

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

Present: Brandon Schafer Daniel Rechtzigel Bernie Overby S. Blue  
Tom Webster Sam Michels Howard Stenerson Mike Patterson

Absent: L. Olson

<sup>1</sup>*Motioned by B. Schafer with and seconded by B. Overby to approve the September 15, 2008 agenda. Motion carried 6-0.*

<sup>2</sup>*Motioned by D. Rechtzigel and seconded by T. Webster to approve the August 18, 2008 minutes. Motion carried 6-0.*

## STAFF UPDATES

M. Wozniak stated updates on 1,000 FOM grant and Oct Meeting workshop prior to regular meeting.

H. Stenerson, S. Blue Arrived.

B. Overby asked about 1,000 FOM role.

M. Wozniak stated working for the county as sub-contractor for environmental model.

B. Overby asked if their suggestions must be approved by us.

M. Wozniak stated yes; explained GIS information used to create a tool that may be used for follow on projects or comprehensive plan or other potential applications.

M. Wozniak stated updated approval of CUP for Cannon River Winery Vineyard with slight adjustments with strong effort to reach understanding with neighbors. He then made PAC members aware that Vasa Township has approved the Drake Anderson Vineyard/Winery proposal at Township level and staff is awaiting CUP application that may be considered next month.

H. Stenerson asked about County Board adjustments to M. Wozniak.

M. Wozniak stated slight adjustment on driveway language, also a condition for applicant to post events on website.

D. Rechtzigel added only 2 Sunday events and events limited to five hours. Applicant willing to accept conditions, may not be the same with every winery. Alcohol consumed in rural setting limited to shorter events.

M. Wozniak said applicant anticipated wedding ceremony, receptions will be the exception not the rule.

B. Overby asked if staff would add ordinance about wineries.

M. Wozniak stated yes, maybe not by next month.

**NEW BUSINESS:** none.

**Old BUSINESS:** none.

**CONFLICT/DISCLOSURE OF INTEREST** – none.

### **Summary**

**Joseph and Sylvia Jerdee** are requesting a Zoning District Change for their parcel in Section 24 of Florence Township. Parcel 32.120.0200 within Section 24 Florence Township is currently in the A-2 Zone District and the applicants request to be re-zoned as R-1 Residential. The purpose of this Zoning District Change is to be allowed the opportunity to match nearby R-1 land uses and later potentially plat and split the parcel in the future for a second residential parcel.

**Background** Joseph and Sylvia Jerdee currently own the parcel involved in the Zoning District Change request. The parcel has over 2 acres and the existing home has been onsite for decades minus a farm in Sections 24 in the A-2 Zone District (proposed R-1 Zoned District) within Florence Township.

The existing driveway on parcels 32.120.0200 would continue to be utilized as access to the overall property. This exits to a frontage road off of Highway 61. Parcel 32.120.0200 is not affected by the floodway impact zone of Lake Pepin. The proposed plan for a Zone District Change is outside of this area on higher elevation and is consistent with the Goodhue County Comprehensive Plan and Zoning Ordinance.

Dave Johnson, of Johnson and Scofield Surveyors, of Red Wing, has been authorized as the Jerdee agent and surveyor in this matter. Florence Township has had opportunity to review and discuss this proposal and support the request.

### **Findings of Fact**

- The proposed Joseph and Sylvia Jerdee Zoning District Change that proposes a change from A-2 to R-1 is consistent with the Goodhue County Comprehensive Plan; and
- Joseph and Sylvia Jerdee exceed 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 that are requirements of the A-2 Zone District; and
- The application submitted by Joseph and Sylvia meets submittal requirements as expressed in the Goodhue County Zoning Ordinance and interpreted by the Goodhue County Zoning Administrator; and
- Florence Township has considered the proposed Zoning District Change and has raised not objections.

**Staff Recommendations:**

**Land Use Management Staff recommends that the Planning Advisory Commission recommends approval of the request of Joseph and Sylvia Jerdee to change the zoning of Parcel #32.120.0200 in Section 14 of Florence Township from the A-2 (Agriculture) to the R-1 (Suburban Residential District).**

**Discussion:**

- M. Wozniak explained report and findings of fact and staff recommendation of approval.
- B. Overby noted alot of R-1 in section 24; was that changed individually.
- M. Wozniak stated changes over time. Some have been recent, some around a while.
- H. Stenerson asked if the property will not be 2 acres after split.
- M. Wozniak stated threshold to change of zone is 2 acres and that is why it was noted in report.
- H. Stenerson wondering about parcels A,B,C would they leave back half in A-2.
- Dave Johnson addressed situation. Originally owned by the Kaasa family (parents) and Sylvia's sister received (B)and her split Sylvia (A) wants to split in 2 into lot 1 and 2 with 1.84 acres each, exceeding minimum lot size.
- H. Stenerson asked if they owned the property back to the railroad tracks.
- D. Johnson explained on map to H. Stenerson.
- M. Wozniak stated to depth of property.
- B. Overby asked what is minimum lot size for R-1.
- M. Wozniak stated usually 20,000 square feet, but in cases of shore land 40,000 square feet.
- B. Overby asked if expecting more than 2 homes.
- D. Johnson and M. Wozniak stated no, not lending to that.
- T. Webster asked about sister home in past on parcel B.
- D. Johnson showed on map to T. Webster.
- M. Wozniak stated map orientation on west side of Hwy 61.

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

*Motioned by B. Overby to close the public hearing, seconded by T. Webster. Motion carried 8-0.*

***Motion by M. Patterson seconded by B.Schafer to Approve the Change of Zone District for Joseph and Sylvia Jerdee on existing property in Section 24 from A-2 to R-1 Zone District of Florence Township . Motion carried 8-0.***

**Summary**

**Larry L. Larsen** has applied for a Conditional Use Permit in an A-1 District to allow a Home Occupation Business at the property situated at Highway 58 Blvd. in Goodhue Township. The business includes rental storage area in multiple buildings. A site visit has confirmed that the business is currently in operation. 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 2000 square feet. The business in being carried out in an accessory buildings are more than 3400 square feet in floor area.

**Background**

Larry I. Larsen is seeking approval of a Conditional Use Permit to operate a home occupation business on the property in Section 3, Goodhue Township. The business includes multiple storage structures. The business is currently in operation without having obtained necessary approval from Goodhue County.

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.

**Issues:**

- The business being conducted by Larry L. Larsen may be interpreted to be incidental and subordinate to the use of the premises for farming and related farm activities. A site visit by LUM Staff indicated a significant business operation on the site that is in repair from storm damage. The property has a residence but does not meet the County's definition of a "farm" and is not large enough to conduct agriculture.

