



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

6:00 PM Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. PAC Meeting Minutes August 15, 2022

Documents:

[MINUTES_DRAFT_AUGUST_MEETING_2022.PDF](#)

Conflict/Disclosure Of Interests

Public Hearings:

1. PUBLIC HEARING: CUP Amendment – Martin Amundson
Request, submitted by Martin Amundson (Owner/Operator) to amend CUP Z17-0001 to allow an existing lawn care business to construct a new storage and office building. Parcel 47.011.0700. 41396 County 4 BLVD Zumbrota, MN 55992. Part of the SE ¼ of the NW ¼ of Section 11 TWP 110 Range 15 in Zumbrota Township. A-1 Zoned District.

Documents:

[PACPACKET_AMUNDSON_REDACTED.PDF](#)

2. PUBLIC HEARING: CUP Request For A Self Service Storage Facility
Request for CUP, submitted by Lariat Companies, Inc. (Owners) to permit an existing self service storage facility to allow a structure addition. Parcels 28.131.0010, 28.131.0020, and 28.131.0030. 32072 Ash Court Cannon Falls, MN 55009. Lots 1, 2, and 3 Block 1 of the Evolve Replat in Cannon Falls Township. B Zoned District.

Documents:

[PACPACKET_LARIAT_REDACTED.PDF](#)

3. PUBLIC HEARING: CUP Request For Non-Metallic Mineral Extraction Facility And Establishing A Mineral Extraction Facility Within 300 Feet Of The Toe Of A Bluff (Wojcik)
Request for CUP, submitted by Bruening Rock Products (Applicant) on behalf of

Barbara Wojcik LT (Owner) for a Non-Metallic Mineral Extraction Facility which will be within 300 feet of the toe of a bluff. Proposed activities include an aggregate quarry and associated processing/transport equipment and facilities. Parcel 34.033.0600. 34399 County 2 BLVD Red Wing, MN 55066. The NW ¼ and the S ½ of the SE ¼ of Section 33 TWP 112 Range 14 in Hay Creek Township. A-2 Zoned District.

Documents:

[PACPACKET_WOJCIK_REDACTED.PDF](#)

4. PUBLIC HEARING: Conservation Subdivision Plat (Mehrkens)

Request submitted by Ted and Sheila Mehrkens (Owners) for Preliminary and Final Plat approval of the proposed "Mehrkens Subdivision" to rezone 40.0 acres and create a two lot Conservation Subdivision District on the property currently zoned A-1 (Agricultural Protection District). Parcels 39.011.0300 and 39.011.0400. TBD HWY 60 BLVD Mazeppa, MN 55956. The W ½ of the NE ¼ and part of the NE ¼ of the NW ¼ of Section 11 TWP 109 Range 15 in Pine Island Township.

Documents:

[PACPACKET_MEHRKENS.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 ◆

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
August 15, 2022 MEETING MINUTES
DRAFT**

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

Roll Call

Commissioners Present: Carli Stark, Marc Huneke (arrived at 6:05 PM), Richard Nystuen, Tom Gale, Richard Miller, Chris Buck, Darwin Fox, Howard Stenerson, and Todd Greseth (arrived at 6:01 PM).

Commissioners Absent: None.

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Samantha Pierret, and Zoning Administrative Assistant Patty Field.

1. Approval of Agenda

¹Motion by Commissioner Miller; seconded by Commissioner Fox to approve the meeting agenda.

Motion carried 8:0

2. Approval of Minutes

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

Motion carried 8:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings

PUBLIC HEARING: Request for CUP for a Non-Agricultural Use Associated with Agri-Tourism (Wedding and Event Center)

Request, submitted by Michael Barck (Owner) to establish a wedding and event center with a proposed maximum occupancy of 250 guests. Parcel 38.016.1000. 42593 Highway 52 BLVD Zumbrota, MN 55992. Part of the E 1/2 of the SE 1/4 of Section 16 TWP 110 Range 16 in Minneola Township. A-1 Zoned District.

Pierret presented the staff report and attachments.

Commissioner Stenerson asked what the current agricultural use of the property was. He said it doesn't look like there is one and that entertainment and convention uses are not allowed in

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an A-1 Zone unless they are associated with an agricultural business through agricultural tourism. The Applicant needs to have an agricultural use to have a wedding or event center. He referenced the Ordinance definition for agricultural tourism.

Michael Barck (Owner) stated the land is zoned A-1. He initially planned to establish a “cut your own Christmas tree farm” so there is the agricultural use as a tree farm. Due to winter driving conditions on Highway 52 he realized that this would not be a good location for winter business. He is not trying to use the adjoining property to qualify himself as agricultural. It is an agricultural area, it’s all agricultural land around him except for the woods.

Commissioner Buck indicated there are corn fields surrounding the property that are not Mr. Barck’s. He questioned whether farmers harvesting during a fall event would disrupt the business operations.

Mr. Barck stated that historically harvest has been after Halloween, into November. He would make any wedding party completely aware that it is a farm. He wants them to enjoy the rural setting. There are beautiful views of rolling hills and farmland. For the community to be able to have a wedding on a site like that and take all of that in, with the full understanding that it is cropland and they may see a combine and farming operations, he welcomes that. Timing-wise, the first event wouldn’t occur until after planting. He will make the patrons aware that there is a possibility of agricultural equipment driving by and associated dust and odors.

Chair Stark Opened the Public Hearing

Barb Stussy (14884 420th ST, Zumbrota). She is concerned about an event lasting until midnight. In the summertime their windows are open and they can hear some traffic from Highway 52 and wouldn’t doubt they could hear event noise into the evening. Her concern is anything past 10 PM might disturb those in the area. She is concerned about safety as well. There is a large hill from Sherwood Trail to 420th Street. She is concerned about traffic in the southbound lane coming over that hill and having to deal with cars pulling out of the event center entrance onto Highway 52. There is also the danger of vehicles trying to cross over if they want to go north. She is hoping somebody can take a closer look at that and make sure it isn’t going to be an issue. It’s one thing to have a farm and a family coming in and out of a driveway onto Highway 52, but if there are 250 people, approximately 100+ cars at a big event, that might be an issue, especially at night, to see what is coming onto the highway. MnDOT is doing a study on County 7, which is where Sherwood Trail is. The study won’t be concluded until December of this year. There are some questions as to whether or not they will be closing some accesses to Highway 52. She knows County 7 is supposed to stay open but she questioned whether the PAC knows what is going to happen in the stretch between 420th Street and County 7 that might be affected by a future overpass. Is it prudent to wait until the study is completed and find out what they intend to do with that section? She would hate to have Mr. Barck put all this money and time into a project and then have a big interchange negatively affect his proposal.

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Brent Bjorngaard (42380 Hwy 52 Blvd., Zumbrota). He and his wife are concerned about safety. He has lived here for 20 years and his wife has lived off of Highway 52 for almost 40 years. Presently MnDOT is not closing off the crossing to get to the event center but his understanding is that in the future it will be closed off. His driveway will be closed off after next year and there will be a J-Turn on the northbound lane, past their driveway, which they and everyone else on 145th Avenue Way will need to use. One of the things he sees being an issue is turn lane capacity. He stated wedding guests typically arrive within a short period from each other. If 50 cars are trying to cross the highway, is the turn lane going to be long enough to accommodate that traffic? There have been plenty of times when cars and campers are trying to cross to go to Sherwood and there's a backup and vehicles are on the highway. His big concern is its safety and the future of closing everything off after 2023 or sometime in 2023. He thinks it is a great idea, he just doesn't know about its safety.

Rick Zillgitt (43148 145th Ave Way, Zumbrota). He reiterated safety concerns on Highway 52. His understanding is that they are going to have J-Turns approximately 100 yards west, or north, depending on how someone looks at Highway 52, from 145th Street. The other concern that he has is the noise. The operation is proposed to be open 5 nights a week, Wednesday through Sunday. They already have the Shades of Sherwood Campground to the south of them, and they can hear them all summer long on the weekends. The campground will have live bands or music and he can hear it from his property. This site is about the same distance away, so they will be getting noise from the south and the north. This is a quiet, secluded area.

Jared Zillgitt (43104 145th Ave Way, Zumbrota). He does think this is a good idea. The main concern he has is the noise. He is about 4500 feet from Shades of Sherwood campground. They have a band 3 times a year (Memorial, Labor Day, and 4th of July) and they can hear every song. Michael Barck's house is about 1900 feet from him so it will be considerably louder. The application does say activities will be in a tent but he was wondering if, in the middle of July, when it is hot, the tent will be enclosed? He is familiar with a few of the wedding venues in Goodhue County and to his knowledge, all of them are in a building that can be air-conditioned, not a tent. He doesn't think he would have a problem with this use being conducted within a building. They love to have their windows open at night and they wouldn't love listening to someone else's music every night. He is concerned that the tent won't keep all of the noise in.

Bob Flaagen (42594 Hwy 52 Blvd., Zumbrota). He clarified that the surrounding fields are for corn and soybeans. The harvest time frame after October is probably accurate. But if there are a lot of soybeans, the harvest would likely be sooner than that. He farms across the highway from Mr. Barck. His biggest concern is safety. There is a massive Highway 52 project going through where they are removing accesses and crossings for safety. This crossing, which he shares with Mr. Barck, was going to be removed. Due to issues with County 7 the project was tabled. The plans that he has seen don't include any frontage roads. They were just going to take away his crossing and he would have to go north to go south. The biggest question he has

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is if that happens, what does that do to 250 people trying to get in and out of this place? He echoed the concerns of turn lanes being long enough to hold cars. He has sat on that highway sometimes ten minutes trying to get on or across. It can be difficult, especially on the weekends. Friday nights and Sundays are horrible. He also has some safety concerns with having 250 people, some of who may not be in a state to drive, leaving an event trying to get on Highway 52.

Adam Bang (42400 145th Ave Way, Zumbrota) stated he is the closest house to Mr. Barck's. His main concern is the noise. He is not against this use but feels a more permanent structure, something where the doors could be closed, to keep the noise down, would be better. If he wanted to listen to all kinds of music, he would have stayed living in town, listening to all the traffic. The safety of Highway 52 is also a concern. It is not the safest road for that amount of people getting on and off at all times of the night. He is not against it, but some things need to be looked at. He thinks a more permanent structure would be better than a tent.

After 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 9:0

Chair Stark stated she believes it was briefly mentioned that MnDOT looked at this proposal. Does staff have any more information on this? Are there plans that have been mentioned?

Pierret said she talked to MnDOT District 6 staff. All required documents were submitted regarding this request, asking them to review the use and the proposed number of vehicles at this intersection. Their response came back stating that the runoff into the right-of-way is their only concern. Mr. Barck would have to have an engineer look at that runoff impact but those were the only comments received from MnDOT.

Commissioner Nystuen said the two concerns are pretty obvious – noise and traffic. He asked Mr. Barck if it would cause any problems for his project if he were to put up a permanent structure.

Mr. Barck stated economics is definitely at the forefront of deciding to use a seasonal tent. He discussed the cost of installing a seasonal tent versus installing an event building on-site. Ultimately, down the road, he would like a building. It's a home operation, family owned and operated, so he is not a corporation with deep pockets. He is also concerned with the potential for noise impacts. He does not want to upset his neighbors so the stage or DJ would be located in the southwest corner of the tent and speakers would be directed to the east, where there are no homes. He noted his application stated events would end at midnight but he clarified that midnight would be the time when the very last people are leaving. The music would end by 11

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PM. He is having a friend come out with a speaker and they are going to do some sound tests. He would like to see where the sound level is nearby.

Commissioner Nystuen said the Applicant had mentioned something about Christmas trees but then said that it probably wouldn't work as far as traffic going in and out of the place.

Mr. Barck said yes, under winter driving conditions.

Commissioner Nystuen clarified that because of the ice etc. access might be more problematic.

Mr. Barck agreed. He added that at this point, MnDOT is not slated to remove the median, but it will be removed someday. The County 7 interchange is a mile down the hill. MnDOT has to figure out that project because they were going to put in a J-Turn and then they pulled that project out of the current Highway 52 project. He thinks it will be safer when the median is removed because the cars will have to go to the right. He noted he does not see 100+ cars leaving at one time. There might be four or five cars that want to go out at the same time. They will go down and use the current or improved turn lanes to turn around to go back north or continue south. MnDOT wants a hydraulic water study test for the stormwater runoff, so he is working on that. He does not think it will be any less safe than the traffic flow that goes on and off Highway 52 daily.

Chair Stark asked, with MnDOT, what happens if they do the run-off study and then need to make improvements.

Mr. Barck said he has to provide them with this run-off report. They are requesting any potential stormwater not to flow into Highway 52 right-of-way. Worst case scenario there would be the creation of a shallow holding pond and slight grading. There may need to be skid loader work to slope it so water isn't flowing down. The parking area will be gravel which MnDOT considers "impervious". He knows that they can deal with the stormwater concerns.

Chair Stark said she does see a condition provided by staff where they have to comply with MnDOT.

Commissioner Stenerson said he is running into this problem, that if they support this, they are violating their Ordinance. The application does not list a Christmas Tree Farm as a current use. He was around when this Ordinance was written and there was a reason why they required these types of venues to be tied to an agricultural use in an A-1 Zone. To be proper, the property needs to be rezoned to an appropriate zone where a stand-alone venue is allowed. The way the ordinance is written, it's set up to be an agricultural tourism business, it has to be tied to an agricultural business. The PAC is also supposed to be looking out for public health and safety. He works with the Sheriff's department, riding around with deputies, and talking to various people. Highway 52 is one of the most dangerous highways in our County. It is four

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lanes, driveways are entering it, and the average speed is over 70 miles per hour. He discussed safety concerns at venues where alcohol is served. MnDOT knows there are safety issues here and that's why they're redesigning the Highway. He questioned whether after the County 7 project is done they could take a look at this again. He is concerned about the safety and that the use does not conform with the Zoning Ordinance.

Commissioner Nystuen asked staff to clarify whether when they permitted Cannon River Winery, they were going to bus attendees to the property. Does staff know if that is something they have done?

Commissioner Greseth said that they were using buses two weeks ago.

Commissioner Nystuen asked if that would be a possibility Mr. Barek could look into so there are not all of these cars coming in and out.

Commissioner Miller stated that the safety issue is important, but he doesn't know if that should be the overriding issue. What he has a problem with is it doesn't fit the zone. He thinks they are bending that ordinance a lot to allow this unless they are going to rezone that particular property to make it fit what the ordinances say. He finds it hard to connect this to an agricultural business.

Commissioner Greseth asked if we denied an event center less than a year ago because they were A-1.

Commissioner Miller stated yes.

Commissioner Greseth said he agrees that if it doesn't follow the ordinances, he will have a tough time supporting this.

Commissioner Miller stated that in that instance they rezoned that section of the Township to make it permissible.

Chair Stark questioned whether that was a retreat center.

Commissioner Miller confirmed it was the retreat center that they had just approved last month.

Chair Stark said she has concerns with traffic flow. Given that MnDOT is going to do a bunch of construction, that was concerning to her.

4It was moved by Commissioner Stenerson and seconded by Commissioner Miller for the Planning Advisory Commission to:

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- Adopt the staff report into the record;
- Accept the application, testimony, exhibits, and other evidence presented into the record;
- Amend the findings of fact to state that the use does not conform to A-1 District zoning standards, the use may create offensive noise, and there are safety concerns regarding access to and from Highway 52; and
- Recommend the County Board of Commissioners **DENY** the request from Michael Barck to establish a wedding/event facility with a maximum occupancy of 250 guests.

Commissioner Nystuen stated one issue is that the use does not meet the ordinance requirements. What if they had a goat and 3 chickens? What is the agricultural use they are looking for?

Commissioner Stenerson said a lot of the reasons for these rules is they didn't want stand-alone commercial operations in an A-1 zone. If this was an A-2 zone or a different zone, it would be a different situation. But this is an agricultural protection zone. The idea was that these operations in the A-1 Zone were supposed to supplement the Ag business that was already operating on a site.

Mr. Barck stated he is zoned A-1 and he has a business called Summit Tree Farm and Nursery. He does have the Christmas trees and has also sold live evergreens from there. He questioned at what point he could be considered agricultural. Would he qualify if he sells some live trees or cut trees? What's the true definition of an ag business? Is there a time frame someone has to be in business for before they're considered a producer? He said he signed paperwork for the county FSA that he is a producer.

Hanni said she thinks some of the confusing parts are within the "Ag-related uses" portion of the Ordinance. The Ordinance notes barn dances and vineyard harvest festivals and it doesn't specify weddings but it lists similar uses. She thinks that might be a task for the planning commission to decide if weddings, barn dances, and vineyard festivals are what we want to allow in the A-1 District. There is another option to table the request to see if some better information can be obtained from MnDOT on what they are going to do. If the proposal is tabled there may be some more thoughts on what to do with barn dances, vineyards, and wedding events in the A-1.

Commissioner Stenerson commented that there are still safety and noise issues that were brought up in public testimony that they have to deal with. On the zoning ordinance issue, there are two factors there. One is with what the actual language says but there is also the intent behind the ordinance. The intent was the side businesses that were run would supplement a viable agricultural operation. Having one goat, two chickens, or selling three Christmas trees is not a business, it's a hobby. He doesn't make his living at it, that's not his Ag business. Whereas if he had a giant greenhouse and raised roses, it would make sense to do a wedding venue that would supplement the Ag business income. The Ordinance was designed to

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protect A-1 for agriculture. The goal was not to start allowing a lot of other things that would conflict unless they were directly connected.

Commissioner Gale said from what he is hearing, the primary use of the property is going to be the main business. If raising roses or raising grapes, that's the primary income of the property and the venue would be a secondary to make additional income.

Commissioner Stenerson stated that is the way he interpreted the ordinance. This is an A-1 Zone and the goal of these side ventures in Ag tourism was a way to supplement the Ag income.

Chair Stark said, based on what she is reading, it doesn't specify it has to be a profitable agricultural establishment. She doesn't know if she agrees with Commissioner Stenerson on this because of the language.

Motion carried 8:1 (Stark opposed)

Hanni said if Mr. Barck would like to come back, and propose something to address the issues, it sounds like the main issue is Highway 52 safety, they can discuss more details. She thinks they are kind of threading the needle on the Ag use, and they can have that discussion. It sounds like if the Applicant would find out from MnDOT what's planned for that intersection it would help. Mr. Barck did say he was going to address some of the noise issues and test it within his tent and look into a permanent structure. She understands she cannot ask the commission to make their decision based on that, but if he chooses to come back next month, it would be nice that he would be able to tick off those things that there are concerns tonight.

Commissioner Miller said this allows Mr. Barck time to look into a permanent structure. He thinks the board would be a lot happier if they had some information on that also.

Commissioner Buck suggested Mr. Barck invite his neighbors or tell his neighbors when he does the sound check.

Mr. Barck said he didn't want to limit his hours or days of operation in the application however the likelihood that a wedding is going to be every Wednesday, Thursday, Friday, and Saturday is very slim. Noise and traffic are also his concerns. He will do what he needs to do to address and control the noise such as making sure the music is turned off at an established time. He would be happy to address those issues if they could take a look at it again next month.

Commissioner Stenerson said he is sure staff could sit down with him and look at other zones and other things that could be done to satisfy the Ordinance. He feels it would help to see a safety plan with what Mr. Barck is going to do and how it is going to be addressed. If MnDOT could come in and clarify what is going to be happening. If there is a safety plan they can attach that as a condition and hold Mr. Barck accountable.

Chair Stark said she did not have as much of an issue with how it is zoned, given the way the ordinance is written and the different ways it can be interpreted. But she does have safety

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concerns. Hearing more about safety and how traffic is not going to back up in the turn lanes would help her.

Other Discussion

Commissioner Huneke asked if they wanted to look at all the terminology in the ordinance and start to clean it up so there isn't confusion on whether they could sell one tree a year and be considered an Ag business and add a wedding venue.

Hanni thinks they should look into the ordinance language. When looking at agricultural-related uses, they allow barn dances, corn mazes, and vineyard harvest festivals. Maybe this could be assigned to the sub-committee to review.

Commissioner Fox agrees with Commissioner Huneke and Hanni. They had one in Welch and dealt with the same things regarding noise. They have animals and livestock on-site and it was a farm. They need to probably refine, define, and set some more standards and information. He feels that for future use, it needs to be defined and they need to look at some of the language to see how ag-tourism fits into the different zones, A-1, A-2, and so on.

Chair Stark agreed. Maybe looking at whether there is a separate use for weddings. She is not sure if that would work. Forestry and horticulture are also considered agricultural uses. None of this is tied to profit. There are a lot of things in here that they are not thinking of as agriculture uses specifically.

Commissioner Stenerson said they should probably get this over to the subcommittee to clean up some of this language. If they are doing that, maybe they should include a discussion about whether they are ready to start opening up A-1 to whatever uses. Does it need to be tied to agriculture? He agrees the language is kind of messy, but the intent was they wanted to keep this Ag. There is a lot of pressure now in these A-1 zones, they already have a lot of houses. Should they be looking more at rezoning some of those spots that maybe aren't technically A-1, should they be opening it up for more things?

Chair Stark said that it sounds like the first step would be to discuss all of the different options available. She was wondering if they could also look at ordinances from other counties that might be similar.

Hanni stated that one of the County's priorities is to keep people living in the rural areas. Sometimes it is difficult to stay in a rural area if there is no other source of income, whether it's a wedding venue or agriculture use. This is why the County has allowed some of these things to be in rural areas. Applicants put a lot of money, planning, and involvement into these proposals.

Chair Stark asked if it would be possible to do a work session to discuss this versus during a formal meeting so it can be a little more informal.

Hanni stated they could do that before the next meeting. They can discuss what time would work.

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5ADJOURN: Motion by Commissioner Greseth and seconded by Commissioner Fox to adjourn the Planning Commission Meeting at 7:12 p.m.

Motion carried 9:0

Respectfully Submitted,

Patty Field, Zoning Administrative Assistant

MOTIONS

¹APPROVE the PAC meeting agenda.

Motion carried 8:0

²APPROVE the previous month's meeting minutes.

Motion carried 8:0

³Motion to close the Public Hearing.

Motion carried 9:0

⁴Recommend the County Board of Commissioners DENY the wedding and event facility request from Michael Barck.

Motion carried 8:1

⁵ADJOURN. Motion to adjourn the meeting.

Motion carried 9:0

UNOFFICIAL UNTIL APPROVED BY THE PAC

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

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County Surveyor / Recorder

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To: Planning Commission
From: Land Use Management
Meeting Date: October 17, 2022
Report date: October 7, 2022

PUBLIC HEARING: CUP Amendment – Green Edge Lawn Service and Spring-Green Lawn Care

Request submitted by Martin Amundson (owner/operator) to amend CUP Z17-0001 to allow an existing lawn care business to construct a new storage and office building.

Application Information:

Applicant: Martin Amundson (owner/operator)
Address of zoning request: 41396 CTY 4 BLVD, Zumbrota, MN 55992
Parcel(s): 47.011.0700
Abbreviated Legal: Part of the SE ¼ of the NW ¼ of Section 11 TWP 110 Range 15 in Zumbrota Township
Township Information: Zumbrota Township acknowledged the request at their September 13th, 2022 meeting with no additional comments.
Zoning District: A1 (Agricultural Protection District)

Attachments and links:

Application and submitted project summary
Z17-0001 (existing CUP)
Site Map(s)
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant (Martin Amundson) has operated Green Edge Lawn Service since 2001, which primarily consists of lawn mowing, yard clean-up, and snow removal. Spring-Green Lawn Care has been in operation since 2016, and focuses on lawn care, including fertilization, weed control, lawn aeration, and mosquito reduction. Mr. Amundson received Conditional Use Permit (CUP) approval in April 2017 to begin operating as a "Business primarily intended to serve the agricultural community". He is requesting to amend his existing CUP (Z17-0001) to allow the construction of a 125 x 200 square foot building to be used as office/meeting space and to store farm machinery.

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.

Project Summary:

Property / Building Information:

- The subject property consists of a single parcel comprising approximately 10.09-acres. Additional land from parcel 47.011.0701 will be combined with parcel 47.011.0700 to accommodate the new building. The new parcel lines will allow the structure to meet all GCZO standards, including property line setbacks.
- The property and all adjacent parcels are zoned A1 (Agricultural Protection). Adjacent land uses include feedlots and row-crop agriculture among medium-density residential uses.
- The Applicant intends to construct a 125-foot x 200-foot building to provide office space for the lawncare businesses and allow storage space for farm machinery. There is an existing office building on the property that was approved with the initial CUP in 2017. This existing structure will continue to be used for lawn care businesses.
- A building permit will need to be approved by the Goodhue County Building Permits Department prior to construction. The proposed building will also require proper well and septic permits from Environmental Health prior to construction.
- Solid waste disposal services are provided by a professional waste management company.
- No signage is proposed.
- Exterior yard lighting will be installed around the building for safety and security. The lights are downward projecting to limit off-site disturbances.
- The Applicant stated there will be no excessive noise generated on the property. Any noise that does occur will not be uncharacteristic of agricultural operations in the surrounding area.

Business Information:

- The main activity on site is row-crop agriculture and harvesting. The Applicant's dwelling and shop for the lawncare businesses are also on the property. The office area of the new shop will be used as employee work and meeting space. There is very little customer traffic to the site as operations are conducted off-site.
- Primary hours of operation are Monday through Friday from 7:00 AM to 6:00 PM in the summer and 9:00 AM to 3:00 PM during the winter months.
- The Applicant operates the business with the assistance of 5 on-site employees and 23 off-site employees. No additional employees are proposed.
- Parcel access is located off of County 4 BLVD (asphalt surface) on the west end of the property. Adequate emergency vehicle access is available to service the facility.
- A minimum of 2 parking spaces is required by Ordinance for the use. Ample space for parking is available on-site.

Per GCZO Article 11, Section 16 minimum off-street parking provisions for industrial establishments, manufacturing, research, and testing laboratories, creameries, bottling works, printing and engraving shops, warehousing or storage buildings shall be "one (1) parking space for each three (3) employees computed on the basis of the greatest number of persons to be employed at any one period during the day or night."

- A review of the property record found no complaints regarding the Applicant's business since it began operations 5 years ago.
- A majority of the space in the proposed building will be used to store machinery associated with row-crop agriculture operations on the property. This is considered a permitted agricultural use and does not need to be included with the CUP.

Drainage/Landscaping:

- The site has minor topographic relief with slopes ranging from 0-2% in the project area. The land

slopes gradually from northeast to southwest. On-site drainage is directed south via a grassed waterway, and through an existing driveway culvert that channels water to an adjacent ditch.

- Goodhue County Soil and Water Conservation District Water Planner Chad Hildebrand reviewed the site and did not identify any issues with the location for the proposed structure.

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 structure 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 (Agricultural Protection) zone which is intended to allow for agricultural operations and associated businesses. The surrounding area is primarily used for row-crop agriculture and the new structure is not anticipated to impact views from neighboring properties.
2. The proposed structure is not anticipated to impede the normal and orderly development or improvement of surrounding vacant property for uses predominant to the area. The proposal will meet or exceed all development standards of the Goodhue County Zoning Ordinance upon parcel line reconfiguration and does not appear incompatible with adjacent agricultural land uses.
3. A review of the Applicant’s 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 property has ample room to provide sufficient off-street parking and loading space to serve the use and meet the Goodhue County Zoning standards.
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. All lighting is downward deflecting, there is little dust generation on the site given the limited traffic and low speeds, and the noise generated from the business, are limited in duration, and are not uncharacteristic of existing agricultural operations in the vicinity.

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

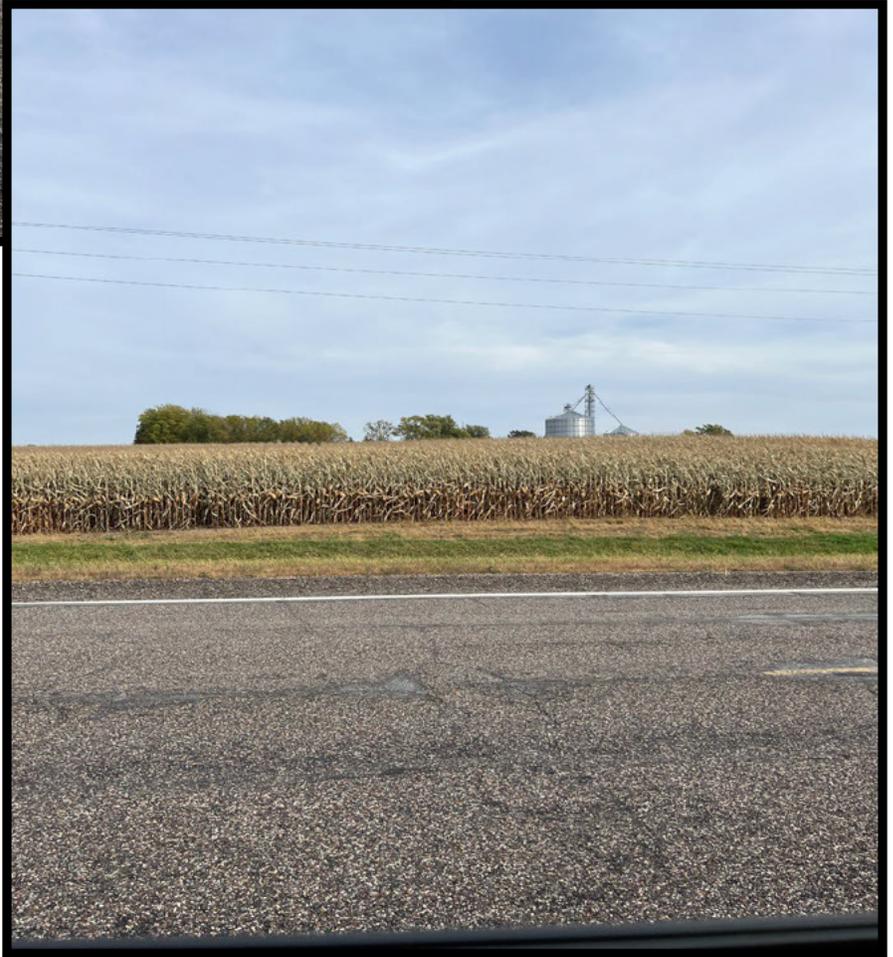
Recommend the County Board of Commissioners **APPROVE** the Request submitted by Martin Amundson (owner/operator) to amend CUP Z17-0001 to allow an existing lawn care business to construct a 125-foot x 200-foot building for office space and machinery storage. This amendment shall revoke and replace CUP Z17-0001. Subject to the following conditions:

1. The structure shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to constructing the new building;
3. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agricultural Protection District);
4. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
5. Applicant shall obtain approval from Goodhue County Environmental Health for well and septic use prior to beginning operations;
6. The property line reconfiguration shall be recorded with the Goodhue County Recorder’s

office prior to issuance of a building permit;

7. Use of the new structure for the storage of agricultural equipment not associated with the lawn care business shall be permitted.

