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PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
March 16, 2009 MEETING MINUTES

The Goodhue County Planning Advisory Commission was called to order at 7:00 p.m. by Chair B. Overby in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Bernie Overby Dan Rechtzigel Tom Webster

Howard Stenerson Larry Olson Brandon Schafer

Absent: Mike Patterson Richard Bauer Suzanne Blue- late arrival

<sup>1</sup>*Motioned by T. Webster and seconded by B. Schafer to approve the March 16, 2009 agenda. Motion carried 6-0.*

<sup>2</sup>*Motioned by D. Rechtzigel and seconded by H. Stenerson to approve the February 9, 2008 minutes. Motion carried 6-0.*

**STAFF UPDATES** – L. Hanni introduced seminar handout for PAC commissioners. Then an April 9<sup>th</sup> notification for 1,000 Friends land use model update probably here at 13:30. She mentioned bills at capital of interest to county; affecting density cap of 1 home per 40 acres and city growth area oversight changes.

M. Wozniak stated road impacts are driving issues at state level.

L. Hanni explained bills at state. (Senate File 913).

M. Wozniak stated antiquated laws outside the metro may need updating. May talk about these issues at depth later at PAC meeting in the future.

H. Stenerson asked about A-3 Zone affects in state bill.

L. Hanni answered about the bill, with public hearings in the future, keeping track of that.

M. Wozniak stated Comp Plan evaluation may follow on agenda.

S. Blue arrived. Asked L. Hanni about Bill.

L. Hanni answered about plan of bill in regards to city growth areas.

S. Blue gave Central Point example of growth area, and Zumbrot leapfrog situation 15 years ago.

M. Wozniak said county does not have seat at the table for annexations.

S. Blue said city can override then for a mile outside of boundary.

L. Hanni and M. Wozniak said they would research further.

L. Hanni said County Attorneys Office member at April PAC meeting to explain Conflict of Interest.

B. Overby stated that the Jennie-O CUP has been withdrawn to PAC members.

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**NEW BUSINESS:****CONFLICT/DISCLOSURE OF INTEREST** – none.**Old Business: CUP Withdrawn March 11, 2009****Summary**

**Scott Miller/ Jennie-O Turkey Store, Inc. (Craig C. Byram-Attorney)** is requesting a Conditional Use Permit for the existing Turkey hatchery facility on parcels 45.006.0701 and 45.006.0702 in Section 6 of Warsaw Township to split off turkey operations from the Scott Miller farm residence. The purpose of this Conditional Use Permit is to allow the opportunity to continue operations and have ability to continue feedlot on site in full compliance with current Goodhue County Zoning Ordinances and all relevant state and federal regulations. Jennie-O Turkey Stores have indicated their intent is to continue feedlot operations and Scott Miller has signed an acknowledgement statement.

**Background** Jennie-O Turkey Stores, Inc. is managing a feedlot operation on property owned by Scott Miller. The operation includes two 70' X 560' structures resulting in a total flock of 24,000 turkeys (this equates to 432 animal units). This feedlot has been operated since 1989 when the first building was constructed. The second building was added in 1996. Jennie-O Turkey Stores, Inc. financed the construction of the buildings and related improvements under an arrangement that allowed the property owner to gain ownership of the structures over a period of time. The business arrangement apparently did not go as planned and an arbitration order has resulted in a request from Jennie-O to split the turkey barns on 9.09 (see enclosed survey) acres from the balance of the Scott Miller Property. Land Use Management Staff are not able to authorize the proposed property split because variances would have to be granted related to the following zoning ordinance standards:

- Subdividing the turkey barns from the balance of the property including Scott Miller's dwelling would cause the feedlot to be located outside of the farmyard; and
- The feedlot would be located less than 1000' from the dwelling (257'); and
- The turkey barns would not meet the required 100' setback to the new property line (distance on west side would be 75'); and
- The proposed parcel split would leave a 10' wide strip along the east edge of the Miller property (the minimum lot width for a parcel in the A-1 District is 100')

Jennie-O has applied for variance to the above referenced zoning ordinance standards and their variance requests will be considered at the January 2009 Goodhue County Board of Adjustment Meeting.

