

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
July 16, 2007 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: Tom Webster Bernie Overby Dan Rehtzigel Suzanne Blue
Mike Patterson Sam Michels Howard Stenerson

Absent: Randy Juliar, Larry Olson, Lisa Hanni

¹*Motioned by B. Overby and seconded by H. Stenerson to approve the July 16, 2007 agenda. Motion carried 8-0.*

²*Motioned by M. Patterson and seconded by S. Blue to approve the June 18, 2007 minutes. Motion carried 8-0.*

STAFF UPDATES –M. Wozniak addressed Commercial Recreation Zoning and Wild and Scenic Area issues (setbacks) that have not yet been in Goodhue County Zoning Ordinance. He stated the Ordinance will be updated to fully address these topics in the near future.

CONFLICT/DISCLOSURE OF INTEREST – none.

Zoning Ordinance Text Amendment – Article 23 Wind Energy Conversion System Ordinance Proposed Amendment to Goodhue County Zoning Ordinance to add a new Article to establish regulations to govern Wind Energy Conversion Systems (WECS): Purpose – This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Goodhue County not otherwise subject to Siting and oversight by the State of Minnesota under the Minnesota PowerPlant Siting Act (MS 116C.51-116C.697.)

This zoning ordinance amendment will also include renumbering and restructuring of the zoning ordinance. M. Wozniak discussed allowing meteorological towers to go up to 200' before it requires a conditional use.

M. Wozniak addressed WECS Ordinance issue and re-structured County Zoning Ordinance being addressed with corrections to cross-references. He also noted minor adjustments to ordinance due to redundancy. He added for awareness that county regulation may possibly take on 25 MegaWatts as optional choice as per state regulations instead of 5 MegaWatts, but at this time it is the opinion of the staff to not have the county take on more than 5 MegaWatts.

Discussion;

D. Rehtzigel asked if this state legislation is in place now.

M. Wozniak answered that his summary of written material reflected that it was and he would again confirm.

B. Overby stated his opinion that the state can handle that situation better.

M. Wozniak stated the level of experience at state level was more appropriate, yet county may develop more after systems put in place. He recommended that it be approved.

B. Overby addressed feedlots and other sites in regards to setbacks in A-1, A-2, A-3 zones and how the references will be addressed in future ordinance use in relation.

M. Wozniak stated that housekeeping may be key rather than ordinance change.

B. Overby reaffirmed his position about feedlots.

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M. Wozniak addressed future of interactive website for zoning at county level with GIS links being more user friendly in future. He stated that existing Goodhue County Zoning Ordinance articles were reshuffled with the new wind energy article to make more sense overall.

H. Stenerson asked if wording on article meant that city of Goodhue had special responsibilities.

M. Wozniak said that the word county was omitted by error. He asked if fixing the wording would cause a lapse in the motion.

D. Rehtzigel asked if public comment would apply.

C/S. Michels opened the public hearing. No speakers.

³ Motion by M. Patterson seconded by T. Weber to approve the zoning ordinance amendment for Article 23 Wind Energy Conversion Systems and the renumbering and restructuring of the rezoning ordinance. Motion carried 8-0.

Hadler – Sections 13, T110N, R16W, E 1/2 of NW 1/4, less RR & PT of S 1/2 of NW 1/4, lying SLY of RR R/W & PT of NE 1/4, lying WLY of RR R/W., Minneola Township. The request is for a conditional use permit for the placement of a temporary mobile home in order for the grandson & family to live on the farm and take care for Harry and Dorothy Hadler.

M. Wozniak presented the staff report, comments and staff opinion about proposal of possible future variance structure beyond mobile home, and recommendations with conditions as follows:

Background

Harry Hadler is 90 and in need of assistance if he is going to continue to live on the farm. Dorothy Hadler is 85 years old and currently in very poor health. The family would like to allow both of them to live the remainder of their lives in their home if at all possible and stated that will only be possible with 24 hour assistance on farm location. No expectations for any nearby conflicting land uses.

