking requirements.

**Waste Management:**

- Animal waste is collected daily and disposed of in a trash can which is emptied weekly.
- The home is served by an existing private well and septic system. Dog waste must not be introduced into the septic system and should be disposed of as proposed above.
- The Applicant should contact the Goodhue County Feedlot Officer (Kelsey Pettit) regarding any modifications to the proposed waste management plan for the operation.

**Draft Findings of Fact:**

*The following staff findings shall be amended to reflect concerns conveyed during the PAC meeting and public hearing.*

1. The proposed Kennel does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The limited scale of the Kennel and the lack of commercial or public use of the site reduces the potential for negative impacts to adjacent properties.
2. The Kennel is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use is proposed to meet all development standards of the Goodhue County Zoning Ordinance as well as applicable standards established by the Minnesota Board of Animal Health (MN Statutes 347.34 and MN Administrative Rules 1721.0520). The use, as proposed, appears compatible with existing adjacent land uses.
3. A review of the Applicant's submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available or will be installed to accommodate the proposed use.
4. The submitted plans identify means to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance's parking requirements.

5. The Kennel will be operated within an existing structure and outdoor run area. Mr. Williams has proposed several mitigation measures including building insulation, visual barriers, and bark collars to reduce off-site noise impacts and he has provided sufficient plans to appropriately dispose of animal waste to prevent odor impacts to adjacent landowners.

Mr. Williams' proposal appears sufficient to control offensive odor, fumes, dust, noise, lighting, and vibration so that none of these will constitute a nuisance.

*Staff recommendation is based on the review of the submitted application and project area prior to the public hearing.*

**Staff Recommendation:**

LUM Staff recommends the Planning Advisory Commission

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and recommend that the County Board of Commissioners **APPROVE** the request from Dan Williams to establish a dog Kennel for up to 5 dogs.

Subject to the following conditions:

1. Kennel operations shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. No more than 5 adult dogs shall be kept on the property;
3. The Kennel shall not be open to the general public;
4. On-street parking shall be prohibited;
5. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 26, Kennels and Article 23 A3, Urban Fringe District;
6. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

# GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 21.002.1300

Permit Z20-0056

### PROPERTY OWNER INFORMATION

|                                                                            |                                  |                                                                  |
|----------------------------------------------------------------------------|----------------------------------|------------------------------------------------------------------|
| Last Name <u>Williams</u>                                                  | First <u>Dan</u>                 | Email:                                                           |
| Street Address <u>28051 Cty Rd 1 Blvd</u>                                  |                                  | Phone:                                                           |
| City <u>Red Wing</u>                                                       | State <u>MN</u> Zip <u>55066</u> | Attach Legal Description as Exhibit "A" <input type="checkbox"/> |
| Authorized Agent                                                           | Phone                            |                                                                  |
| Mailing Address of Landowner: <u>28051 Cty Rd 1 Blvd Red Wing MN 55066</u> |                                  |                                                                  |
| Mailing Address of Agent:                                                  |                                  |                                                                  |

### PROJECT INFORMATION

Site Address (if different than above): \_\_\_\_\_

Lot Size \_\_\_\_\_ Structure Dimensions (if applicable) \_\_\_\_\_

What is the conditional/interim use permit request for? Kennel License

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: Dan Williams Date 10.14.2020

Signature of Agent Authorized by Agent: \_\_\_\_\_

### TOWNSHIP INFORMATION

Township Zoning Permit Attached?  If no please have township complete below:

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the request.

|           |       |      |
|-----------|-------|------|
| Signature | Title | Date |
|-----------|-------|------|

Comments:

### COUNTY SECTION

COUNTY FEE \$350 RECEIPT # 17772 DATE PAID 10.14.20

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

What is the formal wording of the request?

Shoreland \_\_\_\_\_ Lake/Stream Name \_\_\_\_\_ Zoning District \_\_\_\_\_

Date Received \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_ DNR Notice \_\_\_\_\_ City Notice \_\_\_\_\_

Action Taken:  Approve  Deny Conditions:

## GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

**PROJECT SUMMARY**

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).

Applying for the Kennel license to keep my 4 dogs + 1 additional one if needed in the future due to failing health of relative.

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

Only building to be used is existing shed that has been adapted to the needs of the dogs.

3. Proposed number of non-resident employees.

Not non resident employees but I have 4 adult labs that are my companions and hunting buddies. Asking for 5 increase of failing health of a family member

4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.

My dogs are on my property 24-7-365

5. Planned maximum capacity/occupancy.

5 dogs

Occasionally extras when dog sitting or family members visit.

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

No extra traffic

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

Parking is in driveway until garage is finished. Family and friends park in driveway when needed.

8. Proposed solid waste disposal provisions.

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

Temporarily using an extension cord for lights, heat and ventilation.

Dogs are watered through a garden hose inside and out.

Sewage is cleaned daily and put in a garbage can with plastic bag then disposed of on garbage day which is weekly on Mondays.

## 10. Existing and proposed exterior lighting.

An exterior light will be added by front doors once the garage is finished and wired.

## 11. Existing and proposed exterior signage.

Willing to add a "nice" Beware of Dogs sign if needed. No cheap plastic one. Dogs are not violent though.

## 12. Existing and proposed exterior storage.

Only exterior storage is for the dogs waste. Everything is cleaned daily and put in garbage can with plastic bag. Then is disposed of on garbage day.

## 13. Proposed safety and security measures.

All dogs are current on vaccinations. They are kenneled at all times unless on a leash.

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

Very Accessible. Currently right off the driveway

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

Barking is occasional due to certain traffic on City Rd 1. Have added bark collars, insulated shed to cut down on interior noise. Future will be adding privacy fences.

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

A cement slab under outdoor run for easier cleaning, less odor and so dogs don't have to walk in mud during rains.

## 17. Existing and proposed surface-water drainage provisions.

Drain tile could be added to proposed slab underneath outdoor run

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

All dog food is kept in a separate cabinet within the shed.

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

Currently using my 8'x12' portable shed for housing the dogs. It has been adapted to meet their needs with an interior kennel, including lofted beds, dog door, insulated, temporary lighting, heating and ventilation using an extension cord until permanent wiring is in place. Currently have a 15ft run outside for exercise, fresh air, bathroom etc. Will be adding another 10ft to outdoor run soon. Outdoor run is currently attached to shed. A cement slab underneath outside run is needed in the future. A tarp has temporarily been put on one side to alleviate site of neighbors which also reduces barking as they can't see them. Privacy fences will be added in the spring.

to aid in that issue as well. I have implemented several anti-barking devices to aid in the ~~the~~ occasional barking. Also continue to research new products for that aid. Will be trying out 2 new collars this weekend. I do not deny the fact that my dogs barked a lot at the time of us taking ownership of this home. It has been a huge adjustment for the dogs and myself. IMO it has improved greatly. I've also talked with some of the surrounding neighbors that are around throughout the day and they would agree. Workers at my house have mentioned that the dogs get pretty excited once they get there but settle in quickly. They are dogs and dogs will bark at certain noises or when alarmed or threatened. I am taking the steps to help them with these issues.

It has been strongly suggested to me to move the dog shed to the opposite side of the yard. This would be a huge inconvenience to me. With the upcoming winter there is no easy access to that part of the yard. I feel that with heavy snowfalls it could also be detrimental to the health of my dogs. If it were to come down to moving it I would just not ideal.

My dogs are my pets, companions, hunting buddies and have been my life for several years. I will do whatever it takes to keep them and stand up for their rights as pets and keep them by my side. They are all purebred labs and current on all vaccinations.

MAP 01: PROPERTY OVERVIEW



**BOARD OF ADJUSTMENT**

Public Hearing  
September 28, 2020

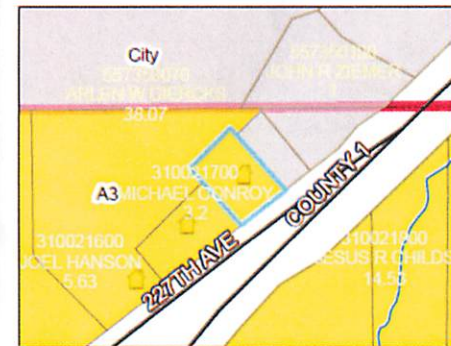
Dan Williams (Owner/Applicant)  
A3 Zoned District

Part of the NW 1/4 of the NE 1/4  
Section 02 TWP 112 Range 15  
Featherstone Township

Variance request to construct an  
accessory structure to be constructed  
less than 30 feet from a side-yard property  
line, less than 60 feet from the CTY 1  
BLVD ROW and less than 30 feet from  
the toe of a bluff

**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                            |



0 10 20 40 60 US Feet

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or consequential damages that may result from its use  
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2018 Aerial Imagery  
Map Created September, 2020 by LUM



“To effectively promote the safety, health, and well-being of our residents”

www.co.goodhue.mn.us

# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
November 16th, 2020

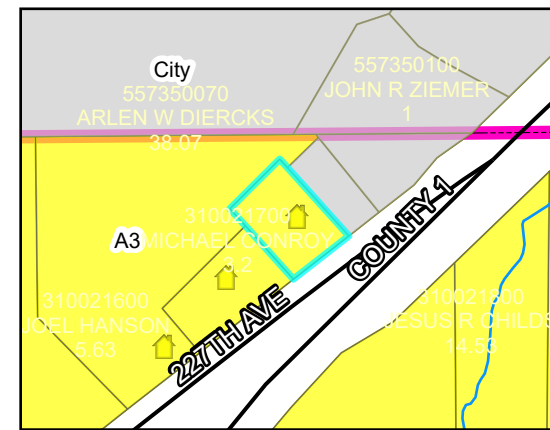
Dan Williams (Owner)  
A-3 Zoned District

Part of the NW 1/4 of the NE 1/4 of  
Section 2 TWP 112 Range 15 in  
Featherstone Township

Request for CUP to establish a kennel  
for up to 5 adult dogs

### Legend

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



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Map Created November, 2020 by LUM





# MAP 02: VICINITY MAP



## PLANNING COMMISSION

Public Hearing  
November 16th, 2020

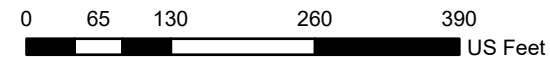
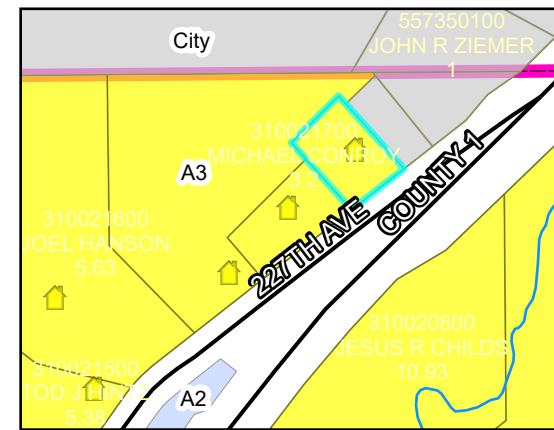
Dan Williams (Owner)  
A-3 Zoned District

Part of the NW 1/4 of the NE 1/4 of  
Section 2 TWP 112 Range 15 in  
Featherstone Township

Request for CUP to establish a kennel  
for up to 5 adult dogs

### Legend

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



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2018 Aerial Imagery  
Map Created November, 2020 by LUM







# Goodhue County Land Use Management

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

*Lisa M. Hanni, L.S. Director*

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106



*County Surveyor / Recorder*

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

**To:** Planning Commission  
**From:** Land Use Management  
**Meeting Date:** November 16, 2020  
**Report date:** November 06, 2020

## **PUBLIC HEARING: Request for CUP for a Utility-Scale Solar Energy System (SES)**

Request, submitted by ReneSola Power (Applicant) and Shirley Thomforde (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres.

### **Application Information:**

Applicant: ReneSola Power (Applicant) and Shirley Thomforde (Owner)  
Address of zoning request: TBD County 9 BLVD, Goodhue, MN 55027  
Parcel(s): 33.026.0302  
Abbreviated Legal: Part of the NE ¼ and part of the NW ¼ of Section 26 TWP 111 Range 15 in Goodhue Township  
Zoning District: A1 (Agricultural Protection District)

### **Attachments and links:**

Applications and submitted project summary (excerpt of materials; full submittal available upon request)  
Site Map(s)  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

The Applicant has submitted a CUP request to construct and operate a 1 Megawatt (MW) photovoltaic (PV) utility-scale solar garden on approximately 8.0-acres of leased land located in Goodhue Township that is owned by Shirley Thomforde. The project would be developed in conjunction with the State of Minnesota Solar Garden program and Xcel Energy's Solar Rewards Community Program. The program allows developers to design, permit, own, and operate solar energy systems and sell the generated power directly to consumers. Upon completion, the Solar Garden would connect to Xcel Energy's distribution grid and generate up to 1 MW of energy annually over the next 25 years.

Per Goodhue County regulations, Solar Energy Systems (SES) that are the primary use of the land and are designed to primarily provide energy to off-site users or export to the wholesale market may be conditionally permitted as a "Utility-Scale SES" within the County's A1 zoned districts.

### **Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses**

*No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage, and other necessary facilities, to provide sufficient off-street parking and loading space, to control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

## **Project Summary:**

### **Property Information:**

- The 8.0-acre (approximate) area to be leased by the Applicant is situated on a 110.71-acre parcel owned by Shirley Thomforde. The proposed lease area and the remainder of the property is currently used for row-crop agriculture. There are no existing structures on the property.
- Adjacent land uses include primarily row-crop and animal agriculture (feedlots). The nearest residences are located approximately 500 feet from the proposed array to the north (Bradley Voth), east (Phillip Evers), and West (Norris Thomforde). The City of Goodhue is approximately 2 miles west of the proposed facility.
- The property and all adjacent lands are zoned A-1 zoned (Agriculture Protection).

### **Solar Array:**

- The solar array is proposed to include 3,432 (405W; poly-crystalline) single-axis tracker panels installed in 22 rows spaced 21-feet apart. Steel and aluminum racks will hold up the solar panels, reaching 14 feet above grade at the maximum tilt configuration.

The racking will be installed with piles that are anchored into the ground to an appropriate depth based on soil and geotechnical analysis.

The solar array will interconnect to the power grid via a pad-mounted transformer in the northeast corner of the project area, facilitating connection to an existing Xcel Energy circuit.

- A 20-foot-wide crushed aggregate access road will be constructed to interconnect with the CTY 9 BLVD in the northeast corner of the property.
- The Applicant has consulted with Goodhue County Public Works Director Greg Isakson regarding the proposed access location. Mr. Isakson noted Public Works does not have any concerns with the proposed access drive location however an access permit must be acquired from the Department prior to performing the work within the CTY 9 BLVD R-O-W.

A recorded ingress/egress easement is not required for the property given the site is to be leased and all land to be crossed to access the site will remain under common ownership.

A separate fire number will be required for the site. Emergency vehicle access appears adequate to service the facility.

- Ample space exists within the project area to provide off-street parking, turnaround, unloading, and storage space for workers and materials during the construction phase.
- Once constructed, traffic to the site would be limited to periodic visits by maintenance and landscaping personnel to perform routine maintenance, in addition to any unplanned maintenance.
- The solar garden is sited to comply with all GCZO setback requirements for Solar Energy Systems.

### **Landscaping/Drainage:**

- The site is relatively flat with slopes ranging from 0-2%. Runoff is directed north to the drainage ditch along CTY 9 BLVD and then flows east along the roadway.
- A preliminary grading and erosion control plan has been provided for this project. The plan notes that stormwater management will include the use of best management practices and perimeter control devices (silt fencing) to prevent erosion until the site is re-vegetated. No wetland or Bluffland features have been identified on this site.

Beau Kennedy (Goodhue SWCD Water Planner) reviewed the proposal and offered the following comments:

*The erosion control plan looks good, but no stormwater storage was identified unlike most of the other solar installations. There was no formal wetland review for this site, however, wetland impacts are unlikely here.*

LUM Staff discussed the stormwater retention issue with the ReneSola Power Project Manager (Cindy Larson O'Neil). She noted a stormwater retention basin would likely be part of the final

stormwater plan which is generally prepared with the civil design package prior to Building Permit submittal.

Staff encouraged the Applicant to evaluate the future stormwater retention component to ensure it will not affect the proposed array layout and advised the Applicant that any future changes to the array layout would require consideration as an amendment through the formal CUP process.

- An erosion control/stormwater management plan is customarily submitted for administrative review at the time of building permit application. An NPDES (National Pollutant Discharge Elimination System) and SWPPP will be required for this project and will need to be submitted by the Applicant prior to Building Permit approvals.
- No vegetative screening is proposed. The area surrounding the array is unwooded providing minimal cover, however, there are very few residential uses in the immediate vicinity that would be impacted by the project. The Planning Commission should consider whether any screening of the proposed SES is warranted.
- Apart from the meter pad (less than 500 square feet), the entire area within the project boundary will be seeded with a “MnDOT pollinator blend” of grasses.
- A 6-foot tall chain-link fence will be constructed around the perimeter of the project area for security.
- Construction is expected to last approximately 2-3 months and is anticipated to begin in late fall or early winter of 2021.

#### **Maintenance/Decommissioning:**

- The project is subject to issuance of a Building Permit and must be constructed according to applicable building code requirements. The project will be inspected by County Building Inspections Staff and the State Electrical Inspector. In addition, Planning and Zoning Staff will inspect the project upon completion to ensure conformance with applicable zoning requirements.
- The Applicant has prepared a Decommissioning Agreement between MN Goodhue 9-1 LLC and Shirley Thomforde. The plan includes the removal of all of the solar arrays, cables, electrical components, accessory structures, fencing, roads, and other ancillary facilities owned by the solar garden within one hundred eighty (180) days of the end of the project useful life.
- Per GCZO Article 19, the applicant may be required to provide a financial surety at up to 125% of the estimated decommissioning cost. The County has not typically exercised the right to financial assurance requirements for similar solar installations. The Planning Advisory Commission and County Board should consider if the County should require financial assurance to cover anticipated decommissioning costs.

#### **Goodhue Township:**

- Goodhue Township received the application materials from the applicant and signed the CUP Application acknowledgment on 10/19/20 without comment.
- A Township Zoning Approval permit will need to be acquired by the Applicant as part of the Building Permit submittal package.

#### **Draft Findings of Fact:**

*The following staff findings shall be amended to reflect concerns conveyed during the PAC meeting and public hearing.*

1. The proposed Solar Garden does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The Solar Garden is located within a primarily agricultural area with very few adjacent residences. The use appears harmonious with the established uses in the vicinity.
2. The establishment of the proposed Solar Garden is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use is proposed to meet all development standards of the Goodhue County Zoning

Ordinance and it does not appear incompatible with adjacent land uses.

3. A review of the Applicant's submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available or will be provided to accommodate the proposed use.
4. The submitted plans identify means to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance's parking requirements.
5. The submitted plans detail adequate measures to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance.

*Staff recommendation is based on the review of the submitted application and project area prior to the public hearing.*

**Staff Recommendation:**

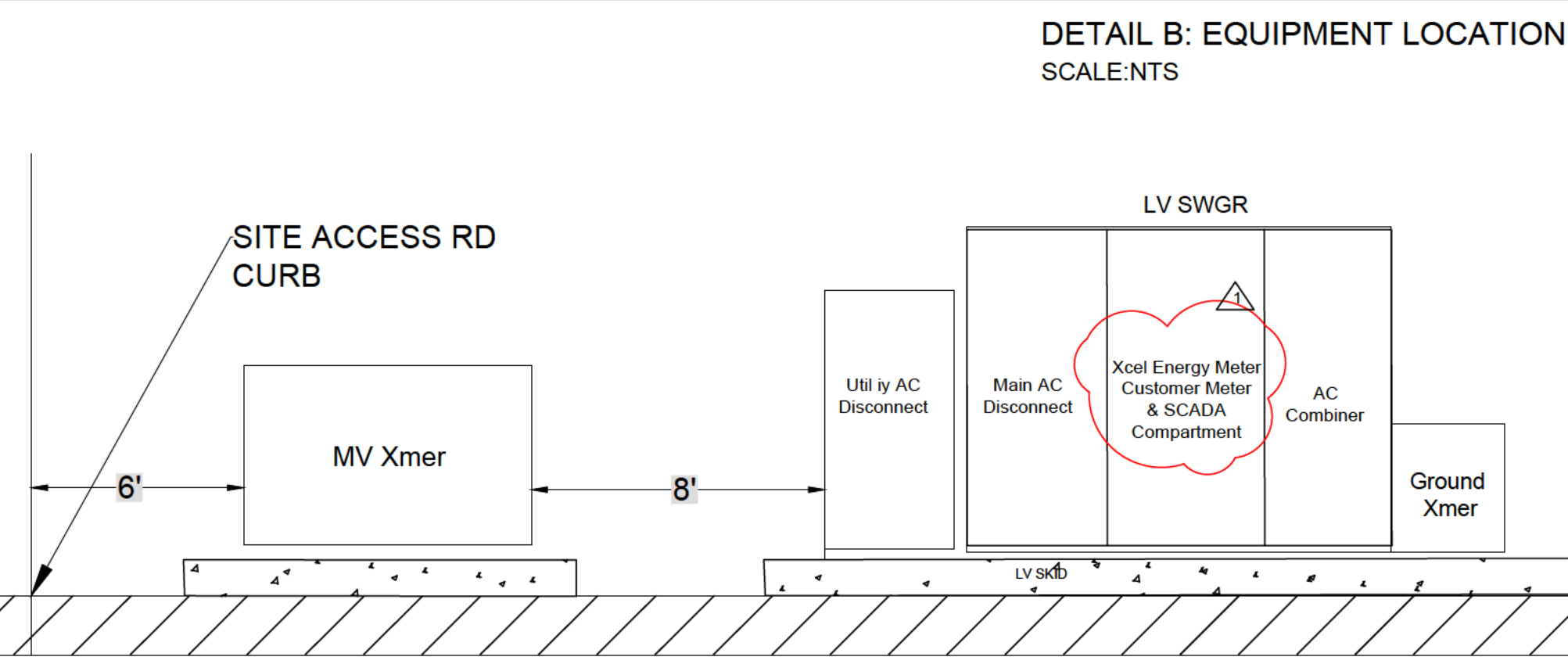
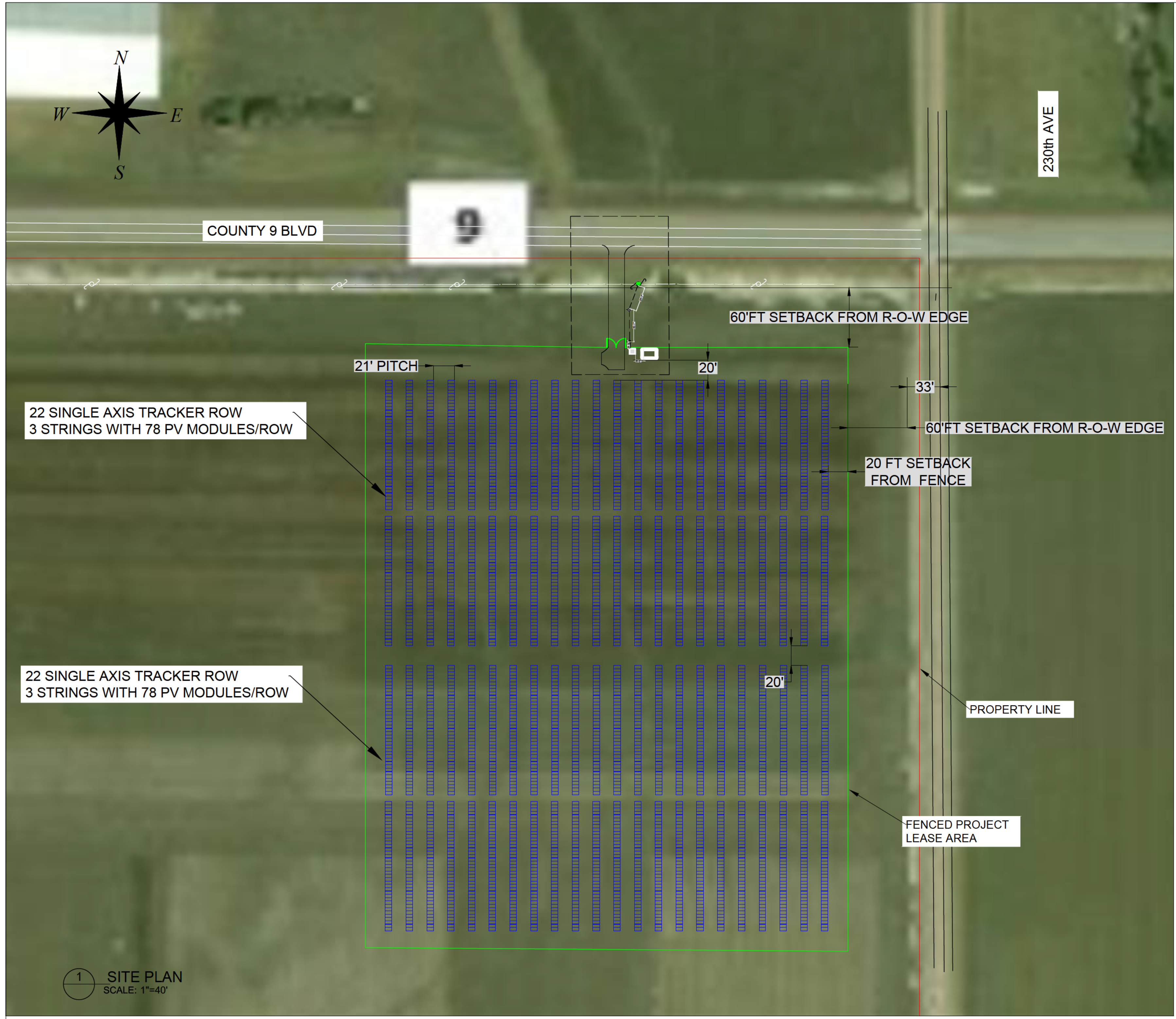
LUM Staff recommends the Planning Advisory Commission

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

Recommend that the County Board of Commissioners **APPROVE** the request for a CUP, submitted by ReneSola Power (Applicant) and Shirley Thomforde (Owner) for the MN Goodhue 9-1 LLC Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres.

Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. The project shall be decommissioned according to Article 19 Section 6 of the Goodhue County Zoning Ordinance and submitted plans;
3. A decommissioning agreement between the landowner and MN Goodhue 9-1 LLC shall be maintained to ensure reclamation of the area;
4. LUM staff shall be notified by the landowner or solar company 30 days prior to ownership transfer or operator changes;
5. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
6. Applicant shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix for disturbed areas of the site and should submit "seed tags" to the Land Use Management Department prior to final inspection;
7. Applicant shall obtain an Access Permit from the Goodhue County Public Works Department prior to performing work within the CTY 9 BLVD Right-Of-Way;
8. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
9. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy Systems (SES) and Article 21 (Agricultural Protection District). The Applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
10. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
11. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.



**LEGEND:**

- PROPERTY LINE
- SOLAR MODULE(3,432)
- TRANSFORMER
- EQUIPMENT SKID (1):  
LV SWITCHGEAR, LOCUS METERING AND WEATHER STATION WITH SITE CAMERA, GROUNDING TRANSFORMER, AND XCEL BILLING AND PRODUCTION METER
- PROPOSED SITE ROAD (20')
- EXISTING OVERHEAD LINES
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE
- PERIMETER FENCE

**NOTES:**

**PV SYSTEM:**

SYSTEM SIZE: 1.4MW DC/ 1.0MW AC  
DC/AC RATIO: 1.4

PITCH (ROW-TO-ROW SPACING): 21'

PV MODULES:TRINA TSM-DE15M(II)  
405W, MONO

TOTAL NUMBER OF STRINGS: 132  
MODULES PER STRING: 26

EST PV ARRAY ACREAGE: 5.72  
EST PV ARRAY FENCED AREA ACREAGE: 6.83

**RACK CONFIGURATION:**

NEXTRACKER NX HORIZON  
SINGLE AXIS RACKING  
EACH RACK/ROW CONSISTS OF MAX [78] MODULES IN PORTRAIT

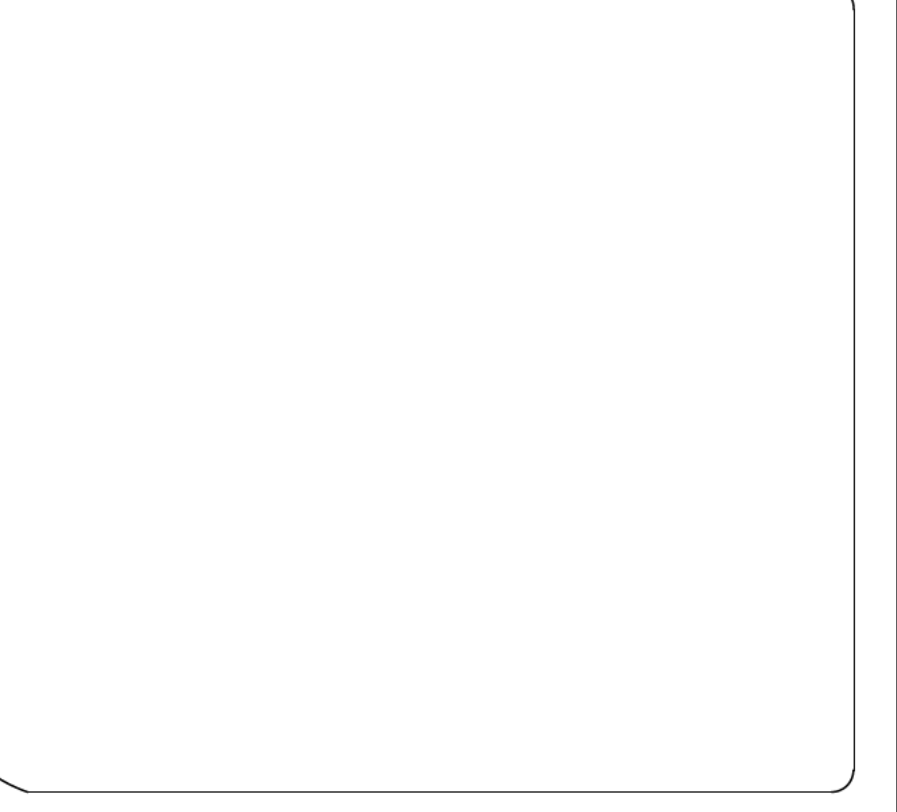
**INVERTER INFORMATION:**

8 SMA HIGHPOWER PEAKS-125KW US  
STRINGS PER INVERTER: 16/17



RENESOLA POWER HOLDINGS LLC

43 SE Main St. Suite 504. Expo Hall  
Minneapolis, MN 55414



PROJECT NAME AND LOCATION

**MN GOODHUE 9-1 LLC**

44.3970, -92.5723  
44°23'49"N 92°34'20"W  
Goodhue, Minnesota  
Goodhue County

EPS OPERATOR: XCEL ENERGY  
CASE #: 03815567

|     |                           |       |          |
|-----|---------------------------|-------|----------|
| 4   |                           |       |          |
| 3   |                           |       |          |
| 2   |                           |       |          |
| 1   | ENGINEER COMPLETE REVIEW  | RY    | 08/28/20 |
| 0   | INTERCONNECTION SUBMITTAL | RY/MZ | 06/22/20 |
| REV | DESCRIPTION               | BY    | DATE     |

