



Olmsted County Planning Department

March 15, 2021

Oronoco Township Planning Commission

Prepared by: Olmsted County Planning Department Staff

Request: Oronoco Township Zoning District Amendment #OR2021-001ZC. The zone change was initiated by the Town Board on February 1, 2021 to rezone the properties currently zoned ARC-Agricultural Residential Cluster area to RA-Rural Residential, R-1 Low Density Residential or A-3 Agricultural District.

Location: The properties are located in the East 1/2 of Section 22, The West 1/2 of Section 23 the NE Quarter of Section 27 and the NW Quarter of Section 26 all in T108M, R14W, Oronoco Township.

ACTION ITEMS

<p>Change the existing ARC zoning district to RA, R-1 or A3</p>	<p>Planning Staff recommends the following actions:</p> <ol style="list-style-type: none"> 1. Amend the zoning district for the existing platted areas of Windermere, Windermere II, White Birch Hills 1st Subdivision and White Birch Hills 2nd Subdivision to RA-Rural Residential Zoning District. 2. Amend the zoning district for the unplatted land currently zoned ARC to A-3 Agricultural District.
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BACKGROUND INFORMATION

Summary

The ARC-Agricultural Residential Cluster areas were approved prior to March 17, 1987. Currently Oronoco Township has one area of approximately 513 acres that is currently zoned ARC (see the attached ARC Map). The underlying land use designation of this area is Suburban Development and Resource Protection-Potential Suburban Development. Of the 513 acres about 99 acres are in the Resource Protection-Potential Suburban Development designation.

The subdivisions that are located within the ARC are:

- Windermere
- Windermere II
- White Birch Hills 1st Subdivision
- White Birch Hills 2nd Subdivision

The purpose of the ARC district, according to the July 30, 1984 zoning ordinance, was to allow single family dwellings to be clustered together in woodland areas or on non-prime agricultural farmland or unfeasible farmland in a manner that prime agricultural farmland and unique natural amenities would be preserved. This district is limited to the areas that are currently zoned "A-3 Agricultural" and is intended to provide a designated agricultural or open space area. The boundaries of the two designated areas (residential and agricultural or open space) shall be permanent unless all the land included in the ARC is rezoned to a different zoning district. See the excerpts for the ordinance attached to this memo.

Attached to this report are the minutes from the first public hearing to eliminate the ARC zoning district. There was a lengthy discussion that the Townships would eventually rezone the ARC zoned properties to something else.

Attached to this report is a table showing permitted vs. conditionally permitted uses within the various residential districts (R-1, R-A, ARC-Ag, ARC-Res). The R-A allows similar uses as ARC-Ag and the R-1 allows similar uses to ARC-RES.

- The R-1 Zoning district would allow for more dwellings within the area. The minimum lot size in the R-1 district is 2 acres. This zoning district is appropriate in the land use designation of Suburban Development but would allow for the existing parcels to be split multiple times which could change the rural characteristic of the existing platted area.
- The R-A Zoning district allows for larger lot sizes and rural land uses such as horses. The minimum lot size in the R-A district is 5 acres. The existing large lot sizes would support the RA zoning district and would not result in a dramatic change in the character of the area.
- The unplatted land is located within the Resource Protection-Potential Suburban district. The A-3 Zoning District is an appropriate zoning district for this underlying land use and consistent with the surrounding A-3 property.

Options

1. Initiate a zoning district amendment for the existing subdivisions to R-1 and/or R-A.
2. Initiate a zoning district amendment for the non-platted area as A-3.

3. Do nothing.

ANALYSIS AND FINDINGS

The criteria to amend a zoning district are located in Section 4.00 Section H in the Oronoco Township Zoning Ordinance as follows:

H. Amendment Findings:

1. The proposal is consistent with the policies of the Oronoco Township General Land Use Plan;

The proposed zoning district is consistent with the Oronoco and Olmsted County General Land Use Plan. The RA zoning district will allow for large rural lots which are consistent with the original ARC zoning district. The A-3 zoning district is what the property was originally zoned and also consistent with the agricultural areas of the ARC district.

2. The amendment is in the public interest;

The amendment is in the public interest. It will allow landowners more flexibility with their land use choices while keeping the character of the area intact.

3. The proposed development is timely based on surrounding land uses, proximity to development, and the availability and adequacy of infrastructure;

The proposal is timely. The ARC zoning district was eliminated by the county in 1987. The town board officials at that time indicated they would be changing the zoning district of the existing ARC zone, which to date has not occurred.

4. The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood;

The proposal permits land uses that are consistent with the existing zoning district and similarly sized properties in the proposed zoning districts.

5. The proposal does not result in a spot zoning;

The proposal is not spot zoning, the proposed zoning districts are consistent with the underlying land use designations of Suburban Development and Resource Protection-Potential Suburban.

6. The proposal is consistent with a General Development Plan for the area, if one exists.

A General Development Plan does not exist for the property but the proposal is consistent with the original ARC zoning district requirements.

