



GOODHUE COUNTY MINNESOTA

TO EFFECTIVELY PROMOTE THE SAFETY, HEALTH, AND WELL-BEING OF OUR RESIDENTS

Goodhue County Planning Commission
Government Center - Board Room
509 West 5th St, Red Wing MN 55066

Planning Advisory Commission

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. June 18, 2018 Planning Advisory Commission Draft MEETING MINUTES

Documents:

[MINUTES_JUNE2018_PAC_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

Public Hearings:

1. PUBLIC HEARING: Request For Amendment To Existing CUP For A Retreat Center And Scrapbooking Retail Store (Firefly Farm LLC)
Request, submitted by Firefly Farm LLC (Trisha Studer), to amend CUP Z16-0060 (approved 10/04/16) to modify plans for a proposed Retreat Center and existing scrapbooking retail store. Parcel 39.033.0800. 51525 210th Ave, Pine Island, MN 55963. Part of the E½ of SE¼ Sec 33, Twp 109, Range 15, in Pine Island Township. A3 Zoned District.

Documents:

[PACPACKET_FIREFLYFARM_AUG2018.PDF](#)

Other-Discussion

Adjourn

Anyone interested is invited to attend. Agenda items may be subject to change.

Goodhue County Land Use Management

♦ Goodhue County Government Center ♦ 509 West Fifth Street ♦ Red Wing ♦ Minnesota ♦ 55066 ♦
♦ Building ♦ Planning ♦ Zoning ♦ Telephone: 651/385-3104 ♦ Fax: 651/385-3106 ♦

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Planning Advisory Commission was called to order at 7:00 PM by Chair Darwin Fox at the Goodhue County Government Center 3rd Floor Board Room in Red Wing, Minnesota.

Roll Call

Commissioners Present: Len Feuling, Tom Gale, Darwin Fox, Marc Huneke, Richard (Dick) Nystuen, Sarah Pettit

Commissioners Absent: Ron Allen, Tom Drazkowski,

Staff Present: Land Use Management Director Lisa Hanni, Zoning Administrator Mike Wozniak, Zoning Assistant Ryan Bechel

1. Approval of Agenda

¹Motion by Commissioner Feuling; seconded by Commissioner Nystuen to approve the meeting agenda. Motion carried 5:0 (Huneke absent)

2. Approval of Minutes

²Motion by Commissioner Gale; seconded by Commissioner Feuling to approve the previous month's meeting minutes. Motion carried 5:0 (Huneke absent)

3. Conflict/Disclosure of Interest

There were no reported conflicts of interest.

4. PUBLIC HEARINGS: Request for Map Amendment (Rezoning)

Request for map amendment submitted by David Lorentz to rezone 11.35 acres from A2 (Agriculture District) to R1 (Suburban Residence District). Parcel 41.014.1500. 4900 Scout Ridge RD Cannon Falls, MN 55009. Part of the SE ¼ of the NE ¼ in Sect 14 Twp 112 Range 18 in Stanton Township. Dan Nokomis (Applicant) was present to represent the application.

7:08 Commissioner Huneke arrives.

The Applicant (Dave Lorentz) was present to represent the application.

Lisa Hanni (Hanni) presented the staff report and attachments. Hanni recommended that the item not be brought to the County Board for consideration until July 2nd to ensure Mr. Lorentz attains driveway access approval from MNDOT prior to approving the rezoning.

Commissioner Pettit inquired about the "60-day" (MN Stat. 15.99) rule limitations.

Hanni responded that the County has until July 9th to make a decision to meet the 60-day rule requirements.

Chair Fox opened the Public Hearing.

Dave Lorentz (Applicant) mentioned that he has had conversation with Scott Johnson of MNDOT and has been told he will have the signed agreement available prior to the 6/19/18 County Board meeting. He provided a copy of an email conversation detailing driveway access conditions from MNDOT (Attachment 1). He added that he desires to have a decision made as soon as possible to accommodate a modular home that he has ordered and is ready for delivery to the site.

Hanni responded that the email provided is not the driveway access permit approval that is

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

required. Hanni added that the reason for requiring the driveway access approval prior to approving the rezone is to prevent a situation where MNDOT would need to grant a second driveway access to the northern lot if an easement weren't in place for that parcel to have access through the southern parcel. She reminded the Applicant that permits would be required prior to bringing any structures onto the property.

³After Chair Fox asked three times for comments, it was moved by Commissioner Feuling and seconded by Commissioner Gale to close the public hearing. Motion carried 6:0

Hanni clarified that staff is recommending that the PAC approve the request for rezone and direct staff as to whether they should wait to have the County Board consider the request until the Applicant has received driveway access permits from MNDOT.

Commissioner Fueling mentioned that Stanton Township is predominantly residential and felt that the rezone was compatible with the area.

⁴Motion by Commissioner Nystuen seconded by Commissioner Huneke, for the Planning Advisory Commission to:

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

Recommend that the County Board of Commissioners **APPROVE** the map amendment request from David Lorentz to rezone 11.35 acres from A2 (Agriculture District) to R1 (Suburban Residence District). Parcel 41.014.1500. 4900 Scout Ridge RD Cannon Falls, MN 55009. Part of the SE ¼ of the NE¼ in Sect 14 Twp 112 Range 18 in Stanton Township.

Motion Carried 6:0

Commissioner Nystuen asked if staff would be comfortable allowing the Applicant's request to be considered on 6/19/18 by the County Board if they were able to resolve the issue prior to approving a building permit.

Hanni responded that she was concerned that an access easement wouldn't get recorded before a potential sale of the 2 parcels.

Commissioner Gale asked if the Applicant could get the easement access recorded prior to the 6/19/18 County Board meeting.

Hanni said she could work with the Applicant to get it recorded.

The PAC recommended that staff use their discretion to determine if the request is ready to be considered prior to the 6/19/18 County Board Meeting.

PUBLIC HEARING: IUP request for Home Business

Request for an Interim Use Permit (IUP) submitted by Steve Jacobsen (Cannon Custom Cabinets) to reestablish a home-based cabinetry business destroyed by fire. Located at 30700 Oxford Mill RD Cannon Falls, MN 55009. Parcel 41.013.5501. Part of the SW ¼ of the SE¼ and SE¼ of the SW¼ in Sect 13 Twp 112 Range 18 in Stanton Township. A3 Zoned District.

Steve Jacobsen (Applicant) was present to represent the application.

Lisa Hanni (Hanni) presented the staff report and attachments.

Commissioner Nystuen questioned the ability to enforce a condition specifying "occasional"

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

hours on Saturday and Sundays.

The Applicant stated that he typically avoids working on weekends. However, he would like the ability to operate on Saturdays if there were a need. He added that he utilizes his shop for personal use in his off-time and does not want to be restricted from being able to work on personal projects on the weekend. He added that Stanton Township is recommending allowing him to operate on Saturdays from 7:00 AM to 5:30 PM.

Hanni clarified that personal projects would not be regulated with this proposal.

The Applicant added that his intent is to not work Saturdays but he would like to reserve that option if demand called for it.

Commissioner Nystuen recommended amending the condition regarding working hours to state Monday through Saturday from 7:00 AM to 6:00 PM.

Hanni commented that the Applicant will still be bound by any conditions placed upon his operating hours through Stanton Township's CUP process.

Chair Fox opened the Public Hearing.

Janelle Sternitzky, 30991 Oxford Mill Road, stated that she lives adjacent to the Applicant. Janelle asserted that the Applicant operates 7 days per week. She raised concerns regarding burning of cabinet making byproducts and other materials on the property (such as furniture, mattresses, and wood materials). Janelle stated she wants the burning of materials to stop and further added that fumes coming from the operation need to be addressed. Janelle commented that given the scale of the Applicant's operation, it may be more appropriate in a commercial district and not a residential area.

Aaron Deutsch, 55439 Deerwood Drive, stated he lives directly south of the Applicant and is the nearest neighbor. He has never had any issues with dust, odor, fumes, or noise. He voiced support of the Applicant's proposal.

Ruth Sternitzky, 30991 Oxford Mill Road, stated she is now retired and is home during the day to hear noises compared to those that are gone to work during the day. She stated that after the fire she has become more aware of the level of noise that was being produced given the lack of noises with the current absence of the operation. She feels the Applicant's business has expanded beyond what is reasonable for the area.

⁵After Chair Fox asked three times for comments, it was moved by Commissioner Pettit and seconded by Commissioner Feuling to close the public hearing.

Motion carried 6:0

Hanni clarified staff's remarks regarding the home business being conducted primarily within the proposed structure stating that staff's understanding is that the cabinet production would take place within the structure and the loading and unloading would take place outside.

The Applicant agreed with Hanni's statement and added that the new structure has been designed to accommodate indoor loading and unloading to prevent materials from being damaged in inclement weather.

Hanni mentioned that if materials are being inappropriately burned that staff should be notified so Goodhue County Solid Waste can address any issues.

Commissioner Pettit asked if ventilation concerns expressed during the public hearing were

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

more of a concern that would fall within OSHA's purview.

Hanni replied that ventilation requirements are typically reviewed through commercial building code review which his building would be subjected to.

Commissioner Nystuen asked the Applicant if he believed the noise outputs from the site would be different from previous levels.

The Applicant responded that they did not anticipate noise levels to change from what they've been for the past 17 years. The new building will be spray-foamed which should provide additional sound reduction compared to the fiberglass insulation in the old building. He mentioned that the neighbors that spoke in opposition during the public hearing had not voiced any issues with their business until recently when they had a project that they were working on denied by Stanton Township. He added that it was discussed at the Stanton Township Planning Commission meeting that a larger dumpster would be utilized for this business and burning on the property would be limited to recreational fires only.

Commissioner Pettit questioned if the tree line along the west side of the property (indicated on the aerial photos) which separates the business from the opposing neighbors to the west was still in place.

The Applicant responded it was.

¶Motion by Commissioner Pettit seconded by Commissioner Gale, for the Planning Advisory Commission to:

- adopt the staff report into the record;
- adopt the findings of fact;
- amend staff suggested condition #2;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

Recommend that the County Board of Commissioners **APPROVE** the request from Steve Jacobsen for an IUP to reestablish a Tier-3 Home Business.

Subject to the following conditions:

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 Monday through Saturday, 7:00 AM to 6:00 PM;
3. On-street parking shall be prohibited;
4. On-street loading or off-loading shall be prohibited;
5. Applicant shall obtain Building Permit approvals for the proposed structure from the Goodhue County Building Permits Department prior to establishing the use;
6. Applicant shall work with Goodhue County Environmental Health to achieve compliance with the Goodhue County SSTS Ordinance;
7. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 12, Home Businesses and Article 23 A3, Urban Fringe District.

Motion carried 6:0

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

PUBLIC HEARING: Request for CUP for a Contractors Yard (Alfred Bear)

Request for CUP submitted by Alfred Bear (Bear's Overhead Door) to establish a Contractors Yard for a commercial door service and installation business. 37509 County 4 BLVD Goodhue, MN 55027. Parcel 33.023.0600. Part of the NW ¼ of SW ¼, Sect 23 Twp 111 Range 15 in Goodhue Township. A1 Zoned District.

Mark Beeche was present to represent the application on behalf of the applicant.

Hanni presented the staff report and attachments. She noted that staff would like to strike suggested condition #3 regarding driveway access permit approval as the applicant has an existing approved driveway access and no additional access is being proposed with the request.

Commissioner Pettit asked if a site visit was conducted.

Mike Wozniak (Wozniak) stated that staff had conducted a site visit and would note that the Applicant conducts a clean, well-run operation. He added that the nearest dwellings are located approximately 1100 feet from the location of the business.

Commissioner Fox questioned the hours specified in the suggested conditions which stipulate Monday through Friday only. He noted that a garage door business typically needs to operate occasionally on weekends to accommodate emergency service calls.

Mark Beeche (34725 Betcher Trail Goodhue, MN) stated that he doesn't work weekends but that Alfred Bear (Applicant) will occasionally.

Wozniak noted that the application did not distinguish the days of the week that it was requesting to operate, but rather only the daily hours. Staff took the conservative approach to recommend working days be limited to Monday through Friday.

Commissioner Nystuen was concerned that limiting weekend hours would prevent the Applicant from being able to attend to emergency service calls on the weekend which is a necessary part of the particular type of business.

Chair Fox opened the Public Hearing.

No one spoke for or against the request.

After Chair Fox asked three times for comments, it was moved by Commissioner Pettit and seconded by Commissioner Huneke to close the public hearing.

Motion Carried 6:0

Commissioner Pettit asked if adequate space was available for semi-trucks to circulate through the property without offloading on the street. She added that she had received a complaint regarding a situation in which a truck was being off-loaded at an on-street location.

Wozniak mentioned there is a loading dock set up on the existing structure and a circular driveway access to accommodate off street unloading of semi-trucks.

Mr. Beeche added that trucks are required to circulate through the site in order to get turned around and off-load.

8Motion by Commissioner Feuling seconded by Commissioner Nystuen, for the Planning Advisory Commission to:

- adopt the staff report into the record;

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

- adopt the findings of fact;
- remove staff suggested condition #3;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

Recommend the County Board of Commissioners **APPROVE** the request from Alfred Bear (Bear Overhead Doors LLC) for a CUP to establish a Contractors Yard. Upon approval, this Conditional Use Permit will replace and cause the 2012 Conditional Use Permit for a Home Occupation Permit to be revoked.

Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP
2. Hours of operation shall be year-round, Monday through Friday from 6:30 AM to 6:30 PM;
3. ~~Applicant shall obtain a driveway access permit from Goodhue County Public Works prior to establishing the use;~~
3. On-street parking shall be prohibited;
4. On-street loading or off-loading shall be prohibited;
5. Applicant shall obtain Building Permit approvals for the proposed structure from the Goodhue County Land Use Management Department prior to establishing the use;
6. Compliance with Goodhue County Zoning Ordinance including, but not limited to Article 21 A-1 (Agriculture Protection District) and Article 11 Section 33 (Contractors Yard);
7. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

Motion Carried 6:0

PUBLIC HEARING: Request for CUP for a Contractors Yard (Thomas Demartini)

Request for CUP submitted by Thomas Demartini (Demartini Trucking) to establish a Contractors Yard for a commercial trucking business. TBD County 9 BLVD Goodhue, MN 55027. Parcels 25.029.0309 and 25.029.0303. Part of the NW ¼, Sect 29 Twp 111 Range 16 in Belle Creek Township. A1 Zoned District.

Thomas Demartini (Applicant) was present to represent the application.

Hanni presented the staff report and attachments.

Commissioner Fox questioned why the application was being considered as a CUP and not an IUP.

Wozniak replied the choice to approve the request as a CUP or IUP is determined through the CUP process. He noted that Home Businesses are required by Ordinance to be issued as IUP's because the operation is tied with the dwelling.

Hanni noted that the PAC should consider the amount of investment needed for an operation such as this and understand that it if were approved as an IUP that the operation would potentially have to cease upon point of sale.

Tom Demartini (Applicant) 16919 HWY 60 BLVD Zumbrota, MN added that hours are variable from day to day depending on the amount of work.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

Commissioner Fox asked what type of trucking business the Applicant operates.

The Applicant replied the business provided hauling and transport for road construction projects. The applicant clarified that dump trucks were utilized for the operation not semi-tractors and trailers.

Commissioner Huneke asked the applicant if he requested hours to be from 4:00 AM to 8:00 PM in order to allow for a flexible schedule rather than that they would be operating constantly throughout the day during those times.

The Applicant confirmed that was the reasoning for the broader hours. He added that they haul snow in the winter which requires being available 7-days per week.

Commissioner Gale questioned if the trucks would be permanently stored inside.

The Applicant responded that they would be stored inside and that they are newer model year trucks (2018's) that are quieter than older models.

Commissioner Fueling asked the Applicant to clarify the location of the proposed driveway.

The Applicant stated the driveway would utilize the existing field road access which is in the northeast corner of the proposed parcel.

Commissioner Gale asked where the structure was going to be located.

The Applicant clarified it would be located on the east side of the proposed parcel and be situated 40 feet from the south property line as indicated on his provided site plan.

Commissioner Fueling questioned the visibility of traffic from the west on CTY 9 BLVD from the proposed access drive.

The Applicant stated he did not feel there were any issues with visibility.

Ryan Bechel (Bechel) added that, at the recommendation of Goodhue County Public Works Director Greg Isaacson's suggestion, staff conducted an "8-second" sight-distance test to evaluate the safety of the proposed site entrance. Staff found that lead times ranged from 10-14 seconds and noted that traffic appeared to be moving faster than the posted speed limit (55 mph).

Commissioner Nystuen questioned the Applicant if he would be open to utilizing calcium chloride annually to aid with dust control on site rather than water alone.

The Applicant stated he would not be opposed to applying calcium chloride to control dust.

Commissioner Pettit questioned the statement in the application that the proposed building was for "agricultural purposes."

Wozniak responded that given the building is proposed to be used for commercial purposes it will be subject to commercial building code review by the Goodhue County Building Permits Department.

Chair Fox opened the Public Hearing.

Joshua Wyatt, 13466 CTY 9 BLVD, stated he is the neighbor immediately to the north of the proposed site and is opposed to the request. He raised concerns regarding the completeness of the Applicant's site plan, the potential negative impacts to adjacent property values, the hours of operation, and concerns with lighting and noise that would be generated by the proposal.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

Additionally he discussed concerns with privacy involving the positioning of proposed security cameras and stressed safety concerns with the proposed driveway access location. He stated he would recommend that the use be permitted as an IUP if the PAC were in favor of recommending approval. Furthermore, he suggested additional conditions and proposed modifications to staff's suggested conditions. He submitted a written summary of his concerns (See attachment 2).

Roselyn Hjermstad, 30830 Woodhaven Trail, is a member of Cannon Falls Township. She expressed concerns with Contractors Yards being allowed within 100 feet of a residence by ordinance. She is opposed to the request. She submitted a written statement (See attachment 3).

Julie Magalis 11856 CTY 9 BLVD stated she lives approximately 1 mile west of the proposed site. She expressed concerns with the public safety regarding the Applicant's proposed driveway access point and with the proposed hours of operation.

