



GOODHUE COUNTY MINNESOTA

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

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

Virtual Meeting Notice

The Goodhue County Board of Adjustment will be conducting a meeting on December 13, 2021 at 5:00 p.m. Due to concerns surrounding the spread of COVID-19, the meeting and all public hearings will be conducted by telephone or other electronic means.

The public may monitor the meeting from a remote site by logging into <https://global.gotomeeting.com/join/249950245> or calling 1-877-309-2073 beginning at 4:50 PM or any time during the meeting. Access Code: 249-950-245

Public Comments: Interested persons must submit comments by phone, in writing, or via email until noon on Monday, December 13, 2021. To submit your comments please email them to samantha.pierret@co.goodhue.mn.us or mail them to the Land Use Management Department at 509 West 5th Street, Red Wing, MN 55066. Comments received by this deadline will be read into the record during the public hearing for that item, including name and address.

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. November 15, 2021 BOA Meeting Minutes

Documents:

[BOAMEETINGMINUTES_NOVEMBERJOINTMEETING.PDF](#)

Conflict/Disclosure Of Interests

TABLED: Request For Variance To Feedlot Setback Standards

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

Documents:

[BOAPACKET_NOLTETABLED.PDF](#)

PUBLIC HEARING: Request For Variance To Accessory Dwelling Unit Standards
Request for Variance, submitted by Linda and Tom Winter (Owners) to Accessory Dwelling Unit standards to permit an Accessory Dwelling Unit greater than 100-feet from the principal dwelling. Parcel 28.024.0400. 31310 Woodhaven Trail Cannon Falls, MN 55009. Part of the NE ¼ of Section 24 TWP 112 Range 17 in Cannon Falls Township. A-1 Zoned District.

Documents:

[BOAREPORT_WINTER.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards
Request for Variance, submitted by David O'Reilly (Owner), to A-2 Zoning District standards to allow parcel line reconfiguration creating property lines closer than 30-feet from existing structures. Parcel 31.033.1400. 33474 200th AVE Red Wing, MN 55066. Part of the W ½ of the SW ¼ of Section 33 TWP 112 Range 15 in Featherstone Township.

Documents:

[BOAPACKET_DAVIDOREILLY_REDACTED.PDF](#)

Other-Discussion

Adjourn

Anyone interested is invited to attend. Agenda items may be subject to change.

Goodhue County Land Use Management

◆ Goodhue County Government Center ◆ 509 West Fifth Street ◆ Red Wing ◆ Minnesota ◆ 55066 ◆
◆ Building ◆ Planning ◆ Zoning ◆ Telephone: 651/385-3104 ◆ Fax: 651/385-3106 ◆

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
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DRAFT**

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

Roll Call

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

Commissioners Absent: None

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

1. Approval of Agenda

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

Motion carried 5:0

2. Approval of Minutes

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

Motion carried 5:0

3. Conflict/Disclosure of Interest

4. Public Hearings:

PUBLIC HEARING: Request for Variance, submitted by Michael Flom (Owner), to A-1 Zoning District standards to construct an accessory building less than 30 feet from rear and side yard property lines.

Koberoski presented the staff report and attachments.

Chair Knott stated the new structure would be placed on the property going north to south, and there are two existing structures in the northwest corner of the property. Questioned if both of the sheds in the northwest corner would be replaced by the new structure or just the one in the far northeast corner.

Michael Flom (applicant) answered they will both be demolished.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

³After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 5:0

⁴Motion by Ellingsberg, seconded by Tebbe, for the Board of Adjustment to:

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

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APPROVE the request for a variance, submitted by Michael Flom (Owner) to A-1 Zoning District standards to allow construction of an accessory building 9.9-feet from the north property line and 11.8-feet from the east property line where 30 feet is required.

Motion carried 5:0

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

Pierret presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

5After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 5:0

Commissioner Fox commented this is why the 100-feet from the principle dwelling ordinance was put into place; there is little to no chance of the existing structure being sold off as a separate parcel.

6Motion by Fox, seconded by Tebbe, for the Board of Adjustment to:

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

APPROVE the request submitted by Rollin and Sharon Larson (Owners) to allow an Accessory Dwelling Unit 115 feet from the principal dwelling where 100 feet is required.

Motion carried 5:0

PUBLIC HEARING: Request for Variance to Home Business Standards

Request for Variance, submitted by Emily Fischbach (Owner) to Home Business Standards to establish a Tier II Home Business on a parcel containing less than 2-acres in the A-1 District and within a dwelling that does not meet structure setbacks from the side property line and from the County 9 BLVD and HWY 56 BLVD ROWs.

Pierret presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

7After Chair Knott asked three times for comments it was moved by Commissioner Tebbe and seconded by Commissioner Rechtzigel to close the Public Hearing.

Motion carried 5:0

Commissioner Tebbe noted he understands how the impact of the expansion of the Right-of-Ways have made it difficult for the applicant to comply with the regulations.

8Motion by Tebbe, seconded by Fox, for the Board of Adjustment to:

- adopt the staff report into the record;
- adopt the findings of fact;

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

APPROVE the variance request, submitted by Emily Fischbach (owner), to Home Business Standards (Article 11, section 12) to allow the establishment of a Tier II Home Business on a 0.62-acre parcel and within a structure 0-feet from the west property line, 20-feet from the HWY 56 BLVD ROW and 10-feet from the County 9 BLVD ROW in the A1 Zoning District.

Motion carried 5:0

PUBLIC HEARING: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by Jeffrey Nolte (Buyer) and Dee Banitt LT (Owner), to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet or 94% odor annoyance-free rating (as determined by the odor OFFSET model) of existing dwellings. Parcel 40.034.0900.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing.

Pierret read several public comments received by email and by phone.

Jeffrey Salisbury, 51048 152nd Avenue, Pine Island MN stated opposition to the proposed Feedlot because of it's proximity to surrounding properties, concerns of property value decline, his home is downhill to the proposed Variance and worries of runoff of contamination onto his property, contamination of drinking water, air pollution, the number of animals, and overall management of the site.

Heather VanBuskirk, 51077 Fork Trail, Pine Island MN stated concern of runoff from the proposed Feedlot. Also pollution problems that would affect drinking and bath water, odors, an increase in insects, vermin, noise and the overall beauty of their property and surrounding properties.

Greg Goplen, 50555 Branch Trail, Pine Island, MN stated he was denied a Variance for a Feedlot/setback several years ago, and wanted to be sure there was consistency in enforcement of the ordinances. Also stated he is not against Feedlots, but wants all applicants treated fairly. He questioned why the County doesn't lower the setback from the 1000-feet if it is going to approve Variances to the distance. Furthermore, he agrees agriculture is a good use of the land, but feels approving the Variance to Feedlot setback will cause neighborhood issues.

Eric and Jill Swenson, 51099 152nd Avenue, Pine Island, MN said they oppose the Variance request, stating the area for the proposed Feedlot location is primarily made up of residential acreages with only crop farming near the location of the proposed Feedlot; says the approval of the Feedlot would change the environment for all residents in the area and would negatively impact the value of their properties. Also stated the concern of noise, pollution, odor, the visibility of the animals from their home, water contamination requiring deeper wells or extensive filtering, and the potential of cattle wandering onto surrounding properties, causing damage. In addition concerned about the overall number of cattle and hogs allowed on the property, and future potential resale of the Nolte property changing Feedlot operations..

Cindy Andrist is opposed to the feedlot Variance request; noting concerns for the beauty of the area and the air quality.

Thomas Andrist is opposed to the Variance request stating concern of depreciation of the surrounding properties, land values, close proximity to neighbors, slope of the land, runoff, lack of level areas to

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maintain manure, smell and noise of the operation, and lack of management and County inspections.

Michael Andrist, 51630 152nd Avenue, Pine Island MN emailed with his opposition of the Variance request including traffic impacts and odor on the property, concerns for the environment and devalue of property.

Mary Andrist, 51630 152nd Avenue, Pine Island MN, shared her opposition for the Variance request, saying there are too many close neighbors and this is not a proper location for a Feedlot.

James Ulwelling, 51241 Fork Trail, Pine Island MN is against the approval of the Variance request, stated there was not enough information given before the meeting, and not enough time for public opinion at the meeting. Stated a Feedlot in this location would be a nuisance, concerns of the odor, and lower property values. However, stated he is not opposed if the Feedlot consisted of a few horses, or a few livestock not a large commercial operation.

Eric Swenson said allowing this Feedlot will only cause angst between property owners, noting all surrounding owners are opposed to this request.

Jeffrey Salisbury questioned if the geology of the area has been addressed; the water flow and run off, and potential contaminaton of ground water. Stated the water currently flows onto his property. Asked if an expert has looked at the area and the Variance request.

Pierret stated Kelsey Petit is currently away from the office, Chad Hildebrand with Goodhue County SWCD is virtually attending the meeting, and this request for Variance was reviewed by the Goodhue County Sanitarian Benjamin Hoyt. Hoyt's review stated if properly adhered to, a manure management plan of a Feedlot of this size and scope should minimize any potential ground water contamination. The property has enough area to meet requirements of the MN Department of Health well setbacks for animal buldings and Feedlot areas to protect against well contamination.

Hanni said the applicant is required to submit an extensive packet into the Feedlot officer stating what procedures need to be taken if animals die, the precautions of groundwater safety, locations of the Feedlot, etc. all of which is not included in this meeting packet.

Salisbury remarked of his concerns of the three gullies that run across his land from previous water flow. He stated this is more than a hobby farm, with pigs and 35 head of cattle, and strongly opposes.

Eugenia Trushina, 51048 152nd Avenue, Pine Island MN stated her concerns of removal of the trees on the Banitt property, how the water contamination will be monitored as they live downhill from the property, property value decline and how costs of testing, potential well contamination, and runoff will be addressed and paid for.

Hildebrand said in regards to the concentrated gullies on the Salisbury-Trushina property, there are best management practices (BMP) that can be implemented with help from the Soil and Water Conservation District to address erosion into the gully areas on their property. Fencing of the animal units and manure management plans can be established with the Feedlot officer. The SWCD has ground water sampling testing kits for use that would be sent to a certified lab.

Hanni suggested tabling the Variance request until the next meeting so staff can discuss some of the concerns further.

Heather VanBuskirk stated her concerns with this being primarily a residential area and feels this will destroy their property and surrounding properties. Has concerns of well contamination on their property, noting that their well is only 50-feet deep, and there is a river-like runoff that comes down the

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hill in the Spring that is uncontrollable. They do not feel a Feedlot is appropriate for their neighborhood.

9After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Rechtzigel to close the Public Hearing.

Motion carried 4:1 (Tebbe dissented)

Commissioner Ellingsberg commented a Feedlot was just approved on a property less than 1000-feet from him. Ellingsberg has had his livestock farm since 1976, has dealt with Feedlots and Feedlot issues, and he is in a well water testing program where his well is tested every 6 months. It has been tested for many years and there are no nitrates detected in his well. He noted the Nolte property is in an agricultural area, so farming is legal; believes this Feedlot can coexist and still be a fine neighborhood.

Commissioner Tebbe said he would like to see clarification for some of the public questions and more information given to surrounding property owners; therefore believes this request should be tabled at this time.

Hanni stated the BOA can table for the December 13th meeting.

10Motion by Fox, seconded by Tebbe, for the Board of Adjustment to:

TABLE the request for variance, submitted by Jeffrey Nolte (Buyer) and Dee Banitt LT (Owner) to Article 13 (Confined Feedlot Regulations) setback standards to allow a new Feedlot to be established no closer than 870-feet from neighboring dwellings until the December 13, 2021 BOA meeting. Staff should provide information on the questions posed by neighboring property owners.

Chair Knott would like to see a site plan showing the distance involved in the location of the Feedlot; a 120-foot shift to the South, this could potentially eliminate the need of a Variance.

Motion carried 5:0

5. Other-Discussion

Chair Knott noted the next BOA Meeting will be December 13th, it will again be a joint meeting with the PAC, and it is probable it will be virtual. Pierret stated there are agenda items for the November BOA meeting.

ADJOURN

11Motion by Tebbe seconded by Rechtzigel to adjourn the BOA meeting at 6:25 pm.

Motion carried 5:0

Respectfully submitted:

Kathy Bauer, Zoning Administrative Assistant

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MOTIONS

¹ APPROVE the meeting agenda.

Motion carried 5:0

² APPROVE the previous meeting's minutes.

Motion carried 5:0,

³ Close the Public Hearing.

Motion carried 5:0

⁴APPROVE Request for Variance to A-1 Zoning District standards to construct an accessory building less than 30 ft from rear and side yard property lines

Motion carried 5:0

⁵Close the Public Hearing

Motion carried 5:0

⁶APPROVE the Variance request to Accessory Dwelling Unit standards to permit an Accessory Dwelling Unit greater than 100-feet from principle dwelling

Motion carried 5:0

⁷Close the Public Hearing

Motion carried 5:0

⁸APPROVE Variance request to Home Business Standards to allow Tier II Home Business

Motion carried 5:0

⁹Close the Public Hearing

Motion carried 5:0

¹⁰TABLE Feedlot Variance request

Motion carried 5:0

¹¹ADJOURN.

Motion carried 5:0

UNOFFICIAL UNTIL APPROVED BY THE BOA

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: December 13, 2021
Report date: December 2, 2021

TABLED: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by Jeffrey Nolte (Buyer) and Dee Banitt LT (Owner), to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet or 94% odor annoyance-free rating (as determined by the odor OFFSET model) of two existing dwellings.

Application Information:

Applicant: Jeffrey Nolte (Buyer) and Dee Banitt LT (Owner)
Address of zoning request: 51130 152nd AVE
Parcel: 40.034.0900

Abbreviated Legal Description: Part of the W $\frac{3}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34 TWP 109 Range 16.

Township Information: Roscoe Township signed off on the application acknowledging the Applicant's proposal and did not add any comments.