**SHEET TITLE**

**GENERAL SITE PLAN**

PROJECT NUMBER: XXXXXX

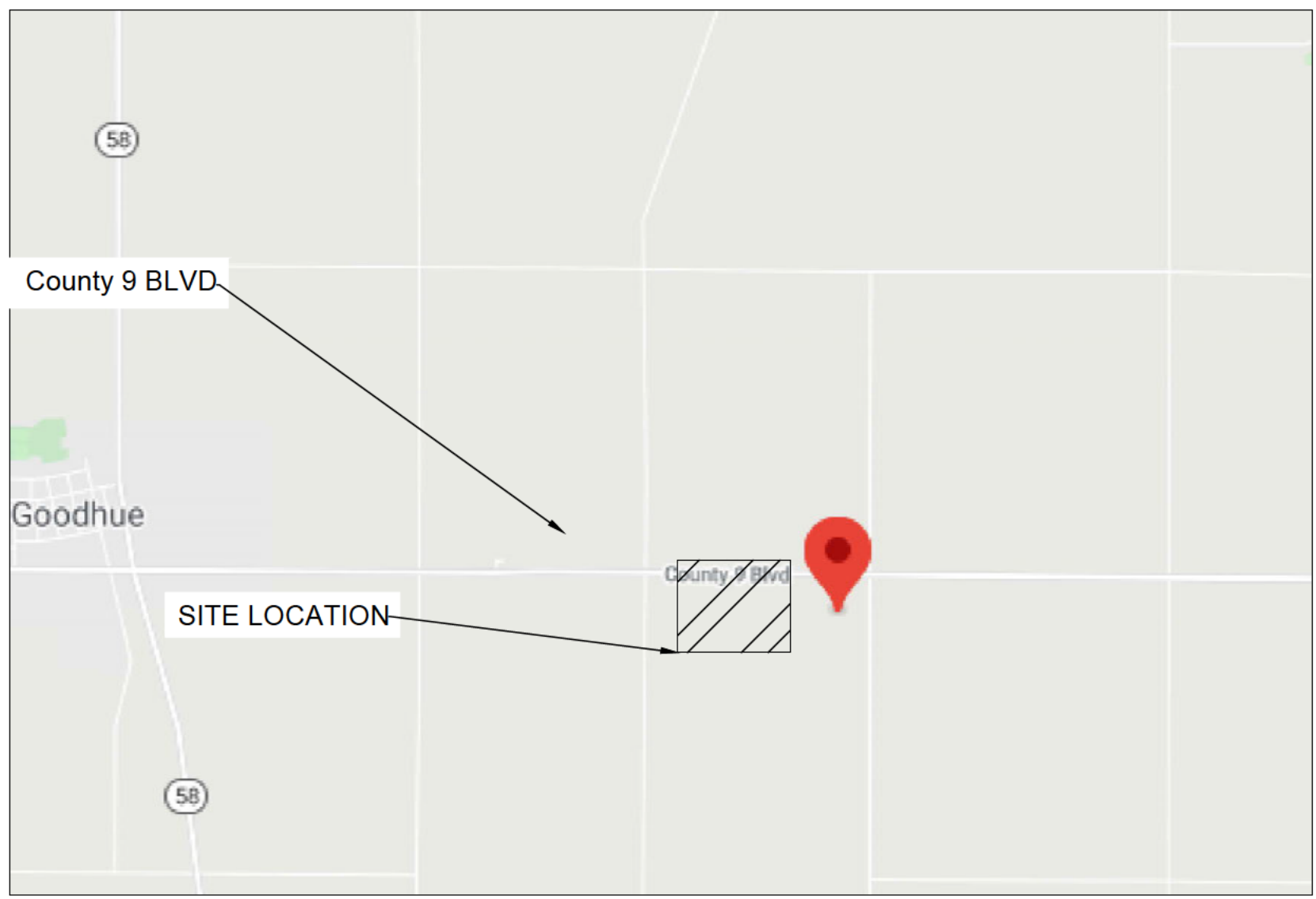
PAPER SIZE: PLOT 24"x36" FOR FULL SCALE

SCALE: 1"=30'

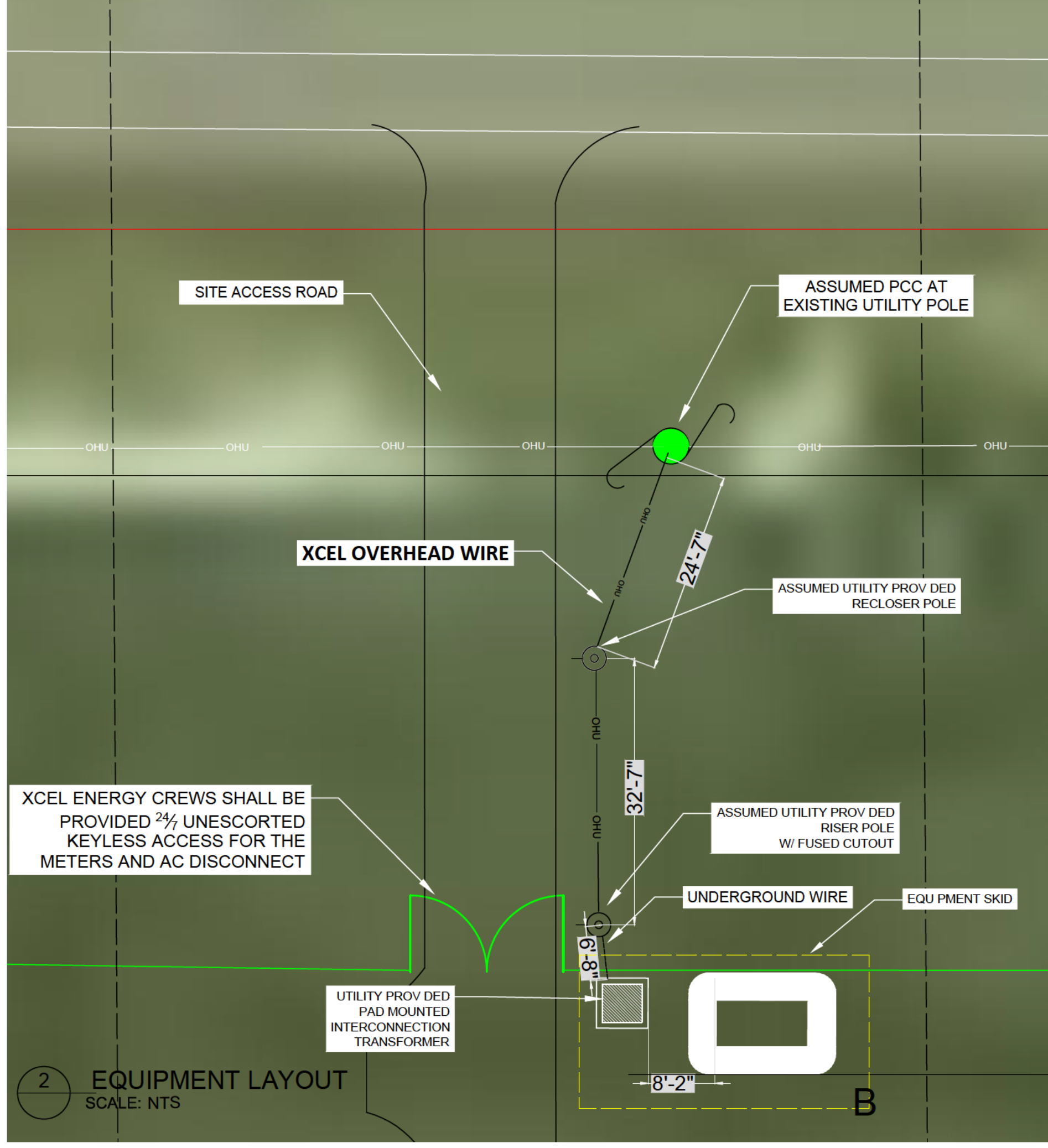
DATE: 06/22/20

DRAWING NO.:

**1 of 5**

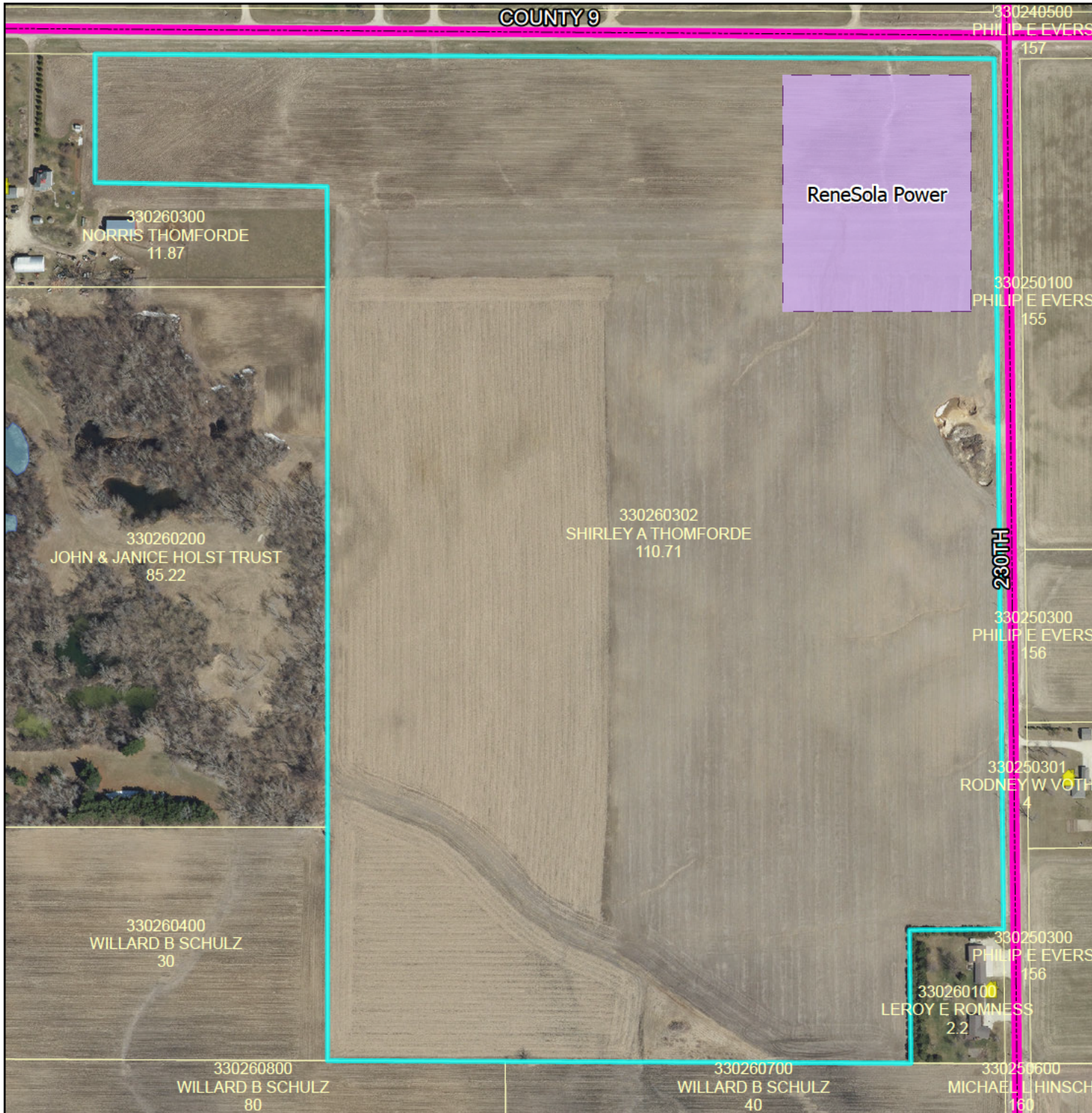


|                                                       |                                     |
|-------------------------------------------------------|-------------------------------------|
| <b>PROJECT NAME</b>                                   | <b>GARDEN OPERATOR NAME</b>         |
| MN GOODHUE 9-1 LLC                                    | MN GOODHUE 9-1 LLC                  |
| <b>APPLICATION MANAGER - PHONE</b>                    | <b>APPLICATION MANAGER - EMAIL</b>  |
| (952)-486-1538                                        | cindy.larsononeil@renesolapower.com |
| <b>CASE #</b>                                         | <b>SRC ADDRESS</b>                  |
| 03815567                                              | Goodhue, Minnesota                  |
| <b>SRC CAPACITY DC kW</b>                             | <b>SRC CAPACITY AC kW</b>           |
| 1400                                                  | 1000                                |
| <b>SRC PVSYST LOCATION</b>                            | <b>ARRAY-TILT</b>                   |
| Minneapolis-St Paul Int'l Arp NREL NSRDB : TMY3 - TMY | ±60°                                |
| <b>ARRAY-AZIMUTH</b>                                  | <b>ARRAY-TRACKER TYP</b>            |
| 90°/270°                                              | N-S SINGLE AXIS TRACKER             |
| <b>ARRAY - MOUNT LOCATION</b>                         | <b>WILL SELL REC'S</b>              |
| 44.396000, -92.573000                                 | NO                                  |
| <b>SRC EST COMPLETION DATE</b>                        | <b>SRC MWh/yr</b>                   |
|                                                       | 2192                                |





# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
November 16th, 2020

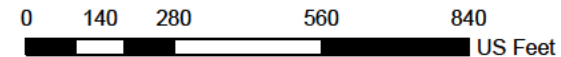
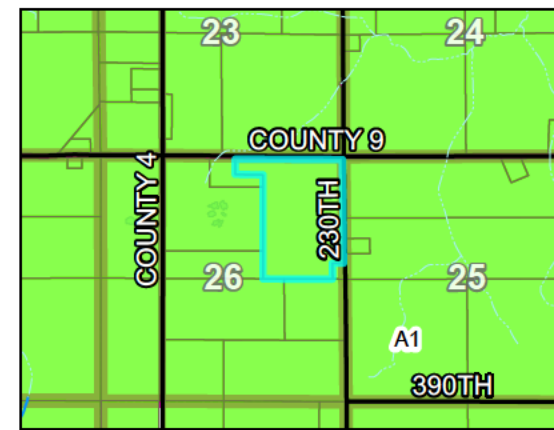
ReneSola Power(Applicant) and  
Shirley Thomforde (Owner)  
A-1 Zoned District

Part of the NE 1/4 and part of the NW 1/4  
of Section 26 TWP 111 Range 15  
in Goodhue Township

Request for Utility Scale Photovoltaic  
Ground 1-Megawatt Solar Energy System  
occupying approximately 8.0 acres

### Legend

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

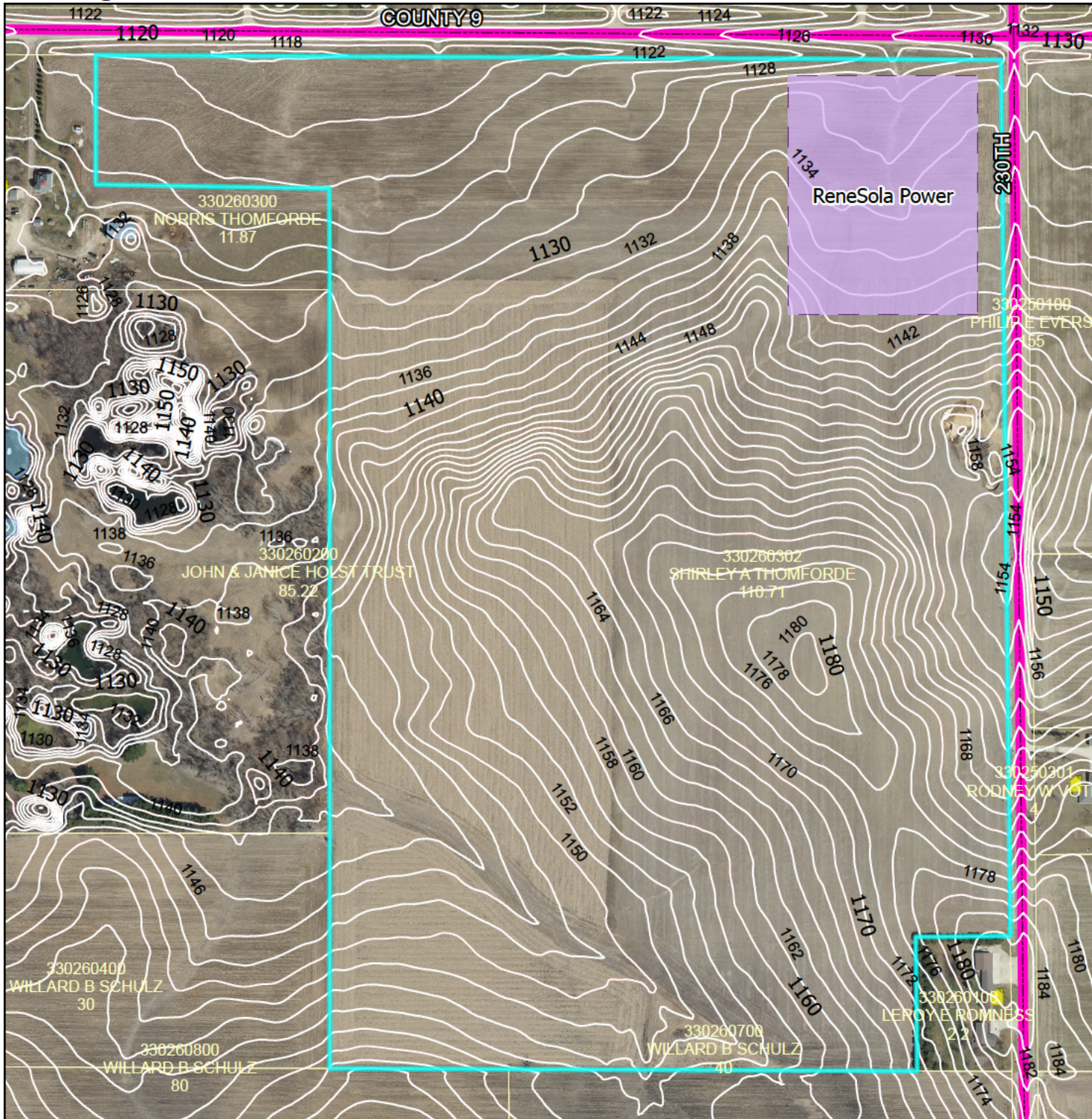


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# MAP 03: ELEVATIONS



## PLANNING COMMISSION

Public Hearing  
November 16th, 2020

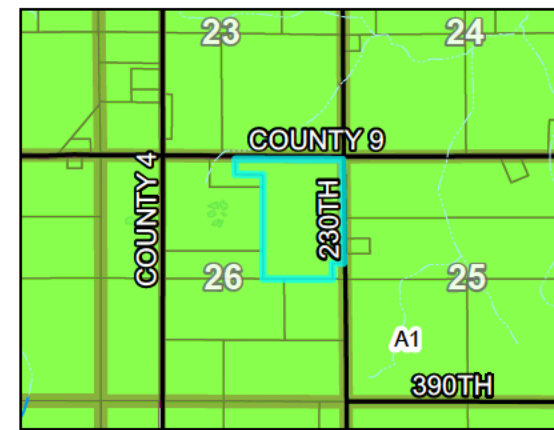
ReneSola Power (Applicant) and  
Shirley Thomforde (Owner)  
A-1 Zoned District

Part of the NE 1/4 and part of the NW 1/4  
of Section 26 TWP 111 Range 15  
in Goodhue Township

Request for Utility Scale Photovoltaic  
Ground 1-Megawatt Solar Energy System  
occupying approximately 8.0 acres

### Legend

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



0 140 280 560 840 US Feet

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# MAP 02: VICINITY MAP

## PLANNING COMMISSION

Public Hearing  
November 16th, 2020

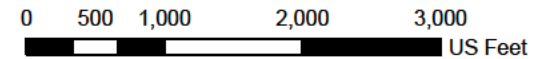
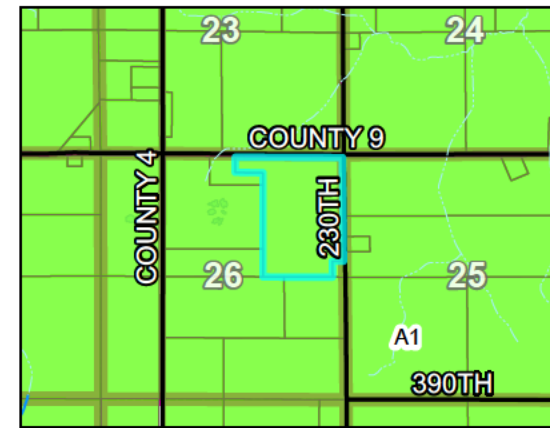
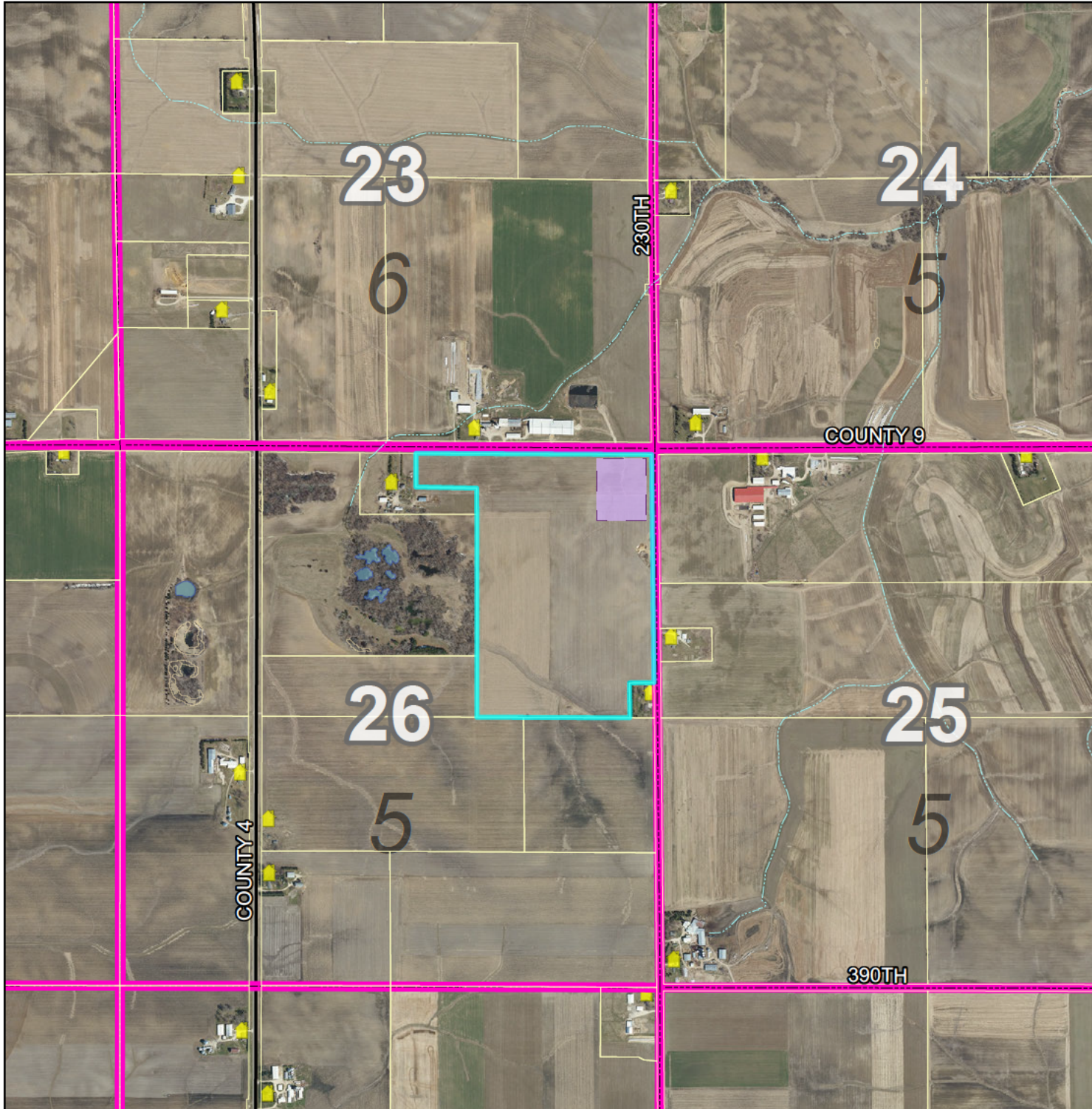
ReneSola Power(Applicant) and  
Shirley Thomforde (Owner)  
A-1 Zoned District

Part of the NE 1/4 and part of the NW 1/4  
of Section 26 TWP 111 Range 15  
in Goodhue Township

Request for Utility Scale Photovoltaic  
Ground 1-Megawatt Solar Energy System  
occupying approximately 8.0 acres

### Legend

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



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2018 Aerial Imagery  
Map Created November, 2020 by LUM



# GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 330260302

Permit# \_\_\_\_\_

## PROPERTY OWNER INFORMATION

Last Name Thomforde

First Shirley

Email: [REDACTED]

Street Address 22520 County 9 Blvd

Phone [REDACTED]

City Goodhue

State MN Zip 55027

Attach Legal Description as Exhibit "A"

Authorized Agent MN Goodhue 9-1 LLC

Phone 347-577-9055

Mailing Address of Landowner: 22520 County Blvd 9 Goodhue MN 55027

Mailing Address of Agent: 43 SE Main Street Suite 504EH Minneapolis MN 55414

## PROJECT INFORMATION

Site Address (if different than above): 44°23'50.7"N 92°34'19.1"W

Lot Size 110.71 acres

Structure Dimensions (if applicable) 7-8 acres for community solar garden

What is the conditional/interim use permit request for? Xcel energy community solar garden

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized

There will be no conflicts with the existing nearby land uses. Solar gardens are allowed on Ag land per county ordinance. Community solar gardens are a safe means of producing clean energy. There are no emissions or byproducts and solar projects in general have a long history of safe operations.

## 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: [Signature]

Date 10/19/20

Signature of Agent Authorized by Agent: [Signature]

## TOWNSHIP INFORMATION

Township Zoning Permit Attached?  If no please have township complete below:

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the request.

Signature Dale Dike

Title Supervisor

Date Oct 19, 20

Comments:

## COUNTY SECTION

COUNTY FEE \$350

RECEIPT # \_\_\_\_\_

DATE PAID \_\_\_\_\_

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

What is the formal wording of the request?

Shoreland \_\_\_\_\_ Lake/Stream Name \_\_\_\_\_ Zoning District \_\_\_\_\_

Date Received \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_ DNR Notice \_\_\_\_\_ City Notice \_\_\_\_\_

Action Taken: \_\_\_\_\_ Approve \_\_\_\_\_ Deny \_\_\_\_\_ Conditions:

# GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

## **PROJECT SUMMARY**

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).  
Minnesota Goodhue 9-1 LLC is applying for a conditional use permit to construct and operate a 1MW AC community solar garden on the property which is currently zoned Agriculture (A).  
\_\_\_\_\_
2. Planned use of existing buildings and proposed new structures associated with the proposal.  
No planned use of existing buildings, only structure will be a community solar garden.  
\_\_\_\_\_
3. Proposed number of non-resident employees.  
There will be 5-7 construction workers during construction which will last 2-3 months.  
\_\_\_\_\_
4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.  
During the 2-3 months of construction, construction crew will follow Goodhue County work hour regulations.  
\_\_\_\_\_
5. Planned maximum capacity/occupancy.  
N/A  
\_\_\_\_\_
6. Traffic generation and congestion, loading and unloading areas, and site access.  
There will be truck traffic and a construction team on site during the 2-3 month construction period. The construction teams will adhere to the location construction ordinances.  
\_\_\_\_\_
7. Off-street parking provisions (number of spaces, location, and surface materials).  
The project will coordinate with the county highway department to permit the installation of a new driveway.  
\_\_\_\_\_
8. Proposed solid waste disposal provisions.  
The construction contractor chosen to build the site will follow a waste management plan by having a dumpster on site during construction.  
\_\_\_\_\_
9. Proposed sanitary sewage disposal systems, potable water systems, and utility services.  
The project will not generate any sewage.  
\_\_\_\_\_

10. Existing and proposed exterior lighting.  
N/A
- 
- 

11. Existing and proposed exterior signage.  
An emergency contact sign will be on the front gate according to Goodhue County regulations.
- 
- 

12. Existing and proposed exterior storage.  
N/A
- 
- 

13. Proposed safety and security measures.  
A peripheral 6 foot chain link fence will be around the project for security.
- 
- 

14. Adequacy of accessibility for emergency services to the site.  
There will be an access driveway, 9-1-1 address assigned to the property, and full emergency contact information on the front sign of the solar garden.
- 
- 

15. Potential for generation of noise, odor, or dust and proposed mitigation measures.  
The project will not generate noise, odor, dust or waste.
- 
- 

16. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.  
This parcel is flat so we do not expect any grading, excavation, filling or removal of vegetation on this project.
- 
- 

17. Existing and proposed surface-water drainage provisions.  
A full stormwater management plan will be prepared and provided to Goodhue County prior to applying for the project's building permit.
- 
- 

18. Description of food and liquor preparation, serving, and handling provisions.  
There will be no food or liquor preparation, serving and handling on this site.
- 
- 

19. Provide any other such information you feel is essential to the review of your proposal.  
We plan to plant MnDOT pollinator blend grasses inside the solar facility. This will enhance the native habitat, soil and ground water.
- 
-



43 SE Main Street, Suite 504 - EH, Minneapolis, MN 55414

MN Goodhue 9-1 LLC

Conditional Use Permit Application

1MW AC Community Solar Garden

October 14, 2020

MN Goodhue 9-1 LLC is applying for a conditional use permit to construct and operate a 1MW AC community solar garden on approximately 8.0 acres in Goodhue County parcel number 330260302. The property is owned by Shirley Thomforde and leased by the project under a long-term solar site lease agreement.

The 1MW AC community solar garden will be comprised of solar panels, racking equipment, electrical equipment, an overhead electric line, a driveway, and a six-foot chain link perimeter fence. The project is shown on the attached site plan. The project will comply with all required setbacks and will plant screening around the project perimeter if required by the planning commission. The project's road access will be off County 9 Blvd. The project will connect to Xcel Energy's distribution line running along County 9 Blvd.

The project will utilize single-axis trackers which will track the sun across the sky from east to west throughout the day. The project is expected to generate over 2.2 million kWh of clean energy each year.

Sincerely,

**Cindy Larson O'Neil**  
Project Manager



# **ReneSola PV Solar Generator Facility Decommissioning & Reclamation Plan**

**MN Goodhue 9-1 LLC  
44°23'50.7"N 92°34'19.1"W**

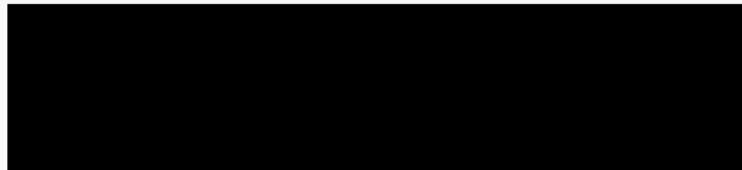
**Goodhue County Parcel Number 330260302**



## **Contact Information**

**ReneSola Power Holdings, LLC. 43 SE Main St, Suite 504EH**

**Minneapolis, MN 55414**





## Table of Contents

|                                                                |   |
|----------------------------------------------------------------|---|
| 1. Introduction.....                                           | 3 |
| 2. Procedures for Decommissioning after Ceasing Operation..... | 5 |
| 2.1. PV Module Collection & Recycling.....                     | 5 |
| 2.2. Facility Dismantling & Site Restoration.....              | 6 |
| 2.3. Decommissioning & Reclamation Methodology.....            | 6 |

## 1. INTRODUCTION

The purpose of this document is to outline the operation, maintenance, and the decommissioning plan for ReneSola's proposed 1 MW photovoltaic solar electric generating facility MN Goodhue 9-1 LLC. This plan covers the initial commissioning, long-term operation, and outlines decommissioning the facility at the end of its service. The PVSGF will be built on private land owned by Shirley Thomforde. ReneSola has entered into an agreement to lease the land for 25 years with two 5 year extension options.

The 1 MW photovoltaic solar electric generating system will be a facility that participates in Xcel Energy's Community Solar Garden Program.

The facility generates electricity by harvesting the sun's energy through 3432 anti-reflective with 405W direct current (DC) photovoltaic poly-crystalline panels. The PVSGF would generate clean renewable energy from solar power. The generated energy would be sold to various local off-takers through the Xcel Energy Community Solar Garden Project. The PVSGF project is in the application process for a Community Solar Garden Permit from Goodhue County under the project company name MN Goodhue 9-1 LLC.