**Because the ownership of the feedlot operation property would change – a Conditional Use Permit must be obtained in order for Jennie-O to be able to continue to run the Turkey Barns. The existing operation was approved by the MPCA before Goodhue County had established current feedlot regulations.**

The CUP to allow the Jennie-O Turkey Store, Inc. feedlot facility within an A-1 Zone District is subject to conformance with provision of Section 5 Subdivision 1(d), of Article 13 (Confined Feedlot regulations) of the

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Goodhue County Zoning Ordinance.

The applicant has included with the CUP application a description of the use of the property that includes maps and designated parking and new parcel boundaries.

Given that the Scott Miller/Jennie-O Turkey Stores, Inc. feedlot operations are existing operation there are fewer questions regarding the physical planning of the property or access, which is to 350<sup>th</sup> Street, than normally would need to be addressed with a proposal involving a new facility.

**Findings of Fact**

The proposed Jennie-O Turkey Store, Inc. Turkey Hatchery Facility (feedlot) Conditional Use Permit that proposes a land split from the Miller farm residence would cause the feedlot to be located outside of a farmyard ; and

The existing Turkey Hatchery Facility land use is consistent with the Goodhue County Comprehensive Plan; and

The proposed Jennie-O Turkey Store, Inc. CUP would be subject to compliance with provisions of Article 13, Section 5 of the Goodhue County Zoning Ordinance as interpreted by the Goodhue County Zoning Administrator; and

Warsaw Township has considered the CUP and has expressed support for approval of the Scott Miller/Jennie-O Turkey Store, Inc. CUP;

Questions and concerns do exist as to whether allowing the Turkey Hatchery Facility to operate on the proposed 9.09 acre parcel outside of the farmyard of the Scott Miller Residence will cause any unacceptable impacts to the current or future owners; and

That Goodhue County has not received any complaints regarding the existing Turkey Hatchery Facility; and

That the Goodhue County Feedlot Officer has been made aware of the Conditional Use Permit request and has not identified any concerns or issues related to the current Turkey Hatchery Facility.

**Staff Recommendations:**

**Land Use Management Staff offers the following two options for action for the Planning Advisory Commission to consider regarding the Scott Miller/ Jennie-O Turkey Store, Inc. Conditional Use Permit to permit the Jennie-O Turkey Store, Inc. Turkey Hatchery Facility to operate on the proposed 9.09 acre parcel:**

**Option 1:**

**The Planning Advisory Commission may wish to table consider of the Jennie-O Turkey Store, Inc. Turkey Hatchery Facility CUP request in order to see if the variances to Goodhue County Zoning Ordinance standards that would be required to allow the facility to operate on the proposed 9.09 acre parcel will be approved by the Goodhue County Board of Adjustment. The Jennie-O Turkey Store, Inc., will have to make a case as to what “hardship” and “practical difficulties” exist that would justify approval of the several variances by the Board of Adjustment.**

**Option 2:**

**The Planning Advisory Commission may wish to recommend approval of the Jennie-O Turkey Store, Inc. Turkey Hatchery Facility CUP request to the Goodhue County Board of Commissioners subject to the following conditions:**

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**The Conditional Use Permit shall authorize continued use of the existing two 70' x 560' structures with each permitted to house flock of up to 12,000 Turkeys (total of 24,000 Turkeys); and  
The operation shall be limited to existing facilities as documented in the Condition Use Permit Application and supporting information; and  
the Turkey Hatchery Facility must comply with MPCA Chapter 7020 requirements and all applicable provision of Goodhue County Zoning Ordinance Article 13 (Confined Feedlot Regulations);  
and  
The Conditional Use Permit shall be subject to approval of all variances to Goodhue County Zoning Ordinance requirements that may be necessary for the Jennie-O Turkey Store, Inc., to operate the Turkey Hatchery Facility on the proposed 9.09 acre parcel; and  
That the Conditional Use Permit shall be granted only for the proposed 9.09 acre parcel; and  
The Staff Report (including Findings of Fact) and all comments that may be received at the public hearing shall be considered part of the record of action regarding the CUP request.**

**NEW BUSINESS:****Public Hearing/Zoning Text Amendment – Article 30 (Shoreland Regulations), Section 12 (Sanitary Regulations), Subd. 7 (Sewage Treatment), Paragraph F.**

Attached with this Staff Report are the following:

1. E-mail comments from Beau Kennedy, Water Planner/Wetland's Administrator; Goodhue County SWCD.
2. E-mail comments from Bill Huber, Minnesota DNR Area Hydrologist.
3. Executive Summary Hastings Area Nitrate Study.
4. MPCA 7080 Rules (regarding compliance times)

The County Board has requested that the Planning Advisory Commission review the provision of the County's Shoreland Regulations that stipulates a requirement for compliance inspection of Sub-Surface Sewer Treatment Systems (SSTS).

