

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
JANUARY 8, 2007 MEETING MINUTES

The Goodhue County Planning Advisory Commission was called to order at 7:30 p.m. by Chair Randy Juliar in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Tom Webster Bernie Overby Howard Stenerson Randy Juliar
 Dan Rechtzigel Sam Michels Suzanne Blue Larry Olson
 Mike Patterson Lisa Hanni Michael Wozniak

Absent:

Approve January 8, 2007 Agenda –

L. Hanni said we did not provide the bylaws so we could move that to next month.

*¹Motioned by S. Blue and seconded by S. Michels to approve the January 8, 2007 agenda as amended.
Motion carried 9:0*

Approve Minutes Of November 20, 2006 Meeting –

²Motioned by S. Blue and seconded by B. Overby to approve the November 20, 2006 minutes. Motion carried 9:0.

STAFF UPDATES – L. Hanni said introduce Larry Olson and Tom Webster the two new members. The members introduced themselves and stated where they are from. The Board of Adjustment was appealed in district court for a variance by Kevin and Cindy Mark, we found out at the end of 2006 that our decision was upheld.

H. Stenerson said that it would be nice when that happened to find out why the court ruled that way so that we know what we are doing right.

B. Overby asked if the ordinance itself was upheld.

L. Hanni said that they look at the findings and having adequate findings is helpful so that the court is sure that the decision is not found to be arbitrary or capricious.

Robert's Rules of Order/ Conflict/Disclosure of Interest Review

L. Hanni overviewed general guidelines for conducting a public meeting and conflict and disclosure of interest
Elect Vice Chair

C/R. Juliar opened up for nominations for vice chair.

S. Blue nominated S. Michels.

³Moved by H. Stenerson and seconded by D. Rechtzigel to close nominations. Motion carries 9:0.

⁴Moved by S. Blue and seconded by T. Webster to elect S. Michels as vice chair. Motion carries 9:0.

CONFLICT/DISCLOSURE OF INTEREST – None to be discussed

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Set Meeting Times for 2007

L. Hanni asked what time would work for people's schedule to try to work with people's schedule.

Discussion ensued regarding meeting times. Ultimately deciding on trying for 7:00 pm.

L. Hanni clarified that we will try for 7 pm and see how that goes for meeting times.

Concept Plan – Great Rivers Real Estate Associates, LLC, “Majestic Bluffs” Section 34 T114N R16W, Welch Township.

L. Hanni clarified that this is just an informational concept plan. You do not need to make any decision tonight. There is no application to the County.

M. Wozniak said that he would like to clarify what is being requested of the Commission and gave an overview of the proposed development. He stated that Allen Most and his consultants have presented a concept plan to staff and the Planning Advisory Commission. M. Wozniak presented a slide show of pictures of the property. M. Wozniak said if this development would go forward, it would require a change of zone to R-1 Suburban Residential. It would require Preliminary and Final Plat approval. The bottom line is that the comprehensive plan raises the bar very high in terms of any development that is not in an incorporated city.

Allen Most said that when he first started looking at this, his main concern is for the residents, and the consideration to the Township and County. It is a very unique piece of property. It wouldn't disrupt any of the woodlands or bluff areas and there are conservation areas that could be left un-disturbed. It has to be done environmentally safe. It is very private. It won't be seen by Goodhue County or Dakota County. They are open for suggestions and would

Dave Johnson said that he was involved with Dan Tilsen with DJQ Engineering. What they would like to accomplish tonight would be to get feedback on any matter relative to the project.

M. Wozniak said that Dan has been conceptualizing a number of concepts to make the proposal environmentally sensitive and working with the lay of the land. He has been working with a number of ponding areas and rain gardens and control any issues with erosion and sediment concerns. He is also looking at natural prairie grasses so that it would fit in with the natural area.

Mr. Johnson said that working with the Township is an integral process.

Paul Hanson is a resident of Welch. He said that he was on the Town Board when they did their comprehensive plan. The residences responding stated that they wanted the township to stay the same and not increase the density. He clarified that the location is not residential now.

