



# 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

## Virtual Meeting Notice

Virtual Meeting Notice: The Goodhue County Planning Advisory Commission will be conducting a meeting on March 21, 2022 at 6:00 p.m. Due to concerns surrounding the spread of COVID-19, the meeting and all public hearings will be conducted by telephone or other electronic means.

The public may monitor the meeting from a remote site by logging into <https://meet.goto.com/550416949> or calling 1-866-899-4679 beginning at 5:50 PM or any time during the meeting. Access Code: 550-416-949

Public Comments: Interested persons may submit comments by phone, in writing, or via email until noon on Monday, March 21, 2022. To submit your comments please email them to [samantha.pierret@co.goodhue.mn.us](mailto:samantha.pierret@co.goodhue.mn.us) or mail them to the Land Use Management Department at 509 West 5th Street, Red Wing, MN 55066. Comments received by this deadline will be read into the record during the public hearing for that item, including name and address.

6:00 PM Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. February 14, 2022 PAC Meeting Minutes

Documents:

[MINUTES\\_DRAFT\\_FEBRUARYPACMEETING\\_2022.PDF](#)

Conflict/Disclosure Of Interests

TABLED: CUP Request To Establish An Animal Unit Feedlot Greater Than 500 Animal Units Outside Of A Farmyard And A Liquid Manure Storage Basin Exceeding 500,000 Gallons Request for CUP, submitted by Kent Billman (Applicant) on behalf of Billman Farms LLC (Owners), to establish a hog finishing Feedlot for up to 2,400 head (720 Animal Units) outside of a Farmyard and construction of an animal waste storage pit exceeding 500,000 gallons. Parcel 40.015.0400. TBD 150th AVE Pine Island, MN 55963. Part of the NW ¼ of the NW ¼ of Section 15 TWP 109 Range 16 in Roscoe Township. A-1 Zoned District.

Documents:

[PACPACKET\\_BILLMAN\\_TABLED.PDF](#)

Public Hearings:

1. PUBLIC HEARING: IUP Request For A Utility-Scale Solar Energy System (SES)  
Request submitted by Sturgeon Garden LLC (Brendan Dillon, Applicant) and Seth & Lisa Thomforde (Owners) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0-acres. Parcel 33.026.0600. TBD 230th AVE Goodhue, MN 55027. The S ½ of the SE ¼ of Section 26 TWP 111 Range 15 in Goodhue Township. A-1 Zoned District.

Documents:

[PACPACKET\\_STURGEONGARDENLLC\\_REDACTED.PDF](#)

2. PUBLIC HEARING: "Gesme Second Addition" Preliminary And Final Plat Review  
Request submitted by David Rapp (Authorized Agent/Surveyor) on behalf of Keith and Roger Gesme (Owners) for Preliminary and Final Plat review of the proposed Gesme Second Addition Plat comprising approximately 547.5-acres. Parcels 28.006.0100, 28.006.2000, 28.005.0900, 28.125.0010, 28.005.1000, 28.005.1400, 28.008.0400, and 28.008.0500. 28170 HWY 20 BLVD Cannon Falls, MN 55009. Part of the E ½ of Section 06 and Part of the W ½ of Section 05 and Part of the NW ¼ of Section 08 all in Township 112 Range 17 Cannon Falls Township. A-3 Zoned District.

Documents:

[PACPACKET\\_GESME.PDF](#)

3. PUBLIC HEARING: Conservation Subdivision Plat (Hinrichs)  
Request submitted by Laurie Hinrichs (owner) for Preliminary and Final Plat approval of the proposed "Hinrichs Subdivision" to rezone 40.0 acres and create a two lot Conservation Subdivision District on the property currently zoned A-1 (Agricultural Protection District). Parcel 39.008.2601. TBD 195th AVE Zumbrota, MN 55992. Part of the E 1/2 of the SW ¼ of Section 08 TWP 109 Range 15 in Pine Island Township.

Documents:

[PACPACKET\\_HINRICHS.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 ◆

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The meeting of the Goodhue County Planning Advisory Commission was called to order at 6:00 PM by Chair Carli Stark virtually at the Goodhue County Government Center in Red Wing.

### **Roll Call**

Commissioners Present virtually via GoToMeeting: Carli Stark, Richard Miller, Darwin Fox, Tom Gale, Richard Nystuen, Todd Greseth, and Howard Stenerson

Commissioners Absent: Marc Huneke and Chris Buck

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

### **1. Approval of Agenda**

<sup>1</sup>Motion by Commissioner Miller; seconded by Commissioner Greseth to approve the meeting agenda.

**Motion carried 7:0**

### **2. Approval of Minutes**

<sup>2</sup>Motion by Commissioner Fox; seconded by Commissioner Stenerson to approve the previous month's meeting minutes.

**Motion carried 7:0**

### **3. Conflict/Disclosure of Interest**

*Commissioner Miller would like to remove himself from the Pine Island Map Amendment (Rezone) agenda item vote as he has family that owns land in this section.*

### **4. Public Hearings**

#### **PUBLIC HEARING: Request for Map Amendment (Rezone)**

Request for map amendment, submitted by Pine Island Township, to rezone all parcels within Section 34 from A-1 (Agriculture Protection District) to A-2 (General Agriculture).

*Pierret presented the staff report and attachments.*

*Commissioner Stenerson asked the size of the feedlot that is involved. He asked whether the change of zone would subsequently require the feedlot to obtain a CUP due to its size or whether the operation would become an existing non-conformity.*

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*Pierret replied the feedlot is under the threshold for needing a CUP in both the A-1 and A-2 Districts; under 300 animal units.*

*Commissioner Stenerson clarified that there would be little to no effect on the feedlot's ability to operate.*

*Pierret agreed.*

### **Chair Stark Opened the Public Hearing**

*Pierret read public comments and questions from property owners in the surrounding area of the rezoning request.*

*Leon Pike (21551 510<sup>th</sup> Street, Pine Island) stated his property borders section 34 to the north and he is against the proposed rezoning. He would like to keep the area agricultural and not allow any further home construction, sandpits, or solar facilities.*

*Harold Radtke owns property in section 28 of Pine Island Township which is northwest of section 34. He would prefer the County only rezone the western half of section 34 to A-2 and leave the eastern half as A-1 to facilitate further agricultural uses.*

**3After Chair Stark called three times for comments it was moved by Commissioner Greseth and seconded by Commissioner Fox to close the Public Hearing.**

### **Motion carried 7:0**

*Commissioner Stenerson stated this is prime farmland in the Pine Island area and questioned if there could be an issue with the restoration plan for the new sandpit with new roads, sewer systems, etc. if additional homes were allowed to be built under the A-2 regulations.*

*Pierret answered that looking at the open 1/4 1/4 sections in section 34, and taking into account the required 1000-foot setback from any active mining operation and feedlots, the open 1/4 1/4 sections are completely taken up by the required setbacks. The 1/4 1/4 sections in the northern half of the section would be more suitable for dwelling establishment and would not affect the proposed sandpit development.*

*Commissioner Stenerson stated his concern was if the 1/4 1/4 sections that could be built on would interfere with connecting the City's sewer system and the already designed development as part of the restoration. Questioned if the city has looked at it and noted the restoration plan was for the area to be annexed into the City.*

*Commissioner Miller stated the city connection for the area goes along the service road at the most southern edge of the section (White Pines Road). At least 240 acres of section 34 have*

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*been offered for a large solar project, which is almost all of the northern half of the section. If the solar project happens, there would only be room for one home in that area.*

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

- 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 Pine Island Township to rezone Section 34 from A-1 (Agriculture Protection) to A-2 (General Agriculture District).

**Motion carried 6:0 (Miller abstained)**

**PUBLIC HEARING: Request for Map Amendment (Rezone) - Kehren**

Request for map amendment, submitted by Larry Kehren (Buyer) and William Holst (Owner), to rezone 24,440 square feet from A-3 (Urban Fringe District) to R-1 (Suburban Residence District).

*Pierret presented the staff report and attachments.*

**Chair Stark Opened the Public Hearing**

*No one spoke for or against the request.*

**5After Chair Stark called three times for comments it was moved by Commissioner Stenerson and seconded by Commissioner Miller to close the Public Hearing.**

**Motion carried 7:0**

*Commissioner Stenerson clarified that another dwelling site would not be created due to the zoning change.*

*Pierret confirmed that statement.*

**6It was moved by Commissioner Stenerson and seconded by Commissioner Nystuen for the Planning Advisory Commission to:**

- 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 Larry Kehren (buyer) and William Holst (owner) to rezone 24,440 square feet of parcel 32.200.0220 (shown as Parcel B on the official survey) from A-3 (Urban Fringe District) to R-1 (Suburban Residence District).

**Motion carried 7:0**

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**PUBLIC HEARING: CUP Request to Establish a Greater than 500 Animal Unit Feedlot Outside of a Farmyard and a Liquid Manure Storage Basin Exceeding 500,000 Gallons**

Request for a CUP, submitted by Bryan and Kent Billman (Applicants) on behalf of Billman Farms LLC, to establish a hog finishing Feedlot for up to 2,400 head (720 Animal Units) outside of a Farmyard and construction of an animal waste storage pit exceeding 500,000 gallons.

*Pierret presented the staff report and attachments.*

**Chair Stark Opened the Public Hearing**

*Bauer presented public comments and questions received via email.*

*Keith and Laura Swenson (48020 County 10 Blvd, Zumbrota, MN) emailed questions and concerns on behalf of Eileen Bjorngaard, 14710 County 12 Blvd, Zumbrota, MN, Vickie Bjorngaard, David and Elizabeth Brodhead, 15458 475<sup>th</sup> Street, Zumbrota, MN, Roger and Carol Frederickson, 14159 County 12 Blvd, Zumbrota, MN, Steven and Michelle Sandeen, and James and Taryn Thoreson, 14304 County 12 Blvd., Zumbrota, MN. They are not in favor of the proposed Billman feedlot; sharing concern for the harm to the environment, property values, odor, and potential groundwater/water contamination.*

*Jeanette and Mark Passow (48689 150<sup>th</sup> Avenue, Pine Island, MN) are opposed to the proposed feedlot. They have concerns with field tiling and the impact on the groundwater and Pine Island Creek, the size of the manure storage tank, manure management including manure spreading, odors, and the number of animals allowed. The Passows are concerned with the disposal of deceased animals, where the composting will occur, and an increase in varmint population. They questioned where the hogs will be sourced from, if there are plans in place for any potential diseases, and if there are County policies or buffer requirements for landowners and renters receiving manure that protect neighboring properties.*

*Scott and Katie Morgan (48280 County 10 Blvd, Zumbrota, MN) have read and are in support of the Passows' concerns and also oppose the proposed feedlot.*

*Roscoe Center Farms, Brian and Bart Hoven (47471 County 10 Blvd., Zumbrota, MN) emailed with a concern for future building eligibility and the potential for expansion of their farming operation, which is north and west of the proposed feedlot.*

*Pastor Kathleen Lowery (Stordahl Lutheran Church) shared opposition of the feedlot noting concerns for the proximity of the barn to the church and the odor from the proposed feedlot.*

*Dan Bjorngaard (855 Folsom Street, Suite 912, San Francisco, CA) is a beneficiary of the trust that is adjacent to the Billman property and has concerns about the impact on the drinking water, groundwater contamination, the geology of the parcel, and the economic impact this proposed feedlot would have.*

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Hanni stated most topics brought up at the Public Hearing are verified with the MPCA, the Planning Advisory Commission will discuss the proposed feedlot and can decide whether to table this agenda item to a future meeting or recommend approval.

Shawn Carter (address not provided), stated he felt as if concerns were not being addressed at this meeting.

Hanni reiterated that discussion had to happen between board members after the close of the public hearing, and they may decide to table this agenda item until the next Planning Advisory Commission Meeting.

**7After Chair Stark called three times for comments it was moved by Commissioner Miller and seconded by Commissioner Stenerson to close the Public Hearing.**

**Motion carried 6:0 (Fox left the meeting briefly)**

Hanni stated this agenda item could be tabled at this time and these questions can be addressed and answered for the next PAC meeting in March.

**8It was moved by Commissioner Greseth and seconded by Commissioner Miller for the Planning Advisory Commission to:**

**TABLE** the CUP requests, submitted by Bryan and Kent Billman (Applicants) on behalf of Billman Farms LLC (Owners), to establish a hog finishing Feedlot Outside of a Farmyard for up to 720 Animal Units and construction of an animal waste storage pit of up to 1,100,000 gallons.

Subject to the following conditions:

1. The Feedlot shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
3. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
4. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agriculture Protection District) and Article 13 (Confined Feedlot Regulations);
5. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

**Motion carried 5:2 (Stenerson and Nystuen opposed)**

**PUBLIC HEARINGS: Cannon Falls Veterans Memorial Park (Jim Boo, Applicant and James Edlund, Owner)**

TBD CTY 14 BLVD, Cannon Falls, MN 55009. Parcel 28.031.1801. Part of Government Lots 4 and 5 Section 31 TWP 112 Range 17 in Cannon Falls Township. A-2 Zoned District.



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**1. Map Amendment (Rezone)**

Request for map amendment to rezone parcel 28.031.1801 from A-2 (General Agriculture District) to CR (Commercial Recreational District).

*Pierret presented the staff report and attachments for both requests.*

*Chair Stark asked what constitutes a “special event” and how often are they anticipating there would be an event on the schedule.*

*Jim Boo (Applicant) replied they have not gotten to a structured event schedule yet. He said it’s a goal to have the events inside the building, but also use the outdoor Memorial Park for Memorial Day, Labor Day, etc. At the Cannon Falls Township public hearing, fencing, noise, and security were discussed. Mr. Boo anticipates if there were a musical event, it would be held inside the facility.*

**Chair Stark Opened the Public Hearing**

*Jeffrey Harty (33480 57<sup>th</sup> Avenue, Cannon Falls MN) asked about the noise and lighting specifically what kind of lighting would be involved as he lives just up the hill from the property.*

*Carson Schifskey, the contractor for the project, stated there is not a lighting plan yet, but would like there to be lighting on flags and monuments and in the parking lot for safety.*

*Hanni asked if it could be down-facing lighting in the parking lot?*

*Mr. Schifskey said that is the plan with the lighting. The flags and monuments would have some up-lighting as well but there is no intent for harsh, unnecessary spotlight-type lighting.*

*Mr. Harty asked for more details on the fencing.*

*Mr. Schifskey replied the discussion was had at the Township’s public hearing in regards to the fencing around the entire property and the possibility of a gate at the entrance to the property.*

*Hanni said when the plans are done in regards to fencing, to have the County review them.*

*Mr. Schifskey stated the intent of the fencing is to establish a boundary around the property to keep visitors from trespassing or wandering from the park grounds.*

*Pierret read public comments from the City of Cannon Falls and the Cannon Falls Township Clerk Sue Safe. Ms. Safe wrote that the Cannon Falls Township Board of Supervisors held a Public Hearing on Wednesday, February 9<sup>th</sup> for the rezoning and CUP request for the Veterans Memorial Park, five residents attended the meeting. Mr. Boo and Mr. Schifskey also attended the meeting and held a question and answer session that followed. Justin Bauer, owner of the Caravan Motel in Cannon Falls, is in favor of the project. The City of Cannon Falls also wrote a letter in support of the proposed project. Bruce Showel, 6163 331<sup>st</sup> Street Way, Cannon Falls MN, was in attendance at the meeting and had the most concerns. His concerns were mainly about security, noise control, trespassing, change of the landscape, and disruption of the view. Both Mr. Boo and Mr. Schifskey offered to visit with Mr. Showel once more detailed plans were underway. Following the public hearing, the Board approved the rezoning request from A-2 to*

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*Commercial Recreational and the Conditional Use Permit request for the Veterans Memorial Park with three conditions:*

- 1.) Boundaries clearly marked by fences on 3 sides of the parcel (except entrance) to discourage trespassing on neighboring parcels.*
- 2.) Noise control – nothing after 10 pm.*
- 3.) Both Rezone and CUP contingent on whether it passes at Goodhue County. If denied, it is null and void on the township level.*

*Mr. Schifskey noted the restriction on events after 10 pm was in regards to outdoor events only.*

*Pierret read a letter from the City of Cannon Falls Mayor John Althoff and Luke Cooreman Economic Development Authority President of Cannon Falls. The letter gives support for the Veterans Memorial Park and notes that it will add great value to the community, County, and region.*

*Bruce Showel (6163 331<sup>st</sup> St Way Cannon Falls, MN) wrote before the Township's public hearing with three main concerns as a neighboring property to the proposed project; privacy, security, and sound levels. He questioned the nature trails, and concerns of ATV/motorized vehicle usage, and trespassing. He has lived on this property for 21 years and opposes this request unless his concerns are addressed prior to establishment.*

*Mr. Boo stated many of the items Mr. Showel had concern for, were addressed after the email was submitted at the Township meeting.*

*Allan Watts (3641 44<sup>th</sup> AVE NW Rochester, MN) questioned whether the owner/Applicant considered putting in pickleball courts and is wondering about the budget for the project.*

*Mr. Boo replied they had not considered the pickleball courts and the budget was approximately \$30-50 million. He stated there are significant resources in place to close and/or begin the project.*

*Steve Nelson (6133 340<sup>th</sup> ST Way Cannon Falls, MN) questioned whether the park would be publicly or privately owned.*

*Mr. Boo answered it would be both. It would have a non-profit component to do the necessary fundraising but the property would be purchased privately.*

*Mr. Nelson asked about security being the hours proposed to be open are from 7 am to 10 pm. He also questioned security being the property will be privately owned and its proximity to HWY 52.*

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*Mr. Boo replied they intend to establish a good relationship with local authorities, fencing or boundaries will be installed, and adequate cameras, lighting, etc. would be of utmost concern.*

*Donald Sell (33750 57<sup>th</sup> Avenue, Cannon Falls MN) questioned the proposal for the 24-acres east of the frontage road; what types of business is proposed there?*

*Mr. Boo said he has not made any plans for that piece of land yet. There are no utilities to this site and would not be for several years.*

*Mr. Sell commented that as an owner of his property for 40+ years, he has concern for the number of springs on the proposed park property; how will the water runoff be controlled?*

*Mr. Schifskey stated before any dirt is moved, studies will be done with engineers, Goodhue SWCD, Goodhue County, etc. to ensure proper erosion control measures are met.*

**9After Chair Stark called three times for comments it was moved by Commissioner Greseth and seconded by Commissioner Fox to close the Public Hearing.**

**Motion carried 7:0**

*Commissioner Stenerson asked for more details in regards to traffic, whether the County road can handle the proposed volume, if there will be a liquor license, parking provisions for a high number of visitors, proposed hours of operation, and what constitutes a special event. Commissioner Stenerson suggested tabling this CUP request at this time to answer these concerns.*

*Hanni stated that with the approval of this CUP, there are still approvals that need to be made along the way by the County and state. The building site construction, water, septic provisions, etc. With the larger events, if there will be more than 500 attendees there will be several conditions from the Assembly Controls Ordinance required to be submitted prior to the event. Liquor licensing would be permitted through the state. Through the process, the Applicant will be required to obtain various County approvals.*

*Mr. Schifskey commented that after discussion with the County Engineer the County road will be able to handle the proposed amount of traffic however the Applicant will be responsible for costs to install turn lanes to the property. Traffic control would be required for events with 500 or more people.*

*Commissioner Miller questioned why the City of Cannon Falls is not annexing this and overseeing this proposed project.*

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*Mr. Boo stated that when he met with the Mayor, the head of the EDA, and the City Manager it was noted that the parcel is not contiguous to City limits and cannot be annexed at this time. Fencing, sound/noise management, and security were discussed at the Township's public hearing. He noted that they understand all CUP conditions must be followed or they risk losing the permit. Fencing, noise provisions, no events outdoors after 10 pm, closing by midnight, being gated and secured is essential on all fronts.*

*Commissioner Miller questioned water and septic, if they will be on-site or if they will be coming from the City.*

*Mr. Boo answered as of now they will be installed on-site as there are no city utilities to the site. If there were an event, temporary services will be brought in as required in the CUP.*

*Mr. Schifskey stated they would be in contact with MPCA regarding licensing and engineering for water and septic/sanitation systems.*

*Hanni noted once a project gets to a certain size septic system, it goes to the MPCA for regulation, if it is under a certain size, it would be under the County regulations.*

**<sup>10</sup>It was moved by Commissioner Nystuen and seconded by Commissioner Fox for the Planning Advisory Commission to:**

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

Recommend the County Board of Commissioners **APPROVE** the map amendment request from Jim Boo, Applicant and James Edlund, Owner to rezone parcel 28.031.1801 from A-2 (General Agriculture District) to CR (Commercial Recreational District).

**Motion carried 6:1 Stenerson opposed**

**2. CUP for a Veterans Memorial Park and Banquet Facility**

Request for a Conditional Use Permit (CUP) to establish a Veterans Memorial Park with banquet facility/event space and nature trails.

*Commissioner Stenerson stated he would like to have an amendment to the CUP conditions stating that security, fencing, and lighting provisions be brought back to the Planning Commission for approval before installation.*

*Hanni said we could add these items as part of the building permit approval. The items of security, fencing, and lighting will need to be shown on a plan at the time of construction permitting.*

**<sup>11</sup>It was moved by Commissioner Greseth and seconded by Commissioner Miller for the Planning Advisory Commission 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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Recommend that the County Board of Commissioners **APPROVE** the request from Jim Boo, Applicant and James Edlund, Owner for a Conditional Use Permit (CUP) to establish a Veterans Memorial Park with banquet facility/event space and nature trails. The proposal includes provisions for memorials, banquet facility and restaurant space, and various public park spaces.

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 for the memorial and park area shall be year-round, 7-days per week from 9 a.m. to 9 p.m.;
3. Hours of operation for the restaurant and banquet facility shall be year-round, 7-days per week from 7:00 AM to 10:00 PM;
4. Special events shall end no later than 12:00 AM (midnight);
5. On-street parking and loading/off-loading shall be prohibited;
6. The Goodhue County Zoning Administrator and Sheriff's Office shall be notified no less than 30-days prior to any publicized events with over 500 people;
7. Notification of events with over 500 people shall include the dates and times of the event, the purpose of the event, provisions for noise control, traffic control measures, provisions for additional septic/wastewater facilities, and a list of food concessioners for the events;
8. Events with over 500 people shall have on-site security and medical services. Evidence of these services shall be provided to the Zoning Administrator no less than 30-days prior to the event;
9. Applicant shall obtain Building Permit approvals for proposed structures from the Goodhue County Building Permits Department prior to beginning construction;
10. Applicant shall obtain all appropriate well and septic system permits from the Goodhue County Environmental Health Department and Minnesota Pollution Control Agency prior to establishing the use;
11. Compliance with Goodhue County Zoning Ordinance including Article 30 CR, Commercial Recreational District;
12. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations; and
13. Applicant shall work with the Goodhue Soil and Water Conservation District regarding proposed grading and erosion control measures prior to beginning work.

**Motion carried 6:1 Stenerson opposed**

**PUBLIC HEARING: CUP Amendment – Nate's Garage LLC**

Request submitted by Nate Icaza (owner/operator) to amend CUP Z16-0009 to allow an agricultural equipment repair business to construct a building addition.

*Pierret presented the staff report and attachments.*

**Chair Stark Opened the Public Hearing**

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**<sup>12</sup>After Chair Stark called three times for comments it was moved by Commissioner Fox and seconded by Commissioner Greseth to close the Public Hearing.**

**Motion carried 7:0**

*Commissioner Stenerson questioned whether the owner had considered extending the length of the repair shop from 65-feet to 75-feet to accommodate trucks and trailers.*

*Huynh Do, co-owner of Nate's Garage LLC said they would consider it.*

*Jim Polingo, Operations Manager said they may consider adding an additional 10-feet in length in the future. Mr. Icaza currently has plans for the 65-foot long addition.*

*Commissioner Stenerson noted they do not have to construct a 75-foot addition but the owner would not need to return to the Planning Commission for another amendment in the future if the length were increased to 75-feet.*

**<sup>14</sup>It was moved by Commissioner Stenerson and seconded by Commissioner Greseth for the Planning Advisory Commission 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

Recommend the County Board of Commissioners **APPROVE** the request submitted by Nate Icaza (owner/operator) to amend CUP Z16-009 to allow an existing agricultural equipment repair business to construct a 30-foot x 75-foot building addition. This amendment shall revoke and replace CUP Z16-009.

Subject to the following conditions:

1. The expansion shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. The applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to constructing the addition;
3. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 22 (General Agriculture District);
4. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.
5. All exterior parking of vehicles shall be conducted in an orderly fashion on the property. No on-street parking or loading is permitted.

**Motion carried 7:0**

**Other Discussion**

*Commissioner Greseth asked if the next PAC Meeting would be virtual.*

*Hanni stated it depends on facilities and in the past, she was told we would meet in person when County Board meets in person.*

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*Commissioner Stenerson stated he was disappointed that the feedlot request was tabled so quickly and there was no discussion among Board members regarding any of the public's questions.*

**<sup>13</sup>ADJOURN: Motion by Commissioner Nystuen and seconded by Commissioner Miller to adjourn the Planning Commission Meeting at 8:40 p.m.**

**Motion carried 6:1 Stenerson opposed**

Respectfully Submitted,

Kathy Bauer, Zoning Administrative Assistant

MOTIONS

<sup>1</sup>APPROVE the PAC meeting agenda.

Motion carried 7:0

<sup>2</sup>APPROVE the previous month's meeting minutes.

Motion carried 7:0

<sup>3</sup>Motion to close the Public Hearing

Motion carried 7:0

<sup>4</sup>APPROVE the Request for Map Amendment (Rezone) Pine Island Township

Motion carried 6:0 (Miller abstained)

<sup>5</sup>Motion to close the Public Hearing

Motion carried 7:0

<sup>6</sup>APPROVE the Request for Map Amendment (Rezone) Kehren

Motion carried 7:0

<sup>7</sup>Motion to close the Public Hearing

Motion carried 6:0 (Fox left meeting briefly)

<sup>8</sup>TABLE the request for CUP for Feedlot Outside a Farmyard

Motion carried 5:2 (Stenerson and Nystuen opposed)

<sup>9</sup>Motion to close the Public Hearing

Motion carried 7:0

<sup>10</sup>APPROVE the Request for Map Amendment (Rezone) for Cannon Falls Veteran's Memorial Park

Motion carried 6:1 (Stenerson Opposed)

<sup>11</sup>APPROVE the CUP for Cannon Falls Veteran's Memorial Park

Motion carried 6:1 (Stenerson opposed)

<sup>12</sup>Motion to close the Public Hearing

Motion carried 7:0

<sup>13</sup>APPROVE the CUP Amendment request for Business Serving the Ag. Community

Motion carried 7:0

<sup>14</sup>ADJOURN. Motion to adjourn the meeting

Motion carried 6:1 (Stenerson opposed)

Pine Island Rezoning Comments:

Leon Pike 21551 510<sup>th</sup> ST Pine Island, MN Comments received via phone February 7, 2022: Neighbor of Section 34. Against the proposed rezoning. Wants to keep the area agricultural and not allow more houses, sand pits, and solar facilities.

Harold Radtke (Owns property in Section 28 of Pine Island Township) called staff February 14, 2022: Stated he would prefer to see the County rezone only the West half of Section 34 to A-2 while leaving the east half A-1 to facilitate agricultural uses.



**Pierret, Samantha**

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**From:** Laura and Keith Swenson  
**Sent:** Sunday, February 13, 2022 7:35 PM  
**To:** Pierret, Samantha  
**Subject:** Letter for Feb 14 Billman Farms hog finishing feedlot public hearing

**External Email - Use caution opening links or attachments!**

Dear Planning Advisory Commission,

On behalf of our families and surrounding neighbors, we wish to share our concerns about the Billman Farms proposal for a hog finishing feedlot to be established on parcel 40.015.0400 at 150<sup>th</sup> Ave, Pine Island. None of us have been contacted by Billman Farms about this proposal and none listed on this letter are in favor of this feedlot.

**Future of our community:** This hog finishing feedlot does not meet compatibility for our critical needs as neighboring property owners with residence in the vicinity of the proposed hog finishing lot for the following reasons:

It will affect the quality of our environment and property values. Can the Board explain how property values will not go down if this feedlot is constructed?

**Odor:** The odor from this hog finishing lot is of high concern for the quality of life for our families. It appears the setback of 1469 ft is barely met from our property. This does not account for wind carrying odors. Stordahl Lutheran Church is also very close to this property and odor would be unpleasant for their events.

**Groundwater/water contamination:** It is very close to Pine Island Creek. How can you ensure the water will not be contaminated by the tile runoff from this property? Children and families from the surrounding farms swim, play and fish in this creek.

Additionally, the water level for wells is quite shallow in this area. How can you ensure it will not impact our water quality? At minimum, you should verify the water quality of the well water on surrounding properties as a baseline prior to any construction and annually thereafter. Please advise who will be responsible for water quality monitoring and define how this will be done (MPCA?).

Soil contamination: Have soil borings been done in the area? Will this be done to ensure safety of soil integrity and contamination and susceptibility for ground water contamination? Will they be monitoring the ground underneath the lagoon to ensure integrity of the holding structure? How will this be done? How does this support our plant-based needs?

Waste/manure management- Will soil be tested to determine appropriate manure disposal prior to installation to know appropriate amount to apply? Removing and disposal of manure stinks- regardless of the process used. It is also unclear where the manure would be disposed of and if the locations would be rotated or changed.

Mortality plan for deceased animals: There does not seem to be a defined plan for disposal of deceased animals. Again, there is concern for odor from dead animals as well as the attraction of coyotes to the area. Disposal needs to occur off-site and in a timely manner.

Trucking: The need to haul the hogs will mean increased traffic, noise, dust and road maintenance to roads travelled.

Light: Light is pollution to those of us that choose to live in the country. We do not want additional lights or "glow" from this lot.

Septic system: There needs to be a septic system on-site for staff to shower prior to leaving the facility.

Please share the experiences and complaints with other hog finishing feedlots in southern Minnesota.

References of interest:

[www.mprnews.org/story/2018/12/18/mpca-denies-southern-minn-sow-farm-permit](http://www.mprnews.org/story/2018/12/18/mpca-denies-southern-minn-sow-farm-permit)

[www.minnpost.com/politics-policy/2021/09/epa-nixes-minnesota-legislatures-bid-to-relax-feedlot-regulations/](http://www.minnpost.com/politics-policy/2021/09/epa-nixes-minnesota-legislatures-bid-to-relax-feedlot-regulations/)

Thank you for carefully considering the impact of this proposal on us as Roscoe township residents and property owners.

Again, we are not in favor of the proposal for this hog finishing feedlot.

Respectfully submitted,

Keith and Laura Swenson 48020 Cty 10 Blvd Zumbrota MN

Eileen Bjorngaard 14710 County 12 Blvd Zumbrota MN

Vickie Bjorngaard address unavailable

David and Elizabeth Brodhead 15458 475th St Zumbrota, MN

Roger and Carol Frederickson 14159 Cty 12 Blvd Zumbrota, MN

Steven and Michelle Sandeen address unavailable

James and Taryn Thoreson 14304 Cty 12 Blvd Zumbrota, MN

## Pierret, Samantha

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**From:** Eckel Passow, Jeanette E., Ph.D.  
**Sent:** Monday, February 14, 2022 8:06 AM  
**To:** Pierret, Samantha  
**Cc:** Mark Passow ; Eckel Passow, Jeanette E., Ph.D.  
**Subject:** Public comments/questions for Billman Farms proposal

### External Email - Use caution opening links or attachments!

Samantha,  
Below are our questions for tonight's meeting.

Please confirm that you received this email.

Thank you,  
Jeanette & Mark Passow  
48689 150<sup>th</sup> Ave, Pine Island, MN

1. The letter that was mailed to residences (dated February 2, 2022) was inaccurate, and thus, deceptive. Specifically, the bright green colored figure on the letter does not reflect the accurate location of the proposed facility. Since the letter does not accurately, nor precisely, define the location of the proposed facility, it is unclear how a vote can happen at Monday's meeting? Residences who received this letter could have very easily looked at the bright green map and concluded that this letter did not apply to them; we initially made this exact mistake.
2. This past fall, Billman Farms, LLC, appeared to have removed the intermittent stream (Billman et al. refer to this as a drainage ditch in their application) to the east of the proposed facility that runs directly into Pine Island Creek. Is this correct? If it is correct, then why was this stream removed, and was it done appropriately so that it does not negatively affect the shoreland, the Pine Island Creek, and environments downstream? The application by Billman Farms states that "No vegetation to be removed"; however, this vegetation was removed fall 2021. According to the EPA (<https://www.epa.gov/cwa-404/streams-under-cwa-section-404>), "streams, headwaters and streams that flow only part of the year (which by definition is an intermittent stream) provide many upstream and downstream benefits. They protect against floods, filter pollutants, recycle potentially-harmful nutrients (including run offs from fields), and provide food and habitat for many types of fish. These streams also play a critical role in maintaining the quality and supply of our drinking water, ensure a continual flow of water to surface waters, and help recharge underground aquifers".
3. 80% of the acres that Billman Farms plans to spread manure are in an environmentally sensitive area (400 acres of the proposed 503 acres): lake, river, stream or intermittent stream. This includes 22 acres (Strand), 210 acres (Kvalong -Strand), 60 acres (Haugen - Strand), 53 acres (Lystrom), 55 acres (Bryans). What are the corresponding environmental affects to the shoreland, Pine Island Creek, wildlife, downstream areas, and drinking water?
4. At least one of the fields that the manure will be spread on is tiled, where the tiling is drained directly into Pine Island Creek. This includes the 60 acres field of David R. Morisette, referenced in the figure denoted as (Roscoe Sec 15 & 16). Is the field owned by Raymond Kvalvog (>100 acres) also tiled to drain directly into Pine Island Creek?
5. Does field tiling increase the natural filtering process and flow rates through soils, or does it decrease the filtering time? Please explain how manure being drained directly into Pine Island Creek due to field tiling will

affect the protected shoreland around Pine Island Creek? Please also explain how this will or will not increase potentially harmful nutrients, which will affect local and downstream aquatic life, and downstream shoreline and stream aquatic life.

6. All cement cracks, and unfortunately, sometimes much sooner than expected. The location of the proposed facility (directly adjacent and uphill from Pine Island Creek and the corresponding protected shoreland) makes a 1.1 million gallon holding tank very risky to our environment. While we wholeheartedly support farming, as life-long farmers ourselves, this is not the location to build such a facility. Who is responsible for any of the potential environmental tragedies, and what is the proposed plan if an environmental tragedy happens?
7. Goodhue County Feedlot Officer Kelsey Petite stated the following in the Billman Farms application, "...there are land maps and land application agreements with land owners in the area of the proposed swine facility." This statement is inaccurate; the attached agreements are signed by Mr. Brian Haugen. Importantly, Mr. Haugen does not own any of the land that is being proposed to spread the manure. If Mr. Haugen is renting the land, such documentation is not provided. Additionally, renting is for a finite period of time; thus, renters cannot guarantee long-term commitments. Just as concerning is that few, if any, of the land owners actually live in the immediate area. Mr. Haugen himself does not live in the direct area where the manure will be spread.
8. Kelsey Petite's statement in the application also states, "...if used appropriately...". What assurance is made that manure management will be planned appropriately?
9. The OFFSET summary provides two figures of % odor annoyance-free versus distance (ft). A statistic (average % odor annoyance free) without a measure of variability (i.e., precision) is not informative. Corresponding confidence intervals are necessary to know the precision of these estimates.
10. Similarly, curves with confidence intervals are necessary for noise-free versus distance (ft); data on noise are missing all together.
11. What is management's expected mortality rate for the facility? For example, some finishing hog farms have a 10% maximum mortality rate. With 2,400 hogs, this is 240 hogs.
12. How many total hogs will be at the facility each year; i.e., how many rotations of 2,400 hogs per year? If the facility is rated to 2,400 head of feeder hogs, does this imply that 2,400 hogs will be moved through the facility in a year? If hogs of the rated nature for this facility are rated at 0.3 AU's and 2 rotations of 2,400 hogs, would this increase the suggested animal units to 1,440 AU's (2 rotations) or even 2,160 AU's (3 rotations)? This would be beyond the natural carrying capacity of pastured beef cattle on the proposed 503 acres that manure is being swept into.
13. This facility plans to use composting as the primary method of disposal of deceased animals. Where will composting be done? Will composting be done across the multiple facilities that Billmans Farm, LLC, own; if so, at what facility will this be done?
14. Was water and soil tested before and after the construction of the facility at 460th Ave, Zumbrota, MN, to determine the effect of manure, composting, etc on the environment?
15. How will the facility control varmints and local opportunistic predators who could spread pathogens by both foot and aerial transportation?
16. What management plans are in place for this facility to eliminate, or reduce, an increase in the varmint population that can directly affect the neighboring smaller farm operations? Importantly, there are multiple small farm operations within one mile of the proposed facility.
17. Where will the hogs be sourced from?
18. In regard to the sourcing swine institution, what disease mitigation plans are in place for PRRS, PEDV and for the possibility if the African Swine Fever made it into the Unites States.
19. Are there county policies or buffer requirements for land owners, land renters, or custom farm operations receiving manure, that help to respect neighbor's quality of living space when displacing manure directly around neighboring buildings?

**Pierret, Samantha**

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**From:** Morgan, Katie M., M.S.N., R.N.  
**Sent:** Monday, February 14, 2022 10:14 AM  
**To:** Pierret, Samantha  
**Cc:**  
**Subject:** Public comments and questions for Billman Farms Proposal

Good Morning Samantha,

We want to share that we have read and reviewed Mark and Jeanette Passow's questions and concerns about the proposal. We share those same concerns and will also be present at the meeting tonight.

Thank you,

Scott and Katie Morgan

48280 County 10 Blvd  
Zumbrota

**Pierret, Samantha**

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**From:** Robyn J Hoven  
**Sent:** Monday, February 14, 2022 10:26 AM  
**To:** Pierret, Samantha  
**Subject:** comments for CUP submitted by Bryan and Kent Billman

Samantha,

Our major concern is the ability for us to build a dwelling or to expand our farming operation on our property which is parcel #R40.009.0700 which is north and west of the proposed feedlot by Bryan and Kent Billman. We do not want this new facility to affect our existing facility.

Thank you,  
Roscoe Center Farms  
Brian and Bart Hoven

47471 County 10 Blvd  
Zumbrota

## **Pierret, Samantha**

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**From:** Stordahl Lutheran  
**Sent:** Monday, February 14, 2022 11:08 AM  
**To:** Pierret, Samantha  
**Subject:** CUP Request submitted by Bryan and Kent Billman

As the Pastor of Stordahl Lutheran Church, I am deeply concerned about the proximity of a hog finishing barn so close to our church. I fear the stench will adversely affect our ability to have outdoor activities, which include funerals, picnics, even opening our windows on a lovely day.

Please reconsider this request.

Pastor Kathleen Lowery



**Pierret, Samantha**

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**From:** David Bjorngaard <david@bjorndesign.net>  
**Sent:** Monday, February 14, 2022 11:53 AM  
**To:** Pierret, Samantha  
**Cc:** Michelle Sandeen; Mom  
**Subject:** Comments for Today's Meeting Re: CUP Request Animal Unit Feedlot Greater than 500 Animals

Dear Sir/Madam,

I state comments as a direct beneficiary of the trust holding an adjacent parcel to Parcel 40.015.0400.

I take the following concerns:

1. Drinking Water Impact – I ask for further study of impact to the aquifers and ground water. Specifically, the introduction of a risk of added nitrate levels to future wells.
2. Possibility of Ground Water Contamination – I ask for further study of impact to ground water into creek adjacent to the parcel. I, also, question the need for a secondary spillage containment structure in the event of the primary failing.
3. Geology – I ask for further study to the parcel's underlying geology and consideration of any information currently held by the Minnesota Pollution Control Agency. Specifically, I'm concerned the underlying geology may contain sinkholes and caves, that go beyond the applicant's parcel.
4. Economic Impact – I am concern of direct economic impact if this feedlot is approved. I am concerned of direct personal monetary impact including submarket crop prices on adjacent fields and permanent reduction to land value. I ask for guarantees, if this is approved, for compensation.

