

DRAFT

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
March 17, 2008 MEETING MINUTES**

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

Present: Brandon Schafer Daniel Rechtzigel Tom Webster Mike Patterson
Sam Michels Howard Stenerson Larry Olson Bernie Overby

Absent: Suzanne Blue

¹*Motioned by H.Stenerson and seconded by L.Olson to approve the March 17, 2008 agenda. Motion carried 8-0.*

²*Motioned by B.Overby and seconded by T.Webster to approve the February 11, 2008 minutes. Motion carried 8-0.*

STAFF UPDATES none.

NEW BUSINESS: none.

OID BUSINESS: H.Stenerson asked about release of moratorium properties in Cannon Falls.

M. Wozniak stated he had spoken with Mr. Greg Isakson at public works and that he has worked with public works to reduce number of parcels. Mr. Isakson said rest should stay until at least September, 2008, when the moratorium will expire mid-September. Then the goal is to put in place the official mapping of the Highway 52 project. In September the properties come out either way, then local units of government has decisions.

B. Overby asked if they gave the right to reduce or take out some properties.

M. Wozniak stated it was reduced to the southern route staying in moratorium, nothing new reduced. Public works stated lack of comfort in taking more out now.

D. Rechtzigel stated concern of overpass as well as route still an issue.

M. Wozniak stated County Engineer is being conservative.

H. Stenerson stated this is a huge issue and people have been run through the mill so much that the elected officials and government agencies need to rebuild relationship with landowners by narrowing it down and satisfying concerns.

M. Wozniak stated he would meet with public works soon to update or review again. He mentioned the Peterson property tonight is an example of a property taken out of the original moratorium. It made a difference for at least one property owner.

H. Stenerson stated we have that obligation even if just for one.

CONFLICT/DISCLOSURE OF INTEREST – none.

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
March 17, 2008 MEETING MINUTES

Summary

Peterson Turkey Hatchery, Inc. is requesting a Conditional Use Permit for the existing Turkey hatchery facility on parcel 28.019.1900 in Section 19 of Cannon Falls Township to change operations from a hatchery to a sales facility. The purpose of this Conditional Use Permit is to allow the opportunity to continue operations and have ability to sale products on site in full compliance with current Goodhue County Zoning Ordinances and all relevant state and federal regulations. The Peterson's have indicated their intent is to sell locally produced meat and poultry products from the sales facility.

Background Mr. and Mrs. Peterson currently own the property involved in the request. The Peterson family has been the primary owner and operator for approximately sixty years.

The CUP to allow the Peterson Turkey Hatchery facility within an A-3 Zone District is subject to conformance with provision of Section 3 Subdivision 8, of Article 22 (A-3, Agricultural Protection District) of the 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 remodeled areas.

Given that the Peterson Turkey Hatchery operations are existing operation there are fewer questions regarding the physical planning of the property or access (which is to County Road 19 Blvd.) than normally would need to be addressed with a proposal involving a new facility. However, staff has asked the applicant to provide additional information to address the following three application submittal requirements;

- A. Proof of liability insurance for the structures, property, occupants, visitors, and events proposed;
- B. Proof of all state and federal licensing and inspection criteria have been met and facility has been constructed in accordance with all Goodhue County Environmental Health Department regulations.

In addition, the site plan indicates the location of a proposed sign along the entrance driveway near the CSAH 24 Right-of-Way. The County's sign regulations do not specifically establish standards for the proposed Agricultural related retail use. Temporary farm stands are permitted to have up to two 50 square foot signs. Staff recommends that the proposed free standing sign be limited to a maximum of 50 square feet and be limited to a height of six feet above the existing grade.

Findings of Fact

- The proposed Peterson Turkey Hatchery, Inc. Conditional Use Permit that proposes development is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Peterson Turkey Hatchery, Inc. CUP shall comply with provision of Article 22, Section 3 (A-3 Conditional Uses) of the Goodhue County Zoning Ordinance as interpreted by the Goodhue County Zoning Administrator; and
- Cannon Falls Township has considered the CUP and has expressed support for approval of the Peterson Turkey Hatchery, Inc. CUP.

