



# GOODHUE COUNTY MINNESOTA

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

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

## Virtual Meeting Notice:

The Goodhue County Planning Advisory Commission will be conducting a meeting on February 8, 2021 at 6:00 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/442793309> or calling 1 877 309 2073 beginning at 5:50 PM or any time during the meeting. Access Code: 442-793-309

Public Comments: Interested persons must submit comments by phone, in writing, or via email by noon on Monday, February 8, 2021. To submit your comments please email them to [samantha.pierret@co.goodhue.mn.us](mailto: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.

Staff reports can be viewed online 5-days prior to the meeting. Agenda items may be subject to change. Please contact Land Use Management at (651)385-3104, or visit us on the web at [www.co.goodhue.mn.us](http://www.co.goodhue.mn.us) for more information.

## Approval Of Current Agenda

### Approval Of Previous Month's Meeting Minutes

1. January 11, 2021 PAC Meeting Minutes

Documents:

[MINUTES\\_JANUARY2021\\_PAC\\_DRAFT.PDF](#)

## Conflict/Disclosure Of Interests

### Public Hearings:

1. PUBLIC HEARING: IUP 5-Year Review And Amendment – Fitzgerald Excavating & Trucking Request, submitted by Fitzgerald Excavating & Trucking (Jason Fitzgerald, Owner/Operator), to complete a required 5-year review and amend IUP 11-C013 to allow construction of additional storage space. Parcel 33.010.0201. 21432 350th Street Goodhue, MN 55027. Part of the NW ½ of Section 10 TWP 111 Range 15 in Goodhue Township. A-1 Zoned District.

Documents:

[PACPACKET\\_FITZGERALD\\_REDACTED.PDF](#)

2. PUBLIC HEARING: Request For Map Amendment (Rezone)  
Request for map amendment, submitted by Featherstone Township, to rezone all parcels within Section 06 from A-3 (Urban Fringe) to A-2 (General Agriculture).

Documents:

[PACPACKET\\_SECTION6.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 ◆

**PLANNING COMMISSION  
GOODHUE COUNTY, MN  
January 11, 2021 MEETING MINUTES  
DRAFT**

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The meeting of the Goodhue County Planning Advisory Commission was called to order at 6:00PM by Vice-Chair Marc Huneke in the Basement IT Conference Room at the Government Center in Red Wing.

### **Roll Call**

Commissioners Present virtually via GoToMeeting: Marc Huneke, Todd Greseth, Richard Miller, Chris Buck, Darwin Fox, Richard Nystuen, and Carli Stark.

Commissioners Absent: Howard Stenerson and Tom Gale

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

### **1. Approval of Agenda**

<sup>1</sup>Motion by Commissioner Fox; seconded by Commissioner Miller to approve the meeting agenda.

**Motion carried 7:0.**

### **2. Approval of Minutes**

<sup>2</sup>Motion by Commissioner Buck; seconded by Commissioner Fox to approve the previous month's meeting minutes.

**Motion carried 7:0.**

### **3. Appointment of Chair, Vice-Chair and BOA Representative.**

<sup>3</sup>Motion by Commissioner Fox; seconded by Commissioner Miller to nominate Marc Huneke as Planning Advisory Commission Chair for 2021.

There were no other nominations.

**Motion carried 7:0**

<sup>4</sup>Motion by Commissioner Miller; seconded by Commissioner Huneke to nominate Darwin Fox as Planning Advisory Commission Vice-Chair for 2021.

There were no other nominations

**Motion carried 7:0**

<sup>5</sup>Motion by Commissioner Huneke; seconded by Commissioner Greseth to nominate Darwin Fox as PAC representative to the Board of Adjustment for 2021.

There were no other nominations.

**Motion carried 7:0**

### **4. Conflict/Disclosure of Interest**

There were no reported conflicts/disclosures of interest.

### **5. Public Hearings**

#### **PUBLIC HEARING: IUP Request for Home Businesses**

Request for an Interim Use Permit (IUP) submitted by David and Robin Koenig (Owners/Operators)

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to establish two Tier-3 Home Businesses manufacturing cotton candy and canvas cover products. Parcel 31.025.1200. 32360 HWY 58 BLVD, Red Wing, MN 55066. Part of the SW ¼ of the NE ¼ Section 25 TWP 112 Range 15 in Featherstone Township. A-2 Zoned District.

*Pierret presented the staff report and attachments.*

*Commissioner Fox questioned the proposed hours of operation from 8AM to 6PM Monday through Friday and whether that was proposed by the Applicants or a staff recommendation. He questioned the ramifications if there were deliveries outside of the approved hours, would the owners be in violation of their IUP.*

*Pierret stated the Applicants proposed the hours of operation as seen in the staff report and recommendation. She noted that occasional deliveries outside of approved hours is okay so long as operations are not regularly occurring outside of the approved hours of operation creating a nuisance.*

**Chair Huneke Opened the Public Hearing.**

*No one spoke for or against the request.*

**After Chair Huneke asked three times for comments is was moved by Commissioner Fox and seconded by Commissioner Stark to close the Public Hearing.**

**Motion carried 7:0**

**It was moved by Commissioner Fox and seconded by Commissioner Miller for the Planning Advisory Commission 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

Recommend that the County Board of Commissioners **APPROVE** the request from David and Robin Koenig for an IUP to establish two Tier-3 Home Businesses on the property.

Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this IUP;
2. Primary hours of operation shall be Monday through Friday, 8:00 AM to 6:00 PM;
3. On-street parking shall be prohibited;
4. On-street loading or off-loading shall be prohibited;
5. An assessment of water use and impact to the existing septic system should be conducted by a septic professional prior to expansion of the businesses;
6. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
7. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 12, Home Businesses and Article 22 A-2, General Agricultural District; and



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8. The IUP shall become null and void upon a change of property ownership or if the use is discontinued for a period of one year.

**Motion carried 7:0**

**PUBLIC HEARING: CUP Request for a Utility-Scale Solar Energy System (SES)**

Request submitted by USS Wildcat Solar LLC (Applicant) and Paul Betcher (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 7.57 acres. Parcel 33.027.0400. TBD County 9 BLVD, Goodhue, MN 55027. The NW ¼ of Section 27 TWP 111 Range 15 in Goodhue Township. A-1 Zoned District.

*Pierret presented the staff report and attachments.*

*Cullen Kobayashi (USS Wildcat Solar LLC) was present to discuss the application. He noted that this system would be shorter than typical SES arrays at 6 to 8 feet in height versus the typical 15+ feet.*

*Commissioner Miller questioned whether this project would be visible from the neighboring residence and County 9 BLVD.*

*Bechel noted that this project would be more visible than the previous two approved projects as it will be up on a knoll, however there have been no complaints regarding the first two solar installations from the neighboring property owners.*

*Commissioner Nystuen questioned how many additional utility scale solar projects may be coming into Goodhue County.*

*Mr. Kobayashi explained that landowners must be in Xcel territory and there needs to be substation capacity available close to their property. He noted that with the projects already approved in this area (including two approved in December by the County Board) the substation closest to this area will be at capacity after this proposed project. He added that there are approximately 4 or 5 substations in Goodhue County.*

*Bechel noted that the south part of the County, along the Highway 60 corridor is where Xcel has territory in Goodhue County. He commented on the possibility that this specific site may be rocky and not conducive for planting crops.*

*Paul Betcher (owner) stated that the knoll has sandy and rocky soils. He added he would have preferred the project to be sited further west, closer to the existing arrays, however upon discussing this with US Solar, he understands that this particular type of array must be constructed on flat ground.*

**Chair Huneke Opened the Public Hearing.**

*No one spoke for or against the request.*

**<sup>8</sup>After Chair Huneke asked three times for comments is was moved by Commissioner Fox and seconded by Commissioner Nystuen to close the Public Hearing.**

**Motion carried 7:0**

*Commissioner Miller questioned the type of fencing proposed to be installed.*

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*Pierret noted that an image was provided in the packets. The fencing is proposed to be a “farm-field style” fence, woven wire with wood posts.*

*Commissioner Miller stated he preferred chain link fencing for these projects.*

*Commissioner Stark questioned the decommissioning requirements for the project and how a forfeiture of the property could impact the County.*

*Mr. Kobayashi detailed US Solar’s decommissioning procedures and agreements with the landowners. He noted that US Solar is a long-term owner of the project and does not typically sell off their projects like other operators.*

*Bechel discussed the County Ordinance requirements for decommissioning and noted that past projects have typically held bonds/letters of credit with the property owners instead of with the County.*

*Commissioner Miller questioned whether the bond was already put in place for this project.*

*Mr. Kobayashi stated that US Solar will instate the bond with the landowner closer to construction, prior to building permit approval at the County level.*

*Hanni noted the timeline for utility-scale solar projects noting that these projects take several years from start to finish.*

**It was moved by Commissioner Nystuen and seconded by Commissioner Stark for the Planning Advisory Commission 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

Recommend that the County Board of Commissioners **APPROVE** the request for a CUP, submitted by USS Wildcat Solar LLC (Applicant) and Paul Betcher (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 7.57 acres.

Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. The project shall be decommissioned according to Article 19 Section 6 of the Goodhue County Zoning Ordinance and submitted plans;
3. A decommissioning agreement between the landowner and USS Wildcat Solar LLC shall be maintained to ensure reclamation of the area;
4. LUM staff shall be notified by the landowner or solar company 30 days prior to ownership transfer or operator changes;
5. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
6. Applicant shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix for disturbed areas of the site and should submit “seed tags” to the Land Use Management Department prior to final inspection;
7. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;

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8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy Systems (SES) and Article 21 (Agricultural Protection District). The Applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
10. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.

*Commissioner Miller questioned whether additional screening should be required for the project.*

*Discussion continued regarding making a motion for additional screening, noting screening was not required for the past two projects on this property.*

**Motion carried 7:0**

**Other-Discussion**

*Bechel reviewed a staff report sent to PAC members showing possible Ordinance changes to restrict SES projects to a specific acreage per megawatt and information on tax valuation for agricultural properties.*

*Commissioner Nystuen questioned whether there are decommissioning agreements in place on existing projects in the County.*

*Bechel stated that the decommissioning agreements are typically submitted for staff review/records with the building permit. The language is restricted by the Goodhue County Ordinance requirements.*

*Chair Huneke questioned what would happen if the landowner received the money for decommissioning costs after a solar company ceases to exist, would there be recourse for the County to require cleanup of the projects.*

*Bechel stated that for the County to require cleanup of an abandoned project, there would need to be associated complaints from neighboring property owners or data would need to be presented to staff in the future of any negative environmental impacts the solar panels may have if left on the property.*

*Hanni noted that these utility scale SES projects are expensive and if one company closes and the project goes up for sale, other companies may want to buy the infrastructure for the materials.*

*Commissioner Fox questioned whether there was an estimated decommissioning cost provided by the applicants.*

*Bechel stated the decommissioning agreements provided to staff at time of building permit application will include the proposed costs. He noted that typically they range from \$25,000 to \$50,000. He added that the cost of the recycled material is included with the projections which isn't always a reliable figure when looking 30+ years into the future.*

*Hanni noted that the County is one of the last pieces of approval for these projects. She noted that the developers have to work with landowners, Xcel Energy and other entities before applying for a CUP with the County.*

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*Commissioner Nystuen confirmed that project planning takes at least one year.*

*Commissioner Miller commented that we do not know what will be used 20+ years from now to generate electricity. He wondered whether a new technology may appear that replaces solar power making these facilities undesirable for future investment.*

*Hanni described the enhancements already taking place on some projects, switching out panels for more efficient ones etc.*

*Commissioner Nystuen discussed the upfront investment with the projects.*

*Commissioner Fox commented on Mr. Kobayashi's explanation of the substation capacity in the County. He added that he does not see the need to change the Ordinance right now because there may be fewer and fewer applications for these facilities in the next few years as substations reach capacity.*

*The PAC reached a consensus that no action be taken right now regarding changes to the Ordinance, however staff was directed to send the 3 newest PAC members the Xcel Energy territories map and information considered by the PAC in 2019 when a moratorium was being considered. The matter can be brought back for discussion in February after the new members review these materials.*

**<sup>13</sup>ADJOURN: Motion by Commissioner Nystuen and seconded by Commissioner Greseth to adjourn the Planning Commission Meeting at 7:03 PM.**

**Motion carried 7:0**

Respectfully Submitted,

Samantha Pierret; Zoning Assistant

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<sup>1</sup> APPROVE the PAC meeting agenda.

*Motion carried 7:0.*

<sup>2</sup> APPROVE the previous month's meeting minutes.

*Motion carried 7:0.*

<sup>3</sup> APPROVE Marc Huneke as PAC Chair for 2021.

*Motion carried 7:0*

<sup>4</sup> APPROVE Darwin Fox as PAC Vice-Chair for 2021

*Motion carried 7:0*

<sup>5</sup> APPROVE Darwin Fox as PAC representative to BOA for 2021.

*Motion carried 7:0*

<sup>6</sup> Motion to close the Public Hearing

*Motion carried 7:0*

<sup>7</sup> APPROVE the IUP request for two Tier-3 Home Businesses by David and Robin Koenig

*Motion carried 7:0*

<sup>8</sup> Motion to close the Public Hearing

*Motion carried 7:0*

<sup>9</sup> APPROVE the CUP request for a 1 MW SES Facility by USS Wildcat Solar LLC and Paul Betcher

*Motion carried 7:0*

<sup>10</sup> ADJOURN. Motion to adjourn the meeting.

*Motion carried 7:0*

# Goodhue County Land Use Management

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

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

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106



*County Surveyor / Recorder*

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

**To:** Planning Advisory Commission  
**From:** Land Use Management  
**Meeting Date:** February 08, 2021  
**Report date:** January 29, 2021

## **PUBLIC HEARING: IUP 5-Year Review and Amendment – Fitzgerald Excavating & Trucking**

Request, submitted by Fitzgerald Excavating & Trucking (Jason Fitzgerald, Owner/Operator), to complete a required 5-year review and amend IUP 11-CO13 to allow construction of additional storage space.

### **Application Information:**

Applicant: Fitzgerald Excavating & Trucking (Jason Fitzgerald, Owner/Operator)  
Address of zoning request: 21432 350th Street Goodhue, MN 55027  
Parcel(s): 33.010.0201  
Abbreviated Legal: Part of the NW 1/2 of Section 10 TWP 111 Range 15 in Goodhue Township  
Zoning District: A1 (Agricultural Protection District)

### **Attachments and links:**

Applications and submitted project summary (excerpt of materials; full submittal available upon request)  
Existing IUP Recorded Document (11-CO13)  
Township Zoning Approval form (for proposed shed)  
Goodhue Township statement regarding 215<sup>TH</sup> AVE driveway access  
Site visit photos  
Site Map(s)  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

In March 2012, Jason Fitzgerald (Owner, Fitzgerald Excavating and Trucking) received Interim Use Permit (IUP 11-co13) approval to establish a “Commercial/Industrial business primarily intended to Serve the Agricultural Community” in section 10 of Goodhue Township. The business provides a variety of excavating and trucking services to commercial, governmental, and agricultural clients throughout southeastern Minnesota.

