



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

May 21, 2018 Board Of Adjustment Meeting PACKET

Documents:

[BOARD OF ADJUSTMENT MEETING PACKET.PDF](#)

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 ♦



GOODHUE COUNTY MINNESOTA

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

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

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. December 2017 Draft BOA Meeting Minutes

Documents:

[MINUTES_DECEMBER2017BOA_DRAFT.PDF](#)

Appointment Of Chair And Vice Chair

Conflict/Disclosure Of Interests

PUBLIC HEARING: Connie And Daniel Rude

44781 CTY 168 BLVD Zumbrota, MN 55992. Parcel 38.026.0900; Part of the S ½ of the SW ¼ Sect 26 Twp 110 Range 16 in Minneola Township. Request for variance to Article 13 (Confined Feedlot Regulations) setback standards to allow a new dwelling to be constructed within 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) of an existing feedlot. A3 Zoned District.

Documents:

[BOAPACKET_RUDE_R.PDF](#)

PUBLIC HEARING: Jeff King/Kenneth Sheets

8600 Skunk Hollow Way Cannon Falls, MN 55009. Parcel 37.004.2100; Part of the NW ¼ of the SE ¼ Sect 04 Twp 111 Range 17 in Leon Township. Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed 5 feet from a side-yard property line where 10 feet is required. A2 Zoned District.

Documents:

[BOAPACKET_KING_R.PDF](#)

PUBLIC HEARING: Doug Mahoney

32245 296th Street, Red Wing, MN 55066. A2 Zoned District Parcel 320091201; Part of the South ½ of NW ¼ and part of the North ½ of the SW ¼ of Sect 09 Twp 112 Range 13 in Florence Township. Request for variance to restriction on mineral extraction of non-metallic mineral aggregates within Bluff impact zones.

Documents:

[BOAPACKET_MAHONEY_MAY2018.PDF](#)

Staff Updates

Other-Discussion

Adjourn

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

Goodhue County Land Use Management

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◆ Building ◆ Planning ◆ Zoning ◆ Telephone: 651/385-3104 ◆ Fax: 651/385-3106 ◆

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
December 11th 2017 MEETING MINUTES**

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

1. Roll Call

Commissioners Present: Mike Hinsch, Richard Mallan, Rich Ellingsberg, Robert Benson, Darwin Fox

Commissioners Absent: Gary Iocco

Staff Present: Land Use Management Director Lisa Hanni, Zoning Administrator Mike Wozniak, Zoning Assistant Kate Eiyneck, Zoning Assistant Ryan Bechel

2. Approval of Agenda

¹Motion by **Mallan**, and seconded by **Ellingsberg** to approve the meeting agenda

Motion carried 5:0

3. Approval of Minutes

²Motion by **Ellingsberg** and seconded by **Benson** to approve the previous month's meeting minutes

Motion carried 5:0

4. Conflict of Interest/Disclosure

There were no reported conflicts of interest.

5. Public Hearings:

PUBLIC HEARING: John Frawley– 26273 County 7 Blvd Welch MN 55089, Mixed Use Hamlet Zoned District (MXH); Parcel 46.028.0300; Part of the NW1/4 of NE ¼ Sect 28 Twp 113 Range 16 in Welch Township. Request for variance to Article 26, MXH, Sect 7. Lot size, setback, yard and height requirements.

Lisa Hanni (Hanni) provided a revised staff recommendation and suggested conditions (see attachment 1). Hanni commented that the revised staff recommendations were the result of conversations and input provided by Goodhue County Highway Engineer Greg Isakson after the initial draft of the staff report.

Mike Wozniak (Wozniak) presented the staff report and summarized the request.

The Applicant (John Frawley) was present to represent the application.

Chair Hinsch opened the Public Hearing.

No one spoke for or against the request.

After Chair Hinsch asked three times for comments it was moved by Benson and seconded by Ellingsberg to close the public hearing.

Motion carried 5:0

Commissioner Fox reported the Applicant had appeared before the Welch Township planning commission December 07, 2017. He stated the township does not currently have a Mixed Use Hamlet zone district and therefore currently defers to the county regarding MXH matters. He added that the township recognizes the unique challenges of the building and property and supports the Applicant's request.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
December 11th 2017 MEETING MINUTES**

Revised Findings of Fact:

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

- *Article 26 (MXH, Mixed Use Hamlet District) was established to allow a mix of residential, public and commercial land uses to co-exist within the same zone district. This district is intended to be applied to “historic” hamlets in the rural areas of the Goodhue County where homes, apartments, condominiums, commercial buildings and public land uses are currently present.*

The applicant’s proposed use of the Welch Creamery Site for a combination of residential and business use is consistent with the intent of the MXH District. Constructing an attached garage to provide parking for the residential component (apartment) of the project would also reasonably fall within intent of the MXH District.

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

- *The Goodhue County Comprehensive Plan supports the concept of allowing a mix of uses within hamlet areas.*

The idea of having a garage in conjunction with a residential use of property is consistent with the Goodhue County Comprehensive Plan. The Plan addresses broad planning concepts and priorities and does not offer policy direction down to the level of yard setbacks which are addressed within Zoning Ordinance District Regulations.

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 proposal for an “after the fact” variance to allow an attached garage addition to serve a residential dwelling unit (apartment) being constructed in the Welch Creamery Building represents a use that may be viewed as reasonable within the MXH District.*

The dimensions and overall size of the attached garage addition to the Creamery Building are consistent with a typical attached garage for a dwelling, however the location of the garage presents certain traffic safety concerns.

- *Goodhue County Public Works Director has stated:*

- *Even though the attached garage is setback 8-feet from the County Road 7 Right-of-Way, concerns regarding the potential for damage to the building from snow and ice being plowed from the road represents a serious concern. The main (previously existing) Creamery Building extends to the County Road 7 Right-of-Way, 8-feet closer than the attached garage addition.*
- *In a hamlet setting with smaller parcels along a County Road, Public Works would generally allow only one access point per parcel. Access to the parcel from County Road 7 south of the Creamery Building is necessary to provide access for parking/loading for the Event Center use.*

- *The attached garage was constructed with garage door access on the backside (west) in addition to the front (east) side that faces County Road 7. Vehicular access to the attached garage from the back (west) side of the structure is possible if vehicular access from the front (County Road 7) side of the garage is restricted.*
- *The Welch Village Hamlet is an historic area with most existing structures pre-dating the establishment of County Zoning Regulations and the current design/configuration of County Road 7.*

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
December 11th 2017 MEETING MINUTES**

- *Numerous existing structures within the hamlet area do not conform with current district yard setback requirements.*

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.

- *The applicant is proposing a change in use through the CUP process. The mixed use of the building would be allowed in the zone.*

³Motion by Commissioner Fox, seconded by Commissioner Benson, for the Board of Adjustment to:

- adopt the revised staff report into the record;
- adopt the findings of fact;
- replace staff report recommended conditions with conditions 1 through 4 provided in the revised staff recommendation (attachment 1);
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the request for an “after-the-fact” variance to Mixed Use Hamlet District regulations requiring 8-foot minimum side yard structure setback and a 40-foot front yard setback to allow an attached garage addition to the Welch Creamery Building, as constructed, to within 2-feet to the north parcel boundary and to within six 6-feet of the County 7 Blvd Right-of-Way, subject to the following conditions:

1. The Applicant must obtain a “driveway access permit” from the County Engineer prior to start of operations of the Event Center or any use of the attached garage/driveway.
2. No parking shall be allowed between the attached garage and the County Road 7 Right-of-Way.
3. The Applicant must obtain a new building permit for the attached garage including submittal of any required building plans and specifications and payment of the required building permit fee.
4. Approval of the Conditional Use Permit to authorize the proposed residential and business (Event Center) uses in the Mixed Use Hamlet Zone District.

Parcel 46.028.0300; 0.38 Acres Part of NW 1/4 of NE 1/4 Sect 28 Twp 113 Range in Welch Township (Doc #23401).

Motion carried 5:0

Other Discussion:

⁴Motion by Fox seconded by Benson to adjourn the Board of Adjustment meeting at 5:45 PM.

Motion carried 5:0

Respectfully submitted,

Ryan Bechel, Recording Secretary

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
December 11th 2017 MEETING MINUTES**

MOTIONS

¹ APPROVE the meeting agenda. Motion carried 5:0

² APPROVE the previous meeting's minutes. Motion carried 5:0

³ APPROVE the variance request to MXH District regulations minimum rear/side yard and right-of-way structure setbacks.
Motion Carried 5:0

⁴ ADJOURN. 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

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: December 11, 2017
Addendum to Report date: December 11, 2017

PUBLIC HEARING: John Frawley – 26274 County 7 Blvd, Welch, MN 55089
MXH Zoned District Parcel 46.028.0300; -- 0.38 Acres Part of NW 1/4 of NE 1/4 Sect 28
Twp 113 Range in Welch Township. Request for variance to Article 26 MXH Mixed Use
Hamlet Zone District: Sect 7. Lot size, setback, yard and height requirements.

REVISED STAFF RECOMMENDATION

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 an “after the fact” variance to Mixed Use Hamlet District regulations requiring 8-foot minimum side yard structure setback and a 40-foot front yard setback to allow an attached garage addition to the Welch Creamery Building, as constructed, to within 2-feet to the north parcel boundary and to within six 6-feet of the County 7 Blvd Right-of-Way, subject to the following conditions:

1. The Applicant must obtain a “driveway access permit” from the County Engineer prior to start of operations of the Event Center or any use of the attached garage/driveway.
2. No parking shall be allowed between the attached garage and the County Road 7 Right-of-Way.
3. The Applicant must obtain a new building permit for the attached garage including submittal of any required building plans and specifications and payment of the required building permit fee.
4. Approval of the Conditional Use Permit to authorize the proposed residential and business (Event Center) uses in the Mixed Use Hamlet Zone District.

Parcel 46.028.0300; -- 0.38 Acres Part of NW 1/4 of NE 1/4 Sect 28 Twp 113 Range in Welch Township (Doc #23401).

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

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County Surveyor / Recorder

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To: Board of Adjustment
From: Land Use Management
Meeting Date: May 21, 2018
Report date: May 11, 2018

PUBLIC HEARING: Connie and Daniel Rude – 44781 CTY 168 BLVD Zumbrota, MN 55992. Parcel 38.026.0900; Part of the S ½ of the SW ¼ Sect 26 Twp 110 Range 16 in Minneola Township. Request for variance to Article 13 (Confined Feedlot Regulations) setback standards to allow a new dwelling to be constructed within 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) of an existing feedlot. A3 Zoned District.

Application Information:

Applicant: Connie and Daniel Rude
Address of zoning request: 44781 CTY 168 BLVD Zumbrota, MN 55992
Parcel: 38.026.0900
Abbreviated Legal Description: Part of the S ½ of the SW ¼ Sect 26 Twp 110 Range 16 in Minneola Township.
Township Information: Minneola Township issued a building permit approving the applicant's request on 1/13/18.
Zoning District: A3 (Urban Fringe District)

Attachments and Links:

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

Background:

The applicants own 2 contiguous parcels comprising 109.78 acres. They desire to establish a new dwelling location for a family member in the northwest corner of the subject parcel. Dwelling development in this location is currently restricted by 2 GCZO standards.

First, the subject parcel is currently occupied by the applicant's primary dwelling. In order to establish an additional dwelling in the northwest corner of this parcel, the applicants are proposing to administratively plat their 2 contiguous parcels and reconfigure them into 3 new parcels each totaling 35 acres or more to satisfy dwelling density requirements for the A3 district. A completed plat would be required prior to issuance of a building permit for a new dwelling in the desired location.

Second, the applicants currently have a registered feedlot in the northeast portion of the subject parcel. Upon completion of the plat, the applicants proposed dwelling would be located on a separate parcel from the existing feedlot and therefore be subject to feedlot setback requirements. Per GCZO Article 13, new dwellings must be located 1000 feet or greater from the location of any existing registered feedlots. The applicants are proposing to site the new dwelling within 800 feet of their existing registered feedlot which would require the approval of a variance by the Goodhue County Board of Adjustment.

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 reciprocal feedlot setback standards defined in Article 13 of the GCZO are to encourage separation of residences and intense agricultural operations which may be incompatible.

The applicants are proposing to house a family member within the proposed dwelling and anticipate moving into the location themselves in the future. Given the use of the property by individuals accustomed to agricultural sounds, smells, and practices the potential for future conflicts appears low. The applicant’s proposal appears in harmony with the purpose and intent of the official control.

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

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

The applicant’s proposed dwelling 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 proposal to construct an additional residence is a reasonable use of property in the A3 District.
- The applicant’s lot would conform to the 35-acre minimum size requirement for lots in the A-3 District.
- The applicants desire to locate the dwelling in the northwest corner of the subject parcel as it is furthest away from CTY 168 BLVD and would be buffered from road noise issues the applicants have experienced following recent improvements to the roadway.
The desired location also offers the applicants the ability to utilize their existing access drive and locate their family member in close proximity to their existing primary dwelling.
- The applicant’s preferred location in the northwesterly corner of the lot does appear to be the most practical location on the property to site a dwelling given ease of access and minimal topographic relief present in the area.
- The increased road noises following improvements to CTY 168 BLVD are circumstances unique to the property and not created by the landowner.
- The majority of the property cannot conform to the 1000 foot feedlot setback standard given the location of the existing feedlot.

The southern portion of the subject parcel has areas that could conform to the feedlot setback standard; however, an existing drainage way limits the ability to site the structure in this location.

- The applicant considered permitting the dwelling as an Accessory Dwelling Unit (ADU). Due to the location of their existing dwelling, accessory structures, utilities, and the applicant's desire to locate the new dwelling as far west of CTY 168 BLVD as possible to reduce road noise impacts an ADU would also require a variance to GCZO standards.
- A review of the existing development pattern along CTY 168 BLVD reveals low-density residential development and row-crop agricultural uses.

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.

- Residential uses are permissible in the A3 district.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the October 23, 2017 BOA 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 a variance to Article 13 (Confined Feedlot Regulations) setback standards to allow a new dwelling to be constructed within 800 feet of an existing feedlot.

Parcel 38.026.0900 located at 44781 CTY 168 BLVD Zumbrota, MN 55992;

Abbreviated Legal Description: Part of the S ½ of the SW ¼ Sect 26 Twp 110 Range 16 in Minneola Township.

Board of Adjustment


















Public Hearing
May 21, 2018

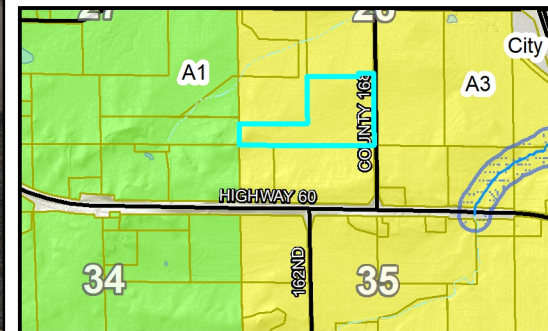
Connie and Daniel Rude
44781 CTY 168 BLVD
Zumbrota, MN 55992
A3 Zoned District

Parcel 38.026.0900
S 1/2 of the SW 1/4
S26 Twp110 R16 in
Minneola Township

Request for variance
to allow a new dwelling
within a feedlot setback area.

