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PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

The Goodhue County Planning Advisory Commission was called to order at 5:00 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 Richard Bauer  
Brandon Schafer Michael Wozniak Suzanne Blue Larry Olson

Absent: H. Stenerson, M. Patterson

<sup>1</sup>Motioned by B. Schafer and seconded by T. Webster to approve the July 20, 2009 agenda. Motion carried 7-0.

<sup>2</sup>Motioned by B. Schafer and seconded by R. Bauer to approve the June 15, 2009 minutes. Motion carried 7-0.

**STAFF UPDATES** M. WOZNIAK CONFIRMED JOINT PAC AUG 6<sup>TH</sup>. LAND USE MODEL COMPLETED WITH PRESENTATION TO FOLLOW. COMPLETED COMP PLAN LISTENING MEETINGS IN JULY WITH REPORT TO FOLLOW IN THE FALL.

L. HANNI ASKED ABOUT INTERNET ACCESS OF PAC TO EMAIL BRIEF REPORTS.

**CONFLICT/DISCLOSURE OF INTEREST** B. Schafer on his own issue, S. Blue on FEMA ordinance.

B. Schafer asked if conflict if land owners in floodway.

K. Gross said no, state initiated,, by choice.

**OLD BUSINESS:**

**NEW BUSINESS:**

**Summary**

The request is for the Planning Advisory Commission to recommend approval to the County Board of Commissioners to adopt the Digital Flood Insurance Rate Map (DFIRM) with the effective date of September 25, 2009, and to amend the portions of the ordinance that pertains to the new maps.

**Background**

FEMA has instigated the modernization of our Flood Insurance Rate Maps (FIRM). Currently our maps date to 1978, and are the second oldest version of the maps, depicting the Floodway and Flood Boundary in a separate map than the Flood Insurance Rate Map. During the map modernization, FEMA has updated our maps from the paper format, to a digital format called "DFIRM." This digital format is beneficial to our utilization of the maps, because we are better able to overlay the information using GIS and view the flood plain information together with other information available in our GIS software. The new flood maps are available in PDF format on a CD. So if any citizen in the County would like a copy of the FIRM, we may be able to give it to them in an electronic format.

Draft

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

Along with the adoption of the map, we are required by the National Flood Insurance Rate Program (NFIP) to amend our zoning ordinance. To attempt to make our ordinance more user friendly, we decided to keep all the information pertaining to floodplain in one article of the ordinance. This will eliminate the need to flip through several different articles to find all the necessary information. In order to achieve this flow, you will be amending Article 2, 7, 10, and 31 to remove references to floodplain where appropriate and to incorporate the mandated ordinance changes that the NFIP and FEMA is requiring of us. All of those changes are attached to this report in a red and underline format so that you may easily see what is changing.

There are benefits to the new maps. As stated earlier, they are in a digital format, which makes them more user friendly. The pdf FIRM's are at a scale that makes it much easier to find a specific property. The number of cross sections has been increased which makes determining flood elevations much easier. FEMA utilized the County's 2 foot LIDAR contour information to update the flood boundaries so that they better matched the lay of the land. Some Base Flood Elevations (BFE's) have been updated which will better protect the public from future flooding.

If we do not adopt the DFIRM and the mandatory ordinance changes, our participation in the NFIP will be in jeopardy. We could be suspended and even discharged from the program. If that were to happen, the citizens of this county would not be eligible for national flood insurance and would have to seek private insurance which is extremely more costly. It could also jeopardize our ability to receive federal disaster assistance if we were to have a federal designated disaster. For those reasons it is imperative that we adopt the maps and the ordinance changes by the September 25, 2009 effective date.

**Staff Recommendation/Resolution**

Based on the adoption of the DFIRM with an effective date of September 25, 2009 and that the zoning text amendments that go along with the adoption are mandated as part of our participation in the NFIP, and that since this is the best data available to protect the public from flooding, staff recommends to the Planning Advisory Commission that they recommend to the Goodhue County Board of Commissioners to adopt the Flood Insurance Study, Goodhue County, Minnesota and Incorporated Areas and the Flood Insurance Rate Map therein, all dated September 25, 2009, as developed by the Federal Emergency Management Agency.

Furthermore, in order to fully incorporate the map into the zoning ordinance we recommend that the Planning Advisory Commission recommend to the Goodhue County Board of Commissioners to make the following amendments to the Goodhue County Zoning Ordinance:

1. **Article 2, Section 4**, delete subdivision 3 and 4 (move to Article 31) and renumber remaining subdivisions.
2. **Article 7, Section 3**, delete entire section (move to Article 31).
3. **Article 10, Section 2**, delete subdivision 41-47 (move to Article 31) and renumber remaining subdivisions.
4. **Article 31** amend the article to incorporate the above moves, and to bring the ordinance into compliance with the NFIP and Minnesota Department of Natural Resources standards.

**Discussion:**

K. Gross explained FEMA map changes. She explained related Ordinance Amendments to coincide in the future after adoption in September. No real new regulations that are creating new hardships and defines technical methods. Tonight is the adoption of the Flood Insurance rate maps and amend articles. She explained issues if not adopted.

D. Rehtzigel asked about page 31-5 in packet for information on flood openings.

K. Gross explained flood doors, not windows, those structures would not have basements, automatic swinging doors for flood water. Allowance of hydrolic equalization.

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

Carol Sweezy, concerned about property on Lakeview Avenue, no past individual notice of changes, her understanding is that this will cause future restriction of use, is that true. Did not receive past notices that were in the paper or local markets.

K. Gross said can look at her land situation individually later.

C. Sweezy asked if restrictive or not.

L. Hanni explained how letters sent out.

C. Sweezy came forward to describe to L. Hanni and said in flood fringe to floodway.

K. Gross said that area ends at shoreline and no impacts.

C. Sweezy asked to confirm.

L. Hanni and K. Gross said some affected properties and some not, call again or come in tomorrow. They have to decide to adopt the maps as a whole, not individual parcels.

L. Hanni said we can not change the maps tonight, we can help you later. She again explained notifications.

S. Blue said she has same reasons for being here and about the rumors, neighbors have 5 cabins there for 100 years, up to 5 generations now, so if that is incorrect the problem is a big difference if floodway if something happens. Flood fringe in 93 when flood happened. Now, if changed definition the effects are significant. So this is important, comment period not there for people if they do not know. County should have been notification agency. For the record that if the county has to support DNR and FEMA she would like County to continue mail-outs.

Alan Hanson, lives by Lake City, asked for a couple of things. Do you have a letter by Bill Huber?

K. Gross said yes, can copy it to him via email.

A. Hanson asked about making changes to maps later.

K. Gross said LOMA-F can show that based on fill that can be filed with FEMA.

A. Hanson asked what format.

K. Gross explained FEMA web ands contact again to explain process of LOMA-F.

Jim Brooks, resident of Florence TWP. 3 parcels affected. Question; given 2 are 80 acres and home on one of them, would he need flood insurance.

K. Gross said only if in the flood plain and in mortgage requirements. Outside of floodplain depends on mortgage company. She has shown examples to mortgage companies to explain.

J. Brooks explained last 2 big floods, if his house affected build an ark we are 500 feet above river. Broad brush approach and affect fewer people if it focused on flood prone properties.

L. Hanni explained 3 different letters that went out to address different notifications.

J. Brooks said insurance may later come into play. Would he need flood insurance.

K. Gross said she can review no personal maps now at the meeting. She would be willing to help later.

M. Alman, Stanton Township, had LOMA, do we need to do it again.

K. Gross said not necessarily. List will be re-added later. Call in to re-check. She can look it up by the address.

M. Alman asked if boundary bigger.

K. Gross said varies in county, Lake Pepin dropped half a foot.

Harlan Paul, Pine Island resident, Planning and Zoning got notice, nobody else. 1990 flood came across 52 in Pine Island. 1928 home not affected to 1990, happened again in 2002. So far no more floods. But right now in the last two years the water got up to lanes headed toward to Rochester. Why flooding now, so he started looking. Underneath railroad tressel 5 inches of fill, also Elk Run and part of Zumbro goes through that. Lot of questions, need answers because also planning and zoning in Pine Island. Why flooding now, need information.