Sincerely,

David Bjorngaard

**DAVID BJORNGAARD**  
855 Folsom Street, Suite 912  
San Francisco, CA 94107

**Comments on the proposed rezoning and conditional use permit necessary for establishment of a veteran's memorial park including banquet facility and event space**

My wife and I are retired and have lived adjacent to the property proposed for rezoning for over 21 years. Our land is zoned residential in Stanton township. We purchased it specifically because of its location; a private, safe, quiet, rural home. The last house on a dead end road.

The house was built in the 1970's as close to the parcel boundary as was possible. At that time there was no expectation that there would be public access from that direction. Our front door is less than 150 ft away and faces the boundary. The propane tank is within 3 ft. No security measures have been taken to secure the property from that direction. None was expected or needed. There is no fencing between the two properties.

The proposed rezoning creates three major concerns that need to be addressed before we could support it.

- Sound levels
- Security
- Privacy

**Sound Levels**

The proposal includes a banquet facility and event space. We don't know if there are any limits for hours and days of operation, or if there will be sound restrictions. If approved, instead of the sounds of an agricultural community, we could be hearing the noises of parties, concerts and events being held next door to us anytime night and day.

**Security**

How will the park and facilities be secured and not put their neighbors at increased risk? We don't know what requirements the county has on commercial recreational zoned property and if they are sufficient in this environment. We also don't know if there are any measures for enhanced security and crowd control for when events occur.

**Privacy**

The proposal includes nature trails. There would be no restrictions as to where these trails are located on the parcel and potentially could be used by motorized equipment such as 4 wheelers, snowmobiles and or dirt bikes. The public trails could go right up to the parcel boundary, within a few feet of our front door. Without limitations on their placement, nature trails have the potential to violate our privacy, jeopardize our safety and increase the amount of noise we hear daily.

We are very concerned about the potential negative impact this proposal could create if the above concerns are not sufficiently addressed. Failure to do so, will prevent us from enjoying the retirement home we have resided in over the past 21 years by taking away our feelings of safety, health and well-being. As a result, we object to the proposed rezoning to a commercial recreational district and its conditional use, without mitigating measures put in place to address these concerns.

Bruce and Denise Showel      6163 331<sup>st</sup> St. Way      Cannon Falls      Feb. 7, 2022

## Pierret, Samantha

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**From:** rsafe@sleepyeyetel.net  
**Sent:** Thursday, February 10, 2022 3:49 PM  
**To:** Pierret, Samantha  
**Subject:** Veteran's Memorial Park

Hi Sam,

The CF Township Board Supervisors held a public hearing last night (2/9/2022) for the Rezone and CUP request for a Veteran's Memorial Park in Sect. 31. (PID #28.031.1801) Applicant - Jim Boo

We had 5 residents attend. Jim Boo, along with Carson Schifsky, presented his project with a Q & A following. Mr. Justin Bauer, owner of Caravan Motel, was in favor of the project. He would rather see a project like this than an industrial park or truck stop - knowing development will come along that stretch sooner or later. The City of CF also wrote a letter of support.

Mr. Bruce Showel, whose parcel borders to the west, had the most concerns. A couple other resident were in agreement with him. Biggest concerns being security, trespassing issues, noise control, change of landscape (view). Both Mr. Boo and Mr. Schifsky offered to visit with him directly once plans were under way to discuss his concerns again and to do what is right to be good neighbors.

Following the public hearing, the board held their regular monthly meeting and approved the Rezone from A-2 to CR and the CUP for the Veteran's Memorial Park. (Deb Hendrickson made the motion, Ray Otto seconded; all in favor)

**Conditions:**

- 1.) Boundaries clearly marked by fences on 3 sides of parcel (except entrance) to discourage trespassing on neighboring parcels.
- 2.) Noise control - nothing after 10pm
- 3.) Both Rezone and CUP contingent on whether it passes at Goodhue County. If denied, it is null and void on the township level.

Let me know if you need anything else from the township.

Thanks,  
Sue Safe, clerk  
Cannon Falls Township



February 8, 2022

To Whom It May Concern:

The City of Cannon Falls and Economic Development Authority of Cannon Falls were recently presented a project regarding a Veterans Memorial proposed for the southern portion of Cannon Falls, Minnesota. Although the plans are ambitious, we feel that it would add great value to our community, county and region.

The Highway 52 corridor has increased its traffic counts in recent years with the quick access to Rochester and the Twin Cities which has benefitted Cannon Falls. Our community is also blessed with Highway 19 bisecting our community connecting the cities of Northfield and Red Wing.

If this project were to come to fruition, we feel that it could lead to additional traffic to our community which would impact our local businesses, restaurants and lodging facilities in a positive way. Already, the Cannon Valley Trail brings over 100,000 users to the community each year, imagine what this particular attraction could do for the region!

Please accept our support of this project and consider issuing the developers a Conditional Use Permit to continue pursuing funding for the Veterans Memorial project in Goodhue County.

Respectfully,

A handwritten signature in black ink, appearing to read "John O. Althoff".

John O. Althoff  
Mayor

A handwritten signature in black ink, appearing to read "Luke Cooreman".

Luke Cooreman  
EDA Chairperson

# Goodhue County Land Use Management

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

*Lisa M. Hanni, L.S. Director*

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106



*County Surveyor / Recorder*

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

**To:** Planning Commission  
**From:** Land Use Management  
**Meeting Date:** March 21, 2022  
**Report date:** March 11, 2022

## **TABLED: CUP Request to Establish a Greater than 500 Animal Unit Feedlot Outside of a Farmyard and a Liquid Manure Storage Basin Exceeding 500,000 Gallons**

Request for a CUP, submitted by Kent Billman (Applicant) on behalf of Billman Farms LLC, to establish a hog finishing Feedlot for up to 2,400 head (720 Animal Units) outside of a Farmyard and construction of an animal waste storage pit exceeding 500,000 gallons.

### **Application Information:**

Applicant: Kent Billman (Applicant) & Billman Farms LLC  
Address of zoning request: TBD 150th Ave, Zumbrota, MN 55992  
Parcel(s): 40.015.0400  
Abbreviated Legal: NW ¼ of the NW ¼ of Sect 15 TWP 109 R16 in Roscoe Township  
Township Information: Roscoe Township acknowledged the Applicants' request at their January 10<sup>th</sup>, 2022 meeting. The Township noted that final approval is up to the County.  
Zoning District: A1 (Agriculture Protection District)

### **Attachments and links:**

Application and submitted project summary  
Site Map(s)  
Feedlot Officer Odor OFFSET calculations (Kelsey Petit)  
Staff Responses to Questions from February 2022  
February 14, 2022 DRAFT meeting minutes  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

The Applicants are requesting Conditional Use Permit (CUP) approval to establish a 2,400 head swine finishing barn in section 15 of Roscoe Township. The proposal includes construction of a new finishing barn with a 1.1 million gallon below-grade manure storage pit.

The Goodhue County Zoning Ordinance (GCZO) requires CUP approval for all Feedlots exceeding 500 Animal Units in the A1 District and any animal waste storage pits exceeding 500,000 gallons. The proposed barn would be located on an existing unoccupied 29.56-acre property that is currently used for row-crop agriculture. Because the property is not currently a registered Feedlot and the operators dwelling is not located on the parcel, the proposal would create a new "Feedlot Outside of a Farmyard" which also requires CUP approval in Goodhue County.

**The Planning Advisory Commission held a public hearing on the request to establish a feedlot at their February 14, 2022 meeting. At that meeting the PAC tabled the request until the March 2022 meeting to allow staff time to prepare responses to questions raised by the public regarding the feedlot's operation. Staff has prepared answers to the questions which are included as a supplemental document.**

### **Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses**

*No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and*

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

[www.co.goodhue.mn.us](http://www.co.goodhue.mn.us)

*enjoyment of other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage, and other necessary facilities, to provide sufficient off-street parking and loading space, to control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

**Project Summary:**

**Property Information:**

- The vacant 29.56-acre property is currently used as tilled cropland. The southern portion of the property is located within the shoreland of Pine Island Creek. The Feedlot is not proposed to be constructed within the shoreland area of the property.
- The property and all adjacent properties are zoned A1. Surrounding land uses are primarily agricultural (feedlots and row-crop agriculture). There is very-low residential density in the immediate vicinity with only 4 homes within a half-mile of the site.
- The barn would be accessed by a new U-shaped aggregate driveway to be located off of 150<sup>th</sup> AVE (aggregate road) on the west side of the parcel. The Applicants will need to obtain any required driveway access approvals from Roscoe Township. Emergency vehicle access appears adequate to service the property.
- A large gravel parking/loading pad is planned to the west of the new barn to provide off-street parking and off-loading space for trucks.

**Feedlot Facilities:**

- The Applicants are proposing to construct a 200-foot x 102-foot swine “finishing” barn constructed above a 9-foot deep concrete manure containment pit.
- The barn and manure storage areas have been designed by ProAg Engineering, a Minnesota licensed engineering firm.
- Additional facilities include a small office space in the southwest corner of the barn and 4 feed bins to be installed along the northwest corner of the barn.

**Animal Units/Setbacks:**

- The Applicants are proposing to register 2400 head of swine producing a total of 720 Animal Units as shown below (new Animal Units shown in red).

Animal Type	A.U. Factor	# of Animals	Animal Units
<u>One Head of Swine</u>			
<i>over 300 lbs.</i>	0.4	0	0
<i>between 55 lbs. and 300 lbs.</i>	0.3	2400	720
<i>under 55 lbs.</i>	0.1	0	0
<b>Total Animal Units</b>			<b>720</b>

- New Feedlots are required to be setback 1000 feet or 94% Odor Annoyance-Free Rating distance (as determined by the Odor OFFSET Evaluation Model), whichever is greater, from existing dwellings. A 1,469-foot setback is required for the facility to meet a 94% Odor Annoyance-Free Rating.
- The nearest dwelling (owned by Keith Swenson Jr TTEE) is located 1,469-feet west of the proposed Feedlot. All dwellings in the vicinity meet minimum setback requirements.  
The Feedlot is not within 2-miles of any municipality.
- There are currently 2 dwellings located in section 15. As an A1 zoned section, a maximum of 4 dwellings are allowed in the section. Section 15 has density available for two additional dwellings. Any new dwellings will be required to meet a 94% Odor Annoyance-Free Rating distance (as determined by the Odor OFFSET Evaluation Model) from the proposed feedlot. The sections north and west of the site are also zoned A1 and have either met or exceeded their available

dwelling density.

- The proposed Feedlot is sited to comply with all other setback standards of the GCZO including property lines, wells, septic systems, Shoreland, Floodplains, sinkholes, and Blufflands. The site is not located within an abandoned quarry.

**Drainage/Landscaping:**

- The site has minimal topographic relief with slopes ranging from 2-4% in the project area. The facility would be sited near the highest elevation on the property.
- A perimeter tile is proposed around the new barn that would be interconnected with a planned field tile drainage system that would likely outlet towards the southeast.
- An NPDES Stormwater Pollution Prevention Plan (SWPPP) is not required for this project as it will create less than one acre of impervious area.

Goodhue County Soil and Water Conservation District Technician/Water Planner Chad Hildebrand reviewed the Applicant's submittal and offered the following comments:

*“According to the National Wetland Inventory (NWI) – wetlands are located on the parcel. There are soil types that are “Partially Hydric” and from aerial review appear to show conditions of being wetland areas located on the parcel. Review of the “Site Plans” indicate a silt fence to be installed along contour elevation 1173 feet and north of the proposed loadout/driveway access area in between the wetland area. Would recommend all silt fences and Best Management Practices (BMPs) be installed prior to any earthwork being initiated.”*

The feedlot is not proposed to be established on any wetland areas or areas with hydric soils.

**Nutrient/Waste Management:**

- Animal waste will be collected via a manure containment pit beneath the new barn until it can later be field-applied as fertilizer. The pit is subject to inspection throughout the construction process to ensure structural integrity and conformance with approved engineered plans. The proposed pit would hold up to 1,100,000 gallons and provide 430 days’ worth of on-site storage capacity for the operation.

Manure Storage Area	Status	Type	Length	Width	Depth	Capacity (Gallons)
<b>Finishing Barn</b>	<b>Proposed</b>	<b>Concrete Pit</b>	<b>198’ 8”</b>	<b>99’ 10”</b>	<b>9.0</b>	<b>1,100,000</b>

- A preliminary Nutrient Management Plan has been submitted for review to the Goodhue County Feedlot Officer. The Applicants plan to field apply manure via “knife injection” during the early fall. A final review and approval of the Applicants’ Nutrient Management Plan will be required before completion of the Feedlot Registration process.
- An Animal Mortality Plan has also been submitted for initial review. The Applicants plan to utilize on-site composting as the primary method of disposal of deceased animals.
- The barn will be “total confinement” to reduce off-site odor impacts.
- The Applicants have not proposed to install a septic system on-site. It should be noted that any wastewater from showers, hand wash sinks, bathrooms, or any other source of human sewage cannot be comingled and must be treated by a septic system permitted by Goodhue County Environmental Health.

A new well will be installed to supply water for the operation. Wells are subject to permit approval and inspection from the Goodhue County Environmental Health Department.

**County Feedlot Officer Comments:**

- Goodhue County Feedlot Officer Kelsey Petit offered the following comments:  
*“With the manure management planner Billman displayed, if practiced correctly Billman will take all protective measures to meet state and county requirements to provide sufficient protection of all water resources. The manure management planner if used appropriately meets all of the nutrient necessities to ensure the nutrients are utilized properly and meet the*

*requirements for Goodhue County. With the manure storage Billman can maximize the value of the swine manure and incorporate the manure in a timely manner. In addition, there are land maps and land application agreements with land owners in the area of the proposed facility.”*

**Draft Findings of Fact:**

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

1. The proposed Feedlot and manure storage pit does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The use is located in an A1 (Agriculture Protection) zone which was intended to allow for large-scale agricultural operations. Large separation distances and very low residential density in the vicinity buffer the Feedlot from existing non-compatible uses in the surrounding area. The use appears harmonious with the established uses in the vicinity which include primarily cropland and animal agriculture.
2. The Feedlot and liquid manure storage pit are not anticipated to impede the normal and orderly development or improvement of surrounding vacant property for uses predominant to the area. Any new dwellings must meet the minimum setback standards required by ordinance. The proposal meets or exceeds all the other development standards of the Goodhue County Zoning Ordinance and appears compatible with adjacent land uses.
3. A review of the Applicants’ submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available or will be installed to accommodate the proposed use.
4. The submitted plans identify means to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance’s parking requirements.
5. The submitted plans detail adequate measures to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance. Furthermore, the Applicants’ plans appear capable of controlling lights in such a manner that no disturbance to neighboring properties will result. The new barn and manure pit are “total confinement” and manure is field applied via “knife injection” to minimize odor and fume impacts to surrounding landowners.

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

**Staff Recommendation:**

LUM Staff recommends the Planning Advisory Commission

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

Recommend the County Board of Commissioners **APPROVE** the CUP requests, submitted by Kent Billman (Applicant) on behalf of Billman Farms LLC (Owners), to establish a hog finishing Feedlot Outside of a Farmyard for up to 720 Animal Units and construction of an animal waste storage pit of up to 1,100,000 gallons.

Subject to the following conditions:

1. The Feedlot shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
3. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
4. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agriculture Protection District) and Article 13 (Confined Feedlot Regulations); and
5. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.



# 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: 651.267.4875



Environmental Health | Land Surveying | GIS  
Telephone: 651.385.3223  
Fax: 651.267.4875

TO: Planning Advisory Commission  
FROM: LUM Staff/Goodhue SWCD  
RE: Billman Feedlot Public Comment Responses  
Date: March 11, 2022

Please note: These responses include references to engineering plans which have been provided to staff however, due to copyright laws staff is unable to publish proposed construction plans for public review. Staff has reviewed all plans and has verified compliance with all local and state regulations. Reviews will continue during the construction and operation of the facility as required by County Ordinances and State laws.

**1. Can the Board explain how property values will not go down if this feedlot is constructed?**

*Individual property owners would need to contact the County Assessor's office for property value questions.*

**2. The public hearing letter mailed by staff on February 2, 2022, was inaccurate.**

*The inaccuracy on the mailed public hearing notices was the inset map provided did not show the parcel in question. Minnesota State Statutes require written notice of a public hearing to be mailed to property owners within a certain distance of a request. State statute does not require maps to be provided for public notices. The written address and legal descriptions were correct as required by statute, any inaccuracies on the map included with the public hearing notice do not invalidate public hearing proceedings.*

**3. Dwelling eligibility of parcel 40.009.0700.**

*This parcel would qualify as an Abandoned Homestead site where there is clear evidence of a dwelling on the parcel in the past (pre-2000s imagery) and a new dwelling may be established. Any dwelling established on this parcel would not require an odor-offset variance to the proposed Billman feedlot as it would be greater than 1,469-feet from the feedlot. A future dwelling on this parcel may require a variance to odor-offsets to the Hoven feedlot on parcel 40.010.0300 (the Hovens also own parcel 40.009.0700) depending on offset calculations performed at the time of application.*

**4. This past fall, Billman Farms, LLC, appeared to have removed the intermittent stream (Billman et al. refer to this as a drainage ditch in their application) to the east of the proposed facility that runs directly into Pine Island Creek. Is this correct? If it is correct, then why was this**

**stream removed, and was it done appropriately so that it does not negatively affect the shoreland, the Pine Island Creek, and environments downstream?**

*The Billmans contacted the Goodhue SWCD office for technical assistance regarding erosion concerns and extensive gullying on this property. SWCD staff visited the site with Mr. Billman to review and provide technical assistance and suggestions to address the concern. The area in question was observed as having excessive gully erosion and cutting causing water to jump out into the field to the west, causing sediment to erode. The suggestion was to establish a grassed waterway to help protect from future gullying and convey the large contributing watershed from the north, approximately 160 acres, through the area in a controlled manner. Mr. Billman did not request any financial assistance to implement the project and has done similar conservation projects in the past on other lands to protect his fields from erosion.*

- 5. 80% of the acres that Billman Farms plans to spread manure are in an environmentally sensitive area (400 acres of the proposed 503 acres): lake, river, stream or intermittent stream. This includes 22 acres (Strand), 210 acres (Kvalong -Strand), 60 acres (Haugen - Strand), 53 acres (Lystrom), 55 acres (Bryans). What are the corresponding environmental affects to the shoreland, Pine Island Creek, wildlife, downstream areas, and drinking water?**

*There are protective measures that are required for land application near these sensitive features that will be taken into effect when the Billmans incorporate swine manure. Under MN Statute 7020.2225 minimum setbacks for the land application of manure or processed wastewater from livestock and poultry operations is 300ft from a lake/river/stream or if the manure is incorporated within 24 hours it can be incorporated within 25 feet of these sensitive features. MN Statute 103F.48 – Buffer Law requires that all identified public waters have a 50-foot average width of perennial vegetation with no areas below 30 feet in width. The parcel has an identified public water and meets the buffer requirement.*

*The Goodhue County Zoning Ordinance Article 13 section 8 “Manure Application Setbacks” requires a 300-foot setback from any dwelling (other than the operator’s dwelling), church, or school (as defined in MN Statutes 120A.05), and private schools excluding home school sites for surface, incorporated, or injected manure applications. There shall be a 1,000-foot setback from any dwelling (other than the operator’s dwelling), church, or school (as defined in MN Statutes 120A.05), and private schools excluding home school sites, for irrigation manure application. There shall be a 200-foot setback from any public or private well for surface, incorporated, injected, or irrigation manure application. Written agreements between affected neighbors may allow an exception to minimum setback requirements for the land application of manure, provided the setback complies with the MN Statute 7020 feedlot rules and the Goodhue County Environmental Health ordinance.*

- 6. Does field tiling increase the natural filtering process and flow rates through soils, or does it decrease the filtering time? Please explain how manure being drained directly into Pine Island Creek due to field tiling will affect the protected shoreland around Pine Island Creek? Please also explain how this will or will not increase potentially harmful nutrients, which will affect local and downstream aquatic life, and downstream shoreline and stream aquatic life.**

*It does increase the natural filtering process. With manure being organic fertilizer, the fertilizer is tied up compared to commercial fertilizer which tends to leech into the soil faster. The land application of manure has long been viewed to improve crop production and soil properties, such as infiltration, aggregation, and bulk density due to the presence of nutrients and organic*

matter. The SWCD encourages all producers applying manure to do it in such a way as to minimize soils disturbance if possible (reduced tillage application). However, this is not always possible with many producers' equipment.

**7. Who is responsible for any of the potential environmental tragedies (spills), and what is the proposed plan if an environmental tragedy happens?**

An Emergency Response Plan has been developed for this site addressing these concerns. The County Feedlot Officer and MPCA may review these materials at any time.

**8. What assurance is made that manure management will be planned appropriately?**

Manure management planners are required by MPCA as specified in Minn. R. ch 7020.2225 when manure is produced from a feedlot capable of holding 300 or more animal units. Once a manure management planner is required for a facility the plan must be updated and retained on file. Producers using the manure management planner need to review the planner at least once a year and modify it appropriately to include any changes in cropping rotations, manure amounts, manure nutrient levels, fields for application, or other practices that affect the available nutrient amounts or crop nutrient needs. A manure management planner must contain all elements in Minn. R. ch. 7020.2225 subp. 4, item D. Planners include the following four general parts:

- Manure storage, handling, and testing practices.
- Field locations and acreage used for spreading manure.
- Field-specific nutrient management.
- Sensitive areas management.

These records are reviewed during County Feedlot Officer feedlot inspections for compliance and may be adjusted if cropping system/landowners/ nutrient availability/ etc. change over time.

**9. The OFFSET summary provides two figures of % odor annoyance-free versus distance (ft). A statistic (average % odor annoyance free) without a measure of variability (i.e., precision) is not informative. Corresponding confidence intervals are necessary to know the precision of these estimates. (Maybe explain how the offset is calculated?)**

The Odor Offset was developed by the Department of Bioproducts and Biosystems Engineering through grant funds provided by the Minnesota Department of Agriculture via the MN State Legislature. OFFSET is intended to provide farmers, consultants, regulators, and concerned citizens in Minnesota with a simple and quick means of assessing the air quality impacts from animal feeding operations. OFFSET estimates average odor impacts from a variety of animal facilities and manure storage sites. The OFFSET is based on odor measurements from Minnesota farms and Minnesota climatic conditions. If interested you can find more information on the University of Minnesota Extension Manure Management website for more details.

<https://extension.umn.edu/livestock-operations/manure-management>

**10. Similarly, curves with confidence intervals are necessary for noise-free versus distance (ft); data on noise are missing all together.**

Odor Offset does not estimate noise. One of the CUP findings is "adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so none of

*these will constitute a nuisance...” County staff proactively addresses any complaints regarding noise.*

- 11. If the facility is rated to 2,400 head of feeder hogs, does this imply that 2,400 hogs will be moved through the facility in a year? If hogs of the rated nature for this facility are rated at 0.3 AU’s and 2 rotations of 2,400 hogs, would this increase the suggested animal units to 1,440 AU’s (2 rotations) or even 2,160 AU’s (3 rotations)?**

*No, this facility can only house 2,400 head at a time, they could house less than 2,400 head of swine but could not have more than 2,400 head of swine at this site. Animal unit numbers are calculated based on the maximum number of animals permitted on a site and are not compounded due to rotations.*

- 12. Where will composting be done?**

*Onsite composting will be utilized. The bunker will be located on the southeast corner of the building.*

- 13. How will the facility control varmints and local opportunistic predators who could spread pathogens by both foot and aerial transportation?**

*The operators utilize bait stations around and inside the barn for mice and rats.*

- 14. How can you ensure the water in Pine Island Creek will not be contaminated by the tile runoff from this property?**

*There will be perimeter tile around the manure storage structure area. To check to make sure the structure is working properly the producer uses a measuring device to identify the amount of manure in the liquid manure storage area. Utilizing best management practices the producers have to check the perimeter tile routinely.*

- 15. Additionally, the water level for wells is quite shallow in this area. How can you ensure it will not impact our water quality?**

*Landowners/residents can purchase water sampling/testing kits to test their drinking water or well water for nitrate levels. Required setbacks from wells for manure application are 200-feet, the proposed manure management plan meets these requirements. Animal feedlots with over 300 animal units must be setback 100-feet from residential wells, the proposed feedlot meets these setbacks. The University of Minnesota has developed an interactive map of the Zumbro Watershed. [Zumbro River Watershed 3D Geological Model \(arcgis.com\)](http://arcgis.com) this map is a 3D map that displays the different “Surficial Glacial Geology” of an area and how it may pertain to groundwater or how it reacts with groundwater. The Minnesota Geological Survey published Geologic atlas of Goodhue County which also displays geological resources of the County <https://conservancy.umn.edu/handle/11299/58551> . Can also refer to the engineering plans that display the Bedrock Geology with the plans.*

- 16. Have soil borings been done in the area? Will this be done to ensure safety of soil integrity and contamination and susceptibility for ground water contamination? Will they be monitoring the ground underneath the lagoon to ensure integrity of the holding structure? How will this be done?**

*Soil borings have been done. Refer to the engineering plans of the proposed barn. There is perimeter tile around the manure storage structure area. To check to make sure the structure is working properly the producer uses a measuring device to identify the amount of manure in the*

liquid manure storage area. Utilizing best management practices the producers have to check the perimeter tile often.

**17. Will soil be tested to determine appropriate manure disposal prior to installation to know appropriate amount to apply?**

*Refer to the manure management planner. The Goodhue SWCD provided the Billmans with an initial review of the manure management planner for the proposed barn. The manure management planner follows and meets all County and State requirements.*

**18. It is also unclear where the manure would be disposed of and if the locations would be rotated or changed. Please refer to the manure management planner.**

*The Goodhue SWCD provided the Billmans with an initial review of the manure management planner for this proposed barn. The manure management planner follows and meets all County and State requirements.*

**19. There does not seem to be a defined plan for disposal of deceased animals. Again, there is concern for odor from dead animals as well as the attraction of coyotes to the area. Disposal needs to occur off-site and in a timely manner.**

*There is a mortality plan for this proposed site, compost would be the primary method. The proposal complies with County and State disposal requirements.*

**20. I, also, question the need for a secondary spillage containment structure in the event of the primary failing.**

*The manure waste storage structure has been designed in accordance with MINN. R. CH 7020.2100 requirements for design, specifications, construction, maintenance, and operation of liquid manure storage areas. These plans include all assumptions and calculations while meeting the requirements.*

**21. Can the manure application agreements be signed by Brian Haugen who is renting the land?**

*Yes*

**22. Some questions addressed items that are considered “private data” and are not able to be shared with the public. Staff would like to reiterate that these items have been reviewed and will continue to be reviewed during Feedlot operation according to all County and State rules:**

- a. **Is the field owned by Raymond Kvalvog (>100 acres) also tiled to drain directly into Pine Island Creek?**
- b. **What is management’s expected mortality rate for the facility?**
- c. **How many total hogs will be at the facility each year; i.e. how many rotations of 2400 hogs per year?**
- d. **Where will the hogs be sourced from?**
- e. **What disease mitigation plans are in place for PRRS, PEDV and for the possibility if the African swine fever made it into the United States?**

# GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 400150400

Permit# Z02-0005

### PROPERTY OWNER INFORMATION

Last Name	<u>Billman</u>	First	<u>Bryan</u>	Email:	
Street Address	<u>13358 460<sup>th</sup> St</u>			Phone	
City	<u>Wanamingo</u>	State	<u>MN</u>	Zip	<u>55933</u>
Authorized Agent	<u>Kent Billman</u>		Phone		Attach Legal Description as Exhibit "A" <input checked="" type="checkbox"/>
Mailing Address of Landowner:	<u>13358 460<sup>th</sup> St Wanamingo, MN 55933</u>				
Mailing Address of Agent:	<u>47174 170<sup>th</sup> Ave Zumbrota, MN 55992</u>				

### PROJECT INFORMATION

Site Address (if different than above): Parcel # 400150400

Lot Size \_\_\_\_\_ Structure Dimensions (if applicable) 102' x 200'

What is the conditional/interim use permit request for? Construction of Hog Barn, Manure storage exceeding

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized 500,000 gal

### 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 \_\_\_\_\_

Signature of Agent Authorized by Agent: \_\_\_\_\_

### TOWNSHIP INFORMATION

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

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

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_

COUNTY SECTION \_\_\_\_\_ COUNTY FEE \$350 \_\_\_\_\_ RECEIPT # 17516 DATE PAID 1-21-22

Applicant requests a CUP/IUP pursuant to Article \_\_\_\_\_ Section \_\_\_\_\_ Subdivision \_\_\_\_\_ of the Goodhue County Zoning Ordinance

What is the formal wording of the request? \_\_\_\_\_

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

Action Taken:  Approve  Deny Conditions: \_\_\_\_\_

2

## GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

**PROJECT SUMMARY**

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).

Custom raise 2,400 head of Finishing Hogs

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

no existing buildings

3. Proposed number of non-resident employees.

Zero

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

Chores in the morning (roughly 1 hr/day). loadouts every 4 months usually early morning or late afternoon.

5. Planned maximum capacity/occupancy.

2400 head (720 Animal Units)

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

Traffic: feed truck weekly, un/loading area faces West side of barn. Site access uses current field drive.

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

Large gravel parking lot/area for semi's to maneuver around

8. Proposed solid waste disposal provisions.

9' concrete pit under building

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

no septic system. New well and electric buried to barn.

10. Existing and proposed exterior lighting.

None existing. One light on barn for driveway

11. Existing and proposed exterior signage.

biosecurity sign by driveway

12. Existing and proposed exterior storage.

4 feed bins North side of barn

13. Proposed safety and security measures.

all doors will have locks. There will also be security cameras

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

They may drive right into the site

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

Noise will be minimal for majority of the time.

Barn will have manure pumped out in fall and possibly spring

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

See plans. Water will shed to North and South

No vegetation to be removed.

17. Existing and proposed surface-water drainage provisions.

Waterways East of barn. Will be installing tile

around perimeter of barn.

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

None

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

2400 head tunnel barn- The manure will go well with the current farming operation. This barn will help diversify my operation and

help ensure my sons have a future in farming-



JAN 21 2022

TOWNSHIP ZONING APPLICATION **Land Use Management** TOWNSHIP NAME Roscoe  
Goodhue County Parcel # 400150400

APPLICANT INFORMATION		
Last Name <u>Billman</u>	First <u>Kent</u>	M.I. <u>W</u>
Street Address <u>47174 170<sup>th</sup> St</u>		Phone
City <u>Zumbrota</u>	State <u>MN</u>	ZIP <u>55992</u>
Email Address		
Township <u>109</u>	Range <u>16W</u>	Section <u>15</u>

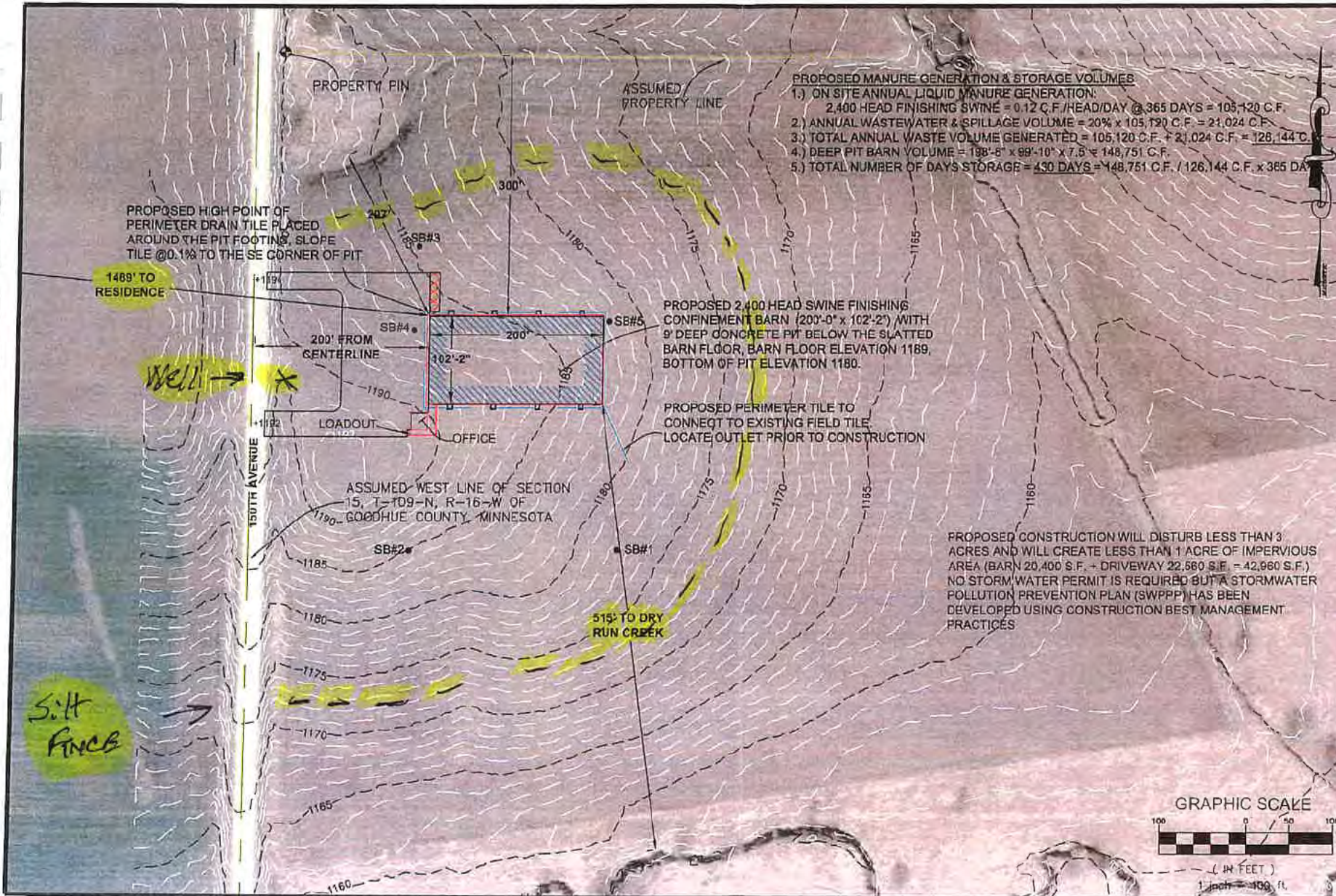
PROJECT INFORMATION		
Site Address <u>parcel 400150400</u>		
Zoning District	Lot Size	Structure Dimensions <u>102' x 200'</u>
Type of Project <u>Building</u>	Proposed Use <u>Hog Barn</u>	
Structure Type	Replacement? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Variance #	Conditional Use Permit # <u>222-0005</u>	
Name of Property Owner: <u>Billman Farms</u>		

DISCLAIMER AND SIGNATURE	
<i>I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.</i>	
Signature	Date <u>1/10/2022</u>

TOWNSHIP APPROVALS		
<i>I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.</i>		
Signature <u>Suey Kern</u>	Title <u>Clerk</u>	Date <u>1/10/2022</u>
Signature	Title	Date

Application fee 25.00 Receipt Number cash Check # 2052 \$350.00  
# 17516

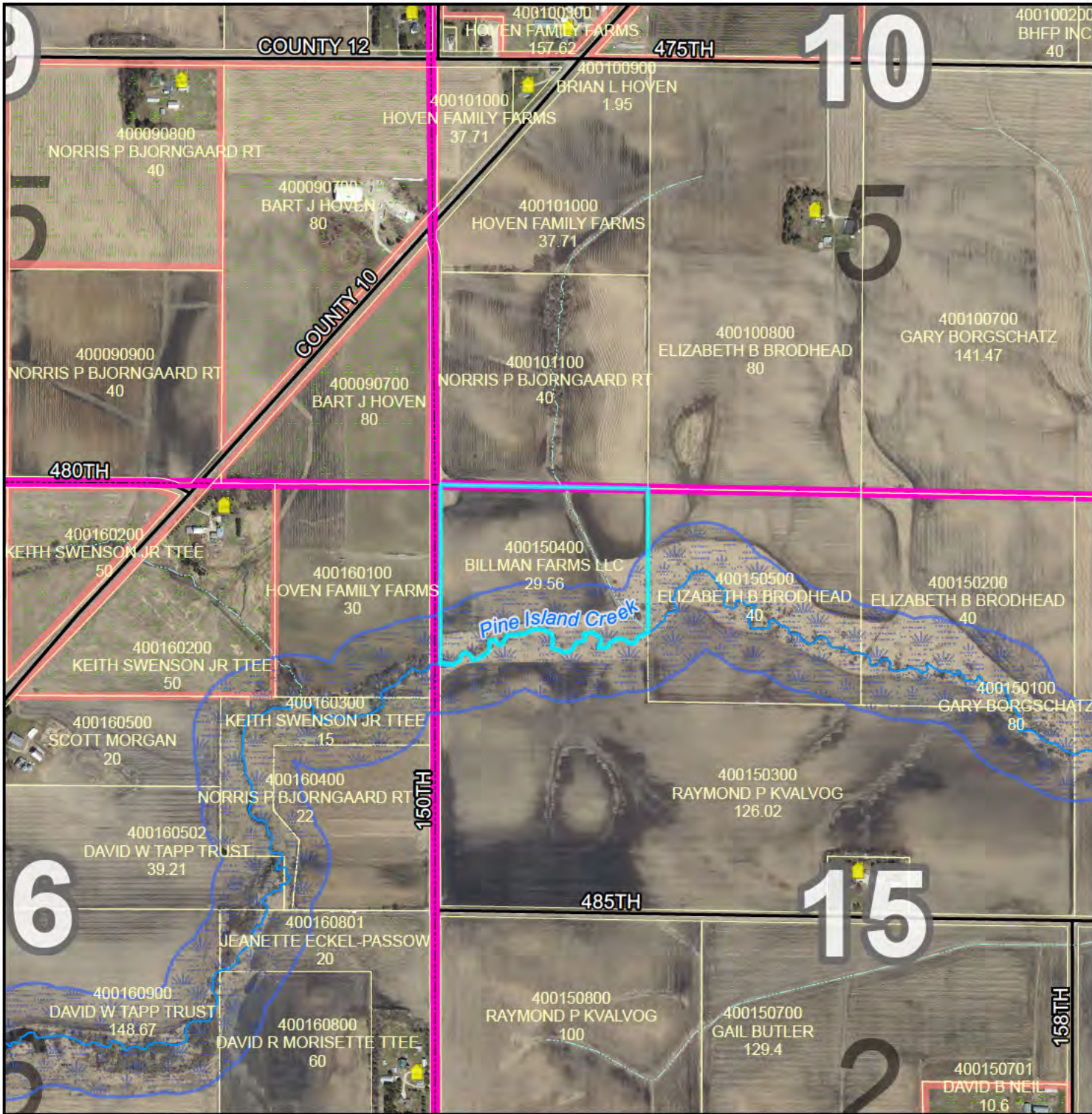
Supervisors reviewed the request. Approval is up to Goodhue County.



Project No.	21-113
Checked By	N.J.R.
Date	10/14/21
Drawn	D.D.A.
BILLMAN/STRAND PROPOSED SWINE CONFINEMENT BARN NW 1/4, SECTION 15, T109N, R16W GOODHUE COUNTY, MINNESOTA	
<b>Pro A &amp; E Engineering, Inc.</b> 77402 U.S. Highway 71, P.O. Box 161 Jackson, MN 56143 (507) 549-7200	



# MAP 02: VICINITY MAP



## PLANNING COMMISSION

Public Hearing  
February 14, 2022

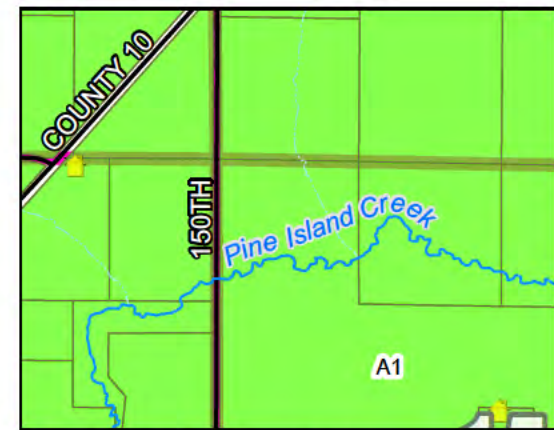
Bryan & Kent Billman  
A1 Zoned District

NW 1/4 of the NW 1/4 Sect 15 TWP 109  
Range 16 in Roscoe Township

CUP request to establish a hog finishing  
Feedlot for up to 2,400 head (720 Animal  
Units) outside of a Farmyard and  
construction of an animal waste storage pit  
exceeding 500,000 gallons.