Article 30, Section 12, Subd. 7, Paragraph F, which reads as follows:

***“F. Individual sewage treatment systems on all lots within the Shoreland District shall be inspected for compliance with Section 12 (Sanitary Regulations) of this Article as part of all variance, conditional use, and building permit applications.”***

This request resulted from concerns expressed by Kristi and Bob Rosenquist, property owners in Zumbrota Township. The Rosenquist' felt that current county policy of requiring a compliance inspection for Sub-Surface Sewer Treatment Systems (SSTS) for parcels in the Shoreland Area (any portion of a parcel) when any zoning or building permit is requested is unfair. They feel that it is unnecessary for the County to impose a requirement beyond the minimum standard mandated by the State of Minnesota and that the current policy goes beyond

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what is needed to protect water quality. This policy applies if the Sub-Surface Sewer Treatment System (SSTS) is over three years old and/or has not had a compliance inspection within at least five (5) years.

The Following two subparagraphs from the MPCA 7080 explain Compliance criteria in the State of Minnesota;

Subp. 3. **Compliance criteria for new construction.**

An SSTS regulated under a current construction permit is considered compliant if it meets the applicable requirements of parts [7080.2150](#) to [7080.2400](#).

Subp. 4. **This is from the new rules. Compliance criteria for existing systems.**

To be in compliance, an existing SSTS must meet the provisions of this subpart.

A. The SSTS must be protective of public health and safety. A system that is not protective is considered an imminent threat to public health or safety. At a minimum, a system that is an imminent threat to public health or safety is a system with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; systems that cause a reoccurring sewage backup into a dwelling or other establishment; systems with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance hole covers. A determination of protectiveness for other conditions must be made by a qualified employee inspector or licensed inspection business.

B. The SSTS must be protective of groundwater. A system that is not protective is considered a system failing to protect groundwater. At a minimum, a system that is failing to protect groundwater is a system that is a seepage pit, cesspool, drywell, leaching pit, or other pit; a system with less than the required vertical separation distance described in items D and E; and a system not abandoned in accordance with part [7080.2500](#). A determination of the threat to groundwater quality for other conditions must be made by a qualified employee or licensed inspection business.

C. The SSTS must be operated, meet performance standards, and be managed according to its operating permit.

D. SSTS built after March 31, 1996, or in an SWF area as defined under part [7080.1100](#), subpart 84, shall have a three-foot vertical separation or a vertical separation based on applicable requirements. The local ordinance must not allow more than a 15 percent reduction in the vertical separation distance to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions.

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E. SSTS built before April 1, 1996, in areas that are not SWF areas as defined under part [7080.1100](#), subpart 84, must have at least two feet of vertical separation.

F. The vertical separation measurement for items D and E shall be measured outside the area of system influence in an area of similar soil.

This policy has been consistently administered requirement whenever the Shoreland District overlays any portion of a lot. Our preliminary research indicates that this language has not been altered since it was adopted June 4, 1993. Since January 2000, we have required over 584 landowners who applied for any building permit to obtain a septic compliance check. Fifty-three (53)\* have found that they had failing or old septics that needed to be repaired or replaced. Of those 53, seventeen (17) of the septic systems were replaced due to new dwellings. \*This is an approximate number; there was no septic system information available for Shoreland properties in 2006.

Goodhue County citizens have a heightened interest in water quality. This was reinforced during discussions of the Comprehensive Plan update of 2004. Because this has been an important issue in our County, it would be prudent to involve our Water Plan committee in our discussions during the public hearings. Any changes to the wording of our ordinance would also need to be reviewed by Minnesota DNR for conformance with the Shoreland Management Act.

The following are options for revision of Article 30, Section 12, Paragraph F., for the Planning Advisory Commission to consider.