Mr. Fitzgerald recently contacted Land Use Management (LUM) staff to discuss constructing a new shed on the property to provide additional covered storage for business-related equipment and materials. Upon reviewing the existing IUP documentation, LUM staff became aware that a condition mandating a 5-year Planning Commission review specified by the County Board had not yet been satisfied. LUM staff also determined that the Applicant’s proposed storage expansion was beyond the scope and scale of the Applicant’s IUP approval and an amendment would be needed to allow the proposed construction.

No official action is required for the 5-year review unless the Planning Commission feels changes are warranted. A Planning Commission recommendation and County Board action is required to allow the requested storage expansion and modifications to the existing IUP conditions.

## **Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses**

*No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage, and other necessary facilities, to provide sufficient off-street parking and loading space, to control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

### **Project Summary:**

#### **Property Information:**

- The subject parcel comprises 34.9 acres. The business is primarily located on the northern half of the property and the Applicant's residence occupies the southern half.
- Existing buildings for the business include a 104-foot x 60-foot repair shop (including a 16-foot x 104-foot lean-to) with a 60-foot x 40-foot attached office space and an approximately 120-foot x 50-foot cold storage building.
- The property and all adjacent lands are zoned A-1 (Agriculture Protection).
- Adjacent land uses include primarily row-crop and animal agriculture (feedlots) to the east, south, and west and medium-density residential uses to the north. The nearest residences are located approximately 500 feet north of the operation (Ronald Fredrickson, David Roschen, Dennis Gadiant).

Existing stands of mature woods on the Applicant's property and adjacent parcels provide effective screening of the operation from adjacent residential uses.

- Primary business access is located off of 350<sup>TH</sup> ST (crushed aggregate surface) on the north end of the property. 350<sup>TH</sup> ST connects to State HWY 58 approximately 400 feet west of the main entrance.

*The Applicant applies annual chloride treatment along 350<sup>TH</sup> ST from property entrance west to ST HWY 58 in the springtime to provide dust control as required by IUP condition #7.*

#### **Goodhue Township:**

- Goodhue Township received the application materials from the applicant and signed the IUP Application acknowledgment on 1/13/21 without comment.
- Goodhue Township has also approved the Township Zoning Approval permit for the proposed 120-foot x 40-foot x 16-foot "loafing" shed.
- Goodhue Township provided a written statement noting the Township is not opposed to Mr. Fitzgerald's request to utilize the 215<sup>TH</sup> AVE access drive.

#### **Review of Existing IUP:**

- The business is operated by the Applicant with the assistance of approximately 10 year-round employees which expands to 25 or more total employees during the peak of construction season. Typically, only 1-2 employees are on-site during the day. Most employees report directly to a job site and only visit the shop to obtain materials and equipment as needed.
- Daily hours of operation are 6 AM to 9 PM, with occasional extended hours to accommodate emergencies.
- The Applicant has obtained all required Building approvals as required by the IUP.
- Goodhue County Sanitarian Ben Hoyt reviewed the Applicant's operation. He noted that the Applicant needs to complete an Operating Permit form for the existing holding tank servicing the office building.
- The business has not operated without issue since IUP approval in 2012. The Applicant has cooperated with staff to address issues primarily related to the storage of demolition materials and rubbish on the site on separate occasions.



The Applicant has been responsive to issues as they have arisen and has promptly made corrections where violations have been identified.

- A review of the Applicant's file found no record of complaints from the general public regarding the operation.
- Existing IUP condition #10 states "Primary road access to and from the property shall be on 350th Street to Highway 58. The road access on 215th shall be closed by April 1, 2012." This condition was added by the County Board of Commissioners during the IUP approval process, but, was not a requirement specified by Goodhue Township or the Planning Advisory Commission.

Though the Applicant did initially install barriers to restrict access off of 215<sup>TH</sup> AVE as mandated, those barriers are no longer present and the driveway is occasionally used to access the 120-foot x 50-foot cold storage building.

The Applicant desires to establish the 215<sup>TH</sup> AVE driveway as a permanent access to improve on-site traffic circulation and safety. LUM Staff has discussed the 215<sup>TH</sup> AVE access issue with Goodhue Township on several occasions and they have expressed they are not opposed to the Applicant's use of the existing access to support his operation.

*Goodhue Township has provided a written statement indicating their support of removing the condition restricting 215<sup>TH</sup> AVE access.*

- Staff conducted a site visit on January 28, 2021. No zoning violations were observed and the operation appears to be in conformance with the conditions of the IUP with the exception of the secondary driveway access to 215<sup>TH</sup> AVE.
- LUM staff does not recommend requiring an additional 5-year review at this time.

#### **Proposed IUP Amendments:**

- The Applicant is proposing to construct a 120-foot x 40-foot x 16-foot 3-sided "loafing" shed. The shed would be primarily used to provide dry storage for miscellaneous equipment and landscaping materials (straw etc.). These materials are currently stored outside or in the existing 120-foot x 50-foot cold storage building which the Applicant intends to use for vehicle and equipment storage.

The shed is proposed to be setback a minimum of 60-feet from the edge of the 350<sup>TH</sup> ST and 215<sup>TH</sup> AVE Right-of-Ways as required by Ordinance.

- The Applicant is also requesting consideration to construct a second approximately 120-foot x 40-foot cold storage building (exact dimensions to be determined) in the future if the need arises. He anticipates the structure would be sited west of the existing 120-foot x 50-foot cold storage.

No exterior lighting, plumbing, or signage is proposed for either building.

- No changes are proposed to the scale or intensity of the existing operation. The amendment request would not expand the current employment figures for the business.

#### **IUP Conditions:**

- The existing IUP is subject to 10 conditions. Conditions #1, #2, and #6 have been satisfied by the Applicant and are no longer applicable. LUM Staff proposes removing these conditions from the IUP.
- LUM Staff is also proposing to modify existing condition #7 regarding calcium chloride treatment of the Township road and to remove existing conditions #9 and #10.

*Removing condition #9 eliminates a Bi-annual inspection by LUM staff of the Applicant's business. This is not a standard practice and has not been regularly completed as conditioned. Typically, the LUM department responds to Ordinance violations when complaints are received from the public or local officials.*

- LUM Staff is proposing to add condition #11 regarding Building Permit and Environmental Health approvals for the Applicant's proposed storage buildings.

### **Existing Findings of Fact:**

Below are the existing Findings of Fact supporting the approval of IUP 11-co13. The PAC should consider whether any modifications are warranted.

- A. The proposed structure and parking/circulation/storage areas are sufficiently screened from surrounding land uses by vegetation, berms or natural topography so as to limit negative visual impacts.
- B. Site grading has included berms and extensive planting of pine trees to screen and beautify the site.
- C. The proposed business site has convenient indirect access to State Highway 58 requiring limited use of Township Road for access/egress.
- D. Former use of the site for mining of clay has left significantly disturbed soils, leaving the site of limited value for agricultural use.
- E. Noise generated from Trucks and Heavy Equipment will be mitigated by the use of berms and planting of trees.
- F. Goodhue Township has signed the applicant's CUP/ IUP Application to the County and offered no comments regarding the proposed use of the property.
- G. Applicant performs a considerable amount of work for the agricultural community.

### **Staff Recommendation for IUP Amendment:**

Land Use Management Staff recommends the Planning Advisory Commission

- 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

recommend the County Board of Commissioners **APPROVE** the request, submitted by Fitzgerald Excavating & Trucking (Jason Fitzgerald, Owner/Operator), to amend IUP 11-CO13 to allow construction of additional storage space. Upon approval, this IUP shall revoke and replace existing IUP 11-CO13.

Subject to the following conditions:

(Deletions shown in ~~strikethrough~~; additions shown in **bold**; modifications shown in underline).

- ~~1. Completion of the building project to expand the existing 6240 sq. ft. building may not proceed prior to issuance of a building permit from Goodhue County; and~~
- ~~2. Use of the Structure for business purposes shall be subject to issuance of a Certificate of Occupancy by the Goodhue County Building Official; and~~
3. Dumping, disposal, or storage of scrap iron, metal, glass, unused appliances or machinery, junk, garbage, rubbish, or any other refuse, or of ashes, slag, or other industrial wastes or by-products shall be expressly prohibited on site;
4. Dumping, disposal, or storage of demolition debris shall be prohibited on the site;
5. Authorized Business Use of the property shall include the Fitzgerald Trucking and Excavation Business: Office, Shop, Vehicle, and Equipment Storage (in Structures or on approved graded and compacted site areas designed for use as parking and driveways). In addition, orderly storage of building materials including but not limited to concrete pipes and metal culverts shall also be permitted on approved graded and compacted site areas.
- ~~6. Following spring thaw (approximately April 1, 2012) the applicant shall schedule an inspection by the County Planner/Zoning Administrator and the Goodhue SWCD, District Engineer to review site grading to address any erosion and sediment control concerns.~~
- ~~7. Applicant shall chloride roads fronting property to Highway 58 annually. time } shall be paid~~

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"To effectively promote the safety, health, and well-being of our residents"

www.co.goodhue.mn.us



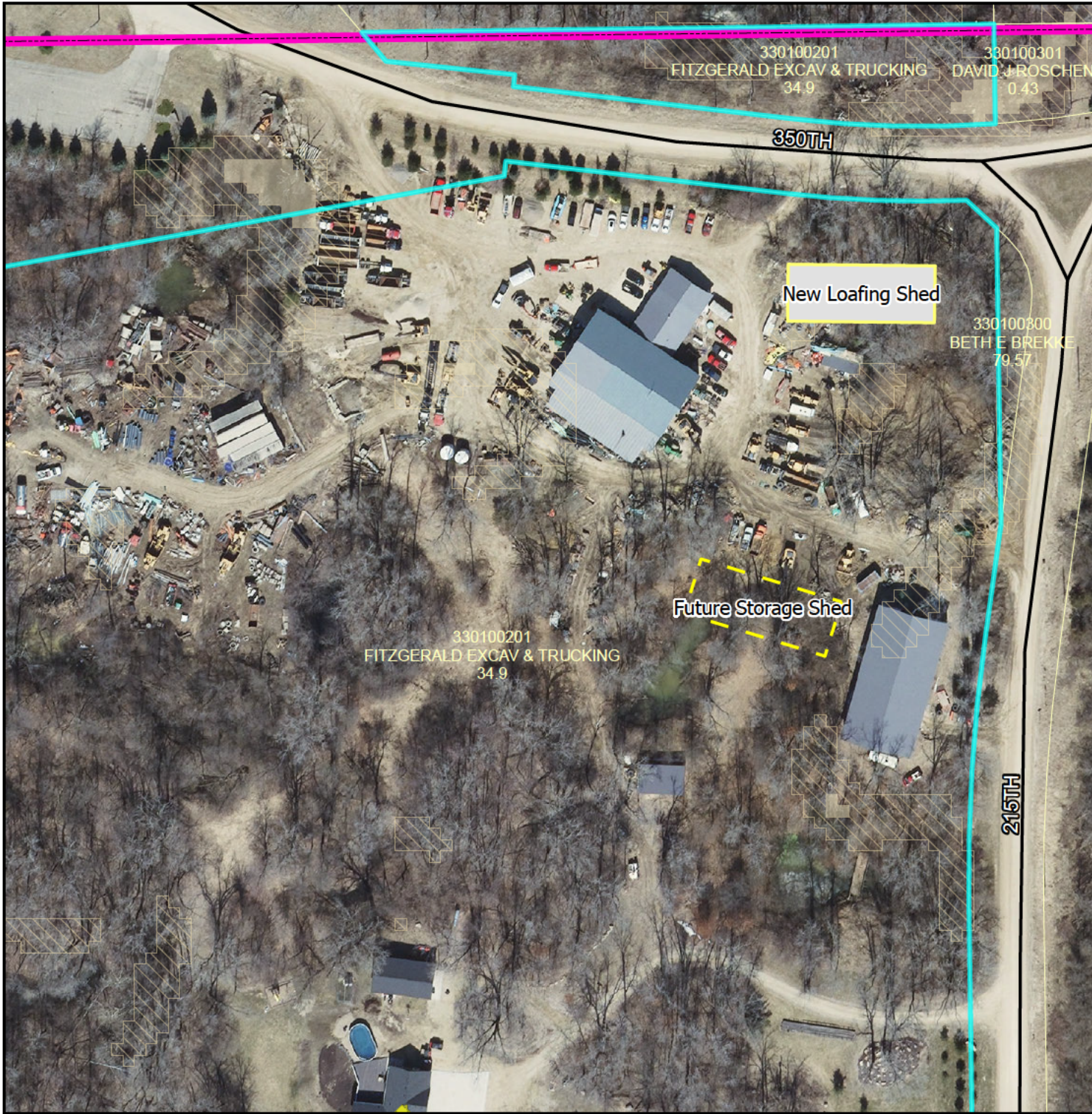
to the County by Fitzgerald Trucking Excavation.}

Applicant shall bear the costs to provide annual Calcium Chloride dust control treatment from the 215<sup>TH</sup> AVE business entrance north to the 350<sup>TH</sup> ST intersection and from the intersection west along 350<sup>TH</sup> ST to State Highway 58;

8. Regular shop hours shall not exceed 6am to 9pm with provisions made for emergency use. Any non-emergency situations that will exceed the 6am to 9pm restriction must be approved by the LUM department and submitted in writing to the LUM department expressing the reasons for the requested exception;
- ~~9. Bi annual inspection of Interim Use Permit Site to ensure compliance with Interim Use Permit conditions and any applicable County regulations or permit requirements. Costs associated with the bi annual inspections, not to exceed \$250.00, shall be paid to the County by Fitzgerald Trucking and Excavation.~~
- ~~10. Primary road access to and from the property shall be on 350th Street to Highway 58. The road access on 215th shall be closed by April 1, 2012.~~
- 11. Applicant shall obtain all necessary Building and Sanitary Permit approvals from the Goodhue County Land Use Management Department prior to constructing the proposed storage buildings.**



# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
February 8, 2021

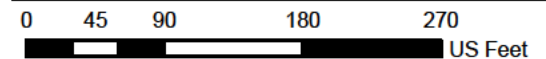
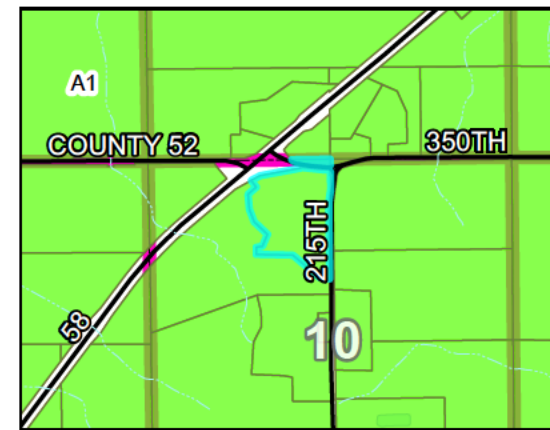
Fitzgerald Excavating & Trucking  
Jason Fitzgerald (Owners/Operators)  
A2 Zoned District

Part of the NW 1/2 of Section 10  
TWP 111 R15 in  
Goodhue Township

Request to complete a required 5-year  
review and amend IUP 11-C013 to allow  
construction of additional storage space.

