



# 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

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. October 28, 2019 Meeting Minutes

Documents:

[MINUTES\\_OCTOBER\\_BOA\\_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Feedlot Setback Standards

Request for Variance, submitted by David & Ann Buck (Owner/Operators), to Article 13 (Confined Feedlot Regulations) setback standards to allow an expansion of an existing Feedlot within 91% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling. Parcel 33.019.0400. 37298 180th Ave, Goodhue, MN 55027. NW ¼ of Sect 19 Twp 111 Range 15 in Goodhue Township. A1 Zoned District.

Documents:

[BOAPACKET\\_BUCK\\_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To R1 District Setbacks From Feedlots

Request for Variance, submitted by Jason Krueger (Buyer), to R1 (Suburban Residential District) setback standards to allow the rezoning of property in the A3 (Urban Fringe District) to R1 within 1000 feet of a confined feeding operation. Parcel 40.035.2200. 16632 515th Street, Pine Island, MN 55963. Part of the W ¼ of the E ½ of the NW ¼ of the SE ¼ of Sect 35, Twp 109 Range 16 in Roscoe Township. A3 Zoned District.

Documents:

[BOAPACKET\\_KRUEGER.PDF](#)

Adjourn

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  
October 28<sup>th</sup>, 2019 MEETING MINUTES  
DRAFT**

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The meeting of the Goodhue County Board of Adjustment was called to order at 5:30 PM by Chair Ellingsberg in the Goodhue County Government Center Court Room in Red Wing, MN.

**Roll Call**

Commissioners Present: Darwin Fox, Rich Ellingsberg, Kristin Toegel

Commissioners Absent: Robert Benson and Daniel Knott

Staff Present: Zoning Administrator Michael Wozniak, Zoning Assistant Ryan Bechel, and Zoning Assistant Samantha Pierret

**1. Approval of Agenda**

<sup>1</sup>Motion by **Fox**, and seconded by **Toegel** to approve the meeting agenda

***Motion carried 3:0***

**2. Approval of Minutes**

<sup>2</sup>Motion by **Fox** and seconded by **Toegel** to approve the previous month's meeting minutes.

***Motion carried 3:0***

**3. Conflict of Interest/Disclosure**

There were no conflicts of interest.

**4. Public Hearings:**

**PUBLIC HEARING: Request for Variance to Road Standards:**

Request for Variance, submitted by Michael Thoreson (owner) to Goodhue County Subdivision Ordinance Road Standards to allow an existing driveway with grades exceeding 10% and a driving surface width less than 20 feet to be used to access three or more dwellings. Parcel(s) 38.021.0903, 38.021.0906, 38.021.0905 and 38.021.0904. TBD Sherwood Trail, Zumbrota, MN 55992. Part of the SE ¼ and E ½ of the SW ¼ and part of the E ½ of the SW ¼ and part of the NW ¼ of the SE ¼ Section 21 TWP 110 R16 in Minneola Township. A2 Zoned District.

*Pierret presented the staff report and attachments.*

*Bechel added that the condition written for the variance was crafted to allow the fourth dwelling site would be able to take advantage of this variance if approved.*

*Michael Thoreson (Applicant) stated he was agreeable to the variance condition and noted that he was not aware of the access requirement when they started the process to construct a home on their property.*

*Commissioner Toegel questioned why the width requirement of 20 feet cannot be achieved.*

*Pierret referenced a map provided in the packet showing widths of the driveway at various points. She noted that in the narrowest areas there is a drop off on both sides of the driveway with a creek on one side and the bluffland area on the other. Pierret noted that staff's recommendation of a 16 foot width seemed reasonable but 20 feet would be difficult to achieve without cutting into the bluff and removing material, which would require a variance and procedures to do work in the bluffland area.*

*Commissioner Toegel questioned if snow could be plowed on the 13 foot wide portions and could two cars pass each other.*

*Wozniak detailed a history of the area and the properties and past actions in the County regarding private access driveways on bluff areas.*

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
October 28<sup>th</sup>, 2019 MEETING MINUTES  
DRAFT**

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*Commissioner Fox added that the Planning Commission is looking to change the access standards to make the regulations easier to follow and apply. He noted that he was on the Board when the original variance was approved and had they known at the time what the topography was like and the access requirements, it may have been added into the original resolution in the early 2000s. He stated that a large truck could privately plow this driveway fairly easily and this fits into the intent of the Ordinance to widen the driveway without impacting the bluff area.*

**Chair Ellingsberg opened the Public Hearing.**

*No one from the public was present to speak for or against the request.*

**<sup>3</sup> After Chair Ellingsberg asked three times for comments it was moved by Fox and seconded by Toegel to close the public hearing.**

***Motion carried 3:0***

**<sup>4</sup>Motion by Toegel, seconded by Fox, 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 to allow an existing driveway with grades exceeding 10% and a driving surface width less than 20 feet to be used to access three or more dwellings at a distance of approximately 1053 feet from the Right-of-Way entrance on Sherwood Trail to the driveway entrance for parcel 38.021.0906 (Melhouse Property) with the following condition:

1. The applicant shall widen the driving surface from Sherwood Trail heading northwest for 1053 feet to a minimum width of 16 feet.

***Motion carried 3:0***

**5. Other-Discussion**

*Staff stated the November BOA meeting will be held on Monday November 18<sup>th</sup>, 2019 beginning at 6PM. This will be a joint meeting with the Planning Commission.*

**6. Adjourn**

**<sup>5</sup>Motion by Fox, seconded by Toegel to adjourn the BOA meeting at 5:46PM.**

**Motion carried 3:0**

Respectfully submitted,

Zoning Assistant, Samantha Pierret

**MOTIONS**

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<sup>1</sup> APPROVE the meeting agenda. Motion carried 3:0

<sup>2</sup> APPROVE the previous meeting's minutes. Motion carried 3:0

<sup>3</sup> Close the Public Hearing. Motion carried 3:0

<sup>4</sup> APPROVE the request to allow an existing driveway with grades exceeding 10% and a driving surface width less than 20

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
October 28<sup>th</sup>, 2019 MEETING MINUTES  
DRAFT**

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feet to be used to access three or more dwellings. Motion carried 3:0

<sup>5</sup> ADJOURN. Motion carried 3:0

UNOFFICIAL UNTIL APPROVED BY BOA



# Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

*Lisa M. Hanni, L.S. Director*



*County Surveyor / Recorder*

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  
**Meeting Date:** November 18, 2019  
**Report date:** November 8, 2019

## **PUBLIC HEARING: Request for Variance to Feedlot Setback Standards**

Request for Variance, submitted by David & Ann Buck (Owner/Operators), to Article 13 (Confined Feedlot Regulations) setback standards to allow an expansion of an existing Feedlot within 91% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling.

### **Application Information:**

Applicant: David & Ann Buck (Owner/Operators)  
Address of zoning request: 37298 180<sup>th</sup> Ave, Goodhue, MN 55027  
Parcel: 33.019.0400  
Abbreviated Legal Description: NW ¼ of Sect 19 Twp 111 Range 15 in Goodhue Township  
Township Information: Goodhue Township endorsed acknowledgment of the application on 10/21/2019 with no specific comments or conditions.  
Zoning District: A1 (Agriculture Protection District)

### **Attachments and Links:**

Application and submitted Project Summary  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

David & Ann Buck (Owner/Operators) have applied for a variance to allow them to expand an existing dairy operation that would be located less than 91% odor annoyance-free rating (as determined by the OFFSET model) from existing dwellings. The proposed expansion includes construction of a 240ft x 310ft 540 head dairy barn and a 480ft x 412ft above-grade liquid manure storage basin that would require a minimum setback of 1825 feet from existing off-site dwellings.

There are two existing off-site dwellings situated approximately 1500 feet from the project area that are occupied by family members of the Applicant's operation (David J. Buck & Ann G. Buck). The Goodhue County Zoning Ordinance requires expansions of existing feedlots to meet odor Offset requirements to existing dwellings

The Applicant has an existing Conditional Use Permit (CUP) and is concurrently pursuing an amendment to allow the proposed expansion in conjunction with this request. The CUP amendment is scheduled to be considered by the Goodhue County Planning Commission on 11/18/19.

### **Variance Standards:**

Variations shall only be permitted when they are in harmony with the general purposes and intent of the Goodhue County Zoning Ordinance and when consistent with the adopted comprehensive plan. Variations may be granted when the applicant establishes “practical difficulties” exist in complying with the existing official controls. Practical difficulties mean the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

### **Draft Findings of Fact:**

#### **1) Harmony with the general purposes and intent of the official control:**

- The purpose of the A1 district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.
- Reciprocal feedlot setbacks between feedlots and dwellings are intended to decrease conflict between residential and agricultural uses.

There are two dwellings that are located within the 1825 foot required setback area for the proposed expansion, both of which are occupied by family members of the dairy operation. David J. Buck’s dwelling is located approximately 1,550 feet west of the proposed feedlot expansion. Ann Buck’s dwelling is located approximately 1,450 feet southwest of the proposed feedlot expansion.

- The nearest dwellings not owned by family members related to the operation are more than 3,000 feet from the expansion. There is also a dwelling on the subject parcel that is not subject to feedlot reciprocal setback requirements.
- The Applicant’s variance request appears harmonious with the purpose and intent of the official controls.

#### **2) The variance request is consistent with the adopted Comprehensive Plan:**

- The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The proposed variance is not likely to produce conflict among residential and agricultural uses. The occupant of the two dwellings not meeting the minimum setback are family members of the dairy operation and have both submitted letters of support for the variance request. Future buyers of the dwellings will have the opportunity to be informed of the existence of the feedlot. The request appears consistent with the adopted Comprehensive Plan.

#### **3) There are “practical difficulties” in complying with the official control (the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality):**

- The property comprises 146.39 acres and is a conforming lot in the A1 district (2-acre minimum). The Applicant’s request to expand an existing registered feedlot is a reasonable use of property in the A1 District.
- The site has been historically used for animal and crop agriculture and significant infrastructure exists to support the dairy operation.
- The feedlot expansion would be on the east side of the existing dairy facilities at the furthest practical distance from the closest off-site dwellings to the west and southwest.

- The proposed expansion would meet all other applicable setback requirements of the Goodhue County Zoning Ordinance.
  - A review of the existing development pattern in the vicinity reveals very low-density residential development among predominantly agricultural uses (feedlots and row-crop agriculture). The request for variance appears unlikely to alter the essential character of the locality.
  - The property and existing feedlot configuration existed prior to the establishment of the current zoning OFFSET setback standards.
- 4) **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.**
- Feedlots are permissible uses in the A1 district. The request does not constitute a use variance.

