

**DRAFT**

**PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
December 15, 2008 MEETING MINUTES**

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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: Daniel Rechtzigel    Bernie Overby    Suzanne Blue    Larry Olson  
          Tom Webster        Sam Michels

Absent: Brandon Schafer ( Late Arrivals- Mike Patterson, Howard Stenerson )

*<sup>1</sup>Motioned by L. Olson and seconded by T. Webster to approve the December 15, 2008 agenda. Motion carried 6-0.*

*<sup>2</sup>Motioned by B. Overby and seconded by T. Webster to approve the November 17, 2008 minutes. Motion carried 6-0.*

**STAFF UPDATES**

M. Wozniak gave status update of last months meeting items approvals by County Board.

M. Patterson arrived.

M. Wozniak stated Ordinance updates for 2008 will have the recording of changes and updating on the County website in the near future. Also, staff is updating County map changes for official zoning changes to comply with state statutes. He suggested recognition of Chair Sam Michels at end of business conclusion.

**NEW BUSINESS:**

**OLD BUSINESS:** M. Patterson asked about discussion if time allows for further discussion of timber Ordinance.

S. Michels stated possibly at end.

M. Patterson said he would like to see that on the end of the agenda.

**CONFLICT/DISCLOSURE OF INTEREST** – M. Patterson with meteorological test tower.

B. Overby asked chair and M. Wozniak if it is possible to adjust agenda to other item first if Mr. Lacanne is not here.

S. Michels agreed by saying people that may also want to speak on that item are not here yet.

*S. Blue motioned to change agenda order.*

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H. Stenerson arrived.

*B. Overby Motioned to change agenda order as had S. Blue, with S. Blue and H. Stenerson seconded. Motion carried 8-0.*

M. Wozniak went to Geronimo Wind item and M. Patterson excused himself for the item.

### Summary

**Geronimo Wind LLC and Landowner Dennis Buck** are requesting approval of a Conditional Use Permit, CUP for a temporary, tip-up meteorological test pole in an A-1 (Agricultural Protection) Zone District. Geronimo Wind LLC. (Charlie Daum-Agent) is applying to erect the pole on one location in Goodhue Township (see enclosed site location map). The purpose of this meteorological test pole will be to provide a preliminary assessment of the local wind resources. The CUP is requesting that the meteorological test pole be allowed to remain on the approved site for up to 3 years to support testing efforts to establish a solid reference station. Geronimo Wind LLC. is a company that has developed Wind Energy Conversion Systems throughout the country including elsewhere in Minnesota.

### Background

Geronimo Wind LLC. has submitted a CUP application to install a temporary, tip-up meteorological test pole (197 feet or 60 meters in height) on one of two possible sites located in Section 7, Goodhue Township. The potential site is located on parcel number 33.007.0400 owned by Dennis Buck.

The parcel is currently in agricultural use, planted with either corn or soy beans. The potential site is situated on a 160 acre parcel in the A-1 Zone District.

Goodhue Township has indicated that it will meet to consider the CUP request from Geronimo Wind LLC... Goodhue Township consideration of the Geronimo Wind LLC., and Dennis Buck CUP request should be completed prior to consideration of this item by the Planning Advisory Commission.

### 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 temporary use of the potential site for a meteorological test pole would not have significant impact on the use and enjoyment of surrounding properties being used for agriculture or dwelling sites.**
- 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 surrounding property around each of the potential sites is zoned A-1 or A-2 and temporary use of the potential site for a meteorological test pole**

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would not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

- Subd. 3. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. **See attached site map. The site offers the potential for access to a Township Road (subject to driveway access permit). Electric service that may be necessary for the proposed Meteorological Test Pole would be available to each of potential sites.**
- 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. **As a provision of any CUP issued for the proposed use, off-street parking for construction and service vehicles should be required.**
- 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. **This subdivision must be adhered to.**

### Staff Recommendation/Resolution

Based on the above stated findings of fact, staff recommends approval to the Planning Advisory Commission of the Conditional Use Permit for a temporary tip-up meteorological test pole in an A-1 Zone on parcel number 33.007.0400 owned by Dennis Buck with the following conditions:

- 1) **Geronimo Wind LLC. and Dennis Buck may construct a 197' (60 meter) temporary, tip-up meteorological test pole on parcel ID# 33.007.0400, 160 acres.**
- 2) **The applicant shall provide evidence to the Zoning Administrator that all necessary approval have been obtained from Goodhue Township prior to issuance of a building permit for the Meteorological Test Pole; and**
- 3) **Off street parking shall be provided for any parking needed during installation/construction and for on-going maintenance; and**
- 4) **Evidence of an approved Township or County Driveway access permit shall be provided to the Zoning Administrator prior to issuance of a building permit for the Meteorological Test Pole; and**
- 5) **No grading or site work in preparation of installation/construction of the Meteorological Test Pole shall take place prior to issuance of a building permit.**
- 6) **The Meteorological Test Pole must be removed from the approved site either when use is discontinued or 3 years from the date of Conditional Use Permit approval by the Goodhue County Board.**

**That the Staff Report, Findings of Fact and any comments received during public hearing be recognized in support of the Planning Advisory Commission**

### Discussion:

M. Wozniak stated summary of the item. He mentioned to the public audience the current situation of Wind energy competitors in the Goodhue area and he noted Goodhue County Wind Energy regulations of over 100 feet in height measure making the tower subject to approval. He explained land situation and requirements for the parcel with 7 conditions.