Images taken October 4, 2022 from County 4 BLVD right-of-way



GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 470110700

Permit# 7220051

PROPERTY OWNER INFORMATION

Last Name <u>Amundson</u>	First <u>Martin</u>	Email
Street Address <u>41396 County 4 Blvd</u>		Phone
City <u>Zumbrota</u>	State <u>MN</u>	Zip <u>55992</u>
Authorized Agent		Attach Legal Description as Exhibit "A" <input type="checkbox"/>
Mailing Address of Landowner:		Phone
Mailing Address of Agent:		

PROJECT INFORMATION

Site Address (if different than above):

Lot Size Additional Structure Dimensions (if applicable) 125X200

What is the conditional/interim use permit request for?

Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized
Looking to add area to CUP to allow a shop to be built primary use will be farm use but current businesses will also use some of the space too!

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 Aurice Horneman Title Clerk Date 9-13-22

Comments: Marty came to meeting and presented his plans. The Town Board is fine with the boundary changes as needed.

COUNTY SECTION

COUNTY FEE \$350 RECEIPT # 17110 DATE PAID 9-20-22

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:

RECEIVED

SEP 20 2022

Land Use Management

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).

Shop Repair Trucks Tractors & Combines

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

Farm use primarily will add offices spaces to compensate for the Growth of Lawn Care Companies

3. Proposed number of non-resident employees.

Currently on site employees 5

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

7-6 Summer time 9-3 Winter

5. Planned maximum capacity/occupancy.

45

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

Nothing on Road all functions will be off Highway #4

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

None

8. Proposed solid waste disposal provisions.

Proper Waste management

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

Need to add Septic & Drain system

10. Existing and proposed exterior lighting.

Just around New structure

11. Existing and proposed exterior signage.

None

12. Existing and proposed exterior storage.

Gravel lot to South of Building

13. Proposed safety and security measures.

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

All Good

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

None

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

17. Existing and proposed surface-water drainage provisions.

The Building Gutters to existing
Circled tile

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

Meeting room with kitchenet will
be installed

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

**STATE OF MINNESOTA
COUNTY OF GOODHUE**

**BOARD OF COMMISSIONERS
CONDITIONAL/INTERIM USE PERMIT
PROCEEDINGS
FILE NO. Z17-0001**

In the matter of: Request for a Conditional Use Permit (CUP) to operate Green Edge Lawn service and Spring-Green Lawn Care business in an A1 district.

Applicant(s): Marty Amundson

Address of zoning request: 41396 County 4 Blvd Zumbrota MN 55992

PID: 47.011.0700

Short Legal Description: Part of the SE ¼ of NW ¼, Sect 11 Twp 110 Range 15

Township : Zumbrota

The project plans have been reviewed with reference to the Goodhue County Zoning Ordinance and the Goodhue County Comprehensive Plan. The Conditional Use Permit application was considered by the Goodhue County Planning Advisory Committee at a public hearing on Monday, January 09, 2017 and the request was considered at a public meeting by the Goodhue County Board of Commissioners on Tuesday, February 07, 2017 Pursuant to Goodhue County Zoning Ordinance the project has been properly noticed by posting to the official newspaper of Goodhue County and a mailing.

IT IS ORDERED THAT THE GOODHUE COUNTY BOARD OF COMMISSIONERS:

- 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

The County Board of Commissioners **APPROVE**

APPROVE the request for a Conditional Use Permit (CUP) to operate Green Edge Lawn service and Spring-Green Lawn Care business in an A1 district subject to the following conditions:

1. Conformance with plans and supporting information included with the Conditional Use Permit application submitted to Goodhue County Land Use Management Office,
2. Compliance with any applicable local, state and federal permits and/or licensing,
3. The applicant or their contractor shall submit a complete application for an on-site subsurface sewage treatment system needed to serve existing and proposed facilities in compliance with applicable County and State of Minnesota Wastewater Water Treatment rules and standards,
4. The owners will cooperate with inspections of the facility in coordination with Land Use staff.

At 41396 County 4 Blvd Zumbrota MN 55992, PID: 47.011.0700, Part of the SE ¼ of NW ¼, Sect 11 Twp 110 Range 15 in Zumbrota Township

Rights granted expire one year from the date of approval if not exercised; expiration date: 02/07/2018.

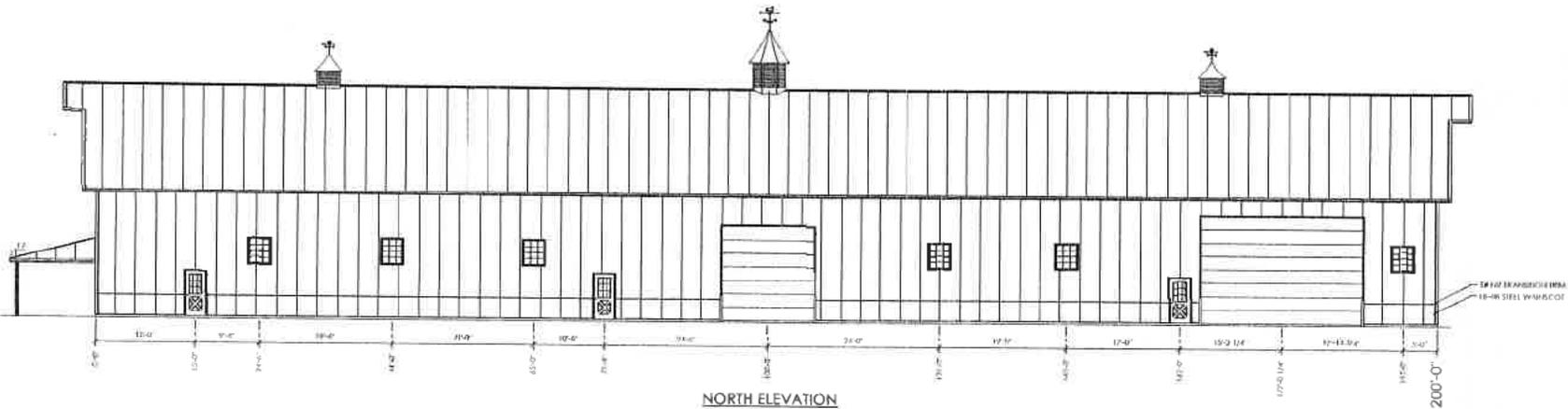
Date signed: 4-18-17



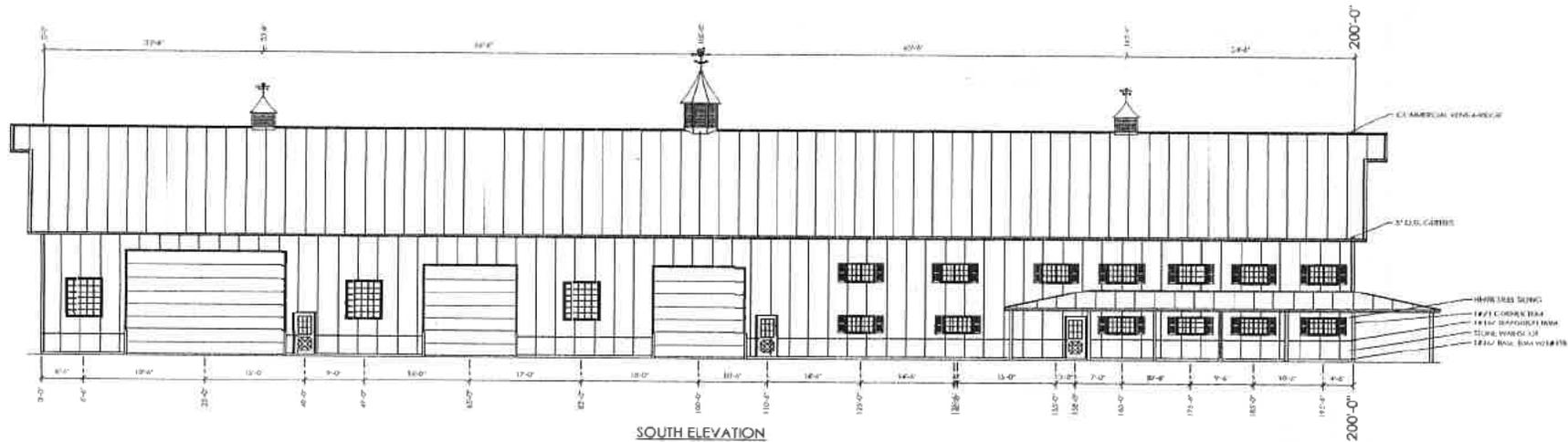
Ron Allen, Chairperson

Goodhue County Board of Commissioners

DISCONTINUANCE: A conditional/interim use permit shall expire and be considered null and void one (1) year after the County Board's final decision to grant the permit if the use has not begun. One (1) administrative extension of up to one (1) year may be granted by the Zoning Administrator upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the permit. If no extension has been requested the Zoning Administrator shall record an expiration notice with the County Recorder. A conditional/interim use permit shall be considered null and void if discontinued for a period of one (1) year



NORTH ELEVATION



SOUTH ELEVATION

PRELIMINARY DRAWING FOR OWNER'S APPROVAL

- DRAWINGS APPROVED AS SHOWN
- DRAWINGS APPROVED FINDING CHANGES NOTED
- REVISE DRAWING WITH HOLD CHANGES AND RESUBMIT

OWNER'S SIGNATURE _____ DATE _____

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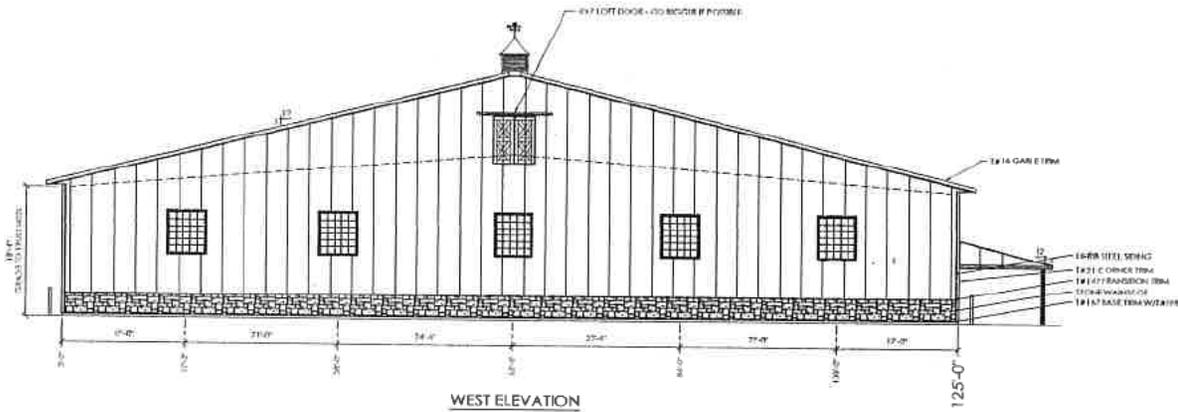
DATE: 03/24/2020
 DRAWN BY: [Name]
 PROJECT NO: [Number]

MORTON BUILDINGS, INC.
 ALLIED DESIGN ARCHITECTURE & ENGINEERING GROUP, P.C.
 1802 S. HARRIS ST. COVINGTON, LA 70038
 PHONE: 504.835.3000 FAX: 504.835.3001
 WWW.AEDAGROUP.COM

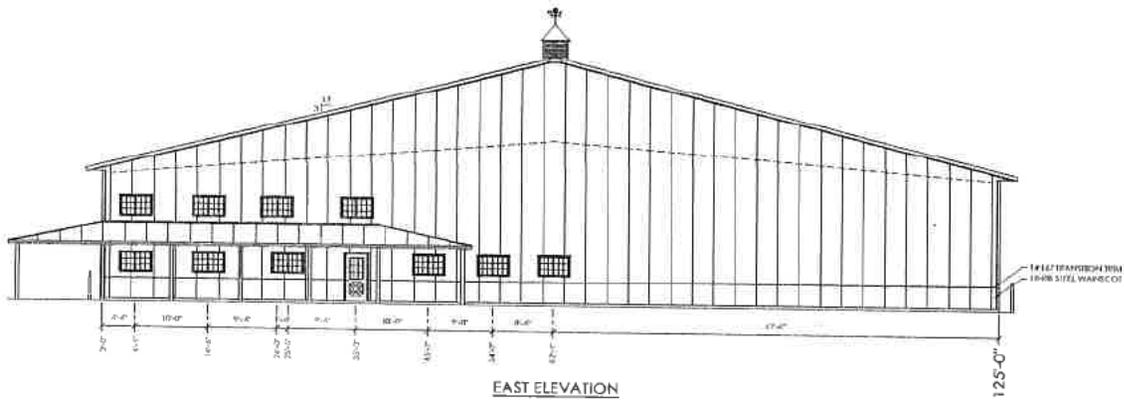
DRAWN BY	REP
DATE	REVISION
CHECKED BY	
DATE	
PERIOD DASH	
PERIOD DATE	
PERIOD DATE	
PERIOD DATE	

 [Signature Line]

SCALE: 1/8" = 1'-0"
 SHEET NO: S2 OF S3



WEST ELEVATION



EAST ELEVATION

OWNER: MORTON BLDG, INC.
 PROJECT: BARN

MARTY AMUNDSON
 ARCHITECT

ALLIED DESIGN ARCHITECTURE & ENGINEERING GROUP, P.C.
 1100 S. 10TH ST. SUITE 100
 WICHITA, KS 67202

DRAWN BY	DATE
CHECKED BY	DATE
DESIGNED BY	DATE
APPROVED BY	DATE
REVISIONS	

PRELIMINARY DRAWING FOR OWNER'S APPROVAL

- DRAWING APPROVED AS SUBMITTED
- DRAWING APPROVED FOR NOTED CHANGES NOTED
- REVISE DRAWING WITH NOTED CHANGES AND REVISIONS

OWNER'S CHAIRMAN: _____ DATE: _____

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MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
October 17, 2022

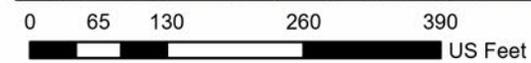
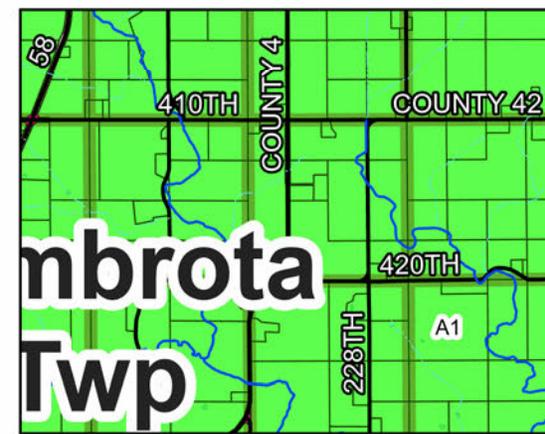
Martin Amundson (Owner/Operator)
A1 Zoned District

Part of the SE 1/4 of the NW 1/4 of
Section 11 TWP 110 Range 15
in Zumbrota Township

Request for CUP Amendment to allow
an existing lawn care business
to construct a new storage and office
building

Legend

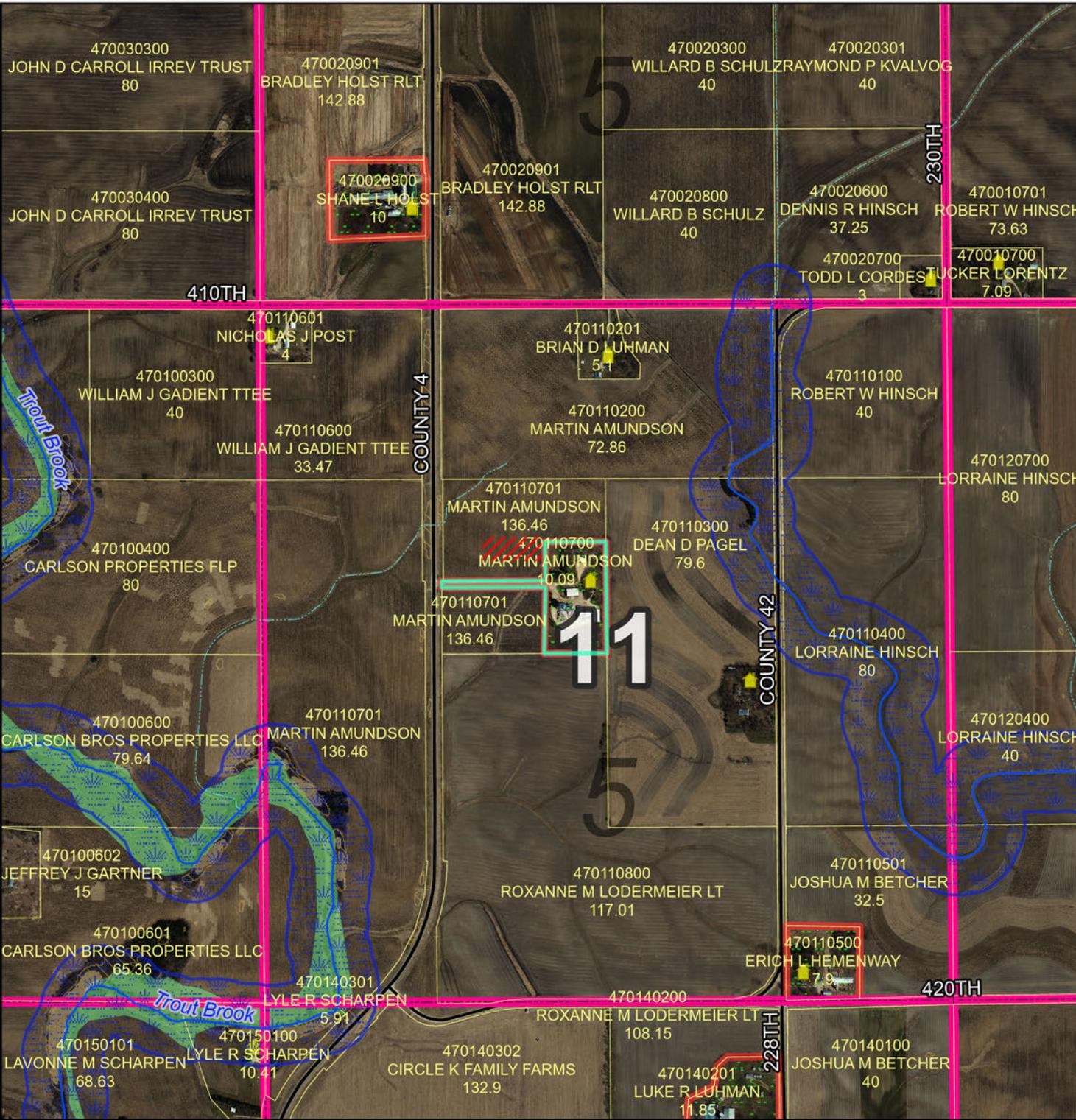
Intermittent Streams	Bluff Impact Zones (% slope)
Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



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2018 Aerial Imagery
Map Created September, 2022 by LUM





PLANNING COMMISSION

Public Hearing
October 17, 2022

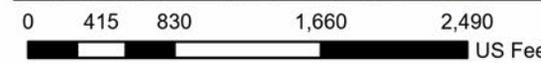
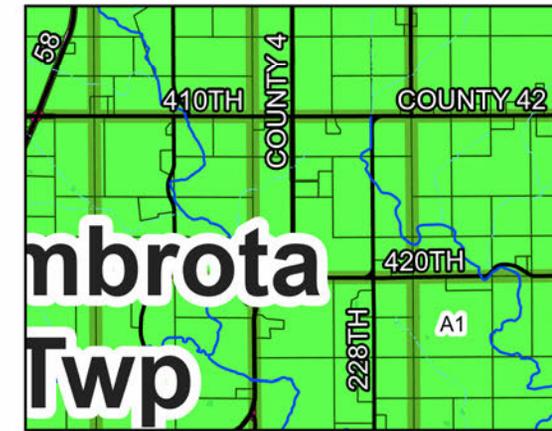
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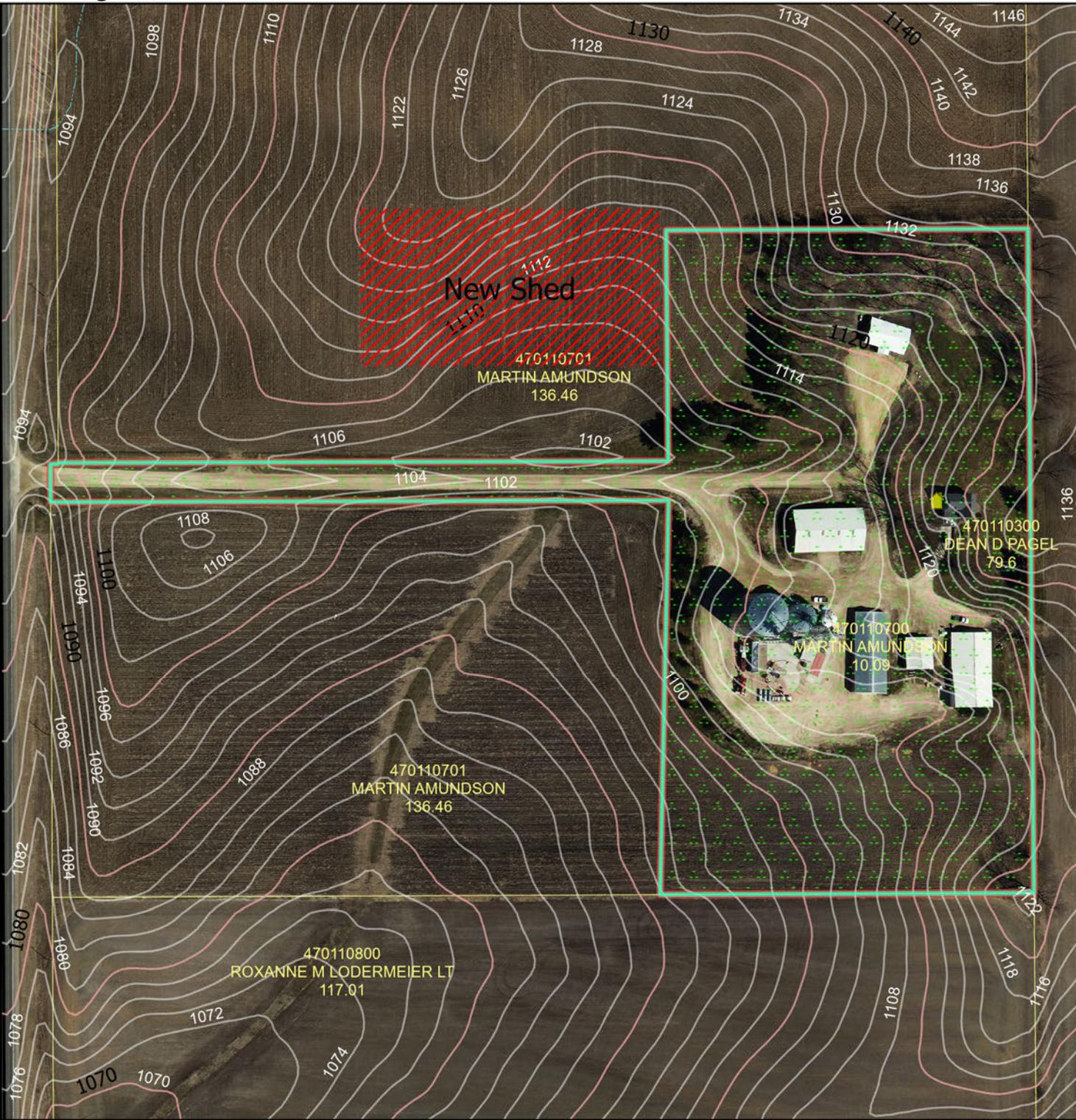
Request for CUP Amendment to allow
an existing lawn care business
to construct a new storage and office
building

Legend

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



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PLANNING COMMISSION

Public Hearing
October 17, 2022

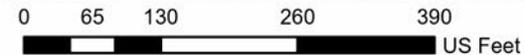
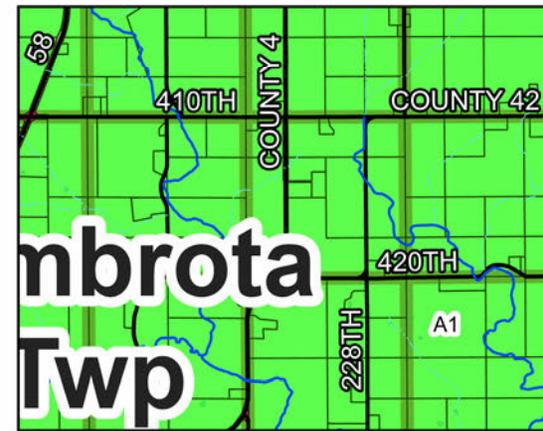
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Legend

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



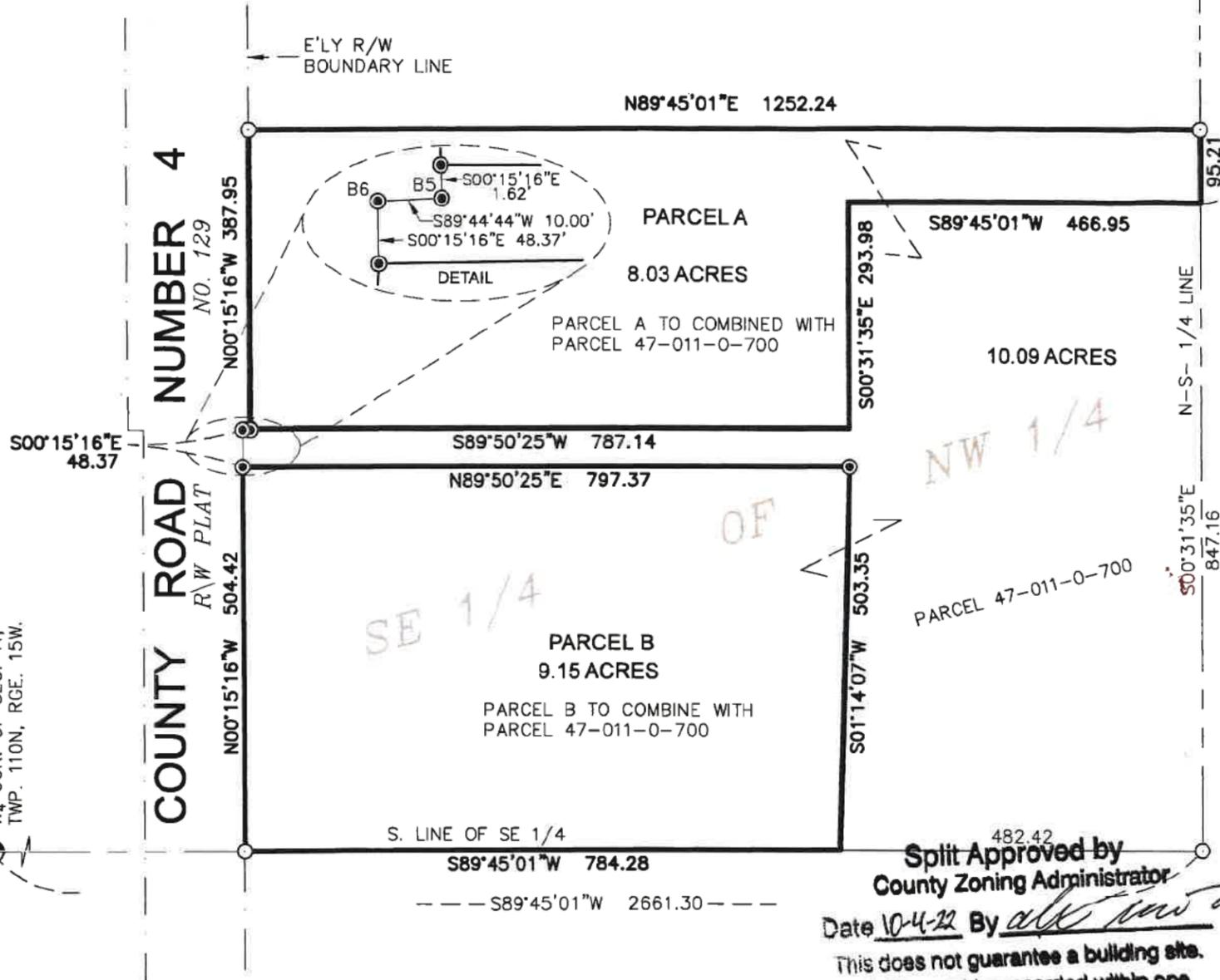
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N $\frac{1}{4}$ COR. OF SEC. 11,
TWP. 110N, RGE. 15W.

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 COUNTY P.L.S. CORNER.



PARCEL A PROPOSED PROPERTY DESCRIPTION
That part of the Southeast Quarter of the Northwest Quarter of Section 11, Township 110 North, Range 15 West, Goodhue County, Minnesota, described as follows:

Commencing at the north quarter corner of said Section 11; thence on an assumed bearing of South 00 degrees 31 minutes 35 seconds East, along the north-south quarter line of said Section 11, a distance of 1804.59 feet to the point of beginning of the land to be described; thence South 89 degrees 45 minutes 01 seconds West, a distance of 466.95 feet; thence South 00 degrees 31 minutes 35 seconds East, a distance of 293.98 feet; thence South 89 degrees 50 minutes 25 seconds West, a distance of 787.14 feet to the easterly right of way boundary line of County Road Number 4, as platted and designated in GOODHUE COUNTY RIGHT OF WAY PLAT NO. 129, according to the recorded plat thereof, on file in the office of the County Recorder, Goodhue County, Minnesota; thence North 00 degrees 15 minutes 16 seconds West, along said easterly right of way boundary line, a distance of 387.95 feet; thence North 89 degrees 45 minutes 01 seconds East, a distance of 1252.24 feet to said north-south quarter line; thence South 00 degrees 31 minutes 35 seconds East, along said north-south quarter line, a distance of 95.21 feet to the point of beginning.

Subject to all easements and restrictions of record.

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



Split Approved by
County Zoning Administrator
Date 10-4-22 By AKK [signature] per g.b.
This does not guarantee a building site.
Splits must be recorded within one year of approval.

PARCEL B PROPOSED PROPERTY DESCRIPTION
That part of the Southeast Quarter of the Northwest Quarter of Section 11, Township 110 North, Range 15 West, Goodhue County, Minnesota, described as follows:
Commencing at the north quarter corner of said Section 11; thence on an assumed bearing of South 00 degrees 31 minutes 35 seconds East, along the north-south quarter line of said Section 11, a distance of 1804.59 feet; thence South 89 degrees 45 minutes 01 seconds West, a distance of 466.95 feet; thence South 00 degrees 31 minutes 35 seconds East, a distance of 293.98 feet; thence South 89 degrees 50 minutes 25 seconds West, a distance of 787.14 feet to the easterly right of way boundary line of County Road Number 4, as platted and designated in GOODHUE COUNTY RIGHT OF WAY PLAT NO. 129, according to the recorded plat thereof, on file in the office of the County Recorder, Goodhue County, Minnesota; thence South 00 degrees 15 minutes 16 seconds East, along said easterly right of way boundary line, a distance of 1.62 feet to Right of Way Boundary corner B5; thence South 89 degrees 44 minutes 44 seconds West, along said easterly right of way boundary line, a distance of 10.00 feet to Right of Way Boundary corner B6; thence South 00 degrees 15 minutes 16 seconds East, along said easterly right of way boundary line, a distance of 48.37 feet to the point of beginning of the land to be described; thence North 89 degrees 50 minutes 25 seconds East, a distance of 797.37 feet; thence South 01 degrees 14 minutes 07 seconds West, a distance of 503.35 feet to the south line of the Southeast Quarter of said Section 11; thence South 89 degrees 45 minutes 01 seconds West, along said south line, a distance of 784.28 feet to said easterly right of way boundary line of County Road Number 4; thence North 00 degrees 15 minutes 16 seconds West, along said easterly right of way boundary line, a distance of 504.42 feet to the point of beginning.

