



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

6:00 PM Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. July 19, 2021 PAC Minutes

Documents:

[MINUTES_JULY2021_PAC_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

TABLED: Request For CUP For Non-Metallic Mineral Extraction Facility (Herrick Properties, LLP)

Request for CUP, submitted by Herrick Properties, LLP (Doug Herrick, Applicant/Owner) for a Non-Metallic Mineral Extraction Facility. Proposed activities include a limestone quarry and associated processing/transport equipment and facilities. Parcels 30.034.0400 and 30.027.0800. TBD 94th AVE West Concord, MN 55985. The N ½ of the NW ¼ of Section 34 and the S ½ of the SW ¼ of Section 27 TWP 109 Range 17 in Cherry Grove Township. A1 Zoned District.

Documents:

[PACPACKET_HERRICK_AUGUST.PDF](#)

Public Hearings:

1. PUBLIC HEARING: Request For CUP To Establish A Feedlot Outside Of A Farmyard (O'Reilly)

Request for CUP, submitted by Zachary O'Reilly (Owner) for an existing 540 animal unit dairy to be split from an existing dwelling creating a feedlot outside of a farmyard. Parcel 31.032.0500. 33656 County 6 BLVD Goodhue, MN 55027. The E ½ of the SW ¼ and the SE ¼ of Section 32 TWP 112 Range 15 in Featherstone Township. A1 Zoned District.

Documents:

[PACPACKET_OREILLY.PDF](#)

2. PUBLIC HEARING: "Lang Addition" Preliminary And Final Plat Review

Request submitted by Steven and John Lang (Owners) for Preliminary and Final Plat review of the proposed Lang Addition Plat comprising approximately 38.03 acres. Parcels 31.001.6100 and 31.001.6200. 23849 289th ST Red Wing, MN 55066. Part of Government Lots 1 and 2 and part of the SW ¼ of the SE ¼ of Section 01 TWP 112 Range 15 in Featherstone Township. R1 Zoned District.

Documents:

[PACPACKET_LANG.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
July 19, 2021 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Planning Advisory Commission was called to order at 6:00 PM by Vice Chair Darwin Fox in the 3rd Floor Board Room of the Goodhue County Government Center in Red Wing.

Roll Call

Commissioners Present: Marc Huneke (arrived 6:02 p.m.), Tom Gale, Richard Miller, Darwin Fox, Chris Buck, Howard Stenerson, Todd Greseth, Carli Stark and Richard Nystuen

Commissioners Absent: None

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, Zoning Administrative Assistant Kathy Bauer, Environmental Health Sanitarian Benjamin Hoyt

1. Approval of Agenda

¹Motion by Commissioner Miller; seconded by Commissioner Nystuen to approve the meeting agenda.

Motion carried 8:0

2. Approval of Minutes

²Motion by Commissioner Stark; seconded by Commissioner Greseth to approve the previous month's meeting minutes.

Motion carried 8:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. PUBLIC HEARING: Request for CUP for Non-Metallic Mineral Extraction Facility (Herrick Properties, LLP)

Request for CUP, submitted by Herrick Properties, LLP (Doug Herrick, Applicant/Owner) for a Non-Metallic Mineral Extraction Facility. Proposed activities include a limestone quarry and associated processing/transport equipment and facilities. Parcels 30.034.0400 and 30.027.0800. TBD 94th AVE West Concord, MN 55985. The N 1/2 of the NW 1/4 of Section 34 and the S 1/2 of the SW 1/4 of Section 27 TWP 109 Range 17 in Cherry Grove Township. A1 Zoned District.

Pierret presented the staff report and attachments.

Ron Fadness spoke on behalf of Bruening Rock Products, Inc. (applicant) and introduced all present for this meeting including the owners of Herrick Properties, LLP, Doug, Nick and Jeanne Herrick, Luke Lunde with WSB Engineering, Floyd Hackman and Ashley Blake with Bruening Rock Products.

Commissioner Stenerson questioned if the berm would be around the total 37 acres, or if the berm will be moved as the project progresses.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
July 19, 2021 MEETING MINUTES
DRAFT**

Hackman answered in accordance of MSHA Rules, they need to protect from any dangerous drop offs so they plan to put berm along the road from where the scale and the scale house will be and along the roadway down to the woods on the east side. There will be a temporary berm around the face of the quarry at all times. The Herrick family will continue to farm the land, as the quarry will use a small portion for the quarry site, stock pile area and the scale.

Commissioner Stenerson questioned based on the soil borings, if it would be 13-18 feet of overburden.

Hackman said overburden would be used for berms, and will only strip a small portion at a time.

Commissioner Stenerson questioned if there will be enough overburden left over to establish the final slope so at the end of the project, there won't be a drop off.

Hackman stated that is the intent.

Commissioner Stenerson asked with MSHA Rules in regards to safety, will MPCA also be contacted because of the creek that is present on the property; how it will be protected?

Lunde answered they will not be mining in the area adjacent to the creek. Lunde addressed the plans provided by LUM staff, and noted they adjusted the limits and are staying further away from the creek. Everything will be contained within the site, not proposing any disturbance outside of the limits.

Commissioner Stenerson stated that to avoid the commission tabling the project until the August meeting and to address concerns of run off into the creek, the applicants need to provide a really good plan and these concerns need to be addressed and answered.

Lunde answered he has discussed the plans with staff, and does not want to see this tabled at this meeting. He stated the project will be moving from east to west in phases. They will be avoiding the area of the former mine. There will be a manmade basin.

Hackman referred to the plans, and noted the old quarry across the road that is now trees and brush and on the west side quarry will be the start of the project. He stated it is hard to say how much rock they will sell, but expects to be there for several years.

Lunde noted the berm will go completely around the site. There is a temporary berm that is on the plan that will move as they go.

Commissioner Stenerson questioned whether there is going to be a berm around the entire project, to prevent water flow from the mine into the creek area.

Lunde answered the drainage ways would be adjusted so the water will go around the mine areas so when there is precipitation, it will not go directly into the mine site, also preventing erosion of the berm.

Commissioner Stenerson questioned, based on the elevations, if the berm will be high enough to move the water, and if it would prevent ponding.

Lunde said they will be doing grading to ensure ponding won't occur.

Commissioner Greseth questioned how long the project will be open.

Hackman answered they estimate 40,000 tons per season and life of the quarry would be 40-50 years.

Commissioner Stenerson questioned the reason for not grading the whole area at once and questioned whether it would prevent the Herricks from farming the areas not yet used by the project.

Hackman agreed, further noting there is no need to berm the whole project at this point.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
July 19, 2021 MEETING MINUTES
DRAFT**

Lunde added the berm will not be established until they are ready to move on to the next phase. They will then need to reroute the drainage way.

Commissioner Stenerson questioned how steep the quarry would be, as it appears there is a lot of shale. Hackman answered they will not get in to the shale area.

Lunde noted in the borings, when they got into the ash layer, it acts as an aquatard where it purges the water above the ash layer. It is common in Wabasha County and in the southeast to see the ash cap on the top.

Commissioner Stenerson asked if they were expecting it to flood or for it to be under water when the project is complete.

Lunde answered that they are not expecting to see water in this area at all. The water shown in the borings is the water table in the old quarry. He also stated the beauty of phasing the project is when they are finished mining, they can begin the reclamation process. They will need an area for the overburden to go in addition to using it for the berms as they won't be able to use it all.

Hackman pointed out an area on the map where they will need to do stock piling of the overburden. For reclamation, they can use leftover overburden to slope some of the area.

Commissioner Stenerson asked if they were considering using some of the overburden to fill in some of the old pits and do some sloping of areas from the initial quarry from the 1960's.

Hackman said they can work with the Herrick's on some of those issues if they would like it cleaned up.

Lunde said they will work with the Watershed District, DNR and the Army Corp of Engineers on filling to ensure there would be no wetland violations.

Commissioner Stenerson questioned whether there was a plan to remove the berms upon project completion and if it will be contoured so the water will still go where it should and maintain drainage.

Lunde stated they can include adjustments to the grading plan. The plan before the Commission at this meeting is the plan they have currently. He also noted the safety concerns for Bruening Rock Products, Inc., that the water will not directly flow into the quarry for people working. As part of the restoration, it would include restoring drainage back to how it was originally.

Commissioner Miller added when the restoration is done, will it be restored to the present ground level.

Lunde answered it will not.

Hackman stated they could knock any rock or rubble, shale, and out cropping into the pit, and then slope with fill to create more of a hillside and naturally create a stream that would run along it. Also noted that Bruening Rock Products, Inc. would be happy to reshape the old quarry in cooperation with the property owners and the DNR.

Commissioner Greseth asked if Pierret had other concerns she wanted to discuss at this meeting.

Pierret answered it was mostly the Soil and Water questions and getting changes in writing. Another issue was potential fencing around the berm area for safety. Cherry Grove had noted a requirement of seeding and plantings of the berm areas, and consensus of the security costs of \$100,000.00.

Commissioner Nystuen questioned if the applicants had provided more information to SWCD Director Beau Kennedy and Water Planner Chad Hildebrand.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
July 19, 2021 MEETING MINUTES
DRAFT**

Pierret said she had nothing further from them at this time but it would be provided before the next meeting if the item is tabled.

Commissioner Stenerson asked if the map would be updated from the 2:1 slope to now 3:1 slope.

Staff noted the applicants will need to provide that information in writing and on the maps.

Chair Huneke Opened the Public Hearing

No one spoke for or against the request.

3After Chair Huneke called three times for comments it was moved by Commissioner Stenerson and seconded by Commissioner Miller to close the Public Hearing.

Motion carried 9:0

Commissioner Stenerson stated after going through the Soil and Water comments, he would like to see more detailed design on the grading, protecting the water flow, etc. He proposed the possibility to move forward with a condition that the mine cannot be opened until some of these issues are addressed further with the Soil and Water District.

Pierret stated the commission could require additional information before the County Board meeting.

Commissioner Stenerson said that with an engineering firm involved with the project, it wouldn't take long for them to draw up new maps with elevations, what the grades would look like, and how they would prevent the water from nearby fields from pooling into the quarry.

Lunde replied it can be addressed, but it does take longer than you think.

4It was moved by Commissioner Miller and seconded by Commissioner Greseth for the Planning Advisory Commission to:

TABLE the request from Herrick Properties, LLP (Doug Herrick Applicant/Owner) for a Conditional Use Permit to operate a Non-Metallic Mineral Extraction Facility until comments from the SWCD are addressed and exhibits provided to verify compliance with the zoning ordinance.

Motion Carried 8:1 Commissioner Stenerson against

Other Discussion

Hanni stated at the next meeting, the commission will need to address fencing for this project and the security bond. She added the next PAC meeting will be August 16th, and questioned if that would be enough time for WSB Engineering to do the additional mapping needed.

Lunde replied they would have the items prepared.

Hanni asked if they had any suggestions on fencing and locations of it to include those items as well.

Hackman stated they were planning on fencing along the road, at the gate and driveway, but not all the way around the property.

Commissioner Greseth suggested further discussion with Beau Kennedy in regards to potential issues with flooding, silt basins, blasting, etc.

Commissioner Stenerson noted that if the quarry would need to be pumped out, he would like a dewatering plan in the case of heavy rains, etc.

PLANNING COMMISSION
GOODHUE COUNTY, MN
July 19, 2021 MEETING MINUTES
DRAFT

⁵ADJOURN: Motion by Commissioner Miller and seconded by Commissioner Greseth to adjourn the Planning Commission Meeting at 6:56 p.m.

Motion carried 9:0

Respectfully Submitted,

Kathy Bauer, Zoning Administrative Assistant

¹APPROVE the PAC meeting agenda.

Motion carried 9:0

²APPROVE the previous month's meeting minutes.

Motion carried 9:0

³Motion to close the Public Hearing

Motion carried 9:0

⁴ TABLE the request CUP for Non-Metallic Mineral Extraction Facility

Motion carried 8:1

⁵ADJOURN. Motion to adjourn the meeting.

Motion carried 9:0

UNOFFICIAL UNTIL APPROVED BY THE PAC

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 Commission
From: Land Use Management
Meeting Date: August 16, 2021
Report date: August 6, 2021

TABLED: Request for CUP for Non-Metallic Mineral Extraction Facility (Herrick Properties, LLP)

Request for CUP, submitted by Herrick Properties, LLP (Doug Herrick, Applicant/Owner) for a Non-Metallic Mineral Extraction Facility. Proposed activities include a limestone quarry and associated processing/transport equipment and facilities.

Application Information:

Applicant(s): Herrick Properties, LLP (Doug Herrick, Applicant/Owner)
Address of zoning request: TBD 94th AVE West Concord, MN 55985
PID(s): 30.034.0400 and 30.027.0800
Abbreviated Legal: The N 1/2 of the NW 1/4 of Section 34 and the S 1/2 of the SW 1/4 of Section 27
TWP 109 Range 17 in Cherry Grove Township.
Zoning District: A-1 (Agriculture Protection District)

Attachments and Links:

Applications and revised project summary/maps
Site Map(s)
Goodhue County Zoning Ordinance:
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

Herrick Properties, LLP (Doug Herrick, Representative), owner of the subject property has submitted a Conditional Use Permit (CUP) Application proposing to establish a mining site to extract non-metallic mineral aggregates. The site is proposed to include 37.69 acres of mining located on two commonly-owned 80-acre parcels. The proposed mining operation is a limestone rock quarry. Mining that includes extraction of more than 400 cubic yards per year in the A-1 District is subject to the approval of a Conditional Use Permit by the County Board.

A limestone quarry operated on the southern parcel (30.034.0400), on the east side of what is now 94th AVE through the 1950s and 1960s. Because the mining operation ceased prior to current mining registration standards, a conditional use permit must be approved for the project.

The Planning Advisory Commission held a public hearing on the quarry at their July 19, 2021 meeting. At that meeting, staff recommended tabling the request until comments/concerns from the Goodhue SWCD could be addressed by the Applicant. Staff received updated exhibits and narratives from the Applicants on August 5, 2021.

Project Summary:

Staff has met several times with Bruening Rock Products and engineers from WSB during the past year to guide the Applicants' preparation of a proposal to conform to County application submittal requirements and pertinent performance standards to operate a Non-Metallic Mineral Extraction Facility in Cherry Grove Township.

Land Use Management Department Staff have conducted a thorough review of the CUP Application submittals. Three maps required in Article 14 of the County Zoning Ordinance depicting existing site conditions, proposed operations, and reclamation plans were submitted for review along with a narrative describing additional details.

Existing Conditions:

The Applicants prepared required Figure A depicting existing site conditions. Two 80-acre parcels, both owned by the Applicant, will be affected by the proposed mining operation. The parcels are in two sections of Cherry Grove Township (Section 27 and Section 34) both zoned A-1, Agriculture Preservation District. The southern parcel (30.034.0400) consists mostly of woodlands and grasslands surrounding an existing creek classified as Shoreland. The northern parcel (30.027.0800) consists of land used for row crop agriculture and areas of accumulated flow running north and south.

The nearest residence (owned by David Nelson) is approximately 650-feet from the nearest area to be mined on parcel 30.034.0400. Article 14 specifies that mining operations should be at least 1000-feet from existing dwellings. Setbacks may be reduced to 300-feet if written consent is obtained from the affected property owner. The Applicant has obtained written consent from Mr. Nelson to operate the quarry 650-feet from the Nelson residence.

Three soil boring logs were provided with the application. The boring locations are shown in Figure A. Existing soil conditions were not provided in the application. The parcels are surrounded by A-1 zoned properties on all sides, used mainly for row crop agriculture. Both sections the mining operation would be located in are considered "full" for dwelling development.

Proposed Operations:

The Applicants prepared required Figure B depicting proposed quarry operations. Approximately 37.69 acres of the existing 160 total acres will be impacted by the mining operation. A stabilized slope is proposed to be established around the perimeter of the area to be mined serving as a screening, noise, and dust barrier. The berm is sited to comply with Shoreland requirements. A cross-section is depicted in Figure B Quarry Proposed Operations.

The proposed area to be mined complies with all required setbacks in the Zoning Ordinance. A scale and scale house are the only structures proposed to be constructed on-site on the east side of the project area along 94th AVE. Employee vehicle parking and fuel storage will be in this area. The operation will require a maximum of 12 employees on an intermittent basis. Proposed months of operation are April to November from 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. Saturday which is within the hours of operation limitations found in the Zoning Ordinance.

- **Noise, Dust, Vibration, and Air Quality:**

Impacts from the proposed non-metallic mineral extraction facility may include noise, vibration, and dust. Noise may be expected by periodic blasting and the use of heavy equipment from mining, loading, and transport. Noise limitations and mitigation is regulated by the Mine Safety and Health Administration (MSHA).

The Applicants have indicated that blasting will be conducted by a licensed blasting contractor in compliance with federal and state laws and best practices. No explosives will be stored on-site and Article 14 requires seismic blasting records to be submitted to the Zoning Administrator within 10 days of receiving the blast analysis.

The mining operation would be subject to complying with applicable MPCA Noise Standards. Features included in the Proposed Operations Plan such as creating an earthen berm around the perimeter of the mining area that would be seeded to establish vegetative cover would help mitigate dust and noise impacts to neighboring properties.

- Water Resources:

The Applicant noted on the Proposed Operations Map that all site runoff shall remain within the quarry boundary. They also stated that all water retention ponds will be placed within the quarry boundary. Two stormwater ponds will be established on the north side of the quarry to facilitate ponding and prevent runoff into the mine. A generic SWPPP has also been submitted with the project proposal, a detailed SWPPP for this site will be prepared prior to the establishment of the mine as required by the MPCA.

Parcel 30.034.0400 is within the shoreland of an unnamed creek. No mining activities are proposed within the shore impact zone (50 feet from the Ordinary High Water Mark) as a 300-foot buffer from the existing stream is proposed. The proposed Stabilized Slope is proposed to be located within the Shoreland area. The Applicants have proposed to stabilize the slope according to Shoreland Ordinance standards.

The Applicants have requested the County consider approving water quality monitoring to be performed at the creek instead of drilling water quality monitoring wells. County staff will review this request and recommends the Planning Commission include a condition of approval that water quality monitoring done at the creek be performed at two locations, one above the mine and one below the mine.

- Aesthetics:

Aggregate mining is a high-impact land use that results in significant long-term alterations to the landscape in addition to visual impacts for the duration of the mining activity. These may include seeing open pits, major equipment, and gravel hauling trucks.

The quarry as proposed will be visible only from limited vantage points from 94th AVE to the north, generally, it should not be highly visible from nearby dwelling sites as there is tree coverage to the south and southeast. The scale and scale house will be visible from 94th AVE.

Vehicles accessing and leaving the site will utilize 94th AVE (aggregate surface) to access County 11 BLVD to the north (asphalt surface). There are two dwellings located at the intersection of County 11 BLVD and 94th AVE approximately 1/2 mile north of the proposed mine (Georgia Haugen and Jeff Schultz).

Most of the mining will be occurring below grade and will be partially screened with the stabilized slope as illustrated in Figure B Quarry Proposed Operations.

- Traffic Safety:

The Applicants have indicated that they expect a maximum of 40 truck trips per day during peak production. The number of trips would increase and decrease with demand and time of year. The access road to the quarry site is 94th Avenue, a Cherry Grove Township road. The driveway access from the Herrick property onto 94th Avenue is located approximately 1/2 mile south of the intersection with County 11 BLVD. Goodhue County Engineer Greg Isakson reviewed the proposal and noted:

As long as the trucks are legally loaded and stopping at the stop sign at CSAH 11 I don't have a concern. The County retains the right to reduce the weight limits on CSAH 11 as needed.

- **Site Security:**

The Applicant noted that berms to be established above the quarry face will act as site security and entry will be secured by gates off 94th AVE. A sign will be erected on 94th AVE indicating operator information and complaints will be addressed proactively. The Planning Commission should consider whether fencing should be required in accordance with Article 14 Section 6 Subd. 4(B) *“Fencing, signs, and barriers are required around ponding areas and steep-sloped excavation areas unless, because of their location they are not deemed to create a safety hazard.”*

Reclamation Plan:

The Applicants prepared a Reclamation Plan which states that the quarry floor will be revegetated with a minimum of 4 inches of topsoil. Vegetation must comprise 70% of the quarry floor before reclamation will be considered complete.

A buttress berm constructed of rubble will be installed at the intersection of the quarry floor and wall to prevent access directly under the rock wall. The existing berm will remain vegetated upon closure of the operation.

The Applicant is proposing to use the reclaimed quarry for low-intensity agriculture.

SWCD Comments:

Goodhue Soil and Water Conservation District Director Beau Kennedy and Water Planner Chad Hildebrand were unavailable for comments prior to mailing Planning Commission packets. SWCD comments will be provided to the PAC prior to the August meeting.

Cherry Grove Township:

Cherry Grove Township considered the mining operation at their November 2020 meeting. The Township considered roadway, noise, and dust impacts of the quarry. The Township approved the permit request with four conditions:

1. A berm will be constructed on the perimeters of the quarry. They will seed it with grass and maintain (mow) along with the planting of bushes and trees. This will reduce the noise and dust from the operation.
2. Bruening Rock Products will maintain 94th Ave. from driveway to the stop sign on hwy. #11. This includes adding rock to the township road.
3. Bruening Rock Products will also apply dust control to said stretch of township road.
4. If the culvert under 94th Ave sustains damage or collapse during operation of the quarry, Bruening Rock Products will replace said culvert.

Security:

Article 14 Section 6 Subd. 1 requires the Applicant to post a letter of credit, bond, or cash escrow for a mineral extraction facility CUP. The security should account for costs of bringing the operation

into compliance with the mineral extraction permit requirements including site monitoring and enforcement costs, extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation, site restoration, and costs the County may incur in enforcing the terms of the Conditional Use Permit including attorney's fees. The bond shall be for a minimum of one year and shall include a provision for notification to the County at least 30 days prior to cancellation or non-renewal. The Applicant has proposed reclamation costs to be \$103,647.50, staff has calculated the required security to be \$100,000.