*The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing.*

*The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.*

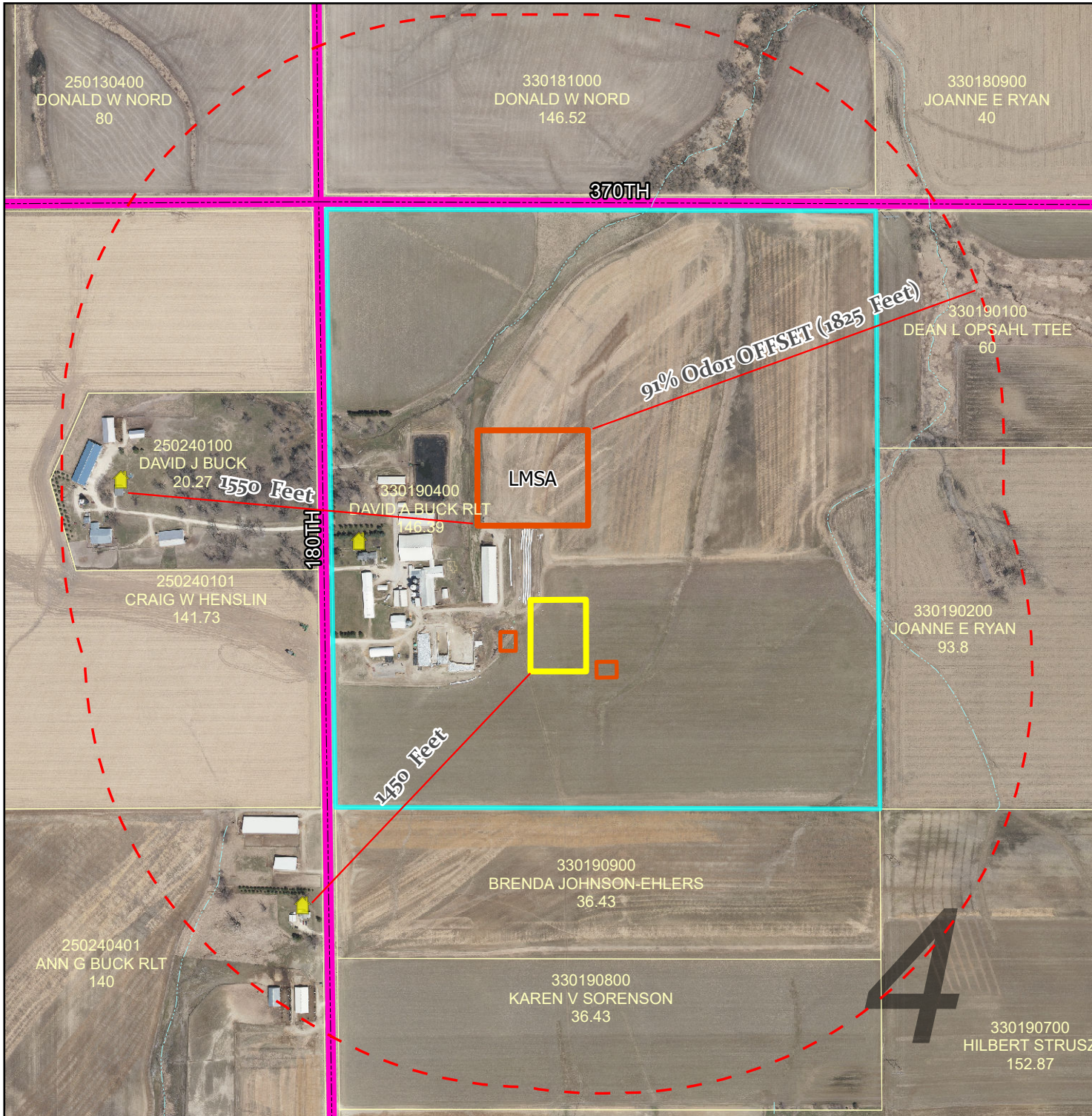
**Staff Recommendation:**

- 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 for variance, submitted by David & Ann Buck (Owner/Operators), to Article 13 (Confined Feedlot Regulations) setback standards to allow an expansion of an existing Feedlot 1,450 feet from two existing dwellings.



# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
November 18, 2019

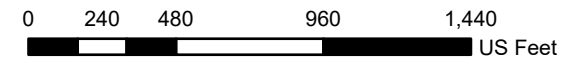
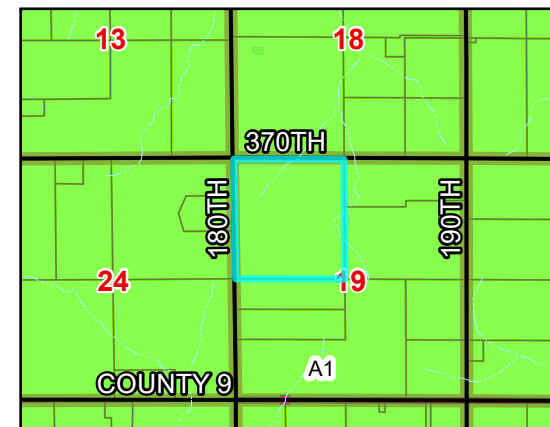
David & Ann Buck  
A1 Zoned District

Parcel 33.019.0400  
NW ¼ S19 T111 R15  
in Goodhue Township

Variance request to Confined Feedlot Regulations setback standards within 91% odor annoyance-free rating of an existing dwelling.

### Legend

- |  |                            |  |                              |
|--|----------------------------|--|------------------------------|
|  | Intermittent Streams       |  | Bluff Impact Zones (% slope) |
|  | Protected Streams          |  | 30                           |
|  | Lakes & Other Water Bodies |  |                              |
|  | Shoreland                  |  |                              |
|  | Historic Districts         |  |                              |
|  | Parcels                    |  |                              |
|  | Registered Feedlots        |  |                              |
|  | Dwellings                  |  |                              |
|  | Municipalities             |  |                              |
|  |                            |  | FEMA Flood Zones             |
|  |                            |  | 2% Annual Chance             |
|  |                            |  | A                            |
|  |                            |  | AE                           |
|  |                            |  | AO                           |
|  |                            |  | X                            |



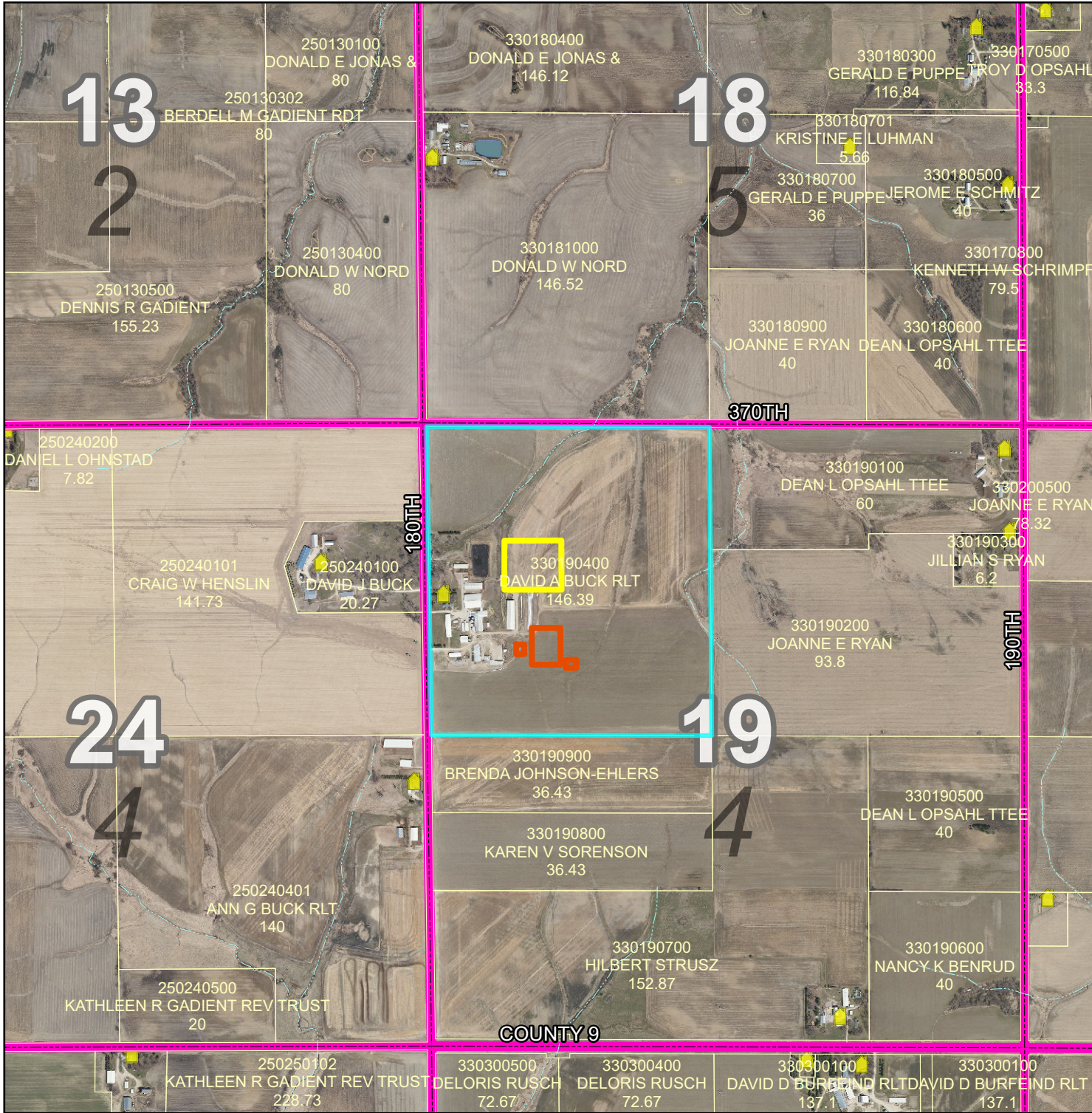
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Map Created November, 2019 by LUM





# MAP 02: VICINITY MAP



## PLANNING COMMISSION

Public Hearing  
November 18, 2019

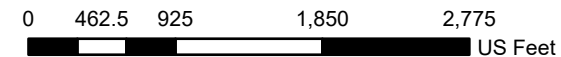
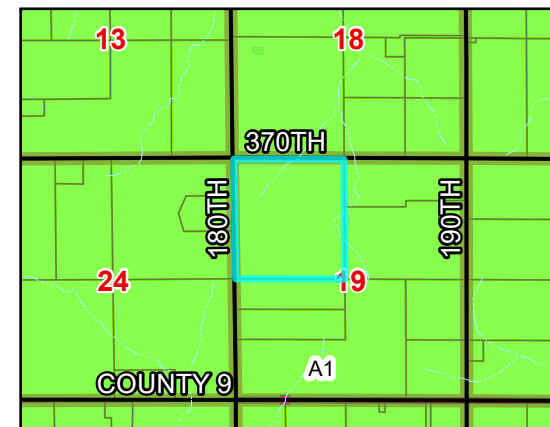
David & Ann Buck  
A1 Zoned District

Parcel 33.019.0400  
NW ¼ S19 T111 R15  
in Goodhue Township

Variance request to Confined Feedlot  
Regulations setback standards within 91%  
odor annoyance-free rating of an existing  
dwelling.