### 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		

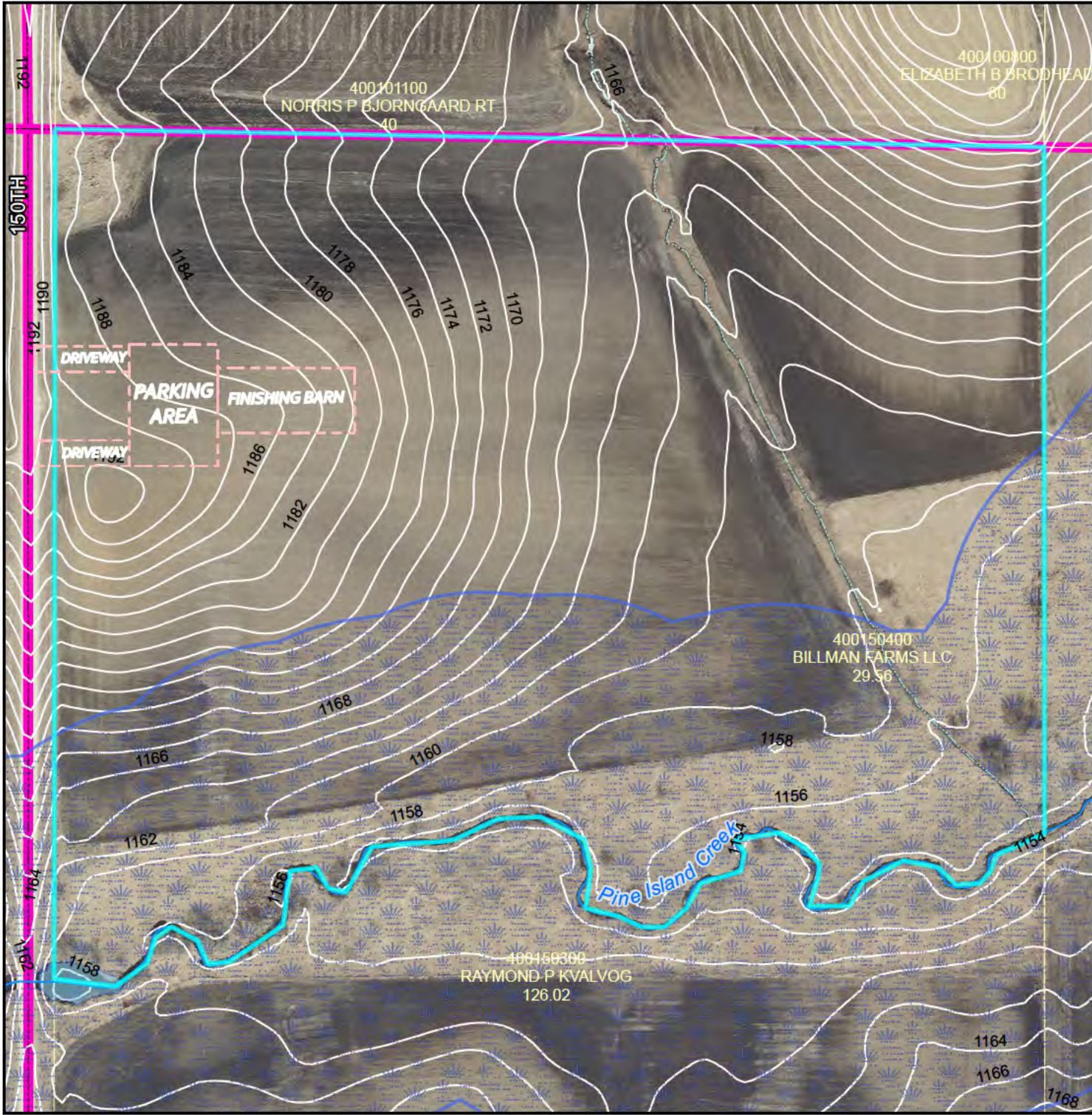


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Map Created January, 2022 by LUM



# MAP 03: ELEVATIONS



## PLANNING COMMISSION

Public Hearing  
February 14, 2022

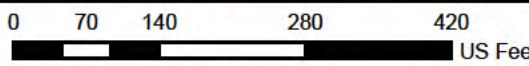
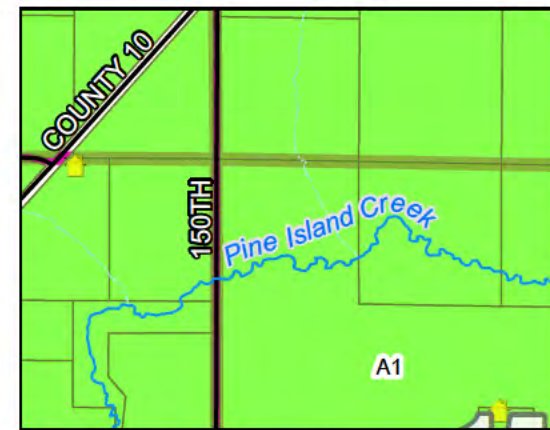
Bryan & Kent Billman  
A1 Zoned District

NW 1/4 of the NW 1/4 Sect 15 TWP 109  
Range 16 in Roscoe Township

CUP request to establish a hog finishing Feedlot for up to 2,400 head (720 Animal Units) outside of a Farmyard and construction of an animal waste storage pit exceeding 500,000 gallons.

### 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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2018 Aerial Imagery  
Map Created January, 2022 by LUM



## VII. Animal numbers and animal unit (AU) calculation

Complete the table below to identify the **maximum** number of animals housed at that facility. All animal numbers and animal sizes used to complete this table should reflect the animal holding **capacity** of the facility even if the facility does not currently house or propose to house that number of animals. At no time is the number of animals at the facility allowed to exceed the capacity provided below without first obtaining a permit or permit modification.

**Current Capacity** - List the current head count **capacity** for each animal type in column 3 below. For sites with a permit, this should match the currently permitted number of animals. Next, multiply the AU Factor in column 2 by the number of animals listed in column 3 to get the *Current AU Capacity* for each animal type (column 4). Finally, add together all AU's in column 4 to get a total at the bottom of the chart. *If this application is for a brand-new feedlot site leave columns 3 and 4 blank. (ie. bare piece of ground)*

**Final Capacity** - List the final head count **capacity** for each animal type in column 5 below. This number should include current animals plus or minus any expansion or reduction in each animal type. This should reflect the maximum AU capacity requested with this permit application. Next, multiply the AU Factor in column 2 by the number of animals listed in column 5 to get the *Final AU Capacity* for each animal type (column 6). Finally, add together all AU's in column 6 to get a total at the bottom of the chart.

1. Animal type	2. Animal unit factor	Current facility capacity		Final facility capacity (Current +/- Changes)	
		3. Head count	4. Animal units = column 2 x column 3	5. Head count	6. Animal units = column 2 x column 5
<b>A. Dairy cattle</b>					
Mature cow (milked or dry) over 1,000 lbs.	1.4				
Mature cow (milked or dry) under 1,000 lbs.	1.0				
Heifer	0.7				
Calf	0.2				
<b>B. Veal</b>					
Veal	0.2				
<b>C. Beef cattle</b>					
Slaughter steer/heifer, stock cow, or bull	1.0				
Feeder cattle (stocker or backgrounding), heifer	0.7				
Cow and calf pair	1.2				
Calf (weaned)	0.2				
<b>D. Swine</b>					
Over 300 lbs.	0.4				
Between 55 and 300 lbs.	0.3	0	0	2400	720
Under 55 lbs.	0.05				
<b>E. Horses</b>					
Horse	1.0				
<b>F. Sheep</b>					
Sheep or Lamb	0.1				
<b>G. Chickens with a liquid manure system</b>					
Layer Hens or Broilers	0.033				
<b>H. Chickens with a dry manure system</b>					
Broilers over 5 lbs.	0.005				
Broilers under 5 lbs.	0.003				
Layer Hens over 5 lbs.	0.005				
Layer Hens under 5 lbs.	0.003				
<b>I. Turkeys</b>					
Over 5 lbs.	0.018				
Under 5 lbs.	0.005				
<b>J. Ducks</b>					
Duck (with a liquid manure handling system)	0.01				
Duck (with a dry manure handling system)	0.01				
<b>K. Animals not listed in A to J (AU factor in column 2 = average weight of the animal type divided by 1,000 lbs.)</b>					
Animal type:					
<b>Total animal unit capacity</b>			<b>Current AU capacity</b>		<b>Final AU capacity</b>
Add all numbers in column 4 for Current AU total			0		720
Add all numbers in column 6 for Final AU total					

RECEIVED

FEB 19 2022

# Animal Mortality Plan

**Purpose:** This Animal Mortality Plan is for the handling of dead animals in accordance with State requirements, including Minn. Stat. § 35.82 and Minn. R. chs. 1719.0100 to 1719.4600 and 7011.1215.

Facility name: Strand Hog Barn Feedlot registration no. \_\_\_\_\_  
Owner/Operator name: Kent Billman Feedlot permit no. \_\_\_\_\_

**Planned method of animal disposal:** Complete the table below by identifying the animal type, the primary method and the secondary method of disposal of dead animals at your feedlot. The legal methods of disposal are listed below and the minimum requirements for each management option are described on the following page. Please make sure the locations of burial sites, incinerators, temporary mortality storage, and/or compost areas are indicated on the site sketch of your facility included with the permit application.

**Catastrophic loss:** A catastrophic event such as a fire, collapse, tornado, floods or loss of power that results in a mass amount of animal mortalities shall be reported within 24 hours after the event started. Notifications should include the Minnesota Department of Public Safety Duty Officer at 800-422-0798 and the MPCA.

Animal type	Primary method	Secondary method	Catastrophic loss
Butcher Hog	Compost	Render	Minnesota Duty Officer: 1-800-422-0798

Check here:  By checking here, I indicated that I have read and understand the minimum requirements listed on the second page of this form for the dead animal disposal options identified above for my operation. I agree to adhere to and follow the minimum requirements for the proper disposal of dead animals.

### Legal Methods of Disposal

Species	Method				Exempt by Law
	Bury	Incinerate	Render	Compost	
Poultry	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Swine	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cattle	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horses	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheep/Goats	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Household pets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wild animals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Game farm/Exotic animals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*If composting cattle, horses, or game/exotic animals, contact the Minnesota Board of Animal Health at 651-296-2942 or 800-627-3529.

Animal carcasses should be disposed of as soon as possible, within 48-72 hours. Any vehicles transporting carcasses must be leak proof, covered, inspected, and permitted by the Minnesota Board of Animal Health (if owner is transporting his own dead animals a permit is not required).

### Bury

Operators choosing to bury animals must select sites very carefully due to the high risk of ground-water contamination. Buried carcasses must:

- Stay five (5) feet above seasonal high water table.
- Stay 1000' away from lakes and 300' away from rivers, streams, ditches, etc.
- Be covered immediately with enough soil to keep scavengers out (Minnesota Board of Animal Health guidelines indicate three (3) feet is sufficient).
- Not be placed in sandy or gravelly soil types.
- Maintain at least ten (10) feet vertical separation between dead animals and bedrock.

### Compost

The composting process must, at a minimum, meet the following:

- The owner of the compost facility shall have a written protocol for the operation containing at least the minimum steps listed below and instructing all employees to follow the protocol.
- Mortalities must be processed daily.
- A base of litter is required. The carcasses or discarded animal parts and litter plus bulking agent are added in layers so that the carbon to nitrogen ratio is in the range of 15:1 to 35:1 (optimal 23:1).
- The carcasses or discarded animal parts must be kept six (6) inches from the edges and sealed with litter each day.
- The temperature must be taken and recorded on site daily. The compost temperature must reach a minimum of 130 degrees Fahrenheit. Approximately seven (7) to ten (10) days are needed in each heat cycle to process the carcasses and kill the pathogens. The temperature drop indicates the time to mix and move the compost. A minimum of two (2) heat cycles is required.
- The finished compost must not contain visible pieces of soft tissue and must be handled, stored, and used according to all other applicable rules.

In addition, composting facilities must be:

- Built on an impervious\*, weight-bearing pad that is large enough to allow equipment to maneuver.
- Covered with a roof to prevent excessive moisture on the composting material, but if sawdust or other water-repelling material is used as the bulking agent, a roof may not be necessary.
- Built of rot-resistant material that is strong enough to withstand the force exerted by equipment.
- Large enough to handle each day's normal mortality through the endpoint of the composting which consists of a minimum of two (2) heat cycles.

### Incinerate

Incinerator must be:

- Capable of producing emissions not to exceed 20 percent opacity.
- Fitted with an afterburner that maintains flue gases at 1,200 degrees Fahrenheit for at least 0.3 seconds.
- Ash from the incinerator must be handled in such a manner as to prevent particulate matter from becoming airborne.

In addition, it is recommended that the incinerator is large enough to handle each day's mortalities.

### Render

Carcasses left at an off-site pickup point must be:

- Kept in an animal-proof, enclosed area.
- At least 200 yards from a neighbor's buildings.
- Picked up within 72 hours.
- If the enclosed area is refrigerated to less than 45 degrees Fahrenheit, the carcasses must be picked up within seven (7) days.

### Alternative methods

Alternative methods of mortality disposal including, but not limited to, pet food processing, fur farm consumption, lactic fermentation, extrusion, and experimental composting, require a permit from the Minnesota Board of Animal Health. For more information on alternative methods of carcass disposal, contact the Board of Animal Health at 651-286-2942.

---

\*For the purpose of compost pad construction, Class V gravel material is not considered to be impervious.

# Manure Storage, Handling, and Testing Information

Facility Name: Strand Hog Barn  
 Owner/Operator Name: Kent Billman

NPDES or SDS Permit? No Permit Number: \_\_\_\_\_  
 Date Last Revised: \_\_\_\_\_ Registration Number: \_\_\_\_\_

Version 9.0 Last Updated: 12/2/21

wq-f6-12

Manure Sources	Manure Source #1	Manure Source #2	Manure Source #3	Manure Source #4
<b>Description of Manure Source</b> <small>Group sources with similar nutrient content if they have identical animal type, water usage, feed rations, and manure storage</small>				
Finish Hogs				
<b>Livestock Information</b>				
<b>Predominate Animal Type</b> <small>(Contributing to Manure Source)</small>				
Swine- Grow/Finish (wet/dry feed)				
<b>Average Animal Weight</b>				
135 lbs				
<b>Animal Number</b>				
2,400				
<b>Length of Time Livestock Spend In Facility</b>				
340 days/yr				
<b>Additional Animal Type</b> <small>(Contributing to Manure Source)</small>				
<b>Average Animal Weight</b>				
lbs				
<b>Animal Number</b>				
<b>Length of Time Livestock Spend In Facility</b>				
days/yr				
<b>Storage Information</b>				
<b>Storage Type</b>				
Underfloor Concrete Pit				
<b>Capacity</b>				
1,100,000 gals				
<b>Storage Length</b>				
12 months				
<b>Application Methods</b>				
<b>Commercial Applicator (Yes/No or Name)</b>				
No				
<b>Spreader Type</b>				
Towed Hose				
<b>How Volume/Tonnage Determined per Load</b>				
Other				
<b>How Application Rate is Calibrated</b>				
Flowmeter				
<b>Manure Analysis - Existing facilities should use actual manure test results</b>				
<b>Sampling Frequency</b>				
Every Year				
<b>Sampling Methods</b>				
Well Agitated Single Sample				
<b>Date Last Analyzed</b>				
10/28/21				
<b>Basis for N,P, &amp; K Values Below</b>				
This Year's Sample				
<b>Total N - (do not enter lab estimated availability)</b>				
45 lbs/1000 gal				
<b>Total P<sub>2</sub>O<sub>5</sub> - (do not enter lab estimated availability)</b>				
29 lbs/1000 gal				
<b>Total K<sub>2</sub>O - (do not enter lab estimated availability)</b>				
28 lbs/1000 gal				
<b>Annual Generation - Existing facilities should use actual production values</b>				
<b>Total Manure Produced per Year (Estimated)</b>				
655,684 gals				
<b>Total Manure Produced per Year (Actual)</b>				
700,494 gals				
<b>Annual N Produced</b>				
31,522 lbs				
<b>Annual P<sub>2</sub>O<sub>5</sub> Produced</b>				
20,314 lbs				
<b>Annual K<sub>2</sub>O Produced</b>				
19,614 lbs				

Average Book Values	
N	75
P <sub>2</sub> O <sub>5</sub>	54
K <sub>2</sub> O	40

Average Book Values	
N	
P <sub>2</sub> O <sub>5</sub>	
K <sub>2</sub> O	

Average Book Values	
N	
P <sub>2</sub> O <sub>5</sub>	
K <sub>2</sub> O	

Average Book Values	
N	
P <sub>2</sub> O <sub>5</sub>	
K <sub>2</sub> O	





# Sensitive Features Management Worksheet

This worksheet identifies all allowable techniques that can be used to provide protection to sensitive features **as required** in Minnesota Rules and/or permit conditions. One of the following measures must be employed for the applicable sensitive feature. Any of the identified practices are acceptable.

**Tile Intakes**  
**Option A** - Inject or incorporate within 24 hours and prior to rainfall within 300 ft, observe a 25 ft non-manured setback, and avoid long term soil P build-up  
**Option B** - Inject or incorporate within 24 hours and prior to rainfall within 300 ft.  
**Option C** - 35 ft grassed buffer  
**Option D** - 100 ft setback with at least 16.5 ft as grassed buffer

**Drainage Ditches**  
**Option A** - Inject or incorporate within 24 hours and prior to rainfall within 300 ft, observe a 25 ft non-manured setback, and avoid long term soil P build-up  
**Option B** - 50 ft wide grassed buffer  
**Option C** - 100 ft setback with at least 16.5 ft as grassed buffer  
**Option D** - Protective Berm (prohibits runoff from entering the ditch)

**Lakes, Rivers, and Streams**  
**Option A** - Inject or incorporate within 24 hours and prior to rainfall within 300 ft, observe a 25 ft non-manured setback, and avoid long term soil P build-up  
**Option B** - 100 ft wide grassed buffer  
**Option C** - 100 ft setback with at least 16.5 ft as grassed buffer

**Intermittent Streams and/or Public Waters Wetlands (over 10 acres)**  
**Option A** - Inject or incorporate within 24 hours and prior to rainfall within 300 ft, observe a 25 ft non-manured setback, and avoid long term soil P build-up  
**Option B** - 50 ft wide grassed buffer  
**Option C** - 100 ft setback with at least 16.5 ft as grassed buffer

**Wells, Mines, or Quarry**  
**Option A** - 50 ft setback - minimum (100 ft if NPDES permitted)

**Sinkholes**  
**Option A** - Inject or incorporate within 24 hours and prior to rainfall upslope and within 300 ft and observe a 50 ft non-manured setback (100 ft non-manured setback for NPDES)  
**Option B** - Berm that prevents runoff from entering the sinkhole

**Application of Manure During the Summer Months (June, July, and August)** - This also includes September for NPDES permitted sites  
**Option A** - A cover crop will be planted on all fields that receive manure applications during June, July, and August

**Other Conduits to Water**  
**Option A** - Inject or incorporate within 24 hours and prior to rainfall within 300 ft, observe a 25 ft non-manured setback, and avoid long term soil P build-up  
**Option B** - 50 ft wide grassed buffer  
**Option C** - 100 ft setback with at least 16.5 ft as grassed buffer  
**Option D** - Protective Berm (prohibits runoff from entering the waters)

**Early Fall Land Application** - Unless otherwise required, this only applies to early fall manure application at NPDES or SDS permitted facilities  
**Option A** - Fall Application onto fields that are dominated by coarse-textured soils shall be delayed until soil temperatures in the upper six (6) inches, are less than 50 degrees Fahrenheit, unless otherwise first approved by the MPCA.





# Odors From Feedlots Setback Estimation Tool

**OFFSET Ver 2.0**  
University of Minnesota  
1/21/2017

Farm Name	Billman 99% odor offset Zta
Address or County	Goodhue County
Evaluator	K. Petit
Date	1/11/2022

Clear All

**OFFSET**  
Annoyance-free  
more than 99%

Source Edge to Nearest Neighbor (ft)	14541.96
Source Edge to Property Line (ft)	200

## Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Swine Finishing - deep pit	102	200	1	20400	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
Steel or concrete tank	Rectangle	102	200	20400	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	
<b>Add Source Type</b>	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
<b>Add a Control Technology</b>	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

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

# OFFSET Summary and Results



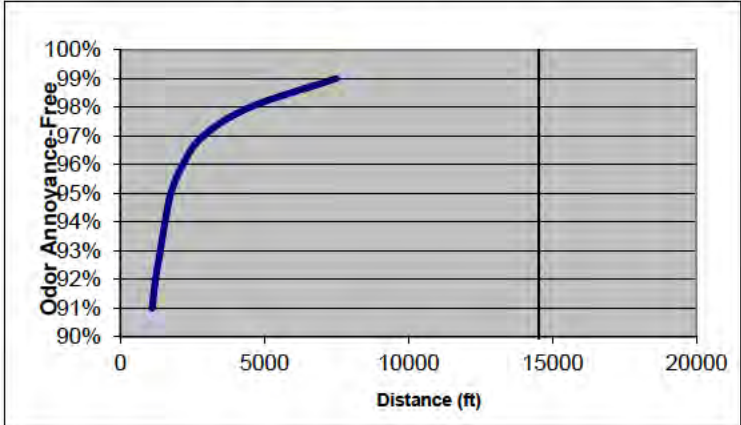
Farm Name	Billman 99% odor offset Zta
County	Goodhue County
Evaluator	K. Petit
Date	1/11/2022

Source Characteristics Summary					Flux Rates (with control technology)				Source Emission Rates*		
	Similar Sources	Emit Area sq ft	Control Technology	Percent	Odor ou/s/m2	OFFSET OER	H2S ug/s/m2	Ammonia ug/s/m2	Odor ou/s	H2S ug/s	Ammonia ug/s
			Type	Treated							
<b>Buildings</b>											
Swine Finishing - deep pit	1	20400	None	0%	10.5	34.2	6.0	99.0	19910	11377	187723
<b>Area Sources</b>											
Steel or concrete tank		20400	None		30.0	28	38.0	194.0	56886	72055	367861

\*includes control technologies

Site Emissions	
Total Site Area (ft2)	40,800
Total Odor Emission Factor (TOEF)	127
Total Site H2S Emissions (mg/s)	83
Total Site H2S Emission AVERAGE (lbs/day)	16
Total Site H2S Emission MAX (lbs/day)	32
Total Site H2S Emissions (tons/yr)	3
Total Site Ammonia Emissions (mg/s)	556
Total Site Ammonia Emission AVERAGE (lbs/day)	106
Total Site Ammonia Emissions MAX (lbs/day)	211
Total Site Ammonia Emissions (tons/yr)	19

Source Edge to Nearest Neighbor (ft)	14542
OFFSET Annoyance-free frequency	0%



# Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0  
University of Minnesota  
1/21/2017

Farm Name	Billman Farms LLC
Address or County	Goodhue County Roscoe-15
Evaluator	K. Petit
Date	12/7/2021

Clear All

OFFSET  
Annoyance-free  
94%

Source Edge to Nearest Neighbor (ft)	1469
Source Edge to Property Line (ft)	200

## Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Swine Finishing - deep pit	102	200	1	20400	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
Steel or concrete tank	Rectangle	102	200	20400	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	
<b>Add Source Type</b>	
Name of Source	
Odor Flux (ou/s/m <sup>2</sup> )	
H2S Flux (ug/s/m <sup>2</sup> )	
NH3 Flux (ug/s/m <sup>2</sup> )	
Documentation	
<b>Add a Control Technology</b>	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
<b>Add a Source Type</b>	
Name of Source	
Odor Flux (ou/s/m <sup>2</sup> )	
H2S Flux (ug/s/m <sup>2</sup> )	
NH3 Flux (ug/s/m <sup>2</sup> )	
Documentation	
<b>Add Control Technology</b>	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

# OFFSET Summary and Results



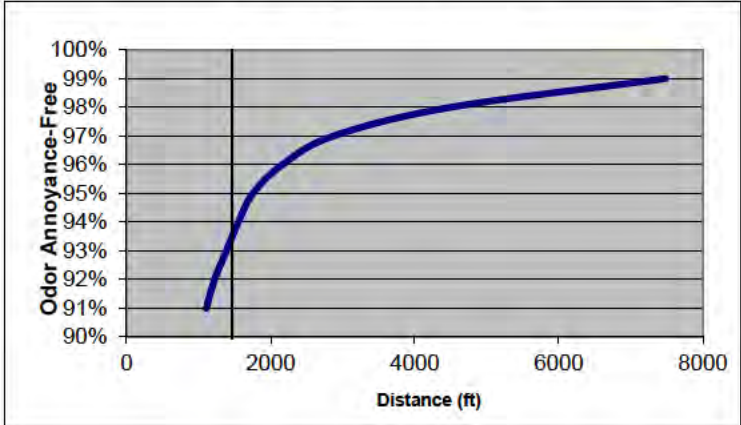
Farm Name	Billman Farms LLC
County	Goodhue County Roscoe-15
Evaluator	K. Petit
Date	12/7/2021

	Source Characteristics Summary				Flux Rates (with control technology)				Source Emission Rates*		
	Similar Sources	Emit Area sq ft	Control Technology	Percent	Odor ou/s/m2	OFFSET OER	H2S ug/s/m2	Ammonia ug/s/m2	Odor ou/s	H2S ug/s	Ammonia ug/s
			Type	Treated							
<b>Buildings</b>											
Swine Finishing - deep pit	1	20400	None	0%	10.5	34.2	6.0	99.0	19910	11377	187723
<b>Area Sources</b>											
Steel or concrete tank		20400	None		30.0	28	38.0	194.0	56886	72055	367861

\*includes control technologies

Site Emissions	
Total Site Area (ft2)	40,800
Total Odor Emission Factor (TOEF)	127
Total Site H2S Emissions (mg/s)	83
Total Site H2S Emission AVERAGE (lbs/day)	16
Total Site H2S Emission MAX (lbs/day)	32
Total Site H2S Emissions (tons/yr)	3
Total Site Ammonia Emissions (mg/s)	556
Total Site Ammonia Emission AVERAGE (lbs/day)	106
Total Site Ammonia Emissions MAX (lbs/day)	211
Total Site Ammonia Emissions (tons/yr)	19

Source Edge to Nearest Neighbor (ft)	1469
OFFSET Annoyance-free frequency	94%





### Land Application Agreement For Receiving Manure on Cropland

Participant: Kent Billmer  
 Address of Feedlot Facility: parcel # 400150400  
 City, State, Zip: Zumbrota, MN 55992  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The undersigned manure recipient agrees to manage or allow manure to be managed accordingly for the duration of this agreement on 45 acres of his/her land located in the NW one quarter of 29 section in 109 Township of Goodhue ~~Prosser~~ County.

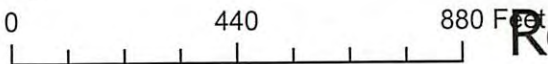
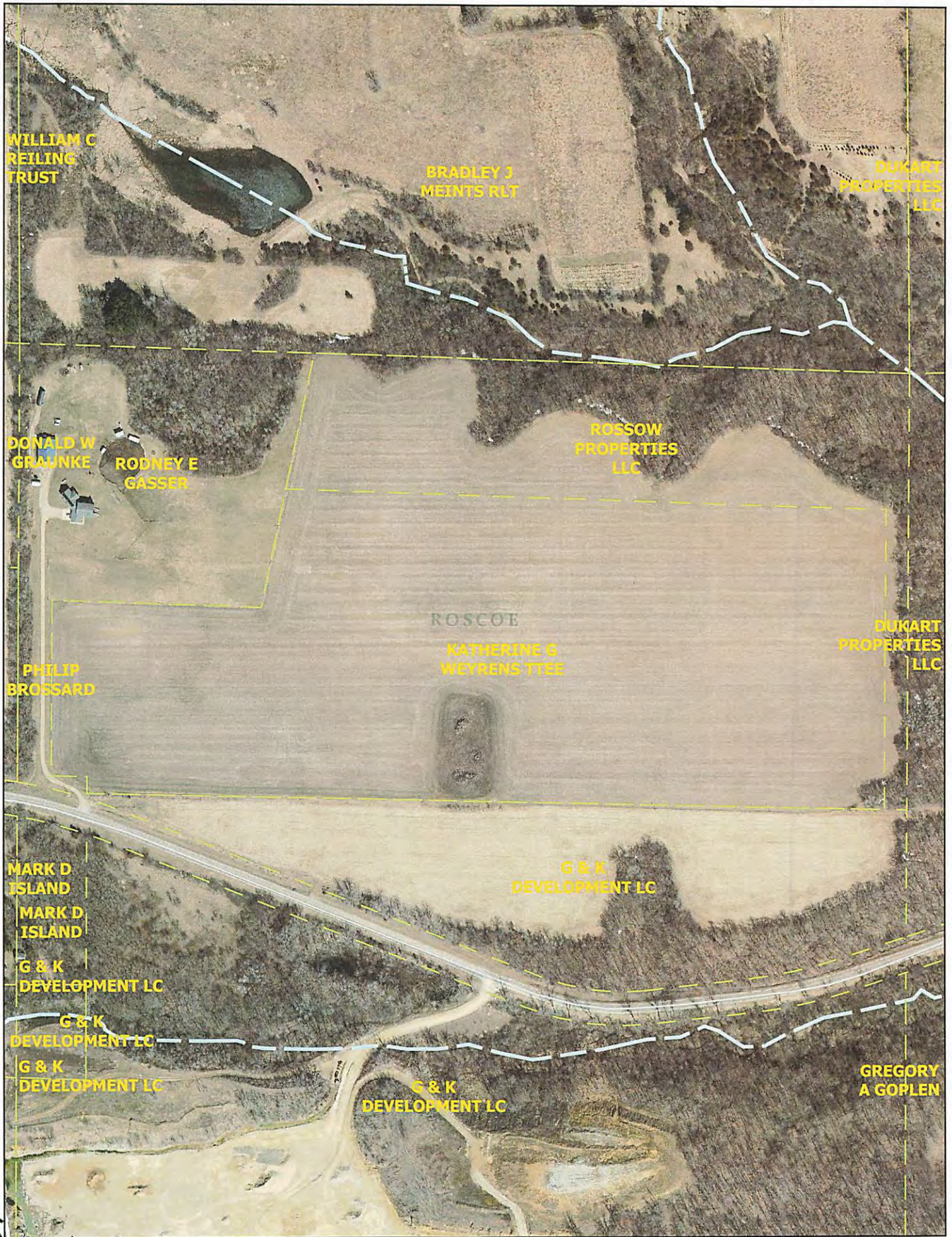
Please attach a map with fields identified.

The manure spreading agreement is good until: no expiration

Is the recipient also receiving manure from another producer? \_\_\_\_\_

If receiving manure from another producer, please list the number and types of livestock. \_\_\_\_\_

Name of manure recipient: FARM PRO 2 AG SVC LLC  
 Address: 121050 490<sup>th</sup> ST  
 City, State, Zip: Pine Island MN 55963  
 Signature: [Signature] Date: 12-21-21



# Roscoe Sec 28 South Farm



### Land Application Agreement For Receiving Manure on Cropland

Participant: Kent Billman  
Address of Feedlot Facility: parcel # 400150400  
City, State, Zip: Zumbrota, MN 55992  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The undersigned manure recipient agrees to manage or allow manure to be managed accordingly for the duration of this agreement on 60+100+210 acres of his/her land located in the SE one quarter of ~~10~~ 15 section in 105 Township of Goodhue County.

Please attach a map with fields identified.

The manure spreading agreement is good until: no expiration

Is the recipient also receiving manure from another producer? \_\_\_\_\_

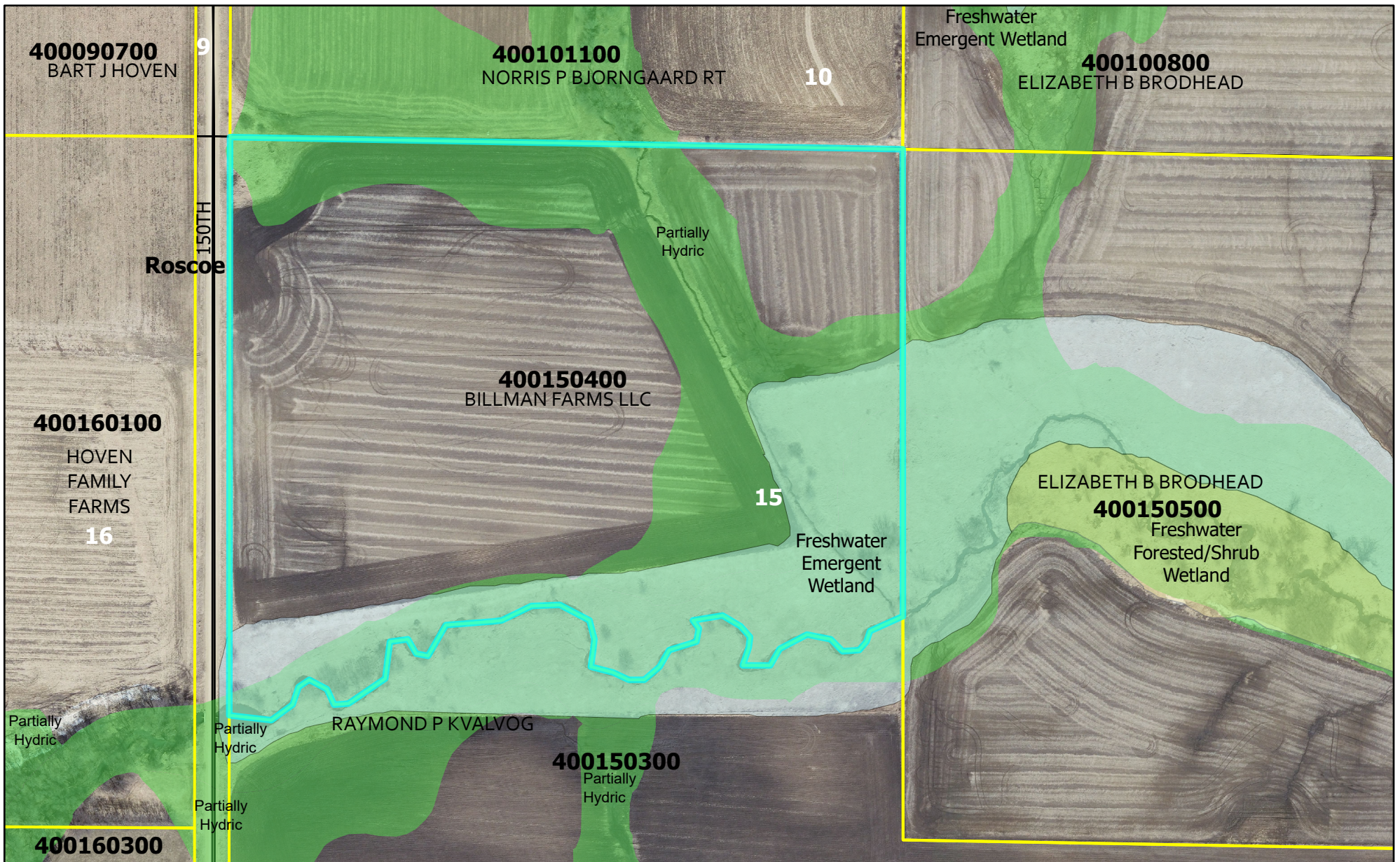
If receiving manure from another producer, please list the number and types of livestock. \_\_\_\_\_

Name of manure recipient: FarmPro2 Ag Services LLC  
Address: 14050 490th St.  
City, State, Zip: Pope Island, MN. 55963  
Signature: [Signature] mgr. Date: 12-21-21

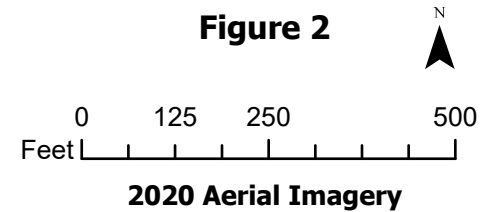


# Roscoe Sec 15 & 16





**Billman Farms LLC (PIN 400150400)  
Roscoe Township, Section 15**



This is for informational use only and not used for precise or construction measurements. Only informational.