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M. Wozniak introduced Charlie Daum and opened to questions.

S. Michels invited C. Daum up to desk.

H. Stenerson asked staff how far to the nearest cell tower.

K. Moriarty answered over 2 sections.

T. Webster asked where on the 160 acre parcel would the site be.

C. Daum introduced Patrick and he shared copies of Commercially prepared site drawing.

B. Overby asked chair and Daum about road.

Patrick Sullivan and C. Daum said need it needs no road.

T. Webster stated SE corner location.

Patrick said land recently out of CRP-cropland.

*C/m. Michels opened the public hearing. none*

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

H. Stenerson asked why another tower, instead of co-location.

C. Daum said anemometer cups are specialized equipment and they do not want a tower shadow. They will have redundant sets of measurements at 3 levels. This would cost 110 to 115 million dollars.

H. Stenerson asked what is difference with round versus lattice poles.

C. Daum said it would be different.

Patrick Sullivan said different and when it comes to financing its more reliable information.

C. Daum said in a few years the financing will be an issue and they need the highest quality data then.

M. Wozniak said co-location is not pushed in the county regulations for met towers and these are temporary structures so viewed as different than long term features in the landscape .

L. Olson asked how many theoretical windmills.

C. Daum said 20-30.

L. Olson said other one says 39.

M. Wozniak said depends on the towers they choose.

L. Olson said we have no control but with two met towers close how does that affect data.

C. Daum said valid data but not shared.

L. Olson asked about inter tower spacing.

C. Daum said 800 east west and 1400 north south or about 3 rotor blades.

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*Motion by B. Overby seconded by L. Olson to Approve the Conditional Use Permit for Geronimo Wind LLC./ Dennis Buck (Charlie Daum-Agent) to construct a temporary, tip-up 60 meter meteorological test pole on parcel 33.007.0400 in A-1 Zone District of Section 7 Goodhue Township. Motion paused.*

C. Daum asked about changing 3 year clause in CUP.

M. Wozniak asked if another time needed.

C. daum asked for 5 years.

B. Overby asked if acceptable conditions if 5 years.

*Motion amended by B. Overby, seconded by D. Rehtzigel to Approve the Conditional Use Permit for 5 years on parcel 33.007.0400 in section 7 Goodhue Township. . Motion carried 7-0.*

*Motion by B. Overby seconded by D. Rehtzigel to Approve the Conditional Use Permit for 5 years for Geronimo Wind LLC./ Dennis Buck (Charlie Daum-Agent) to construct a temporary, tip-up 60 meter meteorological test pole on parcel 33.007.0400 in A-1 Zone District of Section 7 Goodhue Township. Motion carried 7-0.*

## Summary

**Terry LaCanne** is requesting a Conditional Use Permit for the use of turkey manure storage and holding structure on parcel 38.017.0400 in Section 17 Minneola Township. 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. Land Use Management Department Staff have interpreted that the proposed facility would be viewed as a business primarily serving the agricultural community and therefore may be permissible in the A-1 Zone District by Conditional Use Permit.

**Background** Terry and Barb LaCanne currently own the property involved in the request. The purpose of the Conditional Use Permit is to properly permit the storage of Turkey manure holding structure on the property.

The LaCanne CUP includes the proposed construction of a poured reinforced concrete pit manure storage structure. Mr. LaCanne described in his application that there would be a 72' by 200' concrete pad with containment walls and cover over the structure. He anticipates employing one full time employee at this operation site. This proposed facility is intended to serve as a "transfer site" to allow turkey waste to be brought in and temporarily stored before being trucked to a Waste to Energy Facility located in Benson, Minnesota.

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Goodhue County Feedlot Officer, Josh Finnesgard, has reviewed the application materials associated with the submittal and will be present at the December 15, 2008 Planning Advisory Commission Meeting when this item will be considered.

The site is located on County Road 50 Blvd. within a mile of Highway 52. There is an existing farm field access. A prior application request optioned for an alternate site on the same parcel off of 135<sup>th</sup> Avenue Way on the opposite side of the parcel. Mr. LaCanne in the request states that 10 semi tractor trailer trucks on Mondays will enter the proposed facility to unload turkey manure. Then Tuesday thru Friday he estimates 10 trucks will pick up and haul out 10 truckloads of manure. Greg Isakson, County Engineer, has added that a change of use on the property will trigger a driveway access permit from Goodhue County Public Works.

Minneola Township has reviewed this proposal and added their comments to the report.

### **Findings of Fact**

- The proposed Terry and Barb LaCanne Conditional Use Permit that proposes an agriculturally related business operation is consistent with the Goodhue County Comprehensive Plan; and
- The LaCanne operation has been operating on the site to stockpile turkey manure prior to CUP process as interim measure, and has received complaints.
- Meetings have been conducted since May 2008 to address the turkey manure storage proposals.
- Minneola Township has considered the CUP and has added comments to the CUP request document.

