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foundation of a vibrant community*

Olmsted County Planning Advisory Commission (OCPAC)

Olmsted County Government Center

151 4th Street SE

Rochester, MN 55904

507-328-7100

Thursday, October 7, 2021 at 7:00 PM

[Click here to join the meeting](#)

AGENDA PACKET

1. ADMINISTRATIVE BUSINESS

- a. Call the Meeting to Order
- b. Pledge of Allegiance
- c. Set the Order of Agenda
- d. Approval of Minutes
 1. Meeting Minutes – September 16, 2021

2. PUBLIC HEARING ITEMS

- a. Olmsted County Conditional Use Permit #O2021-003CUP by Arthur Friedrich

3. DISCUSSION ITEMS

- a. Review of Proposed Planning Advisory Commission Bylaws

4. OTHER BUSINESS

- a. Open Forum
- b. As may be brought up by members

5. ADJOURN

MINUTES OF THE OLMSTED COUNTY PLANNING ADVISORY COMMISSION

2122 CAMPUS DRIVE SE, SUITE 100, ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the Olmsted County Planning Advisory Commission held on Thursday, **September 16, 2021**, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, Minnesota.

Members Present in the Council/Board Chambers: Ms. Paige Collins, Chair; Mr. Kenneth Bush, Vice-Chair; Mr. Jim Baier; Mr. Matt Flynn; Mr. Dean Hilsman; Mr. Joseph Horstmann; Mr. Ravi Nadimpally

Staff Present in the Council/Board Chambers: Mr. Ben Griffith, Planning Director, Mr. Don VanKeulen, Building/Well/Septic Supervisory

Staff remote using Teams Meeting: Ms. Beth Davis, Administrative Assistant 3; Mr. Mark Engel, supervisor of Current Planning

Other Staff present in County/Board Chambers: Mr. Tom Canan, Senior Assistant County Attorney

ADMINISTRATIVE BUSINESS:

Ms. Collins, Chair, called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Mr. Hilsman made a motion to approve the agenda as written, seconded by Mr. Bush. Roll call vote was taken; motion carried unanimously.

Mr. Flynn made a motion to approve the minutes of June 17, 2021 as written. Mr. Bush seconded the motion. Roll call vote was taken; motion carried unanimously.

REPORTS AND RECOMMENDATION:

Environmental Review of Mayo Woodlands Third preliminary plat

Mr. VanKeulen presented the staff report, dated September 16, 2021, to the Commission. The staff report is on file at the Olmsted County Planning Department.

Ms. Collins asked what a curb stop was.

Mr. VanKeulen responded a curb stop is a valve at the curb that shuts off the water to the house.

Ms. Collins asked why are the lots in block 1 have individual systems, and the remaining lots on a shared system.

Mr. VanKeulen responded some of the lots are in a special district that was approved at the time of the original plat around 2005-2008.

Mr. Vitaly asked about easements on the lots.

Mr. VanKeulen explained some of the lot lines have gaps, the area in between the lots is designated as a community area. The review of compliance of the easement is performed by a different department.

Mr. Baier asked how the community septic system is managed.

Mr. VanKeulen stated there is a requirement for systems to be managed by an advance septic design company/provider; any system with more than 3 houses being served requires an operating permit for annual inspections and maintenance.

Mr. Baier asked about the report being available to the County.

Mr. VanKeulen noted this system is out of the County's jurisdiction, so the report will go the appropriate jurisdiction authority.

Mr. Baier asked about the systems on the Outlots.

Mr. VanKeulen explained the functions of the pumps on the Outlots.

Discussion ensued among the commission on the functions and the use of the systems when in place; Mr. VanKeulen explained to the commission how the system operates on the larger systems and drainfields.

Mr. Flynn moved to recommend approve environmental review of Mayo Woodlands plat with the staff-recommended recommendations. Mr. Bush seconded the motion. Roll call vote was taken; motion carried unanimously.

Recommendations:

1. Water Supply

- **All Lots: All curb stops shall be located as close as feasible to the connection to the main water line serving two or more lots.**

- **Any proposed changes in the well or water distribution system design, construction, or location shall be presented to the Olmsted County Planning Inspections Division - Well Staff to review for approval prior to construction.**
- **Schedule 40 or better protective sleeves are required for all water lines that pass under any road; insulated pipe is recommended. The applicant's Minnesota-licensed professional engineer, prior to the water system being placed into service, shall confirm the installation of the water lines and protective sleeves in writing to the Olmsted County Planning Inspections Division - Well staff.**
- **When there are two or more dwellings that are to be served by one well, a backflow preventer shall be provided for each building service line. A dual backflow preventer meeting the American Society of Sanitary Engineering (ASSE) Standard 1024 shall be installed on each water service line within each dwelling. The owner of the property, at the time the water line is installed into the building, shall arrange for the installation of the required backflow preventer as required through the Olmsted County Water Well and Water Supply Ordinance Resolution 3200 section 3207.04 (2).**
- **Water lines shall be sized to provide a minimum of 10 gpm at the service connection of each dwelling with a minimum of one-inch internal diameter. Olmsted County Water Well and Water Supply Ordinance Resolution 3200 section 3207.03 (1).**
- **A minimum operating pressure of 30 psi shall be maintained at a dwelling service connection during the maximum momentary volume rate of water flow, or at a rate of 10 gpm, whichever is the greater rate. Olmsted County Water Well and Water Supply Ordinance Resolution 3200 section 3207.03 (2).**
- **All septic systems must maintain a minimum 10-foot setback from all water lines, a minimum 50-foot setback from all wells, a minimum 20-foot setback from any dwellings or permanent structures and a minimum 10-foot setback from all property lines.**

2. Sewage Treatment Support Areas

Sewage support areas shall be clearly identified by placement of durable posts at 50-foot intervals and at the corners of the support area. The posts shall be

marked or signed to define the limits of the sewage support area. The posts shall be embedded before any earth moving, for street and lot development, to protect the SSTS soils.

SSTS support areas shall be monitored by the developer/owner or his assigned representative to ensure that the SSTS sites are protected from soil compaction or scalping during plat development/construction.

Water diversions must be constructed upslope of all drainfields that are proposed to be located on any slope greater than 1%.

All sewer lines will be pressure tested at 5 psi for a minimum of 15 minutes with no allowable drop in pressure. All pressure tests must be observed by the septic inspector and documented.

The following additional recommendations to the Engineer's report and plat should be completed and submitted to local jurisdiction prior to final plat approval.

- **All of the recommendations made by GGG Engineering for the township review need to be completed.**

DISCUSSION ITEM:

- Mr. Flynn noted the preliminary numbers have been received for the census; County grew by approximately 20,000; Mr. Griffith will forward census information to the PAC members; housing availability was discussed for the growth in the County.
- Update on the status of the update to the County's Land Use Plan.
- Improvements to County roads, specifically County Road 101 upgrade.
- Waste treatment operation status on 37th Street; Mr. Griffith noted the 37th Street facility is city-owned, the waste-to-energy facility is located near Campus Drive and is fully functional. Mr. Flynn noted the steam function of the OWEF plant will be discontinued soon; the move to electric will take place as a replacement to the steam.

ADJOURN:

Mr. Hilsman moved to adjourn, Mr. Bush seconded. Roll call vote was taken; motion carried unanimously.

Ms. Collins adjourned the meeting. The meeting adjourned at 7:48p.m.

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County Planning Advisory Commission
Meeting Date: September 16, 2021

Respectfully Submitted:

Ben Griffith, Planning Director
Olmsted County Planning Dept.

