



GOODHUE COUNTY MINNESOTA

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

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

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. Board Of Adjustment Meeting Minutes July 26, 2021

Documents:

[BOAMEETINGMINUTES_JULY_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARINGS: Request For Variance To Minimum Setback Standards And Feedlot Setback Standards (O'Reilly)

Request for Variance, submitted by Zachary O'Reilly (Owner), to A1 Zoning District standards to allow parcel line reconfiguration creating property lines closer than 30-feet from existing structures and closer than 100-feet from a livestock building. Request for Variance, submitted by Zachary O'Reilly (Owner), to Article 13 (Confined Feedlot Regulations) setback standards to allow a feedlot to be established within 1000-feet or 94% odor annoyance-free rating (as determined by the odor OFFSET model) of existing dwellings. Parcels 31.032.0500 and 31.032.0600. 33792 and 33656 County 6 BLVD Goodhue, MN 55027. Part of the East ½ of the SW ¼ and the SE ¼ of Section 32 TWP 112 Range 15 in Featherstone Township. A1 Zoned District.

Documents:

[BOAPACKET_OREILLY.PDF](#)

PUBLIC HEARING: Request For Variance To A2 District Density Standards (Irvin)

Request for Variance, submitted by James Irvin (Owner), to A2 Zoning District density standards to allow construction of a second dwelling in the SW ¼ of the SE ¼ of Section 03 TWP 111 Range 14 in Belvidere Township where maximum dwelling density has been met. Parcel 26.003.1000. 27559 350th ST Goodhue, MN 55027. A2 Zoned District.

Documents:

[BOAPACKET_IRVIN.PDF](#)

Other-Discussion

Adjourn

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

Goodhue County Land Use Management

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

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
July 26, 2021 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Knott in the 3rd Floor Board Room of the Goodhue County Government Center in Red Wing.

Roll Call

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

Commissioners Absent: Denny Tebbe

Staff Present: Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Kathy Bauer

1. Approval of Agenda

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

Motion carried 4:0

2. Approval of Minutes

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

Motion carried 4:0

3. Conflict/Disclosure of Interest

There were no conflicts of interest reported.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Accessory Dwelling Unit (ADU) Standards (Miller)

Request for Variance, submitted by Gregory Miller (Applicant/Owner), to Accessory Dwelling Unit standards to allow an Accessory Dwelling Unit to be constructed greater than 100-feet from the principal dwelling. Parcel 37.002.0500. 34712 County 25 BLVD Cannon Falls, MN 55009. Part of the SE ¼ of Section 02 TWP 111 Range 17 in Leon Township. A1 Zoned District.

Pierret presented the staff report and attachments.

Chair Knott opened the Public Hearing.

Gregory Miller (applicant) stated they had septic inspections on both units, and water tests have also been done. He added the dwelling is for his son and his girlfriend.

³After Chair Knott asked three times for comments it was moved by Fox and seconded by Rechtzigel to close the public hearing.

Motion carried 4:0

Commissioner Fox commented on the background of the ADU provisions and the reason why the standard states 100-feet from the principal dwelling.

⁴Motion by Fox, seconded by Ellingsberg, 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

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APPROVE the request submitted by Gregory Miller (Owner) to allow an Accessory Dwelling Unit to be constructed up to 180 feet from the principal dwelling where 100 feet is required.

Motion carried 4:0

PUBLIC HEARING: Request for Variance to Bluffland Standards (Josephs)

Request for Variance, submitted by Melissa Josephs (Applicant/Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a replacement dwelling less than 30-feet from the toe of a bluff. Parcel 42.015.0900. 30390 County 7 BLVD Welch, MN 55089. N 1/2 of the SE 1/4 of the NW 1/4 of Section 15 TWP 112 Range 16 in Vasa Township. A1 Zoned District.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

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

Motion carried 4:0

Commissioner Fox asked if staff had visited the site.

Pierret stated Koberoski, Beau Kennedy and Chad Hildebrand, and herself along with the developer and the property owner met on the site; marked the bluff and the best location for the proposed replacement dwelling. The green flags marked the location of the bluff.

Chair Knott noted the location of the green flags is at the toe of the bluff. He added that it appears to be close to the area of a dry stream.

Commissioner Fox stated he is familiar with the property, and the location of this proposed dwelling site has less impact on the bluff than the existing dwelling. He questioned if the location of the old dwelling site would be the location of the secondary septic.

Pierret replied typically the septic has to be placed on virgin soil; the owners have had septic professionals to the site to make their assessment.

Commissioner Rehtzigel asked if there was a timeline to remove the old dwelling.

Pierret answered when a building permit for a replacement dwelling is issued, a condition is noted that the existing dwelling needs be removed within 6 months of obtaining the Certificate of Occupancy.

Commissioner Rehtzigel questioned if this condition is enforced.

Pierret replied she will put a condition on it for zoning approval although the timeline is hard to track once construction begins. If the owner applied for a future building or zoning permit, compliance on the removal is needed before the new permit can be issued. She added that staff is starting to send out notices of 6 month timeline if the dwelling has not been removed, and a demolition permit needs to be obtained.

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Commissioner Ellingsberg stated there are some old dwellings being converted into storage sheds.

Pierret replied this is permitted if the old dwelling is made to be “unlivable”. In this case, if the old dwelling is within 100 feet of the new house, they could keep it as an accessory dwelling unit as well.

Chair Knott questioned if they would need to apply for this.

Pierret stated the Accessory Dwelling Unit (ADU) is a permitted use if it is within the 100-feet. She also noted that on this application, they wanted to turn it into a non-livable hunting cabin.

6Motion by Ellingsberg, seconded by 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 a variance, submitted by Melissa Josephs (Owner) to Bluffland protection standards to allow construction of a replacement dwelling 0-feet from the toe of a Bluff.

Motion carried 4:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards (Berg)

Request for Variance, submitted by Scott Berg (Applicant/Owner), to A-3 Zoning District standards to construct a three-sided cattle shelter less than 100-feet from a commonly-owned side-yard property line. Parcel 40.035.0301. 50749 170th AVE Way Pine Island, MN 55963. Part of the NE ¼ of Section 35 TWP 109 Range 16 in Roscoe Township.

Pierret presented the staff report and attachments.

Scott Berg (applicant) stated he and his wife staked out the site and it is the only area on the property that would not require removal of any trees. The property has a lot of hills and shale rock and with the spring thaw, they do not want to change the way the water drains on the property.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

7After Chair Knott asked three times for comments it was moved by Fox and seconded by Rechtzigel to close the public hearing.

Motion carried 4:0

Commissioner Fox asked if any staff visited the site.

Pierret stated they had not, and that the applicant was in front of the Board of Adjustment twice in 2019 and the staff did visit the site at that time.

Commissioner Fox stated he is familiar with the site and noted he believes the Berg’s choice is the best location on the property for the shelter.

Chair Knott noted in looking at the topography, there are not many options on where to put the structure.

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

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

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

APPROVE the request for a variance, submitted by Scott Berg (Owner) to A-3 Zoning District standards to allow construction of a three-sided cattle shelter no closer than 5 feet from the north property line.

Motion carried 4:0

6. Other-Discussion

Pierret stated there will be a BOA Meeting on August 23rd, with 3 items currently on the agenda.

ADJOURN

⁹Motion by Ellingsberg, seconded by Rechtzigel to adjourn the BOA meeting at

5:43 p.m.

Motion carried 4:0

Respectfully submitted:

Kathy Bauer, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the meeting agenda. Motion carried 4:0

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

³ Close the Public Hearing. Motion carried 4:0

⁴ APPROVE Variance request for an Accessory Dwelling Unit constructed 180 feet from principal dwelling.
Motion carried 4:0

⁵ Close Public Hearing. Motion carried 4:0

⁶ APPROVE Variance request to Bluffland protection standards to allow construction of a replacement dwelling 0-feet from the toe of a bluff. Motion carried 4:0

⁷ Close Public Hearing. Motion 4:0

⁸ APPROVE Variance request to A-3 Zoning District standard to allow construction of three-sided cattle shelter no closer than 5 feet from the north property line. Motion carried 4:0

⁹ ADJOURN. Motion carried 4:0

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: August 23, 2021
Report date: August 13, 2021

PUBLIC HEARINGS: Request for Variance, submitted by Zachary O'Reilly (owner) to A-1 Zoning District standards to allow parcel line reconfiguration creating property lines closer than 30-feet from existing structures and closer than 100-feet from a livestock building; and request for Variance to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000-feet or 94% odor annoyance-free rating (as determined by the odor OFFSET model) of existing dwellings.

Application Information:

Applicant: Zachary O'Reilly (owner)
Address of zoning request: 33792 and 33656 County 6 BLVD Goodhue, MN 55027
Parcels: 31.032.0500 and 31.032.0600
Abbreviated Legal Description: Part of the East ½ of the SW ¼ and the SE ¼ of Section 32 TWP 112 Range 15 in Featherstone Township
Township Information: Featherstone Township considered the request at their August 5, 2021 meeting and did not convey any concerns.
Zoning District: A1 (Agriculture Protection District)

Attachments and Links:

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

Setback Variance Background:

The Applicant, Zachary O'Reilly owns 2 parcels comprising approximately 235.78-acres in section 32 in Featherstone Township. The acreage includes a 0.71-acre parcel (PID 31.032.0600) that is Zachary's homestead and a 235.07-acre parcel (PID 31.032.0500) that contains Benjamin O'Reilly's dwelling, agricultural and feedlot buildings, and agricultural lands. Both parcels are commonly owned by both Zachary and Benjamin O'Reilly as Shamrock Farms.

The O'Reillys are proposing to split Benjamin's dwelling from the farm operation to simplify ownership of the dwelling. Zachary's homestead is proposed to be combined with 1.30-acres of shared farm property to reach the minimum parcel size in the A-1 District (2-acres). These splits are shown on the attached survey (Parcels A and B).

