

Applicant

Blue Earth County
P.O. Box 3566
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Request

Request for review and approval of an amendment to the Blue Earth County Code of Ordinances, Chapter 24 - Zoning. The amendment addresses Essential Services in the Definitions and word usage Section and Uses Section of the Agricultural, Conservation, Rural Residence, Rural Townsite, General Business and Light Industry districts.

Background and Statement of General Need

As part of the review of the Urban Fringe Overlay District (UFD), county staff identified inconsistencies in terminology and classification of uses pertaining to government buildings/facilities and utility services in several zoning districts.

Currently, “Essential Services” is defined as “overhead or underground electric, gas, communication, hydrocarbon, steam or water transmission or distribution systems and structures, by public utilities or governmental departments, or as are required for protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection herewith, but not including buildings,” in Section 24-3. However, in the Agriculture and Rural Townsite Districts’ Use Sections buildings are included as part of essential services. Furthermore, “essential services” is not listed in the Uses Section of the Conservation, Light Industrial, and Heavy Industrial Districts.

“Town Halls and associated accessory buildings” are not currently listed as a use in any zoning district. This use is well established across the county and provides critical services.

The following chart is existing language related government buildings and facilities:

District	Current language	Type of Use
Agriculture	Essential services and essential public utilities and service buildings, but not including storage yards.	Permitted
Conservation	*not listed*	Not permitted
Rural Residence	Municipal administration and service buildings.	Interim
Rural Townsite	Municipal administration buildings, police and fire stations, community center buildings, public libraries, museums, post offices and other municipal service buildings.	Conditional
General Business	Government or municipal buildings.	Permitted
Highway Business	Any permitted use in the GB district.	Permitted
Light Industrial	Highway maintenance shops and yards	Interim
Heavy Industrial	Any interim use in the LI District	Interim

Additionally, “Water supply buildings, reservoirs, elevated tanks and similar essential service buildings” is listed as a conditional use in the Rural Residence and Rural Townsite.

Summary of Proposed Amendment

The proposed ordinance amendment (Attachment 1) updates the definition of essential services to remove the term “towers” from the definition to clarify that some towers are subject to specific performance standards. “Essential services” will be allowed in all districts.

With the proposed amendment, “townhalls and their associated accessory buildings” will be allowed as either a permitted or conditional use, depending on the zoning district.

The amendment also defines which zoning districts allow buildings and facilities owned and operated by a government agency as a conditional use. Uses currently listed in zoning districts, which are similar to government buildings and facilities, are struck from the uses section and replaced with, “Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective.”

Below is a summary chart outlining the proposed changes related to government buildings and facilities:

District	Proposed language	Type of Use
	Essential services. and essential public utilities and service buildings, but not including storage yards.	Permitted
	Townhalls and associated accessory buildings.	Permitted
Agriculture	Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective.	Conditional
Conservation	Essential services.	Permitted
	Townhalls and associated accessory buildings	Permitted
Rural Residence	Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to	Conditional

	adequately address the eventual connection to municipal services when they become physically possible and cost-effective.	
	Townhalls and associated accessory buildings	Conditional
	Municipal administration and service buildings.	Interim
Rural Townsite	Essential services. including structures or facilities	Permitted
	Municipal administration buildings, police and fire stations, community center buildings, public libraries, museums, post offices and other municipal service buildings.	Conditional
	Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective.	Conditional
	Townhalls and associated accessory buildings.	Conditional
General Business	Townhalls and associated accessory buildings.	Permitted
	Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective. Government or municipal buildings.	Permitted
Light Industrial	Highway maintenance shops and yards	Interim
	Essential services	Permitted
	Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to	Conditional

adequately address the eventual connection to municipal services when they become physically possible and cost-effective.

“Water supply buildings, reservoirs, elevated tanks and similar essential service buildings” is removed as a use in all districts. This use will be covered under the “Buildings and facilities owned and operated by a governmental agency for a public purpose.” If not operated by a governmental agency, “water supply buildings” would likely be located with some other type of primary use.

Land Use Plan

Citations from the Blue Earth County Land Use Plan pertinent to the consideration of this ordinance amendment, along with staff proposed interpretations, are listed below. This section is also included as Attachment 2 and referenced in the proposed findings for this ordinance amendment.