### Legend

- |  |                            |  |                              |
|--|----------------------------|--|------------------------------|
|  | Intermittent Streams       |  | Bluff Impact Zones (% slope) |
|  | Protected Streams          |  | 30                           |
|  | Lakes & Other Water Bodies |  |                              |
|  | Shoreland                  |  |                              |
|  | Historic Districts         |  |                              |
|  | Parcels                    |  |                              |
|  | Registered Feedlots        |  |                              |
|  | Dwellings                  |  |                              |
|  | Municipalities             |  |                              |
|  |                            |  | FEMA Flood Zones             |
|  |                            |  | 2% Annual Chance             |
|  |                            |  | A                            |
|  |                            |  | AE                           |
|  |                            |  | AO                           |
|  |                            |  | X                            |



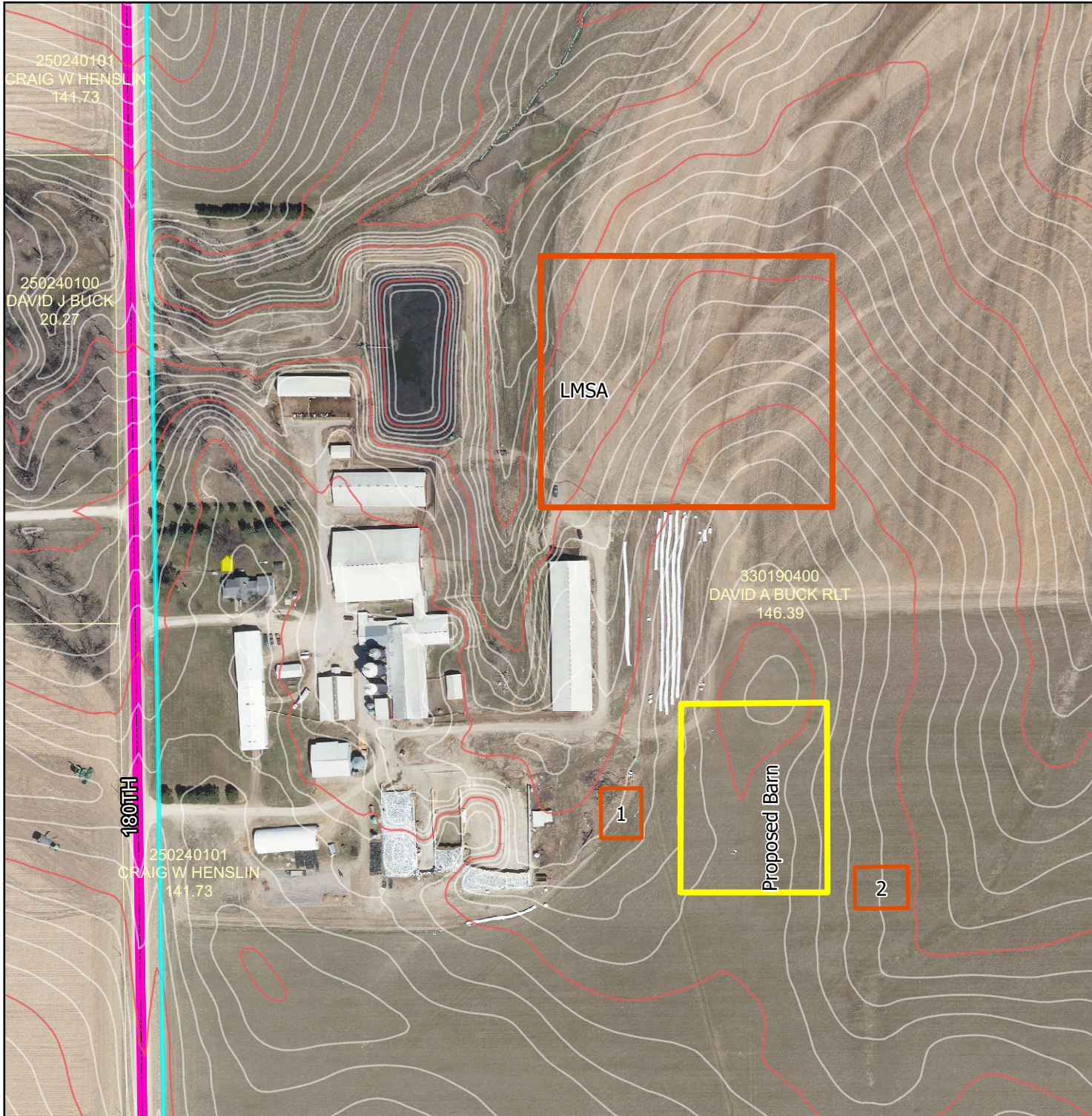
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Map Created November, 2019 by LUM





# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
November 18, 2019

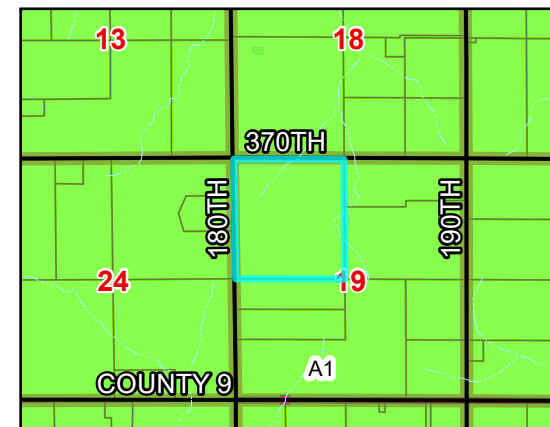
David & Ann Buck  
A1 Zoned District

Parcel 33.019.0400  
NW ¼ S19 T111 R15  
in Goodhue Township

Variance request to Confined Feedlot Regulations setback standards within 91% odor annoyance-free rating of an existing dwelling.

### Legend

Intermittent Streams	Bluff Impact Zones (% slope)
Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	<b>FEMA Flood Zones</b>
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



0 90 180 360 540  
US Feet

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2018 Aerial Imagery  
Map Created November, 2019 by LUM





APPLICATION FOR  
**Variance**

For Staff Use only

VARIANCE NUMBER **219-0050**  
 DISH RECEIPTS **17014** DATE **10/28/19**

SITE ADDRESS CITY AND STATE <b>37298 180th Ave Goodhue MN 55027</b>				ZIP CODE
LEGAL DESCRIPTION <b>Box # 608476 NW 1/4 SEC 19-111-15</b>				
PID# <b>33.019 0400</b>	ZONING DISTRICT <b>A1</b>	LOT AREA-SF ACRES <b>146.39</b>	LOT DIMENSIONS <b>2,400 x 2,600</b>	STRUCTURE DIMENSIONS IF APPLICABLE <b>SEE SITE PLAN ATTACHED</b>

APPLICANT OR AUTHORIZED AGENT'S NAME <b>MSA Professional Services</b>	
APPLICANT'S ADDRESS	EMAIL

PROPERTY OWNER'S NAME <small>Same as Above</small>	
PROPERTY OWNER'S ADDRESS	TELEPHONE

CONTACT FOR PROJECT INFORMATION <small>Same as Above</small> <b>MSA Professional Services</b>	
ADDRESS	TELEPHONE
	EMAIL

<b>VARIANCE REQUESTED TO:</b> (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE _____ PROPOSED USE _____ BUILDING APPLICATION PERMIT NO. (if any) _____ DATE FILED _____	
	<input checked="" type="checkbox"/> Other (specify) <b>Article 13 Subd. 7 Feedlot Regulations - 91% odor annoyance free rating distance</b>	

TOWNSHIP SIGNATURE By signing this form, the Township acknowledges they are aware of the Applicant's variance request in no way does signing this application indicate the Township's position on the variance request.			Attached <input type="checkbox"/>
TOWNSHIP OFFICIAL'S SIGNATURE <b>David D. Dick</b>	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE <b>David D. Dick</b>	DATE <b>OCT 21, 19</b>	

- By signing below, the applicant acknowledges:
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 hearing where my request is acted upon, I agree to accept the Notice of Decision via mail
  4. Additional information or applications may be required

Applicant's Signature: **David A. Bucke** Date: **10-21-19**

Print name: **David A. Bucke** (owner or authorized agent)

 **MSA** Memo

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**To:** Goodhue County  
**From:** MSA Professional Services  
**Subject:** Application for CUP and Variance: Buck Farms  
**Date:** October 18, 2019

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Parcel Number: 33.019.0400  
Deed Holder: DAVID A BUCK RLT  
Deed Holder 2: ANN G BUCK RLT  
Property Address: 37298 180TH AVE GOODHUE, MN 55027-5123  
Mailing Address: 37269 180TH AVE GOODHUE, MN 55027 USA  
Class: AG DWELLING  
Tax District: GOODHUE TWP 253  
Zoning: A1  
Sec-Twp-Rng: 19-111-015  
Brief Legal Description: DOC#608476 NW1/4 SEC 19-111-15ID# 33-0000-14900 1

**Conditional Use Permit-** David A. Buck – 146.39 acres of the NW ¼ of Section 19, T111N R15W, Goodhue Township. The request is for an amendment to an existing conditional use permit for a feedlot over 500 animal units in the A-1 Agricultural Protection District.

**Attachments and links:**

Application and project summary  
Site Map(s)  
Existing CUP  
Feedlot Officer Review and Odor OFFSET calculations (Kelsey Petit)

**Background:**

The Applicants have an existing Feedlot registration and Conditional Use Permit (CUP) n their multigenerational family dairy farm. They are requesting to amend their CUP (02-C007) to improve operational efficiency.

The proposed facility is to be located on a 146 acre parcel (NW ¼ Section 19, Goodhue Township) which currently includes a Dairy Farm operation exceeding 500 animal units and 500,000 gallons of manure storage that received CUP approval in April 2002 and amendment in 2007. A conditional use permit is required for “any new or expanding feedlot that meets or exceeds 500 animal units” in an A-1 zoning.



