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

Virtual Meeting Notice

Virtual Meeting Notice: The Goodhue County Board of Adjustment will be conducting a meeting on June 22, 2020 at 5:00 p.m. Due to concerns surrounding the spread of COVID-19, the meeting and all public hearings will be conducted by telephone or other electronic means.

The public may monitor the meeting from a remote site by logging into https://global.gotomeeting.com/join/310788285 or calling 1-866-899-4679 beginning at 4:50 PM or any time during the meeting. Access Code: 310 - 788 - 285

Public Comments: Interested persons must submit comments by phone, in writing, or via email until noon on Monday, June 22, 2020. To submit your comments please email them to samantha.pierret@co.goodhue.mn.us or mail them to the Land Use Management Department at 509 West 5th Street, Red Wing, MN 55066. Comments received by this deadline will be read into the record during the public hearing for that item, including name and address.

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. May 18, 2020 BOA Meeting Minutes

   Documents:

   MINUTES_MAY_BOA_DRAFT.PDF

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Mineral Extraction Standards

Request for Variance, submitted by Douglas Ims (Swenke Ims Contracting LLC, Authorized Agent) and James Evans (Owner) to Article 14 Mineral Extraction standards to re-establish a non-metallic mineral extraction facility within 1,000 feet of a Public Water. Parcel 40.029.1600. TBD County 27 BLVD, Wanamingo, MN 55983. The SW ¼ of the SW ¼ of Section 29 TWP 109 Range 16 in Roscoe Township. A-1 Zoned District.

Documents:

BOAPACKET_SWENKE_REDACTED.PDF

1. Site Photos

   Documents:

   SITEVISITPHOTOS_6.19.20.PDF

Other-Discussion

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
May 18th, 2020 MEETING MINUTES
DRAFT

The meeting of the Goodhue County Board of Adjustment was called to order at 4:30PM by Chair Knott virtually via GoToMeeting with staff in the Goodhue County Government Center, Basement IT Conference Room.

Roll Call

Commissioners Present virtually via GoToMeeting: Robert Benson, Rich Ellingsberg, Darwin Fox and Daniel Knott

Commissioners Absent: None

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Ryan Bechel and Zoning Assistant Samantha Pierret

1. **Approval of Agenda**

[1]Motion by **Benson**, and seconded by **Fox** to approve the meeting agenda

Motion carried 4:0

2. **Approval of Minutes**

[2]Motion by **Benson** and seconded by **Fox** to approve the previous month's meeting minutes.

Motion carried 4:0

3. **Election of Vice-Chair/Toegel Resignation**

[3]Motion by **Fox** and seconded by **Ellingsberg** to nominate Commissioner Benson as Vice-Chair.

Motion carried 4:0

4. **Conflict/Disclosure of Interest**

There were no conflicts or disclosures of interest.

5. **Public Hearings:**

PUBLIC HEARING: Request for Variance to Minimum Setback Standards
Request for Variance, submitted by Trey Pottinger (Applicant) and Todd Stumpf (Owner), to A-3 Zoning District standards to construct a garage addition less than 30 feet from the side yard property line and less than 60 feet from the County 1 Right-of-Way. Parcel 31.002.4100. 28715 CTY 1 BLVD, Red Wing, MN 55066. Part of the NW ¼ of the SW ¼ of Sect 02 TWP 112 R15 in Featherstone Township.

Bechel presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

[4] **After Chair Knott asked three times for comments it was moved by Benson and seconded by Fox to close the public hearing.**

Motion carried 4:0

UNOFFICIAL UNTIL APPROVED BY THE BOA

[5]Motion by Benson, seconded by Ellingsberg, 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 construction of a garage addition 8 feet from the north side yard property line and 45 feet from the County 1 BLVD Right-of-Way.

Motion carried 4:0

PUBLIC HEARING: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by Nick Stoffel (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 46.029.0303. 13014 265th Street, Welch, MN 55089. Part of the NW ¼ of Section 29 TWP 113 Range 16 in Welch Township. A-2 Zoned District.

Bechel presented the staff report and attachments.

Chair Knott opened the Public Hearing.

Pierret read comments received via mail, email and phone from the public regarding the request

David Johnson (13494 265th St, Welch comments received via phone by Ryan Bechel on May 11, 2020) Mr. Johnson stated that he does not have any concerns with the veterinary clinic being designated as a Feedlot, however he does have concerns that if the horse shelter area on the east side of the property were designated as a Feedlot, a new dwelling could not be built on the Olson property.

Joan Volz (13283 265th St, Welch comments received via email by Samantha Pierret on May 12, 2020) Ms. Volz stated that the Welch Township Board of Adjustment did not meet regarding this request and the Town Board signature on the application should not be interpreted as approval from Welch Township. She noted that the variance request coincides with the sale of neighboring land to Jennifer Olson for the purpose of constructing a dwelling and she questioned the "insurance issues" the applicant indicated required this Feedlot. Ms. Volz added that she has seen manure being spread in the public ditches by the Stoffel property. She concluded her comments by noting that economic considerations alone do not constitute "practical difficulty".

Matthew Olson (co-owner of parcel 46.029.0304 comments received via email by Samantha Pierret on May 13, 2020) Mr. Olson commented that prior to purchasing their property he and his sister Jennifer Olson had been informed there was not a Feedlot on the neighboring parcel that would impact their ability to construct a dwelling. He asked that a variance approval for the Stoffel Feedlot not impact their ability to construct a dwelling on their parcel.

Jennifer Olson (co-owner of parcel 46.029.0304 comments received via email by Samantha Pierret on May 13, 2020) Ms. Olson noted that before she purchased the property she had been informed there was not a Feedlot on adjacent properties which would impact their ability to construct a dwelling there. She added that the "hardship" requiring a variance was created by the Stoffels and questioned the insurance requirement stated by the Applicant as the reasoning for the request.

Debbie Olson (26606 130th Ave, Welch comments received via mail on May 13, 2020) Ms. Olson stated that she met with the Feedlot Officer in January 2020 to confirm that a building site could be established on a newly split parcel in Welch Township (parcel 46.029.0304). At that time the Feedlot Officer had stated there were no Feedlots present which would prevent a dwelling there. She commented on the insurance requirement noted by the Applicant and added that research into the issue did not show that having a Feedlot would be required for insurance purposes. Ms. Olson discussed the 2018 CUP where the vet clinic building was noted as having space for 6 horses and

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comments by the former Feedlot Officer. She questioned the proposed number of animals and noted that she has not seen more than four horses outside at a time at the property. Ms. Olson sent a second note, also received via mail on May 13, 2020 stating that neighboring property owners had not signed letters of "support" but rather letters of "acknowledgement" regarding the proposed facility.

Brad Olson (26606 130th Ave, Welch comments received via email on May 13, 2020) Mr. Olson stated he had not seen more than a few horses on the property at a time and questioned whether each area proposed on the map as a Feedlot required at least 10 animal units. He commented on the existing business and that the number of animals on the property tends to fluctuate as expected with a veterinary business. He concluded by stating the variance should not be approved.

(Attachment 1)

[6]**After Chair Knott asked three times for comments it was moved by Fox and seconded by Ellingsberg to close the public hearing.**

Motion carried 4:0

Kelsey Petit (Goodhue County Feedlot Officer) stated she spoke with the Applicant on April 2, 2020, they discussed Feedlot registration requirements. Kelsey stated that she was not aware Mr. Stoffel has a CUP for a Veterniary Clinic on his property. She added that the Applicant did not mention the rear barn as a potential Feedlot site, they had only discussed the equine hospital building and that she had measured Feedlot distances from the equine hospital building.

Chair Knott noted that the proposed site map has two structures circled, one large building on the west side and the smaller sheds on the east side.

Petit stated that she was not informed that the east paddock would be considered part of the Feedlot.

Bechel stated the Applicant provided the site map Chair Knott was referencing.

Hanni noted that there are two options for this variance request. The first is to deny the request and the second would be to approve the request with staff's proposed condition.

Bechel clarified staff is recommending approval of the variance with the updated condition provided.

Chair Knott clarified that the new recommendation from staff is to approve the variance with the condition that there be a reciprocal setback to the neighboring parcel which would allow a building site on that parcel.

Bechel confirmed that staff's updated recommendation would allow for a dwelling site on the neighboring parcel.

Hanni questioned whether the reciprocal setback measurement was from the paddock or from the barn.

Bechel stated the measurement was from the paddock and 483 feet from the paddock area is slightly over the west property line of the new parcel owned by Jennifer Olson. He added that staff used the 483 number for consistency with the measurement from the closest dwelling to the equine hospital.

Chair Knott questioned whether the OFFSET model was over 99% for the existing dwellings then would the OFFSET be over 99% for a new home.

Petit confirmed this and stated that if the 483 foot measurement is adhered to from the Feedlots, a 99% OFFSET should be achieved by the new dwelling.

Hanni questioned whether the Feedlot Officer would consider this to be two Feedlots on one parcel or just one Feedlot.

Petit stated that because the request is for a single parcel this would require only one registration.

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Chair Knott questioned whether a manure plan would be required for this Feedlot.

Petit stated that a manure management plan is not required for this size of Feedlot however upon hearing comments from the public regarding manure management, she may require a manure management plan for this operation.

Commissioner Benson questioned whether a motion to approve the variance as presented by staff would require Olsons to obtain a variance from the newly established Feedlot.

Bechel stated that staff's recommendation includes reciprocal setbacks which would allow the Olsons to construct a dwelling on their property without obtaining a variance from the new Feedlot.

Commissioner Fox stated that he was not pleased with how the Applicant has handled this request. He stated that he felt this variance to a Feedlot was like trying to play catch-up with something that is existing.