- 1) Sub-Surface Sewage Treatment Systems (SSTS) on ***any part of a lot transected by the Shoreland District*** shall be inspected for compliance with Section 12 of this Article as part of all variance, conditional use, and building permit applications.
- 2) Sub-Surface Sewage Treatment Systems (SSTS) on ***any part of a lot transected by the Shoreland District*** shall be inspected for compliance with Section 12 of this Article as part of all variance, conditional use, and building permit applications, ***if the request adds to the area of a new or existing dwelling, or adds to the septic use of any new or existing structures, or if any part of the SSTS is within the District. A survey showing the location of the SSTS may be required to verify its location relative to the District.***
- 3) Sub-Surface Sewage Treatment Systems (SSTS) ***within the Shoreland District*** shall be inspected for compliance with Section 12 of this Article as part of all variance, conditional use, and building permit applications. ***A survey showing the location of the SSTS may be required to verify its location relative to the District.***

The first option clarifies our existing practice. The second option clarifies the lots affected but limits the inspection to certain circumstances. The third option only requires inspections if the SSTS is within the Shoreland Management District.

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A copy of the Executive Summary of the Hastings Area Nitrate Study Final Report has been included with this staff report. This document sheds some light on the potential impacts from on-site sewer systems and explains the Dakota County Program to administer Septic System Maintenance and Code Enforcement.

Much of Goodhue County has a high susceptibility to groundwater contamination which may provide justification in support of standards beyond “minimum” requirements of State Shoreland Rules. Many Minnesota Counties implement a compliance inspection requirement upon sale of any property. This is not a requirement in Goodhue County at this time. Local governments throughout the State have chosen different strategies to administer standards for on-site sewer systems to ensure protection of water resources. Land Use Management Staff will present additional information on this issue at the March 16, 2009, Planning Advisory Commission Meeting to explore that pro’s and con’s of the current County policy. In addition, the public will have the opportunity to offer comments regarding this issue.

**Discussion:**

- M. Wozniak explained background of shoreland regulations report and stimulus for text review. He started powerpoint slideshow. He introduced B. Kennedy and J. Petersen. He continued with slides and explaining report.
- D. Rehtzigel asked if building is within 300 feet or what.
- M. Wozniak said if 300 foot shoreland is overlapping property in any way.
- D. Rehtzigel said what about state.
- M. Wozniak said state minimum is inside 300 foot in side shoreland.
- J. Petersen said if septic outside 300 foot buffer it would not apply to state.
- M. Wozniak continued slides.
- H. Stenerson asked about caffeine study, was it bad or not a contributor.
- L. Hanni said explained further in full report, only found if septic failing.
- M. Wozniak said they found that 89 percent of systems found caffeine so concern and support for requirements now in metro counties.
- L. Olson asked if caffeine would flow through no matter what.
- J. Petersen said that is a possibility.
- L. Olson said that study was on sandy soil not like here.
- L. Hanni said point of study was how much contamination exists and they (Dakota County) adopted an every 3 years check and DNR is looking at requiring point of sale of all rural homes too, not just in shoreland.
- M. Wozniak said a lot of reasons to be concerned about water quality and 3 alternatives written for discussion. He continued slideslow.
- D. Rehtzigel asked to clarify option #2.
- M. Wozniak explained Rosenquist example.
- B. Overby asked about septic or drainfield distance setbacks, said nothing mentioned in this correct.
- M. Wozniak said if within shoreland proper, old systems may need to be confirmed for location.
- L. Hanni explained current standards.
- B. Overby asked B. Kennedy about setbacks and are we looking at where septic and drainfields are.
- M. Wozniak said that is why with proper documentation the sites may need to be identified.
- L. Hanni added in future roofing or indoor furnace work in #2 would not need compliance then.
- M. Wozniak explained option #3.

