

DRAFT

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
April 21, 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: Suzanne Blue Brandon Schafer Daniel Rechtzigel Mike Patterson Tom Webster
Sam Michels Howard Stenerson Bernie Overby Mike Wozniak

Absent: Larry Olson

¹*Motioned B.Overby and seconded by M.Patterson to approve the April 21, 2008 agenda. Motion carried 8-0.*

²*Motioned by H.Stenerson and seconded by D.Rechtzigel to approve the March 17, 2008 minutes. Motion carried 8-0.*

STAFF UPDATES M. Wozniak stated that the next county board meeting location has not been confirmed yet, and staff will update all later. Also noted, one item possibly for next PAC meeting and it is being reviewed. May plan on ordinance amendment discussions instead; with revisions on logging and maybe setback changes in Agricultural districts again.

NEW BUSINESS: none.

OID BUSINESS: none.

CONFLICT/DISCLOSURE OF INTEREST – M. Patterson-item number 4; Adam Ellingsberg excusion.

Summary

Gadient Brothers Construction-Tracy Gadient are requesting a Preliminary and Final Re-Plat for combined adjoining parcels in Section 35 of Wacouta Township. Parcels 43.500.0030 and 43.500.0020 within existing Thoreau Mountain Subdivision Plat are to be re-configured and partially combined with adjoining parcel 43.500.0100 in Section 35 Wacouta Township. The purpose of this plat is to develop a new single building lot from portion of 43.500.0030 and former Outlot 43.500.0100. The size of lot 43.500.0020 will then also be modified. The reason this is being done with a plat is that the proposed building lot involves combination of an existing lot and an existing Outlot. This proposed subdivision of land is subject to platting requirements established in the Goodhue County Subdivision Controls Ordinance, Section 3, Subd. 1, Paragraph A (If a subdivision of a platted lot or Outlot can result in one or more potential building sites, the subdivision must be platted). The Outlot involved in this re-plat is the location of an old farmhouse and outbuildings and it is unclear as to why it was platted as an Outlot within the existing Thoreau Mountain Subdivision.

Background

Gadient Brothers Construction currently own the three parcels involved in the Preliminary and Final Re-Plat application, along with the remainder of the Thoreau Mountain Subdivision and a large area of surrounding land. The purpose of the Re-Plat is to configure another parcel suitable for a potential dwelling location. Because this plat is only creating one building lot, no new streets are being proposed and because the only site grading will occur in conjunction home construction; staff has allowed the applicant's to submit the proposed subdivision of land for consideration of both Preliminary and Final Plats at the same time.

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Parcel 43.500.0020 has over 100 feet of roadway frontage on Kaffitz Road. Parcel 43.500.0100 is a corner lot and has over 100 feet of road frontage on Kaffitz road and on Riverview Court. Parcel 43.500.0030 has over 100 feet road frontage on Riverview Court. When 43.500.0100 is combined with portions of parcel 43.500.0020 and 43.500.0030 the re-platted residential lots would exceed Goodhue County Zoning lot area (20,000 sq. ft.), lot width at setback (100 feet) and lot depth (125') minimum standards.

Each of the proposed lots is partially affected by the bluffland impact zone. The resulting Lot 3 is currently substantially wooded and Lots 1 and 2 are partially wooded (primarily on bluff areas). The resulting three single family home lots will range from 2 acres to 3.42 acres in size.

The proposed plat for developed on one single family lot is consistent with the Goodhue County Comprehensive Plan and Zoning Ordinance. These lot standards conform to requirements of the R-1 Zone District.

Findings of Fact

- The proposed Thoreau Mountain preliminary/final re-plat that proposes development of one single family home lot is consistent with the Goodhue County Comprehensive Plan; and
- Parcels 43.500.0020, 43.500.0030, and 43.500.0100 of the Thoreau Mountain Subdivision exceed the minimum lot area requirement of 2 acres and includes the 100 feet of width from the road right-of-way back to the proposed structure location that are requirements of the R-1 Zone District; and
- The application submitted by Gadiant Brothers Construction-Tracy Gadiant meets submittal requirements as expressed in the Goodhue County Subdivision Ordinance and interpreted by the Goodhue County Zoning Administrator; and
- In order to preserve the aesthetic character of the Thoreau Mountain Subdivision and to reduce potential erosion and sediment control issues retention of existing trees and vegetative cover on Lot 3 (outside of bluff impact zone) shall be encouraged to the greatest degree possible.
- Wacouta Township has considered the proposed re-plat and has raised no objections (pending written submittal).