- 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.
- Goodhue Township has been made aware of the request and supported it.

Other than businesses that may qualify as a home occupation, agriculture related businesses may be permitted by conditional use permit. It may be interpreted that the Larry L. Larsen business operations would qualify as "agriculture related businesses".

### Findings of Fact

No conditional use shall be recommended by the County Planning Commission unless said Commission shall find:

- Subd. 1. That the conditional use will not 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. **The proposed home occupation business includes structures and signage located outside of the accessory building. External evidence of the business is clearly viewable by property owners in the vicinity.**
- Subd. 2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. **The nature of the business could impact the desirability of surrounding property for future residential use.**
- Subd. 3. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. **The existing Highway 58 Blvd. adjacent of the property does appear to be in adequate conditions to handle heavy truck traffic if generated by the proposed business.**
- Subd. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **It appears that adequate off-street parking and loading space have been provided on the site.**
- Subd. 5. 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. **The storage operation may design directional lights customary for an agricultural property.**

**Staff Recommendation/Resolution**

The Planning Advisory Commission is being asked to consider a Conditional Use Permit for an existing storage business that has been operating without appropriate authorization. As a home occupation the storage business is supposed to be subordinate and incidental to farm use of the property. The Larsen Property is not a farm property. However, the site represents a logical location with direct access to Highway 58 for the storage business. The Planning Commission must either interpret that the proposed storage business is subordinate and incidental to farm use of the property or view the use as an agricultural related business. If the Planning Advisory Commission decides in favor of recommending approval of the Larry Larsen CUP, Land Use Management recommends the following conditions:

1. The storage business shall comply with all provisions of the Goodhue County Zoning Ordinance, Article 11, Section 13 (Home Occupations), Subd. 3 (Standards for Conditionally Permitted Home Occupations).
2. All Structures included under the Conditional Use Permit shall comply with all applicable Building Code requirements.
3. Subject to employment on the premises of not more than 1 employees.
4. Adoption of the record as written and presented by staff and as gathered at the public hearing(s) including Findings of Fact.
5. Conditional Use Permit open to review when change of ownership occurs.(added)

**Discussion:**

M. Wozniak explained report and ordinance options and provisions for permitting and home occupation businesses, including standards and considerations. He stated CUP situation and getting parcels consistent with Zoning after storm damage. He orientated map locations and noted 3 buildings involved for storage use. He mentioned applicant has been willing to comply with exterior evidence regulations. This business not seen as excessive generator of traffic and good off street parking. No past noise or order or concern/ complaints. He read recommendation caviat with mention of 4 conditions.

B. Overby asked about external evidence addressed in condition number 1.

M. Wozniak said yes.

S. Michels asked if property was a farm before.

Larry Larsen said over 240 acres originally and stated who bought pieces off.

L. Larsen said they were Agricultural buildings. He said he asked in 1996 and 1999 and didn't get it then. Explained preference for CUP and explained status of buildings. He said business not as lucrative as 10 years

ago, more competitors and explained storm damage and status. He plans for new replacement of damaged shed also. Variance from past may not be used; CUP takes it place. His intent is a set-up that's good for the next owner.

B. Overby asked what is stored there now.

L. Larsen stated empty now, cars, rv's, 4 wheelers, etc. in winter.

B. Overby asked about storm damaged shop use.

L. Larsen stated personal shop. Explained site is better than past.

B. Overby asked M. Wozniak about advertisements.

L. Larsen said not part of plan. Stated his health problems, plan for shop and storage across street. All buildings will meet codes.

M. Wozniak explained personal shop is ok without CUP.

L. Larsen stated storage business has been in other buildings all along.

M. Patterson asked about Larsens comfort with the 4 conditions, and are there any employees.

L. Larsen said none, and he is ok with 4 conditions.

M. Patterson asked about building code compliance to M. Wozniak.

M. Wozniak stated what comes into play is public use triggers structure and fire safety review.

M. Patterson stated not paint him into corner with changes and upgrades and concerned about added costs.

M. Wozniak stated we have to follow code. Applicant can explain to Doug Morem about buildings.

H. Stenerson asked about township form being partially blank. What did township say.

L. Larsen said township leaves it up to county.

H Stenerson asked about business onsite.

L. Larsen said no plastic if that's what you are asking.

H. Stenerson asked about agriculture related choices.

L. Larsen said cleaning out junk like motors and agricultural pumps and stuff also from other sites.

B. Overby asked if PAC decides definition of use first.

M. Wozniak said staff would like all land uses to be legal or legal non-conforming. This is not an exact fit but not good to be in limbo either.

*C/m. Michels opened the public hearing.*

Margaret Simenski , Florence Township resident, asked if sold in ten years does CUP stay with property.

M. Wozniak stated it does run with the land. PAC and County Board can attach condition that it may be reviewed at change of ownership and added.

Aerial Portea , Florence Township resident, asked how many acres.

L. Larsen said 7.7 acres.

*Motioned by B. Schafer to close the public hearing, seconded by T. Webster. Motion carried 8-0.*

H. Stenerson said add a condition of CUP to expire on sale of property because of some agricultural use now and gray area.

L. Larsen said that would be a good idea and hopefully he will live long enough to enjoy it.

M. Wozniak stated we spend a lot of time with businesses that did not permit right first and we do want compliance now.

D. Rehtzigel agreed with H. Stenerson about future use options and a lot of things that could happen later.

*Motion by B. Overby seconded by S. Blue to Approve the Conditional Use Permit as an agriculturally related business for Larry L. Larsen to operate storage rental sheds with 1 employee and added condition to be open for review at sale of property on existing property in A-1 Zone District of Goodhue Township . Motion carried 8-0.*

*M. Wozniak stated add staff explanation of Cond. 5 expiration at change of ownership placed in the findings if PAC comfortable with that.*

H. Stenerson asked about definition.

M. Wozniak stated not black and white so staff is asking if it is close enough.

S. Michels said farmers own campers and accessories also.

M. Wozniak recalled discussion from 2000 not reaching consensus for storage use and many others out there so we should revisit and make clear what PAC is willing to accommodate in the future.

B. Overby agreed.

### Summary

**Daniel P. Mahoney** is requesting a Conditional Use Permit for a Commercial Timber Harvest Operation on parcel 32.005.0500, in Section 5 of Florence Township. The purpose of this Conditional Use Permit is to allow the opportunity to continue Commercial Timber Harvest Operations in full compliance with current Goodhue County Zoning Ordinances. The property has currently been started to be logged prior to applicant being made aware of Conditional Use Permit requirements in July 2008 by Bee Forest Products, Inc. of Mondovi, WI.