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- L. Olson asked about #3 if applying for an agricultural building permit would it still trigger compliance check if outside the 300 foot shoreland buffer. He stressed the septic code is different than 20 years ago, would you make them change it.
- M. Wozniak said valid question and state may choose to set the bar higher from time to time. He asked J. Petersen to confirm state current regulations about 3 years or more than 5 years old.
- J. Petersen said that is it. Check if not done in 3, or if older than 5 years from new installation.
- L. Hanni asked how long septic systems usually last.
- J. Petersen said 20 years under normal, about 7 years under maximum usage.
- L. Olson asked J. Petersen asked about constructing a hog building in shoreland. What is tolerable amount of leakage from feedlot pit.
- B. Kennedy said ask feedlot officer.
- M. Wozniak said not a perfect world, some good, some bad.
- D. Rehtzigel said if building is within 300 feet it would need inspecting by state statute, so we can only minimize what is outside 300 feet. Now, if part of property hits shoreland but building is 1,200 feet away it would need check, so then what if they withdrawn permit application, would they still need compliance check. Noted some people walking away from construction.
- M. Wozniak said some people know system is bad and do not want to invest in systems.
- D. Rehtzigel asked but they can still walk away.
- S. Blue asked how much is cost of inspection and who pays.
- J. Petersen said all costs born by landowner; 300-500 dollars.
- S. Blue said PAC job to protect landowners and water. She asked if landowner expects they have a problem could they call county to do check.
- J. Petersen said no, private check and private fee. County does not get money. County inspects new construction and compliance systems. Since 1999 some counties chose to do it, some did not. Private industry here, but Dodge County does it. If system is deep, a compliance inspection would need to dig 3 feet below system to check with heavy equipment along side it.
- S. Blue asked about example with private example with unknown initial costs. What is a price range. Wants clean county but who should bear responsibility.
- J. Petersen said county does help in relation when landowners ask questions to Environmental Health staff and county staff asks questions about systems also. They can tell landowners if certain old types would fail by design prior to any investment.
- B. Overby asked about failing systems leaching. Boils down to what we weigh about clean water or landowners situations.
- L. Hanni explained trigger system for state to get towards clean water over the years when permits applied for.
- S. Blue said gentlest time to say to upgrade or check.
- H. Stenerson asked about triggers. Point of sale as option, would it replace shoreland.
- L. Hanni said not replacing, DNR proposing all systems checked in future.
- B. Overby said table is option also.
- M. Wozniak stated MN Statute 1599 -60 day rule from county initiated text amendment. Could table.
- T. Webster asked for public comments instead of discussing twice if we could.

*B. Overby opened to Public discussion*

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Kristi Rosenquist passed out map and introduced her situation (handouts/letter). She read multiple page letter and noted existing County programs not working so good. She explained her permit situation and shoreland letter. She said LUM staff explained shoreland overlay to her, but she still wants answer to section 12. She found this strange and not matching model from DNR, so she said it was a county issue of writing and interpretation. System put in 1998, not mentioned as shoreland then. At least 3 definitions of shoreland in Ordinance as within 300 feet of the stream. Nothing inside her shoreland buffer on boundary. Need changes in 3 places in ordinance. She focused on Section 12 and noted no answer from M. Wozniak yet on subdiv. 1-5, not drinking water so not subdiv.6, but in state statute it mentions different language, maybe subdiv. 7. Noted her handout page 3 with combinations, to explain failing systems. She explained state law on 2 signatures for soil compliance, if you have the right paperwork, no digging again later. She noted she talked with J. Petersen to confirm, already on county record. No sewage in home, and no ground discharge. Conclusion, no good explanation from anybody at county. No soil check required. She continued to read letter. She referenced County Board report and statistics. She had recommendations.(letter attached).

B. Overby asked K. Rosenquist if staff supporting Ordinance properly why is there issues.

K. Rosenquist questioned Ordinance because of 3 other potential shoreland definitions.

L. Hanni explained definitions.

B. Overby said staff administration done properly. Asked K. Rosenquist why objecting to compliance inspection.

K. Rosenquist said LUM explanation was lacking. She noted past septic documents.

B. Overby asked why do you feel you do not need a compliance inspection.

K. Rosenquist said system should be good. She said she was given no concrete answers. Noted re-inspection of the soil issue.

M. Wozniak gave various county examples in soils that can be altered in weather conditions.

K. Rosenquist said through tons of years and she questioned L. Hanni 3-5 year compliances. She said paperwork should be good enough for multiple checks.

H. Stenerson asked about fairness issue.

K. Rosenquist said exactly and vagueries of this exist .

M. Wozniak gave alternate distance example of fairness.

S. Blue said we have to choose between 3 alternatives. All parties here to make better choice long term.

B. Overby asked about highlight on #2 for clarity.

K. Rosenquist noted copy of septic paperwork to show B. Overby.

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B. Overby asked J. Petersen if 2 signatures ok.