Subject to all easements and restrictions of record.

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

Marcus S. Johnson
Minnesota License No. 47460
Date: September 23, 2022

BK. NA PG. NA W.O.# DRAWING NUMBER
SHEET 1 OF 1 SHEETS 22-848 S-10367

CERTIFICATE OF SURVEY FOR:
MARTY AMUNDSON

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

S:\Share\STR\CERTS\110-15\11\AMUNDSON\MARTY AMUNDSON.dwg

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

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

To: Planning Commission
From: Land Use Management
Meeting Date: October 17, 2022
Report date: October 7, 2022

PUBLIC HEARING: CUP request for a Self Service Storage Facility

Request for CUP, submitted by Lariat Companies, Inc. (Owners) to permit an existing self-service storage facility to allow a structure addition.

Application Information:

Applicant: Lariat Companies, Inc. (Owners)
Address of zoning request: 32072 Ash Court Cannon Falls, MN 55069
Parcel(s): 28.131.0010, 28.131.0020, 28.131.0030
Abbreviated Legal: Lots 1, 2, and 3 Block 1 of the Evolve Replat in Cannon Falls Township
Township Information: Cannon Falls Township has been made aware of the request and is working on permitting the facility.
Zoning District: B (Business District)

Attachments and links:

Application and submitted project summary
Site Map(s)
Article 11 Section 34 Self-Service Storage Facilities
Article 27 B, Business District
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant (Lariat Companies, Inc.) is requesting a CUP to allow an existing self-service storage facility to construct a 51-foot x 48-foot structure addition. The property has operated as a self-service storage facility since 1993. At that time, self-service storage facilities were not regulated by Goodhue County. Until 2022 the use was considered an existing non-conformity. No structural alterations are permitted on non-conforming buildings or uses without obtaining an appropriate permit.

On August 11, 2022, the Goodhue County Board of Commissioners approved Zoning Ordinance amendments that included permitting self-service storage facilities as a conditional use in the Business and Industrial District. With these changes, any operational or structural changes to an existing self-service storage facility in Goodhue County is contingent on the approval of a Conditional Use Permit.

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.

Property / Building Information:

- The subject property consists of three contiguous parcels comprising approximately 4.03-acres.
- The property is surrounded by the City of Cannon Falls and is among properties zoned B-2, General Business District. Highway 52 BLVD comprises the property's western border.
- Access to the site is off of Ash Court (asphalt surface) on the west side of the property.
- The property consists of 12 storage units, ranging in size from 10 feet x 10 feet to 10 feet x 32 feet. There is also exterior storage at the northwest corner of the site on parcel 28.131.0010.
- The Applicant intends to construct a 48-foot x 51-foot addition to provide additional storage space and to align with the existing buildings on the west side of the lot. The addition will be similar in structure and design to the existing buildings.

The Applicant is aware the addition will not meet right-of-way setback requirements in the B District. They have applied for a variance to these setbacks, and this item will be on the agenda for the October 24th, 2022 Board of Adjustment meeting.

- Exterior yard lighting is installed around the buildings for safety and security. The lights are downward projecting to limit off-site disturbances. The new addition would have similar lighting installed.

Business Information:

- The site is primarily used for personal storage space rental. According to the rental agreement (see attached), tenants are not allowed to use the space for mechanical work or sales (including garage sales) and are not allowed to store any living organisms or materials classified as hazardous. All vehicles (including lawnmowers and power tools) are to have the oil and gas drained before storing. Electricity, water, or other utilities are not allowed, and signage displayed by tenants is prohibited.
- Primary hours of operation are year-round, 7:00 AM to 9:00 PM, 7 days a week.
- The Applicant stated there are no on-site employees and monitoring is done remotely through the use of cameras and a secured access gate.
- The Applicant stated there is very little noise generation, and traffic is not expected to be a nuisance due to the varying hours the storage units are accessed.
- The Applicant stated the existing aggregate on the site will be replaced with asphalt in the Spring of 2023.
- The site perimeter is partially surrounded by chainlink fencing, including the area where exterior storage is permitted. According to Article 11, Section 34 of the Goodhue County Zoning Ordinance, exterior storage of materials, vehicles, and equipment may require screening from public view. The Planning Commission should consider if additional screening should be established.
- There are currently two signs on the premises, and one billboard (see attached images). No additional signage is proposed to be installed.
- A review of the property record found no complaints regarding the Applicant's business since it began operations 29 years ago.

Drainage/Landscaping:

- The site has minor topographic relief with slopes ranging from 0-2% in the project area. There is a bluff located in the northeast corner of the property, and care should be taken to ensure there is no disruption to this natural feature.
- Goodhue County Soil and Water Conservation District Water Planner Chad Hildebrand reviewed the proposal and offered the following comments:

"The site currently follows the drainage swale in the back or west of the property and travels towards Hwy 52. No issues with the proposed change from aggregate to asphalt,

and no significant changes in stormwater flows are anticipated with the proposed addition.”

- The Applicant is not required to submit a landscaping/drainage plan as the facility already exists.

Access:

- Staff is aware a gated fence was installed between 2018 and 2020 over the public right-of-way (Ash Court). This gated access could prevent the neighboring property owner to the south (Randy Rehtzigel) from accessing his land via the public right of way. Staff has discussed this issue with the Applicants and they have stated their intention to remove the gate and install a perimeter fence on their property.

Draft Findings of Fact:

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

1. The self-service storage facility and proposed building expansion do 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 a B (Business) zone which is intended to allow for retail, service, and repair establishments. The surrounding area is primarily used for local businesses and the structure addition is not anticipated to impact views from neighboring properties.
2. The self-service storage facility and proposed building expansion are not anticipated to impede the normal and orderly development or improvement of surrounding vacant property for uses predominant to the area. The proposal 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 use.
4. The facility has ample room to provide sufficient off-street parking and loading space to serve the use and meet the Goodhue County Zoning standards.
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. All lighting is downward projecting, there is little dust generation on the site given the limited traffic and low speeds. Noises generated from the business are limited in duration and not uncharacteristic of existing business operations in the vicinity.

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 request submitted by Lariat Companies Inc. (Owners) to permit an existing self-service storage facility and for construction of a 51-foot by 48-foot structure addition.

Subject to the following conditions:

1. The use shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. 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 27 (Business District); and Article 11, Section 34 (Self-service Storage Facilities).
4. Compliance with all necessary State and Federal registrations, permits, licensing, and

regulations;

5. The existing fencing and gate shall be removed from the Ash Court right-of-way prior to building permit approval.

Images taken September 27, 2022



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

www.co.goodhue.mn.us

Image of surrounding area



GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

28. 131.0020

Parcel # 28. 131.0030 28. 131.0010

Permit# 2220052

PROPERTY OWNER INFORMATION			
Last Name Lariat Companies, Inc.	First	Email [REDACTED]	
Street Address 8345 Crystal View Road			Phone
City Eden Praire	State MN	Zip 55344	Attach Legal Description as Exhibit "A" <input type="checkbox"/>
Authorized Agent		Phone	
Mailing Address of Landowner: Same As Above			
Mailing Address of Agent:			
PROJECT INFORMATION			
Site Address (if different than above): 32072 Ash Court, Cannon Falls, MN 55069			
Lot Size 4.04 acres	Structure Dimensions (if applicable) 48' x 51'		
What is the conditional/interim use permit request for? Adding onto existing self-storage building			
Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized We propose to add on to building #2 to the to the west so it is in alignment when completed with the buildings on the west side of the property. The addition will be identical in design and color to the existing buildings. There is no change to the current use of the property. We need more capacity based upon current demand for storage space.			
DISCLAIMER AND PROPERTY OWNER SIGNATURE			
<i>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.</i>			
Signature of Landowner: Kelly D. Adams, Secretary		Date 9/20/22	
Signature of Agent Authorized by Agent:			
TOWNSHIP INFORMATION			
Township Zoning Permit Attached? <input type="checkbox"/> 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 # 17713	DATE PAID 9-22-22	
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:			

RECEIVED

SEP 22 2022

Land Use Management

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).
The expansion of existing building #2. The size of the addition is 48' x 51', to be added to the west side of the building

(see attached).

2. Planned use of existing buildings and proposed new structures associated with the proposal.
Self-storage, which is the existing use.

3. Proposed number of non-resident employees.

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

7:00 a.m. - 9:00 p.m., 7 days per week

5. Planned maximum capacity/occupancy.

12 storage units within the building ranging in size from 10' x 10' to 10' x 32'

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

Access is through Ash Court and there is no expectation of traffic congestion due to the varying hours that storage units are accessed.

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

None

8. Proposed solid waste disposal provisions.

None

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

None



10. Existing and proposed exterior lighting.
Adding wall packs to addition

Adding wall packs to addition

11. Existing and proposed exterior signage.
New exterior signage is being applied for under a separate permit.

12. Existing and proposed exterior storage.
None

13. Proposed safety and security measures.
Existing security gate and numerous on-site cameras - currently in existence.

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

15. Potential for generation of noise, odor, or dust and proposed mitigation measures.
None

16. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.
Spring landscaping addition planned as well as black topping of driveway.

17. Existing and proposed surface-water drainage provisions.
No changes to existing water drainage

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.
See attachments

With respect to the application for a conditional use permit, the facility complies with Zoning Ordinance, Article 11, Section 34 as follows:

- A The storage units/facilities may only used for storage. Storage units may not be used for retail sales, including garage sales. Industrial uses, vehicle repair, human habitation or storage of any living animal or organism is prohibited under the terms of our lease agreement. Attached is a sample copy of our storage lease agreement.
- B. Storage of hazardous, flammable, or explosive materials as defined in [MN Statute 182.651](#) is prohibited.
- C. Water service to storage units is prohibited, except for a fire suppression system.
- D The site is not located within any wetland, floodplain, or bluff lands.
- E All lighting is downward projecting or shielding to prevent light from being directed off the premises.
- F The facility is secured by fencing.
- G
- H Areas for exterior storage and access lanes for storage structures are Surface with aggregate. We expect to install asphalt in the spring.
- I Drive lanes between structures is a minimum of 18 feet between the nearest points of buildings.

Dated : September 20, 2022

Lariat Companies, Inc.

By: 
Kelly D. Adams

Its: Secretary

Goodhue County Self Storage
SELF STORAGE RENTAL AGREEMENT

STORAGE UNIT # _____ Gate * _____ # _____

This RENTAL AGREEMENT is executed on _____ at the place and on the date set forth below, between Goodhue County Self Storage ("MANAGEMENT") and, _____ ("TENANT") as evidenced by their signatures below, and is made subject to the terms and conditions set forth below in this RENTAL AGREEMENT, which terms and conditions are incorporated herein and made a part hereof for all purposes. In consideration of the covenants, conditions, and agreements hereinafter contained to be kept and performed by TENANT, MANAGEMENT does hereby lease to TENANT and TENANT hereby leases from MANAGEMENT the STORAGE UNIT ("STORAGE UNIT") or if referring to the entire property, ("FACILITY").

Tenant Name: _____

By (Management Agent): _____

(Tenant Signature)

(Management Signature)

(Tenant Company Name)

Lease Number: _____

(Tenant Street Address)

Alternate Contact: _____

(Tenant City, State, Zip)

<tenant.Alt.PostalCode>

(Home Phone) (Work Phone) (Mobile Phone)

(Drivers License No./State)

1. **PROPERTY RENTED.** TENANT agrees to rent the following property ("storage unit") located at ("Facility") at the above address under MANAGEMENT:

MANAGEMENT hereby rents to TENANT, OUTDOOR STORAGE PARKING/ STORAGE UNIT _____ (approx _____ ft. x _____ ft.) in a building located at Goodhue County Self Storage, 32074 Ash Ct., Cannon Falls, MN 55009 ("FACILITY") to be used as storage for personal or business property for the monthly rate of \$ _____ payable on day _____ of each month hereinafter. Rental payments are payable in advance. The term "TENANT" shall include only the signatory. Alternate Contacts may or may not have access rights to the STORAGE UNIT, this is dependent on permission given by TENANT in writing. If TENANT becomes incapacitated for any reason, STORAGE UNIT will be overllocked until Notorized Proof of incapacity and Power of Attorney has been established and presented to MANAGEMENT before overllock is removed and access to STORAGE UNIT is allowed. This RENTAL AGREEMENT still remains in full effect. If TENANT is deceased, STORAGE Unit will be overllocked until a Notorized Death Certificate and a court order stating that the family member has been appointed as the administrator or executor of the estate. A Letter of Testamentary, or a Letter of Administration or a Letter of Representation must be presented to MANAGEMENT before overllock is removed and access to STORAGE UNIT is allowed. This RENTAL AGREEMENT still remains in full effect.

02. **STORAGE OF MOTOR VEHICLES.** Tenant must prove that vehical or trailer is in **working condition and must provide copies of the vehicle's title, and proof of insurance prior to moving into storage.** The storage is to be used for storing only and **no mechanical work is allowed.** The storage is is not a work shop. In the event that any motor vehicle remains stored in the STORAGE UNIT after termination of this RENTAL AGREEMENT or 60 days after TENANT'S DEFAULT, and in addition to all other rights and remedies available to MANAGEMENT, MANAGEMENT is authorized to cause such vehicle to be removed by a person regularly engaged in the business of towing vehicles, without liability for the costs of removal, transportation or storage or damages caused by such removal, transportation or storage. TENANT acknowledges that he or she has personally been given notice that the vehicle is subject to removal at the TENANT'S expense after termination of this RENTAL AGREEMENT or upon TENANT'S DEFAULT. MANAGEMENT shall incur no liability to TENANT for causing the vehicle to be removed pursuant to this PARAGRAPH 30 (STORAGE OF MOTOR VEHICLES).

**<ESign.RadioButtonPair:YES:NO>

NO UNLAWFUL OR PROHIBITED USE

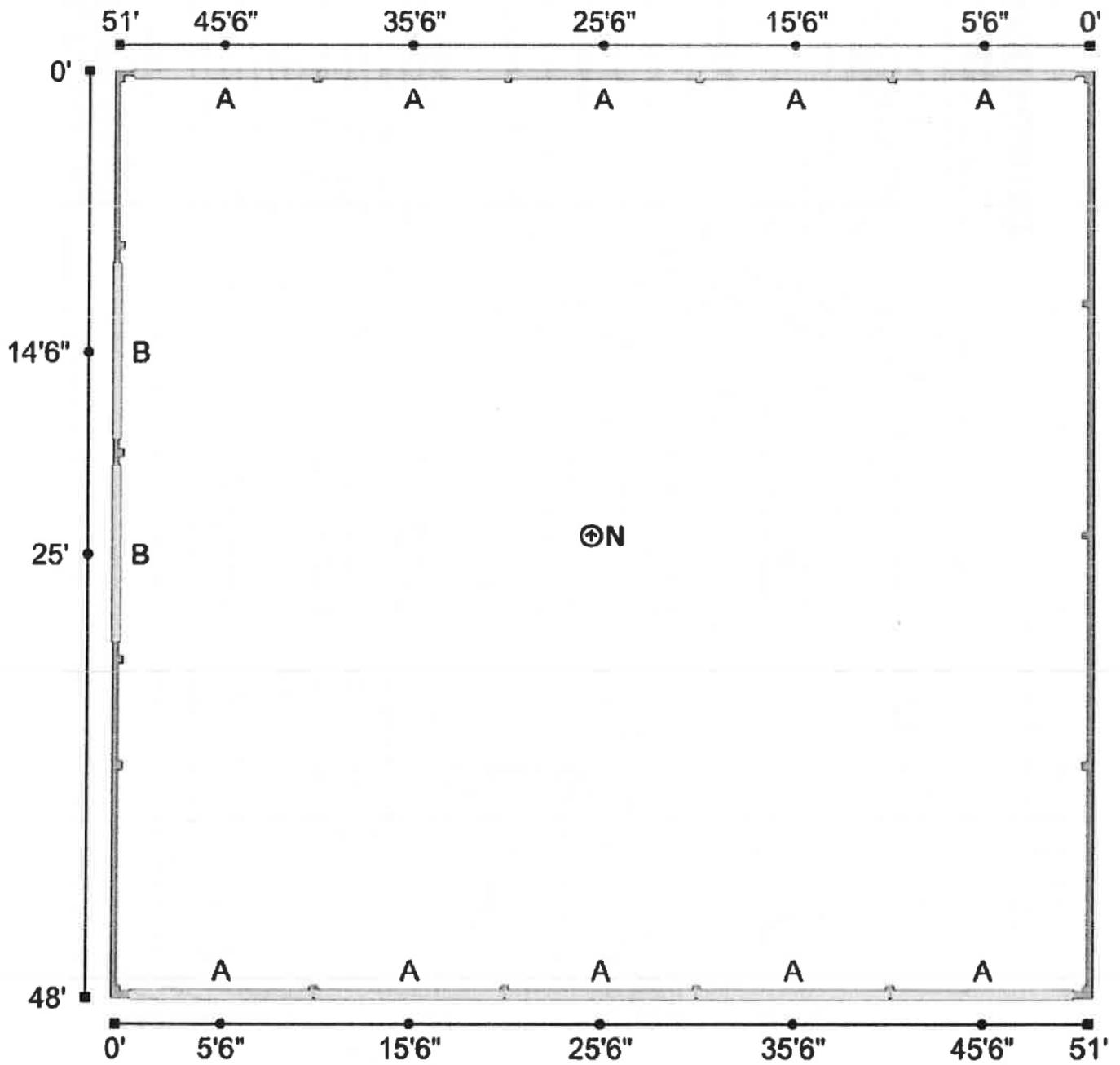
19. NO UNLAWFUL OR PROHIBITED USE. TENANT will use the STORAGE UNIT only for storage. TENANT will not use the STORAGE UNIT for any unlawful purposes. TENANT will not use the STORAGE UNIT in any way that would be considered a nuisance to, or that may harm, other TENANTS or their property. Storage of any materials classified as hazardous, flammable, controlled, contraband, or illegal under any state, federal, local law or regulation is prohibited. The storage of welding, flammable, chemically odorous, explosive or other inherently dangerous material is prohibited. If hazardous substances are stored, used, generated, or disposed of in the STORAGE UNIT or at the FACILITY, or if the STORAGE UNIT or the FACILITY shall become contaminated in any manner for which the TENANT is directly or indirectly responsible, the TENANT shall indemnify and hold MANAGEMENT harmless from and against any and all claims, damages, fines, judgments, penalties, costs, liabilities, or losses, and any and all sums incurred or paid for settlement of any such claims, including any attorney's fees, consultant and expert fees, resulting from or arising out of any contamination by the TENANT, whether incurred during or after the RENTAL AGREEMENT term. All vehicles, lawnmowers, motorized machinery and tools stored must be empty of gasoline and oil. The Vehicle Identification Numbers, License Plate Numbers, Copy of Title and Copy of Insurance Declaration of any motorized vehicles must be provided to MANAGEMENT PRIOR to storage in any STORAGE UNIT. The name on the registration and on this RENTAL AGREEMENT must match. Vehicles stored at FACILITY must be in working condition. No repairs or maintenance may be completed in the STORAGE UNIT or at the FACILITY. No electricity, water or other utility shall be furnished to TENANT or any STORAGE UNIT. TENANT agrees not to commit waste, nor alter, nor affix signs on the STORAGE UNIT, and to keep the STORAGE UNIT in good condition during the term of this RENTAL AGREEMENT. TENANT shall not do or permit to be done any act which creates, or may create a hazard, nuisance or an environmental problem in connection with TENANTS' use of the STORAGE UNIT or the FACILITY. TENANT acknowledges that the STORAGE UNIT shall be used for storage only, and TENANT shall not perform or allow any other person to perform any dangerous activities nor conduct a business in the STORAGE UNIT. There shall be no habitable occupancy of the STORAGE UNIT by humans or pets of any kind for any period whatsoever and violation of these prohibitions shall be grounds for immediate TERMINATION of this RENTAL AGREEMENT. TENANT acknowledges that the STORAGE UNIT shall not be used for cooking, sleeping or the consumption of alcoholic beverages or for the storage of any food or any other perishable items. TENANT further agrees that the STORAGE UNIT is not to be used for any type of work shop, for any type of repairs, or for any sales, renovations, decoration, painting, or other contracting. The TENANT will indemnify and hold MANAGEMENT and its agents harmless from and against any and all manner of claims and demands for damages or lost property or personal injury and against all losses, penalties, expenses, and costs, including MANAGEMENT'S reasonable costs and attorneys' fees, arising from any act or omission of TENANT, from the violation of any statute or ordinance by TENANT, or from any accident or occurrence due directly or indirectly to use or occupancy of the STORAGE UNIT by TENANT, including without limitation any breach of TENANT'S covenants with respect to hazardous materials, substances or wastes. No mechanical work of any nature is permitted in the STORAGE UNIT, or at the FACILITY.

****BY PLACING HIS OR HER INITIALS HERE:** _____

TENANT acknowledges that he/she has read and understands the provisions of this PARAGRAPH 19 (NO UNLAWFUL OR PROHIBITED USE).

20. ALTERATIONS. TENANT will not make any alteration to the STORAGE UNIT.

21. LOCKS And IDENTIFICATION. TENANT Shall keep a Drivers License or State issued ID on file for identification purposes. Tenant shall keep the STORAGE UNIT locked at all times, using only one lock per STORAGE UNIT. All necessary locks shall be provided by TENANT at TENANT'S sole cost and expense. MANAGEMENT does have Disk Locks that can be purchased. MANAGEMENT will not have a key or combination to the TENANT lock. If TENANT fails to lock the STORAGE UNIT, MANAGEMENT may lock the STORAGE UNIT with MANAGEMENT'S lock and deny access to TENANT until TENANT provides a suitable lock. Under no circumstances shall MANAGEMENT be deemed under any obligation to lock the STORAGE UNIT, nor shall MANAGEMENT incur any liability whatsoever as a result of any failure of MANAGEMENT to exercise its right to lock the STORAGE UNIT. In the event MANAGEMENT exercises its right hereunder to lock the STORAGE UNIT with MANAGEMENT'S lock, TENANT shall be assessed an additional overlocking charge of \$10.00 to be paid as additional rent for each such incident.





STATEMENT OF POSSIBLE ENCROACHMENTS

The following possible encroachment items are intended to show information only. The surveyor does not guarantee that the items noted below are in fact encroachments or that all possible encroachments are shown herein. ONLY THOSE ENCROACHMENTS OBSERVED WITHIN SUBJECT PROPERTY AREA.

- ▲ SECURITY FENCE AND GATE ONTO PUBLIC RIGHT OF WAY
- ▲ GRAVEL SURFACE ONTO PUBLIC RIGHT OF WAY
- ▲ SECURITY FENCE ONTO PUBLIC RIGHT OF WAY - 2 FT AT CORNER

GENERAL NOTES

1. Fee assembly is based on High Quality and Heavy-Duty Grade, National & W-8 - Parcel 1 (Parcel ID Number: 251216010). Fee assembly is based on Quality Storage, LLC - Parcel 2 & 3 (Parcel ID Number: 251216020 & 251216030).
2. Easements shown herein are based on the Goodhue County Coordinate System.

MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 25-72

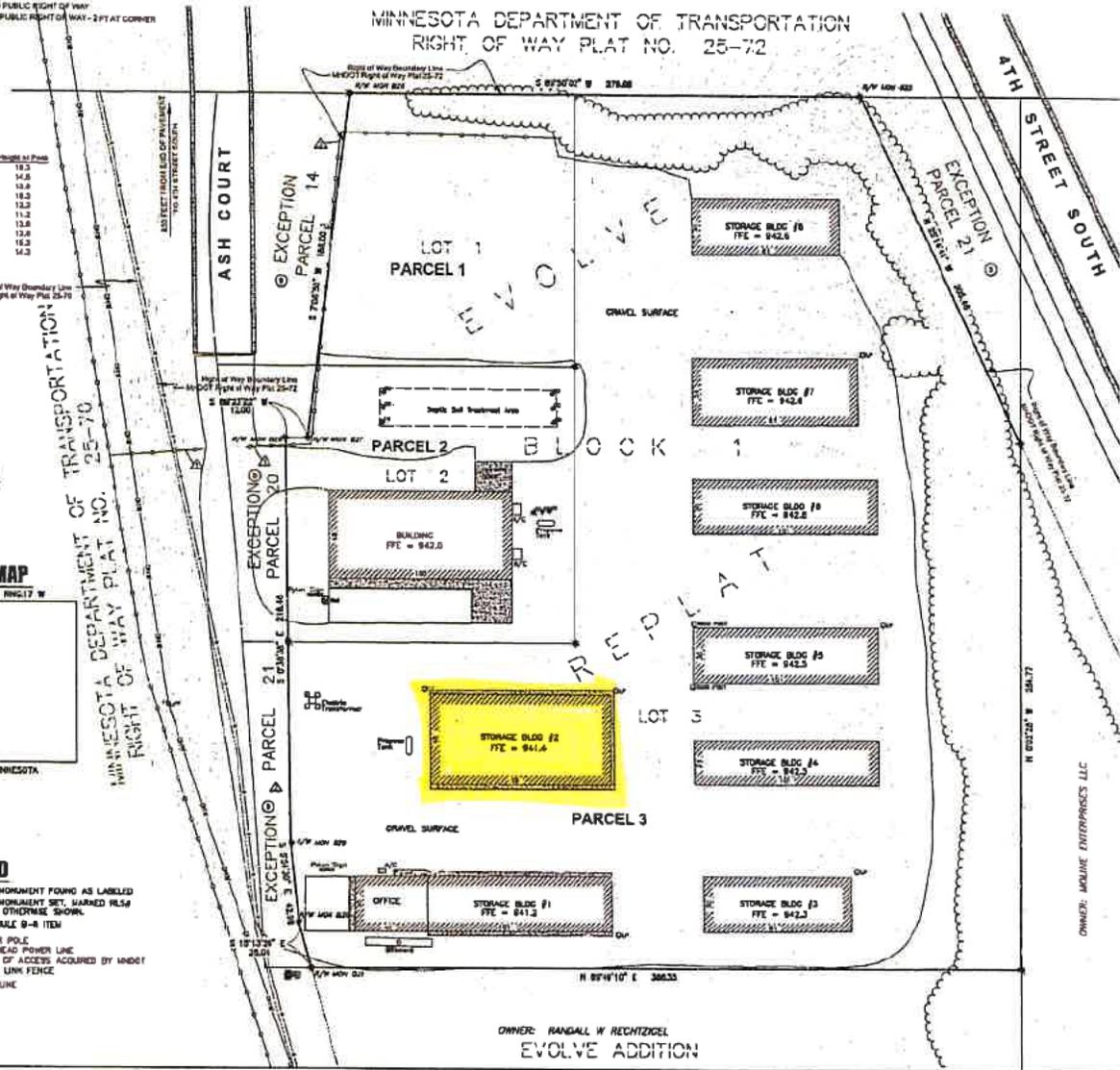
Building No.	Lot No.	Year Began	Height at Peak
1	1	2,295	11.3
2	1	3,059	8.8
3	1	4,781	8.8
4	1	5,438	8.8
5	1	2,424	8.5
6	1	3,038	8.5
7	1	3,038	8.5
8	1	2,274	8.5
9	1	2,436	8.5



- LEGEND**
- DENOTES SIGN MONUMENT FOUND AS LABELED
 - DENOTES SIGN MONUMENT SET, MARKED PLUS (+) UNLESS OTHERWISE SHOWN
 - DENOTES SCHEDULE B-4 ITEM
 - DENOTES POWER POLE
 - DENOTES OVERHEAD POWER LINE
 - DENOTES RIGHT OF ACCESS ACQUIRED BY MNDOT
 - DENOTES CHAIN LINK FENCE
 - DENOTES TREE LINE

RIDGELINE
 8 8 8
 10000' (Horizontal Distance)
 100' (Vertical Distance)

OWNER: RANDALL W RECHTZEL
 EVOLVE ADDITION



ALTA/NSPS LAND TITLE SURVEY

~for~ QUALITY STORAGE, LLC
 ~of~ 32072 ASH COURT
 CANNON FALLS, MN 55009

SURVEYOR'S CERTIFICATE

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

Date: July 23, 2022

[Signature]
 Mark A. Schaeffler, Land Surveyor
 Minnesota License No. 42302

PROPERTY DESCRIPTION

- PARCEL 1**
 Lot 1 in Block 1 of EVOLVE REPLAT, as per plat recorded, Goodhue County, Minnesota
 Except:
 That part of Lot 1, Block 1, EVOLVE REPLAT, shown as Parcel 14 on the Minnesota Department of Transportation Right of Way Plat Numbered 25-72 as the same are on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota
- PARCEL 2**
 Lot 1 in Block 1 of EVOLVE REPLAT, as per plat recorded, Goodhue County, Minnesota
 Except:
 That part of Lot 2, Block 1, EVOLVE REPLAT, shown as Parcel 20 on the Minnesota Department of Transportation Right of Way Plat Numbered 25-70 and 25-72 as the same are on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota
- PARCEL 3**
 Lot 3 in Block 1 of EVOLVE REPLAT, as per plat recorded, Goodhue County, Minnesota
 Except:
 That part of Lot 3, Block 1, EVOLVE REPLAT, shown as Parcel 21 on the Minnesota Department of Transportation Right of Way Plat Numbered 25-70 and 25-72 as the same are on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota
 (Adjacent Property)

TABLE "A" OPTIONAL ITEMS

1. Monuments shown (as found) at all major corners of the Survey of the property as shown herein.
2. Address of the surveyed premises: 32072 Ash Court, Cannon Falls, Minnesota, 55009
3. Surveyed premises shown on this survey map is located in Flood Zone X (area of minimum flood hazard). Flood information shown is according to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Number 270402Z0285C which has an effective date of 08/20/20.
4. Gross land area of the surveyed premises: 176,815 sq. ft. (4.04 acres)
5. Corners shown are from Ridgeline Group geodetic survey dated 01/30/2022. Elevations are referenced to the NAVD83 Datum through MNDOT Geodetic Station 2506 AY
6. The Surveyor was not advised with a Zoning Report. Survey plat is subject to Cannon Falls Township and Goodhue County Zoning Ordinances. Primarily is zoned Highway Business (H2)
7. Building Dimensions, Area and Heights are shown herein
8. The Surveyor has made their best effort to locate all above ground visible features within the area of the subject property.
9. There are no clearly identified parking stalls on the subject premises.
10. There is no evidence of division or joint walls with respect to adjoining properties
11. Notices of owners of adjoining lands were obtained from the Goodhue County Parcel Mapping GIS
12. Distance to nearest railroad crossing is shown herein.
13. There were no observable signs of recent construction or encroachment on the subject property at the time of the survey.
14. Ridgeline Group carries professional liability insurance. Certificate of insurance to be furnished upon request.