Ms. Paige Collins, Chair

bd

**OLMSTED COUNTY,
MINNESOTA**

Request for Action

AGENDA DATE: October 7, 2021

COUNTY BOARD DATE: Not Applicable

REQUEST BY: Elliot Mohler, Planning

STATE ITEM OF BUSINESS: Olmsted County Conditional Use Permit #O2021-003CUP by Arthur Friedrich

BACKGROUND: The request is to allow for equipment and vehicle repair and limited vehicle sales. These are uses allowed by a Conditional Use Permit in the ARC-LILI and RSD districts. The property is currently used as a contractor's yard. The property is located in the NW 1/4 of the SE 1/4 of Section 35 in Marion Township at 6611 HWY 52 S.

ACTION REQUESTED:

Approve, deny, or continue Olmsted County Conditional Use Permit #O2021-003CUP by Arthur Friedrich

ATTACHMENTS:

- A. O2021-003CUP Staff Report
- B. Notification Map
- C. Site Location Map
- D. Applicant Submittal (Existing Site Plan)
- E. Referral Comments



Olmsted County Planning Department

October 7, 2021

Olmsted County Planning Advisory Commission

Prepared by: Olmsted County Planning Department Staff

Request: Olmsted County Conditional Use Permit #O2021-003CUP for Art Friedrich to allow for welding, equipment, and vehicle repair facilities except routine automotive service. This is an allowable conditional use within the A/RC-LILI District and the RSD District.

Location: The property is located in the NW ¼ of the SE ¼ of Section 35 of Marion Township at 6611 HWY 52.

Zoning: A/RC-LILI (Agricultural Resource Commercial – Land Intensive Low Impact)
RSD (Rural Service District)

ACTION ITEMS

The request is to allow for uses related to welding, equipment, and vehicle repair facilities except routine automotive service with limited sales/transactions related to said repairs.	Based on the findings of fact, Planning staff recommends approval of the conditional use permit to allow for welding, equipment, and vehicle repair facilities except routine automotive service with limited sales/transactions related to said repairs.
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BACKGROUND INFORMATION

Background:

The property owner, Art Friedrich, applied for and was granted a Conditional Use Permit in 2015 to allow for a contractor's yard to operate on the property. A contractor's yard is allowed in the district as a conditional use. The property owner is planning on selling the property to a buyer who would like to utilize the existing building on the property for engine repair and limited equipment sales. Engine repair has occurred on the property as a secondary use related to the contractor's yard; this Conditional Use Permit would allow engine repair to be a primary use for the property in conjunction with limited equipment sales/transactions related to welding, equipment, or vehicle repair. For the purposes of this Conditional Use Permit, limited equipment sales/transactions shall refer to those items that were repaired/refurbished

on site. The purpose of this zoning district and conditional use is not for routine automotive services. For the purposes of this Conditional Use Permit, routine automotive services shall include those services associated with “tune ups” (e.g., motor oil change, coolant change, brake fluid change). A contractor’s yard will still be allowed on this property per Conditional Use Permit O2015-001CUP.

Land Information

The property owner was granted a conditional use permit in 1992 to allow for a business to be present on a residential property. In 2002, the property owner was granted another conditional use permit for the construction of an oversized detached accessory structure. In 2015, the property owner applied for a metes and bounds to split the business from the residence, creating two parcels – one for the residence and another for the business. The property on which the business existed was partially rezoned to A/RC-LILI with the remainder of the property zoned RSD. The property owner then applied for a conditional use permit to allow for a contractor’s yard to operate on the property located at 6611 HWY 52 SE and has been in operation ever since.

Small engine repair has occurred within the building located on the property as an accessory use to the contractor’s yard. Mr. Friedrich reached out to County Planning staff to ensure that a future buyer would be allowed to conduct engine repair as a primary use. However, since engine repair, welding, and/or vehicle repair was not outlined in any previous conditional use permit, it was suggested to Mr. Friedrich that he or the future buyer apply for a conditional use permit to ensure the uses sought after were allowed.

Referral Comments

No referral comments of note were received regarding this application.

ANALYSIS AND FINDINGS

Findings of Fact

In granting a conditional use, the Planning Advisory Commission shall consider the effect of the proposed use on the Comprehensive Plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Commission shall consider the following:

- 1. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property;** the proposed use will not be more injurious to the use and enjoyment of other property in the neighborhood than the current existing use, nor will it significantly diminish or impair the values of such property.
- 2. The proposed use will not impede the normal and orderly development and improvements of the surrounding property;** the property will not impede the

normal and orderly development and improvements of the surrounding property. The property sits just outside the historic village of Marion, which is considered mixed use. The property sits along HWY 52. The properties to the NW are developed and the remaining surrounding properties are currently being farmed.

3. **Adequate utilities, parking, drainage, and other necessary facilities will be provided;** adequate utilities, parking, drainage, and other necessary facilities are currently provided for the existing use. No future improvements are needed or necessary at this time for the proposed conditional use.
4. **Adequate ingress and egress will be provided to minimize traffic congestion in the public streets;** there exists adequate ingress and egress to public streets. The property gains access from both HWY 52 and 66th Avenue SE. There is a potential for the access to 66th Avenue SE being removed once the property is sold. However, the proposed conditional use should not increase the amount of traffic trips when compared to the existing use on the property.
5. **Based on a transportation impact analysis, if required under Section 10.48 of this Ordinance, or (if required for a transportation impact analysis has been waived) considering the recommendation of the responsible road authority engineer as defined in that Section;** County Public works made no comment regarding the need for a transportation impact analysis. It is expected that no increase in traffic will occur with the new use when compared to the existing use on the property.
6. **Adequate measures have been taken or proposed to prevent or control offensive odor, fumes, dust, noise, vibration, or lighting which would otherwise disturb the use of neighboring property;** The proposed conditional use will be housed almost entirely within the existing building on the property and will not have a greater impact than the current existing use. No other additions have been requested at this time.
7. **The special criteria or requirements indicated in Section 8.09.2 "Agricultural/Resource Commercial District – Land Intensive Low Impact Uses (LILI)" General Regulations, are complied with;** the general regulations set forth by Section 8.09.2 are complied with – the proposed use is allowable by way of conditional use permit.
8. **The water and sanitary systems are or would be adequate to prevent disease, contamination, and unsanitary conditions.** Any existing water or sanitary systems are or would be adequate to prevent disease, contamination, and unsanitary conditions.

Staff Recommendation

Based on the findings of fact above Planning staff recommends approval of the conditional use permit for welding, equipment, and vehicle repair facilities, except routine automotive service,

as well as limited equipment sales/transactions related to welding, equipment, vehicle repair with conditions. The conditions associated with this conditional use permit are as follows:

1. Any proposed external lighting shall be fully shielded, horizontal full cut -off type, no more than 25 feet in height, to minimize light spillover outside the parcel boundaries.
2. All financial transactions shall be conducted within the enclosed building.
3. No flags, pennants, balloons or other attention getting devices shall be allowed on the site.
4. No routine automotive maintenance shall occur on the property, such as those services associated with "tune ups" (e.g., motor oil changes, coolant replacement, brake fluid replacement).
5. Equipment or vehicles that are to be sold on the property must have been repaired or refurbished on the property.
6. Hours of operation for the proposed use are to occur between 7:00 a.m. and 7:00 p.m.
7. Any changes with regards to the welding, equipment, and or vehicle repairs facilities, including but not limited to buildings, services, size and scale, will require an amendment to this Conditional Use Permit.

