

MINUTES

Pursuant to open meeting notice, the Hay Creek Planning Commission met on February 13, 2013, 7:00 p.m., at the Town Hall for its regularly scheduled meeting, and also to conduct a public hearing on the proposed new zoning ordinance.

Members present: Keith Fossen, Scott Halverson, Lorrie Sonnek, Rick Peterson, and David Tincher.

Keith Fossen, Chairperson, called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

Keith Fossen provided a handout to everyone present from which he read aloud to explain that the public hearing would commence first, before the planning commission meeting, and follow the structure and rules for conducting a public hearing as he received them from the Minnesota Township Association. The planning commission meeting would then commence and Keith Fossen read aloud the agenda to be followed.

(Said handout is attached at the end of these minutes.)

Keith Fossen opened the public meeting with a statement. He reviewed with those present that the planning commission was called back together a year ago to see how Hay Creek Township should be developed; that we started with a community survey in April 2012 that was sent to the residents of Hay Creek Township; that the number of people responding to the survey was extraordinary compared to the response usually garnered from surveys; that we compared a survey that had been done in the past (1994-1995) to our 2012 survey and found a number of similarities; that we then looked at the land use plan from 2000 and found that it lined up well with the 2012 survey; that we have a lot of documentation available on our Hay Creek Township website and how to find it; that we looked at the subdivision ordinance that was adopted in 2002; that we looked at the Goodhue County zoning ordinance; and that Mike Wozniak from the Goodhue County staff was here at Monday's Town Board meeting to update us on their ordinance.

At 7:13 p.m. Keith Fossen then asked those who wished to speak to come forward one at a time.

Amy Nelson, 30966 Hay Creek Hills Drive, stated she liked the document and had two points for clarification. At pg. 6, subset (e), under definition of large-scale mining operations, "The operation generates 50 or more round-trip truck trips in any one day period," she suggested changing it as follows: "50 or more tuck loads in any one day."

Her second point pertained to Article II, Section 2.1(f), "There are currently no active Large-Scale Commercial Mining Operations in the Town," and she pointed out that there are no active "commercial" or "large-scale commercial" mining operations; therefore, there is no commercial mining of any type currently in the township.

Kathleen Bibus, 30915 Hay Creek Hills Drive, thanked the commission and others for their hard work, and liked the document.

Larry Sonnek, 31058 Hay Creek Hills Drive, pointed out discrepancies between the document provided and the one posted on line. In Article VIII, Section 8.3(a), he asked for clarification of the term “one family” versus “two family” dwellings. Attorney Troy Gilchrist pointed out any term not defined shall be given the meaning in the county ordinance.

He had a second point in Article VIII, Section 8.3(c)(2), to expand the “one-quarter” mile notice to “one” mile, and to make it consistent throughout the document.

He had a third point relating to setbacks currently set at 1500 feet; that is, change it to a half-mile, or 2,640 feet from the property lines rather than a dwelling.

He had a fourth point relating to testing as there is a lack of research, and suggested that testing be set up to establish figures before and after, as for air quality.

Arlen Diercks, 2681 Southview Ridge, thanked the commission for a wonderful document and the hard work put into it. He pointed out a couple minor items. As to the definition for “50 round-trips” he felt that a possible large-scale site would truck sand out but not have a load, except for some waste material, coming back in.

He had a second point that the setback should be determined from any property line, and that should be a half mile. He asked Attorney Troy Gilchrist for a figure he thought would be defensible, and pointed out some problems, i.e., if there were a church or campground instead of a dwelling. Attorney Gilchrist explained “dwelling” was used to offset the argument that there is no dwelling within a mile for a mine to disturb, and we could insert the words “or no other occupied structure.”

He had a third point regarding Article VII, Section 7.2(a), “The Planning Commission consists of up to seven voting members, which may include one or more Town officers,” and questioned the wisdom of having more than one town officer on the planning commission.

He had a fourth point regarding Article VII, Section 7.2(c), “Term. Planning Commission members are appointed for a term of 3 years and until a successor is appointed and qualifies,” and suggested inserting the word “or” for “and.” (Or just state the term is for 3 years.)

Jason Hemmingsen, 29125 Circle S Road, suggested making the setbacks commence with the property line rather than a dwelling pointing out that would put a mine farther back from a vineyard or orchard or livestock. He suggested a distance of a minimum of a half-mile for the setback. He thanked the commission for their hard work.

