



GOODHUE COUNTY MINNESOTA

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

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

5:30 PM Call BOA Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. October 15, 2018 BOA Meeting Minutes

Documents:

[MINUTES_OCTOBER2018BOA_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To A3 District Minimum Lot Area Standards

Request for variance, submitted by Leonard Berg, to A3 District minimum lot area standards to allow a lot with less than 35 acres in area to be split from an existing 118 acre parcel. Parcels 46.013.0300. 17680 CTY 31 BLVD Welch, MN 55089. Part of the NE ½ of Sect 13, Twp 113, Range 16 in Welch Township. A2 zoned district.

Documents:

[BOAPACKET_BERG_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To SSTS Ordinance Setback Requirements

Request for variance, submitted by Frank & Kathy Kouchich, to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed less than 10 feet from a road right-of-way. Parcel 32.230.0150 & 32.130.0170. 29402 Lake Ave Frontenac, MN 55026. Lot 3 Block 7 of the Town of Frontenac Plat located in Sec 12, Twp 112, Range 12, in Florence Township. R1 Zoned District.

Documents:

[BOAPACKET_KOUCHICH_REDACTED.PDF](#)

Adjourn

Call PAC Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. October 22, 2018 PAC Meeting Minutes

Documents:

[MINUTES_OCTOBER2018_PAC_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Map Amendment (Rezone)

Request for map amendment submitted by Stephen Monchamp to rezone 13.5 acres from A2 (Agriculture District) to R1 (Suburban Residence District). Parcel 32.120.0161. TBD Staehli Park RD Lake City, MN 55041. Lots 11 and 12 of Auditors Subdivision of the SE ¼ of the NW ¼ of Sect 24 and part of the NE ¼ of the NW ¼ of Sect 24 all located in Twp 112 Range 13 in Florence Township.

Documents:

[PACPACKET_MONCHAMP_REDACTED.PDF](#)

PUBLIC HEARING: Request For Map Amendment (Rezone)

Request for map amendment submitted by John (Jack) Lucking to rezone 2 parcels comprising 34.26 acres from A3 (Urban Fringe District) to R1 (Suburban Residence District). Parcels 41.024.2200 & 41.024.2300. 31815 Willow Trl Cannon Falls, MN 55009. Part of the SE ¼ of Sect 24 Twp 112 Range 18 in Stanton Township.

Documents:

[PACPACKET_LUCKING_REDACTED.PDF](#)

PUBLIC HEARING: To Consider Goodhue County Ordinance Updates

Article 5 (Variances and Appeals) "Findings" for variances amended to conform to current state statute regulations.

Article 6 (Non-Conforming Uses) amended to remove language relating to non-conforming septic systems.

Article 11 Section 30 (Non-Agricultural Uses Associated with Agricultural Tourism) amended to allow inside event activities to conclude no later than 12:00PM if approved through the CUP process (currently 10:00PM).

Documents:

[PACPACKET_ORDINANCEREVISIONS_NOV2018.PDF](#)

Adjourn

Joint Discussion For BOA And PAC
2019 Zoning Ordinance updates
2019 PAC/BOA Meeting Schedule
2019 PAC Meeting Time
Other discussion

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

Goodhue County Land Use Management

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

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
October 22nd, 2018 MEETING MINUTES**

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

Roll Call

Commissioners Present: Mike Hinsch, Darwin Fox, Rich Ellingsberg, Kristin Toegel

Commissioners Absent: Dan Knott, Bob Benson

Staff Present: LUM Director Lisa Hanni, Zoning Assistants Ryan Bechel and Abby Breyfogle

1. Approval of Agenda

¹Motion by **Fox**, and seconded by **Hinsch** to approve the meeting agenda

Motion carried 4:0

2. Approval of Minutes

²Motion by **Benson** and seconded by **Fox** to approve the previous month's meeting minutes with the time change.

Motion carried 4:0

3. Conflict of Interest/Disclosure

There were no reported conflicts of interest.

4. Public Hearings:

PUBLIC HEARING: Daniel Elioff (owner/applicant). Request for variance to feedlot setback requirements to allow a new home to be constructed less than 1000 feet or 94% odor annoyance-free rating from an existing registered feedlot and request for variance to A2 density requirements to allow an additional dwelling to be located in an occupied quarter-quarter section. Parcel 41.017.0800. TBD Hwy 56 Blvd, Cannon Falls, MN 55009. Ne ¼ of the SE ¼ and the SW ¼ of the NE 1/3 in Se. 17, Twp 112, Range 18 in Stanton Township. A2 zoned district.

The applicant was present to represent the application.

Ryan Bechel (Bechel) presented the staff report and summarized the request.

Bechel read an email from Larry Kuehn (neighbors to the north with a registered feedlot). (See attachment 1)

Commissioner Hinsch questioned exactly where the house would sit?

Bechel showed the commissioners on the map where the proposed house location.

Chair Ellingsberg opened the Public Hearing.

Donald Sirinek was concerned about impacts to drainage on his property. Mr. Sirinek stated the neighbors are concerned about standing water as well.

Commissioner Toegel questioned how to site a house/septic on a parcel where there is a lot of water present. Bechel explained the permitting process and involvement with SWCD.

Dan Elioff commented that he also has water concerns and plans to do everything he can to not disturb the water or natural resources on the property. He stated they are picking the highest spot to stay as far away from the water as possible.

Bechel commented there are rules that the applicant would have to follow regarding wetlands.

Commissioner Hinsch clarified that there are two different requests on this property.

Commissioner Fox commented that making a long driveway to access the back 40 would be more harmful to the natural resources than allowing a variance to have the house closer to the road.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
October 22nd, 2018 MEETING MINUTES**

Commissioner Fox asked staff if there were cattle present currently on the registered feedlot to the north.

Bechel responded that staff did not notice any cattle on the property presently but it is a registered feedlot.

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

Motion carried 4:0

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

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

APPROVE the request for a variance to feedlot setback requirements to allow a new home to be constructed less than 1000 feet or 94% odor annoyance-free rating from an existing registered feedlot and request a variance to A2 density requirements to allow an additional dwelling to be located in an occupied quarter-quarter section. Subject to the following condition:

1. No dwellings shall be permitted on that portion of parcel 41.017.0800 located within the SW ¼ of the NE ¼ of Section 17, Twp 112, Range 18 in Stanton Township.

Motion carried 4:0

PUBLIC HEARING: Kevin Riester (owner) request for variance to Non-Agricultural Uses Associated with Agri-tourism performance standards requiring inside activities be concluded by 10:00 PM to allow a proposed Wedding Barn Event Center to operate until 11:30 PM. Parcel 34.002.0900. 29065 Flower Valley Rd, Red Wing, MN 55066. Part of the E ½ of the SW ¼ of Sec. 02 Twp 112 Range 14 in Hay Creek Township.

The Applicant (Kevin Riester) was present.

Bechel presented the staff report and summarized the request.

Chair Ellingsberg opened the Public Hearing.

No one from the public was present to speak in favor or against the request.

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

Motion carried 4:0

Staff commented that applicant has been operating on a limited basis in the last few years and they've never received a complaint.

4Motion by Commissioner Toegel, seconded by Commissioner Fox, for the Board of Adjustment to:

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

APPROVE the request for variance to Non-Agricultural Uses Associated with Agri-tourism performance standards requiring inside activities be concluded by 10:00 PM to allow a proposed Wedding Barn Event Center to operate until 11:30 PM. Parcel 34.002.0900. 29065 Flower Valley Rd, Red Wing, MN 55066. Part of the E ½ of the SW ¼ of Sec. 02 Twp 112 Range 14 in Hay Creek Township.

Motion carried 4:0

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
October 22nd, 2018 MEETING MINUTES**

5. **Other-Discussion**

6. **Adjourn**

5Motion by Hinsch seconded by Fox to adjourn the Board of Adjustment meeting at 6:02 PM.

Motion carried 4:0

Respectfully submitted,

Abby Breyfogle, Recording Secretary

MOTIONS

¹ APPROVE the meeting agenda. Motion carried 4:0

² APPROVE the previous meeting's minutes. Motion carried 4:0

³ APPROVE the variance request to feedlot setback requirements to allow a new home to be constructed less than 1000 feet or 94% odor annoyance-free rating from an existing registered feedlot and request for variance to A2 density requirements to allow an additional dwelling to be located in an occupied quarter-quarter section Motion Carried 4:0

⁴ APPROVE the variance request to variance to Non-Agricultural Uses Associated with Agri-tourism performance standards requiring inside activities be concluded by 10:00 PM. Motion Carried 4:0

⁵ ADJOURN. Motion carried 4:0

UNOFFICIAL UNTIL APPROVED BY THE BOA

Wozniak, Michael

From: Susan Kuehn <callkcs@frontiernet.net>
Sent: Monday, October 22, 2018 10:11 AM
To: Wozniak, Michael
Subject: Larry and Susie Kuehn -- Daniel Elioff Public Hearing

Importance: High

Good Morning Michael,

Larry and I talked with you on the phone last week regarding the meeting tonight for Daniel Elioff. We won't be able to be there but we just wanted to reiterate what we discussed with you; the fact that we are in an ag zone so they should expect smells if there are cows out there and they are 500 feet closer than what the ordinance is. We also will have machinery running at all hours of the day. We want them to know this ahead of time and understand what to expect because we don't want to let them build in that spot and then they come back to us complaining about these items when essentially they are requesting a substantial variance.

We understand the spot they are in trying to find a place to build and willing to work with them.

Thank you,

*Susie & Larry Kuehn
30340 Hwy 56 Blvd
Cannon Falls, MN 55009*

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: November 19, 2018
Report date: November 9, 2018

PUBLIC HEARING: Request for Variance to A3 District minimum Lot Area Standards

Request for variance, submitted by Leonard Berg, to A3 District minimum lot area standards to allow a lot with less than 35 acres in area to be split from an existing 118-acre parcel. Parcels 46.013.0300. 17680 CTY 31 BLVD Welch, MN 55089. Part of the NE ½ of Sect 13, Twp 113, Range 16 in Welch Township. A2 zoned district.

Application Information:

Applicant: Leonard Berg (authorized agent).
Address of zoning request: 17680 CTY 31 BLVD Welch, MN 55089
Parcels: 46.013.0300
Abbreviated Legal Description: Part of the NE ½ of Sect 13, Twp 113, Range 16 in Welch Township
Township Information: Aaron Bauer, Chair of the Welch Township Board of Supervisor signed the Berg Variance Application on October 26, 2018. No comments were offered.
Zoning District: A3 (Urban Fringe District)

Attachments and Links:

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

Background:

Leonard Berg has made application for a variance to the 35-acre minimum lot area requirement set forth in Article 23 of the Goodhue County Zoning Ordinance. The variance is requested to an “equitable division” of real property previously owned by Stuart and Florence Berg amongst Leonard Berg, Anita Vadis, and Lona Froyum (current common owners).

The subject property includes tilled cropland, a farmstead with a dwelling and accessory buildings and some wooded/vegetated open space/drainage area. The property includes 3 parcels: Parcel #46.012.1200 (44.31 acres), Parcel #46.013.0300 (117.09 acres), and Parcel #46.013.0700 (5.42 acres). See enclosed Certificate of Survey.

Parcel #46.012.1200 located north of County Road 31 in Section 12, will not be altered and is not part of the variance request. The proposed reconfiguration of Parcels #46.013.0300 and #46.013.0700 would require approval of a variance to the A3 District minimum 35-acre lot area requirement. The plan for reconfiguring these parcels would involve the following:

1. Subdividing a 29-acre site, including the farmstead, from Parcel #46.013.0300. The Lot Area provisions for the A3 District include the following:

- “Parcels with an existing dwelling as of June 5, 2012 which have 35 acres or more may be split provided the minimum lot size for the dwelling parcel must be at least 2 acres.”
- “Further development of dwellings on a parcel from which a dwelling site has been split shall be prohibited until such time as the Zone District Classification is changed.”

Splitting the proposed 29-acre site from the 117.09 acres would conform to County Zoning requirements and is not subject to approval of a variance. No further dwellings would be allowed on the remaining 82.67 acres of Parcel #46.013.0300 unless the zoning classification of the property was to be changed in the future.

2. The plan to split the remaining 82.67 acres of Parcel #46.013.0300 into a 66.67-acre parcel and a 16.0-acre parcel would require approval of a variance to the 35-acre minimum lot area standard. The proposed reconfiguration of property should include combining the proposed 16.0-acre parcel with the existing 5.42 acre Parcel #46.013.0700. Although this combination would not result in a 35-acre parcel, it would make the existing parcel more conforming (21.42 acres).

No change in land use is anticipated from the proposed reconfiguration of property.

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 A3 district is to provide for urban expansion in close proximity to existing incorporated urban centers within Goodhue County in accordance with the Comprehensive Plan by conserving land for farming and other open space land uses for a period of times until urban services become available. The County is not aware of any imminent plans of the City of Red Wing to annex land for urban development in Sections 12 or 13 of Welch Township. Because no change in the current land uses on the subject property is anticipated, the proposed variance would not appear to be in conflict with the purpose and intent of the A3 district.
- 2) **The variances request is consistent with the adopted Comprehensive Plan:**
 - The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The proposed variance is not likely to impact any agricultural use of the land since no additional dwelling sites will be allowed under the current zoning classification. In addition, because no change in existing land use of the site is anticipated, the variance should not negatively impact any future urbanization.
- 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 A3 Urban Fringe District is intended to limit building activity that would present an obstacle to future urbanization. The 35-acre parcel size minimum for any principal building or use of property is intended to limit the density of additional dwellings or other development in the District. The 35-acre parcel size minimum can be very limiting for a property owner attempting to reconfigure property boundaries for non-development reasons. The Applicant is requesting the variance in order to be able to equitably distribute family land holdings. The variance needed for the Applicant's proposal to reconfigure the existing parcel boundaries resulting in a parcel of less than 35 acres would allow for a "reasonable use of land."
- 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 subject property would continue to be used for agricultural purposes and no additional dwelling sites would be allowed under the current zoning classification.

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

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

Staff Recommendation:

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

APPROVE the request for variance to the A3 (Urban Fringe) Zone 35-acre minimum lot area requirement to allow Parcel #46.013.0300 to be subdivided resulting in a 29-acre parcel (including an existing dwelling), a 66.27-acre parcel and a 16-acre parcel.

Subject to the following condition(s):

1. The 16-acre parcel shall be immediately combined with existing Parcel #46.013.0700 (5.42 acres) resulting in the establishment of a 21.42-acre parcel.

Parcel: 46.013.0300 located at 17680 County 31 Blvd, Welch, MN 55089. Part of the N½ of Section 13, Twp 113, Range 17 in Welch Township. A3 Zoned District.

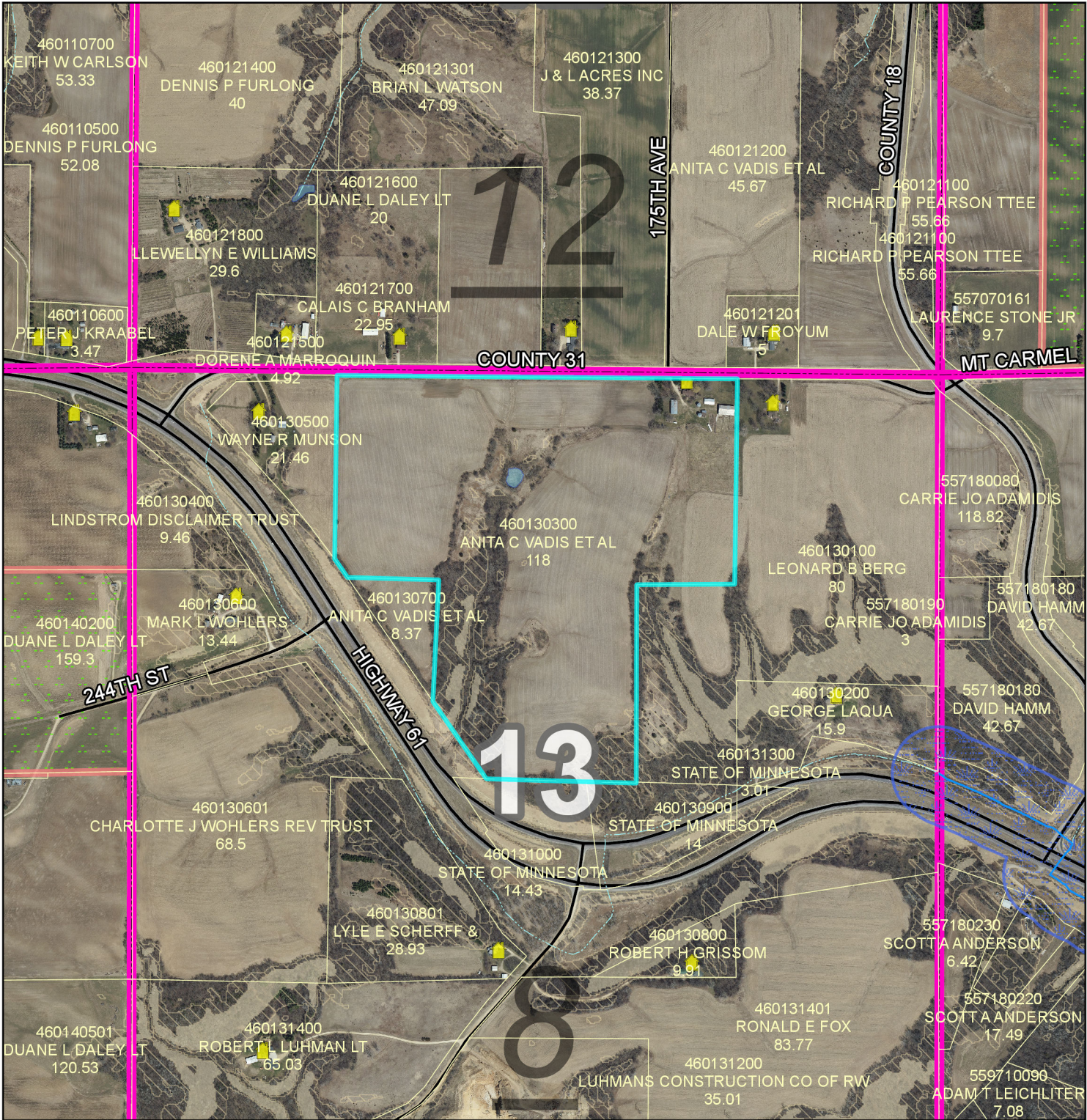
Board of Adjustment

Public Hearing
November 19, 2018

Leonard Berg
A2 Zoned District

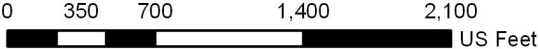
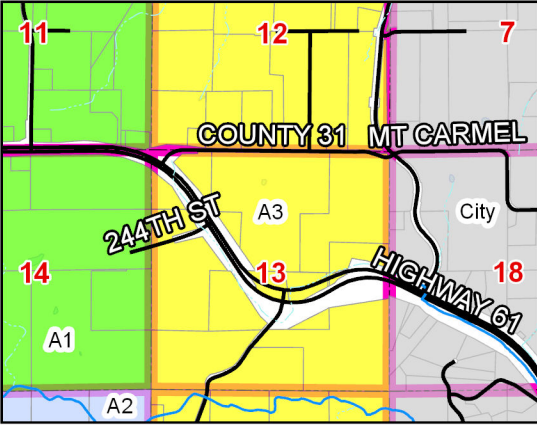
Parcel # 46.013.0300
NE 1/4 NW1/4 of S 13 T 113 R16
in Welsh Township