## MEMO

October 25, 2019

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1. CUP approved in 2002 included a Manure Management Basin with a 3 million gallon capacity.
2. CUP approved in 2007 includes the addition of a Dairy Barn (56' x 248') to accommodate an additional 108 Dairy Cows
3. Feed lot registration 2012 for 754 Total Animal Units
4. Feed lot registration 2017 for 860 Total Animal Units
5. Current Animal Units on site for 2019, 998 Total Animal Units
6. Feedlot registration # 049-72909

David Buck (owner/operators), is requesting an amendment to the CUP approved in 2007. The proposal includes the addition of a Dairy Barn (240' x 310') to accommodate an additional 540 Dairy Cows at the Farm (see site plan) which, if approved, would expand the site to an aggregate total of 1,775 Animal Units. The manure storage pit (480' x 412') would approximately add an additional 23,000,000 gallons of liquid manure storage capacity to the site.

Goodhue Township has signed the Zoning Application Summary Form, indicating their approval of the request. The field nutrient management plan and manure management plan will be submitted as part of the Farm's NPDES permit application.

Beau Kennedy, Water Planner, Wetland Administrator has supplied the following review comments and will be visiting the site on Monday October 28, 2019:

- The NWI map shows that a wetland may be present on the north end of the buck farmyard. I do not think the boundary is accurate, but the bottom of the waterway to may have wetland characteristics present. See [map] below. The Wetland Conservation Act of MN regulates the filling/drainage/excavating of wetlands in the state. That being said, from the conceptual plans you sent over, I do not see the proposed new manure pit impacting wetlands as presented. Goodhue County does not impose any wetland setback for buildings/fill etc. However, if plans change and the waterway areas will be impacted with fill, we should determine this ahead of time so we can take care of any necessary wetland permits if needed.
- The other item we comment on these proposals are erosion and sediment control measures. Stormwater runoff from the building roofs, and open lot areas should be retained in an effort to reduce the peak flows from leaving the site. I have not done any calculations on the volumes required to hold back the regulated amount of stormwater from a rain event, but the two brownish lines I placed across the two waterways may provide an opportunity for runoff retention and treatment. You/their engineers will have to run the numbers to see if there is enough storage that could be captured here and size the drainage pipe accordingly. And like all sites with a lot of grading, typical erosion BMPs would be needed (a SWPPP plan, silt fence locations, temp/perm erosion and sediment control measures, etc)

**MEMO**

October 25, 2019



Kelsey Petit, the county feedlot officer, has supplied an 91% OFFSET distance of 1825 ft. for the expansion. The map provided shows this expansion has no problem meeting this setback to surrounding dwellings not owned by family members.

*David J. Buck PID 25.024.0100 Dwelling estimated distance to proposed feedlot 1,500ft.*

*Ann G. Buck PID 25.024.0401 Dwelling estimated distance to proposed feedlot 1,500ft.*

*North Donald W Nord PID 33.018.1000 Dwelling estimated distance to proposed feedlot 3,300ft.*

*Northwest Daniel Ohnstad PID 25.024.0200 Dwelling estimated distance to proposed feedlot 4,500ft.*

*Southwest William Gadiant PID 25.025.0100 Dwelling estimated distance to proposed feedlot 4,900ft.*

*South Hilbert Strusz PID 33.019.0700 Dwelling estimated distance to proposed feedlot 4,500ft.*

*East Jillian Ryan PID 33.190.0300 Dwelling estimated distance to proposed feedlot 4,000ft.*

*East Dean Opsahl PID 33.019.0100 Dwelling estimated distance to proposed feedlot 4,100ft.*

**MEMO**

October 25, 2019

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MPCA permitting, MPCA Environmental Specialist Mark Gernes: The registration, permitting, and inspections will be primarily handled by the MPCA. Under the NPDES permit, the Farm will be required to comply with the federal effluent limitations, which include the requirement that the feedlot be designed and operated to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour rainfall event. The permit will contain requirements, conditions, or schedules for achieving compliance with discharge standards and requirements, management of animal manure, and construction and operation of animal holding areas and manure storage areas. An Emergency Response Plan and a manure management plan are required as part of an NPDES permit submittal.

The MPCA considers two or more animal feedlots under common ownership to be a “multiple site” operation when:

1. The combined capacity is 1,000 or more animal units, or the combined number and type of animals that meet the definition of a Large CAFO; and
2. One of the following conditions apply
  - a. The animal feedlots are adjacent to each other; or
  - b. The animal feedlots use a common area or system for manure management.

When these criteria are met, the MPCA will require either a NPDES or SDS permit coverage for the multiple site operation in accordance with Minn. R. 7020.0405, subp. 1, and will provide a single permit coverage that includes all of the combined feedlots.

For Goodhue County permit and clarification we are including information on the Ann Buck existing feedlot located at 37609 180 Ave PID 25.024.0401 (Feedlot Registration 049-100634). This property and facility will be included in the MPCA Multiple Site Individual NPDES permit.

Feed lot registration 2012 for 140 Total Animal Units

Feed lot registration 2017 for 280 Total Animal Units

2020 proposed 403 total animal units (375 heifers, 100 cows).

*Dwelling estimated distance to feedlot expansion 1,500ft.*

Regarding David J Buck existing feedlot located at 37269 180<sup>th</sup> Ave PID 25.024.0100 (Feedlot Registration 049-72910). Not to be included in the MPCA Multiple Site Individual NPDES permit.

Feed lot registration 2013 for 131 Total Animal Units

Feed lot registration 2017 for 131 Total Animal Units

*Dwelling estimated distance to feedlot expansion 1,500ft.*

Conditional use permit:

**PROJECT SUMMARY**

1. Description of purpose and planned scope of operations (including retail/wholesale activities).  
Continue to be a successful Family run Dairy Operation
2. Planned use of existing buildings and proposed new structures associated with the proposal.  
New Barn for dry and milking cows and manure storage
3. Proposed number of non-resident employees.

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Estimated 15-20 non-family employees from the community

4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.

The operation with continue operating as it has for the past 19 years; estimated hours of operation are predominantly to be 4:00AM-6:30 PM daily.

5. Planned maximum capacity/occupancy.

See site plan

6. Traffic generation and congestion, loading and unloading areas, and site access.

Traffic generally exits the site on 180<sup>th</sup> Ave south to County Blvd 9, see site plan

7. Off-street parking provisions (number of spaces, location, and surface materials).

See site plan

8. Proposed solid waste disposal provisions.

See site plan

9. Proposed sanitary sewage disposal systems, potable water systems, and utility services.

See site plan

10. Existing and proposed exterior lighting.

See site plan

11. Existing and proposed exterior signage.

Any future signs will be in conformance with Goodhue County Sign Ordinance standards, see site plan.

12. Existing and proposed exterior storage.

See site plan

13. Proposed safety and security measures.

Emergency Management Plans are regularly updated

14. Adequacy of accessibility for emergency services to the site.

Any emergency service vehicles has full and easy access to all structures on the site

15. Potential for generation of noise, odor, or dust and proposed mitigation measures.

The farm will follow all MPCA rules and guidelines and will have completed a NPDES permit.

16. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.

The farm will follow all MPCA rules and guidelines and will have completed a NPDES permit.

Site will be excavated per engineering plans included in the Storm Water Pollution Prevention Plan as a part of the NPDES permitting by the MPCA.

17. Existing and proposed surface-water drainage provisions.

See map and will be addressed through the construction plans.

18. Description of food and liquor preparation, serving, and handling provisions.

None

19. Provide any other such information you feel is essential to the review of your proposal:

- The proposed Feedlot and manure storage expansion does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The use is located in an A1 (Agriculture Protection) zone which was intended to allow for large-scale farming operations. There is also very low residential density in the surrounding area which limits the

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potential for future land-use conflicts. The proposal appears harmonious with the established uses in the vicinity which include primarily cropland and animal agriculture operations.

- The Feedlot expansion and liquid manure storage pits are not anticipated to impede the normal and orderly development or improvement of surrounding vacant property for uses predominant to the area. The proposal meets or exceeds all setback and development standards of the Goodhue County Zoning Ordinance and appears compatible with adjacent land uses.
- The project utilities, access roads, drainage, and other necessary facilities are available to accommodate the proposed use.
- The submitted plans identify means to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance's parking requirements.
- The submitted plans detail adequate measures to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance. The applicant's plans also appear capable of controlling lights in such a manner that no disturbance to neighboring properties will result. The new barns and manure pits exceed the 91% Odor Annoyance-Free Rating distance to minimize odor or fume impacts to non-related surrounding landowners.

**Request for Variance**, submitted by David A. Buck, to Article 13 (Confined Feedlot Regulations) setback standards to allow an expansion of an existing feedlot to be within 91% odor annoyance-free rating as determined by the OFFSET model of an existing dwelling. Goodhue County Zoning Ordinance ARTICLE 13 CONFINED FEEDLOT REGULATIONS 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.*

Variance Standards: Variances shall only be permitted when they are in harmony with the general purposes and intent of the Goodhue County Zoning Ordinance and when consistent with the adopted comprehensive plan. Variances may be granted when the applicant establishes "practical difficulties" exist in complying with the existing official controls. Practical difficulties mean the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

### 1) Harmony with the general purposes and intent of the official control:

The purpose of the A1 district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of nonfarm dwellings and other non-farm land uses.

Reciprocal feedlot setbacks between feedlots and dwellings are intended to decrease conflict between residential and agricultural uses. The nearest dwelling (David J Buck) is located approximately 1,500 feet west of the proposed feedlot location. Mr. David J. Buck has submitted a written statement in support of the Applicant's variance requests.

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The next nearest dwelling (Ann Buck) is located approximately 1,500 feet west of the proposed feedlot location. Ann Buck has submitted a written statement in support of the Applicant's variance requests.

The Applicant's variance request appears harmonious with the purpose and intent of the official controls.

- 2) The variances request is consistent with the adopted Comprehensive Plan: The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The proposed variance is not likely to produce conflict among residential and agricultural uses. The occupant of the nearest neighboring dwellings (family members David J Buck and Ann Buck) are in support of the variance request. Any future occupants of the dwelling will have the opportunity to be informed of the presence of a feedlot in the area prior to purchasing the property. The request appears consistent with the adopted comprehensive plan.
- 3) There are "practical difficulties" in complying with the official control (the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality):

The property comprises 146.39 acres and is a conforming lot size in the A1 district (2-acre minimum). The new barn and manure storage would be located adjacent to the existing farmyard, allowing the greatest distance to non-related existing dwellings.

