

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
May 15, 2023 MEETING MINUTES
DRAFT

The meeting of the Goodhue County Planning Advisory Commission was called to order at 6:00 PM by Vice-Chair Richard Nystuen at the Goodhue County Government Center in Red Wing.

Roll Call

Commissioners Present: Tom Gale, Richard Miller, Darwin Fox, Marc Huneke (arrived at 6:03 PM), Howard Stenerson, Richard Nystuen, and Todd Greseth.

Commissioners Absent: Chris Buck

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Samantha Pierret, and Zoning Administrative Assistant Patty Field.

1. Approval of Agenda

¹Motion by Commissioner Miller; seconded by Commissioner Fox to approve the meeting agenda.

Motion carried 6:0

2. Approval of Minutes

²Motion by Commissioner Greseth; seconded by Commissioner Miller to approve the previous month's meeting minutes.

Motion carried 6:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings

PUBLIC HEARING: Request for CUP for a Non-Agricultural Use Associated with Agri-Tourism (Wedding and Event Center)

Request for CUP submitted by James Goplen (Owner) to establish a wedding and event center with a proposed maximum occupancy of 299 guests. Parcel 40.022.0600. 49540 158th AVE Pine Island, MN 55963. The NE ¼ of the SE ¼ of Section 22 TWP 109 Range 16 in Roscoe Township. A-1 Zoned District.

Pierret presented the staff report and attachments.

Commissioner Gale asked if they need a permit from Roscoe Township for the proposed use.

Pierret stated the Township reviewed the request and signed the acknowledgment. However, they do not need a separate permit from them.

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
May 15, 2023 MEETING MINUTES
DRAFT

Vice-Chair Nystuen Opened the Public Hearing

Pierret summarized a letter received from an attorney for a neighboring property owner in opposition to the request based on some of the zoning definitions. They do not feel this fits in an A-1 district. There are also concerns about the safety of the road, dust control, and things of that nature. A copy has been provided to the Applicant, was emailed to the commissioners and a hard copy was at each commissioner's chair tonight. This letter should be entered into the record.

John Giesen, an attorney representing David Bye (neighboring property owner), stated that the language of the Ordinance should apply. This is not a non-agricultural use associated with agricultural tourism, this is simply a non-agricultural use.

David Bye, 50130 158th Avenue, Pine Island. He is south of the property in question, towards County Road 11. He stated this will negatively affect his family. There will be high traffic and his feedlot is close to the road. Events with alcohol will be a big liability to his family. If someone hits the fence and livestock gets out and someone hits an animal, he would be liable, even though he did not even know the fence was broken. Crossing the road with more traffic would be dangerous. He is on that road constantly in the summertime. He doesn't want to see anyone get hurt.

Mr. Bye read a letter from his son, Eric Bye. He is concerned for safety due to the large equipment they use with the additional traffic on the road. Mr. Bye provided some pictures and the letter for the record.

Dennis Kohlgagen, 50117 158th Avenue, Pine Island, stated they just built their forever home. They did some research before purchasing the property and chose this location knowing there would not be any large commercial properties nearby that would increase the traffic flow in the area. His concern is the traffic. The road is not meant for a lot of traffic. They would never have built their house where they did if they had known that a business, including serving alcohol, would be just down the road.

Mr. Goplen (Owner/Applicant) stated that this road does go in both directions. Not everybody has to come past their places. He has some good friends who farm on the other side of Pine Island where the Pondview Event Center is located. That facility is on a dead-end road and everyone has to go past the farm and they have not had any problems.

3After Vice-Chair Nystuen called three times for comments it was moved by Commissioner Stenerson and seconded by Commissioner Huneke to close the Public Hearing.

Motion carried 7:0

Hanni stated that it sounds like one of the biggest concerns is the safety of the road. She questioned whether the applicant and the Board would consider that event traffic must be routed from 158th AVE north to 490th AVE then east to County 43 BLVD and then they could

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
May 15, 2023 MEETING MINUTES
DRAFT**

head south to County 11 BLVD. They could direct traffic that way to avoid all of the hills and farm equipment that was brought up.

Commissioner Stenerson said that traffic signs may or may not work. His concern is safety and A-1 protection. The CUP goes with the land, so when the land is sold, the CUP is still valid. He has a problem supporting this in an A-1 District.

Commissioner Miller indicated that he has a farm close to the Pondview Event Center and has not had any issues at all with the traffic pattern during harvest or planting. He does not see that as a major issue. He also mentioned that an Interim Use Permit could be issued rather than a CUP. The IUP does not go with the land so in the event the land was sold, the IUP would become invalid at that time.

Commissioner Greseth said if they were building a new building, he would be against the request. However, the Applicant has an existing building and he does not see that much of a change.

Commissioner Gale asked what if, in the future, they want to add another high-density hog barn.

Commissioner Greseth stated that having the event center is not going to change the 1000-foot setback required from Feedlots.

Commissioner Stenerson said the 1000-foot setback is the minimum setback. There is also the odor offset distances and farming operations keep expanding. The more animal units, the further that offset distance needs to be which is an issue. It isn't just 1000 feet from the venue, it is 1000 feet plus whatever the odor offset would be. We are potentially restricting a feedlot expansion in what has become one of the big profit centers of agriculture that we are trying to protect.