Zoning District: A-2 (Agriculture District)

Attachments and Links:

Application and Project Summary

Site Maps

OFFSET Calculations

November 15, 2021 BOA DRAFT Meeting Minutes

Goodhue County Zoning Ordinance (GCZO):

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

Background:

Jeffrey Nolte (Buyer) and Dee Banitt LT (Owner) have applied for a variance to allow the establishment of a Feedlot consisting of approximately 33.8 AUs (Animal Units). The animals would include 20 slaughter steers/stock cows, 12 feeder cattle or heifers, 12 calves, and 10 swine. Article 13 (Confined Feedlot Regulations) setback standards require a new feedlot to be at least 1,000-feet or 94% odor annoyance-free rating (as determined by the odor OFFSET model) of existing dwellings.

The proposed feedlot is less than 1000-feet from two existing dwellings.

November 15, 2021 Meeting Update:

During the November BOA meeting, the Board heard several comments from neighboring property owners in opposition to the variance request. Questions and concerns raised by neighbors included potential well contamination, odor impacts, animal fencing and containment provisions, and locations of pastures and manure spreading. The Board tabled the item to give staff time to work with the County Feedlot Officer, Sanitarian, and the Applicant to answer

questions and prepare additional documents for the Board to review. Staff has updated the original staff report with new information shown in red.

Variance Standards:

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

Draft Findings of Fact:

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

- The purpose of the A2 district is to maintain and conserve agricultural investments and prime agricultural farmland but provide for a slightly higher density of dwellings than the A1 District. This district is intended to apply to those areas where large farms and feedlots are more scattered and greater numbers of non-farm uses or small parcels are present.

The Banitt property was used as an animal agriculture operation into the 1990s. After cessation of the animal agriculture operation, the surrounding dwellings were constructed however, all properties continue to be zoned General Agriculture District (A2).

- Reciprocal feedlot setbacks between feedlots and dwellings are intended to decrease potential conflicts among residential and agricultural uses.

Two residences are located within the 1000-foot required setback area for the proposed Feedlot. The dwelling to the north is owned by Jill Swenson (Parcel 40.027.0801), and the property to the east is owned by Jeffrey Salisbury (Parcel 40.034.0700). Ms. Swenson’s and Mr. Salisbury’s dwellings are located 920-feet and 870-feet from the proposed feedlot, respectively.

One of the main questions posed during the public hearing was how neighboring well contamination would be avoided. Kelsey Petit, Goodhue County Feedlot Officer, stated that with the proposed number of animal units for this site (33.8 AUs) the contamination of neighboring wells is unlikely.

Benjamin Hoyt, Goodhue County Sanitarian, stated that a properly managed feedlot should not affect wells that meet the required setbacks from the feedlot operation. If a well is found to be contaminated after a professional well test is conducted there are no requirements for homeowners to fix wells due to nitrate contamination even if the values exceed drinking water standards. The owners are recommended to either treat the water or drill a new well but this is not required.

Mr. Hoyt added that nitrate testing would not be a good way to address a feedlot contamination concern. Nitrates are typically introduced into aquifers through fertilizer application. The recharge areas for an aquifer can be many miles from a given well and it would be difficult if not impossible to attribute a nitrate increase in a well to a point source such as a feedlot even if it were a very large one. The wells in this area are very deep (200+ and 400+ feet deep) to avoid surface water contamination due to the high groundwater sensitivity of the upper aquifer. None of the wells in this area has had a recent water test and one of the wells in the area already had nitrate contamination.

During the public hearing, it was noted by one property owner (Parcel 40.034.0201) that their well was 50-feet deep. Staff requested Mr. Hoyt comment on this particular well: “The well on that property is older and we don’t have records for it other than a few water tests so it is possible that it is only 50-feet deep. The records for this property indicate they have some nitrate contamination and that the well is located within an area where they [or previous owners] pasture[d] horses.”

- All other dwellings are more than 1000-feet from the proposed feedlot.

The property referenced above with a 50-foot deep well exceeds the 1000-foot setback requirement.

- Given the proposed feedlot will achieve a 99% odor annoyance-free rating (as determined by the OFFSET model) from the two dwellings that do not meet the 1000-foot setback, the request appears harmonious with the purpose and intent of the official controls.

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

- The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The proposed variance is not likely to produce conflict among residential and agricultural uses due to the limited size of the proposed operation (33.8 Animal Units).
- The Comprehensive Plan supports encouraging farming activities and best management practices for animal agricultural practices and supporting the growth of animal agriculture in an environmentally friendly manner.
- Future buyers of the dwellings will have the opportunity to be informed of the existence of the Feedlot.
- The request does not appear inconsistent with the adopted Comprehensive Plan.

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

- The property comprises 80-acres and is a conforming lot size in the A2 district (2-acre minimum). The Applicant’s request to establish a registered Feedlot is a reasonable use of property in the A2 District.

The Applicant has proposed to house cattle and swine in the existing barn and in new pens to the north and south of the barn. Three potential areas for pasturing have been identified on the property. The animals would be confined using barbed wire fencing combined with electricity. The three proposed pasture areas will allow for a rotational grazing plan. Pasture areas are not required to meet Feedlot setbacks to neighboring dwellings as they are not “confined feeding areas”.

- A majority of the property is made up of woodlands and Blufflands, and is primarily used for row-crop agriculture.
- The proposed Feedlot will use existing structures to house the animals. Alternative locations for housing the animals were not considered because appropriate structures already exist on the property.

Feedlot setbacks are calculated from the “confined feeding areas” which include pens and barns/structures animals are kept in. The existing barn will be used to house the animals therefore relocating the feedlot farther from the neighboring dwellings is not

possible. The Applicant has proposed to establish a beef pen to the north of the barn and a pig pen to the south. These areas avoid steeper sloped areas to the east, the existing well to the west, and the confined flow area to the south.

- The Feedlot will meet all other applicable setback requirements of the Goodhue County Zoning Ordinance.

The County's Feedlot Ordinance requires a 300-foot setback from manure application areas to neighboring dwellings and a 200-foot setback from manure application areas to neighboring wells. The Feedlot Officer has worked with the applicant to identify areas that meet this setback. A map has been provided depicting these areas.

The County's Feedlot Ordinance requires new Feedlots to meet a 94% odor offset (as determined by the OFFSET model) to neighboring dwellings. The Feedlot Officer has calculated that a 99% odor offset will be achieved to the nearest dwellings. Odors will be mitigated by hauling manure regularly (as soon as possible) to surface apply to fields.

- A review of the existing development pattern in the vicinity reveals medium-density residential development among agricultural uses (row-crop agriculture).
- The establishment of a Feedlot on this parcel will not affect neighboring parcels' dwelling eligibility as Section 34 is zoned A2 and already contains 12 dwellings where a maximum of 12 dwellings are allowed.
- The request for variance appears unlikely to alter the essential character of the locality.

The area is an agriculturally zoned section of Roscoe Township where Feedlots under 300-animal units are a permitted use. Upon registering as a 33.8 animal unit feedlot, any increase to the number of animal units would be required to re-register with the Feedlot Officer however, this would not affect the validity of the variance if approved.

- 4) **No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.**
- Feedlots are permissible uses in the A2 district. The request does not constitute a use variance.

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

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

Staff Recommendation:

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

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

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

APPROVE the variance request, submitted by Emily Fischbach (owner), to Home Business Standards (Article 11, section 12) to allow the establishment of a Tier II Home Business on a 0.62-acre parcel and within a structure 0-feet from the west property line, 20-feet from the HWY 56 BLVD ROW and 10-feet from the County 9 BLVD ROW in the A1 Zoning District.

Motion carried 5:0

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Heather VanBuskirk, 51077 Fork Trail, Pine Island MN stated concern of runoff from the proposed Feedlot. Also pollution problems that would affect drinking and bath water, odors, an increase in insects, vermin, noise and the overall beauty of their property and surrounding properties.

Greg Goplen, 50555 Branch Trail, Pine Island, MN stated he was denied a Variance for a Feedlot/setback several years ago, and wanted to be sure there was consistency in enforcement of the ordinances. Also stated he is not against Feedlots, but wants all applicants treated fairly. He questioned why the County doesn't lower the setback from the 1000-feet if it is going to approve Variances to the distance. Furthermore, he agrees agriculture is a good use of the land, but feels approving the Variance to Feedlot setback will cause neighborhood issues.

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Cindy Andrist is opposed to the feedlot Variance request; noting concerns for the beauty of the area and the air quality.

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DRAFT**

maintain manure, smell and noise of the operation, and lack of management and County inspections.

Michael Andrist, 51630 152nd Avenue, Pine Island MN emailed with his opposition of the Variance request including traffic impacts and odor on the property, concerns for the environment and devalue of property.

Mary Andrist, 51630 152nd Avenue, Pine Island MN, shared her opposition for the Variance request, saying there are too many close neighbors and this is not a proper location for a Feedlot.

James Ulwelling, 51241 Fork Trail, Pine Island MN is against the approval of the Variance request, stated there was not enough information given before the meeting, and not enough time for public opinion at the meeting. Stated a Feedlot in this location would be a nuisance, concerns of the odor, and lower property values. However, stated he is not opposed if the Feedlot consisted of a few horses, or a few livestock not a large commercial operation.

Eric Swenson said allowing this Feedlot will only cause angst between property owners, noting all surrounding owners are opposed to this request.

Jeffrey Salisbury questioned if the geology of the area has been addressed; the water flow and run off, and potential contaminaton of ground water. Stated the water currently flows onto his property. Asked if an expert has looked at the area and the Variance request.

Pierret stated Kelsey Petit is currently away from the office, Chad Hildebrand with Goodhue County SWCD is virtually attending the meeting, and this request for Variance was reviewed by the Goodhue County Sanitarian Benjamin Hoyt. Hoyt's review stated if properly adhered to, a manure management plan of a Feedlot of this size and scope should minimize any potential ground water contamination. The property has enough area to meet requirements of the MN Department of Health well setbacks for animal buldings and Feedlot areas to protect against well contamination.

Hanni said the applicant is required to submit an extensive packet into the Feedlot officer stating what procedures need to be taken if animals die, the precautions of groundwater safety, locations of the Feedlot, etc. all of which is not included in this meeting packet.

Salisbury remarked of his concerns of the three gullies that run across his land from previous water flow. He stated this is more than a hobby farm, with pigs and 35 head of cattle, and strongly opposes.

Eugenia Trushina, 51048 152nd Avenue, Pine Island MN stated her concerns of removal of the trees on the Banitt property, how the water contamination will be monitored as they live downhill from the property, property value decline and how costs of testing, potential well contamination, and runoff will be addressed and paid for.

Hildebrand said in regards to the concentrated gullies on the Salisbury-Trushina property, there are best management practices (BMP) that can be implemented with help from the Soil and Water Conservation District to address erosion into the gully areas on their property. Fencing of the animal units and manure management plans can be established with the Feedlot officer. The SWCD has ground water sampling testing kits for use that would be sent to a certified lab.

Hanni suggested tabling the Variance request until the next meeting so staff can discuss some of the concerns further.

Heather VanBuskirk stated her concerns with this being primarily a residential area and feels this will destroy their property and surrounding properties. Has concerns of well contamination on their property, noting that their well is only 50-feet deep, and there is a river-like runoff that comes down the

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
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DRAFT

hill in the Spring that is uncontrollable. They do not feel a Feedlot is appropriate for their neighborhood.

9After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Rechtzigel to close the Public Hearing.

Motion carried 4:1 (Tebbe dissented)

Commissioner Ellingsberg commented a Feedlot was just approved on a property less than 1000-feet from him. Ellingsberg has had his livestock farm since 1976, has dealt with Feedlots and Feedlot issues, and he is in a well water testing program where his well is tested every 6 months. It has been tested for many years and there are no nitrates detected in his well. He noted the Nolte property is in an agricultural area, so farming is legal; believes this Feedlot can coexist and still be a fine neighborhood.

Commissioner Tebbe said he would like to see clarification for some of the public questions and more information given to surrounding property owners; therefore believes this request should be tabled at this time.

Hanni stated the BOA can table for the December 13th meeting.

10Motion by Fox, seconded by Tebbe, for the Board of Adjustment to:

TABLE the request for variance, submitted by Jeffrey Nolte (Buyer) and Dee Banitt LT (Owner) to Article 13 (Confined Feedlot Regulations) setback standards to allow a new Feedlot to be established no closer than 870-feet from neighboring dwellings until the December 13, 2021 BOA meeting. Staff should provide information on the questions posed by neighboring property owners.

Chair Knott would like to see a site plan showing the distance involved in the location of the Feedlot; a 120-foot shift to the South, this could potentially eliminate the need of a Variance.

Motion carried 5:0

5. Other-Discussion

Chair Knott noted the next BOA Meeting will be December 13th, it will again be a joint meeting with the PAC, and it is probable it will be virtual. Pierret stated there are agenda items for the November BOA meeting.

ADJOURN

11Motion by Tebbe seconded by Rechtzigel to adjourn the BOA meeting at 6:25 pm.

Motion carried 5:0

Respectfully submitted:

Kathy Bauer, Zoning Administrative Assistant

November 5, 2021

Samantha Pierret
GOODHUE COUNTY
County Planner / Zoning Administrator

RE: Zoning Request for Variance by Jeffrey Nolte and Dee Banitt on the November 15th Board of Adjustments agenda.

To the Board of Adjustment Members:

For the reasons listed below, I am opposed to the Zoning Request for Variance by Jeffrey Nolte and Dee Banitt.