The existing and new structures meet all required setbacks from property lines. All livestock buildings are required to be at least 100 feet from property lines in the A1 Zoning District

The Applicant's request to expand an existing registered feedlot is a reasonable use of property in the A1 District.

The property has been historically used for animal agriculture and has infrastructure available to raise livestock.

The property and existing feedlot configuration existed prior to the establishment of the current zoning standards for OFFSET Rating

A review of the existing development pattern in the vicinity reveals very low-density residential development among predominantly agricultural uses (feedlots and row-crop agriculture). The request for variance appears unlikely to alter the essential character of the locality.

- 4) 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.
- Feedlots are a permissible use in the A1 district. The request does not constitute a use variance.





### LEGEND

- ⊙ EXISTING YARD HYDRANT
- EXISTING ELECTRIC METER
- ⊠ EXISTING ELECTRIC TRANSFORMER
- BURIED ELECTRIC
- FENCE LINE
- PROPERTY LINE
- BENCHMARK
- ▲ CONTROL POINT
- ⊙ SOIL BORING
- 13 STRUCTURE I.D.

### STRUCTURES

- 1A DRY COW BARN - 120' X 35'
- 1B DRY COW LOT - 120' X 30'
- 2 LMSA 1 - 180' X 320'
- 3 SHED - 35' X 20'
- 4 FREESTALL BARN - 55' X 150'
- 5 FREESTALL BARN - 140' X 115'
- 6 SHOP - 45' X 195'
- 7 SHED - 40' X 25'
- 8 CALF BARN - 60' X 75'
- 9A SILO
- 9B SILO
- 9C SILO
- 10A HOLDING PEN/BARN - 150' X 55'
- 10B PARLOR - 50' X 60'
- 10C MILK HOUSE - 60' X 20'
- 11 SHED - 40' X 25'
- 12 FREESTALL BARN - 250' X 55'
- 13 COMMODITY BUILDING - 50' X 65'
- 14 CALF HOOP BUILDING - 40' X 100'
- 15A FEED STORAGE BUNKER - 140' X 130'
- 15B FEED STORAGE BUNKER - 170' X 115'
- 16 HAY STORAGE - 150' X 70'
- 17 GRAN BIN
- 18 HOUSE
- 19 WELL
- 20A YARD HYDRANT
- 20B YARD HYDRANT
- 21 SEPTIC
- 20 CONSTRUCTION 2020 - PROPOSED LMSA 2 - 480' X 412'
- 21 CONSTRUCTION 2020 - PROPOSED BARN - 240' X 310'
- 25A CONSTRUCTION 2020 - PROPOSED SEPARATION BUILDING LOCATION OPTION 1 - 65' X 85'
- 25B CONSTRUCTION 2020 - PROPOSED SEPARATION BUILDING LOCATION OPTION 2 - 65' X 85'
- 26 APPROX. LOC. AGRICULTURAL PLASTIC RECYCLING AND SOLID WASTE DUMPSTERS
- 28A YARD LIGHT
- 28B YARD LIGHT

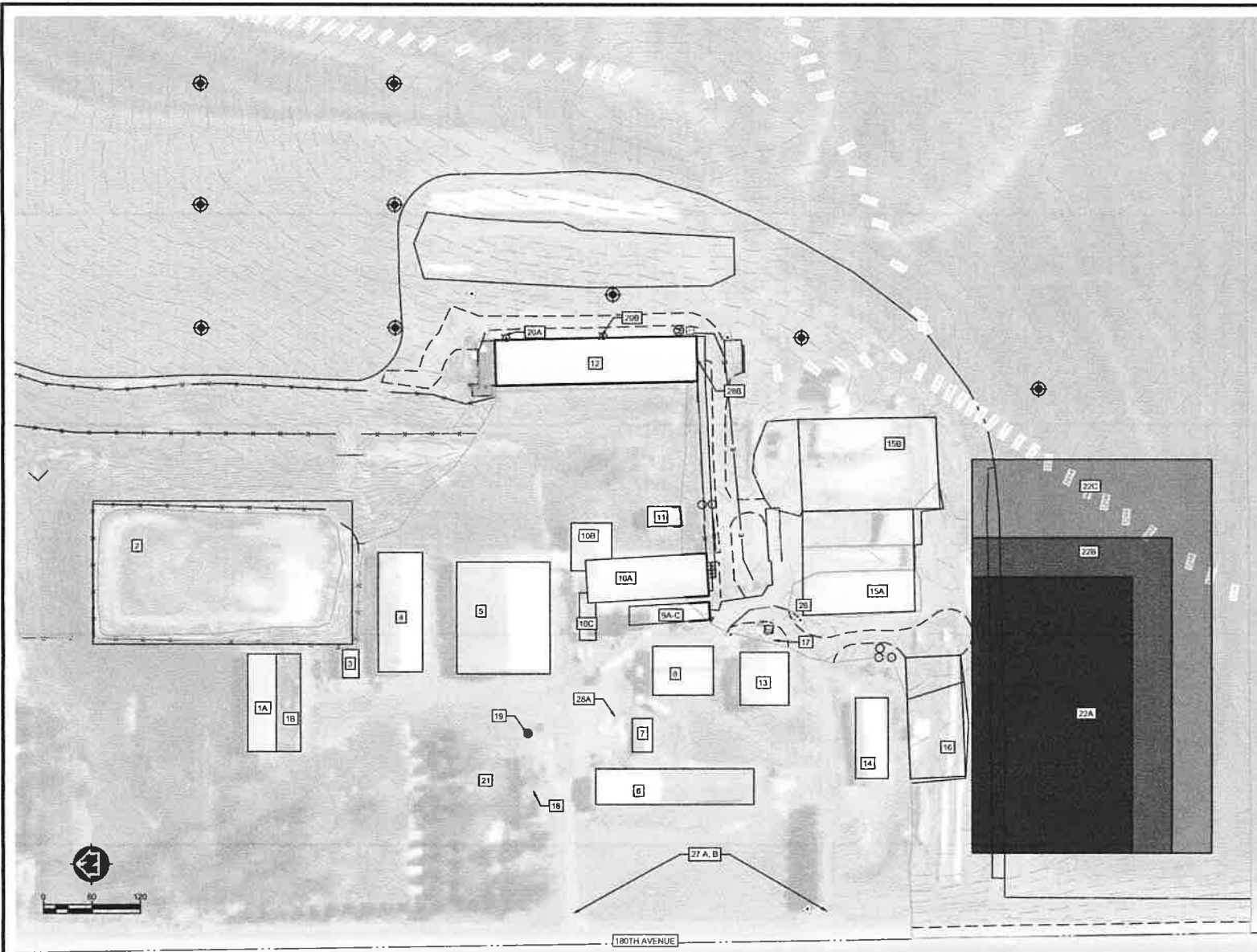
PROJECT DATE	DESIGNED BY	DATE	REVISED BY	DATE	REVISED BY	DATE
	MSA		MSA		MSA	
<b>PRELIMINARY</b>						

**MSA**  
 ENGINEERING | ARCHITECTURE | SURVEYING  
 PLANNING | ENVIRONMENTAL  
 1220 South Rockwood, Burnsville WI 53511  
 (608) 876-2773 www.msa-ny.com

**BUCKS UNLIMITED 2020 EXPANSION**  
 BUCKS UNLIMITED DAIRY  
 GOODHUE TOWNSHIP, GOODHUE COUNTY MINNESOTA

2020 EXPANSION

PROJECT NO. 20044000  
 SHEET 3



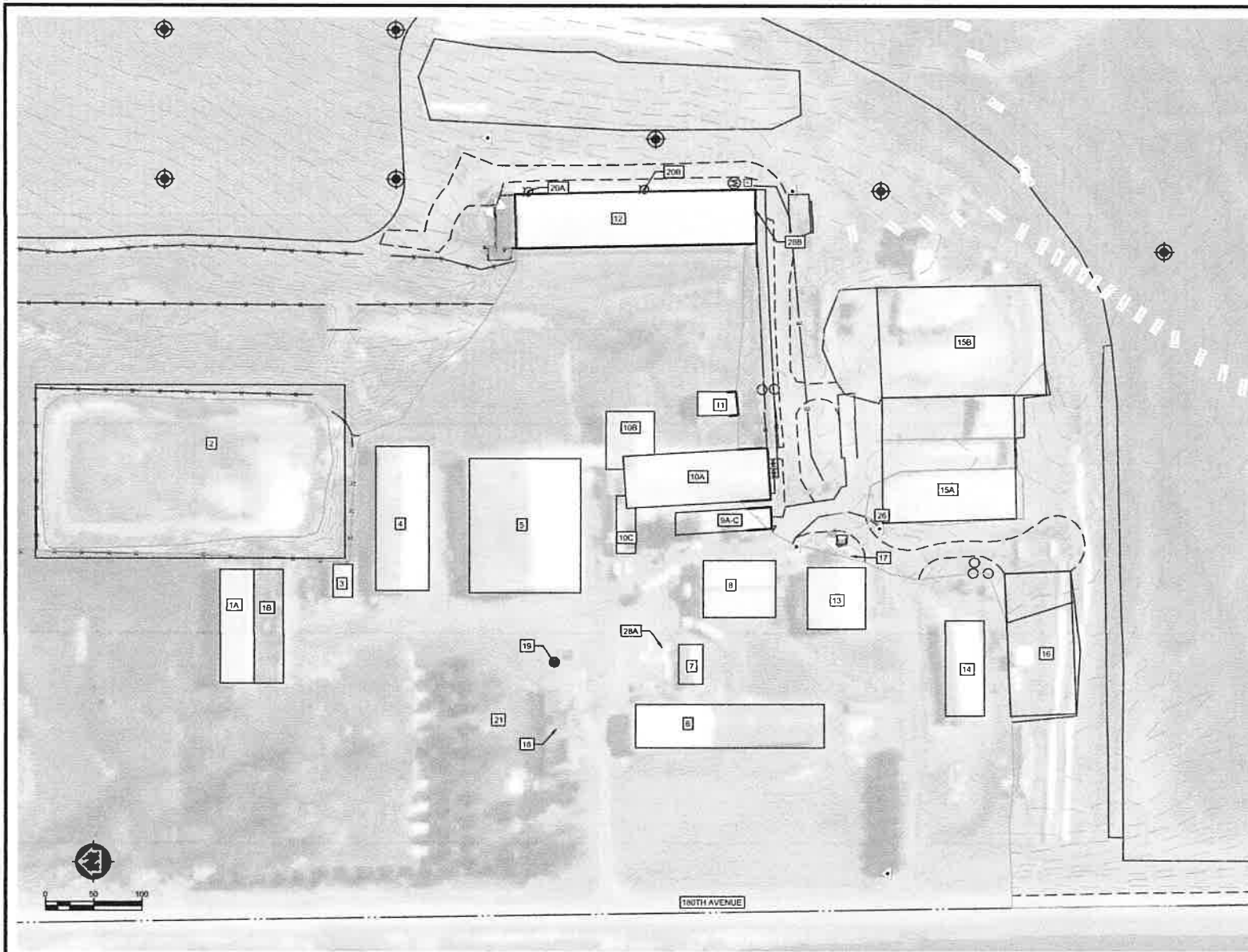
### LEGEND

- ⊙ EXISTING YARD HYDRANT
- EXISTING ELECTRIC METER
- ⊠ EXISTING ELECTRIC TRANSFORMER
- BURIED ELECTRIC
- FENCE LINE
- PROPERTY LINE
- BENCHMARK
- ▲ CONTROL POINT
- ⊙ (x, y) SOIL BORING
- 13 STRUCTURE I.D.