Commissioner Greseth stated that the farm site is already established so whatever they are doing there is not going to change anybody else's setbacks coming in. If they were proposing to add housing units, that does change that 1000-foot setback and that is going to restrict your animal units.

4It was moved by Commissioner Miller and seconded by Commissioner Greseth for the Planning Advisory Commission to:

- adopt the staff report into the record;
 - adopt the findings of fact;
 - accept the application, testimony, exhibits, and other evidence presented into the record;
- and

Recommend the County Board of Commissioners **APPROVE** the request from James Goplen to establish a wedding/event facility with a maximum occupancy of 299 guests. Subject to the following conditions:

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
May 15, 2023 MEETING MINUTES
DRAFT**

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this IUP;
2. Hours of operation shall be year-round Fridays and Saturdays from 8:00 AM to midnight and Sundays from 8:00 AM to 10:00 PM;
3. Maximum occupancy shall be limited to 299 guests per event;
4. On-street loading, off-loading, and parking shall be prohibited;
5. All exterior signage located on the property must follow Goodhue County Zoning Ordinance Article 11 Section 17 (sign Regulations);
6. Applicant shall obtain Building Permit approval for change-of-use of an existing structure prior to establishing the use;
7. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
8. Compliance with Goodhue Counting Zoning Ordinance including, but not limited to, Article 11 Section 30 Non-Agricultural Uses Associated with Agricultural Tourism and Article 21 Agricultural Protection District;
9. This IUP shall expire upon the sale of the property; and
10. Event traffic shall be routed along 158th Avenue north of the site to 490th Street. Maps shall be provided to guests and the route shall be clearly posted with signs.

Commissioner Fox thinks that re-routing traffic is important due to the hills and curves on 158th Avenue in the wintertime.

Commissioner Stenerson asked if the Township was liable if a Township road became a safety issue.

Hanni stated that it is the responsibility of the Townships to maintain its roads.

Motion carried 5:2 (Commissioner Stenerson and Commissioner Gale opposed)

PUBLIC HEARING: Request for CUP for a Contractors Yard (L&L Trucking of Mazeppa Inc.)

Request for CUP submitted by Luke Luhman (Owner/Operator) to allow a Contractors Yard for parking and storage of trucks as part of L&L Trucking of Mazeppa Inc. Parcel 47.014.0201. 42107 228th AVE Mazeppa, MN 55956. Part of the NW 1/4 of the NE 1/4 of Section 14 TWP 110 Range 15 in Zumbrota Township. A-1 Zoned District.

Pierret presented the staff report and attachments.

Commissioner Stenerson asked if there had been any complaints.

Pierret said not from any of their neighbors.

Vice-Chair Nystuen Opened the Public Hearing

No one spoke for or against the request.

5After Vice-Chair Nystuen called three times for comments it was moved by Commissioner Stenerson and seconded by Commissioner Huneke to close the Public Hearing.

Motion carried 7:0

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
May 15, 2023 MEETING MINUTES
DRAFT**

Commissioner Stenerson indicated that this is not incompatible because farms all use machinery. We may want to consider this as an IUP so it follows the ownership of the property and expires with the sale of the land.

It was moved by Commissioner Stenerson and seconded by Commissioner Fox for the Planning Advisory Commission to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

Recommend the County Board of Commissioners **APPROVE** the request submitted by Luke Luhman (owner/operator) for a Contractors Yard.

Subject to the following conditions:

1. The Contractors Yard shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this IUP;
2. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agricultural Protection District) and Article 11 Section 33 (Contractors Yards);
3. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
4. No on-street parking, loading, or off-loading permitted; and
5. This IUP shall expire upon the sale of the property.

There was discussion as to whether a 5th condition requiring that no hauled materials be stored on-site should be added. Commissioner Stenerson indicated that we do have junk ordinances to deal with those situations.

Motion carried 7:0

Other Discussion

Discussion of Ordinance Amendments (Rural Tourism) continued.

Pierret stated that a map of the county and the agricultural tourism, wedding venues, orchards, etc. were included in the packets. Anything that she could find with a quick Google search are shown and the zoning districts those are in. Also included were some proposed definitions and wording for Rural Tourism and Agricultural Operations with some language suggestions incorporated. A CUP ends after the operation ceases to exist for a year or more.

7ADJOURN: Motion by Commissioner Fox and seconded by Commissioner Miller to adjourn the Planning Commission Meeting at 7:04 p.m.

Motion carried 7:0

Respectfully Submitted,

Patty Field, Zoning Administrative Assistant

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
May 15, 2023 MEETING MINUTES
DRAFT

MOTIONS

¹ APPROVE the PAC meeting agenda

Motion carried 6:0

² APPROVE the previous month's meeting minutes

Motion carried 6:0

³ Motion to close the Public Hearing

Motion carried 7:0

⁴ APPROVE the request for an IUP to establish wedding/event facility

Motion carried 5:2 (Stenerson and Gale opposed)

⁵ Motion to close the Public Hearing

Motion carried 7:0

⁶ APPROVE the request for a IUP for a Contractor's Yard

Motion carried 7:0

⁷ ADJOURN. Motion to adjourn the meeting

Motion carried 7:0

UNOFFICIAL UNTIL APPROVED BY THE PAC