In order to create two 2.01-acre parcels while keeping farm structures on the shared farmland, property lines are proposed to be established less than 30-feet from existing structures on all parcels. Currently, Zachary's property lines (Parcel 31.032.0600) are too close to existing structures on the farm property (Parcel 31.032.0500). With the proposed 1.30-acres to be added to Zachary's homestead, these structures will be contained on Parcel 31.032.0600 (Zachary's homestead). The creation of Benjamin's 2.01-acre parcel would result in some structures being too close to proposed property lines.

The County Zoning Ordinance requires a minimum setback of 30-feet between structures and adjacent property lines. At least 100-feet is required between livestock buildings and property lines. Due to the number of existing structures on the properties, the desire to have each homestead on 2.01-acres, and the need to keep existing farm buildings with the commonly owned farming operation, new property lines will be less than 30-feet from 5 existing structures and less than 100-feet from an existing livestock building.

The Applicant is requesting a variance to allow new property lines to be located 9.7-feet from an existing silo and 23.0-feet from an existing accessory building at the east property line of Parcel B (to be combined with the 0.71-acre homestead) and to allow a property line to split an existing covered hay storage shed resulting in 13.0-feet of the structure being located on Parcel B and 37.3-feet on the commonly owned farm property. The Board should consider whether a condition should be added to the variance that: “the covered hay storage shed should be constructed entirely on one parcel if demolished or destroyed and replaced.” An existing livestock building on the commonly owned farmland (Parcel 31.032.0500) will be 37.3-feet east of the newly created property line for Parcel B where 100-feet is required.

The Applicant is also requesting a variance to allow new property lines of Parcel A to be located 21.1-feet and 17.2-feet from existing accessory structures on the proposed homestead and 19.3-feet from an existing accessory structure on the commonly owned farm property from the proposed east property line.

Variance Standards:

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

Draft Findings of Fact for Setback Variances:

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

- Property line setbacks are intended to create separation among adjacent structures and uses to allow for adequate access and accommodate future maintenance needs. Livestock building setbacks are intended to create separation among incompatible uses such as dwellings.

The existing structures on Parcel 31.032.0600 (Zachary’s homestead) are currently non-conforming as the property lines already intersect them. The homestead is also a non-conforming parcel size. The proposed addition of Parcel B to the existing homestead would result in a conforming parcel at 2.01-acres. The existing silo and outbuilding proposed to be less than 30-feet from new property lines will retain setback for future maintenance needs.

The covered hay storage structure to be bisected by a proposed property line will continue to be utilized for the farming operation. The Applicant has indicated his acceptance of a condition that the hay shed be reconstructed entirely on one parcel upon demolition or destruction.

The existing livestock building proposed to be less than 100-feet from the east property line of Parcel B would retain setback area for maintenance and access needs. The livestock contained within the structure will continue to be raised by the Applicant as the co-owner of Shamrock Farms. A second variance is required for setbacks of a Feedlot to existing dwellings which will be considered by the Board of Adjustment at the August 23, 2021 meeting.

Proposed Parcel A to be owned by Benjamin O’Reilly is configured to create a 2.01-acre homestead site keeping existing outbuildings for the dwelling. This configuration takes into

account existing structures used for the farming operation versus those used for the existing dwelling and the existing farm layout including structures and driveways. All existing structures requiring a variance from the proposed east property line would retain setbacks for future maintenance needs.

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

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

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

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

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

- The Applicant’s request to establish new property lines to simplify dwelling ownership on an existing farm operation and the desire to increase parcel size to achieve conformity with the Zoning Ordinance is a reasonable use of property in the A1 District.
- The Applicant’s homestead (31.032.0600) currently does not conform to the A1 District minimum lot size of 2-acres. The proposal would add 1.30-acres to this parcel creating a conforming lot.
- Given the number of outbuildings on the properties, the shared farm operation, and the owners’ desire to create two 2.01-acre dwelling parcels, configuring new property lines to meet the structure setback from all existing buildings cannot be easily achieved.

The proposed property lines are intended to distribute the available space so that each building would retain adequate space for access as well as future repairs and maintenance. The Applicant is receptive to the Board conditioning variance approval on the hay storage building being constructed entirely on one parcel upon demolition or destruction in the future.

- The Applicant’s alternatively considered removing the existing structures so new property lines would comply with setbacks. This alternative was rejected because these structures are currently being used as outbuildings for the existing dwellings and farm.
- A review of the existing development pattern in the vicinity reveals low-density residential uses among predominantly feedlot and row-crop agricultural uses.

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

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

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

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

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

Staff Recommendation:

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

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

APPROVE the request submitted by Zachary O'Reilly (owner) to A-1 Zoning District standards to allow the east property line of PID 31.032.0600 to be located no closer than 9.7-feet from existing structures and to allow an existing livestock building to be no closer than 37.3 feet from the east property line of proposed Parcel B. An existing Covered Hay Storage structure shall retain 13.0-feet on Parcel 31.032.0600 and the east property line of newly created Parcel A shall be no closer than 17.2-feet from existing structures. All as depicted on the submitted survey dated October 20, 2020.

Feedlot Variance Background:

The Applicant is proposing to split an existing dwelling from an existing farm operation (Shamrock Farms) to simplify ownership of the dwelling. Splitting the dwelling from the farm will create a Feedlot Outside a Farmyard as defined in Article 13 of the Goodhue County Zoning Ordinance.

The property is currently registered as a feedlot with the County Feedlot Officer, all feedlots are required to be 1000-foot or 94% odor annoyance-free rating (as determined by the OFFSET model) from all existing dwellings. There are three dwellings, all currently owned by the Applicant, within 1000-feet of the feedlot facilities. The dwelling on parcel 31.032.0600 is also less than 94% odor annoyance-free rating from the existing feedlot facilities. The variance to feedlot setbacks and odor annoyance-free rating distances would be considered “after-the-fact” variance requests to the dwellings on parcels 31.032.0600 and 31.032.0700 as these dwellings were established on separate parcels prior to the approval of a CUP for a feedlot on parcel 31.032.0500 in 2007.

This split also requires a Conditional Use Permit be obtained to establish a feedlot outside of a farmyard. The Applicant is currently in the process of obtaining this approval from Goodhue County.

Variance Standards:

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

Draft Findings of Fact for Feedlot Variances:

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

- The purpose of the A1 District is to maintain, conserve, and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. The district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.
- Reciprocal feedlot setbacks between feedlots and dwellings are intended to decrease conflict between residential and agricultural uses.

Three dwellings are located within the 1000-foot required setback area, all owned by the Shamrock Farms partnership. The nearest dwelling is located approximately 149-feet west of the feedlot operation and is occupied by the Applicant (Parcel 31.032.0600). The next nearest dwelling approximately 304-feet west of the feedlot operation is occupied by Benjamin O’Reilly, co-owner of Shamrock Farms. The third nearest dwelling is 396-feet west of the feedlot operation across County 6 BLVD and is also owned by Zachary and Benjamin O’Reilly.

- The next nearest dwelling to the property not owned by the Applicant/feedlot operators is the Charles Schwartau property (Parcel 31.032.0401) approximately 1,800-feet northwest of the feedlot.
- Given the nearest dwellings requiring variances are owned by the Applicant/feedlot operators and the feedlot has been permitted and operating on the property at its current size since 2007 without complaint, the request appears in harmony with the purpose and intent of the official control.

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

- The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The proposed variance is not

likely to produce conflict among residential and agricultural uses. The nearest dwellings are all owned by the Applicant and are occupied by the Applicant and individuals involved in the farming operation.

- Future buyers of any of the dwellings will have the opportunity to be informed of the existence of the feedlot.

The proposal does not appear inconsistent with the Goodhue County Comprehensive Plan.

7) **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 feedlot currently comprises 235.07 acres and is a conforming lot size in the A1 District (2-acre minimum). Upon splitting the parcel to create a separate homestead parcel for Benjamin O’Reilly and adding land to Zachary O’Reilly’s homestead the feedlot parcel will be approximately 232.76 acres. All parcels will be of conforming lot size in the A1 District.
- A variance to property line setbacks is required for structure setbacks to new property lines. This variance will be considered by the BOA at the August 23, 2021 meeting.
- A review of existing development patterns in the vicinity reveals low-density residential development excepting for the three dwellings owned by the Applicant. Primary land uses include agricultural operations (feedlots and row-crop agriculture).
- The dwellings existed prior to the establishment of the current zoning standards (constructed in the early-1900s) and the feedlot operation is in good standing with the County Feedlot Officer. A variance is required for the properties to comply with current standards.
- Alternatives to the Feedlot variance were not considered by the Applicant as the Feedlot facilities exist on the property, the existing dwellings have been located in the area since feedlot establishment, and the feedlot has been operating without issue for several years.
- The feedlot is located within a “full” A1 zoned section of Featherstone Township (6 dwellings where a maximum of 4 are allowed). The request for variance will not alter dwelling site eligibility for neighboring property owners.

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

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

- Feedlots and single family dwellings are permissible uses in the A1 District. The request does not constitute a use variance.

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

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

Staff Recommendation:

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

APPROVE the request submitted by Zachary O’Reilly (owner) to Article 13 (Confined Feedlot Regulations) setback standards to allow a registered feedlot to be no closer than 149-feet from neighboring dwellings and to allow a feedlot to be located no less than 92% odor annoyance-free rating (as determined by the OFFSET model) to the dwelling on parcel 31.032.0600.