Dan Bauer Township supervisor said that this does not fit with what anybody in the township asked for. The access to this property is terrible to dump this on Dakota County roads is asinine. Welch Town Board does not support this.

M. Wozniak clarified for this to move forward the Township's comprehensive plan and zoning ordinance would need to be amended.

L. Hanni said that when the County was updating their comprehensive plan that Welch was not interested in increased development. They wanted to remain how they are. As the year goes on staff will be updating the Commission on how our comprehensive plan is working and where the development is. When we first started the overwhelming thing from the public was to keep housing development in the cities and the rural areas rural.

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Working with Welch Township, and Dakota County and Revanna Township would be key. Not that this can't be changed. The bar is high.

C/R. Juliar said that it would be nice to know where growth has occurred. It would be nice to know if there is growth in the County. It is important for our understanding where the cities' growth zones are.

L. Hanni said that this property is not near any city.

M. Wozniak said that it is in an obscure spot.

B. Overby clarified that the city would not get that far to annex out there.

T. Webster asked if fire and ambulance would be coming from Hasting.

Mr. Hanson clarified that it would come from Miesville.

T. Webster asked how far that would be.

Mr. Hanson said about 7 or 8 miles.

Brad Deitner said that he lives at the end of 218th St. and would be the most effected by this in Goodhue County. Ambulance service would be out of Hastings and the fire would be from Miesville. He said that he is not in favor of this development. This would be right out his doorstep.

M. Wozniak said that should this proposal move through this process they would want to feel comfortable that the providers would be able to get access to the property. The school district would also be an issue that it serves. He believes that it would be Hastings.

Mr. Deitner said that you have your choice, it is right on the boarder. Whichever district is selected is the one you pay taxes.

H. Stenerson said that Goodhue County would be required to patrol this area. They would have to leave the county and loop around and re-enter. It is a different situation. On the other side of the coin, we have been talking for a number of years of the impact of these developments. You always say oh you get all of this tax revenue. This is one of those situations where we actually might benefit because the services come from outside the county. But L. Hanni had a good point, would we like it done to us? He is curious about the police protection.

M. Wozniak said that there are situations when our road network winds into other counties. This isn't totally unique, but we would be creating another situation.

D. Rehtzigel said that they have a lot of work to do. They have to start with the Township and work from there. And work with Dakota County and Revanna Township. There would need to be positive comebacks from those areas before we go any further at this level.

Mr. Most said that he talked with the fire chief last week and said that he would take comments designing the road.

B. Overby said that they need to start working with the Township. We try to respect what the Townships want to do.

Mr. Johnson said that they were to the Township and he did not hear that they were opposed to it. He thought they had positive outlook from them.

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M. Patterson said he thinks it could potentially be a nice development. But there are a lot of other places in the county that could be nice development also. The public comment from the comprehensive plan was that development needs to happen in the cities. Does this fit in with our vision of what our county wants to be?

L. Hanni said that all the government review is all based on public comments and decisions. This isn't our plan, it is a group effort.

M. Wozniak said that if you look at the comprehensive plan it discourages this type of development. But it says that if it is going to happen it has to meet these standards, but if you never get to those standards if there isn't any interest in changing the zone and accommodating the development. We state that we will work with the cities and the township that the development is near. We have to work closely with Welch Township on this and that is probably the real issue here. We can debate whether than can go far enough to make it environmentally sensitive enough or provide it adequate access. But, if again, if the decision would be that this property, this part of the county, should stay agricultural or natural resource open space oriented then that sort of change would be difficult.

S. Michels said that he agrees with M. Patterson and said that there is a lot of work to be done. When looking at the soils the whole area is close to the bedrock. You have a lot of problems when your sewer systems are that close to your bedrock.

B. Overby said that it zoned A-2, it is not agricultural land, it is really marginal. But the open wildlife picture is an important thing. But don't base this decision on that this is agricultural land.

