

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
July 25, 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 Board room in Red Wing, Minnesota.

**1. Roll Call**

Commissioners Present: Robert Benson, Richard Ellingsberg, Brandon Schafer, Richard Mallan, Mike Hinsch, and Howard Stenerson,

Commissioners Absent: None

Staff Present: Planner/Zoning Administrator Wozniak, Ben Hoyt from Environmental and Zoning Assistant Casey MacCallum

**2. Approval of Agenda**

<sup>1</sup>Motion by Commissioner Stenerson and seconded by Commissioner Schafer to approve the agenda for the July 25, 2016 meeting. Motion carried 6:0.

**3. Approval of Minutes**

<sup>2</sup>Motion by Commissioner Schafer and seconded by Commissioner Hinch to approve the June 27, 2016 minutes with correction. Motion carried 6:0.

**4. Conflict/Disclosure of Interest**

None of the Board members declared a conflict of interest.

**PUBLIC HEARING: Steve Matthees.** 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.

Mike Wozniak presented the staff report and attachments.

*Commissioner Stenerson inquired about the time line for construction of the project and if language needed to be added to allow the Applicant more time to start the project. Zoning Administrator Mike Wozniak informed the Board that they can change the time but don't need to.*

*Commissioner Schafer asked about the process and legal limitation.*

Chair Benson opened the public hearing: no one commented.

The Matthees family was present. *The Matthees explained the project and the history of the property.*

*Commissioner Stenerson requested clarification on the purpose of the request. Zoning Administrator explained the odor offsets application.*

**<sup>3</sup>After Chair Benson asked three times for further comments. After hearing none, it was moved by Commissioner Stenerson and seconded by Commissioner Schafer to close the public hearing.**

**Motion carried 6:0**

*Commissioner Stenerson inquired about the construction time line. Zoning Administrator Mike Wozniak informed the Board that the first phase of the project was underway.*

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
July 25, 2016 MEETING MINUTES  
DRAFT**

---

Commissioner Schafer discussed amending the staff recommendation by replacing “from a dwelling on the property at 23089 County 9 Blvd., Goodhue, MN 55027” with “all dwellings” and adding the 91% odor offset to the variance request. Commissioner Stenerson recommended a reference to the “application dated June 15<sup>th</sup> 2016.

**<sup>4</sup>Motion Commissioner Schafer, second by Commissioner Stenerson, that the Board of Adjustment**

- **adopt the staff report into the record (dated July 14, 2016);**
- **adopt the findings of fact;**
- **based on the application, testimony, exhibits, and other evidence presented;**
- and**

**APPROVE the variance request of Steve Matthees from Variance request from the Confined Feedlot Regulations Article 13, Section 7, Subdivision 6 to construct a feed lot within the 1,000 foot setback and the 91% Odor Offset for the property at 23216 County 9 Blvd., Goodhue, MN 55027; Section 25, Township 111, and Range 15 in Goodhue Township from all dwellings as detailed in the application submitted to Goodhue Land Use Management office dated June 15, 2016 from a dwelling on the property at 23089 County 9 Blvd., Goodhue, MN 55027; Section 25, Township 111, and Range 15 in Goodhue Township.**

**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,**

**PUBLIC HEARING: Mikkell and Carol Gardner:** 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.

Zoning Administrator Mike Wozniak and Ben Hoyte presented the staff report and attachments.

*Commissioner Mallan noted the need for township support and stated his support for the variance.*

*Commissioner Schafer clarified that the variance is to the property line. Zoning Administrator Mike Wozniak explained the septic system permitting process and requirement for Township approval.*

*Mikkell and Carol Gardner were present. The Applicant informed the Board that they have gone to the Township twice and received approval both times. They also noted the Township did not know what approval they needed.*

*Commissioner Schafer and Zoning Administrator Mike Wozniak noted the need for memorialize the easement due to future improvements to the road.*

*Commissioner Stenerson commented that the township will most likely prefer an easement instead of a vacation to make future improvements easier. Commissioner Stenerson also questioned the wording of the variance and if “up to the property line” would provide the Applicant with the protection they needed to construct the system over the property line and*

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
July 25, 2016 MEETING MINUTES  
DRAFT**

---

*within the right-of-way. Zoning Administrator Wozniak explained staff's interpretation of the County's jurisdiction.*

*Commissioner Stenerson asked if the new system could be placed where the existing system is. Ben Hoyt from Goodhue's Environmental Health Department explained the affects the soil and sensitive well has on the placement of the new system. Zoning Administrator Wozniak explained the delineation of the State and County regulations and procedures. Ben Hoyte described the alternative septic options, and Mike described the costs and procedures involved in those options.*

*Zoning Administrator Wozniak described the new regulations that require compliance upon sale of the homes, which will increase in frequency with which the Board may see similar requests as the Gardner's.*

Chair Benson opened the public hearing: no one commented.

**<sup>5</sup> After Chair Benson asked three times for further comments. After hearing none, it was moved by Commissioner Ellingberg and seconded by Commissioner Schafer to close the public hearing.**

**Motion carried 6:0**

**<sup>6</sup>Motion by Commissioner Stenerson, second by Commissioner Hinsch, that the Board Of Adjustment:**

- **adopt the staff report into the record (dated July 15<sup>th</sup> , 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).**

**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.**

**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.**

*Commissioner Stenerson clarified that his motion was for approval as presented.*

**Motion carried 6:0**

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
July 25, 2016 MEETING MINUTES  
DRAFT**

---

**5. Other Business**

None

**6. Staff Updates**

*Zoning Administrator Wozniak provided clarity to the Board on the Feedlot Officer's interpretation and staff's interpretation of the Confined Feedlot Regulations. Commissioner Stenerson and Schafer commented on the impact of opening up the Confined Feedlot Regulations and having a Public Hearing.*

*Commissioner Stenerson asked about the Feedlot Officers' funding source. He also inquired if the Feedlot Officer was available for night meetings. Zoning Administrator Wozniak informed the Board that the Feedlot Officer will be requested when needed.*

**<sup>7</sup>Adjourn: Moved by Commissioner Stenerson, second by Commissioner Mallan, to adjourn the July 25, 2016 Board of Adjustment meeting at 6:37 p.m.**

**Motion carried 6:0.**

Respectfully Submitted,

Casey MacCallum  
Zoning Assistant

MOTIONS

- 
- <sup>1</sup> APPROVE the BOA meeting agenda. Motion carried 6:0.  
<sup>2</sup> APPROVE the March 28, 2016 minutes. Motion carried 6:0.  
<sup>3</sup> CLOSE the Public Hearing. Motion carried 6:0.  
<sup>4</sup> APPROVE the variance. Motion carried 6:0.  
<sup>5</sup> CLOSE the Public Hearing. Motion carried 6:0.  
<sup>6</sup> APPROVE the variance. Motion carried 6:0.  
<sup>7</sup> ADJOURN the July 25, 2016 Board of Adjustment meeting. Motion carried 6:0