



GOODHUE COUNTY MINNESOTA

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

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

Monday, July 25, 2016
5:30 PM

Call Meeting To Order

Approval Of Current Agenda

Approval Of Minutes From Previous Meeting

Documents:

[MINUTES_JUNE.27-2016_BOA_DRAFT.PDF](#)

Conflic/Disclosure Of Interests

PUBLIC HEARING AGENDA ITEM: Steve Matthees Feed Lot Variance Reques

Variance request from the Confined Feedlot Regulations Article 13, Section 7, Subdivision 6 to construct a feed lot within the 1,000 foot setback for the property at 23216 County 9 Blvd., Goodhue, MN 55027; Section 25, Township 111, and Range 15 in Goodhue Township from a dwelling on the property at 23089 County 9 Blvd., Goodhue, MN 55027; Section 25, Township 111, and Range 15 in Goodhue Township.

Documents:

[MATTHEES FEED LOT EXPANSION VARIANCE PACKET WITH ATTACHMENTS.PDF](#)

PUBLIC HEARING AGENDA ITEM: Gardner Septic Variance Reques

Documents:

[GARDNER SEPTIC SETBACK VARIANCE PACKET WITH ATTACHMENTS.PDF](#)

Old Business

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 ◆

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 27, 2016 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:30 pm by Chair Bob Benson in the Goodhue County jury assembly room in Red Wing, Minnesota.

1. Roll Call

Commissioners Present: Richard Ellingsberg , Mike Hinsch, Bob Benson, Richard Mallan, and Howard Stenerson (arrived at 5:42),

Commissioners Absent: Brandon Schafer

Staff Present: Land Use Management (LUM) Director Lisa Hanni and Zoning Assistant Casey MacCallum

2. Approval of Agenda

¹Motion by Commissioner Mallan and seconded by Commissioner Ellingsberg to approve the agenda for the June 27, 2016 meeting, with the withdrawal of item number 9. Motion carried 5:0.

3. Approval of Minutes

²Motion by Commissioner Mallan and seconded by Commissioner Ellingsberg to approve the May 23, 2016 minutes with correction. Motion carried 5:0.

Conflict/Disclosure of Interest

None of the Board members declared a conflict of interest.

4. PUBLIC HEARING: Jackie Schimek - Variance request from A1 Agricultural Protection district, GENERAL DISTRICT REGULATIONS, required 100 foot Rear Yard setback to allow a horse training and breeding facility within 10 feet of the rear lot line, a 90 foot encroachment at 23310 420th St. in Zumbrota Township. 47.013.0300.

Land Use Management Director Lisa Hanni presented the staff report and attachments.

Jackie Schimek was present.

Commissioner Stenerson inquired about the residential use within the training facility, and weather a variance is also required for the residence.

Chair Benson opened the public hearing:

Zumbrota Supervisor Roger Ballstadt stated that the Township has no objections to the use or variance to the rear lot line.

Martin Amundson (the surrounding land owner to the south and west of the request) noted that the Applicant was clear and straight forward and the Applicant seemed easy to work with.

³After Chair Benson asked three times for further comments. After hearing none, it was moved by Commissioner Stenerson and seconded by Commissioner Mallan to close the public hearing.

Motion carried 5:0

The applicant is planning to register the feed lot.

Commissioner Stenerson noted his concern about prohibiting future development with this variance. Director Hanni noted the ability to develop the site under current zoning. Zoning Assistant MacCallum clarified that access has limited the development potential for the section.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 27, 2016 MEETING MINUTES
DRAFT**

⁴Motion by Commissioner Stenerson, second by Commissioner Hinch, that the Board of Adjustment:

- adopt the staff report into the record (dated June 27, 2016);
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the Variance request from A1 Agricultural Protection district, GENERAL DISTRICT REGULATIONS, required 100 foot Rear Yard setback to allow a horse training and breeding facility within 10 feet of the rear lot line, a 90 foot encroachment,

Subject to the following conditions:

- 1. Conformance with the application submitted to Goodhue County Land Use Management Office dated May 26, 2016,**
- 2. Compliance with all necessary state and federal permits and licensing,**
- 3. This variance is for this building only. No future building shall be allowed to encroach into the setback due to the approval of this variance,**
- 4. An as-built survey indicating the structure is no closer than 10 feet from the property line, and**
- 5. Building permit will be required**

at the property located at 20360 42nd St. Mazeppa, MN 55956, Part of the NE 1/4 of NW 1/4, Section 13, Twp 110, Range 015, in Zumbrota Township; as legally described on EXHIBIT "A" (doc# 619163), PID#47.013.0300.

Motion carried 5:0

5. Other Business

None

6. Staff Updates

Staff provided an update that the County Board approved the Comprehensive Plan. Printed copies of the approved Comprehensive Plan will be provided to the BOA members.

Richard Mallan noted his appreciation for the use of the County Board room.

Director Hanni and Commissioners discussed the benefits of changing the starting time for BOA meetings.

⁵Adjourn: Moved by Commissioner Hinch, second by Commissioner Stenerson, to adjourn the June 27, 2016 Board of Adjustment meeting at 5:55 p.m.

Motion carried 5:0.

Respectfully Submitted,

Casey MacCallum
Zoning Assistant

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 27, 2016 MEETING MINUTES
DRAFT**

MOTIONS

-
- ¹ APPROVE the BOA meeting agenda. Motion carried 5:0.
 - ² APPROVE the May 23,2016 minutes. Motion carried 5:0.
 - ³ CLOSE the Schimek variance Public Hearing. Motion carried 5:0.
 - ⁴ APPROVE Schimek's request for a variance from the Rear lot line setback. Motion carried 5:0.
 - ⁵ ADJOURN the June 27, 2016 Board of Adjustment meeting. Motion carried 5:0

DRAFT

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

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

To: Board of Adjustment
From: Land Use Management
Report Date: July 14, 2016
Meeting Date: July 25, 2016

Application Information:

Applicant: Steve Matthees
Address of Zoning request: 23231 County 9 Blvd.
Zoning district: A1

Township Information: Goodhue Township has signed the application without offering any comments.