The conditions from O2015-001CUP are also subject to this Conditional Use Permit. They are as follows:

1. Prior to the issuance of a Building Permit, pursuant to the requirements in Article X, General Regulations of the Olmsted County Zoning Ordinance; the applicant shall submit a grading plan which addresses storm water runoff and erosion control.
2. The property owner shall meet any and all State and Federal rules and regulations as may be applicable to the proposed expansion.
3. The property owner shall keep the landscaped areas (berm, grass, trees, etc.) in a well-maintained condition.
4. Gravel areas shall be maintained according to Best Management Practices to reduce dust, including but not limited to application of water and/or Chloride to storage, access, and parking areas.
5. The access leading to the property from US HWY 52 shall be maintained as a paved surface and in a relatively dust free condition.
6. The property owner shall contact the Olmsted County Soil and Water Conservation District (SWCD) regarding potential for wetlands on the site.
7. The property owner shall meet all necessary well, septic, building code, and Public Health requirements.
8. The property owner must apply for permits for any signage to be placed on the property.
9. Any changes with regards to the contractor's yard, including but not limited to buildings and services, will require an amendment to the original Conditional Use Permit.

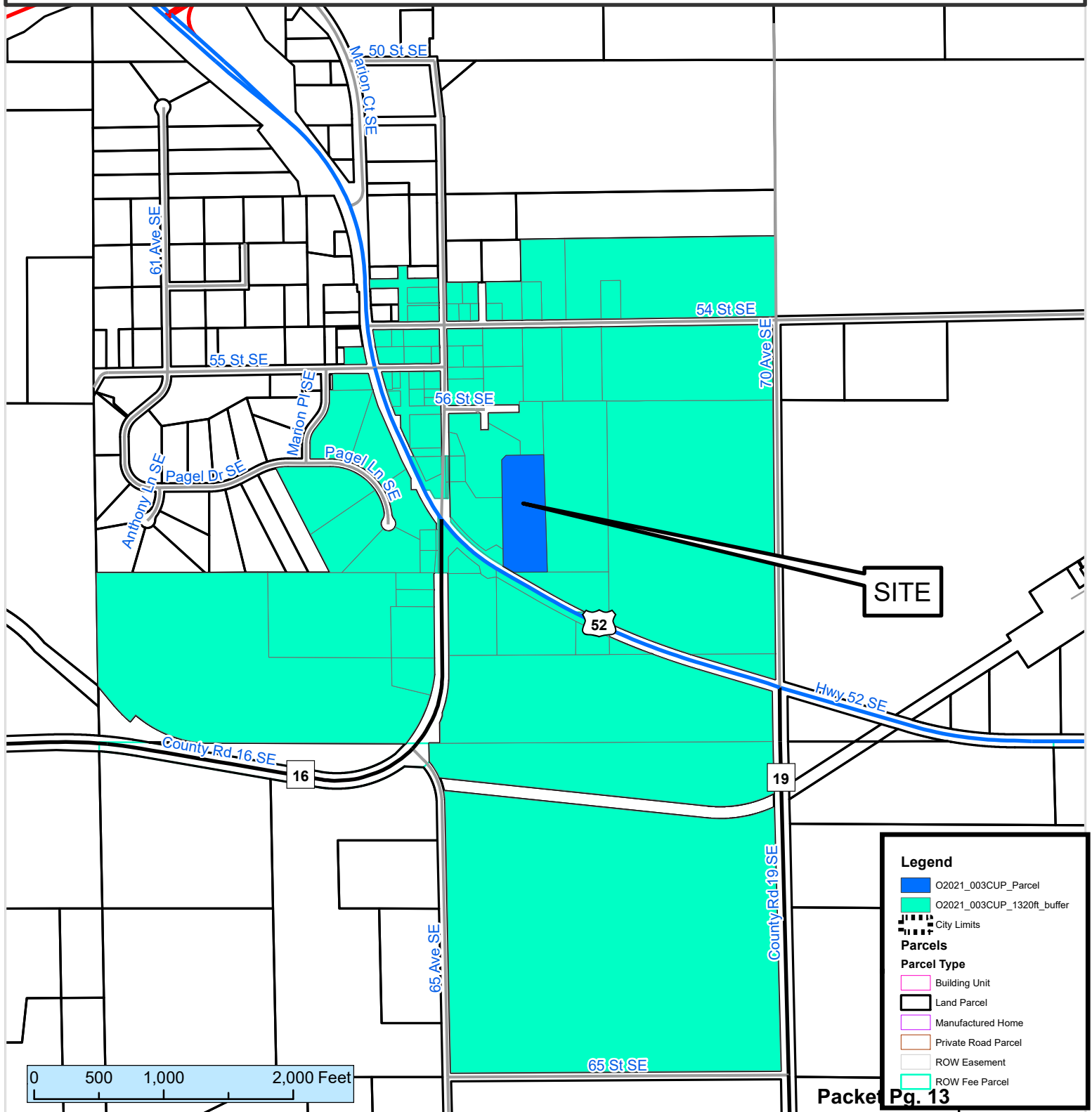
ATTACHMENTS

1. Notification Map
2. Site Location Map
3. Applicant Submittals
4. Referral Comments

1320 ft. Notification Area of

Olmsted County Conditional Use Permit #O2021-003CUP by Arthur Friedrich to amend the existing Conditional Use Permit #O2015-001CUP. The request to allow for equipment and vehicle repair and limited vehicle sales. These are uses allowed by a Conditional Use Permit in the ARC-LILI district.

The property is currently used as a contractors yard. The property is located in the NW 1/4 of the SE 1/4 of Section 35 in Marion Township at 6611 HWY 52 S.



