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**WINONA COUNTY PLANNING COMMISSION MINUTES  
RING CENTRAL VIRTUAL MEETING  
FEBRUARY 18, 2021 at 7:00 PM**

7 **Members Present:** Patrick Byron, Michael Flynn, Lynn Carlson, Jordan Potter, Kelley Stange,  
8 Arlie Herber, Lewis Reiman, Commissioner Steve Jacob

9  
10 **Absent:** Mark Clark

11  
12 **Others present:** Kay Qualley, Planning & Environmental Services Director; Stephanie Nuttall,  
13 Assistant County Attorney; Eric Johnson, Zoning Administrator; Lew  
14 Overhaug, Planner; Megen Kabele, Planner and Anne Schwertel,  
15 Administrative Specialist

16  
17 **1. Call to Order:** Secretary K. Stange called the meeting to order at 7:02 p.m.

18  
19 **2. Pledge of Allegiance:** The Pledge of Allegiance was recited.

20  
21 **3. Introductions and welcome new members:** Secretary Kelley Stange welcomed all new  
22 members. All members introduced themselves.

23  
24 **4. Election of Officers**

25 **A. Chair**

26 Kay Qualley called for nominations for the Chair. Arlie Herber asked Kay Qualley if she  
27 knew if Mark Clark would accept any officer nominations. Kay Qualley shared that Mark  
28 Clark said he would accept nominations, although he could not attend the meeting.

29 Arlie Herber nominated Mark Clark for Chair. Kay Qualley called for any additional  
30 nominations. Hearing no further nominations, Kay Qualley called for a vote on the  
31 nomination of Mark Clark as Chair. Vote: Yes – All.

32 **B. Vice Chair**

33 Kay Qualley called for nominations for Vice Chair. Steve Jacob nominated Mike Flynn  
34 for Vice Chair. Kay Qualley called for any additional nominations. Lynn Carlson  
35 nominated Kelley Stange. No further nominations were proposed. Kay Qualley called  
36 for a vote on the nomination of Mike Flynn as Vice Chair. Vote: Yes – 5 (SJ, MF, AH,  
37 LR, JP), No – 2 (PB, LC), Abstain – 1 (KS). Mike Flynn was elected Vice Chair.

38  
39 **C. Secretary**

40 Kay Qualley called for nominations for Secretary. Arlie Herber nominated Kelley  
41 Stange for Secretary. Kay Qualley called for any additional nominations. Hearing no

42 further nominations, Kay Qualley called for a vote on the nomination of Kelley Stange  
43 as Secretary. Vote: Yes – All.  
44

45 At this time, Michael Flynn assumed role as Vice Chair.  
46

47 **5. Approval of Agenda:** On motion by P. Bryon and seconded by J. Potter, the Planning  
48 Commission voted to approve the agenda. Vote: Yes – All.  
49

50 **6. Approval of Minutes – December 17, 2020:** On motion of A. Herber and seconded by  
51 P. Byron, the Planning Commission voted to approve the minutes. Vote: Yes – All.  
52

53 **7. Rules of Procedure: Annual Review and Adoption**

54 On motion by Kelley Stange and seconded by A. Herber, the Planning Commission voted to  
55 adopt the Rules of Procedure. Vote: Yes – All.  
56

57 **8. Docket # PC 02-18-21-01**

58 To consider the petition of George and Kimberly Karr Revocable Trust/SOLAR CLUB 23 in  
59 regard to the following Conditional Use Permit request:  
60

- 61 • To allow a 1 MW utility scale solar project, pursuant to Chapter 12.3 of the  
62 Winona County Zoning Ordinance  
63

64 Vice Chair M. Flynn introduced the petition.  
65

66 Kay Qualley explained that the petitioners requested to table the agenda item at the close of  
67 the business day today, to allow them time to respond to received comments.  
68

69 On motion by L. Carlson and seconded by A. Herber, the Planning Commission voted to  
70 table the petition until the March 18, 2021 Planning Commission meeting. Vote: Yes – All.  
71

72 **Docket # PC 02-18-21-02**

73 To consider the petition of Matthew & Tessa Nelson and John Fahrendholz who seek a  
74 Conditional Use Permit in regard to the following:  
75