Variance request to the
35 acre lot requirement



Legend

- Intermittent Streams
- Protected Streams
- Lakes & Other Water Bodies
- Shoreland
- Historic Districts
- Parcels
- Registered Feedlots
- Dwellings
- Municipalities
- Bluff Impact Zones (% slope) 20
- Bluff Impact Zones (% slope) 30
- FEMA Flood Zones 2% Annual Chance A
- FEMA Flood Zones AE
- FEMA Flood Zones AO
- FEMA Flood Zones 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 October, 2018 by LUM



APPLICATION FOR
Variance

RECEIVED

OCT 29 2018

Land Use Management

| | |
|--------------------|---------------------|
| For Staff Use only | |
| VARIANCE NUMBER: | Z18-0052 |
| \$350 RECEIPT# | 16550 DATE 10-29-18 |


| | | |
|---|-----------------|---------------------------------------|
| SITE ADDRESS, CITY, AND STATE | | ZIP CODE: |
| 17680 County Rd. 31 Blvd., Welch, MN | | 55089 |
| LEGAL DESCRIPTION: | | |
| 16 acres in NE 1/4 NW1/4, Sec. 13, T113N, R16W (see attached survey) Attached <input type="checkbox"/> | | |
| PID#: | ZONING DISTRICT | LOT AREA (SF/ACRES): |
| 460130300 | A2 | 16 acres |
| LOT DIMENSIONS: | | STRUCTURE DIMENSIONS (if applicable): |
| 561.81 ft X 1,247.52 ft | | N/A |

| | |
|--|--------------|
| APPLICANT OR AUTHORIZED AGENT'S NAME | |
| Leonard B. Berg, Anita Vadis and Lona Froyum, by Leonard B. Berg | |
| APPLICANT'S ADDRESS: | TELEPHONE: |
| Leonard B. Berg, 17800 County Rd. 31 Blvd., Welch, MN 55089 | 651-338-2912 |
| Anita Vadis, 480 E. Marshall Peak Dr., Oro Valley, AZ 85755 | EMAIL: |
| Lona Froyum, 166 Ardmore Dr., Golden Valley, MN 55422 | |

| | |
|---|------------|
| 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 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 checked="" type="checkbox"/> Subdivision Regulations | CURRENT OR PREVIOUS USE: |
| | Ag |
| | PROPOSED USE: |
| | Ag |
| | BUILDING APPLICATION PERMIT NO.: (if filed) |
| | None |
| | 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 | TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE | DATE |
|  | Aaron Bauer Chair | 10-26-18 |

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 mail.
4. Additional information or applications may be required

Applicant's Signature: Leonard B. Berg Date: 10-26-18

Print name: Leonard B. Berg, individually and as agent for Anita Vadis and Lona Froyum (owner or authorized agent)

REQUEST SUMMARY

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

Article: 23 Section: 5 Name: 35 acre Lot Area Requirement
Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

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

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

The current use is ag; the future use will be ag. The reason for the variance request is to divide ownership of the real property that was owned by Stuart Berg and Florence Berg, his wife, currently owned as tenants in common by Leonard B. Berg, Anita Vadis and Lona Froyum. See attached preliminary survey, the area colored brown is proposed to be distributed to Lona Froyum, the area in purple to Anita Vadis, and the area in green to Leonard B. Berg. The variance is needed to convey to Lona Froyum in the NE1/4 of the NW1/4 of Sec. 13, T113N, R16W the area colored in brown which is 16 acres.

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

The division of ownership described above will be very difficult.

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

The lay of the land as shown on the attached preliminary survey is such that, in the opinion of Applicant, any other division of ownership is impossible that would not create a need for a variance to allow a parcel of less than 35 acres.

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

There are not alternatives.

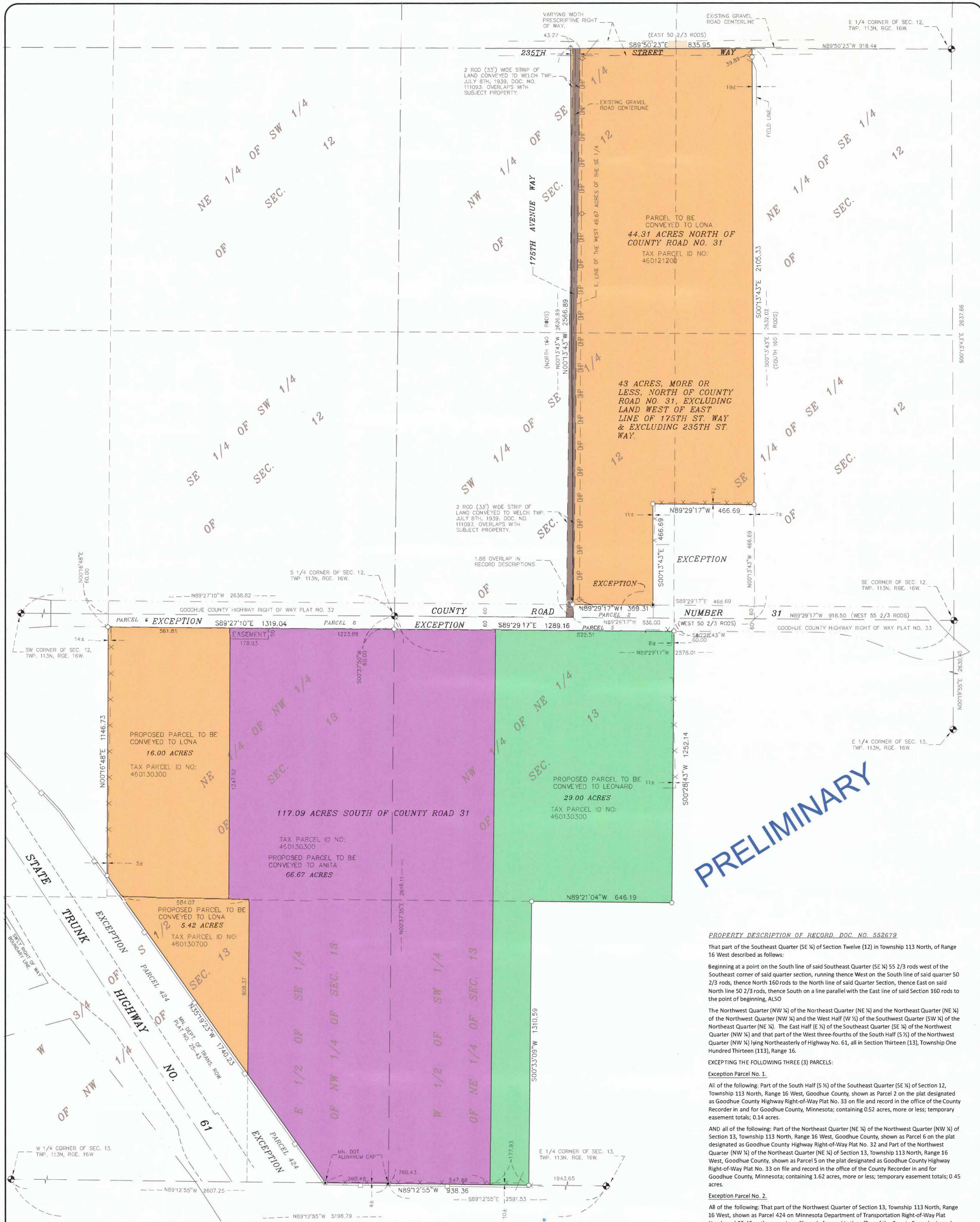
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

There are not alternatives.

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

No, because the present agricultural use will continue.

In the northwesterly corner of the parcel colored purple on the preliminary survey, an easement is shown that would be granted at such time as the division of ownership is effected in order to give access to the parcel which is the subject of this variance (16 acres colored in brown in the NE1/4 of NW1/4 of Sec. 13, T113N, R16W) and also access to Tax Parcel ID 460130700. This easement will be permanent.



PRELIMINARY

PROPERTY DESCRIPTION OF RECORD DOC. NO. 552679

That part of the Southeast Quarter (SE 1/4) of Section Twelve (12) in Township 113 North, of Range 16 West described as follows:

Beginning at a point on the South line of said Southeast Quarter (SE 1/4) 55 2/3 rods west of the Southeast corner of said quarter section, running thence West on the South line of said quarter 50 2/3 rods, thence North 160 rods to the North line of said Quarter Section, thence East on said North line 50 2/3 rods, thence South on a line parallel with the East line of said Section 160 rods to the point of beginning, ALSO

The Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) and the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) and the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) and that part of the West three-fourths of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) lying Northeasterly of Highway No. 61, all in Section Thirteen (13), Township One Hundred Thirteen (113), Range 16.

EXCEPTING THE FOLLOWING THREE (3) PARCELS:

Exception Parcel No. 1.
All of the following: Part of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section 12, Township 113 North, Range 16 West, Goodhue County, shown as Parcel 2 on the plat designated as Goodhue County Highway Right-of-Way Plat No. 33 on file and record in the office of the County Recorder in and for Goodhue County, Minnesota; containing 0.52 acres, more or less; temporary easement totals; 0.14 acres.

AND all of the following: Part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 13, Township 113 North, Range 16 West, Goodhue County, shown as Parcel 6 on the plat designated as Goodhue County Highway Right-of-Way Plat No. 32 and Part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 13, Township 113 North, Range 16 West, Goodhue County, shown as Parcel 5 on the plat designated as Goodhue County Highway Right-of-Way Plat No. 33 on file and record in the office of the County Recorder in and for Goodhue County, Minnesota; containing 1.62 acres, more or less; temporary easement totals; 0.45 acres.

Exception Parcel No. 2.
All of the following: That part of the Northwest Quarter of Section 13, Township 113 North, Range 16 West, shown as Parcel 424 on Minnesota Department of Transportation Right-of-Way Plat Numbered 25-43 as the same is on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota; containing 7.63 acres, more or less; together with other rights as set forth below, forming and being part of said Parcel 424; Access: All right of access as shown on said plat by the access restriction symbol, together with all hereditaments and appurtenances belonging thereto.

Exception Parcel No. 3.
That part of the Southeast Quarter of Section 12, Township 113 North, Range 16 West, Goodhue County, Minnesota, described as follows:

Commencing at the southeast corner of said Section 12; thence westerly, along the south line of said Southeast Quarter, a distance of 918.50 feet; thence northerly, parallel with the east line of the Southeast Quarter of said Section 12, a distance of 60.00 feet to the northerly right of way boundary of County Road 31, as platted and designated in Goodhue County Highway Right of Way Plat No. 33, according to the plat thereof filed in the Goodhue County Recorder's Office, being the point of beginning of the land to be described; thence continue northerly, parallel with the east line of the Southeast Quarter of said Section 12, a distance of 466.69 feet; thence westerly, parallel with the south line of the Southeast Quarter of said Section 12, a distance of 466.69 feet; thence southerly parallel with the east line of the Southeast Quarter of said Section 12, a distance of 466.69 feet; to said northerly right of way boundary of County Road Number 31; thence easterly, along said northerly right of way boundary, a distance of 466.69 feet to the point of beginning. Containing 5.00 acres, more or less.

- (SOUTH 160 RODS) DENOTES RECORD BEARING AND DISTANCE.
- DENOTES ACCESS CONTROL BY THE STATE OF MN.
- DENOTES FENCE LINE.
- DENOTES OVERHEAD POWER LINE.
- DENOTES POWER POLE.
- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- DENOTES FOUND COUNTY MONUMENT.



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

CERTIFICATE OF SURVEY FOR:

LEONARD BERG



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
1203 MAIN STREET, RED WING, MN 55066
(651) 388-1558

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

Marcus S. Johnson
Minnesota License No. 47460
Date: Sept. 17, 2014

| | | | |
|---------------------|---------|--------|----------------|
| BK. NA. | PC. NA. | W.O.# | DRAWING NUMBER |
| SHEET 1 OF 1 SHEETS | 14-463 | S-5520 | |

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: November 19, 2018
Report date: November 9, 2018

PUBLIC HEARING: Frank and Cathy Kouchich (Owners). Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed less than 10 feet from a road right-of-way. Parcel 32.130.0170. 29402 Lake Ave, Frontenac, MN 55026. Lot 3 in Block 7 located in the Town of Frontenac Plat in Sec 12, Twp 112, Range 12, in Florence Township. R1 Zoned District.

Application Information:

Applicants: Frank and Cathy Kouchich (Owners)
Address of zoning request: 29402 Lake Ave, Frontenac, MN 55026
Parcel: 32.130.0170
Abbreviated Legal Description: Lot 3 in Block 7 of town of Frontenac Plat located in Sec 12, Twp 112, Range 12, in Florence Township
Township Information: Frontenac Township endorsed acknowledgment of the applicant's request.
Zoning District: R1 (Suburban Residence District)

Attachments and Links:

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

Background:

The owners (Frank and Cathy Kouchich) would like to replace their existing failing septic system with a new SSTS that is compliant with current SSTS code requirements. The system will provide wastewater treatment for the existing home on the property.

Due to the location of the existing septic system and well, and the limited size of the subject parcel, a Type 1 (standard) soil treatment area cannot be designed to meet the 10-foot minimum setback to the road right-of-way. In order to accommodate the property's wastewater treatment needs, the Applicant is proposing a box mound that would be located 5 feet from the road right-of-way.

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

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

www.co.goodhue.mn.us

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 the road right-of-way of Lake Avenue. The SSTS would be required to adhere to all other requirements of the Goodhue County SSTS Ordinance. It is not anticipated the road will be negatively affected by the proposed SSTS.

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 "Type-1" box mound SSTS to replace the existing failing system in order to provide onsite soil treatment of the home's residential wastewater. Replacing a failing SSTS with a new compliant SSTS is a reasonable use of property in the R1 District.
- A Type-1 SSTS cannot be installed in the location of the current septic system.
- Due to the size of the property, size and location of existing dwelling and existing septic system, there are no alternative locations on the property to install a Type-1 SSTS.
- Goodhue County Environmental Health Department staff were present on site with the SSTS designer for the initial evaluation and offered the following comments regarding the variance request:

"Environmental Health recommends approval of the variance because the proposal has the least number of potential impacts when compared to other locations the septic system may be installed."

- A review of the existing development pattern adjacent to the applicant's property reveals medium-density residential land 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.**

- The applicant is not proposing a change in use.

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

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

Staff Recommendation:

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

Approve the variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic soil treatment system area to be located 5 feet from a road right-of-way.

Parcel 32.130.0170. 29402 Lake Ave, Frontenac, MN 55026. Lot 3 in Block 7 located in Sec 32, Twp 112, Range 13, in Florence Township. R1 Zoned District.

Board of Adjustment

Public Hearing

November 19, 2018

Frank and Cathy Kouchich
R1 Zoned District

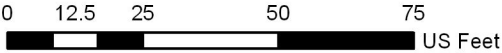
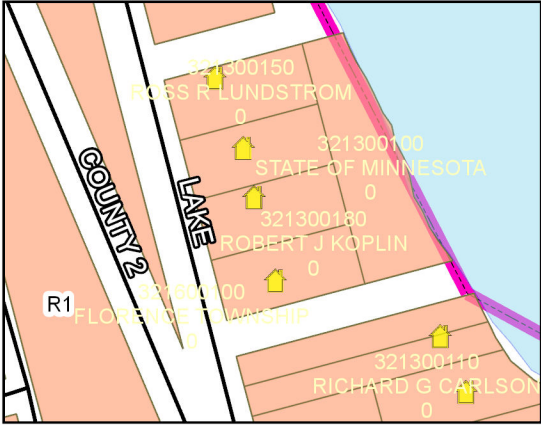
Parcel # 32.130.0170
Lot 3 in Block 7, Town of Frontenac
S 12 T112 R12
in Florence Township

Variance request to allow a septic system less than 10 feet from road right of way



Legend

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



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Map Created November, 2018 by LUM



Board of Adjustment

Public Hearing
November 19, 2018

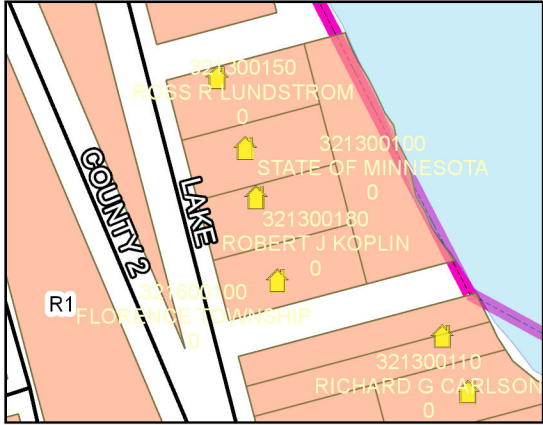
Frank and Cathy Kouchich
R1 Zoned District

Parcel # 32.130.0170
Lot 3 in Block 7, Town of Frontenac
S 12 T112 R12
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Variance request to allow a septic system less than 10 feet from road right of way

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- Municipalities
- Bluff Impact Zones (% slope)
 - 20
 - 30
- FEMA Flood Zones
 - 2% Annual Chance
 - A
 - AE
 - AO
 - X



0 50 100 200 300 US Feet

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2016 Aerial Imagery
Map Created November, 2018 by LUM



APPLICATION FOR
Variance

RECEIVED

OCT 23 2018

Land Use Management

| | |
|--------------------|---------------------|
| For Staff Use only | |
| VARIANCE NUMBER: | 218-0050 |
| \$350 RECEIPT# | 16539 DATE 10-23-18 |

| | | |
|--|----------------------------|--------------------------------------|
| SITE ADDRESS, CITY, AND STATE 29402 Lake Ave Frontenac MN | | ZIP CODE 55026 |
| LEGAL DESCRIPTION: residence | | |
| PID# 324-130-0170 | ZONING DISTRICT NA (7?) | LOT AREA (SFI/ACRES) .530 |
| LOT DIMENSIONS 100 x 230 | | STRUCTURE DIMENSIONS (if applicable) |

| | |
|--|-----------------|
| APPLICANT OR AUTHORIZED AGENT'S NAME Frank Jay and Cathy Kouchich | |
| APPLICANT'S ADDRESS: 29402 Lake Ave Frontenac, MN 55026 | TELEPHONE: - |

| | |
|---|-----------------|
| 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 type="checkbox"/> Chris Bossart Environmental Design Group, Inc. | |
| ADDRESS: 386 Cannon View Dr Red Wing, MN 55066 | TELEPHONE: - |
| | EMAIL: - |

| | | |
|--|---|-------------|
| VARIANCE REQUESTED TO: (check all that apply) <input checked="" type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations | CURRENT OR PREVIOUS USE: septic mound | |
| | PROPOSED USE: septic mound | |
| | 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 <i>Jody McIlvate</i> | TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE Jody McIlvate | DATE 10-8-18 | |

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 mail.
4. Additional information or applications may be required

Applicant's Signature: *Cathy Karlin* *F. Jay Kouchich* Date: 10-10-18

Print name: Cathy Kouchich F. Jay Kouchich (owner or authorized agent)

REQUEST SUMMARY

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

Article: SSTS Section: _____ Name: MN Rules Chapter 7080.2150, Subp 2F
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:

currently used as a septic mound that is failing. Need to install new septic system.

