

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
December 13, 2021 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Knott virtually via GoToMeeting with staff members present at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Daniel Knott, Rich Ellingsberg, Darwin Fox, Denny Tebbe, and Randy Rechtzigel

Commissioners Absent: None

Staff Present: Land Use Director Lisa Hanni (Virtual), Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Kathy Bauer

1. Approval of Agenda

¹Motion by Commissioner Tebbe, and seconded by Commissioner Fox to approve the meeting agenda.

Motion carried 5:0

2. Approval of Minutes

²Motion by Commissioner Tebbe and seconded by Commissioner Ellingsberg to approve the previous month's meeting minutes.

Motion carried 5:0

3. Conflict/Disclosure of Interest

There were no conflicts of interest reported.

4. Public Hearings:

TABLED: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by Jeffrey Nolte (Buyer) and Dee Banitt LT (Owner), to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet or 94% odor annoyance-free rating (as determined by the odor OFFSET model) of existing dwellings. Parcel 40.034.0900. 51130 152nd AVE Pine Island, MN 55963. Part of the W ³/₄ of the NE ¹/₄ of the NW ¹/₄ and the SE ¹/₄ of the NW ¹/₄ of Section 34 TWP 109 Range 16 in Roscoe Township. A-2 Zoned District.

Pierret presented the amended staff report and attachments.

Commissioner Fox asked how long Dee Banitt owned the property.

Pierret answered for many years.

Chair Knott stated he went on a site visit to the property and met both Dee Bannitt and Jeffrey Nolte, and agreed with Pierret that Bannitt has owned the property for quite some time.

Commissioner Rechtzigel stated he heard Banitt previously inquired about selling the property with separate building sites, but was turned down because the density in the area was already full. Further stated the applicants have made the proper steps in applying for this variance and believes it should be approved.

Commissioner Fox said he went to look at this property as well. He stated the property has been under the same ownership for quite a number of years, property owners in the county were given the opportunity to register feedlots at the time the program came in to place, you didn't necessarily have to

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have animals. Therefore, Commissioner Fox has a hard time justifying this variance request.

Hanni stated the feedlot will be in the existing barn. If the barn was 130 feet in a different direction, the applicant would not need a variance.

Commissioner Ellingsberg stated this is in an agricultural zone, they can have a feedlot up to 300 animal units, and the variance request is for 33.8, the buildings needed are already there with a large piece of the property for manure disposal. Commissioner Ellingsberg feels the small amount of cattle and a few pigs should not be an issue, and it is also well beyond the 99 percent odor offset rating; he is in favor of this variance request.

Andy Huneke, Roscoe Township said he wanted to listen in on the meeting because he feels this is a discussion they have been having more and more. Stated Roscoe Township is mostly agricultural and this is suitable for the area.

3Motion by Ellingsberg, seconded by Rehtzigel, for the Board of Adjustment to:

- adopt the staff report into the record;
- adopt the findings of
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the request for variance, submitted by Jeffrey Nolte (Buyer) and Dee Banitt LT (Owner) to Article 13 (Confined Feedlot Regulations) setback standards to allow a new Feedlot to be established no closer than 870-feet from neighboring dwellings.

Motion carried 4:1. Fox against

PUBLIC HEARING: Request for Variance, submitted by Linda and Tom Winter (Owners), to Accessory Dwelling Unit standards to permit an Accessory Dwelling Unit greater than 100-feet from the principal dwelling.

Pierret presented the staff report and attachments.

Chair Knott opened the Public Hearing.

Pierret read an email from Robert and Roslyn Hjermsstad, 30830 Woodhaven Trail, Cannon Falls, MN stating they have no opposition to the request.

4After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 5:0

Commissioner Fox commented this variance request is a good example of why variance requests and ADU standards work and why they are in place; the best thing to come out of these requests is it gets them on record at the County, people can be heard and voice their opinions either for or in opposition of the variance.

5Motion by Fox, seconded by Tebbe, for the Board of Adjustment to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

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APPROVE the request submitted by Linda and Tom Winter (Owners) to allow an Accessory Dwelling Unit 172-feet from the principal dwelling where 100 feet is required.

Motion carried 5:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by David O'Reilly (Owner), to A-2 Zoning District standards to allow parcel line reconfiguration creating property lines closer than 30-feet from existing structures. Parcel 31.033.1400. 33474 200th AVE Red Wing, MN 55066. Part of the W 1/2 of the SW 1/4 of Section 33 TWP 112 Range 15 in Featherstone Township.

Koberoski presented the staff report and attachments.

Pierret added staff would recommend a condition upon approval of this variance stating an easement should be recorded over the existing driveway for access to the farm structures.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Rechtzigel to close the Public Hearing.

Motion carried 5:0

7 Motion by Fox, seconded by Tebbe, for the Board of Adjustment to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the request submitted by David O'Reilly (owner) to A-2 Zoning District standards to allow parcel line reconfiguration of Parcel 31.033.1400 creating property lines no closer than 5.0-feet from existing structures as depicted on the submitted survey dated November 10, 2021 subject to the following condition:

1. An easement shall be recorded for access to the farm structures on the provided survey.

Motion carried 5:0

5. Other-Discussion

Commissioner Ellingsberg has officially retired from the Board of Adjustments after 9 years, as of the finish of this meeting.

The next BOA Meeting is tentatively set for January 24th, 2022. It is probable the meetings would remain virtual until at least April 2022, upon the completion of Goodhue County courtroom renovation.

ADJOURN

8 Motion by Ellingsberg seconded by Rechtzigel to adjourn the BOA meeting at 5:59 pm.

Motion carried 5:0

Respectfully submitted:
Kathy Bauer, Zoning Administrative Assistant

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MOTIONS

¹ APPROVE the meeting agenda.

Motion carried 5:0

² APPROVE the previous meeting's minutes.

Motion carried 5:0

³APPROVE Request for Variance to Article 13 (Confined Feedlot Regulations)setback standards to allow a new Feedlot no closer that 870-feet from neighboring dwellings

Motion carried 4:1

⁴Close the Public Hearing

Motion carried 5:0

⁵APPROVE the Variance request to allow an Accessory Dwelling Unit 172-feet from the principal dwelling where 100-feet is required.

Motion carried 5:0

⁶Close the Public Hearing

Motion carried 5:0

⁷APPROVE Variance request to allow line reconfiguration of Parcel 31.033.1400 creating property lines no closer than 5-feet from existing structures

Motion carried 5:0

⁸ADJOURN.

Motion carried 5:0

UNOFFICIAL UNTIL APPROVED BY THE BOA