M. Wozniak introduced himself and stated multi-municipalities should talk about this together.

H. Paul said find out now before problems.

C. Sweezy asked about 3 various letters.

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

K. Gross said 3 versions for this meeting.

M. Wozniak and K. Gross explained past postings via newspapers.

B. Overby added that we voted to go above and beyond for this meeting.

C. Sweezy said not adequate posting for the record.

*With no further public comment it was motioned by B. Schafer and seconded by T. Webster to close the public comments. Motioned carried 7-0.*

B. Overby said federal and/or state mandate correct.

*<sup>3</sup>Motion by B. Schafer seconded by R. Bauer to approve the Conditional Use Permit for the Flood Insurance Map text Amendment, friendly including the maps. Motion carried 6-0.*

**Summary**

**Daniel J. Voight** has applied for a Conditional Use Permit in an A-2 District to allow a Home Occupation Business on parcel 42.028.0401 at the property situated at 32977 County 7 Blvd. in Vasa Township. The business includes two proposed 32' by 125' buildings. Article 3, Section 13. Subd. 2., includes provisions that require a conditional use permit for home occupations involving more than (1) non-resident employee and/or being carried out in an accessory building exceeding 2,000 square feet.

**Background**

Daniel J. Voight is seeking approval of a Conditional Use Permit to operate a home occupation business on the property in Section 28, Vasa Township. The business proposed would include multiple structures. The applicant stated in a telephonic interview with staff on June 24, 2009 that he would request hours of operation from 6 a.m. to 6 p.m. during the work week. The applicant also stated that he would request 4-6 employees be onsite with parking for them. He stated that the operations being conducted would be related to general construction contracting to include; Cement (no ready mix), electrical, plumbing, heating and cooling. He noted their would be 1 bucket truck, 1 dump truck, 1 skid loader, and 1 backhoe stored in the proposed structures onsite. The applicant plans on positioning a sign parallel along County 7 Blvd. that would be lighted in such a way as not to interfere with any traffic. The applicant estimates six (6) deliveries of trucked in materials to the site per week, with work crews also working off site.

The application stated that evergreen trees would be planted along the north of the property and storage of equipment would be inside buildings as much as possible. The applicant has stated that the nearest neighbor to the south is ok with the proposal and trees mask the operation.

Vasa Township has reviewed the application and supports the request without any further conditions.

The following standards shall apply to conditionally permitted home occupations in the A-1, A-2, and A-3 Districts.

Draft

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

- A. The number of employees employed in conjunction with a conditionally permitted home occupation shall be determined by the Planning Advisory Commission.
- B. The home occupation shall be incidental and subordinate to the use of the premises for farming and related farm activities.
- C. The conduct of a home occupation may be carried on in an accessory building the size of which shall be determined by the Planning Advisory Commission.
- D. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
- E. Only one non-illuminated sign not to exceed sixteen (16) square feet in area shall be allowed in conjunction with the home occupation.
- F. No equipment or process shall be used in such home occupation to create noise, vibration, glare, fumes, odors, or electrical interferences detectable off the premises.

Issues:

- The business being proposed by Daniel J. Voight may or may not be interpreted to be incidental and subordinate to the use of the premises for farming and related farm activities. The property has a residence but does not meet the County's definition of a "farm" and is not large enough to conduct agriculture.
- Staff will present a variety of photographs of the property at the PAC Meeting to offer evidence of the nature and appearance of the proposed home occupation.

Findings of Fact

- **It does appear that the proposed Home Occupation Business would be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity.**
- **It does not appear that the establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.**
- **The Conditional Use Application indicates that adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.**
- **Proposed tree plantings and an expressed commitment to store the majority of equipment and supplies within proposed buildings represent that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will**

Draft

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

**constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

**Staff Recommendation:**

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval of the Daniel J. Voight Home Occupation CUP for a general construction contractor business within A-2 Zone District of Vasa Township with the following conditions:

1. Compliance with provisions of Article 11, Section 13 (Home Occupations) of the Goodhue County Zoning Ordinance.
2. Conformance with the site plan and description of the general construction contractor business as included with the Conditional Use Permit Application.
3. Subject to employment on the premises of not more than six (6) employees.
4. The proposed Home Occupation shall be limited to the two 4,000 Square foot Accessory Buildings currently proposed for the property.
5. Applicant will plant trees on north property line.

**Discussion:**

M. Wozniak explained summary.

Dan Rechtzigel asked if typo under findings of fact.

M. Wozniak said yes, will officially be changed.

No additional comments from D. Voight.

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

*With no further public comment it was motioned by T. Webster and seconded by L. Olson to close the public comments. Motioned carried 7-0.*

***<sup>4</sup>Motion by D. Rechtzigel seconded by B. Schafer to approve the Conditional Use Permit for D. Voight, and friendly amendment for Condition 5 added. Motion carried 7-0.***

T. Webster asked if condition for tree planting.

M. Wozniak said we hold him to plan, can be condition.

T. Webster said reasonable sure to happen. Add on to permit.

***Dan Rechtzigel amended and Accepted as number 5.***

Draft

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

**Summary**

**Mark G. Burfiend** has applied for a Conditional Use Permit in an A-2 District to allow a Home Occupation Business at his property situated at 34590 County 45 Blvd. in Belvidere Township. Article 11, Section 13. Subd. 2., includes provisions that require a conditional use permit for home occupations involving more than (1) non-resident employee and/or being carried out in an accessory building exceeding 2000 square feet. The application submitted by Mark Burfiend indicated it will be a family run business in a proposed structure over 2,000 square feet.

**Background**

Mark G. Burfiend is seeking approval of a Conditional Use Permit to operate a home occupation business on the 5.71 acre property in Section 2, Belvidere Township. The business includes storage and farm machinery repair in a proposed 47' by 72' storage structure. The applicant requests the Conditional Use Permit for building storage with the building being able to house equipment, pickup, tools, etc. for off site farm mechanical repairs. The applicant has stated that no noise issues will be produced in the building and that neighbors are comfortable with the proposal.

Belvidere Township has reviewed the proposal and supported the application.

The following standards shall apply to conditionally permitted home occupations in the A-1, A-2, and A-3 Districts.

- A. The number of employees employed in conjunction with a conditionally permitted home occupation shall be determined by the Planning Advisory Commission.
- B. The home occupation shall be incidental and subordinate to the use of the premises for farming and related farm activities.
- C. The conduct of a home occupation may be carried on in an accessory building the size of which shall be determined by the Planning Advisory Commission.
- D. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
- E. Only one non-illuminated sign not to exceed sixteen (16) square feet in area shall be allowed in conjunction with the home occupation.
- F. No equipment or process shall be used in such home occupation to create noise, vibration, glare, fumes, odors, or electrical interferences detectable off the premises.

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

Issues:

- Traffic that may be associated with the business appears to be a local concern due to the access being on to County Road 45 Blvd.
- Home Occupations may be permitted in accessory buildings, but, there may not be external evidence of the business.
- Staff will present a variety of photographs of the property at the PAC Meeting to offer evidence of the nature and appearance of the proposed home occupation.

Other than businesses that may qualify as a home occupation, agriculture related businesses may be permitted by conditional use permit. It does appear that the Bur fiend’s business operations would qualify as “agriculture related businesses”.

The Goodhue County Zoning Ordinance provisions which govern Home Occupations are included below:

Goodhue County Zoning Ordinance Article 11 (Performance Standards)

**SECTION 13. HOME OCCUPATIONS**

Home occupations may be allowed either as permitted accessory uses or as conditionally permitted accessory uses in any agricultural district or in any of the classes of residential districts.