Findings of Fact:

- The proposed limestone quarry operation does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values within the immediate vicinity. The quarry would be located within a primarily agricultural area in the vicinity of an abandoned mining operation. There is one dwelling within 1,000 feet of the proposed quarry which has submitted written consent for a reduced setback.
- That the establishment of the proposed mining operation is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use is proposed to meet all standards of the Goodhue County Zoning Ordinance and it does not appear incompatible with adjacent land uses. The quarry would be located in two A-1 Zoned sections of Cherry Grove Township that are considered "full" for dwelling establishment.
- A review of the Applicant's submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available or will be provided to accommodate the proposed use.
- The submitted plans identify means to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance's parking requirements.
- The submitted plans detail adequate measures will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance including berming, seeding, hours of operation, and MPCA Noise Standards.

Staff Recommendation:

LUM Staff recommends the Planning 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 that the County Board of Commissioners **APPROVE** the request from Herrick Properties, LLP (Doug Herrick Applicant/Owner) for a Conditional Use Permit to operate a Non-Metallic Mineral Extraction Facility. 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. Hours of Operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 12:00 p.m. Saturday. Any exceptions must comply with Article 14, Section 6, Subd. 4;
 3. Seismic blasting records shall be submitted to the Zoning Administrator within 10 days of receiving the blast analysis;
 4. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations. Evidence shall be provided to the County of all required permits prior to the start of Mining Operations;

5. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 14 Mineral Extraction and Article 21 Agricultural Protection District;
6. Site Reclamation after completion of mineral extraction shall be performed according to submitted plans, specifications, and narrative in accordance with Article 14 Section 6 Subd. 4S;
7. The operation shall be annually registered with Goodhue County in accordance with Article 14 Section 6 Subd. 2;
8. Security. The applicant/owner (Doug Herrick) of the property on which the mineral extraction is occurring, shall post a letter of credit, bond, or cash escrow of \$100,000. If the required Security is provided in the form of a “Letter of Credit” or a “Performance Bond”, it shall be subject to review and approval by the County Attorney prior to the start of Mining Operations. Goodhue County shall be listed as the eligible party to access the Security to reimburse the following costs upon failure of the Applicant/Owner to comply with requirements of this Conditional Use Permit;
9. Mineral Extraction and related activities are limited to the 37.69 acres as legally described on the Certificate of Survey for Herrick CUP Bruening Rock Products, Inc. WSB Project No. 017322;
10. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to constructing any structures on the property; and

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # _____

Permit# _____

PROPERTY OWNER INFORMATION

Last Name: Herrick Properties, LLP

First

Email:

Street Address: 51955 94th Avenue

City: West Concord

State: MN

Zip: 55985

Attach Legal Description as Exhibit "A"

Authorized Agent: Doug Herrick

Phor

Mailing Address of Landowner: 51955 94th Avenue, West Concord, MN 55985

Mailing Address of Agent: same

PROJECT INFORMATION

Site Address (if different than above): address to be assigned

Lot Size: TBD by survey

Structure Dimensions (if applicable): N/A

What is the conditional/interim use permit request for? Mineral Extraction

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized:
This property has been previously used as a limestone quarry. It is situated in an ideal location to provide crushed limestone for local requirements. It will be operated in conformity with all applicable requirements and best practices.

DISCLAIMER AND PROPERTY OWNER SIGNATURE

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

Signature of Landowner:



Date

6-23-21

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

Title

Date

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).

The purpose of the project is to quarry limestone for processing and sale of various rock products to
local public entities and private customers.

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

The only structure will be a truck scale and scale house.

3. Proposed number of non-resident employees.

The quarry will require between 0 and 12 employees on an intermittent basis.

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

7:00 AM to 7:00 PM Monday through Friday and 7:00 AM to 12:00 Noon on Saturday.

5. Planned maximum capacity/occupancy.

N/A

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

Access to the site will be by one access point chosen for maximum visibility, and all operations will
be carried out within the bounds of the quarry.

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

N/A

8. Proposed solid waste disposal provisions.

The quarry will produce minimal waste, which shall be removed from the property for disposal
elsewhere.

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

Portable toilets will be utilized, and no water service will be required.



10. Existing and proposed exterior lighting.

None

11. Existing and proposed exterior signage.

A sign will be erected at the end of the driveway.

12. Existing and proposed exterior storage.

None

13. Proposed safety and security measures.

The quarry operation will comply with all applicable safety and security requirements of the Mine Safety and Health Administration of the United States Department of Labor.

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

The site will be clearly marked and easily accessible for emergency services.

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

The quarry will generate noise and dust. MSHA requirements govern the limits and mitigation of

both noise and dust, and mitigation will limit the effect of the operation on areas outside the quarry.

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

See attachments.

17. Existing and proposed surface-water drainage provisions.

See attachments.

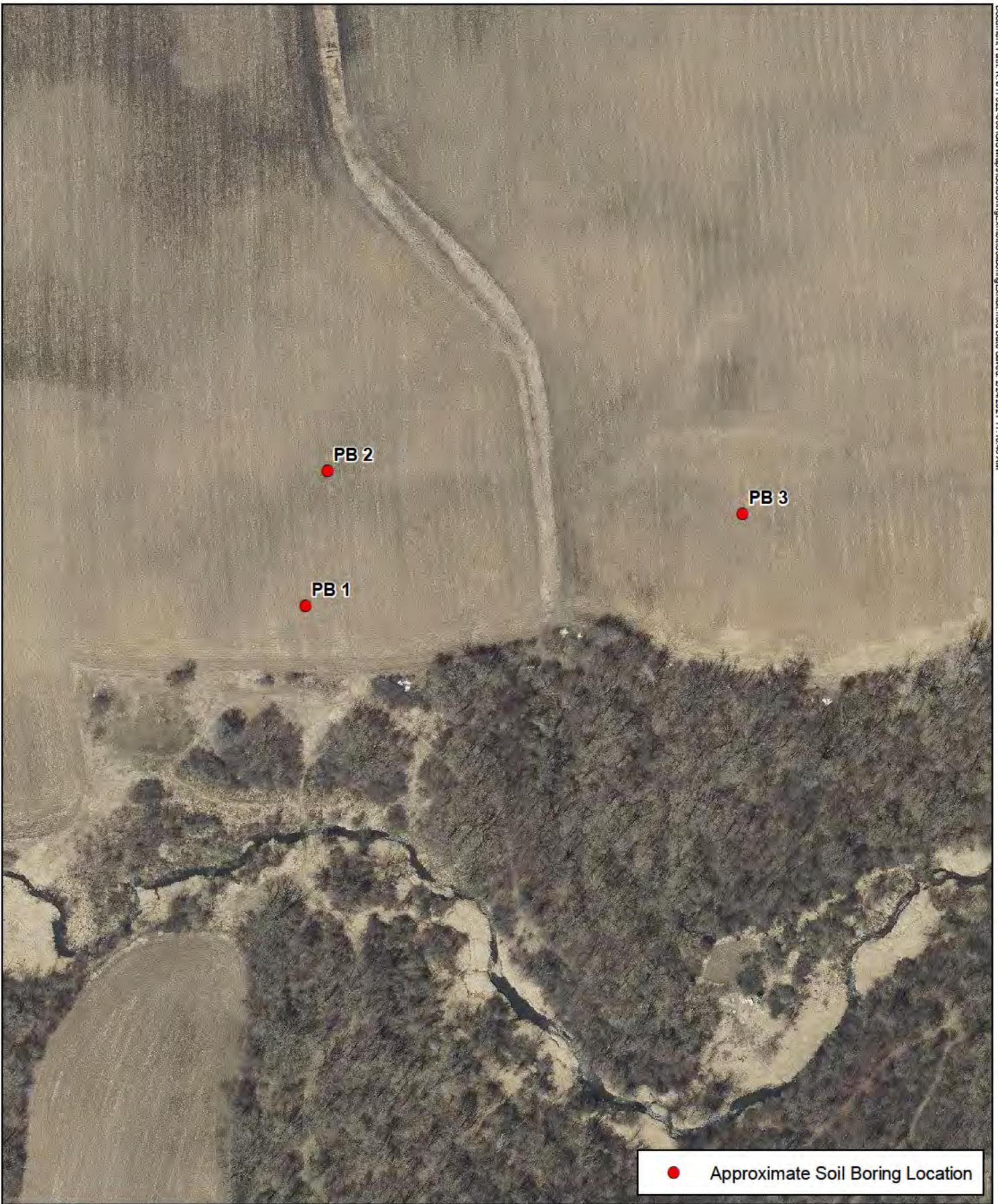
18. Description of food and liquor preparation, serving, and handling provisions.

None.

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

This operation will be similar to others in the county, and provide substantial economic benefits to

the area it will serve.



Soil Boring Exhibit
Bruening Rock Quarry
Cherry Grove Township
Goodhue County
WSB#: 017322-000



0 200 Feet
1 inch = 200 feet



LOG OF TEST BORING



PROJECT NAME: Bruening Rock - Cherry Grove
 CLIENT/WSB #: 017322-000

PROJECT LOCATION: Kenyon, MN
 SURFACE ELEVATION: 1168 ft

BORING NUMBER B-1

PAGE 1 OF 1

DEPTH (ft)	ELEV. (ft)	DESCRIPTION OF MATERIAL	USCS	GEOLOGIC ORIGIN	WL	Drilling Operation	SAMPLE		MC %	%Fines	OTHER TESTS AND NOTES
							TYPE	No.			
1	1167	ORGANIC CLAY, black	OL	Topsoil							
2	1166	SILT, brown	ML	Glacial Till							
3	1165										
4	1164										
5	1163										
6	1162	SILTY SAND, brown, pieces of Limestone from 13 - 18 feet	SM		▽						
7	1161										
8	1160										
9	1159										
10	1158										
11	1157										
12	1156										
13	1155										
14	1154										
15	1153										
16	1152										
17	1151										
18	1150										
19	1149	LIMESTONE, brownish gray, slightly weathered, hard, thin bedded, highly fractured		Prosser Formation							
20	1148										
21	1147										
22	1146										
23	1145	LIMESTONE, gray and brownish gray, slightly weathered, hard, thin bedded, highly fractured									
24	1144										
25	1143	from 22 to 25 feet, slightly fractured from 25 - 28 feet									
26	1142										
27	1141										
28	1140										
29	1139	LIMESTONE, gray with brown alterations, slightly weathered, thin bedded, highly fractured									
30	1138										
31	1137										
32	1136										
33	1135										
34	1134										
35	1133										
36	1132										
37	1131										
38	1130										
39	1129	LIMESTONE, gray with brown alterations, slightly weathered, medium hard, thin bedded, moderately fractured		Cummingsville Formation							
40	1128										
41	1127										
42	1126	LIMESTONE, slightly interbedded with SHALE, gray, slightly weathered, medium hard, thin bedded, moderately fractured									
43	1125										
44	1124										
45	1123										
46	1122										
47	1121	LIMESTONE, moderately interbedded with SHALE, gray, slightly weathered, medium hard, thin bedded, moderately fractured									
48	1120										
49	1119										
50	1118										
51	1117										
52	1116										
53	1115										
54	1114										
55	1113										
56	1112										
57	1111	LIMESTONE, heavily interbedded with SHALE, gray, slightly weathered, medium hard, thin bedded, moderately fractured									
58	1110										
59	1109										
60	1108										
61	1107	LIMESTONE, heavily interbedded with SHALE, gray to buff, unweathered, moderately hard, thin bedded, moderately fractured									
62	1106										
63	1105										
64	1104										
65	1103										
66	1102										
67	1101										
68	1100										
69	1099	LIMESTONE, heavily interbedded with SHALE, gray to buff, slightly weathered, moderately hard, thin bedded, moderately fractured									
70	1098										
71	1097										
72	1096										
73	1095										
74	1094										
75	1093										
76	1092										
77	1091										
78	1090	End of Boring 78.0 ft.									

GEO-TECHNICAL-NOTES - WSB-GDT - 2/25/21 08:32 - K:\017322-000\GEO-TECH-CMT\GEO-TECH-ROCK LOGS\017322-000.GPJ

WATER LEVEL MEASUREMENTS							START: 1/19/2021	END: 1/21/2021	
DATE	TIME	SAMPLED DEPTH	CASING DEPTH	CAVE-IN DEPTH	WATER DEPTH	WATER ELEVATION	METHOD	Crew Chief: R. Kurth	Logged By: MWO
1/21/2021	4:00 pm	78	73		28.0	1140	6" FA 0' - 18'	Notes: Subsurface water may represent perched conditions	
							NQ WIRE 18' - 78'		

LOG OF TEST BORING



PROJECT NAME: Bruening Rock - Cherry Grove
 CLIENT/WSB #: 017322-000

PROJECT LOCATION: Kenyon, MN
 SURFACE ELEVATION: 1169 ft

BORING NUMBER B-2

PAGE 1 OF 1

DEPTH (ft)	ELEV. (ft)	DESCRIPTION OF MATERIAL	USCS	GEOLOGIC ORIGIN	WL	Drilling Operation	SAMPLE		MC %	%Fines	OTHER TESTS AND NOTES
							TYPE	No.			
1	1168	Silty Clay	CL	Glacial Till	▽		FA	1			
2	1167										
3	1166										
4	1165										
5	1164										
6	1163										
7	1162										
8	1161										
9	1160										
10	1159										
11	1158										
12	1157										
13	1156										
14	1155										
15	1154										
16	1153										
17	1152										
18	1151										
19	1150										
20	1149										
21	1148										
22	1147										
23	1146										
24	1145										
25	1144										
26	1143										
27	1142										
28	1141										
29	1140										
30	1139										
31	1138	LIMESTONE, brown, moderately to highly weathered, hard, thin bedded, highly fractured, some pitting		Prosser Formation							
32	1137	Limestone		Cummingsville Formation							
33	1136										
34	1135										
35	1134										
36	1133										
37	1132										
38	1131										
39	1130										
40	1129										
41	1128										
42	1127	LIMESTONE, slightly interbedded with SHALE, gray, moderately weathered, hard, thin bedded, moderately fractured									
43	1126	Limestone									
44	1125										
45	1124										
46	1123										
47	1122										
48	1121										
49	1120										
50	1119										
51	1118	LIMESTONE, heavily interbedded with SHALE, gray to buff, slightly weathered, moderately hard, thin bedded, moderately fractured									
52	1117	Limestone									
53	1116										
54	1115										
55	1114										
56	1113										
57	1112										
58	1111										
59	1110										
60	1109										
61	1108										
62	1107	LIMESTONE, heavily interbedded with SHALE, gray to buff, slightly weathered, moderately hard, thin bedded, moderately fractured									
63	1106	Limestone									
64	1105										
65	1104										
66	1103										
67	1102										
68	1101										
69	1100										
70	1099										
71	1098										
72	1097										
73	1096	LIMESTONE, heavily interbedded with SHALE, greensih gray to buff, slightly weathered, soft, thin bedded, moderately fractured									
74	1095	Limestone									
75	1094										
76	1093										
77	1092										
78	1091										
79	1090										
80	1089										
81	1088										
82	1087										
83	1086										
84	1085	LIMESTONE, heavily interbedded with SHALE, light gray to buff, slightly weathered, soft, thin bedded, moderately fractured									
85	1084	Shale									
86	1083										
87	1082										
88	1081										
89	1080	LIMESTONE, heavily interbedded with SHALE, light gray to buff, slightly weathered, soft, thin bedded, moderately fractured									
90	1079	End of Boring 90.0 ft.									

GEO-TECHNICAL-NOTES - WSB GDT - 2/25/21 08:32 - K:\017322-000\GEO-TECH-CMT\GEO-TECH-ROCK LOGS 017322-000.GPJ

WATER LEVEL MEASUREMENTS							START: 1/26/2021	END: 1/28/2021	
DATE	TIME	SAMPLED DEPTH	CASING DEPTH	CAVE-IN DEPTH	WATER DEPTH	WATER ELEVATION	METHOD	Crew Chief: R. Kurth	Logged By: MWO
1/28/2021	3:00 pm	90	85		25.0	1144	6" FA 0' - 30' NQ WIRE 30' - 90'	Notes: Subsurface water may represent perched conditions	

LOG OF TEST BORING



PROJECT NAME: Bruening Rock - Cherry Grove
 CLIENT/WSB #: 017322-000

PROJECT LOCATION: Kenyon, MN
 SURFACE ELEVATION: 1169 ft

BORING NUMBER B-3

PAGE 1 OF 1

DEPTH (ft)	ELEV. (ft)	DESCRIPTION OF MATERIAL	USCS	GEOLOGIC ORIGIN	WL	Drilling Operation	SAMPLE		MC %	%Fines	OTHER TESTS AND NOTES	
							TYPE	No.				
1	1168	SILTY CLAY, brown	CL	Glacial Till								
2	1167											
3	1166											
4	1165											
5	1164											
6	1163											
7	1162											
8	1161											
9	1160											
10	1159											FA 1
11	1158											
12	1157											
13	1156											
14	1155											
15	1154											
16	1153											
17	1152											
18	1151											WEATHERED LIMESTONE, brown to tan
19	1150											
20	1149											
21	1148											
22	1147											
23	1146											
24	1145											
25	1144											
26	1143											
27	1142											
28	1141											
29	1140											
30	1139											
31	1138											
32	1137											
33	1136											
34	1135											
35	1134											
36	1133											
37	1132											
38	1131											
39	1130											
40	1129	LIMESTONE, slightly interbedded with SHALE, grayish brown to light gray, slightly weathered, moderately hard, thin bedded, moderately fractured		Cummingsville Formation								
41	1128											
42	1127											
43	1126											
44	1125											
45	1124											
46	1123											
47	1122											
48	1121											
49	1120											
50	1119	LIMESTONE, moderately interbedded with SHALE, light gray to gray, slightly weathered, moderately hard, thin bedded, moderately fractured										
51	1118											
52	1117											
53	1116											
54	1115											
55	1114											
56	1113											
57	1112											
58	1111											
59	1110											
60	1109	LIMESTONE, heavily interbedded with SHALE, light gray to gray, slightly weathered, moderately hard to soft, thin bedded, moderately fractured										
61	1108											
62	1107											
63	1106											
64	1105											
65	1104											
66	1103											
67	1102											
68	1101											
69	1100											
70	1099	LIMESTONE, heavily interbedded with SHALE, dark gray, moderately weathered, soft, thin bedded, highly fractured										
71	1098											
72	1097											
73	1096											
74	1095											
75	1094											
76	1093											
77	1092											
78	1091											
79	1090											
80	1089	LIMESTONE, heavily interbedded with SHALE, light gray to gray to buff, slightly weathered, moderately hard to soft, thin bedded, moderately fractured										

End of Boring 80.0 ft.

WATER LEVEL MEASUREMENTS

START: 2/02/2021

END: 2/17/2021

DATE	TIME	SAMPLED DEPTH	CASING DEPTH	CAVE-IN DEPTH	WATER DEPTH	WATER ELEVATION	METHOD	Crew Chief:	Logged By:
								R. Kurth	MWO
2/17/2021	5:00 pm	80	75		None		6" FA 0' - 20'	Notes:	
							NQ WIRE 20' - 80'		

GEO-TECHNICAL-NOTES - WSB.GDT - 2/25/21 08:32 - K:\017322-000\GEO-TECH-CMT\GEO-TECH-ROCK LOGS 017322-000.GPJ

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
 July 19, 2021

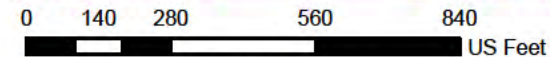
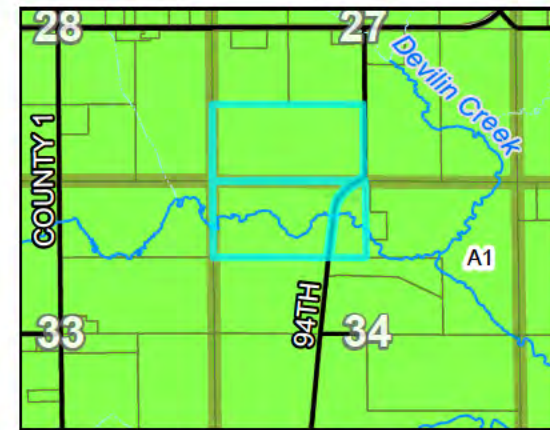
Herrick Properties, LLP (Doug Herrick, Applicant/Owner) A1 Zoned District

N 1/2 of the NW 1/4 of Section 34 and the S 1/2 of the SW 1/4 of Section 27 TWP 109 Range 17 in Cherry Grove Township.

Request for a Non-Metallic Mineral Extraction Facility.