**SUBSURFACE SOIL LOG**

PROJECT: Kent Billman

BORING NO: 1

PROJECT NO: 21-113

DATE DRILLED: 10/8/2021

DRILLED BY: Contractor

ProAg Engineering, Inc.  
77402 Highway 71 P.O. Box 181  
Jackson, MN 56143 (507-849-7200)

CLASSIFIED BY: Travis Anderson

ELEVATION (USGS)	DEPTH BELOW SURFACE	SOIL DESCRIPTION	USCS Symbol
1177.4	GRADE		
1180.0	PROPOSED BOTTOM OF PIT	(TOPSOIL) DARK BROWN SILTY CLAY LOAM	CL
	2 --	BROWN SILTY CLAY LOAM, MEDIUM CONSISTENCY	CL
	4 --		
	6 --	(GLACIAL TILL) BROWNISH YELLOW CLAY LOAM, TRACE Fe CONCRETIONS, MASSIVE, STIFF CONSISTENCY	CH
	8 --		
	10 --		
	12 --	(GLACIAL TILL) BLUE CLAY LOAM, MASSIVE, STIFF CONSISTENCY	CH
	14 --		
	16 --		
1159.4	BOTTOM OF TEST HOLE	*TEST HOLE DUG & FILLED BY EXCAVATOR TO PREVENT VERTICAL GROUNDWATER TRANSPORT, PER MN RULES*	
	20 --		
	22 --	*SOILS ARE SUITABLE FOR PROPOSED PIT FOUNDATION	
	24 --	**PERIMETER TILE REQUIRED**	
	26 --		
	28 --		
	30 --		
	32 --		

**SUBSURFACE SOIL LOG**

PROJECT: Kent Billman

BORING NO: 2

PROJECT NO: 21-113

DATE DRILLED: 10/8/2021

DRILLED BY: Contractor

ProAg Engineering, Inc.  
77402 Highway 71 P.O. Box 181  
Jackson, MN 56143 (507-849-7200)

CLASSIFIED BY: Travis Anderson

ELEVATION (USGS)	DEPTH BELOW SURFACE	SOIL DESCRIPTION	USCS Symbol
1184.8	GRADE		
	0 --	(TOPSOIL) DARK BROWN SILTY CLAY LOAM	CL
	2 --	BROWN SILTY CLAY LOAM, MOIST MEDIUM CONSISTENCY	CL
	4 --		
1180.0	PROPOSED BOTTOM OF PIT		
	6 --	SAND POCKET, BROWNISH YELLOW MEDIUM SAND, TRACE COBBLE STONE, MOIST	SM
	8 --	(GLACIAL TILL) BROWNISH YELLOW CLAY LOAM, TRACE Fe CONCRETIONS, MASSIVE, VERY STIFF CONSISTENCY	CH
	10 --		
	12 --	(GLACIAL TILL) BLUE CLAY LOAM, MASSIVE, STIFF CONSISTENCY	CH
	14 --		
	16 --		
1166.8	BOTTOM OF TEST HOLE	*TEST HOLE DUG & FILLED BY EXCAVATOR TO PREVENT VERTICAL GROUNDWATER TRANSPORT, PER MN RULES*	
	20 --		
	22 --	*SOILS ARE SUITABLE FOR PROPOSED PIT FOUNDATION	
	24 --	**PERIMETER TILE REQUIRED**	
	26 --		
	28 --		
	30 --		
	32 --		

**SUBSURFACE SOIL LOG**

PROJECT: Kent Billman  
 PROJECT NO: 21-113  
 DRILLED BY: Contractor  
 CLASSIFIED BY: Travis Anderson

BORING NO: 3  
 DATE DRILLED: 10/8/2021

ProAg Engineering, Inc.  
 77402 Highway 71 P.O. Box 181  
 Jackson, MN 56143 (507-849-7200)

ELEVATION (USGS)	DEPTH BELOW SURFACE	SOIL DESCRIPTION	USCS Symbol
1184.4	0 --	(TOPSOIL) DARK BROWN SILTY CLAY LOAM	CL
	2 --	BROWN SILTY CLAY LOAM, FEW FE CONCRETIONS, MOIST, MEDIUM CONSISTENCY	CL
1180.0	4 --	GRAY SILTY CLAY LOAM, FEW Fe CONCRETIONS, MOIST, SOFT CONSISTENCY	CL
	6 --	BROWNISH YELLOW MEDIUM SAND, WET	SC
1177.4	8 --	BROWNISH SANDY CLAY LOAM, MOIST, MEDIUM CONSISTENCY	CL
	10 --		
	12 --	(GLACIAL TILL) BLUE CLAY LOAM, MASSIVE, STIFF CONSISTENCY	CH
	14 --		
1166.8	16 --		
	18 --	*TEST HOLE DUG & FILLED BY EXCAVATOR TO PREVENT VERTICAL GROUNDWATER TRANSPORT, PER MN RULES*	
	20 --	*SOILS ARE SUITABLE FOR PROPOSED PIT FOUNDATION	
	22 --	**PERIMETER TILE REQUIRED**	
	24 --		
	26 --		
	28 --		
	30 --		
	32 --		

**SUBSURFACE SOIL LOG**

PROJECT: Kent Billman  
 PROJECT NO: 21-113  
 DRILLED BY: Contractor  
 CLASSIFIED BY: Travis Anderson

BORING NO: 4  
 DATE DRILLED: 10/8/2021

ProAg Engineering, Inc.  
 77402 Highway 71 P.O. Box 181  
 Jackson, MN 56143 (507-849-7200)

ELEVATION (USGS)	DEPTH BELOW SURFACE	SOIL DESCRIPTION	USCS Symbol
1187.1	0 --	(TOPSOIL) DARK BROWN SILTY CLAY LOAM	CL
	2 --	BROWN SILTY CLAY LOAM, MOIST MEDIUM CONSISTENCY	CL
1180.0	4 --		
	6 --		
	8 --	(GLACIAL TILL) BROWNISH YELLOW CLAY LOAM, TRACE Fe CONCRETIONS, MASSIVE, VERY STIFF CONSISTENCY	CH
	10 --		
	12 --	(GLACIAL TILL) BLUE CLAY LOAM, MASSIVE, STIFF CONSISTENCY	CH
	14 --		
	16 --		
	18 --		
1169.1	18 --		
	20 --	*TEST HOLE DUG & FILLED BY EXCAVATOR TO PREVENT VERTICAL GROUNDWATER TRANSPORT, PER MN RULES*	
	22 --	*SOILS ARE SUITABLE FOR PROPOSED PIT FOUNDATION	
	24 --	**PERIMETER TILE REQUIRED**	
	26 --		
	28 --		
	30 --		
	32 --		

## SUBSURFACE SOIL LOG

PROJECT: Kent Billman

BORING NO: 5

PROJECT NO: 21-113

DATE DRILLED: 10/8/2021

DRILLED BY: Contractor

ProAg Engineering, Inc.  
77402 Highway 71 P.O. Box 181  
Jackson, MN 56143 (507-849-7200)

CLASSIFIED BY: Travis Anderson

ELEVATION (USGS)	DEPTH BELOW SURFACE	SOIL DESCRIPTION	USCS Symbol
1182.2	GRADE		
	0 --	(TOPSOIL) DARK BROWN SILTY CLAY LOAM	CL
1180.0	PROPOSED BOTTOM OF PIT		
	2 --	BROWN SILTY CLAY LOAM, MOIST MEDIUM CONSISTENCY	CL
	4 --		
	6 --	SAND POCKET, BROWNISH YELLOW MEDIUM SAND, TRACE COBBLE STONE, MOIST	SM
	8 --	(GLACIAL TILL) BROWNISH YELLOW CLAY LOAM, TRACE Fe CONCRETIONS, MASSIVE, VERY STIFF CONSISTENCY	CH
	10 --		
	12 --	(GLACIAL TILL) BLUE CLAY LOAM, MASSIVE, STIFF CONSISTENCY	CH
	14 --		
	16 --		
1164.2	BOTTOM OF TEST HOLE		
	18 --	*TEST HOLE DUG & FILLED BY EXCAVATOR TO PREVENT VERTICAL GROUNDWATER TRANSPORT, PER MN RULES*	
	20 --		
	22 --	*SOILS ARE SUITABLE FOR PROPOSED PIT FOUNDATION	
	24 --	**PERIMETER TILE REQUIRED**	
	26 --		
	28 --		
	30 --		
	32 --		

~NO GROUNDWATER MEASURED, HOLE WAS DRY 10/8/2021



# Goodhue County Land Use Management

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

*Lisa M. Hanni, L.S. Director*

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106



*County Surveyor / Recorder*

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

**To:** Planning Commission  
**From:** Land Use Management  
**Meeting Date:** March 21, 2022  
**Report date:** March 11, 2022

## **PUBLIC HEARING: Request for IUP for a Utility-Scale Solar Energy System (SES)**

Request for IUP, submitted by Sturgeon Garden LLC (Applicant) and Seth and Lisa Thomforde (Owners), for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System occupying approximately 8 acres.

### **Application Information:**

Applicant: Sturgeon Garden LLC (Applicant) and Seth and Lisa Thomforde (Owners)

Address of zoning request: TBD 230<sup>th</sup> AVE, Goodhue, MN 55027

Parcel: 33.026.0600

Abbreviated Legal: Part of the S ½ of the SE ¼ of Section 26 TWP 111 Range 15 in Goodhue Township.

Township Information: Goodhue Township received the application materials from the applicant and signed the acknowledgement form with no objections.

Zoning District: A1 (Agricultural Protection District)

### **Attachments and links:**

Applications and submitted project summary

Site Map(s)

Goodhue County Zoning Ordinance (GCZO):

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

### **Background:**

The applicant has submitted an IUP request to construct and operate a 1 Megawatt (MW) photovoltaic (PV) utility-scale solar garden on approximately 8 acres of leased land located in Goodhue Township that is currently owned by Seth and Lisa Thomforde. The project would be developed in conjunction with the State of Minnesota Solar Garden program and Xcel Energy's Solar Rewards Community Program. The program allows developers to design, permit, own, and operate solar energy systems and sell the generated power directly to consumers. Upon completion, the Solar Garden would **connect to Xcel Energy's distribution grid** and generate up to 1 MW of energy annually over the next 35 years.

Per Goodhue County regulations, Solar Energy Systems (SES) that are the primary use of the land and are designed to primarily provide energy to off-site users or export to the wholesale market may be conditionally permitted as a “**Utility-Scale SES**” within the County's A1 zoned districts.

### **Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses**

*No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage and other necessary facilities, to provide sufficient off-street parking and loading space, to control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

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

[www.co.goodhue.mn.us](http://www.co.goodhue.mn.us)

## **Project Summary:**

### **Property Information:**

- The approximately 8-acre site to be leased by the applicant is currently used for row-crop agriculture.

The nearest residence to the south is owned by Melanie Hinsch (Parcel 33.035.0100) and is located approximately 144-feet from the proposed facility. The nearest residence to the east is located 210-feet from the proposed facility and is owned by Michael Hinsch (PID 33.025.0600).

Adjacent land uses include row-crop agriculture and animal agriculture (feedlots) among medium-density residential uses.

- The property is surrounded by A-1 zoned properties. Section 26 and all neighboring sections of Goodhue Township are considered **“full” for dwelling development.**

### **Solar Array:**

- The solar array is proposed to include 2,800 single-axis tracking panels installed in 40 rows. Steel-driven posts will hold up solar panels, reaching 11 feet above grade at the maximum configuration. The solar panels will be equipped with a silicone-based anti-glare coating.

The racking will be installed with piles that are anchored into the ground to an appropriate depth based on soil and geotechnical analysis.

The solar array will interconnect to the power grid via a concrete equipment pad in the northeast corner of the project area, facilitating connection to the existing Xcel Energy grid.

- A 14-foot wide crushed aggregate access road will be provided to access the leased project area. The Applicant will need to work with Goodhue Township to permit the new access road onto 230<sup>th</sup> AVE. Emergency vehicle access appears adequate to service the facility.

A recorded ingress/egress easement is not required for the property given the site is to be leased and all land to be crossed to access the site will remain under common ownership.

A separate fire number will be required for the site.

- Once constructed, traffic to the site would be limited to periodic visits by maintenance and landscaping personnel to perform routine maintenance, in addition to any unplanned maintenance.

### **Landscaping/Drainage:**

- The site slopes generally from northwest to southeast.
- Apart from the meter pad (typically less than 500 square feet), the entire area within the project boundary will be seeded with low-growth native prairie plants and a pollinator mix. Specific seed types are typically reviewed by Goodhue County SWCD during the building permit phase.
- The Applicant stated a wetland delineation will be performed in the spring, and the project area will decrease to 7 acres if a wetland is not present (the northern panel rows as shown on the proposal would be shifted east). The number of solar collectors and rows installed would not increase if shifted east. Chad Hildebrand, SWCD Water Planner has reviewed the site and stated:
  - *“After review of the site, the area identified as a “Potential Wetland Area” appears to be on the upper part of the knob and at the beginning of the concentrated flow point. The plans that I reviewed showed the solar panels are outside of that area and silt fences are proposed to be installed to protect any erosion concerns. To properly determine if that area has wetland characteristics, would likely need to complete a site visit in the spring or have a private company complete a wetland delineation and submit an application for boundary/type determination.”*
- An erosion control/stormwater management plan is customarily submitted for administrative review at the time of building permit application. An NPDES (National Pollutant Discharge Elimination System) and SWPP will be required for this project and will need to be submitted by the Applicant prior to building permit approval.

- A 7-foot tall agricultural fence will be constructed around the perimeter of the project area for visual screening and to control for security.
- The Applicants have also proposed to install landscape screening south and east of the array to minimize visual impact. Screening would consist of a single row of evergreen/coniferous trees.
- The landscape has a shallow northern slope which will require some light grading to allow for proper solar panel mounting.
- Ample room exists on the property to fulfill GCZO off-street parking requirements.
- Construction is expected to begin in the spring of 2023 and would conclude the same year. Proposed construction hours are 7 AM – 7 PM Monday through Friday.

**Maintenance/Decommissioning:**

- The project is subject to the issuance of a Building Permit and must be constructed according to applicable building code requirements. The project will be inspected by County Building Inspections Staff and the State Electrical Inspector. In addition, Planning and Zoning Staff will inspect the project upon completion to ensure conformance with applicable zoning requirements.
- Mowing will be limited and utilized only when necessary for routine maintenance and potential weed and shrub control. The maintenance plan for the project includes provisions to replace dead or dying trees used as screening.
- The Applicant has drafted a Decommissioning Agreement between Sturgeon Garden LLC and Seth and Lisa Thomforde. **Upon the end of the project’s useful life, decommissioning would occur** within 60 days and include removal and recycling of all non-biodegradable equipment including concrete foundations, access roads, fencing, cables, and other ancillary facilities owned by the solar garden.

Per GCZO Article 19, the applicant may be required to provide a financial surety at up to 125% of the estimated decommissioning cost. The county has not typically exercised the right to financial assurance requirements for similar solar installations. The Planning Advisory Commission and County Board should consider if the County should require financial assurance to cover anticipated decommissioning costs.

**Draft Findings of Fact:**

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

1. The proposed Solar Garden does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. The use appears harmonious with the established uses in the vicinity.
2. The establishment of the proposed Solar Garden is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use is proposed to meet all development standards of the Goodhue County Zoning Ordinance and it does not appear incompatible with adjacent land uses.
3. A review of the applicant’s submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available to accommodate the proposed use.
4. The submitted plans identify means to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance’s parking requirements.
5. The submitted plans detail adequate measures to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance.

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

**Staff Recommendation:**

LUM Staff recommends the Planning Advisory Commission

- adopt the staff report into the record;

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

Recommend that the County Board of Commissioners **APPROVE** the request for an IUP, submitted by Sturgeon Garden LLC (Applicant) and Seth and Lisa Thomforde (Owners) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 8 acres.

Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this IUP;
2. The project shall be decommissioned according to Article 19 Section 6 of the Goodhue County Zoning Ordinance and submitted plans;
3. A decommissioning agreement between the landowner and Sturgeon Garden LLC shall be maintained to ensure reclamation of the area;
4. LUM staff shall be notified by the landowner or solar company 30 days prior to ownership transfer or operator changes;
5. Applicants shall work with the Goodhue Soil and Water Conservation District to determine **an appropriate seed mix for disturbed areas of the site and should submit “seed tags” to the Land Use Management department** prior to final inspection;
6. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
7. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
8. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 19 Solar Energy Systems (SES) and Article 21 (Agricultural Protection District). The Applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations; and
10. This IUP shall expire 35 years from the date of approval unless terminated prior to that date.

Permit#

# Solar Energy System Application

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:

Seth & Lisa Thomforde

PROPERTY OWNER'S ADDRESS:

40133 County 4 Blvd, Goodhue, MN 55027

EMAIL:

APPLICANT OR AUTHORIZED AGENT'S NAME:

Sturgeon Garden LLC

Same as Above

APPLICANT'S ADDRESS:

2836 Lyndale Ave S #132, Minneapolis, MN 554

TELEPHONE:

EMAIL:

## 2. Location and Classification

STREET ADDRESS OF PROJECT: PARCEL #:

Intersection of 230th Ave & 390th St, G

330260600

LEGAL DESCRIPTION: Attached

S1/2 of the SE1/4 of S26, T111N, R15W

## 3. Supporting information

NUMBER OF SOLAR COLLECTORS TO BE INSTALLED TOTAL SIZE OF PROJECT

~2,700 arranged on ground-mounted racking

1 MW

DESCRIBE METHOD OF CONNECTING THE ARRAY TO A BUILDING OR SUBSTATION

Attach signed interconnection agreement

## 4. Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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. Other information or applications may be required.

Signature: Brendan Dillon

Date: 2/23/22

Print name: Brendan Dillon

County Section				
SES Application Fee:	SES Zoning Permit: \$200	SES CUP/IUP: \$1000	Receipt Number	Date
Building permit #:				
Shoreland _____		Lake/Stream Name _____		Zoning District _____
Conditions:				
Zoning Administrator Signature				

1 GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # \_\_\_\_\_

Permit# \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Last Name <b>Thomforde</b>		First <b>Seth &amp; Lisa</b>		Email: [REDACTED]
Street Address <b>40122 County 4 Blvd</b>			Phone [REDACTED]	
City <b>Goodhue</b>	State <b>MN</b>	Zip <b>55027</b>	Attach Legal Description as Exhibit "A" <input type="checkbox"/>	
Authorized Agent <b>Sturgeon Garden LLC</b>			Pho [REDACTED]	
Mailing Address of Landowner: <b>40122 County 4 Blvd, Goodhue, MN 55027</b>				
Mailing Address of Agent: <b>2836 Lyndale Ave S #132, Minneapolis, MN 55408</b>				

**PROJECT INFORMATION**

Site Address (if different than above): **Intersection of 230th Ave & 390th St, Goodhue, MN**

Lot Size	Structure Dimensions (if applicable) <b>7 ac</b>
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What is the conditional/interim use permit request for? **Community Solar Garden**

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized  
**Approximate 7-acre Community Solar Garden in accordance with Xcel Energy's Solar Rewards Community program. The site will be 1MW AC in size. There are no anticipated conflicts with existing nearby land uses. A row of trees on the East and Southern sides of the project will be implemented to minimize the visual impact to neighboring landowners.**

**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
Signature of Agent Authorized by Agent: <b>Sturgeon Garden LLC</b>	

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

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

Signature	Title	Date
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Comments:

**COUNTY SECTION** COUNTY FEE **\$350** RECEIPT # \_\_\_\_\_ DATE PAID \_\_\_\_\_

Applicant requests a CUP/IUP pursuant to Article \_\_\_\_ Section \_\_\_\_ Subdivision \_\_\_\_ of the Goodhue County Zoning Ordinance

What is the formal wording of the request?

Shoreland \_\_\_\_\_ Lake/Stream Name \_\_\_\_\_ Zoning District \_\_\_\_\_

Date Received \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_ DNR Notice \_\_\_\_\_ City Notice \_\_\_\_\_

Action Taken: \_\_\_\_ Approve \_\_\_\_ Deny Conditions:

# GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

## PROJECT SUMMARY

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

**1. Description of purpose and planned scope of operations (including retail/wholesale activities).**

Approximate 7-acre Community Solar Garden in accordance with Xcel Energy's Solar Rewards Community program. The site will be 1MW AC in size.

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

New structures will include ~ 2,700 solar panels arranged on ground-mounted racking.

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**3. Proposed number of non-resident employees.**

Please see proposal.

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

Continuous operation.

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**5. Planned maximum capacity/occupancy.**

NA

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

During operation, an expected 3-6 visits will be made annually. During construction an expected 5-10 personal vehicles for workers, along with 1-2 trucks bringing in equipment will be present. All loading will happen within the project area on the property..

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

All parking will happen within the project area on the property.

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**8. Proposed solid waste disposal provisions.**

The solar project will create no general waste long term. During construction a dumpster will be maintained within the site for general waste and

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garbage. Site will be walked routinely to keep the site free of debris.

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

The project will not generate any sewage.

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**10. Existing and proposed exterior lighting.**

Please see proposal.

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Please see proposal.

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**11. Existing and proposed exterior signage.**

Signage will be present at the exterior of the project.

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**12. Existing and proposed exterior storage.**

NA

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**13. Proposed safety and security measures.**

A fence will surround the project to deter people and animals from entry.

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

The project will be given an E911 address and will have adequate accessibility via the access road to be put in by the project.

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

The project will not create any noise, odor, or dust.

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

Please see proposal.

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**17. Existing and proposed surface-water drainage provisions.**

Please see proposal.NA

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

NA

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

Please see proposal.

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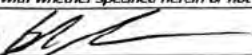


**TOWNSHIP ZONING APPLICATION**

**TOWNSHIP NAME** Goodhue Township

Goodhue County

Parcel # 332260600

APPLICANT INFORMATION			
Last Name <u>Thomforde</u>		First <u>Seth and Lisa</u>	M.I.
Street Address <u>40133 County 4 Blvd</u>			Phone <span style="background-color: black; color: black;">[REDACTED]</span>
City <u>Goodhue</u>		State <u>MN</u>	ZIP <u>55027</u>
Email Address <span style="background-color: black; color: black;">[REDACTED]</span>			
Township <u>26</u>	Range <u>111N</u>		Section <u>15W</u>
PROJECT INFORMATION			
Site Address <u>Intersection of 230th Ave &amp; 390th St, Goodhue, MN</u>			
Zoning District <u>A-1</u>	Lot Size	Structure Dimensions	
Type of Project <u>Solar Garden</u>		Proposed Use <u>1 MW Solar Garden</u>	
Structure Type <u>Solar Garden</u>	Replacement?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Variance # _____		Conditional Use Permit # _____	
Name of Property Owner: <u>Seth &amp; Lisa Thomforde</u>			
DISCLAIMER AND SIGNATURE			
<i>I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.</i>			
Signature 		Date <u>2/15/22</u>	
TOWNSHIP APPROVALS			
<i>I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.</i>			
Signature <u>Dale Duke</u>	Title <u>Supervisor</u>	Date <u>Feb 15, 22</u>	
Signature <u>Brenda L. Hensch</u>	Title <u>Clerk</u>	Date <u>2-15-2022</u>	
Application fee _____		Receipt Number _____	

**Conditional Use Permit  
Sturgeon Garden LLC  
Section 26 Township 111 Range 015**

**OVERVIEW**

Sturgeon Garden LLC submits this application for a Conditional Use Permit (CUP) to the Goodhue County Planning Commission for a 1MW Utility Scale Solar Energy System under Goodhue County Zoning Ordinance Article 19 Solar Energy System (SES) Regulations. The project site plan, planting plan, and additional supplemental information is included in this submission.

As part of Xcel Energy's Solar\*Rewards Community Program, Sturgeon Garden LLC will consist of approximately 2,800 panels on roughly 8 acres of land. The Community Solar Garden (solar farm) will have a useful life of 35+ years. Once operating, this project will deliver over 2,000MWh of clean, local energy annually to the surrounding community with only the sun as feedstock.

The solar farm consists of steel driven posts embedded in the ground, with solar modules attached to the top of the posts, tracking the sun east to west throughout the day, sitting approximately 11-ft off the ground at the highest point. This project utilizes silicon based solar panels which have an anti-glare coating. There are no hazardous materials in the system, and no noise other than typical transformer humming would be present within the fence. We have proposed to enclose the system with a 7-foot-tall agricultural fence to not only minimize the visual impact but also restrict access to the system from unqualified personnel. The cover crop inside the footprint of the system will be a combination of low growth native prairie plants and a seed mix that promotes pollinator friendly habitats consistent with MN Stat. 216B.1642 as required.

3<sup>rd</sup> Party Engineering has been commissioned to perform wetland, hydrology, historical, ecological and an environmental survey to ensure the site is suitable for development. Construction is targeted for the early spring of 2023 and will conclude in the same year. Proposed working times would be between the hours of 7am-7pm on Monday thru Friday. Weekend work may take place if there are significant project delays due to weather. These hours are flexible and we intend to work with the community to control noise and disturbance. A more detailed construction schedule can be made available to the county as needed.

An Operations and Maintenance contractor will be hired by Sturgeon Garden LLC. This team would consist of an electrician, as well as, a groundskeeper to ensure the system is operating safely and the landscaping is properly maintained. Each would independently visit 3-6 visits a year depending on necessity. While onsite, the technician mows, manages vegetation, and verifies storm water management is properly working. A Maintenance Plan is included for more detail.

**Interconnection**

The solar farm is positioned favorably for interconnection to the Xcel grid. The access road will connect to 230<sup>th</sup> St, and the project will interconnect with existing Xcel overhead distribution lines and poles off 230<sup>th</sup> Ave. Three new poles will be added for interconnection as shown on the site plan, with the remainder of the collection line being underground. The 1 MW system will connect to the WEL021 feeder line for the Wells Creek Substation. Sturgeon

## Conditional Use Permit Sturgeon Garden LLC

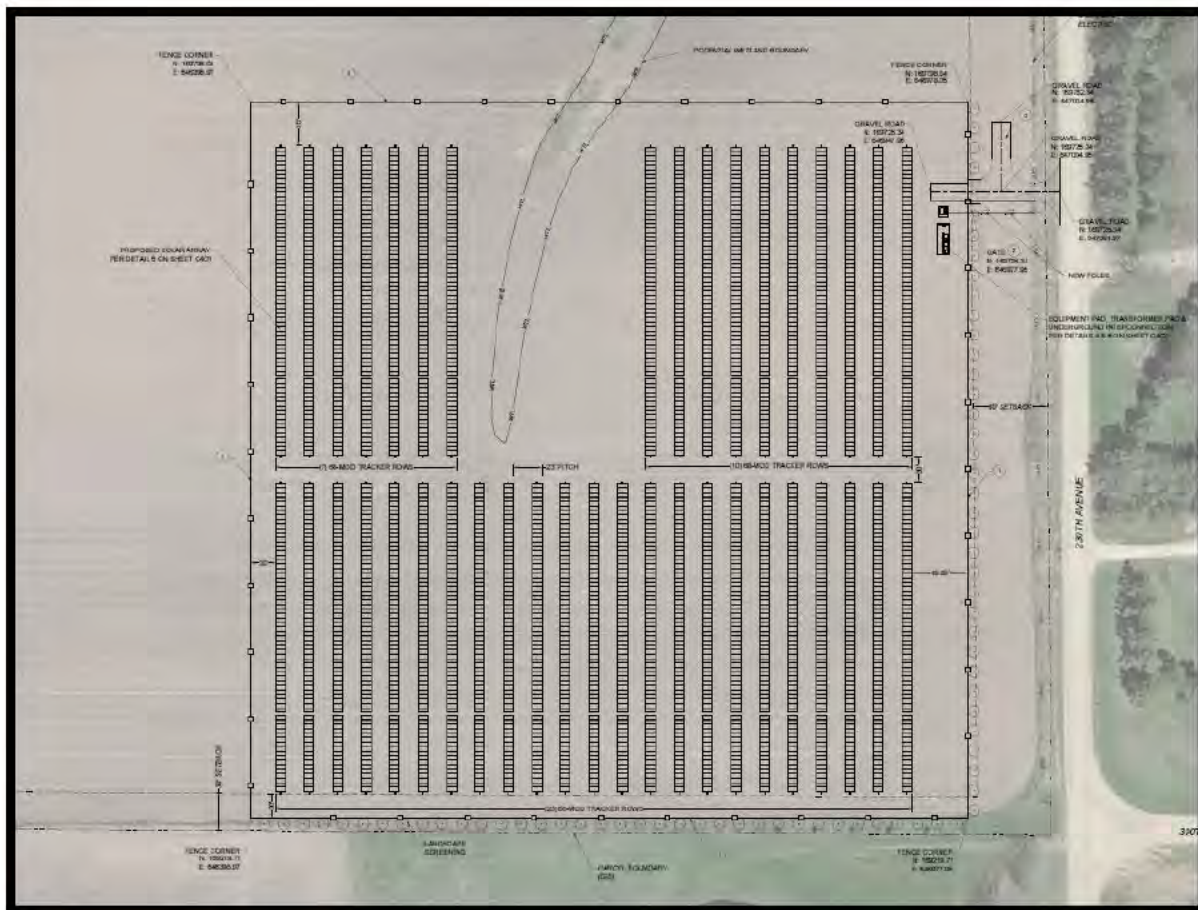
Garden LLC has a completed Facility Study and will have an Interconnection Agreement with Xcel Energy in early March 2023. The project has interconnection feasibility and we have included the confirmation of capacity at the Wells Creek substation.

### Wetland Delineation

The solar farm has completed a desktop delineation review, which has been included in the site plan. There is a potential wetland within the fenced area, which will be delineated in the spring. We have adjusted our design to accommodate this in the event it is indeed a wetland. In the event it is not a wetland, the space would be used and the project area would shrink on the western portion. In either scenario, the solar farm will meet all requirements of the Wetland Conservation Act and Goodhue County SWCD.

### Grading, Drainage, and Erosion Management

The site plan set includes an Erosion & Sediment Control and Grading and Erosion Control Plan. A SWPPP and Grading plan will be submitted with the plan set for the Building Permit and will comply with Goodhue County Zoning Standards. This site has a shallow northern slope to it which will require some light grading to allow for the proper mounting of the solar panels.



Sturgeon Garden Site Plan

**Conditional Use Permit  
Sturgeon Garden LLC**

**Visual Analysis**

Sturgeon Garden LLC has completed a visual analysis of the site and considered mitigations to visual impacts. We will use of vegetative screening and agricultural fence, and believe the project has mitigated visual impacts to remain compatible with the agricultural surrounding. Sturgeon Garden LLC will also be adhering to all required setbacks.

**Decommissioning**

Sturgeon Garden LLC commits to both our land owners and permitting authorities that we will decommission and restore the site at the end of the system's serviceable life or if the system becomes a discontinued use. The project owner will be responsible for all costs associated with decommissioning as outlined in the land owner lease agreement.

All equipment will be removed within one (1) year from the day the system is no longer in service or discontinued. A system shall be considered out of service at the end of the solar farm's useful life (35 years) unless a plan is submitted to the Goodhue County Board of Commissioners outlining the steps and the schedule for repowering the system.

Once initiated, decommissioning will occur within a period of sixty (60) days. Removal of modules, inverters, wiring, electrical equipment, racking and foundations, fencing, underground wires and conduit and concrete pads will be removed and recycled or disposed of in a suitable manner. After all equipment is removed, the Project site will be restored to a condition comparable to its pre-construction use if the Project site will once again be used for agricultural. If holes are created when infrastructure is removed, they will be back-filled and covered with topsoil. Unless requested otherwise, permanent access roads constructed on the Project will be removed.

Future use may determine the decommissioning scope. It may be advantageous to maintain roads, drainage features, and transmission facilities. Therefore, the plan will be updated regularly as understanding of removal costs and the equipment's residual value evolves over time.

Please see attached the Decommissioning Scope.

**MAINTENANCE PLAN**

Sturgeon Garden LLC will have a long-term maintenance plan to ensure safety, reliable operation, and production of the system. Monitoring and metering equipment installed on site will alert the maintenance team of any system issues. Maintenance teams are required to have proper safety plans and equipment in place to perform all work. Details of the plan are finalized at construction once final system design is complete. The final plan for the site can be requested at any time after construction. Maintenance of systems can be broadly defined in two buckets:

**Preventative Maintenance**

The following items are performed on a routine basis.

**Conditional Use Permit  
Sturgeon Garden LLC**

- Mechanical verification – one to two times per year a technician visits the site. While on site the technician checks bolts and piers for any loosening or corrosion. When an issue is discovered a set of corrective actions is defined, executed and a full report is logged.
- Electrical - one to two times per year a technician visits the site. While on site the technician checks the major electrical components (panels, inverters, safety switches) and connections to ensure proper working order. When an issue is discovered a set of corrective actions is defined, executed and a full report is logged.
- Landscape Maintenance - three to six times per year a technician visits the site. While onsite, the technician mows, manages vegetation, removes weeds, replaces plants as needed, and verifies storm water management is properly working.

**Reactive Maintenance**

Monitoring equipment and preventative maintenance are used to identify potential system safety and performance issues. Once an issue is identified a technician is assigned to the issue and corrective actions are executed.



*1MW CSG in Pope County*

**Conditional Use Permit  
Sturgeon Garden LLC**

**Table 2 - List of Commonly Performed Operations and Maintenance Activities**

<i>Item</i>	<i>Activity</i>
Monitoring	On-going tracking and verification of system performance, weather and equipment alerts.
Grounds Keeping	Manage all vegetation including mowing. Maintain all vegetative screening.
Solar Module Inspection	Inspect for cracks and general damage. Inspect for dirt, vegetation and other potential shading issues. Perform electrical checks for proper performance characteristics. Cleaning will utilize only water from a sprinkler/hose head.
Racking & Mounting Inspection	Inspect for damage, corrosion and loose connections.
Inverter Inspection & Maintenance	Inspect for corrosion and general damage. Confirm proper ventilation and environmental seals. Inspect all electrical connections and wires coming into and out of the units. Complete manufacturer recommended maintenance activities.
DC Electrical Inspection	Inspect DC runs from solar panels to inverters for damaged/loose wires and debris.
AC Electrical Inspection	Inspect AC runs from inverter to switchgear for damage/loose wires and debris.
Switchgear Inspection	Inspect switches for proper functionality. Inspect connections for appropriate torque. Inspect latches and environmental seals.
Monitoring Inspection	Inspect existing monitoring systems for functionality. Complete manufacturer recommended maintenance activities.
System Repair	Perform all necessary work as determined by inspections.
Warranty Administration	Administer defective components and file warranty claims.

## STURGEON GARDEN LLC - DECOMMISSIONING PLAN

### A. Timeline

The decommissioning will occur at the end of the photovoltaic system's useful life or when the system has not been in use for twelve (12) consecutive months. Decommissioning is estimated to take two to three weeks to complete and the decommissioning crew will ensure that all equipment is recycled or disposed of properly.

### B. Shutdown/Disconnection

Shut down system at all disconnect points (disconnect switch within fence and disconnect at switch gear).

NOTE: Per contract, utility has the ability to disconnect solar array from the utility's power grid for emergency purposes.

### C. Removal and Disposal of Site Components

The removal and disposal details of the site components are found below. All removal and disposal of equipment shall meet the requirements of the Goodhue County's solid waste requirements.

- **Modules:** Modules inspected for physical damage, tested for functionality, and removed from racking. Functioning modules packed and stored for reuse (functioning modules may produce power for another 25 years or more). Non-functioning modules packed and palletized and sent to the manufacturer or a third party for recycling.
- **Racking:** Racking uninstalled, sorted, and sent to metal recycling facility.
- **Poles:** Steel poles removed and sent to a recycling facility. Holes backfilled.
- **Wire:** All wire sent to facility for proper disposal and recycling.
- **Conduit:** Above-ground conduit disassembled onsite and sent to recycling facility.
- **Junction boxes, combiner boxes, external disconnect boxes, etc.:**  
Sent to electronics recycler.
- **Inverter(s):** Sent to manufacturer and/ or electronics recycler.  
Functioning parts can be reused.
- **Concrete pad(s):** Sent to concrete recycler.
- **Fence:** Sent to metal recycling facility.
- **Computers, monitors, hard drives, and other components:** Sent to

electronics recycler. Functioning parts can be reused.

**D. Restoration/Reclamation of Site**

After all equipment is removed the site will be restored to its pre-installation status. Holes created by poles, concrete pads, and other equipment will be filled in with soil to existing conditions and seeded. This will include the re-vegetation of the site.

AGREED and ACCEPTED,

Sturgeon Garden LLC

Date:

By:

Name:

Title:



Plotted: 3/7/2022 4:12 PM By: Sarah Smedley

C:\Users\Sarah Smedley\ACC\Docs\Meridiam Engineering LLC\2101-27 Sturgeon Garden\CAD\Sheets\C000-STURGEON.GENERAL.dwg

**EROSION AND SEDIMENT CONTROL NOTES**

**EROSION PREVENTION**

- BEFORE WORK BEGINS, PERMITTEES MUST DELINEATE THE LOCATION OF AREAS NOT TO BE DISTURBED.
- PERMITTEES MUST MINIMIZE THE NEED FOR DISTURBANCE OF PORTIONS OF THE PROJECT WITH STEEP SLOPES. WHEN STEEP SLOPES MUST BE DISTURBED, PERMITTEES MUST USE TECHNIQUES SUCH AS PHASING AND STABILIZATION PRACTICES DESIGNED FOR STEEP SLOPES (E.G. SLOPE DRAINING, EROSION CONTROL BLANKET AND SEEDING).
- PERMITTEES MUST STABILIZE ALL EXPOSED SOIL AREAS, INCLUDING STOCKPILES, STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION WHEN CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING 14 CALENDAR DAYS. STABILIZATION MUST BE COMPLETED NO LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY HAS CEASED. STABILIZATION IS NOT REQUIRED ON CONSTRUCTION BASE COMPONENTS OR ROADS, PARKING LOTS AND SIMILAR SURFACES. STABILIZATION IS NOT REQUIRED ON TEMPORARY STOCKPILES WITHOUT SIGNIFICANT SILT, CLAY OR ORGANIC COMPONENTS (E.G. CLEAN AGGREGATE STOCKPILES, DEMOLITION CONCRETE STOCKPILES, SAND STOCKPILES) BUT MUST PROVIDE SEDIMENT CONTROLS AT THE BASE OF THE STOCKPILE.
- FOR PUBLIC WATERS DURING SPECIFIED FISH SPAWNING TIME FRAMES, PERMITTEES MUST COMPLETE STABILIZATION OF ALL EXPOSED SOIL AREAS WITHIN 200 FEET OF THE WATER'S EDGE, AND THAT DRAIN TO THESE WATERS, WITHIN 24 HOURS DURING THE RESTRICTION PERIOD.
- PERMITTEES MUST STABILIZE THE NORMAL WETTED PERIMETER OF THE LAST 200 LINEAR FEET OF TEMPORARY OR PERMANENT DRAINAGE DITCHES OR SWALES THAT DRAIN WATER FROM THE SITE WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER OR PROPERTY EDGE. PERMITTEES MUST COMPLETE STABILIZATION OF REMAINING PORTIONS OF TEMPORARY OR PERMANENT DITCHES OR SWALES WITHIN 14 CALENDAR DAYS AFTER CONNECTING TO A SURFACE WATER OR PROPERTY EDGE AND CONSTRUCTION IN THAT PORTION OF THE DITCH TEMPORARILY OR PERMANENTLY CEASES.
- TEMPORARY OR PERMANENT DITCHES OR SWALES BEING USED AS A SEDIMENT CONTAINMENT SYSTEM DURING CONSTRUCTION (WITH PROPERLY DESIGNED ROCK-DITCH CHECKS, BIO ROLLS, SILT DIKES, ETC.) DO NOT NEED TO BE STABILIZED. PERMITTEES MUST STABILIZE THESE AREAS WITHIN 24 HOURS AFTER THEIR USE AS A SEDIMENT CONTAINMENT SYSTEM CEASES.
- PERMITTEES MUST NOT USE MULCH, HYDROMULCH, TACKIFIER, POLYACRYLAMIDE OR SIMILAR EROSION PREVENTION PRACTICES WITHIN ANY PORTION OF THE NORMAL WETTED PERIMETER OF A TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE SECTION WITH A CONTINUOUS SLOPE OF GREATER THAN 2 PERCENT.
- PERMITTEES MUST PROVIDE TEMPORARY OR PERMANENT ENERGY DISSIPATION AT ALL PIPE OUTLETS WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER OR PERMANENT STORM WATER TREATMENT SYSTEM.
- PERMITTEES MUST NOT DISTURB MORE LAND (I.E. PHASING) THAN CAN BE EFFECTIVELY INSPECTED AND MAINTAINED.

