

DRAFT

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 20, 2008 MEETING MINUTES**

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

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

Absent: Mike Patterson

¹*Motioned by H.Stenerson and seconded by B.Overby to approve the October 20, 2008 agenda. Motion carried 8-0.*

²*Motioned by H.Stenerson and seconded by T.Webster to approve the September 15, 2008 minutes. Motion carried 8-0.*

STAFF UPDATES

M. Wozniak stated updates on PAC Commissioner term completions and re-appointments listing for January 2009. Then, projects with staff scheduling public meeting Nov. 13, 2008 TBD to introduce 5 year comp plan re-evaluation. Additionally, introduction at that meeting of the 1,000 Friends of MN and DNR grant project for environmental data for land use model for land use decisions.

B. Overby asked if cities in the County invited also.

M. Wozniak stated yes.

NEW BUSINESS: H. Stenerson requested time at end of agenda.

Old BUSINESS: none.

CONFLICT/DISCLOSURE OF INTEREST – none.

Summary

Carlson Brothers (Mike Carlson) is requesting a Conditional Use Permit for the existing feedlot and facilities on parcel 42.003.0100 in Section 3 Vasa Township to construct a new feedlot animal manure holding structure. The purpose of this Conditional Use Permit is to allow the opportunity to continue operations in full compliance with current Goodhue County Zoning Ordinances and meet all local and state statutes.

Background The Carlson Brothers 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

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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 Carlson Feedlot CUP includes the proposed construction of a poured reinforced concrete pit manure storage (94'x80'x8'). The number of animal units being kept on the property will not increase from 70 dairy cows. The total Animal Unit (AU) capacity is 117.5 existing and 131.5 final (98 animal max). 240 acres are available for non-transferrable manure and permitting has been required and completed by MPCA to meet manure utilization requirements.

Goodhue County Feedlot Officer, Josh Finnesgard, has reviewed the application materials associated with the submittal and will be present at the October 20, 2008 Planning Advisory Commission Meeting when this item will be considered.

The CUP to allow the Carlson Brothers 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 Carlson Brothers Conditional Use Permit that proposes development is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Carlson Brothers 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
- Vasa Township has considered the CUP and has expressed support for approval of the Carlson Brothers CUP.

Staff Recommendations:

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Carlson Brothers 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 stated summary of the item.

S. Michels asked Mike Carlson to come forward to field questions.

B. Overby stated he made site visits with Zoning Technician K. Moriarty and this land use fits very well and looked very good. He noted applicant will lose garden.

M. Carlson said losing garden hasn't been approved yet by wife; joke.

S. Michels asked for public input.

M. Wozniak stated MPCA drawings here to answer questions.

C/m. Michels opened the public hearing.

Scott Repke, Cannon Valley Trail Manager, heard good things about Carlsons. Has a concern about recreation in the valley. Looked at CUP's in the past as restrictive to protect injury to other properties. He asked could that be a condition to protect trail as part of the CUP.

M. Wozniak stated existing land uses in county with CUP permits are subject to complying and provisions to indicate state and fed requirements also. We aim to protect public health, safety, welfare and also right to farm language and this use is consistent with county comp plan. He explained tech requirements must be met and oversight from Goodhue County fieldlot officer Josh Finnesgard, not here tonight.

S. Repke stated change to land now. Gave example of state land for hunting near trail to work with existing uses to be fair.

S. Blue said out of respect for this history and the trail and county zoning ordinance as agricultural preservation ordinance, she asked is there a tipping event near the trail at this point and if so it might be a significant advantage to work together.

M. Carlson talked about knifing in manure now so it's a better system.

S. Blue said education is key.

D. Rehtzigel stated manure management improvement in this case. Other examples of this have showed less smell.

M. Carlson said same animal herd size, just storage of manure in bunker until fall.

S. Repke stated he felt need to be here to voice concerns as trail manager.

B. Schafer stated Article 13 has performance standard that covers and protects concern.

Motioned by B. S. to close the public hearing, seconded by T.W. Motion carried 8-0.

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M. Wozniak stated this item will be on tomorrow county board agenda due to conditions if recommended.

Motion by B.O. seconded by B. S. to Approve the Conditional Use Permit for Carlson Brothers on existing property in Section 3 in A-2 Zone District of Vasa Township . Motion carried 8-0 .