- 76 • Allow for the placement of a dwelling, to be located within the Agricultural/ Resource  
77 Conservation (A/RC) District, on less than forty (40) acres (proposed 3 acres) pursuant to  
78 Chapter 10.4.6 (36) of the Winona County Zoning Ordinance  
79

80 Vice Chair M. Flynn introduced the petition.  
81

82 E. Johnson gave a power point presentation that included overview mapping exhibits of the  
83 proposed parcel and building site, detailed soils information, a map of 2-foot LiDAR  
84 contours of the proposed parcel as well as a Township Acknowledgement form indicating  
85 “support” from Wiscoy Township.

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A. Herber asked about the current land use and prime soils. E. Johnson went over land and soil information with the board.

P. Byron asked if animal unit numbers would have a limitation on the proposal. Eric Johnson stated that there is no setback requirement for feedlots with less than 10 animal units. Feedlots with 10-50 animal units require a 500 foot setback and feedlots with more than 50 animal units require a 1,000 foot setback.

Vice Chair M. Flynn asked if the petitioners wished to speak on behalf of the application.

Petitioners Mike and Tessa Nelson, of Winona County, explained that the farm has been in the family for years and would like to continue that legacy with their family.

On motion of A. Herber and seconded by P. Byron, the Planning Commission voted to open the public hearing. Vote: Yes – All.

Vice Chair M. Flynn asked three times if anyone wished to speak for or against the petition; no response.

On motion by P. Byron and seconded by A. Herber, the Planning Commission voted to close the public hearing. Vote: Yes – All.

On motion by K. Stanage and seconded by J. Potter, the Planning Commission voted to adopt the Findings of Fact and recommend approval of the CUP with the proposed conditions. Vote: Yes – All.

**Findings of Fact:**

1. The use will not create an excessive burden on existing parks, drainage structures, emergency services, schools, streets/roads and other public facilities and utilities which serve or are proposed to serve the area.

*An additional single residence will not create an excessive burden on infrastructure.*

2. The use will not change the essential character of the area, and through its design, construction, operation, and maintenance is harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

*Development in this area of Section 2 Wiscoy Township is predominately single family and single family farm residential dwellings. A continuation of this low-density construction will not change the essential character of area. The applicant's proposal toward acquiring a site to build a single-family home will be appropriate in appearance and consistent with the character of the general vicinity—that of farms and single family residences.*

- 127 3. The proposed lot does take advantage of its proximity to other non-farm residences, the  
128 configuration of the original tract, or the location of waterways and other natural features to  
129 use the site for residential purposes instead of agricultural uses.

130 *In reviewing the GIS County mapping system, it was revealed that no other non-farm*  
131 *dwellings are located within 1320 feet (one-quarter mile) other than the parental John*  
132 *Fahrendholz residence located at 32676 Megen Drive. Four (4) other dwellings are*  
133 *located within 2640 feet (one-half mile) of the proposed lot and new home, so there is*  
134 *not close proximity to other non-farm residences. However, the site does take advantage*  
135 *of an existing natural feature of wind row trees and existing woodlands which the*  
136 *petitioners plan to use to screen the new residence, to reduce public impact from the*  
137 *view of the structure.*

- 138 4. The proposed lot does consist of Class IV through Class VIII soils, or consists of less than forty  
139 (40) percent or less of Class I through Class III soils, as identified in the Soil Survey of Winona  
140 County as a means to prevent the disturbance to prime soils.

141 *In reviewing the Nelsons' proposed parcel, the approximate configuration of the 3-acre lot would*  
142 *consist of slightly less than 40% "prime soil" (see mapping exhibit), therefore the petitioners*  
143 *would meet this standard. By increasing the percentage of soils in the nonprime classes (e.g.*  
144 *Class IV and beyond) with the parcel layout, they are taking out less prime land, which helps to*  
145 *preserve productive agricultural land for future cropping.*

- 146 5. The proposed residence does not adversely affect environmentally sensitive areas or result in  
147 the disruption of wetlands, or other environmental features.