Staff Recommendation

Based on the above findings, planning staff recommend the following actions:

1. Amend the zoning district for the existing platted areas of Windermere, Windermere II, White Birch Hills 1st Subdivision and White Birch Hills 2nd Subdivision to RA-Rural Residential Zoning District.
2. Amend the zoning district for the unplatted land currently zoned ARC to A-3 Agricultural District.

ATTACHMENTS

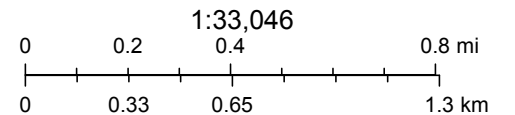
1. Site Location Map
2. Notification Map
3. ARC Land Use Map
4. County Planning Advisory Commission Minutes February 19, 2987
5. July 30, 1984 ARC Regulations
6. Residential ARC Comparison
7. Resolution 2021-001 Initiating the Zone Change

Site Location Map



2/18/2021, 8:49:51 AM

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

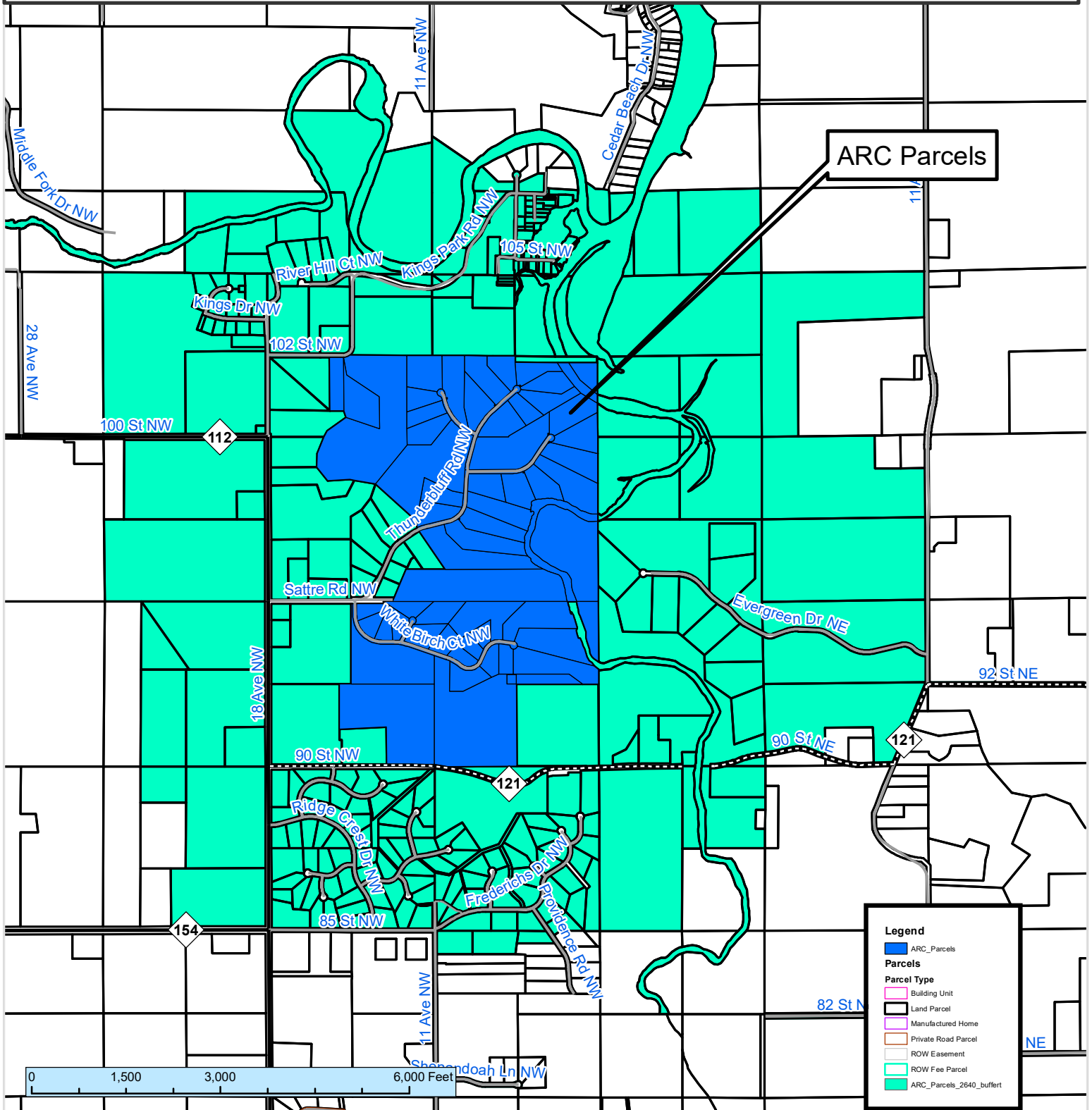


Olmsted County, MN GIS Division and Olmsted County, MN Property Records and Licensing., Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap

Web AppBuilder for ArcGIS

2640 Ft. Notification Area of ARC Zoned Parcels

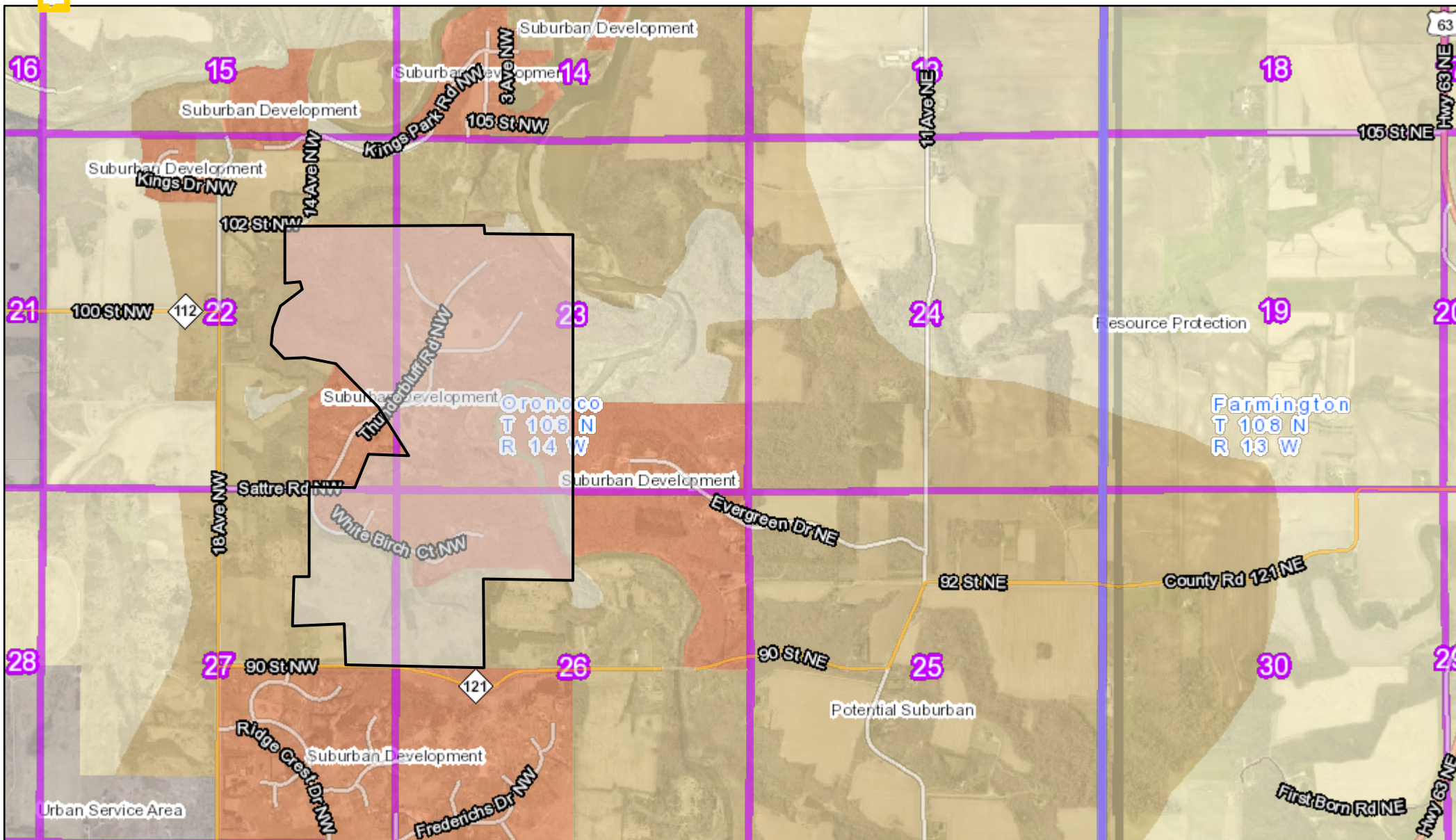
Oronoco Township Zone Change #OR2021-001ZC by Oronoco Township. The zone change was initiated by the Town Board on February 1, 2021 to rezone the properties currently zoned ARC-Agricultural Residential Cluster area to RA-Rural Residential, R-1 Low Density Residential or A-3 Agricultural District. The properties are located in the East 1/2 of Section 22, The West 1/2 of Section 23 the NE Quarter of Section 27 and the NW Quarter of Section 26 all in T108M, R14W, Oronoco Township.



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.

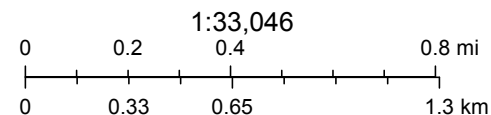


ARC Oronoco Township Land Use



1/26/2021, 11:58:55 AM

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



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 contributors, and the GIS User Community, Olmsted County, MN GIS Division, Olmsted County, MN

Mr. McDougall noted that this application will now go to the County Board for their action on staff's recommendation.

PAC-Initiated Text Amendment #87-1 to Consider Deleting Section 5.06, Pertaining to the ARC (Agricultural Residential Cluster), from the Olmsted County Zoning Ordinance.