T. Webster asked if enough info to put on agenda tomorrow.

M. Wozniak stated yes.

Summary

Vasa Vineyard and Winery LLC (Drake Anderson) is requesting a Conditional Use Permit for the potential vineyard on 14.89 acre parcel 42.021.0100 in Section 21 with adjoining 15.58 acres in parcel 42.022.0400 in Vasa Township to be allowed to construct and conduct operations open to the public on the proposed vineyard and winery property. The purpose of this Conditional Use Permit is to allow the opportunity to operate a winery on site in full compliance with current Goodhue County Zoning Ordinances and all relevant state and federal regulations. The applicant, Drake Anderson, has indicated his intent is to construct a Winery and plant a vineyard. His intent is to eventually provide vineyard tours and educational opportunities at the vineyard, and to possibly pursue permission to hold special events at the site. Mr. Anderson has not included any specific information regarding any proposed “special events” and therefore it would not be appropriate to consider special events as part of this Conditional Use Permit Application. The University of Minnesota Agricultural Extension Service has been developing hybrid varieties of cold weather hardy grapes to expand opportunities for Minnesota farmers.

Background Mr. Drake Anderson currently is in the process of purchasing the property involved in the request.

The CUP to allow the Vasa Vineyard and Winery LLC within an A-2 Zone District is subject to conformance with provision of Section 3 Subdivision 9, 19 of Article 21 (A-2, Agricultural Protection District) of the Goodhue County Zoning Ordinance.

The applicant has included with the CUP application a description of the use of the property that includes maps and designated parking and vine growing areas. The property has an adjoining parcel proposed as the vineyard that will allow road access thru to the Winery (Requiring a Variance), which is technically land-locked from County 7 Blvd.

The Vasa Vineyard and Winery is not an existing operation thus there are questions regarding the physical planning of the property or access (which is to County Road 7 Blvd.). Staff has asked the applicant to provide additional information to address the following three application submittal requirements;

A. Proof of liability insurance for the structures, property, occupants, visitors, and events proposed;

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- B. Proof of all state and federal licensing and inspection criteria have been met and facility has been constructed in accordance with all Goodhue County Environmental Health Department regulations.
- C. The applicant shall be subject to obtaining a driveway access permit from the Goodhue County Public Works Department.

In addition, the site plan indicates the location of a proposed sign along the entrance driveway near the CSAH 7 Right-of-Way. The County's sign regulations do not specifically establish standards for the proposed Agricultural related use. Temporary farm stands are permitted to have up to two 50 square foot signs. Staff recommends that the proposed free standing sign be limited to a maximum of 50 square feet and be limited to a height of six feet above the existing grade.

Vasa Township position regarding the CUP request:

The Township's current position regarding the proposal is in support prior to any action that may be taken by Goodhue County. However, the Township has elected to restrict retail sales on the property.

Interpretation of Applicable Zoning Regulations:

LUM Staff has considered how the proposed use of vineyard/winery property fits with current Goodhue County Zoning Regulations. The growing of grapes clearly qualifies as a permitted agricultural use in the A-2 Zone District.

LUM Staff in consultation with the County Attorney have interpreted that visitors to the property related to marketing or educational activities would be permissible as being accessory to the agricultural use of the property to grow grapes. This may include visits or tours to the winery of individual or groups for wine tasting, to learn about the winemaking process, to assist with harvesting of grapes or just to see where the grapes are grown. It also may include educational activities for individuals or groups interested in learning about how to development and operate a vineyard. For example: field trips for University of Minnesota Viticulture Students and events such as an annual meeting of the Minnesota Grape Growers Associations might be typical of such activity. LUM Staff have informed the applicant that impacts related to educational or marketing related visitors and related events at the property may not create a "nuisance for nearby property. Specifically noise, dust, traffic and sanitation needs must be managed in manner consistent with state and local regulations and standards. LUM Staff does not anticipate the level of activity generated by these activities will present a conflict. It is the intention of LUM Planning and Zoning Staff to periodically visit the site during the spring to fall season when such activity would occur and to ensure the level of activity is not causing any impacts that may be unacceptable. A considerable amount of tourist and agri-tourism related activity already occurs throughout the rural areas of Goodhue County.

