

Draft

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 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 Mike Patterson Richard Bauer  
Brandon Schafer Michael Wozniak Suzanne Blue Larry Olson

Absent: H. Stenerson

<sup>1</sup>Motioned by B. Schafer and seconded by T. Webster to approve the June 15, 2009 agenda. Motion carried 7-0.

<sup>2</sup>Motioned by T. Webster and seconded by B. Schafer to approve the May 18, 2009 minutes. Motion carried 7-0.

**STAFF UPDATES** M. WOZNIAK EXPLAINED REGIONAL TRAILS AND JULY 6<sup>TH</sup> DUAL PLANNING MEETING CHANGES AND UPDATE. MEETING CHANGED TO TRAILS PUBLIC MEETING; WITH SEPARATE SCHEDULED DUAL PLANNING MEETING AT ANOTHER DATE. ALSO, LAST COMP PLAN MEETING REVIEWAL WITH COUNTY WATER PLAN GROUP AND BEAU KENNEDY NCRS PRESENTATION OF WATER PLAN. PRESENTATION OF PUBLIC COMMENTS AT AUGUST OR SEPTEMBER PAC MEETING.

M. PATTERSON ARRIVED.

**CONFLICT/DISCLOSURE OF INTEREST** Carrol Lee PAC training class cancelled.

**OLD BUSINESS:**

**NEW BUSINESS:**

**Summary**

**Cherry Grove Airpark (Jewel S. Ness)** are requesting approval of a Conditional Use Permit, CUP to use and operate an agricultural airfield for an aircraft landing field and associated facilities on parcel 30.012.0400 in an A-1 (Agricultural Protection) Zone District. The purpose of this Conditional Use Permit is to become in compliance after more than 15 years with Goodhue County Zoning Regulations.

**Background**

Cherry Grove Airpark (Jewel S. Ness) has submitted a CUP application to gain compliance for an existing agricultural airfield with multiple non-permitted hanger and associated facilities on farm property located in Cherry Grove Township.

The site is located on parcel number 30.012.0400, and has six (6) other dwellings besides the onsite farmhouse within a half mile of the site location. The parcel is currently in limited agricultural use and has over 15 non-permitted hanger type buildings and associated airfield structures. The applicant has now requested and has 3 grass airstrips in use as per the site drawing. There is a website titled, www.theflyin.com, that has a full spectrum of information about the site and its special events history.

Draft

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 2009 MEETING MINUTES**

The applicant has written in the application that no conflicts exist with nearby landowners. The applicant provided a note that stated that 1 additional year for special events would be requested, that also some licensed vendors would be onsite, sanitation would be provided by removable port-a-pots, and the hours of operation would be limited to daylight hours. The note also stated that insurance would be obtained for the events.

Towers and structures less than 200 feet in height do not require lighting. It is the applicant's responsibility to ensure all FAA criteria measures have been met, if necessary.

Cherry Grove Township has indicated that it will support the request and has not stated any additional provisions.

**Findings of Fact**

For at least 16 years large scale events have taken place on the property to include sale of non-high performance aircraft flights to the public. No known safety concerns or injuries onsite.

The Township has been aware of the activities and will provide what historical references they may have. The property is located less than 2 miles from the City of Wanamingo and the City will be notified.

**Staff Recommendation/Resolution**

Based on the above stated findings of fact, staff recommends approval of the conditional use permit for Cherry Grove Airpark (Jewel S. Ness) be located and operated in an A-1 Zone on parcel number 30.012.0400 owned by Jewel S. Ness with the following conditions:

- 1) **Cherry Grove Airpark (Jewel S. Ness-Landowner) may locate and operate a agricultural airfield for aircraft landing field with associated facilities on parcel ID# 30.012.0400 as per the specific site addressed on the site map; and**
- 2) **Off street parking shall be provided for any parking needed; and any public health and safety matters must be addressed with Goodhue County Environmental Health Department prior to public use; and**
- 3) **Any new structures proposed on the property shall be subject to conformance with Minnesota State Building Code as interpreted by the Goodhue County Building Official; and**
- 4) **No additional building construction onsite, public aircraft traffic, or public use shall take place prior to issuance of a Conditional Use Permit.**
- 5) **All State (MN. Statute 8800) and Federal FAA criteria to operate a grass airfield for other than personal use must be met.**
- 6) **Applicant shall be granted one special event per year.**

**Discussion:**

M. Wozniak read through the above staff report, with intent to legitimize for the County board this land use in section 12 Cherry Grove Township. Noted annual fly-in event and car show with entertainment for the public that has occurred for many years. Township says event runs smoothly, from zoning dealing with airstrip issue. Staff recommending approval with 5 conditions. PAC may also consider condition for annual event, staff did not write in due to previous months PAC conversation about hands off on special events. Open to PAC direction.