Mr. Klemenhagen explained the background of the Agricultural Residential Cluster District (ARC). He noted that there are currently 10 ARCs in Olmsted County. The various Townboards have various complaints about ARCs, including maintenance of the roads, impact on agricultural uses, etc.

Recently the Haverhill Townboard requested the Planning Commission to eliminate all of the A-3 district in Haverhill Township in order to eliminate any future ARCs, which are permissible only in the A-3 district. Since the Townboard wanted to eliminate the A-3 district only in order to get rid of the ARC, the Commission tabled the request and decided to initiate an amendment to the Zoning Ordinance which would eliminate all future ARCs in the entire county by deleting Section 5.06 pertaining to the ARC from the Zoning Ordinance.

The Planning staff recommends to the PAC that the ARC provision be amended to eliminate any future ARC developments.

Section 5.06 of the Olmsted County Zoning Ordinance is proposed to be amended as follows:

Section 5.06 ARC, Agricultural Residential Cluster District:
Existing agricultural residential cluster developments approved prior to March , 1987, are recognized as separate zoning districts and the plans under which they were approved will continue in force and will be the basis on which any proposed changes will be reviewed. Changes to an approved agricultural residential cluster development will be treated as an amendment procedure referred to Section 4.00 of this ordinance.

All of the existing text contained in Section 5.06 would be deleted.

A moratorium for all new ARC applications has been submitted to the County Board for their consideration. A moratorium would prevent the filing of any new applications for ARC developments until this Text Amendment is decided.

Mr. Flores asked what proposed changes could occur on an already established ARC?

Mr. Klemenhagen said in the past we have received requests for additional dwellings, changes in boundaries, etc. In other words, an ARC at some point may request to be eliminated.

Mr. Flores asked if an ARC in Haverhill Township could some day ask to be changed to something else?

Mr. Klemenhagen said it could be. It might be possible to be considered for future residential expansion...5 or 10 years from now. You have no way to

stop someone from applying for a zoning amendment and take their chances. The proposed amendment describes the procedure you have to follow..it has got to be a zone change if you want to change this.

Mr. McDougall noted that it could be included in a development next to it and lose its status as an ARC.

Mr. Flores said there are 10 ARCs out there now in the county. It seemed to him that like a slippery little snake ready to jump on you.

Ms. Snyder asked what we should do with it then?

Mr. Flores suggesting phasing them out. But first delete it from the ordinance. No doubt staff has done a lot of work on this.

Mr. Bernie Bunne, who lives near two of those ARCs, said he would like an explanation of what is the problem with ARCs. He said he was originally against the ARC in 1978 but there is a big need for them in Olmsted County. They are of value to the county. There is a long list of people who live in Rochester and would like to live in the country in an ARC. He said the biggest trouble he has seen is with the Townships complaining about the roads.

Mr. Flores said in Haverhill Township most of the ARCs use agricultural land.

Mr. Bunne said the main reason for that is because the Commission did not enforce that.

Mr. Flores disagreed. He said one of the County Board members was a developer himself. There are a couple of problems...one is the way it is prepared and the way it is handled. The definition of feedlots, etc., is still not defined properly.

Mr. Bunne said he is surrounded by ARCs and he wants to keep that right for himself. He proposed that the Commission needed to correct the problems rather than to eliminate ARCs altogether.

Mr. Flores said that is what Mr. Daley told us to do.

Mr. Bunne said if you eliminate the ARCs you come up with alternate ideas. An ARC is very well planned. You have a better sense of public health, etc.

Mr. Flores said it takes a long time to come out even on revenues and expenses with an ARC.

Mr. Bunne said he did not know which was the best planned ARC because he hasn't studied them all, but you have to put in the requirement that enough bonding is provided to get the roads. Otherwise they are not developed. As for Haverhill Township, he said that property was not of any value to them until it became an ARC. He said we have all of the agricultural land that we need.

Mr. Flores the ordinance was to provide orderly development. The ARC is just the opposite of what the ordinance is designed for. He said he thought a development could be done better without the ARC.

Mr. McDougall said it is way out of order. It is way out in the middle of the farmland.

Mr. Bunne said the ARC has boundaries that allow and mix with agricultural land.

Mr. Flores said we should eliminate them.

Mr. McDougall said it is well planned, but it is planned in the wrong spot.

Mr. Flores said it is in the surrounding area. Would you put a feedlot next to the Mayo Clinic?

Mr. Bunne said the ARC was created because there was a need for it.

Mr. Flores said it was a pseudo need.

Mr. Bunne said it was created by the County Commissioners.

Mr. Duane Kroening, representing Haverhill Township, said he speaks from experience. There are three ARCs in Haverhill Township. He commended Phil Wheeler and Larry Klemenhagen for their work and said if the ARC is removed from the ordinance we will ask that you withdraw that zone change or ask for its denial. The courts say you cannot deny an ARC. We have lost two cases and a third one is pending. The ARC part of the zoning ordinance has been changed three times, and it still does not work. Ours all have houses on only one side of the street. This leads to single loading. The roads are twice as long. These are expensive for the Townboard to maintain. He said he did not think they were asking that rural development be denied. On May 22, 1986, the Townboard Officers Association voted 13-0 to remove the ARC from the ordinance. It has been talked about by township officers in the past. We would rather see them change the Land Use Plan and go for the zone change and be compatible with their neighbors. ARCs are not compatible with their neighbors. He said he agreed with Mr. Klemenhagen about the zone change.