Chair Knott commented that without input from the Applicant, the Board is unclear about why their insurance is requiring Feedlot registration.

Commissioner Ellingsberg stated that they are required to register as a Feedlot with over 10 animal units and the application indicated there would be 12 animal units on the parcel.

Chair Knott questioned what the number of animal units on the site in the past was on the application.

Bechel stated that the Applicant noted there were a maximum of 3 or 4 animal units on the property in the past.

Chair Knott questioned where the number 12 animal units came from.

Bechel noted that during the 2018 CUP process the property owners stated there would only be a few of their personal animals on site with others shuffling in and out as needed for the vet clinic. He added that there would need to be a Feedlot registration on the property before 12 animal units could be brought onto the property which may be why no one has seen that many horses on the property.

Chair Knott questioned whether the Feedlot Officer had any information regarding the proposed animal units.

Petit stated she was not aware of past practices and that she was not aware where the number 12 came from.

Discussion continued regarding the proposed animal units and the existing CUP.

Bechel stated that during the CUP process Feedlots were discussed and it was eventually determined a registration was not required because the animals were not going to be living on site permanently.

Commissioner Fox stated that he was frustrated because manure management had been addressed during the CUP process.

Bechel stated that if the Board wanted to entertain a motion to deny the variance, they should consider the practical difficulty standards, particularly that the plight of the landowner was created by the landowner.

Commissioner Fox stated that the plight of the landowner was created by the landowner.

Chair Knott stated that there is a difficulty in establishing facts with this request because the Applicant is not available.

Commissioner Benson questioned whether the request could be tabled.

Bechel stated that the Applicant has until June 21, 2020 for approval or denial per the 60 day rule.

Hanni commented that tabling the item would also put the Olson property at a disadvantage for

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getting any building permits.

[7]**Motion 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

DENY the request to allow a new Feedlot to be established no closer than 483 feet from neighboring dwellings due to the plight being created by the landowner.

Motion failed due to lack of a second

[8]**Motion by Ellingsberg, seconded by Benson 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 a new Feedlot to be established no closer than 483 feet from neighboring dwellings. The reduced Feedlot setback distance shall be reciprocal to a new dwelling that may be established in the southeast ¼ of the northwest ¼ of Section 29.

Commissioner Ellingsberg commented that approving the Feedlot variance with the condition seems to be a minor change to the neighborhood because the property owners could have 10 animal units and the proposal is going up to 12.

Chair Knott commented that the staff report appeared to address several of the issues raised by the public.

Commissioner Fox added that he is not totally opposed to the variance but he would like to have more information from the Applicant before approving the variance.

Motion carried 3:1 (Fox dissenting)

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Joshua Schultz (owner), to A-2 Zoning District standards to construct an accessory building less than 30 feet from the rear property line. Parcel 46.009.0700. 23944 145th AVE, Welch, MN 55089. Part of the W ½ of the SE ¼ of Section 09 TWP 113 Range 16 in Welch Township.

Bechel presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request

[9]**After Chair Knott asked three times for comments it was moved by Benson and seconded by Ellingsberg to close the public hearing.**

Motion carried 4:0

Josh Schultz (Applicant) stated that the structure will be used for tractor storage and the proposed

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location has room to construct the type of building he would like.

[10]**Motion by Benson, seconded by Ellingsberg 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 construction of an accessory building 4 feet from the east property line.

Commissioner Fox stated that the request had come through the Welch Town Board with the condition that the structure meet all setback requirements. He questioned whether County staff would issue the building permit if the proposal did not meet Welch Township regulations.

Bechel stated that staff typically receives a Township Approval form which states the project has a Township acknowledgement and that it meets the standards of the Township. He noted that staff would not have cause to deny a building permit based on Township rules not being met if staff received that signed form.

Commissioner Fox stated he was present at the Town Board meeting where someone questioned whether the building would meet setbacks and it was confirmed it would. He noted this may be an issue if the Planning Commission looks at it and questions why it was approved if it did not meet the setbacks.

Hanni commented that the Welch Township Board acknowledged the variance request and she questioned whether the Board was not made aware of the request.

Commissioner Fox could not be sure because he was not at that specific meeting.

Hanni stated that the County Board of Adjustment can approve this variance but the applicant will need to communicate with Welch Township before applying for a building permit.

The Applicant acknowledged he would do this and questioned whether the Township needed to sign a document for building permit approval.

Bechel stated the Applicant will need to get a signed Township form prior to issuance of a building permit.

Commissioner Fox questioned whether the Applicant has a signed permit currently from the Township.

Mr. Schultz stated he does not have a signed permit for a building permit but Dan Bauer signed off on the variance application.

Motion carried 4:0

PUBLIC HEARING: Request for Variance to Accessory Dwelling Unit (ADU) Standards

Request for Variance, submitted by Brandi Bakken (Morton Buildings, Authorized Agent) and William and Kristin Henak (owners), to allow an Accessory Dwelling Unit to be constructed greater than 100 feet from the principal dwelling. Parcel 33.003.0300. 21034 340th Street Way, Red Wing, MN 55066. Part of the NW ¼ of Section 03 TWP 111 Range 15 in Goodhue Township. A-1 Zoned District.

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Bechel presented the staff report and attachments.

Chair Knott opened the Public Hearing

No one spoke for or against the request

[11]**After Chair Knott asked three times for comments it was moved by Fox and seconded by Benson to close the public hearing.**

Motion carried 4:0

[12]**Motion by Ellingsberg, 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 Accessory Dwelling Unit to be constructed up to 175 feet from the principal dwelling where 100 feet is required.

Motion carried 4:0

5. Other-Discussion

There was no additional discussion

ADJOURN

[13]**Motion by Benson, seconded by Fox to adjourn the BOA meeting at 5:56PM.**

Motion carried 4:0

MOTIONS

[1] APPROVE the meeting agenda. Motion carried 4:0
[2] APPROVE the previous meeting's minutes. Motion carried 4:0
[3] Nominate Benson Vice-Chair. Motion carried 4:0
[4] Close the Public Hearing. Motion carried 4:0
[5] APPROVE the request to allow a garage addition no less than 8 feet from the side yard property line and no less than 45 feet from the County 1 ROW. Motion carried 4:0
[6] Close the Public Hearing. Motion carried 4:0
[7] DENY the request to allow a Feedlot to be established no closer than 483 feet from neighboring dwellings. Motion failed due to lack of a second.
[8] APPROVE the request to allow a Feedlot to be established no closer than 483 feet from neighboring dwellings. The reduced Feedlot setback distance shall be reciprocal to a new dwelling that may be established in the southeast ¼ of the northwest ¼ of Section 29. Motion carried 3:1
[9] Close the Public Hearing. Motion carried 4:0
[10] APPROVE the request to construct an accessory building no closer than 4 feet from the east property line. Motion carried 4:0
[11] Close the Public Hearing. Motion carried 4:0

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[12] APPROVE the request to allow an Accessory Dwelling Unit be constructed up to 175 feet from the principal dwelling where 100 feet is required. Motion carried 4:0
[13] ADJOURN. Motion carried 4:0

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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: 651.267.4875

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.267.4875

Comments Regarding Stoffel Feedlot Variance Application

From: David Johnson (13494 265th St, Welch, MN 55089)

Received via phone by Ryan Bechel

May 11, 2020 at 1:40PM

Dave stated he does not have any concerns with the existing veterinary clinic area being designated as a Feedlot however, he does have concerns that if the horse shelter area to the east is also designated part of the Feedlot, the setback distance would prevent a new dwelling from being built on the Jennifer Olson property which was just split off for the purpose of building a new home in the near future.

Please read this concern during the public meeting.

Ryan Bechel
Zoning Administrator

RECEIVED
MAY 12 2020
Land Use Management

To: Board of Adjustment, Goodhue County
From: Joan Volz, 13283 265 Street, Welch 55089
Date: May 12, 2020

Re: Stoffel Variance Application

I have been a neighbor of the Stoffels since they moved to 265th street in 2013, and of the Hansons before them. As a member of the Welch Planning Commission, I was aware of the Stoffel's 2016 application to construct an ag building and then their 2018 application for a conditional use permit to operate their business in the same building. They now seek a variance to operate a feedlot. The variance is necessary because the feedlot would be located less than 1000 feet from three nearby homes, in effect a triple variance—a red flag in itself. I have reviewed the application online and have several concerns as a neighbor and Welch citizen.

1. A feedlot does not increase the desirabililty of adjacent property. The Welch Township Comprehensive Plan lists the usual undesirable features of feedlots (page 3) and recognizes the need to regulate them. The township ordinance (VII.2.A.d) goes on to rely on the Goodhue County Zoning Ordinance for feedlot permits. The township is thus relying on you, the County Board of Adjustment, to act in the interests of all Welch citizens.

2. The staff report dated May 7 states (page 1) that the Township "signed off" on the application "acknowledging" the proposal. These actions should not be interpreted as approval. The township meeting minutes for the April 10, 2020 telephone conference board meeting state that Nick Stoffel presented an application for a variance. The Town Board then passed a motion "to have the clerk indicate the Town Board is aware of the application." Under Welch's Building and Zoning Ordinance, variances can be granted only by the local Board of Adjustments, comprised of the Town Board, three members of the Planning Commission, and the Town Clerk. Article XVI, Sections 6 and 8. The Township Board of Adjustments did not meet to consider the Stoffel variance, no meeting notice has been issued, and no notice to affected landowners has been given by the township. The Town Board has no authority to approve variance requests on its own and would be acting illegally if "signing off", "acknowledging", or being "aware" were interpreted as township approval of a variance. Indeed, as the application clearly states above the clerk's signature, "In no way does signing this application indicate the Township's position on the variance request." The BOA should not assume the township board actions constitute approval of the variance application.