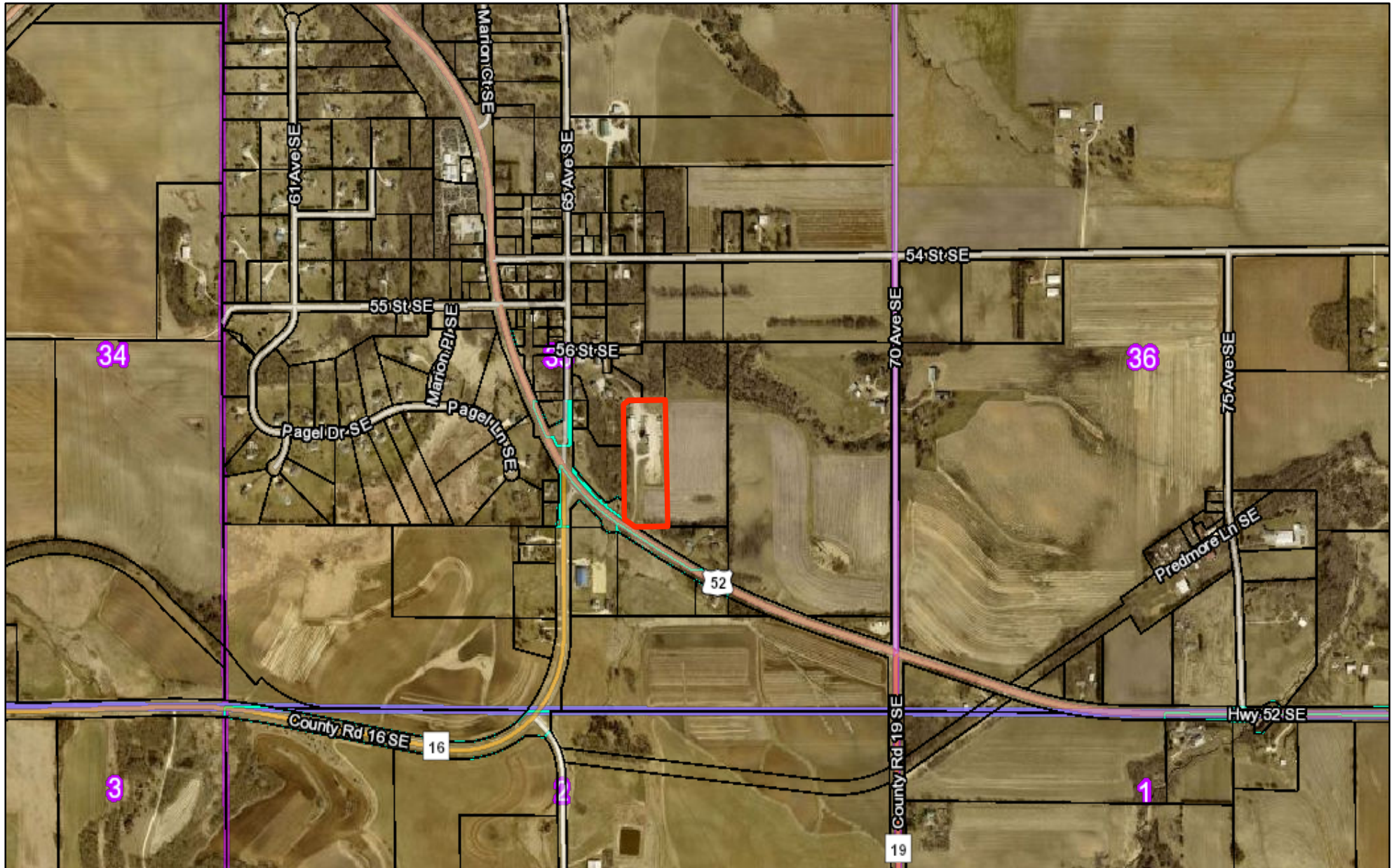
This map prepared by the GIS Division, Olmsted County Planning Department. Olmsted County is not responsible for omissions or errors contained herein. If discrepancies are found within this map, please notify the GIS Division, Olmsted County Planning Department, 2122 Campus Drive SE Rochester MN 55904 (507) 328-7100.

Map Date: 08/27/2021



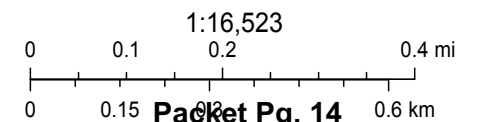
Packet Pg. 13

6611 HWY 52 Site Location Map



9/30/2021, 8:44:44 AM

- | | |
|--------------------|--------------------------------|
| Centerlines | County State Aid Highway |
| <all other values> | Driveway With No Public Access |
| City Street | Interstate |
| County Road | |



Olmsted County, MN GIS Division and Olmsted County, MN Property Records and Licensing., Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap

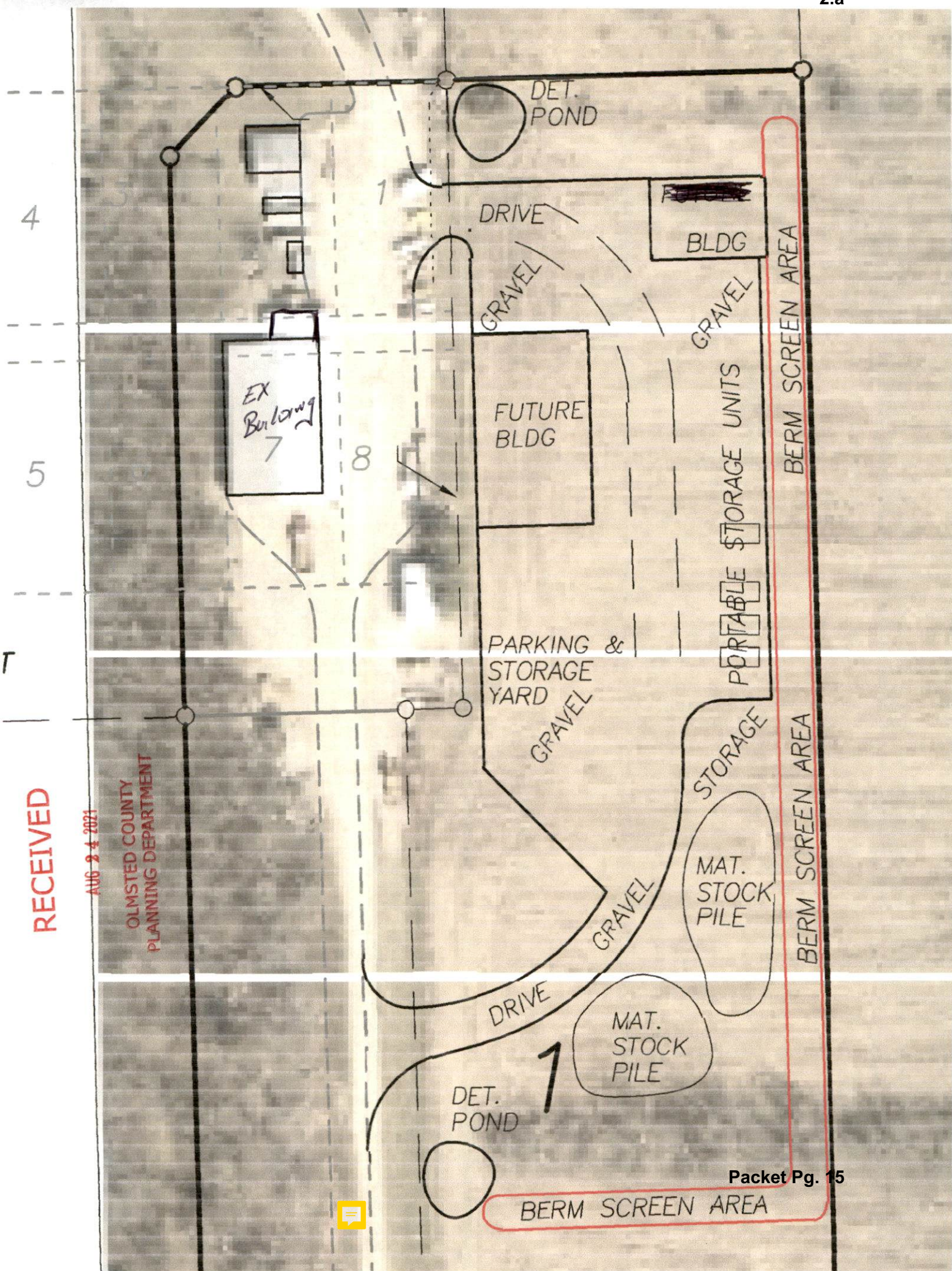
Web AppBuilder for ArcGIS

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RECEIVED

AUG 24 2021

OLMSTED COUNTY
PLANNING DEPARTMENT



Referral Agency Comments

Application No: O2021-003CUP

9/3/2021 **Environmental Resources**

There are no comments from this agency at this time.

9/7/2021 **Fire Department**

This property is within the Rochester Fire Department's response district. The fire response will be a rural response, with water tankers and drop tanks for water shuttled in by the tankers. See comments in Accela Documents.