- Land Use Objective: Refer to other system plans (e.g., Water Management Plan, MAPO Transportation Plan, Hazard Mitigation Plan, and other relevant plans) when making future decisions on growth and development or updating the Land Use Plan.
 - The Hazard Mitigation Plan identifies several buildings and facilities owned and operated by a governmental agency for a public purpose as critical facilities in mitigating the impacts of hazards. The placement or location is important in the services they provide.

- Land Use Objective: Maintain ordinances that appropriately respond to the residential, agricultural, industrial and commercial trends of Blue Earth County.
 - Buildings and facilities owned and operated by a governmental agency for a public purpose provide services for multiple economic sectors.

- Agricultural Goal: Blue Earth County will maintain its agricultural areas by limiting new development to reduce conflicts between farm and non-farm uses and by adopting performance standards for certain agricultural uses to better protect its natural resources.
 - Buildings and facilities owned and operated by a governmental agency for a public purpose may have reason to locate in agricultural areas based on providing efficient delivery of critical services. As a conditional use, site specific conditions should be drafted to limit the impact of conflicts between farm and non-farm uses.

- Development Goal: The County will support orderly growth and limit the development of uses that may eventually require the extension of urban utilities outside of municipal areas.
 - Buildings and facilities owned and operated by a governmental agency for a public purpose may have reason to locate in areas adjacent to municipalities based on providing efficient delivery of critical services. The goal does not prohibit the development of uses that may eventually require the extension of urban utilities outside of municipal areas. Based on the services the buildings and facilities provide to multiple economic sectors, the use should be considered as a conditional use.

- Wastewater Actions: Continue to support growth and development in municipalities or areas with publicly owned collection and treatment systems to ensure that wastewater treatment needs are met for the future and to help reduce long-term costs associated with growth to the taxpayers.
 - Buildings and facilities owned and operated by a governmental agency for a public purpose should be connected to municipal services whenever possible.
- Development Objective: Future growth and development in the urban fringe districts near Mankato, Eagle Lake, and Madison Lake should be steered to the municipalities and be consistent with orderly annexation agreements, land use plans of the affected jurisdictions, MAPO transportation plans, MATAPS, and other local and regional transportation plans, protection of natural resources, the County Greenprint, County Land Use Plan, and other local and regional plans.
 - Buildings and facilities owned and operated by a governmental agency for a public purpose may have reason to locate in areas adjacent to municipalities based on providing efficient delivery of critical services. All pertinent planning documents must be followed if applicable.
- Transportation Objective: Maintain a transportation system that allows for the safe and efficient movement of people and goods through Blue Earth County and responds to growth.
 - Buildings and facilities owned and operated by a governmental agency for a public purpose maintain the transportation system.

Work Session

County staff presented background and the general need for the proposed amendment at the County Board Work Session on December 13, 2022. Staff offered proposed language for amending the definition of essential services, and in which districts a new use, describing government buildings (“Buildings and facilities owned and operated by a governmental agency for a public purpose including public works facilities when served by municipal services”) would be allowed as a conditional use. The board discussed the draft language with staff and provided feedback that it may not be physically or financially feasible for municipal services to be extended to all government buildings. Feedback from the board has been incorporated into Attachment 1.

Required Notices

The required public hearing notice was published in the Free Press on December 24, 2022. It was also mailed to all cities and townships in the County on December 22, 2022.

Findings

Staff has developed the following findings regarding proposed amendments to Chapter 24 of the Blue Earth County Code of Ordinances as shown in Attachment 1:

1. Minn. Stat. § 394.21 grants counties the authority to regulate land development by adopting and amending official controls.
2. Minn. Stat. § 394.301 – Conditional Use Permits, allows counties to regulate uses with standards and criteria for both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use.

3. Amending Chapter 24 - Zoning of the Blue Earth County Code of Ordinances, as contained in Attachment 1, can better protect the public health, safety and general welfare through clarifying the uses and allowance of “essential services,” “townhalls and associated accessory buildings,” and “Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective.”
4. The proposed ordinance amendment is consistent with the Blue Earth County Land Use Plan as interpreted in Attachment 2.

Recommendation

Staff recommends approval of the proposed amendments to Chapter 24 of the Blue Earth County Code of Ordinances as shown in Attachment A.

Attachments

Attachment 1 – Proposed Government Buildings Ordinance Amendment

Attachment 2 – Land Use Plan Citations and Interpretations

Attachment 1 – Government Building Ordinance Amendment

Sec. 24-3. Definitions and word usage.