The proposed second dwelling mobile home is to be placed on the current location of the old chicken coop and machinery shed, which will both be torn down prior. The home size is to be determined up to 28'x80' with up to 3 Bedrooms and 2 baths. The dwelling is on an 80 acre parcel (A-1 Zone District) in Section 13.

A conditional use permit is required for a second dwelling on site.

The site plan (enclosed) for the project indicates that setback distances from mobile home site to property lines are over 200 feet. The setback to the well is approximately 100 feet and over 50 feet to the septic. Landscape and screening plans include some minor excavating to create a level space for the location of the mobile home and to divert future rainwater around mobile home area. The sanitary sewer and water plan includes a proposed new septic and well to be installed tentatively in August, 2007 for use by the mobile home. The proposed new septic tank location is identified on site map (enclosed) along with the proposed new well. The mobile home would be a 3 to 4 person household with approximate water use per day of 150-200 gallons, according to University of Minnesota Extension Office.

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

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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. **Staff does not foresee this being an issue.**
- 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. **Staff does not foresee this being an issue.**
- Subd. 3. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. **It appears from the application this will be met.**
- 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. **According to the site plan adequate parking and loading space will be available.**
- 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. **It does not appear that the proposed conditional use would increase any of the above mentioned nuisances.**

Staff Recommendation/Resolution

Based on the above stated findings of fact, staff recommends approval of the conditional use permit for a mobile home to serve as a second dwelling to care for residents on the property with the following conditions:

- 1. The second dwelling will be removed when the health care services are no longer needed.**
- 2. Annual updates will be provided to Land Use Management staff regarding the necessity of the health care services.**

Discussion:

C. Hadler stated that the Hadler family had already started variance paperwork at their township for a potential additional building beyond the mobile home.

B. Overby asked if procedurally when the Conditional Use Permit is approved would the potentially added variance issue about another building construction onsite go to the Board of Adjustments next week.

M. Wozniak stated yes it could follow on to the Board of Adjustment, and stated regulations as pertaining to conversion back of property after Conditional Use Permit is terminated and out of use.

D. Rechtzigel requested information about validity of status of mobile home with additional building constructed as possible dwelling, and voiced no approval of 2 additional dwellings.

H. Stenerson asked C. Hadler about their well.

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C. Hadler answered that the well is in order.

T. Weber asked about the Hadler septic system.

C. Hadler answered that the septic system is in order.

C/S. Michels opened the public hearing.

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

With no comment it was moved by B. Overby and seconded by H. Stenerson to close the public hearing. Motion carried 8-0.

⁴Motion by D. Rehtzigel and seconded by B. Overby to approve Conditional Use Permit for Hadler to place a mobile home as a second dwelling on site with conditions. 1. The second dwelling will be removed when the health care services are no longer needed. 2. Annual updates will be provided to Land Use Management staff regarding the necessity of the health care services. Motion carried 8-0.

Horizon Wind Energy LLC/Lois and Ivan Herrlich – SE ¼ of W ½ of NE ¼ Section 33, NE ¼ Section 35, and NW ¼ and SW ¼ Section 22 all in T109N R18W, Kenyon Township. The request is for a conditional use permit to construct a temporary, tip-up meteorological test pole in the A-1 Agricultural Protection District.

M. Wozniak addressed topic with background introduction with note of 3 possible sites with specific locations under consideration. He stated that staff determination is all or any 3 sites are appropriate for meteorological test pole with understanding of 5 year period of use with 4 years of data to be evaluated, with structure developed to limit to that period. He addressed 6 staff conditions after the following background.

Background

Horizon Wind Energy has submitted a CUP application to install a temporary, tip-up meteorological test pole (197 feet or 60 meters in height) on one of three possible sites located in Kenyon Township. The potential sites are:

Parcel ID#: 360330200, 240 acres

Parcel ID#: 360350100, 160 acres

Parcel ID#: 220220400, 279 acres

All three of these parcels are owned by Lois E. Herrlich. All three parcel are currently in agricultural use, planted with either corn or soy beans. Each of potential sites is situated in the A-1 Zone District.