LUM Staff in consultation with the County Attorney have interpreted that the proposed "winery" may be considered as a "commercial and industrial uses primarily intended to serve the agricultural community" and therefore may be permitted as a "conditional" use as identified in Section 3, Subd. 9 (below) of Article 21 (A-2 District Regulations) of the Goodhue County Zoning Ordinance.

SECTION 3. CONDITIONAL USES

In the A-2, Agriculture District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of Article 4 of this Ordinance.

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- Subd. 1. A mobile home as a temporary second dwelling when there is a need to provide health care services to residents of one of the dwellings.
- Subd. 2. Any aircraft landing field and associated facilities.
- Subd. 3. Any commercial outdoor recreation facilities including, but not limited to, golf courses, driving ranges, tennis courts, skiing, swimming pools, and park facilities.
- Subd. 4. Any community building, church, cemetery or memorial garden.
- Subd. 5. Any commercial radio and television towers and transmitters.
- Subd. 6. Any public, private or nursery school.
- Subd. 7. Any public stable.
- Subd. 8. Any raising of fur bearing animals or commercial kennel.
- Subd. 9. Commercial and industrial uses primarily intended to serve the agricultural community.**
- Subd. 10. Any boarding and rooming houses or bed & breakfast inn.
- Subd. 11. Campground and RV site.
- Subd. 12. Park manager's residence limited to one single family unit per any licensed campground or RV site regulated, consisting of thirty (30) or more campsites.
- Subd. 13. Any veterinary clinics.
- Subd. 14. Junk/salvage reclamation yards.
- Subd. 15. Any migratory labor camp.
- Subd. 16. Any park or recreational area operated by a governmental agency.
- Subd. 17. Hunting club or shooting preserve.
- Subd. 18. Temporary or seasonal off-site roadside produce stands. No more than two (2) signs totaling fifty (50) square feet of sign area advertising the stand shall be permitted. In addition, the structure shall be limited in size to two thousand (2,000) square feet.
- Subd. 19. Educational Farm Retreat.
- Subd. 20. Retreat Centers.
- Subd. 9. Wind Energy Conversion Systems as per Article 18 of this Ordinance.

Clearly the Goodhue County Zoning Ordinance may permit a wide range of business uses in rural areas of the County including the A-2 Zone District. Use that have been allowed in the County include campgrounds, ski areas, golf courses, moto-cross facilities, retreat centers, sportsman's clubs, a utility line repair business, welding shops, a agricultural seed research and experimentation facility, Tubing Concessions, churches, schools, marina's, chiropractor's offices (as home occupations) and many others. The County has tended to take a liberal approach in accommodating businesses within the rural. For example, special events are recognized in the Performance Standards established for "Retreat Centers" (Article 11, Section 26, Subd. 1, and Paragraph G.).

In conducting extensive research related to the regulation of farm vineyard/wineries LUM Staff has identified a range of approaches to dealing with this issue. Many local governments permit wineries associated with vineyards without specific zoning ordinance provisions; however, some jurisdictions do have ordinances that include specific regulations governing the development and operation of wineries. Included with this staff report is a copy of Article IV (Agricultural District) from the Bigham Township, MI, Zoning Ordinance which includes language to regulate wineries (Section 4.3, Paragraph L.). In the opinion of Land Use Management Staff the provisions of the Bigham Township Ordinance regarding the regulation of wineries may provide some guidance for Goodhue County's consideration of the Vasa Vineyard and Winery proposal.

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Specific Issues related to the Vasa Vineyard and Winery LLC – Vineyard Site:

Traffic Safety: Public Works Direction Isakson has indicated that traffic volume should not be an issue based on the current capacity of CSAH 7 in the vicinity of the site. The applicant will be required to obtain a driveway access permit from the Goodhue County Public Works Department. Any specific driveway standards or improvements to CSAH 7 that may be required will be addressed as conditions of approval for the driveway access permit. CSAH 7 is a paved County Road and therefore dust generation will not be an issue in respect to vehicles accessing the proposed vineyard and winery site.

Adequacy of Access Drive: The access driveway is subject to standards included in Article 11 (Performance Standards), Section 6 (Access Drives and Access) of the Goodhue County Zoning Ordinance (below):

SECTION 6. ACCESS DRIVES AND ACCESS

Access drives onto County roads shall require a review and a permit from the County Engineer. The County Engineer shall determine the appropriate location, size and design of such access in the interest of public safety and efficient traffic flow.