RECEIVED

JUL 14 2021

APPLICATION FOR Variance

Land Use Management

For Staff Use only	
VARIANCE NUMBER	221-0034
S350 RECEIPT#	17936
DATE	7/14/21

SITE ADDRESS, CITY, AND STATE		ZIP CODE:		
33792 Co 6 Blvd Goodhue, MN		55027		
LEGAL DESCRIPTION:				
Attached <input type="checkbox"/>				
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
31-032-0500				

APPLICANT OR AUTHORIZED AGENT'S NAME	
Zachary S. O'Reilly Ben O'Reilly	
APPLICANT'S ADDRESS:	

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

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

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

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

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

Applicant's Signature: Zachary S. O'Reilly Date: 7-14-21

Print name: Zachary S. O'Reilly (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: _____

Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

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

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

Dairy Farm House and Home X want to split Land to own our own homes

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

Remove existing Buildings or Reservey

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:

several small old Buildings And Home already exist
Zach's Home we want in compliance with Zone

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

Remove Buildings

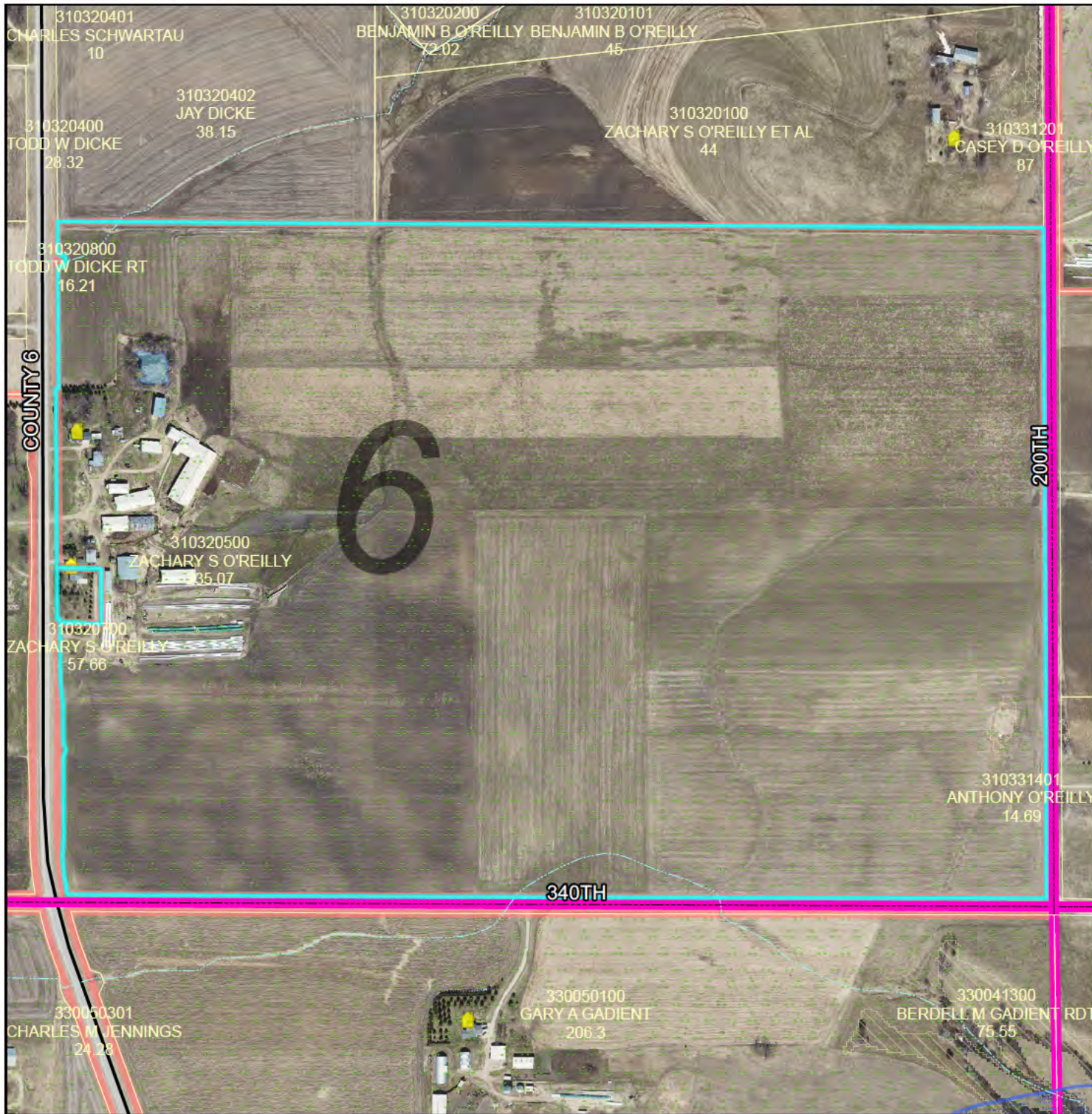
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

Reservey other Builds are in way

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

NO it is all family owned

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 23, 2021

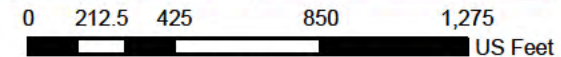
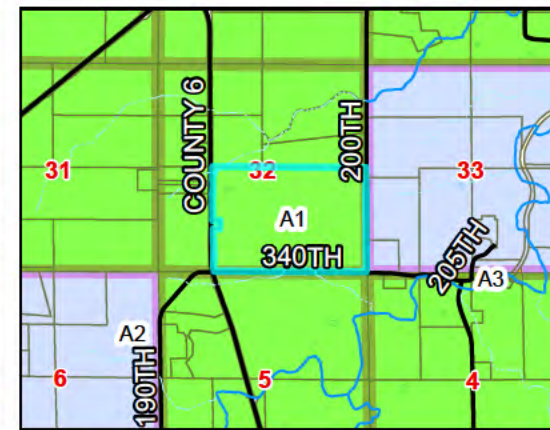
Zachary O'Reilly(Owner)
A-1 District

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

Variance request to allow parcel line
reconfiguration creating property lines
closer than 30-feet from existing structures
and request to establish a new feedlot
within 1000-feet or 94% odor annoyance
free rating from existing dwellings

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

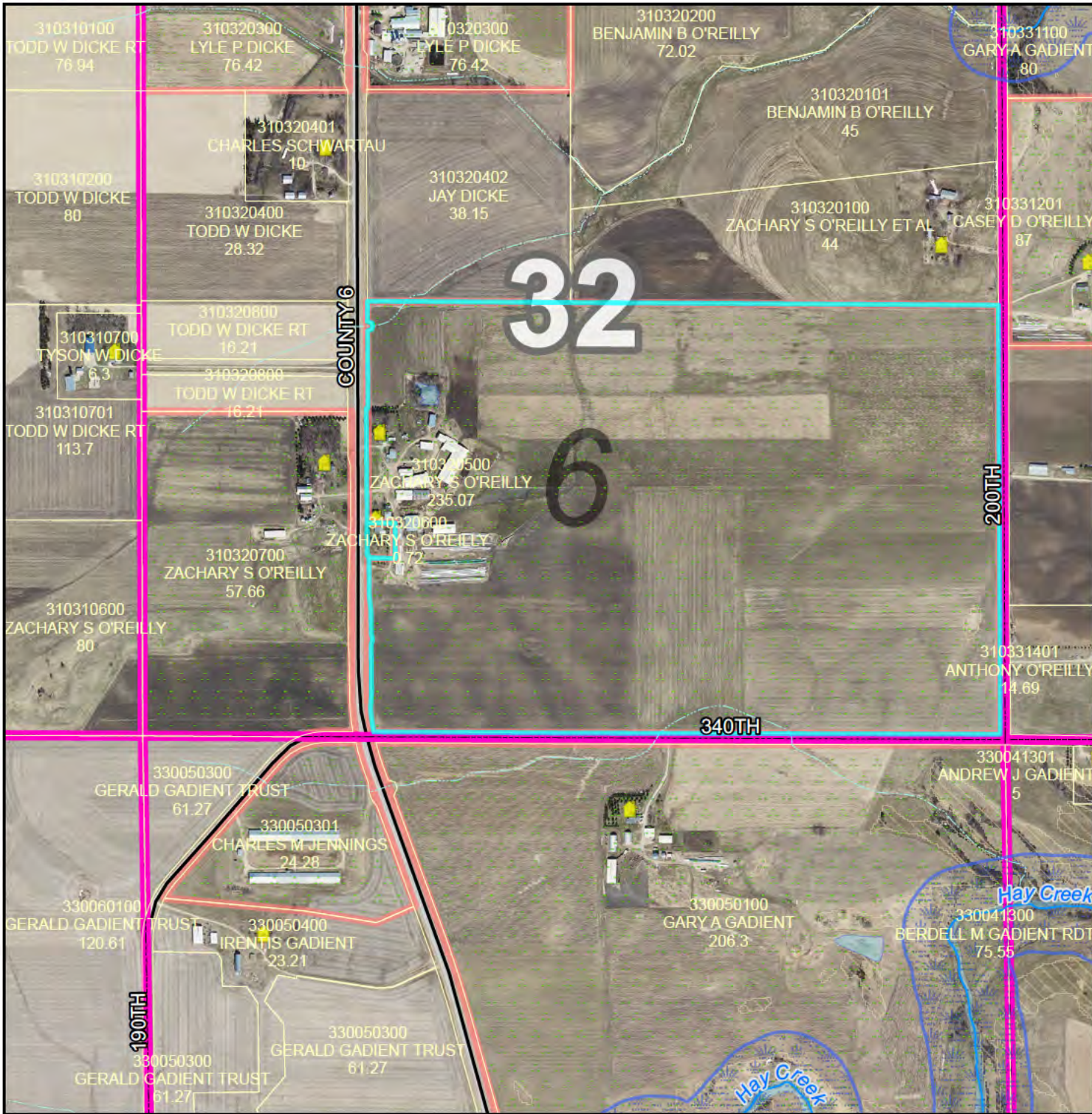


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2020 Aerial Imagery
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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
August 23, 2021

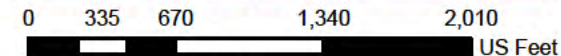
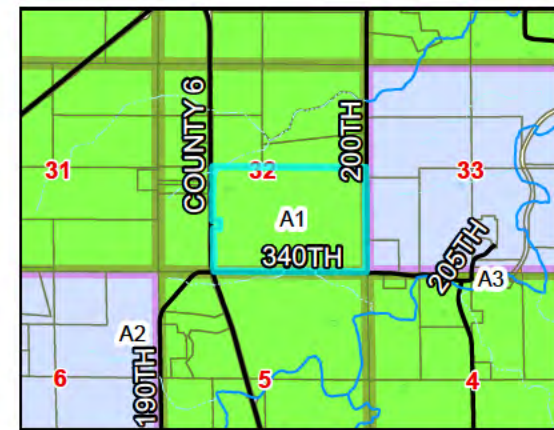
Zachary O'Reilly (Owner)
A-1 District