**OLMSTED COUNTY,
MINNESOTA**

Request for Action

AGENDA DATE: October 7, 2021

COUNTY BOARD DATE: October 19, 2021

REQUEST BY: Ben Griffith, Planning

STATE ITEM OF BUSINESS: Review of Proposed Planning Advisory Commission Bylaws

BACKGROUND: The updating of bylaws for all County boards and commissions has been assigned to the County Attorney's Office and Tom Canan has led this task. Planning staff has been working closely with Mr. Canan on the drafting and development of updated bylaws for the Planning Advisory Commission which are included with this report. Most of the changes are minor in nature and reflect the County's intent for consistency in bylaws for all boards and commissions, whenever possible. Planning staff was most interested in clarifying vague language found in the current bylaws, focusing primarily on establishment of a quorum, conduct of meetings, and voting requirements for the Commission. Mr. Canan will lead the review and discussion of the proposed bylaws with staff and Commissioners, and if appropriate, seek formal adoption. If adopted by the Commission, the bylaws will be placed on the County Board's October 19, 2021 agenda for final approval.

ACTION REQUESTED:

Adoption of Planning Advisory Commission Bylaws

ATTACHMENTS:

- A. Current (marked-up) Planning Advisory Commission Bylaws
- B. Proposed Planning Advisory Commission Bylaws

OLMSTED COUNTY PLANNING ADVISORY COMMISSION

BY-LAWS

ARTICLE I – IDENTITY

- ~~1.1~~ **Section 1.1 Name.** This organization shall be known as the Olmsted County Planning Advisory Commission. ~~of Olmsted County.~~

ARTICLE II – AUTHORITY

- ~~2.1~~ **Section 2.1 Legal Authority.** The authorization for the establishment of this Planning Commission is set forth under Minnesota Statute 394.30, as amended from time to time.

ARTICLE III – MEMBERSHIP

Section 3.1 Number of Members. The Commission shall consist of 7 members, appointed by the County Board, who are eligible voters residing within the limits of Olmsted County. At least two members of the Commission shall be residents of the portion of the County outside the corporate limits of municipalities. One member of the Planning Advisory Commission shall also be a member of the County Board. The County Board will strive to provide diversity in its appointment of Commission members.

Section 3.2 Prohibition on Service by County Employees. Current County employees are prohibited from serving on the Commission to avoid potential conflicts of interest, though employees who have retired are eligible to be appointed and serve one year after their date of retirement.

Section 3.3 Prohibition on Service by Developers. No voting member of the Commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the County for urban and urban-related purposes.

Section 3.4 Prohibition on Service by County Contractors. Employees or members of organizations with whom the County is currently under contract to provide mandated services are prohibited from serving on the Commission to avoid potential conflicts of interest only if:

- a. these individuals provide mandated services to the County through their work for a County contractor and

b. in their service as a Commission member, they would oversee or directly influence the services to be provided by the contractor to the County.

Section 3.5 Service by Minors. The County Board may, at its option, choose to permit minors to serve as ex officio members of the Commission, provided a majority of the Board members are satisfied that a prospective member who is a minor is of sufficient maturity to properly understand and participate in the proceedings of the Commission. All minors who wish to serve as a Commission member shall complete an application and include at least one letter of recommendation from an adult who knows the minor well for consideration by the Board. Minors who meet these criteria must apply using the application from through the Youth Commission and be approved by a Deputy County Administrator. No more than 2 minors may serve on the Commission at any time and they shall serve as ex-officio members of the Commission.

Section 3.6 Member Service on Board of Adjustment. One member of the Commission shall also be appointed by the County Board to serve as the Commission's representative on the Olmsted County Zoning Board of Adjustment.

3.1

Section 3.7 Term of Service. Members shall be appointed for three years, except for the County Board Member, whose term shall be for only one year. Members may be appointed to not more than two (2) consecutive 3-year terms. Members whose terms have expired shall continue to serve as members of the Planning Advisory Commission until their replacements have been appointed and qualified.

3.2

Section 3.8. Member Attendance. Commission members shall regularly attend Commission meetings and any other Commission member assigned duties. Commission members shall be permitted two unexcused absences for each year of Commission service. Excused absences include, but are not limited to, absences for activities such as illnesses, serious personal injuries, vacations, jury duty, voting, school activities and family emergencies. If a Commission member incurs three unexcused absences within one year, this matter shall be referred to the Deputy County Administrator with oversight for the Planning Department on behalf of the Commission for further action pursuant to the procedure set forth in Section 3.11g below.

Section 3.9 Compensation for Member Duties. Commission members shall be paid per diem compensation as determined by resolution of the Olmsted County Board of Commissioners for their attendance at Commission meetings and for any other Commission member duties as assigned. County elected officials who are assigned to serve on the Commission shall not receive per diem compensation for Commission duties

Section 3.10 Conflicts of Interest. Each Commission member shall complete a Conflict of Interest Statement prior to serving as a Commission member to inform the County about potential conflicts of interest. Each Commission member shall update the Conflict of Interest Statement annually thereafter while service on the Commission continues. No Commission member shall participate in any proceedings before the Commission if the member has a conflict of interest. A conflict of interest occurs when:

- a. the Commission member has a property interest in or directly receives financial compensation from a sale, lease, or contract which is related to a matter that comes before the Commission for action or approval.
- b. a matter requiring Commission action comes before the Commission where the Commission member is related by blood or marriage or is a close friend or associate to persons presenting the matter and the Commission member feels that because of a close personal relationship with the presenter, the Commission member cannot be fair and impartial when considering how to vote on the matter requiring Commission action.

If information is received that a member of the Commission has a conflict of interest on a matter which comes before the Commission for action or approval and that member does not recuse himself/herself from participation, the Commission Chair shall intervene and shall preclude the member from participating in discussions or voting pertaining to that matter. If a member is found to repeatedly participate in matters coming before the Commission for action or approval where a conflict of interest exists, this matter shall be referred to the Commission Chair for further action pursuant to the procedure set forth in Section 3.11g below.

Section 3.11 Commission Member Conduct.

- a. It is critically important that members of the public who have business before the Commission feel confident that the Commission will treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation or local human rights commission activity. By choosing to serve as a Commission member, members shall refrain from engaging in speech or conduct that will reasonably tend to make members of the public with business before the Commission feel the Commission will not treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation or local human rights commission activity.
- b. Commission members shall also comply with the following County policies pertaining to their Commission service:
 - 1. Accepting Donations

2. Conflict of Interest Legal and Ethical Practices

3. Diversity and Inclusion Policy

4. Gifts - Gratuities

5. Political Activity (during Board/Commission service times)

6. Solicitation on Premises (during Board/Commission service times)

7. Tobacco Free Grounds (during Board/Commission service times)

8. Weapons in the Workplace (during Board/Commission service times)

9. Animals in the Workplace (during Board/Commission service times)

- c. Commission members are also prohibited from representing to others that they speak on behalf of the entire Commission, or the Olmsted County Board of Commissioners, unless the Commission has authorized the member to do so, though members may continue to speak in their role as an individual member serving on the Commission.
- d. If a Commission member is convicted of a criminal offense which directly relates to the administration of laws or ordinances by a County Department which come before the Board/Commission for action, this shall be grounds for removal of the Board/Commission member pursuant to the procedure outlined in Section e below. Examples of this would include a Planning Advisory Commission member being convicted for violating the County's Zoning, Water Well and Water Supply, Septic System or Wetland Conservation Ordinances. A person once removed shall be eligible to be reappointed to the Commission however after the passage of 5 years or proof of rehabilitation from the conviction, whichever occurs first.
- e. Ex parte communications between members of the Commission and members of the public who have business pending before the Commission for official action concerning that matter is discouraged in order to ensure that all nonpublic information pertinent to Commission matters is produced in an open meeting to which all of the Commission members and the public have access.
- f. Commission members are discouraged from publicly stating their positions in advance on matters of official business coming before the Commission because of the perception by the public that they no longer retain an open mind to listen to all sides of matters of official business. If Commission members do state their positions in advance, they will be precluded from participating when the matter of official business is brought up for discussion and a vote by the Commission.
- a.g. g. The Commission Chair and Vice Chair shall investigate the allegations brought against a Commission member with the assistance of County staff and the County Attorney's Office as needed. The Commission member shall be given an