SCHEDULE B-II NOTES

- Old Republic National Title Insurance Company, Commitment File No. 017E748427, Schedule B-II Part II Survey Related Exceptions:
- Item 6. *Partial Final Certificate* entered in the Matter of the Consolidation of Certain Land in Frank Highway Pursuant to July 23, 2018, and August 11, 2018 by Court Order No. 026872. Also as shown on Minnesota Department of Transportation Right of Way Plat No. 25-70 dated December 11, 2012 as Document No. 910056. Also as shown on Minnesota Department of Transportation Right of Way Plat No. 15-12, dated December 12, 2012 as Document No. 80836. THE STATE OF MINNESOTA ACQUIRED FEE TITLE TO RIGHT OF WAY PARCELS AS PART OF THIS ACTION. THE RIGHT OF WAY PARCELS, NUMBERED 14, 20 AND 21 ON THE MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLATS HUMBOLDT 25-70 AND 25-72 ARE SHOWN HEREIN.

Exhibit "A"

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
October 17, 2022

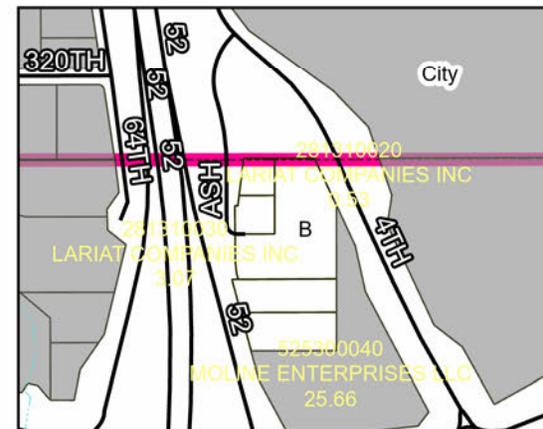
Lariat Companies, Inc. (Owners)
B Zoned District

Lots 1, 2, and 3 Block 1 of the
Evolve Replat
in Cannon Falls Township.

Request for CUP to permit
an existing self service storage facility
to allow a structure addition.

Legend

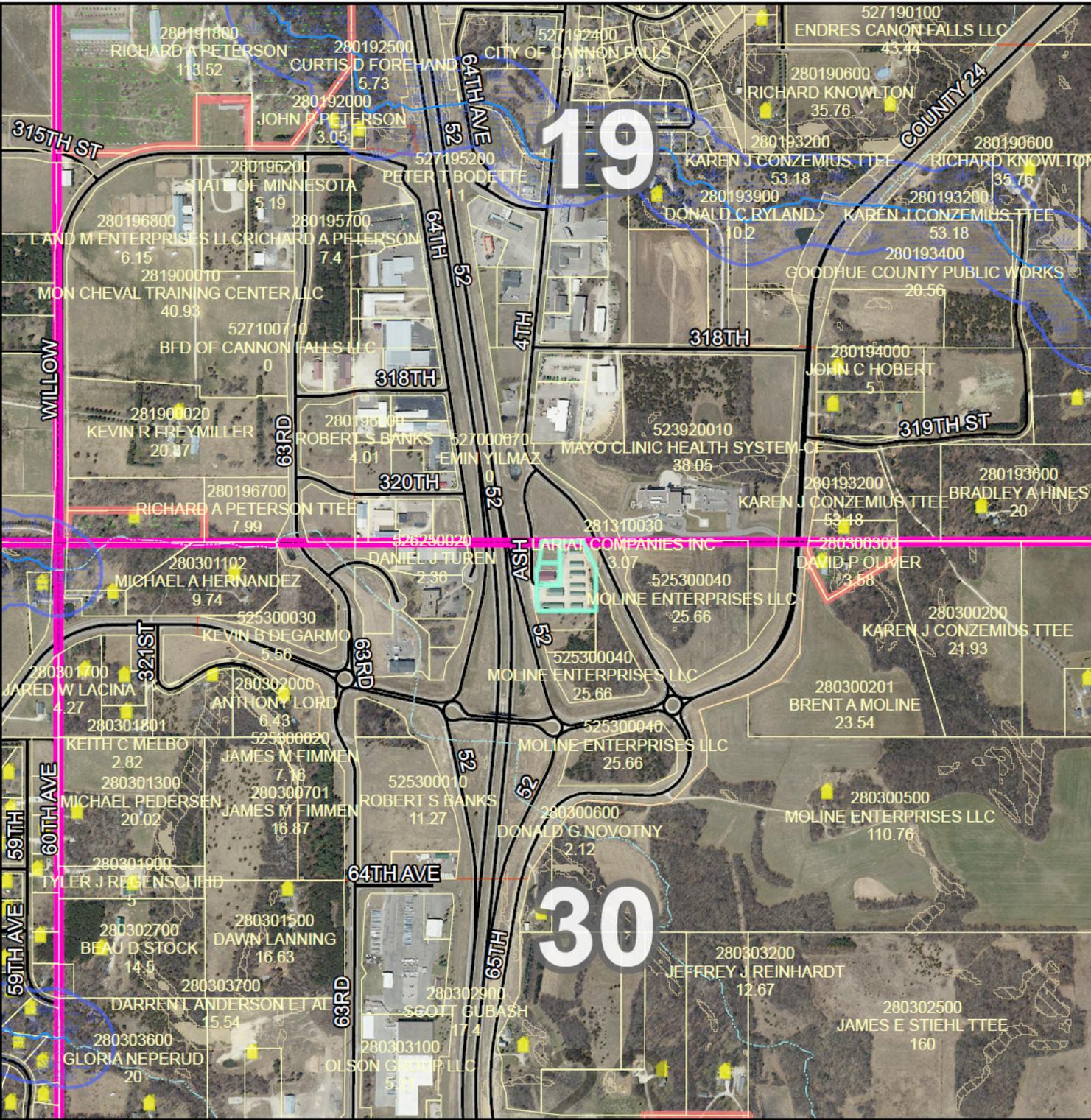
Intermittent Streams	Bluff Impact Zones (% slope) 20
Protected Streams	Bluff Impact Zones (% slope) 30
Lakes & Other Water Bodies	FEMA Flood Zones
Shoreland	2% Annual Chance
Historic Districts	A
Parcels	AE
Registered Feedlots	AO
Dwellings	X
Municipalities	



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2018 Aerial Imagery
Map Created October, 2022 by LUM

N



PLANNING COMMISSION

Public Hearing
October 17, 2022

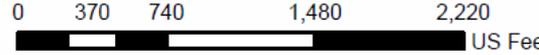
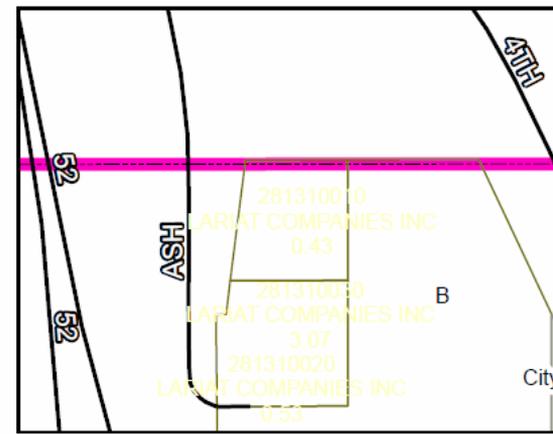
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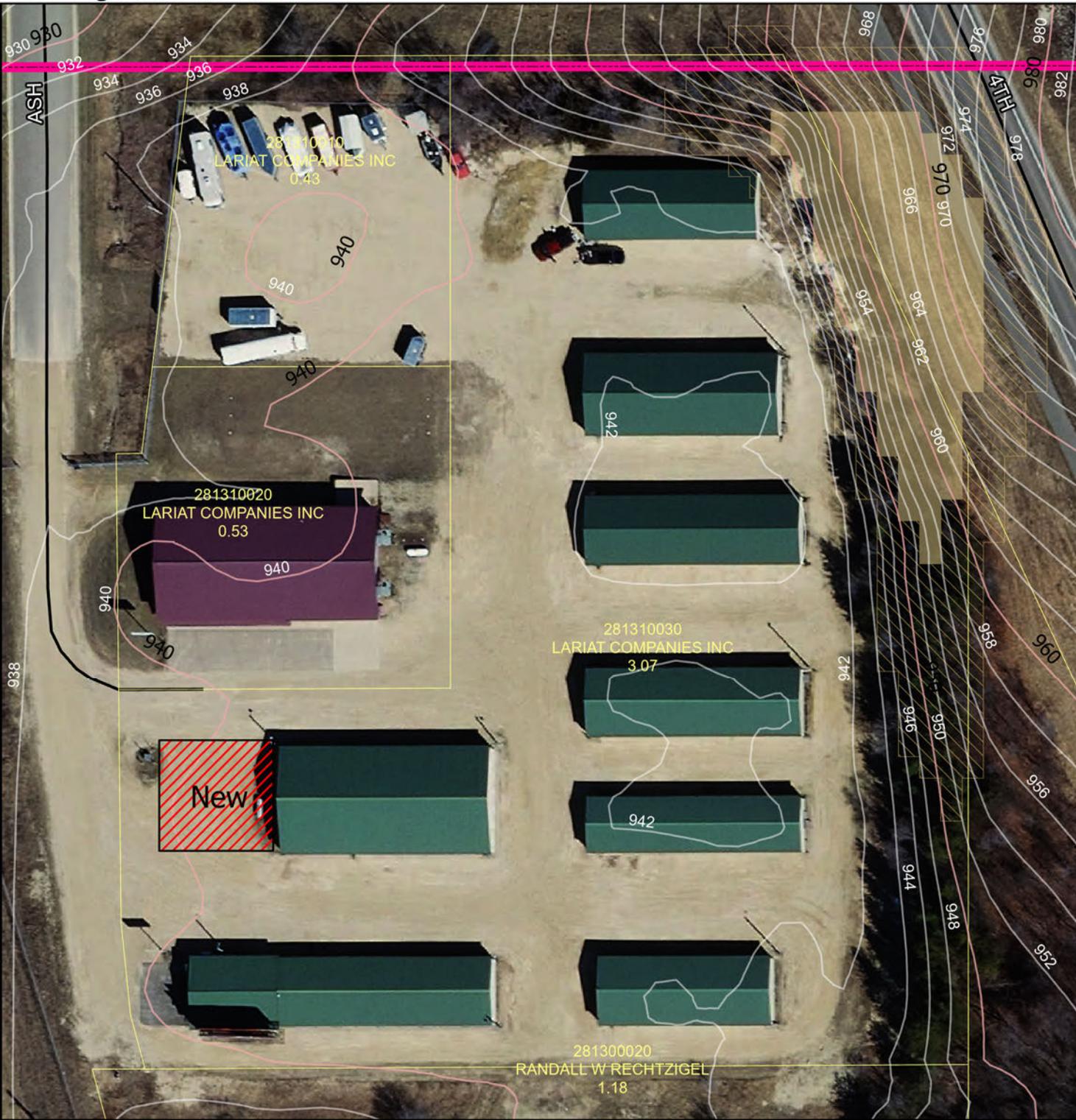
Legend

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



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MAP 03: ELEVATIONS



PLANNING COMMISSION

Public Hearing
October 17, 2022

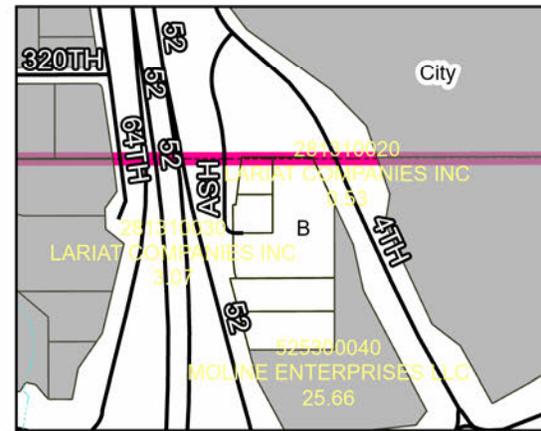
Lariat Companies, Inc. (Owners)
B Zoned District

Lots 1, 2, and 3 Block 1 of the
Evolve Replat
in Cannon Falls Township.

Request for CUP to permit
an existing self service storage facility
to allow a structure addition.

Legend

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



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2018 Aerial Imagery
Map Created October, 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 Commission
From: Land Use Management
Meeting Date: October 17, 2022
Report date: October 7, 2022

PUBLIC HEARING: Request for CUP for Non-Metallic Mineral Extraction Facility and Establishing a Mineral Extraction Facility within 300 feet of the Toe of a Bluff (Wojcik)

Request for CUP, submitted by Bruening Rock Products (Applicant) on behalf of Barbara Wojcik LT (Owner) for a Non-Metallic Mineral Extraction Facility which will be within 300 feet of the toe of a bluff. Proposed activities include an aggregate quarry and associated processing/transport equipment and facilities.

Application Information:

Applicant(s): Bruening Rock Products (Applicant) on behalf of Barbara Wojcik LT (Owner)

Address of zoning request: 34399 County 2 BLVD Red Wing, MN 55066

PID(s): 34.033.0600

Abbreviated Legal: The NW ¼ and the S ½ of the SE ¼ of Section 33 TWP 112 Range 14 in Hay Creek Township.

Zoning District: A-2 (Agriculture District)

Attachments and Links:

Applications and project summary/maps

Site Map(s)

Goodhue County Zoning Ordinance:

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

Background:

Bruening Rock Products (Applicant) on behalf of Barbara Wojcik LT (Owner) has submitted a Conditional Use Permit (CUP) application proposing to re-establish a mining site to extract non-metallic mineral aggregates (limestone aggregate). The site will also be within 300 feet of the toe of a bluff. Goodhue County Zoning Ordinance Article 12 requires any quarries established within 300 feet of the top or toe of a bluff to receive CUP approval. The site is proposed to include 23.02 acres of mining. Proposed products to be mined will be used as road rock and construction rip rap. Mining that includes extraction of more than 400 cubic yards per year in the A-2 District is subject to the approval of a Conditional Use Permit by the County Board.

An aggregate quarry was permitted on the subject property in 2001. The facility operated under a Land Use Permit until 2018 when the LUP was revoked due to non-payment of mining registration fees. The operation extracted less than 400 cubic yards per year after 2018 therefore a permit for mineral extraction was not required under the County's Ordinance. The Applicant is proposing to extract over 400 cubic yards per year therefore a new Conditional Use Permit is required.

The previously mined area was not reclaimed and mineral extraction permits did not require reclamation plans in 2001. With the re-opening of the quarry and a new CUP application, the Applicant is required to submit a reclamation plan for the facility which will ensure the area is properly reclaimed in an environmentally friendly manner.

Project Summary:

Staff has met with engineers from G-Cubed to guide the preparation of a proposal to conform to County application submittal requirements and performance standards to operate a Non-Metallic Mineral Extraction Facility in Hay Creek Township.

Land Use Management Department Staff have conducted a thorough review of the CUP Application submittals. Three maps required in Article 14 of the County Zoning Ordinance depicting existing site conditions, proposed operations, and reclamation plans were submitted for review along with a narrative describing additional details.

Existing Conditions:

The Applicants prepared the required Map A depicting existing site conditions. One 120-acre parcel owned by Barbara Wojcik LT will be affected by the proposed mining operation. The parcel is located in Section 33 of Hay Creek Township and is zoned A-2, Agriculture District. The parcel consists of row crop agriculture among wooded bluffs and a formerly mined area. Some cropland is located within the Floodplain and Shoreland Districts of Wells Creek. There is an existing access driveway from the dwelling site to the south (Parcel 26.004.0500) to the formerly mined area. The dwelling site is also owned by Barbara Wojcik LT.

The nearest residence (owned by Betcher Heritage Farms, PID 34.034.1200) is over 2,000 feet from the nearest area to be mined on parcel 34.033.0600. Article 14 specifies that mining operations should be at least 1000 feet from existing dwellings.

Four soil boring logs were provided with the application. Existing site geology was submitted as seen on Map A Sheet 3. The parcel is surrounded by A-2 zoned properties on all sides, used mainly for row crop agriculture among wooded bluffs. Section 33 contains two dwellings where a maximum of 12 are permitted, one per original 1/4 1/4 section. Any future dwellings must be setback at least 1,000 feet from mineral extraction facilities unless written consent to a lesser setback is recorded by the mineral extraction facility (Article 14 Section 6 Subd 4).

Proposed Operations:

The Applicants prepared the required Figure B depicting proposed quarry operations. Approximately 23.02 acres of the 120 total acres will be impacted by the mining operation. A 4-foot tall berm at a 1:3 slope is proposed to be established around the perimeter of the quarry as a screening and water diversion berm. The berm will be constructed using topsoil from the area to be mined. Three cross-sections are depicted on Map B Sheet 6 Proposed Operations.

The proposed area to be mined complies with all required setbacks in the Zoning Ordinance. All stockpiles are proposed to meet the required property line setback of 50 feet. A scale and scale house are the only structures proposed to be constructed on-site in the southeast corner of the project area. All mining vehicle parking and equipment storage will be located within the 23 acres to be mined. Employee parking would typically be along the access road. Proposed months of operation are April to November from 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. Saturday which is within the hours of operation limitations found in the Zoning Ordinance. The quarry may be open during winter months if demand warrants.

- Noise, Dust, Vibration, and Air Quality:

Impacts from the proposed non-metallic mineral extraction facility may include noise, vibration, and dust. Noise may be expected by periodic blasting and the use of heavy equipment for mining, loading, and transport. Noise limitations and mitigation is regulated by the Mine Safety and Health Administration (MSHA).

The Applicants have indicated that blasting will be conducted by a licensed blasting contractor in compliance with federal and state laws and best practices between 1 to 3 times per year as demand warrants. No explosives will be stored on-site and Article 14 requires seismic blasting records to be submitted to the Zoning Administrator within 10 days of receiving the blast analysis.

The mining operation will be subject to complying with applicable MPCA Noise Standards. Features included in the Proposed Operations Plan such as creating an earthen berm around the perimeter of the mining area that would be seeded to establish vegetative cover would help mitigate dust and noise impacts on neighboring properties.

- Water Resources:

The proposed quarry is a high point on the property and minor impacts to existing surface water flow are anticipated. The Applicant has stated that the quarry will drain inward. All surface water within the quarry will flow to the low point and infiltrate through the floor of the quarry. Drainage around the quarry will continue in existing patterns to the east, west, and south.

The operation will not be within ¼ mile of any public waters. Parcel 34.033.0600 is within the Floodplain and Shoreland of Wells Creek however the quarry will not be located within these areas. Wells Creek has been designated as an impaired water by the MPCA for Total Suspended Solids. The Applicant has indicated runoff will be contained within the mine and no negative impacts to Wells Creek are anticipated.

No dewatering is proposed with the operation.

- Aesthetics:

Aggregate mining is a high-impact land use that results in significant long-term alterations to the landscape in addition to visual impacts for the duration of the mining activity. These may include seeing open pits, major equipment, and gravel-hauling trucks.

The quarry as proposed will not be visible from public right-of-ways due to topography, vegetation, and distance from public roads. Stockpiles will be limited to 35 feet in height.

Vehicles accessing and leaving the site will utilize County 2 BLVD (asphalt surface). The Applicant has indicated the existing private bridge over Wells Creek used to access the dwelling site and mining area is capable of handling proposed loads. The Applicant is aware that any reconstruction of the bridge must be reviewed and permitted by the Minnesota DNR.

- Traffic Safety:

The Applicants have indicated that they expect an average of 25 truck trips per day during operation. The public access road to the quarry site is County 2 BLVD which is maintained by

Goodhue County. A 3,350-foot-long driveway leads from County 2 BLVD to the quarry site. The nearest dwelling is approximately 400 feet from the driveway entrance/exit onto County 2 BLVD (Parcel 26.003.0300, Andy Stemmann). Goodhue County Public Works Deputy Director Jess Greenwood reviewed the proposal and noted:

My concerns would be where the trucks are going when leaving loaded from the quarry and the overweight equipment moving in and out. We have posted bridge structures on CSAH 2 and CR 45. During spring road restrictions CSAH 2 is a 10 ton route CR 45 is a 6 ton route. If there is tracking onto CSAH 2 from their operations the road needs to be swept/cleaned routinely.

- **Site Security:**

The Applicant noted that due to the location of the quarry away from public roads, fencing is not proposed to be installed. A sign will be erected at the quarry entrance stating rules and regulations. The Planning Commission should consider whether fencing should be required in accordance with Article 14 Section 6 Subd. 4(B) *“Fencing, signs, and barriers are required around ponding areas and steep-sloped excavation areas unless, because of their location they are not deemed to create a safety hazard.”*

Reclamation Plan:

The Applicants prepared a Reclamation Plan which includes the removal of any structures, temporary improvements, and spreading of salvaged topsoil across all disturbed areas at a minimum depth of 6 inches. All disturbed areas will be seeded with an appropriate seed mix for vegetation re-establishment.

Map B Sheet 6 shows the proposed final reclamation grade at a 1:3 slope. Reclamation will be considered complete once a minimum of 70% vegetative cover has been established.

The Applicant is proposing to use the reclaimed quarry for grassland/animal habitat.

Bluffs:

Article 12 Section 4 Subd. 4 of the Goodhue County Zoning Ordinance states “No person may begin a mining or quarrying activity or expand a mining or quarrying activity within 300 feet of the toe or top of a bluff without a conditional use permit”. The Applicants’ engineers worked with County staff to identify areas classified as bluffs on the property. Upon identification of bluffs by the Goodhue SWCD, the Applicants are proposing to mine 0 feet from the toe and top of bluffs. Land Use Management and SWCD staff have discussed this proposal with the Applicants’ engineers and have determined the proposed mineral extraction activities will not be detrimental to the bluffs if best management practices are used.

SWCD Comments:

Goodhue Soil and Water Conservation District Natural Resource Specialist Chad Hildebrand and SWCD Director Beau Kennedy reviewed the proposal and noted that:

“The engineer was pretty straightforward on the runoff within the mine being contained. So if that’s the case, we shouldn’t have any impact on the stream. The Applicants should verify the property complies with State Buffer rules before beginning operations”.

Hay Creek Township:

Hay Creek Township Planning Commission considered the mineral extraction facility request at a public hearing on September 8, 2022. The Town Board approved a CUP for a Commercial Mining

Operation at their September 14, 2022 meeting. The Township approved the permit request with 29 conditions. The Township resolution is attached to this report.

Security:

Article 14 Section 6 Subd. 1 requires the Applicant to post a letter of credit, bond, or cash escrow for a mineral extraction facility CUP. The security should account for the costs of bringing the operation into compliance with the mineral extraction permit requirements including site monitoring and enforcement costs, extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation, site restoration, and costs the County may incur in enforcing the terms of the Conditional Use Permit including attorney's fees. The bond shall be for a minimum of one year and shall include a provision for notification to the County at least 30 days prior to cancellation or non-renewal. The Applicant has proposed reclamation costs to be \$419,201.00, staff has calculated the required security to be \$400,000.

Findings of Fact:

- The proposed limestone quarry operation 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 within the immediate vicinity. A quarry has operated on this property in the past. The quarry would be located within a primarily agricultural area surrounded by wooded bluffs and there are no dwellings within 1,000 feet of the area to be mined.
- That the establishment of the proposed mining operation 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 standards of the Goodhue County Zoning Ordinance and it does not appear incompatible with adjacent land uses. The quarry would be located in an A-2 Zoned section of Hay Creek Township which has 2 dwellings where a maximum of 12 are permitted (one per original 1/4 1/4). New dwellings are required to be at least 1,000 feet from mineral extraction facilities according to Goodhue County Zoning Ordinance Article 14.
- A review of the Applicant's submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available or will be provided to accommodate the proposed use.
- 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.
- The submitted plans detail adequate measures will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance including berming, seeding, hours of operation, and MPCA Noise Standards.

Staff Recommendation:

LUM Staff recommends the Planning 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 from Bruening Rock Products (Applicant) on behalf of Barbara Wojcik LT (Owner) for a Conditional Use Permit to operate a Non-Metallic Mineral Extraction Facility 0 feet from the top and toe of a bluff. Subject to the following conditions:
1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;

2. Hours of Operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 12:00 p.m. Saturday. Any exceptions must comply with Article 14, Section 6, Subd. 4;
3. Seismic blasting records shall be submitted to the Zoning Administrator within 10 days of receiving the blast analysis;
4. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations. Evidence shall be provided to the County of all required permits prior to the start of Mining Operations;
5. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 14 Mineral Extraction and Article 22 Agriculture District;
6. Site Reclamation after completion of mineral extraction shall be performed according to submitted plans, specifications, and narrative in accordance with Article 14 Section 6 Subd. 4S;
7. The operation shall be annually registered with Goodhue County in accordance with Article 14 Section 6 Subd. 2;
8. Security. The Applicant/Operator (Bruening Rock Products) or owner of the property on which the mineral extraction is occurring, shall post a letter of credit, bond, or cash escrow of \$400,000. If the required Security is provided in the form of a "Letter of Credit" or a "Performance Bond", it shall be subject to review and approval by the County Attorney prior to the start of Mining Operations. Goodhue County shall be listed as the eligible party to access the Security to reimburse the following costs upon failure of the Applicant/Owner to comply with the requirements of this Conditional Use Permit;
9. Mineral Extraction and related activities are limited to the 23.02 acres as legally described on the Certificate of Survey for the Wojcik Quarry for Bruening Rock Products by G-Cubed;
10. Operator shall adhere to all posted road weight restrictions. Material or debris tracked onto County 2 BLVD shall be swept/cleaned within 24 hours; and
11. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to constructing any structures on the property.

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 340330600

Permit# 22-0055

PROPERTY OWNER INFORMATION

Last Name Wojcik First Barbara Email: _____
 Street Address 34399 County 231st, Red Wing Phone _____
 City Red Wing State MN Zip 55066 Attach Legal Description as Exhibit "A"
 Authorized Agent G-Cubed Christe Phone _____
 Mailing Address of Landowner: same
 Mailing Address of Agent: 14070 Hwy 52 SE, Chaska MN 55923

PROJECT INFORMATION

Site Address (if different than above): same
 Lot Size 23 Structure Dimensions (if applicable) _____
 What is the conditional/interim use permit request for? Quarry
 Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized
See Attached

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 9/23/2022
 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 ~~\$50~~ \$1000.00 RECEIPT # 17714 DATE PAID 9-23-22

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: _____

GOODHUE COUNTY LAND 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).

Limestone rock quarry

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

No Existing buildings. a scale, 15 cat house will be constructed

3. Proposed number of non-resident employees.

NA

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

M-F 7:00 AM to 7:00 PM and 7:00 AM - 12:00 PM Saturday. Operation is
Proposed to be open during active construction seasons.

5. Planned maximum capacity/occupancy.

See Attached

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

Loading will take place within quarry, Average 25 Trucks Per Day

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

NA

8. Proposed solid waste disposal provisions.

Solid Waste will be hauled off-site

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

NA - a porta-potty will be constructed for on-site use,

10. Existing and proposed exterior lighting.

NA

11. Existing and proposed exterior signage.

A Sign will be posted at the entrance of the quarry with Rules & Contact information

12. Existing and proposed exterior storage.

Typical Material Stockpiles. See Attached Narrative

13. Proposed safety and security measures.

will follow all Federal, State, and Local regulations.

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

Min of a 14' Access Road & less than 14% Grade will be maintained

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

See Attached Narrative.

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

See Attached Narrative.

17. Existing and proposed surface-water drainage provisions.

See Attached Narrative.

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

N/A

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

See Attached Narrative

Wojcik Quarry – Bruening Rock Products Application Supplemental

Goodhue County Article 14 – Section 5. Conditional/Interim Use Permit Application Requirements for New Mineral Extraction Facilities.

Subd. 1. An application form shall be submitted to the County

A. The required Maps A, B, and C are attached and are 7 pages.

B. The operator contact shall be:

Bruening Rock Products, Inc
Attn: Ronald Fadness (General Counsel)
900 Montgomery Street
P.O. Box 127
Decorah, IA 52101
(563) 682-2933

C. The property owner contact is:

Barbara Wojcik
34399 County 2 Blvd
Red Wing, MN 55066

D. The proposed quarry is 23 acres and is described on Sheet 2 of the attached maps. The adjacent property owned by the Wojcik Family is 327.55 acres and below is an abbreviated description:

Parcel 34.033.0600 – 120 acres +/-

The NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ all in Section 33, T 112 N, R 14 W.

And

Parcel 26.004.0500 – 207.55 acres +/-

The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ excepting out the road right of way and multiple parcels all in Section 4, T 111 N, R 14 W.

E. Proposed material to be excavated is overburden material, road rock, and construction rip rap. Material will be excavated using common construction equipment. It will be run through a crusher and a screener for size. Material will be stored in stockpiles on-site. General stockpile location is shown on Sheet 5 of the attached maps. Blasting is proposed and depending on demand for material is proposed 1 to 3 times a year. This will be contracted to a licensed blasting contractor.

F. The facility is proposed to operate for 20 - 30+ years, Monday – Friday from 7:00 AM to 7 PM and 7:00 AM to 12:00 PM on Saturday. The quarry is estimated to be operation during the active construction season, April through November. There is potential that the quarry will be open beyond these months if the demand is there.

G. Typical construction equipment shall be utilized to extract the material from the quarry surface. The operator shall utilize excavators, front end loaders, haul trucks, screeners, and crushers. All equipment will be maintained.

- H. It is estimated that an average of 25 round-trip truck trips per day shall access the quarry and during construction season a peak day may have up to 40 round-trip truck trips per day.
- I. There will be no lighting pointing upward or towards any structure on adjoining properties.

Subd. 2. Supporting Documentation.

- A. The existing land use is agricultural and an existing non-active aggregate quarry.
- B. The current zoning of the property and adjacent properties is A-2 Agricultural.
- C. Soils are typically Silt Loam with slopes ranging from 2 to 20 percent across the agricultural area of the proposed quarry. The existing quarry contains complex soils that contain Silt Loam over cobbly loam and slopes range from 12 to 70%. Soil Boring logs to attached.
- D. The proposed quarry is a high point on the property with existing drainage flowing westerly, southerly, and easterly. Although the hill will be excavated there will be minor impacts to the direction of surface water flow. The quarry will drain inward and infiltrate through sandy/aggregate floor of the quarry. Drainage around the quarry will continue to drain west, south, and southeast. It is not expected that groundwater will be encountered during mining activities. Per the Geological Atlas of Goodhue County, the water table depth is 100 to 200 feet. Most wells in the area show the Static Water Level greater than the depth of excavation.
- E. The mineral source is limestone aggregate. Depending on the rock formation it is proposed that up to 120 feet of depth may be excavated. This may vary based on material found on-site. The maximum proposed excavation is 1,975,000 Cu.yds of aggregate to be excavated. The aggregate to be excavated is to be used as road rock and other road or site construction related needs.
- F. All required local, state, and federal permits will be received prior to excavation activities.
- G. The proposed quarry is a high point on the property with existing drainage flowing westerly, southerly, and easterly. Although the hill will be excavated there will be minor impacts to the direction of surface water flow. The quarry will drain inward and infiltrate through sandy/aggregate floor of the quarry. Drainage around the quarry will continue to drain west, south, and southeast. It is not expected that groundwater will be encountered during mining activities.
- H. Quarry drainage shall be contained on-site. There should be minimal effects to the existing drainage patterns to the downstream area of the quarry.
- I. There are no wetlands on-site. The excavation will be protected from NW prevailing winds by the screening berm and the quarry itself. This should minimize any negative erosion. All surface water within the quarry shall be contained by the quarry to minimize any runoff erosion. Traffic will be routed to county highway system which is adequately sized for any increase in traffic. The noise will be similar to any construction related activity and will be limited to the approved operating schedule.
- J. The site itself is in an A-2 district and is screened by existing tree vegetation. A vegetated berm is proposed around the North, West, and South sides of the quarry which will aid in screening the quarry. Due to the location of the quarry, there is a minimal risk of security issues therefore we are not proposing a fence at this time. There will be a sign with site rules and regulations at the entrance of the quarry.