Legend

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

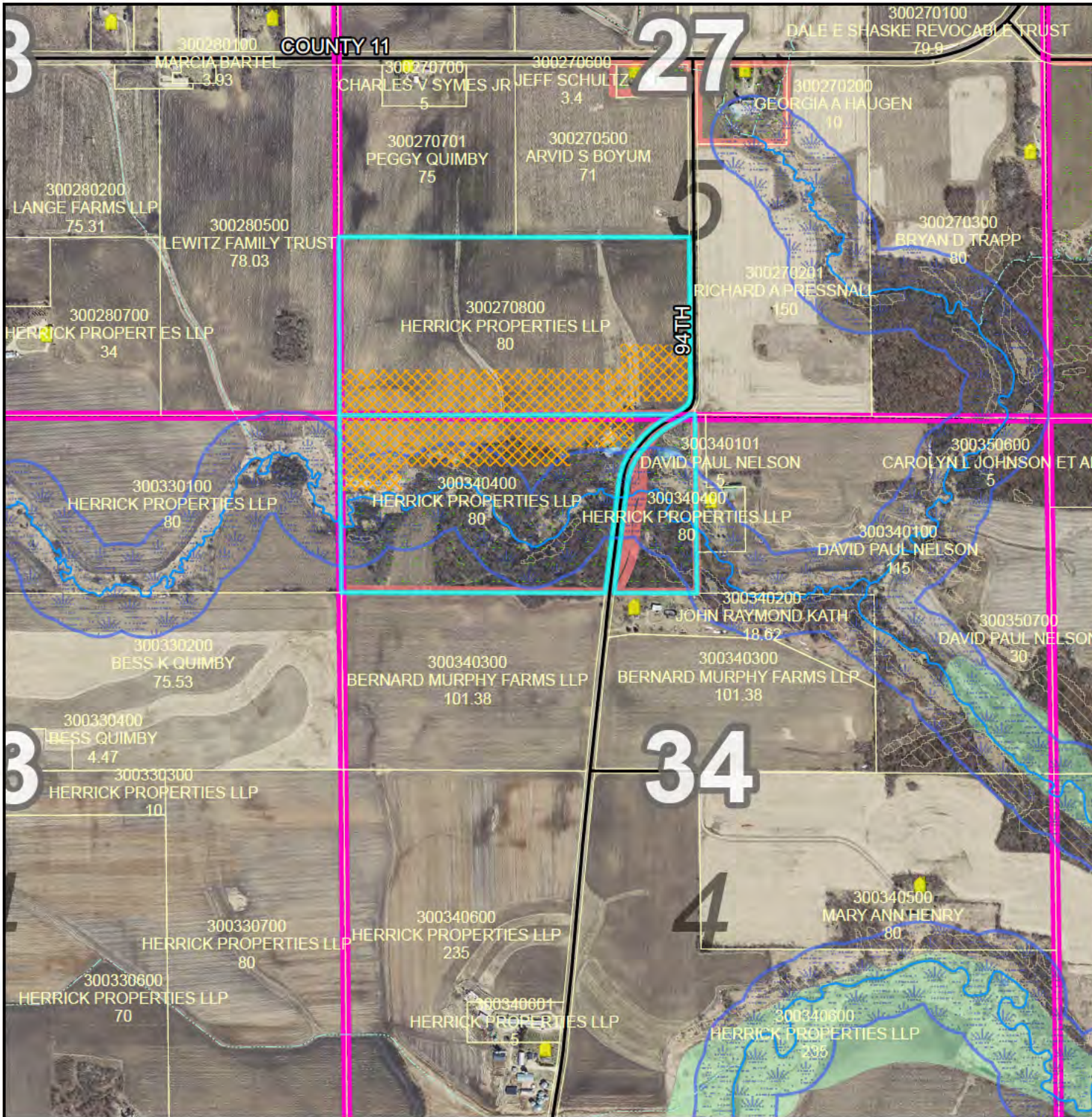


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MAP 02: VICINITY MAP



PLANNING COMMISSION

Public Hearing
July 19, 2021

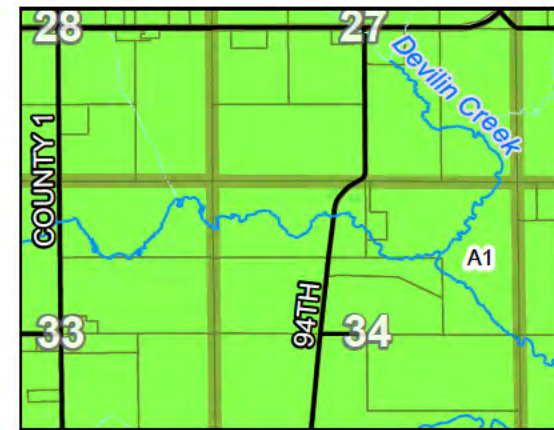
Herrick Properties, LLP (Doug Herrick,
Applicant/Owner) A1 Zoned District

N 1/2 of the NW 1/4 of Section 34
and the S 1/2 of the SW 1/4 of
Section 27 TWP 109 Range 17 in
Cherry Grove Township.

Request for a Non-Metallic
Mineral Extraction Facility.

Legend

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



0 405 810 1,620 2,430 US Feet

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MAP 03: ELEVATIONS



PLANNING COMMISSION

Public Hearing
July 19, 2021

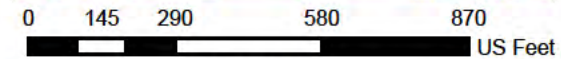
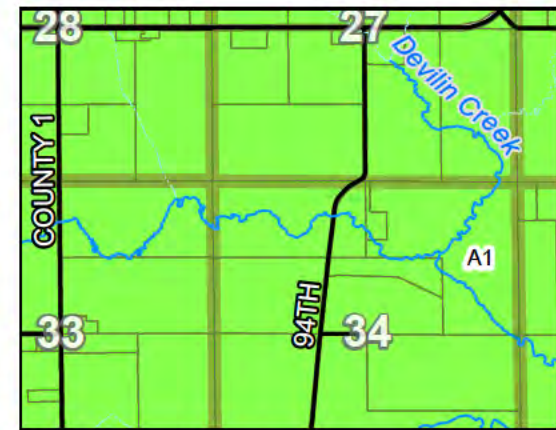
Herrick Properties, LLP (Doug Herrick,
Applicant/Owner) A1 Zoned District

N 1/2 of the NW 1/4 of Section 34
and the S 1/2 of the SW 1/4 of
Section 27 TWP 109 Range 17 in
Cherry Grove Township.

Request for a Non-Metallic
Mineral Extraction Facility.

Legend

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



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Cherry Grove Conditional Use Permit Hearing

November 10, 2020

Present: (Cherry Grove Zoning Committee) John Cordes, Claire Boyum, Becky Friese, Bev Jacobsen

Representatives from Bruening Rock Products, Ron Fadness, Floyd Hackman, and Luke Lunde

Cherry Grove Township Supervisor, Keith Allen

The proposed quarry will be on the Herrick Farm, involving less than 40 acres of land. It has a history of being a quarry, but abandoned for many years. The driveway into the quarry will be on 94th Ave. This driveway is about 600 feet from its closest neighbor, David and Lynn Nelson. They have agreed to this arrangement in writing. Of note, the quarry's boundary will be 450 – 500 feet from a creek that is on its southern boundary. Bruening Rock Products also operate the quarry outside of Pine Island. They have a goal of expanding their business and reducing trucking expenses.

The goal to begin operation would be next summer, depending on the permitting process. The quarry will produce mostly white rock. This would be primarily road rock for township roads with 1 inch to 3 inch clean rock. Blasting will be performed 7 a.m. to 6 p.m. Monday through Friday, and 7 a.m. to 12 p.m. on Saturdays, which is also hours of operation.

Conditions for granting this permit:

1. A berm will be constructed on the perimeters of the quarry. They will seed it with grass and maintain (mow) along with the planting of bushes and trees. This will reduce the noise and the dust from the operation.
2. Bruening Rock Products will maintain 94th Ave. from driveway to the stop sign on hwy. #11. This includes adding rock to the township road.
3. Bruening Rock Products will also apply dust control to said stretch of township road.
4. If the culvert under 94th Ave sustains damage or collapse during operation of the quarry, Bruening Rock Products will replace said culvert.

A note of concern for Goodhue County Highway Department.

Several voiced concern over the obstruction of tree growth on the corner of 94th Ave. and Hwy #11, and county attention to this would be appreciated as it would increase safety and visibility for those entering Hwy #11.

Memorandum

To: Goodhue County Planning and Zoning – Samantha Pierret, Administrator

From: Bruening Rock Products

Date: 8.02.2021

Re: Bruening Rock Products Response to Goodhue County Soil & Water Conservation District: Herrick Mine CUP Cherry Grove Request for Additional Comments

WSB Project No. 017322-000

1. ***Referencing county ordinance – Article 14, Section 7, Subd. 6 the Mining Technical Evaluation Panel (MTEP) should have 30 days to review the material and develop a full report and were not given the full 30 days prior to the public hearing.***

This item has been addressed by Goodhue County Planning and Zoning.

2. ***Give more detail and plans explaining how the “Grading will be established and extended throughout the life of the quarry to direct storm water flow around the quarry to continue existing drainage patterns.” How will the grading be completed, is there a structure being installed to handle the contributing watershed coming from the agricultural field to the edge of the quarry. Are there designs developed to demonstrate the proposed grading plans to ensure it can handle the incoming watershed. What are the plans in place if the water enters the quarry and how will it be treated? Reviewing the DEM data, there are areas that show a 25 ft – 30 ft elevation change which conveys the concentrated flow through the proposed quarry.***

See revised proposed operations (Figure B) and reclamation plan (Figure C).

3. ***After establishment of vegetation on the berm, what is the plan to control the growth of noxious weeds on the quarry site?***

Bruening Rock Products will complete monitoring of the site on a monthly basis for required vegetative maintenance and complete annual mowing at minimum twice a year in coordination with herbicide applications when applicable as site conditions permit for control of noxious weed within the limits of the site.

4. ***Would recommend a “Water Quality Monitoring” be performed on the quarry project site. Reasons for the recommendation are as follow:***

- ***The previous mined and excavated area depicted in Figure A shows an elevation of 1140 feet and has ponding water present. The stream elevation is at 1138 feet on the western side of the proposed area to a stream elevation of 1128 feet on the eastern side near the gravel road. Would require additional information to clearly identify if a “perch water table” is present or if it would be mining below the water table.***

The geotechnical soil borings and rock core samples identify a perched water table within the Prosser Formation (See Appendix C). With exception of the perched water table no evidence of water table was encountered below the perched water table during drilling at each boring location by the Geotechnical Drill Rig team.

Bruening Rock Products has no intent nor are they proposing mining below the water table as this would be considered a safety hazard to staff operating heavy equipment onsite if dewatering pumps fail to function. In addition to a considerably higher cost to mining operations. Proposed mine pit elevations as show in Appendix A, Figure B are at minimum five feet above the current stream elevations with exception to the western portion of the project as Bruening Rock Products is proposing to mine to depths that would allow for acquisition of limestone bedrock in the Prosser geologic formation (See Appendix C).

- ***County Ordinance Article 14, Section 6, Subd. 4, P. Water Quality Monitoring requires water quality monitoring shall be performed when a mineral extraction facility meets any of the following: As shown in Figure A, a DNR Public Water is within 600 feet of the property lines.***

Bruening Rock Products agree the proposed project limits is within 600 feet of a MNDNR Public Water. Although the Goodhue County SWCD is recommending water quality monitoring occur for this proposed project, Bruening Rock Products is requesting water quality monitoring to not be required for the following reasons. The proposed mining limits average greater than 300 feet from the MNDNR Public Water. Bruening Rock Products intent to mine the Prosser Formation for limestone (See Appendix C). Proposed mining elevations include a depth of 1128 on the west side of the project (SB-1) to 1133 on the east side of the project (SB-3). According to the geotechnical soil borings the elevations of Cummingsville formation range from 1127 to 1133. Due to the content of interbedded shale encountered in the Cummingsville Formation, it is not feasible for Bruening Rock Products to mine this formation. This formation acts as a natural filter of surface water prior to infiltrating into the ground water. The mining operation does not intend to disturb this geologic formation. In addition, Bruening Rock Products have incorporated surface water management BMPs upgradient of the proposed mine limits in two of the existing waterways to allow for infiltration of surfacewater avoiding direct surfacewater discharge into the mine site.

5. ***Referencing Article 14, Section 6, Subd. 4, S. Land Reclamation:***
 - ***The plan does not show the revision to convert the rehabilitated area to a 3:1 slope as stated in the ordinance. Just stated that it will be revised to a 3:1 slope.***

See Appendix A, Figure C for revisions to the reclamation plan.

- ***Would need additional information and specifics on the Soil Restoration of the proposed project site. All that Figure C states is that "The Quarry Floor will be vegetated as shown with a minimum of 3" topsoil. Is this being restored within the original undisturbed depth? Is the intended use converting to row crop production? Are there soil profiles to determine the original undisturbed depths? According to ordinance, a minimum of 4-6 inches is required.***

See Appendix A, Figure C for revisions to the reclamation plan.

6. ***Article 14, Section 5, Subd.2, Q – Contingency Plans***

- ***What is the contingency plan in case the earth embankment or quarry wall fails or water from the quarry enters the public water? Did not notice a plan in the application.***

Contingency plans for responding to spills and berm/earthen dam failure, or accidental release of chemical, process water or tailings is address in the Stormwater Pollution Prevention Plan (SWPPP) as required by the MPCA general permit (MNG490000) for non-metallic mining. The Bruening Rock Products SWPPP addresses stormwater control measures, inspections and maintenance, spill preventions and response procedures, and benchmark monitoring. The SWPPP is included in this memo as Appendix A. It is Bruening Rock Products intent to include the Herrick Site in the SWPPP as Appendix 35 (See Appendix A, Page 3) once the conditional use permit is approved for the proposed mine site prior to commencing any proposed construction activities as also required by the MPCA Non-Metallic Mining Permit.

Attachments;

Appendix A

Figure A (1) – Existing Site Conditions

Figure A (2) – Well Locations

Figure B – Proposed Operations

Figure C – Reclamation Plan

Appendix B

Bruening Rock Products - Stormwater Pollution Prevention Plan

Appendix C

Geotechnical Soil Boring Logs and Boring Location Map

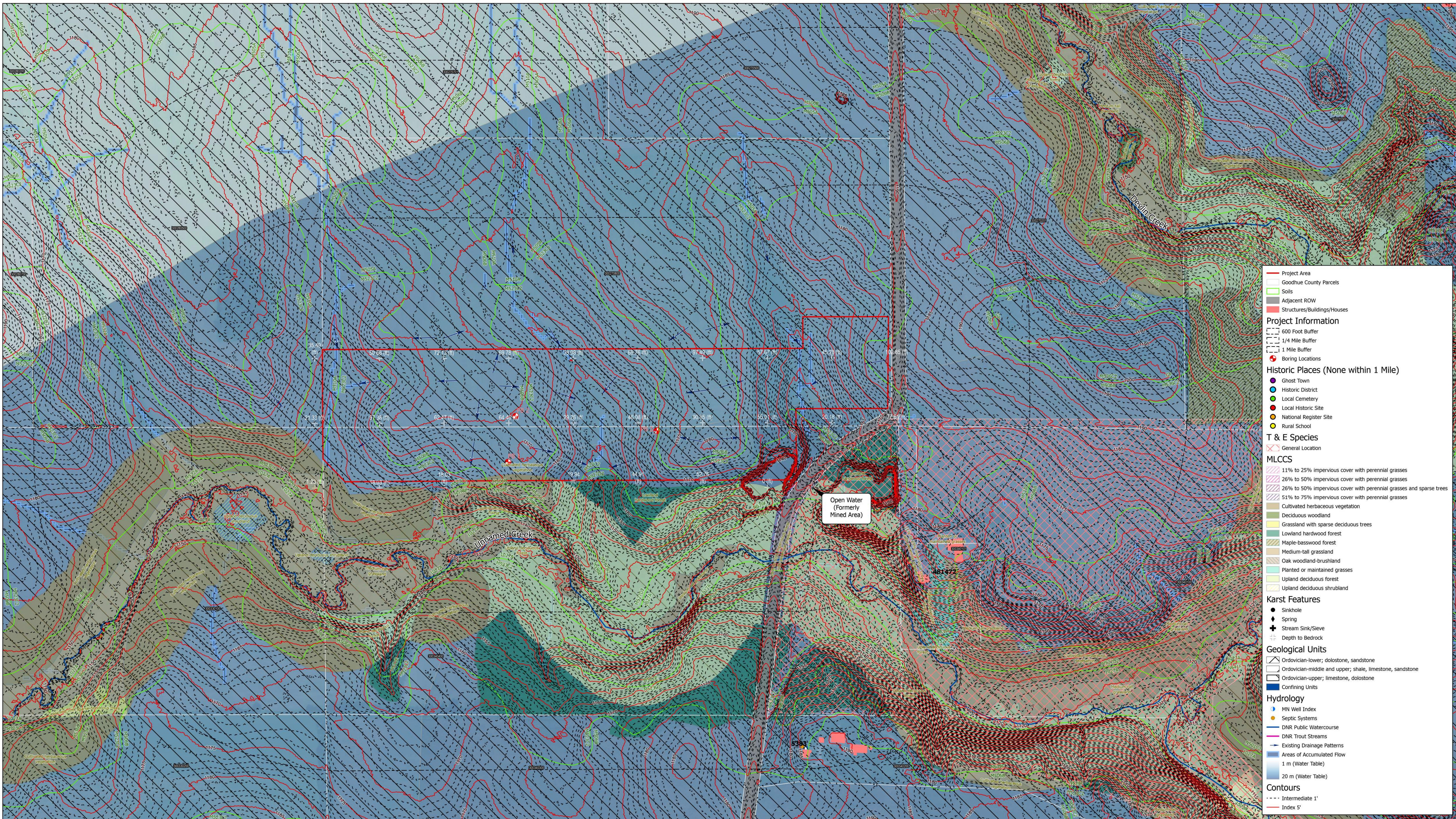
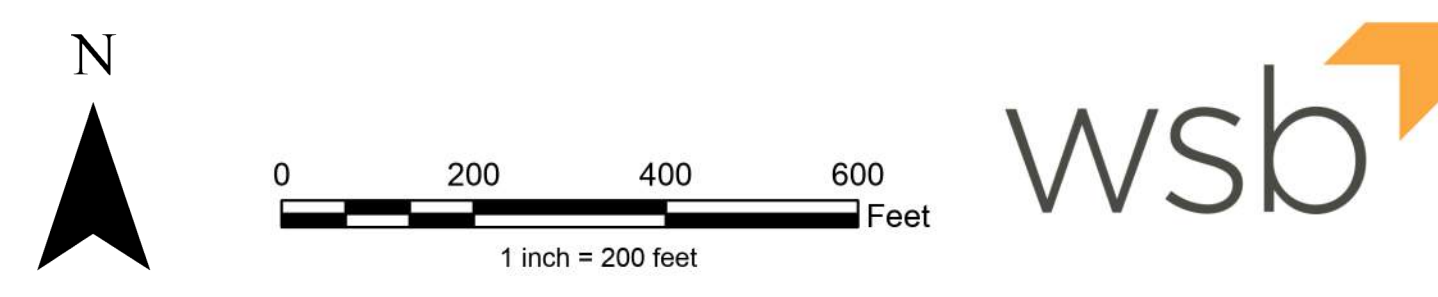


Figure A(1) Existing Site Conditions



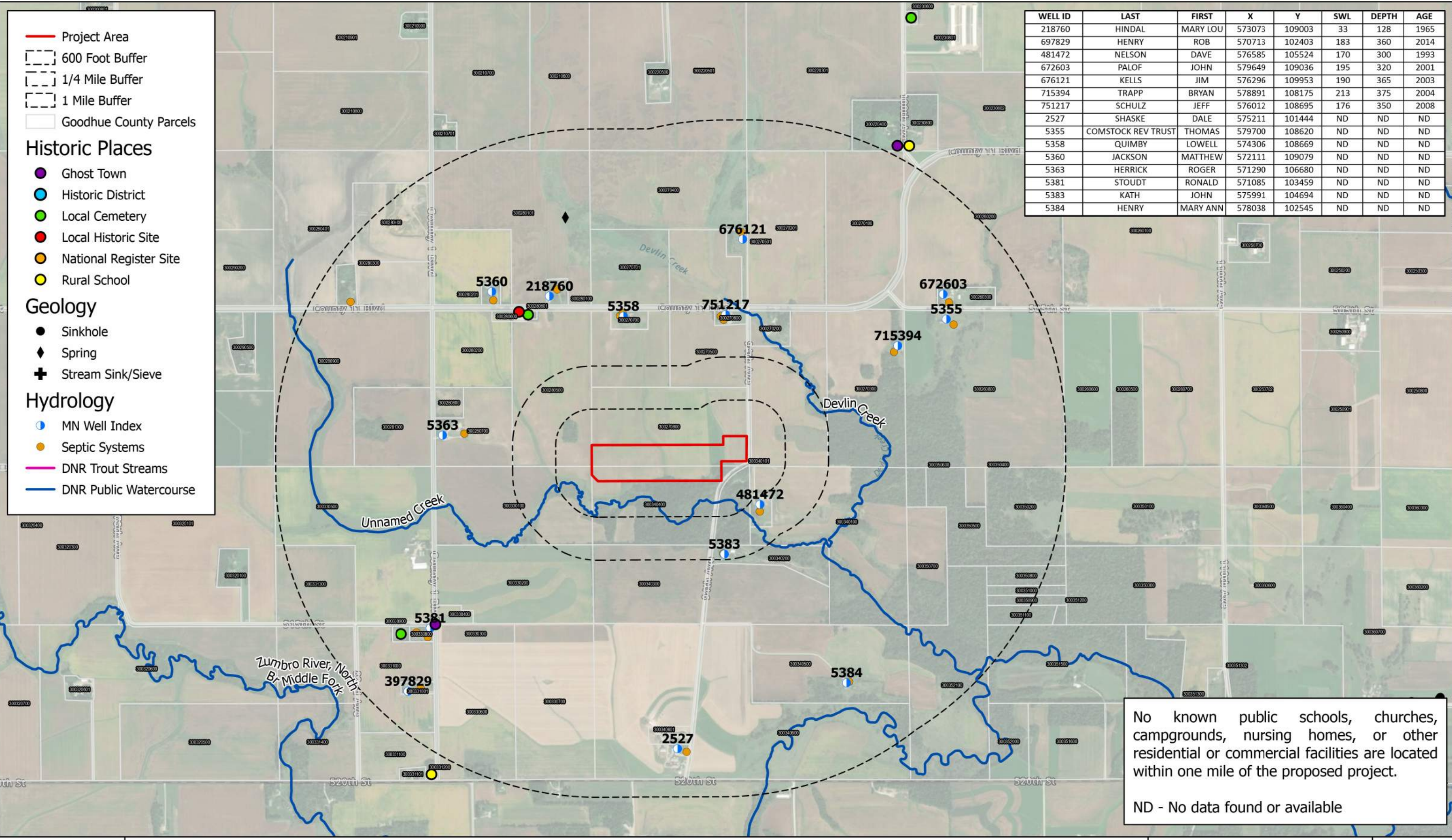
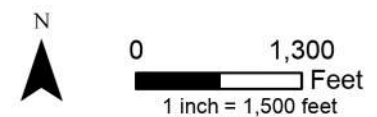
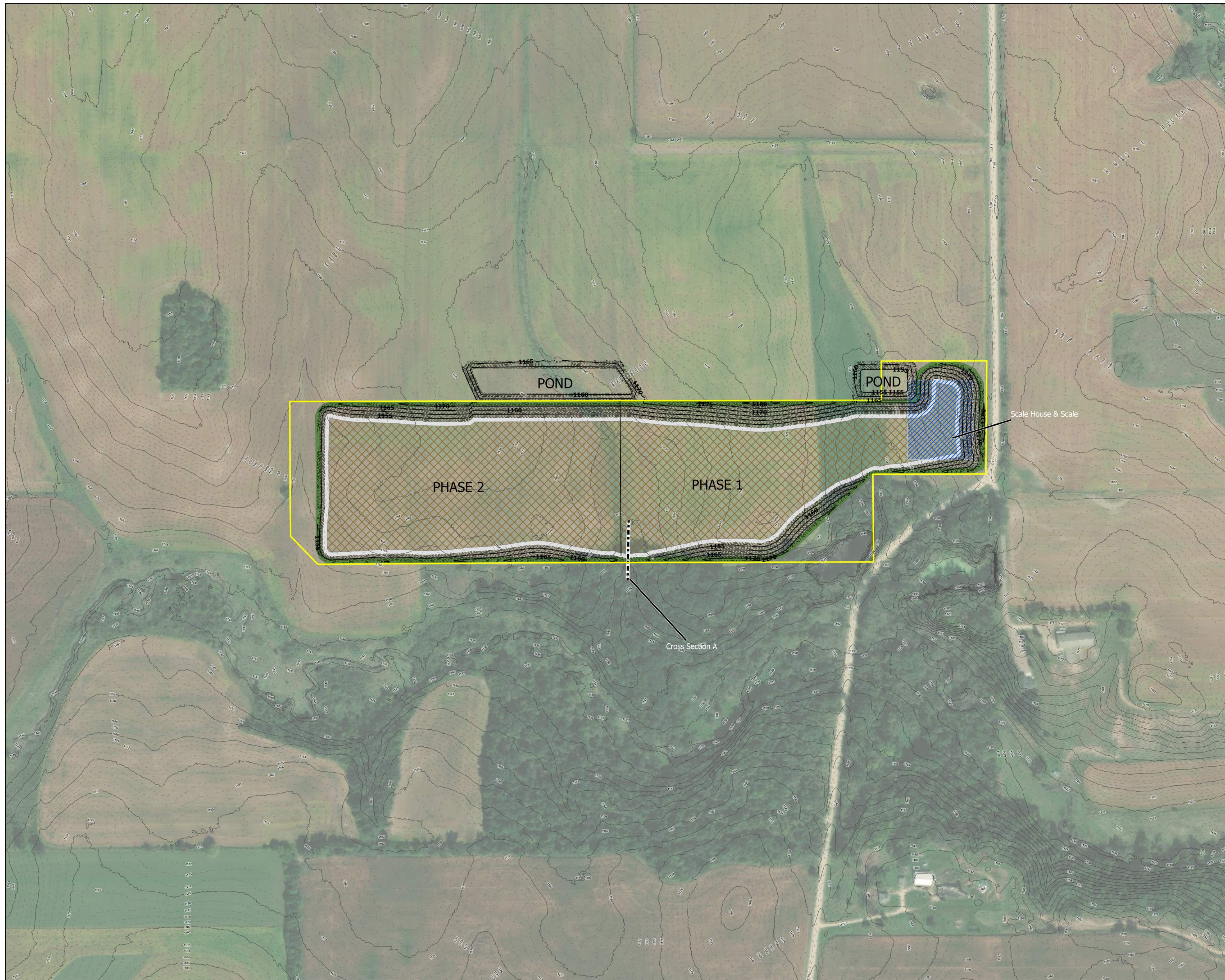