Staff Recommendations:

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Peterson Turkey Hatchery, Inc. Conditional Use Permit to operate a retail store primarily for the sale of locally produced meat and poultry products subject to the following condition:

1. Proof of liability insurance for the structures, property, occupants, visitors, and events proposed; and
2. Proof of all state and federal licensing and inspection criteria have been met and that the facility has been constructed in accordance with all Goodhue County Environmental Health Department regulations; and
3. The proposed free standing sign shall be limited to a maximum of 50 square feet and be limited to a height of six feet above the existing grade.

Discussion;

M. Wozniak explained summary and introduced Cannon Falls Township representative Keith Smiley in reference to any questions of the Township conditions mentioned in the report.

B. Overby asked under A-3 regulations if the structure met the set back requirements.

M. Wozniak stated yes, it is an existing structure being re-used.

C/m. Michels opened the public hearing. None.

M. Wozniak added he had a good discussion with a Cannon Falls City administrator.

B. Overby asked if it was their new employee.

M. Wozniak stated yes.

Motioned by M. Patterson to close the public hearing, seconded by D. Rehtzigel. Motion carried 8-0.

S. Michels asked Richard Peterson if additional traffic would be caused by business.

R. Peterson answered no additional traffic.

B. Overby asked if meats processed on site.

R. Peterson said it would be brought in.

B. Overby asked what meats.

R. Peterson said meats (to include beef, turkey, buffalo), cheese, and dairy from SE Minnesota region. No definite business plan yet.

M. Patterson asked about signage requirement, is it ok.

R. Peterson said ok.

B. Overby asked about Cannon Falls Township condition.

R. Peterson stated Keith Smiley can explain that better.

K. Smiley said hard to explain. Agriculturally zoned places should stay agriculturally zoned. He asked the Petersons what their turkey capacity was per year so as to convert that to a dollar amount limit and the Petersons felt it acceptable. The other specification stated was that there would be a continuation of raising turkeys onsite.

H. Stenerson wanted clarification about temporary road stand versus business sign size requirements. He asked would it meet all sign ordinances.

M. Wozniak stated there are no set sign regulations specifically modified for A-3 Zone.

H. Stenerson stated that there could be a possible limit.

M. Wozniak stated open to ideas , staff has found standard to relate.

H. Stenerson re-stated signage concern.

M. Wozniak stated staff signage concerns for rural areas.

T. Webster curious about township conditions. He asked will that concern the PAC as adding their conditions. He asked since it has proximity to the town would it merit more discussion.

B. Overby asked if up to this would be up to decision by a township if not by the PAC.

M. Wozniak stated the property is related as agriculturally related business and mentioned additions can be made if you want to strengthen that to add to staffs provision.

T. Webster stated county is not as strict as this township.

M. Wozniak said land use changes and then it becomes a hard choice later.

T. Webster stated PAC has to think about concerns of change.

S. Michels asked if township conditions are automatically added.

M. Wozniak stated no.

H. Stenerson stated a potential provision of review when there is a change of ownership, or that staff would review in change of use or ownership if and when it would happen.

B. Overby asked hypothetical question if this was new property and no turkeys were being raised would we approve this.

M. Wozniak stated we have to decide if this is appropriate for this agricultural district. It is a judgment call and in certain concerns we tell the applicant we would wait for PAC decision.

L. Olson stated the city would take it out of their jurisdiction eventually.

M. Wozniak stated at some point development pressure will change land uses in the area.

L. Olson restated urbanization in future.

H. Stenerson said Comprehensive Plan states to support and maintain agriculture, whether turkeys remain or not, it does promote like alternative farms and species and it is a comfortable and good location.

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
March 17, 2008 MEETING MINUTES

M. Wozniak stated discussion with K. Smiley and growth is a good thing with agricultural investments on balance as a good thing.

³ *Motion by L. Olson seconded by M. Patterson to Approve the Conditional Use Permit for Peterson Turkey Hatchery, Inc. to alter operations to a retail sales store on hatchery building site in Section 19 Cannon Falls Township with conditions . Motion paused for further discussion.*

D. Rehtzigel asked about the validity of the potential condition about new land ownership and would we want that as new standard procedure by staff or reserve for special circumstance.

H. Stenerson stated if meat market moves out would we want major land use change, such as off road 4 wheelers sales.

L. Olson said conditional use not for this specific purpose.

B. Overby asked again about precedence.

M. Wozniak re-stated CUP request with agriculture related conditions. It would have to be in a business zone to change to something radically different.

B. Schafer stated 30 day notice would create language between landowners at the start than trying to regulate existing new use or county may find itself being retroactive after peoples investments.