**Background** Daniel P. Mahoney currently owns the property involved in the request. The purpose of the Conditional Use Permit is to bring the current commercial timber harvest use of the property in conformance with zoning ordinance requirements that may permit the timber harvest by conditional use permit. The

proposed Timber Harvest is scheduled through October 2008 and was estimated to be a 3 month operation by Bee Forest products owner Don Bee.

The CUP to allow the commercial timber harvest within an A-2 Zone District is subject to conformance with provision of Section 7 (Timber Harvesting), of Article 11 (Performance Standards) of the Goodhue County Zoning Ordinance.

The applicant has included with the CUP application a description of the use of the property that includes a map and descriptive legend. Bee forest Products, Inc. has provided 2 documents for this request. They were asked to provide a harvest plan in writing and first responded with a company history letter. Upon further communications, they finally provided a modified letter with a short summary of the specific timber harvest operation on the Mahoney Property. Multiple meetings by staff with Mr. Bee and Mr. Mahoney were necessary to retrieve all information.

### **Findings of Fact**

- The proposed Daniel P. Mahoney Conditional Use Permit that proposes a commercial timber harvest is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Daniel P. Mahoney CUP shall comply with provision of Article 11, Section 7 (Timber Harvesting) of the Goodhue County Zoning Ordinance as interpreted by the Goodhue County Zoning Administrator; and
- Florence Township has considered the proposed CUP and has expressed support for approval of the CUP.

### **Staff Recommendations:**

**Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Daniel P. Mahoney Conditional Use Permit subject to the following conditions:**

1. **Compliance with Goodhue County Zoning Ordinance Article 11, Section 7.**
2. **Timber Harvesting, erosion/sediment control and site restoration must be completed according to the plan and description submitted by the applicant's contractor: Bee Forest Products, Inc.**
3. **Any access through the neighboring Properties shall require written permission from the property owner.**
4. **Adoption of the record as written and presented by staff and as gathered at the public hearing(s) including Findings of Fact.**
5. **Property Lines must be marked.**
6. **LUM Dept. is authorized to revoke the CUP if the LUM director determines that trespass or erosion becomes an issue.**
7. **Tree tops must be removed from neighboring property in a timely manner.**

Discussion:

M. Wozniak explained the report. He noted conditions for a Timber Harvest CUP for commercial purposes. Staff became aware of operation in progress and applicant has been willing to comply with county. He noted findings and recommendations for approval with 4 conditions with note of error on condition 1. Staff included substantial packet of background material and suggest impacts onsite with need for appropriate site restoration in the future.

S. Michels asked who checks erosion control from County.

M. Wozniak stated staff and Beau Kennedy.

B. Overby asked if the property is in Frontenac State Park.

M. Wozniak stated no. State park on North of Hill Ave. and logging on south side.

H. Stenerson asked about site restoration standards by staff.

M. Wozniak stated not completely re-grading but areas may be subject to erosion may need work. Representatives of Bee Forest Products, Inc. can explain if appropriate.

H. Stenerson asked if staff is comfortable with the Bee harvesting plans.

M. Wozniak stated we will follow along as it goes. Property owner is also concerned.

H. Stenerson asked about additional land portions like Zimmer.

M. Wozniak stated reasons for additions and access in past thru Zimmer property and give full context of this. He noted history of logging compliances in county and later outreach so situations not dealt with after the fact.

B. Overby asked if any requirements for re-stocking or planting on harvest sites.

M. Wozniak mentioned most harvests are not clear cutting and growth naturally re-occurs. No specific performance standards.

*C/m. Michels opened the public hearing.*

Aerial Portea asked about access to property in Florence and asked is there 100 feet access.

M. Wozniak answered he has 100 feet on plateau on south end.

A. Portea asked if Zimmer has to provide under duress access.

M. Wozniak stated no.

A. Portea asked if DNR involved.

M. Wozniak stated M. Wachholz has as DNR forester.

A. Portea asked will he supervise as it occurs.

M. Wozniak said he can evaluate after completion.

A. Portea asked if that would be late, would it be better while it happens.

M. Wozniak said up to PAC and Public and County Board requirements. We want a good outcome and open to regulatory approach.

S. Michels read over Bee Forest products work order.

A. Portea stated opinion.

Jeff Zimmer, nearby adjacent landowner, explained negotiations with Bee Forest Inc. On July 9, Bee Forestry was on site and dragged logs into a pile and left a mess. Land was posted as a no trespass. He mentioned phone log and negotiations with independent hire from Jim Brooks. Mr. Brooks, Zimmer, Don Bee had met in Zimmers home and reached a verbal agreement. He wanted to clarify line item deal. He then received letter from Bee Forest on 22 August and had minimum of 14 phone calls prior, so he stated letter from Bee Forest Products, Inc. stating lack of knowledge of mailing address is incorrect. He mentioned letter and he informed sheriff and Bee also went to sheriff. He is skeptical of Bee Forest Products, Inc., and mentioned Old Frontenac logging mess in past. Re-stated agreement reached with assistance of J. Brooks. He noted to PAC and staff to keep a close eye on sub-contracters also. He mentioned a proposed deal of 1200 feet of flooring also but no tongue in groove. Adding additional information to packet.

S. Blue asked about Frontenac logging location in past. Was it east of the park by the cemetery, again sub-contracted, is that common.

M. Wozniak stated regardless of whom does it the plan and criteria was not adhered to.

S. Blue asked is sub-contracting is common.

J. Zimmer requests bonding.

B. Overby stated case is not about anybody against logging but with the logger and may require performance bond.

J. Zimmer explained past and may go to court now and civil sue them.

B. Overby said that is an unacceptable situation to happen to landowners.

J. Zimmer said Bee family talks together and they know what each other are doing.

Pam Bee, Bee Forest Products, Inc. said Zimmer issue has nothing to do with tonight's CUP. There was miscommunications, hadn't got permission, sub-contractor told, but did take logs onto property. Like 7,000 feet, 20-30 logs before they were stopped. She said he did not know where he lived, Zimmer made unreasonable demands, and for negligent trespass it is to restore to past condition. Another story there too, extreme demands, he was willing to let them before, has nothing to do with Mahoney. Not on the Zimmer property. She also disputed Frontenac problem.