**SEDIMENT CONTROL**

- PERMITTEES MUST ESTABLISH SEDIMENT CONTROL BMPS ON ALL DOWNGRADIENT PERIMETERS OF THE SITE AND DOWNGRADIENT AREAS OF THE SITE THAT DRAIN TO ANY SURFACE WATER, INCLUDING CURB AND GUTTER SYSTEMS. PERMITTEES MUST LOCATE SEDIMENT CONTROL PRACTICES UPGRADIENT OF ANY BUFFER ZONES. PERMITTEES MUST INSTALL SEDIMENT CONTROL PRACTICES BEFORE ANY UPGRADIENT LAND DISTURBING ACTIVITIES BEGIN AND MUST KEEP THE SEDIMENT CONTROL PRACTICES IN PLACE UNTIL THEY ESTABLISH PERMANENT COVER.
- IF DOWNGRADIENT SEDIMENT CONTROLS ARE OVERLOADED, BASED ON FREQUENT FAILURE OR EXCESSIVE MAINTENANCE REQUIREMENTS, PERMITTEES MUST INSTALL ADDITIONAL UPGRADIENT SEDIMENT CONTROL PRACTICES OR REDUNDANT BMPS TO ELIMINATE THE OVERLOADING AND AMEND THE SWPPP TO IDENTIFY THESE ADDITIONAL PRACTICES.
- TEMPORARY OR PERMANENT DRAINAGE DITCHES AND SEDIMENT BASINS DESIGNED AS PART OF A SEDIMENT CONTAINMENT SYSTEM (E.G. DITCHES WITH ROCK CHECK DAMS) REQUIRE SEDIMENT CONTROL PRACTICES ONLY AS APPROPRIATE FOR SITE CONDITIONS.
- A FLOATING SILT CURTAIN PLACED IN THE WATER IS NOT A SEDIMENT CONTROL BMP EXCEPT WHEN WORKING ON A SHORELINE OR BELOW THE WATERLINE. IMMEDIATELY AFTER THE SHORT-TERM CONSTRUCTION ACTIVITY (E.G. INSTALLATION OF RIPRAP ALONG THE SHORELINE) IN THAT AREA IS COMPLETE, PERMITTEES MUST INSTALL AN UPLAND PERIMETER CONTROL PRACTICE IF EXPOSED SOILS STILL DRAIN TO A SURFACE WATER.
- PERMITTEES MUST RE-INSTALL ALL SEDIMENT CONTROL PRACTICES ADJUSTED OR REMOVED TO ACCOMMODATE SHORT-TERM ACTIVITIES SUCH AS CLEARING OR GRUBBING, OR PASSAGE OF VEHICLES, IMMEDIATELY AFTER THE SHORT-TERM ACTIVITY IS COMPLETED. PERMITTEES MUST RE-INSTALL SEDIMENT CONTROL PRACTICES BEFORE THE NEXT PRECIPITATION EVENT EVEN IF THE SHORT-TERM ACTIVITY IS NOT COMPLETE.
- PERMITTEES MUST PROTECT ALL STORM DRAIN INLETS USING APPROPRIATE BMPS DURING CONSTRUCTION UNTIL THEY ESTABLISH PERMANENT COVER ON ALL AREAS WITH POTENTIAL FOR DISCHARGING TO THE INLET.
- PERMITTEES MAY REMOVE INLET PROTECTION FOR A PARTICULAR INLET IF A SPECIFIED SAFETY CONCERN (E.G. STREET FLOODING/FREEZING) IS IDENTIFIED BY THE PERMITTEES.
- PERMITTEES MUST LOCATE STOCKPILES OUTSIDE OF NATURAL BUFFERS OR SURFACE WATER, INCLUDING STORMWATER CONVEYANCES SUCH AS CURB AND GUTTER SYSTEMS UNLESS THERE IS A BYPASS IN PLACE FOR THE STORMWATER.
- PERMITTEES MUST INSTALL A VEHICLE TRACKING BMP TO MINIMIZE THE TRACK OUT OF SEDIMENT FROM THE CONSTRUCTION SITE OR ONTO PAVED ROADS WITHIN THE SITE.
- PERMITTEES MUST USE STREET SWEEPING IF VEHICLE TRACKING BMPS ARE NOT ADEQUATE TO PREVENT SEDIMENT TRACKING ONTO THE STREET.
- IN ANY AREAS OF THE SITE WHERE FINAL VEGETATIVE STABILIZATION WILL OCCUR, PERMITTEES MUST RESTRICT VEHICLE AND EQUIPMENT USE TO MINIMIZE SOIL COMPACTION.
- PERMITTEES MUST PRESERVE TOPSOIL ON THE SITE, UNLESS INFEASIBLE.
- PERMITTEES MUST DIRECT DISCHARGES FROM BMPS TO VEGETATED AREAS UNLESS INFEASIBLE.
- PERMITTEES MUST PRESERVE A 50 FOOT NATURAL BUFFER OR, IF A BUFFER IS INFEASIBLE ON THE SITE, PROVIDE REDUNDANT (DOUBLE) PERIMETER SEDIMENT CONTROLS WHEN A SURFACE WATER IS LOCATED WITHIN 50 FEET OF THE PROJECT'S EARTH DISTURBANCES AND STORMWATER FLOWS TO THE SURFACE WATER. PERMITTEES MUST INSTALL PERIMETER SEDIMENT CONTROLS AT LEAST 5 FEET APART UNLESS LIMITED BY LACK OF AVAILABLE SPACE. NATURAL BUFFERS ARE NOT REQUIRED ADJACENT TO ROAD DITCHES, JUDICIAL DITCHES, COUNTY DITCHES, STORMWATER CONVEYANCE CHANNELS, STORM DRAIN INLETS AND SEDIMENT BASINS. IF PRESERVING THE BUFFER IS INFEASIBLE, PERMITTEES MUST DOCUMENT THE REASONS IN THE SWPPP. SHEET PILING IS A REDUNDANT PERIMETER CONTROL IF INSTALLED IN A MANNER THAT RETAINS ALL STORMWATER.
- PERMITTEES MUST USE POLYMERS, FLOCCULANTS OR OTHER SEDIMENT TREATMENT CHEMICALS IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES, DOSING SPECIFICATIONS AND SEDIMENT REMOVAL DESIGN SPECIFICATIONS PROVIDED BY THE MANUFACTURER OR SUPPLIER. THE PERMITTEES MUST USE CONVENTIONAL EROSION AND SEDIMENT CONTROLS PRIOR TO CHEMICAL ADDITION AND MUST DIRECT TREATED STORMWATER TO A SEDIMENT CONTROL SYSTEM FOR FILTRATION OR SETTLEMENT OF THE FLOC PRIOR TO DISCHARGE.

**INSPECTIONS AND MAINTENANCE**

- PERMITTEES MUST ENSURE A TRAINED PERSON WILL INSPECT THE ENTIRE CONSTRUCTION SITE AT LEAST ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN ½ INCH IN 24 HOURS.
- PERMITTEES MUST INSPECT AND MAINTAIN ALL TEMPORARY AND PERMANENT STORMWATER TREATMENT BMPS.
- PERMITTEES MUST INSPECT ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS AND POLLUTION PREVENTION MANAGEMENT MEASURES TO ENSURE INTEGRITY AND EFFECTIVENESS. PERMITTEES MUST REPAIR, REPLACE OR SUPPLEMENT ALL NONFUNCTIONAL BMPS WITH FUNCTIONAL BMPS BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY UNLESS ANOTHER TIME FRAME IS SPECIFIED. PERMITTEES MAY TAKE ADDITIONAL TIME IF FIELD CONDITIONS PREVENT ACCESS TO THE AREA.
- DURING EACH INSPECTION, PERMITTEES MUST INSPECT SURFACE WATERS, INCLUDING DRAINAGE DITCHES AND CONVEYANCE SYSTEMS BUT NOT CURB AND GUTTER SYSTEMS, FOR EVIDENCE OF EROSION AND SEDIMENT DEPOSITION. PERMITTEES MUST REMOVE ALL DELTAS AND SEDIMENT DEPOSITED IN SURFACE WATERS, INCLUDING DRAINAGE WAYS, CATCH BASINS, AND OTHER DRAINAGE SYSTEMS AND RESTABILIZE THE AREAS WHERE SEDIMENT REMOVAL RESULTS IN EXPOSED SOIL. PERMITTEES MUST COMPLETE REMOVAL AND STABILIZATION WITHIN SEVEN (7) CALENDAR DAYS OF DISCOVERY UNLESS PRECLUDED BY LEGAL, REGULATORY OR PHYSICAL ACCESS CONSTRAINTS. PERMITTEES MUST USE ALL REASONABLE EFFORTS TO OBTAIN ACCESS. IF PRECLUDED, REMOVAL AND STABILIZATION MUST TAKE PLACE WITHIN SEVEN (7) DAYS OF OBTAINING ACCESS. PERMITTEES ARE RESPONSIBLE FOR CONTACTING LOCAL, REGIONAL, STATE AND FEDERAL AUTHORITIES AND RECEIVING ANY APPLICABLE PERMITS, PRIOR TO CONDUCTING ANY WORK IN SURFACE WATERS.
- PERMITTEES MUST INSPECT CONSTRUCTION SITE VEHICLE EXIT LOCATIONS, STREETS AND CURB AND GUTTER SYSTEMS WITHIN AND ADJACENT TO THE PROJECT FOR SEDIMENTATION FROM EROSION OR TRACKED SEDIMENT FROM VEHICLES. PERMITTEES MUST REMOVE SEDIMENT FROM ALL PAVED SURFACES WITHIN ONE (1) CALENDAR DAY OF DISCOVERY OR, IF APPLICABLE, WITHIN A SHORTER TIME TO AVOID A SAFETY HAZARD TO USERS OF PUBLIC STREETS.
- PERMITTEES MUST REPAIR, REPLACE OR SUPPLEMENT ALL PERIMETER CONTROL DEVICES WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES ½ OF THE HEIGHT OF THE DEVICE.
- PERMITTEES MUST DRAIN TEMPORARY AND PERMANENT SEDIMENTATION BASINS AND REMOVE THE SEDIMENT WHEN THE DEPTH OF SEDIMENT COLLECTED IN THE BASIN REACHES ½ THE STORAGE VOLUME.
- PERMITTEES MUST ENSURE THAT AT LEAST ONE INDIVIDUAL PRESENT ON THE SITE (OR AVAILABLE TO THE PROJECT SITE IN THREE (3) CALENDAR DAYS) IS TRAINED IN THE JOB DUTIES DESCRIBED HEREIN. PERMITTEES MAY ADJUST THE INSPECTION SCHEDULE AS FOLLOWS:
  - INSPECTIONS OF AREAS WITH PERMANENT COVER CAN BE REDUCED TO ONCE PER MONTH, EVEN IF CONSTRUCTION ACTIVITY CONTINUES ON OTHER PORTIONS OF THE SITE; OR
  - WHERE SITES HAVE PERMANENT COVER ON ALL EXPOSED SOIL AND NO CONSTRUCTION ACTIVITY IS OCCURRING ANYWHERE ON THE SITE, INSPECTIONS CAN BE REDUCED TO ONCE PER MONTH AND, AFTER 12 MONTHS, MAY BE SUSPENDED COMPLETELY UNTIL CONSTRUCTION ACTIVITY RESUMES; OR
  - WHERE CONSTRUCTION ACTIVITY HAS BEEN SUSPENDED DUE TO FROZEN GROUND CONDITIONS, INSPECTIONS MAY BE SUSPENDED. INSPECTIONS MUST RESUME WITHIN 24 HOURS OF RUNOFF OCCURRING, OR UPON RESUMING CONSTRUCTION, WHICHEVER COMES FIRST.
- PERMITTEES MUST RECORD ALL INSPECTIONS AND MAINTENANCE ACTIVITIES WITHIN 24 HOURS OF BEING CONDUCTED AND THESE RECORDS MUST BE RETAINED WITH THE SWPPP. THESE RECORDS MUST INCLUDE:
  - DATE AND TIME OF INSPECTION
  - NAME OF PERSONS CONDUCTING INSPECTIONS
  - ACCURATE FINDINGS OF INSPECTIONS, INCLUDING THE SPECIFIC LOCATION WHERE CORRECTIVE ACTIONS ARE NEEDED
  - CORRECTIVE ACTIONS TAKEN (INCLUDING DATES, TIMES AND PARTY COMPLETING MAINTENANCE ACTIVITIES)
  - DATE OF ALL RAINFALL EVENTS GREATER THAN ½ INCHES IN 24 HOURS, AND THE AMOUNT OF RAINFALL FOR EACH EVENT. PERMITTEES MUST OBTAIN RAINFALL AMOUNTS BY EITHER A PROPERLY MAINTAINED RAIN GAUGE INSTALLED ONSITE, A WEATHER STATION THAT IS WITHIN ONE (1) MILE OF YOUR LOCATION, OR A WEATHER REPORTING SYSTEM THAT PROVIDED SITE SPECIFIC RAINFALL DATA FROM RADAR SUMMARIES
  - IF PERMITTEES OBSERVE A DISCHARGE DURING THE INSPECTION, THEY MUST RECORD AND SHOULD PHOTOGRAPH AND DESCRIBE THE LOCATION OF THE DISCHARGE (I.E. COLOR, ODOR, SETTLED OR SUSPENDED SOLIDS, OIL SHEEN AND OTHER OBVIOUS INDICATORS OF POLLUTANTS)
  - ANY AMENDMENTS TO THE SWPPP PROPOSED AS A RESULT OF THE INSPECTION MUST BE DOCUMENTED WITH SEVEN (7) CALENDAR DAYS.













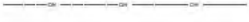





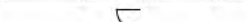

**POLLUTION PREVENTION MANAGEMENT**

- PERMITTEES MUST PLACE BUILDING PRODUCTS AND LANDSCAPE MATERIALS UNDER COVER (E.G. PLASTIC SHEETING OR TEMPORARY ROOFS) OR PROTECT THEM BY SIMILARLY EFFECTIVE MEANS DESIGNED TO MINIMIZE CONTACT WITH STORMWATER. PERMITTEES ARE NOT REQUIRED TO COVER OR PROTECT PRODUCTS WHICH ARE EITHER NOT A SOURCE OF CONTAMINATION TO STORMWATER OR ARE DESIGNED TO BE EXPOSED TO STORMWATER.
- PERMITTEES MUST PLACE PESTICIDES, FERTILIZERS AND TREATMENT CHEMICALS UNDER COVER (E.G. PLASTIC SHEETING OR TEMPORARY ROOFS) OR PROTECT THEM BY SIMILAR MEANS DESIGNED TO MINIMIZE CONTACT WITH STORMWATER.
- PERMITTEES MUST STORE HAZARDOUS MATERIALS AND TOXIC WASTE (INCLUDING OIL, DIESEL FUEL, GASOLINE, HYDRAULIC FLUIDS, PAINT SOLVENTS, PETROLEUM-BASED PRODUCTS, WOOD PRESERVATIVES, ADDITIVES, CURING COMPOUNDS AND ACIDS) IN SEALED CONTAINERS TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. STORAGE INCLUDES SECONDARY CONTAINMENT AS APPLICABLE.
- PERMITTEES MUST PROPERLY STORE, COLLECT AND DISPOSE SOLID WASTE.
- PERMITTEES MUST TAKE REASONABLE STEPS TO PREVENT THE DISCHARGE OF SPILLED OR LEAKED CHEMICALS, INCLUDING FUEL, FROM ANY AREA WHERE CHEMICALS OR FUEL WILL BE LOADED OR UNLOADED INCLUDING THE USE OF DRIP PANS OR ABSORBENTS UNLESS INFEASIBLE. PERMITTEES MUST ENSURE ADEQUATE SUPPLIES ARE AVAILABLE AT ALL TIMES TO CLEAN UP DISCHARGED MATERIALS AND THAT AN APPROPRIATE DISPOSAL METHOD IS AVAILABLE FOR RECOVERED SPILLED MATERIALS. PERMITTEES MUST REPORT AND CLEAN UP SPILLS IMMEDIATELY USING DRY CLEAN UP MEASURES WHERE POSSIBLE.
- PERMITTEES MUST LIMIT VEHICLE EXTERIOR WASHING AND EQUIPMENT TO A DEFINED AREA OF THE SITE. PERMITTEES MUST CONTAIN RUNOFF FROM THE WASHING AREA IN A SEDIMENT BASIN OR OTHER SIMILARLY EFFECTIVE CONTROLS AND MUST DISPOSE WASTE FROM THE WASHING ACTIVITY PROPERLY. PERMITTEES MUST PROPERLY USE AND STORE SOAPS, DETERGENTS OR SOLVENTS.
- PERMITTEES MUST PROVIDE EFFECTIVE CONTAINMENT FOR ALL LIQUID AND SOLID WASTE GENERATED BY WASHOUT OPERATIONS (E.G. CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS) RELATED TO THE CONSTRUCTION ACTIVITIES. PERMITTEES MUST PREVENT LIQUID AND SOLID WASHOUT WASTES FROM CONTACTING THE GROUND AND MUST DESIGN THE CONTAINMENT SO IT DOES NOT RESULT IN RUNOFF FROM THE WASHOUT OPERATIONS OR AREAS. PERMITTEES MUST PROPERLY DISPOSE LIQUID AND SOLID WASTES IN COMPLIANCE WITH LOCAL REGULATIONS. PERMITTEES MUST INSTALL A SIGN INDICATING THE LOCATION OF THE WASHOUT FACILITY.
- PORTABLE CONSTRUCTION TOILETS SHALL BE SECURED TO PREVENT TIPPING OR SPILLAGE.

**PERMIT TERMINATION CONDITIONS**

- PERMITTEES MUST COMPLETE ALL CONSTRUCTION ACTIVITY AND MUST INSTALL PERMANENT COVER OVER ALL AREAS PRIOR TO SUBMITTING THE NOT. VEGETATIVE COVER MUST CONSIST OF A UNIFORM PERENNIAL VEGETATION WITH A DENSITY OF 70 PERCENT OF ITS EXPECTED FINAL GROWTH. VEGETATION IS NOT REQUIRED WHERE THE FUNCTION OF A SPECIFIC AREA DICTATES NO VEGETATION, SUCH AS IMPERVIOUS SURFACES OR THE BASE OF A SAND FILTER.
  - PERMITTEES MUST CLEAN THE PERMANENT STORMWATER TREATMENT SYSTEM OF ANY ACCUMULATED SEDIMENT AND MUST ENSURE THE SYSTEM MEETS ALL APPLICABLE REQUIREMENTS AND IS OPERATING AS DESIGNED.
  - PERMITTEE MUST REMOVE ALL SEDIMENT FROM CONVEYANCE SYSTEMS PRIOR TO SUBMITTING THE NOT.
  - PERMITTEES MUST REMOVE ANY SYNTHETIC EROSION PREVENTION AND SEDIMENT CONTROL BMPS PRIOR TO SUBMITTING THE NOT. PERMITTEES MAY LEAVE BMPS DESIGNED TO DECOMPOSE ONSITE IN PLACE.
  - FOR CONSTRUCTION PROJECTS ON AGRICULTURAL LAND (E.G. PIPELINES ACROSS CROPLAND), PERMITTEES MUST RETURN DISTURBED LAND TO ITS PRE-CONSTRUCTION AGRICULTURAL USE PRIOR TO SUBMITTING THE NOT.
- RECORD KEEPING**
- PERMITTEES MUST KEEP THE SWPPP, INCLUDING ALL CHANGES TO IT, AND INSPECTIONS AND MAINTENANCE RECORDS AT THE SITE DURING NORMAL WORKING HOURS BY PERMITTEES WHO HAVE OPERATIONAL CONTROL OF THAT PORTION OF THE SITE.

**LEGEND:**

-  EXISTING PARCEL LINE
-  EXISTING RIGHT OF WAY
-  EXISTING EDGE OF ASPHALT
-  EXISTING EDGE OF GRAVEL ROAD
-  EXISTING FENCE
-  EXISTING MAJOR CONTOUR
-  EXISTING MINOR CONTOUR
-  EXISTING CULVERT
-  EXISTING GAS LINE
-  EXISTING FIBER OPTIONS LINE
-  EXISTING OVERHEAD POWER
-  EXISTING TELEPHONE
-  EXISTING UTILITY POLE
-  EXISTING TELEPHONE PEDESTAL
-  PROPOSED GRAVEL ROAD
-  PROPOSED FENCE
-  PROPOSED GATE
-  PROPOSED EQUIPMENT PAD
-  PROPOSED ARRAYS
-  PROPOSED UTILITY POLE



**PRELIMINARY**

**NOT FOR CONSTRUCTION**

REVISIONS		
NO.	DATE	DESCRIPTION
0	01/28/2022	CONDITIONAL USE PERMIT
1	03/07/2022	SH FT SITE TO THE NORTH

PROJECT

**STURGEON GARDEN LLC (03895405)**  
 SRC POI: 44:3834°, -92:5713°  
 GOODHUE COUNTY, MN

SHEET NAME  
**EROSION & SEDIMENT CONTROL NOTES & LEGEND**

SHEET NUMBER  
**C001**

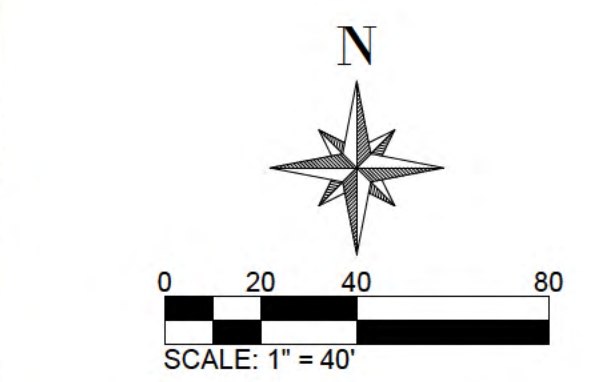
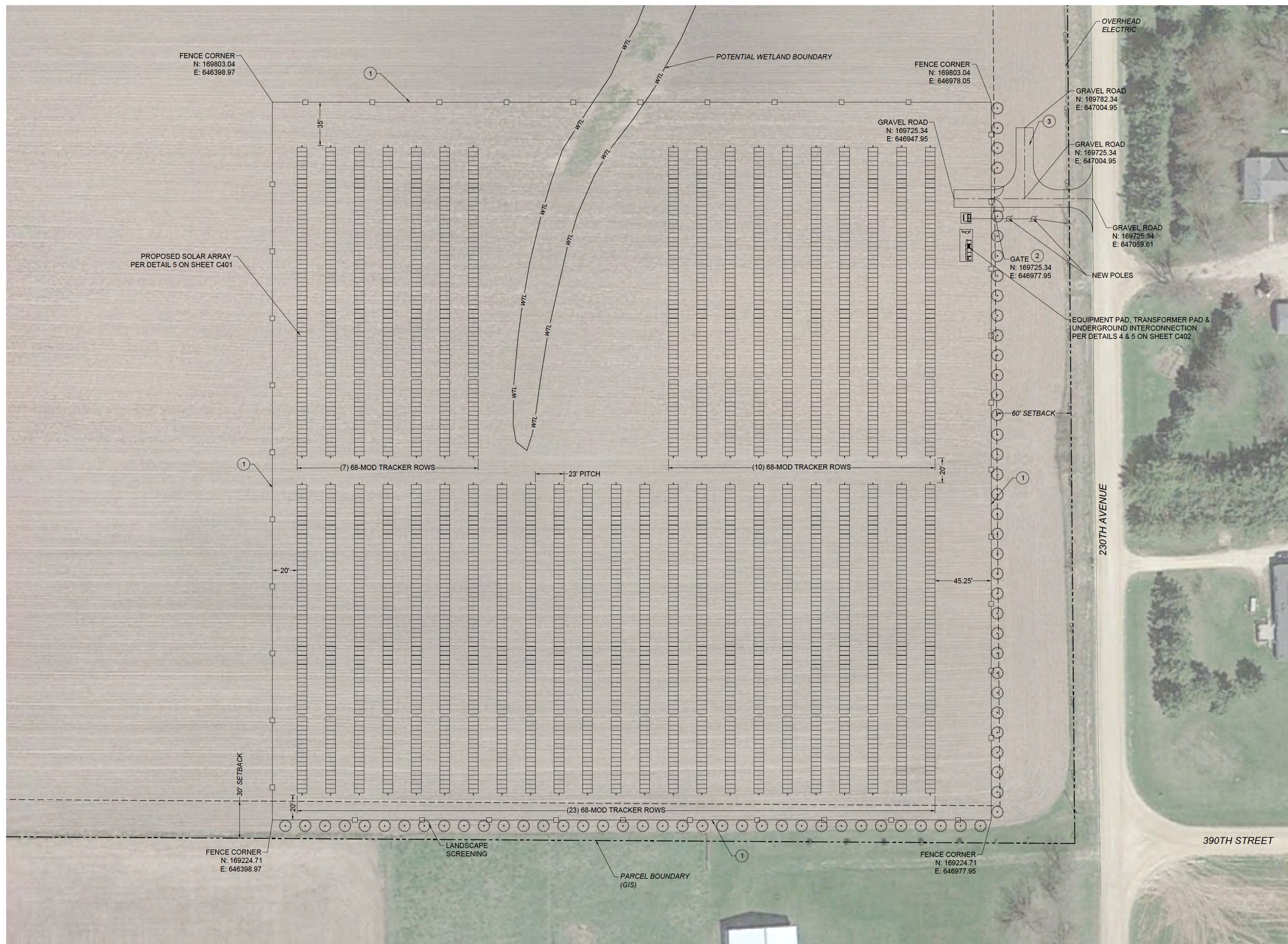
SHEET SIZE  
 22"x34"

REVISION  
**1**

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

*Sarah Smedley*

SARAH SMEDLEY, MINNESOTA LICENSE NO. 52904  
 DATE OF SIGNATURE: MARCH 7, 2022



- CONSTRUCTION NOTES**
- ① CONSTRUCT 7' GAME FENCE PER DETAIL 1 & 2 ON SHEET C401
  - ② CONSTRUCT 16' WIDE DRIVE GATE PER DETAIL 3 ON SHEET C401
  - ③ CONSTRUCT 14' WIDE GRAVEL ACCESS ROAD PER DETAIL 4 ON SHEET C401

ENGINEER  
 MERIDIEM ENGINEERING

UTILITY  
 Xcel Energy™

OWNER/DEVELOPER  
 NOKOMIS ENERGY

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

**REVISIONS**

NO.	DATE	DESCRIPTION
0	01/28/2022	CONDITIONAL USE PERMIT
1	03/07/2022	SH FT SITE TO THE NORTH

PROJECT  
**STURGEON GARDEN LLC (03895405)**  
 SRC POI: 44.3834°, -92.5713°  
 GOODHUE COUNTY, MN

SHEET NAME  
**SITE PLAN**

SHEET NUMBER  
**C201**

SHEET SIZE  
 22"x34"

REVISION  
**1**

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

*Sarah Smedley*  
 SARAH SMEDLEY, MINNESOTA LICENSE NO. 52904  
 DATE OF SIGNATURE: MARCH 7, 2022

# Seeding Plan Example

## PERMANENT SEEDING NOTES:

ARRAY AREA SEED MIX - TOTAL 1.22 ACRES			
COMMON NAME	SCIENTIFIC NAME	RTP MIX	PLS (LB/ACR)
LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM	48.00	5.52
SIDE OATS GRAMA	BOUTELOLOA CURTIPENDULA	33.00	3.86
BLUE GRAMA	BOUTELOLOA GRACILIS	7.75	0.93
REVENUE SLENDER WHEATGRASS	ELYMIUS TRACHYCAULUM	4.00	0.48
SILKY WILD RYE	ELYMIUS VILLOSIUS	3.50	0.42
KALM'S BROOME	BROMUS KALMI	2.00	0.24
POVERTY OATGRASS	DANTHONIA SPICATA	2.00	0.24
JUNE GRASS	KOeleria MACRANTHA	1.50	0.18
PLAINS OVAL SEDGE	CAREX BREVIOR	0.25	0.03

OPEN AREA POLLINATOR SEED MIX - TOTAL 4.88 ACRES			
COMMON NAME	SCIENTIFIC NAME	RTP MIX	PLS (LB/ACR)
PURPLE PRAIRIE CLOVER	GALIA PURPUREA	25.00	5.00
BLACK EYED SUSAN	RUDEBECKIA HIRTA	16.00	5.12
GOLDEN ALEXANDER	ZIZIA AUREA	12.00	3.84
LEADPLANT	AMORPHIA CANESCENS	9.00	2.88
PARTRIDGE PEA	CHAMAECRISTA FASCICULATA	8.00	2.56
HOARY VERVAIN	VERBENA STRICTA	5.00	1.60
THIMBLEWEED	ANEMONE CYLINDRICA	5.00	1.60
WHITE PRAIRIE CLOVER	AQUILEGIA CANADENSIS	4.00	1.28
WILD LUPINE	LUPINUS PERENNIS	3.00	0.96
LONG-HEADED CONEFLOWER	RATIBIDA COLUMNIFERA	2.25	0.72
COLUMBINE	AQUILEGIA CANADENSIS	2.00	0.64
PRAIRIE ROSE	ROSA ARKANSANA	2.00	0.64
YARROW	ACHILLEA MILEFOLIUM	2.00	0.64
BUTTERFLY MILWEED	ASCLEPIAS TUBEROSA	2.00	0.64
PRAIRIE ONION	ALLIUM STELLATUM	1.00	0.32
CALICO ASTER	SYMPHYOTRICHUM LATERIFLORUM	1.00	0.32
STIFF TOPSEED	COREOPSIS PALMATA	0.50	0.16
GRAY GOLDENROD	SOLIDAGO MEMORIALIS	0.25	0.08

## SEED

- SEED TO BE AS IDENTIFIED ON THE PLANTING PLAN.
- CONTRACTOR TO PROVIDE UNIFORMLY BLENDED SEED MIXES AS REQUIRED BY THE CONTRACT AND MEETING THE REQUIREMENTS OF THE PROJECT.
- MINIMUM PURE LIVE SEED (PLS): CONTRACTOR TO PROVIDE SEED MEETING THE MINIMUM PURITY AND GERMINATION REQUIREMENTS FOR CERTIFICATION IN ACCORDANCE WITH THE SEED CERTIFICATION STANDARD ON FILE WITH THE APPROPRIATE SEED CERTIFYING AGENCY.
- PROVIDE SEED TESTED IN ACCORDANCE WITH THE OFFICIAL RULES FOR TESTING ON FILE WITH THE AOSA AND MEETING THE MINIMUM GERMINATION REQUIREMENTS AS STATED ABOVE. PLANT SEED WITHIN 12 MONTHS OF VIABILITY TESTING EXCLUSIVE OF THE MONTH THE TEST WAS COMPLETED.
- LABEL EACH CONTAINER OF SEED WITH THE FOLLOWING INFORMATION:
  - TOTAL PLS WEIGHT FOR THE CONTAINER
  - NET WEIGHT FOR THE CONTAINER
  - AREA COVERED BY THE AMOUNT OF SEED IN THE BAG WHEN APPLIED AT THE RATE SPECIFIED FOR THAT MIX ON THE PLANTING PLAN
- LIST THE FOLLOWING INFORMATION FOR EACH MIX COMPONENT THAT IS 5 PERCENT OR LESS OF THE SEED MIX:
  - SPECIES
  - VARIETY
  - ORIGIN
  - PURE SEED (%)
  - HARD (DORMANT) SEED (%)
  - PLS (%) FOR EACH COMPONENT
- ATTACH APPLICABLE CERTIFICATION TAGS FROM APPROPRIATE SEED CERTIFYING AGENCIES TO EACH BAG CONTAINING CERTIFIED SEED OR PROVIDE A CERTIFICATION CERTIFICATE WITH THE CERTIFIED SEED.

## GENERAL INSTALLATION OF SEED

### 8. SEEDING IDENTIFIED SEED MIXES

- SEED IDENTIFIED SEED MIXES WITH A SEED DRILLER, A DROP TYPE SEEDER, OR A HYDRO SEEDER UNIFORMLY AT THE ADJUSTED BULK APPLICATION RATE OF EACH SEED MIX. USE A DRILL CAPABLE OF ACCURATELY METERING THE TYPES OF SEED PLANTED AND CAPABLE OF MAINTAIN A UNIFORM MIXTURE OF SEEDS DURING DRILLING. USE A DRILL WITH DISK FURROW OPENERS AND A PACKER ASSEMBLY TO COMPACT THE SOIL DIRECTLY OVER THE DRILL ROW. SEED SEED MIXES IN ROWS SPACED NO GREATER THAN 8 INCHES APART. PLACE SEEDS TO A FINAL PLANTING DEPTH FROM 1/8 INCH TO 3/8 INCH. PERFORM DRILL SEEDING AT A RIGHT ANGLE TO SURFACE DRAINAGE. A DROP TYPE SEEDER EQUIPPED WITH A SEPARATE SEED BOX FOR THE FLUFFY SEED AND A SOIL PACKER ASSEMBLY MAY BE USED IN LIEU OF A DRILL WITH DISC OPENERS. USE A CYCLONE OR SPINNER TYPE SEEDER ON AREAS NO GREATER THAN ONE ACRE OR ON AREAS INACCESSIBLE TO OTHER EQUIPMENT, AS APPROVED BY THE OWNER.
- USE BLOWER EQUIPMENT TO PLACE TYPE 1 MULCH AT A TARGET APPLICATION RATE OF 2 TON PER ACRE. APPLY THE MULCH AT AN ACTUAL RATE AS DIRECTED BY THE OWNER TO MATCH PROJECT CONDITIONS. APPLY THE MULCH MATERIAL TO ENSURE 90 PERCENT COVERAGE OF THE SOIL SURFACE.
- ANCHOR MULCH WITH A DISK ANCHORING TOOL AS REQUIRED IMMEDIATELY AFTER PLACEMENT UNLESS OTHERWISE APPROVED BY THE OWNER. PUNCH THE MULCH INTO THE SOIL TO A DEPTH FROM 2 INCHES TO 3 INCHES. SPACE THE BLADES AND DISCS ON THE ANCHORING TOOL NO GREATER THAN 8 INCHES APART.

- CONTRACTOR TO PROVIDE METHOD OF SEED INSTALLATION TO OWNER FOR APPROVAL PRIOR TO INSTALLING SEED.

4 EROSION CONTROL BLANKET  
SCALE: N.T.S. VIEW: PLAN & SECTION

## EROSION CONTROL BLANKET NOTES:

- BIODEGRADABLE, OPEN WEAVE BLANKET SHOULD CONSIST OF A UNIFORM WEB OF INTERLOCKING FIBERS WITH NET BACKING. THE BLANKET SHOULD HAVE UNIFORM THICKNESS. THE BLANKET SHOULD BE POROUS ENOUGH TO PROMOTE PLANT GROWTH YET SHIELD THE UNDERLYING SOIL FROM SURFACE EROSION. ALL BLANKET MATERIALS SHOULD BE PROPERLY CURED AND SMOLDER RESISTANT. FOR THIS SPECIFIC SITE A CATEGORY 1 EROSION-CONTROL BLANKET CAN BE USED.
- FOR BLANKET CONSISTING OF 3-INCH MATERIAL FIBERS, THE BLANKET SHOULD BE FASTENED TOGETHER AT A SPACING NOT TO EXCEED 2 INCHES.
- STAPLES USED TO ANCHOR THE CATEGORY 1&2 BLANKETS USED SHOULD BE U-SHAPED, 11 GAUGE OR HEAVIER STEEL WIRE HAVING A SPAN WIDTH OF 1 INCH AND A LENGTH OF 6 INCHES OR MORE FROM TOP TO BOTTOM AFTER BENDING.
- THE INSTALLATION PATTERN AND SPACING OF ANCHORING DEVICES SHOULD VARY ACCORDING TO THE SPECIFIED PRODUCT, SLOPE AND SOIL TYPE. AT MINIMUM, THE BLANKETS SHOULD BE INSTALLED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS AND INCREASED BASED ON SITE CONDITIONS.
- REFER TO MINNESOTA'S CONSTRUCTION SITE EROSION & SEDIMENT CONTROL MANUAL TABLE 6.55-2 SLOPED SURFACE SHOULD BE FREE OF ROCKS, STICKS AND GRASS. BLANKETS SHOULD HAVE DIRECT CONTACT WITH THE SOIL.
- APPLY PERMANENT SEEDING BEFORE PLACING BLANKETS LOOSELY. THEN STAKE OR STAPLE TO MAINTAIN DIRECT CONTACT WITH THE SOIL. DO NOT STRETCH.
- IF INCLEMENT WEATHER IS IMMINENT AND AT THE END OF EACH WORK DAY, THE BLANKET SHOULD BE INSPECTED AND RESTORED TO RECOMMENDED STANDARDS TO ENSURE MINIMAL SOIL LOSS FROM EROSION.

## MULCHING NOTES:

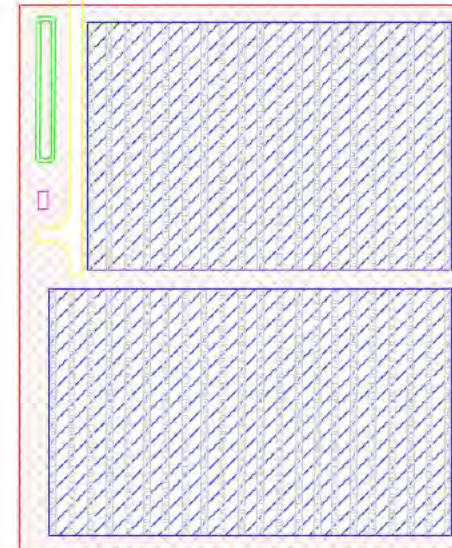
- MULCHING WILL TAKE PLACE AFTER THE PERMANENT SEEDING OCCURS.
- MULCH SHOULD BE PLACED ANYWHERE THE GROUND HAS BEEN DISTURBED AND SEEDING THAT DOES NOT MEET THE REQUIREMENTS TO HAVE AN EROSION CONTROL BLANKET OR IS SOIL WILL BE EXPOSED FOR A LONG PERIOD OF TIME BEFORE BEING COVERED WITH THE EROSION CONTROL BLANKET.
- MULCH PROVIDES CONTINUOUS MOISTURE AND PROTECTS SOIL PARTICLES FROM BEING ERODED FROM RAIN, WIND OR SNOW.
- MULCH ALSO CAN BE USED FOR TEMPORARY WORK LAY DOWN AREAS.