### 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



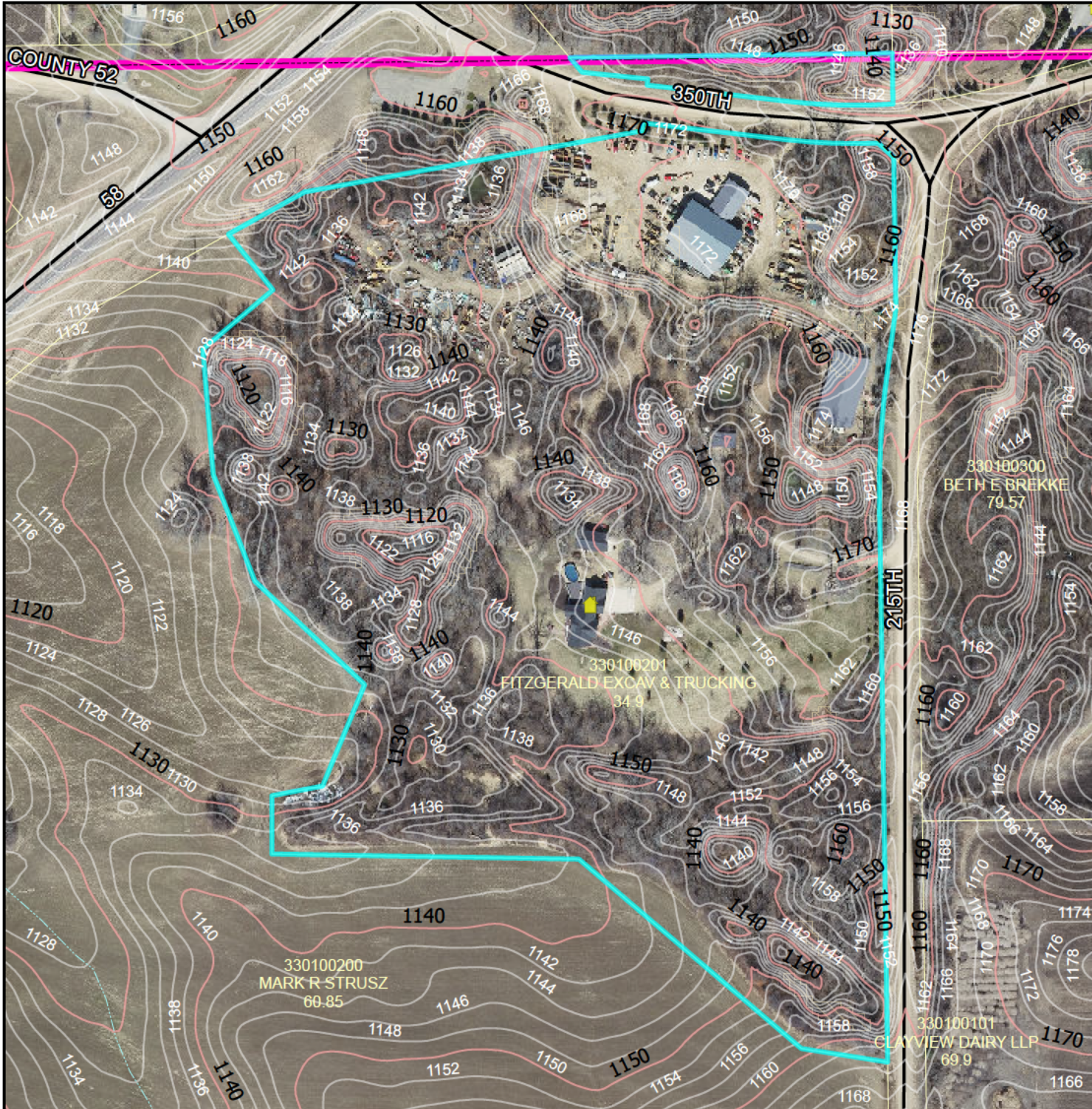
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2020 Aerial Imagery  
Map Created January, 2021 by LUM





# MAP 03: ELEVATIONS



## PLANNING COMMISSION

Public Hearing  
February 8, 2021

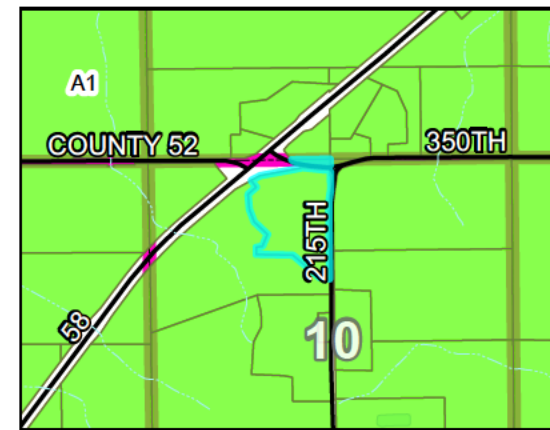
Fitzgerald Excavating & Trucking  
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Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



0 90 180 360 540 US Feet

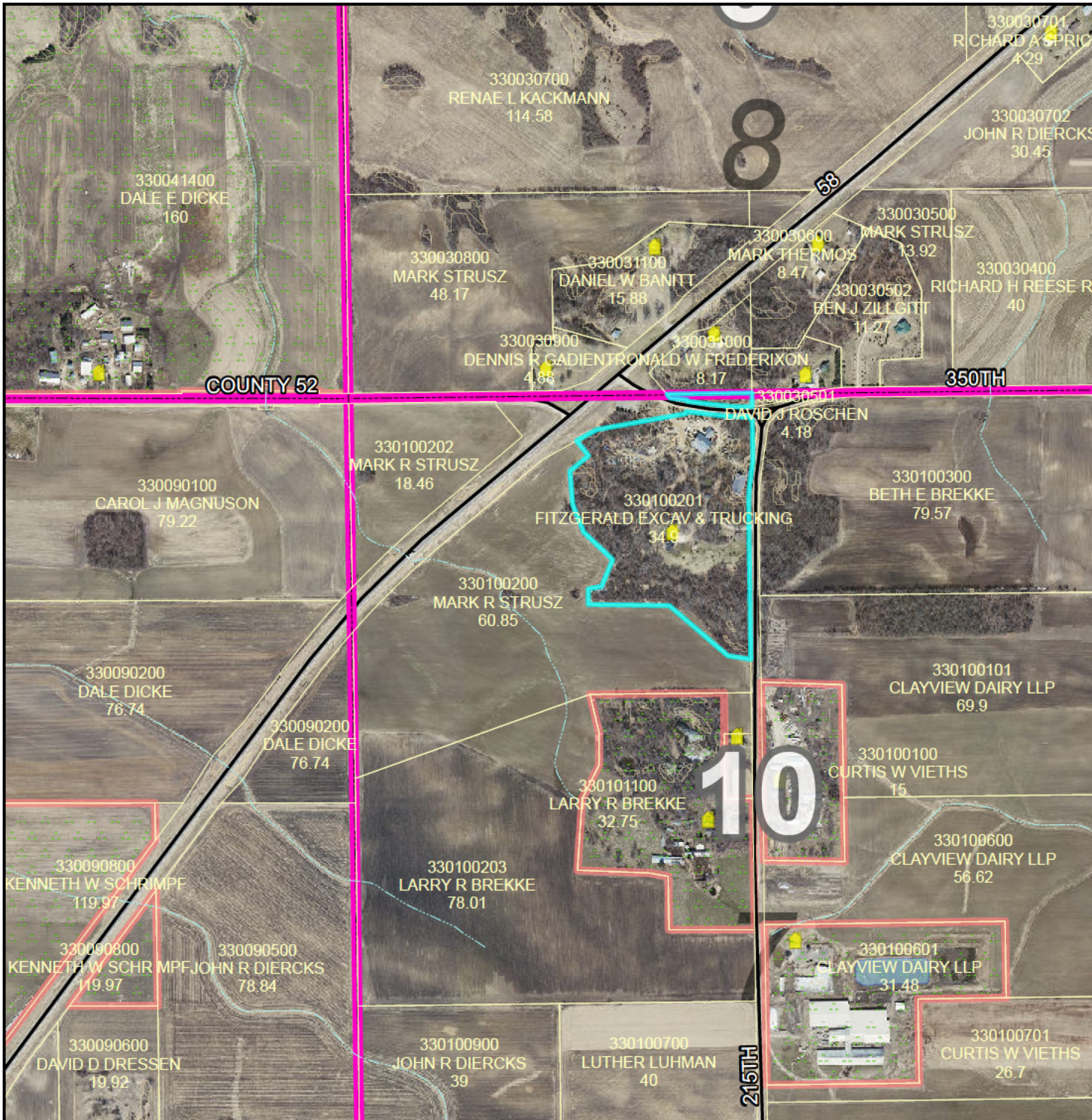
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2020 Aerial Imagery  
Map Created January, 2021 by LUM





# MAP 02: VICINITY MAP



## PLANNING COMMISSION

Public Hearing  
February 8, 2021

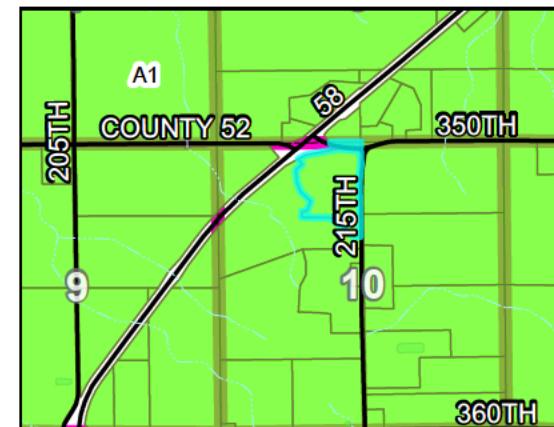
Fitzgerald Excavating & Trucking  
Jason Fitzgerald (Owners/Operators)  
A2 Zoned District

Part of the NW 1/2 of Section 10  
TWP 111 R15 in  
Goodhue Township

Request to complete a required 5-year  
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### 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



0 360 720 1,440 2,160  
US Feet

DATA DISCLAIMER: Goodhue County assumes  
NO liability for the accuracy or completeness of this map  
OR responsibility for any associated direct, indirect,  
or consequential damages that may result from its use  
or misuse. Goodhue County Copyright 2021.

2020 Aerial Imagery  
Map Created January, 2021 by LUM















The Goodhue Township Board is not opposed to  
Mr. Fitzgerald's use of the 215<sup>th</sup> Ave driveway access.

1-28-21

Wade Wilke (Supervisor)



**TOWNSHIP ZONING APPLICATION**

**TOWNSHIP NAME** \_\_\_\_\_

Goodhue County

Parcel # \_\_\_\_\_

**APPLICANT INFORMATION**

Last Name <i>Fitzgerald</i>	First <i>JASON</i>	M.I. <i>J</i>
Street Address <i>21432 350th St</i>		Phone
City <i>Goodhue</i>	State <i>mn</i>	ZIP <i>55027</i>
Email Address		
Township/111N	Range <i>015W SE quarter SE quarter</i>	Section <i>28</i>

**PROJECT INFORMATION**

Site Address <i>Same</i>		
Zoning District	Lot Size	Structure Dimensions <i>120x40</i>
Type of Project <i>Construct a 40x120 lean to</i>	Proposed Use <i>Straw/Blanket Equipment Storage</i>	
Structure Type <i>Wood/pole</i>	Replacement? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<i>New</i>
Variance # _____	Conditional Use Permit # _____	
Name of Property Owner: <i>Fitzgerald Excavating &amp; Trucking Inc.</i>		

**DISCLAIMER AND SIGNATURE**

*I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.*

Signature <i>[Signature]</i>	Date <i>12-28-20</i>
------------------------------	----------------------

**TOWNSHIP APPROVALS**

*I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.*

Signature <i>Dale Duke</i>	Title <i>Supervisor</i>	Date <i>1-2-21</i>
----------------------------	-------------------------	--------------------

Signature	Title	Date
-----------	-------	------

Application fee \_\_\_\_\_

Receipt Number \_\_\_\_\_

RECEIVED

JAN 14 2021

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 33-010-0201

Land Use Management Permit # 321-0001

PROPERTY OWNER INFORMATION

Last Name	<u>Fitzgerald</u>	First	<u>JASON</u>	Email:	[REDACTED]
Street Address	<u>21432 350th St</u>			Phone	[REDACTED]
City	<u>Goodhue</u>	State	<u>MN</u>	Zip	<u>55027</u>
Authorized Agent				Phone	[REDACTED]
Mailing Address of Landowner:	<u>21432 358th St. Goodhue MN</u>				
Mailing Address of Agent:					

PROJECT INFORMATION

Site Address (if different than above):

Lot Size 35 ACRES Structure Dimensions (if applicable) 120x40x16 open front Bldg

What is the conditional/interim use permit request for?

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized

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: [Signature] Date 1-11-21

Signature of Agent Authorized by Agent:

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 request.

Signature Rale Duke Title Supervisor Chairman Date 1-13-21

Comments:

COUNTY SECTION COUNTY FEE \$350 RECEIPT # DATE PAID

Applicant requests a CUP/IUP pursuant to Article \_\_\_ Section \_\_\_ Subdivision \_\_\_ of the Goodhue County Zoning Ordinance

What is the formal wording of the request?

Shoreland \_\_\_ Lake/Stream Name \_\_\_ Zoning District \_\_\_

Date Received \_\_\_ Date of Public Hearing \_\_\_ DNR Notice \_\_\_ City Notice \_\_\_

Action Taken: \_\_\_ Approve \_\_\_ Deny Conditions:



GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

**PROJECT SUMMARY**

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).