Subd. 1. Permitted Home Occupations in the A-1, A-2, and A-3 Districts. The following standards shall apply to permitted home occupations in any agricultural district:

- A. No more than one (1) person other than the members of the family occupying the premises shall be employed in conjunction with a permitted home occupation.
- B. The home occupation shall be incidental and subordinate to the use of the premises for farming and residential purposes.
- C. The conduct of a home occupation may be carried on in accessory buildings not to exceed a total of two thousand (2,000) square feet in gross floor area.
- D. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
- E. Only one non-illuminated sign not to exceed sixteen (16) square feet in area shall be allowed in conjunction with the home occupation.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.

Subd. 2. Conditionally Permitted Home Occupations in the A-1, A-2, and A-3 Districts. The following home occupations shall require a conditional use permit when operated in any agricultural district.

- A. Home occupations employing more than one (1) non-resident employee on the premises.
- B. Home occupations carried on in an accessory building greater than two thousand (2,000) square feet of gross floor area.

Subd. 3. Standards for Conditionally Permitted Home Occupations. The following standards shall apply to conditionally permitted home occupations in the A-1, A-2, and A-3 Districts.

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

- A. The number of employees employed in conjunction with a conditionally permitted home occupation shall be determined by the Planning Advisory Commission.
- B. The home occupation shall be incidental and subordinate to the use of the premises for farming and related farm activities.
- C. The conduct of a home occupation may be carried on in an accessory building the size of which shall be determined by the Planning Advisory Commission.
- D. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
- E. Only one non-illuminated sign not to exceed sixteen (16) square feet in area shall be allowed in conjunction with the home occupation.
- F. No equipment or process shall be used in such home occupation to create noise, vibration, glare, fumes, odors, or electrical interferences detectable off the premises.

**Findings of Fact**

- **It does appear that the proposed agriculture related business would be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity.**
- **It does not appear that the establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.**
- **The Conditional Use Application indicates that adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.**
- **The fact that storage of equipment and vehicles associated with the agriculture related business will be kept inside the proposed accessory building represents that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

Staff Recommendation

LUM Staff recommends that the Planning Advisory Commission recommends approval of the Mark G. Burfiend Condition Use Permit to allow a Commercial Use primarily intended to serve the Agricultural Community – a Farm Equipment Repair Business at 34590 County 45 Blvd. in Belvidere Township subject to the following conditions:

1. Compliance with provisions of Article 11, Section 13 (Home Occupations) of the Goodhue County Zoning Ordinance.
2. Subject to employment on the premises of not more than one employee (other than family members).
3. The proposed Home Occupation shall be limited to the 3,384 Square foot Accessory Building currently proposed for the property.
4. Conformance with the site plan and description of the farm equipment repair business as included with the Conditional Use Permit Application.

Discussion:

*T. Webster asked to amend agenda to push until end as motion, l. Olson 2<sup>nd</sup>, motion carried 7-0.*

M. Wozniak gave summary for farm related business related to support the ag community at 20:35 starting. This falls under ag related business with size limitation by PAC and County Board. Using for storage with much work done offsite. Consistent with Comp Plan with approval recommendation with 4 standard conditions.

M. Burfiend added offsite repair with equipment stored in building.

Dan Rechtzigel recognized typo of does not instead of does in findings.

Bernie Overby visited site ok and main issue is just storage and nobody coming in and out.

M. Wozniak said applicant very cooperative and will be good business asset in county.

*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 7-0.*

*<sup>5</sup>Motion by D. Rechtzigel seconded by R. Bauer to approve the Conditional Use Permit for Mark Burfiend. Motion carried 7-0.*

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

**Summary**

**Jeffrey and Tami Beeney** seek to obtain a Conditional Use Permit to continue an established mobile home from a prior landowner as a temporary second dwelling when there is need to provide health care services to family residents of the first dwelling on property located at 37499 Shady Lane Trail, in A-1 Zone District of Section 19, Leon Township. This is a land use that is recognized as a “conditional use” that may be permissible within the A-1 Zone District (Article 20, Section 3, Subd. 1).

**Background**

In the application, Tami Beeney submitted the following information;

*My husband Jeff is on social security disability for a brain injury. He has limited ability to remember even short, simple instructions. He has difficulty organizing and focusing on day to day tasks. I (Tami Beeney) have degenerative disc disease (bad back). My son Aaron has helped us keep up with daily chores from cutting and splitting wood to heat the house in winter (we use 70 % wood). He also maintains vehicles, fixing the plow truck, or we would not be able to leave the property in heavy snow. He does yard work and cleans gutters. With his help Jeff stays on target. I don't feel there are any conflicts, seeing as how the mobile home has been here since 1999, and Aaron has owned it and lived there since 2000.*

Additionally, a letter was submitted by the applicant (Tami Beeney) with the following text;

To whom it may concern:

*My brother (Dennis Severin) purchased this property at 37499 Shady Lane Trail, Cannon Falls, in 2000 as is. He says he called the county about the septic and well and the woman he spoke with said someone would be contacting him. Nobody ever called, and he assumed everything was A. OK. I have lived here since there was a mobile home here that the previous owners (Lingbecks) said was hardshipped cased in. They said it has only been here a year. I contacted Roxanne Flatten (loan Officer) at Community National Bank in Cannon Falls on 5/4/2009 to ask when the previous owners had a loan on the mobile home. She said summer of 1999 for a 1985 Friendship serial number 303IV. My son (Aaron Rossi) and his family purchased this mobile home in October of 2000 also from the Community National Bank, Cannon Falls. And went to the Township and got our own hardship with my husband's brain injury. Mr. Hernke of Hernke's Line and Crushed Rock (Cannon Falls) came to re-gravel our driveway in 2008 and told me the Lingbecks (previous owners) had purchased the mobile home from him. I purchased this property from my brother Dennis Severin in 2006. The main house and mobile home share the well and septic. I have not had any problems nor have I had any work done on the septic nor has my brother (Dennis Severin) other than regular pumpings. I did have problems with the fields around the property in heavy rains. In heavy rains, the water would roll off the fields, in my drain field which would fill the drain field, which would fill the septic, which would flood my basement. In September of 2007 we had S.P. Stevens Excavating dig a ditch (before) the drain field to divert the water coming in off the farm fields. I have had no problems since. I know nothing about a mobile home being here in 1971 nor about sharing a well with a neighbor.*

*Any questions please feel free to call me,  
(507)263-7447 Tami Beeney*

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

The primary and second dwellings are on a 5 acre land locked parcel, 37.019.0300 (A-1 Zone District), in Section 19, Leon Township. The Land Use Management File on the parcel shows documents from the 1970's that reference a temporary second dwelling mobile home for a much previous landowner that was limited to a 3 year window before re-review. That mobile home was situated to share a well with a home to the south of the property, now on a separate parcel. The Beeney property has 2 dwellings that are not related to this original Conditional Use Permit. It also appears that the mobile home structure has been replaced multiple times since the early 1970's.

A conditional use permit is required for a second dwelling on site. It is also the landowner's responsibility to notify Land Use Management when sale of the property is conducted due to the health purpose of the second dwelling no longer being utilized. Although the Leon Township staff reference their 1999 review of new hardship, there is no record of a 1999 County-Level record or approval. Additionally, there is no 2006 record when the property changed ownership again. This situation was brought to light when well and septic system questions were brought to the County Land Use Staff by Tami Beeney in spring 2009.

The septic system would require a compliance check as no records exist after the 1970's and recent years problems of septic flooding have been stated from the applicant.

Leon Township has signed the Zoning Application Summary Form, indicating their approval of the request.