148 *The proposed building site is not in a mapped flood hazard area. The property is not located*  
149 *within the Shoreland (S) overlay district and would be located outside of bluff and steep slope*  
150 *areas. Therefore, no adverse impacts to environmental features are anticipated.*

- 151 6. The evidence does reveal the proposed lot has existed as a non-tillable area for at least ten (10)  
152 years.

153 *The proposed building site does contain a portion of a field that has been cultivated, however the*  
154 *parcel will also contain additional acreage that does not exhibit evidence that it has been tilled*  
155 *or cultivated within the last 10 years. Based on the proposal, the applicants intend to meet this*  
156 *Performance Standard with their site configuration in the main.*

- 157 7. The residence would not substantially restrict the expansion of adjacent agricultural activities.

158 *In reviewing the location of the proposed house, the acreage is located in a setting that has a*  
159 *history of agricultural uses. In the statement from the petitioners, neighboring agriculture*  
160 *production (crops and animals) that is active in the area surrounding the proposed building site*  
161 *is already either fully developed or unable to expand in future due to non-tillable hillsides. Their*  
162 *intended use therefore would be unlikely to substantially restrict adjacent agricultural activities.*

163 8. County and Township roads and/or highways do adequately serve the proposed residence, and  
164 the residence will not place demands on public services and facilities in excess of current  
165 capacity unless planned improvements will occur.

166 *The proposed new residence would not be placing a need for increased capacity on the existing*  
167 *road infrastructure or traffic network for the area because the number of new residents added*  
168 *by this construction is minimal.*

169 9. The proposed density is not determined to be acceptable as a long-range land use for the  
170 County as evaluated against the land use policies of the Winona County Comprehensive Plan as  
171 depicted on the Final Composite Map.

172 *The plan generally supports continued development of residential properties within the*  
173 *Agricultural/Resource Conservation (A/RC) District if done in a manner that will not*  
174 *compromise the viability of the agricultural sector, nor existing residential properties.*  
175 *The comprehensive plan does stress the preservation of the natural topography found in*  
176 *the zoning district, which residential clustering promotes to a point. The need for housing*  
177 *in the County needs to be balanced by discouraging a proliferation of cluster*  
178 *developments that are not attached to smaller communities in the County. Some*  
179 *increase in rural housing units is needed, if it doesn't come at the expense of prime*  
180 *farmland. However, this proposal would not be considered part of the long-range*  
181 *strategy.*

182 10. The request is either consistent with the existing residential development pattern of the area as  
183 characterized by the presence of similarly sized residential lots within one thousand (1,000) feet  
184 of the proposed lot boundary, or located within a quarter (0.25) mile of an unincorporated  
185 community and/or within a half (0.5) mile from any corporation limits.

186 *Review of the Geographic Information System for County mapping system showed that no other*  
187 *non-farm dwellings are located within 1320 feet (one quarter mile) of the proposed site, other*  
188 *than the John Fahrendholz residence located at 32676 Megeen Drive. Four (4) other dwellings are*  
189 *located within 2640 feet (one half mile) of the proposed lot and new home. The Village of Witoka*  
190 *is within 1 mile of the proposed new home/parcel. This petition appears to be consistent with*  
191 *the low-density development pattern in that part of Wiscoy Township.*

192 Winona County Zoning Ordinance 5.5 requires that the Planning Commission determine whether  
193 the use has an identifiable date or event for termination. Regarding this petition, the proposed use  
194 does/does not have an identifiable date or event for termination.

195 *A dwelling is not a temporary use and has no date or event for termination.*

196

197 **With the following conditions:**

198 1. *The owner(s) of the property to which this Conditional Use Permit is issued will abide by all*  
199 *representations and commitments made during the permitting process as well as before the*  
200 *Planning Commission, in accordance with all conditions to the conditional use permit, taken as a*  
201 *whole, as approved by the Planning Commission and the County Board.*