J. Petersen said yes in her case 2 signatures it is good permanently, but only for soils, as one part of the compliance inspections.

H. Stenersen asked outside your case what should ordinance say.

K. Rosenquist said she read state intent as 300 feet for shoreland, outside issues in other rules. She said offended by comments in report not from her, but from County Board. Look at state language and ordinance language conflicts with itself. Point of sale makes sense, many already require.

S. Blue said something to consider.

K. Rosenquist frustrated by LUM transferring to her to talk with Environmental Health.

M. Wozniak said all counties handle structure different, in Goodhue County the staffs have separate responsibilities.

K. Rosenquist said 8 years of data at county, show all failing by design. Target older systems before 1991. Look at records, use resources better. She does not believe anybody would have disclosed to her that she did not need a backhoe. She is only one to pursue this this far. She fixed property 2 years ago to make positive impact on stream and committed to water quality.

Dean Tideman, chairman of Zumbrota Twp., in support of some, not all comments. He gave his example also with 2 feet of shoreland and he mentioned other lands that drained into waterways.

M. Wozniak said yes other ways to look at these things.

*B. Overby asked if any other public comments. none.*

*Motioned by B. Schafer to close the public hearing, seconded H. Stenerson. Motion carried 7-0.*

S. Blue said alternate options and said Goodhue for a number of years in leading from 1970's had good water quality. Make more appropriate language to match watershed.

D. Rehtzigel focusing on options 2 and 3. If 2 kept, still penalizing shoreland owners with septic farther away. Had calls from others in past. Have to keep it consistent and fair. Leaning towards 3, so not jello type ordinance. No way to dispute 300 foot situation. Option 3 most clear.

I. Hanni said big step back from where we are now.

S. Blue said D. Rehtzigel reacting to what is before us, consider a fourth option.

L. Hanni asked are you saying beyond 300 foot distance are you looking at drainage.

B. Overby asked 301 feet example, is it an arbitrary figure. What is important is where septic and drainfield are located.

D. Rehtzigel asked how fair for alternate neighbor examples, look at drainfield location.

J. Petersen said still inspected under today's language.

B. Overby said within 300 feet should be compliant as per state.

S. Blue said issue is any part of property touching shoreland now, must remedy.

L. Hanni asked B. Kennedy to talk.

B. Kennedy explained impaired waters map from MPCA. He noted ongoing tests that do not match maps yet. He explained tests made in 10 sub-watersheds. He explained ratings systems. No language to protect intermittent streams yet. Buffers last line of defense.  $\frac{3}{4}$  of land is fractured bedrock below 3-4 feet of surface, sinkholes all over county also due to combined flow in confined areas. This would be a step back if minimizing compliance inspections.

H. Stenerson asked intent of study.

B. Kennedy said he is not a regulator.

H. Stenerson asked would state re-do setbacks after study.

B. Kennedy said TMDL study would finally come down to it. His intent is to find source and show state grant sources to gain resources for fixes.

L. Olson asked about feedlot rating.

B. Kennedy explained formula.

L. Olson curious of livestock factor.

B. Kennedy said definitely. Feedlots near intermediate streams.

S. Blue wants information from B. Kennedy and wants a review from B. Kennedy to ask about more big strides ahead. Efficiency and common sense spending must be critical. State involvement may complicate equation.

B. Kennedy added about septic tested; 85 in grid, gave free nitrate test twice a year. Point is, new systems owners confident, old systems owners sort of hiding information. He would want to know septic is working, even though ordinance may be vague.

D. Rehtzigel asked what options you suggest.

B. Kennedy said existing text or number 2 option.

D. Rehtzigel gave feedlot officer example of permit versus septic system. On paper current Ordinance looks great, in practice things falling apart. Costs matter to landowners.

B. Overby weighs desires of landowners versus water quality.

L. Olson optioned point of sale option and text close to number 3.

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L. Hanni said some letters from Counties in the metro to our north say not Goodhue is not strict enough.