### SYSTEM DESCRIPTION

System Description 1 MW Solar photovoltaic power system

Location: 44°23'50.7"N 92°34'19.1"W

Utility Granting Operating Permission: Xcel Energy

Operator Representative: Cindy Larson O'Neil (952) 483-1538

Emergency Contacts for Site: To be determined once an O&M provider is chosen

The facility includes the following equipment to be installed above and below ground:

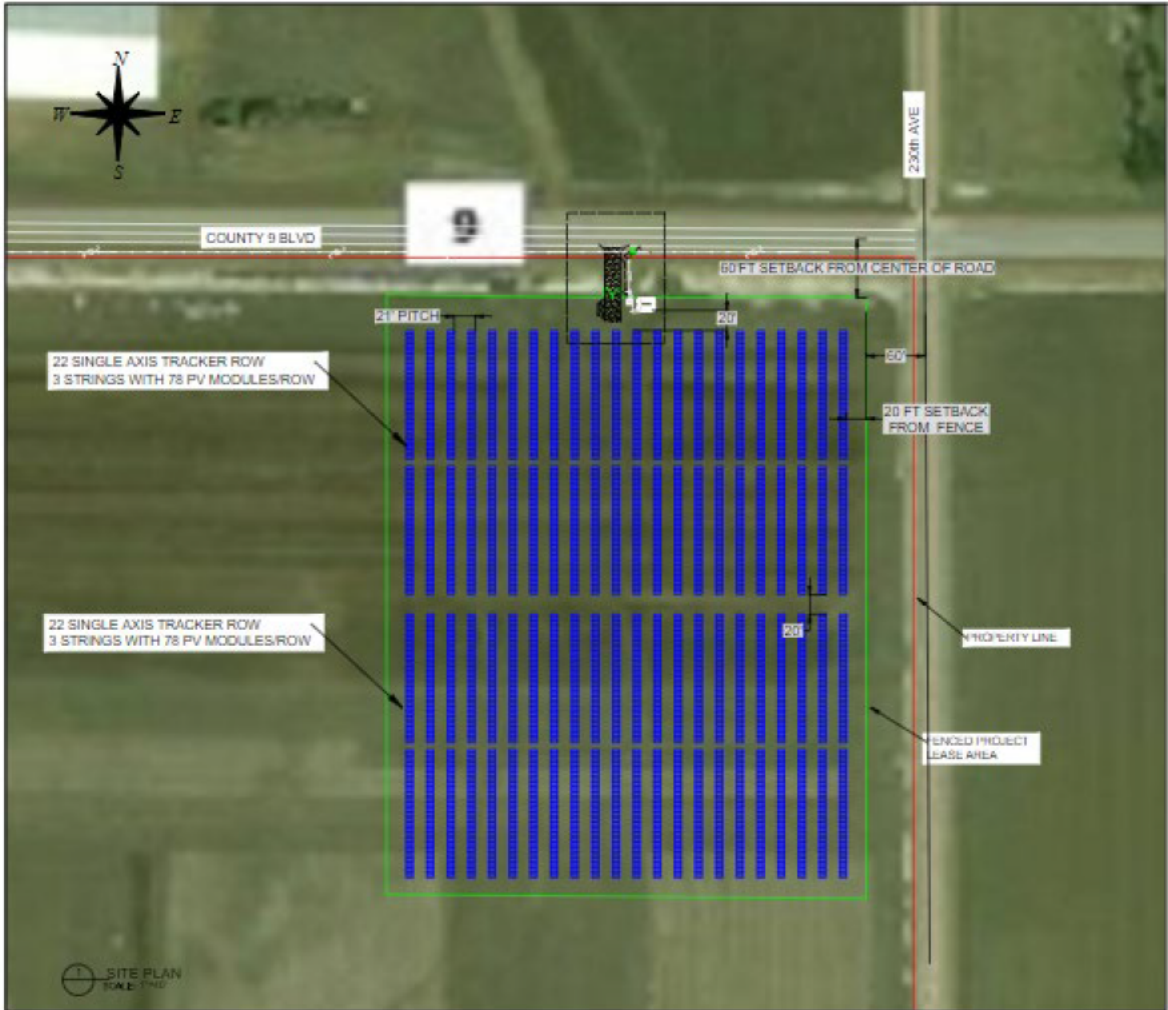
- 22 rows of mounting structures
- 3432 modules
- 8 inverters
- Combiner boxes, AC/DC wiring, MV poles
- 1 Transformer
- Main switchgear panel
- 6 foot chain link fence on the perimeter

- I-beams
- Gravel road

## LOCATION

The project site is located on about 8 acres of rural agricultural land at an elevation of approximately 1,150 feet in Goodhue County. The site has been used for farming over the past few years. The PVSGF site is located along County 9 Blvd.





| PROJECT NAME                            | GARDEN OPERATOR NAME           |
|-----------------------------------------|--------------------------------|
| MN GOODHUE 9-1 LLC                      | MN GOODHUE 9-1 LLC             |
| APPLICATION MANAGER - PHONE             | APPLICATION MANAGER - EMAIL    |
| (952)-488-1556                          | indy.larson@renewablepower.com |
| CASE #                                  | SIC ADDRESS                    |
| 03815667                                | Goodhue, Minnesota             |
| SIC CAPACITY DC KW                      | SIC CAPACITY AC KW             |
| 1400                                    | 1000                           |
| SIC PV/SYST LOCATION                    | ARRAY-TILT                     |
| Minneapolis-St Paul Intl Ap. NREL NSRDB | 26°                            |
| ARRAY-AC/VOLTS                          | ARRAY-TRACKER TYP              |
| 20° 270°                                | NS2 HOUR AXIS TRACKER          |
| P-MOUNT ORIENTATION                     | ARRAY-REC'S                    |
| 0°                                      | 10                             |
| SIC EST COMPLETION DATE                 | 2012 APPROX                    |
|                                         | 2102                           |

☰
🔍
26%
+
1 /

## **2. Procedures for Decommissioning after Ceasing Operation**

The Project has an estimated useful lifetime of 35 years or more, with an opportunity for a lifetime of 50 years or more with equipment replacement and repowering. This section, however, assumes that at the end of the 25 year power generation contract with the Xcel Energy, the system will be completely dismantled and the site restored to its preconstruction state unless the power purchase agreement is extended.

ReneSola is committed to improving the global environment. Therefore, as a renewable energy developer, ReneSola is dedicated to recycling as many of the products as possible throughout the project site. Along with the recycling of the used equipment on the project we will minimize waste throughout the decommissioning process.

The decommissioning and reclamation plan is intended to provide a secure mechanism for the removal of the solar energy equipment at the end of the life cycle of the system and restoring the land to its previous agricultural condition, estimated to take approximately 120-180 days.

It is not expected that any water courses, hazards or bodies will be impacted by the renewable energy project based on a review of the national wetlands inventory mapper. The required setbacks will be respected in the site layout. As a result, no specific restoration of the water courses, either during construction or decommissioning, is planned.

### **2.1 PV Module Collection and Recycling**

ReneSola will be utilizing solar PV modules with recycling plans to promote the collection and recycling of modules and to minimize the potential for modules to be disposed of as municipal waste. Alternatively, solar panels with remaining useful life can be sold for other applications. The module recycling program includes the glass and the encapsulated semiconductor material, which will be collected by the manufacturer and recycled into new solar modules or other products.

Some key elements of recycling PV Modules include:

- **Collection:** ReneSola will manage the logistics of collecting the modules and provide packing and transportation to the recycling center. The module owner's only requirement is to dismantle and package the modules in accordance with the Mann Engineering's instructions;
- **Recycling:** The module manufacturer, or a comparable recycler, will recycle or reuse as much of the module as possible. All recycling processes are monitored to ensure compliance with applicable regulatory requirements regarding occupational health & safety, recycling, waste management, etc. Any elements that can't be recycled will be disposed of outside the project location's municipality and in an environmentally friendly way.

Managing the product life cycle, from raw material sourcing through end-of-life collection and recycling, enables ReneSola to create a sustainable product life cycle that strives to provide the most environmental benefits.

## **2.2 Facility Dismantling and Site Restoration**

The Project consists of numerous recyclable materials, including glass, semiconductor material, steel, and wiring. When the Project reaches the end of its operational life, the component parts can be dismantled and recycled. The Project components will be dismantled and removed using minimal impact conventional construction equipment and recycled or disposed of safely. All components shall be removed from the site using experienced local subcontractors.

## **2.3 Decommission / Reclamation Methodology:**

Please note that no hazardous materials will be stored onsite. The Decommissioning Plan shall consist of the following:

- 1) A timeline of 120-180 days, including weather delay, comprised of the following phases:
  - a) Phase 1: Decommission (35 days).
    - i) Removal of solar modules, racking and driven posts (15 days).
    - ii) Removal of the PowerStation electrical equipment (5 days).
    - iii) Removal of the below-grade conduits and associated cables (5 days).
    - iv) Removal of the concrete pad under the PowerStation or PowerStation ground screws, where applicable (5 days, concurrent with step (iii) above).
    - v) Removal of fences and any remaining equipment including but not limited to 3 power poles, security camera, weather station anemometer, rainfall catchment cup, irradiance meter(s), etc. (5 days, concurrent with step (iii) above).
    - vi) Removal and haul off of gravel contained in any roads added as part of the Project plus the underlying aggregate, unless the land adjacent to the Premises as defined in the site lease is used for livestock grazing or non-tilled farming such as alfalfa, hay, and/or other grasses in which case the gravel shall be removed to a level of 12" below the surface and the underlying aggregate beneath shall remain in place (10 days).
    - vii) No grading is necessary, since the Project construction plan does not require any grading other than possibly smoothing or knocking down any piles of debris, dirt, or aggregate that may already be on the Premises.
    - viii) Note: in the event that the landowner elects to keep the fence and/or the gravel road(s) installed as part of the Project in order to increase the agricultural output of the property (such as to contain sheep or other livestock for grazing and have use of the gravel road for servicing water or feed troughs for the livestock), and the landowners approve such request in writing either as a part of this permit application or at a later date, ReneSola and its assigns shall comply with that request and remove all other equipment pursuant to this Plan.
  - b) Phase 2: Reclamation (35 to 65 days).
    - i) Order the appropriate Crop seeds (30 days prior to the end of the Term).

- ii) Prepare the soil as needed to plant the Crop (15 days).
  - iii) Prepare any necessary temporary irrigation, such as a temporary water tank, hose, or rental of a watering truck to nurture the Crop seeds after planting (15 days, concurrent with step (iv) above).
  - iv) Plant the Crop seeds (5 days).
  - v) Water and fertilize as needed, using agricultural grade probiotics and if needed additional non-toxic fertilizers (15-45 days).
- c) Weather delay allowance, needed only for below grade removal as described in Phase 1, sections (iii), (iv), and (vi) (30 days).

**EXHIBIT "A"**

Commencing at the northwest corner of the Northeast Quarter (NE1/4) of Section 26, Township 111 North, Range 15 West; thence west 285 feet; thence south 651 1/2 feet; thence east 1150 feet; thence south 1988.5 feet to south quarter section line; thence east 1610 feet to west line of school property; thence north 264 feet; thence east 165 feet to east section line; thence north 2376 feet to NE section corner; thence west 2640 feet to place of beginning.

Except the following:

That part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 111 North, Range 15 West, Goodhue County, Minnesota, described as follows:

Beginning at the southeast corner of the Southeast Quarter of the Northeast Quarter of said Section 26; thence North 00 degrees 37 minutes 43 seconds West, assumed bearing, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 344.00 feet; thence North 89 degrees 44 minutes 37 seconds West; a distance of 275.00 feet; thence South 00 degrees 37 minutes 43 seconds East, a distance of 344.00 feet to the south line of said Southeast Quarter of the Northeast Quarter; thence South 89 degrees 44 minutes 37 seconds East, along said south line, a distance of 275.00 feet to the point of beginning.

EXCEPT (record description) part of the SE 1/4 of the NE 1/4 of section 26, in township 111 north, range 15 west of the fifth principal meridian in the County of Goodhue, State of Minnesota, described as follows:

Beginning at the southeast corner of the SE 1/4 of the NE 1/4 of said section 26, run thence north 16 rods, thence west parallel with the south line of said forty 10 rods, thence south parallel with the east line of said forty 16 rods, thence east on the south line of said forty 10 rods to the place of beginning.

Subject to a roadway easement over, under and across that part taken by the Township Road.

And Except the following:

That part of the Northeast Quarter of the Northwest Quarter and that part of the Northwest Quarter of the Northeast Quarter all in Section 26, Township 111, Range 15, Goodhue County, Minnesota, described as follows:

Beginning at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 30 minutes 37 seconds West: (assumed bearing) along the north line of said Northeast Quarter of the Northwest Quarter, a distance of 285.00 feet; thence South 0 degrees 21 minutes 05 seconds East, parallel with the north-south quarter line of said Section 26, a distance of 651.50 feet; thence South 89 degrees 44 minutes 31 seconds East, parallel with the east-west quarter line of said Section 26, a distance of 1150.00 feet; thence North 0 degrees 21 minutes 05 seconds West, parallel with said north-south quarter line, a distance of 258.41 feet; thence North 89 degrees 02 minutes 30 seconds

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West, a distance of 596.55 feet; thence on a bearing of North, a distance of 384.45 feet to the north line of said Northwest Quarter of the Northeast Quarter: thence North 89 degrees 42 minutes 20 seconds West, along said north line, a distance of 270.94 feet to the point of beginning.

Subject to easements of record.

(Abstract Property)

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# RENESOLA

## MN GOODHUE 9-1 LLC

### GOODHUE, GOODHUE COUNTY, MN

| FEATURE                   | LEGEND   |          |
|---------------------------|----------|----------|
|                           | EXISTING | PROPOSED |
| SILT FENCE                |          |          |
| DELINEATED WETLAND        |          |          |
| OVERHEAD ELECTRIC LINES   |          |          |
| BURIED ELECTRIC LINES     |          |          |
| FIBER OPTIC LINES         |          |          |
| BURIED TELEPHONE          |          |          |
| CHAIN LINK FENCE          |          |          |
| SANITARY SEWER LINE       |          |          |
| SANITARY SEWER FORCE MAIN |          |          |
| SANITARY SEWER MANHOLE    |          |          |
| STORM PIPE LINE           |          |          |
| STORM MANHOLE             |          |          |
| DRAIN TILE                |          |          |
| WATERMAIN                 |          |          |
| WATERMAIN MANHOLE         |          |          |
| HYDRANT                   |          |          |
| GATE VALVE                |          |          |
| TREE PROTECTION           |          |          |
| MAJOR CONTOUR             |          |          |
| MINOR CONTOUR             |          |          |
| DRAINAGE FLOW ARROW       |          |          |
| TREE                      |          |          |



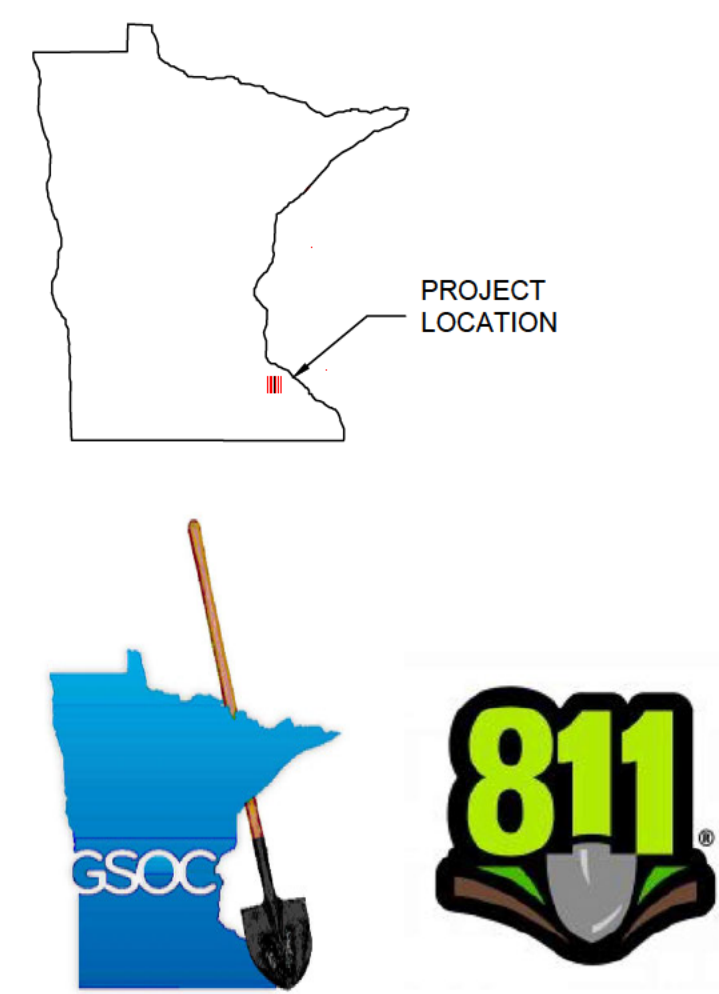
| Sheet List Table |                                 |
|------------------|---------------------------------|
| Sheet Number     | Sheet Title                     |
| 01               | TITLE                           |
| 02               | NOTES & SEQ                     |
| 03               | EROSION & SEDIMENT CONTROL PLAN |
| 04               | DETAILS                         |

**GOVERNING SPECIFICATIONS**  
 THE 2005 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN  
 ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING FIELD MANUAL FOR TEMPORARY CONTROL ZONE LAYOUTS.

**UTILITIES**  
 THE LOCATION OF UNDERGROUND FACILITIES OR STRUCTURES AS SHOWN ON THE PLANS ARE BASED ON AVAILABLE RECORDS AT THE TIME THE PLANS WERE PREPARED AND ARE NOT GUARANTEED TO BE COMPLETE OR CORRECT. CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL UTILITIES 72 HOURS PRIOR TO CONSTRUCTION TO DETERMINE THE EXACT LOCATION OF ALL FACILITIES AND TO PROVIDE ADEQUATE PROTECTION OF SAID UTILITIES DURING THE COURSE OF WORK.

**CONSTRUCTION NOTE**  
 CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO MAINTAIN OPERATION OF EXISTING UTILITIES THROUGHOUT THE DURATION OF THE PROJECT. IN THE EVENT THAT AN INTERRUPTION OF SERVICE IS UNAVOIDABLE IN ORDER TO COMPLETE THE WORK, CONTRACTOR SHALL PROVIDE ADEQUATE NOTIFICATION TO ALL AFFECTED BUSINESSES A MINIMUM OF 3 WORKING DAYS IN ADVANCE OF ANY INTERRUPTION.

**GOPHER STATE ONE-CALL**  
 IT IS THE LAW THAT ANYONE EXCAVATING AT ANY SITE MUST NOTIFY GOPHER STATE ONE CALL (GSOC) SO THAT UNDERGROUND ELECTRIC, NATURAL GAS, TELEPHONE OR OTHER UTILITY LINES CAN BE MARKED ON OR NEAR YOUR PROPERTY BEFORE ANY DIGGING BEGINS. A 48-HOUR NOTICE, NOT INCLUDING WEEKENDS, IS REQUIRED. CALLS CAN BE MADE TO GSOC AT 1-800-252-1166 OR (651)454-0002, MONDAY THROUGH FRIDAY (EXCEPT HOLIDAYS) FROM 7 A.M. TO 5 P.M.



**CLIENT**  
**RENESOLA**  
 43 SE MAIN STREET 504 EXPO HALL  
 MINNEAPOLIS, MN 55414

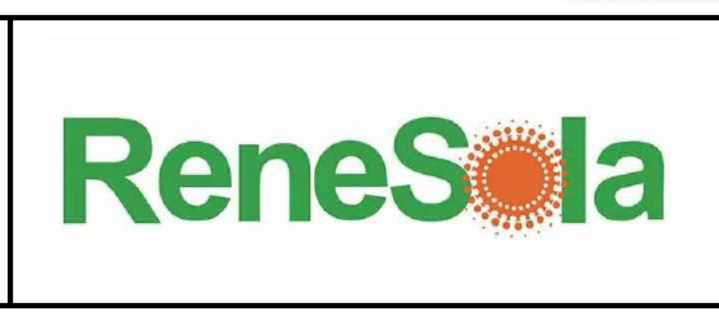
**ENGINEER**  
**EMMONS & OLIVIER RESOURCES, INC.**  
 1919 UNIVERSITY AVE W, STE 300  
 ST PAUL, MINNESOTA 55104  
 TELEPHONE: (651) 770-8448  
 FAX: (651) 770-2552  
 eorinc.com

Plot Date: 10/21/2020  
 Drawing Name: 6-12 MN GOODHUE 9-1  
 Project Path: P:\Projects\145\_Renesola\_Power\099\_Goodhue\_Zum\_ESC\_Deliverables\099\_Goodhue 9-1\CD\Drawing\_6-1.dwg  
 User: jgibbs\_12  
 Title: 6-1.dwg

| NO | DATE | BY | REVISION |
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NOT FOR CONSTRUCTION

|                                |                                                                                                                                        |                 |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| SUBMISSION DATE:<br>XX-XX-XXXX | <b>Emmons &amp; Olivier Resources, Inc.</b><br>1919 University Ave W<br>St Paul, MN 55104<br>Telephone: 651.770.8448<br>www.eorinc.com |                 |
| DESIGN BY<br>CJL               |                                                                                                                                        | DRAWN BY<br>CJL |
| EOR PROJECT NO.<br>----        |                                                                                                                                        |                 |



MN GOODHUE 9-1 LLC  
 GOODHUE, GOODHUE COUNTY, MN

STATE PROJECT NO. --- CITY PROJECT NO. ---

|                       |
|-----------------------|
| TITLE                 |
| SHEET 01 OF 04 SHEETS |

**GRADING & EROSION CONTROL NOTES**

1. THE CONTRACTOR SHALL IMPLEMENT EROSION CONTROL IN ACCORDANCE WITH GOODHUE COUNTY, AND THE STATE OF MINNESOTA REQUIREMENTS, AND AS SHOWN ON PLANS.
2. THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF ACCUMULATED SEDIMENT AT ½ CAPACITY FROM BMPs DURING THE DURATION OF CONSTRUCTION UNTIL FINAL STABILIZATION IS ACHIEVED.
3. CONTRACTOR TO MINIMIZE THE AREA DISTURBED BY GRADING AT ANY GIVEN TIME AND TO COMPLETE TURF RESTORATION WITHIN THE TIME REQUIRED BY THE PERMIT AFTER COMPLETION OF GRADING OF AN AREA.
4. ALL CONSTRUCTION ENTRANCES SHALL BE SURFACED WITH CRUSHED ROCK (OR APPROVED EQUAL) ACROSS FULL WIDTH FROM ENTRANCE POINT TO 50 FEET INTO THE CONSTRUCTION ZONE.
5. THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF ACCUMULATED SILT IN FRONT OF SILT FENCES, SEDIMENT CONTROL LOGS, ETC. DURING THE DURATION OF THE CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE ADDITIONAL TEMPORARY EROSION CONTROL MEASURES AS REQUIRED FOR CONSTRUCTION.
7. REMOVE ALL EROSION CONTROL MEASURES AFTER THE WORK HAS BEEN ACCEPTED BY THE CITY, COUNTY, STATE, AND PROJECT ENGINEER.
8. THE CONTRACTOR SHALL REMOVE ALL SOILS AND SEDIMENT TRACKED ONTO EXISTING STREETS AND PAVED AREAS WITHIN 24 HOURS OF NOTICE IN ACCORDANCE WITH CITY, COUNTY, AND STATE REQUIREMENTS.
9. IF BLOWING DUST BECOMES A NUISANCE, THE CONTRACTOR SHALL APPLY WATER FROM A TANK TRUCK TO ALL CONSTRUCTION AREAS.
10. CONTRACTOR TO FOLLOW STABILIZATION TIMELINE SET FORTH BY THE STATE OF MINNESOTA CONSTRUCTION STORMWATER PERMIT.
11. CONTRACTOR TO SEED PROJECT LIMITS WITH TEMPORARY SEEDING (COVER CROP) MIXTURE 22-111, OATS COVER CROP FROM MAY 1ST TO AUGUST 1ST, WINTER WHEAT COVER CROP FROM AUGUST 1ST TO OCTOBER 1ST, BOTH SEED MIXTURES TO BE INSTALLED AT A RATE OF 100 PLS POUNDS PER ACRES.

Plot Date: 10/21/2020  
 Xref: 1-Base.dwg, 2-MN GOODHUE 9-1 table plan.dwg, F-Base.dwg  
 User: C:\Users\johnc\OneDrive\Documents\Goodhue\Zim\_ESC\_Delimit\GMS\shdwg\MN Goodhue 9-1\CD-Drawing\_9-1.dwg

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SUBMISSION DATE:  
XX-XX-XXXX

DESIGN BY     DRAWN BY  
CJL             CJL

EOR PROJECT NO.  
XXXX-XXXX

**EOR** Emmons & Olivier Resources, Inc.  
 1919 University Ave W  
 St Paul, MN 55104  
 Tele: 651.770.8448  
 www.eorinc.com

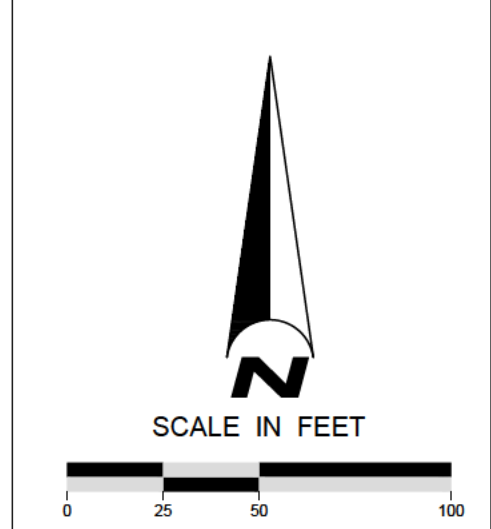
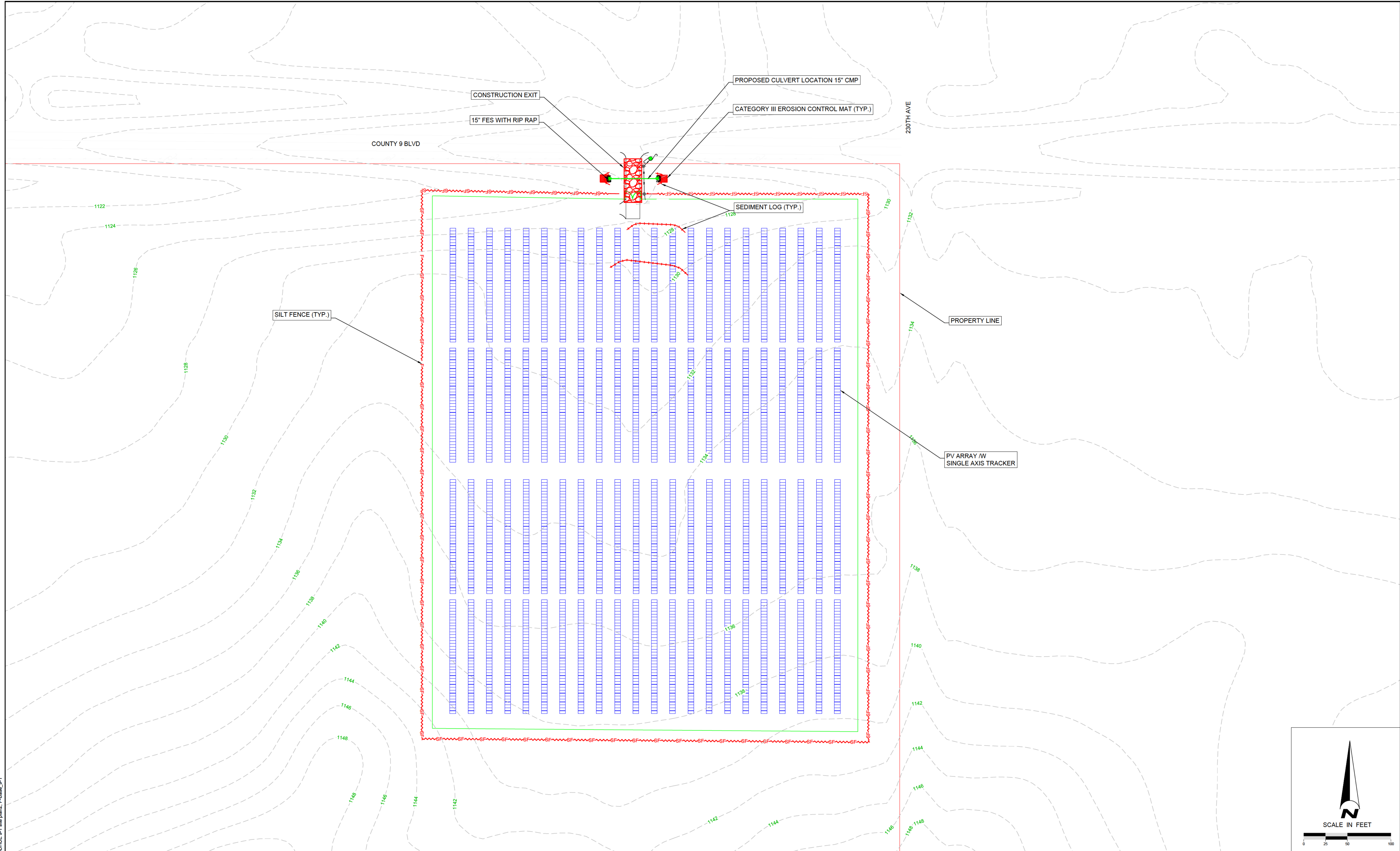


MN GOODHUE 9-1 LLC  
 GOODHUE, GOODHUE COUNTY, MN

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| NOTES & SEQ           |
| SHEET 02 OF 04 SHEETS |

STATE PROJECT NO. ---     CITY PROJECT NO. ---

Plot Date: 10/21/2020  
 Drawing Name: E-12\_MN\_GOODHUE\_9-1\_Bldg\_Plan\_2\_P\_04.dwg  
 Project Path: P:\Projects\145\_ReneSola\_Power\009\_Goodhue\_Zum\_ESC\_Delin\09\_GIMStag\MN\_Goodhue\_9-1\CD\Drawing\_S-1.dwg



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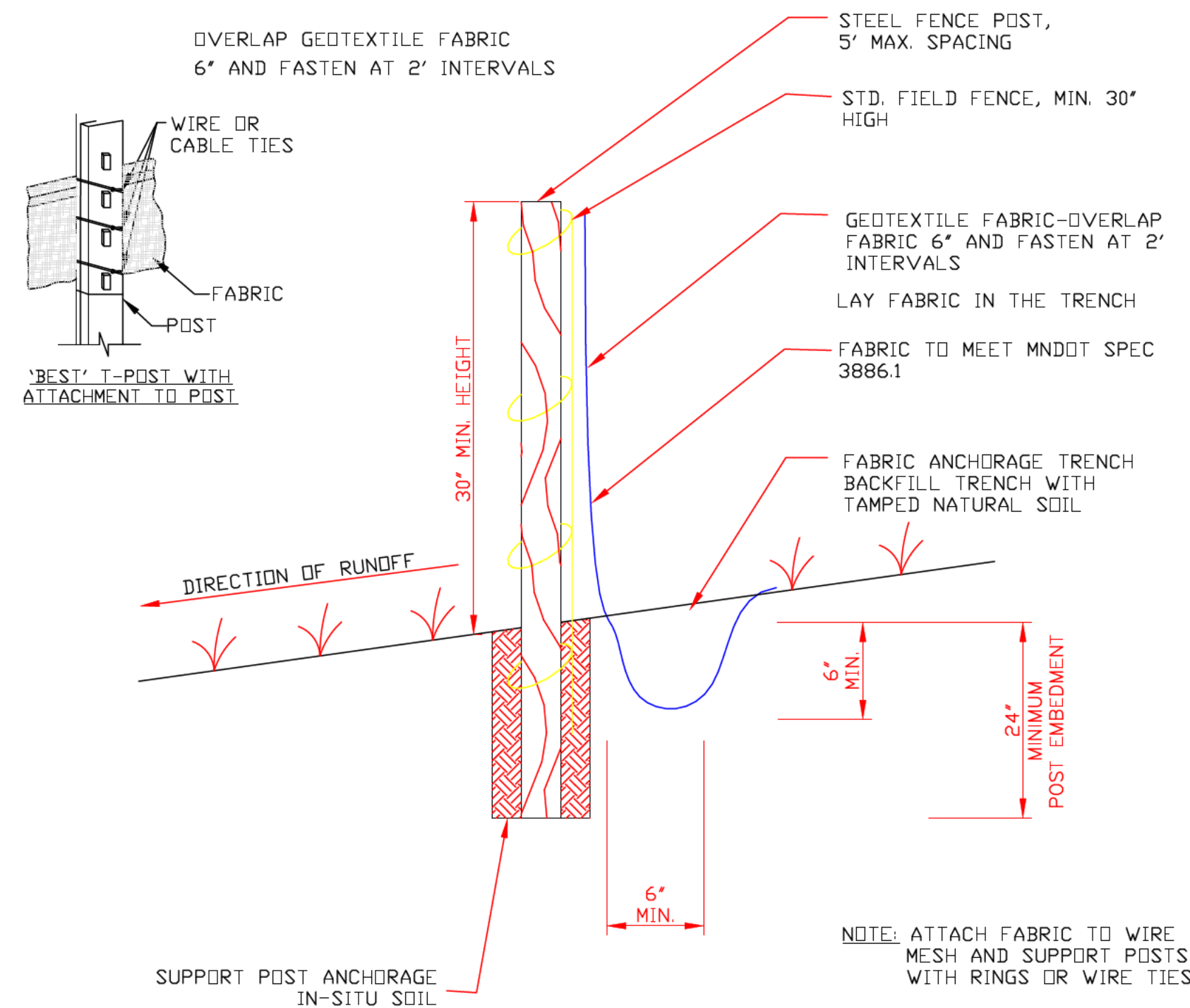
SUBMISSION DATE:  
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 DESIGN BY: CJL  
 DRAWN BY: CJL  
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 1405-0008-02

**EOE** Emmons & Olivier  
 Resources, Inc.  
 1919 University Ave W  
 St Paul, MN 55104  
 water ecology community  
 Tele: 651.770.8448  
 www.eorinc.com

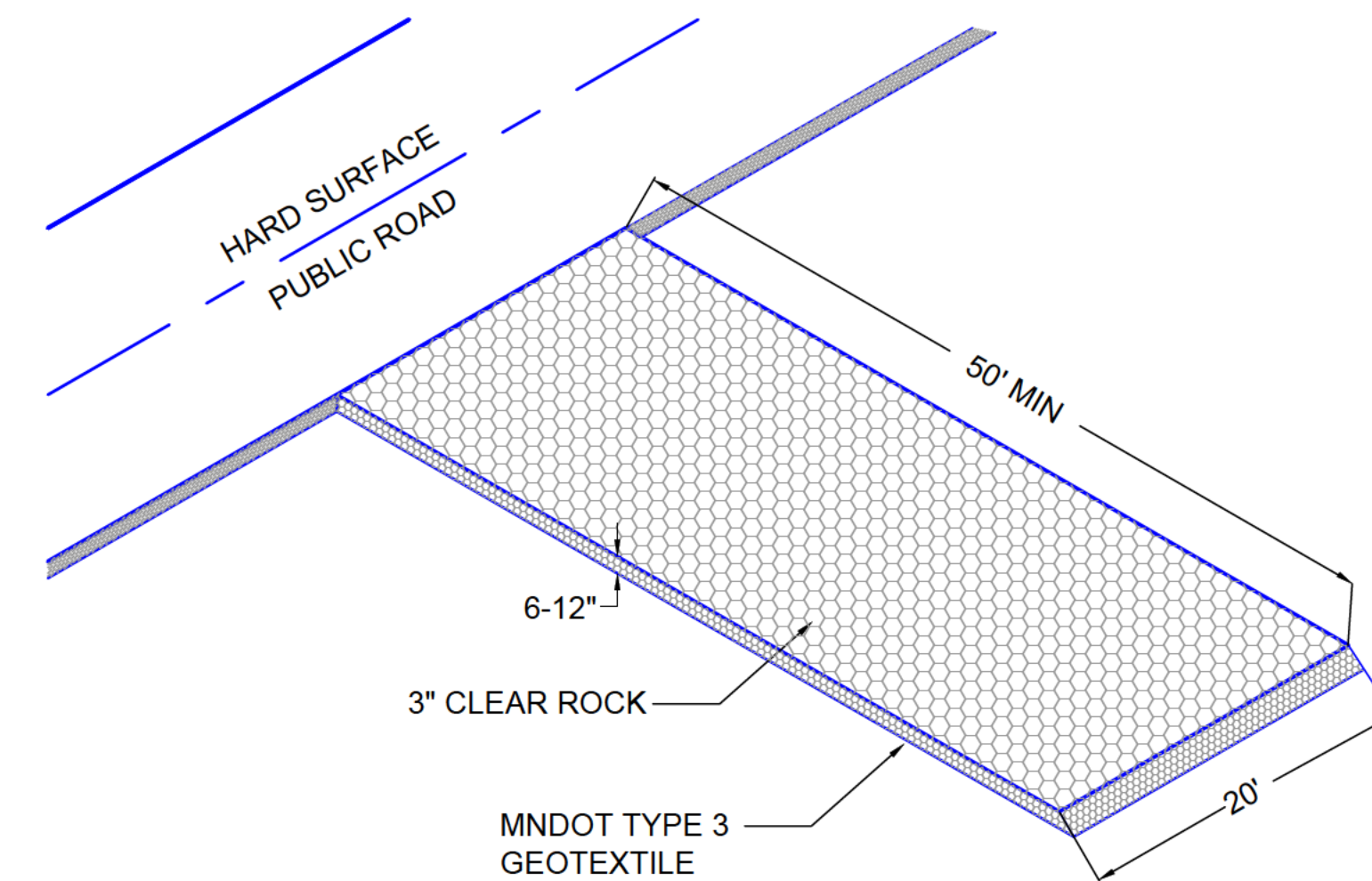


MN GOODHUE 9-1 LLC  
 GOODHUE, GOODHUE COUNTY, MN  
 STATE PROJECT NO. --- CITY PROJECT NO.