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

Variance request to allow parcel line
reconfiguration creating property lines
closer than 30-feet from existing structures
and request to establish a new feedlot
within 1000-feet or 94% odor annoyance
free rating from existing dwellings

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		

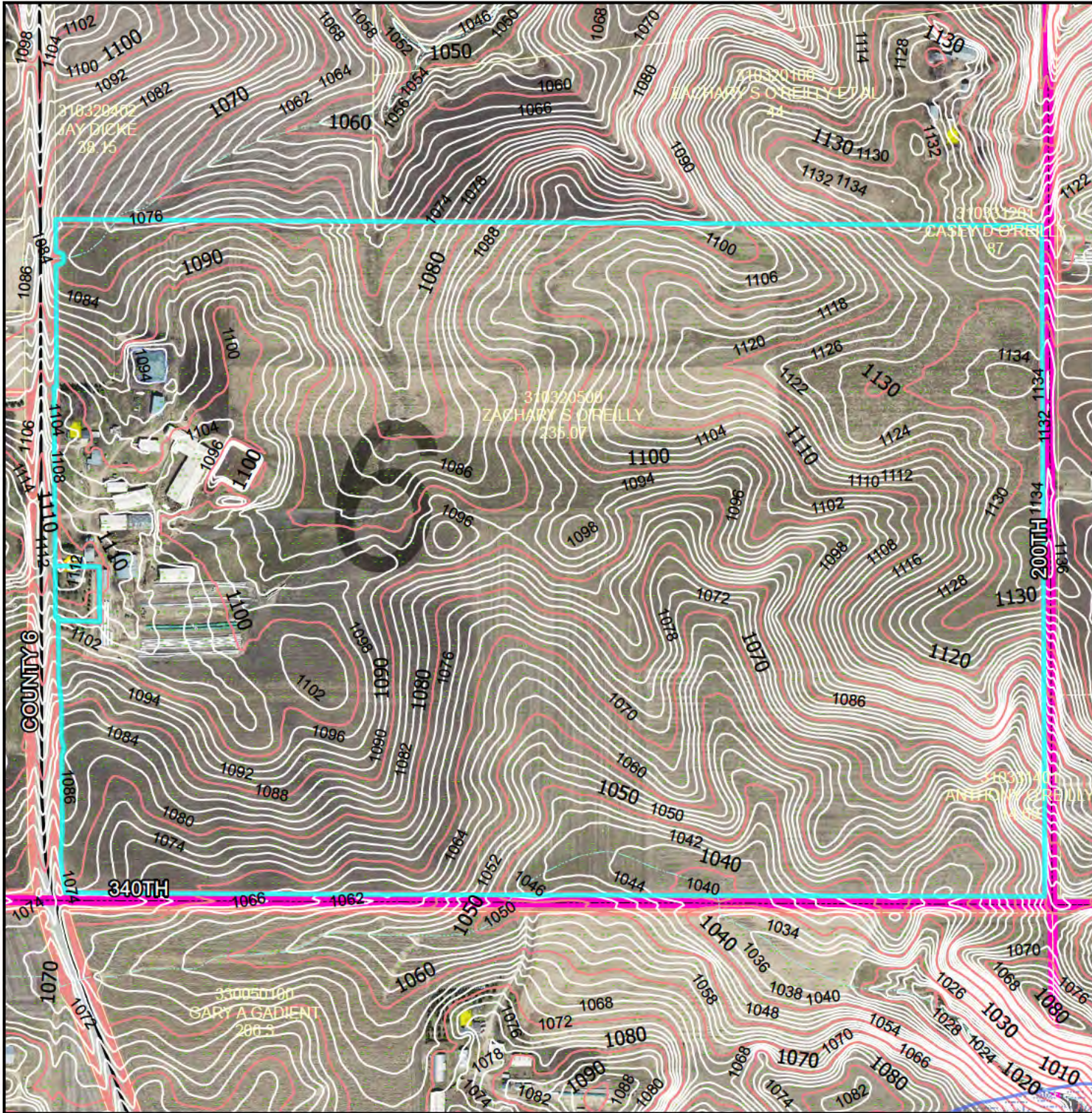


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
August 23, 2021

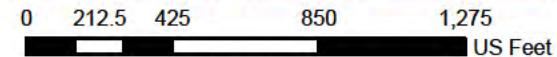
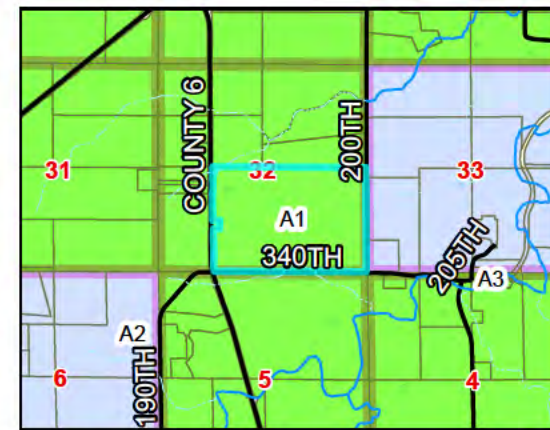
Zachary O'Reilly(Owner)
A-1 District

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

Variance request to allow parcel line
reconfiguration creating property lines
closer than 30-feet from existing structures
and request to establish a new feedlot
within 1000-feet or 94% odor annoyance
free rating from existing dwellings

Legend

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



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2020Aerial Imagery
Map Created August, 2021 by LUM



FEB 06 2020

PAID

FEB 06 2020

FEB 2 2020



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

Feedlot registration form

Feedlot Program

Doc Type: Feedlot Registration

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

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

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

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

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

Facility locational information

County: Goodhue City/Township: Featherstone

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

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

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

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



Number of animals at the facility

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

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

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

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

Signature (person completing the form) and Submittal

Print name: Steve M. O'Reilly

Title: _____

Signature: [Handwritten Signature]

Date: 2-4-2020

Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
University of Minnesota
1/21/2017

Farm Name: O'Reilly 0600
Address or County: Goodhue
Evaluator: K. Petit
Date: 7/28/2021

Clear All

OFFSET
Annoyance-free
92%

Source Edge to Nearest Neighbor (ft): 149
Source Edge to Property Line (ft): 60

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Dairy - loose housing	80	90	1	7200	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	Biofilter	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources	
Add Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add a Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
Add a Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

OFFSET Summary and Results



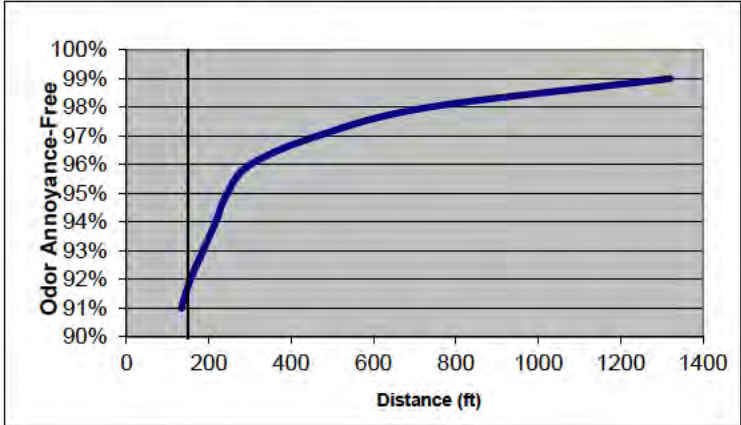
Farm Name	O'Reilly 0600
County	Goodhue
Evaluator	K. Petit
Date	7/28/2021

Source Characteristics Summary	Flux Rates (with control technology)				Source Emission Rates*						
	Similar Sources	Emit Area sq ft	Control Technology Type	Percent Treated	Odor ou/s/m2	OFFSET OER	H2S ug/s/m2	Ammonia ug/s/m2	Odor ou/s	H2S ug/s	Ammonia ug/s
Buildings											
Dairy - loose housing	1	7200	None	0%	1.8	6.0	0.9	13.0	1231	576	8700
Area Sources											

*includes control technologies

Site Emissions	
Total Site Area (ft2)	7,200
Total Odor Emission Factor (TOEF)	4
Total Site H2S Emissions (mg/s)	1
Total Site H2S Emission AVERAGE (lbs/day)	0
Total Site H2S Emission MAX (lbs/day)	0
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	9
Total Site Ammonia Emission AVERAGE (lbs/day)	2
Total Site Ammonia Emissions MAX (lbs/day)	3
Total Site Ammonia Emissions (tons/yr)	0

Source Edge to Nearest Neighbor (ft)	149
OFFSET Annoyance-free frequency	92%



Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
University of Minnesota
1/21/2017

Farm Name: O'Reilly 0500
Address or County: Goodhue
Evaluator: K. Petit
Date: 7/28/2021

Clear All

OFFSET
Annoyance-free
97%

Source Edge to Nearest Neighbor (ft): 304
Source Edge to Property Line (ft): 460

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Dairy - loose housing	36	80	1	2880	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	Biofilter	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
Earthen manure storage	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources	
Add Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add a Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
Add a Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

OFFSET Summary and Results



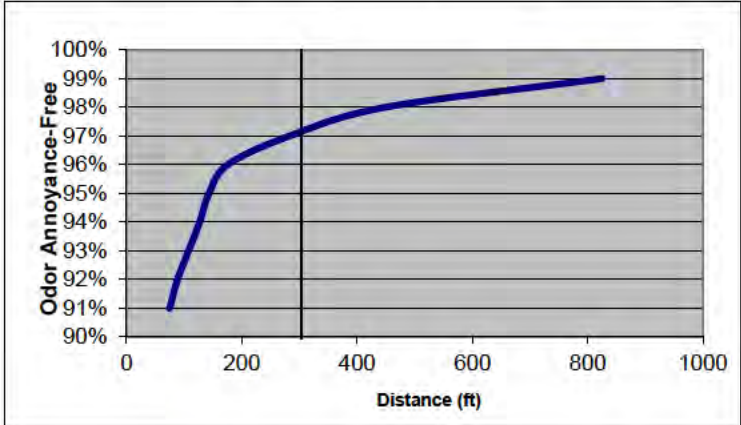
Farm Name	O'Reilly 0500
County	Goodhue
Evaluator	K. Petit
Date	7/28/2021