L. Olson said state should take part of cost normally.

B. Kennedy gave cost sharing example.

M. Wozniak explained text of ordinance in teaching and working with property owners to fix. Needs innovative approach now. Noted recent Florence CUP example of not complying and will revoke unless done this spring. Major campground example on Wild/Scenic river is concern also. How can we reach out to get these done.

B. Schafer asked B. Kennedy if watershed issue versus shoreland issue.

B. Kennedy said this is our only compliance tool for upgrades. Some lenders do require also point of sale.

H. Stenerson said in past County used a shotgun approach, adding that Karst feature of land is important also, if real concern all systems should be concerned, or we go other direction as per state law, but lean toward option 3, and the add future data that will show more data and overlay use as data becomes available. Solution to be fair option 3 to state minimum standards and then grow with data.

B. Overby asked about hypothetical situation.

L. Hanni said that is already covered.

S. Blue said number 3 is a step back, needs something to be beyond shoreland trigger, maybe point of sale. County needs compliance, fair is good, do not step back, need new triggers to get old systems in compliance. Well systems went through this in past. Costs should be looked at by committees and county finds options.

L. Hanni said that county has records, staff has limited time and resources. Dakota County is good example, but we need idea of scope of project from PAC.

T. Webster asked B. Kennedy about monitoring stream water quality and are there open drains to ditches.

B. Kennedy had intern pull files, GPS point them, check age of system, distance to water. Onsite not completed.

T. Webster suggests neat term solution as per D. Rehtzigel option 3 with addition of point of sale and then have a serious discussion of gathered data from SWCD to add to 1,000 FOM project to get more dedicated approach to water quality and get education out as M. Wozniak said.

D. Rehtzigel said 94 percent checked compliant on stats, hitting same people over and over again.

L. Hanni said separate issues, and 94 percent approximate without 2006 data.

J. Petersen said numbers not all that, the Environmental Health staff tell many landowners what the failures would be due to old systems from the start. People often call and he tells them what state requires and he looks up on file data. Other situations with septic systems far away from shoreland on large parcels more tough, have discussion about that often also with staff.

M. Wozniak noted replacement along lake lots on Lake Pepin also create complex situations, but some

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replacements as improved constructions resolve matters there.

B. Overby asked K. Rosenquist how this affects her situation.

M. Wozniak noted second public hearing ahead and then up to them to wait or not.

H. Stenerson asked about where to mention in language point of sale.

M. Wozniak said could be separate mention in text.

H. Stenerson asked should this come from this group.

J. Petersen explained point of sale and septic rules will be updated again in 2010 by state. It will come back to this group as option, with added issues. Some counties have stand alone point of sale, however you prefer.

D. Rehtzigel asked how many counties.

J. Petersen said about half now. H. Stenerson asked standards of point of sale.

L. Hanni re-stated this is a really big issue and may need to think about it more. Mention of more review of smaller streams, and points of sale. Is there any other ideas to come up within a month to continue to work on this. You need to comfortable with any changes; gave feedlot example.

S. Blue would like to appoint committee and come back with a suggestion.

***<sup>3</sup>Motion by S. Blue , no second , to Table and form committee for the Zoning Ordinance Text Amendment request to change the Shoreland Ordinance. Motion failed.***

L. Olson asked about bedroom addition going also to compliance testing. He clarified number 3 also.

H. Stenerson noted local cost examples.

B. Overby asked for motion or suggestion.

L. Hanni noted option number 2 as compromise.

D. Rehtzigel re-stated fairness issues of varying distances inside and outside ordinances.

L. Hanni asked if GIS date could help.

***H. Stenerson motioned option 3 with recommendation to County Board that they ask PAC(then friendly amended to" ask to pursue information") to look into countywide Point of sale SST Compliance inspection addition to Ordinance, Seconded by B. Schafer, motion failed 6-1. L. Olson for.***

D. Rehtzigel asked if add work with SWCD.

B. Overby said need more information on number 3.

L. Hanni asked B. Kennedy about board appointments for water quality.

B. Kennedy noted bi-annual meetings, focus on nutrient management, soil and erosion control, committee can present letter. Created by County Board.

L. Hanni said use them as starting point.

T. Webster said PAC cannot exert pressure on County Board, so if set on number 3 without additions accepted, if we should go there, with no point of sale compliance, would that be setback.