- 1) The site for proposed variance is immediately adjacent to residential parcels situated to the East (Salisbury), to the North (Swenson), the Northeast (Elsmores), and to the Southeast (Van Buskirk), and therefore the proposed variance conflicts with level of use enjoyed by nearby properties in the same zone.
- 2) Property value for each of the adjacent residential parcels will likely decrease if the Variance is granted.
- 3) My home (Salisbury parcel) is located immediately adjacent (East) of requested variance. My property is located literally downhill from the proposed site. The land topology shown on the map enclosed with the Notice demonstrates three separate drainage gullies that extend from the Banitt parcel onto my property, and I can confirm that following a heavy rain or spring snow melt water flows freely from the Banitt property across my land and has done so following extreme weather and come directly into my home. Therefore, an existent hazard for noxious runoff from the proposed variance onto my residential property is probable.
- 4) Based on data from the USGS.gov web site (<https://www.usgs.gov/media/images/groundwater-saturated-zone-soilrock-below-land-surface>), the Sensitivity Rating for pollution contamination of the Parcels under consideration is **High** (weeks to years). This means that the estimated vertical travel time for water-borne surface contamination to enter the bedrock aquifer is relatively short compared to the occupancy time for neighboring parcels. Therefore, the requested variance will likely, in short order, contaminate the drinking water for all surrounding properties that draw their water from ground wells.
- 5) Animal welfare issues aside, the proposed variance poses a real threat of environmental damage including problems of air pollution, water pollution, esthetic impacts, noise problems, to mention only a few. While global warming may make Minnesota an environmental destination, adverse local effects are difficult to anticipate and have not been adequately addressed in the request for variance.

6) The proposed variance does not appear to meet the guidelines stated on the Goodhue County Land Use web site:

“Variances are limited to those situations where the particular physical characteristics of a site make it difficult to develop under standard regulations. A variance is granted in order to bring the disadvantaged property up to the level of use enjoyed by nearby properties in the same zone.”

Additional concerns and issues not covered in the Request for Variance include:

Exactly where the feed lot will be located?

How many animals will be kept there?

What precautions will be made to confine the animals?

What actions will be taken to confine runoff onto adjacent properties?

How will offensive or noxious odors be contained?

How will the feedlot be managed on a day-to-day basis and what is the response time to recover animals that leave the site on their own accord?

How will County monitoring agencies respond to changes in use over time and what recourse do they have to modify or terminate variance?

In summary, for the reasons stated here, I am opposed to the proposed Zoning Request for Variance by Jeffrey Nolte and Dee Banitt on the November 15th Board of Adjustments agenda.

Sincerely,

Jeffrey L. Salisbury
51048 152nd Ave
Pine Island, MN 55963

Pierret, Samantha

From: James Ulwelling
Sent: Monday, November 15, 2021 11:43 AM
To: Pierret, Samantha
Subject: Proposed Feedlot on Parcel 40.034.0900.

I received a notice that there is a hearing scheduled for tonight regarding a request for a variance for a feedlot to be established on parcel 40.034.0900. There is very little information in the notice. It appears that there will be no scheduled time for public input at the meeting tonight. It is very difficult to send comments in advance when there is virtually no information given before the meeting. So all I can do here is make general comments based on assumptions and third hand knowledge from talking with neighbors. So here goes.

I am opposed to a large smelly feedlot operation at this location. Such an operation would likely be a nuisance due to the strong smells. That could drive our property values down and keep friends and family from visiting. If this variance would allow that sort of an operation, then I strongly oppose it. However, if this variance is simply to allow for having a few horses and/or a few other livestock and it will not allow a large smelly commercial operation, then I have no objection. Having a few horses and/or a few other livestock in the area would be a very welcome addition to this area.

Without knowing more about what is actually being considered and what this variance would allow, that is the best statement that I can put together. If I knew more, my statement might change. I hope after we learn more at the the meeting tonight we will be allowed to comment again.

Thank you,

James R Ulwelling
51241 Fork Trl
Pine Island, MN 55963

Sent from my iPad

Received by staff 8:00AM 11-15-21
SP

Pierret, Samantha

From: Michael Andrist <
Sent: Sunday, November 14, 2021 5:00 PM
To: Pierret, Samantha
Subject: To whom my concern

I am the middle son Michael Andrist.

I live on the Andrist Estate at 51630 152nd Ave., Pine Island, MN

I'm writing this email because I am very much against any type of feed lot being built this near our property. Traffic and smell alone would be terrible! It would seriously devalue our property, and I am very concerned about the environment! I can't make it to the meeting but would appreciate it if my Opposition be heard at the meeting.

Michael Andrist
51630 152nd Ave, Pine Island, MN 55963
Thank you

Received by Staff 11-15-21 8:00AM
JP

Pierret, Samantha

From: Thomas Andrist <
Sent: Sunday, November 14, 2021 1:30 PM
To: Pierret, Samantha
Subject: Request for variance Submittal Jeffrey Nolte/Dee Banitt

To whom this may concern:

I am opposed to the request for a feedlot located at 51130, 152 Ave, Pine Island, MN 55963. for the following reasons.

1. Dcpreciation of surrounding land values!
2. Close proximity to neighbors.
3. Slope of the land, run-off, lack of level area to maintain manure.
4. Smell and noise of the operation.
5. Fear for lack of management/maintenance if allowed/established.
6. Promises are always made to get the variance, but seldom followed through on.
7. Lack of county/township inspections.

Oldest Son of the Andrist Family trust.
Located at 51630, 152 Ave. Pine Island, MN 55963

Thomas Andrist

Pierret, Samantha

Received by staff 11-15-21

From: Cindy Andrist <
Sent: Saturday, November 13, 2021 7:34 PM
To: Pierret, Samantha
Subject: Goodhue county variance

S. Pierret

External Email - Use caution opening links or attachments!

My family and I are sending this email in apposition of the variance that has been filed in Goodhue county by Jeffrey Norte and Dee Banitt. We do not want the new feedlot to be established at 51130 152nd Ave, Pine Island, MN. My mom, Mary Andrist, owns the adjoining property and has for more than 50 years. I grew up in this rural area which has many wonderful trees, native flowers and wildlife. It's peaceful and the air quality is amazing. Please do not allowed a feedlot on this small property.
Thank you for your time and consideration.
Sincerely,
Cindy Andrist

Received via email 8:00AM 11-15-21 JP

Eric and Jill Swenson
51099 152nd Avenue, Pine Island, MN 55963



November 13, 2021

Samantha Pierret
Goodhue County
County Planner / Zoning Administrator

Reference: Zoning request for variance by Jeffrey Nolte and Dee Banitt on November 15 Board of Adjustments agenda

To the Board of Adjustment Members,

We oppose the approval of the variance request to add a feedlot adjacent to our property by Jeffrey Nolte and Dee Banitt. This area is primarily made up of residential acreages with only crop farming near the location for the proposed feedlot. Approval of this variation would fundamentally change the environment for all residents in this area.

Putting a feedlot so close to our property would negatively impact the value because of reduced aesthetic appeal as well as the overall tranquility of our property by:

1. Strong odors whenever there is a southerly wind
2. Noise from cattle and pigs
3. The feedlot would be directly visible from the upper floor of our home
4. Likely water contamination of our water requiring a deeper well and/or extensive filtering
5. Probable loose cattle wandering onto our property, potentially damaging outdoor gardens and property

The most likely place for the feedlot is east and north of the barn which places the cattle close to both our property and that of Jeffrey Salisbury. This is less than 300 yards from our residence. Putting the feedlot south of the barn would put it in the front yard of the residence on the property and is more topographically challenging. Since no plans were submitted as part of this variance, we have to assume that this is where the feedlot would be created.



We are also concerned that this variance has no limitations on the number of head of cattle that can be put on the property. In our brief conversation, Mr Nolte started with stating there would be approximately 15 head of cattle. Then, later in the conversation it was added there would be approximately 5 hogs as well. I have no reason to doubt Mr Nolte's intentions at this time. However, it is very likely that the number of cattle and/or hogs will grow over time. There are a number of buildings on this property that could easily be converted fully or in part to house cattle or hogs. The total number of hogs or cattle could be significant without having to add any additional buildings.

Another concern is that Mr Nolte could sell this property to another party. This party may wish to substantially increase the number of head of cattle. Since this variance has no apparent limitation, we would have no recourse were this to occur. Therefore, it would be virtually impossible for neighboring properties to challenge growth of the feedlot either by Mr Nolte or some future party. Given the likelihood that it will grow with no practical recourse available to us, we strongly oppose the granting of this variance

We are aware of Jeffrey Salisbury's letter opposing the variance. We agree with all points made in that letter and have many of the same questions. We appreciate your time and look forward to having the opportunity to present our views.

Sincerely,

Eric and Jill Swenson

Public Comments – Nolte Variance Request

From: Greg Goplen 50555 Branch Trail Pine Island, MN 55963

Comments received by Samantha Pierret via phone approx. 10:30AM November 8, 2021

Mr. Goplen stated that he received the public notice for the Nolte Feedlot variance request. He stated that he had applied for Feedlot setback/offset variances several years ago and been denied. He wanted to make sure the County was being consistent in enforcement of the Ordinance. Stated that he is not against feedlots but wants all applicants to be treated equally and does not want the rules bent because the rules were established for a reason. Questioned why the County doesn't just lower the setback from 1000-feet if it will approve variances to the distance. He does think agriculture is a good use of land but thinks approving a variance to feedlot setbacks would cause neighborhood issues.

Pierret, Samantha

From: Heather Van Buskirk < >
Sent: Monday, November 8, 2021 12:16 PM
To: Pierret, Samantha
Subject: Zoning Request for Variance on 11/15/21 Board of Adjustments agenda

Dear Samantha and Goodhue County Land Use Management,

We received a notification regarding a *Request for Variance* in the mail addressed to:

Troy Winkels
51077 Fork Trail
Pine Island, MN 55963.

We would like to expressly thank you for bringing this proposal/public hearing to our attention.

This correspondence is to our express our **opposition** to the Zoning Request for Variance by Jeffrey Nolte (buyer) and Dee Banitt (owner) to allow a feedlot to be established at the location of 51130 152nd Ave, Pine Island, MN 55963. Our home/property is located just East of the proposed zoning change. Every spring and into the early summer runoff water literally flows across the full width of our property, both on and just below the land surface, from the plateau to the west where the zoning variance is proposed. If a feedlot is situated to the immediate west on this property(location of 51130 152nd Ave, Pine Island), the runoff will pose clear and unwanted pollution problems for our residence and our well water. This would impact our daily lives creating unwanted angst and fear, i.e. drinking water, bathing water, washing water, potential property and financial damages/stress due to the pollution in this runoff. In addition, we are concerned about unwanted odors, increase in insects, vermin, noise and the decrease in our property value . All mentioned would be the result if this feedlot is placed on that location.

In closing, given that the adjoining properties are residential, the proposed change in zoning will negatively impact not only our property but that of our entire neighbors/neighborhood. Fork Trail and the surrounding properties are some of the most beautiful and pristine locations we have ever seen let alone be so fortunate to live, thrive and call home.

We thank you in advance for reviewing and for your consideration of our concerns.

Sincerely,

Troy and Heather Van Buskirk

Please note I called your office today at 651-385-3106 and spoke to Kathy to advise we legally changed our name in April of 2019 (to take Troy's biological fathers last name) at the Goodhue County Courthouse in Red Wing to:



1321 S.E. Eighth Street
Grand Rapids, MN 55744
Phone: 800-662-5784 • (218) 326-9407 • Fax (218) 326-8397
visit our web site at www.northprint.com

This is Mary Andrust &
I wish to oppose the
variance for a feed lot.
It is not a proper place for
a feed lot. Too many close
neighbors.

Feed lot for Jeffrey Nolte

Rec'd via mail 11-15-01
Mary Andrust
51430 152nd Ave
Pine Island

RECEIVED

APPLICATION FOR
Variance

OCT 29 2021

Land Use Management

For Staff Use only

VARIANCE NUMBER: 221-0056
\$350 RECEIPT# 17478 DATE 10/29/21

SITE ADDRESS, CITY, AND STATE: 51130 152 AVENUE PINE ISLAND, MN ZIP CODE: 55963

LEGAL DESCRIPTION: _____ Attached
PID#: 40.034.0900 ZONING DISTRICT: Goodhue C1 LOT AREA (SF/ACRES): _____ LOT DIMENSIONS: _____ STRUCTURE DIMENSIONS (if applicable): _____

APPLICANT OR AUTHORIZED AGENT'S NAME: ROSCOE TOWNSHIP
JEFF NOLTE

APPLICANT'S ADDRESS: 790 Warren Ave
Zumbrota MN 55992

PROPERTY OWNER'S NAME: Same as Above DFE

PROPERTY OWNER'S ADDRESS: 51130 152nd Ave
PINE ISLAND MN 55992 TELEPHONE: 8
EMAIL: _____

CONTACT FOR PROJECT INFORMATION: Same as Above

ADDRESS: _____ TELEPHONE: _____
EMAIL: _____

VARIANCE REQUESTED TO: (check all that apply)
 Road Right-Of-Way Setbacks % Lot Coverage
 Property Line Setbacks Bluff Setbacks
 Height Limits Shoreland Setbacks
 Lot Width &/or Area Other (specify)
 Subdivision Regulations

CURRENT OR PREVIOUS USE: FARM
PROPOSED USE: FARM with Feedlot Permit
BUILDING APPLICATION PERMIT NO. (if filed): _____ DATE FILED: 10-28-2021

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

- By signing below, the applicant acknowledges:
1. The undersigned is the owner or authorized agent of the owner of this property.
 2. The information presented is true and correct to the best of my knowledge.
 3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
 4. Additional information or applications may be required.

Applicant's Signature: Jeff Nolte Date: 10-28-2021

Print name: JEFFREY S. NOLTE (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: _____

Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

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

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

The current owner does not have a FEEDLOT permit for this 80 acre farm listed at 51130 152nd Ave Pine Island. We have a SIGNED purchase agreement on the property.

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

This FEEDLOT permit is a contingency on the sale of the property. I would not have the flexibility to raise livestock as the building land and pasture will support without it.

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

There happens to be two separate neighbors that have building sites within 1000 feet of the building site on this 80 acre farm.

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

I am simply trying to be in compliance with having a GOODHUE County feedlot permit for this property. I INTEND to use the property as a hobby farm and grow livestock for sale.