H. Stenerson stated CUP would attach to sale.

B. Overby asked if that is currently done.

S. Michels stated CUP currently with sale.

M. Wozniak stated CUP would have to be for permitted agricultural use or the property would be back before PAC.

³ *Motion re-stated by S. Michels of motion by L. Olson, seconded by M. Patterson to Approve the Conditional Use Permit for Peterson Turkey Hatchery, Inc. to alter operations to a retail sales store on hatchery building site in Section 19 Cannon Falls Township with conditions . Motion passed 8-0.*

Summary

Steven C. Heitman is requesting a Conditional Use Permit for the existing junk/ auto salvage vehicles and facilities on parcel 32.035.0700 in Section 35 of Florence Township to continue operations in accordance with all relevant County and State policies and regulations. The purpose of this Conditional Use Permit is to allow the opportunity to continue operations and have ability to store licensed and auto salvaged vehicles on site in full compliance with current Goodhue County Zoning Ordinances.

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
March 17, 2008 MEETING MINUTES

Background Steven C. Heitman currently owns the property involved in the request. He has been the primary owner and operator for over 15 years.

The CUP to allow Steven C. Heitman's auto storage facility within an A-2 Zone District is subject to conformance with provision of Section 3 Subdivision 14 (Junk/Salvage reclamation yards), of Article 21 (A-2, Agricultural Protection District) of the Goodhue County Zoning Ordinance.

The applicant has included with the CUP application a description of the use of the property that includes maps, photos, and designated parking areas. Mr. Heitman stores and modifies vehicles for use in demolition derbies. He removes motors, transmissions and fluids from vehicles that are stored outdoors on the property. These vehicles are then modified for the rigors of the demolition derby. Mr. Heitman also stores collector vehicles including numerous vintage Lincolns.

The primary issue of concern is the exterior storage of junk/unlicensed automobiles. Some of the storage/parking is occurring in close proximity to Sugarloaf Creek and State of Minnesota Protected Water. Since 1992, Land Use Management Staff has notified by correspondence to Mr. Heitman that these vehicles needed to be stored in accordance with Goodhue County Regulations. Mr. Heitman has corrected this situation in the past by constructing by licensed permit storage structures to house his salvaged and licensed vehicles. His volume of storage has continued to increase afterwards.

In 2007, Staff received a series of anonymous complaints with photos forwarded from other governmental agencies and questions regarding the volume and storage of junk and salvaged vehicles on the property. It is our understanding that MPCA has referred the issue to the Goodhue County Land Use Management staff. Nevertheless, it may be prudent to investigate the property by expert pollution control specialists. Goodhue County Waste Management staff could inspect the property as a requirement associated with the Conditional Use Permit.

The subject property is situated within the Shoreland Area, Sugarloaf Creek meanders through the Heitman Property. Under the Shoreland Management Regulations structures and parking areas are required to be located a minimum of 100' from the Ordinary High Water Line of the creek. Currently there are vehicles being stored much closer to the creek than 100'. In order to ensure that the 100' setback is adhered to both LUM Staff and MNDNR Area Hydrologist, Bill Huber, recommend that the vehicle parking/storage area be kept a minimum of 100' from the OHWL of Sugarloaf Creek and be defined by a fence or landscaping. The intent of the fence or landscaping is to confine the vehicle parking/storage to a specific area a minimum of 100' from Sugarloaf Creek.

The Shoreland Management regulations require a compliance inspection of the on-site sewer system on the property. In addition the well on the property must be tested to ensure compliance with the Goodhue County Water Quality Ordinance.

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
March 17, 2008 MEETING MINUTES

Findings of Fact

- The proposed Steven C. Heitman Conditional Use Permit that proposes better storage of junk, salvaged, and licensed collector vehicles is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Steven C. Heitman CUP shall comply with provision of Article 21, Section 3 (A-2 Conditional Uses) of the Goodhue County Zoning Ordinance as interpreted by the Goodhue County Zoning Administrator; and
- Florence Township has considered the CUP and has expressed support for approval of the Steven C. Heitman CUP.
- There has been one anonymous complaint filed in multiple governmental agencies in the last year from a landowner who claims to be from the area.
- The Heitman property is situated within the Shoreland Management Area of Sugarloaf Creek and subject to a minimum 100' setback from the Ordinary High Water Line.