Mr. McDougall asked if getting rid of the ARC in Haverhill Township was their main reason that they requested the change in Haverhill Township from the A-3 to the A-2 district. Mr. Kroening said the Townboard would rather keep the A-3 district. Let the County Board have their chance in removing the ARC. If they don't remove it, we will still ask for the zone change. But we would rather keep the A-3 district.

Mr. Joe Thompson, representing Oronoco Townboard, said they have five ARCs. One road has 65 homes. It is the only access to this area. If we get a torrential rain and that road would go out, he did not know what they would do. Every school bus in comes right back out. Also the mailman. The Oronoco Townboard has urban powers and if the ARC is not deleted from the ordinance, we will use our urban rights to abolish the ARC in Oronoco Township. In four of them there are nicely built homes but there is a lot of land that should be developed to a greater density.

Ms. Linda Bandel King, realtor, said she represented many people, and the Townboard does not listen to them. These people do want to maintain the ARC. She said she is in the business of selling land and realty, and land without

the possibility of an ARC land loses its value. These people have plans; their neighbors are either R-2 or ARC. They didn't want the ARCs in there initially, but they got them. She said as a realtor she represents the seller and her business is to do the best job for him. You people should put yourselves into the position of a seller who has worked his entire life. She said she has come to accept the ARC. She said they should look at the economics of today. Her land is A-3 today and she fought for A-3 for her children. She said she wants that opportunity. A lot of people don't want to go out and develop ARCs, but they want that opportunity.

Mr. Flores asked Ms. King whom she represented.

Ms. King said she represented 75th Street to the river..any landowners in there. Oronoco Township. They want this available to them.

Mr. George Hartog, representing Marion Township, said Marion Township has one ARC. Down the road Marion Township will probably become suburban subdivision. He said their ARC was poorly developed in the first place and Marion Township will have to spend money to update this road. He said he could not see where these prime agricultural ratings come from. Some of the land designated prime agricultural has 30 degree slopes, etc. He thought the County Board should take a serious look at this and get all of the prime land in respect to what they are.

Dale Brooks, Kalmar Townboard representative, said ARCs are a good deal for the people developing them. They are retired farmers who are developing them. It is not good for everyone else.

Duane Kroening, representing Haverhill Township, said they had a meeting in October, 1986, with all of the A-3 district property owners in their township. No one there was opposed to the zone change, understanding the reason for it. 133 notices were sent out. Basically, all approved of the elimination of the ARC in his township.

Mr. Robert Thomas, an interested citizen, said he thinks it is unfair to the people to have anyone mention court cases and then drift away from it.

Mr. Kroening responded that one court case was Pine Tree Estates. The County Board was asked to determine if they wished to pursue it to court. The County Board chose not to go to court so there was no action. The second case was Silver Creek Estates and the County Board did go to court. The decision came down against the County. The third case was when the applicant split off 23 acres instead of 35. Now that has been filed in court.

Mr. Thomas asked, when you say you would like to see ARCs out, if ARCs are deleted, how much would you allow expansion to grow? There has to be room for growth.

Mr. Kroening replied that we would not have "islands." One ARC required four variances and should not have flown. The township road has to be upgraded.

Mr. Thomas asked him if township officers should change the distances to feedlots.

Mr. Kroening said we are not helping development with the ARC, as he saw it. The ARCs would have to comply with the rest of the system. This county has no choice but to approve the ARC.

Mr. Bob Thomas asked why those variances were allowed on this ARC? He said he thought too many variances were allowed.

Mr. Klemenhagen said the ARC has changed over a period of time. Because of the issues that resulted in the court cases there has been a difference of opinion regarding the suitable arrangement for ARCs.

Mr. McDougall said most of our variances were on front width, depth, and lot size.

Mr. Klemenhagen said maybe he had overlooked to mention that the A-3 district does allow development of two (2) non-farm dwellings per quarter-quarter section with a minimum of two (2) acre size. The A-3 districts will still offer some development opportunities but not as much the ARC development would permit

Mr. Hartog said 10% of the people in our township know what an ARC is; 90% would not know.

Ms. Snyder made a motion to close the public hearing, seconded by Mr. Hall. The motion carried.

Mr. McDougall said the townships have to foot the bill for the roads in an ARC, etc. The Commission has changed the regulations for the ARC but it doesn't seem to improve it any. It has not changed anything.

Ms. Snyder said she thought the ARC ordinance had been fixed enough.

Mr. Hall said it doesn't work for the Townboards. There are too many homes in the agricultural land and it just doesn't fit in out there.

Mr. Thomas asked that the public hearing be reopened.

Mr. Flores made a motion to reopen the public hearing at Mr. Thomas' request. Seconded by Mr. Hall. The motion carried.

Mr. Thomas said he would like to know what the trouble is with agricultural lands. He asked if city people don't like country people?