### STRUCTURES

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- 1B. DRY COW LOT - 120' X 30'
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- 7. SHED - 40' X 25'
- 8. CALF BARN - 60' X 75'
- 9A. SILO
- 9B. SILO
- 9C. SILO
- 10A. HOLDING PEN/BARN - 150' X 55'
- 10B. PARLOR - 50' X 60'
- 10C. MILK HOUSE - 60' X 20'
- 11. SHED - 40' X 25'
- 12. FREESTALL BARN - 250' X 55'
- 13. COMMODITY BUILDING - 60' X 65'
- 14. CALF HOOP BUILDING - 40' X 100'
- 15A. FEED STORAGE BUNKER - 140' X 130'
- 15B. FEED STORAGE BUNKER - 170' X 115'
- 16. HAY STORAGE - 150' X 70'
- 17. GRAIN BIN
- 18. HOUSE
- 19. WELL
- 20A. YARD HYDRANT
- 20B. YARD HYDRANT
- 21. SEPTIC
- 22A. PROPOSED FEED STORAGE OPTION 1 - 345' X 200'
- 22B. PROPOSED FEED STORAGE OPTION 2 - 395' X 245'
- 22C. PROPOSED FEED STORAGE OPTION 3 - 495' X 295'
- 26. APPROX. LOC. AGRICULTURAL PLASTIC RECYCLING AND SOLID WASTE DUMPSTERS
- 27. POTENTIAL NEW SIGNS AT ENTRANCES
- 28A. YARD LIGHT
- 28B. YARD LIGHT





### LEGEND

- EXISTING YARD HYDRANT
- EXISTING ELECTRIC METER
- EXISTING ELECTRIC TRANSFORMER
- BURIED ELECTRIC
- FENCE LINE
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- SOIL BORING
- STRUCTURE I.D.

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- 21. SEPTIC
- 25. APPROX. LOC. AGRICULTURAL PLASTIC RECYCLING AND SOLID WASTE DUMPSTERS
- 28A. YARD LIGHT
- 28B. YARD LIGHT

PROJECT NAME	DATE	BY	CHKD	APP'D
BUCKS UNLIMITED 2020 EXPANSION	10/20/20	J. M. SMITH	A. J. SMITH	
PROJECT NO.	DATE	BY	CHKD	APP'D
20044000	10/20/20	J. M. SMITH	A. J. SMITH	

**PRELIMINARY**

**MSA** ENGINEERING | ARCHITECTURE | SURVEYING  
 FUNDING | PLANNING | ENVIRONMENTAL  
 3230 South Bourkeville, Eau Claire WI 54601  
 (608) 785-2728 www.msa-engineers.com

**BUCKS UNLIMITED 2020 EXPANSION**  
**BUCKS UNLIMITED DAIRY**  
 GOODHUE TOWNSHIP, GOODHUE COUNTY MINNESOTA

EXISTING CONDITIONS

PROJECT NO.	20044000
SHEET	1

## Kate Eiyneck

---

**From:**  
**Sent:** Thursday, October 24, 2019 3:54 PM  
**To:** Kate Eiyneck; Petit, Kelsey  
**Subject:** RE: Buck's Farm Parcel Number: 33.019.0400

Hey Kate

Thanks for the opportunity of the initial review. Here are my thoughts on the information you sent over on Oct. 23<sup>rd</sup>.

- The NWI map shows that a wetland may be present on the north end of the buck farmyard. I do not think the boundary is accurate, but the bottom of the waterway to may have wetland characteristics present. See below. The Wetland Conservation Act of MN regulates the filling/drainage/excavating of wetlands in the state. That being said, from the conceptual plans you sent over, I do not see the proposed new manure pit impacting wetlands as presented. Goodhue County does not impose any wetland setback for buildings/fill etc. However, if plans change and the waterway areas will be impacted with fill, we should determine this ahead of time so we can take care of any necessary wetland permits if needed.
- The other item we comment on these proposals are erosion and sediment control measures. Stormwater runoff from the building roofs, and open lot areas should be retained in an effort to reduce the peak flows from leaving the site. I have not done any calculations on the volumes required to hold back the regulated amount of stormwater from a rain event, but the two brownish lines I placed across the two waterways may provide an opportunity for runoff retention and treatment. You/their engineers will have to run the numbers to see if there is enough storage that could be captured here and size the drainage pipe accordingly. And like all sites with a lot of grading, typical erosion BMPs would be needed (a SWPPP plan, silt fence locations, temp/perm erosion and sediment control measures, etc)

October 25, 2019

To Whom It May Concern:

I am Ann Buck and I own a farm adjacent to Dave Buck; Buck's Unlimited and I support the proposed feedlot expansion on their property adjoining mine.

Buck's Unlimited has caused no problems for me and I completely endorse this expansion.

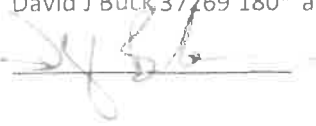
Ann Buck

A handwritten signature in cursive script that reads "Ann Buck".

To Whom it may Concern,

I am DJ Buck and I live across the road from Dave Buck and Bucks Unlimited. I fully support their expansion. This farm has caused no problems for me. I understand that I am living near a feedlot that is growing in size. This is not a problem at all. Once again, I fully support their expansion.

David J Buck 37269 180<sup>th</sup> ave Goodhue MN 55027

A handwritten signature in dark ink, appearing to read "DJ Buck", is written over a horizontal line. The signature is somewhat stylized and includes a small mark resembling a checkmark or a flourish at the end.

# Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0  
University of Minnesota  
10/16/11

Farm Name	Bucks Unlimited at 91%
Address or County	Goodhue County
Evaluator	K. Petit
Date	10/25/19

Clear All

OFFSET  
Annoyance-free  
91%

Source Edge to Nearest Neighbor (ft)	1825
Source Edge to Property Line (ft)	708

## Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Dairy - free stall	240	310	1	74400	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	Biofilter	

## AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
Earthen manure storage	Rectangle	480	412	197760	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources	
<b>Add Source Type</b>	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
<b>Add a Control Technology</b>	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
<b>Add a Source Type</b>	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
<b>Add Control Technology</b>	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

# OFFSET Summary and Results

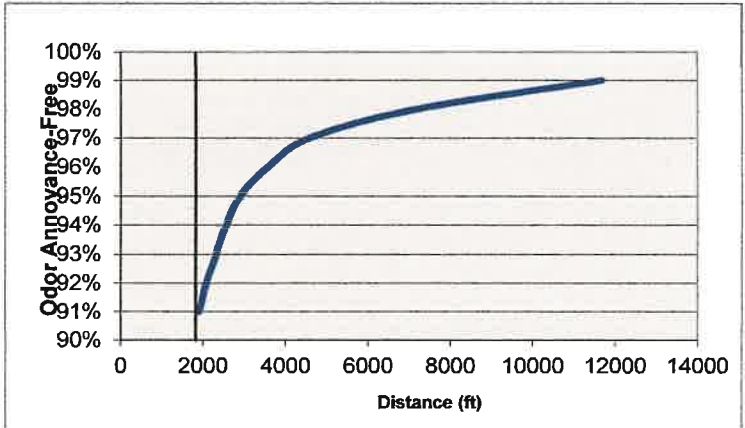


Farm Name	Bucks Unlimited at 91%
County	Goodhue County
Evaluator	K. Petit
Date	10/25/19

Source Characteristics Summary					Flux Rates (with control technology)				Source Emission Rates*		
	Similar Sources	Emit Area sq ft	Control Technology Type	Percent Treated	Odor ou/s/m2	OFFSEt OER	H2S ug/s/m2	Ammonia ug/s/m2	Odor ou/s	H2S ug/s	Ammonia ug/s
<b>Buildings</b>											
Dairy - free stall	1	74400	None	0%	1.8	6.0	0.7	31.0	12725	4841	214381
<b>Area Sources</b>											
Earthen manure storage		197760	None		14.0	13	25.3	107.0	257347	465062	1966865

\*includes control technologies

Site Emissions	
Total Site Area (ft2)	272,160
Total Odor Emission Factor (TOEF)	302
Total Site H2S Emissions (mg/s)	470
Total Site H2S Emission AVERAGE (lbs/day)	89
Total Site H2S Emission MAX (lbs/day)	179
Total Site H2S Emissions (tons/yr)	16
Total Site Ammonia Emissions (mg/s)	2181
Total Site Ammonia Emission AVERAGE (lbs/day)	415
Total Site Ammonia Emissions MAX (lbs/day)	830
Total Site Ammonia Emissions (tons/yr)	76
Source Edge to Nearest Neighbor (ft)	1825
OFFSEt Annoyance-free frequency	91%



# Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

*Lisa M. Hanni, L.S. Director*



*County Surveyor / Recorder*

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  
**Meeting Date:** November 18, 2019  
**Report date:** November 8, 2019

## **PUBLIC HEARING: Request for Variance to Feedlot Setback Standards**

Request for Variance, submitted by Jason Krueger (Buyer), to R-1 (Suburban Residence District) standards to allow a new R-1 district and dwelling to be established within 1,000 feet of an existing confined feeding operation.

### **Application Information:**

Applicant: Jason Krueger (Buyer)

Address of zoning request: 16632 515<sup>th</sup> Street, Pine Island, MN 55963.

Parcel 40.035.2200

Abbreviated Legal Description: Part of the W  $\frac{1}{4}$  of the E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sect 35 Twp 109 Range 16 in Roscoe Township.