Access onto township roads shall be approved by the appropriate township board.

Access driveways to principal structures shall be constructed and maintained to a minimum ten (10) foot width and base material depth sufficient to support access by emergency vehicles.

Access driveways two hundred (200) feet in length or more shall be constructed with a driving surface of at least fourteen (14) feet in width.

Access drives cannot exceed fourteen (14) percent grade over any portion of the drive.

Access drives cannot be located on any slope exceeding thirty (30) percent.

Access driveways shall have a twenty (20) foot long flat grade directly adjacent to the road that driveway accesses.

All driveways shall be limited to a minimum fifty (50) foot radius curve if one is necessary.

Winery: The Vasa Vineyard and Winery LLC is proposing the construction of a winery structure on parcel 42.021.0100. The proposed Winery will be set back from a bluff/ ravine area and will be surrounded by agricultural lands. A building permit has not yet been issued for the structure (primarily because A CUP and a Variance (frontage on a public road) are necessary). The Goodhue County Building Official will review and oversee the Building Permit process once the CUP and Variance have been issued and when his determination has been made that the structural proposals are in compliance with the Building Code.

Variance: The winery structure is proposed to be constructed on **Parcel#42.021.0100 in Section 21**. This parcel does not meet the following zoning ordinance requirement of for construction of any structure on property in the A-2 Zone District.

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Lot Width.

- a. Each lot shall have a minimum of one hundred (100) feet at the building setback line and said width shall extend to an existing public road right-of-way line.

Parcel #42.022.0400 in Section 22 does have frontage on CSAH 7, however, because this parcel is in another Section, it may not be combined with Parcel #42.021.01001 as a combination of metes and bounds description parcels. The options to address this problem including platting of the property or obtaining a variance to the lot width on public road requirement from the Goodhue County Board of Adjustment. Mr. Anderson has applied for the variance and his request will be considered at the Board of Adjustment's October meeting.

Parking: The applicant has included a site plan with the CUP application that does not illustrate parking areas for employees and visitors. Considerable site area exists to provide for needed parking. The parking standards included in the Performance Standards of the Goodhue County Zoning Ordinance do not include requirements for wineries. The Planning Advisory may wish to require the applicant to specify how parking will be handled for employees and visitors.

Findings of Fact

- The proposed Vasa Vineyard and Winery LLC Conditional Use Permit that proposes use of a proposed vineyard and winery open to the public is consistent with the Goodhue County Comprehensive Plan; and
- The proposed Vasa Vineyard and Winery LLC CUP shall comply with provision of Article 21, Section 3 (A-2 Conditional Uses) of the Goodhue County Zoning Ordinance as interpreted by the Goodhue County Zoning Administrator; and
- Vasa Township has considered the CUP and has provided documentation summarizing events at Township level meetings prior to this CUP application.
- The proposed winery to be constructed as part of the Vasa Vineyard and Winery represents a legitimate Agricultural related business and may be considered a use permissible as a Conditional Use in the A-2 Zone District.

Staff Recommendations:

Land Use Management Staff recommends that the Planning Advisory Commission recommends approval to the Goodhue County Board of Commissioners of the Vasa Vineyard and Winery LLC (Drake Anderson) Conditional Use Permit to construct and conduct operations and events open to the public on the proposed vineyard property (County 7 Boulevard) subject to the following conditions:

1. Proof of liability insurance for the structures, property, occupants, visitors, and events proposed; and
2. Proof of all state and federal licensing and inspection criteria have been met and that the Pavilion structure has been constructed in accordance with all Goodhue County Building codes and Environmental Health Department regulations; and

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3. The proposed free standing sign shall be limited to a maximum of 50 square feet and be limited to a height of six feet above the existing grade; and
4. The applicant shall obtain a driveway access permit from the Goodhue County Public Works Department; and
 5. No parking shall be permitted within the Goodhue County CSAH 7 Right-of-Way.
 6. Winery Building site location confined to parcel 42.021.0100 in southern half of that parcel.
 7. Driveway shall be placed along southern portion of property away from Oetjen residence.
 8. Winery shall conclude all public activity by 8 p.m.