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

Failed septic system contamination

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:

narrow lot
flood plain

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

no other alternatives available

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

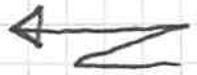
no other alternative available

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

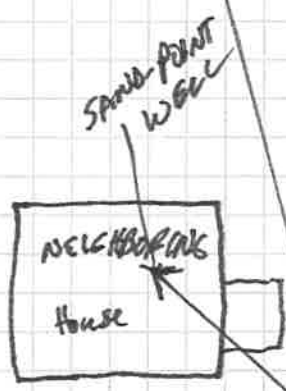
no

FRANK + CATHY KOUCHER
29402 LAKE AVE
FRONTENAC, MN
R 32.130.0170

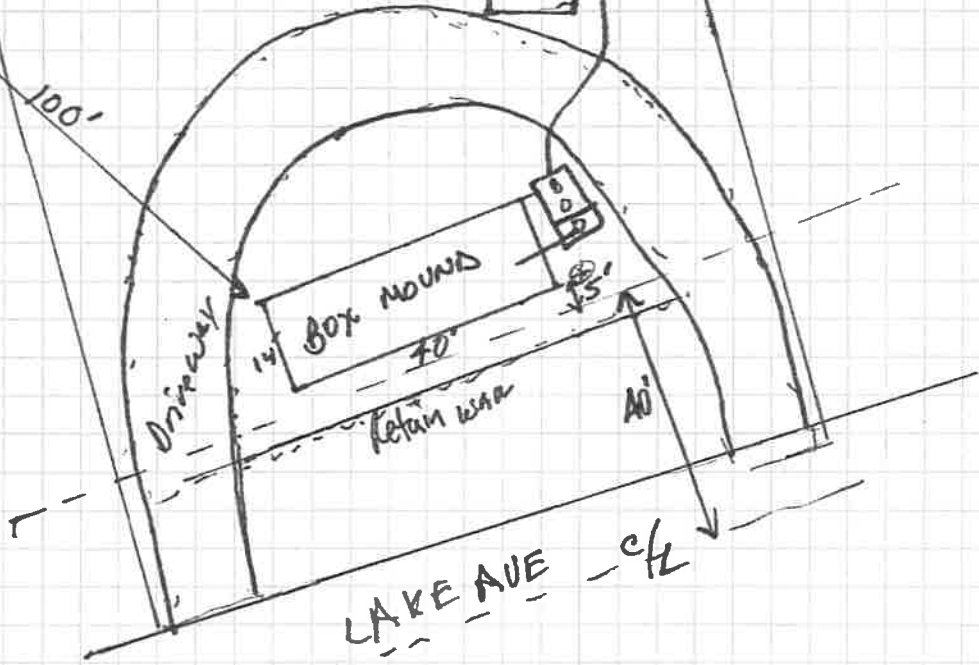
LAKE AVE



*Variance required to allow box mound to be 5' from R.O.W. - Rule requires 10' from R.O.W.



NEW WELL 150'



**PLANNING COMMISSION
GOODHUE COUNTY, MN
October 15, 2018 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Planning Advisory Commission was called to order at 7:00 PM by Chair Darwin Fox at the Goodhue County Government Center 3rd Floor Board Room in Red Wing, Minnesota.

Roll Call

Commissioners Present: Len Feuling, Tom Drazkowski, Darwin Fox, Richard (Dick) Nystuen, Barney Nesseth, Tom Gale, and Marc Huneke

Commissioners Absent: Sarah Pettit, Howard Stenerson

Staff Present: Land Use Management Director Lisa Hanni, Zoning Administrator Mike Wozniak
Zoning Assistants Ryan Bechel and Abby Breyfogle

1. Approval of Agenda

¹Motion by Commissioner Feuling; seconded by Commissioner Drazkowski to approve the meeting agenda. Motion carried 7:0

2. Approval of Minutes

²Motion by Commissioner Feuling; seconded by Commissioner Huneke to approve the previous month's meeting minutes. Motion carried 7:0

3. Conflict/Disclosure of Interest

4. Public Hearings

PUBLIC HEARING: CUP request for a Kennel

Request for a CUP Submitted by Alexander Ryan (owner) to establish a dog kennel and associated training facility for up to 24 dogs. Parcel 34.221.0020. TBS Flower Valley RD Red Wing, MN 55066. Part of the NW ¼ of the NW ¼ of Sect 01 and the E ½ of the NE ¼ of sect 02 Twp 112 Range 14 in Hay Creek Township. A2 Zoned District.

The Applicant (Alexander Ryan) was present to represent the application.

Mike Wozniak (Wozniak) presented the staff report and attachments.

Commissioner Drazkowski clarified parking was for 3 cars and not 30 cars.

Applicant clarified this CUP request is for use as a training facility and kennels only, not for "trials".

Commissioner Gale asked if the living space was for the applicant or for those training the dogs.

Applicant responded that it would be for both as he would utilize the dwelling until he built his own dwelling on the property. Once his home was built there then the trainers would be able to stay in the second level of the shed/kennel.

Commissioner Nesseth asked if there was density in A2 for applicant's house and the ADU shed.

Wozniak responded the ADU does not count against density total and there is one dwelling unit spot remaining in this section. So the applicant can have both ADU and his home later.

Chair Fox opened the Public Hearing.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
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DRAFT**

Jim Selkirk stated that he lives approximately ¼ mile east of building site and stated his concern is the noise from the dogs barking. Mr. Selkirk questioned if something could be done to remedy the barking and noise that comes from the dogs.

Jotsie Johnson lives adjacent to Jim Selkirk. She reiterated what Jim mentioned regarding the noise factor. She stated that the dogs bark all night long and would like to know where the dog kennel would be in relation to the new home on the property.

³After Chair Fox asked three times for comments, it was moved by Commissioner Huneke and seconded by Commissioner Feuling to close the public hearing. Motion carried 7:0

Chair Fox asked for clarification regarding Applicant's event during River City Days and asked if Applicant plans to have more events such as that.

Applicant stated he understands there were complaints during his event on River City Days and currently that was a one-time event. However, he did comment that he would like to do that more in the future. Applicant explained where the shed would be and where the future home would be on the map. He stated he has not received any complaints regarding noise but he is open to having a noise/sound barrier fence or if necessary can use bark collars. Applicant stated that having a fully insulated shed/kennel should help limit the noise of barking when the dogs are inside.

Commissioner Drazkowski asked where the dogs train on the property?

Wozniak stated that the training is spread out throughout the property.

Applicant explained that that the air yard is where the dogs can run and play and not be cooped up inside in between training sessions. He stated that there are shaded lean-tos for the dogs in the air yard.

Commissioner Drazkowski asked staff if adding a condition regarding the bark collars as a part of the CUP would be easiest.

Wozniak responded that staff expects the owner or operator of the kennel to manage the noise of their animals with whatever means they see necessary.

Commissioner Nesseth asked applicant how big the fenced in area was.

Applicant responded that it is approximately 70x40.

There was discussion regarding sound barrier fences and associated costs as well if the barriers would work to actually reduce noise.

Commissioner Nesseth questioned if the bark collars interfere with trainings.

Applicant responded no, there is no interference or harm to the dog. Applicant is in agreement that he wants the area to be quiet as well.

Commissioner Nesseth added that since there seems to be little to no expense for the collars compared to a sound barrier they may be a better solution. He suggested adding a condition that says "when they are outside dogs wear the collars".

Commissioner Feuling questioned if all 24 dogs would be in the open air yard at once.

Applicant responded that they wouldn't all be able to be running freely in the open air yard at once and stated there are lean-to-kennels outside that they are able to be in during the day.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
October 15, 2018 MEETING MINUTES
DRAFT**

Commissioner Nystuen asked what the chain of command would be and if the dogs are a nuisance where do the neighbors go to complain.

Wozniak responded that complaints will begin with the Sheriff and then come to the Land Use Department and staff would contact the owner/operator. He explained staff would then make an assessment on if the complaint is a legitimate problem and how everyone can go about correcting it, or if needed, bring the CUP back to the PAC for new recommendations or to revoke the CUP all together.

Commissioner Drazkowski made a motion to approve with adding condition #11 that reads "Measures will be taken to minimize noise from the kennel. An insulated shed will provide reduction of noise at night. Additionally if needed, bark collars would be implemented to fulfill the noise abatement."

Hanni stated that the sheriff would be notified first but staff would eventually get the info and staff would then verify if it was an actual ongoing problem.

Wozniak noted that this is a seasonal activity, not year round.

4th Motion by Commissioner Drazkowski seconded by Commissioner Gale, for the Planning Advisory Commission to:

- adopt the staff report with amendments into the record;
- adopt the findings of fact;
- add condition #11 regarding noise abatement;
- accept the application, testimony, exhibits, and other evidence presented into the record;

and recommend that the County Board of Commissioners **APPROVE** the request from Alexander Ryan to establish a dog Kennel and associated training facility for up to 24 dogs. Subject to the following conditions:

1. Kennel operations shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Hours of operation shall be annually from May 1 through September 30, 7-days per week from 7:00 AM to 7:00 PM;
3. Kennel capacity shall not exceed 24 adult dogs;
4. The kennel is for the purpose of boarding dogs during training and shall not be open to the general public;
5. Appropriate precautions shall be taken to prevent dogs from leaving the property.
6. On-street parking shall be prohibited;
7. Applicant shall obtain Building Permit approvals for the proposed structure(s) from the Goodhue County Land Use Management Department prior to establishing the use;
8. Applicant shall work with Goodhue County Environmental Health to achieve compliance with the Goodhue County SSTS Ordinance and obtain any required permits;
9. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 26, Kennels and Article 22 A2, General Agriculture District;
10. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;

**PLANNING COMMISSION
GOODHUE COUNTY, MN
October 15, 2018 MEETING MINUTES
DRAFT**

11. Measures shall be taken to minimize kennel. An insulated shed shall provide reduction of noise at night. Additionally, if needed, bark collars shall be implemented to fulfill noise abatement.

Motion Carried 7:0

PUBLIC HEARINGS: CUP request for a Non-Agricultural Use Associated with Agri-tourism (Wedding Event Center)

Request for a CUP submitted by Kevin Riester (owner) to establish a Wedding Barn Event Center with a proposed maximum occupancy of 300 guests. Parcel 34.002.0900. 29065 Flower Valley RD Red Wing, MN 55066. Part of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sect 02 Twp 112 Range 14 in Hay Creek Township. A2 Zoned District.

The Applicant (Kevin Riester) was present to represent the application.

Ryan Bechel presented the staff report and attachments. He noted that staff would like to change the last sentence of recommended condition #9 to read "prior to hosting any further events".

Commissioner Drazkowski commented that there is a pool on the property and questioned if it was fenced.

Bechel responded that there is a pool that is fenced but applicant is not proposing that it, or any other residential accessory structure, be used as part of this CUP.

Applicant stated that this request is not for something to turn wedding's all weekend every weekend. He questioned the security personnel and stated that they haven't had any security in the past and he wondered if he would count as the security.

Bechel responded that staff has not specified an off-duty police officer or anything of that nature.

Applicant stated that he and his wife are always on site and sober so they are wondering if that would count as personnel. He also stated that in the contract he has his tenants sign it requires them to have licensed bartenders on site.

Commissioner Gale stated trained bartenders would be able to assist if a raucous did occur as that is what they are trained for.

There was discussion regarding needed an actual officer versus having trained bartenders.

Chair Fox opened the Public Hearing.

⁵After Chair Fox asked three times for comments, it was moved by Commissioner Huneke and seconded by Commissioner Feuling to close the public hearing. Motion carried 7:0

Hanni asked the Applicant to clarify when the property is available to the tenants.

Applicant clarified that he allows the tenants to set up, not stay at the property.

⁶Motion by Commissioner Feuling seconded by Commissioner Gale, for the Planning Advisory Commission to:

**PLANNING COMMISSION
GOODHUE COUNTY, MN
October 15, 2018 MEETING MINUTES
DRAFT**

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

and recommend that the County Board of Commissioners **APPROVE** the request from Kevin Riester to establish a Wedding Barn Event Center with a maximum occupancy of 300 guests. Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP.
2. Hours of operation shall be Saturdays, May through October from 1:00 PM to 10:00 PM unless a variance is granted by the Goodhue County Board of Adjustment to allow hours to extend to no later than 11:30 PM;
3. Maximum occupancy shall be limited to 300 guests per event;
4. All parking areas shall be setback a minimum of 40 feet from the property lines of adjacent landowners;
5. On-street event parking shall be prohibited;
6. Use of the property by event guests for over-night stays shall require issuance of a separate CUP/IUP;
7. Security personnel shall be present at all events in which alcohol is served;
8. All exterior signage located on the property must follow Goodhue County Zoning Ordinance Article 11 section (Sign Regulations). The applicant shall consult the appropriate road authority prior to placing signs located within road right-of-way;
9. Applicant shall obtain Building Permit approvals for use of existing structures from the Goodhue County Building Permits Department prior to hosting any further events;
10. Applicants shall work with Goodhue County Environmental Health to develop and implement a plan to provide adequate sanitary facilities for guest use;
11. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
12. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 30 Non-Agricultural Uses Associated with Agricultural Tourism; Goodhue County SSTS Ordinance; and Article 22 A2, General Agriculture District.

Motion Carried 6:0 (Barney abstained)

PUBLIC HEARING: to consider Goodhue County Ordinance updates

“Housekeeping” updates throughout ordinance to remove typographical errors, correct inaccurate references, remove redundant language, and improve language consistency. Amend Articles 21 -24 (District Regulations) to consolidate permitted and conditionally permitted uses into a single “table of uses” to improve ease of use, remove redundant language, and facilitate future ordinance revisions.

Lisa Hanni (Hanni) presented the staff report and attachments.

Commissioner Gale stated that he received calls wondering if the chart was going to change the actual ordinances and he clarified that no, the change is just making a visual aid.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
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DRAFT**

Chair Fox opened the Public Hearing.

⁷After Chair Fox asked three times for comments, it was moved by Commissioner Huneke and seconded by Commissioner Feuling to close the public hearing. Motion carried 7:0

⁸Motion by Commissioner Feuling seconded by Commissioner Huneke, for the Planning Advisory Commission to:

Land Use Management staff recommends the Planning Advisory Commission adopt the staff report into the record, and **APPROVE** the proposed amendments to the Goodhue County Zoning Ordinance.

Motion Carried 7:0

5. Other discussion

Discussion regarding making the wedding event centers end time be 11:30 pm per ordinance instead of having variances of the same.

Discussion regarding the joint meeting to be held in November.

⁹Adjourn: Moved by Commissioner Feuling, second by Commissioner Huneke, to adjourn the Planning Advisory Commission meeting at 8:22 PM.

Motion carried 7:0

Respectfully Submitted,

Abby Breyfogle; Recording Secretary

¹ APPROVE the PAC meeting agenda.
Motion carried 7:0.

² APPROVE the previous month's meeting minutes.
Motion carried 7:0.

³ Motion to close the Public Hearing.
Motion carried 7:0

⁴ Recommend the County Board of Commissioners Approve the request to establish a dog Kennel and associated training facility for up to 24 dogs.
Motion carried 7:0

⁵ Motion to close the Public Hearing.
Motion carried 7:0

⁶ Recommend the County Board of Commissioners Approve the request to establish a Wedding Barn Event Center.
Motion carried 6:0 (Neseth abstained)

⁷ Motion to close the Public Hearing.
Motion carried 7:0

⁸ Recommend the County Board of Commissioners Approve the proposed amendments to the Goodhue County Zoning Ordinance.
Motion carried 7:0

⁹ ADJOURN the Planning Commission meeting.

**PLANNING COMMISSION
GOODHUE COUNTY, MN
October 15, 2018 MEETING MINUTES
DRAFT**

Motion carried 7:0

UNOFFICIAL UNTIL APPROVED BY THE PAC

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: November 19, 2018
Report date: November 9, 2018

PUBLIC HEARING: Request for Map Amendment (Rezone)

Request for map amendment submitted by Stephen Monchamp to rezone 13.5 acres from A2 (General Agriculture District) to R1 (Suburban Residence District). Parcel 32.120.0161. TBD Staehli Park RD Lake City, MN 55041. Lots 11 and 12 of Auditors Subdivision of the SE ¼ of the NW ¼ of Sect 24 and part of the NE ¼ of the NW ¼ of Sect 24 all located in Twp 112 Range 13 in Florence Township.

Application Information:

Applicant: Stephen Monchamp
Address of zoning request: TBD Staehli Park RD Lake City, MN 55041
Parcel: 32.120.0161
Abbreviated Legal Description: Lots 11 and 12 of Auditors Subdivision of the SE ¼ of the NW ¼ of Sect 24 and part of the NE ¼ of the NW ¼ of Sect 24 all located in Twp 112 Range 13 in Florence Township
Township Information: Florence Township has been made aware of the applicant's requests and is preparing to review the proposal at the Township Planning Commission meeting on 11/12/18 and again at the Town Board meeting on 11/19/18.
Zoning District: A2 (General Agriculture District)

Attachments and links:

Application and submitted project summary
Site Map(s)
Project Review (Rezone)
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Summary:

The Applicant (Stephen Monchamp) owns 4 contiguous parcels comprising 51.28 acres in Florence Township. The Applicant is requesting to rezone his easternmost parcel (13.5 acres) from A2 (General Agriculture District) to R1 (Suburban Residence District) to allow a dwelling to be established on the property. Dwelling development density is currently unavailable as the property lies within an occupied quarter-quarter section of an A2 zoned district. The applicant intends to sell the property in the near future.