- 202 2. *Proposed new driveway shall adhere to the standards described in Chapter #9.7, to include*  
203 *receiving a Driveway Access Permit from the Wiscoy Township Board if applicable.*
- 204 3. *The petitioner shall obtain the required Development Certificate and Septic Permit from the*  
205 *Planning & Environmental Services Dept. and comply with all relevant regulations and*  
206 *standards of Winona County and the State of Minnesota. It is the responsibility of the applicant*  
207 *to follow those standards.*
- 208 4. *The following statement shall be recorded on the deed with the Conditional Use Permit:*  
209 *“Owners, residents and other users of property in this zoning district or neighboring*  
210 *properties may be subjected to inconvenience or discomfort arising from normal and*  
211 *accepted agricultural practices and operation, including but not limited to, noise, odors,*  
212 *dust, operation of machinery of any kind including aircraft, the storage and disposal of*  
213 *manure or the application of fertilizers, herbicides and pesticides. Owners, residents and*  
214 *users of this property or neighboring property should be prepared to accept such*  
215 *inconveniences or discomfort, and possibly injury from normal operations, and are*  
216 *hereby put on official notice that the state Right-To-Farm Law (Minnesota Statute*  
217 *561.19) may bar them from obtaining a legal judgment against such normal*  
218 *operations.”*
- 219 5. *The owner(s) of the property shall allow Winona County staff to inspect the property annually or*  
220 *as otherwise necessary to evaluate compliance with the Conditional Use Permit issued.*

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222 **Docket # PC 02-18-21-03**

223 To consider the petition of Andrew and Darienne Frickson in regard to the following  
224 Conditional Use Permit request:

- 225 • To allow operation of on-farm and retail store of meat, pork, poultry and related products  
226 as Frickson Farms LLC, pursuant to Chapter 10.4.6 (2) of the Winona County Ordinance.  
227

228 Vice Chair M. Flynn introduced the petition.  
229

230 Staff member M. Kabele clarified that the petition is from Andrew and Darienne Frickson,  
231 not Frickson Family Farms. She continued with a power point presentation that included  
232 mapping exhibits of the parcel with the store and sign locations, project overview details and  
233 the received New Hartford Township acknowledgement form.  
234

235 A. Herber asked driveway and septic clarifying questions. The neighboring homes located  
236 next to the store site do have separate septic systems. The home located to the west of the  
237 store site has a separate driveway.  
238

239 Vice Chair M. Flynn asked if the petitioners wished to speak on behalf of the application.  
240 The petitioners were not present.  
241

242 On motion of A. Herber and seconded by L. Reiman, the Planning Commission voted to  
243 open the public hearing. Vote: Yes – All.  
244

245 Vice Chair M. Flynn asked twice if anyone wished to speak for or against the petition.

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Matthew and Tessa Nelson, of Winona County, spoke in favor of the petition citing that the applicants are good, hardworking farmers.

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Vice Chair M. Flynn asked three more times if anyone wished to speak for or against the petition; no response.

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On motion by A. Herber and seconded by P. Byron, the Planning Commission voted to close the public hearing. Vote: Yes – All.

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On motion by K. Stange and seconded by J. Potter, the Planning Commission voted to adopt the Findings of Fact and recommend approval of the CUP with the proposed conditions.

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Vote: Yes – All.

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**Findings of Fact:**

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1. The use will not create an excessive burden on existing parks, schools, streets/roads and other public facilities and utilities which serve or are proposed to serve the area.

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*The proposed use will not create an excessive burden on existing roads because retail sales traffic is low and sporadic, and delivery services of farm goods is conducted in a standard vehicle and not impactful to existing roads. Parks, schools, and other public facilities are not located in the immediate vicinity and therefore not affected by retail sales at this location.*

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2. The use will be sufficiently compatible or separated by distance or screening from adjacent land so that existing properties will not be depreciated in value and there will be no deterrence to development of vacant land.

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*Operating a small retail on-farm store at this location will not depreciate adjacent lands because the store building and signage is relatively small, and it appears to be compatible with adjacent farm properties that also have accessory structures. Hours of operation will not be impactful to adjacent lands.*

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3. The structure and site will have an appearance that will not have an adverse effect upon adjacent residential properties.