3. The timing of the variance application coincides with the recent sale by the Olsons of a buildable site adjacent to the Stoffel property. As the staff report reflects, a feedlot adjacent to the buildable site may render the site not buildable, or only buildable via the variance process. If the timing of the current variance application is merely coincidence, then the applicant should agree in writing to not oppose any future application by the new owner for a variance to build within 1000 feet of the Stoffel's feedlot. The BOA should inquire of the Stoffels as to their willingness to provide such assurances to the new owner, Jennifer Olson.

4. The applicant states that he will have "insurance issues" if the request for a variance is not granted. It is unclear what those issues are. My review of state insurance and veterinary

medicine board requirements found no specific requirements that would necessitate obtaining a feedlot permit to avoid "insurance issues". The burden of proof is on the applicant. The BOA should require the applicant to provide a written explanation of these issues from a qualified insurance agent.

5. Last summer I observed the Stoffels spreading manure, still visible today, in the ditch along 265th Street. Should the BOA decide to grant the variance, the conditions on the feedlot permit should prohibit manure disposal in public ditches.

6. The application fails to meet a key variance requirement, practical difficulties. The plight of the landowner is NOT due to circumstances unique to the property, but rather is due entirely to the applicant's various business decisions and plans. Asked to describe the effects on the property if the variance is not granted, the applicant states at page 2 of the application: "Potential loss of income with the business and insurance issues." These are economic considerations that may affect the landowner's pocketbook; they are not unique to the property itself. These are not unique physical limitations such as, to use the statutory example, inadequate access to direct sunlight for solar energy systems. As the BOA well knows, economic considerations alone do not constitute practical difficulties. The applicant himself says on page 2 of the application, when asked to describe unique physical limitations of the property, "None." The application fails the statutory requirement of practical difficulties because it relies on only economic considerations.

Dear Goodhue County Planning Commission Members,

I am writing regarding the Stoffel feedlot variance request. My sister and I recently purchased acreage to the east of their property. My intent was to help her build a family home on the property, which has been a part of the Olson family for at least six generations. Our grandfather was raised on this farm and we are so excited to continue with family ownership and residence on the property, hopefully for many more generations to come.

Prior to purchase, we understood the site was suitable for building due to current zoning and the lack of an existing or pending feed lot. We want to be good neighbors, want the Stoffel business to prosper, but request that any variance not impact our ability to safely build a home. We also want to minimize any untoward consequences of a feedlot on the surrounding neighbors. Thank you for the consideration.

Sincerely,

Matthew David Olson, MD

RECEIVED
MAY 13 2020
Land Use Management

Dear Goodhue County Planning Commission Members,

I have received the notice of public hearing for the Stoffel variance request for a feedlot. I have multiple concerns with this request.

I recently closed on the property east of the Stoffel's on April 13th 2020 from Brad and Debbie Olson. Prior to my purchase of the land both Stoffel's and Johnsons were told by Brand and Debbie that they were going to sell the plot between their properties. My brother and I bought the property in good faith that there was not nor could be a feed lot established. We were told Stoffel's vet clinic has never had more than 3 horses at a time therefore did not meet requirements for a feed lot. My plan is to build a home on the property we purchased.

In Mr. Stoffel's application he answers the question "would granting this variance alter the neighborhood" He said no. I disagree, by granting this variance it would keep me from building my home. The prime building location is approximately 200 feet east of the Stoffel's east property line.

My understating is variances are limited to those situations where the particular physical characteristics of a site make it difficult or impossible to develop under standard regulations. A variance is granted when a hardship is proven in order to bring the disadvantaged property up to the level of use enjoyed by nearby properties in the same zone.

The Stoffel's bought an existing property, built a commercial facility, and then turned it into a business after, then asked for a feedlot. How is this a hardship or what is the hardship here? If it is in fact because of insurance have they exhausted all other options i.e. different insurance company, scheduling practices to ensure they stay under 10 horses at a given time? They are not being denied the possession of large animals.

I would request that Goodhue county only approve the 1,000 feet around the commercial building and not to the east lot to prohibit me from building my home.

Thank you,
Jennifer Olson

RECEIVED
MAY 13 2020
Land Use Management

May 10, 2020

Dear Land Use Management Department:

Thank you for the opportunity to submit comments ~~the~~ regarding the Request for Varriance of a feedlot submitted by Nick Stoffel. We are in strong opposition to this request because on April 13, 2020 we sold a buildable lot east of the stoffel property and fear the New owner and our second cousin Jennifer Olson (parcel # 46.029.0304) would be unable to build if a feedlot is established.

On Jan. 7, 2020 I purposely met with Feedlot Officer Kelsey Petit to make sure the Stoffels had No existing feedlot so we could safely and in good faith, sell the land to Jennifer to build on in the future. None was found. Please see the enclosed x dated letter from Kelsey regarding that visit. Present on the overview map sent to us this past week, please notice the already surveyed driveway that follows the Stoffels south property line. The driveway had to be established along this line because road frontage on 265th to Jennifer's buildable site was deemed too steep by Land Zoning staff multiple times.

I was told by Nick on Friday May 8th 2020 that their insurance was requesting this feedlot Approval for liability reasons. After consulting with our insurance agent, this request seems

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MAY 18 2020
Land Use Management

odd as homes and businesses like their Veterinary Clinic should Automatically carry liability insurance. Having a "Feed lot" designation for approval of liability insurance is not a prerequisite for Approval of liability insurance in his experiences. Will/has someone Asked the Stoffels who their insurance carrier is + have this verified before the May 18th hearing?

We also find it ironic that in the Stoffels' CUP request that got Approved in 2018 regarding their "personal use" ag building becoming a Veterinary clinic... it is mentioned that their building could only house 6 horses. And specifically in Statement #5 of the Project Summary the Stoffels wrote the following: "The planned maximum occupany of horses is 6 as this is the number of stalls currently Available to house horses in the existing building."

Goodhue County Feelot Officer Virginia Westlie also offered comments on this CUP request and stated: "This place would be staying under 10 AU (Animal units). They would not be required to register." (For a feedlot.)

On their Feedlot Registration Form submitted to you on April 23, 2020 under Column C of Maximum number maintained at Anytime in past 5 years - the Stoffels wrote (12). Isn't this a contradiction to what was

previously stated by them + Virginia Westlie? HAS someone visited their facility to see their occupancy rate? We drive by often as we are adjacent landowners/neighbors and we've never seen more than 4 horses outside.

It truly seems that the "intent" and "timing" of this Variance Feedlot Request is to simply deny a new neighbor/landowner's Ability to build and that has never been + is definitely NOT the intent of a feedlot designation.

Sincerely,
Brad + Debbie OLSON
26606 130th Ave.
WELCH MN. 55089

P.S. Just a side NOTE: We always tried to be good neighbors to the Stoffels by keeping them updated and informed regarding the possible sale of land next to them; the driveway; when the survey crew would be near their property working and finally, when the closing occurred with Jennifer.

January 7 2020

Goodhue County Feedlot Officer - Kelsey Petit. Has checked to make sure that Nicholas P. Stoffel parcel: 46-029-0303 is not a feedlot. Ms. Petit has no information or registrations of this parcel being a feedlot. To become a feedlot in Goodhue County the site has ~~to~~ have ~~xxx~~ equal, or more than 10 animal units. (see Goodhue County Feedlot Registration form back side)

Please call 651-923-5286 ext 111 if there are anymore questions.

Thank you,

Kelsey Petit

Goodhue County Feedlot Office

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MAY 13 2020

Land Use Management

May 11, 2020

Dear Land USE Management-

Am writing agAiN in regards to Nick Stoffels Variance request. In your STAFF Draft Findings of FAct there is an erroR under # 2 of "the Variance request is consistent with the adopted comprehensive plaN." It states that the owNers of The dwellings Not meeting the minimum setbAcks" have signed letters of support." for the Variance request.

That is INcorrect! What they signed were AckNowledgements that they were informed of the Variance.

The form Aaron Bauer, DALE FOX + Dylan Strand signed states: "Please sign your Name below to acknowledge that you are informed of the Variance." That is the form they signed; they were Not signatures of support.

Please make that correctioN. Thanks alot! ☺

Debbie J. Olson
26606 130th Ave
Welch, MN 55089

RECEIVED
MAY 13 2020
Land Use Management

STOFFEL REQUEST FOR VA

Brad Olson
26606 130th Ave.
Welch,Mn
55089

05/13/20

I'd first like to say I'm pleased that the next generation of Olson's are interested in acquiring and living on portions of the farm. The neighbor's request for a variance to allow a feed lot designation on their property would jeopardize my cousin's daughter's intentions. The entire Stoffel property is visible from 130th Ave., as you crest the hill to the south the entire expanse of the property can be viewed. The entire north side of the barn can be viewed from the west end of 265th st.. I have not observed their property with with the intention of finding some kind of fault, but I used to own and work this ground, many changes have occurred there, I find what changes the Stoffels have made to to be positive and interesting. they've made this an attractive property. I do not believe they have made an entirely accurate application for this variance for the following reasons.

- I find it odd they are requesting a feedlot for two portions of their property when they claim to maintain 12 horses total. Shouldn't each proposed feedlot unit have a minimum of 10 animal units?
- I have never seen more than two or three horses in the east pasture. I can see this ground from the hilltop on 130th plus in the winter for my own enjoyment and exercise I occasionally walk with snowshoes a loop through my fields east of Stoffels back west past this east pasture. I definitely never saw 10 or more animals there.
- Manure being spread in the winter would be very apparent and easily seen. I never saw manure spread and I never noticed a manure pile outside the barn.
- I have never seen any sort of feedstock or bedding being unloaded into to the big barn. I definitely never saw anything outside such as big round bales. This sort of thing could be inside, I have my doubts.
- I have never seen the sort of equipment necessary I would regard necessary to haul any quantity of feedstock or haul/spread manure in the winter time. I've noticed a JD loader tractor that could only be called tiny and a spreader to match.