Discussion:

M. Wozniak stated summary of report. Vineyard is a acceptable use on A-2 lands. Winery would require CUP for agriculture related business. He described geography of parcels and proposed location of the winery structure and surrounding lands. Site location may avoid soil erosion. He noted questions will be asked to Mr. Drake Anderson, and he described variance/lot requirements and situational conditions in the stead of alternative of platting process and will be considered at BOA this month.

B. Overby asked to clarify 100 foot strip of land requirements.

M. Wozniak continued summary and stated zoning regulation of 100 foot strip to get back to structure. The strip of land must exist, the driveway does not have to occupy it physically due to easements to avoid land locked parcels. Driveway may be a concern along with buffering for this situation tonight. He described interpretation of land use; no special events to consider this evening. He mentioned Cannon River Winery scenario with visitation for educational purposes; any visitors subject to compliance to county regulations such as environmental health for sanitation. This would be a different situation, separate action required to request special events in the future. Our questions are focused on building use, building plan, and explanation. He noted Vasa Twp. Has considered this at multiple meetings and they would not allow retail sales on the property and Mr. Anderson is willing to conform to that requirement. He read recommendations and conditions, staff requesting approval subject to conditions. Parking issue so as that need must be met onsite.

B. Overby asked about drawing of the building; hard to read. Asked about total square feet 5,700?

M. Wozniak stated D. Anderson could answer. He noted this is the first Winery request on Agricultural land in the County domain; others in city limits.

H. Stenerson asked B. Overby about building site location.

B. Overby said area in corn now. Asked K. Moriarty for directions off of photos.

H. Stenerson asked about feedlot buffers.

D. Rehtzigel asked about orientation.

D. Anderson stated location of building site and orientation. Walked around to commissioners to draw on their maps.

B. Overby asked about buffers.

D. Anderson talked with commissioners face to face.

M. Wozniak asked applicant to sit back down and stated site plan was vague. Staff understands where in general but can an added condition and setbacks be added as a condition to include parking and driveway more specifically.

S. Michels asked about the driveway and parcel descriptions. He asked where will the driveway be.

D. Anderson said along southernmost property line for drive back with 30 foot turn around area.

S. Blue said we can ask for a better site plan before another hour discussion.

M. Wozniak stated for the record it would be good on paper; best to know where the structure and parking are planned.

S. Blue said to clarify exactly since her communications with neighbors, to blend if possible, we need specific things on paper to send to county board to ok for building, road, parking, not on map now.

B. Overby asked when are the plans to prepare the land for grapes.

D. Anderson said planting in the spring time. Planted in 640 vine stages with a phased transition from corn planting. Trellaces with vines will be orientated north to south with row width a variable factor.

S. Blue stated PAC job to make this neighbor friendly and we do not have everything to prove that.

M. Wozniak stated because of new use and concerns; staff wants to be sure what will happen.

B. Overby asked what about a building permit.

M. Wozniak stated before that you can add conditions to site objectives.

D. Rehtzigel asked when would you construct building.

D. Anderson said start next year.

D. Anderson said flexible footprint, but with setbacks in 300 foot window.

D. Rehtzigel asked how we go about this for over a year away.

M. Wozniak said to scale site drawing or county says setbacks or location.

B. Overby asked if 30 foot setback change approved and would this fall into that.

M. Wozniak stated yes, but a condition can be added for setback.

H. Stenerson asked if a limiting site location condition and also define driveway location.

M. Wozniak said site drawing shows relative location.

B. Schafer said public concerns exist also.

D. Anderson said he would work with all concerns. He feels location to the west of site will keep away from County 7 ambiance.

S. Blue asked for public testimony and needs additional site info.

C/m. Michels opened the public hearing.

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Patricia Wigel, neighbor, concern of traffic, lived out there for 30 plus years, good neighbors, losing one now due to this proposed vineyard. Asked if PAC would want to live next to it with extra traffic. Safe neighborhood now; with public out there they will have to lock up. Doesn't feel safe with this coming out there.

M. Wozniak noted written comments for record with their concerns.

D. Anderson asked to respond to her concerns. He noted 2 township meetings conducted already and he decided to make good neighbor concessions. He never brought up wedding receptions and he has no intentions on special events. Traffic issue; county 7 is paved and used on weekends for alternate uses. He estimates 100 extra cars per weekend and does not see a traffic logjam. He does not see this as entertainment operation and he gave up any onsite retail sales and local concerns. He has Beth Slocum letter with copy of questions;

S. Michels said let her make her presentation first.

Beth Slocum, neighbor, with husband Robin they have additional thoughts. He will speak first.