Attachments:

Applicant Statement
Goodhue County Zoning Ordinance: Articles 13, Section 7
Odor Distance Map

Notice: Variance request from the Confined Feedlot Regulations Article 13, Section 7, Subdivision 6 to construct a feed lot within the 1,000 foot setback for the property at 23216 County 9 Blvd., Goodhue, MN 55027; Section 25, Township 111, and Range 15 in Goodhue Township from a dwelling on the property at 23089 County 9 Blvd., Goodhue, MN 55027; Section 25, Township 111, and Range 15 in Goodhue Township.

Background: The purpose of this variance is to expand a feed lot on parcel 33024500. Parcels under Article 13 Confined Feedlot Regulations, Section 7 Subdivision 6 are required to have a 1,000 foot setback from the dwellings not associated with the feed lot. The Applicant is proposing to be within 960 feet, a 40 foot encroachment.

Virginia Westlie, Goodhue County Feedlot Officer, 651-923-5286

vwestlie@goodhueswcd.org, Comments April 4, 2016:

At this time the Matthees permit has been submitted and accepted by the feedlot officer. The permit is now in the middle of the technical review. Reviewing that all Feedlot regulations and technical requirements are met includes Karst, Soil Borings /investigation, Manure Management Plans, Site location, land application, manure structure requirements, and operation management.

Findings of Fact:

Before any such variance may be granted, the Board of Adjustment shall specify in their findings, the facts in each case. Variances shall only be permitted when:

- 1) They are in harmony with the general purposes and intent of the official control;

The intent of the controls are to reduce feed lot expansion's impact, specifically nuisances odors, has on surrounding neighbors. In this case the house that requires the variance is the home of the feed lot owner, but because it is on a different parcel and there could be a future transaction of either property the set back is required.

- 2) The variances are consistent with the comprehensive plan;
The 2016 Comprehensive Plan supports the development of feed lots and the agricultural industry in several chapters, objectives, and implementations strategies.

Objective of animal agriculture (page 22):

1. **Support and encourage farmers so they provide an adequate supply of healthy livestock**
3. **Encourage the use of best management practices for animal and crop agricultural practices**
5. **Support the growth of animal agriculture in an environmentally friendly manner**

Animal agriculture implementation strategies (page 23):

1. **The University of Minnesota's odor OFFSET tool will be used when considering new feedlots and feedlot expansion requests**
 4. **Encourage best practices for waste handling, manure spreading, pest control, fertilizer application, and erosion control**
 5. **Evaluate feedlots and feedlot registration requirements to ensure they are addressing health, safety and welfare concerns for adjacent landowners, water quality, and soil health**
- 3) There are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.
The intent of the provision is to decrease the odorous nuisance of feedlots. The house that requires the setback variance is located on a parcel that is registered as a feedlot and is occupied by Steve Matthees part owner of the feedlot requesting the variance. Contiguous ownership does not meet the exception to having to comply with feedlot setback requirements, due to the potential for future sale.
- 4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
The Applicant is proposing to place the feed lot buildings in a reasonable location. Repositioning the proposed structures could negatively impact operation of the expanded feedlot and rational use of the subject property.
- 5) The variance, if granted, will not alter the essential character of the locality.
The surrounding neighborhood's character will not change. There are many feed lots in this area.

- 6) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
There is no use change being proposed.
- 7) The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

The following should be edited to reflect any concerns identified at the July 25, 2016 BOA meeting and public hearing:

Staff Recommendation:

Staff recommends the Board of Adjustment adopt the staff report into the record (dated July 14, 2016); adopt the findings of fact; and based on the application, testimony, exhibits, and other evidence presented; and approve the variance request of Steve Matthees from the Confined Feedlot Regulations Article 13, Section 7, Subdivision 6 to construct a feed lot within the 1,000 foot setback (approximately 960') from a dwelling (located at 23089 County 9 Blvd).

Subject to the following conditions:

1. Conformance with the application submitted to Goodhue County Land Use Management Office dated June 15, 2016,
2. Compliance with all necessary state and federal permits and licensing,

at 23216 County 9 Blvd., Goodhue, MN 55027; Section 25, Township 111, and Range 15 in Goodhue Township.

APPLICATION FOR

Variance

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:

Steve Matthees

PROPERTY OWNER'S ADDRESS:

23216 Cty 9 Blvd
Goodhue, MN 55027

TELEPHONE:

(651) 923-4831

EMAIL:

smmatt@steepyeyetel.net

APPLICANT OR AUTHORIZED AGENT'S NAME:

Same as Above

APPLICANT'S ADDRESS:

TELEPHONE:

()

EMAIL:

CONTACT FOR PROJECT INFORMATION:

Same as Above

ADDRESS:

TELEPHONE:

()

EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:

23216 Cty 9 Blvd

ZIP CODE:

55027

LEGAL DESCRIPTION:

sect-25 TWP-111 Range-015

Attached

IF YOU ARE NOT SURE OF THE EVENTUAL SIZE OF THE FINAL PROJECT, PROVIDE THE MAXIMUM ESTIMATES

PID#:

ZONING DISTRICT: A

LOT AREA (SQ FT):

LOT DIMENSIONS:

STRUCTURE DIMENSIONS (if applicable):

330240500, 0101, 0200,

153 Acres

33025-0100

(Please check all that apply)

ADDITIONS TO BUILDING:

PRESENT OR PREVIOUS USE:

New Building on vacant land

Rear

PROPOSED USE:

New Addition to existing building

Front

Manure Storage

Animal Building

Side

BUILDING APPLICATION PERMIT NO.: (if filed)

DATE FILED:

Storage building Other Please clarify

Manure storage

TOWNSHIP:

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 variance request. Attached

TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE

TOWNSHIP OFFICIAL'S SIGNATURE

DATE

Wendy B. [Signature]

CLerk

6/6/16

3. Applicant's Affidavit

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
4. Other information or applications may be required.