Legend

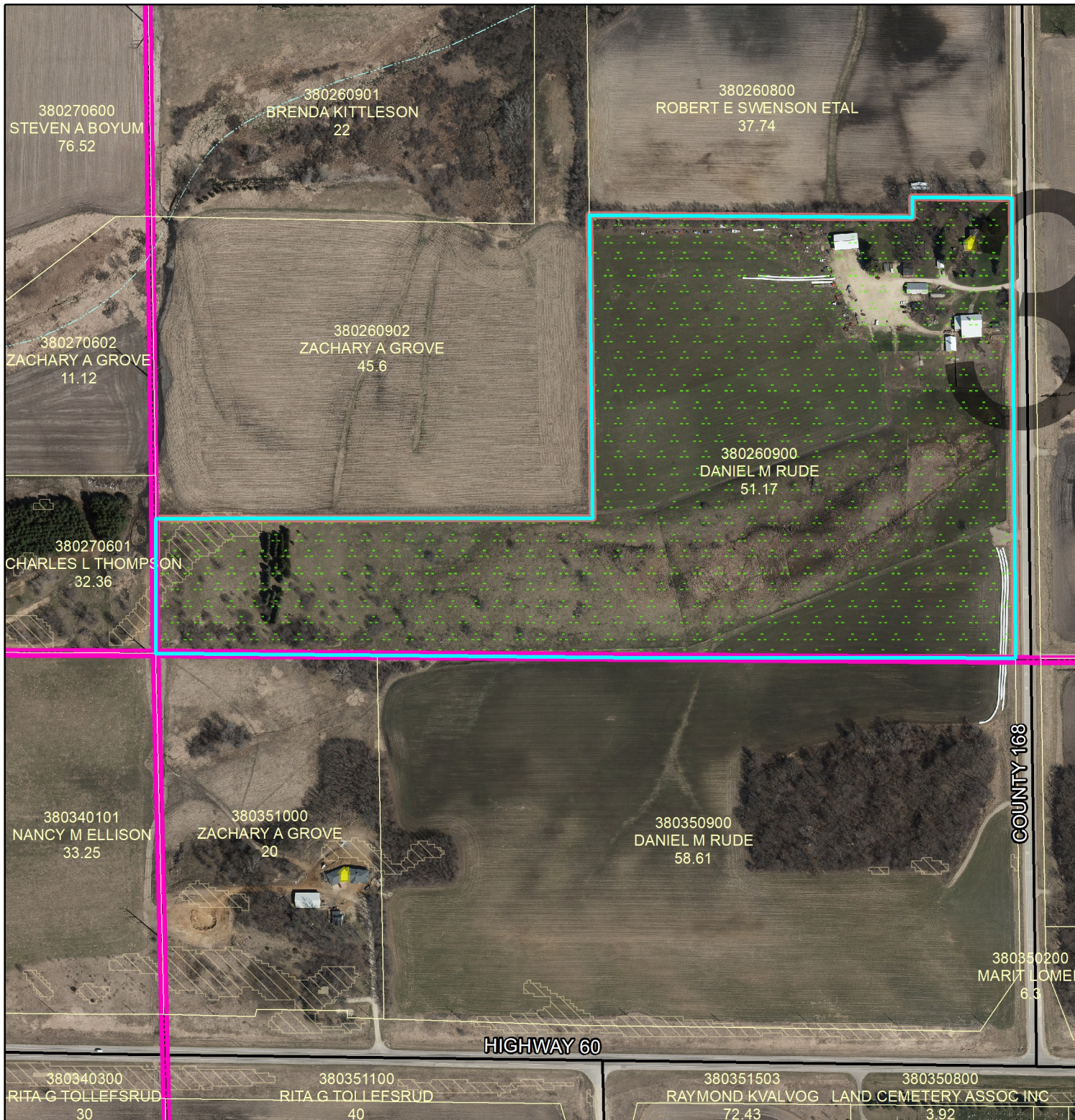
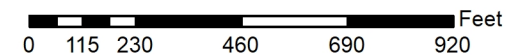
 Intermittent Streams	 Bluff Impact Zones (% slope)
 Protected Streams	 20
 Lakes & Other Water Bodies	 30
 Shoreland	FEMA Flood Zones
 Historic Districts	 2% Annual Chance
 Parcels	 A
 Registered Feedlots	 AE
 Dwellings	 AO
 Municipalities	 X



DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2018.

2016 Aerial Imagery

Map Created May, 2018, Ryan Bechel



Variance

RECEIVED

APR 25 2018

For Staff Use only

VARIANCE NUMBER

Z18-0024

\$350 RECEIPT#

16242

DATE

4-25-18

Land Use Management

SITE ADDRESS, City, and State				ZIP CODE:
44781 168 BLVD, ZUMBROTA MN 55992				55992
LEGAL DESCRIPTION:				
Attached <input type="checkbox"/>				
PID#:	ZONING DISTRICT	LOT AREA(SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
38.026.0900	A-3			

APPLICANT OR AUTHORIZED AGENT'S NAME	
CONNIE / DANIEL RUDE	
APPLICANT'S ADDRESS:	TELEPHONE:
44781 168 BLVD, ZUMBROTA MN 55992	
	EMAIL:

PROPERTY OWNER'S NAME:	
Connie / Daniel RUDE	
Same as Above <input checked="" type="checkbox"/>	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
44781 168 BLVD ZUMBROTA, MN 55992	
	EMAIL:

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

(Please check all that apply) ADDITIONS TO BUILDING: <input checked="" type="checkbox"/> New Building on vacant land <input type="checkbox"/> Rear <input type="checkbox"/> New Addition to existing building <input type="checkbox"/> Front <input type="checkbox"/> Animal Building <input type="checkbox"/> Side <input type="checkbox"/> Storage building <input type="checkbox"/> Other Please clarify	CURRENT OR PREVIOUS USE:
	PROPOSED USE:
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:

TOWNSHIP Signature:		
By signing this form, the Township acknowledges they have been made aware of the Applicant's 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

By signing you acknowledge:

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 meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
4. Other information or applications may be required.

Applicants Signature: Daniel Rude, Connie Rude Date: 1/29/18

Print name: Daniel Rude owner or authorized agent
Connie Rude

Project Summary

Please cite the Ordinance and Section(s) you are requesting a variance from: Article 13, Section 7, Subd. 6

Please state the purpose of the variance and requested outcome: Request to Build
Home

Variance Findings (Attach a separate sheet if more space is needed)

Pursuant to Goodhue County Zoning Ordinance Article 5, before approving a variance application, the Board of Adjustment needs to find that the facts presented are such to establish the findings stated below. In the space below or on a separate paper. Please state how the project is consistent with each policy. Each statement should refer to specific conditions applicable to the property. If a given policy does not apply to your project, explain why it does not.

The Board of Adjustment may grant a variance only if the variance request complies with each and every one of these findings in full. Completing the variance application is the Applicant's responsibility. If the description of how the project meets all of the criteria are not fully supported with written information and supporting documents, the Board may find the information insufficient and the criteria are not justified.

The variance request is in harmony with the general purpose and intent of the official provisions.

This would be a minor variance

The variance request is consistent with the Goodhue County 2016 Comprehensive Plan.

Yes It is meeting 35 acre law

There are practical difficulties in complying with the official controls. Practical difficulties means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.

Home just that far from Road Noise

The plight of the land owner is due to circumstances unique to the property not created by the land owner.

The road

The variance, if granted, will not alter the essential character of the locality.

No

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. Will approval of the variance request change the use to something that is prohibited in the district?

No

The Board of Adjustment may impose conditions that are directly related to and must bear a rough proportionality to the impact created by the variance.

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Minnetonka

Goodhue County

Parcel # _____

APPLICANT INFORMATION			
Last Name	<u>RUDE</u>	First	<u>CONNIE</u>
Street Address	<u>44781 165th AVE</u>	M.I.	<u>R.</u>
City	<u>ZUMBROTA</u>	State	<u>MN</u>
Email Address			
Township	<u>110</u>	Range	<u>16</u>
		Section	<u>26</u>

PROJECT INFORMATION			
Site Address	<u>44781 165th AVE ZUMBROTA MN</u>		
Zoning District	<u>A-3</u>	Lot Size	<u>52</u>
Type of Project	<u>HOUSE</u>	Proposed Use	<u>Dwelling</u>
Structure Type	<u>New Home</u>	Replacement?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Variance #	Conditional Use Permit # _____		

GPS Coordinates _____

DISCLAIMER AND SIGNATURE

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

Signature Connie Rude Date 1/13/18

TOWNSHIP APPROVALS

I hereby certify that the above described project has been approved by the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.

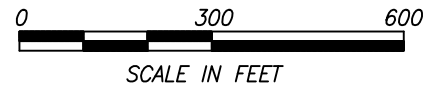
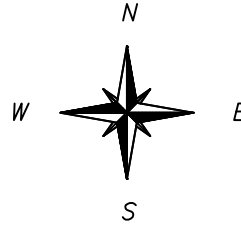
Signature [Signature] Title clerk Date 1-13-18

Signature _____ Title _____ Date _____

Application fee \$20.00 Receipt Number 209898

PRELIMINARY PLAT:
RUDE ADDITION

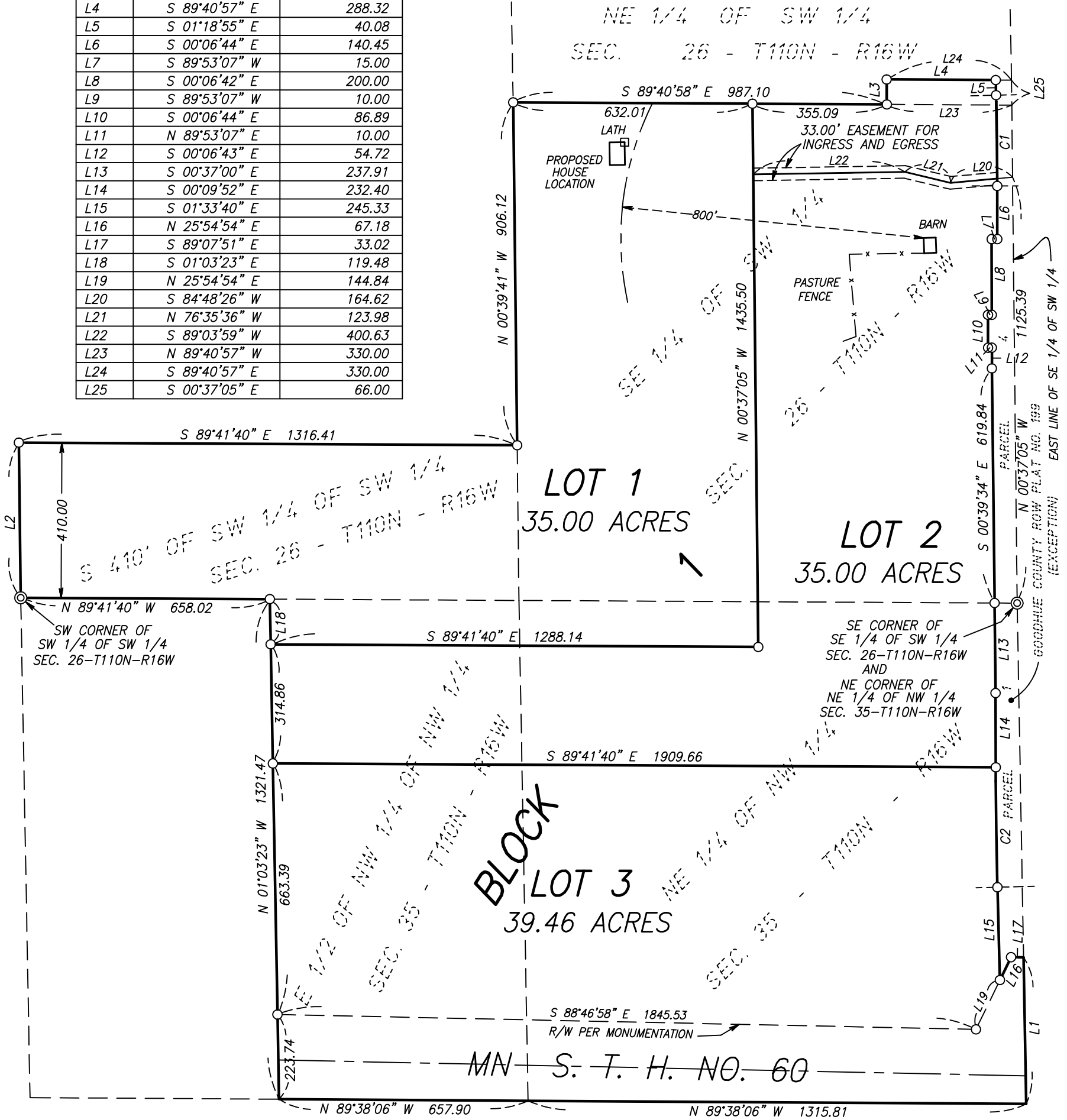
SEC. 26 AND 35-T110N-R16W



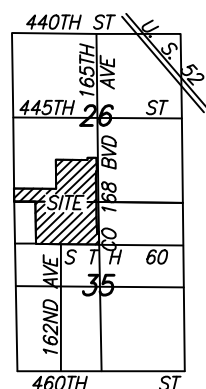
○ DENOTES SET IRON MONUMENT
W/PLASTIC CAP "RLS 22044"

LINE	BEARING	DISTANCE
L1	S 01°02'08" E	387.33
L2	N 00°42'33" W	410.06
L3	N 00°37'05" W	66.00
L4	S 89°40'57" E	288.32
L5	S 01°18'55" E	40.08
L6	S 00°06'44" E	140.45
L7	S 89°53'07" W	15.00
L8	S 00°06'42" E	200.00
L9	S 89°53'07" W	10.00
L10	S 00°06'44" E	86.89
L11	N 89°53'07" E	10.00
L12	S 00°06'43" E	54.72
L13	S 00°37'00" E	237.91
L14	S 00°09'52" E	232.40
L15	S 01°33'40" E	245.33
L16	N 25°54'54" E	67.18
L17	S 89°07'51" E	33.02
L18	S 01°03'23" E	119.48
L19	N 25°54'54" E	144.84
L20	S 84°48'26" W	164.62
L21	N 76°35'36" W	123.98
L22	S 89°03'59" W	400.63
L23	N 89°40'57" W	330.00
L24	S 89°40'57" E	330.00
L25	S 00°37'05" E	66.00

CURVE	ARC	DELTA	RADIUS
C1	239.80	01°12'13"	11415.00
C2	280.76	01°23'47"	11520.00



LOCATION MAP



SEC. 26 & 35-T110N-R16W

PLEASE SEE ATTACHED SHEET FOR LEGAL DESCRIPTION

OWNERS AND DEVELOPERS:

DANIEL M. AND CONNIE R. RUDE
44781 COUNTY 168 BLVD
ZUMBROTA, MN 55992

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

APRIL 30, 2018

David G. Rapp

Dated:

David G. Rapp
Minnesota Registration No. 22044

RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD
KENYON, MN 55946
612-532-1263

DRAWN BY:

DGR

DATE:

4-30-18

PROJECT NO.

D1863PP

SCALE:

1"=300'

SHEET

2 of 2 sheets

BOOK/PAGE

41/48

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: May 21, 2018
Report date: May 11, 2018

PUBLIC HEARING: Jeff King/Kenneth Sheets – 8600 Skunk Hollow Way Cannon Falls, MN 55009. Parcel 37.004.2100; Part of the NW ¼ of the SE ¼ Sect 04 Twp 111 Range 17 in Leon Township. Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed 5 feet from a side-yard property line where 10 feet is required. A2 Zoned District.