- K. Complaints should be directed to Ronald Fadness, General Counsel of Bruening Rock Products, Inc. (563) 382-2933. All complaints will be investigated and a resolution sought out.
- L. See attached soil borings. It is not expected that groundwater is to be encountered during excavation.
- M. See Sheet 6 of the attached maps.
- N. A scale will be constructed at the entrance/exit of the pit. All vehicles will be weighed when entering and exiting to ensure they are within limits.
- O. The entrance of the quarry is 3,350 feet along a gravel access road prior to entering the county road access point. The length of travel will minimize any mud or debris from being tracked onto any public road.
- P. Dewatering is not proposed and will not be utilized.
- Q. In the case of a failure of the perimeter berm caused by erosion or blowout all stormwater would be retained within the pit boundary and filtered out through the quarry floor within the site. The perimeter berm failure would be repaired immediately and seeded within 7 days. The drainage pattern within the site will be to the center of the disturbed area which would prevent sediments from eroding from the site.

There is no processing proposed that would produce process water, or tailings. Fueling and oil changes are contracted to vendors who service equipment daily. Oil changes are performed with equipment which extracts used oil from engines mechanically which significantly reduces the chance of spillage. With the exception of the petroleum products in the construction equipment there should be no other form of chemical contamination on-site. If a fuel spill would happen, mitigation measures including: observing safety precautions, stopping the spill, calling 911 if fire or public safety hazards are created, containing the spilled material, reporting the spill to the Minnesota Duty Officer and clean up. Spill containment and emergency preparedness can minimize damage and cost of cleanup. Materials such as containment sorbent and pads may be kept on-site during construction and mining operations. Any spill greater than five gallons of petroleum requires the operator to contact the Minnesota Duty Officer at (651) 649-5451 or (800) 422-0798 and report the spill.

- R. A pre-blast survey will be performed by a Minnesota Licensed Engineer of surrounding dwellings and buildings within one half mile prior to initial blasting. Yearly seismic surveys will be offered and conducted by the engineer if blasting has occurred within the year.
- S. There will be a perimeter berm screening visibility of the quarry along with a sign at the entrance of the pit with contact information and regulations.
- T. There are no public schools, churches, campgrounds, nursing homes, and platted residential properties within one mile of the proposed quarry.
- U. No public monies will be utilized in the establishment, operation, monitoring, or reclamation aspects of the proposed quarry.

Wojcik Quarry – Bruening Rock Products Reclamation Estimate

The proposed end use of the Wojcik Quarry will be grassland to be used as animal habitat.

Once quarry operations have been completed the operator will be responsible for the removal of all internal roads, scale, scale house, and machinery (miscellaneous removals). The site shall then be graded per the reclamation map (common excavation). Once mass grading is complete 6” salvaged topsoil shall be spread across all disturbed areas (salvaged topsoil respread). Upon completion of topsoil spreading the entire site shall be seeded, mulched, and fertilized in accordance with the latest Minnesota Manual for Erosion Control and MnDot Regulations. Vegetation shall be inspected at 6 months and 12 months, noxious weeds shall be removed and non-vegetated areas reseeded as needed (seed, fertilize and mulch).

Below is a cost estimate for final reclamation.

Wojcik Quarry - Bruening Rock Products Reclamation Estimate				
ITEM DESCRIPTION	QUANTITY	UNI T	UNIT PRICE	8/5/2022 AMOUNT
<u>1</u> Common Excavation (Calculated as in place material excavated and placed as onsite to meet reclamation grades)	41945	CY	\$5.00	\$209,725.00
<u>2</u> Salvaged Topsoil Respread (6" average depth)	17747	CY	\$8.00	\$141,976.00
<u>3</u> Seed, fertilize and mulch	22	acre	\$2,500.00	\$55,000.00
<u>4</u> Miscellaneous removals & disposals (Internal roads, scale, scale house)	1	LS	\$12,500.00	\$12,500.00
			Total =	\$419,201.00

Response to Questions submitted prior to final submittal.

Questions from Samantha Pierret on 9/20/22 answers in Bold.

1. I will forward the proposal to our Public Works Directors for review since it directly accesses a county road.
 - a. **We will wait from comments from the Public Works Directors.**
2. Can you clarify in the narrative the minimum coverage of vegetation for reclamation to be considered “successful” (usually 70% is acceptable) for Section 5 Map C. k?
 - a. **The statement on Map C – Sheet 7 was been updated with this statement prior to submittal.**
3. Will the facility operate 12 months/year or only during the construction season?
 - a. **The application Supplemental Narrative was updated prior to submittal to clarify.**

F. The facility is proposed to operate for 20 - 30+ years, Monday – Friday from 7:00 AM to 7 PM and 7:00 AM to 12:00 PM on Saturday. The quarry is estimated to be operation during the active construction season, April through November. There is potential that the quarry will be open beyond these months if the demand is there.

4. Can you verify that the existing bridge over Wells Creek is capable of handling the anticipated loads and number of trips created by the mining operation? If the bridge needs to be repaired or reconstructed at any point, appropriate permits from the DNR will be required.
 - a. **The current water crossing has handled the existing quarry and agricultural trucking by the Wojcek family. If the crossing is in need of repair or replacement all local, state, and federal permits will be acquired.**
5. Stockpiles are not permitted within 50 feet of property lines. The eastern stockpile appears to be less than 50 feet from the east property line belonging to Betcher Heritage Farm Partners.
 - a. **The stockpile location was updated on Map B – Sheet 5 prior to submittal.**
6. The access driveway should be at least 14 feet wide driving surface and not more than a 14% grade, can you confirm?
 - a. **The access drive will be a min. of 14’ wide and less than 14% grade and is noted on Map B – Sheet 5.**

Questions from Chad Hildebrand on 9-22-22

- How will the altered watershed from the new quarry be handled and how will the water be treated leaving the quarry site in the Southeast corner as it moves towards Wells Creek. Water from the North and East flow through a natural gully/ravine and down the field road through an identified stockpile area.
 - ✓ **All drainage will be contained within the quarry. The existing flow from the North and East will continue to flow through the natural gully/ravine and bypass the proposed stockpile area. A vegetated berm will be constructed in the area to maintain a buffer from any potential run on of stormwater and any run off from any stockpiles. All quarry contact stormwater shall be contained on-site.**
 - Concerns with the treatment of the water as Wells Creek was recently listed as Impaired by the MPCA for TSS (Total Suspended Solids) in 2021.

- ✓ **Wells Creek is greater than 1000 feet from the proposed quarry limits. With the quarry being self-containing of stormwater there should be no negative effects to Wells Creek. If a large storm event were to create stormwater discharge from the quarry the stormwater would run through over 1000 feet of woodlands or vegetated agricultural field prior to reaching wells creek. The failure point of discharge would be repaired immediately to prevent any future discharge.**
 - Needs to be a developed plan to help treat and mitigate the water from the mining area (New mining area, access road, stockpile areas, etc.)
 - ✓ **The proposed quarry is a high point on the property with existing drainage flowing westerly, southerly, and easterly. Although the hill will be excavated there will be minor impacts to the direction of surface water flow. The quarry will drain inward and infiltrate through sandy/aggregate floor of the quarry. Drainage around the quarry will continue to drain west, south, and southeast. The oncoming drainage from the north will be diverted around the quarry and ultimately to the southeast and southwest as it currently does.**
-
- Would ensure that the parcel(s) are compliant with other state laws, example 103F.48-Buffer Law.
 - ✓ **We would agree to this condition.**

 - No Soil Borings from the mining site which is required by our Mining Ordinance to review right now, would say it is not a complete application until those are completed and provided.
 - ✓ **Soil Borings and locations are attached.**

HAY CREEK TOWNSHIP
GOODHUE COUNTY, MINNESOTA
Resolution No. 005

**A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR A COMMERCIAL
MINING OPERATION IN SECTION 33 OF THE TOWNSHIP**

WHEREAS, Bruening Rock Products, Inc. (“Applicant”) submitted an application for an interim use permit (“IUP”) to Hay Creek Township (“Town”) requesting an interim use permit for the operation of a commercial mining operation on property owned by Barbara Wojcik (“Owner”), which is legally described in the attached Exhibit A (“Property”);

WHEREAS, the Applicant’s request for an IUP seeks to conduct excavation of overburden material, road rock and construction rip rap, crushing, screening, stockpiling and reclamation in a quarry on approximately 23 acres of the Property, legally described in the attached Exhibit B (“Mining Area”), with excavation being conducted using common construction equipment, including excavators, front end loaders, haul trucks, screeners and crushers, and blasting conducted by a licensed blasting contractor, depending on demand for material, approximately one to three times per year;

WHEREAS, on September 8, 2022, after due notice having been provided, the Hay Creek Township Planning Commission conducted a public hearing regarding the requested IUP, considered the information presented, and voted to forward the application to the Town Board with a recommendation that the IUP be approved with certain conditions; and

WHEREAS, the Town Board hereby finds and determines as follows with respect to the requested IUP:

- a. Applicant’s request for an IUP for a commercial mining operation is subject to Article II and Article VIII of the Town’s Zoning Ordinance (“Ordinance”), which requires applications be initially reviewed by the Town’s Zoning Administrator and forwarded to the Planning Commission for a public hearing upon due notice and that the Planning Commission subsequently forward its recommendation on to the Town Board for final action.
- b. The Ordinance also imposes various conditions, regulations and performance standards for commercial mining operations, including the incorporation of application requirements and performance standards set forth in Article 14 of the Goodhue County Zoning Ordinance (“County Ordinance”).
- c. The Applicant’s application and supporting materials (“Application Packet”), which is incorporated herein by reference, includes the application form, supporting documentation, an IUP application checklist, Goodhue County supplemental application information, Town supplemental application information, a certificate of survey, a map of the proposed commercial mining operations, a map of existing site conditions, a stockpiling plan and a reclamation plan.

- d. The Property is located within the A-2, Agriculture District.
- e. On September 14, 2022, the Town Board adopted amendments to the Ordinance allowing commercial mining operations to be conducted in the A-2, Agriculture District upon the issuance of an interim use permit and amending setbacks applicable to commercial mining operations.
- f. The proposed mining operation includes the excavation of overburden material, road rock and construction rip rap, crushing, screening, stockpiling and reclamation, with excavation being conducted using common construction equipment, including excavators, front end loaders, haul trucks, screeners and crushers, and blasting conducted by a licensed blasting contractor, depending on demand for material, approximately one to three times per year (“Mining Operation”);
- g. As is set forth in Section 1.14(a) of the Ordinance, the proposed Mining Operation would be considered a commercial mining operation as it includes (1) extraction from the earth of minerals for sale or use off of the extraction site, (2) manufacturing or processing operations that involves the use of equipment for the crushing, screening, separation, cleaning, or blending of minerals obtained by extraction from the mining site or with materials transferred from off-site, (3) manufacturing processes aimed at producing mineral products for sale or use by the operator, (4) stockpiling of mineral products for sale or use off-site and stockpiling of waste materials, (5) transport of the extracted minerals, finished products, or waste materials to or from the extraction site, or (6) disposal of waste materials.
- h. The proposed Mining Operation would not be considered a large-scale mining operation under the Ordinance, and therefore prohibited pursuant to Section 2.4(a) of the Ordinance, as it does not include any of the following:
 - (1) The excavation of 40 acres or more of land to a mean depth of ten feet or more during its existence;
 - (2) The exaction of 20 acres or more of forested or other naturally vegetated land in shoreland areas;
 - (3) The excavation of 40 acres or more of forested or other naturally vegetated land in non-shoreland area;
 - (4) The use of tunneling, shafting, or hydraulic dredging;
 - (5) The utilization of blasting with more than three blasts occurring within a calendar year;
 - (6) The generation of 50 or more round-trip truck trips in any one-day period;
 - (7) The use or creation of a settling or retention pond; or
 - (8) The use of flocculants or other similar chemicals.
- i. The Applicant proposes the following hours of operation:

Monday through Friday:	7:00 a.m. to 7:00 p.m.
Saturday:	7:00 a.m. to 12:00 p.m.
Sunday:	No operations

- j. The Applicant estimates an average of 25 round-trip truck trips per day, with a peak of 40 round-trip truck trips of 40 per day during construction season.
- k. The estimated life of the Mining Operation is 20 to 30 years, depending upon market demand.
- l. The Mining Operation will access the Property from an existing, 3,350 foot gravel access road that extends to the south onto a separate parcel owned by the Owner (PID 26.004.0500) in Belvidere Township and that directly accesses County 2 Boulevard. There is no proposed access on a Town road.
- m. The proposed Mining Operation will comply with all additional performance standards set forth in the Ordinance and Article 14, Section 6, subd. 4 of the County Ordinance, including setback and reclamation requirements.
- n. Pursuant to Section 8.2(c) of the Ordinance, the Town Board, having considered the limitations imposed by the Ordinance and the County Ordinance, hereby finds as follows:
 - (1) The Mining Operation will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the Town;
 - (2) The Mining Operation will be harmonious with the general and applicable specific objectives of the Town's Comprehensive Plan;
 - (3) The Mining Operation will not harm the natural and scenic areas of the Town, wildlife corridors, natural resources, watersheds, open spaces, or bluffs; Harm the archeological, historical, or cultural features of the Town;
 - (4) The Mining Operation will be designed, constructed, operated and maintained to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area;
 - (5) The Mining Operation will not be hazardous or disturbing to existing or future neighboring uses;
 - (6) The Mining Operation does not involve uses, activities, processes, materials equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, scenic blight, glare or odors;
 - (7) The Mining Operation will not involve lighting, including lighted signs, that would impair the enjoyment of property and/or property owners in the vicinity or the safety of the traveling public;
 - (8) The Mining Operation will be in conformance with the provisions of the Ordinance, and would not unreasonably interfere with the health, safety, and welfare of the surrounding owners and the public, if conducted in compliance with the conditions imposed on the permit; and
 - (9) The Mining Operation adequately provides for parking, current and anticipated traffic congestion, and traffic safety so the use does not become or create a nuisance.

NOW, THEREFORE, BE IT RESOLVED, that based on the record of this matter, including the Application Packet and the information presented at the public hearing, the Town

Board hereby approves and issues an interim use permit to operate a commercial mining operation within the Mining Area on the Property subject to all of the following conditions, restrictions, and requirements:

1. Scope of Use. This IUP allows the Applicant to conduct a Mining Operation on the approximately 23 acres of the Owner's Property to be identified as the Mining Area. All mining activities shall occur in accordance with the plans and drawings submitted as part of the application. The uses allowed to occur as part of the Mining Operation are subject to and must comply with the conditions imposed on this IUP, the requirements of the Ordinance, and all other applicable regulations.
2. Ordinance Amendments. This IUP is conditioned upon the Town Board's adoption of amendments to the Ordinance on September 14, 2022 allowing commercial mining operations to be conducted in the A-2, Agriculture District and amendments regarding setbacks applicable to commercial mining operations. This IUP shall be effective upon the effective date of the amendments to the Ordinance adopted on September 14, 2022.
3. Term of Permit. The term of this permit shall be for a period of fifteen (15) years. All use of the property, except reclamation activities, shall cease upon the expiration or revocation of the permit.
4. Hours of Operation. The hours of operation for the Mining Operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 p.m., Saturday. The Applicant is allowed a maximum of five (5) one-day extensions to the hours of operation for evening work in a calendar year. The Applicant must notify the Town three working days in advance of the proposed extension. Any additional exceptions to the hours of operation must be approved by the Town Zoning Administrator. Approval may only be granted in conjunction with the furnishing of material for a public improvement, public safety or a public good project, that is underway during hours that the Mining Operation is not otherwise allowed to operate. Approval will be limited to those functions that cannot occur during normal hours of operation.
5. Fencing and Screening. Fencing shall not be required on the Property. The Applicant shall be required to construct and maintain a vegetated berm around the north, west and south boundaries of the Mining Areas in accordance with Chapter 7, Section 1(P) of the Ordinance. The height of the berms is not required to exceed 8 feet. Topsoil removed from the Mining Area may be used to construct the berms
6. Signage. Prior to commencement of mining activities, a sign shall be posted at the entrance to the Mining Operation that clearly states the date of the permit issuance, hours of operation, duration of the permit, the Applicant's phone number, and the Town Clerk's email address. The sign and lettering shall be of sufficient size and shall be located such that it can reasonably be read without trespassing on the Property.
7. Access. The Applicant must obtain a permit from Goodhue County with regard to the public road access point for the Mining Operation on County 2 Boulevard.

8. Gate. The Applicant shall maintain a gate across the access point to the Mining Area which shall be locked outside of the permitted hours of operation.
9. Dust Control. The Applicant must implement road and mining dust control measures described in the Application Packet and in accordance with the Ordinance.
10. Blasting, Noise, and Vibration. Blasting may only occur between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. No blasting may occur on Saturdays or holidays. At least 10 days prior to the date of planned blasting activities, the Applicant shall provide the Town a written notice of intent to blast. The Town understands that an exact date of blasting may not be known or may need to be changed because of weather conditions, provided the change does not lessen any required period of notice. Adjacent property owners must be given the option to receive notification prior to the blast. The operation must comply with all federal, state, County, and Town noise and vibration standards. Seismic blasting records shall be submitted to the Zoning Administrator within 10 days of receiving the blast analysis.

Blasting shall not occur on more than three occasions within a calendar year.

When blasting is not occurring, maximum noise levels at the Mining Operation will be consistent with the standards established by the Minnesota Pollution Control Agency. To mitigate public nuisances, the Mining operation shall use berms, enclosing generators, and leaving existing trees on the Property boundaries to minimize noise impacts. The Applicant shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment according to all federal and state laws, rules and statutes.

11. Depth of Excavation. The depth of the excavation is limited so that no excavation occurs within 25 feet of the normal water table. Dewatering to obtain material intersecting the groundwater is prohibited.
12. Water Resources. The Mining Operation shall not allow surface water to leave the Mining Area in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The Mining Operation shall not include the use or creation of a settling or retention pond.
13. Unauthorized Storage. Vehicles, equipment, or materials not associated with the Mining Operation or not in operable condition may not be kept or stored on the Property.
14. Setbacks. The Mining Operation, including stockpiling, shall comply with all applicable setbacks.
15. Truck Trips. The number of haul trucks shall not exceed 49 round-trip truck trips in any one-day period. The count includes each truck entering or leaving the Property regardless of whether the truck is carrying mineral materials or is empty.
16. Weed Control. The Applicant shall control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.

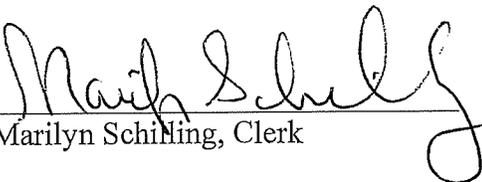
17. Waste Disposal. Any waste generated from the Mining Operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with federal, state, and County requirements.
18. Reclamation. The Applicant shall be required to reclaim the Mining Area in accordance with the reclamation plan included in the Application Packet and the Ordinance. Reclamation plans will be reviewed after the first year of permitting, and as needed thereafter, yet no more than three years between the reviews. Site visits may be required as part of the review and evaluation. As-built surveys, soil borings, or other testing may also be required as part of the review to ensure reclamation is completed according to the approved or amended reclamation plan. Amended reclamation plans must be approved by the Town Board, or may be approved administratively by the Zoning Administrator if the changes are consistent with the overall final concept. Within twelve (12) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, and debris shall be removed from the Property.
19. Bond or Irrevocable Letter of Credit. The Applicant shall provide the Town a copy of the bond, irrevocable letter of credit or other financial security submitted to Goodhue County to assure proper reclamation of the Mining Area after completion of the Mining Operation.
20. Inspection. The Town's Zoning Administrator shall be granted access upon reasonable notification for reasons of determining compliance with all conditions of this IUP and the Ordinance.
21. Additional Permits. The Applicant shall secure and comply with all required MPCA and DNR permits.
22. Amended Permit. Any alteration, enlargement, intensification of the use of the Property, or of any plans submitted related to those uses, including, but not limited to, expansion of the use beyond what is allowed by this permit, shall not be permitted unless an amended IUP is obtained from the Town.
23. Revocation. The violation of any term or condition of this IUP, including but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in the revocation of this IUP. The Applicant shall be given written notice of any violation and reasonable time (not less than 30 days) to cure the violation before a revocation of this IUP may occur.
24. Binding Effect. This IUP and its conditions are binding on the parties, their successors and assigns, and shall run with the Property until the IUP is terminated or revoked as provided herein.
25. Legal Compliance. This IUP is subject to the requirements of the Ordinance and the Applicant is required to comply with, and obtain all other permits or permission, as may be required by, all applicable federal, state and local laws, rules and ordinances.

26. Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this IUP shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the IUP without qualification, reservation, or exception.
27. Commencement of Use. This IUP shall expire and become void if the use it allows is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete as determined by the Town Board.
28. No Waiver. A failure by the Town to take action with respect to any violation of any condition, covenant or term of this IUP shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term.
29. Town Costs. The Applicant shall pay all application fees and shall reimburse the Town for all costs it incurred related to processing and acting on the application including, but not limited to, special meetings costs and legal fees. Failure to fully reimburse the Town for its costs shall constitute a violation of this IUP.

Adopted this 14th day of September 2022.

BY THE TOWN BOARD


Susan Cushing, Chairperson

Attest: 
Marilyn Schilling, Clerk



PLANNING COMMISSION

Public Hearing
October 17, 2022

Bruening Rock Products (Applicant)
Barbara Wojcik LT (Owner)

A2 Zoned District

The NW 1/4 and the S 1/2 of the
SE 1/4 of Section 33 TWP 112
Range 14 in Hay Creek Township.

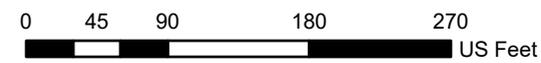
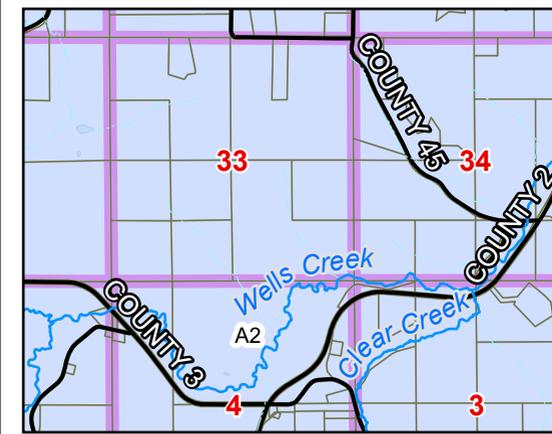
Request for a Non-Metallic
Mineral Extraction Facility.



Approximate Area
to be Mined

Legend

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



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MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing
October 17, 2022

Bruening Rock Products (Applicant)
Barbara Wojcik LT (Owner)

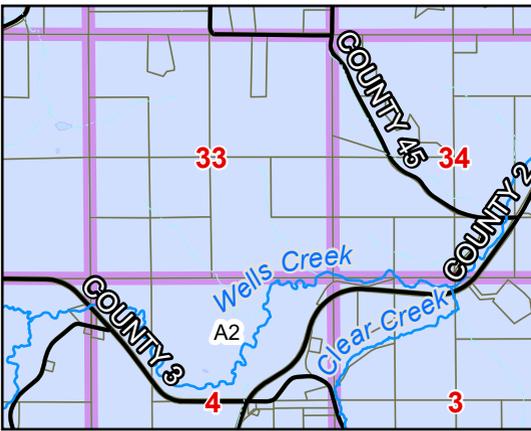
A2 Zoned District

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Range 14 in Hay Creek Township.

Request for a Non-Metallic
Mineral Extraction Facility.

Legend

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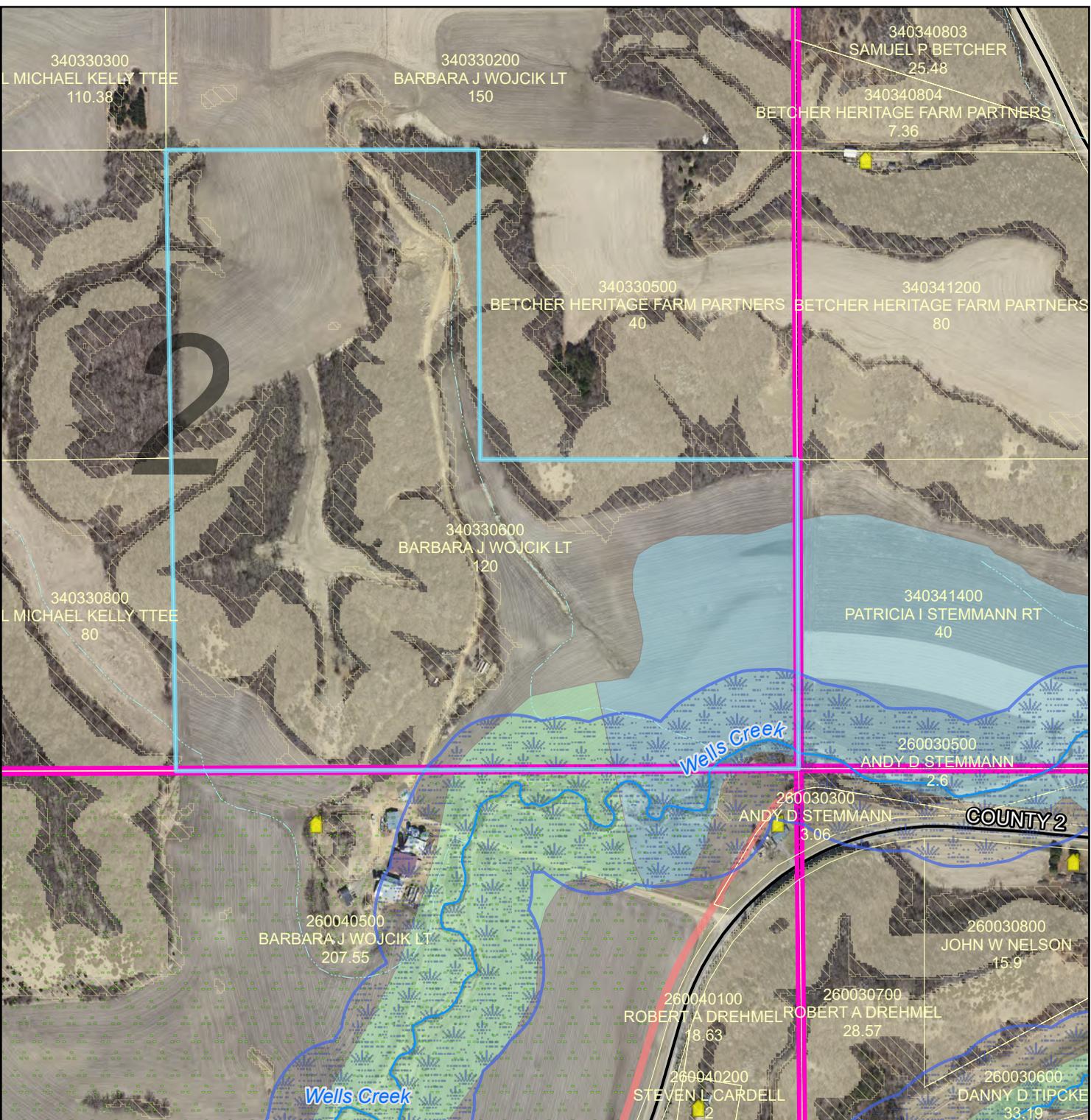


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MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

Public Hearing

October 17, 2022

Bruening Rock Products (Applicant)
Barbara Wojcik LT (Owner)

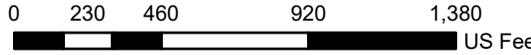
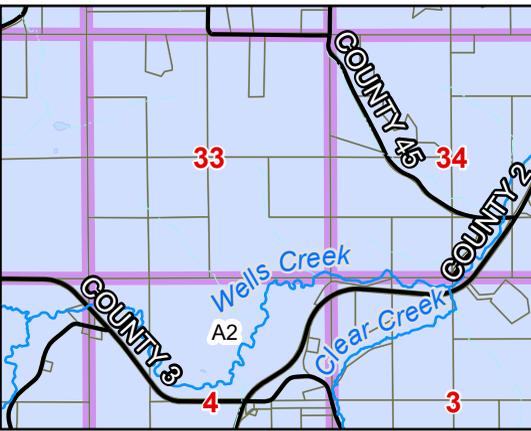
A2 Zoned District

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SE 1/4 of Section 33 TWP 112
Range 14 in Hay Creek Township.

Request for a Non-Metallic
Mineral Extraction Facility.