**Issues:**

- **Water and Subsurface Wastewater Treatment System (SSTS):** The County has no records documenting the current SSTS and the last testing of the well that serves the dwelling and the mobile home was ten years ago. Environmental Health Staff have indicated that this CUP should not be issued until the well is tested and a compliance test is completed for the SSTS.
- **Junk and Unlicensed Vehicles:** On a staff site visit it was noted that there were at least twelve (12) junk or unlicensed vehicles on the premises outside of the two garage structures. This storage of vehicles on the property represents a violation of Article 11 (Performance Standards), Section 10 (Exterior Storage of Automobiles) of the Zoning Ordinance:

**SECTION 10. EXTERIOR STORAGE OF AUTOMOBILES** In agricultural, commercial, or residential districts, no person shall place, park, permit to remain, store or leave upon any premises, except in a completely enclosed building, any motor vehicle which does not have affixed thereto a valid current motor vehicle license, or any portions thereof or parts there from, when such motor vehicle, portions thereof or parts there from are in a rusted, wrecked, partially dismantled or junked condition or in an inoperative or abandoned condition; and the owner of such motor vehicle, portions thereof or parts there from, and the owner and occupant of the premises upon which located shall be obligated to remove same to a duly licensed junk yard or other authorized place of deposit or storage.

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

**Findings of Fact**

- The County has no record documenting the current SSTS and the last testing of the well that serves the dwelling and the mobile home was ten years ago. Testing of the well and a compliance inspection for the SSTS is necessary to comply with County Well and Wastewater System standards.
- The property is not in compliance with Goodhue County Zoning Ordinance Article 11 (Performance Standards), Section 10 (Exterior Storage of Automobiles)

**Staff Recommendation:**

Based on the above stated findings of fact, staff recommends that the Planning Advisory Commission table consideration until the September 21, 2009 Planning Advisory Commission Meeting. The reasons for tabling this item are identified in the Findings of Fact included in this staff report. Further the Planning Advisory Commission should direct staff to extend the sixty (60) review period for another sixty (60) days (application was received on June 15, 2009) so that the County remains in compliance with Minnesota Statutes Section 15.99.

**Discussion:**

*T. Webster asked to amend agenda to push until end as motion, l. olson 2<sup>nd</sup>, motion carried 7-0.*

M. Wozniak explained CUP report. He noted specific timetables on these situations. Site visit conducted by B. Overby and K. Moriarty of staff. Issues of wastewater SSTS if it is sufficient for two dwellings. Consultation with J. Peterson and County has no records for that property on wastewater treatment; they need well tested and septic compliance inspection prior to CUP. Second, observation of junk or unlicensed vehicles outside of structures. County restricts this type of storage as junk or salvage operation and in conflict with our zoning. Building inspection staff were not clear if work on mobile home required permit or cosmetic work. Findings of fact reference wastewater system. Needs SSTS compliance inspection. Exterior storage of automobiles also. Staff recommends table until Sept 21<sup>st</sup>, if points can be addressed by applicant. Staff and PAC needs reply on how they will store vehicles and then the willingness to move forward with the well and SSTS compliance inspection. It is used now, and without the proper permission.

J. Beeney commented on vehicles. T. Beeney said in and out of garages and hobby. A lot do have licenses.

T. Beeney said some are licensed versus some unlicensed. Probably 5. Two in front of garage licensed and drivable. She explained Ford 150 as unlicensed Plow truck.

Dan Rehtzigel asked how many if they had to store.

J. Beeney said 9.

T. beeney explained garage stalls.

B. Overby asked if anybody lives there in garage.

T. Beeney said no, vehicles are brothers personal hobby.

D. Rechtzigel asked about staff review of 9.

M. Wozniak stated situations and junk concerns.

Dan Rechtzigel asked if above 12 cars.

T. Beeney said yes, but goes down.

B. Overby asked do you work.

T. Beeney said she got a job park time.

B. Overby asked J. Beeney if he works.

J. Beeney explained medical condition, did not answer.

B. Overby asked about son working full time.

T. Beeney said her son, and he works.

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

Darrel Channing, nearby landowner, was sent letter by county 20 years ago to get a building permit or never again for that section.

B. Overby explained 2<sup>nd</sup> dwelling medical for time limits.

Darrel Channing said section full.

M. Wozniak said we can look at your site or it is that way until zoning may ever change unless the rules change.

Dan Rechtzigel said schedule an appointment with Mike Wozniak.

B. Overby said this is special use.

Darrel Channing asked how long for this use.

M. Wozniak said length of time for need or what County finds. Not forever, for health care its mobile home instead of stick built home.

Darrel Channing said setbacks and SSTS apply also.

M. Wozniak and B. Overby said yes, SSTS is an issue.

*With no further public comment it was motioned by T. Webster and seconded by L. Olson to close the public comments. Motioned carried 7-0*

T. Beeney said money really tight. Brought tax returns, septic may fail. Brother passed away so they had purchase money. They are barely getting by.

D. Rehtzigel asked if money from soil and water to fix septic if needed.

L. Hanni said there may be grant money.

D. Rehtzigel asked about low interest loan.

M. Wozniak said PAC already had talked about point of sale and had J.Peterson look up records. The concern here is there has been flooding issues. Swail created, but is system up to the task. Staff not comfortable recommending approval not knowing the SSTS.

T. Webster asked how much for compliance inspection...350.

T. Beeney said it could be up to 1,000 as per County Staff guy and they vaguely know where drainfield is based on past owner telling them. She explained swail work in 2007.

B. Overby asked if system overrun.

T. Beeney said before yes, but no new problems.

J. Beeney said 10 feet deep 4 wide 10 long and in concrete.

T. Beeney said pumpers were coming out every 6 months when they did not know better until new service. Took 2 truck trips to empty.

M. Wozniak asked is 2<sup>nd</sup> home is occupied now.

T. Beeney said yes since 2000.

S. Blue asked if 2 homes on system.

T. Beeney explained background. Tax increase due to trailer and property tax increase. Called about taxes not well and septic...wording in staff report not correct.

S. Blue asked about SSTS concern.

M. Wozniak said it is a violation if not approved and we would have to order the cease of use.

S. blue said they have need but the SSTS may not be adequate.

L. Hanni and M. Wozniak stated concerns and this was not approved for this length of time and questions and concerns have been raised by nearby property owners.

D. Rehtzigel said storage of vehicles can happen. If SSTS is not compliant, is it possible to work out a plan for them and get loan. Is it something to act on immediately.

L. Hanni said in the past J. Peterson gives time, but may be bound by state rules. Staff can find out.

B. Overby asked if son could live in the basement.

T. beeney said basement gutted after flooding. No money to improve.

L. Hanni said situational options if it fails versus it passing.

T. Webster asked about what then.

L. Hanni said cat and mouse to say go ahead and do it, so we said lets find out about the SSTS first.

B. Overby asked if 2 homes on 1 SSTS can happen.

L. hanni said anything possible.

T. Beeney said they want to comply.

D. Rehtzigel said best for us to table. If non-compliant we can find options by Sept 21<sup>st</sup>.

T. Webster asked about extension.

M. Wozniak said we can delay or extend 60 days.

L. Hanni said not too far.

T. Webster said inspect system at least. Hope that it passes.

T. Beeney asked if it does not pass are we out.

L. Hanni said state would decide if good for one or two.

L. Olson said if anything has gone wrong its because they added trailer to homes system.

M. Wozniak said this was only established for temporary use long ago.

S. Blue said you need to save to inspect. County has help.

*<sup>6</sup>Motion by D. Rehtzigel seconded by T. Webster to table until sept 21<sup>st</sup> with compliance inspection done by*

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

*then the Conditional Use Permit for Jeffrey and Tammi Beeney. Motion carried 7-0.*

**Summary:**

**Chris O'Reilly (Green Acres Organic Dairy LLC)** is requesting a Conditional Use Permit for the existing feedlot and facilities on parcel 25.012.0500 in Section 12 Belle Creek Township to construct a new feedlot animal manure holding structure over 500,000 liquid gallons. The purpose of this Conditional Use Permit is to allow the opportunity to expand operations in full compliance with current Goodhue County Zoning Ordinances and meet all local and state statutes.