opportunity to present information relevant to the allegations. If the Commission Chair and Vice Chair determine a Commission member has engaged in speech or conduct which violates this standard, the Commission Chair shall notify the Deputy County Administrator with oversight for the Planning Department of the pertinent facts which support its conclusions and a recommendation concerning disciplinary action. If the allegations are proven by a preponderance of the evidence to the Deputy County Administrator, the Commission may, depending on the facts which are proven, choose to 1) censure the member privately, 2) issue a public censure of the member and establish a probationary period for further disciplinary action if violations continue, or 3) may ask the County Board to remove the member from the Commission and appoint a suitable replacement member. Members shall be subject to removal, for cause, upon a 4/7 vote by the County Board, after notice and opportunity for hearing before the Board.

3.3 Section 3.12 Commission Vacancies It shall be the duty of the ~~Chair of the Commission~~ Planning Department staff to notify ~~the County Administration Board~~ of any vacancy in membership. The County Board shall appoint an individual to fill such vacancy for the remainder of the unexpired term. However, Commission members wishing to serve a second term shall verbally express their interest to the Planning staff supporting the Commission and Deputy County Administrator with oversight for the Planning Department and, with their approval, may continue to serve a second term without re-application. and the County Board shall appoint an individual to fill such vacancy for the remainder of the unexpired term.

~~Members whose terms have expired shall continue to serve as members of the Planning Advisory Commission until their replacements have been appointed and qualified.~~

3.43.1

ARTICLE IV – OFFICERS

4.1 Section 4.1. Commission Officers The officers shall consist of a Chair, Vice-Chair and Secretary.

The Chair and Vice-Chair shall be elected by the Commission from among its members.

- a) The Commissioners shall appoint a Representative of the Planning Advisory Commission to serve on the Olmsted County Zoning Board of Adjustment.
- b) ~~The secretary may be elected from within the Commission, or may be a County employee assigned as staff to the Commission.~~

4.2 **Section 4.2. Duties of the Chair.** The Chair shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers.

4.3 **Section 4.3 Duties of the Vice-Chair.** The Vice-Chair shall act for the Chair in ~~his-or her~~their absence.

4.4 **Section 4.4 Duties of the Secretary and Planning Staff Support.** The Secretary shall work with an assigned County Planning employee to the Commission to ~~The Secretary shall~~ keep the minutes and records of the Commission; attend to the correspondence of the Commission and carry out any other duties that may be assigned by the Commission, ~~with the assistance of such staff as needed.~~

ARTICLE V – ELECTION OF OFFICERS

5.1 **Section 5.1. Annual Meeting.** An annual organizational meeting shall be held at the first regular meeting occurring after the appointment of new Commission members.

5.2 **Section 5.2. Officer Nominations.** Nominations shall be made from the floor at the annual organizational meeting and election of the officers specified in Section 4.1 shall follow immediately thereafter.

5.3 **Section 5.3. Officer Terms.** A candidate receiving a majority vote of the entire membership of the Planning Advisory Commission shall be declared elected. New officers shall take office immediately upon election. and shall serve for one year or
5.4 ~~and shall serve for one year or until~~ their ~~his-or her~~ successor shall take office.

5.5 Officers may serve a maximum of two consecutive terms in any one office.

5.6 Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE VI – MEETINGS

6.1 **Section 6.1 Regular Meetings.** Regular meetings of the Commission shall be held on the first and third Thursday of each month. The date of any such regularly scheduled meeting may be changed upon approval of a majority of the Commission Mmembers.

6.2 **Section 6.2. Notice of Meetings.** Notice in writing (including by email for any Commission Members having email accounts) of any meeting shall be sent to all Commission Members at least 5 days in advance of the meeting and shall state the time, place and purpose of such meeting.

6.3 **Section 6.3 Special Meetings.** Special meetings may be called by the Chair or at the request of at least 3 members of the Commission or by the Director of the Planning Department or his/her designee. ~~The secretary~~ Planning Department

staff shall notify all members of the Commission by any means not less than two days in advance of such special meeting.

6.4 Section 6.4 Open Meeting Law Requirements. Meetings shall be subject to the Minnesota Open Meeting Law, Minn. Stat. Chapter 13D, as may be amended from time to time.

ARTICLE VII – MEETING PROCEDURES

7.1 Section 7.1 Robert's Rules of Order. Unless otherwise specifically designated, Robert's Rule of Order, as most recently revised, shall govern meeting procedure, insofar as possible.

7.2 Section 7.2. Quorum Requirements. A quorum shall consist of 4 members. A minimum of 4 votes in the affirmative shall be required to approve a request. If a member recuses himself/herself from discussion and voting on an application pending before the Commission due to a conflict of interest, the member is still considered to be present for purposes of a quorum

Section 7.3 Voting Requirements.

a. All non ex-officio members shall have the right to vote on matters which come before the Commission for action.

b. All voting shall be by voice or by a show of hands and the result of the voice or hand vote shall be kept as part of the minutes.

c. A motion from the floor must be made and passed in order to dispense with any item on the agenda.

d. No binding or final action may be taken on any matter not on the written agenda except by an unanimous vote of the members in attendance.

e. A **tabling** motion to postpone has the effect of laying the matter over until the next regular meeting unless otherwise specified.

f. The Commission may temporarily suspend its rules by a five-sevenths (5/7) vote of members in attendance.

g. Any matter before the Commission that does not get either four affirmative or four negative votes shall be considered tabled until the next regular Planning Commission Meeting. At the second Commission meeting when the tabled matter is considered again, if the matter does not get either four affirmative or four negative votes, then the matter shall be forwarded on to the County Board for appropriate action without a formal recommendation from the Commission.

~~7.3~~ h. In circumstances in which failure to act shall constitute approval under Minn. Stat. 15.99, as may be amended from time to time, failure to receive four votes for approval shall constitute a denial unless an extension to the deadline for action is agreed to by the applicant.

~~7.4~~ ~~A motion from the floor must be made and passed in order to dispense with any item on the agenda.~~

~~7.5~~ ~~No binding or final action may be taken on any matter not on the written agenda except by an unanimous vote of the members in attendance.~~

~~7.6~~ ~~A tabling motion has the effect of laying the matter over until the next regular meeting unless otherwise specified.~~

~~7.7~~ ~~Whenever a Commission Member shall have a direct or indirect personal or financial interest, in an application or petition before the Commission, such member shall declare such interest and shall not participate as a member of the Commission in any hearing, discussion or deliberations of such matter, and shall in no event vote on such matter. When there is a question on the existence of a conflict of interest, the Chair shall make a ruling thereon. Commission members shall be subject to County Board Resolution #95-25 (Conflict of Interest Statement).~~

7.8 **Section 7.4 Meeting Adjournment.** All meetings of the Planning Commission will adjourn no later than eleven (11:00) p.m. If there is still business to be discussed the Commission will set a time and date for continuance of the meeting.

~~7.9~~ ~~The Commission may temporarily suspend its rules by a five-sevenths (5/7) vote of members in attendance.~~

ARTICLE VIII – HEARINGS

~~8.1~~ **Section 8.1 Public Hearings.** In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.