Excavating & Trucking Inc. shop Proposed Bldg  
will be used for storage of materials

2. Planned use of existing buildings and proposed new structures associated with the proposal.

Storage of materials used in construction

3. Proposed number of non-resident employees.

25 in peak season

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

6 AM 9 p.m

5. Planned maximum capacity/occupancy.

10 people

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

We have a main access off 54 and would like a second one on 215th Ave

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

NA

8. Proposed solid waste disposal provisions.

We have a dumpster weekly from Countryside Trans. & Int'l

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

NA Holding Tank for office & shop

10. Existing and proposed exterior lighting.

No Proposal, Existing Bldg has exterior lights

11. Existing and proposed exterior signage.

None

12. Existing and proposed exterior storage.

Proposed

13. Proposed safety and security measures.

We have a safety plan in place

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

2nd Driveway would be beneficial

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

We Chloride the short stretch of roadway  
frontage by shop

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

Grading of Area where new Bldg would go  
is necessary

17. Existing and proposed surface-water drainage provisions.

We currently drain

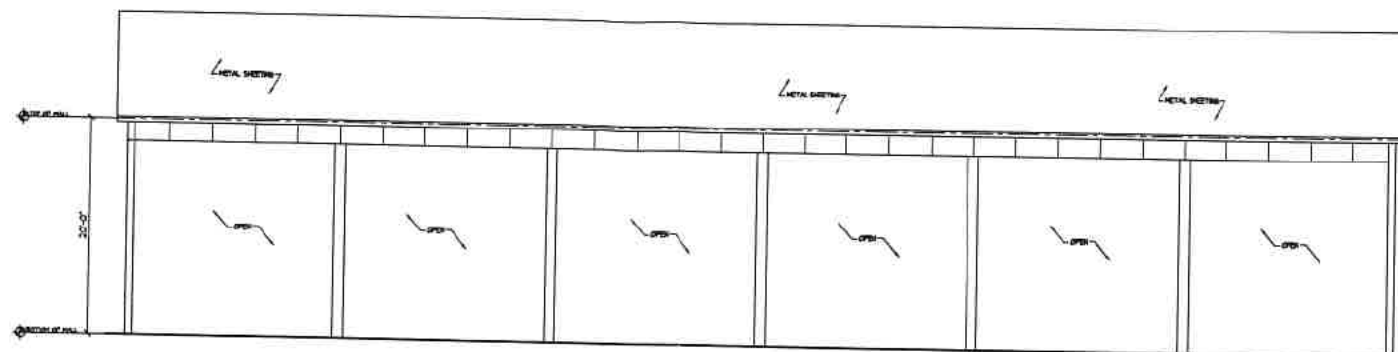
18. Description of food and liquor preparation, serving, and handling provisions.

NA

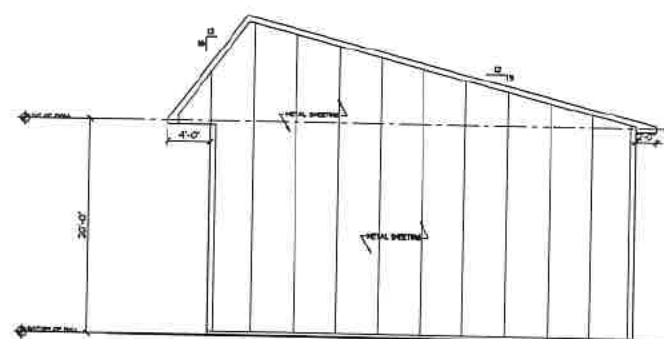
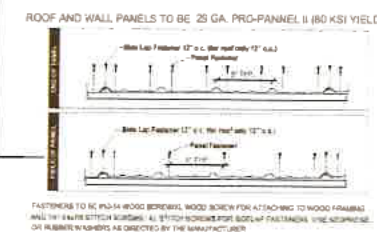
19. Provide any other such information you feel is essential to the review of your proposal.

would also like consideration for additional future  
stos.

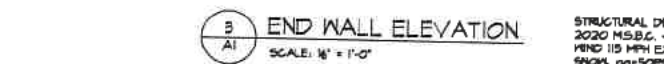




1 SIDE WALL ELEVATION  
SCALE: 1/8" = 1'-0"

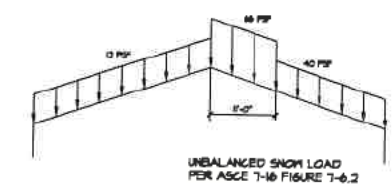


2 END WALL ELEVATION  
SCALE: 1/8" = 1'-0"



3 END WALL ELEVATION  
SCALE: 1/8" = 1'-0"

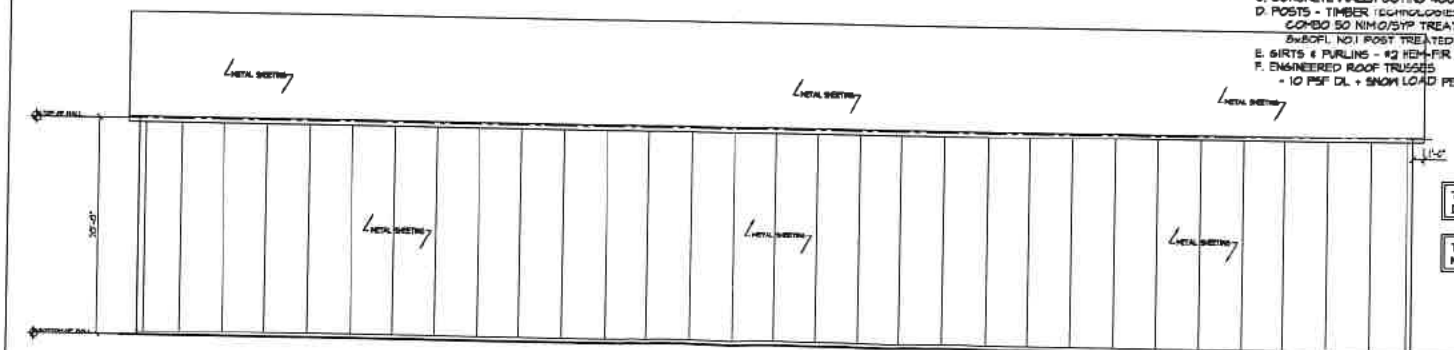
STRUCTURAL DESIGN LOADS:  
2020 MSBC - 2018 IBC  
WIND 15 MPH EXP. B  
SNOW ps=50PSF  
C=1.0  
C1=1.2  
I=1.0  
Cs=0.45  
S= 40 PSF BALANCED (UNEALIGNED PER FIGURE)



SHEET INDEX  
A1 - EXT ELEVATIONS  
A2 - FLOOR PLAN & SECTION

CODE DATA  
A. CONSTRUCTION GROUP - S-1  
B. FLOOR AREA - 4800 S.F.  
C. CONSTRUCTION TYPE - V-N  
D. SNOW LOAD - PER STRUCTURAL DESIGN LOADS LISTED ABOVE  
E. WIND LOAD - PER STRUCTURAL DESIGN LOADS LISTED ABOVE  
F. SOIL BEARING - ASSUMED 2000 PSF

STRUCTURAL DATA  
A. CONCRETE PIERS - 5000 PSI  
B. CONCRETE FLOOR - 4000 PSI, 6% AIR ENTR.  
C. CONCRETE WALLFOOTING 4000 PSI  
D. POSTS - TIMBER (ENGINEERED GLULAM TITAN TIMBER 2x6 (SEE PLAN FOR PLY NUMBER) COMBO 50 N1M/SYP TREATED FOR GROUND CONTACT SWSOPL NO.1 ROST TREATED AT REAR OVERHANG (SEE SIDEWALL SECTION FOR LOCATION)  
E. GIRTS & PURLINS - #2 KEM-FIR  
F. ENGINEERED ROOF TRUSSES - 10 PSF DL + SNOW LOAD PER STRUCTURAL DESIGN LOADS LISTED ABOVE



4 SIDE WALL ELEVATION  
SCALE: 1/8" = 1'-0"

TRUSS PER MANUFACTURER TRUSS BOTTOM CHORD AND DIAGONAL BRACINGS BETWEEN TRUSSES PER MANUFACTURER

THIS BUILDING MEETS OR EXCEEDS ALL CURRENT MINNESOTA BUILDING CODES

**BEHR DESIGN INC**  
OFFICE (953) 746-7782 | FAX (953) 746-7783  
CELL (953) 994-6682  
E-MAIL: info@behr-design.com

BEHR DESIGN, INC. IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFICIENCIES OR DAMAGES TO THE BUILDING OR TO THE PERSONS OR PROPERTY THEREIN. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF THE BUILDING AND THE PERSONS AND PROPERTY THEREIN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF THE BUILDING AND THE PERSONS AND PROPERTY THEREIN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF THE BUILDING AND THE PERSONS AND PROPERTY THEREIN.

**SIWEK LUMBER & MILLWORK  
FITZGERALD**  
MINN. MN

DATE: 10/20/21  
DRAWN BY: Peter K.  
PROJECT NO: 24345L  
0.001, 0.002, 0.003, 0.004, 0.005, 0.006, 0.007, 0.008, 0.009, 0.010, 0.011, 0.012, 0.013, 0.014, 0.015, 0.016, 0.017, 0.018, 0.019, 0.020, 0.021, 0.022, 0.023, 0.024, 0.025, 0.026, 0.027, 0.028, 0.029, 0.030, 0.031, 0.032, 0.033, 0.034, 0.035, 0.036, 0.037, 0.038, 0.039, 0.040, 0.041, 0.042, 0.043, 0.044, 0.045, 0.046, 0.047, 0.048, 0.049, 0.050, 0.051, 0.052, 0.053, 0.054, 0.055, 0.056, 0.057, 0.058, 0.059, 0.060, 0.061, 0.062, 0.063, 0.064, 0.065, 0.066, 0.067, 0.068, 0.069, 0.070, 0.071, 0.072, 0.073, 0.074, 0.075, 0.076, 0.077, 0.078, 0.079, 0.080, 0.081, 0.082, 0.083, 0.084, 0.085, 0.086, 0.087, 0.088, 0.089, 0.090, 0.091, 0.092, 0.093, 0.094, 0.095, 0.096, 0.097, 0.098, 0.099, 0.100, 0.101, 0.102, 0.103, 0.104, 0.105, 0.106, 0.107, 0.108, 0.109, 0.110, 0.111, 0.112, 0.113, 0.114, 0.115, 0.116, 0.117, 0.118, 0.119, 0.120, 0.121, 0.122, 0.123, 0.124, 0.125, 0.126, 0.127, 0.128, 0.129, 0.130, 0.131, 0.132, 0.133, 0.134, 0.135, 0.136, 0.137, 0.138, 0.139, 0.140, 0.141, 0.142, 0.143, 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SHEET NO.  
**A1**  
EXTERIOR ELEVATIONS



# SITE PLAN

State the use of the property. Show the size, shape and location of structures with distance to property lines and location of ALL wells and septic systems.

*160'*  
*Proposed 180x40 Storage Bldg. to meet All required setbacks*



## Legend

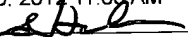
Intermittent Streams	Bluff Impact Zones (% slope)
Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2021.




OFFICE OF THE  
COUNTY PLANNER/ZONING ADMINISTRATOR  
Goodhue County, Minnesota

Certified, Filed, and or Recorded on:  
April 10, 2012 11:00 AM  
Signed  Deputy  
LISA M HANNI  
GOODHUE COUNTY RECORDER  
Fee Amount: \$46.00

I, Michael A. Wozniak, Planner/Zoning Administrator of the County of Goodhue and State aforesaid, do hereby certify, that I have compared the within and annexed with the record of **a 5-year mandatory review Interum Use Permit for a trucking and excavating business on parcel 33.010.0201 within A-1 Zone District of Goodhue Township** from the County of Goodhue to **Fitzgerald Trucking & Excavating (Jason Fitzgerald)** filed in this office, and the same is a true and correct transcript from such record and of the whole thereof.

Witness my hand this 21<sup>st</sup> day of  
**March , 2012**

  
Michael A. Wozniak, AICP  
County Planner/Zoning Administrator  
Goodhue County, Minnesota

**STATE OF MINNESOTA  
COUNTY OF GOODHUE**

**PLANNING ADVISORY COMMITTEE  
BOARD OF COMMISSIONERS  
INTERIM USE PERMIT PROCEEDINGS  
FILE NO. 11-C013**

In the matter of:

A request for a INTERIM USE PERMIT submitted by Fitzgerald Trucking and Excavating (Jason Fitzgerald) from Article 20, Section 3, Subdiv. 13 to allow construction and operation of the Fitzgerald Trucking and Excavating business on parcel 33.010.0602, within A-1 Zone District of Goodhue Township.

The above-entitled matter came to be heard before the Goodhue County Planning Advisory Committee on the 12<sup>th</sup> day of December, 2011 on a petition for an INTERIM USE PERMIT to allow construction and operation of the Fitzgerald Trucking and Excavating business on parcel 33.010.0602, within A-1 Zone District of Goodhue Township.

APPLICANT MAILING ADDRESS: 20865 390<sup>th</sup> Street, Goodhue, MN 55027

PARCEL NO. 33.010.0602

LEGAL DESCRIPTION: See Attached

IT IS RECOMMENDED to the Goodhue County Board of Commissioners that the INTERIM USE PERMIT for Fitzgerald Trucking and Excavating (Jason Fitzgerald) be APPROVED to allow construction and operation of the Fitzgerald Trucking and Excavating business on parcel 33.010.0602, within A-1 Zone District of Goodhue Township, with the following conditions;

1. Completion of the building project to expand the existing 6240 sq. ft. building may not proceed prior to issuance of a building permit from Goodhue County; and
2. Use of the Structure for business purposes shall be subject to issuance of a Certificate of Occupancy by the Goodhue County Building Official; and
3. Dumping, disposal, or storage of scrap iron, metal, glass, unused




appliances or machinery, junk, garbage, rubbish, or any other refuse, or of ashes, slag, or other industrial wastes or by-products shall be expressly prohibited on site; and

4. Dumping, disposal, or storage of demolition debris shall be prohibited on the site; and
5. Authorized Business Use of the property shall include the Fitzgerald Trucking and Excavation Business: Office, Shop, Vehicle and Equipment Storage (in Structure or on approved graded and compacted site areas designed for use as parking and driveways. In addition, orderly storage of building materials including but not limited to concrete pipes and metal culverts shall also be permitted on approved graded and compacted site areas.
6. Following spring thaw (approximately April 1, 2012) the applicant shall schedule an inspection by the County Planner/Zoning Administrator and the Goodhue SWCD, District Engineer to review site grading to address any erosion and sediment control concerns.
7. Applicant shall chloride roads fronting property to Highway 58 annually. *(time) shall be paid to the County by Fitzgerald Trucking Excavation.)*
8. Regular shop hours shall not exceed 6am to 9pm with provisions made for emergency use. Any non-emergency situations that will exceed the 6am to 9pm restriction must be approved by the LUM department and submitted in writing to the LUM department expressing the reasons for the requested exception.
9. Bi-annual inspection of Interim Use Permit Site to ensure compliance with Interim Use Permit conditions and any applicable County regulations or permit requirements. Costs associated with the bi-annual inspections, not to exceed \$250.00, shall be paid to the County by Fitzgerald Trucking and Excavation.
10. Primary road access to and from the property shall be on 350<sup>th</sup> Street to Highway 58. The road access on 215<sup>th</sup> shall be closed by April 1, 2012.