### **Requested Action:**

**The Planning Advisory Commission is being asked by Terry LaCanne to recommend approval to the Goodhue County Board of Commissioners a Conditional Use Permit for Turkey Manure Storage and Holding Structure (on property located in Section 17, Minneola Township). Land Use Management Department Staff is withholding a staff recommendation until comments are received at the public hearing. However, the following “draft” conditions have been identified and should be considered by the Planning Advisory Commission. Staff will offer a final recommendation on this item following the public hearing and Planning Advisory Commission discussion and questions.**

- 1. No animal feedlot or manure storage area shall be constructed, located, or operated so as to create or maintain a pollution hazard.**
- 2. Storage of animal manure when utilized as a domestic fertilizer shall not be stored for longer than one year and shall be applied at rates not exceeding local agricultural crop nutrient requirements as per state rule (MPCA 7020).**
- 3. Change of use on the property will trigger a driveway access permit from Goodhue County Public Works.**
- 4. Operating hours shall be limited to between 7 a.m. and 6 p.m. Monday through Friday.**

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5. **Driveway, parking, and lighting shall comply with standards set by Goodhue County Zoning Administrator and building permit shall be subject to conformance with all applicable state and federal codes applied by the Goodhue County Building Official.**
6. **That the Staff Report, Findings of Fact and any comments received during public hearing are recognized in support of the Planning Advisory Commission recommendation to the County Board.**

Discussion:

M. Wozniak stated report. He mentioned county feedlot officer Josh Finnesgard is present. He stated this item is viewed as agriculturally related business requiring a CUP and subject to so some feedlot standards but not permitted by county as a feedlot. He explained item and site layout description. He welcomed PAC and public comments prior to solidifying staff recommendations. He noted prior operations on alternate site and complaints have happened there. He explained what Minneola Township had documented in packets as discussion items. He stated interim use permit discussion with staff and asked PAC if comfortable in allowing interim use to allow setting time frame for existence of the permit. He asked Mr. LaCanne if 8 years was the amount of time for the project.

T. LaCanne said close to that.

M. Wozniak introduced addendum to PAC members and discussed items 1-9 in document. He noted building would not be viewed in the building code as an agricultural building by County Building Official Doug Morem, so inspections would be required for code. He stated Public Works would require a driveway access permit for change of land use. He stated hours of operation limits. He noted prior to building permit approval a better site plan would be required with parking, lighting, setbacks, driveway standards, etc. He said also if interim use permit then PAC will note an end of operations date and recommend staff report, findings of fact, and comments to add.

B. Overby asked about interim use permit versus CUP. Could time limit be on CUP instead.

M. Wozniak stated it could be, most cases do not, staff thinks this is a better way to go.

T. Webster asked why is this not a feedlot.

M. Wozniak said from zoning staff perspective it is an agriculturally related business, some standards apply like feedlot like setbacks and odor offset requirements. No animals kept on the property.

T. Webster said his point is if considered a feedlot, we would have a better site plan and other issues addressed by statutes and ordinances. It bothers him that clarification if this is skirting the feedlot issue in highly visible location and may jeopardize feedlot availability in the county for the future. Should be considered a feedlot and get equation of manure there to relate to Animal Units (AU) and see how the size of the building fits. Its size needs determined, then site plan after that fits to not affect feedlots later.

M. Wozniak said PAC and boards need to decide what they are comfortable with and the feedlot officer is here, Josh could help.

B. Overby said feedlot definition and quoted it from regulations and noted MPCA 7020.

J. Finnesgard said T. LaCanne is subject to all rules of MPCA 7020 even if not a feedlot operation, he said applicant is not getting around any rules.

S. Michels invited T. LaCanne forward to table.

M. Wozniak stated difference in manure management plans in other feedlots. Here this is a transfer station for Benson. Environmental issues the same as other confined feedlots.

T. Websters asked J. Finnesgard why if it meets MPCA 7020 rules, then why no setbacks and odor offsets.

J. Finnesgard said MPCA said it is permitting this so they will permit it as a NPDES permit. They are looking at it in 2 aspects, so pulling from both standards for this item.

M. Wozniak said county could view as feedlot.

J. Finnesgard said no animals there, so how does he register as a feedlot.

T. Webster said based on "x" number of tons of manure on site.

T. Webster said feedlot sets manure limit in normal standard. This comes back to how close it is to neighbors and how does site plan not change later.

J. Finnesgard said he has no offset calculator but state spreadsheet is only source to take data from. Nothing available to get a good number. He said it need be 171 feet away to make an offset and LaCanne meets 1,000 foot setback from nearest dwelling. 1,200 feet from nearest dwelling now. He could be a feedlot, or turn it into feedlot later then in a few years. He said he has no problem saying it is a feedlot, whatever you all want.

S. Blue said product from site involves one full time employee. No value added except for time correct.

T. LaCanne said correct.

S. Blue said some competition may exist for feedlots due to setbacks and asked what competition in this area.

M. Wozniak said spacing or odor offset is a factor and solution to handle the waste.

H. Stenerson thought about feedlot comment and large manure storage considered separately if over 500,000 gallons. Biggest concerns odor and is it possible, this is solid not liquid here to look at. Offset calculator is not fair. Animal activity changes odor nature and stirring changes comparison and it is different as a storage facility.