S. Blue if go with number 3 how would that change your behavior.

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- B. Kennedy said hard to say, need years of data.  
 S. Blue asked how would schedule or workload change.  
 B. Kennedy said he doesn't know how to answer that.  
 S. Blue asked J. Petersen if they would act less often then.  
 J. Petersen said it would retract some.  
 H. Stenerson re-stated recommendation, we need to collect further data and follow through, even if going before County Board, friendly change to Motion to "Pursue information" and not come back to PAC from County Board.  
 B. Schafer said table to investigate Point of sale text amendment and get both items on track later together.  
 B. Overby asked if more information collected.  
 B. Schafer said not yet.  
 B. Overby re-stated motion.  
 Clerk read motion.  
 B. Overby asked for vote. Motion defeated 6-1. L. Olson for.

*D. Rehtzigel motioned to table, seconded by H. Stenerson, with staff collecting additional data from other county agencies and nearby counties and also discuss point of sale ordinance. Motion carried 7-0.*

**Discussion of Possible Zoning Text Amendments (Closed Hearing): All remaining items Tabled.**

This item has been placed on the agenda in order to provide an opportunity for the Planning Advisory Commission to discuss several possible text amendments to the Zoning Ordinance. The following items will be included as part of the discussion:

- **Building Permit Provisions:** Article 2, Section 4, Subd. 1, reads as follows. "Permits shall not be required if said erection, enlarging or structural alteration is considered non-structural and the cost is valued under one thousand (1000) dollars." The County Building Official has been utilizing the Building Code as a basis for determining what type of work is subject to issuance of a permit. Subd. 1 is an antiquated provision and should be amended to come in line with current practices. Revised language will be presented at the March 16, PAC Meeting when this item is discussed. It may be useful to make further revisions to Section 4, as well in order to make the Zoning Ordinance better reflect current administrative practices of the Land Use Management Department.
- **Interim Use Permit References:** Now that Goodhue County has begun to utilize Interim Use Permits it would be appropriate to reference this land use regulatory tool in the Zoning Ordinance. Staff will present draft language to incorporate appropriate references to "Interim Use Permits" into the Zoning Ordinance.
- **Special Events:** As a result of the experience of processing the CUP to allow special events at the Cannon River Winery Warsaw Township Vineyard Property it has become obvious that better regulations to govern such activities would be helpful. Wineries and vineyards are by no means the only land uses that may be interested in hosting "special events". Staff will present some options for regulating special events in order to generate some discussion on this issue.
- **Wineries:** Recent experience processing the CUP for the Vasa Vineyard and Winery has made evident the need for Goodhue County to establish clear standards for regulating this type of land use. Staff has

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had contact with several other property owners who have expressed varying levels of interest in establishing wineries. Staff will present some specific examples of standards for regulating wineries.

Staff may use this opportunity to seek guidance and direction from the PAC on other matter of ordinance interpretation that may not require amendment of the zoning ordinance text.

**Discussion:**

L. Hanni stated so much information here that it may be good to come back later as workshop.

S. Blue stated much of PAC items could be handled in committed work prior and the PAC meeting shorter.

L. Hanni and M. Wozniak stressed complexity of this last years PAC issues. LUM staff can send out more reports to prepare PAC next time to condense meetings.

S. Blue noted PAC problematic situations of text theory mixed with a singular controversial example often arises and need to be separate.

*<sup>4</sup>Moved by H. Stenerson to table PAC workshop items on agenda and seconded by L. Olson. Motion carried 7-0.*

*Moved by B. Schafer, seconded by L. Olson to adjourn the March 16, 2009 Planning Advisory Commission meeting at 9:46 p.m. Motion carried 7-0.*

Respectfully Submitted,

Kelly Moriarty  
Recording Secretary

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MOTIONS

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<sup>1</sup> APPROVE March 16, 2009 agenda.. Motion carried 6-0.

<sup>2</sup> APPROVE the February 9, 2009 minutes. Motion carried 6-0.

<sup>3</sup> TABLE the Zoning Ordinance Text Amendment regarding Shoreland regulations. Motion carried 7-0.

<sup>4</sup> TABLE the PAC workshop discussion items and remaining agenda. Motion carried 7-0.

<sup>5</sup> ADJOURN the March 16, 2009 Planning Advisory Commission meeting at 9:46 p.m. Motion carried 7-0