Mike Muggli 12896 375th ST stated he felt the type of noise that would be generated with request is unacceptable for the area and is opposed to the request.

9After Chair Fox asked three times for comments, it was moved by Commissioner Feuling and seconded by Commissioner Huneke to close the public hearing.

Motion Carried 6:0

Commissioner Gale commented that the proposal was brought before the Belle Creek Town Board at their last meeting. He stated the township didn't have any major issues with the proposal but wanted to make it clear that the building could not be used as a dwelling. He also mentioned the township had concerns regarding exterior storage, noise, and the hours of operation. Regarding the driveway access, the Township would defer to the county as it is a County Road. He added that Belle Creek ultimately was in favor of approval of the request but mentioned the hours of operation did not appear consistent with what was brought before the Belle Creek Town Board by the seller (Les Lundell).

Commissioner Nystuen commented that the hours of operation are realistic for a trucking operation but the question is whether or not they are appropriate for the proposed location.

Commissioner Pettit stated that the site is in an A1 district and the noise that would be generated by the business is typical of farm hauling and transport activities customarily present in the district and is not incompatible. She added that she was very concerned with public safety with respect to the Applicant's proposed driveway access onto CTY 9 BLVD.

Commissioner Feuling commented that a 10-14 second sight-distance time may not be adequate for dump trucks exiting the site especially if there are multiple trucks attempting to enter the highway at the same time.

Hanni mentioned that the parcel purchase agreement would need to be reconfigured as the current agreement doesn't have any property fronting on CTY 8 BLVD.

Commissioner Fox added if the operation were to exit onto CTY 8 BLVD there is a stop sign there.

Hanni asked the Applicant if he understood what the PAC was recommending.

The Applicant responded he understood the PAC was asking him to reconfigure his proposal to have it exit onto CTY 8 BLVD instead of CTY 9 BLVD.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

There was discussion amongst the PAC regarding public safety and a driveway access onto CTY 8 BLVD.

¹⁰Motion by Commissioner Pettit seconded by Commissioner Gale, 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 **DENY** the request from Thomas Demartini for a CUP to establish a Contractors Yard.

Motion Denied 2:4

¹⁴Motion by Commissioner Feuling seconded by Commissioner Fox, for the Planning Advisory Commission to:

TABLE the request from Thomas Demartini for a CUP to establish a Contractors Yard to allow the Applicant time to provide additional information including a more detailed site plan and allow the Applicant an opportunity to explore relocating the site so that the driveway could access CTY 8 BLVD instead of CTY 9 BLVD.

Motion Carried 6:0

PUBLIC HEARING: Request for Conditional Use Permit (CUP) for a Contractors Yard (Simanski Metals LLC)

Request for a CUP by Simanski Metals LLC (Authorized Agent: Kevin Simanski) to construct and operate a Contractors Yard. Parcel 340081400 and Parcel 340081500. Part of the SE ¼ of NW ¼ of Sect 8 Twp 112 Range 14 in Hay Creek Township.

Kevin and Margaret Simanski (Applicants) were present to represent the application.

Wozniak presented the staff report and attachments.

The Applicant's attorney Patrick J Kelly (Kelly and Lemmons P.A.) commented on behalf of the Applicants. He stressed that the proposal before the PAC is not a request for a metals recycling facility and that the proposal meets all the applicable performance standards required by Ordinance for a Contractors Yard. He recognized that the area is predominantly residential but the Simanski's property is already partially zoned B2 (Highway Business District) which administratively permits intensive commercial business such as restaurants, truck stops, gas stations, etc. He posited those uses would be more disruptive to the character of the area than what the Applicants are requesting. He clarified that the Simanski's have recorded a combination of the 2 parcels to ensure the 3 acre minimum standard is met and have closed off the secondary driveway access permit on the north end of the lot. He further noted that MNDOT has approved the Applicant's access request. He stressed that the Applicants will not be hauling, or permitted to haul, any hazardous waste materials. He provided 2 visuals depicting proposed vegetation and screening along property boundaries. He also mentioned the Applicants are receptive to asphaltting the portions of Hay Creek Hills Drive that are within the MNDOT R-O-W.

Kevin Simanski (Applicant) 28983 320th AVE Way, detailed the planned operations. He mentioned they currently have 5 trucks but do want to be able to expand in the future. He trucks in general will leave in the morning and be off-site hauling loads until the end of the

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

day. The majority of their work is currently in the Twin Cities area although one truck does run locally. He stated they need to be able to store loaded containers occasionally to accommodate pick-ups that happen after the landfills have closed for the day. He added that they have worked with MPCA and Goodhue SWCD to achieve all necessary compliance.

Commissioner Fox questioned asked the applicant to clarify the regulations concerning the storing of the demolition materials overnight.

Kevin Simanski responded that the materials are regulated the same by the MPCA whether they are sitting at the demolition site or at a different location such as the proposed Contractors Yard. The goal is not to bring loads back to the site, but occasionally it is logistically required to maintain efficiency for the business.

Chair Fox opened the Public Hearing.

Teresa Gadiant, 29407 HWY 58 BLVD, stated her property adjoins the Applicants property. She requested the PAC recommend denial of the CUP request as it would be detrimental to the surrounding residential properties. She stated that the request before the PAC is essentially the same as the request the PAC considered and recommended denial of at the May 2018 PAC meeting. She noted concerns regarding traffic, access, noise, and proximity to existing residential uses. She provided a written summary of comments and a letter from the City of Red Wing regarding the proposal (See attachment 4).

Scott Reed, 30971 Hay Creek Hills DR, provided a series of photos depicting erosional issues at the site following recent rainfall events (See attachment 5). He expressed public safety concerns regarding driveway access to the site. He felt that the Applicants proposed vegetative screening depicted earlier was suitable. He provided documentation regarding the MPCA's definition of a transfer facility and suggested the Applicant's proposal to store loaded containers on the site would meet the MPCA definition of a transfer facility (See attachment 6). He added that MPCA requirements specify containers being stored on site be covered and protected from the elements. He stated that if the PAC were to move forward with a recommendation for approval he would like to see a condition requiring loaded containers be stored under cover.

Chuck Zimmer, 31320 Hill Ave Red Wing, MN, stated he has been a neighbor of Kevin Simanski for many years and stated Kevin has been a great neighbor that is safety conscientious and pays attention to details and will follow through with any conditions placed upon him. He was in favor of the proposal.

Sue Reed, 30971 Hay Creek Hills Dr, expressed concerns regarding negative impacts to surrounding property values due to noise, traffic, and extensive operating hours. She further expressed concerns with groundwater contamination from leaking roll-off containers.

Patrick Oneill, 29382 HWY 58 BLVD, stated his property is located directly across HWY 58 from the proposed site. He concurred with previously stated noise, safety, pollution, and property value concerns. He stressed that the intersection of HWY 58 and Hay Creek Hills Dr is already dangerous and would be further degraded. He added that it would place an industrial use directly across from a residential (R1) district. He also added concerns with future enforcement of a CUP if granted.

Denny Tebby 664 23rd ST, Red Wing, stated he lives a mile and a half from the proposed site. He mentioned that a stormwater pollution prevention plan had been completed as indicated on the stormwater permit included in the staff report, however, that plan wasn't available for review by citizens or the PAC. He raised concerns regarding erosion on site and the lack of best

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

management practices in place for controlling sediment on site. He added concerns regarding conflicting screening plans on the site plans submitted by the Applicant. He mentioned that the Applicant had a cease and desist order placed on the site for non-compliance with zoning requirements in the past.

Scott Halverson 31255 Fleuger Road raised concerns regarding the lack of screening on the east side of the property along HWY 58 in the Applicant's proposal.

Jim Maybach, 31351 HWY 58 BLVD, is a member of the Hay Creek Town Board. He provided a written summary of Hay Creek Township's comments (See attachment 7) and a list of suggested conditions if the PAC were to consider approval (See attachment 8). He raised concerns regarding potential groundwater contamination due to pollutants leaching from demolition materials brought on site. He suggested Article 4 of the Goodhue County Zoning Ordinance regarding injury to neighboring properties could not be satisfied given the potential for environmental issues on site.

Jordan Erickson, 40425 HWY 58 BLVD, has been employed by Simanski Metals LLC for approximately 2 years. He stated they do not handle hazardous materials. He noted that the subject property used to be the old Skyline building and was in derelict condition prior to the Simanski's purchasing the property and cleaning it up.

Brad Johnson 29126 HWY 58 BLVD agreed with concerns regarding groundwater contamination and traffic safety brought forth already. He stressed that the PAC should make their judgement based on the merits of the request and refrain from making an emotional decision.

Tom Gadiant 29407 HWY 58 BLVD stated that he felt the Contractors Yard concept is a good thing. However, he feels this is not an appropriate location for a Contractors Yard due to existing residential development in the area. He noted that the Applicant was denied for a similar request as Junk/Salvage Reclamation yard at the May 2018 PAC meeting and now appears to be requesting the same thing but rather categorized as a Contractors Yard.

¹²After Chair Fox asked three times for comments, it was moved by Commissioner Huneke and seconded by Commissioner Pettit to close the public hearing.

Motion Carried 6:0

Commissioner Fueling asked if the Applicant's Junk/Salvage Reclamation Yard request heard by the PAC at their May 2018 meeting was denied or withdrawn.

Wozniak replied that the PAC recommended denial of that request and the Applicant elected to withdraw their request prior to consideration by the County Board.

Hanni reminded the PAC that the Applicants have 2 zoning districts (B2 and A2) on the property and a variety of commercial uses are allowable by administrative permit on the B2 zoned property.

Commissioner Nystuen asked staff to compare the Applicants proposed driveway access to that of the Thomas DeMartini Contractors Yard request considered earlier.

Wozniak replied that the Applicant's request is different from the DeMartini request in that HWY 58 BLVD is a 4-lane State Highway and not a 2 lane County Road. He noted that given the size and location limitations of the property, MNDOT chose to grant the Applicants access to HWY 58 BLVD off of Hay Creek Hills Drive rather than off the northern driveway that would have directly accesses HWY 58 BLVD. He added that space along Hay Creek Hills Drive

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

between the Applicants proposed driveway entrance and the stop sign at HWY 58 BLVD is limited to accommodate area for stacking of trucks.

Margaret Simanski stated she has had multiple conversations with MNDOT regarding the HWY 58 BLVD access. She stated the angle and radius of the driveway have been altered twice to improve it. She noted that 45 foot long school buses are able to negotiate Hay Creek Hills Drive and safely access HWY 58 BLVD and there trucks are shorter (35 feet to 40 feet). She noted that their drivers receive specialized training for driving their vehicles. She noted that the intersection of HWY 58 BLVD and Hay Creek Hills DR was designed for commercial traffic because of the historic commercial use of the subject property. She added since the intersection is a 4-lane highway, there is an additional lane for traffic to move over if a truck is entering the highway. She stated that the old north access drive was removed by MNDOT because it is common practice for MNDOT to seek to reduce the number of accesses onto a highway when improvements are made.

Commissioner Nystuen asked staff if they felt there were sufficient conditions in place on the language for approval consideration.

Wozniak replied that stormwater management may need to be addressed and that a more detailed vegetative screening plan would be desirable if approval was being considered. He asked the PAC to consider if the proposed vegetative screening and fencing are sufficient to address the concerns put forth in the public hearing.

Kevin Simanski commented that the reason there is no screening proposed along the south end of HWY 58 BLVD is because that area is proposed to be a future open-air sales lot which would be obscured by any screening.

There was discussion regarding the proposed vegetative screening and fencing plans.

Commissioner Nystuen asked if staff would be willing to work with the Applicant on the "tighten up" the plans further or would that be counterproductive.

Hanni replied that the PAC would need to provide direction as to what they would like to see accomplished. She reminded the PAC that staff's recommended conditions for approval stipulate that no containers with municipal solid waste, demolition debris, or recyclable materials would be allowed on the property.

Wozniak added that, in his opinion, the decision largely comes down to whether or not the PAC determines the operation would be in an appropriate location based on what's around it in terms of existing residential uses.

Commissioner Pettit asked if the Applicants had made copies of the updated vegetative screening and fencing plan visuals available to Hay Creek Township.

The Applicant responded that the visuals were only recently completed and had not been available.

Commissioner Pettit stated that the proposal appears to have adequate screening measures in place. Regarding the traffic concerns, she commented that given the B2 zoning of the southern parcel, a much more traffic intensive use could be administratively permitted there. She also added that even though there are residential uses in close proximity, there is a B2 zone there that has also historically existed.

Commissioner Fox agreed with Commissioner Pettit's Comments and added that Contractors Yards were amended into the Ordinance to accommodate businesses such as the Simanski's

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

proposal. He stated if the PAC were in favor of approving he would like to see condition #9 of staff's recommendation for approval be amended to require trees in front of the fence on the north side of the property (along the Gadiant's driveway).

Commissioner Pettit agreed with Commissioner Fox's suggested amendment.

Draft Findings of Fact to support "APPROVAL" of Simanski Metals LLC, Conditional Use Permit request to allow construction and operation of a Contractors Yard:

Draft Findings of Fact:

Goodhue County Comprehensive Plan Element 4 (Business and Industry)

Diverse Business Objectives:

Allow the establishment or expansion of home occupations and cottage enterprises with appropriate performance standards while considering the scope and scale of proposals for the alteration, modification, or expansion of existing businesses.

Encourage new commercial and industrial ventures that create permanent job opportunities.

1. *The proposed Simanski Metals LLC., Contractors Yard conforms the County's definition for "Contractors Yard", excluding the proposed temporary storage of waste and/or recyclable materials.*
2. *The proposed Contractors Yard conforms with the performance standards for Contractors Yards set forth in Article 11, Section 33.*
3. *The proposed Contractors Yard conformance with other applicable Zoning Ordinance provisions including but not limited to required yard setbacks, parking, lighting, stormwater management and screening.*
4. *The Applicant has proposed trees plantings, but, plans do not include specifics regarding species, and size at the time of planting. A more specific landscape plan is needed.*
5. *The Applicant has stated that their hours of operation are 6:00 AM to 6:00 PM Monday – Friday and that some maintenance will be performed in the Shop on random Saturdays. Also, trucking will occur on a few Saturdays each year related to certain special projects in the County.*
6. *The Applicant has provided a copy of the require driveway access permit from MNDOT. In addition, a copy of a follow-up letter from MNDOT has been provided. The letter from MNDOT addresses public concerns regarding traffic safety and drainage related to the approved driveway access.*
7. *The Applicant has provided a copy of an Industrial Stormwater Permit approved by the MPCA in April 2018. Further, the Applicant has prepared plans and committed to conform with Goodhue SWCD recommendations related to stormwater management, site grading and erosion and sediment control.*

¹³Motion by Commissioner Fox, seconded by Commissioner Huneke, for the Planning Advisory Commission to:

- adopt the staff report into the record;
 - adopt staff's findings of fact in support of approval;
 - amend staff's suggested condition #9;
 - accept the application, testimony, exhibits, and other evidence presented into the record;
- and

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

Recommend the County Board of Commissioners **Approve** the Conditional Use Permit request from Simanski Metals LLC to construct and operate a Contractors Yard.

Subject to the following conditions:

1. The Contractors Yard shall be constructed and operated according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Hours of operation shall be Monday through Friday, 6:00 AM to 6:00 PM, and Saturdays from 9:00 AM to 1:00 PM (excluding holidays);
3. Approval of required subdivision as proposed to reconfigure the existing 1.78-acre and 2.28 acre parcels in order to establish a 3.20-acre parcel (Contractors Yard Site) and a 0.84-acre parcel. No site improvements or building construction associated with the Contractor's Yard may proceed until the subdivision is approved and recorded; with the only exception being site grading previously approved (Land Use Land Alteration Permit Z180026).
4. On-street parking shall be prohibited;
5. On-street loading or off-loading shall be prohibited;
6. Upon subdivision of the property the Applicant/Owner shall record a driveway access easement to ensure right of access for the proposed 3.20 acre parcel through the proposed 0.84 acre parcel to Hay Creek Hills Trail.
7. Applicant shall obtain Building Permit approval for the proposed Shop/Vehicle Storage structure from the Goodhue County Land Use Management Department prior to start of construction;
8. Applicant shall obtain the required permit for the proposed sub-surface wastewater treatment system from Goodhue County Environmental Health;
9. Prior to installation of proposed tree plantings, a detailed plan must be submitted for approval by the Goodhue County Land Use Management Department that specifies plant species, spacing and size at time of planting. Trees plantings must be maintained for the duration of the Contractors Yard use and must be replaced if lost or damaged for any reasons. Trees will be planted along the fencing along the north boundary line of the property.
10. No municipal solid waste, demolition debris or recyclable materials may be stored on or transported to the property either on a temporary or permanent basis. Only waste or recyclable materials generated on-site may be temporarily stored on site between scheduled trash/recycling pick-up.
11. Compliance with Goodhue County Zoning Ordinance including, but not limited to Article 22 A-2 (Agriculture District), Article 27 B-2 (Highway Business District), and Article 11 (Performance Standards, Section 33 – Contractor Yard).
12. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

Commissioner Gale questioned if the proposal would be a good fit for the area in the long-term as far as future development is concerned.

Commissioner Fox mentioned that to the north an implement dealer exists and it is unclear whether the future for this particular area is going to be residential or commercial.

Wozniak noted that the future use of that area is not detailed in the Goodhue County Comprehensive Plan. He reminded the PAC that condition #10 restricts loaded containers from being stored on site on a temporary basis.

Commissioner Fox asked for clarification as his understanding was that only storage of municipal solid waste on site was being restricted by condition #10.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

Wozniak responded that condition #10 states “no municipal solid waste, demolition debris or recyclable materials may be stored on or transported to the property either on a temporary or permanent basis. Only waste or recyclable materials generated on-site may be temporarily stored on site between scheduled trash/recycling pick-up.”

Commissioner Pettit mentioned requiring the Applicant to pave the 80 feet of Hay Creek Hills Drive in MNDOT R-O-W. She also mentioned that it would be more appropriate for a Contractor’s Yard to access onto a 4-lane highway rather than in a rural area or residential subdivision etc.