M. Wozniak said odor can change site on parcel if needed.

B. Overby asked how far away from building site to north.

J. Finnesgard said 1,200 feet.

B. Overby asked about 1200 for hogs and still ok there.

J. Finnesgard said pretty close, ok.

B. Overby just making clear.

D. Rehtzigel asked if EAW is needed.

J Finnesgard said no.

Rachel Arndt, Tom Arndt's Daughter, asked how would you handle human waste versus animals.

M. Wozniak said the state has regulations for humans waste versus animals. Onsite sewer systems for humans.

Rachel Arndt asked if the smell is not seen as bad.

Rachel Arndt said you do not drive by it.

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Doug Sommers, Minneola Town Board, asked why is this business coming to our county, where does this product come from.

T. LaCanne said MN. and WI.

D. Sommers said why here.

T. LaCanne said logistics; turkey barns limed and cleaned every 24 hours. Convenient for route to Benson.

D. Sommers asked what about closer locations, and questions crossing boundaries.

T. LaCanne said nothing new crossing state lines, animals cross state lines now. Not that much volume -250 tons a week and then moved by end of the week.

D. Sommer said not true.

M. Wozniak regained control of meeting by asking public to address chair to ask applicant.

D. Sommers asked about if on the property then would it be a feedlot issue again.

M. Wozniak stated manure situation, not as land spread. It will be taken to Benson. Limit on what volume structure will hold.

B. Overby said anybody can stockpile on their farmland so not the issue. The item is about bringing in and removing manure in the future.

D. Sommers asked about the building site issue, being not a dwelling, is the county ok with that.

M. Wozniak said not viewed as a dwelling. Other situations in the county exist and they do not count as a dwelling.

Bill Budensiek said in past Mr. LaCanne has not kept his word and said it would be different if local operation and he thinks this is not helping out township or county and they are opposed to it.

Allan Nilson said his concern is simply smell. This will be stirred 5 days a week and smell constant as his concern.

T. Webster asked how far away does Nilson live.

A. Nilson said about a mile SE.

T. Webster said he wants to find out how many dwelling nearby and how close.

Ray Leffingwell, close neighbor to this thing, sounds to him like a loophole and a future noose around PAC necks. It is not a heavy road-9 ton limit in the summer. You can say it will be enforced but can roads handle it if you take a chance. 70" by 200" building seems like too big for 10 loads. Also generates fly ash out there, a fleet of trucks on Highway 52 far more than 10. Questions 10 loads in Benson logistics example. All he hears is this versus that, will it be revisited in a year. This is a big commercial structure, he has lived here 5 years, doesn't like these meetings, and things can change later. He noted Interim use permit example in Blaine as a one year permit.

W. Wozniak stated LaCanne proposed item, not county driven.

R. Leffingwell asked if any others in the state.

M. Wozniak stated manure managed in different ways around the state, we cannot stop proposals, so we have to decide what fits in the county.

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R. Leffingwell says item is jumping back and forth commercial or feedlot. Size of building does not make sense for number of loads, and said details missing.

M. Wozniak stated county already has large manure storage basins and gave examples.

R. Leffingwell said this is different.

M. Wozniak said waste not generated on site, coming in and out on regular basis.

R. Leffingwell asked is there a timetable yes or no.

M. Wozniak stated PAC decides.

R. Leffingwell asked raw turkey manure in and out and nothing else.

M. Wozniak said that was proposed, up to PAC to specify.

R. Leffingwell asked if vote final tonight.

M. Wozniak stated PAC responsibilities and County Board final say.

S. Michels asked T. Lacanne on time in-out.

T. LaCanne said weather permitting, but 1 year onsite limit.

S. Michels asked how long for you.

T. LaCanne said one week rotation.

R. Leffingwell explained trailers and tarps.

M. Wozniak asked to clarify about storms.

T. LaCanne said if ice, may store extra time, but not in summer.

R. Leffingwell asked if Wanamingo notified.

Melissa Peteler, Township clerk, read page 2 of 3 in Township modifications. Township requested EAW.

M. Wozniak stated EAW asked for by local government, but not required.

M. Peteler continued reading township conditions.

H. Stenerson asked if that is what the township required or does this go to county to decide.

S. Blue asked if these conditions are suggested to be added.

M. Peteler read minutes and complaints. She said 20 loads not mentioned versus 10 loads.

B. Overby asked from town board point of view, location question with conditions, if all conditions met would it possibly take place.

B. Budensiek said we would just as soon not have it, but this site lesser of the evils.

M. Peteler restated township views and conditions. We really do not want it.

Lance Quam, Minneola resident, adjoining landowner, said turkey manure by Bang church has water added for bigger odor, this is controlled and no water added. Turkey manure does not smell as bad as hog manure. Hog manure would be worse. Driveway has easement for farm machinery or trucks.