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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PLANNING COMMISSION

Public Hearing
October 17, 2022

Bruening Rock Products (Applicant)
Barbara Wojcik LT (Owner)

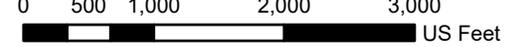
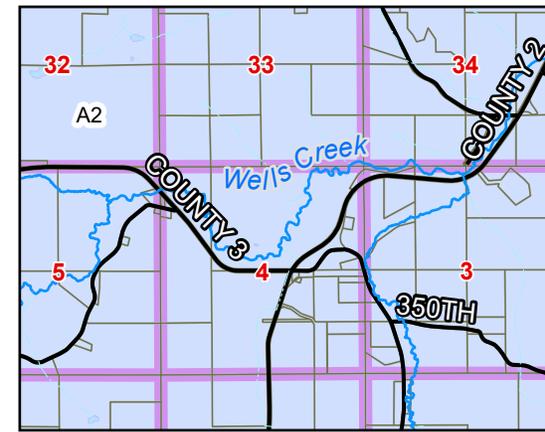
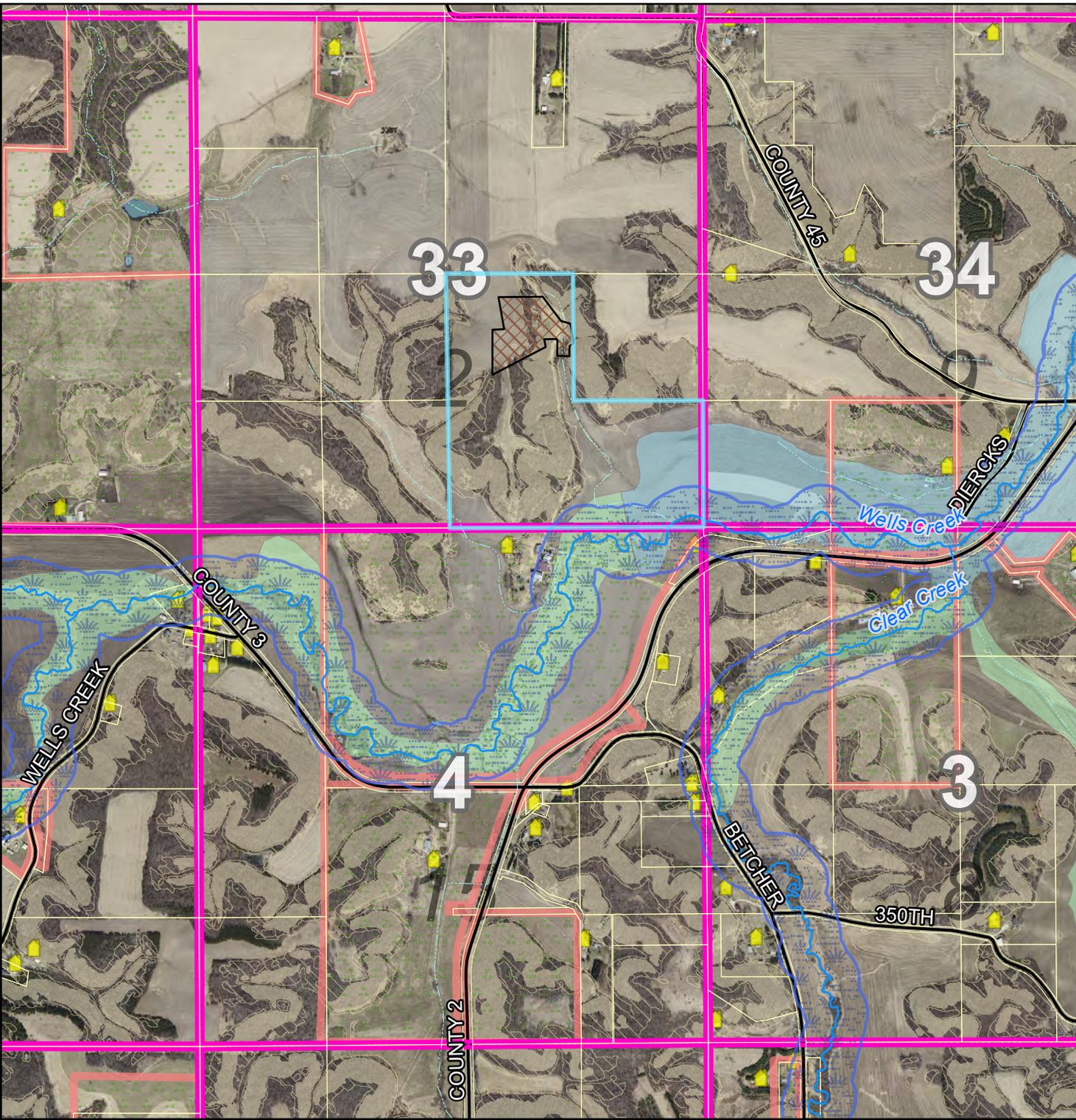
A2 Zoned District

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Range 14 in Hay Creek Township.

Request for a Non-Metallic
Mineral Extraction Facility.

Legend

- | | |
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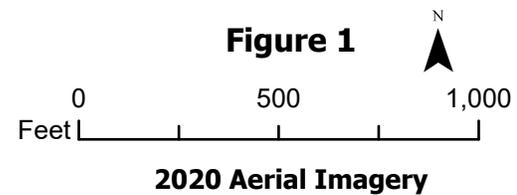
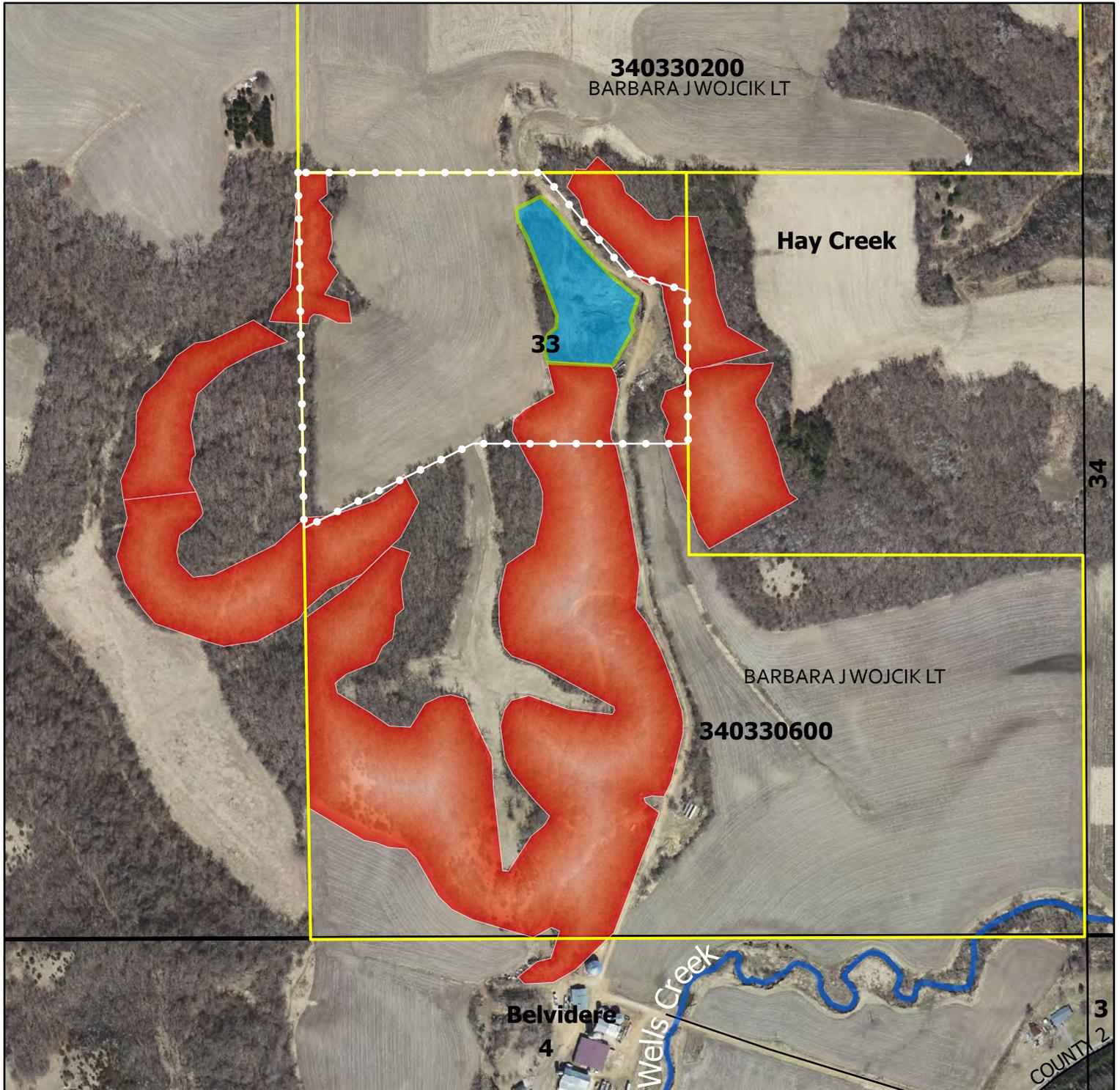


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Wojcik Exhibit

Hay Creek Twp, Section 33, Range 14



Project: Wojcek Quarry	Project Number: 21-253	Client: Wojcek	Boring No. 1
Location: Hay Creek Twp.	Drilling Contractor: Bruening	Drill Rig Type:	Elevation: 1080
Logged By: Floyd	Date	Started: 9/26/2022	Bit Type: Auger
Drill Crew: Bruening		Completed 9/26/2022	Groundwater Depth: None Encountered
			Total Depth of Boring: 80 feet

Depth (feet)	DESCRIPTION OF MATERIAL	USCS	GEOLOGIC ORIGIN	WL
0 - 20	Sandy Loam, brown, moist - Elev. 1080	SM	Loess	
20 - 35	Limestone Bedrock, tan to grey - Elev. 1061		Oneota Dolomite	
35 - 45	Sand with Gravel, brown - Elev. 1045	SP	Jordan Sandstone	
45 - 80	Limestone Bedrock, tan to grey - 1035		St. Lawrence Formation	

End of Boring 80 ft. - Elev. 1000

Project: Wojcek Quarry	Project Number: 21-253	Client: Wojcek	Boring No. 2
Location: Hay Creek Twp.	Drilling Contractor: Bruening	Drill Rig Type:	Elevation: 1098
Logged By: Floyd	Date	Started: 9/26/2022	Bit Type: Auger
Drill Crew: Bruening		Completed 9/26/2022	Groundwater Depth: None Encountered
			Total Depth of Boring: 80 feet

Depth (feet)	DESCRIPTION OF MATERIAL	USCS	GEOLOGIC ORIGIN	WL
0 - 20	Sandy Loam, brown, moist - Elev. 1098	SM	Loess	
20 - 40	Limestone Bedrock, tan to grey - Elev. 1077		Oneota Dolomite	
40 - 45	Seam of Shale, tan - Elev. 1058		Jordan Sandstone	
45 - 80	Limestone Bedrock, tan to grey - Elev. 1053		St. Lawrence Formation	

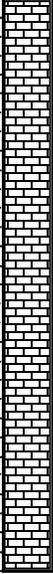
End of Boring 80 ft. - Elev. 1018

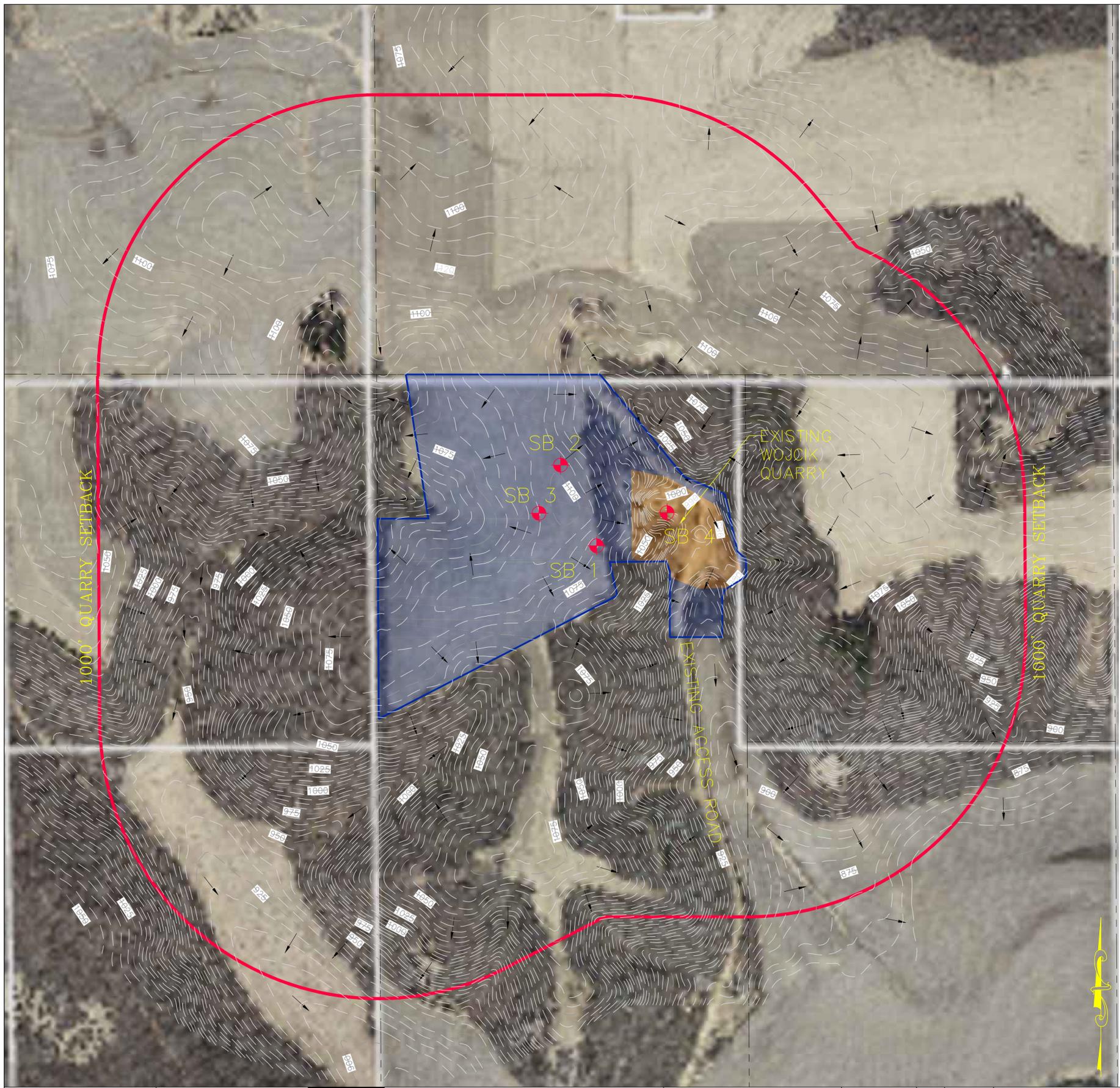
Project: Wojcek Quarry	Project Number: 21-253	Client: Wojcek	Boring No. 3
Location: Hay Creek Twp.	Drilling Contractor: Bruening	Drill Rig Type:	Elevation: 1095
Logged By: Floyd	Date	Started: 9/26/2022	Bit Type: Auger
Drill Crew: Bruening		Completed 9/26/2022	Groundwater Depth: None Encountered
			Total Depth of Boring: 80 feet

Depth (feet)	DESCRIPTION OF MATERIAL	USCS	GEOLOGIC ORIGIN	WL
0 5 10 15 20 25 30 35	Sandy Loam, brown, moist - Elev. 1095	SM	Loess	
35 40 45 50	Sand, Dark Brown - Elev. 1060	SW	Jordan Sandstone	
50 55 60 65 70 75 80	Limestone Bedrock, buff to tan - Elev. 1045		St. Lawrence Formation	

End of Boring 80 ft. - Elev. 1015

Project: Wojcek Quarry	Project Number: 21-253	Client: Wojcek	Boring No. 4
Location: Hay Creek Twp.	Drilling Contractor: Bruening	Drill Rig Type:	Elevation: 998
Logged By: Floyd	Date	Started: 9/26/2022	Bit Type: Auger
Drill Crew: Bruening		Completed 9/26/2022	Groundwater Depth: None Encountered
			Total Depth of Boring: 30

Depth (feet)	DESCRIPTION OF MATERIAL	USCS	GEOLOGIC ORIGIN	WL
	Limestone Bedrock, buff to tan - Elev. 998		St. Lawrence Formation	
30	End of Boring 30 ft. - Elev. 968			



MAP A-EXISTING SITE CONDITIONS

- a. PROPERTY BOUNDARIES SURVEYED – SEE SHEET 2
- b. EXISTING CONTOURS FROM MN LIDAR
- c. EXISTING VEGETATION – CORN AND BEANS SOME TREES
- d. EXISTING STRUCTURES – NA
- e. EXISTING PIPELINES, POWER LINES AND UTILITIES – NA
- f. EXISTING EASEMENTS – NA
- g. THERE IS NO ROAD FRONTAGE ADJACENT TO THE PROPOSED QUARRY.
- h. ROAD ACCESS WILL BE FROM COUNTY 2 BLVD WHICH IS MAINTAINED BY GOODHUE COUNTY.
- i. EXISTING BLUFF IMPACT ZONE – NA
- j. TEST BORING LOCATIONS – TO BE DETERMINED
- k. THREATENED AND ENDANGERED SPECIES:
 - k.a. NONE REPORTED ON NHIS REQUEST SUBMITTED TO MnDNR 12/03/2021.
- l. THICKNESS AND TYPE OF EXISTING TOPSOIL – > 6' ACCORDING TO USDA-NRCS WEB SOIL SURVEY.
- m. NO EXISTING HISTORICAL, CULTURAL, ARCHEOLOGICAL FEATURES IDENTIFIED IN THE SHPO OR COUNTY DATABASE.
- n. THERE IS A SMALL EXISTING INACTIVE ROCK QUARRY IDENTIFIED ON MAP 1A.

GEOLOGY SEE SHEET 3
 HYDROLOGY SEE SHEET 4

OWNER
 BARBARA WOJCIK
 34399 COUNTY 2 BLVD
 RED WING, MN 55066

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.

DATE 12/15/2021
 GEOFFREY G. GRIFFIN
 REG. NO. 21940

DATE: 11/30/2021
 Prepared For:
 BRUENING ROCK PRODUCTS
 900 MONTGOMERY STREET
 DECORAH, IA 52101
 FILE NO.: 21-253

G³
G-Cubed
 14070 Hwy 52 S.E.
 Chatfield, MN 55923

ENGINEERING SURVEYING PLANNING
 Ph. 507-867-1666
 Fax. 507-867-1665
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DRAWN	CMP
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REVISED	BY	DATE
PRELIMINARY	CMP	12/15/21
TOWNSHIP SUB.	CMP	8/8/22
COUNTY SUB.	CMP	9/23/22
SOIL BORINGS	CMP	9/29/22

HAY CREEK TOWNSHIP
 GOODHUE COUNTY

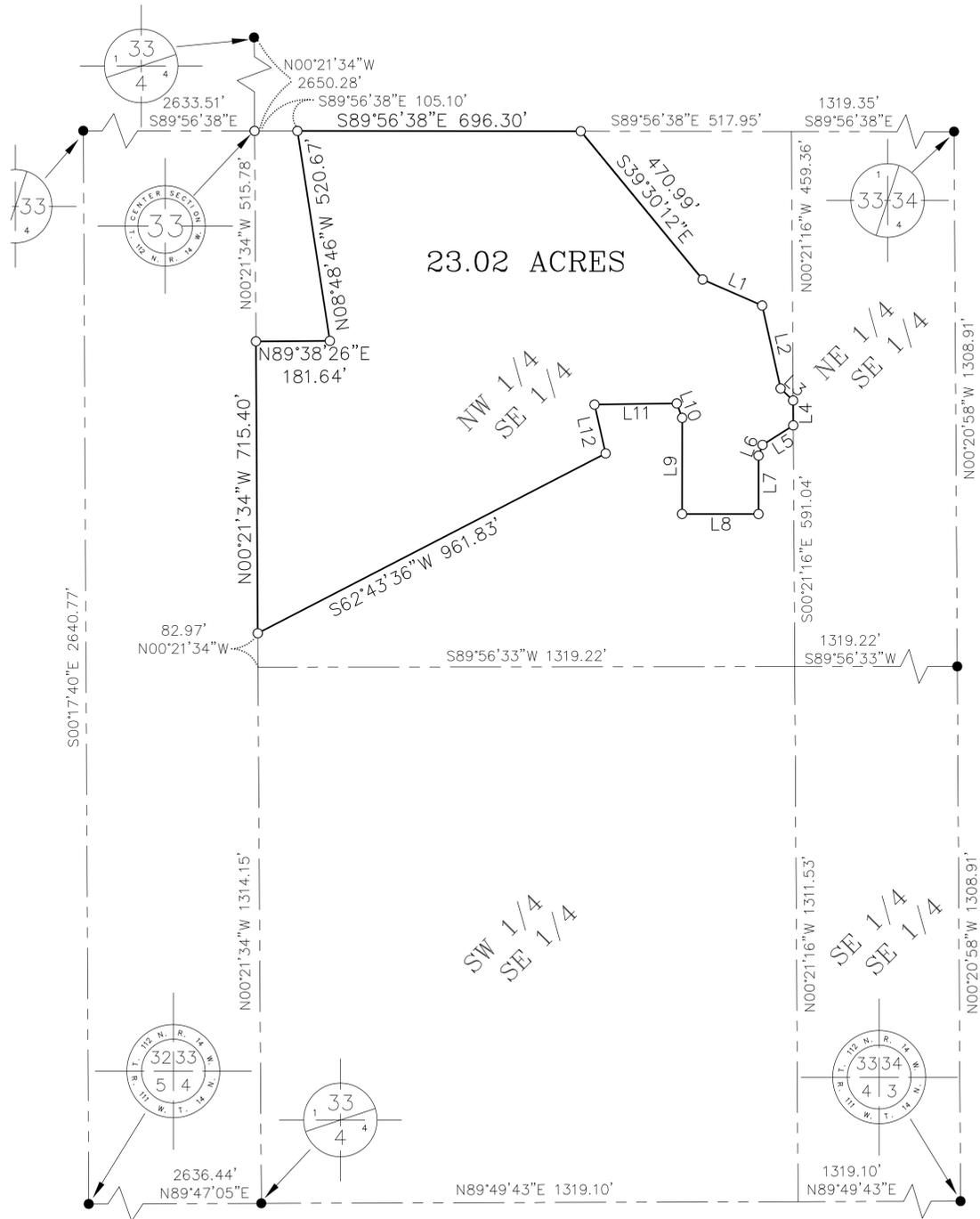
WOJCIK QUARRY
 MAP A-EXISTING SITE CONDITIONS
 EXISTING CONDITIONS SHEET 1 OF 7 SHEETS

NOTE: IMAGE FROM US GOODHUE COUNTY GIS SERVICES

CERTIFICATE OF SURVEY

SECTION 33

T. 112 N., R. 14 W.



LINE TABLE		
LINE	LENGTH	BEARING
L1	159.67	S66°26'14"E
L2	208.21	S12°36'09"E
L3	42.59	S45°59'18"E
L4	60.97	S00°21'16"E
L5	89.27	S57°45'05"W
L6	28.32	S20°10'24"W
L7	143.04	S00°03'22"W
L8	187.83	N89°56'38"W
L9	235.47	N00°03'22"E
L10	37.82	N20°39'43"W
L11	202.09	S89°14'24"W
L12	122.80	S12°48'54"E

LAND DESCRIPTION:

That part of the Northwest Quarter of the Southeast Quarter, Section 33, Township 112 North, Range 14 West, Goodhue County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 33; thence on an assumed bearing of North 00°21'34" West, along the west line of said Southeast Quarter, 1397.12 feet to the point of beginning; thence continuing North 00°21'34" West, along said west line, 715.40 feet; thence North 89°38'26" East 181.64 feet; thence North 08°48'46" West 520.67 feet to the north line of said Northwest Quarter of the Southeast Quarter; thence South 89°56'38" East, along the north line of said Northwest Quarter of the Southeast Quarter, 696.30 feet; thence South 39°30'12" East 470.99 feet; thence South 66°26'14" East 159.67 feet; thence South 12°36'09" East 208.21 feet; thence South 45°59'18" East 42.59 feet to the east line of said Northwest Quarter of the Southeast Quarter; thence South 00°21'16" East, along said east line, 60.97 feet; thence South 57°45'05" West 89.27 feet; thence South 20°10'24" West 28.32 feet; thence South 00°03'22" West 143.04 feet; thence North 89°56'38" West 187.83 feet; thence North 00°03'22" East 235.47 feet; thence North 20°39'43" West 37.82 feet; thence South 89°14'24" West 202.09 feet; thence South 12°48'54" East 122.80 feet; thence South 62°43'36" West 961.83 feet to the point of beginning.

The above described parcel contains 23.02 acres, more or less, and is subject to any easements, covenants, and restrictions on record.



- IRON PIPE WITH PLASTIC CAP
STAMPED LS 21940 SET
- FOUND MONUMENT

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GG
 GEOFFREY G. GRIFFIN
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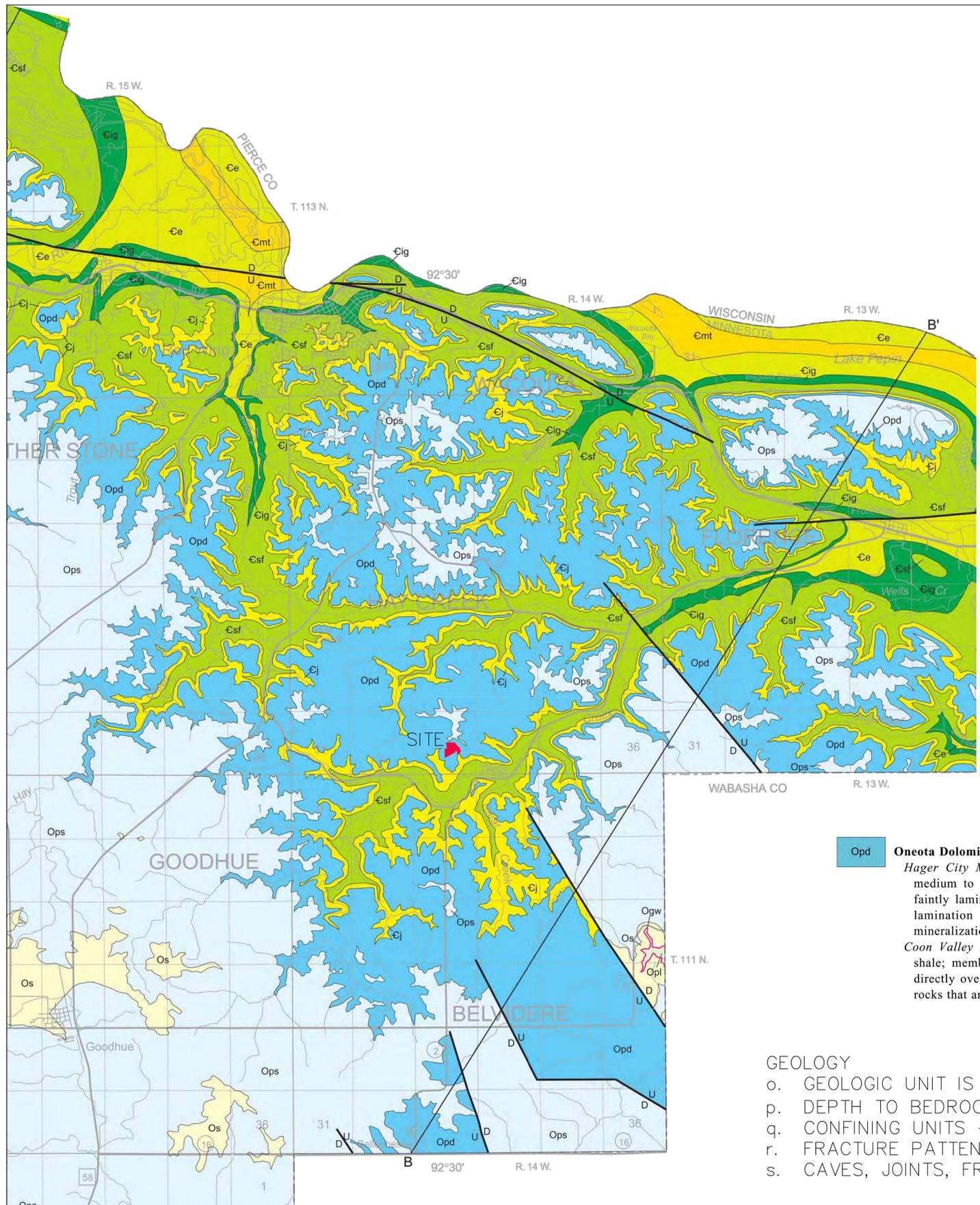
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HAY CREEK TOWNSHIP
 GOODHUE COUNTY

WOJCIK QUARRY
 MAP A-EXISTING SITE CONDITIONS

CERTIFICATE OF SURVEY SHEET 2
 OF 7 SHEETS



EXPLANATION FOR STRATIGRAPHIC COLUMN

LITHOLOGY

	LIMESTONE		Oolites
	DOLOSTONE		Glauconite
	SANDY		Phosphate pellets
	SANDSTONE		Algal domes; stromatolites
	SHALY		Burrows
	SILTSTONE		Pebbles
	SHALE		Flat-pebble conglomerate
	Vugs (commonly filled with coarse calcite)		Cross-bedded (festoon)
	Breccia; brecciated		Cross-bedded (planar to tangential)
	K-bentonite bed (altered volcanic ash bed)		Hummocky cross-strata
			Dolomitic
			Contact marks a major erosional surface

HYDROSTRATIGRAPHIC CHARACTER

COMPONENTS

	Fine clastic (very fine sandstone, siltstone, or shale)		Mixed carbonate and clastic rocks
	Shale		Fracture or solution feature
	Coarse clastic (quartzose sandstone)		
	Carbonate rock		

RELATIVE PERMEABILITY

	High (aquifer)
	Low (likely confining unit)

Opd Oneota Dolomite—105–200 feet thick.
Hager City Member—Dolostone and silty dolostone as much as 115 feet thick in medium to thick, irregular, tabular beds. Most beds are internally structureless or faintly laminated, and have relatively minor vuggy porosity. Some beds have algal lamination and are stromatolitic and vuggy, with secondary porosity and calcite mineralization.
Coon Valley Member—Interbedded sandstone, sandy dolostone, and minor amount of shale; member thickness, 20–85 feet. Lower contact is an unconformity, which is directly overlain by a poorly sorted sandstone bed containing pebbles of Precambrian rocks that are as much as two centimeters in diameter.