Commissioner Fox suggested amending condition #10 to allow materials to be temporarily stored on site.

Hanni asked Commissioner Fox to clarify if he would be requesting those containers be under cover.

Commissioner Fox responded yes.

Commissioner Gale asked if they should be covered or stored inside.

Commissioner Fueling stated either option would be fine.

Commissioner Gale questioned how staff could enforce the proposed condition.

Hanni replied enforcing of the covering could be done by visually observing loads.

Wozniak responded that it would be difficult for staff to enforce loads being stored only on a temporary basis as it is difficult to track how long a load has been on site.

Commissioner Fox mentioned that spot audits could be done based on the Applicants pick-up tickets to check how long containers had been stored on site.

The Applicants confirmed they produce a ticket when they pick up and drop off a loaded container.

Commissioner Nystuen asked if Hay Creek Township has a zoning ordinance regulating the use.

Wozniak responded that Hay Creek Township has authority over issuance of a building permit but they do not have provisions requiring a CUP for the proposed use.

¹⁴Motion by Commissioner Fox to amend his original Motion, seconded by Commissioner Nystuen, for the Planning Advisory Commission to:

- adopt the staff report into the record;
 - adopt staff’s findings of fact in support of approval;
 - strike staff’s suggested condition #3;
 - amend staff’s suggested condition #9;
 - amend staff’s suggested condition #10;
 - add condition #12;
 - accept the application, testimony, exhibits, and other evidence presented into the record;
- and

Recommend the County Board of Commissioners **Approve** the Conditional Use Permit request from Simanski Metals LLC to construct and operate a Contractors Yard.

Subject to the following conditions:

1. The Contractors Yard shall be constructed and operated according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Hours of operation shall be Monday through Friday, 6:00 AM to 6:00 PM, and Saturdays from 9:00 AM to 1:00 PM (excluding holidays);

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

- ~~3. Approval of required subdivision as proposed to reconfigure the existing 1.78-acre and 2.28-acre parcels in order to establish a 3.20-acre parcel (Contractors Yard Site) and a 0.84-acre parcel. No site improvements or building construction associated with the Contractor's Yard may proceed until the subdivision is approved and recorded; with the only exception being site grading previously approved (Land Use Land Alteration Permit Z180026).~~
3. On-street parking shall be prohibited;
4. On-street loading or off-loading shall be prohibited;
- ~~5. Upon subdivision of the property the Applicant/Owner shall record a driveway access easement to ensure right of access for the proposed 3.20-acre parcel through the proposed 0.84-acre parcel to Hay Creek Hills Trail.~~
5. Applicant shall obtain Building Permit approval for the proposed Shop/Vehicle Storage structure from the Goodhue County Land Use Management Department prior to start of construction;
6. Applicant shall obtain the required permit for the proposed sub-surface wastewater treatment system from Goodhue County Environmental Health;
7. Prior to installation of proposed tree plantings, a detailed plan must be submitted for approval by the Goodhue County Land Use Management Department that specifies plant species, spacing and size at time of planting. Trees plantings must be maintained for the duration of the Contractors Yard use and must be replaced if lost or damaged for any reasons. Trees will be planted along the fencing along the north boundary line of the property.
8. Solid waste, demolition debris or recyclable materials may be stored on or transported to the property on a temporary basis, as long as the containers are within a building or properly covered. Loaded containers must be removed from the site the next business day.
9. Compliance with Goodhue County Zoning Ordinance including, but not limited to Article 22 A-2 (Agriculture District), Article 27 B-2 (Highway Business District), and Article 11 (Performance Standards, Section 33 – Contractor Yard).
10. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.
11. The applicant shall pave Hay Creek Hills Drive with asphalt from Highway 58 to the west part of their driveway entrance onto the property.

Motion To Amend Motion Carried 6:0

Motion To Approve With Amendments Carried 6:0

5. Other discussion

- Staff Update:

Hanni updated the PAC on the status of the open Zoning Assistant position.

¹⁵Adjourn: Moved by Commissioner Feuling, second by Commissioner Gale, to adjourn the Planning Advisory Commission meeting at 10:26 PM.

Motion carried 6:0

Respectfully Submitted,

Ryan Bechel; Recording Secretary

**PLANNING COMMISSION
GOODHUE COUNTY, MN
June 18, 2018 MEETING MINUTES
DRAFT**

¹ APPROVE the PAC meeting agenda.

Motion carried 5:0.

² APPROVE the previous month's meeting minutes.

Motion carried 5:0.

³ Motion to close the Public Hearing.

Motion carried 6:0

⁴ Recommend the County Board of Commissioners Approve the request for map amendment submitted by Dave Lorentz. 10966 us hw

Motion carried 6:0

⁵ Motion to close the Public Hearing.

Motion carried 6:0

⁶ Recommend the County Board of Commissioners APPROVE the request for a Tier-3 Home Business submitted by Steve Jacobsen.

Motion carried 6:0

⁷ Motion to close the Public Hearing.

Motion carried 6:0

⁸ Recommend the County Board of Commissioners APPROVE the request for a Contractors Yard submitted by Alfred Bear.

Motion carried 6:0

⁹ Motion to close the Public Hearing.

Motion carried 6:0

¹⁰ Recommend the County Board of Commissioners DENY the request for a Contractors Yard submitted by Thomas DeMartini.

Motion denied 2:4

¹¹ Recommend the County Board of Commissioners TABLE the request for a Contractors Yard submitted by Thomas DeMartini.

Motion carried 6:0

¹² Motion to close the Public Hearing.

Motion carried 6:0

¹³ Recommend the County Board of Commissioners APPROVE the request for a Contractors Yard submitted by Simanski Metals LLC

Motion carried 6:0

¹⁴ Motion to amend original motion to recommend the County Board of Commissioners APPROVE the request for a Contractors Yard submitted by Simanski Metals LLC

Motion carried 6:0

¹⁵ ADJOURN the Planning Commission meeting.

Motion carried 6:0

UNOFFICIAL UNTIL APPROVED BY THE PAC

Hanni, Lisa

From: Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Sent: Friday, June 15, 2018 9:11 AM
To: Hanni, Lisa
Cc: peggy lorentz; Johnson, Scott M (DOT)
Subject: Lorentz Driveway

Lisa,

Just a quick update. MnDOT has approved the driveway request to Highway 19 with some conditions that will be included in the permit.

The following information will be documented in the permit:

- 1) This will be the only driveway permitted to the Lorentz property, whether it is subdivided into two or more parcels.
- 2) The exact location of this driveway should be specified and the driveway should be located as far west as possible on the Lorentz property frontage. This would place the driveway at a point closer to halfway between the existing park entrance and the other private gravel road to the west. The driveway location must meet stopping sight distance and decision sight distance criteria.
- 3) That Mr. Lorentz agrees, in writing or on the permit, that the previously agreed upon commercial activities, on his current lot, will cease. If this is not documented, then it is not official.

Please continue to work with Scott Johnson to finalize the Access Permit request. If you have any questions or concerns please let me know.

Thanks,

Tracy Schnell
Senior Planner | District 6

Minnesota Department of Transportation
2900 48th Street NW
Rochester, MN 55901
O: 507-286-7599
mndot.gov/

mi DEPARTMENT OF
TRANSPORTATION



Public Hearing Comments - DeMartini Trucking CUP

Joshua & Allison Wyatt

13466 County 9 Blvd / Goodhue MN

My name is Joshua Wyatt; my wife and I own and reside on the “nearest neighbor” property directly across Highway 9, with a house 600 feet north of the proposed yard. I speak today to outline several of the concerns we have, and our objection to this proposal. I understand public comment time is limited, so I will attempt to speak to each concern as briefly as I can, and submit these comments in written form for the record.

Article 4, Section 2 of the zoning code specifies that applications for a conditional use permit must include a Site Plan as defined in Article 10. The plans submitted for this permit, when held up against that definition, and by typical standards for commercial construction documents, is severely lacking. According to Article 10, several required items are missing in the Applicant’s submittal:

- Plans must be drawn to scale
- Details and complete dimensions of all proposed structures, driveways, site layout, and setbacks must be included
- Site plans must include details of proposed landscaping and screening
- A full site grading plan must be shown, including details of driveway grades

Unfortunately, the lack of detail in the plans makes it difficult to prepare comment on portions of the application and staff report, since the facts included can only be based on assumptions about what will actually be built.

Next, Article 4 outlines several findings which the facts of the case shall (a mandatory word per Article 10 Section 1) establish, and the staff report in all cases has found that the application has met the given standards. I strongly disagree with several of these findings and the resulting proposed conditions in the staff report.

- I disagree with finding 1, that the proposal is not injurious to use and enjoyment or property values. We would not have purchased or built on our parcel if we would have known that a commercial trucking yard would be built 600 feet away. I presume any potential buyer of adjacent property would also take notice of the yard’s proximity and operations, and adjust their offers accordingly.
 - *Due to the nature of the proposed operation, there is no practical modification to mitigate this concern; enjoyment and property values will be impacted.*

- Finding 3 determines that the local roads are sufficient to support the proposed use. From a discussion with county staff, I understand that traffic engineers have reviewed the plan and had no objection, and that a driveway permit is still subject to review. However, after having a driveway on the same curve for the past few years, and experiencing how quickly vehicles move through the curve, I am concerned with the safety impacts of multiple slow-moving trucks entering the highway here, where visibility in both directions is limited. This would be especially true for trucks turning left out of the proposed driveway, towards County 8 and Hwy 52.
 - *A thorough traffic study should be conducted to identify any necessary changes to County 9 required to preserve traffic safety. The cost of any and all modifications to the roadway should be borne by the applicant, and not placed onto adjacent properties.*

- The applicant proposes installation of security cameras. The topography of the site, with the proposed building on a knoll, creates a situation where cameras could view portions of neighboring properties and residences.
 - *A condition should be added requiring any cameras to be aimed such that no areas outside the surveyed lines of the Applicant's parcel be in view.*

- Finding 5 concludes that the plans are “adequate to control ... noise” and that “lighting plans appear capable of controlling lights” so that no disturbance to neighboring properties will result. This conclusion is despite the submitted plans having NO details of screening of any type, or the type and location of lights. While there is, as noted in the report, a stand of trees on our property between our house and the proposed yard, these trees only serve as a barrier during the half of the year where they have leaves. In addition, the site elevation and height of the proposed building would place the lights above the height of many trees in this stand. Lights should not be required 24-hours, since employees would not be on site during the night.
 - *To mitigate this impact, a condition should be added to require submission and approval of a vegetative screening plan, to include staggered rows of evergreen trees capable of growing to a sufficient height to screen the property year-round.*
 - *A condition should also be added to require use of “dark sky” compliant lights for all fixtures, plus shielding installed to prevent any light from being cast to neighboring properties, and motion detectors fitted to turn lights on only at times when persons are on the property.*

ATTACHMENT 2

- Conditions 4 and 5 permit the applicant to operate up to 10 semi trucks, 7 days a week, year round, from 4am to 8pm. These hours of operation, combined with the noise and lighting issues mentioned, are not acceptable in this area. While there is existing noise from the highway and adjacent agricultural operations, 10 trucks powering out of the lot each morning at 4am is very different from a vehicle passing at 60mph, or a tractor working a field a few weeks per year.
 - *To mitigate this impact, Condition 4 should be amended to allow a maximum of 5 trucks, the size of the applicant's current fleet. Procedures are in place for the Applicant to apply for an amendment to the permit, should his use change in the future requiring additional trucks.*
 - *In addition, Condition 5 should be amended to limit the hours of operation to more reasonable working hours:*
 - *7am - 7pm Monday - Friday*
 - *9am - 5pm Saturday & Sunday*

Finally, I must note that if a bona fide agricultural use were being proposed, I would have little objection. With many relatives who farm, and having lived in rural areas for years, we understand that the sights, smells, and noises of agriculture are part of life. Hearing equipment run early in the morning and late at night during planting and harvest is expected; another mark of the seasons. However, this permit as proposed would enable 10 semi trucks to start up and power out of their lot as early as 4am, 7 days a week, 365 days a year. That pattern isn't typical for the A-1 district, and is not compatible with the area proposed for construction.

In closing, if this permit cannot be denied based on the merits of the application alone, I urge you to amend the conditions as proposed to help limit the effects on neighbors and the community. Thank you.

Re: Demartini permit request

"To effectively promote the safety, health, and well-being of our residents." It's at the bottom of the County's agenda pages.

The proposed facility will be located up to approximately 500 feet from the nearest residence, according to the map provided and my guess as to the location of the home. My real issue is with the ordinance that allows a contractor's yard within 100 feet of a residence. This is crazy. There isn't much difference between 500 feet, 1000 feet, 1500 feet, when you are talking about the nuisance of noise, etc., from up to 10 trucks at 4 a.m., especially the annoying backup beeping.

If it can become a reality in Belle Creek Township, it can happen in my neighborhood, too. This is not good precedent to set in an agricultural zone and so close to a home. This is NOT an agricultural business.

Please deny this permit.

Roslyn Hermstad
Canon Falls Township



June 15, 2018

Michael Wozniak
Goodhue County Planner / Zoning Administrator
509 West Fifth Street
Red Wing, MN 55066

RE: 29409 Hwy. 58 Blvd. CUP Application – Contractors Yard

Dear Mr. Wozniak:

City staff previously submitted a letter to you dated April 9, 2018 regarding a proposed rezoning and CUP request for a Junk/Salvage Reclamation Yard at 29409 Highway 58 Blvd. This letter relates to a proposed CUP for a Contractors Yard at the same location, to be heard by the Planning Commission on June 18, 2018. Once again, the city is not supportive of the CUP request for the following (same) reasons:

1. Based on the county's zoning ordinance, the first finding that must support a CUP states that, "the CUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values with the immediate vicinity". The purposed use (contractors yard) would seem to be injurious to those surrounding properties that are primarily residential.
2. The second finding that must support a CUP states that, "the establishment of the CUP will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area". Although the city does not plan this area, staff believes that the predominant growth potential, especially north of this property, is residential. This viewpoint is based on the existing residential use and character of the surrounding area.
3. The fifth finding that must support a CUP states that, "adequate measures have been or will be taken to prevent or control offensive odor, fumes, just, noise ... and that no disturbance to neighboring properties will result". Due to the close proximity of existing residential units near this property, some of those characteristics may impact neighboring properties.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Rogness", is written over a horizontal line.

Dan Rogness, Community Development Director
651.385.3697 dan.rogness@ci.red-wing.mn.us

June 14, 2018

Dear Goodhue County Planning Commission,

As owners and long-term residents of adjoining property to the Simanski property, we ask that you deny the CUP request for a Contractors Yard to Simanski Metals. This also includes denying the rezoning of B2 land to create a 3.2 acre agricultural parcel. The rezoning request appears to be intended to meet the 3 acre minimum required for a Contractors Yard, not for any apparent agricultural use. Since a Contractors Yard is newly defined in Goodhue County, we question if the County intends for them to be developed in residential areas, particularly when the applicant does not even reside on the property.

The June 8, 2018 report issued by the Goodhue County Land Use Management recommends denying Simanski's request based on Zoning Ordinance Article 4 Conditional/Interim Uses. Reasons include this area is mainly zoned Residential, and right across the highway from the proposed Contractors Yard is a neighborhood called the Moore Addition with six homes. Additionally, it's noted the proposed use would be more appropriately located on a site not in close proximity to a residential district and relatively high concentration of dwelling sites. For reference, concerns 1-6 have been pulled directly from the June 8 report:

1. The proposed Contractors Yard is incompatible with surrounding residential land uses.
2. The proposed use of this property will create aesthetic and nuisance related conflicts that may significantly impact property values and enjoy our properties.
3. The fourteen dwellings within Section 8 in close proximity may be negatively impacted by the proposed Contractors Yard.
4. Neighborhood concerns include potential noise, traffic safety, and potential unsightliness of the proposed Contractors Yard use.
5. The proposed Contractors Yard use may make surrounding vacant property less desirable for future residential development.
6. The applicant has constructed site improvements and conducted business activity prior to obtaining required permits.

Related to # 6, Simanski was issued a letter from Michael Wozniak on February 16, 2018 and ordered to stop all operations on this property because a new driveway and parking lot were installed and dumpster containers were being hauled to and from the property without being permitted to do so (and that Simanski had been previously informed of this issue). Our understanding from Mr. Wozniak is that the storage of dumpster containers is not currently allowed on this agricultural property but many dumpsters still remain there. The applicant's failure to be in compliance thus far causes concerns for their regard to be compliant going forward. There appears to be no accountability or consequences that residents can rely on to ensure compliance. We feel the risk of operating beyond permitted use only increases if Simanski Metals is allowed to rezone and operate a Contractors Yard, particularly given "short-term storage" request and Simanski's known desire to operate a salvage yard/transfer station that was not supported by the County or nearby residents. We question if this request is approved, who will effectively monitor and enforce only the permitted uses both in the short and long term. It also leads us to consider who would be liable when surrounding property values and quality of rural living decrease for residents.

It's also worth noting that Simanski recently purchased this property and to our understanding, was advised by Mr. Wozniak to purchase the property under contingent terms (given it's in the middle of a residential area and their desired use may not be approved). This early caution from County staff only reiterates that our concerns are valid, and the requested use does not fit nor benefit the surrounding area. We also question how this CUP request meets the intended use of a Contractors Yard in Goodhue County for a non-resident in the middle of an otherwise residential area. Per Section 33, Letter D, there is reference to non-resident employees (persons employed by a home business not residing within the principal dwelling). This CUP application is not for a home-based business. The Simanski's are not residents of this property nor of Hay Creek Township and will not be personally impacted by the change of activity, increased traffic, nuisance, and property value implications of the longstanding nature of this peaceful, residential area.

Finally, with no clear plans for business or economic growth beyond their current operation, we question how this CUP and rezoning benefits anyone but the Simanski's. However, it's clearly detrimental for the above-noted reasons to nearby residents of Hay Creek Township, as well as the gateway to Red Wing. We ask the County to prioritize the many legitimate concerns of its residents over this new, disruptive operation being proposed.

Thank you for your consideration and support to protect our rural way of living that we expect to continue and truly value.