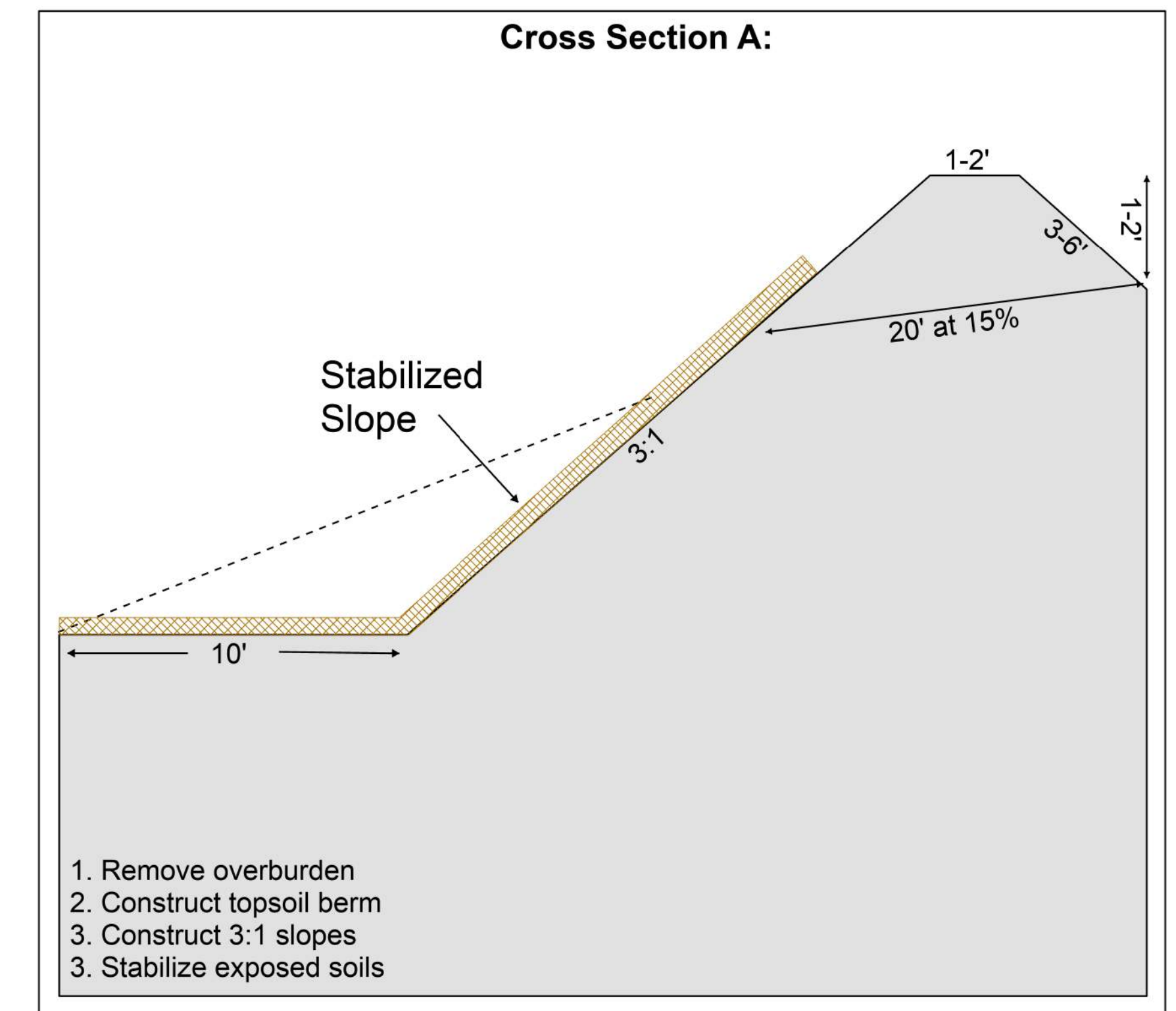
Figure A(2) Adjacent Site Conditions
 Herrick Quarry
 Bruening Rock Products





OPERATIONS PLAN NOTES

1. All existing vegetation shall remain until disturbance is required for mining operations
2. All undisturbed areas shall remain stable from erosion until mining operations are proposed
3. All stormwater discharge within the quarry shall remain on site
4. A scale and scale house is proposed within the "Building Location"
5. Processing machinery (crusher, conveyors, loaders, etc.) will begin in the "Building Location" and moved west as the quarry excavations move west
6. Vehicles shall be parked within the "Building Location"
7. Mining operations are proposed to be split into multiple phases
8. Excavation of material is proposed to elevation 1127' (bottom of Prosser formation)
9. All mined stockpile shall be placed in the quarry floor and have a maximum height of 35 feet
10. The scale will be installed near the road entrance and the processing machinery (crusher, conveyors and loaders) will moved to the west as the quarry face moves west
11. All vehicles shall be parked within the quarry boundary near the scale house
12. No explosives shall be stored on the site
13. Fuel storage shall be near the scale house in approved storage containers
14. All site runoff shall remain within the quarry boundary
15. Trucks hauling from the site shall follow weight/load restrictions on roads leaving the site
16. The quarry entrance to the public road will be on the East end of the property with the exact location to be approve by the LGU road authority. The quarry floor will be the internal road system



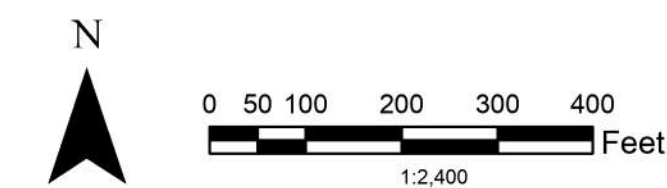
Herrick Quarry - Proposed Operations

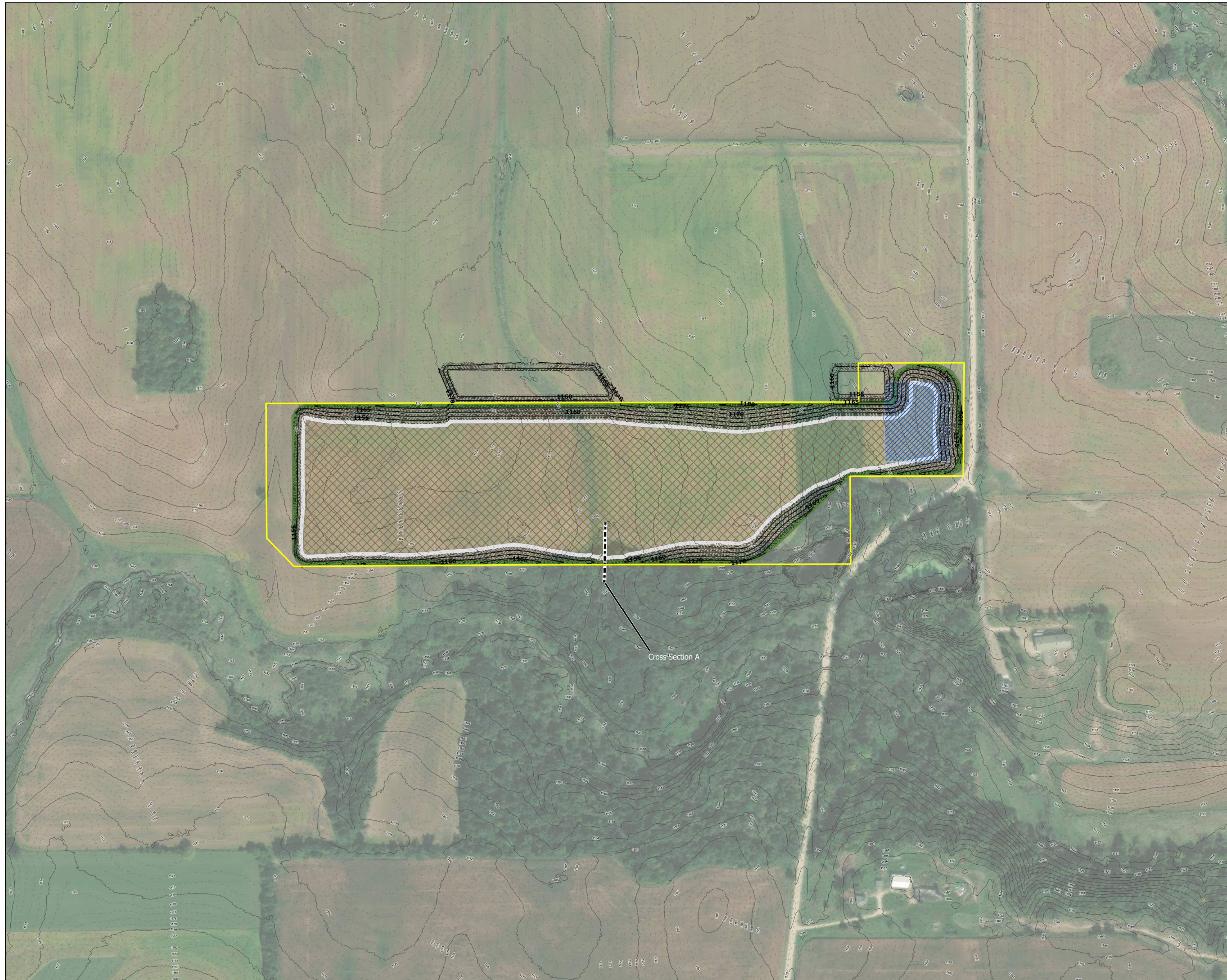
PID. 300270800, 300280500, 300330100, 300340400

- Project Area
- Cross Section Line
- Buttress Berm
- Disturbed Areas
- Top Soil Berm
- Building Location
- Contours
- Intermediate 1'
- Index 5'
- Proposed Grade 5'
- Proposed Grade 1'

I HEARBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

PRINT NAME: _____
 SIGNATURE: _____
 DATE: _____ REG. NO. _____





Herrick Quarry Reclamation Plan

PID. 300270800, 300280500, 300330100, 300340400

- Project Area
- ▨ Building Location
- Cross Section Line
- Buttress Berm
- Disturbed Areas
- Top Soil Berm
- Contours
- Intermediate 1'
- Index 5'
- Proposed Grade 5'
- Proposed Grade 1'

Reclamation Notes

- All Structures shall be removed when quarry operations are complete.
- The Quarry Floor will be vegetated as shown with a minimum of 4" of topsoil
- The Quarry Floor is proposed to be flat so seeding and mulch will be required. If the quarry floor has slope additional erosion control measures will need to be implemented to control erosion.
- The quarry floor must have a 70% coverage before the quarry can be considered reclaimed.

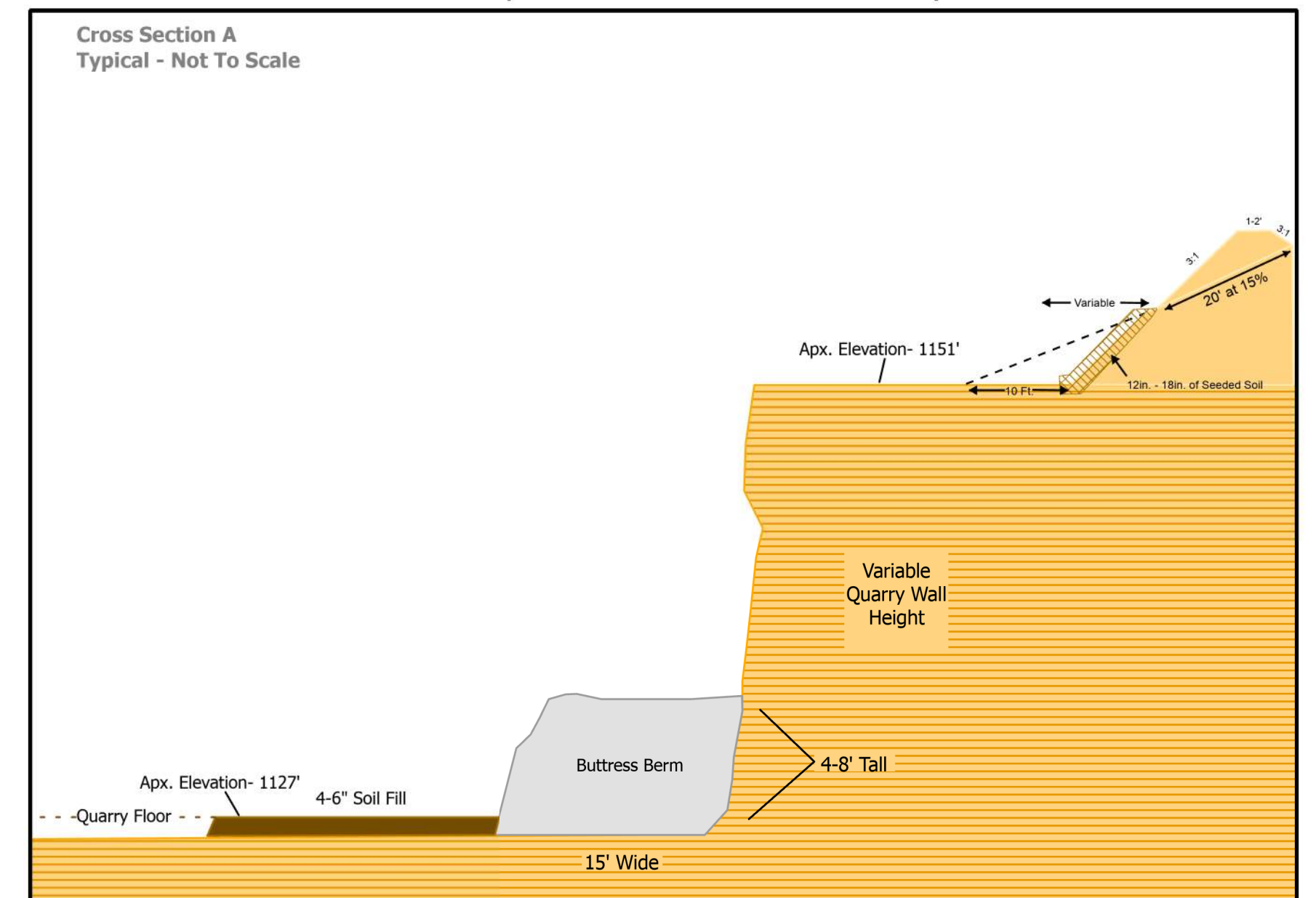
Reclamation

All work on the quarry will be subject to the requirements of the State and Federal non-metallic mining permit requiring erosion control and site stabilization. After mining operations have ceased, at least 4-6 inches of the stripped soil fill will be placed upon the bedrock floor. A buttress berm made of rubble will be placed at the intersection of the quarry floor and the wall to prevent access directly under the rock wall. A contour berm made of previously stripped soil will be placed around the upper perimeter of the quarry to prevent access to the upper edge (see attached below). Usage of the land will be converted to low intensity agricultural purposes. The quarry floor and soil berms will be seeded for vegetation. Seeding will be carried out using MNDOT mixture 22-112 for the purpose of 2-5 year temporary stabilization. The final stabilization mix will be MNDOT mixture 25-142.

Final Stabilization

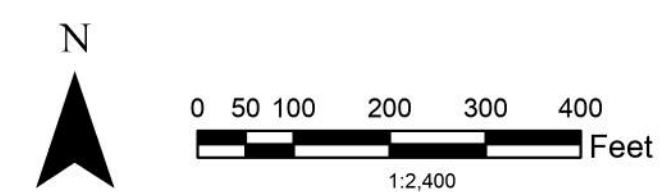
The Permittee(s) will complete the following to achieve final stabilization:

- a. The drainage ways that leave the site will be stabilized to prevent erosion with riprap or other protective material.
- b. All soils will be stabilized by a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.
- c. Temporary BMPs for erosion prevention, such as synthetic liners and silt fences, will be removed.
- d. Other BMPs as necessary will be implemented so as to prevent erosion from the site excavation areas and stockpiles that have been used by the Permittee.



I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

PRINT NAME: _____
 SIGNATURE: _____
 DATE: _____ REG. NO. _____



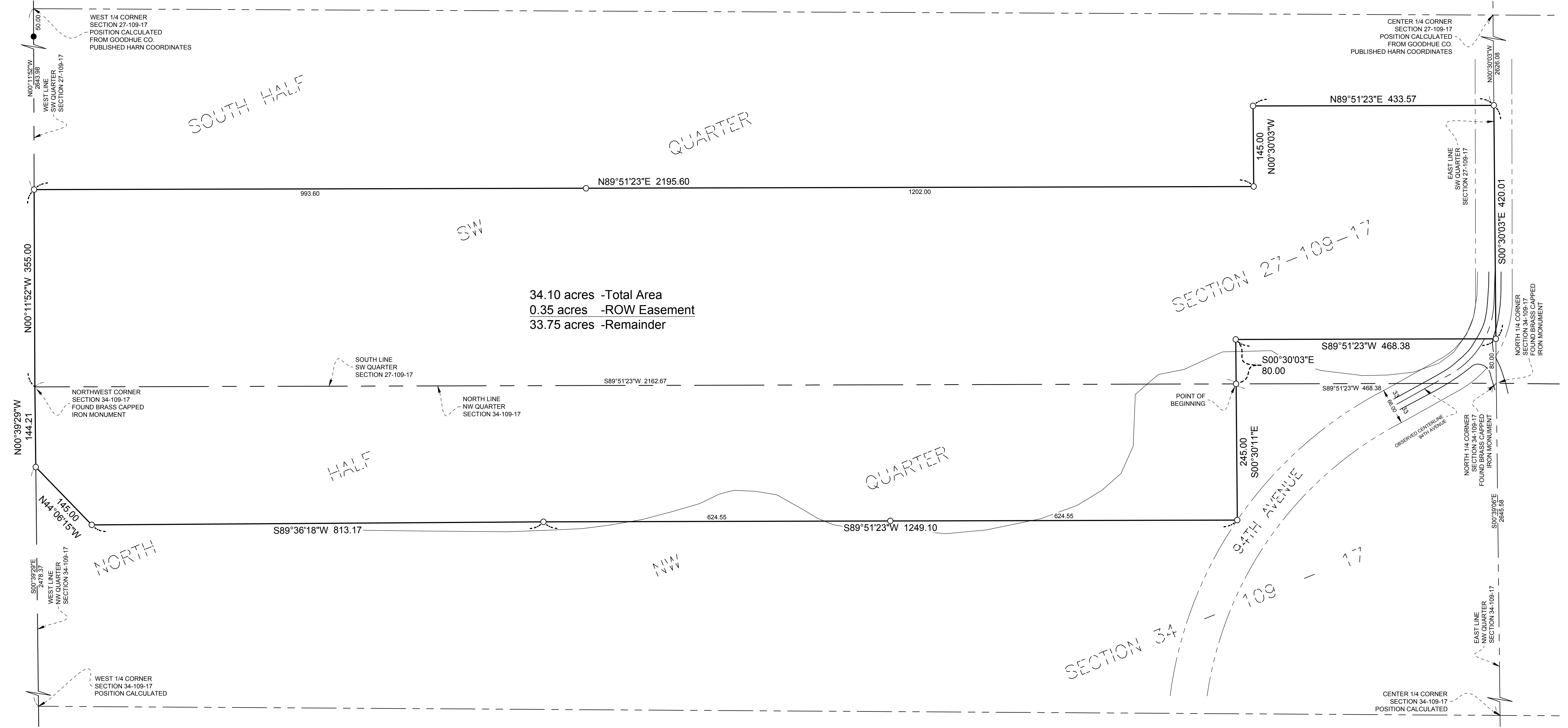
REVISIONS		
NO.	DATE	DESCRIPTION
1	08/12/2021	ADJUST POL'S ON NORTH LINE

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Andrew S. Lobe
 ANDREW S. LOBE
 DATE: 08/09/2021 LIC. NO.: 50772

CERTIFICATE OF SURVEY

HERRICK CUP
 BRUENING ROCK PRODUCTS, INC.
 PARTS OF SECTIONS 27 & 34, TWP. 109N, RGE. 17W

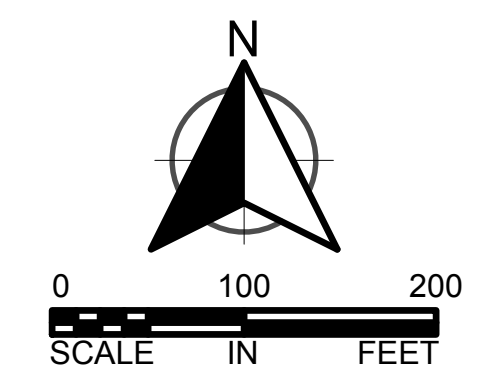


PROPOSED DESCRIPTION

That part of the South Half of the Southwest Quarter of Section 27 and the North Half of the Northwest Quarter, all in Township 109 North, Range 17 West, Goodhue County, Minnesota, described as follows:

Commencing at the north quarter corner of said Section 34; thence South 89 degrees 51 minutes 23 seconds West, along the north line of said Northwest Quarter of Section 34, a distance of 468.38 feet to the Point of Beginning; thence South 00 degrees 30 minutes 11 seconds East, a distance of 245.00 feet; thence South 89 degrees 51 minutes 23 seconds West, parallel with said north line, a distance of 1249.10 feet; thence South 89 degrees 36 minutes 18 seconds West, a distance of 813.17 feet; thence North 44 degrees 06 minutes 15 seconds West, a distance of 145.00 feet to the west line of said Northwest Quarter; thence North 00 degrees 39 minutes 29 seconds West, along said west line, a distance of 144.21 feet to the northwest corner of said Northwest Quarter; thence North 00 degrees 52 seconds West, along the west line of said Southwest Quarter of Section 27, a distance of 355.00 feet; thence North 89 degrees 51 minutes 23 seconds East, parallel with the south line of said Southwest Quarter, a distance of 2195.60 feet; thence North 00 degrees 30 minutes 03 seconds West, parallel with the east line of said Southwest Quarter, a distance of 145.00 feet; thence North 89 degrees 51 minutes 23 seconds West, parallel with said south line, a distance of 433.57 feet to said east line of the Southwest Quarter; thence South 00 degrees 30 minutes 03 seconds East, along said east line, a distance of 420.01 feet to a point in said east line which lies 80.00 north of said north quarter corner; thence South 89 degrees 51 minutes 23 seconds West, parallel with said south line of the Southwest Quarter, a distance of 468.38 feet; thence South 00 degrees 30 minutes 03 seconds East, parallel with said east line, a distance of 80.00 feet to the Point of Beginning. Subject to right-of-way easement over, under, and across 94th Avenue.