EROSION & SEDIMENT CONTROL PLAN  
 SHEET 03 OF 04 SHEETS

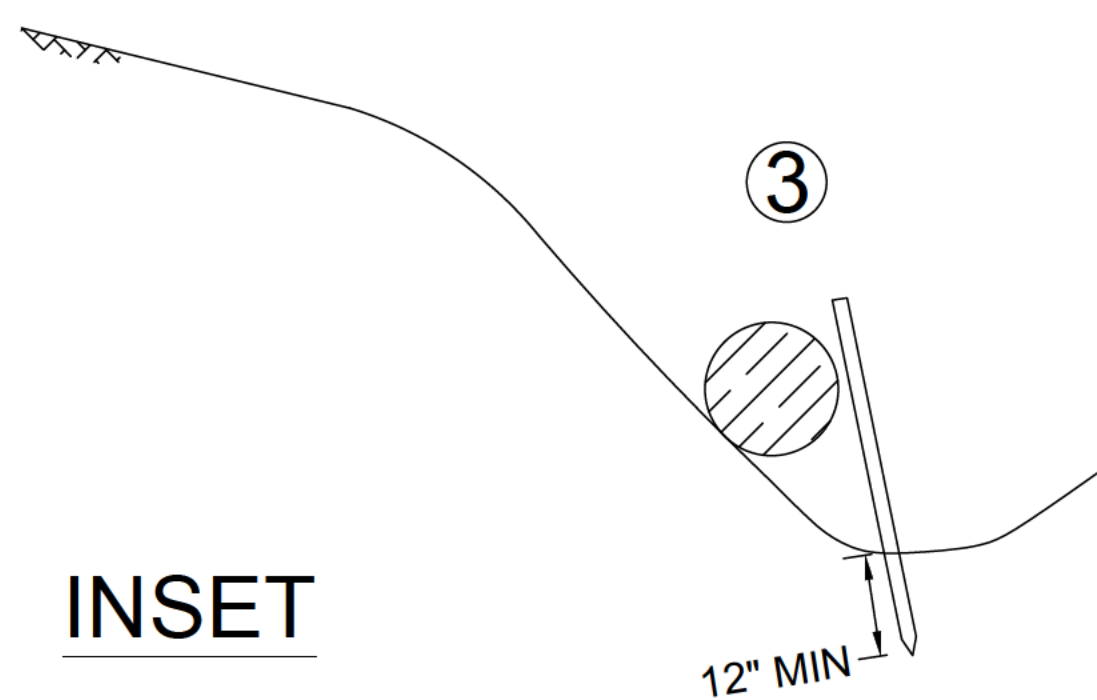
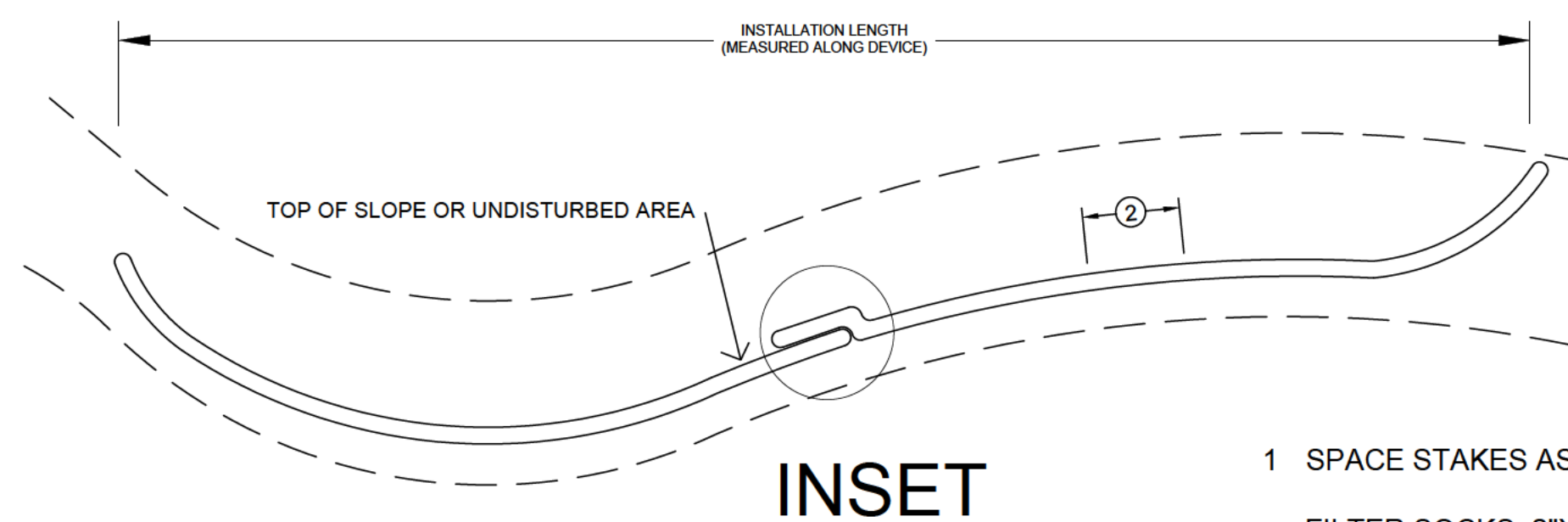


01 SILT FENCE  
04



NOTE:  
- STABILIZED CONSTRUCTION ENTRANCE SHALL BE MAINTAINED FOR THE DURATION OF THE CONSTRUCTION PROCESS.  
- ROCK SHALL BE UNDERLINED WITH MNDOT TYPE 3 GEOTEXTILE FABRIC.

02 CONSTRUCTION EXIT  
04



- SPACE STAKES AS FOLLOWS:  
 FILTER SOCKS: 2"X2" NOMINAL WOOD STAKES AT 8 FOOT MAXIMUM STAKING.  
 WOOD EXCELSIOR LOGS: 1"X1" NOMINAL WOOD STAKES AT 8 FOOT MAXIMUM SPACING.
- INSTALL SLOPE PROTECTION PERPENDICULAR TO SLOPE (PARALLEL TO CONTOURS). OVERLAP JOINTS PER DETAIL 'A'. RUN THE LAST 10 FEET OF EACH DEVICE UP THE SLOPE TO PREVENT FLOW RUNAROUND.
- STAKES ARE NOT TO PROTRUDE THROUGH LOGS, BUT RATHER PLACED ON THE DOWNSTREAM SIDE AT A 45 DEGREE ANGLE SO AS TO "PINCH" THE LOG TIGHT TO THE GROUND SURFACE
- WOOD EXCELSIOR LOGS 9" DIA. ROLL ENCLOSED IN PLASTIC OR POLYESTER NETTING W/ MAXIMUM OF 3/8" NET OPINING

03 SEDIMENT LOG  
04

TABLE OF QUANTITIES  
RIPRAP AT RCP OUTLETS

| DIA. OF PIPE ARCH (IN.) | L (FT.) | CLASS II d <sub>50</sub> = 6" |            |                         |                                 | CLASS III d <sub>50</sub> = 9" |                         |                                 |            | CLASS IV d <sub>50</sub> = 12" |                                 |  |  |
|-------------------------|---------|-------------------------------|------------|-------------------------|---------------------------------|--------------------------------|-------------------------|---------------------------------|------------|--------------------------------|---------------------------------|--|--|
|                         |         | GRANULAR FILTER UNDER APRON   | 12" RIPRAP | 12" TEXTILE UNDER APRON | 12" GRANULAR FILTER UNDER APRON | 18" RIPRAP                     | 18" TEXTILE UNDER APRON | 18" GRANULAR FILTER UNDER APRON | 24" RIPRAP | 24" TEXTILE UNDER APRON        | 24" GRANULAR FILTER UNDER APRON |  |  |
| 12                      | 8       | 16.9                          | 0.2        | 3.0                     | 19.6                            | 0.3                            | 4.4                     | 22.5                            | 0.3        | 5.9                            | 25.4                            |  |  |
| 15                      | 8       | 18.0                          | 0.2        | 3.2                     | 20.8                            | 0.3                            | 4.8                     | 23.9                            | 0.4        | 6.4                            | 26.8                            |  |  |
| 18                      | 10      | 22.4                          | 0.4        | 4.3                     | 25.6                            | 0.4                            | 5.4                     | 29.0                            | 0.5        | 7.0                            | 31.0                            |  |  |
| 21                      | 10      | 24.1                          | 0.4        | 4.7                     | 27.4                            | 0.6                            | 7.1                     | 30.9                            | 0.7        | 9.4                            | 32.9                            |  |  |
| 24                      | 12      | 29.7                          | 0.5        | 6.2                     | 33.4                            | 0.8                            | 9.2                     | 37.3                            | 1.0        | 12.3                           | 39.3                            |  |  |
| 27                      | 12      | 31.4                          | 0.6        | 6.6                     | 35.2                            | 0.9                            | 9.9                     | 39.2                            | 1.2        | 13.2                           | 41.4                            |  |  |
| 30                      | 14      | 37.4                          | 0.8        | 8.2                     | 41.6                            | 1.1                            | 12.3                    | 46.0                            | 1.5        | 16.4                           | 48.5                            |  |  |
| 36                      | 16      | 45.9                          | 1.1        | 10.6                    | 50.5                            | 1.6                            | 15.8                    | 55.4                            | 2.1        | 21.1                           | 58.5                            |  |  |
| 42                      | 18      | 52.8                          | 1.2        | 12.5                    | 57.8                            | 1.7                            | 18.7                    | 63.0                            | 2.3        | 24.9                           | 66.9                            |  |  |
| 48                      | 20      | 61.1                          | 1.5        | 14.8                    | 66.5                            | 2.2                            | 22.2                    | 72.0                            | 2.9        | 29.6                           | 76.6                            |  |  |

TABLE OF QUANTITIES  
RIPRAP AT RCP-A OUTLETS

| SPAN OF PIPE ARCH (IN.) | L (FT.) | CLASS II d <sub>50</sub> = 6" |            |                         |                                 | CLASS III d <sub>50</sub> = 9" |                         |                                 |            | CLASS IV d <sub>50</sub> = 12" |                                 |  |  |
|-------------------------|---------|-------------------------------|------------|-------------------------|---------------------------------|--------------------------------|-------------------------|---------------------------------|------------|--------------------------------|---------------------------------|--|--|
|                         |         | GRANULAR FILTER UNDER APRON   | 12" RIPRAP | 12" TEXTILE UNDER APRON | 12" GRANULAR FILTER UNDER APRON | 18" RIPRAP                     | 18" TEXTILE UNDER APRON | 18" GRANULAR FILTER UNDER APRON | 24" RIPRAP | 24" TEXTILE UNDER APRON        | 24" GRANULAR FILTER UNDER APRON |  |  |
| 22                      | 10      | 22.0                          | 0.3        | 4.1                     | 25.6                            | 0.4                            | 6.1                     | 29.0                            | 0.5        | 8.1                            | 32.1                            |  |  |
| 28                      | 12      | 28.5                          | 0.6        | 5.7                     | 33.2                            | 0.7                            | 8.5                     | 37.1                            | 0.8        | 11.3                           | 40.3                            |  |  |
| 36                      | 14      | 37.3                          | 0.8        | 7.6                     | 41.5                            | 1.1                            | 11.5                    | 45.8                            | 1.5        | 14.9                           | 49.3                            |  |  |
| 45                      | 16      | 46.9                          | 1.1        | 9.5                     | 50.5                            | 1.6                            | 14.3                    | 55.3                            | 2.1        | 19.0                           | 58.3                            |  |  |
| 51                      | 18      | 52.9                          | 1.2        | 11.3                    | 57.5                            | 1.9                            | 16.9                    | 62.7                            | 2.3        | 22.5                           | 66.4                            |  |  |
| 58                      | 20      | 59.9                          | 1.5        | 13.2                    | 65.4                            | 2.3                            | 19.7                    | 70.7                            | 2.5        | 26.4                           | 74.4                            |  |  |

NOTES:  
 REQUIREMENTS FOR GEOTEXTILE TYPE, RIPRAP SIZE AND THICKNESS WILL BE DESIGNATED IN THE PLANS.  
 PIPE SIZES LARGER THAN THOSE SHOWN REQUIRE A SPECIAL DESIGN.  
 ① FOR PIPES GREATER THAN OR EQUAL TO 30", USE L51.  
 ② GEOTEXTILE FILTER, SPEC. 3733, SHALL COVER THE BOTTOM AND SIDES OF THE AREA EXCAVATED FOR THE RIPRAP, GRANULAR FILTER MATERIALS.  
 ③ DIMENSION E IS GIVEN ON STANDARD PLATES 3100 AND 3101.  
 ④ GRANULAR FILTER, SPEC. 3603, MAY BE USED AS A CUSHION LAYER. PLACE FILTER PER SPEC. 2511 THE CUSHION LAYER IS INCIDENTAL.  
 ⑤ GRANULAR FILTER OR RIPRAP, SPEC. 3601, TO EXTEND UNDER ENTIRE OPEN PORTION OF PIPE APRON. DEPTH OF MATERIAL UNDER APRON SHALL MATCH RIPRAP DEPTH. WHEN USING RIPRAP INCREASE RIPRAP QUANTITY ACCORDINGLY AND PLACE A 3" LAYER OF 1/2" CRUSHED ROCK UNDER THE APRON TO 150 IN GRADING FOR APRON PLACEMENT. CRUSHED ROCK IS INCIDENTAL.

APPROVED: DECEMBER 9, 2013  
 STATE OF MINNESOTA  
 DEPARTMENT OF TRANSPORTATION  
 RIPRAP AT RCP OUTLETS  
 SPECIFICATION REFERENCE: 3100, 3603, 3733, 2511  
 STANDARD PLATE NO. 3133D

04 RIP RAP  
04

Plot Date: 10/21/2020  
 Drawing: emms\_6-12\_MN\_GOODHUE\_S-1\_04.dwg  
 User: jgibbs\_01  
 Title: 6-12\_MN\_GOODHUE\_S-1\_04.dwg  
 Project: Power/0099\_Goodhue\_Zum\_ESC\_Delint09\_CMS/Stang/MN\_Goodhue 6-11CD-Drawing\_S-1.dwg

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NOT FOR CONSTRUCTION

SUBMISSION DATE:  
XX-XX-XXXX  
 DESIGN BY: CJL  
 DRAWN BY: CJL  
 EOR PROJECT NO.:

**EOR** Emmons & Olivier Resources, Inc.  
 1919 University Ave W  
 St Paul, MN 55104  
 Tele: 651.770.8448  
 www.eorinc.com

**ReneSola**

MN GOODHUE 9-1 LLC  
 GOODHUE, GOODHUE COUNTY, MN  
 STATE PROJECT NO. --- CITY PROJECT NO.

DETAILS

SHEET 04 OF 04 SHEETS

# Goodhue County Land Use Management

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

*Lisa M. Hanni, L.S. Director*

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106



*County Surveyor / Recorder*

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

**To:** Planning Commission  
**From:** Land Use Management  
**Meeting Date:** November 16, 2020  
**Report date:** November 06, 2020

## **PUBLIC HEARING: Request for CUP for a Utility-Scale Solar Energy System (SES)**

Request, submitted by ReneSola Power (Applicant) and Michael Stehr (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres.

### **Application Information:**

Applicant: ReneSola Power (Applicant) and Michael Stehr (Owner)  
Address of zoning request: TBD County 9 BLVD, Goodhue, MN 55027  
Parcel(s): 33.028.0100  
Abbreviated Legal: Part of the NE ¼ of Section 28 TWP 111 Range 15 in Goodhue Township  
Zoning District: A3 (Urban Fringe District)

### **Attachments and links:**

Applications and submitted project summary (excerpt of materials; full submittal available upon request)  
Site Map(s)  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

The Applicant has submitted a CUP request to construct and operate a 1 Megawatt (MW) photovoltaic (PV) utility-scale solar garden on approximately 8.0-acres of leased land located in Goodhue Township that is owned by Michael Stehr. The project would be developed in conjunction with the State of Minnesota Solar Garden program and Xcel Energy's Solar Rewards Community Program. The program allows developers to design, permit, own, and operate solar energy systems and sell the generated power directly to consumers. Upon completion, the Solar Garden would connect to Xcel Energy's distribution grid and generate up to 1 MW of energy annually over the next 25 years.

Per Goodhue County regulations, Solar Energy Systems (SES) that are the primary use of the land and are designed to primarily provide energy to off-site users or export to the wholesale market may be conditionally permitted as a "Utility-Scale SES" within the County's A3 zoned districts.

### **Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses**

*No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage, and other necessary facilities, to provide sufficient off-street parking and loading space, to control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

## **Project Summary:**

### **Property Information:**

- The 8.0-acre (approximate) area to be leased by the Applicant is situated on a 60-acre parcel owned by Michael Stehr (Stehr Farms Inc.). The proposed lease area and the remainder of the property is currently used for row-crop agriculture. There are two existing 1-megawatt utility-scale SES arrays located directly east of the site. There are no existing structures on the property.
- Adjacent land uses include primarily row-crop agriculture and low-density residential. The nearest residence is located approximately 1,250 feet northwest of the proposed array and is owned by the Applicant (Stehr Farms Inc). The City of Goodhue is approximately 0.4 miles west of the proposed facility.
- The property is Zoned A3 (Urban Fringe District). Bordering zoning districts include A-1 (Agriculture Protection) to the east, A-3 (Urban Fringe) to the south and west, and the City of Goodhue to the north.

### **Solar Array:**

- The solar array is proposed to include 3,380 single-axis tracker panels installed in 22 rows spaced 21-feet apart. Steel and aluminum racks will hold up the solar panels, reaching 14 feet above grade at the maximum tilt configuration.

The racking will be installed with piles that are anchored into the ground to an appropriate depth based on soil and geotechnical analysis.

The solar array will interconnect to the power grid via a pad-mounted transformer in the northeast corner of the project area, facilitating connection to an existing Xcel Energy circuit.

- A 20-foot-wide crushed aggregate access road will be constructed through parcel 64.460.0020 (Stehr Farms Inc.) to the north to provide access to CTY 9 BLVD. The approach is an existing field access road.

The Applicant has consulted with Goodhue County Public Works Director Greg Isakson regarding the proposed access location. Mr. Isakson noted Public Works does not have any concerns with the proposed access drive location however an access permit must be acquired from the Department prior to performing the work within the CTY 9 BLVD R-O-W.

A recorded ingress/egress easement is not required for the property given the site is to be leased and all land to be crossed to access the site will remain under common ownership. *LUM Staff strongly recommends the Applicant records a minimum 33-foot wide easement to the solar facility in the proposed driveway location to ensure future site access across PID 64.460.0020 to the north.*

A separate fire number will be required for the site. Emergency vehicle access appears adequate to service the facility.

- Ample space exists within the project area to provide off-street parking, turnaround, unloading, and storage space for workers and materials during the construction phase.
- Once constructed, traffic to the site would be limited to periodic visits by maintenance and landscaping personnel to perform routine maintenance, in addition to any unplanned maintenance.
- The solar garden is sited to comply with all GCZO setback requirements for Solar Energy Systems.

### **Landscaping/Drainage:**

- The site slopes generally from northwest to southeast with slopes ranging from 2-6%. Runoff drains generally northwest towards the drainage ditches along CTY 9 BLVD which then direct the flow east to an existing drainage channel adjacent to State HWY 58.
- A preliminary grading and erosion control plan has been provided for this project. The plan notes that stormwater management will include the use of best management practices and perimeter control devices (silt fencing) to prevent erosion until the site is re-vegetated. No wetland or Bluffland features have been identified on this site.

Beau Kennedy (Goodhue SWCD Water Planner) reviewed the proposal and offered the following comments:

*This site is located immediately to the west of two existing 8-acre solar facilities that are already up. The erosion control plan looks good, but no stormwater storage was identified unlike most of the other solar installations. There was no formal wetland review for this site, however, wetland impacts are unlikely here.*

LUM Staff discussed the stormwater retention issue with ReneSola Power Project Manager (Cindy Larson O’Neil). She noted a stormwater retention basin would likely be part of the final stormwater plan which is generally prepared with the civil design package prior to Building Permit submittal.

Staff encouraged the Applicant to evaluate the future stormwater retention component to ensure it will not affect the proposed array layout and advised the Applicant that any future changes to the array layout would require consideration as an amendment through the formal CUP process.

An erosion control/stormwater management plan is customarily submitted for administrative review at the time of building permit application. An NPDES (National Pollutant Discharge Elimination System) and SWPPP will be required for this project and will need to be submitted by the Applicant prior to Building Permit approvals.

- No vegetative screening is proposed. The area surrounding the array is unwooded providing minimal cover, however, the existing solar installations to the east, topography, and physical distance of the array from existing residences appear to adequately screen the area from nearest residences. The Planning Commission should consider whether any screening of the proposed SES is warranted.
- Apart from the meter pad (less than 500 square feet), the entire area within the project boundary will be seeded with a “MnDOT pollinator blend” of grasses.
- A 6-foot tall chain-link fence will be constructed around the perimeter of the project area for security.
- Construction is expected to last approximately 2-3 months and is anticipated to begin in late fall or early winter of 2021.

**Maintenance/Decommissioning:**

- The project is subject to issuance of a Building Permit and must be constructed according to applicable building code requirements. The project will be inspected by County Building Inspections Staff and the State Electrical Inspector. In addition, Planning and Zoning Staff will inspect the project upon completion to ensure conformance with applicable zoning requirements.
- The Applicant has prepared a Decommissioning Agreement between MN Goodhue 9-2 LLC and Michael Stehr. The plan includes the removal of all of the solar arrays, cables, electrical components, accessory structures, fencing, roads, and other ancillary facilities owned by the solar garden within one hundred eighty (180) days of the end of the project useful life.
- Per GCZO Article 19, the Applicant may be required to provide a financial surety at up to 125% of the estimated decommissioning cost. The County has not typically exercised the right to financial assurance requirements for similar solar installations. The Planning Advisory Commission and County Board should consider if the County should require financial assurance to cover anticipated decommissioning costs.

**Goodhue Township:**

- Goodhue Township received the application materials from the applicant and signed the CUP Application acknowledgment on 10/19/20 without comment.
- A Township Zoning Approval permit will need to be acquired by the Applicant as part of the Building Permit submittal package.



**Draft Findings of Fact:**

*The following staff findings shall be amended to reflect concerns conveyed during the PAC meeting and public hearing.*

1. The proposed Solar Garden does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The location of the Solar Garden provides adequate separation and screening from adjacent residential uses. The use appears harmonious with the established uses in the vicinity.
2. The establishment of the proposed Solar Garden is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use is proposed to meet all development standards of the Goodhue County Zoning Ordinance and it does not appear incompatible with adjacent land uses.
3. A review of the applicant’s submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available or will be provided to accommodate the proposed use.
4. The submitted plans identify means to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance’s parking requirements.
5. The submitted plans detail adequate measures to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance.

*Staff recommendation is based on the review of the submitted application and project area prior to the public hearing.*

**Staff Recommendation:**

LUM Staff recommends the Planning Advisory Commission

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

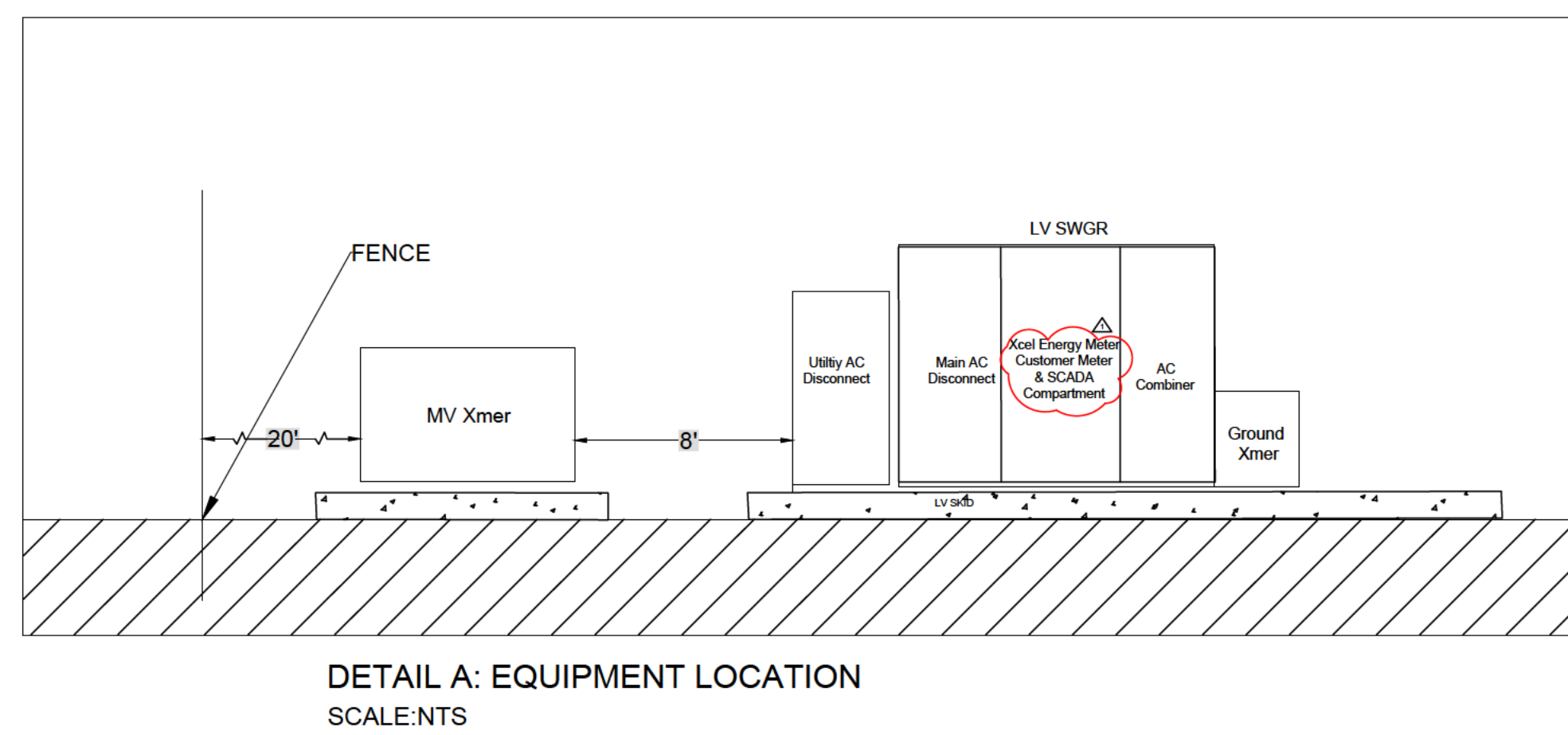
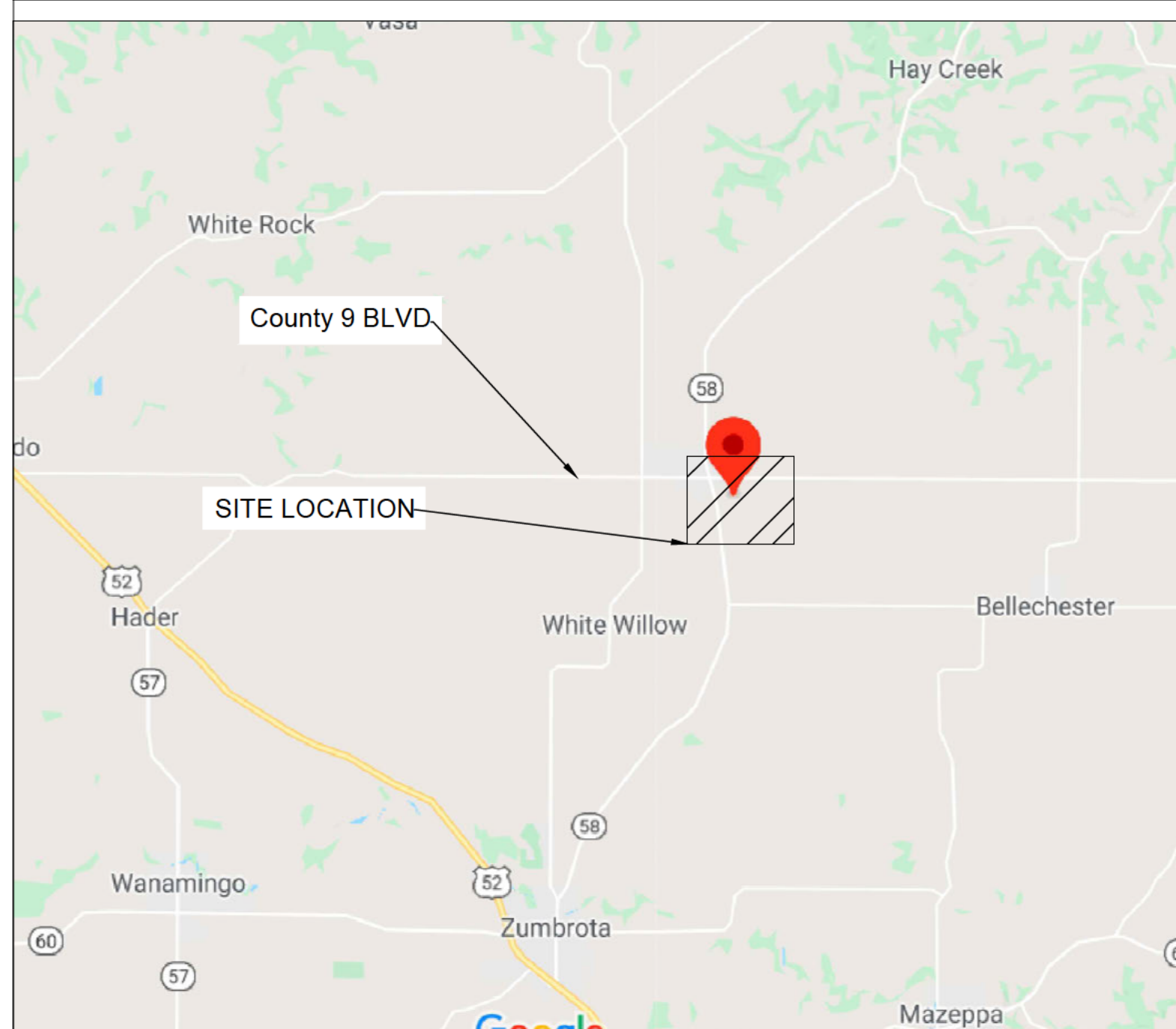
Recommend that the County Board of Commissioners **APPROVE** the CUP request, submitted by ReneSola Power (Applicant) and Michael Stehr (Owner) for the MN Goodhue 9-2 LLC Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres

Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. The project shall be decommissioned according to Article 19 Section 6 of the Goodhue County Zoning Ordinance and submitted plans;
3. A decommissioning agreement between the landowner and MN Goodhue 9-2 LLC shall be maintained to ensure reclamation of the area;
4. LUM staff shall be notified by the landowner or solar company 30 days prior to ownership transfer or operator changes;
5. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
6. Applicant shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix for disturbed areas of the site and should submit “seed tags” to the Land Use Management Department prior to final inspection;
7. Applicant shall obtain an Access Permit from the Goodhue County Public Works Department prior to performing work within the CTY 9 BLVD Right-Of-Way;
8. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use

Management Department prior to establishing the use;

9. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy Systems (SES) and Article 23 (Urban Fringe District). The Applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
10. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
11. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.