H. Stenerson said that they cannot tell you how they would vote, but as he has been thinking about it is very similar to one they had turned down a year ago. This was a phase two or three of a development that was started before the comprehensive plan. Our Comp Plan is saying no. If you are going to convince me to vote for this you need to convince me that the comp plan says it's ok. It doesn't fit the direction the County is headed at this time.

D. Rehtzigel said that you would need to work with Dakota County and get their support. This could be one thing that without their feedback it could potentially destroy the relationship with them, which it would not be worth it. There are too many other issues at stake to let that get in the way.

C/R. Juliar said that this, just because it is marginal farmland we could look at the big picture. If you put a large amount of homes in that marginal farmland then the face of the township changes.

L. Hanni said that you are adding quite a few more places to it you need to consider the burden you are adding. If the Planning Commission sees this again they need concrete supporting information from Dakota County, Ravenna Township and Welch Township.

C/R. Juliar said that he has concerns about our own County too.

H. Stenerson said that Township support is important, what we turned down a year ago the Township was extremely supportive, yet we still turned it down. Just know that even if you get Township support, it won't necessarily mean that we would approve that.

Mr. Johnson said that we are going to have a central sewer system so we don't need to site individual on-sites on each lot. It would be tragic to go to work and work out all those details and come back here and get shot down.

C/R. Juliar said that he has seen issues with the developments that are there having issues. There are a whole lot of issues with who can enforce covenants and how do they get enforced.

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B. Overby clarified that if there is any way we can help them out before spending all the time and money.

L. Hanni said that you need information to make your decision. Money has to be spent. Just because you worked through all of those details and you spent that money doesn't mean that it will pass. That is the cost of doing business. If we had the opportunity to

M. Wozniak said that as staff we try to tell people that if there is going to be residential development the bar is going to be raised very high. There are things we can do to make sure the development is done right if we want to allow development.

Mr. Johnson clarified that there is no way to assess if they had township approval. That would it be like the Florence case where

H. Stenerson said that they cannot say how they would vote, but it would be difficult to approve.

C/R. Juliar said that for what he has put together it would be a huge uphill battle.

L. Hanni said that out of the people that came to the meetings, there were not a lot of developers. She encouraged them to participate in the process

S. Blue asked if we could talk about in a future meeting of how we could monitor the septic systems.

C/R. Juliar said if they are being monitored and how and how they can be.

S. Blue asked if they could put that on the agenda in the next year.

L. Hanni said that we could ask Jason.

H. Stenerson said we could ask Jason to come and tell us what they do.

S. Blue said another thing is that covenants come up. M. Wozniak said that there are Counties that are taking on the enforcement of covenants.

S. Blue said that she is a little unsure of the role that Dave has here.

C/R. Juliar said that he has worked with engineers. They are paid by the developer.

S. Blue asked can the County get some independent advice.

B. Overby asked if Mineral Springs is a cluster housing development.

M. Wozniak said that it is developed on a court decision. The settlement dictated the density. What the County did is that if we are going to allow a development then we want a good development.

S. Blue said that if we could get independent professionals early it would be helpful.

Wind Energy Ordinance

M. Wozniak presented the draft Wind Energy Ordinance.

D. Rehtzigel pointed out that they are making the towers now that are 2 mega watts, now if someone wants to put in three towers the state takes over.

M. Wozniak said that the project would be reviewed because it would be done as a CBED under state law the developers are required to get support from the local units of government. Their intent is to organize a meeting between the County, Township and developers before the local residents so that they understand the concerns and the feelings of the locals.

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B. Overby asked what if the County Board does not pass a resolution on this. Can we stop this from going through?

M. Wozniak said possibly, but he does not know. It is not under our regulatory authority.

S. Michels said that MN is really getting behind alternative energy and fuel. He cannot see that the state would do anything but support this. It is something that needs to be encouraged.

B. Overby said that the ordinance would only be involved in the 4.9 or below.

M. Wozniak said that individuals can do it. They can sell back the power they are not using at retail rates to the power company. The economics of the larger turbine seems to be going in that direction.