Essential services means overhead or underground electric, gas, communication, hydrocarbon, steam or water transmission or distribution systems and structures, by public utilities or governmental departments, or as are required for protection of the public health, safety or general welfare, including ~~towers~~, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection herewith, but not including buildings.

DIVISION 2. – A AGRICULTURE DISTRICT

Sec. 24-112. Uses.

- (a) *Permitted uses.* The following uses are permitted within the A district:
 - (5) Essential services ~~and essential public utilities and service buildings, but not including storage yards.~~
 - (23) ~~Townhalls and associated accessory buildings.~~
- (b) *Conditional uses.* The following uses may be allowed in the A district as a conditional use as regulated in article II of this chapter.
 - (20) ~~Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective.~~

DIVISION 3. – C CONSERVATION DISTRICT

Sec. 24-137. Uses.

- (a) *Permitted uses.* The following uses shall be permitted in the C district:
 - (19) ~~Essential Services.~~
 - (20) ~~Townhalls and associated accessory buildings.~~
- (b) *Conditional uses.* The following uses may be allowed in the C district as a conditional use and subject to the provisions of article II of this chapter:
 - (6) ~~Water supply buildings, reservoirs, elevated tanks and similar public facilities.~~

DIVISION 4. – RR RURAL RESIDENCE DISTRICT

Sec. 24-162. Uses.

- (b) *Conditional uses.* The following uses may be allowed as conditional uses in the RR district, subject to the provisions of article II of this chapter:
 - (6) ~~Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they~~

become physically possible and cost-effective. ~~Water supply buildings, reservoirs, elevated tanks and similar essential service buildings.~~

- (7) Townhalls and associated accessory buildings.
- (c) *Interim uses.* The following uses may be allowed as interim uses in the RR district, subject to the provisions of article II of this chapter:
 - (3) ~~Municipal administration and service buildings.~~

DIVISION 5. – RT RURAL TOWNSITE DISTRICT

Sec. 24-192. Uses.

- (a) *Permitted uses.* The following uses are permitted in the RT district:
 - (4) Essential services ~~including structures or facilities.~~
- (b) *Conditional uses.* The following uses may be allowed in the RT district, subject to the provisions of article II of this chapter:
 - (5) ~~Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective. Municipal administration buildings, police and fire stations, community center buildings, public libraries, museums, post offices and other municipal service buildings.~~
 - (8) Townhalls and associated accessory buildings. ~~Water supply buildings, reservoirs, elevated tanks and similar essential service buildings.~~

DIVISION 6. - GB GENERAL BUSINESS DISTRICT

Sec. 24-252. Uses.

- (a) *Permitted uses.* The following uses are permitted within the GB district, provided that they do not fall within the definition of adult uses listed in section 4-34 of this Code:
 - (24) ~~Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective. Government or municipal buildings.~~
 - (55) Townhalls and associated accessory buildings.

DIVISION 8. – LI LIGHT INDUSTRY DISTRICT

Sec. 24-252. Uses.

- (a) *Permitted uses.* The following uses are permitted within the LI district if they do not generate hazardous byproducts and are not generally considered to be detrimental to adjacent residential and business districts:
 - (20) *Essential Services.*
- (b) *Conditional uses.* The following uses have the potential to generate hazardous byproducts or may be detrimental to adjacent uses. These uses may be allowed in the LI district as a conditional use, subject to the

provisions of article II of this chapter, if the hazardous byproducts are controlled and/or activities that are generally considered to be detrimental to adjacent uses are addressed:

(13) Buildings and facilities owned and operated by a governmental agency for a public purpose when served by municipal services. If not served by municipal services, a condition must be placed on the conditional use permit to adequately address the eventual connection to municipal services when they become physically possible and cost-effective.

(c) *Interim uses.* The following uses have the potential to generate hazardous byproducts or may be detrimental to adjacent uses. These uses may be allowed in the LI district as an interim use, subject to the provisions of article II of this chapter, if the hazardous byproducts are controlled and/or activities that are generally considered to be detrimental to adjacent uses are addressed:

(7) ~~Highway maintenance shops and yards.~~

Attachment 2 – Land Use Plan Citations and Interpretations

- Land Use Objective: Refer to other system plans (e.g., Water Management Plan, MAPO Transportation Plan, Hazard Mitigation Plan, and other relevant plans) when making future decisions on growth and development or updating the Land Use Plan.
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transportation plans, protection of natural resources, the County Greenprint, County Land Use Plan, and other local and regional plans.

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