Contains 34.10 acres of land, more or less.



ALL MONUMENTS SHOWN THUS: ○
 ARE 5/8" I.D. CAPPED PIPES SET WITH LICENSE NO. 50772

ALL MONUMENTS SHOWN THUS: ●
 ARE FOUND IRON MONUMENTS UNLESS OTHERWISE NOTED.

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 Commission
From: Land Use Management
Meeting Date: August 16, 2021
Report date: August 6, 2021

PUBLIC HEARING: Request for CUP to Establish a Feedlot Outside of a Farmyard (O'Reilly)

Request for CUP, submitted by Zachary O'Reilly (Owner) for an existing 540 animal unit dairy to be split from an existing dwelling creating a feedlot outside of a farmyard.

Application Information:

Applicant(s): Zachary O'Reilly (Owner)

Address of zoning request: 33656 County 6 BLVD Goodhue, MN 55027

Parcel Number: 31.032.0500

Abbreviated Legal: The E ½ of the SW ¼ and the SE ¼ of Section 32 TWP 112 Range 15 in Featherstone Township

Zoning District: A1 (Agricultural Protection District)

Township Signature/Comments: Featherstone Township discussed the request at their August 5, 2021 meeting and did not convey any concerns with the project.

Attachments and links:

Applications and Submitted Project Summary

Certificate of Survey for proposed parcel split

Site Map(s)

Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant is requesting Conditional Use Permit (CUP) approval to allow an existing 540.6 Animal Unit (AU) Dairy Feedlot to be split off from the farmyard of an existing dwelling resulting in a feedlot outside of a farmyard. In addition to this request for a CUP, the Applicant has applied for a Variance to address the setback of three commonly owned dwellings from the feedlot and proposed structure setbacks from proposed property lines.

No changes to the operation are proposed. Splitting the feedlot operation from the existing dwelling would simplify ownership of the existing dwelling and feedlot for familial property holdings. Currently, Benjamin O'Reilly's dwelling on parcel 31.032.0500 is commonly owned by the Applicant (Zachary O'Reilly) because the feedlot operation is owned and operated by both Zachary and Benjamin O'Reilly.

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 farm is located on a 235.07-acre (approximate) property. There is a residence located on the parcel.
- The property is zoned A1. Surrounding properties to the north, south, and west are zoned A1. Property to the east is zoned A2 (General Agriculture).
- The Feedlot would continue to be accessed off of County 6 BLVD using an existing driveway. Benjamin O'Reilly's dwelling also has existing driveway access onto County 6 BLVD, no new access points are anticipated to be required.
- Besides Zachary O'Reilly's dwelling (Parcel 31.032.0600), the other nearest dwelling to the feedlot buildings is also owned by the Applicant across County 6 BLVD (Parcel 31.032.0700).
- The submitted survey also shows Parcel B (1.30-acres) to be conveyed to Zachary O'Reilly from parcel 31.032.0500. This parcel must be combined with existing parcel 31.032.0600 as it is under the minimum lot size in the A1 District (2-acre minimum). This combination will bring parcel 31.032.0600 into conformance with the 2-acre minimum lot size requirement as the parcel currently contains 0.71-acres.
- The property is located in an A1 zoned section that is considered "full" for dwelling development (6 dwellings where 4 are allowed).

Feedlot Facilities:

- The feedlot operation obtained a Conditional Use Permit in 2007 for manure storage over 500,000 gallons and for up to 600 animal units. The feedlot is currently registered with the County Feedlot Officer at 540.6 animal units.

County Feedlot Officer Comments:

- Goodhue County Feedlot Officer Kelsey Petit reviewed the proposal and offered the following comments:
O'Reilly Shamrock Farms has had registered feedlots since 2001. The O'Reilly dairy (540.6 AU) and heifer site (54 AU) have been in good standing with the Minnesota Feedlot 7020 rules and regulations.

Draft Findings of Fact:

The following staff findings shall be amended to reflect concerns conveyed during the PAC meeting and public hearing.

1. The proposed Feedlot outside a farmyard does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The use is located in an A1 (Agriculture Protection) zone which is intended to allow for agricultural operations. Commonly owned dwellings and low residential density in the vicinity buffer the Feedlot from existing non-compatible uses in the surrounding area. The use appears harmonious with the established uses in the vicinity which include primarily animal feedlot operations and cropland. The Applicant has applied for a variance with the Board of Adjustment to odor offset/1,000-foot setback from existing dwellings. All dwellings requiring a variance are owned by the Applicant.
2. The Feedlot outside a farmyard is not anticipated to impede the normal and orderly development or improvement of surrounding vacant property for uses predominant to the area. Surrounding dwellings are all owned by the Applicant. The Applicant has applied for a variance with the Board of Adjustment to structure setback requirements to newly created property lines. The Board of

Adjustment will consider the request at their August 23, 2021 meeting. The proposal is located in an A1 zoned section that is considered “full” for dwelling development.

3. A review of the Applicant’s submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available to accommodate the use.
4. A review of the property indicates adequate off-street parking and loading space is available to accommodate the facility and meet the Goodhue County Zoning Ordinance’s parking requirements.
5. The facility is in good standing with the Feedlot Officer and no complaints have been received by staff regarding offensive odor, fumes, dust, noise, and vibration that constitute a nuisance. There are no changes to the feedlot operation proposed.

Staff recommendation is based on the review of the submitted application and project area prior to the public hearing.

Staff Recommendation:

LUM Staff recommends the Planning 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 CUP request from Zachary O’Reilly (Owner) for an existing dwelling to be split from an existing 540.6 animal unit dairy feedlot creating a Feedlot Outside a Farmyard.

JUL 14 2021

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION
Land Use Management

Parcel # 31-032-0500

Permit# 221-0035

PROPERTY OWNER INFORMATION

Last Name ~~Bohannon~~ O'Reilly First Zachary Email: _____
Street Address 33792 Co. 6 Blvd Phone _____
City Goodhue State MN Zip 55027 Attach Legal Description as Exhibit "A"
Authorized Agent _____ Phone _____
Mailing Address of Landowner: _____
Mailing Address of Agent: _____

PROJECT INFORMATION

Site Address (if different than above): _____
Lot Size 235 acres Structure Dimensions (if applicable) _____
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
Feed lot out side of form yard caused By Split

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: Zacharys. O'Reilly Date 7-14-21
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 _____ Title _____ Date _____
Comments: _____

COUNTY SECTION COUNTY FEE \$350 RECEIPT # 17937 DATE PAID 7/14/21

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).
existing Feedlot splitting farm House for sale ~~at~~ ownership of Homes
2. Planned use of existing buildings and proposed new structures associated with the proposal.
Remains the same
3. Proposed number of non-resident employees.
1
4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.
24/7
5. Planned maximum capacity/occupancy.
6. Traffic generation and congestion, loading and unloading areas, and site access.
No change
7. Off-street parking provisions (number of spaces, location, and surface materials).
No - change
8. Proposed solid waste disposal provisions.
No change
9. Proposed sanitary sewage disposal systems, potable water systems, and utility services.
No change



10. Existing and proposed exterior lighting.

yard lights

11. Existing and proposed exterior signage.

Existing sign

12. Existing and proposed exterior storage.

typical farm operating

13. Proposed safety and security measures.

NO-change

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

county to road

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

NO increase

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

None

17. Existing and proposed surface-water drainage provisions.

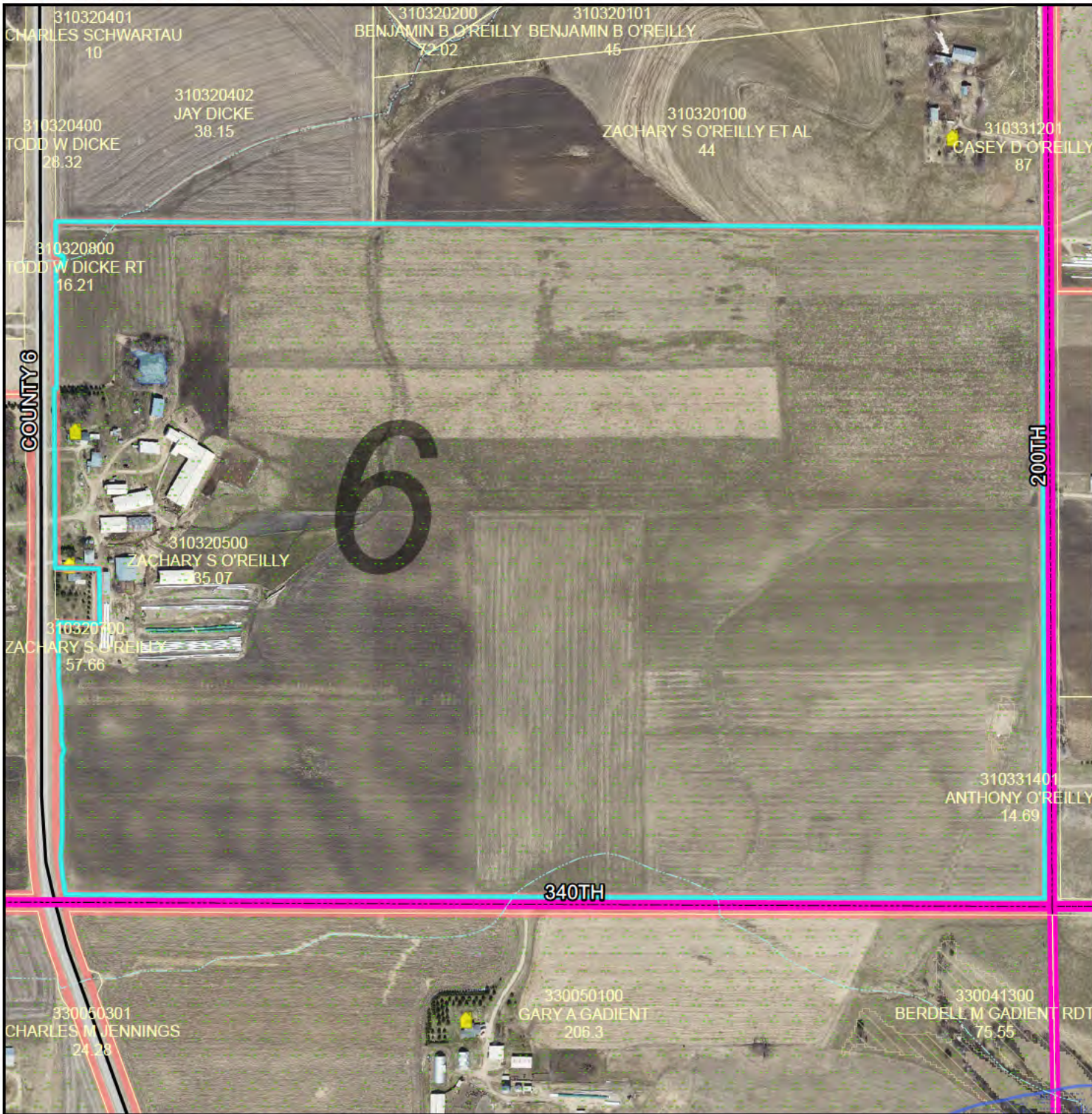
NO-change

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

none

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

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
August 23, 2021

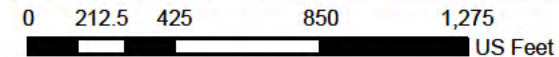
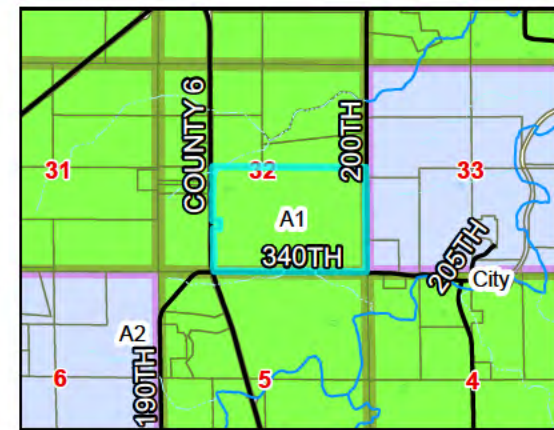
Zachary O'Reilly (Owner)
A1 Zoned District

The E 1/2 of the SW 1/4 and the SE 1/4 of
Section 32 TWP 112 Range 15 in
Featherstone Township

Split an existing dairy from an existing
dwelling creating a Feedlot outside of
a Farmyard

Legend

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

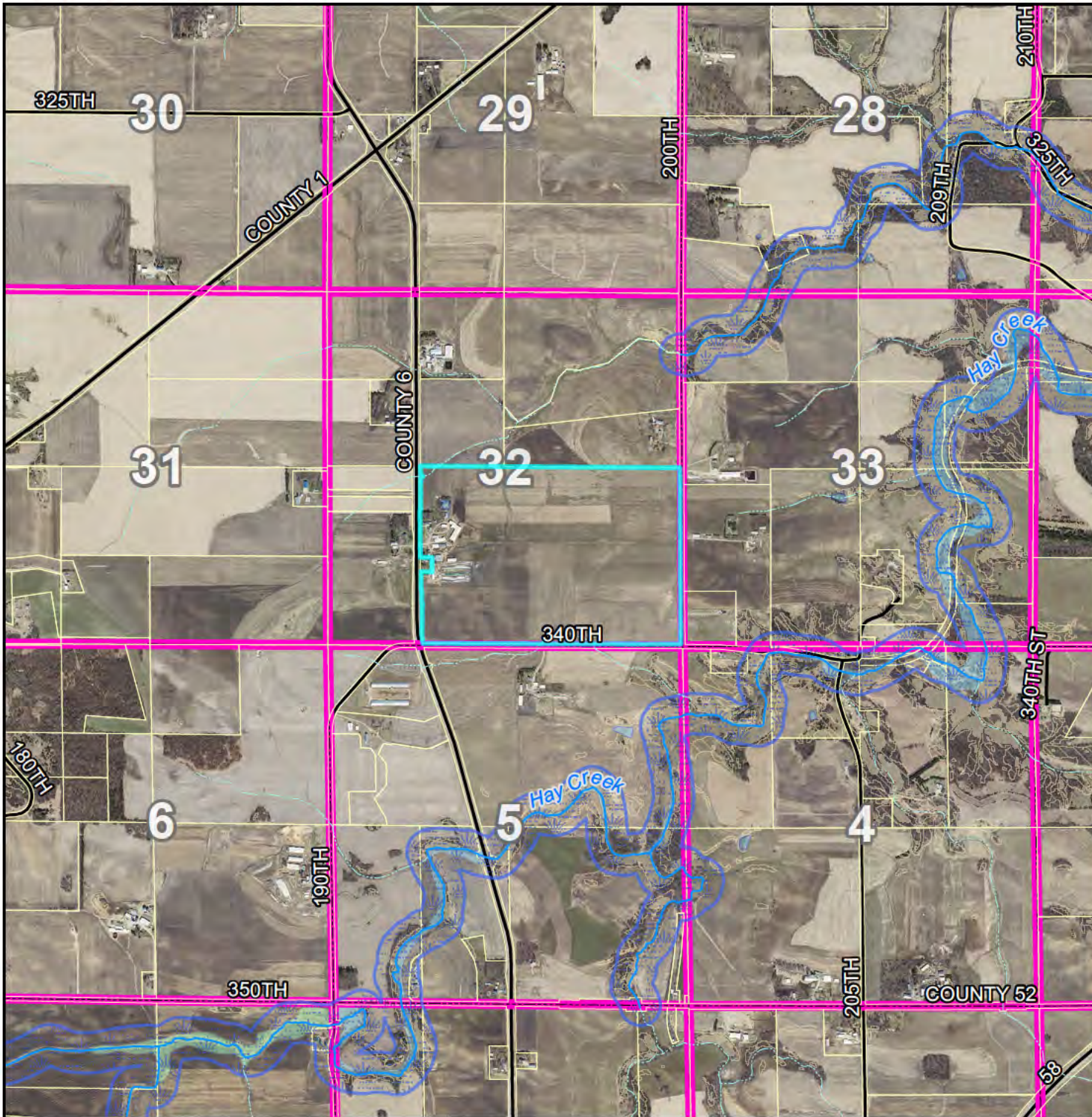


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2020 Aerial Imagery
Map Created August, 2021 by LUM



MAP 02: VICINITY MAP



PLANNING COMMISSION

Public Hearing
August 23, 2021

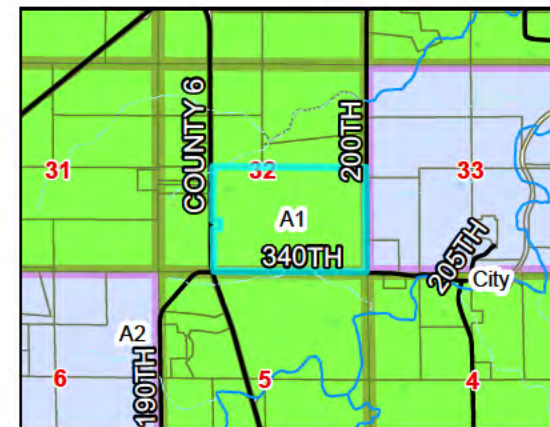
Zachary O'Reilly (Owner)
A1 Zoned District

The E 1/2 of the SW 1/4 and the SE 1/4 of
Section 32 TWP 112 Range 15 in
Featherstone Township

Split an existing dairy from an existing
dwelling creating a Feedlot outside of
a Farmyard