Application Information:

Applicants: Jeff King (Purchaser) Kenneth Sheets (Owner)
Address of zoning request: 8600 Skunk Hollow Way Cannon Falls, MN 55009
Parcel: 37.004.2100
Abbreviated Legal Description: Part of the NW ¼ of the SE ¼ Sect 04 Twp 111 Range 17 in Leon Township.
Township Information: Leon Township endorsed acknowledgment of the applicant's request.
Zoning District: A2 (Agriculture District)

Attachments and Links:

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

Background:

Jeff King has a contract for deed to purchase the subject property from the current owner Kenneth Sheets. The 5.03-acre property consists of a 4 bedroom single-family dwelling with attached garage. The applicant desires to replace a failing subsurface sewage treatment system (SSTS) with a new compliant system.

Due to the location of the existing well, topographical relief and limited maintenance access a Type 1 (standard) soil treatment area cannot be designed to meet the 10-foot minimum setback to the north property line. In order to accommodate the applicant's wastewater treatment needs, the applicants SSTS designer (Roger Benson) is proposing a "box mound" septic system that would be placed 5 feet from the property line north of the existing driveway. A box mound is a mound-type SSTS that lacks the sloped absorption areas surrounding the distribution bed found in a typical mound septic system. Box mounds are considered a type 1 system in Goodhue County.

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 Goodhue County SSTS Ordinance is to protect public health and safety, protect groundwater quality, and prevent or eliminate the development of public health nuisances. It is intended to protect lakes, rivers, streams, wetlands, and groundwater in Goodhue County that are essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County.
- The applicant's proposed system would be located 5 feet from their north property line. The parcel due north of the proposed SSTS location is currently pasture land owned by Deborah McCleary that is unlikely to be affected by the proposed SSTS. The SSTS will be required to adhere to all other requirements of the Goodhue County SSTS Ordinance.

The applicant's proposed SSTS appears in harmony with the purpose and intent of the Goodhue County SSTS Ordinance.

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

- The Goodhue County Comprehensive Plan supports the use of existing rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County.

The applicant's proposed SSTS appears to be 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 desires to construct a replacement Type 1 "box mound" SSTS to replace the existing failing system in order to provide onsite soil treatment of the home's residential wastewater.

The applicant's proposal to replace the failing SSTS with a new compliant SSTS is a reasonable use of property in the A2 District.

- The applicant's 5.03 acre lot is a conforming lot that meets the 2 acre minimum lot size requirement for the A2 District.
- Severe topographic relief south of the existing dwelling limits the applicant's ability to site a Type 1 SSTS design in this area due to constructability challenges and access issues for future system maintenance and repairs.
- Fill soils surrounding the applicants residence further limit the ability to locate system meeting setback to the property line.
- A well located off the northwest corner of the attached garage which requires a minimum setback of 50 feet to an SSTS soil treatment area occupies most of the suitable area north of the dwelling.
- An alternative system location was considered southeast of the existing dwelling but was rejected due to construction challenges and maintenance access issues associated with the steep slopes in the location.
- Goodhue County Environmental Health Department staff was present on site with SSTS designer Roger Benson for the initial evaluation and offered the following comments regarding the variance request:

"The licensed septic contractor has proposed a "box mound" soil treatment system in the north west corner of the property. The steep grades and fill soils at the property limit the use of a majority of the area for adequate septic treatment and access for maintenance. Environmental Health recommends approval of the variance with the condition that the

variance only apply to the proposed septic system. Repairs and maintenance to the proposed system would be included by the variance, but an entire replacement soil treatment system would require another variance”

- A review of the existing development pattern adjacent to the applicant’s property reveals low density residential land use.

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.

- The applicant is not proposing a change in use.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the October 23, 2017 BOA 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 variance request to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed 5 feet the north property line where 20 feet is required.

Parcel 37.004.2100 located at 8600 Skunk Hollow Way Cannon Falls, MN 55009
Part of the NW ¼ of the SE ¼ Sect 04 Twp 111 Range 17 in Leon Township.

Board of Adjustment

Public Hearing
May 21, 2018

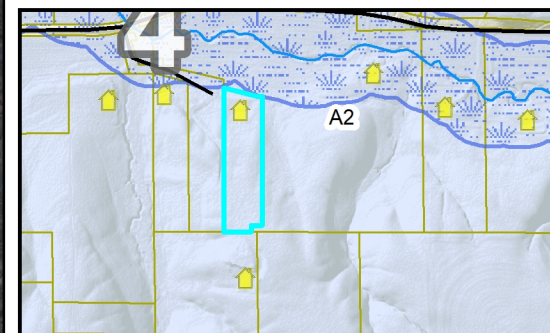
Jeff King/Kenneth Sheets
8600 Skunk Hollow Way
Cannon Falls, MN 55009
A2 Zoned District

Parcel 37.004.2100
NW ¼ of the SE ¼
S04 T111 R17 in
Leon Township

Request for variance
to SSTS property line
setback requirements

Legend

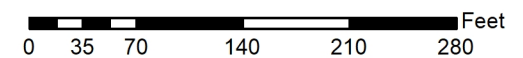
Intermittent Streams	Bluff Impact Zones (% slope)
Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



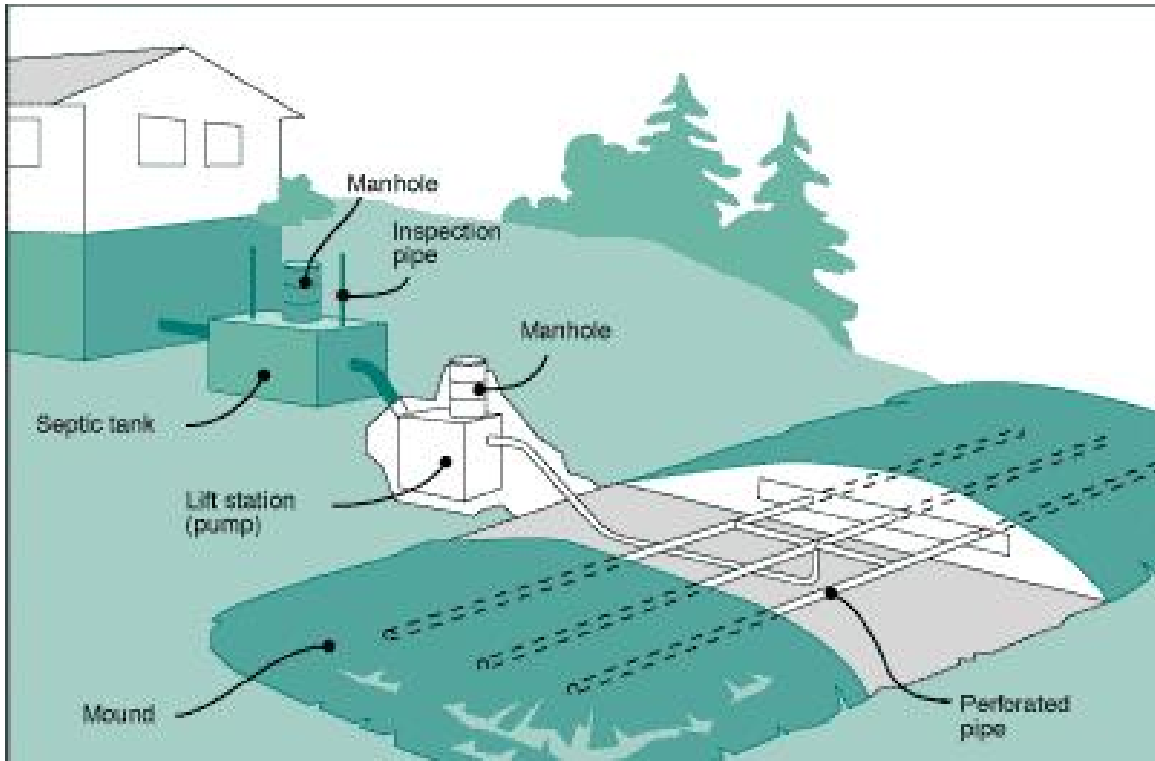
DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2018.

2016 Aerial Imagery

Map Created May, 2018, Ryan Bechel



Typical Minnesota Mound Septic System



Example Minnesota “Box Mound” Septic System



APPLICATION FOR Variance

For Staff Use only	
VARIANCE NUMBER:	218-0025
\$350 RECEIPT#	16246
DATE	4-26-18

SITE ADDRESS, CITY, AND STATE 8600 Skunk Hollow Way - Cannon Falls MN		ZIP CODE: 55009
LEGAL DESCRIPTION:		
Attached C		
PID#: 37-004-2100	ZONING DISTRICT:	LOT AREA (SF/ACRES):
LOT DIMENSIONS:		STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME Jeff King	
APPLICANT'S ADDRESS: 12042 247th St Cannon Falls, MN 55009	TELEPHONE:
	EMAIL:

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

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

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: SEPTIC	
	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:

TOWNSHIP SIGNATURE: By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.			Attached <input type="checkbox"/>
TOWNSHIP OFFICIAL'S SIGNATURE Ryan Melhouse	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE Regan Melhouse Chairman	DATE 4-17-18	

- 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 certified mail.
 4. Additional information or applications may be required

Applicant's Signature: Jeff King Date: 4/24/18

Print name: Jeffrey M. King (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: SSTS Ordinance.

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:

Septic system would be located 5 feet from property line. mound box system is best fitted here

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

Very inconvenient access on the hill side making it extremely costly

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:

Very steep grade in back of house making it hard to access

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

extremely costly and not accessible.

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

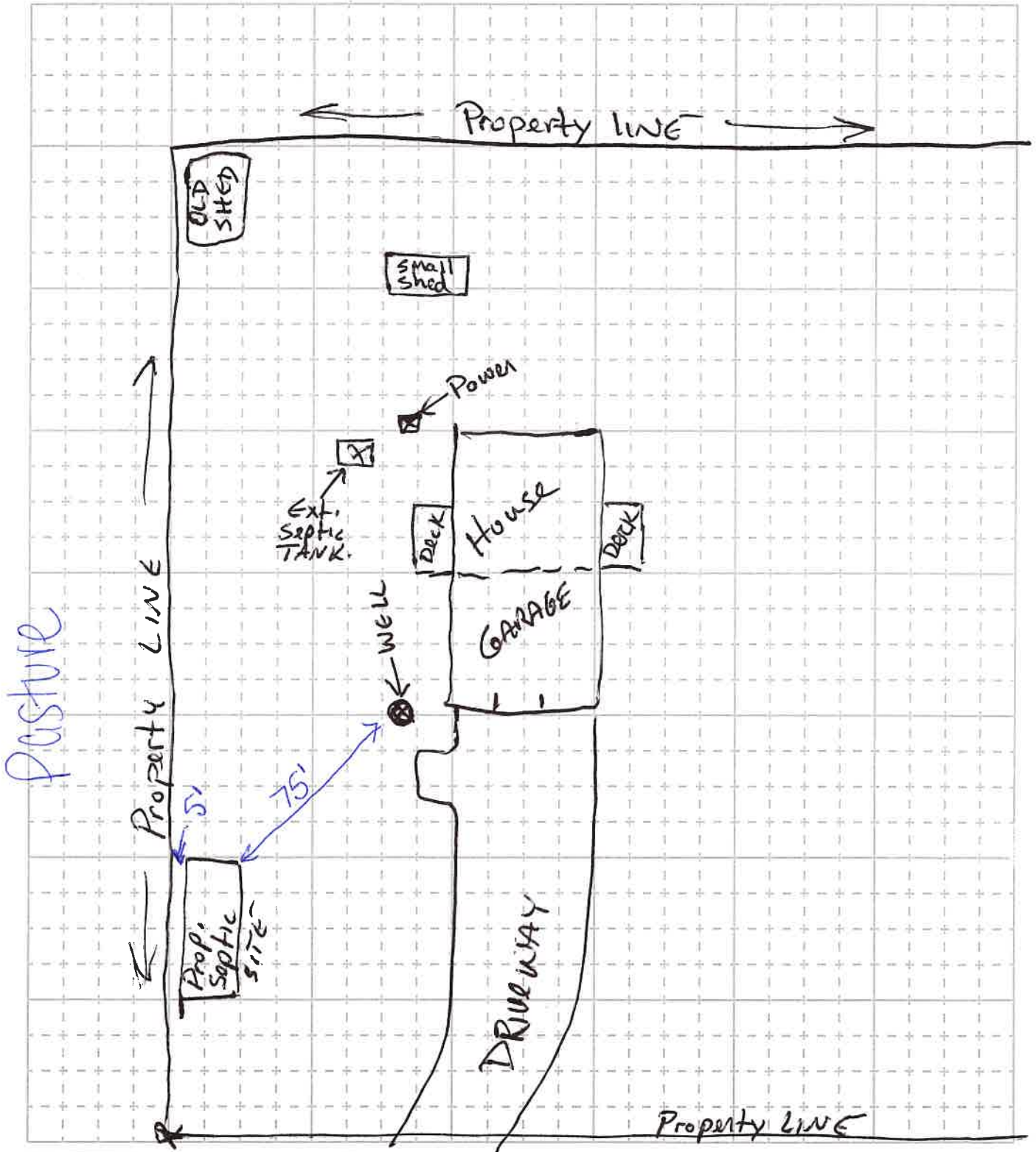
no other locations are suitable.

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

no. It is currently used as pasture.

ProEd

Professional Education Resources LLC
Office: 651.301.2121 | www.ProEdResource.com



STROBEL & HANSON, P.A.
Attorneys At Law

R 5423 R 37.004.2100
2018 Mod? Calc thru: 4/26/2018 MP#:

Taxpayer 45575 Total: EMV TMV Deeded acres
KENNETH SHEETS 244,600 244,600 5.03

TAMMY SHEETS
8600 SKUNK HOLLOW WAY
CANNON FALLS MN 55009

Dist: 3701 TIF Dist:
Plat:
Sect Twnshp Range Lot Block
04 111 017

Alternate

DOC#644578 PT OF NW1/4 OF
SE1/4 SEC 4-111-17 COM ON S
NON-HSTD - RESIDENTIAL

Escrow

*MORE

Prop Address

8600 SKUNK HOLLOW WAY CANNON FALLS MN 55009-5205

T	10/15/2018	Original	Adj/Chg	Payments	Unpaid Bal
-	Net Tax	2,456.00			2,456.00
-	Special Asmt				
Tot	before P&I	2,456.00			2,456.00
-	Penalty				
-	Interest				
-	Fees				
* *Totals		2,456.00			2,456.00

F2=Tier F14=Legal F16=Notes F17=APINs F19=OtherNames F24=MoreKeys
A=GS B=ASM C=DQ E=TR F=SP H=THST I=PRASC J=COJ P=PA R=ADJ U=CAMA Y=CMP