Date signed:

4/4/2012



B. Overby, Chairperson

Goodhue County Planning Advisory Commission

The above entitle matter came to be heard before the Goodhue County Board of Commissioners on the 1<sup>st</sup> day of June, 2010 on a petition for an INTERIM USE PERMIT for Fitzgerald Trucking and Excavating (Jason Fitzgerald) to allow construction and operation of the Fitzgerald Trucking and Excavating business on parcel 33.010.0602, within A-1 Zone District of Goodhue Township, pursuant to Goodhue County Zoning Ordinance.

IT IS ORDERED that the 5 year mandatory review INTERIM USE PERMIT for Fitzgerald Trucking and Excavating (Jason Fitzgerald) to allow construction and operation of the Fitzgerald Trucking and Excavating business on parcel 33.010.0602, within A-1 Zone District of Goodhue Township be APPROVED given on January 3, 2012 by the County Board of Commissioners, with the following conditions;

**Moved by C/Rechtzigel, seconded by C/Allen, and carried to approve an Interim Use Permit for a term of five (5) years to allow construction and operation of the Fitzgerald Excavating and Trucking Business on Parcel #33.010.0201 located in Twp-111N Range-015W, Part of E ¼, NW ¼, Section 10- Goodhue Township subject to the following conditions:**

8. Completion of the building project to expand the existing 6240 sq. ft. building may not proceed prior to issuance of a building permit from Goodhue County; and
9. Use of the Structure for business purposes shall be subject to issuance of a Certificate of Occupancy by the Goodhue County Building Official; and
10. Dumping, disposal, or storage of scrap iron, metal, glass, unused appliances or machinery, junk, garbage, rubbish, or any other refuse, or of ashes, slag, or other industrial wastes or by-products shall be expressly prohibited on site; and
11. Dumping, disposal, or storage of demolition debris shall be prohibited on the site; and
12. Authorized Business Use of the property shall include the Fitzgerald Trucking and Excavation Business: Office, Shop, Vehicle and Equipment Storage (in Structure or on approved graded and compacted site areas designed for use as parking and driveways. In addition, orderly storage of building materials including but not limited to concrete pipes and metal culverts shall also be permitted on approved graded and compacted site areas.
13. Following spring thaw (approximately April 1, 2012) the applicant shall schedule an inspection by the County Planner/Zoning Administrator and the Goodhue SWCD, District Engineer to review site grading to address any erosion and sediment control concerns.
14. Applicant shall chloride roads fronting property to Highway 58 annually.  
*time) shall be paid to the County by Fitzgerald Trucking Excavation.)*
8. Regular shop hours shall not exceed 6am to 9pm with provisions made for emergency use. Any non-emergency situations that will exceed the 6am to 9pm restriction must be approved by the LUM department and submitted in writing to the LUM department expressing the reasons for the requested exception.
9. Bi-annual inspection of Interim Use Permit Site to ensure compliance with Interim Use Permit conditions and any applicable County regulations or permit requirements. Costs associated with the bi-annual inspections, not to exceed \$250.00, shall be paid to the County by Fitzgerald Trucking and Excavation.

10. Primary road access to and from the property shall be on 350<sup>th</sup> Street to Highway 58. The road access on 215<sup>th</sup> shall be closed by April 1, 2012.


The Interim Use Permit shall be subject to a mandatory review by the Planning Advisory Commission within five years of the date of approval by the County Board at which time a recommendation will be made to the County Board to assess whether the Interim Use Permit should be renewed. This mandatory review by the PAC does not preclude review at an early date if concerns regarding compliance arise.

Action by the County Board should recognize the background information included in this Staff Report (dated December 22, 2011) including the following Findings of Fact:

Findings of Fact to support approval of the Fitzgerald Trucking and Excavation Interim Use Permit:

- A. The proposed structure and parking/circulation/storage areas are sufficiently screened from surrounding land uses by vegetation, berms or natural topography so as to limit negative visual impacts.
- B. Site grading has included berms and extensive planting of pine trees screen and beautify the site.
- C. The proposed business site has convenient indirect access to State Highway 58 required limited use of Township Road for access/egress.
- D. Former use of the site for mining of clay has left significantly disturbed soils, leaving the site of limited value for agricultural use.
- E. Noise generated from Trucks and Heavy Equipment will be mitigated by the use of berms and planting of trees.
- F. Goodhue Township has signed the applicant's CUP/ IUP Application to the County and offered no comments regarding the proposed use of the property.
- G. Applicant performs a considerable amount of work for the agricultural community.

Date signed: 4/9/12

  
Richard Samuelson, Chairperson  
Goodhue County Board of Commissioners

STATE OF MINNESOTA )

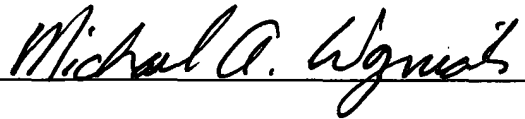
) ss.

LAND USE MANAGEMENT DEPARTMENT

COUNTY OF GOODHUE )

I, Michael Wozniak, AICP, Planner/Zoning Administrator for Goodhue County, do hereby certify that I have compared the foregoing copy and Order APPROVAL this 5 year mandatory review INTERIM USE PERMIT with the original record thereof preserved in my office, and have found the same to be correct and true transcript of the whole thereof.

Dated this 21<sup>st</sup> day of March, 2012.



Planner/Zoning Administrator, Goodhue County

(SEAL)

Drafted by:  
Goodhue County Land Use Management Department  
509 West Fifth Street  
Red Wing MN 55066

CERT. OF R. E. VALUE FILED

# 17095

DOC: A 524645

Certified, Filed and or Recorded on OCT. 07, 2005 AT 08:00AM

Signed: *[Signature]* DEPUTY

LISA M HANNI  
GOODHUE COUNTY RECORDER

Fee Amount: \$46.00



No Delinquent Taxes and transfer entered this

7<sup>th</sup> day of Oct 2005  
*[Signature]*  
County Auditor  
*[Signature]*  
Deputy Auditor

3-M - WARRANTY DEED (Top 3 inches Reserved for Recording Data) Miller/Davis Co. St. Paul, MN 651-642-1988  
Individual(s) to Corporation, Partnership or Limited Liability Company Minnesota Uniform Conveyancing Blanks (6/1/97)

DEED TAX DUE: \$ 297.00  
Date: Oct 3, 2003

FOR VALUABLE CONSIDERATION, Mark R. Strusz and Bonnie J. Strusz, husband and wife  
(marital status)

Grantor, hereby conveys and warrants to Fitzgerald Excavating & Trucking Incorporated

Grantee, a corporation under the laws of Minnesota  
real property in Goodhue County, Minnesota, described as follows:  
See attached Exhibit A

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:  
Subject to easements, covenants, conditions and restrictions of record.

- Check box if applicable:
- The Seller certifies that the seller does not know of any wells on the described real property.
  - A well disclosure certificate accompanies this document.
  - I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

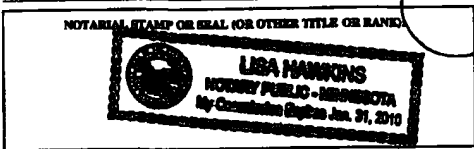
DEED TAX  
\$297.00  
*[Signature]* 10/07/05  
Goodhue County A/T Off/Deputy - Date  
Affix Deed Tax Stamp Here

*[Signature]*  
Mark R. Strusz

*[Signature]*  
Bonnie J. Strusz

STATE OF MINNESOTA }  
COUNTY OF GOODHUE } ss.

This instrument was acknowledged before me on Oct 3, 2003  
Date  
by Mark R. Strusz and Bonnie J. Strusz, husband and wife



*[Signature]*  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens)   
Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):  
WATSON & SPEIGHT, P.A.  
411 West Third Street  
Red Wing, Minnesota 55066  
(651) 388-8805

Fitzgerald Excavating & Trucking Incorporated  
20865 390th St  
Goodhue Mn  
55007

3847

# Goodhue County Land Use Management

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

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

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106



*County Surveyor / Recorder*

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

**To:** Planning Advisory Commission  
**From:** Land Use Management  
**Meeting Date:** February 8, 2021  
**Report date:** January 29, 2021

## **PUBLIC HEARING: Request for Map Amendment (Rezone)**

Request for map amendment, submitted by Featherstone Township, to rezone all parcels within Section 06 from A-3 (Urban Fringe) to A-2 (General Agriculture).

### **Attachments and links:**

Featherstone Request and Maps  
Change of Zone Project Review  
December 2020 PAC Meeting Minutes  
Table of Uses – A-2 General District Regulations  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Summary:**

At the December 2020 PAC meeting, John Anderson on behalf of the Rudolph and Anna Anderson Trust, requested a rezone of approximately 19-acres (parcel 31.006.0500) from A-3 to R-1 Suburban Residential District. Featherstone Township was not in favor of the R-1 rezone request and the Planning Commission tabled the request to provide staff time to research the possibility of rezoning all of Section 06 from A-3 to A-2.

The Featherstone Township supervisors considered the A-3 to A-2 rezone proposal at their January 12, 2021 meeting and have subsequently requested that Goodhue County amend the zoning designation of Section 06 to A-2 correspond with the Township's current A-2 zoning designation.

If the section were to be rezoned, the Anderson property would become eligible for a dwelling as the property is in two open  $\frac{1}{4}$   $\frac{1}{4}$  sections and there are currently less than 12 dwellings in section 06.

### **Project Summary:**

#### **Section Information:**

- Section 06 is currently zoned A-3 Urban Fringe District. Section 05 of Featherstone Township and Section 01 of Vasa Township (to the east and west respectively) are zoned A-3, Section 07 of Featherstone Township (to the south) is zoned A-2 and land to the north is in the City of Red Wing.

#### **Existing/Permitted Uses:**

- Existing land uses include low-density residential among predominantly agricultural uses. This section is a rural area with a few medium acreage dwelling sites surrounded by tilled cropland and undeveloped areas with steep slopes along the Spring Creek watershed.
- There are 5 dwellings in Section 06. The A-3 District requires a minimum lot size of 35 acres per principal building or use. One of the dwelling sites in Section 06 is on a parcel 35-acres or greater (parcel 31.006.1300 owned by David Pearson). The A-2 District requires a minimum lot size of 2 acres with 12 single-family dwellings permitted per section with the stipulation that no more than one dwelling is allowed per original  $\frac{1}{4}$   $\frac{1}{4}$  section.
- Section 06 currently has one registered Feedlot, owned by Eric Pearson. The A-3 District does

not allow new Feedlots and existing Feedlots may not expand beyond 100 total animal units. The A-2 District allows new Feedlots up to 300 animal units before a Conditional Use Permit is required, however, no new Feedlots are permitted within 1 mile of Red Wing's City limits (all of Section 06 is within 1 mile of the City of Red Wing).

Existing Feedlot expansions must meet a 99% odor annoyance free rating distance, as determined by the OFFSET odor evaluation model at the closest incorporated municipality boundary line.

- One parcel would lose dwelling site eligibility if the Section is rezoned. Parcel 31.006.1401, owned by WLO LLC is currently eligible for a dwelling as the parcel is greater than 35-acres. If Section 06 is rezoned, the ¼ ¼ Section would be considered "occupied" by the dwelling on parcel 31.006.1400 owned by Joseph Lindberg. The WLO LLC parcel is surrounded by blufflands and steep slopes making it difficult to obtain access to the parcel from a public road.

**City of Red Wing:**

- The City of Red Wing was notified of the rezoning request however no comments were received prior to print. Staff will update the Planning Commission with any comments received from the City of Red Wing.

**Planning Information:**

- The A-2 Zoning District is intended to provide a district to maintain and conserve agricultural investments and prime agricultural farmland, but provide for a slightly higher density of dwellings than the A-1 (Agricultural Protection) District. It is also intended that the district apply to areas where large farms and feedlots are more scattered and a greater number of non-farm uses or small parcels are present.

- The Prime Farmland Rating for Agriculture is as follows:

Approximately 47% of the acreage in Section 06 is classified as Prime Farmland or Farmland of Statewide Importance.

<b><i>Soil Name</i></b>	<b><i>Slope</i></b>	<b><i>Amount (acres)</i></b>	<b><i>% of Total</i></b>	<b><i>Prime Farmland Rating</i></b>
Frontenac-Lacrescent Complex	30-70%	87.5	15%	Not Prime Farmland
Kennebec Silt Loam	0-2%	83.7	14.4%	Prime Farmland
Timula-Mt. Carroll Complex	6-12%	75.2	12.9%	Farmland of Statewide Importance
Kennebec-Lawson Channeled Complex	0-3%	71.3	12.3%	Farmland of Statewide Importance
Timula-Mt. Carroll Complex	2-6%	53.1	9.1%	Prime Farmland
Timula-Mt. Carroll Complex	12-18%	38.2	6.6%	Not Prime Farmland
Tama Silt Loam	12-18%	27.7	4.8%	Not Prime Farmland
McPaul Silt Loam	0-3%	21.3	3.7%	Not Prime Farmland
Timula-Mt. Carroll Complex	18-25%	19.7	3.4%	Not Prime Farmland
Brodale-Bellechester Complex	30-60%	16.0	2.7%	Not Prime Farmland
Frankville-Nasset Complex	18-35%	13.4	2.3%	Not Prime Farmland
Lindstrom Silt Loam	12-18%	9.4	1.6%	Not Prime Farmland

Frankville-Nasset-Mt. Carroll Complex	18-35%	8.2	1.4%	Not Prime Farmland
Chaseburg Silt Loam	2-12%	8.1	1.4%	Not Prime Farmland
Frontenac-Lacrescent Complex	20-45%	7.5	1.3%	Not Prime Farmland
Lindstrom Silt Loam	2-6%	7.5	1.3%	Prime Farmland
Lacrescent Flaggy-Frontenac Rock Outcrop	45-90%	4.4	0.8%	Not Prime Farmland
Downs Silt Loam	18-25%	4.2	0.7%	Not Prime Farmland
Lindstrom Silt Loam	6-12%	3.8	0.7%	Farmland of Statewide Importance
Volney Channery Silt Loam	2-12%	3.7	0.6%	Not Prime Farmland
Tama Silt Loam	6-12%	3.4	0.6%	Farmland of Statewide Importance
Bassett-Kasson Complex	6-12%	0.8	0.1%	Farmland of Statewide Importance

**Goodhue County Comprehensive Plan:**

The Goodhue County Comprehensive Plan offers the following statements regarding agricultural preservation:

*“Lands outside the cities growth zones will be considered rural and shall be managed to preserve the rural character and be compatible with the continued operation of agricultural uses...”*

*“Soils with Prime Farmland Rating shall be protected from residential development whenever possible”*

*“If residential development occurs, it should be compact and designed to preserve the prime farmland for agricultural uses...”*

The Comprehensive Plan offers the following statements regarding rural housing:

*New or replacement dwelling sites should be directed to areas that minimize loss or conversion of prime agriculture soils.*

*“Provide more housing choices for rural residents”*

*“Work with Townships to evaluate and designate suitable residential sites that minimize conflicts with agricultural and rural uses.”*

The Comprehensive Plan offers the following comment regarding the A3 district:

*“As part of the implementation of the County’s 1990 Comprehensive Plan the Goodhue County Zoning Ordinance and Official Zoning Map were amended in 1993, to add the Urban Fringe A-3 Zone District. The purpose of the A-3 Zone District was to facilitate planning for urbanization. The Planning Advisory Commission and County Board in 2014 expressed that the A-3 district is not serving its purpose as a growth zone and should be re-evaluated or perhaps eliminated.”*

**Staff Comments:**

LUM staff have reviewed the proposed rezoning and considered it within the context of the rural landscape as well as the direction provided by the County Zoning Ordinance and Comprehensive Plan. Rezoning Section 06 of Featherstone Township from A-3 to A-2 would have few detrimental effects on surrounding land uses and sections. Existing uses would continue to be permitted either by-right or conditionally and any animal agriculture expansion or establishment would be subject to review by the City of Red Wing given the proximity of Section 06 to Red Wing City limits.