**Background** The O'Reilly Family currently own the property involved in the request and operates a dairy operation. The purpose of the Conditional Use Permit is to properly permit the expanded manure holding structure on 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 applicant, Chris O'Reilly, submitted the following summary letter on 06/19/09 as attachment 1;

*My name is Chris O'Reilly. I am in partnership with my brother Tony O'Reilly to form Green Acres Organic Dairy LLC. Our partnership was formed in May of 2009. We are building a 200 cow freestall and parlor set-up at my home (farm). We will start milking in October or so with 120 cows and begin to expand from there. Tony and I were partners in Shamrock Farms which we are splitting up. The reason for that split is to cut down on milking time and also to prepare for the fifth generation. Shamrock Farms consisted of seven family members; Steve, Zach, and Ben will remain Shamrock Dairy LLC. Dave, which is my father, will help where and when needed. He is partially retiring.*

*All in all, this is the reason for Tony and I to apply for a Conditional Use Permit, so we can build a manure storage facility. Also, our plan for dead animal removal will be a rendering truck.*

The O'Reilly Feedlot CUP includes the proposed construction of a 200 cow freestall and parlor set-up. The number of animal units being kept on the property will eventually increase from 120 to 300 dairy cows.

Goodhue County Feedlot Officer, Josh Finnesgard, has reviewed the application materials associated with the submittal and will be present at the July 20, 2009 Planning Advisory Commission Meeting when this item will be considered.

The CUP to allow the O'Reilly manure holding structure within an A-2 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 (silty loam and clay on site), detailed site map that includes existing and proposed structures and facilities on the parcel.

**Findings of Fact**

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

- The proposed Chris O'Reilly Conditional Use Permit that proposes development is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Chris O'Reilly 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
- Belle Creek Township has considered the CUP and has expressed support for approval of the Carlson Brothers CUP.
- Local Landowners have signed a letter of approval (Attachment).

**Staff Recommendations:**

**Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Chris O'Reilly 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.

C. O'Reilly introduced, said info covered. Submitted fathers landowner letter approval to staff.

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

*With no further public comment it was motioned by T. Webster and seconded by B. Schafer to close the public comments. Motioned carried 7-0.*

B. Overby asked J. Finnesgard, feedlot officer, for comments.

J. Finnesgard commented all meets 7020 rules, all ok.

*<sup>7</sup>Motion by T. Webster seconded by L. Olson to approve the Conditional Use Permit for Chirs O'Reilly (Green Acres Organic Dairy LLC) for feedlot expansion. Motion carried 7-0.*

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**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

**Summary:**

**Hidden Valley Campground** Conditional Use Permit Amendment (Cory Axelson). The Conditional Use Permit Amendment proposes a campground expansion by up to 100 new sites on adjoining parcels in Section 32 of Vasa Township. The purpose of this Conditional Use Permit is to allow the opportunity to expand campground sites and operations.

**Background** Hidden Valley Campground currently own the four parcels involved in the expansion request. The purpose of the Conditional Use Permit Amendment is to adjust the 1982 CUP to allow for the expansion of up to 100 new camp sites and transition of 20 former mobile home sites into camp sites in Section 32 in the A-2 Zone District (partial Scenic River Zone District) within Vasa Township. A boundary survey is required as part of the application and it has been submitted by the applicant. Because any expansion would be creating multiple new camping sites, new access roads on the property may be proposed in a future expansion plan. It is the intent of the applicant to proceed with the expansion on a gradual basis. A site drawing (submitted on an aerial photo) and multiple engineered drawings has been provided by the applicant to illustrate the location of the first ring of sites that will be added.

**Applicable County Regulations:** The existing campground is affected by the State of Minnesota Wild and Scenic River Regulatory requirements as determined by Article 28 (Wild and Scenic District Regulations) of the Goodhue County Zoning Ordinance and by provisions of Minnesota Rules (Chapter 6501) Scenic zone along the Cannon River. In addition the campground is subject to provisions of Article 16 (Manufactured/Mobile Home Parks), Section 7 (Campground and Recreational Vehicle Site Regulations).

**Issues:**

- **Minnesota Wild and Scenic River requirements:** The Cannon River in Goodhue County is recognized as a “scenic” river by the State of Minnesota. The Hidden Valley Campground is located with the Wild and Scenic District (Article 28 – County Zoning Ordinance). In addition to County Zoning requirements certain provision of Minnesota Rules Chapter 6501 apply to campground use of the property. For example any expansion of campground facilities such as campsites and associated access drives must comply with a 150’ setback from the Ordinary High Water Line (OHWL) of the Cannon River.
- **Wastewater System:** During the past year the Hidden Valley Campground has been determined to be out of compliance with Minnesota Rules Chapter 7080 for handling of wastewater. Mr. Axelson and his engineering consultant have been working with MPCA Staff to design a new wastewater collection and treatment system to serve the entire campground. A permit has been approved by MPCA that calls for a two phase approach with a collection system and holding tanks being installed first followed by construction of drainfields. MPCA has
- **Refuse collection containers and maintenance equipment:** The County’s requires that refuse collection and maintenance equipment be stored in a screened and fenced service yard within the campground. **The existing campground is not compliant with this standard and the proposed CUP Amendment plans have not addressed this issue.**
- **Noise, conduct of guests:** Complaints have been received from abutting property owners regarding noise and the conduct of campground guests. A list of complaints submitted to the sheriff’s department related to the campground has been included with this staff report. The applicant has indicated that Hidden Valley Campground has rules to address these types of issues. These rules have been included

Draft

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

with the application submittal. Goodhue County does not have noise standards – State of Minnesota noise standards established by the MPCA apply to various land uses. Nuisance complaints related to excessive noise, disturbing the peace or unruly or criminal behavior would typically be first the responsibility of the owner/operator and would then normally involve a response from the Goodhue County Sheriff's Department.

- Tubing on the Cannon River: Hidden Valley Campground operates an inner tubing concession. The tubing operation is non-conforming in respect to Wild and Scenic Ordinance requirements – Tubing is not permitted. Mr. Axelson has provided evidence in the form of tube rental receipts that document that the tubing operation at the campground was in operation before the establishment of the Wild and Scenic District. Questions have been raised about the expansion of the tubing operation. Land Use Management Staff refused to issue a permit for a new storage building for tubes that Mr. Axelson had proposed because it represented an expansion of the tubing. The County has not acted to track or limit the number of customers who may be served by either the tubing offered by Hidden Valley Campground or the Welch Mill Canoeing and Tubing operation. Land Use Management Staff have consulted with DNR Area Hydrologist on this matter and have not received any direction feedback to suggest that either tubing concession is in violation of Wild and Scenic River rules or County Zoning standards.
- Site Access – 144<sup>th</sup> Ave Way: Several issues related to traffic and maintenance of 144<sup>th</sup> Ave Way have been raised. This Township Road serves as the only access point to Hidden Valley Campground. A letter from Bruce Hawkinson, an abutting property owner has identified a variety of concerns including the volume of traffic, encroachment of the improved township road onto his property and the type of gravel being used to maintain the road. Since 144<sup>th</sup> Ave Way is a township road this is a matter that may need to be addressed by Vasa Township. Comments from Goodhue County Public Works Director, Greg Isakson regarding traffic and safety concerns will be presented to the Planning Advisory Commission at the July 20, Meeting.
- Concerns of Neighbors: The County has received specific comments and concerns regarding Hidden Valley Campground from two nearby property owners (See enclosed letters from Strobel and Hansen (on behalf of Mr. Terrence M. Fruth) and from Bruce Hawkinson. The PAC may anticipate testimony at the public hearing or additional written comments.