Source Characteristics Summary	Flux Rates (with control technology)				Source Emission Rates*						
	Similar Sources	Emit Area sq ft	Control Technology Type	Percent Treated	Odor ou/s/m2	OFFSET OER	H2S ug/s/m2	Ammonia ug/s/m2	Odor ou/s	H2S ug/s	Ammonia ug/s
Buildings											
Dairy - loose housing	1	2880	None	0%	1.8	6.0	0.9	13.0	493	230	3480
Area Sources											
Earthen manure storage		0	None		14.0	13	25.3	107.0	0	0	0

*includes control technologies

Site Emissions	
Total Site Area (ft2)	2,880
Total Odor Emission Factor (TOEF)	2
Total Site H2S Emissions (mg/s)	0
Total Site H2S Emission AVERAGE (lbs/day)	0
Total Site H2S Emission MAX (lbs/day)	0
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	3
Total Site Ammonia Emission AVERAGE (lbs/day)	1
Total Site Ammonia Emissions MAX (lbs/day)	1
Total Site Ammonia Emissions (tons/yr)	0

Source Edge to Nearest Neighbor (ft)	304
OFFSET Annoyance-free frequency	97%



Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
University of Minnesota
1/21/2017

Farm Name	O'Reilly 0700
Address or County	Goodhue County
Evaluator	K. Petit
Date	7/28/2021

Clear All

OFFSET
Annoyance-free
96%

Source Edge to Nearest Neighbor (ft)	396
Source Edge to Property Line (ft)	188

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Dairy - loose housing	60	200	1	12000	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	Biofilter	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources	
Add Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add a Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
Add a Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

OFFSET Summary and Results



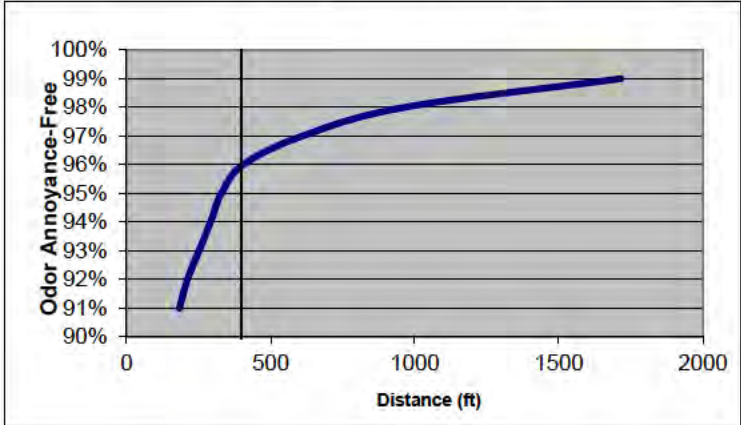
Farm Name	O'Reilly 0700
County	Goodhue County
Evaluator	K. Petit
Date	7/28/2021

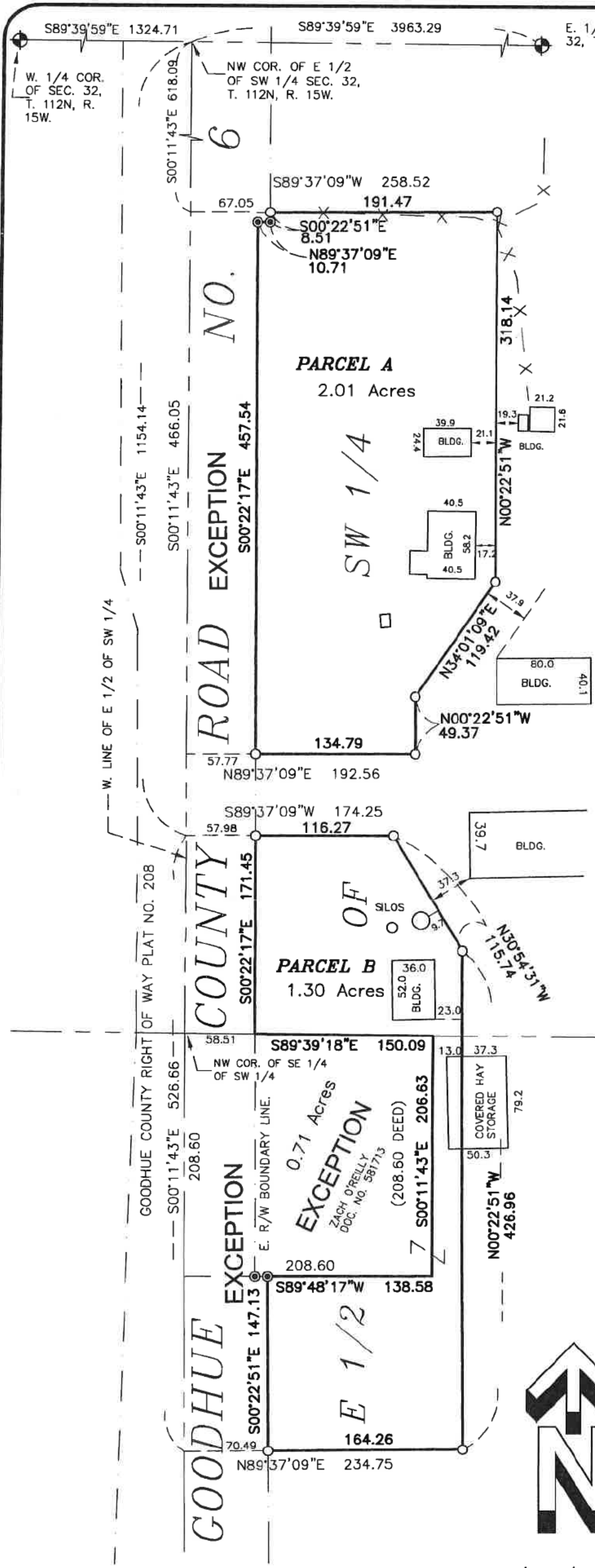
Source Characteristics Summary	Flux Rates (with control technology)				Source Emission Rates*						
	Similar Sources	Emit Area sq ft	Control Technology Type	Percent Treated	Odor ou/s/m2	OFFSET OER	H2S ug/s/m2	Ammonia ug/s/m2	Odor ou/s	H2S ug/s	Ammonia ug/s
Buildings											
Dairy - loose housing	1	12000	None	0%	1.8	6.0	0.9	13.0	2052	959	14500
Area Sources											

*includes control technologies

Site Emissions	
Total Site Area (ft2)	12,000
Total Odor Emission Factor (TOEF)	7
Total Site H2S Emissions (mg/s)	1
Total Site H2S Emission AVERAGE (lbs/day)	0
Total Site H2S Emission MAX (lbs/day)	0
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	15
Total Site Ammonia Emission AVERAGE (lbs/day)	3
Total Site Ammonia Emissions MAX (lbs/day)	6
Total Site Ammonia Emissions (tons/yr)	1

Source Edge to Nearest Neighbor (ft)	396
OFFSET Annoyance-free frequency	96%





PARCEL A TO BE CONVEYED TO BEN O'REILLY

That part of the East Half of the Southwest Quarter of Section 32, Township 112 North, Range 15 West, Goodhue County, Minnesota, described as follows:

Commencing at the northwest corner of said East Half of the Southwest Quarter; thence South 00 degrees 11 minutes 43 seconds East, assumed bearing, along the west line of said East Half of the Southwest Quarter, a distance of 618.09 feet to the point of beginning of the land to be described; thence continue South 00 degrees 11 minutes 43 seconds East, along said west line, a distance of 466.05 feet; thence North 89 degrees 37 minutes 09 seconds East, a distance of 192.56 feet; thence North 00 degrees 22 minutes 51 seconds West, a distance of 49.37 feet; thence North 34 degrees 01 minutes 09 seconds East, a distance of 119.42 feet; thence North 00 degrees 22 minutes 51 seconds West, a distance of 318.14 feet to the intersection with a line bearing North 89 degrees 37 minutes 09 seconds East from the point of beginning; thence South 89 degrees 37 minutes 09 seconds West, a distance of 258.52 feet to the point of beginning.

Except that part that lies within the boundaries of GOODHUE COUNTY RIGHT OF WAY PLAT NO. 208, according to the recorded plat thereof, on file in the Goodhue County Recorders Office.

Subject to all easements and restrictions of record.

PARCEL B TO BE CONVEYED TO ZACH O'REILLY

That part of the East Half of the Southwest Quarter of Section 32, Township 112 North, Range 15 West, Goodhue County, Minnesota, described as follows:

Commencing at the northwest corner of said East Half of the Southwest Quarter; thence South 00 degrees 11 minutes 43 seconds East, assumed bearing, along the west line of said East Half of the Southwest Quarter, a distance of 1154.14 feet to the point of beginning of the land to be described; thence continue South 00 degrees 11 minutes 43 seconds East, along said west line, a distance of 526.66 feet; thence North 89 degrees 37 minutes 09 seconds East, a distance of 234.75 feet; thence North 00 degrees 22 minutes 51 seconds West, a distance of 426.96 feet; thence North 30 degrees 54 minutes 31 seconds West, a distance of 115.74 feet to the intersection with a line bearing North 89 degrees 37 minutes 09 seconds East from the point of beginning; thence South 89 degrees 37 minutes 09 seconds West, a distance of 174.25 feet to the point of beginning.

Except that part that lies within the boundaries of GOODHUE COUNTY RIGHT OF WAY PLAT NO. 208, according to the recorded plat thereof, on file in the Goodhue County Recorders Office.

Subject to all easements and restrictions of record.

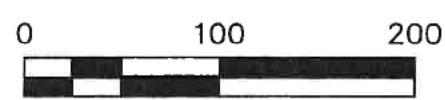
And also except that part of the following described property:

That part of Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 32, Township 112 North, Range 15 West, Goodhue County, Minnesota, described as follows:

Beginning at the northwest corner of said Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4); thence due south along the center of County Highway No. 6 for 208.6 feet; thence east 208.6 feet; thence north 208.6 feet; thence west 208.6 feet to the place of beginning.