RECEIVED

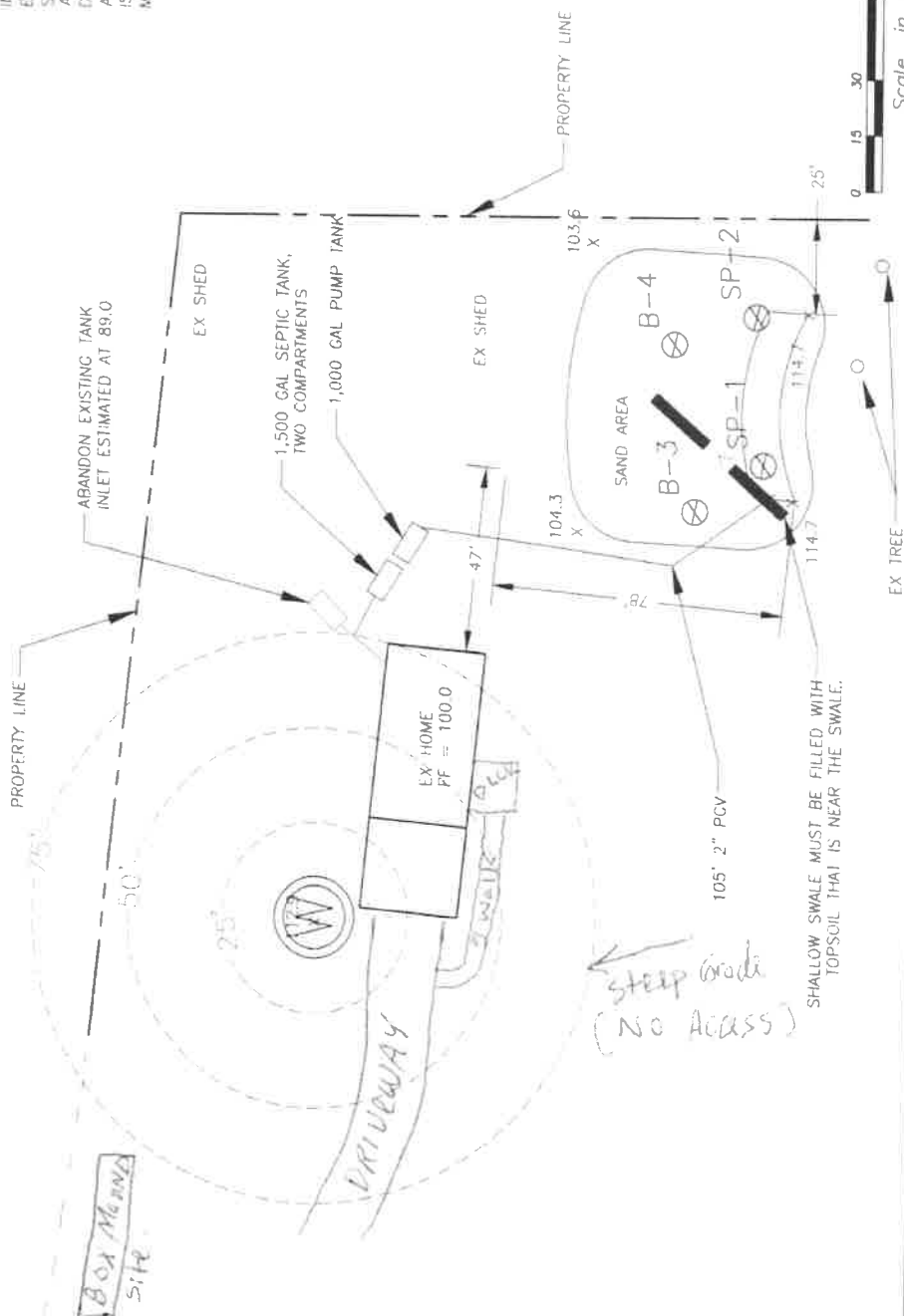
APR 26 2018

Land Use Management

Ryan left message
for Carrie to call
back - "King" - was
owner before Sheets

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MN RULES 7080 AND GOODHUE COUNTY CODES. ROCK BED SHALL BE 10' X 50'. SAND AREA IS 55' X 70'. HOME IS 4 BEDROOM, INSTALL A 1,500 GALLON TWO COMPARTMENT TANK WITH AN EFFLUENT FILTER. USE 1 1/2" LATERALS WITH 1/4" HOLES SPACED AT 36" ON CENTER. PUMP SHALL DELIVER 36 GPM AT 48 TDH. ABANDON EXISTING SEPTIC TANK AND DRAINFIELD. FIRST FLOOR ELEVATION EQUALS 100.0. THERE ARE NO WELLS ON ADJACENT PROPERTIES WITHIN 100' OF THE ISTS. THIS PLAN WAS PREPARED BY GREGORY R. HALLING, MPCA CERTIFICATION NO. 0914.

Gregory R. Halling

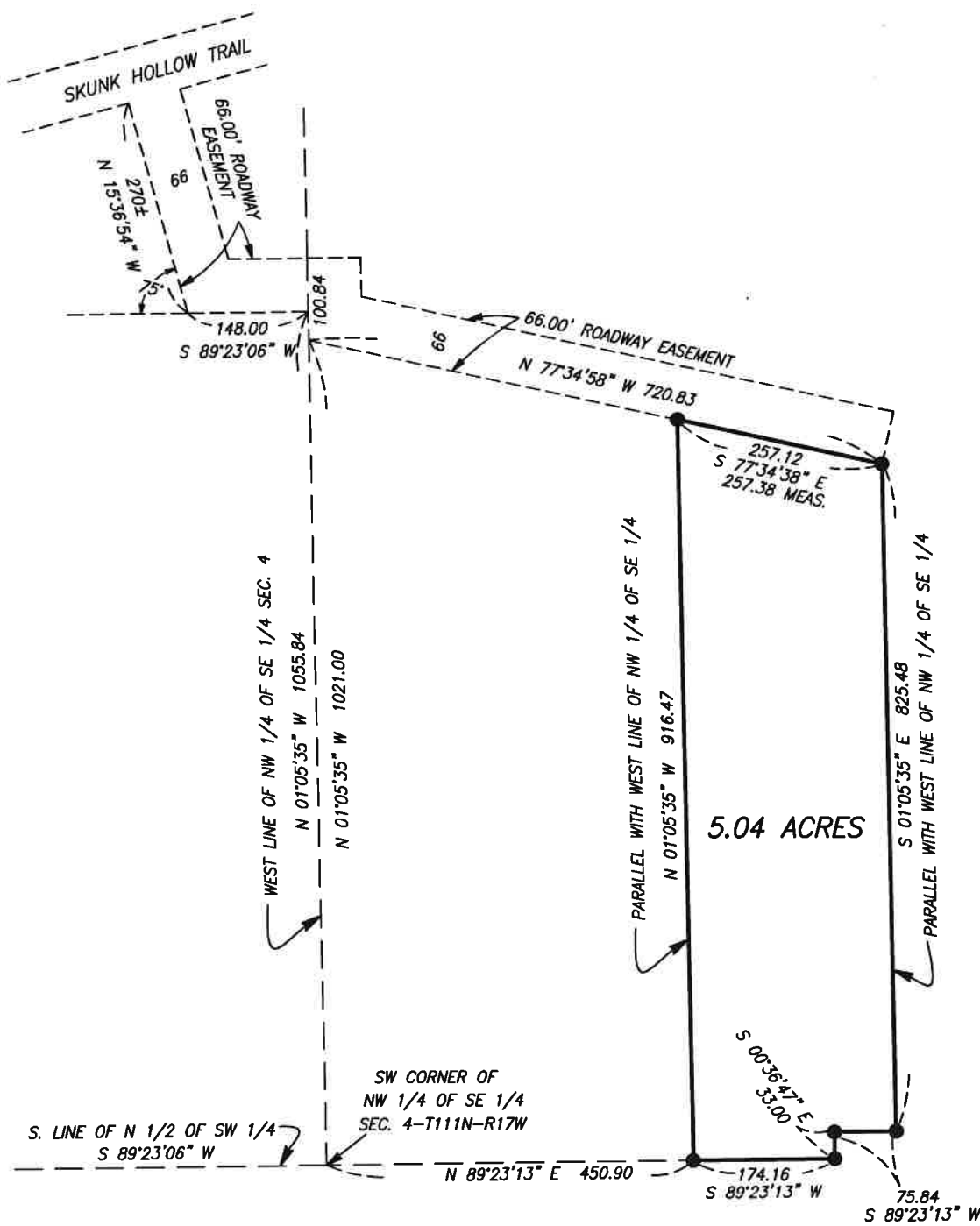


ISTS PLAN
8600 SKUNK HOLLOW TRAIL, CF
JEFF KING
SHEET 1

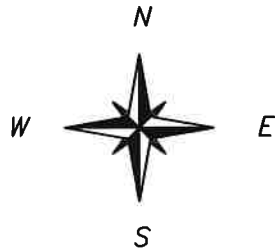
Halling Engineering, Inc.
CIVIL ENGINEERS
15815 Franklin Trail SE Suite 400 • Prior Lake, Minnesota 55372
Phone 952.440.1680 • Fax 952.440.1683
DRAWING FILE: 28101 base.dwg

PROJECT NO.: 281.01

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Registered Engineer under the laws of the State of Minnesota. Registration No. 122783
Date: 08/22/2000



● DENOTES IRON MONUMENT



CERTIFICATE FOR:
JEFF AND CARRIE KING
12042 267TH STREET
CANNON FALLS, MN 55009

LEGAL DESCRIPTION:

That part of the Northwest Quarter of the Southeast Quarter of Section 4, Township 111, Range 17, Goodhue County, Minnesota, described as follows: Commencing at the southwest corner of said Northwest Quarter of the Southeast Quarter; thence North 89 degrees 23 minutes 13 seconds East (assumed bearing) along the south line of said Northwest Quarter of the Southeast Quarter a distance of 450.90 feet to the point of beginning; thence North 00 degrees 55 minutes 17 seconds West, parallel with the west line of said Northwest Quarter of the Southeast Quarter a distance of 916.47 feet; thence South 77 degrees 34 minutes 38 seconds East a distance of 257.12 feet; thence South 00 degrees 55 minutes 17 seconds East, parallel with said west line, a distance of 825.48 feet; thence South 89 degrees 23 minutes 13 seconds West a distance of 75.84 feet; thence South 00 degrees 36 minutes 47 seconds East a distance of 33.00 feet, more or less, to said south line of the Northwest Quarter of the Southeast Quarter; thence South 89 degrees 23 minutes 13 seconds West, along said south line a distance of 174.16 feet to the point of beginning. Containing 5.04 acres, more or less.

Together with an easement for road purposes over a strip of land 66.00 feet in width, the south and west line being described as follows: Commencing at the southwest corner of the Northwest Quarter of the Southeast Quarter of Section 4, Township 111, Range 17, Goodhue County, Minnesota; thence North 89 degrees 23 minutes 13 seconds East (assumed bearing) along the south line of said Northwest Quarter of the Southeast Quarter a distance of 625.06 feet; thence North 00 degrees 36 minutes 47 seconds West a distance of 33.00 feet; thence North 89 degrees 23 minutes 13 seconds East a distance of 75.84 feet; thence North 00 degrees 55 minutes 17 seconds West, parallel with the west line of said Northwest Quarter of the Southeast Quarter a distance of 825.48 feet to the point of beginning of the line to be described; thence northwesterly to a point on the west line of said Northwest Quarter of the Southeast Quarter distant 1021.00 feet north from the southwest corner thereof; thence north along said west line of the Northwest Quarter of the Southeast Quarter a distance of 100.84 feet and there terminating. Together with an easement for road purposes over a strip of land 66.00 feet in width lying northerly and easterly of the following described line: Beginning at a point on the west line of said Northwest Quarter of the Southeast Quarter distant 1055.84 feet north of the southwest corner thereof; thence west parallel with the south line of the North Half of the Northeast Quarter of the Southwest Quarter a distance of 148.00 feet; thence deflecting 75 degrees right a distance of 270 feet, more or less, to its intersection with a township road and there terminating. All in Section 4, Township 111, Range 17, Goodhue County, Minnesota.

Subject to all easements and restrictions of record, if any.

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

APRIL 26, 2018

David J. Rapp

Dated:

David G. Rapp
 Minnesota Registration No. 22044

RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD
 KENYON, MN 55946
 612-532-1263

DRAWN BY: DGR	DATE: 4-26-18	PROJECT NO. D17269
SCALE: 1"=200'	SHEET 1 of 1 sheet	BOOK/PAGE 40/64

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: May 21, 2018
Report date: May 11, 2018

PUBLIC HEARING: Doug Mahoney – 32245 296th Street, Red Wing, MN 55066.

A2 Zoned District Parcel 320091201; Part of the South ½ of NW ¼ and part of the North ½ of the SW ¼ of Sect 09 Twp 112 Range 13 in Florence Township. Request for variance to restriction on mineral extraction of non-metallic mineral aggregates within Bluff impact zones.

Application Information:

Applicant(s): Doug Mahoney

Address of zoning request: 32245 296th Street, Red Wing, MN 55066

PID: Parcels 320091201

Short Legal Description: Part of the W 1450.00 feet of the S ½ of the NW ¼ and that part of the W 1450.00 feet of the N ½ of the SW ¼ of Section 9, Twp 112 N, Range 13 W, Florence Township.

Township Information: The Applicant has informed Florence Township that he has submitted both CUP and Variance requests to the County related to the proposed Mineral Extraction Facility. To date, the Applicant has attended two Township Planning Commission Meetings including conducting a site visit for Township Officials. Florence Township will require the Applicant to obtain an Interim Use Permit to operate the proposed mining facility as well as a Variance to allow a portion of the operation within a Bluff Impact Zone.

Attachments and Links:

Variance Application and submitted project summary (Excerpt from Mahoney CUP Application)

BOA Doug Mahoney Variance Site Location Map

Goodhue County Zoning Ordinance:

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

Background:

Doug Mahoney, owner of the subject property has submitted a Conditional Use Permit (CUP) Application proposing to re-open a previously operated mining site to extract non-metallic mineral aggregates. The site is proposed to include 13.4 acres of mining located on a parcel of property of 61.5 acres. The proposed mining operation will include a rock quarry (north pit) and sand and gravel mining area (south pit). The Mahoney CUP Application does not propose to mine within the Jordan Sandstone layer (*frac sand*). The subject property (Parcel #320091201) is located within Section 9, Florence Township, on property located within an A2 (Agriculture) Zone District. Mining that includes extraction of more than 400 cubic yards of non-metallic minerals resources per year is subject to approval of a

Conditional Use Permit or an Interim Use Permit by the County Board. The Planning Advisory Commission will consider Mr. Mahoney's CUP Application on May 14, 2018. The following link will provide access to the Planning Advisory Commission – May 14, 2018 Meeting Packet through the Goodhue County Website to view the completed Mahoney Mining Proposal: <https://www.co.goodhue.mn.us/Calendar.aspx?EID=1011>.

Portions of the proposed mining areas are located within Blufflands (Bluff Impact Zone). Current Bluffland Regulations restrict mining within the Bluff Impact Zone. For this reason, Mr. Mahoney has submitted a Variance Application to allow a portion of his proposed Non-Metallic Mineral Extraction Facility to be located within a “Bluff Impact Zone”.

Goodhue County Zoning Ordinance Article 10 includes the following relevant definitions

BLUFF. A high bank or bold headland with a broad precipitous sometimes rounded cliff-face overlooking a plain or body of water, especially on the outside of a stream or meander-river bluff, that rises or drops twenty-five (25) feet from the horizontal and the slope averages thirty (30) percent or greater.

BLUFF, TOE OF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.

BLUFF, TOP OF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.

BLUFF IMPACT ZONE. All of the land lying between the top of the bluff and the toe of the bluff.

More than ten years ago, Mr. Mahoney allowed the required annual registration for his mine to lapse. Mining on the property was originally started in 1978. Mr. Mahoney was provided numerous reminders to renew his registration before he was informed that he would no longer be allowed to operate his mining operation (2007). When Mr. Mahoney contacted the Land Use Management Department approximately two years ago to inquire about re-opening mining operations, he was told that he would be subject to obtaining a Conditional Use Permit or Interim Use Permit based on current County Mineral Extraction regulations. In addition, he was told that he would only be able to conduct mining operations within the Bluff Impact Zone if he was able to obtain a Variance to the restriction on mining within Bluff Impact Zone set forth in the County's Bluffland Regulations.

Included with this Staff Report are copies of Map A1 (Existing Site Conditions), Map B1 (Operations Map – South Pit) and Map B2 (Operations Map – North Pit). The toe or top of bluff have been identified on these maps. They illustrate that a portion of the proposed mining operation would be located within the Bluff Impact Zone.