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 2009 MEETING MINUTES

- D. Rehtzigel said add number six for one time annual event now that this is before us.
- B. Overby asked if Ness had comments.
- J. Ness and relative were seated at microphone table. No comments.

*C/B. Overby opened the discussion to public comments. none.*

*With no further public comment it was motioned by B. Schafer and seconded by T. Webster to close the public comments. Motioned carried 8-0*

***<sup>3</sup>Motion by D. Rehtzigel seconded by M. Patterson to approve the Conditional Use Permit for Cherry Grove Airparp (Jewel S. Ness) to operate a agricultural airstrip with facilities in A-1 Zone of Section 12, Cherry Grove Township with added condition number 6 “applicant shall be granted one special event per year Motion carried 8-0..***

D. Rehtzigel said this needs to be sanctioned by the county now so any new neighbors do not have an issue later.

**Public Hearing/Zoning Text Amendment –**

Action to Consider: Adoption of a Text Amendment addressing references to use of soils for various zoning regulatory purposes in Articles 1, 3, 12, 20, 21, 22 and Appendix A.

The County Board has requested that the Planning Advisory Commission review the provisions of the County’s Zoning Ordinance that reference the use of soils. The need to consider these amendments is primarily being driven by the fact the current Goodhue County Soil Survey does classify soils according the CER (Crop Equivalency Rating) system that has been utilized in part to determine A-1 and A-2 Zoning District boundaries and also to limit where dwellings may be constructed in the A-2 Zone District.

Staff will review the various amendment to the Zoning Ordinance Text that have been drafted for consideration by the PAC and explain the rational behind the proposed regulatory approach.

**Discussion from May 18, 2009:**

M. Wozniak read through the proposed language changes and reasoning behind the proposed changes.

H. Stenerson asked if the proposed language would be too cumbersome for the average landowner. Are we going to have to pull an engineer in to build a garage?

M. Wozniak said that a lot of these items are currently being required, but they are not being followed.

H. Stenerson said that you could provide them with #3.

M. Wozniak said yes, we do a lot of that now.

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 2009 MEETING MINUTES**

C/B. Overby asked about the conservation overlay.

M. Wozniak said that the best ag soils are usually the best soils to build on too.

D. Rehtzigel said that what he likes with it listed is that it is a policy and we can change it down the road. But if we just say it's a policy depending on who's working in land use it can vary quite a bit.

R. Bauer asked if it is possible to use the GIS to make a standard map.

M. Wozniak said that we do a lot of that now. We do provide the basis, but it hasn't always been to a defined scale. Laying out a grid overlay would be an excellent idea. We can always require more if we decide there is a need for survey level of detail. A lot of jurisdictions require a survey everytime.

M. Wozniak summarized the remainder of the language changes and the reasoning behind the proposed changes.

C/B. Overby asked what about what if there was only one dwelling in the prime farmland section, and there could be 3 other sites, are we not going to allow them to be built now?

M. Wozniak said right now we don't limit where a person can build in the A-1 zoning district, but what we are looking at is working with the people to minimize the impacts. You can build close to the road to eliminate the need of the long driveway.

C/B. Overby said you are not going to stop the buildability of a section are you.

M. Wozniak said that it is not an absolute, the goal is to limit the impact.

H. Stenerson asked what is prime farmland, who determines it?

K. Gross brought up the web soil survey and read the definition of prime farmland and explained that the prime farmland determination is based on the soils themselves, it doesn't change with technology, it is the potential for that soil to be productive, versus the CER or CPI which is based on technology and the soil to be productive and can change with technology. We felt the prime farmland was more constant.

D. Rehtzigel suggested we wait a month and play around with the website.

B. Schafer asked if it is too loose to reference an technology that changes.

K. Gross said that it is a living document and that we

H. Stenerson said that under the change of definitions of bluffland, down to 12 % slope is considered bluffland. He is considered about changing the location of those acres.

M. Wozniak said that the survey says these soil types may be found in bluff areas. We are primarily using topography to determine where a bluff is located.

H. Stenerson said that it is one thing if it has to meet these requirements. If it has to meet this or that, somebody might be defined by a bluff based on their soils when they are actually fairly flat.

Draft

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 2009 MEETING MINUTES

M. Wozniak said that it is considered “Bluff land protection area” and not clearly defined as a bluff. The definition of a bluff does not list soils as a determining factor.