Which lies east of the east right of way boundary line of Goodhue County Road No. 6, as platted and designated in GOODHUE COUNTY RIGHT OF WAY PLAT NO. 208, according to the recorded plat thereof, on file in the Goodhue County Recorders Office.

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



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

s/share/str/certs/112-15/32/oreilly 10-6.dwg

CERTIFICATE OF SURVEY FOR:
ZACH AND BEN O'REILLY

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
Marcus S. Johnson
Minnesota License No. 47460
Date: October 20, 2020

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	20-648	S-9132	

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: August 23, 2021
Report date: August 13, 2021

PUBLIC HEARING: Request for Variance to A2 District Density Standards (Irvin)

Request for Variance, submitted by James Irvin (Owner), to A2 Zoning District density standards to allow construction of a second dwelling in the SW ¼ of the SE ¼ of Section 03 TWP 111 Range 14 in Belvidere Township where maximum dwelling density has been met.

Application Information:

Applicant: James Irvin (Owner)

Address of zoning request: 27559 350th ST Goodhue, MN 55027

Parcel: 26.003.1000

Abbreviated Legal Description: SW ¼ of the SE ¼ of Section 03 TWP 111 Range 14 in Belvidere Township

Zoning District: A2 (General Agriculture District)

Attachments and Links:

Application and submitted project documents

Site Maps

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

Background:

The Applicant owns two parcels in Section 03 of Belvidere Township, an A2 zoned section. One 9.9-acre parcel and one 50.1-acre parcel. The 9.9-acre parcel (PID 26.003.1001) currently contains the Applicant's dwelling and various outbuildings along with land dedicated to row-crop agriculture. The 50.1-acre parcel (PID 26.003.1000) is currently vacant, containing mostly bluffs and woodlands with some acreage used for row-crop agriculture. This parcel is not contiguous – approximately 27.7-acres are located to the north of the homestead parcel and approximately 22.4-acres are located south of the homestead with the southern portion also being split by 350th Street.

Land Use Management (LUM) staff has met with the property owners multiple times to discuss the possibility of establishing a new dwelling on parcel 26.003.1000. Staff informed the property owners of the A2 District dwelling density standards – one dwelling permitted per original ¼ ¼ section with a maximum of 12 dwellings per section.

LUM staff indicated to the owners that the southerly portion of parcel 26.003.1000 is not eligible as a dwelling site because the existing dwelling on parcel 26.003.1001 occupies the SW ¼ of the SE ¼ of Section 03. Staff discussed alternative options with the owners including the possibility of constructing a new dwelling on the northerly portion of parcel 26.003.1000 which is in the NW ¼ of the SE ¼ of Section 03 or constructing an accessory dwelling unit on parcel 26.003.1001 within 100-feet of the existing dwelling. Staff also indicated to the property owners that variances are no longer utilized to increase dwelling density as alternatives have been added to the Ordinance including accessory dwelling units and the Conservation Subdivision.

The Applicant is requesting a density variance to allow the construction of a second dwelling within an occupied ¼ ¼ section on parcel 26.003.1000 south of 350th Street. The Applicant has indicated their desire to "...give up our building site on the hill. And then build on our wooded area."

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:

- A2 dwelling density standards are intended to conserve and maintain agricultural investments and prime agricultural farmland, but provide a slightly higher density of dwellings than the A1 District.
- The Goodhue County Zoning Ordinance was amended in 2017 to include a definition for “Maximum Density” to discourage density variance requests and encourage applicants to pursue more appropriate remedies such as a change of zone. The definition for Maximum Density has been included in the packet.
- The Zoning Ordinance has also been updated to include definitions and performance standards for Accessory Dwelling Units (ADUs) and the creation of the Conservation Subdivision District for additional dwelling density.
- The variance request does not appear in harmony with the purpose and intent of the official controls.

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

- The Goodhue County Comprehensive Plan supports the use of Accessory Dwelling Units and the Conservation Subdivision to increase density. The Comprehensive Plan encourages providing more housing choices for residents, which has been achieved through ADU and Conservation Subdivision regulations.
- The Comprehensive Plan encourages staff to review the ¼ ¼ density requirements in the A2 District. In the past, staff has contacted Townships to discuss A2 density requirements and a majority of Townships are in favor of maintaining the ¼ ¼ density restrictions on development, including Belvidere Township (density subcommittee questionnaire, 2017).

The proposed variance does not appear to be consistent with the adopted Comprehensive Plan.

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

- Both the 9.9-acre and 50.1-acre parcels are conforming parcels in the A2 District (2-acre minimum).
- The applicant’s desire to construct a dwelling within a wooded area away from prime farmland is a reasonable use of property in the A2 District.

The Applicant has been informed of density restrictions in Goodhue County and alternatives to establish a dwelling on their property.

- The Applicant currently owns land within an unoccupied ¼ ¼ of Section 03 to the north of the existing dwelling. Space exists on the northern parcel to construct a dwelling while avoiding steep-sloped areas designated as blufflands and avoiding tillable land.
- Access to this northern portion of parcel 26.003.1000 would cross parcel 26.003.1001, an

easement at least 33-feet wide would need to be recorded for access and a driveway 200-feet or longer must be constructed with a 14-foot wide driving surface. There is enough land available to meet the required driveway width and access easement requirements.

- Land in the proposed dwelling area south of 350th Street is significantly steeper than land to the north. A driveway placed here would require grading and filling to achieve the County's requirement that all access drives maintain a slope no greater than 14%.
- There are alternatives to avoid a variance to establish a dwelling on property owned by the Applicant including constructing a dwelling on land to the north in an unoccupied ¼ ¼ , constructing an accessory dwelling unit within 100-feet of the existing dwelling, or pursuing a Conservation Subdivision on at least 40-contiguous acres.
- Adjacent land uses include very low-density residential uses scattered among agricultural lands (row-crop agriculture) and undeveloped woodlands and blufflands among water resources (Clear Creek) and land classified as Shoreland and Floodplain. The nearest dwelling not owned by the Applicant is located approximately 1/3 mile away on Betcher Trail (Kelly Chilson-Kuehl). The addition of another dwelling in the same ¼ ¼ as an existing dwelling does have the potential to alter the essential character of the locality.
- Belvidere Township reviewed the request in early 2021 and signed acknowledgment of the variance request with comments stating that they support the proposed dwelling location, the Town Board "...has reviewed this project with the owners and County Commissioner [Jason Majerus] and we see no reason why this project cannot be built where the owners want."

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.**

- Single-family dwellings are a permitted use in the A2 District. The request does not constitute a use variance.

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

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

Staff Recommendation:

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

DENY the variance request, submitted by James Irvin, to A2 dwelling density standards limiting dwellings to one per original ¼ ¼ section to allow the establishment of a second dwelling in the SW ¼ of the SE ¼ of Section 03 of Belvidere Township.





MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 23, 2021

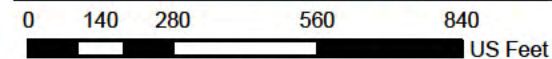
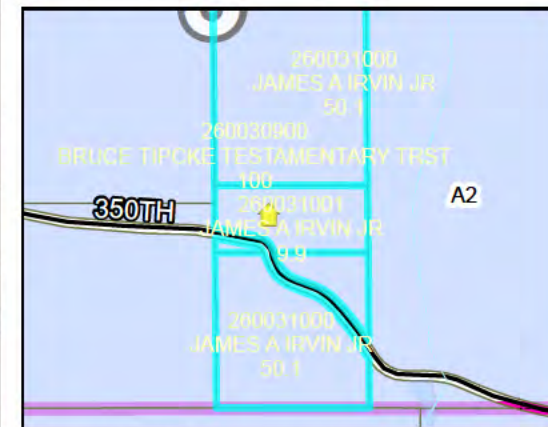
James Irvin (Owner)
A-2 District

Part of the SW 1/4 of the SE 1/4 of
Section 03 TWP 111 Range 14 in
Belvidere Township

Variance request to allow construction of
a second dwelling where maximum
dwelling density has been met

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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2020 Aerial Imagery
Map Created August, 2021 by LUM

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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
August 23, 2021

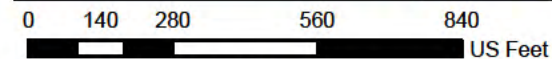
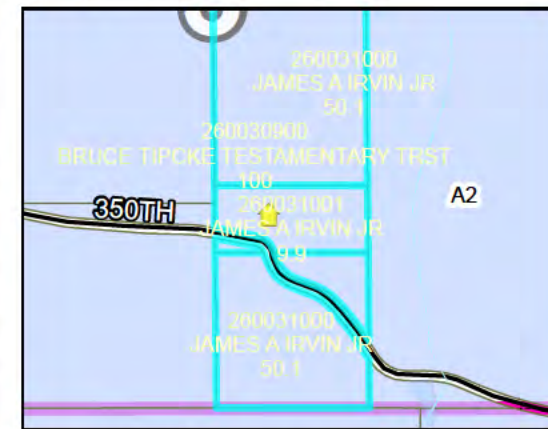
James Irvin (Owner)
A-2 District

Part of the SW 1/4 of the SE 1/4 of
Section 03 TWP 111 Range 14 in
Belvidere Township

Variance request to allow construction of
a second dwelling where maximum
dwelling density has been met