Mr. Flores said it is not a question of that. It is a question of bringing non-agricultural people in to bastardize the land. The ARC is perfect on paper, but it affects country people. It has been rewritten two to three times and it doesn't work.

Mr. Thomas asked what the problem is.

Mr. Flores explained. People move the feedlot. They play games with the way it is written. It is the way that it is interpreted by the County Board of Commissioners. And they have had no training whatsoever in Planning.

Mr. Bunne asked if that is the trouble with the ARC? That you people don't agree with the County Board?

Mr. Flores said it is the way it is written.

Mr. Bunne replied that it needs to be changed, then. All ordinances create an impact if they are near productive farms. Some farmers are not productive.

Ms. King asked if 40% of an ARC had to be prime agricultural land. She complimented Dale Allen on his Windermere ARC.

Mr. Bunne said in Oronoco Township he listened to proposals for DeWitz, Schmidt, and Windermere ARCs. Mr. Schmidt got a variance to the feedlot. He said he would like the privilege of doing the same thing on his property. An ARC regulated right is better than other planning.

Ms. Snyder made a motion to close the public hearing, seconded by Mr. Flores. The motion carried.

Mr. Flores made a motion to delete the ARC from the Zoning Ordinance.

Mr. Wheeler asked if the Commission is going along with staff suggestion to amend Section 5.06 in the Zoning Ordinance as shown in the report.

Mr. Flores said he would have to go along with that. But he said he had to ask why an ARC would change.

Mr. Wheeler said Section 5.06 would leave them as ARCs. There would have to be a zone change in the A-3 district. That is why this section is in there.

Mr. Flores asked if he meant without changing them in the future?

Mr. Wheeler noted that anyone can request a zone change. This would be a vehicle for having a major designation.

Mr. Flores said we can include Section 5.06 then.

Mr. Wheeler explained about the density in present ARCs. That is why we wish to keep the ARC designation for present ARCs.

Mr. Flores made a motion to recommend amending Section 5.06, pertaining to the ARC (Agricultural Residential Cluster) in the Olmsted County Zoning Ordinance, as follows:

Section 5.06 ARC, Agricultural Residential District:
Existing agricultural residential cluster developments approved prior to March , 1987, are recognized as separate zoning districts and the plans under which they were approved will continue in force and will be the basis on which any proposed changes will be reviewed. Changes to an approved agricultural residential cluster development will be treated as an amendment procedure referred to Section 4.00 of this ordinance.

Mr. Hall seconded the motion and it carried 4-1 with Ms. Snyder

voting against.

Mr. McDougall noted that this will now go to the County Board with this recommendation.

DISCUSSION ITEMS:

Joan Nassauer Report:

Mr. Wheeler said there were some questions raised when Joan Nassauer was here about her definition of prime. He reviewed the memo which had been in the packet regarding the comparisons.

OTHER BUSINESS:

Mr. McDougall asked if staff could set priorities for the upcoming year...what each one of us thought about where this Commission should go.

Mr. Wheeler said staff is working on that a priority list. We will probably have it done in time for the Planning Advisory Commission at the next meeting. The board members should have a little time to think about it also.

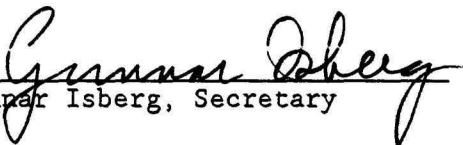
Ms. Snyder asked if they are going to get around to updating the Subdivision Ordinance.

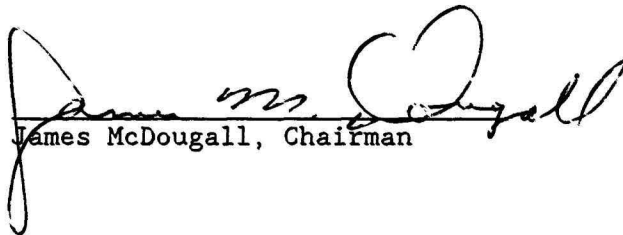
Mr. Wheeler said yes.

ADJOURNMENT:

Mr. Flores made a motion to adjourn the meeting. Seconded by Ms. Snyder. The motion carried.

The meeting adjourned at 9:55 p.m.


Gunnar Isberg, Secretary


James McDougall, Chairman

Section 5.06 A.R.C. AGRICULTURAL RESIDENTIAL CLUSTER DISTRICT: The purpose of the A.R.C. District is to allow single-family dwellings to be clustered together in woodland areas or on non-prime agricultural farmland or unfeasible farmland in a manner that prime agricultural farmland and unique natural amenities would be preserved. This district is limited to the areas that are currently zoned "A-3 Agricultural" and is intended to provide a designated residential area and a designated agricultural or open space area. The boundaries of the two designated areas (residential and agricultural or open space) shall be permanent unless all the land included in the A.R.C. is rezoned to a different zoning district.