Robin Brown, neighbor, farming north of this parcel for 30 years, sense of speaking for neighbors and Karl Kollberg (past owner) and asked to add finding of facts that all surrounding neighbors against. He gave background of past owner wanting to keep the land as a farm. Asking PAC beyond the letter of the law for protection and he checked case law examples with interpreted loss of zoning protection and land affected. He considers this a loss of what this county is. He is not opposed to a winery, just family farming area here with every neighbor saying no. PAC must see huge County interest in the stake if approved.

Brad Anderson, neighboring farmer, opposed a little bit, not traditional agricultural venture and talked with Lisa Hanni this morning. Some concerns with farming next to it with BMP in consideration. He has a little bit of a problem and questioned what is truly agricultural and what is commercial or retail. He noted corn example of feeding his own animals, not commercially milled onsite in nature. Commercial ventures mostly in towns not the country, PAC decision. Thanks for time.

John Simon, landowner, he thinks this is a neat idea. He thinks it is agricultural to grow grapes and winemaking straightforward. Agriculture these days does seem more commercial, and farming is very commercialized. This is a little off norm and looked at different. Looks like quality operation and town will get bigger anyway, so look at quality operation coming in and look at the pros and cons which may not yet be happening. Thank you.

Laurie Anderson, southern neighbor, interesting that agri-tourism industry is looking at the lifestyle aspects of it. She noticed flexibility or unknowns in Drakes plans. She listed concerns. She asked how they can be reassured about specifics and what can change later on his own and that affects neighbors comfort level.

M. Wozniak stated he would have to do this CUP process again as amendment if he proposed more later.

B. Slocum, neighbor, addressed that unclear at last township meeting about land ownership and investment concerns. Erosion concerns on north and she mentioned Oetjens. She noted ordinances about injurious uses to surrounding lands. She described a planned sanctuary of her own property. She mentioned noise concerns because of the lay of the land and would impact their use. Asked PAC to consider, then spoke for Oetjens. They felt chased off their property by this proposal and their handicapped son lost his sanctuary. To them, once approval given the chances to retain their lifestyle is eliminated, so they are making plans to move. So that seems injurious as far as Ordinances to neighboring property. After he invests 2.3 million dollars how can the PAC say no later to retail sale. It seems like trading harms and it is affecting existing landowners. His investment is a fraction now compared to what it will be later and how could PAC refuse that later. Thanks.

S. Michels asked anyone else.

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Todd Anderson, neighbor, his concern is about property taxes to neighbors, and commercial venture versus agricultural purpose of it onsite versus winery in a town like the others in Red Wing and Cannon Falls.

M. Wozniak took moment to go over A-2 Ord's. He stated Purpose of A-2 Zone and allowable uses. He read the ordinances for land use in the sub-paragraphs.

Robin said staff did the job right, this community needs are real cultural capital. This is an interesting project, don't want it their. That's as clear as he can say it.

M. Wozniak stated understanding.

Audience asked if liquor license needed by the state.

M. Wozniak stated MN law with copies handed out in Farm Winery license from state.

P. Wigel again asked where would the sign be located.

M. Wozniak stated that could be added to site drawing, visible from County 7, Drake could answer better.

D. Anderson stated out front. He noted he drove down County 19 to the meeting tonight and passed a junkyard with walled area and junkyard sign enroute with advertisement example. He proposes signs leading up to the winery as directional markers on Hwy 19 or County 7. He intends to have front (east end) in grapes with agricultural appearance so that structure is not really seen until driving in. He said he would add a home in 3 years if all goes well. He hopes to blend in with the community. He says he will produce 15,000 gallons a year, Winery in operation in the fall to harvest, no loud machinery, maybe one tractor. He gave Afton smell example, and trying to keep look and feel here. Much like an apple orchard, just different product, not breaking any laws. He repeats not an entertainment operation and moved driveway from north to south side to accommodate Oetjens. He said sod in between rows of vines so less run-off than corn.

M. Wozniak stated topography different than Cannon River Winery.

D. Anderson said noise, light, nuisance, safety talked about already 2 times and less of a concern due to no retail. He noted U of M students tours may happen as normal for agricultural education uses.