Staff Recommendations:

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Steven C. Heitman Conditional Use Permit subject to the following conditions:

1. Vehicle parking/storage area be kept a minimum of 100' from the OHWL of Sugarloaf Creek and be defined by fence and/or landscaping subject to approval of the Zoning Administrator; and
2. Vehicle parking/storage area for any junk or unlicensed vehicles shall be screened from view from Goodhue County CSAH 5 and 335th Street with a six (6) foot high privacy fence or landscaping subject to approval by the Zoning Administrator; and
3. A compliance inspection of the on-site sewer system on the property must be completed and submitted to the Goodhue County Environmental Health Department within sixty (60) days of approval of the Conditional Use Permit; and
4. The well on the property must be tested to ensure compliance with the Goodhue County Water Quality Ordinance and the results of testing shall be submitted to the Goodhue County Environmental Health Department within sixty (60) days of approval of the Conditional Use Permit; and
5. Any storage or dismantling of vehicles and machinery shall be done in a manner so as not to pollute the surface or ground water in the County; and
6. The storage, dismantling and repair/modification of junk/unlicensed vehicles shall comply with any applicable federal, state, or local regulations; and
7. Proof of liability insurance for the structures, property, occupants, and visitors.
8. Inspection of the property by Goodhue County Waste Management Staff within sixty (60) days of approval of the Conditional Use Permit.

Discussion;

M. Wozniak explained summary, addressed complaints, and provided revised supplemental recommendations. He stated applicants willingness to comply and work with staff. New GIS map generated to address setback from creek. Staff included provisions to take effect within 60 days of approval by County Board, to include fencing and screening for benefit of other residences. Staff is open to other ideas.

S. Michels asked S. Heitman to explain his current business more. He had positive comments about Heitman property and business practices and measures.

Steven C. Heitman stated he has 27 years of demolition derby auto experience. He said with the price of scrap up, whenever he finds rust free cars he gets them when he can from out west. He processes cars and disassembles them. The good majority are steel shells left on property. He mentioned that about previous complaints he keeps the vehicles down by the creek out of site. What was misleading is that he owns a large number of licensed vehicles parked outdoors, now moved. He explained his business routine with receipts and said cars are gone as soon as possible. The CUP in his view is for vehicles he is saving for future use, no need for more than he has already, just a rotating thing for the demo derby. The proposed area for storage by the staff a is flat logical place, more visible though. He wants to keep demo derby sport alive and has environmental concerns for family too. He recycles and showed 2 years of receipts.

H. Stenerson asked if he saw new staff recommendations and was ok to work with them.

M. Wozniak mentioned meeting with S. Heitman last Friday and had timeframe of 6 months to allow for adjustments. If PAC felt alternate schedule, let them know.

S. Heitman said he promoted demo derby and he has 19 shows this summer with only one weekend off this summer. He said before the next winters snowfall the move will be complete.

H. Stenerson asked S. Heitman again if he had any concerns or problems with the recommendations.

S. Heitman stated 1993 well and septic ok. He asked was that necessary.

M. Wozniak stated yes, Environmental Health in shore land Regulations and DNR has to require in situations like this.

H. Stenerson asked what does that involve.

M. Wozniak stated licensed septic inspector has to be involved, then the well checked. The Goodhue County Environmental Health Department would know more and give guidance.

H. Stenerson asked if this is worded that somebody would have to check in 60 days after the CUP approved.

M. Wozniak stated that Environmental Health would design a plan to make the property compliant and would work with applicant. This is coordinated in with the protected waterways and wells.

H. Stenerson asked about timetable.

M. Wozniak stated Environmental Health staff works that out with applicants and could explain process better.

D. Rehtzigel said his experience is that as long as residence is open to work with staff it moves forward.

M. Wozniak stated requirement upholds system improvements.

S. Heitman said he would comply.

M. Wozniak stated it is pretty straight forward.

C/m. Michels opened the public hearing. None.

Motioned by D. Rehtzigel to close the public hearing, seconded by M. Patterson. Motion carried 8-0.

S. Michels asked about the potential fence types. He asked M. Wozniak would colored steel be acceptable.

M. Wozniak stated the fence has to be seen instead of vehicles, so the choice is based accordingly.

T. Webster asked S. Heitman what would he like.

S. Heitman stated he can get tin and paint it, put in wood poles, and he is all in favor of what he has to do.

H. Stenerson stated he likes the original proposal better for visual purposes. He said vegetative screens take longer, yet tin fence with a vegetative screen is a possibly better way.