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*The structure and site appearance blend into the current farmyard and residence and are of similar building material and size to others in the vicinity. The current signage meets height, size, and lighting requirements of the Winona County Zoning Ordinance.*

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4. The use is reasonably related to the overall needs of the County and to the existing land use.

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*The use is reasonably related because the operation of a small on-farm retail store supports the agricultural viability and sustainability of the agricultural livelihood in Winona County, a recognized need and value in the Winona County Comprehensive Plan.*

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5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

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*This use is consistent with the purpose of the Winona County Zoning Ordinance because operation of an on-farm store meets the intent and purpose of:*

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- *Protecting and preserving agriculture by supporting a means to sell local animal meat and produce.*
  - *Protecting existing businesses and facilities by supporting a family farm operation and existing retail store.*
  - *Preserving agricultural areas by supporting on-farm sales of local meat and produce.*
  - *Providing compatibility of different land uses and most appropriate use of land by allowing an on-farm retail store in lieu of a town location.*

294

295 6. The use is in conformance with the Comprehensive Plan of the County.

296 *The use is in conformance with the Winona County Comprehensive Plan because the Future*  
297 *Land Use Map of the 2014 Comprehensive Plan recommends agricultural/natural resource*  
298 *activities for the subject site. The Comprehensive Plan describes Agricultural/ Resource*  
299 *Conservation areas as lands “established for the purpose of protecting, promoting, maintaining*  
300 *and enhancing the use of land for agricultural and timber harvesting purposes.” This petition*  
301 *promotes locally produced agricultural products.*

302 7. The use will not cause traffic hazard or congestion.

303 *This use will not cause traffic hazard or congestion because increased traffic to the retail store*  
304 *will be minimal and not impact congestion or cause undue hazards on public or private roads.*

305 Winona County Zoning Ordinance 5.5 requires that the Planning Commission determine whether  
306 the use has an identifiable date or event for termination. Regarding this petition, the proposed use  
307 does not have an identifiable date or event for termination.

308 *Although a business may not be permanent, there is no identifiable date or event for*  
309 *termination.*

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311 **With the following conditions:**

- 312 1. The owner(s) of the property to which this Conditional Use Permit is issued will abide by all  
313 representations and commitments made during the permitting process as well as before the  
314 Planning Commission, in accordance with all conditions to the conditional use permit, taken as a  
315 whole, as approved by the Planning Commission and the County Board.
- 316 2. Petitioner shall comply with all applicable federal, state, and local regulations.
- 317 3. New home must comply with the sanitary requirements under Chapter 13 of the Winona County  
318 Zoning Ordinance, “Subsurface Sewage Treatment Systems.
- 319 4. The owner(s) of the property shall allow Winona County staff to inspect the property annually or  
320 as otherwise necessary to evaluate compliance with the Conditional Use Permit issued.
- 321 5. The owner(s) will notify Winona County staff if the retail store structure size is increased, if it  
322 becomes a permanent structure, necessitating water and/or septic, depending on scope of  
323 expansion and if exterior signage and lighting increases. In addition, owner(s) will notify Winona  
324 County staff if, at any time, an approved Minnesota Department of Agriculture Food Handlers’  
325 license is suspended or canceled.

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329 **9. Updates**

330 • Board of Adjustment – BOA Liaison Jordan Potter shared that variances were granted at  
331 the January BOA meeting to Rebecca Snyder to allow an addition to a dwelling 50 feet  
332 from centerline of Runaway Drive and Randolph Erdmann to allow a new dwelling 760  
333 feet from a feedlot. There was not a February BOA meeting.

334

335 • County Board – Per Steve Jacob, the County Board approved the Heim CUP.

336

337 **10. Adjourn**

338 On motion by K. Stanage and seconded by L. Carlson, the Planning Commission adjourned  
339 at 7:48 p.m.

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343 Respectfully Submitted By,

344 Anne Schwertel

345 Administrative Specialist

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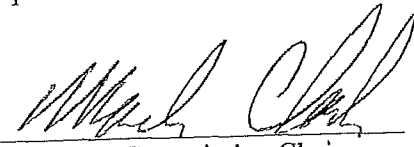
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Signed By:



Planning Commission Chair

3-18-21

Date