Larry Sonnek, 31058 Hay Creek Hills Drive, Article VIII, Section 8.2(c)(1)(i), suggested deleting the word “and” at the end. He thanked Attorney Gilchrist and the commission for their work on the document.

Amy Nelson, 30966 Hay Creek Hills Drive, also suggested deleting the word “and” as Larry Sonnek had suggested and replacing it with the word “or.”

Lynette Nadeau, 29527 County 2 Blvd., explained that organic farms have their own rules to qualify as organic and requested the commission consider making the setbacks farther, that is, a half mile or more.

At 7:42 p.m. no more speakers requested time to speak and the public hearing portion of the meeting was ended.

Keith Fossen thanked the planning commission for their work and introduced the planning commission members and Attorney Troy Gilchrist to those present.

Upon Rick Peterson's motion and Lorrie Sonnek's second of the motion, it was unanimously held that the public portion of the meeting be closed.

At 7:45 p.m. the Hay Creek Township Planning Commission meeting commenced.

Keith Fossen asked the members present if they had any conflicts of interest or disclosures to make known. None were voiced by any member present.

Keith Fossen asked for questions or clarifications of the zoning ordinance.

Scott Halverson mentioned a conflict between the provided zoning ordinance and our last minutes, i.e., Article II, Section 2.6(d)(1), the hours of operation were "7:00 a.m. to 6:00 p.m." and our minutes had "7:00 a.m. to 7:00 p.m."

Motion: Lorrie Sonnek moved to amend the ordinance to reflect the hours of operation are "7:00 a.m. to 7:00 p.m." David Tincher seconded the motion, which passed unanimously.

Attorney Troy Gilchrist suggested we run through and discuss Article I, Section 1.14, Definitions, specifically Section 1.14(e), Large-Scale Commercial Mining Operation, subsections (1) through (8). Whereupon, Keith Fossen read Section 1.14(e) and subsections (1) through (8), and we discussed the various subsections.

Motion: David Tincher moved that we direct the Attorney Gilchrist to phrase item 5 under the definition of large-scale mining to clarify it is 3 blasts a year. Lorrie Sonnek seconded the motion, which passed unanimously.

More discussion ensued on subsections (1) through (8), and it was determined to leave subsection (6), "50 or more round-trip truck trips," as it was drafted.

Attorney Gilchrist suggested taking out the word "or" at the end of subsection (5).

We then discussed the matter of setbacks. Attorney Gilchrist mentioned that the distance for the setback should be "reasonable."

Motion: Lorrie Sonnek made a motion increase the setbacks to one-half mile from any dwelling or other occupied structure, including churches, campgrounds, recreational sites, and organic farms, and agricultural business that would be impacted by mining such as organic farming.

Discussion on the motion ensued.

Lorrie Sonnek restated her motion: To increase the setback to one-half mile from a dwelling or other occupied structure, including a church, an agricultural business like an apple orchard that has a public access, any event centers, campgrounds.

Motion: Keith Fossen moved that Lorrie Sonnek’s motion be wordsmithed by Attorney Troy Gilchrist. Scott Halverson seconded the motion.

More discussion ensued.

A clarification to the motion was made that it was referring to structures as used in organic farming or orchards.

The motion passed unanimously.

Discussion was held on expanding the notification requirement from one-quarter mile to one-half mile.

Motion: Lorrie Sonnek made a motion that the notifications be consistent with the setback requirement, the distance, which is currently one-half mile.

Discussion ensued.

Lorrie Sonnek restated her motion: Make a motion to increase the notice from one-quarter mile to one-half mile to be consistent with the setback requirements, and that the notices be wherever notices are required in the zoning ordinance, to be wordsmithed by Attorney Troy Gilchrist.

Rick Peterson seconded the motion, which passed unanimously.

Discussion was had on Article VII, Section 7.2(a), concerning the composition of the planning commission.

Motion: Rick Peterson moved that the words “or more” be deleted from the first sentence so that it reads: “The Planning Commission consists of up to seven voting members, which may include one Town officers.”

Lorrie Sonnek seconded the motion, which passed unanimously.

For Article VII, Section 7.2(c), “...for a term of 3 years and until...” it was determined to leave the word “and” as is.

Article VIII, Section 8.2(c)(1)(i), Attorney Troy Gilchrist will take out the word “and” at the end of that subsection, and also an extra word “or” in another place that was mentioned in the public hearing.