Staff Recommendations:

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval of both the Thoreau Mountain Preliminary and Final Re-Plats subject to the following conditions:

- 1. Compliance with all standards and requirements included in the Goodhue County Subdivision Controls Ordinance.**
- 2. Recording of the plat with the County Recorder/Registrar of Deeds.**
- 3. Removal of mature trees shall be minimized.**
 - A. Prior to issuance of building permits for building construction on Lots 1, 2 and 3, the building permit applicant shall submit a landscape plan identifying areas of the lot to be cleared of vegetation including building pad, driveway, proposed on-site sewer system drainfield(s) and yard areas.**

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- B. Areas to be cleared of vegetation shall be staked on-site and construction materials and equipment shall be kept within these areas and outside of wooded areas to be retained and/or bluffs.**
- C. The Top of Bluff shall be clearly staked on-site for Lot 1, 2, and 3 prior to the start of building construction.**

Discussion;

M. Wozniak explained staff report to commissioners.

B. Overby asked about Wacouta Township giving no written recommendation and asked is that to be addressed or not.

M. Wozniak stated yes it would be needed to be signed prior to the county board.

T. Gadiant stated no quorum at previous Township meeting and described status of the item at the planning commission at Wacouta Township. He stated it is coming and they have a new clerk learning the process.

M. Wozniak stated the Township has no subdivision ordinance and they would be indicating they would not need to act or that they would meet to sign off on it.

T. Gadiant stated Township would have to sign final plat anyway. He explained that the former outlot was a replacement site issue with former barn and foundations of structures present.

B. Overby asked is that on lot 1.

T. Gadiant stated lot 3. They bought Thoreau Mountain after it was constructed and the former owner lives in Europe.

S. Michels asked if lots that size were designed based on topography.

T. Gadiant stated yes.

B. Overby stated yes, he walked the site and it made sense.

M. Wozniak stated original developer may have wanted lower density also, but there is no written record.

S. Blue stated past concern about that land being a possible scientific and nature area.

T. Gadiant stated that a outfit from Austria bought it all after initial plat and basically just held the property till 2006.

M. Wozniak agreed and stated absentee owner.

S. Blue noted other former proposals.

M. Wozniak stated there are dramatic views from up there. He noted Gadiant construction has done well in other projects and do a nice job in explaining to owners bluff impact zone responsibilities.

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

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

T. Webster asked T. Gadiant if he is the only builder or is it open.

T. Gadiant stated open and mentioned covenants on this subdivision exist.

M.Wozniak stated they would work with builders to reach solution. Staff may require with the site plan landscaping plans for the control of vegetative cutting around any sensitive areas.

H. Stenerson stated he is not ok with board telling lot buyers which trees to cut or not cut in theory and for the record it is not his preference, but understands logic behind it.

S. Blue stated past vegetative clearing operations that have had a negative impact and financial side effects in region.

T. Gadiant agreed with examples.

M. Wozniak gave Poplar Ridge example.

S. Blue excited about oversight of lots and bluff setbacks work ok.

T. Gadiant stated setbacks far from bluffs over Mississippi.

M. Wozniak stated reasons are so they can wait and see what builder or buyer wants to do with the lot and have to pay attention to environmentally sensitive areas.

B. Overby asked if there was any concern about that control measure to T. Gadiant.

T. Gadiant stated it will look 10 times better; currently there is a lot of box elders and 2 big trees dead on site.

M. Wozniak stated his overall understanding of vegetative values and that staff will work with any applicant.

M. Patterson stated agreement with H. Stenerson and said this issue going forward just as a starting point leaves it to the land use department in the future, which he does not agree with as the bluff regulations already exist.

M. Wozniak stated Goodhue County has regulations already about clear-cutting. We will work with applicants no matter what.

B. Overby asked hypothetically about vegetative cutting in A-1.

M. Wozniak stated best management plan would apply in any situation or staff would have questions if large vegetative clear-cutting through ordinance existing now.