Legend

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

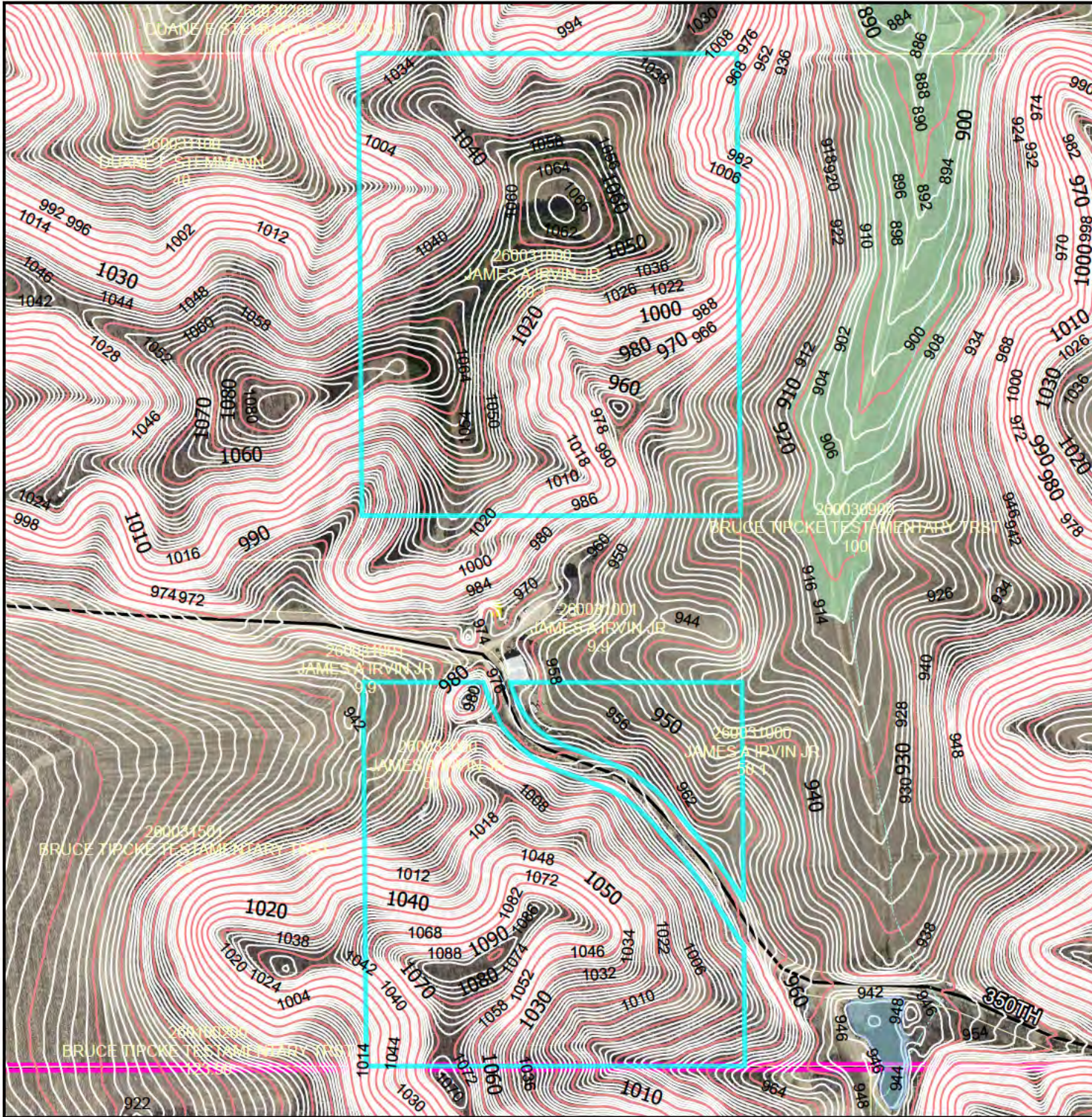


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
August 23, 2021

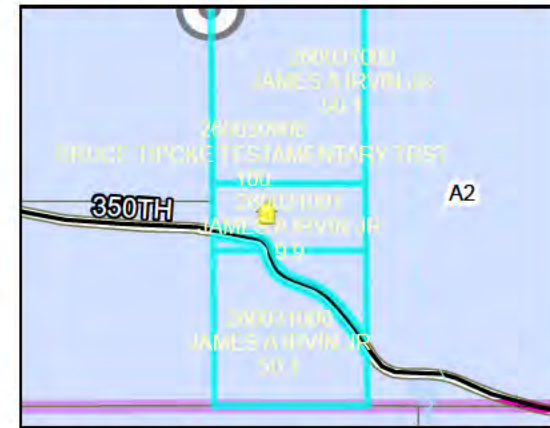
James Irvin (Owner)
A-2 District

Part of the SW 1/4 of the SE 1/4 of
Section 03 TWP 111 Range 14 in
Belvidere Township

Variance request to allow construction of
a second dwelling where maximum
dwelling density has been met

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 |



0 140 280 560 840
US Feet

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2020Aerial Imagery
Map Created August, 2021 by LUM



RECEIVED

APPLICATION FOR
Variance

JUL 19 2021

Land Use Management

For Staff Use only	
VARIANCE NUMBER:	Z21-0037
S350 RECEIPT#	17941
DATE	7/19/21

SITE ADDRESS, CITY, AND STATE	27559 350TH ST. GOODHUE MN	ZIP CODE	55027
-------------------------------	----------------------------	----------	-------

LEGAL DESCRIPTION:				Attached
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS	STRUCTURE DIMENSIONS (if applicable)
21-00371001	A-2			

APPLICANT OR AUTHORIZED AGENT NAME	JAMES IRVIN			
APPLICANT'S ADDRESS:	27559 350TH ST. GOODHUE MN 55027		TELEPHONE:	
			EMAIL:	

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

CONTACT FOR PROJECT INFORMATION:	Same as Above			
ADDRESS:	SAME AS ABOVE		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 checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:	WOODS	
	PROPOSED USE:		
	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:	SINCE HOUSE BURNED OR SINGLE FAMILY HOME

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		
Patricia Stemmann	Patricia Stemmann Clerk	7-19-21		

By signing below, the applicant acknowledges:

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

Applicant's Signature: 

Date: 07/19/2021

Print name: JAMES IRVIN

(owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: _____

Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

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

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

THE PROPERTY IS GRASS + WOOD LAND NOT BEING USED FOR ANYTHING

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

WE WOULD LOSE OUR RENTED PROPERTY, BECAUSE WE HAVE THAT IN PASTURE FOR COWS

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 COST WOULD BE TOO GREAT TO PUT IN A DRIVE-WAY THAT EMERGENCY VEHICLES COULD USE.

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

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

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

NO

WE WOULD LIKE TO GIVE UP OUR BUILDING SITE ON THE HILL. AND THEN BUILD ON OUR WOODED AREA.

Township Information

Township Name:

Belvidere Township

*****Applicant Complete This Section*****

Applicant Name <u>JAMES IRVIN</u>		Authorized Agent	
Mailing Address <u>27559 350TH ST</u>	City <u>Goodhue</u>	State <u>MN</u>	Zip <u>55027</u>
Property Address	City	Zip	
Day Phone	Evening Phone	Cell Phone	
Parcel Number	Section	Quarter/Quarter or Plat Name	
What is the Request for? <u>NEW HOME</u>			

*****Township Section*****

Name of Person Completing Form <u>Patricia Stemmann</u>	Title <u>Clerk</u>	Date
1. Was a public hearing necessary for the request? <u>No</u>		
2. Were there any concerns about the request raised by the board/public at your meeting? Please explain. <u>No - Board has no issue as to the location of a home. Cost wise the most correct place for a home</u>		
3. Was the request officially <u>approved</u> denied? Attach official action/findings of fact. (If no answer 4)		
4. Does the township support the request? <u>yes we do</u>		
5. Did the township place any provisions, or modify the request? Please explain. <u>No provisions.</u>		

*****Township Official Signature*****

I Patricia Stemmann am acting on behalf of the Township of Belvidere in capacity of Clerk/Supervisor/Chair hereby certify that the above described project has been received by the Township and heard on 2-9-2021.

RECEIVED

JUL 19 2021

TOWNSHIP ZONING APPLICATION Land Use Management TOWNSHIP NAME Belvidere

Goodhue County

Parcel # 26-003-1001

APPLICANT INFORMATION

Last Name <u>Irvin</u>	First <u>James</u>	M.I.
Street Address <u>27559 350th St.</u>	Phone	
City <u>Goodhue</u>	State <u>MN</u>	ZIP <u>55027</u>
Email Address		
Township <u>111N</u> Range <u>4W</u>	Section <u>3</u>	

PROJECT INFORMATION

Site Address		
Zoning District <u>A.2</u>	Lot Size	Structure Dimensions
Type of Project	Proposed Use <u>residence</u>	
Structure Type	Replacement? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Variance # <u>221-0037</u>	Conditional Use Permit # _____	
Name of Property Owner: <u>James Irvin</u>		

DISCLAIMER AND SIGNATURE

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

Signature <u>James Irvin</u>	Date <u>1/12/21</u>
------------------------------	---------------------

TOWNSHIP APPROVALS

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

Signature <u>Patricia Stemann</u>	Title <u>Clerk</u>	Date <u>1-12-2021</u>
-----------------------------------	--------------------	-----------------------

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

Application fee <u>0</u>	Receipt Number <u>17941</u>
--------------------------	-----------------------------

GENERAL PROVISIONS

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

Township Conditions

1. We approve to their specs -
2. The Belvidere Town Board has reviewed this project with the owners and county commissioner.
3. We see no reason why this project cannot be built where the owners want.

James and Tammy Irvin

27559 350th St.
Goodhue, mn 55027

Feb. 24, 2021

We want to build a second home on our property, but the home place is on the same 1/4 of the plot. We want to build on the south end of the property. Back on the low minimum maintenance road on a piece of land that is not crop land.

We are selling part of our home place to our daughter and family. We want to live nearby and still have our privacy.

We are going around the neighborhood to ask if they will support use in building on the south property line of our acreage.

Signatures of supporters

[Signature] -651-764-1934

Patricia Stemmman 651-923-4543

Belvidere Township, Patricia Stemmman, Clerk

Duane Stemmman

Paul Burford 651-923-4021

[Signature] 507-259-1089
KEVIN DUTCHER

Elaine Burford

Scott S. Kuehl *[Signature]* 651 3611428

Mike Wacholz Mike Wacholz 651-923-4218

Andy *[Signature]* Andy Vieting 651-~~923~~ 7134

[Signature] - 651-301-1554³²⁹

Kent Wackerling

Glenn Olms
923-4790

Barty Kehren 651-380-2888

Barb Kehren 651 923 4740

[Signature] 651-329-0159

Dan *[Signature]* 651-764-4899 Dawn *[Signature]* 764-0232

LOWEST FLOOR. See Article 32 (Floodplain District)

MANUFACTURED HOME. See Article 32 (Floodplain District)

MANUFACTURED HOUSING. A manufactured building or portion of a building designed for long-term residential use.