P. Wigel asked for guarantee no weddings or stuff out there.

D. Anderson said can anyone guarantee that on their property. Getting off subject.

S. Michels said get back on task. PAC generally votes with the township also.

P. Wigel asked does the township have to notify them.

Rick Samuelson said the Vasa Township typically does not notify residents.

S. Blue asked to clarify does that mean no mail-outs.

R. Samuelson said normally no. He asked it would have to come here anyway right.

M. Wozniak explained CUP Amendment process.

B. Slocum asked about township saying no retail sales has the building plan changed since it is hard to read the building plan. Seems like the design should reflect that.

M. Wozniak explained staff review of this.

Motioned by L. Olson to close the public hearing, seconded by B. Schafer. Motion carried 8-0.

S. Blue asked PAC members if they were comfortable tabling this to next meeting.

S. Michels noted what specifics on site S. Blue wants as far as additional info.

B. Overby said last CUP had additions also and could be added as recommendations now to move forward or defeat tonight.

H. Stenerson point of order on S. Blue motion.

S. Blue asked if B. Overby was making motion. She then noted specifics need come up with from Drake Anderson and noted horticulture often doesn't fit one or the other land use definition but valuable. Looks like Goodhue County Feedlots are working, encouraged by this evening, need more.

D. Anderson asked for setbacks tonight.

S. Blue said more specifics; traffic, safety, building plan, home onto on site for security, signage, drive, etc.

B. Overby related to Prairie Island mine; other things in the future liked possible homes not prudent here.

S. Blue said it matters to me.

L. Olson asked could they buy whole bottles.

D. Anderson said internet or whole bottle sales yes.

Audience quietly erupted; claiming township not told that and not agreed upon.

S. Michels gained control.

M. Carlson, Vasa Town Board said no retail sales at all agreed upon at last meeting.

D. Anderson said it was talked about.

S. Michels stated CUP info from Township.

R. Samuelson, Vasa Town Board said no retail sales at the site.

D. Anderson asked PAC if internet sales onsite ok.

M. Wozniak said shipping the product is different.

M. Carlson said no retail sales is correct.

S. Michels gathered that citizens don't want onsite wine sales. Don't care for internet sales.

H. Stenerson said township has responsibilities and things confusing at township. He though the farm winery must be at one site not multiple sites, and is there a restriction. Can you buy another liquor store to sale in other places.

D. Anderson said not at all.

H. Stenerson stated past example.

D. Anderson gave examples of distributors for other.

S. Blue asked if apples could be ordered in Vasa Township; clarified if item is about liquor.

H. Stenerson said Township now seeing miscommunication. Commercial versus agricultural brought up; traffic coming nearby with alternate business examples. How does restricting retail here affect others. Does processing affect it. He has struggle except for the liquor factor.

M. Wozniak mentioned value added products also. He mentioned the MN. State Farm Winery handout.

H. Stenerson sees only conflict as zoning is trying to protect; can one type of farming constrict others.

D. Rehtzigel asked about hours of operation.

D. Anderson said typically fall until sunset, daytime limits.

D. R. asked for times.

D. Anderson said 8 PM fine.

Motion by D. Rehtzigel with added conditions 6-8 seconded by B. Schafer to Approve the Conditional Use Permit as an agriculturally related business for Vasa Vineyard and Winery LLC (Drake Anderson) to operate winery on property in A-2 Zone District of Vasa Township . Motion carried 7-1, S. Blue dissenting.

B. Overby had sales question and asked is it addressed here.

M. Wozniak stated we have the passed on township information and interpretation; it is up to PAC to decide to go forward or table.

S. Blue concerned about specific site plan issue and would ask to table.

D. Rehtzigel asked if how many building permits come through each year.

M. Wozniak stated thousands.

D. Rehtzigel said that's why we have staff to inspect plumbing, etc. not here.

M. Wozniak said CUP is required but also prior to building permit issuance a site plan will be drawn in the permit for that, Environmental Health does wells and septic permits also. There is plenty of land area in this case. He explained staff review process of a building permit and additional agencies included in review. Building permit also needs township signature and must meet zoning requirements and state building codes.

H. Stenerson said a couple points on D. Rehtzigels added conditions 6-8. He asked if code addresses parking regulations already.

M. Wozniak stated yes in Performance standards in Article 11 of the Zoning Ordinance. Mr. Anderson has not specified parking lot site yet.