~~8.28.1~~ **Section 8.2. Notice of Hearings.** Notice of the time, place and purpose of such hearing shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the Commission at least 10 days prior to the hearing.

~~8.38.2~~ **Section 8.3. Public Hearing Procedures.** Procedures for the public hearing shall be as follows:

a) The Chair shall announce the commencement of the public hearing.

- b) ~~The Chair shall ask the secretary to read the legal notice and the procedural rules for the public hearing.~~
 e) b) At the conclusion of the testimony on an application, the Chair shall ask the Commissioners to close the public hearing, or ask for a motion of recommendation of the public hearing item.

8.4 **Section 8.4. Public Hearing Record.** A record shall be kept of those speaking before the Commission at such hearings.

8.5 **Section 8.5. Hearing Rules.** The Commission may adopt rules for the orderly conduct of hearings ~~and its meetings.~~

ARTICLE IX – AMENDMENTS

9.1 ~~These by-laws may be recommended for amendment by the County Board by a majority vote of the entire membership of the Planning Commission.~~ **Section 9.1 Amendment of Bylaws.** Amendments to these Bylaws may be provisionally approved by a two-thirds vote of Commission members, provided that any such proposed amendment shall first have been delivered to each Commission member at least five days prior to the meeting at which such amendment is considered and is in accordance with the enabling resolution adopted by the Olmsted County Board of Commissioners. However, the proposed amendments shall not become final and binding until they have been approved by a majority vote of the Olmsted County Board of Commissioners following approval by the Commission.

Recommended for adoption this date _____

ATTEST:

Secretary

Chair

APPROVED BY OLMSTED COUNTY BOARD on _____.

Chairperson

Deputy Clerk – Administrator of the County Board

OLMSTED COUNTY PLANNING ADVISORY COMMISSION

BY-LAWS

ARTICLE I – IDENTITY

Section 1.1 Name

This organization shall be known as the Olmsted County Planning Advisory Commission.

ARTICLE II – AUTHORITY

Section 2.1 Legal Authority

The authorization for the establishment of this Planning Advisory Commission is set forth under Minnesota Statute 394.30, as amended from time to time.

ARTICLE III – MEMBERSHIP

Section 3.1 Number of Members

The Commission shall consist of 7 members, appointed by the County Board, who are eligible voters residing within the limits of Olmsted County. At least two members of the Commission shall be residents of the portion of the County outside the corporate limits of municipalities. One member of the Planning Advisory Commission shall also be a member of the County Board. The County Board will strive to provide diversity in its appointment of Commission members.

Section 3.2 Prohibition on Service by County Employees

Current County employees are prohibited from serving on the Commission to avoid potential conflicts of interest, though employees who have retired are eligible to be appointed and serve one year after their date of retirement.

Section 3.3 Prohibition on Service by Developers

No voting member of the Commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the County .

Section 3.4 Prohibition on Service by County Contractors

Employees or members of organizations with whom the County is currently under contract to provide mandated services are prohibited from serving on the Commission to avoid potential conflicts of interest only if:

- a. these individuals provide mandated services to the County through their work for a County contractor and
- b. in their service as a Commission member, they would oversee or directly influence the services to be provided by the contractor to the County.

Section 3.5 Service by Minors

The County Board may, at its option, choose to permit minors to serve as ex officio members of the Commission, provided a majority of the Board members are satisfied that a prospective member who is a minor is of sufficient maturity to properly understand and participate in the proceedings of the Commission. All minors who wish to serve as a Commission member shall complete an application and include at least one letter of recommendation from an adult who knows the minor well for consideration by the Board. Minors who meet these criteria must apply using the application from through the Youth Commission and be approved by a Deputy County Administrator. No more than 2 minors may serve on the Commission at any time and they shall serve as ex-officio members of the Commission.

Section 3.6 Member Service on Board of Adjustment

One member of the Commission shall also be appointed by the County Board to serve as the Commission's representative on the Olmsted County Zoning Board of Adjustment.

Section 3.7 Term of Service

Members shall be appointed for three years, except for the County Board Member, whose term shall be for only one year. Members may be appointed to not more than two (2) consecutive 3-year terms. Members whose terms have expired shall continue to serve as members of the Planning Advisory Commission until their replacements have been appointed and qualified.

Section 3.8. Member Attendance

Commission members shall regularly attend Commission meetings and any other Commission member assigned duties. Commission members shall be permitted two unexcused absences for each year of Commission service. Excused absences include, but are not limited to, absences for activities such as illnesses, serious personal injuries, vacations, jury duty, voting, school activities and family emergencies. If a Commission member incurs three unexcused absences within one year, this matter shall be referred to the Deputy County Administrator with oversight for the Planning Department on behalf of the Commission for further action pursuant to the procedure set forth in Section 3.11g below.

Section 3.9 Compensation for Member Duties

Commission members shall be paid per diem compensation as determined by resolution of the Olmsted County Board of Commissioners for their attendance at Commission

meetings and for any other Commission member duties as assigned. County elected officials who are assigned to serve on the Commission shall not receive per diem compensation for Commission duties

Section 3.10 Conflicts of Interest

Each Commission member shall complete a Conflict of Interest Statement prior to serving as a Commission member to inform the County about potential conflicts of interest. Each Commission member shall update the Conflict of Interest Statement annually thereafter while service on the Commission continues. No Commission member shall participate in any proceedings before the Commission if the member has a conflict of interest. A conflict of interest occurs when:

- a. the Commission member has a property interest in or directly receives financial compensation from a sale, lease, or contract which is related to a matter that comes before the Commission for action or approval.
- b. a matter requiring Commission action comes before the Commission where the Commission member is related by blood or marriage or is a close friend or associate to persons presenting the matter and the Commission member feels that because of a close personal relationship with the presenter, the Commission member cannot be fair and impartial when considering how to vote on the matter requiring Commission action.

If information is received that a member of the Commission has a conflict of interest on a matter which comes before the Commission for action or approval and that member does not recuse himself/herself from participation, the Commission Chair shall intervene and shall preclude the member from participating in discussions or voting pertaining to that matter. If a member is found to repeatedly participate in matters coming before the Commission for action or approval where a conflict of interest exists, this matter shall be referred to the Commission Chair for further action pursuant to the procedure set forth in Section 3.11g below.

Section 3.11 Commission Member Conduct

- a. It is critically important that members of the public who have business before the Commission feel confident that the Commission will treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation or local human rights commission activity. By choosing to serve as a Commission member, members shall refrain from engaging in speech or conduct that will reasonably tend to make members of the public with business before the Commission feel the Commission will not treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation or local human rights commission activity.