**LEGEND:**

- PROPERTY LINE
- SOLAR MODULE
- TRANSFORMER
- EQUIPMENT SKID (1): LV SWITCHGEAR, LOCUS METERING AND WEATHER STATION WITH SITE CAMERA, GROUNDING TRANSFORMER, AND XCEL BILLING AND PRODUCTION METER
- PROPOSED SITE ROAD (20')
- EXISTING OVERHEAD LINES
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE
- PERIMETER FENCE

**NOTES:**

**PV SYSTEM:**

SYSTEM SIZE: 1.386MW DC/ 1.0MW AC  
DC/AC RATIO: 1.39  
PITCH (ROW-TO-ROW SPACING): 21'  
PV MODULES: TRINA TSM-DE15M(II) 410W, MONO  
NUMBER OF MODULES: 3,380  
NUMBER OF STRINGS: 130  
MODULES PER STRING: 26

ARRAY AZIMUTH: 90°/270°

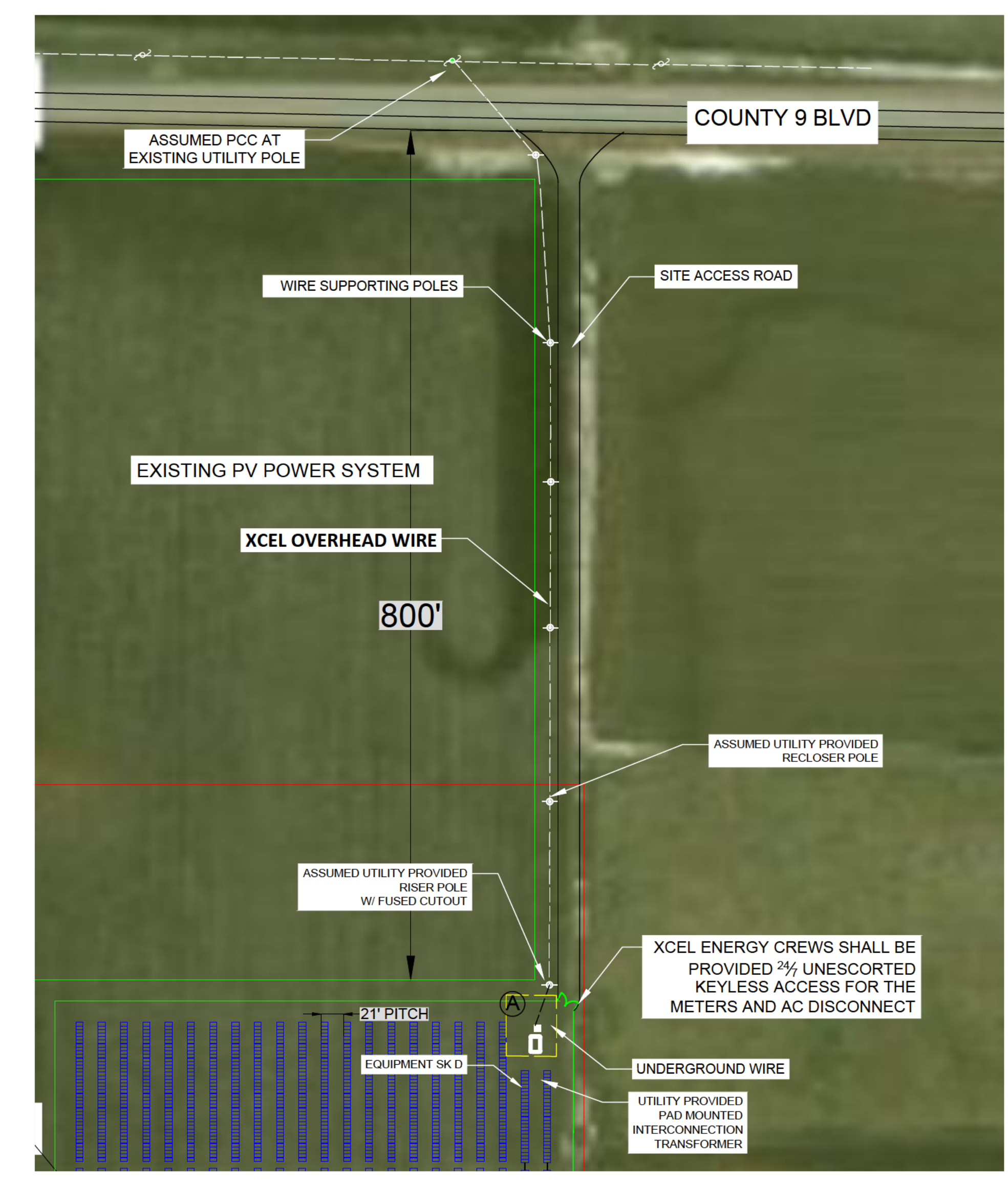
SYSTEM ESTIMATE PRODUCTION: 2162 Mwh/1st YEAR  
PVSYST LOCATION: MN-ST PAUL INT ARP TMY3  
EST PV ARRAY ACREAGE: 5.84  
EST PV ARRAY FENCED AREA ACREAGE: 6.84

**RACK CONFIGURATION:**

NEXTRACKER NX HORIZON  
SINGLE AXIS RACKING  
EACH RACK/ROW CONSISTS OF MAX [78] MODULES IN PORTRAIT

**INVERTER INFORMATION:**

8 SMA HIGHPOWER PEAKS-125KW US  
STRINGS PER INVERTER: 16/17



**RENESOLA POWER HOLDINGS LLC**

43 SE Main St. Suite 504. Expo Hall  
Minneapolis, MN 55414

APPLICATION MANAGER CONTACT INFO:  
(952)486-1538  
cindy.larsononeil@renesolapower.com

PROJECT NAME AND LOCATION

**MN GOODHUE 9-2 LLC**

44.3942 -92.6123  
44°23'39.1"N 92°36'44.3"W  
Goodhue, Minnesota  
Goodhue County

EPS OPERATOR: XCEL ENERGY  
CASE # 3863274

| REV | DESCRIPTION               | BY    | DATE     |
|-----|---------------------------|-------|----------|
| 4   |                           |       |          |
| 3   |                           |       |          |
| 2   |                           |       |          |
| 1   | ENGINEER COMPLETE REVIEW  | RY    | 09/11/20 |
| 0   | INTERCONNECTION SUBMITTAL | RY/MZ | 06/30/20 |

**SHEET TITLE**

**GENERAL SITE PLAN**

PROJECT NUMBER: XXXXXX

PAPER SIZE: PLOT 24"x36" FOR FULL SCALE

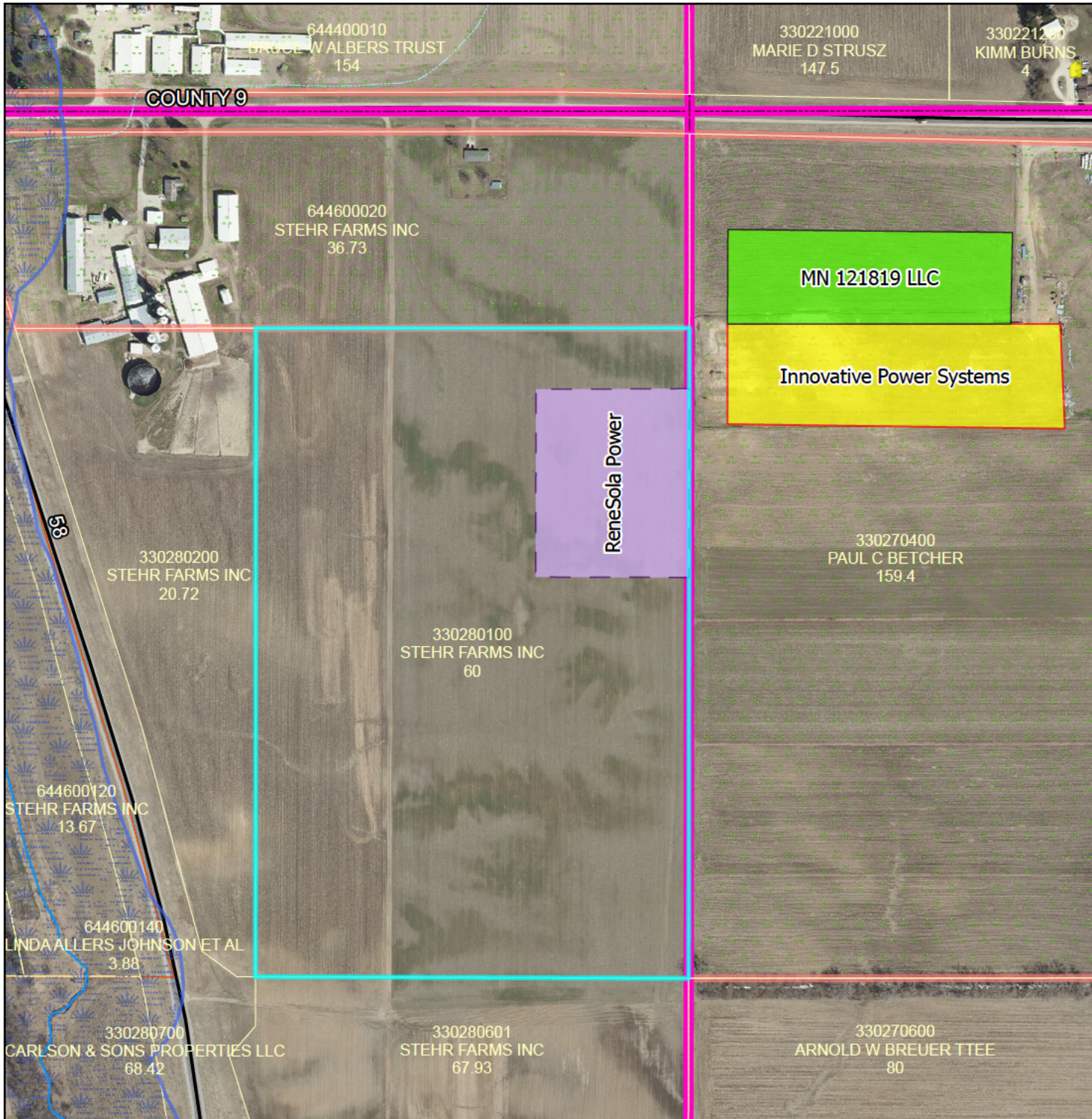
SCALE: 1"=30'

DATE: 06/30/20

DRAWING NO.

**1 of 5**

# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
November 16th, 2020

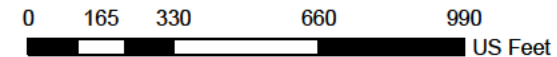
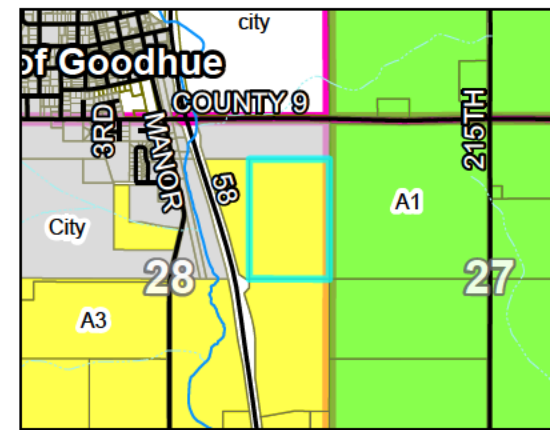
ReneSola Power (Applicant) and  
Michael Stehr (Owner)  
A-3 Zoned District

Part of the NE 1/4 of Section 28  
TWP 111 Range 15 in Goodhue Township

Request for Utility Scale Photovoltaic  
Ground 1-Megawatt Solar Energy System  
occupying approximately 8.0 acres

### Legend

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

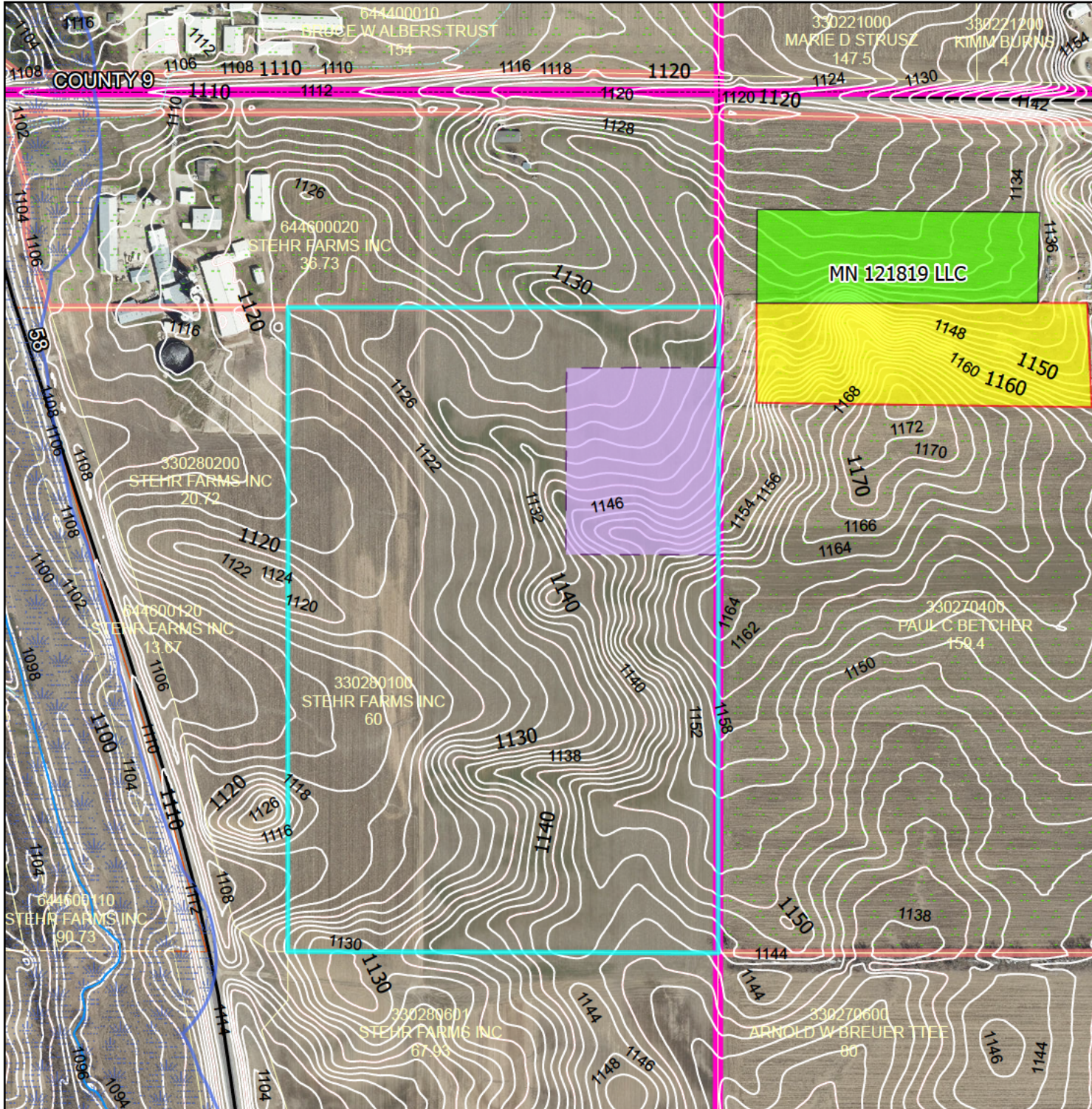


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Map Created November, 2020 by LUM



# MAP 03: ELEVATIONS



## PLANNING COMMISSION

Public Hearing  
November 16th, 2020

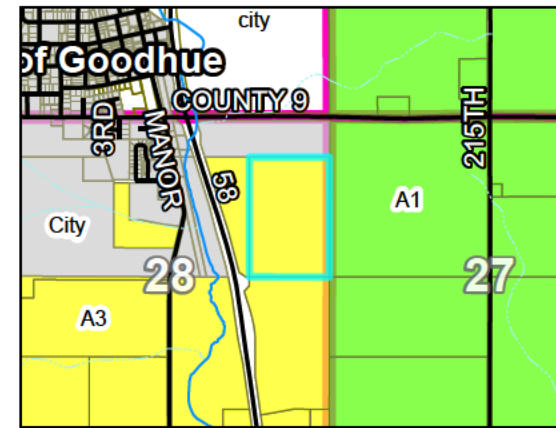
ReneSola Power(Applicant) and  
Michael Stehr (Owner)  
A-3 Zoned District

Part of the NE 1/4 of Section 28  
TWP 111 Range 15 in Goodhue Township

Request for Utility Scale Photovoltaic  
Ground 1-Megawatt Solar Energy System  
occupying approximately 8.0 acres

### Legend

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



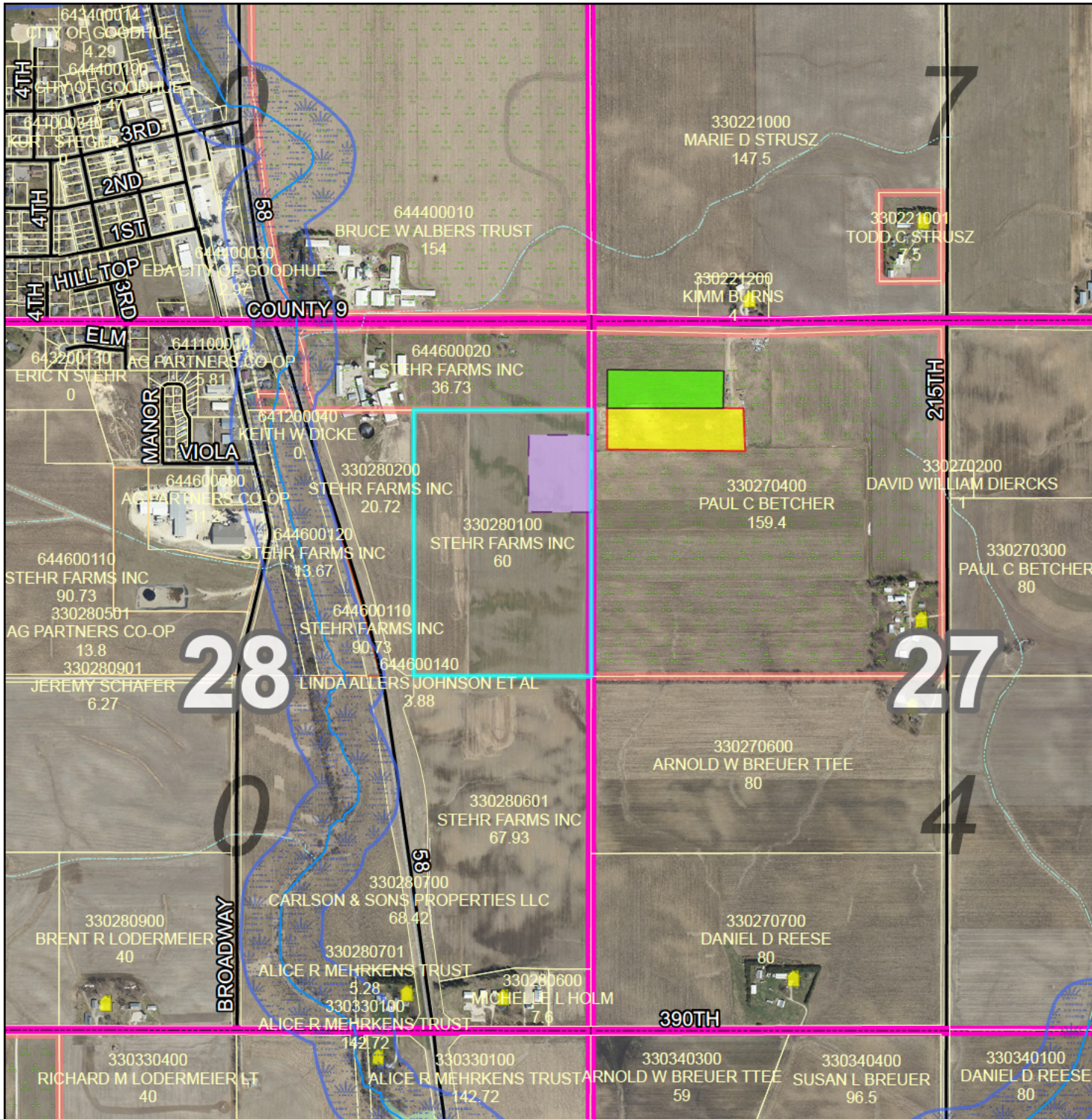
0 165 330 660 990 US Feet

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# MAP 02: VICINITY MAP



## PLANNING COMMISSION

Public Hearing  
November 16th, 2020

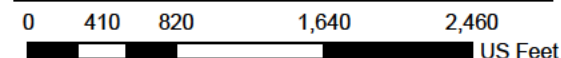
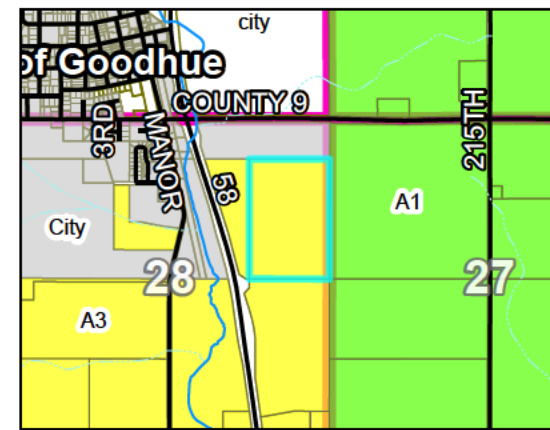
ReneSola Power (Applicant) and  
Michael Stehr (Owner)  
A-3 Zoned District

Part of the NE 1/4 of Section 28  
TWP 111 Range 15 in Goodhue Township

Request for Utility Scale Photovoltaic  
Ground 1-Megawatt Solar Energy System  
occupying approximately 8.0 acres

### Legend

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



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Map Created November, 2020 by LUM



# GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 330280100

Permit# \_\_\_\_\_

### PROPERTY OWNER INFORMATION

|                                                                              |                    |                                                                  |
|------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------|
| Last Name Stehr                                                              | First Michael      | Email: [REDACTED]                                                |
| Street Address 213 County 9 Blvd                                             |                    | Phone [REDACTED]                                                 |
| City Goodhue                                                                 | State MN Zip 55027 | Attach Legal Description as Exhibit "A" <input type="checkbox"/> |
| Authorized Agent MN Goodhue 9-2 LLC                                          |                    | Phone [REDACTED]                                                 |
| Mailing Address of Landowner: 213 County Blvd 9 Goodhue MN 55027             |                    |                                                                  |
| Mailing Address of Agent: 43 SE Main Street Suite 504EH Minneapolis MN 55414 |                    |                                                                  |

### PROJECT INFORMATION

Site Address (if different than above): 44°23'44.5"N 92°36'40.5"W

Lot Size 60 acres      Structure Dimensions (if applicable) 7-8 acres for community solar garden

What is the conditional/interim use permit request for? Xcel energy community solar garden

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized

There will be no conflicts with the existing nearby land uses. Solar gardens are allowed on Ag land per county ordinance. Community solar gardens are a safe means of producing clean energy. There are no emissions or byproducts and solar projects in general have a long history of safe operations.

### 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: Michael Stehr      Date 10/19/20

Signature of Agent Authorized by Agent: [Signature]

### TOWNSHIP INFORMATION

Township Zoning Permit Attached?  If no please have township complete below:

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the request.

Signature Dale Dike      Title chairman supervisor      Date Oct 19, 20

Comments:

### COUNTY SECTION

COUNTY FEE \$350      RECEIPT # \_\_\_\_\_      DATE PAID \_\_\_\_\_

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

What is the formal wording of the request?

Shoreland \_\_\_\_\_ Lake/Stream Name \_\_\_\_\_ Zoning District \_\_\_\_\_

Date Received \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_ DNR Notice \_\_\_\_\_ City Notice \_\_\_\_\_

Action Taken:  Approve       Deny      Conditions:

# GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

## **PROJECT SUMMARY**

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).  
Minnesota Goodhue 9-2 LLC is applying for a conditional use permit to construct and operate a 1MW AC community solar garden on the property which is currently zoned Agriculture (A).  
\_\_\_\_\_
2. Planned use of existing buildings and proposed new structures associated with the proposal.  
No planned use of existing buildings, only structure will be a community solar garden.  
\_\_\_\_\_
3. Proposed number of non-resident employees.  
There will be 5-7 construction workers during construction which will last 2-3 months.  
\_\_\_\_\_
4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.  
During the 2-3 months of construction, construction crew will follow Goodhue County work hour regulations.  
\_\_\_\_\_
5. Planned maximum capacity/occupancy.  
N/A  
\_\_\_\_\_
6. Traffic generation and congestion, loading and unloading areas, and site access.  
There will be truck traffic and a construction team on site during the 2-3 month construction period. The construction teams will adhere to the location construction ordinances.  
\_\_\_\_\_
7. Off-street parking provisions (number of spaces, location, and surface materials).  
The project will coordinate with the county highway department to permit the installation of a new driveway.  
\_\_\_\_\_
8. Proposed solid waste disposal provisions.  
The construction contractor chosen to build the site will follow a waste management plan by having a dumpster on site during construction.  
\_\_\_\_\_
9. Proposed sanitary sewage disposal systems, potable water systems, and utility services.  
The project will not generate any sewage.  
\_\_\_\_\_



10. Existing and proposed exterior lighting.  
N/A
- 
- 

11. Existing and proposed exterior signage.  
An emergency contact sign will be on the front gate according to Goodhue County regulations.
- 
- 

12. Existing and proposed exterior storage.  
N/A
- 
- 

13. Proposed safety and security measures.  
A peripheral 6 foot chain link fence will be around the project for security.
- 
- 

14. Adequacy of accessibility for emergency services to the site.  
There will be an access driveway, 9-1-1 address assigned to the property, and full emergency contact information on the front sign of the solar garden.
- 
- 

15. Potential for generation of noise, odor, or dust and proposed mitigation measures.  
The project will not generate noise, odor, dust or waste.
- 
- 

16. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.  
This parcel is flat so we do not expect any grading, excavation, filling or removal of vegetation on this project.
- 
- 

17. Existing and proposed surface-water drainage provisions.  
A full stormwater management plan will be prepared and provided to Goodhue County prior to applying for the project's building permit.
- 
- 

18. Description of food and liquor preparation, serving, and handling provisions.  
There will be no food or liquor preparation, serving and handling on this site.
- 
- 

19. Provide any other such information you feel is essential to the review of your proposal.  
We plan to plant MnDOT pollinator blend grasses inside the solar facility. This will enhance the native habitat, soil and ground water.
- 
-



43 SE Main Street, Suite 504 - EH, Minneapolis, MN 55414

MN Goodhue 9-2 LLC

Conditional Use Permit Application

1MW AC Community Solar Garden

October 14, 2020

MN Goodhue 9-2 LLC is applying for a conditional use permit to construct and operate a 1MW AC community solar garden on approximately 8.0 acres in Goodhue County parcel number 330280100. The property is owned by Michael Stehr and leased by the project under a long-term solar site lease agreement.

The 1MW AC community solar garden will be comprised of solar panels, racking equipment, electrical equipment, an overhead electric line, a driveway, and a six-foot chain link perimeter fence. The project is shown on the attached site plan. The project will comply with all required setbacks and will plant screening around the project perimeter if required by the planning commission. The project's road access will be on existing field approach from County 9 Blvd. The project will connect to Xcel Energy's distribution line running along County 9 Blvd.

The project will utilize single-axis trackers which will track the sun across the sky from east to west throughout the day. The project is expected to generate over 2.2 million kWh of clean energy each year.

Sincerely,

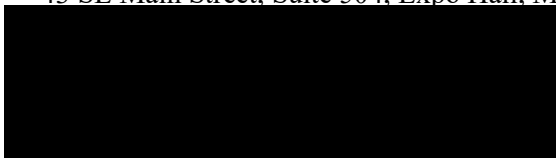
A handwritten signature in black ink, appearing to read "Cindy Larson O'Neil", with a long horizontal line extending to the right.

**Cindy Larson O'Neil**

Project Manager

**ReneSola Power**

43 SE Main Street, Suite 504, Expo Hall, Minneapolis, MN 55414



# **ReneSola PV Solar Generator Facility Decommissioning & Reclamation Plan**

**MN Goodhue 9-2 LLC**  
**44°23'44.5"N 92°36'40.5"W**

**Goodhue County Parcel Number 330280100**



## **Contact Information**

**ReneSola Power Holdings, LLC. 43 SE Main St, Suite 504EH**

**Minneapolis, MN 55414**



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## 1. INTRODUCTION

The purpose of this document is to outline the operation, maintenance, and the decommissioning plan for ReneSola's proposed 1 MW photovoltaic solar electric generating facility MN Goodhue 9-2 LLC. This plan covers the initial commissioning, long-term operation, and outlines decommissioning the facility at the end of its service. The PVSGF will be built on private land owned by Michael Stehr. ReneSola has entered into an agreement to lease the land for 25 years.

The 1 MW photovoltaic solar electric generating system will be a facility that participates in Xcel Energy's Community Solar Garden Program.

The facility generates electricity by harvesting the sun's energy through 3380 anti-reflective with 405W direct current (DC) photovoltaic poly-crystalline panels. The PVSGF would generate clean renewable energy from solar power. The generated energy would be sold to various local off-takers through the Xcel Energy Community Solar Garden Project. The PVSGF project is in the application process for a Community Solar Garden Permit from Goodhue County under the project company name MN Goodhue 9-2 LLC.

### SYSTEM DESCRIPTION

System Description 1 MW Solar photovoltaic power system

Location: 44°23'44.5"N 92°36'40.5"W

Utility Granting Operating Permission: Xcel Energy

Operator Representative: Cindy Larson O'Neil (952) 483-1538

Emergency Contacts for Site: To be determined once an O&M provider is chosen

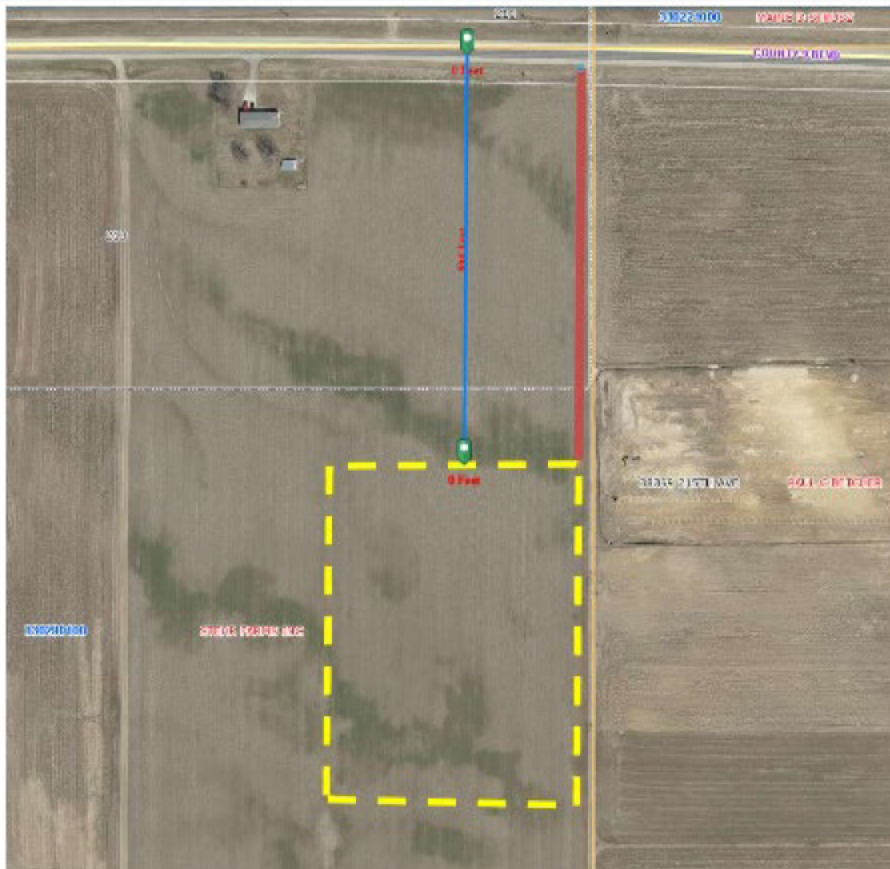
The facility includes the following equipment to be installed above and below ground:

- 22 rows of mounting structures
- 3380 modules
- 8 inverters
- Combiner boxes, AC/DC wiring, MV poles
- 1 Transformer
- Main switchgear panel
- 6 foot chain link fence on the perimeter

- I-beams
- Gravel road

## LOCATION

The project site is located on about 8 acres of rural agricultural land at an elevation of approximately 1,150 feet in Goodhue County. The site has been used for farming over the past few years. The PVSGF site is located along County 9 Blvd.