D. Rehtzigel asked will they restore negligent areas on property.

P. Bee said we are negotiating and attorney advised them to contact sheriff and go out and get logs with the sheriff.

D. Rehtzigel asked if courts will determine. Second, will Bee avoid contact with Zimmer.

P. Bee said she has phone logs too and it has blown up now.

D. Rehtzigel asked if they can log without going thru now.

P. Bee said yes. Sub-contractor misunderstood before.

B. Overby asked what is measure to protect from sub-contractor mistake happening again.

P. Bee said they mentor sub-contractors and have log buyers go out and Donny knows reg's and what is expected.

H. Stenerson said a lot of bad sub-contractors are out there, are you still using them.

P. Bee said yes, misunderstanding at the time. Donny repeated to them he was talking to Jeff Zimmer and thought it was a go.

P. Bee said wetland is actually a dry run.

Kevin Simenski, adjacent landowner, right of D. Mahoney to do what he wants. He met with D. Bee twice and he was in area dragging across his new seeding. Don't like the idea of miscommunication all the time. Survey made so no problem should be about lines. Miscommunications; he wanted to clarify for Jeff because they all have talked.

Aerial P. asked M. Wachholz about his opinion of the area for education.

M. Wozniak called him up to the table.

M. Wachholz addressed private land is landowners choice and mix of professional foresters out there. Some things happen on private lands that you wish wouldn't. In case of Mahoney, became aware by county not landowner.

M. Wozniak stated relationship to have M. Wachholz as resource.

M. Wachholz said he is cooperative with the county and on Mahoney property contractors were doing acceptable job, but he has not walked it all, different methods, opinion was things were looking fine but follow up work needs done. As far as trail work and waterways there is rehab needed afterwards.

S. Blue has additional concern; why do you think it is alright for them not seeing boundary, what about trespass.

M. Wachholz explained tree harvest, not property dispute.

S. Blue asked what steps are there to protect adjacent property owners.

M. Wachholz said communications before hand is best route, some problems developed.

M. Wozniak said survey done before, then lapse after it was done. Have to ID boundaries onsite.

S. Blue asked is that too hard.

M. Wachholz said no, ID by paint.

H. Stenerson said a lot of ground to cover, he asked is sub-contracting logging common and is it standard to supervise.

M. Wachholz said its about who holds the contract and depending on different agreements. Contractor ultimately responsible.

H. Stenerson asked is there a lot of problems with this issue.

M. Wachholz said overall pretty good. They will fix what is not going well.

H. Stenerson asked if a normal problem for private landowner if they do not know what to look for.

M. Wachholz asked H. Stenerson to repeat, then answered correct, most people don't know what to expect. Landowner may expect what the logger is doing.

S. Blue said is what at issue here and a pattern last few years with six of them. All have been adjacent property owner problems. She asked what protections are there for them.

M. Wachholz said private land is their choice.

S. Blue said nevermind.

M. Wozniak stated opportunity to regulate and if we know beforehand we can place standards. He noted other loggers that have added input such as Mr. Brooks in audience. Staff wants to do the right thing and have consistent and rational approach.

B. Overby agreed with S. Blue; no opposition with logging but neighbors getting tramped on.

M. Wozniak stated additional information added to packet.

D. Rehtzigel asked is there a way to identify lines and asked is that a burden. How would they mark property lines.

M. Wachholz said paint.

B. Overby asked if surveyed them.

M. Wachholz said if they agree no, survey if they do not.

H. Stenerson noted survey in packet.

Ms. Simeski clarified iron survey posts every 100 feet and wood stakes. Didn't do any good to mark, some trees are gone, Loggers had no regard.

B. Schafer asked about the applicant. He stressed he wants to hear applicant. His opinion is the landowner responsibility, not logger or sub-contractors.

Jim Brooks, retained for Zimmer, local forester, clarify a few things. As Ms. Simenski mentioned property well marked every 100 feet with Johnson & Schofield signs on top. Had 3 chores for the Zimmers; place value on logs on Zimmer prop-20 whole trees, 7 partial trees partly on Mahoney; assessment of 20 trees in trespass. 2<sup>nd</sup> issue of 30 trees marked by Mr. Bee in negotiation of timber sale on Zimmer prop. 3<sup>rd</sup>, points that Zimmer had in contract for negotiation and reached agreement on points on Friday 22<sup>nd</sup> of August, then Mr. Zimmer received letter of Bee Forets Products, Inc. that they were not interested anymore and made mention of flat in use for logging for contract write up for Zimmer and Bee. There were and are quite a number of tops, no stumps on Zimmer lands though, fallen tops over property boundary but not unusual and typically dragged back over line. Other issues for ordinance later in evening. In leu of hiring consultant the property owner has role of being responsible for harvest and impacts on theirs and others property. An agent can take on that responsibility if hired.

J. Zimmer asked PAC commissioners and staff that if Bee does go forward, not to let sub-contractor be involved and explained further disregard for his property and asked for bond.

H. Stenerson asked if Mr. Mahoney was here.

S. Michels asked if he would come forward.

Dan Mahoney was seated for questions.

M. Wozniak said what Mahoney has expressed to staff.

B. Schafer asked what discussions were had and he is frustrated that DNR forester had to get involved so he asked D. Mahoney was there due diligence in your part.

D. Mahoney said they all had surveying done together at the same time.

B. Overby asked do you feel it is your total responsibility for your neighbors or loggers .

D. Mahoney said we should all work together . They knew property lines but things changed after that.

B. Schafer asked to elaborate.

D. Mahoney stated issues between Zimmer and Bee.

A. Portea interjected from audience and said she is not for logging in general.

Don Bee, Bee Forest products, knew where lines were, was surveyed, contacted landowners painted or ribboned trees on lines. Usually leave a buffer zone if there was a problem; not aware of damages and most neighbors know about tops and miscommunication between his logging crew and he has reputable crew most of all the time. All lines put in ahead of time and lines walked with the crews by Don Bee.

M. Wozniak stated did not happen on Simenski.

D. Bee said he was not aware, did not know, would pull tops back.

H. Stenerson asked about agreements.

D. Bee stated verbal agreement.

H. Stenerson said there is your problem.

D. Bee stated normally alot of vacant landowners.

H. Stenerson asked about supervision.

D. Bee said limit trails and walk the site, this site will have more trails because of larger site.

M. Wozniak stated he requested site plan. Staff wanted major hall routes.

H. Stenerson asked then access problem not harvest problem.

D. Bee said miscommunication between himself and logging crew, he does not know why they went in when he was gone.

H. Stenerson asked about his approval process.

D. Bee said he walks sites and approves and can tell them to buffer.

D. Rehtzigel said PAC has to find a way to remedy situation.

D. Bee said he has talked to crew multiple times already.

D. Rehtzigel said thinking if this happens a lot then permit is pulled by obligation to protect neighbors and immediate action taken for neighbors if need be.