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



0 5001,000 2,000 3,000
US Feet

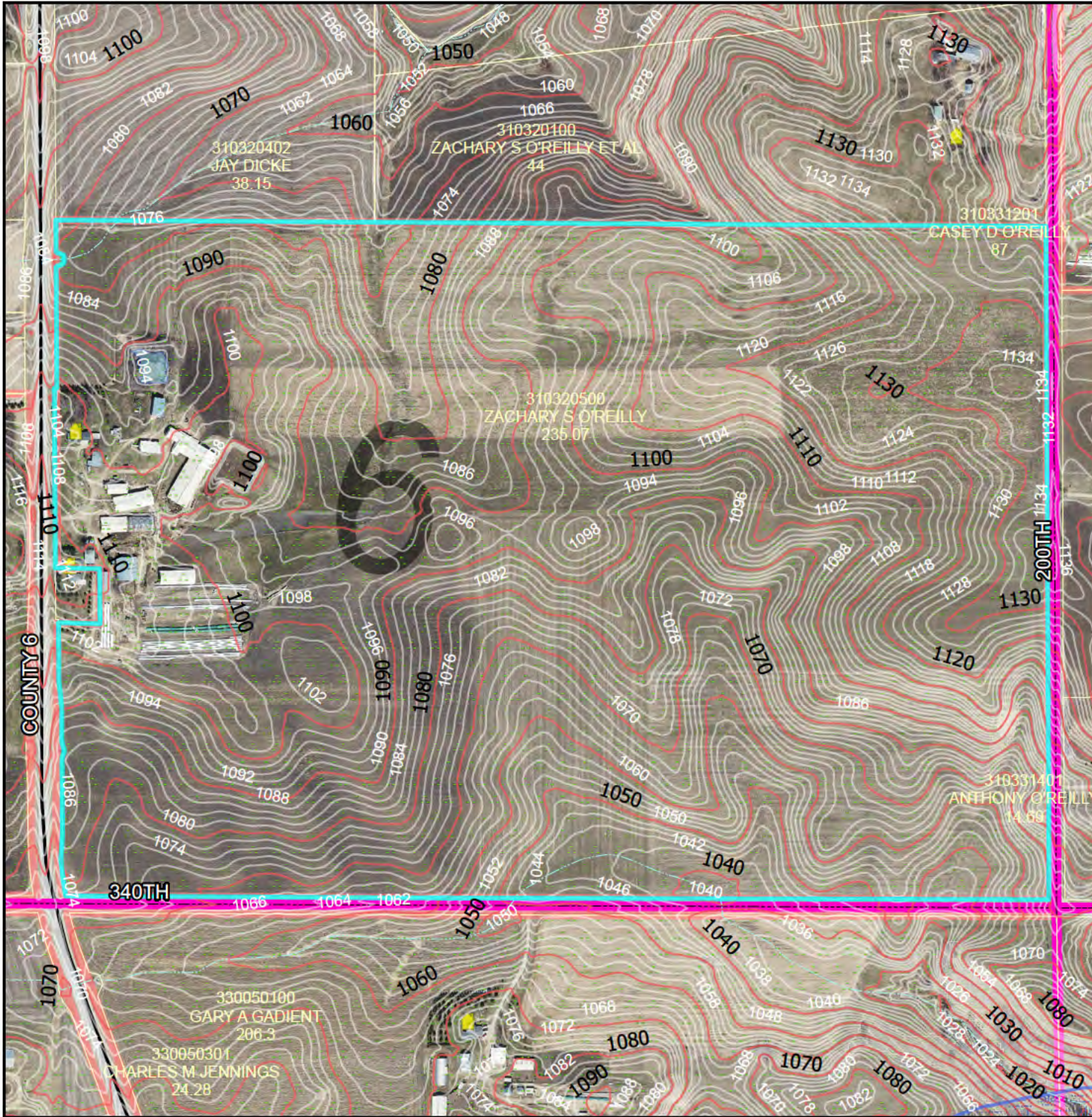
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MAP 03: ELEVATIONS



PLANNING COMMISSION

Public Hearing
August 23, 2021

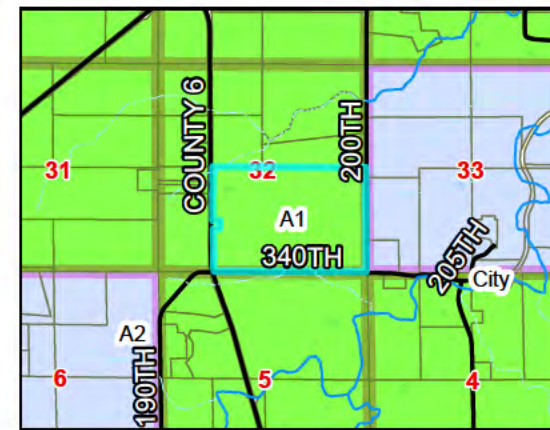
Zachary O'Reilly (Owner)
A1 Zoned District

The E 1/2 of the SW 1/4 and the SE 1/4 of
Section 32 TWP 112 Range 15 in
Featherstone Township

Split an existing dairy from an existing
dwelling creating a Feedlot outside of
a Farmyard

Legend

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



0 212.5 425 850 1,275 US Feet

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2020 Aerial Imagery
Map Created August, 2021 by LUM



RECEIVED

FEB 06 2020

PAID

FEB 06 2020

RETURNED

FEB 2 2020



GOODHUE SWCD
104 EAST 3RD AVENUE - PO Box 335
GOODHUE, MN 55027
651-923-5286 Ext 4

Feedlot registration form

Feedlot Program

Doc Type: Feedlot Registration

Instructions: Minn. R. ch. 7020 requires most owners of livestock operations to provide information requested in this form to the Minnesota Pollution Control Agency (MPCA) at least once in a four-year cycle, unless a permit application has been made. Feedlots with a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permit cannot use this form to document change of name or ownership.

Facility name and address The information below reflects a change to the name of an existing registered facility.

Facility name: Shamrock Farms Registration number: 049-73026
Facility Address: 33656 County 6 Blvd Parcel ID number: 31-032-0500
City: Goodhue State: MN Zip code: 55027
Phone: _____ Email: _____

Ownership information The information below reflects a change of ownership of an existing registered facility.

Feedlot owner Same as feedlot name and address **Contact person** Same as feedlot owner information
Name: Steve O'Reilly Name: _____
Address: 33697 Co. 6 Blvd Address: _____
City: Goodhue State: MN City: _____ State: _____
Phone: _____ Zip: 55027 Phone: _____ Zip: _____
Email: _____ Email: _____

Facility locational information

County: Goodhue City/Township: Featherstone

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
<u>112</u>	<u>15</u>	<u>32</u>	<u>SW</u>	<u>NE</u>

Any surface waters or tile intakes within 1,000 feet of the facility? (If Yes, indicate types below) Yes No
 Lake/Pond larger than 25 acres Welland Drainage ditch River/Stream/Creek Tile intake
Is any part of the facility within 300 feet of a river/stream? Yes No
Any part of the facility located within a delineated flood plain (100 year flood)? Yes No
Any part of the facility located within designated shoreland? Yes No
Any part of the facility within 300 feet of a known sinkhole? Yes No

Facility operations information (Indicate components that are currently part of your livestock or poultry operation)

Animals on pasture for part of the year Yes No
Open lots (dirt, concrete, other) that are designed as animal holding areas Yes No
Buildings that are designed for animal confinement or as animal holding areas Yes No
If yes to either above, what is the shortest distance from an animal holding area to a well? (including unused or unsealed wells) 100 feet
A liquid manure storage structure Yes No
A manure stockpile (solid manure storage area) Yes No
If yes to either above, what is the shortest distance from a manure storage area to a well? (including unused or unsealed wells) 300 feet
If you closed a liquid manure storage area or permanent manure stockpile since your last registration, complete the following:
Date closed: _____ Liquid storage Solid storage
Date closed: _____ Liquid storage Solid storage



Number of animals at the facility

If you currently do not maintain animals at the site, list the date that you last had animals (mm/dd/yyyy): 1 / 1

Enter in column C the maximum number of animals that you have maintained (standing herd or flock size) at the facility at any given time in the past five years.

Then calculate the animal units in column D by multiplying the value in column C by the value in column B.

A	B	C	D
Animal type	Animal unit factor	Maximum number (head) maintained at anytime in past 5 years	Animal Units (B x C)
Dairy – mature cow (milked or dry) over 1,000 lbs.	1.4	290	406
Dairy – mature cow (milked or dry) under 1,000 lbs.	1.0		
Dairy – heifer	0.7	175	122.5
Dairy – calf	0.2	35	7
Beef – slaughter steer or stock cow	1.0		
Beef – feeder cattle (stocker or backgrounding) or heifer	0.7		
Beef – cow and calf pair	1.2	3	3.6
Beef – calf	0.2		
Veal – calf	0.2		
Swine – over 300 pounds	0.4		
Swine – between 55 and 300 pounds	0.3	5	1.5
Swine – under 55 pounds (and separated from sow)	0.05		
Horse	1.0		
Sheep or lamb	0.1		
Chickens – all sizes with liquid manure system	0.033		
Chickens – broiler 5 lbs. and over – dry manure system	0.005		
Chickens – broiler under 5 lbs. – dry manure system	0.003		
Chickens – layers 5 lbs. and over – dry manure system	0.005		
Chickens – layers under 5 lbs. – dry manure system	0.003		
Turkeys – over 5 lbs.	0.018		
Turkeys – under 5 lbs.	0.005		
Ducks – dry manure system	0.01		
Ducks – liquid manure system	0.01		
Other animals (not listed above – specify in space below):			
		508	Total AU 540.6

Signature (person completing the form) and Submittal

Print name: Steve M. O'Reilly

Title: _____

Signature: [Handwritten Signature]

Date: 2-4-2020

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: August 16, 2021
Report date: August 6, 2021

PUBLIC HEARING: “Lang Addition” Preliminary and Final Plat Review

Request, submitted by Steven and John Lang (owners), for Preliminary and Final review of the proposed Lang Addition Plat comprising approximately 38.03 acres.

Application Information:

Applicant: Steven and John Lang (owners)

Address of zoning request: 23849 289th ST

Parcel(s): 31.001.6100 and 31.001.6200

Abbreviated Legal Description: Part of Government Lots 1 and 2 and part of the SW ¼ of the SE ¼ of Section 01 TWP 112 Range 15 in Featherstone Township

Zoning District: R1 (Suburban Residence District)

Attachments and links:

Application and submitted project summary

Site Map(s)

Surveys

Goodhue County Zoning Ordinance (GCZO):

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

Summary:

The Applicants (Steven and John Lang) own two parcels comprising 38.03 total acres in section 01 of Featherstone Township. The “Lang Addition” Plat is proposed to reconfigure the properties into two lots allowing for one additional dwelling site with direct access from 289th Street.

In the R1 District (Suburban Residential District) dwelling density is based on a minimum 1-acre of buildable area. The proposed plat would create two lots, Lot A with 13.71 acres and Lot B with 24.32 acres which would conform to the minimum dimensional requirements for the existing district. No rezone is requested at this time.

The Applicant is required to follow the formal Platting process for the proposed subdivision because all subdivisions of R1 zoned property that could result in the creation of one or more additional dwelling sites shall be platted.

Project Summary:

Property Information:

- The property consists of two existing parcels. Parcel 31.001.6200 contains approximately 35.1 acres and parcel 31.001.6100 contains approximately 2.9 acres. An existing homestead, residential accessory structures, and undeveloped woodlands/blufflands are present on the properties. The existing dwelling is Steven Lang’s primary residence and would remain on proposed Parcel B. The applicants intend to construct a new dwelling on proposed Parcel A for John Lang.
- The property is zoned R1 and no rezone is proposed. These lots were rezoned from A3 (Urban Fringe District) to R1 in 2018 by the previous property owner. Adjacent zoning districts are A3 to the north, east, and west and A2 (General Agriculture) to the south.

- Some steep slopes that qualify as blufflands traverse the property from east to west and from north to south along Hay Creek Trail. These areas are subject to Goodhue County Bluffland Protection regulations. The property is not a Registered Feedlot and the nearest Registered Feedlot is over one mile southwest of the site.
- The proposed Plat would create 2 lots. Each lot will exceed the minimum of 1-acre of buildable area for the R1 District. Parcel B will contain the existing dwelling therefore Parcel A would be the only buildable lot created by this subdivision (subject to other County and Township zoning and sanitation requirements).

Access/Traffic:

- The existing dwelling is accessed off 289th Street, a private access road.

The Applicants have had an easement agreement prepared between all property owners along 289th Street which meets easement and driving surface width requirements for multiple dwellings found in the Goodhue County Subdivision Ordinance. An easement over Parcel A for access to Parcel B has also been prepared by the Applicants which meets R1 District access requirements for single dwelling access.

Water/Wastewater:

- The property currently has a single-family dwelling that is served by a private well and septic system. The Applicants intend for the new dwelling site to be served by an individual well and septic system upon development.
- Goodhue County Sanitarian Benjamin Hoyt reviewed the proposed subdivision and did not see issues adding a new well and septic system in the area. He encouraged the Applicants to identify a location for a Type 1 replacement system should either system fail.

Featherstone Township:

- Featherstone Township signed acknowledgment of the plat request on July 13, 2021. The Township was also made aware of the private road agreement for 289th Street as required in the County's Subdivision Ordinance.

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 request submitted by Steven and John Lang (owners) for Preliminary and Final Plat approval of the proposed "Lang Addition" comprising 38.03 acres (PIDs: 31.001.6100 and 31.001.6200).

RECEIVED

JUL 16 2021

FILE #	Z21-0034
PARCEL #	31-001-6100

Land Use Management

505 Plat Application

A. A Minnesota Statue Chapter 505 plat* is required under the following circumstances:

- 1) The creation of three or more tax parcels from one tax parcel, except when the tax parcels created can be described by an aliquot part of the Public Land Survey. The minimum division shall be a Quarter Quarter of the Section (i.e. SE 1/4 of the NW 1/4). Non-contiguous land must be separate tax parcels. The parcels shown on the plat provide for road access for each new division or reconfiguration of land;
- 2) If a subdivision of a platted lot or outlot can result in one or more potential dwelling sites, the subdivision must be platted.

*Requires approval and public hearings from the Planning Commission and County Board

Landowner Information

Landowner Name Steven J Lang / John J Lang Email _____

Mailing Address 23849 889th St. Red Wing Mn 55066

Daytime Phone _____

Applicant Information (if different than above)

Applicant Name _____ Email _____

Mailing Address _____

Daytime Phone _____

Township Information

Township position Chairman Signature [Signature] Date 7/13/21

County Use

Application Fee **\$350** Receipt Number 17939 Received Date 7/16/21

Initial Reviewed by _____

Plat Name _____

Request complies with Goodhue County Zoning and Subdivision requirements as attested by me

_____ the Goodhue County Planner/Zoning Administrator on

this day _____

ACCESS AND UTILITY EASEMENT AGREEMENT

This Agreement, made and entered into this day of June 2nd, 2021, by and between Steven John Lang and Ashley A. Lang, married to each other, John James Lang and Jamie M. Lang, married to each other, Theodore R. Vajgrt and Elise H. Vajgrt, married to each other, Anthony Robert Allen Poole and Sara Ann Poole, married to each other, Allan C. Nelson and Judith A. Nelson, married to each other, and Engberg Properties, L.L.C., a Minnesota limited liability company.

Recitals

1. Steven John Lang and John James Lang are the record owners of the following described real property located in Goodhue County, Minnesota:

See attached Exhibit A ("Parcel A"). **Parcel #310016200**

2. Steven John Lang and John James Lang are the record owners of the following described real property located in Goodhue County, Minnesota:

See attached Exhibit B ("Parcel B"). **Parcel #310016100**

3. Theodore R. Vajgrt and Elise H. Vajgrt are the record owners of the following described real property located in Goodhue County, Minnesota:

See attached Exhibit C ("Parcel C"). **Parcel #310016300**

4. Anthony Robert Allen Poole and Sara Ann Poole are the record owners of the following described real property located in Goodhue County, Minnesota:

See attached Exhibit D ("Parcel D"). **Parcel #310016500**

5. Allan C. Nelson and Judith A. Nelson are the record owners of the following described real

property located in Goodhue County, Minnesota:

See attached Exhibit E ("Parcel E"). **Parcel #310120600**

6. Engberg Properties, L.L.C., a Minnesota limited liability company, is the record owner of the following described real property located in Goodhue County, Minnesota:

See attached Exhibit F ("Parcel F"). **Parcel #310016501 and Parcel #310120100**

7. Parcels A, B, C, D, E and F are all served by a driveway which crosses a portion of said Parcels and serves as an access between said Parcels and the public road known as Hay Creek Trail. The driveway specifically crosses the following:

See attached Exhibit G (hereinafter referred to as "the Driveway Area").

8. It is necessary for the owners of Parcels A, B, C, D, E and F and their respective employees, agents, tenants, invitees, guests, successors and assigns to have use of the Driveway Area in order to gain ingress and egress and to extend utilities to their respective Parcels.

9. The parties hereto intend to define the use and establish maintenance obligations for the Driveway Area.

Agreement

Now, therefore, for good and valuable consideration, the parties hereto do hereby agree as follows:

1. The owners of Parcels A, B, C, D, E and F hereby dedicate, reserve and grant unto each other, their respective employees, agents, tenants, invitees, guests, successors and assigns, a perpetual, non-exclusive easement over and across that portion of the Driveway Area which crosses their respective Parcels for the purposes as hereinafter described.
2. The Driveway Area shall be used by the owners of Parcels A, B, C, D, E and F, their respective employees, tenants, agents, invitees, guests, successors and assigns for the purposes of ingress and egress and utilities between said Parcels and the public road known as Hay Creek Trail.
3. No owner of Parcel A, B, C, D, E or F, nor their respective employees, tenants, agents, invitees and guests, may interfere with another's actual or intended use of the Driveway Area as granted and contemplated under this Agreement.
4. The owners of Parcels A, B, C, D, E and F shall assume responsibility for maintenance and repair on the Driveway Area in the following percentages:

Owner of Parcel A: 20% - Parcel #310016200

Owner of Parcel B: 20% - Parcel #310016100

Owner of Parcel C: 20% - Parcel #310016300

Owner of Parcel D: 10% - Parcel #310016500
Owner of Parcel E: 20% - Parcel #310120600
Owner of Parcel F: 10% - Parcel #310016501 and Parcel #310120100

Except, should an owner or such owner's employees, tenants, agents, invitees or guests cause any damage to the Driveway Area, such owner shall promptly repair the Driveway Area and their own expense.

Exception:

Allan C. Nelson and Judith A. Nelson are the record owners of the following described real property located in Goodhue County, Minnesota: See attached Exhibit E ("Parcel E"). Parcel #310120600 will be exempt from any costs to maintenance of 289th road while they still own the property. On the sale of their property or transfer of ownership, the new owners would resume the responsibility of the 20% portion for that parcel. Owners of Parcel A and B – John/Jamie Lang and Steven/Ashley Lang will cover Allan/Judith Nelson's 20% share until the change of ownership of their property.

5. No party shall make alterations or additions or improvements that surpass \$500 in cost to the Driveway Area without written permission from the owners of Parcels A, B, C, D, E and F.
6. Regular maintenance to the Driveway Area such as mowing, snowplowing, grading, ditching, drainage, etc. can be done by any party without written permission from owners of Parcels A, B, C, D, E and F if it stays under \$500.
7. In the event of a dispute concerning the use of the Driveway Area, or the costs of repair, maintenance, replacement or improvement, such dispute shall be settled by binding arbitration in accordance with the rules of the American Arbitration Association. The costs of enforcing the decision of the arbitrator shall be borne by the owner against whom the arbitrator's decision is made.
8. The easements, covenants and restrictions contained in this Agreement bind and are enforceable by the owners or holders of any legal, equitable or beneficial right, title, interest or lien in Parcels A, B, C, D, E and F, upon any occupants thereof, and their respective heirs, legal representatives, successors and assigns.
9. Notices. To be effective, any notice, consent, or other communication required or permitted under this Agreement must be in writing. A notice or other communication shall be deemed to have been given to an owner, and shall be effective, (i) if delivered by hand, when physically received by such owner or by another person authorized by the owner to receive notice, (ii) if delivered by an overnight delivery service, on the second business day following the date such notice or other communication is delivered to the overnight service, or (iii) if delivered by mail, on the third business day following the date such notice or other communication is deposited in the U.S. mail by certified mail addressed to the other owner. Communications shall be initially directed as follows, unless written notice of a change of address has been given in writing in accordance with this Section.

If to the Owner of Parcel A: John James Lang and Jamie M. Lang
_____ 289th St
Red Wing, MN 55066

If to the Owner of Parcel B: Steven John Lang and Ashley A. Lang
23849 289th St
Red Wing, MN 55066

If to the Owner of Parcel C: Theodore R. Vajgrt and Elise H. Vajgrt
23845 289th St
Red Wing, MN 55066

If to the Owner of Parcel D: Anthony Robert Allen Poole and Sara Ann Poole
23791 289th St
Red Wing, MN 55066

If to the Owner of Parcel E: Allan C. Nelson and Judith A. Nelson
23852 289th St
Red Wing, MN 55066

If to the Owner of Parcel F: Engberg Properties, L.L.C.
23700 289th St
Red Wing, MN 55066

10. Default. If any owner defaults in the performance of any obligation under this Agreement, and fails to cure the default within thirty days following receipt of a notice by the non-defaulting owner or its representative specifying in reasonable detail the nature of the default, then the non-defaulting owner may (i) seek enforcement of such obligation by injunction or other equitable relief, (ii) seek damages resulting from such default, or (iii) undertake to cure such default. The defaulting owner shall be liable to the non-defaulting owner for all costs and attorney's fees incurred by the non-defaulting owner in enforcing this Agreement and in curing or attempting to cure the default. The following provisions shall apply to a default under the Agreement:

- (a) No default under this Agreement shall have any effect on the validity of the easements, or the covenants, restrictions, and rights established hereby, or the rights of each benefited owner to the use or benefit of such easements, covenants, restrictions, and rights.
- (b) If any debt is owed by one owner to another owner under the terms of this Agreement, the owner to which such debt is owed shall be entitled to an additional amount equal to one-half percent of the debt, for each thirty days such debt remains unpaid after the debt is due. If the amount of the debt is in dispute, the additional amount shall be payable on the amount of the debt that is ultimately determined to be due (if any).


11. Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the state of Minnesota. If any portion of this Agreement is unenforceable under Minnesota law, the balance of the Agreement shall remain in full force and effect if enforcement of the remainder of the Agreement is reasonably practicable. If arbitration is not applicable, the Parties consent to the jurisdiction of the venue of the District Court of Goodhue County, Minnesota regarding any actions relating to this Agreement.

12. Superseding Agreement. This Agreement shall replace and supersede the following easements of record:

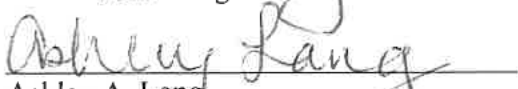
- a. Easements described in warranty deed dated January 6, 1984 and recorded January 6, 1984 as Doc. No. 289316 and also described in warranty deed dated November 16, 2018 and recorded November 21, 2018 as Doc. No. A-651624.

13. Future Land Development. The Lang's have agreed to not develop any other homesteads on the following parcels other than the new home addition they plan to build for John/Jamie Lang listed on this document: **Parcel #310016200 and Parcel #310016100**

In Witness Whereof, the parties hereto have hereunto set their hands the day and year first above written.



Steven John Lang



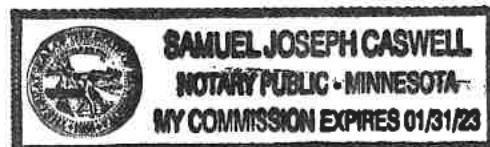
Ashley A. Lang


State of Minnesota)
) ss.
County of Goodhue)

This instrument was acknowledged before in this 2nd day of June, 2021, by Steven John Lang and Ashley A. Lang, married to each other.