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

I am not putting up a large hog building or large dairy operation. I am just trying to use the 80 acre farm for what the buildings and other characteristics seem appropriate in the country.

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

It is a rural area intended for agriculture. I am just purchasing it for those same purposes. I believe in agriculture and what it does. I just want to do my part and carry on what My parents taught ME.

Map -> over

RECEIVED

OCT 29 2021

Land Use Management

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Roscoe

Goodhue County Variance

Parcel # 40-034-0900

APPLICANT INFORMATION			
Last Name	<u>NOLTE</u>	First	<u>JEFFREY</u>
M.I.	<u>S</u>		
Street Address	<u>790 warren Ave</u>		
City	<u>Zumbrota</u>	State	<u>MN</u>
ZIP	<u>55992</u>		
Email Address	[REDACTED]		
Township	Range	Section	
PROJECT INFORMATION			
Site Address	<u>Feedlot Permit 51130 152nd Ave</u>		
Zoning District	<u>Roscoe</u>	Lot Size	<u>80 acres</u>
Structure Dimensions			
Type of Project	<u>Feedlot permit</u>		
Proposed Use	<u>cattle on farm</u>		
Structure Type	Replacement?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Variance # <u>221-0056</u>	Conditional Use Permit # _____		
Name of Property Owner:			
DISCLAIMER AND SIGNATURE			
<p><i>I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.</i></p>			
Signature	<u>[Signature]</u>		Date <u>10-28-2021</u>
TOWNSHIP APPROVALS			
<p><i>I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.</i></p>			
Signature	<u>Susan Kelly</u>	Title	<u>Clerk</u>
Date	<u>10/28/2021</u>		
Signature		Title	Date
Application fee	<u>\$10.00</u>		Receipt Number <u>3777</u>

GENERAL PROVISIONS

1. No changes in plans or specifications can be made to the work authorized herein unless such change is first approved in writing by the permitting authority.
2. Permittee shall grant access to the site at all reasonable times that the permitting authority or his/her agents may conduct inspections to ascertain compliance with the terms and conditions of this permit.
3. The Construction Site shall be kept reasonably free of debris at all times so as to not create a public nuisance.
4. Permittee shall install permanent and temporary erosion control measures in order to prevent erosion of disturbed soils from the project site onto adjacent parcels of land, public waters, public roads, ditches, sewer facilities and the like. Permittee shall cease all related authorized construction activities until such time as any such problem is corrected as agreed to by the permitting authority.
5. The granting of this permit does not exempt the permittee from having to secure other permits from other State, Federal or Local units of government which may have jurisdiction over portions of the authorized project.

Township Conditions

1. The Supervisors reviewed the application. Final approval is up to the County.
2. _____
3. _____

Goodhue County Zoning,

I give Jeff Nolte permission to seek a feedlot variance as we have a signed purchase agreement for address 51130 152nd Ave Pine Island, MN 55963.

Thank you, Dee Bannitt

A handwritten signature in cursive script that reads "Dee Bannitt". The signature is written in black ink and is positioned below the typed name.

11-01-2021

OFFSET Summary and Results



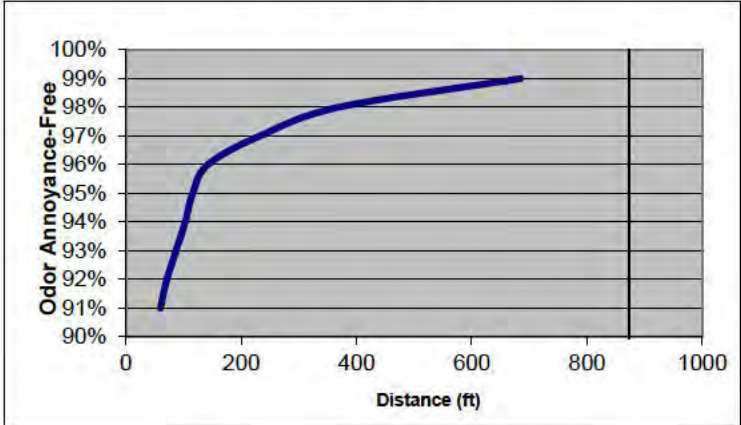
Farm Name	Nolte-Proposed-Roscoe TWP
County	51130 152nd Ave Pine Island
Evaluator	BK
Date	10/28/21

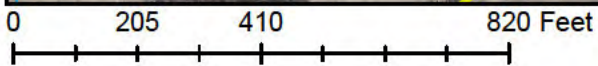
Source Characteristics Summary					Flux Rates (with control technology)				Source Emission Rates*		
	Similar Sources	Emit Area sq ft	Control Technology Type	Percent Treated	Odor	OFFSET	H2S	Ammonia	Odor	H2S	Ammonia
					ou/s/m2	OER	ug/s/m2	ug/s/m2	ou/s	ug/s	ug/s
Buildings											
Beef - loose housing	1	1200	None	0%	1.2	6.0	1.7	25.0	137	190	2789
Area Sources											
Open lot Dairy or Beef		1200	None		4.3	4	0.0	0.0	480	0	0

*includes control technologies

Site Emissions	
Total Site Area (ft2)	2,400
Total Odor Emission Factor (TOEF)	1
Total Site H2S Emissions (mg/s)	0
Total Site H2S Emission AVERAGE (lbs/day)	0
Total Site H2S Emission MAX (lbs/day)	0
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	3
Total Site Ammonia Emission AVERAGE (lbs/day)	1
Total Site Ammonia Emissions MAX (lbs/day)	1
Total Site Ammonia Emissions (tons/yr)	0

Source Edge to Nearest Neighbor (ft)	874
OFFSET Annoyance-free frequency	0%





Nolte Feedlot Proposal Sec 34 Roscoe TWP
 94% Odor Offset (125') and 1,000' setback





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.

Submittal Instructions:

For feedlots located in a delegated county: Send this form to your County Feedlot Officer

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

Facility name: _____ Registration number: _____
Facility Address: 51130 182nd Ave Parcel ID number: 40.034.0900
City: PINE ISLAND State: MN Zip code: 55963
Phone: [REDACTED] Email: _____

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

Feedlot owner Same as feedlot name and address
Name: _____ Address: _____
City: _____ State: _____
Phone: _____ Zip: _____
Email: _____
Contact person Same as feedlot owner information
Name: JEFF NOLTE
Address: 790 WARREN AVE
City: ZUMBROTA State: MN
Phone: [REDACTED] Zip: 55992
Email: [REDACTED]

Facility locational information

County: GOODHUE City/Township: ROSCOE

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)

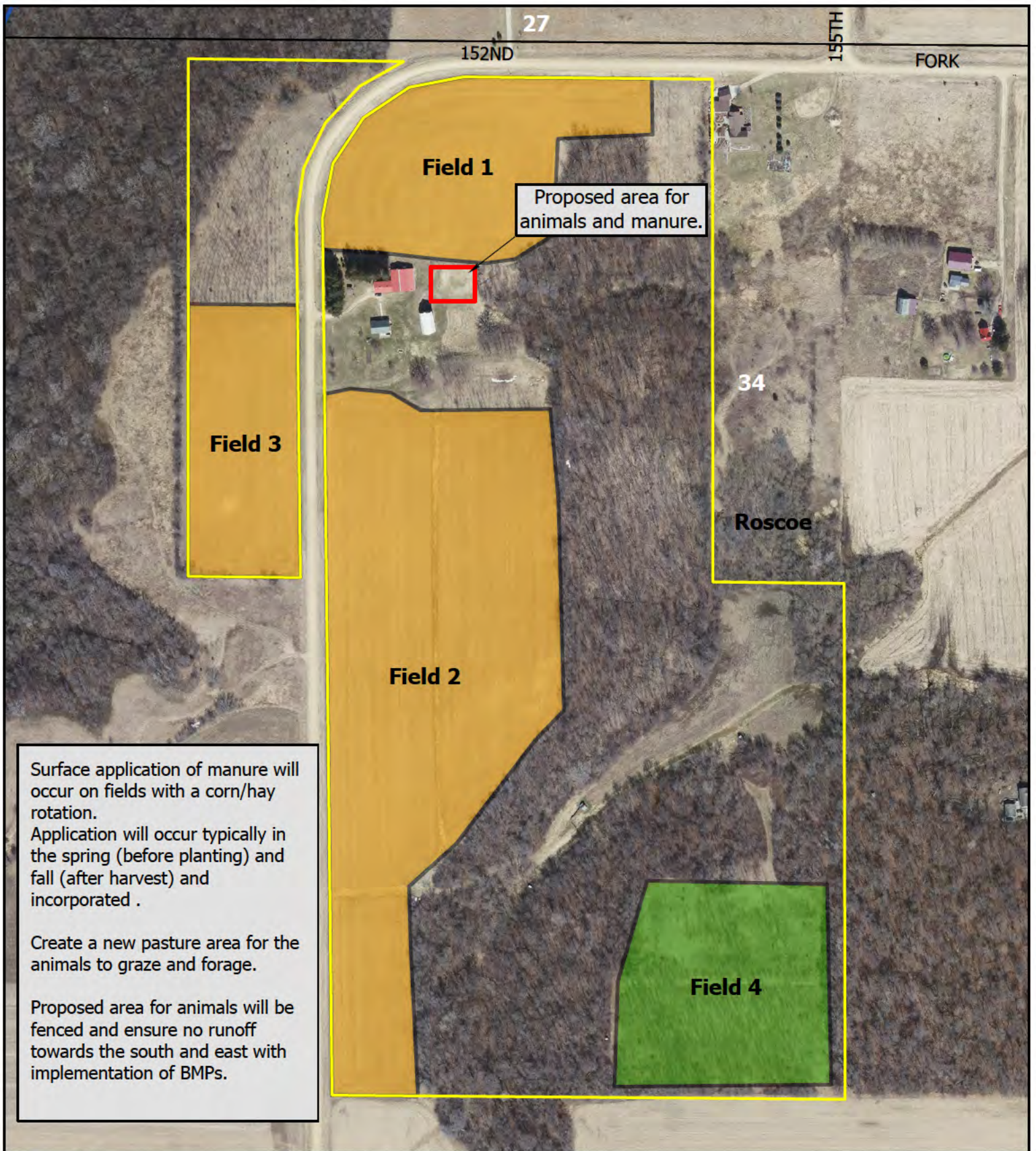
Any surface waters or tile intakes within 1,000 feet of the facility? (If Yes, indicate types below) Yes No
 Lake/Pond larger than 25 acres Wetland Drainage ditch River/Stream/Creek Tile intake
Is any part of the facility within 300 feet of a river/stream? Yes No
Any part of the facility located within 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) 50 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) _____ feet

If you closed a liquid manure storage area or permanent manure stockpile since your last registration, complete the following:

Date closed: _____ Liquid storage Liquid storage
 Solid storage Solid storage

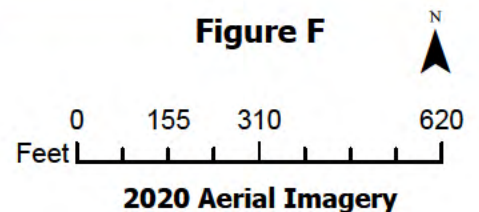


Jeffrey Nolte (PIN 40.034.0900)
Roscoe Township, Section 34

Figure F



- Parcel
- ApplicationType
- Pasture Area
- Surface Application

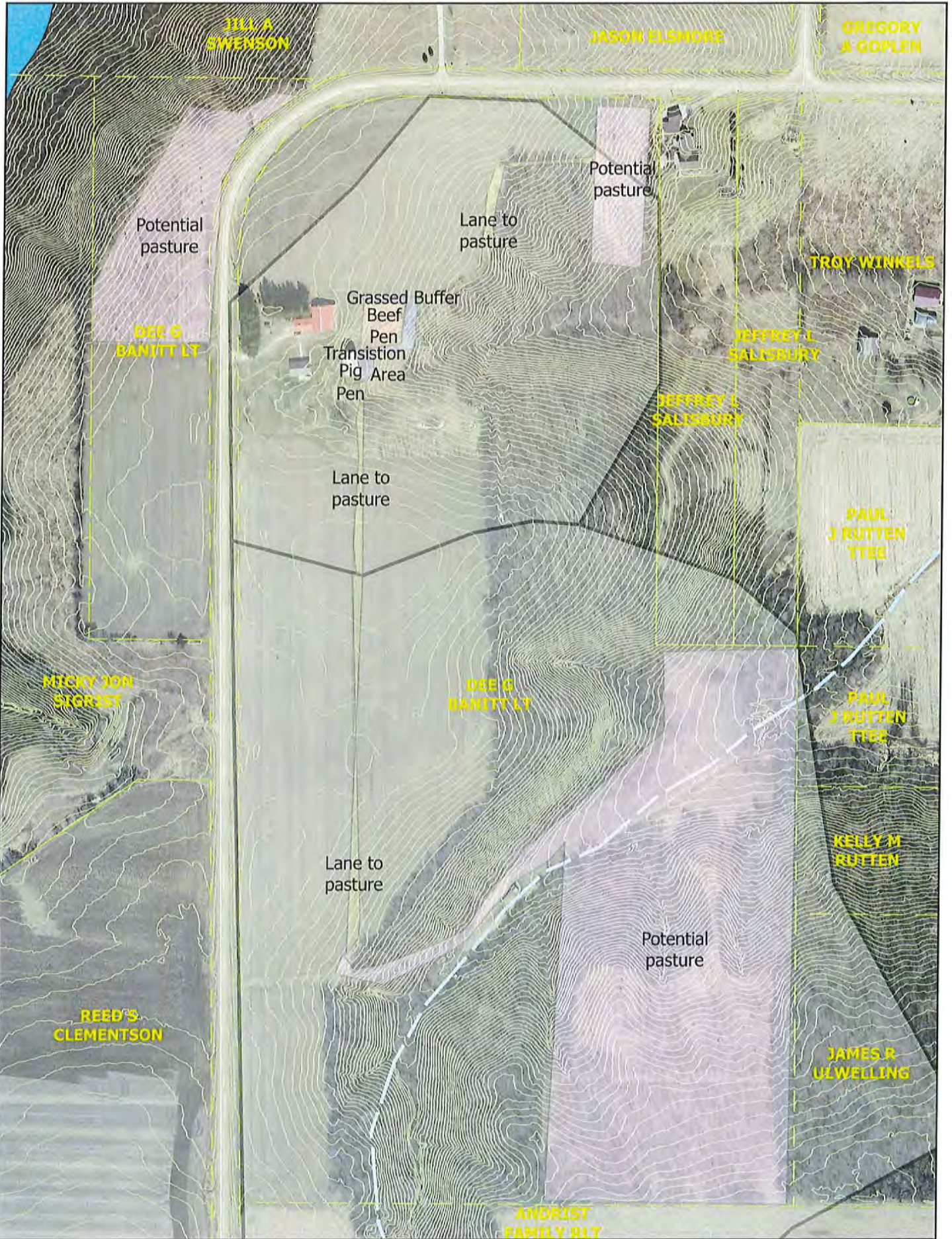




0 90 180 Feet

Banitt Roscoe sec 34

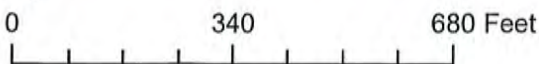
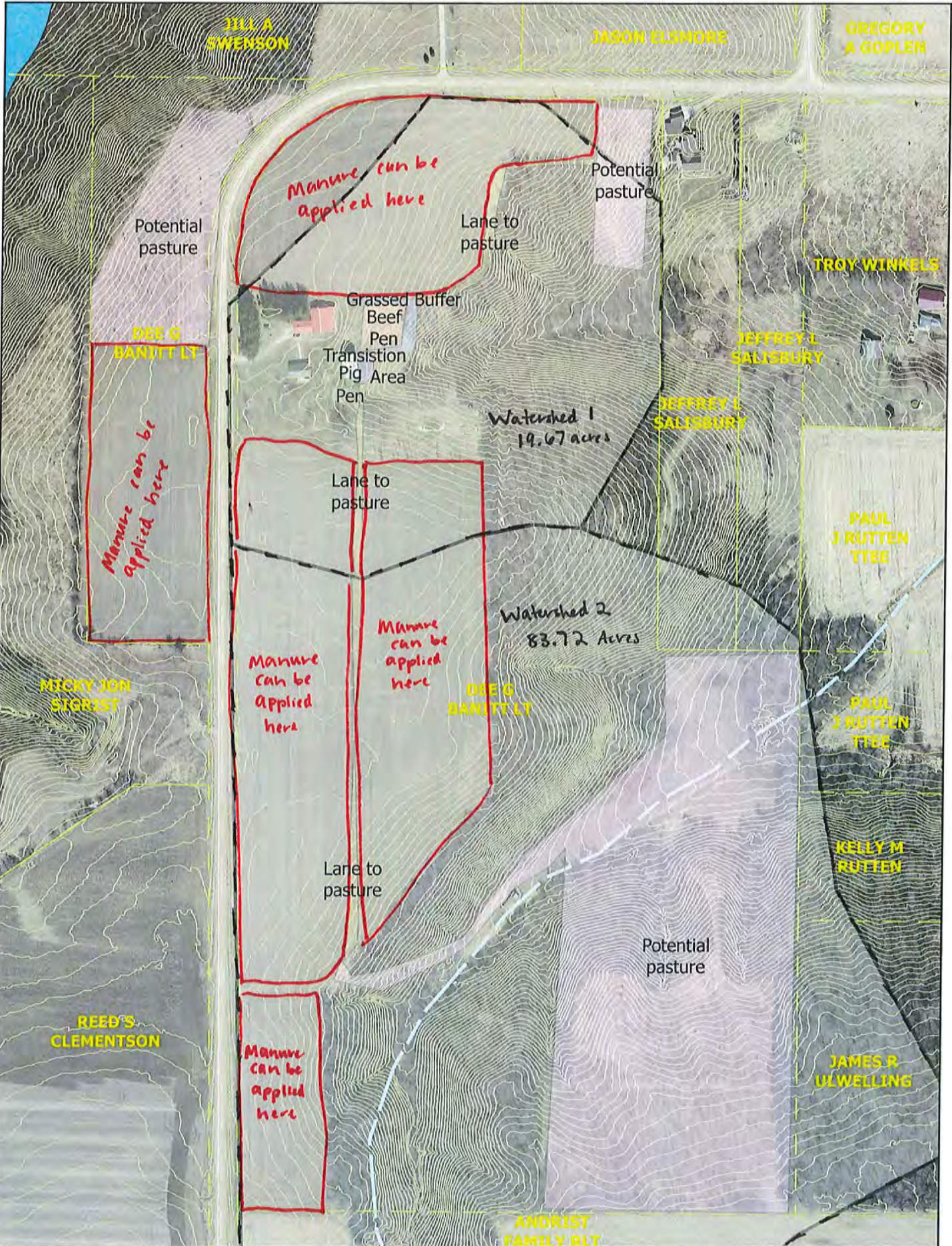




0 340 680 Feet

Banitt Roscoe sec 34

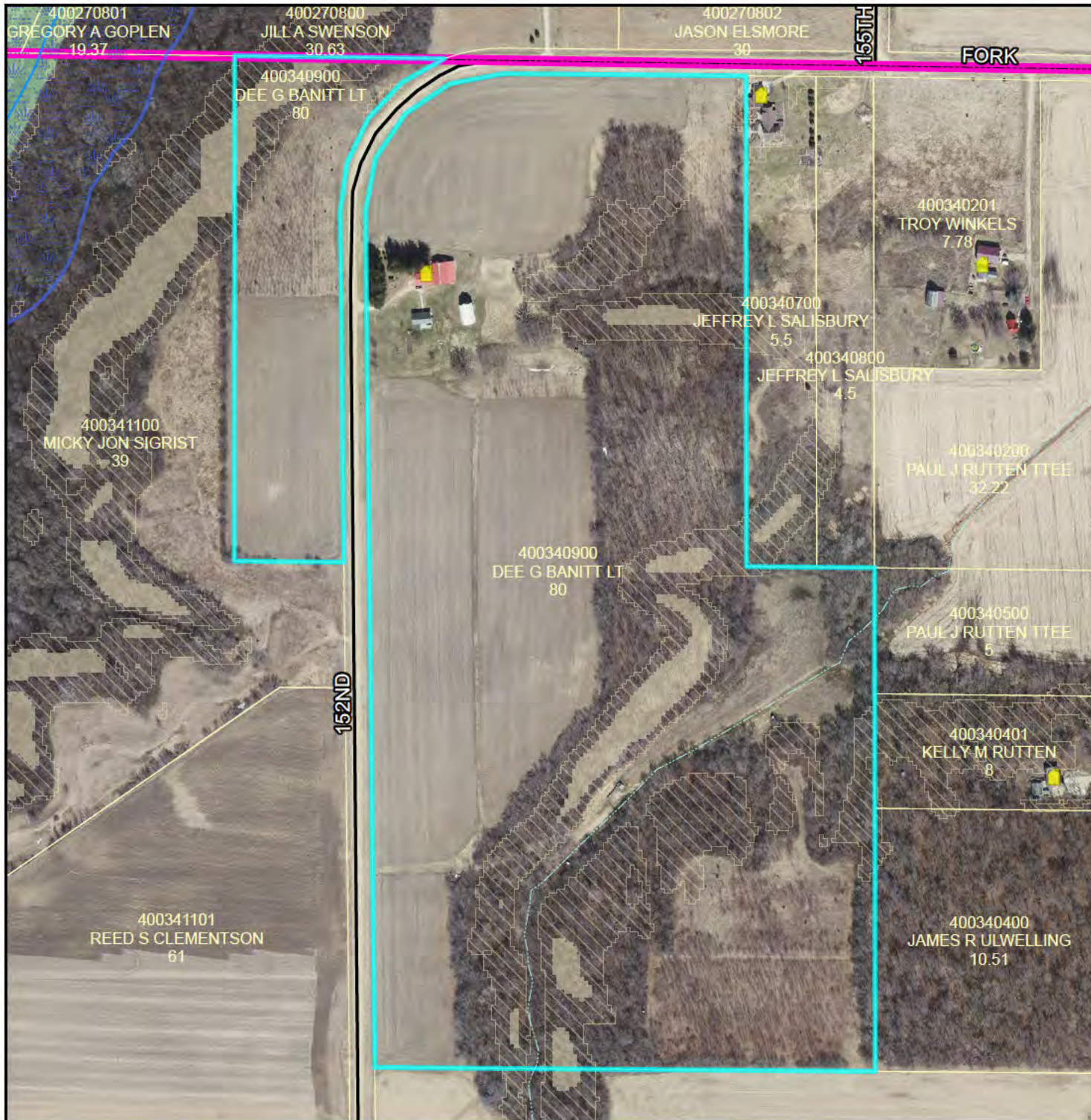




Banitt Roscoe sec 34



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
November 15, 2021

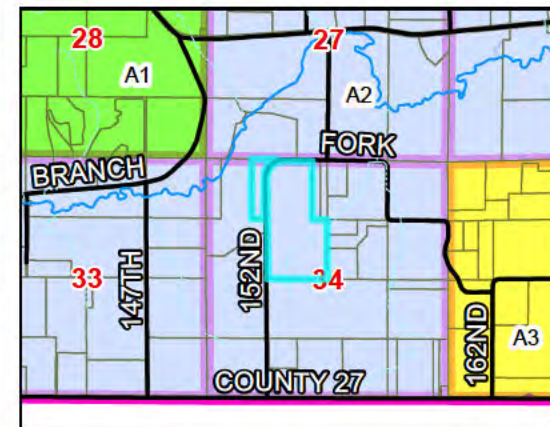
Jeffrey Nolte (Buyer) and Dee Banitt
LT (Owner)
A-2 District

Part of the W 3/4 of the NE 1/4 of the
NW 1/4 and the SE 1/4 of the NW 1/4
of Section 34 TWP 109 Range 16
in Roscoe Township

Variance request to allow a new feedlot to
be established within 1000-feet of existing
dwellings

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



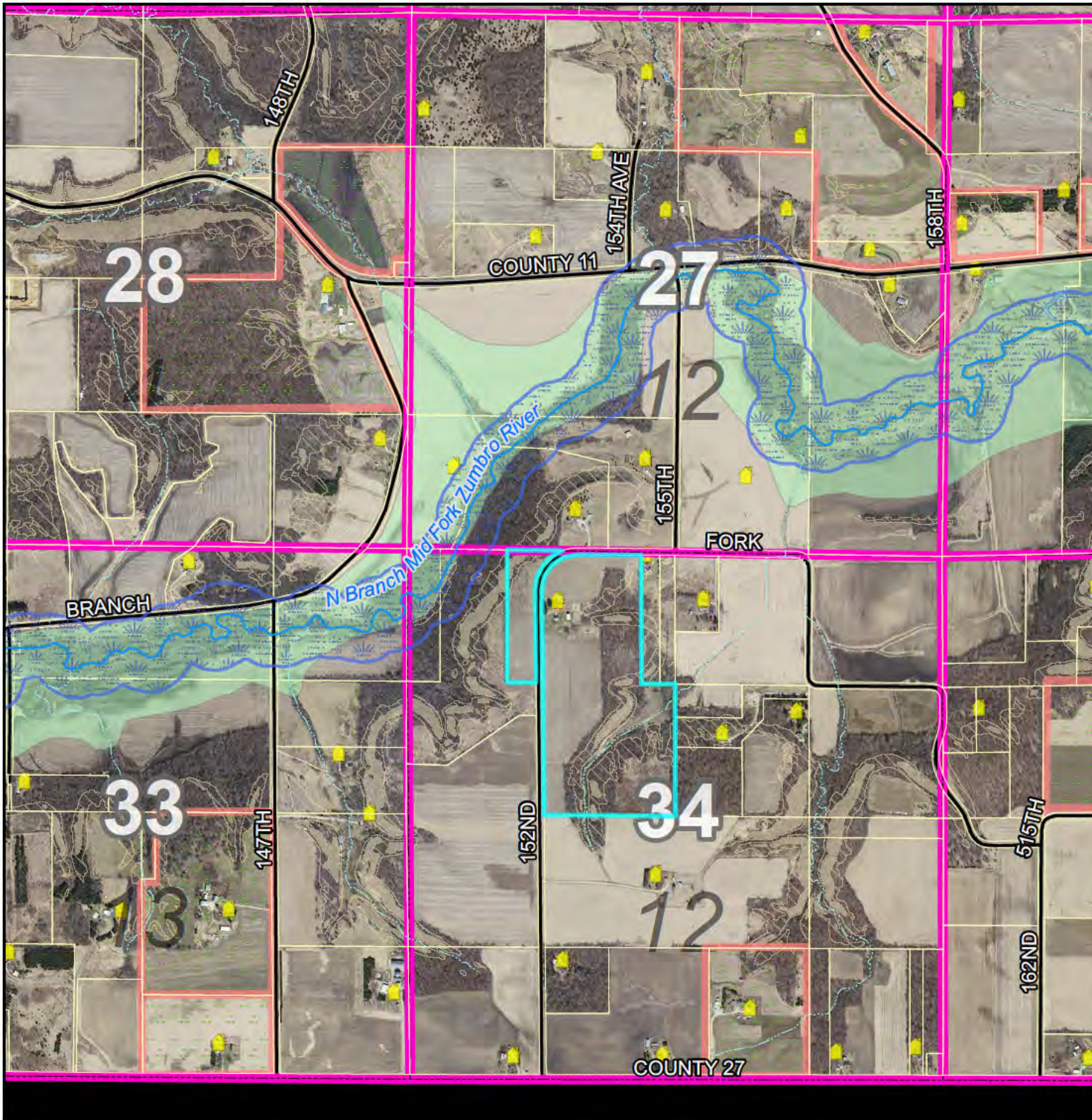
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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
November 15, 2021