In 2017 Goodhue County amended the zoning ordinance adding language requiring requests for increased dwelling density to be pursued through the change of zone process and not through the variance process.

Project Summary:

Property Information:

- The subject property consists of a single parcel comprising 13.5 acres. The applicant owns 3 adjacent parcels (37.78 acres) that are not requested to be rezoned.
- The property is currently zoned A2. Adjacent zoning districts are R1 to the south and west; A2 to the north and east. Rezoning the parcels to R1 would not appear to have any substantial negative

impacts to the existing and potential future uses of the surrounding zoning districts.

- The property is bordered by 2 medium density residential subdivisions to the south and west (Oakwood Addition and Eagle Vista Estates). Additional medium density residential development exists east of the property along the Mississippi River shoreline. Agricultural land and a railroad lie north and east of the subject property.
- The properties are not located within a Historic Preservation District. It is not anticipated that any scenic or historic amenities will be negatively impacted as a result of the proposed rezone.
- The parcel is not designated shoreland or floodplain. There are some steep slopes and areas that qualify as Blufflands in the eastern portion of the parcel. Blufflands and tree and vegetative alterations are regulated by Goodhue County’s Zoning Ordinance. Any future disturbance to these natural features would be required to conform to the requirements in place designed to protect these sensitive areas from the potential negative impacts of development.

Existing/Proposed Uses:

- The property is currently used as agricultural cropland. The applicant intends to establish a dwelling in the southwest corner of the property in the future. A portion of the property may continue to be used for agricultural purposes.

Planning Information:

- The R1 District is intended to provide a district that defines and protects areas suitable for low to medium density residential development as the principal use of the land and to allow related facilities desirable for a residential environment. It is also intended that the district allows varying densities of development in accordance with the ability to provide water and sewer facilities.
- The property is currently used for agricultural purposes. There are no registered feedlots on the property or within 1000 feet of the parcel. The Prime Farmland Rating for Agriculture is as follows:

| Soil Name | Slope | Amount (acres) | % of Total | Prime Farmland Rating |
|-------------------|--------------|-----------------------|-------------------|----------------------------------|
| Malardi Loam | 0-3% | 10.1 | 72.3% | Farmland of Statewide Importance |
| Malardi Loam | 6-12% | 0.7 | 4.7 % | Not Prime Farmland |
| Hawick Sandy Loam | 18-45% | 3.2 | 22.9% | Not Prime Farmland |

- The proposed rezone appears compatible with the goals and objectives of the Goodhue County Comprehensive Plan:

“Support the establishment of rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County”

“Soils with Prime Farmland Rating shall be protected from residential development whenever possible”
- Section 24 is an A2 zoned section with R1 zones situated within it. A2 Districts allow a maximum of 12 dwellings per sections with the stipulation that there be no more than one dwelling in each quarter-quarter section (40 acres). There are currently 8 dwellings in the A2 count for section 24. Dwellings in R1 zones do not count against the density for section based densities. If the property is zoned R1, the dwelling count for the A2 portions of the section will be unaffected. Any future subdivision of the parcel for dwelling development would require the property be reviewed through the platting process.

Staff Recommendation:

LUM Staff recommends the Planning Advisory Commission

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

recommend that the County Board of Commissioners **APPROVE** the map amendment request from Stephen Monchamp to rezone parcel 32.120.0161 from A2 (General Agriculture District) to R1 (Suburban Residence District).

Planning Advisory Commission

Public Hearing
November 19, 2018

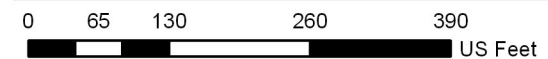
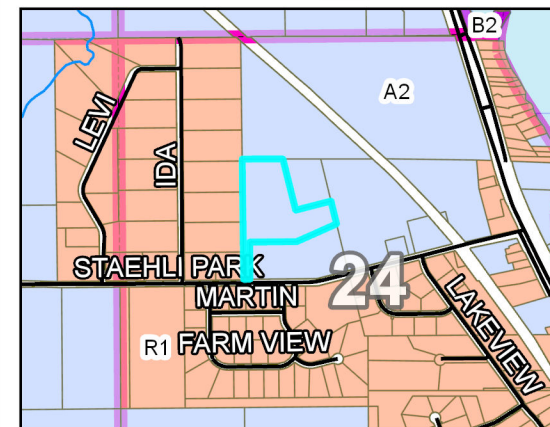
Stephen Monchamp
A2 Zoned District

Parcel # 32.120.0161
Lots 11 & 12 of Auditors Subdivision
of the SE ¼ NW ¼ of Sect 24 & pt. of
the NE ¼ NW ¼ of Sect 24 all in
Twp 112 Range 13 in Florence Township

Request to rezone 13.5 acres
from A2 to R1

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 November, 2018 by LUM



Planning Advisory Commission

Public Hearing
November 19, 2018

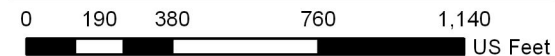
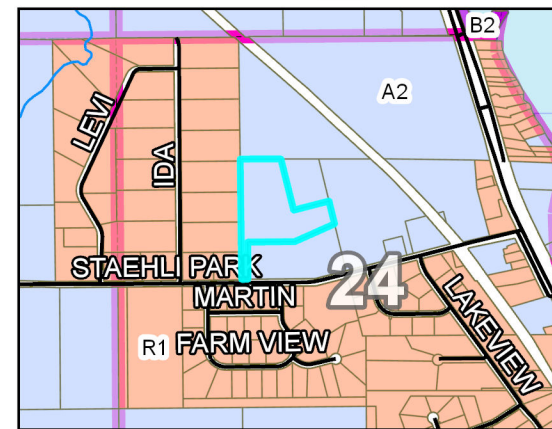
Stephen Monchamp
A2 Zoned District

Parcel # 32.120.0161
Lots 11 & 12 of Auditors Subdivision
of the SE ¼ NW ¼ of Sect 24 & pt. of
the NE ¼ NW ¼ of Sect 24 all in
Twp 112 Range 13 in Florence Township

Request to rezone 13.5 acres
from A2 to R1

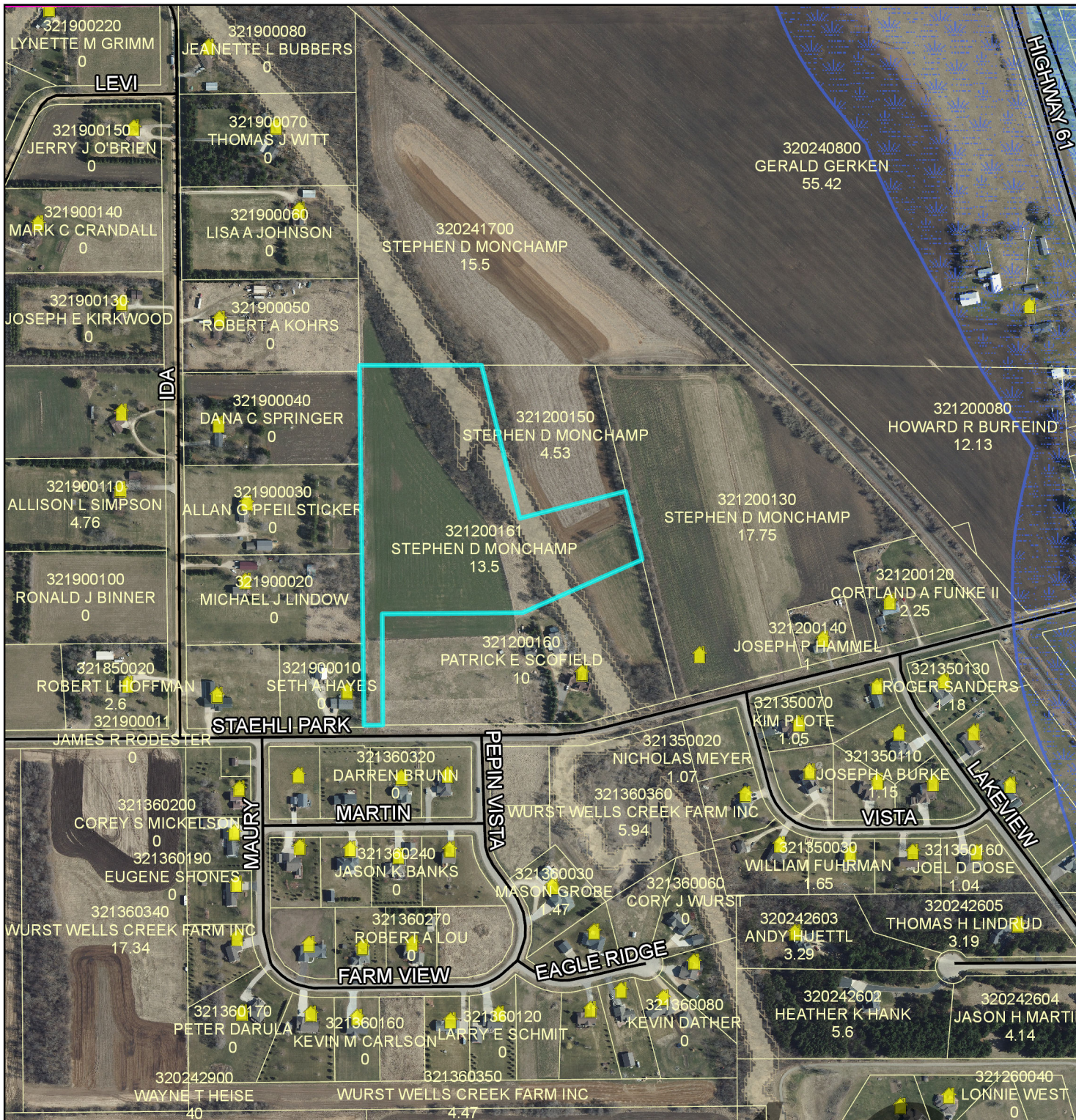
Legend

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



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2016 Aerial Imagery
Map Created November, 2018 by LUM



Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

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

- Subd. 5
- A. The names and addresses of the petitioner or petitioners and their signatures to the petition. **See application**
 - B. Survey information: **See application**
 - C. The current and proposed district: **A2 to R1**
 - D. The current use and the proposed use of the land. **The property is currently being used for row-crop agriculture. The proposed use is to establish a dwelling site on the property. Some of the property may continue to be used for agricultural purposes.**
 - E. The reason for the requested change of zoning district. **The applicant is requesting the zone change to allow dwelling site to be established on the property. The property is currently zoned A2 which allows a maximum of 12 dwellings per sections with the stipulation that there be no more than one dwelling in each quarter-quarter section (40 acres). There is density available to establish another home in the section as there are currently 8 dwellings in the A2 zoned portions of the section, however, the quarter-quarter the properties lies within is occupied by an existing dwelling.**
 - F. A copy of the soil map showing the soils types within the proposed boundary and the surrounding area. **A soils map for the site has been prepared.**
 - G. Prime Farmland Rating of the soil types in F.
 - The Prime Farmland Rating for Agriculture is as follows:

| Soil Name | Slope | Amount (acres) | % of Total | Prime Farmland Rating |
|-------------------|--------|----------------|------------|----------------------------------|
| Malardi Loam | 0-3% | 10.1 | 72.3% | Farmland of Statewide Importance |
| Malardi Loam | 6-12% | 0.7 | 4.7 % | Not Prime Farmland |
| Hawick Sandy Loam | 18-45% | 3.2 | 22.9% | Not Prime Farmland |

- H. A statement of how the requested change is compatible with the Goodhue County Comprehensive Plan including but not limited to the following:

1. The environmental impacts of the proposed use of land on the:
 - a. Groundwater
 - b. natural plant and animal communities
 - c. existing trees and vegetation
 - d. Bluffland stability
 - e. shoreland stability

The parcel is not designated shoreland or floodplain. There are some steep slopes and areas that qualify as Blufflands in the eastern portion of the parcel. Blufflands and tree and vegetative alterations are regulated by Goodhue County's Zoning Ordinance. Any future disturbance to these natural features would be required to conform to the requirements in place designed to protect these sensitive areas from the potential negative impacts of development.

2. The compatibility with surrounding land uses

The property is bordered by 2 medium density residential subdivisions to the south and west (Oakwood Addition and Eagle Vista Estates). Additional medium density residential development exists east of the property along the Mississippi River shoreline. Agricultural land and a railroad lie north and east of the subject

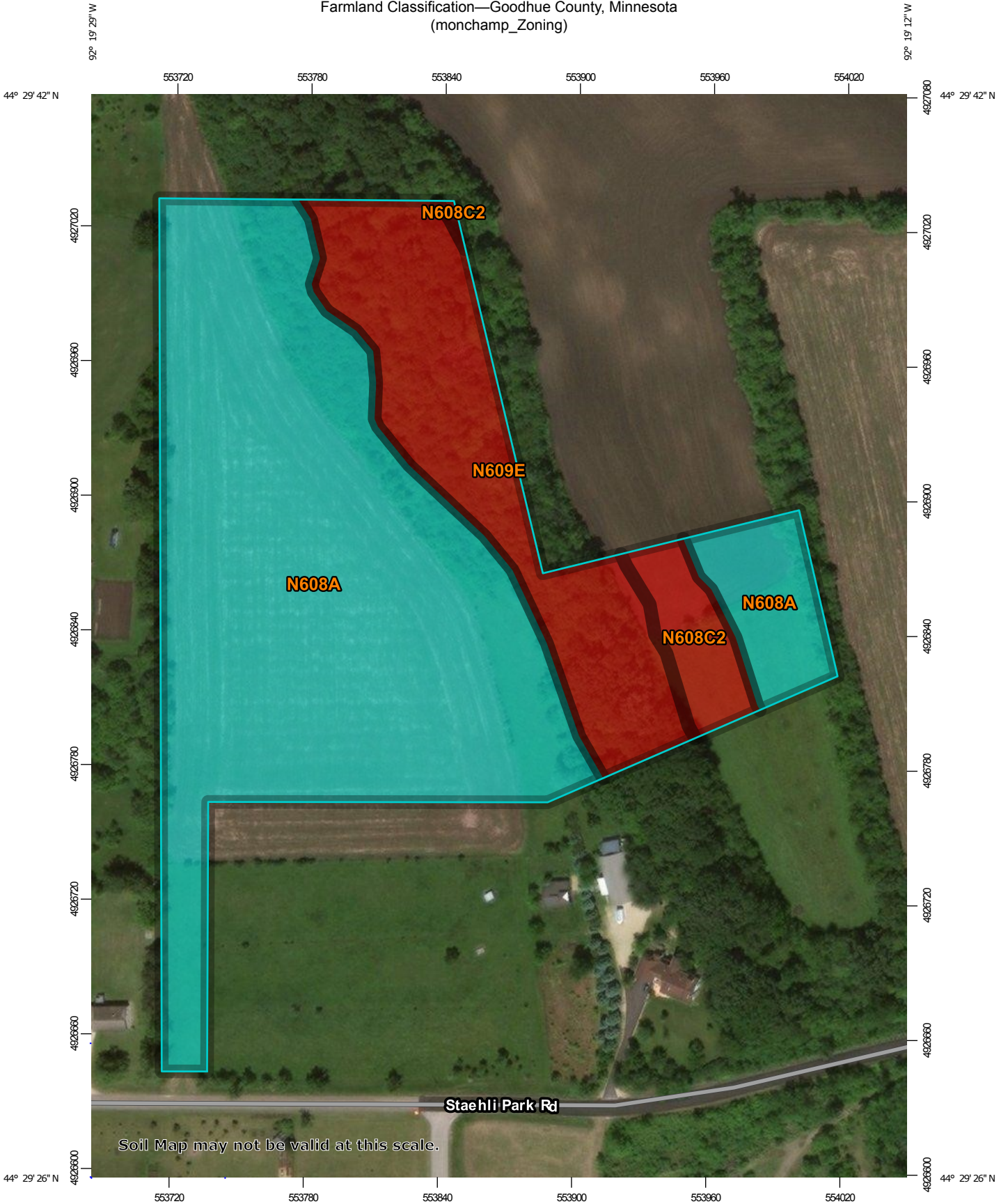
property. Given the site is adjacent to existing residential development and impacts to future expansion of agriculture in the area would be limited we do not anticipate any negative impacts to rezoning the property to an R1 zone as the classification is compatible with existing and future uses in the surrounding area.

3. The physical and visual impacts on any scenic or historic amenities within or surrounding the proposed parcel.

It is not anticipated that any scenic or historic amenities will be negatively impacted as a result of the proposed rezone.

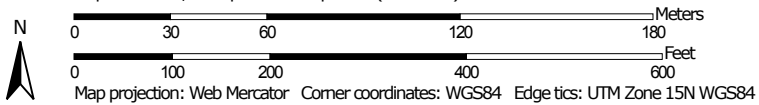
- Subd. 6 The housing density of the affected Section
Section 24 is an A2 zoned section with R1 zones situated within it. A2 Districts allow a maximum of 12 dwellings per sections with the stipulation that there be no more than one dwelling in each quarter-quarter section (40 acres). There are currently 8 dwellings in the A2 count for section 24. Dwellings in R1 zones do not count against the density for section based densities. If the property is zoned R1, the dwelling county for the A2 portions of the section will be unaffected. Any future subdivision of the parcel for dwelling development would require the property be reviewed through the platting process.
- Subd. 7 The impact on any surrounding agricultural uses
This property is currently being farmed; there are crop farming activities to the north and east of the site. Some of the cropland on the parcel is anticipated to remain as cropland. There are no existing registered feedlots within 1000 feet of the parcel. The change of zone is not expected to negatively impact agricultural operations in the immediate vicinity.
- Subd. 8 The impact on the existing transportation infrastructure
The property is accessed off of Staehli Park RD approximately one half-mile west of US HWY 61. The change of zone is not anticipated to negatively impact traffic or existing transportation infrastructure.
- Subd. 9 The impact on surrounding zoning districts
The property is currently zoned A2. Adjacent zoning districts are R1 to the south and west; A2 to the north and east. Rezoning the parcels to R1 would not appear to have any substantial negative impacts to the existing and potential future uses of the surrounding zoning districts.
- Subd. 10 A statement concerning the cumulative effect and compatibility of the requested zoning change on the affected Township and any cities located within 2 miles of the proposed parcel.
Rezoning the subject parcel to R1 does not appear to have negative cumulative effects on the immediate surrounding area or Lake City. The area is used primarily for residential and recreational purposes and rezoning the property to R1 would be more compatible with the predominant uses.
- Subd. 11. Additional information as may be requested by the Planning Commission or zoning staff.