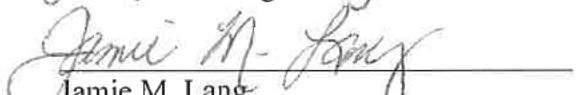


Notary Public





John James Lang



Jamie M. Lang

MAP 01: PROPERTY OVERVIEW

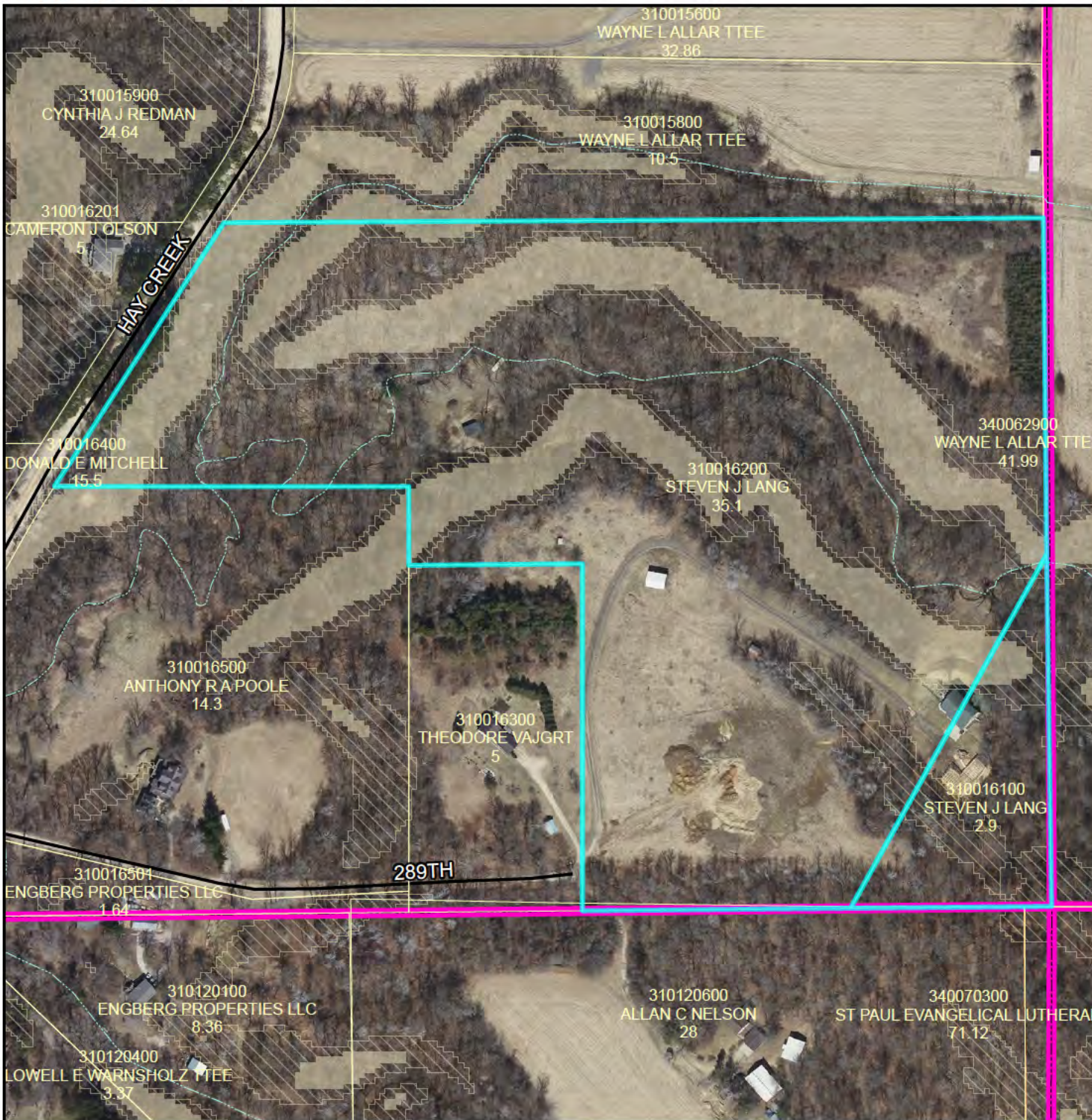
PLANNING COMMISSION

Public Hearing
August 16, 2021

Steven & John Lang (Owners)
R1 Zoned District

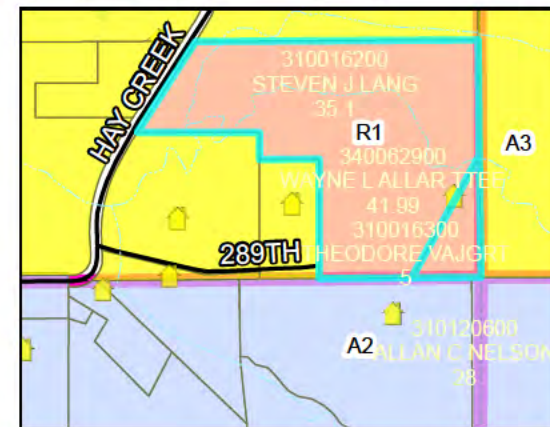
Part of Government Lots 1 and 2 and part
of the SW 1/4 of the SE 1/4 of Section
01 TWP 112 Range 15 in Featherstone
Township

Preliminary and Final Plat Consideration



Legend

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



0 100 200 400 600 US Feet

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MAP 01: PROPERTY OVERVIEW

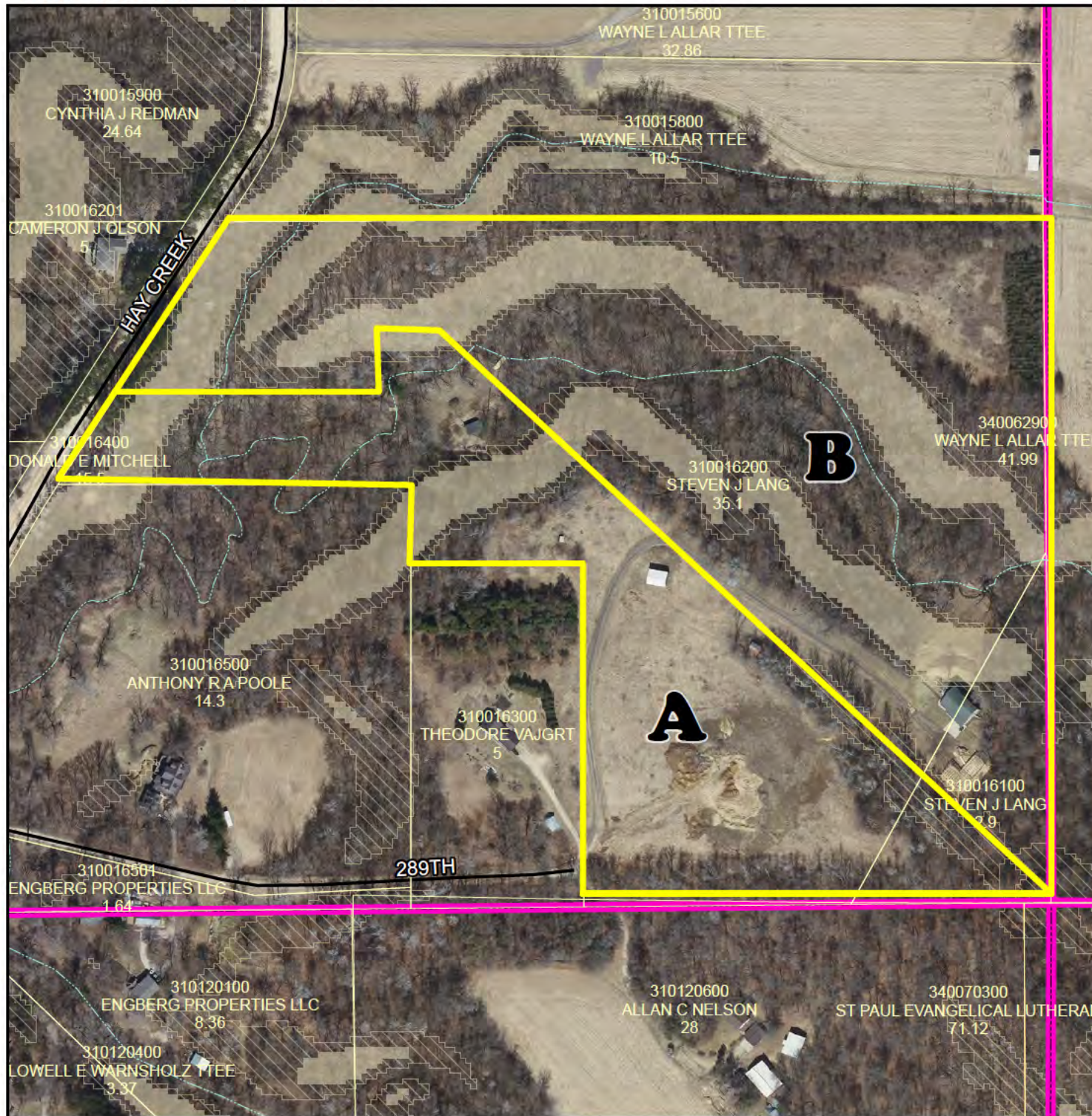
PLANNING COMMISSION

Public Hearing
August 16, 2021

Steven & John Lang (Owners)
R1 Zoned District

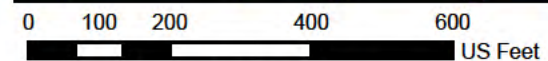
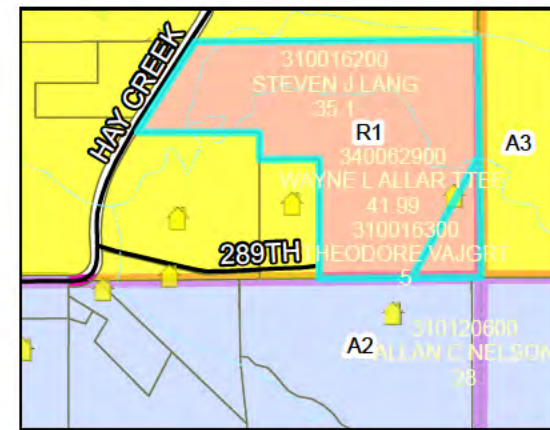
Part of Government Lots 1 and 2 and part
of the SW 1/4 of the SE 1/4 of Section
01 TWP 112 Range 15 in Featherstone
Township

Preliminary and Final Plat Consideration



Legend

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

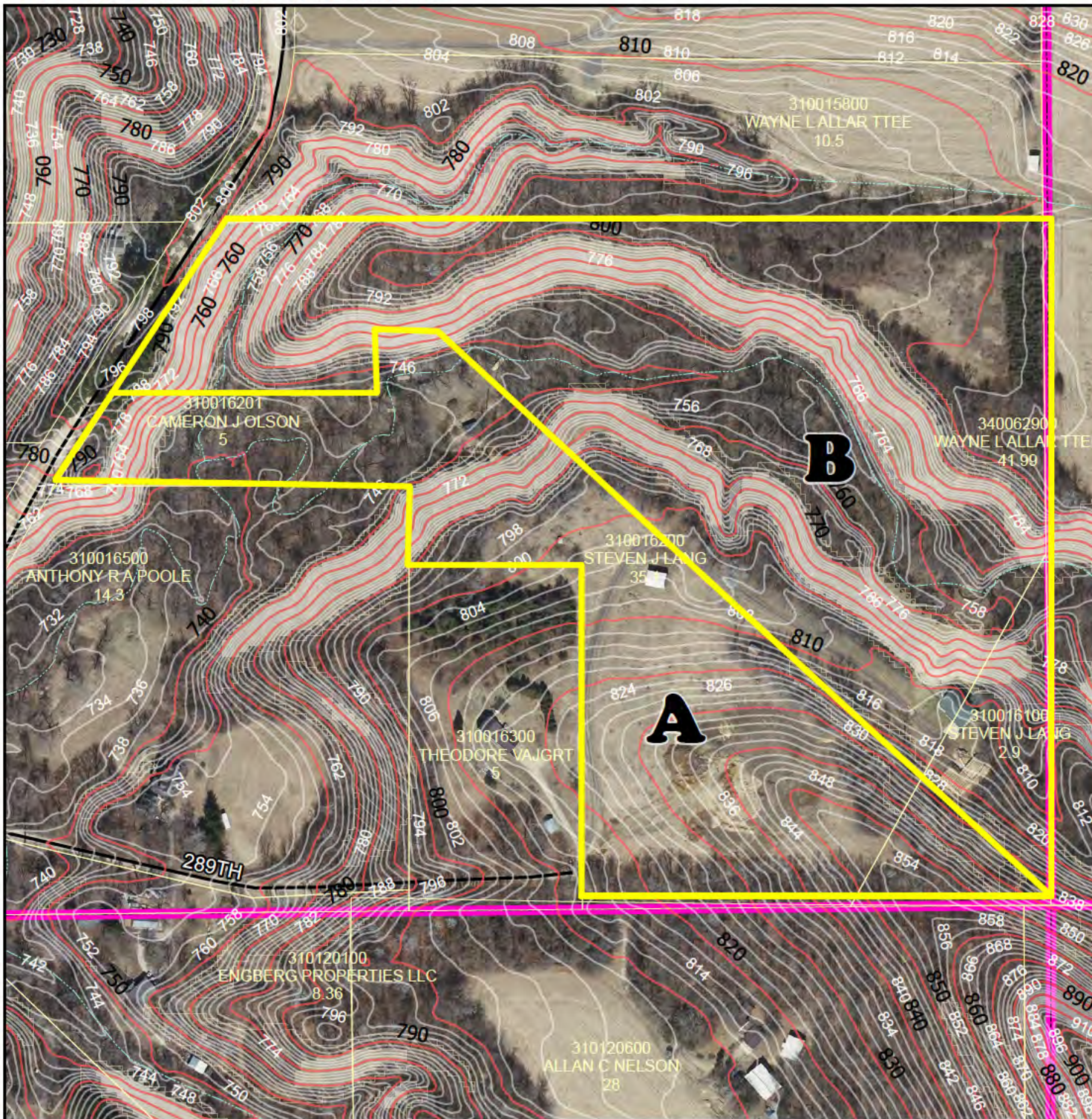


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MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
August 16, 2021

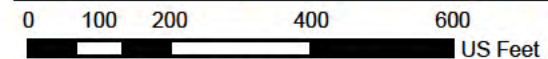
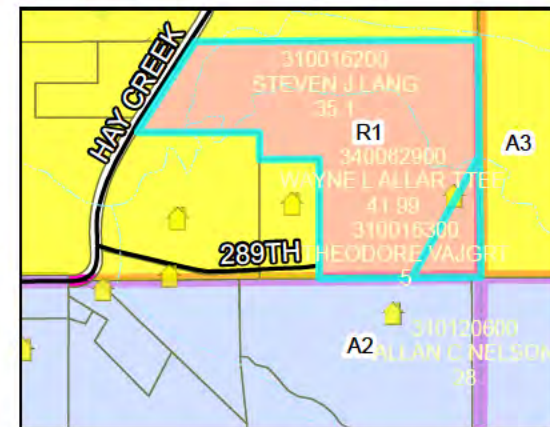
Steven & John Lang (Owners)
R1 Zoned District

Part of Government Lots 1 and 2 and part
of the SW 1/4 of the SE 1/4 of Section
01 TWP 112 Range 15 in Featherstone
Township

Preliminary and Final Plat Consideration

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

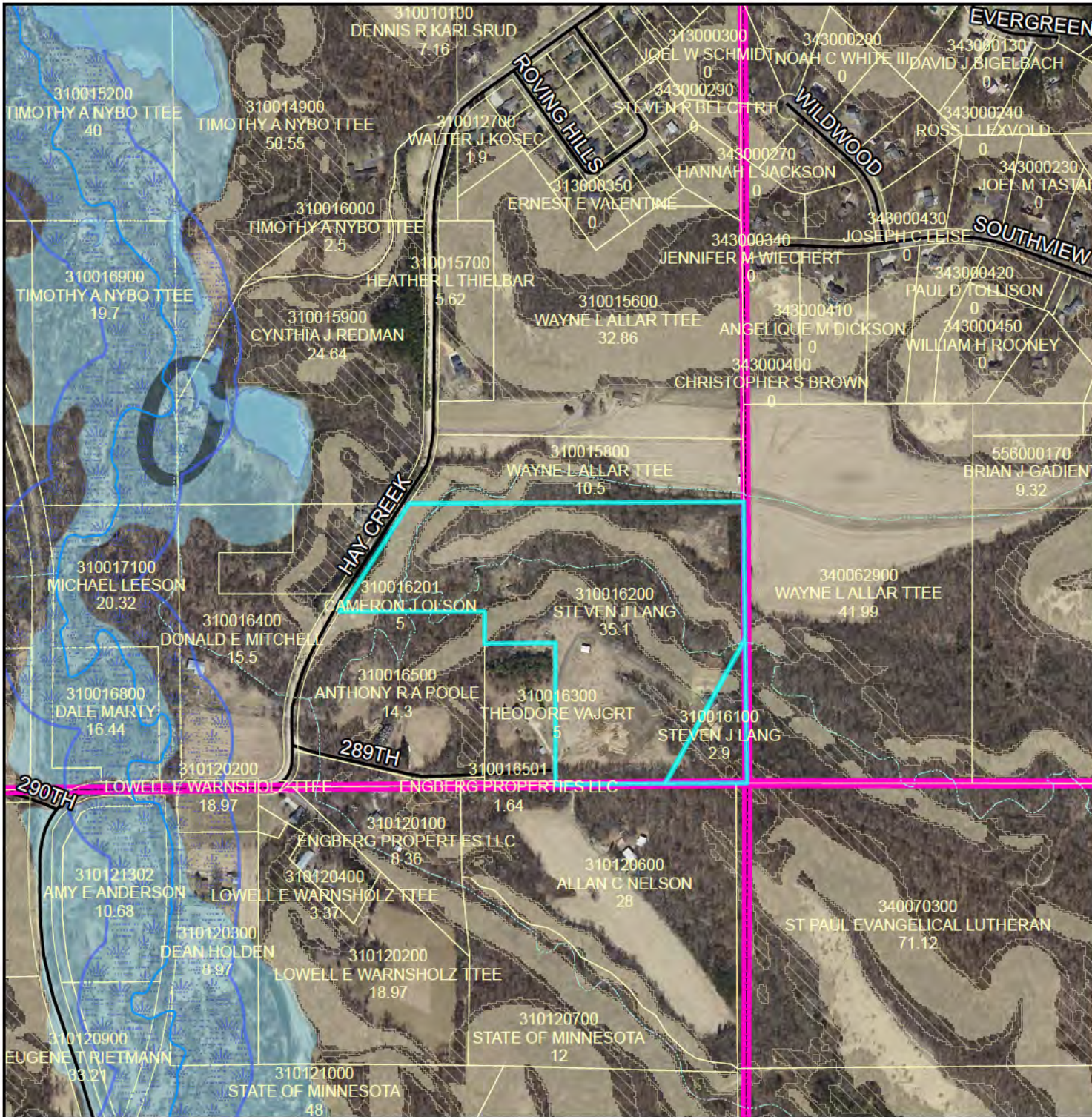


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2020 Aerial Imagery
Map Created August, 2021 by LUM



MAP 02: VICINITY MAP



PLANNING COMMISSION

Public Hearing
August 16, 2021

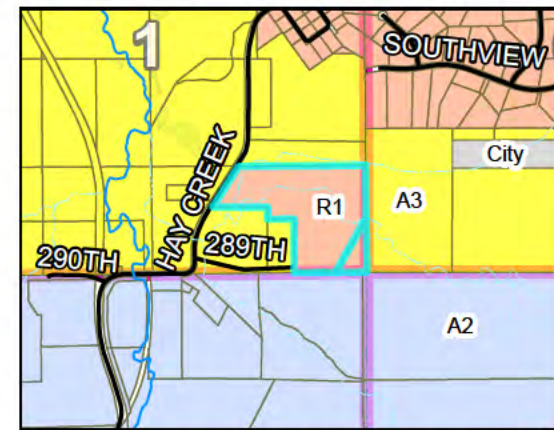
Steven & John Lang (Owners)
R1 Zoned District

Part of Government Lots 1 and 2 and part
of the SW 1/4 of the SE 1/4 of Section
01 TWP 112 Range 15 in Featherstone
Township

Preliminary and Final Plat Consideration

Legend

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



0 255 510 1,020 1,530
US Feet

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or consequential damages that may result from its use
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2020 Aerial Imagery
Map Created August, 2021 by LUM