S. Blue stated property value may go up but in last 2 years Wacouta had clear-cutting issue and county had to remediate and there were extra expenses.

M. Patterson said condition 3 would be beyond bluff impact language.

D. Rehtzigel said language may go too far. Maybe new condition 3 that said no mature trees cut on property.

M. Wozniak stated not a problem in this situation, may be in future situations, just identify what you have to clear as goal and we will work with them either way.

D. Rehtzigel stated then maybe applicant may identify trees to be removed to planning office prior.

H. Stenerson stated he understands concept, bluff is covered, non-bluff best management practices stated they may be harvested.

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M. Patterson stated that is what scares me.

M. Wozniak stated it's a residential lot.

B. Overby stated we must be consistent.

S. Blue stated timber value, not cutting mature trees is complicated so good place for professional involvement. Hope that's not a burden on staff.

M. Wozniak stated you can remove or amend, we would like to see on drawing or aerial photo by the applicant an outline of what would be removed and then judge if they have stuck to plan later. Applicants will work with staff as in normal building permit process.

³ Motion by B. Overby , seconded by S. Blue to Approve the Conditional Use Permit Amendment for Gadiant Brothers Construction-Tracy Gadiant to re-plat Thoreau Mountain Subdivision with modified condition 3 in Section 26 Wacouta Township with Township signature on form as condition . Motion passed 8-0.

B. Overby asked about township signature.

M. Patterson asked if staff conditions forced on township.

D. Rechtzigel stated township just needs to give written information on submittal as per normal procedure.

M. Wozniak confirmed that comment.

Summary

Villa Maria Retreat and Conference Center-William Laidlaw, Chair, Board of Trustees are requesting a Preliminary and Final Plat for portion of Lot B Garrard's South Extension in parcel 32.200.0200 in Section 12 of Florence Township. The purpose of this plat is to develop three single building lots.

Background

Villa Maria Retreat and Conference Center currently owns the land that the three parcels involved in the preliminary and final plat application, along with a large area of surrounding land. The purpose of the plat is to configure three parcels in a small subdivision suitable for potential dwelling locations that will utilize existing R-1 areas considered Old Frontenac in Section 12 in the R-1 Zone District within Florence Township. Because this plat is creating three building lots, a new unpaved street is being proposed and the proposed road has been reviewed by Jim Klevan of the Goodhue County Engineers office. Because the site grading will occur in conjunction home construction; staff has allowed the applicant's to submit the proposed subdivision of land for consideration of both Preliminary and Final Plats at the same time.

Parcels will have at least 100 feet of roadway frontage on the proposed road that when completed would range in lot size from 2.53 acres to 3.52 acres would meet Goodhue County Zoning setback requirements for the combined plat. Most of the land is gently rolling woodlands. It is not subject to flooding except on the north edge along Wood Street. The soil type on most of the land is N576B (Rasset fine sandy loam).

Parcel 32.200.0200 is partially affected by the bluffland impact zone.

The proposed plat for developed of three single family lots is consistent with the Goodhue County Comprehensive Plan and Zoning Ordinance. These lot standards conform to requirements of the R-1 Zone District. However, the property is substantially wooded and abuts a Minnesota Protected Water (unnamed

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stream along the north boundary of the subdivision). Maintaining the wooded character of the property is important both for aesthetic as well as environmental reasons. Although most of the sloped areas on the proposed lots are not bluffs, there are some significant slopes nonetheless. Staff is recommending a condition that would require minimization of the clearing of mature trees. In addition staff is recommending that prior to issuance of building permits for construction of dwellings on any of the lots that the building permit applicant shall submit a landscape plan identifying areas of the lot to be clear of vegetation including building pad, driveway, proposed on-site sewer system drainfield(s) and yard areas.

Findings of Fact

- The proposed Villa Maria preliminary/final plat that proposes development of three single family home lots is consistent with the Goodhue County Comprehensive Plan; and
- Lots 1,2,3 of the Villa Maria Subdivision exceeds the minimum lot area requirement of 2 acres and includes the 100 feet of width from the road right-of-way back to the proposed structure location that are requirements of the R-1 Zone District; and
- The application submitted by Villa Maria Retreat and Conference Center meets submittal requirements as expressed in the Goodhue County Subdivision Ordinance and interpreted by the Goodhue County Zoning Administrator; and
- The Old Frontenac Heritage Commission and Florence Township have considered the proposed plat and have raised no objections.