Farmland Classification—Goodhue County, Minnesota
(monchamp_Zoning)



Soil Map may not be valid at this scale.

Map Scale: 1:2,350 if printed on A portrait (8.5" x 11") sheet.



Farmland Classification

| Map unit symbol | Map unit name | Rating | Acres in AOI | Percent of AOI |
|------------------------------------|---|----------------------------------|--------------|----------------|
| N608A | Malardi loam, 0 to 3 percent slopes | Farmland of statewide importance | 10.1 | 72.3% |
| N608C2 | Malardi loam, 6 to 12 percent slopes, moderately eroded | Not prime farmland | 0.7 | 4.7% |
| N609E | Hawick sandy loam, 18 to 45 percent slopes | Not prime farmland | 3.2 | 22.9% |
| Totals for Area of Interest | | | 14.0 | 100.0% |

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

OCT 26 2018

GOODHUE COUNTY ZONING DISTRICT CHANGE APPLICATION

Land Use Management

Parcel # 321200161

Permit # Z18-0051

PROPERTY OWNER INFORMATION

| | | | | | | |
|-------------------------------|---------------------------------------|-------|---------|--------|---------------|---|
| Last Name | Monchamp | First | Stephen | M.I.D. | Date of Birth | 12/03/1951 |
| Street Address | 1440 Orchard Rd. | | | Phone | | |
| City | Gardnerville | State | NV | Zip | 89410 | Attach Legal Description as Exhibit "A" <input checked="" type="checkbox"/> |
| Authorized Agent | Sonda Featherstone | | | Phone | | |
| Mailing Address of Landowner: | Same | | | | | |
| Mailing Address of Agent: | 101 S. Washington, Lake City MN 55041 | | | | | |

PROJECT INFORMATION

| | | | | | | |
|---|---------------------|--------------------------------------|----|--|--|--|
| Site Address (if different than above): | Staehli Park Rd. | | | | | |
| Lot Size | 13.5 Acres | Structure Dimensions (if applicable) | | | | |
| Existing Zone | AG | Proposed Zone | R1 | | | |
| Existing Use | Woodland, crop land | | | | | |
| Proposed Use: | Personal residence | | | | | |

DISCLAIMER AND PROPERTY OWNER SIGNATURE

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

Signature of Landowner  Date 10/23/2018

Signature of Agent Authorized by Agent

TOWNSHIP INFORMATION

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

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the variance request.

| | | |
|---|-------|------|
| Signature | Title | Date |
| Comments: see attached email communication with township. | | |

COUNTY SECTION COUNTY FEE \$500 RECEIPT # 16548 DATE PAID 10.26.18

Applicant requests a variance from Article ___ Section ___ Subdivision ___ of the Goodhue County Zoning Ordinance

What is the formal wording of the request?

Shoreland ___ Lake/Stream Name ___ Zoning District ___

Date Received ___ Date of Public Hearing ___ DNR Notice ___ City Notice ___

Action Taken: ___ Approve ___ Deny Conditions:

**APPLICANT FINDINGS OF FACT
AND SUPPORTING INFORMATION REGARDING ZONING DISTRICT CHANGE APPLICATION**

1. How does the requested change compatible with the Goodhue County Comprehensive Plan?

see below. No net change to residences in Township. Compatible with adjacent properties.

2. What is the cumulative effect of the requested zoning change on the affected Township and any cities located within 2 miles of the proposed parcel?

Minimal affect. Request will allow for 1 Residence in 51 acres (4 parcels) owned by applicant.

3. Is the zoning change compatible with the affected Township and any cities located within 2 miles of the proposed parcel?

R1 is consistent with properties adjacent, to the South & west.

Applicant owns 51 acres (4 parcels shown in Exhibit "G"). Currently the Section Regulations allow for Residence in Northerly 15.5 acres which is in Sec. 13. Application to allow for Residence in 13.5 acre parcel in Sec. 24.

Exhibit "A"



Erected 1875.

Florence Township

P.O. Box 97 • Frontenac, MN 55026

www.florencetwp.org • florencetwp@mchsi.com

NOTICE OF PUBLIC HEARING: Florence Township Town board will have a public hearing on Monday November 12th at 6:00 P.M. at the Town Hall.

PUBLIC HEARING: STEPHEN D MONCHAMP and JUDITH A MONCHAMP

Legal Description Sect-24 Twp-112 Range-013 13.50 AC

DOC#495344 LOT 12 AUD SUBD

24-112-13 EX 10AC DOC#642839

REC 10/23/17 ID# 32-0140-01400

(PT)

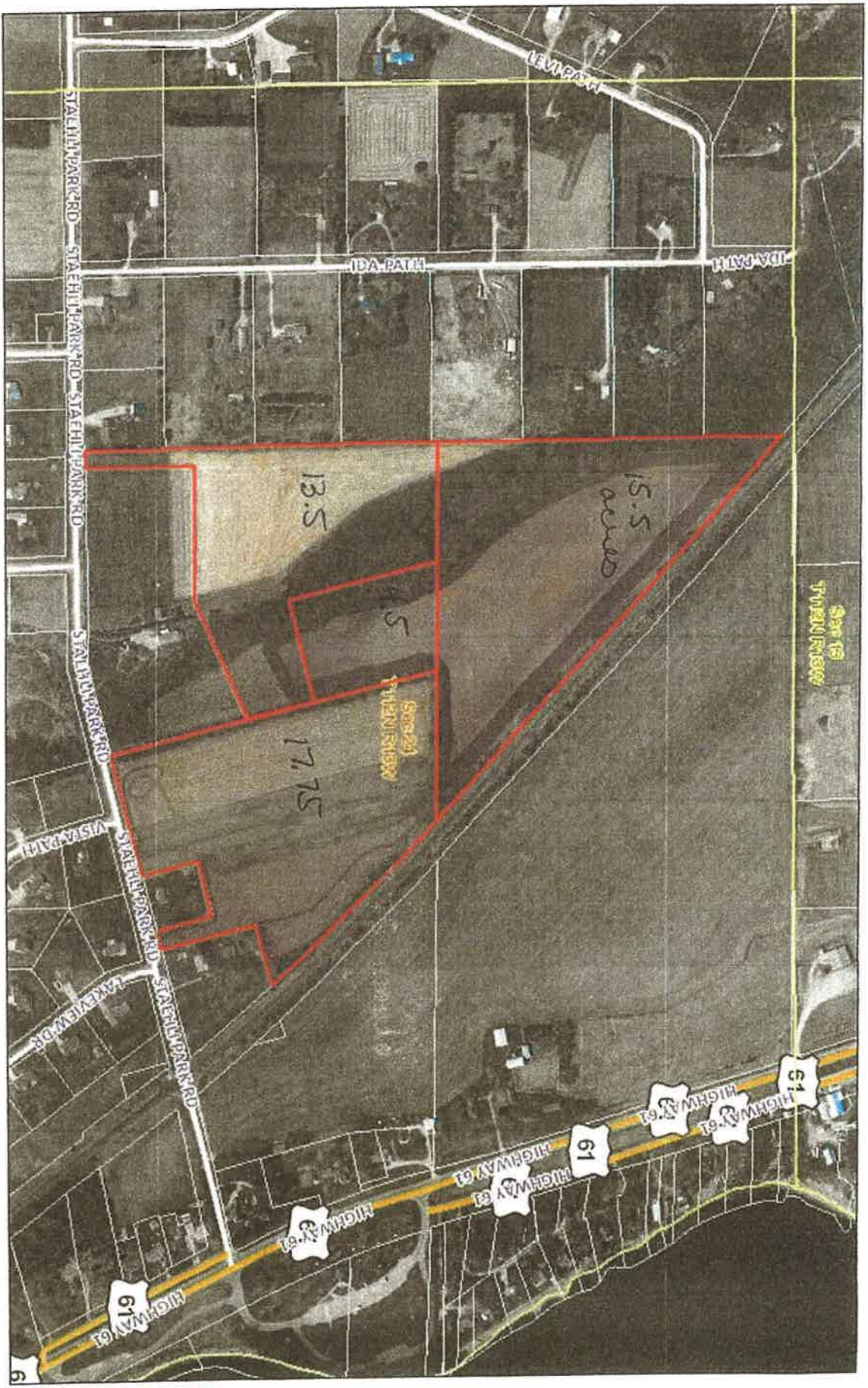
1. Map Amendment (Rezone)

Request for map amendment to rezone Parcels 32.120.0161 from Ag non homestead to R1 to allow one residence.

Anyone interested may attend.

Susan M. Eisenmenger, Clerk

"B" 4 parcels owned by applicant
ArcGIS WebMap



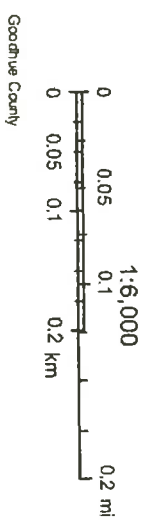
February 1, 2018

Search Results: Search by Multiple PIN Numbers

Override 1

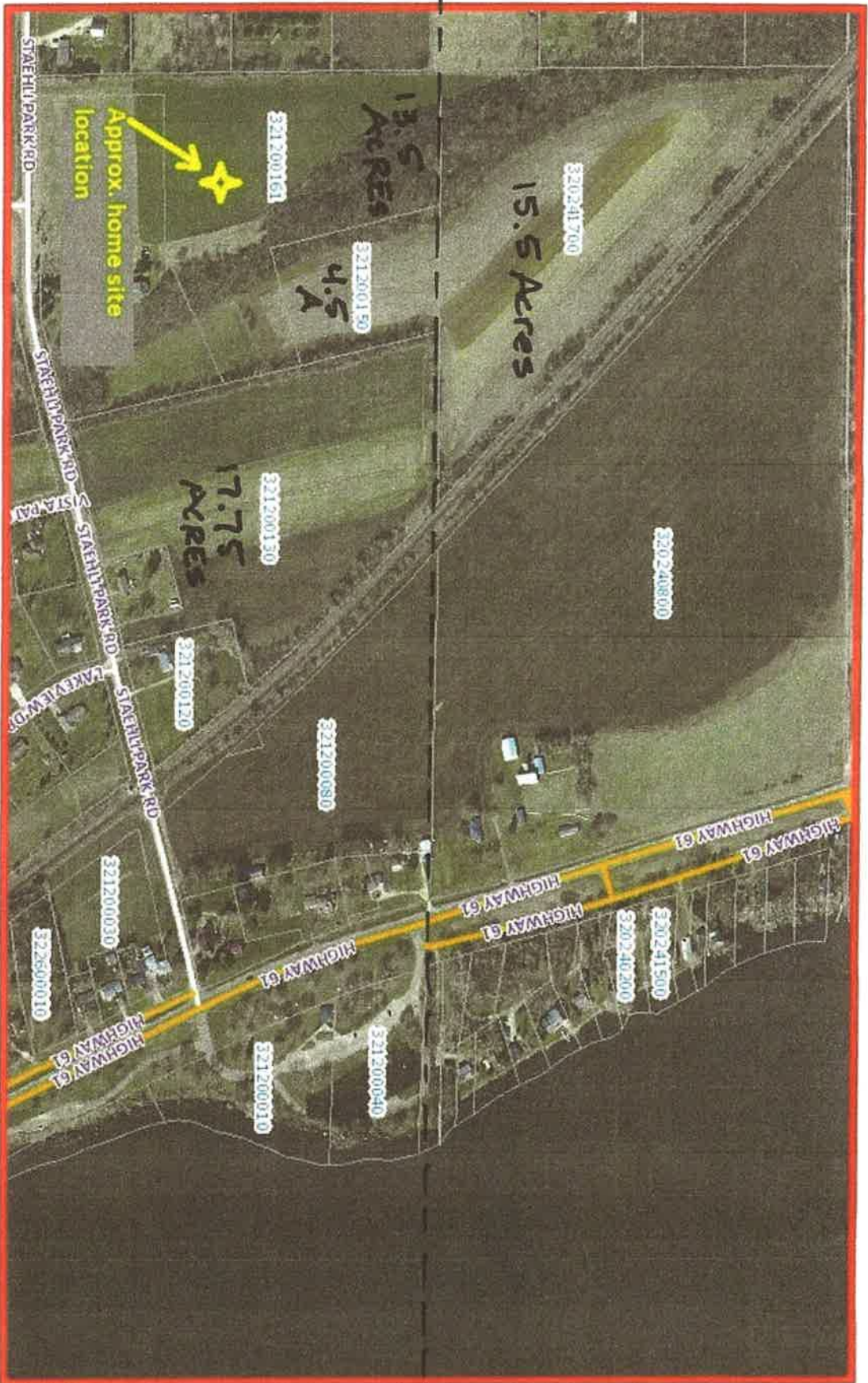
GoodhueCo_PLSS

Roads 9.600



section line divides 1 parcel to N.
 Monchamp ArcGIS WebMap

SEC 13
 SEC 24



September 2, 2018

- Lake City PIN
- Township or Other Roads Major Roads 1,200
- Township or Other Roads
- County Roads 1,200
- County Roads - Gravel
- County Roads - Paved
- US Highway
- State Highway



ArcGIS Online

poodlecoulee@gmail.com

From: Jody McIlrath <jodymcilrath@embarqmail.com>
Sent: Saturday, October 13, 2018 8:52 AM
To: poodlecoulee@gmail.com
Subject: Re: Application

Steve,

Just to update you, the public notices for the Graphic, and letters to surrounding land owners are in process with our Town Clerk and will be out in the legally required timeframe. The Planning Commission had discussed your rezoning possibility two meetings ago when your Realtor rep Sonda(?) came and posed the question.

I don't believe it will be a problem getting a recommendation for approval at the Nov. 12th public hearing and Planning Commission meeting. It will still need to go to the Florence Township Board meeting on November 19th for final approval. Then you should be good to go.

Unfortunately, a lot of processes, but all have to be done in proper order.

Jody

thanks

From: Jody McIlrath <jodymcilrath@embarqmail.com>
Sent: Thursday, October 11, 2018 11:38 AM
To: poodlecoulee@gmail.com
Subject: Re: Application

Steve,

I am so sorry we didn't get it. Not sure what happened. Your rep showed up at the meeting thinking it was on the agenda. I will need to post a two week notice in the Graphic for a public hearing on this rezoning, as required by law. I will begin work on this right away for the November 12th meeting. I will keep you posted.

Jody

Here is the application I mailed in 9/24/2108. I don't know where it ended up. Is it possible to act on this before the next Planning Meeting? If not, please put this application on the agenda of the next meeting.

Thanks,

Steve Monchamp

EXHIBIT A

Lots 11 and 12 of Auditor's Subdivision of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼).
Also, all that part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) lying south of the right of
way of the Chicago, Milwaukee, St. Paul & Pacific Railway Company, all in Section 24, Township 112 North,
Range 13 West.

110-105

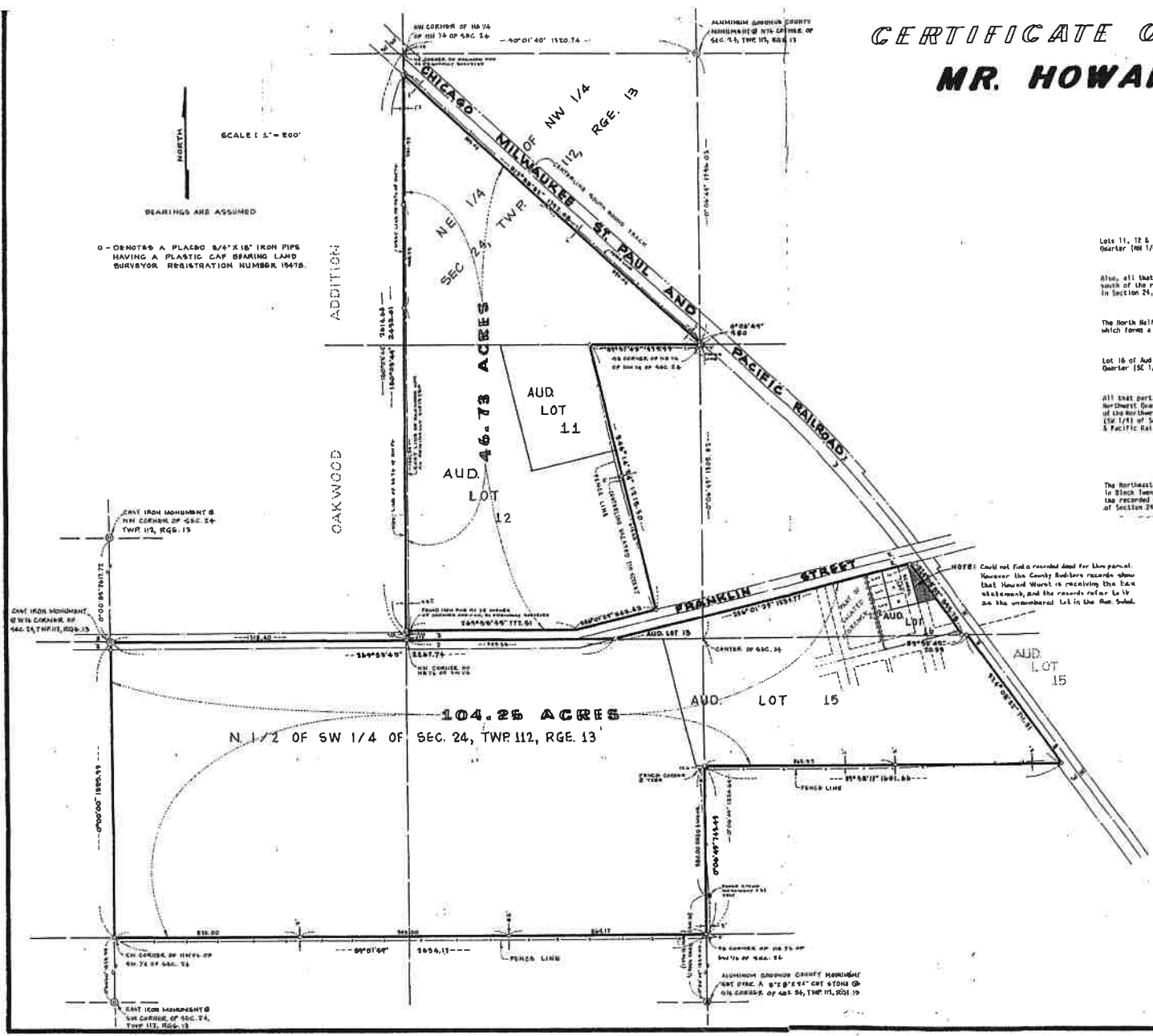


U14412196-10C102

WARRANTY DEED
REF# T-019866
US Recording

CERTIFICATE OF SURVEY FOR: MR. HOWARD C. WURST

SURVEY LOT 12 - BEFORE EXCLUSION OF 10 ACRES



DESCRIPTORS OF RECORD

UNNUMBERED RECORDS IN BOOK 1-10 PAGES 288 AND 289

Lots 11, 12 & 13 of Auditor's Subdivision of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4).