Signature: Steve Matthees

Date: 6/6/16

Print name: Steve Matthees owner or authorized agent (circle one)

RECEIVED
JUN 15 2016
Land Use Management

Application for Variance	
VARIANCE NUMBER: For Staff Use only	216-0043
RECEIPT#	15416
DATE	6/15/16

Application fee reduced because of 2nd application for CUP m.w. 6-15-2016

Project Summary (Attach a separate sheet if more space is needed)

Please state which section(s) of the Ordinance from which you are requesting a variance.

Variance Findings

Pursuant to Goodhue County Zoning Ordinance Article 5, before approving a variance application, the Board of Adjustment needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding. The Board of Adjustment may grant a variance only if the variance request complies with each and every one of these findings in full. The responsibility for completing the variance questionnaire rests solely with the applicant. If the description of how the project meets all of the criteria are not fully supported with written information and appropriate drawings or pictures, the Board may find the information insufficient and the criteria are not satisfied.

Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. What are the special circumstances of the proposal site which distinguish it from nearby properties with the same zoning? (relating to size, shape, topography, location, surroundings and features of the subject property).

2. Who or What created the circumstances?

3. What is the character of the area (ie- rural, residential, agricultural, commercial, etc.) and how is the request consistent with this character?

4. Describe how the rules in the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning district.

5. Indicate why the requested variance will not result in your receiving any special privileges that are denied by the zoning ordinance to others in the same zoning district.

6. Is the proposed variance the minimum amount necessary to allow a reasonable use of the property? Please, explain.

7. Is the sole reason for the proposed variance based on a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship? Please explain.

Lone Oak Farms, LLC is a family owned and operated dairy farm since 1887. Owner Steve Matthees farms along with his son Scott and his wife Molly. Scott is the fifth generation to farm. Currently, Lone Oak Farms, LLC milks 250 Holstein cows twice a day and raises all their own calves and heifers on site. They also run 800 acres of crop land made up of alfalfa hay, corn and soybeans.

The proposed facility expansion includes a total confinement dairy barn measuring 128'x280'. The barn will have a 10' drovers lane attached to the north east end of the barn that will lead outside to a cement walkway. The 10' wide cement walkway will have cement curbs to contain any run off. The drovers lane and walkway will allow the cows to walk up to the existing parlor and holding area. The barn will have four groups of cows. Three of the four groups will have free stalls in them holding 85 milking cows in each. The fourth group will be a bedding pack area that will be our calving facility. The calving facility will be equipped with a maternity pen and head gate allowing immediate intervention in calving emergencies and administering medications post calving. Right off of the bedding pack area will be a warm room with a few calf pens to use in the winter months. The proposed facility expansion will have a drive thru feed lane in the center of the barn. The 3 groups of 85 milking cows will be equipped with headlocks allowing for pregnancy check and medication administration in the barn.

In the center of the barn, opposite of the feed lane, will be a scrape ally with a flume system set in place. The flume system set in place will be used in the future after a larger manure storage pit has been built. Temporarily there will be steel covers placed over the flume system that will allow the manure to be scraped into a smaller pit located just outside the proposed barn. A smaller cement manure storage will be built on the south side of the proposed barn. The manure storage pit will be 37'x116' with 189,304 gallon capacity. It will be equipped with a cement ramp with a 12% slope allowing the pit to be cleaned out.

In the future a complete flume transfer system will be placed from our current milking barn attached to our parlor, the new proposed facility and a new waste storage facility. This would completely eliminate our current manure storage (item 18) located outside of the current milking barn and the manure storage (item 19) located outside of our proposed dry cow facility. The proposed waste storage facility will have a 365 day storage. The dimensions of the proposed waste storage facility will be 188'x344' and 14-16 feet deep. It will also have a cement ramp allowing the pit to be cleaned out. Once the proposed waste storage facility is complete, the smaller manure storage pit located outside the new barn will be used as a stacking slab for winter months eliminating the need to haul manure in the winter months.

Currently five barns are used to house milk cows. Group 1, 2 and 3 are the milking cow groups. The other two barns are the Dry Cow Barn and Freshening Barn. Elimination of two animal facilities (items 3 & 8) would include the current Dry Cow Barn and Freshening Barn. These two facilities are currently overcrowded and beyond repair. Elimination of a third building (item 4) would include a current hay shed.

The new facility expansion will allow each group to have less cows and to have the room to grow animal numbers within the herd. Having less crowded groups will give the cows' better cow comfort by allowing them to have more stall and feed bunk space. Having better cow comfort will increase milk production allowing us to sustain our current operation and allow the next generation to transition into the farming operation.

Lone Oak Farms, LLC is a family owned and operated dairy farm since 1887. Owner Steve Matthees farms along with his son Scott and his wife Molly. Scott is the fifth generation to farm. Currently, Lone Oak Farms, LLC milks 250 Holstein cows twice a day and raises all their own calves and heifers on site. They also run 800 acres of crop land made up of alfalfa hay, corn and soybeans.

Lone Oak Farms, LLC has a two phase proposed project for facility expansion. Phase one is a total confinement free stall barn with a small 30 day wedge pit manure storage. The second phase is a larger manure storage. The second phase of the proposed waste storage facility is a project that will be completed in an estimated 4 years' time.

In the future a complete flume transfer system will be placed from our current milking barn attached to our parlor, the new proposed free stall barn facility and a new large waste storage facility. This would completely eliminate our current manure storage (item 18) located outside of the current milking barn and the manure storage (item 19) located outside of our proposed dry cow facility. The proposed waste storage facility will have a 365 day storage. The dimensions of the proposed waste storage facility will be 188'x344' and 14-16 feet deep. It will also have a cement ramp allowing the pit to be cleaned out. This structure will be made entirely of concrete. Once the proposed waste storage facility is complete, the smaller manure storage pit located outside the new barn will be used as a stacking slab for winter months eliminating the need to haul manure in the winter months.