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John Irrthum, 135<sup>th</sup> Avenue, said you guys keep talking about proposed, but pile since last summer. Pictures in the packet show something disappeared. Holden versus Minneola comment. He said even Josh cannot run every road and find turkey manure. He would be in favor if income for the county created, but said this does not do any good. Yes, things cross lines, but not in volume and not in Minneola Township before. Because we are not zoned it is not for us, should be commercial, cannot get across Highway 52 with a semi, good luck.

Michele Teal, nearby landowner, noted manure since June of last year. What is happening to turkey stored there now. What is happening now, where is it at.

S. Michels asked if T. LaCanne had contract with Turkey farmers.

T. LaCanne said Truckers had. Situation not economically feasible to not have transfer site.

M. Teal said not economically feasible now. Does not like hog smell. All opposed.

Tom Arndt, neighbor next to her, smelling all summer long, smells hogs sometimes too from Fredricksons, also human waste there, said LaCanne is not quite living up to promises.

Minnie Ole, nearby neighbor, pollution concerns with nearby water systems.

R. Arndt, asked about CUP conditions, or statutes, or commercial versus agricultural.

M. Wozniak said boards do need to decide where this fits as a agricultural related business or feedlot then decide if CUP or Interim Use, and then under what conditions would it be allowed to operate. There are options.

R. Arndt asked if other uses like this.

M. Wozniak stated surprising what other businesses exist, one somewhat like this in Holden Township.

R. Arndt asked about taxing.

M. Wozniak stated County Assessors determination, not PAC tonight.

B. Overby stated other examples of A-1 land uses, cannot look at as a commercial view and noted examples.

R. Leffingwell said no odor issues on those examples.

Jaqueline Nilsen, said think how this is viewed, affect how feedlots go from there. They were told at the township that T. LaCanne would notify them and did not. Said not in papers. Ask PAC to notify them again.

M. Wozniak stated January 6 Board meeting if approved here.

J. Nilsen asked for updates as it develops.

Dustin Sheffler, said about odor, Coke refinery example, grandmother lives on Highway 52 close to site. People will landmark and stigmatize Goodhue County. He asked if this project is subsidized.

T. LaCanne said yes.

D. Scheffler said better in past market, better to keep it on the trucks and move it to the markets. Noted engineering example and restated keep it on the trucks to Benson.

M. Peteler, said she called MN. State Animal Health and said turkey farmers do not want germs around and do not want trucks coming back to Benson straight away. Next door neighbors lost turkeys more this year, did not test at U of M. bringing germs in area.

J. Nilsen asked what happens after 8 years ends and then what happens to land and the building.

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M. Wozniak stated up to owner for lawful businesses subject to A-1 zone district regulations.

D. Rehtzigel asked what uses.

T. Arndt asked about wild turkey population as consideration.

*Motioned by S. Blue close the public hearing, seconded by B. Overby. motion carried 8-0.*

B. Overby asked J. Finnesgard about offset formula for odor setback, difficult for height added.

J. Finnesgard said correct.

B. Overby asked how do we figure it.

J. Finnesgard said he does not know how this way.

B. Overby said problem.

T. Webster asked Josh Finnesgard if approximate tonnage can be converted.

J. Finnesgard said MPCA did and came out to be 700 turkey units.

T. Webster asked him to work that back to assure. He strongly feels it should fit under feedlot classification. 700 AU feedlot would bring more detail to CUP. Strongly suggest PAC visits this on that terms with offset and distances before further.

S. Michels asked why 70' by 200' to T. LaCanne.

T. LaCanne said that is what he came up with and for alternate machinery use later. He said he lacks things on site plan due to site location change.

T. Webster said he would like to see equation.

J. Finnesgard said he did not know site moved until he received agenda. He said T. Webster had good suggestion for equation.

D. Rehtzigel asked T. LaCanne about times on Friday and Saturday.

T. LaCanne said if 6 pm Friday is limit set, then that is limit.

D. Rehtzigel said size would allow for too much litter.

T. LaCanne said litter is bulky.

D. Rehtzigel asked what would limit you.

T. LaCanne said conditions of CUP.

D. Rehtzigel had concerns about germs, etc.

T. LaCanne said no rendering onsite; only on the other premises.

D. Rehtzigel said Holden did Ordinance after the fact, how long until Minneola does too and creates hurdles later. He stated non-compliance already taking place. Asked Josh about his involvement.

J. Finnesgard said he investigated, MPCA is investigating, not public matter. He said anyone can stockpile 320 acres of manure for up to a year. Gave a Jennie-O example, ok.

D. Rehtzigel asked about alleged issue.

J. Finnesgard said alleged violation for hauling out.

D. Rehtzigel mentioned for all hours concern and complaints already, and other issue in 1995 Cherry Grove and waste discussion board of 15 people there decided that if it is yours that the sue is ag or importing for use is ag, but stockpiling is not ag in their opinion.

S. Blue asked staff about information related to risks and competitions within the industry. She has to think about ag relation or not, does not see ag product.

H. Stenerson said non-compliance is not the case under hours violation because hours not set. The issue is will this stink. Spent time on phone with Josh and MPCA, if looked at as a feedlot, you cannot devide layers because smell comes from surface. The offset is small like 200 feet. The cleaning issue, there is a 21 day rule to exceed H2SO limits. This would have to meet this guideline correct.