As the Planning Advisory Commission is aware the County is currently considering an amendment to the Zoning Ordinance to establish regulations for Wind Energy Conversion Systems including meteorological test poles. At this time requirements set forth in Article 22 (Wireless Communication Facilities) and Article 25 (Conditional Uses) are being utilized provide guidance in determining submittal requirements and performance standards.

Kenyon Township has indicated that it will meet to consider the CUP request from Horizon Wind Energy until after the June 18, PAC meeting. Direction has been received from Township Officials, however, indicating they will not object to the PAC taking action on the CUP request prior to Township action as long as the applicant is clearly reminded that they are subject meeting any Township requirements if the CUP is approved

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by Goodhue County. Township consideration of Horizon Wind Energy's CUP should be completed prior to consideration of this item by the County Board.

Goodhue County previously approved the use of a Meteorological Test Pole for Kenyon Wind, Inc., also in Kenyon Township. That permit was approved for a two year duration.

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 one of the three potential sites 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. **All of the surrounding property around each of the potential sites is zoned A-1 and temporary use any one of the three potential sites for a meteorological test pole 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. Each of the sites offers the potential for access to a County Highway or 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, offstreet 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 of the conditional use permit for a temporary tip-up meteorological test pole in an A-1 Zone with the following conditions:

- 1) **Horizon Wind Energy may construct a 197' (60 meter) temporary, tip-up meteorological test pole on only one of the following three sites: Parcel ID# 360330200, 240 acres; Parcel ID#: 360350100, 160 acres; and, Parcel ID#: 220220400, 279 acres.**

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- 2) **The applicant shall provide evidence to the Zoning Administrator that all necessary approval have been obtained from Kenyon 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 five years from the date of Conditional Use Permit approval by the Goodhue County Board.**

Discussion:

M. Wozniak noted Kenyon Township approved one site and Goodhue County staff would approve all sites.

B. Overby clarified condition 2 with regard to land ownership and addressed mix-up in Kenyon Township write-up of 1 versus 3 site approvals. He commented that Kenyon Township board agreed to fix problems.

M. Wozniak reaffirmed applicant is able to select 1 of 3 sites.

M. Patterson asked S. Michels for clarification on times in condition 6.

M. Wozniak answered that discontinued use before 5 years or limit of 5 years would be final language and that staff would readjust language to make clear.

B. Overby agreed.

M. Patterson agreed to ensure proper language used for intent.

S. Michels asked if Kenyon Wind had tower up still.

B. Overby answered yes, yet it will come down.

M. Wozniak stated that a letter was sent out to Kenyon Wind as a deadline notification for June 1, 2007 extraction.

B. Overby stated that Kenyon Wind was permitted for 2 years previously.

S. Michels questioned why data was not used from that site for weather data.

B. Overby stated the land has different features.

M. Wozniak said that concern was previously addressed in meetings with Horizon Wind.

H. Stenerson commented on setbacks and asked what ordinance would document them or if the Conditional Use Permit would address setbacks if not yet in WECS Ordinance.

S. Michels asked if it's proper to reference new ordinance.

M. Wozniak stated yes to address, with 1.1 times the height of proposed tower as standard in new ordinance for the setback requirement. He added that the fall zone of the tower be certified by a professional engineer as per new ordinance. He noted applicant could state choices or priority of sites.

T. Smith of Horizon stated corner site chosen to work with guide tower with setbacks.

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S. Blue asked if guide wires were the exact height away.

M. Wozniak and M. Patterson answered distance question.

S. Blue suggested necessary setbacks be at a minimum of 1.1 times the distance from dwellings or borders or roads as may apply in any use.

B. Overby asked how are setbacks stated in ordinance.

S. Blue reaffirmed 1.1 height in tower setback distance not guidewires length.

M. Patterson agreed with 1.1 times the height as setback.

S. Michels asked if guide towers would fall inside guide wire distance as fall zone.

M. Wozniak stated engineer could add fall zone data to site plans.

T. Smith asked if setbacks would be covered also in building permit process as well.

M. Wozniak stated not much in current ordinance for facility thus Conditional Use Permit process would be establishing setbacks from property line and setbacks from structures. Setbacks of this nature not necessarily typical of building permit review.