A Variance is needed for the projected second phase waste storage facility. Currently, in combination with the total plan as a whole, a new free stall barn, wedge pit and the larger manure storage, the project is at a 94% annoyance free Odor Offset. Alone the larger manure storage is at more than 99% annoyance free Odor Offset. The dwelling that is located across County 9 Blvd is within that 94% Odor Offset. That dwelling is owned by Lone Oak Farms, LLC. The occupants of that dwelling are Scott and Molly Matthees who farm full time at Lone Oak Farms, LLC.

This Variance will allow Lone Oak Farms, LLC to improve their farming operation by eliminating winter manure hauling and to help transition the farm to the next generation.

ARTICLE 13 CONFINED FEEDLOT REGULATIONS

SECTION 1. INTENT

An adequate supply of healthy livestock, poultry, and other animals is essential to the wellbeing of Goodhue County citizens and the State of Minnesota. These domesticated animals provide our daily source of meat, milk, eggs and fiber. Their efficient, economic production must be the concern of all consumers if we are to have a continued abundance of high-quality, wholesome food and fiber at reasonable prices.

Through this and other ordinances, Goodhue County supports conservation efforts and environmentally safe land use practices. Livestock, poultry and other animals produce manure which may, where improperly stored, transported, or disposed, have a negative affect on the environment. When animal manure adds to surface water, groundwater, long term air pollution or land pollution in the County, it must be controlled.

The following regulations for the control of livestock, poultry, and other animal feedlot and manure application has been promulgated to provide protection against pollution caused by manure from domesticated animals. However, these rules recognize that animal manure provides beneficial qualities to the soil and to the production of agriculture crops.

These rules comply with the policy and purpose of the state of Minnesota in regard to the control of pollution as set forth in Minnesota Statutes, chapters 115 and 116. It has been our experience that residential and agricultural uses of land can be incompatible. These feedlot controls will regulate the uses and development of land in Goodhue County which may adversely affect the health, safety, and general welfare of the public.

No person shall permit or allow their land or property under their control to be used for any confined feedlots, and no animal manure from any confined feedlot shall be disposed of within the County of Goodhue, except at an operation which has been approved in accordance with the provisions of this Article.

All feedlots within Goodhue County shall comply with minimum standards set forth within MPCA Chapter 7020 (herein referred to as MPCA 7020) rules of this Ordinance.

OFFSET Odor Modeling references in this Article are based on the model developed or modified by the University of Minnesota Department of Bio systems and Agricultural Engineering.

SECTION 7. REQUIRED SETBACKS FOR NEW FACILITIES.

As per Minnesota Statutes 394.25, a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence.

- Subd. 1. All new feedlots will be prohibited within 100-year floodplain areas.
- Subd. 2. No new feedlots shall be situated closer than 100 feet from any public or private well; this includes existing abandoned wells.
- Subd. 3. No new feedlot shall be within 1000 feet of the high water mark of a lake or within 300 feet of the high water mark of a stream or river.
- Subd. 4. No new feedlot or portions thereof shall be constructed within 100 feet of an adjoining property line.
- Subd. 5. New residential districts (R1) shall not be located within 1000 feet or 96% OFFSET odor annoyance free rating distance, as determined by the OFFSET odor evaluation model, from any existing feedlot, whichever is greater, nor shall any new feedlot be located within 1000 feet or 96% odor annoyance free rating distance from any residential district (R1), whichever is greater.
- Subd. 6. New dwellings (other than those designated as an accessory to a feedlot or the feedlot operator's dwelling), new churches, new public parks, new schools (as defined in Minnesota Statutes 120A.05), or new private schools excluding home school sites, shall not be located within 1000 feet or 94% odor annoyance free rating distance, as determined by the OFFSET odor evaluation model, from any existing feedlot, whichever is greater.

New feedlots shall not be located within 1000 feet or 94% odor annoyance free rating, as determined by the OFFSET odor evaluation model, from any existing dwelling (other than those designated as an accessory to a feedlot or the feedlot operator's dwelling), churches, public park, school (as defined in Minnesota Statutes 120A.05), or private school excluding home school sites, whichever is greater.
- Subd. 7. New construction on existing feedlots shall meet a 91% odor annoyance free rating distance, as determined by the OFFSET odor evaluation model, to a dwelling (other than those designated as an accessory to a feedlot or the feedlot operator's dwelling)

- Subd. 8 No new feedlot will be allowed within one mile of the cities of Red Wing, Cannon Falls, Pine Island, Lake City, Kenyon, or Zumbrota. No new feedlot will be allowed within one half mile of all other incorporated municipalities. Any variance request to this subdivision will be denied when the affected municipality's city council demonstrates that the proposed request is inconsistent with its comprehensive plan or growth plan.
- Subd. 9 New feedlots or new construction on existing feedlots shall meet a 99% odor annoyance free rating distance, as determined by the OFFSET odor evaluation model, at the closest incorporated municipality boundary line of the cities of Red Wing, Cannon Falls, Pine Island, Lake City, Kenyon, or Zumbrota. Any variance request to these distances must be accompanied by written consent from the affected municipality's city council.
- Subd. 10 No new feedlots or expansion of existing feedlots shall be sited:
- A. Within 300 feet of a sinkhole
 - B. Within a Bluff Impact zone
 - C. Within an abandoned quarry