I seriously doubt their claim to have maintained 12 animal units in the barn this winter or any previous winter.

My farm was a dairy until late 1995. When I quit milking a neighbor rented my facilities/ pasture for his own cattle. I have maintained a feedlot designation since the inception of the ordinance. I'm not aware of this having any impact in any way on any of my insurance policies.

I'd like to offer a bit of what seems to me a bit of common sense. The Stoffels have a veterinary/farrier service business. Fluctuating numbers of critters is to be expected. Given a busy week or two, maybe ten or more animal units could be on the property. I doubt the neighbors would complain, I don't think this would be in any violation of county ordinance. That is very different than a static number of critters. The Stoffels would need to be managing their business in a very different manner than they have in the past to maintain over ten animal units. I see no reason for a variance for a feedlot to be granted to Nick Stoffel on this property.

Sincerely, Brad Olson

RECEIVED

MAY 13 2020

Land Use Management

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: June 22, 2020
Report date: June 11, 2020

PUBLIC HEARING: Request for Variance to Mineral Extraction Standards
Request for Variance, submitted by Douglas Ims (Swenke Ims Contracting LLC, Authorized Agent) and James Evans (Owner) to Article 14 Mineral Extraction standards to re-establish a non-metallic mineral extraction facility within 1,000 feet of a Public Water.

Application Information:

Applicants: Douglas Ims (Swenke Ims Contracting LLC, Authorized Agent) and James Evans (Owner)
Address of zoning request: TBD County 27 BLVD, Wanamingo, MN 55983
Parcel: 40.029.1600
Abbreviated Legal Description: SW ¼ of the SW ¼ of Section 29 TWP 109 Range 16 in Roscoe Township
Township Information: LUM Staff discussed the Applicant's proposal with Roscoe Township Chair Todd Gresseth on 6/12/20. Mr. Gresseth stated the Applicants had presented the permanent and temporary mining proposals to the Town Board at their 6/8/20 meeting. Mr. Gresseth noted no variance or CUP will be required from the Township.
Zoning District: A1 (Agriculture Protection District)

Attachments and Links:

Application and submitted project summary
Site Maps
Article 14 (Mineral Extraction)
Goodhue County Zoning Ordinance: http://www.co.goodhue.mn.us/DocumentCenter/View/2428

Background:

The Applicants are requesting variance approval to re-open a previously operated limestone quarry to extract non-metallic mineral aggregates (limestone) within 1,000 feet of a Public Watercourse. The existing mine is situated on a 40-acre parcel owned by James Evans within section 29 of Roscoe Township. Though it is a pre-existing quarry, it has not been actively used in recent years and therefore is required to come into compliance with current Ordinance regulations to resume operations.

The existing quarry pit occupies approximately 10-acres along the western portion of the property. The Applicants propose to extract limestone aggregates to a depth of 30-feet below the existing quarry floor. The current quarry walls would remain intact and the pit would not be expanded beyond the existing footprint. Once extracted, the materials would be processed (crushed) and stockpiled on-site before being hauled away. The materials would primarily be used as aggregate fills for local road construction and improvement projects. The Applicant has stated the limestone below the quarry floor is a uniquely high-quality material with low "acid-insoluble residues" that make it ideal for road construction aggregates. The Applicants anticipate it would take between 3 and 5 years (depending on demand) to complete the mineral extraction, at which point the mine would be reclaimed and closed.

The quarry is situated approximately 300 feet west of an unnamed creek which is classified as a Public Watercourse by the Minnesota Department of Natural Resources (DNR). The creek is a minor tributary of the North Branch of the Mid-Fork of the Zumbro River where it outlets a mile south of the site. Article 14 (Mineral Extraction) Section 4 of the County Zoning Ordinance prohibits mineral extraction facilities within 1,000 feet of Public Waters (as defined in MS 103G.005) or the limit of a floodplain extent of a Public Water, whichever is greater. The entirety of the existing quarry pit is within 900 feet of the watercourse, though the closest excavated areas are approximately 300 feet to the west.

The Applicants have also submitted an application to the Goodhue County Planning Advisory Commission for Conditional Use Permit (CUP) approval to re-establish the mining operation. The request is anticipated to appear on their July 20, 2020 meeting agenda. The CUP review would be withdrawn if the Board of Adjustment elects to deny this variance as no portion of the existing quarry is greater than 1,000 feet from the Public Water.

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.

Draft Findings of Fact:

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

- The prohibition of new mineral extraction facilities within 1,000 feet of a Public Water is intended to prevent new mineral extraction operations from being established in close proximity to sensitive water resources and wildlife habitat to reduce the potential for degradation of those vital and limited resources.
- The subject quarry was legally established prior to the adoption of the 1,000-foot setback regulation and before modern permitting requirements such as mine registrations and CUP standards. The quarry is relatively limited in scale (10-acres) and the Applicants are not proposing to expand it horizontally beyond the existing footprint, but rather vertically to mine approximately 30-feet of material from below the current quarry floor.
- Re-establishing the quarry under a CUP would allow the mineral extraction to be completed while ensuring an adequate reclamation plan and financial sureties are put in place to clean up the pit and allow it to be properly closed. The site would also be subject to CUP approval prior to operating to address and mitigate potential environmental impacts to the adjacent water resources and wildlife habitat.

  The Applicants' request to re-establish a quarry within an existing mined area does not appear inconsistent with the purpose and intent of the official control.

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

- The Goodhue County Comprehensive Plan supports allowing limited opportunities for the development of mineral extraction facilities that encourage the prevention of land-use conflicts and degradation of the County's scenic, recreational, and natural resources. The Plan also recognizes the importance of maintaining an adequate local supply of the aggregate resources needed to support local and regional infrastructure and development projects into the future.
- The Land Resources element of the Plan details the following mineral extraction objectives:
  - *Encourage the use of best management practices for Non-metallic Mineral*

Resources mining, processing, and transportation

- *Require mine reclamation plans to reflect compatible future uses*
- *Establish and administer mining regulations that ensure all mineral extraction facilities remain responsible, environmentally friendly operations*
- *Establish and maintain mining regulations that ensure all mineral extraction facilities reclaim the mining area to an acceptable land use for future generations*

- The County underwent a significant public process to review and update the Mineral Extraction (Article 14) section of the Zoning Ordinance in 2013. The resulting ordinance created registration requirements for existing mining operations as well as CUP requirements for establishing new mineral extraction facilities (or reopening old ones). Critical health, safety, and environmental protection components such as drainage management, reclamation plans, operational hours, traffic safety, and sub-surface water quality monitoring plans are an integral part of the CUP review process which would have to be addressed by the Applicants to the satisfaction of the Planning Commission and County Board prior to re-establishing the operation.

  The site has historically operated as a quarry and the Applicants are proposing to mine only within the existing footprint so no additional area would be disturbed. The site was not reclaimed following the previous mining activities and it does not currently operate under a CUP so there is no permanent reclamation plan nor a financially responsible entity obligated to do so. Allowing the Applicants to complete the mineral extraction of the site and properly reclaim the area appears consistent with the objectives of the Goodhue County 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 parcel is 40-acres and is a conforming lot size in the A1 (Agriculture Protection) District (minimum 2-acres). The nearest home is approximately 300 feet north of the quarry and is occupied by James Evans (quarry owner).
- The request to re-establish a quarry within an existing mined area is a reasonable use of land within the A2 District.
- The mined area is roughly 10-acres in area and the quarry floor is approximately 40-50 feet below original grade.
- A review of available aerial photography indicates mining activities started on the site in the 1930s and continued into the early 2000s.
- No reasonable alternatives exist to extract material from the existing pit as no portion of the quarry is greater than 1,000 feet from the Public Watercourse.

  If mineral extraction is not allowed to take place on the site, it is unlikely that any entity will assume financial responsibility for reclaiming the pit.
- All areas within 300 feet of a Public Water stream or river are designated shoreland and subject to County Shoreland Ordinance provisions (Article 31). A portion of the existing quarry access drive is located within Shoreland. No mineral extraction or processing activities are proposed within the shoreland areas.

  There is no designated floodplain associated with this watercourse.
- A mandatory EAW is not required for the quarry as it does not exceed 40 contiguous acres.
- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses. There are 6 houses within a half-mile radius of the quarry.

Given the historical use of the pit and limited residential development in the greater area, 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.**

- Mineral Extraction facilities are a Conditionally Permitted Use (CUP) in the A1 district. If a variance is approved by the Board of Adjustment, the Applicants would need to receive CUP approval from the County Board prior to reestablishing the operation.

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.