Mr. Mahoney initially approached the County about applying for the CUP and Variance in January 2018. At that time, he had not contacted Florence Township and so he did not make application to the County. Mr. Mahoney proceeded to contact Florence Township to make Township Officials aware of his mining proposal and intent to apply for a CUP and Variance to Goodhue County. He attended a March 7, 2018, Florence Township Planning Commission Meeting and briefed that group regarding his proposal. The Florence Planning

Commission informed Mr. Mahoney that his proposed mining operation would be subject to obtaining an Interim Use Permit and Variance (to mine within a Bluff Impact Zone) from the Township. They proceeded to schedule a site visit on April 9, 2018, for Township Officials to visit the proposed mining site with Mr. Mahoney. County Planner and Zoning Administrator, Michael A. Wozniak, AICP, attended both the March 7 and April 9, Florence Township Planning Commission Meetings. The Township has taken no action regarding the Mahoney Mining proposal as of the date of the Staff Report (May 11, 2018)

Variance Standards:

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

Draft Findings of Fact:

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

- Article 22 (A-2, Agricultural District): The list of “Permitted Uses” for the Agriculture District includes “Subd. 6. Any mining, quarrying, excavating, or filling land subject to the standards of Article 14 (Mineral Extraction).”
- Article 12 (Bluff Land Protection): Section 4 (General Regulations), “Subd. 7. No Grading, excavating or filling (including Mineral Extraction) within the bluff impact zones, except for approved erosion control measures.” *The majority of the proposed operation is not located within the Bluff Impact Zone. In addition, the access road to the North Pit, the Quarry near the top of the bluff is already in place.*

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

- Element 2 (Natural Resources) of the Goodhue County Comprehensive Plan recognizes that County objectives and associated implementation measures to guide management of Non-Metallic Mineral Resources are needed to support official controls including land use regulations and projects to protect the public health safety and welfare.
- The Plan includes a specific objective to “establish regulations to minimize land use conflicts and degradation of the County’s scenic, recreational and natural resources while allowing limited opportunities for development of mineral resources. The restriction on mining within the “bluff impact zone” included in the County’s Bluff Land Protection Regulations serves to implement this plan objective. The Board of Adjustment has taken into account the limited total size of the proposed mining facility (13.4 acres of mining), and the fact that only approximately 1/3 of the acreage to be mined falls within the “bluff impact zone”. In addition, visibility of the North Pit (rock quarry) will be very limited. The North Pit is largely not visible from the base of the bluff and from Hwy 61.
- Earthen berms will partially screen views of mining activity in the South Pit from 296th Street and Hwy 61.
- Existing vegetation in the wetlands located between Hwy 61 and 296th Street/South

Pit will serve to screen views of the South Pit from Hwy 61 (northbound traffic).

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):**

- Mining Operations on the subject property began in 1978 and were authorized to operate in conformance with County Zoning requirements until 2007, when the required registration of the mine was allowed to lapse by the Applicant.
- Based upon concerns about the potential impacts on the County’s Bluff Lands from the mining of “Silica Sand” the material used in the Hydraulic Fracturing process in Oil and Gas Drilling/Extraction the County amended Bluff Land Protection Regulations to restrict mining within Bluff Impact Zones. This Ordinance change occurred between the date Mr. Mahoney was told he could no longer operate in 2007 and the submittal date of Mr. Mahoney’s CUP to re-open his mining operation (March 21, 2018).
- The proposed Non-Metallic Mineral Extraction Facility is of limited size and scope (13.4 acres of mining).
- Approximatley 1/3 of the proposed mining areas will be located within the “bluff impact zone”.
- The access road that connects the South Pit at the base of the bluff to the North Pit near the top of the bluff already exists.
- The North Pit, which is located partially within the bluff impact zone, is very concealed and would be visible only from limited vantage points elsewhere along the top of the bluff and not from the base of the bluff and along Hwy. 61.
- The Applicant has submitted a reclamation plans as part of the CUP Application for the proposed mining operation including those areas located within the Bluff Impact Zone. If approved, the CUP will include a requirement for the applicant to provide Financial Security to ensure that the County has the ability to reclaim the disturbed areas if the mining operation were to cease unexpectedly.

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.

- Mining is recognized as a “permitted” use within the A2 (Agriculture) Zone District.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the May 21, 2018 BOA 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:

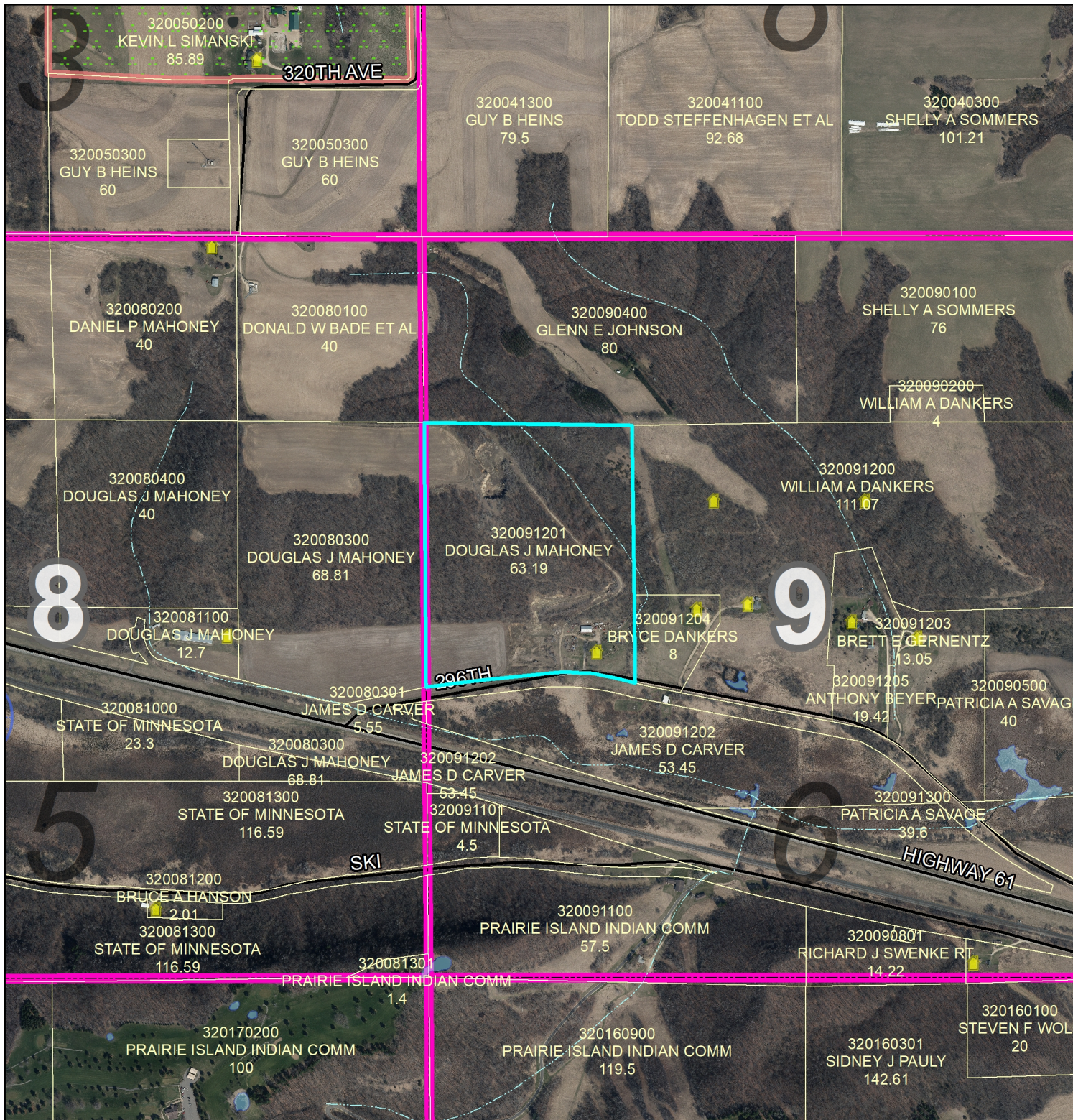
- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

Approve the request of Doug Mahoney for a variance to the restriction on mineral extraction of Non-Metallic Mineral Aggregates within Bluff Impact Zones. (Goodhue County Zoning Ordinance - Article 12, Section 4, Subd. 7.) Subject to the following:

1. Approval of the Doug Mahoney Conditional Use Permit to operate a Non-Metallic Mineral Extraction Facility by the County Board.
2. Operations within the Bluff Impact Zone shall be limited to mining and related activities in areas identified on Map A1 (Existing Site Conditions), Map B1 (Operations Map – South Pit) and Map B2 (Operations Map – North Pit)

Parcels 320091201 located at 32245 296th Street, Red Wing, MN 55066;

Short Legal Description: Part of the W 1450.00 feet of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and that part of the W 1450.00 feet of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 9, Twp 112 N, Range 13 W, Florence Township.



Board of Adjustment

Public Hearing
May 21, 2018

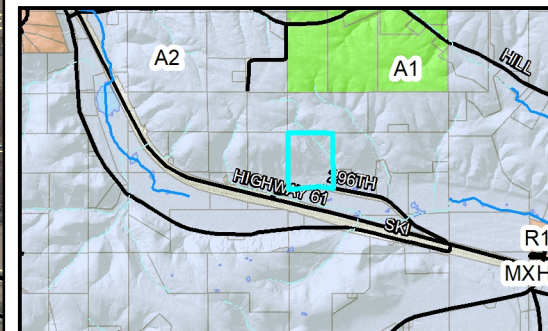
Doug Mahoney
32245 296th Street
Red Wing, MN 55066
A2 Zoned District

Parcel 32.009.1201
S 1/2 NW 1/4, N 1/2 SW 1/4,
Sect 09 Twp 112 Range 13
in Florence Township

Request for variance
to mineral extraction restrictions
within Bluff Impact Zones

Legend

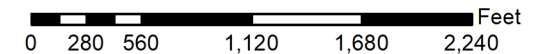
Intermittent Streams	Bluff Impact Zones (% slope) 20
Protected Streams	Bluff Impact Zones (% slope) 30
Lakes & Other Water Bodies	FEMA Flood Zones
Shoreland	2% Annual Chance
Historic Districts	A
Parcels	AE
Registered Feedlots	AO
Dwellings	X
Municipalities	



DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2018.

2016 Aerial Imagery

Map Created May, 2018, Ryan Bechel



APPLICATION FOR Variance

For Staff Use only

VARIANCE NUMBER

\$350 RECEIPT#

DATE

SITE ADDRESS, City, and State 32245 296th Street, Red Wing Mn.				ZIP CODE 55066
LEGAL DESCRIPTION: See attached documentation Attached <input checked="" type="checkbox"/>				
PID# 320091201	ZONING DISTRICT A-2 Ag.	LOT AREA(SF/ACRES): 61.5 acres	LOT DIMENSIONS roughly 1450 x 1900	STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME Doug Mahoney	
APPLICANT'S ADDRESS: 32245 296th Street Red Wing, Mn. 55066	TELEPHONE: (651) 380-3071 EMAIL:

PROPERTY OWNER'S NAME: Same as Above <input checked="" type="checkbox"/>	
PROPERTY OWNER'S ADDRESS:	TELEPHONE: () EMAIL:

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

(Please check all that apply) ADDITIONS TO BUILDING: <input type="checkbox"/> New Building on vacant land <input type="checkbox"/> Rear <input type="checkbox"/> New Addition to existing building <input type="checkbox"/> Front <input type="checkbox"/> Animal Building <input type="checkbox"/> Side <input type="checkbox"/> Storage building <input checked="" type="checkbox"/> Other Please clarify The purpose of this variance is to be able to mine less than 300 feet from a bluff zone.	CURRENT OR PREVIOUS USE: This land was previously used for nonmetallic aggregate mining.	
	PROPOSED USE: The proposed land use is for nonmetallic aggregate mining.	
	BUILDING APPLICATION PERMIT NO. (if filed)	DATE FILED:

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

- By signing you acknowledge:
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 meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
 4. Other information or applications may be required.

Applicants Signature: Douglas J Mahoney Date: 11-2-17

Print name: Doug Mahoney owner or authorized agent

Project Summary

Please cite the Ordinance and Section(s) you are requesting a variance from: Article 12 Section 4 Subdivision 7

Please state the purpose of the variance and requested outcome: The purpose of this variance request is to allow nonmetallic aggregate mining less than 300 feet from a bluff zone. No mining shall be done in Bluff Impact Zones.

Variance Findings (Attach a separate sheet if more space is needed)

Pursuant to Goodhue County Zoning Ordinance Article 5, before approving a variance application, the Board of Adjustment needs to find that the facts presented are such to establish the findings stated below. In the space below or on a separate paper. Please state how the project is consistent with each policy. Each statement should refer to specific conditions applicable to the property. If a given policy does not apply to your project, explain why it does not.

The Board of Adjustment may grant a variance only if the variance request complies with each and every one of these findings in full. Completing the variance application is the Applicant's responsibility. If the description of how the project meets all of the criteria are not fully supported with written information and supporting documents, the Board may find the information insufficient and the criteria are not justified.

The variance request is in harmony with the general purpose and intent of the official provisions.

The purpose of the official provisions are to protect Bluff Zones and their natural communities. The use of Best Management Practices such as silt fence and berming will take place outside of bluff impact zones. These practices will protect the bluff zones, and allow the mined area to be reclaimed in a way that will improve the general habitat for species in the area.

The variance request is consistent with the Goodhue County 2016 Comprehensive Plan.

This variance request complies with Element 2: Natural Resources of the 2016 Comprehensive Plan. The mining operation does not adversely affect the bluff zone or any scenic amenities in the area. This variance would bring a previously mined area to a reclamation that fits today's standards.

There are practical difficulties in complying with the official controls. Practical difficulties means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.

The existing mining areas are less than Three hundred feet from the bluff zones. The expiration of the previous mining permit left some areas against bluff zones unreclaimed. This variance would allow reclamation in these previously mined areas.

The plight of the land owner is due to circumstances unique to the property not created by the land owner.

This variance would not be required had the initial permit been renewed in a timely manner. Mr. Mahoney wishes to resume his previously permitted mining operation and needs this variance because of changes in the County rules since the granting of his expired permit.

The variance, if granted, will not alter the essential character of the locality.

The requested variance would not harm the character of the area. As stated previous mining has occurred in this area. The reclamation of this area would enhance the view from highway 61.

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. Will approval of the variance request change the use to something that is prohibited in the district?

The requested variance will not create an unallowed use.

The Board of Adjustment may impose conditions that are directly related to and must bear a rough proportionality to the impact created by the variance.

Nonmetallic Mining Reclamation Plan

Location: Part of the NW $\frac{1}{4}$ & SW $\frac{1}{4}$ Sec
9, T112N, R13W, Florence Township
Goodhue County, Minnesota

Owner & Proposer: **Doug Mahoney**



Prepared by:
Johnson & Scofield, Inc.
1203 Main Street
Red Wing, MN 55066

 **JOHNSON & SCOFIELD INC.**
Surveying & Engineering



JOHNSON & SCOFIELD INC.