Staff Recommendations:

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval of both the Villa Maria Preliminary and Final Plats subject to the following conditions:

- 1. Compliance with all standards and requirements included in the Goodhue County Subdivision Controls Ordinance.**
- 2. Prior to the start of grading and construction of the proposed Villa Maria Way the applicant shall request and then attend a pre-construction meeting with the Goodhue County Land Use Management Department. The applicant shall provide an erosion and sediment control plan prior to the pre-construction meeting.**
- 3. Removal of mature trees shall be minimized.**
 - A. Prior to issuance of building permits for construction of dwellings on any of the lots that the building permit applicant shall submit a landscape plan identifying areas of the lot to be cleared of vegetation including building pad, driveway, proposed on-site sewer system drainfield(s) and yard areas.**
 - B. Areas to be cleared of vegetation shall be staked on-site and construction materials and equipment shall be kept within these areas and outside of wooded areas to be retained and/or bluffs.**

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4. **Proof of ownership: a copy of a current Title Commitment, Title Opinion, or Certificate of Title (Torrens property) that covers the property of the proposed plat shall be submitted with the proposed plat.**
 5. **Recording of the plat with the County Recorder/Registrar of Deeds.**

Discussion;

M. Wozniak explained summary to commissioners.

S. Michels asked is it mostly wooded and have any dwellings ever been there.

W. Laidlaw stated no homes.

M. Wozniak stated a prayer path is in the area.

W. Laidlaw stated it was donated in the 1950's and local residences in agreement with plat. Villa is looking at planning an endowment to accumulate retreat funds by selling lots. It is a wooded site logged once in past, and not alot of high value trees onsite.

M. Wozniak stated good appearance and focus on sediment-runoff control.

W. Laidlaw stated township road could come off county road 2, but too steep and this route off Winona Ave. is better.

M. Wozniak stated environmental concerns and cul-de-sac characteristics.

W. Laidlaw stated road construction will be thinned to respond to best use.

M. Wozniak stated if Florence Township is comfortable that is a good solution.

H. Stenerson asked about cul-de-sac and if it could handle EM vehicles.

W. Laidlaw said yes it is 100 feet in diameter.

M. Wozniak stated W. Laidlaw has met with Goodhue County Public works and they are ok, township will have to be approached with road size alteration concern.

H. Stenerson asked would that trigger subdivision change for road width.

M. Wozniak stated plat could be approved and then have additional hearing and county board special action.

He noted any Variance to a subdivision is handled by the Goodhue County board, not the Goodhue Board of Adjustment.

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

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

M. Wozniak stated Florence Township is aware and supports plat.

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⁴ *Motion by D. Rehtzigel , seconded by T.Webster to Approve the Pre/Final Plat for Villa Maria retreat and Conference Center for a preliminary and final plat of 3 new residential lots in Section 12 Florence Township with conditions . Motion paused.*

H. Stenerson stated amendment to motion to allow staff and applicant to negotiate size of road prior to county board. He said right of way would stay the same. Seconded by B. Overby. Amendment carried 8-0.

⁵ *Motion by D. Rehtzigel , seconded by T.Webster to Approve the Pre/final Plat for Villa Maria retreat and Conference Center for a preliminary and final plat of 3 new residential lots in Section 12 Florence Township with amendment that staff and applicant can negotiate size of the road prior to the county board decision . Motion carried 7-1, S. Michels dissenting vote.*

Summary:

Hernke's Inc. Dairy-Marc Hernke is requesting a Conditional Use Permit for the existing feedlot and facilities on parcel 37.017.5400 in Section 17 Leon Township to construct a new feedlot animal waste separation and solid waste holding structure with a new liquid manure holding structure with a capacity to hold over 6,500,000 liquid gallons yearly. In Addition the current manure holding structure will be upgraded to be combined with the new liquid manure holding feature. The purpose of this Conditional Use Permit is to allow the opportunity to continue operations in full compliance with current Goodhue County Zoning Ordinances and meet all local and state MPCA statutes.