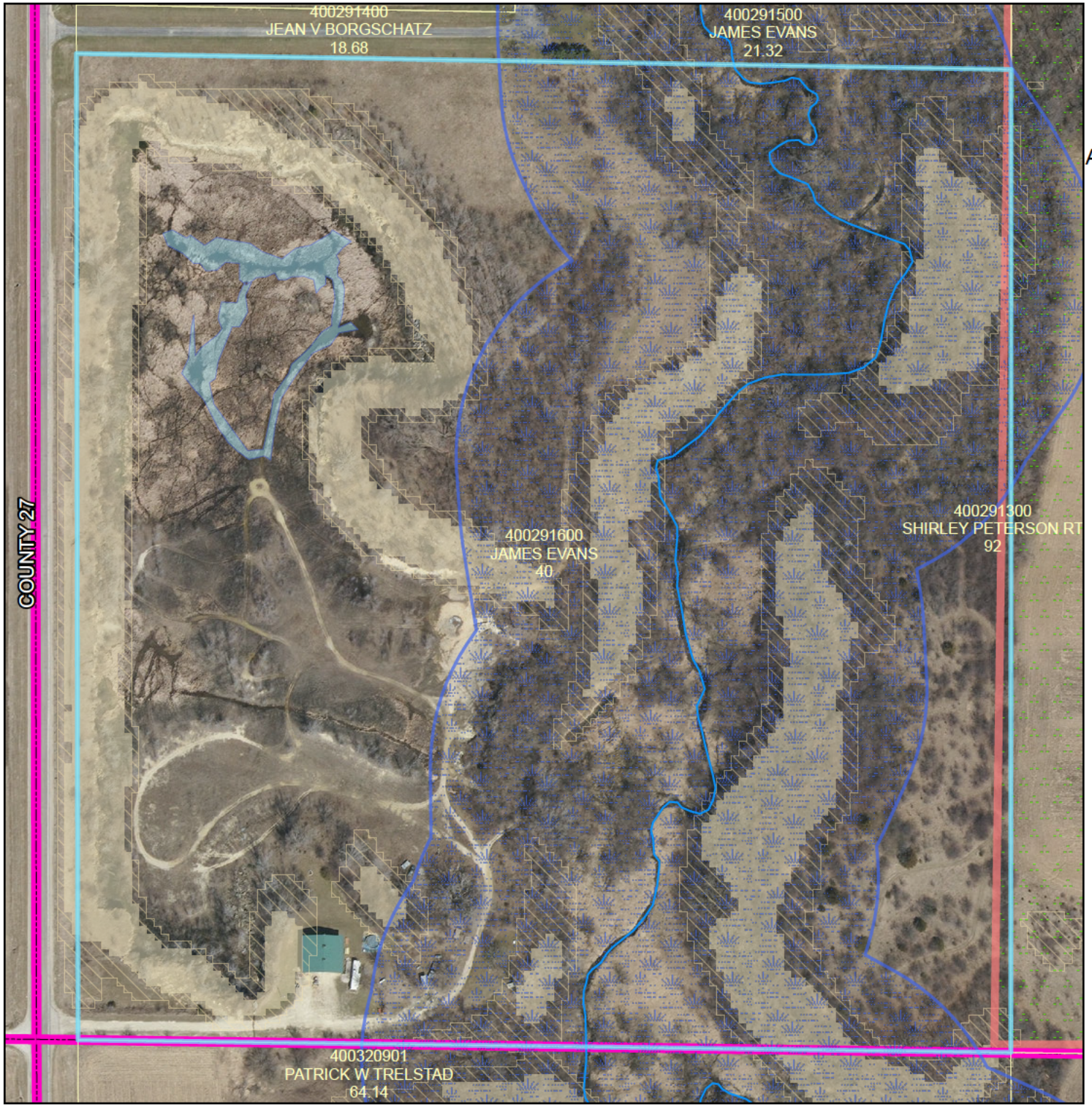
Staff Recommendation:

- 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 submitted by Douglas Ims (Swenke Ims Contracting LLC, Authorized Agent) and James Evans (Owner) to Article 14 Mineral Extraction standards to re-establish a non-metallic mineral extraction facility in within 1,000 feet of a Public Water.
Subject to the following conditions:

1. Mineral extraction shall be limited to the existing quarry footprint as depicted on the submitted "Mine Cross Section Area" map.
2. Applicants shall obtain Conditional Use Permit (CUP) approval for a Non-Metallic Mineral Extraction Facility from the County Board prior to commencing operations except for mining activities associated with a permitted Temporary Mineral Extraction Facility Permit if approved by the Land Use Management Department in accordance with Article 14 Section 3 (Mineral Extraction) of the Goodhue County Zoning Ordinance.

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 22, 2020

Douglas Ims (Swenke Ims Contracting LLC, Authorized Agent) and James Evans (Owner)
A-1 Zoned District

The SW 1/4 of the SW 1/4 of Section 29
TWP 109 Range 16 in Roscoe Township

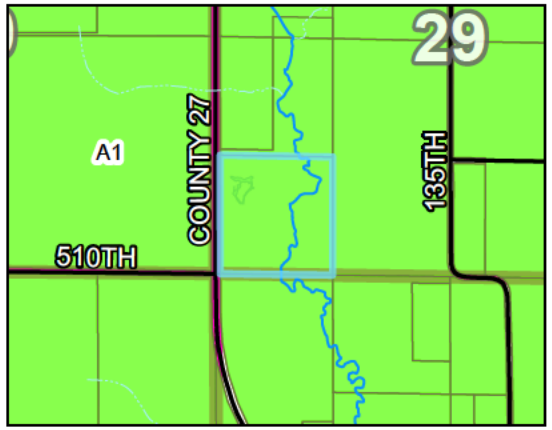
Request for Variance to re-establish a non-metallic mining operation in Shoreland area

Legend

- Intermittent Streams
- Protected Streams
- Lakes & Other Water Bodies
- Shoreland
- Historic Districts
- Parcels
- Registered Feedlots
- Dwellings
- Municipalities

Bluff Impact Zones (% slope)
- 20
- 30

FEMA Flood Zones
- 2% Annual Chance
- A
- AE
- AO
- X



0 70 140 280 420 US Feet

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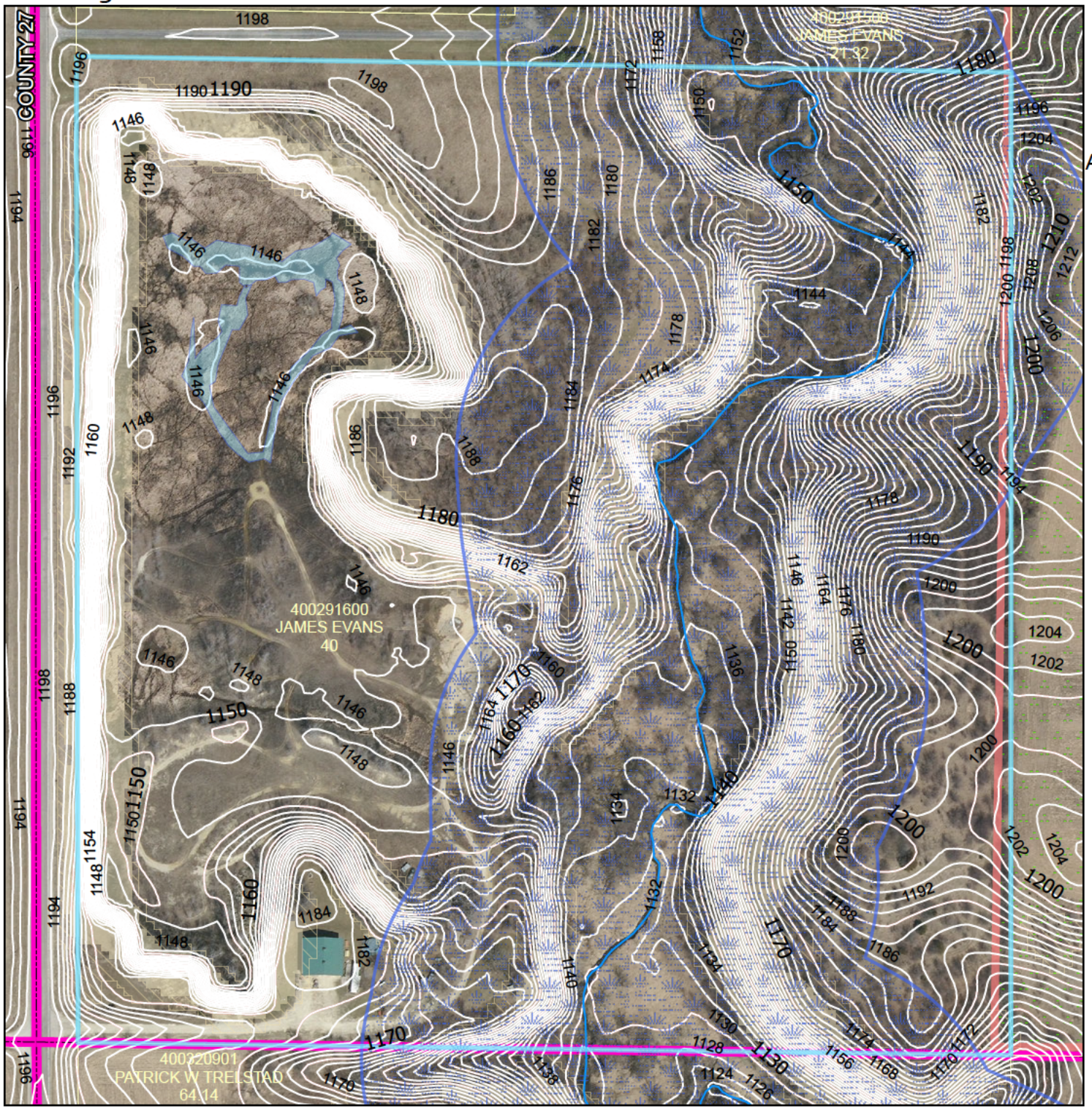
2018 Aerial Imagery
Map Created June, 2020 by LUM

MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

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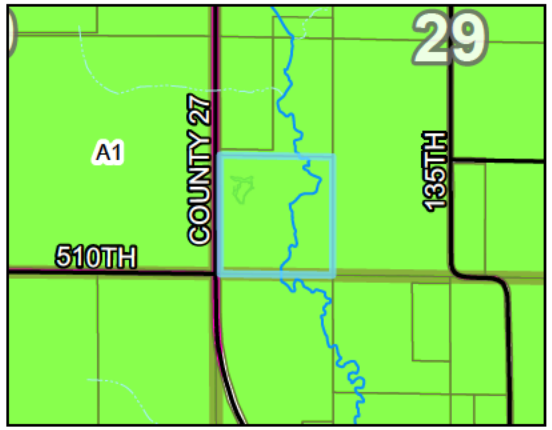

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US Feet

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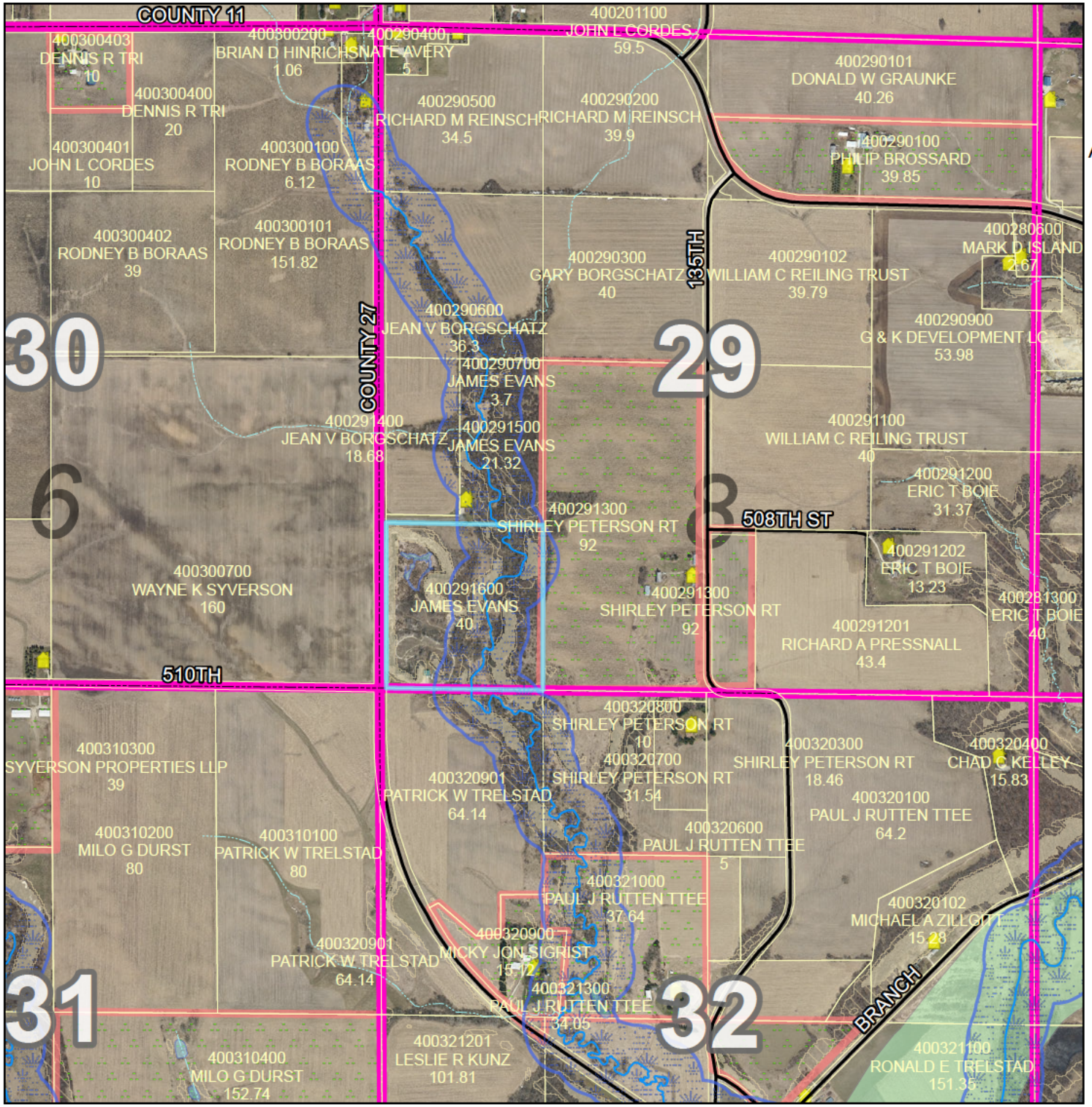
2018 Aerial Imagery
Map Created June, 2020 by LUM

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
June 22, 2020

Douglas Ims (Swenke Ims Contracting LLC, Authorized Agent) and James Evans (Owner)
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The SW 1/4 of the SW 1/4 of Section 29 TWP 109 Range 16 in Roscoe Township

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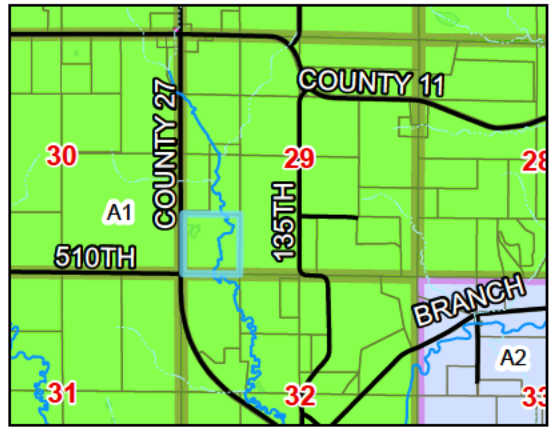

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2018 Aerial Imagery
Map Created June, 2020 by LUM

APPLICATION FOR

Variance

RECEIVED

JUN 1 2020

Land Use Management

VARIANCE NUMBER: 20-0026

FEE REC: 17281 DATE: 6-1-20

SITE ADDRESS, CITY, AND STATE	ZIP CODE
#568747 SW1/4 of SW1/4 SEC29-109-16 1.55AC HWY EASE	55963

LEGAL DESCRIPTION:

#568747 SW1/4 of SW1/4 SEC29-109-16 1.55AC HWY EASE Attached ☐

PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
40.029.1600	N/A	40 Acres		

APPLICANT OR AUTHORIZED AGENT'S NAME

Swenke Ims Contracting, LLC & ICON, LLC

APPLICANT'S ADDRESS:	TELEPHONE:
103 1/2 W. Main St. Kasson, MN 55944	EMAIL:

PROPERTY OWNER'S NAME:

Same as Above ☐ James Evens

PROPERTY OWNER'S ADDRESS:	TELEPHONE:
50764 County 27 BLVD Wanamingo, MN 55983	EMAIL:

CONTACT FOR PROJECT INFORMATION:

Same as Above ☐ Douglas L. Ims

ADDRESS:	TELEPHONE:
103 1/2 W. Main St. Kasson, MN 55944	EMAIL:

VARIANCE REQUESTED TO: (check all that apply)

- Road Right-Of-Way Setbacks
- % Lot Coverage
- Property Line Setbacks
- Bluff Setbacks
- Height Limits
- Shoreland Setbacks
- Lot Width &/or Area
- Other (specify)
- Subdivision Regulations

CURRENT OR PREVIOUS USE:

PROPOSED USE:

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 ☐

TOWNSHIP OFFICAL'S SIGNATURE	TOWNSHIP OFFICAL'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: _____ Date: 5/20/2020

Print name: Douglas L. Ims (owner or authorized agent)

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

Article:_____ Section:_____ Name:_____

Article:_____ Section:_____ Name:_____

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:

The property is currently a limestone Quarry. The purpose for the variance to to be able to continue mining and restore a property that was left unrestored years ago.

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

The property would be left unrestored and would be left in a condition that is not kind to the eye.

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:

The existing Quarry is already within an area that requires a variance, as it was mined when no variance was required.

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

There are not alternatives due to past mining of this property.

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

Again due to past mining, the area listed to be mined and restored is already a pre-existing condition.

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

The granting of the variance allows an old Quarry to be restored and beautified which is a benefit to the neighborhood.

GOODHUE COUNTY MINERAL EXTRACTION FACILTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 40.029.1600 Permit #_____

_____

PROPERTY OWNER INFORMATION

Last Name Evans First James Email:

Street Address 50764 County 27 BLVD Phone

City Wanamingo State MN Zip 55983

Operator Name Swenke Ims Contracting, LLC & ICON, LLC Phone (507) 273-0530

Contact Person Douglas L. Ims Email: Doug.ims@imsicon.com

Operator Mailing Address 103 1/2 W. Main St. Kasson, MN 55944

Other contact information (fax, cell, etc) Office (507) 634-7778 Fax (507) 634-7771

PROJECT INFORMATION

Site Address (if different than above): #568747 SW1/4 of SW1/4 SEC29-109-16 1.55AC HWY EASE

Attach Legal Description as Exhibit "A" ☐ Project acreage: 20 Acres Contiguous acreage of landowner: 40

Map A: (see checklist for requirements)

Map B: (see checklist for requirements)

Map C: (see checklist for requirements)

DISCLAIMER AND PROPERTY OWNER SIGNATURE

I hereby swear and affirm that the information supplied to Goodhue County Land Use Management Department is accurate and true. I acknowledge that this application is rendered invalid and void should the County determine that information supplied by me, the applicant in applying for this variance is inaccurate or untrue. I hereby give authorization for the above-mentioned agent to represent me and my property in the above-mentioned matter.

Signature of Landowner Date 5-20-2020

Signature of Agent Authorized by Agent (Operator)

TOWNSHIP INFORMATION Township Zoning Permit Attached? ☐ If no please have township complete below:

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 interim use request.