A. A.R.C. General Requirements:

1. The A.R.C. zoning districts shall be limited to only those lands currently zoned A-3, Agricultural.
2. The total size of an A.R.C. shall not exceed sixteen (16) dwelling units or a maximum of one hundred sixty (160) acres, whichever is greater.
3. The overall density of the A.R.C. including the agricultural/open space designated area, shall not exceed a density of one (1) dwelling unit for each ten (10) acres of land within the A.R.C. The farm dwelling and the land within the right-of-ways of public roads shall be included in the A.R.C. density calculations.
4. All land parcels included within an A.R.C. zoning district shall be contiguous to each other or shall be separated only by a road right-of-way.
5. All dwellings, except the farm dwelling, shall have a separation from an existing feedlot, including any feedlot located within an A.R.C., of no less than one-fourth (1/4) mile.
6. The residential portion of the A.R.C. shall not exceed forty (40%) percent of the total area of the A.R.C.
7. At least eighty (80%) percent of the residential portion of the A.R.C. shall be wooded or rated as non-prime agricultural land.

B. Permitted Uses in the A.R.C. Residential Area, Provided the Uses are Located upon Platted Lots of an Approved Subdivision, are as follows:

1. One single-family dwelling per lot.
2. Home occupations as regulated in Section 10.02.
3. Accessory structures customarily incidental to the above permitted uses.

C. Permitted Uses in the A.R.C. Agricultural Area are as follows:

1. One farm dwelling or mobile home may be located on a farm.
2. General Farming; including the raising of crops, horticulture, apiculture, sod farming, forestry, and the raising or keeping of some livestock or poultry; providing that no animal feedlot is located within one-fourth (1/4) mile of a non-farm dwelling.
3. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all county, state and soil conservation district minimum regulations.
4. Railroad right-of-ways, but not including freight classification yards and buildings.
5. Temporary or seasonal roadside stands; provided that adequate off-street parking is available, traffic visibility or traffic flows are not adversely affected and not more than one stand per farm. No more than one twenty-five (25) square foot sign advertising the stand shall be permitted for each street or road frontage.
6. Forest and game management areas.
7. Home occupations as regulated in Section 10.02.
8. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

D. Conditional Uses in the A.R.C.'s Residential Area are as Follows:

1. Public and private schools and parks.
2. Churches and community buildings, including chapels, temples, synagogues, cemeteries and normal accessory buildings for education and living quarters.
3. Kennels.
4. Temporary uses not to exceed one year.
5. Accessory structures and uses customarily incidental to any of the above uses when located on the same property.

E. Conditional Uses in the A.R.C.'s Agricultural Area are as follows:

1. Public utility buildings such as outstations, transformer stations, and regulator stations without service or storage yards.
2. Commercial radio and television towers and transmitters, provided that the ground area occupied by the tower is securely fenced by at least a six (6) foot high fence.
3. Stables for the commercial boarding of animals on non-farm parcels.
4. Riding academies.
5. Temporary uses not to exceed one year.
6. Accessory structures and uses customarily incidental to any of the above uses when located on the same property.

F. A.R.C. Conditional Use Procedures: All uses requiring a conditional use shall follow the procedures of Section 4.02, except when such uses are reviewed and approved as part of the A.R.C. Procedures Section 5.06(H).

G. Standards and Criteria for Establishing the A.R.C. are as follows:

1. The residential uses are located upon wooded, non-prime or unfeasible agricultural farmland land and the greatest amount of prime agricultural land is preserved.
2. The need for new public roads, potential public roads or improvements to other public roads is minimized.
3. 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.
4. The proposed A.R.C. fulfills all other requirements of the zoning and subdivision ordinances.
5. Prime agricultural land shall be preserved in such a way as to ensure the continuing feasibility of agricultural uses.

H. A.R.C. Procedures:

1. Concept Stage:

- a. The applicant shall obtain the application and necessary forms from the Consolidated Planning Department.
- b. The applicant shall submit maps or drawings showing all the land within the A.R.C. and indicating the following:
 1. The area to be retained in agricultural or open space.
 2. The area proposed to be used for residential development and how it will receive access to a public road.
 3. Natural feature information, including creeks, rivers, soils and woodland areas included within the A.R.C.

One set of the maps or drawings shall be submitted to the township and four sets shall be submitted to the Consolidated Planning Department.

- c. The applicant shall submit the application

together with required exhibits to the township board for their review and action. The township board shall take action upon the application within thirty-five (35) days from receipt of the application and appropriate exhibits by the township clerk. Failure to act on any application within thirty-five (35) days of receipt of the application shall cause the township to forfeit its opportunity to review and comment upon said application.

- d. The applicant shall return the application to the Consolidated Planning Department along with the required exhibits and pay the fee established by the Board. (See Appendix A).
- e. The Zoning Administrator shall set a date for the public hearing before the Planning Advisory Commission in accordance with the public hearing requirements, Minnesota Statutes Section 394.26. Failure of any property owner or occupant to receive such notice shall not invalidate the proceeding, provided a bone-fide attempt to give such notice has been made.
- f. The Commission shall hold the public hearing and study the application to determine the possible effects of the A.R.C. and determine what additional requirements may be necessary to reduce any adverse effects. The Commission shall adopt findings based upon the evidence established during the hearing and shall act upon the application within sixty (60) days from the date of the public hearing.
- g. The County Board shall hold a public hearing, adopt findings based upon the evidence established during the hearing and shall act upon the application within sixty (60) days from the date of the public hearing.
- h. The application and required information for the preliminary development stage shall be submitted to the Zoning Administrator within six (6) months of the County Board's approval of the concept stage. An application for the preliminary development stage received after the six-month period shall be rejected and the concept stage considered void. To continue the ARC procedures, the applicant must resubmit the concept stage information, pay the fee and

follow the concept stage procedures described in Section 5.06(H)(1).