Sincerely,
Tom & Teresa Gadiant

June 13, 2018

**Goodhue County Planning Commission
Hay Creek Town Board
Goodhue County Board
City of Red Wing
Other Local Government Units, Boards and Commissions**

RE: Proposed conditional use / interim use and /or zoning changes requested by the Kevin and Margaret Simanski of Simanski Metals LLC for the proposed improvement and operation of a contractor yard on their parcels No 34-008-1400 and 34-008-1500

To Whom It May Concern:

We, as indicated by the signatures in the attached exhibit, respectfully object to the **proposed conditional use / interim use and /or zoning changes requested by the Kevin and Margaret Simanski of Simanski Metals LLC for the proposed improvement and operation of contractor yard on their parcels No 34-008-1400 and 34-008-1500.**

Many of the points and objections previously stated for the Simanski's original request to the County are still just as applicable to this new request. The property as requested for conditional use is substantially different from the neighboring properties in close proximity to Simanski Properties. It is our belief that this requested use is not harmonious to the area. We also believe that this request is not in compliance with zoning ordinance requirements of Article 4 Section 2 Subd. 2 paragraphs 1, 2, 5, and possibly 4 which state:

Subd 2. **FINDINGS.** No CUP or IUP use shall be recommended by the County Planning Commission unless said Commission specifies in their findings, the facts in each case which shall establish:

- 1. That the CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.**
- 2. That the establishment of the CUP/IUP will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.**
- 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.**
- 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.**

In addition without actual verification, we are unsure if the process has conformed with Article 4 Section 4 Subd. 4 which states:

Subd. 4. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties

nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional/interim use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional/interim use shall be given proper notice.

Since the request is for a contractor yard among other things, we question what operations and activities can be conducted if said conditional or interim use is granted given the fact that operations at the site have been in violation and no enforcement has been undertaken by the County other than a cease and desist issued. The contractor yard zoning text amendment states:

CONTRACTORS YARD. A site used for storage, maintenance, and staging of vehicles, equipment, and materials related to contracting work in any of the building trades, landscaping, road building, sewer installation, transport and hauling, or similar professions in which work is principally conducted off-site.

This definition would leave the uses very open and for potential uses more than requested which adds to our concerns. Since it appears that the intent of this language seems to infer activities related to the building and construction trades, how will the material that is in the occasional dumpster which has material in it and is left on site for a short time be determined to meet the intent of this language? It may not be related to the building and construction trades.

As part of the applicants previous request it was indicated that they would be submitting a request for a transfer station. While this previous request does not seem to be addressed in the contractor yard application or staff review, Exhibit C in the application show a future transfer facility in the northwest corner of the property. How does this fit into the conditional or interim use permit and is allowed in an A2 zone? In addition as part of the MPCA accepting the County Closed Landfill into the State Closed Landfill Program the agency is requiring that the County implement waste designation and with the City Waste Facility only 2 miles away this would seem not to follow that intent by allowing another waste transfer facility so close.

The transfer station also brings into question other issues. While the applicants letter states that no solid waste (trash) will be brought in, it is our understanding that anytime any household waste is added to a dumpster, the classification of the material in that dumpster then becomes Mixed Municipal Waste. The material would then be subject to a classification of solid waste. Also the applicant indicates that they will be bagging and hauling waste from their site to their residence. While this is indicated to be a small amount, since this is from an industrial operation would the applicant need to have a solid waste license to do so or technically would this possibly considered a small transfer station?

The applicants driveway permit application indicates that they didn't intend to construct a building yet the conditional / interim use application indicates that one will be built. Based on the information submitted by the applicant for the trucking the applicant indicates that their plan is to operate with the number of trucks they have,

but may add additional trucks and do not want to be capped. Should additional trucks be added what is the Heavy Commercial Average Daily Traffic impact and anticipated individual drop off traffic? The State expressed concern that the approaches and vehicle turning movements may be inadequate or unsafe based on the proposal so this seems to be a concern. In the previous application the applicant has foreseen the possibility of doubling the number of drivers. In order to do that it would seem logical that either the number of trucks and/or hours of operation would increase.

In addition, while the applicant has a driveway permit from MnDOT, all of the additional concerns and special conditions and requirements of granting that permit have not been included as part of the application or documentation in the agenda packet. This would seem very important for consideration of the request. The site plan shows that there is a driveway along the easterly side of the proposed building and also from the proposed parking area along the northerly side of the building. These exit on to the shared driveway with the neighbor to the north. One requirement of the MnDOT permit is that the driveway on the northeasterly corner of the property which accesses to the shared driveway is to be removed. This requirement should be identified as part of the consideration. It appears as though the applicant is planning to use it according to the site plan.

From what we understand, the applicant may not be in compliance now with current operations and permits, how does this impact what is being considered or what must be done? The staff summary notes the following:

Current Violations: Simanski Metals LLC has made some improvements to the current 1.78-acre parcel (A2 Zone) including construction of a driveway access at the northeast corner of the property and a gravel parking lot area. In addition, a variety of different types of containers have been placed on the property. Evidence has been provided to the County illustrating truck traffic during early morning and evening hours hauling items to and from the site. Planning and Zoning Administrator, Michael A. Wozniak, AICP, contacted Simanski Metals, LLC by letter (dated February 16, 2018; Appendix 2) to inform the Simanski's that a Scrap Metals Transfer Facility would require approval of Conditional Use Permit or Interim Use Permit by the County. The letter expressly stated, "Any operation of a Scrap Metals storage, recycling or transfer facility must cease immediately". Nearby property, owners have complained that use of the property has continued. Photographs have been provided to County Staff to confirm this activity.

Since the City of Red Wing is within the 2 mile restriction, what action or comments have they done relative to this proposal? It is our understanding that the City had responded to the previous request. What was that response and are they asked to respond again for this request. Highway 58 is a major entrance into the City and at some point in the future some area adjacent to or near this may actually be part of the City and one would think they would have significant interest in this request.

The County also has a 2016 Hazardous Mitigation Plan. How does this request comply with that? It would seem that the metals which would be salvaged and sorted at the site may have gases, chemicals, and oils that may fall into this area. How will this potential be contained and what is the pollution prevention plan for such things?

The County has also adopted a Health Impact Analysis as part of its A3 Urban Fringe change considerations and requirements. How will this proposal meet the recommendations of that study?

How does this proposal correspond to the recommendation and guiding principals of the County's Comprehensive Plan particularly Elements 1, 2, 4, and 5?

What other agencies that may be subject to review courtesy have reviewed the proposal in addition to the Goodhue County Soil and Water? DNR, City of Red Wing, Goodhue County Public Works and Solid Waste?

The Goodhue County Soil and Water staff review is included in the applicant's submittal documentation. This past weekend there was apparent grading in the area that their recommendations were indicated on Exhibit C. Did the applicant apply for a stormwater permit for this construction? Whenever more than 1 acre is disturbed a permit is required and temporary erosion controls identified for the grading. This is a separate permit from what was included in the applicant's submittals. The permit from the MPCA in the packet is for an Industrial Stormwater Permit. This has to do with the proposed operations for which the applicant is requesting through the CUP process. The Permit No. MNR050000 is an Industrial Stormwater Multi-Sector General Permit. The approved Permit ID Number MNR053DL8 indicates that it is for industrial activity 4214 Local Trucking with Storage under Industrial Subsector P3 Motor Vehicle Facilities of Industrial Sector Land Transportation and Warehousing per state rules. The approved permit indicates that the applicant has completed and shall follow the SWPPP (Storm Water Pollution Prevention Plan). While a copy of the permit coverage card is included, the actual completed and approved SWPPP has not been included so that what that plan is and what must be followed is not evident to anyone reviewing this application. This is important information. The staff summary notes:

Roll-Off Box Storage: The Applicant is proposing to store roll-off boxes on the gravel surfaced area shown on the site plan. They have indicated in their proposal that "MPCA, does not have any problem with storing empty or full roll-off containers." They state: "we are permitted to do so, and the monitoring will give them sufficient data to decide if there is an issue." The Applicant has further noted that "MPCA does not anticipate an adverse data and that any boxes that would need to be tarped on public roads would need to be tarped on site".

The definition of Contractors Yard reads: "A site used for storage, maintenance, and staging of vehicles, equipment, and materials related to contracting work in any of the building trades, landscaping, road building, sewer installation, transport and hauling, or similar professions in which work is principally conducted off-site." No reference is made to storage of waste or recyclable materials on either a temporary or permanent basis.

While the applicant indicates that the MPCA has indicated several comments related to the storage of empty or full roll-off containers on site, there is no actual documentation from the MPCA. Some of this may be in the applicant's SWPPP or correspondence from the agency either accompanying the permit or by separate correspondence. This information should have this documentation for any interested parties to review. What are the special conditions by the MPCA if any for this and who and how is the monitoring and data collection to be done. Who is it submitted

to? How will interested parties be able to find out what monitoring is done and what that data is?

The County also has a 1990 Solid Waste Ordinance, which may be somewhat out dated. How does this comply with pertinent provisions in that?

The applicant indicates that they will construct an eight foot high fence and berm. According to the site plan the fence will be only constructed along a portion of the westerly property line (the south end of the fence begins to be constructed berm), along the northerly property line, and then to the northeast corner of the proposed building. There is no detail as to the type of fence and type of screening which could be important to the neighboring property owners. The plan also shows a berm to be built near the southwest corner of the property and planted with trees. approximately 60 feet northerly of the southerly property line. There is a conflict between this and the recommendations proposed by the Goodhue County Soil and Water since their recommendation was to construct a sediment/infiltration basin in the location that was proposed for the berm. They also recommended constructing a berm from the sediment/infiltration basin along the southwesterly side of the new access driveway. There is no screening proposed to screen the facility from Highway 58.

In closing we feel that the proposal will be very disruptive to the area and will be injurious to the use and enjoyment of nearby property in the immediate vicinity for the purposes already permitted, and also substantially diminish and impair property values within the same vicinity. The current use of neighboring property is primarily residential and agriculture. A contractors yard such as what is being proposed is in many ways similar to what was previously proposed

Thank You,

Tom & Teresa Gadiant

Hay Creek Township
PO Box 550
Red Wing, MN 55066

June 15, 2018

Goodhue County Planning Advisory Commission
509 West 5th Street
Red Wing, MN 55066

To Whom It May Concern:

The Hay Creek Township supervisors met on June 13, 2018 for their regular monthly meeting.

During this meeting the supervisors held a lengthy discussion with the Simanski Metals, LCC owners and township citizens to learn more about the Simanski's plans for a contractors' yard and their Conditional Use Permit application.


More than thirty township residents were in attendance and expressed their opposition to granting the permit. Their opposition centered around the following themes:

- Concerns of the impact that large trucks and the industrial nature of the CUP would have on the surrounding land values.
- There is a residential district and relatively high concentration of dwelling sites are within close proximity to the site. This industrial use will likely cause a negative effect on their ability to enjoy the rural quality of their homes. There are concerns that there will be noise as trucks could be using the site in the early morning, late night and weekends.
- Neighbors raised concerns about ground water impacts if loaded containers are on site.
- Though the driveway access location has been approved by MNDOT, there are concerns that the driveway location and significant large truck access to the site will cause erosion and use damage to the township road, and safety hazards for drivers coming on and off of Highway 58 and Hay Creek Hills' intersection.

The supervisors voted to recommend that the Goodhue County board deny the conditional use permit for a contractors' yard.

Thank you for your consideration in this matter.

Sincerely,


Marilyn Schilling, Clerk
Hay Creek Township

Simanski CUP and Rezoning Concern Summary

- Not an appropriate area for Contractors Yard
 - **'Transfer Station' included in Exhibit C**
 - **Includes storage of full dumpsters**
 - **Detrimental to surrounding area**
 - **Growth potential is residential**
 - **No ground water protection plans**

- Local community recommends denial of CUP
 - **City of Red Wing (letter dated 6/15/18)**
 - **Hay Creek Township (letter dated 6/15/18)**
 - **Residents (letters dated 6/13/18 and 6/14/18)**
 - **Performance Standards require 100 feet minimum from existing dwellings.**
 - **Economic Growth and new jobs questionable with no clear business plan.**
 - **Future use if this CUP is approved should be of concern.**













Evaluate Waste

Step 1 in the [10 Steps to Hazardous Waste Compliance series](#)

Every business and government agency creates waste. Improperly managed waste can create risks to human health and the environment. Certain wastes pose greater human health or environmental risks due to their chemical properties; these wastes are called *hazardous wastes*. Businesses and government agencies that create hazardous wastes are called *generators* of that waste.

In Minnesota, the Minnesota Pollution Control Agency (MPCA) and the metropolitan counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington (Metro Counties) regulate the management of hazardous wastes generated by businesses and government.

What is a waste?

The hazardous waste requirements apply only to wastes. A *waste* is a material that is unusable for its intended purpose, discarded, or intended to be discarded. *Products* that will be used for their intended purpose are not subject to the hazardous waste requirements.

How do I know which wastes are hazardous?

You must assume that any waste you generate that could reasonably be a hazardous waste is hazardous unless you document that the waste is exempt or non-hazardous.

The process of researching and documenting that a waste is non-hazardous is called *evaluation*. To evaluate a waste as non-hazardous, you must document that it is both not Listed and not Characteristic.

- **Listed** means that the chemical name of the waste or its ingredients meets the definitions found in the F, K, P, or U-list or is a regulated polychlorinated biphenyl (PCB).
- **Characteristic** means that the waste displays any of the chemical characteristics of Ignitability, Oxidizers, Corrosivity, Reactivity, Toxicity, or Lethality.

As the generator of the waste, you are responsible for evaluating the wastes. The MPCA and Metro Counties can assist with this process, but cannot perform it for you.

When do I need to evaluate my waste?

You do not have to evaluate your waste if you assume it is hazardous and manage it as a fully regulated waste. You must either make this assumption, or evaluate the waste as non-hazardous, within 60 days after the first time you generate that type of waste, and before you treat it or ship it off-site for disposal.

After you evaluate your waste, you only need to re-evaluate it if the process creating the waste or the waste itself changes.

What wastes are exempt?

You may assume wastes that would not reasonably be hazardous, such as office paper, vegetation, and uncontaminated clothing, are exempt.

The wastes in [Table 1](#) on page 2 are exempt from hazardous waste regulation under the specified conditions.

Table 1. Common wastes exempt from hazardous waste regulation

Waste	Conditions
Air emissions	Emissions allowed by an air quality permit issued by the U.S. Environmental Protection Agency (EPA) or MPCA are exempt. See https://www.pca.state.mn.us/air/about-air-permits .
Asbestos	See https://www.pca.state.mn.us/waste/asbestos-demolition-or-renovations .
Chlorofluorocarbon refrigerants	Exempt if reclaimed.
Corrective Action Management Unit (CAMU) waste	Exempt until removed from the CAMU.
Demolition debris	Exempt if disposed in a permitted solid waste landfill. Abatement wastes generated from the deliberate removal of a specific hazard, such as lead paint or PCB-containing caulk, are not exempt. See MPCA fact sheet #w-sw4-07, Pre-renovation or demolition requirements, at https://www.pca.state.mn.us/sites/default/files/w-sw4-07.pdf .
Food handling waste	
Fossil fuel combustion residuals	Includes coal fly ash, coal bottom ash, used diesel exhaust fluid (DEF) and diesel particulate filter (DPF) ash.
Fuel spill cleanup debris	Exempt if the spill has been reported to Minnesota Duty Officer; applies only to refined fuels. See MPCA fact sheet #w-hw4-19, Fuel-related Wastes, at https://www.pca.state.mn.us/sites/default/files/w-hw4-19.pdf .
Hazardous waste generated in a production process unit	Exempt until removed from the unit or until 90 days after the unit has ceased operation.
Household and farm waste	Exempt when directly and properly disposed by the household or farm. Household or farm hazardous wastes are regulated in Minnesota once collected by anyone else. Households and farms are prohibited from disposing of cathode ray tubes (CRTs), fluorescent lamps, and used oil in normal trash or in the ground.
Industrial ethyl alcohol	Exempt if reclaimed and regulated by the U. S. Alcohol and Tobacco Tax and Trade Bureau.
Infectious waste	Exempt unless a dual waste. See MPCA fact sheet #w-sw4-30, Infectious Waste, at https://www.pca.state.mn.us/sites/default/files/w-sw4-30.pdf .
Low-level mixed wastes (radioactive hazardous waste)	Exempt if managed by the generator under a license from the Minnesota Department of Health.
Ore and mineral extraction, beneficiation, and processing waste	Extraction wastes are exempt if uniquely associated with ore or mineral production. Beneficiation or processing wastes are exempt if the generating activities are specified in Minnesota Rules.
Samples of waste	Exempt until returned to the generator or disposed by the laboratory.
Sanitary sewage	Only the combined stream is exempt; each individual sewered waste is regulated.
Scrap metal	Exempt if recycled. See MPCA fact sheet #w-hw4-27, Hazardous Scrap Metal, at https://www.pca.state.mn.us/sites/default/files/w-hw4-27.pdf .
Treated wood	Structural lumber and related waste is exempt if disposed in a permitted solid waste landfill. See MPCA fact sheet #w-hw4-67, Treated Wood, at https://www.pca.state.mn.us/sites/default/files/w-hw4-67.pdf .
Trivalent chromium	Exempt if handled in a non-oxidizing environment.
Wastewater	Discharges allowed by a National Pollutant Discharge Elimination System (NPDES) or Minnesota State Discharge System (SDS) permit are exempt. See https://www.pca.state.mn.us/water/industrial-wastewater-discharge-mpdes-permits .

Note: Table 1 lists only the most common exempt wastes. Contact the MPCA or your Metro County if you believe your waste may also be exempt from hazardous waste regulation. See [More information](#) on page 5.

Frequently confused with exempt wastes are hazardous wastes that are eligible for reduced management requirements if managed in certain ways, such as some recycled wastes.