LANG ADDITION PRELIMINARY / FINAL PLAT

EXISTING CONDITIONS

TOTAL AREA

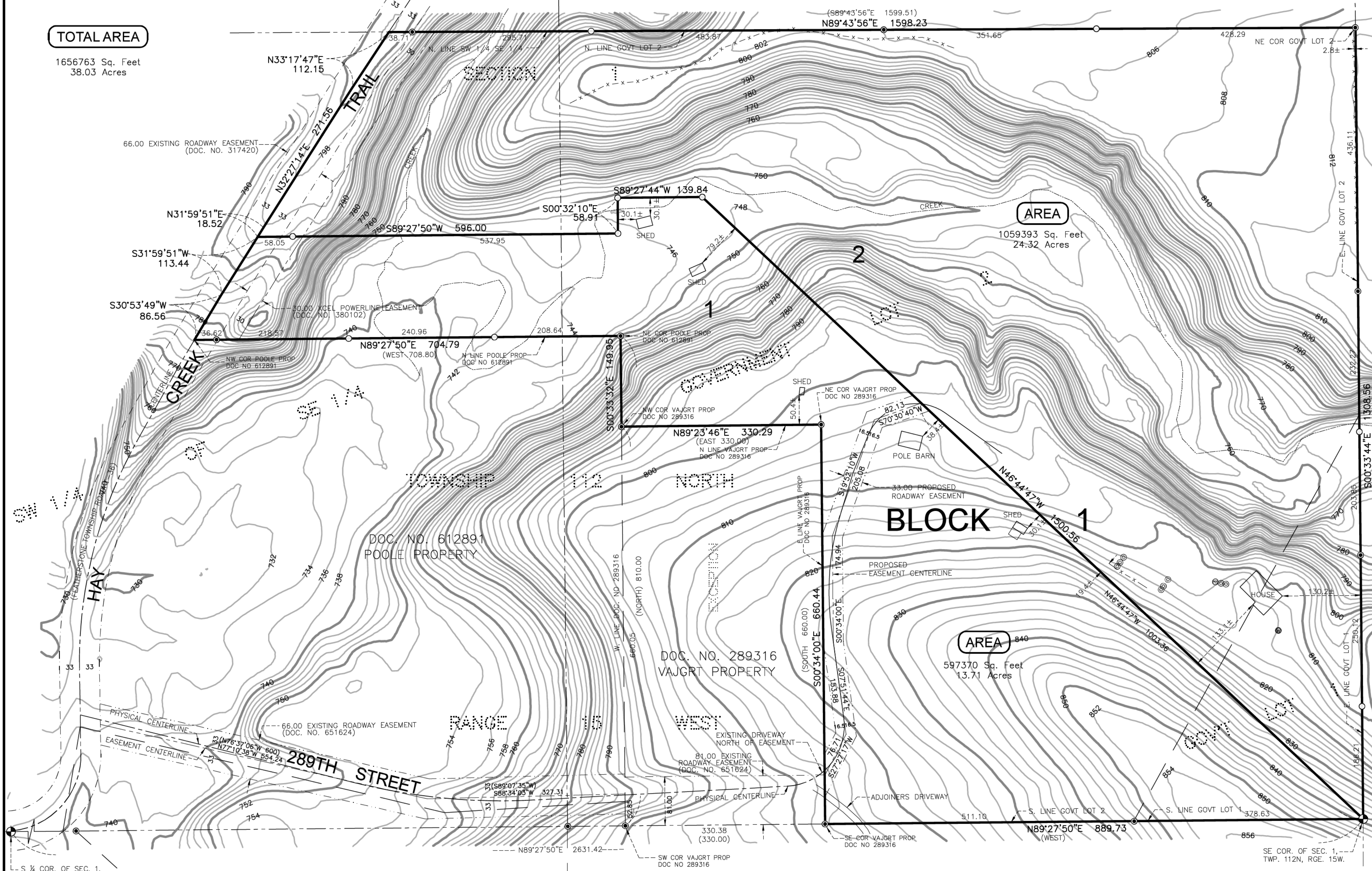
1656763 Sq. Feet
38.03 Acres

AREA

1059393 Sq. Feet
24.32 Acres

AREA

597370 Sq. Feet
13.71 Acres



KNOW ALL PERSONS BY THESE PRESENTS: That Steven J. Lang and Ashley A. Lang, husband and wife, tenants in common, and John J. Lang and Jamie M. Lang, husband and wife, tenants in common, and Wells Fargo Bank, N.A., an United States corporation, mortgagee, of the following described property:
Government Lot 1 and those parts of Government Lot 2 and the Southwest Quarter of the Southeast Quarter, all in Section 1, Township 112 North, Range 15 West, Goodhue County, Minnesota, described as follows:
Beginning at the southeast corner of said Section 1; thence on an assumed bearing of West, along the south line of Government Lots 1 and 2, a distance of 1219.73 feet to southwest corner of that certain property as described in Goodhue County Document Number 289316; thence on a bearing of North, along the west line of said document 289316 and its extension, a distance of 810.00 feet; thence on a bearing of West, a distance of 708.80 feet to the centerline of Hay Creek Road; as now located and established; thence Northeastly along said centerline to the north line of the Southwest Quarter of the Southeast Quarter of said Section 1; thence South 89 degrees 43 minutes 56 seconds East, along said north line and along the north line of said Government Lot 2, a distance of 1599.51 feet to the northeast corner of said Government Lot 2; thence South 0 degrees 01 minutes 54 seconds East, along the east line of said Government Lots 1 and 2, a distance of 1308.57 feet to the point of beginning.
EXCEPT:
That part of Government Lot 2, of Section 1, Township 112, Range 15, Goodhue County, Minnesota, according to the original Government Survey thereof, described as follows:
Commencing at the southeast corner of said Section 1; thence on an assumed bearing of West, along the south line of Government Lots 1 and 2, in said Section 1, a distance of 889.73 feet to a placed iron pipe at the point of beginning of the land to be described; thence continue on a bearing of West, along the south line of said Government Lot 2, a distance of 330.00 feet to a placed iron pipe; thence on a bearing of North, a distance of 660.00 feet to a placed iron pipe; thence on a bearing of East, a distance of 330.00 feet to a placed iron pipe; thence on a bearing of South, a distance of 660.00 feet to the point of beginning.

Have caused the same to be surveyed and platted as LANG ADDITION.
In witness whereof said Steven J. Lang and Ashley A. Lang, husband and wife, and John J. Lang and Jamie M. Lang, husband and wife, have hereto set their hands this _____ day of _____, 20____.

Steven J. Lang Ashley A. Lang
John J. Lang Jamie M. Lang

STATE OF MINNESOTA
COUNTY OF GOODHUE
This instrument was acknowledged before me on this _____ day of _____, 20____, by Steven J. Lang and Ashley A. Lang, husband and wife, tenants in common, and John J. Lang and Jamie M. Lang, husband and wife, tenants in common.
(Notary signature)
(Print Notary name)
Notary Public Goodhue County, Minnesota
My Commission Expires _____

In witness whereof said Wells Fargo Bank, N.A., an United States corporation, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.
Signed Wells Fargo Bank

President

STATE OF MINNESOTA
COUNTY OF GOODHUE
This instrument was acknowledged before me on this _____ day of _____, 20____, by _____.
(Notary signature)
(Print Notary name)
Notary Public Goodhue County, Minnesota
My Commission Expires _____

I, Marcus S. Johnson do hereby certify:
That I have surveyed or directly supervised the survey of the property described on this plat; that I prepared or directly supervised the preparation of this plat as LANG ADDITION; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been correctly set; that as of the date of this certificate, all water boundaries and wetlands, as defined in Minnesota Statutes 505.01, Subd. 3, are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.
Dated this _____ day of _____, 20____.

Marcus S. Johnson, Land Surveyor
Minnesota License Number 47460

STATE OF MINNESOTA
COUNTY OF GOODHUE
This instrument was acknowledged before me on this _____ day of _____, 20____, by Marcus S. Johnson, Land Surveyor.
Notary signature
(Print Notary name)
Notary Public Goodhue County, Minnesota
My Commission Expires _____

Approved by the County Board of Commissioners of Goodhue County Minnesota, at their _____, 2020 County Board Meeting
Signed: _____ Chairperson Attest: _____ County Administrator

Approved by the Featherstone Township Board, this _____ day of _____, 20____.
Signed: _____ Chairperson

Taxes payable in the year 20____ on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this _____ day of _____, 20____.

By _____ Goodhue County Auditor/Treasurer
By _____ Deputy

Pursuant to Chapter 389.09, laws of Minnesota, and Goodhue County Ordinance No. 2-78, this plat has been approved this _____ day of _____, 20____.

By _____ Lisa M. Hanni, Goodhue County Surveyor

I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and execution.
Attorney for Goodhue County _____ Date _____

I hereby certify that the within instrument was filed in this office for record this _____ day of _____, 20____, at _____ m and was duly recorded as document number _____.

By _____ Goodhue County Recorder

EASEMENTS OF RECORD
An easement for roadway purposes over, under and across the south 81.00 feet of the Theodore Vajrt and Elise Vajrt property as described in that certain Warranty Deed dated January 6, 1984 and recorded January 6, 1984 as Document No. 289316.
ALSO, a 66.00 foot wide roadway easement over, under and across that part of Government Lot 2, of Section 1, and that part of the Southwest Quarter of the Southeast Quarter of Section 1, all in Township 112, Range 15, Goodhue County, Minnesota, according to the original Government Survey thereof. The centerline of said easement is described as follows:
Commencing at the southeast corner of said Section 1; thence on an assumed bearing of West, along the south line of Government Lots 1 and 2, in said Section 1, a distance of 1219.73 feet to a placed iron pipe; thence on a bearing of North, a distance of 52.85 feet to the point of beginning of the centerline to be described; thence South 89 degrees 07 minutes 35 seconds West, a distance of 327.31 feet thence North 76 degrees 37 minutes 06 seconds West, to the easterly right of way line of the Township Road, as now located and established and there terminating. The sidelines of said easement are to be prolonged or shortened to terminate on said easterly right of way line of the Township Road and on the west line of the above described parcel.

LEGEND

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- ⊙ DENOTES FOUND IRON MONUMENT.
- ⊕ DENOTES GOODHUE COUNTY SECTION CORNER.
- ⊖ DENOTES SEPTIC MANHOLE.
- ⊗ DENOTES SEPTIC VENT.
- ⊘ DENOTES WELL.
- (WEST 708.80) DENOTES BEARING AND/OR DISTANCE OF RECORD.
- x - x - x DENOTES A FENCE LINE LOCATED WHERE ENCOUNTERED DURING SURVEY WORK.
- — — — — DENOTES APPROXIMATE CREEK CENTERLINE.
- 830 — — — — — DENOTES A CONTOUR OF ELEVATION.

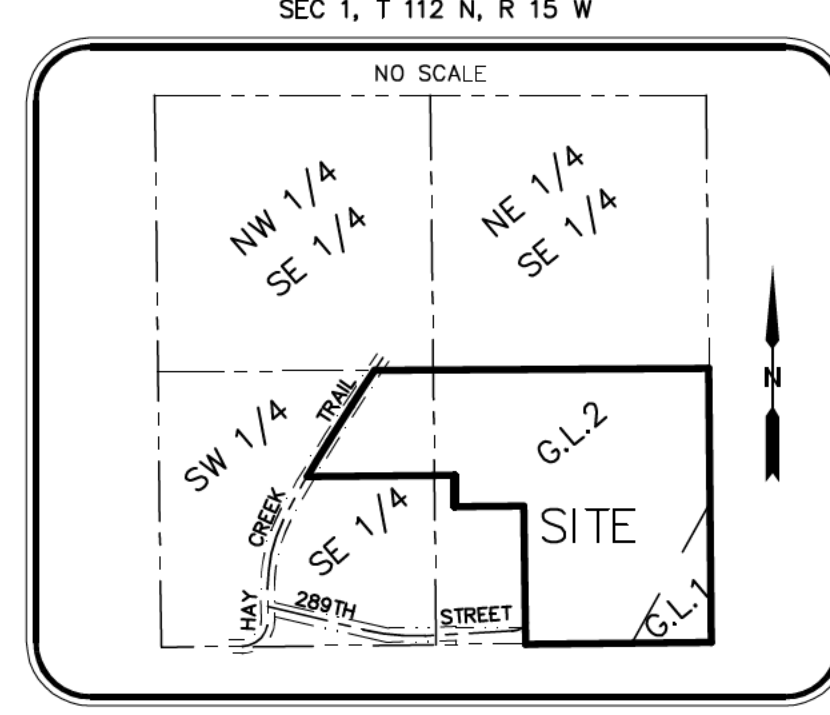
PROPERTY IS CLASSIFIED AS AREA OF MINIMAL FLOOD HAZARD, ZONE X, ACCORDING TO FEMA FIRM MAP 27049C0195E

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Marcus S. Johnson
Minnesota License No. 47460
Date: March 24, 2020

BEARINGS SHOWN HEREON ARE ORIENTED TO THE GOODHUE COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARR)

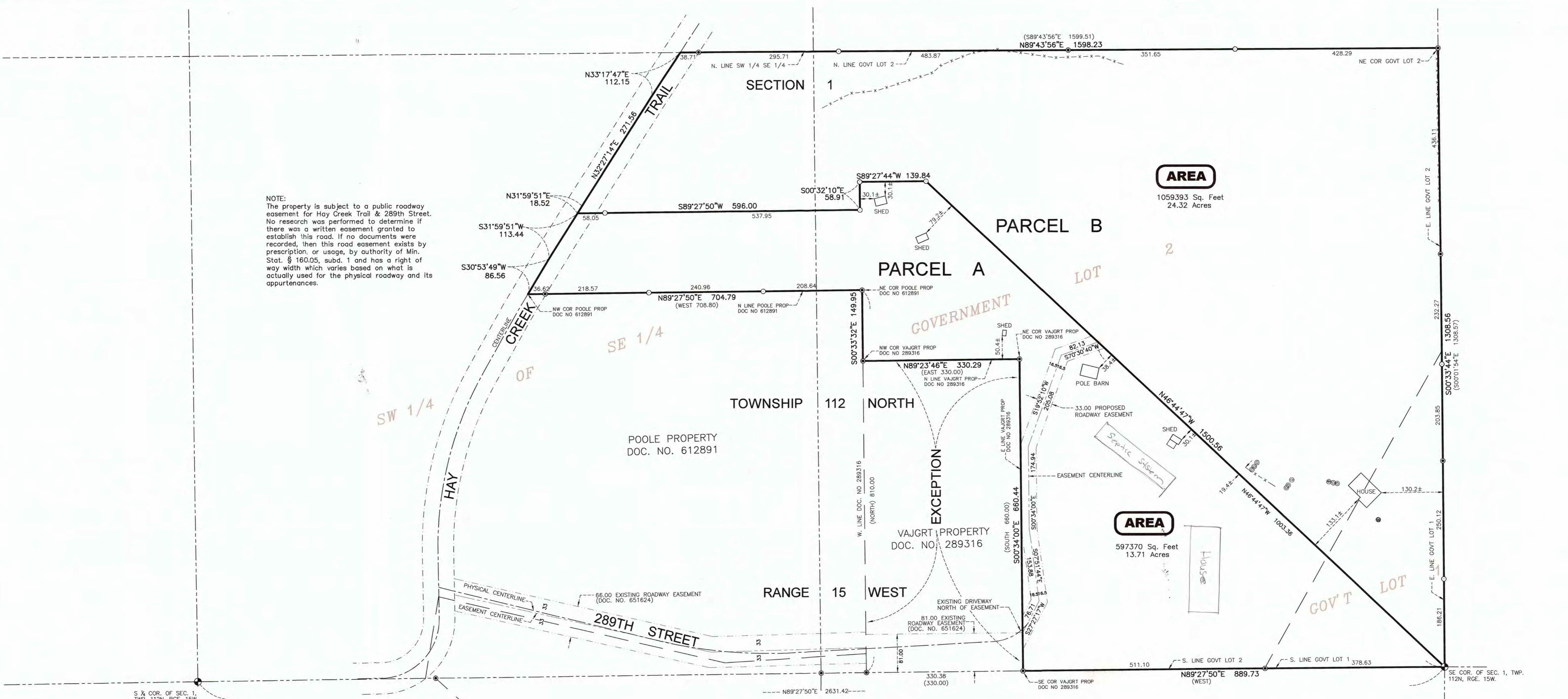
VICINITY MAP



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
1203 MAIN STREET, RED WING, MN 55066
(651)3881558



NOTE:
The property is subject to a public roadway easement for Hay Creek Trail & 289th Street. No research was performed to determine if there was a written easement granted to establish this road. If no documents were recorded, then this road easement exists by prescription, or usage, by authority of Min. Stat. § 160.05, subd. 1 and has a right of way width which varies based on what is actually used for the physical roadway and its appurtenances.



LEGEND

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES SEPTIC MANHOLE.
- ⊕ DENOTES SEPTIC VENT.
- ⊗ DENOTES WELL.
- (WEST 708.80) DENOTES BEARING AND/OR DISTANCE OF RECORD.
- - - - - DENOTES A FENCE LINE LOCATED WHERE ENCOUNTERED DURING SURVEY WORK.



BEARINGS SHOWN HEREON ARE ORIENTED TO THE GOODHUE COUNTY COORDINATE SYSTEM, NAD 83, 1998 ADJUSTMENT (HARN)



PARCEL A PROPOSED PROPERTY DESCRIPTION

That part of Government Lot 1, that part of Government Lot 2, and that part of the Southwest Quarter of the Southeast Quarter, all in Section 1, Township 112 North, Range 15 West, Goodhue County, Minnesota, described as follows:
Beginning at the southeast corner of said Section 1; thence North 46 degrees 44 minutes 47 seconds West (assuming the south line of the Southeast Quarter of said Section 1 has a bearing of North 89 degrees 27 minutes 50 seconds East), a distance of 1500.56 feet; thence South 89 degrees 27 minutes 44 seconds West, a distance of 139.84 feet; thence South 00 degrees 32 minutes 10 seconds East, a distance of 58.91 feet; thence South 89 degrees 27 minutes 50 seconds West, a distance of 596.00 feet to the centerline of Hay Creek Trail, as now located and established; thence South 31 degrees 59 minutes 51 seconds West, along said centerline, a distance of 113.44 feet; thence South 30 degrees 53 minutes 49 seconds West, along said centerline, a distance of 86.56 feet to the northwest corner of the Poole property as described in Document Number 612891, on file in the Goodhue County Records Office; thence North 89 degrees 27 minutes 50 seconds East, along the north line of said Poole property, a distance of 704.79 feet to the northeast corner of said Poole property; thence South 00 degrees 33 minutes 32 seconds East, along the east line of said Poole property, a distance of 149.95 feet to an iron pipe at the northwest corner of the Vajgrt property as described in Document Number 289316, on file in the Goodhue County Records Office; thence North 89 degrees 23 minutes 46 seconds East, along the north line of said Vajgrt property, a distance of 330.29 feet to an iron pipe at the northeast corner of said Vajgrt property; thence South 00 degrees 34 minutes 00 seconds East, along the east line of said Vajgrt property, a distance of 660.44 feet to an iron pipe at the southeast corner of said Vajgrt property; thence North 89 degrees 27 minutes 50 seconds East, along the south line of said Government Lot 2, a distance of 889.73 feet to the point of beginning.

Subject to a roadway easement over that part taken by Hay Creek Trail and subject to all other easements and restrictions of record.

EASEMENTS OF RECORD DOC. NO. 651624

An easement for roadway purposes over, under and across the south 81.00 feet of the Theodore Vajgrt and Elise Vajgrt property as described in that certain Warranty Deed dated January 6, 1984 and recorded January 6, 1984 as Document No. 289316.

ALSO, a 66.00 foot wide roadway easement over, under and across that part of Government Lot 2, of Section 1, and that part of the Southwest Quarter of the Southeast Quarter of Section 1, all in Township 112, Range 15, Goodhue County, Minnesota, according to the original Government Survey thereof. The centerline of said easement is described as follows: Commencing at the southeast corner of said Section 1; thence on an assumed bearing of West, along the south line of Government Lots 1 and 2, in said Section 1, a distance of 1219.73 feet to a placed iron pipe; thence on a bearing of North, a distance of 52.85 feet to the point of beginning of the centerline to be described; thence South 89 degrees 07 minutes 35 seconds West, a distance of 327.31 feet; thence North 76 degrees 37 minutes 06 seconds West, to the easterly right of way line of the Township Road, as now located and established and there terminating. The sidelines of said easement are to be prolonged or shortened to terminate on said easterly right of way line of the Township Road and on the west line of the above described parcel.

PARCEL B PROPOSED PROPERTY DESCRIPTION

That part of Government Lot 1, that part of Government Lot 2, and that part of the Southwest Quarter of the Southeast Quarter, all in Section 1, Township 112 North, Range 15 West, Goodhue County, Minnesota, described as follows:
Beginning at the southeast corner of said Section 1; thence North 46 degrees 44 minutes 47 seconds West (assuming the south line of the Southeast Quarter of said Section 1 has a bearing of North 89 degrees 27 minutes 50 seconds East), a distance of 1500.56 feet; thence South 89 degrees 27 minutes 44 seconds West, a distance of 139.84 feet; thence South 00 degrees 32 minutes 10 seconds East, a distance of 58.91 feet; thence South 89 degrees 27 minutes 50 seconds West, a distance of 596.00 feet to the centerline of Hay Creek Trail, as now located and established; thence North 31 degrees 59 minutes 51 seconds East, along said centerline, a distance of 113.44 feet; thence North 32 degrees 27 minutes 14 seconds East, along said centerline, a distance of 271.56 feet; thence North 33 degrees 17 minutes 47 seconds East, along said centerline, a distance of 112.15 feet to the north line of the Southwest Quarter of the Southeast Quarter of said Section 1; thence North 89 degrees 43 minutes 56 seconds East, along said north line and along the north line of said Government Lot 2, a distance of 1598.23 feet to the northeast corner of said Government Lot 2; thence South 00 degrees 33 minutes 44 seconds East, along the east line of said Government Lot 2 and along the east line of said Government Lot 1, a distance of 1308.56 feet to the point of beginning.

Subject to a roadway easement over that part taken by Hay Creek Trail and subject to all other easements and restrictions of record.

PROPOSED DRIVEWAY AND UTILITY EASEMENT

A 33.00 foot wide driveway and utility easement over, under and across that part of Government Lot 2, in Section 1, Township 112 North, Range 15 West, Goodhue County, Minnesota. The centerline of said easement is described as follows:

Commencing at the southeast corner of said Section 1; thence North 46 degrees 44 minutes 47 seconds West (assuming the south line of the Southeast Quarter of said Section 1 has a bearing of North 89 degrees 27 minutes 50 seconds East), a distance of 1003.36 feet to the point of beginning of the centerline to be described; thence South 70 degrees 30 minutes 40 seconds West, a distance of 82.13 feet; thence South 19 degrees 52 minutes 10 seconds West, a distance of 205.08 feet; thence South 00 degrees 34 minutes 00 seconds East, a distance of 174.94 feet; thence South 07 degrees 51 minutes 44 seconds East, a distance of 153.88 feet; thence South 27 degrees 27 minutes 17 seconds West, a distance of 76.71 feet to the east line of the Vajgrt property described in Document Number 289316, on file in the Goodhue County Records Office, and there terminating. The sidelines of said easement are to be prolonged or shortened to terminate on said east line of the Vajgrt property and on a line running northwesterly and southeasterly from the point of beginning, said line having a bearing of North 46 degrees 44 minutes 47 seconds West.

CERTIFICATE OF SURVEY FOR:

MR. JOHN LANG

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066
(651) 388-1558

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Marcus S. Johnson
Minnesota License No. 47460
Date: February 11, 2020

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	20-145	S-8645	

PATH/S/SHARE/CERTS/112-15/1/JOHN LANG.DWG