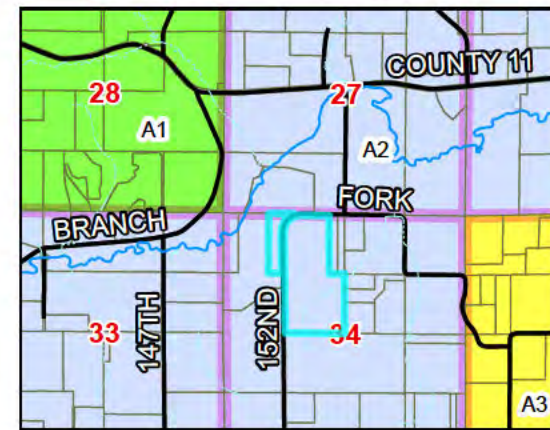
Jeffrey Nolte (Buyer) and Dee Banitt
LT (Owner)
A-2 District

Part of the W 3/4 of the NE 1/4 of the
NW 1/4 and the SE 1/4 of the NW 1/4
of Section 34 TWP 109 Range 16
in Roscoe Township

Variance request to allow a new feedlot to
be established within 1000-feet of existing
dwellings

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



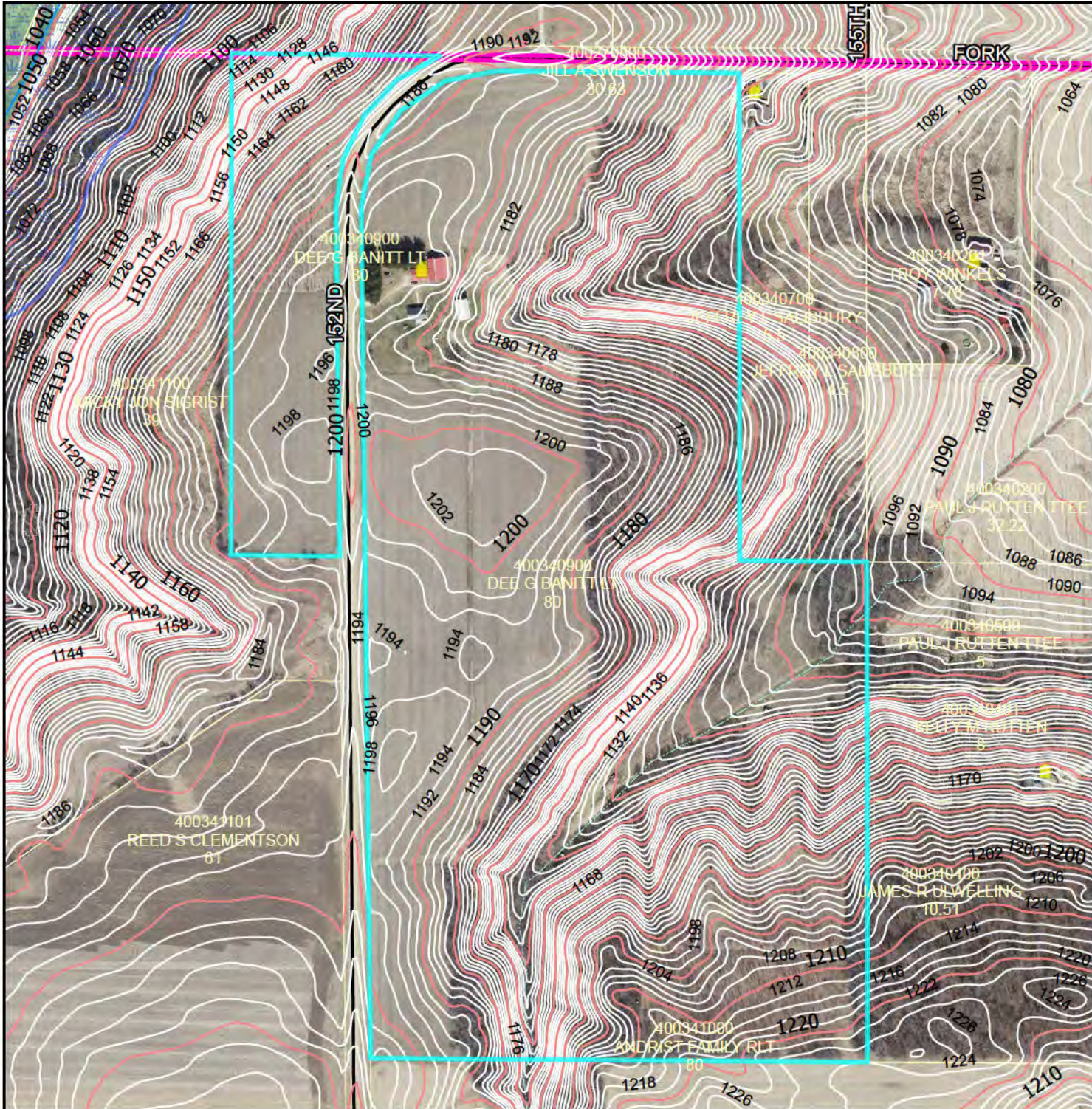
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US Feet

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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing

November 15, 2021

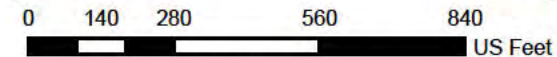
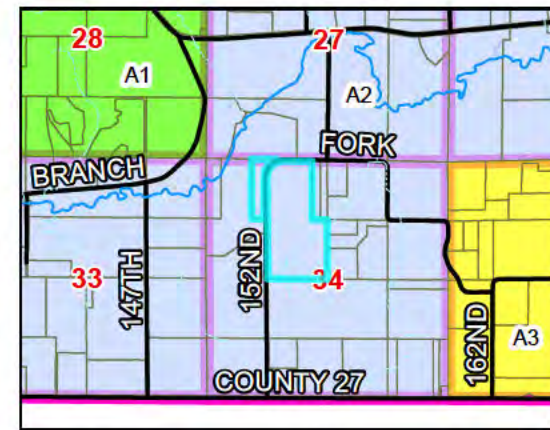
Jeffrey Nolte (Buyer) and Dee Banitt
LT (Owner)
A-2 District

Part of the W 3/4 of the NE 1/4 of the
NW 1/4 and the SE 1/4 of the NW 1/4
of Section 34 TWP 109 Range 16
in Roscoe Township

Variance request to allow a new feedlot to
be established within 1000-feet of existing
dwellings

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
Shoreland	FEMA Flood Zones A
Historic Districts	FEMA Flood Zones AE
Parcels	FEMA Flood Zones AO
Registered Feedlots	FEMA Flood Zones X
Dwellings	
Municipalities	



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Map Created November, 2021 by LUM



Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: December 13, 2021
Report date: December 1, 2021

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

Application Information:

Applicants: Linda and Tom Winter (Owners)

Address of zoning request: 31310 Woodhaven Trail Cannon Falls, MN 55009

Parcel: 28.024.0400

Abbreviated Legal Description: Part of the NE 2/4 of Section 24 TWP 112 Range 17 in Cannon Falls Township

Township Information: Cannon Falls Township signed the Variance application acknowledging the request on November 10, 2021. No additional comments regarding the request were provided.

Zoning District: A1 (Agricultural Protection District)

Attachments and Links:

Application and submitted project summary

Site Maps

Article 11, Section 31 (Accessory Dwelling Units)

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

Background:

The Applicants own a 20-acre parcel in Section 24 of Cannon Falls Township. The property includes a principal dwelling, secondary dwelling (original farmhouse), and various outbuildings. The Applicants must gain conformance with the current Zoning Ordinance by classifying the second dwelling as an Accessory Dwelling Unit to facilitate the sale of the property.

The farmhouse was originally constructed in the early 1900s and remained on parcel 28.024.0200. A new dwelling was constructed on parcel 28.024.0400 in 1975. This dwelling was permitted with the condition that the original farmhouse on parcel 28.024.0200 be destroyed as soon as possible (both parcels were under common ownership at the time). The Winters purchased both properties after completion of the new dwelling and were not informed of the condition to remove the existing farmhouse on the 1975 permit. Parcels 28.024.0400 and 28.024.0200 were combined in the 1990s. The Winters have continued to maintain the farmhouse and it has continued to be occupied over the years. The property is also currently in compliance with well and septic requirements for both dwellings.

In 2017 the County amended the Zoning Ordinance to allow a second, "accessory", dwelling unit on the same parcel as a principal dwelling subject to performance standards. ADU performance standards require an ADU to be located within 100 feet of the primary dwelling unit. The existing second dwelling is located approximately 172-feet west of the principal dwelling. The Applicants are requesting the Board of Adjustment grant a variance to the 100-foot requirement to allow the existing second dwelling to be classified as an Accessory Dwelling Unit.

Variance Standards:

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

Draft Findings of Fact:

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

- The purpose and intent of the ADU maximum distance standards cited in Article 11, Section 31 of the GCZO are to prevent proposed ADU’s from being located outside of an existing yard area where they could potentially be split off in the future thereby creating additional dwelling density exceeding the allowable density (i.e an ADU couldn’t be on the opposite side of the “40” as the principal dwelling).

The ADU is currently located within the well-defined yard area of the property where utility services are already established. The dwellings utilize a shared septic system that complies with SSTS standards. Given the home is already established on the parcel and is served by existing shared utilities the Applicants’ proposal appears in harmony with the purpose and intent of the official control.

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

- The Goodhue County Comprehensive Plan supports the establishment of ADU’s to provide rural living opportunities in the unincorporated areas of Goodhue County.

The Applicant’s ADU request appears consistent with the Goodhue County Comprehensive Plan.

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

- The Applicant’s request to classify an existing second dwelling as an ADU is a reasonable use of property in the A1 District.
- As an A1 zoned district, section 24 allows a maximum dwelling density of 4 dwellings in the section. Dwelling density is not available as there are currently 7 dwellings in the section. Since an ADU does not count against dwelling density, the section density count would not be affected.
- The existing second dwelling was established prior to the adoption of the current ADU performance standards and the current owners were not informed of the 1975 condition to remove the farmhouse nor did the County’s Zoning staff at the time enforce the condition upon completion of the new dwelling.
- The ADU would comply with all other ADU performance standards.
- A review of the existing development pattern in the vicinity reveals medium-density residential development among predominantly agricultural uses (row crops) and forestlands.

The request for variance will not alter the essential character of the locality as the second dwelling is currently located on-site.

4) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

- ADU's are a permitted use in the A1 district.

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

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

Staff Recommendation:

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

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



Photo from Goodhue County Assessor's Office

APPLICATION FOR
Variance

RECEIVED

NOV 15 2021

For Staff Use only	
VARIANCE NUMBER:	Z 21-0058
\$350 RECEIPT#	DATE 11/15/21

Land Use Management

SITE ADDRESS, CITY, AND STATE	ZIP CODE
31310 Woodhaven Trail Cannon Falls, MN.	55009

LEGAL DESCRIPTION:				
Attached				
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS	STRUCTURE DIMENSIONS (if applicable)
28.024.0400				

APPLICANT OR AUTHORIZED AGENT'S NAME	
Linda & Tom Winter	
APPLICANT'S ADDRESS:	TELEPHONE:
31310 Woodhaven Trail CF, MN 55009	
	EMAIL:

PROPERTY OWNER'S NAME	
Same as Above	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
SAME AS ABOVE	
	EMAIL:

CONTACT FOR PROJECT INFORMATION	
Same as Above	
ADDRESS:	TELEPHONE:
SAME AS ABOVE	
	EMAIL:

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:	
	Dwelling	
	PROPOSED USE:	
	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:

TOWNSHIP SIGNATURE		
By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.		
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE
	Debra Hendrickson Board/Chair	11/10/21

- By signing below, the applicant acknowledges:
1. The undersigned is the owner or authorized agent of the owner of this property.
 2. The information presented is true and correct to the best of my knowledge.
 3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
 4. Additional information or applications may be required

Applicant's Signature: Linda Winter Date: 11-10-21

Print name: LINDA WINTER (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: _____

Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

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

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

Existing Dwelling on property since
Dwelling is more than 100 feet from Principal
Dwelling

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

Loose ZND Dwelling & selling property

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

ZND Dwelling already exists.