**Staff Recommendation:**

LUM Staff recommends the Planning Advisory Commission

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

Recommend that the County Board of Commissioners **APPROVE** the map amendment request from Featherstone Township to rezone Section 06 from A-3 (Urban Fringe District) to A-2 (General Agriculture District).

**Pierret, Samantha**

---

**From:** Featherstone Township <featherstone.twp@gmail.com>  
**Sent:** Thursday, January 14, 2021 10:38 AM  
**To:** Pierret, Samantha  
**Subject:** Re: Section 6 Rezone

Hope this meets your needs.

From the January 12 minutes of the Featherstone Township Board of Supervisors' meeting:

- **Section 6 Rezoning resolution -- Carl Bang moved and David Schwartau seconded the motion that Featherstone Township accepts the Goodhue County Land Use Management Department proposal to rezone section 6 of Featherstone Township to an A2 zone in the Goodhue County ordinance and requests such action by the Planning and Zoning Commission. Carried**

Chuck Schwartau, Clerk

On Wed, Jan 6, 2021 at 3:37 PM Pierret, Samantha <[samantha.pierret@co.goodhue.mn.us](mailto:samantha.pierret@co.goodhue.mn.us)> wrote:

Chuck,

I'm wondering if the Town Board will be discussing the rezoning of Section 6 at the County level from A3 to A2 at your January meeting? I would need to receive a request from the Town Board in writing (email is fine) requesting this change to initiate County action before Friday January 15<sup>th</sup> at 4:30PM.

To initiate the rezone process we would just need notice from the Township that the Board is okay with the proposed change.

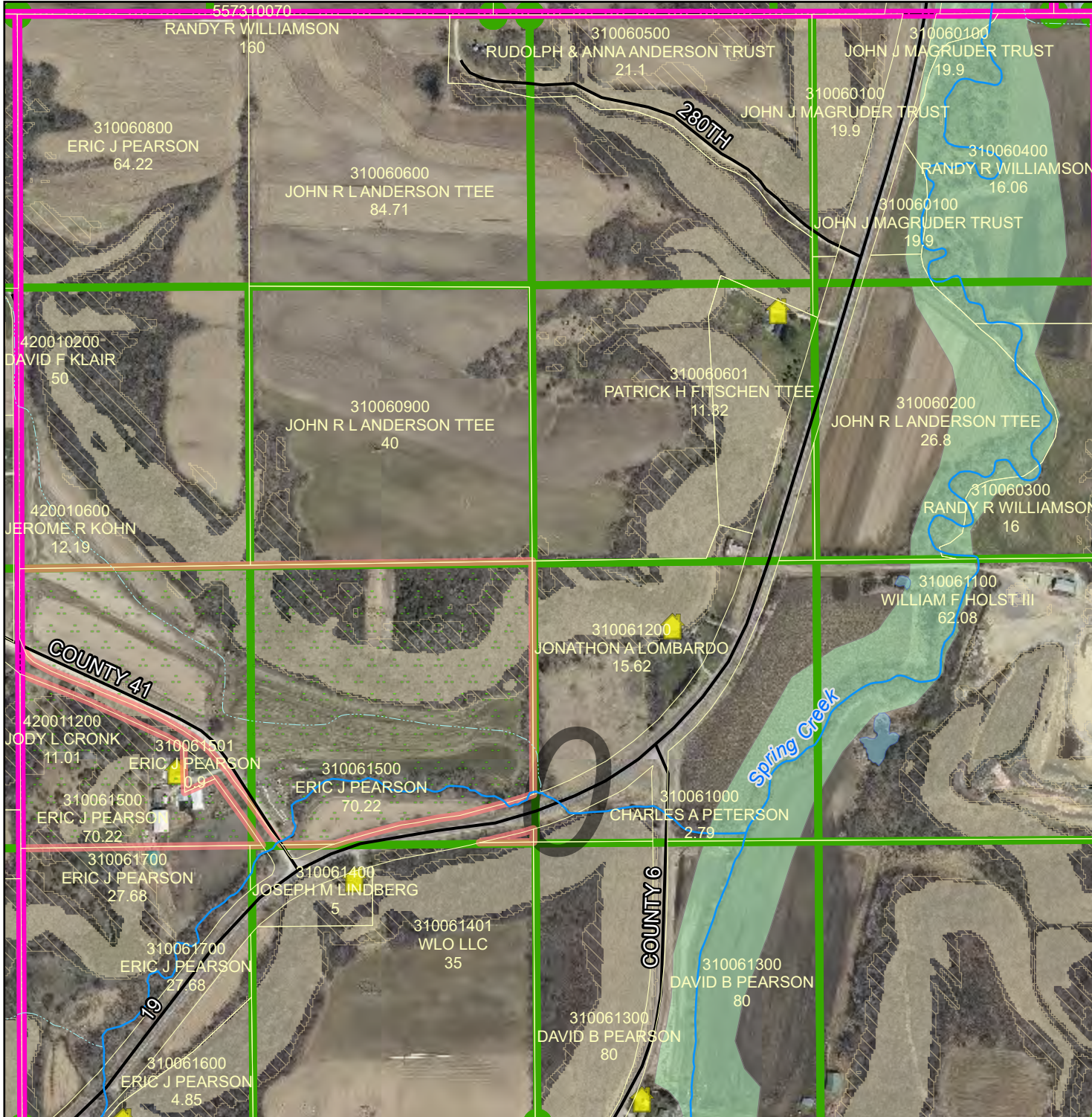
Please let me know if you have any questions or if you would like more information.

Thank you,

**Samantha Pierret**

Goodhue County

# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
February 8, 2021

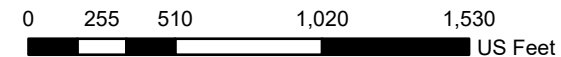
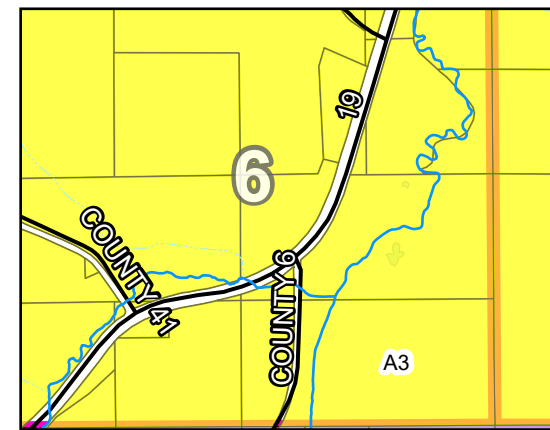
Featherstone Township  
A-3 Zoned District

Section 6 TWP 112 Range 15 in  
Featherstone Township

Request for map amendment to rezone  
Section 6 from A3 to A2

### 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 January, 2021 by LUM





# MAP 02: VICINITY MAP

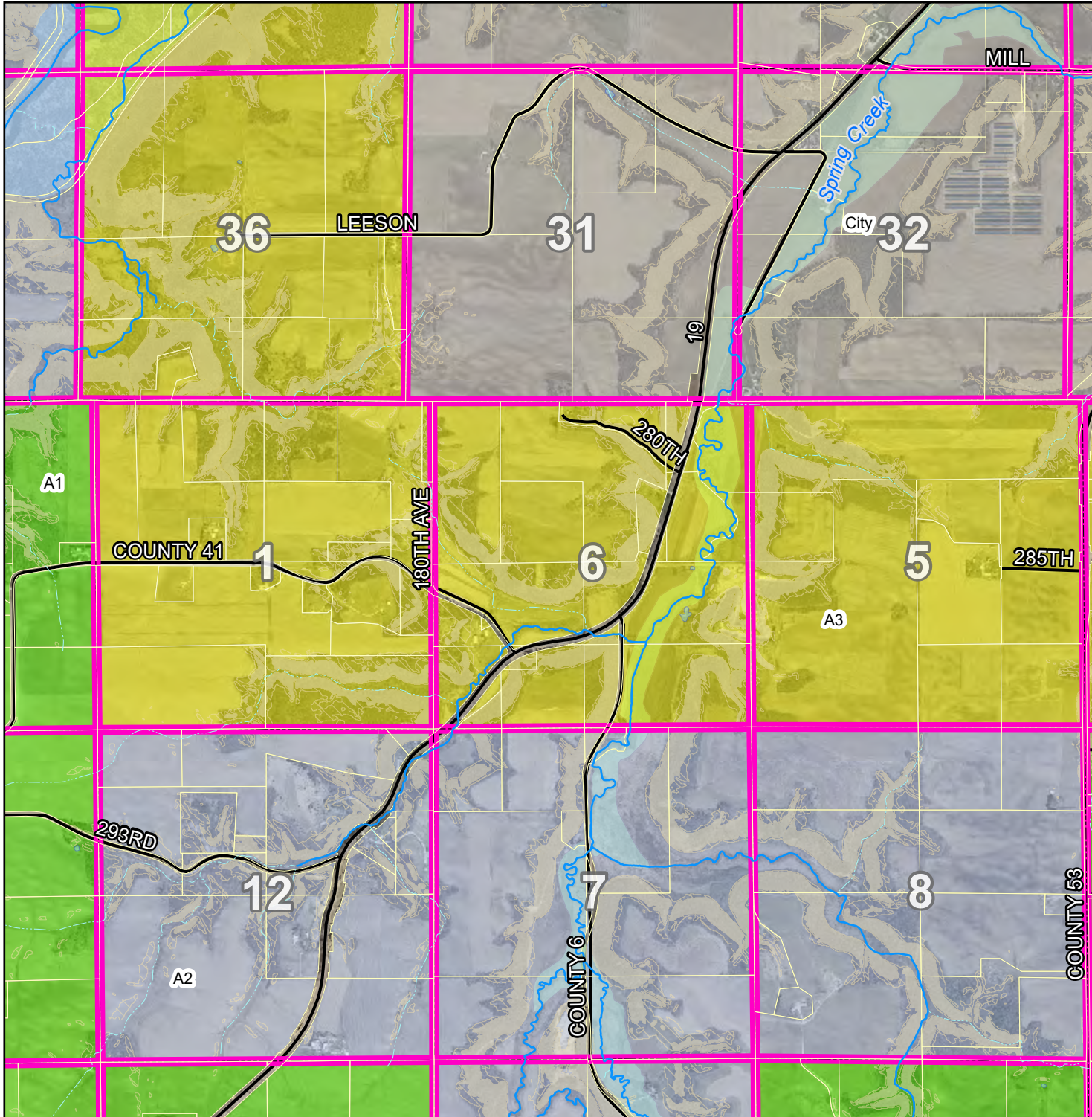
## PLANNING COMMISSION

Public Hearing  
February 8, 2021

Featherstone Township  
A-3 Zoned District

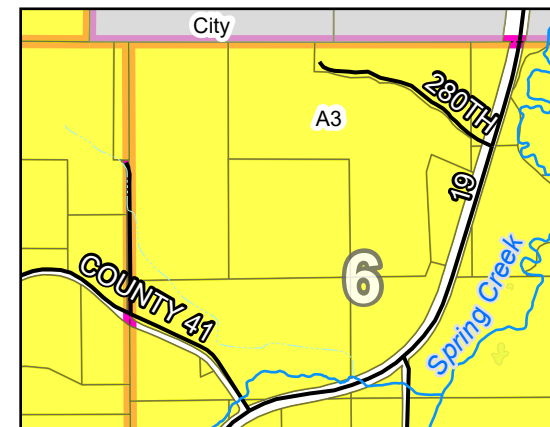
Section 6 TWP 112 Range 15 in  
Featherstone Township

Request for map amendment to rezone  
Section 6 from A3 to A2



### 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 5001,000 2,000 3,000  
US Feet

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2018 Aerial Imagery  
Map Created January, 2021 by LUM



# Goodhue County Land Use Management

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

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

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106



*County Surveyor / Recorder*

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

Project Review per Article 3, Section 2, Subd. 5-10:

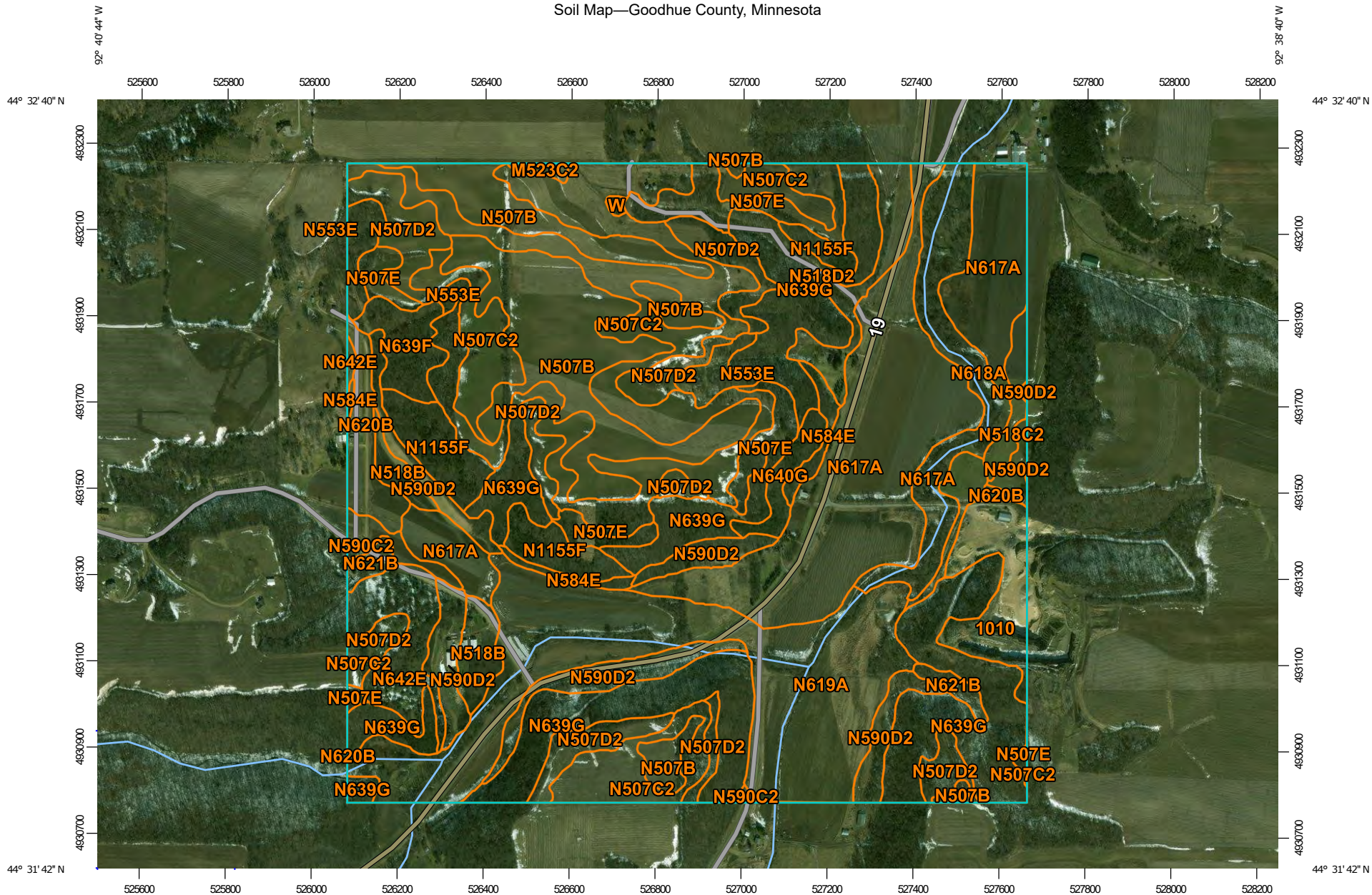
- Subd. 5
- A. The names and addresses of the petitioner or petitioners and their signatures to the petition. **Featherstone Township – Goodhue County LUM**
  - B. Survey information: **See Maps**
  - C. The current and proposed district: **A-3 to A-2**
  - D. The current use and the proposed use of the land. **Land is currently used for row crop agriculture among steep slopes within the Spring Creek watershed. There are 5 dwellings 4 that are on parcels less than 35 acres, one registered feedlot and a mining operation permitted by CUP.**
  - E. The reason for the requested change of zoning district. **Featherstone Township has the entire section zoned A-2. Changing the Zoning District to A-2 would allow 12 dwellings in the section, one per ¼ ¼ on parcels 2-acres or larger. There are currently 11 open ¼ ¼ s.**
  - F. A copy of the soil map showing the soils types within the proposed boundary and the surrounding area. **See Map**
  - G. Prime Farmland Rating of the soil types in F. **See Map**
  - H. A statement of how the requested change is compatible with the Goodhue County Comprehensive Plan including but not limited to the following:
    - 1. The environmental impacts of the proposed use of land on the:
      - a. groundwater
      - b. natural plant and animal communities
      - c. existing trees and vegetation
      - d. bluffland stability
      - e. shoreland stability**The section is in the Spring Creek watershed with Shoreland and Floodplain present. There are areas of steep slopes classified as blufflands. New structures and uses would need to meet Shoreland, Floodplain and bluffland standards prior to establishing the use. All environmental health restrictions would need to be met for new wells or septic systems.**
    - 2. The compatibility with surrounding land uses.  
**Surrounding land uses include medium-density residential and row crop agriculture among blufflands and Shoreland and Floodplain of Spring Creek and a public watershed.**
    - 3. The physical and visual impacts on any scenic or historic amenities within or surrounding the proposed parcel.  
**No impacts to existing historic amenities are anticipated as a result of the proposed rezone.**
- Subd. 6 The housing density of the affected Section  
**This section is zoned A-3 Urban Fringe District. Parcels range in size from 84 acres to 0.9 acres. The A-3 minimum parcel size is 35 acres. There are 5 dwellings in the Section, 4 dwellings are on parcels less than 35 acres.**
- Subd. 7 The impact on any surrounding agricultural uses  
**The proposed rezone appears compatible with agricultural uses in the immediate area. Rezoning the section from A-3 to A-2 would not effect the types of agriculture uses that are permitted in the section. Expansion or establishment of new Feedlots would require a variance, reviewed by the City**

**of Red Wing, because the section is within 1 mile of the City limits. Land within the City of Red Wing is zoned Agricultural and used for row crop agriculture and Feedlots.**

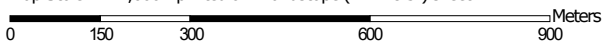
- Subd. 8 The impact on the existing transportation infrastructure  
**A majority of the parcels are accessible via a public road. Parcels that are landlocked are used for row crop agriculture. Highway 19 and County Roads 6 and 41 are the major roads in this section. There are also two Township roads providing access to various parcels (280<sup>th</sup> Avenue and 180<sup>th</sup> Avenue).**
- Subd. 9 The impact on surrounding zoning districts  
**No substantial negative impacts to adjacent properties are anticipated as a result of the proposed rezone. All adjacent sections in the County are zoned agricultural.**
- Subd. 10. A statement concerning the cumulative effect and compatibility of the requested zoning change on the affected Township and any cities located within 2 miles of the proposed parcel.  
**Section 6 borders the City of Red Wing. Land in the City limits is zoned Agriculture and is used for row crop agriculture and a Feedlot. Any Feedlot establishment or expansion in Section 6 would require variance approval and review by the City. Featherstone Township has Section 6 zoned A-2.**
- Subd. 11. Additional information as may be requested by the Planning Commission or zoning staff.



Soil Map—Goodhue County, Minnesota



Map Scale: 1:12,600 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)




















### Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

### Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


### Water Features

 Streams and Canals

### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Goodhue County, Minnesota  
 Survey Area Data: Version 16, Jun 5, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 4, 2010—Nov 20, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



**PLANNING COMMISSION  
GOODHUE COUNTY, MN  
December 14, 2020 MEETING MINUTES**

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The meeting of the Goodhue County Planning Advisory Commission was called to order at 6:00PM by Chair Tom Gale in the Basement IT Conference Room at the Government Center in Red Wing.

**Roll Call**

Commissioners Present virtually via GoToMeeting: Tom Gale, Barney Nesseth, Richard Miller, Chris Buck, Darwin Fox, Richard Nystuen, Howard Stenerson, Marc Huneke (arrived 6:18PM) and Tom Drazkowski (arrived 6:04PM).

Commissioners Absent: None

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

**1. Approval of Agenda**

<sup>1</sup>Motion by Commissioner Miller; seconded by Commissioner Fox to approve the meeting agenda.

**Motion carried 6:0.**

**2. Approval of Minutes**

<sup>2</sup>Motion by Commissioner Nesseth; seconded by Commissioner Fox to approve the previous month's meeting minutes.

**Motion carried 6:0.**

**3. Conflict/Disclosure of Interest**

There were no reported conflicts/disclosures of interest.

**4. Public Hearings**

**PUBLIC HEARING: Request for Map Amendment (Rezone) - Anderson**

Request for map amendment, submitted by John Anderson (Owner), to rezone 19.31 acres from A3 (Urban Fringe District) to R1 (Suburban Residence District). Parcel 31.006.0500. TBD 280<sup>th</sup> AVE, Red Wing, MN 55066. Part of the NW ¼ of the NE ¼ of Section 6 TWP 112 Range 15 of Featherstone Township.

*Pierret presented the staff report and attachments. She reviewed an email sent to the Commissioners regarding Featherstone Township's position on the request and staff's considerations to rezone the property to A-2 instead of R-1.*

*Terri Jensen (Applicant's Representative) clarified that the property in question is owned by a Trust and that John Anderson is the Trustee of that land. She noted that the parcel has been in existence as a parcel of record since the 1800s. She added that staff had suggested Mr. Anderson could add acreage to the 19.31 acre parcel from his personally owned land bordering the parcel to meet the 35 acre lot size requirement however the Applicant is not interested in intermingling Trust interests with his personal property interests and land would have to be taken out of production. She concluded by discussing the Goodhue County Comprehensive Plan language regarding dwelling sites in rural areas around municipalities.*

*John Anderson (Applicant) was present via GoToMeeting.*

*Commissioner Nystuen questioned why land would be taken out of production if combined with the 19.31 acre parcel when the land is already in production.*

**PLANNING COMMISSION  
GOODHUE COUNTY, MN  
December 14, 2020 MEETING MINUTES**

---

*Ms. Jensen stated that the land would not need to be taken out of production however any new landowners could cease production on the land.*

*Mr. Anderson discussed the topography of the parcel and its limited value for agriculture production. He added that he had contacted a neighboring property owner to purchase property to meet the 35 acre minimum lot size however that owner was not willing to sell their land at this point.*

*Hanni questioned who owns the 84 acres south of 280<sup>th</sup> Street.*

*Mr. Anderson stated that he personally owns the surrounding acreage and the parcel in question was owned by his parents and is now in a Trust.*

*Hanni stated staff's suggestion was not to combine the cropland with the 19.31 acres however there are blufflands on the 84 acre parcel that may be comined to get to the 35 acre size.*

*Mr. Anderson confirmed that he is not interested in selling his personal land to the Trust to combine properties.*

*Commissioner Drazkowski questioned whether the ¼ ¼ with Mr. Anderson's land was full.*

*Bechel stated that this property is zoned A3 Urban Fringe and section based density is not used in this District, properties are required to have 35 acres to be considered buildable. Bechel noted there are 5 dwellings in Section 6.*

*Pierret commented that the ¼ ¼ is open. If the Commission chose to rezone the land to A2 General Agriculture District this property would be eligible for a dwelling.*

*Commissioner Drazkowski questioned what the difficulty of rezoning the property to A2 would be.*

*Hanni noted that if a single parcel were zoned to A2 in the A3 District, there are several parcels in Goodhue County that are zoned A3 but do not meet the 35 acre minimum lot size. Therefore, more requests of that nature could be brought forward in the future for dwelling sites.*

*Mr. Anderson questioned Featherstone Township's position as noted during staff's presentation.*

*Bechel noted that Featherstone Township held a meeting on December 8<sup>th</sup> and staff received an email from the Clerk noting that Featherstone Township was not in favor of a rezone of this parcel to R1 however they would be in favor of the County rezoning the property to A2.*

*Mr. Anderson noted that he was not aware the Township would be reconsidering their request.*

*Bechel clarified that staff received the draft meeting minutes with Mr. Anderson's application which stated the Township approved of the rezone to R1.*

*Mr. Anderson read the minutes as sent by Featherstone Township in November. He noted that had he known the Township was not in favor of the proposal he would have withdrawn his request.*

*Hanni stated the Township may have acknowledged that the property conforms with their A2 zoning district standards however upon receiving the public hearing notices stating the property would be rezoned to R1 there may have been confusion as to the request.*

*Chair Gale questioned what direction the Commissioners wanted to go with the request.*

**PLANNING COMMISSION  
GOODHUE COUNTY, MN  
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---

*Ms. Jensen questioned whether there was an option for a different request like a variance or different CUP instead of a rezone for this parcel to become buildable given it has existed as a stand-alone parcel for so long. She noted that agriculture is not the best use of this site.*

*Hanni stated that additional houses are not allowed via a variance request.*

*Bechel added that because there are several parcels around the County that are zoned A3 but are under the 35 acre size. He noted the Goodhue County Planning Commission, County Board and Board of Adjustment have been of the opinion in the past that these A3 areas should remain held for future annexation or urban development by Cities.*

*Commissioner Nystuen commented on the density requirement for A2 versus the acreage requirement for A3 and questioned why there could not be an 18 dwelling density maximum in the A3 District.*

*Hanni noted that would be a Zoning Ordinance Amendment. She reviewed the history of density discussions between the County and the Townships and that the Townships have not been interested in increasing density restrictions in the County. This is what led to adoption of the Conservation Subdivision in 2019.*

*Commissioner Miller stated that Dodge County had recently allowed smaller parcels in some Townships to be sold as building sites if they existed prior to 2019. He questioned whether this could be a tool Goodhue County could use in the A3 Districts.*

*Hanni stated that after the Zoning Ordinance was amended in 1994 the County went through a sun-setting period where existing parcels could be permitted as dwelling sites. This was noticed in newspapers and extended for an additional two years at the time.*

*Ms. Jensen commented that when the Ordinance was changed in the 1990s some owners may not have been aware of the new restrictions and some owners may not have been ready to sell their land at that time.*

*Pierret re-read the email received by staff from Featherstone Township.*

*Commissioner Drazkowski commented that there are three entities involved in this decision: Goodhue County, City of Red Wing and Featherstone Township. He added that areas around other cities in the County may be conducive for being held in an A3 District for future annexation given topography and accessibility noting this parcel does not appear to be one of those. He noted that the County appears to be the only entity against rezoning this parcel to either R1 or A2 given the County's desire to avoid "piecemeal" zoning. Commissioner Drazkowski noted that typically agricultural producers would be against rezoning property to R1 however in this case there has been no objection to the request from that group. He concluded that there is a better use for the land than being vacant.*

*Commissioner Stenerson commented that the Planning Commission requested some years ago that additional density not be approved with variances but via rezonings.*

*Ms. Jensen stated that this property is unique and should be considered as such.*

*Hanni stated that in all of the A3 Districts of the County there are parcels smaller than 35 acres that would request rezonings if the Commission approved this request. She added that if the Commissioners felt there is another way to address the A3 District in a way the Cities and Townships would agree to that staff can look into other options for the District in the future.*

*Commissioner Drazkowski questioned whether the Commission could put a condition on the rezone that only one dwelling be allowed on the parcel.*

**PLANNING COMMISSION  
GOODHUE COUNTY, MN  
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---

*Bechel stated that rezonings typically do not have conditions attached to them. He noted that any future splits of the property to create another building site would need to be considered through the formal platting process.*

*Hanni stated that when a property is rezoned not only the density is affected. Surrounding land uses and setbacks from that new district are also impacted.*

*Commissioner Stenerson questioned whether the Williamson Feedlot was still operating.*

*Pierret stated that the Williamson property is in the City of Red Wing and is over 1000 feet from the property proposed to be rezoned.*

*Mr. Anderson stated that the Williamsons are considering dropping their Feedlot registration in the future.*

*Chair Gale questioned whether a change in zone to A2 instead of R1 would require a new meeting.*

*Bechel stated the Commission can consider a request to rezone the parcel to either R1 or A2 as a single parcel. He noted that a new meeting would need to be held to change the zoning classification of Section 6 of Featherstone Township.*