J. Zimmer asked D. Bee asked about 22 August meeting; did they shake on it.

S. Michels in a command voice said not here; address the CUP only.

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*Motioned by M. Patterson to close the public hearing, seconded by T. Webster. Motion carried 8-0.*

H. Stenerson asked for them to come forward to discuss.

Mahoney and Bee went to table.

B. Overby asked if PAC in this situation can add conditions to protect neighbors; is PAC judging this.

M. Wozniak said staff/county is concerned about possible erosion of the bluff.

S. Blue added or for the applicant.

M. Wozniak stated CUP is approval for that addressed property and written permission would be needed to do so. Not permission to impact adjacent properties.

S. Blue stated CUP use is to put specific conditions to protect adjacent property owners and this is an allowed use because it needs conditions to protect others and the environment.

H. Stenerson said they are in a rock and a hard place, no problem with harvest. There has been long term history of timber harvesters coming in like a bull and stomping neighbors toes and causes neighbors conflicts. On this, he stressed that how the process is managed and conflicts and how to prevent them if it continues. If we approve the CUP, how do we prevent conflicts, any changes in management or agreements.

M. Wozniak said property lines respected, tops pulled back, basic parameters.

D. Bee stated they would pull tops back. Not aware of existing tops leftover.

***D. Rehtzigel moved amendment 5 cond-property lines marked with paint. 6. LUM can revoke if trespass or erosions becomes an issue.***

T. Webster asked how far along now in project.

D. Bee said 30 percent done.

H. Stenerson added no tops on adjacent properties and staff agreements already in there in Condition 3.

M. Patterson asked about trespass; is it really a staff concern.

D. Rehtzigel said if sheriff has multiple reports and relates to LUM then staff has opportunity to revoke.

M. Patterson asked about LUM roles.

D. Rehtzigel said LUM has to determine after sheriff call.

T. Webster said 30-40 complete, how long to finish job if started tomorrow best case.

D. Bee said 3 months, weather dependant.

M. Wozniak stated marking should be clear and respected already.

S. Michels asked Mahoney if he received neighbor complaints.

D. Mahoney said no not until tonight, not about tops or lines.

B. Overby stated PAC should focuss only on CUP now.

M. Wozniak said yes, also sending message to property owners for boundaries o be expected.

B. Overby also asked about performance bond.

S. Michels said not here, not part of this CUP, next discussion coming up.

M. Patterson said it could be a condition and on the table.

M. Wozniak said County board ultimately has the choice to make on conditions and we do require a bond on mining as you are aware.

M. Patterson asked what recourse for the county if not done right.

M. Wozniak stated LUM can inform applicant and issue a citation misdemeanor and revoke CUP and go to court if needed.

S. Blue said one part germane to this CUP; 35 percent done before permit, 60 left, more responsibility for PAC to protect neighbors, sub-contractor erred in 2 directions for 2 neighbors. Need Conditions to protect.

D. Bee said he shows loggers lines and describes normal methods.

S. Blue said what now because that measure with the sub-contractor wasn't enough.

S. Blue asked if Bee Forest Products used same crew a lot.

D. Bee said yes, a lot.

S. Blue asked would new people show up.

D. Bee said same crew with understanding that he doesn't want to be back here. He mentioned other municipalities and regions expectations.

S. Blue asked will the same people show up to log again or could it be a new crew.

D. Bee said same, if they have a problem he or they will handle it.

S. Blue asked if he could not commit.

***Motion by D. Rechtzigel with noted changes seconded by S. Blue to Approve the Conditional Use Permit for Daniel P. Mahoney(Bee Forest products, Inc.) to schedule and a operate commercial timber harvest on existing property in A-2 Zone District of Florence Township . Motion carried 8-0.***

B. Schafer asked about last condition and what is responsibility of loggers to pull tops off neighbors prop.

D. Bee said nothing legal, just work with owners and adjacent neighbors.

H. Stenerson said temping to send message to operator, and what about setbacks; worth debating. Have neighbors been informed of who to call including foreman so not to have to wait as additional condition and have staff have call list provided.

M. Patterson said responsibility of landowner.

S. Michels said not comfortable with last provisions but support because of timely decision.

T. Webster asked if drawing in the packet on an aerial photo is the plan.

M. Wozniak said yes; drawn by Bee.

T. Webster said we are not taking away from the plan because it has no mention of lines or other performance standards.

M. Wozniak stated map and map data sheet and described material.

B. Overby asked for specific plan for restoration.

M. Wozniak stated typical statement given in Bee memo provided and indicated.

H. Stenerson asked M. Wozniak what happens with an out of state company and who to go after if more problems.

M. Wozniak said Mahoney made request; landowner.

**SUBJECT: PUBLIC HEARING: Various Amendments to the text of the Goodhue County Zoning Ordinance**

Requested Action: Recommendation to the County Board to approve amendments (see attached Zoning Ordinance Amendment Text) to Article 20, Article 21, Article 22.

Background Information:

The Planning Advisory Commission discussed the need or desirability of various amendments to the Goodhue County Zoning Ordinance at its August 2007 and March 2008 meeting. Staff discussed with the PAC about front, side and rear yard setbacks for structures in the A-1, A-2, and A-3 Zone Districts had been forwarded for review by the Goodhue County Board of Adjustments. The PAC discussed a range of yard setback options presented by the Zoning Administrator and reached a consensus regarding the setback requirements included in the attached text amendment language.

More importantly, it is the opinion of Land Use Management staff that it is not in the best interest of the County to retain 100 foot side and rear yard setback standard as it applies to the A-1, A-2, and A-3 Zone District. A change to thirty foot and rear yard setbacks will allow property owners more flexibility in the use of their properties. This amendment is expected to also limit the number of new Variance requests in rural situations especially as related to lot split requests. It is for this reason that LUM Staff has recommended modifying the setback requirements to 30 feet from 100 feet for the side yard and rear yard setback distance.

Staff does feel that the one hundred (100) foot side and rear yard setback requirements should be maintained for buildings intended to house livestock.

Proposed Amendment:

Amend Article 20 (A-1 Agricultural Protection District), Section 5 (General District Regulations), Subd. 3. (Yard Requirements), Paragraph C. (Side and Rear Yard), 1. as follows:

1. Rear and side yards shall be a minimum of thirty (30) feet. However, livestock buildings shall be subject to rear and side yard setback of one hundred (100) feet.