GEOLOGY

- o. GEOLOGIC UNIT IS OPD – ONEOTA DOLOMITE
- p. DEPTH TO BEDROCK > 80" PER USDA–NRCS SOIL SURVEY.
- q. CONFINING UNITS – NA
- r. FRACTURE PATTERNS AND TRACES – NA
- s. CAVES, JOINTS, FRACTURES, SINKHOLES, STREAM SINKS, AND SPRINGS – NA

STRATIGRAPHIC COLUMN

System or Series	Group, Formation, Member	Map Symbol	Thickness in feet	Lithology	Hydrostratigraphic Character		Natural Gamma Log
					Component	Permeability (Low → High)	
MIDDLE ORDOVICIAN	Galena Group						
	Prosser Limestone	Ogp	70				
	Cummingsville Formation	Ogc	70-75				
	Decorah Shale	Od	60-65				
MIDDLE ORDOVICIAN	Platteville Fm	Opl	10-15				
	Glenwood Fm	Oav	5-15				
LOWER ORDOVICIAN	St. Peter Sandstone	Os	100-115				
	Prairie du Chien Group						
	Shakopee Formation						
	Willow River Member	Ops	160-180				
LOWER ORDOVICIAN	New Richmond						
	Hager City Member	Opd	105-200				
	Coon Valley Member						
UPPER CAMBRIAN	Jordan Sandstone	Cj	30-100				
	St. Lawrence Formation		40-50				
	Franconia Formation						
	Reno Member	Csf	165-175				
	Tomah Mbr						
	Birkmose Member						
UPPER CAMBRIAN	Ironton and Galesville Sandstones	Cig	50-65				
	Eau Claire Formation	Ce	120-140				
UPPER CAMBRIAN	Mt. Simon Sandstone	Cmt	As much as 250				
	Proterozoic rocks						

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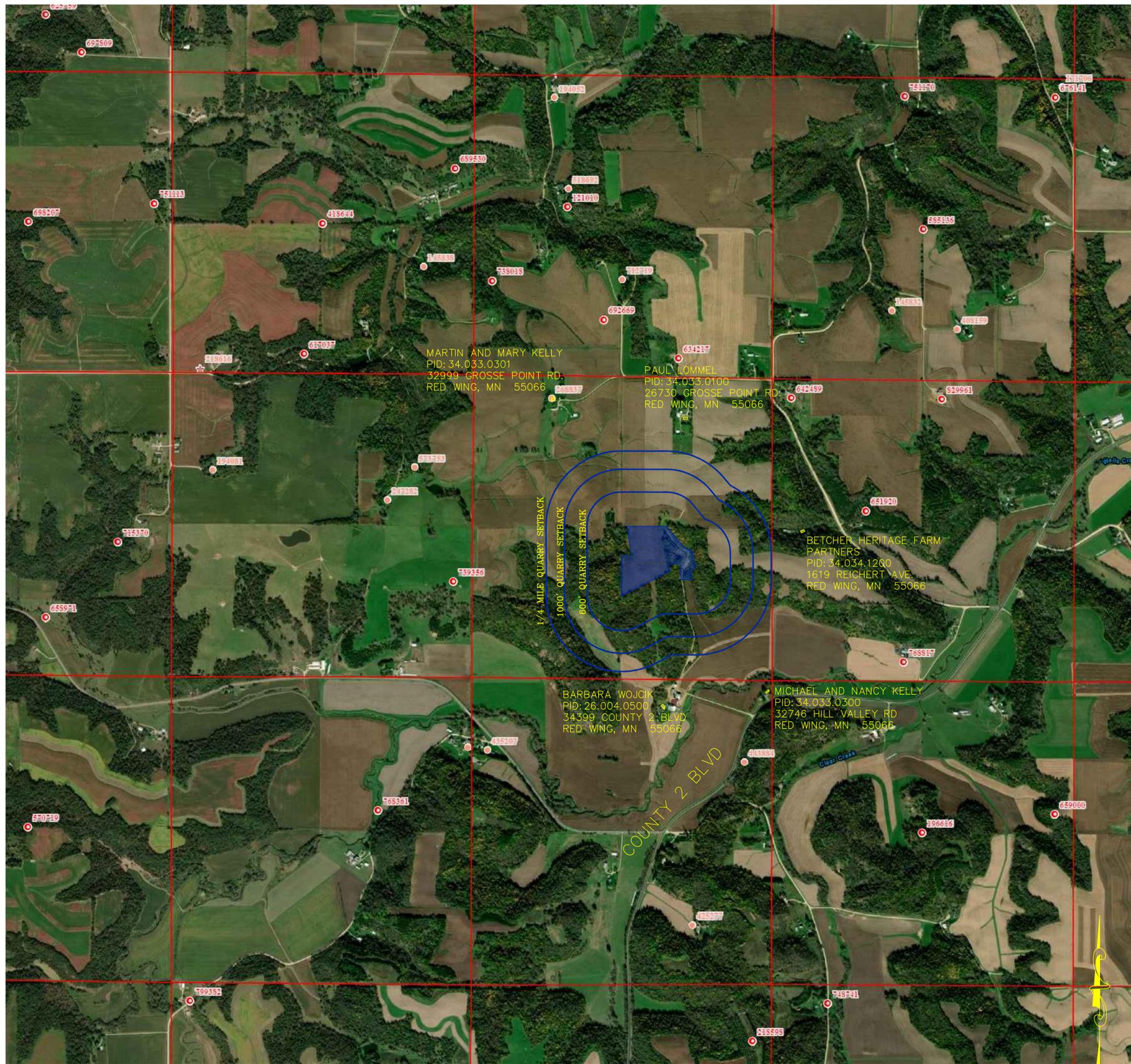
HAY CREEK TOWNSHIP
GOODHUE COUNTY

NOTE: IMAGE FROM US GEOLOGICAL ATLAS OF GOODHUE COUNTY

WOJCIK QUARRY
MAP A—EXISTING SITE CONDITIONS

GEOLOGY

SHEET 3
 OF 7 SHEETS



- t. DRAINAGE PATTERNS – SEE CONTOURS SHEET 1
- u. PER GEOLOGIC ATLAS OF GOODHUE COUNTY, PLATE 7, THE WATER TABLE DEPTH IS 100’–200’. THE GROUNDWATER FLOW IS SOUTH–SOUTHEAST.
- v. WELLS WITHIN 1 MILE DEPICTED ON SHEET 4 DEPTHS ON CHART.
- w. THERE ARE NO KNOWN SPRINGS WITHIN 600 FT. OF THE PROPERTY.
- x. THERE ARE NO SEPTIC SYSTEMS WITHIN 600 FT.
- y. NO DESIGNATED TROUT STREAMS WITHIN 600 FT.

OWNER
 BARBARA WOJCIK
 34399 COUNTY 2 BLVD
 RED WING, MN 55066

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HAY CREEK TOWNSHIP
 GOODHUE COUNTY

WOJCIK QUARRY
 MAP A—EXISTING SITE CONDITIONS

NOTE: IMAGE FROM MN DEPARTMENT OF HEALTH COUNTY WELL INDEX

HYDROLOGY SHEET 4 OF 7 SHEETS

OWNER
 BARBARA WOJCIK
 34399 COUNTY 2 BLVD
 RED WING, MN 55066

MAP B-PROPOSED OPERATIONS



- a. BOUNDARY SURVEYED – SEE SHEET 2
- b. ALL EXISTING VEGETATION SHALL REMAIN UNTIL DISTURBANCE IS REQUIRED FOR THE MINING OPERATION. ALL NON-DISTURBED AREA SHALL REMAIN STABLE FROM EROSION UNTIL THE MINING OPERATION IS PRESENT AT THAT LOCATION. AT WHICH POINT ALL RUNOFF SHALL REMAIN WITHIN THE QUARRY BOUNDARY.
- c. ALL OVERBURDEN SHALL BE PLACED IN STOCKPILES WITHIN THE QUARRY LIMITS. TOPSOIL AND NON-SALEABLE MATERIAL SHALL BE SEEDED WHEN NOT ACTIVE FOR 7 CONSECUTIVE DAY TO LIMIT EROSION.
- d. A SCALE AND SCALE HOUSE WILL BE CONSTRUCTED.
- e. AREA TO BE MINED APPROXIMATELY 23 ACRES AS SURVEYED. SEE CROSS SECTIONS SHEETS 6 FOR MINING DEPTH.
- f. SEE CROSS SECTIONS SHEETS 6 FOR OVERBURDEN DEPTHS.
- g. LOCATION OF PROCESSING AREAS AND MACHINERY WILL ALL OCCUR WITHIN THE 23 ACRE MINING AREA. ALL VEHICLES WILL BE PARKED WITHIN THE QUARRY BOUNDARY. THESE TASKS ARE NOT STATIONARY AND WILL BE MOVED AS MINING MOVES ACROSS THE SITE.
- h. STORAGE OF MINED MATERIALS WILL ALL OCCUR WITHIN THE 23 ACRE MINING AREA. MATERIAL STOCK PILES WILL BE STORED ON THE QUARRY FLOOR AND WILL HAVE A MAXIMUM HEIGHT OF 35 FEET. THEY WILL MOVE THROUGHOUT THE QUARRY AS THE PROCESS MOVES.
- i. ALL VEHICLES SHALL BE PARKED WITHIN THE 23 ACRE QUARRY. TYPICALLY ALONG THE ACCESS ROAD BUT MAY MOVE THROUGHOUT AS OPERATIONS REQUIRE.
- j. EXPLOSIVES WILL NOT BE STORED ON-SITE.
- k. FUEL WILL NOT BE STORED ON-SITE.
- l. ALL DRAINAGE WILL BE INWARD. DISTURBED SLOPES NOT IN ACTIVE MINING FOR LONGER THAN 7 DAYS WILL BE SEEDED TO PREVENT EROSION.
- m. THE QUARRY ITSELF WILL ACT AS A WATER INFILTRATION BASIN. ALL DRAINAGE WITHIN THE QUARRY WILL FLOW TO THE QUARRY LOW POINT. ANY OVERFLOW WOULD BE TO THE EAST ACROSS A VEGETATED AREA IN NON-CONCENTRATED PATTERN.
- n. ALL DRAINAGE IS WITHIN THE QUARRY. SEE PROPOSED CONTOURS SHEET 5.
- o. THE EXISTING ACCESS ROAD WILL BE UTILIZED. THE ACCESS ROAD WILL BE A MIN. OF 14' WIDE AND LESS THAN 14% GRADE.
- p. THERE WILL BE NO ADDITIONAL PROPOSED ROAD ACCESS POINTS
- q. MATERIAL FROM THIS SITE WILL BE USED IN MULTIPLE CONSTRUCTION PROJECTS THROUGHOUT SE MINNESOTA. TRUCKS HAULING FROM THE SITE SHALL FOLLOW WEIGHT LIMITS ON ROADS

PROJECT PHASING – SECTION 6M
 THIS PROJECT IS LESS THAN 40 ACRES AND WILL BE COMPLETED IN 1 PHASE. THE MINING OPERATION SHALL BEGIN WITH STRIPPING TOPSOIL AND PLACING IT IN THE PERIMETER BERMS AS PROPOSED ON MAP B. THE EXCAVATION OF THE AGGREGATE WILL BEGIN AT THE EXISTING QUARRY AND CONTINUE WESTERLY UNTIL ALL MARKETABLE MATERIAL IS EXTRACTED. RECLAMATION WILL COMMENCE UPON COMPLETION OF THE MINING PROCESS.

WASTE DISPOSAL – SECTION 6G
 ALL WASTE GENERATED FROM THE MINING OPERATION SHALL BE DISPOSED OF IN ACCORDANCE WITH FEDERAL, STATE, AND COUNTY REQUIREMENTS.

WEED CONTROL – SECTION 6N
 THE OPERATOR WILL MOW VEGETATION WITHIN THE QUARRY TO CONTROL WEEDS AND MAINTAIN A REASONABLE APPEARANCE OF THE SITE

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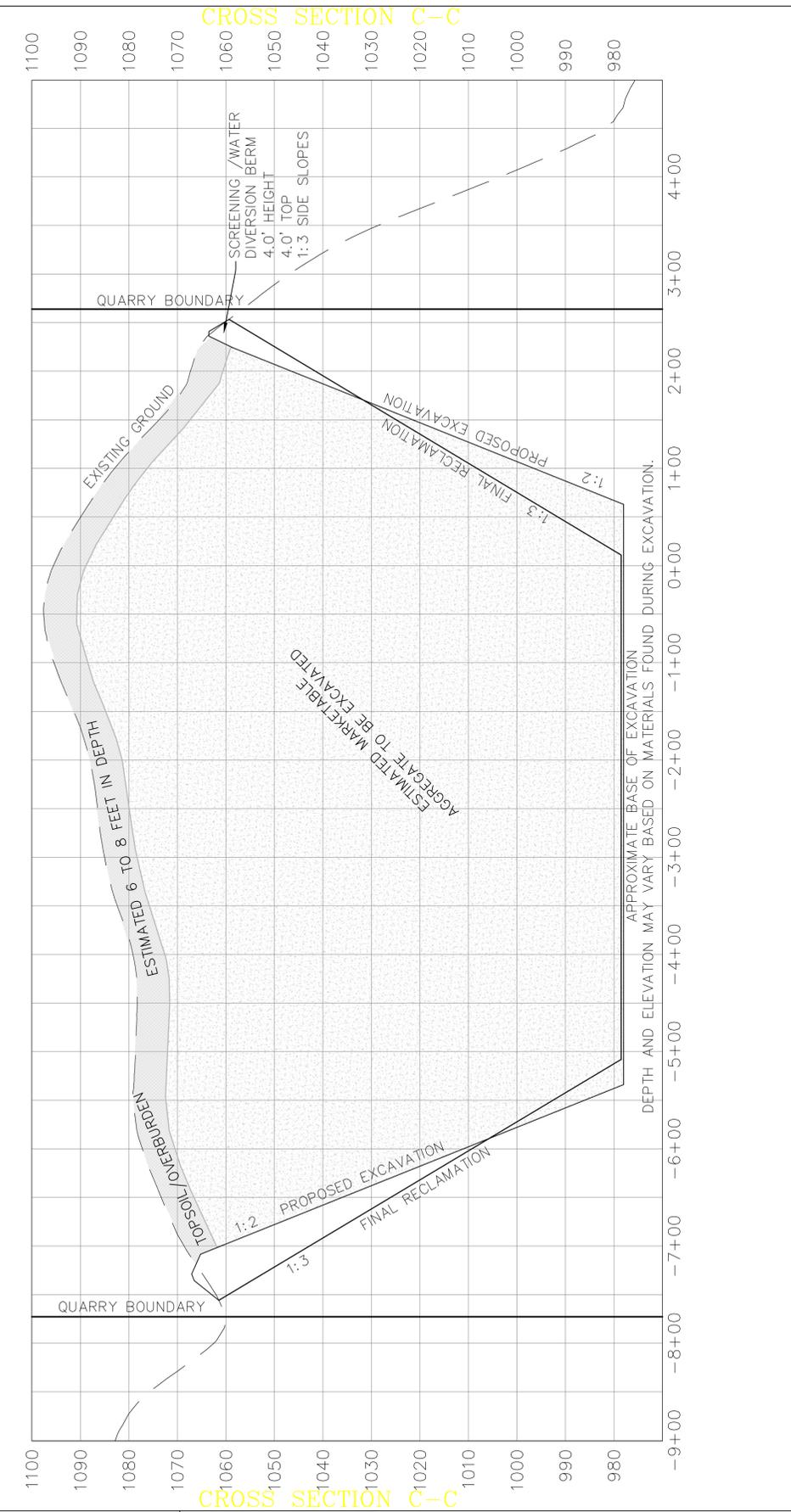
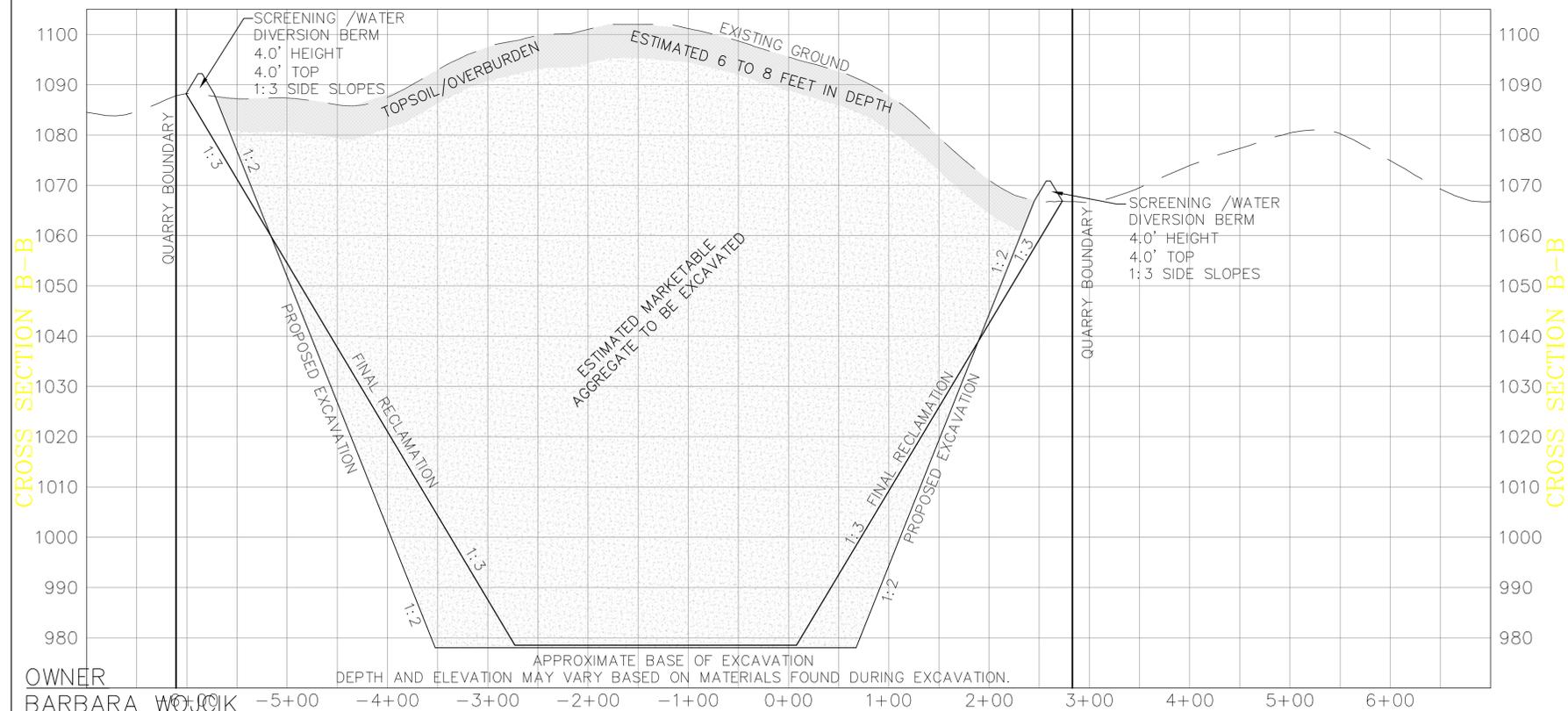
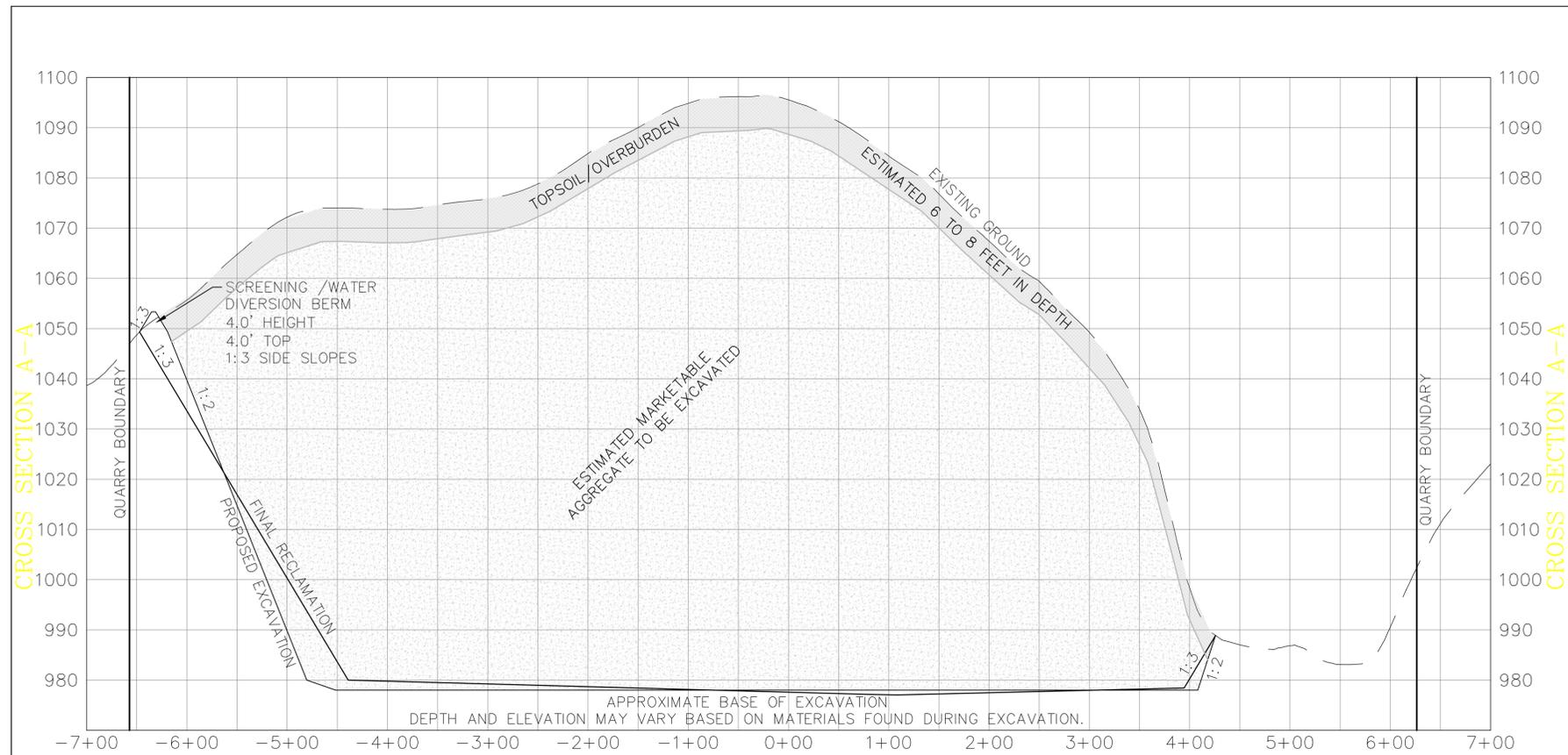
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HAY CREEK TOWNSHIP
 GOODHUE COUNTY

WOJCIK QUARRY
 MAP B – PROPOSED OPERATIONS

NOTE: IMAGE FROM US GOODHUE COUNTY GIS SERVICES

PROPOSED OPERATIONS SHEET 5 OF 7 SHEETS



OWNER
BARBARA WOJCIK
34399 COUNTY 2 BLVD
RED WING, MN 55066

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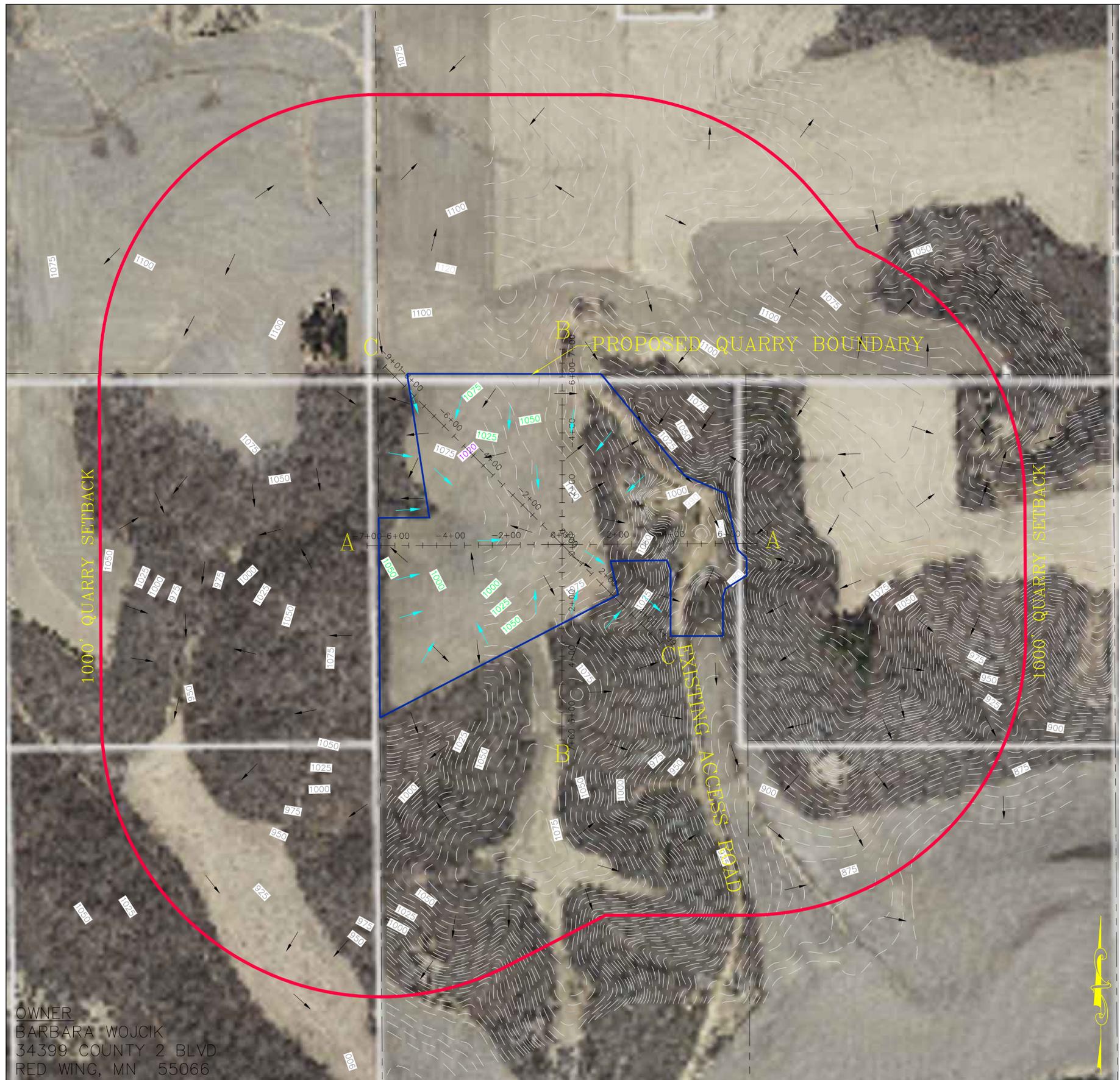
HAY CREEK TOWNSHIP
GOODHUE COUNTY

NOTE: IMAGE FROM US GOODHUE COUNTY GIS SERVICES

WOJCIK QUARRY
MAP B - PROPOSED OPERATIONS

CROSS-SECTIONS

SHEET 6
OF 7 SHEETS



MAP C-RECLAMATION PLAN

- a. BOUNDARY SURVEYED – SEE SHEET 2
- b. CONTOURS SHOWN AT 5' INTERVALS. SEE SHEET 6 FOR CROSS SECTIONS.
- c. FINAL LAND USE WILL BE GRASSLAND/ANIMAL HABITAT.
- d. ALL DISTURBED AREAS SHALL BE SEEDED WITH MNDOT SEED MIX 35-241 AT A RATE OF 36.5 LBS/ACRE, PER THE 2014 SEEDING MANUAL.
- e. NO PROPOSED STRUCTURES TO BE ERECTED FOR THE END USE OF THE QUARRY.
- f. ALL TEMPORARY IMPROVEMENTS WILL BE REMOVED FOR FINAL RECLAMATION.
- g. SALVAGED TOPSOIL SHALL BE SPREAD ACROSS ALL DISTURBED AREAS AT A MIN. OF 6 INCHES.
- h. SOIL AMENDMENTS SHALL NOT BE REQUIRED.
- i. ALL DISTURBED SOILS SHALL BE SEEDED, MULCHED, FERTILIZED IN ACCORDANCE WITH THE LATEST MINNESOTA MANUAL FOR EROSION CONTROL AND MNDOT REGULATIONS.
- j. DISTURBED SLOPES NOT IN ACTIVE MINING FOR LONGER THAN 7 DAYS WILL BE SEEDED TO PREVENT EROSION. THIS SITE IS LESS THAN 40 ACRES, COUNTY REGULATION OF NO MORE THAN 40 ACRES SHALL BE OPEN MINED IS NOT APPLICABLE.
- k. FINAL VEGETATION SHALL BE INSPECTED AT 6 MONTHS AND 12 MONTHS. IN BOTH OCCASIONS AN AREA WITHOUT VEGETATIVE COVER SHALL BE RESEDED AND MULCHED. A MINIMUM OF 70% ESTABLISHED VEGETATIVE COVER SHALL BE CONSIDERED ACCEPTABLE.

OWNER
 BARBARA WOJCIK
 34399 COUNTY 2 BLVD
 RED WING, MN 55066

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HAY CREEK TOWNSHIP
 GOODHUE COUNTY

WOJCIK QUARRY
 MAP C – RECLAMATION PLAN
 RECLAMATION
 SHEET 7 OF 7 SHEETS

NOTE: IMAGE FROM US GOODHUE COUNTY GIS SERVICES

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: October 17, 2022
Report date: October 7, 2022

PUBLIC HEARING: Conservation Subdivision Plat – Mehrkens

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

Application Information:

Applicant: Ted and Sheila Mehrkens (Owners)
Address of zoning request: TBD HWY 60 BLVD Mazeppa, MN 55956
Parcel: 39.011.0300 and 39.011.0400
Legal Description: The W ½ of the NE ¼ and part of the NE ¼ of the NW ¼ of Section 11 TWP 109 Range 15 in Pine Island Township
Zoning District: A1 (Agriculture Protection District)

Attachments and links:

Application and Plat
Proposed Conservation Easement and Trust
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 Applicants (Ted and Sheila Mehrkens) are requesting Preliminary and Final Plat approval for the proposed “Mehrkens Subdivision” as a Conservation Subdivision in Pine Island Township. The proposal is to plat 40.0-acres of land (currently configured as one 10-acre parcel and one 80-acre parcel) into a two-lot Conservation Subdivision to allow the establishment of two dwelling sites on the property. The property is located in section 11 of Pine Island Township which is zoned A1 (Agriculture Protection District) allowing a maximum of 4 dwellings in the section. The section currently has 5 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 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 two parcels. One 10-acre parcel and one 80-acre parcel. This acreage has been owned by the Applicants since the mid-1980s.
- The parcels and adjacent properties to the east, west, and south are zoned A1 (Agriculture Protection District). Land to the north is in section 02 of Pine Island Township and is zoned A2 (Agriculture District). All sections of Pine Island Township surrounding the properties are considered “full” for dwelling development. Surrounding land uses are mostly row-crop agriculture among some woodlands and low-density residential uses. Parcel 39.011.0100 east of the proposed Conservation Subdivision has received IUP approval for a utility-scale solar garden however a building permit has not been applied for to construct the facility.
- The property has rolling topography with slopes of approximately 6%-15%. There are no Blufflands (>30% slopes) identified on the parcel.

Existing/Proposed Uses:

- The Applicants propose to plat the property into two lots with one outlot. Lot 1 Block 1 would contain 10.0-acres, Lot 2 Block 1 would contain 7.5-acres, and Outlot A would contain 22.5-acres. The Conservation Subdivision plat comprises 40 acres.

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.

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

- The Applicants intend to plat 40 acres of two existing parcels comprising a total of 90 acres. The remaining 50 acres consist of actively farmed cropland. The Applicant intends to continue using this acreage for row crop agriculture.

Access/Traffic:

- There is existing field access off Highway 60 (MnDOT highway) on parcel 39.011.0400. The Applicants have proposed to establish a 33-foot wide easement for access to Parcel B, Outlot A, and the remaining cropland. All parcels will maintain frontage on Highway 60. The Applicant will need to work with MnDOT to obtain any necessary approvals prior to performing any work within the Right-of-Way.
- No new public roadway is proposed within the plat.
- The proposed plat is not anticipated to generate traffic uncharacteristic of 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. The proposal has been sent to MnDOT District 6 for review and comments. Comments were not available prior to print, staff will update the Planning Commission with any comments from MnDOT.