A common misconception is that any waste is exempt if it is recycled. Recycled hazardous wastes are regulated in Minnesota, but may be eligible for reduced management and 'counting' requirements. Minnesota's hazardous waste definitions differ substantially from the federal regulations in this area. These hazardous wastes are discussed in MPCA fact sheet #w-hw1-02, Determine Generator Size, at <https://www.pca.state.mn.us/sites/default/files/w-hw1-02.pdf>.

What are listed wastes?

A waste is *listed* if the names of its chemical ingredients meet the definition of one of the hazardous waste lists. There are four federally-mandated lists. Minnesota also recognizes PCBs as a listed hazardous waste. Together, approximately 750 wastes are considered listed hazardous wastes in Minnesota. Find links to detailed information in Table 2.

Table 2. Hazardous waste lists

List	Fact sheet number	Fact sheet web address
F-List	w-hw2-00	https://www.pca.state.mn.us/sites/default/files/w-hw2-00.pdf
K-List	w-hw2-01	https://www.pca.state.mn.us/sites/default/files/w-hw2-01.pdf
P-List	w-hw2-02	https://www.pca.state.mn.us/sites/default/files/w-hw2-02.pdf
U-List	w-hw2-03	https://www.pca.state.mn.us/sites/default/files/w-hw2-03.pdf
PCBs	w-hw4-48a	https://www.pca.state.mn.us/sites/default/files/w-hw4-48a.pdf

What are characteristic wastes?

A waste is *characteristic* if it chemically reacts in the environment or contains toxic contaminants. There are five federally-mandated hazardous waste characteristics. Minnesota also recognizes lethality as a hazardous waste characteristic. Because any waste that displays a characteristic is hazardous, it is not possible to compile a complete catalogue of all hazardous wastes. Find links to detailed information in Table 3.

Table 3. Hazardous waste characteristics

Characteristic	Fact sheet number	Fact sheet web address
Ignitability	w-hw2-04	https://www.pca.state.mn.us/sites/default/files/w-hw2-04.pdf
Oxidizers		
Corrosivity		
Reactivity		
Toxicity		
Lethality	w-hw2-05	https://www.pca.state.mn.us/sites/default/files/w-hw2-05.pdf

How do I evaluate a waste?

Remember, you must assume any waste you generate that could reasonably be a hazardous waste is hazardous until you evaluate the waste as both not listed and not characteristic. Keep that evaluation documentation for at least three years after you stop generating the waste.

You may evaluate a waste by:

- Knowledge
- Laboratory analysis

Evaluating a waste by knowledge

Evaluating by knowledge means applying objective, documented information and scientific or industry-accepted reasoning to determine that a waste is not hazardous. Subjective opinion is not sufficient. Document the absence of each potential list or characteristic that reasonably might be present.

If the activity that produces the waste at your site reasonably precludes a particular characteristic or contaminant from being present, then you do not need to evaluate for that characteristic or contaminant.

You may use any generally accepted source documents or references, such as Safety Data Sheets (SDS), textbooks, instruction or operating manuals, or manufacturer certifications to evaluate by knowledge.

However, remember that the material you must evaluate is the waste you discard, not the original product. Use of a product at your site may change it significantly from its original specifications. Non-hazardous products frequently become hazardous wastes during use. For example, 'high-flash' parts washer solvent, aqueous detergents, and sorbents can be contaminated when they leach toxics from metals parts or are combined with organic solvents. Most SDS and manufacturer certifications apply only to the original, unused product, and cannot by themselves document that a used waste is non-hazardous.

In addition, SDS, formerly known as Materials Safety Data Sheets (MSDS), is governed by the employee safety standards of the U.S. Occupational Safety & Health Administration (OSHA), not the environmental protection standards of the EPA or MPCA. The SDS standards only require contaminants to be stated if present at far above hazardous waste thresholds. Therefore, you cannot assume that the absence of a contaminant from the SDS list of ingredients means that the contaminant is not present.

You may delegate anyone to evaluate your waste by knowledge for you, however you remain responsible for the evaluation regardless of who performs it. Ensure that whoever performs the evaluation applies the Minnesota hazardous waste characteristics, which are different than the federal. You must have access at your generation site to the complete documentation used to evaluate your waste – the final conclusion alone is not sufficient. Neither the MPCA nor Metro Counties can evaluate your waste for you.

Evaluating a waste by laboratory analysis

Evaluating by laboratory analysis means collecting a representative sample of the waste, running specified laboratory tests on the sample, and comparing it to hazardous waste thresholds to determine that a waste is not hazardous. You may not rely on an analysis of waste from another site or another generator, even if believed to be similar. Ensure that the representative sample of your waste is collected before any dilution, on-site treatment, or mixture of the waste with other material. If the waste to be analyzed is a spent material, such as used parts washer solvent or solution, collect the sample after the material has been used, when you would normally need to dispose of it.

You may use your own on-site laboratory, a laboratory contracted through your chosen waste vendor, or an independent laboratory to test your waste. No specific laboratory licensure or certification is required; however the Minnesota Department of Health (MDH) administers a voluntary environmental laboratory accreditation program. To locate an MDH-accredited laboratory, contact the MDH. See [More information](#) on page 5.

Ensure the laboratory tests for each list and characteristic that reasonably could be present. The MPCA, Metro Counties, and MDH cannot evaluate your waste for you.

What records must I keep?

Any evaluation showing your waste is non-hazardous must be documented. Keep these records accessible from the site where the waste is generated for at least three years after you last accumulate the waste on-site or ship it off-site for disposal.

Who else regulates hazardous wastes?

This and the other publications in the [10 Steps to Hazardous Waste Compliance series](#) are intended to provide guidance only on the requirements of the MPCA and Metro Counties. However, a hazardous waste may also be regulated as a:

- *Hazardous material* under the federal Hazardous Materials Regulations (HMR) administered by the U.S. Department of Transportation (DOT).
- *Hazardous chemical* under the federal Hazard Communication Standard (HCS) administered by OSHA.
- *Hazardous substance* under the federal Clean Water Act (CWA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, better known as SuperFund) administered by the EPA and the MPCA.

In addition to the hazardous waste requirements discussed in this and other MPCA fact sheets, the HMR, HCS, CWA, and CERCLA may also require specific labeling, packaging, employee training, documentation, and reporting when a hazardous waste is transported, released into the environment, or when employees may be exposed to it. Although this publication does not discuss these other regulations, generators of hazardous waste must meet all applicable requirements. For questions regarding these requirements, contact the applicable regulatory agency.

More information

Guidance and requirements in this fact sheet were compiled from Minnesota Rules, Chapter 7045. Visit the Office of the Revisor of Statutes at <https://www.revisor.mn.gov/pubs> to review Minnesota Rules.

Contact your Metro County or the MPCA with your questions. The MPCA's Small Business Environmental Assistance Program (SBEAP) can also provide free, confidential regulatory compliance assistance.

The Minnesota Technical Assistance Program (MnTAP) can help you reduce the amount of hazardous waste your site generates.

Metro County Hazardous Waste Offices

Anoka	763-422-7093
.....	https://www.anokacounty.us/
Carver	952-361-1800
.....	http://www.co.carver.mn.us/
Dakota	952-891-7557
.....	https://www.co.dakota.mn.us/
Hennepin	612-348-3777
.....	http://www.hennepin.us/
Ramsey	651-266-1199
.....	https://www.ramseycounty.us/
Scott	952-496-8475
.....	http://www.scottcountymn.gov/
Washington	651-430-6655
.....	https://www.co.washington.mn.us/

Minnesota Pollution Control Agency

Toll free (all offices).....	1-800-657-3864
All offices	651-296-6300
.....	https://www.pca.state.mn.us/

Small Business Environmental Assistance

Toll free	1-800-657-3938
Metro	651-282-6143
.....	https://www.pca.state.mn.us/sbeap/

Minnesota Technical Assistance Program

Toll free	1-800-247-0015
Metro	612-624-1300
.....	http://www.mntap.umn.edu

Minnesota Department of Health

Toll free	1-888-345-0823
Metro	651-201-5000
.....	http://www.health.state.mn.us/

Mn/DOT Regulated Materials Management

Regulated Waste Storage

Storage of both hazardous and non-hazardous waste is subject to federal and state regulations. Additionally, improper storage of wastes has the potential to contaminate soil, surface water and groundwater. Adhering to the following guidelines will help facility operators meet waste storage requirements and reduce the risk of being held responsible for costly cleanup of contaminated soil or water resources.

Non-Hazardous Waste Storage

- General Requirements

Hazardous Waste Storage

- General Requirements
- Storage Area Inspection
- Storage Limits
- Satellite Accumulation of Hazardous Waste
- Inspection Log

*IF Temp Storage must be
INSIDE OR protected*

Mn/DOT Regulated Materials Management

Non-Hazardous Waste Storage**General Requirements**

- Waste containers must be stored away from the outside elements. Store indoors or provide other protection from sunlight, rain and snow.
- Waste containers must remain closed except when adding waste.
- All waste containers must be labeled with a clear description of the contents.
- Aisle space must be maintained between containers to allow unobstructed movement of personnel to conduct periodic inspection of the containers. For example, enough room to maneuver a two wheel dolly between the rows of containers.
- Whenever possible, provide containment capable of preventing potential releases from escaping the storage area.
- Waste stored in piles, such as flammable waste trap sediment, must be kept under a roof or covered with a tarp to prevent releases.

Hazardous Waste Storage**General Requirements**

Hazardous waste must be stored safely in an appropriate storage area away from the outside elements. Whenever possible, hazardous waste should be stored indoors in a secured area.

Requirements for indoor hazardous waste storage include the following:

- Hazardous waste must be stored in approved containers.
- Containers holding hazardous/regulated waste must remain closed, except when adding waste.
 - *The containers "ring and bung" must be secured except if it contains partially full, unusable aerosol cans. Containers holding waste partially full aerosol cans must be equipped with a loose fitting cover or a cover with a pressure release valve.*
- All containers holding hazardous/regulated waste must be properly marked and labeled .
- Incompatible wastes must be separated by a dike, berm or wall.
 - *Example: lead-acid batteries and stoddard solvent are incompatible and so must be separated.*
- Wastes with any free liquids must be stored on an impermeable surface with no floor drains.
 - *Concrete may need to be sealed to make it impermeable*
 - *Drums may be placed in a plastic tub or other device to contain spills or releases. Containment material must be compatible with waste material stored within the containment area.*
 - *Any cracks in the floor of the hazardous waste storage area or other containment measures must be repaired.*
 - *Bituminous is not impermeable to most liquid chemicals.*
- All ignitable waste stored outdoors must be at least 50 feet inside the property line. This is not considered indoors as stated above.
- Aisle space between storage containers must be maintained in order to allow unobstructed movement of personnel to conduct inspections or to operate fire and spill

Disposal and Recycling - Regulated Material Management

Sue Reed

Fri 6/15/2018, 11:35 PM

To:Sue Reed <gopher7895@hotmail.com>;

<https://www.dot.state.mn.us/environment/buildingbridge/disposal.html>

Regulated Material Management

Building Demolition / Relocation - Bridge Demolition / Rehabilitation

Disposal and recycling

Disposal and recycling of waste materials generated on MnDOT projects or at MnDOT operational facilities.

Regulated Material Management Program

All waste materials generated from MnDOT construction projects must be disposed of or recycled, at facilities approved by the Office of Environmental Stewardship.



Methods used to dispose or reuse regulated materials expose the department to varying degrees of legal environmental liabilities. The MnDOT Office of Environmental Stewardship established the MnDOT Regulated Material Management Program to ensure that waste disposal and reuse practices comply with applicable federal and state regulations and to provide environmental liability protection for the department.

Use of contractors, end site facilities and general regulated material disposal/reuse handling information

Only contractors approved by OES can be used to complete structure assessment for regulated materials, abatement of asbestos and other regulated materials and abatement oversight. MnDOT approved contractors for these activities may be found at [MnDOT Certified Contractors - Prequalified Contractors, 19.1-19.5 \(PDF\)](#). All waste materials generated from MnDOT construction projects or from MnDOT operational facilities must be disposed of or recycled at facilities approved by OES, including landfills. These approved facilities may be found at [MnDOT Approved List of Waste Contractors \(PDF\)](#).

Some regulated materials may still be usable and of use to other parties. Ownership transfer of certain types of regulated materials must be documented with a [transfer of ownership form](#) to ensure proper reuse of these materials. This process also provides liability protection for MnDOT by documenting full disclosure of the waste material to the new owner. Completed transfer of ownership forms are retained for permanent storage.

All waste removal must be documented. Documentation provided by landfills and recycling facilities accepting waste (e.g., receipts, manifests, shipping papers) and hazardous waste contractors (e.g., hazardous waste manifests and land disposal restriction forms) will be provided to the MnDOT Project Manager within 10 days after waste is transported from the project site.

All waste materials will be transported directly from the project site to the MnDOT approved end site. Temporary storage of waste materials off-site shall not be allowed without the MnDOT Project Manager's prior approval.

Guidance on containerization, storage, labeling, transportation and documentation requirements on specific types of regulated materials may be found under "[Waste Handling](#)".

Types of regulated materials

- [Asbestos Containing Materials \(PDF\)](#)
- [Electronic Waste \(PDF\)](#)

- [Hazardous Waste \(PDF\)](#)
- [Household Hazardous Wastes From Residential Properties \(PDF\)](#)
- [Lead \(PDF\)](#)
- [Mercury \(PDF\)](#)
- [Polychlorinated biphenyls \(PCB's\) \(PDF\)](#)
- [Refrigerants \(PDF\)](#)
- [Tires \(PDF\)](#)
- [Trash \(PDF\)](#)
- [Treated Wood \(PDF\)](#)
- [White Goods \(PDF\)](#)

Sent from my iPhone



Pre-renovation or demolition requirements

Scope of this guidance

In Minnesota, hazardous and other problem wastes must be removed from a structure before it is renovated or demolished. The removed wastes must be managed properly through recycling or disposal. This fact sheet provides guidance in identifying hazardous and problem wastes and determining their proper disposal, but does not supersede any state or federal regulatory requirements applicable to a renovation or demolition project.

The Minnesota Pollution Control Agency's (MPCA) pre-renovation or demolition requirements apply to all structures in Minnesota, including residential, agricultural, governmental, commercial, and industrial structures. Note that there is no exemption from these requirements in Minnesota for farm buildings.

In addition to the Minnesota requirements, certain buildings built before 1978 may also be subject to federal requirements under the Repair, Renovation, and Painting Rule (RRP) of the U.S. Environmental Protection Agency (EPA). For more information on the RRP, visit the EPA at <http://www.epa.gov>.

Burning structures

In Minnesota, it is illegal for anyone to intentionally burn any structure, including a farm building. The only exception to this prohibition is for legitimate firefighter training. A legitimate firefighter training burn must include a prepared curriculum, specific training objectives, and documented post-training assessment. Burning a structure for disposal is not legitimate training. All of the pre-demolition requirements, including an asbestos survey and abatement, must be followed and a specific fire training burn permit obtained from the Minnesota Department of Natural Resources (DNR) prior to a legitimate firefighter training burn. For more information, contact the DNR as listed at the end of this fact sheet.

Notification

If you are going to renovate, demolish, or burn for legitimate fire training any structure regulated under the Federal National Emission Standard for Hazardous Air Pollutants (NESHAP) for asbestos, notify the MPCA at least ten working days prior to the start of the work. This NESHAP is found at 40 Code of Federal Regulations, Part 61, Subpart M. In general, all structures in Minnesota are regulated under this NESHAP except for residences having four dwelling units or less.

Note - Residential units may remain NESHAP-regulated under the following conditions: if they were converted from prior regulated uses regardless of the number of units; the demolition of multiple structures owned by the same party; or the demolition of any number of houses as part of an urban renewal project, a highway construction project; or a project to develop a shopping mall, industrial facility, or other commercial development.

Remember that whether subject to the NESHAP or not, asbestos work in structures may still be regulated under Minnesota Department of Health (MDH) requirements. For more information, contact the MDH as listed at the end of this fact sheet.

- For a renovation and for MDH-regulated work, notify the MPCA and MDH by submitting MPCA form #w-sw4-06, [Notification of Asbestos Work](http://www.pca.state.mn.us/publications/w-sw4-06.pdf), at <http://www.pca.state.mn.us/publications/w-sw4-06.pdf>.
- For a demolition or legitimate training burn, notify the MPCA by submitting MPCA form #w-sw4-21, [Notification of Intent to Perform a Demolition](http://www.pca.state.mn.us/publications/w-sw4-21.pdf), at <http://www.pca.state.mn.us/publications/w-sw4-21.pdf>.

Common wastes that must be removed before demolition

Type of waste	More information
Appliances; such as air conditioners and furnaces.	See MPCA hazardous waste fact sheet #w-hw3-02, Recycling Appliances , at http://www.pca.state.mn.us/publications/w-hw3-02.pdf .
Asbestos; such as pipe lagging and furnace flues. <i>*If any asbestos-containing material (ACM) is left in place in the portion of structure to be demolished, then all resulting debris must be managed and disposed as ACM.</i>	See MPCA webpage #482, Asbestos Program , at http://www.pca.state.mn.us/tchy7f7 .
Electronics; such as smoke alarms and home entertainment systems.	See MPCA hazardous waste fact sheet #w-hw4-15, Managing Electronic Wastes , at http://www.pca.state.mn.us/publications/w-hw4-15.pdf .
Environmental and safety system controls; such as thermostats and manometers.	See MPCA hazardous waste fact sheet #w-hw4-62, Managing Universal Wastes , at http://www.pca.state.mn.us/publications/w-hw4-62.pdf .
Hazardous waste; such as lawn chemicals and paints.	See MPCA hazardous waste fact sheet #w-hw3-12, Managing Waste from Residential Properties , at http://www.pca.state.mn.us/publications/w-hw3-12.pdf .
Lead-containing items; such as pipes and roof flashing. <i>*Lead paint may remain on the structure.</i>	See MPCA hazardous waste fact sheet #w-hw4-23, Lead Paint Disposal , at http://www.pca.state.mn.us/publications/w-hw4-23.pdf .
Lighting components; such as fluorescent/HID lamps and ballasts.	See MPCA hazardous waste fact sheet #w-hw4-62, Managing Universal Wastes , at http://www.pca.state.mn.us/publications/w-hw4-62.pdf .
Oils; such as fuel oil and hydraulic fluids.	See MPCA hazardous waste fact sheet #w-hw4-30, Used Oil and Related Wastes , at http://www.pca.state.mn.us/publications/w-hw4-30.pdf .
Refrigerants and halons; such as chillers and halon fire extinguishing equipment.	See MPCA webpage #62, Chlorofluorocarbons (CFCs) , at http://www.pca.state.mn.us/yhiz4b8 .
Solid wastes; such as furniture and window treatments.	
Submersible well pumps, which may contain polychlorinated biphenyls (PCBs) or mercury.	Search for MDH publication #141-0434, 'Sealing Unused Wells', at http://www.health.state.mn.us/ .
Any other wastes not acceptable at a disposal facility; such as radioactive or infectious wastes.	