Deleted: one hundred

Deleted: 100

Amend Article 21 (A-2 Agriculture District), Section 5 (General District Regulations), Subd. 3. (Yard Requirements), Paragraph A, subsections #1 and #2 as follows:

2. Side Yard.

a. Every building shall have two (2) side yards. Each side yard shall have a minimum width of thirty (30) feet. However, livestock buildings shall be subject to a side yard setback of one hundred (100) feet.

Deleted: one hundred

Deleted: 100

3. Rear Yard.

a. Every building shall have a rear yard. The rear yard shall have a minimum depth of thirty (30) feet. However, livestock buildings shall be subject to a rear yard setback of one hundred (100) feet.

Deleted: one hundred

Deleted: 100

Amend Article 22 (Urban Fringe District), Section 4 (General District Regulations), Subd. 2 (Yard Requirements), Paragraph A., subsections #2 and #3 as follows:

2. Side Yard.

a. Every building shall have two (2) side yards. Each side yard shall have a minimum width of thirty (30) feet. However, livestock buildings shall be subject to a side yard setback of one hundred (100) feet.

Deleted: one hundred

Deleted: 100

3. Rear Yard.

a. Every building shall have a rear yard. The rear yard shall have a minimum depth of thirty (30) feet. However, livestock buildings shall be subject to a rear yard setback of one hundred (100) feet.

Deleted: one hundred

Deleted: 100

Discussion:

M. Wozniak explained text amendments proposals; rationale was many variance requests and gave examples, and guidance from BOA.

B. Overby asked was there a difference between a new house versus a deck on existing house.

M. Wozniak stated 30 feet for all new construction for side and rear with 60 from from the right-of-way would remain.

M. Patterson asked if other counties addressed other animal distances.

M. Wozniak noted memo from Oct. 2007, they vary, Wabasha example, Dodge example.

M. Patterson wondering is 100 necessary for life stock situation with other existing buffers.

M. Wozniak said if registered feedlot yes, but this also applies to building not registered feedlots. Raised a good point, maybe some nuisance concerns with smaller/lesser number of livestock.

M. Patterson said reason for change would some still fall into that.

M. Wozniak said there will always be variances.

B. Overby said 100 feet situation has been problem and concern, and 100 feet for animal building is good and should remain.

S. Michels said 100 feet too, whole works should be 100 feet period.

B. Overby mentioned B. Anderson from BOA here also and mentioned common variances at BOA.

S. Michels said that's the problem they are approving too many. Landowners should have bought more land.

M. Wozniak stated before 1995 it was 30 so this is a judgement for PAC to make to go back to 30.

S. Blue asked is there a time element here or table.

B. Schafer asked that public speak on this tonight.

*C/m. Michels opened the public hearing.*

Aerial Portea said not bad to table and put in idea of front back 50-60 added in, but not 100 feet. 30 small to jump to from 100 in her opinion.

M. Wozniak stated open to consideration.

A. Portea stated table to consider again.

Chad Ryan, Supervisor Belle Creek Town Board, in favor of 30 foot setback. Taxpayers should be able to build on their property. You can have larger site and not have enough room for a site. It effects other people. Sensible even economically. He sees that multiple projects would be a go if this passes.

Jeff Zimmer stated ¼ mile of property, said 30 feet makes sense.

M. Wozniak clarify existing front yard is 60 from right of way, just side and rear yard would go from 100 feet to 30 feet.

Brad Anderson, Clerk Leon twp, BOA 5 years, this did pass in 1995, affected small percentage affected because of parcel of record until ten years later then stretched two more years to 2005 or 2006. It then came to light after parcel of record sunset. Probably 75 percent now non-conforming and BOA asks for really good reasons for 100 feet or change back to a complaint level like other sister counties. He gave Kenyon example.

H. Stenerson said nothing new; one thought in mind, if changed new houses built at 30 feet and still need variance for more later.

B. Anderson said 95 percent are existing that way now.

H. Stenerson asked if 100 feet for new, 30 for old.

M. Wozniak said hard to control.

B. Anderson stated A-2 affected most and A-3 some like Oxford Mill lots example should be R-1. ¼ ¼ still remains in A-2 as standard. From his opinion no reason for 100 feet that anyone can come up with.

M. Wozniak stated LUM allowance of structures to previous structure interpretation. A lot of folks have problem with 100 feet setback.

*Motioned by M. Patterson to close the public hearing, seconded by B., Overby. Motion carried 8-0.*

M. Patterson asked if BOA hung up with 100 feet for livestock.

M. Wozniak stated recent horse example after the fact variance turned down.

B. Anderson said the reason to leave livestock 100 feet and feedlot is not where building is its where dirt is showing.

H. Stenerson noted odor problems with livestock; more likely to have problems.

A. Portea agreed.

*Motion by B. Schafer seconded by B.Overby to Approve the Zoning Ordinance Text Amendment for ... . Motion carried 7-1 S. Michels .*

**SUBJECT: PUBLIC HEARING: Various Amendments to the text of the Goodhue County Zoning Ordinance**

Requested Action: Recommendation to the County Board to approve an amendment to delete the existing Article 11, Section 7 (Tree and Woodland Protection) and to replace it with a substantially new Section 7 (Commercial Timber Harvesting License and Permits)

Background Information:

The Planning Advisory Commission discussed the need or desirability of various amendments to the Forestry and Commercial Timber Harvesting requirements in the Goodhue County Zoning Ordinance at its March 2008 meeting. Land Use Management Staff assisted by DNR Forester Mike Wachholz discussed with the PAC about forestry, Commercial Timber Harvests, Best Management Practices (BMP's) in the timber industry, and free DNR services to landowners in regards to forestry management. The PAC discussed a range of options presented by the Zoning Administrator and reached a consensus regarding the licensing of commercial loggers in Goodhue County. This included a shift from the Conditional Use Permitting process to an Administrative permitting for licensed operations, included in the attached text amendment language.

More importantly, it is the opinion of Land Use Management staff that it is not in the best interest of the County to retain the Conditional Use Permit standard as it applies to logging operations. Encouraging cooperation between the commercial logging industry, DNR Foresters, and the Land Use Management staff is a goal in Goodhue County. This amendment is expected to transfer new Conditional Use Permit requests to Land Use Alteration permits. This transfer of standards will promote a timely review of proposed logging or timber harvesting operations. All operations will still have performance criteria and all commercial operators will be licensed and bonded prior to any operation occurring in Goodhue County.