***PAC Members should thoroughly review the application submittal and come prepared with questions form the applicant or Land Use Management Staff. If questions or concerns arise the PAC may wish to consider tabling consideration of this in order to address all pertinent regulatory issues before taking action. Staff will further advise the PAC following the public hearing on July 20.***

### **Findings of Fact**

- The proposed Hidden Valley Campground Conditional Use Permit that proposes development of up to 100 new camp sites and transition of 20 formerly permitted mobile home sites into camp sites is consistent with the Goodhue County Comprehensive Plan; and
- Hidden Valley Campground exceeds the minimum lot area requirement of 2 acres and includes over the 100 feet of width from the road right-of-way back to the proposed expansion location that are requirements of the A-2 Zone District; and
- The proposed Hidden Valley Campground expansion conforms with applicable provisions of the Goodhue County Zoning Ordinance; and
- Vasa Township has considered the proposed CUP amendment and has no objections.

Draft

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

- Concerned neighbors and Cannon River Trail stewards have raised substantive complaints about existing operations.
- MPCA has issued a State Disposal System (SDS) Permit (MN0069477) to allow construction and operation of a new wastewater treatment system.

**Staff Recommendations:**

**Land Use Management Staff recommends that the Planning Advisory Commission recommend approval to the Goodhue County Board of Commissioners of the Hidden Valley Campground Conditional Use Permit Amendment subject to the following conditions:**

- 1. Compliance with Goodhue County Zoning Ordinance Article 16, Section 7, Subd. 5 (Performance Standards for Campgrounds).**
- 2. The campground expansion shall be constructed according to the site plan and description included with the CUP Application.**
- 3. Subject to conformance with licensing requirements as determined by the Goodhue County Environmental Health.**
- 4. New campsites may not be occupied and utilized until the wastewater water system as permitted by the Minnesota Pollution Control Agency (MPCA) is entirely complete and operational.**
- 5. The applicant must submit a site plan indicating how fencing and screening of refuse collection containers will be managed.**
- 6. Failure the applicant to enforce Campground Rules as included in the CUP Application submittal shall result in revocation of the Hidden Valley Campground Conditional Use Permit.**
- 7. The applicant shall obtain a grading permit from the Goodhue County Land Use Management Department if more than 50 cubic yards of earth are being excavated with the Shoreland Management Area.**

**Discussion:**

5 minute break.

Bernie Overby gave format summary for rules.

Cory Axelson said he had supporters coming at 7 pm.

*D. Rehtzigel motioned to move Schafer farm CUP next on agenda. T. Webster and L. Olson 2<sup>nd</sup>. Motion carried 7-0.*

M. Wozniak stated summary at 18:13 after Schafer Farms CUP approval. He explained MPCA situation and

Draft

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

wastewater system project. Staff and applicant can answer questions after going through issues of proposal. He referenced MN. rules chapter 6501 and State Wild and Scenic Rivers Act. Noted refuse collection containers and performance standards for campgrounds. Noise and conduct of guests issue to be addressed by onsite use of sheriff dept. Campground rules could be explained by Axelson. Tubing on Cannon River; HVC does operate a tubing operation that predates adoption of County Wild and Scenic. Reason for concern; tubing is not listed as permitted use in Wild and Scenic. The 2 operators listed in the area as historic non-conforming and so questions of regulations and expansions arise. Number of guests not monitored by county, DNR consulted, and they say difficult issue to address. In the past Mr. Axelson was limited and denied request to build a tubing storage building. County has not oversights Welch mills tubing on this either. Vasa Township aware of request and deferred to County about this use. Maintenance of road issue, it is a twp road and twp is responsible. Mr. Axelson may comment on twp relationship about road. County has received specific comments from nearby property owners in range from concerned to support. Noted Findings of fact 7 conditions as start that we would recommend be included after additional input tonight. Change to condition 3 due to County Board action and state dept of health would oversight in another year. Condition 6 revocation is an effort to say to applicant to stay with provided campground rules.

B. Overby said we received large packet with updates from this evening.

C. Axelson explained history from 1962. Campground petition of campers submitted. Many campers come into county and bring in money to county. His business is small help to other businesses. He is upgrading septic from old codes to new. At juncture right now, need to know if they can go forward. Everything has to mesh together. Just received SSTS permit, installers out there now. Some points; will screen dumpsters. Noise rules apply and had been doing this all his life with 11 pm quiet time with shutting radios off. Does patrols on Friday and Saturday night. Sometimes noise complaints are fictitious, or cannot please everyone all the time. Access road; have 1/4 mile drive. Vasa twp maintains remainder, not real big issue. That's all of the top.

M. Wozniak added staff did consult through DNR with Bill Huber for shoreland and Wild and Scenic requirements. Notes that Mr. Huber did reiterate the setback requirements at 150 feet back from river to include access. He indicated that at existing sites along the river trailers and rv's should be pulled back to the greatest extent possible. Noted that staff had Mr. Axelson include an emergency management plan, like required with shades of Sherwood campground when they were addressed. Mr. Huber feels that plan should be beefed up.

B. Overby asked about article 28 ordinance about permitted and CUP uses. Does that also mean there can be an expansion also.

M. Wozniak said yes, if county feels it meets prescriptive requirements then yes it can be allowed. Referred to DNR and not received any direction otherwise from DNR.

Dan Rehtzigel asked C. Axelson on sites numbered at 200 in 1982, correct. Plus 20 mobile sites.

C. Axelson said 20 mobile homes not there anymore. Decided to close and turn back to camping years ago, became issue this year.

Dan Rehtzigel asked you technically have permission to have 20 mobile homes.

M. Wozniak said technically.

D. Rehtzigel asked if that needs addressed or would it come back later.

M. Wozniak said staff report noted taking away ability for mobile home park.

D. Rehtzigel asked how many stay all summer.

C. Axelson said 5 for all summer.

T. Webster asked C. Axelson what is there now versus maps. He needs help understanding maps. Confirmed it is on south side of the river.

M. Wozniak explained maps and expansion sites.

T. Webster asked yellow proposed road with white present now along river. Other question from neighbor on twp road where is he.

B. Overby explained location and noted home currently vacated.

M. Wozniak explained maps to T. Webster.

T. Webster asked C. Axelson where mobile homes where at.

C. Axelson showed T. Webster on map. He explained what he is looking forward to adding. The sites will be larger than normal.

B. Overby asked if 100 then.

C. Axelson stated not known yet, as time progressed challenges arose and plan changed onsite.

T. Fruth said from audience that he could not hear the applicant.

S. Blue said he is asking for 100, but 60 are platted, and officials may change later.

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

Einar Hanson, Lawyer on behalf of Terrance Fruth, stated friends of lower cannon association, and gave mission statement. He submitted summary of points. Stressed that HVC has not been a law abiding business and multiple agencies had a hard time keeping in line. Business does not deserve your trust or operations due to violations time after time, nor be rewarded with an expansion. SSTS compliance not a reason to expand. The application is inadequate. No details, not enough to standard for land use planning. Encouraging oversight by proper mapping. 1982 minutes showed need for wastewater system upgrade. Staff helpful, but needs more work. Tent camping not in ordinance, so should not be allowed. No real analysis, and ask staff for more real detail. Urge CUP for present operation that is enforceable. Look at tent camping in floodway, and tubings

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

shuttle bus service should be prohibited. Site plan needs to be more specific and where are protections. What about bluff and lift station. Noise must cease.

Elaine Max across river from campground. Concerns have increased in last 5-8 years. More bus traffic on the road, called over there to watch speed issues at over 50 mph. Recent drunk driver accidents with camper. Pollution from noise from fireworks and music DJ on 4<sup>th</sup> of July. Listened to screaming in nights and is annoying. Ton of litter in campground along the river. Noticed RV's close to river and decks right next to river. Concern of criminal activity. Police report of over 1,000 drunks on July 4<sup>th</sup> with increased of drugs and violence. Property value concerns, and things getting really out of control. Definitely in opposition.

T. Webster asked how long lived there.

E. Max said 17 years. She also answered T. Webster about buses.

Gene Franchet, Dakota County, users of the campground for 16 years, 5<sup>th</sup> wheel parked close to river, beauty of Goodhue County. Honest and open and fair in his observation. Also hard worker to bring camping onsite. Issue here is this in public interest or is it. Yes. Place on public facility with recreational asset in Goodhue County. Providing service that county may have pressure to provide if not there, like Dakota County. Think about what it is and what it might be.