Background

Hernke's Inc. Dairy currently owns the property involved in the request and operates a custom Dairy operation. A variance was granted in the spring of 2007 for construction of the feedlot housing structure to expand over the section line of sections 20 and 17 on parcels owned by Hernke's Inc. Dairy and allowed for the increase in the structural size by over 90 percent. The purpose of the Conditional Use Permit is to bring the expanded future use of the property in conformance with zoning ordinance requirements that may permit the future solid and liquid manure separator and holding structures with an estimated capacity of over 6.5 million liquid gallons on the site by conditional use permit.

The CUP to allow the Hernke's Inc. Dairy feedlot and manure holding structures within an A-1 Zone District is subject to conformance with provision of Sections 1-10, of Article 13 (Confined Feedlot Regulations) of the Goodhue County Zoning Ordinance.

The area near the proposed site of the structures may have Karst topography and possibly three known nearby sink holes as per conversation with Beau Kennedy at SWCD-Goodhue (see enclosed Sinkhole Investigation Report).

Zoning Administrator Mike Wozniak, Zoning Technician Kelly Moriarty, and Planning Advisory Commissioner Bernie Overby, conducted a site visit on April 11. During the site visit the applicant provided a good overview of the proposed facilities to be constructed and also offered insight as to why the particular design solution was chosen as the best approach.

By Goodhue County standards the Hernke's Inc. Dairy Animal Waste Treatment Facility represents a large and rather sophisticated approach to the handling of dairy related animal waste. Proper construction and the use of

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best management practices for land application of animal waste is particularly important because the Hernke's site is situated within an area of Goodhue County with a high concentration of Karst geologic features (including numerous existing or suspected sinkholes). In addition, the subject property drains into the Little Cannon River. Failure of the proposed liquid waste containment facility could cause significant environmental impacts including contamination of ground and/or surface water resources. In addition, the land application of liquid and solid animal waste in an environmentally sensitive area warrants greater scrutiny, not because anything is lacking with the Conditional Use Permit application, MPCA Review or with the operating track record of Hernke's Inc. An annual inspection of the Animal Waste Treatment Facility by Goodhue County Land Use Management Staff and the Goodhue County Feedlot Officer, during each of first three years of operation is warranted to ensure compliance with CUP Plans and Conditions. Beyond the first three years of operation the operation would be subject to normal monitoring and inspection by the County Feedlot Officer and MPCA.

The applicant has included with the CUP application a description of the use of the property, copies of SWCD documents, soil survey map, detailed site map that includes existing and proposed structures and facilities on the parcel.

Findings of Fact

- The proposed Hernke's Inc. Dairy Conditional Use Permit that proposes development is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Hernke's Inc. Dairy CUP is required to comply with provisions of Article 13 (Confined Feedlot Regulations) of the Goodhue County Zoning Ordinance as interpreted by the Goodhue County Zoning Administrator; and
- Location of the subject property in with a high concentration of Karst geologic features which drains into the Little Cannon River warrants extra scrutiny in the form of a pre-construction meeting and annual inspection of the Animal Waste Treatment Facility during the first three years of operation; and
- Leon Township has considered the CUP and has expressed support for approval of the Hernke CUP.

Staff Recommendations:

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Hernke's Inc. Dairy Conditional Use Permit subject to the following conditions:

- 1. Compliance with Goodhue County Zoning Ordinance Article 13 (Confined Feedlot Regulations).**
- 2. Submittal of the following information to the Zoning Administrator:**
 - All necessary state and federal permits.
 - Soils map.
- 3. A pre-construction meeting with the Applicant, Project Engineer, Contractor, Zoning Administrator, Feedlot Officer and Building Official to ensure all approved plans and**

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specifications, CUP conditions including erosion and sediment control measures are understood. This meeting shall be conducted prior to initiation of site grading and/or facility construction.

4. **The Animal Waste Treatment Facility shall be subject to an annual inspection during each of first three years of Operation by Goodhue County Land Use Management Staff and the Goodhue County Feedlot Officer. Beyond the first three years of operation the operation shall be subject to periodic inspection and monitoring by the Goodhue County Land Use Management Department and County Feedlot Officer.**

Discussion;

M. Wozniak explained summary of CUP, introduced Hernke's, described Karst topography in area, stated follow up proposal for next three years.