Included below is Section 7, of Article 11, which represent the County's current standard;

**SECTION 7. TREE AND WOODLAND PROTECTION**

**Subd. 1. Vegetative Cutting.**

- A. Within the controlled vegetative cutting areas, intensive vegetation clearing, except for any authorized public services such as roads and utilities, shall not be permitted.
- B. Selective cutting of trees in excess of four (4) inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
- C. The above cutting provisions shall not be deemed to prevent:
  - 1. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards.
  - 2. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four (4) inches in diameter at breast height.

**Subd. 2. Intensive Vegetation Clearing.** Intensive vegetation clearing anywhere in the designated land use district on the Cannon River and in any other district which regulates vegetation alterations is subject to the following standards and criteria:

- A. Intensive vegetation clearing shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Zoning Authority to be fragile and subject to severe erosion and/or sedimentation.
- B. Intensive vegetation clearing shall be conducted only where clear cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
- C. The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.
- D. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetation cover, areas in which intensive vegetation clearing is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same Spring, or the following Spring.

**Subd. 3. Timber Harvesting.** Timber harvesting as defined in this Ordinance shall require a conditional use permit per the requirements of Article 4.

**Proposed Amendment:**

The following new text is intended to entirely replace the existing Article 11, Section 7, establishing requirements for Commercial Timber Harvesting Licenses and Permits:

**Section 7. COMMERCIAL TIMBER HARVESTING LICENSES AND PERMITS**

A permit shall be required to cut, fall, harvest or otherwise remove timber for the purpose of profit from property owned or used by a landowner. Specific requirements and application procedures are set forth in this Section.

Subd. 1. A license shall be required of any person, firm or corporation engaging in the business of cutting or harvesting trees. Specific requirements and application procedures are set forth in Subd. 5., and Subd. 6., of this Section.

Subd. 4. Commercial Timber Harvesting Permit Procedures, Requirements and Performance Standards

**A. Purpose**

- 1. To insure the economy of harvesting and processing of the County's woodland natural resources through proper forest management principles.

2. To prevent further watershed destruction through unwise logging operations and to protect streams and waterways from woodland debris.
3. To establish a means with which to assure continued restocking of depleted forested areas.
4. To maintain an aesthetic wooded conservation areas where lands are not suited for other types of agriculture.
5. To properly manage forest resources in environmentally areas such as flood plains, wetlands, Blufflands, Shoreland management areas, areas with high susceptibility to ground water contamination and wild and scenic river districts.

**Subd. 5. Commercial Timber Harvesting License**

A. No person shall commercially harvest trees within the County without first securing a license.

B. Application for a Commercial Timber Harvesting License shall be filed with the Goodhue County Zoning Administrator. The application shall contain the following information:

1. The applicant's name, address and phone number.
2. The names and addresses of any partners or corporate officers.
3. The number of years that the applicant has been engaged in the business.
4. Related education and experience to said business.

C. Qualification. The applicant for a license shall have at least one (1) year of demonstrated experience or a combination of experience and education.

D. License Fee. The application for a Commercial Timber Harvesting License shall be accompanied by a fee which shall be established by resolution of the Goodhue County Board of Commissioners.

E. Performance Bond. The application for a Commercial Timber Harvesting License shall also be accompanied by a bond in a principal sum of \$1,500.00 conditioned upon the observance of all laws, regulations and standards relative to timber harvesting and upon the faithful and workmanlike performance of all work performed or to be performed pursuant to such license. Such bond shall run to Goodhue County.

**Subd. 6. Commercial Timber Harvesting Permit**

A. No person shall harvest trees on more than five (5) acres of land within the County without first securing a permit.

B. Application for a Commercial Timber Harvesting Permit shall be filed with the Goodhue County Zoning Administrator who may submit the application to the State Forester for review. The application shall contain the following information:

1. The applicant's name, address and phone number.
2. A full description of the location of the land where the timber harvesting is to be undertaken and the volume of timber to be removed.
3. A statement of the purpose of the timber harvest, intent of replanting, disposal program and program of land restoration.
4. The highways, roads or other public ways in the county upon and along which the timber is to be hauled.
5. The estimated time when the timber harvest is to begin and will be completed.

6. A map or plat of the proposed area of timber harvest showing the confines or limits thereof, together with a plan showing generally the vegetative growth pattern.

7. A forest management plan, including method of harvesting, method of reforestation and soil conservation.

Subd. 7. Intensive Vegetation Clearing. Intensive vegetation clearing anywhere in the designated land use district on the Cannon River and in any other district which regulates vegetation alterations is subject to the following standards and criteria:

A. Intensive vegetation clearing shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Zoning Authority to be fragile and subject to severe erosion and/or sedimentation.

B. Intensive vegetation clearing shall be conducted only where clear cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.

C. The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.

D. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetation cover, areas in which intensive vegetation clearing is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same Spring, or the following Spring.

Subd. 8. Permit Fee. The application for a Commercial Timber Harvesting Permit shall be accompanied by a fee which shall be established by resolution of the Goodhue County Board of Commissioners.

A. Permits shall be valid for a period of one (1) year from the date of issuance.

B. When evaluating the Commercial Timber Harvesting Permit, the Planning Director, as a prerequisite to the granting of a permit, may require the applicant to whom such permit is issued or to the owner or user of the property on which the timber harvesting occurs to:

1. Restore to a reasonable and useable condition all cuts, access roads or stripped slopes.
2. Dispose of all slashings or other refuse resulting from cutting operations in a safe manner.
3. Exercise reasonable care and take whatever practical action necessary to prevent and suppress forest fires in the permit area and vicinity.
4. Perform all cutting operations in cooperation with conservation programs administered by the Department of Natural Resources and authorized representatives thereof.
5. Apply timber stand improvement practices to the area.

Discussion:

M. Wozniak explained report and mentioned staff intent to shorten process by removing CUP but also clarifying standards and criteria. He explained benefits and responsibilities. 5 measure based on basics of Winona County.

H. Stenerson asked M. Wozniak asked about how differentiate small versus large. He also asked about 1 year permitting; when and how.

M. Wozniak indicated if licensing 1 year period.

H. Stenerson asked would they shut down.

M. Wozniak stated by permit 1 year for the project.

S. Blue asked license logger or sub-contractor.

M. Wozniak said all.

B. Overby asked example would he need permit.

M. Wozniak said yes, under both current conditions.

B. Overby asked what would it cost him.

M. Wozniak stated County Board establishes fee amounts, 50 dollar fee currently for land use alt permit. Incentive for logger by lower fee if done right, higher fee if come in after the fact and if caught. Fee should be modest for legal taxpayers.