D. Rehtzigel asked about younger campers and fireworks.

Eugene Franchet said shutdown at 11 pm and if problems Cory comes to quiet it. On some occasions he had to call sheriff, but managed reasonable well. Wife and I missed fireworks, in Red Wing July 4<sup>th</sup>.

D. Rehtzigel asked if drinking has affected camping.

Eugene Franchet said no, not really. Sometimes see beer coolers on river floats, but that's all use of river.

Bruce Blair, resident of Welch, ½ mile downstream. Properties connected by river. Campground gives people place to be, many issues are also negative. Something happened over the last couple years. Plenty of real issues. Calm rational discussion tonight, expansion at this time is not in the best public interest and stressed capacity issue. What is capacity at 800 or 1,000 as mentioned in law enforcement report. What is best fit. How would you enforce this. 2<sup>nd</sup>, why not, management, negative impact if no strategies implemented and to mitigate problems. Negative problems exist. Some recent remediations welcomed, but years late. Remains to be convinced, with bad history noted. Track record of enforcement as public record is also not good. Not convinced that 7 CUP conditions would not be enforced. Management and track record addressed before expansion. County does not owe expansion and this does not pass smell test.

Tom Groh, stayed at HVC last 5 nights, thinks wife and family who have stayed there at least 8 years. Keeping people off road from drinking that is great service. Bus traffic granted, but on one service or another. Not many jobs for local kids, Welch Hill does and HVC does. Bringing people from all over as attraction for Welch valley. It is a recognized asset. People find property as well by visibility. As small business owner it would be great opportunities to expand and spend local and keep money here. As far as density; he has been to other campgrounds, more space allotted at HVC. Better than premier sites at other campgrounds. Personal site was huge. Last thing is speaking to neighbors, always need trips to town to get stuff. This brings in business; 200

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

sites is 200 trips to town. I think it should it be allowed. It would be nice to have expansion of sites with sewage options. Sees benefits to community.

Susan Bannitt, Lakeville, been there 4 years, pastor who has camped her entire life. Likes family experience as amazing thing to see. With this economy this is good local. Great to allow families to experience outdoors, people willing to quiet down. Had church meetings down there. Place for people to gather. Not dirtier than city dump. Dust on roads due to lack of rail on all roads. Thankful to Cory. Supportive of place for families to get together. Seasonal campers become community. It is there home away from home.

Beth Kallestad, CRWP, submitted submittal response to staff report, read high points. Lack of interest by HVC in past and bad past campground inspection reports. She would like County to go out there to inspect straight pipe connections that were listed. Tubing concerns about expansion; noted and asked about tubing receipts. Refuse containers provided by operators at end of run.

M. Wozniak noted tubing already there, but PAC cannot expand tubing formally.

B. Kallestad issued July 13th DNR restoration order by Sept. 15<sup>th</sup> added to conditions. Campers there closer to 150 foot rule. Ask them to move all sites back 150 feet and trash receptacles e be added to multiple sites along campground. As former public employee she would have not licensed their bathrooms upon her inspection. Do not want water quality degraded.

B. Overby asked if conditions met, would you want this to go forward.

B. Kallestad said maybe, look at past track record.

B. Overby asked again.

B. Kallestad said if it falls within Wild & Scenic rules.

V. Wells said do not close, just well managed better.

B. Overby said what if conditions met.

V. Wells said have to inspect property.

T. Licher asked if this decided tonight.

B. Overby explained order and choices tonight. We make recommendations.

M. Wozniak explained deliberations and recommendations.

D. Rehtzigel explained County Board choices also.

T. Licher said this is last chance to talk.

D. Rehtzigel said usually just a spokesperson may in special situations talk at a County Board Meeting but not

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

a public hearing. Try to get comments here.

T. Licher said he is totally against it.

M. Wozniak explained rights of applicants to apply and of voting bodies to decide.

M. Frederick, 1/2mile up, concerned about noise and air pollution. With smoke heavy, 100 site would be much worse.

Sharon Bauer, noise issue, against expansion.

E. Hanson mentioned incident reports, do you want member of Sheriff to speak if tabled.

Groh, about management, he covers overhead now, expansion could bring in additional staff and oversight with better management. Business must grow in any business or raise price.

*With no further public comment it was motioned by B. Schafer and seconded by T. Webster to close the public comments. Motioned carried 7-0.*

C. Axelson addressed concerns. Regarding density capacity not sure what that means. Other campgrounds like Shades of Sherwood and Hay Creek have more sites. He does not serve alcohol like Hay Creek Campground. Tubing since 1970's with shuttling service. Adding handicap accessible bathrooms and showers. In finding of fact on conditions on number 6 please clarify what would that be or can it be phrased different.

B. Overby asked about noise factor. Enforcement is his responsibility. If out of control then sheriff.

C. Axelson confirmed sheriff when out of hand.

M. Wozniak stated that campground rules should be reasonably administered. Ultimately up to PAC to decide appropriately.

C. Axelson said seasonal business, mostly on weekends, June usually slow due to wedding and graduations, mostly weekends in July and August to make his living. Do not sell alcohol or cigarettes. Try to minimize noise, do not allow motorcycles.

D. Rehtzigel said from public comments a lot could be addressed though management. Get better slower drivers for buses. Try to control drinking, don't let problem people back later. Noise; as manager give people time frame for fireworks and week window. Do you have bands there.

C. Axelson said no, but last year impromptu band.

D. Rehtzigel thinks if approval then detailed map so law enforcement knows. Trash receptacles can be an easy fix. Gave a teaching example. Do you oversight campfires are out with water.

C. Axelson said common sense.

D. Rehtzigel said just things he wrote down so far a managing practices could clear out 2/3 of this group.

S/ Blue mentioned about capacity. Asked about toilets versus 200 sites.

C. Axelson said 5 shower stalls, 3 total buildings and remodeling to 8 in each building. More also in shower building ;7.

S. Blue said 3 with 8 plus 7 and 2 urinals plus others. How many occupants.

C. Axelson said varies also with weather too.

S. Blue asked if 1,000 on a good weekend.

C. A. said 4 per is 800 normal.

B. Overby asked about MPCA permit; has MPCA approved your particular proposal to reach compliancy. How long to work on that.

C. A. phase 2 by Dec 2009, phase 3 on bluff later.

B. Overby said if follow through on MPCA you are complaint.

C. Axelson said yes.

R. Bauer asked about volume in permit.

C. Axelson said his engineer knows that. At stage where tank size can be modified but once in you cannot add to it.

L. Hanni clarified plan in juncture with permits and expansion.

T. Webster said we have struggled with other issues like this. PAC has dealt with livestock issues that have provided usual information, and very detailed and sized specific. This site plan was not good to start, no clue on number of campsites, or clarification on sewer system. Questions for Axelson; fixing the riverbank about DNR July 13<sup>th</sup> order on river.

C. Axelson said news to me.

M. Wozniak stated last year brought to County Attention with ramp down to river for tubers to have access at that point. Restoration requested. DNR order recent reminder from July 2009; emailed today.

B. Kallestad gave copy of DNR order email from today.

M. Wozniak said it is primarily an aesthetic concerns.

B. Overby asked about plans between MPCA and him.

T. Webster asked if drainfield approved for top of the bluff already.

C. Axelson said 30 day comment period and waiting on proper siting.

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

T. Webster said he also had to resize in his situation. He is not anti, just have level playing field. Livestock packet versus this is obvious. Fairly similar issues. Require more from feedlots than this.

M. Wozniak stated staff had worked with Axelson many months to get complete submittal requirements. MPCA drawing detailed, site drawings were initially reluctant to draw in exact campsites due to lax format in past of operator. County had struggle to get full site map. It would be good to have something more clear.