Wastes that do not need to be removed before demolition

You do not need to test paint for lead or remove suspected or known lead paint from a structure if you are going to demolish the structure or if it will be burned for a legitimate firefighter training burn.

You also do not need to test caulking or paints for polychlorinated biphenyls (PCBs) or remove suspected or known PCB caulking or paint if you are going to demolish the structure. If the structure will be burned for firefighter training, however, the caulking and other sealants must be tested for PCBs and any PCB-containing caulking removed prior to the burn.

For more information on PCBs in caulking or paints, see MPCA hazardous waste fact sheet #w-hw4-48k, [Managing Sealants and Coatings Containing PCBs](http://www.pca.state.mn.us/publications/w-hw4-48k.pdf), at <http://www.pca.state.mn.us/publications/w-hw4-48k.pdf>.

Timeframes for removal

Remove all the wastes above and any other wastes which would be required to be removed at least two days before the intended renovation or demolition date.

However, if due to accidental or emergency circumstances that were beyond the control of the structure owner it is unsafe or unfeasible to remove all of these wastes prior to the renovation or demolition work, then you may complete the work, but must identify and remove all of these wastes from the debris prior to disposal. Note that identifying and removing hazardous and problem wastes from debris is frequently much more difficult and expensive than removing them before demolition.

Examples of accidental or emergency circumstances when this deferral could be allowed may include:

- declaration by a government entity that the structure is unsafe to enter;
- damage or partial destruction of the structure by accidental fire;
- discovery after demolition or renovation has already started of previously unknown hazardous or problem wastes which could not reasonably have been identified beforehand.

More information

Guidance and requirements in this fact sheet were compiled from Minn. R. Chapters 7035 and 7045, and incorporate regulatory interpretation decisions made by the MPCA on July 3, 2013. Visit the Office of the Revisor of Statutes at <https://www.revisor.mn.gov/pubs> to review the Minnesota Rules directly.

The MPCA has staff available to answer your waste management questions. For more information, contact your nearest MPCA solid waste staff. For information about waste and toxicity reduction, contact the Minnesota Technical Assistance Program (MnTAP).

Minnesota Pollution Control Agency

Toll free (all offices) 1-800-657-3864
 Brainerd 218-828-2492
 Detroit Lakes 218-847-1519
 Duluth 218-723-4660
 Mankato 507-389-5977
 Marshall 507-537-7146
 Rochester 507-285-7343
 St. Paul 651-296-6300
 Willmar 320-214-3786
 Website <http://www.pca.state.mn.us>

Small Business Environmental Assistance

Toll free 1-800-657-3938
 Metro 651-282-6143
 Website <http://www.pca.state.mn.us/sbeap/>

Minnesota Technical Assistance Program

Toll free 1-800-247-0015
 Metro 612-624-1300
 Website <http://www.mntap.umn.edu>

Minnesota Department of Natural Resources

Toll free 1-888-646-6367
 Metro 651-296-6157
 Website <http://www.dnr.state.mn.us/>

Minnesota Department of Health

Toll free 1-888-345-0823
 Metro 651-201-4620
 Website <http://www.health.state.mn.us/>

Classification and Use of Landfills

Landfills are designed and permitted according to the types of waste materials that are accepted by the facility. General descriptions of the different types of landfills are provided below. In an effort to limit future liability issues that may arise through improper or questionable landfill operations, Mn/DOT restricts use of landfills as follows:

- Minnesota Pollution Control Agency (MPCA) permitted demolition landfills.
- MPCA permitted and lined Mixed Municipal Solid Waste landfills.
- MPCA permitted and lined Industrial Landfills.
- Hazardous Waste Landfills approved by the Mn/DOT Office of Environmental Services (OES) and available through the hazardous waste contract.
- Additional landfills may be approved by OES by request.

Under no circumstance will OES approve creation of permit-by-rule landfills for disposal of any waste material. Typical Mn/DOT right of way cannot meet the regulatory requirements to qualify as a permit-by-rule landfill. Additionally, a permit-by-rule landfill requires long-term maintenance and reporting actions beyond the department's resources to deliver.

Note: None of these landfills accept any free liquids.

Demolition Landfill

Also referred to as demo landfills, these facilities accept construction and demolition debris.

Construction debris: waste building materials, packaging and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

Demolition debris: solid waste resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts.

Demolition debris does **not** include asbestos or treated wood.

Demolition and construction debris as described above can be taken to any MPCA permitted demolition debris landfill.

Mixed Municipal Solid Waste Landfill

Also referred to as an MMSW landfill, sanitary landfill or permitted lined solid waste landfill.

Mixed municipal solid waste: garbage, refuse and other solid waste from residential, commercial, industrial and community activities.

Industrial Landfill

Industrial waste: Asbestos, treated wood and non-hazardous paint blasting residue are examples of materials classified as Industrial Waste.

Mn/DOT Regulated Materials Management

Hazardous Waste Landfill

Hazardous waste: any waste material that may pose a substantial present or potential hazard to human health or the environment.

A Mn/DOT approved hazardous waste contractor must be used to transport hazardous waste.

Transfer Station

A transfer station is an intermediate facility where waste collected from any source is temporarily stored to await transportation to another waste facility.

June 13, 2018

Goodhue County Planning Commission
Hay Creek Town Board
Goodhue County Board
City of Red Wing
Other Local Government Units, Boards and Commissions

RE: Proposed conditional use / interim use and /or zoning changes requested by the Kevin and Margaret Simanski of Simanski Metals LLC for the proposed improvement and operation of a contractor yard on their parcels No 34-008-1400 and 34-008-1500

To Whom It May Concern:

We, as indicated by the signatures in the attached exhibit, respectfully object to the proposed conditional use / interim use and /or zoning changes requested by the Kevin and Margaret Simanski of Simanski Metals LLC for the proposed improvement and operation of contractor yard on their parcels No 34-008-1400 and 34-008-1500.

Many of the points and objections previously stated for the Simanski's original request to the County are still just as applicable to this new request. The property as requested for conditional use is substantially different from the neighboring properties in close proximity to Simanski Properties. It is our belief that this requested use is not harmonious to the area. We also believe that this request is not in compliance with zoning ordinance requirements of Article 4 Section 2 Subd. 2 paragraphs 1, 2, 5, and possibly 4 which state:

Subd 2. **FINDINGS.** No CUP or IUP use shall be recommended by the County Planning Commission unless said Commission specifies in their findings, the facts in each case which shall establish:

1. That the CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. That the establishment of the CUP/IUP will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
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.

In addition without actual verification, we are unsure if the process has conformed with Article 4 Section 4 Subd. 4 which states:

Subd. 4. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties

nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional/interim use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional/interim use shall be given proper notice.

Since the request is for a contractor yard among other things, we question what operations and activities can be conducted if said conditional or interim use is granted given the fact that operations at the site have been in violation and no enforcement has been undertaken by the County other than a cease and desist issued. The contractor yard zoning text amendment states:

CONTRACTORS YARD. A site used for storage, maintenance, and staging of vehicles, equipment, and materials related to contracting work in any of the building trades, landscaping, road building, sewer installation, transport and hauling, or similar professions in which work is principally conducted off-site.

This definition would leave the uses very open and for potential uses more than requested which adds to our concerns. Since it appears that the intent of this language seems to infer activities related to the building and construction trades, how will the material that is in the occasional dumpster which has material in it and is left on site for a short time be determined to meet the intent of this language? It may not be related to the building and construction trades.

As part of the applicants previous request it was indicated that they would be submitting a request for a transfer station. While this previous request does not seem to be addressed in the contractor yard application or staff review, Exhibit C in the application show a future transfer facility in the northwest corner of the property. How does this fit into the conditional or interim use permit and is allowed in an A2 zone? In addition as part of the MPCA accepting the County Closed Landfill into the State Closed Landfill Program the agency is requiring that the County implement waste designation and with the City Waste Facility only 2 miles away this would seem not to follow that intent by allowing another waste transfer facility so close.

The transfer station also brings into question other issues. While the applicants letter states that no solid waste (trash) will be brought in, it is our understanding that anytime any household waste is added to a dumpster, the classification of the material in that dumpster then becomes Mixed Municipal Waste. The material would then be subject to a classification of solid waste. Also the applicant indicates that they will be bagging and hauling waste from their site to their residence. While this is indicated to be a small amount, since this is from an industrial operation would the applicant need to have a solid waste license to do so or technically would this possibly considered a small transfer station?

The applicants driveway permit application indicates that they didn't intend to construct a building yet the conditional / interim use application indicates that one will be built. Based on the information submitted by the applicant for the trucking the applicant indicates that their plan is to operate with the number of trucks they have,

but may add additional trucks and do not want to be capped. Should additional trucks be added what is the Heavy Commercial Average Daily Traffic impact and anticipated individual drop off traffic? The State expressed concern that the approaches and vehicle turning movements may be inadequate or unsafe based on the proposal so this seems to be a concern. In the previous application the applicant has foreseen the possibility of doubling the number of drivers. In order to do that it would seem logical that either the number of trucks and/or hours of operation would increase.

In addition, while the applicant has a driveway permit from MnDOT, all of the additional concerns and special conditions and requirements of granting that permit have not been included as part of the application or documentation in the agenda packet. This would seem very important for consideration of the request. The site plan shows that there is a driveway along the easterly side of the proposed building and also from the proposed parking area along the northerly side of the building. These exit on to the shared driveway with the neighbor to the north. One requirement of the MnDOT permit is that the driveway on the northeasterly corner of the property which accesses to the shared driveway is to be removed. This requirement should be identified as part of the consideration. It appears as though the applicant is planning to use it according to the site plan.

From what we understand, the applicant may not be in compliance now with current operations and permits, how does this impact what is being considered or what must be done? The staff summary notes the following:

Current Violations: Simanski Metals LLC has made some improvements to the current 1.78-acre parcel (A2 Zone) including construction of a driveway access at the northeast corner of the property and a gravel parking lot area. In addition, a variety of different types of containers have been placed on the property. Evidence has been provided to the County illustrating truck traffic during early morning and evening hours hauling items to and from the site. Planning and Zoning Administrator, Michael A. Wozniak, AICP, contacted Simanski Metals, LLC by letter (dated February 16, 2018; Appendix 2) to inform the Simanski's that a Scrap Metals Transfer Facility would require approval of Conditional Use Permit or Interim Use Permit by the County. The letter expressly stated, "Any operation of a Scrap Metals storage, recycling or transfer facility must cease immediately". Nearby property, owners have complained that use of the property has continued. Photographs have been provided to County Staff to confirm this activity.

Since the City of Red Wing is within the 2 mile restriction, what action or comments have they done relative to this proposal? It is our understanding that the City had responded to the previous request. What was that response and are they asked to respond again for this request. Highway 58 is a major entrance into the City and at some point in the future some area adjacent to or near this may actually be part of the City and one would think they would have significant interest in this request.

The County also has a 2016 Hazardous Mitigation Plan. How does this request comply with that? It would seem that the metals which would be salvaged and sorted at the site may have gases, chemicals, and oils that may fall into this area. How will this potential be contained and what is the pollution prevention plan for such things?

The County has also adopted a Health Impact Analysis as part of its A3 Urban Fringe change considerations and requirements. **How will this proposal meet the recommendations of that study?**

How does this proposal correspond to the recommendation and guiding principals of the County's Comprehensive Plan particularly Elements 1, 2, 4, and 5?

What other agencies that may be subject to review courtesy have reviewed the proposal in addition to the Goodhue County Soil and Water? DNR, City of Red Wing, Goodhue County Public Works and Solid Waste?

The Goodhue County Soil and Water staff review is included in the applicant's submittal documentation. This past weekend their was apparent grading in the area that their recommendations were indicated on Exhibit C. Did the applicant apply for a stormwater permit for this construction? Whenever more than 1 acre is disturbed a permit is required and temporary erosion controls identified for the grading. This is a separate permit from what was included in the applicant's submittals. The permit from the MPCA in the packet is for an Industrial Stormwater Permit. This has to do with the proposed operations for which the applicant is requesting through the CUP process. The Permit No. MNR050000 is an Industrial Stormwater Multi-Sector General Permit. The approved Permit ID Number MNR053DL8 indicates that it is for industrial activity 4214 Local Trucking with Storage under Industrial Subsector P3 Motor Vehicle Facilities of Industrial Sector Land Transportation and Warehousing per state rules. The approved permit indicates that the applicant has completed and shall follow the SWPPP (Storm Water Pollution Prevention Plan). While a copy of the permit coverage card is included, the actual completed and approved SWPPP has not been included so that what that plan is and what must be followed is not evident to anyone reviewing this application. This is important information. The staff summary notes:

Roll-Off Box Storage: The Applicant is proposing to store roll-off boxes on the gravel surfaced area shown on the site plan. They have indicated in there proposal that **"MPCA, does not have any problem with storing empty or full roll-off containers."** They state: **"we are permitted to do so, and the monitoring will give them sufficient data to decide if there is an issue."** The Applicant has further noted that **"MPCA does not anticipate an adverse data and that any boxes that would need to be tarped on public roads would need to be tarped on site"**.

The definition of Contractors Yard reads: **"A site used for storage, maintenance, and staging of vehicles, equipment, and materials related to contracting work in any of the building trades, landscaping, road building, sewer installation, transport and hauling, or similar professions in which work is principally conducted off-site."** No reference is made to storage of waste or recyclable materials on either a temporary or permanent basis.

While the applicant indicates that the MPCA has indicated several comments related to the storage of empty or full roll-off containers on site, there is no actual documentation from the MPCA. Some of this may be in the applicant's SWPPP or correspondence from the agency either accompanying the permit or by separate correspondence. This information should have this documentation for any interested parties to review. What are the special conditions by the MPCA if any for this and who and how is the monitoring and data collection to be done. Who is it submitted

to? How will interested parties be able to find out what monitoring is done and what that data is?

The County also has a 1990 Solid Waste Ordinance, which may be somewhat out dated. How does this comply with pertinent provisions in that?

The applicant indicates that they will construct an eight foot high fence and berm. According to the site plan the fence will be only constructed along a portion of the westerly property line (the south end of the fence begins to be constructed berm), along the northerly property line, and then to the northeast corner of the proposed building. There is no detail as to the type of fence and type of screening which could be important to the neighboring property owners. The plan also shows a berm to be built near the southwest corner of the property and planted with trees, approximately 60 feet northerly of the southerly property line. There is a conflict between this and the recommendations proposed by the Goodhue County Soil and Water since their recommendation was to construct a sediment/infiltration basin in the location that was proposed for the berm. They also recommended constructing a berm from the sediment/infiltration basin along the southwesterly side of the new access driveway. There is no screening proposed to screen the facility from Highway 58.

In closing we feel that the proposal will be very disruptive to the area and will be injurious to the use and enjoyment of nearby property in the immediate vicinity for the purposes already permitted, and also substantially diminish and impair property values within the same vicinity. The current use of neighboring property is primarily residential and agriculture. A contractors yard such as what is being proposed is in many ways similar to what was previously proposed

Thank You,

Tom & Teresa Gadiant

EXHIBIT ANAMEADDRESS

Jim Zambach	Jim Maybach 31351 Hwy 58
Fred + Muri Sarslow	30540 Hwy 58
Neil R. Stemann	29322 Hy #58
Ernie Ph	29126 Hwy 58 Blvd
Lisa Johnson	29126 Hwy. 58 Blvd
Ernie Ph	29382 Hwy 58 Blvd
Angie Meyer	29380 Hwy 58 Blvd
Don Gaden	29407 Hwy 58 Blvd
Olivia Gaden	29407 Hwy 58 Blvd
Jim Gaden	Hy #58 Land owner
Ernie Ph	TRUSTE OF ADJACENT LAND OWNER
Don Gaden	HI-WAY #58 LAND OWNER
Jack Blyum	31010 Haycreek Hills Dr RW
Gosh Becham	31980 205th Ave RW
Mr. Selt	28190 KAFFITZ ROAD
James Kimball	1641 Bush St., RW
Larry Stuss	27960 Gadiant Lane Hwy 58 Land owner
Angie Stuss	27960 Gadiant Lane Hwy 58 Land owner
Ed Hume	29190 Hwy 58
Glenn Martin	28784 Hwy 58
John Ph	30619 Hay Creek Hills Dr
Jean Egbert	30619 Hay Creek Hills Dr.

EXHIBIT A

NAMEADDRESS

<u>NAME</u>	<u>ADDRESS</u>
Kathleen Bickel	30915 Hay Creek Hills Dr, Red Wing
Barbara Tuttle	30817 Hay Creek Hills Dr. Red Wing
Jan Kuyse	33175 220 th Ave Red Wing
Kelley Kuyse	33175 220 th Ave Red Wing
Paul Noun	404 Westwood South Welch MN
John Bristol	113 N 6 th St Goodhue MN
Billy Keep	33175 220 th ave Red wing mn.
Mike Parn	1128 NELSON AVE RED WING MN
Frank	843 Wilkie St Red Wing MN
J.P.	24373 OLD CAMP LANE Red Wing MN
John North	28728 Hwy 58 Blvd
Shawn Brady	2602 Hwy 58 Blvd. Red Wing MN
Paul Brady	2602 Hwy 58 Blvd Red Wing
Agnes Badonits	2785 Gaden Lane (Hwy 58 land owner)
Leo Gadenits	2785 Gaden Ln (Hwy 58 land owner)
Nancy Rieko	28280 Kaffitz Rd Red wing - landowner 58 Blvd
Charles Rieko	28280 Kaffitz Rd Red Wing 58 Blvd Land owner
Jill Fanslow	916 W 3 rd St Red Wing MN
Jared Fanslow	28932 Hwy 58 Blvd Red Wing
Paul M	2651 Ridge View Blvd
Wm. F. F. F.	669 23 rd St Red Wing, MN
Marge F. F.	664 23 rd St Red Wing, MN

PROPOSED ADDITIONAL SIMANSKI CUP CONDITIONS

If the County will not deny a contractor yard permit the following conditions should be applied:

- No material transfer is allowed on site.
- Because of potential groundwater contamination no material may be in any dumpsters on the site at any time.
- Because of the possibility of potential groundwater contaminants being present even in empty dumpsters all dumpsters on site must be sealed against entry of water.