H. Stenerson said that if we are sure that this isn't going to change anything, than let's hold our public hearing, but if you think it may harm somebody then let's look at it.

*C/B. Overby opened the discussion to public comments.*

No one present wished to speak for or against the amendment.

*With no public comment it was motioned by B. Schafer and seconded by H. Stenerson to close the public comments. Motioned carried 7:0.*

C/B. Overby said that he doesn't think there is anything in there that he can object to.

M. Wozniak said that the contours are new, and the survey requirement is and it isn't new.

B. Schafer said that

***<sup>4</sup>Motion by B. Schafer seconded by M. Patterson to approve the Zoning Text Amendments as presented and pass it on to the County Board.***

H. Stenerson said he would only be able to adopt it is if there is guarantee that this would not be harming anybody or adding acreage to the bluffland ordinance.

M. Wozniak gave an example of somebody who wished to put a driveway up a bluff and they had a couple of small options, but the soils showed that it was all bluff, and all steep slopes, we wanted an engineer to design the driveway and after thinking about it they decided to build lower on the hill. We were willing to work with them within the bluff.

C/B. Overby asked if there is a way to show that.

R. Bauer said there would be a difference.

K. Gross said there is a difference now.

D. Rehtzigel asked if there is a map that we can show what is considered bluff and what would be considered bluff now.

H. Stenerson asked if we are gaining anything by leaving the soil definition in.

M. Wozniak said that the soils probably date back to when the bluff land was adopted and these soil types were more accurate than the topographical information that was available.

H. Stenerson said that if it is obsolete then remove them from the ordinance.

***<sup>5</sup>Moved by D. Rehtzigel seconded by H. Stenerson to table the zoning text amendment. Motion carried 7:0.***

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 2009 MEETING MINUTES**

**Discussion from June 15, 2009:**

M. Wozniak explained handouts and soils updates since last PAC meeting. Gave staff intention of using data and getting toward working with applicants for better site plans and overall land use options for present and future. Trying to also minimize long driveways. Calling out changes.

S. Blue said important to her about context; looking at CER has gotten us into trouble by simplifying or pushing homebuilders to ravines or bad lands. Herd management and farming changes also with conflicting values cause worry. Staff responsibility for competing values then PAC makes a choice.

M. Wozniak said best farmlands also best developmental lands, with or without high CER.

S. Blue said competing values.

M. Wozniak said Goodhue is agricultural county receptive to agricultural concerns and CER in past. Should promote good site planning and good use of land and work with people rather than mandates and steer them in a right direction even by NCRS staff or others.

B. Overby noted maps and changes in southwest greatest difference between the two maps, north pretty much the same.

M. Wozniak mentioned NCRS email memo with variety of rating models. Trying to steer applicant to best location during building permits. Changes to text made for site plan requirements. Minimum grading for site improvements tracked and discretion by zoning administrator in site determination. Not needed every reviewal; if no erosion or sediment control issues, then no grading plan. But if needed applicant hires a professional to do work, if more than 50 yards of dirt are moved.

B. Overby asked about townships approval if they don't have that knowledge.

M. Wozniak said that can happen now, and sites can be told to be moved.

B. Overby said but what about prime farmland issues.

M. Wozniak said CER was primarily used for A-2 in past. Sometimes not best result or optimum place. Trying to work with applicants to minimize loss of farmland. Get the word out to townships to aid county.

B. Overby asked for education also eventually.

M. Wozniak said most applications are in logical places, sometimes rules can also be obstacles though also. Changes allow for discretion with minimal loss of farmland.

T. Webster asked if one more soil type added could bring 30,000 lost rated acres back.

M. Wozniak described new CPI chart. Noted some changes and highlighted A-2 versus A-1.

B. Schafer added to T. Websters question. Factors may change.

B. Overby said most townships will not change stuff. Getting farther away from township level oversight. Get good relationship.

Draft

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 2009 MEETING MINUTES

M. Wozniak asked any other questions and added communications will be needed with townships. Noted top and toe of bluff references for SWCD so still useful for them in bluffland provision so staff left that in.

B. Overby asked if approved will this be standard for site plans. Can it be drawn by applicant.

M. Wozniak said right and it all depends on project.

B. Schafer noted do we want to reference website if it is a moving target.

M. Wozniak said we could not use that if confusing. Strange from past soil survey, not done that way now. Trying to figure out best option. Asking to adopt text amendment for soils for regulatory purposes by article and appendix.