J. Finnesgard said up to MPCA.

H. Stenerson concerned about smell standards and not comparable to feedlot offset.

M. Patterson reminded of comments from public asked for feedback type questions from Mr. LaCanne. What is max holding capacity 200' by 72' by 10'.

T. LaCanne stated dimensions.

M. Wozniak stated at 4' feet deep an estimate.

T. LaCanne said as far as odor he has stockpile within 300' feet of his house and if it smelled it would not be there.

M. Patterson asked about explanation of why here not just straight drive to Benson.

T. LaCanne said 7 trucks assigned to this project. It is too far from Benson to the Farms to be cleaned in 24 hours.

B. Overby asked of different truck sizes.

T. LaCannes said same truck sizes, and this will not be a compost site like on Highway 56. This manure is kept dry and is 11 percent moisture and under roof it should not smell.

T. Webster asked about alleged violation now.

T. LaCanne said trucks went in without telling him and he stopped them after that.

T. Webster asked not economics stopping, but compliance.

T. LaCanne said stopped haulers until compliance.

L. Olson asked about dead animal controls.

T. LaCanne said not allowed to do that.

L. Olson also asked would you unload inside building.

T. LaCanne said unload inside, concrete pad outside to load.

M. Patterson asked what is max.

T. LaCanne said 10-20 loads. Said he wants it in Monday and out by Friday.

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- T. Webster said if it does not go like planned are you equipped to handle what more.
- T. Lacanne said 1,250 tons is the most ever.
- T. Webster said if we set the condition then you have to be under and have to accommodate for glitches.
- T. LaCanne said they would stockpile for that parcel for 320 acres to land apply, but then not hauled.
- J. Finnesgard said for 320 land applied.
- T. Webster gave worst case he has a year to get rid of the pile. He can see 2 piles with nowhere to go, does not want conditions too loose or too liberal. Asked what is alternative plan.
- T. LaCanne said high demand for local fertilizer.
- M. Patterson said he wrote down question of manure management plan also, and is it part of MPCA. Asked J. Finnesgard about land spreading agreements.
- J. Finnesgard said not in that permit, not used here.
- M. Wozniak asked if required would it require another review from MPCA.
- J. F. said I don't think so.
- B. Overby asked about NPDES permit verbage.
- D. Rehtzigel asked if you have haulers.
- T. LaCanne said others, same outfit.
- D. Rehtzigel said what is to stop them from coming in on off hours.
- T. LaCanne said they will not stay employed with him then.
- M. Patterson stated same as mines maybe after hours.
- D. Rehtzigel said what will stop truckers from doing whatever they want, they are already, he cannot then sign off on this.
- M. Wozniak stated legal process if CUP conditions are broken.
- B. Overby asked about interim use of 8 years. What if in 3 years it isn't approved again.
- M. Wozniak said A-1 uses can be performed as something else proposed later.
- S. Blue concerned that this item is going on and on. She wanted better site plan, township testimony, 8 years versus permanent building. Wants list prior to action; Manure management plan, site plan, and with no township approval she has almost no interest.
- D. Rehtzigel said he questions size for loads and building should match this.
- S. Michels said he wants site plan and manure management plan and he agrees with township and then he would not like to vote against township.
- T. Webster asked J. Finnesgard if offset could be done.
- J. Finnesgard said could be.
- T. Webster asked what could we use as perimeters to use to treat this on equitable level so it does not harm feedlot industry in this area.

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B. Overby asked about hog formula for offset as depth not a consideration.

J. F. said yes. 99 percent offset model smell it 7 hours a month is 1007 feet. Today technology would let this fly through no problem. Closest house is 1,200 feet.

R. Leffingwell asked what company in Benson is buying this litter. Gave Canterbury example. Gave future example, asked if permit would allow change in product. He asked H. Stenerson about stirring. Then asked how high are walls.

T. LaCanne said 4 feet high.

R. Leffingwell said level, but agitating constantly. Feedlot officer rule states that variables thrown in that create the smell, gave Thief River example. Only concern, many variables.

S. Michels asked if business tanks can there be an alternate use.

M. Wozniak stated CUP can limit as direction.

J. Finnesgard and D. Rehtzigel said other manures would trigger CUP amendment.

H. Stenerson gave A-1 limits and then would have to come back if outside CUP conditions.

B. Overby mentioned variables, state has odor formula and offset distances. Goodhue County went with offset and formula.

R. Arndt asked about transfer variable with movement versus stirring loading and unloading.

J. Finnesgard said rules limit our judgement.

D. Rehtzigel said turkey examples done all in one day.

M. Peteler asked if change happens how would anybody know.

T. LaCanne said somebody would tell County.

J. Finnesgard said MPCA does annual inspections.

M. Wozniak said PAC could direct staff to also.

***Motion by S. Blue to Table with emergency manure management suggestion and site plan, supervision plan, seconded by D. Rehtzigel to table the Conditional Use Permit for T.LaCanne Turkey Manure storage and structure on property in Section 17 in A-1 Zone District of Minneola Township . Motion paused .***

M. Wozniak asked about the site plan needs.

T. Webster asked J. Finnesgard if he said 171 feet odor buffer currently, mute point then next house over 1000 feet away. He meets setbacks.