The proposed eight-foot high screen fence will not shield from view all of the equipment the applicants propose to use in their operation. An approved visual barrier, not the proposed screen fence, around the proposed yard's operations shall be erected and maintained during the duration of the permit. The design of the barrier shall be developed by a registered Landscape Architect and subject to the approval of a majority of affected parties, made up of the adjoining landowners, each Hay Creek Hills resident, every Hwy 58 landowner within 0.5 miles of the proposed contractor yard site, and the County Land Use Department.

Hours of operation shall be specifically identified and limited.

Failure to comply with any conditions of the permit shall result in permanent revocation of the permit.

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: Aug 20, 2018
Report date: Aug 10, 2018

PUBLIC HEARING: Request for Amendment to Existing CUP for a Retreat Center and Scrapbooking Retail Store (Firefly Farm LLC)

Request, submitted by Firefly Farm LLC (Trisha Studer), to amend CUP Z16-0060 (approved 10/04/16) to modify plans for a proposed Retreat Center and existing scrapbooking retail store. Parcel 39.033.0800. 51525 210th Ave, Pine Island, MN 55963. Part of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec 33, Twp 109, Range 15, in Pine Island Township. A3 Zoned District.

Application Information:

Applicant: Firefly Farm LLC (Trisha Studer)
Address of zoning request: 51525 210th Ave, Pine Island, MN 55963
Parcel(s): 39.033.0800
Abbreviated Legal Description: Part of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec 33, Twp 109, Range 15, in Pine Island Township
Township Information: Pine Island Township endorsed acknowledgement of the Applicant's request.
Zoning District: A3 (Urban Fringe District)

Attachments and links:

Application and submitted project summary
Site Map(s)
CUP Z16-0060 (Approved 10/04/16)
Article 11, Section 25 *Retreat Centers*
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Summary:

The applicant received CUP approval in October 2016 (Doc#634767) to establish a Retreat Center and accessory scrapbooking/crafting retail store at their property in Pine Island Township. The applicant established the retail store within the existing residence and began operating in June 2017. The original plans were to move the retail store into an existing accessory shed on the property and establish the Retreat Center within the residence (see approved CUP). Since opening the retail store, they have determined that it functions well within the residence and would like to amend their CUP to keep the retail store in its current location and construct a new building to begin hosting retreats and associated events.

The applicant currently hosts retreat events at an off-site location in southeastern MN. The new building would allow her to begin hosting retreat events on-site and allow her to continue the retail store in its current location.

Project Summary:

Property Information:

- The subject property consists of a single parcel comprising 11.86 acres. The parcel is zoned A3 (Urban Fringe District). The parcel is not the applicant's primary residence.
- The property is bordered by A3 zoning districts to the north and west; A1 to the east; A2 to the south. Adjacent land uses include a shooting range (White Pines Sportsman's Club), undeveloped woodlands, low-density residential and row-crop agriculture. US HWY 52/White Pines Frontage Road abuts the property's southern border.
- Access to the site is located off of 210th Ave (gravel surface) on the east side of the property. The driveway is within a quarter-mile of White Pines Frontage Road (paved) and a half-mile of CTY 11 BLVD (paved). White Pines Road accesses US HWY 52 approximately 1 mile west of the site.

Accessory Scrapbooking Retail Center:

- The applicant intends to keep the retail center in its current location within the existing residence. Retail items include materials for scrapbooking, quilting and crafting as well as finished gifts and decorative items. Classes and workshops are also held during store hours approximately once per week. The store is currently open year-round Monday and Wednesday through Saturday from 10:00 AM to 9:00 PM and Sundays from 10:00 AM to 5:00 PM. The retail store was originally planned to be located in a 2,800 sq ft pole shed north of the home. This structure is now planned to remain as storage space only.
- Goodhue County has not received any official complaints regarding the applicant's business operations since it began operating in June 2017.

Retreat Center:

- The applicant originally proposed to remodel the existing residence to create a 4 bedroom, 3 bathroom Retreat Center that would accommodate up to 14 guests. She is requesting to amend those plans to build a new 104ft x 26ft two-story, walk-out rambler that will accommodate 35 to 50 guests.
- The main floor will have a common area with a large workspace for retreat attendants and a kitchen available for guests to prepare their own meals. The main floor will also have one bedroom with a handicap-accessible bathroom. The lower level will have 8 bedrooms and 8 bathrooms. The main floor entrance will have a handicap-accessible ramp. *The proposed Retreat Center location adheres to all applicable property line and feedlot setback requirements.*
- As previously proposed, the retreat center would be open year-round, 7-days per week. Guest stays range from 2 to 5 nights. The applicant anticipates guests will typically stay Friday through Sunday. *Per article 11, Section 25 guest stays cannot exceed 2 weeks unless otherwise approved through the CUP process.*

Employees:

- The applicant anticipates the need for 3 to 4 part-time Non-resident Employees to run the retail store and Retreat Center. Staff will be available on-site to assist guests upon arrival as well as during retail store hours. Guests will be provided contact information for on-call staff for assistance outside of retail store hours. The applicants existing CUP requested 1 to 2 employees.

Lighting:

- Two dusk-to-dawn yard lights are currently installed near the house. Two outdoor post lamps have also been added near the main parking area north of the home. Exterior safety lighting is proposed on the new Retreat Center building for guest safety.

Traffic and Parking:

- Minimal additional traffic has been generated with the opening of the accessory retail store area. Retreat events will create some additional traffic along 210th Ave as guests initially arrive for their stay and when departing. The applicant anticipates many guests will carpool to the Retreat Center reducing traffic to the site. In her experience, once on site, guests will mainly stay put with the exception of a grocery store/restaurant trip.
- There is some delivery truck traffic to the site. Deliveries are off-loaded on site near the home.

On average of 2-4 deliveries are received per week. Weekly delivery trips fluctuate with demand.

The applicant's driveway has a circular turnaround area near the house to aid in traffic circulation on site. The driveway (asphalt/gravel mix) has been widened to approximately 20 feet allowing vehicles to bypass each other to keep traffic flowing off of 210th Ave. Adequate emergency vehicle access is available to service the facility.

- A number of available parking areas exist on site. There are 7 parking stalls immediately north of the existing home. A gravel parking area for 5-6 vehicles will be installed north of the proposed Retreat Center. Additional parking is available in front of the large storage shed as well. There is space available on the property to provide additional parking in the future if needed.
- *Pursuant to GCZO Article 11, Section 16 minimum off-street parking provisions for "Tourist Homes/Motels" shall be 1 parking space for each guest rooms, plus 2 additional spaces for management and service personnel (10 spaces required). Minimum off-street parking for the retail store shall be 1 parking space for every 500 sq ft of floor area (4 spaces required). A minimum of 14 off-street parking spaces is required for the facility.*

Ample room exists on the property to fulfill parking requirements.

Utilities:

- The existing dwelling is served by a compliant Subsurface Sewage Treatment System (SSTS). The proposed Retreat Center will be serviced by a new SSTS which the applicant has had designed by G-Cubed engineering services. SSTS plans and designs will require review and approval by Goodhue County Environmental Health staff prior to commencing construction of the Retreat Center.
- Solid waste disposal services will be provided locally. Any hazardous materials or fluids generated shall be properly disposed of.

Signage:

The applicant is proposing to install one 24 sq ft sign near the property's entrance. *A maximum of 32 sq ft is allowed per GCZO Art. 11 Sect. 17.*

Landscaping/Drainage:

- Stormwater will be collected and directed via roof guttering. Some of the stormwater will infiltrate naturally into the ground and the remainder will be directed towards an existing drainage way in the southwest corner of the property. Minimal landscaping work will be needed after Retreat Center construction is completed. Any disturbed areas will be re-vegetated to prevent future erosion.

Draft Findings of Fact:

The following staff findings shall be amended to reflect concerns conveyed during the PAC meeting and public hearing.

1. The proposed Retreat Center and accessory retail store does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The use has been established and operating since June 2017 without any record of conflicts with existing residential uses in the area.
2. The Retreat Center and accessory retail store is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use is proposed to meet all development standards of the Goodhue County Zoning Ordinance and the majority of the operations will be confined within the existing and proposed structures. The use, as proposed, appears compatible with existing adjacent land uses.
3. A review of the applicants submitted project summary indicates adequate utilities, access roads, drainage and other necessary facilities are available or will be installed to accommodate the proposed use.
4. The submitted plans identify means to provide sufficient off-street parking and loading space to

serve the proposed use and meet the Goodhue County Zoning Ordinance's parking requirements.

5. The Retreat Center and accessory retail store will be conducted primarily within the existing and proposed structure to prevent and control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance. Furthermore, the applicant's lighting plans appear capable of controlling lights in such a manner that no disturbance to neighboring properties will result.

Staff recommendation is based on the review of the submitted application and project area prior to the public hearing.

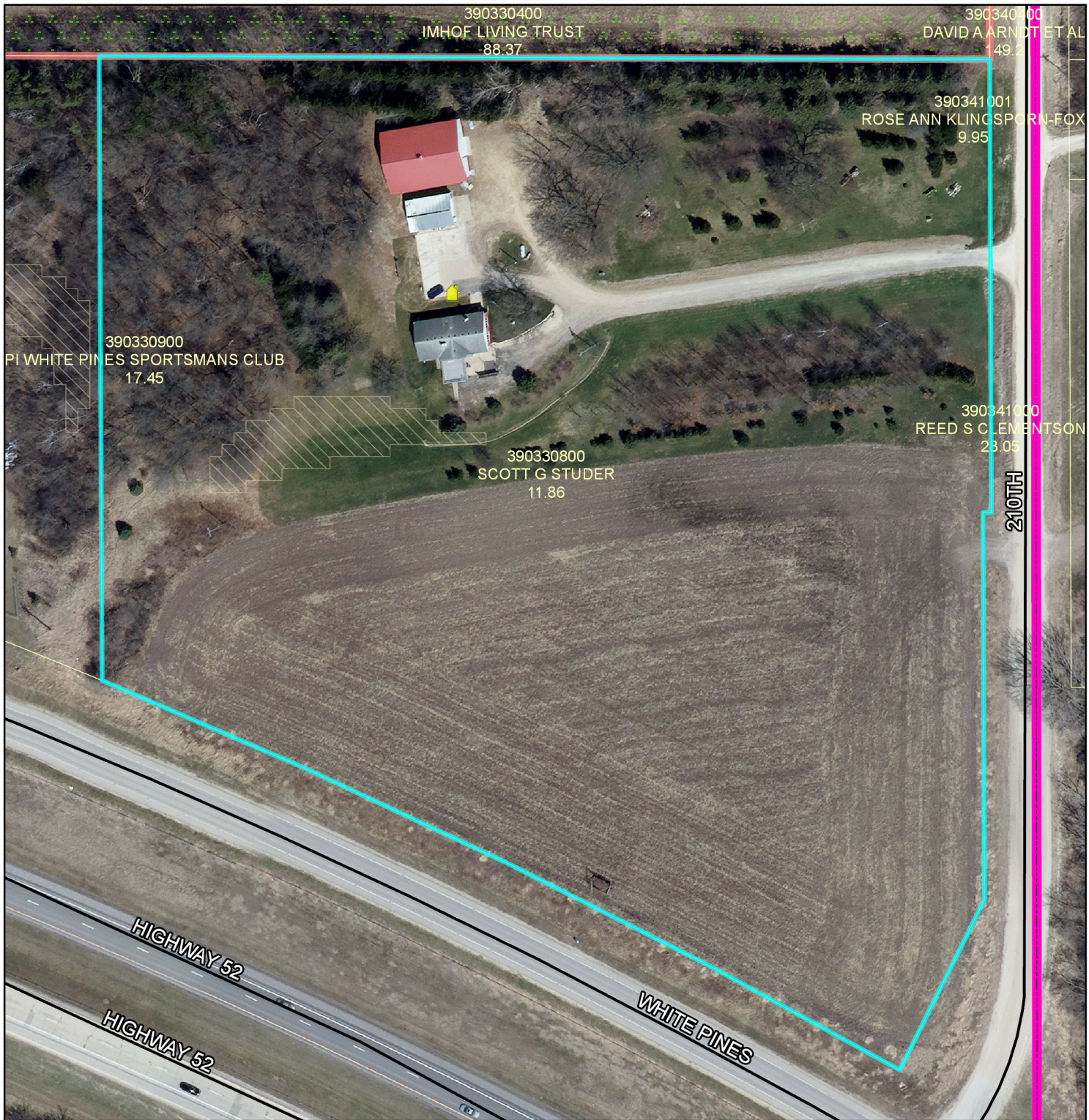
Staff Recommendation:

LUM Staff recommends the Planning Advisory Commission

- 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 that the County Board of Commissioners **APPROVE** the request from Firefly Farms (Trisha Studer) to amend CUP Z16-0060 (approved 10/04/16) to modify plans for a proposed Retreat Center and existing scrapbooking retail store. Upon approval, this CUP will replace and cause CUP Z16-0060 to be revoked.

Subject to the following conditions:

1. Retreat Center and Accessory Retail Store activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Hours of operation for the accessory retail store shall be year-round Monday and Wednesday through Saturday from 10:00 AM to 9:00 PM and Sundays from 10:00 AM to 5:00 PM;
3. Hours of operation for the Retreat Center shall be year-round, 7-days per week;
4. Retreat Center occupancy shall not exceed 50 guests or the design capacity of the connected SSTS, whichever is less;
5. On-street parking shall be prohibited;
6. Applicant shall obtain Building Permit approvals for the proposed structure from the Goodhue County Building Permits Department prior to establishing the use;
7. Applicant shall work with Goodhue County Environmental Health to achieve compliance with the Goodhue County SSTS Ordinance;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 25, Retreat Centers and Article 23 A3, Urban Fringe District;
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.



Planning Advisory Commission

Public Hearing
August 20, 2018

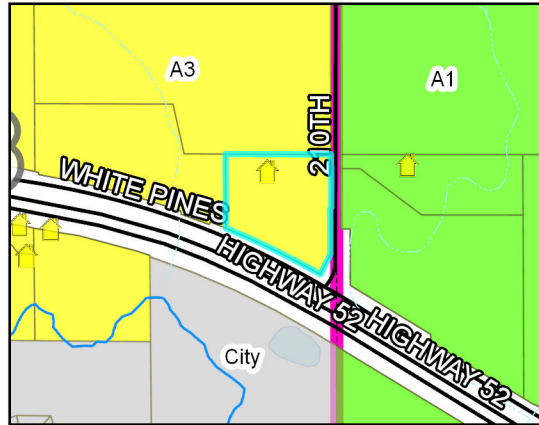
Firefly Farm LLC (Trisha Studer)
A3 Zoned District

Parcel # 33.033.800
Part of the E½ of SE¼
Sec 33 Twp 109 Range 15
Pine Island Township

CUP amendment request to modify plans
for a proposed Retreat Center and
existing scrapbooking retail store.

Legend

- | | |
|----------------------------|---------------------------------|
| Intermittent Streams | Bluff Impact Zones (% slope) 20 |
| Protected Streams | Bluff Impact Zones (% slope) 30 |
| Lakes & Other Water Bodies | FEMA Flood Zones |
| Shoreland | 2% Annual Chance |
| Historic Districts | A |
| Parcels | AE |
| Registered Feedlots | AO |
| Dwellings | X |
| Municipalities | |



0 40 80 160 240 US Feet

DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2018.

2016 Aerial Imagery
Map Created August, 2018 by Ryan Bechel





Approximate area of proposed retreat center



210th Ave looking south to US HWY 52





Turnabout and parking area





Driveway entrance looking west



driveway entrance from 210th Ave looking north

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 39.033.0800

Permit# 218.0035

PROPERTY OWNER INFORMATION Firefly Farm LLC

Last Name Studer Trisha First Email: trishafireflyfarm@gmail.com
Street Address 51525 210th Avenue Phone 507.356.2073
City Pine Island State MN Zip 55963 Attach Legal Description as Exhibit "A" []
Authorized Agent Trisha Studer Phone same
Mailing Address of Landowner: same
Mailing Address of Agent: same

PROJECT INFORMATION

Site Address (if different than above):
Lot Size 11.86 Structure Dimensions (if applicable)
What is the conditional/interim use permit request for? Retreat Center
Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized
see attachment

DISCLAIMER AND PROPERTY OWNER SIGNATURE

I hereby swear and affirm that the information supplied to Goodhue County Land Use Management Department is accurate and true. I acknowledge that this application is rendered invalid and void should the County determine that information supplied by me, the applicant in applying for this variance is inaccurate or untrue. I hereby give authorization for the above mentioned agent to represent me and my property in the above mentioned matter.

Signature of Landowner: trisha studer Date 8-20-18
Signature of Agent Authorized by Agent:

TOWNSHIP INFORMATION

Township Zoning Permit Attached? [] If no please have township complete below:

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the request.

Signature: Ben Bettes Title CHAIRMAN Date 7-24-18
Comments: Township Fee \$100 Receipt # 766080

COUNTY SECTION COUNTY FEE \$350 RECEIPT # 116399 DATE PAID 7/26/18

Applicant requests a CUP/IUP pursuant to Article ___ Section ___ Subdivision ___ of the Goodhue County Zoning Ordinance
What is the formal wording of the request?