M. Wozniak stated that has merit and applicant could work with staff for reasonable approach. Staff is concerned of the result of acceptable appearance for neighbors or drivers by. He mentioned screening of protected waters also, but no one would see that.

S. Heitman addressed map and fenceline in corner to rectify border.

M. Wozniak stated S. Heitman has good intent.

D. Rehtzigel said staff and officials should not to get worked up about an expensive fence. This would open a door to others not liking neighbors property or machinery in yards forcing new concerns. He said this is moving in a direction he is not comfortable with by hiding operations from the world. People are getting too sensitive. He wants to make sure a path is not followed they will regret later.

S. Michels stated fence would match buildings with trees.

B. Overby stated use is good for area. Make it work, but not too aggressively.

S. Michels stated Heitman is here only because of complaint. He said other places worse. The applicant is willing to work with staff to make it better.

H. Stenerson stated others make it worse, never avoid potential to complain, and screening can be done.

M. Wozniak asked if there will be a modification to staff recommended condition 1.

D. Rehtzigel stated yes, fence should be mutually beneficial to staff and applicant.

M. Wozniak stated as long as material in good condition so be it.

S. Heitman stated his goal of a fence.

M. Wozniak stated there exists good conditions of buildings on property.

S. Heitman stated many people do not understand that vehicles are for demo derby's.

M. Wozniak said many instances with appraisers in County that affect land values for neighbors and mortgage concerns with lower values next to junkyards so that is why things must be followed.

S. Heitman said he has good relationship with nearby neighbor, maybe he will not live there forever, so discussion of fence made sense.

L. Olson asked if state has regulations for junkyards to put up high fences.

M. Wozniak said most of it up to local zoning.

L. Olson stated other examples.

S. Michels stated state by state.

B. Overby stated examples.

M. Wozniak stated that Heitman compliance will follow with the land.

S. Heitman asked if 60 days from today or later.

M. Wozniak stated 60 days after County Board meeting. Try not to place off for too long, if it is a hardship then it will be addressed.

S. Heitman stated schedule prior to winter.

M. Wozniak stated prior to winter for land inspections and compliance checks.

⁴ Motion by M. Patterson , seconded by D. Rehtzigel to Approve the Conditional Use Permit Amendment for Steven C. Heitman , retracting condition 1 as a residential fence, insert “mutually agreed upon fence by applicant and zoning administrator”, to operate a junk/salvage vehicle business in full accordance with county and state regulations in Section 35 Florence Township with conditions . Motion paused for discussion.

H. Stenerson asked about staff recommended condition 8.

M. Wozniak addressed Environmental Health process and said it should be in here.

H. Stenerson asked about map for 200 feet mark from creek.

M. Wozniak stated he will work with applicant and the language is good.

D. Rehtzigel stated it is good for applicant, and a model permit.

⁴ Motion by M. Patterson , seconded by D. Rehtzigel to Approve the Conditional Use Permit Amendment for Steven C. Heitman , retracting condition 1 residential fence, insert “mutually agreed upon fence by applicant and zoning administrator”, to operate a junk/salvage vehicle business in full accordance with county and state regulations in Section 35 Florence Township with conditions . Motion carried 8-0.

DRAFT

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
March 17, 2008 MEETING MINUTES**

Page - 11 -

⁵Moved by B. Overby and seconded by M. Patterson to adjourn the March 17, 2008 Planning Advisory Commission meeting at 8:25 p.m. Motion carried 8-0.

Respectfully Submitted,

Kelly Moriarty

Recording Secretary

DRAFT

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
March 17, 2008 MEETING MINUTES**

Page - 12 -

MOTIONS

- ¹ APPROVE March 17, 2008 agenda. Motion carried 8-0.
- ² APPROVE February 11, 2008 minutes. Motion carried 8-0.
- ³ APPROVE Conditional Use Permit for Peterson Turkey Hatchery, Inc. to alter operations in turkey hatchery building on site to a retail sales store in Section 19 Cannon Falls Township. Motion carried 8-0.
- ⁴ APPROVE Conditional Use Permit for Steven C. Heitman to operate junk/salvage operations in accordance with all county and state regulations in Section 35 Florence Township with added staff recommendations. Motion carried 8-0.
- ⁵ ADJOURN March 17, 2008 minutes. Motion carried 8-0.