SURVEYING AND ENGINEERING

1203 Main Street • Red Wing, MN 55066 • Telephone: Red Wing (651)388-1558 • Fax: (651)388-1559
626 Jefferson Ave • Wabasha, MN 55981 • Telephone: Wabasha (651)565-3244 • Fax: (651)565-4394
1112 TH 55, Suite 201 • Hastings, MN 55033 • Telephone: Hastings (651)438-0000 • Fax: (651)438-9005
4240 West 5th Street • Winona, MN 55987 • Telephone: Winona (507) 454-4134 • Fax: (507) 454-2544

David A. Johnson
Minnesota and Minnesota
Licensed Land Surveyor
Wabasha County Surveyor

Alan K. Scofield
Minnesota Licensed
Land Surveyor

Marcus S. Johnson
Minnesota and Minnesota
Licensed Land Surveyor

Mitchell A. Scofield
Minnesota Licensed
Land Surveyor

Brian K. Wodele
Minnesota and Minnesota
Licensed Land Surveyor

Steven P. Voigt
Minnesota Licensed
Professional Engineer

Tony A. Blumentritt
Minnesota and Minnesota
Licensed Land Surveyor

May 22, 2017

Mr. Doug Mahoney
32245 296th Street
Red Wing, Mn 55066

Re: Reclamation Plan
Goodhue County
Parcel 320091201
Near Frontenac Minnesota

Dear Mr. Mahoney:

As one of the requirements of a Conditional Use permit you received for an expansion of your existing mining operation, we are please to present this Reclamation Plan for your industrial zoned mining operation near Frontenac, Mn. This plan contains the plan narrative and maps of existing and proposed future topography for your entire mining site.

It has been our pleasure to assist you in preparing this plan and we thank you for choosing Johnson & Scofield, Inc. to be your consultant for this service. If you have questions about this plan, or if there are additional services we can provide in support of this plan or other work you propose to do, please call our office (651) 388-1558 and talk with either Steve Voigt (Ext.103) or Marcus Johnson (Ext.107).

Sincerely,

JOHNSON & SCOFIELD INCORPORATED

Steven P. Voigt
Senior Engineer

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SITE INFORMATION

Description of Operation

Responsible Person: The Owner is the responsible person with legal and operational responsibility for this proposed mining pit and its' operation and long term maintenance.

Owner contact information is:

Mr. Doug Mahoney
32245 296th Street
Red Wing, Mn 55066
Phone (651) 380-3071

Location: The Owner proposes to reopen an existing mining area to extract nonmetallic mineral aggregates. The proposed pit location is in the West 1450.00 feet of the South Half of the Northwest Quarter and That part of the West 1450.00 feet of the North Half of the Southwest Quarter of Section 9, Township 112 North, Range 13 West, Goodhue County, Minnesota, which lies northerly of the centerline of the concrete paved Township Road (Old State Highway Number 61). in the Florence Township, Goodhue County, Minnesota. Specifically, the area is in Goodhue County Parcel #'s 320091201. This parcel and other contiguous parcels are currently zoned "A2-AGRICULTURAL". (See attached Appendix "O"). The total site area is 61.5 acres. The area to be mined is approximately 13.4 acres (See attached Appendix "A" for legal description and boundary survey of subject parcel).

Estimated Time of Operation: This Mining operation could last as long as 20 years. The general hours of operation is estimated to be from 6 a.m. to 10 p.m., and will be opened from Monday to Saturday.

List of Equipment: This Mining operation will use traditional equipment for the excavation, transport and processing of nonmetallic mineral aggregate. See Appendix "B" for the list of planned operation equipment.

Explosives: This Mining operation will use explosives in the North Pit for blasting rock. This will be handled by a third party. No explosives will be stored on site. The third party will be responsible for all applicable permits, notifications, and seismic monitoring.

List of Chemicals: There are no plans to use any chemicals for dust suppression or mining purposes on this site.

Traffic and Weight Enforcement: There will be a scale onsite to weigh vehicles before they leave the mining site. The site will have access to U.S. Highway 61 from 296th street. 296th street is a concrete paved road, and Hwy 61 has no spring weight restrictions (See attached Appendix "N"). Mr. Mahoney owns the land between the entrance on 296th and Hwy 61, therefore the houses to the east of the subject property should not be affected by the additional traffic load created for hauling the mineral products.



Source and Disposition of Water: Water use is planned at this site. All material washing activities will take place at the existing sand pit. A brief description of the washing process here follows. Raw mined material is dumped into a feed grisly and conveyed to the wash plant. Within the wash plant are three vibrating grates causing separation into three size groups after removing most of the 200 (opening/inch) minus fines. Through the use of sieves, jigs and shakers, four products are produced. These products are then used to create the gradation mixes required by the Owners customers.

To facilitate this washing process, wash water historically was collected in a ground water basin in the existing sand pit.

Topographic Map: Maps showing the existing site conditions and the projected conditions after reclamation activities are complete can be found in Appendix "F", "G", & "H" of this plan identified as Existing Conditions, Proposed Operations, and Reclamation Topographic maps.

Depth of Excavations:

Existing – Excavations in the existing sand pit are on average 20-30 feet in depth. Excavations in the existing rock quarry are on average 70-80 feet in depth. Previous mining activity has occurred on this property from which topsoil was removed to create required berms along 296th street. These berms are permanent and will remain throughout the life of this mining project and beyond.

Proposed – The Owner proposes to open and operate, over a period of several years (perhaps 20 years or longer), approximately 16.0 acres of this property. This will be accomplished in phases. Each phase will consist of strips of land running north and south (roughly parallel with the west property lines of the parcel). The topsoil will be stripped at the commencement of each phase and added to existing and proposed topsoil stockpiles currently located around the existing pits.

In the sand pit mineral aggregates will be removed from this pit commencing at a point not closer than 50 feet from the property line to a depth of approximately 30 feet or a maximum of 8 feet below the ground water table elevation. The ground water level is well known due to the previous mining activities in the pit. When most of the existing mineral deposit located above the water table is removed, backhoe excavation will continue below the water table in the center of the pit or dredging equipment will be brought into the site to remove additional mineral material depending on slope stability and mineral availability. Contemporaneous reclamation will be done on this site due to the need to store topsoil and overburden.

In the rock quarry, mineral aggregates will be removed from this pit commencing at a point not closer than 30 feet from the property line to a depth of approximately 75 feet. The ground water level is well below (100-200 feet) the intended excavation depths.

Topsoil Removal and Storage: A significant amount of the available topsoil has and will be removed from existing mining areas and placed into stockpiles and berms. These berms will be constructed in a 30 foot corridor area lying between the pit sites and the property lines along the highway. No grading will take place during this topsoil removal that would create slopes that could contribute to erosion and sediment runoff to surrounding surface waters.

As explained above, the majority of topsoil will be removed in stages as access to mineral deposits is needed. The remaining topsoil will be added to existing, and proposed topsoil stockpiles. As mining operations progress and as room becomes available in this new pit, topsoil may be stockpiled in areas of this pit where mining operations will have been completed and no additional mining is anticipated.

All of the topsoil in the Rock Quarry areas on this site is classified as silt loam. The topsoil in the Sand Pit is approximately 80% silt loam with the remaining 20% being sandy loam located along the northern pit boundary. See Appendix "D" for a detailed soils report of this site.

The Owner gives assurance that 12 to 18 inches of topsoil will be salvaged and/or substituted and stored for final site reclamation. The Post-mining land use will continue to be A2-agricultural and it is assumed that related man-made structures will be added to this site at some future time. If a pond is made and is of sufficient size and depth, it may support fish habitat and provide that additional recreational use.

Biological Resources, Plants and Wildlife: The present use of this site is agricultural and forest/wooded land. This site contains no protected or special plant communities or wildlife species. This statement is made from the Owners personal knowledge of the site and from an Endangered Resources Review Request reports for both the existing Mahoney pit and this new proposed pit area. These reports were made in response to Endangered Resources Review Requests submitted to the Minnesota DNR (See Appendix "E"). There are no other known biological resources present on this site. There is no plan to eliminate some of the forested areas. Any future plans to eliminate forested areas should be minimal and will have a minimal impact on wildlife habitat. This reclamation plan does not propose to restore forest area to the pre-reclamation condition.

Man-made Features: This site is surrounded by man-made features. Along the South property line parallel with 296th street, is the highway and utilities within the right-of-way.

Near the east property line is an existing home site with buildings, fences, wooded area, a driveway and a well.

Across the North property line is an existing wooded area with no man made features.

Along the west property line is an agricultural field, and wooded area.



Historical and Archeological Sites : There are no known Historical, Cultural, and Archeological features within one mile of the proposed mining facility. The closest known historical features would be the Old Frontenac Historic District.

Monitoring of the Mine: The Owner will be responsible for the over-all operation and management of the mine. This includes minimization of mining waste and management of mining waste disposal (primarily stripping waste material that will be used for final slope construction).

It also includes disposal of wastes that are not mining wastes (temporary structures, equipment refuse, miscellaneous and temporary debris storage, etc.). Any non-mining waste will not be allowed to accumulate in significant quantities within the mine. These will be disposed of in accordance with local, state and federal laws through proper use of demolition landfills and recycling facilities. Equipment or materials that are unrelated to the mining operation (ie: junk-yard collection) will not be allowed to be stored on this mining site.

Any waste materials stored on the mining site will be Non-Toxic. Safety of these areas will be addressed primarily by creating stable 3:1 or flatter slopes when the storage areas are made. All entrances to the mine will be posted to warn of "NO TRESPASSING" by non-employees to discourage any public access. Since the owner of this mine lives on site someone will usually be present to help enforce the restricted access and other mining safety rules.

Groundwater quality is always a concern. The primary threat to water quality at this mining operation will be leakage or spillage of diesel fuel, hydraulic, motor and other oils, anti-freeze and other equipment operational fluids. To minimize this type of contamination, the Owner will centralize the servicing and fueling of all mobile equipment in the existing Mahoney pit and all fuel will be brought on-site by mobile transport trucks. For minor fueling needs, there is a 1000-gallon MSHA approved above ground Diesel fuel tank that is used on the existing Mahoney pit.

Surface water runoff quality will not be a major issue or concern due to the fact that all surface runoff will be contained within the mining site area. Any erosion that occurs will be negated by the continuing mining operation. Any siltation or runoff deposition will be captured through the mining and material sorting process. Any erosion or sedimentation that does occur will take place below the existing ground surface elevation and will therefore have no possible way to flow into and contaminate existing surface waters in the surrounding area.

POST- MINING LAND USE

The existing zoning for this site is Agricultural and the post-mining land use will continue to be Agricultural unless the property is re-zoned at some future time. As stated above, it is assumed that future Agricultural development will occur on this property. This will likely result in the creation of man-made structures such as buildings, fences and

associated infrastructure. Examples of future potential uses such as tree farming, plant nurseries and sales, or agricultural operations, are just a few possibilities.

RECLAMATION MEASURES

The sand pit site will be excavated to a depth approximately 30 feet below the existing ground level. This excavation will be a continuation of and westerly progression of the current excavation. A possible exception to this would be deeper excavation near the center of this site which would probably become a permanent pond. All slopes around the boundary of this site will be constructed to 3:1 (3-feet Horizontal to 1-foot Vertical). If a pond is constructed, a 4:1 slope will be constructed from the final ground surface to a point where it intersects the water table. From this point, a 10:1 bench will be constructed below the water surface for a minimum of 10 feet horizontal distance followed by a 3:1 or steeper final slope to the pond bottom. This final slope is not deemed to be potentially hazardous as depth of the pond is not likely to be very great for economic reasons and because this slope would be submerged at all times.

3:1 final slopes will be constructed along the entire proposed pit perimeters. Exposed areas of the mine will be covered with approximately 18 inches of salvaged or substitute topsoil to support re-vegetation, over a minimum of 2 feet of overburden material . A temporary cover crop of oats or rye will be planted to produce quick germination and site stabilization until the permanent seed mixture begins to grow. (See Appendix "K").

PROJECTED COST OF RECLAMATION

The costs for reclamation will consist of final site grading to produce 3:1 and other proposed slopes as shown on the Post-Reclamation Topographic map, the retrieval and spreading of overburden and topsoil on all exposed areas, and the planting of the nurse crop and required seed mixture as specified by Florence Township or Goodhue County. Costs will also include maintenance until site stabilization. With lengthy 3:1 slopes prevalent at this site, washouts will likely occur from significant rain events necessitating some minor re-spreading and or replacement of topsoil followed by re-planting. To hasten site stabilization, erosion control blankets may be installed in some of the more challenging areas of the site. The Owner will strive to find a balance between using this more expensive remedy and performing repeated repairs in the more problematic areas of the pit.

Estimate of Reclamation Costs (In 2017 dollars):

• Dozer and grading operations:	40 Hours @ \$150/hr	\$6,000
• Topsoil Placement:	40 Hours @ \$500/hr	\$20,000
• Category 3 Erosion Control Blanket	Lump Sum @	\$15,000
• Seed	Lump Sum @	\$2,500
• Mulch	Lump Sum @	\$3,200
• Repairs and Maintenance	Lump Sum @	\$10,000
	TOTAL ESTIMATED RECLAMATION COST	\$56,700



CRITERIA OF RECLAMATION PLAN

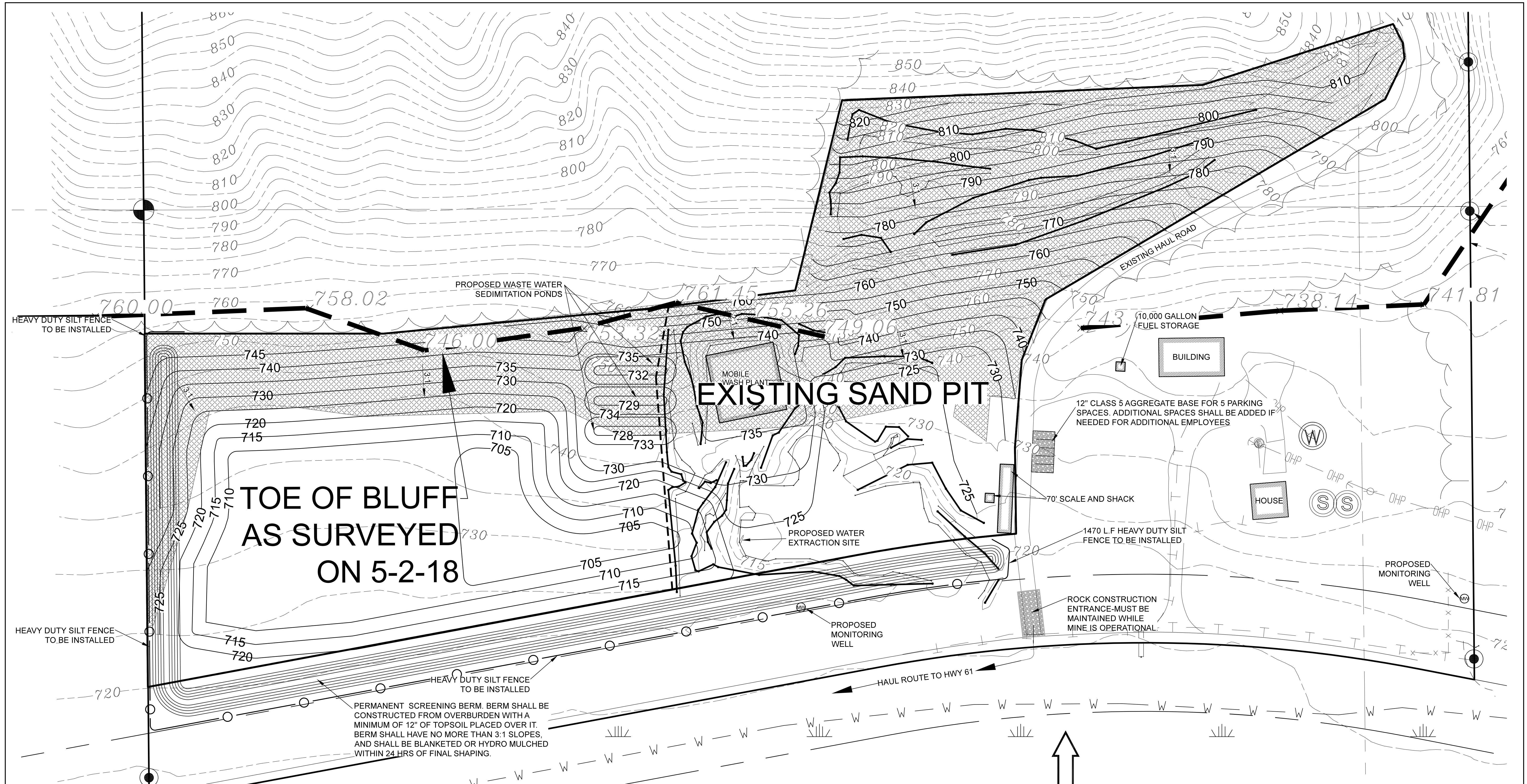
The criteria for assessing when reclamation is complete and, therefore, when the financial assurance can be released shall be based upon the following quantifiable criteria:

- 1.) No slopes shall remain on the reclamation site (except for rock quarry walls) that are greater than 3:1 which is equivalent to a slope angle of approximately 18.5 degrees. This can be easily field verified by use of transits or clinometers or by use of a fabricated template with a level attached to the horizontal arm.
- 2.) Re-vegetation and stabilization success shall be identified by comparison to control plots established either earlier in the same year or in previous years on areas that are relatively flat (less than 2% slope) and have standing vegetation of at least 6 inches in height. Re-vegetation shall be considered successful when vegetative cover density on the entire site is approximately 85% of the control plot density.
- 3.) Successful establishment of tree growth shall be recognized when, after 6 months from planting, 95% of planted trees are still in good health, showing no signs of distress (such as wilting or discolorization), and are properly supported.