- b. Commission members shall also comply with the following [County policies](#) pertaining to their Commission service:
 - a. Accepting Donations
 - b. Conflict of Interest Legal and Ethical Practices
 - c. Diversity and Inclusion Policy
 - d. Gifts - Gratuities
 - e. Political Activity (during Board/Commission service times)
 - f. Solicitation on Premises (during Board/Commission service times)
 - g. Tobacco Free Grounds (during Board/Commission service times)
 - h. Weapons in the Workplace (during Board/Commission service times)
 - i. Animals in the Workplace (during Board/Commission service times)
- c. Commission members are also prohibited from representing to others that they speak on behalf of the entire Commission, or the Olmsted County Board of Commissioners, unless the Commission has authorized the member to do so, though members may continue to speak in their role as an individual member serving on the Commission.
- d. If a Commission member is convicted of a criminal offense which directly relates to the administration of laws or ordinances by a County Department which come before the Board/Commission for action, this shall be grounds for removal of the Board/Commission member pursuant to the procedure outlined in Section e below. Examples of this would include a Planning Advisory Commission member being convicted for violating the County's Zoning, Water Well and Water Supply, Septic System or Wetland Conservation Ordinances. A person once removed shall be eligible to be reappointed to the Commission however after the passage of 5 years or proof of rehabilitation from the conviction, whichever occurs first.
- e. Ex parte communications between members of the Commission and members of the public who have business pending before the Commission for official action concerning that matter is discouraged in order to ensure that all nonpublic information pertinent to Commission matters is produced in an open meeting to which all of the Commission members and the public have access.
- f. Commission members are discouraged from publicly stating their positions in advance on matters of official business coming before the Commission because of the perception by the public that they no longer retain an open mind to listen to all sides of matters of official business. If Commission members do state their positions in advance, they will be precluded from participating when the matter of official business is brought up for discussion and a vote by the Commission.
- g. The Commission Chair and Vice Chair shall investigate the allegations brought against a Commission member with the assistance of County staff and the

County Attorney's Office as needed. The Commission member shall be given an opportunity to present information relevant to the allegations. If the Commission Chair and Vice Chair determine a Commission member has engaged in speech or conduct which violates this standard, the Commission Chair shall notify the Deputy County Administrator with oversight for the Planning Department of the pertinent facts which support its conclusions and a recommendation concerning disciplinary action. If the allegations are proven by a preponderance of the evidence to the Deputy County Administrator, the Commission may, depending on the facts which are proven, choose to 1) censure the member privately, 2) issue a public censure of the member and establish a probationary period for further disciplinary action if violations continue, or 3) may ask the County Board to remove the member from the Commission and appoint a suitable replacement member. Members shall be subject to removal, for cause, upon a 4/7 vote by the County Board, after notice and opportunity for hearing before the Board.

Section 3.12 Commission Vacancies

It shall be the duty of the Planning Department staff to notify County Administration of any vacancy in membership. The County Board shall appoint an individual to fill such vacancy for the remainder of the unexpired term. However, Commission members wishing to serve a second term shall verbally express their interest to the Planning staff supporting the Commission and Deputy County Administrator with oversight for the Planning Department and, with their approval, may continue to serve a second term without re-application.

ARTICLE IV – OFFICERS

Section 4.1. Commission Officers

The officers shall consist of a Chair, Vice-Chair and Secretary. The Chair and Vice-Chair shall be elected by the Commission from among its members.

Section 4.2. Duties of the Chair

The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 4.3 Duties of the Vice-Chair

The Vice-Chair shall act for the Chair in their absence.

Section 4.4 Duties of the Secretary and Planning Staff Support

The Secretary shall work with an assigned County Planning employee to the Commission to keep the minutes and records of the Commission; attend to the correspondence of the Commission and carry out any other duties that may be assigned by the Commission

ARTICLE V – ELECTION OF OFFICERS

Section 5.1. Annual Meeting

An annual organizational meeting shall be held at the first regular meeting occurring after the appointment of new Commission members.

Section 5.2. Officer Nominations

Nominations shall be made from the floor at the annual organizational meeting and election of the officers specified in Section 4.1 shall follow immediately thereafter.

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A candidate receiving a majority vote of the entire membership of the Planning Advisory Commission shall be declared elected. New officers shall take office immediately upon election, and shall serve for one year or until their successor shall take office. Officers may serve a maximum of two consecutive terms in any one office. Vacancies in office shall be filled immediately by regular election procedure.

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Regular meetings of the Commission shall be held on the first and third Thursday of each month. The date of any such regularly scheduled meeting may be changed upon approval of a majority of the Commission members.

Section 6.2. Notice of Meetings

Notice in writing (including by email for any Commission Members having email accounts) of any meeting shall be sent to all Commission Members at least 5 days in advance of the meeting and shall state the time, place and purpose of such meeting.

Section 6.3 Special Meetings

Special meetings may be called by the Chair or at the request of at least 3 members of the Commission or by the Director of the Planning Department or his/her designee. Planning Department staff shall notify all members of the Commission by any means not less than two days in advance of such special meeting.

Section 6.4 Open Meeting Law Requirements

Meetings shall be subject to the Minnesota Open Meeting Law, Minn. Stat. Chapter 13D, as may be amended from time to time.

ARTICLE VII – MEETING PROCEDURES

Section 7.1 Robert's Rules of Order

Unless otherwise specifically designated, Robert's Rule of Order, as most recently revised, shall govern meeting procedure, insofar as possible.

Section 7.2. Quorum Requirements

A quorum shall consist of 4 members. A minimum of 4 votes in the affirmative shall be required to approve a request. If a member recuses himself/herself from discussion and voting on an application pending before the Commission due to a conflict of interest, the member is still considered to be present for purposes of a quorum

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- a. All non ex-officio members shall have the right to vote on matters which come before the Commission for action.
- b. All voting shall be by voice or by a show of hands and the result of the voice or hand vote shall be kept as part of the minutes.
- c. A motion from the floor must be made and passed in order to dispense with any item on the agenda.
- d. No binding or final action may be taken on any matter not on the written agenda except by an unanimous vote of the members in attendance.
- e. A motion to postpone has the effect of laying the matter over until the next regular meeting unless otherwise specified.
- f. The Commission may temporarily suspend its rules by a five-sevenths (5/7) vote of members in attendance.
- g. Any matter before the Commission that does not get either four affirmative or four negative votes shall be considered tabled until the next regular Planning Commission Meeting. At the second Commission meeting when the tabled matter is considered again, if the matter does not get either four affirmative or four negative votes, then the matter shall be forwarded on to the County Board for appropriate action without a formal recommendation from the Commission.
- h. In circumstances in which failure to act shall constitute approval under Minn. Stat. 15.99, as may be amended from time to time, failure to receive four votes for approval shall constitute a denial unless an extension to the deadline for action is agreed to by the applicant.

Section 7.4 Meeting Adjournment

All meetings of the Commission will adjourn no later than eleven (11:00) p.m. If there is still business to be discussed the Commission will set a time and date for continuance of the meeting.

ARTICLE VIII – HEARINGS

Section 8.1 Public Hearings

In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.

Section 8.2. Notice of Hearings

Notice of the time, place and purpose of such hearing shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the Commission at least 10 days prior to the hearing.

Section 8.3. Public Hearing Procedures

Procedures for the public hearing shall be as follows:

- a. The Chair shall announce the commencement of the public hearing.
- b. At the conclusion of the testimony on an application, the Chair shall ask the Commissioners to close the public hearing, or ask for a motion of recommendation of the public hearing item.

Section 8.4. Public Hearing Record

A record shall be kept of those speaking before the Commission at such hearings.

Section 8.5. Hearing Rules

The Commission may adopt rules for the orderly conduct of hearings .

ARTICLE IX – AMENDMENTS

Section 9.1 Amendment of Bylaws

Amendments to these Bylaws may be provisionally approved by a two-thirds vote of Commission members, provided that any such proposed amendment shall first have been delivered to each Commission member at least five days prior to the meeting at which such amendment is considered and is in accordance with the enabling resolution adopted by the Olmsted County Board of Commissioners. However, the proposed amendments shall not become final and binding until they have been approved by a majority vote of the Olmsted County Board of Commissioners following approval by the Commission.

Recommended for adoption this date _____

ATTEST:

Secretary

Chair

APPROVED BY OLMSTED COUNTY BOARD on _____.

Chairperson

Deputy Clerk to the County Board