Shoreland ___ Lake/Stream Name ___ Zoning District ___
Date Received ___ Date of Public Hearing ___ DNR Notice ___ City Notice ___

RECEIVED

Action Taken: ___ Approve ___ Deny Conditions:

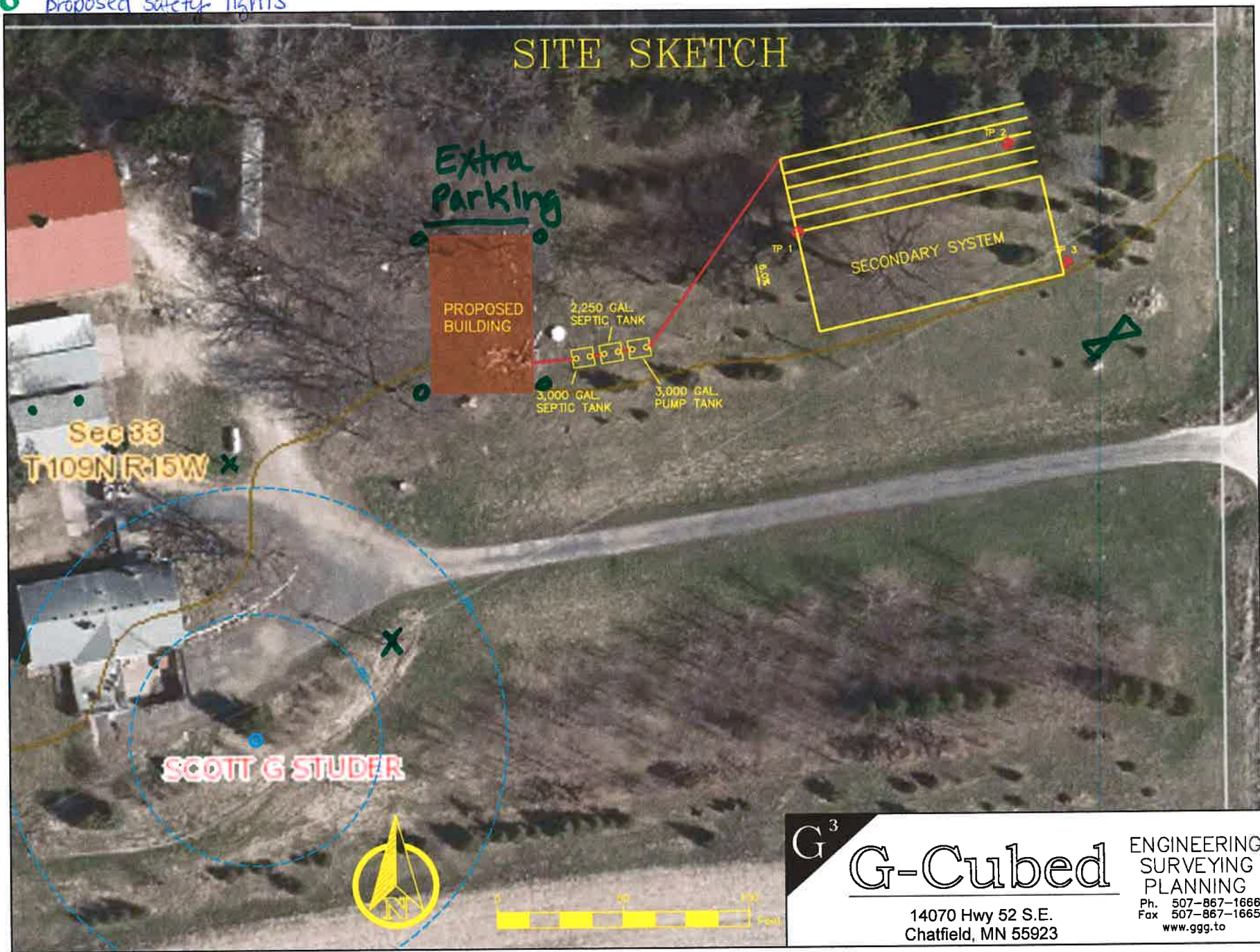
JUL 26 2018

Land Use Management

- X existing utility lights
- existing lamp posts
- proposed safety lights

∞ proposed retreat sign

SITE SKETCH



G³
G-Cubed ENGINEERING SURVEYING PLANNING
 14070 Hwy 52 S.E. Chatfield, MN 55923
 Ph. 507-867-1666 Fax 507-867-1665 www.ggg.to

Exhibit A

To: Goodhue Planning/Zoning Department
From: Trisha Studer | owner of Firefly Farm LLC and Catching Fireflies Retreats
Regarding: Property at 51525 210th Avenue, Pine Island MN 55963

Background

I have been hosting scrapbooking (and crafting) retreats for the last 9 years and find them to be a popular and growing avenue of business. I currently rent a lodge in SE Minnesota (Spring Valley) to hold 9 retreats per year (each retreat runs Thursday thru Sunday). In August of 2016, I applied for a Conditional Use Permit in Goodhue County that would allow me to open a retail store on this Pine Island property as well as run a retreat center. The outcome of that application was the following:

Staff Recommendation:

LUM Staff recommends the Planning Commission

- adopt the staff report into the record (dated September 12, 2016);
- 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 Studer/Firefly Farm CUP

–Request for scrapbook Retreat Center and accessory retail store in an existing structure.

Subject to the following conditions:

1. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations,
2. Compliance with Goodhue County Zoning Ordinance , including , but not limited to: ARTICLE 23 A-3, URBAN FRINGE DISTRICT, Article 11 performance Standards Section 26 retreat centers,
3. Compliance with Goodhue County Septic Ordinance, including a septic system plan approved by the Environmental Health,
4. The owners will cooperate with inspections of the facility in coordination with Land Use staff.

June 2017 thru present

I opened Firefly Farm in June 2017 as a retail business in the home on the property. The plan at that time was to eventually move the retail to the large shed on the property and to turn the existing house into a retreat center. Since opening almost 14 months ago, the store has been extremely busy and all of my time and efforts have been dedicated to the retail operation. I have continued renting out the Lodge in Spring Valley (mentioned above) 9 times per year. I have found that I could fill more than 9 retreats per year, but physically I can not run the retail side as well as host retreats an hour away.

We have found that the retail works wonderfully in the house as it is currently set up and the thought of relocating it to the existing shed on the property seems extremely daunting as well as impractical. At this point, we are confident that we could build a retreat center on the property and have success hosting retreats as well as renting out the rooms for crafting groups on many week-ends. The retail site, where it currently is, would be an accessory to this retreat center and they would benefit each other. We also feel that we can accomplish this while respecting and adhering to the conditions spelled out to us for Goodhue County.

SECTION 25. RETREAT CENTERS

The Project Summary that I submitted in August of 2016 remains the same for most of the questions. My answers are in italics and I have changed the text to red to denote changes from the 2016 form.

A. The stated purpose and type of the retreat center;

Retreat Center for crafters to have space to craft (scrapbook, quilt, etc.) and be able to prepare their own meals in an onsite kitchen and have lodging available in the same building. Typical stays will be two nights, primarily Friday and Saturday nights. Some guests will add on Thursday to their stay as well. Some will add on Sunday night as well. The Center will be available for rent for any 2 nights, but the majority of groups will be Friday/Saturday nights.

B. Location and size of all existing and proposed physical improvements such as buildings, landscaping, parking areas, etc.;

The existing house is 3,064 square feet (1,532 above ground and 1,532 below ground). This is (and would remain) the retail location.

The large pole shed is 2,800 square feet, the smaller pole shed is 575 square feet. Neither of these sheds would be changed. They are both used for storage.

We would like to propose leaving the existing house (retail site) and septic system untouched.

We are proposing to build a new structure with a new septic system to support it (attached is the proposed septic design by Chris Priebe of G-Cubed). Our proposed structure is roughly 104 x 26 and will be a walk-out rambler with 9 bedrooms. We will add additional parking spots to the north side of the retreat center (tucked behind the house and blocked by existing tree line).

The proposed building site is suited to accommodate a walk-out basement. Excavator will grade area away from building according to code, and flatten areas for drop off area and parking by using dirt from the excavation.

C. Plans for sanitary sewage disposal, water systems (natural or manmade), and utilities servicing the site;

Answered in B. Utilities are more than adequate to service proposed business plan.

D. Show the existing and proposed surface drainage;

Seen on aerial view attached.

E. Existing or proposed location for overhead lighting;

Two yard lights are already installed on utility poles in the proximity of the house- marked on aerial view. Two outdoor post lamps have been added by the parking area- marked on aerial view as well. The proposed retreat center would have safety lights by the entrances.

F. Location and width of all streets abutting the site:

Existing marked on aerial view.

G. A proposed schedule of events and any proposed special events, which consist of any events that are not a part of the normal operating schedule;

No special events planned for the retreat house besides a grand opening.

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

We are currently insured by First American Insurance Services Inc., 246 S Main St, PO Box 503, Pine Island, MN 55963. We would need additional coverage for the retreat house and can show proof of it when we obtain it.

I. List the number of adult caretaker(s) on duty and on site and the times they are present;

*The retail store adjacent to the retreat center/house will have business hours 6 days a week. Times to be determined, but most likely 10am to 8pm with later closing hours on Friday. One or two staff members will be onsite during business hours. Retreat guests will be welcomed by a staff member and they will have a phone number that they can call at anytime during their stay. *Store hours are 6 days a week: Monday and Wednesday thru Saturday | 10am to 9pm, Sunday | 10am to 5pm, closed Tuesdays. We will need to have 3 to 4 part-time employees as well as myself (full time).*

J. Provide a general floor plan indicating the units to be used for the retreat center (in which the public may have access);

Approximate foot print will be 104 x 26. Walk-out lower level will accommodate 8 bedrooms/bathrooms. Main level will consist of an entrance accessed by a ramp and stairs, kitchen, dining room, 1 bedroom w/ handicapped accessible bathroom, and large room for crafting (32 tables and chairs).

K. On-site advertising shall be limited to one (1) sign per entrance, not to exceed twenty-four (24) square feet. Lighting, height, and location must be described or shown on the site plan; *noted on aerial view.*

L. Any licenses or permits required by Environmental Health including but not limited to: kitchen and food facilities, water supply, septic systems, and lodging. *We will comply with any that are needed. We will be ADA compliant as well as comply with sprinkler code.*

Subd. 2.

The Planning Advisory Commission shall take into consideration the following information and performance standards in which to base their recommendation to the County Board for retreat center conditional use permit applications:

A. The hours of operation;

Retreat house is available to be rented out any day of the year. The majority of guests will arrive in the morning/afternoon and check out a few days later in the morning. Most guests will stay at retreat house once settled, but may run for groceries or to pick up food.

B. The maximum stay of the occupants;

Typical stays are 2 nights, 3 nights will be common, 4 nights possible. Not likely that stays would ever be longer than a 5 night stay.

C. The distance to any surrounding feedlots;
(estimated 2000 feet to the north on PID 39.033.0400)

D. The number and proximity of dwellings within one mile surrounding the proposed retreat center; *(See attached map).*

E. The impact on local traffic;

Adding the retreat center to the property would not significantly change the amount of traffic on White Pines Road. 210th Road (gravel road) will see more traffic, but I would not anticipate it to effect any neighbors except on the occasion of special events which would most likely be once per month.

F. The number and location of signs to be posted along the property boundary to inform retreat visitors not to trespass onto adjoining property; signs are not to exceed 3 1/2 by 5 inches in size.

We will post signs along the wooded area of the property, which is approximately 1/4th of the property. We will post them only where guests could possibly venture.

ARTICLE 11 PERFORMANCE STANDARDS

SECTION 25. RETREAT CENTERS

Subd. 1. The following standards shall apply to all Retreat Centers:

- A. A proposed schedule of events and any proposed special events, which consist of any events not part of the normal operating schedule.
- B. Contact information for caretaker(s) on duty and on site and the times they are present.
- C. Provide a general floor plan indicating the units to be used for the retreat center (in which the public may have access).
- D. Maps identifying property limits shall be provided to guests.
- E. The PAC may require installation of property boundary indicator signs along property boundary lines in accordance with Goodhue County Ordinance Sign regulations.
- F. Retreat units shall not be converted into permanent dwelling units, unless an application is approved showing that the units meet the requirements of the Zoning Ordinance, Building Code, and Environmental Health regulations.
- G. The maximum stay of the occupants shall not exceed two weeks, unless otherwise established by the IUP/CUP.
- H. Allow periodic inspections by the Land Use Management Department, Environmental Health Department, and Fire Marshall.
- I. Any existing buildings in which the public may have access shall obtain all applicable Building Code approvals prior to being utilized as part of a Retreat Center.
- J. Proof of liability insurance for the structures, property, occupants, visitors, and events shall be maintained.
- K. Adequate off-street parking shall be provided.
- L. Maximum capacity shall not exceed 50 guests.
- M. Proof of a compliant septic system shall be required as part of the application.

STATE OF MINNESOTA
COUNTY OF GOODHUE

BOARD OF COMMISSIONERS
CONDITIONAL/INTERIM USE PERMIT
PROCEEDINGS
FILE NO. Z16-0060

In the matter of: Studer/ Firefly Farm CUP—Request for scrapbook Retreat Center and accessory retail store in an existing structure.

Applicant: Trisha Studer
Property owner: Firefly Farm LLC
PID#39.033.0800

Short Legal Description: Pt of the E ½ of SE ¼ Sec 33, Twp 109, Range 15, in Pine Island Township, as legally described on EXHIBIT "A" Doc# 632853,

Address of zoning request: 51525 210th Ave, Pine Island, MN 55963

Zoning district: A3

The project plans have been reviewed with reference to the Goodhue County Zoning Ordinance and the Goodhue County Comprehensive Plan. The Interim Use Permit application was considered by the Goodhue County Planning Advisory Committee at a public hearing on Monday, September 19, 2016 and the request was considered at a public meeting by the Goodhue County Board of Commissioners on Tuesday, October 04, 2016 Pursuant to Goodhue County Zoning Ordinance the project has been properly noticed by posting to the official newspaper of Goodhue County and a mailing to properties within a quarter mile of the site.

IT IS ORDERED:

- adopt the staff report into the record (dated September 28, 2016);
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the Studer/ Firefly Farm CUP—Request for scrapbook Retreat Center and accessory retail store in an existing structure. Subject to the following conditions:

1. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations,
2. Compliance with Goodhue County Zoning Ordinance , including , but not limited to: ARTICLE 23 A-3, URBAN FRINGE DISTRICT, Article 11 performance Standards Section 26 retreat centers,
3. Compliance with Goodhue County Septic Ordinance, including a septic system plan approved by the Environmental Health,
4. The owners will cooperate with inspections of the facility in coordination with Land Use staff,
5. Compliance with Minnesota State Statue CHAPTER 87A. SHOOTING RANGES and specifically 87A.04 MITIGATION AREA (b), no change in use, new development, or construction of a structure shall be approved for any portion of property within 750 feet of the perimeter property line of an outdoor shooting range if the change in use, development, or construction would cause an outdoor shooting range in compliance with this chapter to become out of compliance.

At : 51525 210th Ave, Pine Island, MN 55963, Pt of the E ½ of SE ¼ Sec 33, Twp 109, Range 15, in Pine Island Township, as legally described on EXHIBIT "A" Doc#632853, PID#39.033.0800

Rights granted expire one year from the date of approval if not exercised; expiration date: 10/04/2017.

Date signed: 11/1/16



Dan Rehtzigel, Chairperson

Goodhue County Board of Commissioners

DISCONTINUANCE: A conditional/interim use permit shall expire and be considered null and void one (1) year after the County Board's final decision to grant the permit if the use has not begun. One (1) administrative extension of up to one (1) year may be granted by the Zoning Administrator upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the permit. If no extension has been requested the Zoning Administrator shall record an expiration notice with the County Recorder. A conditional/interim use permit shall be considered null and void if discontinued for a period of one (1) year

STATE OF MINNESOTA)


) ss.

LAND USE MANAGEMENT DEPARTMENT

COUNTY OF GOODHUE)

I, Michael Wozniak, AICP, Planner/Zoning Administrator for Goodhue County, do hereby certify that I have compared the foregoing copy and Order this conditional use permit with the original record thereof preserved in my office, and have found the same to be correct and true transcript.

Dated this 3rd day of November, 2016.



Planner/Zoning Administrator, Goodhue County

Drafted by:
Goodhue County Land Use Management Department
509 West Fifth Street
Red Wing MN 55066

(SEAL)

Certified, Filed, and or Recorded on:
August 29, 2016 10:48 AM
Signed Lisa M Hann Deputy
LISA M HANN
GOODHUE COUNTY RECORDER
Fee Amount: \$46.00

CERT. OF R. E. VALUE FILED

#28401e

No Delinquent Taxes and transfer entered
this 29 day of August 2016
Carolyn Holmstar Goodhue County Auditor

at
By Deputy Auditor

(Top 3 inches reserved for recording data)

TRUSTEE'S DEED
By Business Entity Trustee

Minnesota Uniform Conveyancing Blanks
Form 10.4.3 (2006)

E-CRV No. 552428
DEED TAX DUE: \$ 857.67

DATE: August 22, 2016

FOR VALUABLE CONSIDERATION, Wells Fargo Bank, N.A. a corporation, under the laws of United States of America, as Trustee of J. Grafton Love, Jr. Trust Agreement dated June 3, 2005, as amended ("Grantor"), hereby convey(s) to Firefly Farm, LLC ("Grantee"), real property in Goodhue County, Minnesota, legally described as follows:

The East 774.9 feet of the East Half of the Southeast Quarter of Section 33, Township 109 North, Range 15 West, lying north and west of the fixed rights of way of the present Trunk Highway 52, and subject to the present Township road rights of way on the east, Goodhue County, Minnesota.

39-073-0800

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

The Seller certifies that the Seller does not know of any wells on the described real property.

A well disclosure certificate accompanies this document or has been electronically filed.
(if electronically filed, Insert WDC number _____)

I am familiar with the property described in this Instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

DEED TAX

\$ 857.67
at 08/29/16

Goodhue County A/T OR Deputy - Date