2. Preliminary Development Stage:

- a. The applicant shall submit a preliminary plat of the portion of the A.R.C. to be residentially developed and complying with the requirements of the Olmsted County Subdivision Ordinance. A description of the land to be reserved for agricultural or open space uses shall also be submitted and the fee established by the Board shall be paid (refer to Appendix A).
- b. The Zoning Administrator shall set a date for the public hearing before the Planning Advisory Commission in accordance with the public hearing requirements, Minnesota Statutes Section 394.26. Failure of any property owner or occupant to receive such notice shall not invalidate the proceeding, provided a bona-fide attempt to give such notice has been made.

The Commission shall hold the public hearing, adopt findings based upon the evidence established during the hearing and shall act upon the application within sixty (60) days from the date of the public hearing. Appeals from the decision of the Planning Advisory Commission can be made to the County Board of Commissioners.

- c. The application and required information for the final development stage shall be submitted to the Zoning Administrator within six (6) months of the County Board's approval of the preliminary development stage. An application for the final development stage received after the six-month period shall be rejected and the concept and preliminary stages considered void. To continue the ARC procedures, the applicant must resubmit the concept and preliminary development stages, pay the required fees, and follow the concept and preliminary development procedures described in Section 5.06(H)(1 & 2).

3. Final Development Stage:

- a. The applicant shall submit the final plat

complying with the requirements of the Olmsted County Subdivision Ordinance and the description of the land to be reserved for agricultural or open space uses. The fee established by the County Board shall also be paid (refer to Appendix A).

- b. The Planning Advisory Commission shall review the final development proposal and shall act upon the application within sixty (60) days from the date of the meeting that the Commission receives the final proposal.
 - c. The County Board shall hold a public hearing, adopt findings based upon the evidence established during the hearing and shall act upon the application within sixty (60) days from the date of the public hearing.
4. No application for an A.R.C. shall be reconsidered by the Planning Advisory Commission within the one (1) year period following a denial by the County Board of either the A.R.C.'s concept, preliminary, or final development stage, except the Commission may permit a new A.R.C. application if, in the opinion of the Commission, new evidence or a change of circumstances warrants it.
5. General District Regulations:
 - a. In the agricultural or open space portion of the A.R.C., the general district regulations shall be the same as those contained in Section 5.00(D), A-1 Agricultural District, except 5.00(D)(6).
 - b. Height, bulk, lot area, and building setback regulations for the residential portion of the A.R.C. shall be the same as those contained in Section 6.02(C) R-1 Residential District.

Differences between Residential R-1 R-A and ARC-Ag and ARC-Res

P=Permitted

C=Conditional Use

Blank= not listed

	R-1	R-A	ARC-Ag	ARC-Res
One Single Family dwelling per lot	P	P	P (35acres)	P
Keeping and raising of livestock..		P		
Home Occupation as regulated in section 10.02	P	P		P
A state licensed group home or foster home...	P	P		
Accessory structures..	P	P		P
Small non-utility wind energy conversion system	C	P		
Farm drainage systems...			P	
Railroad Right of Ways			P	
Temporary or seasonal roadside stands...			P	
Forest and game management areas			P	
General farming...			P	
Public and private schools and parks	C	C		C
Churches and community buildings...				C
Temporary uses not to exceed one year				C
Accessory structure incidental to conditional use	C	C	C	C
Public utility buildings...	C	C	C	
Commercial radio and television towers and transmitters...			C	
Stables for commercial boarding			C	
riding academies			C	
Kennels			C	
One mobile home as a second dwelling on a buildable lot...		C	C	
Supervised living facility...	C	C		
Raising of 10 chickens	P			

RESOLUTION # 2021-01

INITIATE ZONING DISTRICT CHANGE IN ARC-AGRICULTURAL RESIDENTIAL CLUSTER ZONING DISTRICT

WHEREAS, the County eliminated the ARC-Agricultural Residential Cluster Zoning District on March 17, 1987.

WHEREAS, a resident within the ARC zoning district approached the township about rezoning the district to a more appropriate zoning district that would allow them to split their property.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Oronoco Town Board direct Olmsted County Planning Staff initiate a zone change for the entire ARC-Agricultural Residential Cluster to a more appropriate zoning district.

This resolution is effective on the date passed and adopted by the Oronoco Township Board this 1st day of February 2021.

This resolution was signed this 2 day of March, 2021.



Chair, Oronoco Township Board

The above is a true and correct copy of the resolution of the Oronoco Township Board.

Attest: Lucy Shonyo
Records Custodian