*Motioned by S. Blue if given draft date/name document as June 15th and seconded B. Schafer by to approve with amendment to drop website as friendly amendment for the zoning text amendment for soils. Motion carried 8-0.*

**Additional PAC Discussion Items:**

**Upcoming Ordinance Text Amendments**

Article 31, Floodplain District

M. Wozniak updated this for July meeting to adopt new digital flood insurance rate maps from DNR and FEMA. The new maps utilize better topographic data. In July maps will be available to get a sense of the changes, with text amendments in July. Staff has found objectionable text changes. There are optional provisions also in handout. This something county has to do to stay in national flood insurance program.

S. Blue said complaints have been made from land changes on maps.

M. Wozniak said questions so far.

S. Blue asked are they ready for a public hearing.

M. Wozniak said we have to do this.

S. Blue said is there no negotiation, people from DNR suggested ground truthing. Any updates on that.

M. Wozniak said he had not heard that. Staff will clarify.

B. Overby asked about County-wide hearing.

S. Blue said local papers utilized, but landowners also live in other states. Asked if PAC members knew impact of this with government.

M. Wozniak said good question about notification. Can identify lands in changed areas.

M. Patterson asked if why notify if has to happen anyways.

S. Blue gave examples.

B. Overby asked if setbacks for water changing.

M. Wozniak explained floodway and flood fringe.

S. Blue gave personal example.

D. Rehtzigel said DNR wrote this and gave it to us to adopt or loose flood insurance.

M. Wozniak said they can work with text language adaptations, not map changes.

D. Rehtzigel said lets do it right and have DNR people here to get feedback from people.

M. Wozniak said he would touch base with B. Huber and DNR Waters staff in Lake City.

S. Blue wants to take each step slow because of what happened 10 years ago across river and took millions to resolve takings.

B. Overby asked what is plan for notification.

M. Wozniak said we can use media; radio, newspapers, mailing to affected property owners. Likely to get a lot of questions.

D. Rehtzigel asked can Sarah Schrader use GIS to make a list of affected for a mail-out.

M. Wozniak said yes, important.

D. Rehtzigel gave changes examples so all know what is going on and can comment.

M. Wozniak asked R. Bauer if city of Zumbrota ever had to deal with this.

R. Bauer said yes, suggests adopt it, 10 properties affected by past flood, and buy-out option was good to be available.

S. Blue said FEMA only does that in disaster situations and talked about local Trenton Island situation. Change of flood fringe to floodway takes away options. More properties will become floodway. A movie was made about it and it was a big deal.

M. Wozniak said heavy responsibilities about these issues. Gave little Cannon River flood situation from 1998.

S. Blue said river rats are not afraid of river. It will change use.

M. Wozniak said not easy issue, will get earful of comments.

S. Blue said DNR and FEMA should explain to public.

D. Rehtzigel said so we should read this before next meeting.

M. Wozniak said yes, giving some language now ahead of time.

S. Blue said another problem is FEMA law open to interpretation by counties. Trenton Island in Pierce County handled it by moving them out in past.

B. Schafer said obligation to notify, but also control spending.

S. Blue said we mail-out for change of zones.

M. Wozniak will consult with DA office for best notification method. Boundaries changing.

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 2009 MEETING MINUTES

**Upcoming Zoning Map Amendments:**

Welch, Mixed Use Hamlet

M. Wozniak making aware of village of Welch with GIS on screen. Gave creamery building scenario in village. Some of village in Wild and Scenic, but this part of village in R-1 currently. Had conversation with Darwin Fox, township supervisor, no formal request made, Darwin thought county would initiate. Staff will re-address with township again.

*<sup>6</sup>Moved by M. Patterson seconded by T. Webster to adjourn the May 18, 2009 Planning Advisory Commission meeting at 20:15 p.m. Motion carried 8-0.*

Respectfully Submitted,

Kelly Moriarty  
Recording Secretary

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
June 15, 2009 MEETING MINUTES**

MOTIONS

---

<sup>1</sup> APPROVE the June 15, 2009 agenda. Motion carried 7-0.

<sup>2</sup> APPROVE the May 18, 2009 minutes. Motion carried 7-0.

<sup>3</sup> APPROVE the Conditional Use Permit for Jewel Ness (Cherry Grove Airpark). Motion carried 8-0.

<sup>4</sup> APPROVE the Zoning Text Amendments with Friendly Amendment and pass it on to the County Board. Motion Carried 8-0.

<sup>5</sup> ADJOURN the June 15, 2009 Planning Advisory Commission meeting at 20:15 p.m. Motion carried 8-0.