B. Hernke stated this is not an addition to last years permit. They did away with the first idea and decided upon this process, said not building another site upon last year.

M. Wozniak asked designer to describe the manure storage separator system.

Arlo Habben, SMAES owner, described his background and experience in Agriculture waste systems since 1992-1993. He noted he brought together standards and specifications, engineering, and architects to construct the concept of the plans. Goal; separate sand, solids, and liquids. Attempt to minimize problems and money to liners by new system. This is a passive sand separation system; provided literature to county. The design has the manure pushed out of the barn with more spread space designed to move it out better at first prior to reaching solids basin 365 days a year. Once solids are in the separator its left alone, much like tile drainage with draw down curve and sand bedding; designed to hold 120 days in winter. If they have permits to spread solids in winter it lasts longer. Liquid system used so that leachage is reversed then, high in water, low in manure. So now small sand separator with screens filter liquid manures then run down to liquid basin. End result low nutrients in liquid basin, high nutrients in solid basins. Multiple benefits to system. Explained conversion of existing manure bunker to solids basin and in addition it will become dryer. Traffic will be 2/3 less hauling. Explained irrigation process with pump-out, no access to area otherwise. Goal to get water down below 1/4 percent solids. Chemical controls of microbes benefit control over hazardous chemical bi-products in manure. Karst topography taken seriously; brought in former professor to test.

M. Wozniak stated grading issue to establish site and that it is planned well.

A. Habben stated setbacks and depths important. Erosion control features required, implied, and contractors responsible in bid sheet prior to construction. Less water flowage, now concentrated, so rock rip-rap will be designed in. Normal expected capacity 4.8 million gallons, with 6.5 million liquid gallons for entire year as a report correction. Explained Army Corp. of Engineers requirements with core trenches with compactions making solid wall in middle of burm so soil will not liquefy. They go down to 3:1 slopes to compensate for any potential failures, with 3 feet of earthen liner with permeability tests.

M. Wozniak stated staff would ask who would inspect as it is designed and we are getting to the answer to that.

S. Blue asked if A. Habben if he would do both.

A. Habben stated he has staff that are certified and they inspect certain parts of construction; concrete.

S. Blue asked is it common to wear to 2 hats.

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A. Habben stated hard to find others. He said it is better to check themselves. Eastern part American Engineering tests.

H. Stenerson said if the big liquid lagoon fails, waste would be different than solids. How would this compare to municipal waste water.

A. Habben stated much like small municipality system.

H. Stenerson asked would there be big fish-kill.

A. Habben stated techniques developed to make nutrient levels low enough so the potential for environmental damage short of earthquake is lower than other sites. He highlighted test of example site in packet document.

D. Rehtzigel asked about the process when the site is cleaned out annually.

A. Habben stated many examples setting up irrigation systems on pivot /walking guns with careful oversight of run-off. Solids are hot-more nutrients and thus will need less per acre applied.

B. Overby stated rain and run-off delutes also.

A. Hobben stated yes; rain, sprinkler, wash water, so it is diluted and then applied later. Solids crust and dry with less flies due to compaction.

T. Webster asked about loaders and techniques.

B. Hernke stated that was a selling point. 1/3 hauling. He stated it's a learning curve and simple system with manure valuable now.

T. Webster stated it can be done all summer long.

M. Wozniak stated best management practices and it helps cause.

M. Hernke stated it allows for flexibility.

A. Habben stated example in another county about rainfall versus application. Stated if expansion occurs in future, the increase would only be in the solid separator and would be manageable. (120 days winter, 180 days summer).

M. Wozniak stated pre-construction meeting may be satisfied now, and plans and spec's still need to be followed.

A. Habben stated multiple meetings with feedlot officer and MPCA prior to tonight.

H. Stenerson asked if solids holding area a concrete bunker.

A. Habben stated no, not completely and he gave design characteristics.

H. Stenerson stated concern that if side scooped it could be problem.

A. Habben stated yes, that would be part of operations maintenance plan.

S. Blue stated staff was effectively involved prior to tonight. Does M. Wozniak have anything further.

M. Wozniak stated concern of extra attention of sensitive area and oversight of plans to see it was constructed right and is subject to MPCA oversight.