***Motion repeated by S. Blue to Table with emergency manure management suggestion and site plan, supervision plan, seconded by D. Rehtzigel to table the Conditional Use Permit for T.LaCanne Turkey Manure storage and structure on property in Section 17 in A-1 Zone District of Minneola Township . Motion paused .***

B. Overby asked if coming back as an animal feedlot.

S. Blue said why do you care.

M. Wozniak stated if tabled extend 60 day review period.

B. Overby said if tabled applicant has to come back and re-do permit.

M. Wozniak stated not new, updated information requested. Hearing closed now, PAC decides then as old business at next meeting.

M. Patterson said not for tabling, figure size out here, we know distances, nothing new forthcoming and no formula. We could hash out items now.

M. Wozniak said that is why staff proposed it this way.

M. Patterson said he has what information he needs to make decision.

T. Webster asked how far from road.

T. LaCanne said 300 feet.

H. Stenerson said agrees with M. Patterson, feedlot officer here, site plan gives distances. Have what we need to give yes or no.

D. Rehtzigel asked how much it would hold.

M. Wozniak said approximately 2,100 cubic yards.

***B. Overby re-stated motion and second versus discussion, the asked M. Wozniak what makes difference.***

M. Wozniak said that is a decision for PAC to make.

T. Arndt from audience said expectations off.

B. Overby asked T. LaCanne about height and cover.

T. LaCanne said 4 feet plus plastic hoop or conventional building roof, haven't decided.

***S. Blue called motion. 3 for tabling (Blue, Rehtzigel, Webster) and 5 against-motion failed.***

H. Stenerson said condition of low truck numbers may be added to not jam up roads, and condition for feedlot officer to determine storage limit and land spread calculation to be made to use if necessary.

B. Overby asked if these 2 added and then number 7 something may also be put in there if interim use permit. Asked J. Finnesgard about MPCA conditions as far as what would shut operation down.

J. Finnesgard said pollution discharge could shut down.

B. Overby asked is all else covered by local government.

J. Finnesgard said yes.

L. Olson asked if toxic smells arise would MPCA come to check it out.

J. Finnesgard explained yes and how MPCA would investigate with scientific instruments.

T. Webster asked if this should require a feedlot or MPCA NPDES permit.

J. Finnesgard said MPCA governing this.

M. Wozniak asked about setback minimum for road right of way.

L. Olson said push for 300 feet if 200 foot structure.

H. Stenerson added it should have a 20 foot wide road at least graveled.

S. Michels said county has standards.

M. Wozniak said county has 14 foot requirement, but condition could be more.

H. Stenerson asked if county has requirements do we need address it in CUP conditions.

B. Overby asked hypothetically if approved next step is then a building permit.

M. Wozniak said first MPCA documents and reviews in place before building permit.

T. LaCanne said why would he spend money on building before approval.

T. Webster asked if permit had time limit.

M. Wozniak stated 1 year applies for CUP so same here, applicant can come back for extension if needed.

H. Stenerson asked if MPCA on hold because of us deciding.

T. LaCanne said ask J. Finnesgard.

J. Finnesgard said revision with MPCA needs done, Holden turned in not Minneola.

B. Overby asked about Holden MPCA conditions.

J. Finnesgard said he needs county approval also.

S. Blue said over this has now taken over 2 hours for the item. Asked M. Patterson any good ideas yet down there.

M. Patterson said odor is real concern and past dealings are a real concern. He still thinks the application is an ag related business and is consistent with the comp plan and ord. So thats all PAC goes by to say whether or not project is worthy.

*<sup>3</sup>Moved by M. Patterson strike number 2. "hoop structure roof" for permanant roof, 3.ok, 4.ok, 5. ok, 6.ok, 7. ok, 8. ok, interim 8 years from issuance, 9. distance from road right of way 300 feet, 10. feedlot officer to find max volume and Lacanne to make manure agreement spread plan , and seconded by H. Stenerson to approve CUP. Motion paused.*

T. Webster said with respect what in this tells us how far from neighbors. MPCA permit is not issued yet, setback not specified with 300 feet picked out of the air the moving site closer to Teal instead of Leffingwell.

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J. Finnesgard said lots of room. Home 1,200 feet away from it.

T. Webster asked how far away is the abandoned house.

PAC members became informal and became involved in multiple map discussions.

*S. Michels said we have a motion.*

M. Patterson said going with what feedlot officer is saying , nothing more will change it for him.

T. Webster wants all the assurances of distances of a feedlot. He will not let it be less than feedlot standards.

H. Stenerson said scale on map works for 1,200 foot circle.

T. Webster asked what wordage covers that.

S. Blue said staff has stated applicant will conform to distances.

M. Wozniak stated must conform to all regulations before building permit accepted.

H. Stenerson said a house could then come in later if not noted.

M. Wozniak stated no, section full.

D. Rehtzigel has 3 concerns. 1. how many loads hauled in there and what can building hold 2. whether written or not reviewed annually with staff and Josh Finnesgard, does not trust haulers 3. nothing stopping this changing to composting facility-wants something to limit that , so not addressed and not comfortable tonight.