H. Stenerson asked about public events.

M. Wozniak said events can be eliminated from wording on report.

S. Blue said without it being specific; staff would report building codes agreed.

S. Michels said if all conditions with 6-8 added PAC covers what they need to cover and staffs will cover the rest.

B. Overby said special events in summary questionable.

M. Wozniak stated staff had questions when building report and now more understood.

D. Rehtzigel stated "and events" taken out as amended motion, L. Olsen seconded amendment.

H. Stenerson said due to Township recommendation about onsite sales misunderstanding a decision must be made either way and wondered about it.

M. Wozniak asked would the county be comfortable with what the State says as an option.

D. Rehtzigel asked for guidance on retail liquor permitting.

M. Wozniak stated argument could be made and state has made a policy.

S. Michels said if this goes through and they make no mention of retail sales then passing that back to the township.

L. Olson said we would follow state law if ignored.

S. Michels said then Vasa needs to enforce their part of it.

B. Overby asked where can he sell if just a vineyard.

D. Anderson said wholesale.

B. Overby said less profit for you then.

D. Anderson said yes.

S. Blue said horticulture is different.

H. Stenerson added different way of marketing. Have to let them sell a product. Neighbors impacted; from county point of view adding to agriculture. Township should make the choice of retail sales. Comfort with silence on item if township handles it.

D. Rehtzigel interprets state saying that it is not said they can sell bottles onsite.

M. Wozniak stated 50,000 gallons retail per year is authorized by the state for Farm Wineries.

M. Carlson added at second Vasa Township meeting D. Anderson said no retail sales of wine agreed upon.

D. Anderson said he read into it about no consumption on premises, but thought bottle sales ok.

M. Carlson disagreed, his understanding is no sales at all onsite.

B. Schafer asked M. Carlson is the concern drunken drivers, or traffic in and out.

M. Carlson said sale of wine.

B. Schafer asked how different than Christmas tree farm with in and out.

M. Carlson said again the compromise was no retail sales.

L. Olson clarified onsale versus no sales at all.

B. Overby said precedent here; Warsaw Township example turned that down.

M. Wozniak explained Warsaw Township letter and intent. Little complicated; they took action but 60 day deadline came into play.

D. Rehtzigel added so they gave it to us.

H. Stenerson said township has to enforce their own ordinance; what is best for the county here.

M. Wozniak noted you can drink at ski lodges and golf clubhouses in Goodhue rural.

T. Webster asked if customer could buy a bottle and take it out and drink it onsite.

D. Anderson said if found with seal broke it is open to the laws.

T. Webster said township should see tax benefit and revenue investment and other side revenues in the area. Does not want to hang up item. Call to Question.

S. Michels re-read conditions with friendly amendment. Voted upon.

NEW BUSINESS

H. Stenerson new business; asked if feedlot officer and MPCA is too much oversight now for feedlot owners. Should county set 500,000 gallon or 1,000,000 gallon limits or change ordinances.

M. Wozniak said feedlot commission members may know more.

B. Schafer said that was what was agreed upon.

S. Blue said staff and PAC can give reports.

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- B. Overby said specific due to controversy to make sure is all written in.
- B. Schafer said intent is to preserve agricultural atmosphere for all.
- S. Blue said info added and specifics added.
- M. Wozniak said hard to know in feedlots where it is controversial.
- S. Michels asked if we need to review versus staff.
- S. Blue resigned for evening for emergency situation.
- B. Overby said comfort with public process.
- H. Stenerson said combine feedlot expansion and manure together.
- L. Olsen asked about interim use permitting options for upcoming Dole Explosives CUP next month.
- M. Wozniak said staff would give a report and then PAC discusses it.
- B. Overby gave updates on T. LaCanne Turkey waste CUP in Holden Twp.
- M. Wozniak stated logging hearing/ Ordnance hearing in November.

³Moved by T. Webster and seconded by L. Olson to adjourn the October 20, 2008 Planning Advisory Commission meeting at 10:35 p.m. Motion carried 7-0.

Respectfully Submitted,

Kelly Moriarty

Recording Secretary

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MOTIONS

¹ APPROVE September 15, 2008 agenda. Motion carried 6-0.

² APPROVE August 18, 2008 minutes. Motion carried 6-0.