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

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

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

No - IT HAS BEEN ESTABLISHED WITH NO ISSUES

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
December 13, 2021

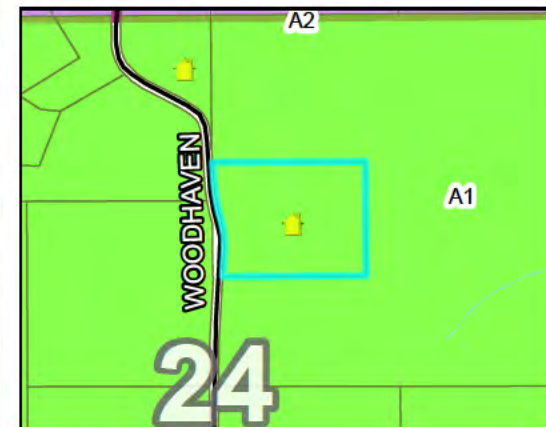
Linda & Tom Winter (Owners)
A-1 District

Part of the NE 1/4 of Section 24 TWP
112 Range 17 in Cannon Falls Township

Variance request to ADU standards to
permit an ADU greater than 100-feet from
the principal dwelling

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	



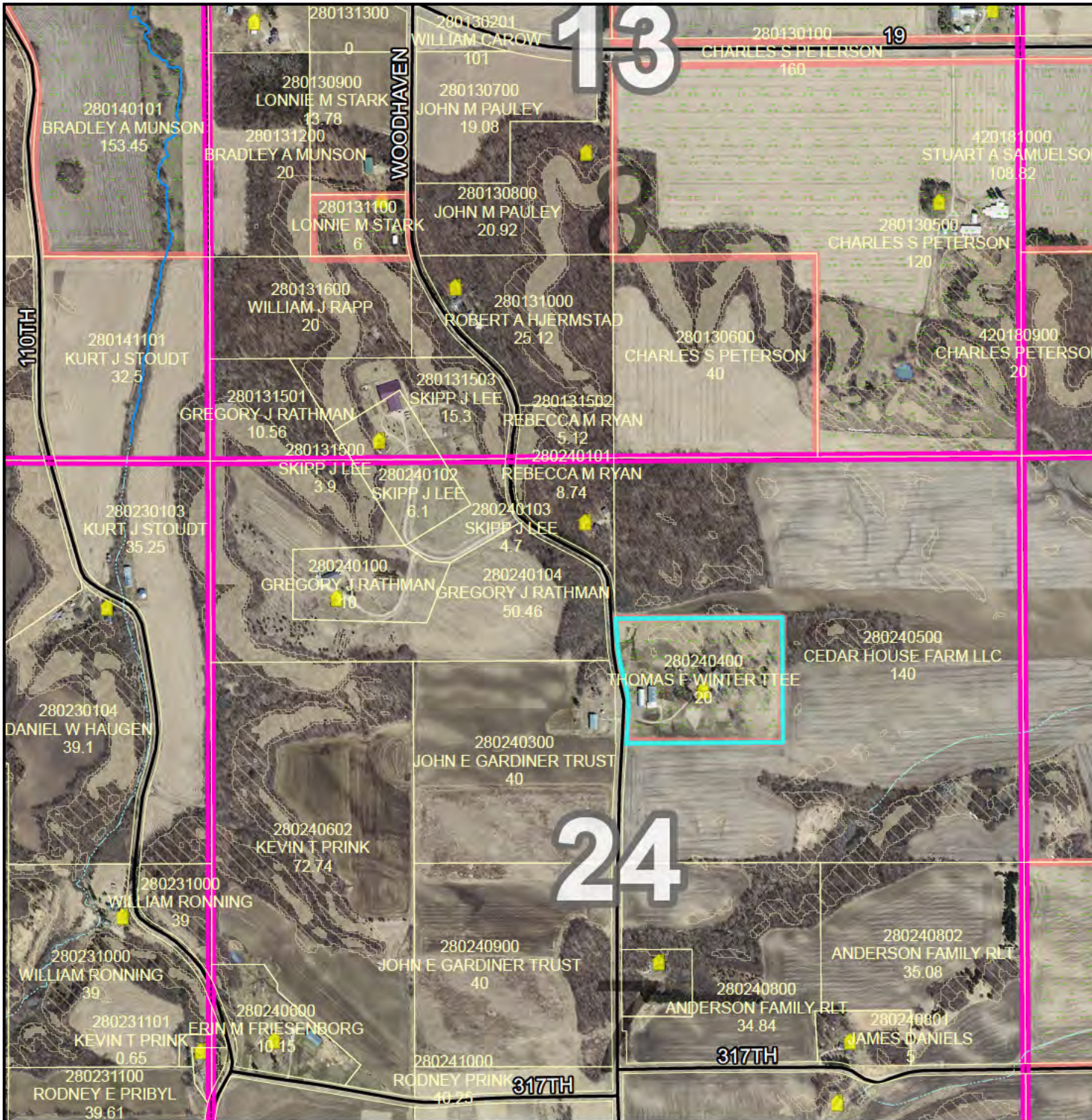
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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
December 13, 2021

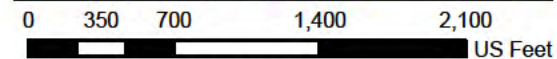
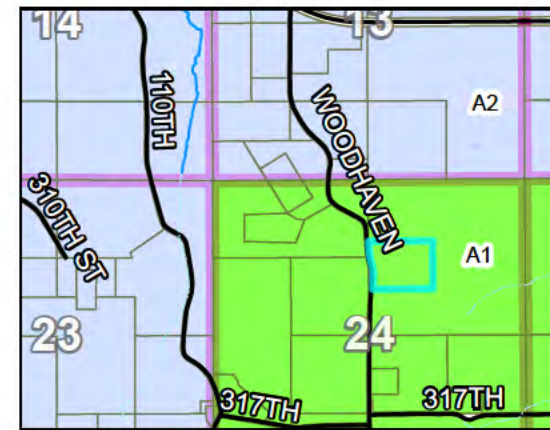
Linda & Tom Winter (Owners)
A-1 District

Part of the NE 1/4 of Section 24 TWP
112 Range 17 in Cannon Falls Township

Variance request to ADU standards to
permit an ADU greater than 100-feet from
the principal dwelling

Legend

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

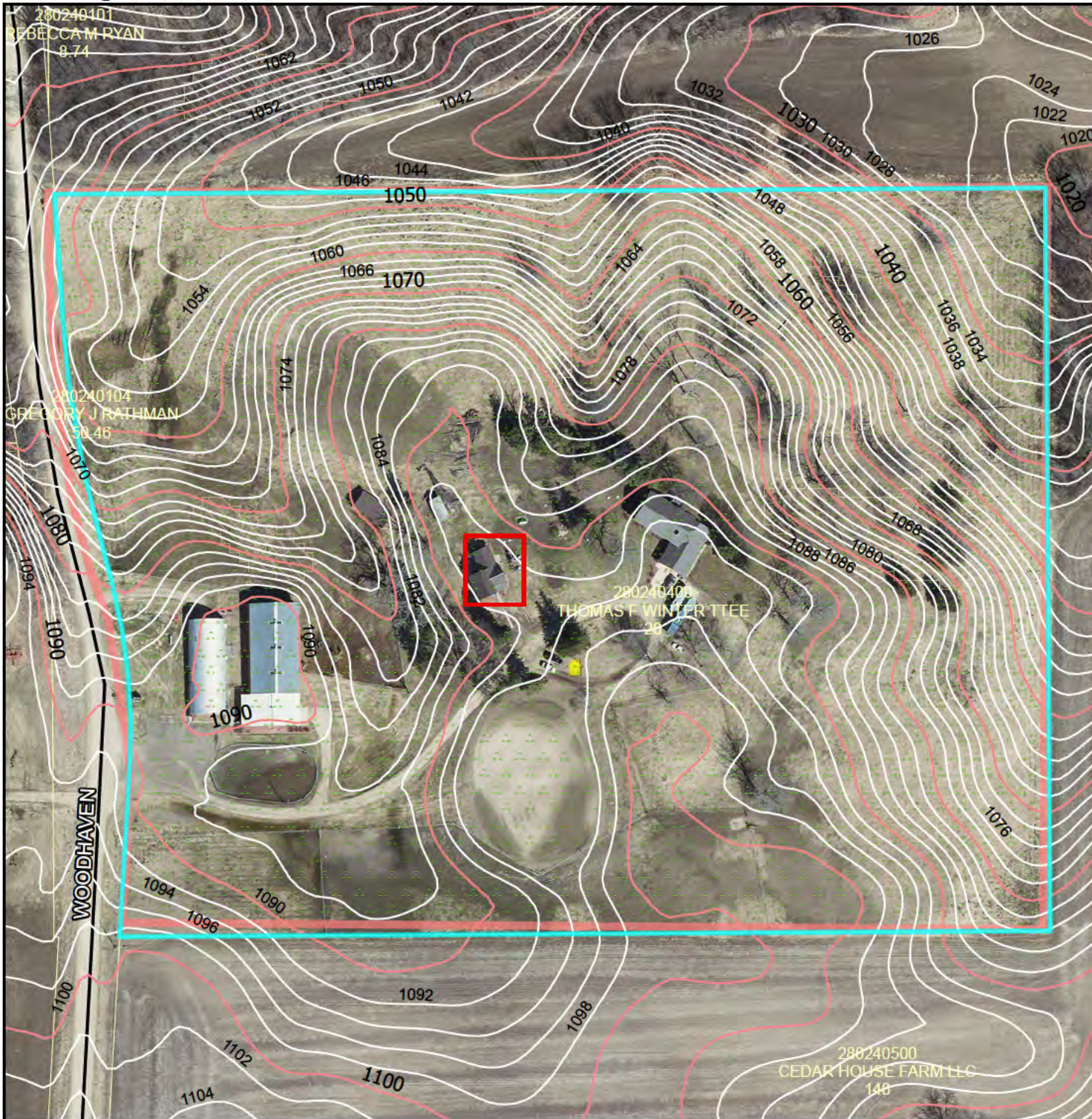


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
December 13, 2021

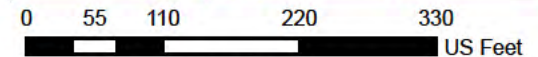
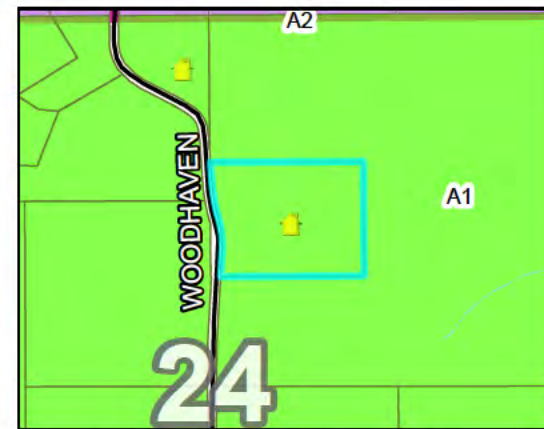
Linda & Tom Winter (Owners)
A-1 District

Part of the NE 1/4 of Section 24 TWP
112 Range 17 in Cannon Falls Township

Variance request to ADU standards to
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the principal dwelling

Legend

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



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Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: December 13, 2021
Report date: December 3, 2021

PUBLIC HEARINGS: Request for Variance, submitted by David **O'Reilly** (Owner) to A-2 Zoning District standards to allow parcel line reconfiguration creating property lines closer than 30-feet from existing structures.

Application Information:

Applicant: David **O'Reilly** (Owner)
Address of zoning request: 33474 200th AVE Red Wing, MN 55066
Parcel: 31.033.1400
Abbreviated Legal Description: Part of the West ½ of the SW ¼ of Section 33 TWP 112 Range 15 in Featherstone Township
Township Information: Featherstone Township considered the request at their November 9, 2021 meeting and approved a variance to establish the parcel with 100-feet of frontage.
Zoning District: A2 (Agriculture District)

Attachments and Links:

Application and submitted project summary
Survey
Site Maps
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Setback Variance Background:

The Applicant, David **O'Reilly**, owns parcel 31.033.1400 comprising approximately 58.31-acres in section 33 of Featherstone Township. The parcel includes a dwelling, several agricultural buildings, and acreage dedicated to row crop agriculture. The land used for row crop agriculture and the agricultural buildings are currently rented by the Applicant to Casey and Kim **O'Reilly** and are used for an existing farm operation.

The Applicant is proposing to create a 5-acre parcel, which would include the dwelling and an accessory building. Casey and Kim **O'Reilly** have proposed to purchase the remaining 53.31-acres, including the agricultural structures, which will continue to be used for the existing farm operation.

The Goodhue County Zoning Ordinance requires a minimum setback of 30-feet between structures and adjacent property lines. Due to the number of existing structures on the property, existing structure configuration, and the desire to keep existing farm buildings with the farming operation, new property lines will be less than 30-feet from 4 existing structures. Featherstone Township also requires all parcels to have at least 200-feet of frontage on a public road. The Township approved the Applicant's request for a variance to establish the parcel with 100-feet of frontage at their November 9, 2021 meeting.

The Applicant is requesting a variance to allow new property lines to be located 5.0-feet from an existing shed north of the driveway, 15.2-feet from an existing shed northwest of the dwelling, and 28.5-feet from an existing shed directly north of the existing dwelling. An accessory building contained within the 5-acre parcel is also proposed to be 5.0-feet from the north property line.

Variance Standards:

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

Draft Findings of Fact for Setback Variances:

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

- Property line setbacks are intended to create separation among adjacent structures and uses to allow for adequate access and accommodate future maintenance needs.

The proposed 5-acre parcel is configured to contain a homestead site with one accessory structure, leaving the agricultural buildings on the land to be used for the existing farm operation. This configuration takes into account access to the existing structures used for agricultural purposes versus those used for the existing dwelling, including the existing driveway. All existing structures requiring a variance from the proposed north property line would retain setbacks for future maintenance needs.

This request appears in harmony with the purpose and intent of the official control.

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

- This is a unique situation that is not specifically addressed within the Comprehensive Plan. However, the Goodhue County Comprehensive Plan supports the use of existing rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County while preserving farming operations.

The proposed boundary realignment does not appear inconsistent with the Goodhue County Comprehensive Plan.

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

- The Applicant’s request to establish new property lines to simplify dwelling ownership on an existing farm operation is a reasonable use of property in the A2 District.
- Given the number and configuration of outbuildings on the property, the existing farm operation, and Featherstone Township’s frontage requirements (200-feet where the County requires 33-feet), configuring new property lines to meet the structure setback from all existing buildings cannot be easily achieved.

The proposed property lines are intended to distribute the available space so that each building would retain adequate space for access as well as future repairs and maintenance.

- The Applicant alternatively considered reconfiguring the 5-acre parcel to include the agricultural buildings. This alternative was rejected because these structures are currently being used as storage buildings for the existing farm operation **by Casey and Kim O’Reilly**.
- A review of the existing development pattern in the vicinity reveals medium-density residential uses among predominantly feedlot and row-crop agricultural uses.

The proposed split is located within a “full” ¼ ¼ section of section 33 and will not create additional dwelling sites.

The adjoining parcels to the north and east are owned by Casey and Kim O'Reilly (Parcels 31.033.1201 and 31.033.1300.)

The request for variance appears unlikely to alter the essential character of the locality.

4) **No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.**

- No change in use is proposed or anticipated as a result of the variance request.