Signature Title Date

Comments:

COUNTY SECTION COUNTY FEE $ 350 RECEIPT #_____ DATE PAID _____

Shoreland _____ Lake/Stream Name_____ Zoning District _____

Date Received_____ Date of Public Hearing _____ DNR Notice _____ City Notice _____

Referred to Technical Panel? Date_____ Recommendation received (date) _____

Action Taken: ____Approve _____ Deny

GOODHUE COUNTY MINERAL EXTRACTION FACILTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

APPLICANT FINDINGS OF FACT
AND SUPPORTING INFORMATION REGARDING CONDITIONAL/INTERIM USE PERMIT

A.1 Narrative Information:

1. See above
2. See above
3. See above
4. Type of material to be extracted: Limestone
5. Mode of Operation (screening, drying, and storage of material): _____
6. Estimated quantity of material to be extracted: 265,000 cy
7. Plans for blasting: seismic monitoring will be done as per county or state requirements

* Seismic Monitoring. If blasting, submit a pre-blast survey performed by MN Licensed Engineer of surrounding dwellings and buildings within ½ mile prior to initial blasting. Yearly Yearly seismic surveys will be offered and conducted by the applicant's engineer if blasting has occurred within the previous year.

8. Other information to explain the facility in detail: This Quarry was last mined in the early 90's and was left unrestored. This is an opportunity to complete mining and restore property into a more appropriate use.

GOODHUE COUNTY MINERAL EXTRACTION FACILTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

9. Operation Timeframe:

   Hours of operation per day: 7 am to 7 pm

   Days per week: Monday through Saturday

   Months of the year: 12 Months of the year

   Prospected number of years: 3 to 5 years

10. Describe all vehicles and equipment to be used: A crushing plant will be utilized to process Limestone. A loader will load materials on to trucks for hauling.

11. Vehicles accessing the site:

    Access 1:

    Average Vehicles per day: 50

    Peak Vehicle per day: 200

    Access 2:

    Average Vehicles per day: _____

    Peak Vehicle per day: _____

    Access 3:

    Average Vehicles per day: _____

    Peak Vehicle per day: _____

    Access 4:

    Average Vehicles per day: _____

    Peak Vehicle per day: _____

A.2 Complete the following either here or attach a map

1. Existing land uses on the subject property: Mining
2. Zoning District: Not Applicable

   Comp Plan Designation (if different): _____

3. Soil, vegetation, mineral content and topography of the subject property: Property is an existing Quarry, we will be mining 20 feet more depth to existing mining area.

GOODHUE COUNTY MINERAL EXTRACTION FACILTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

4. Attach at least 3 soil boring logs with description of subsurface materials of the property. With description of the subsurface materials on the subject property. (Article 14, Section 5 Subdivision 2. C)
    a. If washing or processing is not proposed and if groundwater is not encountered at a depth of 15 feet, below the bottom of the proposed pit floor, the applicant need not extend borings farther.
    b. If washing or processing **are** proposed: install 3 monitoring wells to evaluate the hydro-geologic environment. More may be required after review. (Article 14 Section 5, Subdivision 2.L)
5. A general description of surface waters, existing drainage patterns and groundwater conditions within ¼ mile of the subject property. All ground water will be contained on site. There will be a containment pond constructed to all solids to settle out.
6. Depth, quantity, quality and intended use of the mineral deposits on the subject property: We propose to mine 20 feet into the existing Quarry floor.
7. Other permits required (attach): MPCA permits for NPDES has been applied for.
8. Describe the site hydrology and drainage characteristics during each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff. The materials will be excavated from the water table with an excavator. due to the existing conditions from previous mining, all rain water runs into the existing quarry and will be contained on site. Erosion control measures will be in place to minimize erosion.

GOODHUE COUNTY MINERAL EXTRACTION FACILTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

9. If proposed changes to existing drainage, describe proposed mitigation plans to control downstream off site damage caused by any increase to the natural flow of water or any diversion of the exiting natural flow of water, write NA if not changing drainage: There will not be any changes to the existing drainage.

10. Describe action to be taken to mitigate impacts related to wetlands, erosion, noise, air pollution, surface water contamination, traffic, dust, or vibrations. We will have NPDES permit with the MPCA. there will not be any impacts to wetlands. The crushing operation will also have an MPCA permit to control dust and noise requirements.

11. Description of site screening, landscaping, and security fencing. The property is currently graded. The elevation of the existing Quarry floor provides natural screening from surrounding properties.

12. Describe method for handling complaints including how to they should be received and method for resolution. Complaints should be filed with the planning and zoning department. I Doug Ims will be the companies point of contact for complaints and will address them immediately.

13. See A.2- 4

GOODHUE COUNTY MINERAL EXTRACTION FACILTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

We cut a core to verify 36 feet all rock.

14. Attach minimum of 3 cross-sections showing the extent of overburden, extent of mineral deposits, the water table, and any evidence of the water table in the past. The water table is 6 feet below the existing floor.
15. Description of methods to control the weight of the vehicles and methods to ensure vehicles do not travel on roads with weight limits lower than the weight of the vehicles.
    Vehicles will be weighed on a truck scale to maintain legal truck weight limits.
16. Description of methods to prevent mud and debris from being tracked onto public roads.
    We will install a tire cleaning device to prevent tracking leaving the site.
17. Contingency Plan. Attach a plan for responding to spills and berm/earthen dam failure, or accidental release of chemicals, process water, or tailings.
18. See A.1-7
19. Description of site security and property boundary signage to be utilized at the facility.
    There will be locked gates and Quarry signage with No Trespassing Signs.
20. Attach map of the location of public schools, churches, campgrounds, nursing homes, and platted residential properties within 1 mile of this proposal's property lines.
21. Describe local public monies or subsidies anticipated to be used in the establishment, operation, monitoring, or reclamations aspects of the proposal. N/A

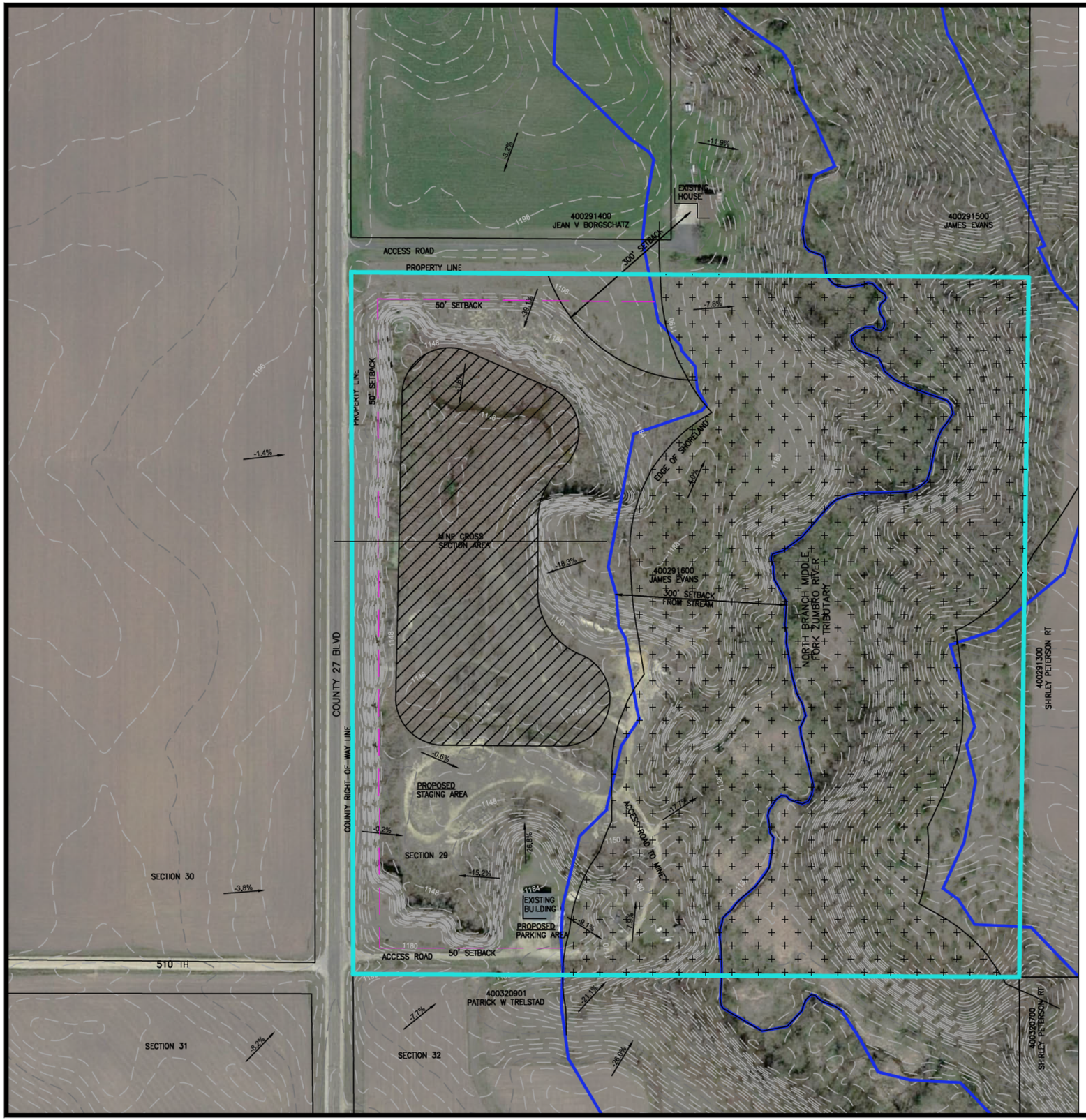
A.3 If dewatering submit plan showing:

A. Dewatering points and elevations
B. Hydro-geologic parameters of the unit dewatered including hydraulic conductivity, transmissivity, and storativity.
C. Proposed volume and rate of dewatering
D. Discharge point
E. Duration of dewatering

GOODHUE COUNTY MINERAL EXTRACTION FACILTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

A.4 Additional Requirements for Underground Mining Extraction Facilities:

1. A description of the stability of lands overlaying the underground workings. The surrounding lands are limestone, a solid rock by nature. These deposits are extremely stable.
2. Locations of adits, ventilation shafts, and other surface openings. N/A
3. Detailed description of water handling procedures, including dewatering and processing water. No de-watering is anticipated.
4. A detailed description of the fate and transport of groundwater into and out of the mine workings. All water will be contained on site.
5. Residential and farm wells will be centered inside a 500 food radius of undisturbed ground.
6. Designs for mining under public roads require approval of the road authority.
7. Mining or tunneling must maintain a 200 foot vertical extension setback from permanent surface structures.