CERTIFICATION OF RECLAMATION PLAN

Certification of this Reclamation Plan shall be accomplished in accordance with Goodhue County article 14 Mineral Extraction.

The Owner (or his designee) shall submit to Goodhue County a request for inspection when reclamation work has been completed.



**TOE OF BLUFF
AS SURVEYED
ON 5-2-18**

EXISTING SAND PIT

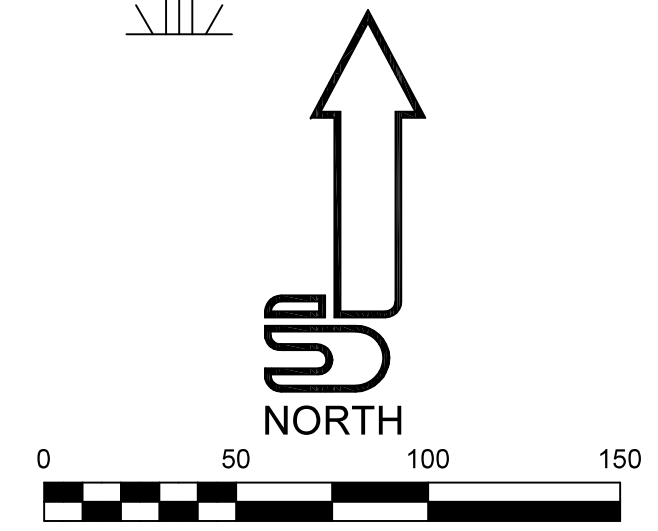
LEGEND

- These standard symbols will be found on this plan sheet.
- DENOTES SECTION LINE
 - DENOTES CENTERLINE OF ROAD
 - DENOTES PROPERTY LINE
 - DENOTES 60° BOUNDARY OFFSET LINE
 - DENOTES EXISTING ROAD RIGHT OF WAY LINE
 - DENOTES EASEMENT
 - DENOTES WETLAND BOUNDARY
 - DENOTES EXISTING TREE LINE
 - DENOTES EDGE OF GRASS AND CROP
 - DENOTES EXISTING PIT BOUNDARY
 - DENOTES EXISTING INDEX CONTOUR AND ELEVATION
 - DENOTES EXISTING OVERHEAD POWER LINE
 - DENOTES EXISTING UNDERGROUND TELEPHONE LINE
 - DENOTES EXISTING FENCE
 - ⊕ DENOTES SECTION CORNER
 - ⊙ DENOTES EXISTING IRON PIPE (BOUNDARY MARKER)
 - ⊙ DENOTES EXISTING ELECTRIC METER
 - ⊙ DENOTES EXISTING POWER POLE WITH GUY WIRE
 - ⊙ DENOTES WELL
 - ⊙ DENOTES SEPTIC SYSTEM
 - ⊙ DENOTES EXISTING WETLAND
 - ⊙ DENOTES PROPOSED INDEX CONTOUR AND ELEVATION LABEL
 - ⊙ DENOTES PROPOSED MONITORING WELL

QUANTITIES

AREA	TOPSOIL	OVERBURDEN	MINERAL EXTRACT
9.95 ACRES	10875	35220	196400

THE EXACT AMOUNT OF TOPSOIL AND OVERBURDEN IN THE EXISTING PIT IS UNKNOWN, AND MAY CAUSE THESE QUANTITIES TO VARY, HOWEVER THE TOTAL CUBIC YARDAGE OF MATERIAL TO BE MOVED SHOULD BE ACCURATE.



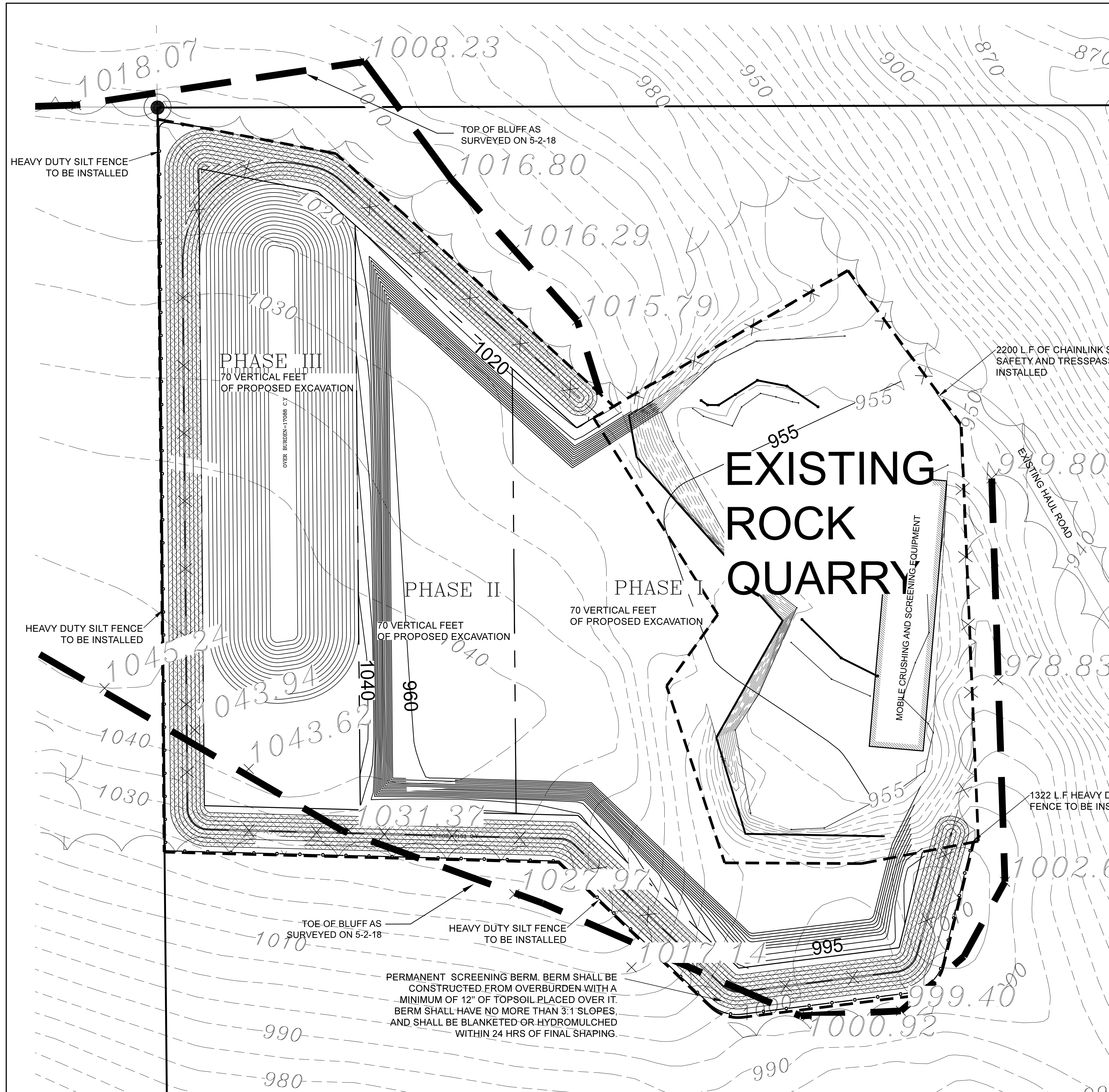
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JOHNSON & SCOFIELD INC.
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DESIGNED	DRAWN	CHECKED	REVISED	BY	DATE	LATEST REVISION:
SPV	SPD	SPV				Prepared For: DOUG MAHONEY 32245 296TH STREET RED WING, MN 55066 PHONE: 651-380-3071

DOUG MAHONEY
FLORENCE TOWNSHIP, MINNESOTA

**MAP B.1 PROPOSED
OPERATIONS- SOUTH PIT**
SHEET 1 OF 3 SHEETS



LEGEND
These standard symbols will be found on this plan sheet.

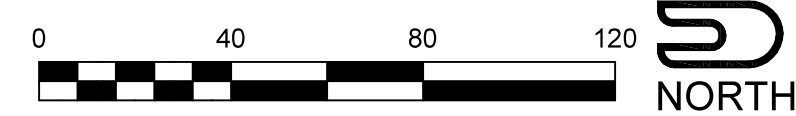
- DENOTES SECTION LINE
- DENOTES PROPERTY LINE
- DENOTES EXISTING TREE LINE
- DENOTES EDGE OF GRASS AND CROP
- DENOTES EXISTING PIT BOUNDARY
- DENOTES EXISTING INDEX CONTOUR AND ELEVATION
- DENOTES PROPOSED QUARRY EXPANSION
- DENOTES PROPOSED CHAINLINK SECURITY FENCE
- DENOTES PROPOSED INDEX CONTOUR AND ELEVATION LABEL

QUANTITIES

PHASE	AREA	TOPSOIL CY	OVERBURDEN CY	MINERAL EXTRACT CY
I	1.19 ACRES	2870	9887	121190
II	1.0 ACRES	2428	8365	104963
III	1.21 ACRES	2927	10081	123568
TOTAL	3.40 ACRES	8225	28333	349721

SEDIMENT AND EROSION CONTROL

- CONTRACTOR SHALL INSTALL PERIMETER SILT FENCE BEFORE START OF ANY CONSTRUCTION ACTIVITY. TO PREVENT SEDIMENT RUNOFF FROM REACHING THE CURB OR STREET RIGHT OF WAY, PERIMETER DOWN-SLOPE SILT FENCE SHALL BE INSTALLED ACROSS ALL PRIVATE LOTS. WHILE STILL VULNERABLE DUE TO EXPOSED SOIL, ROCK CHECK DAMS WILL BE PLACED EVERY 25 FEET ALONG THE CENTERLINE OF EACH DRAINAGE SWALE ON GRADES EXCEEDING 4% TO REDUCE FLOW VELOCITIES THAT CAUSE EROSION. SEE DETAIL SHEET.
- TO PREVENT TRACKING OF DIRT ONTO HARD SURFACE STREET RIGHT-OF-WAY, ROCK CONSTRUCTION ENTRANCES SHALL BE INSTALLED AND MAINTAINED UNTIL VEHICLE ENTRANCES ONTO THE SITE ARE NO LONGER REQUIRED AND TOPSOIL IS SCHEDULED TO BE REPLACED. ALL VEHICLE ACCESS TO THIS SITE SHALL USE THE ROCK CONSTRUCTION ENTRANCES. SHOULD THE ROCK CONSTRUCTION ENTRANCES BECOME INEFFECTIVE DUE TO EXCESSIVE SOIL CONTAMINATION, THEY SHALL BE REMOVED AND REPLACED. SEE DETAIL SHEET.
- SUFFICIENT TOPSOIL IS TO BE SALVAGED TO PROVIDE COVER AFTER GRADING OPERATIONS. ALL SOIL STOCKPILES AND FINISHED GRADED AREAS ARE TO BE SEEDED IMMEDIATELY IN ORDER TO ESTABLISH VEGETATION WITH WHEAT OR RYE GRASS @ 100 LB./ACRE.
- DURING CONSTRUCTION INSTALL AND MAINTAIN APPROVED INLET PROTECTION AT ALL ACTIVE STORM SEWER INLETS. SEE DETAILS SHEET. SEDIMENT RUNOFF SHOULD BE MINIMIZED BY RESPONSIBLE SITE EROSION CONTROL. EROSION CONTROL MEASURES MUST BE INSPECTED BY THE CITY BEFORE ANY GRADING ACTIVITY BEGINS. TO PREVENT SILT AND SEDIMENT FROM ENTERING THE STORM SEWER SYSTEM, A FILTER BAG INSERT, SEDIMENT CONTROL INLET HAT, ROCK LOG RING OR OTHER DEVICE APPROVED BY THE CITY, SHALL BE INSTALLED AT THE INLET.
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE STABILIZED AS SOON AS POSSIBLE. AREAS THAT HAVE BEEN DISTURBED OR AT FINISH GRADE, BUT HAVE NO ACTIVE WORK, SHALL BE SEEDED AND MULCHED OR SODDED WITHIN 14 DAYS, EXCEPT ON SLOPES STEEPER THAN 4H:1V. STEEPER SLOPES SHALL BE SEEDED AND COVERED WITH AN EROSION CONTROL BLANKET OR SEEDED AND MULCHED WITH A TACKIFYING AGENT OR SODDED. AS SOON AS POSSIBLE AFTER GRADING OPERATIONS HAVE BEEN COMPLETED, TOPSOIL SHALL BE SPREAD AND THE ENTIRE SITE SHALL BE VEGETATED. FINAL SITE STABILIZATION SHALL BE EVIDENT WHEN SEEDED GRASS IS PRESENT ON ALL EXPOSED GRADING AREAS AND HAS GROWN TO A LENGTH OF 8 INCHES AND THERE ARE NO SIGNS OF ONGOING EROSION. IF SOD IS PLACED IN-LIEU OF SEED, IT SHALL BE WATERED AND MAINTAINED AND SHOW NO SIGNS OF STRESS FOR AT LEAST 30 DAYS. THE CITY SHALL APPROVE FINAL SITE STABILIZATION.
- A CONCRETE WASHOUT AREA IS REQUIRED FOR ALL CONCRETE CONSTRUCTION. THE WASHOUT SYSTEM CAN BE A PORTABLE UNIT PROVIDED BY THE CONCRETE SUPPLIER OR AN IN-GROUND SYSTEM CONSTRUCTED BY THE CONTRACTOR. ONE ACCEPTABLE METHOD OF CREATING AN IN-GROUND WASHOUT PIT WOULD BE TO EXCAVATE A 3 FOOT DEEP AREA (MIN. 3' WIDTH X VARIABLE LENGTH AS NEEDED), LINED WITH 10 MIL PLASTIC AND PERIMETER ANCHORED WITH SAND BAGS OR AGGREGATE. IF THE LINING BECOMES DAMAGED (PUNCTURED OR RIPPED), THE WASHOUT SHALL NOT BE USED UNTIL THE LINING IS REPAIRED. CONCRETE POURS SHALL NOT BE CONDUCTED DURING OR BEFORE AN ANTICIPATED STORM EVENT. CONCRETE WASTES SHALL BE ALLOWED TO HARDEN, BROKEN UP, THEN DISPOSED OF ACCORDING TO LOCAL ORDINANCE. THIS WASHOUT PIT SHALL BE LOCATED AWAY FROM ALL STEEP SLOPES AND DRAINAGE INLETS.
- A NPDES STORM WATER PERMIT FOR CONSTRUCTION IS REQUIRED FOR THIS PROJECT. THE PROJECT OWNER AND/OR CONTRACTOR WILL NEED TO APPLY FOR THE PERMIT THROUGH THE MPCA.