H. Stenerson said that the state kicks in at five. If we do a good job with the ordinance it would be hard for the state to bypass us.

M. Wozniak went through the draft ordinance.

B. Overby said that he doesn't see anything about road repair. The proposal in Kenyon is proposing only 500' property line setbacks.

D. Rehtzigel said that some of these want, instead of paying taxes, to make a payment and we fix the damage they create. No, they need to pay taxes and fix the road.

B. Overby said that they would go six years without any decommissioning guarantee.

H. Stenerson said that in Section 4 Subdivision 15, there should be two different subdivisions. There are also two section 4's. The other section 4 reference F back to the engineer's certificate.

C/R. Juliar said that the damage to the road needs to be addressed.

D. Rehtzigel said to address who evaluates the wear and tear on the roads. Should it be through the county engineer even for the townships?

B. Overby, they do admit that there is going to be damage to the roads.

M. Wozniak said that the challenging thing about this project is that we don't have regulatory authority over it.

H. Stenerson asked if we want to look for bonds.

S. Blue said that we used to bond for gravel pit reclamation.

M. Patterson said that look at the technology advances in the last 10 years. They set these up as a separate LLC and they get their money out of it, he could see them just walking away.

B. Overby said that they are behind schedule already and they are going.

D. Rehtzigel said that a lack of planning on their part does not constitute an emergency on ours. What he is concerned about the state being able to come in and take our authority away. He would like to know if we say no, don't comment, or if we comment that we deny it based on the grounds that we have no ability to have oversight.

C/R. Juliar asked what would happen if we came up with a plan to see if they would accept it.

M. Wozniak said that we can contact the permitting authority and see what kind of answers we get. When it comes to state statutes or rules it is either the state agencies or attorney generals ordinance.

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H. Stenerson said that if you draft language regarding to the road that you say “may be”. In other words a bond “may be” required. They can do it their way based on the requirements of the conditional use permit.

M. Patterson said that he would like to see language like that in regards to the decommissioning as well.

B. Overby said that these are subsidized companies, if all of the a sudden they go broke.

H. Stenerson asked if they would be allowed to permitting or conditionally permitting them in the B-1 and B2 districts.

B. Overby said what about R-1. Non-commercial in R1 should be conditional use permit too.

M. Patterson said that a commercial project could be conditionally permitted in A3.

Randy said that he went out to Dodge center and it was a non-event for them.

M. Wozniak asked with the changes tonight do you want to see it again before a public hearing is scheduled. It could guide some of our comments.

H. Stenerson said that we could do it in the public hearing. Why are we selecting the type of tower they are constructing?

M. Wozniak said that it is the way the industry does it, and it was what the communities preferred.

H. Stenerson said that if that is the industry standard do we need it in there.

B. Overby said that the road needs to be level and the lines need to be underground.

H. Stenerson asked if we are going to be pushing them to go to the state standards.

M. Wozniak said initially the counties felt that they were not ready to take over that size and they wanted the state to take over.

D. Rehtzigel said that the setback to neighboring dwellings. It is an arbitrary 750 feet. Would it be better with a minimum setback of 500 and if your tower times $x = y$ then the setback is y .

H. Stenerson asked if we even need the minimum.

S. Blue said you could put in a couple of ranges.

C/R. Juliar clarified that they will review it again next month.

ADJOURN

⁵Moved by S. Michels and seconded by M. Patterson to adjourn the January 8, 2007 Planning Advisory Commission meeting at 10:10 p.m. Motion carried 9:0.

Respectfully Submitted,

Kristi Gross
Zoning Technician/Recording Secretary

DRAFT

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MOTIONS

¹ APPROVE the November 20, 2006 agenda. Motion carried 7:0

² APPROVE the September 18, 2006 minutes. Motion carried 7:0.

³ CLOSE nominations. Motion carries 9:0.

⁴ ELECT S. Michels as vice chair. Motion carries 9:0.

⁵ ADJOURN the January 8, 2007 Planning Advisory Commission meeting at 10:10 p.m. Motion carried 9:0.