Utilities:

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

Drainage/Landscaping:

- Stormwater drainage is directed downslope to the north and south of the property.

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 and an access driveway, 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:

There are areas of steeper hillsides. If houses are built there, would just need to keep that in mind for if a diversion or a retaining wall would be needed. Depending on how they plan to build the house of course. Overall, I don't notice anything major that is jumping out that would bring concern.

Pine Island Township:

- The Applicants have informed the Township of their intent to plat the parcels into a Conservation Subdivision. Pine Island Township provided a letter dated March 22, 2022, stating they do not have any objections to the intended use of the property.

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 22.5-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 the 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 “Mehrkens Open Spaces Trust” is proposed to be the designated holder of the conservation easement. The “Trustee” has been designated as Cassandra Mehrkens. 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, Kyle Mehrkens 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 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 Ted and Sheila Mehrkens (Owners), for Preliminary and Final Plat approval of the proposed “Mehrkens 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.

FILE #	Z22-0056
PARCEL #	39.011.0300

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 Theodore L. Mehrikens Email _____
Sheila L. Mehrikens
Mailing Address 61356 County Road 7 Mazeppa, MN 55956
Daytime Phone _____

Applicant Information (if different than above)

Applicant Name same Email _____
Mailing Address _____
Daytime Phone _____

Township Information

Township position Sect. 11 Twp. 109 Range 015 Date 3-6-22
Signature _____

Application Fee **\$350** County Use Receipt Number 17717 Received Date 9-23-22
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 _____

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

March 22, 2022

Goodhue County Land Use Management
509 West 5th Street
Red Wing, MN 55066

To Whom it may concern,

Pine Island Township been informed by Ted Mehrkins of his intention to develop land in section 28. We do not have any objections to his intended use of the property. This was brought to our attention at our regular town board meeting on March 22, 2022.

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 *David A. Arndt*

Glen Betcher

Glen Betcher, Chairman

Leslie C. Schliep

Leslie Schliep, Supervisor

Richard M. Miller

Richard M. Miller, Supervisor

Kenneth Markson

Kenneth Markson, Treasurer

CONSERVATION EASEMENT

This is a CONSERVATION EASEMENT granted by THEODORE L. MEHRKENS and SHEILA L. MEHRKENS, husband and wife, (“Grantors”) to CASSANDRA MEHRKENS, as trustee of THE MEHRKENS OPEN SPACES TRUST (“Grantee”).

- A. GRANTORS. The Grantors, THEODORE L. MEHRKENS and SHEILA L. MEHRKENS, are the current owners of approximately 40 acres of real property (“Real Property”) located in Goodhue County, Minnesota whereby this conservation easement shall be granted on 22.5 acres of such Real Property (“Protected Property”).
- B. GRANTEE. THE MEHRKENS 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 Block 1, Mehrkens’s Subdivision and Outlot A, Mehrkens’s Subdivision, and Protected Property’s legal description is Outlot A, Mehrkens’s Subdivision.
- 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 themselves, their 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)

THE MEHRKENS OPEN SPACES TRUST

This trust agreement is made on September _____, 2022, between **THEODORE L. MEHRKENS** and **SHEILA L. MEHRKENS** of Wabasha County, Minnesota ("Settlor") and **CASSANDRA MEHRKENS** of Wabasha 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 local 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 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, **KYLE MEHRKENS**, 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 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 **THEODORE L. MEHRKENS** and **SHEILA L. MEHRKENS**.

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

THEODORE L. MEHRKENS
Settlor

Witness

Witness

SHEILA L. MEHRKENS
Settlor

Witness

Witness

CASSANDRA MEHRKENS
Trustee

Witness

STATE OF MINNESOTA)
)SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2022, by **THEODORE L. MEHRKENS**, Settlor.

(stamp)

(signature of notarial officer)
Notary Public

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

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.

GOODHUE COUNTY ZONING ORDINANCE

Table of Uses

Use	A-1	A-2	A-3	R-1	CS
Residential					
Single-Family Dwelling	P	P	P	P	P
Two, Three, Or Four Family Dwellings	NP	NP	NP	P	NP
Accessory Dwelling Unit (ADU) (Art. 11 § 31)	P	P	P	P	P
Residential Accessory Buildings $\geq 7,200\text{ft}^2$ (Art. 11 § 6)	C/I	C/I	C/I	NP	C/I
Mobile Home Park (Art. 16)	NP	NP	NP	C/I	NP
Agricultural					
Feedlots (Art.13)					
New Feedlot (Art.13)	P	P	NP	NP	NP
New Feedlot outside of Farmyard (Art.13)	C/I	C/I	NP	NP	NP
Feedlot expansion up to ≤ 100 Animal Units (Art.13)	P	P	P	NP	NP
Feedlot expansion to ≥ 300 Animal Units (Art.13)	P	C/I	NP	NP	NP
Feedlot expansion to ≥ 500 Animal Units (Art.13)	C/I	C/I	NP	NP	NP
Animal waste storage structure $\geq 500,000$ gallons (lagoon system, earthen basin, or associated structure [pit]) (Art.13)	C/I	C/I	C/I	NP	NP
Agricultural Operations (including tree farms) (Art.11 § 24)	P	P	P	NP	P
Farm Market/On-farm market/Roadside Stand $< 2400\text{ft}^2$ (Art. 11 § 29)	P	P	P	NP	NP
Farm Market/On-farm market/Roadside Stand $> 2400\text{ft}^2$ (Art. 11 § 29)	C/I	C/I	C/I	NP	NP
Plant Nurseries & Sales	P	P	P	NP	NP
Farm Wineries $< 10,000\text{ft}^2$ (Art. 11 § 27)	P	P	P	NP	NP
Farm Wineries $> 10,000\text{ft}^2$ (Art. 11 § 27)	C/I	C/I	C/I	NP	NP
Temporary/Seasonal Off-Site Roadside Produce Stands	C/I	C/I	NP	NP	C/I
Education Farm Retreat (Art. 11 § 14)	C/I	C/I	C/I	NP	NP
Non-Agricultural Uses Associated W/Agritourism (Art. 11 § 30)	C/I	C/I	C/I	NP	NP
1 Animal Unit per acre on a minimum 1-acre parcel				I	
Agricultural Tourism Accessory Uses (Art. 11 § 28) (including, but not limited to, barn dances, corn mazes, gift shops, petting farms, sleigh/hay rides, vineyard harvest festivals)	P	P	P	NP	NP
Commercial					
Home Businesses - Tier 1 (Art.11 § 12)	P	P	P	P	P
Home Businesses - Tier 2 (Art.11 § 12)	P	P	P	I	I
Home Businesses - Tier 3 (Art.11 § 12)	I	I	I	NP	NP
Commercial Kennel/Raising of fur-bearing animals (Art.11 § 26)	C/I	C/I	C/I ^{bc}	NP	NP
Commercial/Industrial Uses primarily intended to serve Ag. Community	C/I	C/I	C/I ^{bc}	NP	NP
Boarding or Rooming Houses as an accessory use	C/I	C/I	C/I ^{bc}	C/I	NP
Bed and Breakfast Inn (Art.11 § 13)	C/I	C/I	C/I ^{bc}	C/I	NP
Contractors Yard (Art.11 § 33)	C/I	C/I	C/I	NP	NP
Veterinary Clinic	C/I	C/I	NP	NP	NP
Industrial					
Mining, Quarrying, Excavating/Filling (Art.14)	P	P	NP	NP	NP
Junk/Salvage Reclamation Yard (Art.11 § 10)	C/I	C/I	NP	NP	NP

a. Accessory buildings $> 500\text{ft}^2$ shall be $\geq 100\text{ft}$ from any lot line and $\geq 20\text{ft}$ from the nearest dwelling (Art.23 § 3 subd. 1)

b. Any mining, excavating, or filling of land for these uses shall be by conditional use (Art.23 § 3 subd. 10)

c. Accessory structures and uses customarily incidental to this use shall be by conditional use (Art.23 § 3 subd. 11)

KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT

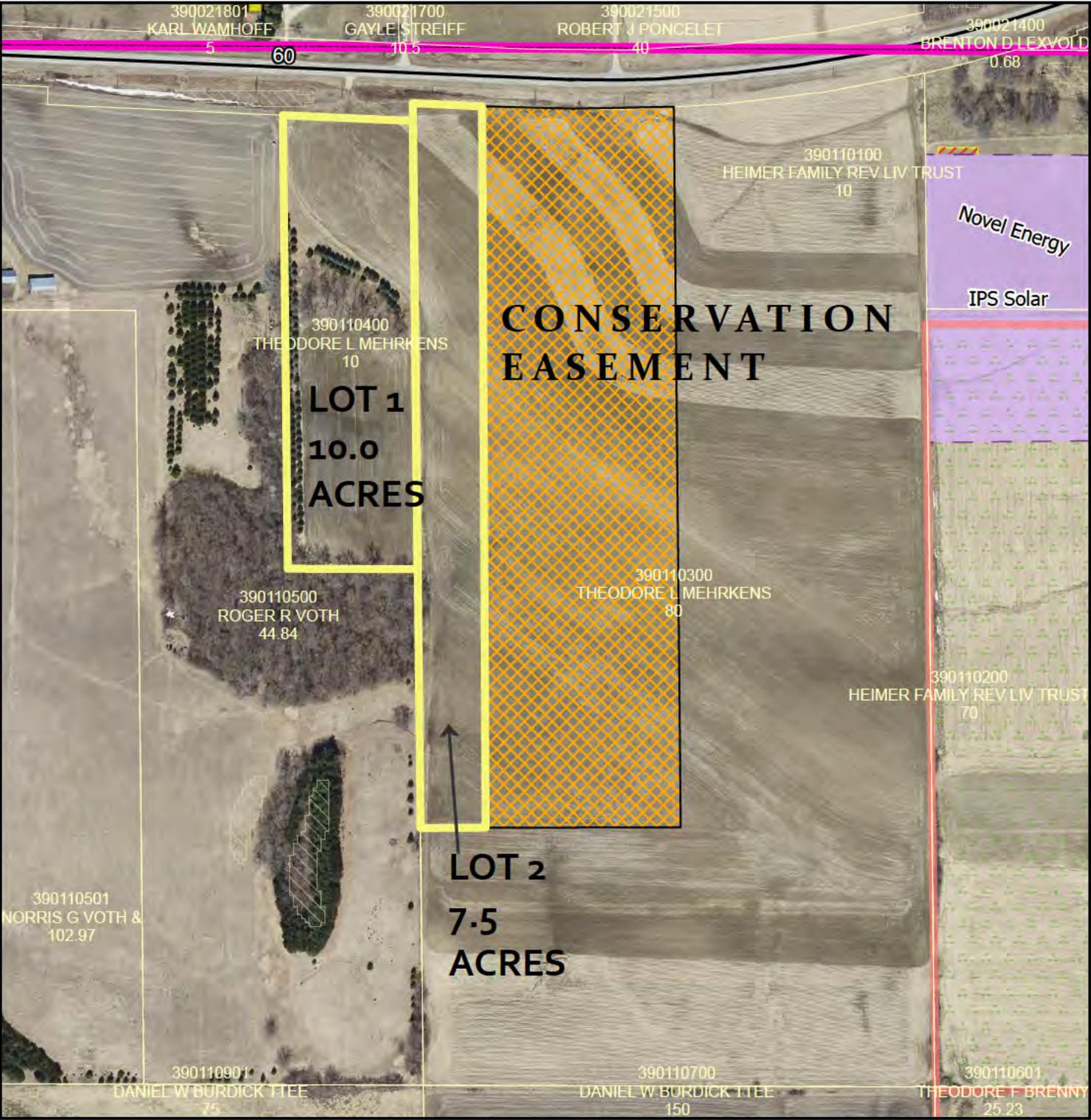
GOODHUE COUNTY ZONING ORDINANCE

Table of Uses

Use	A-1	A-2	A-3	R-1	CS
Recreational					
Public Stable	C/I	C/I	C/I	NP	NP
Park/Recreational Area (operated by a governmental agency)	C/I	C/I	C/I ^{bc}	NP	NP
Park/Recreational Area	NP	NP	NP	C/I	C/I
Hunting Club/Shooting Preserve	C/I	C/I	NP	NP	NP
Campground &/or RV Site (<i>Art.16 § 7</i>)	C/I	C/I	C/I	NP	NP
Park Manager's Residence (1 per campground/RV park w/ ≥ 30 campsites)	NP	C/I	C/I	NP	NP
Commercial Outdoor Recreation Facilities (including, but not limited to, Golf Courses/Driving Ranges, Tennis Courts, Skiing, Swimming Pools, Park Facilities)	C/I	C/I	C/I ^{abc}	NP	NP
Commercial Outdoor Recreation Health Facilities	NP	C/I	NP	NP	NP
Commercial Outdoor Recreation Storage Structure (size & location to be approved by the Planning Advisory Commission)	NP	NP	C/I ^{bc}	NP	NP
Retreat Centers (<i>Art.11 § 25</i>)	NP	C/I	C/I	NP	NP
Institutional					
Community Building	C/I	C/I	C/I ^{bc}	C/I	C/I ^{bc}
Church	C/I	C/I	C/I ^{bc}	C/I	C/I ^{bc}
Cemetery	C/I	C/I	C/I ^{bc}	NP	NP
Memorial Garden	C/I	C/I	NP	NP	NP
Public School	C/I	C/I	C/I ^{bc}	C/I	NP
Private School	C/I	C/I	C/I ^{bc}	NP	NP
Nursery School	C/I	C/I	C/I ^{bc}	NP	NP
Funeral Home	NP	NP	C/I ^{bc}	NP	NP
Hospital, Sanitarium, Philanthropic/Eleemosynary Institutions (except correctional institutions, animal hospitals)	NP	NP	C/I ^{bc}	NP	NP
Miscellaneous					
WECS (Non-Commercial Micro) (<i>Art. 18</i>)	P	P	P	P	P
WECS (Non-Commercial) (<i>Art. 18</i>)	P	P	C/I	NP	NP
WECS (Commercial) (<i>Art. 18</i>)	C/I	C/I	NP	NP	NP
WECS (Meteorological Tower) (<i>Art. 18</i>)	P	P	C/I	NP	NP
SES (Utility Scale) (<i>Art. 19</i>)	C/I	C/I	C/I	NP	NP
SES (Commercial Scale) (<i>Art. 19</i>)	P	P	P	P	P
SES (Residential Scale) (<i>Art. 19</i>)	P	P	P	P	P
Aircraft Landing Fields & Facilities	C/I	C/I	NP	NP	NP
Sanitary Landfills/Sewage Disposal Works	C/I	NP	NP	NP	NP
Non-agricultural Lagoons (In accordance w/ MPCA regulations)	C/I	NP	NP	NP	NP
Migratory Labor Camp	C/I	C/I	NP	NP	NP
Commercial Radio Towers/TV Towers/Transmitters	C/I	C/I	C/I	NP	C/I

KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

PAC Meeting
October 17, 2022

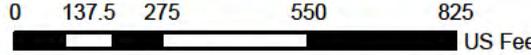
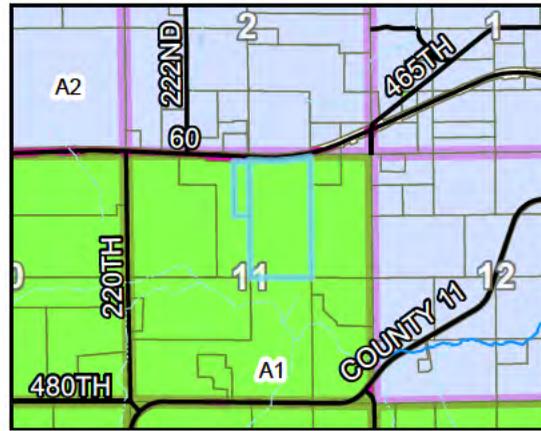
Ted & Sheila Mehrkens (Owners)
A1 Zoned District

The W 1/2 and Part of the NE 1/4 of the
NW 1/4 Section 11 TWP 109 Range 15 in
Pine Island Township

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

Legend

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

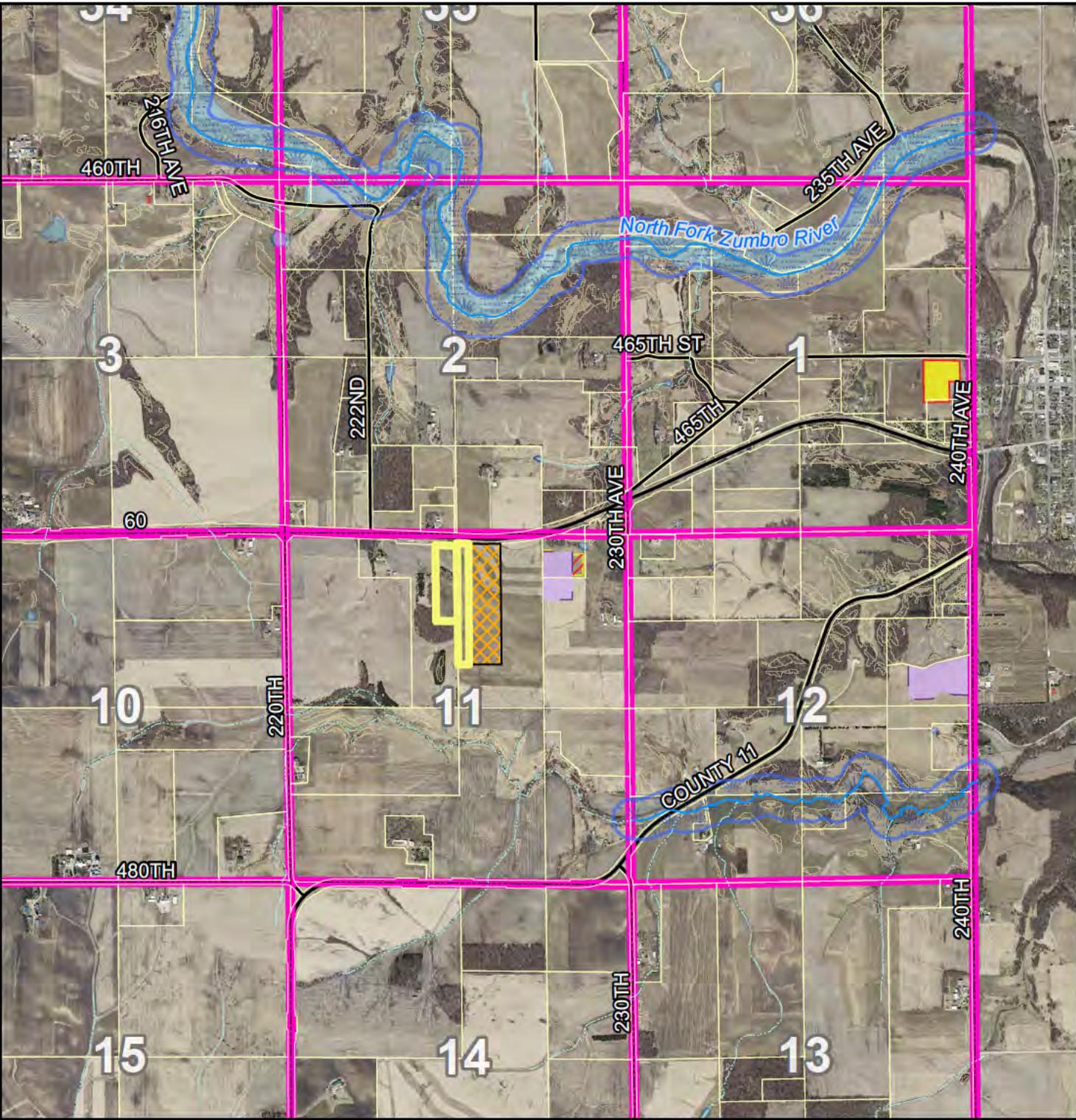


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2018 Aerial Imagery
Map Created September, 2022 by LUM



MAP 02: VICINITY MAP



PLANNING COMMISSION

PAC Meeting
October 17, 2022

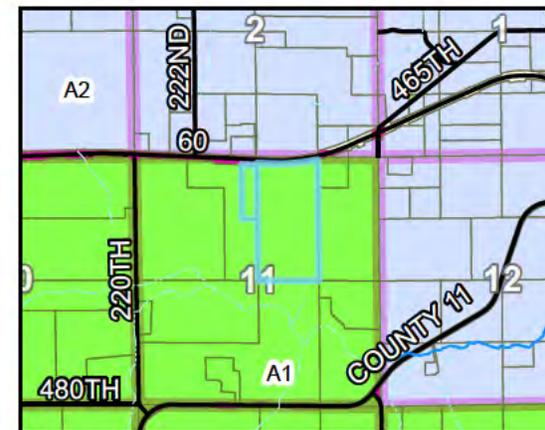
Ted & Sheila Mehrkens (Owners)
A1 Zoned District

The W 1/2 and Part of the NE 1/4 of the
NW 1/4 Section 11 TWP 109 Range 15 in
Pine Island Township

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

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 September, 2022 by LUM

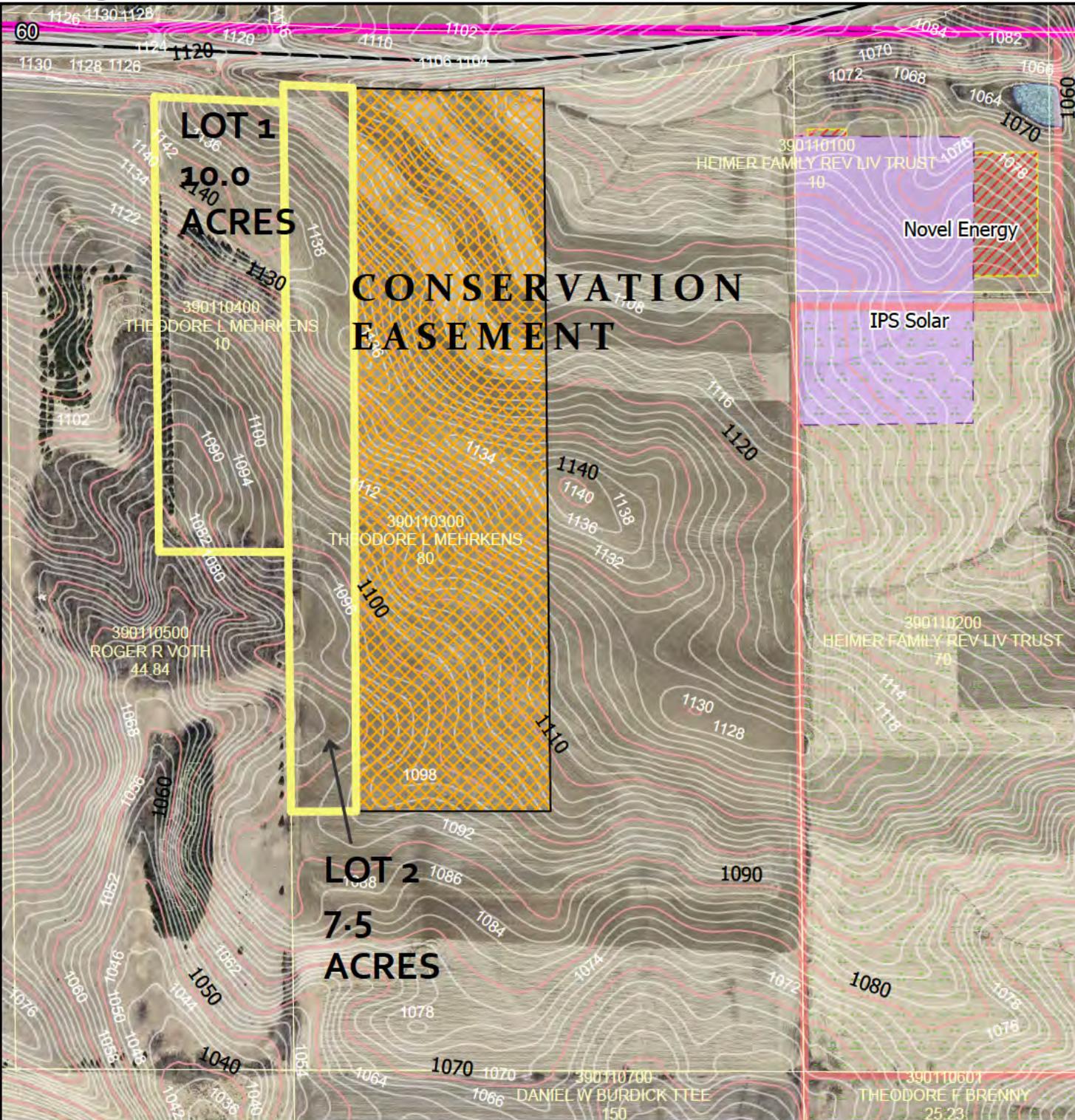


PAC Meeting
October 17, 2022

Ted & Sheila Mehrkens (Owners)
A1 Zoned District

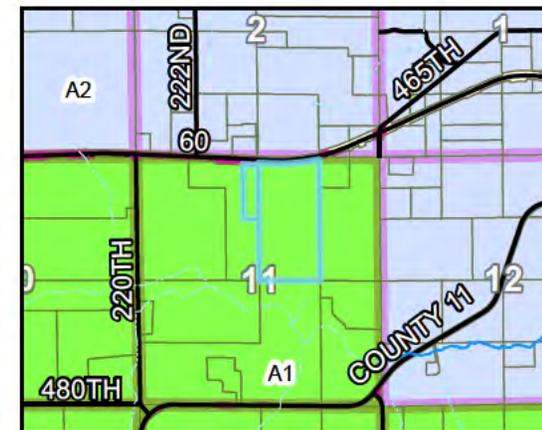
The W 1/2 and Part of the NE 1/4 of the
NW 1/4 Section 11 TWP 109 Range 15 in
Pine Island Township

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



Legend

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

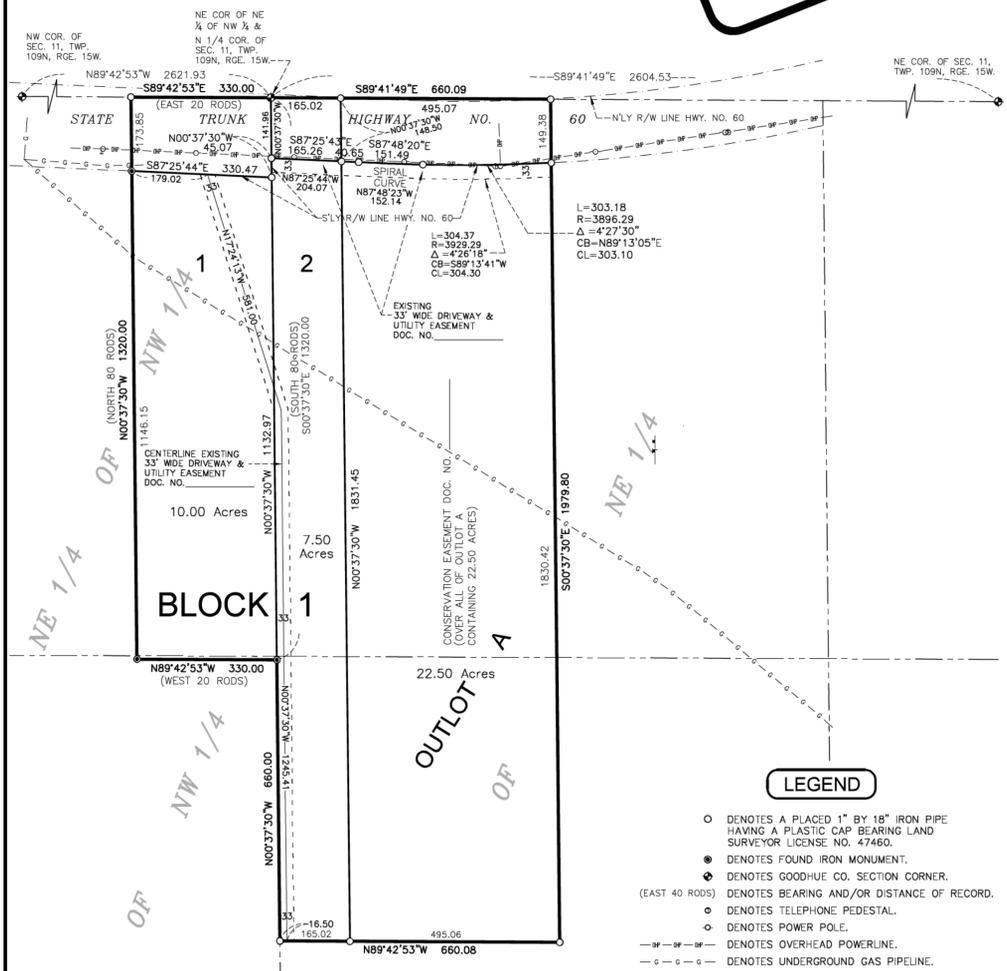


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MEHRKENS SUBDIVISION

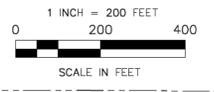
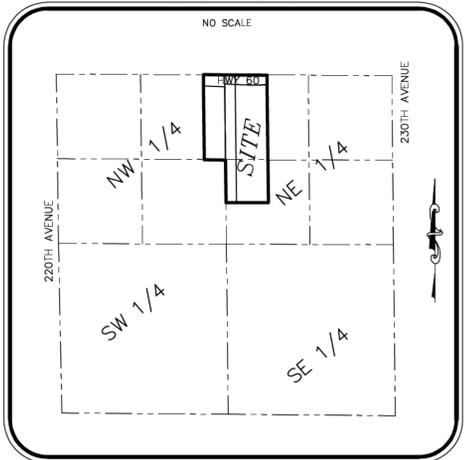
PRELIMINARY



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.
- DENOTES TELEPHONE PEDESTAL.
- DENOTES POWER POLE.
- — — — — DENOTES OVERHEAD POWERLINE.
- - - - - DENOTES UNDERGROUND GAS PIPELINE.

VICINITY MAP
SEC 11, T 109 N, R 15 W



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

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

KNOW ALL PERSONS BY THESE PRESENTS: That Theodore L. Mehrkens and Sheila L. Mehrkens, husband and wife, as joint tenants, owners of the following described property:
The West Half of the Northeast Quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$);
Also, commencing at the northeast corner of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$), thence running south 80 rods, thence west 20 rods, thence north 80 rods, thence east 20 rods to the place of beginning.
All in Section Eleven (11), Township One Hundred Nine (109) North, of Range Fifteen (15), West of the Fifth Principal Meridian.

Have caused the same to be surveyed and platted as MEHRKENS SUBDIVISION and do hereby dedicate to the public for public use the public ways as created herewith.
In witness whereof said Theodore L. Mehrkens and Sheila L. Mehrkens, husband and wife, as joint tenants, have hereunto set their hands this ____ day of _____, 20__.

Theodore L. Mehrkens

Sheila L. Mehrkens

STATE OF MINNESOTA
COUNTY OF GOODHUE
This instrument was acknowledged before me on this ____ day of _____, 20__, by Theodore L. Mehrkens and Sheila L. Mehrkens, husband and wife, as joint tenants.

(Notary signature)

(Print Notary name)
Notary Public Goodhue 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 MEHRKENS 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 _____, 2022 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