## 2. Procedures for Decommissioning after Ceasing Operation

The Project has an estimated useful lifetime of 35 years or more, with an opportunity for a lifetime of 50 years or more with equipment replacement and repowering. This section, however, assumes that at the end of the 25 year power generation contract with the Xcel Energy, the system will be completely dismantled and the site restored to its preconstruction state unless the power purchase agreement is extended.

ReneSola is committed to improving the global environment. Therefore, as a renewable energy developer, ReneSola is dedicated to recycling as many of the products as possible throughout the project site. Along with the recycling of the used equipment on the project we will minimize waste throughout the decommissioning process.

The decommissioning and reclamation plan is intended to provide a secure mechanism for the removal of the solar energy equipment at the end of the life cycle of the system and restoring the land to its previous agricultural condition, estimated to take approximately 120-180 days.

It is not expected that any water courses, hazards or bodies will be impacted by the renewable energy project based on a review of the national wetlands inventory mapper. The required setbacks will be respected in the site layout. As a result, no specific restoration of the water courses, either during construction or decommissioning, is planned.

## **2.1 PV Module Collection and Recycling**

ReneSola will be utilizing solar PV modules with recycling plans to promote the collection and recycling of modules and to minimize the potential for modules to be disposed of as municipal waste. Alternatively, solar panels with remaining useful life can be sold for other applications. The module recycling program includes the glass and the encapsulated semiconductor material, which will be collected by the manufacturer and recycled into new solar modules or other products.

Some key elements of recycling PV Modules include:

- **Collection:** ReneSola will manage the logistics of collecting the modules and provide packing and transportation to the recycling center. The module owner's only requirement is to dismantle and package the modules in accordance with the Mann Engineering's instructions;
- **Recycling:** The module manufacturer, or a comparable recycler, will recycle or reuse as much of the module as possible. All recycling processes are monitored to ensure compliance with applicable regulatory requirements regarding occupational health & safety, recycling, waste management, etc. Any elements that can't be recycled will be disposed of outside the project location's municipality and in an environmentally friendly way.

Managing the product life cycle, from raw material sourcing through end-of-life collection and recycling, enables ReneSola to create a sustainable product life cycle that strives to provide the most environmental benefits.

## **2.2 Facility Dismantling and Site Restoration**

The Project consists of numerous recyclable materials, including glass, semiconductor material, steel, and wiring. When the Project reaches the end of its operational life, the component parts can be dismantled and recycled. The Project components will be dismantled and removed using minimal impact



conventional construction equipment and recycled or disposed of safely. All components shall be removed from the site using experienced local subcontractors.

### **2.3 Decommission / Reclamation Methodology:**

Please note that no hazardous materials will be stored onsite. The Decommissioning Plan shall consist of the following:

- 1) A timeline of 120-180 days, including weather delay, comprised of the following phases:
  - a) Phase 1: Decommission (35 days).
    - i) Removal of solar modules, racking and driven posts (15 days).
    - ii) Removal of the PowerStation electrical equipment (5 days).
    - iii) Removal of the below-grade conduits and associated cables (5 days).
    - iv) Removal of the concrete pad under the PowerStation or PowerStation ground screws, where applicable (5 days, concurrent with step (iii) above).
    - v) Removal of fences and any remaining equipment including but not limited to 3 power poles, security camera, weather station anemometer, rainfall catchment cup, irradiance meter(s), etc. (5 days, concurrent with step (iii) above).
    - vi) Removal and haul off of gravel contained in any roads added as part of the Project plus the underlying aggregate, unless the land adjacent to the Premises as defined in the site lease is used for livestock grazing or non-tilled farming such as alfalfa, hay, and/or other grasses in which case the gravel shall be removed to a level of 12" below the surface and the underlying aggregate beneath shall remain in place (10 days).
    - vii) No grading is necessary, since the Project construction plan does not require any grading other than possibly smoothing or knocking down any piles of debris, dirt, or aggregate that may already be on the Premises.
    - viii) Note: in the event that the landowner elects to keep the fence and/or the gravel road(s) installed as part of the Project in order to increase the agricultural output of the property (such as to contain sheep or other livestock for grazing and have use of the gravel road for servicing water or feed troughs for the livestock), and the landowners approve such request in writing either as a part of this permit application or at a later date, ReneSola and its assigns shall comply with that request and remove all other equipment pursuant to this Plan.
  - b) Phase 2: Reclamation (35 to 65 days).
    - i) Order the appropriate Crop seeds (30 days prior to the end of the Term).
    - ii) Prepare the soil as needed to plant the Crop (15 days).
    - iii) Prepare any necessary temporary irrigation, such as a temporary water tank, hose, or rental of a watering truck to nurture the Crop seeds after planting (15 days, concurrent with step (iv) above).
    - iv) Plant the Crop seeds (5 days).
    - v) Water and fertilize as needed, using agricultural grade probiotics and if needed additional non-toxic fertilizers (15-45 days).
  - c) Weather delay allowance, needed only for below grade removal as described in Phase 1, sections (iii), (iv), and (vi) (30 days).

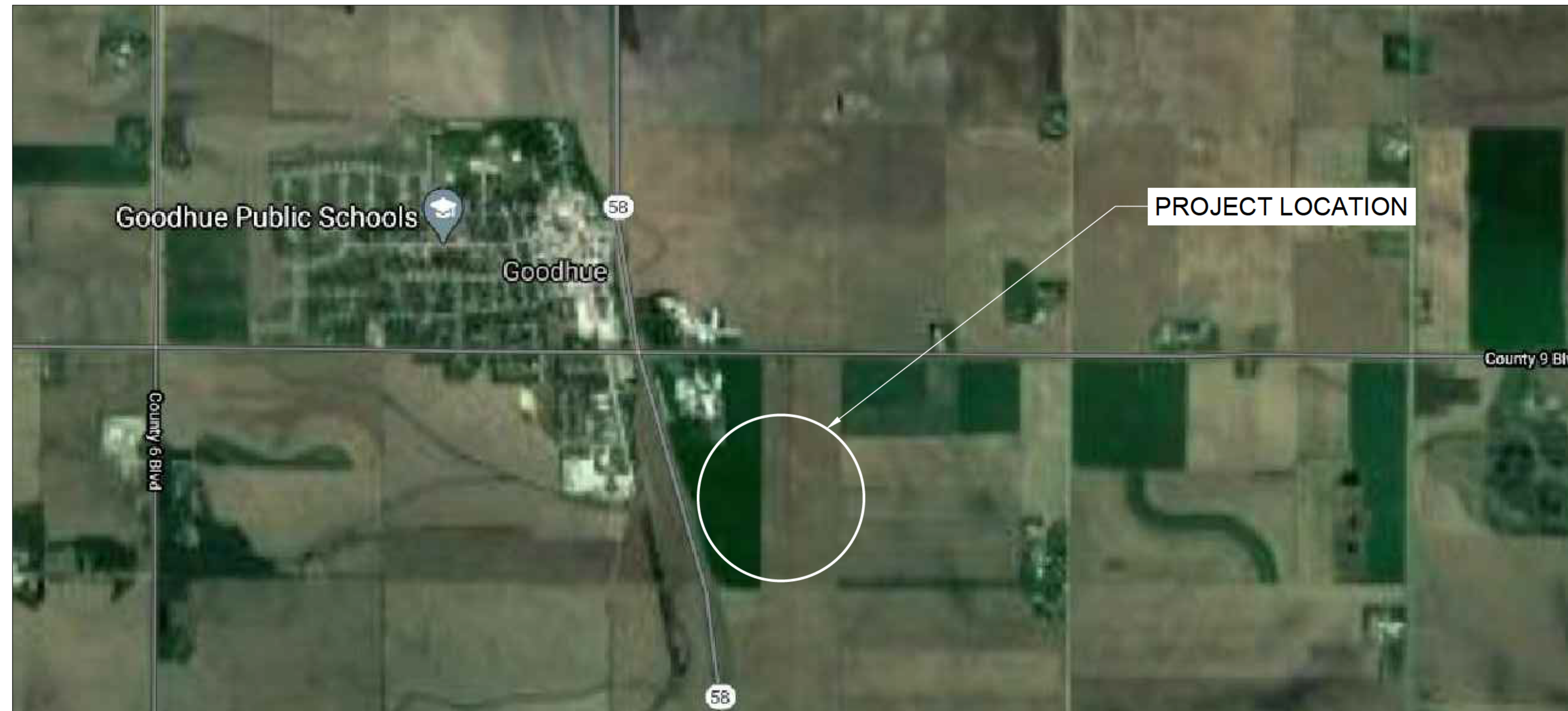
# RENESOLA

## MN GOODHUE 9-2 LLC

### GOODHUE, MINNESOTA

#### LEGEND

| FEATURE                   | EXISTING              | PROPOSED |
|---------------------------|-----------------------|----------|
| SILT FENCE                |                       | ~~~~~    |
| DELINEATED WETLAND        | -----WID-----WID----- |          |
| OVERHEAD ELECTRIC LINES   | —E-O—                 |          |
| BURIED ELECTRIC LINES     | —E-U—                 |          |
| FIBER OPTIC LINES         | —FO—                  |          |
| BURIED TELEPHONE          | —T-U—                 |          |
| CHAIN LINK FENCE          | =====                 |          |
| SANITARY SEWER LINE       | —S—                   | —S—      |
| SANITARY SEWER FORCE MAIN | —FM—                  | —FM—     |
| SANITARY SEWER MANHOLE    | —S—                   | —S—      |
| STORM PIPE LINE           | —S—                   | —S—      |
| STORM MANHOLE             | —S—                   | —S—      |
| DRAIN TILE                | —DT—                  | —DT—     |
| WATERMAIN                 | —W—                   | —W—      |
| WATERMAIN MANHOLE         | —W—                   | —W—      |
| HYDRANT                   | ⊙                     | ⊙        |
| GATE VALVE                |                       | ⊙        |
| TREE PROTECTION           |                       | ⊙        |
| MAJOR CONTOUR             | -----                 | =====    |
| MINOR CONTOUR             | -----                 | =====    |
| DRAINAGE FLOW ARROW       |                       | ↓        |
| TREE                      | ⊙                     | ⊙        |



| Sheet List Table |                                   |
|------------------|-----------------------------------|
| Sheet Number     | Sheet Title                       |
| 01               | TITLE SHEET                       |
| 02               | NOTES & SEQ                       |
| 03               | EROSION AND SEDIMENT CONTROL PLAN |
| 04               | DETAIL SHEETS                     |

\* THIS PLAN SET CONTAINS 04 PLAN SHEETS

**GOVERNING SPECIFICATIONS**  
 THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.  
 ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING FIELD MANUAL FOR TEMPORARY CONTROL ZONE LAYOUTS.

#### EXISTING UTILITIES

THE LOCATION OF UNDERGROUND FACILITIES AND/OR STRUCTURES AS SHOWN ON THE PLANS ARE BASED ON AVAILABLE RECORD AT THE TIME THE PLANS WERE PREPARED AND ARE NOT GUARANTEED TO BE COMPLETE OR CORRECT. THE SUBSURFACE UTILITY INFORMATION SHOWN IS UTILITY QUALITY LEVEL D, AS DETERMINED USING THE GUIDELINES OF "CI/ASCE 38-02 STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL UTILITIES 72 HOURS PRIOR TO CONSTRUCTION TO DETERMINE THE EXACT LOCATION OF ALL FACILITIES AND TO PROVIDE ADEQUATE PROTECTION OF SAID UTILITIES DURING THE COURSE OF WORK.

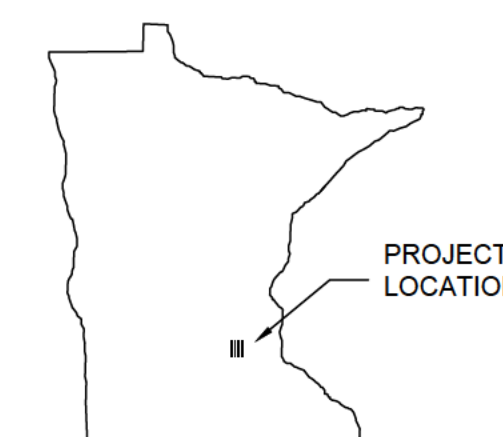
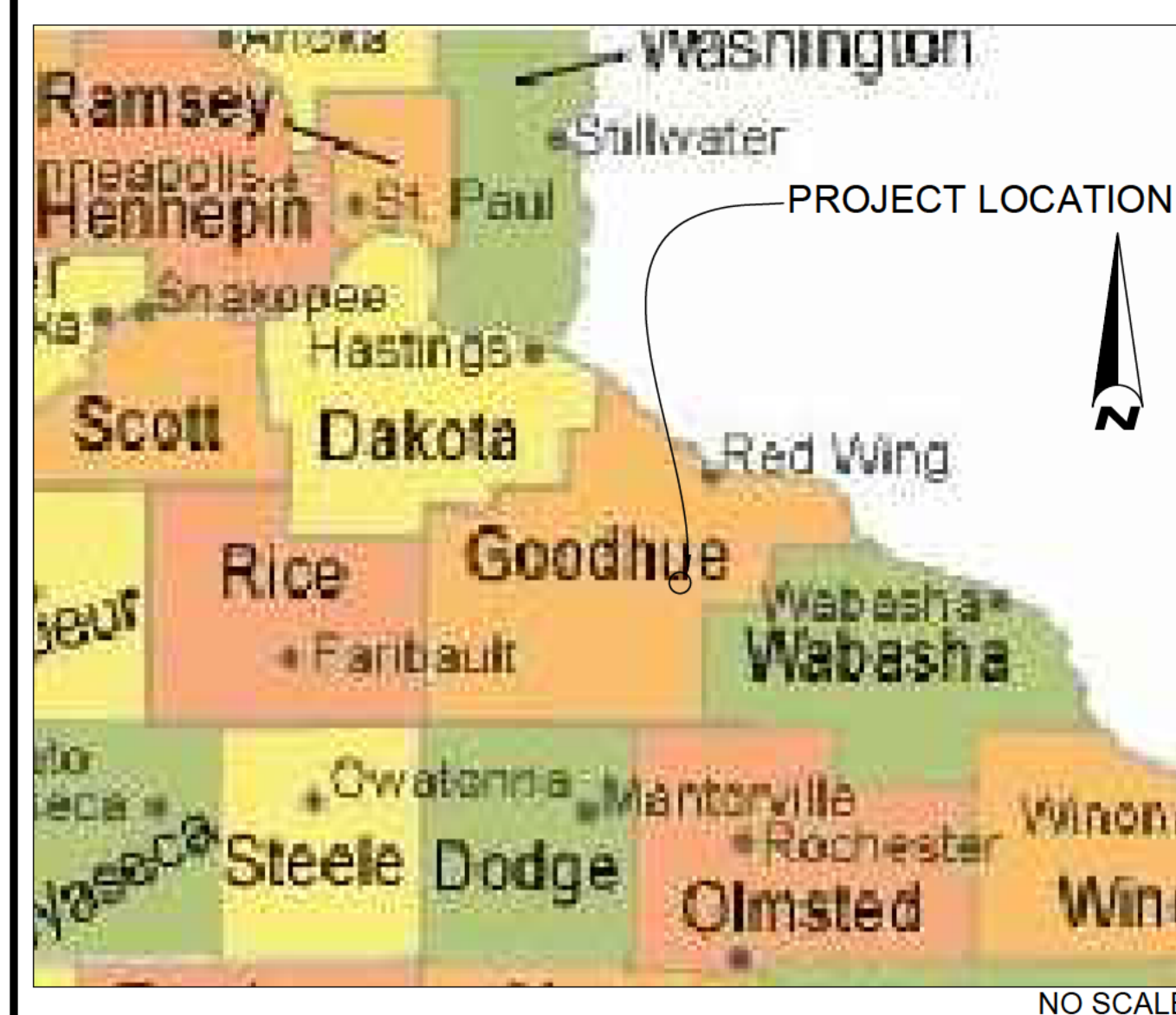
#### CONSTRUCTION NOTE

CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO MAINTAIN OPERATION OF EXISTING UTILITIES THROUGHOUT THE DURATION OF THE PROJECT. IN THE EVENT THAT AN INTERRUPTION OF SERVICE IS UNAVOIDABLE IN ORDER TO COMPLETE THE WORK, CONTRACTOR SHALL PROVIDE ADEQUATE NOTIFICATION TO ALL AFFECTED BUSINESSES A MINIMUM OF 3 WORKING DAYS IN ADVANCE OF ANY INTERRUPTION.

#### GOPHER STATE ONE-CALL

IT IS THE LAW THAT ANYONE EXCAVATING AT ANY SITE MUST NOTIFY GOPHER STATE ONE CALL (GSOC) SO THAT UNDERGROUND ELECTRIC, NATURAL GAS, TELEPHONE OR OTHER UTILITY LINES CAN BE MARKED ON OR NEAR YOUR PROPERTY BEFORE ANY DIGGING BEGINS. A 48-HOUR NOTICE, NOT INCLUDING WEEKENDS, IS REQUIRED. CALLS CAN BE MADE TO GSOC AT 1-800-252-1166 OR (651)454-0002, MONDAY THROUGH FRIDAY (EXCEPT HOLIDAYS) FROM 7 A.M. TO 5 P.M.

### LOCATION MAP



**CLIENT**  
**RENESOLA**  
 43 SE MAIN ST SUITE 504 EXPO HAIL  
 MINNEAPOLIS, MN 55414

**ENGINEER**  
**EMMONS & OLIVIER RESOURCES, INC.**  
 7030 6TH STREET NORTH  
 OAKDALE, MINNESOTA 55128-7534  
 TELEPHONE: (651) 770-8448  
 FAX: (651) 770-2552  
 eorinc.com

Plot Date: 10/21/2020  
 User: jrb  
 Xref: P:\Bids\9-22 MN GOODHUE 9-2 sub plan\0102\_Plan\_02.dwg  
 Title: 9-22 MN GOODHUE 9-2 sub plan\0102\_Plan\_02.dwg

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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

**NOT FOR CONSTRUCTION**

DATE: XX-XX-XXXX LICENSE # -

SUBMISSION DATE:  
10-22-2020

DESIGN BY: BR  
DRAWN BY: BR

EOR PROJECT NO.  
XXXX-XXXX

**EOR** Emmons & Olivier Resources, Inc.  
 1919 University Ave W  
 St Paul, MN 55014  
 Tele: 651.770.8448  
 www.eorinc.com

**ReneSola**

MN GOODHUE 9-2 LLC  
 GOODHUE, MINNESOTA

TITLE SHEET

SHEET 01 OF 04 SHEETS

STATE PROJECT NO. --- CITY PROJECT NO. ---

**GRADING & EROSION CONTROL NOTES**

1. THE CONTRACTOR SHALL IMPLEMENT EROSION CONTROL IN ACCORDANCE WITH GOODHUE COUNTY, AND THE STATE OF MINNESOTA REQUIREMENTS, AND AS SHOWN ON PLANS.
2. THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF ACCUMULATED SEDIMENT AT ½ CAPACITY FROM BMPS DURING THE DURATION OF CONSTRUCTION UNTIL FINAL STABILIZATION IS ACHIEVED.
3. CONTRACTOR TO MINIMIZE THE AREA DISTURBED BY GRADING AT ANY GIVEN TIME AND TO COMPLETE TURF RESTORATION WITHIN THE TIME REQUIRED BY THE PERMIT AFTER COMPLETION OF GRADING OF AN AREA.
4. ALL CONSTRUCTION ENTRANCES SHALL BE SURFACED WITH CRUSHED ROCK (OR APPROVED EQUAL) ACROSS FULL WIDTH FROM ENTRANCE POINT TO 50 FEET INTO THE CONSTRUCTION ZONE.
5. THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF ACCUMULATED SILT IN FRONT OF SILT FENCES, SEDIMENT CONTROL LOGS, ETC. DURING THE DURATION OF THE CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE ADDITIONAL TEMPORARY EROSION CONTROL MEASURES AS REQUIRED FOR CONSTRUCTION.
7. REMOVE ALL EROSION CONTROL MEASURES AFTER THE WORK HAS BEEN ACCEPTED BY THE CITY, COUNTY, STATE, AND PROJECT ENGINEER.
8. THE CONTRACTOR SHALL REMOVE ALL SOILS AND SEDIMENT TRACKED ONTO EXISTING STREETS AND PAVED AREAS WITHIN 24 HOURS OF NOTICE IN ACCORDANCE WITH CITY, COUNTY, AND STATE REQUIREMENTS.
9. IF BLOWING DUST BECOMES A NUISANCE, THE CONTRACTOR SHALL APPLY WATER FROM A TANK TRUCK TO ALL CONSTRUCTION AREAS.
10. CONTRACTOR TO FOLLOW STABILIZATION TIMELINE SET FORTH BY THE STATE OF MINNESOTA CONSTRUCTION STORMWATER PERMIT.
11. CONTRACTOR TO SEED PROJECT LIMITS WITH TEMPORARY SEEDING (COVER CROP) MIXTURE 22-111, OATS COVER CROP FROM MAY 1ST TO AUGUST 1ST, WINTER WHEAT COVER CROP FROM AUGUST 1ST TO OCTOBER 1ST, BOTH SEED MIXTURES TO BE INSTALLED AT A RATE OF 100 PLS POUNDS PER ACRES.

Plot Date: 10/21/2020  
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**NOT FOR CONSTRUCTION**  
 DATE: XX-XX-XXXX LICENSE # ---

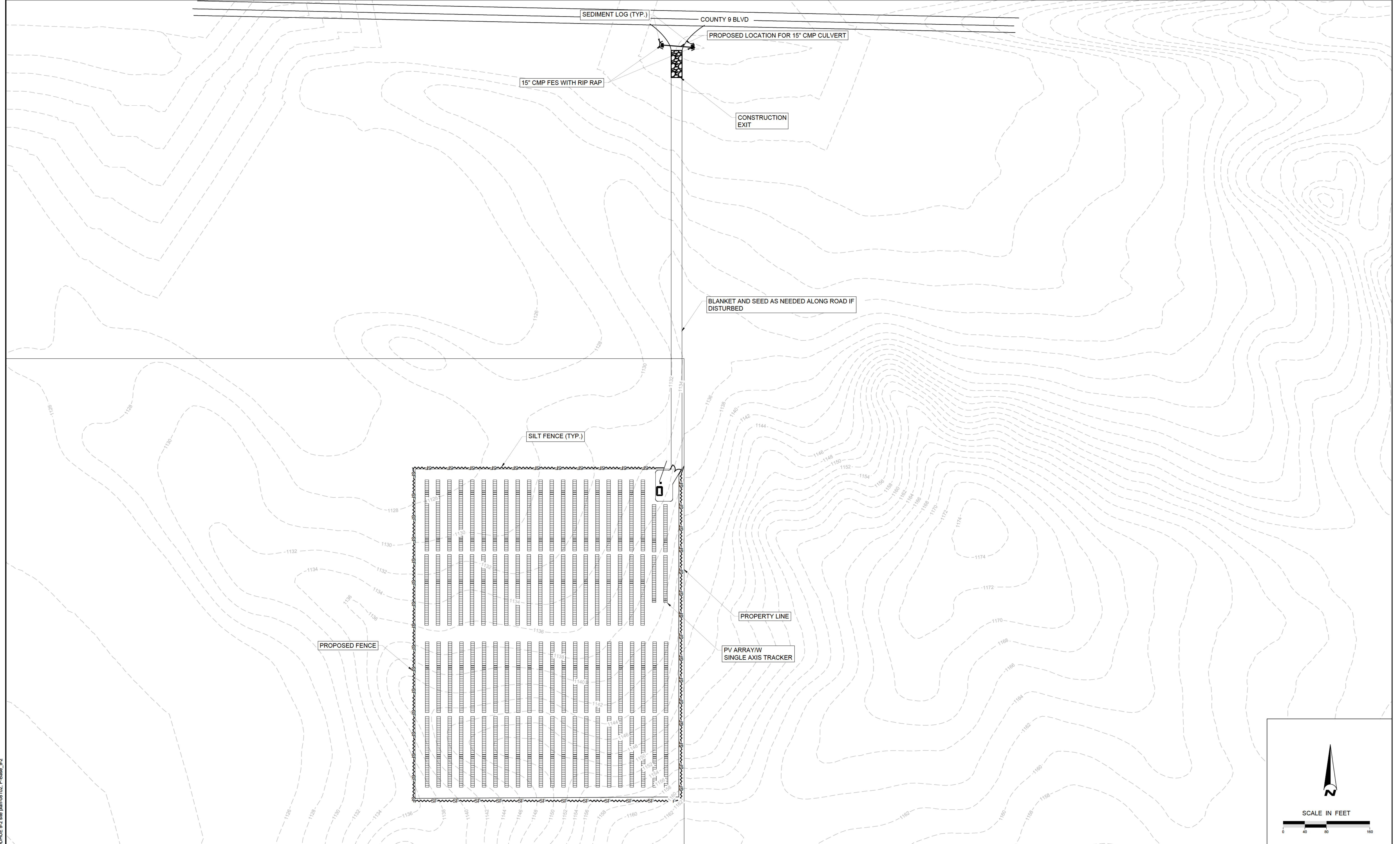
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 EOR PROJECT NO. XXXX-XXXX


**Emmons & Olivier Resources, Inc.**  
 1919 University Ave W  
 St Paul, MN 55014  
 Tele: 651.770.8448  
 www.eorinc.com



MN GOODHUE 9-2 LLC  
 GOODHUE, PROJECT COUNTY,  
 MINNESOTA  
 STATE PROJECT NO. --- CITY PROJECT NO. ---

NOTES & SEQ  
 SHEET 02 OF 04 SHEETS



Plot Date: 10/21/2020  
 User: jrb  
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SUBMISSION DATE:  
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DESIGN BY      DRAWN BY  
 BR                      BR

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 XXXX-XXXX

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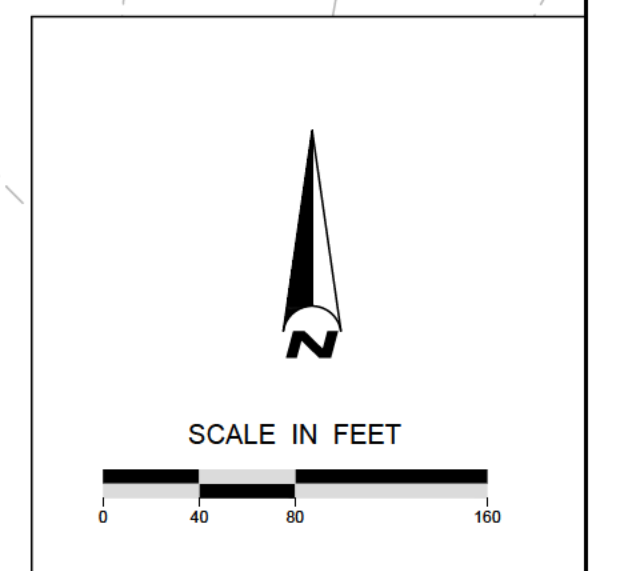
**ReneSola**

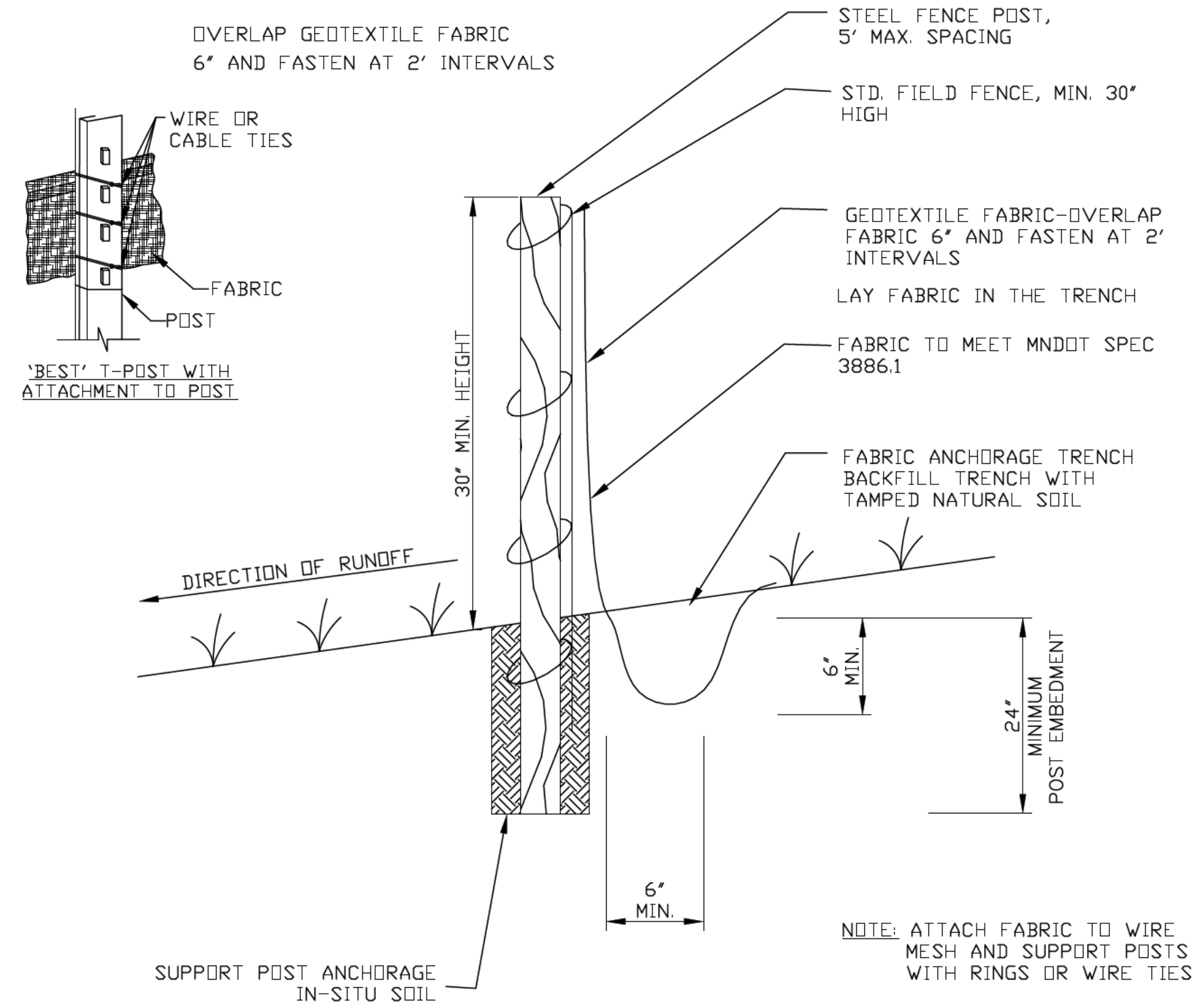
MN GOODHUE 9-2 LLC  
 GOODHUE, PROJECT COUNTY,  
 MINNESOTA

STATE PROJECT NO. ---      CITY PROJECT NO. ---

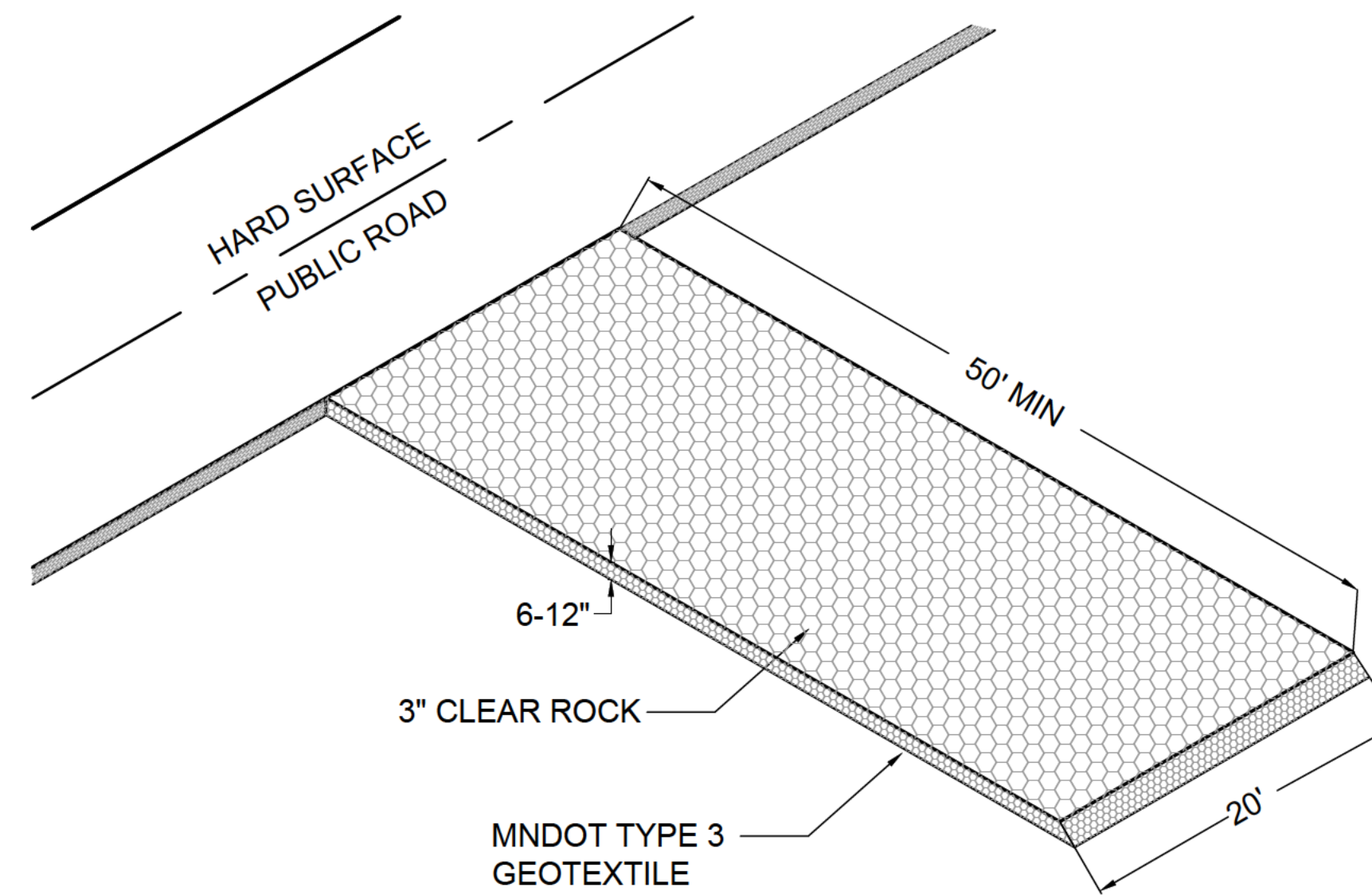
EROSION AND SEDIMENT CONTROL PLAN

SHEET 03 OF 04 SHEETS





01 SILT FENCE  
04



NOTE:  
- STABILIZED CONSTRUCTION ENTRANCE SHALL BE MAINTAINED FOR THE DURATION OF THE CONSTRUCTION PROCESS.  
- ROCK SHALL BE UNDERLINED WITH MNDOT TYPE 3 GEOTEXTILE FABRIC.