## Legend

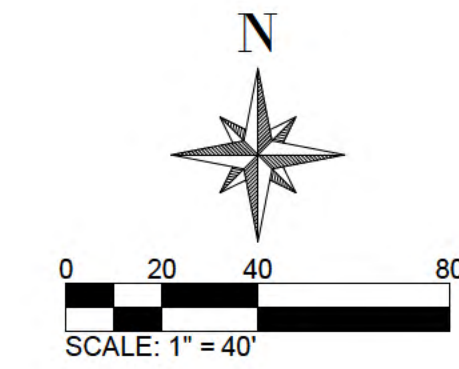
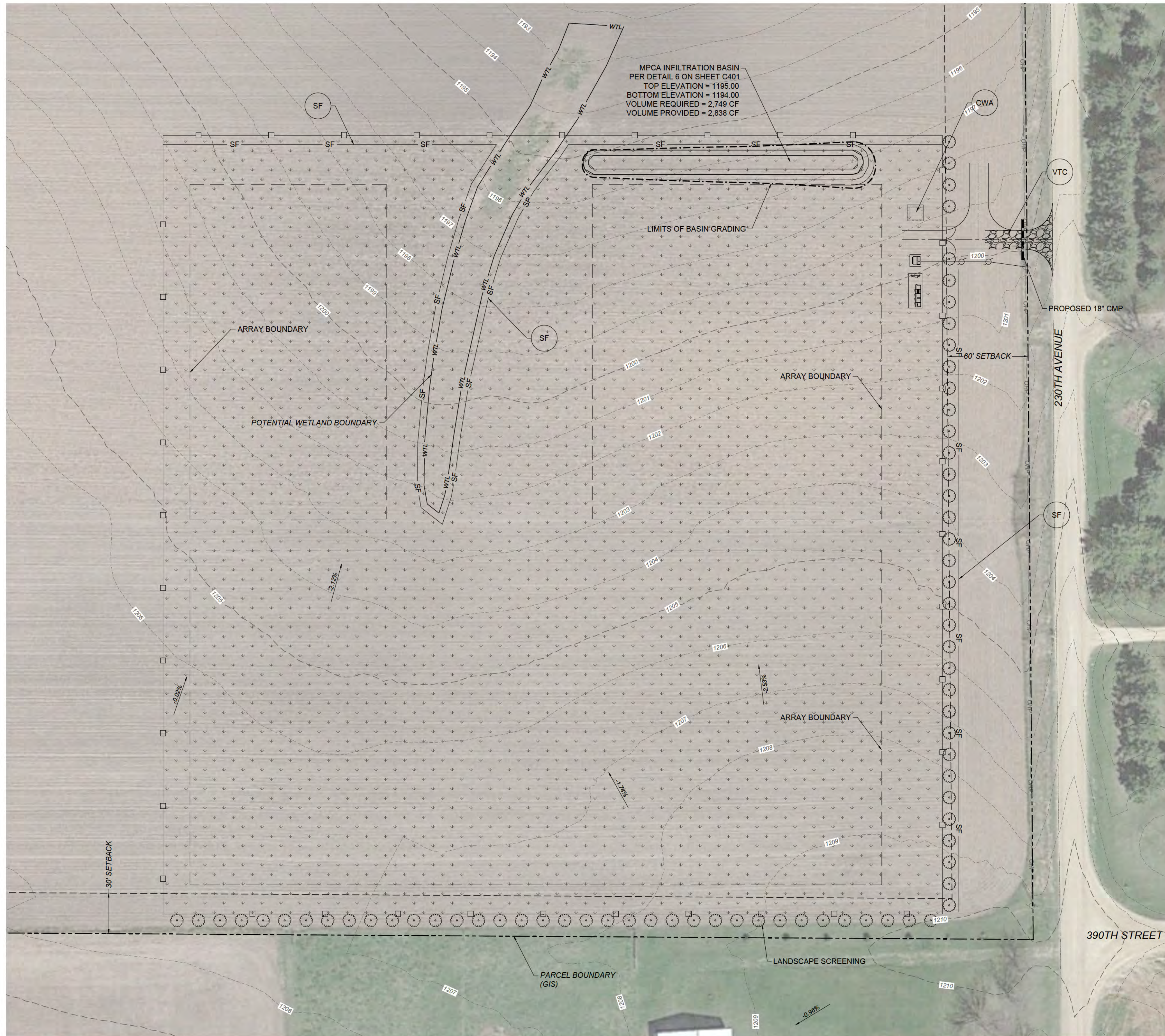


- Array Area Seed Mix




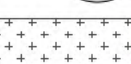
- Open Area Pollinator Seed Mix



## Solar Garden



**BMP LEGEND**

-  CONCRETE WASTE AREA PER DETAIL 1 ON SHEET C402
-  SILT FENCE PER DETAIL 2 ON SHEET C402
-  VEHICLE TRACKOUT CONTROL PER DETAIL 3 ON SHEET C402
-  NATIVE SEEDING - TO INCLUDE NATIVE POLLINATORS AND GRASSES

**NOTE:**

TOTAL AREA OF DISTURBANCE DUE TO GRADING, PILES, PADS & ROAD = 0.20 AC

ENGINEER  
  
 UTILITY  
  
 OWNER/DEVELOPER  


**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

REVISIONS	
NO.	DESCRIPTION
0	01/28/2022 CONDITIONAL USE PERMIT
1	03/07/2022 SH FT SITE TO THE NORTH

PROJECT  
**STURGEON GARDEN LLC (03895405)**  
 SRC POI: 44.3834°, -92.5713°  
 GOODHUE COUNTY, MN

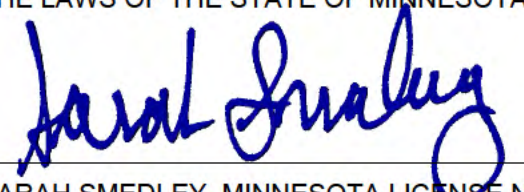
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**GRADING & EROSION CONTROL PLAN**

SHEET NUMBER  
**C301**

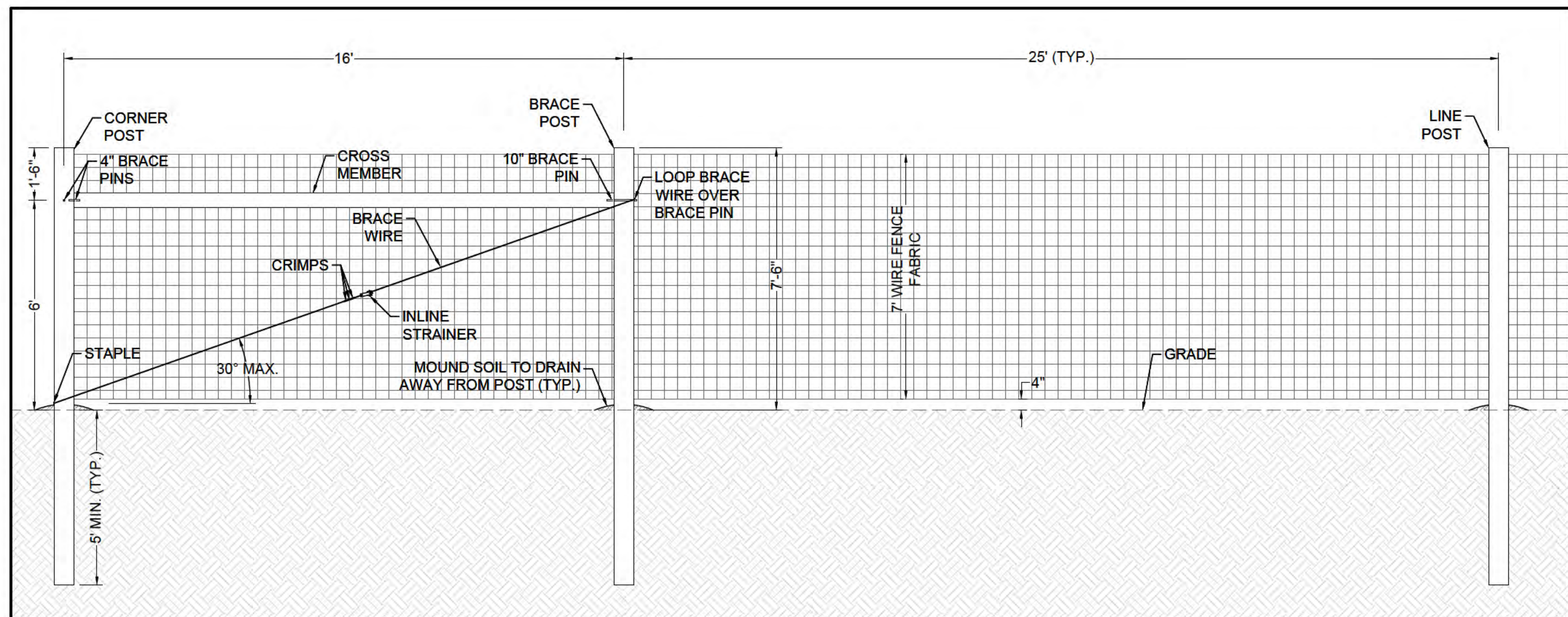
SHEET SIZE  
 22"x34"

REVISION  
**1**

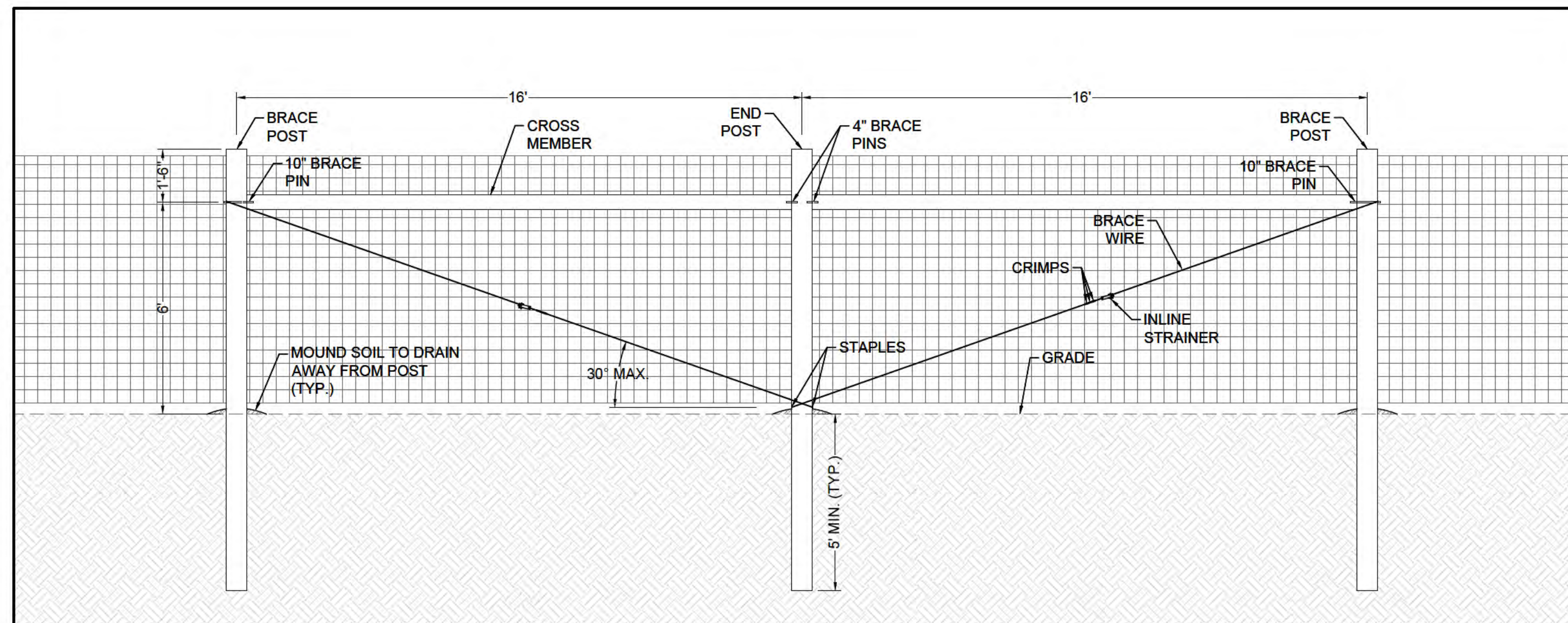
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 SARAH SMEDLEY, MINNESOTA LICENSE NO. 52904  
 DATE OF SIGNATURE: MARCH 7, 2022

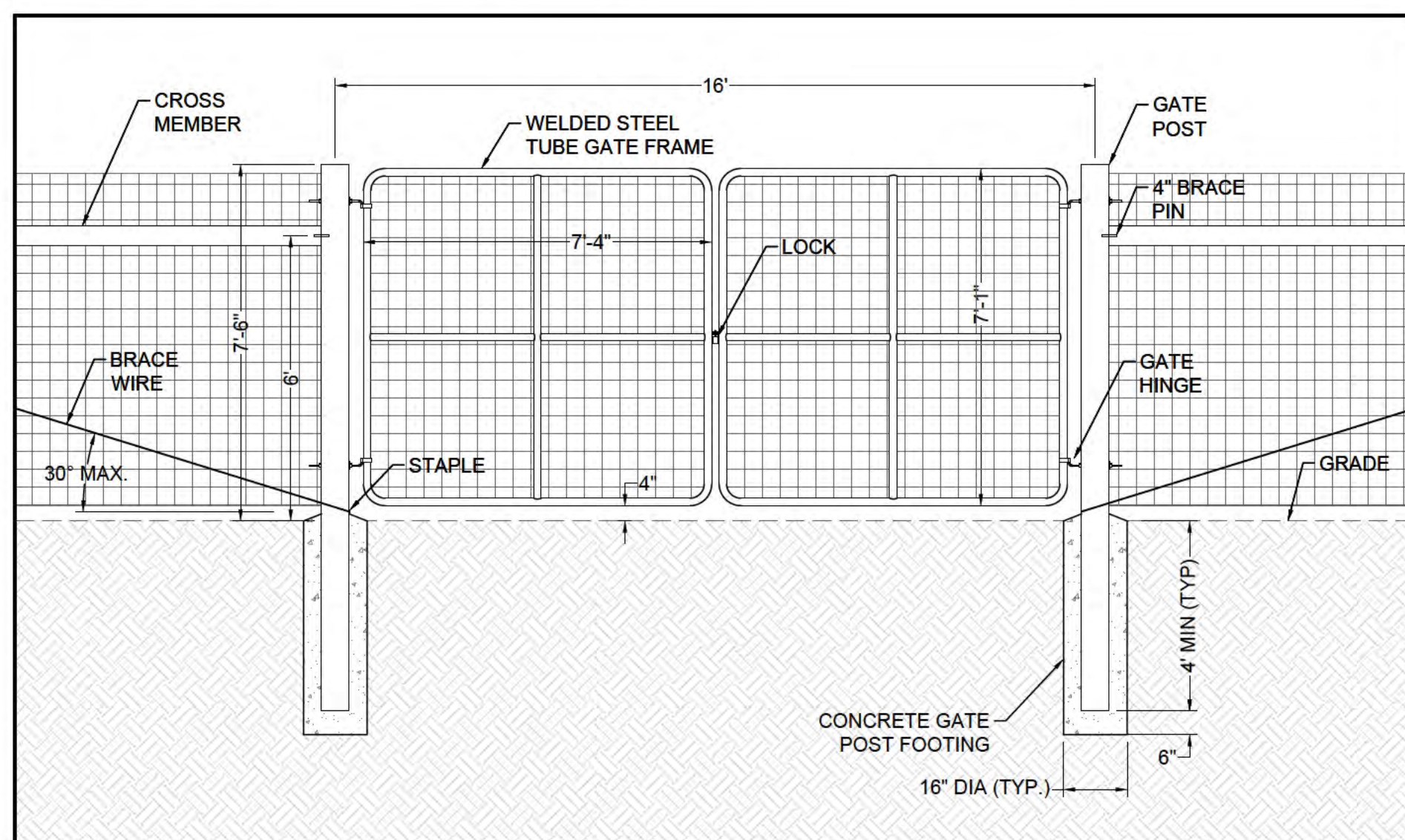
Plotted: 3/7/2022 4:15 PM By: Sarah Smedley



**1 PERIMETER GAME FENCE**  
SCALE: 1"=3' VIEW: ELEVATION



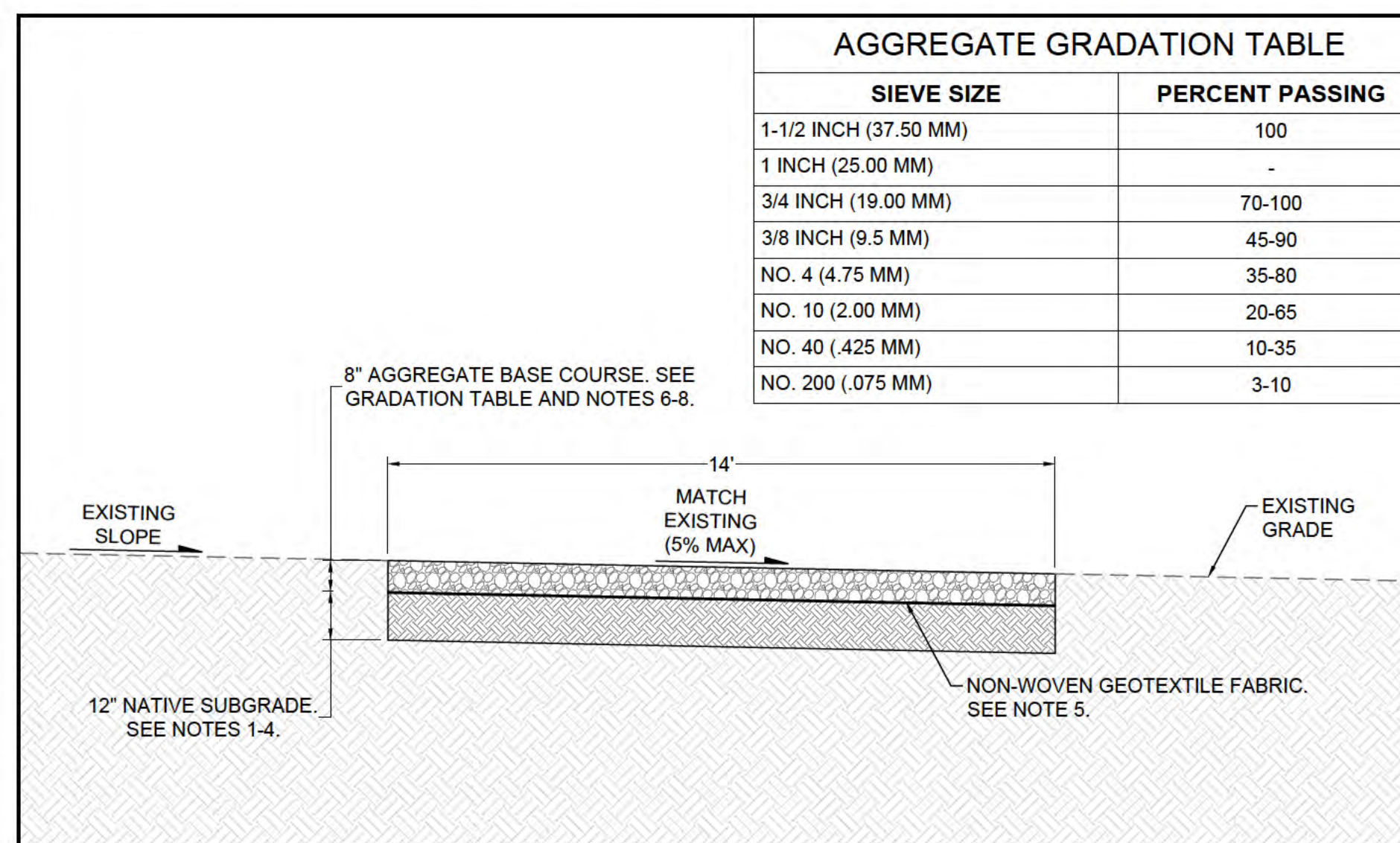
**2 GAME FENCE BRACE PANEL**  
SCALE: 1"=3' VIEW: ELEVATION



**3 DRIVE GATE**  
SCALE: 1"=3' VIEW: ELEVATION

**GAME FENCE & GATE NOTES**

- FENCE DESIGN SHALL COMPLY WITH THE SPECIFICATIONS OF SECTION 110.31 "ENCLOSURE FOR ELECTRICAL INSTALLATIONS" FROM THE LATEST VERSION OF THE NATIONAL ELECTRIC CODE.
- ALL HARDWARE, FENCE FABRIC AND OTHER METAL COMPONENTS SHALL BE HOT-DIP GALVANIZED IN ACCORDANCE WITH ASTM A123.
- FENCE FABRIC SHALL BE 12-1/2 GAUGE HIGH TENSILE CLASS 3 WELDED WIRE MESH WITH 4" OPENINGS.
- SOFTWOOD POSTS SHALL BE PRESSURE TREATED WITH CHROMATE COPPER ARSENATE WITH A MINIMUM LEVEL OF 0.40%. HARDWOOD POSTS DO NOT REQUIRE TREATMENT.
- VERTICAL POSTS (CORNER, BRACE, LINE, END, AND GATE) SHALL BE 7" DIAMETER HARDWOOD OR TREATED SOFTWOOD.
- CROSS MEMBERS SHALL BE 5" DIAMETER WOOD POSTS.
- BRACE PINS SHALL BE 1/2" DIAMETER OR GREATER.
- BRACE WIRE SHALL BE DOUBLE WRAPPED 12-1/2 GAUGE HI-TENSILE WIRE.
- STAPLES SHALL BE 1-3/4" DOUBLE BARBED SPACED AT 12" MAX.
- BRACE SECTIONS SHALL BE USED AT TERMINAL AND ANGLE POINTS AND WHERE THE DISTANCE BETWEEN BRACED SECTIONS EXCEEDS 1320'.
- GATES ALONG THE PERIMETER SHALL HAVE HEAVY DUTY BOLT-CUTTER RESISTANT PADLOCKS



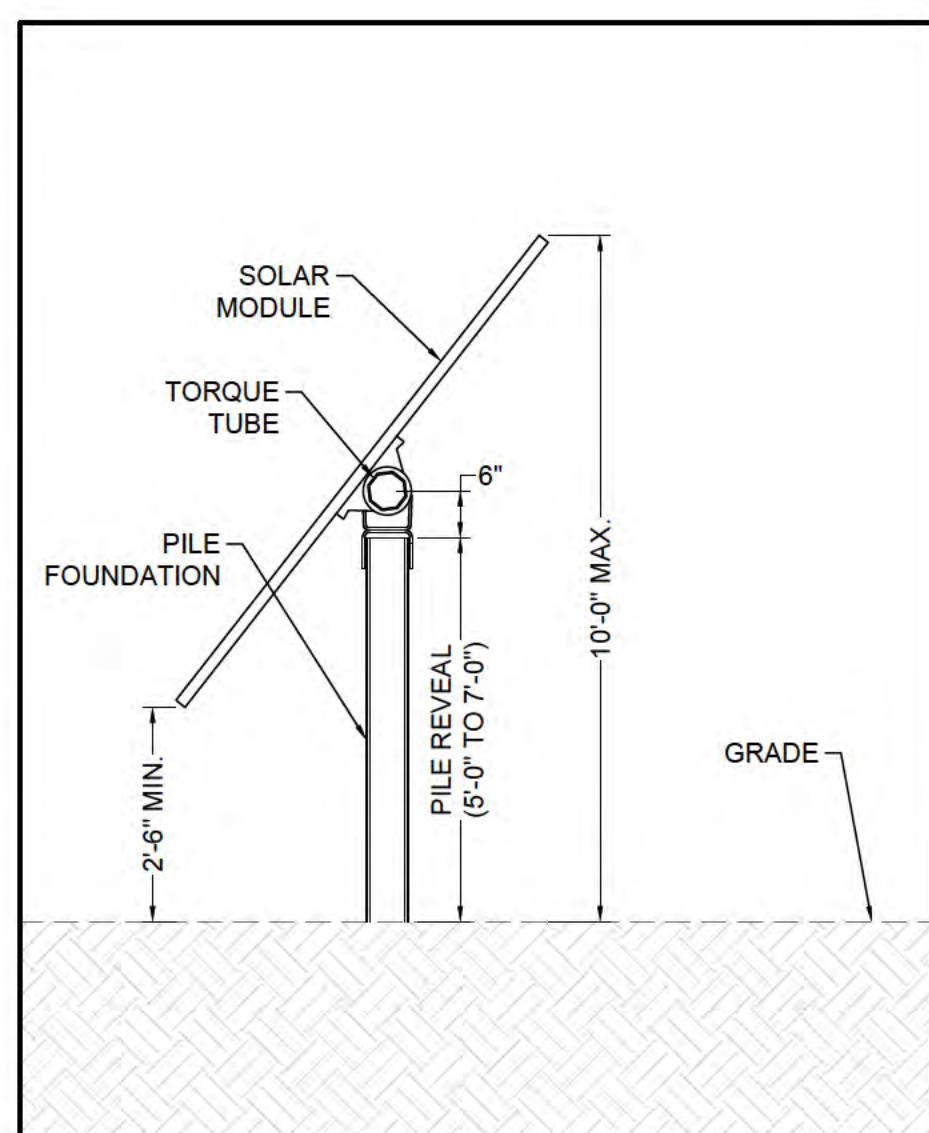
**4 AT-GRADE ACCESS ROAD**  
SCALE: 1"=3' VIEW: SECTION

**AGGREGATE GRADATION TABLE**

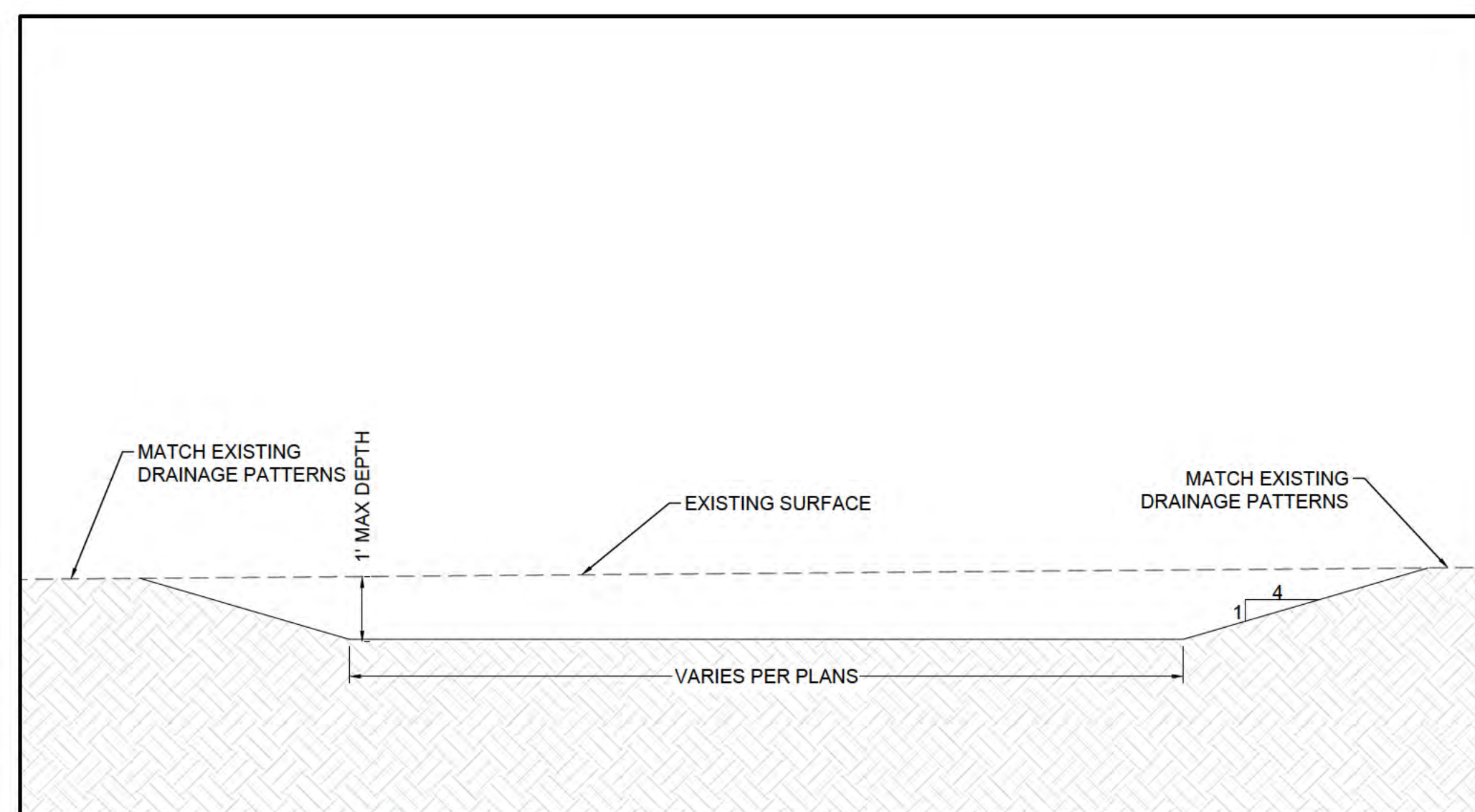
SIEVE SIZE	PERCENT PASSING
1-1/2 INCH (37.50 MM)	100
1 INCH (25.00 MM)	-
3/4 INCH (19.00 MM)	70-100
3/8 INCH (9.5 MM)	45-90
NO. 4 (4.75 MM)	35-80
NO. 10 (2.00 MM)	20-65
NO. 40 (.425 MM)	10-35
NO. 200 (.075 MM)	3-10

**ACCESS ROAD NOTES**

- SOIL PREPARATION SHALL INCLUDE THE REMOVAL OF EXISTING VEGETATION, CULTIVATED SOIL, TOPSOIL, AND OTHER SOFT, UNSUITABLE OR DELETERIOUS MATERIAL AND CLDS OR FRAGMENTS LARGER THAN 3" IN ANY DIMENSION.
- NATIVE MATERIAL SHALL BE SCARIFIED TO THE FULL DEPTH OF THE SUBGRADE AND MIXED TO ACHIEVE UNIFORM MOISTURE CONTENT AT ±3% OF OPTIMUM AND RECOMPACTED TO 95% OF THE MAXIMUM DRY DENSITY USING STANDARD PROCTOR METHOD (ASTM-D698).
- THE COMPACTED SUBGRADE SHALL BE PROOF ROLLED AND SOFT OR UNYIELDING AREAS OR LOW POINTS WHICH MAY COLLECT WATER SHALL BE REPAIRED IN PLACE BY ADDITIONAL DENSIFICATION/COMPACTION, OR REPLACED WITH ENGINEERED FILL.
- IF FROZEN SOILS ARE ENCOUNTERED THEY SHALL BE REMOVED AND REPLACED WITH SUITABLE FILL PRIOR TO PLACING SUBGRADE OR SURFACE MATERIAL.
- PROTRUDING SHARP OBJECTS SHALL BE REMOVED FROM THE FINISHED SUBGRADE PRIOR TO PLACING THE GEOTEXTILE.
- SURFACE AGGREGATE SHALL CONFORM TO MNDOT STANDARD SPEC 3138.
- AGGREGATES SHALL BE FREE FROM LARGE QUANTITIES OF DUST, SOFT OR FLAKY PARTICLES, LOAMS, ALKALI, ORGANIC MATTER, PAPER, WOOD, OR OTHER DELETERIOUS MATTER.
- SURFACE AGGREGATE SHALL BE COMPACTED TO 95% MAXIMUM DRY DENSITY AT ±3% OF THE OPTIMUM MOISTURE CONTENT USING STANDARD PROCTOR METHOD (ASTM-D698).
- UPON COMPLETION OF CONSTRUCTION THE ROAD SURFACE SHALL BE INSPECTED FOR FINISHING AND ANY LOW POINTS SHALL BE RESTORED TO FINISHED GRADE AND TEMPORARY ROADS UTILIZED DURING CONSTRUCTION SHALL BE REMOVED AND RESTORED TO PRE-CONSTRUCTION CONDITION.



**5 SINGLE-AXIS TRACKER**  
SCALE: 1"=2' VIEW: ELEVATION



**6 INFILTRATION BASIN**  
SCALE: 1"=2' VIEW: SECTION

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**REVISIONS**

NO.	DATE	DESCRIPTION
0	01/28/2022	CONDITIONAL USE PERMIT
1	03/07/2022	SH FT SITE TO THE NORTH

PROJECT

**STURGEON GARDEN LLC (03895405)**  
SRC POI: 44.3834°, -92.5713°  
GOODHUE COUNTY, MN

SHEET NAME  
**DETAILS 1**

SHEET NUMBER  
**C401**

SHEET SIZE  
22"x34"

REVISION  
**1**

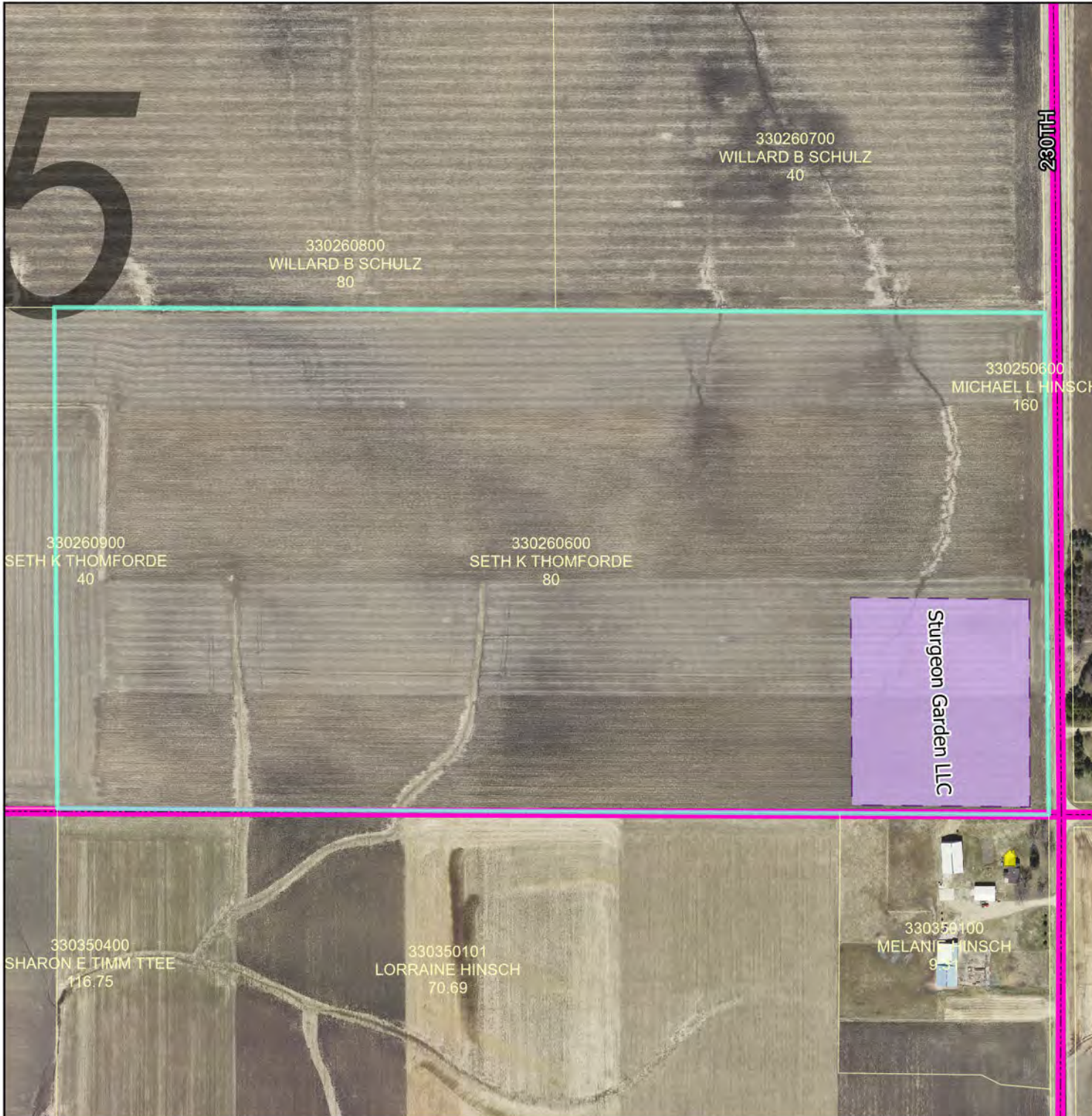
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*Sarah Smedley*

SARAH SMEDLEY, MINNESOTA LICENSE NO. 52904  
DATE OF SIGNATURE: MARCH 7, 2022

C:\Users\Sarah.Smedley\OneDrive\Engineering\LLC\2101-27 Sturgeon Garden\CAD\Sheets\C400-STURGEON.DETAILS.dwg

# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
March 21, 2022

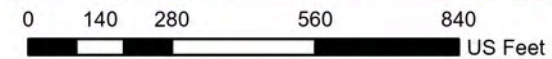
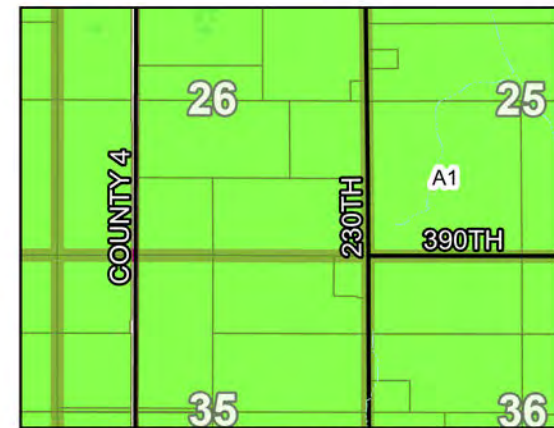
Sturgeon Garden LLC (Applicant) and  
Seth & Lisa Thomforde (Owners)  
A1 Zoned District

The S 1/2 of the SE 1/4 of Section 26  
TWP 111 Range 15 in Goodhue Township

Request for a Utility-Scale Photovoltaic  
1 MW SES occupying approximately  
8 acres

### 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 Created March, 2022 by LUM



# MAP 03: ELEVATIONS



## PLANNING COMMISSION

Public Hearing  
March 21, 2022

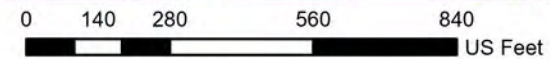
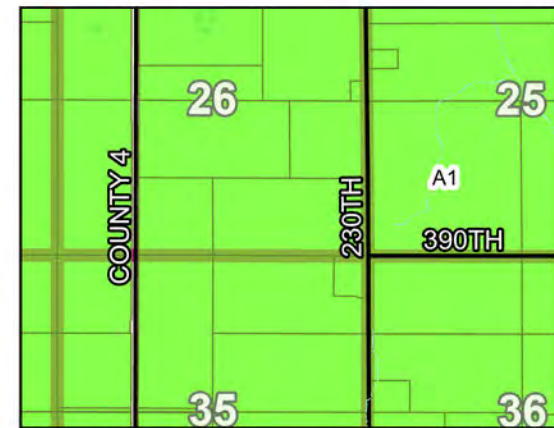
Sturgeon Garden LLC (Applicant) and  
Seth & Lisa Thomforde (Owners)  
A1 Zoned District

The S 1/2 of the SE 1/4 of Section 26  
TWP 111 Range 15 in Goodhue Township

Request for a Utility-Scale Photovoltaic  
1 MW SES occupying approximately  
8 acres

### Legend

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

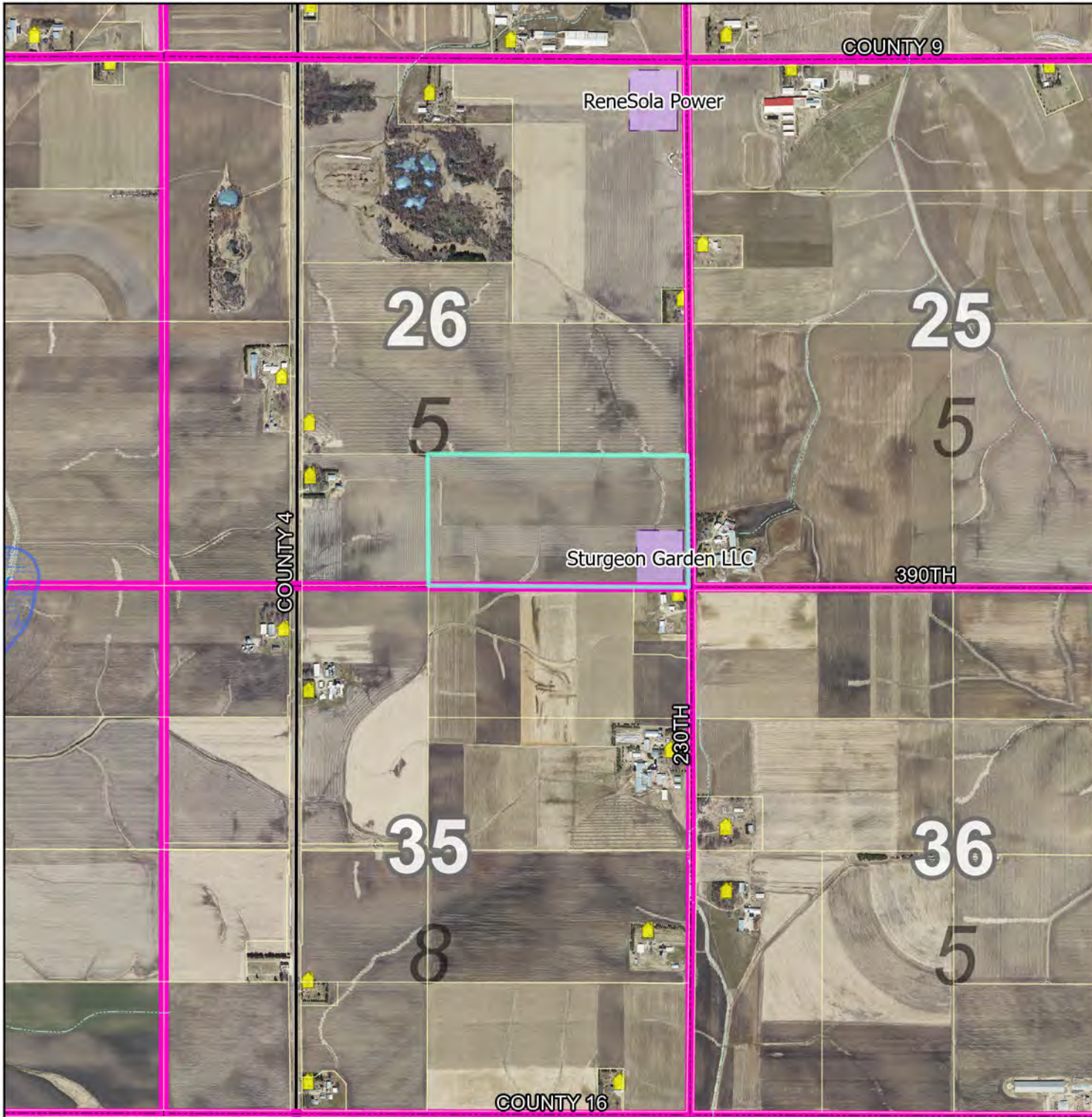


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MAP 02: VICINITY MAP



**PLANNING COMMISSION**

Public Hearing  
March 21, 2022

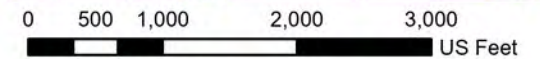
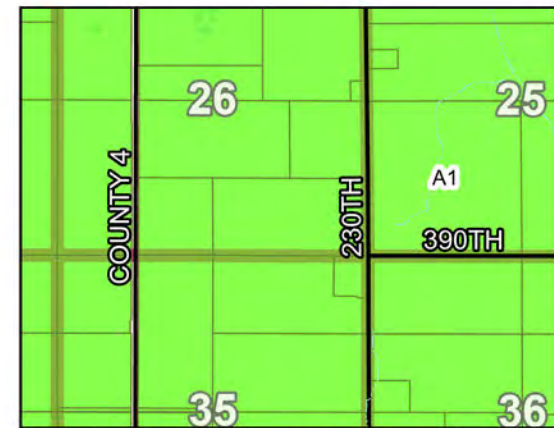
Sturgeon Garden LLC (Applicant) and  
Seth & Lisa Thomforde (Owners)  
A1 Zoned District

The S 1/2 of the SE 1/4 of Section 26  
TWP 111 Range 15 in Goodhue Township

Request for a Utility-Scale Photovoltaic  
1 MW SES occupying approximately  
8 acres

**Legend**

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



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or consequential damages that may result from its use  
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2020 Aerial Imagery  
Map Created March, 2022 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

**To:** Planning Advisory Commission  
**From:** Land Use Management  
**Meeting Date:** March 21, 2022  
**Report date:** March 11, 2022

## **PUBLIC HEARING: “Gesme Second Addition” Preliminary and Final Plat Review**

Request, submitted by David Rapp (Authorized Agent/Surveyor) on behalf of Keith and Roger Gesme (owners), for Preliminary and Final Plat review of the proposed Gesme Second Addition Plat comprising approximately 547.67-acres.