Josh Finnesgard, Goodhue County Feedlot Officer, stated MPCA has taken over permit writing (NPDES permit) and feedlot officer will be out there to observe construction procedures as per MPCA rules.

D. Rehtzigel asked how much would a Feedlot officer visit.

J. Finnesgard stated during every key building event and once every year.

B. Overby stated he witnessed this site and concept is new and really good to cut back on normal animal feedlot problems.

C/m. Michels opened the public hearing.

Regan Melhouse asked a question about hot solids on winter spread; does it liquefy again or have any environmental side effects.

A. Habben stated there are state limits and areas that have to meet minimum requirements for solids for pieces of cropland under state review. Steep slopes limit safe application.

R. Melhouse asked again about hot application.

J. Finnesgard stated setbacks and requirements by MPCA. Winter fields have more requirements. Limit of 180 lbs. nitrogen per acre.

R. Melhouse asked if they should not spread multiple times.

M. Hernke stated it depends what they need.

A. Habben stated nutrient management plan also reviewed by MPCA.

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

M. Patterson stated this is a lot safer than a daily haul situation.

T. Webster stated from a staff viewpoint size should not be an issue. He said the language of operation here is better, and design survived sensitive areas review and he is pleased by staff allowing process to go forward.

H. Stenerson stated we have not seen this design before, it is a great concept, may be missing methane generator then it's a whole package.

M. Wozniak stated Karst area created some extra details.

B. Schafer suggested to applicants to show economic development for rural community development opportunities in Goodhue County as a selling points in agricultural sector and community.

D. Rehtzigel also became interested as an educational component of the new manure system.

B. Schafer also said size is also not a detriment.

M. Patterson stated it is not just staff triggering concern over size, but because of existing state regulations too.

S. Michels stated when it is finished we need a tour.

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⁶ Motion by M. Patterson , seconded by B. Overby to Approve the Conditional Use Permit for Henke Inc. Dairy for a Feedlot Manure storage facility expansion over 500,000 liquid gallons in Section 17 Leon Township with conditions . Motion carried 8-0.

M. Patterson excused himself for the last item on agenda.

Summary:

Adam Ellingsberg is requesting a Conditional Use Permit for the existing feedlot and facilities on parcel 36.013.0600 in Section 13 Kenyon Township to construct two new feedlot animal housing structures. The purpose of this Conditional Use Permit is to allow the opportunity to continue operations in full compliance with current Goodhue County Zoning Ordinances and meet all local and state statutes.

Background Adam Ellingsberg currently owns the property involved in the request and operates a custom hog operation. The purpose of the Conditional Use Permit is to bring the expanded future use of the property in conformance with zoning ordinance requirements that may permit the manure holding capacity of over 500,000 gallons on the site by conditional use permit.

The Ellingsberg Feedlot CUP includes the proposed construction of two 164' x 51' Hog Finishing Buildings with poured reinforced concrete pit manure storage. The number of animal units being kept on the property will increase from the current 288 to 576. 640 acres will be required by MPCA to meet manure utilization requirements.

Goodhue County Feedlot Officer, Josh Finnesgard, has reviewed the application materials associated with the submittal and will be present at the April 21, Planning Advisory Commission Meeting when this item will be considered.

The CUP to allow the Ellingsberg feedlot structure expansion within an A-1 Zone District is subject to conformance with provision of Sections 1-10, of Article 13 (Confined Feedlot Regulations) of the Goodhue County Zoning Ordinance.

The applicant has included with the CUP application a description of the use of the property, copies of SWCD documents, soil survey map, detailed site map that includes existing and proposed structures and facilities on the parcel.

Findings of Fact

- The proposed Adam Ellingsberg Conditional Use Permit that proposes development is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Ellingsberg CUP shall comply with provision of Article 13 (Confined Feedlot Regulations) of the Goodhue County Zoning Ordinance as interpreted by the Goodhue County Zoning Administrator; and
- Kenyon Township has considered the CUP and has expressed support for approval of the Ellingsberg CUP.