SECTION 8. MANURE APPLICATION SETBACKS

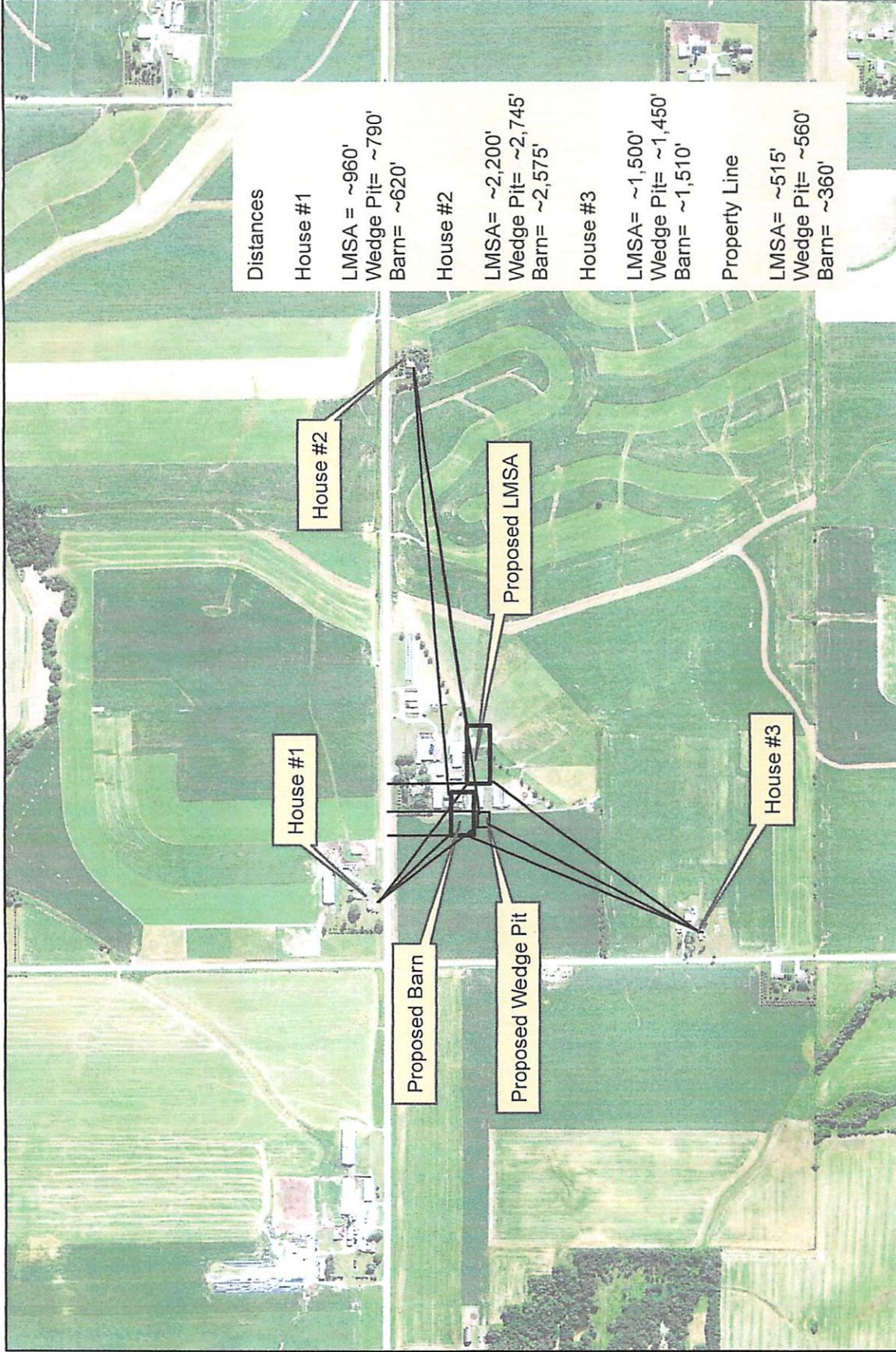
- Subd. 1 There shall be a 300 foot setback from any dwelling (other than the operator's dwelling), church, or school (as defined in Minnesota Statutes 120A.05), and private schools excluding home school sites for surface, incorporated, or injected manure applications,
- Subd. 2 There shall be a 1000 foot setback from any dwelling (other than the operator's dwelling), church, or school (as defined in Minnesota Statutes 120A.05), and private schools excluding home school sites, for irrigation manure application.
- Subd. 3 There shall be a 200 foot setback from any public or private well for surface, incorporated, injected, or irrigation manure application.
- Subd. 4 Written agreements between affected neighbors may be an exception to minimum setback requirements for the land application of manure, provided the setback complies with the MPCA 7020 rules and Goodhue County Environmental Health ordinance.

SECTION 9. STANDARDS FOR EARTHEN STORAGE BASINS & CONCRETE PITS (MPCA)

- Subd. 1. The standards for these structures shall be in compliance with MPCA requirements.
- Subd. 2. The sizing capacity of any manure storage or treatment area should be in accordance with NRCS or MPCA.

Lone Oak Farms, LLC

Odor Distance Map





 Williams Engineering Services, LLC
 E14910 Bears Grass Road
 Augusta, WI 54722
 Ronnie Williams, PE MN #42226
 (715) 829-3231

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

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

To: Board of Adjustment
From: Land Use Management
Report Date: July 15, 2016
Meeting Date: July 25, 2016

Application Information:

Applicant: Mikkel and Carol Gardner
Address of Zoning request: 29072 Leroy Ave.
Zoning district: R1 – Suburban Residential

Township Information: The Applicant has asked Florence Township for permission to construct part of a new wastewater system within the Wells Street Right-of-Way. The Township would need to either vacate a portion of the Wells Street Right-of-Way or grant the Gardner's an easement. The County has not been made aware of any Township action as the date of this staff report.

Attachments:

Applicant Statement
Site Map
Minnesota State Rules Chapters 7080
Survey with Easement

Notice: Variance request from the MN Rules 7080 Front Yard setback requirement of 10 feet from the property line, to place a septic system up to the lot line at 29072 Leroy Ave., MN 55026, Lot 12 & 13 block 35 Town of Frontenac, Section 11 Township 112, and Range 13, in Florence Township.