02 STABILIZED CONSTRUCTION ENTRANCE  
04

TABLE OF QUANTITIES  
RIPRAP AT RCP OUTLETS

| DIA. OF ROUND PIPE (IN.) | L (FT.) | CLASS II<br>d <sub>50</sub> = 8" |                  | CLASS III<br>d <sub>50</sub> = 9" |                  | CLASS IV<br>d <sub>50</sub> = 12" |                  |      |
|--------------------------|---------|----------------------------------|------------------|-----------------------------------|------------------|-----------------------------------|------------------|------|
|                          |         | GRANULAR FILTER APRON            | 12" DEPTH RIPRAP | GRANULAR FILTER APRON             | 18" DEPTH RIPRAP | GRANULAR FILTER APRON             | 24" DEPTH RIPRAP |      |
| 12                       | 8       | 16.9                             | 0.2              | 3.0                               | 0.3              | 4.4                               | 0.3              | 6.5  |
| 15                       | 9       | 18.0                             | 0.2              | 3.2                               | 0.3              | 4.8                               | 0.4              | 6.4  |
| 18                       | 10      | 22.4                             | 0.3              | 4.3                               | 0.6              | 6.4                               | 0.7              | 8.5  |
| 21                       | 10      | 24.1                             | 0.4              | 4.7                               | 0.6              | 7.1                               | 0.7              | 9.4  |
| 24                       | 12      | 29.7                             | 0.5              | 6.2                               | 0.8              | 9.2                               | 1.0              | 12.3 |
| 27                       | 12      | 31.4                             | 0.6              | 6.6                               | 0.9              | 9.9                               | 1.2              | 13.2 |
| 30                       | 14      | 37.4                             | 0.8              | 8.2                               | 1.1              | 12.3                              | 1.5              | 16.4 |
| 36                       | 16      | 45.9                             | 1.1              | 10.6                              | 1.6              | 15.8                              | 2.1              | 21.1 |
| 42                       | 18      | 52.8                             | 1.2              | 12.6                              | 1.7              | 18.7                              | 2.3              | 24.9 |
| 48                       | 20      | 61.1                             | 1.5              | 14.8                              | 2.2              | 22.2                              | 2.9              | 29.6 |

TABLE OF QUANTITIES  
RIPRAP AT RCP-A OUTLETS

| SPAN OF ARCH (IN.) | L (FT.) | CLASS II<br>d <sub>50</sub> = 8" |                  | CLASS III<br>d <sub>50</sub> = 9" |                  | CLASS IV<br>d <sub>50</sub> = 12" |                  |      |
|--------------------|---------|----------------------------------|------------------|-----------------------------------|------------------|-----------------------------------|------------------|------|
|                    |         | GRANULAR FILTER APRON            | 12" DEPTH RIPRAP | GRANULAR FILTER APRON             | 18" DEPTH RIPRAP | GRANULAR FILTER APRON             | 24" DEPTH RIPRAP |      |
| 22                 | 10      | 22.4                             | 0.3              | 4.1                               | 0.4              | 6.1                               | 0.5              | 8.1  |
| 28                 | 12      | 29.5                             | 0.5              | 5.7                               | 0.7              | 8.5                               | 0.9              | 11.3 |
| 36                 | 14      | 37.3                             | 0.8              | 7.5                               | 1.1              | 11.2                              | 1.5              | 14.9 |
| 42                 | 16      | 45.9                             | 1.1              | 9.5                               | 1.6              | 14.3                              | 2.1              | 19.0 |
| 51                 | 18      | 52.5                             | 1.2              | 11.3                              | 1.7              | 16.9                              | 2.3              | 22.5 |
| 58                 | 20      | 59.9                             | 1.3              | 13.2                              | 1.9              | 19.8                              | 2.5              | 26.2 |

SECTION A-A

SECTION B-B

NOTES:  
REQUIREMENTS FOR GEOTEXTILE TYPE, RIPRAP SIZE AND THICKNESS WILL BE DESIGNATED IN THE PLANS.  
PIPE SIZES LARGER THAN THOSE SHOWN REQUIRE A SPECIAL DESIGN.  
① FOR PIPES GREATER THAN OR EQUAL TO 30", USE 1.5".  
② GEOTEXTILE FILTER, SPEC. 3133, SHALL COVER THE BOTTOM AND SIDES OF THE AREA EXCAVATED FOR THE RIPRAP, GRANULAR FILTER MATERIALS.  
③ DIMENSION E IS GIVEN ON STANDARD PLATES 3100 AND 3110.  
④ GRANULAR FILTER, SPEC. 3602, MAY BE USED AS A CUSHION LAYER. PLACE FILTER PER SPEC. 2551 THE CUSHION LAYER IS INCIDENTAL.  
⑤ GRANULAR FILTER OR RIPRAP, SPEC. 3602, TO EXTEND UNDER ENTIRE OPEN PORTION OF PIPE APRON. DEPTH OF MATERIAL UNDER APRON SHALL MATCH RIPRAP DEPTH. WHEN USING RIPRAP INCREASE RIPRAP QUANTITY ACCORDINGLY AND PLACE A 3" LAYER OF 1.5" CRUSHED ROCK UNDER THE APRON TO AID IN GRADING FOR APRON PLACEMENT. CRUSHED ROCK IS INCIDENTAL.

APPROVED DECEMBER 9, 2013

STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION

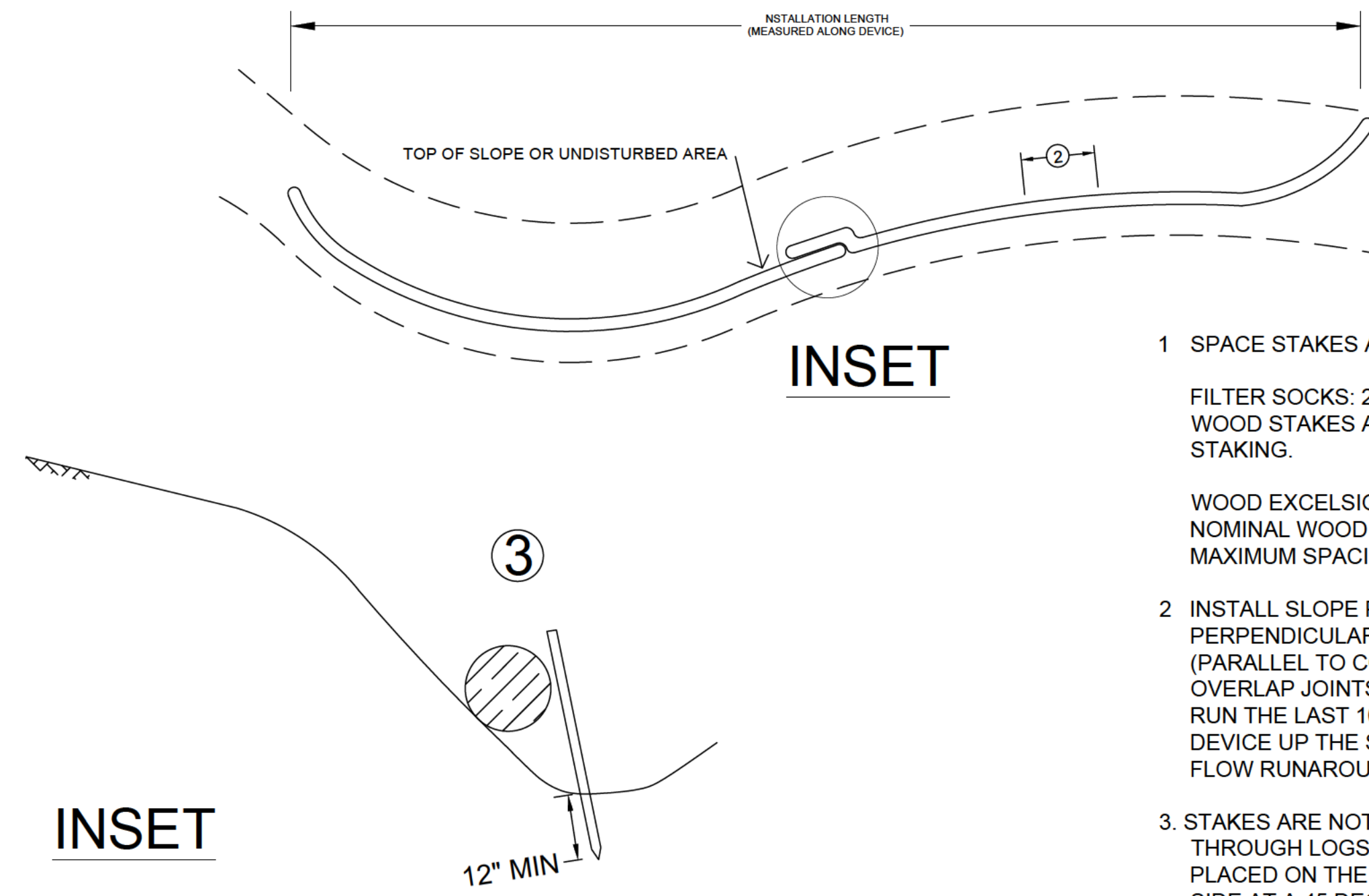
STATE DESIGN ENGINEER

RIPRAP AT RCP OUTLETS

SPECIFICATION REFERENCE  
3100  
3110  
3600  
3733  
2551

STANDARD PLATE NO.  
3133D

03 RIP RAP  
04



- SPACE STAKES AS FOLLOWS:  
FILTER SOCKS: 2"X2" NOMINAL WOOD STAKES AT 8 FOOT MAXIMUM STAKING.  
WOOD EXCELSIOR LOGS: 1"X1" NOMINAL WOOD STAKES AT 8 FOOT MAXIMUM SPACING.
- INSTALL SLOPE PROTECTION PERPENDICULAR TO SLOPE (PARALLEL TO CONTOURS). OVERLAP JOINTS PER DETAIL 'A'. RUN THE LAST 10 FEET OF EACH DEVICE UP THE SLOPE TO PREVENT FLOW RUNAROUND.
- STAKES ARE NOT TO PROTRUDE THROUGH LOGS, BUT RATHER PLACED ON THE DOWNSTREAM SIDE AT A 45 DEGREE ANGLE SO AS TO "PINCH" THE LOG TIGHT TO THE GROUND SURFACE
- WOOD EXCELSIOR LOGS 9" DIA. ROLL ENCLOSED IN PLASTIC OR POLYESTER NETTING W/ MAXIMUM OF 3/8" NET OPINING

04 RIP RAP  
04

Plot Date: 10/21/2020  
User: jrb  
Xref: 1-Bras\_9-22 MN GOODHUE 9-2 sub plan 0102\_P-Bras\_9-2

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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

NOT FOR CONSTRUCTION

DATE: XX-XX-XXXX LICENSE # --

SUBMISSION DATE:  
10-22-2020

DESIGN BY DRAWN BY  
BR

EOR PROJECT NO.  
XXXX-XXXX

**EOR** Emmons & Olivier Resources, Inc.  
1919 University Ave W  
St Paul, MN 55014  
Tele: 651.770.8448  
www.eorinc.com

**ReneSola**

MN GOODHUE 9-2 LLC  
GOODHUE, PROJECT COUNTY,  
MINNESOTA

DETAIL SHEETS

SHEET 04 OF 04 SHEETS

STATE PROJECT NO. --- CITY PROJECT NO. ---

# 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  
Fax: 651.385.3098

**To:** Planning Advisory Commission  
**From:** Land Use Management  
**Meeting Date:** November 16, 2020  
**Report date:** November 6, 2020

## **PUBLIC HEARING: Consider Goodhue County Ordinance Amendments**

Proposed amendments to Article 10 (Definitions), Article 11 (Performance Standards), Article 20 (Table of Uses), Article 25 (B-1 General Business District), Article 27 (B-2 Highway Business District), Article 28 (Industry District), and Article 30 (CR Commercial Recreational District) to add Exterior Storage Yards as a Conditional Use with associated Performance Standards.

## **Attachments and links:**

Proposed Exterior Storage Yards Definition and Performance Standards (as modified by the Zoning Subcommittee)

Goodhue County Zoning Ordinance (GCZO):

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

## **Summary:**

The proposed “Exterior Storage Yards” ordinance amendments were first considered by the Planning Commission at the May 18<sup>th</sup>, 2020 meeting as an alternative to an Applicant’s text amendment request for “outdoor storage” in the Commercial and Agricultural districts. The amendment was tabled at the May hearing and reconsidered at the June 15, 2020 Planning Commission meeting. The amendment was again tabled by the Commission to allow staff time to gather additional information on the proposed use, prepare maps, and revise the proposed language regarding Exterior Storage Yards in Agriculture zones. Staff brought the discussion back for consideration at the July 20, 2020 Planning Commission meeting where the item was tabled for a third time and the Planning Commission recommended that LUM staff convene a Zoning Subcommittee meeting to study and modify the amendment prior to further consideration by the PAC. The Zoning Subcommittee is composed of 3 members of the Planning Commission.

The Zoning Subcommittee met on September 10, 2020 and reached a consensus that Exterior Storage Yards should only be allowed in the Commercial and Industrial Districts and should be permitted through the CUP review process. The Subcommittee also modified the associated Performance Standards and Exterior Storage Yards definition after discussion. A second meeting of the Subcommittee was held on October 29, 2020 and the subcommittee unanimously approved bringing the Exterior Storage Yards amendment back to the Planning Commission for consideration.

## **Staff Recommendations:**

LUM Staff recommends the Planning Advisory Commission

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

recommend that the County Board of Commissioners **APPROVE** the proposed “Exterior Storage Yards” text amendments.

# ARTICLE 10 WORD USAGE AND DEFINITIONS

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**EXTERIOR STORAGE YARDS.** A commercially operated outdoor facility designed and used for the orderly storage of operable recreational vehicles, boats, vehicles, or similar items.

# ARTICLE 11 PERFORMANCE STANDARDS

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## Section 33. EXTERIOR STORAGE YARDS

Subd. 1. Exterior Storage Yards shall comply with the following standards:

- A. The parcel must meet or exceed the minimum size standards for the applicable zone.
- B. The site shall not be located within Wetland, Floodplain, or Blufflands.
- C. All equipment, vehicles, and activities associated with Exterior Storage Yards shall be required to meet all setbacks for the applicable zone.
- D. Storage of hazardous wastes or materials is prohibited.
- E. Use of Exterior Storage Yards for equipment servicing or repair, retail sales, processing, or manufacturing is prohibited.
- F. Exterior Storage Yards may require screening from public view.
- G. All lighting shall be downward-projecting or shielded to prevent light from being directed off the premises.
- H. All areas for storage shall be surfaced with aggregate, asphalt, or similar material.
- I. A landscaping and drainage plan detailing adequate provisions for stormwater control and erosion prevention shall be provided.
- J. Daily hours of operation shall be limited to 7:00 AM to 9:00 PM.

**PERMITTED USES:** Exterior Storage Yards shall be allowed as shown in the table below.

|                        | A-1 | A-2 | A-3 | R-1 | B-1 | B-2 | I   | CR  | MXH | CS |
|------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| Exterior Storage Yards | NP  | NP  | NP  | NP  | C/I | C/I | C/I | C/I | NP  | NP |

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

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**4It was moved by Chair Gale and seconded by Commissioner Drazkowski for the Planning Advisory Commission to:**

- Adopt the staff report into the record;
- Accept the application, testimony, exhibits and other evidence presented into the record; and

Recommend that the County Board of Commissioners **APPROVE** the request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner) and Mon Cheval Training Center LLC (Owner) for Preliminary and Final Plat review of the proposed “DL BTF Addition”.

**Motion carried 8:0.**

**PUBLIC HEARING: Request for Map Amendment (Rezone) – High-Power Farms LLC/Mon Cheval Training Center LLC**

Request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner), and Mon Cheval Training Center LLC (Owner) to rezone two “slivers” of property totaling less than 1-acre from A3 (Urban Fringe District) to B2 (Highway Business District) and one “sliver” of property totaling less than 1-acre from B2 to A3 in conjunction with a multi-party common property line adjustment request. Parcels 28.019.5901, 28.019.6001, 28.019.6300, and 28.019.6900. 31734 and 31924 Willow Trail, Cannon Falls, MN 55009. Part of the W ½ of the SW ¼ of Sect 19 TWP 112 R17 in Cannon Falls Township. B2 and A3 Zoned District.

*Bechel presented the staff report and attachments.*

**Chair Gale opened the Public Hearing**

*No one spoke for or against the request.*

**5After Chair Gale called three times for comments it was moved by Commissioner Huneke and seconded by Commissioner Nystuen to close the Public Hearing.**

**Motion carried 8:0**

**6It was moved by Chair Gale and seconded by Commissioner Miller to:**

- Adopt the staff report into the record;
- Accept the application, testimony, exhibits and other evidence presented into the record; and

Recommend the County Board of Commissioners **APPROVE** the map amendment request submitted by Northern States Power Company (Applicant), High-Power Farms LLC (Owner) and Mon Cheval Training Center LLC (Owner) to rezone two “slivers” of property totaling less than 1-acre from A-3 (Urban Fringe District) to B-2 (Highway Business District) and one “sliver” of property totaling less than 1-acre from B2 to A3 as indicated on the proposed “DL BTF Addition” plat.

Subject to the following condition:

1. The proposed “DL BTF Addition” plat shall be recorded prior to the zoning changes.

**Motion Carried 8:0**

**PUBLIC HEARING: Request for Text Amendments to Articles 10 (Definitions), 11 (Performance Standards), 20 (Table of Uses), 22 (A2 Zoning District), 25 (B1 Zoning District), 27 (B2 Zoning District) and 28 (Industrial Zoning District)**



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Request submitted by Kevin Simanski (Applicant), to consider proposed text amendments to Goodhue County Zoning Ordinance to allow “outdoor storage” as a permitted use in the B2 (Highway Business) and A2 (General Agriculture) Districts. Land Use Management staff have prepared a definition and associated performance standards for “Exterior Storage Yards” for the Planning Commission to alternatively consider.

*Bechel presented the staff report and attachments.*

*Hanni noted that the amendments submitted by the Simanskis for consideration must be decided on at this meeting while staff’s recommended language may be tabled at this meeting for further consideration.*

*Commissioner Drazkowski questioned whether the provided Article 11 Section 33 was a new addition to the Ordinance.*

*Bechel confirmed, stating that Article 11 Section 33 was prepared by staff for the Planning Commission’s consideration.*

*Commissioner Miller noted that the use was not permitted in the A-1 and A-3 zoning districts in the provided packet. He questioned whether this was the direction the Commission wanted to go.*

*Bechel stated that staff prepared this language for the Commission’s consideration. He noted that staff could see benefits to permitting/allowing the use in the agricultural zones however staff could also see challenges of allowing the use in these zones. He added that there are storage uses currently in existence in the agricultural zones. Bechel said that additional performance standards could be added or the use could only be allowed via Conditional/Interim Use Permit if the Commission preferred. Bechel clarified that current uses in the Business and Industrial Districts are just as impactful, if not more so than the proposed storage use which was the reason Exterior Storage Yards were proposed to be permitted in these districts and the Commercial Recreation District.*

*Commissioner Miller questioned whether the exterior storage if allowed in agricultural districts, would need to be “ag-related storage”.*

*Hanni stated that staff is looking to get away from classifying uses as “ag-related” because that is a vague term that puts staff in a bind when property owners propose specific uses on their land.*

*Discussion continued regarding other commercial uses in the agricultural districts that are already in existence.*

*Chair Gale commented on the oversight that would be needed for storage facilities in the agricultural zones, particularly if the business were being conducted far back from the public road. He stated that allowing these uses in zones close to highways would be a better idea.*

*Discussion continued regarding businesses in the agricultural districts that serve the ag community that are already in existence and whether storage could continue on these sites.*

**Chair Gale opened the Public Hearing.**

*Pierret read comments received by staff via email from the public prior to the Planning Commission meeting.*

*Scott & Sue Reed (30971 Hay Creek Hills Drive, Red Wing comments received via email by Ryan Bechel May 14, 2020) The Reeds stated that the proposal by the Applicant appeared to be a way to create a junk salvage yard or contractors yard on their property. They noted that there would be impacts to the environment and property values if this use was allowed. They added that the term outdoor storage is vague and could be interpreted to include junk or*

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*hazardous items and that this needs to be identified as not allowed in the definition to prevent misunderstanding of a facility's use.*

*Marilyn Schilling (Hay Creek Township Clerk, comments received via email by Ryan Bechel May 18, 2020) Ms. Schilling stated that the Hay Creek Township Board of Supervisors discussed the proposed text amendment and noted that they are opposed to the wording proposed by the Applicant. She added that the Township Board is in agreement with staff's proposed language.*

*Brad Johnson (29126 HWY 58 BLVD, Red Wing comments received via email by Ryan Bechel May 18, 2020) Mr. Johnson stated he agreed with the recommendation to deny the Applicant's proposed text amendment. He added that additional language should be added to staff's proposal to restrict noise and traffic potentially created by exterior storage yards.*

*Tom & Teresa Gadiant (29407 HWY 58 BLVD, Red Wing comments received via email by Ryan Bechel May 18, 2020) The Gadiants stated they agree with the recommendation to deny the Applicant's proposed text amendment. They added that a more descriptive definition of items allowed to be stored in an exterior storage yard should be crafted to ensure non-industrial items are stored on agricultural or business zoned parcels.*

*(Attachment 1)*

*Commissioner Pettit relayed comments from Mary Veiseth (Minneola Town Board) who was concerned with the proposed definition of exterior storage and the fact that A2 zoned properties are typically in farmland areas in Minneola Township.*

**After Chair Gale asked three times for additional comments it was moved by Commissioner Nesseth and seconded by Commissioner Huneke to close the Public Hearing.**

**Motion carried 8:0.**

**It was moved by Commissioner Miller and seconded by Commissioner Nesseth to:**

- Adopt the staff report into the record;
- Accept the application, testimony, exhibits and other evidence presented into the record; and

Recommend the County Board of Commissioners **DENY** the Applicant's text amendment request for "outdoor storage" in the A2 and B2 zoning districts to the extent it is undefined and does not provide adequate detail for the County to interpret the proposed use.

**Motion carried 8:0**

*Commissioner Gale questioned types of vehicles that could be stored at an Exterior Storage Facility.*

*Hanni stated that staff is aware there are existing storage yards in the County and clarified that staff can send additional information to the Commission before they made a decision on staff's prepared Exterior Storage Yards use.*

*Commissioner Pettit commented that she would like to have more time to review staff's proposal. She noted that the use fits into the Business zones and less into the agricultural zones.*

*Commissioner Nesseth questioned how this use would affect small farmers storing a few campers etc. in existing sheds and how staff would administer these regulations. He questioned whether this language was going to be an enforcement opportunity.*

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*Hanni clarified that the new language would allow property owners to establish an exterior storage business with adherence to proposed performance standards.*

*Commissioner Nesseth questioned whether outdoor storage was allowed in Business Districts.*

*Bechel stated that outdoor storage is not allowed as a primary use in any district. He added that storage is allowed if it is accessory to an already established business.*

*Commissioner Nesseth questioned whether approving of staff's language would allow outdoor storage with a permit.*

*Bechel noted that staff's recommendation is to permit exterior storage yards in Business, Industrial, and Commercial Recreational Districts.*

*Commissioner Gale questioned whether an owner storing a few items for friends or family would be required to obtain a permit from the County.*

*Bechel stated that storing items in accessory buildings have been allowed in the County in agricultural districts as a home business use.*

*Commissioner Nesseth questioned what the effect would be if the Planning Commission did not adopt this language.*

*Bechel stated that if the proposed language was not adopted, outdoor storage would not be allowed as a primary use in any district unless it is accessory to an established business.*

*Hanni stated that the language is intended to allow business zoned property owners to have an exterior storage yard business but the intention was not to start enforcing this language on individual residential property owners in the County.*

*Commissioner Miller clarified whether the proposed language was in reference only to exterior storage, not indoor storage. He commented that storing a few campers etc. on private property in an agricultural district may be okay if they were stored inside a building.*

*Chair Gale noted that there are two types of uses being discussed. The first is someone who wants to start a business on a property and the primary business is storing items like boats, RVs, or campers. The other scenario is when a property owner stores a few items for friends and family as a favor, not as a business. He discussed different scenarios if exterior storage was allowed in agriculture districts. Chair Gale stated he would prefer to table the item until the next meeting.*

*Commissioner Pettit questioned whether a public hearing would need to be held on the proposed staff language.*

*Bechel clarified that the public hearing was already held earlier for the Simanski's proposed amendment and staff's proposed amendment therefore another hearing would not be required if the item were on a future agenda. He also noted that a public hearing will be required at the County Board meeting.*

*Commissioner Nesseth stated that this proposal may have unintended consequences in the future and he could not support this amendment at this time. He added that he doesn't see a need for the amendment.*

*Hanni added that the staff proposal was only to allow exterior storage in the business zones and to have a discussion on allowing it in the agricultural zones.*

*Commissioner Nesseth questioned the zoning of the Simanski's property.*

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*Bechel stated that the Simanski property is half B-2 and half A-2.*

*Commissioner Nesseth proposed that the item be tabled for more discussion. He questioned whether there could be a specific number of items that can be stored on a property before they must register as an exterior storage yard.*

*Bechel stated that staff currently cannot allow someone to store items on their property as a business because the ordinance does not allow that type of use.*

*Commissioner Drazkowski questioned whether other counties had exterior storage as a non-permitted use in agricultural districts.*

*Bechel stated that other counties typically did not allow storage in their agricultural districts however staff recognized that this was an existing use in Goodhue County agricultural districts. He added that in the end staff decided to recommend to not permit storage in the agricultural districts due to impacts on traffic, roads and neighbors. He noted that staff was not against allowing the use in the agricultural districts, however staff wanted the Commission to discuss the proposal.*

*Commissioner Drazkowski noted that there may be several property owners in agricultural districts who store items they do not own on their property. He didn't want to see a regulation put in place that would have future consequences.*

*Bechel re-iterated that staff currently does not have the option to allow exterior storage as a use in any zoning district. He stated that a separate set of rules, permit processes and scale may be necessary for exterior storage in the agricultural districts.*

*Chair Gale stated he would like to see a specific number of items put into the language where property owners can have a few campers on their property without registering as a storage yard.*

*Bechel noted that the proposed ordinance is not intended to regulate personal storage, the ordinance is proposed to allow exterior storage in Business and Industrial Districts and maybe where appropriate in agricultural districts.*

**<sup>9</sup>It was moved by Commissioner Nystuen and seconded by Commissioner Fox to:**

**TABLE** staff's recommended Ordinance revision for Exterior Storage Yards to allow staff time to research and prepare additional information on allowing storage in Agricultural Zoning Districts. No additional public hearing will be held.

**Motion carried 8:0**

**Other-Discussion**

*There was no additional discussion.*

**<sup>10</sup>ADJOURN: Motion by Commissioner Huneke and seconded by Commissioner Fox to adjourn the Planning Commission Meeting at 7:06 PM.**

**Motion carried 8:0**

Respectfully Submitted,

Samantha Pierret; Zoning Assistant

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<sup>1</sup> APPROVE the PAC meeting agenda.

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(Applicant) and Aaron Witmer (Owner) for a CUP to establish a business primarily serving the ag. community. Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications and narrative unless modified by a condition of this CUP;
2. Primary hours of operation for the retail store shall be year-round, Monday through Friday, 8:00 AM to 5:00 PM;
3. On-street parking shall be prohibited;
4. On-street loading or off-loading shall be prohibited;
5. Compliance with all necessary State and Federal registrations, permits, licensing and regulations;
6. Compliance with Goodhue County Zoning Ordinance including, but not limited to Article 23 A-3, Urban Fringe District; and
7. The Applicant should obtain a Building Permit approval from the Goodhue County Building Permits department prior to establishing the use.

**Motion Carried 6:0**

**TABLED: Text Amendments to Articles 10 (Definitions), 11 (Performance Standards), 20 (Table of Uses), 22 (A2 Zoning District), 25 (B1 Zoning District), 27 (B2 Zoning District) and 28 (Industrial Zoning District)**

Consider proposed text amendments to Goodhue County Zoning Ordinance to allow “Exterior Storage Yards” as a permitted use in the B-1 (General Business District), B-2 (Highway Business), and Industrial Districts and to consider the use in the A-1 (Agriculture Protection), A-2 (General Agriculture), and A-3 (Urban Fringe) Districts.