Township Information: Mr. Krueger has made Roscoe Township aware of his request. Roscoe Township discussed this request and has no objections to the proposed variance.

Zoning District: A-3 (Urban Fringe District)

### **Attachments and Links:**

Application Form

Certificate of Survey for proposed rezone

Site Maps

Goodhue County Zoning Ordinance (GCZO):

<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

Request submitted by Mr. Krueger for a variance to the Feedlot setback requirements for establishment of a new R-1 District and construction of a new dwelling.

The Applicant intends to purchase a single parcel comprising 5.0 acres in section 35 of Roscoe Township. The Applicant is requesting to rezone the parcel from the A-3 (Urban Fringe District) to the R-1 (Suburban Residence District) to allow the construction of a new dwelling. Mr. Krueger's rezone request will be considered by the Planning Advisory Commission on November 18, 2019.

New R-1 districts are required to be a minimum of 1,000 feet from registered Feedlots. There is an existing registered Feedlot owned by Lee Schaefer located approximately 750 feet northwest of the subject parcel. The proposed dwelling location is approximately 900 feet southwest of the confined feeding operation. A variance would need to be approved before an R-1 zone change could be approved by the County Board.

The parcel is currently not considered eligible for a dwelling site because it is under the 35-acre minimum parcel size in the A-3 Zoning District.



Surrounding land uses include medium density residential uses and undeveloped agricultural properties. There are 8 dwellings within a ¼ mile radius of the proposed dwelling site. Six of the surrounding dwelling sites are on properties less than 35 acres in size.

**Variance Standards:**

Variations shall only be permitted when they are in harmony with the general purposes and intent of the Goodhue County Zoning Ordinance and when consistent with the adopted Comprehensive Plan. Variations may be granted when the applicant establishes “practical difficulties” exist in complying with the existing official controls. Practical difficulties mean the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

**Draft Findings of Fact:**

- 1) **Harmony with the general purposes and intent of the official control:**
  - The intent of the A-3 District is to provide for urban expansion in close proximity to existing incorporated urban centers within Goodhue County in accordance with the Comprehensive Plan by conserving land for farming and other open space land uses for a period of time until urban services become available.
  - The proposed dwelling site is located approximately 1.3 miles from the City of Pine Island in an area where parcel sizes are smaller than the minimum allowed parcel size in the A-3 Zoning District surrounded by agricultural uses.
  - The Applicant’s variance request appears harmonious with the purpose and intent of the official controls.
- 2) **The variance request is consistent with the adopted Comprehensive Plan:**
  - The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The subject property is located on a parcel without farmland and surrounded by other dwellings on parcels without farmland. The request appears consistent with the adopted Comprehensive Plan.
- 3) **There are “practical difficulties” in complying with the official control (the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality):**
  - The subject property is a single parcel comprising 5.0 acres.
  - The Applicant is pursuing a change of zone of the subject property from the A-3 (Urban Fringe) Zone District to the R-1 (Suburban Residence) Zone. The County Board will not be able to approve the requested change of zone unless the variance is granted.
  - The Applicant’s request for a variance from required setbacks to an R-1 District and to a new dwelling from a registered Feedlot would facilitate a reasonable use of property. The parcel is located on 515<sup>th</sup> Street in an area with 8 dwellings within ¼ mile radius.
  - Lot sizes of surrounding dwellings are less than 35-acres in size.
- 4) **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.**
  - Mr. Krueger has requested a Change of Zone from the A-3 to the R-1 District. The Change of Zone cannot be approved by the County Board unless the variance is granted.



If the variance is approved and the County Board fails to approve the Change of Zone request, Mr. Krueger would be unable to construct a dwelling on the parcel.

*The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing.*

*The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.*

**Staff Recommendation:**

- 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 for variance, submitted by Jason Krueger, to Article 13 (Confined Feedlot Regulations) setback standards to enable Mr. Krueger to request a change of zone for property from the A-3 (Urban Fringe) District to the R-1 (Suburban Residence) District located approximately 750 feet from a registered feedlot. In addition, the variance will allow a dwelling to be constructed on the property to within approximately 900 feet of a registered feedlot.

# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
November 18, 2019

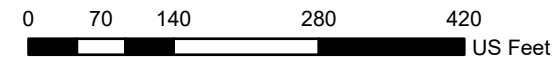
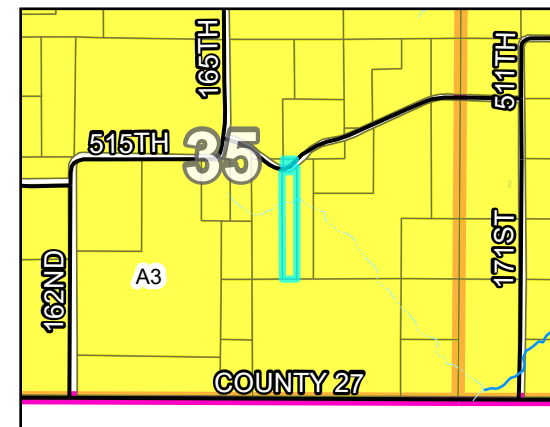
Jason Krueger (Buyer) &  
Mark Braaten (Owner)  
A3 Zoned District

Parcel 40.035.2200  
Part of W 1/4 of E 1/2 of NW 1/4 of  
SE 1/4 of Sect 35 TWP 109 R16  
in Roscoe Township

Variance request to allow the rezoning of  
property from A3 to R1 within 1000 feet  
of a confined feeding operation.

### Legend

Intermittent Streams	Bluff Impact Zones (% slope)
Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	<b>FEMA Flood Zones</b>
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



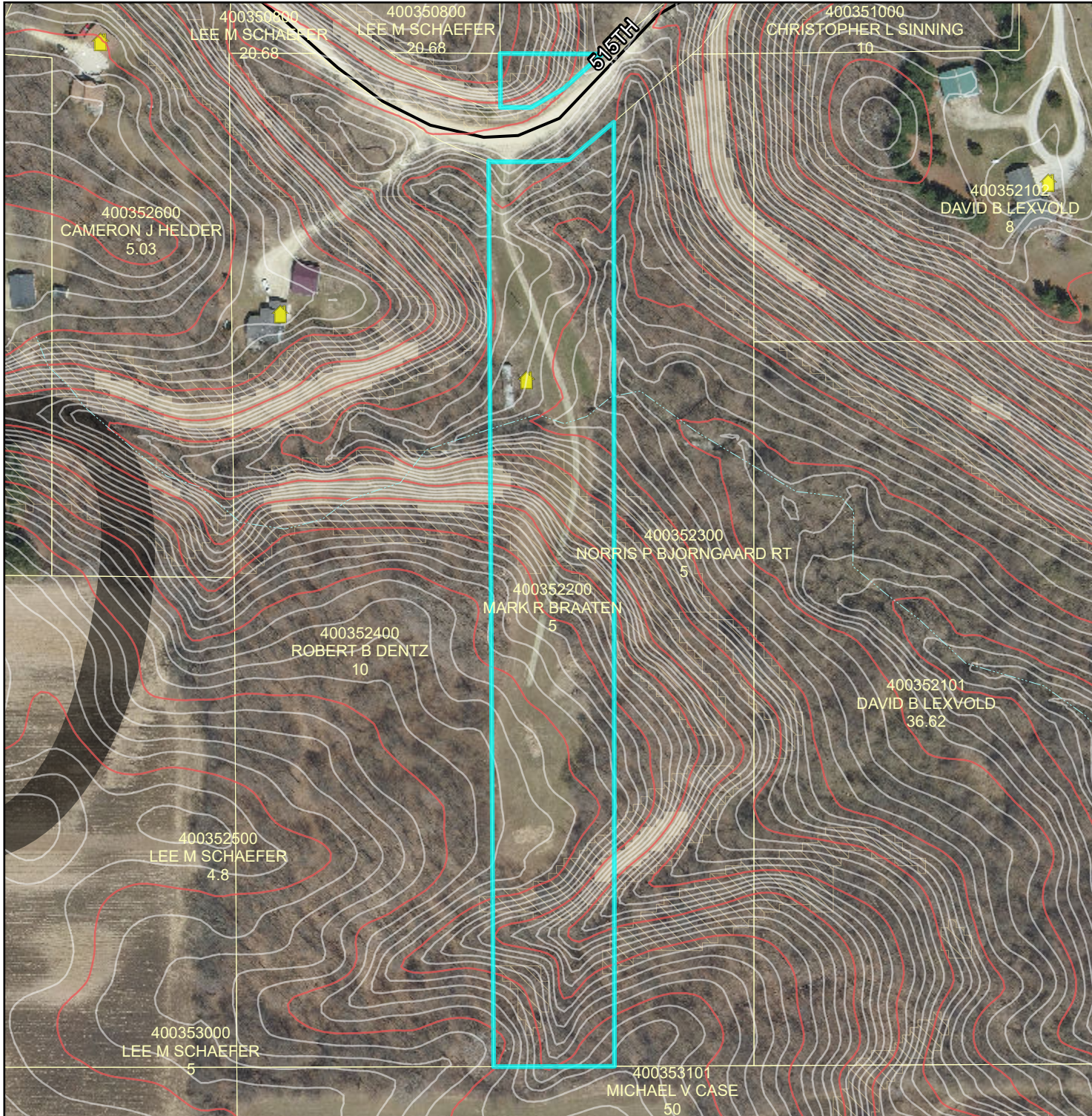
DATA DISCLAIMER: Goodhue County assumes  
NO liability for the accuracy or completeness of this map  
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# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
November 18, 2019

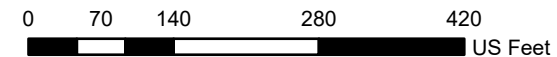
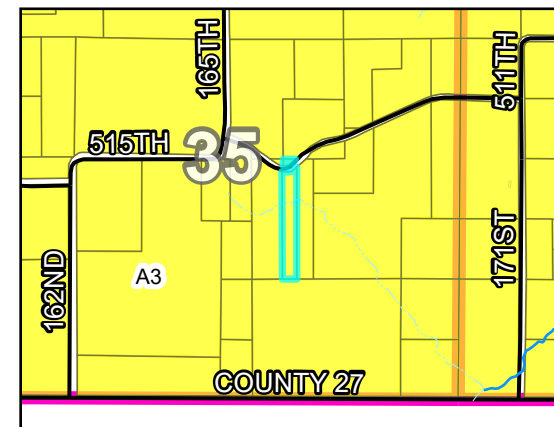
Jason Krueger (Buyer) &  
Mark Braaten (Owner)  
A3 Zoned District

Parcel 40.035.2200  
Part of W 1/4 of E 1/2 of NW 1/4 of  
SE 1/4 of Sect 35 TWP 109 R16  
in Roscoe Township

Variance request to allow the rezoning of  
property from A3 to R1 within 1000 feet  
of a confined feeding operation.

### Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		30
	Lakes & Other Water Bodies		
	Shoreland		
	Historic Districts		
	Parcels		
	Registered Feedlots		
	Dwellings		
	Municipalities		
			FEMA Flood Zones
			2% Annual Chance
			A
			AE
			AO
			X



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Map Created October, 2019 by LUM





# MAP 02: VICINITY MAP



## BOARD OF ADJUSTMENT

Public Hearing  
November 18, 2019

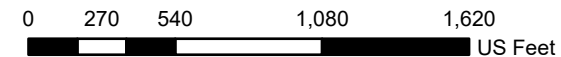
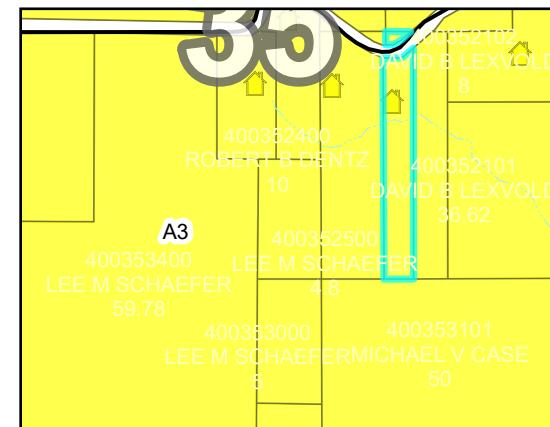
Jason Krueger (Buyer) &  
Mark Braaten (Owner)  
A3 Zoned District

Parcel 40.035.2200  
Part of W 1/4 of E 1/2 of NW 1/4 of  
SE 1/4 of Sect 35 TWP 109 R16  
in Roscoe Township

Variance request to allow the rezoning of  
property from A3 to R1 within 1000 feet  
of a confined feeding operation.

### Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		30
	Lakes & Other Water Bodies		
	Shoreland		
	Historic Districts		
	Parcels		
	Registered Feedlots		
	Dwellings		
	Municipalities		
			FEMA Flood Zones
			2% Annual Chance
			A
			AE
			AO
			X



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2018 Aerial Imagery  
Map Created October, 2019 by LUM





APPLICATION FOR  
**Variance**

For Staff Use only	
VARIANCE NUMBER:	
\$350 RECEIPT#	DATE

SITE ADDRESS, CITY, AND STATE 16632 515 <sup>th</sup> St Pine Island MN		ZIP CODE: 55963
LEGAL DESCRIPTION: W 1/4 E 1/2 NW 1/4 SE 1/4 Sec 35 109 16		
PID# R40.035.2200	ZONING DISTRICT A3	LOT AREA (SF/ACRES) 4.9 Acres
LOT DIMENSIONS: 163' x 1310'	STRUCTURE DIMENSIONS (if applicable):	

APPLICANT OR AUTHORIZED AGENT'S NAME Jason Krueger	
APPLICANT'S ADDRESS: 1040 9 <sup>th</sup> Ave SW Pine Island, MN 55963	TELEPHONE:  EMAIL:

PROPERTY OWNER'S NAME: Same as Above <input type="checkbox"/> Mark Braaten	
PROPERTY OWNER'S ADDRESS: 51499 176 <sup>th</sup> Ave Way Pine Island, MN 55963	TELEPHONE:  EMAIL:

CONTACT FOR PROJECT INFORMATION: Same as Above <input checked="" type="checkbox"/> Jason Krueger	
ADDRESS:	TELEPHONE:  EMAIL:

<b>VARIANCE REQUESTED TO:</b> (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Subdivision Regulations <input checked="" type="checkbox"/> Other (specify) <span style="margin-left: 20px;">R-1 1000' of Food plot zone</span>	CURRENT OR PREVIOUS USE:
	PROPOSED USE: Residential
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:

TOWNSHIP SIGNATURE: By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.			Attached <input type="checkbox"/>
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE	

By signing below, the applicant acknowledges:

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 hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
4. Additional information or applications may be required

Applicant's Signature: Jason Krueger Date: 10/28/19

Print name: Jason Krueger (owner or authorized agent)

REQUEST SUMMARY

Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Name: \_\_\_\_\_

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Name: \_\_\_\_\_

SUPPORTING INFORMATION & JUSTIFICATION

You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review.

Discuss your current use of the property and the reason for your variance request:

Would like to rezone to R-1 to be able to Build on the property - R-1 cannot be w/in 1000 ft of food plot

Describe the effects on the property if the variance is not granted:

Would not be able to Build, bringing the value of the property down

Describe any unique physical limitations that exist on your property, not generally found on others, which prevent you from complying with the provisions of the current ordinance:

N/A

Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:

N/A

Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

N/A

In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

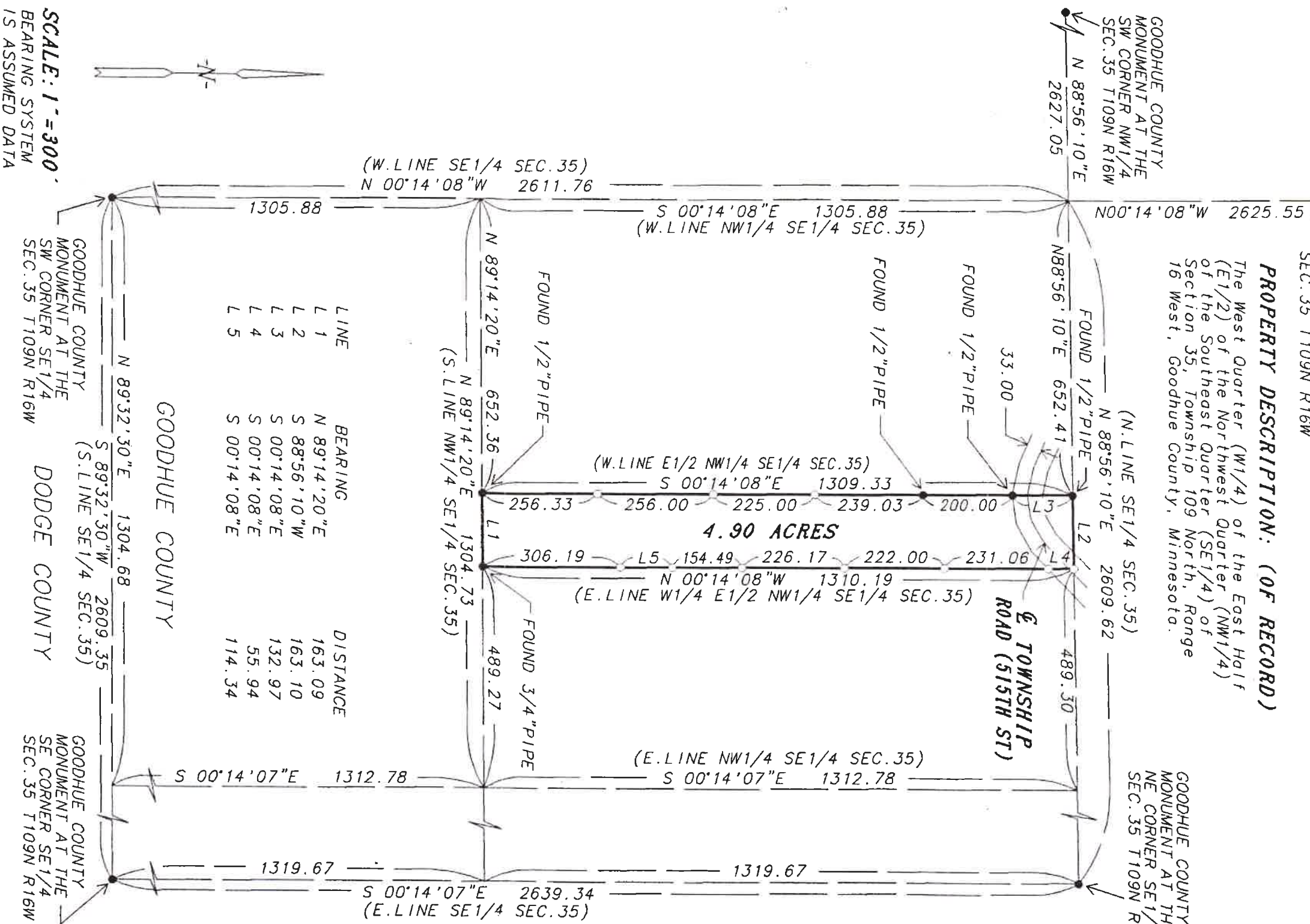
No other residential homes are built in the area on similar sized lots

GOODHUE COUNTY  
MONUMENT AT THE  
NW CORNER NE1/4  
SEC. 35 T109N R16W

**PROPERTY DESCRIPTION: (OF RECORD)**

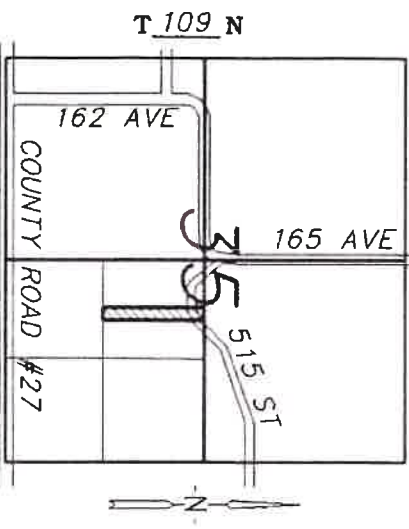
The West Quarter (W1/4) of the East Half  
(E1/2) of the Northwest Quarter (NW1/4)  
of the Southeast Quarter (SE1/4) of  
Section 35, Township 109 North, Range  
16 West, Goodhue County, Minnesota.

GOODHUE COUNTY  
MONUMENT AT THE  
NE CORNER SE1/4  
SEC. 35 T109N R16W



SCALE: 1"=300'  
BEARING SYSTEM  
IS ASSUMED DATA

VICINITY MAP SCALE 1"=3000'



● = FOUND MONUMENT ○ = SET 1/2" PIPE WITH LS NO. 14888

**SURVEYOR'S CERTIFICATE**

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



VINCENT A. FANGMAN LS. NO. 14888 DATE 10/8/2009  
PINE ISLAND, MN

DRAWN BY: M. FANGMAN DATE: 10/08/09 JOB NO. 09-92