

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
June 17, 2024, MEETING MINUTES**

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

Roll Call

Commissioners Present: Christopher Warrington, Richard Miller, Chris Buck, Todd Greseth, Darwin Fox, Marc Huneke, and Tom Gale

Commissioners Absent: None

Staff Present: Zoning Administrator Samantha Pierret, Zoning Assistant William Lenzen

1. Approval of Agenda

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

Motion carried 7:0

2. Approval of Minutes

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

Motion carried 7:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearing(s):

PUBLIC HEARINGS: Request for CUP for a Contractor's Yard

Request, submitted by David and Victoria Bauer (Owners) for a Conditional Use Permit (CUP) to operate a Contractor's Yard for tree and brush storage and mulching. 21726 287th Street Red Wing, MN 55066. Parcel 31.010.0102. Part of the N ½ of the NE ¼ of Section 10 TWP 112 Range 15 in Featherstone Township. A-2 Zoned District.

Pierret presented the staff report and attachments. She added information from Featherstone Township stating that the Township had not yet made a formal decision on the proposal but the Township does not allow commercial operations and they would likely be denying the request. She added that she emailed the Clerk reminding them of the 60-day rule for decisions.

Drew Bauer (Applicant's Son) stated they would bring logs in to store them in a brush pile. Originally they had proposed to compost on site. That idea changed when Featherstone Township said composting is not allowed. They now are proposing only to store brush and logs on site until they can be mulched.

Commissioner Miller clarified that they will only be grinding mulch about 3 days a year.

Drew Bauer stated they are proposing only to be grinding for 3 days out of the year. The equipment that will be used is quite large and is anticipated to take up to 3 days to grind their entire brush pile.

Chair Buck Opened the Public Hearing

Patrick Fitschen (28299 Hwy 19 Red Wing) stated that this is a commercial operation and Featherstone Township doesn't have commercial zones or allow commercial uses in their zoning ordinance.

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Steve Van Deusen (21872 287th Street Red Wing) questioned if the facility opens as a business what happens when a storm comes in and they need to work more hours than what they have stated? Or, what if they begin allowing other tree removers and the public to come dump their brush?

³After Chair Buck called three times for additional comments, it was moved by Commissioner Miller and seconded by Commissioner Warrington to close the Public Hearing.

Motion carried 7:0

Commissioner Greseth asked staff if Featherstone Township could have stricter guidelines than the County.

Pierret stated that the Planning Advisory Commission is making their decision based on the County's Ordinances. If Featherstone Township is stricter and denies the application, then the Township is responsible for enforcing its ordinances. Addressing VanDeusen comments, if the County hears that the operation is working more than what they listed in the CUP or more than just their company is storing brush on site, that would violate the CUP, and the County would be enforcing that.

Commissioner Greseth stated that if Featherstone had formally denied this permit then it wouldn't be here before the County today for approval.

Pierret stated that the County and the Township are two separate entities and there is nothing that states that one is dependent on the other before making a decision. Even if the Township denies a permit, there is no statute saying an applicant cannot apply with the County.

Commissioner Buck stated that if the County PAC approves then the Township still has to enforce their permit.

Commissioner Warrington clarified that the Township doesn't have an ordinance for commercial uses but the County does.

Pierret stated that the PAC can decide to accept or deny staff recommendations. To deny staff's recommendation the PAC must state reasons for denial on the record and show how the permit does not meet the County's Ordinances.

Commissioner Greseth stated that he was confused about how to proceed. In the 4 years he has been here, this is the first time this has come up.

Pierret stated that it comes down to what the Goodhue County Ordinance says is allowed and is not dependent on what the Township decides.

Commissioner Fox stated that Featherstone Township does have their ordinances and has commercial properties that were there before Featherstone's current ordinances. They have to make the decision based on Goodhue County's Zoning Ordinances.

Commissioner Miller stated that he would like to see a more specific condition stating that they can only haul 3 days a week and can only process mulch 3 days a week.

Commissioner Gale suggested amending the condition to only allow them to only work Monday-Friday rather than 3 days a week. He would rather see fewer trucks per day than a lot of trucks in just 3 days.

Commissioner Miller commented that if there is an emergency, such as a storm event, limiting them to working only Monday through Friday could prohibit them from taking care of storm damage.

Commissioner Warrington questioned whether is it typical that this would come before the PAC without Township approval.

Pierret stated it is more commonly seen for variances by the Board of Adjustment but it can happen for CUPs. Staff always requires applicants to make their Township aware of their proposals however with meeting schedules and

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timelines occasionally the Township decides after the County. No statute or law says the Township must make a decision before the County Planning Commission or County Board.

Commissioner Greseth stated that he would like to table the motion and wait for the Township to decide at their next meeting.

Commissioner Miller stated that the proposal meets the County ordinances and is up to the Township to decide and enforce its rules. If we needed Township approval before making decisions, then the Ordinances would have been written that way. He added that if the Township denies the permit at their next meeting, his motion to approve would not change because the proposal meets County Ordinances. He also clarified he would like to add dust control to a proposed motion.

⁴It was moved by Commissioner Miller and 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 into the record; and

Recommend the County Board of Commissioners **APPROVE** the Request, submitted by David and Victoria Bauer (Owners) for a Conditional Use Permit (CUP) to operate a Contractor’s Yard for tree and brush storage and mulching. Subject to the following conditions:

1. The Contractor Yard shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 22 (Agricultural District) and Article 11 Section 33 (Contractors Yards);
3. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations; and
4. No on-street parking, loading, or off-loading is permitted;
5. Truck hauling shall be limited to 3 days per week;
6. The Applicant shall apply chloride/dust control along all of 287th Street from County 1 BLVD to their property entrance.

Motion carried 7:0

5. Other Discussion

There was no additional discussion.

6. ⁵ADJOURN: Motion by Commissioner Fox and seconded by Commissioner Warrington to adjourn the Planning Commission Meeting at 6:30 p.m.

Motion carried 7:0

Respectfully Submitted,

William Lenzen Zoning Assistant

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MOTIONS

¹ APPROVE the PAC meeting agenda

Motion carried **7:0**

² APPROVE the previous month's meeting minutes

Motion carried **7:0**

³ Motion to close the Public Hearing

Motion carried **7:0**

⁴ APPROVE the Request for CUP for a Contractor's Yard

Motion passed **7:0**

⁵ ADJOURN. Motion to adjourn the meeting.

Motion carried **7:0**