*Bechel presented the staff report and attachments.*

*Commissioner Nesseth questioned why exterior storage yards are needed as a use in Goodhue County.*

*Bechel stated that this request was initially brought to the Planning Commission by a property owner requesting the use in Commercial and the A-2 District. Staff has prepared an alternative proposal for the Commission to consider. He noted that the proposed use is similar to other permitted uses in the Business and Industrial Districts.*

*Commissioner Pettit stated that she is against the proposed use in the Agricultural Districts.*

*Commissioner Stenerson questioned about storing agricultural equipment on private property and whether that would be considered exterior storage.*

*Staff noted that storage of agricultural equipment would not require an Exterior Storage Yard permit in an Agricultural Zone.*

*Hanni noted that the previous text amendment request by a property owner was denied at the last meeting and staff has proposed two options for a definition for Exterior Storage Yards.*

*Commissioner Stenerson stated that he agrees that the proposed Exterior Storage Yards use is not good for agricultural districts.*

*Commissioner Miller stated that he does not want this use permitted in agricultural districts.*

*Hanni clarified that the commissioners do not want to allow exterior storage yards in agricultural districts and that this would be outdoor storage, not stored in a barn or structure.*

*Commissioner Stenerson questioned whether additional screening or setbacks should be required from residences in Business Districts. He questioned how staff would ensure the property did not become a junkyard.*

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*Hanni stated that the definition of Exterior Storage Yard states only operable vehicles should be stored and if someone starts storing inoperable or junk vehicles then staff would be in contact with that property owner.*

*Bechel noted that Business Districts have setbacks from residences built into the existing ordinance.*

*Commissioner Nesseth questioned whether the use is allowed in Business Districts.*

*Bechel stated the use is not permitted currently in Business Districts and it does not fit under existing permitted uses such as car dealerships therefore a text amendment has been proposed.*

*Hanni discussed definition options for the use.*

*Commissioner Nesseth questioned whether the use could be allowed via CUP if the Planning Commission didn't adopt the language.*

*Bechel clarified that if the definition was not adopted by the Planning Commission the use would not be allowed in any district. Uses listed as Conditional would require a public hearing at the Planning Commission and County Board approval whereas all uses not listed in the Ordinance are considered not-permitted.*

*Commissioner Miller stated he supported the option 1 definition proposed by staff and Exterior Storage Yards Subdivision 1 but not Subdivision 2.*

*Commissioner Stenerson stated he prefers definition option 2. He questioned the use of Conditional Use Permits versus Home Occupations, for example, a repair facility at a residence in an Agricultural District.*

*Bechel confirmed that Tier 3 Home Occupations requiring an Interim Use Permit may be allowed to store items outside as a condition of their permit.*

*Hanni noted that the proposed number of units allowed before an Exterior Storage Yard permit is required came about because without a minimum number of units to be classified as an Exterior Storage Yard, any parcel which stores just one camper would be subject to all of the conditions required in the Ordinance. She added that the proposed minimum number was mostly for agricultural districts where neighbors may be farther away and that in Business or Industrial Zones it may be preferable to have property owners adhere to the performance standards right away instead of waiting for them to get 10 stored items.*

*Commissioner Pettit agreed stating that performance standards should begin right away for Business Districts and the use should be conditionally permitted for a review of the site and neighboring properties.*

*Commissioner Nesseth would like to see the use allowed with a conditional use permit. He noted that the definition should clarify what "similar items" are.*

*Bechel stated that the Commission can decide to make the use a conditional use instead of a permitted use.*

*Commissioner Stenerson noted that some existing businesses may park items on a small scale and he questioned whether the use could be Permitted under 10 units and then a conditional use over 10 units.*

*Commissioner Nesseth questioned whether this proposal was to open business opportunities for landowners.*

*Hanni confirmed this.*

*Commissioners Nesseth stated that he is not interested in adding this use into the Zoning Ordinance.*

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*Commissioner Pettit stated that she agreed with Commissioner Nesseth.*

*Commissioner Miller questioned whether more clarification on the use was needed.*

*Commissioner Pettit stated that Exterior Storage Yards are not a current need in the County.*

*Commissioner Stenerson disagreed stating that this use is becoming more popular and it makes sense in business zones and he is supportive of the inclusion of the use in the Zoning Ordinance if proper parameters are set.*

*Hanni questioned whether commissioners would like to see a map of all Business and Industrial zoned properties in the County.*

*Commissioner Miller stated he would like to see more clarification and detail for the use.*

*Commissioner Stenerson stated that the standards could be improved.*

**It was moved by Commissioner Stenerson and seconded by Commissioner Miller to:**

**TABLE** consideration of Exterior Storage Yards until staff can provide a map of properties and additional clarification on the proposed definition and performance standards.

*Commissioner Nesseth stated he would prefer to see this use be conditionally permitted and that the map of business districts in the County would be helpful.*

*Commissioner Pettit stated she would like to see additional performance standards for the use.*

**Motion carried 6:0**

**Other-Discussion**

*Commissioner Nesseth questioned whether staff was satisfied with the Siems Solar project construction in Pine Island Township, he noted that fencing was changed from chain link proposed in the Conditional Use Permit to rope wire which has been placed on site.*

*Commissioner Miller stated that Pine Island Township is not satisfied with the rope wire fencing and that the project has changed hands from the CUP Applicants to the construction company. He stated that the Township should have been notified when the ownership changed.*

*Hanni stated that it is common for ownership of solar projects to change hands several times. She added that the change in fencing was seen as a "minor" change that the previous Zoning Administrator was okay with.*

*Commissioner Miller stated the Township would like to know when staff makes administrative changes to projects.*

*Commissioner Pettit agreed that Townships should be informed when changes are made to CUPs that the Township has approved.*

*Hanni stated that any new solar project construction permits will be considered in this manner.*

*Commissioner Stenerson stated that the PAC could be more specific at what major or minor changes to a project require approval from the PAC or County Board.*

*Bechel questioned whether Townships would want to be informed if projects change from fixed to tracker systems.*

*Commissioner Pettit stated that changes regarding screening, layout, and fencing should be forwarded to the Township.*

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- Adopt the staff report into the record;
- Adopt the findings of fact;
- Accept the application, testimony, exhibits and other evidence presented into the record; and

Recommend that the County Board of Commissioners **APPROVE** the CUP request submitted by Barbara Haroldson to amend CUP 93-C007 to elevate a proposed dwelling addition above the base flood elevation of a Floodplain area by means of piers. Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicant shall work with the Goodhue County Environmental Health Department to achieve compliance with the SSTS Ordinance;
3. Applicant shall provide an as-built Elevation Certificate verifying the first-floor elevation and all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities meet or exceed the regulatory flood protection elevation (RFPE) of 683 feet mean sea level;
4. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 24 (Suburban Residence District), Article 31 (Shoreland Regulations), and Article 32 (Floodplain District).

**Motion carried 6:0.**

**TABLED: Text Amendments to Articles 10 (Definitions), 11 (Performance Standards), 20 (Table of Uses), 22 (A2 Zoning District), 25 (B1 Zoning District), 27 (B2 Zoning District) and 28 (Industrial Zoning District)**

Consider proposed text amendments to Goodhue County Zoning Ordinance to allow “Exterior Storage Yards” as a permitted use in the B-1 (General Business District), B-2 (Highway Business), and Industrial Districts and to consider the use in the A-1 (Agriculture Protection), A-2 (General Agriculture), and A-3 (Urban Fringe) Districts.

*Bechel presented the staff report and attachments.*

*Commissioner Pettit asked for clarification that the Commission was only considering Exterior Storage Yards in Business and Industrial Districts and not Agricultural Districts.*

*Staff confirmed that the proposed language does not permit Exterior Storage Yards in Agricultural Districts.*

*Commissioner Nesseth questioned why this use is being considered in the County.*

*Bechel stated that a text amendment request was brought forward by a property owner in May. Staff prepared a definition and performance standards for the Planning Commission to consider as an alternative. Bechel noted that the Commission recommended the County Board deny the applicant’s proposal at the May Planning Commission meeting.*

*Hanni noted that Exterior Storage Yards are proposed as a conditional use in Business and Industrial Zones therefore, any requests would have to come back through the Planning Commission for their recommendation and review.*

*Commissioner Nesseth questioned whether a property owner in an A-1 District could store personal motor homes on their property.*

*Bechel stated that staff would not regulate that use of property. He noted that if the property were used as a commercial storage operation staff would have to enforce the ordinance*



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*accordingly which at this time does not allow commercial exterior storage yards. He added that staff does not regulate personal storage of items unless it is considered "junk".*

*Commissioner Nesseth stated he was not comfortable supporting the ordinance language at this time.*

*Commissioner Fox questioned how temporary storage of commercial equipment would be regulated on private property during a project.*

*Hanni commented that other counties do allow commercial storage of recreational vehicles. She reiterated that this is only proposed to be allowed in Business and Industrial Districts and this would be a commercial operation for storing recreational vehicles.*

*Commissioner Miller questioned if this ordinance were not adopted, what is preventing a property owner from storing several motor homes on their property.*

*Hanni stated that if a property owner were storing motor homes commercially on their property, staff would have to regulate that using the existing ordinance which does not allow for commercial outdoor storage.*

*Commissioner Miller questioned whether there was an ordinance that explicitly prevented exterior storage yards in the Ordinance.*

*Bechel stated that any uses not explicitly stated in the Zoning Ordinance are prohibited uses in the County. He added that personal property would not be regulated in the same way as storing items for other individuals commercially. He stated staff would investigate any complaints they received to determine whether this was a commercial business or private property owner storing their items on their personal property.*

*Commissioner Miller questioned whether a family member wanted to store a motor home on another family member's property and they were charged to store their item there, would that be allowed.*

*Hanni stated that this Ordinance would only be for commercial storage of recreational equipment, not to regulate storing items for family members.*

*Bechel noted that there was a request from a property owner for a Text Amendment and that the Planning Commission voted to recommend the County Board deny the item. Staff prepared this language as an alternative to that Applicant's proposal. He noted that the property owner's request has to go before the County Board for final approval or denial however staff's proposal could be withdrawn by staff if the Planning Commission was not comfortable approving the language.*

*Hanni noted that the Applicant for the text amendment is waiting for the Planning Commission's decision on the Exterior Storage Yard language before bringing their text amendment to the County Board.*

*Commissioner Pettit stated that the language is confusing and that other than the one applicant, no one else in the County has come forward to request Exterior Storage Yards as a use. She stated that this is not something worth pursuing at this point.*

**It was moved by Commissioner Pettit and seconded by Commissioner Nesseth for the Planning Advisory Commission to:**

Recommend that the County Board of Commissioners **DENY** staff's proposed Exterior Storage Yard Zoning Ordinance Amendment.

*Commissioner Miller stated that he would like to see a clearer idea of what is and is not permitted for storage. He added that he does not support the proposed language as presented*

**PLANNING COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2020 MEETING MINUTES**

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*but questioned whether an ordinance that clearly spells out the alternatives would be needed in the future.*

*Bechel questioned whether the Planning Commission would be interested in having the Zoning Subcommittee meet on this proposal.*

*Commissioner Fox stated that he would like to have a Zoning Subcommittee meeting regarding this proposal. He noted that he does not support the language as proposed.*

*Commissioner Nystuen commented that he would also recommend this be forwarded to the Zoning Subcommittee.*

**‘Commissioner Pettit amended the motion and Commissioner Nesseth seconded for the Planning Advisory Commission to:**

*Direct staff to convene a Zoning Subcommittee meeting to discuss the proposed Exterior Storage Yard Text Amendment prior to bringing the request back to the Commission.*

**Motion carried 6:0**

**Other-Discussion**

*Hanni referenced an email sent to the Commissioners regarding the Conservation Easement in the Conservation Subdivision. She stated that an Applicant has come forward wanting to pursue a Conservation Subdivision however they have been finding it difficult to find an entity to take on the easement. Staff has done research on other counties’ policies, specifically Dakota County. Staff is questioning whether the Planning Commission would be comfortable with Land Use staff preparing a Conservation Easement agreement that would be held by the County and presented to the Planning Commission as a possibility for potential Conservation Subdivision Applicants.*

*Commissioner Drazkowski noted that State Statutes allow for a charitable trust to hold the Easement. He questioned whether an attorney could prepare a charitable trust for this landowner to hold the Easement.*

*Hanni stated that the landowner investigated several organizations to take on the Easement. She noted that this situation is different in that the landowner is only proposing one dwelling and would be “policing” their own Easement. Staff was not comfortable with a property owner overseeing their own Easement. She noted that the Soil and Water Conservation District is not interested in being the easement holder.*

*Commissioner Pettit stated that she was not comfortable having Conservation Easements become a burden on taxpayers and staff and that the Easement should not be overseen by the County.*

*Hanni noted that the landowner’s application has been deemed incomplete by staff until a proper Easement holder can be found and a legal document drawn up for the Easement.*

*Paul Novak (Landowner/Conservation Subdivision Applicant) stated that he reached out to a group of 501(c)3’s in Minnesota. He added that the Nature Conservancy was not interested in taking on the Easement and that the Minnesota Land Trust has a 6 month waiting period with a limited chance of being eligible for the program. There were additional restrictions and fees involved with the Land Trust. Mr. Novak gave his history with Goodhue County, the Conservation Subdivision and his proposal.*

*Hanni noted that the section of Leon Township Mr. Novak is in is full for dwelling density and the County will not pursue a variance for dwelling density. She asked for clarification from the*

# 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*

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**To:** Planning Commission  
**From:** Land Use Management  
**Meeting Date:** November 16, 2020  
**Report date:** November 6, 2020

## UPDATE

### “Commercial and Industrial Businesses Primarily Intended to Serve the Agricultural Community”

At the August 17, 2020 meeting, the Planning Advisory Commission had a lengthy discussion regarding the classification of certain uses as “Commercial/Industrial Businesses Primarily Intended to Serve the Agricultural Community” which require a Conditional Use Permit (CUP) in Agricultural Districts. The Commission approved a motion directing staff to “present to the Planning Commission in September research prepared after reassessing the Ordinance to clarify the difference between ag businesses versus a business that may benefit agriculture. Research should include an assessment of taxing, building codes, and zoning requirements.”

LUM staff convened a meeting of the Zoning Subcommittee on September 10, 2020 to discuss the topic and disseminate information. The requested information and additional research was provided to the Planning Commission at their September 21, 2020 for review and discussion. The Planning Commission directed staff to reconvene the Zoning Subcommittee to further discuss the topic.

The Zoning Subcommittee met for a second time on October 29, 2020. LUM Staff and the Zoning Subcommittee formed a consensus to recommend pausing further consideration of the topic until the Planning Commission is able to hold a face-to-face meeting to allow a more meaningful discussion of the issue. Both the Subcommittee and LUM Staff agreed this topic has major implications for the rural areas and more diverse input is needed from the Planning Commission as well as the general public before any ordinance amendments should be considered. It was further agreed that it has proven challenging to gather the necessary input and have quality discourse given the current virtual meeting format necessitated by the COVID-19 pandemic.

#### Attachments and links:

September 21, 2020 LUM Staff Report for “Commercial/Industrial Businesses Primarily Intended to Serve the Agricultural Community”

Goodhue County Zoning Ordinance (GCZO):

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

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**To:** Planning Commission  
**From:** Land Use Management  
**Meeting Date:** September 21, 2020  
**Report date:** September 11, 2020

## **PAC DISCUSSION: “Commercial and Industrial Businesses Primarily Intended to Serve the Agricultural Community”**

Planning Advisory Commission discussion on Businesses Primarily Intended to Serve the Agricultural Community. Topics to include Zoning Ordinance definitions and review of taxation and building permit procedures.

### **Attachments and links:**

“Understanding Property Values and Taxation” – Goodhue County Assessors Office  
“Agricultural Buildings and the Minnesota State Building Code” – Goodhue County Building Department  
“Table of Uses” – GCZO Article 20  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

At the August 17, 2020 meeting, the Planning Advisory Commission had a lengthy discussion regarding the classification of certain uses as “Commercial/Industrial Businesses Primarily Intended to Serve the Agricultural Community” which require a Conditional Use Permit (CUP) in agricultural districts. The Commission approved a motion directing staff to “present to the Planning Commission in September research prepared after reassessing the Ordinance to clarify the difference between ag businesses versus a business that may benefit ag. Research should include an assessment of taxing, building codes, and zoning requirements.”

### **History:**

The use first appeared in the 1990 Goodhue County Zoning Ordinance in two instances:

1. “Commercial uses primarily intended to serve the agricultural uses” as a CUP in the Rural Residence District (R-A)
2. “Commercial and Industrial uses primarily intended to serve the agricultural uses” as a CUP in the Agricultural District (A)

The Zoning Ordinance underwent a significant amendment process in 1993 which resulted in the formation of our current zoning district classification scheme (A1, A2, A3, R1). As a result of this amendment, “Commercial and Industrial Businesses Intended to Serve the Agricultural Community” were allowed as conditionally permitted uses in the A1 (Agriculture Protection), A2 (General Agriculture), and A3 (Urban Fringe) Districts. The use was relocated from the “district regulations” sections of the zoning ordinance in 2018 to the “Table of Uses” found in Article 20.

No definition has ever been provided for the use nor are there any performance standards for it. A review of historical Planning Commission and County Board meeting minutes found that the use appears to have been discussed at the July 17, 1989, Planning Commission meeting prior to its adoption at the September 5<sup>th</sup>, 1989 County Board meeting. Unfortunately, the meeting minutes did not provide a summary of the discussion. Staff research found the earliest record of any approved “Commercial/Industrial Businesses Primarily Intended to Serve the Agricultural Community” CUP

was in 1989 for a livestock auction business.

**Existing CUP's:**

The “Commercial/Industrial Businesses Primarily Intended to Serve the Agricultural Community” classification has been used to cover a wide variety of commercial and industrial activities not otherwise permitted by the ordinance. Below is a list of the types of operations that have been permitted with this designation since its adoption.

- Ag machinery repair, sales, and service (both indoor and open-air lots)
- Grain hauling
- Ag Co-ops (feed sales, grain processing, fertilizer/seed products, etc.)
- Electrical Business
- Diesel truck repair
- Hay and straw sales/storage
- Automotive repair
- Seed research facilities
- Trucking/hauling businesses
- Welding
- “Bulk” milk hauling
- Well/plumbing service
- Livestock sales yards
- Seed sales
- Milking equipment sales/services
- Ag produce stand (prior to the adoption of current Farm/Market Stand provisions)

**Summary:**

Based on the existing definitions of “Agricultural Operation”, “Agricultural Product”, “Farm”, and “Commercial/Industrial Uses” (see below) there appears to be a clear distinction between the primary agricultural activities which produce an agricultural product or commodity and the supporting activities involved in the secondary processing, manufacture, or distribution of agricultural products or commodities. The original “Business Primarily Intended to Serve the Agricultural Community” ordinance amendment would appear to support these findings as it was initiated as a result of a livestock auction business expansion that the 1989 County Planning Commission determined was not a permissible use under the agricultural zoning provisions in place at the time.

Since 1989, the County has expanded the list of permitted and conditionally permitted uses in the Ag Districts to include limited commercial activities (Home Businesses, Farm/Market Stands, Contractors Yards) which may be a more appropriate classification for some of the above businesses (welding, trucking, automotive repair) which may have been permitted as “Businesses Primarily Intended to Serve the Agricultural Community” as it was the only available option at the time of consideration. The present-day absence of a definition for “Businesses Primarily Intended to Serve the Agricultural Community” creates several challenges for administering the ordinance in a fair and even manner and adds confusion for LUM staff, the public, and Commission members as to what activities require CUP review and which do not.

Article 10 of the Goodhue County Zoning Ordinance states when a word or term is undefined by the ordinance, it shall carry the meaning as defined in Webster’s Unabridged Third International Dictionary. The most closely matched term encompassing “Businesses Primarily Intended to Serve the Agricultural Community” found in the dictionary is “Agribusiness” (see below). LUM staff feel the “Agribusiness” definition is a useful foundation for defining what is meant by “Businesses Primarily Intended to Serve the Agricultural Community.” A modified version of this definition is therefore provided below for consideration.

# Definitions Review

The following terms are currently defined by Article 10 of the Goodhue County Zoning Ordinance:

**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 USE.** The use of land for agricultural purposes, including farming, dairying, pasturage, 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.

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

**INDUSTRIAL USE.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

**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.

The following related terms are defined by Minnesota Statute.

**Agricultural business enterprise** (MN Statute 41C.02)

"Agricultural business enterprise" means a small business, as defined in section 645.445, subdivision 2, which owns or plans to own properties, real or personal, used or useful in connection with the general processing of agricultural products or in the manufacturing, assembly, or fabrication of agricultural or agriculture-related equipment. "Agricultural business enterprise" does not include an operation that involves the breeding or raising of livestock.

**Farming** (MN Statute 41C.02)

"Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, or the production of forest products.

**"Agricultural Commodity"** MN Statute 17.692

"Agricultural commodity" includes all agricultural goods produced under contract for marketing as defined by the commissioner of agriculture. It does not include any commodity sold by a producer to another producer for the other's own exclusive use and not for resale. The kinds, types and subtypes of products to be classed together as an agricultural commodity for the purposes of sections 17.691 to

17.701 shall be determined by the commissioner on the basis of common usage and practice.

**“Agribusiness”** Webster's Third New International Dictionary, Unabridged

Agribusiness means “an industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities”

**LUM Staff's modified “Agribusiness”** definition for consideration:

“Means the principal use of a parcel for the manufacture and distribution of farm equipment, supplies or services, or the processing, storage, and distribution of agricultural products which is not subordinate or incidental to a Farm or Agricultural Operation”

## Understanding Property Values and Taxation

Taxation is not simple. In the State of Minnesota the Assessor's Offices are required by law and constitution to classify and value property based on the market using a mass appraisal process for "ad valorem" tax / property tax. Property tax is a major source of revenue for local units of governments for such things as fire, police, schools, streets, libraries, and more.

A property is classified according to its use. If a property is improved with a structure, the use of the property is typically quite clear – residential, commercial, industrial, or agricultural. For agricultural classifications (MN Statute, section 273.13, subd 23) states the property must have at least 10 contiguous acres used to produce an agricultural product for sale in the preceding year.

The Assessor determines the Estimated Market Value (EMV) using sales from October 1 to September 30 every year. The EMV represents what your property would sell for in an "arms-length" sale on the open market. Appraisers are required to inspect properties in person at least once every five years as well as new construction and demolition. Minnesota Statute 271.06 states the burden of proof is on the taxpayer to prove that the assessor's value is in error.

The final tax amount shown on a property tax bill is the result of numerous calculations and is largely a function of local spending decisions, local government aid, the mix of property types in a jurisdiction, etc. Individual property tax amounts collected are not in direct proportion to an individual property's market value. Local revenues are not raised by increasing market values in a jurisdiction, nor are they decreased by lowering market values. The increasing or decreasing tax revenues can generally only be accomplished via increasing or decreasing the overall levy in a jurisdiction.



# Goodhue County | Land Use Management Department Building Code Administration, Permits, and Inspections

## Agricultural Buildings and the Minnesota State Building Code

### **Building Code**

The Minnesota Building Code is a statewide standard of **minimum** requirements. The purpose is to safeguard public health, safety, and general welfare. Specific requirements for a structure vary by a Code-determined classification. A classification depends on use, occupancy, and construction type.

### **Agricultural Buildings and Permits**

Construction of an Agricultural Building requires a Permit. Applicants are first responsible for obtaining Township zoning approvals. Permit applications are then submitted to the County Land Use Management Department. County Zoning staff, Environmental Health Department staff, and Building Code staff review submitted applications. Some structures are subsequently approved and issued a permit under the State Building Code, and some are approved and issued a permit under the County Zoning Ordinance.

The Building Code (State Statute) determines the type of permit. Although a project must comply with the Zoning Ordinance, the Zoning designation is not relevant to the Code classification or to whether or not the permit is approved as a building permit or as a zoning permit.

#### **Building Permits**

Construction plans are required and are reviewed for Code compliance. Inspections are required of the construction. The permit fee pays for the reviews and for the inspections. Hobby Farm buildings are typically in this category.

#### **Zoning Permits**

Zoning permits are issued when a project is *exempted* from the Building Code. Buildings allowed by Zoning permits do not get a County plan review or construction inspections. (Electrical, plumbing, and mechanical installations may need separate and additional permits or inspections.)

### **Definitions for Building Code Exemption for Ag Buildings**

**Agricultural Building** means a structure on **agricultural land** designed, constructed, and used to house farm implements, livestock, or **agricultural products** used by the owner, lessees, and members of their immediate families, employees, and those picking up or delivering **agricultural products**. (MNSS 326B.103)

**Agricultural Land** means contiguous acreage of ten acres or more used during the preceding year for **agricultural purposes**. (MNSS 273.13 Subdivision 23) The land must have an agricultural tax classification.

**Agricultural Purposes** means raising or cultivating **agricultural products**. (MNSS 273.13 Subdivision 23)

**Agricultural Products** means the production for sale of livestock, dairy animals, dairy products, poultry, poultry products, fur-bearing animals, horticultural and nursery stock, et. al. (MNSS 273.13 Subdivision 23)



# GOODHUE COUNTY ZONING ORDINANCE

## Table of Uses

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

a. Accessory buildings > 500ft<sup>2</sup> shall be ≥ 100ft from any lot line and ≥ 200ft from the nearest dwelling (Art.23 § 3 subd. 1)

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

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

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

# GOODHUE COUNTY ZONING ORDINANCE

## Table of Uses

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

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

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3. A decommissioning agreement between the landowner and Novel Energy Solutions shall be maintained to ensure reclamation of the area;
4. LUM staff shall be notified by the landowner or solar company 30 days prior to ownership transfer or operator changes;
5. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
6. Applicants shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix for disturbed areas of the site and should submit “seed tags” to the Land Use Management Department prior to final inspection;
7. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy Systems (SES) and Article 21 (Agricultural Protection District). The applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
10. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.

**Motion carried 9:0**

**PUBLIC HEARING: CUP Amendment – Sjoquist Hay & Straw Inc.**

Request submitted by Clinton Sjoquist (owner/operator) to amend CUP 14-CU01 to allow an existing Hay and Straw sales business to construct two additional commodity storage buildings and expand shop space. Parcel 37.001.0401. 11780 CTY 1 BLVD, Goodhue, MN 55027. Part of the West ½ of the NE ¼ of the SE ¼ of Section 01 TWP 111 Range 17 in Leon Township. A1 Zoned District.

*Bechel presented the staff report and attachments.*

*Commissioner Pettit commented that she had been in contact with staff prior to the meeting regarding questions on the need for a Conditional Use Permit for the operation. She stated that this appears to be an agricultural business and questioned why a business of this type would require a Conditional Use Permit.*

*Commissioner Stenerson agreed with Commissioner Pettit’s questioning of the requirement for a CUP for this particular use. He questioned whether the driveway on Mr. Sjoquist’s property was encroaching on his neighbor’s property.*

*Clinton Sjoquist (Applicant) stated that there has been an agreement in place with the neighboring landowners regarding the driveway and farmland. He stated this agreement has not been formally recorded yet.*

*Commissioner Stenerson questioned whether there were any issues with setbacks for the proposed structures.*

*Mr. Sjoquist stated that the existing structures meet all setback requirements and the proposed structures will meet the required setbacks.*

*Commissioner Stenerson questioned whether the area to be acquired will act as a “buffer zone” between Sjoquists and the farmland.*

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*Mr. Sjoquist agreed with that statement and added that he needs additional room for drainage and to keep his operation far enough away from the farmland to keep the farm field intact.*

*Commissioner Fox agreed with comments from Commissioners Pettit and Stenerson. He stated that he was concerned that other operators in the rural area will be required to get a Conditional Use Permit to operate a traditional farm operation buying and selling products.*

*Mr. Sjoquist stated that he is aware of other competing businesses in other counties and states that do not have to go through a conditional use permitting process. He commented on the taxes assessed to his property as a “commercial business” and likened the tax rate to big-box stores. He questioned what percent of the population his business appeals to versus a big-box store for taxing purposes. He acknowledged that in 2014 when a CUP was required he was unaware of how being classified as a “commercial business” would affect his taxes. He added that the shop was required to be handicap accessible when that was constructed at an additional cost to him.*

**Chair Gale opened the Public Hearing.**

*Bechel read an email received by staff from Sue Rasmussen (11995 350<sup>th</sup> Street, Cannon Falls) supporting Mr. Sjoquist’s application to expand his business.*

**After Chair Gale asked three times for additional comments it was moved by Commissioner Stenerson and seconded by Commissioner Gale to close the Public Hearing.**

**Motion carried 9:0**

*Hanni commented on the project, noting that zoning sees the property as a Business Serving the Ag Community because it is on a small parcel used solely for storage sheds to buy and sell hay. The Assessors office and taxing is based upon what the actual operation is and the Building classification is determined based upon use of the actual structures. She stated that the Planning Commission could recommend Mr. Sjoquist’s project for approval so as not to slow down his progress then Zoning staff can meet with the Assessors office and Building Department staff to show the Planning Commission next month how these three departments look at these types of uses/properties. She added that staff has been struggling for several years to determine what qualifies as a “Business serving the Ag. Community” and a more in-depth discussion may need to be held with the Planning Commission to better define this use.*

*Commissioner Pettit questioned why, if the CUP can be removed from the property, can’t the property owner move forward with a building permit immediately.*

*Hanni stated that because there is already a CUP for a Business in the Ag Community it must be amended to construct new buildings. She added that staff can work through the classification and definition process with the Assessors and Building Department staff and the Planning Commission. After those meetings, staff can record a document stating that Mr. Sjoquist no longer needs a CUP.*

*Commissioner Pettit stated that she has issues with all sides of the issues. First being considered an ag. business requiring a CUP and second being taxed as commercial.*

*Bechel stated that Mr. Sjoquist’s request could be tabled to September to allow time for staff to research ag. business uses.*

*Hanni noted that the County Board would not make a decision on the application until October if it were delayed a month.*

*Commissioner Fox stated that he would like to see more clarification on ag. businesses*

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*however he did not want to slow down the process for Mr. Sjoquist.*

**It was moved by Commissioner Fox and seconded by Commissioner Miller to:**

- Adopt the staff report into the record;
- Adopt the findings of fact;
- Accept the application, testimony, exhibits, and other evidence presented into the record; and

Recommend the County Board of Commissioners **APPROVE** the Request submitted by Clinton Sjoquist (owner/operator) to amend CUP 14-CU01 to allow an existing Hay and Straw sales business to construct two 80-foot x 200-foot x 20-foot commodity storage buildings and expand shop space. This amendment shall revoke and replace CUP 14-CU01.

Subject to the following conditions:

1. The expansion shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to constructing the new buildings;
3. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agriculture Protection District);
4. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

*Commissioner Stenerson commented on the use being classified as commercial. He questioned whether a discussion could be held regarding businesses serving the ag. community.*

*Commissioner Pettit stated she would like staff to specifically present the Sjoquist property's classifications to the Commission next month.*

*Commissioner Stenerson questioned if the Ordinance were changed so that the type of use Mr. Sjoquist has no longer requires a CUP, would Mr. Sjoquist still be regulated by his CUP or would that permit become null and void.*

*Hanni stated that Mr. Sjoquist's CUP would still be valid unless it were rescinded by staff. She stated that there are ways staff can rescind a CUP, the first being if an owner does not follow through with conditions of their CUP and the second being a request from the owner to rescind the CUP. She added that many insurance companies call staff asking whether businesses or property owners have proper permits for their operations from the County.*

*Mr. Sjoquist stated that he is insured as a farm policy.*

*Commissioner Drazkowski stated he would like staff to bring this CUP back in September to cancel the CUP for Mr. Sjoquist.*

*Hanni stated that Ordinance changes take several weeks and bringing the CUP back next month would not work if the Ordinance is not changed.*

*Commissioner Drazkowski questioned whether there is a method to rescind a CUP because it was issued in error and wondered whether that could be the route Mr. Sjoquist's CUP takes next month.*

*Commissioner Fox called the original motion to question.*

**Motion carried 9:0**

*Bechel stated that there is no definition in the Ordinance for "Businesses Serving the Ag.*

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Community”.

Commissioner Pettit questioned whether an Ordinance change was required for this use.

Bechel stated that an Ordinance change may not be required however a formal policy or direction to staff for Businesses Serving the Ag. Community would be helpful. He noted that a Zoning Subcommittee meeting is being held in September to discuss Exterior Storage Yards and this could be added to their agenda.

Hanni commented that the Ordinance states that to revoke a CUP the applicant would have not fulfilled the conditions or commenced work on the project within one year. She added that a discussion regarding an Ordinance change should be held so there is clarification on the use for future projects.

**9<sup>th</sup> Motion by Commissioner Stenerson and seconded by Commissioner Nesseth to direct staff to present to the Planning Commission in September research prepared after reassessing the Ordinance to clarify the difference between ag businesses versus a business that may benefit ag. Research should include an assessment on taxing, building codes and zoning requirements.**

**Motion carried 9:0**

**Other-Discussion**

Bechel discussed the Solar Site chart included in the packets for informational purposes.

Hanni noted that Commissioner Pettit is retiring from the Planning Advisory Commission and her last meeting will be in September. Her replacement will be Chris Buck who has been appointed by Commissioner Anderson and was approved by the County Board earlier this month.

Commissioner Stenerson questioned whether staff could include solar site acreages on the chart for future reference.

Bechel stated staff would add the acreages for solar sites to the chart.

**10<sup>th</sup> ADJOURN: Motion by Commissioner Fox and seconded by Commissioner Huneke to adjourn the Planning Commission Meeting at 7:18 PM.**

**Motion carried 9:0**

Respectfully Submitted,

Samantha Pierret; Zoning Assistant

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<sup>1</sup> APPROVE the PAC meeting agenda.

*Motion carried 6:0.*

<sup>2</sup> APPROVE the previous month’s meeting minutes.

*Motion carried 6:0.*

<sup>3</sup> Motion to close the Public Hearing

*Motion carried 9:0*

<sup>4</sup> Recommend the County Board of Commissioners **APPROVE** the request for a 1 MW SES facility on property owned by Lomen Properties LLC

*Motion carried 9:0*