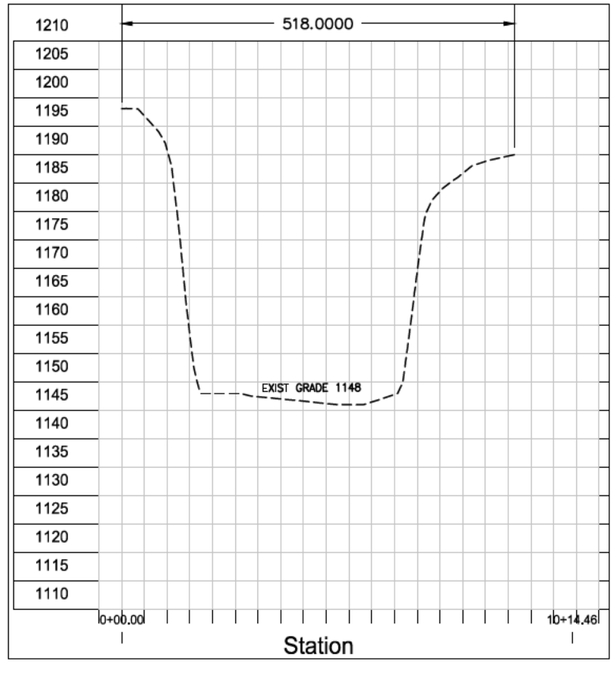
PLAN

0 100 200
SCALE IN FEET

LEGEND

PROPERTY LINE
PROTECTED STREAMS
SHORELAND
SETBACKS

PROPOSED MINING AREA



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PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

REV: DATE: DESCRIPTION:

SWENKE IMS, EVANS PIT
GOODHUE COUNTY, MINNESOTA
CUP PERMIT

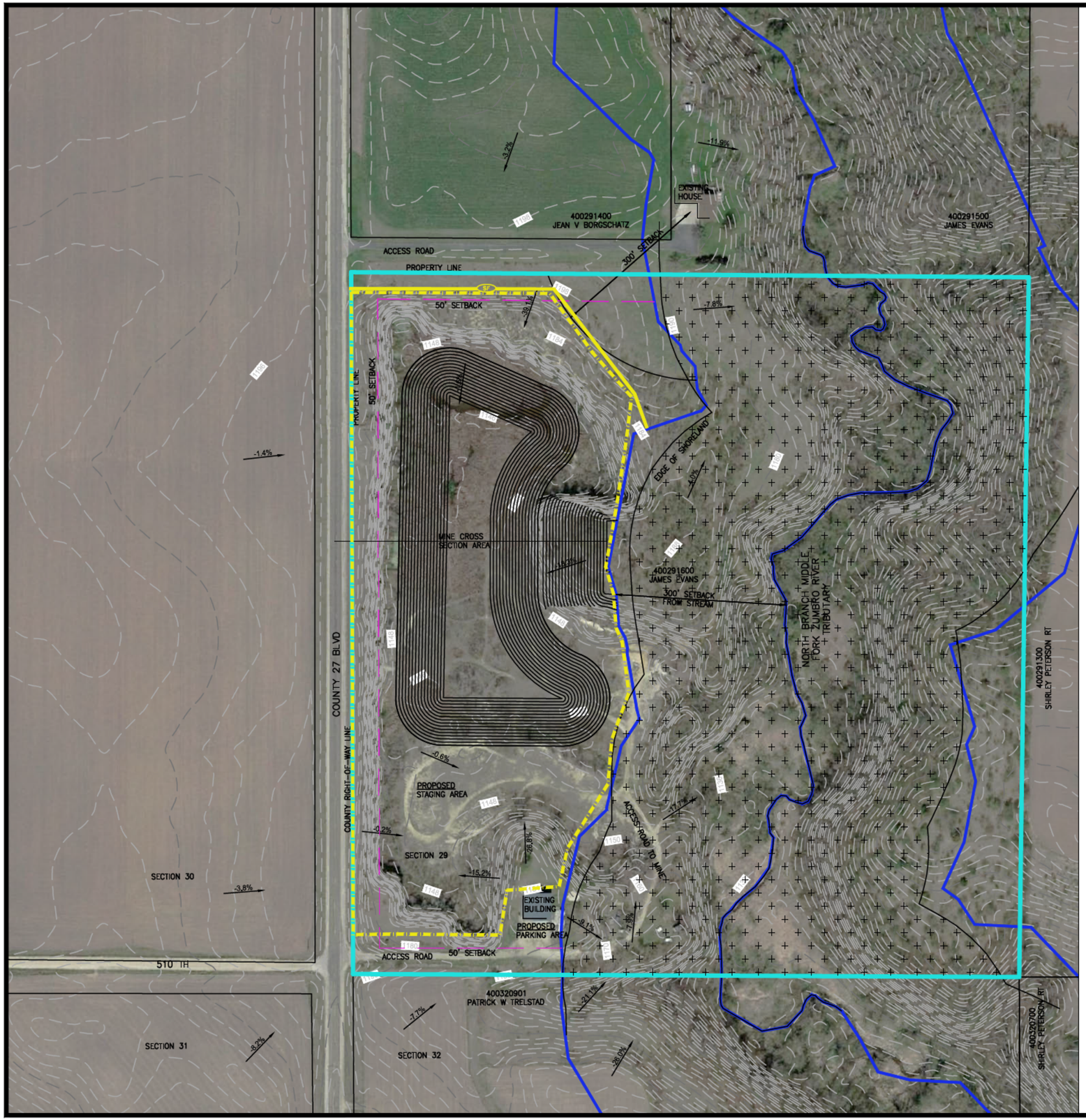
THIS SURVEY AND DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF:

SCALE: NONE
DATE: 5/22/2020
DRAWN BY: GFN
JOB NUMBER: 28-203224
DWG. FILE:

EXISTING OPERATION

Site.dwg

5/1/2020 3:22:26 PM



MINING MAP - PROPOSED OPERATIONS

1. NO FUTURE STRUCTURES.
2. LOCATION AND DEPTH OF AREA IS NOTED.
3. MACHINERY TO BE USED WILL BE ON AN AS NEEDED BASIS.
4. MINED MATERIALS WEILL BE STORED IN THE STAGING AREA.
5. LOCATION OF VEHICLE PARKING WILL BE IN THE STAGING AREA.
6. NO EXPLOSIVES WILL E STORED ON SITE.
7. THE END USE OF THE MINING OPERATION SITE SHALL BE A POND FED WITH SPRING WATER. THE POND IS DESIGNED TO MATCH THE MINING OPERATION CROSS SECTION AS SHOWN BELOW.

PLAN

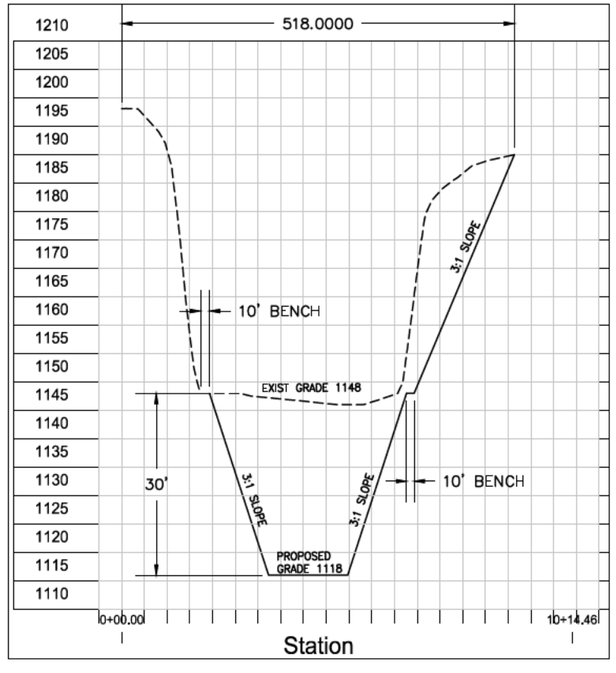
0 100 200
SCALE IN FEET

LEGEND

- PROPERTY LINE
- PROTECTED STREAMS
- SHORELAND
- SETBACKS

EROSION AND SEDIMENT CONTROL LEGEND

- LIMITS OF DISTURBANCE
- SILT FENCE



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5/4/2020 8:30:21 AM

View looking east to unmined "bumpout"

View looking northwest towards CTY 27 BLVD

View looking west to CTY 27 BLVD

View looking due south

View looking northwest

View looking due south at existing cleared quarry shelf that was unmined. Proposed to be mined under TMEF request.
"Yellow" (limestone and "blue" dolostone separation visible.

Alternate view of quarry shelf looking northwest

Example of processed aggregate material (taken near quarry entrance)

View looking north standing near entrance. Staging area and stockpile location visible to left.

Alternate view of "bumpout" area along east side of quarry.