### **Application Information:**

Applicant: David Rapp (Authorized Agent/Surveyor) on behalf of Keith and Roger Gesme (owners)  
Address of zoning request: 28170 HWY 20 Cannon Falls, MN 55009  
Parcel(s): 28.006.0100, 28.006.2000, 28.005.0900, 28.125.0010, 28.005.1000, 28.005.1400, 28.008.0400, and 28.008.0500  
Abbreviated Legal Description: Part of the E ½ of Section 06 and Part of the W ½ of Section 05 and Part of the NW ¼ of Section 08 all in Township 112 Range 17 Cannon Falls Township.  
Zoning District: A3 (Urban Fringe District)  
Township: Cannon Falls Township considered the plat request at their March 9, 2022 meeting and approved the request without additional comment. The Applicants will need to return to the Township to obtain appropriate signatures upon final plat approval.

### **Attachments and links:**

Application  
Site Map(s)  
Survey  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Summary:**

David Rapp (Authorized Agent/Surveyor) has prepared a Preliminary and Final Plat of the “Gesme Second Addition” on behalf of Keith and Roger Gesme (owners) for consideration.

According to the Goodhue County Subdivision Ordinance, any land subdivision which crosses section lines must be platted and any subdivision which dedicates any interests to the public such as easements or roads must be formally platted. The proposed “Gesme Second Addition” dedicates frontage to State Highway 20. The property is being platted to re-configure property lines for familial property holdings. No additional dwelling sites will be created due to the subdivision.

The plat meets all requirements for access, parcel size, and setbacks. Lot 1 Block 2 will be less than 35-acres in the A3 District. The Goodhue County Subdivision Ordinance Section 5 states: “Non-contiguous land must be separate tax parcels”. The proposed lot is separated from the rest of the plat by Highway 20. Article 23 Section 5 of the Goodhue County Zoning Ordinance specifies: “There shall be a minimum lot size of 35-acres per principal building or use...” The proposed lot does not have structures and would not be considered an eligible building site for any structure in the future due to its proposed size.

### **Staff Recommendation:**

LUM Staff recommends the Planning Advisory Commission

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

Recommend that the County Board of Commissioners **APPROVE** the request submitted by David Rapp (Authorized Agent/Surveyor) on behalf of Keith and Roger Gesme (owner) for Preliminary and Final Plat approval of the proposed “Gesme Second Addition” Plat comprising approximately 547.67-acres.

FILE #	222-6020
PARCEL #	28.006.0100 +

# 505 Plat Application

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

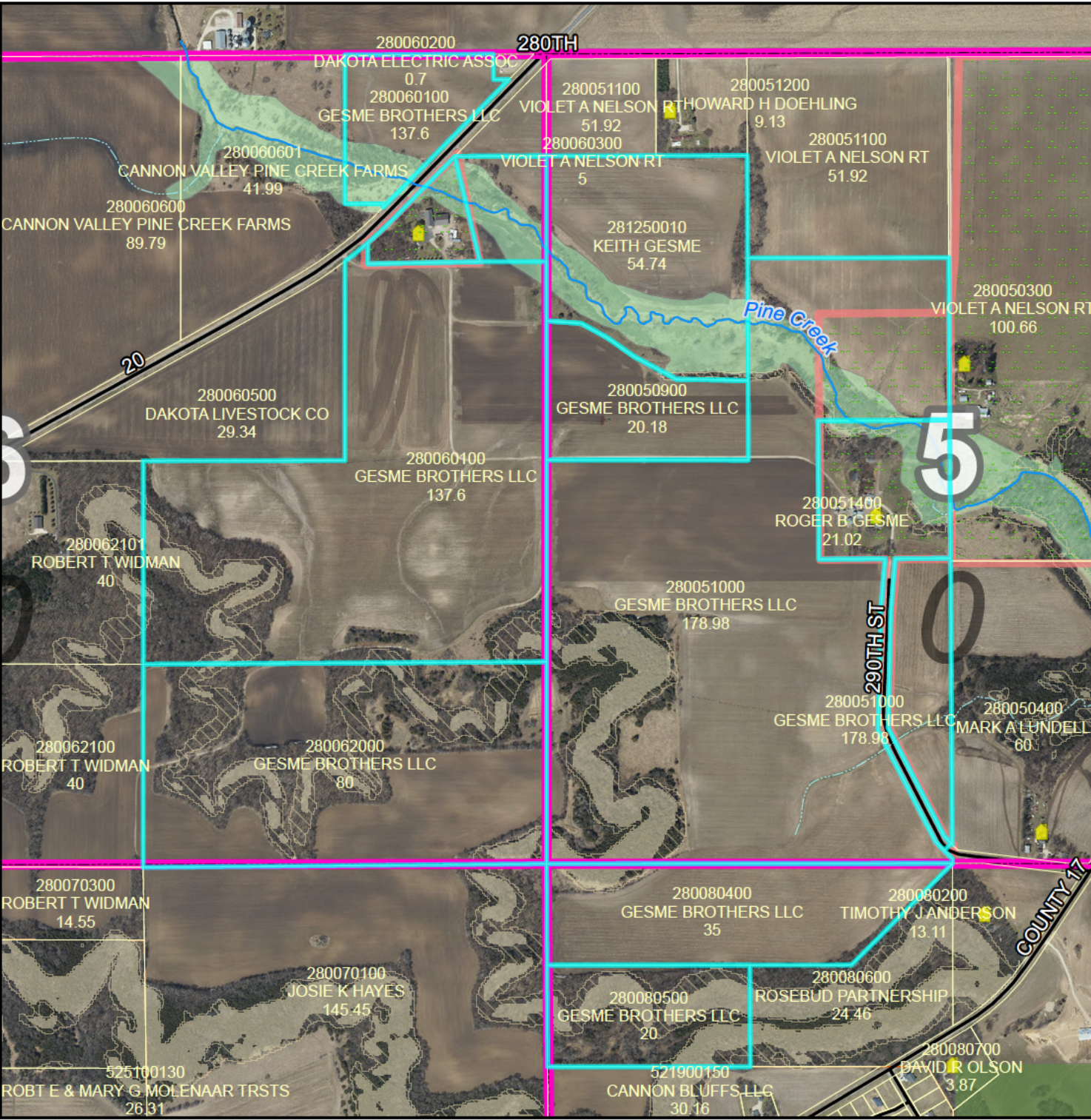
1) The creation of three or more tax parcels from one tax parcel, except when the tax parcels created can be described by an aliquot part of the Public Land Survey. The minimum division shall be a Quarter Quarter of the Section (i.e. SE 1/4 of the NW 1/4 ). Non-contiguous land must be separate tax parcels.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

2) If a subdivision of a platted lot or outlot can result in one or more potential dwelling sites, the subdivision must be platted.

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

Landowner Information			
Landowner Name	KEITH GESME ROGER GESME		Email
Mailing Address	28170 HWY 20 BLVD CANNON FALLS MN 55009		
Daytime Phone			
Applicant Information (if different than above)			
Applicant Name			Email
Mailing Address			
Daytime Phone			
Township Information			
Township position			Date
Signature			
County Use			
Application Fee	\$350	Receipt Number	Received Date 3-7-22
Initial Reviewed by			
Plat Name			
Request complies with Goodhue County Zoning and Subdivision requirements as attested by me			
_____ the Goodhue County Planner/Zoning Administrator on			
this day _____			

# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
March 21, 2022

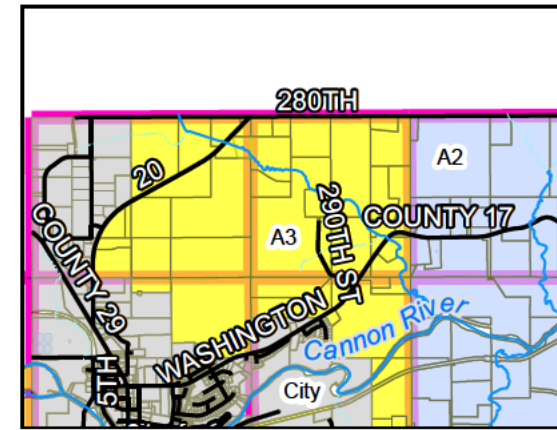
David Rapp (Agent/Surveyor) for Keith  
& Roger Gesme (Owners)  
A3 Zoned District

Part of E 1/2 of Section 06 & Part of the W  
1/2 of Section 05 & Part of the NW 1/4 of  
Section 08 TWP 112 R17 in  
Cannon Falls Township

Request for Preliminary & Final Plat  
Gesme Second Addition

### Legend

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



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 2022.

2018 Aerial Imagery  
Map Created March, 2022 by LUM





**CANNON FALLS TOWNSHIP  
GESME PROPERTIES**

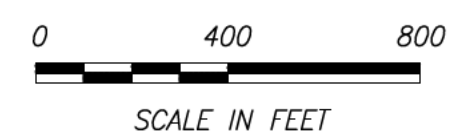
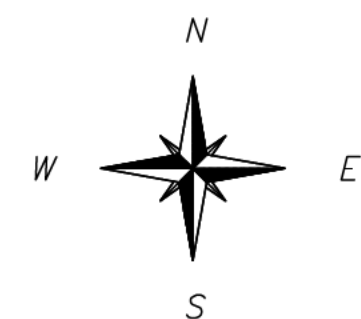
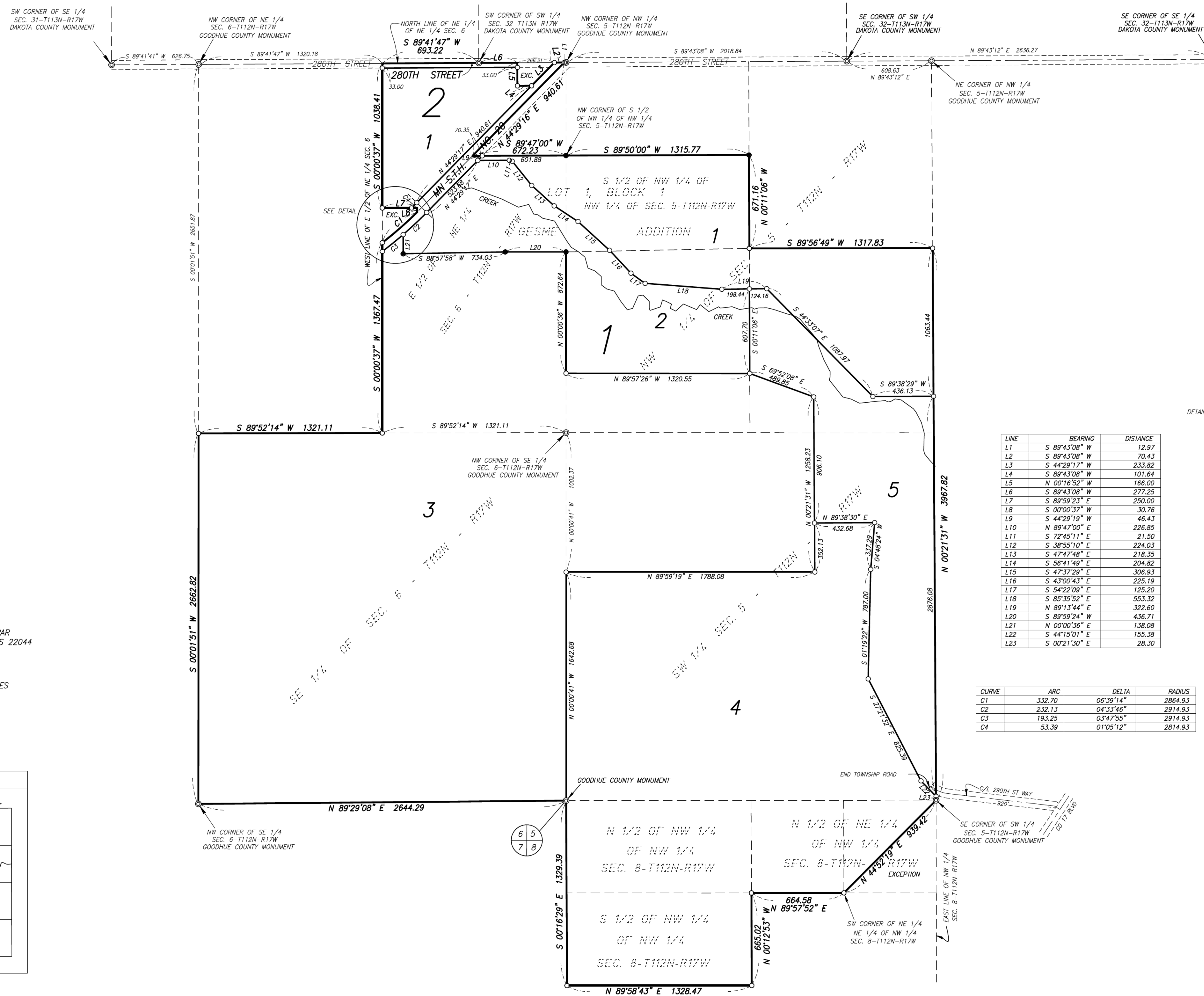

 Prepared by  
 Goodhue County GIS Office  
 Red Wing, MN March 2022

**Legend**  
 Gesme Property    
  2 ft Contour    
  Section Line    
  Parcel

0      400      800  
 Feet  
 Scale: 1:8,100  
 2020 Imagery

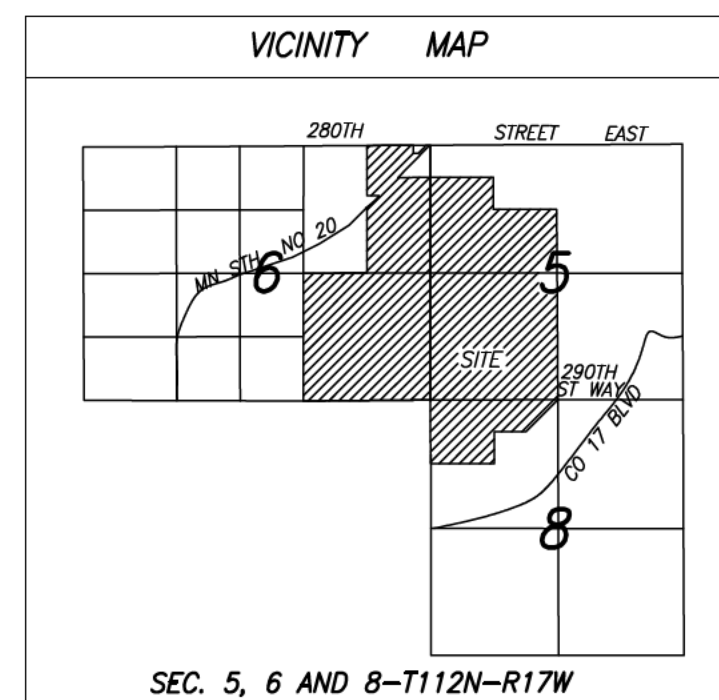
DATA DISCLAIMER:  
 Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2022

# GESME SECOND ADDITION



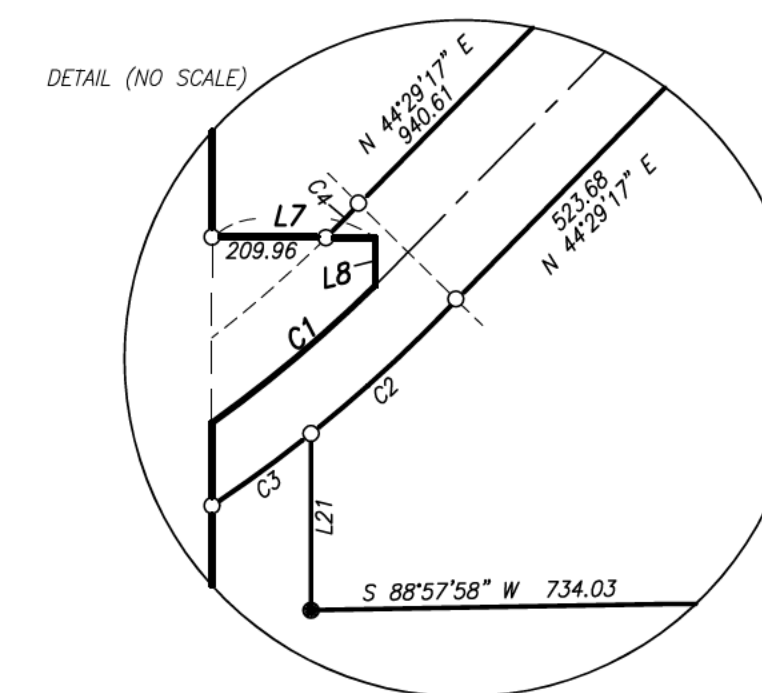
- DENOTES FOUND IRON MONUMENT
- DENOTES SET 1/2" X 15 INCH IRON REBAR MONUMENT WITH PLASTIC CAP MARKED RLS 22044

THE NORTH LINE OF THE S 1/2 OF THE NW 1/4 OF SEC. 1-T112N-R18W ASSUMES A BEARING OF S 89°52'06" E



LINE	BEARING	DISTANCE
L1	S 89°43'08" W	12.97
L2	S 89°43'08" W	70.43
L3	S 44°29'17" W	233.82
L4	S 89°43'08" W	101.64
L5	N 00°16'52" W	166.00
L6	S 89°43'08" W	277.25
L7	S 89°59'23" E	250.00
L8	S 00°00'37" W	30.76
L9	S 44°29'17" W	46.43
L10	N 89°47'00" E	226.85
L11	S 72°45'11" E	21.50
L12	S 38°55'10" E	224.03
L13	S 47°47'48" E	218.35
L14	S 56°41'49" E	204.82
L15	S 47°37'29" E	306.93
L16	S 43°00'43" E	225.19
L17	S 54°22'09" E	125.20
L18	S 89°35'52" E	553.32
L19	N 89°13'44" E	322.60
L20	S 89°59'24" W	436.71
L21	N 00°00'36" E	138.08
L22	S 44°15'01" E	155.38
L23	S 00°21'30" E	28.30

CURVE	ARC	DELTA	RADIUS
C1	332.70	06°39'14"	2864.93
C2	232.13	04°33'46"	2914.93
C3	193.25	03°47'55"	2914.93
C4	53.39	01°05'12"	2814.93



# 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:** March 21, 2022  
**Report date:** March 11, 2022

## **PUBLIC HEARING: Conservation Subdivision Plat – Hinrichs**

Request submitted by Laurie Hinrichs (owner) for Preliminary and Final Plat approval of the proposed “Hinrichs Subdivision” to rezone 40.0 acres and create a two-lot Conservation Subdivision District on the property currently zoned A-1 (Agriculture Protection District).

### **Application Information:**

Applicant: Laurie Hinrichs (Owner)  
Address of zoning request: TBD 195<sup>th</sup> AVE Zumbrota, MN 55992  
Parcel: 39.008.2601  
Legal Description: Part of the E 1/2 of the SW ¼ of Section 08 TWP 109 Range 15 in Pine Island Township  
Zoning District: A1 (Agriculture Protection District)

### **Attachments and links:**

Application and Plat  
Proposed Conservation Easement  
CS District (Article 35)  
MN Statute Chapter 84C  
Site Map(s)  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Overview:**

The Applicant (Laurie Hinrichs) is requesting Preliminary and Final Plat approval for the proposed “Hinrichs Subdivision” as a Conservation Subdivision in Pine Island Township. The proposal is to plat 40.0-acres of land into a two-lot Conservation Subdivision to allow the property owner to establish two dwelling sites on the property. The property is located in section 08 of Pine Island Township which is zoned A1 (Agriculture Protection District) allowing a maximum of 4 dwellings in the section. The section currently has 16 dwellings therefore there is no density remaining to establish any more dwellings at this time.

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. The Conservation Subdivision (CS) District was approved by the County Board in August 2019 as a new option for increasing density in the rural areas with a focus on conservation and natural resource preservation. The CS District requires a potential Applicant to Plat the property in conformance with the Goodhue County Subdivision Controls Ordinance and place a minimum of 50% of the total acreage under a permanent Conservation Easement conforming to Minnesota Statute Chapter 84C. The CS District is a separate zone that would replace the existing A1 zoning designation. The allowable building density within the Conservation Subdivision is determined through the review process (maximum of 6).

It should be noted the dwelling density within a CS District does not count against the overall section

density for A1 or A2 districts.

**Project Summary:**

**Property Information:**

- The subject property consists of a single 40.0-acre parcel. This acreage has been owned by the Applicant since 2019.
- The parcel and all adjacent properties are zoned A1 (Agriculture Protection District). Surrounding land uses are a mix of undeveloped woodlands, row-crop agriculture, and medium-density residential uses.
- The property has slopes of approximately 3%-12%. There are no Blufflands (>30% slopes) identified on the parcel.

**Existing/Proposed Uses:**

- The Applicant proposes to plat the property into two lots with one outlot. Lot 1 Block 1 would contain 3.0-acres, Lot 2 Block 1 would contain 5.0-acres, and Outlot A would contain approximately 30.17-acres. The parcel comprises approximately 40-acres after accounting for the public dedication of 1.83-acres of Right-Of-Way easement along 195<sup>th</sup> AVE and 480<sup>th</sup> ST.

*The minimum lot size for lots served by an individual Subsurface Sewage Treatment System (SSTS) is 3 acres in the CS District. A minimum of 40 contiguous acres is required for a CS District.*

- Density for two additional primary dwelling sites would be created by the plat.

*No additional buildable lots (dwelling density) could be created in the future without being reviewed through the formal platting process. Additional buildable lots could not be created within the area dedicated as a Conservation Easement.*

*The Applicant would need to obtain a Building Permit from the Goodhue County Building Permits Department before commencing construction of any structures.*

- The remainder of the property consists of actively farmed tilled acreage. The Applicant intends to continue using this acreage for row crop agriculture.

**Access/Traffic:**

- The property does not currently have driveway access off of 195<sup>th</sup> AVE or 480<sup>th</sup> ST. New driveway accesses would need to be established for the proposed dwellings onto 195<sup>th</sup> AVE. The Applicant will need to work with Pine Island Township to obtain any necessary approvals prior to establishing the new access drives.
- No new public roadway is proposed within the plat. The plat dedicates the existing Township Right-of-Way easement to the public along 195<sup>th</sup> AVE and 480<sup>th</sup> ST.
- 195<sup>th</sup> AVE and 480<sup>th</sup> ST are aggregate surface roads. 480<sup>th</sup> ST connects to Highway 52 approximately ¼ mile west of the property.
- The proposed plat is not anticipated to generate traffic uncharacteristic to the area. Given the plat would create two additional development sites, the potential additional traffic volume is not anticipated to exceed the capacity of the existing road infrastructure or substantially impact existing traffic circulation or safety.

**Utilities:**

- The proposed dwellings would be served by individual well and septic systems upon development. There are no existing wells or septics on the property.

**Drainage/Landscaping:**

- Stormwater drainage is directed downslope to the east and south of the property, towards the ditches along the roadways.

The Applicant is not proposing to change the existing site grades. Some grading of the property is anticipated as a result of the proposed future development of two dwellings, however, the limited scale of development is not likely to produce on-going erosion and sediment control issues off-site provided construction Best Management Practices and erosion control devices are



implemented as necessary during the construction phase.

- Goodhue County SWCD Water Planner Chad Hildebrand reviewed the proposal and offered the following comments:

*Where the proposed new subdivision is identified appear to be on the higher ground and not towards the lowland area. From reviewing the NWI and hydric soils, areas to the north outside of the subdivision was identified.*

**Pine Island Township:**

- Pine Island Township considered the Conservation Subdivision proposal at their December 28, 2021 meeting. The Township encouraged the Applicant to consider platting more than two buildable lots. The Township Clerk provided staff with a letter of approval for the proposed Conservation Subdivision.

**Open Space/Conservation Easement:**

- The CS District requires a minimum of 50% of the total acreage in the Conservation Subdivision to be designated as Open Space which shall identify a “conservation theme” that guides the location and use of the designated Open Space.
- A permanent Conservation Easement, governed by Minnesota Statute 84C.01-84C.05 encompassing the entirety of the Open Space is required to be recorded prior to or at the time of platting.
- The Applicant has provided a Conservation Easement for PAC consideration. The easement encompasses 20.0-acres and identifies the promotion of an open environment, protection of water and air quality, and the protection of farmland to provide food safety and security as the “theme”. The easement states the protected property “...has significant natural, open space, and agricultural values (individually and collectively, “Conservation Values”), that protect natural resources, and maintain or enhance air or water quality.”

Use of the designated conservation easement area for industrial, commercial, and residential uses or development is exclusively prohibited. The easement does provide for continued agricultural use of the Open Space consistent with the stated conservation values. The Applicant intends to continue using the Open Space for crop production. Improvements such as utility services and septic systems, roads, parking areas, paths, and trails or like improvements are permissible within the conserved area so long as they are installed consistent with the easement’s Conservation Values.

The agreement also includes customary provisions for annual inspection access and rights of enforcement for any violations of the agreement by the easement holder (trustee) and appears generally in conformance with the requirements of the CS District Regulations and the requirements of Minnesota Statute 84C.

**LUM Staff Conservation Easement Comments:**

- LUM Staff has evaluated the Applicant’s proposed Conservation Subdivision plat in accordance with the associated performance standards and purpose and intent of the CS District. Staff agrees that the proposal to establish two additional dwellings on the property is both a reasonable use of the property and largely aligns with the purpose and intent of the CS District.

The Applicant has worked with their attorney (Charles O. Richardson of Richardson & Richardson) to create a Minnesota Statute Chapter 501B Charitable Trust to hold the easement. The “Hinrichs Open Spaces Trust” is proposed to be the designated holder of the conservation easement. The “Trustee” has been designated as Alison Peters. The Trustee is an independent third party and is not the landowner nor will the Trustee have any ownership interest in either the Open Space (Outlot A) or the developable lots. A secondary Trustee has also been named, Cory Hinrichs who also does not have any ownership interest in the Open Space (Outlot A) or the developable lots. Charitable trusts are identified as qualified easement holders by MN Statute 84C.

- Staff conveyed concerns to Gary Hinrichs regarding the proposed conservation easement boundaries as the easement terminates at a location that is indistinguishable from the other tillable acreage on the property. Mr. Hinrichs noted that the conservation easement area has

been delineated to contain the minimum acreage required (20-acres) to facilitate any possible future uses of the land outside of the easement.

- The proposed conservation easement agreement was provided to the Goodhue County Attorney's Office (Stephen O'Keefe) for review and comment. Mr. O'Keefe did not see any legal issues with the documents as written.

**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 the County Board of Commissioners **APPROVE** the request submitted by Laurie Hinrichs (Owner), for Preliminary and Final Plat approval of the proposed "Hinrichs Subdivision" to rezone 40.0 acres and create a two lot Conservation Subdivision District on property currently zoned A1 (Agricultural Protection District).

Subject to the following condition:

1. The change of zone shall not occur until the Conservation Easement and Plat have been recorded with the Goodhue County Recorder's Office.

RECEIVED

FEB 22 2022

FILE #	222-0016
PARCEL #	39.008.2601

Land Use Management

# Conservation Subdivision

The Conservation Subdivision (CS) District is intended to provide a residential development option that supports the rural character and residential development goals of Goodhue County, while permanently preserving open space, agriculture and natural resource areas, beyond planned future extension of urban services.

Landowner Information			
Landowner Name	LAURIE HINRICHS		Email
Mailing Address	20339 315TH Street Red Wing MN		
Daytime Phone			
Applicant Information (if different than above)			
Applicant Name			Email
Mailing Address			
Daytime Phone			
Township Information			
Township position	Attached	Date	
Signature			
County Use			
Application Fee	\$350	Receipt Number	17537
		Received Date	2/22/22
Initial Reviewed by			
Plat Name			
Request complies with Goodhue County Zoning and Subdivision requirements as attested by me			
_____ the Goodhue County Planner/Zoning Administrator on			
this day _____			

---

## CONSERVATION EASEMENT

This is a CONSERVATION EASEMENT granted by LAURIE J. HINRICHS and GARY H. HINRICHS, husband and wife, (“Grantor”) to ALISON PETERS, as trustee of THE HINRICHS OPEN SPACES TRUST (“Grantee”).

- A. GRANTOR. The Grantor, LAURIE J. HINRICHS, is the current owner of approximately 40 acres of real property (“Real Property”) located in Goodhue County, Minnesota whereby this conservation easement shall be granted on 20 acres of such Real Property (“Protected Property”).
- B. GRANTEE. THE HINRICHS OPEN SPACES TRUST is a Minnesota Charitable trust created pursuant to Minnesota Statutes Chapter 501B for the purposes of holding this easement’s real property interests.
- C. REAL PROPERTY AND PROTECTED PROPERTY AREAS. The Real Property’s legal description is Outlot A and Lots 1 and 2 Block 1 HINRICHS Subdivision, and Protected Property’s legal description is provided in the attached Exhibit A.
- D. PROTECTED PROPERTY DESCRIPTION AND PURPOSE. The Protected Property consists of open fields and is currently used for agricultural purposes.

The Protected Property is important as such promotes conservation and an open environment, and farmland to provide food safety and security.

- E. CONSERVATION VALUES. The Protected Property, as outlined above, has significant natural, open space, and agricultural values (individually and collectively, “Conservation Values”), that protect natural resources, and maintain or enhance air or water quality. Additionally, the use of the property as farmland is to be used for production agricultural purposes.

These Conservation Values are not likely to be significantly impaired by the continued use of the Protected Property as described above or as authorized in this Easement. Preservation and protection of these Conservation Values will provide significant benefit to the public. Grantor and Grantee are committed to protecting and preserving the

Conservation Values of the Protected Property in perpetuity for the benefit of this and future generations. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the current landowner and all future owners of the Protected Property.

F. CONSERVATION POLICY AND INTENT. Protection of the Conservation Values of the Protected Property is consistent with and will further governmental policies, including those established by the following:

1. Minnesota Statutes Chapter 103A, which promotes protection of the state's waters and their adjacent lands, and Section 103A.206 in particular, which recognizes the economic and environmental importance of maintaining and enhancing the soil and water resources of the state and the role of private lands in these conservation efforts, to among other reasons, preserve natural resources, protect water quality, preserve wildlife, and protect public lands and waters.
2. Minnesota Statutes Chapter 84C, which recognizes the importance of private conservation efforts by authorizing conservation easements for the protection of natural, scenic, or open space values of real property, assuring its availability for agriculture, forest, recreational or open space use, protecting natural resources and maintaining or enhancing air or water quality.
3. Goodhue County has adopted a comprehensive and long-term land conservation vision and implementation programs and improve natural areas; productive farmland; shoreland along all rivers, streams, and undeveloped lakeshore; regional parks; and multi-purpose regional greenways throughout the County.
4. Grantor and Grantee are committed to protecting and preserving the Conservation Values of the Protected Property in perpetuity for the benefit of this and future generations. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the current landowners and all future owners of the Protected Property.

G. GRANT OF CONSERVATION EASEMENT. Pursuant to the laws of the State of Minnesota, and in particular Minnesota Statutes Chapter 84C, and in consideration of the facts recited above and the mutual covenants contained herein, for \$500 or less of consideration, the Grantor hereby conveys and warrants to the Grantee and its successors and assigns a perpetual conservation easement ("Easement") over the Protected Property subject to building and zoning laws, federal, state, and local laws, and encumbrances, easement, or like of records, if any.

H. EASEMENT PURPOSE. It is the purpose of this Easement to ensure that the Protected Property will be retained forever substantially unchanged from its present condition as natural open space, to protect water quality and farmland, and to prevent any use that will significantly impair or interfere with the Conservation Values of the Protected Property.

Grantor intends that this Easement will confine the use of the Protected Property to activities that are consistent with the purposes of this Easement.

- I. COVENANTS AND RESTRICTIONS. All activities on or uses of the Protected Property must be consistent with the purpose of this Easement. Agriculture or like uses are expressly permissible. The following activities and uses are expressly prohibited:
1. Prohibited Uses. No industrial, commercial, residential use or developments are permitted.
  2. Building, Structures, and Improvements. Utility services and septic systems, roads, parking areas, paths, and trails, or like improvements are permissible so long as such improvements are consistent with the Easement's Conservation Values.
- J. GRANTOR'S RESERVED RIGHTS. Grantor reserves for itself, its heirs, successors and assigns any and all rights to use the Protected Property for all purposes that are not expressly restricted or prohibited herein and are not inconsistent with this Easement's Conservation Values.
- K. PUBLIC ACCESS. Although the public benefits from this Easement through the preservation and protection of the Conservation Values of the Protected Property, nothing in this Easement gives the public a right to enter upon or use the Protected Property where no such right existed prior to the conveyance of this Easement.

The Owner retains the right to permit any public use of the Protected Property consistent with the preservation and protection of the Conservation Values of the Protected Property.

L. MISCELLANEOUS PROVISIONS

1. Easement Standards. The Grantee is to maintain the Protected Property with the customary standards for open spaces in Minnesota and consistent with the Conservation values.
2. Real Estate Taxes. Grantor agrees to pay any and all real estate taxes due and payable for the Protected Property in the year 2022, for all prior years and thereafter so long as the Grantor is the fee owner of the Protected Property and will pay all assessments levied by competent authority on the Protected Property.
3. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Protected Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantee shall have no duty or responsibility to manage or maintain the Protected Property. If, however, the Protected Property is damaged by causes beyond Grantor's control, such as changes caused by fire, flood, storm, infestations, natural deterioration, the acts of third parties legally authorized to act by

recorded document or other legally established rights or the unauthorized wrongful acts of third persons, Grantor and Grantee will meet and seek to arrive at an equitable solution to restore the Protected Property.

4. Grantee Access To Ensure Compliance. Grantee shall have access to the Protected Property at least annually to ensure that Grantor is acting consistent with this easement's terms.
5. Grantee's Enforcement Rights. Grantee shall have all the rights at law or equity to enforce its property rights granted to it via this easement.
6. Easement Runs With The Land. This easement's terms shall run with the land and be binding on Grantor's and Grantee's successors.

*(remainder of this page is left intentionally blank)*

**IN WITNESS WHEREOF**, the undersigned has caused this instrument to be duly executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Laurie Hinrichs

\_\_\_\_\_  
Gary Hinrichs

State of Minnesota, County of Goodhue

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by Laurie Hinrichs and Gary Hinrichs, husband and wife.

*(Stamp)*

\_\_\_\_\_  
*(signature of notarial officer)*

Title (and Rank): \_\_\_\_\_

My commission expires: \_\_\_\_\_

**THIS INSTRUMENT WAS DRAFTED BY:**

Charles O. Richardson  
Richardson & Richardson  
434 W. 4<sup>th</sup> Street, Suite 100  
Red Wing, MN 55066  
Phone: 651-388-4796  
Fax: 651-267-0325



## THE HINRICHS OPEN SPACES TRUST

This trust agreement is made on \_\_\_\_\_, 2022, between LAURIE J. HINRICHS of Goodhue County, Minnesota ("Settlor") and ALISON PETERS of Goodhue County, Minnesota ("Trustee").

### RECITALS

- The Settlor has established this trust for charitable purposes consistent with the Minnesota Statutes Chapter 501B Charitable Trusts.
- The trust intends to be a Grantee of a conservation easement in the furtherance of open spaces in agricultural areas.

### ARTICLE ONE IRREVOCABLE

This trust shall be irrevocable, and the settlor retains no rights herein.

### ARTICLE TWO ADMINISTRATION OF TRUST ASSETS

The trustees shall administer the trust consistent with the conservation easement's rights granted thereto, and may exercise any other rights, elections, remedies, or like granted to it by federal, state, or legal laws.

In the event that this trust is terminated, any remaining trust assets shall be distributed to a charitable entity that the then trustee shall solely determine.

### ARTICLE THREE TRUSTEE SELECTION

Trustees shall be appointed, removed, and replaced as follows:

- 3.1 All trustees and successor trustees shall have the power to appoint successor or additional trustees.
- 3.2 In the event that the initial trustee is unable or unwilling to act, and fails to name a successor trustee, **CORY HINRICHS**, shall be nominated as trustee.
- 3.3 In the event that the trust fails to have a trustee, such shall be determined consistent with Minn. Stat. 501C.0704 or amendments thereto.

## **ARTICLE FOUR FIDUCIARY PROVISIONS**

My trustees may exercise the powers given to them during the term of any trust, and during such time after the termination of any trust as is reasonably necessary to distribute the trust assets.

4.1 *Powers.* I give to my trustees all administrative powers as are listed in the Minnesota Trustees Powers Act 501C.816.

4.2 *Additional Provisions.* The following provisions apply to the exercise of all fiduciary functions under this instrument:

4.2.1 *Waiver of Court Jurisdiction.* I expressly waive any requirement that any trust be submitted to the jurisdiction of any court, that the Trustee be appointed or confirmed, that the actions of the Trustee be authorized, or the accounts of the Trustee be allowed by any court. This waiver shall not prevent any Trustee or beneficiary from requesting any of those procedures.

4.2.2 *Trustee Succession, Appointment, and Removal Procedures.* The following provisions shall apply to the appointment, removal, and succession of Trustees:

4.2.2.1 *Exercise of Power to Appoint.* Any power to appoint a Co-Trustee or successor Trustee under this instrument shall be exercised by written instrument delivered to the person or entity appointed.

4.2.2.2 *Acceptance of Trusteeship.* The appointment of any person or entity eligible to act as a Co-Trustee or successor Trustee shall become effective only if the appointee's written acceptance of the appointment and trusteeship is delivered to the then acting Trustee, or, if no Trustee is then acting, to a descendant of **LAURIE J. HINRICHS** and **GARY H. HINRICHS**.

4.2.3 *Resignation Right.* Any Trustee may resign at any time by delivering a written resignation to those entitled to appoint a Trustee. The resignation shall be effective (a) upon delivery of the resignation to a Co-Trustee or (b) if there is no Co-Trustee, upon acceptance of appointment of a successor Trustee. After the resignation becomes effective, the Trustee shall not be liable for the acts of any successor Trustee.

## **ARTICLE FIVE GENERAL GOVERNING PROVISIONS**

In applying the provisions of this document, the following shall govern:

5.1 *Definitions.*

5.1.1 "Trustee" means an original or successor trustee of any trust whether an individual or a corporation.

5.2 *Rules of Construction.*

5.2.1 *Governing Law.* Except as altered by this agreement, the law of Minnesota shall govern the meaning of this document and the validity, legal effect, and administration of my trust. Except as otherwise provided, all references to applicable law and Minnesota Statutes

mean those in force on the date of this agreement and shall incorporate any amendments and successor provisions.

In the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**LAURIE J. HINRICHS**  
Settlor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**ALISON PETERS**  
Trustee

\_\_\_\_\_  
Witness

STATE OF MINNESOTA )  
  )SS.  
COUNTY OF GOODHUE )

This instrument was acknowledged before me on February \_\_\_\_\_, 2022, by \_\_\_\_\_.