Background: The purpose of this variance is to allow the construction of a septic system within the setback on parcel 32.130.1350. The Gardner's existing wastewater system is not functioning properly and is in need of replacement. On-site sub-surface wastewater treatment systems under Minnesota Rules Chapters 7080.2150 as adopted by Goodhue County and governed by MPCA are required to have a 10 foot setback from every property line. The Applicant is planning to construct the new wastewater treatment system over the property boundary and within the right-of-way with either an easement or vacation of right-of-way (Wells Street) from the Florence Township.

The Variance is necessary due to the limited size of the Gardner's lot, the need to separate the new wastewater systems from a well located on the abutting property (north), and because of limitations based on existing structure and locations of the existing wastewater system.

Findings of Fact:

Before any such variance may be granted, the Board of Adjustment shall specify in their findings, the facts in each case. Variances shall only be permitted when:

- 1) They are in harmony with the general purposes and intent of the official control;
The intent of the setback provision is to provide minimum separation from wastewater systems and property lines to help protect public health. The septic system is proposed to be constructed within the setback area and into the Wells Street Right-of-Way. This stretch of Wells Street in Old Frontenac is unlikely to expand as it is a minor residential street servicing only three residences; and future development should not increase the demand on this street.
- 2) The variances are consistent with the comprehensive plan;
The 2016 Comprehensive Plan recognizes both the historic nature of Old Frontenac and the priority of maintaining it as a vital residential community.

“The rural hamlet of old Frontenac in Florence Township is situated at the north end of a plain which is 3 miles wide and 10 miles long that rises across successive terraces from the sandy beaches of Lake Pepin, a natural lake in the Mississippi River, to the foot of the encircling bluffs.

The District contains frontier adaptations of important architectural styles from the pre-Civil War and early post-Civil War periods with examples representing French Colonial, Greek Revival, and Georgian. The District of Old Frontenac and many individual properties are listed on the National Register of Historic Places and are recognized as a locally designated historic district by Florence Township.” (Page 96)

Objectives for The Cultural and Historic areas:

1. **Maintain, enhance, and identify cultural and historic areas of the County**
2. **Encourage building projects to preserve or enhance existing historical structures, rather than demolish them**
3. **Preserve, protect and restore the County’s historic and culturally significant landscapes, sites, and structures**
4. **Coordinate with other units of government to promote sound management of the county’s historic and cultural resources**

All of these objectives speak to the support of this variance to construct the septic system. If the variance is not approved it may not be possible to maintain, improve and continue to use the dwelling on the property.

- 3) There are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.

The following issues constitute practical difficulties resulting in the need for the requested variance:

- **The limited size of the Gardner’s lot;**
 - **the need to separate the new wastewater systems from a well located on the abutting property (north); and**
 - **limitations for siting the new wastewater system based on locations of existing structures and locations of the existing and previous wastewater systems.**
- 4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
The Applicant cannot move or improve the well located on the abutting property immediately north of the Gardner’s property (2950 Leroy Avenue) whose setback precludes constructing a wastewater system on most of the Gardiner’s property.
- 5) The variance, if granted, will not alter the essential character of the locality.
The surrounding neighborhood’s character will not change. All of the neighbors have septic systems, and the septic system should only require minor differences in grading, when finished.
- 6) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
There is no use change proposed.
- 7) The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

The following should be edited to reflect any concerns identified at the July 25, 2016 BOA meeting and public hearing:

Staff Recommendation:

Staff recommends the Board of Adjustment adopt the staff report into the record (dated July 15, 2016); adopt the findings of fact; and based on the application, testimony, exhibits, and other evidence presented: approve the variance request from the MN Rules 7080 Front Yard setback requirement of 10 feet from the property line, to place a septic system up to the lot line (abutting the Wells Street Right-of-Way at 29072 Leroy Ave., Old Frontenac, MN 55026,. Lot 12 & 13 block 35 Town of Frontenac, Section 11 Township 112, and Range 13, in Florence Township.

Subject to the following conditions:

1. Conformance with the application submitted to Goodhue County Land Use Management Office dated June 21, 2016,
2. Compliance with all necessary State and Federal permits and licensing,
3. A survey to illustrate and describe the easement or vacated right-of-way (Wells Street) where the proposed wastewater system will be constructed shall be

submitted to Goodhue County as part of the Wastewater System Permit application.

4. The septic system shall be designed to minimize encroachment within the Wells Street Right-of-Way.

Variance

Application for Variance	
VARIANCE NUMBER: For Staff Use only	216-0045
\$350 RECEIPT#	15422 K2
DATE	6/21/2016

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Mikkel and Carol Gardner

PROPERTY OWNER'S ADDRESS: 29072 Leroy Ave
Frontenac MN 55026

TELEPHONE: (651) 380-6065

EMAIL: carolgardner15@gmail.com

APPLICANT OR AUTHORIZED AGENT'S NAME: _____

Same as Above

APPLICANT'S ADDRESS: _____

TELEPHONE: ()

EMAIL: _____

CONTACT FOR PROJECT INFORMATION: _____

Same as Above

ADDRESS: _____

TELEPHONE: ()

EMAIL: _____

2. Location and Classification

STREET ADDRESS OF PROJECT: 29072 Leroy Ave Frontenac, MN

ZIP CODE: 55026

LEGAL DESCRIPTION: Lots 12 and 13 in Block 35 of the Village of Frontenac except the nly 5 feet of lot 13 being a strip of land 5 ft.

Attached

IF YOU ARE NOT SURE OF THE EVENTUAL SIZE OF THE FINAL PROJECT, PROVIDE THE MAXIMUM ESTIMATES

PID#:	ZONING DISTRICT	LOT AREA (SQ FT):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
<u>32.130.1350</u>	<u>R</u>	<u>13,300</u>	<u>95ft x 140ft</u>	

(Please check all that apply)

ADDITIONS TO BUILDING:

New Building on vacant land Rear

New Addition to existing building Front

Animal Building Side

Storage building Other Please clarify
SSTS

PRESENT OR PREVIOUS USE: _____

PROPOSED USE: _____

BUILDING APPLICATION PERMIT NO.: (if filed) _____ DATE FILED: _____

TOWNSHIP: _____

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 variance request. Attached

TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	TOWNSHIP OFFICIAL'S SIGNATURE	DATE
<u>Changerson</u>	<u>Mike Blair</u>	<u>5/16/16</u>

3. Applicant's Affidavit

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
4. Other information or applications may be required.