M. Patterson had question for licensing is it state.

Terry Helbig, DNR Forester, stated no, but MLEP program to train to follow BMP's and FISTA required, close.

M. Patterson not route he is comfortable with.

T. Helbig stated BMP is easily incorporated.

M. Wozniak added good resources and no reason why we can't reference BMP's and DNR guides.

M. Patterson would like to see BMP's not licensing or bonding.

M. Wozniak stated need to educate.

J. Brooks, DNR Forstry and MN state legislative background, had a few comments; timber land is the residual land use after everything else- so its important. Also-Valuable. Right to cut timber due to landowners paying taxes. Getting permits is a problem; need a great deal of public education; he likes the land use permit model more than CUP. License-state level license many things not loggers. Iowa and Illinois have state wide licenses. Suggest state-wide license. Loggers can come in from other states and may go 500-600 miles to do it. Performance bond suggestion-both landowner and County have legal remedies and 1,500 bond idea and hassle of getting that next to high gain harvests will add to paperwork for the most part and cost and time. Winona not well enforced. Forest Management plan subdiv. B section 6 it could be para's or pages-keep it simple. Intensity of vegetative clearing-land use alt intent of changes in land use like prairie to home site or of that nature. Permits for one year must be longer; some contracts are winter only contracts-base off of contract. He likes form being administrative and wants more public education. Had question; subdiv. 6D unclear who gets the permit; Landowner?

M. Wozniak stated typically require owner signature on paperwork and make sure they are party to it and comfortable.

J. Brooks suggests both operator and landowner both sign it due to potential for legal recourse.

S. Michels tends to be for less gov't than more and hasn't found one nice timber harvest with long term leftover problems. Hold responsible to clean-up.

B. Overby asked how protect watershed, neighbors. He pictures this like mining and gave restoration examples with performance bonds. How would foresters propose protections.

J. Brooks gave parallel examples of farming problems.; Land use issue. Logically controlled by contract by landowner and purchaser of cutting rights. State has own set of foresters and contracts on their own lands though and could stop that operations.

M. Wozniak gave BMP referenece example of possible ordinance, what do we do if we find problems after harvest is finished. Staff can issue citation or go to court later.

J. Brooks gave rutting guidelines and noted DNR had discussed that before and BMP guidelines exist. It gets into road building; USFS is the largest road builder in the USA. Typically, not skidding, but dozer work causes erosion issues.

M. Wozniak stated agreement.

B. Overby stated we are here to regulate BMP and protect neighbors and wants whatever it takes to write that in.

H. Stenerson said no problem with harvesting; problems based on bad operators. Small versus large operators and oversee agreements in writing would solve half of the issues. Track custom job people and BMP's. Not restricting landowners from harvest timber, just protect them. Focus on outsiders and pull licenses if done wrong.

M. Wozniak stated if they leave a mess 1,500 won't go far to clean it up.

H. Stenerson said ability to pull license means more.

T. Webster stressed he does not want to drive competitiveness out of the market. Not absolutely negative to logging industry, need them in the market.

*C/m. Michels opened the public hearing.*

P. Bee commends managing timber stands as well as commercial harvests. She thinks multi-use and stated her background in the industry and her education. She said PAC didn't involve industry back in May meeting and disappointed by that.

M. Wozniak stated we are trying to do this and involve them.

P. Bee said she is familiar to Winona standards and they may drop licensing. Address expenses tonight and they are hit by recessions and production of lumber down 50 percent. They re-seed and do those types of things. Restoration plans can sometimes not be drawn until finally done. Winter will change situation on projects. Value of forest land up for hunting not for timber; lumber is down. Clear-cuts have to be addressed. Parcels getting smaller. Logger find jobs word of mouth. Small parcels not properly managed. Complex.

M. Wozniak stated if having no regulations, then we cannot address BMP's.

P. Bee addressed landowner may want swails also. Slash is good for wildlife.

S. Michels stated as seen hunting oak tree tops take years to decay.

B. Overby stated we don't want bad experiences.

P. Bee said this is the first time they had to do this. She named other loggers and talks about bad loggers at conventions and will not buy from them as mill owners.

J. Brooks said 2 issues; criteria of permitting and education. Other piece; how to sell. This region is not pulp wood. Educate landowners and their decision.

M. Wozniak agreed.

S. Blue said PAC challenge is to regulate for protections for land and citizens. Gravel operators put that ordinance together as example, but some recognition in industry. Again, Florence Township example with different harvest than agreed upon and different areas. She gave buffer zone examples.

P. Bee explained trespass examples; hearing drift that way in PAC.

S. Michels said 5-6 timber issues like tonight in past.

J. Brooks suggests long term effects of permitting process of landowner involved in permit will be exposed to information that today they are not exposed to. If permitting process forces people to get more information if they need to restore land.

M. Wozniak stated expectations of BMP's. Problems come to us.

J. Brooks suggested permitting process.

J. Zimmer suggested anti-erosion by chipping tops on trails as example.

Farmer, did not introduce himself, had one logging done, 16 inches at ground level done. Has items with the panel; sometimes clear-cutting is the answer. Slash may be needed to re-establish nutrients. Agrees with less gov't. Problem with Zimmer/Mahoney; he saw some pictures and it seemed done decent there. Who decides if good job or not.

M. Wozniak said some instances where mulching may be appropriate, but seeding or re-natural uses should occur. There are guidelines that occur as standards.

B.Overby asked if right to table.

M. Wozniak said yes; keep it open or not.

S. Michels and H. Stenerson agreed to keep open. We cannot ignore this. Said Bee was on hotseat tonight, but others also have problems. Staff research ordinance requirements and statements of survey agreement of neighbors.

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

***Motion by B. Overby seconded by M. Patterson to Table the Zoning Ordinance Text Amendment for... .  
Motion carried 8-0.***

Farmer asked about bio-mass language for future economic options written into ordinance.

**DRAFT**

**PLANNING ADVISORY COMMISSION  
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M. Wozniak said not against harvesting, but environmentally sensitive protections are relevant.

S. Blue said this is awkward as committee as a whole, should evolve this.

M. Wozniak stated we can explore more at an informal meeting.

*<sup>3</sup>Moved by M. Patterson and seconded by B. Overby to adjourn the September 15, 2008 Planning Advisory Commission meeting at 11:50 p.m. Motion carried 8-0.*

Respectfully Submitted,

Kelly Moriarty

Recording Secretary

**DRAFT**

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
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MOTIONS

<sup>1</sup> APPROVE September 15, 2008 agenda. Motion carried 6-0.

<sup>2</sup> APPROVE August 18, 2008 minutes. Motion carried 6-0.