T. Webster then asked about condition number 7; what is that for. Clarify use for what.

L. Hanni and M. Wozniak stated grading permit threshold versus grading plan, staff issued permit by the zoning administrator. He also mentioned grading permits in other situations.

D. Rehtzigel asked what for.

M. Wozniak said for campsite preparation in overall flat area. To manage and limit erosion and sediment control.

B. Schafer said in there in case it is applicable.

S. Blue asked why not submitted 2 months ago.

L. Hanni said working with Axelson to get submittals together over many months.

S. Blue appreciates service. We have to have specific quantities and know sites. Maybe adjust this to 60. We need to know if sanitation fits and she wants to know better.

C. Axelson said engineer has planned for 60 sewer sites in his calculations.

S. Blue asked would that support that plus.

C. Axelson said yes, total campground with 60 new sewer sites. Big formula.

B. Schafer said about sheriff issues how does this compare to similar businesses in County.

C. Axelson had sheriff reports for County competitors and said similar. Said worse was case was a dead body; long story short is a lady told him that somebody walked in and killed themselves.

B. Overby said multiples due to more than one unit responded at once as clarification.

C. Axelson said other things happen that are not campground related on river due to location.

T. Webster again about sewage how many sites now.

C. Axelson said now 80 plus 60. Plus toilet and shower buildings. And others can dump before they leave. If engineers are right he would go along with it.

W. Wozniak re-stated tabling option with additional things added this evening.

B. Overby said 3 options.

R. Bauer said he would appreciate that. Would like to see other campsite comparisons. Toms point; 80 sewer and would like to see volume of people capacity versus site numbers.

C. Axelson said MPCA formula for every campsite.

R. Bauer said city formula.

M. Wozniak explained MPCA domain due to volume.

R. Bauer wants an engineering report before decision.

T. Fruth wanted to speak from audience, had additional chair information consideration.

B. Overby halted speaker. Make comments in writing.

D. Rehtzigel wants to table with final site plan. Needs to know for emergency. Needs to decide number of campsites and bring engineer next time. Also, he will not vote to table again, do not bring in submittals at last minute, he will not read them then.

B. Overby clarified documents presented a week ahead of time.

B. Schafer made man power comment that 1 person cannot handle 1,000 people alone. He wants to see staffing requirements in other competitors. Take care of those things. Gave feedlot operator examples.

***<sup>8</sup>Motion by R. Bauer seconded by T. Webster to table with staff recommendation timetables for the Conditional Use Permit for Hidden Valley Campground (Cory Axelson) CUP Amendment. Motion carried 7-0.***

M. Wozniak explained 60 days review extension. Possible 120 days out from June 15<sup>th</sup>, 2009.

B. Overby addressed MPCA timetable also, will you be able to supply that information.

C. Axelson said yes, but added current site plan was modeled from other Campgrounds in Goodhue County.

D. Rehtzigel asked where are the other 40, beyond 60, where is the final plan.

M. Wozniak said site plan needs sites clearly denoted and numbered. What you see is what you would approve.

D. Rehtzigel said even applicant need clarification to draw out what we would approve.

B. Schafer said we need to know and could be phased type project. We just need to know.

L. Hanni clarified better site plan and engineer volume report and sheriff reports on competitors.

D. Rehtzigel said also noise and litter plan.

B. Schafer also said security plan in E.M.P.

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES**

T. Webster said storm plan not real security plan. Problems are in his lap and camp overrun now.

**Summary:**

**Schafer Farms of Goodhue (Brandon Schafer)** is requesting a Conditional Use Permit for the existing feedlot and facilities on parcel 34.032.0600 in Section 32 Hay Creek Township to construct a new feedlot animal manure holding structure with capacity over 500,00 liquid gallons. The purpose of this Conditional Use Permit is to allow the opportunity to expand hog operations in full compliance with current Goodhue County Zoning Ordinances and meet all local and state statutes.

**Background** Schafer Farms currently own the property. The existing feedlot was constructed in 1992 as a finishing and nursery site. The facilities were designed to hold 240 nursery pigs and 960 finishing pigs. The CUP request is to convert the site to a 700 farrow to wean site with in house gilt development.

The purpose of the Conditional Use Permit is to properly permit the expanded manure holding structure on 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.

See Attachment 1 in the Schafer Farms CUP Applications for a more complete description of proposed facilities.

A parcel combination was necessary to relieve the need for a variance to side yard setback. The Board of Adjustment will also be presented a Variance by Brandon Schafer for Odor offset and setback to neighboring dwelling and setback to bluff. Staff will further explain these issues at the July 20 meeting.

Goodhue County Feedlot Officer, Josh Finnesgard, has reviewed the application materials associated with the submittal and will be present at the July 20, 2009 Planning Advisory Commission Meeting when this item will be considered.

The CUP to allow the Schafer Farms (Brandon Schafer) manure holding structure within an A-2 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 (silty loam and clay on site), detailed site map that includes existing and proposed structures and facilities on the parcel.

**Findings of Fact**

- The proposed Schafer Farms Conditional Use Permit that proposes development is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Schafer Farms 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
- Hay Creek Township has considered the CUP and has expressed support for approval of the CUP.

**Staff Recommendations:**

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Schafer Farms of Goodhue (Brandon Schafer) 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. Approval by the Goodhue County Board of Adjustment of variances to Odor offset and setback to neighboring dwelling and setback to bluff.

**Discussion:**

M. Wozniak gave summary of report. Staff has inspected site. Variance issues to be addressed at BOA this month; he mentioned for setback to dwelling site and bluff toe setback less than 30 feet. Staff does not anticipate drainage concerns or erosion sediment concerns.

B. Overby asked J. Finnesgard about item.

J. Finnesgard said ok.

B. Schafer explained goals of project.

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

*With no further public comment it was motioned by T. Webster and seconded by L. Olson to close the public comments. Motioned carried 7-0.*

Dan Rechtzigel asked where building going in at.

B. Schafer said look to attachment B. new facility farther away than existing facility was.

T. Webster said applaud for investing in the future.

*<sup>9</sup>Motion by T. Webster seconded by L. Olson to approve the Conditional Use Permit for Schafer Farms (Brandon Schafer) Feedlot expansion CUP. Motion carried 6-0.*

S. Blue asked if variance 3 pending.

M. Wozniak said if the variance is not approved by BOA, the plans change.

B. Overby asked if Burfiends or Beeney's here, no, back to HVC.

Draft

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
July 20, 2009 MEETING MINUTES

Page - 33 -

**STAFF UPDATE**

L. Hanni gave PAC updates for next upcoming meetings.

*<sup>10</sup>Moved by L. Olson seconded by B. Schafer to adjourn the July 20, 2009 Planning Advisory Commission meeting at 21:19 p.m. Motion carried 7-0.*

Respectfully Submitted,

Kelly Moriarty  
Recording Secretary

MOTIONS

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- <sup>1</sup> APPROVE the July 20, 2009 agenda. Motion carried 7-0.
  - <sup>2</sup> APPROVE the June 15, 2009 minutes. Motion carried 7-0.
  - <sup>3</sup> APPROVE the Text Ordinance Amendments for Flood Insurance Rate Map changes. Motion carried 6-0.
  - <sup>4</sup> APPROVE the Conditional Use Permit for D. Voight. Motion carried 7-0.
  - <sup>5</sup> APPROVE the Conditional Use Permit for M. Burfiend. Motion carried 7-0.
  - <sup>6</sup> APPROVE the Conditional Use Permit C. O'Reilly. Motion carried 7-0.
  - <sup>7</sup> APPROVE the Conditional Use Permit for Schafer Farms . Motion carried 6-0.
  - <sup>8</sup> TABLE the Conditional Use Permit For Hidden Valley Campground. Motion carried 7-0.
  - <sup>9</sup> TABLE the Conditional Use Permit fro Jeffrey and Tami Beeney. Motion carried 7-0.
  - <sup>10</sup> ADJOURN the July 20, 2009 Planning Advisory Commission meeting at 21:19 p.m. Motion carried 7-0.