AND

Also, all that part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) lying south of the right of way of the Chicago, Milwaukee, St. Paul & Pacific Railway Company, all in Section 24, Township 112 North of Range 13 West.

AND

The North Half (NH) of the Southwest Quarter (SW 1/4) of Section 24, except that part thereof which forms a part of Lot 15 of Auditor's Subdivision of part of said Section 24.

AND

Lot 16 of Auditor's Subdivision of a part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 24.

AND

All that part of Lot 15 of Auditor's Subdivision of Lot 2 and part of Lot 3, a part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4), the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) and the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 24, lying west of the right of way of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, all in Township 112 North of Range 13 West.

QUIT CLAIM BEING RECORDED IN BOOK L-9 PAGE 509

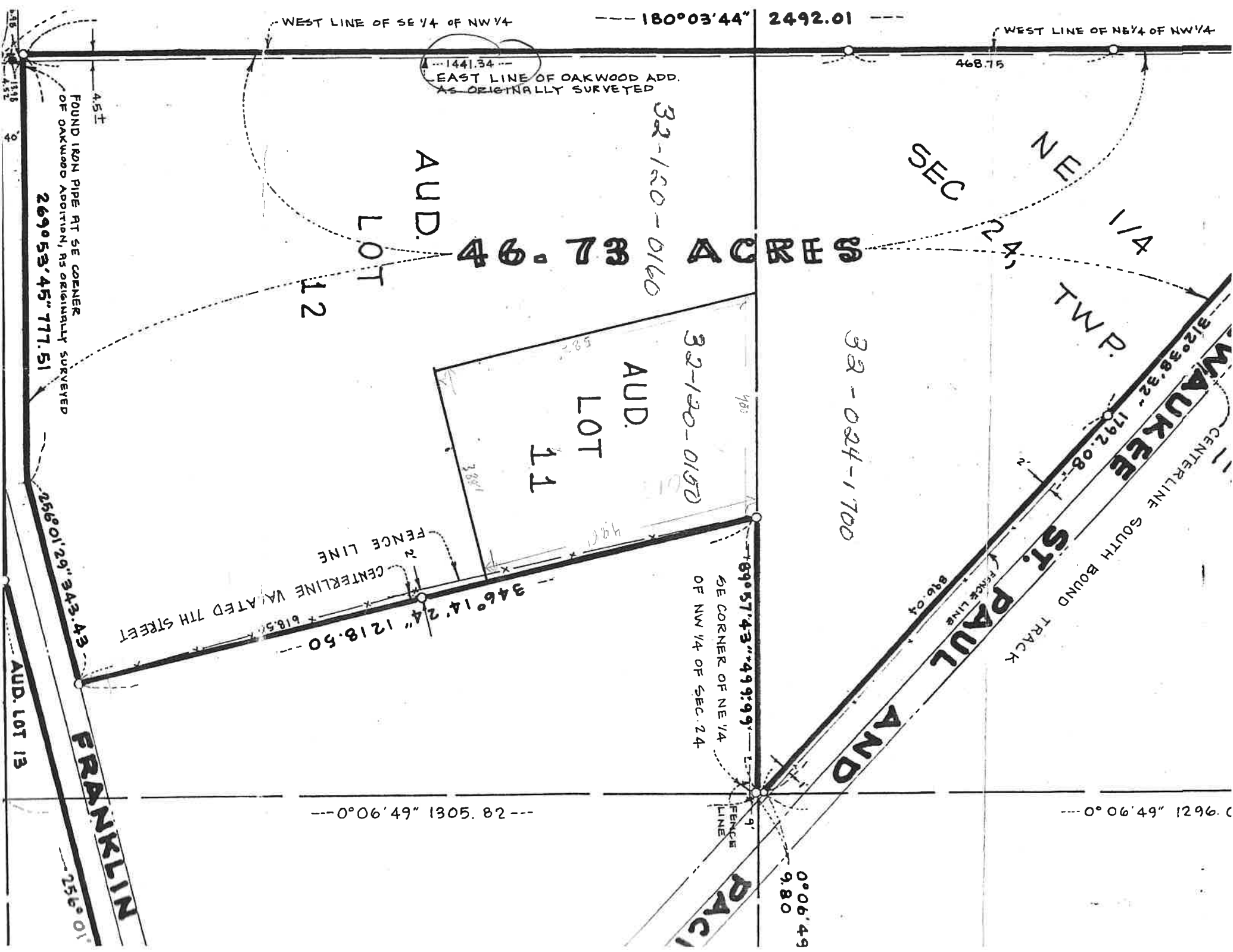
The Northeasterly one-eighth half being 75 feet of Lots Eight (8), nine (9) and ten (10), all in Block Twenty-two (22) in the Village of Florence, Goodhue County, Minnesota, according to the recorded plat of said Village, and being in the Southwest Quarter of the Northwest Quarter of Section 24, Township 112, Range 13, Goodhue County, Minnesota.

NOTE: Could not find a recorded deed for the parcel. However the County Auditor records show that Howard Wurst is receiving the 104.25 acre tract, and the records refer to it as the unnumbered Lot in the Plan Subd.

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.

Alan K. Gelfield
Alan K. Gelfield
Min. Reg. No. 10473
Date: *May 24, 1984*

Goodhue County Land Surveying Company, Inc.
Formerly a branch of Gray & Johnson Corporation, Inc.
1203 Main Street, Red Wing, MN 55066 Office: (612) 388-1988
Homes: (612) 388-3365 (612) 388-1111



WEST LINE OF SE 1/4 OF NW 1/4

180°03'44" 2492.01

WEST LINE OF NE 1/4 OF NW 1/4

1441.34
EAST LINE OF OAKWOOD ADD.
AS ORIGINALLY SURVEYED

468.75

SEC 24 NE 1/4 TWP 24 N

AUD. LOT 46.73 ACRES

32-120-0160

32-024-1700

FOUND IRON PIPE AT SE CORNER
OF OAKWOOD ADDITION, AS ORIGINALLY SURVEYED
269°53'45" 777.51

112

AUD. LOT 11

32-120-0150

WAUKESHA
CENTERLINE SOUTH BOUND TRACK
ST. PAUL AND
FRANKLIN

FENCE LINE
CENTERLINE VARIATED 7TH STREET
346°14'24" 1218.50
618.50

89°57'43" 499.99
SE CORNER OF NE 1/4
OF NW 1/4 OF SEC. 24

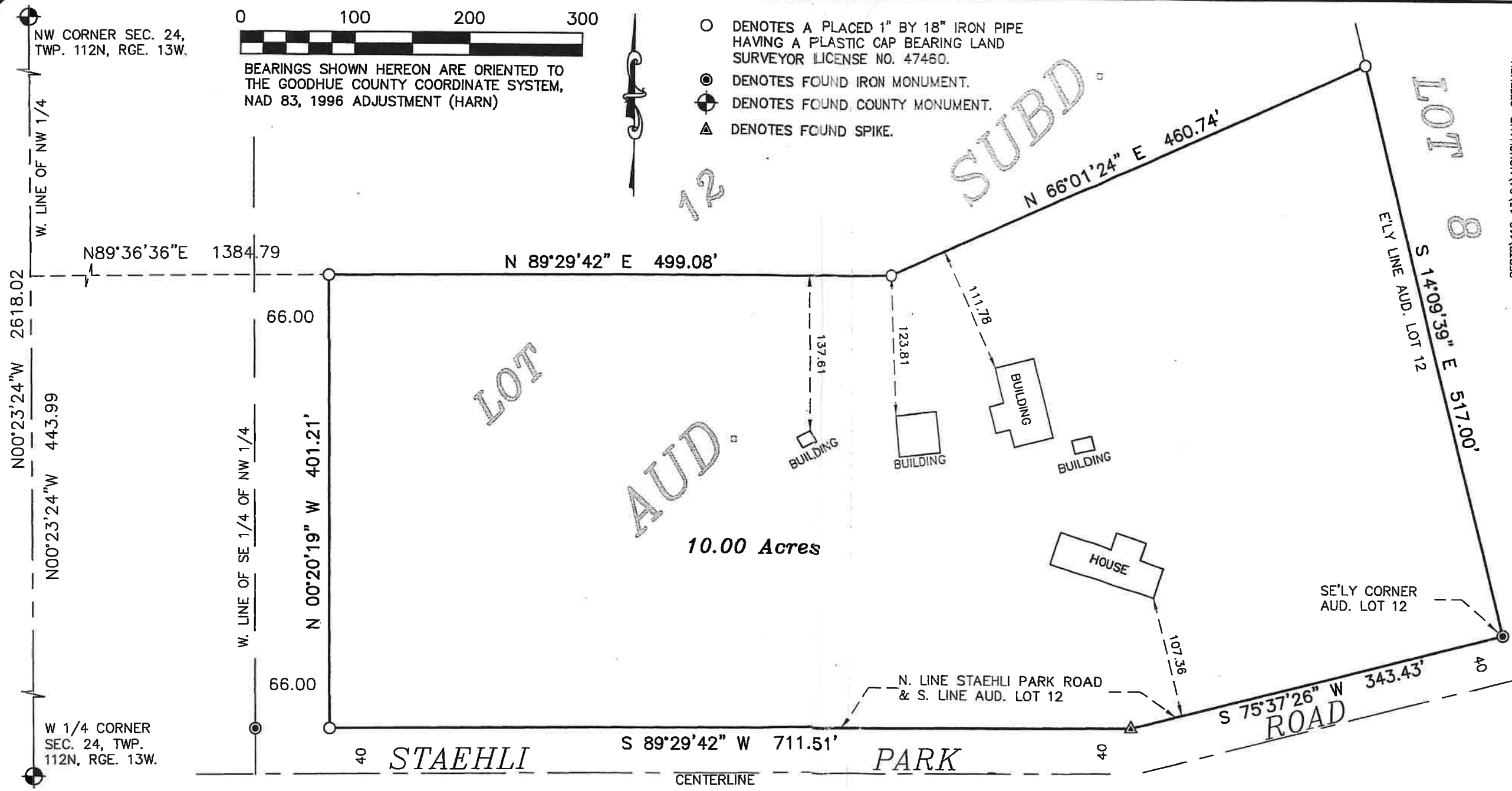
AUD. LOT 13
FRANKLIN
256°01'

0°06'49" 1305.82

0°06'49" 1296.0

0°06'49" 9.80

10 ACRES NOW EXCLUDED FROM LOT 12
(SUBJECT PROP)



- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- ⊕ DENOTES FOUND COUNTY MONUMENT.
- ▲ DENOTES FOUND SPIKE.



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

CERTS\112-13\24\MONCHAMP, STEPHEN

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

Marcus S. Johnson
Minnesota License No. 47460
Date: December 10, 2015

| | | | |
|--------|--------|--------|----------------|
| BK. NA | PG. NA | W.O.# | DRAWING NUMBER |
| | | 15-604 | S-6017 |

PROPOSED PROPERTY DESCRIPTION

That part of Lot 12, AUDITORS SUBDIVISION in Section 24, Township 112 North, Range 13 West, Goodhue County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 24; thence on an assumed bearing of North 00 degrees 23 minutes 24 seconds West, along the west line of the Northwest Quarter of said Section 24, a distance of 443.99 feet; thence North 89 degrees 36 minutes 36 seconds East, a distance of 1384.79 feet to the point of beginning of the land to be described; thence North 89 degrees 29 minutes 42 seconds East, a distance of 499.08 feet; thence North 66 degrees 01 minutes 24 seconds East, a distance of 460.74 feet to the easterly line of said Lot 12; thence South 14 degrees 09 minutes 39 seconds East, along said easterly line, a distance of 517.00 feet to the southeasterly corner of said Lot 12, being a point on the northerly line of Staehli Park Road; thence South 75 degrees 37 minutes 26 seconds West, along the southerly line of said Lot 12, also being said northerly line of Staehli Park Road, a distance of 343.43 feet to an angle point in the southerly line of said Lot 12, also being said northerly line of Staehli Park Road, a distance of 711.51 feet; thence North 00 degrees 20 minutes 19 seconds West, a distance of 401.21 feet to the point of beginning.

Subject to all easements and restrictions of record.

CERTIFICATE OF SURVEY FOR:
STEPHEN MONCHAMP
C/O PATRICK SCOFIELD

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

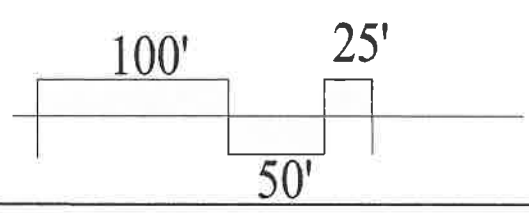
1203 MAIN STREET, RED WING, MN 55066
(651) 388-1558



EXISTING FIELD
EDGE SHOWN DASHED

107'-6"

121'-6"



STAEHLI PARK RD

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: Planning Advisory Commission
From: Land Use Management
Meeting Date: November 19, 2018
Report date: November 9, 2018

PUBLIC HEARING: Request for Map Amendment (Rezone)

Request for map amendment submitted by John (Jack) Lucking to rezone 2 parcels comprising 34.26 acres from A3 (Urban Fringe District) to R1 (Suburban Residence District). Parcels 41.024.2200 & 41.024.2300. 31815 Willow Trl Cannon Falls, MN 55009. Part of the SE ¼ of Sect 24 Twp 112 Range 18 in Stanton Township.

Application Information:

Applicant: John (Jack) Lucking

Address of zoning request: 31815 Willow Trl Cannon Falls, MN 55009

Parcels: 41.024.2200 & 41.024.2300

Abbreviated Legal Description: Part of the SE ¼ of Sect 24 Twp 112 Range 18 in Stanton Township

Township Information: Stanton Township has been made aware of the Applicant's request. The Township has granted variances to allow dwellings to be established on both parcels.

Zoning District: A3 (Urban Fringe District)

Attachments and links:

Application and submitted project summary

Site Map(s)

Project Review (Rezone)

Goodhue County Zoning Ordinance (GCZO):

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

Summary:

The Applicant owns 2 contiguous parcels comprising 34.26 acres in Stanton Township. He is requesting to rezone both parcels from A3 (Urban Fringe District) to R1 (Suburban Residence District) to allow him to establish a dwelling on each parcel. The western parcel (25.02 acres) and the eastern parcel (9.24 acres) do not meet the A3 district's 35-acre minimum lot size standard for dwelling development.

The Applicant received a variance from Goodhue County in August 2016 to allow a dwelling to be established on the eastern parcel. An extension was granted until August of 2018 but due to health reasons, the applicant was unable to establish a dwelling on the property prior to the variance expiration date. The applicant now desires to establish a dwelling on the western parcel and potentially sell the eastern parcel as an eligible dwelling site.

In 2017 Goodhue County amended the zoning ordinance adding language requiring requests for increased dwelling density to be pursued through the change of zone process and not through the variance process.

Project Summary:

Property Information:

- The subject property consists of 2 contiguous parcels comprising approximately 34.26 acres in Stanton Township.
- The property is currently zoned A3. Adjacent zoning districts are B2 to the east; A3 to the north and south; R1 to the west. The property is bordered by low-density residential to the north, south, and west. A feedlot and mixed business uses are situated east of the site. A medium-density residential development (Woodland Heights) is located a half-mile to the northwest and the city of Cannon Falls is located a half-mile to the east.
- The eastern parcel is accessed off of Willow Trail. The western parcel can be accessed off of 315th ST Way or potentially off of Willow Trail if an easement is drafted granting access across the eastern parcel. The change of zone is not anticipated to negatively impact traffic or existing transportation infrastructure.
- The properties are not located within a Historic Preservation District and the rezone is not anticipated to negatively impact any scenic or historic amenities.
- A portion of the western parcel is designated shoreland and floodplain of the Little Cannon River. GIS and aerial imagery data indicates no Blufflands or steep slopes are present on either property. Shorelands, floodplain, wetlands, and tree and vegetative alterations are regulated by Goodhue County's Zoning Ordinance. Any future disturbance to these natural features would be reviewed through the building permit process for conformance with ordinance regulations.

Existing/Proposed Uses:

- The western property is currently a private orchard. The proposed future use is to establish a dwelling site on the property and continue the private orchard use. The eastern parcel has 2 existing accessory structures used for residential storage but the majority of the property is undeveloped woods. The proposed future use of the property is to establish a dwelling on the premises.

Planning Information:

- The R1 District is intended to provide a district that defines and protects areas suitable for low to medium density residential development as the principal use of the land and to allow related facilities desirable for a residential environment. It is also intended that the district allows varying densities of development in accordance with the ability to provide water and sewer facilities.
- The property is not currently farmed but does support a private orchard. The Prime Farmland Rating for Agriculture is as follows:

| Soil Name | Slope | Amount (acres) | % of Total | Prime Farmland Rating |
|---------------------|--------------|-----------------------|-------------------|----------------------------------|
| Rasset Sandy Loam | 0-6% | 1.8 | 5.2% | Prime Farmland |
| Sparta Loamy Sand | 0-6% | 17.6 | 50.5 % | Not Prime Farmland |
| Hawick Sandy Loam | 12-18% | 1.9 | 5.6% | Not Prime Farmland |
| Kalmarville-Radford | 0-3% | 6.0 | 17.3 % | Not Prime Farmland |
| Ankeny-Zumbro | 0-3% | 6.8 | 19.7% | Farmland of Statewide Importance |
| Water | NA | 0.6 | 1.6% | Not Prime Farmland |

- The proposed rezone appears compatible with the goals and objectives of the Goodhue County Comprehensive Plan:
“Support the establishment of rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County”
“Provide more housing choices for rural residents”
“Soils with Prime Farmland Rating shall be protected from residential development whenever possible”
- Section 24 has a mix of R1 and A3 zoning districts. There are currently 70 dwellings established

in the section. The section is characterized by rural residential parcels. Any future subdivision of the parcel for dwelling development would require the property be reviewed through the platting process.