Staff Recommendations:

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
April 21, 2008 MEETING MINUTES

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Adam Ellingsberg Conditional Use Permit subject to the following conditions:

1. **Compliance with Goodhue County Zoning Ordinance Article 13 (Confined Feedlot Regulations).**
2. **Submittal of the following information to the Zoning Administrator:**
 - All necessary state and federal permits.
 - Soils map.

Discussion;

M. Wozniak explained summary.

B. Overby asked if a County level variance is required.

M. Wozniak stated no, site plan was unclear, now adjusted.

S. Michels asked A. Ellingsberg if he would have bio-filters.

A. Ellingsberg stated not in initial plan, but stated he would if needed. He described the area of his section and noted nearby hog farms. As part of state permit the odor management plan would be handled with trees planted as odor windbreaks.

M. Wozniak asked is it your intent to plant windbreaks.

A. Ellingsberg stated not fully around site, just certain areas.

B. Overby asked about inner circle and outer circle expansion of buffer on map.

J. Finnesgard stated setbacks.

A. Ellingsberg described designs and setbacks.

H. Stenerson asked about below ground manure storage. Asked J. Finnesgard if anything unique.

J. Finnesgard stated same as many.

A. Ellingsberg stated it can hold for up to a year. Submitted manure mangament plan with plans to hose it out to nearby receiving properties.

B. Schafer asked if that is part of the plan.

A. Ellingsberg stated yes, turned in.

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

Motioned by D. Rehtzigel to close the public hearing, seconded by H. Stenerson. Motion carried 7-0.

⁷ Motion by H. Stenerson , seconded by S. Blue to Approve the Conditional Use Permit for Adam Ellingsberg for a feedlot and manure storage facility expansion over 500,000 liquid gallons in Section 13 Kenyon Township with conditions . Motion carried 7-0.

S. Michels asked staff is it possible to get packet sooner.

M. Wozniak and K. Moriarty answered yes and stated reasons for delay this month.

B. Overby described township board issues about setbacks from yearly meeting.

M. Wozniak stated past setbacks, described how Goodhue was more conservative than other counties, and can check old ordinances for alternate setback ideas.

S. Blue added we should not confuse a hired expert as impartial. She would like Planning Advisory Commission to take up policy issues in future and rely on staff for expert opinion.

M. Wozniak stated certain issues challenging.

H. Stenerson agreed and at what point does the staff expertise get juggled, different backgrounds.

S. Blue stated we cannot forget intent.

M. Wozniak stated we can add cost of experts if needed to applicants.

S. Blue asked if county has water person.

M. Wozniak and D. Rehtzigel touched on water quality plans and mentioned Beau Kennedy at the Goodhue SWCD offices.

⁸Moved by D. Rehtzigel and seconded by M. Patterson to adjourn the April 21, 2008 Planning Advisory Commission meeting at 09:18 p.m. Motion carried 8-0.

Respectfully Submitted,

Kelly Moriarty

Recording Secretary

DRAFT

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MOTIONS

¹ APPROVE March 17, 2008 agenda. Motion carried 8-0.

² APPROVE April 21, 2008 minutes. Motion carried 8-0.

³ APPROVE Pre/Final Re-Plat for Gadiant Brothers Construction-Tracy Gadiant to re-plat Thoreau Mountain Subdivision in Section 26 Wacouta Township with staff recommendations. Motion carried 8-0.

⁴ APPROVE Pre/Final Plat for Villa Maria Retreat and Conference Center to plat Villa Maria Subdivision in Section 12 Florence Township with amendment and staff recommendations. Motion carried 7-1, S. Michels dissenting vote.

⁵ APPROVE Conditional Use Permit for Hernke Inc. Dairy to expand feedlot and manure storage facility to over 500,000 liquid gallons in Section 17 Leon Township with staff recommendations. Motion carried 8-0.

⁶ APPROVE Conditional Use Permit for Adam Ellingsberg to expand feedlot and manure storage facility to over 500,000 liquid gallons in Section 13 Kenyon Township with staff recommendations. Motion carried 7-0, M. Patterson excused himself prior as conflict of interest.

⁷ ADJOURN March 17, 2008 minutes. Motion carried 8-0.