**LAURIE J. HINRICHS**  
Settlor

*(stamp)*

\_\_\_\_\_  
*(signature of notarial officer)*

\_\_\_\_\_  
Title

STATE OF MINNESOTA )  
  )SS.  
COUNTY OF GOODHUE )

This instrument was acknowledged before me on February \_\_\_\_\_, 2022, by \_\_\_\_\_.

**ALISON PETERS**  
Trustee

*(stamp)*

\_\_\_\_\_  
*(signature of notarial officer)*

\_\_\_\_\_  
Title

David A. Arndt (Clerk)  
Pine Island Township  
21156 510<sup>th</sup> Street  
Pine Island, MN 55963

December 28, 2021

Goodhue County Land Use Management  
509 West 5<sup>th</sup> Street  
Red Wing, MN 55066

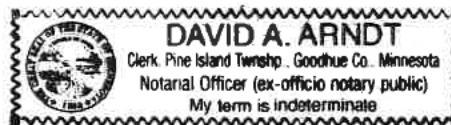
To Whom it may concern,

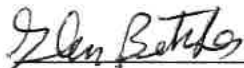
Pine Island Township approves the request of the Hinrichs family for the establishment of a Conservation Subdivision in Section 8 of Pine Island Township. Action on this request was taken at the December 28 meeting. The applicants were urged to request more than two sites for the building of homes, but the number chosen by them should be at theirs alone.

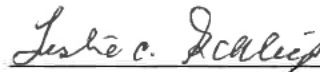
If there are any further questions, please contact me or Richard Miller whose address and phone number you have in the office.

Sincerely yours,

  
David A. Arndt, Clerk



  
Glen Betcher, Chairman

  
Leslie Schliep, Supervisor

  
Richard M. Miller, Supervisor

  
Kenneth Markson, Treasurer

# **ARTICLE 35 CS, CONSERVATION SUBDIVISION DISTRICT**

---

## **SECTION 1. PURPOSE**

The Conservation Subdivision (CS) District is intended to provide a residential development option that supports the rural character and residential development goals of Goodhue County, while permanently preserving open space, agriculture, and natural resource areas, beyond planned future extension of urban services.

## **Section 2. PERMITTED USES**

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

## **Section 4. ACCESSORY STRUCTURES AND USES**

Accessory buildings in the CS district may be permitted when located on the same parcel as the principal building and shall comply with the following standards:

- Subd. 1. No accessory buildings shall be permitted on a parcel prior to the establishment of the principal building.
- Subd. 2. Detached accessory buildings shall be limited in size to 7,200 square feet in area.
- Subd. 3. Greenhouses, conservatories, swimming pools, tennis courts or similar non-commercial recreational facilities for the private enjoyment and convenience of the residents of the principal use and their guests shall be allowed.
- Subd. 4. Livestock shall be permissible as an accessory use provided no parcel exceeds 9 Animal Units.
- Subd. 5. Any temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of such construction work.

## **Section 5. DIMENSIONAL REQUIREMENTS**

- Subd. 1. Minimum Subdivision Size. The minimum area required for a Conservation Subdivision shall be 40 contiguous acres.
- Subd 2. Density. The maximum density of Conservation Subdivisions without a shared SSTS shall be 4 dwellings. The maximum density of Conservation Subdivisions with a shared SSTS shall be 6 dwellings.

- Subd. 3 Lot Size. Any lot on which a single-family dwelling unit is to be erected shall contain a minimum of 3 acres of Buildable Area. Lots with a shared SSTS shall be a minimum of 2 acres of Buildable Area.
- Subd. 4 Yard Requirements. Every building shall meet the following Yard requirements:
- A. Front Yard.
    1. There shall be a minimum setback of 40 feet from the right-of-way line of any public road or highway.
    2. There shall be a minimum setback of 25 feet from the right-of-way line any private road.
  - B. Side and Rear Yards. Every building shall have a minimum setback of 40 feet.
  - C. Buffer zones. All dwellings and accessory structures shall have a minimum setback of 100 feet from surrounding agricultural uses.
- Subd. 5 Height Requirements. Every building shall have a maximum height of 35 feet.
- Subd. 6 Open Space Requirements. Conservation Subdivisions shall identify a conservation theme. Conservation themes may include, but are not limited to, forest, water quality, farmland, or view-shed preservation. The conservation theme shall guide the location and use of the designated Open Space.
- A. A minimum of 50% of the total acreage in the Conservation Subdivision shall be designated as Open Space.
  - B. Where practical, designated Open Space shall be contiguous with adjacent agriculture, wildlife corridors, forestry, natural habitats, preserves, or trails.

## **SECTION 6. GENERAL DISTRICT REGULATIONS**

- Subd. 1 A proposed Minnesota Statute 505 plat shall accompany all Conservation Subdivision change of zone requests and shall be considered part of the application. The plat must obtain the approval of the Township in which it is located in order to be recorded. No buildings or development may occur on the site until the plat is recorded.
- Subd. 2 Open Space Ownership and Management. All lands and improvements in designated Open Spaces shall be established, managed and maintained in accordance with the following:
- A. Conservation Easement. A permanent Conservation Easement that encompasses the entire Open Space area must be recorded prior to, or at the time of platting.
  - B. Conservation Easements shall be governed by Minnesota Statute 84C.01-84C.05, and include:
    1. The entity to maintain the designated Open Space;
    2. The purposes of the Conservation Easement;

3. The legal description of the land within the easement;
  4. The restrictions on the use of the land;
  5. A restriction from future dwelling development of the easement;
  6. The standards under which the Open Space will be maintained; and
  7. Who will have access to the Open Space.
- C. All structures located within the designated Open Space must obtain appropriate permits. As part of the permit application, structures must demonstrate they are in harmony with the associated Open Space theme. Shared SSTS and shared wells within the Conservation Subdivision may be located within the Open Space designated parcels if allowed by the Conservation Easement restrictions.

Subd. 3. Public Road Frontage or Road Access Easements Standards:

- A. Each Parcel 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 parcel that does not front on a public road may be permitted upon the 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.

## CHAPTER 84C

### CONSERVATION EASEMENTS

84C.01	DEFINITIONS.	84C.03	JUDICIAL ACTIONS.
84C.02	CREATION, CONVEYANCE, ACCEPTANCE, AND DURATION.	84C.04	VALIDITY.
		84C.05	APPLICABILITY.

#### 84C.01 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

(1) "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

(2) "Holder" means:

(i) a governmental body empowered to hold an interest in real property under the laws of this state or the United States; or

(ii) a charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open-space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

(3) "Third-party right of enforcement" means a right provided in a conservation easement to enforce any of its terms granted to a governmental body, charitable corporation, charitable association, or charitable trust, which, although eligible to be a holder, is not a holder.

**History:** 1985 c 232 s 1

#### 84C.02 CREATION, CONVEYANCE, ACCEPTANCE, AND DURATION.

(a) Except as otherwise provided in this chapter, a conservation easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements.

(b) No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement before its acceptance by the holder and a recordation of the acceptance.

(c) Except as provided in section 84C.03, clause (b), a conservation easement is unlimited in duration unless the instrument creating it otherwise provides.

(d) An interest in real property in existence at the time a conservation easement is created is not impaired by it unless the owner of the interest is a party to the conservation easement or consents to it.

**History:** 1985 c 232 s 2



**84C.03 JUDICIAL ACTIONS.**

(a) An action affecting a conservation easement may be brought by:

- (1) an owner of an interest in the real property burdened by the easement;
- (2) a holder of the easement;
- (3) a person having a third-party right of enforcement; or
- (4) a person authorized by other law.

(b) This chapter does not affect the power of a court to modify or terminate a conservation easement in accordance with the principles of law and equity.

**History:** *1985 c 232 s 3*

**84C.04 VALIDITY.**

A conservation easement is valid even though:

- (1) it is not appurtenant to an interest in real property;
- (2) it can be or has been assigned to another holder;
- (3) it is not of a character that has been recognized traditionally at common law;
- (4) it imposes a negative burden;
- (5) it imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;
- (6) the benefit does not touch or concern real property; or
- (7) there is no privity of estate or of contract.

**History:** *1985 c 232 s 4*

**84C.05 APPLICABILITY.**

(a) This chapter applies to any interest created after August 1, 1985, which complies with this chapter, whether designated as a conservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise.

(b) This chapter applies to any interest created before August 1, 1985, if it would have been enforceable had it been created after August 1, 1985, unless retroactive application contravenes the constitution or laws of this state or the United States.

(c) This chapter does not invalidate any interest, whether designated as a conservation or preservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise, that is enforceable under other law of this state.

**History:** *1985 c 232 s 5*

# HINRICHS SUBDIVISION

**PRELIMINARY**



KNOW ALL PERSONS BY THESE PRESENTS: That Gary H. Hinrichs and Laurie J. Hinrichs, husband and wife, owners and Compeer Financial, FLCA a Federally Chartered Corporation, mortgagee of the following described property:

That part of the East Half of the Southwest Quarter of Section 8, Township 109 North, Range 15 West, Goodhue County, Minnesota, described as follows:

Beginning at the southeast corner of said East Half of the Southwest Quarter; thence North 00 degrees 37 minutes 22 seconds West, assumed bearing, along the east line of said East Half of the Southwest Quarter, a distance of 1513.72 feet; thence South 89 degrees 56 minutes 11 seconds West, a distance of 1323.54 feet to the west line of said East Half of the Southwest Quarter; thence South 00 degrees 33 minutes 11 seconds East, along said west line, a distance of 1512.31 feet to the southwest corner of said East Half of the Southwest Quarter; thence North 89 degrees 59 minutes 48 seconds East, along the south line of said East Half of the Southwest Quarter, a distance of 1325.40 feet to the point of beginning.

Except that part described as follows:

Beginning at the northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 8; thence west 40 rods; thence south 24 rods; thence east 40 rods; thence north 24 rods to the point of beginning.

Have caused the same to be surveyed and platted as HINRICHS SUBDIVISION and do hereby dedicate to the public for public use the public ways as created herewith.

In witness whereof said Gary H. Hinrichs and Laurie J. Hinrichs, husband and wife, have hereunto set their hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Gary H. Hinrichs

\_\_\_\_\_  
Laurie J. Hinrichs

STATE OF MINNESOTA  
COUNTY OF GOODHUE

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Gary H. Hinrichs and Laurie J. Hinrichs, husband and wife.

(Notary signature)  
\_\_\_\_\_  
(Print Notary name)  
Notary Public Goodhue County, Minnesota  
My Commission Expires \_\_\_\_\_

In witness whereof said Compeer Financial, FLCA a Federally Chartered Corporation, has caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed Compeer Financial, FLCA a Federally Chartered Corporation  
\_\_\_\_\_  
its \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ its \_\_\_\_\_ of Compeer Financial, FLCA a Federally Chartered Corporation.

(Notary signature)  
\_\_\_\_\_  
(Print Notary name)  
Notary Public \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Marcus S. Johnson, Professional Land Surveyor  
Minnesota License Number 47460

STATE OF MINNESOTA  
COUNTY OF GOODHUE

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Marcus S. Johnson, Professional Land Surveyor.

(Notary signature)  
\_\_\_\_\_  
(Print Notary name)  
Notary Public Goodhue County, Minnesota  
My Commission Expires \_\_\_\_\_

Approved by the County Board of Commissioners of Goodhue County Minnesota, at their \_\_\_\_\_, 202\_\_ County Board Meeting

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
Chairperson County Administrator

Approved by the Pine Island Township Board, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed: \_\_\_\_\_  
Chairperson

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

By \_\_\_\_\_  
Goodhue County Auditor/Treasurer

By \_\_\_\_\_ Deputy

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

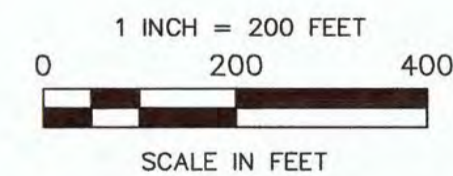
By \_\_\_\_\_  
Lisa M. Hanni, Goodhue County Surveyor

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

By \_\_\_\_\_  
Goodhue County Recorder

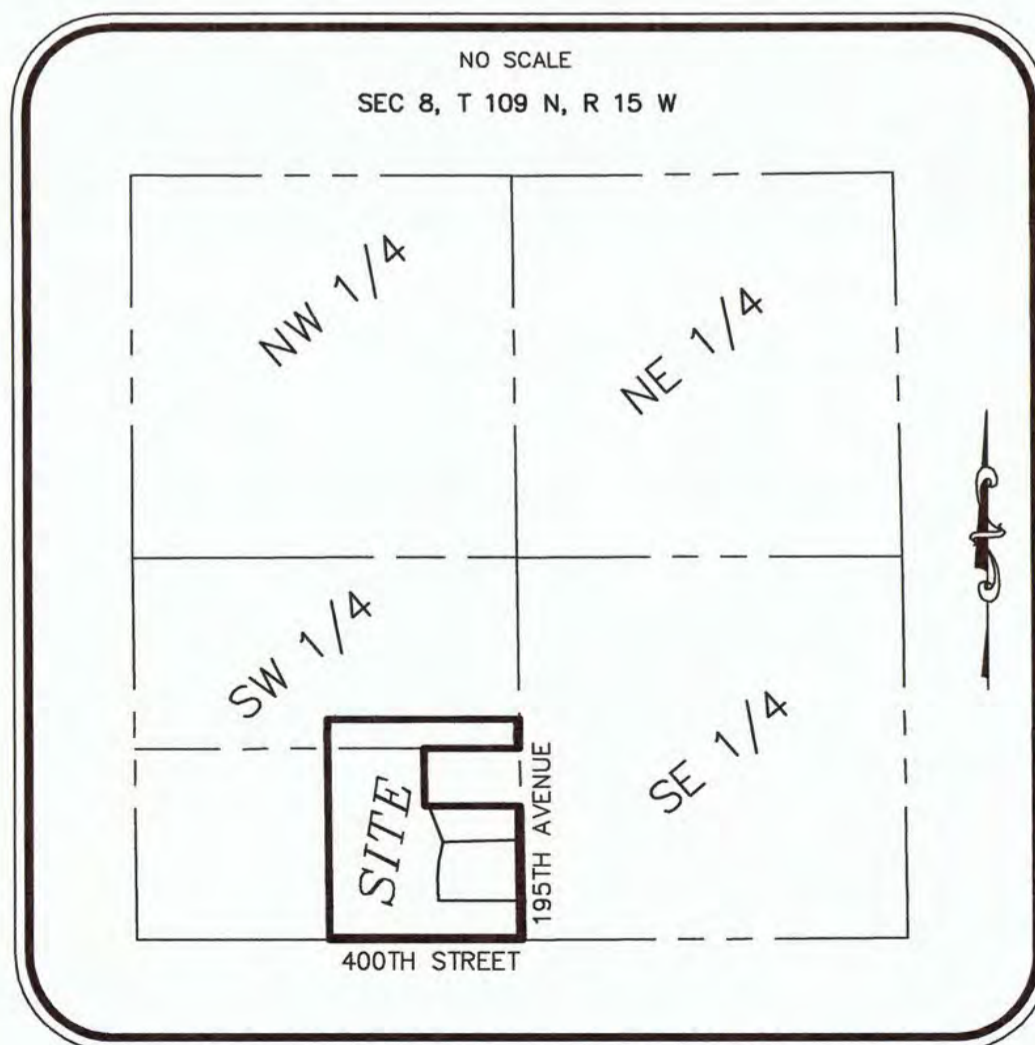
## LEGEND

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- ⊕ DENOTES GOODHUE CO. SECTION CORNER.
- (EAST 40 RODS) DENOTES BEARING AND/OR DISTANCE OF RECORD.

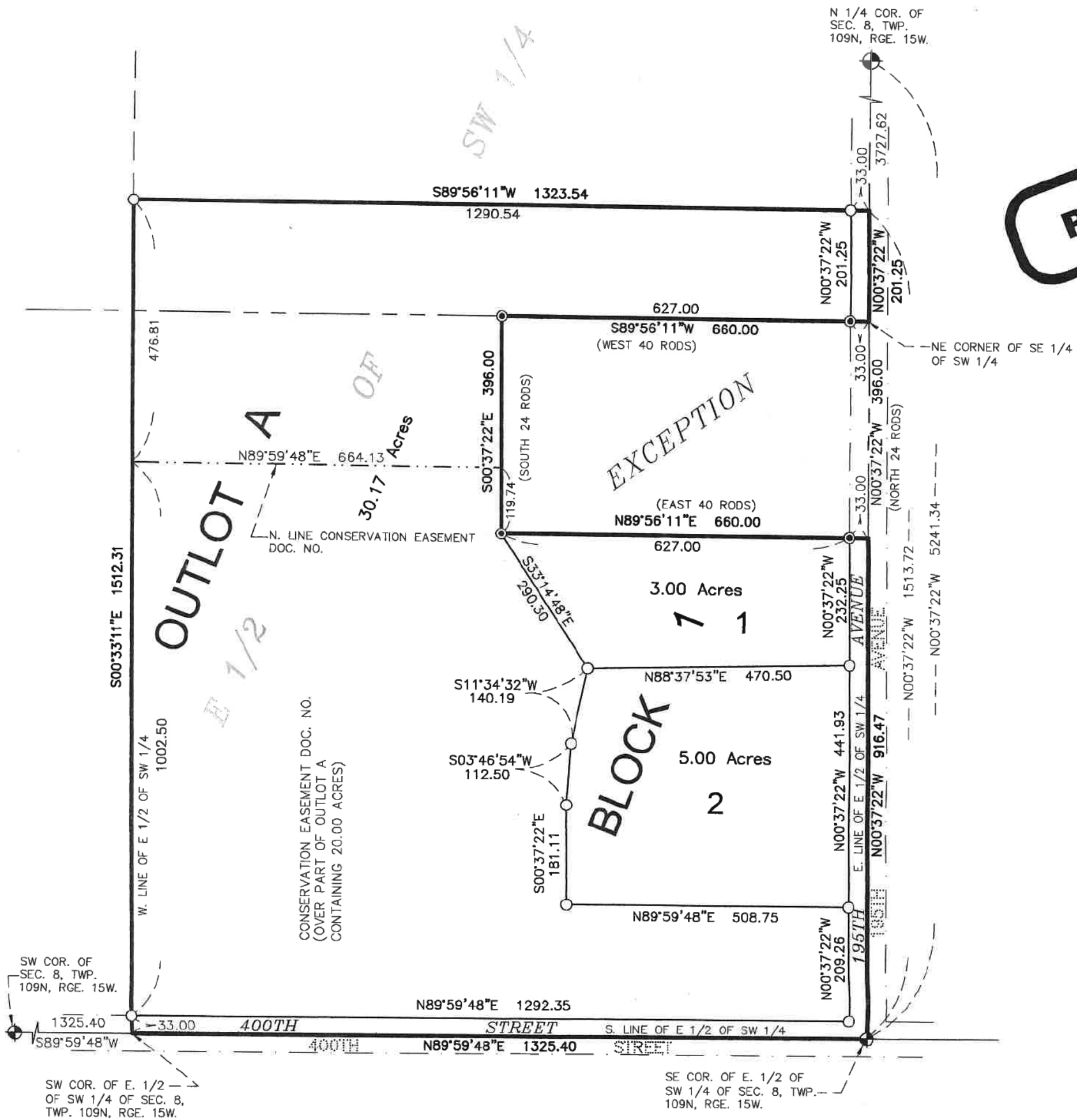


BEARINGS SHOWN HEREON ARE ORIENTED TO THE GOODHUE COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN)

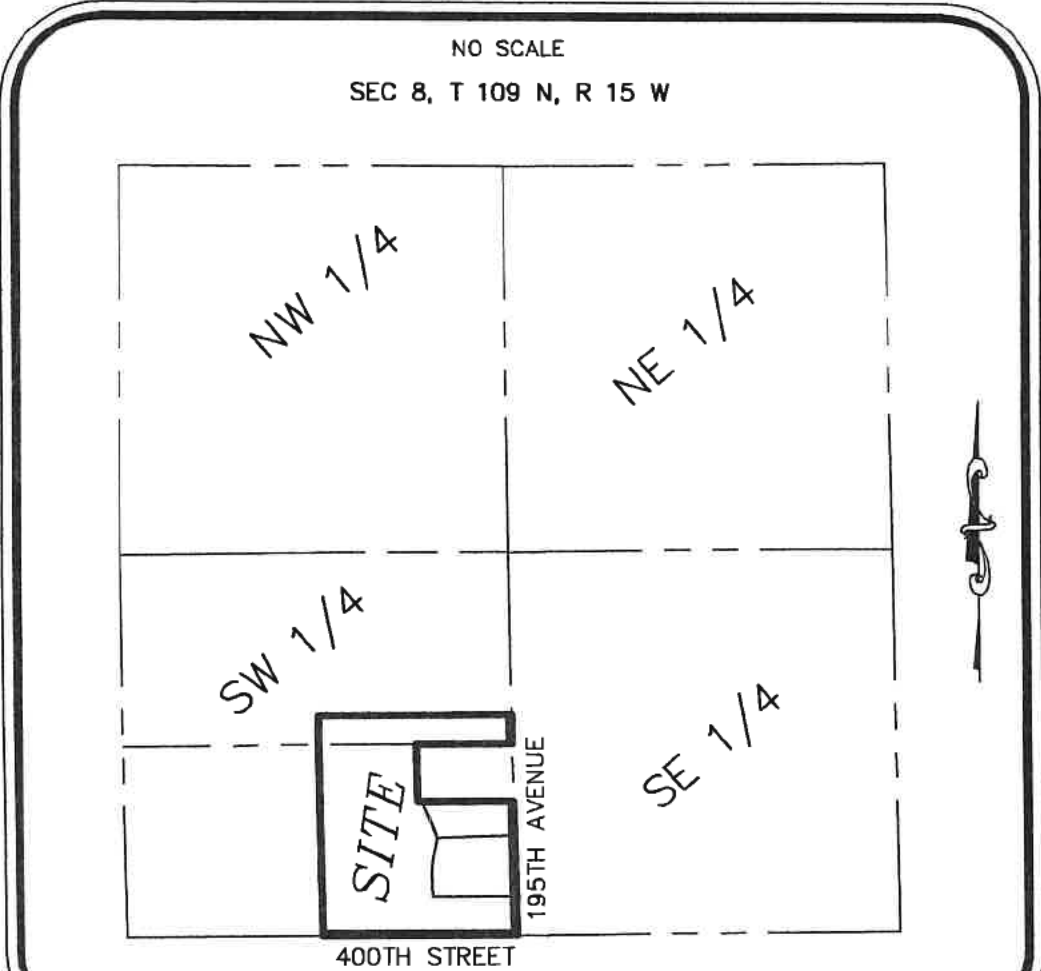
## VICINITY MAP



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

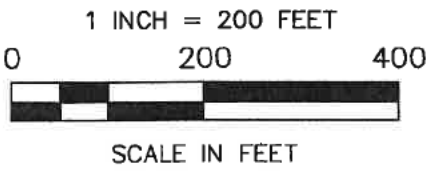


**VICINITY MAP**



**LEGEND**

- DENOTES A PLACED 1" BY 18" IRON PIP HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- ⊕ DENOTES GOODHUE CO. SECTION CORNE (EAST 40 RODS)
- DENOTES BEARING AND/OR DISTANCE 0



BEARINGS SHOWN HEREON ARE ORIENTED TO THE GOODHUE COUNTY COORDINATE SYSTEM, 1983 ADJUSTMENT

# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
March 21, 2022

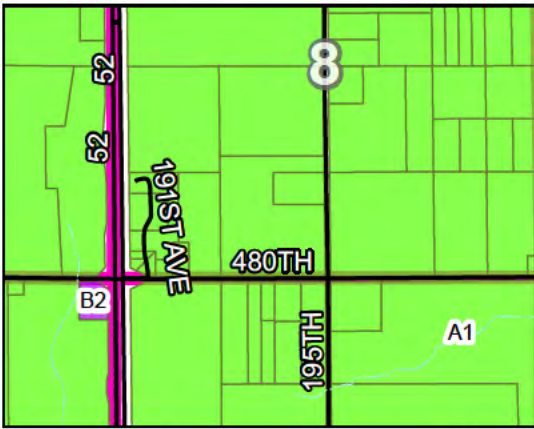
Laurie Hinrichs (Owner)  
A3 Zoned District

Part of the E 1/2 of the SW 1/4 of  
Section 08 TWP 109 Range 15 in  
Pine Island Township

Request for Preliminary & Final Plat  
Hinrichs Subdivision and rezone to  
create Conservation Subdivision Dist.

### Legend

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



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# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
March 21, 2022

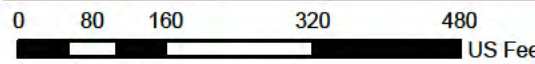
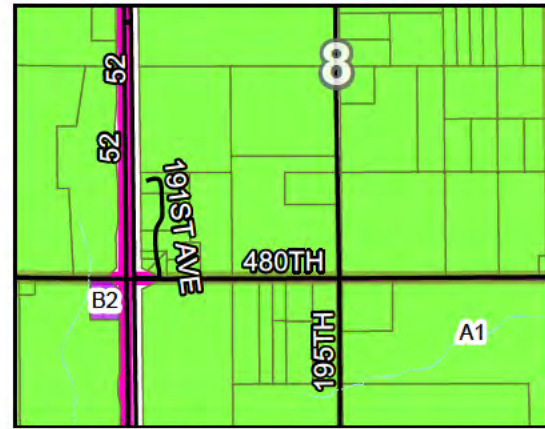
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### Legend

- |                            |                                 |
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| Shoreland                  | 2% Annual Chance                |
| Historic Districts         | A                               |
| Parcels                    | AE                              |
| Registered Feedlots        | AO                              |
| Dwellings                  | X                               |
| Municipalities             |                                 |



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2018 Aerial Imagery  
Map Created March, 2022 by LUM

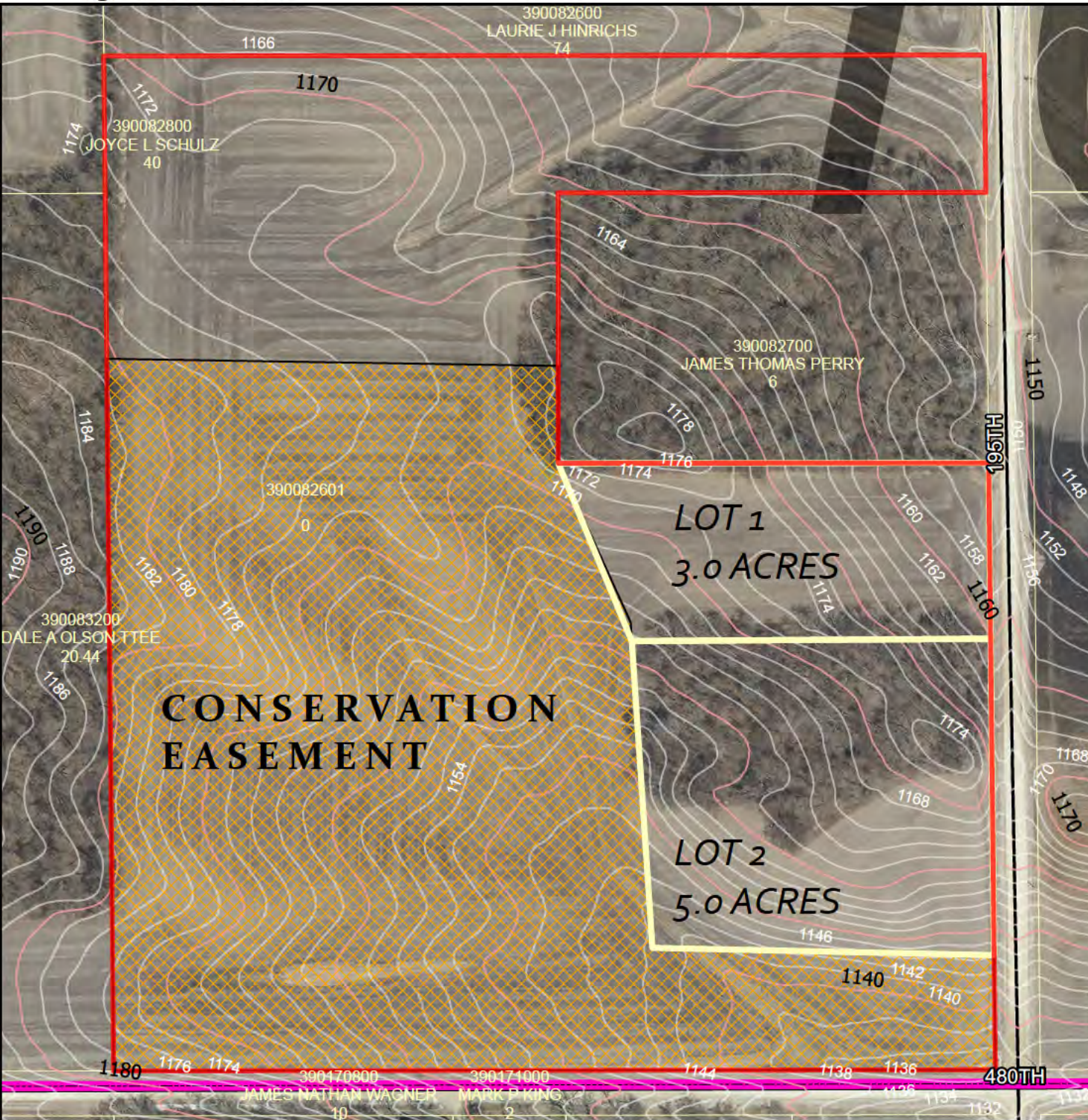


Public Hearing  
March 21, 2022

Laurie Hinrichs (Owner)  
A3 Zoned District

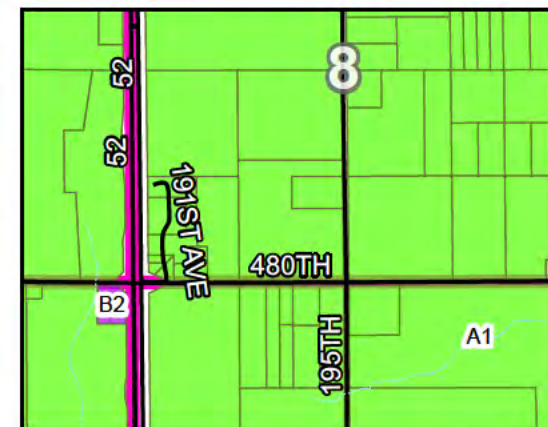
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Request for Preliminary & Final Plat  
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**Legend**

- |                            |                                 |
|----------------------------|---------------------------------|
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| Historic Districts         | A                               |
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| Registered Feedlots        | AO                              |
| Dwellings                  | X                               |
| Municipalities             |                                 |



0 80 160 320 480 US Feet

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**MAP 01: PROPERTY OVERVIEW**

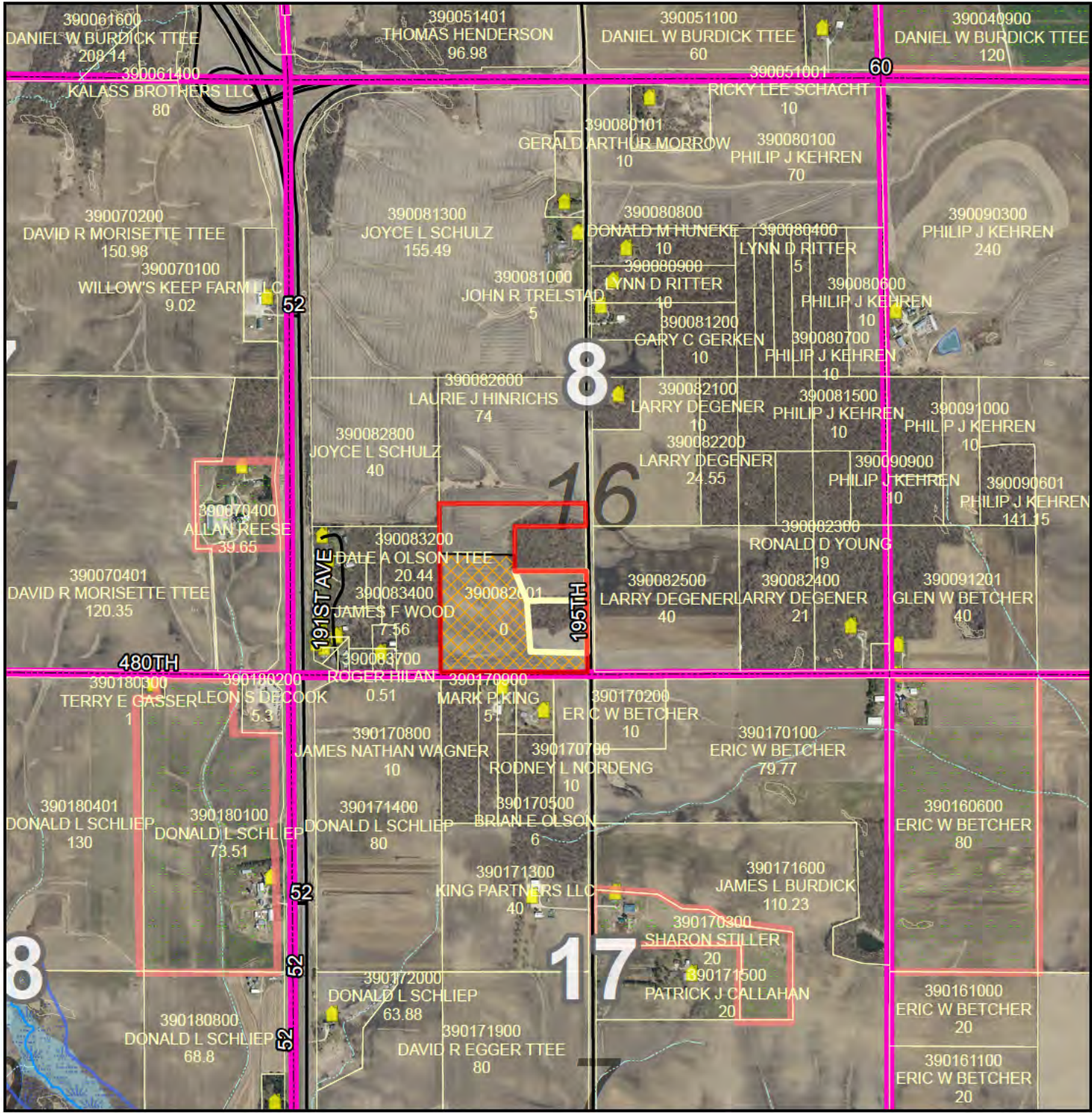
**PLANNING COMMISSION**

Public Hearing  
March 21, 2022

Laurie Hinrichs (Owner)  
A3 Zoned District

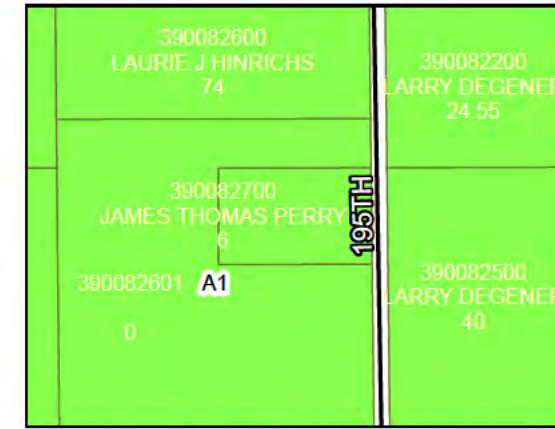
Part of the E 1/2 of the SW 1/4 of  
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Request for Preliminary & Final Plat  
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**Legend**

- Intermittent Streams
- Protected Streams
- Lakes & Other Water Bodies
- Shoreland
- Historic Districts
- Parcels
- Registered Feedlots
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- Bluff Impact Zones (% slope) 20
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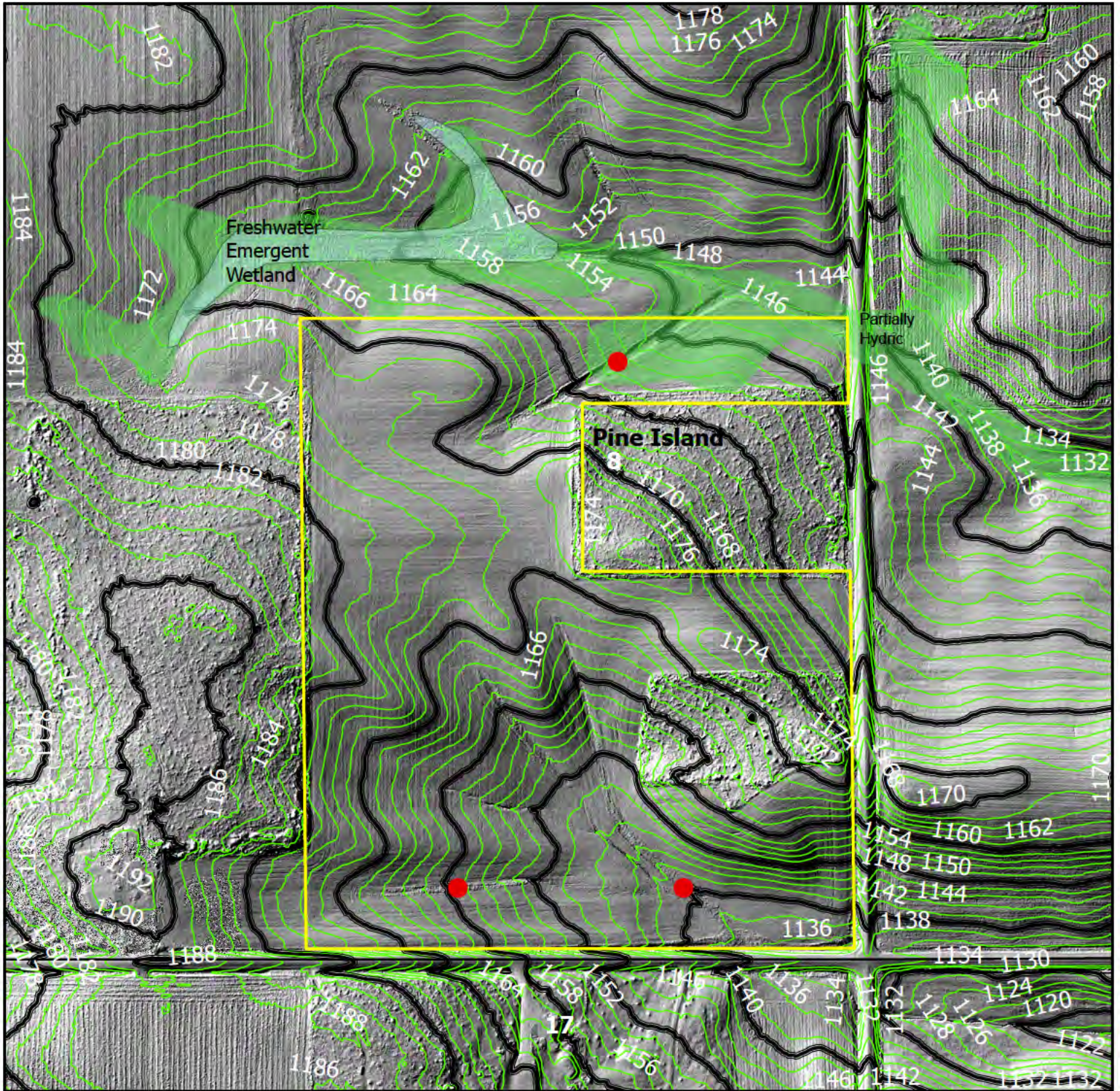
0 475 950 1,900 2,850 US Feet

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2018 Aerial Imagery  
Map Created March, 2022 by LUM

# Plat\_Hinrichs

## Pine Island TWP, Section 8



### Legend

- Parcel
- Hydric Soil Rating
  - All Hydric
  - Partially Hydric

- Contours\_2ft
  - Type
  - Index
  - Index Depression

- Intermediate
- Intermediate Depression
- <all other values>

### Figure 1