Attorney Troy Gilchrist suggested at Article V, Section 5.3, adding some language to the effect of “under the County ordinance” so that the first sentence read: “Only those uses expressly allowed within a zoning district ‘under the County ordinance’ ...” The intent would be to affirmatively say what is allowed.

Attorney Gilchrist restated for clarification: “Only those uses expressly allowed within a zoning district under the County Ordinance may occur within that district, subject to the additional restrictions and prohibitions contained in this Ordinance.”

Motion: Keith Fossen made a motion to add the words “under the County Ordinance” as stated above.

Lorrie Sonnek seconded the motion, which passed unanimously.

Keith Fossen brought up the need for the fee schedule, which he had one copy of, for a resolution adopting a fee schedule and also escrow amounts.

Attorney Gilchrist explained the definitions and framework for a fee schedule, and there was a discussion concerning same.

Motion: Scott Halverson made a motion to recommend to the Town Board, per our discussion, a fee schedule as follows:

building permit site review		\$50 and no escrow
interim-use permit	\$250	\$5,000 escrow
variance	\$250	\$2,000 escrow
amendment	\$250	\$2,000 escrow
appeal	\$250	\$2,000 escrow
after-the-fact permit is the permit fee and escrow, plus two times the regular permit fee.		

David Tincher seconded the motion, which passed unanimously.

Motion: Rick Peterson made a motion to forward the fee resolution to the Town Board to be adopted as stated.

David Tincher seconded the motion, which passed unanimously.

Motion: Lorrie Sonnek made a motion to forward the proposed zoning ordinance, including the changes and stipulations discussed tonight, to the Town Board.

Rick Peterson seconded the motion, which passed unanimously.

Motion: Keith Fossen made a motion to accept the minutes of our January 9, 2013, meeting.

Lorrie Sonnek seconded the motion, which passed unanimously.

Discussion of agenda for next meeting was discussed, which meeting to be held at March 13, 2013, and also expiring terms of members.

Motion: Rick Peterson made a motion to adjourn. Lorrie Sonnek seconded, all were in favor, and the meeting was adjourned at 8:56 p.m.

(Attached handout)

Conducting a Hearing

1. Structure and Rules

(1) Chairperson: The chair is the appropriate person to conduct the hearing. The chair is responsible for upholding parliamentary rules, applying those rules fairly to all, and maintaining a perception of control over the hearing at all times. The hearing is opened by the chair and it should begin with the chair reading an opening statement.

(2) Opening Statement the chairperson will provide an opening statement of what is to be discussed.

(3) The purpose of the hearing is to receive public input on proposed zoning ordinance.

(4) Discussions will be limited to the state purpose of the hearing.

(5) Anyone wishing to comment or ask questions will be allowed to do so.

(6) No speaker will be permitted to speak more than twice except to answer a question from the planning commission.

(7) Each speaker will be limited to a total of 3 minutes.

(8) No applause or interruptions are permitted.

(9) All comments must be directed to the chair. [The goal of this point is to increase order and reduce personality conflicts.]

(10) Each speaker must state his or her name, address, and the group he or she represents (if any) before speaking.

(11) Because the meeting is being taped, each person wishing to speak or ask a question must step to the front.

(12) The planning commission may ask questions of the speakers.

Upon motion, 2nd and approval, the public hearing will then be closed.

The planning commission meeting will then be convened.

Planning commission meeting:

1. The planning commission will be convened.

2. No further public comment will be received.

3. The Chairperson will ask if any planning commission member would like to state a potential conflict of interest that they do not want to participate in this vote.

(E.G. personal/business involvement in dealings affected by this ordinance that cause them to choose not to participate.)

4. The Chairperson will ask if any planning commission members have questions of clarification from the chair or Township attorney.

5. The Chair person will entertain motions to amend proposed zoning ordinance.

6. The Chairperson will entertain motions to approve/disapprove ordinance, with or without stipulations.

7. Recommendation will be forwarded to the Town Board for review at their next meeting.

8. Upon motion, 2nd and approval, the public meeting will then be closed.

RECOMMENDATION

The Planning Commission of the Hay Creek Township to the Township Board of Hay Creek Township that the Proposed Zoning Ordinance be approved/disapproved.

The Planning Commission recommends that the approval be conditioned on the following stipulations:

- 1.
- 2.
- 3.
- 4.
- 5.

The Planning Commission recommends disapproval for the following reasons:

- 1.
- 2.
- 3.
- 4.
- 5.

DATED: _____

Chair of the township of Hay Creek
Planning Commission