NORTH PIT ENLARGMENT

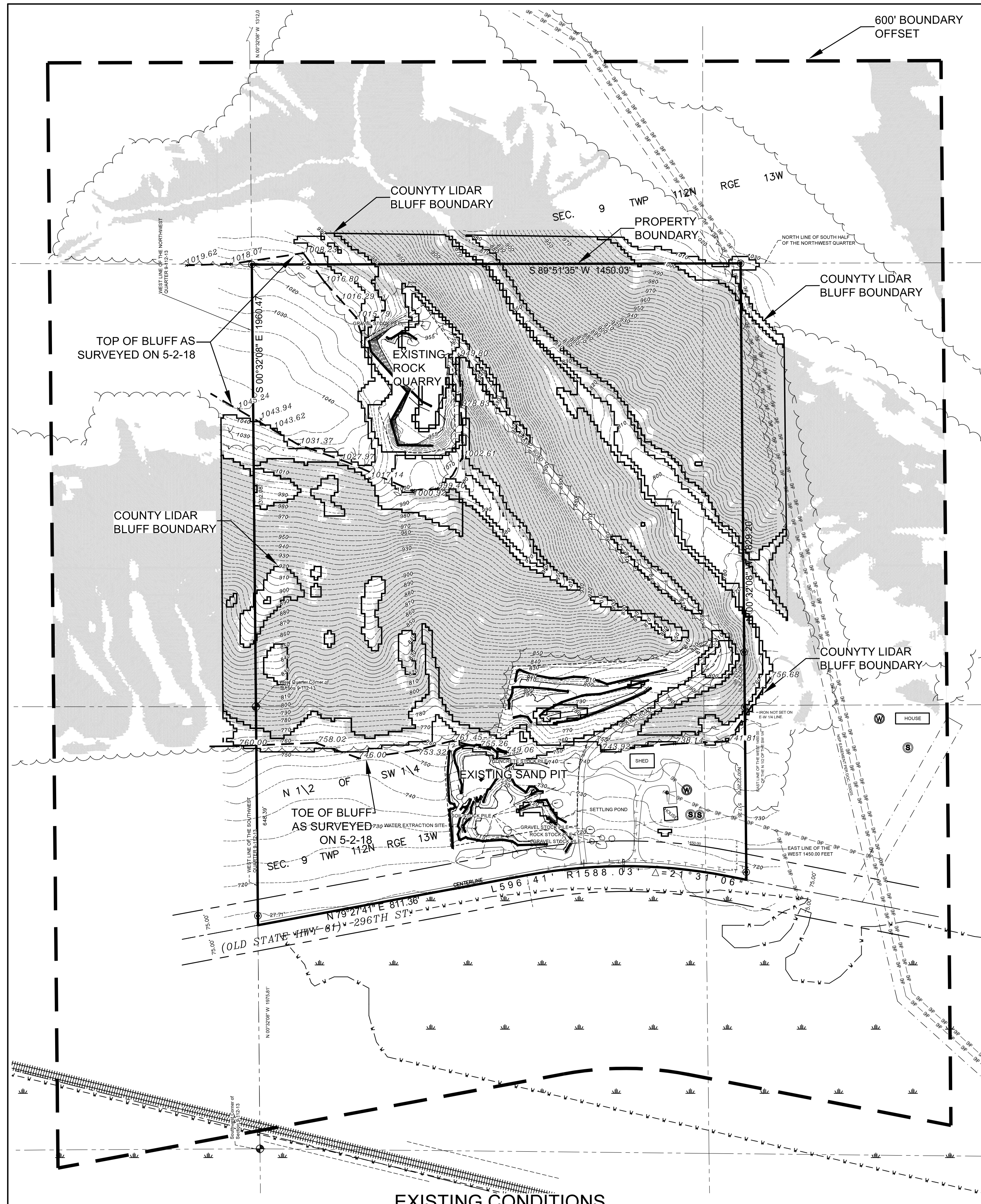
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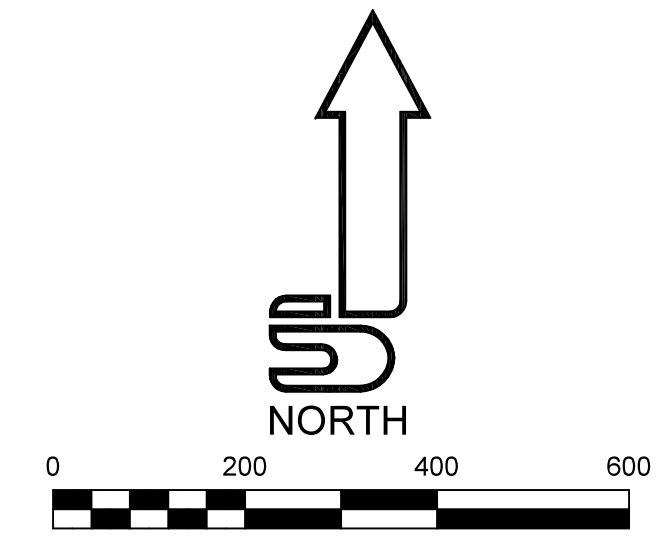
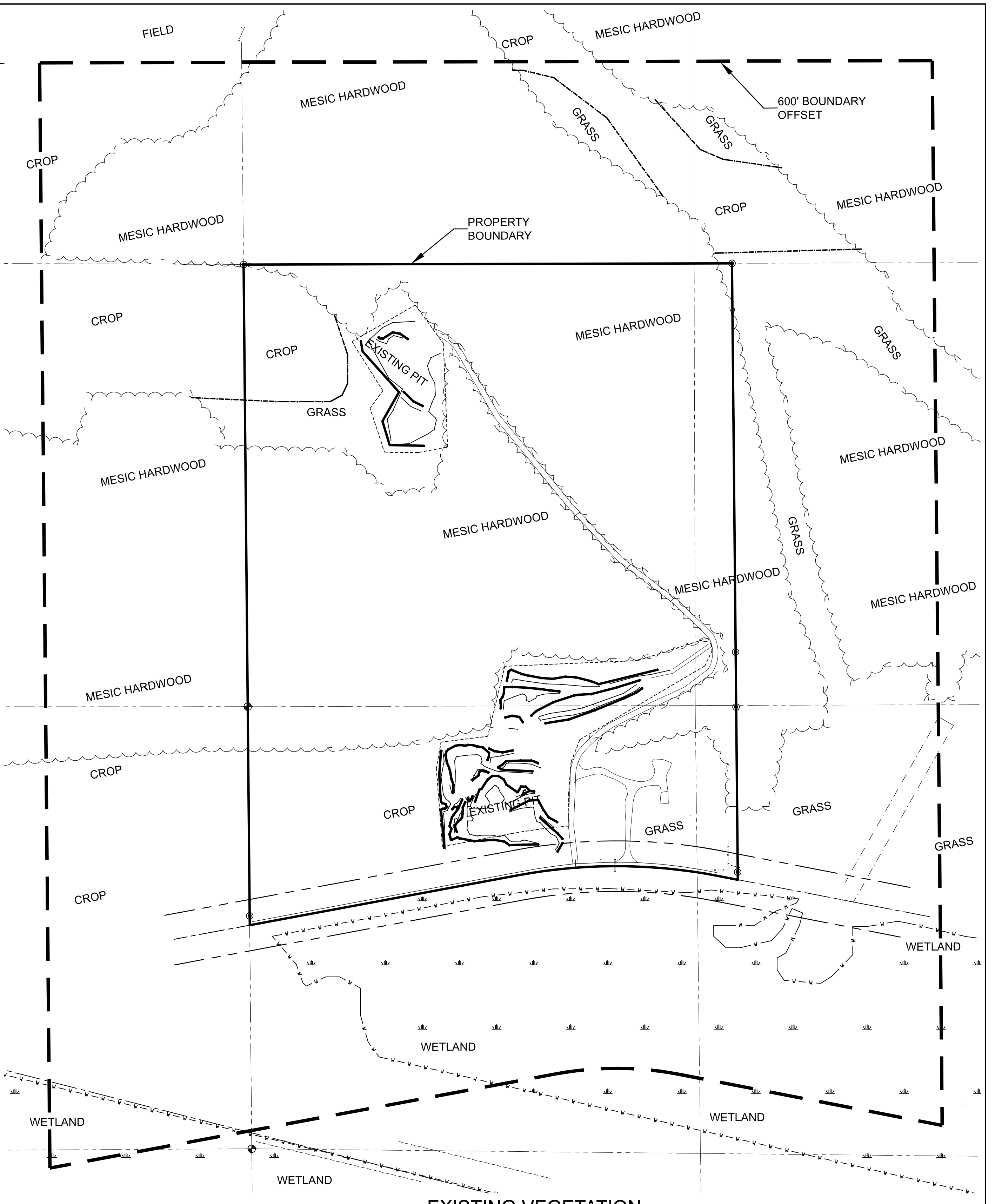
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MAP B.2 PROPOSED OPERATIONS— NORTH PIT
SHEET 2 OF 3 SHEETS



- ### LEGEND
- These standard symbols will be found on this plan sheet.
- DENOTES SECTION LINE
 - DENOTES CENTERLINE OF ROAD
 - DENOTES PROPERTY LINE
 - DENOTES 600' BOUNDARY OFFSET LINE
 - DENOTES EXISTING ROAD RIGHT OF WAY LINE
 - DENOTES EASEMENT
 - DENOTES WETLAND BOUNDARY
 - DENOTES EXISTING TREE LINE
 - DENOTES EDGE OF GRASS AND CROP
 - DENOTES EXISTING PIT BOUNDARY
 - DENOTES EXISTING 2' LIDAR CONTOUR
 - DENOTES EXISTING INDEX CONTOUR AND ELEVATION
 - DENOTES EXISTING 1' CONTOUR
 - DENOTES EXISTING OVERHEAD POWER LINE
 - DENOTES EXISTING UNDERGROUND TELEPHONE LINE
 - DENOTES EXISTING FENCE
 - DENOTES EXISTING RAILROAD TRACKS
 - ⊕ DENOTES SECTION CORNER
 - ⊙ DENOTES EXISTING IRON PIPE (BOUNDARY MARKER)
 - ⊙ DENOTES EXISTING ELECTRIC METER
 - ⊙ DENOTES EXISTING POWER POLE WITH GUY WIRE
 - ⊙ DENOTES WELL
 - ⊙ DENOTES SEPTIC SYSTEM
 - DENOTES HOUSE OR SHED
 - DENOTES EXISTING WETLAND
 - DENOTES BLUFF ZONE
 - DENOTES EDGE OF FIELD SURVEYED BLUFF
 - DENOTES EDGE OF BLUFF FROM COUNTY GIS



LEGAL DESCRIPTION OF RECORD FOR CONTIGUOUS PROPERTY

The Southeast Quarter of the Northeast Quarter of Section 8, Township 112 North, Range 13 West, Goodhue County, Minnesota.
 And
 The Northeast Quarter of the Southeast Quarter of Section 8, Township 112 North, Range 13 West, Goodhue County, Minnesota.
 EXCEPT the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad, and also
 EXCEPT that part described as follows: Beginning at the intersection of the east line of the Southeast Quarter of Section 8 with the centerline of the concrete paved Township Road (Old State Highway Number 61); thence southwesterly on a straight line along the centerline of said concrete paved Township Road, and its southwesterly extension, a distance of 600.00 feet; thence south, parallel with the east line of said Southeast Quarter of Section 8, a distance of 260 feet, more or less, to the northeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southeasterly, along said northeasterly railroad right of way line, a distance of 610 feet, more or less, to the east line of said Southeast Quarter of Section 8; thence north along said east line, a distance of 510 feet, more or less, to the point of beginning. All that part of the SE 1/4 of the NW 1/4, the NE 1/4 of the SW 1/4, and the NW 1/4 of the SE 1/4, all in Section 8, Township 112, Range 13, in Goodhue County, Minn., lying N1/2 of U.S. Highway No. 61, excepting therefrom the following tract of land: From the SW corner of the SE 1/4 of the NW 1/4 of Sec. 8, T. 112 N., R. 13 W., go N 126 1/2 feet to the center of U.S. Highway 61, as now located for point of beginning of land herein described; thence N along the VY line of the SE 1/4 of the NW 1/4 of said Sec. 8, a distance of 387 feet to an iron monument; thence Ely parallel with said U.S. Highway 61, a distance of 200 feet to a point distant 16 feet Ely of an iron monument; thence SW to a point in the center of said Highway 61 distant 150 feet Ely of point of beginning; thence Wly along the center line of said U.S. Highway 61, 150 feet to point of beginning.
 The north half (N 1/2) of the Northwest Quarter (NW 1/4) of Section 8, the northwest Quarter (NW 1/4) of the northeast quarter (NE 1/4) of Section 8, and the southwest quarter (SW 1/4) of Section 5, all being in Township 112 north, of range 13 west of the 4th principal meridian in the County of Goodhue and State of Minnesota foresaid.

LEGAL DESCRIPTION FOR WHICH THE FACILITY IS LOCATED

The West 1450.00 feet of the South Half of the Northwest Quarter of Section 9, Township 112 North, Range 13 West, Goodhue County, Minnesota.
 And
 That part of the West 1450.00 feet of the North Half of the Southwest Quarter of Section 9, Township 112 North, Range 13 West, Goodhue County, Minnesota, which lies northerly of the centerline of the concrete paved Township Road (Old State Highway Number 61).

LOT AREA=61.51 ACRES

GENERAL NOTES:

- SEE ATTACHED WELL MAP (SHEET 5) FOR WELL INFORMATION.
- GEOLOGICAL INFORMATION COMES FROM THE USGS AND THE MINNESOTA GEOLOGICAL SURVEY.
- CONTOUR DATA OUT SIDE OF THE PIT BOUNDARIES COMES FROM THE GOODHUE COUNTY OFFICE OF GIS.
- WETLAND DATA COMES FROM THE NWI AND THE USGS
- HYDROLOGICAL INFORMATION COMES FROM THE USGS, MN DNR, AND THE MINNESOTA GEOLOGICAL SURVEY.

THREATENED AND ENDANGERED SPECIES

- NONE OF THE FOUR LISTED THREATENED AND ENDANGERED SPECIES IN GOODHUE COUNTY ARE FOUND ON OR WITHIN ONE QUARTER MILE OF THE SITE. SOURCES: NHIS, MNDNR/USFWS

HISTORICAL, CULTURAL, AND ARCHAEOLOGICAL FEATURES

- THERE ARE NO REGISTERED HISTORICAL, CULTURAL, OR ARCHAEOLOGICAL FEATURES FOUND AT THIS SITE. SOURCES: MN STATE HISTORIC PRESERVATION OFFICE (MN NHRP).
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MAP A.1
EXISTING SITE CONDITIONS
 SHEET 1 OF 4 SHEETS