**Chair Gale Opened the Public Hearing.**

*No one spoke for or against the request.*

**<sup>3</sup>After Chair Gale asked three times for comments is was moved by Commissioner Stenerson and seconded by Commissioner Huneke to close the Public Hearing.**

**Motion carried 9:0**

*Commissioner Stenerson commented that Featherstone Township has a different zoning system than Goodhue County without an A3 District. He added that per the Featherstone Ordinance this parcel is eligible as a building site however they do not want additional R1 Districts that could be platted with several dwelling sites leading to well and septic issues.*

*Ms. Jensen questioned if the Township's zoning allowed a building site on this parcel and questioned whether some restrictions could be added to the approval to only allow one building site on this parcel.*

*Hanni stated that the Township has its own restrictions and process for approval. Looking at the County Ordinance, if the property were rezoned to R1 a future owner could apply to split the property in the future per County Ordinance. She noted that the County takes into consideration the Township's recommendation.*

*Commissioner Stenerson stated that the County had considered changing the A3 Districts to A2 Districts around 2014 however the incorporated municipalities in the County did not want a change to A2 around the Cities.*

*Bechel stated that Featherstone Township would have to meet with Section 6 property owners and discuss the possibility of the County rezoning the Section to A2. After that consideration the Township could come forward and request a change of zone of Section 6 from A3 to A2.*

*Commissioner Stenerson stated he is not against the property being used as a dwelling site however he is against an R1 zoning which would lead to restrictions on neighboring landowners' agriculture operations. He questioned if the Applicant would have to wait 6 months to request a rezone to A2 instead of R1 if the Commission rejected the request at this meeting.*

**PLANNING COMMISSION  
GOODHUE COUNTY, MN  
December 14, 2020 MEETING MINUTES**

---

*Bechel stated that the recommendation for denial would still need to be heard by the County Board for a final decision. If the request were denied by the County Board and the owner wanted to request a rezone to A2 they would have to wait 6 months per the Ordinance for map amendment requests on the same parcel. He added that if the Township brought forward a request to rezone all of Section 6 the 6 month waiting period would not apply. He concluded noting that the 6 month rule would be dependent on the request being formally denied by the County Board.*

*Hanni suggested the Commission Table the request to give staff time to communicate with the Township on their feelings on rezoning all of Section 6 and researching A2 requirements in the Featherstone Township Ordinance. If the Township was agreeable to rezoning the whole section the County could advertise a rezoning request of Section 6 to be heard at a future meeting. She noted that the Township appears to already have the section zoned A2.*

*Commissioner Stenerson brought up the 60 day rule for approval or denial.*

*Hanni stated that the applicant could sign a waiver extending the 60 day timeline for consideration.*

*Commissioner Stenerson stated he was in favor of tabling the request.*

*Hanni stated that when a Township requests a rezone the County would not charge a specific landowner the associated fees for the request but staff would work with the Township on the request.*

**4It was moved by Commissioner Stenerson and seconded by Commissioner Drazkowski for the Planning Advisory Commission to:**

**TABLE** consideration of the rezoning request for John Anderson to allow time for the Applicant and staff to communicate with Featherstone Township on the possibility of rezoning all of Section 6 from A3 to A2.

*Discussion continued regarding the request for an extension and a timeline for the request to be heard at a future meeting.*

*Ms. Jensen questioned whether the request would be only for Section 6 to be rezoned to A2.*

*Commissioner Stenerson commented that his motion was intended to be only for Section 6 of Featherstone Township.*

*Ms. Jensen questioned how many landowners there were in Section 6.*

*Pierret stated approximately 15 landowners occupied Section 6.*

*Mr. Anderson questioned whether the Commission would consider rezoning the north half of Section 6.*

*Chair Gale noted that the whole section should be rezoned.*

*Commissioner Stenerson agreed with Chair Gale's comment.*

*Discussion continued regarding the timeline for extension of the request and future meeting dates.*

**Motion carried 9:0.**

**Other-Discussion**

*Bechel reviewed a packet prepared by staff regarding bonds for Utility Scale Solar projects.*

# GOODHUE COUNTY ZONING ORDINANCE

## Table of Uses

Use	A-1	A-2	A-3	R-1	CS
<b>Residential</b>					
Single-Family Dwelling	P	P	P	P	P
Two, Three, Or Four Family Dwellings	NP	NP	NP	P	NP
Accessory Dwelling Unit (ADU) (Art. 11 § 31)	P	P	P	P	P
Residential Accessory Buildings ≥ 7,200ft <sup>2</sup> (Art. 11 § 6)	C/I	C/I	C/I	NP	C/I
Mobile Home Park (Art. 16)	NP	NP	NP	C/I	NP
<b>Agricultural</b>					
Feedlots (Art.13)					
New Feedlot (Art.13)	P	P	NP	NP	NP
New Feedlot outside of Farmyard (Art.13)	C/I	C/I	NP	NP	NP
Feedlot expansion up to ≤ 100 Animal Units (Art.13)	P	P	P	NP	NP
Feedlot expansion to ≥ 300 Animal Units (Art.13)	P	C/I	NP	NP	NP
Feedlot expansion to ≥ 500 Animal Units (Art.13)	C/I	C/I	NP	NP	NP
Animal waste storage structure ≥ 500,000 gallons (lagoon system, earthen basin, or associated structure [pit]) (Art.13)	C/I	C/I	C/I	NP	NP
Agricultural Operations (including tree farms) (Art.11 § 24)	P	P	P	NP	P
Farm Market/On-farm market/Roadside Stand < 2400ft <sup>2</sup> (Art. 11 § 29)	P	P	P	NP	NP
Farm Market/On-farm market/Roadside Stand > 2400ft <sup>2</sup> (Art. 11 § 29)	C/I	C/I	C/I	NP	NP
Plant Nurseries & Sales	P	P	P	NP	NP
Farm Wineries < 10,000ft <sup>2</sup> (Art. 11 § 27)	P	P	P	NP	NP
Farm Wineries > 10,000ft <sup>2</sup> (Art. 11 § 27)	C/I	C/I	C/I	NP	NP
Temporary/Seasonal Off-Site Roadside Produce Stands	C/I	C/I	NP	NP	C/I
Education Farm Retreat (Art. 11 § 14)	C/I	C/I	C/I	NP	NP
Non-Agricultural Uses Associated W/Agritourism (Art. 11 § 30)	C/I	C/I	C/I	NP	NP
1 Animal Unit per acre on a minimum 1-acre parcel				I	
Agricultural Tourism Accessory Uses (Art. 11 § 28) (including, but not limited to, barn dances, corn mazes, gift shops, petting farms, sleigh/hay rides, vineyard harvest festivals)	P	P	P	NP	NP
<b>Commercial</b>					
Home Businesses - Tier 1 (Art.11 § 12)	P	P	P	P	P
Home Businesses - Tier 2 (Art.11 § 12)	P	P	P	I	I
Home Businesses - Tier 3 (Art.11 § 12)	I	I	I	NP	NP
Commercial Kennel/Raising of fur-bearing animals (Art.11 § 26)	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Commercial/Industrial Uses primarily intended to serve Ag. Community	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Boarding or Rooming Houses as an accessory use	C/I	C/I	C/I <sup>bc</sup>	C/I	NP
Bed and Breakfast Inn (Art.11 § 13)	C/I	C/I	C/I <sup>bc</sup>	C/I	NP
Contractors Yard (Art.11 § 33)	C/I	C/I	C/I	NP	NP
Veterinary Clinic	C/I	C/I	NP	NP	NP
<b>Industrial</b>					
Mining, Quarrying, Excavating/Filling (Art.14)	P	P	NP	NP	NP
Junk/Salvage Reclamation Yard (Art.11 § 10)	C/I	C/I	NP	NP	NP

a. Accessory buildings > 500ft<sup>2</sup> shall be ≥ 100ft from any lot line and ≥ 200ft from the nearest dwelling (Art.23 § 3 subd. 1)

b. Any mining, excavating, or filling of land for these uses shall be by conditional use (Art.23 § 3 subd. 10)

c. Accessory structures and uses customarily incidental to this use shall be by conditional use (Art.23 § 3 subd. 11)

KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT

# GOODHUE COUNTY ZONING ORDINANCE

## Table of Uses

Use	A-1	A-2	A-3	R-1	CS
<b>Recreational</b>					
Public Stable	C/I	C/I	C/I	NP	NP
Park/Recreational Area (operated by a governmental agency)	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Park/Recreational Area	NP	NP	NP	C/I	C/I
Hunting Club/Shooting Preserve	C/I	C/I	NP	NP	NP
Campground &/or RV Site ( <i>Art.16 § 7</i> )	C/I	C/I	C/I	NP	NP
Park Manager's Residence (1 per campground/RV park w/ ≥ 30 campsites)	NP	C/I	C/I	NP	NP
Commercial Outdoor Recreation Facilities (including, but not limited to, Golf Courses/Driving Ranges, Tennis Courts, Skiing, Swimming Pools, Park Facilities)	C/I	C/I	C/I <sup>abc</sup>	NP	NP
Commercial Outdoor Recreation Health Facilities	NP	C/I	NP	NP	NP
Commercial Outdoor Recreation Storage Structure (size & location to be approved by the Planning Advisory Commission)	NP	NP	C/I <sup>bc</sup>	NP	NP
Retreat Centers ( <i>Art.11 § 25</i> )	NP	C/I	C/I	NP	NP
<b>Institutional</b>					
Community Building	C/I	C/I	C/I <sup>bc</sup>	C/I	C/I <sup>bc</sup>
Church	C/I	C/I	C/I <sup>bc</sup>	C/I	C/I <sup>bc</sup>
Cemetery	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Memorial Garden	C/I	C/I	NP	NP	NP
Public School	C/I	C/I	C/I <sup>bc</sup>	C/I	NP
Private School	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Nursery School	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Funeral Home	NP	NP	C/I <sup>bc</sup>	NP	NP
Hospital, Sanitarium, Philanthropic/Eleemosynary Institutions (except correctional institutions, animal hospitals)	NP	NP	C/I <sup>bc</sup>	NP	NP
<b>Miscellaneous</b>					
WECS (Non-Commercial Micro) ( <i>Art. 18</i> )	P	P	P	P	P
WECS (Non-Commercial) ( <i>Art. 18</i> )	P	P	C/I	NP	NP
WECS (Commercial) ( <i>Art. 18</i> )	C/I	C/I	NP	NP	NP
WECS (Meteorological Tower) ( <i>Art. 18</i> )	P	P	C/I	NP	NP
SES (Utility Scale) ( <i>Art. 19</i> )	C/I	C/I	C/I	NP	NP
SES (Commercial Scale) ( <i>Art. 19</i> )	P	P	P	P	P
SES (Residential Scale) ( <i>Art. 19</i> )	P	P	P	P	P
Aircraft Landing Fields & Facilities	C/I	C/I	NP	NP	NP
Sanitary Landfills/Sewage Disposal Works	C/I	NP	NP	NP	NP
Non-agricultural Lagoons (In accordance w/ MPCA regulations)	C/I	NP	NP	NP	NP
Migratory Labor Camp	C/I	C/I	NP	NP	NP
Commercial Radio Towers/TV Towers/Transmitters	C/I	C/I	C/I	NP	C/I

KEY: P = PERMITTED    NP = NOT PERMITTED    C = CONDITIONAL USE PERMIT    I = INTERIM USE PERMIT

# **ARTICLE 22 A-2, AGRICULTURE DISTRICT**

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## **SECTION 1. PURPOSE**

The purpose of this district is to maintain and conserve agricultural investments and prime agricultural farmland, but provide for a slightly higher density of dwellings than the A-1 District. This A-2 District is intended to apply to those areas where large farms and feedlots are more scattered and greater numbers of non-farm uses or small parcels are present. This district also has more topographic features and less prime farmland than the A-1 District.

## **SECTION 2. PERMITTED USES**

All Permitted uses are subject to zoning and building permits. Permitted uses allowed in the A2 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses".

## **SECTION 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and Interim uses allowed in the A2 Zoning District shall be as shown in Article 20, Section 7, "Table of uses".

## **SECTION 4. ACCESSORY USES AND STRUCTURES**

Accessory structures and uses customarily incidental to any of the above permitted uses shall be permitted when located on the same property. Refer to Article 11, Section 5 for further regulations on Accessory Structures. Accessory uses in the A-1 District shall include Agricultural Related Uses as defined in Article 10 of this ordinance subject to performance standards set forth in Article 11 of this Ordinance.

## **SECTION 5. GENERAL DISTRICT REGULATIONS**

Any parcel in an A-2, Agriculture District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

**Subd. 1. Lot Size.**

- A. All buildable parcels in this district shall contain an area not less than two (2) acres.

**Subd. 2. Density Requirements.**

- A. Twelve (12) single family dwellings per section unless additional dwellings are permitted by Sections 2 and 3 of this Article.
- B. Any dwellings allowed by Subd. A. above shall be limited to one per 1/4, 1/4 section, except as allowed by Sections 2 and 3 of this Article.

**Subd. 3. Yard Requirements.**

- A. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:



1. Front Yard.
  - a. There shall be a minimum setback of sixty (60) feet from the right-of-way line of any public road or highway.
  - b. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
2. Side Yard.
  - a. Every building shall have two (2) side yards. Each side yard shall have a minimum width of thirty (30) feet. However, livestock buildings shall be subject to a side yard setback of one hundred (100) feet.
3. Rear Yard.
  - a. Every building shall have a rear yard. The rear yard shall have a minimum depth of thirty (30) feet. However, livestock buildings shall be subject to a side yard setback of one hundred (100) feet.

Subd. 4. Public Road Frontage or Road Access Easements Standards:

- A. Each Lot shall include a minimum 33 feet of frontage on a public road right-of-way line extending to the building line. As an alternative a single lot that does not front on a public road may be permitted upon recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- B. Access for two or more lots shall follow the Road Design Standards in the Goodhue County Subdivision Controls Ordinance.

Subd. 5. Bluff Impact Zone. For any use or structure in the A-2 District, the setback from the bluff impact zone shall be no less than thirty (30) feet.

Subd. 6. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:

- A. All permitted or conditionally permitted principal buildings shall not exceed thirty-five (35) feet in height.
- B. Accessory buildings shall comply with regulations set forth in Article 11 of this Ordinance.

## **SECTION 6. GENERAL REGULATIONS**

Subd. 1. All building, grading and development activities shall be reviewed with the goal of minimizing loss or disruption of "Prime Agricultural Soils" as identified in the Goodhue County Soil Survey (United States Department of Agriculture Web Soil Survey).

Subd. 2. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 11, Section 21.

Subd. 3. Distances from feedlots, dwellings, churches, parks, and schools are listed in Article 13 of this Ordinance.

**Subd. 4** Each permanent dwelling shall be sited on a separately surveyed or described parcel.