M. Patterson asked could you add friendly amendment conditions.

D. Rehtzigel said noblody can give him a number so he doesn't know how many loads can be stored there and the 10 load versus 60 load could be addressed between now and county board. If 2 of the items considered and no composting it would take care of 1/3 of his concerns.

B. Overby asked if number of loads can be restricted.

D. Rehtzigel gave dairy barn example saying applicant will put in as much as can be put in there.

B. Overby asked if max is concern.

D. Rehtzigel re addressed concerns.

H. Stenerson said add friendly amendment from D. Rehtzigel to M. Patterson motion.

D. Rehtzigel said he appreciates that, but he is uncomfortable not knowing how much can be stored in that. He does not want it to be store all for southern Minnesota.

M. Wozniak asked what fee is associated.

T. LaCanne said monthly fee, so limit loads.

D. Sommers said from audience said he does not see nobody from Minneola Township on PAC board and wants Minneola concerns remembered.

T. Webster noted he is from Minneola Township.

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S. Blue said manure removed from feedlot situation is a concept that has econ value, but this has to be more specific and careful.

***M. Patterson motioned a friendly amendment to add staff review annually and no stockpiling onsite.***

H. Stenerson gave wind mill, green energy, alternative energy issues, manure is one of those and could be positive direction for the county. We have not discussed why this is happening.

D. Rehtzigel said number of trucks is pertinent, smaller fleet would obey better. Rather have bigger and fewer and need a consistency.

B. Overby said he is swaying that way on truck matter. He added there has to be some kind of understanding. Truckers will do what they need to do.

M. Patterson said plenty of eyes watching this thing. He noted LaCanne does not want to spent 200 thousand for white elephant in middle of his field. Possibility of loosing the CUP is deterrent.

S. Blue asked T. LaCanne who will be there full time as employee.

T. LaCanne said he or his sons onsite when they schedule loads.

S. Blue got clarification on 1 full time employee.

M. Peteler made mention from audience of M. Patterson green comment costs less to use without transfer site,with less fuel and economically sound.

M. Wozniak said at least one other operator sends turkey manure to Benson in Goodhue County that he is aware of.

M. Patterson said not PAC job to decide economic value. PAC job to see if proposal fits ordinance and comp plan.

R. Arndt asked from audience about capacity to fill it up.

D. Rehtzigel said that's what he asked all night.

***B. Overby re-stated 2 friendly amendments and would add D. Rehtzigel conditions for loads numbers.***

D. Rehtzigel said he will not be comfortable until he sees a number of loads. Then noted it doesn't matter he'll be going for it one way or another.

D. Rehtzigel said not he is not unreasonable just wants to know what amount it will hold.

T. LaCanne said average semi is 2,400 cubic foot per semi. This building is for future use too. He gave theoretical housing example.

S. Blue stated kennel limit example.

D. Rehtzigel said facility can only take this amount per week, original was for 10 to 20.

M. Wozniak said yes, CUP had been written a couple ways over changes.

L Olson said loads will vary.

M. Patterson asked is there a comfortable number.

M. Wozniak stated LaCanne can keep records or somehow cap it with a max as per D. Rehtzigel comment.

D. Rehtzigel said limit size of facility to take care of it.

S. Blue said that is normal way of doing it.

D. Rehtzigel gave hog example; building a structure big enough for 3,000 hogs for 1,000 hogs use they would not believe. Not quite a feedlot, not quite ag operation, taking house time to decide.

M. Patterson asked T. LaCanne what are you asking for.

T. LaCanne said 10-20 loads with a max of 40.

Audience quietly erupted.

S. Blue asked if proposed location emptied twice a month or once a week.

B. Overby said this operation is new in some parts. He is torn with the township wants too, request seems feasible.

M. Patterson said that is our job.

*S. Michels asked M. Wozniak to re-state conditions with friendly amendments.*

M. Patterson said land spreading agreements given to spread manure.

*M. Wozniak read new conditions. <sup>4</sup>Moved by M. Patterson strike number 2. "hoop structure roof" for permanent roof, 3.ok, 4.ok, 5. ok, 6.ok, 7. ok, 8. ok, interim 8 years from issuance, 9. distance from road right of way 300 feet, 10. feedlot officer to find max volume and Lacanne to make manure agreement spread plan , and seconded by H. Stenerson to approve CUP. M. Patterson motioned a friendly amendment to add staff review annually and no stockpiling onsite. Motion carried 5-3. (Blue, Michels, Rehtzigel dissenting).*

M. Patterson brought up old business of timber harvesting.

D. Rehtzigel stated PAC will review Forestry again when comfortable.

M. Patterson asked if permitting only in sensitive areas.

K. Moriarty said so far for all of them.

*Motioned to adjourned by L.Olson, seconded by T. Webster to adjourn at 11:05 pm.*

Respectfully Submitted,

Kelly Moriarty

Recording Secretary

**DRAFT**

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MOTIONS

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

<sup>2</sup> APPROVE November 17, 2008 minutes. Motion carried 6-0.