- Rezoning the subject parcels to R1 does not appear to have negative cumulative effects on the immediate surrounding area or Cannon Falls. The area is characterized by low-density rural residential development as there are 70 existing residences in the section. The rezone is not anticipated to negatively impact future orderly annexation efforts of the city of Cannon Falls. Any future subdivision of the properties would require review through the platting process.

Staff Recommendation:

LUM Staff recommends the Planning Advisory Commission

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

recommend that the County Board of Commissioners **APPROVE** the map amendment request submitted by John (Jack) Lucking to rezone parcels 41.024.2200 & 41.024.2300 from A3 (Urban Fringe District) to R1 (Suburban Residence District).

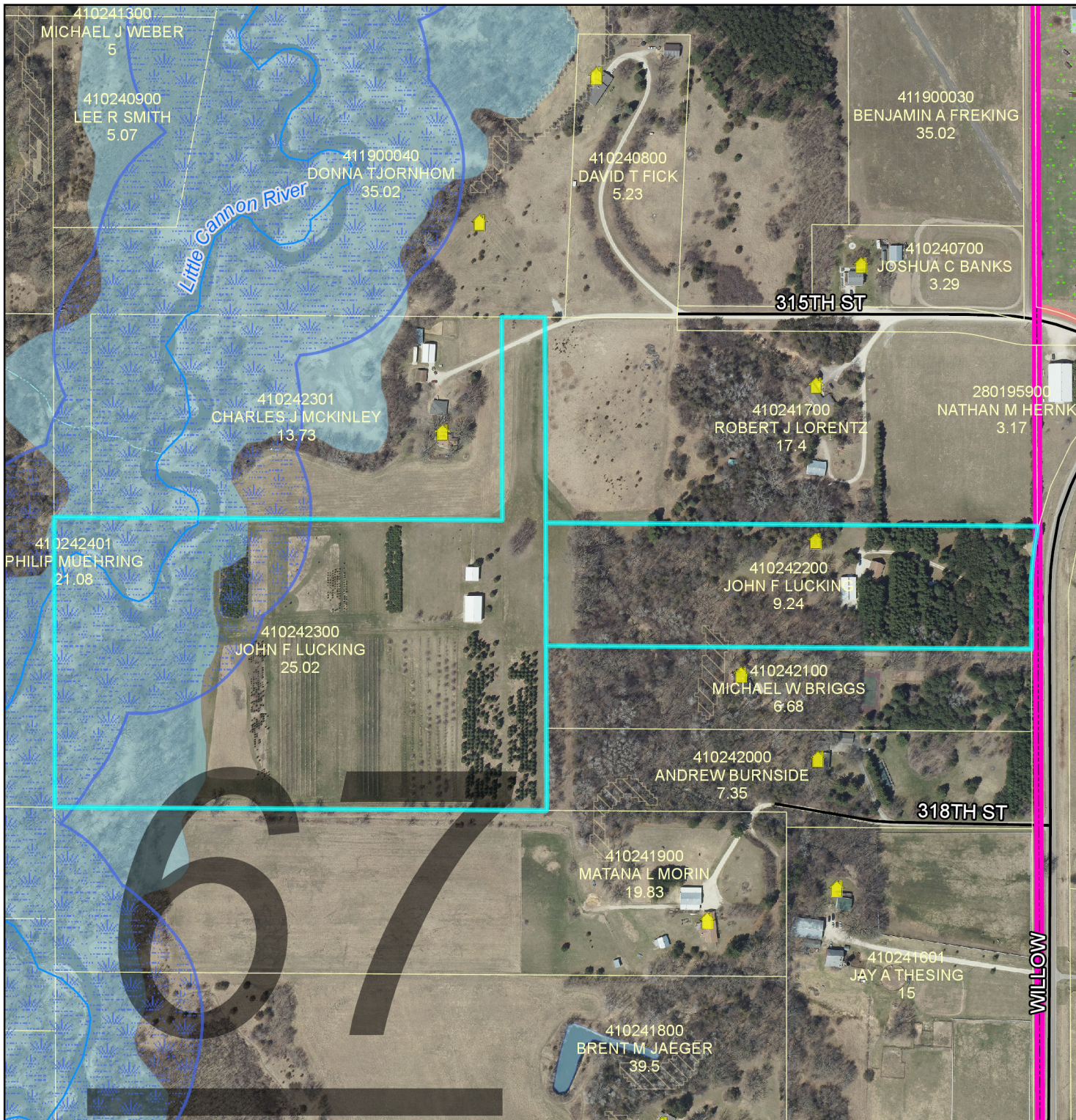
Planning Advisory Commission

Public Hearing
November 19, 2018

John (Jack) Lucking
A2 Zoned District

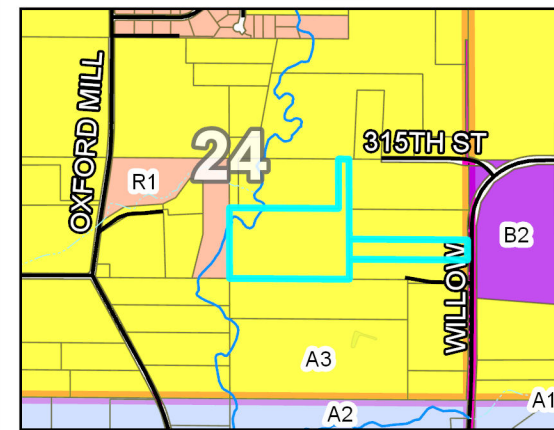
Parcels # 41.024.2200 & 41.024.2300
Part of the SE ¼ of Sect 24
Twp 112 Range 18 in Stanton Township

Request to rezone 2 parcels comprising
34.26 acres from A3 to R1



Legend

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



0 145 290 580 870 US Feet

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2016 Aerial Imagery
Map Created November, 2018 by LUM



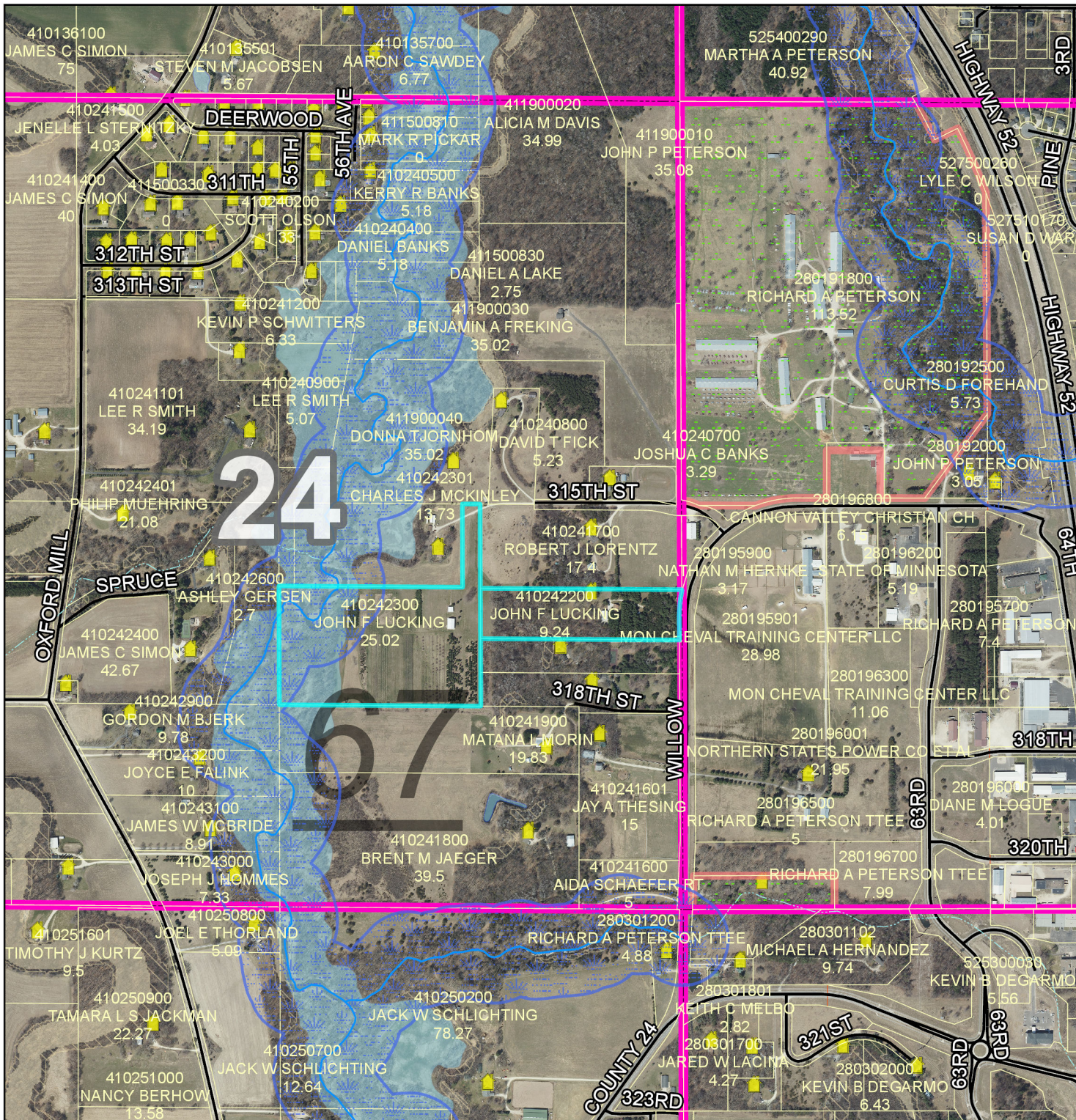
Planning Advisory Commission

Public Hearing
November 19, 2018

John (Jack) Lucking
A2 Zoned District

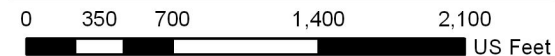
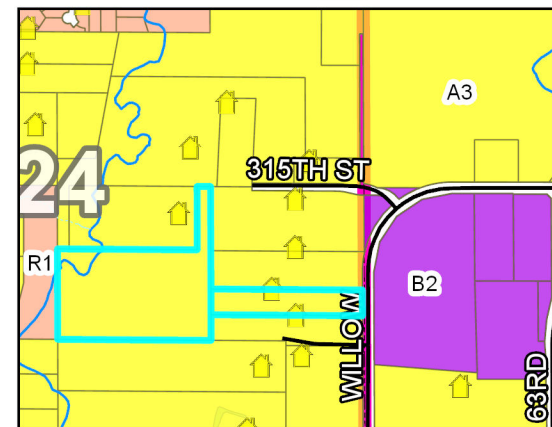
Parcels # 41.024.2200 & 41.024.2300
Part of the SE ¼ of Sect 24
Twp 112 Range 18 in Stanton Township

Request to rezone 2 parcels comprising
34.26 acres from A3 to R1



Legend

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



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2016 Aerial Imagery
Map Created November, 2018 by LUM



Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

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

- Subd. 5
- A. The names and addresses of the petitioner or petitioners and their signatures to the petition. **See application**
 - B. Survey information: **See application**
 - C. The current and proposed district: **A3 to R1**
 - D. The current use and the proposed use of the land. **The western property is currently a private orchard. The proposed future use is to establish a dwelling site on the property and continue the private orchard use. The eastern parcel has 2 existing accessory structures used for residential storage but the majority of the property is undeveloped woods. The proposed future use of the property is to establish a dwelling on the premises.**
 - E. The reason for the requested change of zoning district. **The applicant is requesting the zone change to allow dwelling sites to be established on both properties. A rezone would be necessary as neither lot has enough acreage to meet the A3 district's 35-acre minimum lot size requirements for dwelling development. Additionally, if the properties were combined into a single parcel, the total acreage (34.26 acres) would still be short of meeting the 35-acre lot size requirement.**
 - F. A copy of the soil map showing the soils types within the proposed boundary and the surrounding area. **A soils map for the site has been prepared.**
 - G. Prime Farmland Rating of the soil types in F.
 - The Prime Farmland Rating for Agriculture is as follows:

| Soil Name | Slope | Amount (acres) | % of Total | Prime Farmland Rating |
|---------------------|--------------|-----------------------|-------------------|----------------------------------|
| Rasset Sandy Loam | 0-6% | 1.8 | 5.2% | Prime Farmland |
| Sparta Loamy Sand | 0-6% | 17.6 | 50.5 % | Not Prime Farmland |
| Hawick Sandy Loam | 12-18% | 1.9 | 5.6% | Not Prime Farmland |
| Kalmarville-Radford | 0-3% | 6.0 | 17.3 % | Not Prime Farmland |
| Ankeny-Zumbro | 0-3% | 6.8 | 19.7% | Farmland of Statewide Importance |
| Water | NA | 0.6 | 1.6% | Not Prime Farmland |

- H. A statement of how the requested change is compatible with the Goodhue County Comprehensive Plan including but not limited to the following:

- 1. The environmental impacts of the proposed use of land on the:
 - a. Groundwater
 - b. natural plant and animal communities
 - c. existing trees and vegetation
 - d. Bluffland stability
 - e. shoreland stability

A portion of the western parcel is designated shoreland and floodplain of the Little Cannon River. GIS and satellite imagery data indicates no Blufflands or steep slopes are present on either property. Shorelands, floodplain, wetlands, and tree and vegetative alterations are regulated by Goodhue County's Zoning Ordinance. Any future disturbance to these natural features would be reviewed through the building permit process for conformance with ordinance regulations.

2. The compatibility with surrounding land uses
The property is bordered by low-density residential to the north, south, and west. A feedlot and mixed business uses are situated east of the site. A medium-density residential development (Woodland Heights) is located a half-mile to the northwest and the city of Cannon Falls is located a half-mile to the east. Given the site is adjacent to existing residential development and impacts to future expansion of agriculture in the area would be limited we do not anticipate any negative impacts to rezoning the properties to an R1 zone as the classification appears compatible with existing and future uses in the surrounding area.
3. The physical and visual impacts on any scenic or historic amenities within or surrounding the proposed parcel.
It is not anticipated that any scenic or historic amenities will be negatively impacted as a result of the proposed rezone.

- Subd. 6 The housing density of the affected Section
Section 24 has a mix of R1 and A3 zoning districts. There are currently 70 dwellings established in the section. The section is characterized by rural residential parcels. Any future subdivision of the parcel for dwelling development would require the property be reviewed through the platting process.
- Subd. 7 The impact on any surrounding agricultural uses
This property is currently used for fruit production; there are no crop farming activities adjacent to the parcels. There is an existing registered feedlot located northeast of the subject parcels (Peterson Turkey Hatchery Inc). The registered feedlot area is greater than a quarter-mile from the parcels. The turkey hatchery is already surrounded by multiple existing dwellings and the city of Cannon Falls that inhibit future expansion. The change of zone is not expected to negatively impact agricultural operations in the immediate vicinity.
- Subd. 8 The impact on the existing transportation infrastructure
The eastern parcel is accessed off of Willow Trl. The western parcel can be accessed off of 315th ST Way or potentially off of Willow Trl if an easement is drafted granting access across the eastern parcel. The change of zone is not anticipated to negatively impact traffic or existing transportation infrastructure.
- Subd. 9 The impact on surrounding zoning districts
The property is currently zoned A3. Adjacent zoning districts are B2 to the east; A3 to the north and south; R1 to the west. Rezoning the parcels to R1 would not appear to have any substantial negative impacts to the existing and potential future uses of the surrounding zoning districts.
- Subd. 10 A statement concerning the cumulative effect and compatibility of the requested zoning change on the affected Township and any cities located within 2 miles of the proposed parcel.
Rezoning the subject parcels to R1 does not appear to have negative cumulative effects on the immediate surrounding area or Cannon Falls. The area is characterized by low-density rural residential development as there are 70 existing residences in the section. The rezone is not anticipated to negatively impact future orderly annexation efforts of the city of Cannon Falls. Any future subdivision of the properties would require review through the platting process.
- Subd. 11. Additional information as may be requested by the Planning Commission or zoning staff.

GOODHUE COUNTY ZONING DISTRICT CHANGE APPLICATION

Parcel # 410242300 AND 410242200

Permit # Z18.0049

PROPERTY OWNER INFORMATION

Last Name LUCKING First JACK M.I. F Date of Birth 10-5-54
 Street Address BOX 132 CANNON FALLS Phone _____
 City CANNON FALLS State MN Zip 55009 Attach Legal Description as Exhibit "A"
 Authorized Agent JACK LUCKING Phone _____
 Mailing Address of Landowner: BOX 132 CANNON FALLS MN 55009
 Mailing Address of Agent: _____

PROJECT INFORMATION

Site Address (if different than above): _____
 Lot Size 25.02 Structure Dimensions (if applicable) _____
 Existing Zone A3 Proposed Zone R1
 Existing Use APPLE ORCHARD AND RECREATIONAL LAND
 Proposed Use: 1 HOME - APPLE ORCHARD - RECREATIONAL LAND

DISCLAIMER AND PROPERTY OWNER SIGNATURE

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

Signature of Landowner [Signature] Date 10/19/18
 Signature of Agent Authorized by Agent _____

TOWNSHIP INFORMATION

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

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the variance request.

Signature [Signature] Title CLERK Date 10-9-18
 Comments: _____

COUNTY SECTION COUNTY FEE \$500 RECEIPT # 11535 DATE PAID 10-19-18

Applicant requests a variance from Article _____ Section _____ Subdivision _____ of the Goodhue County Zoning Ordinance

What is the formal wording of the request? _____

Shoreland _____ Lake/Stream Name _____ Zoning District _____
 Date Received _____ Date of Public Hearing _____ DNR Notice _____ City Notice _____

Action Taken: ___ Approve ___ Deny Conditions: _____

**APPLICANT FINDINGS OF FACT
AND SUPPORTING INFORMATION REGARDING ZONING DISTRICT CHANGE APPLICATION**

1. How does the requested change compatible with the Goodhue County Comprehensive Plan?

ALREADY LOW DENSITY IN THE AREA

2. What is the cumulative effect of the requested zoning change on the affected Township and any cities located within 2 miles of the proposed parcel?

IT'S ALREADY LOW DENSITY AREA NOW.
IT WOULD NOT STOP THE CITY FROM GROWTH

3. Is the zoning change compatible with the affected Township and any cities located within 2 miles of the proposed parcel?

TOWNSHIP FEELS IT WOULD NOT
AFFECT THE AREA.