H. Stenerson stated he is not against issue but would like restrictions placed on site and asked what criteria would applicant use to choose site.

T. Smith of Horizon stated that Herrlich's had multiple sites and what would be looked at is elevation, exposure, wind data, and fundamental data input to decide.

H. Stenerson asked if the evaluation was done yet.

T. Smith stated yes, with sites pre-screened and not preferring one versus another.

D. Rehtzigel stated one site is close to Dodge County and suggested a courtesy call to Dodge County planning.

M. Wozniak stated he would.

B. Overby asked if mail-outs go to neighboring county residents.

M. Wozniak stated adjoining municipal jurisdictions are mailed to. He noted applicants can be made responsible if needed, but Goodhue County has not required that thus far.

S. Blue commented about the nuisance to staff to complete mail-outs or not knowing sureness of professional mail-out. She suggested applicant perform function in future.

M. Wozniak stated burden in future can be on applicant to get mailing list.

S. Blue restated she meant to say staff calls Dodge County as professional measure.

M. Wozniak stated that staff has done that in past and present but not obtaining outside property owner addresses.

S. Blue wanted full notice to all for complete public hearings.

M. Wozniak stated this topic could be handled further outside of meeting.

H. Stenerson commented that professional courtesy applied to neighbor counties with their choice of allowing lists of addressee's.

T. Smith asked about condition 3 sites with parking allowances.

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M. Wozniak commented that it was a service question.

T. Smith stated that meteorological tower would be temporary with minimal impact on land.

D. Rehtzigel commented that it needs to be low maintenance.

M. Wozniak reaffirmed standards.

C/S. Michels opened public comments; None stated.

B. Overby recommended that county recommend all 3 sites for 1 meteorological tower.

M. Patterson stated motion be met with conditions.

⁵Motion by M. Patterson and seconded by B. Overby to the Conditional Use Permit of Horizon Wind Energy LLC/ Lois and Ivan Herrlich for temporary, tip-up meteorological test pole in the A-1 Agricultural Protection District. Motion carried 8-0.

B. Overby noted Kenyon Wind notified prior to start of this project. He suggested Commission find out what roads are to be used and then have a Goodhue County engineer go to videotape the installment of the test pole.

M. Wozniak said staff will touch base with Horizon Wind and engineers prior to start.

D. Rehtzigel stated he will be present to see trucks roll in with structure.

S. Blue asked how will trucks turn to navigate to site.

B. Overby stated areas filled in to handle wide turns.

M. Wozniak stated Wind Energy technology in general is expanding in the future.

B. Overby stated Horizon has new intent with limited land use.

S. Blue commented on potential tower interference with honey bees in other localities nationwide.

⁶Moved by M. Patterson and seconded by B. Overby to adjourn the July 16, 2007 Planning Advisory Commission meeting at 8:10 p.m. Motion carried 8-0.

Respectfully Submitted,

Kelly Moriarty

Recording Secretary

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MOTIONS

¹ APPROVE July 16, 2007 agenda.. Motion carried 6-0.

² APPROVE June 18, 2007 minutes. Motion carried 6-0.

³ APPROVE the zoning ordinance admendment for article 23 wind energy conversion systems and the renumbering and restructuring of the rezoning ordinace. Motion carried 8-0.

⁴ APPROVE conditional use permit for Hadler. With conditions stated in staff recommendations. Motion carried 8-0.

5 APPROVE the conditional Use Permit of Horizon Wind Energy LLC? Lois and Ivan Herrlich for temporary, tip-up meteorological test pole in the A-1 Agricultural Portttection District. Motion carried 8-0.

⁶ADJOURN July 16, 2007 Planning Advisory Commission meeting at 8:10 p.m. Motion carried 8-0.