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

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

Staff Recommendation:

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

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





RECEIVED

APPLICATION FOR

NOV 17 2021

Variance

Land Use Management

For Staff Use only	
VARIANCE NUMBER:	221-0059
\$350 RECEIPT#	17493
DATE	

SITE ADDRESS, CITY, AND STATE		ZIP CODE:
33474 200th Ave, Red Wing, MN		55066

LEGAL DESCRIPTION				
Attached <input checked="" type="checkbox"/>				
PID#:	ZONING DISTRICT:	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
31.033.1400	Featherston Twp	58		See attached

APPLICANT OR AUTHORIZED AGENT'S NAME	
David P O'Reilly	
APPLICANT'S ADDRESS:	TELEPHONE:
33474 200th Ave, Red Wing, MN	[REDACTED]
55066	EMAIL:
	[REDACTED]

PROPERTY OWNER'S NAME:	
Same as Above <input checked="" type="checkbox"/> David P O'Reilly	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/> Casey O'Reilly	
ADDRESS:	TELEPHONE:
33456 200th Ave	[REDACTED]
Red Wing, MN 55066	EMAIL:
	[REDACTED]

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input checked="" type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations		CURRENT OR PREVIOUS USE: PROPOSED USE: BUILDING APPLICATION PERMIT NO. (if filed): DATE FILED:
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TOWNSHIP SIGNATURE		
By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.		
Attached <input type="checkbox"/>		
TOWNSHIP OFFICIAL'S SIGNATURE:	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE
<i>David Schwartz</i>	David Schwartz Chairman	11/9/21

- By signing below, the applicant acknowledges:
1. The undersigned is the owner or authorized agent of the owner of this property.
 2. The information presented is true and correct to the best of my knowledge.
 3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
 4. Additional information or applications may be required

Applicant's Signature: *David P O'Reilly* Date: 11-17-21

Print name: David P O'Reilly (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: 33 Name: David P O'Reilly
Article: _____ Section: 33 Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

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

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

The property that the requested split is requested for is currently rented by Casey + Kim O'Reilly from Dave O'Reilly. The use will not change with approval of requested split. The property will be owned by Casey + Kim O'Reilly instead of rented and Casey + Kim will ensure use of farm land + property for their family farm.

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

If variance is not granted, a new survey will need to be completed and current owner would not be able to sell outbuildings which are utilized for farm equipment storage, as part of sale.

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

Outbuildings that are currently part of the sale are too close to proposed new property line with split. However, Casey + Kim currently own property adjoining this property currently.

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

The only way to comply with current ordinances the outbuildings that are currently part of the sale would have to stay in Dave's ownership and not sold to Casey + Kim + new survey would need to be completed.

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

The only alternative is to have a new survey done and Dave would need to keep the outbuildings, which would just mean the outbuildings would stay with building site and not sold.

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

Granting of the variance would allow for proactive estate planning and reduce the lack of estate planning challenges in the future. We are trying to secure the future of our farm now for future generations.

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
December 13, 2021

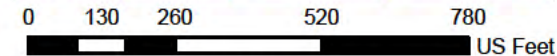
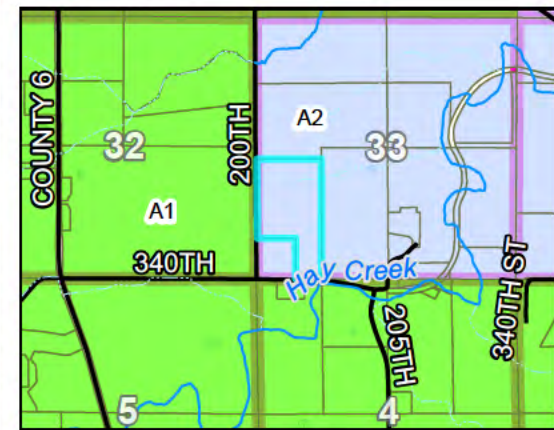
David O'Reilly (Owner)
A-2 District

Part of the W 1/2 of the SW 1/4 of Section
33 TWP 112 Range 15 in
Featherstone Township

Variance request to allow parcel line
reconfiguration creating property lines
closer than 30-feet from existing structures

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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MAP 02: VICINITY MAP

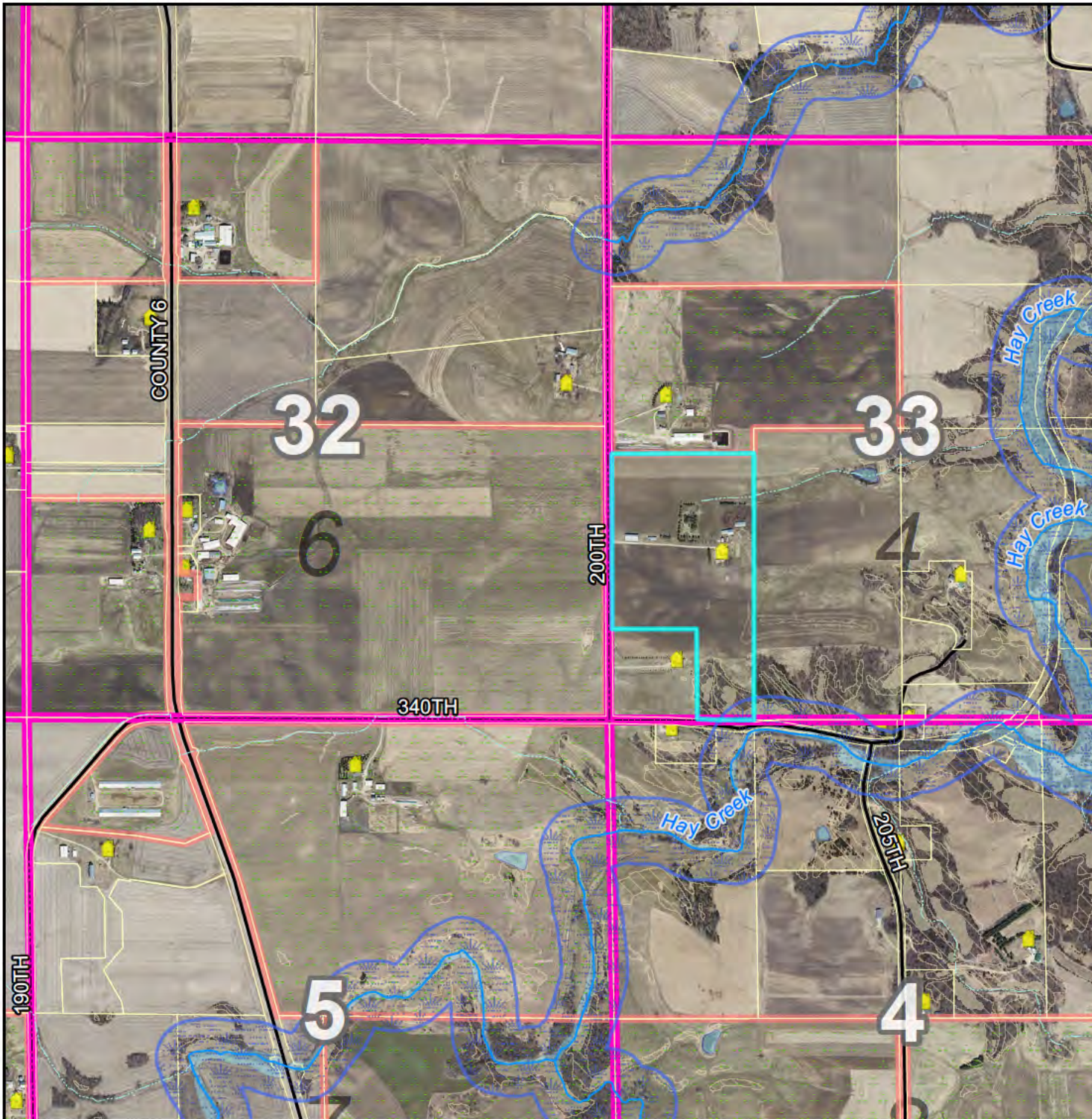
BOARD OF ADJUSTMENT

Public Hearing
December 13, 2021

David O'Reilly (Owner)
A-2 District

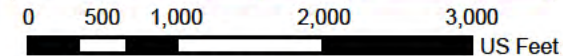
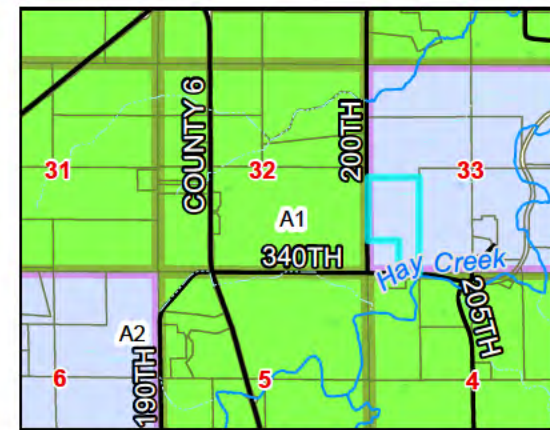
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Legend

- | | |
|----------------------------|------------------------------|
| 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 |

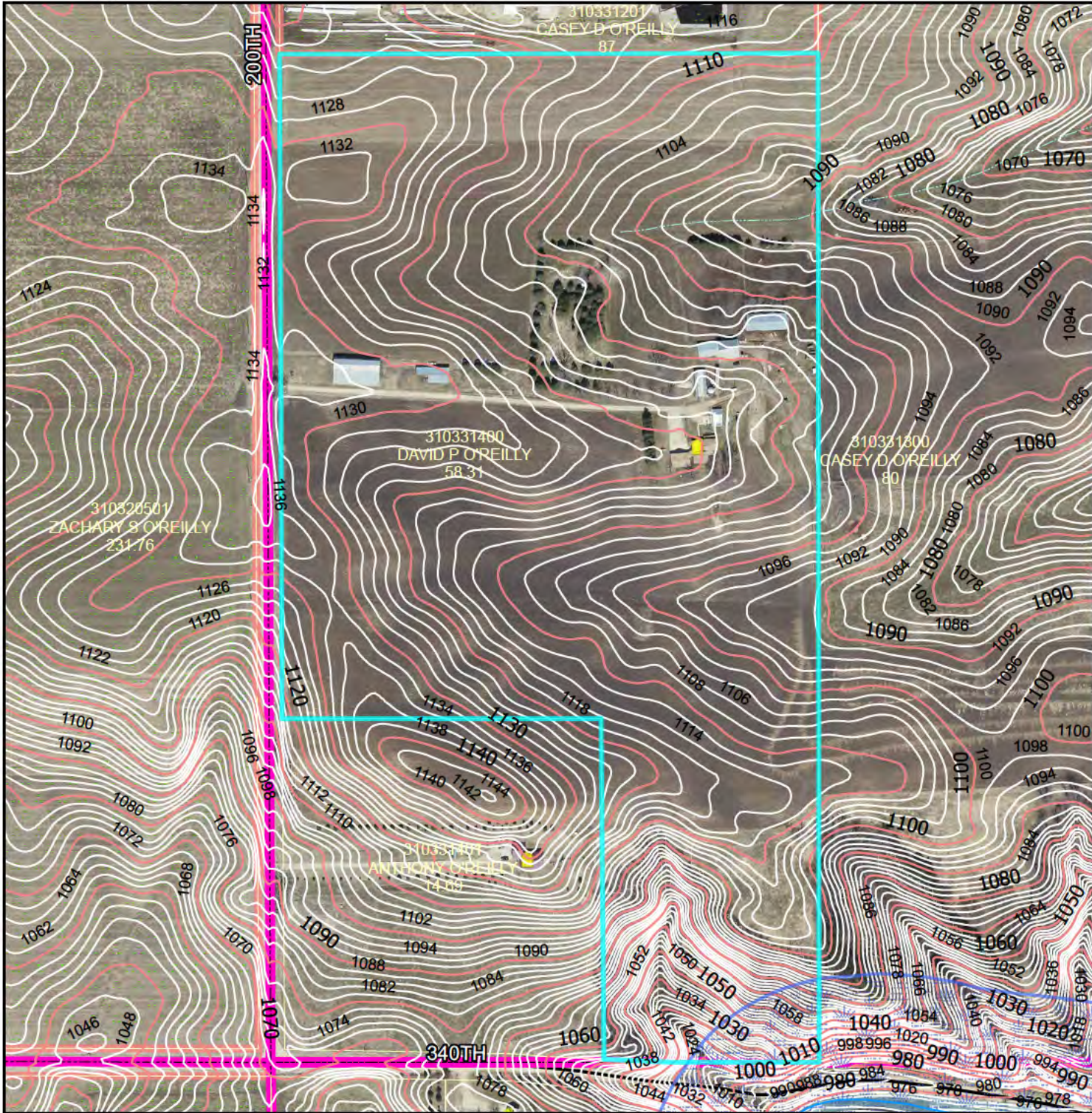


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
December 13, 2021

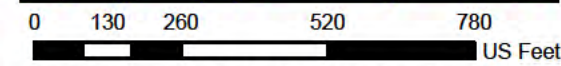
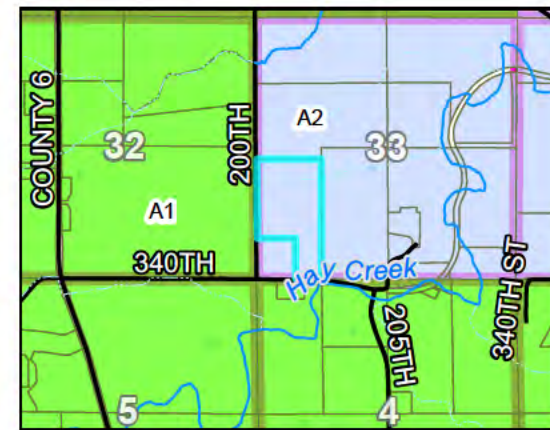
David O'Reilly (Owner)
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Legend

- | | |
|----------------------------|------------------------------|
| 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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