Jack Lucking

From: Cheryle Peters <stantonclerk@gmail.com>
Sent: Wednesday, October 17, 2018 9:15 AM
To: Wozniak, Michael
Cc: Jack Lucking
Subject: Lucking Variance from Stanton Township

Hi Mike,

Jack Lucking requested and was duly granted a Variance from Stanton Township, last evening. I am on my way out for some vacation time. I just wanted you to know so that Mr. Lucking could proceed.

Thank you,

Cheryle Peters

Cheryle Peters
Clerk, Stanton Township
stantonclerk@gmail.com
507-263-0579-emails preferred
stantontownship.org

350532

This Indenture, Made this 28th day of February, 1992

between The Midway National Bank of St. Paul, a national banking association

a corporation under the laws of the State of United States, party of the first part, and
John F. and Cynthia C. Lucking, husband and wife

of the County of Goodhue and State of Minnesota, parties of the
second part.

Witnesseth, That the said party of the first part, in consideration of the sum of
Fifty Three Thousand Five Hundred Dollars (\$53,500.00) DOLLARS,
to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does
hereby Grant, Bargain, Sell, and Convey unto the said parties of the second part as joint tenants and not
as tenants in common, their assigns, the survivor of said parties, and the heirs and assigns of the sur-
vivor, Forever, all the tract or parcel of land lying and being in the County of Goodhue
and State of Minnesota, described as follows, to-wit:

The North 300 feet of the South 770 feet of the North East Quarter (NE1/4)
of the Southeast Quarter (SE1/4) of Section 24, Township 112 North, Range
18 West, Goodhue County, Minnesota

ALSO:

The Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section
24, Township 112 North, Range 18 West, Goodhue County, Minnesota, EXCEPT
the north 544.0 feet of the west 1200.0 feet of the Northwest Quarter (NW1/4)
of the Southeast Quarter (SE1/4) of said section 24. Said dimensions being
measured along or parallel with the north and west lines of said Northwest
Quarter (NW1/4) of the Southeast Quarter (SE1/4).

THE SELLER CERTIFIES THAT THE SELLER DOES NOT KNOW OF ANY WELLS ON THE
DESCRIBED REAL PROPERTY.

STATE DEED TAX: \$176.55
J.F. Lucking
Cynthia C. Lucking
249

To Have and to Hold the Same, Together with all the hereditaments and appurtenances, there-
unto belonging or in anywise appertaining, to the said parties of the second part, their assigns, the sur-
vivor of said parties, and the heirs and assigns of the survivor, Forever, the said parties of the second part
taking as joint tenants and not as tenants in common.

And the said party of the first part, for itself and its successors, does covenant with the said parties
of the second part, their assigns, the survivor of said parties, and the heirs and assigns of the survivor,
that it has not made, done, executed or suffered any act or thing whatsoever, whereby the above described
promises or any part thereof, now or at any time hereafter, shall or may be impaired, charged or in-
cumbered in any manner whatsoever.

and the title to the above granted promises against all persons law-
fully claiming the same from, through or under it, except items, if any, heretofore mentioned, the said
party of the first part will Warrant and Defend.



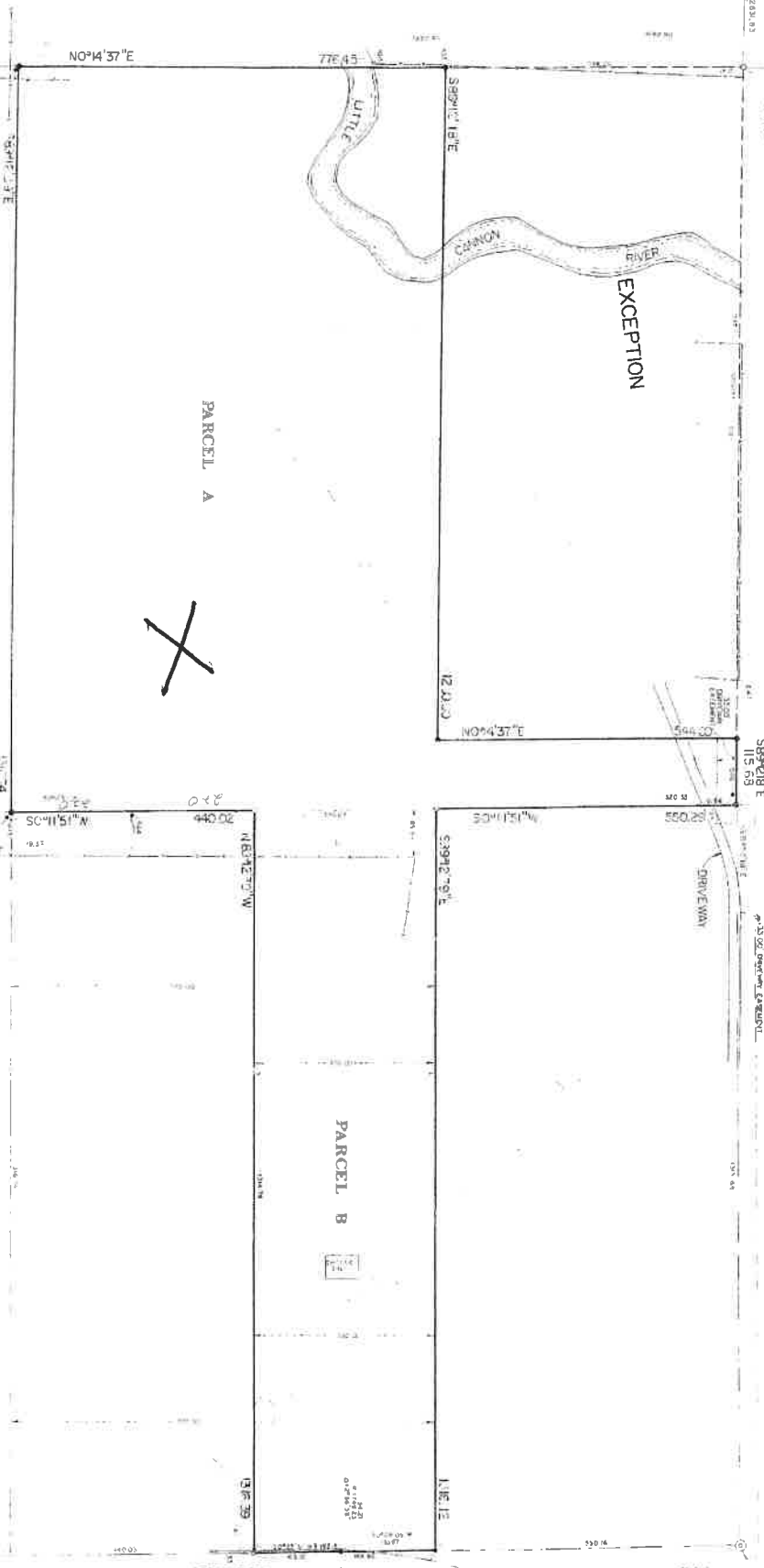
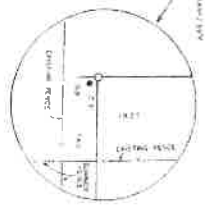
In Testimony Whereof, The said Corporation has caused these
presents to be executed in its corporate name by its SR Vice
President and its Vice President
and its corporate seal to be hereunto affixed this 28th day
of February, 1992.

Midway National Bank of St. Paul
By David J. J... SR
Its Vice President.
Sandra J. Winter
Its Vice President

..... 10 No
Dollars Paid
Deputy

SECTION 24
T4N R3E S15E

SECTION 24
T4N R3E S15E



PARCEL A

PARCEL B

EXCEPTION

DRIVEWAY

THE FOLLOWING IS A SUMMARY OF THE SURVEY DATA FOR THE PARCELS SHOWN ON THIS PLAN. THE PARCELS ARE BOUND BY THE FOLLOWING BEARINGS AND DISTANCES: ...

Surveyor's Signature
1994

DWYER & ASSOCIATES, INC.



BOUNDARY 3
MIDWAY NATIONAL

LEGEND
• BOUNDARY
• MONUMENT
• BEARING SURVEY



1507 263-3532

C.S.A.H. NO. 24

SECTION 24
T4N R3E S15E

DATE OF FIELD MEASUREMENT

SCALE 1/4" = 100'

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Planning Advisory Commission
From: Land Use Management
Meeting Date: November 9, 2018
Report date: November 19, 2018

PUBLIC HEARING: to consider Goodhue County Ordinance updates

Article 5 (Variances and Appeals) "Findings" for variances amended to conform to current state statute regulations.

Article 6 (Non-Conforming Uses) amended to remove language relating to non-conforming septic systems.
Article 11 Section 30 (Non-Agricultural Uses Associated with Agricultural Tourism) amended to allow inside event activities to conclude no later than 12:00PM if approved through the CUP process (currently 10:00PM).

Attachments:

Proposed Amendments
[Goodhue County Zoning Ordinance](#)

Summary:

Staff are proposing a to revise Articles 5, 6, and 11 of the Goodhue County Zoning Ordinance.

-Article 5 is being amended to align "findings" for variances with current state statutes.

-Language concerning non-conforming septic systems is proposed to be struck from Article 6 as septic system requirements are addressed in the Goodhue County SSTS ordinance.

-Article 11 Section 30 relating to Non-Agricultural Uses Associated with Agri-tourism is proposed to be amended to allow inside event activities to conclude no later than 12:00PM if approved through the CUP process (currently 10:00PM). This amendment would allow hours of operation for event centers (wedding barns etc.) to be addressed through the CUP process rather than requiring a variance in addition to a CUP.

There was discussion at the 11/6/18 County Board public hearing related to the "Table of Uses" and whether or not it was clear that uses listed in the table were subject to any applicable Performance Standards listed in Article 11 of the Zoning Ordinance. As stated in Article 11 Section 1, "*Before any building permit or use permit is approved, the Land Use Management Office shall determine whether the proposed use will conform to the Performance Standards. The developer or landowners shall supply data necessary to demonstrate such conformance*". It should be noted that all permit requests are required to conform with the entirety of the Goodhue County Zoning Ordinance regardless of the particular section a use is listed in. For example, an administrative permit request for a Tier-1 Home Business must follow all floodplain and shoreland rules even though they are not specifically listed as a Home Business performance standard.

Staff Recommendation:

Land Use Management staff recommends the Planning Advisory Commission adopt the staff report into the record, and **APPROVE** the proposed amendments to the Goodhue County Zoning Ordinance.

ARTICLE 5 VARIANCES AND APPEALS

SECTION 1. VARIANCES AND APPEALS

The Board of Adjustment shall have the authority to order the issuance of variances, hear and direct appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any adopted ordinance pursuant to MN Statutes Chapter 394 and the provisions of sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map, and perform such other duties as required by the official controls.

SECTION 2. APPLICATION FOR VARIANCE

Subd. 1. An application for a variance shall be submitted to the Zoning Administrator with the required fees; the application shall be accompanied by **development** plans showing such information as the Zoning Administrator may reasonably require for purpose of this Ordinance. The application must contain sufficient information for the Board of Adjustment to determine whether the proposed variance will meet all applicable development standards if the variance is granted. In all cases, the application shall include:

- A. The name and address of the applicant;
- B. The legal description of the property involved in the request for the variance;
- C. The names and addresses of the fee owner(s) of the property or an authorized agent(s).
- D. A site plan, as defined in Article 10, showing all pertinent dimensions, buildings and significant natural features having an influence on the variance;
- E. Evidence that all necessary state and federal permits have been obtained or submitted for approval;
- F. Evidence that property taxes are current on the parcel(s) involved in the variance request;
- G. The variance request and a statement outlining the unique or particular situation or practical difficulties involved in creating the need for a variance.

Subd. 2. Findings for Variance. 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. Before any such variance may be granted, the Board of Adjustment shall specify in their findings, the facts in each case which shall establish:

- ~~A. That there are exceptional circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;~~
- ~~B. That owing to such exceptional circumstances the literal enforcement of specified provisions of this Ordinance would result in practical difficulty not created by or attributable to the applicant or the owner of the property;~~
- ~~C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;~~

- ~~D. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and~~
- ~~E. That the granting of such variance will be in harmony with the general purpose and intent of this Ordinance and demonstrates compliance with the Goodhue County Comprehensive Plan.~~
- A. The variance request is in harmony with the general purposes and intent of the official control;
- B. The variance request is consistent with the Goodhue County comprehensive plan;
- C. The applicant has established Practical Difficulties exist in complying with the official control;
- D. Granting the variance request would not allow any use that is not allowed in the zoning district in which the subject property is located.

Subd. 3. In the case of variances, the determination of the Board of Adjustment shall be final except that appeals therefrom may be taken. An appeal from a determination of the Board of Adjustment shall be filed with the Goodhue County District Court within thirty (30) days, after receipt of the notice of the decision. An appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life or property.

ARTICLE 10 WORD USAGE AND DEFINITIONS

SECTION 2. DEFINITIONS

PRACTICAL DIFFICULTY. ~~The same as the term is defined in Minnesota Statutes, Chapter 394. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner 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. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.~~

Subd. 6. **Appeals.** An appeal from any order, requirement, decision, or determination of any administrative official shall be taken in such time as shall be prescribed by the ordinance creating the board of adjustment by filing with the board of adjustment a notice of appeal specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within a reasonable time which shall be defined in the ordinance establishing the board of adjustment. An appeal stays all proceedings in furtherance of the action appealed from unless the board of adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. The board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the board's decision shall be stated in writing.

Subd. 7. **Variances; practical difficulties.** The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner 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. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. 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 board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subd. 8. **Filing orders.** A certified copy of any order issued by the board of adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be recorded with the county recorder or registrar of titles. The order issued by the board of adjustment shall include the legal description of the property involved. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of this subdivision.

Subd. 9. **Appeal to district court.** All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

History: 1959 c 559 s 7; 1963 c 692 s 5; 1974 c 571 s 23-29; 1976 c 181 s 2; 1978 c 786 s 13; Ex1979 c 2 s 40; 1981 c 356 s 248; 1984 c 392 s 1; 1986 c 444; 1987 c 312 art 1 s 10 subd 1; 2005 c 4 s 97; 2011 c 19 s 1

394.28 APPROPRIATION FOR PLANNING ACTIVITY.

The board of county commissioners shall provide the funds, equipment, and accommodations necessary for such planning activity as the board determines. Such appropriation may include funds for the purpose

ARTICLE 6 NON-CONFORMING USES

SECTION 1. NON-CONFORMING BUILDINGS AND USES

- Subd. 1. No building which has been damaged by fire, explosion, flood, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this Ordinance.
- Subd. 2. Buildings found to be non-conforming only by reason of height, yard or area requirements shall be exempt from the provisions of Subdivision 1 of this Article.
- Subd. 3. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located. The Assessor shall notify the Zoning Administrator in writing of instances of non-conforming uses which have been discontinued for a period of twelve (12) months.
- Subd. 4. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- Subd. 5. Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building, or increase the non-conformity.
- Subd. 6. Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the County Zoning Administrator.
- Subd. 7. If in the event of a change of zoning district classification, any use is rendered non-conforming as a result of such change, Section 1 through 5, inclusive, of this Article shall apply.

SECTION 2. NON-CONFORMING SIGNS

- Subd. 1. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.
- Subd. 2. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Board of County Commissioners.

SECTION 3. NON-CONFORMING JUNKYARDS

No junkyard may continue as a non-conforming use for more than sixty (60) months after the effective date of this Ordinance, except that it may continue as a conditional use in an industrial or agricultural district if within that period it is completely enclosed within a building or contained within a continuous solid fence and/or landscaping not less than eight (8) feet high so as to screen completely the operation of the junkyard. Plans of such building or fence shall be reviewed by the Planning Commission and approved by the County Board before it is erected.

SECTION 4. FLOODPLAIN STRUCTURAL ALTERATIONS

- Subd. 1. Any alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected by the RFPE in accordance with any of the elevation on fill or flood-proofing techniques (i.e, FP-1 through FP-4 flood-proofing classifications) allowable in the State Building Code, except as further restricted in Subd. 2.
- Subd. 2. The cost of any structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure must meet the standards of Section 4 or 5 of Article 32 for new structures depending on whether the structure is in the Floodway or Flood Fringe, respectively.

~~**SECTION 5. NONCONFORMING SEWAGE TREATMENT SYSTEMS**~~

- ~~Subd. 1. Goodhue County will implement a notification or education program that is oriented toward convincing substantial numbers of property owners in shoreland areas to evaluate their sewage systems and voluntarily upgrade the sewage treatment system if non-conforming.~~

ARTICLE 11 PERFORMANCE STANDARDS

SECTION 30. NON-AGRICULTURAL USES ASSOCIATED WITH AGRICULTURAL TOURISM

Subd. 1. Non-agriculturally related uses that are associated with Agricultural Tourism as defined in Article 10 (Definitions) may be permitted in the A-1, A-2, or A-3 Zone Districts subject to approval subject to approval of a zoning permit by the Zoning Administrator for up to two (2) events/activities per calendar year. The right to utilize property for more than two events/activities per calendar year is subject to approval of a conditional use permit or an interim use permit by the Board of County Commissioners. The following information must be provided with a zoning permit, interim use or conditional use permit: In addition to submittal requirements set forth Article 4 (Conditional and Interim Uses), the following information must be provided with a conditional use permit or interim use permit application.

- A. Plan drawn to an appropriate scale for effective interpretation.
- B. Property boundaries, onsite parking areas and access roads.
- C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
- D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.
- E. Location of temporary toilet facilities, which may be required.
- F. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS).
- G. A written description of the planned activities providing including maximum number of guests/visitors.
- H. Frequency and number of activities proposed in a calendar year.
- I. Hours of Operation/Activity including set-up/clean-up for activities and events.
- J. Maximum number of guests for any activity.
- K. Proposed site lighting or landscaping.
- L. Anticipated maximum number of vehicle trips per day.

Subd. 2 Performance Standards.

In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria (findings) included in Article 4, Section 5, the following items shall be considered by the Planning Advisory Commission and County Board when reviewing a Conditional Use Permit or Interim Use Permit Application for various Non-Agricultural Uses associated with Agricultural Tourism.

- A. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.

- B. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- C. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.
- D. All State of Minnesota and Goodhue County requirements related to Water and Subsurface Wastewater Treatment Systems must be met.
- E. Outside, ~~sales related~~ activities ~~must shall~~ be completed during daylight hours. Inside activities ~~must shall~~ be completed by 10:00 PM unless approved through the CUP process to conclude no later than 12:00 PM (midnight).
- F. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.
- G. The owner/operator will maintain a log of the activities occurring at the included activity/event dates, group identity, times and number of guests.
- H. The site plan with the above written descriptions along with any condition added during Planning Advisory Commission and/or County Board review will become a part of any approved conditional use permit or interim use permit.