Signature: Carol Gardner and Mikkel Gardner Date: 05/16/2016

Print name: Carol and Mikkel Gardner owner or authorized agent (circle one)

Project Summary (Attach a separate sheet if more space is needed)

Please state which section(s) of the Ordinance from which you are requesting a variance.

MINNESOTA
Minnesota adopted Standards Article 5, Section 1 of the Goodhue County

BEN OR PANU
Subsurface Storage Treatment (SSTS) Ordinance in order to install a septic drain
field beyond our property line into right of way due to sensitive
neighbor well 100' setback.

Variance Findings

Pursuant to Goodhue County Zoning Ordinance Article 5, before approving a variance application, the Board of Adjustment needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding. The Board of Adjustment may grant a variance only if the variance request complies with each and every one of these findings in full. The responsibility for completing the variance questionnaire rests solely with the applicant. If the description of how the project meets all of the criteria are not fully supported with written information and appropriate drawings or pictures, the Board may find the information insufficient and the criteria are not satisfied.

Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. What are the special circumstances of the proposal site which distinguish it from nearby properties with the same zoning? (relating to size, shape, topography, location, surroundings and features of the subject property).

This corner lot is limited by this lot's and neighbor's wells for a safe location for a SSTS. The primary limiter is a sensitive well in the adjoining lot which demands a 100' setback. Our lot width is 95 feet.

2. Who or What created the circumstances?

The neighbor has a sensitive, undocumented well inside her house and the State well ordinance demands a 100' setback for water safety.

3. What is the character of the area (ie- rural, residential, agricultural, commercial, etc.) and how is the request consistent with this character?

The character of the area is residential and this request is to allow the current and future owners to have a safe and compliant SSTS in this residential environment.

4. Describe how the rules in the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning district.

The owner is limited by the small size of the lot and the neighboring wells esp. the sensitive well of neighbor in lot 14 (needing to be 100 ft from a sensitive well).

5. Indicate why the requested variance will not result in your receiving any special privileges that are denied by the zoning ordinance to others in the same zoning district.

Not intended to have special privilege but do want to enjoy a proper and safe drainfield in our limited lot next to a sensitive well at neighbors.

6. Is the proposed variance the minimum amount necessary to allow a reasonable use of the property? Please, explain.

Yes, only to fit the safe use of SSTS among neighboring wells.

7. Is the sole reason for the proposed variance based on a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship? Please explain.

No only to have a safe and functioning SSTS.

PID
Zoning District: R1

- The following information is required for a Site Plan:
1. Location, size and shape of any structures Clearly distinguish between existing and proposed;
 2. Distances from structures to property lines;
 3. Distances between structures, porches and decks;
 4. All wells and sanitary sewer systems (including any abandoned) and the distance to nearby structures
 5. The existing and intended use of the property;
 6. All landscape, screening, and fencing plans;

Upon review, projects may require other information

1. Old septic to be abandoned
2. New septic estimated location
3. Emma's well of issue
4. Our well

Legend

- Section Line
- Road
- 2014 Feedlot parcel
- Tax Parcel
- Municipal Boundaries
- Dwelling Point
- Bluff Impact % Slope
- 20
- 30
- Shoreland

63' x 12'



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 2015.

2014 Aerial Imagery



perforations for dwellings. The minimum average head must be 2.0 feet for other establishments with 3/16- to 1/4-inch perforations and 5.0 feet of head for 1/8-inch perforations. Perforation discharge is determined by the following formula:

$$Q = 19.65 \text{ cd}^2\text{h}^{1/2}$$

where: Q = discharge in gallons per minute

c = 0.60 = coefficient of discharge

d = perforation diameter in inches

h = head in feet.

- C. The pump discharge head must be at least five feet greater than the head required to overcome pipe friction losses and the elevation difference between the pump and the distribution device.
- D. The quantity of effluent delivered for each pump cycle must be no greater than 25 percent of the design flow and at least four times the volume of the distribution pipes plus the volume of the supply pipe.

7080.2150 Final Treatment and Dispersal.

Subpart 1. **General.** Treatment and dispersal of all sewage for new construction or replacement ISTS must be in compliance with this part and parts 7080.2200 to 7080.2400 as adopted into local ordinances.

Subp. 2. **General technical requirements for all systems.** All new construction or replacement ISTS must be designed to meet or exceed the provisions in items A to F.

- A. All treatment and dispersal methods must be designed to conform to all applicable federal, state, and local regulations.
- B. Treatment and dispersal processes must prevent sewage or sewage effluent contact with humans, insects, or vermin.
- C. Treatment and dispersal of sewage or sewage effluent must be in a safe manner that adequately protects from physical injury or harm.
- D. An unsaturated zone in the soil must be maintained between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock during loading of effluent.
- E. Soil treatment and dispersal systems must not be designed in floodways. Soil treatment and dispersal systems installed in

- F. ISTS components must be set back in accordance with Table VII.
- flood fringes must meet the requirements in part 7080.2270. All soil treatment systems located in areas subject to excessive run-on must have a diversion constructed upslope from the system.