MAXIMUM DENSITY. A density standard establishing the maximum number of dwellings allowed in a Section, ¼ ¼ Section, District, or Subdivision. In order to maintain a balance of compatible uses, when the maximum density has been reached, the only opportunity to increase the density is through a change of zone process that would allow additional housing. Reestablished abandoned homestead sites are not included in the density count until they have been approved and permitted.

MIGRATORY LABOR CAMP. Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.

MINERAL EXTRACTION, ACCESSORY USE. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION, PRINCIPAL USE. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION FACILITY. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION PERMIT. See Article 14 (Mineral Extraction)

MINERAL RESOURCE. See Article 14 (Mineral Extraction)

MINING TECHNICAL EVALUATION PANEL. See Article 14 (Mineral Extraction)

MINING/EXCAVATION OPERATION. The removal of stone, sand, and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

MOBILE HOME. Manufactured housing built on a chassis.

MOBILE/MANUFACTURED HOME PARK. This term applies to any lot or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park.

NACELLE. See Article 18 (WECS)

NON-AGRICULTURAL USES/ACTIVITIES ASSOCIATED WITH AN AGRITOURISM USE. This means activities that are part of an agri-tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include but are not limited to:

- A. Temporary Amusement rides associated with an event
- B. Art or cultural related festivals
- C. Gift shops for the sale of non-agricultural products
- D. Benefit events
- E. Kitchen facilities, processing/cooking items for sale (subject to State of Minnesota, Department of Public Health standards) including eating establishments such as restaurants or cafés.

ARTICLE 22 A-2, AGRICULTURE DISTRICT

SECTION 1. PURPOSE

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

SECTION 2. PERMITTED USES

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

SECTION 3. CONDITIONAL USES AND INTERIM USES

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

SECTION 4. ACCESSORY USES AND STRUCTURES

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

SECTION 5. GENERAL DISTRICT REGULATIONS

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

Subd. 1. Lot Size.

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

Subd. 2. Density Requirements.

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

Subd. 3. Yard Requirements.

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

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

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

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

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

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

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

SECTION 6. GENERAL REGULATIONS

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

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

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

From: [Hildebrand, Chad](#)
To: [Pierret, Samantha](#)
Subject: RE: Bluff Review
Date: Monday, August 16, 2021 11:49:07 AM
Attachments: [Driveway Profile_D.jpg](#)
[Driveway Profile_C.jpg](#)
[Figure 2 Bluff Area Map.pdf](#)

Morning Sam,

I have completed a bluff review of the additional spots of the identified parcel. Areas shaded red show the bluff area on the parcel following ordinance requirements. I have also created two profiles of the area marked for a possible driveway to assist with showing grade (slope).

The orange line (Profile Graph DW_ProfileC) and (Profile Graph DW_ProfileD) are two locations in that marked area on Figure 2.

Profile C I took two locations at a 10 foot elevation difference to see the slope.

- Starting at elevation 1,000 ft → 990 ft was a length of 70.47 ft with a grade (slope) of 14.19%.
- Starting at elevation 990 ft → 980 ft was a length of 59.55 ft with a grade (slope) of 16.79%

Profile D I took two locations at a 10 foot elevation difference to see the slope.

- Starting at elevation 1,000 ft → 990 ft was a length of 53 ft with a grade (slope) of 18.87%.
- Starting at elevation 990 ft → 980 ft was a length of 45.40 ft with a grade (slope) of 22.03%

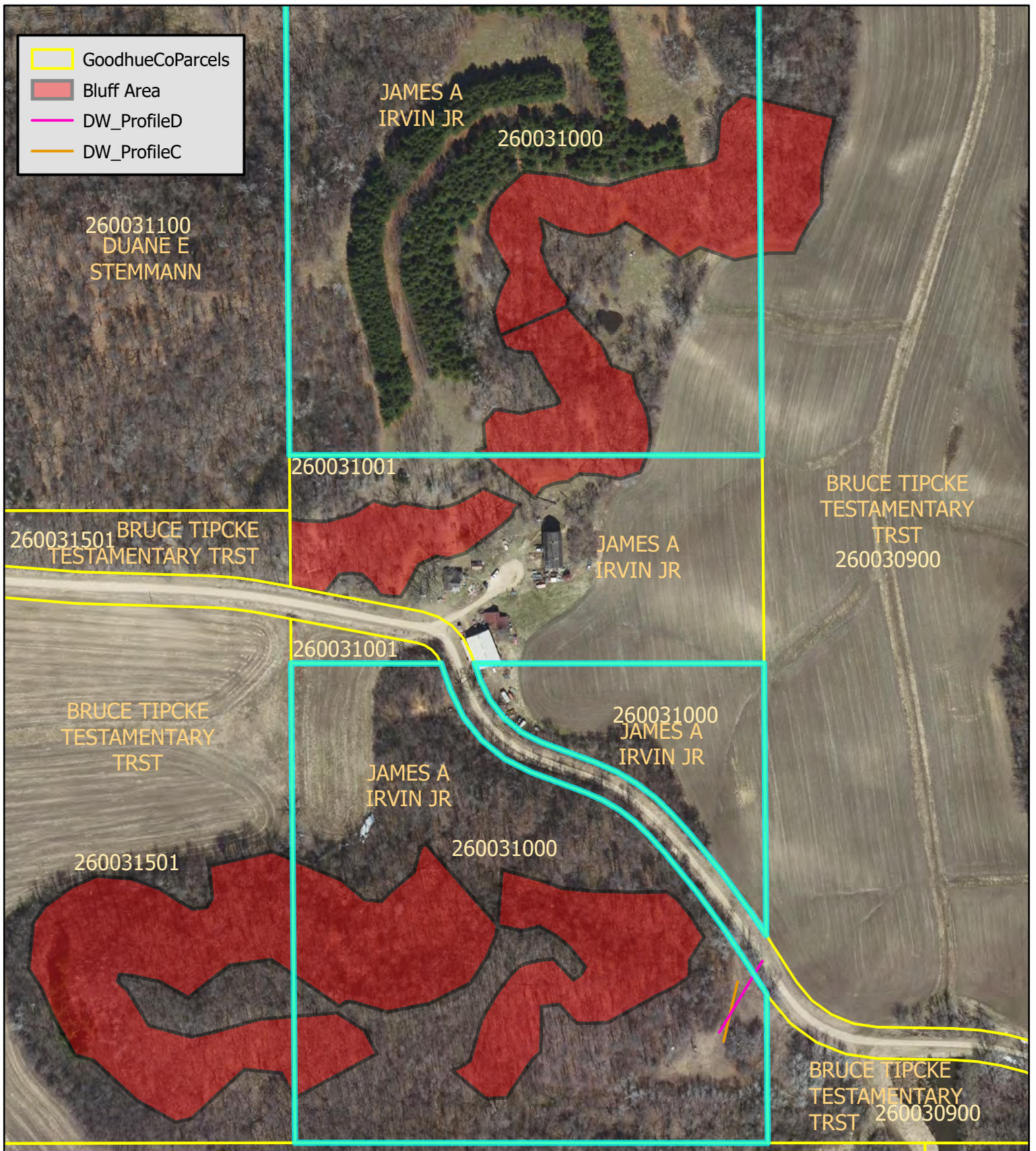
I have attached Figure 2 map to show the bluff areas and the two profiles. I have also attached Profile C & D to relate to the grade (Slope). These measurements are approximate and using the 2020 DEM data available.

Please let me know if you need further assistance or if I missed something and need additional information.

Thank you,

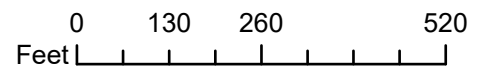
Chad Hildebrand
Natural Resource Specialist
Goodhue SWCD

From: Pierret, Samantha <samantha.pierret@co.goodhue.mn.us>
Sent: Wednesday, August 11, 2021 9:33 AM



**James Irvin Jr (Parcel ID# 260031000)
Bluff Area Review
Belvidere Township, Section 3**

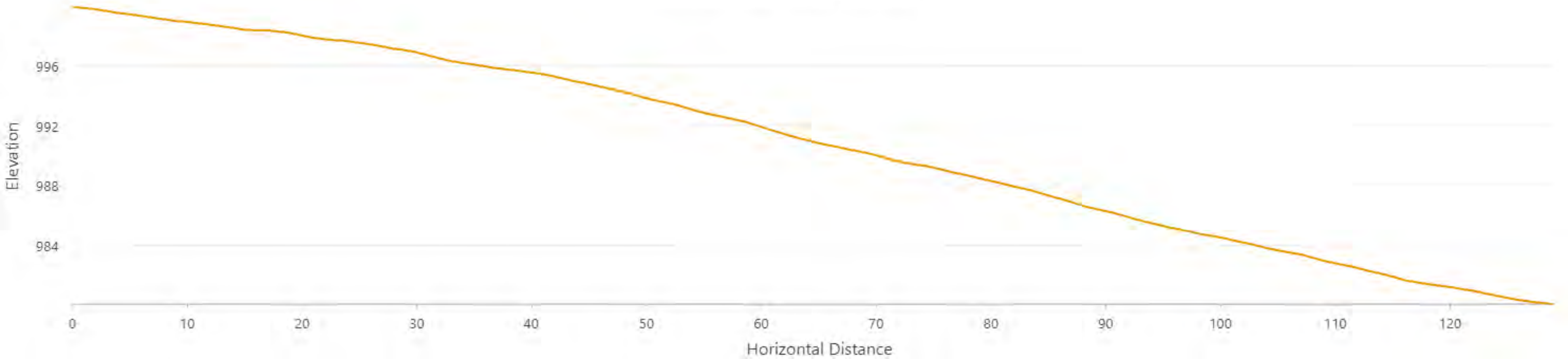
Figure 2



2020 Aerial Imagery



Profile Graph DW_ProfileC



Profile Graph DW_ProfileD