Table VII: Minimum setback distances (feet)

Feature	Sewage tank, holding tank, or sealed privy	Absorption area or unsealed privy	Building sewer or supply pipes
Water supply wells	*	*	*
Buried water lines	*	*	*
Structures	10	20	
Property lines****	10	10	
Ordinary high water level of public waters	***	***	

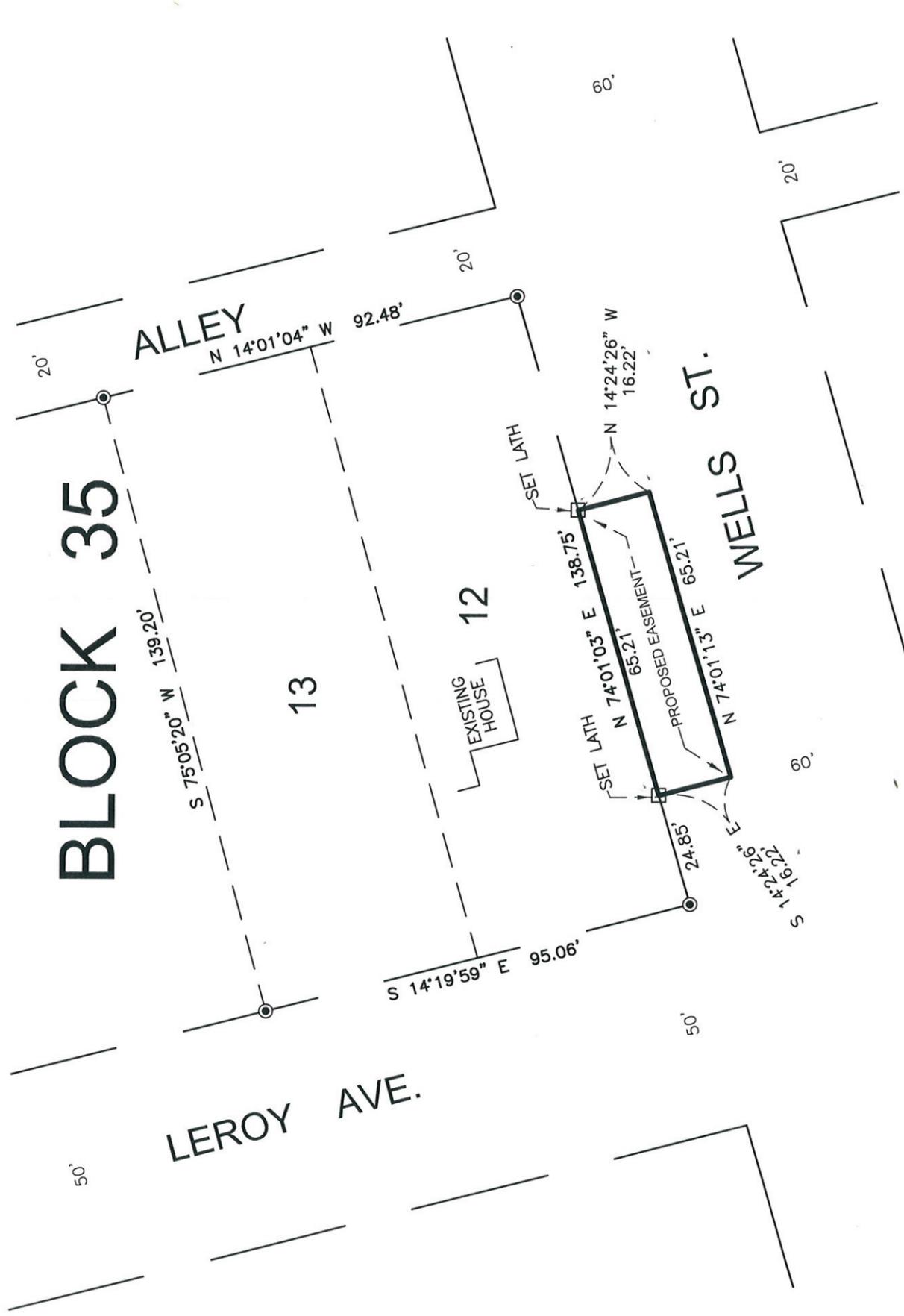
* Setbacks from buried water lines and water supply wells are governed by chapters 4715 and 4725, respectively.

** Infringement on property line setbacks must be made through accepted local procedures

*** Setbacks from lakes, rivers, and streams are governed by chapters 6105 and 6120.

Subp. 3. **Other technical requirements for systems.** Items A to M are required for specific designs as determined in parts 7080.2200 to 7080.2400.

- A. Employ components registered under parts 7083.4070 and 7083.4080 that are installed, used, and operated according to the conditions placed on registration.
- B. Employ structural components and joint sealants that meet or exceed the system's expected design life.
- C. For acceptable treatment of septic tank effluent by soil,



PROPOSED EASEMENT DESCRIPTION

A proposed easement for septic and drainfield purposes over, under and across that part of Wells Street adjacent to Lot 12, Block 35 of FRONTENAC FORMERLY WESTERVELT, according to the recorded plat thereof, on file in the Goodhue County Records Office, Goodhue County, Minnesota, described as follows:

Commencing at the most southerly corner of said Lot 12; thence on an assumed bearing of North 74 degrees 01 minutes 03 seconds East, along the southeasterly line of said Lot 12, a distance of 24.85 feet to the point of beginning of the easement to be described; thence South 14 degrees 24 minutes 26 seconds East, a distance of 16.22 feet; thence North 74 degrees 01 minutes 13 seconds East, a distance of 65.21 feet; thence North 14 degrees 24 minutes 26 seconds West, a distance of 16.22 feet to the southeasterly line of said Lot 12; thence South 74 degrees 01 minutes 03 seconds West, along said southeasterly line, a distance of 65.21 feet to the point of beginning.

Subject to all easements and restrictions of record.

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.

THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THAT THE SE'LY LINE OF LOT 12 BLOCK 35 HAS A BEARING OF N74°01'03"E.



CERTIFICATE OF DESCRIPTION FOR:

MIKKEL GARDNER

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066
 (651) 388-1558

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Marcus S. Johnson
 Marcus S. Johnson
 Minnesota License No. 47460
 Date: 7/14/2016

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	16-459		S-6288